

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Florence County

Honorable William H. Seals, Circuit Court Judge

RECEIVED

JAN 02 2018

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

LATSON RAY MATTHEWS,

APPELLANT

APPELLATE CASE NO. 2017-001163

RECORD ON APPEAL

LARA M. CAUDY
Appellate Defender

ALAN WILSON
Attorney General

South Carolina Commission on Indigent
Defense
Division of Appellate Defense
P.O. Box 11589
Columbia, SC 29211-1589
(803) 734-1330

DONALD J. ZELENKA
Deputy Attorney General
P.O. Box 11549
Columbia, SC 29211

ATTORNEYS FOR RESPONDENT

ATTORNEY FOR APPELLANT

INDEX

INDEX	i
TRIAL TRANSCRIPT (APRIL 24-27, 2017).....	1
PRE-TRIAL MOTIONS.....	27
<u>JACKSON V. DENNO HEARING</u>	
LIEUTENANT MICHAEL MULLINAX.....	29
INVESTIGATOR SCOTT WILLIAMSON.....	56
OPENING STATEMENT BY MR. TUCKER	69
OPENING STATEMENT BY MR. FLOYD	73
TESTIMONY	
TRACY SMITH.....	76
STEVE MILLER	82
JOHN SHELLEY	90
JEFF WORTHINGTON.....	102
BOBBY PETERSON.....	113
JULIAN PETERSON	124
JUDY SMITH.....	131
KELLY TURNER	141
SCOTT WILLIAMSON	149
DR. ANTHONY BOSTICK	166
KEITH VON LUTCKEN	173
DR. LEE MARIE TORMOS	189

MICHAEL BRANDT.....	205
TOM DARNELL.....	267
MICHAEL MULLINAX.....	284
MOTION FOR A DIRECTED VERDICT.....	310
COURT’S RULING.....	311
CLOSING ARGUMENT BY MR. TUCKER.....	314
CLOSING ARGUMENT BY MR. FLOYD.....	328
CHARGE ON THE LAW.....	335
VERDICT.....	349
RENEWAL OF MOTION FOR DIRECTED VERDICT.....	350
COURT’S RULING.....	350
SENTENCING.....	356
STATE’S EXHIBIT NO. 1 (MIRANDA RIGHTS FORM).....	358
INDICTMENT.....	359
CERTIFICATE OF COUNSEL.....	361

THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:

STATE’S EXHIBIT NO. 2 (RECORDED AUDIO STATEMENT)

STATE’S EXHIBIT NO. 3 (RECORDED 911 CALLS)

STATE’S EXHIBIT NO. 6 (PHOTOGRAPH).

State of South Carolina	)	Court of General Sessions
	)	Twelfth Judicial Circuit
County of Florence	)	Case No. 2016-GS-21-00182

State of South Carolina,	)	
	)	
Plaintiff,	)	
	)	
-vs-	)	Transcript of Record
	)	
Latson Ray Matthews,	)	
	)	
Defendant.	)	
	)	

April 24-27, 2017
 Florence, South Carolina

B E F O R E:

The Honorable William Seals Jr., Judge; and a jury

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

Todd Tucker, Esquire
 Attorney for the Plaintiff

Scott Floyd, Esquire
 Attorney for the Defendant

Krystal J. Smith
 Court Reporter

1	<u>I N D E X</u>	
2	WITNESS/DESCRIPTION	PAGE NUMBER
3	(APRIL 24, 2017)	
4	Jury Voir Dire.....	8
5	Jury Seated.....	17
6	Pre-Trial Motions.....	27
7	Blair Hearing.....	27
8	<u>Jackson v. Denno</u> Hearing.....	28
9	Michael Mullinax	
10	Direct by Mr. Tucker.....	29
11	Cross by Mr. Floyd.....	44
12	Scott Williamson	
13	Direct by Mr. Tucker.....	56
14	Cross by Mr. Floyd.....	64
15	Ruling on <u>Jackson v. Denno</u> Hearing.....	65
16	(APRIL 25, 2017)	
17	Jury Sworn.....	67
18	Opening Statements	
19	Mr. Tucker.....	69
20	Mr. Floyd.....	73
21	Tracy Smith	
22	Direct by Mr. Tucker.....	76
23	Steve Miller	
24	Direct by Mr. Tucker.....	82
25	Cross by Mr. Floyd.....	88

1	<u>I N D E X</u>	
2	WITNESS/DESCRIPTION	PAGE NUMBER
3	John Shelley	
4	Direct by Mr. Tucker.....	90
5	Cross by Mr. Floyd.....	96
6	Jeff Worthington	
7	Direct by Mr. Tucker.....	102
8	Cross by Mr. Floyd.....	111
9	Bobby Peterson	
10	Direct by Mr. Tucker.....	113
11	Cross by Mr. Floyd.....	121
12	Julian Peterson	
13	Direct by Mr. Tucker.....	124
14	Cross by Mr. Floyd.....	129
15	Judy Smith	
16	Direct by Mr. Tucker.....	131
17	Kelly Turner	
18	Direct by Mr. Tucker.....	141
19	Scott Williamson	
20	Direct by Mr. Tucker.....	149
21	Cross by Mr. Floyd.....	160
22	(APRIL 26, 2017)	
23	Dr. Anthony Bostick	
24	Direct by Mr. Tucker.....	166
25	(CONTINUED ON THE NEXT PAGE)	

1	<u>I N D E X</u>	
2	<u>WITNESS/DESCRIPTION</u>	<u>PAGE NUMBER</u>
3	Keith von Lutcken	
4	Direct by Mr. Tucker.....	173
5	Dr. Lee Marie Tormos	
6	Direct by Mr. Tucker.....	189
7	Cross by Mr. Floyd.....	202
8	Michael Brandt	
9	Direct by Mr. Tucker.....	205
10	Cross by Mr. Floyd.....	259
11	Tom Darnell	
12	Direct by Mr. Tucker.....	267
13	Michael Mullinax	
14	Direct by Mr. Tucker.....	284
15	Cross by Mr. Floyd.....	302
16	State Rests.....	305
17	Charge Conference.....	305
18	(APRIL 27, 2017)	
19	Motions.....	310
20	Defendant's Rights.....	312
21	Defense Rests.....	314
22	Closing Arguments	
23	Mr. Tucker.....	314
24	Mr. Floyd.....	328
25	Charge on the Law.....	335

I N D E X

WITNESS/DESCRIPTION	PAGE NUMBER

Verdict.....	349

Motions.....	350

Sentence.....	356

Court Reporter Certification.....	357

	<u>STATE'S EXHIBITS</u>			
	<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EV.</u>
2				
3	S-1	Miranda Rights Form		36
4	S-2	Statement on Disk (NOT TRANSCRIBED)		41
5	S-3	9-1-1 Calls on Disk (NOT TRANSCRIBED)		66
6	S-4	Photograph	101	
7	S-5	Photograph	101	
8	S-6 through			
9	S-12	Photographs	101	105
10	S-13 through			
11	S-18	Photographs		194
12	S-19 through			
13	S-185	Photographs		204
14	S-186	Photographs		204
15	S-187-A	Photograph		265
16	S-187-B	Photograph		265
17	S-188 through			
18	S-283	Photographs		204
19	S-284	Large Overhead Photograph		204
20	S-285	Propane Tank		209
21	S-286	Latent Print Card		239
22	S-287	Latent Print Card		239
23	S-288	Latent Print Card		239
24	S-289	Latent Print Card		239
25	S-290	License Plate Screws		242

1	<u>STATE'S EXHIBITS</u>			
2	<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EV.</u>
3	S-291	Broken Decorative License Plate		244
4	S-292	Fingerprint Card		267
5	S-293	Fingerprint Card		267
6	S-294	Fingerprint Card		267
7				
8				
9				
10				
11				
12				
13	<u>COURT'S EXHIBITS</u>			
14	<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EV.</u>
15	C-1	Report		28
16	C-2	Report		28
17				
18				
19				
20				
21				
22				
23				
24				
25				

1 APRIL 24, 2017

2 (WHEREUPON, the proceedings began at 11:25 a.m. The
3 defendant was present, along with his counsel of record.)

4 THE COURT: All right. Solicitor, if you'll go ahead and
5 call your first case.

6 MR. TUCKER: Thank you, Your Honor. May it please the
7 Court. At this time, the State would call Indictment 2016-GS-
8 21-0182, State of South Carolina versus Latson Ray Matthews
9 for trial.

10 THE COURT: All right. Members of the jury panel, I have
11 to ask you another series of questions to make sure that we
12 can pick a jury for this particular case. Please remember you
13 are under oath and, if any of these questions apply to you, I
14 need for you to stand and respond.

15 In this particular case, the State of South Carolina
16 alleges that Latson Ray Matthews did in Florence County on or
17 about July 28th, 2015, willfully and intentionally kill Martha
18 Granger with malice aforethought, either expressed or implied,
19 by means of running over her with an automobile. On that same
20 day, he is also charged with burglary in breaking into the
21 same victim's house and possession of a weapon during the
22 commission of a violent crime.

23 He has pled not guilty. He has requested a jury trial.

24 In this regard, has any member of the jury panel heard
25 anything about this case, read anything about this case,

1 talked to anybody about this case? If you know anything about
2 this case at all, please stand.

3 (WHEREUPON, no one stood.)

4 THE COURT: All right. No one stood. And the defendant,
5 Mr. Latson Ray Matthews, if you'd please stand and turn and
6 face the jury panel.

7 All right. Thank you. You may be seated.

8 Is any member of the jury panel related by blood or
9 marriage or has a close personal or social relationship with
10 the defendant, Latson Ray Matthews? If so, please stand.

11 (WHEREUPON, no one stood.)

12 THE COURT: All right. No one stood. And how about the
13 solicitor? Mr. Tucker, if you would, stand and introduce
14 yourself and any members of your staff.

15 MR. TUCKER: Thank you, Your Honor. My name is Todd
16 Tucker. I'm a deputy solicitor here in Florence County.
17 Seated to my far right over is my boss, Ed Clements, who is
18 the Solicitor for the 12th Circuit. Also, you'll see in the
19 courtroom is our investigator, Gary Street. Seated with me up
20 here at the table is Assistant Solicitor Ryan White.

21 You'll see other solicitors kind of coming and going, one
22 of whom may be John Jepertinger, who is another deputy
23 solicitor. Working in our office as a solicitor or assistant
24 solicitor will also be David Richardson, Angel Daniels, Rick
25 Hoefer, John Holt and Lloyd Flores and Susan McGill. Our

1 office grows so much, it's hard to keep track, but I think
2 those are the ones that we have working.

3 THE COURT: All right. Is any member of the jury panel
4 related by blood or marriage or has a close personal or social
5 relationship with Mr. Tucker, the Solicitor, or any member of
6 the Solicitor's Office? If so, please stand.

7 (WHEREUPON, two people stood.)

8 THE COURT: All right. Your name and your number,
9 please, ma'am?

10 JUROR NUMBER 105: I'm Juror 105. My name is Marie
11 Saleeby.

12 THE COURT: Okay. And who do you know?

13 JUROR NUMBER 105: I know of Mr. White. Mr. White's
14 father is a friend of my husband's, and Mr. White rented
15 property from my husband for a while.

16 THE COURT: All right. Taking that into account, if you
17 were selected to serve on the jury in this case, could you be
18 fair and impartial to the State and the defense?

19 JUROR NUMBER 105: I believe I could.

20 THE COURT: Would you be fair and impartial to both
21 sides?

22 JUROR NUMBER 105: I believe I would.

23 THE COURT: Is that a yes?

24 JUROR NUMBER 105: Yes.

25 THE COURT: Thank you very much. I appreciate you

1 standing. Anybody else? Yes, ma'am? Your name and your
2 number?

3 JUROR NUMBER 80: Ginny Moore, 80. I work with the panel
4 in the capacity when I was the director at Care House of the
5 Pee Dee.

6 THE COURT: All right. Taking that into account, if you
7 were selected to serve on the jury in this case, could you be
8 fair and impartial to the State and the defense as well?

9 JUROR NUMBER 80: Yes.

10 THE COURT: Would you be fair and impartial to both
11 sides?

12 JUROR NUMBER 80: Yes.

13 THE COURT: All right. Thank you. Anybody else? All
14 right. Mr. Floyd, if you would, stand, introduce yourself and
15 any members of your office.

16 MR. FLOYD: Thank you, Your Honor. I'm Scott Floyd. I'm
17 the chief public defender for Florence and Marion County. The
18 other members of my office are Karen Parrott, Vick Meetze,
19 Emily Crayton, Elizabeth Neyle, Julie Swilley, Jay and Daniel
20 Jordan, Rick Jones, and Scott Suggs.

21 THE COURT: All right. Thank you. Is any member of the
22 jury panel related by blood or marriage or has a close
23 personal or social relationship with Mr. Floyd or any member
24 of his office? If so, please stand.

25 (WHEREUPON, no one stood.)

1 THE COURT: All right. No one stood. The witnesses on
2 behalf of the State of South Carolina will be Lt. Michael
3 Mullinax, Lt. Michael Brandt, PTO Antonio Artis, Steven
4 Miller, Johnny Shelley, Julian Patterson, Jerri James, Inv. S.
5 Williamson, Jeff Worthington, Bobby Peterson, Julian Peterson,
6 Tracy Smith, Kara Smith, Thomas Darnell, Michael Moskal, Dr.
7 Lee Marie Tormos, and Mitchell Fulmer, Keith von Lutcken, Dr.
8 Anthony Bostick, Joe Talbott, Alanna Luzier, Kelly Turner, and
9 Judy Smith.

10 In this regard, is any member of the jury panel related
11 by blood or marriage or has a close personal or social
12 relationship with any of the State's witnesses? If so, please
13 stand.

14 (WHEREUPON, one person stood.)

15 THE COURT: All right. You are 105; is that right?

16 JUROR NUMBER 105: Yes, sir.

17 THE COURT: All right. And which one of those witnesses
18 do you know?

19 JUROR NUMBER 105: Dr. Anthony Bostick is my employee.

20 THE COURT: Okay. Taking that into account, if you were
21 selected to serve on the jury in this case, could you be fair
22 and impartial to the State and the defense?

23 JUROR NUMBER 105: Yes.

24 THE COURT: Would you be fair and impartial to both
25 sides?

1 JUROR NUMBER 105: Yes.

2 THE COURT: Thank you very much. I appreciate you
3 standing. Anybody else?

4 All right. Is any member of the jury panel related by
5 blood or marriage to any law enforcement officer? That could
6 be a highway patrolman, city policeman, sheriff, FBI, SLED, or
7 what have you. If you're related at all to any law
8 enforcement officer, please stand.

9 (WHEREUPON, two people stood.)

10 THE COURT: All right. Give me your name and your
11 number.

12 JUROR NUMBER 30: 30. Justin Feagin.

13 THE COURT: All right. How does that apply?

14 JUROR NUMBER 30: He's my brother.

15 THE COURT: Who's that?

16 JUROR NUMBER 30: Justin Feagin.

17 THE COURT: All right. Taking that into account, if you
18 were selected to serve on the jury in this case, could you be
19 fair and impartial to the State and the defense?

20 JUROR NUMBER 30: Yes, sir.

21 THE COURT: Thank you. All right. And your name and
22 number?

23 JUROR NUMBER 87: Robert Parker, 87.

24 THE COURT: All right.

25 JUROR NUMBER 87: Uncle to Deputy Rollins Rhodes.

1 THE COURT: Okay. Taking that into account, if you were
2 selected to serve on the jury in this case, could you be fair
3 and impartial to the State and the defense?

4 JUROR NUMBER 87: Yes.

5 THE COURT: Would you be fair and impartial to both
6 sides?

7 JUROR NUMBER 87: Yes, sir.

8 THE COURT: Thank you. Anybody else? All right.

9 Is any member of the jury panel aware of any bias or
10 prejudice for or against the State of South Carolina? If so,
11 please stand.

12 (WHEREUPON, no one stood.)

13 THE COURT: All right. Has any member of the jury panel
14 formed an opinion as to the guilt or innocence of the
15 defendant, Mr. Latson Ray Matthews, in this case? If so,
16 please stand.

17 (WHEREUPON, no one stood.)

18 THE COURT: All right. Is there any member of the jury
19 panel who is a member of or contributor to any group which has
20 as its primary concern the promotion of law enforcement or
21 victims' rights? These groups would include but certainly not
22 be limited to MADD, SADD, or CAV, Citizens Against Violent
23 Crimes. If so, please stand.

24 (WHEREUPON, no one stood.)

25 THE COURT: All right. Has any member of the jury panel

1 or any member of your immediate family ever been involved in a
2 crime of personal violence? This could be including but not
3 limited to criminal sexual conduct, assault and battery of a
4 high and aggravated nature, murder, manslaughter, kidnapping,
5 armed robbery, et cetera.

6 Now, if you or any member of your immediate family have
7 ever been a victim or a defendant in a crime such as these
8 just mentioned or anything similar to them, please stand.

9 (WHEREUPON, one person stood.)

10 THE COURT: All right. You may come up here if you would
11 like.

12 (WHEREUPON, a bench conference was held with the juror as
13 follows.)

14 THE COURT: All right. Give me your name and your
15 number.

16 JUROR NUMBER 126: I'm Elizabeth Velicky, Jury Number
17 126, sir.

18 THE COURT: 126? How does that question apply to you?

19 JUROR NUMBER 126: My sister -- she and her boyfriend
20 were parked in a parking lot eating dinner and they were --
21 some men with guns came and pretty much kidnapped them, took
22 their car, and ended up stealing the car, stealing all their
23 belongings, and the car was found later burned in a field.

24 THE COURT: Where was that?

25 JUROR NUMBER 126: I believe it was -- I believe it --

1 THE COURT: Around here?

2 JUROR NUMBER 126: Yeah. I think it was around here.

3 THE COURT: All right. Taking that into account, if you
4 were selected to serve on the jury in this particular case,
5 could you be fair and impartial to both the State and the
6 defense?

7 JUROR NUMBER 126: Yes, sir.

8 THE COURT: Would you be fair and impartial to both
9 sides?

10 JUROR NUMBER: Yes, sir.

11 THE COURT: Thank you. I appreciate you coming forward.
12 Okay. That's all we had.

13 (WHEREUPON, the bench conference ended and the
14 proceedings resumed as follows.)

15 THE COURT: Is there any member of the jury panel who
16 knows of any reason whatsoever why they could not give the
17 parties in this case a fair and impartial trial? If so,
18 please stand.

19 (WHEREUPON, no one stood.)

20 THE COURT: All right. Has any member of the jury panel
21 or any member of your family ever been prosecuted by this
22 solicitor or any member of the Solicitor's Office, regardless
23 of whether the case was dismissed or not? If so, please
24 stand.

25 (WHEREUPON, no one stood.)

1 THE COURT: All right. Anything further from the State?

2 MR. TUCKER: Nothing from the State, Your Honor.

3 THE COURT: Anything further from the defense?

4 MR. FLOYD: Nothing further, Your Honor.

5 THE COURT: All right. I find the jury panel qualified
6 for this case. Ms. Clerk, if you'll give us 12 jurors and two
7 alternates?

8 (WHEREUPON, there was a pause the proceedings, after
9 which the proceedings resumed as follows.)

10 THE CLERK: Okay. When I call your name, if you will,
11 bring all of your belongings with you and just come up to the
12 middle of the courtroom and just face the back of the
13 courtroom. 105, Marie Saleeby.

14 (WHEREUPON, a white female came forward.)

15 THE CLERK: That's fine right there. Just face that way.
16 What say the State?

17 MR. TUCKER: Please present Ms. Saleeby.

18 THE CLERK: What say the defendant?

19 MR. FLOYD: Please excuse Ms. Saleeby for purposes of
20 this trial.

21 THE CLERK: You've been excused from this trial only,
22 ma'am. You may return to your seat. 114, Dedrick Singletary.

23 (WHEREUPON, a black male came forward.)

24 THE CLERK: What say the State?

25 MR. TUCKER: Please present Mr. Singletary.

1 THE CLERK: What say the defendant?

2 MR. FLOYD: Please swear Mr. Singletary.

3 THE CLERK: Please have a seat in the jury box, sir. 25,
4 Gaston Edwards.

5 (WHEREUPON, a black male came forward.)

6 THE CLERK: What say the State?

7 MR. TUCKER: Please excuse Mr. Edwards from the trial of
8 this case only.

9 THE CLERK: You've been excused from this trial only,
10 sir. You may return to your seat. 132, Jan Hucks.

11 (WHEREUPON, a white female came forward.)

12 THE CLERK: What say the State?

13 MR. TUCKER: Please present Ms. Hucks.

14 THE CLERK: What say the defendant?

15 MR. FLOYD: Please excuse Ms. Hucks for purposes of this
16 trial.

17 THE CLERK: You've been excused from this trial only,
18 ma'am. You may return to your seat. 75, Minnie McRae.

19 (WHEREUPON, a black female came forward.)

20 THE CLERK: What say the State?

21 MR. TUCKER: Please present Ms. McRae.

22 THE CLERK: What say the defendant?

23 MR. FLOYD: Please swear Ms. McRae.

24 THE CLERK: Please have a seat in the jury box, ma'am.
25 42, Ronald Griffith.

1 (WHEREUPON, a white male came forward.)

2 THE CLERK: What say the State?

3 MR. TUCKER: Please present Mr. Griffith.

4 THE CLERK: What say the defendant?

5 MR. FLOYD: Please swear Mr. Griffith.

6 THE CLERK: Please have a seat in the jury box, sir. 85,

7 Christie Nowlin.

8 (WHEREUPON, a black female came forward.)

9 THE CLERK: What say the State?

10 MR. TUCKER: Please present Ms. Nowlin.

11 THE CLERK: What say the defendant?

12 MR. FLOYD: Please swear Ms. Nowlin.

13 THE CLERK: Please have a seat in the jury box, ma'am.

14 98, David Reinhard.

15 (WHEREUPON, a white male came forward.)

16 THE CLERK: What say the State?

17 MR. TUCKER: Please excuse Mr. Reinhard from the trial of
18 this particular case.

19 THE CLERK: You've been excused from this trial only,
20 sir. You may return to your seat. 127, Stacey Wallace.

21 (WHEREUPON, a white female came forward.)

22 THE CLERK: What say the State?

23 MR. TUCKER: Please present Ms. Wallace.

24 THE CLERK: What say the defendant?

25 MR. FLOYD: Please select Ms. Wallace.

1 THE CLERK: Please have a seat in the jury box, ma'am.
2 97, Ebony Reed.
3 (WHEREUPON, a black female came forward.)
4 THE CLERK: What say the State?
5 MR. TUCKER: Please excuse Ms. Reed from the trial of
6 this case.
7 THE CLERK: You've been excused from this trial only,
8 ma'am. You may return to your seat. 48, Cresha Hicks.
9 (WHEREUPON, a white female came forward.)
10 THE CLERK: What say the State?
11 MR. TUCKER: Please present Ms. Hicks.
12 THE CLERK: What say the defendant?
13 MR. FLOYD: Please excuse Ms. Hicks for the purposes of
14 this trial only.
15 THE CLERK: You've been excused from this trial only,
16 ma'am. You may return to your seat. 39, Heather Gerald.
17 (WHEREUPON, a white female came forward.)
18 THE CLERK: What say the State?
19 MR. TUCKER: Please present Ms. Gerald.
20 THE CLERK: What say the defendant?
21 MR. FLOYD: Please swear Ms. Gerald.
22 THE CLERK: Please have a seat in the jury box, ma'am.
23 128, James Watson.
24 (WHEREUPON, a black male came forward.)
25 THE CLERK: What say the State?

1 MR. TUCKER: Please present Mr. Watson.

2 THE CLERK: What say the defendant?

3 MR. FLOYD: Please excuse Mr. Watson for the purposes of
4 this -- purposes of this trial.

5 THE CLERK: You've been excused from this trial only,
6 sir. You may return to your seat. Number 30, Stephen Feagin.

7 (WHEREUPON, a white male came forward.)

8 THE CLERK: What say the State?

9 MR. TUCKER: Please present Mr. Feagin.

10 THE CLERK: What say the defendant?

11 MR. FLOYD: Please excuse Mr. Feagin for the purposes of
12 this trial only.

13 THE CLERK: You've been excused from this trial only,
14 sir. You may return to your seat. 130, James Woods.

15 (WHEREUPON, a black male came forward.)

16 THE CLERK: What say the State?

17 MR. TUCKER: Please present Mr. Woods.

18 THE CLERK: What say the defendant?

19 MR. FLOYD: Please excuse Mr. Woods for the purposes of
20 this trial only.

21 THE CLERK: You've been excused from this trial only,
22 sir. You may return to your seat. 65, Leonard Lewis.

23 (WHEREUPON, a black male came forward.)

24 THE CLERK: What say the State?

25 MR. TUCKER: Please present Mr. Lewis.

1 THE CLERK: What say the defendant?

2 MR. FLOYD: Please swear Mr. Lewis.

3 THE CLERK: Please have a seat in the jury box, sir. 27,
4 Brian Eversole.

5 (WHEREUPON, a white male came forward.)

6 THE CLERK: What say the State?

7 MR. TUCKER: Please present Mr. Eversole.

8 THE CLERK: What say the defendant?

9 MR. FLOYD: Please excuse Mr. Eversole for the purposes
10 of this trial only.

11 THE CLERK: You've been excused from this trial only,
12 sir. You may return to your seat. 104, Martha Ruff.

13 (WHEREUPON, a white female came forward.)

14 THE CLERK: What say the State?

15 MR. TUCKER: Please present Ms. Ruff.

16 THE CLERK: What say the defendant?

17 MR. FLOYD: Please excuse Ms. Ruff for the purposes of
18 this trial.

19 THE CLERK: You've been excused from this trial only,
20 ma'am. You may return to your seat. 89, Deborah Pearson.

21 (WHEREUPON, a black female came forward.)

22 THE CLERK: What say the State?

23 MR. TUCKER: Please excuse Ms. Pearson from the trial of
24 this particular case.

25 THE CLERK: You've been excused from this trial only,

1 ma'am. You may return to your seat. 119, Rayfield Stuckey.
2 (WHEREUPON, a black male came forward.)
3 THE CLERK: What say the State?
4 MR. TUCKER: Please present Mr. Stuckey.
5 THE CLERK: What say the defendant?
6 MR. FLOYD: Please swear Mr. Stuckey.
7 THE CLERK: Please have a seat in the jury box, sir. 44,
8 Joe Ham.
9 (WHEREUPON, a black male came forward.)
10 THE CLERK: What say the State?
11 MR. TUCKER: Please present Mr. Ham.
12 THE CLERK: What say the defendant?
13 MR. FLOYD: Please swear Mr. Ham.
14 THE CLERK: Please have a seat in the jury box, sir. 35,
15 Aaron Gamble.
16 (WHEREUPON, a white male came forward.)
17 THE CLERK: What say the State?
18 MR. TUCKER: Please present Mr. Gamble.
19 THE CLERK: What say the defendant?
20 MR. FLOYD: Please excuse Mr. Gamble for the purposes of
21 this trial only.
22 THE CLERK: You've been excused from this trial only,
23 sir. You may return to your seat. 29, Richard Favaloro.
24 (WHEREUPON, a white male came forward.)
25 THE CLERK: What say the State?

1 MR. TUCKER: Please present Mr. Favaloro.

2 THE CLERK: What say the defendant?

3 MR. FLOYD: Please excuse Mr. Favaloro for the purposes
4 of this trial only.

5 THE CLERK: You've been excused from this trial only,
6 sir. You may return to your seat. 87, Robert Parker.

7 (WHEREUPON, a white male came forward.)

8 THE CLERK: What say the State?

9 MR. TUCKER: Please present Mr. Parker.

10 THE CLERK: Does the defendant wish to challenge this
11 juror for cause?

12 MR. FLOYD: No.

13 THE CLERK: Please have a seat in the jury box, sir.
14 129, Karen West.

15 (WHEREUPON, a white female came forward.)

16 THE CLERK: What say the State?

17 MR. TUCKER: Please present Ms. West.

18 THE CLERK: Does the defendant wish to challenge this
19 juror for cause?

20 MR. FLOYD: No, ma'am.

21 THE CLERK: Please have a seat in the jury box, ma'am.
22 67, Troy Lyde.

23 (WHEREUPON, a black male came forward.)

24 THE CLERK: What say the State?

25 MR. TUCKER: Please present Mr. Lyde.

1 THE CLERK: Does the defendant wish to challenge this
2 juror for cause?

3 MR. FLOYD: No, ma'am.

4 THE CLERK: Please have a seat in the jury box, sir. The
5 first alternate?

6 THE COURT: Yeah.

7 THE CLERK: Number 3, Ricky Bethea.

8 (WHEREUPON, a black male came forward.)

9 THE CLERK: What say the State?

10 MR. TUCKER: Please present Mr. Bethea.

11 THE CLERK: What say the defendant?

12 MR. FLOYD: Please swear Mr. Bethea.

13 THE CLERK: Please have a seat in the jury box, sir. You
14 want one more, right, Judge?

15 THE COURT: Yes, ma'am.

16 THE CLERK: 115, Sylvia Singletary.

17 (WHEREUPON, a black female came forward.)

18 THE CLERK: What say the State?

19 MR. TUCKER: Please present Ms. Singletary.

20 THE CLERK: What say the defendant?

21 MR. FLOYD: Please swear Ms. Singletary.

22 THE CLERK: Please have a seat in the jury box, ma'am.

23 THE COURT: All right. Any objections to the jury or the
24 process by which they were drawn? What says the State?

25 MR. TUCKER: None from the State, Your Honor.

1 THE COURT: How about the defense?

2 MR. FLOYD: None from the defense, Your Honor.

3 THE COURT: All right. The remainder of the jury panel
4 is excused for the day. If you would, call back this evening
5 after 5 o'clock for any further instructions that you may have
6 for the week, but you can go at this time.

7 (WHEREUPON, the jury panel was excused and exited the
8 courtroom at 11:56 a.m.)

9 THE COURT: All right. Ladies and gentlemen of the jury,
10 I'm going to excuse you for the day. We're going to take up
11 pre-trial matters for the rest of this day to have everything
12 ready for you to take off and run with it tomorrow.

13 I need for you to be back at 10 o'clock. I have a 9:30
14 hearing and then we're going to begin this trial at that time.

15 And, Mr. Griffith, I'm going to make you the foreperson
16 of the jury. If you would, just sit on the front row in the
17 very first seat when you come back and you come out each time.

18 THE FOREPERSON: Yes, sir.

19 THE COURT: All right. Now, you all do know a little bit
20 about the case. You know the name of the defendant. You know
21 a little bit about it just based on the jury selection process
22 itself.

23 When you leave this courtroom, do not get on the Internet
24 and Google anything. Don't look up anything. Do not research
25 the matter at all and do not even talk about it among

1 yourselves or with anybody else until his trial is over. Just
2 put it out of your mind. Go back to your place of business or
3 home or wherever you go. Be back at 10 o'clock and we'll
4 start this trial tomorrow.

5 Thank you very much. I look forward to working with you.

6 THE BAILIFF: Follow me and watch your step.

7 (WHEREUPON, the jury exited the courtroom at 11:58 a.m.)

8 THE COURT: All right. Any pretrial we need to take up?

9 MR. TUCKER: Yes, Your Honor. As a housekeeping matter,
10 the State at the beginning or at this point would like to move
11 into -- for the Court's review, there were two evaluations
12 ordered pursuant to this case, the first of which was an
13 evaluation by the South Carolina Department of Disabilities
14 and Special Needs.

15 It was conducted. Ultimately, the Department of DDSN
16 found that Mr. Matthews had no sort of learning disabilities
17 or anything along those lines. It is stated in the report.
18 Pursuant to that report, they are by law required that once
19 they make a finding along those lines that they are to refer
20 the individual over to the Department of Mental Health for
21 them to make a finding as to whether or not the individual is
22 competent to stand trial.

23 That evaluation took place on April the 18th, 2017. The
24 examiner, Matthew Gaskins MD, was the evaluator. After
25 meeting with Mr. Matthews, he concluded that Mr. Matthews did

1 possess the ability to assist his attorney in the defense of
2 his case and was competent to stand trial.

3 Both of these findings were reduced to writing that we
4 would ask the Court to make a part of the record and we'd
5 actually move them into evidence at this time.

6 THE COURT: All right. Any objections?

7 MR. FLOYD: No objections, Your Honor.

8 THE COURT: All right. Let's put them into evidence and
9 I will incorporate the findings in those reports as the
10 findings of this Court.

11 THE COURT REPORTER: Court's exhibits?

12 THE COURT: Court's exhibits.

13 (WHEREUPON, the reports were marked and entered as
14 Court's Exhibit Number 1 and Court's Exhibit Number 2.)

15 THE COURT: All right. And do we have a Denno hearing as
16 well?

17 MR. TUCKER: We do, Your Honor. The State intends to use
18 a statement that was given by Mr. Matthews to the
19 investigators in this case. And that being the case, I think
20 the defense is asking for a Jackson v. Denno hearing, which
21 the State is prepared to move forward with at this time.

22 THE COURT: Go ahead and call your first witness.

23 MR. TUCKER: Your Honor, at this time, the State would
24 call Investigator -- Lt. Michael Mullinax to the stand.

25 THE WITNESS: Do you want to swear me in?

MICHAEL MULLINAX - DIRECT BY MR. TUCKER

1 THE COURT: I can swear you in. Place your left hand on
2 the Bible and raise your right hand. Do you swear to tell the
3 whole truth and nothing but the truth, so help you God?

4 THE WITNESS: I do.

5 THE COURT: Thank you very much. If you'll have a seat
6 and state your name for the record and spell your last name.

7 THE WITNESS: I'm Lt. Michael Mullinax, M-u-l-l-i-n-a-x.

8 THE COURT: Thank you.

9 MR. TUCKER: Thank you, Your Honor. May it please the
10 Court.

11 THE COURT: Sure.

12 LT. MICHAEL MULLINAX, being
13 first duly sworn, testified as follows:

14 DIRECT EXAMINATION

15 BY MR. TUCKER:

16 Q: Lt. Mullinax, for what agency or by what agency are you
17 employed?

18 A: I'm employed with the Florence, South Carolina, Police
19 Department.

20 Q: And long have you been employed by them?

21 A: Since 1999.

22 Q: Now, you currently are a lieutenant?

23 A: I'm currently a lieutenant. Yes, sir.

24 Q: Are you working in patrol or any other particular aspect
25 of --

MICHAEL MULLINAX - DIRECT BY MR. TUCKER

1 A: Currently, I'm in the patrol division.

2 Q: Now, drawing your attention specifically to on or about
3 July the 28th, 2015, what capacity were you working in at that
4 -- on that date?

5 A: At that time, I was a sergeant in the investigations
6 division.

7 Q: Now, directing your attention specifically to on or about
8 5 p.m. on that day, do you recall whether or not you received
9 a call involving what ostensibly came out as a hit and run?

10 A: I did.

11 Q: Can you tell me how you got involved in that?

12 A: I was notified that there was a situation on Converse
13 Drive by the patrol units at the scene and, therefore, I
14 responded to that area.

15 Q: And when you got there, what did you find?

16 A: I found that an individual had been struck by a vehicle.
17 She had been taken to the hospital and there was an
18 investigation that needed to be conducted.

19 Q: And this location -- was it in Florence County?

20 A: It was in the city of Florence. Yes, sir.

21 Q: Now, you mentioned an individual. You had ultimately to
22 identify the victim in this matter?

23 A: Yes, sir.

24 Q: And what was her name?

25 A: Ms. Granger.

MICHAEL MULLINAX - DIRECT BY MR. TUCKER

1 Q: Was her first name Martha?

2 A: Martha Granger. Yes, sir.

3 Q: Now, after you determined that Ms. Granger had been taken
4 to the hospital and you responded there, what, if anything,
5 else by way of investigation did you do?

6 A: Well, it was an extensive investigation over several
7 days.

8 Q: Were you able to identify any suspects during that
9 preliminary stage of your investigation?

10 A: During the preliminary stage, yes.

11 Q: And what was one of the suspects that you uncovered?

12 A: Latson Matthews.

13 Q: Were there any other direct pieces of evidence with
14 regards to Mr. Matthews tying him to this case?

15 A: There were.

16 Q: Could you tell the Court which or what they might have
17 been?

18 A: There was a latent fingerprint that was located inside
19 Ms. Granger's garage, which was positively identified as Mr.
20 Matthews'.

21 Q: Now, when you say positively identified, by whom?

22 A: By SLED.

23 Q: And you're referring to the State Law Enforcement
24 Division?

25 A: That's correct.

MICHAEL MULLINAX - DIRECT BY MR. TUCKER

1 Q: Now, once you were told that the fingerprint lifted from
2 this vehicle was a direct or a positive match for the suspect,
3 Latson Matthews, what, if anything, did you do at that point?

4 A: Myself and Investigator Williamson and Investigator
5 Shelley and an investigator with the Sheriff's Office
6 responded to Mr. Matthews' house to speak with him.

7 Q: Now, do you recall where he was living at the time?

8 A: He was living with his father off of Cromer Lane.

9 Q: Is that also in the city of Florence?

10 A: No, sir. It's in the jurisdiction of the Sheriff's
11 Office.

12 Q: And when you say Sheriff's Office, you mean the Florence
13 County Sheriff's Office?

14 A: Florence County Sheriff's Office.

15 Q: Now, when you first -- was this the first time that you
16 had encountered Mr. Matthews as a suspect, that you had spoken
17 to him?

18 A: That I had spoken to him concerning this incident, yes,
19 sir.

20 Q: I understand. Now, when you made contact with him at
21 this address, what, if anything, did you say or do?

22 A: We agreed to take our conversation to the -- 324 W. Evans
23 Street to the City Center.

24 Q: Now, when you say we agreed -- when you say we agreed, do
25 you mean Mr. Matthews?

MICHAEL MULLINAX - DIRECT BY MR. TUCKER

- 1 A: That's correct. Yes, sir.
- 2 Q: Was he under arrest at this point?
- 3 A: No, sir.
- 4 Q: Would you describe his acquiescence as voluntary?
- 5 A: It was voluntary.
- 6 Q: Did you tell him he was free to not come with you?
- 7 A: Yes. We agreed that we would ride up to my office so
- 8 that we could speak, so that we could talk.
- 9 Q: Now, let me ask you, with regards to your observations of
- 10 Mr. Matthews when you were having this conversation with him,
- 11 did he appear to understand what it was you were saying to
- 12 him?
- 13 A: He understood.
- 14 Q: Did he appear, at least at this stage, to suffer from any
- 15 sort of mental disability?
- 16 A: Absolutely not.
- 17 Q: Did he appear to physically understand what you were
- 18 saying?
- 19 A: Yes, he did.
- 20 Q: Did he appear to be inebriated?
- 21 A: No, sir.
- 22 Q: Did he appear to be intoxicated in any other fashion?
- 23 A: No, sir.
- 24 Q: Did you understand or believe that he was able to
- 25 understand what it was you were asking him to do?

MICHAEL MULLINAX - DIRECT BY MR. TUCKER

1 A: Yes, sir.

2 Q: Now, after asking him to come with you and Investigator
3 Williamson to the City Police Department, did he voluntarily
4 come along?

5 A: He did.

6 Q: Was he placed in handcuffs?

7 A: I don't think he was.

8 Q: Do you recall?

9 A: I'm actually 100 percent sure he wasn't because he smoked
10 a cigarette on the way.

11 Q: You say you're 100 percent sure he was not in handcuffs?

12 A: He was not handcuffed because he actually smoked a
13 cigarette on the way.

14 Q: Okay. Now, once you got to the City Center -- which is
15 where the police department is located now; is that correct?

16 A: Yes, sir.

17 Q: What, if anything, did you do?

18 A: We spoke for maybe an hour, hour and a half.

19 Q: Now, prior to speaking with him, did you do or say
20 anything to him in terms of advising him of his rights?

21 A: He was Mirandized.

22 Q: Now, who was present in the room when this took place?

23 A: Myself and Investigator Scottie Williamson.

24 Q: Now, would you describe the room in which this took
25 place?

MICHAEL MULLINAX - DIRECT BY MR. TUCKER

1 A: Yes, sir. The room is a conference room, a rather small
2 conference room. I think there are six chairs around a single
3 table, and there's two entrances and exits from the -- from
4 the room. It's on the second floor of the City Center. And
5 it was just the three of us in that room.

6 Q: Did -- were there any other armed officers in there at
7 the time?

8 A: No, sir. Just the -- just the three of us, myself,
9 Investigator Williamson, and Mr. Matthews.

10 Q: And Mr. Matthews was -- at this point, was he in
11 handcuffs or not?

12 A: I do not think he was.

13 Q: Now, prior to beginning your questioning of him, you
14 indicated that you read him his Miranda rights?

15 A: Yes, sir.

16 Q: Did you read those from memory and did you refer to a
17 card?

18 A: No, sir. It's actually an 8 1/2 by 11 sheet. It's not a
19 card. It's a -- it's a form. It's a standard form that's
20 used every time.

21 MR. TUCKER: And if I may approach, Your Honor?

22 THE COURT: You may.

23 MR. TUCKER: Your Honor, this is a copy of it that I've
24 actually given Mr. Floyd; so he's aware of it. I showed him
25 this before I brought it up.

MICHAEL MULLINAX - DIRECT BY MR. TUCKER

1 BY MR. TUCKER:

2 Q: I would ask if you would -- could recognize that?

3 A: I do recognize it.

4 Q: How do you recognize it?

5 A: That is the waiver of rights form that myself and -- that
6 I read to Mr. Matthews.

7 Q: Okay. And how do you know it's the one that you read
8 that day?

9 A: Because it's dated and has a case number on it. It has
10 my name on it, Investigator Williamson's name on it, Mr.
11 Matthews' name on it.

12 Q: Okay. And it's dated?

13 A: It is dated August the 14th of 2015.

14 Q: Does it appear to be in the same condition as when you
15 filled it out on that date?

16 A: Yes, sir, it is.

17 Q: Does it appear to be altered in any way?

18 A: No, sir.

19 MR. TUCKER: Your Honor, at this time, I would ask that
20 this be moved into State's Evidence 1?

21 THE COURT: Any objections?

22 MR. FLOYD: No objections, Your Honor.

23 THE COURT: State's 1 is into evidence without objection.

24 (WHEREUPON, State's Exhibit Number 1, Waiver of Rights
25 Form, was admitted into evidence.)

MICHAEL MULLINAX - DIRECT BY MR. TUCKER

1 BY MR. TUCKER:

2 Q: Now, Investigator Mullinax, I want to ask you if I could
3 read this and ask if this is your understanding of what you
4 read to him that day. At the top, of course, it's got his
5 biographical information and the case number and the date.

6 At the top in capital letters, it says before we ask you
7 any questions, you must understand your rights. First, you
8 have the right to remain silent.

9 Did Mr. Matthews appear to understand that right as you
10 read that to him?

11 A: Yes, sir, he did.

12 Q: Two. Anything you say and will be used against you --
13 can and will be used against you in a court of law.

14 When you read that, did Mr. Matthews appear to understand
15 that right as well?

16 A: Yes, he did.

17 Q: Three. You have the right to talk to a lawyer and have
18 him present with you while you are being questioned.

19 After reading that, did Mr. Matthews appear to understand
20 that right?

21 A: Yes, he did.

22 Q: If you cannot afford to hire a lawyer, one will be
23 appointed to represent you before any questioning if you wish.

24 Did Mr. Matthews appear to understand that as well?

25 A: Yes, he did.

MICHAEL MULLINAX - DIRECT BY MR. TUCKER

1 Q: And finally, you can decide at any time to exercise these
2 rights and not answer any questions or make any statements.

3 Did Mr. Matthews appear to understand that right?

4 A: Yes, sir.

5 Q: Now, underneath that it has what appears to be Latson Ray
6 Matthews in letters and then it's got Latson -- I, Latson Ray
7 Matthews, voluntarily, without threats, duress, force,
8 promises of immunity or reward agree to be questioned by the
9 Florence Police Department. And then underneath that in bold
10 it says important notice. If you do not understand any part
11 of this form, do not, underlined, sign until you do. Now --
12 and then underneath that, there is what appears to be Latson
13 Matthews in writing.

14 In that block, did Mr. Matthews actually sign his name
15 there?

16 A: Yes, sir. He signed the form.

17 A: Prior to doing that, did he voice any concern about any
18 of the rights that he was waiving?

19 A: No, sir.

20 Q: Did he ask any sort of follow-up questions?

21 A: No, sir.

22 Q: Now, after he signed, there is a signature underneath
23 that that purports to be Michael Mullinax with the date
24 8/14/2015. Is that your signature?

25 A: Yes, sir. That's my signature.

MICHAEL MULLINAX - DIRECT BY MR. TUCKER

1 Q: And underneath that, Dearl B. Williamson, also 8/14/2015.
2 Did you witness Investigator Williamson sign that?
3 A: Yes, sir. That is Investigator Williamson's signature.
4 Q: Now, let me give this back to the court reporter. After
5 Mr. Matthews signed that form, after you signed that form, and
6 after Investigator Williamson signed that form, what, if
7 anything, took place at that point?
8 A: Myself and Investigator Williamson questioned Mr.
9 Matthews about his involvement in the -- in the incident with
10 Ms. Granger.
11 Q: Now, with regards to this statement that he made, was it
12 recorded in any fashion?
13 A: It was recorded.
14 Q: Now, in terms of audio and video?
15 A: Just audio.
16 Q: Okay.
17 MR. TUCKER: And, Your Honor, if I could approach?
18 THE COURT: You may.
19 BY MR. TUCKER:
20 Q: Lt. Mullinax, do you recognize what I just handed you?
21 A: Yes, sir, I do.
22 Q: And how do you recognize it?
23 A: This is the statement that was given concerning the --
24 the -- the statement from Mr. Matthews.
25 Q: Now --

MICHAEL MULLINAX - DIRECT BY MR. TUCKER

1 A: It was logged into evidence. This is the original.

2 Q: And have you had a chance to review that statement?

3 A: I've reviewed copies.

4 Q: Okay. Now, the ones that you reviewed, does it appear to
5 be the same statement that took place inside of the room?

6 A: Yes, sir.

7 Q: Did it appear to be altered in any way?

8 A: No, sir.

9 Q: And again, prior to asking him any questions, you turned
10 the recording on?

11 A: Yes. The actual interview was about 15 minutes. We
12 recorded the last 15 minutes or so.

13 Q: Now, you mentioned that you had spoken for about an hour
14 and a half. Was the entirety of that conversation on the
15 recording?

16 A: No, sir.

17 Q: And why not?

18 A: Because it was just warming up. We were just chatting,
19 talking about -- I asked him if he wanted something to drink,
20 you know. We got him something to drink, things like that.
21 It was just introducing ourselves, getting accustomed to
22 talking before we started talking about the actual incident.
23 We did talk about the actual incident and then I asked Mr.
24 Matthews if he would allow me to record his statement.

25 Q: And what, if anything, did he say?

MICHAEL MULLINAX - DIRECT BY MR. TUCKER

1 A: He said, yes, that I could.

2 MR. TUCKER: Your Honor, at this time, I would move the
3 disk itself that includes the statement into evidence.

4 THE COURT: Any objections?

5 MR. FLOYD: No objections, Your Honor.

6 THE COURT: All right. State's Number 2 is into evidence
7 without objection.

8 (WHEREUPON, State's Exhibit Number 2, audio statement on
9 disk, was admitted into evidence.)

10 BY MR. TUCKER:

11 Q: Now, Lt. Mullinax, during the statement, what, if
12 anything, did Mr. Matthews say with regards to his
13 involvement?

14 A: Well, you can understand the circumstances, as
15 significant as they were, it took several -- we spoke for
16 several minutes before Mr. Matthews admitted to being at the
17 residence, to stealing the propane tank, and to striking the
18 victim as he left the residence with his vehicle.

19 Q: Now, did he admit to any other deeds in that with regards
20 to a pistol and a cell phone?

21 A: He did. He indicated that he was there to steal for
22 money and that he stole a propane tank and that Ms. Granger
23 arrived home and he tried to give her the propane tank back
24 and she presented a weapon, a handgun, and called 9-1-1, and
25 that he had taken the gun and the weapon from her and then ran

MICHAEL MULLINAX - DIRECT BY MR. TUCKER

1 over her as he left.

2 Q: Okay. And again, was he threatened in any way by you or
3 Investigator Williamson prior to making this statement?

4 A: No, sir.

5 Q: At any time during when he was making the statement, was
6 he threatened?

7 A: No, sir.

8 Q: At any time, did you promise him anything in exchange for
9 him making the statement?

10 A: Absolutely not.

11 Q: While you were present, did Investigator Williamson make
12 any sort of promises to him with regards to making the
13 statement?

14 A: No, sir.

15 MR. TUCKER: Your Honor, at this time, I'd like to
16 publish the statement itself for the Court.

17 THE COURT: All right.

18 (WHEREUPON, Plaintiff's Exhibit Number 2, audio statement
19 on disk, was played for the Court, during which the
20 following questions occurred.)

21 BY MR. TUCKER:

22 Q: Now, whose voice is that?

23 A: That's my voice.

24 (WHEREUPON, there was a pause in the questioning during
25 the playing of the audio statement.)

MICHAEL MULLINAX - DIRECT BY MR. TUCKER

1 BY MR. TUCKER:

2 Q: Whose voice is that we just heard?

3 A: That was Mr. Latson's voice.

4 (WHEREUPON, there was a pause in the questioning during
5 the playing of the audio statement.)

6 BY MR. TUCKER:

7 Q: That voice, who's that?

8 A: That's Dearl Scottie Williamson. He's another
9 investigator.

10 (WHEREUPON, after the recorded statement ended, the
11 proceedings resumed, as follows.)

12 BY MR. TUCKER:

13 Q: And that was the end of the statement?

14 A: Yes, sir.

15 Q: Now, at one point when he's talking about promising, you
16 make a point to tell him and explain to him that -- I believe
17 you said you cannot promise you anything?

18 A: That's correct.

19 Q: Were there any promises made?

20 A: No, sir.

21 Q: Either express or implied by you?

22 A: Absolutely not.

23 Q: Now, when you mentioned being in court, you know, you
24 told him that you'd be in court for him. What did you mean by
25 that?

MICHAEL MULLINAX - DIRECT BY MR. TUCKER

1 A: Well, I told him that I would be in court and that I
2 would be. It's just that simple.

3 Q: But you didn't promise him anything in exchange for his
4 statement to you on that day?

5 A: Absolutely not. He made the promise. He said that
6 repeatedly. You can hear that I said there we go again with
7 the promise and every single time I would say there are no
8 promises. This is -- you understand that. That this is a
9 very serious thing and he did.

10 Q: Okay.

11 MR. TUCKER: I don't believe I have any further
12 questions, Your Honor.

13 THE COURT: All right. Cross-examination?

14 MR. FLOYD: Thank you, Your Honor.

15 CROSS-EXAMINATION

16 BY MR. FLOYD:

17 Q: So the first time you met Mr. Matthews was out at his
18 residence; is that right?

19 A: The first time concerning this incident.

20 Q: Okay. What time did you arrive there?

21 A: I don't have -- can I see the Miranda rights form? I can
22 judge it. I don't have a specific time, if that's okay.

23 Q: Yeah. That's fine.

24 A: We began the interview at 9:50. So I would say within
25 the hour.

MICHAEL MULLINAX - CROSS BY MR. FLOYD

- 1 Q: Okay.
- 2 A: Because we left there and then went to the office.
- 3 Q: So you might've gotten there to his house about 8:50 or
- 4 9:00?
- 5 A: I would say after 9.
- 6 Q: After 9?
- 7 A: Yes, sir.
- 8 Q: Okay. Now, when you got there, was he inside the house?
- 9 A: He was. I knocked on the front door.
- 10 Q: Okay.
- 11 A: And Mr. Matthews came to the door.
- 12 Q: Okay. Was he dressed?
- 13 A: He was.
- 14 Q: Okay. And you didn't smell any alcohol on him or
- 15 anything like that?
- 16 A: No, sir.
- 17 Q: Okay. And then you asked him if he would accompany you
- 18 to the City Center?
- 19 A: Yes, sir.
- 20 Q: Okay. Who was with you?
- 21 A: Myself and Investigator Williamson, Investigator Shelley,
- 22 and Investigator Allen with the Florence County Sheriff's
- 23 Office.
- 24 Q: Okay. So there were four of you?
- 25 A: There were four, but in my vehicle, Mr. Matthews rode

MICHAEL MULLINAX - CROSS BY MR. FLOYD

1 with me.

2 Q: Okay.

3 A: And I drove. He rode in the front seat beside me.

4 Investigator Williamson rode in the backseat.

5 Q: Okay. And so the other two officers with your department

6 were in a different vehicle?

7 A: Yes, sir.

8 Q: Okay. All right. And --

9 A: Just one other officer I think from my department. The

10 other officer was from the Florence County Sheriff's Office.

11 Q: Okay. And when you put Mr. Matthews in your vehicle and

12 began the ride up here to the City Center, was there any sort

13 of in-camera in the -- I mean a camera inside the car?

14 A: No, sir. My car was an unmarked Crown Victoria.

15 Q: Yes.

16 A: And there's no camera structure inside the vehicle.

17 Q: So there was no camera running, no voice recorder going,

18 anything like that?

19 A: No, sir. Absolutely not. No.

20 Q: Okay. And did y'all talk about the incident on the way

21 up there?

22 A: No. I didn't want to talk about the incident until after

23 he was Mirandized, but it was simple conversation of we'll get

24 it -- you know, we'll -- we'll talk whenever we get to the

25 office. I smoke. Can I smoke a cigarette? I said, sure,

MICHAEL MULLINAX - CROSS BY MR. FLOYD

1 I'll give you a cigarette. You know, he smoked a cigarette
2 and that was pretty much it. It's a very short ride from
3 Cromer Lane to the City Center.

4 Q: And how long do you think it took you to get to the City
5 Center when you left his house?

6 A: I would say less than 15 minutes.

7 Q: Okay. And so when you arrived at the City Center, y'all
8 went up to a conference room?

9 A: We did, on the second floor.

10 Q: And that's when you began to actually talk about the
11 incident when you got inside the conference room?

12 A: That's correct. Yes, sir.

13 Q: Okay. And that was about 9:50; is that correct?

14 A: That was at the -- at the time that I wrote this time
15 down, it was when I was in that part of the form.

16 Q: Okay?

17 A: If that's sequential.

18 Q: So you were already in the conference room at that point?

19 A: Yes, sir. And I pulled out the form and started filling
20 out the paperwork.

21 Q: And that's where you filled this out?

22 A: Yes, sir.

23 Q: Okay. And so -- so 9:50 and you said it ended at 11:05?

24 A: Yes, sir.

25 Q: The statement that was just played here was about --

MICHAEL MULLINAX - CROSS BY MR. FLOYD

1 what? Fifteen minutes long?

2 A: I think it's a little over 15 minutes roughly,
3 approximately 15 minutes. Yes, sir.

4 Q: So you actually turned the recorder on within about 10
5 until 11 roughly?

6 A: Roughly. Yes, sir.

7 Q: Okay. So from 9:50 until roughly 10:50, you all talked
8 without any recorder; is that correct?

9 A: Yes, sir.

10 Q: Okay. All right. And you didn't have any kind of DVR or
11 video visual -- I mean voice recorder -- digital voice
12 recorder and neither did Mr. Williamson?

13 A: Well, I did. It was on the table, but it was not
14 recording.

15 Q: It was not recording?

16 A: It was not operable.

17 Q: Any particular reason why you didn't record the whole
18 conversation?

19 A: Because it was, like, do you want something to drink, do
20 you need to go to the bathroom. It was -- you know, it was we
21 want to talk to you, but it was just sat there. I just turned
22 it on whenever -- whenever we had a good understanding of
23 actually what happened.

24 Q: Okay. So y'all talked about going to the bathroom and
25 getting something to drink for an hour?

MICHAEL MULLINAX - CROSS BY MR. FLOYD

- 1 A: Absolutely not. That's why I was --
- 2 Q: Okay. Well, how long did you actually talk about the
- 3 incident itself before you turned on the recording?
- 4 A: I think we established from 9:50 until the time where --
- 5 where the recorder was turned on.
- 6 Q: Okay. So about one hour? Did he recount to you any of
- 7 the details that we actually heard on that audio recording
- 8 before you turned the recorder on?
- 9 A: I think he did for the most part, if you're -- if you're
- 10 -- if you're referring to Mr. Matthews as he.
- 11 Q: Yes, I am.
- 12 A: Okay.
- 13 Q: I mean so he --
- 14 A: There was -- there was --
- 15 Q: He gave you --
- 16 A: There was specific information that -- that he produced
- 17 as we kept asking him that was -- that we did not know until
- 18 the recorder turned on, the force to take the gun, the force
- 19 to take the phone.
- 20 Q: Okay.
- 21 A: The specific language that was heard later in the --
- 22 Q: Okay.
- 23 A: -- audio -- 9-1-1 audio that was exact that he used in
- 24 the statement.
- 25 Q: Okay.

MICHAEL MULLINAX - CROSS BY MR. FLOYD

1 A: Things like that.

2 Q: So the quote that he gave you about after he took the gun
3 and the words he spoke to Mrs. Granger, he didn't tell you
4 that before the recorder was turned on?

5 A: Certain words. They were -- it was -- it was the 9-1-1
6 audio, which he did not hear. He may have heard it now, but
7 he did not hear it during the interview. He would expand upon
8 --

9 Q: Right. Okay. So when you talked to him, he had not
10 heard the 9-1-1 recording?

11 A: Absolutely not.

12 Q: With his voice on it?

13 A: To this day, he and I have not listened to the 9-1-1
14 recording together. He has not heard it from me.

15 Q: Okay. And did you or to your knowledge in your presence
16 Mr. Williamson -- did -- did y'all tell him anything about
17 what had happened to Ms. Granger insofar as the types of
18 injuries that she suffered or anything like that?

19 A: We did tell her that she passed. We did tell Mr.
20 Matthews that she passed.

21 Q: Right.

22 A: But you can hear in the statement that he -- up until
23 that point, he thought he struck her in the legs.

24 Q: Right.

25 A: We did not go into detail about the specifics of her

MICHAEL MULLINAX - CROSS BY MR. FLOYD

1 specific injuries.

2 Q: Okay. Do you recall -- and I don't know if you kept any
3 record of it, but do you recall what he told you before you
4 turned the recorder on --

5 A: Well, for a long time, it was that --

6 Q: -- bout the incident?

7 A: I'm sorry. I should have let you finish.

8 Q: That's okay.

9 A: For a long time, it was that he was not there, he didn't
10 have anything to do with it.

11 Q: Okay.

12 A: I mean let's -- I mean, you know, it's a very serious
13 thing.

14 Q: Right?

15 A: You can't blame a man for that, but for a long time it
16 was an adamant -- I didn't have anything to do with this.

17 Q: Okay.

18 A: And then Mr. Matthews was explained that there was a
19 latent fingerprint recovered from the scene from inside her
20 shop right outside her residence.

21 Q: Uh-huh.

22 A: And that's when Mr. Matthews realized that we knew in
23 fact he had been there.

24 Q: Okay. And he learned that before you turned the recorder
25 on?

MICHAEL MULLINAX - CROSS BY MR. FLOYD

1 A: Yes, sir. That was when --

2 Q: Okay.

3 A: -- he finally said okay.

4 Q: Okay.

5 A: You know, this is what happened.

6 Q: So he was Mirandized before that recorder was turned on?

7 A: Yes, sir. That's a very good point. He absolutely was
8 Mirandized when we walked in the door and that's why the time
9 reflects 9:50 to 11:05. You've got the recording. I reread
10 -- I reread on recording the Miranda that we had done before
11 because I just wanted to make sure that he knew everything
12 with no secrets.

13 Q: Okay. And, of course, Mr. Tucker brought this up a
14 little earlier, but there was the point in that audio
15 recording where Mr. Matthews referenced or made a statement
16 something along the lines of, now, you promise you'll be in
17 court with me. Had he asked you before that to promise him
18 you were going to go to court on his behalf?

19 A: He was using the word promise and I couldn't get him to
20 -- I was -- kept saying here we go again with the word
21 promise. Don't -- we're not promising anything. We don't
22 have the authority to promise anything and that was repeatedly
23 said whenever he would say that, which is reflected in the
24 recording.

25 Q: Okay. Now, at a certain point in there towards the end

MICHAEL MULLINAX - CROSS BY MR. FLOYD

1 of the audio recording, I heard you say something about we've
2 got to get on or get on to it or something of that nature?

3 A: Yes, sir. At that point -- I'm sorry.

4 Q: That's okay. Were you talking about getting him to a
5 methadone clinic?

6 A: He did. We did take him to the methadone clinic
7 afterward.

8 Q: Okay.

9 A: That's why we knew that he was not under the influence at
10 the time.

11 Q: Okay. So --

12 A: But at that point, he had confessed. The interview had
13 changed and he had become a -- a defendant.

14 Q: Okay. All right. So he -- when did he disclose to you
15 that he was on methadone?

16 A: I think before we left. I think before we left to go to
17 the -- before we left to go, he said I have a methadone
18 appointment. I said don't worry about your methadone
19 appointment. We'll make sure we get you there and we would.
20 You know, that's -- and --

21 Q: Okay. So that was before you actually left his house?

22 A: Yes, sir.

23 Q: Okay. And did he tell you what time his methadone
24 appointment was or did he have a specific time?

25 A: I don't recall any sort of time.

MICHAEL MULLINAX - CROSS BY MR. FLOYD

1 Q: Okay. Did he tell you how often he went to the methadone
2 clinic?

3 A: He said every day.

4 Q: And did he appear to be irritable or showing any signs
5 that he needed the methadone?

6 A: I don't know how it works. He did not appear to be -- he
7 appeared normal at the time, but I -- but I'm not a clinician
8 and I don't understand how it works.

9 Q: Okay.

10 A: Or at what point they get sick if they don't have it.

11 Q: Okay. When you arrived at his residence to -- before you
12 took him to the City Center -- and when I say him, I'm, of
13 course, referring to Mr. Matthews again. Did -- you never
14 told him he was under arrest while you were there at his
15 residence; is that right?

16 A: No, sir.

17 Q: Okay. If he had said I don't want to talk to you and
18 closed the front door, would you have arrested him at that
19 point or taken him into custody?

20 A: No, sir.

21 Q: Okay. Where were the other three officers located when
22 you went to his door?

23 A: I feel sure that another officer walked around the side
24 of the house --

25 Q: Uh-huh.

MICHAEL MULLINAX - CROSS BY MR. FLOYD

1 A: -- just to watch. That's normal procedure.

2 Q: Okay.

3 A: And I think the other two went on to the front porch with
4 me.

5 Q: Okay. And were they all armed?

6 A: Yes, sir. All police officers are armed.

7 Q: Okay. And you were armed as well?

8 A: Yes, sir.

9 Q: Okay.

10 MR. FLOYD: All right. I think that's all that I have.

11 THE COURT: All right. Any redirect?

12 MR. FLOYD: Thank you, sir.

13 MR. TUCKER: No redirect, Your Honor.

14 THE COURT: All right. You may step down.

15 THE WITNESS: Thank you.

16 THE COURT: You may call your next witness.

17 MR. TUCKER: At this time, the State would call
18 Investigator Scott Williamson.

19 THE CLERK: Please place your left hand on the Bible and
20 raise your right hand. Do you swear the testimony you give in
21 this case will be the truth, the whole truth, and nothing but
22 the truth, so help you God?

23 THE WITNESS: I do.

24 THE CLERK: Please be seated and state your full name for
25 the record.

SCOTT WILLIAMSON - DIRECT BY MR. TUCKER

1 THE WITNESS: Dearl Scott Williamson.

2 MR. TUCKER: Thank you, Your Honor.

3 INVESTSIGATOR D. SCOTT

4 WILLIAMSON, being first duly sworn, testified as follows:

5 DIRECT EXAMINATION

6 BY MR. TUCKER:

7 Q: And, Investigator Williamson, how long have you been with
8 the Florence Police Department?

9 A: Since August of 2004.

10 Q: Now, obviously, you were employed in that -- or in a
11 capacity with the police department on about July the 28th,
12 2015?

13 A: Yes, sir.

14 Q: Do you recall what capacity?

15 A: At the time, I was assigned to the criminal investigation
16 division, corporal.

17 Q: Now, do you recall specifically being involved in an
18 investigation involving the victim in this case, a Ms. Martha
19 Granger?

20 A: Yes, sir, I do.

21 Q: Do you recall what you did first when you were notified
22 and became involved?

23 A: Yes, sir. I was actually on my way home at the end of
24 the day and the call came out via the radio. I lived
25 somewhere nearby; so I responded to the scene based on the

SCOTT WILLIAMSON - DIRECT BY MR. TUCKER

1 call.

2 Q: Now, would it be fair to say that you were kind of a
3 secondary officer and that now Lt. Mullinax was the primary
4 investigator?

5 A: Yes, sir.

6 Q: You also heard Lt. Mullinax testify as to the fingerprint
7 that was obtained and subsequently identified as belonging to
8 Latson Ray Matthews, were you not?

9 A: Yes, sir.

10 Q: Was that your recollection as well with regards to how
11 Latson Ray Matthews was positively identified as a suspect at
12 that point?

13 A: Yes, sir.

14 Q: Now, you were present or you were with Lt. Mullinax along
15 with two other officers when y'all went to Latson Ray
16 Matthews' residence?

17 A: Yes, sir.

18 Q: Now, you heard Lt. Mullinax testify with regards to going
19 to the front door. How would you characterize her interaction
20 with Mr. Matthews?

21 A: It was very calm. Just as normal conversation just as
22 we're having today.

23 Q: Now, Mr. Floyd asked Lt. Mullinax about firearms. Were
24 y'all's firearms out of the holster or in the holster at that
25 point?

SCOTT WILLIAMSON - DIRECT BY MR. TUCKER

1 A: We were all holstered.

2 Q: With regards to Lt. Mullinax asking Mr. Matthews to
3 accompany you and her to the City Complex or to the police
4 department, was he under arrest at that point?

5 A: No, sir, he was not.

6 Q: To your recollection?

7 A: No, sir.

8 Q: At any time was he placed in handcuffs?

9 A: No, sir.

10 Q: You -- or Lt. Mullinax indicated that Mr. Matthews rode
11 in the car over with her and you were in that car as well;
12 correct?

13 A: That's correct.

14 Q: Now, at any time, were y'all talking specifically about
15 the case?

16 A: We were not. He attempted to talk about it and
17 Investigator Mullinax continued to -- we'll talk when we get
18 to the office.

19 Q: Based on your observations -- and you would have been a
20 police officer approximately 11 years at this point. Did he
21 say or do anything that would indicate that he was
22 intoxicated?

23 A: No, sir.

24 Q: Impaired in any way?

25 A: No, sir.

SCOTT WILLIAMSON - DIRECT BY MR. TUCKER

1 Q: Did he appear to you to be suffering from any sort of
2 mental defect?

3 A: No, sir.

4 Q: Did he appear to be confused?

5 A: No, sir.

6 Q: Did he ask questions about anything in particular about
7 why he was going down to the police station?

8 A: He attempted to, but again, we advised that we'll talk
9 and go into further detail once we get to the office.

10 Q: I understand, but he vol -- he was not under arrest at
11 that point?

12 A: He was not.

13 Q: When y'all got to the complex, you heard Lt. Mullinax
14 state that y'all went up to the interview room or the
15 conference room I believe as she called it?

16 A: Correct.

17 Q: How would you describe that particular room?

18 A: It's -- it's a little smaller room. It's big enough to
19 maybe hold six or eight people. So a six-person chair or
20 table there. It's got a couple doors that -- that are
21 unlocked. You can exit in and out either side.

22 Q: Now, I believe that it was testified to that Mr. Matthews
23 asked to smoke a cigarette and he was allowed to do so en
24 route over to the --

25 A: In the car en route. Yes, sir.

SCOTT WILLIAMSON - DIRECT BY MR. TUCKER

1 Q: Now, at any point, did he ask for anything else like
2 going to the bathroom or anything that he asked for?

3 A: Well, we offered. We offered. I actually got him a cup
4 of water. We offered to take him to the bathroom. I don't
5 think he opted to go to the restroom.

6 Q: Okay. Now, when you got to the conference room, did you
7 hear Lt. Mullinax advise Mr. Matthews of his -- what we refer
8 to as Miranda warnings?

9 A: Yes, sir.

10 Q: And you heard me read line by line the rights enumerated
11 on the form that's been moved into evidence?

12 A: Yes, sir.

13 Q: Did Mr. Matthews appear to you to understand each and
14 every one of those rights?

15 A: He did.

16 Q: At the end of Lt. Mullinax's recitation of the rights
17 enumerated on that form, what, if anything, did Mr. Matthews
18 do?

19 A: He signed the form indicating that he understood.

20 Q: Now, after he signed indicating that he understood those
21 rights that he was waiving, did he indicate that he
22 voluntarily wanted to make a statement to you and to Lt.
23 Mullinax that morning?

24 A: He agreed to be questioned and interviewed, yes.

25 Q: And Lt. Mullinax signed that form?

SCOTT WILLIAMSON - DIRECT BY MR. TUCKER

1 A: That's correct.

2 Q: And then you signed the form underneath; correct?

3 A: That's correct.

4 Q: Now, Lt. Mullinax also testified that y'all were in the
5 room for approximately an hour. The statement was about 15
6 minutes long and towards the end of that hour. What, if
7 anything, did y'all talk about during that 45 minutes that the
8 tape wasn't turned on?

9 A: Well, he was advised of why he was there more in depth,
10 you know, as far as the investigation and where. We spoke at
11 length about it and started some details. He denied it at
12 first for a good portion of the -- you know, the whole
13 conversation and then eventually admitted to his involvement.

14 Q: Now, he was apprised at some point before the audio began
15 to be recorded that the presence of the print would positively
16 put him at the scene?

17 A: Yes, sir.

18 Q: And it was at that point that he indicated he wanted to
19 tell you a different version than what he'd been telling?

20 A: Along with that and witness statements as far as the type
21 of vehicle that was used. I think that kind of maybe pushed
22 him to that side to be honest about it.

23 Q: Now, again, at this point, when he's -- you know, you
24 guys are turning on the recording device for him to continue
25 the statement, Lt. Mullinax again advised him of his Miranda

SCOTT WILLIAMSON - DIRECT BY MR. TUCKER

1 rights?

2 A: That's correct. She reread what she originally said to
3 him.

4 Q: And it was the same form that she had read from --

5 A: Same form.

6 Q: -- previously?

7 A: Yes, sir.

8 Q: And that you had signed and she had signed and Mr.
9 Matthews had signed?

10 A: That's correct.

11 Q: Did he appear -- there was a reference made to methadone.
12 Did he appear to be going into any sort of withdrawals?

13 A: I didn't visually observe anything. No, sir.

14 Q: Did he appear to be any other way than what you or I
15 would call normal in terms of -- how was his reaction?

16 A: For the situation, he was normal.

17 Q: I understand. Now, once the -- he was re-Mirandized and
18 the audio device was turned on, you were present when it was
19 played. Does that statement on that recording accurately
20 reflect what was said by him to you in response to questions,
21 as well as Lt. Mullinax?

22 A: Yes.

23 Q: Now -- and it was in this statement again that he
24 admitted to being there at the scene at [sic.] Converse?

25 A: That's correct.

SCOTT WILLIAMSON - DIRECT BY MR. TUCKER

1 Q: And that he had taken a gas propane tank?

2 A: Yes.

3 Q: And I believe you'd indicated that you asked towards the
4 end of the statement out of curiosity what were you going to
5 do with it?

6 A: I did.

7 Q: Now, again, while this was going on, did you or Lt.
8 Mullinax threaten him in any way?

9 A: We did not.

10 Q: Did you coerce him in any way?

11 A: We did not.

12 Q: Did you promise him anything or try to trick him into
13 giving a statement of any kind?

14 A: We did not.

15 Q: At the conclusion of the statement, was anything else
16 said after the recording was turned off?

17 A: Not that I'm aware of, no. As far as the particular
18 incident, no.

19 Q: And again, it was at this point that you and Lt. Mullinax
20 took him to the methadone clinic?

21 A: We did.

22 Q: And from there he went to?

23 A: Effingham.

24 Q: Okay.

25 MR. TUCKER: I believe that's all the questions I have,

SCOTT WILLIAMSON - CROSS BY MR. FLOYD

1 Your Honor.

2 THE COURT: All right. Cross?

3 MR. FLOYD: Your Honor, just briefly.

4 CROSS-EXAMINATION

5 BY MR. FLOYD:

6 Q: Did you notice Mr. Matthews, like, scratching himself,
7 fidgeting excessively, sweating, anything like that during the
8 interview?

9 A: Sweating and stuff, but that's normal based on the type
10 of crime and my experience with interview rooms on these
11 situations.

12 Q: Okay.

13 A: Nothing out of the norm as far as what I would not expect
14 to see.

15 Q: Okay. That's the only thing that you saw, him sweating,
16 not excessive scratching?

17 A: No scratching. Movement. He would, you know, be a
18 little fidgety. But as far as, you know, scratching, no.

19 Q: Okay. And there was just audio in the room; is that
20 right?

21 A: That's correct.

22 Q: No video?

23 A: No, sir.

24 Q: Okay.

25 MR. FLOYD: All right. Thank you. That's all that I

1 have.

2 THE COURT: All right. Any other witnesses?

3 MR. TUCKER: No, Your Honor. That's it.

4 THE COURT: You may step down.

5 THE WITNESS: Thank you, Your Honor.

6 THE COURT: Any witnesses on your behalf?

7 MR. FLOYD: No, Your Honor.

8 THE COURT: All right. For the record, I find that the
9 defendant was Mirandized and that the statement was given
10 freely and voluntarily.

11 Anything else we need to take up before tomorrow?

12 MR. TUCKER: No, Your Honor. I think we are set to begin
13 at 9:30 in the morning.

14 THE COURT: All right. Anything from you, Mr. Floyd?

15 MR. FLOYD: Nothing further, Your Honor.

16 THE COURT: And at 9:30, I have a motion of some sort I
17 have to hear, but we'll start right after that.

18 MR. FLOYD: Yes, sir.

19 THE COURT: That's why I told the jury 10:00.

20 MR. TUCKER: Yes, sir.

21 THE COURT: All right.

22

23 (WHEREUPON, the proceedings adjourned for the day at
24 12:51 p.m.)

25

1 APRIL 25, 2017

2 (WHEREUPON, the proceedings resumed at 10:09 a.m.)

3 MR. TUCKER: Your Honor, if we may approach?

4 THE COURT: Yes.

5 MR. TUCKER: While they're bringing the defendant in, Mr.
6 Floyd and I met previously this morning and he has stipulated
7 to the admission of the 9-1-1 calls. There are two in
8 question into evidence and at this time I would ask that the
9 9-1-1 calls be admitted.

10 THE COURT: And they would be Number 3? State's Number 3
11 is into evidence without objection. Is that correct?

12 MR. FLOYD: That's correct, Your Honor.

13 THE COURT: Thank you.

14 MR. TUCKER: And you can actually keep those. I've got
15 those on the thing. _____

16 (WHEREUPON, State's Exhibit Number 3, 9-1-1 calls on
17 disk, was admitted into evidence.)

18 THE COURT: All right. Have we got it? Let's go ahead
19 and bring out the jury.

20 THE BAILIFF: Yes, sir.

21 (WHEREUPON, the jury entered the courtroom at 10:14 a.m.)

22 THE COURT: All right. Ms. Clerk, if you'll go ahead and
23 swear the jury.

24 THE CLERK: If all of you will please stand and raise
25 your right hand?

1 (WHEREUPON, all jurors complied.)

2 THE CLERK: You shall well and truly try and a true
3 deliverance make between the State of South Carolina and the
4 defendant at the bar, whom you shall have in your charge, and
5 a true verdict render according to the law and evidence, so
6 help you God. Please be seated.

7 THE COURT: All right. Ladies and gentlemen of the jury,
8 we're getting ready to start this case, but before we do, I
9 just want to go over a few things with you to give you a
10 little bit of working knowledge to stick in your back pocket
11 as this trial progresses.

12 The first thing I want to tell you is that the State of
13 South Carolina has the burden of proof. They have to prove
14 the defendant guilty beyond a reasonable doubt. I will
15 explain that to you in great detail at the end of this trial.

16 Furthermore, I want to explain what your role is and what
17 my role is and how they differ. You all are the judge of the
18 facts. You all determine what the facts of this case are, not
19 me, not my clerk, not the court reporter, nobody in the
20 audience. Just you, the jury.

21 Well, you ask yourselves how do we do that? You do that
22 by looking at and analyzing the evidence. Evidence is made up
23 of two things. It's made up of the witnesses that come over
24 here and they take that witness stand. They are sworn in and
25 they testify. Also, it can be made up of any matters admitted

1 into the record as evidence. That could be photographs. That
2 could be pictures. That could be reports, posters, tangible
3 things. That is where you determine what the facts of the
4 case are.

5 I, in turn, am the judge of the law. My job is to give
6 these parties a fair trial. Furthermore, at the end of this
7 case, I'm going to instruct you on the law applicable to this
8 case in great detail.

9 And I want you to understand that you have to accept the
10 law as I give it to you. If you have any preconceived ideas
11 as to what you think the law is or what the law ought to be
12 and it does not agree with what I tell you the law is, you
13 have to abandon those preconceptions and accept the law as I
14 give it to you.

15 And then only when I tell you to begin your deliberations
16 will you take your findings of fact, the law as I give it to
17 you, put the two together, and make a decision therefrom. A
18 lot of common sense in that process.

19 Furthermore, I want you to understand that nowhere during
20 the process of this trial -- for example, if we take a break
21 or you leave the courthouse for lunch or you go home tonight
22 and have to come back tomorrow, at no point in time do you
23 need to start discussing this case. Do not research the case.
24 Do not get on the Internet and look anything up. That would
25 be improper because you would be beginning your deliberations

1 prematurely. It's very important that you hear from everybody
2 in this courtroom in this court system, including me, before
3 you begin your deliberations.

4 Well, you may ask yourselves what we do in the jury room
5 when we take a break? Talk about yourselves. Talk about the
6 weather. Talk about any sports, anything you want to, but not
7 this case until I tell you to and that will be at the very,
8 very, very end of this case.

9 All right. At any point in time if anybody is
10 uncomfortable, if you need something to drink, you need
11 something to eat and I've just been going and going and going,
12 just try to wave your finger at me and I'll take a break and
13 make sure you're taken care of. Right now, I want you to sit
14 back, I want you to relax, and I'll recognize the State for
15 your opening statement.

16 OPENING STATEMENT ON BEHALF OF THE STATE

17 MR. TUCKER: Some people kill for spite. Some people
18 kill for kicks. Latson Ray Matthews killed for a propane gas
19 tank worth \$38. Some people kill out of frustration. Some
20 people kill out of aggravation. Latson Ray Matthews killed
21 for a propane gas tank worth \$38.

22 To some people, life is priceless. To some people, life
23 is irreplaceable. To Latson Ray Matthews, a human life
24 equaled a propane gas tank worth \$38.

25 This is a case about senseless tragedy. This is a case

1 about brutality, but ultimately this is a case about a man who
2 put the value of human life of a propane gas tank at \$38.

3 At an active 74 years of age, Martha Granger had a life
4 most would envy. She had a horse farm in the country. She
5 had a house in the city. She had numerous cars. She had a
6 two-bay garage that was detached from the city property. She
7 had it full of tools that would be the envy of most weekend
8 mechanics. In fact, you could say Martha Granger had a
9 collection of things to die for and unfortunately, as the
10 evidence will show, on July the 28th, 2015, that's exactly what
11 happened.

12 At 5 o'clock when Martha returned to her Converse
13 Drive city house address, she pulled into the driveway like
14 she had done a thousand times before, but this time would be
15 different. This time would be her last. This time when she
16 arrived home at 5 o'clock, she noticed a minivan that was
17 parked three-fourths up the driveway. She also noticed a
18 white male subject taking things that belonged to her.

19 Now, in South Carolina, a person has a right to protect
20 their property and they have a right to protect their life.
21 Martha tried to do both and she did what most of us would've
22 done under same or similar circumstances. She took a pistol
23 that she had in her truck for protection. She got a 9-1-1
24 call off the cell phone and she got out of the truck and she
25 confronted the man who was taking the things that belonged to

1 her and, ladies and gentlemen, as the evidence will show, that
2 man is the defendant in this case, Latson Ray Matthews.

3 Now, you will hear the 9-1-1 call that Martha made and
4 she was on the phone with the operator when this thing first
5 happened and, despite the fact that Martha had a pistol in her
6 hand, you can clearly hear her say get away from me, get away
7 from me, get away from me, and you will also hear the response
8 of Matthews as he advances on her and, folks, throughout this
9 trial if you doubt what the man had in his heart, I want you
10 to pay attention to his words in that 9-1-1 call. It will
11 tell you all you need to know.

12 The evidence will show that Matthews took the pistol and
13 the cell phone from Martha, got in his minivan and threw it in
14 reverse and backed up and collided with the front of Martha's
15 pickup truck, which was parked just behind him, so violently
16 that it knocked the vehicle, which was in park, out of gear
17 and forced it to roll down the driveway across Converse Drive
18 into the front yard of her neighbor. And in so doing, Latson
19 Matthews also backed over Martha, who was between the two
20 vehicles when it occurred.

21 You will hear medical testimony that as the van backed --
22 moved backwards, she was pinned underneath and she was drug
23 down the driveway. As she was underneath the vehicle, when
24 Matthews turned his wheels to the left to go back out Converse
25 Drive, one of the tires run over her and left her in the

1 middle of the road flat on her back. And then you will hear,
2 as if that wasn't enough, Latson Matthews put that van in
3 drive and pulled forward, running over Martha again. As I
4 said, this is a case about senseless brutality.

5 Now, you'll also hear during this trial the term accident
6 as the defense will try to explain to you how Martha died, but
7 I'll submit you the evidence will show it was no accident that
8 brought Latson Matthews there to Converse Drive on July
9 the 28th, 2015. It was sheer plain greed. He wanted to take
10 what someone else had and wasn't willing to work for it.

11 It certainly was no accident, as you will hear testimony,
12 that investigators developed leads early on in the
13 investigation that developed a description of the van, as well
14 as the perpetrator, and you will hear that it was no accident
15 that ultimately led them to the home of Latson Ray Matthews'
16 parents and there they found the van and they found the man
17 who was driving it, and that man was Latson Ray Matthews.

18 And it certainly will be no accident when you hear that
19 the fingerprint expert from SLED, who will tell you that a
20 palm print lifted from the front of a vehicle that was parked
21 inside Martha's two-bay detached garage was a perfect match
22 for Latson Ray Matthews.

23 Folks, it was no accident and you will finally hear when
24 Latson Ray Matthews voluntarily came to the police station
25 about two-and-a-half weeks after this incident and he gave a

1 confession in which he told the police everything that I just
2 told you. It was no accident.

3 Some people kill for spite. Some people kill for kicks.
4 Latson Ray Matthews killed for a propane gas tank worth \$38.
5 This is a case about senseless brutality and it's a case about
6 tragedy, but ultimately, as I said, this is a case about a man
7 who took human life for a propane gas tank worth \$38.

8 THE COURT: All right. The defense is recognized.

9 MR. TUCKER: Thank you, Your Honor.

10 THE COURT: Thank you.

11 MR. FLOYD: May it please the Court.

12 THE COURT: Yes, sir.

13 OPENING STATEMENT ON BEHALF OF THE DEFENDANT

14 MR. FLOYD: You know, there have been occasions when I've
15 heard bad things or unflattering stories about someone and
16 I've automatically assumed that those bad stories or bad
17 things I heard were true. I mean I might've heard a news
18 story about someone or heard some idle gossip and, without
19 having firsthand knowledge of what really happened, I
20 sometimes assume that what I heard must be true.

21 But, you know, it's not fair of me to make assumptions
22 about someone without knowing all the facts just because I
23 hear an allegation or a story, but I do think that it's human
24 nature sometimes to do just that. We hear something bad about
25 someone; we just automatically believe it. And that's the

1 power of an accusation. The accusation itself carries power.

2 But in this courtroom, the power of accusation doesn't
3 have a place because in an American courtroom all defendants,
4 whether they're charged with a speeding ticket or, like in
5 this case, murder, are presumed innocent and this presumption
6 of innocence remains with the defendant throughout the whole
7 trial and I ask you to keep this in mind during this trial
8 while you listen to and evaluate all the evidence that the
9 State will present against Latson Matthews.

10 From the time he was initially charged with this offense,
11 he was presumed innocent, and this presumption is going to
12 remain with him throughout his trial. And also during any
13 criminal trial, the State has the burden of proof. They have
14 the burden, if you will, of overcoming that presumption of
15 innocence of the defendant.

16 And if you really think about it, that makes sense
17 because the State, the government, they have all of the power
18 and the resources available to them to prosecute any
19 defendant. They have labs. They have well-trained
20 professional police officers. They have all the resources of
21 the State at their disposal and normally they're going against
22 one single individual, like they are today. And so it's only
23 right that they should have the burden of proving this case,
24 not merely stating it, but proving it by -- by evidence of a
25 reasonable doubt.

1 And that is the standard of proof that they must prove to
2 you for each and every element of the offenses that they're
3 charging Mr. Matthews with. It's beyond a reasonable doubt.

4 And His Honor will give you very specific definitions at
5 the end of this trial about what that means, but, you know, in
6 a civil trial, people are up here arguing over money. It
7 could be over a car wreck or a contractual dispute maybe. The
8 standard of proof in those cases is called a preponderance of
9 the evidence where they just have to slightly prove their
10 side, just a little bit more than the other side, in order to
11 prevail. Of course, the only thing they have at stake in
12 those kinds of cases is money.

13 Of course, in a criminal trial, there's a lot more at
14 stake than that and so, once again, it's only fair and right
15 that when the State seeks to prosecute someone in this -- in
16 this courtroom in General Sessions in criminal court that they
17 should have to prove this case beyond a reasonable doubt.

18 So throughout this case, we would just ask if you would
19 carefully consider all the evidence that you hear and just
20 keep an open mind until the end of the trial, and I thank you
21 for your attention.

22 THE COURT: All right. Thank you. Call your first
23 witness.

24 MR. TUCKER: Thank you. Your Honor, at this time, the
25 State would call Tracy Smith.

TRACY SMITH - DIRECT BY MR. TUCKER

1 (WHEREUPON, there was a pause in the proceedings until
2 the witness entered the courtroom.)

3 THE CLERK: Ma'am, if you will, please step up and place
4 your left hand on the Bible and raise your right hand. Do you
5 swear the testimony you give in this case to be the truth, the
6 whole truth, and nothing but the truth, so help you God?

7 THE WITNESS: I do.

8 THE CLERK: Please be seated and state your full name for
9 the record.

10 THE WITNESS: Tracy Dawn Smith.

11 MR. TUCKER: Thank you, Your Honor. May it please the
12 Court.

13 TRACY SMITH, being first duly
14 sworn, testified as follows:

15 DIRECT EXAMINATION

16 BY MR. TUCKER:

17 Q: Ms. Smith, where do you live?

18 A: Do you want the street address?

19 Q: Yes, if you have it.

20 A: Yeah, S. Converse Drive in Florence.

21 Q: And how long have you lived there?

22 A: Seventeen years.

23 Q: Does anyone live there with you?

24 A: At the -- now?

25 Q: Yes, ma'am.

TRACY SMITH - DIRECT BY MR. TUCKER

1 A: Me and my children. Me and my five kids.

2 Q: Okay. Now, directing your attention back to July the
3 28th, 2015, you were living at that same address?

4 A: Yes.

5 Q: Specifically, do you recall the events that transpired at
6 or around 4:30 -- 4:45 p.m. on that day?

7 A: Yes.

8 Q: Were you home at that point?

9 A: Yes.

10 Q: And was anyone home with you?

11 A: My children.

12 THE COURT: She probably needs to speak up a little bit.

13 MR. TUCKER: Ms. Smith, please speak up.

14 THE COURT: Make sure that gentleman back there in the
15 far corner can hear you.

16 THE WITNESS: Okay.

17 THE COURT: If you would.

18 BY MR. TUCKER:

19 Q: You said your children were home with you?

20 A: Yes.

21 Q: Specifically, was your daughter, Kara, home?

22 A: Yes.

23 Q: And do you recall where she was at or around 4:30?

24 A: In the backyard on the trampoline.

25 Q: And where were you?

TRACY SMITH - DIRECT BY MR. TUCKER

1 A: Inside the house in the living room.

2 Q: Did anything unusual happen at or around 4:30?

3 A: My son and my other daughter come running inside saying
4 there was a man in the backyard and Kara was still out there.
5 So I went out there to get her and, when I was coming out to
6 get her, he was getting in his van to leave and I brought her
7 in.

8 Q: When you say van, could you describe the van?

9 A: It was, like, a -- maybe a blue/green dark-colored van.
10 I can't quite --

11 Q: Was it a full-size van?

--12 A: Like, a minivan.

13 Q: I understand. And you said that --

14 A: Not -- not the big. It was the smaller kind of van.

15 Q: I understand. Now, you said that once you came into the
16 backyard, the man left and went and got into the van?

17 A: Yeah. He was already at his van getting in and I put the
18 -- I made Kara come back in and we locked the door and I
19 looked out the living room window and that's when he was
20 pulling off.

21 Q: Had you ever seen this man before?

22 A: No.

23 Q: Had you ever seen that van before?

24 A: No.

25 Q: With regards to where he went after that, were you able

TRACY SMITH - DIRECT BY MR. TUCKER

1 to follow him?

2 A: Yeah. He went to three houses over to the right side to
3 my other neighbor's house. He pulled in their yard and then
4 after that he pulled into another neighbor's yard, but I asked
5 my daughter what he said to her and he said he was looking for
6 someone.

7 Q: Did your daughter understand or recognize the name he
8 asked in terms of who he was looking for?

9 A: I think she said Glenda.

10 Q: And did she indicate whether or not she knew a Glenda?

11 A: She said she didn't know anyone by that name.

12 Q: Were you able to get a look at the man himself?

13 A: I had a side view of him.

14 Q: Now, from your side view, were you able to discern
15 whether or not -- his race or anything of that nature?

16 A: Yeah. He was a white male, medium set, goatee, and I
17 think he had a baseball cap on.

18 Q: Okay. Now, once you lost sight of the van as it went
19 down Converse, did you have any other sort of interaction with
20 the man or the van later that day?

21 A: Maybe about 30 to 45 minutes later, we were going to the
22 grocery store and I seen cop cars and everything on the other
23 side. So I went over there to see what happened.

24 Q: And were you able to ascertain what happened?

25 A: They said that a man in a van had come and ran over this

TRACY SMITH - DIRECT BY MR. TUCKER

1 lady.

2 Q: Did you recognize the address or the neighborhood where
3 this occurred from where your point of view was?

4 A: I know the neighborhood.

5 Q: And, if you know, how far was it from your house to where
6 this incident had occurred?

7 A: Not even a mile. It's walking distance, maybe nine-
8 tenths of a mile or a little more.

9 Q: I understand. Now, with regards to when you found that
10 out, what, if anything, did you do?

11 A: I stopped and asked one of the sheriffs. I said if it
12 was a van -- someone told me -- it was a bunch of people out
13 there. I'm not quite sure who told me, you know, what had
14 happened, but I said that van had just left our house earlier
15 and he said that he was looking for someone.

16 Q: Subsequently, did anyone from the Florence Police
17 Department make contact with you regarding that statement that
18 you just made?

19 A: Yes.

20 Q: Do you recall who that was?

21 A: Michael and Scott.

22 Q: Now, when you say Michael, are you referring to Michael
23 Mullinax?

24 A: That's it.

25 Q: And when you say Scott, are you referring to Scott

TRACY SMITH - DIRECT BY MR. TUCKER

1 Williamson?

2 A: Yes.

3 Q: And when they came out and spoke to you, did they come to
4 your house or did you go to the police department?

5 A: They came to my house.

6 Q: And what, if anything, did you tell them?

7 A: I told them what I seen and then they asked if they could
8 talk to Kara and I asked her if she felt like talking to them
9 and she did, and then she told them everything that she saw
10 and what he said to her.

11 MR. TUCKER: Thank you. I believe that's all the
12 questions I have for this witness, Your Honor.

13 THE COURT: Cross-examination?

14 MR. FLOYD: Your Honor, I don't have any questions for
15 this witness.

16 THE COURT: All right. You may step down. Thank you.

17 THE WITNESS: Thank you.

18 THE COURT: If you'll call your next witness.

19 MR. TUCKER: Thank you, Your Honor. At this time, the
20 State would call Steve Miller. And, Your Honor, while Mr.
21 Miller is coming in, I would ask if Ms. Smith can be released
22 from her subpoena.

23 THE COURT: Any objections, Mr. Floyd?

24 MR. FLOYD: I don't have any objection, Your Honor.

25 THE COURT: She can go.

STEVE MILLER - DIRECT BY MR. TUCKER

1 MR. FLOYD: I'm sorry.

2 THE COURT: That's fine.

3 MR. FLOYD: I was busy making a note, Your Honor. I'm
4 sorry.

5 (WHEREUPON, there was a pause in the proceedings until
6 the witness entered the courtroom.)

7 THE CLERK: Sir, if you will, please come up to the stand
8 right up here.

9 THE BAILIFF: Right here, sir. Right here.

10 THE CLERK: And place your left hand on the Bible and
11 raise your right hand. Do you swear the testimony you give in
12 this case to be the truth, the whole truth, and nothing but
13 the truth, so help you God?

14 THE WITNESS: I do.

15 THE CLERK: Please be seated and state your full name for
16 the record. Watch out for that step.

17 THE WITNESS: Yes. My name is Steve Miller. I reside at
18 Converse Drive and I'm -- I'm retired from La-Z-Boy Chair
19 Company.

20 STEVE MILLER, being first duly
21 sworn, testified as follows:

22 DIRECT EXAMINATION

23 BY MR. TUCKER:

24 Q: Mr. Miller, you mentioned your address?

25 A: Yes, sir.

STEVE MILLER - DIRECT BY MR. TUCKER

- 1 Q: Could you repeat that, please?
- 2 A: Converse Drive.
- 3 Q: Now, if I were to walk out your front door, could you
- 4 tell me who your neighbor would have been July 28th, 2015, to
- 5 your immediate left?
- 6 A: To my left, Martha Granger.
- 7 Q: And how long have you lived at that address?
- 8 A: It's been over 40 years.
- 9 Q: And how long had Martha lived at her address next to you?
- 10 A: She's got to be close to 50 years.
- 11 Q: Would it be fair to say y'all were neighbors who knew
- 12 each other fairly well?
- 13 A: Yes.
- 14 Q: Now, you mentioned that you were retired. Were you home
- 15 at your address there on July the 28th, 2015?
- 16 A: I was.
- 17 Q: Specifically, I want to direct your attention to the time
- 18 at or around 4:45 p.m. Do you recall where you were at your
- 19 residence?
- 20 A: Yes. I was sitting on my patio in the backyard.
- 21 Q: Now, from where you were sitting, what was your point of
- 22 view? Could you see your entire backyard?
- 23 A: Yes. My yard.
- 24 Q: And could you see any of Ms. Granger's backyard from
- 25 where you were sitting?

STEVE MILLER - DIRECT BY MR. TUCKER

1 A: I could see just a portion.

2 Q: Now, at any time after you were sitting out there, did
3 anything unusual occur?

4 A: Yes. I heard Martha was talking in a loud voice to
5 someone in a car in her driveway.

6 Q: Did you get a look at either the car or the individual to
7 whom she was speaking?

8 A: I did not.

9 Q: Now, you indicated that she was speaking loudly. Were
10 you able to make out what she was saying?

11 A: No.

12 Q: Could you tell based on her voice, having lived next to
13 her for as long as you have, whether she was upset?

14 A: Yes, she was.

15 Q: Now, after you heard her raise her voice, what, if
16 anything, happened next?

17 A: Well, after a few minutes, I heard -- I heard the van
18 screech its wheels in the -- in the pavement and I got up and
19 walked through my back gate and I saw something in the -- in
20 the road, and I thought maybe it was something that fell off
21 the back of a truck or what have you. And the closer I got, I
22 come to find out that it was Martha's body.

23 Q: Now, when you say Martha, do you recall where she was in
24 relationship to Converse and her property?

25 A: She was at the end of her drive in close proximity of her

STEVE MILLER - DIRECT BY MR. TUCKER

1 mailbox.

2 Q: Okay. Now, if I'm standing on Martha's driveway, would
3 Martha had been to the right or to the left?

4 A: She would've been to the right.

5 Q: Okay. As I'm looking across Converse at the house across
6 the street, would she have been to the left or to the right?

7 A: To the right.

8 Q: Okay. Now, when you noticed that Martha was lying in the
9 road, did she say anything?

10 A: No. She was -- she was motioning to me. I was trying to
11 console her because I knew she was hurt real bad.

12 Q: Now, when you say you knew she was hurt real bad, how
13 could you tell?

14 A: Well, she had -- she had a T-shirt on. She had a -- it
15 was either a burnt mark or a scrape on her midsection and she
16 wasn't talking. She was pointing and she was pointing to her
17 driveway and her backyard, and I thought she was trying to
18 tell me, you know, to watch her dogs. She was a big animal
19 lover.

20 Q: Right.

21 A: And it wasn't that that she was trying to tell me.

22 Q: Were you able to find out what she was trying to tell
23 you?

24 A: I did.

25 Q: What was that?

STEVE MILLER - DIRECT BY MR. TUCKER

1 A: I looked in the backyard and I saw a -- I don't know. I
2 think it was about a 30-pound LP gas tank that was sitting on
3 the side of her driveway in the backyard.

4 Q: Now, when you say LP, is that commonly referred to as
5 propane?

6 A: Yes. It's propane I guess, liquid petroleum, yes.

7 Q: I understand. Now, after that, did anybody else come
8 over to where you were?

9 A: Not -- not that I can recall. There was somebody there,
10 but I was kind of upset myself and I didn't recognize who it
11 was.

12 Q: I understand. Now, you indicated that she had a burn
13 mark or some sort of an injury to her midsection?

14 A: Yeah.

15 Q: Did you notice did she appear to have any sort of
16 injuries to other places on her body?

17 A: No. I couldn't tell.

18 Q: I understand. Now, with regards to the individual, did
19 anybody else ultimately ever show up, like law enforcement or
20 EMS?

21 A: Yes. Law enforcement was there and there was some other
22 people there from the neighborhood, but I -- I can't tell you
23 who it was.

24 Q: Now, you mentioned earlier the van was screeching tires.
25 Did you ever get a look at the van?

STEVE MILLER - DIRECT BY MR. TUCKER

1 A: All I could see was just the object going down the road.
2 My eyesight is bad. I've got sugar diabetes and it's working
3 on my eyesight and -- and I couldn't tell.

4 Q: I understand. Now, after a while, did anybody from the
5 neighborhood bring anything to you that you ultimately turned
6 over to law enforcement?

7 A: Yes. There was a little plaque of a horse because she
8 loved her animals and she had -- she had horses on her farm in
9 Scranton and there was a little license plaque of a horse that
10 was broke in two and I assume it's when the vehicle struck her
11 -- her car and moved it across the road.

12 Q: Okay. And did law enforcement ultimately make contact
13 with you?

14 A: Yes.

15 Q: Do you recall who that was with law enforcement?

16 A: Michael -- I can't think of her last name, but she came
17 -- she came to the house and was talking with me and there was
18 another detective. He came and was asking questions and
19 that's who I gave the little plaque -- plaque to or the
20 license plate.

21 Q: Okay.

22 MR. TUCKER: I believe that's all the questions I have of
23 this witness, Your Honor.

24 THE COURT: All right. Mr. Floyd?

25 MR. FLOYD: Thank you, Your Honor.

STEVE MILLER - CROSS BY MR. FLOYD

CROSS-EXAMINATION

1

2 BY MR. FLOYD:

3 Q: Mr. Miller, you said you heard Ms. Granger talking and
4 you heard some tires peeling?

5 A: Yes.

6 Q: Is that right?

7 A: Yes.

8 Q: Did you actually hear a collision or what sounded like a
9 collision between two cars?

10 A: I did not.

11 Q: You did not? Okay. You said that Ms. Granger's truck
12 rolled across the road; is that correct?

13 A: Yes. It wound up in the front yard of a neighbor across
14 the street, Ms. -- Ms. Smith.

15 Q: Okay. Do you know about how far it actually rolled out
16 of her driveway in order to get to that yard?

17 A: Maybe 125 feet or so.

18 Q: A hundred -- 125 feet?

19 A: Something like that.

20 Q: Did -- did you see any damage on the front end of that
21 truck?

22 A: I did not.

23 Q: Did you look at it?

24 A: No.

25 Q: No? But you saw the license tag that had been busted?

STEVE MILLER - CROSS BY MR. FLOYD

1 A: Somebody had picked it up --

2 Q: All right.

3 A: -- and handed it to me while I was out there and I don't
4 recall who it was.

5 Q: Okay. But it was a decorative license plate that she had
6 on her -- her truck?

7 A: Yes. It was a little plaque.

8 Q: Okay. All right.

9 A: She was -- she had horses of her own --

10 Q: Yes, sir.

11 A: -- in Scranton and -- and it was an emblem of a -- of a
12 horse.

13 Q: Of a horse?

14 A: Yes.

15 Q: Yes, sir. Okay.

16 MR. FLOYD: Thank you very much. That's all that I have.

17 THE WITNESS: Okay.

18 THE COURT: Redirect?

19 MR. TUCKER: Nothing on redirect, Your Honor.

20 THE COURT: Any objections to him being excused, Mr.
21 Floyd?

22 MR. FLOYD: No objections, Your Honor.

23 THE COURT: All right. Have a good day.

24 THE WITNESS: Thank you.

25 THE COURT: Be careful walking out.

JOHN SHELLEY - DIRECT BY MR. TUCKER

1 THE WITNESS: Am I free to leave?

2 THE COURT: You're good to go. All right. Go ahead and
3 call your next witness.

4 MR. TUCKER: Your Honor, at this time, the State would
5 call John Shelley.

6 (WHEREUPON, there was a pause in the proceedings until
7 the witness entered the courtroom.)

8 THE CLERK: Sir, if you will, please step up to the
9 witness stand and place your left hand on the Bible and raise
10 your right hand. Do you swear the testimony you give in this
11 case to be the truth, the whole truth, and nothing but the
12 truth, so help you God?

13 THE WITNESS: I do.

14 THE CLERK: Please be seated and state your full name for
15 the record.

16 JOHN SHELLEY, being first duly
17 sworn, testified as follows:

18 DIRECT EXAMINATION

19 BY MR. TUCKER:

20 Q: If you'd state your name for the record, please?

21 A: Johnny Shelley.

22 Q: Mr. Shelley, where do you reside?

23 A: Converse Drive.

24 Q: How long have you lived there?

25 A: Forty-three years.

JOHN SHELLEY - DIRECT BY MR. TUCKER

1 Q: Who lives there with you, if anyone?

2 A: My family, my wife and my son and two grandchildren.

3 Q: Obviously, given that you've lived there for the past 40+
4 years, you were residing there on or about July the 28th, 2015?

5 A: Yes, I was.

6 Q: Specifically, I want to direct your attention to around 5
7 o'clock or 4:45 -- 4:50. Do you recall where you were on that
8 date and time?

9 A: Yes, I do.

10 Q: If you could, tell the Court, please?

11 A: I was in my front yard pulling weeds and that's where I
12 was whenever the vehicle went by me.

13 Q: Now, let's back up just a little bit before we get to the
14 vehicle. Having lived on that street for as long as you have,
15 would it be fair to say you probably know most of the folk
16 that live on it?

17 A: I know quite a few of them.

18 Q: Do you know the lady who was living at Converse, Ms.
19 Martha Granger?

20 A: Yes, I do.

21 Q: How would you characterize your relationship with her?

22 A: Well, we -- we were friends. She'd pull up there and
23 we'd talk a lot. I walked down there and talked to her some.
24 So, I mean she -- she was a good person.

25 Q: I understand. Now, with regards to -- you mentioned that

JOHN SHELLEY - DIRECT BY MR. TUCKER

1 you were pulling weeds and you heard a vehicle. Was there
2 anything particular about the vehicle that caused you to turn
3 and notice it?

4 A: Not really. I just got cars that pass my house fast all
5 the time and I always look at all of them.

6 Q: Would you characterize this vehicle as going fast?

7 A: It was going pretty fast.

8 Q: Were you able to get a look at the vehicle?

9 A: I glanced it and really couldn't tell you. It reminded
10 me of, like, a small SUV-type thing, van type. I just didn't
11 glance at it that close.

12 Q: Okay. And were you able to give a color or anything like
13 that to law enforcement when they talked to you?

14 A: I told them green.

15 Q: You thought it was green?

16 A: I thought it was green.

17 Q: Okay. Now, after the vehicle passed your house, what, if
18 anything, did you do after?

19 A: Well, I'd got up and went out to my trashcan to put the
20 weeds in it and looked down the road and saw somebody laying
21 in the road, and so that's when I went down to her house.

22 Q: Now, when you say her house, to whom are you referring?

23 A: Martha Granger's.

24 Q: Now, when you got down there, what, if anything, did you
25 notice?

JOHN SHELLEY - DIRECT BY MR. TUCKER

1 A: She was laying out on the road and -- well, before I got
2 to her though, I run over to Judy Smith's house and got her to
3 call 9-1-1, and me and her went out there together.

4 Q: Now, what caused you to go to Ms. Smith's house for her
5 to call 9-1-1?

6 A: To get 9-1-1.

7 Q: You were able to --

8 A: Because she was laying out in the street out there and
9 needed help.

10 Q: Could you tell she was injured?

11 A: Yes, you could.

12 Q: Now, after you got Ms. Smith and she called 9-1-1, what,
13 if anything, did you do?

14 A: Judy -- she talked to her and I was there listening
15 because I didn't -- I didn't want to talk to her, but Judy and
16 her were more friends.

17 Q: Could you make out anything that she was saying to Ms.
18 Smith?

19 A: Yes. She said that the man had run over me. He knocked
20 me down and run over me.

21 Q: Did she say anything else about knowing the man or
22 anything of that nature?

23 A: No. She didn't know him. The only thing she did was
24 point to a gas tank and said that his fingerprints is on that
25 gas cylinder.

JOHN SHELLEY - DIRECT BY MR. TUCKER

1 Q: Now, when you say gas cylinder, what are you -- what
2 would that be?

3 A: It's a butane tank.

4 Q: Okay. Now, could you tell -- you mentioned that you
5 thought she was injured. Could you notice anything about her
6 appearance there that led you to that conclusion?

7 A: Yeah. Blood was coming out the back of her head on the
8 road out there. So that told me she was hurt bad.

9 Q: Did you notice any other injuries to any other parts of
10 her body?

11 A: She had blood on her arms and she just -- like she'd been
12 knocked down.

13 Q: I understand. Now, if we were looking at Ms. Granger's
14 driveway standing in Converse, where was Ms. Granger in the
15 road compared to the driveway? Was she to the right or to the
16 left?

17 A: Looking at her driveway, she was to the right with her
18 head pointed to the other side of the road.

19 Q: Were you there when EMS or when any of the first
20 responders arrived?

21 A: A fire truck came first.

22 Q: And what, if anything, happened after that? Did she say
23 anything else that you were able to pick up?

24 A: No, not really for me. She just -- whenever they rolled
25 her over and put the board on her, she screamed.

JOHN SHELLEY - DIRECT BY MR. TUCKER

1 Q: Okay. Now, did law enforcement make contact with you in
2 terms of you telling them what you saw?

3 A: Yes, they did.

4 Q: Do you recall who that was?

5 A: I can't recall the officers or anything, but --

6 Q: Do you recall whether it was that day or at some point
7 later?

8 A: Oh. They were asking questions out there then.

9 Q: With regards to Ms. Granger, you mentioned that y'all
10 were good friends. Again, you mentioned a vehicle or
11 mentioned that you saw -- she'd pull up sometimes to talk to
12 you. Were you familiar with the vehicles that she owned?

13 A: Yes, sir. I'd seen them all.

14 Q: Okay. Specifically, the truck that she normally drove,
15 were you able to see it from where you were standing?

16 A: It was over in Jerry's yard, almost past his house. It
17 was -- it looked like it'd been pushed out the way or
18 something because it was backwards going that way.

19 Q: Did she have any other kind of vehicles that you were
20 aware of?

21 A: She had a Land Rover, a Corvette, and another pickup
22 truck. So --

23 Q: With regards to the Corvette, do you know where she
24 normally kept it?

25 A: It stayed pretty much -- it stayed in her building there

JOHN SHELLEY - DIRECT BY MR. TUCKER

1 for a long time and then she pulled it out and put it under
2 her carport.

3 Q: Do you remember whether or not it was under the carport
4 when this happened on July the 28th, 2015?

5 A: Not really, I don't.

6 Q: Do you recall seeing the Land Rover?

7 A: The Land Rover stayed in the building.

8 Q: Do you recall --

9 A: She's got a garage out there that she kept it in.

10 Q: Do you recall --, and based on knowing her, how far the
11 garage -- the garage was from her house?

12 A: The garage from her house is probably about 25 yards.

13 MR. TUCKER: I believe that's all the questions I have,
14 Your Honor.

15 THE COURT: All right. Mr. Floyd?

16 MR. FLOYD: Thank you, Your Honor.

17 CROSS-EXAMINATION

18 BY MR. FLOYD:

19 Q: Mr. Shelley, I know you said you heard a car that sounded
20 like it was speeding past and that's what caused you to
21 initially look that way?

22 A: Uh-huh.

23 Q: Before that, did you hear anything that sounded like a
24 collision between two vehicles?

25 A: No, I didn't.

JOHN SHELLEY - CROSS BY MR. FLOYD

1 Q: Okay. You said you saw Ms. Granger's truck in a
2 neighbor's yard?

3 A: Yes.

4 Q: What neighbor is that? What's the name?

5 A: Jerry Smith.

6 Q: Jerry Smith? Okay. And do you know approximately how
7 far that is from her driveway?

8 A: That would be from her driveway to the other side over
9 there probably about 50 yards.

10 Q: Okay. So about 150 feet?

11 A: Something like that.

12 Q: Roughly? Okay. Did you look at her vehicle when it was
13 sitting in that yard? Did you see any damage to her front
14 end?

15 A: I didn't go over to it; so I don't know.

16 Q: Okay. All right.

17 MR. FLOYD: Thank you very much. That's all that I have
18 for you.

19 THE WITNESS: Okay.

20 THE COURT: Any redirect?

21 MR. TUCKER: No redirect, Your Honor.

22 THE COURT: All right. You have a good day. Call your
23 next witness.

24 MR. TUCKER: Your Honor, at this time, the State would
25 call Jeff Worthington.

1 (WHEREUPON, there was a pause in the proceedings until
2 the witness entered the courtroom.)

3 THE CLERK: Sir, if you would, please place your left
4 hand on the Bible and raise your right hand. Do you swear the
5 testimony you give in this case to be the truth, the whole
6 truth, and nothing but the truth, so help you God?

7 THE WITNESS: I do.

8 THE CLERK: Please be seated and state your full name for
9 the record.

10 MR. TUCKER: Your Honor, may we approach?

11 (WHEREUPON, a bench conference was held in the presence
12 of the jury but out of the hearing of the jury off the
13 record, after which the proceedings resumed as follows.)

14 THE COURT: All right. Members of the jury, if you
15 would, step into the jury room for just a moment. We have to
16 take up a matter outside of your presence. We'll be back with
17 you shortly.

18 (WHEREUPON, the jury exited the courtroom at 10:57 a.m.)

19 THE COURT: All right. Mr. Tucker?

20 MR. TUCKER: Thank you, Your Honor. Your Honor, through
21 this witness, the State would elicit testimony regarding his
22 capacity or what he witnessed in his capacity as a first
23 responder.

24 Mr. Worthington worked with the Florence Police
25 Department at the time that this incident occurred. Pursuant

1 to his involvement, he took a series or a total of nine
2 pictures. I believe six would not be objectionable by the
3 defense, but there were three that depicts the victim in the
4 road, as you've heard testimony.

5 The injuries that she has obviously are visible in the
6 pictures and certainly I would approach and ask to --

7 THE COURT: Sure.

8 MR. TUCKER: And, Your Honor, if we could, we will mark
9 these 1 through -- or actually State's Exhibits -- and there
10 are a total of nine pictures.

11 THE COURT: All right.

12 MR. TUCKER: And then that way we can refer to them by
13 number.

14 (WHEREUPON, there was a pause in the proceedings as the
15 photographs were marked as State's Exhibits 4 through
16 12.)

17 THE COURT REPORTER: It's 4 through 12.

18 THE COURT: 4 through 12. All right. Why don't you
19 identify the ones that you have no objection to and let me
20 take a look at them?

21 MR. TUCKER: These are the ones not objected to I take
22 it?

23 MR. FLOYD: Correct. Those are not objected to.

24 THE COURT: And those numbers are what?

25 MR. TUCKER: 7 through --

1 MR. FLOYD: 7 through 12, Your Honor.

2 THE COURT: No objection?

3 MR. FLOYD: No objections to 7 through 12.

4 THE COURT: All right.

5 MR. TUCKER: And, Your Honor --

6 THE COURT: And that would be 4, 5, and 6?

7 MR. TUCKER: 4, 5, and 6, Your Honor, I would hand up and
8 let the Court take a look at.

9 THE COURT: All right. Why don't you state your
10 objection for the record and then I'll take a look at them?

11 MR. FLOYD: Certainly, Your Honor. Your Honor, my
12 objection is that the pictures are very graphic as far as
13 showing blood and -- and the injuries, and it certainly could
14 inflame the jury and I think the -- the prejudicial effect
15 would outweigh the probative value of the photos.

16 THE COURT: Let me see the other photos, the ones that
17 are not objected to.

18 All right. Mr. Tucker, what is your reply to that?

19 MR. TUCKER: Your Honor, under 403, of course, it's not
20 whether or not it's prejudicial, as all evidence of an
21 incriminating nature tends to be prejudicial, but the litmus
22 test is whether it's unfairly prejudicial.

23 The purpose for offering these particular pictures is it
24 shows Ms. Granger's position in the road. Specifically, as it
25 becomes -- we get further into the trial, where she's at in

1 the road becomes relevant and germane to the State's theory of
2 the case.

3 Certainly, the nature of her injuries, given that it's
4 the State's position that she was drug the length of the
5 driveway would certainly illustrate that, but particularly
6 these pictures -- particular pictures of her in the road are
7 to show where she was and, again, this is relevant to show
8 that. It will become a contention as to where she was,
9 whether she was in her truck or whether she was between the
10 trucks, and certainly her position in the road is relevant for
11 that particular reason.

12 THE COURT: All right. I'm going to allow State's
13 Exhibit Number 6 since it does show the body where it is in
14 the road, driveways, houses, and so forth, but not 4 and 5
15 since they are simply pictures of the body and there's no
16 parameters to it.

17 All right. So I'm going to give you those back so you
18 won't mess them up.

19 THE COURT REPORTER: Do you want them ID only?

20 THE COURT: You can just keep those for ID only. 6 is
21 in, not 4 and 5. All right. That should do everything. Just
22 note it.

23 All right. Go ahead and bring out the jury.

24 (WHEREUPON, State's Exhibits Number 6 through 12,
25 photographs, were admitted into evidence.)

JEFF WORTHINGTON - DIRECT BY MR. TUCKER

1 (WHEREUPON, the jury entered the courtroom at 11:02 a.m.)

2 THE COURT: All right. Mr. Tucker?

3 MR. TUCKER: Thank you, Your Honor. May it please the

4 Court.

5 THE COURT: Sure.

6 JEFF WORTHINGTON, being first

7 duly sworn, testified as follows:

8 DIRECT EXAMINATION

9 BY MR. TUCKER:

10 Q: Mr. Worthington, would you state your full name for the

11 record, please?

12 A: My name is Jeffrey Worthington.

13 Q: And where do you live?

14 A: I live in Florence in the city.

15 Q: What are you presently doing for employment?

16 A: I work as a security officer at a medical facility.

17 Q: Prior to that job, where were you employed?

18 A: I was employed with the Florence Police Department for

19 almost 26 years.

20 Q: In what capacity?

21 A: I was a police officer with the rank of corporal at the

22 time.

23 Q: Did you start out as corporal or did you kind of move up

24 through the department as you obtained more experience?

25 A: I started out at the bottom, just like everybody else

JEFF WORTHINGTON - DIRECT BY MR. TUCKER

1 does whenever they finish the Academy and worked my way up
2 from there going through specific style training for different
3 things to help improve my workmanship on the job.

4 Q: Mr. Worthington, I want to specifically direct your
5 attention to July the 28th, 2015, at or around 5 p.m. Do you
6 recall whether or not you were working on that particular day?

7 A: Yes, I was.

8 Q: Again, you were working as an officer with the Florence
9 Police Department?

10 A: That is correct.

11 Q: Do you recall receiving a call directing you to travel to
12 an incident location involving a person who had been run over?

13 A: We were given a call from our dispatcher stating there
14 was a hit-and-run involving a vehicle versus pedestrian.

15 Q: Did they indicate the address to you?

16 A: I believe they said it was around Converse Drive.

17 Q: And what, if anything, did you do after receiving that
18 dispatch notification?

19 A: We automatically responded as fast as we could there
20 because we didn't know if there would be injuries or not.

21 Q: Now, when you arrived on scene, what was the first thing
22 that you noticed or what was the first thing that you did?
23 Let me start with that.

24 A: As soon as we turned onto Converse Drive, we noticed that
25 there was a person lying in the road on the left-hand side of

JEFF WORTHINGTON - DIRECT BY MR. TUCKER

1 the road, and we automatically pulled up. We got out. At
2 that time, I had a training officer with -- I had a trainee
3 with me at the time. The first thing I told him to do was go
4 ahead and start gathering information, speaking with people in
5 the neighborhood, seeing if they saw or heard anything, get
6 their information, and I tended to the victim in this matter,
7 which is Ms. Granger.

8 Q: Now, with regards to how you document the scene, how do
9 you normally go about that in terms of what you saw and what
10 you heard?

11 A: The first thing I saw was Ms. Granger lying in the road
12 with her feet towards the left side, head pointing towards
13 across the street. She was on the side nearest her house.
14 She was approximately 3 to 5 feet from the edge of the road
15 and on the -- if you're facing her house, her driveway from
16 the road, she was approximately 3 to 5 feet to the right of
17 the driveway.

18 Q: Now, in addition to making mental notes and things of
19 that nature, did you do anything else to record what you saw
20 in terms of the scene?

21 A: Yes. I believe we -- I did take photographs from my
22 department-issued Olympus camera.

23 Q: Okay?

24 A: And I believe -- I'm not certain if I had our audio
25 recorders on at the time that this took place whenever we

JEFF WORTHINGTON - DIRECT BY MR. TUCKER

1 first pulled up.

2 MR. TUCKER: Your Honor, may I approach?

3 THE COURT: You may.

4 BY MR. TUCKER:

5 Q: I'm showing you what's been marked State's Exhibits 6
6 through 12 and ask first if you recognize them?

7 A: The first one is the picture of Ms. Granger --

8 Q: Well, first, let me ask you if you would thumb through
9 all of them and ask if you recognize the pictures themselves?

10 A: Okay. Okay. Yes, sir, I do.

11 Q: And how do you recognize them?

12 A: These were the pictures that I took at the scene where
13 Ms. Granger was at.

14 Q: And do they accurately depict and reflect the scene as
15 you saw it that day?

16 A: Yes, sir, it does.

17 Q: Now, do they appear to be in the same -- or depict the
18 same thing today as they did that?

19 A: As far as I know, yes, sir.

20 MR. TUCKER: Your Honor, at this time, the State would
21 move those particular photographs into evidence.

22 THE COURT: All right. Any objections?

23 MR. FLOYD: Your Honor, just subject to my prior
24 objection.

25 THE COURT: All right. 6 through 12 are into evidence.

JEFF WORTHINGTON - DIRECT BY MR. TUCKER

1 (WHEREUPON, State's Exhibits 6 through 12, photographs,
2 were admitted into evidence.)

3 MR. TUCKER: And if I may approach again, Your Honor?

4 THE COURT: You may.

5 BY MR. TUCKER:

6 Q: Now, Mr. Worthington, if we can kind of go through these
7 one by one? The first one, which has been marked State's
8 Evidence 7, that is a picture of what purports to be a
9 mailbox?

10 A: Yes. That is Ms. Granger's mailbox with the address of
11 Converse Drive on it.

12 Q: Okay. And I would ask if you would look at what's been
13 marked as State's Evidence 8 and ask if you would explain
14 that?

15 A: This is the rear of Ms. Granger's Chevy pickup truck that
16 was sitting in the yard directly across the street from her
17 house. It was in the neighbor's front yard.

18 Q: Okay. And what drew your attention to the truck? Do you
19 recall?

20 A: After Mrs. Granger was taken by EMS to the hospital for
21 treatment, I started looking around and I happened to notice
22 that it was kind of odd that you saw a pickup truck in the
23 front of a well-landscaped front yard of a house. So whenever
24 one of the other investigators arrived, we went over and we
25 looked at it, and I didn't know who it belonged to at the

JEFF WORTHINGTON - DIRECT BY MR. TUCKER

1 time. So what I did was I just went ahead and took pictures
2 of the vehicle just in case.

3 MR. TUCKER: And if I may approach again, Your Honor?

4 BY MR. TUCKER:

5 Q: I'm handing you what's been marked State's Evidence 9 now
6 and ask if you recognize what that is?

7 A: This is the front of Ms. Granger's Chevy pickup truck.

8 Q: Okay. And specifically directing your attention to what
9 -- in the center of the front bumper where a plate would go of
10 some type, did you note any damage there?

11 A: There was a little bit of dent to it. It was kind of
12 bent back just a little bit. It looks like there was a small
13 crack in the top of the license plate holder.

14 Q: Is that why you took that particular picture?

15 A: Well, what I usually do is I take pictures of the front,
16 back, if possible the sides, anything because if I don't know
17 what the vehicle -- if the vehicle was involved in the
18 incident, it's better to have more than not enough.

19 Q: I understand.

20 A: So that's why I took the front.

21 Q: And I'm handing you what's State's Evidence 10 and ask if
22 you could explain what that is?

23 A: This is Mrs. Granger's driveway facing towards Converse
24 Drive and the neighbor's house across the street with the
25 Chevy pickup truck in the front yard.

JEFF WORTHINGTON - DIRECT BY MR. TUCKER

1 Q: Okay. And State's Evidence 11. If you could, take a
2 look and explain?

3 A: These are tire tracks that were found. Whenever you look
4 from her driveway towards the dirt road, which is I believe
5 facing north, you'll see the tire tracks on the dirt on the
6 sand on the side of the road.

7 Q: Okay. And State's 12?

8 A: This is the picture of the front driveway and the front
9 part of Mrs. Granger's house with the garage showing in the
10 back.

11 Q: Okay. And I'm going to hand you what's been marked
12 State's Evidence 6 and ask if you recognize that?

13 A: Yes, sir, I do. This is a picture of Mrs. Granger with
14 the first responder units. They were trying to treat her; so
15 that way they can get her to the hospital.

16 Q: Now, if you could --

17 MR. TUCKER: Your Honor, if I could ask the witness to
18 step down?

19 THE COURT: You may.

20 MR. TUCKER: If you'll step down? And, Your Honor, I
21 would ask permission to publish this particular photo to the
22 jury.

23 BY MR. TUCKER:

24 Q: Mr. Worthington, if this is the front of -- and this is
25 -- I'm holding up State's Exhibit 12. That's the front of Ms.

JEFF WORTHINGTON - DIRECT BY MR. TUCKER

1 Granger's house, is it not?

2 A: Correct.

3 Q: And that depicts the two-bay garage which is behind her
4 house?

5 A: Correct.

6 Q: Now, if in that picture, if you could, just kind of
7 indicate where you recollect Ms. Granger was when you
8 responded there, if this is the front of the driveway and this
9 would be Converse down here?

10 A: Okay. Once you're facing the driveway, Mrs. Granger was
11 laying about -- about in this position right here
12 approximately.

13 Q: And this would --

14 A: Off to the side.

15 Q: And you indicated her feet were pointing back towards
16 her house?

17 A: Her feet were pointing back towards -- actually towards
18 the neighbor's house this way because she wasn't in a straight
19 line to line 90-degree angle. She was more at a slight 45-
20 degree angle you would say.

21 Q: I understand.

22 A: But she was facing towards the neighbor's house.

23 Q: Okay. And if you could step back?

24 MR. TUCKER: And, Your Honor, at this point, I would ask
25 if the jury could be allowed to look at the pictures that have

JEFF WORTHINGTON - DIRECT BY MR. TUCKER

1 already been moved into evidence?

2 THE COURT: Go ahead.

3 BY MR. TUCKER:

4 Q: Mr. Worthington, what, if anything, else after you took
5 the pictures did you do in regards to this case?

6 A: By that time, the investigators had arrived -- did arrive
7 on scene and I believe so did the traffic units since we had
8 -- since we had a hit-and-run involving a pedestrian. The
9 traffic unit's duties were to assess the situation and collect
10 evidence along with the investigators.

11 So what I did was once -- once Ms. Granger was taken to
12 the hospital, I remained there with the investigators and
13 traffic units and also assisted my trainee with trying to get
14 things started so that way he can do his report.

15 Q: And did you have any sort of conversations later with the
16 investigators in this case about your pictures and what you
17 learned there at the scene?

18 A: I was just letting them know what I found and if they
19 wanted to go ahead and have those pictures downloaded, which
20 they immediately pulled out a laptop and downloaded the
21 pictures right there at the scene onto the computer.

22 MR. TUCKER: Thank you, Your Honor. I believe that's all
23 the questions I have for this witness.

24 THE COURT: All right. Mr. Floyd?

25 MR. FLOYD: Thank you, Your Honor.

JEFF WORTHINGTON - CROSS BY MR. FLOYD

CROSS-EXAMINATION

1
2 BY MR. FLOYD:

3 Q: Now, you said you took pictures of what turned out to be
4 Ms. Granger's vehicle; is that correct?

5 A: Correct.

6 Q: Okay. And it was in the front yard of the neighbor;
7 correct?

8 A: Correct. Across the street.

9 Q: When you -- when you noticed it? And I know you said you
10 saw a slight bend in the -- I guess where a driver's license
11 --- or a license plate would go on the front of the car; is
12 that correct?

13 A: Correct.

14 Q: Did you notice any other damage to the front end other
15 than that?

16 A: That was just a first glimpse looking at it. I didn't
17 really get down to the front bumper and actually just peer at
18 it at close range.

19 Q: I understand, but did you notice any damage from the way
20 you looked at it other than that?

21 A: Not that I can recollect.

22 Q: Okay. But you took pictures of it; right?

23 A: Correct.

24 Q: Of the front end? Okay. Did you go inside of the car or
25 the truck?

JEFF WORTHINGTON - CROSS BY MR. FLOYD

1 A: No, sir. That was -- that was another -- one of the
2 investigators did that. I remained outside. I never touched
3 the vehicle.

4 Q: Okay. Do you know which investigator that was?

5 A: That was Officer Dearl Scott Williams.

6 Q: All right.

7 MR. FLOYD: Thank you very much. I appreciate it.

8 THE COURT: All right. Redirect?

9 MR. TUCKER: No redirect, Your Honor, and I'd ask if this
10 witness could be excused.

11 THE COURT: Any objections?

12 MR. FLOYD: No objection, Your Honor.

13 THE COURT: You have a good day.

14 THE WITNESS: Thank you.

15 THE COURT: Call your next witness.

16 MR. TUCKER: Your Honor, before we call the next witness,
17 I'd ask for just a short recess. We have to move some things
18 around and mechanically get situated.

19 THE COURT: All right. Members of the jury, let's take a
20 15-minute break. If you would, step into the jury room, but
21 do not discuss the case.

22 (WHEREUPON, the jury exited the courtroom at 11:16 a.m.)

23 THE COURT: All right. We'll take a 15-minute break.

24 (WHEREUPON, there was a break in the proceedings from
25 11:16 a.m. until 11:38 a.m., after which the proceedings

BOBBY PETERSON - DIRECT BY MR. TUCKER

1 resumed as follows.)

2 THE COURT: Let's go ahead and bring out the jury.

3 (WHEREUPON, the jury entered the courtroom at 11:38 a.m.)

4 THE COURT: All right. If you'll call your next witness.

5 MR. TUCKER: Thank you, Your Honor. May it please the
6 Court, At this time, the State would call Bobby Peterson to
7 the stand.

8 THE CLERK: Sir, if you would, step around there and
9 place your --

10 THE BAILIFF: Right here, sir.

11 THE CLERK: And place your left hand on the Bible and
12 raise your right hand. Do you swear the testimony you give in
13 this case to be the truth, the whole truth, and nothing but
14 the truth, so help you God?

15 THE WITNESS: Yes, I do.

16 THE CLERK: Please be seated and state your full name for
17 the record.

18 THE WITNESS: My name is Bobby Lewis Peterson.

19 MR. TUCKER: Thank you, Your Honor. May it please the
20 Court.

21 BOBBY PETERSON, being first duly
22 sworn, testified as follows:

23 DIRECT EXAMINATION

24 BY MR. TUCKER:

25 Q: Mr. Peterson, where do you presently live?

BOBBY PETERSON - DIRECT BY MR. TUCKER

1 A: Timmons ville, South Carolina.

2 Q: And have long have you lived in Timmons ville?

3 Q: About 12 years.

4 Q: So it stands to reason, if my math is correct, then you
5 would have been living in Timmons ville on or about July the
6 28th, 2015?

7 A: Yes, sir.

8 Q: Specifically directing your attention to at or around 5
9 p.m., do you recall what you were doing on that day?

10 A: I was driving my cousin's Cadillac, taking his -- taking
11 his dog to the vet.

12 Q: Now, when you say your cousin, to whom are you referring?

13 A: John Wesley Moore.

14 Q: Do you know where he lives?

15 A: He lives on -- I can't remember the name of the street,
16 but I think it's Converse or close up in that area.

17 Q: Okay. You mentioned that you were driving his vehicle on
18 this day?

19 A: Yes.

20 Q: And this was around 5 o'clock?

21 A: Around five or four something, you know, that day because
22 we took a dog to the vet and got him checked out.

23 Q: Now, were you on your way back home from taking the dog
24 to the vet or were you on your way out to the vet?

25 A: We was coming back from taking the dog to the vet.

BOBBY PETERSON - DIRECT BY MR. TUCKER

1 Q: Was there anybody else in the vehicle with you besides
2 you and your cousin?

3 A: My nephew.

4 Q: And what's his name?

5 A: Julian Peterson.

6 Q: Now, do you recall as you were coming down Converse on
7 that day at that time if anything strange or unusual happened
8 to you?

9 A: Yes. There was a pickup truck that came -- come shooting
10 out the back -- out the driveway. Then I had to slam on
11 brakes because I didn't want to hit the truck. I had to --
12 you know, that way there's no accident or something. So I
13 slammed on brakes so I wouldn't hit the truck. The --

14 Q: Now, let me ask you a question and I don't mean to
15 interrupt you, Mr. Peterson.

16 A: Okay.

17 Q: But when you said driveway, do you recall roughly where
18 you were in terms of on Converse when that happened or from
19 what driveway that truck came out?

20 A: Let's see. I know there's a road right -- there's a road
21 on that side on the righthand side. Well, it's past that road
22 and I know this house that the -- that the truck came out of.
23 It was a -- it was a fenced-in yard.

24 Q: Okay.

25 MR. TUCKER: Your Honor, if I could -- if I could get the

BOBBY PETERSON - DIRECT BY MR. TUCKER

1 witness to step down? What I'm going to do is show the
2 pictures of him -- of the ones that have already been moved
3 into evidence and ask if he can identify those.

4 THE COURT: Go ahead. You may step down and watch your
5 step.

6 MR. TUCKER: Mr. Peterson, if you could stand right over
7 there, please? And, Your Honor, for the record, I am showing
8 on the screen what's been marked State's Evidence 12, picture
9 wise.

10 BY MR. TUCKER:

11 Q: Mr. Peterson, I would ask you is that the house that
12 you're referring to the driveway from where the truck came?

13 A: Yes.

14 Q: Now, you indicated that the truck came shooting out?

15 A: Yes. It came out the driveway right there. It come
16 backing out the driveway.

17 Q: Okay.

18 MR. TUCKER: And, Your Honor, I'm asking the witness to
19 look at what's been marked State's 9.

20 BY MR. TUCKER:

21 Q: Do you recall is that the truck that came shooting out in
22 front of you?

23 A: I'm not exactly sure, but that look like the truck.

24 Q: Okay. And from where this house was --

25 MR. TUCKER: If we could go back to 26?

BOBBY PETERSON - DIRECT BY MR. TUCKER

1 BY MR. TUCKER:

2 Q: Your cousin lives kind of adjacent to there or close to
3 that?

4 A: Well, close to it because you have to come -- you have to
5 go down another street to get to his house and you turn down
6 there and you can't miss it because the truck was in the yard.

7 Q: But you're sure that was the house that the driveway from
8 where the truck came?

9 A: Yes.

10 Q: Okay. If you could take a seat back again, Mr. Peterson?

11 (WHEREUPON, the witness complied.)

12 BY MR. TUCKER:

13 Q: Now, you testified that once the truck came shooting out,
14 you had to slam on brakes?

15 A: I had to slam on brakes so I wouldn't hit it.

16 Q: Now, did you see anything else after the truck came out
17 in front of you?

18 A: Yes. I seen this van. I can't remember whether it was
19 silver or gray, but I saw this van and, at the time, I didn't
20 know it was a person up under the van. I thought it was, you
21 know, like, a bag or something up under there. That's when I
22 saw the -- the person just started being tumbled and stuff up
23 under there.

24 Q: Now, Mr. Peterson, I want to make sure I understood you
25 correctly. You indicated that you saw a van that was either

BOBBY PETERSON - DIRECT BY MR. TUCKER

1 gray or blue?

2 A: Gray or -- you know, it was either gray or silver, you
3 know, to me because them two colors look the same to me. So,
4 you know.

5 Q: And this van came out of the same driveway from the
6 truck?

7 A: Yes.

8 Q: Where the truck had come from?

9 A: Yes.

10 Q: And you indicated that you saw something underneath the
11 van?

12 A: Yes.

13 Q: Okay. And could you please describe that one more time
14 for me, please?

15 A: At the time, I thought -- I didn't know it was a person.
16 I thought it was, you know, like, a bag or something up under
17 -- you know, that it was strapped up under the van.

18 Q: Now, would you say that when you saw the van with what
19 turned out to be a person underneath of it, was this within
20 seconds of the truck coming out in front of you?

21 A: Yeah. Maybe seconds. It wasn't that long, you know,
22 after the truck went in -- went into the yard. It wasn't that
23 much longer after the van with the person up under there
24 rolling up under there.

25 Q: Okay. Now, did you ever notice anybody get out of the

BOBBY PETERSON - DIRECT BY MR. TUCKER

1 pickup truck that was -- had backed out in front of you and
2 was across the street?

3 A: No. I never seen nobody, you know. Like, you know, I'd
4 say I didn't, you know, see nobody, you know, and I didn't
5 even see the person driving the van. So I don't know, you
6 know. You know, I'm just saying, you know, what I saw because
7 that's what I told the investigators that day and I told him
8 the same thing, you know, because it was just a shock.

9 Q: All right. Now, when you -- the van backed out into
10 Converse, you say a person -- what turned out to be a person
11 was underneath of it?

12 A: What I saw -- when the van backed up, what I saw was on
13 the -- on the -- on the asphalt, you know, pavement. I saw
14 the person up under there then and it started rolling over and
15 --

16 Q: Now, are you saying you saw the van run over the person
17 and the van was rolling or the person was rolling over?

18 A: I saw the person up under the van.

19 Q: Okay?

20 A: And, you know, it was something.

21 Q: Okay. And could -- and at that point, could you tell it
22 was a person?

23 A: Not at that point until I got closer. That when I would
24 tell it was a person.

25 Q: Okay.

BOBBY PETERSON - DIRECT BY MR. TUCKER

1 MR. TUCKER: And, Your Honor, if we could raise that
2 again? And, Mr. Peterson, I'm going to have you step down one
3 more time for me.

4 THE WITNESS: Okay.

5 MR. TUCKER: And, Your Honor, I'm asking the witness to
6 look at what's been marked State's 6.

7 BY MR. TUCKER:

8 Q: Now, is that the person that you saw --

9 A: Yes.

10 Q: -- as you got closer?

11 A: Yes.

12 Q: Now, is the person laying in the same position as when
13 you saw her that day?

14 A: Basically, yes.

15 Q: And this is the person that you saw that was underneath
16 the van?

17 A: Yes.

18 Q: And that had gotten run over by the van?

19 A: Yes.

20 Q: Okay.

21 MR. TUCKER: And if you could step back up to the witness
22 stand, please, and you can lower that, Keith.

23 BY MR. TUCKER:

24 Q: Now, Mr. Peterson, when you say you talked to the police,
25 did you stay there at the scene until the police arrived?

BOBBY PETERSON - DIRECT BY MR. TUCKER

1 A: Yeah. Because when the police got there, I was still at
2 the scene, you know. Then when they -- then later on, the
3 investigator came to my cousin's house because we went on to
4 the house. You know, I guess they were trying to, you know,
5 get everything out the way so they could go home, you know.

6 And when I talked to them later on that day, then I
7 talked to them the next day and they also contacted me because
8 I gave them my phone number and everything so they could
9 contact me if there was anything I could -- you know, anything
10 else I could give, you know, to help them find the person that
11 did it.

12 Q: Okay.

13 MR. TUCKER: Your Honor, I believe that's all the
14 questions I have for this witness.

15 THE COURT: All right. Cross?

16 MR. FLOYD: Thank you, Your Honor.

17 CROSS-EXAMINATION

18 BY MR. FLOYD:

19 Q: Mr. Peterson, how are you today?

20 A: I'm all right.

21 Q: Good. You said you saw a truck coming out of the
22 driveway and you had to slam on brakes?

23 A: Yes.

24 Q: Is that correct?

25 A: Yes, sir.

BOBBY PETERSON - CROSS BY MR. FLOYD

1 Q: How far away were you from the truck when you first saw
2 it?

3 A: Maybe about 10 or 15 feet.

4 Q: So you were very close?

5 A: Yes. Because, you know, it's really just, you know, I
6 didn't want to, you know, run into nobody and stuff like that.

7 Q: Sure. So the truck was -- was it already in the roadway
8 when you saw it?

9 A: No. It came out the driveway and just went across into
10 to that neighbor's on that side drive -- yard. It just went
11 flying across like that.

12 Q: Okay. All right. Well, when you said you saw what
13 turned out to be a person under the van?

14 A: Yes.

15 Q: You said it was on the asphalt; is that correct? Is that
16 what you said earlier?

17 A: Yes. On the asphalt on the side of the road. You know,
18 asphalt, you know.

19 Q: So that was in -- that was actually either in the road or
20 right on the side of the road?

21 A: She was on the side of the road.

22 Q: Okay. What I'm asking is is that were you first saw it?

23 A: Yes. Because when I saw the van, she --

24 Q: Okay.

25 A: -- was up under there.

BOBBY PETERSON - CROSS BY MR. FLOYD

1 Q: All right. So you didn't see that in the driveway; you
2 saw it on the asphalt?

3 A: Yeah. That's what I said. I saw her on the asphalt. I
4 ain't see nobody get hit in the driveway. I said she was on
5 the asphalt.

6 Q: Correct. Okay.

7 MR. FLOYD: All right. Thank you very much. That's all
8 that I have for you.

9 THE WITNESS: Okay.

10 THE COURT: Any redirect?

11 MR. TUCKER: No redirect, Your Honor.

12 THE COURT: All right. You may step down.

13 THE WITNESS: Okay.

14 THE COURT: Call your next witness.

15 MR. TUCKER: Your Honor, at this time, the State would
16 call Julian Peterson.

17 (WHEREUPON, there was a pause in the proceedings until
18 the witness entered the courtroom.)

19 THE CLERK: If you'll please step around to the stand
20 right here. Come around. Place your left hand on the Bible
21 and raise your right hand. Do you swear the testimony you
22 give in this case to be the truth, the whole truth, and
23 nothing but the truth, so help you God.

24 THE WITNESS: Yes, ma'am.

25 THE CLERK: Please be seated and state your full name for

JULIAN PETERSON - DIRECT BY MR. TUCKER

1 the record.

2 THE WITNESS: My name is Julian Peterson.

3 JULIAN PETERSON, being first
4 duly sworn, testified as follows:

5 DIRECT EXAMINATION

6 BY MR. TUCKER:

7 Q: Mr. Peterson, where do you live?

8 A: Hartleys Court.

9 Q: What city is that in?

10 A: Timmons ville.

11 Q: Now, do you recognize the gentleman that just walked out
12 that testified right before you?

13 A: Yes, sir.

14 Q: How do you recognize him?

15 A: Because he's my uncle.

16 Q: Okay. What's his full name?

17 A: Bobby Peterson.

18 Q: Now, Mr. Peterson, I want to direct your attention to
19 July the 28th of 2015 at or around 5 p.m. Do you recall being
20 in an Escalade being driven by your uncle with your cousin in
21 the car as well?

22 A: Yes, sir.

23 Q: Do you recall as you were going to drop your cousin and
24 his dog back at his house coming down Converse Drive?

25 A: Yes, sir.

JULIAN PETERSON - DIRECT BY MR. TUCKER

1 Q: Do you recall anything unusual happening when you were
2 coming down Converse?

3 A: Yes.

4 Q: And what was that?

5 A: As we was turning something or other on the way going to
6 my cousin's house, suddenly a little pickup truck had came out
7 in the road and went to the yard on the -- across the street.

8 Q: Okay.

9 A: And a van had came out real fast.

10 Q: Okay. The van came out from the same driveway as the
11 truck?

12 A: Yes, sir.

13 Q: Now, with regards to the Escalade, were you driving or
14 was your uncle driving?

15 A: My uncle.

16 Q: And where were you sitting inside of it?

17 A: In the passenger seat.

18 Q: Could you get a good view of what was going on?

19 A: Yes.

20 Q: Now, if I could -- if you could step down and stand right
21 there? If you' want to hold onto that in case I ask you to
22 point?

23 MR. TUCKER: And, Your Honor, I'm showing this witness
24 what's been marked State's Exhibit 12.

25 BY MR. TUCKER:

JULIAN PETERSON - DIRECT BY MR. TUCKER

1 Q: Is this the house and the driveway that you saw the truck
2 come out of and the van?

3 A: Yes, sir.

4 Q: Now, if you --

5 MR. TUCKER: Your Honor, I'm now showing the witness
6 what's been marked State's Exhibit Number 9.

7 BY MR. TUCKER:

8 Q: Mr. Peterson, is that the truck that you saw come out in
9 front of you as you were going down Converse?

10 A: Yes, sir.

11 Q: And if you would -- if you could take the witness stand
12 again?

13 (WHEREUPON, the witness complied.)

14 BY MR. TUCKER:

15 Q: Mr. Peterson, did you notice anybody driving the pickup
16 truck when it backed out in front of you and your uncle?

17 A: No, sir.

18 Q: With regards to the van, did you notice anything unusual
19 about the van as it backed down the driveway?

20 A: Yes.

21 Q: What was that?

22 A: It looked like something was underneath of it.

23 Q: Could you tell what it was from where you were sitting in
24 the Escalade?

25 A: No, sir.

JULIAN PETERSON - DIRECT BY MR. TUCKER

1 Q: Are you certain that it was underneath the van as it was
2 coming down the driveway?

3 A: Yes, sir.

4 Q: Now, with regards to the van, did it ultimately back out
5 into Converse in front of the vehicle in which you were
6 riding?

7 A: Yes.

8 Q: And what, if anything, did the van do at that point?

9 A: Backed up and then went down the dirt road.

10 Q: Now, was it going away from you at that point?

11 A: Yes.

12 Q: Did you notice anything in terms of what was underneath
13 the van?

14 A: No. The only -- I noticed when the van backed up, it
15 looked like something was underneath of it, but I couldn't
16 tell what it was. Then when it went forward, it, like, jacked
17 -- the back end of it jacked it up and went shooting down the
18 dirt road. And then when we got closer, we pulled up and then
19 I seen a person laying on the side of the road.

20 Q: Okay. And you said as the van went forward, it looked
21 like the back of the van jacked up?

22 A: Yes, sir.

23 Q: As if it had run over something?

24 A: Yes, sir.

25 Q: Okay. And then you indicated that as you got closer you

JULIAN PETERSON - DIRECT BY MR. TUCKER

1 noticed a person?

2 A: Yes, sir.

3 Q: Okay.

4 MR. TUCKER: And if I could ask the witness to step down
5 one more time? Mr. Peterson, if you'd come right back to
6 where you were?

7 (WHEREUPON, the witness complied.)

8 MR. TUCKER: And, Your Honor, for the record, I'm asking
9 the witness to look at what's been marked State's Evidence 6.

10 BY MR. TUCKER:

11 Q: Mr. Peterson, is that the person that you saw up
12 underneath the van?

13 A: Yes, sir.

14 Q: Is that how she appeared as the van went over?

15 A: Yes, sir.

16 Q: Okay. And then when you say the dirt road, is that in
17 that direction where you see that white SUV now?

18 A: Yes, sir.

19 Q: Okay. If you could have a seat again?

20 (WHEREUPON, the witness complied.)

21 BY MR. TUCKER:

22 Q: Mr. Peterson, when you saw the truck back out, was it a
23 fairly quick time before you see the van coming down the
24 driveway with what turned out to be the person underneath of
25 it?

JULIAN PETERSON - CROSS BY MR. FLOYD

1 A: Yes, sir.

2 Q: Okay.

3 MR. TUCKER: I believe that's all the questions I have,
4 Your Honor.

5 THE COURT: All right. Mr. Floyd?

6 CROSS-EXAMINATION

7 BY MR. FLOYD:

8 Q: Mr. Peterson, how far away were you from the pickup truck
9 before you saw it?

10 A: Like, a couple feet. Not -- not too far.

11 Q: You say a couple of feet? You mean two feet? Three
12 feet?

13 A: Yeah. Something like that, yes.

14 Q: So you were right up on it when you saw it?

15 A: Yes.

16 Q: Okay. And it was in the roadway at that point?

17 A: Yes, sir.

18 Q: Okay. So that's the first time you saw the truck?

19 A: Yes, sir.

20 Q: It was -- it was there when you noticed it?

21 A: Uh-huh.

22 Q: Okay. Is that a yes?

23 A: Yes.

24 Q: All right. Now, when you saw the -- the van the first
25 time -- well, let me ask you this. Did you watch the truck

JULIAN PETERSON - CROSS BY MR. FLOYD

1 roll all the way into the neighbor's yard?

2 A: Yes.

3 Q: So you had your eyes on it watching it roll?

4 A: Yes.

5 Q: Okay. And then you saw the van after that?

6 A: Yes, sir.

7 Q: Okay. At that point, where was the van when you -- when

8 you first saw it?

9 A: In the road.

10 Q: In the road when you first saw it? Okay.

11 MR. FLOYD: All right. Thank you very much.

12 THE COURT: All right. Redirect?

13 MR. FLOYD: That's all I have.

14 MR. TUCKER: No redirect, Your Honor.

15 THE COURT: All right. You have a good day.

16 THE WITNESS: All right.

17 THE COURT: Thank you. Call your next witness.

18 MR. TUCKER: Your Honor, at this time, the State would

19 call Judy Smith.

20 (WHEREUPON, there was a pause in the proceedings until

21 the witness entered the courtroom.)

22 THE CLERK: Ma'am, if you will, step right around there

23 and place your left hand on the Bible and raise your right

24 hand. Do you swear the testimony you give in this case to be

25 the truth, the whole truth, and nothing but the truth, so help

JUDY SMITH - DIRECT BY MR. TUCKER

1 you God?

2 THE WITNESS: I do.

3 THE CLERK: Please be seated and state your full name for
4 the record.

5 THE WITNESS: My name is Judith Nelson Smith.

6 JUDY SMITH, being first duly
7 sworn, testified as follows:

8 DIRECT EXAMINATION

9 BY MR. TUCKER:

10 Q: And, Ms. Smith, I apologize right away, but could you sit
11 just a little closer to that mic? You're a little soft
12 spoken. I want to make sure everybody hears.

13 A: Okay.

14 Q: Okay. Ms. Smith, where do you presently live?

15 A: Winthrop Drive, Florence.

16 Q: And how long have you lived there?

17 A: Probably 48 years.

18 Q: Now, your address -- where is it in relationship to
19 Converse Drive?

20 A: My driveway opens onto Converse and opens onto
21 Converse. So we're, like, driveway to driveway.

22 Q: Now, did you know the occupant of Converse Drive?

23 A: Oh, yes, very well.

24 Q: How well did you know her?

25 A: Very well. We were -- I did things for her and she did

JUDY SMITH - DIRECT BY MR. TUCKER

1 things for me and we were in and out of the house often. She
2 knew my family.

3 Q: And I referred to her as occupant. What was her name?

4 A: Martha.

5 Q: And what was her last name?

6 A: Granger.

7 Q: Now, with regards to your relationship with Ms. Granger,
8 you indicated that y'all did things together?

9 A: We went out to lunch once, but we were just neighbors. I
10 mean we went back and forth in each other's houses. If I
11 baked a cake, I took her a piece.

12 Q: Do you know how old Ms. Granger was?

13 A: Martha was 74 when she died.

14 Q: Do you know whether or not she was employed?

15 A: She was retired from AT&T.

16 Q: Do you know what she did in terms of occupying her time?

17 A: She had a farm in Scranton and she went there every
18 single day.

19 Q: Did she have any particular kind of livestock on that
20 farm?

21 A: She had five Tennessee walking horses and a donkey.

22 Q: Now, with regards to the house, were you familiar with
23 the vehicles that Ms. Granger owned?

24 A: Oh, yes.

25 Q: And could you just maybe recite a couple for us?

JUDY SMITH - DIRECT BY MR. TUCKER

- 1 A: She had a 1996 Chevrolet pickup truck, a 2005 Chevrolet
2 pickup truck, a 1992 Range Rover, and a 1982 Corvette that
3 didn't run.
- 4 Q: Now, the Corvette, where was that parked?
- 5 A: It was under the carport that was attached to her house.
- 6 Q: And you mentioned a Range Rover?
- 7 A: It was in the garage.
- 8 Q: And when you say Range Rover, for poor guys like me, what
9 exactly is one of those things?
- 10 A: It's a really nice vehicle and it -- but it was, like, a
11 2002, but it had, like, 19,000 miles on it.
- 12 Q: Would you consider that like a truck or a car? How --
13 what would you classify that as?
- 14 A: Maybe like an SUV.
- 15 Q: Okay. And where did Ms. Granger normally keep the Range
16 Rover?
- 17 A: It was garaged.
- 18 Q: Now, when you say garaged, I think I know what you mean,
19 but if you could please explain a little bit more?
- 20 A: It was in an enclosed garage area.
- 21 Q: Okay.
- 22 A: With doors on it.
- 23 Q: Now, the garage -- where was it in relationship to
24 Converse Drive?
- 25 A: It was in her backyard.

JUDY SMITH - DIRECT BY MR. TUCKER

1 Q: Do you know how approximately far it was from her back
2 door?

3 A: Maybe 40 -- 50 feet.

4 Q: Okay. And you say she didn't drive that a whole lot?

5 A: Seldom. She drove the pickup truck most of the time.

6 Q: Do you recall the last time that you saw her driving that
7 Range Rover?

8 A: Actually, she and I went to lunch. I think it was July
9 the 4th and I rode in the Range Rover -- Land Rover. That's
10 the first time I had ever ridden in it. That's the last time
11 I saw her drive it.

12 Q: Okay. Now, you mentioned July the 4th. Was that July the
13 4th, 2015?

14 A: Yes.

15 Q: So this was a couple of weeks within the incident that
16 we're about to discuss happening?

17 A: Correct.

18 Q: And you didn't see her driving it after that at any
19 point?

20 A: I rarely saw her drive it, no, but never after that.

21 Q: Okay. Now, Ms. Smith, I want to direct your attention
22 specifically to July the 28th, 2015, at or near 5 p.m. Do you
23 recall where you were?

24 A: I was in my kitchen cooking.

25 Q: And do you recall anything happening?

JUDY SMITH - DIRECT BY MR. TUCKER

1 A: Johnny Shelley knocked on my door and said call 9-1-1,
2 Martha's been hit.

3 Q: Prior to Mr. Shelley knocking on your door, were you
4 aware of anything occurring outside?

5 A: Not at all.

6 Q: Once Mr. Shelley knocked on your door, did you, in fact,
7 call 9-1-1?

8 A: I had my cell phone in my pocket and I went out the door
9 and called as I was going out the door.

10 Q: Now, what did you see when you got outside?

11 A: Martha was lying in the road.

12 Q: Could you recognize her immediately?

13 A: I knew who it was because Johnny had told me.

14 Q: Now, when you got closer, could you see that it was her?

15 A: Oh, yes. She was talking.

16 Q: Okay. And you said she was talking. What, if anything,
17 did she say to you?

18 A: She would -- he said she was stealing a propane tank. He
19 has my phone. He has my gun.

20 Q: Now, after she said that, were you looking at her? Could
21 you tell whether or not she was injured?

22 A: Oh, yeah. It was easy to tell she was injured.

23 Q: Okay. You said easy to tell. How were you telling?

24 A: Well, she was just lying in the road and she was saying
25 it burns, get me up, get me up, and my husband said, no, stay

JUDY SMITH - DIRECT BY MR. TUCKER

1 down, Martha. You need to lie still, but you could just see
2 places on her.

3 Q: Could you tell if she was bleeding?

4 A: Yes.

5 Q: Did you -- did she moan or anything to indicate she was
6 in pain?

7 A: Well, she said it was burning her back. The road was
8 very hot. It was July and the asphalt was hot and she wanted
9 to get up off of that asphalt.

10 Q: Okay.

11 MR. TUCKER: And, Your Honor, if I may approach?

12 THE COURT: You may.

13 BY MR. TUCKER:

14 Q: And, Ms. Davis [sic.], I'm going to ask you if you would
15 step down here? Ms. Davis, if you'll come down and stand
16 right over there for me, please?

17 (WHEREUPON, the witness complied.)

18 MR. TUCKER: And for the record, Your Honor, the witness
19 is looking at what's been marked as State's Evidence 7.

20 BY MR. TUCKER:

21 Q: Ms. Davis, do you recognize what you're looking at?

22 A: That's Martha's mailbox.

23 Q: And would you read the address there for me, please?

24 A: Converse Drive.

25 Q: Okay.

JUDY SMITH - DIRECT BY MR. TUCKER

1 MR. TUCKER: And, Your Honor, I'm asking the witness to
2 look at what's been marked State's Evidence 12.

3 BY MR. TUCKER:

4 Q: And, Ms. Davis, if you could, describe what you're
5 looking at in that picture for me, please?

6 A: That's Martha's house and Martha's driveway.

7 Q: Now, you referenced a garage. Would you please use that
8 pointer and point to the garage you were referring to?

9 A: This is it right here where the vehicle is.

10 Q: Okay. Now, when you say vehicle, which vehicle?

11 THE COURT: Mr. Tucker, would you have her speak up a
12 little bit? The court reporter is having --

13 BY MR. TUCKER:

14 A: The Land Rover.

15 Q: Okay. And again, I want to make sure I'm clear. You're
16 saying it was parked in that first bay behind that --

17 A: Behind there.

18 Q: Okay. And could you point to where the Corvette normally
19 was parked?

20 A: The Corvette is under this carport right here.

21 Q: And what other things -- were you ever in that garage?

22 A: Off and on, yeah. You could borrow whatever you wanted
23 and just put it back when you were finished.

24 Q: I understand. Now, could you recall what other kind of
25 things Martha may have had in there?

JUDY SMITH - DIRECT BY MR. TUCKER

1 A: Not really. I went in afterwards. So there was a boat
2 and there was an ATV. There was --

3 Q: Was she the type to keep tools and things like that?

4 A: Lots. Lots of things.

5 Q: Okay.

6 MR. TUCKERS: And, Your Honor, I'm having the witness
7 look at what's been marked State's Evidence 10.

8 BY MR. TUCKER:

9 Q: Ms. Davis -- and again, bear in mind please keep your
10 voice up for me. Could you please describe what we're looking
11 at in that picture?

12 A: This is Martha's truck in my yard. This is my house.

13 Q: Now, again, as that picture was taken, that would be
14 somebody standing in Martha's driveway; correct? In other
15 words, if I'm looking this way?

16 A: Oh. This person is standing in Martha's driveway.

17 Q: And you had indicated that that was her truck in front of
18 your house?

19 A: That's her truck right there.

20 Q: Now, you mentioned that she had two trucks. Do you know
21 whether that was the '96 or the 2006 truck?

22 A: That was the '96. The 2005 was in the shop.

23 Q: Okay. Did you notice -- being familiar with that truck
24 --

25 MR. TUCKER: State's 9, Your Honor.

JUDY SMITH - DIRECT BY MR. TUCKER

1 BY MR. TUCKER:

2 Q: And I believe that's a closer picture of where it was
3 parked in front of your house, is it not?

4 A: Yes.

5 Q: If you could, do you remember her having anything right
6 where that plaque there is on the front bumper?

7 A: I think I remember there was a plaque with a horse on it
8 on the truck.

9 Q: Do you appear to notice any damage to the front of the
10 vehicle?

11 A: It looks like something --

12 THE COURT: She needs to speak up. I can't hear her.

13 BY MR. TUCKER:

14 Q: Can you speak up?

15 A: It looks like something's been hit right there.

16 Q: Okay.

17 MR. TUCKER: And if you would pull up 20?

18 BY MR. TUCKER:

19 Q: And, Ms. Smith, again, if you would, keep your voice up
20 for me. But would you please describe what we're looking at
21 in this picture?

22 A: That's Martha lying in the road.

23 Q: Now, is she lying just as you saw her when you came out
24 of your house that day?

25 A: Pretty much, yes, as that day.

JUDY SMITH - DIRECT BY MR. TUCKER

1 Q: And again, she indicated to you that somebody had taken
2 her gun and her phone?

3 A: Yes.

4 Q: Was she able to tell you anything else about who may have
5 been involved in this?

6 A: Not that I recall.

7 Q: Okay. And, Ms. Davis, if you would, you can take a seat
8 again for me, please.

9 (WHEREUPON, the witness complied.)

10 BY MR. TUCKER:

11 Q: Ms. Davis, you indicated that you called 9-1-1?

12 A: Yes.

13 Q: Do you recall what, if anything, you said to the 9-1-1
14 operator?

15 A: I have no idea.

16 Q: Were you upset?

17 A: Oh, yes.

18 Q: And again, I just want to make sure I'm clear. Prior to
19 Mr. Shelley knocking on your door, you hadn't heard anything
20 by way of a commotion outside?

21 A: Nothing at all.

22 MR. TUCKER: I believe that's all the questions I have,
23 Your Honor.

24 THE COURT: All right. Cross-examination?

25 MR. FLOYD: I don't have any questions for this witness.

KELLY TURNER - DIRECT BY MR. TUCKER

1 Thank you.

2 THE COURT: All right. You have a good day. Thank you.

3 THE WITNESS: Thank you.

4 THE COURT: All right. Do you have another witness?

5 MR. TUCKER: Your Honor, I do. However, the next witness

6 -- Your Honor, I think the next witness will be fairly brief.

7 At this time, the State would call Kelly Turner to the stand.

8 (WHEREUPON, there was a pause in the proceedings until
9 the witness entered the courtroom.)

10 THE CLERK: If you will, please step up there and place
11 your left hand on the Bible and raise your right hand. Do you
12 swear the testimony you give in this case to be the truth, the
13 whole truth, and nothing but the truth, so help you God?

14 THE WITNESS: I do.

15 THE CLERK: Please be seated and state your full name for
16 the record.

17 THE WITNESS: My name is Kelly Turner.

18 KELLY TURNER, being first duly
19 sworn, testified as follows:

20 DIRECT EXAMINATION

21 BY MR. TUCKER:

22 Q: Ms. Turner, this may seem like a silly question given
23 your attire, but could you tell me where you work?

24 A: I work with Florence County EMS.

25 Q: And how long have you been employed by them?

KELLY TURNER - DIRECT BY MR. TUCKER

1 A: I've been employed by them since 2004.

2 Q: And again, this may seem like a silly question, but could
3 you please tell me some of the duties and responsibilities
4 that you may have there?

5 A: Duties and responsibilities are taking care of the
6 injured and the ill, with us taking them to the hospital and
7 making sure they get better care there.

8 Q: Now, were you employed by EMS on or about July the 28th,
9 2015?

10 A: Yes, sir.

11 Q: Specifically, I want to direct your attention to at or
12 around 5 p.m. or shortly thereafter. Do you recall being
13 dispatched to Converse Drive in Florence?

14 A: I recall being dispatched to Converse Drive. I can't
15 remember the numerics.

16 Q: I can understand that given how many calls you must have
17 been on since.

18 A: Exactly.

19 Q: And probably even around that timeframe. Do you recall
20 responding and attending to a lady who was in the roadway
21 there on Converse?

22 A: Yes, I do.

23 Q: What do you recall about her condition when you arrived?

24 A: Whenever we arrived on scene, she was laying supine on
25 her back, flat on her back. I'm sorry. Flat on her back in

KELLY TURNER - DIRECT BY MR. TUCKER

1 the roadway. The fire department had already had her head
2 bandaged and I'm thinking one arm. Maybe one arm. I remember
3 seeing an arm bandaged. I'm not real sure which one.

4 Q: Were you able to find out what, in fact, happened to her
5 and caused her to be in the roadway?

6 A: No, not at that time we wasn't. The only thing dispatch
7 had told us was that it was a hit-and-run, car versus
8 pedestrian. That was the only thing we knew.

9 Q: With what you saw there at the scene and subsequently
10 when she was loaded into y'all's rig, were the injuries that
11 you saw consistent with someone being run over?

12 A: Yes, they were.

13 Q: Specifically, can you recall what some of her injuries
14 were?

15 A: Her injuries were mainly a lot of facial trauma. She
16 had, like, a broke nose. She was bleeding. She had swollen
17 eyes, swollen face, but she was still able to talk to us. She
18 was still talking to us.

19 Q: Do you recall what, if anything, she was saying?

20 A: She was just -- I was asking her specific questions, like
21 was she allergic to any medicines, what kind of medical
22 problems did she have, you know, did she remember what
23 happened. She said, yes, she remembered what happened, but
24 then we went into, you know, is there a specific hospital,
25 different things like that, things that would be pertinent to

KELLY TURNER - DIRECT BY MR. TUCKER

1 us in the truck if we had to give her medicines or anything
2 like that.

3 Q: I understand.

4 MR. TUCKER: And if I may I approach, Your Honor?

5 THE COURT: You may.

6 MR. TUCKER: And, Ms. Turner, if I could get you to step
7 down and, if you would, stand right at the edge there. And if
8 you would take that pointer and I'm going to show you -- can
9 you bring up 26? And, Your Honor, I'm showing the witness
10 what's been marked State's Evidence 12.

11 BY MR. TUCKER:

12 Q: And, Ms. Turner, do you recognize that as the house in
13 front of where you went on that call?

14 A: I cannot actually recall that being the house. I'm not
15 really sure. We did not really spend a whole lot of time at
16 the scene. Our main focus was on the victim.

17 Q: Okay. And in that regard, let me show you what's been
18 marked State's Evidence 6. And do you recognize that picture?

19 A: Yes.

20 Q: Okay. And what are we looking at there?

21 A: The patient that was hurt. The fire department was
22 holding the C-spine, which is holding their neck in line with
23 the C-collar --

24 Q: Okay.

25 A: -- in case of spinal injuries.

KELLY TURNER - DIRECT BY MR. TUCKER

1 Q: I understand. And -- and pretty much is that how she was
2 when you responded?

3 A: Uh-huh.

4 Q: And I believe up in the corner there looks like an EMS --

5 A: Yes.

6 Q: -- rig?

7 A: That -- that is Joe Talbott. He was primary on that. He
8 was the paramedic primary.

9 Q: Okay. And so was there any other paramedics in addition
10 to you and Mr. Talbott there?

11 A: There was a rider, Alanna Luzier. I think that's how you
12 pronounce her last name. I'm not really sure. She was doing
13 ride time for medic class at the time.

14 Q: Okay. And would they have seen and heard pretty much
15 everything that you saw and heard?

16 A: Yes.

17 Q: Okay. And once she was taken from the scene, she was
18 taken and put in that particular EMS rig?

19 A: Yes, she was.

20 Q: And if you could take your seat back again, please?

21 A: Okay.

22 (WHEREUPON, the witness complied.)

23 BY MR. TUCKER:

24 Q: And, Ms. Turner, from there, did y'all take her to a
25 hospital?

KELLY TURNER - DIRECT BY MR. TUCKER

1 A: We transported her to McLeod.

2 Q: Do you recall speaking to the ER physician who attended
3 to her?

4 A: Joe Talbott would have gave a report to the staff of what
5 had happened and what we had found.

6 Q: I gotcha. Did you subsequently learn what happened to
7 Miss Granger?

8 A: Not at that time, we didn't. We learned -- we really
9 never learned what happened. We -- we just learned that she
10 had -- she had died later on. I'm not really sure how long
11 because we had gotten busy. So later on that evening, that
12 night maybe, we might have -- the ER staff -- we check in
13 occasionally from time to time. With some patients, we do.

14 Q: Okay. And while she was in the back of the rig, were
15 y'all able to get a better idea of what her injuries were?

16 A: We were. Once we got her in the back of the rig, they --
17 Alanna and Joe were able -- they were cutting the clothes
18 while I was trying to hold -- make sure she had a patent -- an
19 open airway because as long as she was talking to me, she was
20 fine. She was conscious.

21 Q: And that indicated what to you?

22 A: That she had an open airway. She didn't have anything
23 blocking her airway.

24 Q: Okay.

25 A: So we could find out a whole lot. But she was just --

KELLY TURNER - DIRECT BY MR. TUCKER

1 they started cutting her clothes and stuff like we always do
2 on trauma patients. Noticed that she had a lot of bruising to
3 her abdomen area, her stomach area.

4 Q: And that was already noticeable?

5 A: That was already noticeable. She had one circular mark
6 on her abdomen, like, right below her breast and under her rib
7 area on her abdomen also. She had some chest bruising. I'm
8 not sure which side of the chest was bruised, but she did have
9 some chest bruising. But she kept saying that she was really
10 hurting in her belly. That was her main complaint was that
11 she was hurting in her belly.

12 MR. TUCKER: I don't believe I have any additional
13 questions, Your Honor.

14 THE COURT: All right. Mr. Floyd?

15 MR. FLOYD: Your Honor, I don't have any questions for
16 Ms. Turner.

17 THE COURT: All right. You have a good day.

18 THE WITNESS: Thank you.

19 THE COURT: Do you have another witness before lunch?

20 MR. TUCKER: No, Your Honor. That would conclude our
21 presentation prior to lunch.

22 THE COURT: All right. Ladies and gentlemen of the jury,
23 I'm going to excuse you until 2:30. Do not discuss the case.
24 I'm going to have to be back at 2 and do some other things,
25 but we'll be ready for you at 2:30.

1 All right. You are excused. Everybody else remained
2 seated.

3 (WHEREUPON, the jury exited the courtroom at 12:19 p.m.)

4 THE COURT: All right. We'll resume at 2:30.

5 (WHEREUPON, there was a break in the proceedings from
6 12:20 p.m. until 2:43 p.m., after which the proceedings
7 resumed as follows.)

8 THE COURT: All right. Are you ready?

9 THE BAILIFF: Ready.

10 THE COURT: Let's do it.

11 THE BAILIFF: Okay.

12 (WHEREUPON, the jury entered the courtroom at 2:46 p.m.)

13 THE COURT: All right. Solicitor, call your next
14 witness.

15 MR. TUCKER: Thank you, Your Honor. May it please the
16 Court. At this time, the State calls Detective Scott
17 Williamson to the stand.

18 THE CLERK: Please place your left hand on the Bible and
19 raise your right hand. Do you swear the testimony you give in
20 this case to be the truth, the whole truth, and nothing but
21 the truth, so help you God?

22 THE WITNESS: I do.

23 THE CLERK: Please be seated and state your full name for
24 the record.

25 THE WITNESS: Dearl Scott Williamson.

SCOTT WILLIAMSON - DIRECT BY MR. TUCKER

1 MR. TUCKER: Thank you, Your Honor.

2 SCOTT WILLIAMSON, being first
3 duly sworn, testified as follows:

4 DIRECT EXAMINATION

5 BY MR. TUCKER:

6 Q: Det. Williamson, where are you currently employed?

7 A: City of Florence Police Department.

8 Q: And how long have you been employed by them?

9 A: Since August of 2004, approximately 13 years.

10 Q: And obviously, you didn't start off as a detective. Did
11 you work your way up like Mr. Worthington had to?

12 A: Yes, sir, I did. I initially started out in the patrol
13 division, where I served approximately five-and-a-half years
14 before being transferred to the community division, community
15 services. After that, I transferred. A couple years after
16 being in community services, I transferred to crime scene,
17 where I served as an investigator there in crime scene
18 division for another two-and-a-half years and then
19 sequentially being promoted to corporal, the current position
20 I'm in now for the last three.

21 Q: Did you have to attend any sort of specialized training
22 to become an investigator?

23 A: Yes, sir. I've maintained throughout the 13 years my
24 required law enforcement renewal and certification, plus
25 numerous advanced training in various fields. It includes

SCOTT WILLIAMSON - DIRECT BY MR. TUCKER

1 body language, various crime scene technique classes, cell
2 phone forensics. I've also been certified as a Taser
3 instructor and a hostage crisis negotiator for the state of
4 South Carolina.

5 Q: And could you relay some of the duties and
6 responsibilities currently associated with your present
7 employment as an investigator or detective?

8 A: My current position now holds me and my primary duties
9 are auto theft and property crimes, but I do serve for a small
10 area of -- I'd say less Florence city. I do serve as the
11 investigator on numerous other crimes of, you know, criminal
12 activity.

13 Q: Now, were you working as an investigator/detective on or
14 about January -- or July the 28th, 2015?

15 A: Yes, sir, I was.

16 Q: Specifically, I want to direct your attention to the
17 timeframe around 5 p.m. Do you recall being notified of an
18 incident at Converse Drive?

19 A: Yes, sir, I do.

20 Q: What did you do after receiving notification?

21 A: Well, I was actually on my way home, end of the day
22 shift. The call came out as a hit-and-run with a pedestrian
23 involved in the 1800 block of Converse Drive.

24 Q: And let me ask you -- the 1800 block of Converse Drive,
25 specifically is that in the city limits of Florence?

SCOTT WILLIAMSON - DIRECT BY MR. TUCKER

1 A: Yes, sir, it is.

2 Q: And this may seem like a stupid question, but the city of
3 Florence is also in the county of Florence, is it not?

4 A: That is also correct.

5 Q: Now, with regards to what you did after you responded,
6 could you please tell me little bit about what you did when
7 you got there?

8 A: When I first arrived, I observed a body or a female
9 laying in the street. Multiple people were on scene; another
10 couple officers were there as well. I think EMS was just
11 pulling up as I arrived.

12 Q: What are some of the concerns that you have when you
13 arrive at a crime scene like this initially?

14 A: First of all, determining exactly what happened. If I
15 can, you know, immediately find out what's going on and make
16 sure that care is being treated or given to the victim in this
17 -- in this particular incident, which there was. I first
18 spoke with the first initial officers, which being Cpl.
19 Worthington and his trainee.

20 Q: And did Cpl. Worthington and his trainee -- were they
21 able to provide you any sort of background information --

22 A: Yes, sir.

23 Q: -- regarding this incident?

24 A: Yes, sir. They specifically told me that they already
25 had a couple witnesses that had come up, stating that the

SCOTT WILLIAMSON - DIRECT BY MR. TUCKER

1 victim had been hit, struck by a vehicle, and the vehicle fled
2 the scene and I got basic information of the type of vehicle
3 and possible driver. Yes, sir.

4 Q: As your investigation progressed through the evening,
5 were you aware of any other sort of criminal activity
6 involving or regarding this incident beyond the hit-and-run?

7 A: I obtained information of other things that were
8 happening in that particular street in that neighborhood as we
9 spoke to neighbors and began to investigate this matter, yes.

10 Q: Okay. Were you able to develop any sort of viable
11 suspects that evening?

12 A: Not by name. We did get descriptions and stuff and
13 description of a vehicle, something to work with.

14 Q: And these descriptions -- they came from the witnesses
15 that you spoke to that night?

16 A: Yes, sir.

17 Q: Most of whom have testified here today?

18 A: That is correct.

19 Q: With regards to Ms. Granger, who made the positive
20 identification as to her identity?

21 A: That would be the neighbor. I think Ms. Judy that lived
22 across the street, and I think another neighbor, Mr. Shelley,
23 that testified this morning.

24 Q: After you made positive identification as to her
25 identity, what, if anything, did you do?

SCOTT WILLIAMSON - DIRECT BY MR. TUCKER

1 A: Well, you know, as I was there trying to gather
2 information because I wanted to get information out to other
3 patrol officers who may be in the area, trying to keep things
4 kind of contained so Investigator Mullinax, when she arrived,
5 could take over and advise her of everything.

6 Q: That brings up an excellent question. Detective Mullinax
7 is Lt. Mullinax now?

8 A: Yes, sir.

9 Q: But how would you classify her role in this investigation
10 on the evening of July the 28th?

11 A: That particular evening, she was the actual on-call duty
12 investigator. Her shift started at three; so she would have
13 been the primary for any incidents that would have happened
14 that evening.

15 Q: Now, you used the term primary. Could you describe a
16 little bit about what that means in law-enforcement terms?

17 A: Yes, sir. Primary investigator is lead investigation,
18 just like you would possibly, you know, hear on TV and stuff.
19 They -- they -- they still are the go-to person. My role as a
20 secondary was to assist her with anything that she needed,
21 which I did.

22 Q: Did your role as secondary investigator in this
23 particular incident -- did it continue beyond July the 28th?

24 A: Yes, sir. For several days.

25 Q: With regards to Ms. Granger, you noticed that or you

SCOTT WILLIAMSON - DIRECT BY MR. TUCKER

1 mentioned that when you arrived that EMS was just responding
2 to the scene?

3 A: Yes, sir.

4 Q: Were you aware that they transported her to McLeod at
5 some point during your investigation that evening?

6 A: Yes, sir.

7 Q: Were you able to ascertain Ms. Granger's status later on
8 in the evening?

9 A: Yes, sir.

10 Q: And what was her status when you inquired?

11 A: I got information that she had passed, deceased.

12 Q: Now, as is common with this particular type of incident,
13 do you know whether or not the coroner was notified?

14 A: Yes, sir. In these cases, they are.

15 Q: And do you know if an autopsy was conducted?

16 A: Yes, sir.

17 Q: And certainly, we won't go into that. That's for another
18 witness, but backing up, when you and Investigator Mullinax
19 began developing information with regards to what happened, in
20 the days and hours that came after, were y'all able to kind of
21 narrow down your focus on a particular suspect?

22 A: Yes, we did.

23 Q: Who was that?

24 A: Mr. Matthews.

25 Q: Now, with regards to Mr. Matthews, you're referring to

SCOTT WILLIAMSON - DIRECT BY MR. TUCKER

1 the defendant, Latson Ray Matthews?

2 A: That's correct.

3 Q: With regards to your investigation, at some point were
4 you made aware of a 9-1-1 call that was made to 9-1-1
5 involving this incident?

6 A: Yes, sir, I was.

7 Q: What, if anything, did you do in tandem with Investigator
8 Mullinax in looking or looking into the 9-1-1 call?

9 A: Well, we knew that her -- we had information that her --
10 both her phone and the -- the potential weapon was taken, and
11 we -- central had also advised that a female had called in
12 stating that someone was on her property and trying to steal
13 stuff. So we knew that she had actually placed a call. So we
14 did contact central dispatch and make sure they held and got
15 that audiotape for us.

16 Q: And did y'all subsequently obtain the audiotape?

17 A: Yes, sir, we did.

18 Q: And did you yourself listen to the 9-1-1 call made by Ms.
19 Granger?

20 A: Yes, sir, I have.

21 Q: Were you made aware of a second 9-1-1 call that was made
22 by somebody out there and I'm assuming later that person
23 turned out to be Ms. Judy Smith?

24 A: Yes, sir, I have been.

25 Q: And did you listen to that 9-1-1 call as well?

SCOTT WILLIAMSON - DIRECT BY MR. TUCKER

1 A: Yes, sir.

2 MR. TUCKER: I beg the Court's indulgence, Your Honor.
3 And if I may approach? And, Your Honor, what I'm going to ask
4 is -- Mr. Godbold is going to play the 9-1-1 calls that have
5 been moved into evidence, specifically State's Evidence 3, and
6 ask, at the conclusion of which, if Investigator Williamson
7 heard that, if that's the same ones he heard?

8 THE COURT: All right.

9 (WHEREUPON, the first 9-1-1 call on State's Exhibit
10 Number 3 was played in open court and then stopped. NOT
11 TRANSCRIBED HEREIN.)

12 BY MR. TUCKER:

13 Q: Investigator Williamson, were you able to identify the
14 female voice that you heard on that 9-1-1 call?

15 A: Yes, sir.

16 Q: Who was that?

17 A: Ms. Martha Granger.

18 Q: And were you subsequently able to identify the male voice
19 that we heard on that 9-1-1 call?

20 A: Yes, sir.

21 A: And who was that?

22 A: Mr. Latson Matthews.

23 MR. TUCKER: If you can play the second one?

24 (WHEREUPON, the second 9-1-1 call on State's Exhibit
25 Number 3 was played in open court and then stopped. NOT

SCOTT WILLIAMSON - DIRECT BY MR. TUCKER

1 TRANSCRIBED HEREIN.)

2 BY MR. TUCKER:

3 Q: Investigator Williamson, the person that was making that
4 9-1-1 call -- were you able to identify that person?

5 A: Yes, sir.

6 Q: Who was that?

7 A: Ms. White [sic.] that lived across the street from Ms.
8 Granger.

9 Q: Okay. With regards to the gas tank that they were
10 alluding to or that we heard mention of on the 9-1-1 call,
11 were you able to ascertain exactly what Ms. Granger was
12 referring to?

13 A: Yes, sir. It was sitting out in plain view on the side
14 of her driveway just inside her fence line and it was a
15 propane tank, an LP tank for, like, a gas grill.

16 Q: Now, with regards to the cell phone and the gun that were
17 taken from Ms. Granger, were you able through your
18 investigation to recover either of those items?

19 A: Yes, sir. The following morning, I did recover the cell
20 phonè.

21 Q: And where was it found?

22 A: On Converse, actually on the dirt portion just before you
23 get to Progress on the left side of the street.

24 Q: The firearm that was taken -- were you able to recover
25 it?

SCOTT WILLIAMSON - DIRECT BY MR. TUCKER

1 A: No, sir. It was never recovered.

2 Q: With regards to Latson Matthews being developed as a
3 suspect, did he match the overall general description given by
4 the witnesses there that day?

5 A: Yes, sir, he did.

6 Q: And did you ascertain whether or not he had access to a
7 minivan that matched the general description given by the
8 witnesses there that day?

9 A: That day I did not, but throughout the investigation of
10 several days, we did develop where he did have access to a
11 van.

12 Q: Did you find out to whom that minivan actually belonged?

13 A: Yes, sir. It belonged to his father.

14 Q: And subsequently did you find out that Mr. Matthews had
15 access to that van?

16 A: Yes, sir.

17 Q: With regards to the van itself, was it close -- and I
18 mentioned the general description, but did it match the color
19 and all points in terms of the description?

20 A: The type of paint that it was very familiar or similar to
21 everything that most witnesses were describing, yes.

22 Q: Now, after Latson Ray Matthews was developed as a
23 suspect, did there come a time when you and Investigator
24 Mullinax approached him about his involvement or possible
25 involvement in this matter?

SCOTT WILLIAMSON - DIRECT BY MR. TUCKER

1 A: Yes, sir. We -- we met with him on -- I think a couple
2 weeks later, several days later on the 14th of August.

3 Q: Did he subsequently accompany you and Investigator
4 Mullinax to the police department?

5 A: Yes, sir. He willingly came to be questioned. He did.
6 He voluntarily came.

7 Q: After being Mirandized, did he wind up giving you and
8 Investigator Mullinax a statement?

9 A: Yes, sir.

10 Q: In the statement, did he admit to being there at
11 Converse Road?

12 A: He did admit to being there.

13 Q: Did he admit to going into Martha Granger's garage?

14 A: Yes.

15 Q: Did he also admit to getting into a confrontation and
16 being the one on the 9-1-1 call that we just heard?

17 A: Yes, sir, he did.

18 Q: And did he also admit to getting into the -- his van and
19 backing out and striking the truck that Ms. Granger had him
20 blocked in with?

21 A: He did.

22 Q: And did he subsequently admit to you and Investigator
23 Mullinax that he took both the gun and the cell phone from Ms.
24 Granger prior to fleeing the area?

25 A: Yes, sir, he did.

SCOTT WILLIAMSON - DIRECT BY MR. TUCKER

1 Q: Did he also indicate that as he backed out of the
2 driveway that he ran over Ms. Granger when he moved forward
3 and actually saw her laying in the road?

4 A: He did admit to running over Ms. Granger, yes.

5 Q: And this was a statement that was audiotaped?

6 A: Yes, sir, it was.

7 Q: And who was present when he gave that statement besides
8 yourself and Mr. Matthews?

9 A: At the time, Sgt. Mullinax, now Lt. Mullinax.

10 MR. TUCKER: Thank you. I believe those are all the
11 questions I have, Your Honor.

12 THE COURT: Cross?

13 CROSS-EXAMINATION

14 BY MR. FLOYD:

15 Q: Investigator Williamson, how are you today?

16 A: Fine, sir.

17 Q: Good. You went to the scene. How fast did you get there
18 after the incident happened?

19 A: I'd say within minutes, sir, because I was not far.
20 Maybe five or -- five minutes -- five -- eight minutes.

21 Q: Okay. And Officer Worthington was already there at that
22 point when you got there?

23 A: Hissel and his trainee.

24 Q: Okay. And by that time, you said aid was being rendered
25 to Ms. Granger; is that correct?

SCOTT WILLIAMSON - CROSS BY MR. FLOYD

- 1 A: Yes, sir.
- 2 Q: And Officer Worthington I believe testified earlier
- 3 today. I'm not sure. Were you in the courtroom when he did?
- 4 A: Yes, sir.
- 5 Q: Okay. He was discussing Ms. Granger's car that he had
- 6 photographed or her truck?
- 7 A: Yes, sir.
- 8 Q: In the neighbor's yard. Did -- did you examine that
- 9 truck yourself?
- 10 A: Yes, sir.
- 11 Q: Okay. Did you get to examine inside and out?
- 12 A: Yes, sir, we did.
- 13 Q: Okay. Now, did you take any pictures or you left that to
- 14 someone else?
- 15 A: No, sir. That was left to crime scene.
- 16 Q: Okay. So had anybody entered the truck when you entered
- 17 it?
- 18 A: No, sir. I was the only one that had any contact with
- 19 that vehicle.
- 20 Q: Okay. So you were the first one and the only one insofar
- 21 as you know; is that correct? Before crime --
- 22 A: That physically --
- 23 Q: Before crime scene got there?
- 24 A: That physically touched the vehicle, yes, sir.
- 25 Q: Okay. Do you recall seeing any damage to the front end

SCOTT WILLIAMSON - CROSS BY MR. FLOYD

1 other than the license tag area?

2 A: That would be the only damage that I remember seeing. It
3 was minor.

4 Q: And on the inside of the vehicle, do you -- do you
5 remember if keys were in the ignition or anything like that?

6 A: No, sir, I don't recall that.

7 Q: Do you recall what gear it was in or anything? Did you
8 check that?

9 A: If I remember correctly and to the best I can recall, it
10 was -- I think it was slightly out of park.

11 Q: Okay.

12 A: The selector was not lined up or the indicator on the
13 dash.

14 Q: Okay. And you testified you helped obtain the 9-1-1
15 calls that we just listened to from dispatch and did you -- or
16 from the 9-1-1 center, and did you interview the witnesses out
17 there in the neighborhood that day?

18 A: Initially, before Lt. Mullinax got on scene, yes, I spoke
19 briefly with multiple witnesses that were there, neighbors and
20 stuff of that nature, and throughout the following days I
21 assisted her in other interviews.

22 Q: And, of course, you testified that on I believe the 14th
23 of August you assisted Lt. Mullinax with taking a statement
24 from Mr. Matthews; is that right?

25 A: Yes, sir, I did.

SCOTT WILLIAMSON - CROSS BY MR. FLOYD

1 Q: And you worked on finding the owner of the van; is that
2 correct?

3 A: That's correct.

4 Q: Was there anything else that you did in this
5 investigation?

6 A: Yes, sir.

7 Q: What else did you do?

8 A: I also assisted with getting a search warrant for -- for
9 the van.

10 Q: Okay.

11 A: The same day we interviewed Mr. Latson.

12 Q: Did you do any follow-up interviews other than the ones
13 you did initially when you arrived on scene that day with the
14 -- with the neighbors?

15 A: Yes. I assisted. I went along with Lt. Mullinax when
16 she went back to re-interview and speak with the people again
17 and other things that she was doing in her case.

18 Q: Okay. Did you make a separate report or did Lt. Mullinax
19 make a report?

20 A: I filed -- I filed a supplemental as well.

21 Q: You filed one as well? And was that pretty much the role
22 that you had in this investigation?

23 A: Yes, sir.

24 Q: Okay. All right.

25 MR. FLOYD: Thank you very much. That's all I have.

1 THE COURT: Redirect?

2 MR. TUCKER: Nothing on redirect, Your Honor.

3 THE COURT: All right. You may step down.

4 THE WITNESS: Thank you, Your Honor.

5 MR. TUCKER: Your Honor, may we approach?

6 (WHEREUPON, a bench conference was held in the presence
7 of the jury but out of the hearing of the jury off the
8 record, after which the proceedings resumed as follows.)

9 THE COURT: All right. Members of the jury, we're going
10 to stop for the day. They have another witness who is coming
11 from out of town and cannot be here until in the morning.

12 When you get here tomorrow morning at 9:30, we'll start
13 this case and we'll just roll through it pretty quick
14 thereafter. Do not discuss the case. Do not research the
15 case.

16 I'll see you back at 9:30 in the morning. Everybody else
17 remained seated.

18 (WHEREUPON, the jury exited the courtroom at 3:14 p.m.)

19 THE COURT: All right. See y'all in the morning.

20 MR. TUCKER: Thank you, Your Honor.

21 THE COURT: Thank you.

22 (WHEREUPON, the proceedings adjourned for the day at 3:15
23 p.m.)
24
25

1 APRIL 26, 2017

2 (WHEREUPON, the proceedings resumed at 9:32 a.m.)

3 THE COURT: All right. Let's go ahead and bring out the
4 jury.

5 (WHEREUPON, the jury entered the courtroom at 9:33 a.m.)

6 THE COURT: All right. If the State will call your next
7 witness.

8 MR. TUCKER: Thank you. Your Honor, at this time, the
9 State would call Dr. Anthony Bostick to the stand.

10 THE CLERK: Sir, if you will, please step up there and
11 put your left hand on the Bible and raise your right hand. Do
12 you swear the testimony you give in this case to be the truth,
13 the whole truth, and nothing but the truth, so help you God?

14 THE WITNESS: I do.

15 THE CLERK: Please be seated and state your full name for
16 the record.

17 THE WITNESS: Dr. Anthony Lawrence Bostick.

18 MR. TUCKER: Dr. Bostick, if you could, could you speak
19 up just a little bit for me?

20 THE COURT: Make sure that microphone is on.

21 THE BAILIFF: Yeah. It's on.

22 THE COURT: All right.

23 THE WITNESS: Okay.

24 MR. TUCKER: Very good.

25 DR. ANTHONY BOSTICK, being first

DR. ANTHONY BOSTICK - DIRECT BY MR. TUCKER

1 duly sworn, testified as follows:

2 DIRECT EXAMINATION

3 BY MR. TUCKER:

4 Q: Dr. Bostick, where are you presently employed?

5 A: McLeod Regional Medical Center.

6 Q: And what is your occupation in terms of job title?

7 A: I'm an emergency management physician.

8 Q: Okay. Now, to become a physician, did you have to
9 undergo any sort of specialized training?

10 A: Oh, yes.

11 Q: Okay.

12 A: Lots.

13 Q: Could you tell the Court a little bit about your
14 background in that regard?

15 A: Well, of course, all the physicians have to go to medical
16 school, graduate, and you have to do an internship, and mine
17 was in transitional internal medicine. Then from transitional
18 internal medicine, you bridge over to an emergency medicine
19 program another three years.

20 Q: Is that what they refer to as your residency?

21 A: It's your residency. Yes, sir.

22 Q: Now, did you have to become specialized in order to
23 become an emergency room physician in terms of --

24 A: Yes.

25 Q: -- certification?

DR. ANTHONY BOSTICK - DIRECT BY MR. TUCKER

1 A: I'm specialized in emergency medicine, shock trauma. I
2 am board certified and that's what we do.

3 Q: Okay. Now, were you working in your capacity as an
4 emergency room physician at McLeod here in Florence on or
5 about July the 28th, 2015?

6 A: Yes, I was.

7 Q: And specifically, I want to direct your attention to the
8 time around 5 p.m. -- 5:30.

9 A: Okay.

10 Q: Do you recall treating a patient who came in, ostensibly
11 had been in some sort of a hit-and-run type accident, as it
12 was relayed to you?

13 A: Yes, I was.

14 Q: And that patient's name was Martha Granger. Do you
15 recall what the extent of her injuries upon arrival were?

16 A: They were extremely severe.

17 Q: And how would you describe those?

18 A: She appeared to have been possibly struck and possibly
19 run over by a vehicle. She had major compressive injuries.

20 Q: And when you say compressive injuries, could you be a
21 little bit more descriptive?

22 A: She showed evidence of trauma to the face, thorax,
23 abdomen, pelvis. Something didn't just hit, but it mowed her
24 over.

25 Q: Okay. Now, with regards to her specific injuries, do you

DR. ANTHONY BOSTICK - DIRECT BY MR. TUCKER

1 recall what those were?

2 A: She had multiple injuries, including closed-head trauma,
3 concussive injuries. She had lacerations to the lip and face.
4 She had open cuts to the forearms. She had contusions to the
5 chest and I believe pelvis as well.

6 Q: Internally, were you able to ascertain whether or not she
7 had suffered any sort of internal injuries?

8 A: Oh, yes, definitely.

9 Q: And what were those, if you can recall?

10 A: The first thing we assessed that in her altered mental
11 status and flagging mental status was the fact that she had a
12 hemothorax on her -- a pneumothorax on the left side.

13 Q: Now, when you say pneumothorax, could you please explain
14 what that is?

15 A: It means that the left lung is collapsed.

16 Q: And what happens when a lung collapses like that?

17 A: It compromises oxygenation because physiologically the
18 lung can't exchange oxygen with blood because it's a pressure
19 because of the collapse of the lung and external pressure on
20 the lung itself from fractured ribs, and she can't aerate or
21 exchange air appropriately.

22 Q: Would that make it difficult to breathe for the patient?

23 A: Oh, definitely.

24 Q: Was it just one lung or did she have other internal
25 injuries to the chest area?

DR. ANTHONY BOSTICK - DIRECT BY MR. TUCKER

- 1 A: Both lungs.
- 2 Q: So it was both lungs?
- 3 A: Initially, the left was much more severe.
- 4 Q: Would there have been any sort of pain associated with
- 5 that?
- 6 A: Oh, tremendous pain.
- 7 Q: Now, was she conscious upon her arrival?
- 8 A: Upon arrival, she was somewhat awake, kind of groggy,
- 9 very pleasant, trying to answer back, but it did not last very
- 10 long at all.
- 11 Q: You mentioned some injuries to the pelvis as well. What
- 12 sort of injuries were they?
- 13 A: Pubic rami were -- was fractured. I believe the iliac
- 14 wing was fractured. Her SI joint also was somewhat displaced
- 15 as well, which has to come from a compressive type of --
- 16 Q: And, Doctor, in laymen terms, what would that exactly
- 17 mean in terms of the pelvis injury?
- 18 A: Severe trauma or severe compression.
- 19 Q: Would that have caused any sort of bleeding in that
- 20 particular area internally?
- 21 A: You can get bleeding. It just takes a while to see
- 22 sometimes, but you can get a cold bleed, which can contribute
- 23 to a lowering of blood pressure or a hypotensive state.
- 24 Q: What sort of intervention methods did you employ to try
- 25 to stabilize her condition when she arrived?

DR. ANTHONY BOSTICK - DIRECT BY MR. TUCKER

1 A: We basically start with ABC, which is airway, breathing,
2 circulation. She had to be intubated.

3 Q: Now, when you say intubated?

4 A: That means give her an oral airway down the throat to
5 give her a hundred percent oxygen.

6 Q: And what in addition to that did you do?

7 A: We give IV fluids and initial resuscitation. You get
8 their type to cross to see if they're going to need blood as
9 well and you do any other invasive procedures you can to
10 stabilize the patient.

11 Q: Now, with regards to the collapsed lungs, was there
12 anything that you did or could do to try to stabilize that
13 particular injury?

14 A: Yes. You do a needle thoracostomy or you do a chest
15 tube. In her case, we did a chest tube, which is insert a 36
16 French tube into the chest to take the pressure off of the
17 lungs so it can expand or re-expand.

18 Q: Now, since she had two collapsed lungs, did you have to
19 insert two chest tubes?

20 A: I did the first chest tube on the left side and Dr.
21 Bruton, the general surgeon, joined me and did the chest tube
22 on the right side.

23 Q: Despite your efforts with regard to inserting two chest
24 tubes and the other intervention methods that you employed,
25 did her condition improve?

DR. ANTHONY BOSTICK - DIRECT BY MR. TUCKER

- 1 A: No. She slowly deteriorated.
- 2 Q: Okay.
- 3 A: And when she went to CT, she began to crash.
- 4 Q: Now, when you say CT, what does that mean?
- 5 A: CAT scan.
- 6 Q: And she started to crash and I think we can all
- 7 understand what that means, but in layman or in medical terms,
- 8 what does that mean?
- 9 A: She proceeded to die.
- 10 Q: Now, did she subsequently expire?
- 11 A: Yes, she did.
- 12 Q: Did you pronounced her dead at that time?
- 13 A: Initially, Dr. Bruton was there and he was conducting the
- 14 resuscitative care at that time. I was still in the
- 15 department. You come in the room once he starts, but --
- 16 Q: Is it your opinion that she died as a direct result of
- 17 the injuries she sustained in the incident that brought her
- 18 there?
- 19 A: Oh, definitely.
- 20 Q: Now, with regards to your observations, were her injuries
- 21 consistent with the event as described to you or what you
- 22 learned in terms of a motor vehicle running over her?
- 23 A: Yes, I agree.
- 24 MR. TUCKER: I believe that's all the questions I have,
- 25 Your Honor.

1 THE COURT: All right. Cross?

2 MR. FLOYD: Your Honor, I don't have any questions for
3 this witness.

4 THE COURT: You have a good day, Doctor.

5 THE WITNESS: Thank you, sir.

6 THE COURT: I appreciate you coming. All right. Call
7 your next witness.

8 MR. TUCKER: Thank you, Your Honor. At this time, we
9 would call Keith von Lutcken to the stand.

10 (WHEREUPON, there was a pause in the proceedings.)

11 MR. TUCKER: Your Honor, I beg the Court's indulgence.
12 He may be down in his office on 7. So I'm sure he should be
13 here any minute.

14 (WHEREUPON, there was a pause in the proceedings.)

15 MR. TUCKER: Your Honor, if we could take just a short
16 break perhaps until he gets up here? We're trying to -- he
17 might be in the back in his office, but we're trying to --
18 he's in the building. That much I do know.

19 THE COURT: All right. We'll wait on you.

20 MR. TUCKER: Okay.

21 (WHEREUPON, there was a pause in the proceedings until
22 the witness entered the courtroom.)

23 THE CLERK: Sir, if you would, please place your left
24 hand on the Bible and raise your right hand. Do you swear the
25 testimony you give in this case to be the truth, the whole

KEITH VON LUTCKEN - DIRECT BY MR. TUCKER

1 truth, and nothing but the truth, so help you God?

2 THE WITNESS: I do.

3 THE CLERK: Please be seated and state your full name for
4 the record.

5 THE WITNESS: My name is Keith von Lutcken, K-e-i-t-h.
6 Von Lutcken is small v-o-n, space, capital L-u-t-c-k-e-n.

7 KEITH VON LUTCKEN, being first
8 duly sworn, testified as follows:

9 DIRECT EXAMINATION

10 BY MR. TUCKER:

11 Q: And could you state your present occupation?

12 A: I am the coroner for Florence County.

13 Q: And, Coroner, could you give us just a little bit about
14 in terms of what qualifications one would have to have to be
15 coroner?

16 A: The qualifications are you have to have at least five
17 years' experience within the field of law enforcement
18 specifying in death investigation or have to have worked in a
19 Medical Examiner's Office.

20 Q: Now, I assume you have the requisite background. Could
21 you tell us a little bit about what yours is?

22 A: Yes, sir. Prior to being elected in 2012 to the office
23 of coroner, I worked with the Florence County Sheriff's Office
24 for 27 ½ years. 25 of those years was spent as the supervisor
25 over the forensics crime scene unit.

KEITH VON LUTCKEN - DIRECT BY MR. TUCKER

1 Q: Now, could you tell us a little bit about your duties and
2 responsibilities as coroner?

3 A: As coroner, we -- the old adage that, you know, the
4 coroners went out and pronounced folks dead, that is true.
5 That is technically what we also do, but our primary job is
6 when we respond to scenes is to do an investigation as to the
7 manner and cause of death of that individual. The
8 investigation can take quite a while. You know, it depends on
9 what we have to do.

10 In a lot of cases, especially in traumatic deaths or
11 unexpected or unexplained deaths, we have to do autopsies. We
12 participate with autopsies, work hand-in-hand with the
13 pathologist and, you know, the tests that we do afterwards,
14 which we call postmortem studies, we have to wait on those.
15 And once everything comes back, then we do an assessment of
16 what the manner and cause of death is.

17 Q: Now, once you assume the office of coroner, is there any
18 sort of continuing training that you engage in?

19 A: There is. There is -- there's training that we have to
20 go through every year. We have to meet a certain amount of
21 hours going through training that specifies or deals with
22 death investigation.

23 Q: Coroner, I want to direct your attention to July the 28th,
24 2015?

25 A: Yes, sir.

KEITH VON LUTCKEN - DIRECT BY MR. TUCKER

1 Q: Obviously, being elected in 2012, you would have been
2 coroner on that date, would you have not?

3 A: That's correct.

4 Q: Do you recall being contacted or becoming involved in an
5 investigation involving the victim in this case, Ms. Martha
6 Granger?

7 A: I do, yes.

8 Q: Do you recall specifically how you became involved?

9 A: Yes. Our -- our office was notified that afternoon on
10 July the 28th of 2015, you know, by the McLeod Regional Medical
11 Center emergency room. By South Carolina law, anybody that
12 dies within 24 hours of admission to a hospital or emergency
13 room or dies within 24 hours of an invasive surgery, we have
14 to be notified and we make a determination after being briefed
15 by the physicians as to whether we're going to adopt the case
16 or not.

17 In Ms. Granger's case, this was a traumatic death; so
18 there is no deliberation whether we're going to adopt the case
19 or not. It's just -- it's one of those you may say it's a
20 give me. We will adopt this case.

21 At that time, my assistant coroner, Don Reynolds, was on
22 call. He responded to the hospital, as well as I did, and we
23 did our assessment at that time after speaking with the
24 physician and doing an examination of Ms. Granger.

25 Q: Now, obviously this may seem like a crazy question, but

KEITH VON LUTCKEN - DIRECT BY MR. TUCKER

1 Ms. Granger was, in fact, dead when you arrived and did your
2 assessment; correct?

3 A: Yes, sir. She was deceased at the time.

4 Q: Now, with regards to your assessment, could you tell the
5 Court a little bit about what that entails?

6 A: The?

7 Q: The assessment?

8 A: The assessment? The assessment -- basically, we -- we
9 talk to the physician, the attending physician at the time,
10 and we also speak with the trauma team. We acquire their
11 notes. They usually have a code sheet that they work and any
12 other medical records that they have available to provide us.
13 Also, the EMS run sheets, which are -- which are the sheets
14 that EMS fills out on every call that they respond to.

15 So what we're getting is -- by the EMS run sheet, we get
16 a sheet that provides us with the information of what they
17 found when they arrived on the scene. And on that particular
18 day, you know, Florence Fire Department was also on scene as
19 well. So we have -- we have a baseline. We understand what's
20 going on from the time of the scene.

21 We also have officers that are at the emergency room that
22 are able to brief us as to what they saw, what they observed,
23 and what they heard, and they kind of give us an idea also of
24 what had happened. Speaking with the physician, the physician
25 goes through everything from the time that she arrived to the

KEITH VON LUTCKEN - DIRECT BY MR. TUCKER

1 emergency room to the time the problems that she may have
2 suffered, you know, while they were working on her until, you
3 know, she coded and she was pronounced.

4 Q: Now, would your assessment also have included a
5 conversation with law enforcement as well?

6 A: It does, yes.

7 Q: After talking to and reviewing everything that you
8 reviewed, did you have an opportunity to go back and observe
9 Ms. Granger?

10 A: Yes.

11 Q: And again, being or having or in the process of
12 conducting your assessment, what, if anything, did you notice
13 upon your observation?

14 A: Well, the first thing upon entering the room, we saw Ms.
15 Granger. She was lying what we refer to as supine. She was
16 laying on her back on the bed or the stretcher. There was a
17 lot of evidence of emergency resuscitative efforts, medical
18 intervention therapy, you know, in the form of IV lines. She
19 had bilateral -- and what I mean by that is she had
20 thoracostomy tubes on both sides, chest tubes for hemothorax.
21 Defibrillator pads.

22 So she had a lot of medical intervention evidence there
23 that we could see. You know, those are notated, but, you
24 know, we're there also -- like I said, she's already been
25 pronounced. So our job in this case is to document her

KEITH VON LUTCKEN - DIRECT BY MR. TUCKER

1 injuries and to document them by photographing them and by
2 also diagrams.

3 After we do that, you know, then we go further into the
4 examination, but with -- Ms. Granger had multiple contusions
5 and abrasions about her face and head. They were on her
6 anterior and posterior aspects, referring to her front and
7 back, her outer extremities, which would be her arms and her
8 legs, and also her phalanges or fingers.

9 So she had quite a bit of damage done to her. A lot of
10 the abrasions are what we call feather patterns. The feather
11 patterns are actually where the body is being struck by
12 something and the object that strikes it feathers off.

13 Now, this can be a result of her rolling, in her type of
14 case. The information that we were given, of course, was that
15 she was hit by a vehicle.

16 Q: And were the injuries and what you were looking at
17 consistent with that description in terms of her being struck
18 by a vehicle?

19 A: They were.

20 Q: And you indicated that the feathering and the injuries
21 were consistent with her being under a vehicle and I believe
22 you indicated that it indicated to you that she was rolling or
23 being moved up underneath a vehicle?

24 A: Correct. The -- the injuries -- you know, just looking
25 at her -- I mean just by looking at her and not -- not going

KEITH VON LUTCKEN - DIRECT BY MR. TUCKER

1 on by what anybody says, you know, that if nobody had told us
2 even that she had been hit by a vehicle, you could definitely
3 tell without any of that information that she had. The
4 injuries that she had were very abrasive. They went down into
5 several layers of the skin, the dermis, and you could see the
6 feathering effects.

7 And the feathering effects, like I said, is when a person
8 is rolling or actually being drug. You've heard of road rash.
9 She had a lot of that about her extremities and also about her
10 torso.

11 Q: Now, did you notice anything else that caught your
12 attention upon your visual assessment of Ms. Granger?

13 A: Yes, sir. One thing that did stand out, the upper -- the
14 upper -- I'm sorry. I'll stand.

15 (WHEREUPON, the witness stood up in the witness box.)

16 A: The upper right quadrant of the abdomen was a -- was a
17 semicircular, almost oval, appearance. It was almost
18 something that looked like a tattoo, but it wasn't a tattoo.
19 It was something that was an artifact as in a -- as a result
20 of the injuries that she received from being hit by the
21 vehicle.

22 Q: Did you notice anything unusual about the wound itself
23 aside from the shape?

24 A: Well, like I said, the -- the -- the shape of the wound
25 was somewhat -- somewhat as an irregular circle. In other

KEITH VON LUTCKEN - DIRECT BY MR. TUCKER

1 words, it was almost oval, but it also at the bottom of it had
2 a base. But what was also noticeable about the injury was
3 around the circular part of that injury it had -- there's a
4 disk around it. It was almost like a powder burn and that
5 just went around the circular part. And, you know, it was --
6 it was very noticeable. I mean you couldn't miss it, you
7 know, when we were doing our examination and assessment of
8 her.

9 Q: Now, when you say powder burn, what, if anything, did
10 that indicate to you?

11 A: Well, the injury -- the injury itself looked to be a burn
12 mark. I mean that's pretty much -- like I said, it was not a
13 tattoo. This was something that appeared to be a burn mark
14 and what I refer to as the outer rim of the circular part, you
15 know, that had that powder coating to it, almost looked like
16 burn marks. It looked like soot.

17 And there was a defined -- the circle itself was very
18 defined -- very defined, but you could also see the elliptical
19 part or the crescent part around that circle looked like soot.
20 So what it indicated to us was that when she was hit that
21 there was something under that vehicle -- we didn't know what
22 at the time, but there was something under that vehicle that
23 burned her, you know, pretty badly.

24 Q: Now, you mentioned that you work kind of closely with the
25 pathologist?

KEITH VON LUTCKEN - DIRECT BY MR. TUCKER

1 A: Yes, sir.

2 Q: Do you recall what, if anything, after you did your
3 assessment -- you mentioned it was customary, in fact, by law
4 to order an autopsy?

5 A: Yes.

6 Q: Now --

7 A: Yes.

8 Q: Where do you normally send bodies that where you're
9 ordering an autopsy for that particular purpose?

10 A: We -- we have several options, but we -- we use the
11 Medical University of Charleston.

12 Q: Now, is that the location that you used in this
13 particular case?

14 A: It is. Yes, sir.

15 Q: Now, with regards to your involvement, did your
16 involvement end that night or, once the body was taken for an
17 autopsy, did you continue your involvement in your capacity as
18 coroner?

19 A: I did.

20 Q: Could you tell is a little bit about what that may have
21 been?

22 A: Yes, sir.. Like I said just a little while ago, our
23 investigation goes on, especially when there's an autopsy
24 involved because we stay very involved with the pathologist.
25 We -- we have multiple conversations.

KEITH VON LUTCKEN - DIRECT BY MR. TUCKER

1 Of course, our initial conversations are regarding what
2 we find during the external and internal examination during
3 the autopsy. We talk about the type of injuries, like in Ms.
4 Granger's case where we speak about the injuries that she
5 would've incurred as a result of being hit by the vehicle.

6 There's a lot that we determine from the autopsy.
7 There's also samples that are taken from the organs and those
8 samples are sent to the lab where they're prepared and we do
9 histological studies, and that's to rule out any other things
10 that could be related to natural disease that could've
11 contributed to the death, but in her case, that was not the
12 case.

13 Fluids are drawn from the body. Those fluids are sent to
14 a laboratory and we send those off for toxicology purposes to
15 see what type of drugs may be in the system or any type of
16 alcohol.

17 So as you can see, this is a process that goes on for
18 quite a while. These are things that it's not like on
19 television where everything's back within 30 minutes. These
20 are things that take weeks and it takes a lot of time. And in
21 the same time that we're doing all of this, we're working with
22 the law enforcement agency and they're keeping us up to speed
23 as to what their -- how their investigation is progressing.

24 Q: Now, you mentioned manner and cause. Could you explain a
25 little bit about what those terms are, particularly in

KEITH VON LUTCKEN - DIRECT BY MR. TUCKER

1 reference to your capacity as coroner?

2 A: Yes. The -- the cause of death, of course, is self-
3 explanatory. The cause of death is what is -- what actually
4 caused your demise. In a lot of cases, I mean it may be a
5 myocardial infarction, which is a heart attack. It could be
6 cancer or any of those type of things. In those type of
7 cases, your manner of death would be ruled a natural death.

8 Manner of death is homicide, suicide, natural,
9 undetermined, unexplained. You know, so we have other, you
10 know, manners that we go by when we mark the death
11 certificates. So when we actually have to do a death
12 certificate, we have to list your cause of death and what your
13 manner of death is.

14 Q: And are you the one who actually signs the death
15 certificate? I'm assuming the doctor does as well, but do you
16 also sign it?

17 A: Yes. In these cases -- in the cases that the Coroner's
18 Office adopts, we do -- we have 14- to 1,500 per year and, on
19 those type of cases, we are the ones that do the death
20 certificates.

21 Q: Now, you mentioned that part of your assessment and
22 involvement in these types of cases involves coordinating with
23 law enforcement later on. Do you recall having any sort of
24 involvement with law enforcement beyond the autopsy with
25 regards to this case?

KEITH VON LUTCKEN - DIRECT BY MR. TUCKER

1 A: I do.

2 Q: And could you tell me or the Court what that involvement
3 may have been?

4 A: Yes. The Florence Police Department was the
5 investigating agency. They were the ones that initially
6 responded. They're the ones that I met with at the emergency
7 room and continued to have contact with throughout this
8 investigation. And they -- I do not -- I don't remember the
9 date, but they did notify me that an arrest had been made and
10 that the vehicle had been confiscated. They had retrieved the
11 vehicle and the phone.

12 Q: Did you get an opportunity to go out and look at the
13 vehicle yourself?

14 A: I did. Yes, sir.

15 Q: Do you recall what kind of vehicle it was?

16 A: I do not. I don't. I think it was a pickup truck, but I
17 don't remember what type.

18 Q: Do you recall looking at the under part of the vehicle?

19 A: I do, yes.

20 Q: And was there anything that caught your attention about
21 the vehicle with regards to your investigation and capacity
22 involved in this case?

23 A: The vehicle was an older vehicle. I do remember it was a
24 pickup truck. It wasn't in the greatest shape, but once we
25 got it to the wrecker service -- the wrecker service that it

KEITH VON LUTCKEN - DIRECT BY MR. TUCKER

1 was towed to was Dun-Rite Towing on Cashua Drive across from
2 Schofield Harbor. The crime scene unit with the police
3 department did a very good job of preserving it by wrapping
4 it. So once we got it to -- they called me to let me know
5 that the vehicle was on its way to Dun-Rite. I met them
6 there, we unwrapped the vehicle, and the vehicle was placed on
7 the lift.

8 Q: Now, Coroner, you indicated you didn't remember all that
9 well, but could it have been a minivan that was there in terms
10 of what you remember?

11 A: It may have been. I don't remember it. I apologize.

12 Q: You focused more on the underneath of the vehicle?

13 A: That's correct, yes.

14 Q: And if you could continue? Once they had got it on the
15 lift, what was your involvement at that point?

16 A: Now, one -- you know, of course, after we unwrapped it,
17 we did a visual observation of the outside of the vehicle and
18 then we put it on the lift and we lifted it. And going up
19 under a vehicle, of course, what we're looking for -- because
20 in this case we knew that she was under -- was run over. She
21 was under the vehicle at some point; so what we're looking for
22 is we're looking for any fibers, fabrics of clothing, anything
23 that may indicate that, you know, this was definitely the
24 vehicle.

25 What we did notice was the exhaust pipe on the vehicle

KEITH VON LUTCKEN - DIRECT BY MR. TUCKER

1 was crimped. It had some damage to it. So --

2 Q: What was the significance of that?

3 A: Well, when we looked at it once again, it also had that
4 irregular circular shape to it and it had a base to it, like
5 part of it had been crimped, like I was explaining to you the
6 wound to her abdomen. That wound -- when we looked at the
7 tailpipe, there was no question in our mind and, of course,
8 that tailpipe would've been hot enough that it would have
9 burned her.

10 So with what I've told you about her being run over, we
11 definitely know that she was under the vehicle and that she
12 had rolled and had been drug at some point to create the
13 injuries that she had, but she also had the burn pattern to
14 that upper right quadrant of her abdomen and we were certain
15 at that time that that's what caused it.

16 Q: Okay.

17 MR. TUCKER: Your Honor, I believe that's all the
18 questions I have of this witness.

19 THE COURT: All right. Cross?

20 MR. FLOYD: Your Honor, as much as I always love speaking
21 to the coroner -- he's one of my favorite people -- I don't
22 have any questions.

23 THE COURT: All right. You have a good day.

24 THE WITNESS: Thank you, Mr. Floyd.

25 THE COURT: You have a good day. Thank you.

1 THE WITNESS: Thank you, Judge.

2 THE COURT: Call your next witness.

3 MR. TUCKER: Your Honor, we have an issue that needs to
4 be taken up outside the presence of the jury at this time.

5 THE COURT: Members of the jury, if you would, step into
6 the jury room and do not discuss the case.

7 (WHEREUPON, the jury exited the courtroom at 10:05 a.m.)

8 THE COURT: All right. Yes, sir.

9 MR. TUCKER: Your Honor, the next witness that we will
10 call is the pathologist in this case, Dr. Tormos. Obviously,
11 pursuant to her autopsy, she had to take numerous pictures
12 and, in talking to her, she indicated that there were several
13 pictures that would be relevant and obviously that she would
14 have to use in her testimony, and Mr. Floyd and I have looked
15 at those and I believe that he has no objection to those.

16 THE COURT: All right.

17 MR. FLOYD: That's correct, Your Honor.

18 THE COURT: Thank you.

19 MR. TUCKER: We're waiting for Mr. Godbolt to come in.
20 We had to do a few redactions in terms of for -- given the
21 nature of the pictures and I'll explain that when he gets in
22 here, but I just wanted Mr. Floyd to see that so, obviously,
23 if he had any additional -- or if he had any objections at
24 that time, we could put that on the record.

25 THE COURT: All right. Sounds good. Do y'all need a

1 short break before we bring them back in?

2 MR. TUCKER: Yes, sir. That would be great.

3 THE COURT: Okay. Let's do that.

4 (WHEREUPON, there was a break in the proceedings from
5 10:07 a.m. until 10:25 a.m., after which the proceedings
6 resumed as follows.)

7 THE COURT: All right. Are you ready, Solicitor?

8 MR. TUCKER: Ready, Your Honor.

9 THE COURT: All right. Go ahead and bring out the jury.

10 (WHEREUPON, the jury entered the courtroom at 10:25 a.m.)

11 THE COURT: All right. Go ahead and call your next
12 witness.

13 MR. TUCKER: Thank you, Your Honor. May it please the
14 Court. At this time, the State would call Dr. Lee Marie
15 Tormos.

16 THE CLERK: Ma'am, if you will, please place your left
17 hand on the Bible and raise your right hand. Do you swear the
18 testimony you give in this case to be the truth, the whole
19 truth, and nothing but the truth, so help you God?

20 THE WITNESS: I do.

21 THE CLERK: Please be seated and state your full name for
22 the record.

23 THE WITNESS: My name is Dr. Lee Marie Tormos, T-o-r-m-o-
24 s.

25 DR. LEE MARIE TORMOS, being

DR. LEE MARIE TORMOS - DIRECT BY MR. TUCKER

1 first duly sworn, testified as follows:

2 DIRECT EXAMINATION

3 BY MR. TUCKER:

4 Q: Dr. Tormos, where do you reside presently?

5 A: I live in Mt. Pleasant, South Carolina.

6 Q: And where are you employed?

7 A: I work at the Medical University of South Carolina.

8 Q: In what capacity?

9 A: I am a forensic pathologist at the Medical University of
10 South Carolina.

11 Q: Now, when you say licensed forensic pathologist, are you
12 also a medical doctor?

13 A: Yes.

14 Q: And where did you go to medical school?

15 A: I went to medical school at the University of Puerto
16 Rico.

17 Q: And did you go there for undergrad as well?

18 A: Yes, I did.

19 Q: Once you graduated medical school, did you undergo any
20 other training?

21 A: Yes. After completing my medical doctorate degree, I
22 also did a specialty training in pathology and laboratory
23 medicine, also called anatomic and clinical pathology. I'm
24 board-certified in that. I worked for three years in Puerto
25 Rico and then I relocated to Charleston, South Carolina, where

DR. LEE MARIE TORMOS - DIRECT BY MR. TUCKER

1 I did my subspecialty training at the Medical University of
2 South Carolina, therefore becoming a forensic pathologist.
3 I'm also board-certified in forensic pathology.

4 Q: Now, when you say board-certified, I assume that that
5 also means in South Carolina?

6 A: Yes.

7 Q: Now, with regards to training in pathology, could you
8 tell us a little bit about what the pathology field entails?

9 A: Yes. The pathology field is a specialty in medicine that
10 looks for evidence of disease in the body with the naked eye
11 and using the aid of a microscope. The subspecialty of
12 forensic pathology also looks at injuries and how they bring
13 upon death or morbidity in a person, and we also apply our
14 knowledge in pathology deceased to figure out how a person
15 died.

16 Q: Now, with regards to -- could you explain the difference
17 to the jury between a coroner and what you do?

18 A: Yes. The coroner is the layperson in South Carolina that
19 is elected as a public official to lead the death
20 investigation. The coroner in turn subcontracts us as
21 forensic pathologists to perform the autopsy and we report our
22 findings to the coroner, but the coroner makes the ultimate
23 determination in South Carolina.

24 Q: Now, are you a member of any sort of associations or
25 organizations requisite to your duties as a pathologist?

DR. LEE MARIE TORMOS - DIRECT BY MR. TUCKER

1 A: Yes. I am a member of the National Association of
2 Medical Examiners and I'm also a member of the American
3 Association of Blood Banks because I also do transfusion
4 medicine at the hospital.

5 Q: Now, have you ever published any sort of articles or
6 scholarly works with regards to pathology?

7 A: Yes, sir. I have published multiple articles in -- in
8 work and forensic journals.

9 Q: With regards to -- have you ever been qualified as an
10 expert in the field of pathology for court purposes?

11 A: Yes, sir.

12 Q: Do you know approximately how many times?

13 A: Over 40.

14 MR. TUCKER: Your Honor, at this time, I would offer Dr.
15 Tormos as an expert in the field of pathology.

16 THE COURT: Any objections?

17 MR. FLOYD: No objections, Your Honor.

18 THE COURT: So granted.

19 BY MR. TUCKER:

20 Q: Dr. Tormos, were you working in your capacity as a
21 forensic pathologist on or about July the 28th of 2015?

22 A: Yes, I was.

23 Q: And were you working at the University of South Carolina
24 -- Medical University there in Charleston?

25 A: Yes, I was.

DR. LEE MARIE TORMOS - DIRECT BY MR. TUCKER

1 Q: With regard specifically to this case, did you have an
2 occasion to do an autopsy in the day or two surrounding July
3 28th on Martha Granger?

4 A: Yes, I did.

5 Q: And could you tell us a little bit about how an autopsy
6 works and specifically after you do that with regards Ms.
7 Granger?

8 A: Yes. We received a call from the coroner referring Ms.
9 Granger for autopsy. At the time, we scheduled her for July
10 30th at 9 o'clock, where we performed the examination.

11 Q: Now, when the body arrived for autopsy, how does it
12 normally arrive in terms of -- is it in a bag or how does it
13 arrive to you?

14 A: The body arrived in a sealed body bag and we removed the
15 body bag seal when we brought the body up to the autopsy room
16 and placed the body on the autopsy table.

17 Q: Okay. Now, with regards to the process, just generally
18 speaking, how does an autopsy -- or how do you perform
19 autopsies?

20 A: Okay. We will examine the body on the outside exactly as
21 it came in. As the body is taken out of the body bag, we will
22 document on paper and with photographs the state of the body
23 as it came in. We will remove all evidence of medical
24 interventions and then photograph the body again with the
25 medical intervention paraphernalia removed after cleaning the

DR. LEE MARIE TORMOS - DIRECT BY MR. TUCKER

1 body and everything. We will document the extent of injuries
2 and then we will do an internal examination using surgical
3 tools and we will examine the body on the inside as well.

4 Q: And was that done in this case regarding Ms. Granger?

5 A: Yes.

6 Q: What were your observations of Ms. Granger's condition
7 when you first opened the bag and had an opportunity to see
8 her?

9 A: Ms. Granger had extensive, extensive medical
10 interventions.

11 Q: Now, Doctor, let me ask you when you say medical
12 intervention, exactly what are you referring to?

13 A: Evidence of resuscitation attempts. So she had IV lines.
14 She had chest tubes. She had a cervical immobilizer. She had
15 defibrillator pads on her chest for CPR. All sorts of medical
16 interventions in the process of trying to keep her alive.

17 Q: Again, you mentioned that you document these steps as you
18 were performing them in the autopsy room?

19 A: I do.

20 Q: You took some photos regarding Ms. Granger in this case
21 as you performed the autopsy; correct?

22 A: Yes.

23 Q: Would it aid you at this point to step down and show the
24 jury these pictures as I show them to you and explain what you
25 did and how you did it?

DR. LEE MARIE TORMOS - DIRECT BY MR. TUCKER

1 A: Yes.

2 MR. TUCKER: And, Your Honor, I would ask if the witness
3 could step down?

4 THE COURT: She may. Thank you. Watch your step.

5 (WHEREUPON, the witness complied.)

6 MR. TUCKER: And, Your Honor, for the record, I am
7 showing the witness what has been entered into evidence and
8 marked as State's 13.

9 BY MR. TUCKER:

10 Q: And, Dr. Tormos, if you could, explain what we're looking
11 at here?

12 A: This is a picture of our autopsy room.

13 THE COURT: Hold on one minute, Solicitor. If you would,
14 tell me which numbers you have already moved into evidence
15 without objection from Mr. Floyd. I wasn't --

16 MR. TUCKER: Yes, sir.

17 THE COURT: I didn't have that.

18 MR. TUCKER: Numbers 13 through 18, Your Honor.

19 THE COURT: All right. Any objections to that, Mr.
20 Floyd.

21 MR. FLOYD: No objection, Your Honor.

22 THE COURT: All right. 13 through 18, State's exhibits,
23 are in evidence without objection. I'm sorry. Go ahead.

24 (WHEREUPON, State's Exhibits 13 through 18, autopsy
25 photographs, were admitted into evidence.)

DR. LEE MARIE TORMOS - DIRECT BY MR. TUCKER

1 BY MR. TUCKER:

2 A: This is a picture of our autopsy room. As you can see,
3 this is the autopsy table right here and we have already
4 opened the body bag and transferred the body onto the autopsy
5 table. FA15-495 is the autopsy number that we assigned to Ms.
6 Granger and this is what I mean that she had a lot of medical
7 interventions.

8 As you can see, her arms are covered in gauze. She has
9 multiple tubes. That is a tube extending from her chest.
10 She's got a cervical immobilizer. She's got EKG pads. She's
11 got AED pads. She has a tube protruding into her mouth for
12 her breathing. All of this was placed by the doctors in an
13 attempt to keep her alive.

14 MR. TUCKER: And, Your Honor, I am next moving to what
15 has been marked State's 14.

16 BY MR. TUCKER:

17 A: Okay. Again, this is an overview of what the doctors did
18 at the hospital trying to resuscitate her. That is her
19 identification tag on the left big toe. That is a blood
20 pressure cuff. She's got surgical drapes. She was transfused
21 with fluids and one of them, which may not be in this picture
22 -- she also had a unit of O negative blood that she was being
23 actively transfused. You can see EKG pads. You can see that
24 her hands are abraded. Some of her injuries on her forearms
25 were covered by gauze. She's got IV lines. And if you'll go

DR. LEE MARIE TORMOS - DIRECT BY MR. TUCKER

1 to the next one, this is the bottom half. I'll show you the
2 top half.

3 Q: And if we could move to what has been marked State's 15?

4 A: And then this is a continuous picture with the previous
5 one. You can see that she's got chest tubes on each side of
6 the chest. She does have the abrasions on the hands and the
7 forearms, and you can see that her face is abraded.

8 We document all this by photographs and on a piece of
9 paper, and then we would proceed to remove each and every
10 medical intervention and take pictures with her cleaned up.

11 Q: And if we could move to what's been marked as State's 16?

12 A: Okay. May I go to the injuries as I have them up?

13 Q: Absolutely.

14 A: Okay. So this is what we call the identification
15 picture. So it's a picture of the face, sort of like a
16 passport picture. As you can see, she has got an abrasion
17 that some people refer to as road rash. She's got an abrasion
18 that's about five inches wide and it courses from the scalp
19 all around her face to the other side of the scalp just behind
20 her ears. Underlying these abrasions, she's got hemorrhage of
21 the tissue. She's got a laceration to her forehead, a
22 laceration to the nose, a laceration to the upper lip. She
23 also has cheekbone fractures.

24 Q: And, Doctor, let me ask you --

25 A: And a nasal fracture. I'm sorry.

DR. LEE MARIE TORMOS - DIRECT BY MR. TUCKER

1 Q: What sort of conclusions are you drawing at this point in
2 looking at Ms. Granger when you took that photo?

3 A: That this is consistent with blunt trauma.

4 Q: If we could move to what's been marked State's 17?

5 A: Okay. This is an overhead picture of her body after the
6 medical interventions have been removed. You can see here
7 that she has severe, severe abrasions on both forearms. So
8 this would indicate that the body part that was being exposed
9 to the -- to a hard surface was the forearms, and we attempt
10 to do that sort of as a protective mechanism. When we're
11 having trauma, we tend to put our arms up or out to try to
12 protect our torso where our vital organs are. She also has
13 this abraded area, which is a pattern abrasion. It has a
14 little bit of searing to it.

15 Q: And when you say searing, Doctor, what, if anything, does
16 that indicate?

17 A: This -- that this could be consistent with a burn or a
18 very quick superficial burn or abrasion. You see it's got a
19 round pattern, maybe a little bit squared off on one end.

20 Q: Is there any significance in the shape of this particular
21 abrasion?

22 A: This is a very unusual finding in a pedestrian. And when
23 we see this, we tend to think of a round part of the car, such
24 as the tailpipe of the car. So this could definitely be an
25 impact of a tailpipe.

DR. LEE MARIE TORMOS - DIRECT BY MR. TUCKER

1 Q: And if we could move to what has been marked State's 18?

2 A: And then State's 18, again, is just noting that, as with
3 most trauma, the -- the parts that are usually scraped are the
4 bony protuberances. So the knees and the elbows tend to get
5 scraped first because that's where we usually put our body
6 weight when we're trying to protect our torso. So you can see
7 scrapes on the knees and some bruises and such. You can see a
8 bruise here on her foot.

9 Q: And, Doctor, on the left knee, there appears to be a
10 large abrasion on the top. Is there any significance to that
11 placement of that versus the other leg?

12 A: No. Nothing that comes to mind right now. Just, you
13 know, that's simply where the -- this is hitting either the
14 road or another -- or something that is causing that.

15 Q: All right. And, if you could -- Doctor, if you could
16 return to the stand?

17 A: Yes.

18 Q: And, Doctor, once you completed your external examination
19 and documentation of Ms. Granger, did the autopsy move to a
20 second stage?

21 A: Yes. The second stage is the internal examination where
22 we will look at the organs on the inside of the body, looking
23 for evidence of injury to the internal organs, the inside of
24 the bones, and any collections of fluids, such as blood, in
25 the cavities.

DR. LEE MARIE TORMOS - DIRECT BY MR. TUCKER

1 Q: And how is that typically performed in terms of your
2 internal examination?

3 A: We will do a Y incision, reflect the skin, document any
4 pertinent findings, and then take the organs out one by one
5 and examine them on the table.

6 Q: And once you made the Y incision and you began your
7 examination internally, what, if anything, did you notice
8 about Ms. Granger's condition?

9 A: She has multiple fractures of her ribs, particularly her
10 upper ribs, as well as her left clavicle. She also has a
11 contusion or a bruise to the muscle underlying her left
12 breast.

13 Q: Did that indicate anything to you in terms of manner and
14 cause of death?

15 A: That would indicate -- given that her ribs are fractured
16 in three different places -- her ribs are fractured
17 anteriorly, laterally, and posteriorly. Posterior rib
18 fractures -- you need a lot of force. So I'm thinking that
19 she probably had significant force applied to the shoulder or
20 upper breast area.

21 Q: Would that be consistent with being run over by a
22 vehicle?

23 A: Yes, it would be.

24 Q: Once you proceeded to the next step, was there other
25 parts of the body internally you examined as well?

DR. LEE MARIE TORMOS - DIRECT BY MR. TUCKER

- 1 A: Yes. She had residual blood in the chest cavities
2 because the doctors had placed chest tubes and had drained
3 some of the blood in the emergency department. She also has
4 contusions to the lungs and she also has pelvis fractures.
5 Again, the pelvis is a very strong organ, organ not bone, and
6 it takes a lot of force to fracture a pelvis.
- 7 Q: And did you notice any sort of -- you mentioned damage to
8 the pelvis area?
- 9 A: Just the fractures.
- 10 Q: And what sort of physical condition would -- in other
11 words, what sort of symptoms would she have been suffering
12 once she suffered that pelvic injury? What would that have
13 caused?
- 14 A: It would destabilize her; so she would have been limited
15 in mobility. She couldn't really stand very well because the
16 pelvis helps keep us upright. And the rib fractures would
17 have given her trouble with breathing, pain with breathing,
18 and she's got a contusion and a laceration to the lungs; so
19 she's also bleeding internally.
- 20 Q: Based on your assessment and your external examination,
21 as well as your internal examination, do you have an opinion
22 as to how many times Ms. Granger may have been run over?
- 23 A: At least once and it would be very likely that -- that
24 maybe twice --
- 25 Q: Okay.

DR. LEE MARIE TORMOS - DIRECT BY MR. TUCKER

1 A: -- because she's got fractures on the upper side of her
2 body. May I stand to show?

3 Q: Absolutely.

4 A: Okay. She's two or three inches taller than me and she's
5 got fractures along the clavicle and upper ribs, and she also
6 has fractures down at the pelvis. This could indicate one
7 time where a wheel could possibly go over and the pelvis a
8 second time because the distance between here and here is not
9 the wheelbase of any particular car.

10 So if it was a single time, you would expect the distance
11 to be about the distance between the wheels of a car, but
12 because one is here and the other one is over the pelvis, it
13 makes you think that it might be more of a V-shaped kind of
14 event or she may have twisted at some point under the vehicle.
15 So I think she's run over at least once, but it is very
16 possible that it was twice depending on, you know, the motion
17 of the car.

18 Q: And, Doctor, do you have an opinion as to what her exact
19 cause of death was?

20 A: The cause of death is blunt trauma to the torso. And the
21 manner of death?

22 Q: Yes.

23 A: Is homicide.

24 MR. TUCKER: I believe that's all the questions I have,
25 Your Honor.

DR. LEE MARIE TORMOS - CROSS BY MR. FLOYD

1 THE COURT: All right. Cross?

2 MR. FLOYD: Thank you.

3 CROSS-EXAMINATION

4 BY MR. FLOYD:

5 Q: Just a question about the term homicide?

6 A: Yes.

7 Q: When you use homicide, could you explain what you mean by
8 that word?

9 A: Absolutely. I use the medical definition of homicide,
10 which may or may not have any bearing on the legal definition
11 of homicide. There are five matters of death.

12 Natural, which is when a person dies due to the aging
13 process or a particular disease or illness.

14 There's accident, when a person dies as a consequence of
15 an action that was not intended to produce death.

16 Suicide, when a person intends to harm themselves, even
17 if they might not intend to die, but they intentionally harm
18 themselves.

19 Homicide for my legal definition -- for my medical
20 definition is a death brought upon by the action of another
21 individual.

22 Q: Okay.

23 MR. FLOYD: Thank you very much.

24 MR. TUCKER: No redirect, Your Honor.

25 THE COURT: All right. You have a good day. Thank you.

1 THE WITNESS: Thank you.

2 THE COURT: Watch your step. Call your next witness.

3 MR. TUCKER: Your Honor, at this time, I would ask for
4 just a short recess just from a housekeeping standpoint so we
5 can take up one little issue that hopefully won't take that
6 long.

7 THE COURT: All right. If you would, step into the jury
8 room.

9 (WHEREUPON, the jury exited the courtroom at 10:46 a.m.)

10 MR. TUCKER: And, Your Honor, the next witness would be
11 -- okay. The next witness will be Lt. Michael Brandt. He was
12 the crime scene investigator who worked this case. There are
13 a number of photos, most of -- I think myself and Mr. Floyd
14 are in agreement on these, the ones that we went through
15 yesterday without the --

16 MR. FLOYD: Without the ones of her --

17 MR. TUCKER: Right.

18 MR. FLOYD: -- body.

19 MR. TUCKER: And since Dr. Tormos was able to --

20 MR. FLOYD: Right.

21 MR. TUCKER: -- expound on that, I wouldn't need those.

22 MR. FLOYD: Okay.

23 MR. TUCKER: So what we will probably need to do is just
24 now number these.

25 THE COURT: Let's go ahead and do that and make sure we

1 have it on the record.

2 MR. TUCKER: Yeah.

3 THE COURT: In evidence without objection.

4 MR. TUCKER: Yes, sir.

5 THE COURT: All right.

6 MR. TUCKER: And then, of course, there are some here as
7 well, and these are the ones from the vehicle.

8 MR. FLOYD: On the jack?

9 MR. TUCKER: Right.

10 MR. FLOYD: Okay.

11 MR. TUCKER: In fact, what I'm going to do is go ahead
12 and take the ones of her out back here. Well, I may have gone
13 ahead and taken those out, but I wouldn't be introducing any
14 of her in the hospital. Here they are. We'll take those out.
15 All right.

16 THE COURT: Let's go ahead and number them and see what
17 we got.

18 (WHEREUPON, there was a pause in the proceedings from
19 10:48 a.m. until 11:20 a.m. to mark photographs, after
20 which the proceedings resumed as follows.)

21 THE COURT: And for the record, it's 19 through 284 into
22 evidence by the State without objection from the defense.

23 MR. FLOYD: That's right.

24 THE COURT: All right.

25 (WHEREUPON, State's Exhibits Number 19 through 283,

MICHAEL BRANDT - DIRECT BY MR. TUCKER

1 photographs, and State's Exhibit Number 284, a large
2 overhead view photograph, were admitted into evidence.)

3 MR. TUCKER: I believe we're ready, Your Honor.

4 THE COURT: We are ready. Go ahead and bring out the
5 jury.

6 (WHEREUPON, the jury entered the courtroom at 11:21 a.m.)

7 THE COURT: All right. Solicitor, if you'll call your
8 next witness.

9 MR. TUCKER: Thank you, Your Honor. At this time, the
10 State would call Lt. Mike Brandt to the stand.

11 THE CLERK: Please place your left hand on the Bible and
12 raise your right hand. Do you swear the testimony you give in
13 this case to be the truth, the whole truth, and nothing but
14 the truth, so help you God?

15 THE WITNESS: I do.

16 THE COURT: Please be seated and state your full name for
17 the record.

18 THE WITNESS: My name is Lt. Michael Christopher Brandt.
19 I'm a lieutenant with the Florence Police Department.

20 MR. TUCKER: Thank you, Your Honor.

21 MICHAEL BRANDT, being first duly
22 sworn, testified as follows:

23 DIRECT EXAMINATION

24 BY MR. TUCKER:

25 Q: Lt. Brandt, how long have you been with the Florence

MICHAEL BRANDT - DIRECT BY MR. TUCKER

1 Police Department?

2 A: Just shy of 19 years.

3 Q: Now, you are a lieutenant and what specific duties do you
4 have there at the Florence Police Department?

5 A: Currently, I am assigned to supervise the crime scene
6 unit, evidence property and supply, public information, and
7 polygraph services.

8 Q: Now, with regards to your current rank, obviously, you
9 didn't start as a lieutenant. Did you work yourself up from
10 the bottom, as others?

11 A: Yes, sir. I started on patrol division and worked there
12 four years and came up to investigations for a brief stint
13 before being promoted to corporal, and went to the street and
14 was a supervisor on the street for a few years, but I've spent
15 the last 13 years with the crime scene unit.

16 Q: And what kind of particularized training have you had
17 with regards to crime scene analysis?

18 A: I have had numerous trainings, crime scene
19 reconstruction, alternate light source, various trainings.
20 Yes, sir.

21 Q: Would it be fair to say you've probably processed more
22 than a couple hundred crime scenes in your years?

23 A: Oh, yes, sir. Yes, sir.

24 Q: Now, were you presently or were you working on July 28th,
25 2015, at or around 5:30 in your capacity as a crime scene

MICHAEL BRANDT - DIRECT BY MR. TUCKER

1 investigator?

2 A: I was.

3 Q: Do you recall being notified of an incident at Converse
4 Drive?

5 A: Yes, sir.

6 Q: And do you recall what you did after being notified?

7 A: I responded to Converse and Winthrop Drive, which is in
8 the city of Florence, and met with Cpl. Jeff Worthington, who
9 was on the scene with his trainee, and he gave me a briefing
10 of what took place, what he observed when he responded to the
11 scene.

12 Q: And initially, did you come to understand that the actual
13 address where this thing occurred was Converse?

14 A: Yes, sir. Converse.

15 Q: And again, this may sound like a stupid question, but
16 Converse -- is that in the city of Florence?

17 A: Yes, sir.

18 Q: And is it in the county of Florence?

19 A: It is in the county of Florence, South Carolina.

20 Q: Okay. What did you do after meeting with Cpl.
21 Worthington in terms of what you would do in looking at a
22 crime scene initially?

23 A: After responding and being briefed by Cpl. Worthington, I
24 would take a hands-off walk through. I took a hands-off walk-
25 through of the crime scene trying to absorb all of what was

MICHAEL BRANDT - DIRECT BY MR. TUCKER

1 told to me and trying to make an understanding of what went on
2 at the scene. Walking up the driveway, I observed a propane
3 tank that was sitting out on the grass. Inside a carport
4 area, there was a --

5 Q: And let me stop you there.

6 A: Yes.

7 Q: Lt. Brandt, the propane gas tank -- was that subsequently
8 something that you took into custody?

9 A: Yes, sir. Yes, sir.

10 MR. TUCKER: And, Your Honor, if I may approach?

11 THE COURT: You may.

12 BY MR. TUCKER:

13 Q: And, Lieutenant, I'd ask if you'd pull that box and look
14 and see if you recognize it, once you open it? It might be
15 easier to set it down if you want to take it out all the way.

16 A: Yes, sir.

17 Q: Okay.

18 A: This would be the propane tank that I first observed at
19 the scene.

20 Q: And, Lt. Brandt, how do you know that that's the exact
21 propane tank you took into your custody?

22 A: I took it into my custody and, after processing it,
23 labeled it and secured it in our long-term storage facility.

24 Q: And has it been in there ever since?

25 A: Yes, sir.

MICHAEL BRANDT - DIRECT BY MR. TUCKER

1 Q: Until you took it out and brought it here this morning?

2 A: Yes, sir, for court purposes.

3 MR. TUCKER: And, Your Honor, I would at this point move
4 the propane tank into evidence.

5 THE COURT: Any objections?

6 MR. FLOYD: No objections, Your Honor.

7 THE COURT: That would be 285?

8 MR. TUCKER: Yes, sir.

9 THE COURT: 285 is into evidence without objection.

10 (WHEREUPON, State's Exhibit Number 285, propane tank, was
11 admitted into evidence.)

12 BY MR. TUCKER:

13 Q: If you'd just set that there or anywhere that's out of
14 your way?

15 A: Okay. All right.

16 Q: And, Lieutenant, at some point once you do your walk-
17 through, do you subsequently document everything that you see
18 with -- by photographic means?

19 A: Yes. Once I've completed my walk-through -- once I
20 completed the walk-through of the residence and garage, I came
21 back and photographed the scene thoroughly.

22 Q: Okay.

23 MR. TUCKER: And, Keith, if you could raise that up?
24 And, Your Honor, at this time, I'd ask the witness to step
25 down?

MICHAEL BRANDT - DIRECT BY MR. TUCKER

1 THE COURT: You may.

2 (WHEREUPON, the witness exited the witness stand.)

3 MR. TUCKER: Your Honor, I am showing the witness what's
4 been marked State's 19.

5 (WHEREUPON, each photograph in evidence was shown in turn
6 on a large screen in front of the jury.)

7 BY MR. TUCKER:

8 Q: And, Lt. Brandt, what is it that we're looking at in this
9 photo?

10 A: These are the roadway signs for identification purposes
11 to show our location of where they -- where we were processing
12 the scene.

13 MR. TUCKER: And the next one? Now, it's State's 20,
14 Your Honor.

15 BY MR. TUCKER:

16 A: This is part of my photographic walk-through. I take
17 another picture that ties into the subsequential, trying to
18 tie into the subsequent shot so we can take the pictures to
19 court. This is Converse Drive where the vehicles are parked
20 and Winthrop drive is running off here.

21 Q: And State's 21? And what are we looking at in that
22 photo, Lieutenant?

23 A: We are looking more northbound from the roadway sign
24 toward the house. I believe that's Winthrop.

25 Q: Is that the Smith residence, Judy Smith's house?

MICHAEL BRANDT - DIRECT BY MR. TUCKER

1 A: Yes, sir.

2 Q: And did you subsequently locate the truck that's in that
3 particular photo?

4 A: Yes, sir. That was later identified as Ms. Granger's
5 truck.

6 Q: Okay.

7 MR. TUCKER: And if we could go to 64, Keith?

8 BY MR. TUCKER:

9 Q: And State's 22? And what are we looking at in that
10 photo?

11 A: Again, this is another tie-in shot to walk you through my
12 crime scene.

13 Q: Okay. And 23? And what are we looking at there?

14 A: Again, this is the victim's vehicle in that -- in the
15 front yard on Winthrop.

16 Q: And the next one, 24?

17 MR. TUCKER: State's 24, Your Honor.

18 BY MR. TUCKER:

19 A: Tie-in shot that shows the front of to locate that
20 -- that vehicle.

21 Q: And 26? State's 26?

22 A: Close-up shot of the vehicle to better see the -- the
23 address.

24 Q: Okay. Now, were you paying any kind of attention to the
25 truck in terms of evidentiary value at this point or are you

MICHAEL BRANDT - DIRECT BY MR. TUCKER

1 just trying to document everything?

2 A: At this point, we're documenting, trying to show the
3 scene as we found it in its raw form.

4 Q: And State's 27?

5 A: That's the address where we were located.

6 Q: And 29?

7 A: Just a better shot for identification of the -- when we
8 take pictures of vehicles, we try to at least take eight
9 photographs, front and each corner and each side. So we end
10 up with at least eight photographs.

11 Q: And I believe that would be State's 26 there. So we'll
12 look to State's 27?

13 A: Again, this is the victim's vehicle. This is part of
14 that -- that walk-through.

15 Q: And let's go to --

16 MR. TUCKER: Keith, if you can get me 1771?

17 BY MR. TUCKER:

18 Q: Okay. And that would be 27 and that again is just
19 documenting the front?

20 A: The front of the victim's vehicle.

21 Q: At this point in this photo, did you notice anything in
22 particular about the front of the vehicle?

23 A: At this point in my investigation, initially, I had not
24 noticed --/I was still just trying to document the scene.

25 Q: And 28?

MICHAEL BRANDT - DIRECT BY MR. TUCKER

1 MR. TUCKER: For you, that means 1774.

2 BY MR. TUCKER:

3 Q: And this is State's 28 and again?

4 A: Again, this is the victim's vehicle for identification
5 purposes having that tag and being able to show the -- the
6 condition of the vehicle as we found it.

7 Q: And we're now looking at State's 29?

8 A: The -- the rear side of the victim's vehicle with the
9 license plate.

10 Q: And we're looking at what's been marked State's 30 and
11 what was the purpose of taking this photo?

12 A: Again, another identification of the vehicle. The --
13 this is the vehicle identification number plate on the inside
14 of the driver's door and it gives us a lot of information.
15 It's the vehicle identification number that's individual to
16 that vehicle. The vehicle type, the month and year of
17 manufacture, and there are other codes in here for reference.

18 Q: And looking at State's 31, what is that we're looking at?

19 A: That is a handicap placard hangtag for Ms. Granger that
20 we found in the vehicle.

21 Q: Okay. And did you find out who the photo is of the
22 individual at the bottom?

23 A: Yes. That -- that is a picture of Martha Granger.

24 Q: And this is State's 32 and is this just a closer up
25 picture of --

MICHAEL BRANDT - DIRECT BY MR. TUCKER

1 A: Close-up pictures for identification purposes.

2 Q: And now, we're looking at State's 33. What's in this
3 photo?

4 A: This is the interior of the victim's vehicle, the driver
5 seat, and in -- in the edge of the driver's seat, I found an
6 empty gun holster.

7 Q: And we're looking at State's 34. And what is that? Is
8 that just a closer-up picture of the holster?

9 A: That's a close-up picture of that holster.

10 Q: And this is State's 35?

11 A: This is a picture looking westbound from the victim's
12 vehicle across the yard on Winthrop to Converse Drive and
13 that would be the driveway..

14 MR. TUCKER: And go to 94.

15 BY MR. TUCKER:

16 A: Again, this is the series that we take of photographs to
17 step you through the crime scene tying one shot from another
18 to walk you into this location at Converse Drive..

19 Q: Okay. And now, this is State's 37. Is that just a
20 closer picture of the previous one?

21 A: Yes. This is a closer picture of Converse.

22 Q: This is State's 38?

23 A: This is the location where Cpl. Worthington pointed out
24 that he observed -- he told me where he observed Ms. Granger
25 as EMS was working on her in this area of the photograph.

MICHAEL BRANDT - DIRECT BY MR. TUCKER

1 Q: And obviously, Ms. Granger had already been removed from
2 the scene by the time you got there?

3 A: Yes, sir. She was -- she was at the hospital by the time
4 I arrived at the scene.

5 Q: And this is State's 39?

6 A: Yes.

7 Q: And is that just a closer-up picture?

8 A: Closer-up picture, yes.

9 Q: State's 40?

10 A: Different angle looking southwest. You can see in
11 the upper right corner of the photograph, the mailbox for that
12 address, and then the roadway is Converse.

13 Q: Okay. State's 44, and this is a picture of the road
14 again just closer from the ones that we've seen previous?

15 A: Yes. These are closer in the photograph.

16 Q: Okay. And we're now looking at State's 43?

17 A: Again, another closer photograph of the area where Ms.
18 Granger had been laying.

19 Q: State's 45 and; again, what are we looking at at this?

20 A: This is a walk -- this is another one of those tie-in
21 shots that shows the -- where we were to heading toward the
22 mailbox of Converse to -- to have an identification shot.

23 Q: And now, we'll be looking at State's 46. I think you can
24 make that out a little clearer?

25 A: Yes. That would be the mailbox.

MICHAEL BRANDT - DIRECT BY MR. TUCKER

1 Q: Now, we're looking at State's 47?

2 A: This is viewing westbound, the driveway at Converse.

3 Q: Now, we're looking at State's 48?

4 A: Yes. As I walked up the driveway, I observed the propane
5 tank, and that's a detached garage that's approximately 46
6 feet away from the main -- the main house.

7 Q: Okay. Now, we're looking at State's 49?

8 A: Just a tie-in photograph.

9 Q: And what you're pointing to there, is that the propane
10 tank that's just recently moved into evidence?

11 A: This is the same propane tank as -- as we have here.

12 Q: And that's the spot you found it in?

13 A: Yes, sir.

14 Q: Okay. Now, we're looking at State's 50?

15 A: Okay. A better shot of the detached garage and propane
16 tank.

17 Q: And this is State's 51. What are we looking at there?

18 A: I've turned more southwest and you can see the propane
19 tank, you can see the Corvette under the carport, and you can
20 make the outline of what would be a grill.

21 Q: Okay. Now, we're looking at State's 53?

22 A: Yes, sir.

23 Q: And what is -- that's another picture of the propane
24 tank?

25 A: That's another picture of the propane tank.

MICHAEL BRANDT - DIRECT BY MR. TUCKER

1 Q: Okay. Now, we're looking at State's 54. And again, just
2 another close-up?

3 A: A close-up of the propane tank.

4 Q: And now, we're looking at State's 55?

5 A: When I looked at the propane tank, one of the things that
6 I was looking for was to see whether or not it had been
7 located there for a while because I would anticipate that the
8 grass would be yellowed or brown or be a dirt patch if it had
9 been there for an extensive period of time.

10 Q: And the fact that it was not yellow or brown underneath
11 -- what did -- if anything, did that indicate to you?

12 A: It indicates that it had not been there for any
13 significant length of time.

14 Q: Now, we're looking at State's 56. Is that just another
15 view?

16 A: Another view, better lighting, where you can see
17 underneath where that propane tank was located.

18 Q: And now, we're looking at State's 57?

19 A: This would be the carport. This is the southbound view
20 and here you can see a grill and the door to the cabinet
21 underneath the grill is open.

22 Q: And State's 58?

23 A: Again, a better -- a better angle where you can see that
24 that door is coming from underneath the -- it is attached to
25 the grill underneath the grill cover.

MICHAEL BRANDT - DIRECT BY MR. TUCKER

1 Q: Okay. Did it appear as if that particular propane tank
2 would have fit underneath that grill?

3 A: They're consistent.

4 Q: Now, we're looking at State's 59. Again, is that just a
5 closer-up view of the door --

6 A: Yes.

7 Q: -- and the grill? Now, we're looking at State's 60 and
8 that is a print off of the propane tank?

9 A: I'm not sure. Can we roll back one?

10 Q: Okay.

11 MR. TUCKER: Keith, if you'd go back to 1817? Actually,
12 go back to 1934 and go to 33.

13 BY MR. TUCKER:

14 A: Actually, that's going to be the vehicle.

15 Q: Okay.

16 MR. TUCKER: If we could skip back to 1818?

17 BY MR. TUCKER:

18 Q: Okay. And that is State's 61. What are we looking at
19 there?

20 A: That's the interior of the -- of the grill and the -- you
21 can see the propane coupler was consistent with the 20-pound
22 tank that we found out in the grass.

23 Q: And now we're looking at State's 62?

24 A: Another -- the northeast angle of that in the -- in the
25 same carport area, the grill and the Corvette.

MICHAEL BRANDT - DIRECT BY MR. TUCKER

1 Q: And now we're looking at State's 63?

2 MR. GODBOLD: 1829?

3 MR. TUCKER: For you, 1829.

4 BY MR. TUCKER:

5 A: This is a -- an eastbound view of the carport where you
6 can see the entire car, the side entrance, the carport
7 entrance to the residence, and an entrance into a laundry
8 area.

9 Q: Okay. And now, we're looking at State's 64?

10 A: Stepping away from the -- going westbound, but looking
11 eastbound back into -- looking into the carport, the garage,
12 the garbage can of Converse.

13 Q: And now we're looking at State's 65?

14 A: This again is a southbound view tying in where the
15 carport is to the backyard. The -- there -- there's a fence
16 line and just beyond that fence line is Mr. Miller's house.

17 Q: And now, we're looking at State's 66?

18 A: This is a southwest view looking into the back, viewing
19 the back corner of the yard, the fence line and the back
20 corner.

21 Q: State's 67?

22 A: This is a photograph from the -- the edge of the carport
23 looking southwest again, a little bit more west where you can
24 see the detached garage area, the porch of that detached
25 garage.

MICHAEL BRANDT - DIRECT BY MR. TUCKER

1 Q: Now, we're looking at State's 68?

2 A: A better view of the detached garage right there at the
3 edge of the carport where I observed the -- you can observe
4 where the garage door is propped up. There's a brick that's
5 propping it up and then that side walk-in entrance is also
6 open.

7 Q: And what, if anything, about the door being open drew
8 your attention?

9 A: Typically, when -- when folks aren't home, they close
10 their doors. That's what we expect to find, but when it's
11 open like that, that raises suspicion that someone else has
12 been inside.

13 Q: Now, we're looking at State's 69?

14 A: This is a western view also of the detached garage.
15 There was another grill that I observed without a tank, but
16 also there's a little propane tank over at the corner of the
17 detached garage as well.

18 Q: And now, we're looking at State's 70?

19 A: This is going to be a west-northwest view and this is
20 part of a series of photographs where I'm panning from
21 location to location to try to get you a 360 view. This would
22 be into the neighbor's yard on Converse as well that adjoins
23 that property.

24 Q: And now we're looking at State's 71?

25 A: Again, this -- this would be a northbound from -- from

MICHAEL BRANDT - DIRECT BY MR. TUCKER

1 the driveway looking into the neighbor's yard, the northern
2 neighbor's yard on Converse.

3 Q: Now, we're looking at 72?

4 A: 72? This is back toward the house, a northern view
5 toward -- just following that sequence of photographs on
6 around.

7 Q: All right. And now, we're looking at State's 73?

8 A: And this again is a come back to the driveway. We're
9 looking eastbound toward the roadway of Converse.

10 Q: And now, we're looking at State's 74?

11 A: That's a better -- a better shot of straight down the
12 driveway.

13 Q: And now, we're looking at State's 75?

14 A: This -- this is just a better gauge of the distance
15 between the house and -- and the detached garage.

16 Q: And now, we're looking at State's 76?

17 A: This is -- this starts my walk-through of the detached
18 garage. I took -- I took a series of photographs on the out
19 -- exterior of the detached garage. This shows you the gap of
20 the -- the garage door and then you can see better that open
21 door.

22 Q: And, Lt. Brandt, could I ask at this juncture why take so
23 many photographs?

24 A: If a picture is worth a thousand words, a thousand
25 pictures are going to tell you -- try to tell you the story,

MICHAEL BRANDT - DIRECT BY MR. TUCKER

1 and that's what we try to do is bring the truth to light.

2 Q: Okay. And we're looking at 77?

3 A: Again, this is -- at this point, we don't have the full
4 picture; so I'm taking -- I'm documenting everything that we
5 see to better represent for you the open garage door with the
6 -- and there's a brick just on the inside propping it up.

7 Q: And now, we're looking at State's 79?

8 A: This is the southeast corner of the detached garage.
9 We're looking -- looking northwest and with the open door, the
10 open walk-in door.

11 Q: Now, we're looking at State's 80?

12 A: A more northern view of the walk-in doors of the detached
13 garage.

14 Q: Now, we're looking at State's 81?

15 A: A straight north shot from the side of the detached
16 garage looking -- looking northbound with the focal point
17 being mainly the walk-in door.

18 Q: And now, State's 82?

19 A: The southeast corner looking northwest. I'm sorry. The
20 southwest corner looking northeast of the detached garage
21 showing -- trying to show all the different aspects of what --
22 what is there, what isn't there. There are no windows on the
23 backside. We show the condition of the window, the condition
24 of the walk-in door.

25 Q: And now, we're looking at State's 84?

MICHAEL BRANDT - DIRECT BY MR. TUCKER

1 A: This -- this photo -- this photograph starts my entry
2 into the detached garage. I observed the air tank that's
3 sitting just outside the door and it seemed odd to me. So
4 that was something I would come back to revisit and then the
5 door being propped open.

6 Q: Now, we're looking at State's 85?

7 A: This is walking into the door of the detached garage.
8 Again, the point of entrance. In this photograph is the pro
9 -- I apologize -- the air tank.

10 Q: Okay. And this is State's 86. And now, we're looking at
11 State's 87?

12 A: This is just inside the doorway to the detached garage.
13 Again, I'm documenting step-by-step, trying to show exactly
14 how I found the scene when I was processing it continually.

15 Q: And now, we're looking at State's 89?

16 A: This is just inside the door of the detached garage.
17 There is a Land Rover Discovery in the first bay of that
18 garage where the door is cracked and another air tank and a
19 generator.

20 Q: Okay. Now, we're looking at State's 90?

21 A: Standing in the southeast corner of the detached garage
22 looking northwest, taking a series of 360 photos around the
23 room, documenting everything that's in there. In this
24 particular photo, the center point is the Discovery vehicle
25 and -- with the farm tags. Those were strange.

MICHAEL BRANDT - DIRECT BY MR. TUCKER

1 Q: Okay. Now, we're looking at State's 91? No, that is
2 State's 92.

3 A: Eastbound view right near the doorway looking down the
4 edge of the -- of the garage. It's just showing the condition
5 that -- that we -- we found it. It's dark in these
6 photographs because I left the light off. That's the way I
7 found it. That's the way I photographed it.

8 Q: Okay.

9 A: So -- but just showing the condition and the numerous
10 tools and other items in the detached garage.

11 Q: Now, we're looking at State's 93?

12 A: Identification photograph of the vehicle, the Land Rover
13 Discovery, and the farm tag.

14 Q: And now, we're looking at State's 94?

15 A: 94? This is down the passenger side, still -- still
16 viewing eastbound down the edge of the car. The lights are
17 still off and just showing the tools and the vehicle for
18 orientation in the garage.

19 Q: Now, we're looking at State's 95?

20 A: This is from the corner viewing northeast. It just shows
21 the tools and the boat and numerous other items that were
22 packed in the garage.

23 Q: And, Lt. Brandt, while you were moving through taking
24 these pictures, what, if anything, are you looking for in
25 terms of items that may be of evidentiary value?

MICHAEL BRANDT - DIRECT BY MR. TUCKER

1 A: In this scene, I was walking through looking for things
2 that were obviously disturbed, looking for where -- where dust
3 is absent, looking for blood, looking for broken items,
4 anything that might help me and help the investigative team
5 figure out what was going on, what -- what happened during
6 this event.

7 Q: Okay. Now, we're looking at State's 96?

8 A: Again, this is -- this is a northbound shot of the corner
9 of the -- of the backside of the Land Rover, looking
10 northbound, showing all the different items that were -- were
11 packed into the garage.

12 Q: Now, we're looking at State's 97?

13 A: I come in and turned on the lights after this and started
14 closer examination photographs trying to get better shots to
15 see if there's something missing. It's not just for that
16 particular time. These photographs help us in reviewing. We
17 can go back when we get additional information and try to
18 determine if there -- if there was something else missing to
19 document that.

20 Q: And I would imagine at that time one would be grateful
21 that you had taken all these pictures, not being able to write
22 everything down and remember it.

23 All right. And now, we're looking at State's 98?

24 A: Again, tools, all the items just as we found it, but a
25 better photograph of it with -- with the lights turned on.

MICHAEL BRANDT - DIRECT BY MR. TUCKER

1 Q: And now, we're looking at State's 99?

2 A: This is part of that walk-through where we go through and
3 document everything. Again, we -- if we didn't realize it
4 initially at the scene, we can come back and try to make sure
5 that there was nothing missing.

6 Q: And now, we're looking at State's 100?

7 A: This is across the hood of the Discovery and in my -- in
8 my walk-through and photographing, I noticed that there is
9 some -- there -- you can -- you can see there's a lot of dust
10 on the top of the -- the freezer and then there's some areas
11 where the dust is missing, to me indicative of being touched
12 or handled. So that was an area that stuck in my mind to be
13 processed.

14 Q: Okay. And now, we're looking at State's 101?

15 A: And just a northern shot. We take numerous photographs,
16 but just to -- to get a complete documentation so we can
17 orient exactly where things are. This is the hood of the
18 Discovery and the freezer and then the backside of the jon
19 boat and the tools.

20 Q: And now, we're looking at 102, State's 102?

21 A: Another shot from behind the Discovery looking northeast
22 showing all of the tools. Again, at this time, we didn't know
23 exactly what was missing and what was disturbed.

24 Q: And now, we're looking at 103?

25 A: I'm walking, photographing, documenting the passenger

MICHAEL BRANDT - DIRECT BY MR. TUCKER

1 side, walking up from front to back just documenting the tools
2 and things that I observed in -- in relation to where it is in
3 the -- in the detached garage.

4 Q: And now, we're looking at State's 104?

5 A: Again, just part of that step-through process, the tools
6 and other items.

7 Q: State's 105?

8 A: Close-up shot. When we come to a scene, we look at the
9 bottles and different things as well. Sometimes things are
10 left behind. In this case, all of it appeared to be
11 repurposed for containers and things like that, but we
12 document it just to show.

13 Q: State's 106?

14 A: Again, this is a close-up of the freezer where there was
15 some dust and things missing. I came back and processed that.

16 Q: And subsequently, were you able to lift any prints from
17 that surface?

18 A: No prints were recovered from that.

19 Q: Okay. And now, we're looking at State's 107?

20 A: That is the -- from beside the freezer, continued on
21 around through the -- through the garage documenting the --
22 what was there.

23 Q: And now, we're looking at State's 108?

24 A: As part of the walk-through, showing the northern wall of
25 that detached garage and the items attached.

MICHAEL BRANDT - DIRECT BY MR. TUCKER

1 Q: And now, we're looking at State's 109?

2 A: From the back of the jon boat looking eastbound in that
3 second garage bay, just depicting the items that are there
4 inside of the jon boat along the outer edge.

5 Q: And now, we're looking at State's 110?

6 A: This is the hood of the Discovery. In my walk-through, I
7 observed that there was a bigger gap than what's normally
8 there for a car, but it appeared to be open.

9 Q: Okay. And what, if anything, did that suggest you?

10 A: I had --

11 MR. FLOYD: Your Honor, I object to speculation.

12 THE COURT: Sustained.

13 MR. TUCKER: Okay. Let's move to 1880.

14 BY MR. TUCKER:

15 Q: This is State's 111?

16 A: When I saw that, I examined the interior of the -- of the
17 engine compartment to see if there was anything obviously
18 missing, but there wasn't. There wasn't anything obviously
19 missing.

20 Q: Okay. And this is 112?

21 A: There -- there was a void that I did observe and, on
22 closer look, it looked like a normal open area in a garage. I
23 had concerns that there might be a battery missing or another
24 part missing, but --

25 Q: Were you able ultimately to ascertain if, in fact, the

MICHAEL BRANDT - DIRECT BY MR. TUCKER

1 battery was missing from there?

2 A: No, it wasn't missing.

3 Q: Okay. And we're looking at 113?

4 A: Again, that's -- that's another one of those follow-up

5 shots looking -- we wanted to try to show all the different

6 connections and parts and things like that so someone else

7 could be able to make a determination as to what's supposed to

8 be there and what's not.

9 Q: And we're looking at 114?

10 A: Just another in that series documenting the engine

11 compartment.

12 Q: And now, we're looking at 115?

13 A: That -- that would be the passenger-side view of the

14 engine compartment.

15 Q: And now, we're looking at 116, State's 116?

16 A: Heading back to the detached garage, this is a series of

17 photographs where I show checking the house to see if all of

18 the doors and windows are secured. This is my walk-through

19 with that.

20 Q: Now, we're looking at State's 117?

21 A: Viewing the house. We're -- we're looking southeast

22 toward the -- toward the house from the detached garage.

23 Q: And now, State's 118?

24 A: This is part of that documentation. I come through and

25 take photographs of the doors and check to see if they're

MICHAEL BRANDT - DIRECT BY MR. TUCKER

1 locked. This is the rear entrance to the residence.

2 Q: And this is 119?

3 A: This is the next tie-in step showing the door, the door
4 lock -- the door locks on the door. Excuse me.

5 Q: 120? State's 120?

6 A: And this is -- at this point, I am actually trying to
7 enter the residence and I was unable to enter the residence.

8 Q: 121?

9 A: This is the rear -- showing a better picture of the rear
10 exterior. As I'm doing this, I'm also documenting the -- the
11 entire exterior of the residence, looking, examining the
12 windows as we go along to make sure that they're secure and
13 not broken and there's no screens or anything like that
14 missing.

15 Q: This is State's 122?

16 A: This would be the southeast corner of Converse Drive
17 and it shows the south -- south wall, as well as the east
18 wall, exterior wall.

19 Q: Now, we're looking at State's 123?

20 A: This would be the south -- this is the southeast corner
21 looking back west. This is the south wall here and this is
22 the -- this is the east wall of the residence or the front.
23 This would be the front side of the residence.

24 Q: And this is State's 124?

25 A: This would be the front side of the residence as I'm

MICHAEL BRANDT - DIRECT BY MR. TUCKER

1 walking through documenting the condition of the -- the front
2 windows and the front door.

3 Q: And this is State's 125?

4 A: This is the front door, the front glass door. The glass
5 is intact.

6 Q: Okay. And this is State's 126?

7 A: Checking that door handle making sure it was locked, and
8 it was. It was locked.

9 Q: And State's 127?

10 A: This is the carport entrance looking over the -- looking
11 southeast toward the carport entrance.

12 Q: State's 128?

13 A: I checked the door handle for the carport. It was secure
14 as well.

15 Q: And now, we're looking at State's 129.

16 A: Again, this is looking up the driveway, looking eastbound
17 toward the detached garage.

18 Q: And now, we're looking at State's 130?

19 A: There -- this is the roadway right near the driveway
20 where Officer -- Cpl. Worthington pointed out where Ms.
21 Granger was located when he arrived. There's also a red spot
22 in the roadway.

23 Q: And now, we're looking at State's 131?

24 A: Again, this is another section where she -- she was
25 located.

MICHAEL BRANDT - DIRECT BY MR. TUCKER

1 Q: And this is State's 132?

2 A: This would be a full west straight-on shot, but that is
3 looking westbound. There was oil dry put down in areas that
4 were left from the collision or from -- excuse me -- left from
5 Ms. Granger.

6 Q: State's 133?

7 A: This would be looking northbound on Converse Drive. And
8 again, this is the location where Ms. Granger was located.

9 Q: And this would be State's 134?

10 A: Again, a series stepping into where she was located
11 northbound on Converse.

12 Q: Okay.

13 A: A closer shot.

14 Q: All right. This is 135?

15 A: Still -- still looking northbound, but it's on -- up
16 Converse Drive.

17 Q: And this would be State's 136?

18 A: Closer shots of that area, just tying it in. There is a
19 stain.

20 Q: And this is State's 138. I believe that shows it a
21 little better?

22 A: And this is in -- in that picture -- this is a picture
23 that I moved closer to take. It's a red stain that I found on
24 the roadway. For identification purposes, I tested that and
25 it tested positive for blood and I collected it as evidence.

MICHAEL BRANDT - DIRECT BY MR. TUCKER

1 Q: Now, we're looking at 139. Is that the sample you
2 collected?

3 A: Yeah. That's the sample I collected and we have a three
4 -- a three-phase test that when -- when you test the sample,
5 as soon as you run through that series, it will -- if it is
6 blood, it will immediately turn this kind of pink hue. If it
7 is not blood, it won't -- it won't color change immediately.

8 Q: And it looks like you've got a positive reaction there,
9 but was there any evidentiary value on that as it turned out?

10 A: No. We wanted -- we do this in order to establish who
11 was there, if that's necessary, but through Cpl. Worthington
12 we established that was where Ms. Granger was found.

13 Q: And this is State's 140?

14 A: Again, this is the propane tank. This is after I had
15 processed the tank for latent prints.

16 Q: Now, we're looking at State's 141?

17 A: The area of interest that I found in picking up the -- or
18 examining the handle or the valve guard on the tank -- when I
19 processed it, I developed some partial fingerprints here and
20 this is part of the series documenting that.

21 Q: And we're looking at State's 142?

22 A: Yes. This is -- this is a picture of that print that was
23 developed on that ring guard.

24 Q: Okay. And this is State's 143?

25 A: This is -- I had brought in a ruler to show the size, and

MICHAEL BRANDT - DIRECT BY MR. TUCKER

1 this is the print on that ring guard.

2 Q: And now, we're looking at State's 144?

3 A: Just a close-up shot of those -- those pictures of that
4 print that I developed.

5 Q: And now, we're looking at State's 145?

6 A: There's also what I thought was a partial palm developed,
7 but it is -- it shows smudging.

8 Q: Okay. And this is State's 146?

9 A: Just a close-up shot of -- of both of those prints in
10 proximity.

11 Q: And now, we're looking at State's 147?

12 A: Again, the palm print on the guard, the valve guard
13 handle of the propane tank.

14 Q: Now, despite the presence of what looks to be prints
15 there, were they able to be identified?

16 A: No. I sent the latent prints that I recovered from the
17 scene to the State Law Enforcement Division's latent print
18 section and these prints were not identified.

19 Q: Okay. Was that because they weren't of sufficient
20 quality?

21 A: They weren't of sufficient quality.

22 Q: And now, we're looking at State's 148?

23 A: This is entering in through that garage door. I
24 processed the edge of that garage door of the detached garage.

25 Q: And now, we're looking at State's 149?

MICHAEL BRANDT - DIRECT BY MR. TUCKER

1 A: This is another shot of going into the detached garage.

2 This is the edge of the -- the garage door.

3 Q: Now, we're looking at State's 150?

4 A: I then -- this is walking up to the Land Rover where the
5 hood was popped up or cracked. I went in and processed that
6 -- the vehicle.

7 Q: And this is State's 151?

8 A: On the passenger front corner of the hood, I developed
9 some prints there and this is documenting -- this is a series
10 of photos that documents that.

11 Q: And this is State's 152?

12 A: This is a picture of four digits and a palm print right
13 here.

14 Q: And now, we're looking at State's 153?

15 A: This is a closer -- closer shot of the palm print and
16 there's also a fingerprint that developed inside that or right
17 next to the palm print.

18 Q: And this is State's 154?

19 A: The detail of the print and then that partial palm print,
20 a closer -- closer-in shot.

21 Q: And now, we're looking at State's 155?

22 A: These are the -- the digits, the fingertips that
23 developed in that same print.

24 Q: And if we could -- and this is actually marked State's
25 Exhibit 60, but it's the next in that series of photos, the

MICHAEL BRANDT - DIRECT BY MR. TUCKER

1 one I asked you about earlier.

2 A: Uh-huh.

3 Q: And what is it we're looking at there?

4 A: That is one of the digits -- one of the -- just taking
5 individual shots trying to get the best detail possible in the
6 photograph of the fingerprints.

7 Q: Okay. Now, were you able with those particular
8 photographs to lift any prints for identification or
9 comparison purposes?

10 A: There was one print. I did lift one print from the
11 vehicle and it was that spot that this series of photos
12 depicts.

13 Q: Would you explain to the ladies and gentlemen of the jury
14 what you mean when we mean lift a print? How -- what's the
15 process like?

16 A: Development of a latent print -- we use a carbon and
17 silica powder, black powder. It's very similar to the
18 graphite in a pencil, but ground up into a fine powder. We
19 use a brush and we would lightly dust over surfaces that we
20 try to -- that we are processing to collect prints.

21 The prints themselves are made up of moisture, skin
22 cells, oils, residues. So that powder will collect onto those
23 prints as we -- as we process, and then the brush itself will
24 sweep away the loose particles, therefore developing what you
25 see here.

MICHAEL BRANDT - DIRECT BY MR. TUCKER

1 Q: And once you do that, what you do with the print then?

2 A: At that point, we photograph it, like I've done, and then
3 I will take latent print tape, which is clear packing tape --
4 it's similar to clear packing tape that you wrap up a box or
5 gift -- and lay that over the print and then physically lift
6 it from the surface and place it on to a latent print backer
7 card, which is kind of like an index card with a photo surface
8 on it. And at that point, document on the backside of that
9 card, where I draw a diagram and give a description of where I
10 got it from.

11 Q: Okay.

12 MR. TUCKER: And, Your Honor, if I may approach the
13 witness?

14 THE COURT: Yes.

15 BY MR. TUCKER:

16 Q: Lt. Brandt, I'm asking if you recognize what I am handing
17 you?

18 A: Yeah. This is a latent print submission envelope for the
19 State Law Enforcement Division. I can see where I sealed the
20 -- this envelope with the Florence Police Department evidence
21 seal. My initials appear here and then I sealed it on 8/3 of
22 2015.

23 Q: Does it appear to be tampered with in any way?

24 A: It does, but the packaging is consistent with it being
25 submitted to SLED and being opened for analysis purposes and

MICHAEL BRANDT - DIRECT BY MR. TUCKER

1 resealed.

2 Q: Okay.

3 A: It has several seals on it to indicate the sealing person
4 and the date on which it was sealed.

5 Q: And if you could open up that envelope?

6 A: Okay.

7 Q: Okay. And specifically, what you're looking at, how do
8 you recognize those documents?

9 A: These -- these four cards are the latent lift cards that
10 I was talking about earlier. It's got a photo surface on the
11 front and then it's got an informational section on the back.

12 Q: And, Lt. Brandt, let me ask you are those the cards that
13 included the prints that you lifted off of the Land Rover?

14 A: Yes, sir.

15 Q: Okay.

16 MR. TUCKER: And at this time, I would move those into
17 evidence.

18 THE COURT: Any objections?

19 MR. FLOYD: No objections.

20 THE COURT: All right. Let's go ahead and mark them.

21 MR. TUCKER: And there are four items, Your Honor, with
22 the cards.

23 THE COURT REPORTER: Four separate?

24 MR. TUCKER: All four separate.

25 (WHEREUPON, there was a pause in the proceedings as the

MICHAEL BRANDT - DIRECT BY MR. TUCKER

1 latent print cards were marked as State's Exhibits Number
2 286, 287, 288, and 289.)

3 THE COURT: And that would be 286, 87, 88, and 89?

4 MR. TUCKER: That is correct, Your Honor.

5 THE COURT: They are in evidence without objection.

6 (WHEREUPON, State's Exhibits Number 286, 287, 288, and
7 289, latent print cards, were admitted into evidence.)

8 BY MR. TUCKER:

9 Q: And as you mentioned, you sent it to SLED for analysis;
10 correct?

11 A: Yes, sir.

12 Q: Okay. And now, we're looking State's 156?

13 A: This -- this shows the garage door. That was the brick
14 that was left there to prop the garage door open.

15 Q: And this is State's 157?

16 A: This is the open doorway, the -- the walk-in entrance to
17 the detached garage, where I processed it as well.

18 Q: And now, we're looking at 158?

19 A: Just showing the -- the block that was holding open the
20 door.

21 Q: And now, we're looking at State's 159?

22 A: This is the edge of the garage door where I processed
23 that as well.

24 Q: And now, we're looking at State's 160?

25 A: That's just another view -- exterior view of that brick

MICHAEL BRANDT - DIRECT BY MR. TUCKER

1 that's holding the door open.

2 Q: Okay. And State's 161?

3 A: A close-up photograph of that brick.

4 Q: And State's 162? What are we looking at?

5 A: This is a return to the victim's vehicle at Winthrop
6 Drive.

7 Q: Is it still in the same location as when you first saw
8 it?

9 A: It's still in the same condition and location that I
10 originally found it.

11 Q: Okay. And State's 163?

12 A: At this point, we had received information. I had
13 received some information from the investigators that she --
14 that there was possibly a collision between the two vehicles.
15 There was -- this became an area of interest for us and
16 noticed -- I noted damage to the -- to the plate itself --

17 Q: Okay.

18 A: -- or to the decorative plate holder on the front of the
19 vehicle.

20 Q: And this is State's 164?

21 A: This is a -- another photograph with black. It gives us
22 more contrast into the damaged areas as possible, the driver's
23 side lower license plate screw hole and the center plate.

24 Q: 165?

25 A: Tie-in shot of that indicating that there was some kind

MICHAEL BRANDT - DIRECT BY MR. TUCKER

1 of damage that occurred to the plate screws.

2 Q: And now, we're looking at State's 166?

3 A: This is back to the driveway, the brick wall that ties
4 into the front of the house. You can see the propane tank.
5 It's still in its location.

6 Q: And now, we're looking at State's 167?

7 A: In the driveway, we had a screw located. There were --
8 there were several screws that were located that were
9 consistent with the license plate screws.

10 Q: Now, we're looking at State's 168?

11 A: Again, you can see -- in the center of the driveway, you
12 can see one of those license plate screws.

13 Q: And now, we're looking at State's 169?

14 A: A closer shot of the license plate screw.

15 Q: And now, we're looking at 170?

16 A: And another screw was located.

17 Q: And now, we're looking at State's 171?

18 A: License plate screw located there.

19 Q: And we're looking at State's 172?

20 A: Again, a closer picture of the license plate screw.

21 MR. TUCKER: And, Your Honor, if I may approach the
22 witness?

23 THE COURT: Yes.

24 BY MR. TUCKER:

25 Q: And, Lt. Brandt, let me first ask you with these things,

MICHAEL BRANDT - DIRECT BY MR. TUCKER

1 after you documented them, what did you do?

2 A: We collected -- collected the license plate screws.

3 Q: And I'm handing you and ask if you recognize what it is,
4 in fact, I'm handing you?

5 A: This is the evidence bag that I placed the license plate
6 screws in. These are the license plate screws collected from
7 the driveway.

8 Q: Okay.

9 MR. TUCKER: At this point, Your Honor, I would move
10 those into evidence as well.

11 THE COURT: Any objections?

12 MR. FLOYD: No objections.

13 THE COURT: All right. 290 is in evidence without
14 objection.

15 (WHEREUPON, State's Exhibit Number 290, license plate
16 screws in evidence bag, was admitted into evidence.)

17 MR. TUCKER: Okay.

18 BY MR. TUCKER:

19 Q: And what are we looking at there? This is State's 173?

20 A: I received information from our investigative team that a
21 decorative license plate was located in the driveway and it
22 was over at Mr. Miller's house.

23 Q: Okay. When you say Mr. Miller, are you referring to
24 Steve Miller?

25 A: Steve Miller. His residence -- I responded to his

MICHAEL BRANDT - DIRECT BY MR. TUCKER

1 residence, which is the next residence south from
2 Converse.

3 Q: Okay. State's 174 is what we're looking at now?

4 A: This is -- we're in -- I'm photographing inside Steve
5 Miller's home. This is the decorative plate that he recovered
6 and turned over to us.

7 Q: And what did you do with it once you photographed it?

8 A: I collected it and secured it and later it was sent to
9 the State Law Enforcement Division's forensic laboratory for
10 analysis.

11 Q: All right.

12 MR. TUCKER: And, Your Honor, if I could approach the
13 witness?

14 BY MR. TUCKER:

15 Q: And, Lt. Brandt, I'd ask you first if you recognize the
16 envelope, once you open it up?

17 A: This is an evidence submission envelope for the State law
18 Enforcement Division, and it is marked with our -- with the
19 case number for this incident.

20 Q: Okay. If you could, open it, please?

21 (WHEREUPON, the witness complied.)

22 Q: Okay. And what is that in that bag and how do you -- do
23 you recognize it?

24 A: All right. This is the decorative plate that appears in
25 this photograph. I collected it, sealed it in a plastic

MICHAEL BRANDT - DIRECT BY MR. TUCKER

1 sleeve with a piece of cardboard to try to keep it protected,
2 keep it from being damaged, and it -- with the case number and
3 information from the case attached to it.

4 Q: And if you were to remove it from that, would it fall
5 into two pieces?

6 A: If I were to remove it from all the sleeves, yes, it
7 would fall into two -- two pieces. I believe the previous
8 photograph that we -- we viewed showed it in -- in two halves.

9 MR. TUCKER: And, Your Honor, at this time, we would move
10 that into State's evidence.

11 THE COURT: Any objections?

12 MR. FLOYD: No objections.

13 THE COURT: 291 in evidence without objection.

14 (WHEREUPON, State's Exhibit Number 291, broken decorative
15 license plate, was admitted into evidence.)

16 BY MR. TUCKER:

17 Q: And we're looking at State's 175?

18 A: After recovering the plate, I returned to the -- the
19 victim's truck and processed it for latent prints and examined
20 it for any other evidence as well. In this picture, I did
21 develop a partial print on the doorway of the vehicle.

22 Q: Okay. Now, we're looking at State's 176?

23 A: These are the partial prints that developed on the -- I'm
24 sorry -- the driver's door out on the latch side.

25 Q: All right. And now, we're looking at State's 177?

MICHAEL BRANDT - DIRECT BY MR. TUCKER

- 1 A: These are the close-up shots of those -- those
2 fingerprints that we recovered on the driver's door.
- 3 Q: Okay. And were those collected and submitted as well?
- 4 A: They were.
- 5 Q: And were they able to be identified?
- 6 A: They were not able to be identified. The report
7 indicates that the quality of the prints that were submitted
8 for the victim from autopsy were not of a good enough quality.
- 9 Q: Okay. All right. And if you could, return to your seat
10 briefly, Lt. Brandt?
- 11 A: Yes, sir.
- 12 Q: Lt. Brandt, your photos and your crime scene analysis --
13 that took place the night of July the 28th, 2015; is that
14 correct?
- 15 A: Yes, sir.
- 16 Q: Subsequently, as the progression or the investigation
17 progressed, were you subsequently notified and asked to
18 respond to take some pictures or process a vehicle for
19 evidentiary value?
- 20 A: Yes, sir.
- 21 Q: Do you recall what date that was?
- 22 A: If I can refer to my report, I believe that was the --
23 the 14th of August of 2015.
- 24 Q: Okay. And do you recall who actually contacted you about
25 responding?

MICHAEL BRANDT - DIRECT BY MR. TUCKER

1 A: It was Investigator Mullinax.

2 Q: All right. Do you recall the address to which you
3 responded?

4 A: It was Short Post Lane. Excuse me. Short Post
5 Lane, which is in the County of Florence, South Carolina.

6 Q: Okay. And when you responded out, what did Investigator
7 Mullinax direct you to do?

8 A: She advised me that the vehicle from this incident had
9 been located and I was responding to process the vehicle
10 photographically and then collect it for further analysis.

11 Q: Okay. And unfortunately, I'd like to have you step back
12 down one more time.

13 (WHEREUPON, the witness complied.)

14 Q: And, Lt. Brandt, I'm showing you what's been moved into
15 evidence as State's 178 and ask if you could explain that?

16 A: This is an identification photograph of Short Post Lane
17 which shows the 1900 block and this is over near Freedom
18 Florence. It's in proximity to Freedom Florence.

19 Q: Okay. And again, it may sound like a silly question. Is
20 that in Florence County?

21 A: It's in Florence County, South Carolina.

22 Q: Okay. And this is State's 179. What is it we're looking
23 at in this photo?

24 A: This is the vehicle that was identified by our
25 investigation team as the involved van, and I began a series

MICHAEL BRANDT - DIRECT BY MR. TUCKER

1 of photographs to identify it.

2 Q: And this is State's 180. What is that we're looking at?

3 A: This is the residence where the van was located,

4 Short Post Lane, Florence, South Carolina.

5 Q: And now, we're looking at 181?

6 A: An identification photograph so you can see the house

7 numbers for the residence, Short Post Lane.

8 Q: Okay. And now, we're looking at State's 182?

9 A: Just a close-up.

10 Q: State's 183?

11 A: Again, this is part of the series.

12 Q: And this is State's 184?

13 A: The front corner of the vehicle.

14 Q: And now, we're at State's 185?

15 A: An identification of the type of vehicle. It was a

16 Chrysler.

17 Q: And State's 186?

18 A: Like I discussed before, we go around and take pictures

19 of all four corners, all four sides. This is one of those

20 photographs. It also shows -- ties in the tag and the type of

21 vehicle.

22 MR. TUCKER: 2661.

23 BY MR. TUCKER:

24 A: Showing the backside of the van, Town & Country, and the

25 tag.

MICHAEL BRANDT - DIRECT BY MR. TUCKER

1 Q: And this is State's 187?

2 A: A close-up shot so you can tie in all these features and
3 then you can start to see some of the things that caught our
4 attention. There was some damaged spots on the rear bumper
5 near the trailer hitch.

6 Q: And State's 188?

7 A: Again, close-up photos of that area of damage that I
8 observed and the trailer hitch.

9 Q: And now, we're looking at 189?

10 A: Just taking numerous photographs. I wanted to make sure
11 that I got the -- got the shot and focus and all the -- the
12 damaged areas and their -- their proximity to each other and
13 the trailer hitch and the bumper.

14 Q: And now, we're looking at State's 190?

15 A: Again, you see the damage and then there's other flecks
16 that caught my eye on the -- or the discoloration that caught
17 my eye on the trailer hitch as well.

18 Q: And now, we're looking at State's 191?

19 A: The passenger side of the van. Again, when we take these
20 series of photographs, we look for or we're trying to show the
21 condition of the vehicle as we found it.

22 Q: Okay. Now, we're looking at State's 192?

23 A: This is the front passenger corner of the -- of the
24 Chrysler.

25 Q: And this is State's 193?

MICHAEL BRANDT - DIRECT BY MR. TUCKER

1 A: Just taking pictures of the -- the vehicle tires and the
2 condition of them as well.

3 Q: And now, we're looking at State's 194?

4 A: The front of the vehicle with attention to the bumper and
5 the -- we're just documenting exactly how we found the
6 vehicle.

7 Q: And State's Exhibit 195 and what is this?

8 A: This is the -- the van's vehicle identification tag
9 that's inside the driver's door. It has the vehicle
10 identification number, the type of vehicle, multi-passenger
11 vehicle, and it contains numerous types of data on the vehicle
12 itself.

13 Q: Now, we're looking at 196?

14 A: These photographs -- I've added a ruler in to show the
15 width of the -- of the damage and proximity to the trailer
16 hitch and the actual -- just to give a better scope of how --
17 how large this area is or the distance between those two
18 damage marks.

19 Q: And now, we're looking at State's 197?

20 A: A better gauge where you can actually read the ruler
21 itself, and it's a more accurate determination of the size and
22 position on the bumper.

23 Q: And now, we're looking at State's 198?

24 A: Again, this is -- this would be the driver-side damage,
25 just showing that -- the size and distance.

MICHAEL BRANDT - DIRECT BY MR. TUCKER

1 Q: Now, we're looking at State's 199?

2 A: Just a better photograph, more clear photograph, showing
3 that -- that distance from the other mark.

4 Q: And now, we're looking at State's 200.

5 A: This is the -- the damaged area, but also the tailpipe
6 was of interest to me; so we began to photograph that as well.

7 Q: Now, we're looking at State's 201?

8 A: A series stepping in going toward that tailpipe.

9 Q: And that's State's 202?

10 A: Close -- closer-in picture of the tailpipe.

11 Q: And State's 203?

12 A: And this is actually way down on the ground getting this
13 photograph to show the -- the opening of the exhaust pipe and
14 the size and shape of it.

15 Q: And State's 204?

16 A: A little bit better photograph with a flash to show --
17 try to -- try to show that -- the shape of the tailpipe.

18 Q: And this is State's 205?

19 A: Just close in showing that -- showing that shape of the
20 tailpipe.

21 Q: Now, we're looking at State's 206?

22 A: When we -- when we had the vehicle towed, we put it up on
23 a tow truck and I began examining it and, during that visual
24 examination, I observed some fibers -- obvious fibers that
25 were hanging down. Even though it was about 16 days later,

MICHAEL BRANDT - DIRECT BY MR. TUCKER

1 we're still looking at it for trace evidence purposes and I
2 observed that; so I photo documented it in an attempt to
3 retrieve that.

4 Q: And ultimately, did that have any sort of evidentiary
5 value?

6 A: No.

7 Q: And we're looking at State's 207?

8 A: That's just in that series documenting those -- those
9 fibers.

10 Q: Okay. And I believe State's 208 will be a similar
11 picture in that and the same as 209, which would be the same?

12 A: It's that series. Because the -- the amount of light out
13 on the bright sunny day and -- and the position and such a
14 small fiber, it was very difficult to get a shot of that; so I
15 had to take a series of photographs making sure that we got
16 pictures of that -- that fiber.

17 Q: And now, we're looking at State's 210.

18 A: Okay.

19 Q: Let me first ask you once the vehicle was up on the
20 rollback wrecker, where was it taken?

21 A: It was taken to Dun-Rite Automotive. They --

22 Q: For what purpose?

23 A: For -- for us to further examine the undercarriage of the
24 vehicle. When we loaded it up on the tow truck after -- after
25 I did my preliminary at the scene, the crime scene unit

MICHAEL BRANDT - DIRECT BY MR. TUCKER

1 assisted me in wrapping the car in plastic to try to preserve
2 any -- any trace evidence that was left. Starting at the top
3 of the car, placing plastic sheeting all the way down, and
4 securing it to the floor of the tow truck to try to ensure
5 that whatever was there would remain there when we took it for
6 analysis at Dun-Rite.

7 Q: Now, Coroner von Lutcken indicated that he was summoned
8 and came, and he used the term unwrapped the vehicle. Was
9 that what he was referring to was taking the plastic off of
10 it?

11 A: Yes. Once we got there, we -- we unwrapped the vehicle.
12 We took the plastic wrap off and Dun-Rite allowed us to use a
13 bay and we mopped the floor and it was dry and clear, being
14 clear of any debris before we began. We placed it up on the
15 lift and again another series of photographs.

16 Q: And before we get into that, Coroner von Lutcken
17 indicated -- his memory was not so good, but he mentioned that
18 he thought it was a pickup. This was the car that was
19 unwrapped and that y'all examined at Dun-Rite?

20 A: This is -- this is the vehicle that we got from Short
21 Post Lane and we examined at Dun-Rite while the coroner was
22 with us.

23 Q: And now, we're looking at State's 211?

24 A: Part of this series of photographs in Dun-Rite, again
25 showing the --the damaged area to the -- the rear bumper and

MICHAEL BRANDT - DIRECT BY MR. TUCKER

1 the proximity to the trailer hitch.

2 Q: And now, we're looking at State's 212?

3 A: I took several photos of the trailer hitch. One of the
4 things that I observed were these light-colored areas. It
5 appeared to be some sort of trace evidence. So I photographed
6 that and later processed it.

7 Q: And ultimately, did it turn out to have any evidentiary
8 value?

9 A: No, sir.

10 Q: And now, we're looking at State's 213?

11 A: I observed this discoloration area there; so I thoroughly
12 photographed it as well.

13 Q: State's 214?

14 A: Again, this is the underside of the trailer hitch, the
15 receiver where it goes in. It attaches to the van itself.

16 Q: Okay. And State's 215?

17 A: This would be the safety chain ring for the -- the
18 receiver that's attached to the vehicle for the trailer hitch.

19 Q: Okay. Now, Lt. Brandt, State's 216 through 220 appear to
20 be similar pictures like that one?

21 A: Yes.

22 Q: You were just documenting those?

23 A: Yes, sir. Yes, sir.

24 Q: And this is State's 221?

25 A: A part of that safety chain ring I saw was a fiber

MICHAEL BRANDT - DIRECT BY MR. TUCKER

1 attached; so I took additional photographs of that.

2 Q: For the same purpose as the other?

3 A: For the same purpose, just document what was there and
4 later collected that fiber, but again, it did not come to have
5 evidentiary value.

6 Q: State's 222 looks to be a picture of the same thing; is
7 that correct?

8 A: Yes, sir.

9 Q: Okay. And now, we're looking at State's 223?

10 A: This is the -- from the rear of the vehicle, the
11 undercarriage. I took a series of photographs just to
12 document the -- the undercarriage of the vehicle looking for
13 trace evidence, biological evidence, damaged areas or
14 equipment that might be consistent with injuries that were
15 sustained.

16 Q: Okay. And State's 294, State's 2 -- or 24 -- I'm sorry
17 -- 225 appear to be pictures of the same thing?

18 A: Yes, sir.

19 Q: State's 226? And again, just pictures of things
20 underneath?

21 A: Fibers that I recovered from the fuel tank. I did not
22 know what they were; so we collected them and sent to
23 evidence.

24 Q: And did they of any sort of evidentiary value?

25 A: No, they didn't.

MICHAEL BRANDT - DIRECT BY MR. TUCKER

1 Q: And we're looking at 227?

2 A: We also took the measurements of the vehicle, the
3 distance to ground from different parts of the vehicle. This
4 is going to be the passenger side rear axle and the -- the
5 support for the suspension system.

6 Q: Okay. And it looks like State's 228 through 231 appear
7 to be pictures of varying angles for the same?

8 A: Yes, sir. That would be that series of photographs
9 documenting size and distance.

10 Q: And State's 232?

11 A: Going back to the -- to the rear bumper showing the
12 damage and the trailer hitch. This would be after I recovered
13 the -- the trace material from -- from the trailer hitch.

14 Q: Okay. And it looks like State's 233 through 238 appear
15 to be pictures of the same thing?

16 A: Yes.

17 Q: Of the trailer hitch? Okay. And again, this will be
18 State's 239?

19 A: Okay. This is measurements of that receiver with the
20 safety chain rings.

21 Q: Okay.

22 A: I wanted to provide as much information as far as size
23 and shape related to the identification.

24 Q: And State's 240 appears to be another picture of the same
25 thing?

MICHAEL BRANDT - DIRECT BY MR. TUCKER

1 A: Yes.

2 Q: Okay. State's 241. What are we looking at there?

3 A: This would be the exhaust pipe or the tailpipe of the
4 van. I wanted to get a close-up to show that shape of the
5 exhaust pipe.

6 Q: And 242?

7 A: A better picture with flash; so you get a little bit
8 better contrast of what -- what the shape and size of the
9 tailpipe was.

10 Q: And now, we're looking at 243?

11 A: Again, added a ruler to show the size and shape, to show
12 the -- the dimensions of the tailpipe opening.

13 Q: And State's 244?

14 A: I photographed again with the ruler to try to show the
15 shape. We took a series of photographs trying to go around --
16 around the tailpipe to show the size and shape and the
17 diameter.

18 Q: And it looks like State's 245, 246, 247 appear to be
19 pictures of the same tailpipe at the same angle. And now,
20 we're looking at State's 248?

21 A: Yes, sir.

22 Q: And what are we looking at there?

23 A: That -- again, that's one of those -- one of the
24 identifying photographs to show that -- the size and shape of
25 the tailpipe.

MICHAEL BRANDT - DIRECT BY MR. TUCKER

1 Q: All right. Now, we're looking at State's 249?

2 A: Again, we went underneath the vehicle and took -- this is
3 one of those series of photographs where we -- we were
4 measuring and photographing each part that we came in contact
5 with for later help with later analysis of injury patterns.

6 Q: Okay. And it looks like State's 249 to 260 are just
7 additional photos of the undercarriage of the van. And now,
8 we're looking at State's 261 and, again, if you could describe
9 what we're looking at there?

10 A: Okay. We brought the van back down to the ground and we
11 used these rulers to show the height of the damage on the
12 vehicle relative to the ground and also relative to the
13 trailer hitch relative to the ground.

14 Q: Okay. And it appears that State's 262 through 269 appear
15 to be more pictures of the same angle?

16 A: As part of that series of photographs.

17 Q: And now, we're looking at State's 270 and what are we
18 looking at there?

19 A: All right. This is the interior of the vehicle. This --
20 this was the driver's-side visor. When I flipped the visor
21 down, there was some paper material that I located there.

22 Q: And now, we're looking at State's 272. And was that the
23 paper material that fell down?

24 A: That was -- that was one of the items that was over the
25 visor.

MICHAEL BRANDT - DIRECT BY MR. TUCKER

1 Q: And now, we're looking at State's 273?

2 A: A close-up shot of the address listed on that piece, that

3 mailer.

4 Q: Okay.

5 A: Or that piece of mail.

6 Q: And that appears to have the name Latson Matthews?

7 A: Yes, sir.

8 Q: At the address there?

9 A: Yes, sir.

10 Q: Now, we're looking at State's 274?

11 A: These are follow-up shots of the victim's truck.

12 Obviously, the front side and this is the area of -- this is

13 the decorative plate holder and just to show the height of

14 that plate holder and the damage there.

15 Q: And it appears State's 274 through 283 appear to be

16 multiple shots of the height?

17 A: Yes, sir.

18 Q: Of the front bumper?

19 A: Yes, sir.

20 Q: Okay. Thank you. And you can return to your seat there.

21 And, Lt. Brandt, after you were done processing the vehicle,

22 did that pretty much conclude your activity and participation

23 in the investigation?

24 A: There were several voice recordings and other digital

25 files that I transferred to evidence and then I logged into

MICHAEL BRANDT - DIRECT BY MR. TUCKER

1 evidence into our evidence -- evidence room.

2 Q: Okay.

3 MR. TUCKER: Thank you. I don't believe I have any
4 further questions, Your Honor.

5 THE COURT: Do you want to wait and do your cross after
6 lunch or do you want to do it now. It doesn't matter to me.

7 MR. FLOYD: Your Honor, I can go ahead and do it now.
8 I'm not going to be --

9 THE COURT: Go ahead.

10 MR. FLOYD: -- extremely long; so this would be a good
11 stopping point.

12 CROSS-EXAMINATION

13 BY MR. FLOYD:

14 Q: Lt. Brandt, how are you?

15 A: Good, sir. How are you, sir?

16 Q: Good. Of course, you went over the trace evidence you
17 collected from the -- from the van?

18 A: Yes, sir.

19 Q: And it was -- I want to make sure I'm getting all of it.
20 It was a piece of fiber; is that correct?

21 A: I list it as fibers. Yes, sir.

22 Q: Okay.

23 A: Fibers or hairs.

24 Q: And one of them you got from the trailer hitch chain
25 ring?

MICHAEL BRANDT - CROSS BY MR. FLOYD

- 1 A: Yes, sir.
- 2 Q: Is that right?
- 3 A: Yes, sir.
- 4 Q: And then you got one from the brake line off of that van?
- 5 A: I believe so. Yes, sir.
- 6 Q: Is that right? It also says from the rear of the fuel
- 7 tank; is that correct?
- 8 A: Yes, sir.
- 9 Q: Those were the only fibers that you got?
- 10 A: Yes, sir.
- 11 Q: That you listed as fibers?
- 12 A: Yes, sir.
- 13 Q: At the time, I guess you didn't know if it was hair or
- 14 fiber?
- 15 A: Yeah. I didn't know what it was; so I tried to it
- 16 collect it.
- 17 Q: Right.
- 18 A: And have it analyzed.
- 19 Q: But you did send all that to SLED?
- 20 A: Yes, sir.
- 21 Q: Is that correct?
- 22 A: Yes, sir.
- 23 Q: And your purpose in doing that would be what?
- 24 A: An attempt to make identifications of the fiber and find
- 25 its value in the case.

MICHAEL BRANDT - CROSS BY MR. FLOYD

- 1 Q: Okay. But once again, there was none?
- 2 A: No, sir. It was 16 days later and I don't know the exact
- 3 usage of the vehicle. So it was -- they were shots in the
- 4 dark, to be honest with you.
- 5 Q: Sure. When you arrived at the -- at the original scene,
- 6 not the scene where the van was originally founded located,
- 7 but the original scene --
- 8 A: On Converse.
- 9 Q: On Converse.
- 10 A: Yes, sir.
- 11 Q: You saw the truck that was later identified as belonging
- 12 to Ms. Granger?
- 13 A: Yes, sir.
- 14 Q: And you took photographs of that?
- 15 A: Yes, sir.
- 16 Q: Which we -- we saw here. Did you look inside of that
- 17 car?
- 18 A: I did. We -- after -- as part of my photo series, I went
- 19 into the vehicle and examined it. We found the gun holster on
- 20 the passenger seat and the hangtag, but there were numerous
- 21 other photographs from the interior of that vehicle as well.
- 22 Q: Do you recall if the keys were in it?
- 23 A: I do not recall, but I can refer back to my report. I do
- 24 not recall if the keys were in it.
- 25 Q: Okay. And that's not listed in your report?

MICHAEL BRANDT - CROSS BY MR. FLOYD

1 A: No, sir. It would probably be part of that photo series,
2 but I -- I don't recall.

3 Q: Okay. Do you recall what gear the car was in or the
4 vehicle was in?

5 A: I believe the truck was in park when I located it.

6 Q: Are you sure about that or do you just think that?

7 A: I'd have to refer back to my photos, but I'm not certain
8 at this time.

9 Q: Okay. All right. And, of course, you said you took some
10 fingerprint samples from the door of Ms. Granger's vehicle; is
11 that right?

12 A: Yes, sir.

13 Q: Okay. And certainly, it wouldn't have been unusual for
14 someone's fingerprints to have been on her door; is that
15 correct?

16 A: Correct.

17 Q: And you sent those to SLED as well?

18 A: Yes, sir.

19 Q: Okay.

20 MR. FLOYD: All right. Your Honor, that's all I have for
21 him.

22 THE COURT: Thank you. Anything further?

23 MR. FLOYD: Your Honor, I'm sorry. Could I ask one more
24 question?

25 THE COURT: Sure.

MICHAEL BRANDT - CROSS BY MR. FLOYD

1 MR. FLOYD: I apologize.

2 BY MR. FLOYD:

3 Q: On the undercarriage of her car, did you perform any
4 tests?

5 A: Yes. I did an examination underneath her vehicle as
6 well.

7 Q: Okay.

8 A: But I was not able to find any -- any trace evidence.

9 Q: Okay. But you didn't take any samples from there or
10 anything of that nature?

11 A: I tested marks underneath the car that I thought were
12 possibly transfer, but they tested negative for blood.

13 Q: Okay. And did you send those? Did you send anything
14 from that vehicle to SLED lab?

15 A: No, sir. The only thing that was sent -- well, the only
16 thing that was sent from that vehicle were fingerprints.

17 Q: Were the fingerprints?

18 A: Yes, sir.

19 Q: From the driver's-side door?

20 A: Yes, sir.

21 Q: Is that correct?

22 A: Yes, sir.

23 Q: Okay.

24 MR. FLOYD: Thank you. That's all that I have.

25 THE COURT: Yes, sir?

1 MR. TUCKER: No redirect, Your Honor.

2 THE COURT: All right. You may step down. Thank you.

3 THE WITNESS: Thank you, sir.

4 THE COURT: All right. Let's take a lunch break. Be
5 back at 2:30. Do not research or discuss the case. We'll
6 resume at 2:30. Everybody else remain seated while the jury
7 is excused.

8 (WHEREUPON, the jury exited the courtroom at 12:56 p.m.)

9 THE COURT: All right. We'll see you all back at 2:30.

10 MR. TUCKER: Thank you, Your Honor.

11 MR. FLOYD: Thank you, Your Honor.

12 (WHEREUPON, there was a break in the proceedings from
13 12:57 p.m. until 2:37 p.m. after which the proceedings
14 resumed as follows.)

15 THE COURT: Are you ready to go?

16 MR. TUCKER: We're waiting on Mr. Godbolt to load those
17 three print cards.

18 THE COURT: Okay. And you want to go ahead and put your
19 stipulation on the record?

20 MR. TUCKER: Yes.

21 THE COURT: Go ahead.

22 MR. TUCKER: Your Honor, from a housekeeping standpoint
23 too, Your Honor, despite our painstaking attempt to make sure
24 we didn't skip any, unfortunately, one did get through with
25 the photographs.

1 THE COURT: All right.

2 MR. TUCKER: With regards to State's Evidence 187, there
3 was two there. So what we decided to do with the Court's
4 approval and with Mr. Floyd's stipulation, we would do 187-A
5 and 187-B and so that way all would be accounted for.

6 THE COURT: All right. Any objections?

7 MR. FLOYD: No objections.

8 THE COURT: All right. 187-A and B are into evidence
9 without objection.

10 (WHEREUPON, State's Exhibits 187-A and 187-B,
11 photographs, were admitted into evidence.)

12 MR. TUCKER: And then, Your Honor, with regards to the
13 fingerprint card, the standard of that, Tom Darnell, who is
14 about to testify, compared with the print that was lifted from
15 the Land Rover. That was taken from an AFIS hit from Mr.
16 Latson Matthews' record. To get around or broaching the
17 subject of how Mr. Darnell came into possession of that, Mr.
18 Floyd would stipulate to that so we wouldn't have to reference
19 the fact that it came from the Automated Fingerprint Indexing
20 System, which would imply Mr. Latson --

21 THE COURT: All right.

22 MR. TUCKER: -- Matthews had a prior record.

23 THE COURT: Is that good with you, Mr. Floyd?

24 MR. FLOYD: Yes, Your Honor.

25 THE COURT: Good. All right.

1 MR. TUCKER: And as soon as he loads those up --

2 THE COURT: All right.

3 MR. TUCKER: It shouldn't be more than a couple more
4 minutes.

5 THE COURT: Is he here working on it or is he --

6 MR. TUCKER: I think he's loading it up and he has to
7 send it to himself here.

8 THE COURT: Okay.

9 MR. TUCKER: And then we'll just mark the three cards
10 that he's got and then we'll be in business.

11 (WHEREUPON, there was a pause in the proceedings, after
12 which the proceedings resumed as follows.)

13 THE COURT: All right. Are we ready to go? Is it okay
14 if I go ahead and get them coming in?

15 MR. TUCKER: Yes, sir.

16 THE COURT: All right. Bring them on out.

17 (WHEREUPON, the jury entered the courtroom at 2:45 p.m.)

18 THE COURT: All right. Go ahead and call your next
19 witness.

20 MR. TUCKER: Your Honor, at this time, the State would
21 call SLED Agent Tom Darnell to the stand.

22 THE COURT: All right.

23 MR. TUCKER: And, Your Honor, for the record, while Mr.
24 Darnell is coming, Mr. Floyd and I -- with regards to the
25 three fingerprint cards, I think State's --

TOM DARNELL - DIRECT BY MR. TUCKER

1 THE COURT: 292, 293, and 294.

2 MR. TUCKER: Yes, sir. We have stipulated to the
3 admissibility of those particular items.

4 THE COURT: All right. Any objections?

5 MR. FLOYD: No objections, Your Honor.

6 THE COURT: All right. They are in evidence without
7 objection.

8 (WHEREUPON, State's Exhibits Number 292, 293, and 294,
9 fingerprint cards, were admitted into evidence.)

10 THE CLERK: Sir, if you would, please step around and
11 place your left hand on the Bible and raise your right hand.
12 Do you swear the testimony you give in this case to be the
13 truth, the whole truth, and nothing but the truth, so help you
14 God?

15 THE WITNESS: I do.

16 THE CLERK: Please be seated and state your full name for
17 the record.

18 THE WITNESS: Thomas Edward Darnell. Last name is
19 spelled D-a-r-n-e-l-l.

20 TOM DARNELL, being first duly
21 sworn, testified as follows:

22 DIRECT EXAMINATION

23 BY MR. TUCKER:

24 Q: And, Mr. Darnell, where do you presently live?

25 A: I live in the town of Chapin, which is just outside of

TOM DARNELL - DIRECT BY MR. TUCKER

1 Columbia.

2 Q: And where are you employed?

3 A: I work at SLED in Columbia. I'm in the crime lab there.

4 Q: And specifically, what do you do or what is your job
5 title with SLED?

6 A: I am a fingerprint examiner assigned to the forensic
7 laboratory. I've been there for quite some time.

8 Q: Not to put to fine a point on it, but when you say quite
9 some time, how many years would you reckon?

10 A: Since 1990. I've actually retired and then came back to
11 work there. So I've been there probably 20 -- about 25 years.

12 Q: Okay. And what are your official duties presently there
13 with SLED?

14 A: My official duties would be to examine physical evidence
15 that is submitted to the laboratory for the presence of
16 fingerprint evidence and, if fingerprint evidence is developed
17 or if that type of evidence is submitted, I then compare those
18 to known individuals.

19 Q: Now, with regards to your work in the fingerprint
20 analysis field, how long have you been in that specific
21 endeavor?

22 A: Well, I started out in 1982 with the Richland County
23 Sheriff's Office and started -- and then I started at SLED in
24 1990. I was there for, like I said, about 20 years total and
25 the majority of that time was in the fingerprint/crime scene

TOM DARNELL - DIRECT BY MR. TUCKER

1 area, the majority meaning I was in that department for
2 probably about 17 of those 20 years. I then -- like I said, I
3 then retired in '09 and then I kept working, and so I've been
4 doing fingerprints for about another five or six years since
5 -- since I retired.

6 Q: Do you have to undergo any sort of specialized training
7 to become a fingerprint analyst?

8 A: Yes, sir. We have to go to -- first of all, we have to
9 complete an in-house training program. It takes -- it
10 typically takes about 12 months to maybe 18 months to
11 complete. I've -- and I've also taken numerous courses at our
12 State Academy dealing with fingerprint science. I've also
13 attended a few courses at the FBI Academy in Virginia --
14 Quantico, Virginia -- where I've completed those as well. And
15 I've also actually trained others in the -- in the field of
16 fingerprint science.

17 Q: Would you even have an idea as to how many fingerprints
18 you've analyzed in your many years?

19 A: It would be one followed by a lot of zeros. You know, if
20 you think about the fact that a fingerprint card has 10
21 fingers, most people have 10 fingers, so that's 10 that I look
22 at on each card. So it would have to be up in the -- way up
23 in the thousands and thousands of prints that I've looked at
24 in my career.

25 Q: Have you ever been qualified as an expert in the field of

TOM DARNELL - DIRECT BY MR. TUCKER

1 fingerprint analysis?

2 A: Yes, I have.

3 Q: In a court of law?

4 A: Yes, I have in state and federal court.

5 Q: Would you know how many times approximately?

6 A: About 125 or so times. That's probably -- that's a good
7 guess.

8 MR. TUCKER: Your Honor, at this time, I would offer Mr.
9 Darnell as an expert in the field of fingerprint analysis.

10 THE COURT: Any objections?

11 MR. FLOYD: No objection, Your Honor.

12 THE COURT: All right. Your motion is granted.

13 BY MR. TUCKER:

14 Q: Mr. -- is that correct? Mr. Darnell? Or do you have a
15 rank there at SLED?

16 A: I am -- Mr. is fine.

17 Q: Mr. Darnell, were you working at SLED on or about or the
18 time frame around July 28th, 2015?

19 A: Yes, I was.

20 Q: Do you recall being sent a set of fingerprints by the
21 Florence Police Department?

22 A: Yes, sir.

23 Q: And let me first ask you when fingerprints come in, how
24 do you kind of keep them straight as to which agency is
25 sending them to you and how do you keep them straight?

TOM DARNELL - DIRECT BY MR. TUCKER

1 A: Well, when evidence first comes into the laboratory, it
2 has to go through a central evidence login procedure. They're
3 very strict on how things come in. They have to be in sealed
4 containers and properly identified and that kind of thing.

5 And so each -- each case has its own unique number that's
6 given to that case and then each item of evidence will be
7 given -- would be given a specific item number. So everything
8 has that number, and that case number would remain with that
9 case all the way through the process.

10 Q: Okay. And do you recall getting a set of fingerprints
11 for purposes of analysis from the Florence Police Department?

12 MR. TUCKER: And if I may approach, Your Honor?

13 THE COURT: Yes.

14 BY MR. TUCKER:

15 Q: I am showing you what has already been marked State's
16 Evidence 286, 287, 288, and 289, and ask if you recognize
17 those?

18 A: Yes, I do.

19 Q: And how do you recognize those?

20 A: They have the laboratory number that was assigned to the
21 case when it came into the SLED lab. It has the item numbers
22 and it has my initials on the front and the back side of each
23 card.

24 Q: Okay. And if you would, just set those right there for
25 me, please. And when you first get a set of fingerprints,

TOM DARNELL - DIRECT BY MR. TUCKER

1 what exactly do you do or how do you go about trying to do the
2 analysis?

3 A: Well, the -- one of the first things we want to do is --
4 or that I do is I examine the latent evidence to make sure
5 it's of value.

6 Q: Well, let me ask you -- stop you right there before you
7 get too far down that path. Let me first ask you what is a
8 latent print?

9 A: A latent print is simply a -- what I like to refer to as
10 a chance print. It is a -- it is a partial print that
11 sometimes is left behind when the hand comes in contact with a
12 surface, and sometimes it's left and sometimes it's not. What
13 forms that print when you -- when you touch something, you're
14 actually leaving behind moisture that exudes from your -- the
15 pores in your skin. You have what's called -- what we call
16 friction ridge skin, which are raised portions of skin that
17 have these little tiny pores in there and those pores are
18 constantly exuding perspiration.

19 And when you touch something, that impression may be left
20 on a surface. It just depends on a lot of things whether or
21 not that print may be left, but if the print is left and we
22 can develop it and if it becomes enhanced, we can see it
23 better. So basically, a latent print is a -- is an unknown
24 print. It's a chance print that we may be able to develop or
25 visualize on a -- on an item of evidence.

TOM DARNELL - DIRECT BY MR. TUCKER

1 Q: Now, by contrast, what is a patent print?

2 A: A patent imprint is basically a -- well, let me back up.
3 Latent -- latent prints are mostly hidden or invisible. Okay?
4 Which requires some sort of enhancing.

5 A patent print is -- is -- is a print that you can see.
6 In other words, if you have grease or mud or blood on your
7 hands and you touch something, you may actually leave that
8 impression and I could see it with the naked eye without
9 having to actually develop it.

10 Q: And I think you've touched on what a fingerprint is with
11 regards to moisture. You talked about the prints themselves.
12 Are there some surfaces that are better for lifting prints
13 from or prints are more commonly found on?

14 A: Well, typically, the -- the smoother the surface, the
15 better. You know, if I've got something that's corrugated and
16 it's got a lot of texture to it, that typically doesn't render
17 a good source for leaving behind a print. Not always. I mean
18 sometimes we can develop prints on textured surfaces, but not
19 typically. So if you think about the rail here by my stand,
20 it is nice and smooth. It's clean. That's -- that's an ideal
21 surface. Like glass or anything smooth would be the best
22 surface.

23 Q: Now, is it possible for a person to touch these surfaces
24 even and still not leave a usable print?

25 A: Absolutely. And -- and -- and the reason for that is

TOM DARNELL - DIRECT BY MR. TUCKER

1 because, first of all, we don't all perspire the same way and,
2 you know, some of us perspire much more than others. And,
3 like, for example, in the -- in the -- in the wintertime when
4 it's cold, you may not perspire as much. So you might not --
5 you might not leave a print behind as -- as easily as you
6 might would leave in -- say, in the summertime when you're
7 perspiring, you know, and sometimes in this area you're
8 perspiring profusely because it gets very hot here.

9 So -- and then it just depends on how you -- how you
10 touch the surface, how you handle it, how you -- you know, how
11 long you handled it, because fingerprints are extremely
12 fragile. For example, I could touch a doorknob and then
13 someone could come behind me and their print could be on top
14 of my print and it could -- it could damage my print, you
15 know, just from being there, just by touching it, they're so
16 fragile.

17 Q: Now, with regards to fingerprints, you've talked about
18 those. How about palm prints? Do they have the same
19 characteristics?

20 A: Yes, sir. Palm prints and, in fact, bare feet. Our --
21 our -- our -- the soles of our feet, the fingers, the joints
22 of your fingers, the palms, all of those have the same
23 features that we look for whenever we're doing -- whenever
24 we're doing a fingerprint comparison, and you have the same
25 pores, the same pores that are exuding the perspiration.

TOM DARNELL - DIRECT BY MR. TUCKER

1 Q: Now, with regards to the fingerprints, we've heard the
2 term each person's fingerprint is different. Could you
3 expound upon that for the Court?

4 A: When -- when -- when -- whenever I compare fingerprints
5 to a known individual, there are two basic factors that enable
6 me and all fingerprint examiners to be able to determine if a
7 print was made by a certain individual. The first factor is
8 that they're permanent. Your fingerprints remain permanent
9 throughout your life. They might change shape, they might
10 change -- you might get a few more scars. As we age, you
11 might get wrinkles in your fingers, but the detail in that
12 print remains permanent. It does not change. It might get
13 altered if you get a cut on your hand or that sort of thing.

14 But the most important factor is that they're unique.
15 There have not -- there has never been two individuals found
16 that had the same fingerprint throughout the entire world.
17 The science of fingerprints is used in a lot of different
18 countries. In fact, it's been used in this country since the
19 early 1900s. There has never been two individuals found that
20 have the same fingerprints.

21 So the fact that they're permanent and the fact that
22 they're unique is the foundation for me being able to identify
23 a print as having been made by a certain person.

24 Q: And as I get you to explain the characteristics of a
25 fingerprint that you look at in terms of making a comparison,

TOM DARNELL - DIRECT BY MR. TUCKER

1 you have an exemplar with you that you use for demonstration
2 purposes or for explanation purposes, do you not?

3 A: Yes, sir.

4 Q: And do you have that with you?

5 A: I actually have a hard copy here.

6 Q: Okay.

7 MR. TUCKER: And, Your Honor, he has a copy of an
8 exemplar that we use so that he can explain what
9 characteristics he looks for in terms of a fingerprint. We
10 have that on the screen and I would simply ask for -- just for
11 demonstration purposes if he be allowed to explain that to the
12 jury in referencing that.

13 THE COURT: Any objections?

14 MR. FLOYD: No objection, Your Honor.

15 THE COURT: Sure.

16 MR. TUCKER: And, Mr. Darnell, if I could get you to step
17 down?

18 (WHEREUPON, the witness complied.)

19 BY MR. TUCKER:

20 Q: Okay. If you could, please explain what we're looking at
21 here?

22 A: Okay. What -- what I prepared here is nothing more than
23 a demonstration. When I looked at this print initially, it
24 wasn't this large. We do have computer software that I can
25 use to enlarge latents to a certain size, but it wasn't quite.

TOM DARNELL - DIRECT BY MR. TUCKER

1 this size when I had it.

2 But basically, what I've got here is you can see the word
3 latent and you can see the word known. The word -- the word
4 latent, this would be the unknown print. This would be a
5 chance print that I talked about. This is that chance print
6 that I received on one of the cards submitted by the local
7 agency here in Florence.

8 And -- and -- and you can notice that there's quite a
9 difference in the clarity. Keep in mind that the latent is --
10 this wasn't -- this wasn't meant to be left. You know, this
11 is a known print where you've got the individual and you have
12 that control of the individual so you can -- you can have --
13 you can get that print of the individual a lot more clearer
14 than you can when you get ones at the scene. Okay?

15 So -- and what this is showing is just kind of one of the
16 things that I look at whenever I make that comparison. Keep
17 in mind this is a chance print at a crime scene. This is the
18 known print from Mr. Matthews, and this is actually his left
19 palm, the -- what we refer to as the hypothenar. The
20 hypothenar is -- some people -- some people call it the karate
21 chop, if you will. So this -- this area in here on your -- on
22 your palm and this area in the known on the chart is down near
23 the bottom of his palm.

24 And these -- all these letters and these red lines are
25 signifying an individual characteristic within that print,

TOM DARNELL - DIRECT BY MR. TUCKER

1 characteristics which make it unique when comparing to anyone
2 else. These -- these black lines you see, the black lines,
3 that's those raised portions of the skin that we call friction
4 ridge skin. That's the -- that's the areas where the little
5 pores are that when you touch something, that's what you leave
6 behind. That's the -- the impression.

7 And if -- if you look close, you can sort of see some of
8 the little pores. They may be hard to see, but there are some
9 pores that you can see in the -- in the impressions.

10 And what I'd like to show you is that -- first of all,
11 each characteristic -- when -- when I go from -- when I go
12 from **A** to **H** or I can go from **H** to **D** or I can go from **I** to **K**.
13 There has to be the same number of black lines, if you will,
14 between those two points.

15 So if you can see here, I'll just start with **A**. **A**, you
16 can see, is pointing to a -- it's a black line that kind of
17 comes to a stop. That's what we refer to as an ending ridge.
18 Over here is **A** as well. **A** is marking an ending ridge and then
19 I've got a whole ridge and then I'm going to come over here to
20 **H**. There's another ending ridge right there. We go from **H** --
21 I'm sorry -- **A** and then you've got a complete black line
22 there, that black line being friction ridge skin and then you
23 can see **H** is marking another ending ridge there.

24 I go from **H**. I go one, two, three, four, five, and I
25 come up to **I**. Over on the known, I can go from **H** and I go up

TOM DARNELL - DIRECT BY MR. TUCKER

1 five ridges and there's I.

2 So I do that same sort of examination when I'm looking at
3 all the characteristics and I have to -- I have to be able to
4 determine that there are no points in this print and in this
5 print that disagree. In other words, there can be no
6 discrepancies.

7 Obviously, the latent print is going to look a little
8 different and that's just because it's -- it's -- it wasn't
9 meant to be left. This was uncontrolled. This is like I'm
10 touching this rail, sliding my hand across it, and wherever it
11 stops, I may leave a print behind. Whereas the known print,
12 I've got the individual in front of me and I've got his hand,
13 you know, doing this. So I've got good control of it. So
14 that's why this one looks a lot clearer.

15 And the result of this comparison when I completed it was
16 that this print was made by the left palm when compared to a
17 fingerprint card that had the name Latson Matthews at the top.

18 Q: Okay. And, Mr. Darnell, from what you know about the
19 identity of the known print and what you were able to see with
20 the latent print, what conclusions, if any, were you able to
21 draw?

22 A: That this -- this -- this left palm made this impression.

23 Q: And if we could move to the items that you identified,
24 was that -- had you completed your explanation there?

25 A: Yes, sir.

TOM DARNELL - DIRECT BY MR. TUCKER

1 Q: Okay. And if we could move to what's been marked -- if
2 you could come back down, I'll put these back up again. Pull
3 up State's 286 and 287. Which one of these would you need?
4 A: For this one?
5 Q: Yes, sir.
6 A: That would be it.
7 Q: Okay. And that is -- if you'll flip on the back, that is
8 State's 286?
9 A: This is State's 286. This is the -- one of the cards
10 that I received and was asked to compare and evaluate. And
11 this card on the back -- on the back, it says that the
12 location of the print was -- it says -- in fact, it's a very
13 detailed information, which is -- which is good because we can
14 -- we can tell exactly where it came from.
15 It says it came from a Land Rover hood passenger front
16 corner approximately two inches from the passenger edge and
17 four inches from downward transition of front edge. This --
18 this is the actual -- this is -- this is what I saw. This is
19 what I had to compare, which is State's 286.
20 Q: And, Mr. Darnell, if I could hold that, we can perhaps
21 put it up where the jury can see it?
22 Q: And if you could, use your pointer again. If you'll turn
23 it up? And if you could explain what we're looking at there?
24 A: Okay. This is -- excuse me one second.
25 Q: Sure.

TOM DARNELL - DIRECT BY MR. TUCKER

1 A: Let me make sure I have the right one. This is the
2 latent lift that was submitted to me. This would have been an
3 area of the print that was lifted and appears to have been
4 lifted by the use of fingerprint powder and tape, and it was
5 applied to this card. And this is my lab number, item number,
6 and initials. And these are other folks that had parts in
7 this case. Basically, we have to have every case reviewed by
8 other examiners and it was done in this case as well.

9 This .1 indicates this area here, which is the palm print
10 which I just had up on the chart which I just showed you, the
11 larger display that had the red lines and the letters and so
12 forth. That's just -- this is the actual print that I had
13 when I looked at it.

14 Q: Okay. And if we can pull up State's 292? And what are
15 we looking at there?

16 A: This would be a palm print or one of the palm prints that
17 I -- that I looked at.

18 Q: Now, would you classify it -- was this a latent or an
19 example of the latent or the known?

20 A: This -- this would be the known.

21 Q: Okay. And whose print was that?

22 A: It was labeled as belonging to -- I believe it was Latson
23 Ray Matthews.

24 Q: Okay. And if we could look at 293?

25 A: This is -- that was actually the right palm that I

TOM DARNELL - DIRECT BY MR. TUCKER

1 accidentally identified as the left palm.

2 Q: Okay. Would they be the same though?

3 A: Yes, sir. One is just -- I had -- I had the right palm
4 and I had the left palm. The identification was made to the
5 left palm.

6 Q: Okay. And we're looking at what's been marked as State's
7 Evidence 293. What are we looking at there?

8 A: This is the known fingerprint card. It has the name
9 Latson Ray Matthews at the top. And this just has all 10
10 fingers in each box and it has the simultaneous impressions at
11 the bottom of it. This is your typical fingerprint card.
12 These are known prints. These -- I know based on the name
13 that I had at the top I can say that that -- this is a known
14 card.

15 Q: State's 294, please. I believe we'll see the left palm
16 next?

17 A: Yes. This is -- this is actually the left palm and this
18 is the area right in this general area where I was able to
19 identify the latent print or the chance print as coming from
20 this area right here.

21 Q: And again, that print belonging to -- on this known
22 example of Latson Ray Matthews?

23 A: That's correct.

24 Q: Okay.

25 MR. TUCKER: I believe that's -- you can put that down.

TOM DARNELL - DIRECT BY MR. TUCKER

1 (WHEREUPON, the witness returned to the stand.)

2 BY MR. TUCKER:

3 Q: And, Mr. Darnell, based on your years of experience as an
4 expert in the fingerprint analysis field, is it your opinion
5 that the latent print that was submitted to you by the
6 Florence Police Department lifted from the Land Rover was a
7 match for the known example of fingerprints belonging to and
8 the palm prints belonging to Latson Ray Matthews?

9 A: It is my opinion that that -- that the print from the
10 crime scene was made by the left palm from the -- that came
11 from the card that had the name Latson Ray Matthews on it on
12 the top. Yes, sir.

13 Q: And there were other prints that were submitted as well,
14 were there not?

15 A: Yes, sir.

16 Q: And could you explain what the term no value means? I
17 believe you've used it once before already.

18 A: No value for comparison is a -- is a term that we use
19 whenever we are doing comparisons and it does not have the
20 quality and the clarity that we need to render an opinion as
21 to whether or not a print was made by someone or not. I can
22 only tell you that it was -- if it's no value, I can tell you
23 there is the presence -- there is signs of ridge detail or
24 friction ridge detail or whatever you want -- you want to call
25 it at this point, but I can -- I just can't tell you whose it

TOM DARNELL - DIRECT BY MR. TUCKER

1 is. It could be anybody's.

2 Q: Okay.

3 MR. TUCKER: And, Your Honor, I believe that's all the
4 questions I have.

5 THE COURT: All right. Cross?

6 MR. FLOYD: Your Honor, I don't have any questions for
7 Mr. Darnell.

8 THE COURT: You have a good day.

9 THE WITNESS: Thank you, sir.

10 THE COURT: Call your next witness.

11 MR. TUCKER: Thank you, Your Honor. At this time, the
12 State calls Investigator Michael Mullinax.

13 THE CLERK: If you will, please place your left hand on
14 the Bible and raise your right hand. Do you swear the
15 testimony you give in this case to be the truth, the whole
16 truth, and nothing but the truth, so help you God?

17 THE WITNESS: I do.

18 THE CLERK: Please be seated and state your full name for
19 the record.

20 THE WITNESS: Michael Mullinax, M-u-l-l-i-n-a-x.

21 MICHAEL MULLINAX, being first
22 duly sworn, testified as follows:

23 DIRECT EXAMINATION

24 BY MR. TUCKER:

25 Q: And so that I'm correct from the beginning, it is Lt.

MICHAEL MULLINAX - DIRECT BY MR. TUCKER

1 Mullinax now, is it not?

2 A: Yes, sir, it is.

3 Q: And, Lieutenant, where do you presently work?

4 A: I'm employed by the Florence Police Department.

5 Q: In what capacity?

6 A: Currently, I'm in the capacity of a patrol lieutenant.

7 Q: Now, how long have you been in that specific capacity as
8 a patrol lieutenant?

9 A: Just recently, within the past six months, I was promoted
10 to the rank of lieutenant and reassigned to the patrol
11 division.

12 Q: Now, prior to your promotion, where were you working
13 within the Florence Police Department?

14 A: Prior to my promotion to lieutenant, I was assigned to
15 the investigations division. I was assigned to the
16 investigations division in 2004. So I was a detective for 12
17 years.

18 Q: And how many years of overall law enforcement experience
19 do you have?

20 A: Eighteen.

21 Q: And have they all been with the Florence Police
22 Department?

23 A: Yes, sir, they have.

24 Q: Now, specifically, what sort of training have you
25 received through the years regarding your particular job?

MICHAEL MULLINAX - DIRECT BY MR. TUCKER

1 A: A lot. I completed the South Carolina Criminal Justice
2 Academy and continued my certification for Class I law
3 enforcement officer in the state, as well as multiple other
4 trainings, basic detective school, things of that nature. I'm
5 a member of the Attorney General's Office Task Force for
6 Internet Crimes Against Children. Multiple trainings.

7 Q: I understand. Now, calling your attention specifically
8 to July the 28th, 2015, do you recall in what capacity you were
9 employed on that date?

10 A: Yes, sir. I was a sergeant in the criminal
11 investigations division.

12 Q: Now, could you tell us a little bit about what your
13 duties and responsibilities were on that time?

14 A: Well, that particular day, I was assigned as a duty
15 investigator, is how it's referred. A duty investigator comes
16 out later in the evening and works from 3 o'clock in the
17 afternoon until 11 o'clock at night, and then I was on call
18 after 11 a.m. -- or 11 p.m. until I returned to work the next
19 morning.

20 Q: Okay. Do you recall getting a notification to respond to
21 a situation that preliminarily came out as a motor vehicle hit
22 and run?

23 A: I did.

24 Q: Do you recall what address that was?

25 A: I think it was -- I think it was Converse Drive. It

MICHAEL MULLINAX - DIRECT BY MR. TUCKER

1 was the 1800 block of Converse Drive.

2 Q: Okay. And what, if anything, did you do when you got
3 that notification?

4 A: I responded to the scene immediately.

5 Q: And when you got to the scene, what did you see?

6 A: I saw several law enforcement there. I think EMS and
7 fire had already left. Ms. Granger had been taken to the
8 emergency room at the time that I arrived. And that's when I
9 requested crime scene to respond to begin the process of
10 investigating. Investigator Scotty Williamson was already
11 present and --

12 Q: And when you say Scotty Williamson, you're referring to
13 Investigator Williamson, who is here?

14 A: Yes, sir.

15 Q: Now, one of the things that Investigator Williamson
16 mentioned is is that when he arrives he talks to people who
17 are already there. Is that something that you assisted him in
18 doing as well?

19 A: Absolutely. That's the first step.

20 Q: Okay. And do you recall what sort of specific efforts
21 you made in that regard that night or that evening?

22 A: Well, that evening, we started a neighborhood canvas
23 talking to neighbors and friends and anybody who could have
24 possibly seen, heard, witnessed, any knowledge that anyone
25 could give us.

MICHAEL MULLINAX - DIRECT BY MR. TUCKER

1 Q: And based on your discussions with individuals, most of
2 whom have testified already, did you get an overall impression
3 of what happened at that juncture?

4 A: I did.

5 Q: And what was your impression of what had happened?

6 A: That there had been a larceny situation that resulted in
7 -- in -- in -- in Ms. Granger being struck by a vehicle.

8 Q: Now, when you say a larceny situation, did that occur on
9 the property of Converse?

10 A: That's correct, it did. It was also a larceny turned
11 into a -- into a situation where Ms. Granger's weapon and cell
12 phone had been -- had been taken during the event before she
13 had been struck.

14 Q: And with regards to Ms. Granger, were you able to
15 ascertain that was her address? Converse Drive?

16 A: That's correct. Neighbors were able to verify Ms.
17 Granger's residence was the actual incident location.

18 Q: Okay. Do you recall after speaking with individuals
19 there at the scene what, if anything, you did afterwards?

20 A: Well, there was several things that night. We attempted
21 to -- we knew that there was a gun and a phone missing; so we
22 attempted to locate those two items. I immediately canvassed
23 the neighborhood to speak to family and friends and then, of
24 course, meet with assisting agencies and assisting entities
25 within the department, such as crime scene, to make sure the

MICHAEL MULLINAX - DIRECT BY MR. TUCKER

1 scene was processed thoroughly.

2 Q: And once you were satisfied that was taking place, what,
3 if anything, did you do after that?

4 A: Well, there was a lot to do.

5 Q: Did you subsequently go to the hospital --

6 A: Absolutely.

7 Q: -- where they had taken Ms. Granger?

8 A: Absolutely.

9 Q: And what were you able to learn there?

10 A: I learned at the hospital that Ms. Granger had passed
11 from the injuries.

12 Q: Okay. And after you learned that, did the nature of the
13 investigation change more now to a homicide-type
14 investigation?

15 A: Yes, sir, it did.

16 Q: And what, if anything, did you do after learning that Ms.
17 Granger had passed?

18 A: I began to continue to search for any items at the scene
19 that could provide any evidence for us.

20 Q: In the hours that followed the investigation or the
21 initiation of the investigation, did -- were there many leads
22 in terms of an individual involved and a possible vehicle
23 description?

24 A: We did. We had a possible vehicle description and that
25 came from a canvas of the neighborhood. And so we made sure

MICHAEL MULLINAX - DIRECT BY MR. TUCKER

1 to contact other --

2 THE COURT: Can y'all hear her back there in the back?

3 THE WITNESS: Can you --

4 THE COURT: I think she's kind of soft spoken.

5 THE WITNESS: Can y'all hear me? Okay. I'm sorry. My
6 voice -- I've been sick.

7 BY MR. TUCKER:

8 A: We did. We -- we tried to make contact with other
9 investigative entities in reference to known vehicles that --
10 that they could've been aware of that could've led to any
11 suspects being generated.

12 Q: Was -- were you given the description of a minivan being
13 involved?

14 A: Yes, sir, I was.

15 Q: And that was from the folks that you spoke to during your
16 canvas?

17 A: That's correct.

18 Q: And again, many of those have testified during the course
19 of this trial, have they not?

20 A: They have.

21 Q: Now, after you got a description of the van, were you
22 able to get a general description of the individual driving
23 the van?

24 A: Yes, sir, I was.

25 Q: Now, once you were able to ascertain those facts, at some

MICHAEL MULLINAX - DIRECT BY MR. TUCKER

1 point were you able or did your investigation turn to the
2 defendant, Latson Ray Matthews, as a possible suspect?

3 A: Yes, sir, it did.

4 Q: Now, with regards to the -- Lt. Brandt testified that he
5 had retrieved a palm print from the Land Rover, which was
6 parked inside Ms. Granger's garage. That was being sent to
7 SLED. And while that was being processed, what, if anything,
8 were you doing with the investigation?

9 A: We were still talking to anybody, made contact with other
10 resources looking for this vehicle, anybody in the
11 neighborhood. There were several things that were -- that
12 were done.

13 Q: Once the name Latson Ray Matthews surfaced as a suspect
14 in your investigation, were you able to ascertain whether or
15 not he matched the general description as the individual
16 described by those that saw him on or about the day in
17 question?

18 A: Well, when his name was -- was mentioned and broached,
19 that was the first thing is to identify intelligence on Mr.
20 Matthews, what kind of vehicle he drove, his physical
21 appearance, where he lived, and to gain intelligence on him.

22 Q: Now, did he match the general description of the suspect
23 at that point?

24 A: He did.

25 Q: Were you able to ascertain whether or not he had access

MICHAEL MULLINAX - DIRECT BY MR. TUCKER

1 to a vehicle that matched the description of that used in this
2 incident situation?

3 A: Yes, sir. We were aware that he did drive a Chrysler
4 Town & Country minivan.

5 Q: And that matched the description of the vehicle involved
6 in the incident with Ms. Granger as given to you by the
7 witnesses?

8 A: Yes, sir.

9 Q: Now, with regards to what you did next, at some point the
10 print was positively identified by Mr. Darnell that was
11 submitted from the Land Rover as belonging to Latson Ray
12 Matthews. So with him matching the general description and
13 the positive fingerprint hit, what, if anything, did you do at
14 that point?

15 A: Well, once we identified the fingerprint as belonging to
16 Mr. Matthews and the fingerprint was located inside the
17 storage room within a few feet -- I think 46 feet from -- from
18 her property, we realized that we needed to -- to speak with
19 Mr. Matthews.

20 Q: And while we're on that subject, one of the things that
21 you directed Lt. Brandt to do was to try to ascertain the
22 distance between the back of the house to the garage; is that
23 correct?

24 A: Yes, sir, I did.

25 Q: Did he generate some sort of a rendering for you?

MICHAEL MULLINAX - DIRECT BY MR. TUCKER

1 A: He did.

2 Q: Okay.

3 MR. TUCKER: And, Your Honor, I would ask her to look at
4 what's been marked -- I think it's on the back. It's already
5 been moved into evidence and I'll pull the number off the back
6 here in just a second.

7 THE COURT REPORTER: 284.

8 MR. TUCKER: 284? And ask if you could just kind of step
9 down.

10 THE COURT: Just make sure to speak up so the court
11 reporter can hear you.

12 BY MR. TUCKER:

13 Q: If you could, this is Converse Drive, is it not?

14 A: Yes, sir, it is.

15 Q: And you had asked Lt. Brandt to measure the distance from
16 the back of Ms. Granger's house to the edge of the detached
17 garage, which we've seen numerous photos of, did you not?

18 A: Yes, sir, I did.

19 Q: And did he indicate here that the distance was 46 feet?

20 A: Forty-six feet is the distance from Ms. Granger's -- the
21 side of her residence to her detached garage on the property.

22 Q: Thank you. You can have a seat.

23 (WHEREUPON, the witness complied.)

24 BY MR. TUCKER:

25 Q: With regards to the print being identified as belonging

MICHAEL MULLINAX - DIRECT BY MR. TUCKER

1 to Latson Ray Matthews that came off of the Land Rover, were
2 you able to ascertain the Land Rover in terms of how often Ms.
3 Granger drove it?

4 A: Ms. Judy Smith, who testified earlier, was able to
5 identify that the last time that the vehicle was used was two
6 weeks prior, I think on July 4th when they had gone to lunch
7 together in that vehicle.

8 Q: And she had testified that she rarely drove that vehicle
9 and it hadn't been out of that garage in the two weeks that
10 passed between when she was in it with Ms. Granger; is that
11 correct?

12 A: That's correct.

13 Q: And that's what she told you during your investigation?

14 A: That's what she told me and that's what she testified to.

15 Q: Okay. Now, once you had that information, what, if
16 anything, did you do next?

17 A: We knew that we needed to speak with Mr. Matthews.

18 Q: Okay. And did you make an attempt to speak with him?

19 A: Yes, sir, we did.

20 Q: And could you please describe the circumstances of which
21 you first met Mr. Matthews?

22 A: I met Mr. Matthews by knocking on his front door.

23 Q: And what -- what was the address that you went to to
24 knock on the front door?

25 A: It was on Short Post Lane. I can look through my notes

MICHAEL MULLINAX - DIRECT BY MR. TUCKER

1 and try to answer specifically.

2 Q: If you don't mind?

3 A: I may not have it with me presently. It was a -- it was
4 a double-wide trailer on Short Post Lane.

5 Q: You were present this morning for Lt. Brandt's
6 presentation?

7 A: Yes, sir, I was.

8 Q: And the photos that he took and the address that he
9 depicted -- did that seem accurate do you?

10 A: That is accurate.

11 Q: Okay. Now, who actually lived at that location?

12 A: Mr. Matthews lived there with his father and I think his
13 mother-in-law or his stepmother.

14 Q: Now, once you got there, were you able to locate the van
15 that you were looking for?

16 A: The van that -- the van was in the driveway.

17 Q: Now, just in looking at it, did it match the description
18 of that given on the date that this incident occurred?

19 A: It did fit the characteristics of the van that we were
20 looking for.

21 Q: Okay. Who was with you during this instance where you
22 knocked on the door?

23 A: Investigator James Allen with the Florence County
24 Sheriff's Office was with us, myself, Investigator Scotty
25 Williamson, who testified earlier, and Investigator Ashley

MICHAEL MULLINAX - DIRECT BY MR. TUCKER

1 Shelley. Both Investigator Williamson and Investigator
2 Shelley are investigators with the Florence Police Department.
3 Q: Okay. Now, once you knocked on the door, were you
4 ultimately able to talk to Mr. Matthews?
5 A: Mr. Matthews answered the door.
6 Q: Okay. And what, if anything, in terms of conversation
7 did you have with him?
8 A: He agreed to ride with myself and Investigator Williamson
9 to the 324 W. Evans Street, which is our office.
10 Q: Now, was Mr. Matthews placed under arrest at this point?
11 A: No, sir.
12 Q: Did he voluntarily agree to come with you?
13 A: He did.
14 Q: Now, in terms of vehicles, did he ride with you to the
15 City Complex?
16 A: He did. I drove my city-issued vehicle. Mr. Matthews
17 rode in the front seat and Investigator Williamson rode in the
18 back seat.
19 Q: Okay. Now, when you got to the City Complex, what, if
20 anything, occurred?
21 A: We went to a small conference room on the second floor of
22 the building known as the City Center, where all the city
23 utilities are housed.
24 Q: And what was the purpose of going there?
25 A: So that we could talk.

MICHAEL MULLINAX - DIRECT BY MR. TUCKER

1 Q: And prior to initiating any conversation with him, did
2 you issue what is commonly referred to as Miranda warnings?

3 A: Yes, sir, I did.

4 Q: And do you recall what those warnings were specifically?

5 A: I do.

6 Q: And what were they?

7 A: Well, I've -- I've -- I've never read them out loud. I
8 always read them from the actual form.

9 Q: Okay. And that form is in evidence already, is it not?

10 A: Yes, sir, it is.

11 Q: Now, after you read that form advising him that he had a
12 right to remain silent and all the other Miranda rights --

13 A: Yes, sir.

14 Q: -- enumerated thereon, did he indicate he wanted to waive
15 those rights and make a statement to you?

16 A: He did. It's a form that we -- that we fill out giving
17 the date, time, location, his name, his date of birth, the
18 location where we are, and it's what you would commonly hear
19 as the Miranda rights form. He signed the form stating that
20 he understood and I signed the form, as well as Investigator
21 Williamson, who was also present.

22 Q: Okay. Now, was it just you, Investigator Williamson, and
23 Latson Ray Matthews at this point in the room?

24 A: Yes, sir. There were just three people in the room. The
25 room is fairly small. There's -- it's a -- it's a small table

MICHAEL MULLINAX - DIRECT BY MR. TUCKER

1 with six chairs around the table. It's a small conference
2 room. There's two doors. Both of them are exit and entry
3 doors.

4 Q: Now, with regards to this statement, was it recorded?

5 A: It was recorded.

6 Q: And ultimately, you asked him some questions about what
7 happened and then he told you in his own words what occurred
8 on that day of July 28th, 2015?

9 A: Yes, sir.

10 Q: And you've had an opportunity here to listen to the
11 statement that was recorded and is already into evidence;
12 correct?

13 A: I have.

14 MR. TUCKER: Your Honor, at this time, I would ask that
15 the statement be played.

16 THE COURT: All right.

17 MR. TUCKER: And published to the jury.

18 (WHEREUPON, State's Exhibit Number 2, recorded statement,
19 was played in open court. Not transcribed herein. The
20 following question and answer occurred during the playing
21 of the statement.)

22 BY MR. TUCKER:

23 Q: Is that your voice?

24 A: That is my voice.

25 (WHEREUPON, after the statement ended, the proceedings

MICHAEL MULLINAX - DIRECT BY MR. TUCKER

1 resumed as follows.)

2 BY MR. TUCKER:

3 Q: Lt. Mullinax, after he made his statement and at this
4 point you'd already gotten the finger -- the palm print
5 confirmation back from SLED, what, if anything, did you do
6 with regards to this case?

7 A: Well, at that point, Mr. Matthews was arrested.

8 Q: Now, during the statement, he indicated that he took both
9 the gun and the cell phone from Ms. Granger; is that correct?

10 A: Yes, he did.

11 Q: And we know the cell phone was found, but were you ever
12 able to find the gun even after he made that statement?

13 A: No, sir. We were never able to locate the gun.

14 Q: Now, with regards to other items, he mentioned that he'd
15 been in the building. So he was able to confirm a lot of the
16 things that you knew already about with regards to your
17 investigation?

18 A: You can hear that in the statement. A lot of the
19 questions that Mr. Matthews was asked were questions that we,
20 of course, knew the answers to. He did not know that we knew
21 the answers because we wanted him to tell the story and not us
22 tell it for him.

23 Q: Now, he mentions that -- he brought up the word promise
24 and you were quick to point out that you didn't promise him
25 anything; is that correct?

MICHAEL MULLINAX - DIRECT BY MR. TUCKER

1 A: Absolutely.

2 Q: Now, with regards to his depiction of what happened out
3 there, initially he denied taking either the phone or the gun;
4 is that correct?

5 A: Well, initially, he denied everything and then we did
6 tell him that we had the -- that there was a recording of him
7 speaking with her and we told -- but we didn't tell him the
8 content.

9 Q: Now, the recording -- were you referring to the 9-1-1
10 call that we heard in court yesterday?

11 A: Yes, sir. That's correct.

12 Q: With regards to that, after you told him that, did his
13 story at that point change?

14 A: He did. Then he said, okay, I was there.

15 Q: And it took him a little bit for him to tell you the
16 whole thing though, didn't it?

17 A: That's correct, and that's what you heard on the audio.

18 Q: Now, after hearing the 9-1-1 call and how he described
19 how the incident occurred and by this point you'd seen Ms.
20 Granger's injuries and had access to the autopsy findings and
21 everything, was it consistent with the extent of her injuries?

22 A: It was. That afternoon after the recording, you can hear
23 me say we have to get down. I knew that we had his vehicle at
24 his home. I knew that we were watching the vehicle currently
25 or I needed to get somebody to watch the vehicle to make sure

MICHAEL MULLINAX - DIRECT BY MR. TUCKER

1 the vehicle didn't leave the area after we knew that that was,
2 in fact, the vehicle that was used to commit the offense. So
3 I needed to get a search warrant for that vehicle and we
4 needed to locate that vehicle and process that vehicle.

5 Q: Okay. Now, in addition to admitting to going into the
6 building and then to taking initially the propane gas tank
7 that has been moved in evidence and taking the gun and the
8 cell phone from Ms. Granger, he also admitting -- or admitted
9 to running her over as he was backing out of the driveway and
10 knocking her truck across Converse; is that correct?

11 A: That's correct. He said -- as you heard, he said he
12 bumped her car, but that he did not think that he killed her.
13 He thought he ran over her legs because it was a small bump --

14 Q: Now --

15 A: -- that he felt.

16 Q: Based on what we know about the autopsy and you were here
17 for the testimony and talked to the pathologist, is that
18 consistent with what we know?

19 A: That is not consistent with the -- with the -- where the
20 tires of that vehicle traveled and ultimately caused the
21 demise of Ms. Granger.

22 MR. TUCKER: I believe that's all the questions I have,
23 Your Honor.

24 THE COURT: All right. Cross?

25 MR. FLOYD: Thank you.

MICHAEL MULLINAX - CROSS BY MR. FLOYD

CROSS-EXAMINATION

1
2 BY MR. FLOYD:

3 Q: Lt. Mullinax, I'll try and be as brief as possible. I
4 don't want to make you talk too much more. I know your voice
5 is tired. You started your interview with Mr. Matthews
6 roughly about 9:50 a.m.; is that right?

7 A: Yes, sir. That's correct.

8 Q: And my understanding is you first picked him up, gave him
9 a car ride to the City Center; is that right?

10 A: Yes, sir, I did.

11 Q: Okay. Y'all didn't talk about the case on the way up
12 here; is that right?

13 A: We did not. He would ask and I would say we will talk
14 about it whenever we get to the office.

15 Q: Okay. And there was no in-car video camera or anything
16 like that running during that trip?

17 A: No, sir. Undercover unmarked police Crown Vics do not
18 have in-car video surveillance.

19 Q: All right. Okay. So you arrived at the building and
20 then y'all went up to the conference room and sat down and
21 that's when you began to talk about the situation?

22 A: Yes, sir.

23 Q: Okay. You only turned the recorder on for the last 15
24 minutes or so; is that right?

25 A: That's correct. I did.

MICHAEL MULLINAX - CROSS BY MR. FLOYD

- 1 Q: And that's what we heard?
- 2 A: That's what you heard.
- 3 Q: That's what we just heard? Okay. And then that's when
- 4 you terminated the -- the interview; is that correct?
- 5 A: Yes, sir.
- 6 Q: After that was done? Okay. You said you served or had
- 7 him served with warrants. You prepared those?
- 8 A: Yes, sir, I did. After -- after that interview.
- 9 Q: Okay. After that interview?
- 10 A: Yes, sir.
- 11 Q: And you charged him with what?
- 12 A: Multiple counts. I think armed robbery, murder.
- 13 Q: It was murder?
- 14 A: I think it was a burglary charge.
- 15 Q: Possession of weapon during a violent crime?
- 16 A: Yes, sir. He had her weapon whenever he murdered her.
- 17 Q: And then the burglary third-degree? Is that another
- 18 thing you charged him with?
- 19 A: Yes, sir. That's correct.
- 20 Q: All right. And you did those warrants; correct?
- 21 A: Yes, sir, I did.
- 22 Q: Or had them prepared and you signed them?
- 23 A: Yes, sir, I did.
- 24 Q: Okay. He told you during that interview that he took a
- 25 propane tank and certainly that seems consistent with what you

MICHAEL MULLINAX - CROSS BY MR. FLOYD

1 found out; is that correct?

2 A: It does.

3 Q: Okay. Other than the cell phone and the pistol, any
4 evidence that he took anything else?

5 A: There's no indication that he took anything other than
6 the propane tank.

7 Q: Okay. And I'm assuming you probably checked around with
8 pawn shops or whatever to see if he had sold a gun or any
9 other items; is that correct?

10 A: That is correct.

11 Q: Okay.

12 A: That's one of the things I did.

13 Q: Right. Bear with me. I'm just looking over my notes.
14 He recounted I guess his conversation that he had with Ms.
15 Granger to you during that statement; is that correct?

16 A: Yes, sir, he did.

17 Q: Okay. And he had not heard the 9-1-1 call at that point;
18 right?

19 A: He had -- he's never heard from me.

20 Q: Correct. And -- and what he told you his conversation
21 with her was, that's pretty much what you heard on that call?

22 A: It was. It was eerily similar to the 9-1-1 call.

23 Q: So he -- he pretty much recounted that conversation?

24 A: Yes, sir, he did.

25 Q: Okay. All right. And -- and you did say he went with

MICHAEL MULLINAX - CROSS BY MR. FLOYD

1 you voluntarily; correct? When you asked him to come with you
2 from his residence?

3 A: He did, yes.

4 Q: Okay. He didn't give you any trouble or anything of that
5 nature?

6 A: Absolutely not.

7 Q: Okay. All right. Thank you so much. That's all I have
8 for you. I appreciate it.

9 THE COURT: Any other questions?

10 MR. TUCKER: Nothing on redirect, Your Honor.

11 THE COURT: All right. If you'll call your next witness.
12 You may step down.

13 MR. TUCKER: Your Honor, at this time, the State rests.

14 THE COURT: All right. Members of the jury, I'm going to
15 excuse you for the day. If you'll be back at 9:45, we're
16 going to finish this case tomorrow.

17 (WHEREUPON, the jury exited the courtroom at 3:47 p.m.)

18 THE COURT: All right. Let's talk about the charge a
19 little bit. You indicated burglary third-degree? Is that
20 what you asked her?

21 MR. FLOYD: Yes, sir.

22 THE COURT: The indictment says first degree.

23 MR. FLOYD: I was asking her about the arrest warrants,
24 Your Honor.

25 THE COURT: Oh, I see. Okay.

1 MR. FLOYD: What she actually arrested him for.

2 THE COURT: All right. So you intend on going forward
3 with burglary first degree?

4 MR. TUCKER: Yes, Your Honor. The State would maintain
5 we've made each and every essential element supporting
6 burglary first.

7 THE COURT: And where did he -- where did he go into her
8 house?

9 MR. TUCKER: He went into the detached garage that was
10 less than 50 feet from her house.

11 THE COURT: The detached garage?

12 MR. TUCKER: That's correct. Your Honor, if you look at
13 the definition section of burglary, 16-11-10, it defines
14 dwelling as buildings attendant thereto. I think within -- I
15 think it's 200 yards, but certainly, the 50 feet was well
16 within the description of dwelling for purposes of the
17 burglary statute.

18 THE COURT: Have you got that statute with you?

19 MR. TUCKER: Yes, sir. I don't have it right -- well, I
20 do here, Your Honor.

21 MR. FLOYD: I actually have a copy of it as well, Your
22 Honor.

23 THE COURT: Do you consent with that, Mr. Floyd?

24 MR. FLOYD: Sir?

25 THE COURT: Do you agree with that?

1 MR. FLOYD: Your Honor, I've read this statute.

2 THE COURT: Right.

3 MR. FLOYD: And I don't understand it. I mean, quite
4 frankly, I don't -- I don't think it says that in plain
5 English.

6 THE COURT: You know, I'm looking at the charge itself
7 and the second paragraph begins: A dwelling is any building
8 or portion of a building in which a person ordinarily sleeps.

9 MR. FLOYD: Right.

10 THE COURT: Unless she's sleeping in the boat or on the
11 four-wheeler or on the generator, she's not sleeping in that
12 garage.

13 MR. TUCKER: Yes, sir.

14 MR. FLOYD: And that's -- that's the way I understand it,
15 but, you know, you can read that statute --

16 THE COURT: Let me look at it.

17 MR. FLOYD: -- and it's extremely confusing.

18 MR. TUCKER: And, Your Honor, I'm referring to 16-11-10,
19 which defines dwelling house for purposes of the burglary
20 statute.

21 THE COURT: 16-11-10?

22 MR. TUCKER: Yes, sir.

23 THE COURT: Is that what you've got?

24 MR. FLOYD: Yes, sir. That's --

25 THE COURT: All right.

1 MR. FLOYD: That's just a print-off of it.

2 MR. TUCKER: And it says:

3 With respect to the crimes of burglary and arson and to
4 all criminal offenses which are constituted or aggravated by
5 being committed in a dwelling house, any house, outhouse,
6 apartment, building, erection, shed or box in which there
7 sleeps a proprietor, tenant, watchman, clerk, laborer, person
8 who lodges there shall be deemed with such a dwelling house if
9 it is within 200 yards of the sheds, erections which are 200
10 yards from it.

11 So certainly, we would maintain that while she sleeps in
12 the house, certainly this -- the garage is within 200 yards of
13 the house and, therefore, the whole property constitutes a
14 dwelling for purposes of the burglary statute.

15 THE COURT: With respect to the crimes of burglary and
16 arson and to all criminal offenses which are constituted or
17 aggravated by being committed in a dwelling house.

18 MR. TUCKER: Yes, sir.

19 THE COURT: Any house, outhouse, apartment, building,
20 erection, shed or box in which there sleeps a proprietor,
21 tenant, watchman, clerk, laborer or person who lodges there
22 with a view to the protection of property shall be deemed a
23 dwelling house. Who was sleeping in that detached garage?

24 MR. TUCKER: No one, Your Honor. Like I said, we
25 maintain that the -- under the shed where he went with regards

1 to the -- where the Corvette was, he had to go under there,
2 which was part of the house. We maintain that was in the
3 curtilage of the definition of dwelling house as the detached
4 garage. Our argument would be since the dwelling or the
5 garage was within 48 feet, well within the 200 yards described
6 therein.

7 THE COURT: All right. I'll take it under advisement.
8 I'm not sure if I see that or not, but I'll talk about it.
9 Other than that, what are we wanting to charge? Anything
10 specific other than murder?

11 MR. TUCKER: Yes, sir. Well, we --

12 THE COURT: You want burglary first degree?

13 MR. TUCKER: Yes, sir. And obviously --

14 THE COURT: The weapons.

15 MR. TUCKER: And even if the Court were to find it wasn't
16 a burglary first, it's certainly a burglary second by virtue
17 of, you know, a lesser included in that a person was injured,
18 it was a violent offense and, that being the case, certainly
19 we would like a request with regards to felony murder because,
20 again, this did occur while he was in the process of escaping
21 the burglary --

22 THE COURT: All right.

23 MR. TUCKER: -- situation.

24 THE COURT: All right. Why don't we get here a few
25 minutes early tomorrow and we'll take a look at what I put

1 together and go from there?

2 MR. FLOYD: Yes, Your Honor.

3 MR. TUCKER: Yes, sir.

4 THE COURT: All right. Then I'll let you tell them you
5 rest. You can do your motions first and then we'll bring them
6 out and you can rest and we'll just truck on.

7 MR. FLOYD: Thank you, Your Honor.

8 THE COURT: How about that?

9 MR. TUCKER: Yes, sir.

10 THE COURT: All right. I'll see you in the morning.

11 (WHEREUPON, the proceedings adjourned for the day at 3:52
12 p.m.)

13

14 April 27, 2017

15 (WHEREUPON, the proceedings resumed at 10:04 a.m.)

16 THE COURT: All right. Folks, we have gone over the jury
17 charge and the verdict form in great, great detail. Is the
18 State okay with it?

19 MR. TUCKER: The State is fine with it, Your Honor.

20 THE COURT: How about the defense?

21 MR. FLOYD: Yes, Your Honor.

22 THE COURT: All right. Any motions from the defense at
23 this time?

24 MR. FLOYD: Yes, Your Honor. At this time, I would like
25 to move for a directed verdict, Your Honor, on the Count I of

1 the indictment for murder, Your Honor, on the grounds that
2 there's no evidence to -- in the record to support a
3 conviction for the charge of murder.

4 Also, Your Honor, on Count II for burglary first degree,
5 Your Honor. Specifically, Your Honor, I don't think there's
6 any evidence to support --

7 THE COURT: I'm not even going to charge first degree.
8 We're just going to do the burglary second.

9 MR. FLOYD: Yes, sir, Your Honor. And also, Your Honor,
10 for Count III for possession of a weapon during a violent
11 crime, I was going to argue, Your Honor, since there was no
12 evidence of burglary, specifically the intent to commit a
13 crime within the building, that the Count III of the
14 indictment should be a directed verdict as well.

15 THE COURT: All right. I'm going to deny those motions
16 and I think we have a fact for the jury.

17 MR. FLOYD: Thank you, Your Honor.

18 THE COURT: All right. Do you want to go ahead and renew
19 those motions at this time? And that way, when the jury comes
20 out, we can just move right on in after you rest.

21 MR. FLOYD: Certainly, Your Honor.

22 THE COURT: All right. Those motions --

23 MR. FLOYD: I would just renew my motions for directed
24 verdict.

25 THE COURT: All right. Thank you. Those motions are

1 denied.

2 All right. Why don't I go over Mr. Latson Ray Matthews'
3 right to remain silent? If you want to stand up?

4 THE DEFENDANT: Yes, sir..

5 THE COURT: Do you want to swear him in, Ms. Clerk?

6 THE CLERK: Please raise your right hand. Do you swear
7 to tell the truth, the whole truth, and -- do you swear to
8 tell the truth, the whole truth, and nothing but the truth, so
9 help you God?

10 THE DEFENDANT: Yes, ma'am.

11 THE COURT: All right. Mr. Matthews, I want you to
12 understand that you do have the right to come over here and be
13 sworn in and take the witness stand and you can testify in a
14 way that you and your lawyer think is right. Do you
15 understand that?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: However, I want you to know that if you do
18 testify, you may be cross-examined on any and all relevant
19 issues in connection with your case.

20 THE DEFENDANT: Yes, sir.

21 THE COURT: Do you understand that?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: Furthermore, if you have a criminal record
24 and it involves crimes of dishonesty or false statements or a
25 criminal record that involves crimes that carry a punishment

1 of more than one year and the Court determines that the
2 probative value of admitting that record outweighs its
3 prejudicial effect, then your criminal record will be
4 introduced --

5 THE DEFENDANT: I understand.

6 THE COURT: -- into evidence. Do you understand that?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: Have you talked with your lawyer about
9 whether you wish to testify or not?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: Has he answered all of your questions?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: All right. And what's your desire?

14 THE DEFENDANT: I'm not going to testify.

15 THE COURT: All right. Thank you very much. I find that
16 he did so freely, intelligently, and with the advice of
17 competent counsel.

18 All right. So we're going to bring the jury out. I'm
19 going to call you to call on your first witness. You say we
20 rest and then you're going to close and then you're going to
21 close and then I'm going to charge and we'll go from there.
22 Sound right?

23 MR. FLOYD: Yes, sir.

24 MR. TUCKER: Yes, Your Honor.

25 THE COURT: All right. Go ahead and bring them out.

1 (WHEREUPON, the jury entered the courtroom at 10:07 a.m.)

2 THE COURT: All right. The defense is recognized for

3 your first witness.

4 MR. FLOYD: Your Honor, the defense rests.

5 THE COURT: All right. I recognize the State for your

6 closing statement.

7 MR. TUCKER: Thank you.

8 THE COURT: Thank you.

9 CLOSING ARGUMENT ON BEHALF OF THE STATE

10 MR. TUCKER: If you have any doubt about what was in

11 Latson Ray Matthews' heart on July 28th, 2015, with regards to

12 malice towards Martha Granger when she confronted him as he

13 was stealing from her in her driveway at her home at

14 Converse Drive in the city of Florence, let these words kind

15 of go back with you to the jury room.

16 (WHEREUPON, a portion of State's Exhibit Number 3, 9-1-1

17 call, was played in open court -- not transcribed herein

18 -- after which the proceedings resumed as follows.)

19 MR. TUCKER: Back that truck up or I'll blow your brains

20 out. That's what he said to a 74-year-old woman while he was

21 stealing from her and she had the audacity to try to challenge

22 him. Back that truck up or I'll blow your brains out. That's

23 malice, folks.

24 Mr. Matthews is charged with other crimes in addition to

25 murder. I want to take a few minutes to kind of walk you

1 through some of the elements of some of the things that the
2 State has to show.

3 The first, he is charged with burglary second degree
4 violent. Now, the definition of burglary second degree
5 violent is entering a building of another without consent and
6 with the intent to commit a crime therein.

7 Additional elements required, while entering or leaving,
8 the defendant -- he must be armed with a deadly weapon or
9 causes physical injury to a nonparticipant or uses or
10 threatens the use of a deadly instrument or displays what is
11 or appears to be a knife or firearm or the defendant has a
12 prior record of two or more burglaries or housebreaking or the
13 breaking or entering occurs during the nighttime. Entry
14 includes any intrusion of any part of the defendant's body or
15 any instrument under his control.

16 The evidence that we have that Latson Matthews committed
17 a burglary? Latent print pulled from the hood of Martha
18 Granger's Land Rover matches Latson Ray Matthews. Bear in
19 mind, folks, that Land Rover was parked in that detached
20 garage and, as Judy Smith told you, it hadn't moved for two
21 weeks since July 4th when she and Martha went out for Fourth of
22 July for lunch.

23 His palm print, as you heard Tom Darnell testify, was on
24 the hood. He had to go into the building and put his hand on
25 it for his print to be there.

1 What other evidence do we have of his entry into that
2 building? His own confession to law enforcement that he
3 entered the building. We heard that played yesterday. We
4 heard Investigator Williamson testify that that's what he told
5 him. Lt. Mullinax told you the same thing and Latson Ray
6 Matthews himself told us in his statement that he went into
7 the building. When asked, I went into the building. I didn't
8 go in her house, but I went into the building and I was there
9 to steal.

10 Intent to commit a crime. It is only necessary that the
11 defendant had the intent to commit any crime when he entered
12 the building. It is not necessary that the defendant actually
13 commit or be convicted of the crime he intended to commit
14 during the burglary.

15 Folks, he's a thief. He admitted that in that statement.
16 He talked. He went there to steal. He took a propane gas
17 tank worth \$38 and put it in his minivan. And when confronted
18 by a 74-year-old woman to whom it rightfully belonged, well,
19 we know what happened then.

20 But he told you through his statement that he went there
21 to steal and, in fact, had stolen when he took that gas tank
22 and put it in that minivan. He wasn't just looking around
23 when he went into that building. He was there to steal. He
24 had the intent.

25 Evidence? The defendant confessed that he intended to

1 steal the propane tank in order to sell the tank for profit.
2 And the propane gas tank? It may not look like much, but
3 Latson Ray Matthews was willing to kill for it and Martha Lee
4 -- or Martha Granger died as a result of it.

5 Armed with a deadly weapon. While entering or leaving,
6 the defendant is armed with a deadly weapon. An unarmed
7 burglar who steals a firearm in the course of the burglary is
8 considered armed for the purposes of the burglary stature. A
9 deadly weapon is further defined as a firearm is considered a
10 deadly weapon.

11 Causes physical injury. Going back to the weapon, we
12 know we had a weapon when he was in flight therefrom because
13 Martha -- when we listen to the 9-1-1 tape, we know Martha had
14 a pistol on her because he said that and we saw the empty
15 holster and we know that Martha had that pistol when she
16 confronted him. Now, as she confronts him and when the 9-1-1
17 call comes up, you can hear her say, get away from me, get
18 away from me. Even with the pistol, Latson Ray Matthews is
19 advancing.

20 Now, it changes when he's saying, ma'am, please don't
21 call the law, please don't call the law. When he gets hold of
22 that pistol, it changes from, ma'am, please don't call the law
23 to back that truck up or I'm going to blow your brains out.

24 At that point, he's got a hold of that pistol and we know
25 he took the pistol because in the statement he tells us that.

1 He took both the cell phone and the pistol. He lied about it
2 to begin with, but when he was confronted with some things he
3 finally said, yeah, you're right. I took the cell phone and
4 the pistol. And when asked what he did with it, well, I threw
5 it out the road, the cell phone. They never recovered the
6 pistol, but we know he was armed.

7 Threatens the use of a deadly instrument. While entering
8 or leaving, the defendant uses or threatens the use of a
9 deadly instrument. On the 9-1-1 call, the defendant can be
10 heard on the tape threatening to blow Martha Granger's head
11 off. And, folks, that is a bare interpretation of what you
12 just heard. I won't regale you with it because of the
13 language that he describes, but the anger in that man's voice,
14 the malice in that man's voice.

15 We know he threatened her. We heard it. He threatened
16 to blow her head off.

17 Murder. The killing of another with malice aforethought.

18 Malice aforethought. Four possible mental states that
19 encompass both general and specific intent. The intent to
20 kill, the intent to inflict grievous bodily harm, extreme
21 reckless indifference to the value of human life, and the
22 intent to commit a felony, also known as the felony murder
23 rule.

24 Malice. That 9-1-1 call was dripping with it. Back that
25 truck up or I'm going to blow your head off. And we'll get to

1 what he did afterwards in just a second, but he had malice
2 coming and going. We heard it in his voice. We heard it in
3 the statement when he gave it to law enforcement 17 days
4 later.

5 Malice is the doing of a wrongful act intentionally and
6 without just cause or excuse. Doing of a wrongful act
7 intentionally and without just cause or excuse. He went there
8 to steal. He was, in fact, stealing. He went into her
9 building. He committed a burglary and then, when she caught
10 him, he run over her with a truck after taking her firearm and
11 cell phone. That is as intentional an act as we can get in
12 terms of what he was up to and without just cause or excuse.

13 Malice does not necessarily require ill will toward the
14 person injured, but signifies rather a general malignant
15 recklessness of the lives and safety of others. All that is
16 required of murder is the mental state of malice.

17 Implied malice. Malice can be presumed, but may be
18 inferred or implied if there is brutal contact -- conduct or
19 excessive force. Folks, we had to show you the autopsy
20 photos. We had to show you the photo of Martha lying in the
21 road. We had to have a pathologist come in here and explain
22 in detail the extent of her injuries. We had the coroner
23 explain the extent of her injuries. Brutal conduct or
24 excessive force? I don't think that's in dispute.

25 Intentional killing during the commission of a felony.

1 Here it is, ladies and gentlemen. Here it is. The
2 intentional killing during the commission of a felony.
3 Burglary second is a felony. It's a violent felony by the
4 statute. Latson Ray Matthews was in the process of committing
5 it and, when Martha Granger confronted him with a pistol and a
6 cell phone to try to keep him from taking her stuff, her stuff
7 that she worked hard for, he took it away from her and wound
8 up running over her with a van.

9 Use of a deadly weapon. He may not have shot her and in
10 some ways and looking at this case as long as I have, I almost
11 wish he did. She wouldn't have suffered as long as she did.
12 She lived for almost 4 hours with two collapsed lungs and a
13 crushed pelvis. If he'd have shot her, hopefully it would've
14 been over quick, but she lived for four hours in excruciating
15 pain.

16 Words of hatred or ill will. What you just heard could
17 be a textbook definition of that very thing.

18 Aforethought is the time when evil is conceived. While
19 she's confronting him, while she's on the phone, while he's
20 trying to talk her into not calling the police, he's thinking
21 of a way out of this thing. He's creeping closer to her
22 because that's why she's saying get away from me, get away
23 from me, and it doesn't have to be a long time. It can be a
24 very short time, but we know that's what he's up to when he's
25 coming towards her and we certainly know what he meant and

1 what he intended once he got in that van.

2 There is no particular length of time prior to the
3 killing for malice to exist to be malice aforethought. A
4 voluntary act without sufficient legal provocation is
5 deliberate no how -- no matter how sudden or how furious it
6 may be.

7 There was no provocation here. As I told you in my
8 opening, in South Carolina a person has got a right to protect
9 their property. They've got a right to protect their life.
10 Martha Lee Granger had worked hard for her items and she
11 wasn't going to let a thief take either, but unfortunately, he
12 did.

13 Martha's 9-1-1 call. As I mentioned, if you doubt for
14 one second what that man had in his heart with his intent
15 towards her, let her words -- let his words resonate with you
16 when you're back there wrassling with that, if you have a
17 doubt.

18 Latson Ray Matthew's response to her plea of get away
19 from me, get away from me, back that truck up or I'll blow
20 your brains out. Back that truck up now. And again, ladies
21 and gentlemen, that's a bare interpretation of what you just
22 heard. He takes her pistol and her cell phone.

23 Now, Latson Ray Matthews' statement to police some 17
24 days later. He initially denied being involved, but when
25 confronted with the evidence, he admits that he went into the

1 detached garage, he admits to stealing the propane gas tank,
2 he admits to getting caught in the act by Martha, he admits to
3 taking her pistol and cell phone, he admits to threatening
4 Martha, he admits to backing into Martha's truck and making it
5 shoot out of the driveway and across Converse into Judy
6 Smith's front yard, and he admits to running over Martha, but
7 he only felt a little bump as he drove over her.

8 The testimony of Bobby and Julian Peterson. That tells
9 us volumes, ladies and gentlemen, about what happened. Both
10 told you that Martha's truck came out in front of them so
11 quickly that Bobby had to hit the brakes, and both told you
12 that they saw what they thought was a plastic bag or rolled-up
13 carpet being rolled under the minivan.

14 And what did Bobby say? It just bloop, bloop, bloop.
15 That's what he saw. When the truck comes out, you would have
16 to believe that if Martha was backing down the driveway, she
17 somehow managed to fall out of her truck, run over herself,
18 get back in the truck, move it across the road, put it in
19 park, get out, close the door, go back over and get run over
20 again. It doesn't make any sense.

21 The timing. They hit the brakes when the truck comes
22 out. They look. They see Martha under the vehicle and that's
23 what they told you. Julian Peterson told you that as the van
24 went forward again as it comes out onto Converse and now for
25 the first time they're kind of able to see that it's a person,

1 that when the van goes forward again, just as Latson Matthews
2 told you in his statement, he saw her laying there and run
3 over her.

4 And what did Julian Peterson say? The van jacked up in
5 the back it went up so high. Latson Ray Matthews in his
6 statement said, well, I run over her legs because I felt a
7 little bump. That's what she was to him. A little bump.

8 Martha was not in her truck; she was under Latson Ray
9 Matthews' van. The truck comes out across the driveway into
10 Judy Smith's yard. They look. They see her under the van and
11 not in the truck. There just wasn't -- it wasn't physically
12 possible, given what the eyewitnesses told you.

13 What does Martha's truck tell us? It's a straight line
14 from her driveway to Judy Smith's yard. Now, some of you may
15 be wondering, well, how if the truck is in park and she didn't
16 get in it, how did it get across the road. He hit the front
17 of that truck. In his statement, he said that even though she
18 was in her truck, as he was telling law enforcement, and she
19 was backing up, he says he rammed the truck anyway. He
20 admitted it. He even used the term I hit it and then it shot
21 across the driveway across Converse and into the neighbor's
22 yard. He bumped it and it knocked it from park.

23 What did Investigator Williamson tell you when he got
24 there? It was kind of between park and reverse. He hit it
25 and bumped it out and, in so doing, when it went backwards, it

1 went out on its own. It was a straight line. It just kind of
2 rolled. Had it been in reverse and Martha fell out of it, it
3 would have kept going, but it stopped.

4 Damage to the front, hit with enough force to push it
5 down the driveway and across Converse. We know that Martha
6 did not get back into the driveway or get down the driveway.
7 She sure didn't get in it, start down the driveway, fall out,
8 run over herself, get up, go back and put it in park and get
9 out, go back to her driveway, only to be run over again.

10 If it was in reverse, as I just said, when she fell out,
11 it would've just kept rolling. And if she had fallen out, she
12 would've fallen out of the driver's side and she would've
13 wound up on the opposite side of the roadway from where we
14 found her.

15 That's her driveway. This is to the left. If she's
16 coming down the driveway in her truck and she falls out, she
17 would've been found on this side of the driveway, not on the
18 other side. She would have been over here, not over here.

19 And look at that straight line. If it's parked like
20 somebody just hit it and it just rolled with the steering
21 wheel locked -- when you've got one on the column like that,
22 as it tends to do, it rolled right back and when it got to
23 right there, it stopped. It didn't keep going.

24 And there's Martha. She's on that side of her driveway.
25 That is consistent with what Julian and Bobby Peterson told

1 you. She was under the van and when it turns, it turns her
2 out, that's where she lands, and he goes forward and runs over
3 her again.

4 The medical testimony. Massive trauma. You heard from
5 the coroner. You heard from the ER physician who saw Martha
6 at McLeod. You heard from Dr. Tormos, the pathologist. It is
7 consistent with being run over. She was dragged under the
8 minivan down the driveway more than likely, injuries to arms,
9 face. Circular wound on her abdomen is consistent with the
10 tailpipe of Matthews' minivan. You saw it and you'll see a
11 picture of it here and you'll see a picture that you've
12 already seen already of that wound to the abdomen. Take a
13 close look at that.

14 She's right behind it. He backs over her. That tailpipe
15 gouges her. She goes back under again and he drags her down
16 the driveway, just like Bobby Peterson saw, just like Julian
17 Peterson saw, just like the evidence tells us.

18 Run over, not just once, but likely twice, over her chest
19 causing two collapsed lungs and again over her pelvis. You
20 heard Dr. Tormos testify to that. She testified it almost had
21 to be twice because there was not enough -- the distance would
22 have been too great for her to have been hit one time over.
23 In other words, if she were to have found both tire tracks
24 with an even distance between the two, but the tire come over
25 her chest and then goes forward and back over her pelvis, and

1 she said it was more than likely twice. That is consistent
2 with what you heard. That is consistent with what we know
3 about this case.

4 Here. That's the circular pattern of the tailpipe. The
5 coroner saw it. Michael Brandt with the Florence Police
6 Department saw it. Dr. Tormos, when she examined it, saw it.
7 That's the thing -- even the paramedics saw it. Cpl.
8 Worthington saw it. That's the thing that just kind of jumps
9 out at you and the coroner indicated that it looked kind of
10 sooty, kind of like it had a burn, like carbon from a
11 tailpipe, a little burn as if it was a hot tailpipe, and
12 everything is consistent with that tailpipe being on Latson
13 Ray Matthews' minivan.

14 Again, massive trauma to both arms, to the sides both,
15 and to her face. Folks, that's just not somebody who fell out
16 and got run over on the legs. That is a person who got run
17 over, drug down the driveway, and then run over again. Again,
18 her face up underneath that vehicle.

19 The evidence is clear. The confrontation took place near
20 the front of Martha's truck. You can hear her saying get away
21 as he comes toward her. Matthews advances; Martha backs away.
22 Matthews grabs the gun and the cell phone from Martha, forcing
23 the 74-year-old woman to the ground directly behind Matthews'
24 minivan, almost -- and the abrasions to the knees tell us that
25 as well. Martha cannot get up fast enough. Matthews backs

1 over her and into her truck, forcing it down the driveway
2 across Converse -- that's witnessed by both the Petersons --
3 into Judy Smith's yard. It drags her down the driveway, runs
4 over her once when he backs into Converse and he runs over --
5 over her again as he goes forward, causing the van to jack up
6 in the back, just as it was described by Julian Peterson. And
7 then he throws the cell phone and the gun out when he flees
8 the scene.

9 Some people kill for spite. Some people kill for kicks.
10 Latson Ray Matthews killed Martha Granger for a propane gas
11 tank worth \$38. This is a case about senseless tragedy and
12 this is a case about brutality, as I told you, but this is
13 also a case about tragic irony. Tragic irony in that Martha
14 Granger had a pistol when she tried to stop Latson Matthews
15 from stealing her things.

16 Now, Martha Granger could have easily shot Latson Ray
17 Matthews dead as he came at her, but she didn't. Now, whether
18 it was her regard for human life, her sense of mercy, but she
19 didn't pull the trigger and that was all the opening that
20 Latson Ray Matthews needed. He surely didn't show her any
21 mercy. He took Martha's mercy and he killed her with it.

22 Latson Ray Matthews is a thief and a killer. He is a
23 thief who takes property. He is a thief who takes futures.
24 He is a thief who takes good friends from people and
25 neighbors. He takes a good neighbor from other good

1 neighbors. He takes their hopes and their dreams. And he's a
2 thief who takes that which can never be replaced, ladies and
3 gentlemen, and that's human life. All the propane gas tanks
4 in the world cannot replace it.

5 It's time he is held accountable, it's time he was held
6 responsible and, folks, that time is now. Find him guilty of
7 burglary, find him guilty of second-degree burglary violent,
8 find him guilty of murder, and find him guilty of possession
9 of a weapon during the commission of a crime of violence.
10 Why? Because the evidence says he's guilty.

11 THE COURT: All right. We'll go ahead and lower the
12 screen and move the monitor.

13 (WHEREUPON, there was a pause in the proceedings.)

14 THE COURT: All right. The defense is recognized.

15 CLOSING ARGUMENT ON BEHALF OF THE DEFENDANT

16 MR. FLOYD: Ladies and gentlemen, after hearing the
17 evidence in this case, there's really no doubt that on the day
18 of July the 28th of 2015 that Latson Matthews entered onto the
19 property of Martha Granger at Converse Drive and there's
20 no doubt that while on that property Mr. Matthews engaged in
21 conduct that can only be described as truly reprehensible.

22 And there's really no doubt that Mr. Matthews and Ms.
23 Granger had a confrontation and there's really no doubt that
24 Mr. Matthews attempted to flee that scene after that
25 confrontation. And certainly, there's no doubt that in the

1 seconds that followed, Ms. Granger died in a horrible way that
2 she in no way deserved.

3 But Latson Matthews hasn't been charged with a crime
4 called entering onto property. He hasn't been charged with a
5 crime called fleeing the scene. He hasn't been caught --
6 charged with the crime that he just engaged in reprehensible
7 behavior.

8 There's no doubt that he did all of those things, but
9 what is in doubt in this case is whether Latson Matthews is
10 actually guilty of the crimes he's been charged with,
11 specifically those crimes of burglary, murder, and possession
12 of a weapon during the commission of a violent crime.

13 Each of these crimes has very specific elements and, in
14 order to convict Latson Matthews, the State must have proved
15 each and every element of each crime beyond a reasonable
16 doubt. And if the State fails to prove even one of those
17 elements of each one of those crimes beyond a reasonable
18 doubt, then Latson Matthews must be found not guilty of that
19 crime.

20 And the Court is going to charge you on each element of
21 each crime here shortly, but I want to go over some of that
22 with you now and where I would submit that the State has
23 failed to meet their burden of proof.

24 We have the crime of burglary second-degree and that
25 crime is defined by statute and it states in part right at the

1 beginning that a person is guilty of burglary second-degree if
2 that person enters a building without consent with the intent
3 to commit a crime therein. So you have to have an entry
4 without permission into a building and then the intent to
5 commit the crime in the building.

6 Now, certainly the State sought to prove that Latson
7 Matthews entered the detached garage at Converse Drive,
8 and they did that. They brought in the fingerprint expert
9 from the SLED lab in Columbia and he testified that those
10 latent prints on the hood of that Range Rover matched Mr.
11 Matthews' fingerprints.

12 And, of course, Mr. Matthews admitted in his statement
13 that he gave to law enforcement that he went inside that
14 garage. There's no question that he did.

15 But, you know, during that statement no one asked him
16 why. Why did you go in there? So, you know, we're left to
17 draw our own conclusions based on what the evidence shows in
18 that regard.

19 You know, the State wants you to make an assumption that
20 he was going in that building to steal something because he
21 took a propane tank, that propane tank, from underneath an
22 open carport, which he had in his truck, and he certainly
23 admitted to doing that as well in his statement. He said, you
24 know, that's why I was there. I pulled in, I saw that, I took
25 it and put it in my truck, and that's what he had in his truck

1 when he was confronted.

2 But because of that, they want you to make an assumption
3 that he went inside that building to steal. But, you know,
4 you have to look and you can see there's no evidence that he
5 -- that he took anything while he was in there. You know,
6 we've seen the photographs of the inside of that garage.
7 There were a number of them we looked at yesterday and there
8 were all kinds of small tools, ladders, things that would've
9 been easy to grab and walk out with and throw in your car. He
10 didn't have any of those things in his car. No evidence that
11 he removed any of that property from that garage.

12 And I asked Lt. Mullinax if there was any evidence that
13 Mr. Matthews took anything from that scene other than that
14 propane tank, a cell phone, and a pistol. She said, no, there
15 wasn't. There's no evidence of that. She checked and they
16 had a search warrant at his residence. I'm sure that if they
17 had found something, we would've seen it.

18 The evidence shows that all the things he actually took,
19 the propane tank, the cell phone, pistol, those things were
20 all taken out in the open, either in the open carport or in
21 the driveway in the yard, where Mr. Matthews and Ms. Granger
22 had their confrontation.

23 So when you look at the evidence that we know, that we've
24 seen, well, what other reason could he have gone in there for?
25 What kind of inference can you draw from that?

1 Well, we know there was a car in that open garage where
2 that propane tank was located. You walk up there, you see
3 that tank, you want to snatch it. He didn't go in the house.
4 He didn't know if anybody was in there or not unless he had x-
5 ray vision. But he could easily have walked into that storage
6 room to see if anybody was in there. It's a reasonable
7 explanation and, if there's a reasonable explanation, then
8 there's reasonable doubt.

9 Now, I'd like to speak about the charge of murder. And
10 here's what we've learned about the moments before Ms.
11 Granger's death from the evidence that we've been presented.

12 She pulled into her driveway. She confronted Mr.
13 Matthews about what he was doing on her property. Mr.
14 Matthews admitted to her he had taken the propane tank. You
15 can hear it on the -- on the 9-1-1 call. He said I took it.
16 It's in my car. I'll give it back to you.

17 We know that he must've pulled it out the car because it
18 was found on the scene. We know that Ms. Granger pulled out a
19 pistol and her cell phone and made a 9-1-1 call, and certainly
20 I don't fault her for doing that, either one. But we know
21 during that call, Mr. Matthews begged her not to call law
22 enforcement. They struggled. Mr. Matthews gained control of
23 the gun and the cell phone.

24 And we know at that point Mr. Matthews demanded she move
25 her car and he, in fact, made a threat to shoot her if she

1 didn't, and that is also on that call. That's undeniable.
2 We've all heard it. He sat down with law enforcement, not
3 having heard that call, and he pretty much repeated that
4 conversation word for word to them about what he said.

5 And so we know that he did that, but here's what we also
6 know. We also know he didn't follow through on that threat.
7 He had a gun in his hand. He could have easily have fired it.
8 He didn't. He didn't shoot her. He didn't shoot near her.
9 He didn't shoot, period.

10 And you can surmise that Mr. Matthews was ready to get
11 out of Dodge when all this happened. Certainly, he was. He
12 wanted to go away and, yes, he made that threat. You can
13 surmise the reason he made it was because he wanted out and he
14 -- but he didn't follow through with it.

15 And so then we get to the tragic point where he jumps in
16 his car. He's panicked. He knows he's been caught doing
17 something reprehensible, like stealing. He knows he's taken a
18 gun. He knows he's in trouble. He's wanting out of there.

19 Now, he says in his statement at that point after he --
20 after he made the threat to her with that gun, he looked up
21 and saw her sitting in the car and, of course, I'm sure things
22 were going a hundred miles an hour in his mind by that point
23 and he put his car in reverse and he tried to get away.

24 Now, we all know what happened to Ms. Granger insofar as
25 her injuries that she suffered as a result of that being hit

1 by a vehicle. But was that an intentional killing with malice
2 aforethought or was it the actions of a panicked man who
3 really wasn't paying attention to what he was doing and how he
4 was doing it when he tried to start that car and get out of
5 there?

6 If he wanted to follow through on his threat to kill, how
7 would he have done it? If you want somebody dead and you have
8 a gun in your hand, how are you going to do it? Are you going
9 to shoot or are you going to put that pistol away, get in a
10 car, throw it in reverse, try and run over them, not knowing,
11 not being able to know, not having really any idea of what
12 kind of harm you're going to inflict at that point? You
13 certainly can't be assured that the person is going to die.
14 You don't even know what kind of injuries they'll have.

15 Is that malice aforethought? The intent to kill?

16 You know, in a -- in a case like this with facts like
17 these, you have an innocent person who did nothing wrong but
18 come home at the wrong time. That's undeniable. She didn't
19 do anything to deserve any of this.

20 And you have Latson Matthews, who admitted he was there
21 for a nefarious purpose, which was to steal that propane tank.
22 And just those facts alone certainly are capable of inflaming
23 passions and just make you want to convict him because of what
24 happened, because of the end result of this thing.

25 But when you think about the facts and you apply the law

1 to those facts, as the judge will explain to you in a little
2 bit when he gives his instructions, you're supposed to do that
3 without passion and prejudice. You're supposed to do that
4 with a clear head and apply the law to those facts and don't
5 let passion creep into it.

6 And, of course, we're all humans. We have human nature
7 where, in a situation like this, that's a difficult thing to
8 ask, but I'm asking you to do your duty as jurors and evaluate
9 these facts and apply the law and find Latson Matthews not
10 guilty of burglary, of murder, and of possession of a weapon
11 during a violent crime. Thank you very much.

12 CHARGE ON THE LAW

13 THE COURT: Thank you. Members of the jury, it is now my
14 duty to instruct you on the law applicable to this case. It
15 is your duty as jurors to accept and apply the law as I now
16 stat it to you.

17 Furthermore, it is your exclusive duty to decide all the
18 issues of fact in this case and to determine the effect,
19 value, and weight of the evidence presented. Both the State
20 and the defendant have the right to expect that you will
21 carefully consider and evaluate the evidence and apply the law
22 of this case to it so that in the end both the State of South
23 Carolina and this defendant will receive a fair and impartial
24 trial.

25 I want you to understand that when I use the word

1 defendant, I refer to Latson Ray Matthews. In this case, the
2 State of South Carolina charges the defendant with the
3 offenses known as murder, burglary second-degree, and
4 possession of a weapon during the commission of a violent
5 crime.

6 To these charges, the defendant has entered a plea of not
7 guilty. This plea of not guilty places the burden of proof on
8 the State to prove the guilt of the defendant to you beyond a
9 reasonable doubt on each charge.

10 It is vital to understand that the defendant is presumed
11 under the law to be innocent of the charges. It is a
12 fundamental rule of our law that the defendant, regardless of
13 the seriousness of the charges against him, is always presumed
14 innocent of the crimes for which he is charged unless and
15 until his guilt has been proved by evidence that satisfies you
16 beyond a reasonable doubt.

17 The presumption of innocence is not a mere legal theory
18 or legal phrase. The presumption of innocence is very
19 important and I want you to understand that this presumption
20 accompanies the defendant from the time of his arrest and
21 appearance in this court and continues with the defendant even
22 after you retire to the jury room to deliberate. In other
23 words, the defendant receives the benefit of the presumption
24 of innocence until the very end of this trial when you, the
25 jury, will deliberate upon the evidence and decide whether the

1 State has proved his guilt on each and every charge beyond a
2 reasonable doubt.

3 During this trial, you and I have separate duties to
4 perform. As the trial judge, it is my responsibility to
5 preside over this trial. Therefore, I have the duty to rule
6 upon the admissibility of the evidence offered during the
7 trial. In this regard, you are to consider only the evidence
8 before you. Thus, you are to consider only the testimony
9 which has been presented from this witness stand, together
10 with any exhibits admitted into the record of this case as
11 evidence.

12 Furthermore, I have the additional duty to charge you on
13 the law applicable to this case and, in that regard, it is
14 your duty to accept and apply the law as I now state it to
15 you. If you have any preconceived ideas as to what you think
16 the law is or what the law ought to be and it does not agree
17 with what I tell you the law is, then you are obligated to
18 abandon those preconceptions and accept the law as I now state
19 it to you.

20 In this trial, you are the sole and exclusive judge of
21 the facts and I am the judge of the law. Do not infer that I
22 have any opinions about the facts in this case from anything I
23 have said or done during the course of this trial. In this
24 regard, the law simply does not permit me to have an opinion
25 about the facts.

1 As jurors, it is your duty alone to determine the effect,
2 value, and weight of the evidence presented during the course
3 of this trial. Furthermore, it is your job as jurors to
4 determine the credibility and believability of the witnesses
5 who have testified in this case. You must evaluate the
6 evidence and determine which evidence convinces you.

7 In determining the believability of witnesses who have
8 testified in this trial, you may believe one witness over many
9 or many over one. You may believe a part of the testimony of
10 a witness and reject the remaining part. You may believe the
11 testimony of a witness in its entirety or reject it in full.

12 You may consider whether the witness has an interest in
13 the result of the trial, whether the witness is prejudiced
14 toward either party, the opportunity for the witness to have
15 seen the matters and things about which the witness may
16 testify, and the way the witness acts on the witness stand.

17 Evidence may be direct or circumstantial. Direct
18 evidence is testimony by a witness about what the witness
19 personally saw or heard or did.

20 Circumstantial evidence is indirect evidence. In other
21 words, it is proof of one or more facts from which one can
22 find another fact.

23 You are to consider both direct and circumstantial
24 evidence. The law permits you to give equal weight to both,
25 but it is for you to decide how much weight to give to any

1 evidence.

2 Proof beyond a reasonable doubt is proof that leaves you
3 firmly convinced of the defendant's guilt. There are few
4 things in this world that we know with absolute certainty; so
5 even in criminal cases the law does not require proof that
6 overcomes every possible doubt.

7 However, if based on your consideration of the evidence,
8 you are firmly convinced that the defendant is guilty of the
9 crimes charged, then you must find him guilty. If, on the
10 other hand, you think there's a real possibility that he is
11 not guilty, you must give him the benefit of the doubt and
12 find him not guilty.

13 Please understand that reasonable doubt may arise from
14 evidence which has been represented in the case or from the
15 lack of evidence in the case. It is your responsibility to
16 determine whether or not reasonable doubt exists as to the
17 guilt of this defendant on each charge.

18 I charge you that the defendant is entitled to every
19 reasonable doubt arising in the whole case. If, upon any
20 issue of fact essential to conviction and a verdict of guilty,
21 you have a reasonable doubt as to how that issue would be
22 resolved, it would be your duty to resolve that reasonable
23 doubt in favor of the defendant.

24 Thus, in summary, it's important to understand that the
25 defendant is not required to prove his innocence. Instead,

1 the State is required by law to prove every essential element
2 of the charges against the defendant by evidence which
3 satisfies you of his guilt beyond a reasonable doubt. Only
4 then can you convict the defendant and find him guilty.

5 I further instruct you the fact that the defendant in
6 this trial did not testify on his own behalf is not a fact
7 considered by you in any way in your deliberations or in your
8 consideration on the question of guilt or innocence. In this
9 regard, the defendant has the constitutional right to remain
10 silent and the exercise of this right must not be considered
11 by you in your deliberations. The fact that the defendant did
12 not testify should not even be discussed in the jury room.

13 The burden of proof, as I have already stated to you, is
14 on the State. The defendant has no obligation to prove his
15 innocence. The burden of proof remains with the State to
16 prove the defendant guilty beyond a reasonable doubt and the
17 fact that the defendant did not testify is not a factor to be
18 considered by you in deciding the guilt or innocence of the
19 defendant.

20 Furthermore, the rules of evidence ordinarily do not
21 permit witnesses to give opinions or conclusions. An
22 exception to this rule exists for witnesses we call expert
23 witnesses. A witness who by education and experience has
24 become an expert in some art, science, profession or calling
25 may state an opinion as to relevant matters in which the

1 witness claims to be an expert and may also state the reasons
2 for the opinions.

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

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

15 The defendant is charged with murder. The State must
16 prove beyond a reasonable doubt that the defendant killed
17 another person with malice aforethought. Malice is hatred,
18 ill will or hostility towards another person. It is the
19 intentional doing of a wrongful act without just cause or
20 excuse and with the intent to inflict an injury or under
21 circumstances that the law will infer an evil intent.

22 Malice aforethought does not require that malice exist
23 for any particular time before the act is committed, but
24 malice must exist in the mind of the defendant just before and
25 at the time the act is committed. Therefore, there must be a

1 combination of the previous evil intent and the act.

2 Malice aforethought may be express or inferred. These
3 terms, express and inferred, do not mean different kinds of
4 malice, but merely the manner in which malice may be shown to
5 exist, that either by direct evidence or by inference from the
6 facts and circumstances which are proved.

7 Express malice is shown when a person speaks words which
8 express hatred or ill will for another or when the person
9 prepared beforehand to do the act which was later
10 accomplished. For example, lying in wait for a person or any
11 other acts of preparation going to show that the deed was
12 within the defendant's mind would be express malice. Malice
13 may be inferred from conduct showing a total disregard of
14 human life.

15 If one intentionally kills another during the commission
16 of a felony, the inference of malice may arise. If the facts
17 are proven beyond a reasonable doubt to raise an inference of
18 malice to your satisfaction, this inference would simply be an
19 evidentiary fact to be taken into consideration by you along
20 with all other evidence in the case and you may give it the
21 weight, that you think it should receive.

22 The defendant is also charged with second-degree
23 burglary. The State must first prove beyond a reasonable
24 doubt that the defendant entered a building without consent
25 with the intent to commit a crime in the building. A building

1 is any structure, vehicle, watercraft or aircraft where any
2 person lodges or lives or where people assemble for the
3 purpose of business, government, education, religion,
4 entertainment, public transportation or public use or where
5 goods are stored.

6 The State must also prove beyond a reasonable doubt one
7 of the following:

8 When entering, while in the dwelling or when fleeing, the
9 defendant was armed with a deadly weapon. A deadly weapon is
10 any article instrument or substance which is likely to cause
11 death or great bodily harm.

12 Whether an instrument has been used as a deadly weapon
13 depends on the facts and circumstances of each case. The
14 following are examples which may be deadly weapons: a pistol,
15 shotgun, rifle, dagger, knife, slingshot, metal knuckles,
16 razor, gasoline or lighter fluid. A gun may be a deadly
17 weapon even if it is not operating.

18 Or when entering, while in the dwelling or when fleeing,
19 the defendant caused physical injury to anyone not
20 participating in the crime.

21 Or when entering, while in the dwelling or when fleeing,
22 the defendant used or threatened to use a dangerous object.

23 Or when entering, while in the dwelling or when fleeing,
24 the defendant displayed what was or appeared to be a knife,
25 pistol, revolver, rifle, shotgun, machine-gun or other

1 firearm.

2 The defendant is also charged with possession of a weapon
3 during the commission of a violent crime. The State must
4 prove beyond a reasonable doubt that the defendant was in
5 possession of a firearm or visibly displayed what appeared to
6 be a firearm during the commission of a violent crime. A
7 firearm means any machine-gun, automatic rifle, revolver,
8 pistol or any weapon which will, is designed to or may be
9 readily converted to expel a projectile.

10 In order to find the defendant guilty of possession of a
11 weapon during the commission of a violent crime, you must
12 first find the defendant guilty of either committing a violent
13 crime or attempting to commit a violent crime. Murder and
14 burglary second-degree are violent crimes. The State must
15 also prove beyond a reasonable doubt that the weapon further
16 advanced or helped in the commission of the crime.

17 Ladies and gentlemen, I'm now drawing near the end of my
18 charge and I want you to clearly understand that you are not
19 partisans or advocates for the State or this defendant. You
20 do not serve as jurors to reward your friends or punish your
21 enemies. In this regard, you have been selected by both the
22 State and the defendant to be fair and impartial jurors.

23 It is your duty by your joint deliberations to render a
24 verdict in this case, giving the defendant the benefit of
25 every reasonable doubt on each and every issue. Then to the

1 facts which you determine are correct, you should take and
2 apply the law which has been given to you by this Court and
3 thus arrive at a verdict.

4 When you have accomplished these responsibilities, you
5 will have satisfied your oath as jurors and you will have
6 discharged your duty to this Court.

7 Ms. Francis, would you hand this to the foreman?

8 Now, Mr. Foreman, I have handed you the verdict form.
9 When you arrive at a verdict in this case, you will write the
10 verdict on the form.

11 For the charges, if the State has failed to prove the
12 guilt of the defendant beyond a reasonable doubt, of course,
13 your verdict would be two words, not guilty. However, should
14 the State have proved their case against the defendant beyond
15 a reasonable doubt, then your verdict would be one word,
16 guilty.

17 Mr. Foreman, once the decision has been made, just check
18 whichever choice is your verdict on each and every charge.

19 Also, please understand that even though I have given the
20 verdict form to the foreman, it is not his verdict alone. It
21 is the verdict of all 12 of you and I emphasize that the
22 verdict has to be unanimous.

23 Mr. Foreman and members of the jury, I want you to
24 further understand that the order in which the choices of
25 verdict appear on the verdict form are not suggestive of any

1 verdict on the part of this Court. The verdict in this case
2 is to be determined by you and not the Court.

3 Furthermore, ladies and gentlemen, please understand that
4 even though I have given the verdict form to the foreman, it
5 is not his verdict alone. It is the verdict of all 12 of you
6 and I emphasize again that it must be unanimous.

7 Now, you may retire to the jury form -- jury room.
8 However, I would ask that you do not begin your deliberations
9 at this time. The law requires that I consult with the
10 attorneys first. After I have done so, the bailiff will bring
11 in the items of evidence and instruct you to begin your
12 deliberations at that time.

13 Also, should you have any questions during your
14 deliberations, you must put them in writing and send them to
15 me by way of the bailiff. The court bailiff will be placed
16 outside the jury room door to provide security and assistance
17 for you during your deliberations. Once you have reached your
18 verdict, please knock on the jury room door and ask the
19 bailiff to advise the Court that you have reached a verdict.

20 Thank you. You may retire to the jury room, but do not
21 begin your deliberations until told to do so. All right.

22 (WHEREUPON, the jury exited the courtroom at 11:02 a.m.)

23 THE COURT: All right. Any objections from the State to
24 the charge?

25 MR. TUCKER: Your Honor, the only issue I had with the

1 burglary instruction -- I believe I heard dwelling, but not
2 dwelling or -- and/or building, and I could have --

3 THE COURT: Let's look at it and see.

4 MR. TUCKER: And I could have, again, maybe just didn't
5 hear it.

6 THE COURT: It says building. Without consent with the
7 intent to commit a crime in the building.

8 MR. TUCKER: I heard dwelling. That may have been in
9 another context.

10 THE COURT: You did.

11 MR. TUCKER: So that's fine.

12 THE COURT: All right. How about the defense? Any
13 objections to the charge as given?

14 MR. FLOYD: No objection, Your Honor.

15 THE COURT: All right. Y'all want to take a look at all
16 294 items in evidence and see if they're in order and, if they
17 are, we'll send them in and begin.

18 (WHEREUPON, there was a pause in the proceedings as the
19 exhibits were checked by counsel, after which the
20 proceedings resumed as follows.)

21 THE COURT: All right. Is everything in order from the
22 State?

23 MR. TUCKER: Yes, sir.

24 THE COURT: Everything in order from the defense?

25 MR. FLOYD: Yes, sir, Your Honor.

1 THE COURT: All right. Let's go ahead and send them in
2 and tell them to begin. Bring out the alternates, and make
3 sure he does not throw away any notes.

4 THE BAILIFF: Yes, sir.

5 (WHEREUPON, the alternate jurors were released.)

6 THE COURT: All right. We'll be at ease until something
7 happens.

8 THE BAILIFF: Judge, they're knocking on the door. I got
9 to --

10 THE COURT: All right. Let's hold on.

11 (WHEREUPON, there was a pause in the proceedings, after
12 which the proceedings resumed as follows.)

13 THE BAILIFF: All right.

14 THE COURT: All right. Are they good?

15 THE BAILIFF: They wanted to know could they start
16 deliberating.

17 THE COURT: All right. Good.

18 (WHEREUPON, jury deliberations began at 11:05 a.m.)

19 (WHEREUPON, there was a break in the proceedings from
20 11:06 a.m. until 11:29 a.m., after which the proceedings
21 resumed as follows.)

22 THE COURT: All right. Are y'all ready? Go ahead and
23 bring out the jury.

24 (WHEREUPON, the jury entered the courtroom at 11:29 a.m.)

25 THE COURT: All right. Mr. Foreman, has the jury reached

1 a verdict?

2 THE FOREPERSON: Yes, we have, Your Honor.

3 THE COURT: If you would be so kind as to hand it to the
4 bailiff and let her hand it to me? Thank you.

5 All right. I find the verdict form in order. If you
6 would, publish it.

7 VERDICT

8 THE CLERK: State of South Carolina, County of Florence,
9 in the Court of General Sessions, Indictment Number 2016-GS-
10 21-00182, the State versus Latson Ray Matthews.

11 As to the charge of the murder, we, the jury, unanimously
12 find the defendant, Latson Ray Matthews, guilty.

13 As to the charge of burglary second-degree, we, the jury,
14 unanimously find the defendant, Latson Ray Matthews, guilty.

15 As to the charge of possession of a weapon during a
16 violent crime, we, the jury, unanimously find the defendant,
17 Latson Ray Matthews, guilty.

18 Signed Ronald Griffith, foreperson, dated April 27th,
19 2017.

20 Members of the jury, if this is your verdict, please
21 raise your right hand.

22 (WHEREUPON, all jurors complied.)

23 THE COURT: All right. Thank you. Need for further
24 polling from the defense?

25 MR. FLOYD: Nothing further, Your Honor.

1 THE COURT: All right. Members of the jury, I appreciate
2 all you've done, all the work you have done, and you are
3 excused for the week. You've earned a three-year exemption by
4 being here and you'll be paid for being here as well, but
5 don't go to Las Vegas on it because I don't think you'll get
6 far. You all have a good day and sincerely I thank you.

7 THE CLERK: And your checks, along with your excuses,
8 will be attached and they'll be sent out probably tomorrow
9 morning.

10 THE COURT: Thank you, Mr. Griffith.

11 THE FOREPERSON: You're welcome.

12 THE COURT: You have a good week.

13 THE FOREPERSON: Thank you.

14 (WHEREUPON, the jury was excused and exited the courtroom
15 at 11:31 a.m.)

16 THE COURT: All right. Any motions from the defense?

17 MR. FLOYD: Your Honor, I'd just like to renew my motions
18 for directed verdict I previously made and any objections I
19 made during the trial.

20 THE COURT: All right. I'm going to deny those motions.
21 All right. I'm ready when you are.

22 MR. TUCKER: And, Your Honor, we're printing the
23 sentencing sheets and that should be here in a few minutes.

24 THE COURT: All right.

25 MR. TUCKER: Also, Your Honor, the representative for Ms.

1 Granger, Ms. Judy Smith -- she has a statement at the time of
2 sentencing that she could read to the Court. She actually was
3 the executor of Ms. Granger's estate and, as such, we've
4 regarded her as a victim or family member of the victim.

5 THE COURT: I understand. All right. Just let me know
6 when you're ready.

7 MR. TUCKER: Yes, sir.

8 (WHEREUPON, there was a pause in the proceedings, after
9 which the proceedings resumed as follows.)

10 THE COURT: Are you ready?

11 MR. TUCKER: We're ready, Your Honor.

12 THE COURT: All right. I'm ready when you are.

13 MR. FLOYD: Yes, sir. Your Honor, I believe the deputies
14 might just want us to stand here.

15 THE COURT: That's fine.

16 MR. FLOYD: If that's okay?

17 THE COURT: That's fine. Whatever suits you. All right.
18 Let me hear from you, Mr. Tucker.

19 MR. TUCKER: Thank you, Your Honor. I would reserve my
20 comments, Your Honor, and yield to Ms. Smith so she can read
21 her statement. Obviously, the only thing the State would add
22 is that, of course, he's been found guilty and certainly
23 you've heard the brutal nature of the incident. So I would
24 just ask if Ms. Smith wants to read her statement and then
25 leave sentencing up to you.

1 THE COURT: All right. Yes, ma'am, if you would, come up
2 to the microphone and state your name for the record.

3 MS. SMITH: My name is Judy Smith.

4 THE COURT: All right. Ms. Smith, I'm ready when you
5 are.

6 MS. SMITH: Your Honor, anyone who knows me is aware that
7 I am not a public speaker, but since Martha cannot speak for
8 herself --

9 THE COURT: Sure.

10 MS. SMITH: -- I feel like I need to. For over 40 years,
11 she was a good neighbor and, in the last five years, she
12 became a very good friend to me and to my family. We looked
13 out for each other. I checked on her every day.

14 She was the hardest working woman I ever knew. She
15 enjoyed her life and her animals. She had a farm and five
16 horses that she took care of every day. And I had -- and had
17 plans and tickets to attend a horse show in Tennessee. She is
18 going to be greatly missed by all of us. Thank you.

19 THE COURT: Okay. Thank you very much. All right. What
20 kind of record does he have?

21 MR. TUCKER: Your Honor, with regards to a prior record,
22 he's got an extensive record with regards to thefts that goes
23 back quite a number of years.

24 THE COURT: All right. Go ahead and give it all to me.

25 MR. TUCKER: Okay. And, Your Honor, I apologize. I may

1 have left it in part of the other file as I was doing it. I
2 would ask -- Scott, do you have your record copy?

3 MR. FLOYD: Yes, I do.

4 MR. TUCKER: Would you mind if I --

5 MR. FLOYD: This is it.

6 MR. TUCKER: Okay. Your Honor, going back to 2003, it
7 looks like he was convicted of shoplifting, 30 days, suspended
8 to a \$500 fine. Also, possession -- well, actually, he was
9 found not -- or it looks like that was a non-conviction.

10 2005, petty larceny. It looks like that was enhanced.
11 It was a conviction that resulted in one year. Also, looks
12 like resisting arrest in 2005. It looks like he had in 2005
13 later six months, suspended to 10 days. That was on another
14 petty larceny. Multiple driving and magistrate-level
15 convictions in 2006.

16 It looks like he had a criminal domestic violent high and
17 aggravated in 2007, convicted and given a one-year sentence.
18 It looks like he was charged a couple times with a burglary
19 offense I'm not showing a disposition for. Then it looks like
20 in 2008, there was an enhanced property conviction. It looks
21 like he got 120 days, but that looked like a mag -- or a
22 general sessions level offense.

23 It looks like in 2008 another CDV high and aggravated.
24 It looks like he received a sentence of five years in jail,
25 suspended to three years and probation for two years and \$500

1 in restitution. It looks like in 2008 also another third
2 offense property offense, which looks like he got 120 days for
3 that.

4 And then, I also wanted to point out he has I believe
5 either two or three pending grand larceny charges that
6 obviously we'll take care of by virtue of what happens here,
7 but those were pending at the time that he picked up these
8 particular charges.

9 THE COURT: All right. Anything else?

10 MR. TUCKER: No, sir.

11 THE COURT: All right. Mr. Floyd?

12 MR. FLOYD: Thank you, Your Honor. Your Honor, Mr.
13 Matthews is 47 years old now. He's been in custody at the
14 detention center since the date of his arrest back on August
15 the 14th of 2015. He's been in jail now for 623 days through
16 today.

17 Your Honor, I've had, you know, many, many conversations
18 with Latson down at the detention center over the last, you
19 know, year and a half or two years or so, and I can say as far
20 as mine and his relationship is concerned, Your Honor, he's
21 always been very cooperative and always been very pleasant
22 with me. Certainly, he never gave me a hard time or anybody
23 in my office. Easy to work with. I wish I could say that
24 about everybody that I represent, but I can't.

25 Your Honor, at the time this happened, Latson was living

1 with his father, who is present in the courtroom here today,
2 Your Honor. He had been living with him for some time and I
3 think he actually worked with his father for a number of
4 years. You did drywall; is that right? Or construction?

5 THE DEFENDANT: Hardwood floors.

6 MR. FLOYD: Okay. Hardwood floors. I'm sorry, Your
7 Honor. In the construction trade.

8 And, Your Honor, he actually had a clean record until I
9 think he was in his 30s, which is very unusual. Normally, you
10 know, you see somebody with a record like this who starts a
11 lot younger, but his started in his I think early 30s. He was
12 about 32 or 33 years old. And unfortunately, as we see in
13 many cases, I believe drug use certainly contributed to most
14 of that record as far as, you know, his history of thefts and
15 that sort of thing.

16 I wish a long time ago drug court could have been
17 available and maybe he would've been a prime candidate for it
18 back some years ago and maybe this never would have happened.
19 I don't know. Certainly, I wish that things had turned out
20 differently and I know he does too. I know he's remorseful
21 and certainly sorry for what happened, Your Honor.

22 We would just ask if you can be as merciful as you can.
23 Obviously, at his age, Your Honor, the minimum sentence on
24 murder is 30 years and that's served day for day.

25 So, Your Honor, we certainly would ask you to consider

1 that and run the other sentences concurrent, but if you can't
2 do that, Your Honor, just be as merciful as you can.

3 SENTENCE

4 THE COURT: All right. In regards to murder, the
5 sentence of the Court is that the defendant is committed to
6 the State Department of Corrections for a term of life.

7 In regard to burglary, eight years. I'll run it
8 concurrent and I gave him time served on the possession of a
9 weapon.

10 All right. Thank you.

11 MR. TUCKER: Thank you, Your Honor.

12 THE COURT: Y'all did a good job.

13 (WHEREUPON, the proceedings ended at 11:42 a.m.)

14

15 --- END REQUESTED TRANSCRIPT ---

16

17

18

19

20

21

22

23

24

25

1 State of South Carolina)

2) Certificate

3 County of Florence)

4

5 I, the undersigned, Krystal J. Smith, Notary Public and
6 Official Court Reporter for the Twelfth Judicial Circuit of
7 the State of South Carolina, do hereby certify that the
8 foregoing pages, numbered 1 through 356, constitute a true,
9 accurate, and complete Transcript of Record of all the
10 proceedings had and evidence introduced in the hearing of the
11 above captioned case, relative to appeal, in the Court of
12 General Sessions for Florence County, South Carolina, on the
13 24th through 27th days of April, 2017.

14 I do further certify that I am neither of kin, counsel,
15 nor interest to any party hereto.

16

17 s/Krystal J. Smith

18 Court Reporter

19

20 Florence, South Carolina

21 July 23, 2017

22

23

24

25

**FLORENCE POLICE DEPARTMENT
WAIVER OF RIGHTS**

Case #: 2015-007030 Date: 8/14/15
 Name: Latson Ray Matthews Location: 324 W Evans St.
 Date of Birth: 1 1 1 Age: 45 Time: Begin 9:50 AM End 1105

BEFORE WE ASK YOU ANY QUESTIONS. YOU MUST UNDERSTAND YOUR RIGHTS.

- You have the right to remain silent.
- Anything you say can and will be used against you in a court of law.
- You have the right to talk to a lawyer and have him present with you while you are being questioned.
- If you cannot afford to hire a lawyer, one will be appointed to represent you before any questioning, if you wish.
- You can decide at any time to exercise these rights and not answer any questions or make any statements.

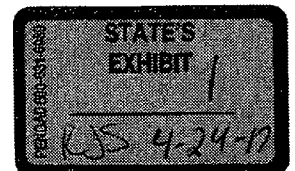
I, Latson Ray Matthews, voluntarily — without threats, duress, force, promises of immunity or reward — agree to be questioned by the Florence Police Department.

IMPORTANT NOTICE: If you do not understand any part of this form, do not sign until you do.

X Latson Matthews
Signature Date
Michael Mullinax 8/14/15
Witness Date

Dwain B. Williams 8/14/15
Witness Date

Witness Date



WITNESSES

Michael Mullinax Florence Police Department

DOCKET NO. 2016-GS-21-00182

The State of South Carolina

County of

FLORENCE

COURT OF GENERAL SESSIONS

JANUARY TERM 2016

THE STATE

vs.

LATSON RAY MATTHEWS

Indictment for

MURDER,
BURGLARY FIRST DEGREE,
POSSESSION OF A WEAPON DURING A
VIOLENT CRIME

Todd Tucker

ARREST WARRANT NUMBER

2015A2120201262

2016GS2100182A

2015A2120201264

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury

Date:

VERDICT

Foreperson of Petit Jury

Date:

FILED

2016 JAN - 7 PM 3:58

CONNIE REEL-SHEARIN
CCCP & GS
FLORENCE COUNTY, SC

CERTIFIED: A TRUE COPY

Donna Paula Ottone
CLERK OF COURT C.P. & G.S.
FLORENCE COUNTY, S.C.

STATE OF SOUTH CAROLINA)
)
 COUNTY OF FLORENCE)

INDICTMENT FOR
 MURDER,
 BURGLARY FIRST DEGREE,
 POSSESSION OF A WEAPON DURING A VIOLENT
 CRIME

At a Court of General Sessions, convened on JANUARY 7, 2016 the Grand Jurors of FLORENCE County present upon their oath:

COUNT ONE- MURDER

That Latson Ray Matthews did in Florence County, on or about July 28, 2015, willfully, feloniously, and intentionally kill the victim, Martha Grainger, with malice aforethought, either express or implied, by means of running over her with an automobile, causing her to sustain trauma to her upper body which was a direct and proximate cause of her death on or about July 28, 2015 in Florence County, this act of violence occurred while the defendant, Latson Ray Matthews was in the process of committing a felony, to wit: Burglary First Degree, in violation of Section 16-03-0010 and 16-3-20, S. C. Code of Laws, 1976, as amended.

COUNT TWO- BURGLARY FIRST DEGREE

That Latson Ray Matthews did in Florence County on or about July 28, 2015, willfully and unlawfully enter the dwelling of Martha Grainger located at Converse Drive, Florence, South Carolina, without consent and with the intent to commit a crime therein, and the defendant was armed with a deadly weapon, to wit: a hand gun and the defendant did cause physical injury to the resident of that location by running over her with a vehicle, causing her death, in violation of Section 16-11-311, S. C. Code of Laws, 1976, as amended.

COUNT THREE - POSSESSION OF A WEAPON DURING A VIOLENT CRIME

That Latson Ray Matthews did in Florence County, on or about July 28, 2015, unlawfully and intentionally have in his actual or constructive possession a deadly weapon, to wit: a hand gun, while in the commission of a violent crime, to wit: Burglary First Degree, in violation of Section 16-23-0490, S. C. 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.

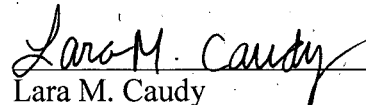


E.L. Clements, III
 TWELFTH CIRCUIT SOLICITOR

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,


Lara M. Caudy
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT

This 2nd day of January, 2018.

RECEIVED

JAN 02 2018

SC Court of Appeals