

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Clarendon County

Honorable Roger M. Young, Circuit Court Judge

RECEIVED
APR 30 2018
SC Court of Appeals

THE STATE,

RESPONDENT,

V.

CHAD MORRIS,

APPELLANT

APPELLATE CASE NO 2016-001713

RECORD ON APPEAL

TAYLOR D. GILLIAM
Appellate Defender

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

ATTORNEY FOR APPELLANT

ALAN WILSON
Attorney General

J. BENJAMIN APLIN
Senior Assistant Deputy Attorney General
S.C. Bar No. 8729
P. O. Box 11549
Columbia, SC 29211-1549
(803) 734-3727

EARNEST A. FINNEY, III
Solicitor, Third Judicial Circuit
P.O. Box 836
Sumter, South Carolina 29150
(803) 436-2185

ATTORNEYS FOR RESPONDENT

INDEX

INDEX.....	i
TRIAL TRANSCRIPT DATED JULY 11-15, 2016.....	1
MOTION TO SEQUESTER ALL WITNESSES THE STATE WOULD INTEND ON CALLING.....	11
MOTION TO LIMIT THE INTRODUCTION OF ALCOHOL TESTIMONY.....	15
MOTION TO PROHIBIT THE INTRODUCTION OR STATEMENTS REGARDING A CIVIL ACTION THAT'S PENDING BETWEEN THE FAMILY OF THE VICTIM AND THE DEFENDANT.....	17

JACKSON V. DENNO HEARING

TESTIMONY

MARK JERVEY (PROFFER)

Direct examination by Mr. Durant.....	18
Cross examination by Mr. Kent.....	21

TONY SPIRES (PROFFER)

Direct examination by Mr. Durant.....	23
Cross examination by Mr. Kent.....	25

STEPHEN STAFFORD (PROFFER)

Direct examination by Mr. Durant.....	30
Cross examination by Mr. Kent.....	34

OPENING STATEMENT BY MR. DURANT.....	48
--------------------------------------	----

OPENING STATEMENT BY MR. KENT.....	53
------------------------------------	----

TESTIMONY

STEPHEN STAFFORD

Direct examination by Mr. Durant.....	58
Cross examination by Mr. Kent.....	76
Redirect examination by Mr. Durant.....	87
Recross examination by Mr. Kent.....	91

CAROLINE CROMER

Direct examination by Mr. Durant.....	93
Cross examination by Mr. Kent.....	104
Redirect examination by Mr. Durant.....	115

CAROLINE CROMER

Direct examination by Mr. Durant.....	93
Cross examination by Mr. Kent.....	104
Redirect examination by Mr. Durant.....	115

JUSTIN CROMER

Direct examination by Mr. Durant.....	117
Cross examination by Mr. Kent.....	130

JONATHAN BRENT WAYNICK (PROFFER)

Direct examination by Mr. Durant.....	136
Cross examination by Mr. Kent.....	141

ZANNE MORRIS (PROFFER)

Direct examination by Mr. Durant.....	150
---------------------------------------	-----

JONATHAN BRENT WAYNICK

Direct examination by Mr. Durant.....	157
Cross examination by Mr. Kent.....	166

ZANNE MORRIS

Direct examination by Mr. Durant.....	170
Cross examination by Mr. Kent.....	182

JORDAN WAYNICK

Direct examination by Mr. Durant.....	184
Cross examination by Mr. Kent.....	193

KEN ROSEFIELD

Direct examination by Mr. Durant.....	196
---------------------------------------	-----

CHRIS GRAHAM

Direct examination by Mr. Durant.....	202
Cross examination by Mr. Kent.....	207

DANNY FLOYD

Direct examination by Mr. Durant.....	209
Cross examination by Mr. Kent.....	213
Redirect examination by Mr. Durant.....	217

MARK JERVEY

Direct examination by Mr. Durant.....	218
Cross examination by Mr. Kent.....	224
Redirect examination by Mr. Durant.....	245
Recross examination by Mr. Kent.....	248

TONY SIPES

Direct examination by Mr. Durant.....	249
Voir Dire examination by Mr. Kent.....	261
Direct examination by Mr. Durant continued.....	265
Cross examination by Mr. Kent.....	298
Redirect examination by Mr. Durant.....	320
Recross examination by Mr. Kent.....	324

RUSTY HARRINGTON

Direct examination by Mr. Durant.....	326
Cross examination by Mr. Kent.....	335

JAMES GREGORY MAINS

Direct examination by Mr. Durant.....	341
Cross examination by Mr. Kent.....	349

JORDAN DOUGLAS

Direct examination by Mr. Durant.....	352
Cross examination by Mr. Kent.....	362

ERICA FLESCH

Direct examination by Mr. Durant.....	371
---------------------------------------	-----

LAUGHTON JONES

Direct examination by Mr. Durant.....	377
Cross examination by Mr. Kent.....	386
Redirect examination by Mr. Durant.....	389

MOTION FOR A DIRECTED VERDICT.....	391
------------------------------------	-----

RULING BY THE COURT.....	404
--------------------------	-----

COLLOQUY REGARDING DEFENDANT'S RIGHT TO TESTIFY.....	415
--	-----

TESTIMONY

FRANKIE CARD

Direct examination by Mr. Kent.....	418
Cross examination by Mr. Durant.....	434
Redirect examination by Mr. Kent.....	449

LORI MAINS

Direct examination by Mr. Kent.....	451
Cross examination by Mr. Durant.....	469
Redirect examination by Mr. Kent.....	475
Recross examination by Mr. Durant.....	476

DANIEL BRUNSON	
Direct examination by Mr. Kent.....	496
Cross examination by Mr. Durant.....	506
Redirect examination by Mr. Kent.....	516
STEPHANIE BARKLEY	
Direct examination by Mr. Kent.....	517
Cross examination by Mr. Durant.....	524
Redirect examination by Mr. Kent.....	529
CHAD MORRIS	
Direct examination by Mr. Kent.....	533
Cross examination by Mr. Durant.....	548
Redirect examination by Mr. Kent.....	566
Recross examination by Mr. Durant.....	569
DEFENSE RESTS.....	573
TESTIMONY	
LAUGHTON JONES	
Direct examination by Mr. Durant.....	574
Cross examination by Mr. Kent.....	578
RENEWAL OF ALL PRE-TRIAL MOTIONS.....	581
RULING BY THE COURT.....	581
CLOSING ARGUMENT BY MR. DURANT.....	583
CHARGE ON THE LAW.....	600
VERDICTS.....	601
SENTENCING.....	622
INDICTMENT.....	623
CERTIFICATE OF COUNSEL.....	625

1 getting, I finally got it up on plane enough and
2 Laughton took off in front of me to keep his lights
3 on because he has a lot of lights around his boat,
4 you could see good with it. So I did that just to
5 be able to see better, you know, because I was
6 pretty shaken up and he was too. So we get on out
7 there and we pull up on the hill and then when I get
8 off, that's when I see the boats in bad shape to get
9 enough light to kind of see when you get to
10 Scarborough's's. So then - Gene Morris was there
11 and they started helping with them and I had to help
12 get the Hailey girl off the boat and put her on a
13 stretcher. After that, I put her --- whenever I had
14 to hold one side of the stretcher and get her on
15 top, there's a, like walkway or the sidewalk,
16 seawall right there at Scarborough's's and I had to
17 climb up there and then Gene Morris handed me one
18 side of I and him and me and my buddy got one side
19 and we put her in --- And then that's when we told
20 the cops what happened. He said where's everybody,
21 where's the people that hit them. And I said we
22 left them out there, you know. So ...

23 Q Alright hang on. I want to go back over through
24 some of your testimony. The two of us have talked
25 about your testimony. Would you agree with that?

1 A Yes, sir.

2 Q And when I thought you were on the State's witness
3 list, I called you; do you remember what I told you
4 if you got on the stand what to do?

5 A Just to be honest and tell the truth.

6 Q And we're going to go through some of that honesty
7 because you've told me some things. Remember that?
8 We've talked about the speed that you thought the
9 boat was going, remember?

10 A Uh-huh.

11 Q Tell the jury what you told me.

12 A They were probably going about 40 to 50 miles an
13 hour. I'd guess they were going a pretty good
14 speed. I wouldn't say they had it planned out by no
15 means, but they were going a pretty good speed. They
16 were planed out, the boat was planed out. I could
17 see that.

18 Q You also made a comment that you made a statement to
19 Laughton Jones when you saw the boat. You remember
20 that's something you said? You thought they were
21 going to kill somebody.

22 A Yes, that's exactly what I said.

23 Q And who did you say that to?

24 A I told Laughton that.

25 Q Okay. And we're just being completely honesty. And

1 you also were troubled something about Chad Morris?
2 There was something that you were troubled about
3 Chad Morris.

4 A What I remember most about what happened, the only
5 thing that bothered me a lot was that they didn't
6 jump out and helped. Like, we took off. The first
7 instinct was getting there, you know, I don't know
8 anybody on either side by no means and it's a
9 horrible situation and but I just, you know, I don't
10 know either side just as much as the other at all
11 and I, it's not, you know, it bothers me, you know.

12 Q I understand that. So let's talk about some other
13 things. There's been a lot of questions over
14 whether or not Mr. Morris's boat left, took off
15 immediately, some comments he heard somebody was
16 hurt and took off immediately. Mr. Brunson you were
17 there, you said were there immediately..

18 A Yes, we were there.

19 Q Did Mr. Morris's boat take off?

20 A No, he never left while I was there. I mean, I was
21 the last boat to leave and he was still there.

22 Q And he was still there.

23 A He was still there.

24 Q No doubt in your mind?

25 A No doubt. One hundred percent he was there.

1 Q Did you get to see a look on Chad Morris? Did you
2 get to see how he was acting? Was he jumping up and
3 down?

4 A He wasn't really doing no talking that I seen
5 because like I said, after they hollered a few
6 things that were said to them, we were already at
7 the boat then, I blocked that out. I didn't even
8 see that no more until I was pulling off and I
9 looked and turned around was pulling off just
10 checking things out and that's when I seen them
11 still sitting there. Because I could see them in my
12 peripheral vision sitting there. But that's
13 whenever I really looked and turned around and
14 looked and they were still sitting there, which is
15 about 30 yards away from us.

16 Q Did you see if he was shocked? Did you see if he
17 was screaming? I mean, could you even tell?

18 A I couldn't really tell. I mean, I really couldn't.

19 Q There's no doubt in your mind they did not take off?

20 A No, they didn't take off for sure. No doubt 100%
21 percent.

22 Q And while they were sitting there, there were plenty
23 of people on the boat helping that lady?

24 Mr. Durant: Objection, leading.

25 A Absolutely.

1 The Court: Try not to lead.

2 Mr. Kent: I'll try.

3 Q People were there?

4 A About four boats by then.

5 Q By then.

6 A Quick, within two minutes, three minutes of the
7 wreck.

8 Q You talked about when you came up, you heard some
9 arguing.

10 A Uh-huh.

11 Q Tell the jury about that. When you came up, you
12 heard arguing.

13 A Oh yeah, they was arguing when I pulled up and there
14 was this girl, steady hollering trying to say
15 there's somebody on the boat and this and that and
16 you know, I was kind of blocking it out and that's
17 when I looked and I was like look, there's somebody
18 --- I looked down and she was there and I was like
19 and I was like somebody's seriously hurt on this
20 boat. And that's when, you know, I kind of blocked
21 that out and there was still a little bit of
22 hollering back and forth. I don't know. I just
23 kind of blocked that out. And I started helping
24 them; me and Laughton's going back and forth to do
25 what we needed to do.

1 Q Did the argument seem to die down once it was
2 determined someone was hurt?

3 A They did. Well, yeah, they did. They did. I
4 blocked it out, not 100% sure because yeah,
5 everybody did go --- because that's when the other
6 boats started pulling up and everybody started
7 blocking them out after all that argument, you know?

8 Q So accident happens, a bunch of arguing, you yelled
9 something, somebody's really hurt, people calm down?

10 A Yeah, that's right.

11 Q And their boat stayed there the entire time?

12 A Yes sir.

13 Mr. Kent: Thank you, that's all the questions I
14 have.

15 The Court: Cross?

16 Mr. Durant: Thank you Your Honor.

17 **MR. BRUNSON CROSS BY MR. DURANT:**

18 Q Daniel, who else was on the boat with you and
19 Laughton that night?

20 A When the wreck happened or before?

21 Q Before.

22 A My girlfriend and his girlfriend.

23 Q Okay, so just the four of y'all. Y'all actually had
24 seen --- you testified earlier that a boat came up -
25 -- y'all went to the other side of the lake first,

Mr. Brunson - Cross by Mr. Durant

579

1 right?

2 A Which side is the other side?

3 Q Well, across the lake from where your dock was.

4 A Yeah, we went toward the dam that's where we went.

5 When we were leaving the lake house and we dropped

6 the other people off at, we were leaving away from

7 the dam coming back toward Laughton's lake house.

8 Q Alright. I don't know if you can see this; it's

9 State's exhibit 50. Does this look familiar to you?

10 A Uh-huh. I know exactly where that's at.

11 Q Alright, does this look like, this is your dock -

12 A That's right.

13 Q Here?

14 A Uh-huh.

15 Q Okay so y'all went to --- the power lines will be up
16 here?

17 A That's right.

18 Q Scarborough's's is down here?

19 A That's right.

20 Q Y'all went across the lake to this side. Is that
21 right? To drop somebody off?

22 A That's right, we did. It was on further down, but
23 yes it was.

24 Q Okay, so down here somewhere.

25 A That's right.

1 Q And you were coming back. Where were you going when
2 the boat jumped your wake? Which direction?

3 A We were going back that way.

4 Q Okay, back towards the power lines.

5 A Towards the power lines.

6 Q Okay and what kind of boat jumped your wake?

7 A It was a bass boat.

8 Q A bass boat. How fast was it going when it jumped
9 it?

10 A It was going good. It was going wide open like me.

11 Q Wide open like you?

12 A Uh-huh.

13 Q And how close to your boat did that boat get to jump
14 your wake?

15 A Right behind us.

16 Q Right behind us.

17 A About however close it could be with a wake I guess,
18 You know, like from here to that door I guess thirty
19 feet.

20 Q Thirty feet?

21 A Absolutely.

22 Q And it was a bass boat?

23 A Uh-huh.

24 Q Heading towards the power lines. Did you see that
25 boat come, again, come from the power lines towards

Mr. Brunson - Cross by Mr. Durant

581

1 Scarborough's's?

2 A No, that boat kept going. The boat that went
3 towards Scarborough's's about two or three minutes
4 after that went in front of us or a good ways in
5 front of us turned in there, that boat come from
6 Scarborough's's and that's the one. I'm pretty sure
7 it was that boat, but that boat that I seen hit come
8 from Scarborough's's direction and hit.

9 Q Alright, so you didn't see --- it's your testimony
10 that you didn't see another boat come back from the
11 power lines towards Scarborough's's?

12 A No, I didn't see that.

13 Q You didn't see it?

14 A No.

15 Q Did you actually see the victim's boat sitting
16 stationary in the water?

17 A Yes, I did because I told Laughton whenever we were
18 coming up to it because I thought we were going to
19 keep cruising and I said Laughton, look there's a
20 boat right there. Because I didn't see it either at
21 first and then he's like oh okay. We were turning
22 short, which we were turning coming across the lake
23 going toward his lake house so we cut before that.

24 Q Did it have it's lights on?

25 A They had lights on.

1 Q Any question in your mind they had the lights on?

2 A I know they had the lights on.

3 Q This is the stationary boat, the boat that was hit
4 by Chad Morris's boat that you saw before the
5 incident?

6 A Uh-huh.

7 Q And y'all had to swerve around it; the reason y'all
8 knew to swerve around it is because the lights were
9 on.

10 A Well, we were cutting short earlier but yeah, I
11 brought it to his attention. We didn't swerve
12 around it because we turned before that but I did
13 kind of show him because I was standing beside him
14 and he's got a center console but ...

15 Q But the lights were on.

16 A Absolutely. But they also blinded me for a ways
17 before I even seen it. It blended in too. So...

18 Q Now the boat --- did you actually see the collision?

19 A I seen the collision I was standing --- I was
20 actually facing that direction when I heard the boat
21 coming. I just kind of looked up and soon as I did,
22 I seen the boats. I heard them hit and seen the
23 light shaking on both boats.

24 Q You heard them hit and saw the light shaking
25 afterwards?

Mr. Brunson - Cross by Mr. Durant

583

1 A No when they hit.

2 Q When they hit.

3 A I was watching when they hit. I was looking up,
4 seen the boat coming, seen it planed off, and that's
5 when I seen them hit.

6 Q You couldn't tell like from your vantage point what
7 part of the boats hit each other or what happened to
8 the boat after they hit?

9 A No I couldn't. I couldn't see that. Not from
10 there.

11 Q And I think you made the statement that you told
12 Laughton that the boat that had come by you the
13 first time was going to kill somebody?

14 A Yes, I did.

15 Q Laughton didn't make that statement to you?

16 A No, I told Laughton that.

17 Q Okay.

18 A Well, actually we both did and and the girls behind
19 us even noticed it and they couldn't believe it
20 because me and Laughton couldn't believe that they
21 even paid attention because they were back there
22 listening to music and talking.

23 Q Do you remember giving a statement to law
24 enforcement that night?

25 A Yes I do.

1 Q You met with DNR?

2 A Uh-huh.

3 Q Where did that take place?

4 A At Laughton's lake house.

5 Q At Laughton's lake house?

6 A Uh-huh.

7 Q So they came back to meet with you there. Were you
8 and Laughton back at the lake house then?

9 A When we pulled up at the lake house, we --- nobody
10 knew where the boat that hit them, when we left them
11 out there, they were still there, nobody knew where
12 they went. Well, Laughton's girlfriend and my
13 girlfriend found out they were next door to
14 Laughton's lake house. So Laughton, when we got to
15 Scarborough's's landing, Laughton went to his
16 buddy's house. He had to walk there, he had no cell
17 phones, he wanted to call his girlfriend and tell
18 them what happened. So we did that. He found out
19 where they were at so Laughton tells the cops where
20 they're at and when they do that, they said well,
21 y'all get back to y'all's house and show them where
22 to find them. And so me and Laughton pull back up
23 and Jordan's sitting in front of Laughton's lake
24 house so we pulled up and Laughton says it's right
25 around the corner right there. So Jordan takes off

Mr. Brunson - Cross by Mr. Durant

585

1 with the game warden.

2 Q So you and Laughton were the ones that told Jordan
3 where to find Mr. Morris?

4 A Uh-huh.

5 Q Alright. And let me give you --- let me show you
6 your statement.

7 Mr. Durant: Please mark it first. State's exhibit
8 67.

9 (State's Exhibit Number 67 was marked)

10 Q If you would, take a minute to read over it and I'm
11 going to ask you a couple of questions.

12 A Okay. (Witness complies).

13 Q Did you tell DNR that night that the defendant's
14 boat was still at the scene of the wreck when you
15 left?

16 A Yes, I did.

17 Q Did you write it in that statement?

18 A No, I didn't.

19 Q You didn't write it in that statement?

20 A No.

21 Q Did DNR give you a chance to read that statement
22 after you'd written it?

23 A Yes.

24 Q And is it your signature on it?

25 A Yes it is. But I told the sheriff deputy that at

1 Scarborough's's. So if he, he can tell you, you
2 know.

3 Q He could tell me?

4 A Yeah, I don't know who he was but I didn't ...

5 Q You'd agree it's not in your statement.

6 A No, it's not. I mean, it's one of the things, you
7 know, you don't think about everything like that
8 when something happens and you're shaken up, you
9 know?

10 Q But you later found out that Mr. Morris was charged
11 with leaving the scene of the accident didn't you?

12 A Uh-huh.

13 Q And you had seen your statement and knew it didn't
14 include that information?

15 A No, I didn't really think of it like that at all. I
16 didn't.

17 Q In the two years since then, have you come forward
18 to correct that statement and include that
19 information?

20 A I didn't know I had to. I didn't even know, you
21 know, what was really going on exactly with all
22 this.

23 Q Mr. Kent asked you a little bit about his
24 relationship; the two of y'all are friends, correct?

25 A Yes sir.

Mr. Brunson - Cross by Mr. Durant

587

1 Q Do you text back and forth?

2 A Occasionally. We haven't been in a while.

3 Q And is it true that you actually contacted Mr. Kent
4 after you had spoken to me about this case a couple
5 weeks ago?

6 A I did.

7 Q And you called him to let him know that I had called
8 you?

9 A No, he called me first.

10 Q Okay, but y'all talked about it?

11 A We had talked about it.

12 Q And isn't it true that actually the way that you
13 know Mr. Kent is because he is your lawyer?

14 A He was in the past.

15 Q In the past as recently as last October, November
16 when you pled guilty to burglary? Isn't that true?

17 A That is true.

18 Q And you're on probation for that crime now.

19 A That is true.

20 Q And isn't it true also that I was the prosecutor?

21 A That is true.

22 Q So Mr. Kent's your lawyer and I'm the prosecutor?

23 A Uh-huh.

24 Q And you're telling this jury that doesn't have
25 anything to do with your statement here today?

1 A Absolutely not. But that's why you didn't want me
2 to come after you heard the rest of the statements.
3 Because of you thinking that.
4 Mr. Durant: No further questions.
5 The Court: Redirect?

6 MR. BRUNSON REDIRECT BY MR. KENT:

7 Q Sorry Daniel. I had contacted you correct?
8 A That's right.
9 Q And we'd known each other before I ever represented
10 you?
11 A That's right.
12 Q And we talked after that?
13 A That's right.
14 Q You have testified that there's no doubt in your
15 mind that the boat in the lake had their lights on,
16 correct?
17 A That's right.
18 Q But you also testified that you also had difficulty
19 seeing the boat.
20 A Absolutely.
21 Q Daniel, at any point in time did I trade any favor
22 on our friendship and tell you to change your
23 testimony today?
24 A Absolutely not.
25 Q Did I ask you to add anything to your testimony

1 today?

2 A Absolutely not.

3 Q What did I tell you to do?

4 A You told me to tell the truth. And that's what I've
5 been fighting with the most because I don't want to
6 hurt nobody. I want them to be happy and I want
7 them to be happy. I don't know you. I don't know
8 either one at all. And that's what hurts me, you
9 know, I just wanted to tell the truth. That's why
10 y'all called me up here, you know. . .

11 Mr. Kent: Thank you.

12 Mr. Durant: No recross.

13 The Court: Alright, you can step down.

14 Mr. Kent: I'm going to call Stephanie Barkley to the
15 stand.

16 The Court: What's the name of the witness?

17 Mr. Kent: Stephanie Barkley.

18 Clerk: Raise your right hand and place your left
19 hand on the Bible and state your name.

20 Ms. Barkley: Stephanie Barkley.

21 Clerk: Do you swear or affirm that the testimony you
22 give will be the truth?

23 Ms. Barkley: I do.

24 **MS. BARKLEY EXAM BY MR. KENT:**

25 Q Ms. Barkley, how are you doing?

1 A Fine.

2 Q I know you haven't been here before. I just have a
3 few questions for you okay? Madam Court Reporter is
4 taking down every word that you're saying so make
5 sure you speak loud and clear so she can hear every
6 word that you're saying okay? And she can't take
7 down head nods and shakes and things of that nature
8 so make sure you answer clearly and affirmatively
9 Okay?

10 A Yes, sir.

11 Q And if you have any questions or you need me to
12 repeat a question, simply ask me to repeat the
13 question. Is that fair?

14 A Yes sir.

15 Q Stephanie, you don't want to be here do you?

16 A No.

17 Q I understand. Let's tell the jury a little bit about
18 yourself. Stephanie, where are you from and what do
19 you do?

20 A I'm from Sumter. I'm an insurance agent here in
21 town.

22 Q You also own a business here in town?

23 A Yes sir.

24 Q What business do you own?

25 A Swift Creek Outfitters.

Ms. Barkley - Examination by Mr. Kent

591

1 Q That's that building right there?

2 A By the post office.

3 Q Near the post office?

4 A Yes sir.

5 Q And you own that with that good looking lady right
6 there?

7 A Yes sir.

8 Q Y'all own that business together?

9 A We do.

10 Q How long have y'all owned that business?

11 A September will be a year.

12 Q Stephanie, I'm just going to get to it. You know
13 what we're here for.

14 A Uh-huh.

15 Q Is that a yes?

16 A Yes sir.

17 Q You did not see the collision occur. Is that
18 correct?

19 A I did not.

20 Q Tell the jury your involvement. What did you hear
21 and what was your involvement from that point in
22 time that night.

23 A The time of the accident?

24 Q Well, tell the jury your full involvement in the
25 case. What you heard and what you know about this

1 case.

2 A That night, we were all sitting on the porch, me, my
3 husband, my parents, Ashley, and Chris. Ashley and
4 I decided we were going to ride to a friends house
5 that lives across the lake. So we get into my
6 husband's boat, drive over there. There were some
7 motor issues. We turned around, we come back. We
8 got back over right at the house, at our house, and
9 we see another boat over a few piers down kind of
10 doing a circular motion. I asked Ashley if she seen
11 the boat, she said yes. We eased back in, parked
12 the boat, got out, and back up on the porch.

13 Sitting on the porch -

14 Q I hate to interrupt you, but I'm going to stop you.
15 I don't know boats, I don't know water. But you just
16 did your hands in a motion.

17 A A 360, you know, a circling motion, round and round.

18 Q Like cutting donuts in the water?

19 A That's correct.

20 Q Do you remember whose boat that was that you saw
21 cutting donuts in the water?

22 A No, we could only see it from the pier light.

23 Q Okay, go on.

24 A We went back up on the porch and maybe a minute or
25 two we heard a bang and then we were all like what

Ms. Barkley - Examination by Mr. Kent

593

1 was that. A girl from next door, I've never seen
2 her before, don't remember her name, she come up on
3 the porch and said there had been a boat accident.
4 Of course, we all jump up, go out on the deck. And
5 she's telling us that there had been a boating
6 accident right out the end of the sloop they were
7 on, which is the sloop that comes in beside my
8 house, my parent's house. We then --- we see the
9 boat pull up on the beach so we go out there
10 assuming they need help. We got about halfway and
11 we meet Frankie, Chad, and Jessie. They said they
12 hit someone, they'd been in a boating accident, hit
13 someone. We asked if everybody's okay. They said
14 that they wouldn't let them help them. I asked if
15 someone called 911. Said that someone from the
16 other boat did. I told Jessie I would advise her to
17 call 911. She did so from her cell phone. And we
18 stood there in the yard trying to calm them down.
19 They were pretty shaken up. My dad had sent my
20 brother and a friend in his boat down to
21 Scarborough's's to check on the other people. My
22 brother come back said that it didn't look too good.
23 A minute or so later, we seen a game warden pulling
24 in the slough, shining flashlight on the bank on the
25 other side of our house. And we were trying to flag

1 them down. He turned around and come back out of
2 the slough and we were all standing on the bank. He
3 pulls up and my dad said this is the other boat.
4 And he said there were three people in it and they
5 all kind of raised their hand up and he said get in.
6 And he took them from there. Maybe a minute or two
7 later, a Clarendon County cop showed up and we also
8 let him know that they had already been taken.

9 Q There's been question about flagging down the game
10 warden. You specifically remember being with the
11 individuals flagging down the game warden?

12 A Yes sir.

13 Q And there's no doubt in your mind that happened?

14 A No sir.

15 Q Who all was flagging down the game warden?

16 A Me, Ashley, my dad, Rusty Harrington, Chad, Frankie,
17 Jessie, they were all --- we were all standing right
18 there, same spot.

19 Q So Chad and Rusty and Jessie weren't trying to get
20 away or running?

21 A No.

22 Q They were flagging down the game warden?

23 A Yes.

24 Q To the best of your knowledge, did the game warden
25 see y'all flagging him down?

Ms. Barkley - Examination by Mr. Kent

595

1 A I'm not sure if he seen us or not. He was shining
2 the other bank across from us. I assume looking for
3 the boat.

4 Q At any point that night, you know the two boats that
5 were involved that night.

6 A Uh-huh.

7 Q Is that a yes?

8 A You said do I know the boats?

9 Q Do you know the boats?

10 A Yes.

11 Q I want to talk to you about the victim's boat. Did
12 you ever that boat earlier that evening?

13 A No.

14 Q Okay so you didn't see the boat in the middle of the
15 lake or anything of that nature?

16 A No.

17 Q So the entire --- your testimony is very cleary that
18 Chad Morris was on your bank and he was flagging
19 down law enforcement?

20 A Yes, he was right there with all of us.

21 Q Wasn't trying to get away?

22 A No sir.

23 Q He voluntarily turned himself in to law enforcement,
24 you saw this with your own eyes?

25 A Yes.

1 Q Thank you Stephanie.

2 Mr. Kent: That's all the questions I have.

3 **MS. BARKLEY CROSS BY MR. DURANT:**

4 Q Stephanie, good afternoon. You didn't actually see
5 the collision yourself did you?

6 A I did not.

7 Q And so the only information that you've got about
8 what happened during the collision came from out of
9 the mouth of Chad Morris himself? Is that right?

10 A Well, the three of them.

11 Q The three of them. Chad Morris or his passengers.
12 That's all the information you have about the
13 collision is what they told you?

14 A That's correct.

15 Q When they came up to your --- did you hear the
16 collision?

17 A We did.

18 Q Okay. Do you know how long after the collision it
19 was that they came up on the beach?

20 A I don't recall a time frame.

21 Q Okay. Was it a matter of minutes?

22 A Minutes, I guess.

23 Q When they came up, you heard somebody or someone ask
24 Jessie if she had called 911, is that right?

25 A Uh-huh.

Ms. Barkley - Cross by Mr. Durant

597

1 Q And that's when she said no, someone else did.

2 A Someone else did.

3 Q So, it's your testimony to that point Jessie told
4 you she had not called 911?

5 A She said someone else on another boat did.

6 Q Someone on another boat did but she was already at
7 your house and she hadn't called 911?

8 A That's correct.

9 Q And y'all advised her to do it then and you said
10 that she did.

11 A She did. And they said the accident had already
12 been reported.

13 Q Were you there when she called?

14 A I was.

15 Q Okay. Did she tell dispatch that she actually was
16 involved in the collision herself?

17 A I don't recall.

18 Q Did she say that --- did she tell them where she
19 was?

20 A I don't recall. I remember them saying she called
21 and said a boat accident ...

22 Q Let me stop you there. You just said I remember
23 them saying she called.

24 A That she called.

25 Q Did you hear her call or ...

1 A I heard her call.

2 Q ... or do you remember them saying she called
3 because that's two different things.

4 A She called them herself.

5 Q She called them?

6 A Uh-huh.

7 Q What did you mean when you said you remember them
8 saying she called?

9 A The people at the 911 dispatcher said that the
10 accident had already been reported, someone had
11 already called the accident.

12 Q You heard the dispatcher say that?

13 A Yes, the phone was on speaker phone.

14 Q Whose phone was it?

15 A Jessie's.

16 Q They didn't tell them who she was that you recall?

17 A No.

18 Q Didn't tell them that she actually was a party of
19 the collision?

20 A No.

21 Q And that the driver of the boat that had hit the
22 victim was at your house?

23 A No.

24 Q They didn't give them any of that information?

25 A No, sir.

Ms. Barkley - Cross by Mr. Durant

599

1 Q Do you remember others at your house urging Mr.
2 Morris to go and talk to law enforcement?

3 A No sir.

4 Q You don't remember anybody telling him he ought to
5 go to Scarborough's's and talk to them?

6 A I was talking to Jessie at that time, Jessie and
7 Frankie when my father actually was talking to Chad.

8 Q Okay so that you know that --- Rusty Harrington is
9 your father?

10 A Correct.

11 Q Okay and so you know that it was him that was urging
12 him to go?

13 A I did.

14 Q And you didn't hear how Chad responded to that?

15 A No sir, I didn't ...

16 Q And did Chad go to Scarborough's's and talk with law
17 enforcement?

18 A No, the game wardens picked him up.

19 Q The game wardens picked him up? How long after he
20 got there did the game wardens pick him up?

21 A I don't recall a time.

22 Q But you stated that, was it your brother that went
23 to Scarborough's's?

24 A Yes, Frankie, Chad, they were --- all of them were
25 pretty shook up so Dad, not knowing what kind of

1 shape their boat was in, my dad sent my brother in
2 his boat.

3 Q Okay so at the point that Chad and Jessie and
4 Frankie came to your house, everybody knew that the
5 injured party was going to Scarborough's's, is that
6 right?

7 A Correct.

8 Q And everybody knew that law enforcement and first
9 responders would be there, correct?

10 A Correct.

11 Q But rather than Chad Morris, who was involved in the
12 collision, who actually hit the boat and was
13 responsible for the girl's death, rather than he
14 going, you send your friend to go see what's up.

15 A Someone called Frankie's phone and told him that -

16 Q Did you hear that conversation?

17 A No. That DNR ...

18 Q Somebody called Frankie's phone and told him that
19 DNR was looking for them?

20 A Yes and he said I'm at Rusty Harrington's beach.

21 Q But Frankie didn't get on that boat with your
22 brother to go to Scarborough's's, did he?

23 A No sir.

24 Q And Chad Morris didn't get on that boat with your
25 brother to go to Scarborough's's, did he?

Ms. Barkley - Redirect by Mr. Kent

601

1 A No sir.

2 Q And Jessica Long didn't get on that boat and go to
3 Scarborough's's with your brother, did she?

4 A No sir.

5 Q They stayed at the house and ignored your father's
6 request to go talk to law enforcement. Isn't that
7 true?

8 A I didn't hear the conversation between my father and
9 Chad. So I can't ...

10 Q But the bottom line is that they didn't go to
11 Scarborough's's did they?

12 A No sir.

13 Q And they knew DNR was looking for them and they knew
14 that's where DNR was.

15 Mr. Durant: No further questions.

16 The Court: Redirect?

17 **MS. BARKLEY REDIRECT BY MR. KENT:**

18 Q Stephanie, it's almost over. I just have a few more
19 questions okay? I know you're nervous. You saw
20 Chad that evening?

21 A Uh-huh.

22 Q Is that a yes?

23 A Yes sir.

24 Q How was he acting? Was he happy, was he jumping
25 around, was he ...

1 A No, they were all shaken up really bad. They looked
2 like ghosts, their faces were white.

3 Q Pretty emotional how they looked? Pretty shook
4 up? They weren't jumping up and down, partying,
5 anything like that?

6 A No.

7 Q And immediately when they came to the bank, they
8 told y'all what happened?

9 A Yes.

10 Q And I seem to remember, I know you said you heard
11 the collision, did you hear any arguing or anything
12 like that also, or any cursing or anything?

13 A I did. We heard f you back and forth a few times
14 and that was about all you could make out between
15 all of them. You know, hollering and carrying on.

16 Q And most importantly, you didn't see Chad Morris,
17 Frankie Card, anybody not --- Frankie Card and
18 Jessie, Chad Morris was not hiding from you?

19 A No.

20 Q Chad Morris turned himself in.

21 A Yes sir.

22 Q And Chad Morris was on the bank with you flagging
23 down law enforcement telling them ...

24 A We all had our phones flashlight.

25 Q And Chad Morris is the one when they asked who was

Ms. Barkley - Redirect by Mr. Kent

603

1 responsible ...

2 Mr. Durant: Object to leading, Your Honor.

3 A Right.

4 Mr. Kent: Thank you so much.

5 The Court: Redirect?

6 Mr. Durant: No, Your Honor.

7 The Court: Or re-cross I guess. You can step down
8 now. Okay folks, let's take a five to ten minute break
9 to use the restroom before we continue on. Don't begin
10 your deliberations or discussions about the case. See
11 you back in just a few minutes.

12 (Jury exits courtroom 3:48 p.m.)/(Court break/back on)

13 The Court: Be seated. Okay, Mr. Kent do you have
14 any other witnesses?

15 Mr. Kent: Yes Your Honor. Did you want to do the
16 colloquy?

17 The Court: I do. We talked earlier in the week
18 about your right to testify. We're at that point now,
19 basically from what I understand from your lawyer, that
20 you have to make a decision as to whether or not you're
21 going to testify or rest, based on what the defense put
22 up. Again, this is your right. It's only your right to
23 exercise. It's only your right to waive. Again, I
24 encourage you to discuss this with your lawyer and it's
25 your decision. If you want to testify, you'll be put on

1 the stand, you'll be put under oath, you'll have to
2 answer Mr. Kent's questions, but you'll also have to
3 answer questions from the solicitor. You understand
4 that?

5 Mr. Morris: Yes sir.

6 The Court: Alright, have you had the opportunity to
7 discuss this fully with your lawyer?

8 Mr. Morris: Yes sir.

9 The Court: Alright and what have you decided? Do
10 you want to testify or not?

11 Mr. Morris: Yes sir.

12 The Court: Yes sir you want to testify?

13 Mr. Morris: Yes sir.

14 The Court: Okay, well Mr. Kent, you're ready then?

15 Mr. Kent: I am, Your Honor.

16 The Court: Okay. Bring the jury in.

17 (Jury enters courtroom 4:09)

18 The Court: Alright, welcome back folks. We will
19 resume now. Mr. Kent, call your next witness.

20 Mr. Kent: Thank you Your Honor. At this point, we
21 will call Chad Morris to the stand.

22 Clerk: Raise your right hand, place your left hand
23 on the Bible. Do you swear or affirm the testimony you
24 give is the truth?

25 Mr. Morris: I do.

1 **MR. MORRIS EXAM BY MR. KENT:**

2 Q Okay Chad, I'm going to need you to say your name
3 and then spell your last name for Madam Court
4 Reporter okay?

5 A Chad Morris, M-O-R-R-I-S.

6 Q You've heard me throughout the course, it's been a
7 long trial. You've heard me telling everyone the
8 same thing. I'm going to tell you the same thing.
9 Okay?

10 A Okay.

11 Q I need you to speak loud and clear enough for
12 everybody in the jury to hear every word that you're
13 saying okay?

14 A Yes sir.

15 Q I need you to speak clear enough also so Madam Court
16 Reporter and the judge can hear every word that
17 you're saying as well, okay? Chad if there's any
18 point in time you don't understand any of my
19 questions or you need a moment or you need some
20 time, just simply ask, okay?

21 A Okay.

22 Q Chad, let's talk a little bit about yourself. How
23 old are you Chad?

24 A Forty.

25 Q Where you from?

- 1 A Sumter.
- 2 Q Where you live currently?
- 3 A Sumter.
- 4 Q How long have you lived in Sumter?
- 5 A Forty years.
- 6 Q You lived there your entire life in Sumter?
- 7 A Yes sir.
- 8 Q Do you work right now Chad?
- 9 A Yes sir.
- 10 Q Where do you work?
- 11 A Sumter Machinery.
- 12 Q What do you do at Sumter Machinery?
- 13 A I'm their field technician, welder.
- 14 Q How long have you been at Sumter Machinery?
- 15 A About a year.
- 16 Q Are you married?
- 17 A Yes sir.
- 18 Q Who are you married to?
- 19 A Debbie.
- 20 Q How long have y'all been married?
- 21 A Right a year and ...
- 22 Q Don't mess it up. How long?
- 23 A A year and a half.
- 24 Q What about family and friends? Your parents here?
- 25 A Yes sir.

- 1 Q Who are your parents Chad?
- 2 A Lori Morris and Dallas Morris.
- 3 Q Is that them right there in the first row?
- 4 A Yes sir.
- 5 Q Those are your parents?
- 6 A Yes sir.
- 7 Q Have any children?
- 8 A Yes sir.
- 9 Q Who's your children Chad?
- 10 A Uh?
- 11 Q Who's your child?
- 12 A F.M.
- 13 Q How old is she?
- 14 A Twelve.
- 15 Q Chad, there's no doubt this is an emotional case, I
- 16 think we both agree with that.
- 17 A Yes sir.
- 18 Q This is your chance to tell the jury what happened.
- 19 A Yes sir.
- 20 Q You understand?
- 21 A Yes sir.
- 22 Q So I think the easiest thing to do is just tell the
- 23 jury what happened from that day. I want you start
- 24 at the beginning of the day, just take the jury
- 25 through the day.

1 A Well, I got up about 6:30 that morning, went to
2 work, poured concrete all day, got off of work,
3 tried to get a buddy of mine to go fishing in a
4 little tournament but he said he didn't like
5 fishing. And then I called Frankie Card and asked
6 him if he wanted to go fishing. And then me and
7 Frankie lined up a time we could meet and go
8 fishing. Got with Frankie, got all the stuff loaded
9 off Frankie's in the boat. Went next to John C.
10 Landing. Got to John C. Landing, unload the boat, I
11 think he talked to Gregg Mains on the phone and
12 Gregg said he was going to come. Then we went to
13 Taw Caw landing, met Gregg and Gregg's wife and
14 started easing next Goat Island. Stopped by Goat
15 Island for a little bit, probably 45 minutes to an
16 hour, shot a couple games of pool. Then it was
17 getting closer to dark so we decided that we were
18 going to go ahead and start easing out next the pier
19 lights but there was hardly none on in the Goat
20 Island area so we discussed and said we'd go next on
21 to Wyboo area because nine times out of ten, there's
22 a lot of lights on out there. Well, started going
23 that way and we had Gregg and them following us and
24 we never got real fast because Gregg had a smaller
25 boat so we just stayed just enough up ahead of him

Mr. Morris - Examination by Mr. Kent

609

1 so he could stay up with us. And we were going
2 through a place where there's a lot of stumps so we
3 kind of let them stay with us. Then we got to next
4 --- and we stopped two or three times through the
5 outskirts of the where you run in big water. And
6 got to the --- when we got to the big water going
7 into Wyboo, we went to Lakeview because I think one
8 of the girls had to use the bathroom. Stopped
9 there. When we got out, we didn't even stay there a
10 second because I don't really know the reason why we
11 didn't stay but Frankie said let's just leave here.
12 So we got back in the boat, eased out of the no
13 wake, Gregg got on plane and eased on and we decided
14 we'd go to Scarborough's's. We eased on down,
15 following Gregg, kind of, we really wasn't behind
16 them or in front of them, just kind of riding right
17 beside them. Got to Scarborough's's and
18 Scarborough's's was closed and Frankie said that the
19 girls can use the restroom at Brandon's. So we
20 eased back out away from the no wake, started to get
21 back up on plane. We were only probably three, 400
22 yards then we hit something. When we hit something,
23 we didn't know what it was. We was out in the
24 middle of the water. I said, "Frankie, there's
25 nothing out here to look." So we kind of spun the

1 boat around and when the lights hit, I never seen
2 the boat, and did not see no lights on it or nothing
3 and then there was a lot of cussing going on between
4 the two boats. I was like, I didn't know what to
5 do, I like froze. I could hear Frankie talking and
6 I did hear him asking how many people was in the
7 boat. And they told him. And he asked them if
8 they're still in the boat and they said yes. Then
9 about that time, oh Gregg .. And about that time, we
10 was trying to figure out what was going on. Jessica
11 was trying to get a hold to 911. And then three or
12 four more boats started pulling up. And there was
13 still a little bit of arguing going on and then I
14 think someone said someone was hurt but didn't
15 really know how bad they was hurt. And we sit there
16 and I think Gregg Mains got over there and was
17 trying to help and I think he ended up getting her
18 on the boat, a pontoon boat. And when Frankie and
19 them was trying to tell them where to take her
20 because they was on the phone with 911, they ended
21 up going next Scarborough's's and their boat was
22 still sitting there floating. And somebody, I can't
23 tell you who it was, got on their boat, got it crunk
24 and started that way and we still sitting in the
25 same place. And about that time, I looked down at

Mr. Morris - Examination by Mr. Kent

611

1 the bottom of the boat and I remember seeing water
2 so I said we might need to check this boat. So we
3 eased right on to Rusty, I know was right there, the
4 closest place where you can actually get out the
5 boat without being in a bunch of grass or nothing.
6 And we got out and I talked to Rusty Harrington and
7 we checked on the boat and we was checking on the
8 boat and a game warden had passed. He went down a
9 little further and turned around and come back. And
10 when he come back by, we all tried to flag him down.
11 And then the game warden asked who was driving the
12 boat and I said I was. And he asked was anybody
13 else in the boat with me and I said yes, Frankie and
14 Jessica was. And he told us all to get in the boat
15 and follow him back around to the DNR house. So,
16 that's what we did. Followed him around to the DNR
17 house. And then I give them right when I pulled up,
18 he asked who was driving I told him I was. He asked
19 if I'd been drinking; I told him no. He asked if I
20 would take a field sobriety test and I said yes.
21 And I went in, he told me to follow him up to the
22 house. I went up to the house and he took me in
23 there and give me a field sobriety test. And I went
24 out there, took a field sobriety test. After I took
25 the field sobriety test, he asked me if I would give

1 him a written statement and I told him yes, I would.
2 Before I could give him the field sobriety test
3 before I went back in to write the statement, before
4 I could get to finish it, I think another officer
5 come in, I think Kerry Robinson, he told me I had to
6 take another one so I took another one and they went
7 back in there and finished up my paperwork and by
8 the time I got all my information and stuff to them
9 where I lived, my name, my phone number, who the
10 boat belonged to. Then I think Mr. Spires pulled
11 up. And I talked to Mr. Spires and I give him my
12 name and also my phone number.

13 Q Then what happened?

14 A And then I talked to Mr. Spires for probably 30, 45
15 minutes and then he told me Mr. Morris, you ready to
16 go. I said well, do I need to contact anybody. He
17 said know you don't. If anybody contacts you, it
18 will be me.

19 Q Did he contact you again?

20 A Yes sir.

21 Q When was that? Will you tell us about that.

22 A Yes sir. The next day.

23 Q He contacted you by telephone?

24 A Yes sir.

25 Q Did you meet with him?

1 A Yes sir.

2 Q And then what happened?

3 A He asked me to go back over everything that went on
4 that day, starting from that morning. I told him
5 everything that I just told just a second ago.

6 Q Were you arrested then?

7 A No sir.

8 Q When were you arrested?

9 A About two and a half months later.

10 Q Two and a half months later, you were arrested.

11 A About two and a half, three months somewhere in
12 there.

13 Q Chad, I'm going to go through some of the stuff you
14 just testified about okay?

15 A Yes, sir.

16 Q Try to understand everything you just testified to.
17 Not even hide the issue; you were driving the boat
18 that night?

19 A Yes sir.

20 Q Someone died as a result of the boat you were
21 driving.

22 A I didn't hear you.

23 Q Someone died as a result of the boat you were
24 driving.

25 A Yes sir.

1 Q There's no two ways about it. You are completely
2 responsible for the death of that woman.

3 A Yes sir.

4 Q Are you hiding or shirking from that at all? Do you
5 know that it's your responsibility?

6 A Yes sir.

7 Q You're responsible for someone's death.

8 A Yes sir.

9 Q Did you do that on purpose?

10 A No sir.

11 Q Did you want that young lady to die?

12 A No, sir.

13 Q How did you feel after you found out that the girl
14 had died?

15 A Terrible.

16 Q Chad, you've been asked a lot of questions, I'm
17 sorry. There has been a lot of questions about the
18 case about your conduct and how you carried yourself
19 that night. We're going to go through some of them.
20 The solicitor asks some very pointed questions,
21 okay? Chad, how fast were you going that night?

22 A I was going probably about 20 miles an hour.

23 Q Chad, you've heard the testimony. A lot of people
24 have said you were going significantly faster than
25 that.

Mr. Morris - Examination by Mr. Kent

615

1 A I have. I was going about that speed.

2 Q Chad did you see the boat before you hit it?

3 A No, sir.

4 Q Did you see the boat lights?

5 A No, sir.

6 Q Chad after all of this happened, why didn't you just
7 jump in the water?

8 A I done all I thought I could do.

9 Q Why didn't you throw a rope?

10 A I'd done everything I could do.

11 Q Chad, she died.

12 A I know.

13 Q No two ways about it, she died.

14 A Yes, sir.

15 Q And it's your fault.

16 A Yes sir.

17 Q You're in this courtroom and you see all that family
18 back there.

19 A Yes sir.

20 Q You've heard them testify, you've heard them talk
21 about your actions, and you've heard them talk about
22 everything you did.

23 Mr. Durant: And I'm going to ask Mr. Kent to ask
24 questions of the witness rather than testify himself.

25 The Court: Ask questions.

1 Mr. Kent: Yes sir, Judge.

2 Q Chad, why didn't you do more?

3 A I thought I done everything that I could do.

4 Q What more could you have done? I mean, what did you
5 do? What was done that night? What was done?

6 A We called 911. The man that was following us, there
7 was an altercation between my boat and his boat and
8 I thought that going over there putting myself on
9 their boat would cause a bigger problems. Not
10 saying this is not a big problem, but it'd cause a
11 lot more problems.

12 Q Did you know that she was seriously hurt?

13 A No, not as bad as it turned out.

14 Q People were yelling and going back and forth towards
15 each other. When did you find out somebody was
16 really hurt?

17 A I thought she was hurt but I didn't know she was
18 hurt as bad as she was.

19 Q Chad why didn't you just go over to Scarborough's's
20 afterwards?

21 A I thought my boat was having something wrong with it
22 so I got back to the safest place to get out and
23 check it.

24 Q Well after you checked your boat, why didn't you
25 turn around and go there then?

1 A Before we could get all that done, DNR come over
2 there.

3 Q Chad, that night, why didn't you give your address
4 or any information to the people that were involved
5 in the collision?

6 A Because everyone that was in the accident had left
7 and we were still sitting out there..

8 Q Did you give all of your information to law
9 enforcement?

10 A Yes sir.

11 Q You voluntarily talked to law enforcement?

12 A Yes sir.

13 Q Did you do everything legally that you thought you
14 had to do?

15 A Yes sir.

16 Q Chad, there's a big thing about time, how long it
17 took for you to go over to Scarborough's's. There's
18 a question about the conversation with Rusty
19 Harrington. Tell the jury about the conversation
20 that you had with Rusty.

21 A I talked to Rusty, asked him if he had a light where
22 we could check the boat. I don't remember telling
23 him no more than that.

24 Q You heard Rusty testify..

25 A Yes sir.

- 1 Q I'll take care of it in the morning.
- 2 A I don't think I said that.
- 3 Q Chad that's an awful statement.
- 4 A I know it is.
- 5 Q Did you say it?
- 6 A I don't remember saying that.
- 7 Q Chad you were given two field sobriety tests.
- 8 A Yes sir.
- 9 Q Is that correct?
- 10 A Yes sir.
- 11 Q Were you told you had passed both of them?
- 12 A Sir?
- 13 Q Were you told you had passed or failed those field
- 14 sobriety tests?
- 15 A That I passed them.
- 16 Q There was question that you had mentioned that you
- 17 had had nothing to drink. I thought you had said
- 18 that you had beer. Did you tell them you had
- 19 nothing to drink or did you tell them you had beer
- 20 that night?
- 21 A I can't remember.
- 22 Q Okay. Did you have a beer that night?
- 23 A I might have did. I'm not sure.
- 24 Q Well let's cut through it; were you sober?
- 25 A Yes sir.

Mr. Morris - Examination by Mr. Kent

619

1 Q Chad have you ever apologized?

2 A I tried to send the family something through Zannie
3 Morris and she told me that somebody --- she would
4 let me know if it would be okay. And I never heard
5 nothing else back from them.

6 Q It's about two and a half, three years later.

7 A Sir?

8 Q It's about two and a half, three years after this
9 has all happened. This happened about two years
10 ago?

11 A Yes sir.

12 Q Are you starting to get over it now?

13 A No.

14 Q You're not over it and it's two years later and
15 you're not getting over it?

16 A No sir.

17 Q Why not?

18 A I walk around with this every day on me. There
19 ain't a day that goes by that I don't think of what
20 happened.

21 Q What you did?

22 A Yes sir.

23 Q Chad I said some things in opening statement about
24 you. I said you were basically responsible.

25 A Yes sir.

1 Q Civilly responsible, financially responsible,
2 morally responsible; you remember I said all that,
3 don't you?

4 A Yes sir.

5 Q You disagree with any of that?

6 A No sir.

7 Q Do you believe you're criminally responsible for
8 what happened that night?

9 A No sir.

10 Q Did you intend to hurt anybody that night?

11 A No sir.

12 Q Were you driving reckless on the lake that night?

13 A No sir.

14 Q Do you believe you were driving as safe as you
15 could?

16 A Yes sir.

17 Q Did you do everything you could do to help that
18 girl?

19 A I thought I did everything I could do.

20 Q Looking back, what would you have done differently?

21 A Not even went fishing that day or gone to the lake.

22 Mr. Kent: Chad, thank you. Answer any questions Mr.
23 Durant may have.

24 The Court: Cross.

25 **MR. MORRIS CROSS BY MR. DURANT:**

Mr. Morris - Cross by Mr. Durant

621

1 Q Thank you Your Honor. Mr. Morris good afternoon.

2 Tell me again how fast you were driving that night
3 at the time of the collision.

4 A About 20 miles an hour.

5 Q Twenty miles an hour; were you on plane or not?

6 A Right at --- right up on plane.

7 Q Yes or no, were you on plane or ...

8 A No.

9 Q You were not on plane?

10 A No sir.

11 Q And I don't mean to confuse you but just a couple
12 minutes ago, your attorney asked you the same
13 question and you said we left Scarborough's's, got
14 back up on plane, ran three to 400 yards. You just
15 told me you were not on plane. It's a simple
16 question. Were you on plane or were you not?

17 A No sir.

18 Q No sir? So we can agree that you are not telling
19 the truth just five minutes ago when you told this
20 jury that you got back on plane after you left
21 Scarborough's's. Can we agree that that wasn't the
22 truth?

23 A No sir.

24 Q So the first thing out of your mouth before you even
25 get to the collision after Scarborough's's, the

1 first thing you told the jury about your driving
2 that day is not the truth because you weren't on
3 plane but you told the jury you were.

4 A Maybe I misunderstood the question he was asking.

5 Q Well, I think the question was just tell me about
6 your day. And you had an opportunity to give a
7 complete narrative. Do you remember telling Mr.
8 Kent right after that you hit something but you
9 didn't know what you hit and you didn't see any
10 lights on it or anything? Is that right?

11 A Yes sir.

12 Q After the collision, isn't it true that you saw the
13 lights?

14 A Sir.

15 Q Didn't after you saw the lights after the collision,
16 you turned around and saw the lights?

17 A No sir.

18 Q No you did not see the lights after the collision?

19 A No sir.

20 Q The lights were never on?

21 A I didn't see any.

22 Q Do you remember giving your statements to law
23 enforcement in this case?

24 A Yes sir.

25 Q And you gave a statement to law enforcement on the

Mr. Morris - Cross by Mr. Durant

623

1 morning of July the 4th and then the following day at
2 Piggly Wiggly, you chose the location. And you had
3 a night to think about it. Didn't you tell
4 Investigator Tony Spires that day that after the
5 collision, you turned around and you saw the lights
6 flickering on?

7 Mr. Kent: Your Honor, I'm going to object again.
8 He's impeaching him with a statement to another
9 individual, not with his own statement.

10 Mr. Durant: I can ask him ...

11 The Court: He can ...

12 Mr. Durant: ... if he said it or not. He can ...

13 Q Did you tell Investigator Spires that the lights
14 were on after you turned around?

15 A I'm not real sure.

16 Q You don't remember?

17 A I don't remember.

18 Q Well were they or were they not on?

19 A I'm not sure.

20 Q Okay. Didn't you just tell me that they were not?

21 A Yes sir.

22 Q And now your testimony that you're not sure.

23 A I'm not sure if they was on or not.

24 Q And you don't remember what you told Investigator
25 Spires about it?

1 A I do.

2 Q Just not that part.

3 A I haven't read Mr. Spires's --- his thing.

4 Q You haven't read Investigator Spires's synopsis of
5 your statement?

6 A Right.

7 Q Mr. Morris, when you turned around, you don't know
8 whether the lights were on or not. You say now that
9 they were not on. Was anybody in the water?

10 A No sir.

11 Q Nobody from Hailey's boat was knocked into the
12 water?

13 A No sir.

14 Q Immediately after the collision, noone --- everyone
15 was still in her boat? Is that right?

16 A Yes sir.

17 Q I think you said in your narrative a few minutes ago
18 that after the collision, Jessica was trying to call
19 911? Is that right?

20 A I think she talked to 911.

21 Q And I don't want you to just guess. Did she or did
22 she not talk to 911?

23 A Yes.

24 Q You heard her talking to them?

25 A I guess, she was on the phone with them. She was

Mr. Morris - Cross by Mr. Durant

625

1 talking to them.

2 Q Were y'all on the boat then or back at Rusty's
3 house?

4 A We was on the boat.

5 Q Still on the boat and Jessie was talking to 911?

6 A Yes sir.

7 Q Did she tell them that y'all were actually a party
8 to the collision?

9 A I'm not sure.

10 Q Did she tell them who was driving your boat?

11 A I'm not a hundred percent sure what she told them.

12 Q Did she tell them that y'all were leaving to go to
13 Rusty house?

14 A No sir. I'm not sure.

15 Q No sir or no she didn't?

16 A I'm not sure what she told them.

17 Q Don't know what she told them. Did you overhear her
18 back at Rusty's house tell the young lady that
19 testified a few minutes ago that no, she had not
20 called 911 yet?

21 A No sir, I don't remember hearing that.

22 Q You didn't hear her say that?

23 A No sir.

24 Q When that young lady testified is the first time you
25 heard that statement?

- 1 A Yes sir.
- 2 Q Did she make another call from Rusty's house?
- 3 A I'm not sure if she did or not.
- 4 Q Did you hear her make a call from Rusty's house?
- 5 A No sir.
- 6 Q After you got to Rusty's house, isn't it true that
- 7 Rusty's son and some others got on the boat and went
- 8 to Scarborough's's?
- 9 A I'm not sure if they did or not.
- 10 Q You don't know whether they did or not?
- 11 A No.
- 12 Q If they did, did you get on that boat with them?
- 13 A No sir.
- 14 Q You stayed at Rusty's house?
- 15 A I stayed there talking to Mr. Harrington.
- 16 Q At that point at Rusty's, when you were at Rusty's
- 17 house, did you already know that somebody was hurt
- 18 on the other boat?
- 19 A No, not as bad as it was.
- 20 Q Did you know somebody was hurt at all?
- 21 A I heard that a girl was hurt but I didn't know how
- 22 bad it was.
- 23 Q How did you hear a girl was hurt?
- 24 A From when we was out there at the accident.
- 25 Q They told you?

Mr. Morris - Cross by Mr. Durant

627

1 A Yeah.

2 Q The people on the boat you just hit told you that
3 somebody was hurt?

4 A Yes sir.

5 Q So you knew about that information back at Rusty's
6 house?

7 A Yes sir.

8 Q Did you feel terrible about it at that point?

9 A Yes sir, still feel terrible about it.

10 Q Already felt terrible about it when you were at
11 Rusty's house?

12 A You don't want to get in an accident with nobody.

13 Q And you testified that you saw some water in your
14 boat and that's why you left to go to Rusty's.

15 A We pulled to Rusty's after everyone had left.

16 Q Well I didn't ask you about that. I just asked you
17 whether or not you pulled there because you saw
18 water in the boat.

19 A Because we saw water in the boat.

20 Q Didn't you say that was the reason you didn't go to
21 Scarborough's's with everybody else is because of the
22 water?

23 A Right.

24 Q You didn't see a hole in the boat, you just saw some
25 water.

1 A I seen water. There's a little spout right there in
2 front of the seats and there was water coming out of the
3 spout.

4 Q Did you have a bilge pump in that boat?

5 A I had two of them.

6 Q You had them on?

7 A Not at the time.

8 Q Did you think about cutting it on?

9 A We did when we was easing that way.

10 Q When you were easing away? Have you had a chance to look
11 over your first statement that you gave to law
12 enforcement?

13 A Yes sir.

14 Q And if I need to - well let me just go ahead and pass it
15 up. Copy of State's exhibit 1. It's already been
16 admitted into evidence. Take a look at it. Mr.
17 Morris, did you mention anything in that statement
18 about anyone on the other boat yelling or
19 threatening you in any manner?

20 A No sir.

21 Q Did you mention anything in that statement about the
22 other people --- the people in the victim's boat
23 that wouldn't allow you to help?

24 A I think I told Mr. Jervey that there was a lot of
25 hollering and cussing going on.

Mr. Morris - Cross by Mr. Durant

629

1 Q You think that you told the officer he just didn't
2 write it down.

3 A I think the name was Mr. Jarvey.

4 Q Mr. Jervev that testified earlier?

5 A Yes sir.

6 Q Did you mention anything in that statement about
7 your boat taking on water?

8 A Not in this statement.

9 Q Alright, did you mention anything in that statement
10 about calling 911?

11 A No sir.

12 Q And you agree that after that --- and you were there
13 for some period of time. You talked about the field
14 sobriety tests and writing a statement and talking
15 to law enforcement and another field sobriety test.
16 So you had ample opportunity to write whatever you
17 wanted down didn't you?

18 A No.

19 Q No you didn't?

20 A No.

21 Q Did they cut you off and say that's enough, I don't
22 want to hear any more from you?

23 A No, it took me a while doing the field sobriety test
24 and then that's what I wrote that there and got cut
25 off and then that's when I had to do the sobriety

1 test and then I got to finish it up.

2 Q You got a chance to finish it up?

3 A Yes sir.

4 Q And then the following day, you got a chance to,
5 after you've had a night to sleep over it, you had a
6 chance to meet with Investigator Spires again?

7 Remember that?

8 A Yes.

9 Q And you had an opportunity at that point to tell him
10 anything you wanted, anything that you had left out
11 the day before. Isn't that right?

12 A I told him everything I could remember at the time.

13 Q And isn't it true that the following day, you still
14 didn't mention anything to Investigator Spires about
15 yelling or threatening coming from the victim's
16 boat?

17 A I think I told Mr. Spires that.

18 Q You think you told him?

19 A Yes sir.

20 Q Alright. Isn't it true that you didn't, still, the
21 day after, you still didn't mention anything to
22 Investigator Spires or didn't tell him that you were
23 the last boat to leave?

24 A I think I did tell him that.

25 Q You think you did? Isn't it true that at no point

Mr. Morris - Cross by Mr. Durant

631

1 did you ever mention anything about Gregg calling
2 Frankie to tell him DRN was looking for y'all?

3 A I didn't know that.

4 Q You didn't know that?

5 A No.

6 Q So if Gregg called Frankie to tell him that DNR was
7 looking for y'all, Frankie didn't relay that
8 information to you?

9 A No sir.

10 Q You never knew DNR was looking for you?

11 A No sir. I didn't ask Frankie who called his phone.

12 Q Well y'all weren't talking about what had just
13 happened?

14 A I was talking to Mr. Harrington.

15 Q You were talking to Mr. Harrington. You didn't talk
16 to Frankie or Jessie after you got there?

17 A There was different little groups talking. I was
18 talking to Mr. Harrington about checking my boat.

19 Q Well let's talk about things you did mention in your
20 second statement. Do you remember telling the
21 officer that y'all were actually running the channel
22 markers from Goat Island to Wyboo Creek?

23 A Yes.

24 Q So were you in the stumps or were you in the
25 channel?

- 1 A Right on the outside of the channel markers.
- 2 Q Right on the outside, in the stumps?
- 3 A They run down through there.
- 4 Q Okay and was Gregg able to keep up with you then?
- 5 A Yeah.
- 6 Q He never --- you never got out of sight from Gregg?
- 7 A No.
- 8 Q Was Gregg with you from after y'all left Goat Island
- 9 and after y'all left Lakeview and went to
- 10 Scarborough's's?
- 11 A What was that now?
- 12 Q Was Gregg with you the whole time from Lakeview to
- 13 Scarborough's's?
- 14 A Yes sir.
- 15 Q Did you ever get away from him?
- 16 A He was ahead of us.
- 17 Q He was ahead of you at that point?
- 18 A From Lakeview to Scarborough's's.
- 19 Q From Goat Island to Lakeview, did you ever have to
- 20 stop and wait on him?
- 21 A From Goat Island to Lakeview?
- 22 Q Yes.
- 23 A We stopped three or four times out there next the
- 24 channel markers.
- 25 Q To wait on him?

Mr. Morris - Cross by Mr. Durant

633

- 1 A Just to conversate ...
- 2 Q Just to conversate, not wait on him?
- 3 A To make sure everything was okay.
- 4 Q Okay, you didn't have to wait on him because he was
- 5 traveling right along with you?
- 6 A Right.
- 7 Q And you told the officer that you were only going a
- 8 quarter throttle, isn't that right?
- 9 A Right.
- 10 Q Fifteen to 20 miles an hour.
- 11 A Right.
- 12 Q Never got on plane.
- 13 A Right above on the plane.
- 14 Q Wait.
- 15 A It's a fine line between plane and on plane.
- 16 Q Okay. So you got on plane when you were testifying
- 17 or answering Mr. Kent's questions. You got back off
- 18 of plane when I got up here. Then you got back on
- 19 plane and now you're back off again.
- 20 A We was right up under plane.
- 21 Q Right up under plane? Do you remember telling the
- 22 investigator how far you were off the bank when you
- 23 hit the boat?
- 24 A Probably a hundred feet or better.
- 25 Q A hundred feet or better?

1 A Hundred yards or better.

2 Q Hundred yards or better. Mr. Morris how long after
3 the collision had it been that DNR came to Rusty's
4 house and got you?

5 A I'm not real sure on the time.

6 Q Do you think it was thirty minutes or under?

7 A Somewhere close 20 to 30 minutes.

8 Q Twenty to 30 minutes after the incident before they
9 got you?

10 A Yes sir.

11 Q At any point during that 20 to - only 20 to 30
12 minutes, did Rusty urge you to go to Scarborough's's
13 and talk to DNR?

14 A No sir.

15 Q At any point during that time did you call, you
16 yourself, did you call 911 and tell them hey I was
17 the other boat involved in that collision and this
18 is where I am?

19 A No sir.

20 Q Did you call anybody or tell anybody in law
21 enforcement tell them where you were?

22 A No sir, we was checking over the boat and DNR come
23 up and that's when I told them.

24 Q So it's your testimony that you checked under the
25 boat before DNR come there?

Mr. Morris - Cross by Mr. Durant

635

1 A We was checking on the boat.

2 Q In the process of checking when DNR got there. So
3 rather than calling dispatch or 911 to let them know
4 where you were, you were concerned about your boat?

5 A I was concerned about a lot of things.

6 Q But not concerned about what had happened to the
7 victim, what happened to the young girl you just hit
8 because you didn't call anybody to tell them where
9 you were.

10 A Didn't have a chance to tell them.

11 Q Wait a minute. You said you'd been there for 30
12 minutes.

13 A From the accident time. It took us a few minutes to
14 get to Rusty's house.

15 Q Okay. I just asked you how long you had been at
16 Rusty's since the accident when law enforcement got
17 there and you said 30 minutes. Now how long had it
18 been? How long had it been?

19 A I'm not real sure.

20 Q So it'd been less than 30 minutes then?

21 A I said we might've been there 20 or 30 minutes.

22 Q Is it your testimony that you didn't have the chance
23 to call 911 and tell them who you were and where you
24 were and what you had done before they got to your
25 house?

1 A No sir.

2 Q You didn't have a chance to do it?

3 A No sir.

4 Q Is your testimony that you did not tell Rusty
5 Harrington "I ain't going tonight, I'll deal with it
6 later."?

7 A I don't remember telling him that.

8 Q Would you agree with me that that statement is
9 inconsistent with somebody that felt terrible about
10 what they did to them?

11 A I feel terrible every day. There ain't a day that
12 goes by that I don't feel bad.

13 Q Would you agree with me that somebody that made that
14 statement "I ain't going tonight, I'll talk to them
15 in the morning", somebody that felt terrible about
16 what they'd done would not make that statement.
17 Would you agree with me there?

18 A No sir.

19 Q No, somebody wouldn't have made that statement would
20 they?

21 A I wouldn't make that statement.

22 Q You wouldn't have?

23 A No sir.

24 Q Would you agree with me that somebody that's trying
25 to flag DNR down and let them know where they were

Mr. Morris - Cross by Mr. Durant

637

1 and run to talk to them wouldn't have made the
2 statement "I ain't going tonight, I'll talk to them
3 in the morning"?

4 A I never made that statement so I don't know where
5 that would come from.

6 Q Somebody that was trying to flag them down wouldn't
7 have made that statement would they?

8 A I was helping to flag them down.

9 Mr. Durant: I beg The Court's indulgence.

10 Q Mr. Morris, how fast will your boat go at top speed?

11 A Probably 60, 62.

12 Q Sixty, 62?

13 A Yes sir.

14 Q You've tested it out before?

15 A Huh?

16 Q You tested it out, see how fast it'll go?

17 A That's what he'd go.

18 Q But you were only going 15 to 20 at the time of the
19 collision, is that right?

20 A Yes sir.

21 Q After the collision, do you know whether you hit
22 their boat and bounced off and went all the way
23 across or what you did?

24 A I'm not sure. I just know I hit something.

25 Q Just know you hit something?

1 A Yes sir.

2 Q Alright. Mr. Morris that's all the questions I
3 have. Thanks.

4 The Court: Redirect?

5 Mr. Kent: Thank you.

6 **MR. MORRIS REDIRECT BY MR. KENT**

7 Q Chad you've heard me say to everybody I simply don't
8 understand boats, I don't. And there's been some
9 back and forth between you and the solicitor about
10 plane and on plane. I'm going to give you an
11 opportunity to --- I don't understand. Can you
12 explain to the jury, I think you were saying you
13 were on plane or close to on plane. I don't
14 understand what that means. Can you explain?

15 A Plane is when you get the motor on the pad. Off
16 plane is when the motor is not on the pad. We
17 wasn't up on the pad. Kind of like right here.

18 Q Okay so was in the in-between stage?

19 A It was in the in-between stage.

20 Q So that's why it's difficult to answer Mr. Durant's
21 question with a yes or no answer.

22 A Yes sir.

23 Q Was it cloudy that night?

24 A I'm not sure. I think it was a little cloudy.

25 Q Okay. Chad how far did you go in school?

Mr. Morris - Redirect by Mr. Kent

639

1 A Sir?

2 Q How far did you go in school?

3 A Eleventh grade.

4 Q Eleventh grade? Did you graduate, GED or anything
5 like that?

6 A No sir.

7 Q You didn't see the boat

8 A No sir.

9 Q ... that you hit? And you've gone back and forth
10 when Mr. Durant asked you a question about a
11 statement, is it inconsistent somebody making a
12 statement flagging down DNR. I agree with him on
13 that. Did you flag down DNR?

14 A Yes sir.

15 Q So it would've been inconsistent with the statement?
16 You were flagging down DNR?

17 A Yes sir.

18 Q There's other witnesses that saw you flagging down
19 DNR?

20 A Yes sir.

21 Q You voluntarily talked to law enforcement that
22 night?

23 A Yes sir.

24 Q You gave them a statement?

25 A Yes sir.

1 Q Gave them information?

2 A All my information.

3 Q Didn't call a lawyer?

4 A No sir.

5 Q Didn't ask for a lawyer?

6 A No sir.

7 Q Talked to them and admitted everything that you had
8 done?

9 A Yes sir.

10 Q You got done at 1:30, 1:45, 2:00 in the morning
11 whenever you started meeting with law enforcement?

12 A Yes sir.

13 Q What time were you allowed to leave?

14 A About 5:30 that morning.

15 Q Okay so you were with them for about three and a
16 half, four and a half hours?

17 A Yes sir.

18 Q After being with them for three and a half, four and
19 a half hours, they allowed you to go home?

20 A Yes sir.

21 Q You weren't arrested?

22 A No sir.

23 Q And you met with Mr. Spires --- Mr. Spires, you met
24 with him the next day?

25 A Yes sir.

Mr. Morris - Recross by Mr. Durant

641

1 Q How long did you meet with him then?

2 A I think it might've been about 30 minutes or so.

3 Q Okay and then again, you were allowed to go home?

4 A Yes sir.

5 Q Lights, no lights, whether they were on, whether
6 they were not on, did you see any lights?

7 A No sir.

8 Q Did you see the boat?

9 A No sir.

10 Q Did you do this on purpose?

11 A No sir.

12 Q Was this an accident?

13 A Yes sir. A terrible accident.

14 Mr. Kent: Thank you Chad.

15 The Court: Recross?

16 **MR. MORRIS RECROSS BY MR. DURANT:**

17 Q Mr. Morris, did you ask for your fishing rods back
18 before you went home that night?

19 A I asked if I could get my stuff out the boat. It
20 wasn't just specifically my fishing rods.

21 Mr. Durant: No further questions.

22 The Court: You can step down. This is where we will
23 break for today. And I'm going to send you home but don't
24 begin deliberations or discussions about the case. Don't
25 talk to anybody about the case, including other members of

1 the jury panel. Don't talk to anybody, friends,
2 neighbors, boyfriends, girlfriends, husbands, wives,
3 nobody about the case. Don't try to find out anything
4 about the case on the internet. There has been some press
5 coverage; one TV station has been here, WIS out of
6 Columbia so don't watch TV news tonight and if you happen
7 to walk into a room it's on, please go in the other room.
8 You can watch all that stuff on the internet later on
9 after the trial's over with all you want. But the problem
10 is it could influence you and if it's not presented here,
11 as I told you at the beginning of the trial, everything
12 that you need to know to make a decision about this case
13 will be given to you in this courtroom. No outside
14 influences. So there was some press coverage in the
15 Manning paper. I'm sure there'll be some tomorrow. So
16 tomorrow morning, please avoid reading the newspaper.
17 Have somebody save it for you if you want to read it after
18 the trial but again, I can't have you looking at stuff
19 that is not put into evidence in this courtroom that might
20 effect the outcome of your decision. So you go home,
21 enjoy your evening, don't post anything about the case on
22 social media, Facebook, Twitter, or any of those things.
23 Get a good night's rest and we will wind down this case
24 tomorrow morning. Okay? Alright thank you for your
25 patience today.

1 Juror: 10:00.

2 The Court: Oh yes, I'm sorry. Ten o'clock. Alright,
3 thank you.

4 (Jury exits courtroom)/(End of Court for today)

5 (7/15am)

6 The Court: Be seated. Alright. Mr. Kent, what did
7 you decide?

8 Mr. Kent: Your Honor, after consulting with Mr.
9 Morris, that would be the extent of the defense's case.
10 The only thing additional would be the weather report that
11 we would ask The Court to take judicial notice that myself
12 and Mr. Durant discussed with you in chambers. It has not
13 been marked for evidence yet, but during the discovery and
14 during the testimony of Investigator Spires, a report of
15 the weather on the night of the incident at approximately
16 12:53 indicated that it was mostly cloudy on the,
17 basically the exact time the accident occurred. So we
18 would ask The Court to take judicial notice of that matter
19 and inform the jury of the weather - the closest weather
20 vicinity based on the State of South Carolina ...

21 The Court: Alright, do me just a favor: I will print
22 this and I'll tell the jury but when I was looking at this
23 just now, I highlighted the ...12:53 AM on ... I don't
24 want to have the wrong thing highlighted. So if you'd
25 give me a fresh copy we can send back to the jury, I'll

1 substitute --- But I'll tell them as well.

2 Mr. Kent: Do you want to mark The Court's exhibit or
3 my ...

4 The Court: The Court's exhibit.

5 Mr. Kent: The Court's exhibit. If it's The Court's
6 exhibit, will it go back?

7 The Court: It ...

8 Mr. Kent: Okay. Your Honor, I'm going to hand you
9 Court's exhibit #2.

10 The Court: Alright, so you want me to read this and
11 then you're going to rest.

12 Mr. Durant: I have one reply witness Your Honor.

13 The Court: Alright. What about you? The motions you
14 want to make that you were making, we'll just reserve for
15 arguing afterwards. You can get up and say rest in front
16 of the jury and then we'll go straight into the State's
17 reply.

18 Mr. Kent: I have no problem with that.

19 The Court: Okay. Alright, anything else we need to
20 deal with before we bring the jury in?

21 Mr. Durant: Nothing from the State, Your Honor.

22 Mr. Kent: Nothing on behalf of Mr. Morris.

23 The Court: Okay, bring the jury in.

24 (Jury enters courtroom 10:29)

25 The Court: Okay, welcome back folks. I want to ask

1 you before we begin if anybody saw anything on the news or
2 read anything in the newspaper or online about the case?

3 Okay. Well, thank you for agreeing not to do that and
4 following instructions on that. We are going to resume
5 now and I'm going to give you a posting from the National
6 Weather Service in order that you take judicial notice of
7 the fact that the closest weather reporting station for
8 the area where the incident took place is out of
9 Orangeburg. And according to the National Weather
10 Service, at 12:53 a.m. on July the 4th, 2014, the
11 temperature was 73 - 73.9 degrees Fahrenheit, 91%
12 humidity, also has weather pressure and things like that
13 but the conditions were listed as mostly cloudy and I will
14 have this go back to the jury room as evidence with you as
15 a undisputed fact of the closest weather station so I
16 order that you take judicial notice of that. In other
17 words, nobody has to bring in the weather man to produce
18 this. Okay, having said that, defense do you have any
19 other witnesses?

20 Mr. Kent: At this time, on behalf of Mr. Morris, we
21 would rest our case Your Honor.

22 The Court: Alright, the defense has now rested. Is
23 there any reply on the State?

24 Mr. Durant: The State has one brief reply witness
25 Your Honor.

1 The Court: Alright, call your witness.

2 Mr. Durant: The State calls Laughton Jones.

3 The Court: Come on up. I'll remind you that you're
4 still under oath.

5 **MR. JONES EXAM BY MR. DURANT:**

6 Q May it please the Court? Mr. Jones good morning.

7 A Morning.

8 Q You testified in this trial a couple days ago for the
9 State and just to refresh everybody's memory, you
10 were on the boat with Daniel Brunson and two
11 girlfriends that night?

12 A Yes sir.

13 Q And did you actually see the defendant's boat that
14 night?

15 A Yes.

16 Q Okay, when was the first time you saw it?

17 A After I dropped off a couple up there at the house
18 or on their dock across from Camp Bob Cooper and
19 pulled off the dock, probably gone three or four
20 docks down when the boat came up behind me and going
21 pretty fast and then jumped wake.

22 Q And which direction were you heading at the time?

23 A Heading back towards the south lake.

24 Q Did you see that boat again?

25 A Yes, probably a couple minutes later when I made my

Mr. Jones - Examination by Mr. Durant

647

1 way around the corner and was about to make my way
2 across the water to go into our slough, saw what
3 would be the victim's boat and that boat came flying
4 back up the lake again heading towards
5 Scarborough's's.

6 Q And then shortly thereafter, you and Mr. Brunson and
7 your girlfriends heard the collision and y'all went
8 back out there.

9 A Right.

10 Q When you went back out to the wreck site, did you see
11 the defendant's boat at that time?

12 A Not when I originally pulled up. Again, I was
13 focused on making sure nobody was in the water. I
14 didn't realize that they were on the scene until they
15 started yelling at us.

16 Q And what were they yelling?

17 A The first thing that they yelled was they didn't have
18 their f'ing lights on, kept going on and I turned
19 around and said "Their lights were on, their lights
20 are still on, as you can see." And the lights were
21 on moments ago when I passed them in the water.

22 Q Now you mentioned that you had pulled up to the
23 victim's boat at that time. And did y'all help to
24 load the victim onto another boat to go to
25 Scarborough's's?

- 1 A I stayed in my boat; I had to keep my boat close to
2 theirs since I was the driver. I believe Daniel at
3 some point got out of the boat. And also at some
4 point, while I was sitting in my boat and had an
5 exchange with Mr. Morris's boat behind us, somebody
6 in that was just standing there smoking a cigarette.
- 7 Q Standing on the boat smoking a cigarette?
- 8 A Correct.
- 9 Q Was it a male or female?
- 10 A I believe it was a male, but I can't tell you that
11 with 100% certainty.
- 12 Q Can you tell what the other occupants in the boat
13 were doing?
- 14 A One was standing on the side with their foot up on
15 the side of the boat yelling. The other was sitting
16 up at the front, I believe it was a male was the one
17 that was smoking a cigarette.
- 18 Q Did Daniel actually get in the victim's boat and
19 drive it back to Scarborough's's?
- 20 A Yes.
- 21 Q And did you stay there while he did that?
- 22 A Did I stay there?
- 23 Q While ...
- 24 A Yes, when the boat with --- the pontoon boat with the
25 victims drove back to Scarborough's's, it was just me

Mr. Jones - Cross by Mr. Kent

649

1 and Daniel left out there with the victim of the
2 boat. Daniel was in that boat and said that they
3 thought it was taking on water. And he had a really
4 hard time getting it cranked up and he was running
5 from the middle of the boat and the back of the boat,
6 trying to get it cranked up.

7 Q What was Daniel focused on at the time?

8 A Trying to ...

9 Mr. Kent: Objection, Your Honor, calls for
10 speculation.

11 The Court: Sustained.

12 Q What did it appear to you that Daniel was focused on
13 at that time?

14 A Trying to get the boat cranked. He was looking
15 around trying to get his bearings on that boat and
16 how to get it working.

17 Q And what were you focused on?

18 A Looking around to see if that boat was taking on
19 water, where my nearest point would be if I had to
20 start towing it.

21 Q When you looked around to see where your nearest
22 point would be, did you see the defendant's boat?

23 A No, I did not.

24 Q He had already left?

25 A I did not see his boat out there. So, yes.

1 Mr. Durant: No further questions Your Honor.

2 **MR. JONES CROSS BY MR. KENT:**

3 Q Mr. Jones, how are you doing sir.

4 A I'm doing good.

5 Q I don't have to go over those admonitions with you
6 because you've already testified once.

7 A Yes.

8 Q And then after you testified, you got off the stand.
9 Correct?

10 A Correct.

11 Q Walked a little mark correct?

12 A Correct.

13 Q And sat back there.

14 A Yes.

15 Q So you sat here during the course of the trial when
16 you listened to more of the testimony.

17 A No sir, I walked out of the courtroom and was put in
18 a room.

19 Q After you testified?

20 A After I testified.

21 Q Because I remember seeing you back there and you
22 never sat back in the courtroom?

23 A No sir, I walked out into a room outside.

24 Q And after you testified, you were done testifying,
25 how did you know to come back and testify again

Mr. Jones - Cross by Mr. Kent

651

1 today? Did Mr. Durant call you?

2 A Yes.

3 Q And he told you there were some problems with the
4 case and we need you to come and clarify some things?

5 A All he told me was that he may need me to speak again
6 tomorrow.

7 Q May need you to speak again tomorrow. And we keep
8 going back and forth and I'm not trying to get mad at
9 you or anything of that nature. But cigarette thing
10 that you just mentioned, none of that was in your
11 statement.

12 A No, sir.

13 Q It wasn't in your written statement at all?

14 A No sir.

15 Q And we all were here when you testified. None of
16 that was in your testimony to the jury.

17 A I was not asked that question. I was asked when did
18 I first see the boat and when it departed.

19 Q The question is none of that was in your testimony.

20 A Correct.

21 Q None of that was anywhere when you testified in front
22 of the jury.

23 A Uh-huh.

24 Q Is that a yes?

25 A Yes.

1 Q Okay and the first time it came up, the solicitor
2 called, talked to you about a problem and had you
3 come back and testify again today?

4 A Yes sir.

5 Q And Laughton, I'm not upset about this. I ask you
6 the question: you're friends with the Bordeaux
7 family?

8 A Sure.

9 Q You guys have a working relationship with each other?

10 A He works at another organization not the building I
11 work at.

12 Q I'm sorry, who's he?

13 A Mr. Bordeaux.

14 Q Her father?

15 A Yes, that's correct.

16 Q Works for you?

17 A Works at one of our dealerships, yes sir.

18 Mr. Kent: Thank you, that's all the questions I have.

19 Mr. Durant: No redirect Your Honor.

20 The Court: You can step down. Anything further from
21 the State?

22 Mr. Durant: No sir Your Honor.

23 The Court: Alright, well folks you've now heard all
24 the evidence that you're going to hear. I have to send
25 you back to the jury room for a few minutes while we get

State of South Carolina vs. Chad Morris

653

1 ready to have closing arguments and my charge on the law.
2 So it's not proper for you to begin deliberations or
3 discussions yet because I've not charged you on the law.
4 So just go back there; it won't take but a few minutes,
5 use the restroom. When we come back, we're going to have
6 closing arguments and I'll charge you on the law.
7 Alright? Thank you.

8 (Jury exits courtroom 10:39 a.m.)

9 The Court: Alright, motions?

10 Mr. Kent: Your Honor, just to simplify and make this
11 easy, I would renew all motions made during pretrial. I
12 will renew all motions made during the course of the trial
13 for the record in case I have a court reading this at some
14 point in time, you generously permitted that any motions
15 that I made during pretrial were not required to make a
16 contemporaneous motion as evidence came in during the course
17 of trial. That's why none of the subsequent motions were
18 made during the course of trial. I would specifically
19 renew my directed verdict motion as to the request for a
20 directed verdict motion based upon reckless operation of a
21 boat as well as failure to render aid. So basically, I'd
22 just renew all motions made during the course of trial as
23 well as my directed verdict motion at this point.

24 The Court: Alright, well the directed verdict motions
25 are denied. I believe there is sufficient direct evidence

1 and circumstantial evidence present the case to the jury
2 as indicted. We had a charge conference in chambers. It
3 seemed like we were pretty much all on the same page when
4 we left but since y'all now have had a couple of minutes
5 to review and consider. Is there anything from the State
6 that you want to request or add to the charges?

7 Mr. Durant: No sir, Your Honor.

8 The Court: Anything from the defense?

9 Mr. Kent: No Your Honor.

10 The Court: Alright, well let's take five minutes; get
11 your thoughts together, and we will come back. You'll get
12 to open and close. You want to open on the law?

13 Mr. Durant: Yes sir.

14 The Court: ... or closing?

15 Mr. Durant: I will open on the law.

16 The Court: Okay. How long do you think you'll be?

17 Mr. Durant: I would guess ten minutes to open on the
18 law, Your Honor, and then maybe twenty after Mr. Kent's
19 remarks.

20 The Court: Mr. Kent? How about you?

21 Mr. Kent: If I say two or three days, you'll be
22 offended so around twenty minutes Your Honor; twenty,
23 twenty-five minutes.

24 The Court: Okay. Alright, see y'all back in five
25 minutes.

1 to do what's necessary. Chad did everything he thought he
2 could've done that night. Was he negligent? Absolutely.
3 Was he reckless? I just don't see how you can be reckless
4 when there are no speed limits. The question you ask
5 yourself is well if he didn't hit anything, would he have
6 gotten a ticket? If Chad went past, 90 miles an hour on a
7 boat, what would happen if he was speeding. I tell this
8 story because it's the most difficult thing --- It's a
9 story I like to tell. A little boy and a wise old man.
10 The old man is so smart. Finally, the little boy told his
11 friend he said, you know what I'm going to do. I'm
12 finally going to beat the old man. I'm going to get take
13 this bird and put it in my hand and I'm going to go up to
14 the old man and I'm going to say old man is the bird alive
15 or dead? If the old man says the bird is alive, I'm going
16 to crush the bird and then open my hand and say I've got
17 you. If he says the bird is dead, I'm going to open my
18 hand and let the bird fly. So the young boy goes up to the
19 old man. He says old man, what do you think I've got in
20 my hands? Old man, is this bird alive or is this bird
21 dead? Old man stops and he looks at him and says son, the
22 bird is (couldn't hear, voice too low). Ladies and
23 gentlemen, thank you so much.

24 The Court: Alright, Mr. Solicitor?

25 Mr. Durant: Thank you, Your Honor. May it please The

1 Court? Ladies and gentlemen of the jury, Hailey Bordeaux
2 is gone. She died that night on Lake Marion here in
3 Clarendon County. On the 4th of July, two years ago, she
4 died. A daughter, a granddaughter, a niece, a friend, a
5 best friend, a girlfriend is gone. And that's the man
6 that killed her. That's the man that killed her. And
7 with that said, my next statement may come as a surprise,
8 but nobody in this courtroom believes he meant to kill
9 her. Nobody believes --- nobody is telling you that he
10 intentionally did it. Oh yeah, he intended to drive fast.
11 He intended to drive reckless. And that's really why
12 we're here today. We're here because of the indifference,
13 because of his indifference. He didn't care what might
14 happen when he chose to drive the way he did that evening.
15 He sure as heck didn't care afterwards. We're here
16 because of his indifference. Ladies and gentlemen of the
17 jury, Chad Morris didn't care what might happen that night
18 and he didn't care what did happen. Let's talk about what
19 happened in this trial. Let's talk about the truth. Mr.
20 Kent got up in his opening statement and said that the
21 prosecutor had to yell and scream and try to create fear
22 and intimidate. Where are the theatrics coming from? Ask
23 yourself, where are the theatrics coming from.
24 Prosecutor's trying to mislead. Ladies and gentlemen,
25 who's twisting words? Who's cherry picking from

1 statements? Remember Caroline got in that stand? Mr.
2 Kent had her statement in front of him - in front of her?
3 He was jumping up and down; isn't it true you didn't write
4 in your statement that they were cussing at you? You
5 didn't write in your statement that they said f you, we're
6 not calling 911. Isn't it true you didn't write that?
7 Cherry picking from her statement. And what happened? I
8 handed it to her and said read to us what you wrote. Read
9 it verbatim. And what did she say? I yelled for them to
10 call 911. And then she said I'm yelling for them to help
11 and they rudely yelled back at me. So she didn't include
12 what he said. She didn't include the obscenities, she
13 didn't include the vulgarities that Mr. Morris's occupants
14 on his boat yelled back. But she told officers that night
15 just after her best friend had died that they were rudely
16 yelling back at her. And Mr. Kent wants you to believe
17 that she's lying because she didn't include the f you, the
18 f bomb in her statement. Who's twisting words? Who's
19 trying to mislead? Mr. Kent spent half the time talking
20 about a weather report in Orangeburg. He wants you to
21 believe that these three victims are lying about the last
22 words their best friend said. Nobody forgets the last
23 words of their best friend. Of course, they don't forget
24 the last words of his girlfriend of six years. Nobody
25 claimed there were no clouds in the sky. They said all I

1 know is the last words Hailey said is I could lay here and
2 look at the stars all night. Who lies about that? Mr.
3 Kent wants you to believe that weather report means
4 they're lying. Who's trying to mislead? A weather report
5 in Orangeburg means these victims are lying. Who's
6 twisting words? He told you the prosecutor's going to try
7 to hide things. He wont give you the 911 tape. I put the
8 tape into evidence. It's not ideal. I'll give you that.
9 Listen to it. I put it into evidence. He kept talking
10 about reg and Lori Mains, asking each witness weren't they
11 there suggesting the prosecutors not going to let you hear
12 them. I put Greg Mains on the stand ladies and gentlemen
13 and let you hear his story. The rest of the story. The
14 rest of the story, that was his opening. Now you'll get
15 to hear the rest of the story. He's right about one
16 thing: the rest of the story is not consistent. His
17 witnesses are not singing the same song. I don't know who
18 their choir director is but they are not singing the same
19 song. And he wants to tell you that because our witnesses
20 are consistent, they're coached. Think about what his
21 witnesses said. They remember every single detail when
22 Mr. Kent was asking the questions. And I get up here,
23 they've got amnesia. Every one of them. I don't
24 remember. I don't remember. I don't remember. Who's
25 coached and who's not? That's not an accident that his

1 witnesses know the answer to every one of his questions
2 but have amnesia when I ask the questions. That doesn't
3 just happen. He tells you our witnesses are coached
4 because they are telling the same story. Folks, if people
5 are together and they perceive an event together, a
6 dramatic event, they talk about it later, of course. I
7 remember when I was young, I lived out in the country and
8 I grew up on a farm. Lived out in the country with big
9 fields beside the house. One night, I come home from
10 school, I'm a teenager and a single prop airplane had
11 crashed on the side of my house. It's crazy and the guy
12 survived. The guy survived. He had tried to land soft
13 dirt in a plowed field and wrecked. So my dad's got a
14 shop on the farm. They pulled the airplane in the shop.
15 The guy stayed in town and worked on his airplane for a
16 month. They pulled it back out on the highway. He fixed
17 his own plane. I've got friends over. We're there to
18 watch this airplane take off. The plane gets about power
19 line level and starts fish tailing and crashes again.
20 It's a dramatic event, a dramatic event. My friends were
21 there to witness it; we all watched it. Of course, we
22 talked about that thing to our buddies in school for
23 months and years. We talked about it, we still talk about
24 it. I see my friend and I say you remember that time that
25 plane crashed? Yeah I remember that. We perceived a

1 traumatic event together and so we talked about it.
2 That's what people do. If you witness something together,
3 y'all talk about it amongst yourselves. That's what
4 people do. He wants you to believe that because they've
5 talked about it before they came in here, they've been
6 coached. They answered every one of his questions. They
7 sat up here and answered every one of those questions. He
8 asked some hard questions, but they answered them. They
9 didn't get amnesia. Let's talk about the rest of the
10 story. The rest of the story, the song that witnesses are
11 singing. Franklin Card. Y'all remember Franklin? He was
12 the other male on the defendant's boat. He came in here -
13 -- first of all, he told you that nobody got knocked in
14 the water that night. He was adamant that the two men on
15 the victim's boat didn't get knocked in the water. He got
16 smart with me when I questioned him about it and said well
17 they weren't wet. That's all I know. He was adamant
18 about that. What possible reason could Stephen and Justin
19 and Caroline have to make that up? Why would they make
20 that up? Why would the other witnesses on shore, the
21 first responders, say that they were in the water when
22 they got there? Why would anybody make that up? Franklin
23 Card was adamant that wasn't true. Look at the boat. I
24 submit to you if Stephen and Justin hadn't gotten knocked
25 off, they might not be here. What else did Frankie say?

1 He said their boat, the defendant's boat, just stopped
2 when it hit the victim's boat. Just stopped. Not only is
3 that inconsistent with the eyewitness that was on shore
4 who said it jumped in the air, like Dukes of Hazzard, from
5 back to front, traveled all the way across, that's
6 inconsistent with the physical evidence. It's
7 inconsistent with the expert's testimony as to what the
8 markings on those boats show. The guy has investigated 40
9 boat collisions. It's inconsistent with the physical
10 evidence that shows not only did Morris's boat jump
11 completely clear the victim's boat, it was in the air when
12 it left the front. It was still in the air when it
13 crossed the front. That's how fast he was going. Frankie
14 said, no, just we stopped when we hit. What else did
15 Frankie tell you? He told you Gregg and Lori Mains were
16 right there with him the whole time. They were right
17 there with us the whole time; noone ever got out the
18 front. Both Gregg and Lori told you that wasn't true.
19 Both of them. Both of them said Chad kept taking off and
20 stopping and waiting. We were going as fast as we could
21 go, 22 miles an hour, and Chad kept leaving us and waiting
22 on us. Frankie's not telling the truth about that. The
23 next witness, the next member of the choir that Shaun put
24 up was Lori Gaines. Ms. Mains said she did not see the
25 collision. She wrote that in her statement. She

1 confirmed that in court in her testimony. Did not see the
2 collision, it was too far away, too far behind them.
3 Frankie said that they were right there. Right there with
4 them. Lori said no, no, no we weren't, we didn't see it.
5 Frankie had told you that he actually had driven Chad's
6 boat from Goat Island to Lakeview that night. What did
7 Lori tell you? No, no, no he didn't. Chad was driving
8 the boat the whole time. Lori contradicted everything the
9 witness in front of her said. Lori also said that one of
10 the victims cut their lights on after the collision; that
11 that's when they cut their lights on. She was the only
12 person to say that. That's inconsistent with at least
13 nine other witnesses. Nine others. And then Lori told
14 you that she called 911 while she was out there. And then
15 the next member required to get up was Jessica Long.
16 Remember, she was on Skype. Jessica admits that she was
17 yelling, I just didn't say any of those obscene words, but
18 I was yelling at them, yeah I was yelling. Never mind the
19 fact that Lori had just told us that Jessica and Frankie
20 said some horrible things to them that night. Said some
21 horrible things and that was a quote. Jessica said nah, I
22 didn't yell any obscenities but I did yell. And then she
23 said - I asked her if she called 911 and she said oh yeah,
24 I was the only one that called 911. The only one out
25 there called 911. She was adamant about that, very quick.

State of South Carolina vs. Chad Morris

678

1 I was the only one that called 911 after Lori just told me
2 she called 911. So Lori contradicts Frankie, then Jessica
3 comes up and contradicts Lori. The circle of
4 inconsistency continues. Only one that called 911, that's
5 what Jessica said. She said it was only a few minutes
6 after they got out at Rusty's that DNR made it there.
7 Remember I kept asking her why didn't they call DNR and
8 let them know where they were. They knew, she said that
9 they were going to maybe call --- Frankie. Why didn't
10 they call from where they were. It was only a few
11 minutes. I said how long? Less than fifteen; from the
12 time of the collision til DNR got there. Folks, you know
13 that's not true. Jordan testified that he didn't get
14 there until 1:45 AM. We talked about how he found them
15 later. It was 1:45. The first call came in at 12:49, an
16 hour later. They said no it was less than fifteen
17 minutes. She said that because she understands that the
18 fact that Chad Morris didn't call anybody in that hour
19 doesn't look good for him so she lied. She lied to you.
20 Because that song that Mr. Morris didn't call anybody in
21 an hour. He didn't call anybody. He didn't get on that
22 boat and go to Scarborough's's during that hour. That
23 song doesn't play well. That song doesn't sound good so
24 she lied. Frankie lied to you. And Lori lied to you.
25 And Jessica lied to you. And then Stephanie took the

1 stand. Stephanie told you that she didn't see the
2 collision. The only info that she had, she knew about it
3 came from out of the mouths of Chad and Frankie and
4 Jessie. But she had some interesting information to
5 share. She told you that after the defendant, Mr. Morris,
6 arrived, after he got there, a boat with her brother and
7 others left the others left the house to go to
8 Scarborough's's. They sent a boat to survey the scene, to
9 see what kind of trouble Mr. Morris might be in. And he
10 didn't get on that boat. Ladies and gentlemen, failure to
11 render aid, failure to give information, he didn't get on
12 that boat. A boat left to go see what kind of trouble
13 he's in to survey the scene, to see how bad this girl's
14 hurt before he turned himself in. And he didn't get on
15 that boat. What did she say he was doing? Well he and
16 Rusty were checking out his boat at the time. He already
17 made it to safety and he's more concerned about if he's
18 got a hole in his boat then going and talking to law
19 enforcement and first responders about what had happened.
20 A boat left to survey the scene and he didn't get on it.
21 Ladies and gentlemen that's failure to render aid. That's
22 failure to give information that he's required to give.
23 Said he waited for an hour for DNR to find him. What else
24 did Stephanie tell you that was interesting? She told you
25 that when Jessie came up on shore, Jessica Long, the girl

State of South Carolina vs. Chad Morris

680

1 who had just said that she called 911, the girl that Chad
2 said called 911, the girl that Frankie said called 911;
3 when Jessica came up on shore, she told everybody, when
4 questioned as to whether they had called 911, Jessica said
5 what? She said no, somebody else called 911. No, she had
6 not called. Then they urged Jessica to call. Jessica
7 admitted on shore at Rusty Harrington's after the
8 collision, after they had fled the scene, after they left
9 on that boat, she admitted that nobody called 911. None
10 of them. None of Chad or Frankie or Jessie, according to
11 Jessie's own words that that crew did not call 911. So
12 Lori contradicts Frankie, Jessie contradicts Lori, and
13 Stephanie contradicts Jessie. Folks this is just a web of
14 lies. It's just an interwoven web of deceit. A circle of
15 inconsistencies. They're not just singing a different
16 story, they're all singing a different story. Every
17 single one of them is singing a different song. What did
18 Chad tell you? Chad told you he was only going 15 to 20
19 miles an hour. First he told the officer that he was not
20 to plane. Then he testified he was on plane. Then he
21 tried to clear that up and said he was kind of in between
22 plane. He lied about it the first time. He said he was
23 only going 15 to 20 miles an hour, he's not sure about
24 plane. Gave several different stories about that. But
25 only going 15 to 20 for sure, which is inconsistent with

1 the physical evidence. Inconsistent with the evidence
2 that shows that he was on the plane and the evidence that
3 shows that he jumped the boat from back to front. An 18
4 and a half boat, foot boat, he jumped from back to front.
5 All the way across like Dukes of Hazzard, with at least
6 clearance at the front end. He claimed that happened from
7 a boat that was going only 15 miles an hour? Folks, that
8 doesn't make any sense. That doesn't make any sense. The
9 song that they're singing, the song that they're trying to
10 sell you, doesn't make any sense. You will hear about
11 reasonable doubt in a few minutes. Folks, I submit to you
12 that you can't get reasonable doubt from an unreasonable,
13 unbelievable story that they're telling you. Reasonable
14 can't create unreasonable. Unreasonable can't create
15 reasonable. That wouldn't be logical. They're telling an
16 unreasonable, unbelievable story and they want you to say
17 well that leads to reasonable doubt. Would it be
18 logical, Ladies and gentlemen, you have a duty to find the
19 truth in this case. You took an oath as jurors to find
20 the truth. In a few minutes, you'll get a verdict form
21 and you'll go back in that jury room and render a verdict.
22 Verdict comes from the Latin word veredictum, which means
23 to speak the truth. Render a verdict that speaks the
24 truth. Make no mistake about it, that is your job; to
25 render a verdict that speaks the truth. And what is the

1 truth in this case. The truth is that everybody else is
2 telling the same story. Stephen, Caroline, and Justin,
3 they all tell you the lights were on. Matter of fact,
4 that's how the other people on shore knew they were out
5 there. The lights were on. Steven said 500%. That's how
6 Laughton and Daniel, his own witnesses, knew they were out
7 there because the lights were on. Nine people; let's
8 count them. Stephen, Justin, Caroline, Zanne Morris,
9 Jordan, Brent Waynick, Kim Rosefield, Laughton and Daniel.
10 They all say the lights were on, no question about it.
11 Laughton says after we got out there, the defendant's
12 yelling --- I just saw them on. I said I just saw them on,
13 they're on right now. They all tell you the same story,
14 the lights were on. They waved their phone lights.
15 Consistent with the witnesses on the shore who say they
16 heard screams before the collision. They saw the lights
17 being waved. These folks, they're not at the same party.
18 These are from different vantage points. They saw the
19 lights being waved. Had been described as speeding;
20 Justin and Caroline and Stephen. Fifty to 60 miles an
21 hour, wide open, sitting high on the water, trimmed up,
22 couldn't see the driver of the boat. He was trimmed up,
23 sits the front up higher. He was sitting so high that
24 they couldn't see him. Ladies and gentlemen, if the
25 people on the boat he hit couldn't see the driver, then

1 the driver couldn't see them. And that is important isn't
2 it, in this incident? To drive in such a manner that you
3 can't see what's in front of you. Isn't that
4 indifference? Isn't that recklessness? All consistent
5 that the boys got knocked in the water. No reason to lie
6 about that. What did Zannie, Brent and Jordan tell you
7 about the speed? Brent says I've been riding boats for
8 the last twenty years. The bass boats, I'm telling you the
9 boat was going between 40 and 50. He was the most
10 qualified person to testify in this trial to estimate the
11 speed of the boat if he owned a bass boat for the last
12 twenty years. He says going between 40 and 50. He said
13 that's fast speed at night. Matter of fact, he remarked
14 to his friend before the collision, he predicted the
15 tragic result of this incident --- of Mr. Morris's
16 actions. He predicted the tragic result: that guy's going
17 to kill somebody. Nothing good can come of that. He's
18 going fast enough that the onlookers who witnessed it on
19 shore were aware - they were consciously aware of his
20 recklessness. Ms. Morris told you, you know, I can't give
21 you a definite speed, all I know is that I pull my kids
22 between 30 and 35 miles per hour on the inner tube, I do
23 it all the time in that same area and I know for a fact he
24 was going faster than that. They're all consistent at the
25 degree of speed at which Mr. Morris is traveling. Quickly,

1 let's go through the remaining witnesses. Danny Floyd he
2 brought the 911 tape in. Nobody tried to hide it. We put
3 in. Danny Floyd says it contains the calls. It's
4 evidence. You can listen to it. It's in evidence.
5 You'll have a chance to go back and listen to it a hundred
6 times if you want to. I submit to you there's only one
7 female voice on that recording. That's the only female
8 caller. She identifies herself as Robin Morris... It's
9 not that hard to make out how many female callers there
10 were. There was one. She told her name: Robin Morris. I
11 talked about Investigator Spires's testimony already,
12 about how the defendant's story is inconsistent with the
13 physical evidence. Investigator Spires mentioned was
14 fishing poles. At 4:00 in the morning before he went
15 home, after he finished arguing about the lights, Mr.
16 Morris wanted his fishing poles back. He just killed a
17 young girl and he wanted to make sure to get his fishing
18 poles. Ladies and gentlemen, that is indifference.
19 Indifference. Mr. Harrington, the defendant's friend, his
20 friend came in here and admitted to you that after the
21 defendant got to his house, he urged him to go and speak
22 to law enforcement and the defendant stated I ain't going
23 tonight. I'll talk to them in the morning. I ain't going
24 tonight. I'll talk to them in the morning. Number one, he
25 didn't care. Number two is proof that he hadn't called

1 911. The fact that he believed it was an option to not
2 speak to law enforcement until the next morning is proof
3 that he hadn't called 911. Because if he had done so, he
4 would've known that law enforcement would want to speak to
5 him and he would've had to tell them where he was. So the
6 fact that he made that statement is proof of indifference
7 and proof he didn't call 911. Jordan Douglas, Jordan
8 Douglas is also proof the defendant didn't call 911.
9 Jordan Douglas told you that when he got out when he got
10 the call, go to the lake, got in his boat - put his
11 uniform on, got in the boat, getting information from DNR
12 about what they had, he told you they didn't know the name
13 of the suspect. They didn't know the location of the
14 suspect. Didn't know a name or where to find Mr. Morris.
15 An hour later, after Jordan and Erica waved him down, he
16 found him. An hour later. 12:49 to 1:45. That's when he
17 found him. Ladies and gentlemen, if anybody on Chad
18 Morris's boat had called 911, DNR would've known where to
19 find him. They'd have know who they were and where to
20 find him. The fact that they didn't is proof they didn't
21 call 911. You heard Laughton's story. Some of it again
22 this morning. It was very clear that a boat traveling
23 towards the power lines jumped a wake is one of the
24 examples of recklessness you'll hear. He jumped a wake.
25 Boat travelling towards the power lines jumping a wake

State of South Carolina vs. Chad Morris

686

1 came back from the power lines towards Scarborough's, same
2 boat, going by just as fast. Stopped at Scarborough's and
3 came back. Consistent with the witnesses on shore Zanne
4 and Brent and Jordan and Ken that they saw the boat come
5 by the power lines towards Scarborough's and then come
6 back. All consistent. They saw that same boat that had
7 just jumped it's wave flying up and down the lake and
8 that's the boat he hit, Hailey and Stephen and Justin and
9 Caroline. They were very clear about that. They were
10 also very clear that after the collision, not Chad or
11 Frankie and Justin but he was the last one to leave. They
12 were already gone. They were already gone. He heard them
13 yelling and cussing about the lights. He yelled back and
14 said they are on right now. I just saw them on. But
15 before he got a chance to leave, Chad was gone. Ladies
16 and gentlemen I know that it's difficult to sit in
17 judgement of another man. It's difficult to do what you
18 guys have to do. But you took an oath to do it. You took
19 an oath to follow the law. Thankfully you won't have to
20 decide what, if any, punishment Mr. Morris would get for
21 this. Your job is simply to answer the question. To
22 answer the questions: did Chad Morris drive his boat
23 recklessly that evening, killing Hailey Bordeaux in the
24 process; and did he fail to render aid and give
25 information following that collision? Ladies and

1 gentlemen, the answers to those questions is yes. I ask
2 you now to follow your oath and return a verdict that
3 speaks the truth. Thank you.

4 The Court: Alright, well folks, you remember at the
5 first of the trial, I just told you that and I have
6 different duties, I'm the judge of the law, you're the
7 judge of the facts. As a trial judge, it is my job to
8 preside over the trial, rule on it with things like
9 admissibility of evidence, making sure our procedural
10 rules got followed. Your job as jurors of the facts are
11 only, to consider only the evidence that was presented to
12 you in this courtroom, that's such things as testimony
13 from the witnesses on the witness stand, photographs, and
14 documents that were admitted into evidence and any
15 stipulations that counsel may have made. Now, I also now
16 have the additional duty of charging you on what the law
17 is that is applicable to this type of case. It's your
18 duty as jurors to accept this law and apply it as I now
19 state it to you and if you feel like you have some idea as
20 to what the law is or what the law ought to be and doesn't
21 agree with what I tell you the law now is, under the oath
22 that you took at the beginning of the trial, you were
23 under an obligation to accept this law as I now charge it
24 to you. You are the judges of the facts, you are the sole
25 judges of the facts. I, as the trial judge, cannot

State of South Carolina vs. Chad Morris

700.

1 this going so that might be the time to do it. But do not
2 begin deliberations until I send word back and all jurors
3 have to be in the jury room whenever you are deliberating,
4 so if you take a break to smoke or anything like that,
5 cease your deliberations if you're not all together.
6 Okay? But you can eat your lunch while you deliberate.
7 Alright? Thank you.

8 (Jury exits courtroom 12:13/Deliberations begin 12:27)

9 The Court: Y'all come here a second.

10 (Counsels approach bench without court reporter)

11 The Court: Alright is there anything from The State
12 on the charges?

13 Mr. Durant: No sir.

14 The Court: Nothing from the defense?

15 Mr. Kent: No sir.

16 The Court: Alright.

17 (Back on 2:59 p.m.)

18 The Court: Alright, do we have everybody here? I
19 understand that we have a verdict. Bring the jury in.

20 (Jury enters courtroom 3:00 p.m.)

21 The Court: Alright. Defendant rise. Count one of
22 reckless homicide by operation of a boat is not guilty.
23 On the lesser-included offense of negligent operation, you
24 had just written the word negligent, does that mean you
25 found him guilty or not guilty on that?

1 Foreperson: Guilty.

2 The Court: Guilty?

3 Foreperson: Yes sir.

4 The Court: Alright, if that is in fact the verdict of
5 the jury on count one or guilty of negligent operation,
6 would you indicate that by raising your hand? Let the
7 record reflect that, Madam Foreman, write guilty beside
8 that. On count two for failing to render assistance with
9 death resulting, the verdict is guilty. Alright, if this
10 is in fact your verdict as to count two, would you please
11 indicate that by raising your right hand? Let the record
12 reflect that all jurors have raised their right hand. Do
13 you wish to have the jury polled?

14 Mr. Kent: No, Your Honor.

15 The Court: Alright, you may be seated. Alright,
16 Madam Foreman, I'm going to hand this to the bailiff and
17 if you would on behalf of the jury where you wore in the
18 lesser included, you wrote negligent, write guilty beside
19 negligent. Alright. Thank you.

20 Alright, well folks, you've done a tremendous job
21 this week and it's been a very difficult case. I hope you
22 understand a little bit more about the way our system
23 works. Sometimes we have easy cases and sometimes we have
24 difficult ones. Obviously, there was a dispute between
25 parties and what happened out there that day got heated

1 and the only way we know to resolve it in our country by
2 peaceful means is to bring twelve of you folks in, let you
3 listen to it, and you decide. And that's the way our
4 country works. And you've done your service to your
5 country this week and to your state. This is very, very
6 difficult thing to be here, especially in a case like
7 this. And I know that you listened intently; part of my
8 job, as I told you, is to make sure we follow our
9 procedures and things like that but I also, you know, kind
10 of keep an eye out on everybody, make sure the jurors are
11 all awake and paying attention. And not one did I ever
12 notice anybody not paying attention. Very emotional, very
13 difficult case. You have certainly earned your gratitude
14 for the people of the State of South Carolina and
15 Clarendon County for the service you have provided this
16 week. Now that the case is over with, I've been telling
17 you all week long you cannot talk to anybody or do any
18 reading about the case. You are free now to talk to
19 whomever you wish, if you wish to talk to someone. If you
20 don't, you don't have to. Why I say that is very often
21 after the case, one of the lawyers from either side may
22 contact you and ask you to discuss the verdict you give;
23 just find out why you did what you did so that they can
24 prepare better for their next case down the road. It's
25 okay for you to talk to the lawyers but I don't think

1 you'll have anybody contact you but usually you will hear
2 from one of the lawyers and maybe somebody from their
3 office. You're not breaking any rules by talking to them.
4 If you do not wish to talk to them or anyone, and they
5 persist, you just let the clerk of court know, she'll
6 contact me and we will take care of that. Alright? But
7 you can now go back, read anything you want, talk to
8 anybody you want, post anything on social media, the
9 internet that you want. In other words, go back to a
10 nice, normal life. You've done an outstanding service
11 this week. This was a very, very difficult week and we
12 thank you for your service. You are free to go and I hope
13 that you've enjoyed the experience, I hope that you
14 learned something from the experience, and I hope that you
15 feel more favorable towards the court system as a result
16 of your service. Alright, thank you very much. You're
17 free to go.

18 Mr. Kent, you got any motions you want to make?

19 Mr. Kent: Yes, I do, Your Honor. Your Honor, at this
20 point in time, renew all my motions made through the
21 course of the trial, specifically my directed verdict
22 motions, especially as to the charge that the jury found
23 him guilty of; not as to the negligent operation of a
24 motor of a vessel, but as to the failure to render aid
25 statute. As I mentioned during my directed verdict motion

1 and I mention now again, Your Honor, careful review of
2 that statute lends itself, as I presented in front of you
3 the Supreme Court opinion, which isn't necessarily
4 opinion; it talks about statutory interpretation, that
5 statute is the type of statute that just leads itself to
6 potential absurd results. It is almost impossible to
7 comport what the tenant of that statute. Your Honor, I'd
8 ask you in your wisdom to set aside the verdict based upon
9 the fact that that statute is just candidly absurd. It
10 doesn't make very much sense. It is hard to comply with
11 the tenants of that statute. If you were to look at the
12 terms of the statute and what is required under the
13 statute, realistically, Mr. Morris comported with the
14 terms of the statute. Now, there is actions that he ---
15 that came out during trial that maybe people do not like
16 what he did but that does not change that he comported
17 with the terms of the statute. So that reason, Your
18 Honor, we would move again for a new trial. In the trial
19 in that matter, we would ask that you set aside the
20 verdict based upon the analysis that I just gave. Thank
21 you Your Honor. And renew all motions made during the
22 course of the trial.

23 The Court: Alright, well for the same reasons that I
24 stated during the trial, there was sufficient evidence to
25 support the case going to the jury. I believe there is

1 sufficient evidence to support the convictions and the
2 motion is denied. Let's move to sentencing. What would
3 the State like to tell me?

4 Mr. Durant: Your Honor, may I almhve a few minutes
5 to speak to the family?

6 The Court: Pardon?

7 Mr. Durant: May I speak to the family, see if anybody
8 wants to address The Court? May I approach Your Honor?

9 The Court: Yes sir.

10 (Counsel speaks with family)

11 Mr. Durant: May it please The Court?

12 The Court: Yes sir.

13 Mr. Durant: Your Honor, after speaking with the
14 family, they declined to address The Court today and I'll
15 speak on their behalf. Your Honor, as you are well aware
16 that it was a very emotionally draining case on both
17 sides. It was a tragedy; a young girl's life was lost
18 much too early. This is difficult for this family to go
19 through and evidently, the jury obviously agreed with the
20 State's position that the defendant, after killing young
21 Ms. Bordeaux, did nothing. He did nothing to help. And
22 Your Honor, that's a charge that obviously our legislature
23 takes very seriously as evidenced by the sentencing
24 guidelines that they have imposed upon this violation.
25 And we'd ask Your Honor to take the sentencing very

1 seriously as well. No recommendation, obviously, from the
2 State we defer to Your Honor's discretion.

3 The Court: Alright, does he have any prior record?

4 Mr. Durant: He has a negligent boating from 2002 Your
5 Honor. I believe that's the only conviction that I'm
6 aware of, Your Honor.

7 The Court: Alright. Mr. Kent?

8 Mr. Kent: Thank you Your Honor. Your Honor, as
9 you're aware, I've known you in excess of a decade. Mr.
10 Morris is definitely going to want to address you but
11 before he does, just to tell you a little stuff. Your
12 Honor, candidly, I do not generally get emotional about
13 trials. This one has affected me probably more than most.
14 It is as troubling a situation is I've ever had the
15 unfortunate pleasure of dealing with. I've met Ms.
16 Bordeaux's family; her father's, without a doubt, one of
17 the sweetest people I've ever talked to. I've talked to
18 him outside. He took the time to introduce me to his
19 daughters. He's just a sweet man and this is a sweet
20 family. This isn't the typical cases where we come in
21 front of you where somebody intentionally did something
22 wrong or wanted somebody to get hurt. From the moment
23 that Mr. Morris met me, he was contrite, he was
24 apologetic, he was sincere. We talked at him candidly
25 about getting ready for this trial, preparing for this

1 trial. And it's never been a situation where he was not
2 apologetic. He's always been --- Judge, I can't describe
3 the level of emotions that this has effected him with.
4 Sometimes we sit down and we talk to --- talk about the
5 case, we talk about the case and you try to prepare
6 individuals and the answers he gave were always just
7 painfully honest. As when he said on the jury stand when
8 he told the jury what he wishes he would've done
9 different, his comment is I wish I wouldn't have gone
10 fishing that day. When I asked him what he wanted to tell
11 the family, he just said when he got an opportunity, he
12 wishes he could tell them he could switch places with her.
13 After, only after he got off of the stand, Your Honor, and
14 this is something you did not witness, he got off of the
15 stand, he broke down, and he whispered in my ear I really
16 need to apologize to that family. We approached,
17 Investigator Spires who has been more than a gentlemen
18 during the course of this entire case, and he made it
19 clear he just wanted to apologize to them. I've never
20 thought there would be relief on a man's face after a
21 trial, even with a verdict. There is some level of relief
22 knowing that this part of his life is over. There's a
23 personal hell, Your Honor, that he has been living in that
24 I don't think any of us will ever experience. It's
25 destroyed him. And I'm not saying it shouldn't. As a

1 matter of fact, I think it should. Your Honor, I'm not
2 being disrespectful when I tell you the statute of which
3 he was convicted of. There is no possible way to conform
4 with that statute. Chad Morris, with his eleventh grade
5 education and I'll tell you and I know I was disrespectful
6 in front of the jury but I'll tell Your Honor this; I've
7 met with Mr. Morris, I've talked to him, he's not the
8 smartest client I've ever represented. He truly thought
9 that he did everything he should've done. I listened to a
10 trial presented against Mr. Morris in which everybody
11 talked about all the awful stuff that other people said,
12 all the nasty things that people said on 911 tapes and
13 noone ever said anything nasty that Chad did. I remember
14 down in Charleston, Your Honor, prosecuting cases. And I
15 remember sitting in front of the Honorable Deidre
16 Jefferson, I remember a quote she always used to give and
17 I've taken it to heart when I represent individuals. Are
18 we dealing with somebody who is truly evil or somebody
19 who's just misguided? And she would always talk about it
20 when we determine how to sentence individuals, are they
21 misguided or are they evil. No prior real record, still
22 works, been here everyday for trial. This isn't an evil
23 person; he's misguided. I hope the conviction has given
24 the family closure. But it has not justified or it has
25 not satisfied the goals of the criminal justice system.

1 Incarcerating Chad Morris for a lengthy period of time is
2 not going to do what the criminal justice system is
3 supposed to do. We talk about rehabilitation. We talk
4 about retribution. We talk about punishment. I can tell
5 Your Honor, as somebody who's known you for over a decade,
6 if not longer than that, somebody's who's tried many cases
7 in this courtroom, Chad has been in jail for the last two
8 years. When we talked and prepared for getting ready for
9 trial, he wasn't the typical client who says I don't want
10 to go to jail. He said I understand I'm going to have to
11 go. Your Honor, scary enough when Chad, myself, a few
12 other attorneys, we talked earlier this week about a
13 potential plea, he said Shaun, I just want to tell my
14 story. I didn't want anything to happen to that girl.
15 I've never had anything happen like that, Judge. And it -
16 -- I don't get emotional but it really did affect me.
17 Chad --- the show of support that lady has, it's affected
18 me more than any case I can possibly ever imagine. Mr.
19 Robinson can tell you that Tuesday evening, I called him,
20 I said I've never gone through anything like this; sixteen
21 years of practice. I know Chad wants to address you,
22 Judge. I know he wants to apologize. Usually, Your
23 Honor, if there is a conviction in trials that I do, I
24 generally do not allow my client to address The Court
25 because of potential appeal issues. I think it's

1 necessary for the world to hear how Chad feels.

2 The Court: Mr. Morris?

3 Mr. Morris: Your Honor, this thing's about to kill
4 me. People don't --- they think I walk around every day
5 with a good shoulder; I walk around in misery every day.
6 It has literally about ruined me the last two years. I
7 ain't had a good nights sleep in over a year. It's just
8 been terrible. And I'm sorry for the family. I know it
9 was my fault. But it was an accident. I promise.

10 Mr. Kent: Judge, finally, I know you have to judge
11 people on their actions. I know we have to judge people
12 on what the jury has found. And Chad understands today
13 that he is going to be getting a jail sentence; there is
14 no doubt about that. The legislatures put a mandatory
15 minimum sentence inside of the statute. Judge, when I
16 look at mandatory minimum sentences, I always think the
17 reason that minimum is that no matter what they look at
18 that as the base level, is this the worst individual that
19 they could possibly have or is this the best individual.
20 I don't think Chad is by any doubt the worst individual
21 who's ever come in front of you and definitely not the
22 worst individual who's ever --- looking at the statute,
23 I'd probably say he's probably one of the few who's ever
24 gone to trial on this statute. I had brought up to you an
25 example of a case, State vs. Roulalph, which a young lady

1 was driving down the interstate. She crossed over the
2 intersection, she saw a group of kids, she accelerated and
3 she ran over them and killed two of them; the other two
4 were injured. The Court gave a five year sentence
5 suspended to three years. Still was - the claim was an
6 accident. I don't think there's any doubt that this is an
7 accident. I understand that under negligent operation of
8 a vehicle, that carries a thirty day offense and I do
9 believe that this was negligence and that's why I asked
10 the jury to find him guilty of it because I do believe he
11 was negligent out there that day. But Judge, if we are to
12 take Chad at his word as to what happened that day, he
13 caused an awful accident; was in extreme shock as to what
14 happened. No, didn't hop in the water, didn't do
15 anything, but there were people already there. It wasn't
16 necessary. Probably should've. Probably should've called
17 911. But within an hour, turned himself in, gave a full
18 statement, gave two field sobriety tests, didn't contact a
19 lawyer, gave another statement the next day, has shown up
20 every day for court, was contacted, told to show up and
21 turn himself in to go to jail, and went to jail. I know I
22 said to the jury what more do you want a person to do. I
23 understand morally we do want someone to do more and I
24 wish I could sit here with a straight face and say that I
25 have the wherewithal of a Laughton Jones or a Daniel

State of South Carolina vs. Chad Morris

712

1 Brunson or a Zanne Morris or one of these wonderful people
2 who immediately on their own decided to jump out and help
3 and get into these situations. I can't say that I would
4 because I've never been in that situation. All that I
5 would ask that in your wisdom, sentence Mr. Morris
6 appropriately. I'd ask for some condition whenever he is
7 released and I think this would be good for him as well as
8 the family; to not get counseling but to help counseling
9 to individuals on the boats, on lakes. That he's required
10 on some condition of some form of probation when he gets
11 out that he must go to schools, he must go to boats, he
12 must go to all types of functions he possibly can and
13 speak about what has happened in his life. Because that
14 probably is the best message that we can give. Because
15 that one moment of negligence, one moment of not paying
16 attention can ruin not just one life, not Mr. Morris's,
17 not the fifteen people that are sitting beside him, not
18 the some fifty people that are sitting on the other side
19 of the courtroom, but more people that you can possibly
20 realize. Thank you for the time of letting me address The
21 Court.

22 The Court: Well, Mr. Morris, at the beginning of the
23 trial, I told the jury to do one of the things that I find
24 the hardest to do, it sounds simple but it's the hardest
25 and that's to keep an open mind until you've heard all of

1 the evidence. And very often there's always, always two
2 sides to every story. And you go through the whole trial
3 and to go back and forth as to what you think happened and
4 you get a thought in your head about it and you hear
5 different things and you go back and forth and it's really
6 not until the end that you can make up your mind as to
7 what really did happened. They heard a lot of evidence
8 from a lot of people this week. They all saw the same
9 thing and pretty much described it in similar but in
10 critical aspects different ways. And we ask the jury to
11 do a tremendously tough thing and that's to sort through
12 and figure out what happened. And twelve folks found that
13 you were guilty of negligent operation of a water device;
14 not reckless but negligent. And they also found you
15 failed to render assistance to somebody after you were
16 involved in an accident on a boat. It's a very important
17 part of the law that the sentence for the failure to
18 render assistance charge is much higher than the actual
19 underlying charge of reckless operation of a boat, which
20 is what you were indicted for. And much greater than
21 negligent operation of a boat, which is what you were
22 found guilty of. Under the way the law is without there
23 being statute involved, people don't have the obligation
24 to render aid to somebody in distress. There's no good
25 Samaritan law generally speaking out there that provides

1 people are under a duty to come to the aid of those that
2 are in distress. The only time that changes is when the
3 legislature says it changes. And in this case, the
4 legislature said you have a duty, when you were involved
5 in an accident and you're the operator of a boat, you've
6 got to do something. Come to the aid of the people to the
7 best that you can and you're also supposed to let them
8 know who you are so that if some investigation needs to be
9 done you'll know who it was. Now the jury set there and
10 they listened to this evidence and they believed, after
11 all that was said and done, that they don't believe that
12 you intended to run this girl over. I believe that and
13 run that boat over, they believe that. You weren't
14 reckless in operating a boat, but you were negligent in
15 operating a boat. Whether or not you were going 40 or 50,
16 or whether or not you were going 15 to 20, the result was
17 the same. You didn't see that girl. It was nighttime.
18 It wasn't easy to see. And whether or not you believe it
19 was cloudy or whether or not you believe it was, you know,
20 you can clearly see stars, it's clear that you couldn't
21 see very far. A lot of people said they couldn't see
22 until they came right up on the accident when it was over
23 with. So it wasn't easy to see. In other words, it's a
24 dangerous thing to ride a boat around at night. It's
25 things you can get out and play with during the day, you

1 can't get away with it during the nighttime. And it's
2 clear that you didn't see that boat, you weren't even sure
3 that you hit it or what you hit after you hit it. But it
4 was going fast enough that not only did it fly over that
5 boat, but it also resulted in the death of that young
6 lady. And that's what you got convicted of was negligent
7 operation. Now the sentence for that, the negligent
8 operation you got convicted of, is a lot less than it was
9 for reckless operation. Reckless operation, you can get
10 up to ten years. But on negligent operation, it's a zero
11 to thirty day offense up to a two hundred dollar (\$200.00)
12 fine. So that's what you got convicted of for the actual
13 accident. Your biggest problem has always been that when
14 the legislature said we are going to impose on people to
15 render aid to others, in this instance where there is
16 somebody who's operating a boat with death resulting, you
17 have an obligation to do something. And they not only
18 changed the law from no duty to you do have a duty, they
19 imposed a very, very high penalty. You can get up to 25
20 years in jail for this. Stop and think about that. The
21 thing that you got charged with, the actual accident that
22 resulted in a death, you could've only gotten 10. Failure
23 to do anything about it and render assistance is up to 25
24 years and a one year minimum. Not only that, they made it
25 a no parole offense. Now, your lawyer I'm sure explained

1 to you while we were talking about this, you know, talking
2 about getting ready for trial, some offenses like reckless
3 and that, you get some time but you become eligible for
4 parole and go before a parole board. On this charge for
5 failure to render assistance, you don't go before a parole
6 board. You can earn up 15% off good behavior that is if
7 you can get people to behave while they are in prison, but
8 you're not going to go before a parole board on that
9 charge. You've got to do at least 85% of the sentence
10 that I give you today. Alright, you get a sentence where
11 people say he's got to serve a little bit before he gets
12 out on parole. Nope, this is a no parole offense. That
13 tells me the legislature took this very, very seriously.
14 But they gave the judge a lot of discretion as to what to
15 do. This is a lot of instances that things happen on the
16 water and a sentencing range of twenty-five years, well,
17 we're going to give the judge the opportunity to listen to
18 the evidence and if the jury convicts him of it, you know,
19 he can decide how bad it was. Well I listened along
20 because I don't have a word on what he's found guilty of,
21 but I have to decide what the sentence is I impose. So,
22 you know the jury listened to the same evidence that I've
23 heard and they said well we don't think that --- we think
24 he was negligent and we don't know that he was so
25 negligent that he arises to the level of recklessness. So

1 they convicted you of a lesser-included offense of
2 negligent operation. Not letting you off, but they did
3 say that you were negligent on that. My impression of
4 this evidence that I listened to throughout the week was
5 well, here's what I tell people when I talk to law
6 students, young lawyers: you can have a fact situation
7 that otherwise doesn't seem all that bad. But if you end
8 up with somebody dying as a result, that changes
9 everything. Everything gets changed by death. So they
10 found you guilty of a 30 day offense. Alright? But
11 because somebody got killed on it, you're suddenly looking
12 at a lot more time. That's a very serious thing and it's
13 really why we're here is because somebody lost their life
14 that night. And that young lady can't get her life back.
15 And everybody that was there that night never ever going
16 to forget her, on both sides; family side and you. Never
17 going to forget it. I listened to you, I listened to your
18 lawyer, I listened to what people said that night and the
19 things that got said that night don't put you in a good
20 light. Now, I have to be careful to try to separate out
21 what you said versus what other people on your boat said.
22 The evidence that I heard about people threatening to not
23 call 911. And it seems to me that every single person
24 that testified about those things that got said about
25 threatening to not call 911 said it was a woman's voice.

1 Now that's the thing that really makes this outrageous
2 case. Those things about threatening to not call 911.
3 Those are un-excusable things to say. But I didn't hear
4 anybody say you said you weren't calling 911. From what I
5 gather happened, there was a lot of confusion right after
6 this thing happened. You weren't even sure that you hit a
7 boat. Everybody, from what you're saying, thought you hit
8 a log. You hit something and you turned around. For some
9 crazy reason, you and the people on the boat decided they
10 would argue about whether or not there were lights on
11 before asking did anybody get hurt. Again, very poor
12 judgment. At some point, you've got to put that stuff
13 aside and say was anybody hurt, is everybody okay, make
14 sure the people are safe and secure; if anybody's hurt,
15 they've got to be helped. My impression of you is that
16 you're a reasonable man. I gather you're probably the
17 kind of person that gets led far more than you are a
18 leader. That doesn't excuse what you did that night. But
19 I have to be careful not to punish you for what somebody
20 else said. Nevertheless, your conduct deserves
21 punishment. And what you did that night was you didn't
22 try to help. I understand your explanation and that was
23 you guys got into an argument and you didn't think that it
24 would help the situation by you going over there and
25 rendering aid because other people were there on the scene

1 rather quickly. I understand that. Put that aside for a
2 second and give you the benefit of the doubt on it. Let's
3 just give you the benefit of the doubt of the situation.
4 Going off to Mr. Harrington's house; I understand that.
5 You wanted to check your boat out. One could argue that
6 it looked like you were fleeing, but there was a lot of
7 stories that I'm not sure when you left and if you were
8 the last one that left or if you were going out of there
9 (someone coughed). I'll give you the benefit of the doubt
10 that you got over there, you were looking. Mr. Harrington
11 was there, you said to him, I think I did something wrong.
12 He said at that point, this is where it started to really
13 hurt your cause you need to go back there and tell the
14 police. And this statement about well I'll call them in
15 the morning; that doesn't look good, really doesn't look
16 good. I know you ultimately cooperated with the game
17 wardens that night, the investigation, all those things go
18 to your credit. I think the things that really hurt you
19 throughout this thing is your conduct after the accident.
20 The accident was bad enough, but it was bad, it was an
21 accident. It got worse because of how you acted after the
22 accident. The way you and the people that were in your
23 boat did not do you justice. You're the captain of the
24 boat, you're responsible. And your responsibilities were
25 to ensure the safety of the people on your boat if

1 something happened and you needed to make sure those other
2 people were safe as well. You didn't handle that the
3 right way. You didn't handle going and telling the police
4 as well as you could have and maybe you should have. But
5 my inclination is to give you the benefit that you are not
6 an evil person. I never think anybody thought you were.
7 Some of those things that got said on your boat, maybe
8 people think differently about other people on your boat
9 said some things, but I never heard anybody attribute
10 anything that you said along the lines of threatening to
11 not call 911. So what am I left with. What is an
12 appropriate sentence. Obviously the legislature has said
13 not only do you, have given a lot of discretion to a
14 judge, but I think there's an element to every sentence as
15 to what your punishment is; what purpose this punishment
16 serves, rehabilitation, there's an element of retribution,
17 but we won't really get into that in sentencing. But
18 there's also this thing where well we've got to send a
19 message out to the other people to say don't do this, this
20 is not the right way to act. So sending you home with a
21 minimum sentence, that's not an option. Not an option.
22 Twenty-five years is not an option. I don't believe that
23 your conduct deserves that. But I do feel like a five (5)
24 year sentence is appropriate. You'll do 85% of it so
25 you're going to go to jail for several years. People in

1 the community need to know that this is not the kind of
2 thing that is going to go unpunished. You did not handle
3 it well but I don't believe that you are an evil person.
4 I believe you are a simple person who got into a bad
5 situation and you were in a state of shock and you did not
6 make good decisions afterwards. Five years, I think all
7 things considered, is appropriate. So on the negligent
8 operation charge, I'm giving you 30 days and a two hundred
9 dollar (\$200.00) fine. On the failure to render
10 assistance, it's five (5) years to run concurrent with the
11 credit you've served any time applied before you got out
12 on bond. Good luck to you.

13 (END OF TRIAL)

14
15
16
17
18
19
20
21
22
23
24
25

WITNESSES

Inv. Tony L. Spires, S.C. DNR

ARREST WARRANT NUMBER

2014A1410100506

2014A1410100507

ACTION OF GRAND JURY

True Bill

Yonael Celebrete

For person of Grand Jury

Date: 9/11/2014

VERDICT

COUNT 1 - Not Guilty

Lesser-included - negligent Guilty

COUNT 2 - Guilty

For person of Petit Jury

Date:

DOCKET NO. 2014-GS-14-0329

The State of South Carolina

County of CLARENDON

COURT OF GENERAL SESSIONS

September

TERM

2014

THE STATE

vs.

CHAD MORRIS

Indictment for

1. WATERCRAFT / RECKLESS HOMICIDE BY OPERATION OF BOAT
2. WATERCRAFT / OPERATOR FAILS TO RENDER ASSISTANCE, DEATH RESULTS

Ernest A. Finney III

ERNEST A. FINNEY, III, SOLICITOR

STATE OF SOUTH CAROLINA)

INDICTMENT FOR

COUNTY OF CLARENDON)

1. WATERCRAFT / RECKLESS HOMICIDE BY
OPERATION OF BOAT
2. WATERCRAFT / OPERATOR FAILS TO
RENDER ASSISTANCE, DEATH RESULTS

At a Court of General Sessions convened on September 11, 2014, the Grand Jurors of
CLARENDON County present upon their oath:

COUNT ONE – RECKLESS HOMICIDE BY OPERATION OF BOAT

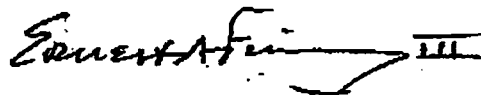
That in Clarendon County, South Carolina, on or about July 4, 2014, the Defendant, Chad Morris, did operate a boat in reckless disregard of the safety of others, and that the Defendant's reckless operation of the said vessel caused injury to Hailey Joanne Bordeaux, who died as a proximate result of those injuries in Clarendon County on July 4, 2014; said acts in violation of Section 50-21-0115, S.C. Code of Laws (1976, as amended).

**COUNT TWO – WATERCRAFT/OPERATOR FAILS TO RENDER ASSISTANCE,
DEATH RESULTS**

That Chad Morris did in Clarendon County on or about July 4, 2014, while operating a boat become involved in a collision, accident, or other casualty which resulted in the death of Hailey Joanne Bordeaux, and the Defendant did leave the scene of the accident without first rendering assistance and/or information as was practical and necessary to persons affected by the collision, although he was capable of doing the same without serious danger to his own vessel, crew, or passengers; said acts in violation of Section 50-21-0130 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.

Solicitor



RKLSHO

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,



Taylor D. Gilliam
Appellate Defender

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

ATTORNEY FOR APPELLANT

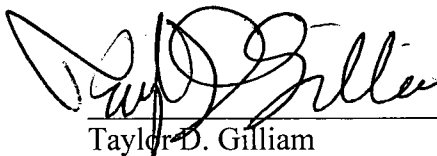
This 30th day of April, 2018.

RECEIVED
APR 30 2018
SC Court of Appeals

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,



Taylor D. Gilliam
Appellate Defender

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

ATTORNEY FOR APPELLANT

This 30th day of April, 2018.

RECEIVED
APR 30 2018
SC Court of Appeals