

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM BERKELEY COUNTY
Court of Common Pleas

Michael G. Nettles, Circuit Court Judge

CASE NO. 2018-000151

Steven Lee Morgan, #355128

Petitioner,

v.

State of South Carolina,

Respondent.

APPENDIX TO PETITION FOR A WRIT OF CERTIORARI
Vol. I

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STATE OF SOUTH CAROLINA	)	
	)	COURT OF COMMON PLEAS
COUNTY OF BERKELEY	)	
STATE OF SOUTH CAROLINA	)	
	)	
	)	
v.	)	Case No. 12-GS-08-0496-0500
	)	
STEVEN LEE MORGAN,	)	
	)	
Defendant	)	

TRANSCRIPT OF JURY TRIAL

The within jury trial in the above-captioned matter was held on April 19-23, 2013, before The Honorable R. Markley Dennis, Jr. , in Courtroom E of the Berkeley County Courthouse, 300 California Avenue, Moncks Corner, South Carolina; attended by counsel as follows:

APPEARANCES:

Anne Williams, Assistant Solicitor
 Bryan Alfaro, Deputy Solicitor
 9th Judicial Circuit
 Appearing for State

Chad Shelton, Esq.
 Keisha White, Esq.
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 ...Appearing for Defendant

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1 APRIL 19, 2013

2:00 P.M.

2

3

(DEFENDANT PRESENT)

4

THE COURT: Okay. We are here to hear
5 Motions. This case is scheduled to start on, I
6 think, Monday of next week. I have two Motions,
7 one dealing with expert testimony and the other
8 dealing with the rape shield statute. I'll be
9 happy to hear from - it doesn't matter what order,
10 whichever order suits you.

11

SOLICITOR WILLIAMS: Okay. I think
12 that we will begin with the Motion about the rape
13 shield statute.

14

THE COURT: Okay.

15

SOLICITOR WILLIAMS: Your Honor, as you
16 read the facts in the Motion, we have scientific
17 evidence that ties the defendant to the scene and
18 to the body of the victim. Then there is an
19 additional semen stain on the victim's bed that
20 does not belong to the defendant.

21

One thing that I forgot to mention in the
22 facts, Your Honor, that I think is very probative
23 and important is that there is no mixture of semen
24 in the rape kit. So -- I think that is important
25 because if there were someone else that night and
26 she had had some kind of sexual assault by a third
27 party, you would expect it to be in the rape kit.

1 The State's position is that although the
2 Rape Shield Statute prevents any information about
3 prior sexual activity with a third person to come
4 in that there are certain exemptions.

5 THE COURT: Sure.

6 SOLICITOR WILLIAMS: The plain reading
7 of the statute talks about looking for the source
8 of semen, or for the purpose of finding the
9 sources of semen or, uh, disease or some medical
10 condition. In this same, we do have an actual
11 semen stain but there is nothing that ties it to
12 the crime. We have the semen but we don't have
13 the source.

14 And as I laid out in my Motion, in other
15 cases where the court has allowed testimony to
16 come in about sexual activity with third parties,
17 there was at least some evidence that at least
18 tied the evidence to the scene.

19 In the *Finley* case, there was an
20 abundance of evidence about the third party sexual
21 encounter that the victim had had that had
22 something to do with the crime at hand. In
23 that case, the actual encounter was part of a
24 fabrication plan that was alleged by the defendant
25 about the victim. He had a tape recording of her

1 talking about that, he had a third party that she
2 had told that to. In this case there is
3 absolutely nothing that ties the semen stain to
4 this crime at all. It can't be aged, there is no
5 other witness that says that there was a third
6 party there. There's nothing forensically that
7 ties it temporally to this crime at that time.

8 So we would ask Your Honor to consider
9 not allowing counsel to ask any questions about
10 the additional semen stain. And that if Your
11 Honor is inclined to allow that, to give us some
12 sense of what the boundaries are. If that means
13 that he is allowed to ask a scientific expert
14 about the semen stain that was there or if that
15 means opening the door to asking the victim about
16 the source of the stain.

17 We would certainly think that a second
18 scenario would not be proper. Our position is
19 that even the first scenario is not proper, but we
20 would just ask the court, with all due respect, to
21 define what the boundaries are for that question.

22 THE COURT: Okay. Mr. Shelton?

23 CHAD SHELTON: Your Honor, it's not
24 the defense's plan or theory to go into the sexual
25 history of the victim. Merely we want to explore

1 the evidentiary issues at trial, including the DNA
2 that was found on the bed stain, the semen that
3 was found on the bed stain, that excludes my
4 client.

5 THE COURT: Sure.

6 CHAD SHELTON: And we just -- we
7 merely want to go into that. There are
8 circumstances, evidence, that are -- that there
9 is possibly -- that there was a different
10 perpetrator, another perpetrator.

11 SLED analyzed and found semen in the rape
12 kit that they did not analyze. They found semen
13 that they did not analyze. So there is
14 circumstantial evidence. There is also the knife
15 that was presented that Telegenetics, a separate
16 DNA Lab looked at that had a third contributor to
17 the knife that's been alleged to have been used in
18 the attack.

19 We have no issue going into any of her
20 sexual history with anyone other than the
21 defendant. We just, for evidentiary purposes,
22 want to talk about and bring up the fact that
23 there was actually another DNA found in the bed.

24 THE COURT: Do you wish to respond?

25 SOLICITOR WILLIAMS: Just factually,

1 Your Honor, there was absolutely no other semen
2 other than the defendant's in the rape kit. And
3 they tested ---

4 THE COURT: Well,

5 SOLICITOR WILLIAMS: Just for
6 clarification of the record.

7 THE COURT: Okay. Well, this
8 isn't novel, at least not to me. It's not novel
9 for the Ninth Circuit. Oddly enough there is a
10 case that is pretty close - I encountered this
11 case when I came on the bench at the end of 1994.
12 The solicitor is not the same. The solicitor is
13 now on this side (indicating defense). But David
14 Schwacke, who was the Solicitor, was prosecuting
15 Sergio Franko for a murder. There was saliva that
16 was found on the pillow next to her that was not
17 his, somebody else's.

18 I don't know how in the world that I
19 exclude evidence that was there, that was found.
20 I heard counsel say, 'I wouldn't agree with you
21 inquiring of the alleged victim in this case about
22 prior sexual activities without something that
23 creates more', that could have been there, I am
24 not - I probably am not going to allow that.

25 To establish what was present and what

1 was not his, I think that's fair game. To simply
2 create -- I mean, I don't know what -- obviously
3 there are other -- there's other evidence in this
4 case that circumstantially points to him.
5 Notwithstanding the identification, notwith-
6 standing the witness saying 'he's the person'
7 that committed these acts. There is no question
8 that there is -- then there are actions,
9 activities taken by the defendant that may
10 possibly be allowed to point to certain things.
11 As I understand, there is some alleged admission
12 that's -- that may or may not come in, as well.
13 You know, those are all things that may be fair
14 game for the State. But, likewise, things that
15 point -- that are not his, I think are fair game.
16 Now, it's up to you whether you want to explain
17 that or not. That's up to you. But I don't see
18 how I can exclude what -- and I define this term
19 loosely because, you're right, we can't date it.
20 But because we can't date it, I can't say, 'Well,
21 it didn't happen' at the time of the alleged
22 incident. So that's my rationale behind that.
23 I think that they are entitled to set the scene
24 as to what's there that is his, what was there
25 that is not his.

1 SOLICITOR WILLIAMS: I understand.

2 THE COURT: But as for her, no.

3 At this point, (negative gesture). But, again,
4 this is all *in limine*. I don't know how it is
5 going to unfold, what is going to be said.
6 Believe it or not - and I know that you all are
7 excellent trial attorneys. I've had the great
8 pleasure of trying cases with both of you.. But
9 you can't imagine how many times that lawyers say
10 things in opening statements that were not
11 discussed in the Motions, that had I known would
12 have -- or that did change my perspective of
13 things. So, again, this is sort of - just to sort
14 of give y'all some advice of my reaction to all of
15 this. But at this point I don't - at this point I
16 certainly would not allow any direct attack of the
17 victim concerning her prior record.

18 SOLICITOR WILLIAMS: And we would
19 just - we appreciate that, Your Honor. Thank you.
20 We would just ask Mr. Shelton that if anything
21 changes that he approach before he asks the victim
22 anything that has to do with ---

23 THE COURT: Yeah. Well, I think
24 that the statute seems to imply that that has to
25 be done, that I'd have to have an in-camera

1 hearing concerning those questions. I believe
2 that is what it suggests. At least that's what it
3 suggests to me.

4 SOLICITOR WILLIAMS: Okay.

5 THE COURT: If you feel otherwise, let
6 me know. But I think that needs to be done.

7 CHAD SHELTON: The only direct
8 evidence that we would have of that is if she did
9 testify to it.

10 THE COURT: Oh, if she opens the door,
11 obviously. If she up and starts - and explains
12 the presence, then I think that may crack the
13 door. But we probably ought to have a hearing
14 outside the jury's -- in camera, before we'd go
15 any further into it. Okay?

16 CHAD SHELTON: Yes, sir.

17 THE COURT: That way we can make sure
18 that the record is clear concerning it.

19 CHAD SHELTON: Yes, sir.

20 SOLICITOR WILLIAMS: Thank you, Your
21 Honor.

22 THE COURT: All right.

23 SOLICITOR WILLIAMS: With regard to the
24 second Motion, Your Honor, uh, there have been two
25 very interesting United States Supreme Court cases

1 that deal directly on this issue. Both cases
2 actually support the Court allowing the other
3 forensic scientist to testify about the results
4 that were originally formulated or ---

5 THE COURT: Folks, let me just --
6 let me cut you off. This isn't foreign to me
7 either. This happens every day in civil court.
8 Doctors typically in malpractice cases review
9 files and then render opinions. That is what we
10 are talking about. I mean, it really is nothing
11 new insofar as the world of expert testimony. As
12 we know, the Rule doesn't even say that it has to
13 be admissible, that they can consider anything.
14 You can't bring out inadmissible evidence. You
15 can in cross examination, or the Court can. But
16 clearly a witness - if the witness is qualified
17 and then meets the other requisite tests that are
18 outlined in *Watson* and its progeny, then, folks, I
19 have no problem with it. I --- does it open some
20 questions for cross examination, sure it does.
21 Does a person not testify because he doesn't
22 agree? That's another thing. Is this person - is
23 the person not available? Is that why you're not
24 calling him?

25 SOLICITOR WILLIAMS: Your Honor,

1 the original analyst just had a baby. We could
2 drag her in if we had to, and that's why we wanted
3 to get this ruling. Mr. Shelton has been very
4 kind to stipulate to the chain. Understandably,
5 he just can't stipulate to ---

6 THE COURT: Oh, I understand that
7 he can't do that.

8 SOLICITOR WILLIAMS: Absolutely.

9 THE COURT: But if the person is
10 otherwise qualified, I don't have any problem with
11 it. Now, granted, *Watson* is pretty clear. That
12 person -- as I recall, that person had never
13 really done any specific studies on cruise
14 controls. He was an engineer but he - he had no
15 background in dealing with that. The witness has
16 to meet those tests, but I am sure that this
17 witness will. I think I - as I understand, this
18 witness was part of the peer review that reviewed
19 the work and passed the opinion, that said that it
20 was done improperly.

21 SOLICITOR WILLIAMS: Yes, Your Honor.

22 CHAD SHELTON: And, Your Honor, for
23 purpose of the record, putting strategic things
24 aside, I would object on the grounds that this is
25 essentially a backdoor way for the Solicitor to

1 get in the analyst's opinions without the analyst
2 being present.

3 THE COURT: Mr. Shelton, to my
4 knowledge, it's the law. I was involved in this
5 case, indirectly. I sat right over there and
6 watched the trial, *Jackson v Humble Oil*. My
7 former doctor - I guess that he was - he was a
8 part-time physician, Dr. Robert Solomon. He was
9 contacted on Friday. The case went to trial on
10 Monday. I think Buster Holland and Tommy Tisdale
11 were the defense counsel. George Bishop and Bob
12 Wallace tried the case - Big George, not Little
13 George. The issues were whether or not this
14 witness could render an opinion. He never saw the
15 plaintiff in his life, he just read the records.
16 But he rendered an opinion about the injuries that
17 the plaintiff sustained. Number one, the
18 timeliness of it. But you don't have a timeliness
19 objection, as I understand. You are aware of this
20 witness testifying and the essence of the
21 testimony.

22 CHAD SHELTON: Yes, Your Honor.

23 THE COURT: But clearly that's just - I
24 mean, that's just a common practice, at least in
25 the civil side, that's been done for years. We

1 typically - and I'll tell you the strategy behind
2 it. We have a doctor from Charleston that before
3 - before county lines really disappeared, if you
4 tried a case in Berkeley before a Berkeley jury
5 you wanted a doctor that a Berkeley jury was
6 likely familiar with. That was the reason that
7 you wanted their faces and their opinions, because
8 it might carry a little more weight than somebody
9 that they didn't know.

10 But - so it's not an uncommon - but, again,
11 we have to allow the rule. The witness has to
12 have the requisite knowledge. That has to be
13 established. Do you challenge the witness'
14 background, experience and training?

15 CHAD SHELTON: I have not received
16 his CV.

17 THE COURT: Well, what we may want to
18 do - because as I understand *Watson*, I'm supposed
19 to make a determination. I think that there are
20 three questions that I have to address. So we may
21 want to do that before we render - you can get him
22 qualified and then we'll excuse the jury and go
23 thru the essence of his opinion. I can make a
24 determination before the jury hears it then.

25 CHAD SHELTON: And this may be really

1 premature. But, uh, based off of the *Sandy*
2 *Williams v Illinois* case, the Supreme Court did
3 give four safeguards that would include some jury
4 instructions that I would ask, if this expert does
5 testify, to ---

6 THE COURT: And what is the essence of
7 the ---

8 CHAD SHELTON: That it must instruct
9 the jury that out-of-court statements cannot be
10 accepted for their truth and that an expert's
11 opinion is only as good as independent evidence as
12 the underlying premises. And that if the
13 prosecution cannot muster any independent
14 admissible evidence to prove that foundational
15 facts that are essential to the relevance of the
16 expert's testimony, then the expert's testimony
17 cannot be given any weight by the triers of the
18 facts.

19 THE COURT: You know what? I love that
20 charge but I betcha that's out of a state that
21 doesn't have a Constitutional prohibition for
22 charging on the facts. That's a charge on the
23 facts. Federal charge, no question about it.
24 I've been trying for probably seventeen years,
25 'let's do Federal charges and then we can talk

1 about specific cases, specific evidence.' I'd
2 love to do it, but can't.

3 But I will tell you this -- I almost can
4 do it from heart. It's online. You can go look
5 at the civil charge on expert witnesses, because
6 basically I simply say, "Generally a witness is
7 not allowed to render an opinion, except in very
8 limited areas." That's a 701 opinion.

9 "However, some witnesses because of their
10 background, training and experience, they are
11 allowed to render opinions in the area of their
12 expertise. But the fact that an expert renders
13 an opinion is not controlling on you. You
14 consider the expert's testimony the same as any
15 other witness that testifies. You have to assess
16 whether or not the expert has the requisite
17 background, experience and training to render an
18 opinion and the basis for that opinion.

19 Furthermore, you are not controlled by the
20 expert's opinion. And the fact that the expert's
21 opinion is not contradicted directly does not
22 necessarily render it undisputed. You have the
23 right to believe to disbelieve an expert's opinion
24 in its entirety."

25 So I think that I cover that, what their

1 general concerns are, in the general charge on
2 experts. But we will talk about that when we get
3 to that point specifically.

4 CHAD SHELTON: Yes, sir. Thank you.

5 THE COURT: Okay.

6 SOLICITOR WILLIAMS: And, Your Honor,
7 just briefly, there is a very small chain in this
8 case for the evidence that the expert is going to
9 testify to. Mr. Sheldon has stipulated to the
10 chain, so we will write up a stipulation.

11 THE COURT: That's fine.

12 SOLICITOR WILLIAMS: If for any reason
13 he becomes uncomfortable with that because of the
14 foundational facts, or the language in *Williams*,
15 it is two witnesses and we will be have to ---

16 THE COURT: That's fine. Unless it
17 changes, I will assume that we will function with
18 a stipulation. But if you change your mind that
19 you agree with that, which is your right to do,
20 please make it known on the record.

21 CHAD SHELTON: Absolutely. And the
22 discussions were that we don't need the SLED
23 person who checked it in, we don't need the person
24 that took it from one place to the other, ---

25 THE COURT: I understand.

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21

1 CHAD SHELTON: We don't need that.

2 THE COURT: Okay. Anything else?

3 SOLICITOR WILLIAMS: No, Your Honor.

4 THE COURT: That all?

5 CHAD SHELTON: That's it.

6 THE COURT: See you Monday then. Thank
7 you.

8 SOLICITOR WILLIAMS: Your Honor, may I
9 approach. This is just the indictment, witness
10 list. We may finish by Tuesday afternoon.

11 THE COURT: That's fine.

12 CHAD SHELTON: I have some *voir dire*. I
13 can e-mail that?

14 THE COURT: Just e-mail it to me.

15 CHAD SHELTON: Thank you.

16 THE COURT: Thanks, Mr. Morgan. See
17 you on Monday. Let me ask, was there ever any
18 offer made in this case?

19 SOLICITOR WILLIAMS: Your Honor, the
20 offer was thirty years.

21 THE COURT: Okay. And that was
22 rejected, I understand that.

23 SOLICITOR WILLIAMS: Yes, sir.

24 THE COURT: But you instructed your
25 attorney to do that, Mr. Morgan?

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22

1 DEFENDANT: Yes, sir.

2 THE COURT: Okay. I just wanted that
3 to be on the record. That that was offered to
4 you, that you've had an opportunity to consider it
5 and that you've instructed your attorney to reject
6 it?

7 DEFENDANT: Yes, sir.

8 THE COURT: Thank you very much, sir.
9 Have a good weekend.

10 (COURT IN RECESS)

11

12

13

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State v. Steven Lee Morgan
Case No. 12-GS-08-0496-0500
Jury Trial of April 19-23, 2013
Before The Honorable R. Markley Dennis, Jr.

23

1 APRIL 22, 2013

9:30 A.M.

2

3

(DEFENDANT PRESENT)

4

THE COURT: Are we ready for the jury?

5

SOLICITOR WILLIAMS: Yes, Your Honor.

6

THE COURT: Defense ready, Mr. Shelton?

7

CHAD SHELTON: Yes, sir, Your Honor.

8

THE COURT: Good morning, Mr. Morgan.

9

DEFENDANT: Good morning, Your Honor.

10

(JURY PANEL IN @ 10:05 A.M.)

11

THE COURT: Good morning, Ladies and

12

gentlemen. My name is Markley Dennis. I'm a

13

Circuit Court judge from the Ninth Judicial

14

Circuit. I have been assigned this week to

15

conduct a term of General Sessions criminal court.

16

I know that probably for a lot of you it

17

is good news that we only have one case, and

18

that's probably the only case that we are going to

19

be able to try. I have commitments for two

20

different days, Thursday and Friday, possibly a

21

half day on Friday, so we'll work Monday, Tuesday

22

and Wednesday. Hopefully we will finish that

23

case by Wednesday.

24

I say that to you because I - if you've

25

served before, you know that in this state you can

1 only be required to serve in Circuit Court once
2 every three years. That means whether you serve
3 or not, each of you who remain, you all are
4 subject to being called, will earn that exemption.
5 The good thing about it is that sometimes when you
6 come, it's not - I've had cases in this courtroom
7 that I've had times when we've tried three or four
8 cases and had to have the jury come back every
9 day. So today, for most of you, will be the only
10 - for all but fourteen of you, this will be it.
11 You all will earn the exemption.

12 I share that with you because after we
13 call the roll, I have to qualify you. At the end
14 of the qualification if you have a personal need
15 that you need to discuss with me, I will give you
16 time to do that.

17 And I want to assure you of something
18 else. I've been accused of having a temper,
19 probably rightly so. But some of the things that
20 trigger that sometimes is wasting your time. As
21 a lawyer, that was not a good thing to do. As a
22 judge for eighteen years, I really don't like
23 that. To be honest with you, and I am not trying
24 to be flippant, but the only persons who are
25 working in this process that are not being paid to

1 do what they're doing, other than the litigants,
2 are you. Now, you're going to get paid --
3 something. But when you get it, you'll understand
4 that you are not really being paid for your
5 service. I assure you of that. And we'll talk
6 about that when I qualify you.

7 I just want to thank you in advance for
8 the opportunity to work with you, the privilege to
9 serve with each one of you. I just spoke to a
10 group as part of a program at my alma mater,
11 Berkeley High School. I told them that in a few
12 moments that I was going to come qualify you and
13 start a case. I was talking about their
14 opportunities in life and that we really in this
15 world need to learn to work together. That's
16 exactly what we do here. I can't think of a
17 greater example of working together than having
18 a case resolved by everybody working together.
19 Thank you. Combining our energies and effort,
20 that is what we truly do in this process. You
21 bring something that is critical to this process.
22 I hope that I bring a little something that may be
23 helpful. We combine our efforts and, hopefully,
24 obtain a result that is a fair, just and
25 reasonable determination and resolution of

1 disputes.

2 We will talk more in just a moment but now I
3 turn it over to Ms. Tucker who is going to call
4 the roll. She will have certain questions for
5 you. Again, it's good to see each one of you.

6 (WHEREUPON JURY PANEL SWORN)

7 (ROLL CALL)

8 THE COURT: Thank you, ladies and
9 gentlemen. The oath that you took when we
10 started, was there any member of the panel unable
11 to make that commitment? If so, please stand.
12 (No response). Thank you, there are none.

13 There are a number of questions that I
14 have to qualify you. Before qualifying you, there
15 still remain a few exemptions. If you fall into
16 any of these categories, it means that it is your
17 right to be excused from service if you would like
18 to, but otherwise it is your right to serve. The
19 first category is one that really and truly -- I
20 practiced law for twenty-one years. And when I
21 started this job in 1994, I thought, 'Well, I --'
22 -- I didn't think that I would be around in this
23 business twenty-one years from then. I've been
24 around now eighteen and, if I'm fortunate I look
25 forward to being here twenty-one. During that

1 time, I've joined a club that I thought at one
2 time was kinda old. I realize now that it is not.
3 I now have my card, I belong to the Medicare club.
4 I only saw one, by virtue -- not by virtue of your
5 appearance, but I have your birth dates on my
6 sheet. There is only one that has reached that
7 age of sixty-five or older. If you have achieved
8 that, you have the right to be excused. If there
9 is anyone that has attained that age and wishes to
10 be excused, please stand. (No response). Thank
11 you. We're delighted to have you and appreciate
12 your service.

13 I heard one of these. If you're an
14 officer or employee of the Department of
15 Corrections and you want to claim your exemption,
16 you have an exemption. You're free to stay but -
17 if you want to stay or you are free to be excused.
18 We appreciate what you do every day.

19 (JUROR EXCUSED)

20 THE COURT: Any others?

21 JUROR NUMBER 93: Your Honor?

22 THE COURT: Yes, sir, I show that you
23 have a statutory conviction. I have your sheet
24 and you're excused.

25 COURT REPROTER: His juror number?

1 THE COURT: Juror 93.

2 (JUROR NUMBER 93 EXCUSED)

3 THE COURT: All right. Are there any
4 others with the Department of Corrections? (No
5 response). Thank you.

6 The next one is that you have the care,
7 custody and control of a child under the age of
8 seven and you either do not work out of the home
9 or your working arrangements are such that you
10 alternate the care with another caregiver such
11 that someone is present at all times with the
12 child or children. If you need to claim the
13 exemption, please stand. (No response). Thank
14 you, there are none.

15 Is there any person who has the care of
16 any person of any age who requires constant care
17 and you are that caregiver, please stand. Yes,
18 ma'am?

19 JUROR NUMBER 115: My mother does.

20 THE COURT: And you are her caregiver?

21 JUROR NUMBER 115: Yes, sir.

22 THE COURT: And you are with her 24/7?

23 JUROR NUMBER 115: Yes, sir.

24 THE COURT: Your name and number,
25 ma'am?

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1 JUROR NUMBER 115: It is 115, Tara
2 Morey.

3 THE COURT: You are excused. Good
4 luck, ma'am. I know that she thanks you.

5 (JUROR NUMBER 115 EXCUSED)

6 THE COURT: Are there others? (No
7 response). Thank you. There appear to be none.
8 Okay, I heard a couple of these. If you're a
9 student, teacher or necessary employee with an
10 institution of learning, K through twelve or
11 institutions of higher learning, including
12 technical colleges, and your duties and
13 responsibilities as a student, teacher or some
14 necessary employee would conflict with serving
15 on the jury panel and you need to claim the
16 exemption, please stand.

17 JUROR NUMBER 178: I am a teacher.

18 THE COURT: Your name and number,
19 ma'am?

20 JUROR NUMBER 178: 178, Anna
21 Washburn.

22 THE COURT: Number 178 is excused.
23 Thank you so much. You're wrapping up the year,
24 though.

25 JUROR NUMBER 178: Yes, sir.

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1 (JUROR NUMBER 178 EXCUSED)

2 THE COURT: Are there others? (No
3 response). Thank you, there appears to be none.
4 I heard some students. Delighted to have you.
5 Look forward to working with you.

6 The next one, as I mentioned, will apply
7 to each one of you who remain with us whether or
8 not you serve on the jury. Are there any members
9 of the jury panel who have previously served on a
10 jury in Circuit Court in the last three years? If
11 you served in magistrate's court, municipal court
12 or Federal Court, that's good experience but you
13 didn't earn the exemption. If there are any
14 members who have served on a jury in Circuit Court
15 and wish to claim the exemption, please stand.
16 Yes, sir?

17 JUROR NUMBER 150: I served in 2011,
18 actually served here.

19 THE COURT: You served here?

20 JUROR NUMBER 150: Yes, sir.

21 THE COURT: And you wish to claim the
22 exemption?

23 JUROR NUMBER 150: Yes, sir.

24 THE COURT: You are free to leave.

25 Thank you for your service. 2011. We'll get you

1 in another year.

2 (JUROR NUMBER 150 EXCUSED)

3 JUROR NUMBER 110: Sir, I am 71.

4 THE COURT: Yes, sir, and you want to
5 claim your exemption?

6 JUROR NUMBER 110: Yes, sir.

7 THE COURT: Juror 110 is excused.

8 Thank you, sir. Good luck to you.

9 (JUROR NUMBER 110 EXCUSED)

10 THE COURT: I am working on trying to
11 reach that age. Yes, sir?

12 JUROR NUMBER 87: I was called for jury
13 duty in St. Stephens?

14 THE COURT: Like I said, that is good
15 experience but it does not qualify as an
16 exemption. Your number, please?

17 JUROR NUMBER 87: 87.

18 THE COURT: Thank you, sir. The next
19 is a catch-all exemption. It originated when this
20 state had a strong agricultural basis, but it has
21 been expanded to include -- if you or your
22 business -- in other words because you're here
23 your doors have to be closed, that there is nobody
24 there to open the doors and operate the business,
25 it makes you shut down whatever you're doing, you

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1 have an exemption. If you wish to claim that
2 exemption, please stand. Yes, sir?

3 JUROR: Yes, sir. I am a
4 supervisor, nighttime driver. If I am not there,
5 nobody else is there to do it.

6 THE COURT: So -- I don't understand.
7 You have to supervise -- who do you supervise?

8 JUROR: I run the night show and ---

9 THE COURT: The night show starts at
10 what time?

11 JUROR: Anywhere from 8:00 to ---

12 THE COURT: That wouldn't conflict with
13 serving on the jury.

14 THE COURT: Thank you, sir.

15 COURT REPORTER: His name or number?

16 THE COURT: (No response).

17 JUROR NUMBER 84: If I don't work, I
18 don't have anyone to do my ---

19 THE COURT: You're not sharing space
20 with anyone?

21 JUROR NUMBER 84: I am pretty much it.

22 THE COURT: You're it?

23 JUROR NUMBER 84: Yes, sir.

24 THE COURT: You would qualify. Your
25 number, please?

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1 JUROR NUMBER 84: 84, Kimberly King.

2 THE COURT: You are free to leave.

3 (JUROR NUMBER 84 EXCUSED)

4 THE COURT: Yes?

5 JUROR: I have got a deadline to meet
6 this week

7 THE COURT: That would not qualify for
8 the exemption. I will be glad to talk with you
9 but, as I mentioned to you, you're not the sole
10 employee of the company. I'll talk to you about
11 that. Are there any others? (No response).

12 Folks, those are all the exemptions.
13 The next questions deal with your qualification to
14 serve. So if any of these apply, it's important
15 that you share with the court.

16 The first one, I know the answer to it.
17 I have to ask it because the law requires that I
18 ask it. All of these questions are statutorily
19 required. They are not just questions that I just
20 decided to ask. But are there any members of the
21 jury panel who do not have a Highway Department
22 identification card, a voter's registration
23 certificate or a driver's license? You do not
24 have to have all three of them, you do not have
25 to have it with you today. If that applies to

1 anyone, please stand.

2 JUROR: I don't have a voter's
3 registration.

4 THE COURT: Do you have a driver's
5 license?

6 JUROR: Yeah.

7 THE COURT: That's all you need.
8 It's a crazy question. I knew the answer. That's
9 how we got your name, so I knew you'd have to have
10 one of the three. But I'm required to ask it, so I
11 ask it.

12 Next, are there any members of the jury
13 panel who have not reached their eighteenth
14 birthday? If so, please stand. (No response).
15 Again, I didn't notice anyone but I have your
16 birth dates.

17 Are there any members of the jury panel
18 who are clerks of court, deputy clerks of court,
19 constables, sheriffs, probate judges, county
20 commissioners, county officers or any person
21 employed within the walls of any courthouse? If
22 so, please stand. (No response). There are none.

23 Are there any members of the jury panel
24 who hold a law enforcement commission? That could
25 be with or without pay. In other words, you're

1 empowered to arrest someone, generally. (No
2 response). Thank you.

3 Are there any members of the jury panel
4 who are not residents and citizens of Berkeley
5 County? If so, please stand. (No response).
6 There appear to be none.

7 Are there any members of the jury panel
8 who are not citizens of the United States? If so,
9 please stand. (No response). There appear to be
10 none.

11 The next group of questions, ladies and
12 gentlemen, I will afford you an opportunity to
13 come forward and share the response with me and
14 the court reporter. It is important that if any
15 of these apply to you that you do respond to the
16 question:

17 Has any member of the jury panel ever
18 been convicted in a court of record of any crime
19 that carries a potential sentence of more than one
20 year? If you've not had your civil rights
21 restored by pardon or amnesty, you will not be
22 eligible to serve. It does not matter how long
23 ago that may have occurred. If it has occurred
24 in your lifetime and you haven't taken some action
25 to remove it, it will prevent you from serving.

1 The next one is if any member of the
2 jury panel is unable to read, write or speak the
3 English language, I will need to talk to you about
4 that. For the record, Number 93 has provided
5 information to the court that he falls into that
6 category and the court recognizes his right to be
7 excused.

8 (JUROR NUMBER 93 EXCUSED)

9 THE COURT: The next one, if any member
10 of the jury panel has a physical or mental
11 infirmity that they believe would affect their
12 ability to be able to serve, I will need to talk
13 to you.

14 And if there are members of the jury
15 panel who do not have the equivalent of a sixth
16 grade education, I will need to talk to you about
17 that.

18 Also, now if you have some compelling
19 business or personal reason that you need to
20 postpone your service, I will be happy to talk
21 with you about that.

22 Please form a line right here.

23 BAILIFF: Juror Number 60, Kenneth Grant.

24 SIDEBAR:

25 THE COURT: Hello, Mr. Grant.

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1 JUROR NUMBER 60: I had a charge in
2 Charleston County?

3 THE COURT: Do you (Solicitor)
4 have anything on that?

5 JUROR NUMBER 60: It was not a
6 felony, Your Honor.

7 THE COURT: Then that will not
8 affect you.

9 (SIDEBAR CONCLUDED)

10 THE COURT: Number 60 will remain.

11 BAILIFF: Juror Number 141, Jackie
12 Robinson.

13 SIDEBAR:

14 THE COURT: Good morning, Mr.
15 Robinson.

16 JUROR NUMBER 141: (Whispers to
17 judge).

18 (SIDEBAR CONCLUDED)

19 THE COURT: Number 141 has statutory
20 reasons to be excused. Good luck to you, sir.
21 I hope all goes well for you.

22 BAILIFF: Juror Number 180, Jason
23 Welch.

24 SIDEBAR:

25 THE COURT: Yes, sir?

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1 JUROR NUMBER 180: I had a charge,
2 Your Honor, and served ---

3 THE COURT: I've got it.
4 Thank you. That will disqualify you.

5 (SIDEBAR CONCLUDED)

6 THE COURT: Juror Number 180 will be
7 excused for statutory reasons. Thank you, sir.
8 Have a good day.

9 (JUROR NUMBER 180 EXCUSED)

10 BAILIFF: Juror Number 54.

11 (OFF RECORD SIDEBAR WITH JUROR 54)

12 THE COURT: Juror Number 54 will be
13 transferred. When do you want to serve? If I
14 transfer you, understand that is the time that you
15 will serve.

16 CLERK: August 20th.

17 THE COURT: Okay, you will get another
18 notice. I hope that all goes well for you.

19 (JUROR NUMBER 54 TRANSFERRED)

20 BAILIFF: Juror Number 192, Patrick
21 Shockley.

22 (OFF RECORD SIDEBAR WITH JUROR 192)

23 THE COURT: Juror 192 is excused.
24 Thank you.

25 (JUROR NUMBER 192 EXCUSED)

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1 BAILIFF: Juror Number 131, Bertha
2 Pinckney.

3 THE COURT: What is your name?

4 JUROR NUMBER 131: Bertha Pinckney.

5 (OFF RECORD SIDEBAR WITH JUROR 131)

6 THE COURT: I am going to treat you as
7 a caregiver and let you exercise your right to be
8 excused. Number 131 will be excused. She has
9 exercised her right to be excused.

10 BAILIFF: Juror 112.

11 (OFF RECORD SIDEBAR WITH JUROR 112)

12 THE COURT: I guarantee you that with
13 the work you do that you have more than the
14 equivalent of a sixth grade education. Juror 112
15 will remain.

16 BAILIFF: Juror 77, Ms. Howard.

17 (OFF RECORD SIDEBAR WITH JUROR 77)

18 THE COURT: Number 77 is excused for
19 statutory reasons. Thank you.

20 BAILIFF: Number 139, Katie Riley.

21 (OFF RECORD SIDEBAR WITH JUROR 139)

22 THE COURT: Just raise your hand if you
23 need to stretch. No problem. Number 139 will
24 remain.

25 BAILIFF: Juror Number 177, Christopher

1 Veazey.

2 (OFF RECORD SIDEBAR WITH JUROR 177)

3 THE COURT: It wouldn't disqualify
4 you but it might disqualify you in the case
5 qualification. We will have to see. Juror 177
6 will remain.

7 BAILIFF: Number 16, Karen Burton.

8 (OFF RECORD SIDEBAR WITH JUROR 16)

9 THE COURT: Sixteen will remain.
10 Also, if I could ask a question, sir. Juror 114,
11 if you would come forward.

12 (OFF RECORD SIDEBAR WITH JUROR 114)

13 THE COURT: Number 114, in retrospect
14 and hindsight does qualify for the exemption.
15 Good luck to you, sir.

16 (JUROR NUMBER 114 EXCUSED)

17 THE COURT: And if I could speak with
18 John Williams.

19 (OFF RECORD SIDEBAR WITH JUROR 183)

20 THE COURT: Thank you, Mr. Williams,
21 I didn't think that it was. Thank you very much,
22 sir. I look forward to working with you. Juror
23 Number 114, John Williams, will remain.

24 Ladies and gentlemen, I find that you are
25 qualified to serve as a jury this week with me.

1 Thank you, again for the sacrifice that
2 you will make as jurors. I won't sit here and
3 tell you that this is the best system for
4 resolving disputes. But I will tell you that it
5 is the best system that we have in the world right
6 now, that's for sure. Do you know why? In my
7 humble opinion, it's because of people like you.
8 I just thought that I appreciated the jury system
9 when I was a lawyer. But I promise you that for
10 the last nineteen years doing this job, working
11 with folks like y'all, I've come to respect this
12 system even more.

13 As I said, you will receive pay but it is
14 not "payment." The value of the service that you
15 render is priceless.

16 How many persons here called Mrs. Brown,
17 our Clerk of Court, and said 'Mrs. Brown, I'd just
18 love to serve on the jury next week. Can I do
19 that.' Nobody did that. You know something?
20 That's important. Some of you may have been glad
21 when you received your invitation but some of you
22 probably said, 'Oh, no, please how do I get out of
23 this?' But you're here, and I respect that. And
24 what stopped you from -- I didn't see you turn
25 around to the clerk when the gentleman said 'I

1 served in 2011' and say that you served. What
2 stopped you from saying that? You didn't say that
3 because it wasn't true. That says something about
4 yourself. That's exactly why our system works.
5 The beauty of all this -- and it really does, it
6 really springs from that, is that there is nobody
7 in the world -- I have no reservation whatsoever
8 in saying that nobody in the world is more
9 qualified than you are to perform the functions
10 that you will provide as jurors. Unless -- and
11 let me qualify that. Unless you can convince me
12 that there is some person who can apply your sense
13 of logic, your life's experiences, better than you
14 can. I don't believe that there is. I don't
15 think that that person exists. But if you can
16 convince me that they do, then I'll take notice of
17 that.

18 If you think about it, this is something
19 that you do every single day of our lives. Most
20 of the time it's a subconscious process. We hear
21 something, we see something and we decide for
22 ourselves whether or not we believe something.
23 That is all that we are asking of you here,
24 nothing more and nothing less. You are going to
25 make a promise to decide this case partly -- and I

1 say partly, because that is the other beauty of
2 this process. When you are present, you take part
3 of my job away. Thanks. I will thank you in
4 advance.

5 If you're not present, I have to be the
6 judge of the facts and the law. But when you are
7 here, I don't have anything to do with the facts.
8 That is your job. You and you alone will be the
9 sole judge of the facts. You will decide that by
10 considering one source and one source only, the
11 evidence. Evidence consists of the testimony of
12 witnesses and the exhibits that are introduced
13 through that testimony.

14 The other part of this, and this is
15 where it really comes in as to why that - I'll go
16 out on a limb. Do I think, in nineteen years,
17 that every single juror that I've been fortunate
18 and honored to serve with has honored their oath
19 perfectly, (negative gesture). I'd be naïve to
20 say that. I don't think that human beings attain
21 perfection. But I will tell you that I really and
22 truly think that the overwhelming majority of the
23 time -- and I mean this from the standpoint of --
24 I can honestly say that I can count on one hand
25 the number of times that I have said, 'I don't see

1 how the jury reached that verdict.' I've tried a
2 lot of cases, I promise you that. You do the job
3 because people do this and this is part and
4 parcel, that the only person that you really
5 answer to is you. Only you know whether you were
6 fair, truthful and honest in applying your common
7 sense, your sense of logic and reason. I believe
8 that you will.

9 If we both -- because I took the same
10 oath that you will take, when I took this job,
11 folks. I promised that any decision that I am
12 called upon to make, that I will apply my common
13 sense, my sense of logic and reason fairly and
14 impartially and make a decision that I believe to
15 be fair and just and consistent with the facts.
16 You will do the same.

17 Part of what you will have to do is to
18 take the law as I give it to you and apply that
19 law to the facts.

20 In this process, we don't have any
21 friends to reward or any enemies to punish. Our
22 real objective is to honor the commitment that you
23 make, and that is that you will decide the case at
24 the appropriate time by applying your common
25 sense, you sense of logic and reasoning fairly and

1 impartially by applying the facts. When you do
2 that -- and I can promise you this, that your
3 decision will not please everyone. Somebody will
4 be disappointed or upset but one thing is for
5 sure, if you've honored the commitment, while they
6 may not like it, you've honored the process and
7 under the law have done what is contemplated and
8 intended, and that is you have reached a verdict
9 that is just and fair.

10 So thank you for your commitment to the
11 process. It is an honor to serve with each one of
12 you.

13 We are going to take about a ten-minute
14 break. When we come back in, there will be a
15 second qualification, what we call a case specific
16 qualification. I will ask you certain questions
17 about this case. Unlike the first qualification,
18 where there were correct answers to the questions,
19 there are going to be a number of questions to
20 which there are no "correct answers."

21 These questions are designed to help you
22 make the decision whether or not you can be a fair
23 judge along with me. You will learn about the
24 parties, the accusations against the defendant in
25 this case. There are a number of questions.

1 I use this example to illustrate, but
2 it's kind of trite. But if you happen to see
3 someone's name that you know very well because
4 they live in your neighborhood and you've been
5 friends with them for the last fifteen years, you
6 go places together, you go out to supper at least
7 twice a month, your families all interact, you
8 know you're probably not going to be able to be
9 fair in that situation.

10 On the flip side, if you see somebody
11 that you know who lives in their neighborhood and
12 you can't stand them, you don't talk to them, if
13 they are outside you go inside, then you probably
14 are not going to be able to be fair in that
15 situation either.

16 So you'll have to ask yourself, 'Is
17 this going to affect my ability to be fair and
18 impartial? Is this going to affect my ability to
19 apply my common sense, my sense of logic and
20 reason?' If it does, then you might not be able
21 to be fair in this particular case. That is what
22 we desire, both sides are desirous of a person who
23 can be fair and impartial in judging the facts, to
24 help resolve this dispute.

25 I will talk about the time involved but I

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1 don't need to go into that now because most of you
2 will be leaving at probably about five of 12:00.
3 Between 12:00 and 12:30.

4 Again, it's an honor to work with you,
5 a privilege for me. Let's take about a ten,
6 fifteen-minute break. If you will, be back in
7 your seats about 11:15 and we will start the
8 process.

9 (BRIEF RECESS)

10 (DEFENDANT PRESENT)

11 THE COURT: All right, ladies and
12 gentlemen. Thank you very much. If I could have
13 your attention now, there are some questions that
14 I am going to ask of you. Remember that the oath
15 that you took applies even now.

16 First, I want to identify the case.
17 The case is captioned -- and the caption just
18 identifies the parties -- the State of South
19 Carolina, who is the party who is making the
20 claim. The claim is being made against Steven
21 Lee Morgan, who is the defendant.

22 Mr. Morgan is seated at the table to my
23 left. Good morning, Mr. Morgan. If you would,
24 please stand and face the jury panel.

25 DEFENDANT: (Complies).

1 THE COURT: Mr. Morgan is the gentleman
2 in the middle. Thank you, sir. You may take your
3 seat. If any juror is related by blood or
4 marriage or has any connection, socially or
5 otherwise, with Mr. Morgan, please stand. (No
6 response). Thank you, there appear to be none.

7 Mr. Morgan is represented by Mr. Shelton.
8 If you will, please identify yourself and anyone
9 that will be assisting you.

10 CHAD SHELTON: Thank you, Your Honor.
11 Chad Shelton. Helping me with the case is Keisha
12 White. We work with the Public Defender's Office
13 here in Berkeley County. The chief public
14 defender for Charleston and Berkeley counties is
15 Ashley Pennington.

16 THE COURT: Thank you, sir. Are there
17 any members of the jury panel who are related by
18 blood or marriage, who have any business dealing
19 with, who are socially or casually acquainted
20 with, who have ever been represented by Mr.
21 Shelton, Ms. White or Mr. Ashley Pennington? If
22 so, please stand. (No response). Thank you,
23 there appear to be none.

24 Are there any members of the jury panel
25 who are related by blood or marriage or have any

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1 business with, who are socially or casually
2 acquainted with anyone employed with the Public
3 Defenders Office? The Public Defenders Office has
4 offices in Berkeley and Charleston counties. If
5 so, please stand? (No response). Thank you,
6 there appear to be none.

7 The State of South Carolina is being
8 represented initially and primarily by the
9 Solicitor, our chief prosecuting officer for the
10 Ninth Circuit, Scarlett Wilson. Are there any
11 members of the jury panel related by blood or
12 marriage, have any business dealings with, who are
13 socially or casually acquainted with or who have
14 ever been represented by Ms. Wilson? If so,
15 please stand. (No response). Thank you, there
16 appear to be none.

17 Ms. Wilson has a number of deputy or
18 assistant solicitors who assist her. One who will
19 be assisting in this case is Ms. Williams. Ms.
20 Williams, if you would, please identify yourself
21 and anyone who will be assisting you.

22 SOLICITOR WILLIAMS: Thank you. My
23 name is Anne Williams. I work for the Ninth
24 Circuit Solicitor. Assisting me is Deputy
25 Solicitor Bryan Alfaro. Also seated with us is

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1 our chief investigating officer who works for the
2 Goose Creek Police Department, Leroy Goodyear.

3 THE COURT: Goodyear, did you say?

4 SOLICITOR WILLIAMS: Yes, Your Honor.

5 THE COURT: Are there any members of
6 the jury panel who are related by blood or
7 marriage or who have any business dealings, who
8 are socially or casually acquainted with Ms.
9 Williams, Mr. Alfaro, Mr. Goodyear; or who have
10 ever been represented by Ms. Williams or Mr.
11 Alfaro? If so, please stand.

12 JUROR NUMBER 164: Mr. Goodyear is
13 my friend and neighbor.

14 THE COURT: Would that influence you
15 in this case, sir?

16 JUROR NUMBER 164: Uh, I'm not sure.

17 THE COURT: Thank you, sir. The one
18 thing that I have learned in this job -- I was
19 talking to a class this morning at Berkeley High
20 School, part of a program of graduates of that
21 school, as I mentioned earlier. One of things
22 that I was going to talk to them about was that
23 I didn't do very well when I took sociology in
24 college. I would love to have a second
25 opportunity because one thing I've realized by

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1 what I've been doing for the last nineteen years,
2 it really would have been a good course to have
3 taken. Human nature is wonderful. To me, when
4 people say "uh", or hesitate, that speaks volumes.
5 I thank you for your candor and honesty, sir.
6 Out of an abundance of caution -- I am confident
7 that you could make a commitment, but I am going
8 to take you out of that dilemma. What is your
9 number, sir?

10 JUROR NUMBER 164: 164, John Stokes.

11 THE COURT: Number 164 is excused.

12 Sir, you are excused from any further service
13 this week. You've earned your exemption for the
14 next three years. Thank you, sir.

15 (JUROR NUMBER 164 EXCUSED)

16 THE COURT: Are there others? Yes?

17 JUROR NUMBER 172: Ms. Kennedy has
18 represented my son in a couple of different
19 historical events. And I work with her brother.

20 THE COURT: Would that affect or
21 influence you?

22 JUROR NUMBER 172: I think it probably
23 would, yes.

24 THE COURT: Your number, please?

25 JUROR NUMBER 172: Number 172, Anita

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1 Thompkins.

2 THE COURT: Number 172, likewise, is
3 excused. Thank you so much for your service,
4 ma'am, and your candor.

5 (JUROR NUMBER 172 EXCUSED)

6 THE COURT: Ma'am, I am not trying to
7 embarrass you but, folks, that's precisely what I
8 am talking about in a nutshell. Ms. Kennedy is a
9 member of that office. She is not going to be
10 participating in this case directly. She
11 certainly is involved indirectly. But that's why
12 I believe so strongly, because jurors do this
13 every single day. Thank you for doing that,
14 ma'am. Thank you.

15 JUROR NUMBER 16: The Solicitor's Office
16 has represented my family in a criminal case.

17 THE COURT: Would that affect you?

18 JUROR NUMBER 16: Yes, sir.

19 THE COURT: Your number, please?

20 JUROR NUMBER 16: Sixteen.

21 THE COURT: Number 16 is excused.

22 (JUROR NUMBER 16 EXCUSED)

23 THE COURT: Yes, sir?

24 JUROR NUMBER 177: Mr. Goodyear was
25 my neighbor and he and I worked together for

1 several years.

2 THE COURT: Would that influence you?

3 JUROR NUMBER 177: Probably so.

4 THE COURT: And you came up -- in
5 fairness to you, you acknowledged certain
6 involvement with law enforcement agencies over the
7 years and we told you that this would be the time
8 to do it. I think based on your involvement and
9 your statement there, that the best thing to do
10 would be to excuse you as well. Thank you for
11 your candor. Your number, please?

12 JUROR NUMBER 177: 177.

13 THE COURT: Number 177 is excused.

14 (JUROR NUBMER 177 EXCUSED)

15 THE COURT: Are there others?

16 (No response). Thank you, there appear to be
17 none.

18 I am going to identify a number of
19 persons, ladies and gentlemen. If you're related
20 by blood or marriage to any of these individuals,
21 are socially or casually acquainted with any of
22 them, have any type of dealings with them, you
23 need to stand and share that information with the
24 court:

25 Dan Moates

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1 Rose Lampkin

2 John McCordy

3 The following persons from the Goose
4 Creek Police Department:

5 Patrolman John Tisdale

6 Tera Tavelle

7 Wendy Myers

8 Nicolas Powell

9 Investigator Paul Treamblay

10 Christopher McClenan

11 Maggie Carver

12 Also:

13 Sean Lampkin,

14 Nancy Hall and

15 Laura Brigada, who are RNs with

16 MUSC.

17 And:

18 Victor Mazyck

19 Daniel DeMiers

20 Then the following individuals who are
21 employed with SLED, South Carolina Law Enforcement
22 Division:

23 Amanda Webb

24 Mary Boehm

25 Doris Yarborough

1 Also from MUSC:

2 Dr. Langdon Hartsock

3 Any of those persons? (No response).

4 Thank you. There appear to be none.

5 The dispute, ladies and gentlemen, that
6 brings us here today is basically set forth in
7 these documents that I hold in my hand. There are
8 five of them, I think -- (upon review), yes, there
9 appear to be. They are called indictments. An
10 indictment is really nothing more than the formal
11 charging document. It merely contains the
12 allegations against Mr. Morgan and sets up the
13 basis of this dispute and frames the issues, so to
14 speak. It is not evidence, it won't accompany you
15 to your jury room.

16 What I need to share with you now is what
17 is alleged so that I can ask you certain questions
18 about that. It is alleged that on -- in one of
19 the indictments, that Mr. Morgan did, in Berkeley
20 County, on or about January 29th, 2012, possess a
21 knife or visually displaced what appeared to be a
22 knife during the commission of or attempted
23 commission of attempted murder, which is a violent
24 crime as defined by our laws.

25 It is also alleged that Mr. Morgan did,

1 in Berkeley County on January 29, 2012, commit a
2 sexual battery upon the victim, Rose Lampkin,
3 without consent and with the use of aggravated
4 force, to-wit penal/digital penetration; all in
5 violation of the law prescribing such conduct in
6 this state.

7 It is also alleged that Mr. Morgan did,
8 in Berkeley County on or about January 29th, 2012,
9 -- and by the way, that crime was criminal sexual
10 conduct in the first degree.

11 It is alleged that on the 29th of
12 January, 2012, that he unlawfully entered the
13 residence of Rose Lampkin located at 107 Crystal
14 Street in Goose Creek without consent and with the
15 intent to commit a crime therein; basically in
16 violation of the statute which is conduct known as
17 burglary in the first degree.

18 It is also alleged that Mr. Morgan did,
19 in Berkeley County on or about January 29th,
20 unlawfully seize, confine, inveigle, decoy,
21 kidnap, abduct and carry away Rose Lampkin
22 without authority of law; which again violated
23 the conduct prescribed by the section designat-
24 ing the crime of kidnaping. It's alleged
25 further that on that date, January 19th, 2012,

1 that he willfully, feloniously and intentionally
2 attempted to kill another person, namely Rose
3 Lampkin, with malice aforethought, either
4 express or implied by means of a knife; which
5 violated the section setting forth the crime of
6 attempted murder.

7 I share that with you first of all to
8 find out if any member of the jury panel has heard
9 anything, read anything, talked with anybody about
10 these alleged crimes or Mr. Morgan's involvement
11 in these alleged incident? If so, please stand.

12 All right, I am going to ask you to come
13 forward, please, sir. Attorneys may approach, as
14 well.

15 SIDEBAR:

16 THE COURT: What is your number?

17 JUROR NUMBER 133: Juror 133.

18 I know the Lampkins and some of them - or I think
19 Rose Lampkin may live pretty close to where I
20 live. I think that it would affect me.

21 THE COURT: Thank you, sir.

22 (SIDEBAR CONCLUDED)

23 THE COURT: Juror Number 133 will be
24 excused from further service.

25 (JUROR NUBMER 133 EXCUSED)

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1 THE COURT: Are there others? (No
2 response). Thank you, there appear to be none.

3 Are there any members of the jury panel
4 who now or formerly have any dealings with the
5 Rose Lampkin family or the Lampkin family? If
6 so, please stand. They lived in Goose Creek or
7 formerly lived in Goose Creek. (No response).
8 Thank you. There appear to be none.

9 Are there any members of the jury panel
10 that are members of or who support, financially
11 or otherwise, agencies that deal with law
12 enforcement, such as: Mothers Against Drunk
13 Driving, MADD; Students Against Drunk Driving,
14 SADD; or similar organizations? If so, please
15 stand. Thank you. There appear to be none.

16 Are there any members of the jury panel
17 who have been involved, as accused or a crime, the
18 witness of a crime, that you were the person or
19 you were the alleged victim of a particular crime,
20 or had any dealings with it whatsoever? If you've
21 been involved in a criminal prosecution in any
22 way, please stand.

23 Come forward, please.

24 SIDEBAR:

25 JUROR NUMBER 66: I shot my son.

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1 THE COURT: You shot your son?

2 JUROR NUMBER 66: Yes, sir.

3 THE COURT: Were you prosecuted?

4 JUROR NUMBER 66: I was in jail for it
5 but ultimately was not convicted.

6 THE COURT: Would that affect or
7 influence you in this matter?

8 JUROR NUMBER 66: I don't want to say
9 that it wouldn't. I don't want to get up here and
10 do the wrong thing.

11 THE COURT: I understand. I am going
12 to, out of an abundance of caution, excuse you.

13 (SIDEBAR CONCLUDED)

14 THE COURT: Number 66 is excused.

15 (JUROR NUMBER 66 EXCUSED)

16 THE COURT: Yes, ma'am?

17 BAILIFF: Juror Number 9.

18 SIDEBAR:

19 JUROR NUMBER 9: Your Honor, I was
20 the victim of spousal abuse and sexual assault.

21 THE COURT: Do you believe that that
22 would influence or affect you in this matter?

23 JUROR NUMBER 9: Yes.

24 THE COURT: I understand.

25 (SIDEBAR CONCLUDED)

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1 THE COURT: Juror Number 9 will be
2 excused. Have a great day.

3 (JUROR NUMBER 9 EXCUSED)

4 BAILIFF: Juror Number 51.

5 SIDEBAR:

6 THE COURT: Yes, ma'am?

7 JUROR NUMBER 51: My son was accused of
8 sexual assault, over in Mount Pleasant.

9 THE COURT: Would that affect or
10 influence you in this dispute?

11 JUROR NUMBER 51: Yes.

12 (SIDEBAR CONCLUDED)

13 THE COURT: Number 51 will be excused.

14 (JUROR NUMBER 51 EXCUSED)

15 THE COURT: Are there others? (No
16 response). Thank you. There appear to be none.

17 Are there any members of the jury panel
18 or member of your immediate family or close
19 personal friends that have ever been involved in
20 an alleged sexual offense? If so, please stand.
21 (No response). Thank you, there appear to be none
22 -- excuse me. Yes, sir, come forward please.

23 SIDEBAR:

24 THE COURT: Your number, sir?

25 JUROR NUMBER 191: Number 191. I

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1 have a family member in Indiana, my uncle, Carl
2 Baumis, who was charged with ---

3 THE COURT: Was he convicted or
4 accused?

5 JUROR NUMBER 191: He was convicted.

6 THE COURT: Would that affect or
7 influence you in this matter?

8 JUROR NUMBER 191: It might. I don't
9 know all the facts but - it might.

10 THE COURT: Thank you, sir.

11 (SIDEBAR CONCLUDED)

12 THE COURT: Juror Number 191 is
13 excused. Have a good day, sir.

14 (JUROR NUMBER 191 EXCUSED)

15 BAILIFF: Juror Number 27.

16 SIDEBAR:

17 THE COURT: Yes, ma'am?

18 JUROR NUMBER 27: I personally was
19 sexually assaulted when I was young, and I
20 had a grandson that was sexually assaulted.

21 THE COURT: Thank you.

22 (SIDEBAR CONCLUDED)

23 THE COURT: Number 27 will be excused.
24 Have a great day, ma'am.

25 (JUROR NUMBER 27 EXCUSED)

1 THE COURT: Any others? (No
2 response). Thank you. There appear to be none.

3 One of the principles of law that I will
4 discuss, pretty important. Those of us who have
5 followed the trial of the person in Italy, that
6 has now come back and the state gets another bite
7 at the apple, so to speak, points out a number of
8 things about our legal system here. One of the
9 things that we have in this country, in every
10 state, is that persons accused of criminal
11 offenses are presumed innocent. That is not --
12 those are not just words. That requires an active
13 thought process, that you actively presume that a
14 person is innocent of charges. You can't change
15 that status until you've been convinced by the
16 evidence beyond a reasonable doubt that this
17 person did what is alleged. In order to reach
18 that point, you will have to address each element
19 of that particular crime and answer the question
20 for yourself that, 'yes', the State had met that
21 burden before you can change your opinion.

22 Persons accused have no responsibility to
23 disprove or prove anything at all. They don't
24 have to present any evidence, they don't have to
25 say a word. They have no obligation whatsoever.

1 While in a criminal prosecution the format is the
2 same as in a civil case, in a criminal case the
3 defendant never has anything to prove.

4 My question is, is there anything about
5 your philosophy, any strong feelings, something
6 that has happened in your life, that would give
7 you any concern about your ability to apply that
8 principal of law; that is, to apply that law
9 fairly and impartially to the facts of this case.
10 If you feel that there is, please stand.

11 Come forward, please.

12 SIDEBAR:

13 THE COURT: Yes, your name and number?

14 JUROR NUMBER 22: Number 22, Bonnie
15 Cassity. About a year and a half ago, my daughter
16 was home alone, sleeping, and a man broke in. He
17 is currently serving only a ten-year sentence and
18 I don't feel that is ---

19 THE COURT: I understand. Thank you for
20 your candor.

21 (SIDEBAR CONCLUDED)

22 THE COURT: Number 22 will be excused.

23 (JUROR NUMBER 22 EXCUSED)

24 THE COURT: Yes, sir?

25 BAILIFF: Number 60, Kenneth Grant.

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1 SIDEBAR:

2 THE COURT: Hello, Mr. Grant.

3 JUROR NUMBER 60: I have a cousin that
4 not too long ago was shot and murdered.

5 THE COURT: And you'd have problems
6 with this?

7 JUROR NUMBER 60: Yes, sir, I would.

8 THE COURT: Appreciate that.

9 (SIDEBAR CONCLUDED)

10 THE COURT: Number 60 will be excused
11 from participation in this dispute.

12 (JUROR NUBMER 60 EXCUSED)

13 THE COURT: Are there others? (No
14 response). Thank you.

15 The next question -- I mentioned to you
16 that each one of you would make a commitment
17 similar to the one that I made. That is that you
18 will at the appropriate time apply your sense of
19 logic and reason fairly and impartially in
20 deciding the evidence. Deciding from that
21 evidence what you believe to be the true facts.
22 Then once making that decision, applying the law
23 that I give to you fairly and impartially to those
24 facts.

25 Is there anything about what you've

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1 heard this morning that would give you any concern
2 about your ability to make that commitment to the
3 State of South Carolina, to Mr. Morgan, to the
4 attorneys representing them or to the Court? If
5 so, please stand.

6 Thank you, ma'am. If you would, come
7 forward please.

8 BAILIFF: Juror Number 23, Ashley Clark.

9 SIDEBAR:

10 THE COURT: How are you, Ms. Clark?

11 JUROR NUMBER 23: I'm fine. I thought I
12 should tell you that my boyfriend works for the
13 Town of Goose Creek.

14 THE COURT: You're afraid that might
15 cause him some trouble?

16 JUROR NUMBER 23: Yes.

17 THE COURT: I understand. Thank you,
18 ma'am.

19 (SIDEBAR CONCLUDED)

20 THE COURT: Number 23 will be excused
21 from participating in this dispute.

22 (JUROR NUMBER 23 EXCUSED)

23 THE COURT: Are there others? The lady
24 that we have been talking with, by the way -- I
25 haven't gone through all that we are doing. But

1 that lady is -- I'm been on a number of teams in
2 my life, one of which was my football team where I
3 got to earn my football jacket in 1965. I went and
4 looked at my Annual and I thought, 'boy, these
5 days I couldn't even carry water for the teams.'

6 You know, it's nice to be part of a
7 team. We are going to be a team that is going to
8 work together to resolve this dispute. That's the
9 way that I look at this whole process. The lady
10 that -- I've been on her team for a good while,
11 Ms. Garrison. She is my court reporter. I
12 believe, without any hesitation, that she is the
13 best in the State. I've worked with a number of
14 them. She has the job of taking down everything
15 that is said. She has the sole responsibility for
16 the record.

17 But there are other persons who have an
18 involvement in the process. We have persons in
19 uniform. Person who are wearing nice red coats -
20 by the way, I tease those Clemson fans in Berkeley
21 County that we wear garnet and black. And thank
22 you very much, I saw in the paper today that one
23 of those persons has moved on. Mr. Nolan Pontiff
24 used to wear his Clemson button on the lapel of
25 his garnet jacket. I will miss teasing him about

1 it. We will all miss Mr. Pontiff.

2 But all of those persons, including Ms.
3 Tucker, Ms. Hill, Ms. Brown, we're all working
4 together to make this concept work. It takes each
5 one of us to make it work.

6 My court reporter just said this is an
7 impressive group, "they're responsive." And she's
8 right. I am impressed with the candor of this
9 group and I commend you for that, I really do.
10 It's the one thing, folks -- I tell you, not every
11 day that I've done this job for nineteen years
12 have I enjoyed it. But this is one of them.
13 Every time that I have a jury, there are people
14 with whom I have the pleasure of working. So,
15 thank you.

16 That question that we just talked about
17 is really the essence of our examination. So I
18 assume that there is none of you right now that
19 would have a problem raising your hand and taking
20 the oath that you could be fair and impartial in
21 listening to the evidence and that you could apply
22 the law as I give it to fairly and impartially and
23 reach a decision that is fair and just. If there
24 is, please raise your hand. (No response). I
25 look forward to serving with each one of you.

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1 What is going to happen now is that we
2 are going to go through the jury selection
3 process. The clerk will call your names at
4 random. When your name is called, please bring
5 with you your personal effects. Come stand
6 between these two chairs and turn to face both the
7 State and Mr. Morgan.

8 First the State will make a decision,
9 seat the juror, swear the juror or they may say to
10 excuse the juror. If they say seat the juror,
11 swear the juror or 'we will take the juror',
12 whatever they say, then you will take a seat in
13 the jury box.

14 Then it will be Mr. Morgan's opportunity
15 to say seat, swear or excuse the juror. If you
16 are taken, you will take a seat in the jury box.

17 Should you be excused by either side,
18 you will return to a seat in the audience.

19 Each side in this case can excuse
20 persons. The State can excuse five persons.
21 Mr. Morgan can excuse ten persons. We will go
22 through this process until we have selected twelve
23 jurors and two alternates.

24 As we go through the process, if any of
25 you are excused, for goodness sakes don't read

1 anything into that. Just go back to your seat and
2 we will get through the process as quickly as we
3 can. I told you that it would be a little after
4 12:00, and I think that it will be. So thank you
5 very much, we will now start the process. I will
6 turn it back over to Ms. Tucker.

7 Ms. Hill is the list provider. When
8 we moved into the 21st Century -- when I first
9 started, in 1973, we had to bring a person with
10 a sight impairment or a small child to come draw
11 names out of a drum. We'd spin the drum. I guess
12 that was to make sure that nobody was "fixing" the
13 jury. Then we got really smart and we said we will
14 put them in capsule, that way nobody knows who is
15 in that capsule. But that way, if you draw
16 multiple juries, well - duh. You've got to stick
17 all the slips back in the capsule and that takes
18 time. But now we are really impressive. We have
19 the computer draw the list at random and that's
20 what is happening now. Your names are drawn at
21 random and then these ladies will call you
22 forward. I don't have any objection to the
23 attorneys having the list as well, Ms. Hill.

24 While they are getting the list, there
25 is one thing that I failed to mention to you.

1 As I mentioned to you -- and none of you have
2 expressed any concern, but one of the matters of
3 law so that you won't have to concern yourself or
4 worry about this at all. I've had jurors express
5 concern about this. In some states juries
6 participate in sentencing. In this state, there
7 is only one kind of case in which jurors
8 participate in sentencing, with which I am
9 familiar, and that's in a capital murder case.
10 So this is not a capital murder case and so you
11 will not be participating in sentencing, that will
12 not be your function. Your function will be to
13 consider the evidence and decide what you believe
14 to be the true facts. The sentencing part is my
15 responsibility as the judge of the law.

16 CLERK: Is the State ready to proceed?

17 SOLICITOR WILLIAMS: State is ready.

18 CLERK: Is the defense ready to
19 proceed?

20 CHAD SHELTON: Yes, ma'am.

21 CLERK: Ladies and gentlemen, as I call
22 your name, please come forward and bring your
23 personal belongings with you. As the judge
24 stated, if I say 'seat the juror', please have a
25 seat in the jury box. If I say that you are

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1 excused, please return to your seat in the
2 audience.

3 Juror 171, Brandi Thomas.

4 (JUROR BEFORE COUNSEL)

5 CLERK: What says the State?

6 SOLICITOR WILLIAMS: Please seat Ms.
7 Thomas.

8 CLERK: What says the defense?

9 CHAD SHELTON: Please seat Ms.
10 Thomas.

11 (JUROR NUMBER 171, WHITE FEMALE, SEATED)

12 THE COURT: Excuse me for one second.
13 And if we need to send her back -- any additional
14 *voir dire* from the State?

15 SOLICITOR WILLIAMS: No, Your Honor.

16 THE COURT: Any additional *voir dire*
17 from Mr. Morgan, other than number two on your
18 list?

19 CHAD SHELTON: Other than that, no.

20 THE COURT: And, Ms. Williams, number
21 two on the list, do you have a copy of that as
22 well?

23 SOLICITOR WILLIAMS: I do, Your Honor.

24 THE COURT: All right. Court's Exhibit
25 1 will be the defendant's request for *voir dire*.

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1 The Court has declined to ask number two. Thank
2 you very much. Excuse me for not taking that up
3 before now.

4 (SO ENTERED AS COURT'S EXHIBIT 1)

5 CLERK: Juror Number 64, Kayla Hall.

6 (JUROR, WHITE FEMALE, BEFORE COUNSEL)

7 CLERK: What say you for the State?

8 SOLICITOR WILLIAMS: Please seat the
9 juror.

10 CLERK: What says the defense?

11 CHAD SHELTON: Seat Miss Hall.

12 CLERK: Seat the juror.

13 (JUROR NUMBER 64 SEATED)

14 CLERK: Juror Number 73, Melissa

15 Herman.

16 (JUROR, WHITE FEMALE, BEFORE COUNSEL)

17 CLERK: What says the State?

18 SOLICITOR WILLIAMS: Please seat the
19 juror.

20 CLERK: What says the defense?

21 CHAD SHELTON: Please excuse Ms.

22 Herman.

23 CLERK: Excuse the juror.

24 (JUROR NUMBER 73 EXCUSED)

25 CLERK: Juror Number 154, William

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1 Sirois.

2 (JUROR, WHITE MALE, BEFORE COUNSEL)

3 CLERK: What says the State?

4 SOLICITOR WILLIAMS: Seat the juror.

5 CLERK: What says the defense?

6 CHAD SHELTON: Please seat Mr.

7 Sirois.

8 CLERK: Seat the juror.

9 (JUROR NUMBER 154 SEATED)

10 CLERK: Juror Number 67, Mildred

11 Hammond.

12 (JUROR, BLACK FEMALE, BEFORE COUNSEL)

13 CLERK: What says the State?

14 SOLICITOR WILLIAMS: Please seat the

15 juror.

16 CLERK: What says the defense?

17 CHAD SHELTON: Please seat Ms. Hammond.

18 CLERK: Seat the juror.

19 (JUROR NUMBER 67 SEATED)

20 CLERK: Juror 52, Michael Fowler.

21 (JUROR, WHITE MALE, BEFORE COUNSEL)

22 CLERK: What says the State?

23 SOLICITOR WILLIAMS: Seat Mr. Fowler.

24 CLERK: What says the defense?

25 CHAD SHELTON: Please seat Mr. Fowler.

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1 CLERK: Seat the juror.
2 (JUROR NUMBER 52 SEATED)
3 CLERK: Juror Number 183, John
4 Williams.
5 (JUROR, BLACK MALE, BEFORE COUNSEL)
6 CLERK: What says the State?
7 SOLICITOR WILLIAMS: Please seat Mr.
8 Williams.
9 CLERK: What says the defense?
10 CHAD SHELTON: Please seat Mr. Williams.
11 CLERK: Seat the juror.
12 (JUROR NUMBER 183 SEATED)
13 CLERK: Juror 100, Cindi Marchman.
14 (JUROR, WHITE FEMALE, BEFORE COUNSEL)
15 CLERK: What says the State?
16 SOLICITOR WILLIAMS: Please seat the
17 juror.
18 CLERK: What says the defense?
19 CHAD SHELTON: Please excuse Mrs.
20 Marchman.
21 CLERK: Excuse the juror.
22 (JUROR NUMBER 100 EXCUSED)
23 CLERK: Juror 5, Alan Bahadori.
24 (JUROR, WHITE MALE, BEFORE COUNSEL)
25 CLERK: What says the State?

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1 SOLICITOR WILLIAMS: Please excuse the
2 juror.

3 CLERK: Excuse the juror.

4 (JUROR NUMBER 5 EXCUSED)

5 CLERK: Juror 92, Holly Leonard.

6 (JUROR, WHITE FEMALE, BEFORE COUNSEL)

7 CLERK: What says the State?

8 SOLICITOR WILLIAMS: Please seat the
9 juror.

10 CLERK: What says the defense?

11 CHAD SHELTON: Please seat Mr. Leonard.

12 CLERK: Seat the juror.

13 (JUROR NUMBER 92 SEATED)

14 CLERK: Juror 121 Lynn O'Conner.

15 (JUROR, WHITE FEMALE, BEFORE COUNSEL)

16 CLERK: What says the State?

17 SOLICITOR WILLIAMS: Please seat the
18 juror.

19 CLERK: What says the defense?

20 CHAD SHELTON: Please excuse Ms.
21 O'Conner.

22 (JUROR NUMBER 121 EXCUSED)

23 CLERK: Juror Number 112, George
24 Mitchum.

25 (JUROR, WHITE MALE, BEFORE COUNSEL)

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1 CLERK: What says the State?

2 SOLICITOR WILLIAMS: Please excuse the
3 juror.

4 CLERK: Excuse the juror.

5 (JUROR NUMBER 112 EXCUSED)

6 CLERK: Juror Number 152, Kenneth
7 Singleton.

8 (JUROR, BLACK MALE, BEFORE COUNSEL)

9 CLERK: What says the State?

10 SOLICITOR WILLIAMS: Seat the juror.

11 CLERK: What says the defense?

12 CHAD SHELTON: Please seat Mr. Single-
13 ton.

14 (JUROR NUMBER 152 SEATED)

15 CLERK: Juror Number 195, William
16 Martinez, III.

17 (JUROR, WHITE MALE, BEFORE COUNSEL)

18 CLERK: What says the State?

19 SOLICITOR WILLIAMS: Please excuse the
20 juror.

21 CLERK: Excuse the juror.

22 (JUROR NUMBER 195 EXCUSED)

23 CLERK: Juror Number 144, Timothy
24 Russell.

25 (JUROR, WHITE MALE, BEFORE COUNSEL)

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1 CLERK: What says the State?

2 SOLICITOR WILLIAMS: Please seat the
3 juror.

4 CLERK: What says the defense?

5 CHAD SHELTON: Please seat Mr. Russell.

6 CLERK: Seat the juror.

7 (JUROR NUMBER 144 SEATED)

8 CLERK: Juror Number 94, Patricia
9 Lindsey.

10 (JUROR, WHITE FEMALE, BEFORE COUNSEL)

11 CLERK: What says the State?

12 SOLICITOR WILLIAMS: Please seat the
13 juror.

14 CLERK: What says the defense?

15 CHAD SHELTON: Please seat Ms.
16 Lindsey.

17 CLERK: Seat the juror.

18 (JUROR NUBMER 94 SEATED)

19 CLERK: Juror Number 26, Frederica
20 Cook.

21 (JUROR, BLACK FEMALE, BEFORE COUNSEL)

22 CLERK: What says the State?

23 SOLICITOR WILLIAMS: Please excuse the
24 juror.

25 CLERK: Excuse the juror.

(JUROR NUMBER 26 EXCUSED)

CLERK: Juror Number 148, John Savage.

(JUROR, WHITE MALE, BEFORE COUNSEL)

CLERK: What says the State?

SOLICITOR WILLIAMS: Please seat the
juror.

CLERK: What says the defense?

CHAD SHELTON: Please seat Mr. Savage.

CLERK: Seat the juror.

(JUROR NUMBER 148 SEATED)

CLERK: Juror Number 139, Katie Riley.

(JUROR, BLACK FEMALE, BEFORE COUNSEL)

CLERK: What says the State?

SOLICITOR WILLIAMS: Please excuse Ms.
Riley.

CLERK: Excuse the juror.

(JUROR NUMBER 139 EXCUSED)

CLERK: I show that the State has
exhausted its strikes.

THE COURT: The State has exhausted its
strikes.

CLERK: Juror Number 31, Michael
Couino.

(JUROR, WHITE MALE, BEFORE COUNSEL)

CLERK: What says the State?

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1 SOLICITOR WILLIAMS: Please seat the
2 juror.

3 CLERK: What says the defense?

4 CHAD SHELTON: Please seat the juror.

5 CLERK: Seat the juror.

6 (JUROR NUMBER 31 SEATED)

7 CLERK: Select an alternate?

8 THE COURT: Yes, let's select two
9 alternates. Strikes will be one and two.

10 CLERK: Juror Number 39, Billie Dibble.

11 (JUROR, WHITE FEMALE, BEFORE COUNSEL)

12 CLERK: What says the State?

13 SOLICITOR WILLIAMS: Please seat the
14 juror.

15 CLERK: What says the defense?

16 CHAD SHELTON: Please excuse Ms. Dibble.

17 CLERK: Excuse the juror.

18 (JUROR NUMBER 39 EXCUSED)

19 CLERK: Juror Number 174, Timothy
20 Thompson.

21 (JUROR, BLACK MALE, BEFORE COUNSEL)

22 CLERK: What says the State?

23 SOLICITOR WILLIAMS: Please excuse the
24 juror.

25 CLERK: Excuse the juror.

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(JUROR NUMBER 174 EXCUSED)

CLERK: Juror Number 193, Shelby
Bilodeau.

(JUROR, WHITE FEMALE, BEFORE COUNSEL)

CLERK: Any challenge for cause by the
State?

SOLICITOR WILLIAMS: None from the
State.

CLERK: What says the defense?

CHAD SHELTON: Please excuse the juror.

CLERK: Excuse the juror.

(JUROR NUMBEER 193 EXCUSED)

CLERK: Juror Number 99, Robert
McPherson, Jr.

(JUROR, WHITE MALE, BEFORE COUNSEL)

CLERK: Any cause for challenge from
the State?

SOLICITOR WILLIAMS: None from the
State.

CLERK: Any cause for challenge from
the defense?

CHAD SHELTON: None from the defense.

CLERK: Seat the juror.

(JUROR NUMBER 99 SEATED)

CLERK: Juror Number 187, Johnny

1 Wrench.

2 (JUROR, WHITE MALE, BEFORE COUNSEL)

3 CLERK: What says the State?

4 SOLICITOR WILLIAMS: No cause for
5 challenge.

6 THE COURT: This is a new set.

7 SOLICITOR WILLIAMS: Oh. Court's
8 indulgence.

9 THE COURT: Sure, take your time.

10 SOLICITOR WILLIAMS: Seat the juror.

11 CLERK: What says the defense?

12 CHAD SHELTON: Please seat the juror.

13 CLERK: Seat the juror.

14 (JUROR NUMBER 187 SEATED)

15 CLERK: The jury is seated, Your Honor.

16 THE COURT: Any Motions from the State
17 regarding selection?

18 SOLICITOR WILLIAMS: None from the
19 State, Your Honor.

20 THE COURT: Any Motions from Mr. Morgan
21 regarding the selection?

22 CHAD SHELTON: None, Your Honor.

23 THE COURT: Thank you very much.

24 Solicitor -- if y'all will approach.

25 (OFF RECORD BENCH CONFERENCE)

1 THE COURT: Ladies and gentlemen, if
2 you would, those of you that were not selected
3 -- more than likely the message will be, tonight,
4 that this will conclude your services. There
5 still remains one other case, a shorter case, that
6 might need your attention. If it does, it will be
7 tomorrow. If this case is going at the end of the
8 day then the message will say 'thank you for your
9 services, you are excused.' Just call that number
10 and follow those instructions. And if I don't see
11 you any more, then thank you for your participa-
12 tion in this process. Good luck to each of you.

13 (JURY PANEL DISMISSED)

14 THE COURT: Those of you who were
15 selected, thank you as well. There will be no
16 need for you to call that number tonight because
17 we will talk about when we will be trying this
18 case and when we need for you to come back.

19 As you can see, we're filling all the
20 seats. The two seats on the end are reserved for
21 our alternates. Mr. McPherson and Mr. Wrench,
22 you're our alternates and those will be your
23 seats. That term really has no significance at
24 that point. I guess the main significance right
25 now is that you have two seats. Y'all can

1 interchange seats, if you want to, or you can keep
2 the same seat. If you will just coordinate that,
3 that will be fine. I would like for the first
4 twelve selected not to occupy either of those two
5 seats, end seats, when we come into the courtroom
6 as those are reserved for our alternates, Mr.
7 Wrench and Mr. McPherson.

8 The only other designated seat, I think
9 Mr. Cousino -- is that how you pronounce your
10 name?

11 JUROR NUMBER 31: Yes, sir.

12 THE COURT: Mr. Cousino is occupying
13 that seat now but that seat will be occupied by
14 the juror that you select as your presiding juror.
15 I call them the presiding juror. They are also
16 called foreman, forelady, foreperson. I call them
17 presiding juror. Somebody has to be responsible
18 for signing the verdict form on behalf of the jury
19 panel and that would be the responsibility of the
20 presiding juror. If there are exhibits introduced
21 during the trial, it would be the responsibility
22 of the presiding juror to receive those exhibits
23 and, when then jury has completed its
24 deliberations, returning those exhibits to the
25 court. There may be occasions when there needs to

1 be some written communication from the jury to the
2 court and it would be the responsibility of the
3 presiding juror to draft that communication on
4 behalf of the other jurors. Any of the first
5 twelve of you are eligible to serve.

6 The only persons that are not eligible
7 to serve, so long as they are alternates, are the
8 alternates. Now, if something should happen
9 before you select your presiding juror and an
10 alternate is moved onto the jury, then they would
11 also be eligible to be the presiding juror.

12 It is not imperative that you do it
13 right away but at some point when you have
14 selected your presiding juror, please let the
15 bailiffs know and they will inform the court.
16 I would simply ask that that individual thereafter
17 occupy that seat. But until you make that
18 selection, please feel free to occupy any seat
19 that you want except the two end seats.

20 The presiding juror, it has occurred to
21 me over the years -- obviously no one juror has
22 any greater control over the deliberations than
23 any other juror. Some jurors, though, either by
24 work or just by their nature are better
25 facilitators than others. That is what I think

1 that a presiding juror does, they facilitate the
2 deliberations. So after you get to know each
3 other and talk among yourselves, you can make that
4 selection. But until then, please feel free to
5 occupy any seat that you want.

6 I am going to excuse you now for lunch.
7 You are going to hear this over and over again,
8 but let me talk to you about some things that I am
9 not going to repeat. We live in a society that is
10 in some ways wonderful and in some ways all our --
11 access to information can be a problem, and it's
12 been a problem in some jury trials. As a result,
13 the chief justice, several years ago, issued a
14 directive that all judges are required to remind
15 jurors that during your participation in this case
16 or in any other case that you're not at liberty to
17 do any independent research. It is very important
18 to the process. If you do, then you would have
19 violated something very important to the process.
20 You're going to take an oath, make a commitment to
21 decide this case based on what occurs in the
22 courtroom. Everything that you will need to hear
23 from come from either me as the judge of the law
24 when I give you the law or from the witnesses who
25 testify, as far as the evidence is concerned. So

1 it is imperative that you not do any independent
2 research into any matter.

3 It is also imperative that you not talk
4 to anyone outside of this courtroom about this
5 case or to permit anyone to talk with you about
6 this case at any time. It is obvious that that
7 might not have any influence on you whatsoever but
8 if it is known, it can jeopardize the outcome of
9 the trial.

10 I share this, not to be critical of
11 anyone, but I tried a case several years ago in
12 Beaufort. It was a civil case, about alleged
13 negligence on the part of one of the doctors.
14 We adjourned for deliberations overnight and one
15 of the jurors went home and discussed the physical
16 problems of the parties in the case. When they
17 came back, I received a note from the foreman that
18 said, 'We have a problem. One juror apparently
19 talked to someone.' So we brought them in and
20 talked to them. We found out that that juror had
21 just mentioned to her husband that this person had
22 such-and-such. He said 'oh, you remember that we
23 had a cousin that had that, and you remember what
24 happened to them.' Well, folks, it ended up
25 causing a mistrial of that case because that was

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1 done. That's how -- and it was totally innocent.
2 It had nothing to do with anything at all. But it
3 is important that you not talk with anyone and not
4 allow anyone to talk with you about anything.

5 Have a good lunch. I'd ask you to be
6 back in your jury room at 1:30 and we will resume
7 the trial at that time. When you exit, exit
8 through the door to your left -- Ms. Wiggins
9 (bailiff) is going to need to get certain
10 information from you. Once you've spoke to her,
11 you are free to leave. Have a good lunch. We
12 will see you at 1:30.

13 (JURY OUT @ 12:20 P.M.)

14 THE COURT: Anything from the State
15 before we recess?

16 SOLICITOR WILLIAMS: Nothing from the
17 State.

18 THE COURT: Anything from Mr. Morgan?

19 CHAD SHELTON: A Motion to sequester
20 the witnesses, Your Honor.

21 THE COURT: All right. The State is
22 going to -- I assume that Mr. Goodyear is your
23 chief investigator?

24 SOLICITOR WILLIAMS: Yes, sir.

25 THE COURT: He is free to remain in the

1 courtroom at all times. All other witnesses must
2 remain outside until time for them to be brought
3 in, and that would include opening statements.

4 SOLICITOR WILLIAMS: We would just ask
5 that the victim be allowed to be present, Your
6 Honor.

7 THE COURT: The victim is allowed to be
8 present under the Victims Bill of Rights. Any
9 objection to that?

10 CHAD SHELTON: No, sir.

11 THE COURT: We will be at-ease then
12 until 1:30.

13 (LUNCH RECESS)

14 (DEFENDANT PRESENT)

15 THE COURT: Please let the record
16 reflect that the Defendant is present. Is the
17 State ready for the jury?

18 SOLICITOR WILLIAMS: Yes, Your Honor.

19 THE COURT: Defendant ready, Mr.
20 Shelton?

21 CHAD SHELTON: Yes, Your Honor.

22 THE COURT: Bring in our jury.

23 (JURY IN @ 1:35 P.M.)

24 BAILIFF: Your Honor, Mr. Fowler is our
25 foreman.

1 THE COURT: Thank you, ladies and
2 gentlemen, for taking care of that. Mr. Fowler,
3 that will be your seat for the balance of the
4 trial. Your number, sir?

5 JUROR NUMBER 52: Number 52, Michael
6 Fowler.

7 THE COURT: Thank you sir. Thank you,
8 ladies and gentlemen. I hope that you had a good
9 lunch. We are now ready to begin this trial.
10 Before we do that, Ms. Hill would you please
11 administer the oath to the jury?

12 CLERK: Yes, sir.

13 (WHEREUPON JURY SWORN)

14 THE COURT: Thank you very much, ladies
15 and gentlemen. By virtue of that oath you have
16 now become the judge that I mentioned that you
17 would be with me. Now we will work together to
18 resolve this dispute. It's an honor to serve with
19 each one of you.

20 We went through a number of questions and
21 you will recall that we talked about, in the last
22 one, that each of you said that there was nothing
23 about this case that would give you any concern
24 about your ability to apply the oath that you just
25 took. I am confident that is correct.

1 I want to assure you of something. When
2 you walked in that door, you brought everything
3 with you that you are going to need to fulfill
4 that commitment. Rest comfortably with that. You
5 brought with you your common sense, your sense of
6 logic and reason, your life's experiences. That
7 is exactly what you are expected to utilize when
8 you begin analyzing the evidence.

9 You also brought something else that is
10 very important in judging or performing that task
11 that you just accepted. You brought an open mind.
12 Think about it, all of the questions that we
13 talked about, you each answered that 'no, I don't
14 know anything about the case' or 'there's nothing
15 about the case that has been said that give me any
16 particular concern or pause. I have an open mind.
17 Haven't made any decisions.'

18 It is very important that you maintain
19 that status, that you have and keep that open
20 mind. Both in honoring the commitment that you
21 just made that you will decide this case based on
22 the evidence and in complying with the law that we
23 talked about. There are a number of principles
24 and -- and one principle that I talked to you
25 about is that Mr. Morgan, today as he sits there,

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1 we all consistent with the law in this case have
2 to presume actively that he is innocent of these
3 charges, that he is not guilty of these charges.
4 That cannot change until you are instructed to
5 begin your deliberations and analyze the evidence
6 in this case, to make the decision -- and this is
7 what this case is about. Whether or not the State
8 has produced sufficient evidence to convince you
9 beyond a reasonable doubt whether or not he is
10 guilty of one or more of these crimes. Until
11 then, you must maintain that posture and that
12 open mind, that he is not guilty of these charges.
13 The State and the State alone has the burden of
14 proving that.

15 At the conclusion of this trial, one of
16 the parts of my instruction will be that I will
17 outline for you the various elements of each
18 crime. At the appropriate time, you will be
19 instructed to analyze the evidence and to answer
20 the question for yourself: 'Am I convinced of
21 that element beyond a reasonable doubt?'

22 We will talk about that term at the
23 conclusion. But I will tell you now that a
24 reasonable doubt is a doubt that would make an
25 honesty conscientious juror searching for the

1 truth in a case to hesitate to act or to take
2 some action. That is the standard.

3 If your answer to each one of those
4 questions is, 'Yes, I am convinced' then the
5 State will have met its burden of proof and you
6 must find him guilty of that particular crime.

7 On the other hand, if in analyzing the
8 evidence your conclusion is that 'no, I am not
9 convinced to that standard for that particular
10 element', if that is your decision, then you must
11 return a verdict of not guilty. Why? Because
12 the State would have failed to meet its burden of
13 proof.

14 That is what the burden of proof means.
15 Guilty simply means that the State established
16 each element of that crime beyond a reasonable
17 doubt and the jury, as instructed, returned a
18 verdict of Guilty. Not Guilty means that the
19 State failed on or more elements of that crime
20 and therefore, as instructed within compliance
21 of the law, the jury returned a verdict of Not
22 Guilty.

23 So that is what we will be about.
24 That's the whole purpose of this, to analyze the
25 State's evidence. As I mentioned to you, the

1 State is the party that brings these claim, who
2 makes these claims against Mr. Morgan. The State,
3 and the State alone, has the burden of proof.
4 They go first. You will hear the evidence from
5 the State.

6 Mr. Morgan has absolutely nothing to
7 disprove, explain or -- he doesn't have to answer
8 anything that the State says. Why? Because Mr.
9 Morgan, under that presumption, is not guilty of
10 these offenses.

11 Now, while Mr. Morgan has nothing to
12 prove or disprove he still has the right, if he
13 chooses, to present any evidence for your
14 consideration. That's another very important
15 reason why you don't want to prematurely decide
16 anything about this case. But probably the most
17 compelling reason and really the strongest reason
18 that you don't want to decide this case early is
19 that if you do, you will have violated your oath.
20 Why? Because you would have started your
21 deliberations prematurely.

22 The last instruction that I will give you
23 during my charge portion, which will be the last
24 phase of this process, is when you may begin your
25 deliberations. So until the court gives you that

1 instruction, please remember that your duty, your
2 responsibility is to certainly listen and absorb
3 the evidence. When I say absorb -- some jurors
4 like to take notes. If you want to take notes, we
5 will make notepaper available for you. That's
6 fine. I don't know how good note-takers that you
7 are, but one of the things that you are going to
8 be analyzing is the credibility and the
9 believability of witnesses. That, as we know,
10 comes not only from what somebody says but how
11 they say it. If you happen to be taking a note,
12 looking down to write it, you might have missed
13 body language that might be critical to you in
14 making a determination. Say that should occur
15 during the trial, please remember something.
16 While it might be something that triggers the
17 thought, 'well, I am not quite so sure about the
18 credibility of that testimony', do not conclude
19 that it is not. Make the mental note that you
20 noted that about that particular witness, but
21 await your instructions to begin deliberations.
22 When you talk about it, some of your fellow jurors
23 may give you some very logical and reasonable
24 explanation for that, allay that concern that you
25 may have. But you certainly expected to make

1 those notes, mentally or otherwise, as you want.

2 One of the important things that you
3 need to be aware of -- Ms. Garrison, as I
4 mentioned, is our court reporter and she alone has
5 the responsibility of keeping the record. If in
6 your deliberations you have a disagreement about
7 what a witness said or didn't say, we can replay
8 that testimony for you after you have started your
9 deliberations so that you can resolve that dilemma
10 for you should that arise. I mention that to you
11 because -- but if anyone wants to take notes, let
12 the bailiff know and we will make sure that you
13 have notepads.

14 There are four distinct parts to this
15 process. As I mentioned to you, the charge
16 portion is the last portion.

17 You will have two opportunities to hear
18 from the attorneys, they will speak to you before
19 you hear the evidence and after you hear the
20 evidence. Before, we call that opening statements
21 and that will occur in just a moment. They will
22 talk to you about some of the evidence that you're
23 going to hear, maybe some of the issues that may
24 be involved. Those remarks will be extremely
25 helpful as we work through the evidentiary portion

1 of the proceeding.

2 After you've heard the evidence, then
3 they talk to you in what we call closing
4 arguments. In closing arguments, until the
5 opening statements, you will have heard the
6 evidence obviously. You will not have started
7 your deliberations but you will have heard the
8 evidence. At that point they can discuss that
9 evidence with you and discuss reasonable
10 inferences that you may draw from that.

11 I am confident that you will find their
12 remarks very beneficial when you begin to resolve
13 this dispute. But I would remind you of some-
14 thing, and I will remind you throughout the trial.
15 They are officers of this court. They have a very
16 important responsibility to represent their
17 clients, to comply with the rules that govern
18 these proceedings and to advocate their respective
19 client's positions. Please remember that you
20 should give them your undivided attention. But
21 while their remarks are very important, they
22 should never be considered evidence. The evidence
23 will come during the evidentiary portion of the
24 process when the witnesses will appear and take
25 the stand. You will have an opportunity to see

1 and hear those witnesses testify. It is that
2 evidence that you ultimately will analyze to
3 decide the true facts of the dispute.

4 I look forward to trying this case with
5 you. It's an honor to serve with each one of you.
6 I thank you for your attention to my remarks. I
7 would hasten to add that my remarks, just as the
8 attorney's remarks, should never be considered
9 evidence. As I mentioned to you when I qualified
10 you, that's the beauty of this process. Once you
11 were sworn and took that oath, now that
12 responsibility belongs to you. You and I will
13 work together to resolve this dispute. I will
14 take care of resolving the legal matters and you
15 will resolve the factual matters. I will give
16 you the law at the end and you will take care of
17 resolving the factual matters when you are
18 instructed to do so.

19 Thank you. Give your attention now to
20 the State as they give their opening remarks. Ms.
21 Williams? Mr. Alfaro?

22 SOLICITOR ALFARO: May it please the
23 Court?

24 THE COURT: Yes, sir.

25 SOLICITOR ALFARO: On January 29th, 2912,

1 Rose Lampkin was the only one in the house on
2 Crystal Street in Goose Creek, here in Berkeley
3 County. That morning -- she had gone to bed, she
4 was home alone, alone in her bedroom, in her own
5 house, safe and secure with the serenity of being
6 home alone in your own home, the sanctity of that.
7 All of that sanctity, serenity and safety of that
8 was shattered at 4:30 that morning when the
9 defendant, Steven Morgan, came to her home, went
10 into her backyard, took a piece of wood, firewood,
11 threw it through the back sliding glass door,
12 shattering that glass, and forced his way into her
13 home. That is when it started.

14 That is when -- you will hear testimony
15 from Rose, she will describe to you the hours of
16 abuse, beatings, threats, the use of a knife and
17 the repeated violent sexual assaults that were
18 perpetrated on her by the defendant. She will
19 testify. She will come up on the witness stand
20 and she will tell you all the details, as horrific
21 and as violent as they are. She will tell you the
22 details of what happened to her that morning.

23 She will tell you how once the defendant
24 had finally left that she was able to crawl to her
25 front door and wait for someone to come help her.

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1 A passerby came and got someone to call 911. You
2 will hear from the person -- the people who saw
3 her that morning. You will hear from the police
4 officers, the first responding officers that got
5 there to her house around 8:45 that morning. They
6 will describe for you the physical injuries that
7 were so visible on her: bruising, battering,
8 blood, injury to her leg. You will hear from the
9 medical personnel who treated her for those
10 injuries: the cuts, the bruises, the knee injury.
11 You will hear from the crime scene technician who
12 responded to the scene, collected the evidence.
13 You will hear detailed explanation of what
14 evidence was taken, what tests were done on those
15 items and which of those items had the DNA of the
16 defendant on them. All of those things you will
17 hear from that witness stand.

18 As Judge Dennis told you, the State has
19 the burden of proof. We have to prove to you
20 beyond a reasonable doubt that the defendant is
21 guilty of burglary first degree, criminal sexual
22 conduct in the first degree, kidnaping, attempted
23 murder and possession of a weapon during a crime
24 of violence. We will have to prove to you, and we
25 will, through testimony and evidence each element

1 of each of those offenses.

2 As Judge Dennis also said, you've got
3 your common sense with you and all those skills
4 that you get through life with. At the end of
5 this trial, after hearing all the evidence, all
6 the testimony, seen all the pictures, heard all of
7 the testimony of the scientific evidence, we will
8 have proven to you beyond a reasonable doubt that
9 he is guilty of each of these offenses.

10 Some of these cases that you see in the
11 movies or on TV, one of the big issues is 'who did
12 it.' You don't know who the perpetrator is. Rose
13 is going to testify when she comes to the witness
14 stand that she knows that it was Mr. Morgan. They
15 used to date. He used to live there. But he'd
16 been out of that house, they'd been out of that
17 relationship for weeks and months before this
18 happened. She will tell you about that relation-
19 ship, she will tell most importantly about what
20 happened to her that morning. That's what this
21 case is about, this case is about the sanctity,
22 the safety and the security that she felt in her
23 home and in herself that was shattered by that
24 man, Steven Morgan.

25 THE COURT: Thank you, Mr. Alfaro. Mr.

1 Shelton?

2 CHAD SHELTON: Thank you, Your Honor,
3 may it please the court?

4 THE COURT: Yes, sir.

5 CHAD SHELTON: One of the greatest
6 things that ever happened to me was becoming a
7 father. I have an almost four-year-old son and a
8 fifteen-month-old son. My almost four-year-old
9 son has a great imagination. I love it, coming
10 home. He loves to play Super Heroes, Superman,
11 Batman, Spiderman. The fifteen-month-old, he's
12 everywhere. You put him down in a room and before
13 you know it, everything is spread out across the
14 room. It's all there, thrown everywhere. Before
15 the fifteen-month-old started throwing everything
16 around the room, I made it key that my son, my
17 almost four-year-old, that we would pick
18 everything up and put everything back in its
19 place. Well, one of the things that my four-year-
20 old loves to do, that all four-year-olds love to
21 do, are puzzles. He has Batman puzzles, Mickey
22 Mouse puzzles, Superman puzzles. Now with the
23 fifteen-month-old throwing everything around, we
24 don't get a chance to put everything together
25 before bed. We've got to just push it off to the

1 side.

2 The other night we were getting together
3 before bed and I wanted to make sure that it was
4 all cleaned up. So we got down, started putting
5 the puzzles together. I started putting the
6 Batman puzzle together and he started picking up
7 the Superman pieces. Well, he started attaching
8 those to the Batman puzzle. I said, 'Son, we
9 can't do that. That goes to that puzzle.' But he
10 said, 'Dad, I want to fight the guerilla.' That's
11 our library book that has both Batman and Superman
12 fighting Guerilla Rye (phonetic). It doesn't work
13 for that puzzle. 'I'm sorry, they can't be
14 attached to this one.' Went through the process
15 to explain it to a four-year-old.

16 It's like this case. There are things
17 that don't make sense. There is a story that the
18 State wants you to believe and hear but the pieces
19 just don't fit the puzzle. Puzzle pieces that
20 just don't fit that story.

21 All I can ask, all that Steven can ask
22 is that you pay attention, listen to the evidence.
23 The State has evidence that just does not make
24 sense, just does not fit that story. All I can
25 ask is that you pay attention and listen to the

1 evidence.

2 THE COURT: Okay, Mr. Sheldon. Ms.
3 Williams? Mr. Alfaro?

4 SOLICITOR WILLIAMS: The State would
5 call Dan Moats.

6 (WITNESS TAKES STAND)

7 DANIEL M. MOATES, II, having been sworn
8 to tell the truth, and nothing but the truth,
9 testified as follows:

10 DIRECT EXAMINATION

11 BY SOLICITOR WILLIAMS:

12 Q. Mr. Moates, where do you live?

13 A. 109 Crystal Street.

14 Q. And where is that in relation to -- do you
15 know Rose Lampkin?

16 A. Yes, I live next door.

17 Q. How long have you lived there?

18 A. Nine years.

19 Q. How long has she lived there? Do you know?

20 A. She was living there when I moved in, so I am
21 not exactly sure.

22 Q. And do you remember anything out of the
23 ordinary happening in the early morning hours of
24 January 29th, 2012?

25 A. Yes, ma'am.

1 Q. Can you tell us what that was?

2 A. We were awakened by a loud bang noise about
3 4:00 o'clock in the morning, a dog barking. My
4 wife and I both woke up, heard three more bangs.
5 We jumped up and were looking out the front window
6 to see if we could see cars or lights or anything.
7 Then we walked over -- we went downstairs after
8 that, we looked out the front windows there and we
9 still didn't see anything. Then I flipped on the
10 back porch light and looked out of the window. It
11 sounded as if it was in our house. We never saw
12 anything out that window either. So I actually
13 went through my garage and went outside, stood
14 outside and -- I didn't see anything, I didn't
15 hear anything. I went back upstairs.

16 Q. Was it dark at that time?

17 A. Yes.

18 SOLICITOR WILLIAMS: Your Honor, I am
19 going to show the witness what has been marked as
20 State's Exhibit 4, and show it to defense counsel.
21 May I approach?

22 THE COURT: You may.

23 DIRECT EXAMINATION CONTINUED

24 BY SOLICITOR WILLIAMS:

25 Q. Mr. Moates, would you look at that picture

1 and see if it accurately depicts the way that the
2 houses looked. Of course this was the next day,
3 but if it accurately reflects the way that the
4 houses looked.

5 A. It does.

6 SOLICITOR WILLIAMS: Your Honor, at
7 this time we would ask to move State's Exhibit 4
8 into evidence.

9 THE COURT: Any objection?

10 CHAD SHELTON: No objection.

11 THE COURT: Without objection, State's
12 Exhibit 4 is admitted. It is a photograph.

13 (SO ENTERED AS STATE'S EXHIBIT 4)

14 SOLICITOR WILLIAMS: May we publish?

15 THE COURT: You may. Ladies and
16 gentlemen, while you are doing that, let me just
17 tell you now that when an exhibit is introduced
18 into evidence and we go through the process that
19 has just occurred, that exhibit will accompany
20 you to your jury room. So you will have an
21 opportunity to study it in more detail when you
22 begin your deliberations. Typically they will
23 display it visually, as they are doing it now on
24 the screen. But please know that you will have an
25 opportunity to study it more closely when you do

1 begin your deliberations. Thank you.

2 DIRECT EXAMINATION CONTINUED

3 BY SOLICITOR WILLIAMS:

4 Q. Mr. Moates, this little button here is a
5 pointer. I will ask you some questions and maybe
6 you can show the jury where different things are.

7 A. Okay.

8 Q. Whose house is that the back of?

9 A. This is Rose's house.

10 Q. And where is your house?

11 A. This (indicating) is my house.

12 Q. Okay. It's kinda hard to see there, but what
13 is between the two houses?

14 A. My privacy fence.

15 Q. And when you went outside that night, it was
16 dark?

17 A. Yes, ma'am.

18 Q. So when you went out into your backyard that
19 night and it was dark, could you have seen over
20 the fence in the dark?

21 A. No, I couldn't. And my garage door is on the
22 other side of my house, and I was standing on the
23 opposite side, over there (indicating).

24 Q. Okay.

25 A. I just stood in the doorway.

1 SOLICITOR WILLIAMS: Thank you, Mr.
2 Moates. No further questions.

3 THE COURT: Cross examine?

4 CHAD SHELTON: Yes, sir.

5 CROSS EXAMINATION

6 BY CHAD SHELTON:

7 Q. This thing that happened, what you heard was
8 at night?

9 A. (Affirmative nod), at about four in the
10 morning.

11 Q. At night, sounds can travel pretty far?

12 A. Is that a question?

13 Q. Yes.

14 A. Yeah.

15 Q. This neighborhood, as you are coming from
16 Charleston to Moncks Corner on Highway 52, it's
17 off to the left by the KFC, the Taco Bell, a
18 church?

19 A. It's pretty far back in there.

20 Q. But off of 52 is how you get into the
21 neighborhood?

22 A. You can, yeah.

23 Q. Okay. And along side of 52 is a railroad?

24 A. Yes, there is.

25 Q. And you said, I think, that you actually went

1 to the garage?

2 A. Yes, I did.

3 Q. But the garage is on the other side of your
4 house?

5 A. (Affirmative nod), it is.

6 Q. You got out of your house, you went to the
7 garage thinking that maybe the sound happened on
8 that side?

9 A. No. Because that's where my back door is.

10 Q. Okay. And you thought - so you went to that
11 side of the house?

12 A. I went to that side of my house because
13 that's how I can actually get to my back yard.

14 Q. And you opened the garage?

15 A. Yeah, I stood in my doorway. Not the front
16 garage door, but the rear door into my back yard.

17 Q. Okay.

18 A. I stood in my doorway, looking out into my
19 back yard.

20 Q. Okay. You had no idea what the sound was?

21 A. I didn't at the time, no.

22 CHAD SHELTON: That's all. Thank
23 you.

24 THE COURT: Redirect?

25 SOLICITOR WILLIAMS: No, Your Honor.

1 THE COURT: You may come down. Do you
2 wish for this witness to be excused?

3 SOLICITOR WILLIAMS: Please, Your
4 Honor.

5 THE COURT: Any objection?

6 CHAD SHELTON: No, Your Honor.

7 THE COURT: You are excused.

8 (WITNESS STEPS DOWN)

9 THE COURT: Call your next witness,
10 please.

11 SOLICITOR WILLIAMS: Rose Lampkin.

12 (WITNESS TAKES STAND)

13 ROSE MARIA LAMPKIN, having been sworn to
14 tell the truth, and nothing but the truth,
15 testified as follows:

16 DIRECT EXAMINATION

17 BY SOLICITOR WILLIAMS:

18 Q. Ms. Lampkin, where do you live?

19 A. I live at 107 Crystal Street in Goose Creek,
20 South Carolina.

21 Q. Is that where you were living on January
22 29th, 2012?

23 A. Yes, ma'am.

24 Q. Is that in Berkeley County?

25 A. Yes, ma'am.

- 1 Q. And how long have you lived there?
- 2 A. This July will be sixteen years.
- 3 Q. Do you have any children?
- 4 A. One son.
- 5 Q. How old is he?
- 6 A. He'll be twenty-four in a couple of weeks.
- 7 Q. Where is he?
- 8 A. He is in college.
- 9 Q. Does he live with you from time to time, in
- 10 between school?
- 11 A. Right, he comes home for breaks.
- 12 Q. How big is he?
- 13 A. Six foot, six (6' 6").
- 14 Q. Do you know Steven Morgan?
- 15 A. Yes, I do.
- 16 Q. Do you see him in the courtroom?
- 17 A. Yes, I do.
- 18 Q. Can you point him out, for the record?
- 19 A. He is right here (indicating defendant).
- 20 Q. What is he wearing?
- 21 A. A white shirt.
- 22 SOLICITOR WILLIAMS: Your Honor,
- 23 please let the record reflect that the victim
- 24 has identified the Defendant, Steven Morgan.
- 25 THE COURT: It so reflects.

DIRECT EXAMINATION CONTINUED

BY SOLICITOR WILLIAMS:

Q. How did you meet Steven Morgan?

A. I met Steven through his sister several years ago. He had come from Georgia to visit his sister for the Thanksgiving holidays and she'd introduced me to Steven.

Q. At some point in time, did y'all date?

A. Yes.

Q. And did he live with you?

A. Yes, he did live with me.

Q. How long did he live with you for?

A. A little over two years.

Q. What was that relationship like?

A. In the beginning, I thought that it was something to look forward to. We talked about growing the relationship together and moving on. But as it got into the relationship further, he got very jealous, a lot of threatening, thinking that I was messing around, doing things. It just got to the point that I got tired of being accused of doing things that I knew that I wasn't doing.

Q. At some point did he move out of the home?

A. Well, he didn't move out but I put him out because there were some problems going on with him

1 accusing me, just constantly threatening me,
2 yelling, saying what he was going to do to me. I
3 just got tired of it. So I packed up all of his
4 things, put them in the truck and took it to the
5 truckstop.

6 Q. Did anyone help you with that?

7 A. My son did.

8 Q. Do you remember the date of that?

9 A. December 14th.

10 Q. How do you remember that date?

11 A. It was his birthday, actually.

12 Q. What year was that?

13 A. 2012.

14 Q. Well, the date in question is January 29th,
15 2012.

16 A. So it was December 14th, 2011. Thank you.

17 Q. All right.

18 A. This is kinda hard for me to remember.

19 Q. And at that time were you working?

20 A. Yes.

21 Q. Where were you working?

22 A. I work at Rooms To Go Furniture.

23 Q. And was he working?

24 A. Who?

25 Q. Mr. Morgan?

- 1 A. Yes, he was.
- 2 Q. Did you each have a vehicle?
- 3 A. Yes.
- 4 Q. What was the vehicle that he was using?
- 5 A. The pickup truck that I owned.
- 6 Q. Was that -- who owned that?
- 7 A. I did.
- 8 Q. So when he left on the 14th of December,
- 9 2011, did he take that truck with him?
- 10 A. I took the truck to the truckstop myself.
- 11 He already had keys, so -- yeah, I basically gave
- 12 him the truck because I just didn't want to have
- 13 anything else to have to do with him.
- 14 Q. But you still owned it?
- 15 A. Yes.
- 16 Q. The evening in question, January 29th, 2012,
- 17 do you remember where you were that day or earlier
- 18 in the evening?
- 19 A. On the 29th, you say?
- 20 Q. Yes. January.
- 21 A. I went to a birthday party that was down in
- 22 Huger, out in the country, and I'd gotten back
- 23 home about 2:00 o'clock that morning.
- 24 A. Yes.
- 25 Q. At that time, was Sean living in the home?

1 A. Sean had already gone back to college.

2 He'd already gone back from Christmas break.

3 Q. After Mr. Morgan moved out but before that
4 night, had Sean been in the house? Like for the
5 Christmas break?

6 A. Yeah, he came home for the Christmas
7 holidays.

8 Q. And while you were at work during the day,
9 what would Sean be doing?

10 A. Who knows? I mean, he had friends that would
11 visit and he had friends that he would go visit as
12 well, along with just sitting around the house
13 doing nothing. Yeah.

14 Q. Did he have a girlfriend at that time?

15 A. Who knows? I've seen several girls at the
16 house before, so -- I'm not sure if he was dating
17 any of them seriously or just friends.

18 Q. Okay. And what was going on with your home
19 at the time of this event?

20 A. I was having - I'd had a lightening strike
21 at my house. I had a guy that was doing some
22 electrical work. He's put in a new stove for me.
23 I'd been in the house for a long time. So I'd
24 pulled up the carpet and was about to do some
25 renovating, new carpet, in the house and so on.

1 It was just in disarray. There was a lot going on
2 in there, but one project at a time.

3 Q. After you got home that night, a little after
4 2:00, tell us what you remember happening after
5 that.

6 A. When I got home that night, of course I went
7 to bed. Several hours later I was awakened by a
8 loud noise. I have lots of mirrors downstairs in
9 my house and the first thing that I thought was
10 that a nail had given on one of the mirrors. So I
11 jumped up, thinking that a mirror had fallen from
12 the wall. So I jumped out of the bed and I ran to
13 the room door at the top of the stairs. That's
14 where I saw Steven running up the stairs towards
15 me.

16 Q. Did he say anything to you?

17 A. He come up the stairs in a vengeance, he was
18 very upset. He was -- you know. He grabbed me,
19 he started choking me to the point where I just
20 couldn't take it anymore. I would fake like I was
21 just totally out to keep him from choking me any
22 harder. He would slap me. He started asking me,
23 he started saying, 'I am here to kill you. If I
24 can't have you, nobody can have you.'

25 I said, 'Steven, why would you want to do

1 that? You've got your children and everything to
2 live for.'

3 He said, 'I don't care. Right now I am upset
4 with you. You put me out of this house and I had
5 no place to go.'

6 I said, 'Well, you had your sister's that you
7 could go to.'

8 Of course everything that I said was the
9 wrong answer. I would continually get hit in the
10 face and choked and -- there was a knife that he
11 had out that he said, 'I will cut you. I will
12 kill you with this knife if you don't listen to
13 what I tell you to do ...' -- or to just answer the
14 questions as he wanted them to be answered.

15 Q. Where -- at any point in time did the knife
16 injure you?

17 A. It did. It did. That happened later on that
18 morning, yeah. Yeah.

19 Q. Tell us what happened after that. You said
20 that you were pretending to pass out so -- so tell
21 us what happened.

22 A. At that point that's when he -- after the
23 initial contact of him coming up the stairs, that
24 is when he threw me on the bed, snatched off all
25 the clothes that I was wearing and he attempted to

1 have sex with me -- against my will. He tried.
2 He couldn't get an erection. So he started -- he
3 wanted me to put his penis in his (sic) mouth and
4 do that. Then after that ---

5 Q. Did he put his penis in your mouth?

6 A. Yes, he did. Then he got up and he got some
7 Vaseline to try to have sex with me, (emotional).

8 Q. At some point -- at this point -- if you need
9 to stop at any time, please just let me know.

10 At any point was he able to get his penis into
11 your vagina? I am sorry that I have to ask you
12 that.

13 A. Yeah. But, I mean, it was so crazy. You
14 know, it was just such a crazy morning. But I
15 mean, he did. He did do just that, yes.

16 Q. And did you try to get away at any point?

17 A. Of course.

18 Q. Tell us what happened.

19 A. After that happened, Steven, you know, he -
20 he sat there on the bed. He lit a cigarette and
21 he kinda calmed down somewhat. At that point, to
22 try to keep him calm, to keep him from hitting me
23 again, to keep him from choking me again, you
24 know, I sat there and I lit up a cigarette with
25 him, to try to keep him calm. He got up and he

1 looked out the window. He kept looking out the
2 window. I don't know why.

3 That's why -- I had my cell phone by the bed.
4 I grabbed it and I tried to run. I thought this
5 might be a chance that I could get away so that I
6 don't get hit again. So I grabbed the cell phone.
7 That's when he jumped up and ran behind me.

8 At the time that I was running down the
9 stairs, he went to grab me. At the same time it
10 was a pushing effect. My stairs are like six or
11 seven stairs, then you turn and you come down
12 again. I was able to get down the first flight of
13 stairs but that's when he said, 'Where are you
14 going?' He grabbed me and he pushed me. At that
15 point I tumbled down the stairs. I have ceramic
16 floors downstairs, so my knee -- my right knee
17 impacted the ceramic floor, my head went through
18 the sheetrock. At that point, you know, he had
19 followed me the whole way down. He grabbed my
20 head and started slamming it against the cement
21 floor, asking me, 'Where do you think that you're
22 going?' You know, 'get back up the stairs.'

23 When I went to get up, I realized that I
24 couldn't walk. I said, 'Steven, I can't walk.'
25 I couldn't walk. He said, 'Just get back up the

1 stairs.' Of course he was yelling and screaming
2 at me. That's when he had the knife to my neck,
3 and I have the wound to show it. I sat there. I
4 am so lucky that it didn't puncture more than it
5 did. But he said, 'I will kill you with this
6 knife if you don't get back up those stairs.' He
7 realized that I was trying to get away. I didn't
8 care -- I realized that I didn't have no clothes
9 on at that time. I was just going to run into the
10 neighborhood and just scream if I could. I guess
11 that he was aware of that. He took me by my hair
12 and my hands and just pulled me back up the
13 stairs, just to rape me again.

14 Q. Tell us about what happened when you got back
15 upstairs.

16 A. When we got back upstairs, he did the same
17 thing. He went to rape me again. I am trying to
18 figure out why, because at this point I was beaten
19 up, torn apart, my knee was busted, I couldn't
20 walk. He dragged me up on the bed and he sexually
21 assaulted me again. I am sitting there saying I
22 could not believe that he was doing because he was
23 doing it again to me, in the shape that I was in.
24 I laid there after that was over, he laid there
25 after he did what he did.

1 Then he got up from the bed and he started
2 pacing the floor, just kind of pacing the floor.
3 You know, at this time the sun was just starting
4 to come up a little. He went to the linen closet
5 and grabbed a cloth or something and started - he
6 dampened it and started wiping the blood off my
7 face. He wiped my vagina with the cloth.

8 Then he started looking around the room.
9 He grabbed a couple of hangers and he -- he took a
10 hanger and he -- first of all, he made me lay on
11 my stomach. He said, 'lay on your stomach.' I
12 did. I tried to do everything that he said
13 because I didn't know when he was going to hit me
14 again or take the knife and stab me. I just
15 didn't know what to expect that night. So he took
16 some hangers, he took a hanger and he tied my
17 hands behind my back. First he stuffed my mouth.
18 He took a towel -- he stood there, took a towel
19 and ripped it into about four or five pieces. He
20 took pieces of the towel and stuffed it down my
21 mouth. Then he took another piece, wrapped it
22 around my face. He had some tape that he took and
23 taped up my face. That's when he went and that's
24 when he went and got the hangers and tied my hands
25 together. He tied my two feet, my ankles

1 together. At that point he took another piece of
2 the towel and -- I had never heard hog-tied but I
3 learned that's what you call it when someone is
4 tied with your feet pulled to your arms, together.
5 He hog-tied me and -- that's when I was laying on
6 the bed on my stomach.

7 He asked me, he said, 'Where are your keys?'
8 I said -- you know, I wouldn't talk because I had
9 that stuff in my mouth. I was like 'uhhhh'. So
10 he started going off in my pocketbook. He was
11 looking for the keys. He found the keys and
12 started out of the room.

13 Before he left the room, he took the clothes
14 -- I had a whole bunch of clothes laying every-
15 where. He took a whole bunch of clothes and the
16 covers and he threw it on top of me like someone
17 was going to start a fire. I didn't know if he
18 was going to set me on fire, if he was going to
19 light a match or anything. I didn't know what to
20 think. He left me there.

21 Q. When he hog-tied you, was that when your knee
22 was injured?

23 A. The knee got injured -- right, (affirmative
24 nod) -- when I tumbled down. That was after the
25 knee was injured, yes.

1 Q. Rose, I'm sorry to have to ask you this
2 question but you just described a second sexual
3 assault after you went back upstairs.

4 A. Yes.

5 Q. Where did Mr. Morgan penetrate your body with
6 his penis the second time, or the third time.

7 A. Of course the vagina. I cannot remember -
8 it's been over a year and I don't remember exactly
9 where it was taking place, but between the vagina
10 and the anal. He tried to do it that way, too.
11 That's why he had the Vaseline.

12 Q. Was that one of the sexual assaults, when he
13 tried to assault you rectally?

14 A. Oh, yes. Yes.

15 Q. And after he left, what happened next?

16 A. Well, after he left -- well, before he left
17 he took what was remaining of my telephone,
18 because it had fallen apart, the battery was in
19 one place and the top was in another. He picked
20 it up and he flushed it down the toilet before he
21 left.

22 He told me that he was going to get some
23 coffee and he said that he would be back. He
24 pretty much left me thinking that he would be
25 back.

1 You know, before he left, I was in pretty
2 much so much pain that I was begging Steven to
3 please call 911, because I was in so much pain.
4 And he said that he would, you know, when he was
5 ready. That when he was ready that he would.

6 But, anyway, he left and said that he was
7 going to go get some coffee and that he would be
8 back. So, you know, I laid there, my breath was
9 -- my air started to feel cut off. I laid there
10 and I prayed to God. You know, I said, 'I don't
11 know how I am going to get out of this --
12 (emotional)'. It was just by the grace of God --
13 (emotional). Keep in mind I was tied up with
14 hangers. I wasn't tied up with a shoestring. I
15 was afraid I was going to give up and die in that
16 room.

17 But God gave me strength. I laid there for
18 thirty to forty-five minutes and it was really
19 cold. I have really small hands and wrists, so I
20 was able to wiggle my hands out of the hangers
21 that were so tightly wrapped around my hands.
22 Like I said, it was nothing but the grace of God
23 that I was able to get out of that.

24 Then once I was able to do that, I stood up
25 from the bed to try to hop. You know, I couldn't

1 do that. I tried to undo the hangers that were
2 around my feet, but he had those wrapped up at
3 least six or seven times. It was really hard but I
4 got out.

5 I thought that I'd try to hop on my good leg
6 to get downstairs to get some help. I couldn't.
7 My body just collapsed. So at this point, I
8 grabbed a housecoat that was on my door and I sat
9 on it. And, uh, (emotional), I just - I had to go
10 backwards down the stairs because the knee was all
11 messed up. So I just kind of pushed myself down
12 the stairs, backwards, until I got to the very end
13 of the stairs.

14 I opened the front door -- I reached up and
15 opened the front door. Luckily there are
16 neighbors that walk in my neighborhood and there
17 was guy that was walking by. I kind of screamed
18 out to him, asked him to please come help me
19 because I needed to call 911, that I needed an
20 ambulance, that I was in pain. As he got closer
21 to the door, he couldn't believe what he was
22 seeing, what he saw. He went to the neighbor's
23 house next door, but she didn't answer. Then he
24 walked down to a neighbor's a couple of doors down
25 and -- I think that he was in the yard and he

1 asked the guy for the phone. He brought his
2 cellphone down and I was able to talk to the 911
3 operator.

4 Q. Where did you go next?

5 A. The ambulance came and picked me up.

6 Q. And how long were you in the hospital?

7 A. I was in the hospital for a week.

8 Q. What were your injuries?

9 A. I had broken blood vessels in my neck from
10 the choking, I had my knee that was busted really
11 bad and I ended up having surgery on that. I
12 couldn't walk for months.

13 SOLICITOR WILLIAMS: Beg the court's
14 indulgence for just a moment.

15 THE COURT: Certainly.

16 SOLICITOR WILLIAMS: Your Honor, I am
17 going to show defense counsel State's Exhibits 1,
18 5, 7, 10, 11, 12, 25, 26, 60, 61, 62, 63, 64, 65
19 and 66.

20 CHAD SHELTON: (Upon review), Your
21 Honor, may we approach?

22 THE COURT: Sure.

23 (OFF RECORD SIDEBAR)

24 THE COURT: All right, that is he only
25 objection?

1 CHAD SHELTON: Yes, sir.

2 THE COURT: All right. State's
3 Exhibits 1, 5, 7, 10, 11, 12, 25, 26, 60, 61, 62,
4 62, 64 and 65 are admitted without objection. The
5 objection to 66 is that it is cumulative. We have
6 had a sidebar concerning that. If necessary, we
7 can place more detail on the record at the first
8 break. I am admitting 66 subject to the objection
9 of being cumulative.

10 Ladies and gentlemen, just for your
11 information, there are two ways of dealing with
12 matters of law. One is to excuse you from the
13 courtroom and the other is to do what we just did,
14 have a sidebar. We call it a sidebar where we are
15 discussing matters of law. When those occur,
16 those are matters for my consideration. There is
17 nothing extremely private about it. It's just
18 better if you don't have to say 'I'm not supposed
19 to think about it' it if it something that you're
20 not supposed to hear. That's why we do that. So
21 when we do that, we're really trying to
22 accommodate you but not having to send you out and
23 bring you back. So just understand that's part of
24 it. Thank you very much.

25 You may proceed.

State v. Steven Lee Morgan
Case No. 12-GS-08-0496-0500
Jury Trial of April 19-23, 2013
Before The Honorable R. Markley Dennis, Jr.

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1 SOLICITOR WILLIAMS: Thank you, Your
2 Honor.

3 CHAD SHELTON: Thank you, Your Honor.

4 SOLICITOR WILLIAMS: May I approach the
5 witness?

6 THE COURT: You may.

7 SOLICITOR WILLIAMS: Thank you, Your
8 Honor.

9 DIRECT EXAMINATION CONTINUED

10 BY SOLICITOR WILLIAMS:

11 Q. Rose, if you would just look at that stack of
12 pictures and tell us if these pictures accurately
13 depict the way that things looked when this event
14 occurred.

15 A. (Upon review), yes, ma'am.

16 SOLICITOR WILLIAMS: Your Honor, at
17 this time we would move these exhibits into
18 evidence.

19 THE COURT: They are so admitted
20 without objection, except as to 66.

21 (SO ENTERED AS STATE'S EXHIBIT 1)

22 (SO ENTERED AS STATE'S EXHIBIT 5)

23 (SO ENTERED AS STATE'S EXHIBIT 7)

24 (SO ENTERED AS STATE'S EXHIBIT 10)

25 (SO ENTERED AS STATE'S EXHIBIT 11)

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1 (SO ENTERED AS STATE'S EXHIBIT 12)

2 (SO ENTERED AS STATE'S EXHIBIT 25)

3 (SO ENTERED AS STATE'S EXHIBIT 26)

4 (SO ENTERED AS STATE'S EXHIBIT 60)

5 (SO ENTERED AS STATE'S EXHIBIT 61)

6 (SO ENTERED AS STATE'S EXHIBIT 62)

7 (SO ENTERED AS STATE'S EXHIBIT 63)

8 (SO ENTERED AS STATE'S EXHIBIT 64)

9 (SO ENTERED AS STATE'S EXHIBIT 65)

10 (SO ENTERED AS STATE'S EXHIBIT 66)

11 SOLICITOR WILLIAMS: Permission to
12 publish?

13 THE COURT: You may.

14 DIRECT EXAMINATION CONTINUED

15 BY SOLICITOR WILLIAMS:

16 Q. State's exhibit 1. Rose, this little red dot
17 -- this is a pointer, so -- what is that a picture
18 of?

19 A. My front door.

20 Q. State's Exhibit 5, is that where that
21 occurred? The events occurred?

22 A. Right. Yes.

23 Q. Explain to the jury what that is?

24 A. That is my junk in the back yard.

25 THE COURT: Hold on. You're going to

1 need to keep your voice elevated. Thank you.

2 MS. LAMPKIN: That is my backyard. It was
3 January. Leaves were everywhere. It was a wreck.

4 DIRECT EXAMINATION CONTINUED

5 BY SOLICITOR WILLIAMS:

6 Q. If you wouldn't mind, would you point to
7 where -- did you learn at some point where the
8 crashing sound had come from?

9 A. Yes. It came from the sliding glass door.

10 Q. What was the condition of the sliding glass
11 door when you saw it next?

12 A. It was crumpled into millions of pieces.

13 Q. Do you see that door in that picture?

14 A. Yes.

15 Q. What is off to the right and bottom of that
16 door?

17 A. To the right and bottom?

18 Q. Right on the ground there, in front of
19 the ---

20 A. Oh, that's leaves that were on the ground.
21 Like I said, the guy - there was renovating going
22 on and there was just a bunch of junk, to be
23 honest with you.

24 Q. Are there some logs?

25 A. Yes, there are some logs too.

1 Q. Where did that come from?

2 A. A tree had been cut down by a neighbor and
3 they had asked me if I wanted them to burn in the
4 fireplace. I had put them on the back porch.

5 SOLICITOR WILLIAMS: Your Honor, I am
6 going to show defense counsel what has previously
7 been marked as State's Exhibit 98.

8 CHAD SHELTON: (Review).

9 SOLICITOR WILLIAMS: If I may ---

10 THE COURT: You may.

11 DIRECT EXAMINATION CONTINUED

12 BY SOLICITOR WILLIAMS:

13 Q. What was this?

14 A. This was a piece of wood from a tree that was
15 cut down by a neighbor.

16 Q. Where was it found in relation to that house?

17 A. That morning -- after that morning, it was
18 found -- from the force that it took him to break
19 that door, it slid all the way to the front door.
20 From the back door to the front door.

21 Q. So this was thrown through the window?

22 A. Right.

23 SOLICITOR WILLIAMS: Your Honor, at
24 this time we would offer State's Exhibit 98.

25 THE COURT: Any objection?

1 CHAD SHELTON: No objection.

2 THE COURT: Without objection, State's
3 Exhibit 98, a piece of wood, is admitted.

4 (SO ENTERED AS STATE'S EXHIBIT 98)

5 DIRECT EXAMINATION CONTINUED

6 BY SOLICITOR WILLIAMS:

7 Q. Could you please publish State's Exhibit 7?

8 This is hard to see in this light, but point out
9 for the jury where is the sliding glass door.

10 Where are we looking from?

11 A. This is the front door and the sliding glass
12 door is there.

13 Q. In the actual picture, you might be able to
14 see it better, but point out where the broken
15 glass is.

16 A. The glass was scattered from the back sliding
17 door all the way up to this front window that ran
18 along my front door, here. I mean, there was
19 glass everywhere. I still find pieces of glass in
20 the house now, hidden, from the broken glass.

21 Q. Where did the log wind up?

22 A. It winded (sic) up in this front window all
23 the way to the front. From the sliding glass door
24 it slid all the way to that front window.

25 Q. Looking at State's Exhibit 12. I don't know

1 if this is any clearer, but -- so those -- if you
2 could just point out all the broken glass and how
3 much of that window/door was shattered that night.

4 A. All this side here (indicating). I am going
5 to be honest with you, when I came down the stairs
6 after all of that, I never did, you know, check
7 out how everything looked. I just knew that it
8 was broken, that there was glass everywhere in the
9 living room floor. It was scattered over the
10 whole floor. From what I could tell, both of the
11 doors were broken. I am not sure if it was one or
12 two. I didn't even look at -- at this point I was
13 so frazzled and just wanted some help.

14 SOLICITOR WILLIAMS: Your Honor, I am
15 showing defense counsel State's Exhibit 18, 20 and
16 21.

17 CHAD SHELTON: (Review).

18 SOLICITOR WILLIAMS: May I approach?

19 THE COURT: You may.

20 DIRECT EXAMINATION CONTINUED

21 BY SOLICITOR WILLIAMS:

22 Q. If you would just look through these pictures
23 and tell us if they accurately depict the way that
24 things looked that evening?

25 A. (Upon review), yes.

1 SOLICITOR WILLIAMS: We would move 18,
2 20 and 21 in at this time, Your Honor.

3 CHAD SHELTON: No objection.

4 THE COURT: 18, 20 and 21?

5 SOLICITOR WILLIAMS: Yes, Your Honor.

6 THE COURT: Each being a photograph,
7 admitted without objection.

8 (SO ENTERED AS STATE'S EXHIBIT 18)

9 (SO ENTERED AS STATE'S EXHIBIT 20)

10 (SO ENTERED AS STATE'S EXHIBIT 21)

11 DIRECT EXAMINATION CONTINUED

12 BY SOLICITOR WILLIAMS:

13 Q. Explain to the jury what that (State's
14 Exhibit 18) is a picture of.

15 A. That is the blood that I had lost after I'd
16 fallen down the stairs, my knee had impacted the
17 floor, my head went through the sheetrock and --
18 that is where Steven had the knife to my neck,
19 where he punctured me there, and that's where I
20 lost blood from the puncture I'd gotten from the
21 knife.

22 Q. Explain where that staircase is in relation
23 to the front door.

24 A. This is the flight of stairs. If we were to
25 make a right here, the front door sat right off to

1 the left there.

2 Q. And your bedroom would be?

3 A. Up those stairs, just to the right.

4 Q. State's Exhibit 20. Tell the jury what that
5 is, please.

6 A. This is where I had fallen and the blood that
7 I shed there. This is where my head went into
8 that sheetrock with the fall that I had coming
9 down the stairs headfirst. My right knee got
10 messed up right there.

11 Q. State's Exhibit 21. What is that?

12 A. That is the hole in the wall from where I'd
13 fallen and went into the wall.

14 Q. State's Exhibit 60. Tell us what that is.

15 A. That's me.

16 Q. And is that the way that you looked after Mr.
17 Morgan left you that night?

18 A. Yes. I look at that picture and I just can't
19 believe it.

20 Q. State's Exhibit 61. Tell us what that injury
21 is right there on your neck.

22 A. That is where he had the knife, here
23 (indicating), after I'd fallen down the stairs and
24 everything. He was threatening me to get back
25 upstairs, had the knife there to my neck, said

1 that he would kill me if I didn't get back
2 upstairs and do what he said for me to do.

3 Q. State's Exhibit 62. Do you have any idea how
4 you got the redness that is all around the
5 perimeter of your forehead?

6 A. The redness, I think, came from the impact
7 of going into that sheetrock, that stuff, just
8 messing it up like that.

9 Q. State's Exhibit 63. Was that taken at the
10 hospital?

11 A. It could have been. I don't know. It could
12 have been the hospital. I am trying to look at
13 the background to see where it was. It could have
14 been at the front door. I had so many pictures
15 taken of me that day. You know, between the
16 people that got there and then the hospital.

17 Q. Do you know the injury to the top of your
18 nose, do you know how you got that injury?

19 A. You know, I still sort of have that mark
20 there. I don't know whether it came from whether
21 he had the knife there or -- I don't know how that
22 happened, how that mark had gotten there. It
23 stuck with me for a good long time.

24 Q. State's Exhibit 64. Were there marks around
25 your neck? Is that what that picture depicts?

1 A. Yes.

2 Q. What was that from?

3 a. From the choking, lots of choking. I mean,
4 I had -- I had to have a blood transfusion because
5 of the broken vessels in my neck.

6 Q. State's Exhibit 66. That's the other side of
7 your face. Do you remember how you got that
8 injury?

9 A. Boxing. Lots of boxing. My jawbone still
10 slightly hurts now from that.

11 Q. Okay. Now, Rose, at some point you said that
12 Mr. Morgan left with your keys.

13 A. (Affirmative nod).

14 Q. At some point did you learn that he was
15 apprehended?

16 A. Yes.

17 Q. And what happened to the truck?

18 A. The truck was brought back or was driven back
19 form Georgia and I sold the truck to a friend.

20 Q. Who was that friend?

21 A. His name was Victor Mazyck. I had not seen
22 the truck. I was still in Columbia with my mom.
23 I was staying with her after all the injuries.
24 I think my son picked it up from the police
25 department after it had gotten back here.

1 Q. Did you hear from Mr. Mazyck after you sold
2 the truck?

3 A. Yes. Yeah, because he had to come and give
4 me some money. He'd called and told me that he
5 had found some stuff in the truck that I might
6 have wanted.

7 Q. Did he say where he found he?

8 A. Yes. It was in the center console. He was
9 going to change the console to put his own console
10 in there. To his surprise he found my car keys
11 that Steven had taken that morning, along with the
12 knife that he had used during the attack.

13 Q. And he brought those to you, you said?

14 A. Yes. He brought them all the way to
15 Columbia. That's when I think I'd told -- had
16 called the investigator and told him that he had
17 found them. Victor called down there and took it
18 to the police department. He was great.

19 SOLICITOR WILLIAMS: Your Honor, I am
20 showing defense counsel what has been marked as
21 State's Exhibit 83, 84, 89 and 90.

22 CHAD SHELTON: (Review).

23 SOLICITOR WILLIAMS: May I approach the
24 witness?

25 THE COURT: You may.

1 DIRECT EXAMINATION CONTINUED

2 BY SOLICITOR WILLIAMS:

3 Q. Showing you State's Exhibit 83 and 84. Do
4 these picture accurately reflect what's shown in
5 the pictures at the time that you saw it?

6 A. Yes.

7 Q. Now showing you State's Exhibit 89, which is
8 knife. Do you recognize what this is?

9 A. Yes.

10 Q. What is that?

11 A. It is a knife.

12 Q. Is it the knife that was used that evening?

13 A. Yes.

14 SOLICITOR WILLIAMS: Your Honor, at
15 this time we would move 83, 84, and 89 into
16 evidence.

17 THE COURT: Any objection?

18 CHAD SHELTON: No objection.

19 THE COURT: Without objection, State's
20 Exhibit 83 and 84, each being a photograph, is
21 admitted without objection. State's Exhibit 89 is
22 a knife, and it is admitted.

23 (SO ENTERED AS STATE'S EXHIBIT 83)

24 (SO ENTERED AS STATE'S EXHIBIT 84)

25 (SO ENTERED AS STATE'S EXHIBIT 89)

1 DIRECT EXAMINATION CONTINUED

2 BY SOLICITOR WILLIAMS:

3 Q. Now showing the witness State's Exhibit 90.

4 Do you recognize what this is?

5 A. This is my car keys. It has a leather ring
6 with my name on it.

7 Q. When Mr. Mazyck brought you this knife, when
8 was the last time that you had seen them?

9 A. On that morning of January 29th.

10 Q. And who had them?

11 A. Steven.

12 Q. And when you say Steven, you mean Steven
13 Morgan?

14 A. Yes.

15 Q. And Mr. Mazyck found them where?

16 A. He found them under the console. I am not
17 sure if the police had checked it for evidence,
18 but it would never have been found if that center
19 console had not been lifted up the way that Victor
20 -- he didn't like the console that was in there,
21 so he lifted it up to put his own and that's when
22 he found these pieces.

23 Q. And when you're talking about the console,
24 you're talking about the console of the truck that
25 Steven was driving?

1 A. Right.

2 SOLICITOR WILLIAMS: May we publish 83.
3 and 84?

4 THE COURT: You may.

5 DIRECT EXAMINATION CONTINUED

6 BY SOLICITOR WILLIAMS:

7 Q. State's Exhibit 83, can you tell the jury
8 what that is?

9 A. That's the pickup truck that I owned.

10 Q. Is that the truck that Mr. Morgan took that
11 night?

12 A. Yes.

13 Q. Is that the truck that you then sold to Mr.
14 Mazyck?

15 A. Yes. Now, he didn't take the truck -- the
16 truck was taken to the truckstop when I put him
17 out. He had the truck with him. I didn't have no
18 problem with him having the truck. I had pretty
19 much given Steven the truck. Yes, it's the truck
20 that he was driving.

21 Q. Now, after all of these events transpired,
22 did you learn where Mr. Morgan went to after the
23 event?

24 A. I was told that he went to Georgia.

25 Q. Okay. And was he captured in Georgia at some

1 point

2 A. That's what I was told.

3 Q. After that event, after he was captured and
4 apprehended, did you hear from him again?

5 A. Yes. He actually wrote me a couple of months
6 after I'd gotten back home.

7 Q. And when you lived with Mr. Morgan for those
8 two years, did you have an opportunity to observe
9 his handwriting?

10 A. Yes.

11 Q. And did you see cards, letters?

12 A. Yes. He'd given me several cards.

13 Q. Would you recognize his handwriting if you
14 saw it, based on that experience?

15 A. Yes.

16 SOLICITOR WILLIAMS: Your Honor, I am
17 going to mark this as State's Exhibit 100 and 101,
18 which is a letter and an envelope.

19 THE COURT: Okay.

20 SOLICITOR WILLIAMS: (Tenders to
21 defense counsel).

22 CHAD SHELTON: (Review).

23 SOLICITOR WILLIAMS: May I approach?

24 THE COURT: You may.

25 DIRECT EXAMINATION CONTINUED

1 BY SOLICITOR WILLIAMS:

2 Q. Is this item (State's Exhibit 100) as you
3 received it?

4 A. Yes.

5 A. And you recognize the handwriting on that
6 letter and envelope?

7 A. Yes.

8 Q. Whose handwriting is it?

9 A. Steven's.

10 Q. Was this sent to your home?

11 A. Yes.

12 SOLICITOR WILLIAMS: Your Honor, at
13 this time we would move State's Exhibit 100 and
14 Exhibit 101 into evidence.

15 THE COURT: Any objections?

16 CHAD SHELTON: We object on 403, Your
17 Honor.

18 THE COURT: 403? Meaning -- what?
19 Cumulative?

20 CHAD SHELTON: Prejudicial, Your
21 Honor.

22 THE COURT: Certainly the objection is
23 noted as to 403, but you're not -- you're not
24 saying that it is not relevant, you're just saying
25 that it is prejudicial?

1 CHAD SHELTON: Yes, Your Honor.

2 THE COURT: Subject to objection of
3 counsel, State's Exhibits 100 and 101 are
4 admitted.

5 (SO ENTERED AS STATE'S EXHIBIT 100)

6 (SO ENTERED AS STATE'S EXHIBIT 101)

7 SOLICITOR WILLIAMS: Your Honor, may I
8 publish this by reading?

9 THE COURT: You may.

10 SOLICITOR WILLIAMS: This letter was
11 dated August 26, 2012, postmarked August 27th,
12 2012, (reading):

13 "Dear Rose:

14 I hope and pray that this letter
15 finds you in the best health in Jesus name. I
16 know that you probably wasn't looking forward to
17 receiving a letter from me. But, Rose, I am
18 feeling the same emotional and mental pain myself.

19 Rose, it is not enough words to
20 express my sorrows. Out of all people, not
21 knowing that I allowed the devil to come into my
22 life and manipulate me. Rose, I never intended
23 for such tragic to happen. The devil allowed his
24 worker to slip god knows what in my drink. Rose,
25 I thought my life was about to be over. All I

1 wanted was help. My instinct led me home to you,
2 not being fully alert of my conscious. I just
3 wanted someone to help me.

4 Rose, my dear, since I've been
5 incarcerated, I've really grown closer to God.
6 I've been fasting and praying and crying out to
7 God to step in the situation, to take control, so
8 that you and your family don't have hard feelings
9 towards me.

10 Rose, there is so much stuff that I
11 would like to say but I am not sure how you feel
12 at this moment. So I am going to end this letter
13 but not my thoughts of hoping that I will be able
14 to hear a positive response from you soon.

15 In Jesus name. God bless.

16 P.S.: Please tell Grandmama that I
17 still love her and think of her daily, that I am
18 human, that I got manipulated by the devil and
19 sin. Sorry. Please pray for me."

20 Court indulgence for just a moment.

21 THE COURT: Yes, ma'am.

22 SOLICITOR WILLIAMS: Showing the
23 defense counsel what has been marked as State's
24 Exhibit 86.

25 THE COURT: Before you do that, let's

1 go ahead and let the jury take a break at this
2 point.

3 SOLICITOR WILLIAMS: Okay.

4 THE COURT: Ladies and gentlemen, we'll
5 let you go to your jury room. Do not discuss the
6 case, do not begin your deliberations. We will be
7 with you in about ten to fifteen minutes.

8 (JURY OUT @ 3:10 P.M.)

9 THE COURT: Anything from the State
10 before we recess?

11 SOLICITOR WILLIAMS: No, sir.

12 THE COURT: Anything from the defendant
13 before we recess?

14 CHAD SHELTON: No.

15 THE COURT: We looked at the exhibits.
16 I think that my discussion with you is that while
17 there were certainly some cumulative features of
18 the photographs, I felt that there were enough
19 differences to admit them. Your objection to
20 cumulative is certainly noted for purposes of
21 review. Thank you very much.

22 Ms. Lampkin, during this break you may
23 step down but I'd ask that you not have any
24 conversation with any of the attorneys. Thank
25 you. We will be at-ease for about fifteen

1 minutes.

2 (BRIEF RECESS)

3 (DEFENDANT PRESENT)

4 THE COURT: Ms. Lampkin, you may resume
5 the stand. Invite the jury to return.

6 (JURY IN @ 3:10 P.M.)

7 THE COURT: Thank you, ladies and
8 gentlemen. We are ready to resume at this time.
9 Ms. Williams, thank you for allowing the
10 interruption. You may resume your examination,
11 Solicitor.

12 SOLICITOR WILLIAMS: Thank you, Your
13 Honor. Your Honor, at this time the State would
14 like to move State's Exhibit 90 into evidence.
15 I am not sure that we moved that into evidence
16 before the break.

17 THE COURT: Any objection?

18 CHAD SHELTON: No, sir.

19 THE COURT: State's Exhibit 90 is a bag
20 containing car keys?

21 SOLICITOR WILLIAMS: Yes, Your Honor.

22 THE COURT: Without objection, State's
23 Exhibit 90 is admitted.

24 (SO ENTERED AS STATE'S EXHIBIT 90)

25 DIRECT EXAMINATION RESUMED

1 BY SOLICITOR WILLIAMS:

2 Q. Ms. Lampkin, just to go over the time line of
3 when Mr. Morgan moved out of the home, you
4 testified that he moved out of the home December
5 14th, 2011, and you put his truck at the truckstop
6 so that he could get it?

7 Q. That's right.

8 Q. Did he ever have any permission to come back
9 into the home between December 14th and January
10 29th

11 A. No. I asked him not to.

12 Q. Did he ever come back into the home during
13 that time?

14 A. None other than the 29th, the morning when he
15 broke in. He did show up at the house maybe two
16 weeks after the 14th at 1:00 o'clock in the
17 morning, blowing the horn, beating on the door.
18 He'd called me at work and something told me that
19 he might come by that night. I made sure that my
20 son was there. Sure enough, he came by. He was
21 trying to get in the door or trying to get into
22 the window.

23 Q. What did you do ---

24 A. And that window screen is off right now.
25 I don't know what he was trying to do.

1 Q. --- in response to this?

2 A. At this point, uh, you know, my son was
3 concerned that he was trying to get in. So he
4 figured that we needed to call the cops.

5 Q. Did you?

6 A. Yeah, Sean called the cops from his phone.

7 Q. Do you remember the exact date of that event?

8 A. No, I don't.

9 Q. Would it refresh your memory to look at the
10 police report?

11 A. Yes.

12 SOLICITOR WILLIAMS: Your Honor, may I
13 approach?

14 THE COURT: Have it marked for
15 identification only, please.

16 COURT REPORTER: State's Exhibit 102
17 for identification.

18 THE COURT: Ladies and gentlemen, one
19 of the things that you may hear in a trial --
20 generally when witnesses are shown a document --
21 when I was coaching mock trials, I used to tell my
22 students that every document has to have a name.
23 That's why we mark them, so that we have a way of
24 identifying it for the record and for your
25 purposes, too. It's not uncommon to have

1 witnesses view documents that are marked for
2 identification. If that exhibit is admitted, then
3 it will certainly accompany you to your jury room.
4 If it is not admitted, then you can consider
5 testimony regarding the document but the document
6 will not accompany you to the jury room - unless
7 it is actually admitted. Sorry to interrupt you.

8 DIRECT EXAMINATION CONTINUED

9 BY SOLICITOR WILLIAMS:

10 Q. Don't tell us anything that's in the report
11 but does that refresh your memory as to the date
12 when he attempted to try to get in?

13 A. Right. Yes, ma'am.

14 Q. When was the date?

15 A. 12/30/2011.

16 Q. So roughly two weeks after he moved out?

17 A. Um-humm, (affirmative nod).

18 Q. He never lived in that home again?

19 A. (Negative gesture).

20 Q. Never had permission to enter again?

21 A. No.

22 Q. And when you were describing the assault, you
23 talked about that at one point -- you told us the
24 whole story, but do you even know how long that he
25 was in the home?

1 A. It was several hours, two to three hours.
2 Like I said, I knew that -- as soon as the sun
3 came up, you know, he was trying to get out of
4 there before it got too bright outside. He kept
5 looking out the window, for whatever reason. It
6 was several hours. He came in around 4:00 or
7 4:30. I never had a chance to look at any clocks.
8 I didn't look at anything with time, so --
9 (pause).

10 Q. And you testified that at one point you tried
11 to run away?

12 A. (Affirmative nod).

13 Q. Did you try other ways to try to stop the
14 assault from happening?

15 A. In the midst of Steven being up there, you
16 know, hitting me and choking me, you know, I was
17 trying to make nice with him, to calm him down.
18 There were several times when I started quoting
19 Bible verses to him. That seemed like it calmed
20 him down, took some of the anger out of him for a
21 moment.

22 Q. You said that you had smoked a cigarette with
23 him. Did you try to talk to him, reason with him?

24 A. Yes. That's why we sat there, to see if he -
25 he'd calmed down and that's why I sat there with

1 him and lit a cigarette, since he was not beating
2 me at that point in time. I was trying to make
3 nice with him so that he would not continue to
4 beat on me again.

5 Q. At any point did the two of you go to a
6 different portion of the house?

7 A. No. The whole incident basically took place
8 upstairs other than me running, falling down the
9 stairs and being dragged back up the stairs.

10 Q. And did you put any clothing on at any point
11 in the evening?

12 A. Yes. I had put on a jacket. You know, I
13 just found something. Because it was cold, there
14 was a jacket that I put on. After he came
15 upstairs, he wanted to go -- he drug me downstairs
16 to see some of the work that I had being done in
17 the house. I'd had a new stove put in and stuff,
18 so he wanted to see that stuff. He said, 'I guess
19 you think some other man is going to be in here
20 enjoying this with you' and -- you know.

21 SOLICITOR WILLIAMS: Your Honor, I had
22 previously shown defense counsel Number 86. May I
23 approach?

24 THE COURT: You may.

25 DIRECT EXAMINATION CONTINUED

1 BY SOLICITOR WILLIAMS:

2 Q. If you would, just look in there and tell us
3 what this is.

4 A. It is a corduroy jacket of mine.

5 Q. When was the last time that you wore this?

6 A. On the 29th when Steven had been to the
7 house.

8 Q. That is what you were wearing at the time?

9 A. Right, that's what I had put on.

10 SOLICITOR WILLIAMS: Your Honor, at
11 this time we would move State's Exhibit 86 into
12 evidence.

13 THE COURT: Any objection?

14 CHAD SHELTON: No objection.

15 THE COURT: Without objection, State's
16 Exhibit 86 is admitted. A bag containing a
17 corduroy jacket.

18 (SO ENTERED AS STATE'S EXHIBIT 86)

19 DIRECT EXAMINATION CONTINUED

20 BY SOLICITOR WILLIAMS:

21 Q. Rose, if you could just tell us what is on
22 the collar?

23 A. That's blood that I shed from the wound to
24 where the knife was at my neck.

25 Q. And do you have any idea where all the blood

1 came from?

2 A. Just dripping out of the wound from the time
3 that it happened.

4 SOLICITOR WILLIAMS: I have already
5 shown defense counsel State's Exhibit 87, 88 and
6 72. May I approach?

7 THE COURT: You may.

8 DIRECT EXAMINATION CONTINUED

9 BY SOLICITOR WILLIAMS:

10 Q. First, Rose, if you could tell us that this
11 picture (State's Exhibit 72) accurately depicts
12 what is in it as of the night of this event?

13 A. Yes, that's my knee.

14 SOLICITOR WILLIAMS: We would move for
15 its admission, State's Exhibit 72.

16 CHAD SHELTON: No objection.

17 THE COURT: State's Exhibit 72, a
18 photograph, is admitted without objection.

19 (SO ENTERED AS STATE'S EXHIBIT 72)

20 DIRECT EXAMINATION CONTINUED

21 BY SOLICITOR WILLIAMS:

22 Q. And can you tell us what these are in this
23 bag?

24 A. Those are the hangers that were used that
25 morning to tie me up.

1 SOLICITOR WILLIAMS: Your Honor, we
2 would ask that State's Exhibit 87 be moved into
3 evidence.

4 THE COURT: Any objection?

5 CHAD SHELTON: No objection.

6 THE COURT: State's Exhibit 87, a bag
7 containing coat hangers, admitted without
8 objection.

9 (SO ENTERED AS STATE'S EXHIBIT 87)

10 DIRECT EXAMINATION CONTINUED

11 BY SOLICITOR WILLIAMS:

12 Q. And if you could just explain to the jury
13 what he did with these hangers?

14 A. The one that you have there is the one that
15 was tied around my hands, behind my back.

16 Q. There's different ---

17 A. Now, those I'm not familiar with. There were
18 basically two, one that he had around my hands and
19 then one that he had around my ankles.

20 Q. Okay.

21 A. And I remember that the one that he had
22 around my ankles had a whole lot more - yeah, I
23 think that's the one that was around my ankles.

24 SOLICITOR WILLIAMS: Your Honor, we
25 would move for admission of State's Exhibit 87, a

1 ban containing hanger pieces.

2 THE COURT: Any objection?

3 CHAD SHELTON: No objection, Your
4 Honor.

5 THE COURT: Without objection, State's
6 Exhibit 87 is admitted, a bag containing pieces
7 of hanger.

8 (SO ENTERED AS STATE'S EXHIBIT 87)

9 DIRECT EXAMINATION CONTINUED

10 BY SOLICITOR WILLIAMS:

11 Q. Showing you what has been marked as Exhibit
12 88. What is that?

13 A. That's the towel that was stripped into
14 several pieces.

15 SOLICITOR WILLIAMS: Your Honor, at
16 this time we would move State's Exhibit 88 into
17 evidence.

18 THE COURT: Any objection?

19 CHAD SHELTON: No, sir.

20 THE COURT: State's Exhibit 88, a bag
21 containing strips of towel admitted without
22 objection.

23 (SO ENTERED AS STATE'S EXHIBIT 88)

24 DIRECT EXAMINATION CONTINUED

25 BY SOLICITOR WILLIAMS:

1 Q. Tell the jury what he did with these strips
2 of towel that are knotted?

3 A. This is the one that was tied from my -- that
4 drew my hands and my feet together. The other
5 one is the one that was stuffed in my mouth.

6 Q. And you talked a little bit about going to
7 the hospital and having your knee operated on.
8 Was that before you left the hospital or did you
9 have to go back?

10 A. That was the very last surgery that they
11 performed before leaving the hospital. I think
12 the day before I left was when they did the knee
13 surgery.

14 Q. Okay. State's Exhibit 72, tell the jury what
15 that is. I don't know if you will be able to see
16 that.

17 A. That is a picture of my swollen knee after
18 several hours/days. It's hard to see.

19 Q. Your kneecap was broken?

20 A. Yes.

21 Q. And while you were at the hospital, what
22 other procedures were performed on you? After
23 you went to the emergency room, did you see any
24 other nurses?

25 A. Oh, god. I saw lots and lots of nurses.

1 Q. Was there a sexual assault examination done?

2 A. Yes, they did all that testing. Checked
3 everything.

4 Q. And why did you not go back to your home
5 right away?

6 A. Well, the main thing it was just terrifying
7 thinking about going back to that house after
8 what had taken place just several days earlier.
9 Then I couldn't walk. I had to have care. My
10 mother and my father took care of me in Columbia
11 until I was able to come back to work, to come
12 back home. So I was there for several months.

13 SOLICITOR WILLIAMS: Court's
14 indulgence, please.

15 THE COURT: Very well.

16 SOLICITOR WILLIAMS: I have no further
17 questions.

18 THE COURT: State's 102, is that an
19 exhibit? It needs to come back here, to be left
20 here.

21 SOLICITOR WILLIAMS: Sorry, Your Honor.
22 I have a bad habit of doing that.

23 THE COURT: No problem. Thank you,
24 Ms. Williams.

25 SOLICITOR WILLIAMS: Thank you.

1 THE COURT: You may cross-examine, Mr.
2 Sheldon.

3 CROSS EXAMINATION

4 BY CHAD SHELTON:

5 Q. You and I have never talked or discussed this
6 case?

7 A. No, we have not.

8 Q. You said that you and Steven broke up,
9 officially broke up around his birthday in 2011?

10 A. Yes.

11 Q. And you took his - took the truck and all
12 his clothes and left them at the truckstop.

13 A. Right.

14 Q. He was an over-the-road truck driver?

15 A. Yes. I mean, he came home -- sometimes he
16 would have to stay overnight but most of the time
17 he would come back to town to spend the night.

18 Q. And y'all were together for about three
19 years?

20 A. Yeah, over two years. I am not sure exactly
21 but it was over two years.

22 Q. And you started living together about a half
23 year into the relationship or when did he start
24 living with you?

25 A. Probably about six months or so after I met

1 him.

2 Q. And you met Steven through his sister,
3 Janette?

4 A. Yes.

5 Q. Were you -- did you have any financial issues
6 or problems with your home at the time that Steven
7 moved in?

8 A. As far as?

9 Q. Did he help with you going through a
10 foreclosure?

11 A. Well, it wasn't really a foreclosure. It was
12 just kind of getting behind. I work at a strictly
13 commission job and those checks fluctuate some
14 time to time.

15 Q. And it was in about 2008 when all the issues
16 were going on with homes and ---

17 A. Exactly. I think -- yeah, I had some
18 financial issues going on but, thank God, I made
19 it through.

20 Q. And Steven lost his car in all of that, too,
21 didn't he?

22 A. Yeah. That was a long story, but yeah, he
23 did.

24 Q. And when everybody was back on their feet,
25 that's when you got a car and he got a truck?

1 A. Well, I always had my car. So I had gotten
2 the truck -- because he wanted a truck. He said
3 that he was going to start doing some light yard-
4 work for people, making a couple of dollars here
5 and there. So I was willing to help him with the
6 truck or get the truck so that he could -- you
7 know, to help him out so that he could help
8 himself.

9 Q. Did you -- and when you left the truck, you
10 called Steven's mother to tell her that you had
11 left the truck at the truckstop?

12 A. Yes. I had a long in-depth conversation with
13 her. I just kind of let her know that, you know,
14 Steven and I were having some problems, that I
15 couldn't deal with him threatening me. Just
16 jealous. I knew that I wasn't doing anything. I
17 was there to help him as much as I could.

18 Q. And I think it was Mr. Mazyck that you sold
19 the truck to, around the end of March?

20 A. I think it was right around that time.

21 Q. So the truck from about January 30th to the
22 end of March was in your possession or ---

23 A. It was sitting in my yard. Yeah, sat in my
24 driveway.

25 Q. And Mr. Mazyck, is he related to somebody

1 close to you -- or who is Mr. Mazyck?

2 A. He is actually my girlfriend Chantelle's
3 husband's brother.

4 Q. And Chantelle was one of the first persons
5 that you called after this incident?

6 A. Right. I called her that morning.

7 Q. And then your home was also struck by
8 lightening?

9 A. It had been stuck in August of that year.
10 That's why I was getting all those repairs done.
11 Yes.

12 Q. And about - did you go to Outback with Steven
13 to celebrate his birthday the week before ---

14 A. I think that we did. We went out to eat
15 somewhere, yeah. We went out to eat somewhere and
16 that's when I had gotten with the contractor, you
17 know, to give him the check to do the work.

18 Q. Then you went to like Home Depot or Lowe's
19 and picked out all your appliances?

20 A. Yeah, we did.

21 Q. And this contractor -- who was the
22 contractor?

23 A. His name was Eric Cooper.

24 Q. And he doesn't have a company or anything.
25 It was just one of your friends that was going to

1 help do a lot of the work?

2 A. Well, he was actually recommended to me by a
3 friend, a classmate, of mine. Yeah. That he was
4 an electrician that could do the work.

5 Q. Did he show up at Outback that night?

6 A. He showed up to get the check for that work
7 to be done.

8 Q. Are you aware that he called Steven a couple
9 of days later?

10 A. I was aware that Steven called him a couple
11 of days later.

12 Q. Are you aware that Mr. Cooper had thought
13 that Steven was actually your son?

14 A. That story was a mix-up from the beginning.
15 I told Steven that I didn't know what he was
16 talking about, that Steven had thought that the
17 call was my son. But it was -- it was mix-up with
18 Steven trying to start something, as always with
19 jealousy arising.

20 Q. And this was like the straw that broke the
21 camel's back?

22 A. Pretty much.

23 Q. The last argument?

24 A. Yeah, because it was just too much jealousy
25 -- you know, here you are living in my house, rent

1 free. Why are you accusing me of anything, every
2 little thing? You know, if I went to the store
3 for thirty minutes and stayed too long I would be
4 accused for something.

5 Q. And y'all had been arguing about this?

6 A. Yeah.

7 Q. You gave a written statement to the police
8 after this incident?

9 A. After the incident took place?

10 Q. Yes.

11 A. Well, yes. They questioned me when they got
12 there that morning. I was questioned at the
13 hospital and everything.

14 Q. You talked to a lot of people about this?

15 A. Oh, my goodness, (affirmative nod), a lot of
16 people.

17 Q. You talked to the police on the scene?

18 A. Right.

19 Q. And Investigator Goodyear was there?

20 A. Yes.

21 Q. And then you probably would have told the
22 medical people about what had occurred?

23 A. Oh, yeah, the story was told -- you know, I
24 had a -- they had drugged me up so bad because of
25 all the injuries and everything, so I was telling

1 the story -- I don't know how many times, but I
2 told the story to everyone to the best of my
3 ability.

4 Q. And you also would have talked to the sexual
5 assault nurse?

6 A. Yes, she was there as well.

7 Q. And have you had a chance to review your
8 written statement that you gave to the police,
9 before you came here today?

10 A. I have reviewed that because I had notes for
11 my insurance. When I was down, I had to contact
12 the police department to get a copy of the police
13 report because I had to send that in to my
14 insurance with my job, in order to get all these
15 bills paid. So ---

16 Q. The Solicitor's Office didn't let you review
17 your statement before you came here today?

18 A. Did they let me review my statement?

19 Q. Did you look at your statement or read it
20 before you ---

21 A. Right. I've looked at several notes along
22 the way from everybody.

23 Q. I think that you said that it was a pretty
24 crazy night, a crazy morning.

25 A. It was crazy. It was like something you

1 would see on C.S.I.

2 Q. And in your statement you said that you heard
3 a noise about 4:30 in the morning?

4 A. Yes.

5 Q. And then you saw Steven approaching?

6 A. Yes. He was running up the stairs in a rage.

7 Q. And your statement says that he accused you
8 of putting him out?

9 A. Yes. He said that, you know, it was -- why
10 did I put him out, that he had no place to go.

11 Q. Then he started hitting you and told you to
12 take off your clothes?

13 A. Well, he pretty much ripped the clothes off.
14 I didn't really have a choice.

15 Q. So he -- he ripped the clothes off of you.
16 He didn't order you to take the clothes off?

17 A. Well, he ordered. He ripped. There was just
18 a whole lot going on during that time.

19 Q. And he said that he will take this knife and
20 "I will kill you, I will kill myself."

21 A. Yes.

22 Q. And then he forced you to have intercourse in
23 different positions?

24 A. Yes.

25 Q. He started to smoke a cigarette and that's

1 when you tried to run down the stairs?

2 A. Yes, he was smoking a cigarette and he was
3 calming down from the rage that he'd had, you
4 know, from the time that had got in there. So
5 that's the time that I thought that I would have a
6 break to try to get away and not be hit on again.

7 Q. Then in your written statement you said that
8 you fell trying to leave and he grabbed and shoved
9 you into the wall.

10 A. Right. So -- when I got up, when he was
11 sitting there and I went to run from him, that's
12 when he went behind me to catch me. When he
13 turned when he went to grab me, it was like a
14 shoving effect.

15 Q. But in your written statement you never
16 mentioned anything about him shoving you into the
17 tile floor.

18 A. No, it was basically the fall that did that.
19 When I was being -- when he was trying to grab me
20 was when I tumbled down the stairs. When I
21 tumbled down the stairs, me hitting the bottom,
22 hitting that ceramic tile, going through that
23 wall.

24 Q. And maybe I am missing something. But in
25 your direct examination you also mentioned that

1 he was taking your head and banging it on the ---

2 A. Right. Once it'd gotten to the base of that
3 stairs and once he had gotten to me, he had taken
4 my head and was banging it on the ceramic tile; as
5 if to say that this was my punishment for having
6 tried to get away from him.

7 Q. But you don't mention anything about that in
8 your statement?

9 A. Like I said, several statements were asked to
10 me different ways; so, you know, ---

11 Q. Would it help to refresh your memory to see
12 your written statement?

13 A. Sure.

14 COURT REPORTER: Defendant's Exhibit 1
15 for identification.

16 MS. LAMPKIN: And I don't have my glasses
17 now.

18 CROSS EXAMINATION CONTINUED

19 BY CHAD SHELTON:

20 Q. (Tenders).

21 A. Do you want me to read it?

22 Q. You can just go through that and see if it
23 refreshes your memory.

24 A. You don't want me to read it, though?

25 Q. You can read it to yourself.

1 A. Oh, okay. (Upon review), okay.

2 Q. Do you see the part where you say that he
3 threw you into the wall?

4 A. *"He grabbed and shoved me into the wall."*

5 Okay.

6 Q. You didn't mention anything about him
7 grabbing you and shoving you into the tile,
8 knocking your head into the tile?

9 A. Well, like I said, the story was told several
10 different times at the hospital. Actually my
11 girlfriend wrote that because I wasn't able to
12 write, but that's what I was saying. But it
13 happened. Whether I wrote it on here or not, it
14 happened. Believe me.

15 Q. So you say that your girlfriend was writing
16 the statement?

17 A. Right, on the hospital, right up next to my
18 hospital bed, because I wasn't in a condition to
19 write anything. As I was speaking, it was being
20 written.

21 Q. But you did sign that?

22 A. Yes, I signed it. I scribbled my name.

23 Q. And you were at the hospital?

24 A. Yes.

25 Q. At the time that you wrote this statement, do

1 you remember if you had already given your initial
2 information to the hospital staff?

3 A. As far as what?

4 Q. As far as what had happened?

5 A. You know, when I got there that morning there
6 was so many people around me, uh, I must have had
7 ten/twelve doctors or nurses around my bed. There
8 was a lot going on. I am sure that I gave
9 information that was being asked of me at that
10 time.

11 Q. Do you remember that you denied alcohol use
12 to the doctor?

13 A. That I denied alcohol use?

14 Q. Yes.

15 A. As far as?

16 Q. Using alcohol that night?

17 A. Well, I told them -- they asked me had I had
18 anything to drink and I told them that I'd been to
19 a birthday party and, yes, I did have a drink that
20 night.

21 Q. That was to the sexual assault nurse that you
22 said that. Do you deny using alcohol to the
23 doctors and to the nurses?

24 A. I don't believe that I denied it. I would
25 never say that I hadn't when I knew that I had.

1 Q. And about two hours or so later you give
2 another statement to Ms. Hall, who was a sexual
3 assault nurse. Do you remember?

4 A. I don't remember. It's hard to remember
5 everything that took place that week.

6 Q. Nowhere in your written statement do you
7 mention your keys being taken.

8 A. Okay. Like I say, the story was told to
9 several different people throughout several
10 different times.

11 Q. And you mentioned that you hopped downstairs
12 naked?

13 A. No. I said that I attempted to hop from the
14 bed to go downstairs, but I couldn't. My weight
15 would not hold me on my good leg. So I had to sit
16 down on a blue housecoat -- if you look back at
17 the pictures, there is a blue housecoat that is at
18 the front door; is what I sat on so that I didn't
19 get splinters in my behind trying to get down the
20 stairs. So I sat on something to try to go down
21 the stairs.

22 Q. Do you remember telling the sexual assault
23 nurse that you guys were arguing about 'why I
24 wouldn't take him back.'

25 A. To be honest with you, I can't remember a lot

1 of stuff that was asked me in that hospital. I
2 was under a whole lot of medication due to the
3 injuries that I had. So there were several
4 questions asked of me and I am sure that I
5 answered them to the best of my ability, but I
6 couldn't recall what was said.

7 Q. You never mentioned the cell phone in your
8 written statement?

9 A. Like I said, these statements were -- I had
10 questions being asked of me all -- the whole day,
11 that whole Sunday after being admitted to the
12 hospital. There were questions being asked to me
13 and, uh, -- I mean, I wrote a lot -- I mean,
14 people were taking notes all around me. So what
15 was said on that time or any other time ----

16 Q. This would have been the only statement that
17 you actually signed, though.

18 A. Yeah, but you know what, I didn't realize
19 that signing or speaking, the cops asking me
20 questions, the nurse asking me questions, I just
21 answered them. So, (shrug).

22 Q. With your cell phone having been flushed down
23 the toilet, we can no longer get any information
24 from that?

25 A. As far as -- you could probably get something

1 from the cell phone company as far as whether
2 there were more calls made from that phone. I
3 didn't have the phone later.

4 Q. So we couldn't get any information that you'd
5 invited Steven over that night?

6 A. No, I didn't. I would never have done that.
7 Never.

8 Q. You do mention that Steven agreed to call
9 911?

10 A. During the whole attack?

11 Q. That he agreed to call 911?

12 A. Yeah, but he knew that he wasn't going to
13 call 911. He said that he would have, I begged
14 and pleaded that he would but he said when he was
15 ready to - and there was a lot of profanity used
16 that I'd rather not use but he said that he would
17 call, that he would call when he was ready to
18 call.

19 Q. And that was after he'd used some towels to
20 clean up your face, to take some blood off your
21 face, and then ---

22 A. Right.

23 Q. --- he offered to call 911?

24 A. Well, yeah, but throughout the whole second
25 half of that when I was asking him to stop hitting

1 me and beating me and I kept saying that I was in
2 pain, 'please call 911.' You know, he said that
3 he would call when he was ready to call.

4 Q. In your earlier statement, you said that
5 everything happened upstairs?

6 A. Right, other than me falling down and the
7 impact of my knee hitting the ceramic tile and my
8 head hitting into the wall.

9 Q. Okay. Then at some point in time he hog-tied
10 you up but you were still able to see him flush
11 the cell phone down the toilet?

12 A. Okay. When I heard the flush -- okay? I
13 heard the flushing of the toilet and I knew that
14 my cell phone had been on that floor right there
15 in front of the bathroom, somewhere on that floor
16 with all that stuff that I had in the room. So
17 when I did get untied and was looking around for a
18 phone so that I would be able to call, that's when
19 I realized that that was why the flush was there,
20 because he'd picked up what was left of that phone
21 to flush it down the toilet.

22 Q. So everything took place upstairs that day.
23 At some point you went downstairs to check out all
24 the new equipment in the house?

25 A. Yeah. Right after -- right after Steven had

1 gotten there, and after some of the beating and
2 everything had taken place, uh, after the sexual
3 assault, that's when I grabbed that green jacket
4 and he said, 'Let's go downstairs so that I can
5 see what kind of work you've been having done in
6 the house.' So that's when I grabbed that jacket,
7 because it was cold and I just need to put some
8 clothes, something over me to go back downstairs
9 to look at ---

10 Q. I think that you just said as Steven got
11 there. So -- but you were struck upstairs and you
12 saw a chance to escape. When did that occur?

13 A. Okay, that didn't occur until we had got back
14 up there. Okay? After we walked back up the
15 stairs, that occurred after that.

16 Q. Okay. So obviously that must have happened
17 before you fell down the stairs?

18 A. Right, because I was able to walk.

19 Q. And you indicated that you put the jacket on
20 and you were bleeding, but wasn't it your
21 statement that he didn't cut you with the knife
22 until after you fell down the stairs?

23 A. Exactly. I was fine. I was perfectly fine.
24 That jacket was still on me when I attempted to
25 run. You have to remember that that is what I had

1 on when we had went downstairs just to view those
2 things. That's what I had on.

3 Q. So you didn't bleed on the jacket when you
4 went down to view those things?

5 A. Right. I bled after I had fallen. That's
6 what I had had on around me.

7 Q. You also mentioned some family and friends
8 that were helping support you after you left the
9 hospital?

10 A. Yes, sir.

11 Q. I think that you went to Columbia?

12 A. I went to Columbia. My mom and my stepdad
13 took me in, fed me breakfast, lunch and dinner
14 from bed.

15 Q. And there were other family, other friends,
16 that were helping you and your son, financially
17 and supporting your son for ---

18 A. He has a dad that helps as well. Yes.

19 Q. The incident report from December 30th, with
20 Goose Creek, where you son called the police, do
21 you remember your son coming downstairs and
22 refusing to give his name?

23 A. I don't know. That night I stayed upstairs.
24 He came downstairs and talked to the cops. I
25 didn't come downstairs, so I didn't know anything

1 about that.

2 Q. Okay.

3 A. I don't know why he wouldn't have.

4 Q. And you don't remember -- you didn't overhear
5 him say that there were golf balls being thrown at
6 the house?

7 A. Golf balls? I don't ---

8 Q. Today you're saying that Steven was trying to
9 get into the house?

10 A. Right. He'd came by wanting to talk, or
11 whatever the case may be, and he rung the doorbell
12 several times. This was 1:00 o'clock in the
13 morning and I wasn't going to open my door at that
14 time. There's nothing to talk about at 1:00
15 o'clock in the morning. I didn't open the door.
16 He was banging on the door, I didn't open the
17 door. I think that I heard the truck horn blow a
18 couple of times on the outside. And, uh, -- I
19 don't know anything about golf balls.

20 Q. How many cigarettes did you smoke that
21 morning with Steven.

22 A. I am not sure. Like I said, I was trying to
23 make nice with Steven, to calm him down, whatever
24 it took. Once I saw that he was calming down and
25 wasn't going to try to hit me anymore. That's

1 when he sat there and lit a cigarette and I lit
2 one with him so that, you know, he'd kinda bring
3 some peace there for a moment and kind of give me
4 a break from the beating.

5 Q. You do a pretty good job of keeping your
6 house clean?

7 A. My house was a wreck that morning.

8 Q. Because of the renovations?

9 A. Well, because of the renovations and because
10 of a lot of mix-up that was going on at that time.
11 There was a lot going on in the house. Like I
12 said, I had pulled the carpets up a month or two
13 before.

14 Q. The upstairs was pretty messy.

15 A. Yes.

16 Q. But downstairs there were some things piled
17 up but in all -- the ground was ---

18 A. The downstairs wasn't as bad. I tried to
19 keep the downstairs decent. The upstairs was a
20 mess.

21 Q. And a lot of your tables were glass and, like
22 you said, you had a lot of mirrors in your home?

23 A. Yes.

24 Q. So you don't have the habit of throwing
25 cigarettes on the ground or ---

1 A. No. No.

2 Q. You had some testimony about Mr. Mazyck
3 finding some stuff in the truck.

4 A. Right.

5 Q. You weren't there when he found the stuff in
6 the truck?

7 A. No, I wasn't.

8 Q. You have no idea where the things were found?

9 A. Right, until he called and told me that he'd
10 found some thing that he thought I'd want to know
11 about.

12 Q. And I believe that you mentioned that you
13 believe that the police must have missed it
14 because they had searched the truck?

15 A. He was amazed. He said, you know, 'Rose, if
16 anyone had searched that truck, because of where
17 those things were, no one would have ever thought
18 to have lifted that center console. You know,
19 maybe to have thought to lift up the little center
20 arm thing but never to have actually lifted the
21 whole console.'

22 Q. You don't know where that was found. You're
23 just taking Mr. Mazyck word for it?

24 A. Right.

25 Q. When -- I think it was Mr. McCurdy that came

1 in, that he was the first one that called, called
2 the police; do you remember that?

3 A. Right. I think.

4 Q. And you were pretty frazzled, pretty upset at
5 that point in time?

6 A. Yeah.

7 Q. Do you remember about asking him to get a
8 tarp for the window?

9 A. I don't know whether I asked him or whether
10 -- I mean, my neighbors, the few that came up,
11 were concerned that I needed to put something at
12 that broken window. But I don't know whether,
13 you know, I asked or not. Like I said, I don't
14 remember. People were talking, cops were there.
15 I am not sure, but I don't think that I would have
16 asked. I didn't care. I just wanted to get to
17 the hospital at that point. I didn't care about
18 that window, that sliding glass door.

19 Q. You don't know if this wood went through the
20 window?

21 A. That was the piece of wood that was all the
22 way against -- I mean, nothing else had taken
23 place down there. That was the only piece of wood
24 that was on my living room floor, that was up
25 against, that had slid all the way from that

1 sliding glass door up against the front window.

2 Q. But you weren't down there, so you didn't see
3 the wood go through the window?

4 A. Of course not. I was sleeping. I was
5 sleeping.

6 Q. Did you do anything as a result of your keys
7 being missing?

8 A. I didn't understand the question.

9 Q. Did you -- strike that question. So he
10 invited you to -- let's go back to the incident.
11 He invited you downstairs to look at the
12 improvements. Did y'all look at the work that was
13 being done?

14 A. All we did was walk basically downstairs.
15 I'd had a new stove put in, I looked at the stove.
16 That's when he -- he had the knife in his hand the
17 whole time and, I mean, he took -- I'd had granite
18 tops put down in the kitchen and he kind of took
19 the knife and scraped it across the top; you know,
20 just doing that (gesturing). Then we went back up
21 the stairs after that.

22 Q. Is that when he was asking you about who was
23 the person that was doing all the work?

24 A. Well, he knew who was doing the work. But he
25 was, you know, trying to say that I was getting

1 the house fixed up to enjoy with someone else
2 since he was not there anymore. That was not
3 true.

4 Q. You walked back upstairs together?

5 A. Yes, he'd held -- you know, he had my arm the
6 whole time, so he wasn't going to let me get away
7 from him. So he had me walk pretty much back up
8 the stairs. He was probably afraid that I would
9 try to run out the door or something.

10 Q. And according to your testimony, he let you
11 put the jacket on after he allegedly sexually
12 assaulted you?

13 A. Yes, because I told him that -- it was cold,
14 it was January. I was freezing, I was naked and I
15 need to put some type of clothing on.

16 Q. And you were perfectly fine with that at the
17 time that you went downstairs?

18 A. Fine with what?

19 Q. Fine -- you were perfectly fine with ---

20 A. I was already pretty beat up. I'd been hit
21 in the face, choked -- yeah, I mean, -- yeah. I
22 was already pretty much attacked before going down
23 there. I was just being obedient when he was
24 telling me what he wanted to do. He was telling
25 me that he wanted to go downstairs and see what

1 had been taking place downstairs. I did just what
2 he told me to do. I mean, I had a knife at my
3 neck the whole time. I wasn't going to do
4 anything else but do what he said.

5 Q. And you said that you and Steven argued about
6 infidelity on your part?

7 A. I mean, he -- he didn't trust me, for
8 whatever reason. You know, I'd seen on his cell
9 phone where he had e-mails being sent from some
10 female. You know, I knew that he was going out.
11 I didn't go out. I went to work, I came home.
12 And he -- he just was accusing me because he knew
13 that he was doing things.

14 Q. Prior to this he was doing things?

15 A. Right, because he was going -- he was going
16 out. Once he left that house, I didn't know where
17 he went but I know that he would not be home. He
18 would not come back for several days sometimes.

19 Q. And prior to this incident you never called
20 911, never called the police?

21 A. On Steven or for what?

22 Q. Well, to the house, the home?

23 A. Well, we did on 12/30, that morning. I mean
24 on the date of 12/30.

25 Q. But prior to breaking up you'd never called

1 the police?

2 A. No.

3 CHAD SHELTON: No further questions.

4 THE COURT: Redirect?

5 SOLICITOR WILLIAMS: Briefly.

6 REDIRECT EXAMINATION

7 BY SOLICITOR WILLIAMS:

8 Q. Mr. Shelton kept talking about - asking you
9 questions about this statement. You've had an
10 opportunity to look at this two-page statement,
11 right?

12 A. Right.

13 Q. Do you remember what time that you gave this
14 statement?

15 A. I would not be able to tell you what time.

16 Q. Would it refresh your memory to look at it?

17 A. Yeah. I mean, I know that it was done maybe
18 the second day in the hospital, though -- I'm not
19 sure. Maybe that same day.

20 THE COURT: Ms. Williams, are you
21 showing her a statement?

22 SOLICITOR WILLIAMS: I am showing her
23 the statement that Mr. Shelton had.

24 THE COURT: It should be marked as an
25 exhibit.

1 MS. LAMPKIN: Yeah.

2 THE COURT: Show her that so that we
3 know what we are talking about. Was it the
4 exhibit that was marked for identification only?

5 SOLICITOR WILLIAMS: Okay.

6 MS. LAMPKIN: It was the same day.

7 REDIRECT EXAMINATION CONTINUED

8 BY SOLICITOR WILLIAMS:

9 Q. And what time was it that you gave that
10 statement?

11 A. 12:30 P.M. is what it says here.

12 Q. Do you remember about what time that it was
13 when you went to the hospital?

14 A. Well, I was picked up that morning. I was
15 probably at the hospital, checked in by 12:00 --
16 I'm thinking - I don't know what time. Like I
17 said, I had no sense of nothing that morning. I
18 am thinking by that time it was probably 9:00 or
19 10:00. I'm not sure.

20 Q. So you were admitted to the hospital for a
21 few hours after you gave the statement?

22 A. Right.

23 Q. And so you'd had painkillers.

24 A. Oh, gosh, yeah, they used all kinds of drugs
25 on me.

1 Q. But you've had an opportunity to look at this
2 statement just now, right?

3 A. Yes.

4 Q. And you pretty much tell the same story that
5 you told in here, correct?

6 A. To the best of my ability. Like I said, it's
7 been over a year since this incident happened.
8 But I know that it happened.

9 Q. But you couldn't possibly put every single
10 detail in two pages, could you?

11 A. Right. And like I said, I was asked the
12 story so many times -- from nurses to
13 investigators to policemen -- and I told it to the
14 best of my ability in the condition that I was in.

15 Q. And Mr. Shelton asked you about the defendant
16 flushing parts of your phone or throwing them in
17 the toilet.

18 A. Right.

19 Q. Had he ever done that to you before?

20 A. Yes. He'd gotten upset with me about
21 something and walked over and flushed the phone
22 down the toilet.

23 Q. Thank you.

24 SOLICITOR WILLIAMS: Nothing further.

25 THE COURT: Recross?

1 CHAD SHELTON: Yes, sir.

2 RECROSS EXAMINATION

3 BY CHAD SHELTON:

4 Q. You said that you gave the statement at 12:30
5 p.m. Do you remember if you talked to the SANE
6 nurse, the SANE sexual assault nurse?

7 A. I couldn't tell you.

8 Q. Did you lose consciousness at any point in
9 time?

10 A. During the time that I was in the hospital?

11 Q. At any point in time during that morning?

12 A. No more than the drugs that they had given me
13 for the pain that I was suffering from my wounds.

14 CHAD SHELTON: Thank you.

15 THE COURT: Very well, you may step
16 down.

17 (WITNESS STEPS DOWN)

18 THE COURT: Call your next witness,
19 Solicitor.

20 SOLICITOR WILLIAMS: John McCurdy.

21 (WITNESS TAKES STAND)

22 JOHN MCCURDY, having been sworn to tell
23 the truth, and nothing but the truth, testified as
24 follows:

25 DIRECT EXAMINATION

1 BY SOLICITOR WILLIAMS:

2 Q. Mr. McCurdy, where do you live?

3 A. At 309 Jenny Street.

4 Q. And where is - do you know Rose Lampkin?

5 A. Yes, I do.

6 Q. How do you know her?

7 A. She is one of my neighbors about three doors
8 down. Her son and my daughter went to high school
9 together, and grade school.

10 Q. How long have you lived there?

11 A. About fifteen years, I guess.

12 Q. Do you remember anything unusual happening in
13 the early morning hours of January 29th, 2012?

14 A. Yes, I do.

15 Q. Can you tell us what that was?

16 A. I was getting ready to leave for work that
17 morning and one of the other neighbors, kind of an
18 elderly gentleman that walks in the neighborhood,
19 kind of ran up to me a little bit and asked if I
20 had a phone, that he needed to make an emergency
21 call. He kind of explained what was going on and
22 we kind of rushed over to the house a little bit.

23 Q. Is he a Pilipino gentleman?

24 A. Yeah, he's an Oriental.

25 Q. And when you got to the house, what did you

1 see?

2 A. Miss Rose was kind of sitting/laying against
3 the door, the door was open, asking for help. I
4 immediately called 911. She told me that her ex-
5 boyfriend had beaten her up.

6 CHAD SHELTON: Objection.

7 THE COURT: Sustained. Hearsay.

8 DIRECT EXAMINATION CONTINUED

9 BY SOLICITOR WILLIAMS:

10 Q. If you would just describe what she looked
11 like when you saw her?

12 A. She was -- uh, she looked like she had been
13 beaten. She was in a lot of pain and she was --
14 I almost didn't recognize her. She was pretty
15 swollen in the face. I just called 911. She was
16 wearing a blanket or a little jacket of some sort,
17 like a nightcoat, housecoat.

18 Q. What was her demeanor like?

19 A. She was pretty well calm but I could tell
20 that she was in pain and she was needing some
21 help, and that's what I did.

22 SOLICITOR WILLIAMS: Thank you.

23 THE COURT: Cross-examine.

24 CROSS EXAMINATION

25 BY CHAD SHELTON:

1 Q. You didn't hear or see anything earlier that
2 night?

3 A. No, I didn't.

4 Q. You gave a written statement, a signed
5 statement.

6 A. (Affirmative nod).

7 Q. And also an interview with the police that
8 was on tape?

9 A. Yes.

10 Q. You said that it looked like she had washed
11 herself up?

12 A. Yes, it looked like she had cleaned herself
13 up a little bit, maybe. I couldn't really tell.
14 I could tell that she was definitely in a lot of
15 pain and was just asking us to call somebody, to
16 call for help.

17 Q. She kept talking to you about wanting to get
18 -- she asked you about a tarp for the back window?

19 A. Yes, she was asking -- I think that it was
20 starting to rain that afternoon or something and
21 she was really concerned about -- when I walked up
22 to the door, I could see that the back glass door
23 was busted and that other stuff was, you know,
24 messed around in the house, was out of order.

25 Q. And she seemed concerned about that window?

1 A. Yes, she was.

2 Q. And -- I think that you really wanted to help
3 but you knew that you shouldn't touch or go into
4 the home or anything like that?

5 A. Yes.

6 Q. You didn't see anybody leaving the home?

7 A. No.

8 CHAD SHELTON: No further questions.

9 THE COURT: Redirect?

10 REDIRECT EXAMINATION

11 BY SOLICITOR WILLIAMS:

12 Q. Do you remember your statement?

13 A. Pretty much, yes.

14 Q. Do you remember describing what it looked
15 like in the dining room of the home?

16 A. Yeah, you could tell that the table and
17 chairs in the dining room were -- the glass door
18 was broken and the table and chairs were kind of
19 slid around to the side a little bit. I can't
20 remember if there was much else destroyed in the
21 house because I didn't really pay a whole lot of
22 attention. I was more concerned about Miss Rose.

23 Q. Do you remember saying that it looked like
24 there had been a struggle?

25 A. Yes.

1 Q. Do you remember saying that she was
2 complaining about pain in her leg?

3 A. Oh, yes, definitely. She was definitely in
4 pain.

5 SOLICITOR WILLIAMS: Nothing further.

6 THE COURT: Recross?

7 CHAD SHELTON: Just briefly.

8 RECROSS EXAMINATION

9 BY CHAD SHELTON:

10 Q. You mentioned -- you said that the table and
11 chairs were broken?

12 A. No, were moved around in there a little bit.
13 You could tell that it wasn't neat, you know, you
14 would tell that maybe a struggle had went on in
15 that area.

16 Q. That was in the living room?

17 A. Well, as you look through the front door it
18 looked like the living room, then the dining room
19 and then the sliding glass door on the back side.
20 You can see straight in.

21 Q. So not the dining room off to the left?

22 A. No, I didn't see that dining room off to the
23 left. What I saw was straight inside, you can see
24 the kitchen/dining room area and the sliding glass
25 door.

1 Q. And it looked like there was a bunch of
2 tables and chairs ---

3 A. That's what it looked like to me. Like I
4 said, I didn't really look at the inside a lot.
5 I could see the glass door was definitely busted
6 in. Miss Rose was right there at the front door,
7 she was kind of leaning or laying against the
8 door.

9 CHAD SHELTON: Nothing else.

10 THE COURT: Redirect?

11 SOLICITOR WILLIAMS: No, Your Honor.

12 THE COURT: Come down, please.

13 (WITNESS STEPS DOWN)

14 THE COURT: Call your next witness.

15 SOLICITOR ALFARO: William Tisdale.

16 SOLICITOR WILLIAMS: May Mr. McCurdy be
17 excused, Your Honor.

18 THE COURT: Any objection, Mr. Shelton?

19 CHAD SHELTON: No, Your Honor.

20 THE COURT: Mr. McCurdy, you are free
21 to leave. Thank you, sir.

22 (WITNESS TAKES STAND)

23 WILLIAM TISDALE, having been sworn to
24 tell the truth, and nothing but the truth,
25 testified as follows:

DIRECT EXAMINATION

1

2 BY SOLICITOR ALFARO:

3 Q. Mr. Tisdale, could you tell the jury where
4 you were working on January 29th, 2012?

5 A. The Goose Creek police department.

6 Q. In what capacity were you working for Goose
7 Creek?

8 A. I was a police officer.

9 Q. Are you currently with Goose Creek?

10 A. No, sir.

11 Q. How long were you with the Goose Creek Police
12 Department?

13 A. About two and a half years.

14 Q. When did you leave Goose Creek?

15 A. December 28th, 2012.

16 Q. Prior to your time with Goose Creek, did you
17 have any other prior law enforcement experience?

18 A. Yes, sir. I was with the City of Charleston
19 Police Department and with the Georgetown Police
20 Department.

21 Q. How long were you with those respective
22 agencies?

23 A. About five years with Georgetown and about a
24 year with Charleston City.

25 Q. What are you doing now?

1 A. I am a graduate student at The Citadel,
2 pursuing a master's in business administration
3 degree.

4 Q. On January 29th, 2012, did you have the
5 opportunity to respond to 107 Crystal Street in
6 Goose Creek?

7 A. Yes, sir. I was the first officer on the
8 scene.

9 Q. Do you recall approximately what time that
10 you were dispatched and responded on that scene?

11 A. The call was dispatched about approximately
12 8:43 a.m. and I arrived on scene at 8:48 a.m.

13 Q. When you got to the scene, were there any
14 other law enforcement officers present?

15 A. No, sir.

16 Q. Were there any other medical personnel or
17 fire personnel on the scene?

18 A. There were two rescue members from the Goose
19 Creek Fire Department.

20 Q. In relation to their arrival, did you get
21 there before or after them?

22 A. Just after. I saw their truck driving down
23 the street as I was as well.

24 Q. And is that location in Berkeley County?

25 A. Yes, sir.

1 Q. What type of incident were you responding to
2 that morning?

3 A. The call initially came out as a medical
4 assist call, which is just a general call. As I
5 was driving to the location more information came
6 out and it was turned into an assault call and a
7 burglary call.

8 Q. When you got to the scene, was the victim
9 still at the scene?

10 A. Yes, sir, she was.

11 Q. Where was the victim at when you got there?

12 A. The victim was laying in the doorway of the
13 residence, seated in the doorway.

14 Q. Inside or outside?

15 A. Inside/outside. Halfway inside and halfway
16 outside.

17 Q. Did you get a look at the victim when you got
18 there?

19 A. Yes, sir, I did.

20 Q. Can you describe for the jury her condition
21 when you arrived?

22 A. She was very battered. Her face was bloody,
23 it was swollen, her kneecap, her right kneecap I
24 believe, was swollen and looked out of place. She
25 had numerous cuts and contusions about her body.

1 Q. While you were at the scene, did she receive
2 any medical attention?

3 A. She was speaking with the firefighters when
4 I was on scene. Then she was transported to the
5 hospital by Hanahan EMS.

6 Q. So when you got to the scene, she was
7 conscious?

8 A. Yes, she was conscious. She was able to talk
9 and provide a little bit of information prior to
10 treatment from the paramedics.

11 Q. Based on your conversation and her infor-
12 mation, was she able to provide information about
13 a suspect?

14 A. Yes. In speaking with her prior to her
15 treatment, she advised that her ex-boyfriend, Mr.
16 Steven Morgan, broke into her residence around
17 4:00 o'clock in the morning, tied her up with
18 clothes hangers and strips of towel and commenced
19 to physically and sexually assault her.

20 Q. The information that you obtained regarding
21 the suspect, was that relayed to other officers in
22 the area?

23 A. Yes, sir. It was BOLO'ed out to surrounding
24 jurisdictions, as well as a description of the
25 vehicle that he was traveling in and a general

1 description of him.

2 Q. At some point did you enter into the home?

3 A. Yes, sir, myself and Sergeant Tavelle did a
4 protective sweep of the inside of the residence to
5 make sure that he was not on the scene.

6 Q. Can you describe for the jury what you saw
7 when you went into the house?

8 A. When I went into the house -- it was a two-
9 story house. I observed, looking to the right,
10 shards of glass from a sliding glass door that was
11 not there. There was a brick in the back of the
12 corner. Ms. Lampkin was laying in the doorway.
13 Going up the stairs, there was a wall on the
14 right-hand side and there was a hole in the wall
15 that appeared to be like from a round object, or a
16 head, hitting the wall. There were numerous
17 bloodstains on the base of the stairs. Going
18 through the upstairs, we just did a quick check to
19 make sure that nobody was up there. The bedroom
20 was in disarray, clothes were strewn about
21 everywhere.

22 Q. Other than doing the protective sweep and the
23 observations that you made, did you do any other
24 activity inside the house?

25 A. No, sir.

1 Q. And when you respond to -- when you used
2 to respond to crime scenes, is it common that a
3 responding officer will prepare some sort of
4 diagram or sketch of the residence?

5 A. Yes, sir, we did a crime scene sketch of the
6 first floor of the house.

7 Q. Did you prepare one in this case?

8 A. Yes, sir.

9 Q. When did you prepare that sketch?

10 A. I don't remember what time. It was shortly
11 after my arrival, I believe.

12 Q. But you did it at the scene?

13 A. I believe so. Yes, sir.

14 Q. I show you what has been marked for
15 identification as State's Exhibit 77. Do you
16 recognize that?

17 A. Yes, sir, it is my sketch of the bottom floor
18 of the residence.

19 Q. Is that a fair and accurate representation of
20 the sketch that you preformed (sic) on that day?

21 A. Yes, sir, it is.

22 SOLICITOR ALFARO: Your Honor, at this
23 time the State would ask that Exhibit 77 be
24 admitted.

25 THE COURT: Any objection?

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Jury Trial of April 19-23, 2013
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1 CHAD SHELTON: No objection.

2 THE COURT: Without objection, State's
3 Exhibit 77 is admitted.

4 (SO ENTERED AS STATE'S EXHIBIT 77)

5 DIRECT EXAMINATION CONTINUED

6 BY SOLICITOR ALFARO:

7 Q. There is a laser pointer there, the top
8 button and State's Exhibit 77 is displayed behind
9 you. It probably is not going to fit on the whole
10 screen, so we will kind of do it in segments.

11 Using that laser pointer, if you would just walk
12 the jury through what is depicted in that diagram

13 A. Here in the victim, she is depicted laying
14 here in the doorway.

15 This is the stairwell.

16 This is kind of a foyer area.

17 Here is the couch.

18 This was the sliding back window. Shards of
19 glass were strewn about from the rear to the front
20 of the house.

21 This is the stairwell.

22 There were bloodstains here, as well as a
23 hole in the wall right there about the center of
24 the stairwell and the wall.

25 Q. Can you pin it down a little bit more?

1 A. (Indicating).

2 Q. And when you got to the scene, you said that
3 the victim was seated?

4 A. Yes, sir, she was seated - (indicating).

5 Q. I'd ask that you look through these exhibits
6 -- State's Exhibit 8, 9, 16 and 19 -- and once
7 you've had a chance to look at them, I'd like to
8 ask you a couple of questions about then.

9 A. (Review).

10 Q. Do you recognize what is contained in those
11 pictures?

12 A. Yes, sir.

13 Q. Do each of those pictures fairly and
14 accurately depict the scene as you saw it that
15 morning, the crime scene?

16 A. Yes, sir.

17 SOLICITOR ALFARO: Your Honor,
18 at this time the State would ask that State's
19 Exhibits 9, 9, 16 and 19 be admitted into
20 evidence.

21 THE COURT: Any objection?

22 CHAD SHELTON: No objection.

23 THE COURT: Without objection, State's
24 Exhibits 8, 9, 16 and 19 are admitted, each being
25 a photograph.

1 (SO ENTERED AS STATE'S EXHIBIT 8)

2 (SO ENTERED AS STATE'S EXHIBIT 9)

3 (SO ENTERED AS STATE'S EXHIBIT 16)

4 (SO ENTERED AS STATE'S EXHIBIT 19)

5 DIRECT EXAMINATION CONTINUED

6 BY SOLICITOR ALFARO:

7 Q. We have put State's Exhibit 8 on the screen
8 behind you. With the laser pointer, can you show
9 the jury, using the laser pointer, -- you
10 described on your crime scene sketch that there
11 was some glass throughout the residence. Can you
12 point to where that was located?

13 A. Yes, sir. The glass starts here, there are
14 some shards here, here, and continue on down to
15 the bottom of the screen.

16 Q. And on State's Exhibit 9, do you know what is
17 depicted in that? It may be easier for you to see
18 by looking at the actual picture?

19 A. This is one of the objects that was thrown
20 through the window. It's a piece of wood. There
21 are several shards of glass depicted here as well,
22 here, and here, and over here.

23 Q. And on State's Exhibit 16?

24 A. This is the stairwell on the right.
25 This is the hole in the wall.

1 The front door to the residence. The victim
2 was laying on the other side of the wall.

3 This is a hole.

4 This is the stairwell and there are blood
5 droplets down here.

6 Q. And State's Exhibit 19?

7 A. This is the stairwell of the residence.

8 Blood droplets here, blood here and all the
9 way down the stairwell -- here, here, here, on the
10 base of the stairwell in the foyer.

11 Q. Let me show you what has been marked for
12 identification as State's Exhibit 33. Do you
13 recognize ---

14 A. Yes, sir.

15 Q. And does this picture fairly and accurately
16 depicture the scene as it was on the day of the
17 incident?

18 A. It does.

19 Q. We are going to put 33 ---

20 SOLICITOR ALFARO: At this time, Your
21 Honor, the State would ask that State's Exhibit 33
22 be admitted into evidence.

23 THE COURT: Any objection?

24 CHAD SHELTON: No objection.

25 THE COURT: Without objection, State's

1 Exhibit 33, a photo, is admitted.

2 (SO ENTERED AS STATE'S EXHIBIT 33)

3 DIRECT EXAMINATION CONTINUED

4 BY SOLICITOR ALFARO:

5 Q. We are going to put that on the screen behind
6 you.

7 A. This is the hole in the wall that is located
8 in the front of the stairwell.

9 This is the front door of the residence.

10 This is the size of the hole that was in the
11 stairwell or in the hallway next to the stairwell.

12 Q. Were you still at the scene when the victim
13 was transported by EMS?

14 A. Yes.

15 Q. Did you have an opportunity to speak with the
16 victim at MUSC?

17 A. Yes, sir, I did.

18 SOLICITOR ALFARO: Thank you. Please
19 answer any questions that Mr. Shelton may have.

20 THE COURT: You may cross examine.

21 CROSS EXAMINATION

22 BY CHAD SHELTON:

23 Q. I apologize, should I still call you Officer
24 or call you Mister?

25 A. Either is fine.

1 Q. Mr. Tisdale, what were your duties that day?

2 A. That day I was assigned to patrol the south
3 end of the city, which is basically the (Highway)
4 52 area, Pineview, the Red Bank area.

5 Q. And I think on scene that you secured the
6 scene?

7 A. Yes, sir, with crime scene tape.

8 Q. And you made sure that Ms. Lampkin was
9 getting medical attention?

10 A. That's right.

11 Q. And you took some information from her?

12 A. Right.

13 Q. Did you actually take some pictures?

14 A. Yes, sir, I took digital photographs of her.

15 Q. Did you take pictures of the scene?

16 A. I am not sure. I am not sure if they're the
17 ones that are in evidence or not.

18 Q. And did you take the picture before or after
19 you followed her to the hospital?

20 A. Before. She was being treated at the time.

21 Q. So was she pointing out specific places?

22 A. No, sir. She was occupied with the
23 paramedics.

24 Q. But did you come to some information that
25 they were doing some renovations on the household?

1 A. No, sir, I didn't know that.

2 Q. The last -- the sliding glass door, there
3 were glass shards outside the home also?

4 A. I didn't step outside the victim's residence.

5 Q. And what has been marked as State's Exhibit
6 19, what was that on the stairwell?

7 A. Looks like CD cases, a mini CD tower.

8 Q. And there was nothing disturbed with the CDs?

9 A. No, sir.

10 Q. And State's Exhibit 8, in between the glass
11 door and where the wood was found there is also a
12 glass table.

13 A. Yes, sir.

14 Q. And there is a glass vase on the table?

15 A. Yes, sir.

16 Q. And that was not disturbed?

17 A. It doesn't appear that way; no, sir.

18 Q. And in State's Exhibit 13 there is a couch or
19 some type of furniture that's right there in front
20 of the glass door also?

21 A. Yes, sir.

22 Q. Those were not displayed on your drawing of
23 the crime scene?

24 A. No, sir.

25 Q. Do you remember there being a beige towel at

1 the front door?

2 A. I don't remember. She was wearing like some
3 like of nightgown or it could have been a towel
4 over herself.

5 Q. And there was a towel upstairs?

6 A. I don't recall - don't remember.

7 Q. You don't remember if she indicated that she
8 was using any alcohol or drinking any alcohol that
9 night?

10 A. No, sir.

11 Q. She was not using alcohol or you don't
12 remember that she ---

13 A. I don't recall.

14 Q. Do you have your report with you?

15 A. Yes, sir. It's not mentioned in there.

16 Q. There is a little box that you can check on
17 that, is there not?

18 A. Yes, there is.

19 Q. And it says "Victim using alcohol?"

20 A. It says "no."

21 Q. And I think that you explained this, that the
22 initial call was a nonemergency call?

23 A. Right, it was a medical assist call.

24 Q. And you're not sure of what was said to 911?

25 A. No, sir.

State v. Steven Lee Morgan
Case No. 12-GS-08-0496-0500
Jury Trial of April 19-23, 2013
Before The Honorable R. Markley Dennis, Jr.

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1 CHAD SHELTON: No further questions.

2 THE COURT: Redirect?

3 SOLICITOR ALFARO: No, sir.

4 THE COURT: Thank you. You may step
5 down.

6 (WITNESS STEPS DOWN)

7 SOLICITOR ALFARO: May this witness be
8 excused, Your Honor?

9 THE COURT: Any objection.

10 CHAD SHELTON: No, sir.

11 THE COURT: You are free to leave, Mr.
12 Tisdale.

13 SOLICITOR ALFARO: May we approach, Your
14 Honor?

15 THE COURT: Sure.

16 (OFF RECORD BENCH CONFERNECE)

17 THE COURT: Does anyone need a break at
18 this point? If so, raise your hand. (No
19 response). Thank you. Call your next witness.

20 SOLICITOR WILLIAMS: The State calls
21 Laura Brigada.

22 (WITNESS TAKES STAND)

23 LAURA BRIGADA, having been sworn to tell
24 the truth, and nothing but the truth, testified as
25 follows:

DIRECT EXAMINATION

BY SOLICITOR WILLIAMS:

Q. Ms. Brigada, where do you work?

A. I work in the pediatric emergency department at MUSC.

Q. How long have you worked there?

A. Just about two months.

Q. What kind of training and experience is required to have that job?

A. To be a nurse - well, I have my bachelor's degree, so four years of undergraduate school. Then additional training since graduating -- clinical rotation since school, then since then various certifications: trauma classes, advanced cardiac, life support classes, things like that.

Q. Were you working at MUSC on January 29th, 2012?

A. Yes, I was. At that time I was working in the adult emergency department at MUSC.

Q. Did you come into contact with a patient named Rose Lampkin on that date?

A. Yes, I did.

Q. Do you remember about what time that was?

A. About 9:50, according to my documentation, that day.

1 Q. And how did she arrive at the hospital?

2 A. By ambulance with police.

3 Q. What observations did you make about her
4 appearance and condition when you first saw her?

5 A. Am I able to look at my documentation?

6 Q. Sure.

7 SOLICITOR WILLIAMS: If we could mark
8 this report for Nurse Brigada as State's Exhibit
9 103.

10 DIRECT EXAMINATION CONTINUED

11 BY SOLICITOR WILLIAMS:

12 Q. What observations did you make about her
13 appearance when you first saw her?

14 A. (Upon review), she arrived with a right knee
15 deformity, abrasions to the right knee; a puncture
16 wound of laceration to the right side of her neck;
17 bilateral eye redness; a right orbital contusion
18 or bruise around the right eye, swelling; and
19 multiple facial abrasions.

20 Q. What was your primary focus? As an ER nurse,
21 what is your primary job when you first get a
22 patient in? What is your primary focus at that
23 time?

24 A. To stabilize them, to make sure that they
25 don't have any life-threatening injuries; if they

1 do, to treat those appropriately. Then to monitor
2 their stay throughout the emergency department.

3 Q. So in order to determine what ailments that
4 they have, do you have to take a medical history?

5 A. Yes.

6 Q. And what constitutes a medical history? Is
7 it just the past or -- could you explain that to
8 the jury?

9 A. It is both the prior medical history,
10 including any prior ailments or injuries that the
11 patient has had, as well as the history of the
12 present illness, which includes the patient's
13 account of what happened leading up to them being
14 seen in the emergency department.

15 Q. And what was your understanding, after you
16 obtained the medical history, of what had happened
17 to her that night?

18 A. Well, she reported to me ---

19 CHAD SHELTON: Objection, Your Honor.
20 Hearsay.

21 WITNESS: Sorry.

22 SOLICITOR WILLIAMS: Your Honor, we
23 would just offer this for the purpose of medical
24 diagnosis or treatment.

25 THE COURT: You are going to have to

1 lay a better foundation for that for purposes of
2 medical diagnosis. I'll sustain it as hearsay.
3 Thank you.

4 DIRECT EXAMINATION CONTINUED

5 BY SOLICITOR WILLIAMS:

6 Q. After they come into the emergency room,
7 do you then have to direct them to difference
8 departments?

9 A. The doctor would determine what tests that he
10 wants to order and from there she would be moved
11 to radiology departments or wherever to have those
12 tests done and then go back to the emergency room.

13 Q. Do you make any determination of whether a
14 person has to go to the SANE nurse department?

15 A. Yes.

16 Q. How do you determine if a patient has to go
17 to the SANE nurse department?

18 A. Based on the patient's report of what
19 happened.

20 Q. And if a patient reports sexual abuse, is
21 that a trigger for going to the SANE nurse
22 department?

23 A. Yes.

24 Q. And based on what the patient tells you of
25 how they got their injuries, is that how you

1 determine what other departments that you would
2 direct them towards?

3 A. Yes, because some injuries might not be
4 apparent on the outside, so you need to base your
5 treatment on what the patient tells you happened.

6 Q. So did you refer her to the SANE nurse
7 department that night, or that morning?

8 A. I did not contact the SANE nurse. Sometimes
9 the doctor contacts the SANE nurse. So I am not
10 sure what time that she got contacted. I know
11 that she got admitted, so it may have been after
12 she left the emergency department.

13 Q. Did you have -- based on what the patient
14 told you, did that come into play as far as
15 whether or not she was referred to the SANE nurse
16 department?

17 A. I do not recall. But usually in this type of
18 case when someone reports this, the SANE nurse is
19 contacted. So they may have been contacted by
20 somebody else in that department.

21 Q. Did you notice any injuries that were
22 consistent with strangulation?

23 CHAD SHELTON: Objection. Leading.

24 THE COURT: Overruled.

25 DIRECT EXAMINATION CONTINUED

1 BY SOLICITOR WILLIAMS:

2 Q. Did you notice any injuries that were
3 consistent with strangulation?

4 A. The patient had right and left eye redness as
5 well as many facial abrasions. She did have what
6 I would describe as a puncture wound on the right
7 side of her neck as well.

8 Q. And is it common for -- you talk about eye
9 redness -- that to develop later, after
10 strangulation?

11 A. Yes. Any form of bruising or impact to the
12 eyes, that can take hours or days to develop.

13 Q. And did this patient report -- you can't say
14 who she said did it, but you can only say when and
15 where. Did she report that she had been sexually
16 abused?

17 A. Yes, she did.

18 Q. And do you remember if she said where or when
19 that occurred?

20 A. I recall that she said that it was that
21 morning, at her house.

22 Q. Okay.

23 SOLICITOR WILLIAMS: I am showing
24 defense counsel what has been marked as State's
25 Exhibit 67.

1 CHAD SHELTON: Same as 66. We'd
2 object that it is cumulative.

3 THE COURT: Let me see it.

4 SOLICITOR WILLIAMS: (Tenders).

5 THE COURT: (Upon review), it's been
6 admitted. I note that it is cumulative. We had
7 a sidebar concerning it. State's Exhibit 67 is
8 admitted subject to objection of counsel as
9 cumulative. Thank you.

10 (SO ENTERED AS STATE'S EXHIBIT 67)

11 SOLICITOR WILLIAMS: May I approach the
12 witness, Your Honor?

13 THE COURT: You may.

14 DIRECT EXAMINATION CONTINUED

15 BY SOLICITOR WILLIAMS:

16 Q. Tell me if this is how the patient looked
17 that day when you saw her?

18 A. Yes, I believe so.

19 SOLICITOR WILLIAMS: Your Honor, at
20 this time the State would offer State's Exhibit
21 67 into evidence.

22 THE COURT: It has been admitted,
23 subject to the objection of counsel.

24 SOLICITOR WILLIAMS: Your Honor, I
25 apologize but this will not show on the board.

1 So I would ask permission to publish it ---

2 THE COURT: You may publish is.

3 Ladies and gentlemen, again, it is not uncommon
4 for them to circulate for your review but you'll
5 have an opportunity to study it in more detail
6 when you retire because it has been admitted.

7 DIRECT EXAMINATION CONTINUED

8 BY SOLICITOR WILLIAMS:

9 Q. What is that called when someone's eyes are
10 red, red, red like that from strangulation? What
11 kind of hemorrhaging is that called?

12 A. Petechial hemorrhage.

13 Q. Do you know if the patient -- if you
14 administered a bedpan to the patient during the
15 time that she was in your care? Just yes or no.

16 A. Yes.

17 Q. How many times?

18 A. I believe that it was four: 10:00 o'clock,
19 10:50, 11:45 and 1305.

20 Q. Thank you.

21 SOLICITOR WILLIAMS: I have no further
22 questions of this witness.

23 THE COURT: You may cross examine.

24 CROSS EXAMINATION

25 BY CHAD SHELTON:

1 Q. Ms. Brigada, everything that you know is
2 based off -- everything that you know about this
3 case is based on what Ms. Lampkin tells you?

4 A. And my observations of her on that day.

5 Q. Right. But you weren't there, so you don't
6 know what happened?

7 A. Correct.

8 Q. So you are -- everything is based off of what
9 she tells, gives information to you.

10 A. Yes.

11 Q. You do know that she says that she lost ---

12 SOLICITOR WILLIAMS: Objection.

13 THE COURT: Basis?

14 SOLICITOR WILLIAMS: Hearsay.

15 THE COURT: I will be happy to object
16 it, but you might want to rethink it. What's the
17 question, again?

18 CHAD SHELTON: I will strike the
19 question.

20 THE COURT: Thank you.

21 CROSS EXAMINATION CONTINUED

22 BY CHAD SHELTON:

23 Q. Are you aware that petechial hemorrhaging can
24 come from more than one source?

25 A. Yes.

1 Q. What would be some of the sources that
2 petechial hemorrhaging can come from?

3 A. Vomiting, anything with exertion. I didn't
4 actually document that the patient had that. I
5 documented that the patient had bilateral eye
6 redness. As far as taking a closer look at her
7 eyes, that would be up to the doctor. So I don't
8 know if that would be in the doctor's notes.

9 Q. Vomiting could be a source of it?

10 A. Yes.

11 CHAD SHELTON: No further questions.

12 THE COURT: Redirect?

13 SOLICITOR WILLIAMS: Nothing, Your
14 Honor.

15 THE COURT: You may come down. Do you
16 wish this witness to be excused?

17 SOLICITOR WILLIAMS: Please, Your
18 Honor.

19 THE COURT: Any objection?

20 CHAD SHELTON: No objection.

21 THE COURT: Thank you. You may be
22 excused. Leave the report right there on the
23 stand.

24 (WITNESS STEPS DOWN)

25 THE COURT: Call your next witness.

1 SOLICITOR WILLIAMS: The State calls
2 Nancy Hall.

3 (WITNESS TAKES STAND)

4 NANCY HALL, having been sworn to tell the
5 truth, and nothing but the truth, testified as
6 follows:

7 DIRECT EXAMINATION

8 BY SOLICITOR WILLIAMS:

9 Q. Ms. Hall, where do you work?

10 A. At the Medical University of South Carolina.

11 Q. How long have you worked at MUSC?

12 A. Fourteen and a half years.

13 Q. In what capacity have you worked there for
14 fourteen and a half years?

15 A. Registered nurse.

16 Q. What kind of training and background is
17 required to be a registered nurse?

18 A. I have an associate degree in nursing.

19 Q. What about -- before you become a nurse, do
20 you have to do any kind of training or hours at
21 the hospital or ---

22 A. Yes, ma'am.

23 Q. Where do you work right now?

24 A. I work as a sexual assault nurse examiner.

25 Q. And what is that called?

1 A. SANE.

2 Q. Is that Sexual Assault Nurse Examiner?

3 A. It is.

4 Q. How long have you been a SANE nurse?

5 A. Three years.

6 Q. Is there additional training required to be a
7 SANE nurse?

8 A. Yes.

9 Q. Can you tell us a little bit about that?

10 A. It is a forty-hour classroom training that
11 you attend, then that is followed by a clinical
12 component in which there is nurse examine
13 training. You observe and experience a SANE doing
14 exams, then you do exams under their guidance.
15 Once you're proficient doing the exams, you're on
16 your own.

17 Q. And you started that after being a registered
18 nurse for eleven years?

19 A. Oh, I've been a nurse for thirty years.

20 Q. How many sexual assault examinations would
21 you say that you have done since you have been a
22 SANE nurse?

23 A. About sixty.

24 SOLICITOR WILLIAMS: Your Honor, at
25 this time the State would offer Nurse Hall as an

1 expert in nurse (sic) examination.

2 THE COURT: Do you care to examine her
3 as to that qualification?

4 CHAD SHELTON: No.

5 THE COURT: To the extent that there
6 are expert opinions, I will permit her to render
7 opinions in that, provided it is otherwise
8 supported. Thank you.

9 SOLICITOR WILLIAMS: Thank you, Your
10 Honor.

11 DIRECT EXAMINATION CONTINUED

12 BY SOLICITOR WILLIAMS:

13 Q. Were you working at MUSC on January 29th,
14 2012?

15 A. Yes.

16 Q. And at that time did you treat a patient
17 named Rose Lampkin?

18 A. Yes.

19 Q. And do you remember about what time that you
20 did the examination on Ms. Lampkin? Do you have
21 some reports with you that you could refresh your
22 memory with?

23 A. Yes, I do. (Upon review), the time I began
24 was 1:50 in the afternoon.

25 Q. And before you begin an examination, do you

1 do a medical history on the patient?

2 A. Yes.

3 Q. And, uh, why is that necessary?

4 A. For diagnosis, treatment, I need to know what
5 her medical history is so that I know what to look
6 for.

7 Q. Is it important to know where she says she
8 was sexually assaulted and what circumstances
9 occurred during the sexual assault?

10 A. Yes.

11 Q. Why is that?

12 A. My exam is guided by the history of the
13 assault.

14 Q. So does that determine whether you do a
15 pregnancy test, or where you swab, and what
16 other medical tests that you need to do?

17 A. Yes.

18 Q. Do you also get information about some of
19 the other injuries that could have been caused
20 besides the sexual exam -- I mean besides the
21 sexual assault?

22 A. Yes.

23 Q. Why is that important?

24 A. So I know where to look, what to look for.

25 Q. Do you also, after you're done with the

1 sexual assault (exam), make decisions about what
2 other parts of the hospital she would be referred
3 to or whether she was going to be discharged?

4 A. Yes.

5 Q. And did this patient tell you that she was
6 sexually assaulted?

7 A. Yes.

8 Q. Did she tell you where it happened?

9 A. Yes.

10 Q. Where did she say that it happened?

11 A. In her residence.

12 Q. Did she say when?

13 A. The early morning of January 29th.

14 Q. What did she tell you about the circumstances
15 of the sexual assault? Did she tell you where
16 penetration was achieved?

17 A. Yes.

18 Q. Where was that?

19 A. There was oral, vaginal and anal penetration.

20 Q. And did she tell you about any of the other
21 circumstances surrounding the sexual assault?

22 A. Yes.

23 Q. Can you tell us what she told you?

24 A. What -- yes, I can tell you -- what she told
25 me that happened?

1 Q. As it relates to the injuries that you
2 observed.

3 A. I observed multiple injuries around her face,
4 her lips, her shoulder, her arms, her legs that
5 she related were all related to her being hit,
6 slapped, that she was pushed down stairs where her
7 head hit the wall, where she was cut with -- I
8 don't recall if it was with a knife or box cutter.

9 Q. And did you then complete the sexual assault
10 examination?

11 A. Yes.

12 Q. Tell us a little bit about what is entailed
13 during a sexual assault examination?

14 A. We use a kit that the State provides. It
15 comes with a protocol that we follow depending on
16 what the patient tells us occurred.

17 We do a head to toe assessment of the
18 patient.

19 We do a detailed genital exam.

20 We obtain a history.

21 We obtain a forensic history based on what
22 they tell us happened.

23 The kit comes with swabs that we use to swab
24 any area where we may think that there may be
25 saliva, semen or other DNA.

1 We collect any fibers, any foreign materials
2 that we may see on the patient's body or on their
3 clothing.

4 Q. And when you swab those areas of the body, is
5 that after you have done the examination, when
6 you're collecting this evidence?

7 A. Yes.

8 Q. And what position is the patient usually in
9 when that occurs?

10 A. We usually do the head to toe examination
11 when they are sitting on the exam table, so they
12 are sitting in a regular position. Then the
13 detailed genital exam, they're in a lithotomy
14 position, so their legs are up and kind of frogged
15 out to the side so that we can have a full view of
16 the entire genital area.

17 SOLICITOR WILLIAMS: I am going to show
18 defense counsel what has previously been marked as
19 State's Exhibit 96.

20 CHAD SHELTON: (Review)

21 DIRECT EXAMINATION CONTINUED

22 BY SOLICITOR WILLIAMS:

23 Q. If you would, look at this item and tell us
24 if that accurately depicts the kit as you used it
25 that day?

1 A. (Upon review), yes, that is my signature.

2 Q. Okay. And after you take -- explain to the
3 jury what is inside the kit and how you collect
4 the evidence.

5 A. The kit has, as I said, swabs and envelopes
6 that they correspond to. To collect, say the bite
7 mark on the neck, you'd swab the area. Then once
8 we obtain the swabs they are placed in individual
9 holders in a dryer and left out to dry.

10 Q. Then what do you do with them after that?

11 A. They each are returned to their corresponding
12 envelope. The envelope is sealed, we initial it,
13 we fill out the patient's information -- the date,
14 time and our name -- on that envelope. Then all
15 of the envelopes go back into a large envelope
16 which is then sealed, initialed and filled out.
17 All of the evidence, once we collect all the swabs
18 that we collect or if we collect blood or urine
19 samples, goes back into the larger envelope or box
20 and it is sealed with all the labeling
21 information.

22 Q. That is what you were talking about with your
23 initials on that box?

24 A. Yes.

25 Q. And then who do you give it to next?

1 A. If the law enforcement jurisdiction who has
2 the case, if they are there then they will take
3 the kit from us. If not, we turn it over to our
4 public safety department at MUSC, they sign for it
5 on the chain of custody and they put it in their
6 evidence locker.

7 Q. And these are difficult questions, but when
8 you swab someone who has been sexually assaulted,
9 you're looking for saliva or other kinds of bodily
10 fluids, as you just described. If you swab an
11 area, say -- well, tell us what areas that you
12 would swab typically?

13 A. I would swab wherever -- based on the history
14 of the event as the patient told me, I would swab
15 anywhere that I felt that I might find any
16 material, or anywhere that -- we have ways of
17 looking, we have a blue light, an alternate light
18 source to where I can look and see if I see
19 anything that fluoresces. I might not necessarily
20 know what it is, but I'd collect it and then we'd
21 send it. So anywhere that we see or suspect or
22 based on anywhere that the patient knows what
23 happened -- of if they are incapacitated, that
24 they didn't know what happened, didn't have any
25 recollection of what happened, then we would

1 collect from multiple sites just because they
2 didn't have a recollection of what happened.

3 Q. So where did you swab in this case?

4 A. In this case, I collected oral swabs and
5 smears - a smear being a line from a swab that you
6 put on a little slide that would be looked at
7 under a microscope. So I collected oral swabs,
8 smears, fingernail swabs, a known DNA swab from
9 the patient, a vaginal swab and smear, rectal swab
10 and smear, a set of perianal swabs and then two
11 sets of external genital swabs.

12 Q. If you collect evidence from, say, a rectal
13 swab or a vaginal swab, does that necessarily mean
14 that that material started from that part of the
15 body?

16 A. If I collect it from inside the vagina, then
17 probably yes. In this case, because it was
18 extremely difficult with her injuries to position
19 her the way that I needed to be able to to see all
20 the areas clearly, yes, it's possible that what I
21 got may not have started out in that area.

22 Q. And because it was -- was it her knee injury
23 that prevented you from being able to get her in
24 the position that you needed ---

25 A. Both knees, yes.

1 Q. Did that prevent you from doing a full
2 examination of her genital area, as you would do
3 with a patient that could get in that position?

4 A. Yes, it did.

5 Q. So you really couldn't make the same
6 determination about injuries or the appearance of
7 that area as you ordinarily would do, because of
8 her injuries?

9 A. Correct.

10 Q. Now, she told you that she'd had alcohol that
11 evening, did she not?

12 A. She did.

13 Q. Do you remember what she told you that she
14 had had?

15 A. Two small vodka-and-juice.

16 Q. And how -- in your profession, is there a
17 protocol as to how long you will wait after a
18 sexual assault allegedly occurs until when you
19 will collect the evidence? Is there a window of
20 time that SANE nurses operate within?

21 A. We will collect evidence up to five days
22 following a sexual assault.

23 Q. Are there certain things that can get in the
24 way of finding evidence on sexual assault victims?

25 A. Yes.

1 Q. What kind of things?

2 A. If they've showered; if they've cleansed the
3 area, you know, it would be hard to find ---

4 Q. What about if they urinate?

5 A. Yes, if they've urinated and wiped, cleaning
6 the area it might remove semen.

7 Q. So if someone had urinated four times or also
8 if someone had taken a towel and wiped their
9 vaginal area, would that make it difficult?

10 A. It could, yes.

11 SOLICITOR WILLIAMS: Court's indulgence
12 for just a second.

13 THE COURT: Certainly.

14 SOLICITOR WILLIAMS: Your Honor, at this
15 time the State would offer 96 into evidence.

16 THE COURT: Any objection?

17 CHAD SHELTON: No objection.

18 THE COURT: Without objection, State's
19 Exhibit 96 is admitted.

20 (SO ENTERED AS STATE'S EXHIBIT 96)

21 SOLICITOR WILLIAMS: Thank you, Your
22 Honor. That's all that we have at this time.

23 THE COURT: You may cross examine.

24 CHAD SHELTON: Thank you, Your Honor.

25 CROSS EXAMINATION

1 BY CHAD SHELTON:

2 Q. Ms. Hall, you indicated that you have
3 testified sixty times.

4 A. I have completed sixty exams.

5 Q. Oh, completed sixty examinations?

6 A. Yes.

7 Q. So how long have you been a SANE nurse? I'm
8 sorry.

9 A. Three years.

10 Q. And you said that this took place about 1:50
11 in the afternoon?

12 A. My portion, yes.

13 Q. Are you given incident reports, statements
14 or anything like that that the victim may have
15 signed, or police write-ups?

16 A. I was not.

17 Q. And the patient, Ms. Lampkin, never said that
18 she was -- did she ever indicate to you that she
19 was under any type of medications?

20 A. She did not.

21 Q. She gave you a rundown of what occurred?

22 A. Yes.

23 Q. And you took pretty detailed notes of what
24 she indicated to you?

25 A. Yes.

1 Q. At one point in time, she says that the
2 assailant 'jumped in my face, argued about why
3 I wouldn't take him back'.

4 A. Okay.

5 Q. Do you see that part?

6 A. (Upon review), yes.

7 Q. And that 'everything was going wrong in his
8 life.'

9 A. Yes.

10 Q. And that that is when he then pushes her down
11 on the bed and grabs a knife?

12 A. (Upon review), yes.

13 Q. And then he starts to strangle her with --
14 one or two-handed, while also slapping her in the
15 face?

16 A. Yes.

17 Q. And then she tried to fake it and the
18 assailant indicates that he is going to kill
19 himself?

20 A. (Upon review), kill her and himself.

21 Q. And indicates that there was a sexual
22 assault.

23 A. (No response).

24 Q. Then she indicates on the next page of your
25 notes that he was prancing around?

1 A. (Upon review), okay.

2 Q. After the initial assault, she says that he
3 was prancing around?

4 A. Okay.

5 Q. Then further on down, after she falls down
6 the steps he pulls her back upstairs?

7 A. (Upon review), yes.

8 Q. Now, as a part of your examination you mark
9 what looks -- on what looks like a person, you
10 marked that diagram up.

11 A. Yes.

12 Q. There is a front and a back part to that
13 diagram?

14 A. Yes.

15 Q. And there are no marks on her back area.

16 A. No.

17 Q. In fact, there are no marks on her wrists or
18 her ankles?

19 A. Not on here.

20 Q. And there are no injuries noted to her
21 vagina.

22 A. From the limited visibility that I had, no,
23 there are not.

24 Q. And there are no injuries noted to her anus?

25 A. Again, from my limited visibility there were

1 not.

2 Q. As part of getting the history there are some
3 questions that you need to ask for later purposes,
4 DNA results and that sort of thing. For example,
5 'Have you had consensual intercourse within the
6 last seven days?' Answer yes or no.

7 A. Correct.

8 Q. And she answered 'no.'

9 A. That's correct.

10 Q. And she was at the -- when the examination
11 was taking place, there was a friend that was with
12 her?

13 A. No. Her sister.

14 Q. Her sister, Chantelle Mazyck?

15 A. Yes.

16 Q. She also indicated that she was -- that she
17 had been drinking a little bit, had two drinks?

18 A. Yes.

19 Q. You didn't -- there are boxes that you can
20 check for toxicology and those were checked 'no.'

21 A. Correct.

22 Q. And then some of the other evidence that you
23 collected, the fingernails were too short to --
24 something.

25 A. Her fingernails were too short to swab. I

1 mean to cut or to scrape them, so I swabbed them.

2 Q. All right. And pubic hairs are too short to
3 collect?

4 A. Correct.

5 Q. One set of the swabs -- I think your
6 testimony earlier was that you couldn't be sure if
7 there was anything else found in those areas where
8 that actually came from?

9 A. Correct. I don't know if I can ever tell
10 where it came from. When we do the exam, when we
11 do the internal vaginal exam, we insert a speculum
12 and we place the swabs into the vagina through
13 that speculum. So what I get out of the vagina,
14 I know came out of the vagina. What I get
15 externally from the external part of the genitals,
16 from the vagina back to the anus, do I know where
17 it originated, (negative gesture). Did it come
18 out of her anus and come forward or did it come
19 from her vagina and go backwards, that I cannot
20 tell.

21 CHAD SHELTON: No further questions.

22 THE COURT: Redirect?

23 REDIRECT EXAMINATION

24 BY SOLICITOR WILLIAMS:

25 Q. Ms. Hall, did you make a note of the victim's

1 demeanor while you did the exam?

2 A. Yes, ma'am.

3 Q. Could you tell us what that was?

4 A. She was visibly upset, trembled and sobbed
5 intermittently throughout the exam.

6 Q. Mr. Shelton asked you about pieces of your
7 report and what the victim reported to you. I
8 want to show you that narrative of your report
9 and ask you to read the rest of what she said.

10 SOLICITOR WILLIAMS: If we could mark
11 this as State's Exhibit 104. Showing the witness
12 Exhibit 104 to refresh her memory.

13 DIRECT EXAMINATION CONTINUED

14 BY SOLICITOR WILLIAMS:

15 Q. Tell us everything that she told you, not
16 just what ...

17 A. (Reading): "Patient was awakened by the
18 sound of breaking glass followed by three thumping
19 sounds. Patient got out of bed, ran to the top of
20 stairs, yelling "Who's that? Is someone in here?"
21 She then saw assailant running up the stairs
22 towards her. Patient states assailant jumped in
23 my face arguing over breakup of relationship.
24 Assailant grabbed patient, pushed her onto the bed
25 and began to strangle her. Assailant pulled a

1 knife and stated, "I am going to kill you."
2 Assailant was slapping patient in face. Assailant
3 vaginally and rectally penetrated patient and also
4 forced oral sex by patient. Patient tried to be
5 cooperative, to calm assailant down. Patient
6 tried to get to her cell phone, he saw her. She
7 ran, he caught her on the steps and they
8 struggled. Patient tumbled down steps, head
9 breaking through wall, injuring knee. Assailant
10 came to her, slammed her head and face to the
11 wall, drug patient back upstairs, rectally
12 assaulted her again, bound feet and wrists with
13 towel, bound her ankles together. Took a hanger
14 and wrapped it around her ankles about ten times,
15 then tied her wrists in the same manner. Patient
16 states that assailant then stuffed something into
17 her mouth and wrapped towel around her face
18 several times and then covered that with tape."

19 I have in parentheses "head, mouth
20 covered and wrapped with tape."

21 (Reading): "After asking patient for
22 her car keys and searching for them, the assailant
23 stated, "I am going to get coffee" and left her
24 residence. Before leaving, assailant threw
25 clothes and a comforter on patient (as she said to

1 me, "like you would to burn"). Patient states was
2 able to get loose from hangers and towel around
3 wrists. Unable to walk, collapsed on the floor ,
4 slid down the stairs on her back to the front
5 door. Opened the door, sat there waiting for
6 someone to come by so that she could, quote, "yell
7 for help." A man walking heard patient and was
8 able to summons another neighbor, who came and
9 called 911."

10 Q. Do you know of anything in your report what
11 she told you about the defendant wiping her
12 vaginal area with towels?

13 A. Yes. She did say that he wiped her "face and
14 genital area was wiped by assailant with a damp
15 cloth."

16 Q. Thank you.

17 SOLICITOR WILLIAMS: Nothing further.

18 THE COURT: Recross?

19 CHAD SHELTON: Yes.

20 RECROSS EXAMINATION

21 BY CHAD SHELTON:

22 Q. Everything that you just read, was one set
23 of notes. Then there is a second set of notes?

24 A. Yes.

25 Q. But all the information that you got was from

1 Ms. Lampkin.

2 A. Yes, sir.

3 Q. And this is at 1:50?

4 A. Beginning at. Yes.

5 Q. 1:50 p.m.?

6 A. Yes, sir.

7 CHAD SHELTON: Nothing further.

8 THE COURT: Okay, thank you very much,
9 you may step down. Thank you.

10 (WITNESS STEPS DOWN)

11 THE COURT: At this point, ladies and
12 gentlemen, we will take our recess for the
13 evening. Please remember that you are not at
14 liberty, of course, to discuss this case among
15 yourselves. You're not at liberty to talk about
16 it with anyone at home. That includes -- I'm sure
17 when you get home and if there is someone there
18 that the first question will be, 'What are you
19 doing? Tell me about it.' That would be a normal
20 question that would be asked. If you tell them,
21 then you will have commenced your individual
22 deliberations. I know that you are not going to
23 do that, that you are going to honor your
24 commitment. I thank you for that. Tell the
25 person that you can talk about it, maybe tomorrow.

1 Wednesday for sure. Right now talk about
2 something else.

3 Have a good evening. Do not call the
4 number tonight, that message will not apply to
5 you. Return to your jury room by 9:30 in the
6 morning. We will resume the trial at that time.
7 Have a good evening. Thank you.

8 (JURY OUT @ 5:10 P.M.)

9 THE COURT: Anything from the State
10 before we recess?

11 SOLICITOR WILLIAMS: Nothing from the
12 State, Your Honor.

13 THE COURT: Anything from the Defendant
14 before we recess>

15 CHAD SHELTON: No, Your Honor.

16 THE COURT: 9:30 in the morning,
17 please. Thank you. How many more witnesses,
18 Anne?

19 SOLICITOR WILLIAMS: I'd say five,
20 Your Honor.

21 THE COURT: Okay. At this point, are
22 you anticipating calling any witnesses. And,
23 please understand, that you are not bound by
24 anything. I am just trying to formulate when we
25 might charge, so that I can get myself ready.

1 CHAD SHELTON: I don't know at this
2 time, Your Honor.

3 THE COURT: That's fine. Thank you.

4 (COURT IN RECESS)

5 (TRANSCRIPT CONTINUED NEXT PAGE)

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State v. Steven Lee Morgan
Case No. 12-GS-08-0496-0500
Jury Trial of April 19-23, 2013
Before The Honorable R. Markley Dennis, Jr.

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1 APRIL 23, 2013 9:30 A.M.)

2

3 (DEFENDANT PRESENT)

4 THE COURT: Good morning. Let the
5 record reflect that Mr. Morgan is present. Good
6 morning, Mr. Morgan. Are we ready to continue?

7 SOLICITOR WILLIAMS: Yes, sir, if we
8 could wait on Mr. Alfaro. He has the first
9 witness.

10 THE COURT: There he is now.

11 SOLICITOR ALFARO: Sorry, Your Honor.

12 THE COURT: Not a problem. Are you
13 ready, Mr. Shelton?

14 CHAD SHELTON: Yes, Your Honor.

15 THE COURT: Invite the jury to come in.

16 (WITNESS TAKES STAND)

17 THE COURT: Good morning, ladies and
18 gentlemen. I hope that you had a good evening.
19 We are ready now to resume the case. Solicitor,
20 you may call your next witness.

21 SOLICITOR ALFARO: The State calls
22 Leroy Goodyear.

23 (WITNESS TAKES STAND)

24 LEROY GOODYEAR, having been sworn to tell
25 the truth, and nothing but the truth, testified as

1 follows:

2 DIRECT EXAMINATION

3 BY SOLICITOR ALFARO:

4 Q. Good morning, sir.

5 A. Good morning, sir.

6 Q. Tell the jury where you currently work.

7 A. City of Goose Creek, as a criminal
8 investigator.

9 Q. How long have you been with the City of Goose
10 Creek Police Department?

11 A. This time, since 2008, sir.

12 Q. Did you have any prior law enforcement
13 experience prior to coming to Goose Creek?

14 A. Yes, sir. I've been employed in law
15 enforcement about fifteen years now.

16 Q. Any local jurisdictions or agencies?

17 A. I worked at the Berkeley County Sherriff's
18 Office at one point, sir.

19 Q. And you said that you're a detective now.
20 What is your description? What are your duties
21 and responsibilities?

22 A. I work criminal investigations, which could
23 be any type of crime or case. I also work vice
24 crimes as well.

25 Q. Were you working for the Goose Creek Police

1 Department on January 29th, 2012?

2 A. Yes, sir, I was.

3 Q. Did you have an opportunity to assist in this
4 investigation involving Defendant Steven Morgan
5 and the victim Rose Lampkin?

6 A. Yes, sir, I was called to the incident
7 location.

8 Q. Were you assigned as the lead detective or
9 case agent in this case?

10 A. Yes, sir.

11 Q. You said that you were called to the scene.
12 Did you actually enter the home?

13 A. We entered the home to make a security sweep
14 prior to crime scene coming in.

15 Q. Was the victim still at the scene when you
16 arrived?

17 A. She was not.

18 Q. She had already been transported to the
19 hospital.

20 A. Yes, sir.

21 Q. You said that you preformed a protective
22 sweep?

23 A. (Affirmative nod).

24 Q. Did you also enter the home during the
25 evidence collection stage?

1 A. I did not, sir.

2 Q. Do you recall what you observed in the home
3 when you were making your initial sweep?

4 A. Yes, sir. I am going to refer to my report.
5 Captain Salisbury and I actually conducted that
6 security sweep of the interior.

7 During the sweep, I observed the residence to
8 be in complete disarray.

9 I further observed the rear sliding glass
10 door to be shattered and a log in the living room
11 floor, adjacent to the front wall.

12 I observed blood droplets on the wall next to
13 the staircase.

14 Q. And did you come -- you said that the victim
15 had already been transported when you came to the
16 scene. Did you come into contact with her
17 sometime during that day?

18 A. I did leave the scene and traveled to the
19 Medical University of South Carolina.

20 Q. Did you have the opportunity to speak with
21 her when you got to the Medical University?

22 A. Yes I did.

23 Q. At the time that you spoke with her, could
24 you describe her physical condition?

25 A. She was, as you could tell, extremely

1 battered. She was in and out of it, as we say in
2 common terms.

3 Q. In your conversation with her, were you able
4 to obtain her version of what happened?

5 A. Yes, sir, to the best of her ability at that
6 time.

7 Q. Were you able to do that in written statement
8 form. Did you take a written statement from her?

9 A. I did, sir.

10 Q. At the time, you said that she in and out as
11 far as coherence goes. Did you write the
12 statement for her, or did she write it? How did
13 that come about?

14 A. The other individual who was there that was
15 associated with Ms. Lampkin, Chantelle Mazyck,
16 wrote -- actually wrote the statement out as Ms.
17 Lampkin dictated it to me.

18 Q. So it was her story, just written by Ms.
19 Mazyck?

20 A. Yes, whatever Ms. Lampkin said, Ms. Mazyck
21 wrote it down there in my presence.

22 Q. I show you what is in evidence as State's
23 Exhibit 83 and 84. If you could look at those,
24 then I will ask you a couple of questions about
25 them.

1 A. Yes, sir.

2 Q. Do you recognize what is in that picture?

3 A. Yes, sir, I do.

4 Q. Could you tell the jury what it is?

5 A. That is a Ford pickup truck that according to
6 the Richmond County Sheriff's Office was being
7 operated by the defendant on the day that he was
8 apprehended.

9 Q. Where was he apprehended?

10 A. It was in Richmond County, Georgia.

11 Q. What part of Georgia is that? City?

12 A. It is not tremendously far from Augusta, up
13 in that area.

14 Q. Behind you on the screen is State's Exhibit
15 83. That is the pickup truck?

16 A. Yes, sir.

17 Q. And it looks like it is on some type of
18 flatbed. Is that how you got it back to Goose
19 Creek?

20 A. Yes, sir. Lieutenant Altman (phonetic),
21 who is also employed with the City of Goose Creek,
22 traveled to Richmond County Sheriff's Office, took
23 possession of that vehicle and towed it back to
24 the Goose Creek Police Department, where this
25 photograph was taken.

1 Q. What date did this occur?

2 A. February 1st.

3 Q. Of what year?

4 A. 2012 or - (pause).

5 Q. When the truck was brought back to the impact
6 lot, was it processed for evidence?

7 A. It was.

8 Q. Who did that?

9 A. CSI Wendy Myers, in my presence as I was
10 executing the search warrant.

11 Q. So you witnessed Myers processing ---

12 A. (Affirmative nod).

13 Q. Did you actually participate in the
14 processing?

15 A. I did not, no.

16 Q. Can you describe for us what you observed as
17 far as the extent of the processing/searching the
18 inside of the truck?

19 A. Photographs were taken of the interior and
20 the exterior. A general overview was taken of the
21 vehicle for any obvious evidence. It was searched
22 by CSI Myers. There was no evidence found. There
23 was no DNA taken at that time because, obviously,
24 we knew that the defendant had been in possession
25 of that vehicle.

1 Q. Did you -- or did Myers at that time, in your
2 presence, remove any part of the interior of that
3 vehicle?

4 A. No, sir.

5 Q. You said that on February 1st that there was
6 no evidence recovered from the truck, is that
7 correct?

8 A. That is correct, sir.

9 Q And to your knowledge, as the lead
10 investigator, as there some evidence recovered
11 from the subject property?

12 A. Yes, sir.

13 q. Do you recall what that was?

14 A. When I was -- we were contacted by Ms.
15 Lampkin, who stated that she had been contacted by
16 a Mr. Mazyck. That while removing -- while
17 physically removing/unbolting the center console
18 from this vehicle, that he had located her keys as
19 well as a knife that had a black-in-color handle
20 that she identified she believed was used in the
21 commission of this crime that evening.

22 Q. Regarding the knife, did you at some point
23 retain custody of that knife from Mr. Mazyck?

24 A. Yes, sir, on April 3rd.

25 Q. I show you what is in evidence as State's

1 Exhibits 89 and 90. Starting with State's Exhibit
2 89, if you could look at that and tell us if that
3 is the knife that you were just testifying about?

4 A. (Upon review), yes, sir, it is.

5 Q. And State's Exhibit 90, if you could look at
6 that and tell us if those are the keys that you
7 were testifying about?

8 A. Yes. It is still attached to a leather band
9 with the name "Rose" on it.

10 Q. You said that you obtained the knife from Mr.
11 Mazyck on April 3rd. When did you obtain the car
12 keys?

13 A. The keys, I obtained on April 6th, 2012.
14 They were left at the Goose Creek Police
15 Department. They were actually dropped off by
16 Sean Lampkin.

17 Q. Were the keys turned into Evidence the day
18 that they were dropped off with you?

19 A. Yes, sir.

20 Q. And was the evidence turned into Evidence the
21 day that you got them from Mr. Mazyck?

22 A. Yes.

23 Q. And in addition to meeting with Mr. Mazyck to
24 get custody of the knife, did you have an
25 opportunity to meet with him again?

1 A. I did.

2 Q. When did that meeting take place?

3 A. On April 27th, I met with Mr. Mazyck and
4 obtained two buccal swabs for elimination samples,
5 because he had in fact touched the knife when he
6 found it.

7 Q. And you said that you met with him to obtain
8 buccal swabs?

9 A. Yes, sir.

10 Q. I show you what has been marked for
11 identification as State's Exhibit 97. Do you
12 recognize State's Exhibit 97?

13 A. This is the evidence as packaged by CSI Myers
14 once it was relinquished from our custody to the
15 Evidence room.

16 Q. Can you describe for us the process that you
17 used to obtain the buccal swabs from Mr. Mazyck?

18 A. A permission to search form or a consent to
19 search form was signed at that time by Mr. Mazyck.
20 At which time two cotton swabs -- cotton swabs
21 with wooden handles -- were used to swab the
22 inside of the cheek on both sides; then stored
23 separately in different boxes.

24 Q. You said that you wanted to get these for
25 elimination purposes?