

**ORIGINAL**

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

Appeal from Laurens County

The Honorable Donald B. Hocker, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

DARRELL ERVIN RAINES,

APPELLANT

Appellate Case No. 2016-000142

SUPPLEMENTAL RECORD ON APPEAL

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ATTORNEYS FOR RESPONDENT

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## KENT TATHAM: DIRECT EXAMINATION

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- 1 Q And then the caliber is --
- 2 A .380 is the caliber.
- 3 Q Now, this right here. What is that?
- 4 A That's our company.
- 5 Q And please point to the signature.
- 6 A And that's the date he signed it.
- 7 Q So that's the date that he purchased it?
- 8 A Yes, ma'am.
- 9 Q What does this mean?
- 10 A It was sold at the South Carolina Gun Collector's
- 11 Association Gun Show.
- 12 Q Does that mean it wasn't purchased at your pawn shop?
- 13 A That's right.
- 14 Q What is this gun show? What is South Carolina
- 15 Association's Gun Show? Do you normally go there and --
- 16 A Yes, we do a few shows a year there.
- 17 Q Okay. And you were there on August 17th, 2013?
- 18 A Yes, ma'am.
- 19 Q And Darrell Raines did purchase a .380 Hi Point from
- 20 you that evening?
- 21 A Yes, ma'am.
- 22 MS. BOYKIN: Thank you. Please answer any questions
- 23 Mr. Able has.
- 24 THE COURT: Cross from the State?
- 25 MR. ABLE: Thank you, sir.

1 argue that maybe -- maybe I'm getting ahead of myself.  
2 Maybe I should save some of this for closing argument. But  
3 the circumstantial evidence is significant and it is  
4 substantial and it does get us past this directed verdict  
5 argument.

6 THE COURT: Thank you very much. Yeah, I've kept a lot  
7 of notes and I made a list of what I consider -- what I  
8 considered to be substantial circumstantial evidence in this  
9 case, and I've got it numbered at up to 21 different things.  
10 And I'm not going to go over all that. The argument, Mr.  
11 Able, that you have made concerning him not being seen in  
12 the field, the DNA, not the -- the no match concerning DNA  
13 and those sorts of things, that would be direct evidence.  
14 And I agree. None of that is there, but that's direct  
15 evidence. So what I've got to look at is circumstantial  
16 evidence. I think that it is significant the fact that he  
17 purchased a .380 gun just two days before this murder and it  
18 was a .380 that killed Ms. Southern. I think it's  
19 significant that either one day, two days or three days  
20 after the alleged murder that the .380 was shipped off to  
21 the manufacturer. I think it's very significant the fact  
22 that, and Solicitor Scott alluded to this, the ATM card.  
23 Contrary to what the Defendant told police that he had  
24 possession of the card when, in fact, he did not because the  
25 video at both 7-Elevens show that she had the card and the