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STATE OF SOUTH CAROLINA

VOLUME II OF II

IN THE COURT OF APPEALS

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Appeal from Berkeley County

SEP 13 2017

Honorable Deadra L. Jefferson, Circuit Court Judge

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

LEE DELL BRADLEY,

APPELLANT

APPELLATE CASE NO. 2016-001519

RECORD ON APPEAL

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**THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:
State’s Exhibit 69 (911 Call CD), State’s Exhibit 71 (Redacted PLF’s Statement CD), and
State’s Exhibit 72 (Recording of call by Appellant from Detention Center)**

1 worked, which goes to support the fact that --
2 remember, when they searched Frances' house, they found
3 Lee's W2 form. I submit to you, you only get a W2 form
4 by working.

5 Most people wanted to make it look like he
6 didn't even work, and he was living off of her. They
7 found Lee's W2 form. Of course, the government, they
8 won't put that in evidence, but they found it.

9 And what did she say? Dorothy said, Lee's out
10 there raking and they start talking. And Lee called
11 Frances Boo. And he's going to fix -- I think it
12 was -- fish and shrimp that morning for breakfast,
13 offered it to Dorothy, offered it to Frances. Frances
14 wouldn't answer Lee. Frances was angry with Lee.

15 And why? We know why. Because Darlene had told
16 this tale about him being off at Alma's. She said, it
17 was tense there.

18 And the State wants you -- remember, how Frances
19 -- Dorothy said, it looked like they were packing up
20 and moving. But remember what else Dorothy said.
21 Dorothy said, I didn't believe her. She's been saying
22 that forever. And so I didn't -- I didn't give that
23 much credence there.

24 So, you know, Dorothy tells us it was tense.
25 And who was the one not responding? Who was the angry

1 one? Cathy -- sister Cathy, she tells us about how Lee
2 doesn't know the telephone number. Nobody knew it but
3 the sisters. I think y'all know that other people do.

4 You heard about Ms. Lawrence's physical
5 limitations. Yes, she does have -- or did have some
6 physical limitations, but she also worked at a
7 warehouse, Fruit of the Loom warehouse.

8 EMS tells us they came in, they were the ones to
9 raise the gown. And what did the CSI folks tell us?
10 Nothing of evidentiary value. They didn't test the
11 knives. They didn't take the knives. She didn't take
12 the -- you know, what else, look at this. Look and see
13 if you see a picture inside the medicine cabinet of
14 medicine. You know she was on high blood pressure
15 medicine. You know that. See if they have the
16 medicine, a picture of that. I'm going to submit to
17 you they don't. But I don't know, was she supposed to
18 be on some other medicine or not?

19 And the fact that Darlene told us to -- SLED
20 would like you to believe, oh, it couldn't be
21 underneath her nails unless it was a struggle. Growing
22 up in any family, what have you, you know, it's not
23 that hard. You just nip others. DNA gets under your
24 fingernails. They even told you that.

25 Dr. Tormos, she said with regard to the bruises,

1 she said, I can't tell you when it happened. I can't
2 tell you how it happened. And her words were, "take it
3 with a grain of salt". We're going to take that with a
4 grain of salt.

5 When I -- she ruled it a homicide based on what,
6 though? She based that information on the information
7 that had been given to us, so that would be the
8 information from the police that had been given to her.

9 When I asked her about an accident. She said,
10 it's possible, but not likely. But it's possible, so
11 it can't be ruled out. Right from the State's witness.
12 If you can't totally -- you couldn't totally rule that
13 out. There you go.

14 Let's go over here to the detectives. He walks
15 in and gives them the statement, and what happens? He
16 tells them about the cell phone numbers. You're going
17 to hear that. Do we trace the numbers? No. Did you
18 hear anyone come in from the cell phone companies with
19 testimony, no. Why don't they want you to know what
20 numbers were and were not called?

21 Why didn't they go to Charlotte to talk to these
22 folks? Frances' own family is the one who said, he'll
23 be in Charlotte at the ministry. I guess that's a bad
24 place to be is at the ministry. It -- that it's saying
25 that's a bad way to react when some tragedy happens.

1 Everybody must react a certain way. We can't be held
2 to that kind of standard, y'all. We're individuals.

3 No different than when they put up somebody to
4 testify about how do people react with domestic
5 violence. Now, I'm going to have to walk around, and
6 say, oh, my gosh, that friend of mine is not very
7 outgoing. What's wrong? Are you going to sit there
8 and wonder, your friends aren't outgoing. There is
9 something wrong. You cannot pigeon hole people. You
10 absolutely cannot pigeon hole people.

11 Let's go back to Detective Shuler for a second.
12 I asked him, did you ever re-think things? Yes, he
13 does. Let's look at wasn't done.

14 The DNA wasn't done. You don't see the
15 photographs of the medicine. You don't see anybody
16 coming in with her prior medical records. You don't
17 see more than a month's worth of ATM records. You
18 don't see anybody having gone and gotten those -- those
19 ATM videos. Just because it's foreign videos does not
20 mean you can't get them from the store. Okay.

21 You don't see anyone -- pinging cell phones.
22 But all of this has to do with what -- what happened
23 afterwards. It does. It has to do with what happened
24 afterwards. They have been together for ten years.
25 Listen to Lee talk. Listen to him.

1 He loved her. He loves her. He just can't --
2 it's ten years, y'all, just imagine. And what part
3 would -- what he says, she was my joy. She was my
4 life. He wished it would have been him. He said, I
5 handled it wrong. He did. He handled the aftermath
6 wrong. But does -- what he did in the aftermath, and
7 the way he handled that, does that mean that what
8 happened between two people was a murder with a hatred
9 heart, with ill will?

10 The detectives keep using the word "stabbing",
11 and he keeps telling them no. Where did he go to? He
12 went to the ministry. He tells you that. And that's
13 where they found him, was in Charlotte. And her family
14 told them where to find him.

15 You know, the story did change to exactly what
16 happened. And I kept thinking to myself, how do I
17 explain to a jury that a story changes and remains the
18 same, and it happened so fast. And I kept thinking, in
19 all my years on earth, I know I happen to think -- what
20 do you do with certain things if you can't think of all
21 the examples.

22 But several years ago, on July 12th, I was
23 getting reading to go to the beach. And I get a
24 telephone call from the Medical College of Georgia. It
25 turns out that my mother had been in a very serious

1 wreck. Somebody ran a red light. Ran into her and
2 three other elderly ladies from her church. They were
3 in a funeral procession.

4 Unfortunately, one of the women in the car did
5 pass away on impact. As y'all know, you're supposed to
6 hold for a funeral procession while the funeral
7 procession goes through. My mother was very seriously
8 injured. The two others survived were seriously
9 injured.

10 My sister immediately wanted somebody to blame.
11 She immediately wanted to know what was going to happen
12 to that person, that ran that car into them. What was
13 going to happen?

14 And as I sat there in the ICU room, the Medical
15 College of Georgia, having made it from Charlotte to
16 Augusta in probably an hour and a half, I think, do you
17 know how hard it was to tell another family member it's
18 an accident when your mother is all hooked up? That's
19 hard.

20 And afterwards, I asked her, and I asked the two
21 surviving people, what happened. And all their stories
22 were different just a little bit. And one lady, who
23 was burying her son that day, he died of cystic
24 fibrosis. She watched him succumb. And her story
25 varies just a little bit, because it all happened just

1 like that. Just like that. Tragic, but just like
2 that.

3 One person, my sister, one of -- thought it was
4 something more than that. Sometimes things are not
5 explainable until we start trying to fill them in. And
6 then we all fill them in one way, and then my mind will
7 play a trick on us, and we'll fill them in another way.
8 But A, B, and C of it remains the same.

9 Frances came with them -- to him with a knife.
10 She was angry because of what Darlene had told her.
11 You've seen Darlene. We know that Darlene could
12 confront Lee. She probably -- I'm going to submit --
13 probably told Frances exactly what he said, and the
14 tussle happened.

15 I know one thing. I wasn't there. I know
16 something else, there were only two people there. The
17 two of them. Yes, Lee's story changes. There are no
18 replays here. This isn't a football field where you
19 get to all of a sudden, go yay. And then all of a
20 sudden you see the refs go out. And you go, oh, man,
21 they're going to review this call. You don't get a
22 replay. You don't get that.

23 In a minute, you're going to be asked to go back
24 and decide between murder, voluntary manslaughter, or
25 not guilty. Notice you're never allowed -- never ever

1 allowed to chose innocent in a criminal trial.

2 So even -- even though you may believe his
3 innocent, you can't choose it because that's not a
4 choice. You can't. It's called not guilty.

5 And the judge is going to instruct you, and
6 you're going to have to say, did the State meet the
7 burden of proof in each and every element, beyond a
8 reasonable doubt? That it was not an accident. One of
9 your biggest doubts is, as the doctor said, it is not
10 impossible. Think about that. Their very own witness
11 said that.

12 We don't excuse Lee's behavior afterwards. We
13 don't. But I don't excuse my behavior, other people
14 don't excuse their behavior when they have a tragic
15 event and they may go on auto pilot. Some people may
16 have tragic events in their life and they just dive
17 themselves into work to keep busy. Other people can't
18 function. Does that make one right and one wrong?

19 I think you're going to have to ask that
20 question of yourself. And remember, when you're mad at
21 someone you love, your mind is angry, but your heart
22 still cares. Lee's heart never had an ounce of malice
23 towards Frances. Listen to him. He said she's the joy
24 of his life. He loves her and always will. Thank you.

25 THE COURT: Ladies and gentlemen, why don't you

1 stand up and stretch a little bit. Does anybody need
2 to go to the restroom? Okay. We'll take a brief
3 restroom break. During the break, please do not
4 discuss the case. And leave your note pads in your
5 seat.

6 (Whereupon, the jury left the courtroom at 2:23
7 p.m.)

8 (After a recess, court reconvened.)

9 THE COURT: Is the State is ready?

10 MS. WILLIAMS: Yes, Your Honor.

11 THE COURT: Is the defense ready to proceed?

12 MS. LITTLEJOHN: Yes.

13 THE COURT: Please bring in the jury.

14 (Whereupon, the jury entered the courtroom at
15 2:52 p.m.)

16 THE COURT: You may be seated. During this trial,
17 ladies and gentlemen, you and I have certain duties to
18 perform. As the trial judge, it is my responsibility
19 to preside over the trial of this case, and I also have
20 the duty to rule upon or pass upon the admissibility of
21 evidence offered during this trial.

22 You are to consider only the competent evidence
23 before you, and you are to disregard and diffuse from
24 your mind any testimony ordered stricken from the
25 record in the case during this -- in this case during

1 the progress of this trial if there has been any.

2 You are to consider only the testimony which has
3 been presented from the witness stand, together with
4 any exhibits, which have been made a part of the record
5 in this case.

6 I have the additional duty to charge or instruct
7 you on the law applicable to this case. As the
8 presiding judge, I'm the sole judge of the law of this
9 case. And it is your duty, as jurors, to accept and
10 apply the law as I now state it to you.

11 If you have a preconceived idea as to what the
12 law is, or what the law ought to be in a case, or in
13 this case, and it should not agree with what I now tell
14 you the law is, you are obligated under your oath to
15 abandon the preconception on your part, because you are
16 sworn to accept the law and apply the law precisely as
17 I now state it to you.

18 In every case tried in this court before a jury,
19 the jury becomes the sole and exclusive judges of the
20 facts. You, the jury, are the judges of the facts in
21 this case. This court is the judge of the law.

22 The Constitution of our State has declared a
23 trial judge not shall intimate, state, comment upon, or
24 make any statement to a trial jury about the facts in a
25 case. Since you, the jury, are the sole judges of the

1 facts of this case, you are not to infer anything from
2 what I have said during the progress of this trial, in
3 ruling upon the admissibility of evidence, or
4 otherwise, or anything that I say now to you during the
5 course of this instruction, that I have any opinion
6 about the facts. The law does not allow me to have an
7 opinion about the facts. This is a matter solely for
8 you, the jury, to determine.

9 As jurors then, it is your duty, as I've
10 instructed you, to determine the effect and the value,
11 the weight, and the truth of the evidence presented
12 during this trial. Necessarily, you must assess the
13 credibility of witnesses who have testified.
14 Credibility is simply a legalistic term meaning
15 believability.

16 It becomes your duty, as jurors, to analyze the
17 evidence and determine what evidence convinces you of
18 its truth. Some of the things that you may consider as
19 you decide whether or not to believe a witness'
20 testimony about a particular matter includes, what was
21 the manner and appearance of the witness who testified?
22 Was he or she straight forward or hesitant in
23 answering? Was the testimony of a witness consistent
24 or inconsistent? How did the witness come to know the
25 facts that he or she testified to, or what was his or

1 her ability to know these facts?

2 Is there some reason a witness would want to
3 give testimony which would help or hurt one side or the
4 other? In other words, was the witness biased or
5 prejudiced?. And was the testimony of a witness
6 strengthened or weakened by other testimony or
7 evidence?

8 I further instruct you that in determining the
9 question of the credibility or believability of
10 witnesses who have testified, you may believe one
11 witness as against several witnesses, or several
12 witnesses as against one witness. You may believe a
13 part of the witness' testimony and reject the remaining
14 part of the testimony of that same witness.

15 If you have a good and sound reason, you may
16 believe the testimony of a witness in its entirety, or
17 reject the testimony of a witness in its entirety. You
18 may consider the demeanor of a witness, that is the
19 manner and appearance of the witness from the witness
20 stand. Ladies and gentlemen, you can believe as much
21 or as little of each witness' testimony as you think
22 proper. Throughout this process, ladies and gentlemen,
23 you have but one objective, to seek the truth
24 regardless of its source.

25 A person who has a past criminal record is

1 competent to testify during a trial. A past record
2 does not affect the ability of that witness to testify.
3 The past record may only be considered by you, if at
4 all, in determining the witness' believability.

5 Remember, ladies and gentlemen, you are the sole judges
6 of the facts in this case, and the believability of any
7 and all of the witnesses.

8 I further instruct you that you have heard
9 evidence that the defendant was convicted of a crime,
10 and/or committed a bad act, not the subject of a
11 conviction, other than the one for which the defendant
12 is now on trial. This testimony, if you conclude it is
13 true, may only be considered by you on the question of
14 intent and absence of mistake, and for no other reason,
15 and for no other purpose.

16 You may give this evidence the weight, value,
17 and effect you decide, if any, which you decide it
18 should have on the sole issue of intent and absence of
19 mistake. You must not consider evidence of the
20 commission of another offense and/or a bad act, not the
21 subject of a conviction, as proof of the defendant's
22 guilt of the charge we are trying today.

23 Ladies and gentlemen, our rules of evidence
24 ordinarily do not permit witnesses to testify to
25 opinions or conclusions. An exception to this rule is

1 for witnesses we call expert witnesses. A witness who,
2 by their education, training, and experience has become
3 an expert in some art, science, profession, or calling
4 may state an opinion as to relevant and material
5 matters in which the witness claims to be an expert,
6 and they also state their reasons for that opinion.

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

15 An expert witness' testimony is to be given no
16 greater weight than that of other witnesses, simply
17 because the witness is an expert. Further, you are not
18 required to accept an expert's opinion even though it
19 is not contradicted.

20 A statement is alleged to have been made by the
21 defendant, which has been admitted into evidence in
22 this case. While this court has determined that the
23 statement is admissible, I instruct you that you make
24 the ultimate decision of whether or not the defendant
25 made the statement. If the defendant did make the

1 statement, you must determine whether the statement was
2 made by the defendant voluntarily and of his own free
3 will.

4 This means that the statement was not caused by
5 pressure, force, fear, threats, coercion, or
6 intimidation, or by hope or a promise of leniency, or
7 reward of any kind. In determining whether the
8 statement was voluntary, you should consider both the
9 characteristics of the defendant and the details of the
10 questioning.

11 Some of the factors you must consider are the
12 age of the defendant. The defendant's education or
13 lack of education. The defendant's mental ability or
14 capacity. The defendant's IQ or intelligence. The
15 defendant's background and environment, the place and
16 length of the detention.

17 The nature of the questioning and the advice or
18 lack thereof to the defendant of his Constitutional
19 rights, including but not limited to the right to
20 remain silent; that any statement could be used against
21 him in a court of law. The right to have a lawyer
22 present. That if he could not afford a lawyer, a
23 lawyer would be appointed to represent him without any
24 costs. And that he could stop making a statement at
25 any time. You must carefully consider all of the

1 surrounding circumstances before you give any weight to
2 an alleged statement.

3 The State has the burden of proving beyond a
4 reasonable doubt that the alleged statement was
5 voluntary. If you determine it was, you may give the
6 statement any further consideration that you deem
7 proper. You must decide what weight, if any, should be
8 given to the alleged statement. If you determine the
9 alleged statement was not the free and voluntary
10 statement of the defendant, you should not consider the
11 statement at all.

12 I instruct you, ladies and gentlemen, and
13 emphasize that the fact that the defendant did not
14 testify is not a factor to be considered by you in any
15 way in your deliberations, and in your considerations
16 on the question of the guilt or the innocence of the
17 defendant. It must not be considered by you in any
18 manner whatsoever.

19 A defendant has the constitutional right to
20 remain silent. And the assertion of this right must
21 not be considered by you in your deliberations in any
22 manner whatsoever. I repeat, under your oath, you are
23 to draw no collusion whatsoever from the fact that the
24 defendant in this case did not testify. The fact that
25 this defendant did not testify should not be discussed

1 in any manner whatsoever in the jury room.

2 The burden of proof, as I have -- as I have and
3 will explain to you, is on the State. The defendant is
4 not required to prove his innocence. The burden of
5 proof remains on the State to prove guilt beyond a
6 reasonable doubt.

7 Ladies and gentlemen, there are two types of
8 evidence which are presented during a trial, direct
9 evidence and circumstantial evidence. Direct evidence
10 is the testimony of a person who asserts or claims to
11 have actual knowledge of a fact, such as an eye
12 witness.

13 Circumstantial evidence is proof of a chain of
14 facts and circumstances indicating the existence of a
15 fact. The law makes absolutely no distinction between
16 the weight or value to be given to either direct or
17 circumstantial evidence, nor is a greater degree of
18 certainty required of circumstantial evidence than of
19 direct evidence.

20 Crimes may be proven by circumstantial evidence.
21 Again, as I have explained, the law makes no
22 distinction between the weight or value to be given to
23 either direct or circumstantial evidence.

24 However, to the extent the State relies on
25 circumstantial evidence, all of the circumstances must

1 be consistent with each other, and when taken together,
2 point conclusively to the guilt of the accused beyond a
3 reasonable doubt.

4 If these circumstances merely portray the
5 defendant's behavior as suspicious, the proof has
6 failed. The State has the burden of proving the
7 defendant guilty beyond a reasonable doubt. This
8 burden rests with the State regardless of whether the
9 State relies on direct evidence, circumstantial
10 evidence, or some combination of the two.

11 Ladies and gentlemen, you should weigh all of
12 the evidence in this case. After weighing all of the
13 evidence, if you're not convinced of the guilt of the
14 defendant beyond a reasonable doubt, you must find the
15 defendant not guilty. Conversely, if you're convinced
16 of the guilt of the defendant beyond a reasonable
17 doubt, then you must find him guilty.

18 I instruct you the fact that the defendant was
19 arrested, charged, and indicted is not evidence in this
20 case, nor does it create any presumption or inference
21 of guilt. This documentation is simply the formal
22 instrument which contains the charge or charges made
23 against the defendant. It simply serves as the formal
24 documentation by which the case is processed or brought
25 into the Court.

1 The defendant has pled not guilty to this
2 indictment. And that plea cast the burden on the State
3 to prove the defendant guilty, because a person charged
4 with committing a criminal offense in South Carolina is
5 never required to prove himself innocent.

6 I instruct you, Madam Forelady, ladies and
7 gentlemen of the jury, that it is a cardinal and
8 important rule of the law of evidence that the
9 defendant, in a criminal trial, no matter what the
10 seriousness of the charge made against him may be, will
11 always be presumed to be innocent of the crime for
12 which he is indicted unless his guilt has been proven
13 by evidence satisfying you of that guilt beyond a
14 reasonable doubt.

15 This presumption of innocence does not cease
16 when you retire to deliberate, but it accompanies the
17 defendant from the time of his appearance, throughout
18 the trial, until you reach a verdict in this case. Our
19 Supreme Court has said that the presumption of
20 innocence is like a robe of righteousness placed about
21 the shoulders of the defendant. And it remains with
22 him and assigns him to that class, the innocence, until
23 that presumptive robe of righteousness has been
24 stripped from his person by evidence satisfying you of
25 that guilt beyond a reasonable doubt.

1 Ladies and gentlemen, the presumption of
2 innocence is not merely a legal theory, it is not just
3 a legal phrase. It is a substantial right to which
4 every defendant is entitled unless you, the jury, are
5 satisfied from the evidence of his guilt beyond a
6 reasonable doubt.

7 The State has the burden of proving the
8 defendant guilty beyond a reasonable doubt. Some of
9 you may have served as jurors in civil cases, where you
10 were told that it is only necessary to prove that a
11 fact is more likely true than not true, such as by the
12 greater weight or the preponderance of the evidence.

13 In criminal cases, the State's proof must be
14 more powerful than that. It must be beyond a
15 reasonable doubt. Proof beyond a reasonable doubt is
16 proof that leaves you firmly convinced of the
17 defendant's guilt. There are very few things in this
18 world that we know with absolute certainty. And in
19 criminal cases, the law does not require proof that
20 overcomes every possible doubt.

21 If, based on your consideration of the evidence,
22 you are firmly convinced that the defendant is guilty
23 of the crime charged, you must find the defendant
24 guilty.

25 If, on the other hand, you think there is a real

1 possibility that the defendant is not guilty, you must
2 give the defendant the benefit of that doubt and find
3 him not guilty.

4 The defendant is charged with murder. The State
5 must prove beyond a reasonable doubt that the defendant
6 killed another person with malice aforethought. Malice
7 is hatred, ill will, or hostility towards another
8 person. It is the intentional doing of a wrongful act
9 without just cause or excuse, and with an intent to
10 inflict an injury, or under circumstances that the law
11 will infer as an evil intent.

12 Malice aforethought does not require that malice
13 exist for any particular time before the act is
14 committed. But malice must exist in the mind of the
15 defendant just before, and at the time the act is
16 committed. Therefore, there must be a combination of
17 the previous evil intent and the act.

18 Malice aforethought may be expressed or
19 inferred. These terms, expressed and inferred, do not
20 mean different kinds of malice, but merely the manner
21 in which malice may be shown to exist. That is either
22 by direct evidence or by inference from the facts and
23 circumstances which are proven.

24 Express malice is shown when a person speaks
25 words, which express hatred or ill will for another, or

1 the person prepared beforehand to do the act which was
2 later accomplished. For example, lying in wait for a
3 person, or any other act of preparation, going to show
4 that the deed was within the defendant's mind, would be
5 expressed malice. Malice may be inferred from conduct
6 showing a total disregard for human life.

7 Ladies and gentlemen, if you find that the State
8 has failed to prove beyond a reasonable doubt that the
9 defendant committed murder, you may also consider
10 whether the State has proven beyond a reasonable doubt
11 that the defendant committed voluntary manslaughter.

12 To prove voluntary manslaughter, the State must
13 prove beyond a reasonable doubt that the defendant took
14 the life of another in the sudden heat of passion,
15 based on sufficient legal provocation. Both heat of
16 passion and sufficient legal provocation must be
17 present at the time of the killing to constitute
18 voluntary manslaughter. Sudden heat of passion may,
19 for a time, affect a person's self control and
20 temporarily disturb a person's reasoning.

21 The sudden heat of passion must be the type that
22 would make an ordinary person unable to fully reflect
23 on his actions and would produce an uncontrollable
24 impulse to do violence. Sufficient legal provocation
25 must be the type that would make a person of ordinary

1 reason and caution become enraged, and to lose control
2 temporarily. The provocation needed for voluntary
3 manslaughter must come from some act of or related to
4 the victim. Words alone, however, vulgar or insulting,
5 are not enough to be legal provocation.

6 Where death is caused by a deadly weapon, the
7 words must be accompanied by some overt threatening act
8 which could have produced the heat of passion. The
9 exercise of a legal right, no matter how offensive it
10 is to another, is never sufficient legal provocation
11 for voluntary manslaughter.

12 If the heat of passion had cooled, or if there
13 was enough time between the provocation, if any, and
14 the killing, for the passion of a reasonable person to
15 cool, the killing would not be voluntary manslaughter.
16 In deciding whether a reasonable person would have had
17 enough time to cool off, you should consider all the
18 circumstances surrounding the killing.

19 You may consider the nature of the provocation,
20 if any. The defendant's mental and physical state, and
21 the circumstances, and relationship between the
22 parties.

23 The defendant has raised the defense of
24 accident. And that may be excused on the ground of
25 accident if it is shown that the act was unintentional,

1 that he was acting lawfully, and that reasonable care
2 was used by the defendant in the handling of the
3 weapon.

4 For example, if a person is lawfully armed in
5 self defense, and a gun accidentally discharges, the
6 defense of accident would apply. The burden is on the
7 State to prove beyond a reasonable doubt that -- that
8 the act was not an accident, but was caused by the
9 negligence or carelessness on the part of the defendant
10 in the handling of a dangerous instrumentality, or by
11 unlawful activity by the defendant.

12 Ladies and gentlemen, there are three potential
13 verdicts that you may consider in this case. And I
14 will go over them with you. You do not have to try to
15 write this down. The verdict form will go into the
16 jury room with you.

17 There is no significance whatever to the order
18 in which I state these potential verdicts. It is
19 simply that one must be stated first. And the options
20 are as follows:

21 We, the jury, by unanimous consent find the
22 defendant guilty of murder, or as to the lesser
23 included offense, voluntary manslaughter, or not
24 guilty. And there is a place for the foreperson to
25 sign and date the verdict form. Again, ladies and

1 gentlemen, there is no significance whatsoever to the
2 order in which I stated these potential verdicts. It
3 is simply that one must be stated first.

4 Ladies and gentlemen, your verdict must be
5 unanimous, which all 12 of you must agree in order to
6 reach a verdict in this case.

7 Madam Forelady, once the jury has reached a
8 verdict, it will be your responsibility to fill out the
9 verdict form, to sign and date the form, and knock on
10 the door, and advise the bailiff that the jury has
11 reached a unanimous verdict.

12 Also, if the jury has any questions during
13 deliberations, it is your responsibility to write those
14 questions out, to sign and date the note, and then
15 advise the bailiff again by knocking on the door, that
16 the jury has a question.

17 Any notes that you present to the court should
18 never provide any numerical breakdown of the jury
19 panel, as jury deliberations are secret. And any
20 breakdown or numerical breakdown should never be
21 disclosed to the court or to anyone involved in the
22 case.

23 Ladies and gentlemen, if you have any questions
24 during deliberations, please note that there will be a
25 delay in our response. And that is because there is a

1 procedure that we must follow in answering your
2 questions. So if you have a question, please don't
3 think we're ignoring you. Just know that there will be
4 a delay because there is a process that we must follow
5 in answering your question. Again, ladies and
6 gentlemen, your verdict must be unanimous, which means
7 that all 12 of you must agree in order to reach a
8 verdict.

9 I am going to ask that you return to your jury
10 room, but do not yet begin your deliberations. I have
11 some very brief matters of law to take up with the
12 attorneys that may require further instruction or
13 clarification of an instruction.

14 If there is no further instruction, we will send
15 in your notebooks, as well as the evidence. And at
16 that time, we will excuse the alternate. And you will
17 then be allowed to begin your deliberations. If you
18 will go with the bailiff for me please.

19 (Whereupon, the jury left the courtroom at 2:52
20 p.m.)

21 THE COURT: You may be seated. I noticed an error
22 on the verdict form that I need to correct. It should
23 say "guilty of murder", and then "or the lesser
24 included, guilty of voluntary manslaughter or not
25 guilty". And I need to correct that scrivener's error.

1 Any exception from the State?

2 MS. WILLIAMS: No, your Honor.

3 THE COURT: From the defense?

4 MS. LITTLEJOHN: No, Your Honor.

5 THE COURT: Any exceptions to the charge from the
6 State?

7 MS. WILLIAMS: No, Your Honor.

8 THE COURT: From the defense?

9 MS. LITTLEJOHN: No, Your Honor.

10 THE COURT: Please make sure all of the evidence
11 is where it should be. What -- Marvin let me know --
12 Mr. Marvin, I apologize, let me know that what we did
13 the last time was that we used a DVD player, and the
14 disk played on it. And they were able to play it on
15 the television that is in the jury room. So we are
16 going to see if that will work again this time.

17 MS. WILLIAMS: Your Honor, I don't think it is
18 going to work on the disk, Your Honor.

19 THE COURT: We can try it, because it was the same
20 kind of disk last time. It required special software.
21 So let's see.

22 MS. WILLIAMS: We can try it. We did check the
23 laptop, and there is nothing -- on the desktop.

24 THE COURT: Yeah, but somebody astute with
25 computers, they can't --

1 MS. WILLIAMS: I think if somebody was really good
2 at computers, they may be able -- if they could re-hook
3 themselves up to the Internet, but we disabled the
4 Internet. So they would have to really do some fancy
5 stuff --

6 THE COURT: Let's see if that -- I need the
7 alternate first so I can excuse the -- I need you all
8 to first get their notebooks, all except the
9 alternates. I need you all to come forward to make
10 sure that the evidence is in place. I need the
11 alternate.

12 (Pause.)

13 THE COURT: Sir, we want to thank you for your
14 time and your attention to this case. We know that
15 being an alternate can seem thankless, but it's so very
16 necessary to the process in the event that someone was
17 ill or unable to proceed, we truly need the services of
18 an alternate.

19 I've watched you. You have been attentive and
20 timely, and we appreciate the time that you have
21 devoted to this process this week. You are welcome to
22 leave if you would like, and you're excused for the
23 week; or you're welcome to remain with us. And if you
24 would like to remain with us, just let us know and
25 we'll make you comfortable, if you want to remain to

1 see how the deliberations turn out.

2 You're welcome to discuss this case, but I would
3 ask that you not do it until the entire process is
4 completed. And if you don't want to talk about it, you
5 don't have to as well.

6 If you need a work excuse, we can provide that
7 for you before you leave. Otherwise -- and -- but we
8 will mail your check out to you. We thank you so very
9 much for your service, and just let the bailiff know if
10 you want to remain. And if not, you're excused with
11 the court's profound thanks. Have a great day.

12 JUROR: Thank you very much.

13 THE COURT: All right. I have Mr. Marvin in to
14 see if the disk will work. Of course, the jury will
15 not deliberate while he is present. And he should let
16 me know in a moment whether it works or not. Because
17 what he did is he hooked it up -- there is a large
18 monitor in there. And he hooked it up to the monitor,
19 so that they will be able to listen to those items as
20 well as observe them.

21 (Whereupon, the jury began deliberations at 2:54
22 p.m.)

23 (After a recess, court reconvened.)

24 THE COURT: The jury has asked for a copy of the
25 jury instructions. And, of course, they are not

1 allowed to have that. I have a general boiler plate
2 instruction that I send back that says that, but I
3 inadvertently left those in Charleston. My secretary
4 is e-mailing it to me right now. And as soon as I get
5 that, I will be able to print it and attach it to the
6 note. But, of course, I would read it to you before we
7 we did that. But I wanted you to know that we received
8 the note. I'm going to go forward with this hearing I
9 have and hopefully she will send it to me shortly. Any
10 exceptions from the State?

11 MS. WILLIAMS: Not from the State, Your Honor.

12 THE COURT: From the defense?

13 MS. LITTLEJOHN: None, Your Honor.

14 THE COURT: Okay.

15 (Court's Exhibit No. 7 marked.)

16 (After a recess, Court reconvened.)

17 THE COURT: What the instructions -- the response
18 would read is: "Ladies and gentlemen of the jury, our
19 procedures do not allow for a copy of the jury charge
20 slash instructions to be given to you. If there is a
21 specific instruction that you would like given again,
22 or the entire instruction, please advise us and I will
23 accommodate your request immediately." Any exceptions
24 from the State?

25 MS. WILLIAMS: Not from the State, Your Honor.

1 THE COURT: From the defense?

2 MS. LITTLEJOHN: Not from the defense, Your Honor.

3 (Court's Exhibit No. 8 marked.)

4 THE COURT: As soon as I print this, we will
5 attach it to the note and send it to the jury. And for
6 the record, where is Mr. Marvin? Okay. For the
7 record, I need to confirm that we put a -- the disk
8 player with the 911 call and video/audio -- the video
9 statement was able to be played on the DVD; correct?

10 THE BAILIFF: Yes, ma'am.

11 THE COURT: But the jail call would not; correct?

12 THE BAILIFF: Correct.

13 THE COURT: And we placed a clean laptop in there
14 for the jury to listen that?

15 THE BAILIFF: Correct.

16 THE COURT: Any exception from the State?

17 MS. WILLIAMS: Not from the State, Your Honor.

18 THE COURT: From the defense?

19 MS. LITTLEJOHN: None from the defense, Your
20 Honor.

21 THE COURT: Okay. All right.. I think those are
22 all the the housekeeping matters I need to cover until
23 this note is printed. We will wait further
24 instructions from the jury.

25 (After a recess, Court reconvened.)

1 THE COURT: We have a note from the jury. They
2 have asked to be reinstructed on murder and voluntary
3 manslaughter. Any exception from the State?

4 MS. WILLIAMS: Not from the State, Your Honor.

5 THE COURT: From the defense?

6 MS. LITTLEJOHN: None from the defense, Your
7 Honor.

8 THE COURT: Please mark that note for me before I
9 bring the jury in.

10 (Court's Exhibit No. 9 marked.)

11 THE COURT: Please bring in jury please.

12 (Whereupon, the jury entered the courtroom at
13 4:35 p.m.)

14 THE COURT: You may be seated. Ladies and
15 gentlemen, your note asks that you be reinstructed on
16 the offenses on -- on the elements of murder and
17 voluntary manslaughter. And as such, I re-instruct
18 you as follows:

19 The defendant is charged with murder. The State
20 must prove beyond a reasonable doubt that the defendant
21 killed another person with malice aforethought. Malice
22 is hatred, ill will, or hostility towards another
23 person. It is the intentional doing of a wrongful act
24 without just cause or excuse, and with an intent to
25 inflict an injury under circumstances that the law will

1 infer an evil intent.

2 Malice aforethought does not require that malice
3 exists for any particular time before the act is
4 committed. But malice must exist in the mind of the
5 defendant just before and at the time the act is
6 committed. Therefore, there must be a combination of
7 the previous evil intent and the act.

8 Malice aforethought may be expressed or
9 inferred. These terms expressed and inferred do not
10 mean different kinds of malice, but merely the manner
11 in which malice may be shown to exist. That is either
12 by direct evidence or by inference from the facts and
13 circumstances which are proven.

14 Express malice is shown when a person speaks
15 words which express hatred or ill will toward another,
16 or when the person prepared beforehand to do the act
17 which was later accomplished. For example, lying in
18 wait for a person, or any other acts or preparation
19 going to show that the deed was within the defendant's
20 mind would be express malice. Malice may be inferred
21 from conduct showing a total disregard for human life.

22 If you find that the State has failed to prove
23 beyond a reasonable doubt, that the defendant committed
24 murder, you may consider whether the State has proven
25 beyond a reasonable doubt that the defendant committed

1 voluntary manslaughter.

2 To prove voluntary manslaughter, the State must
3 prove beyond a reasonable doubt that the defendant took
4 the life of another in the sudden heat of passion,
5 based on sufficient legal provocation. Both heat of
6 passion and sufficient legal provocation must be
7 present at the time of the killing to constitute
8 voluntary manslaughter.

9 Sudden heat of passion may for a time effect a
10 person's self-control, and temporarily disturb a
11 person's reason. The sudden heat of passion must be
12 the type that would make an ordinary person unable to
13 coolly reflect on his actions, and would produce an
14 uncontrollable impulse to do violence.

15 Sufficient legal provocation must be the type
16 that would make a person of ordinary reason and caution
17 to become enraged and to lose control temporarily. The
18 provocation needed for voluntary manslaughter must come
19 from some act of or related to the victim. Words
20 alone, however vulgar or insulting, are not enough to
21 be legal provocation. Where death is caused by the use
22 of a deadly weapons, the words must be accompanied by
23 some overt threatening act, which could have produced
24 the heat of passion.

25 The exercise of a legal right, no matter how

1 offensive it is to another, is never sufficient legal
2 provocation for voluntary manslaughter. If the heat of
3 passion had cooled, or if there was enough time between
4 the provocation, if any, and the killing for the
5 passion of a reasonable person to cool, the killing
6 would not be voluntary manslaughter.

7 In deciding whether a reasonable person would
8 have had enough time to cool off, you should consider
9 all the circumstances surrounding the killing. You may
10 consider the nature of the provocation, if any. The
11 defendant's mental and physical state, and the
12 circumstances and relationships between the parties.

13 That would conclude the instruction in response
14 to your request. If you need anything further, please
15 do not hesitate to let us know, and we will accommodate
16 your request immediately.

17 (Whereupon, the jury left the courtroom at 4:39
18 p.m.)

19 THE COURT: You may be seated. Any exception from
20 the State?

21 MS. WILLIAMS: Not from the State, Your Honor.

22 THE COURT: From the defense?

23 MS. LITTLEJOHN: Not from the defense.

24 THE COURT: All right.

25 (After a recess, court reconvened.)

1 THE COURT: Get the Forelady for me, please.

2 (Jury Foreman entered the courtroom.)

3 THE COURT: Madam Forelady, I wanted to let you
4 know, and then you can share this with the jury, that
5 you all are not required to stay here all evening. If
6 you would like to break for the evening and resume your
7 deliberations in the morning, you are free to do do
8 that. If you all want to continue to deliberate, that
9 is fine as well.

10 So if you want to discuss that with your fellow
11 jurors, and then let us know what your preference is,
12 because we really don't have many options for dinner,
13 and we're approaching that time of the evening. So if
14 you would discuss that with them, and y'all have made a
15 decision, let us know. And knock on the door and
16 advise the bailiff for me, please.

17 JURY FOREMAN: Yes, Your Honor.

18 (Jury foreman left the courtroom.)

19 THE COURT: Thank you. All right. Any exception
20 from the State?

21 MS. WILLIAMS: Not from the State, Your Honor.

22 THE COURT: From the defense?

23 MS. LITTLEJOHN: None from the defense, Your
24 Honor.

25 (After a recess, Court reconvened.)

1 THE BAILIFF: The jury foreman said they can't
2 come to a decision, and they want to come back
3 tomorrow.

4 THE COURT: I need her to come in and tell me
5 that.

6 (Jury foreman entered the courtroom.)

7 THE COURT: Ma'am, what is the jury's preference?
8 Do you want to continue to deliberate this evening, or
9 would you like to adjourn and come back in the morning?

10 JURY FOREMAN: Adjourn and come back in the
11 morning, Your Honor.

12 THE COURT: Okay. If you can take your seat right
13 there and bring in the rest of the panel for me.

14 (Whereupon, the jury entered the courtroom at
15 6:56 p.m.)

16 THE COURT: You may be seated. Ladies and
17 gentlemen, your foreperson has advised me that you
18 would like to adjourn for the evening and resume
19 deliberations in the morning. During this break, it is
20 absolutely essentially that you have no discussion
21 about this case among yourselves, or with anyone else.
22 That you not read, watch, or listen to any media
23 accounts about this case, or do any independent
24 research on the Internet.

25 You will resume your deliberations at 9:30 in

1 the morning. When everyone arrives, the bailiffs will
2 bring in your note pads and the evidence. And then as
3 soon as everyone is there, you will be allowed to
4 resume your deliberations.

5 I hope that y'all have a great evening. We'll
6 see you in the morning at 9:30. And don't have any
7 contact with anyone in or about the courthouse when you
8 return in the morning.

9 (Whereupon, the jury left the courtroom at 6:57
10 p.m.)

11 THE COURT: You may be seated. Is there anything
12 before we adjourn for the evening from the State?

13 MS. WILLIAMS: No, Your Honor.

14 THE COURT: From the defendant?

15 MS. LITTLEJOHN: No, Your Honor.

16 THE COURT: I see y'all in the morning at 9:30.
17 Have a good night.

18 (Whereupon, the hearing adjourned.)
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1 * * * FRIDAY JULY 15, 2016 * * *

2 _____
3 (Whereupon, the jury resumed deliberations at
4 9:35 a.m.)

5 (Whereupon, the Court reconvened at 10:26 a.m.)

6 THE COURT: Is the State ready to proceed?

7 MS. WILLIAMS: The State is ready, Your Honor.

8 THE COURT: Is the defense ready to proceed?

9 MS. LITTLEJOHN: Yes, Your Honor.

10 THE COURT: Please bring in the jury.

11 (Court's Exhibit 10, jury note, marked.)

12 (Whereupon, the jury entered the courtroom at
13 10:27 a.m.)

14 THE COURT: You may be seated. Madam Forelady,
15 has the jury reached a verdict?

16 JURY FOREMAN: We have, Your Honor.

17 THE COURT: If you would give the verdict form to
18 the bailiff for me, please.

19 (Pause.)

20 THE COURT: Sir, if you would stand for
21 publication of the verdict. Madam Clerk, if you would
22 publish the verdict.

23 THE CLERK: In General Sessions Court, county of
24 Berkeley, State of South Carolina vs. Lee Dell Bradley,
25 indictment 2016-GS-08-1249. We, the jury, by unanimous

1 consent, find the defendant guilty of murder.

2 THE COURT: No visible reaction from the gallery.

3 THE CLERK: Madman Forelady, ladies and gentlemen
4 of the jury, if this is your verdict, please signify by
5 raising your right hand.

6 (All jurors complied.)

7 THE COURT: Any request to poll the jury from the
8 State?

9 MS. WILLIAMS: No, Your Honor.

10 THE COURT: From the defense?

11 MS. LITTLEJOHN: Yes, Your Honor.

12 THE COURT: Please proceed with polling the jury.
13 Ladies and gentlemen, please give the clerk your
14 attention.

15 THE CLERK: Madam Forelady, is this your verdict?

16 JURY FOREMAN: Yes.

17 THE CLERK: Is this still your verdict?

18 JURY FOREMAN: Yes.

19 THE CLERK: Juror number 110, is this your
20 verdict?

21 JUROR: Yes..

22 THE CLERK: Is it still your verdict?

23 JUROR: Yes.

24 THE CLERK: Juror number 133, is this your
25 verdict?

1 would like. Sometimes the lawyers will contact you to
2 get feedback, to see how they can do things better.
3 And you're welcome to do that. If you don't want to
4 discuss it, you don't have to.

5 And if someone should exceed what you feel is
6 comfortable, please contact us so that we can take the
7 appropriate action to assist and protect in your
8 privacy. You are welcome to remain with us for
9 sentencing. Is there anyone that wishes to remain for
10 sentencing -- if you'd raise your right hand for me --
11 that's the entire panel -- so you will remain with us.

12 All right. I need you to find out his record
13 for me. Are there any posttrial motions?

14 MS. LITTLEJOHN: Yes, Your Honor.

15 THE COURT: You may proceed.

16 MS. LITTLEJOHN: First, I would ask for a motion
17 for directed verdict.

18 THE COURT: Well, you have already made that.

19 MS. LITTLEJOHN: And a motion for a new trial.
20 The basis would be allowing in the expert, not reading
21 the entire voir dire --

22 THE COURT: You didn't make any objections during
23 voir dire so that's waived.

24 MS. LITTLEJOHN: The 404(b) Lyle, the 2002
25 remoteness. Detective Shuler had been in here the

1 entire time, and made the statement -- although he had
2 been in here the entire time, about the priors and his
3 officers responding --

4 THE COURT: He didn't say anything about priors.
5 He simply said calls. You made a contemporaneous
6 objection. I sustained it and struck it from the
7 record. That would not have been the basis for a
8 mistrial.

9 MS. LITTLEJOHN: And all the prior objections on
10 relevancy, as well as the 404(b) and Lyle motions.

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

13 MS. WILLIAMS: No, Your Honor.

14 THE COURT: You did not make any exceptions to
15 any questions that were not asked in voir dire. You
16 failed to make a contemporaneous objection, and
17 therefore it is waived. But alternatively, so that the
18 record is protected, all the questions that I did not
19 ask were either cumulative or they directly bore on the
20 facts of the case, and therefore would have been
21 inappropriate to have asked a panel. Because it could
22 have polluted their minds regarding their objectivity
23 regarding the facts and circumstances of the case.

24 The other questions bore directly on legal
25 principles that are within the province of the court.

1 And therefore I stand by my original decision not to
2 have asked -- have asked those questions. But I'm at a
3 bit of a deficit because I don't know exactly which
4 ones you would have asked in addition, because you did
5 not at the time. And, therefore, it eliminated or --
6 the court's ability to have considered that
7 contemporaneously.

8 I stand by my original ruling regarding the
9 introduction of the expert witness testimony. And that
10 is preserved for the record.

11 The passing comment that was made by Detective
12 Shuler, although inappropriate, it was superfluous.
13 The Court struck it from the record based on
14 contemporaneous objection, and instructed the jury to
15 disregard it.

16 There was much more Lyle testimony that the
17 State was seeking to introduce. I limited them to one
18 CDV conviction, which I think was appropriate, and I
19 made a contemporaneous ruling. And I will incorporate
20 that, as well as my other previous rulings, into this
21 portion of the record.

22 There is no basis for a motion for a new trial
23 and that motion is denied. As the finder of fact,
24 there was more than ample evidence, both direct and
25 substantial circumstantial evidence, from which the

1 jury could easily surmise that the defendant was guilty
2 beyond a reasonable doubt of this crime.

3 Now, it's my understanding that he had an arrest
4 on March 7th of 2006 for criminal domestic violence of
5 a high and aggravated nature. The victim declined that
6 prosecution. And, therefore, the charges were
7 dismissed. And that same victim would have been the
8 victim in this case, Ms. Lawrence.

9 That he had -- let's see -- and actually it was
10 for kidnapping. And she declined to prosecute on that
11 as well.

12 And then on 4/5/09, there was an arrest. He
13 pled guilty; received 30 days for malicious injury to
14 personal property. An arrest date of 9/19/09, he pled
15 guilty to domestic violence first offense in
16 Magistrate's Court, and that was with the same victim.

17 He has an arrest date of 11/29/09, where he was
18 found guilty in a bench trial on violation of a
19 domestic violence protection order, with the same
20 victim.

21 That he had an arrest date on 7/23/10, where he
22 pled guilty before Judge Dennis on criminal domestic
23 violence second offense, where he received 42 days time
24 served with this same victim.

25 Then on 7/23/10, he pled guilty before Judge

1 Dennis in Magistrate's Court for violation of a
2 protection order. He got credit for time served.

3 On 9/3/10, he pled guilty in Magistrate's
4 Court -- on 9/21/10, for violation of a protection
5 order with the same victim and received 15 days.

6 Then he had an arrest date of 9/22/10 for
7 stalking, when a restraining order injunction was in
8 effect. And that was dismissed on 6/15/11. There is
9 no indication as to why, but I would have to assume
10 because the victim did not want to pursue it.

11 He had an arrest date on 9/22/10, and pled
12 guilty before Judge Young on 6/15/11 for harassment
13 second degree. He received 90 days time served and
14 credit for 257 days with the same victim.

15 And on 9/29/12, pled guilty before Judge Dennis
16 for domestic violence second offense and received
17 81 days time served. Is there any more on his record?

18 MS. WILLIAMS: No, Your Honor.

19 THE COURT: This is the full extent of the
20 criminal record?

21 MS. WILLIAMS: Oh, no, Your Honor, there are other
22 things on his record.

23 THE COURT: I need to know what else is in his
24 criminal history.

25 MS. WILLIAMS: Okay. I just would add that most

1 of those incidents involved a knife, and him trying to
2 take her car.

3 THE COURT: Okay.

4 MS. WILLIAMS: Mr. Bradley also has two armed
5 robbery convictions, which we have certified copies for
6 the court.

7 THE COURT: I need to know the dates of those
8 convictions.

9 MS. WILLIAMS: Okay. The first conviction is --
10 just looking for the date of the conviction -- in 1993.
11 I think it's 4/6/95 is when he pled guilty -- no, he
12 was found guilty at trial.

13 THE COURT: And what happened as a result of that?

14 MS. WILLIAMS: He was given 18 years, and credit
15 for time served, beginning at 12/4/92.

16 THE COURT: So he maxed out that sentence;
17 correct?

18 MS. WILLIAMS: That is correct.

19 THE COURT: And then when was the next one?

20 MS. WILLIAMS: The next one was in Georgia, he has
21 a conviction for armed robbery. And that was a
22 conviction May 2nd, 1985. And he received -- it was
23 two counts. He received ten years concurrent on both.

24 He also has a -- the equivalent of a CDV here,
25 but it's called family court -- Family Battery, and

1 that was in 2002.

2 THE COURT: What date?

3 MS. WILLIAMS: It was June 7th, 2002.

4 THE COURT: What state?

5 MS. WILLIAMS: Oh, sorry. It was Georgia. And
6 that was a different victim.

7 THE COURT: Okay. Now, it's my understanding he
8 was served with a life without parole notice on
9 June 9th of 2016, and refused to sign for that notice.
10 Again, life without parole in court, he was served
11 before Judge Hayes with life without parole notice on
12 6/30 of '16. And, again, refused to sign for that
13 notice. And Ms. Littlejohn signed in his -- because he
14 refused to sign.

15 MS. WILLIAMS: That is correct, Your Honor.

16 THE COURT: In his stead is the word I was --

17 MS. WILLIAMS: That is correct. And we have
18 copies of those if the court --

19 THE COURT: I don't think she is contesting that.

20 MS. LITTLEJOHN: Well, I'm not contesting -- the
21 only correction I would make is, I would agree with the
22 Solicitor that a lot of these did involve keys, the
23 prior domestics. But knife not, that was --

24 THE COURT: I don't know that it really matters.

25 MS. LITTLEJOHN: I don't think it does either. I

1 just wanted to let the Court know.

2 MS. WILLIAMS: Your Honor, we have certified
3 convictions for the two armed robberies convictions if
4 we could make those a court's exhibit.

5 THE COURT: Uh-huh. I assume there is no
6 exception?

7 MS. LITTLEJOHN: No exceptions, Your Honor.

8 (Courts' Exhibits 11 & 12 marked.)

9 THE COURT: All right. I'll be glad to hear from
10 the State on sentencing.

11 MS. WILLIAMS: Your Honor, because he was served
12 with life without parole due to his prior record, we
13 would just ask you to instate the life without parole
14 sentence. This has been a very emotional, a very
15 important case for us, as prosecutors, because we look
16 at the history of Frances Lawrence, and we see
17 opportunities for her to get out of this dangerous
18 situation. And again and again, she chose not to. And
19 she was a wonderful person and we -- we just hate the
20 way that it ended.

21 I think there is a representative from her
22 family that would like to address the Court.

23 THE COURT: Certainly. I'll be glad to hear from
24 them.

25 VICTIM COORDINATOR: We kind of talked --

1 separation of powers issue, based on legislative
2 formulation, not judicial --

3 THE COURT: It's not the court's job to be an
4 advocate. The court's job is to enforce the law, not
5 make the law; correct?

6 MS. LITTLEJOHN: Yes, Your Honor.

7 THE COURT: Isn't that what the separation -- yeah
8 executive, the judicial, and legislative --

9 MS. LITTLEJOHN: I wanted to make that argument on
10 the record, Your Honor.

11 THE COURT: It's the court's job to interpret the
12 law, not make it. That's the legislative's
13 prerogative. Anything further from the defense?

14 MS. LITTLEJOHN: Nothing, Your Honor.

15 THE COURT: Anything further from the defense --
16 the State?

17 MS. WILLIAMS: No, Your Honor. We have the
18 sentencing sheet if the Court --

19 THE COURT: That would be helpful. Sir, if you
20 would stand for sentencing. Sir, you are sentenced to
21 the State Department of Corrections for a period of
22 life. You will get credit for any sentence -- any time
23 that you have served, pursuant to 24-13-40, to be
24 calculated and applied by the Department of
25 Corrections. Thank you very much.

STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSSIONS
) NINTH JUDICIAL CIRCUIT
 COUNTY OF BERKELEY) WARRANT NO.: 2014A0810400578
) INDICTMENT NO.: 2016-GS-08-01249
 STATE OF SOUTH CAROLINA)
)
 VS.) MOTION TO EXCLUDE PRIOR BAD ACTS
) UNDER 404 (b), Lyle and Res Gestae
)
)
 LEE DELL BRADLEY,)
)
DEFENDANT.)

FILED

JUL 11 2016

CASE NO.
 MARY P. BROWN CLERK OF COURT
 BERKELEY COUNTY, SC

The case at bar is not a case of "who did it" but rather a case of how. There is no question that Frances Lawrence lost her life. There is no question that the Defendant, Lee Bradley, was involved in the incident. The State has charged Lee Bradley with Murder under the assumption that Mr. Bradley did deliberately and intentionally take a knife or some object and put it in her one (1) time and she died as a result. When interviewed, the Detectives continually alluded to a stabbing. Mr. Bradley continued to tell the Detectives that it was an accident that occurred when Ms. Lawrence got angry with him because he had stayed out, pulled out a knife, the two tussled and she fell. The State was uncertain of a time frame for the incident, thus a new indictment was sent to the Grand Jury to expand the dates as recently as June 2016. This incident happened May 2014.

Generally, South Carolina law precludes evidence of prior crimes or other bad acts to prove the defendant's guilt for the crime charged. State v. Pagan, 369 S.C. 201, 211, 631 S.E.2d 262, 267 (2006). Character evidence is generally inadmissible under Rule 404. Evidence of other crimes or wrongs is the most damaging character evidence imaginable. Therefore, evidence of other crimes or wrongs must be closely scrutinized. The evidence must be offered for a proper purpose, that is, to prove a material fact in issue and not to prove bad character or

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CC: PD

propensity. The test for admissibility under Rule 404(b) is whether the evidence is logically relevant under Rule 401 to the purpose for which it is offered, not whether the extrinsic bad conduct is "similar" to the crime being tried. Even if the evidence is relevant and admissible under rules 401 and 404, strong policy reasons exist in every case for keeping it out under the Rule 403 balancing test. The weight on the prejudice side of the scale is greater than with other kinds of evidence. Many of the cases which have addressed this issue have been within the line of sexual abuse cases.

"Evidence of prior similar crimes must be used carefully: if the crimes are too similar, they may be considered too prejudicial." *State v. Dunlap*, 353 S.C. 539, 579 S.E.2d 318 (2003). Also, while a close degree of similarity between the prior acts and the crime charged is necessary to support admissibility under the common scheme or plan exception, but it will not, by itself, satisfy Rule 404. *State v. Kirton*, 381 S.C. 7, 671 S.E.2d 107 (Ct. App. 2008).

In a non sex abuse case, in *State v. Gillian*, 373 S.C. 601, 646 S.E. 2d 872, 877, (2007), the Court noted in this murder case that the Defendant was prejudiced when the Court allowed the State to present what was deemed to be "a volume of testimony" regarding a burglary that occurred **immediately** (emphasis added) prior to the murder.

When he was on the Court of Appeals, Justice Kittridge wrote the opinion in *State v. Tuffour*, 364 S.C. 497, 613 S.E.2d 814 (Ct. App. 2005) vacated and superseded 371 S.C. 511, 641 S.E.2d 24 (2007) ("The appellate courts of this state have unwaveringly adhered to the rule of exclusion of prior bad act evidence to show criminal propensity or that the defendant is a bad person unworthy of the presumption of innocence. **It bears reminder that Lyle Rule 404(b) set forth a rule of exclusion, not inclusion.**" (emphasis added)).

In a case virtually on point, State v. Johnny Sweat, 362 S.C. 117, 606 S.E. 2d 508 (S.C. App., 2004), the court allowed in one prior CDV however noted the prejudicial impact of the prior CDV's. The prior CDV's were too remote in time and were not material to the case. The Court allowed in the one instance of domestic violence because when Mr. Sweat went to jail he went because of the domestic violence between he and the Victim. In Sweat, the incident that occurred happened 11 days after the Defendant was released from jail. Although some time had passed, Mr. Sweat had no way of getting to the Victim because he was incarcerated. The Court deemed all prior incidences of domestic violence a violation of 404b and as such were excluded. In Sweat, the Defense attempted to have the 1 CDV quashed under the res gestae theory. Although it is not stated, logic dictates that the Court also felt that the prior CDV's should be quashed under the theory of res gestae as these prior incidents were not allowed in under res gestae. In the case at bar, the last CDV for which the Defendant received a time served sentence occurred more than a year and a half before the allegations of Murder and the Defendant plead to a time served sentence on November 29, 2012.

In the States brief, it states "First responders approached the crimes scene with extreme caution, as there had been at least thirteen previous domestic violence calls to the Lawrence address". There is no evidence in any of the incident reports that the police used greater caution approaching the call than they would in approaching any other call of this nature. The State continues to explore this line of thought under their Motion to Include under 404b. The state even notes that on at least one episode Mr. Bradley threatened Ms. Lawrence with a knife. Although that was the allegation, it is noteworthy that the allegation occurred March 5, 2006 and the case was Nol Prosed. The last incident of reported Domestic Violence occurred September 19, 2012. The Defendant plead guilty on November 29, 2012 and Judge Dennis sentenced him

to 81 days' time served. It is noteworthy that in the last episode the officer in his report states he did not observe any manifestations of injuries at the time of the report. As with some domestic violence calls, words between couples escalate and things are said in arguments yet these are heated arguments that do not result in any manifestation of injury. This was the case in the majority of the calls made by Ms. Lawrence regarding Mr. Bradley that there were words exchanged, as the victim she would allege some physical touch; however, in many incidents the police noted in their reports that there was no manifestation of injury on the calls between the Victim and this Defendant.

It is evident that Res Gestae is not applicable to the case at bar for there is no further picture to complete as the last allegation was over a year ago. There is no indicia that this case is in any way similar to Johnny Sweat who had just been release 11 days prior. Further, the Defendant would assert that based on the remoteness of time, the lack of evidence in the prior cases, the statements placed in the officers reports, the minimal sentences of time served as well as the dismissals (including the 2006 dismissal which the State wants the Court to focus on wherein there was an allegation of a knife), that the only purpose served in allowing the State to reference any prior incidents between the Victim and the Defendant either through opening or the examination of witness is to show a propensity to act a certain way and for that reason the prior domestic violence allegations should be found as they were in State v. Sweat irrelevant and unfairly prejudicial.

Respectfully Submitted,


DEBRA K. LITTLEJOHN
Attorney for Defendant

Moncks Corner, S. C. 29461
July 11, 2016

STATE OF SOUTH CAROLINA)
)
 COUNTY OF BERKELEY)
)
 STATE OF SOUTH CAROLINA)
)
 v.)
)
 Lee Dell Bradley)
)
 Defendant.)
 _____)

IN THE COURT OF GENERAL SESSIONS

2016-GS-08-01249 Murder

Trial Brief for the State of South Carolina

MARY P. BROGAN
 CLERK OF COURT
 BERKELEY COUNTY, S.C.

13 JUL -8 PM 1:37

FILED
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THE HONORABLE DEADRA L. JEFFERSON
 South Carolina Circuit Court Judge, Ninth Judicial Circuit

Appearances:

For the State:

Anne M. Williams, Senior Assistant Solicitor
 Wilton H. McNeely, Assistant Solicitor

For the Defendant:

Debra K. Littlejohn
 Keisha V. White

Contents:

- I. Statement of the Case
 - A. Procedural History
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 - 1. Life Without Parole (LWOP) Notice
 - 2. Jackson v. Denno Hearing
 - 3. Self Serving Statements
 - 4. State's Motions in Limine
 - a. 404(b)
 - b. *Res Gestae*
- II. Proposed Voir Dire
- III. Proposed Jury Charges

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IV. Potential Witnesses

I. STATEMENT OF THE CASE

A. Procedural History

Victim Frances Lawrence was murdered sometime in the early morning hours of Wednesday May 21, 2014 at her home at _____ in Summerville, SC. During the next two days, her live-in boyfriend Lee Bradley, was seen by witnesses driving the victim's car, selling some of her belongings and withdrawing money from various ATM machines. Defendant Bradley also told neighbors that Frances had been staying at a friend's house after they had an argument, and that she wanted him to leave and return to North Carolina. He repeated this claim to several neighbors and family members and he left on Friday, May 23, 2014, claiming he was going to meet Frances at the bus station, where she would get her car. After leaving Frances' house, Bradley drove toward Charlotte, North Carolina and called 911, telling the dispatcher that his girlfriend fell on a knife after they "tussled". First responders approached the crime scene with extreme caution, as there had been at least thirteen previous domestic violence calls to 911 from Lawrence's address. Defendant Bradley waived extradition on a warrant for murder and was transported from North Carolina on May 29, 2014. He gave a detailed video-taped statement on that date to investigators. Due to his criminal history, Defendant Bradley was initially served on June 9, 2016 and then on the record in General Sessions Court on June 30, 2016 with notice of the State's intention to seek a Life Without Parole sentence pursuant to South Carolina Code of Laws Section 17-25-45.

B. Factual Summary

The State anticipates various law enforcement officers and other witnesses will testify about the events leading to the arrest of Defendant Lee Bradley for the murder of Frances Lawrence. A summary of the facts gathered by law enforcement follows.

Victim Frances Lawrence was last seen at work when she clocked out at 1:00 a.m. Wednesday, May 21, 2014. Frances, who rarely missed work, did not show up for any of her scheduled shifts in the following days. Additionally, her family did not hear from her or see her around her home ¹. It was also well known by Frances' family, that she did not like anyone else to use her vehicle; yet Defendant Bradley was seen driving Frances' car all week. At various times during the week, Bradley told Frances' family members that he and Frances had argued Tuesday night and that she had gone to stay with a friend in Cross, SC. He further stated that she wanted him to go back to North Carolina. He claimed that she was going to meet him at the bus station on Friday where he would travel to North Carolina and she would retrieve her vehicle. During the time that Frances was not seen at work or home, Defendant Bradley took money from her account at various ATM machines, gave away food out of her refrigerator and sold items that belonged to her. After leaving Frances' house on Friday, May 23, 2016, Bradley drove toward Charlotte, North Carolina and called 911, telling the dispatcher that his girlfriend fell on a knife after they "tussled". First responders approached the crime scene with extreme caution, as there had been at least thirteen previous domestic violence calls to 911 from Lawrence's address. Defendant Bradley waived extradition on a warrant for murder and was transported from North Carolina on May 29, 2014. He gave a detailed video-taped statement on that date to investiga-

¹ Frances Lawrence lived on heirs property; her home was surrounded by a trailer on her left and right inhabited by her mother, two of her sisters, one brother and her nephew. There was another trailer behind her inhabited by her cousin.

tors. In part, he expanded on the story that Frances' death was a "freak accident" and that Frances had come at him with a knife because she was angry about him spending time with another woman. He said she was acting crazy because of some medication she was on and he tried to wrestle the knife out of her hand, but that in the course of the struggle, she fell on the knife. Bradley further explained that he did not call the ambulance, but did clean off her body and change her clothing. He went on to say that he extracted the knife from the victim's body, washed it off and put it in a drawer. He claimed that he left her vehicle at a bus stop before getting a ride to North Carolina. The victim's vehicle was never found.

C. Evidentiary Issues

1. Life Without Parole (LWOP)

The Following Notice of South Carolina Code of Laws Section 17-25-45 was served on Lee Dell Bradley on June 9, 2016 at the Hil Finklea Detention Center in Moncks Corner, at which time he refused to sign an acknowledgement of service ; Defendant Bradley was served again on the record before the Honorable J. Mark Hayes on June 30, 2016 and he again refused to sign an acknowledgement. Defendant Bradley's attorney, Debra K. Littlejohn acknowledged service by signature on June 9, 2016.

**TO: LEE DELL BRADLEY, DEFENDANT, AND DEBRA K. LITTLEJOHN, ATTORNEY
FOR THE DEFENDANT:**

PLEASE TAKE NOTICE that at the trial of the above entitled action to be scheduled on a date at least ten (10) days hence, of which you will be timely notified, the State will seek to have the defendant sentenced to a term of imprisonment for life without the possibility of parole, pursuant to South Carolina Code of Laws Section 17-25-45 (1995 as amended). This notice is

based upon the Defendant's prior conviction(s) for the offense(s) of Armed Robbery (South Carolina conviction: 1993GS02247; Georgia Conviction 681 September, 1984) .

2. Jackson v. Denno Hearing

The State intends to offer evidence regarding the Defendant's statements to law enforcement. Upon his arrest, detectives advised Defendant Bradley of his Miranda Rights. Bradley signed a written waiver of those rights and gave a video- taped statement. Bradley stated that he got into an argument with victim, Frances Lawrence and claimed that after trying to get a knife that she brandished at him, that she accidentally fell on the knife.

3. Self Serving Statements

Upon his initial arrest in Charlotte, North Carolina , Deputy Lamar Blakely advised Defendant Bradley of his Miranda Rights, at which point Bradley said : "these charges are false and getting thrown out" . The State hereby moves this Court for an order barring the Defendant from alluding to evidence regarding this self- serving statement to police, either in opening statement or through examination of witnesses. The State relies upon State v. Terry, 339 S.C. 352 (2000).

In State v. Terry, the South Carolina Supreme Court addressed the issue of whether or not a criminal defendant is permitted to elicit testimony as to the substance of his statements to police or to the effect that he gave a statement in order to demonstrate the defendant's cooperation to police. 339 S.C. at 354.

Terry contended he should have been permitted to introduce his confession as a "statement against penal interest" under Rule 804(B)(3), S.C. Rules of Evidence (SCRE), because he was "unavailable" as a witness by virtue of his exercise of his Fifth Amendment privilege against self-incrimination. The Supreme Court disagreed. Id.

Initially, Terry's purpose in offering the statement was in an attempt to provide the jury with some evidence tending to reduce the crime from murder to manslaughter. Id. at 356. Accordingly, as he intended to offer the statement to exculpate himself, it was not admissible "unless corroborating circumstances clearly indicate[d] [its] trustworthiness." Id. The Court found no such corroborating circumstances. Id. citing State v. Doctor, 306 S.C. 527, 413 S.E.2d 36 (1992) (testimony of three witnesses corroborated out of court confessions of declarants). Accordingly, the Supreme Court found that the trial court properly declined to admit the statement. The Court noted that Terry could not use his Fifth Amendment privilege against self-incrimination as both a sword and a shield. Id.

Several courts have been faced with the issue of "whether a defendant who has procured his own unavailability by invoking his protection against self incrimination is "unavailable" as a witness for purposes of Rule 804(B)(1) (former testimony). Id. In U.S. v. Kimball, 15 F.3d 54 (1994), the Fifth Circuit Court of Appeals held a defendant who creates his own unavailability by invoking his Fifth Amendment privilege against self-incrimination is not "unavailable." See Id., citing Castro v. State of Texas, 914 S.W.2d 159, 163 (Tex. Ct. App. 1995). Accord Dennis v. State of Texas, 961 S.W.2d 245 (Tex Ct. App. 1997) (testimony's sponsor may not make himself unavailable by invoking Fifth Amendment privilege and then benefit from that unavailability).

Terry further asserted that, even if the trial court properly excluded his statement to police, he should have been permitted to elicit the fact that he had given a statement in order to demonstrate that he had cooperated with police. Id. He contended the jury "was left with the erroneous impression [he] stood silent in the face of an accusation that he committed murder." Id. Once again, our Supreme Court disagreed, finding that the fact that Terry gave police a statement

was simply irrelevant to any issue at trial. *Id.* Admission of the fact that Terry cooperated with police, without giving the substance of the statement, would have been confusing and misleading to the jury. *Id.*, citing People v. Harvey, 208 Cal.Rptr. 910,925, 163 Cal.App.3d 90, 115 (1985) (as with "absence of flight," evidence of a defendant's cooperation with authorities may not necessarily indicate innocence and is therefore properly excluded in light of possibility of confusing the jury). Accordingly, the Court found the trial court properly excluded Terry's statement.

In accordance with Terry, the Defendant should not be allowed to use his Fifth Amendment privilege against self-incrimination as both a sword and a shield. A defendant who seeks to testify and make exculpatory statements must face cross-examination. To allow the Defendant to introduce evidence of his version of events without undergoing cross-examination would permit him to set out a self-serving version of events without undergoing cross-examination. For all these reasons, the State respectfully requests that this Court bar the Defendant from introducing statements made to Officer Lamar Blakely at the time of his initial arrest in Charlotte, North Carolina.

4. State's Motions in Limine

a. Motion to Include 404(b)

The State will move to admit prior acts of domestic violence by Lee Bradley against Frances Lawrence; and as well as evidence of arguments between them. This evidence is relevant to the issue of motive and lack of accident. Although Defendant explicitly states that Frances Lawrence died from a "freak accident", explaining that he was fending off an attack from her; prior events dispute this assertion. There were numerous instances where Defendant Bradley threatened to kill Frances Lawrence and at least one episode where she was threatened

with a knife. None of these episodes involve Frances Lawrence as the aggressor and Lee Bradley as the victim. The State argues that the prior acts are logically relevant to the defendant's intent and absence of mistake or accident. State v Smith, 337 S.C. 27, 522 S.E. 2d 598 (1999); State v Key, 277 S.C. 214, 284 S.E. 2d 781 (1981).

b. Res Gestae

In addition, the State will move to admit evidence of the interaction between the defendant and victim prior to the murder, and the history of the couple's relationship. This evidence is relevant and necessary to explain the context of the crime and to provide the fact finder with a "full presentation" of the surrounding events. The defendant himself refers to these contextual events during his recorded interview when telling the investigators what happened when Frances was "accidentally" killed. At one point, the defendant tells Captain Shuler: "I've been—me and her, we had our ups and downs, okay, as far as our criminal domestic violence, we done had fights and stuff, you know what I'm saying? But, not—they've never been really no fights. She might slap me, I'll slap her back and that's it. She might call the police. Well, it's never been no fights and man, I love her too much man, to ever take her life, I'm serious."

Later in the interview this exchange occurs :

CAPTAIN SCHULER: So, let me ask you this. So, you said yourself, you've got a history of some domestic violence stuff. Some arguments, some fighting, some physical—going from being just verbal to physical altercations.

LEE BRADLEY: The only altercation we had though was a slap, she slapped me, I slapped her. That was the only altercation—

CAPTAIN SCHULER: I got you.

LEE BRADLEY: That was the only time I ever put my hand on her.

CAPTAIN SCHULER: Okay. But that's still getting physical. That's [crosstalk]

LEE BRADLEY: Yeah, I understand that. Yeah.

CAPTAIN SCHULER: I got that. So, what do you think—I mean, she obviously knows that, you know, this has happened before, why do you think—and I'm just asking your opinion, why do you think it escalated so badly this time, to the point where you're saying she ends up grabbing a knife?

LEE BRADLEY: That's why—that's what I was telling you. I don't know if it was the medications mixed with alcohol or what. She—I don't know man. She ain't never act like that.

CAPTAIN SCHULER: I got you.

This evidence should be admissible pursuant to the *Res Gestae* doctrine, in order to explain the context of the crime and to provide the fact finder with a “full presentation” of the surrounding events. State v Rice, 368 S.C. 610, 629 S.E. 2d 393 S.C. App., (2006); State v Sweat, 362 S.C. 117, 606 S.E. 2d 508 (2004), United States vs Powers, 59 F.3d 1460 (4th cir. 1995)..

II. PROPOSED VOIR DIRE

1. Does any member of the jury panel watch any television crime show such as CSI or Law and Order? Does anyone who watches these shows believe that they are non-fiction or “true to life”?
2. Have you, or any member of your family or a personal friend been the victim of any violent crime?
3. Have you, or any member of your family or a personal friend been accused of a violent crime?

4. Is there anyone that has previously been a witness in a civil or criminal case?
5. Have you, your relatives or your close friends had any contact with law enforcement officials that might affect your view of law enforcement?
6. Are you familiar with or have you ever frequented the Sheep Island area of Summer-ville, SC?
7. Have you or a member of your family ever been accused of Criminal Domestic Violence, Stalking, Harrassment or Violation of a Protection Order?

III. PROPOSED JURY CHARGES

The State is familiar with this Court's standard charges and will submit proposed jury charges as issues and circumstances of the trial dictate.

IV. POTENTIAL WITNESSES

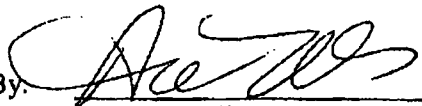
The State anticipates its case-in-chief in each trial will take one to one-and-a-half days. The following is a list of *potential* witnesses. The State does not anticipate calling all of the witnesses on this list.

- | | | |
|-----|-------------------------|--|
| 1. | Brenda Bloom | |
| 2. | Bertha Walker | |
| 3. | Benecia Felder | |
| 4. | Nashienda Williams | |
| 5. | Cathy Hampton | |
| 6. | Darlene Walker | |
| 7. | Katrina Middleton | |
| 8. | Timothy Heine | U.S. Marshall Service |
| 9. | Iona Gant | |
| 10. | Mary Jones | |
| 11. | Alma Reid | |
| 12. | Melody Samples | South State Bank, Custodian of the Records |
| 13. | Harold Drayton | |
| 14. | Dorothy Rivers | |
| 15. | Captain Bobby R. Shuler | Berkeley County Sherriff's Office (BCSO) |
| 16. | Lt. Geno Alteri | BCSO |
| 17. | Crystal Spence | BCSO |
| 18. | Cpl. Stacey Cross | BCSO |
| 19. | Cpl. Chris Collins | BCSO |
| 20. | Cpl Joanne Ecker | BCSO |
| 21. | Cpl Shane Musgrave | BCSO |

22.	Detective Michael Cortte	BCSO
23.	Cpl Ryan McDowell	BCSO
24.	Katie Shuler	BCSO
25.	Cpl Lamar Blakely	BCSO
26.	Kevin Murphy	BCSO
27.	Augustus "Mac" Flood	BCSO
28.	Carol Grunsky	BCSO
29.	April (Freitas) Carter	BCSO
30.	Carey Thornal	BCSO
31.	Edward Greene	BCSO
32.	David Kolegav	BCSO
33.	Lt Brian Fenton	BCSO
34.	Detective Johnny Weise	BCSO
35.	Michelle Moritzky	EMS
36.	Angela Driggers	EMS
37.	Karen Harrington	Fruit of the Loom, Custodian of the Records
38.	Lily Gallman	South Carolina Law Enforcement Division (SLED)
39.	Jessica Stowe	SLED
40.		
41.		
42.	Dr Lee Tormos	MUSC
43.	Shane Cook	BCSO
44.	Alyssa Rhiengold	MUSC

RESPECTFULLY SUBMITTED,

SCARLETT WILSON
NINTH CIRCUIT SOLICITOR

By: 

Anne M. Williams
Senior Assistant Solicitor

STATE OF SOUTH CAROLINA

COUNTY OF STATE

Berkeley VS. Lee Dell Bradley

IN THE COURT OF GENERAL SESSIONS

30 days - 1 yr 9 \$2500 - \$5000
INDICTMENT/CASE#: 2012GS0801942

A/W#: 2012A0810200142

Date of Offense: 9/9/2012

S.C. Code § : 16-25-0020 (B)

CDR Code #: 2672

AKA:

Race: BLACK Sex: M Age: 56

DOB: SS#:

Address:

City, State, Zip: Summerville, SC 29483

DL#: SID#:

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was TO: Criminal Domestic Violence - 2nd offense

SENTENCE SHEET

CONVICTED OF or PLEADS

in violation of § 16-25-0020 (B) of the S.C. Code of Laws, bearing CDR Code # 2672

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC w/minor 1st or Lewd Act) §17-25-45

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury. (defendant's initials)

The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State, time served

ATTEST Dixon 13731 Lee Bradley [Signature] 14323
Dixon, Colleen E SC Bar# Defendant Attorney for Defendant SE Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center, for a determinate term of 81 days/months/years or under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on:

The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections. 81 days

The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered
Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____

Set by SCDPPPS _____

Recipient: _____

*Fine:		\$
§ 14-1-206 (Assessments 107.5 %)		\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 100.00
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforc. Funding)	\$25	\$ 25.00
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114(BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCJA Surcharge)	\$5	\$ 5.00
3% to County (if paid in installments)		\$ 3.98
TOTAL		\$ 133.90

PTUP _____ days/hours Public Service Employment
Obtain GED
Attend Voc. Rehab. or Job Corp. _____
May serve W/E beginning _____
Substance Abuse Counseling
Random Drug/Alcohol testing
Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ _____ beginning _____
\$ _____ paid to Public Defender Fund
Other: _____

MAILED COPIES OF RECORD IN THIS COUNTY
Mary P. [Signature]
CLERK OF COURT, C.P. & J.S. BERKELEY COUNTY, SC
DATE: 11/29/12
ANNA
11/29/12

Appointed PD or appointed other counsel, § 47.12 requires \$500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (03/2011)

Deborah Garrison

Presiding Judge
Judge Code: 2009
Sentence Date: 11/29/2012

[Signature]

[Signature]

PLAINTIFF'S
EXHIBIT
6
Caldwell's

RECEIVED 800-431-0550

AMW/0233772/2014-06-01215
WITNESSES

Berkeley County Sheriff's Office

R. Cotte 6/28/16

AGENCY CASE NUMBER
201405023387

ARREST WARRANT NUMBER

2016-GS-08-01249

DATE OF ARREST

05/30/2014

ACTION OF GRAND JURY

True Bill

Jina Marshall
Foreperson of Grand Jury

6/28/16
Date:

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2016-GS-08-01249

The State of South Carolina

County of Berkeley

COURT OF GENERAL SESSIONS

TERM

THE STATE

VS.

LEE DELL BRADLEY
B/M DOB:

Indictment for

MURDER

SC Code: § 16-03-0010
CDR Code: 0116

MARY P. BROWN
CLERK OF COURT
BERKELEY COUNTY, S.C.

2016 JUN 29 AM 10:08

PK2
FILED

Kwm

STATE OF SOUTH CAROLINA
COUNTY OF BERKELEY

INDICTMENT

At a Court of General Sessions, convened, the Grand Jurors of Berkeley County present upon their oath:

MURDER

That in Berkeley County, South Carolina on or between May 20, 2014 and May 23, 2014, the defendant, Lee Dell Bradley, with malice aforethought, did kill and murder Frances Lawrence by means of stabbing, and Frances Lawrence did die in Berkeley County as a proximate result thereof on or between May 20, 2014 and May 23, 2014; in violation of §16-3-10 of the South Carolina Code of Laws (1976) as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

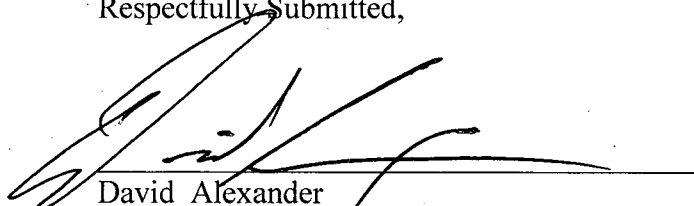


ANNE M. WILLIAMS
SENIOR ASSISTANT SOLICITOR

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,



David Alexander
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT

This 13th day of September, 2017.

RECEIVED
SEP 13 2017
SC Court of Appeals