

**RECEIVED**

**NOV 05 2018**

**S.C. SUPREME COURT**

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

---

Certiorari to Cherokee County

Honorable Grace Gilchrist Knie, Circuit Court Judge

---

CHRISTOPHER GENE MARTIN,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO 2018-000929

---

APPENDIX

---

KATHRINE H. HUDGINS  
Appellate Defender

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

ATTORNEY FOR PETITIONER

ALAN WILSON  
Attorney General

JORDAN COX  
Assistant Attorney General  
P. O. Box 11549  
Columbia, SC 29211

ATTORNEYS FOR RESPONDENT

**INDEX**

|                                                                                    |     |
|------------------------------------------------------------------------------------|-----|
| INDEX .....                                                                        | i   |
| TRIAL TRANSCRIPT DATED AUGUST 11, 2015.....                                        | 1   |
| INDICTMENT AND SENTENCING SHEET .....                                              | 286 |
| ANDERS BRIEF OF APPELLANT FILED APRIL 18, 2016 .....                               | 289 |
| APPLICATION FOR POST-CONVICTION RELIEF FILED MARCH 27, 2017 .....                  | 301 |
| RETURN, PARTIAL MOTION TO DISMISS, AND MOTION<br>FOR MORE DEFINITE STATEMENT ..... | 308 |
| POST-CONVICTION RELIEF HEARING TRANSCRIPT DATED JANUARY 29, 2018 .....             | 316 |
| ORDER OF DISMISSAL FILED MAY 14, 2018 .....                                        | 342 |

1 STATE OF SOUTH CAROLINA )  
2 COUNTY OF CHEROKEE ) IN THE COURT OF GENERAL SESSIONS

3  
4 THE STATE )  
5 -vs- ) TRANSCRIPT OF RECORD  
6 CHRISTOPHER EUGENE ) 2014-GS-11-00513  
7 MARTIN, ) AUGUST 11, 2015  
8 DEFENDANT. ) GAFFNEY, SOUTH CAROLINA

9  
10 (VOLUME I)

11  
12  
13  
14  
15 B E F O R E:  
16 THE HONORABLE R. KEITH KELLY, JUDGE. ; And a Jury.

17  
18  
19 A P P E A R A N C E S:  
20 CLIFTON M. SAMS, ASSISTANT SOLICITOR  
21 ATTORNEY FOR THE STATE  
22 DON THOMPSON, PUBLIC DEFENDER  
23 ATTORNEY FOR THE DEFENDANT

24  
25  
MICHAEL R. WATTS  
CIRCUIT COURT REPORTER

|    |                                              |      |
|----|----------------------------------------------|------|
| 1  | INDEX                                        |      |
| 2  | (AUGUST 11, 2015)                            |      |
| 3  | WITNESSES                                    | PAGE |
| 4  | JURY VOIR DIRE -- PAGE 9                     |      |
| 5  | JURY SWORN -- PAGE 26                        |      |
| 6  | OPENING STATEMENT BY MR. SAMS -- PAGE 44     |      |
| 7  | OPENING STATEMENT BY MR. THOMPSON -- PAGE 47 |      |
| 8  | DETECTIVE RICHARD BURGESS (SW)               |      |
| 9  | DIRECT EXAMINATION BY MR. SAMS               | 55   |
| 10 | CROSS EXAMINATION BY MR. THOMPSON            | 63   |
| 11 | REDIRECT EXAMINATION BY MR. SAMS             | 68   |
| 12 | NATHAN HOFFMAN (SW)                          |      |
| 13 | DIRECT EXAMINATION BY MR. SAMS               | 71   |
| 14 | CROSS EXAMINATION BY MR. THOMPSON            | 83   |
| 15 | REDIRECT EXAMINATION BY MR. SAMS             | 92   |
| 16 | DETECTIVE JIMMY HENSON (SW)                  |      |
| 17 | DIRECT EXAMINATION BY MR. SAMS               | 94   |
| 18 | CROSS EXAMINATION BY MR. THOMPSON            | 109  |
| 19 | REDIRECT EXAMINATION BY MR. SAMS             | 113  |
| 20 | RECROSS EXAMINATION BY MR. THOMPSON          | 118  |
| 21 | JESSICA RAMSEY (SW)                          |      |
| 22 | DIRECT EXAMINATION BY MR. SAMS               | 120  |
| 23 | CROSS EXAMINATION BY MR. THOMPSON            | 131  |
| 24 | REDIRECT EXAMINATION BY MR. SAMS             | 139  |
| 25 | RECROSS EXAMINATION BY MR. THOMPSON          | 141  |



|    |                                        |      |
|----|----------------------------------------|------|
| 1  | INDEX                                  |      |
| 2  | (AUGUST 11, 2015)                      |      |
| 3  | WITNESSES                              | PAGE |
| 4  | DR. CHARLES MORROW (SW)                |      |
| 5  | DIRECT EXAMINATION BY MR. SAMS         | 143  |
| 6  | CROSS EXAMINATION BY MR. THOMPSON      | 152  |
| 7  | REDIRECT EXAMINATION BY MR. SAMS       | 156  |
| 8  | RECROSS EXAMINATION BY MR. THOMPSON    | 157  |
| 9  | BOBBI JO BOLIN (SW)                    |      |
| 10 | DIRECT EXAMINATION BY MR. SAMS         | 158  |
| 11 | CROSS EXAMINATION BY MR. THOMPSON      | 165  |
| 12 | HERMAN PIERCE (SW) (PROFFER)           |      |
| 13 | DIRECT EXAMINATION BY MR. SAMS         | 171  |
| 14 | (NO CROSS EXAMINATION BY MR. THOMPSON) |      |
| 15 | HERMAN PIERCE (SW)                     |      |
| 16 | DIRECT EXAMINATION BY MR. SAMS         | 177  |
| 17 | CROSS EXAMINATION BY MR. THOMPSON      | 186  |
| 18 | WILLIE PUTNAM (SW)                     |      |
| 19 | DIRECT EXAMINATION BY MR. SAMS         | 187  |
| 20 | ROSS EXAMINATION BY MR. THOMPSON       | 198  |
| 21 | JEFFREY WYATT (SW)                     |      |
| 22 | DIRECT EXAMINATION BY MR. SAMS         | 200  |
| 23 | CROSS EXAMINATION BY MR. THOMPSON      | 211  |
| 24 |                                        |      |
| 25 |                                        |      |

## INDEX

(AUGUST 11, 2015)

WITNESSES

PAGE

TERESA STROUPE (SW)

DIRECT EXAMINATION BY MR. SAMS

213

(NO CROSS EXAMINATION BY MR. THOMPSON)

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

INDEX

(AUGUST 12, 2015)

|    |                                            |      |
|----|--------------------------------------------|------|
| 1  |                                            |      |
| 2  |                                            |      |
| 3  | WITNESSES                                  | PAGE |
| 4  | STATE RESTS -- PAGE 237                    |      |
| 5  | DEFENSE RESTS -- PAGE 237                  |      |
| 6  | CLOSING ARGUMENT BY MR. SAMS -- PAGE 238   |      |
| 7  | FINAL ARGUMENT BY MR. THOMPSON -- PAGE 248 |      |
| 8  | COURT'S JURY INSTRUCTIONS -- PAGE 259      |      |
| 9  | JURY VERDICT -- PAGE 278                   |      |
| 10 | SENTENCING -- PAGE 283                     |      |
| 11 | REPORTER'S CERTIFICATE -- PAGE 285         |      |
| 12 |                                            |      |
| 13 |                                            |      |
| 14 |                                            |      |
| 15 |                                            |      |
| 16 |                                            |      |
| 17 |                                            |      |
| 18 |                                            |      |
| 19 |                                            |      |
| 20 |                                            |      |
| 21 |                                            |      |
| 22 |                                            |      |
| 23 |                                            |      |
| 24 |                                            |      |
| 25 |                                            |      |

## EXHIBITS

|  | 1  | 2 | NO.  | DESCRIPTION | ID. | EV. |
|--|----|---|------|-------------|-----|-----|
|  | 2  |   | S-1  | GOOGLE MAP  |     | 59  |
|  | 4  |   | S-2  | PHOTOGRAPH  |     | 72  |
|  | 5  |   | S-3  | PHOTOGRAPH  |     | 98  |
|  | 6  |   | S-4  | PHOTOGRAPH  |     | 98  |
|  | 7  |   | S-5  | PHOTOGRAPH  |     | 98  |
|  | 8  |   | S-6  | PHOTOGRAPH  |     | 98  |
|  | 9  |   | S-7  | PHOTOGRAPH  |     | 98  |
|  | 10 |   | S-8  | PHOTOGRAPH  |     | 98  |
|  | 11 |   | S-9  | PHOTOGRAPH  |     | 98  |
|  | 12 |   | S-10 | PHOTOGRAPH  |     | 98  |
|  | 13 |   | S-11 | PHOTOGRAPH  |     | 98  |
|  | 14 |   | S-12 | PHOTOGRAPH  |     | 98  |
|  | 15 |   | S-13 | PHOTOGRAPH  |     | 99  |
|  | 16 |   | S-14 | PHOTOGRAPH  |     | 99  |
|  | 17 |   | S-15 | PHOTOGRAPH  |     | 99  |
|  | 18 |   | S-16 | PHOTOGRAPH  |     | 99  |
|  | 19 |   | S-17 | PHOTOGRAPH  |     | 99  |
|  | 20 |   | S-18 | PHOTOGRAPH  |     | 99  |
|  | 21 |   | S-19 | PHOTOGRAPH  |     | 99  |
|  | 22 |   | S-20 | PHOTOGRAPH  |     | 99  |
|  | 23 |   | S-21 | PHOTOGRAPH  |     | 99  |
|  | 24 |   | S-22 | PHOTOGRAPH  |     | 99  |
|  | 25 |   | S-23 | PHOTOGRAPH  |     | 99  |

| EXHIBITS |      |                |  | ID. | EV. |
|----------|------|----------------|--|-----|-----|
| 1        | NO.  | DESCRIPTION    |  |     |     |
| 2        |      |                |  |     | 99  |
| 3        | S-24 | PHOTOGRAPH     |  |     | 100 |
| 4        | S-25 | PHOTOGRAPH     |  |     | 100 |
| 5        | S-26 | PHOTOGRAPH     |  |     | 100 |
| 6        | S-27 | PHOTOGRAPH     |  |     | 100 |
| 7        | S-28 | PHOTOGRAPH     |  |     | 100 |
| 8        | S-29 | PHOTOGRAPH     |  |     | 100 |
| 9        | S-30 | PHOTOGRAPH     |  |     | 100 |
| 10       | S-31 | PHOTOGRAPH     |  |     | 100 |
| 11       | S-32 | PHOTOGRAPH     |  |     | 100 |
| 12       | S-33 | PHOTOGRAPH     |  |     | 100 |
| 13       | S-34 | PHOTOGRAPH     |  |     | 100 |
| 14       | S-35 | PHOTOGRAPH     |  |     | 100 |
| 15       | S-36 | PHOTOGRAPH     |  |     | 100 |
| 16       | S-37 | PHOTOGRAPH     |  |     | 100 |
| 17       | S-38 | PHOTOGRAPH     |  |     | 101 |
| 18       | S-39 | PHOTOGRAPH     |  |     | 101 |
| 19       | S-40 | PHOTOGRAPH     |  |     | 101 |
| 20       | S-41 | PHOTOGRAPH     |  |     | 101 |
| 21       | S-42 | PHOTOGRAPH     |  |     | 101 |
| 22       | S-43 | PHOTOGRAPH     |  |     | 101 |
| 23       | S-44 | BOX OF CLOTHES |  |     | 106 |
| 24       | S-45 | PHOTOGRAPH     |  |     | 115 |
| 25       | S-46 | PHOTOGRAPH     |  |     | 115 |

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

## EXHIBITS

| NO.  | DESCRIPTION | ID. | EV. |
|------|-------------|-----|-----|
| S-47 | PHOTOGRAPH  |     | 115 |

1 (PROCEEDINGS, AUGUST 11, 2015)

2 THE COURT: Let me see the lawyers for just a  
3 minute.

4 (Whereupon, the lawyers approached the bench for  
5 an off-the-record discussion)

6 THE COURT: Ladies and gentlemen, I have  
7 previously introduced myself to you and at this point in  
8 time there is a series of questions that I'm required to ask  
9 that are trial specific; in other words, specific to the  
10 case that is at bar, as I say, the case that is before you.

11 We are here this week, ladies and gentlemen, in  
12 General Sessions Court. General Sessions Court is criminal  
13 court. Common Pleas Court is civil court. Some weeks I'm  
14 wearing one hat and the other week I'm wearing another.  
15 This week we are in criminal court.

16 The case that's before the court today is  
17 Indictment 2014-GS-11-0513, the State of South Carolina  
18 versus Christopher Eugene Martin. Mr. Martin is charged  
19 with the criminal offense of attempted murder, to which he  
20 has pled not guilty, and I'll speak to that more as we go  
21 along, but Mr. Martin has entered a plea of not guilty to  
22 the offense that is charged.

23 I tell you that the indictment is nothing more  
24 than a piece of paper that brings Mr. Martin before the  
25 court to be tried. It is not evidence of his guilt in any

1 way and cannot be considered as any guilt against him.

2 Mr. Martin has entered a plea of not guilty and he  
3 is presumed under the law of this state and the United  
4 States to be not guilty and the burden rests solely with the  
5 State of South Carolina to prove otherwise.

6 Now, ladies and gentlemen, there are certain  
7 questions that I have to ask that are specific to this  
8 particular case, and I remind you that you have previously  
9 been sworn and you will remain under oath.

10 I will also remind you that from time to time  
11 throughout the proceedings during this trial, which I'm told  
12 will last for about a day and a half or two days, that you  
13 will see me stand, as I am doing now. Sometimes I will sit.  
14 I tell you that you are to pay no attention whatsoever, give  
15 no credence or credibility to whether I'm seated or standing  
16 when one witness testifies -- standing when one testifies  
17 and seated when another testifies. It has no bearing  
18 whatsoever on the believability or credibility of that  
19 witness. It simply means that Keith Kelly is tired of  
20 sitting in that chair. That's all it means, okay? I'm  
21 tired of sitting in that chair and I'm not going to do it  
22 and I don't have to, and you don't either. So, again, if  
23 you want to stand during the trial, please sit on the back  
24 row.

25 Ladies and gentlemen, as I told you, we are about



1 to begin the trial of the case of the State of South  
2 Carolina versus Christopher Eugene Martin, and I have told  
3 you he's charged with attempted murder. He's pled not  
4 guilty. He's presumed to be not guilty in this case, and  
5 the burden rests solely on the State of South Carolina to  
6 prove he's guilty beyond a reasonable doubt.

7 Now, here are those questions I'm required to ask:

8 Has anybody, any member of the jury panel ever  
9 been related by blood or marriage to Christopher Eugene  
10 Martin?

11 Mr. Martin, please stand and turn around so they  
12 can see you. Thank you, sir. You may be seated.

13 Anybody related or ever been related by blood or  
14 marriage to Christopher Eugene Martin? If so, please stand.

15 (No response).

16 THE COURT: Does any member of the jury panel have  
17 a close personal or social relationship with Christopher  
18 Eugene Martin, such as you are friends with him on Facebook,  
19 you know him from the neighborhood, you went to school with  
20 him, you go to church with him, something of that nature?  
21 Does anybody have a close personal or social relationship  
22 with Mr. Martin, please stand?

23 Ma'am, your number, please?

24 JUROR NUMBER 88: 88.

25 THE COURT: 88.

1           You have a -- what relationship do you have with  
2       Mr. Martin?

3           JUROR NUMBER 88: I grew up with him and his  
4       brother.

5           THE COURT: Okay. Would that interfere with your  
6       ability to be fair to both the State and the defense in this  
7       case?

8           JUROR NUMBER 88: No, sir.

9           THE COURT: It would not.

10          Ma'am, you may stay with us.

11          Anybody else?

12          (No response)

13          THE COURT: Does any member -- well, let me ask  
14       who they are.

15          Okay. Ladies and gentlemen, these are potential  
16       witnesses. I do not know how many of them will testify.  
17       They are potential witnesses in this case.

18          Richard Burgess.

19          Nathan Hoffman.

20          Jessica Ramsey.

21          Jeff Wyatt.

22          Willie Putnam.

23          Teresa Stroupe.

24          Bobbi Jo Bolin.

25          Vernon Scates.

1 Herman Pierce.

2 Dr. Charles Morrow.

3 Jimmy Henson.

4 And Reggie Petty.

5 If any member of the jury panel is related by  
6 blood or marriage to any of those persons, please stand.

7 Yes, sir.

8 JUROR NUMBER 85: I grew up with Jeff Wyatt.

9 THE COURT: I'm sorry, you grew up with?

10 JUROR NUMBER 85: Jeff Wyatt.

11 THE COURT: Jeff Wyatt?

12 JUROR NUMBER 85: I grew up with him.

13 THE COURT: You grew up with Jeff Wyatt, a  
14 potential witness?

15 JUROR NUMBER 85: Yes.

16 THE COURT: Would that interfere with your ability  
17 to be fair to both the State and the defense?

18 JUROR NUMBER 85: No, sir.

19 THE COURT: Sir, you may stay with us.

20 Sir, give me your number, please?

21 JUROR NUMBER 85: 85.

22 THE COURT: 85.

23 Ma'am, your number?

24 JUROR NUMBER 47: 47.

25 THE COURT: 47.

1 JUROR NUMBER 47: Jeff Wyatt is related to my  
2 husband.

3 THE COURT: Would that interfere with your ability  
4 to be fair to both the State and the defense?

5 JUROR NUMBER 47: No, sir.

6 THE COURT: It would not. You may stay with us.  
7 All right.

8 MR. SAMS: Your Honor, that was 47?

9 THE COURT: 47.  
10 47?

11 JUROR NUMBER 47: Uh-huh.

12 THE COURT: 47.

13 Is any member of the jury panel related by blood  
14 or marriage or have any social relationship with any other  
15 potential witnesses that have not already identified  
16 themselves?

17 Yes, sir, your name?

18 JUROR NUMBER 72: Could I step forward, please?  
19 It would be a HIPA violation for my job.

20 THE COURT: Okay. Wait a minute. Your number  
21 again?

22 JUROR NUMBER 72: 72.

23 THE COURT: 72?

24 JUROR NUMBER 72: Yes.

25 THE COURT: Okay. I'm not asking you to do any

1 HIPA, but at the same time do you know of any reason why you  
2 couldn't be fair to both the State and the defense?

3 JUROR NUMBER 72: No, sir.

4 THE COURT: Okay. Thank you. You may stay with  
5 us.

6 Doctor, yes?

7 UNKNOWN JUROR: Dr. Morrow was employed by the --  
8 he really -- it's a work relationship.

9 THE COURT: Okay. Dr. Morrow is a colleague?

10 UNKKNOWN JUROR: Colleague, correct.

11 THE COURT: Colleague.

12 Okay. Would that interfere with your ability to  
13 be fair to both the State and the defense?

14 THE WITNESS: It would not.

15 THE COURT: Thank you, sir. You may stay with us,  
16 doctor.

17 Anybody else?

18 (No response).

19 THE COURT: I'm going to ask the lawyers to  
20 introduce themselves to you.

21 Mr. Sams.

22 MR. SAMS: Thank you, Your Honor.

23 My name is Cliff Sams. I'm an assistant solicitor  
24 here in Cherokee County.

25 THE COURT: Okay. Mr. Thompson?

1 MR. THOMPSON: My name is Don Thompson. I'm an  
2 attorney here in Cherokee County.

3 THE COURT: Has any member of the jury panel ever  
4 been or currently related by blood or marriage to either of  
5 the two lawyers in this case? If so, please stand.

6 (No response)

7 THE COURT: Does any member of the jury panel have  
8 a close personal or social relationship with either of the  
9 two lawyers in this case? If so, please stand.

10 (No response).

11 THE COURT: Any member of the jury panel ever been  
12 represented by the Seventh Circuit Solicitor's Office in any  
13 case whatsoever or testified as a witness, please stand.

14 (No response).

15 THE COURT: Any member of the jury panel have a  
16 close family -- either family member or a close personal  
17 friend who is employed with the Seventh Circuit Solicitor's  
18 Office? If so, please stand.

19 (No response).

20 THE COURT: Does any member of the jury panel have  
21 a family member or a close personal friend who has ever been  
22 prosecuted by the Seventh Circuit Solicitor's Office? If  
23 so, please stand.

24 (No response)

25 THE COURT: Any member of the jury panel ever been

1 represented by either of the lawyers in this case in any  
2 manner whatsoever, whether it's a criminal matter, civil  
3 matter, bought or sold a house, whatever it might have been,  
4 please stand.

5 (No response).

6 THE COURT: Any member of the jury panel related  
7 to any member of Mr. Thompson's law practice, please stand?

8 (No response).

9 THE COURT: Is there any member of the jury panel  
10 that was a member of the Cherokee County Grand Jury in May  
11 of 2014? If so, please stand.

12 (No response).

13 THE COURT: Any member of the jury panel a member  
14 of a law enforcement group, such as Mother's Against Drunk  
15 Driving, Students Against Drunk Driving, Citizens Against  
16 Violent Crime, or other similar organizations? You are  
17 either a member of that or a contributor financially to  
18 that, please stand.

19 (No response).

20 THE COURT: Any member of the jury panel that has  
21 a relative who is a law enforcement officer, such as a  
22 husband, uncle, brother, cousin, son-in-law,  
23 daughter-in-law, member of the law enforcement community in  
24 your family, please stand.

25 All right. We will start with the lady right

1 here. Your number, please?

2 JUROR NUMBER 122: 122.

3 THE COURT: 122.

4 JUROR NUMBER 122: My cousin, he is employed with  
5 Blacksburg.

6 THE COURT: Okay. Would that interfere with your  
7 ability to be fair and impartial to both sides?

8 JUROR NUMBER 122: No, sir.

9 THE COURT: Ma'am, you may stay with us.

10 Yes, ma'am.

11 JUROR NUMBER 114: 114.

12 My daughter-in-law is a -- my daughter is a parole  
13 and probation officer for Greenville County and my  
14 son-in-law is a former deputy here.

15 THE COURT: Would that interfere with your ability  
16 to be fair to both the State and the defense?

17 JUROR NUMBER 114: It might.

18 THE COURT: If it might, we are going to excuse  
19 you from the trial of this case, ma'am.

20 Number again?

21 JUROR NUMBER 114: 114.

22 THE COURT: 114 is excused from this trial.

23 Yes, ma'am.

24 JUROR NUMBER 10: Number 10.

25 I have got a cousin that's a Gaffney officer and a



1 nephew -- what is it --

2 THE COURT: Law enforcement.

3 Would that interfere with your ability to be fair  
4 and both the State and the defense?

5 JUROR NUMBER 10: No, sir.

6 THE COURT: Ma'am, you may stay with us.

7 Yes, sir.

8 JUROR NUMBER 54: 54.

9 THE COURT: Yes, sir.

10 JUROR NUMBER 54: My brother-in-law is a corporal  
11 with the highway patrol.

12 THE COURT: Would that interfere with your ability  
13 to be fair to both sides?

14 JUROR NUMBER 54: No, sir.

15 THE COURT: You may stay.

16 Yes, ma'am.

17 JUROR NUMBER 42: 42.

18 My son works for the detention center.

19 THE COURT: Would that interfere with your ability  
20 to be fair to both sides?

21 JUROR NUMBER 42: No, sir.

22 THE COURT: Ma'am, you may stay.

23 Yes, sir.

24 JUROR NUMBER 123: 123.

25 My son is a game warden here.

1 THE COURT: Would that interfere with your ability  
2 to be fair to both sides?

3 JUROR NUMBER 123: No, sir.

4 THE COURT: Sir, you may stay with us. Thank you.  
5 Yes, ma'am, your number?

6 JUROR NUMBER 49: I have an aunt who works with  
7 the law enforcement.

8 THE COURT: Your number, please?

9 JUROR NUMBER 49: 49.

10 THE COURT: 49.

11 Would that interfere with your ability to be fair?

12 JUROR NUMBER 49: No, sir.

13 THE COURT: Ma'am, you may stay with us.

14 Does any member of the jury panel know of any  
15 reason whatsoever why he or she could not serve impartially  
16 on this jury in this case? If so, please stand.

17 (No response).

18 THE COURT: Anything from the State?

19 MR. SAMS: No, sir.

20 THE COURT: From the defense?

21 MR. THOMPSON: No, sir.

22 THE COURT: All right. Madam Clerk.

23 THE CLERK: When I call your name, if you will  
24 come forward. Please bring all your personal belongings  
25 with you and stand right in front of me and face back out to

1 the crowd.

2 If I tell you you are to be seated, you will take  
3 a seat in the jury box.

4 If I tell you you have been excused, you will take  
5 a seat back out in the jury pool.

6 Juror 86, Brian Padgett.

7 What says the State?

8 MR. SAMS: Please excuse this juror.

9 THE CLERK: You have been excused.

10 Juror 49, Vernique Hollis.

11 What says the State?

12 MR. SAMS: Please seat Ms. Hollis.

13 THE CLERK: What says the defense?

14 MR. THOMPSON: Seat the juror, please.

15 THE CLERK: Please take a seat in the jury box.

16 Juror 69, Krystal Lowery.

17 What says the State?

18 MR. SAMS: Please excuse Ms. Lowery.

19 THE CLERK: You may be excused.

20 Juror 23, Talmadge Dover.

21 What says the State?

22 MR. SAMS: Please excuse Mr. Dover.

23 THE CLERK: You have been excused.

24 Juror 71, Gary Martin.

25 What says the State?

1 MR. SAMS: Please seat Mr. Martin.  
2 THE CLERK: What says the defense?  
3 MR. THOMPSON: Seat Mr. Martin, please.  
4 THE CLERK: Have a seat in the jury box.  
5 Juror 7, Heidi Bloom.  
6 What says the State?  
7 MR. SAMS: Please seat Ms. Bloom.  
8 THE CLERK: What says the defense?  
9 MR. THOMPSON: Seat the juror, please.  
10 THE CLERK: Please take a seat in the jury box.  
11 Juror 4, Norma Blackwell.  
12 What says the State?  
13 MR. SAMS: Please seat Ms. Blackwell.  
14 THE CLERK: What says the defense?  
15 MR. THOMPSON: Seat Ms. Blackwell, please.  
16 THE CLERK: Please take a seat in the jury box.  
17 Juror 13, Patrick Christopher.  
18 What says the State?  
19 MR. SAMS: Please seat Mr. Christopher.  
20 THE CLERK: What says the defense?  
21 MR. THOMPSON: Seat Mr. Christopher, please.  
22 THE CLERK: Please take your seat in the jury box.  
23 Juror 57, Hazel Jolley.  
24 What says the State?  
25 MR. SAMS: Please seat Ms. Jolley.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

THE CLERK: What says the defense?

MR. THOMPSON: Seat Ms. Jolley, please.

THE CLERK: Please take a seat in the jury box.

Juror 89, Kelvin Peeler.

What says the State?

MR. SAMS: Please seat Mr. Peeler.

THE CLERK: What says the defense?

MR. THOMPSON: Seat Mr. Peeler, please.

THE CLERK: Please take a seat in the jury box.

Juror 9, Teresa Bradley.

What says the State?

MR. SAMS: Please seat Ms. Bradley.

THE CLERK: What says the defense?

MR. THOMPSON: Seat Ms. Bradley, please.

THE CLERK: Please take a seat in the jury box.

Juror 41, Shirley Greene.

What says the State?

MR. SAMS: Please seat Ms. Greene.

THE CLERK: What says the defense?

MR. THOMPSON: Seat Ms. Greene, please.

THE CLERK: Please take a seat in the jury box.

Juror 120, Stephanie Wilborn.

What says the State?

MR. SAMS: Please seat Ms. Wilborn.

THE CLERK: What says the defense?

1 MR. THOMPSON: Seat Ms. Wilborn, please.  
2 THE CLERK: Please take seat in the jury box.  
3 Juror 105, Robert Smith.  
4 What says the State?  
5 MR. SAMS: Please seat Mr. Smith.  
6 THE CLERK: What says the defense?  
7 MR. THOMPSON: Seat Mr. Smith, please.  
8 THE CLERK: Please take a seat in the jury box.  
9 Juror 72, Melinda Martin.  
10 What says the State?  
11 MR. SAMS: Please excuse Ms. Martin.  
12 THE CLERK: You have been excused.  
13 Juror 51, Brenton Hughey.  
14 What says the State?  
15 MR. SAMS: Please seat Mr. Hughey.  
16 THE CLERK: What says the defense?  
17 MR. THOMPSON: Seat Mr. Hughey, please.  
18 THE CLERK: Please take a seat in the jury box.  
19 Juror 29, Nancy Falls.  
20 What says the State?  
21 MR. SAMS: Please seat Ms. Falls.  
22 THE CLERK: What says the defense?  
23 MR. THOMPSON: Please seat Ms. Falls.  
24 THE CLERK: Please take a seat in the jury box.  
25 THE COURT: Any matters?

1 MR. SAMS: No.

2 MR. THOMPSON: No, sir.

3 THE COURT: Okay. Ladies and gentlemen who were  
4 not selected, you didn't get in on this one but there will  
5 be another one, so you are going to get another shot at  
6 serving on the jury. We are going to excuse you for the  
7 rest of the day.

8 Madam Clerk, do you want them to call back after  
9 six?

10 THE CLERK: Yes, sir.

11 THE COURT: If you would call back that magic  
12 number that you were given, if you will call that after six  
13 p.m. this evening, there will be instructions on there as to  
14 what time we need you tomorrow, or if we need you tomorrow.  
15 In just talking with the lawyers, we never really know, but  
16 we are guessing it's going to be about a day and a half, so  
17 I would say at this point in time anticipate either being  
18 asked to come in tomorrow afternoon around two or the first  
19 thing Thursday morning. So it would be probably tomorrow  
20 afternoon or the first thing Thursday morning for the next  
21 case.

22 With that I'm going to tell you that you are  
23 certainly free to stay in the courtroom. This is your  
24 courtroom. It does not belong to me. I simply have the  
25 privilege of working here, but it's your courtroom. It

1. belongs to the people of Cherokee County. You are welcome  
2 to stay, but you are not required to do so. So if you would  
3 like to go at this time, we just ask to do so quietly. Call  
4 the number after six p.m.. Thank you.

5 (Whereupon, the jury venire panel left the  
6 courtroom)

7 THE COURT: Madam Clerk, would you swear the jury  
8 to try this case?

9 THE CLERK: Ladies and gentlemen, please stand and  
10 raise your right hand.

11 Do you solemnly swear that you will truly try the  
12 issues joined in this case and a true verdict render,  
13 according to the law and evidence, so help you God?

14 JURY PANEL: (Jury collectively said I do.)

15 THE CLERK: You may be seated.

16 THE COURT: Thank you.

17 Ladies and gentlemen, at this time you have been  
18 sworn to try this case. I'm going to give you some further  
19 instructions in just a couple of minutes, but the first  
20 thing I need to do is give you some general instructions and  
21 appoint a foreperson. It is my custom to alternate between  
22 a foreman and a forelady. I guess that's still politically  
23 correct. I'm not sure, or at least a foreperson. It is  
24 time for a lady to lead us on the jury, so I would ask Ms.  
25 Hollis. Is it Vernique?



1 JUROR NUMBER 49: Yes.

2 THE COURT: All right. Ms. Hollis, you are hereby  
3 appointed the forelady or foreperson of this jury.

4 Madam Forelady, you and my alternate juror would  
5 have assigned seating. Ma'am, the bailiff, when you come  
6 back in, will show you that the seat that this lady on the  
7 very end on the front is seated in is the foreperson's seat.  
8 I would ask that you always sit there.

9 Ma'am, you are the alternate juror?

10 JUROR NUMBER 29: Yes.

11 THE COURT: On the back?

12 JUROR NUMBER 29: Yes.

13 THE COURT: I believe. My alternate juror always  
14 sits in that seat, so that at any time I look up, because  
15 there will be times when I have to ask the jury to leave the  
16 courtroom, and I'll tell you more about that momentarily, I  
17 always look up and I know exactly where my foreperson and my  
18 alternate juror are at all times.

19 Everybody else on the jury is hereby made an  
20 honorary Rotarian. I have been one for about 28 years now,  
21 meaning you can sit on the front, you can sit on the back,  
22 you can sit in the seat you are in now. You can move left  
23 or right. Do whatever you want. You can do each time you  
24 go in and out of the courtroom. It matters not to me,  
25 whatever you are comfortable with, but I would ask my

1 foreperson and my alternate to always sit in the assigned  
2 seating.

3 Madam Forelady, I'm going to ask you in about ten  
4 seconds to take the jury out. There will be no discussions  
5 whatsoever about the case, which would be nothing, because  
6 we don't know anything about it, other than the name at this  
7 point in time, and neither do I. I don't review anything  
8 ahead of time, but the bailiff is going to show you a room  
9 that will be your jury room that you will leave from to go  
10 to lunch in a little bit. And after lunch you will be  
11 returning to that room. You will -- unless you want them  
12 downstairs. Where do you want them?

13 THE BAILIFF: Up here.

14 THE COURT: You want them up here?

15 THE BAILIFF: Yes.

16 THE COURT: So after lunch you want them to come  
17 back into this room?

18 THE BAILIFF: Yes, sir.

19 THE COURT: Mr. Bailiff is going to show you the  
20 jury room that's back here, the smaller room, and it's where  
21 you will eventually do your deliberation. There should be  
22 water there. If you want coffee and it's not there, let us  
23 know. We have water. We have coffee. There is ice back  
24 there, and you can leave personal effects. They are  
25 secured. There is a bailiff sitting here behind us here as

1 well, and that door is a secured door behind us here. And  
2 then after lunch you will be returning to that room. The  
3 bailiff will give you further instructions on that, but at  
4 this time if you will take your jury out. We have -- that  
5 equipment right there has to be turned on, that machine over  
6 there, and a couple of nuts and bolts things here and no  
7 reason for you to sit there while we do that. We are going  
8 to stay here, but if you would give us about 15 minutes.

9 (The following takes place outside the presence of  
10 the jury panel)

11 THE COURT: Okay. Do we have any matters? I know  
12 we talked pretrial? Solicitor?

13 MR. SAMS: Yes, sir. Looking back through the  
14 possible pretrial issues, I will start with Jackson v.  
15 Denno. Again, it's not the State's intention most likely to  
16 introduce the written statement of the defendant in the case  
17 in chief, but I have spoken with Mr. Thompson regarding the  
18 need for a Jackson v. Denno at this time and I don't believe  
19 that he has requested one.

20 MR. THOMPSON: There is no issue of involuntary  
21 statement.

22 THE COURT: Okay. All right.

23 MR. SAMS: I do believe that -- and I guess it  
24 would be easier to take care of stipulations and all that  
25 before the testimony on the contested issue.

1 A stipulation I believe was going to apply to the  
2 Google map for demonstrative purposes.

3 MR. THOMPSON: Yes, that's true.

4 MR. SAMS: And what about the photographs of the  
5 crime scene?

6 MR. THOMPSON: No problem with the photographs.

7 MR. SAMS: Okay. I guess it would be a  
8 stipulation to our demonstrative map, the Google map, and  
9 photographs from the crime scene.

10 I don't think there is any issue as to the  
11 identification of the defendant by the witnesses, as far as  
12 them knowing who he is or anything like that. They all had  
13 prior knowledge of who he was.

14 We have two admissions that I brought to the  
15 court's attention -- or an admission that was declared by  
16 two witnesses, I should say, when -- and I won't hash  
17 through all of the facts that are going to be before the  
18 court, but basically after the incident took place the  
19 defendant returned to his home and we will have two  
20 witnesses to state there was an admission along the lines  
21 of -- something to the extent of "I stabbed him," or "I cut  
22 him," which was heard by two witnesses. I don't believe we  
23 were going to have any pretrial contesting to that  
24 statement.

25 MR. THOMPSON: That would fall under an exception

1 to the hearsay rule, judge.

2 THE COURT: Yes, sir.

3 MR. SAMS: That finally just brings me to the  
4 excited utterance and present sense impression, a statement  
5 that I would like to introduce through the testimony of my  
6 witnesses. There was one statement where it was by  
7 the defendant -- I mean, by the victim as the defendant  
8 approached him, which I have one witness who will testify  
9 that my victim stated something along the lines "you have a  
10 knife," or "are you going to cut me," which the State's  
11 position is that would come in under a present sense  
12 impression. He was stating that at the time he was  
13 observing the defendant moved towards him with a knife, as  
14 well as the excited utterance exception. I don't believe  
15 there was a --

16 MR. THOMPSON: No objection to that.

17 THE COURT: Okay.

18 MR. SAMS: The second set of -- or the second  
19 exception that I was going to seek to apply to the  
20 statement, after the victim -- after the events then takes  
21 place, the victim is in the street and he immediately states  
22 "he stabbed me," or "cut me," or something to that extent.  
23 I have a witness who heard him say that immediately after  
24 the assault, and so I would -- I would move to introduce  
25 that as an excited utterance.

1 MR. THOMPSON: And we do object to that, judge.

2 You are talking about Mr. Pierce?

3 MR. SAMS: No, that one was Willie Putnam, who was  
4 in the street, and he heard it right after it took place,  
5 but also am going to seek Mr. Pierce's testimony.

6 THE COURT: You are seeking that under 803(2),  
7 excited utterance?

8 MR. SAMS: Yes, sir.

9 THE COURT: Mr. Thompson?

10 MR. THOMPSON: Well, what I have got Mr. Putnam  
11 saying is essentially the same thing I had no objection to,  
12 if he actually heard Nathan say it, all right? He heard  
13 Nathan say "what are you going to do, cut me? You got a  
14 knife. What are you going to do, cut me?"

15 MR. SAMS: Right.

16 He's also going to testify that right after it  
17 took place, immediately after it took place, as soon as Mr.  
18 Martin got up and walked away from the victim, that he said  
19 "he has stabbed me," or something along those lines.

20 MR. THOMPSON: No objection to that. He was  
21 present and saw that.

22 THE COURT: Right.

23 MR. THOMPSON: I do have an objection, though,  
24 judge to Mr. Pierce's statement, Herman Ray Pierce. He --  
25 and I'm going to read his statement. "A little bit ago I

1 talked to him coming up the road hollering for someone to  
2 help him." I got no problem with that part of it.

3 "I noticed that it was Nathan. I went out and  
4 asked him what had happened. He said that he had been  
5 stabbed. I asked him who did it and he said Chris." That  
6 is not an excited utterance. That is this witness asking  
7 the man what happened, who did it, and him responding to  
8 those questions, and it's not something that he saw, as far  
9 as the actual occurrence of the event. What he's doing is  
10 he heard somebody coming down the road hollering, saying  
11 help. No problem with that. He heard that, but then he  
12 goes out and says "what happened?"

13 "I was stabbed.

14 "Who did it?

15 "Chris."

16 It's not an excited utterance. That is a response  
17 to a question and that's definitely hearsay.

18 MR. SAMS: Your Honor, the State's position would  
19 be this occurred just moments after the attack occurred, a  
20 half a block to a block away. My victim gets up. He has,  
21 as my doctor will testify to, he's got a giant puncture  
22 wound through his back into his chest and he's losing --  
23 he's losing air. He gets up and he's in shock of this  
24 attack and sort of stumbles around and walks in circles out  
25 in the street. Ray Pierce, Herman Ray Pierce, hears them.

1 Mr. Pierce lives right in a house on the corner. He could  
2 see the incident site, hears my victim, you know, outside  
3 after he's attacked and comes outside to see if he's okay.  
4 Mr. Hoffman, my victim, stumbles up the street to Mr.  
5 Pierce's backyard, which is on the same street that the  
6 attack occurred. Again, about a half a block away,  
7 something like that, and he states that -- Mr. Pierce I  
8 believe will testify that he thought from the way the victim  
9 was moving there were bees or something after him. He was  
10 moving in circles and trying to reach for his back, and he  
11 came outside to see what was going on and asked him, you  
12 know, what was going on and my victim stated that "I was  
13 stabbed. Chris stabbed me." So I would argue that that  
14 would come in under excited utterance, since he had just  
15 within the last minute been stabbed in the back.

16 MR. THOMPSON: And our position is it's not an  
17 excited utterance, judge. It's a response to a question  
18 that he was asked.

19 THE COURT: Give me one second.

20 (Off the record).

21 (Back on the record)

22 THE COURT: Mr. Thompson, I'm going to overrule  
23 the objection to it and allow it. I'm reading the case law  
24 under 803(2) -- I'm sorry 803 -- yeah, 803(2).

25 What I hear at this point -- if you want to



1 proffer it? I mean, do you want to do that before you -- I  
2 mean, it's appropriate if you want to proffer it.

3 MR. SAMS: I think I could do it in ten minutes,  
4 or less, if it -- just to be safe, if we are --

5 THE COURT: I tell you what let's do. We will  
6 reserve ruling on that and let him proffer it. If you want  
7 to proffer that witness before -- he's not going to be the  
8 first witness up or something, is he?

9 MR. SAMS: No, sir. No, he -- he would be later,  
10 afternoon.

11 THE COURT: Okay. I will do this. Let's -- I'm  
12 going to reserve ruling. Let's proffer that testimony and  
13 let's see what it is.

14 MR. SAMS: Yes, sir.

15 I was just trying to think if there is anything --  
16 I'm sorry, the victim will testify. I don't think he  
17 would -- he couldn't say what he said that would cover it.

18 THE COURT: We will proffer that witness.

19 MR. SAMS: Yes, sir.

20 THE COURT: Okay. Anything else?

21 MR. SAMS: I would just like to clarify in front  
22 of my victim, who is here, that we are going to -- the  
23 reason he was at this house, what I understand him coming  
24 to -- the testimony is that he was there to buy cigarettes  
25 that were being sold, but we are not going to go into any

1 history of buying cigarettes before, or anything, other than  
2 just "I went to buy cigarettes" and that's all.

3 THE COURT: Right. We are clear about that?  
4 Everybody? Okay.

5 MR. THOMPSON: Your Honor, the only other thing I  
6 would have, judge, is ask that the lay witnesses be  
7 sequestered. I realize Mr. Hoffman is the victim, but --

8 MR. SAMS: No objection.

9 THE COURT: Yes. Okay.

10 Anything else?

11 MR. SAMS: No, sir.

12 MR. THOMPSON: No, sir.

13 THE COURT: All right. We are ready for our jury.  
14 We will have our jury.

15 (The following takes place in the presence of the  
16 jury panel).

17 THE COURT: Madam Forelady, you are the  
18 spokesperson for the jury. Any matters at this time?  
19 Everything good?

20 JURY FOREPERSON: Yes.

21 THE COURT: Everything is good.

22 Ladies and gentlemen of the jury, we are about to  
23 try the case, as I told you, of the State of South Carolina  
24 versus Christopher Eugene Martin.

25 Mr. Martin, who is seated at the counsel table

1 with his lawyer, is charged with the offense of attempted  
2 murder. It is alleged that this occurred in Cherokee  
3 County, South Carolina, on or about January the 27th of  
4 2014.

5 Now, ladies and gentlemen, I want to tell you  
6 before we begin this trial that this trial would probably be  
7 different from anything that you might have come to expect.  
8 A lot of folks do not have the chance to attend an actual  
9 court session, as you are doing now, and believe from  
10 watching television, movies, or reading books that trials  
11 are always full of high drama, intense action and riveting  
12 circumstances. And while all of this might be true in some  
13 instances, this trial is not for entertainment purposes. It  
14 is a part of our fundamental part of democracy, a search for  
15 the truth in an effort to make sure that justice is done  
16 between the parties who are appearing before the court. I  
17 tell you that this process is often slow, deliberate and  
18 repetitive, just the opposite of what we all have come to  
19 expect from entertainment. This courtroom is a place of  
20 honor dedicated to the protections and preservations of  
21 citizen's rights through what many have called the greatest  
22 justice system ever created.

23 I tell you that the lawyers appearing before you  
24 are advocates for the party they represent, but first and  
25 foremost they are officers of this court, sworn to uphold

1 the integrity and the fairness of our judicial system. We  
2 thank you in advance and again for accepting this important  
3 responsibility as serving on jury duty this week.

4 Now, what I am telling you at this point in time  
5 are introductions to the trial of this case. My remarks are  
6 not a charge on the law. I will instruct you on the law in  
7 this case at the end of the trial before you retire to  
8 consider your verdict. My remarks are merely an explanation  
9 of the procedure that we will follow during the trial of  
10 this case so that you may better understand what is  
11 happening.

12 Ladies and gentlemen, you are not to take any  
13 notes during the trial of this case.

14 As I previously told you, the defendant is charged  
15 with the offense of attempted murder, the elements of which  
16 will be explained to you later. The indictment is simply a  
17 charging instrument. It is simply a piece of paper that  
18 brings the defendant before the court and in no sense is it  
19 any evidence of any of the allegations contained in the  
20 indictment. The defendant has pled not guilty to the  
21 indictment. The State has the burden of proving each of the  
22 elements of the indictment beyond a reasonable doubt and  
23 it's your duty, ladies and gentlemen, to decide whether the  
24 State has met the burden of proof.

25 Your purpose as jurors is to find and determine

1 the facts in this case. You are the sole judge of the facts  
2 in this case. If I make any comment regarding the facts,  
3 you must disregard it. You are to determine the facts from  
4 the testimony you hear and the other evidence introduced in  
5 court.

6 Ladies and gentlemen, it's up to you to determine  
7 the inferences which you think may be properly drawn from  
8 the evidence presented in this case. It is especially  
9 important that you perform your duty of determining the  
10 facts diligently and conscientiously, because ordinarily  
11 there is no way to correct an erroneous determination of  
12 fact by a jury.

13 Now, on the other hand, and with equal emphasis,  
14 the same law that makes you the judge of the facts makes me  
15 the judge of the law in this case. The law as I give it to  
16 you is the only law that you may consider. You must accept  
17 it and follow it, even if you disagree with it. I cannot  
18 tell you what the facts are and you cannot disagree with me  
19 about what the law is, or should be, or ought to be. Your  
20 job is to take the law as I give it to you at the end of the  
21 case, apply it to the facts as you find them to be from the  
22 testimony and other evidence properly introduced in the  
23 trial, and after doing so render a verdict, a verdict under  
24 your oath that you took as jurors, but until I tell you that  
25 you may begin to deliberate, you must not discuss the case

1 with anyone, including your fellow jurors, friends, family  
2 members, and anyone involved in the case.

3 The lawyers and the parties have been advised by  
4 me that they are not to speak to you. Again, I tell you  
5 that if anyone involved in this case sees you and they do  
6 not speak, they are not being rude. They are simply  
7 following my instructions. You must decide this case based  
8 solely on the evidence presented in this courtroom.

9 Now, during the trial you must not conduct any  
10 independent research about the case, the facts of the case,  
11 the evidence presented, the people or organizations  
12 involved. Please do not try to learn information from any  
13 source outside of this courtroom. In other words, you must  
14 not look at dictionaries or other reference materials,  
15 search the Internet, web sites or blogs, or use electronic  
16 tools of communication to discover or receive information  
17 about this case or to help you decide the case. You may not  
18 use computers, telephones, cellphones, Smart Phones,  
19 tablets, the Internet, or other tools of technology with  
20 communication capability at any time while you are in the  
21 courtroom or during deliberations. During your breaks you  
22 may use those devices, but you must not use them to  
23 communicate with anyone about the case until the case is  
24 ended. This means you must not use phone calls, e-mails,  
25 text messages, instant messages, Twitter, or any blogs, chat

1 room or website, including Facebook, Google Plus, My Space,  
2 Linked in, You Tube, or any social media to send or receive  
3 information about this case. This information includes any  
4 information about a party, a witness, a lawyer, a court  
5 officer, news accounts about the case, or research on any  
6 topics raised or any topic you think would be helpful in  
7 deciding the case or any testimony presented by any witness.  
8 During this trial do not read, listen to, or watch any news  
9 report about this case. And this includes anything that may  
10 be in a newspaper or on the Internet, radio, or television.  
11 You must not consider anything you may have read or heard  
12 about this case outside of this courtroom, whether before or  
13 during this trial. Information on television, radio and  
14 Internet, or other sources may be wrong, or certainly be  
15 incomplete. In our judicial system it's important that you  
16 are not influenced by anything or anyone outside of this  
17 courtroom.

18 Ladies and gentlemen, if you become aware of a  
19 fellow juror's violation of my instructions, please inform  
20 me immediately. It is important that you keep an open mind  
21 and not decide any issue until all of the evidence has been  
22 presented, the parties have made their closing statements  
23 and I have instructed you on the law.

24 It is your solemn responsibility to determine the  
25 guilt or innocence of the defendant and your verdict must be

1 based solely on the evidence as it is presented to you in  
2 this trial and of the law as I instruct you during and at  
3 the close of this trial.

4 In just a few moments the solicitor will make what  
5 is called an opening statement in which he will explain to  
6 you the issues, or at least what he perceives the issues to  
7 be. The attorney for the defendant may also make an opening  
8 statement, although he is not required to do so, but I do  
9 tell you that what the lawyers say during opening statements  
10 is not evidence in the case but only their contention as to  
11 what the issues are. The evidence in this case will be  
12 presented to you by the testimony of sworn witnesses from  
13 this witness stand and from any exhibits introduced into  
14 evidence.

15 Now, ladies and gentlemen, from time to time you  
16 may hear one of the lawyers say "Your Honor, I believe we  
17 have a matter of law for the court," or, "may we approach  
18 the bench," or I, myself, may find it necessary to call the  
19 lawyers forward. Sometimes when I'm doing so I will excuse  
20 you from the courtroom so that you will not overhear our  
21 conversations. For some reason or other I might have to  
22 make a comment on a fact in this case and making comments on  
23 a fact is not permissible in front of this jury. You are  
24 the sole judges of the facts in this case. So in that  
25 instance I will excuse you to the jury room from the



1 courtroom for a very short time while I discuss the matter  
2 with the lawyers.

3 Now, in determining what the true facts are in  
4 this case you must decide whether or not the testimony of a  
5 witness is believable. It is my responsibility to rule as a  
6 matter of law as to whether the testimony is admissible.  
7 But whether or not it is -- but once admitted, whether or  
8 not it is believable is solely for you to determine.

9 In deciding whether to believe a witness, you have  
10 the right to consider the interest of the witness, any bias  
11 or prejudice of the witness and the opportunity for the  
12 witness to have seen or heard the matters about which he or  
13 she is testifying. In other words, you have the right to  
14 consider anything what is in the record that will help you  
15 evaluate the testimony of the witnesses.

16 Now, Madam Forelady, you have previously been  
17 appointed. And I tell you, you are the spokes lady,  
18 spokesperson for this jury. When you leave and return back  
19 to the courtroom I will try to always ask you if there are  
20 any matters whatsoever from the jury. You are the  
21 spokesperson, so if the jury has an issue, a matter,  
22 whatever it needs to be, they would inform you and then I  
23 would address you in open court, as we did when you first  
24 came back into the courtroom.

25 Again, we would ask you to please be prompt in

1 your jury service. I assure you that if someone is late, we  
2 cannot begin without you and we would be forced into waiting  
3 on the tardy person. Please, please, please, don't be that  
4 person. Okay. Thank you.

5 Now, solicitor ready?

6 MR. SAMS: Yes, Your Honor.

7 THE COURT: All right.

8 MR. SAMS: Thank you, Your Honor.

9 May it please the court?

10 THE COURT: Yes, sir.

11 MR. SAMS: Madam Forelady, ladies and gentlemen of  
12 the jury, this case is about a man literally stabbing  
13 another man in the back.

14 The defendant seated here, Christopher Martin, is  
15 charged with attempted murder. Now, the reason he's facing  
16 those charges and what we are going to prove to you is that  
17 an argument took place between the victim, Mr. Nathan  
18 Hoffman, seated here, and the defendant Christopher Martin.  
19 That argument took place in Mr. Martin's house.

20 Now, Mr. Hoffman, the victim, walked away from  
21 that argument. Just like they tell you when you are little  
22 when you are growing up to walk away from trouble. He  
23 walked away. He walked out of that house, out of the yard,  
24 out of the fence to the street and up the street away from  
25 that argument.

1           Now, there is no denying there was an argument  
2 between the two, but it was simply a verbal exchange back  
3 and forth and as it got heated, Mr. Hoffman left the  
4 premises. He retreated and began to walk up the street. He  
5 literally was walking away from trouble, or so he thought.  
6 In fact, you are going to hear that he ran away from  
7 trouble.

8           Now, the State is going to present eleven or  
9 twelve witnesses that you are going to hear from, and the  
10 testimony that you are going to hear is going to establish  
11 that the defendant followed the victim out of that house and  
12 up the street. After the victim had retreated by walking up  
13 the street, the defendant grabbed a gun out of his house,  
14 put it back, walked back outside, took his shirt off, got  
15 his knife and went up the street after Mr. Hoffman.

16           Now, when Mr. Hoffman noticed that the defendant  
17 had that knife he tried to get the away faster and this --  
18 this occurred about a block away from where the original  
19 argument took place at Mr. Martin's house. Mr. Hoffman  
20 tried to get away faster when he sees that knife, but  
21 unfortunately you can't always run away from trouble. He  
22 slipped. The defendant then catches up with him. Mr.  
23 Hoffman tried to keep the defendant from attacking him with  
24 that knife, but the defendant did stab him in the back with  
25 that knife.

1 Now, you are going to hear from the trauma  
2 surgeon, Dr. Charles Morrow, who treated Mr. Hoffman at  
3 Spartanburg Regional after he was airlifted to the hospital,  
4 and through Dr. Morrow's testimony he is going to describe  
5 that stab wound to you. It penetrated through Mr. Hoffman's  
6 back into his chest area and he's going to describe the  
7 dangers and the symptoms involved with that, of what Mr.  
8 Hoffman suffered there in the street, a block away from  
9 where this argument took place.

10 Now, after Mr. Martin stabbed Mr. Hoffman, he  
11 turns around, goes back to his house and then leaves.

12 Now, the reason we are here on attempted murder  
13 and we are not here on murder charges is really because Mr.  
14 Hoffman was lucky, blessed, fortunate, whatever you want to  
15 say, whatever your beliefs -- whatever your beliefs will  
16 tell you, because there was an individual named Ray Pierce  
17 who knew Mr. Hoffman, who heard him outside after he was  
18 stabbed and decided to go outside and help Mr. Hoffman when  
19 he was in the street after this stab wound. Mr. Pierce  
20 applied pressure to that puncture wound to keep him from  
21 bleeding out there on site and then he was subsequently  
22 fortunately airlifted to Spartanburg Regional where he  
23 underwent surgical treatment luckily in time. And as you  
24 can see, he didn't die. By luck, blessing, whatever,  
25 whatever it may be, we very easily could have been here on a

1 murder charge.

2 At the close of evidence I feel confident that you  
3 will find that the State has proven to you that the  
4 defendant, Mr. Christopher Martin, left that house and that  
5 porch with the intention to stab Mr. Hoffman and leave him  
6 out in the street to die. Thank you.

7 THE COURT: Mr. Thompson.

8 MR. THOMPSON: If it please the court, Your Honor?

9 THE COURT: Yes, sir.

10 MR. THOMPSON: Good afternoon, ladies and  
11 gentlemen.

12 I cannot talk about the facts in opening remarks,  
13 because especially with the number of witnesses that you are  
14 going to hear, you are going to hear from things that one  
15 person will say this, the other will say that, the other  
16 will say that. I may say something different than what you  
17 are going to hear. What you need to do is take from what  
18 you hear from that witness stand.

19 And you don't have an easy job, okay? You are  
20 going to have a day and a half of listening to -- probably  
21 not even a day. Maybe a day at this point of listening to  
22 testimony to decide what happened that night. I have had  
23 this case for a year and a half. I can't tell you what  
24 happened that night. I wasn't there. The solicitor can't  
25 tell you. He wasn't there. You have to wait and decide it

1 and you wasn't there. That's not exactly right, because you  
2 don't have to decide what happened. What you have to decide  
3 is what has the State proven beyond a reasonable doubt had  
4 happened. Okay. That's what you have got to decide is what  
5 has been proved to you beyond a reasonable doubt. And if  
6 there is any reason for a doubt, that doubt goes to Mr.  
7 Martin, because he's considered an innocent man right now.  
8 He's sitting there an innocent man. He's an innocent man  
9 until -- unless and until such time as the twelve of you say  
10 otherwise.

11 What you need to do is you need to take -- or let  
12 me suggest what you need to do is take the testimony, the  
13 evidence that you hear, decide what the State has proven to  
14 you, whatever they have proven to you at the end of the  
15 trial. The judge is going to give you the law. Take what  
16 the State has proven to you, see how it meshes and how it  
17 fits into that law, okay? If they haven't proven anything  
18 to you, come back with a not guilty verdict. If they have  
19 failed to prove the elements that's necessary in the law,  
20 it's a not guilty verdict, but that's what I would suggest  
21 that you do is listen very, very carefully.

22 I honestly think that the general story from every  
23 one of these witnesses is going to be the same, okay? They  
24 all are not going to be down to the same, but it's going to  
25 be pretty generally the same. There may be a few specifics

1 here and there, but listen at it. See what is proven to you  
2 and how it meshes with the law the judge gives you. And at  
3 that point in time you can do your job of deciding what the  
4 verdict in this matter should be, okay? With that I'm going  
5 to sit down and I assume you will see me again after lunch.  
6 Thank you.

7 THE COURT: All right. Does the State want to --  
8 have you got a short witness or do you want to break for  
9 lunch at this point in time now?

10 MR. SAMS: Your Honor, I'll leave that to the  
11 discretion of the court. Detective Burgess I would think  
12 will take no more than 15, 20 minutes at the most.

13 MR. THOMPSON: I may have that long on cross on  
14 him. I just don't know.

15 THE COURT: Okay. I don't want to run too late  
16 here.

17 Okay. Here is what we are going to do, ladies and  
18 gentlemen. We have now started the trial and you have heard  
19 opening statements. We will break -- it's about 12:30 and  
20 I'm told it might end up being closer to one it sounds like,  
21 so I don't want to push up that far. What we are going to  
22 do is we are going to stop for lunch. We are going to take  
23 about an hour and fifteen -- let's see, it's five after.  
24 How about -- how about one -- can we be ready -- everybody  
25 ready to go by 1:30?

1 MR. SAMS: Yes, sir.

2 MR. THOMPSON: Yes, sir.

3 THE COURT: Okay. We are going to reconvene at  
4 1:30. I would ask you, Madam Forelady, and everyone, to  
5 please be back in your -- do you want them back here, Mr.  
6 Bailiff.

7 THE BAILIFF: Yes, sir.

8 THE COURT: In this room about 20 minutes after.  
9 We have restroom facilities, coffee, water, anything that  
10 you might need. It will give you a last chance to use the  
11 facility, drink of water, what you might need to do. I'm  
12 not leaving the building. I brought my lunch. I usually  
13 do, so I'm going to be right here, but at 1:30 I'm going to  
14 take this bench and we will roll right into this case  
15 without further ado.

16 Do not discuss the case at all. You don't know  
17 anything about it, other than the opening statements have  
18 been made. So with that, Madam Forelady, if you will take  
19 the jurors to the jury room, you are excused from there to  
20 go to lunch. Please be back about 20 after. I will take  
21 the bench at 1:30 and we will roll into the afternoon.

22 (The following takes place outside the presence of  
23 the jury panel).

24 THE COURT: All right. We are going to be in  
25 recess until 1:30.



1 MR. THOMPSON: He's in custody.

2 THE COURT: All right.

3 (Google Map marked as State's Exhibit No. 1 for  
4 identification).

5 (Photograph marked as State's Exhibit No. 2 for  
6 identification)

7 (Photograph marked as State's Exhibit No. 3 for  
8 identification)

9 (Photograph marked as State's Exhibit No. 4 for  
10 identification).

11 (Photograph marked as State's Exhibit No. 5 for  
12 identification)

13 (Photograph marked as State's Exhibit No. 6 for  
14 identification)

15 (Photograph marked as State's Exhibit No. 7 for  
16 identification)

17 (Photograph marked as State's Exhibit No. 8 for  
18 identification)

19 (Photograph marked as State's Exhibit No. 9 for  
20 identification)

21 (Photograph marked as State's Exhibit No. 10 for  
22 identification)

23 (Photograph marked as State's Exhibit No. 11 for  
24 identification)

25 (Photograph marked as State's Exhibit No. 12 for

1 identification)

2 (Photograph marked as State's Exhibit No. 13 for  
3 identification)

4 (Photograph marked as State's Exhibit No. 14 for  
5 identification)

6 (Photograph marked as State's Exhibit No. 15 for  
7 identification)

8 (Photograph marked as State's Exhibit No. 16 for  
9 identification)

10 (Photograph marked as State's Exhibit No. 17 for  
11 identification)

12 (Photograph marked as State's Exhibit No. 17 for  
13 identification)

14 (Photograph marked as State's Exhibit No. 18 for  
15 identification)

16 (Photograph marked as State's Exhibit No. 19 for  
17 identification)

18 (Photograph marked as State's Exhibit No. 20 for  
19 identification)

20 (Photograph marked as State's Exhibit No. 21 for  
21 identification)

22 (Photograph marked as State's Exhibit No. 22 for  
23 identification)

24 (Photograph marked as State's Exhibit No. 23 for  
25 identification)

1 (Photograph marked as State's Exhibit No. 24 for  
2 identification)

3 (Photograph marked as State's Exhibit No. 25 for  
4 identification)

5 (Photograph marked as State's Exhibit No. 26 for  
6 identification)

7 (Photograph marked as State's Exhibit No. 27 for  
8 identification)

9 (Photograph marked as State's Exhibit No. 28 for  
10 identification)

11 (Photograph marked as State's Exhibit No. 29 for  
12 identification)

13 (Photograph marked as State's Exhibit No. 30 for  
14 identification)

15 (Photograph marked as State's Exhibit No. 31 for  
16 identification)

17 (Photograph marked as State's Exhibit No. 32 for  
18 identification)

19 (Photograph marked as State's Exhibit No. 33 for  
20 identification)

21 (Photograph marked as State's Exhibit No. 34 for  
22 identification)

23 (Photograph marked as State's Exhibit No. 35 for  
24 identification)

25 (Photograph marked as State's Exhibit No. 36 for

1 identification)

2 (Photograph marked as State's Exhibit No. 37 for  
3 identification)

4 (Photograph marked as State's Exhibit No. 38 for  
5 identification)

6 (Photograph marked as State's Exhibit No. 39 for  
7 identification)

8 (Photograph marked as State's Exhibit No. 40 for  
9 identification)

10 (Photograph marked as State's Exhibit No. 41 for  
11 identification)

12 (Photograph marked as State's Exhibit No. 42 for  
13 identification)

14 (Photograph marked as State's Exhibit No. 43 for  
15 identification).

16 (Box of Clothes marked as State's Exhibit No. 44  
17 for identification)

18 (Whereupon, proceedings were recessed)

19 (Whereupon, proceedings were reconvened).

20 THE COURT: Everybody ready to go?

21 MR. SAMS: Yes.

22 MR. THOMPSON: Yes.

23 THE COURT: Let's have our jury.

24 (The following takes place in the presence of the  
25 jury panel)

DETECTIVE RICHARD BURGESS - DIRECT BY MR. SAMS

1 THE COURT: Madam Forelady, any matters for the  
2 jury?

3 JURY FOREPERSON: No, sir.

4 THE COURT: The jury is ready?

5 JURY FOREPERSON: Yes.

6 THE COURT: Gentlemen, ready?

7 MR. SAMS: Yes, sir.

8 MR. THOMPSON: Yes.

9 THE COURT: All right.

10 MR. SAMS: Thank you, Your Honor.

11 The State would call Detective Richard Burgess to  
12 the stand.

13 DETECTIVE RICHARD BURGESS, having been first duly  
14 sworn, testified as follows:

15 THE COURT: Detective, tell us your full name and  
16 spell your last name for my court reporter, please.

17 THE WITNESS: My name is Richard Phillip Burgess,  
18 II, B-U-R-G-E-S-S.

19 THE COURT: Solicitor.

20 MR. SAMS: Thank you, Your Honor.

21 DIRECT EXAMINATION BY MR. SAMS:

22 Q. Detective Burgess, where are you employed and what's  
23 your position?

24 A. Cherokee County Sheriff's Office. Detective.

25 Q. Okay. And what are your duties as detective?

1 A. Just investigate crimes within the -- it could be any  
2 broad number of crimes in the county.

3 Q. So you serve as an investigator for the sheriff's  
4 office?

5 A. Yes, sir.

6 Q. How long have you been in that position?

7 A. Approximately six years.

8 Q. Okay. So you would have been employed obviously in  
9 that position on January the 27th, 2014?

10 A. Yes, sir.

11 Q. And on that date did you become involved in an  
12 investigative capacity in a case involving Mr. Martin that  
13 is charged here today as an attempted murder?

14 A. Yes, sir.

15 Q. Okay. How did you become involved in that case?

16 A. I was notified by I guess deputies on the scene that  
17 got an initial call of a stabbing or cutting. I responded  
18 out to the scene and basically just started taking  
19 statements and stuff from witnesses at that point.

20 Q. You took statements from witnesses?

21 A. Yes, sir.

22 Q. Who all did you speak to during the course of your  
23 investigation?

24 A. Actually I spoke to a Bobbi Jo Bolin, a Herman Ray  
25 Pierce. I also spoke to a Vernon Scates, a William Parnell

DETECTIVE RICHARD BURGESS - DIRECT BY MR. SAMS

1 Putnam, III. A Jeffery Lynn White. And I also spoke to  
2 Christopher Martin.

3 Q. Okay. You spoke to the defendant also?

4 A. Yes, that was on the initial -- on -- on that evening.

5 Q. Okay. And on the scene that evening did you observe  
6 anything else?

7 A. As I arrived on the scene, the victim, Mr. Hoffman, had  
8 been -- he was already being medically treated and was being  
9 airlifted at that point.

10 Q. Okay.

11 MR. SAMS: Permission to approach the witness,  
12 Your Honor?

13 THE COURT: Yes, sir.

14 BY MR. SAMS:

15 Q. Detective, I'm going to hand you what's been pre-marked  
16 State's Exhibits 3 through 43. If you would please take a  
17 moment and look through all these?

18 A. (Witness examining photographs).

19 Yes, sir.

20 Q. Okay. Do you recognize the scene captured in those  
21 photographs?

22 A. Yes, sir.

23 MR. SAMS: And permission to approach the witness,  
24 Your Honor?

25 THE COURT: Yes, sir.

1 BY MR. SAMS:

2 Q. I want to get those back from you.

3 Could you identify what is contained in those  
4 photographs?

5 A. It appears to be a trail of blood.

6 Q. I'm sorry?

7 A. I say it's the trail of blood.

8 Q. Okay. And where was that trail of blood?

9 A. It would be from -- it's on . I think it  
10 was from the intersection there at , looked like  
11 going in the backyard of Mr. Pierce's residence off

12 .  
13 Q. Off of .?

14 A. Yes, sir.

15 Q. The blood trail went from towards  
16 on .?

17 A. Yes, sir.

18 Q. And you observed that on the scene that evening?

19 A. Yes, sir.

20 MR. SAMS: Permission to approach once more?

21 THE COURT: Yes.

22 BY MR. SAMS:

23 Q. I'm going to refer you also specifically to --

24 MR. SAMS: Scratch that question.

25 Your Honor, I believe State's Exhibit 1, which is



DETECTIVE RICHARD BURGESS - DIRECT BY MR. SAMS

1 the Google map rendering has been stipulated for  
2 demonstrative purposes.

3 MR. THOMPSON: That's true.

4 THE COURT: Okay. Are you admitting it?

5 MR. SAMS: Yes, sir, I would like to admit it as  
6 State's Exhibit 1.

7 MR. THOMPSON: Yes.

8 THE COURT: It's without objection. It's  
9 stipulated to, State's 1.

10 (Whereupon, State's Exhibit No. 1 was entered into  
11 the record as evidence)

12 MR. SAMS: Permission to publish to the jury?

13 THE COURT: Yes, sir.

14 MR. SAMS: If you could dim the lights.

15 BY MR. SAMS:

16 Q. Detective Burgess --

17 MR. SAMS: May he step down?

18 THE COURT: Certainly.

19 Detective, stay close to my court reporter. He  
20 has to be able to record everything that you say.

21 THE WITNESS: Yes, sir.

22 (Witness off the witness stand)

23 BY MR. SAMS:

24 Q. Detective, for reference purposes I'm going to hand you  
25 this laser pointer.

1 Can you see and read that, detective?

2 A. Yes, sir.

3 Q. Okay. Can you show me what streets we are looking at  
4 and tell the jury the names of each street?

5 A. This is . This is . It cuts  
6 across. goes this way. And  
7 goes there.

8 Q. Okay. The blood trail that you just referred to, where  
9 was that on this map?

10 A. It seemed to initiate here.

11 Q. Okay. And which direction did it run?

12 A. This way. And then from the pictures that were in the  
13 backyard of this residence.

14 Q. Okay. And show us once again where was the beginning  
15 of the blood trail where it had started to run?

16 A. (Witness pointing).

17 Q. And during the course of your investigation, did you  
18 determine where Mr. Christopher Martin lived, the defendant?

19 A. Yes, sir, he lived here.

20 Q. Okay. That was his residence.

21 And then once again, where did the blood trail  
22 initiate?

23 A. Here.

24 Q. Okay. Let me grab that from you and you can have a  
25 seat. Thank you.

DETECTIVE RICHARD BURGESS - DIRECT BY MR. SAMS

1 (Witness back on the witness stand).

2 BY MR. SAMS:

3 Q. Now, you were just shown the -- and I should have left  
4 this on, but you just shown the jury where the blood trail  
5 was contained there on that map. Did you know where Mr.  
6 Hoffman, the victim, ended up?

7 A. According to the witnesses --

8 Q. Was he on the scene or had he already been airlifted?

9 A. He was already being airlifted at that point.

10 Q. He had already been airlifted.

11 A. Yeah.

12 Q. Okay. During the course of your investigation -- well,  
13 let me ask it this way, actually.

14 MR. SAMS: I'm actually going to ask him to step  
15 back down.

16 (Witness off the witness stand).

17 BY MR. SAMS:

18 Q. Once more, where did that blood trail end?

19 A. In the backyard here at

20 Q. Okay. During the course of your investigation did you  
21 determine who lived at that residence on this property?

22 A. That was Mr. Herman Ray Pierce.

23 Q. Herman Ray Pierce?

24 A. Yes, sir.

25 Q. Now, you stated that you were --

1 (Witness back on the witness stand).

2 BY MR. SAMS:

3 Q. -- investigating a stabbing. Did you find a knife or  
4 weapon of any type?

5 A. No, sir.

6 Q. Did you look for one?

7 A. I did look for one.

8 Q. Okay. Tell me what efforts were made to find that  
9 weapon.

10 A. Kind of walked the roadway, went to the residence and  
11 just kind of -- just -- just searched the area.

12 Q. Okay. And you were never able to locate --

13 A. No, sir.

14 Q. -- the weapon involved?

15 Is there any other pertinent actions that you took as a  
16 part of your investigation that we haven't mentioned?

17 A. No, sir.

18 Q. Okay.

19 A. Nothing else.

20 Q. And as a result of that investigation what action did  
21 you take?

22 A. I spoke to Judge Crocker, I believe it was, and  
23 determined there was probable cause and signed the arrest  
24 warrant.

25 Q. Okay. And did you serve that arrest warrant on the

DETECTIVE RICHARD BURGESS - CROSS BY MR. THOMPSON

1 defendant before or after you spoke with him?

2 A. It was after.

3 MR. SAMS: No other questions, Your Honor.

4 THE COURT: All right, Mr. Thompson.

5 CROSS EXAMINATION BY MR. THOMPSON:

6 Q. Detective, you say that you looked for a weapon?

7 A. Yes, sir.

8 Q. And how long did you look?

9 A. Long -- I actually looked -- I can't -- I can't give  
10 you a time frame. I knew my crime scene guys searched the  
11 area as well.

12 Q. Did it involve just walking down the road, or did you  
13 search the yards along this roadway, or what?

14 A. I think they searched the yards along the roadway,  
15 along the fence line where they seen the defendant leave.

16 Q. Okay. Now, how did you make contact with Mr. Martin?

17 A. Mr. Martin actually called us, or called 911.

18 Q. He called 911?

19 A. Yes, sir.

20 Q. And where was he at when he called 911?

21 A. Mike's Corner food store.

22 Q. Now, in relation to where this incident happened, how  
23 far away is Mike's Corner?

24 A. Approximately -- approximately two blocks.

25 Q. Two blocks?

1 A. Yes, sir.

2 Q. Okay. Did you search between the side of the incident  
3 and Mike's Corner for a weapon?

4 A. We looked -- we looked in that area. Yes, sir, we did.  
5 We just still never located anything.

6 Q. Okay. When you -- I'm making an assumption, and maybe  
7 I'm a fool, but I assume when you talked with Mr. Martin,  
8 you talked with him at the police station, is that correct?

9 A. Yes, sir.

10 Q. Sheriff's office?

11 A. Yes, sir.

12 Q. Okay. Did you search him to see if he had a weapon on  
13 him at that time?

14 A. Another officer had already picked him up and I assume  
15 that they had.

16 Q. Okay. So you are not -- but you went ahead and  
17 arrested him right then, right, after talking with him?

18 A. After speaking with him, yes, sir.

19 Q. You had the arrest warrant while you were talking to  
20 him and waited until you talked to him and then arrested  
21 him?

22 A. Yes, sir, I believe that's correct.

23 Q. Okay. So he never left the sheriff's office on his  
24 own, other than to go to be booked in at the jail, is that  
25 correct?

DETECTIVE RICHARD BURGESS - CROSS BY MR. THOMPSON

1 A. Exactly.

2 Q. All right. Was anything found on him when he was  
3 booked in at the jail?

4 A. No, sir.

5 Q. Now, I believe you testified that the victim was  
6 already being airlifted upon your arrival?

7 A. Yes, sir.

8 Q. Okay. Did you ever contact the hospital to see what  
9 was in his property?

10 A. I did not, no, sir.

11 Q. You didn't, okay.

12 So you don't know whether a -- when he was taken into  
13 the hospital, whether or not there was a white knife found  
14 in his property when they emptied his pockets and all?

15 A. I didn't know at that time, no, sir.

16 Q. Okay. Do you know that now?

17 A. I do know that now.

18 Q. You do know that now?

19 A. (Shaking head yes).

20 Q. Okay. So the victim actually had a knife on him?

21 A. Yes, sir.

22 Q. Okay. Now, you said that you talked -- on that night  
23 you talked with Bobbi Jo Bolin, Herman Pierce, Vernon  
24 Scates, William Putnam. And Vernon Scates, is that the  
25 father or the son?

- 1 A. That's going to be the father.
- 2 Q. The father?
- 3 A. Yes, sir, Pinto.
- 4 Q. Okay. And I know he had a nickname. I just didn't
- 5 know what it was.
- 6 William Putnam?
- 7 A. Yes, sir.
- 8 Q. Jeff Wyatt?
- 9 A. Yes, sir.
- 10 Q. And Mr. Martin?
- 11 A. Yes, sir.
- 12 Q. Now, the next day did you talk with somebody else?
- 13 A. Yes, sir.
- 14 Q. And who was that?
- 15 A. I talked to Mr. Hoffman and also talked to a Ms.
- 16 Ramsey, Jessica Ramsey.
- 17 Q. And in your discussions with them -- I don't want you
- 18 to tell me what the discussions were, but did you determine
- 19 that there had been an altercation between Mr. Hoffman and
- 20 somebody, "Little Man", that was in the house?
- 21 A. Yes, sir.
- 22 Q. Okay. Now, "Little Man" is not Mr. Martin, is that
- 23 correct?
- 24 A. That's correct.
- 25 Q. He is somebody different?



DETECTIVE RICHARD BURGESS - CROSS BY MR. THOMPSON

1 A. Yes, sir.

2 Q. And he and a woman named Libby were living in the  
3 house, is that correct?

4 A. Yes, sir.

5 Q. Okay. Did you talk with "Little Man" or Libby?

6 A. After that point I -- when I spoke to Ms. Ramsey, she  
7 advised me I think later that they had moved -- they had  
8 left the residence and I haven't -- I wasn't able to locate  
9 them.

10 Q. So they had left the residence within a 24-hour period  
11 basically then?

12 A. Yes.

13 Q. The incident occurred on the 27th and you talked to her  
14 on the 28th?

15 A. Yes, sir.

16 Q. Did you continue to attempt to locate them?

17 A. I -- I can't say how many more times, if any, you know.

18 Q. Did you know who "Little Man" was? Do you know his  
19 real name?

20 A. I think it was Henderson, a Billy Henderson.

21 Q. Billy Henderson.

22 And how long did you work -- have you worked on this  
23 case any recently?

24 A. No, sir, not --

25 Q. So you don't know that Billy Henderson has been over

1 here in the jail for a period of time?

2 A. No, sir.

3 Q. Okay. Had you known that, would you have talked with  
4 him?

5 A. Yes, sir.

6 Q. And do you know what Libby's name is?

7 A. No, sir.

8 Q. You don't know. Libby is all we know?

9 A. Yes.

10 Q. These people that you talked with, Ms. Bobbi Jo Bolin,  
11 is that a female?

12 A. Yes, sir.

13 Q. Ms. Bolin, Mr. Pierce, Mr. Scates, Mr. Putnam, Mr.  
14 Wyatt, and Ms. Ramsey, did you take written statements from  
15 them?

16 A. Yes, sir.

17 Q. Good. Thank you.

18 A. Yes, sir.

19 Q. Thank you.

20 THE COURT: Anything?

21 MR. SAMS: Yes, sir.

22 REDIRECT EXAMINATION BY MR. SAMS:

23 Q. You answered that Mr. Martin called 911, is that  
24 correct?

25 A. Yes, sir.

DETECTIVE RICHARD BURGESS - REDIRECT BY MR. SAMS

1 Q. And did other people call 911 with this case?

2 A. I'm not sure who made the initial call. Mr. Martin  
3 called after, after the initial call.

4 Q. Police were contacted through 911 prior to Mr. Martin  
5 contacting 911 about this case?

6 A. Yes, sir.

7 Q. Do you know how long?

8 A. I think the initial call come in at 18:10, which would  
9 be 6:10 p.m.. Mr. Martin calls 911 at 18.-- I think it was  
10 18:58, which would be 40 -- 48 minutes later. Yeah, 18:58.

11 Q. So Mr. Martin's call came in 48 minutes after the  
12 initial call was made about this stabbing?

13 A. Yes, sir.

14 Q. And when you met with Mr. Martin in the sheriff's  
15 office, when Mr. Thompson was talking about you meeting with  
16 him prior to serving the warrant, did he have any visible  
17 injuries that you saw on him? Any physical injuries?

18 A. None that I noted.

19 Q. Did he complain of any injuries of being stabbed, or  
20 cut, or anything?

21 A. No, sir.

22 Q. And I think I asked you before. This occurred in  
23 Cherokee County?

24 A. Yes, sir.

25 Q. And you spoke to Jessica Ramsey?

1 A. Yes, sir.

2 Q. You told Mr. Thompson you spoke to her.

3 And she was present in the house during the initial  
4 argument between Mr. Martin and "Little Man" or Mr.  
5 Henderson?

6 A. Yes. She said she was, yes, sir.

7 Q. Did you determine through the course of your  
8 investigation how Ms. Ramsey knew Mr. Martin or how they  
9 were related to each other?

10 A. Boyfriend girlfriend.

11 MR. SAMS: No further questions, Your Honor?

12 THE COURT: Anything?

13 MR. THOMPSON: No, sir.

14 THE COURT: Sir, you may step down. Please be  
15 careful.

16 THE WITNESS: Thank you.

17 MR. SAMS: Your Honor, the State calls Nathan  
18 Hoffman to the stand.

19 NATHAN HOFFMAN, having been first duly sworn,  
20 testified as follows:

21 THE COURT: Sir, please state your full name and  
22 spell your last name, please.

23 THE WITNESS: Nathan Shay Hoffman, H-O-F-F-M-A-N.

24 THE COURT: All right. Pull that microphone just  
25 a little closer to you. Thank you.

NATHAN HOFFMAN - DIRECT BY MR. SAMS

1 Solicitor.

2 MR. SAMS: Thank you, Your Honor.

3 DIRECT EXAMINATION BY MR. SAMS:

4 Q. Mr. Hoffman, do you know Christopher Martin?

5 A. Yes, sir.

6 Q. Did you know him prior to the date of this incident?

7 A. I had met him maybe a week prior to that.

8 Q. You had met him? You knew who he was?

9 A. Yes, sir.

10 Q. And on this particular date, January 27th, 2014 that  
11 this incident occurred, how did you come into contact with  
12 him? How did that start?

13 A. I had went to his house to buy cigarettes that evening.

14 Q. To buy cigarettes?

15 MR. SAMS: Permission to approach the witness,  
16 Your Honor?

17 THE COURT: Yes.

18 BY MR. SAMS:

19 Q. I'm going to hand you State's Exhibit No. 2, what's  
20 been pre-marked. If you could take a look at that. Do you  
21 recognize that?

22 A. Yes, I do.

23 Q. Could you identify that for the record?

24 A. Yes.

25 Q. What is it?

1 A. That is a sign out front of his home, Christopher  
2 Martin's home.

3 Q. Okay. And what does that sign say?

4 A. "Cigarettes for sale."

5 Q. Okay. Was that there on that particular date when you  
6 went to --

7 A. Yes, it was.

8 Q. -- buy cigarettes?

9 A. Yes, it was.

10 Q. That's a true and accurate copy of what that sign had  
11 looked like there at his house?

12 A. Yes, sir.

13 MR. SAMS: Okay. I would move to admit this as  
14 State's Exhibit 2, Your Honor.

15 MR. SAMS: No objection.

16 THE COURT: It's admitted without.

17 MR. SAMS: Thank you, Your Honor.

18 (Whereupon, State's Exhibit No. 2 was entered into  
19 the record as evidence)

20 MR. SAMS: Permission to publish?

21 THE COURT: Yes, sir.

22 BY MR. SAMS:

23 Q. He just had a little make-shift sign there outside on  
24 his fence?

25 A. Yes, sir.

1 Q. Okay. And in order to go buy the cigarettes, did you  
2 enter that residence?

3 A. Yes, I did.

4 Q. Okay. Who all was located there in or around the  
5 premises at Mr. Martin's house?

6 A. Chris, his girlfriend.

7 Q. What was her name? Did you know that?

8 A. I did not know her name.

9 Q. Okay. Who else?

10 A. Billy Henderson and his girlfriend Libby.

11 Q. Okay. Billy Henderson; is that who is referred to as  
12 "Little Man"?

13 A. Yes, sir.

14 Q. Okay. And tell me what happened when you are inside  
15 that house.

16 A. Well, I went in and, you know, asked if he still had  
17 any cigarettes and he said yes. He went to sit down to roll  
18 them.

19 Q. You were asking Mr. Martin this?

20 A. Yes, sir.

21 Q. Okay. Go ahead.

22 A. And as he was sitting down making the cigarettes,  
23 "Little Man", Billy, approached me and said his girlfriend  
24 had told him that I had come onto her, was flirting with  
25 her, messing with her, or whatever, and went back to strike

1 me. I went to the defend myself and --

2 Q. This was "Little Man" that went back to strike you?

3 A. Yes. And I went to defend myself and Chris jumps up  
4 and starts yelling "no, not in my house. You are not going  
5 to disrespect me here." Actually I didn't think he was  
6 talking about me, because I wasn't the one that was starting  
7 it.

8 Q. Okay. Did any actual physical fight occur between you  
9 and Mr. Henderson?

10 A. No.

11 Q. Okay. No weapons were displayed or anything along  
12 those lines?

13 A. No, sir.

14 Q. And you stated that Mr. Martin jumped up you thought to  
15 just stop the fight?

16 A. (Shaking head yes).

17 Q. Okay. What occurred after that?

18 A. Well, once I realized that his demeanor was not towards  
19 Billy but towards me, I kind of was ready to get out of the  
20 house at that time and made my way out the door and got on  
21 out of there.

22 Q. Okay. So you left immediately?

23 A. Yes.

24 Q. Okay. And did you and Mr. Martin touch each other at  
25 all?



NATHAN HOFFMAN - DIRECT BY MR. SAMS

1 A. No.

2 Q. Okay. Which door did you walk out?

3 A. The same one I came in, the front door.

4 Q. Is that the door?

5 A. Yes.

6 Q. And what happened after you left out of the house?

7 Where did you go?

8 A. I walked out of the house, through the front yard, out  
9 the front gate to the left and went down -- or not

10

11 Q. Okay. Now, as you were exiting were you arguing or was  
12 anything -- were any words being exchanged between you and  
13 Mr. Martin?

14 A. As I got around the fence to the side of the house, he  
15 came out on the front porch and said some things. I really  
16 don't know what he said. And I think I made the comment  
17 "you know, blah, blah, talk all you want," and that was it.

18 Q. Where were you when you said that?

19 A. I was in the street.

20 Q. You were already out in the street?

21 A. Yes, sir.

22 Q. Okay.

23 MR. SAMS: Now, may he step down and refer to this  
24 map?

25 THE COURT: Yes.

1 BY MR. SAMS:

2 Q. If you would just step right here, Mr. Hoffman. I'm  
3 going a hand you this laser pointer. You can activate it  
4 right there.

5 (Witness off the witness stand).

6 BY MR. SAMS:

7 Q. If you would please show the jury --

8 First, can you read that?

9 A. Yes.

10 Q. Okay. Show me where Mr. Martin's residence is located.

11 A. Here.

12 Q. Okay. Show me what door you walked out.

13 A. Right here.

14 Q. Okay.

15 A. Through this gate.

16 Q. And where did you go?

17 A. Through this gate and around the side of the house.

18 This is where we exchanged words or he spoke to me and I  
19 said something. I was here.

20 Q. You were standing about there?

21 A. Yes.

22 Q. Okay. And tell us where you went and what happened  
23 after that.

24 A. I continued down the street here and he followed.

25 Right around in here I turned back and I saw him and he

NATHAN HOFFMAN - DIRECT BY MR. SAMS

1 had a knife in his hand and I think I spoke to him. I said  
2 "so now you are going to cut me," and I sped up and right  
3 around here he caught me.

4 Q. Okay. That's where he caught up with you around

5 ?

6 A. Yes.

7 Q. And what happened when he caught up to you?

8 A. I fell. I slipped in the grass right here and fell and  
9 he got on top of me and stabbed me.

10 Q. Okay. And you saw that knife before he got to you?

11 A. Yes.

12 Q. And where did he stab you?

13 A. In the back here.

14 Q. Okay. Did you at any time ever approach him in an  
15 aggressive manner?

16 A. No.

17 Q. Did you ever come swing at him, or grab him, or  
18 anything like that?

19 A. I -- I -- I tried to grab his legs when I was on the  
20 ground when he -- when he came to me and that was it.

21 Q. After he came at you with the knife?

22 A. Yes.

23 Q. And did you ever display a weapon at all of any type?

24 A. No, sir.

25 Q. Knife, gun, brass knuckles, baseball bat? No weapon at

1 all?

2 A. No, sir.

3 Q. Okay. When he -- when you saw that he had a knife, did  
4 you continue to retreat away from him, or what did you do?

5 A. Yeah, once I saw the knife, that's when I sped up and  
6 actually tried to get away from him a little more.

7 Q. But he sped up?

8 A. Yeah, I actually ran from here to here.

9 Q. Okay. And what happened after he -- what happened  
10 after he stabbed you?

11 A. He walked back towards his home and I made it to the  
12 backyard here.

13 Q. Okay. And whose backyard is that?

14 A. Ray Pierce's backyard.

15 Q. Okay. During that time after you were stabbed, did you  
16 see anybody else around in the street?

17 A. Yes, Willie Parnell was. He was actually walking down  
18 the street at the same time.

19 Q. That's Willie Parnell Putnam?

20 A. Yes.

21 Q. He was out there in the street?

22 A. He was out there before I started running. And then I  
23 don't know where he was when I was here, but he was here  
24 with me at the time when I was walking.

25 Q. Okay. And then once you were stabbed, did you see

NATHAN HOFFMAN - DIRECT BY MR. SAMS

1 anyone else outside?

2 Why did you say -- show us again where you ended up.

3 A. I ended up here.

4 Q. Okay.

5 A. This is where I was.

6 Q. You ended up in that direction?

7 A. Uh-huh.

8 Q. Who was that?

9 A. That is Ray Pierce. That's who -- that's who I think  
10 initially called 911.

11 Q. Okay. Did you interact with Mr. Pierce?

12 A. Yes, I did.

13 Q. Okay. In what way?

14 A. I -- when I came to the backyard I was asking for help,  
15 but I couldn't hardly talk. You could actually hear the air  
16 coming out of my back, so I was like a whisper almost asking  
17 for help and luckily it was loud enough where they could  
18 hear me and they came out. And by this time I was on the  
19 ground. I couldn't stand up any more.

20 Q. You said they. Who do you mean they?

21 A. His wife also. Kathy came out.

22 Q. Okay. So Kathy and Ray Pierce?

23 A. Uh-huh.

24 Q. I'm going to grab that back from you. You can take a  
25 seat.

1 (Witness back on the witness stand).

2 BY MR. SAMS:

3 Q. After you were stabbed, you said that you had a  
4 difficult time speaking? Is that what you said?

5 A. Yes, I couldn't speak. It was like the air was -- it  
6 was like the air was gone from -- it was -- you know, it was  
7 just a --

8 Q. Had trouble raising your voice?

9 A. Yes, I couldn't raise my voice.

10 Q. Did you have any other symptoms?

11 A. Just lightheaded.

12 Q. Okay.

13 A. Dizzy.

14 Q. Once you arrived in Mr. Pierce's backyard, what  
15 happened after that?

16 A. Well, I was asking for help. He came out and asked me  
17 what happened and I told him I was stabbed. And he actually  
18 didn't believe me at first, and I had to reach around. I  
19 had to push my elbow to actually touch where it was cut and  
20 showed him the blood. And he went back inside and got a  
21 towel and put it on my back. And I can't -- I really can't  
22 remember which one it was, if it was Kathy or Ray. It was  
23 one stayed there with me keeping the towel on my back and  
24 the other one went I think next door and used their phone to  
25 call 911.

NATHAN HOFFMAN - DIRECT BY MR. SAMS

1 Q. Okay. So to reach that wound on your back, you had to  
2 do what?

3 A. I had to -- I had to take my elbow and push it to where  
4 I could reach it to actually touch the wound itself.

5 Q. Okay. Did the police or paramedics arrive?

6 A. Yes, they arrived. The police arrived first.

7 Q. Can you remember that?

8 A. Yes.

9 Q. Do you remember paramedics arriving?

10 A. I do.

11 Q. What happened after they arrived?

12 A. When the paramedics got there, they -- they almost  
13 immediately cut my shirt off and I think there were  
14 determining how severe it was, because at first I was just  
15 going to go to Upstate. And it wasn't long after that that  
16 they told me that they were going to airlift me.

17 Q. Okay. Did they airlift you?

18 A. Yes, they did.

19 Q. And what did you ride in?

20 A. In a helicopter.

21 Q. Where did they take you?

22 A. Spartanburg Regional.

23 Q. Okay. And what kind of treatment did you receive at  
24 Spartanburg Regional? Or just tell me the treatment that  
25 you received for this wound to this --

1 A. When I got to the emergency room they had a -- they had  
2 to cut a hole in my side to run a tube. They told me that  
3 if they didn't get that tube ran -- I was going to drown if  
4 they didn't hurry up and get the tube run to my lungs to  
5 drain the fluid off of it. So they -- they finally -- they  
6 finally got it. It was kind of uncomfortable when the tube  
7 is ran through your ribcage.

8 Q. You say kind of uncomfortable. What did it feel like?

9 A. It was very painful. It was worse than the stab wound  
10 I would say.

11 Q. What other kind of treatment did you receive, if any?

12 A. After that they had to put another -- I was in surgery  
13 and they had to put another tube, put a second tube, so I  
14 had two tubes running to drain the fluid off. Those tubes  
15 actually stayed in for two weeks before I was able to go  
16 home and have a --

17 Q. How many surgeries have you had related to that  
18 puncture wound?

19 A. I think two. I'm -- I'm not real sure. I think two.

20 Q. Okay. Did you have pain from it continuing?

21 A. Oh, yes, for months. It's almost like I had broken  
22 ribs.

23 Q. Do you still have a scar?

24 A. Yes.

25 Q. How big of a scar?



NATHAN HOFFMAN - CROSS BY MR. THOMPSON

1 A. It's about four inches long.

2 MR. SAMS: No further questions.

3 THE COURT: All right, Mr. Thompson.

4 CROSS EXAMINATION BY MR. THOMPSON:

5 Q. Mr. Hoffman, when you were at the hospital, do you  
6 remember them asking you questions and getting a history off  
7 from you?

8 A. Yes, sir.

9 Q. And do you remember them talking about your -- asking  
10 you about congestion, the fluid in your lungs and all?

11 A. Yes.

12 Q. And they put in a tube to relieve that, is that  
13 correct?

14 A. Yes, sir.

15 Q. Do you not remember telling them that that congestion  
16 had been there for several weeks?

17 A. Yeah, I had actually -- I had actually been sick prior  
18 to that, yes, sir.

19 Q. Okay. So the congestion you had, the fluid in your  
20 lungs was not necessarily the result of what happened to you  
21 that night?

22 A. That's not what they told me.

23 Q. You told them that you had had congestion for a couple  
24 weeks?

25 A. Yeah, I told them that I had been sick and I had had a

1 cough.

2 Q. Okay. Well, you actually used the word congestion,  
3 didn't you, or is that their word?

4 A. I -- I can't remember.

5 Q. Okay. Now, you go down to buy cigarettes --

6 A. (Shaking head yes).

7 Q. -- and you go in the house. And how long were you in  
8 the house before you and "Little Man" got into words?

9 A. Less than ten minutes.

10 Q. Okay. So you were there about ten minutes..

11 And what was going on during that less than ten  
12 minutes?

13 A. I'm just -- Chris started to roll the cigarettes and  
14 that's when "Little Man" approached me. I mean, it's  
15 probably less than five minutes, to be quite honest. It  
16 wasn't long at all after I was in the house.

17 Q. Okay. And what did he say to you when he approached  
18 you?

19 A. Verbatim he asked me -- he said "I heard you ask my  
20 girlfriend to suck your dick" is what he said.

21 Q. Okay. Well, did you put that in your -- did you give a  
22 statement to the police?

23 A. Yes, I did.

24 Q. Did you put that in your statement?

25 A. I probably didn't because I didn't want to be so vague.

NATHAN HOFFMAN - CROSS BY MR. THOMPSON.

1 Q. And was there any physical confrontation between you  
2 and "Little Man", Mr. Henderson?

3 A. No, there wasn't.

4 Q. There was no touching between the two of you at all?

5 A. No.

6 Q. Okay.

7 MR. THOMPSON: May I approach the witness, Your  
8 Honor?

9 THE COURT: Yes, sir.

10 BY MR. THOMPSON:

11 Q. Is this a copy of your statement?

12 A. "He started to push my face."

13 He didn't actually touch me.

14 Q. Is that your signature?

15 A. Yes, sir, it is.

16 Q. Okay. Now, what it says is he said "I ought to pop you  
17 in the mouth for what you said to Libby."

18 A. Uh-huh.

19 Q. That's in quotation marks, right?

20 A. Uh-huh.

21 Q. "And he came over and started pushing my face." Not  
22 that he started to push it, but he started pushing it, is  
23 that correct?

24 A. Yes.

25 Q. Okay. "Then I pushed him back."

1 A. Okay.

2 Q. Okay. So there was some physical contact between you  
3 and him, wasn't there?

4 A. I -- I -- that's probably -- that may be more accurate  
5 than it is now. It's been a long time ago. I don't  
6 actually remember physical contact with him.

7 Q. Okay. So your memory right now is not too good at what  
8 happened that day?

9 A. I mean, it's fine. That's a small portion of what  
10 happened. The bigger picture stands out a lot more than  
11 that small detail does.

12 Q. Okay. And that's when you say Chris jumped up?

13 A. Yes.

14 Q. And you thought he was initially upset with "Little  
15 Man" for starting something at his house and it turns out he  
16 was upset with you?

17 A. Yes, sir.

18 Q. Why was he upset with you?

19 A. That I do not know.

20 Q. And you said at that point in time you left?

21 A. Yes.

22 Q. Who opened the door for you to go out?

23 A. I do not know.

24 Q. In your statement you say you think Chris opened the  
25 door, is that correct?

NATHAN HOFFMAN - CROSS BY MR. THOMPSON

1 A. I -- I -- I don't know who opened the door. I opened  
2 the door to go out. The front door was already open and the  
3 screen door, I pushed it open when I went out.

4 Q. And you and "Little Man" were still having words at  
5 that time, is that right?

6 A. Actually when I left the house "Little Man" said "we  
7 will resolve this later."

8 Q. Okay. And you say that you walked -- did you walk down  
9 the steps, or did you jump off the porch, or how did you get  
10 off?

11 A. I walked.

12 Q. Walked down the steps?

13 A. Yes, sir.

14 Q. Walked across the yard?

15 A. (Shaking head yes).

16 Q. Out the front gate?

17 A. (Shaking head yes).

18 THE COURT: Sir, you have to answer yes or no.  
19 He's recording it.

20 A. Yes.

21 THE COURT: Thank you.

22 BY MR. THOMPSON:

23 Q. Walked out the front gate and turned left?

24 A. Yes.

25 Q. Turned immediately left on the next street again?

1 A. Yes.

2 Q. And started walking down that street?

3 A. Yes, sir.

4 Q. And that's when you say Mr. Martin came out on the  
5 porch and was mouthing at you?

6 A. Yes.

7 Q. And you said that you mouthed something back at him,  
8 right?

9 A. Yes, sir.

10 Q. What happened -- again, now once that happened, once  
11 you mouthed back at him, what did he do?

12 A. He walked back into the house.

13 Q. He walked back into the house?

14 A. Yes.

15 Q. Okay. Did he have a weapon of any kind that you saw at  
16 that point in time?

17 A. Not that I saw then, no.

18 Q. Did he ever pull a gun on you?

19 A. No, not that I saw.

20 Q. Well, if it were a big gun the size of a shotgun or  
21 something, would you have seen that?

22 A. I believe I would have.

23 Q. Okay.

24 A. I saw a small knife in his hand. I don't think a gun.

25 Q. So you never saw him pull a gun on you?

NATHAN HOFFMAN - CROSS BY MR. THOMPSON

1 A. No.

2 Q. Of any kind?

3 A. No.

4 Q. You have never told the police that he ever pulled a  
5 gun on you, have you?

6 A. No.

7 Q. Okay. The only weapon that you have ever talked about  
8 was a knife, is that correct?

9 A. Yes, sir.

10 Q. Now, you say that EMS or paramedics cut your shift off?

11 A. (Shaking head yes).

12 Q. When he followed you down the road, was he wearing a  
13 shirt?

14 A. No.

15 Q. What happened to his shirt, do you know?

16 A. He took it off.

17 Q. He took it off?

18 A. (Shaking head yes).

19 Q. Where at?

20 A. At the house. He actually had two shirts on. He took  
21 one off inside the house. He had a tank top on I believe he  
22 took off on the front porch.

23 Q. Did you see him take it off?

24 A. Yes. I saw him take one off in the house.

25 Q. Okay. Now, you say he ran behind you going down the

1 road?

2 A. (Shaking head yes).

3 Q. And you turned around and saw that he had a knife in  
4 his hand?

5 A. Before I started running I did.

6 Q. Okay. And then you turned and ran?

7 A. Yes.

8 Q. And you say that you slipped in the grass and fell?

9 A. Yes.

10 Q. And that he got on top of you and stabbed you in the  
11 back?

12 A. Yes, sir.

13 Q. Okay. And the stabbing took place in the roadway, is  
14 that right?

15 A. On the side of the road.

16 Q. Well, isn't the -- well, never mind.

17 MR. THOMPSON: May I approach again, Your Honor?

18 THE COURT: Yes, sir.

19 BY MR. THOMPSON:

20 Q. I want to go back to your statement here.

21 "I noticed he had a knife in his right hand. I said  
22 oh, now you want to fight me. Now you don't want to fight  
23 me. You want to cut me. Then he swung at me and missed."  
24 Is that what it says?

25 A. (Shaking head yes).



NATHAN HOFFMAN - CROSS BY MR. THOMPSON

1 Q. "I tried to grab his legs." Is that what that says?

2 A. Uh-huh.

3 Q. "But when I bent down he stabbed me in the back."

4 A. (Shaking head yes).

5 Q. Is that correct?

6 A. Yes.

7 Q. Okay. Now, this statement doesn't say anything about  
8 slipping in the grass and him getting on top of you, does  
9 it?

10 A. No, sir.

11 Q. This says that he swung at you and that you tried to  
12 grab his legs?

13 A. Uh-huh.

14 Q. And --

15 A. Yes.

16 Q. And when you bent down to grab his legs, he stabbed you  
17 in the back?

18 A. I was already bent down. I slipped and fell and he did  
19 swing at me and missed. That's when I was on the ground.

20 Q. And you say that after he stabbed you, what did he do?

21 Well, first before that, how many times did he stab  
22 you?

23 A. Just once.

24 Q. One time.

25 And what part of the back?

1 A. My right shoulder blade.

2 Q. Right side?

3 A. (Shaking head yes).

4 Q. In the shoulder blade, under the shoulder blade?

5 A. Under it, I guess. Right around that area.

6 Q. Okay. And what did he do after he stabbed you?

7 A. He walked back towards his house.

8 Q. And how long did you lay there before you got up?

9 A. Just a few seconds and I stood up.

10 Q. All right. And you went to Mr. Pierce's house?

11 A. Yes.

12 Q. And in his backyard?

13 A. Yes.

14 Q. Thank you.

15 MR. THOMPSON: Your Honor, I have no further  
16 questions.

17 THE COURT: Anything?

18 MR. SAMS: Yes, sir.

19 REDIRECT EXAMINATION BY MR. SAMS:

20 Q. Is it possible that you and "Little Man" or Mr.  
21 Henderson may have pushed on the scene?

22 A. Maybe. I mean, it wasn't anything -- it wasn't  
23 anything real aggressive. It was -- if it was anything, it  
24 was minor. It wasn't --

25 Q. You just can't remember now?

1 A. I mean, I remember, but once it's refreshed, I remember  
2 very well, you know. It's been a long time.

3 Q. How long ago did this take place?

4 A. About 18 months ago.

5 Q. If and when you and "Little Man" pushed each other, or  
6 touched, or whatever, did you have any injuries from that?

7 A. No.

8 Q. Did he have any injuries from that?

9 A. No.

10 Q. And you stated Mr. Martin stepped in between y'all.  
11 You said you didn't know why he would be mad at you?

12 A. (Shaking head yes).

13 Q. What did he say when he stepped in between y'all?

14 A. "Oh, no, not in my house. You are not going to  
15 disrespect me here, not like this."

16 Q. He said "not in my house. You are not going to  
17 disrespect me here?"

18 A. Something to that nature.

19 Q. Now, you testified that you didn't see the knife when  
20 he was on the porch?

21 A. Correct.

22 Q. You didn't see a gun up there?

23 A. No, sir.

24 Q. When did you first see the knife?

25 A. As he got closer to me, when he came out to the street

1 and followed me.

2 Q. So you didn't see any weapon on the porch? The first  
3 time that you saw any weapon was when you saw the knife out  
4 on the street when he was coming at you?

5 A. Correct.

6 MR. SAMS: No further questions.

7 THE COURT: Anything?

8 MR. THOMPSON: No, sir.

9 THE COURT: Sir, you may step down. Please be  
10 careful.

11 MR. SAMS: The State calls Jimmy Henson, Detective  
12 Jimmy Henson to the stand.

13 DETECTIVE JIMMY HENSON, having been first duly  
14 sworn, testified as follows:

15 THE COURT: Detective, tell us your full name and  
16 spell your last name, please.

17 THE WITNESS: Jimmy Dale Henson, H-E-N-S-O-N.

18 THE COURT: Thank you.

19 Solicitor.

20 MR. SAMS: Thank you, Your Honor.

21 DIRECT EXAMINATION BY MR. SAMS:

22 Q. Detective Henson, tell me where you are employed and  
23 what your position is.

24 A. I'm employed by the Cherokee County Sheriff's Office.  
25 I'm a lieutenant in the Crime Scene Division.

1 Q. Okay. And what does that entail? What are your  
2 duties?

3 A. We work the crime scenes of Cherokee County from  
4 burglaries to homicides. Any crime that we go out and work  
5 it that we are called to.

6 Q. Okay. And what type of -- what type of duties or  
7 investigation do you perform when you go out to the crime  
8 scene?

9 A. When we arrive on the crime scene, we will do a visual  
10 inspection of it or what we call a walk-through of the crime  
11 scene. After that we will take photographs of the crime  
12 scene as it was when we got there. We come back and we mark  
13 evidence items that we think are going to be of evidentiary  
14 value and then and we will photograph everything again,  
15 photograph our evidentiary items. Do close-up photos,  
16 medium photos and far away photos. We collect evidence. We  
17 secure the evidence in individual packages, seal it, initial  
18 it to where we know who collected it and who sealed it in a  
19 box, bag, whatever we seal it in. Then we bring all that  
20 back to the crime lab.

21 Q. Okay. And what type of training and experience do you  
22 have previously in crime scene investigation?

23 A. I have had some approximately 500 hours in crime scene  
24 training, different courses I have took over the years. I  
25 started crime scene in 1995, and I started taking

1 specialized courses in 1995.

2 I have, like I say, over 500 hours of training, and I  
3 have been certified as a fingerprint expert in the Seventh  
4 Judicial Circuit Court. I have been certified as a footwear  
5 expert in the Seventh Judicial Court, and also a crime scene  
6 expert in the Seventh Judicial Court.

7 Q. Okay. Do you have to get any kind of continuing  
8 education or anything along those lines?

9 A. Yes, we try to get at least two courses a year. Crime  
10 scene work is changing so fast that we have to take classes  
11 every year to try to keep up with the changes in it.

12 Q. About how many crime scenes do you think that you have  
13 investigated?

14 A. Gosh, since 1995, I would say over 600.

15 Q. And how long have you been in this position? I know  
16 you told us.

17 A. This position I have been in since 1995.

18 Q. Okay. So, of course, on January 27th, 2014, you were  
19 employed as a crime scene investigator with the sheriff's  
20 office?

21 A. Yes, sir.

22 Q. Were you working on that particular date?

23 A. I was working and I think -- well, I think I was still  
24 at the office when we got the call, yes, sir.

25 Q. So you were still at the office when you got the call?

DETECTIVE JIMMY HENSON - DIRECT BY MR. SAMS

1 A. Yes, sir.

2 Q. And was that to come out to investigate the crime that  
3 has resulted here in an attempted murder charge against Mr.  
4 Christopher Martin?

5 A. Yes, sir.

6 Q. And where was that location? Where you were called out  
7 to?

8 A. It was the intersection of and

10 MR. SAMS: Permission to approach the witness,  
11 Your Honor?

12 THE COURT: Yes, sir.

13 BY MR. SAMS:

14 Q. I'm going to hand you -- again, this is pre-marked as  
15 State's Exhibit 3 through 43. Just take a few minutes,  
16 Detective Henson, and look through that package and study  
17 and see if you recognize those photographs.

18 A. (Witness reviewing photograph).

19 Yes, sir, these are all the pictures that I took of the  
20 crime scene.

21 Q. Okay. You took these photographs?

22 A. Yes, sir, I did.

23 Q. Are these true and accurate copies of the photographs  
24 that you took that night?

25 A. Yes, sir.

1 Q. Have they have been altered or amended in any way?

2 A. No, they have not, no, sir.

3 MR. SAMS: I move to admit these as State's  
4 Exhibit 3 through 43.

5 MR. THOMPSON: No objection.

6 THE COURT: They are admitted without objection.

7 (Whereupon, State's Exhibit No. 3 was entered into  
8 the record as evidence).

9 (Whereupon, State's Exhibit No. 4 was entered into  
10 the record as evidence).

11 (Whereupon, State's Exhibit No. 5 was entered into  
12 the record as evidence).

13 (Whereupon, State's Exhibit No. 6 was entered into  
14 the record as evidence).

15 (Whereupon, State's Exhibit No. 7 was entered into  
16 the record as evidence).

17 (Whereupon, State's Exhibit No. 8 was entered into  
18 the record as evidence).

19 (Whereupon, State's Exhibit No. 9 was entered into  
20 the record as evidence).

21 (Whereupon, State's Exhibit No. 10 was entered  
22 into the record as evidence).

23 (Whereupon, State's Exhibit No. 11 was entered  
24 into the record as evidence).

25 (Whereupon, State's Exhibit No. 12 was entered



1 into the record as evidence).

2 (Whereupon, State's Exhibit No. 13 was entered  
3 into the record as evidence).

4 (Whereupon, State's Exhibit No. 14 was entered  
5 into the record as evidence).

6 (Whereupon, State's Exhibit No. 15 was entered  
7 into the record as evidence).

8 (Whereupon, State's Exhibit No. 16 was entered  
9 into the record as evidence).

10 (Whereupon, State's Exhibit No. 17 was entered  
11 into the record as evidence).

12 (Whereupon, State's Exhibit No. 18 was entered  
13 into the record as evidence).

14 (Whereupon, State's Exhibit No. 19 was entered  
15 into the record as evidence).

16 (Whereupon, State's Exhibit No. 20 was entered  
17 into the record as evidence).

18 (Whereupon, State's Exhibit No. 21 was entered  
19 into the record as evidence).

20 (Whereupon, State's Exhibit No. 22 was entered  
21 into the record as evidence).

22 (Whereupon, State's Exhibit No. 23 was entered  
23 into the record as evidence).

24 (Whereupon, State's Exhibit No. 24 was entered  
25 into the record as evidence):

1 (Whereupon, State's Exhibit No. 25 was entered  
2 into the record as evidence).

3 (Whereupon, State's Exhibit No. 26 was entered  
4 into the record as evidence).

5 (Whereupon, State's Exhibit No. 27 was entered  
6 into the record as evidence).

7 (Whereupon, State's Exhibit No. 28 was entered  
8 into the record as evidence).

9 (Whereupon, State's Exhibit No. 29 was entered  
10 into the record as evidence).

11 (Whereupon, State's Exhibit No. 30 was entered  
12 into the record as evidence).

13 (Whereupon, State's Exhibit No. 31 was entered  
14 into the record as evidence).

15 (Whereupon, State's Exhibit No. 32 was entered  
16 into the record as evidence).

17 (Whereupon, State's Exhibit No. 33 was entered  
18 into the record as evidence).

19 (Whereupon, State's Exhibit No. 34 was entered  
20 into the record as evidence).

21 (Whereupon, State's Exhibit No. 35 was entered  
22 into the record as evidence).

23 (Whereupon, State's Exhibit No. 36 was entered  
24 into the record as evidence).

25 (Whereupon, State's Exhibit No. 37 was entered

DETECTIVE JIMMY HENSON - DIRECT BY MR. SAMS

1 into the record as evidence).

2 (Whereupon, State's Exhibit No. 38 was entered  
3 into the record as evidence).

4 (Whereupon, State's Exhibit No. 39 was entered  
5 into the record as evidence).

6 (Whereupon, State's Exhibit No. 40 was entered  
7 into the record as evidence).

8 (Whereupon, State's Exhibit No. 41 was entered  
9 into the record as evidence).

10 (Whereupon, State's Exhibit No. 42 was entered  
11 into the record as evidence).

12 (Whereupon, State's Exhibit No. 43 was entered  
13 into the record as evidence).

14 MR. SAMS: Thank you.

15 Permission to publish?

16 THE COURT: Yes, sir.

17 BY MR. SAMS:

18 Q. Could you tell me, Detective Henson, what are these  
19 photographs showing?

20 You can just refer to a few photographs, and they are  
21 numbered specifically as you discussed.

22 A. State's Exhibit 3 is a photograph of a street that we  
23 were working on, . That's a sign of

24 . It's the intersection.

25 Q. And let me stop you there. That's probably a little

1 too -- a little too burdensome to ask you to go through all  
2 those. That's not what I meant. Could you summarize,  
3 generally speaking, what these photographs capture?

4 A. They capture the crime scene.

5 Q. What did you find on the crime scene?

6 A. Blood drops was in the road, into the backyard of the  
7 house on and . And there is a  
8 shirt -- there are two shirts in the backyard.

9 Q. Okay. So these photographs capture the blood droplets  
10 that you saw on the scene?

11 A. Yes, they do.

12 Q. Okay. Do you remember that blood trail?

13 A. Yes, sir.

14 Q. Okay. I'm going to ask you, detective, if I could,  
15 just to step right down here.

16 MR. SAMS: May I ask him to step down, Your Honor?

17 THE COURT: Yes, sir.

18 (Witness off the witness stand)

19 BY MR. SAMS:

20 Q. I'm going to hand you this laser pointer.

21 I'm going to have you refer to my map up here. Are you  
22 able to read that, Detective Henson?

23 A. Yes, sir.

24 Q. Okay. Show me up there where is ?

25 A. is right there.

DETECTIVE JIMMY HENSON - DIRECT BY MR. SAMS

- 1 Q. .?
- 2 A. is going this way.
- 3 Q. How about ?
- 4 A. would be actually right here.
- 5 Q. And finally ?
- 6 A. is this street here.
- 7 Q. Okay. Could you show me where the blood trail that you
- 8 referred to, the blood droplets, where were they found?
- 9 A. They were found near this intersection of
- 10 and .
- 11 Q. Yes, sir.
- 12 A. And they traveled this way towards into
- 13 the backyard of this residence.
- 14 Q. Sock. Did you look -- show me where they start or
- 15 where they were in the intersection of and .
- 16 A. Right in here.
- 17 Q. Did you look to see if they went the other direction?
- 18 A. Yes, sir, we searched up the road, both sides of the
- 19 road.
- 20 Q. There was no blood up there?
- 21 A. Didn't find any up there, no, sir.
- 22 Q. Okay. And show me -- you referred to some clothing
- 23 that you found?
- 24 A. Clothing was found in the backyard of this residence
- 25 right here. I believe it's marked .

1 Q. In that backyard?

2 A. In that backyard right there.

3 Q. And what was the condition of that clothing when you  
4 found it?

5 A. It had been cut off of the victim by EMS and it was  
6 bloody.

7 Q. Bloody?

8 A. Yes, sir.

9 Q. Okay. Did you take that clothing into evidence?

10 A. Yes, I did.

11 Q. Okay. Did you -- I'm going to grab the pointer back  
12 from you and let you have a seat.

13 (Witness back on the witness stand).

14 BY MR. SAMS:

15 Q. Did you -- you took those yourself into evidence, the  
16 clothing found on the scene?

17 A. Yes, sir, I did.

18 Q. And placed them into evidence?

19 A. Yes, sir.

20 Q. Okay.

21 MR. SAMS: Permission to approach the witness,  
22 Your Honor?

23 THE COURT: Yes.

24 BY MR. SAMS:

25 Q. I don't know if it would be easier to deal with them up

1 there.

2 Let's see. I'm going to bring you a box that's been  
3 marked State's Exhibit 44.

4 MR. SAMS: Actually may he step down to take these  
5 out? I'm not sure if we have a good place to --

6 THE COURT: Yes, sir.

7 MR. SAMS: Where would you prefer, Your Honor?

8 THE COURT: You might could use that table right  
9 there.

10 MR. SAMS: Okay.

11 BY MR. SAMS:

12 Q. Why don't you step right down here.

13 (Witness off the witness stand).

14 BY MR. SAMS:

15 Q. If you could -- if you would, look inside there and  
16 identify for the jury what is contained in there.

17 A. Two shirts.

18 Q. Is that a T-shirt?

19 A. Yes, sir.

20 Q. Okay. And did you collect that from the scene that  
21 evening?

22 A. Yes, sir, I did.

23 Q. Okay. And a blue shirt?

24 A. This is a coral shirt.

25 Q. And you also collected that?

1 A. Yes, sir.

2 Q. And you said there were actually three shirts?

3 A. Yes, sir. It's like an undershirt.

4 Q. Did you also collect that one?

5 A. Yes, sir.

6 Q. And are those in the same condition that they were when  
7 you placed those -- when you collected them evening and  
8 placed them into evidence?

9 A. It was dry, probably. We got to dry them. We take a  
10 bloody shirt like that and dry it before we package it.

11 Q. So was it still wet that evening?

12 A. Yes, it was.

13 Q. Where did you collect the three of these, do you  
14 remember?

15 A. In the backyard.

16 Q. All three of them in the backyard?

17 A. Yes, sir.

18 MR. SAMS: I would move to admit all these, Your  
19 Honor, as State's Exhibit 44.

20 THE COURT: Any objection?

21 MR. THOMPSON: I don't object to the admission of  
22 them. I'm going to have some questions about them.

23 THE COURT: Sure.

24 They are admitted without objection.

25 (Whereupon, State's Exhibit No. 44 was entered



DETECTIVE JIMMY HENSON - DIRECT BY MR. SAMS

1 into the record as evidence).

2 MR. SAMS: May I display these to the jury?

3 THE COURT: Yes, sir.

4 BY MR. SAMS:

5 Q. Detective Henson, if you would please just pick these  
6 up for the jury?

7 A. This is where the ambulance service or EMS person cut  
8 the shirt.

9 Q. They cut this off of it.

10 Now, the dark, is that where the wet blood was?

11 A. Yes, sir.

12 Q. All right. Can we also display other two?

13 A. This is also cut by EMS.

14 Q. That was another one that was cut?

15 A. To take the shirt of him.

16 Q. Finally, that last one?

17 A. T-shirt, which is cut. I think that's right.

18 Q. And, again, the dark area, that was wet blood on that  
19 evening?

20 A. Wet blood, yes, sir.

21 Q. Okay. All right. Thank you, detective. You can have  
22 a seat back up there.

23 (Witness back on the witness stand).

24 MR. SAMS: Permission to approach the witness once  
25 more?

1 THE COURT: Yes, sir.

2 BY MR. SAMS:

3 Q. Detective, I'm going to refer you to the last seven or  
4 eight photographs in this State's Exhibits 3 through 43.  
5 They start at approximately 37, 38. Could you tell me what  
6 is contained in those photographs?

7 A. In general, or do you want me to be specific?

8 Q. Sure, you can tell me in general terms.

9 A. 37 is the backyard of the residence. That's where the  
10 victim was picked up by EMS, and the shirts were shown in  
11 this photo.

12 38 is the same. It's the backyard.

13 And 39 is the same. It's the backyard.

14 40, the backyard.

15 41 is the backyard.

16 41 is the shirts in the backyard.

17 Q. 41 was what, I'm sorry?

18 A. The shirts in the backyard.

19 Q. The shirts that you just displayed to the jury?

20 A. Yes, sir.

21 And 42 was shirts in the backyard. It's where EMS had  
22 left them when they cut them off of the victim.

23 And 43 is also the shirts in the backyard.

24 Q. Okay. So there are photographs in there of the shirts  
25 as you found them in that backyard of at

DETECTIVE JIMMY HENSON - CROSS BY MR. THOMPSON

1 that evening?

2 A. They are, yes, sir.

3 Q. Okay.

4 MR. SAMS: Beg the court's indulgence one moment,  
5 Your Honor.

6 THE COURT: Sure.

7 (Off the record)

8 (Back on the record)

9 MR. SAMS: Me further questions, Your Honor.

10 THE COURT: Yes, sir.

11 CROSS EXAMINATION BY MR. THOMPSON:

12 Q. Good afternoon, detective.

13 A. Good evening.

14 Q. On the diagram of the area they showed up there --

15 A. Yes, sir.

16 Q. -- you pointed out where the blood started?

17 A. Yes, sir.

18 Q. Did it start in the roadway?

19 A. Yes, it was in the roadway.

20 Q. Was in the roadway, okay.

21 Was the starting point in the roadway a bigger area of  
22 blood than the trail, or --

23 A. No, the start of it was maybe a drop or two. And then  
24 it looked like the victim, as he was going down the street,  
25 may have paused. There would be places where there would be

1 several drops and then you would go on to one or two drops  
2 and then several more drops.

3 Q. If you look at the place where it started, did you look  
4 on the side of the road to see if there was any blood drops?

5 A. Yes, sir.

6 Q. Did you find any?

7 A. No, sir.

8 Q. You didn't, okay.

9 Now, you took some swabs of a couple of the blood  
10 spots, is that correct?

11 A. Yes, sir.

12 Q. And what did you do with those swabs?

13 A. They were stored in the sheriff's office evidence vault  
14 and that's as far as they ever went.

15 Q. So they were never compared to the blood on those  
16 shirts to see if they matched, or anything like that?

17 A. No, sir, they wasn't.

18 Q. So we can't rule out that somebody was slaughtering a  
19 pig there in the middle of the road, blood there?

20 A. Could have been.

21 Q. Could have been.

22 Now, I always hate this part because I respect you  
23 guys, okay?

24 A. Okay. Yes, sir.

25 Q. Where did the third shirt come from?

1 A. The third shirt, apparently I just made a mistake when  
2 I was writing up my report, because in my report I put two  
3 shirts.

4 Q. The report says two shirts bloody?

5 A. Yes, it does. I just made a mistake.

6 Q. All three shirts were collected in the backyard --

7 A. Yes, sir.

8 Q. -- of the house?

9 A. Yes, sir.

10 Q. Were they in proximity to each other?

11 A. Yes, sir, they were all tangled up together.

12 Q. And tangled up together?

13 A. Yes.

14 Q. Were you there when they were cut off?

15 A. No, sir, I was not.

16 Q. How do you know they were cut off Mr. Hoffman?

17 A. I couldn't say for sure that they were cut off Mr.

18 Hoffman. In my investigation I discovered that the victim  
19 was laying there in the backyard.

20 Q. Okay.

21 A. And that's where EMS had picked him up at.

22 Q. So there was an assumption that it was cut off of him?

23 A. Yes, sir.

24 Q. Okay. And there is an assumption that all those shirts  
25 are his shirts, right?

1 A. Yes, sir.

2 Q. In your report you also indicate there was a Sprite  
3 bottle laying on the side of the roadway --

4 A. Yes, sir.

5 Q. -- that he was drinking from when the stabbing started?

6 A. Yes, sir.

7 Q. How do you know that?

8 A. The information I gathered was through the  
9 investigation.

10 Q. Did you take the Sprite bottle into evidence?

11 A. Yes, sir, I believe I did.

12 Q. Is it listed on the evidence sheet?

13 A. No, it's not. I didn't take it into evidence.

14 Q. Okay. You weren't there when whatever happened  
15 happened?

16 A. No, sir.

17 Q. You weren't there when they airlifted Mr. Hoffman to  
18 the hospital, were you?

19 A. When I arrived on the scene EMS had already picked up  
20 Mr. Hoffman. He was in the ambulance across the street and  
21 the helicopter was landing.

22 Q. Okay. Did you take statements from any witnesses?

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

24 Q. Okay. You simply tried to gather what physical  
25 evidence was there, is that correct?

DETECTIVE JIMMY HENSON - REDIRECT BY MR. SAMS

1 A. Yes, sir.

2 Q. Okay. Did you find any weapon of any kind?

3 A. No, sir, I did not.

4 Q. No knife?

5 A. No, sir.

6 Q. No gun?

7 A. No, sir.

8 Q. Okay. Thank you.

9 THE COURT: Anything?

10 MR. SAMS: Yes, sir, just briefly.

11 REDIRECT EXAMINATION BY MR. SAMS:

12 Q. Detective, you stated that you took swabs in this case?

13 A. Yes, sir.

14 Q. Did you receive any information that indicated to you  
15 that it was necessary to send those swabs off to determine  
16 whose blood it belonged to?

17 A. No, sir, I did not.

18 Q. Okay.

19 A. During the investigation, as I talked with Detective  
20 Burgess, the only person that was bleeding was the victim,  
21 Mr. Hoffman.

22 Q. So you didn't receive any information that led you to  
23 believe that those swabs needed to be sent off for any type  
24 of matching to anything or any other person?

25 A. No, sir, I did not.

1 Q. And, additionally, the three shirts that you found  
2 there on the scene, you said they were all listed -- I mean  
3 they were all found in the backyard of .?

4 A. Yes, sir.

5 Q. And you just simply made a mistake in not recording the  
6 third shirt that you have placed into evidence?

7 A. It was just a mistake on my part.

8 Q. But you are confident that you did place three shirts  
9 instead of two into evidence?

10 A. Yes, sir. In fact, if you will look at the evidence  
11 seal on that box, it has my initials and the date that I  
12 sealed it, so no one else has touched that box or it hadn't  
13 been opened since I put the seal on it. It's been in the  
14 sheriff's office evidence vault.

15 Q. Okay. And Mr. Thompson mentioned a Sprite bottle that  
16 was there on the scene?

17 A. Yes, sir.

18 Q. There was a Sprite bottle that you found out along the  
19 roadway?

20 A. Yes, sir.

21 MR. SAMS: Permission to approach the witness?

22 THE COURT: Yes, sir.

23 BY MR. SAMS:

24 Q. I'm going to hand you these three photographs. If you  
25 could just take a moment to look and see if you recognize



DETECTIVE JIMMY HENSON - REDIRECT BY MR. SAMS

1 those?

2 A. Yes, sir, this is the Sprite bottle I found on the side  
3 of the road and it's in the same place that the witnesses  
4 testified that he fell down.

5 Q. Okay. You took those photographs?

6 A. Yes, sir, I did.

7 Q. Are these true and accurate copies of those -- are they  
8 true and accurate copies?

9 A. Yes, sir, they are.

10 Q. Were they altered or amended in any way?

11 A. Not in any way.

12 Q. Okay.

13 MR. SAMS: Your Honor, I would move to admit these  
14 as State's Exhibit 45, 46 and 47.

15 MR. THOMPSON: No objection.

16 THE COURT: Without objection they are admitted.

17 (Whereupon, a photograph was marked and entered  
18 into the record as evidence as State's Exhibit No. 45).

19 (Whereupon, a photograph was marked and entered  
20 into the record as evidence as State's Exhibit No. 46).

21 (Whereupon, a photograph was marked and entered  
22 into the record as evidence as State's Exhibit No. 47)

23 MR. SAMS: Permission to publish?

24 THE COURT: Yes.

25 BY MR. SAMS:

1 Q. Detective Henson --

2 MR. SAMS: May he step down to refer to these  
3 photographs?

4 THE COURT: Yes, sir.

5 BY MR. SAMS:

6 Q. You may want to step down so you can see better.

7 (Witness off the witness stand).

8 BY MR. SAMS:

9 Q. You see right there? Do you recognize that? What are  
10 we looking at?

11 A. That's the Sprite bottle to the left of the marker.

12 Q. That's State's Exhibit 45.

13 I'm going to put up State's Exhibit 46, as well as  
14 State's Exhibit 47. Is that all the same bottle?

15 A. All the same bottle, just getting closer, taking  
16 close-up photographs of it.

17 Q. Okay. You can have a seat.

18 (Witness back on the witness stand).

19 BY MR. SAMS:

20 Q. And where was that bottle found?

21 A. Just across the intersection of

22 Q. And you were interested in it because you had  
23 information that the defendant had that bottle? That's why  
24 you took the photographs?

25 A. Yes, sir.

DETECTIVE JIMMY HENSON - REDIRECT BY MR. SAMS

1 Q. Are these -- is this bottle in the roadway?

2 A. No, it's in the ditch.

3 Q. So it's on the side of the roadway?

4 A. Side of the road, yes.

5 Q. And why -- you just stated. Why was that location  
6 significant in your investigation?

7 A. During the investigation I had information that the  
8 victim had dropped that. He was drinking that when the  
9 stabbing or fight started.

10 Q. Just the specific location is what I'm asking you  
11 about. You stated that this bottle was located --

12 A. Just across on the other side -- on  
13 and intersection. If you go  
14 down , you are going towards . It would  
15 have been across from the other side.

16 Q. Where was it in proximity to where you had received  
17 information that the attack had occurred?

18 A. Right where the attack occurred, where it started --

19 Q. On the side of the road.

20 A. -- on the side of the road.

21 Q. Okay.

22 MR. SAMS: No further questions.

23 MR. THOMPSON: If I could say something, judge?

24 THE COURT: Yes, sir.

25 MR. THOMPSON: Concerning this bottle.

1 THE COURT: Yes, sir.

2 CROSS EXAMINATION BY MR. THOMPSON:

3 Q. Did you find any blood drops on that bottle?

4 A. No, sir, there wasn't.

5 Q. There wasn't.

6 Was there any blood on the ground around the bottle?

7 A. No, sir.

8 Q. Okay. Now, you are saying this is where it occurred,  
9 the attack occurred, right?

10 A. Yes, sir, from my information.

11 Q. Okay. But now what's -- what's all around that bottle?  
12 I'm referring to State's Exhibit No. 47.

13 A. The leaves on the ground.

14 Q. Leaves on the ground?

15 A. Yes, sir.

16 Q. Are those leaves leafs disturbed?

17 A. Looking at this picture, I can't say that they are.

18 Q. Well, how about these other two pictures?

19 A. I can't tell. I can't really say. No, sir, I can't  
20 say that they are.

21 Q. Okay. And those are dead leaves that's fallen off  
22 trees and laying there on the side of the road, right?

23 A. Yes, sir.

24 Q. And there was no blood found on the bottle?

25 A. No, sir.

1 Q. No blood found in the leaves around the bottle?

2 A. No, sir.

3 Q. As far as you know, the start of the blood was in the  
4 roadway? That's where you found the --

5 A. On on that.

6 Q. On the -- is it asphalt, or tar and gravel? What is it  
7 out there?

8 A. Tar and gravel.

9 Q. Okay. So the first blood that you found, the starting  
10 place was out on the tar and gravel?

11 A. Yes, sir.

12 Q. Okay.

13 MR. THOMPSON: Thank you.

14 THE COURT: All right. Thank you, sir. You may  
15 step down.

16 MR. SAMS: The State calls Jessica Ramsey to the  
17 stand.

18 JESSICA RAMSEY, having been first duly sworn,  
19 testified as follows:

20 THE COURT: Ma'am, tell us your full name and  
21 spell your last name, please.

22 THE WITNESS: Jessica Elaine Ramsey, R-A-M-S-E-Y.

23 THE COURT: Okay. Pull that microphone a little  
24 closer, okay? Speak loudly so that everybody can hear you,  
25 okay?

1 THE WITNESS: Jessica Elaine Ramsey, R-A-M-S-E-Y.

2 THE COURT: Thank you, ma'am.

3 Solicitor.

4 MR. SAMS: Thank you, Your Honor.

5 DIRECT EXAMINATION BY MR. SAMS:

6 Q. Ms. Ramsey, you are -- the reason the judge is asking  
7 you to speak in the microphone, Mr. Watts is recording  
8 everything and the jury has to hear you, so I'm just going  
9 to ask you to speak loudly, if you can.

10 A. Okay.

11 Q. Okay. Do you know the defendant Christopher Martin?

12 A. Yes, I do.

13 Q. Okay. How do you know him?

14 A. He was my boyfriend.

15 Q. Okay. And did y'all reside together at any time?

16 A. We lived together.

17 Q. You lived together?

18 A. (Shaking head yes).

19 Q. Do you have a child together?

20 A. Yes, sir.

21 Q. Okay. How old is your child?

22 A. She's one.

23 Q. Okay. What was the address of the house where you  
24 lived with him?

25 A.

JESSICA RAMSEY - DIRECT BY MR. SAMS

- 1 Q. Okay. Is that on the corner of and  
2 .?  
3 A. Yes, sir.  
4 Q. How long were you with Mr. Martin?  
5 A. A year.  
6 Q. A year?  
7 A. (Shaking head yes).  
8 Q. Do you know Nathan Hoffman?  
9 A. I know him some.  
10 Q. I'm sorry?  
11 A. I know him a little bit.  
12 Q. You know him a little bit?  
13 A. (Shaking head yes).  
14 Q. Did you know him before this date that all this  
15 happened? Had you seen him before?  
16 A. One time.  
17 Q. Okay. You are saying one time?  
18 A. (Shaking head yes).  
19 Q. Then did you know his name?  
20 A. No.  
21 Q. But you did see him on the date that we are here  
22 talking about, January the 27th, 2014?  
23 A. Yes, sir.  
24 Q. Okay. And where did you see him?  
25 A. He came to the house.

1 Q. Came to the house you were living in?

2 A. (Shaking head yes).

3 Q. With Mr. Martin?

4 A. Uh-huh.

5 Q. And tell me the address of that again?

6 A.

7 Q. That's in Gaffney?

8 A. Uh-huh.

9 Q. Okay.

10 THE COURT: Excuse me.

11 Ma'am, I'm going to ask you to please say yes or  
12 no. He's recording and you go uh-huh, he might not get that  
13 just right, okay?

14 THE WITNESS: (Shaking head yes).

15 THE COURT: Thank you, ma'am.

16 Go ahead, solicitor.

17 MR. SAMS: Thank you, Your Honor.

18 BY MR. SAMS:

19 Q. Who else was in the house when Mr. Hoffman came in  
20 besides -- you were obviously there. Was Mr. Martin there?

21 A. Yes, sir.

22 Q. Who else was in that house?

23 A. Billy Henderson and his girlfriend Libby.

24 Q. Okay. Anybody else?

25 A. No.



- 1 Q. That's all. Okay.
- 2 Why was Mr. Hoffman there?
- 3 A. He came over to buy some cigarettes.
- 4 Q. Okay. And you saw him when he came in the house?
- 5 A. Yes, sir.
- 6 Q. Okay. And what happened when he came in the house?
- 7 A. Him and Billy Henderson got in pretty much a fight.
- 8 Q. Okay. When you say a fight, like what? Describe it.
- 9 What happened?
- 10 A. They were arguing, then they were like almost like fist
- 11 fighting.
- 12 Q. So they argued with each other?
- 13 A. Uh-huh.
- 14 Q. And you say they -- were they punching each other, or
- 15 pushing, or what were they doing?
- 16 A. Like pushing.
- 17 Q. So they pushed each other?
- 18 A. (Shaking head yes).
- 19 Q. Did anybody get hurt when Mr. Hoffman and Mr. Henderson
- 20 pushed each other?
- 21 A. No.
- 22 Q. Okay. Mr. Henderson, do they refer to him as "Little
- 23 Man"?
- 24 A. Yeah.
- 25 Q. That's his nickname?

1 A. Yes, sir.

2 Q. Okay. How long did that last when they pushed each  
3 other?

4 A. Maybe just a couple minutes.

5 Q. How long did the whole argument last between the two of  
6 them?

7 A. I would say probably about maybe 20 minutes.

8 Q. Did they argue in the house?

9 A. Yes, in the house.

10 Q. Okay. And was Mr. Hoffman or anybody arguing with  
11 Christopher Martin?

12 A. When they went outside the house, yeah.

13 Q. But inside the house were they arguing with him?

14 A. No.

15 Q. So nobody argued with Mr. Martin in the house?

16 A. Uh-uh.

17 Q. Okay. So once this argument occurred between "Little  
18 Man", Mr. Henderson, and Mr. Hoffman, who is seated here,  
19 right?

20 A. Uh-huh.

21 Q. That's Nathan Hoffman?

22 A. (Shaking head yes).

23 Q. Once that argument occurred what happened?

24 A. Chris got in the middle of them and he told Nathan to  
25 go outside and leave.

JESSICA RAMSEY - DIRECT BY MR. SAMS

- 1 Q. So he got in the middle of them?
- 2 A. Uh-huh.
- 3 Q. Okay. He told Nathan to leave?
- 4 A. (Shaking head yes).
- 5 Q. Did Nathan leave?
- 6 A. Yes.
- 7 Q. Okay. And did you see what happened after that?
- 8 A. Chris had the gun that was in the house. He grabbed
- 9 it, headed outside. He went outside. He took his shirt off
- 10 and ran him down the road.
- 11 Q. You said Chris grabbed a gun that was in the house?
- 12 A. (Shaking head yes).
- 13 Q. Okay. Had you seen that gun before?
- 14 A. I had seen it before.
- 15 Q. You had?
- 16 A. (Shaking head yes).
- 17 Q. What did he do with the gun?
- 18 A. He set it like -- we had some steps and at the top
- 19 there and he laid it down. He laid it right there.
- 20 Q. So he picked it up and then took it from the -- did he
- 21 take it from inside the house?
- 22 A. Uh-huh.
- 23 Q. And he set it on some steps outside the house?
- 24 A. Yeah.
- 25 Q. Okay. And where was Mr. Hoffman during this time?

1 A. He was going down the road outside the fence.

2 Q. So Mr. Hoffman left your yard?

3 A. Uh-huh.

4 Q. He went outside the fence?

5 A. (Shaking head yes).

6 Q. He went to the road?

7 A. Yes.

8 Q. Then where did he go?

9 A. He started walking down the road.

10 Q. Started walking down the road.

11 MR. SAMS: Your Honor, may she step down?

12 THE COURT: Certainly.

13 BY MR. SAMS:

14 Q. Ms. Ramsey, I'm going to have you step right here.

15 This is a laser pointer. It's got a little trigger. You  
16 see how it points up there when you hold it down? I'm going  
17 to hand that to you.

18 I'm going to pull a map up real quick and I'm going to  
19 have you point to the map when I ask the question.

20 (Witness off the witness stand).

21 BY MR. SAMS:

22 Q. Ms. Ramsey, can you see that map?

23 A. Uh-huh.

24 Q. Can you read that name of the streets up there?

25 A. , and

JESSICA RAMSEY - DIRECT BY MR. SAMS

- 1 Q. Okay. Can you see up there?
- 2 A. Uh-huh.
- 3 Q. Okay. Where was your house located that you lived with
- 4 Mr. Martin?
- 5 A. On
- 6 Q. Okay. Can you see it on that map?
- 7 A. (Witness pointing).
- 8 Q. Right there?
- 9 A. (Shaking head yes).
- 10 Q. Okay. Show me where did -- when Mr. Hoffman left that
- 11 house and left the fence, where did he go?
- 12 A. He left the house. Our house is like right there. You
- 13 can't -- he just go straight.
- 14 Q. You say he went straight?
- 15 A. Uh-huh.
- 16 Q. Up ?
- 17 A. Like towards -- right towards
- 18 Q. Towards . Show us on that map.
- 19 So he went straight down towards
- 20 .?
- 21 A. Uh-huh.
- 22 Q. Okay. I'm going to get that pointer back from you and
- 23 let you sit back up on that stand. Thank you.
- 24 (Witness back on the witness stand).
- 25 BY MR. SAMS:

1 Q. Now, during any of this argument did Mr. Hoffman ever  
2 touch Mr. Martin?

3 A. No.

4 Q. Did he threaten Mr. Martin or say he was going to do  
5 anything to him?

6 A. No, not that I heard.

7 Q. Did you see Mr. Hoffman with a weapon, a knife, a gun,  
8 a baseball bat, a lead pipe, anything in his hand that could  
9 be a weapon?

10 A. No.

11 Q. Okay. You said Mr. Hoffman left and started walking up  
12 .?

13 A. Uh-huh.

14 Q. Okay. And what did Mr. Martin do? You testified that  
15 he picked up a gun and set it outside and then what did he  
16 do?

17 A. He left and started arguing. He took off his shirt and  
18 ran him up the road.

19 Q. When he was arguing with Nathan Hoffman, where was Mr.  
20 Hoffman?

21 A. Outside the fence.

22 Q. Was he in the road?

23 A. Uh-huh.

24 Q. Okay. Did Mr. Hoffman come back to the house? Did he  
25 continue walking away? What did he do?

JESSICA RAMSEY - DIRECT BY MR. SAMS

- 1 A. He continued walking away.
- 2 Q. He continued walking away towards , is
- 3 that correct?
- 4 A. Uh-huh.
- 5 Q. And how far away was he when he Mr. Martin took off
- 6 after him?
- 7 A. He was maybe -- he was like going towards the next
- 8 house behind us.
- 9 Q. So he had gotten -- was he in the roadway when Mr.
- 10 Martin started chasing him?
- 11 A. Uh-huh.
- 12 Q. So he had gotten up to the next house up --
- 13 A. Uh-huh.
- 14 Q. -- by the time Mr. Martin chased him out in the street?
- 15 A. (Shaking head yes).
- 16 Q. Okay. Now, did you see the knife?
- 17 A. No.
- 18 Q. You didn't never see the knife?
- 19 A. Uh-uh.
- 20 Q. Okay. And what -- when Mr. Martin chased Nathan up the
- 21 street, what happened?
- 22 A. I don't know. I wasn't there. I didn't see it.
- 23 Q. Okay. And when you say chased him, did Mr. Hoffman
- 24 continue trying to move away from?
- 25 A. Yeah.

- 1 Q. He continued moving away from Mr. Martin?
- 2 A. Uh-huh.
- 3 Q. Was he moving fast, walking, what was he doing?
- 4 A. Walking.
- 5 Q. Okay. He was walking when you saw him?
- 6 A. (Shaking head yes).
- 7 Q. Okay. And you didn't see the actual fight?
- 8 A. No.
- 9 Q. Did you ever walk up to where they ended up?
- 10 A. No.
- 11 Q. Okay. Did Mr. Martin ever come back home?
- 12 A. He came back but it was a few minutes later.
- 13 Q. So Mr. Martin came back home a few minutes later?
- 14 A. Uh-huh.
- 15 Q. Where were you when he came back?
- 16 A. I was inside the house.
- 17 Q. And did he say anything when he got back?
- 18 A. He said that he had to hurry and go because he had
- 19 stabbed somebody.
- 20 Q. He had to -- I'm sorry?
- 21 A. He had to hurry up and go.
- 22 Q. Hurry up and go because he had stabbed somebody?
- 23 A. Uh-huh.
- 24 Q. And what did he do after that?
- 25 A. He put his shirt on, got outside and walked out.



JESSICA RAMSEY - CROSS BY MR. THOMPSON

1 MR. SAMS: I beg the court's indulgence one  
2 moment.

3 THE COURT: Yes, sir.

4 (Off the record).

5 (Back on the record).

6 BY MR. SAMS:

7 Q. You didn't see Mr. Hoffman after that?

8 A. No.

9 MR. SAMS: I have no further questions, Your  
10 Honor.

11 THE COURT: All right. Mr. Thompson.

12 CROSS EXAMINATION BY MR. THOMPSON:

13 Q. Now, you say that --

14 Let me ask you this question. How long was Mr. Hoffman  
15 there at the house before he and "Little Man" got into an  
16 argument?

17 A. How long who?

18 Q. Mr. Hoffman, Nathan?

19 A. He had not been there until -- I mean, Billy was there.

20 Q. Well, I understand that, but they were all in the  
21 house?

22 A. Uh-huh.

23 Q. He had come to buy cigarettes, right?

24 A. Uh-huh.

25 THE COURT: Ma'am, please say yes or no.

1 BY MR. THOMPSON:

2 Q. How long had Mr. Hoffman, Nathan, been inside your  
3 house before he and "Little Man" got into an argument?

4 A. Just a few minutes.

5 Q. A few minutes, okay.

6 And you say they were arguing with each other for about  
7 20 minutes?

8 A. They were fighting.

9 Q. Fighting.

10 Well, tell me what you mean by they were fighting.

11 A. Pushing each other.

12 Q. So they pushed on each other for about 20 minutes?

13 A. Uh-huh.

14 Q. Did you see anybody ever hit anybody?

15 A. No.

16 Q. Were they saying anything to each other while they were  
17 pushing at each other?

18 A. No.

19 Q. Mr. Nathan and "Little Man" were just pushing each  
20 other?

21 A. Uh-huh.

22 Q. Okay. And Mr. Martin wasn't involved in this pushing  
23 back and forth?

24 A. No.

25 Q. Okay. Where was Mr. Martin when the pushing started

JESSICA RAMSEY - CROSS BY MR. THOMPSON

1 between "Little Man" and Nathan?

2 A. In the house.

3 Q. Where at in the house? Was he in the same room?

4 A. Yes, sir.

5 Q. Okay. And he let them push for 20 minutes before he  
6 got involved?

7 A. Yeah.

8 Q. What did he do to get in the middle of them?

9 A. He stood in between them.

10 Q. Okay. What did he -- did he say anything when he stood  
11 in between them?

12 A. He just told Nathan to leave.

13 Q. Okay. Did he hit anybody at that time?

14 A. No.

15 Q. Did he push anybody at that time?

16 A. No.

17 Q. Did anybody hit him or push him at that time?

18 A. No.

19 Q. Okay. So Nathan left, is that right?

20 A. Yes.

21 Q. And you say then, after Nathan left, Mr. Martin grabbed  
22 a gun and took it outside?

23 A. Yes.

24 Q. What kind of gun?

25 A. It's not a hand held. It's like one that you can put

1 in your arm.

2 Q. One you could put in your arm.

3 A rifle?

4 A. Sort of, yes.

5 Q. Or a shotgun?

6 A. Uh-huh.

7 Q. How big is it? If I start -- tell me about how long it  
8 is?

9 A. Not that big.

10 Q. Not that big.

11 A. Maybe about like that.

12 Q. Okay. So about the width of my chest?

13 A. Uh-huh.

14 Q. In length?

15 A. Uh-huh.

16 Q. And you say you had seen that gun before?

17 A. Yes, sir.

18 Q. And you say that Mr. Martin set it on the steps --

19 A. Uh-huh.

20 Q. -- outside?

21 A. Yes, sir.

22 Q. Okay. Now, when the police showed up at the house --

23 I'm assuming the police come to your house that night, is  
24 that right?

25 A. Yes.

JESSICA RAMSEY - CROSS BY MR. THOMPSON

- 1 Q. Did they get the gun?
- 2 A. No.
- 3 Q. Why not?
- 4 A. I mean, I turned it in but they never came.
- 5 Q. When did you turn it in?
- 6 A. Like two days afterwards.
- 7 Q. Who did you turn it in to?
- 8 A. I turned it in to a police, but I don't know his name.
- 9 Q. Was it still sitting on the steps when the police came
- 10 to the house that night on the 27th?
- 11 A. No.
- 12 Q. What happened to it?
- 13 A. It was took somewhere back in the house, but I don't
- 14 know what happened to it after that.
- 15 Q. So you are saying Mr. Martin took the gun outside and
- 16 set it on the steps?
- 17 A. Uh-huh.
- 18 Q. Did he make any threats to shoot?
- 19 A. No.
- 20 Q. And then he -- I believe you said he and Nathan, Mr.
- 21 Hoffman, were having words back and forth with each other?
- 22 A. Yes.
- 23 Q. Mr. Hoffman was in the road and Mr. Martin was on the
- 24 porch, is that right?
- 25 A. Yes.

1 Q. And you say Mr. Martin tore his shirt off?

2 A. Uh-huh.

3 Q. And took off after him?

4 A. Yes.

5 Q. The gun still on the steps?

6 A. Uh-huh.

7 Q. But the gun wasn't on the steps when the police got  
8 there?

9 A. No.

10 Q. But nobody took the gun away from the house then, is  
11 that correct?

12 A. Uh-huh.

13 Q. Because you say that you turned it in two days later?

14 A. Yes.

15 Q. But you don't know how it got back in your house?

16 A. No.

17 Q. And you never saw a knife?

18 A. No.

19 Q. And once Mr. Martin, according to your testimony, took  
20 off running and they went up the street, you don't know what  
21 happened after that?

22 A. No.

23 Q. I want to show you, if I may --

24 MR. THOMPSON: May I approach, judge?

25 THE COURT: Yes.

1 BY MR. THOMPSON:

2 Q. Did you give a statement to the police?

3 A. Uh-huh.

4 Q. Is this the statement that you gave to the police?

5 A. Yes.

6 Q. Okay. Is there anything in this statement that you  
7 gave to the police -- and I believe you gave it to them on  
8 the 28th, the next day, is that right?

9 A. Uh-huh.

10 Q. Is there anything in this statement about a gun?

11 A. No.

12 Q. Why not?

13 A. Because I didn't think of it until the next day.

14 Q. You didn't think of it until the next day.

15 Now, the next day is the day that you gave your  
16 statement, right?

17 A. Uh-huh.

18 Q. You say after he chased him up the street, he came back  
19 a few minutes later and you were inside the house?

20 A. Uh-huh.

21 Q. Did you take the gun in?

22 A. No.

23 Q. Where was "Little Man" at this time?

24 A. He had came back, but he left.

25 Q. What about his girlfriend, and her name is Libby, where

1 was she at?

2 A. She -- she was there.

3 Q. Okay. She was at the house?

4 A. Yes.

5 Q. Did the police question her too?

6 A. No.

7 Q. They didn't?

8 A. Uh-uh.

9 Q. You say that Mr. Martin said he had to hurry and go  
10 because he had stabbed somebody?

11 A. Yes.

12 Q. Did he say where he was going?

13 A. No.

14 Q. And you say he put on a T-shirt?

15 A. Yes.

16 Q. And then what did he do?

17 A. He got on his bike and left.

18 Q. Got on his bike and left.

19 Did you have any contact with him any later that night?

20 A. He had called me and told me that he turned himself in.

21 Q. Okay. So after he went to the police he called you?

22 A. Yes.

23 Q. All right. Thank you.

24 THE COURT: Anything?

25 MR. SAMS: Yes, sir.



1 REDIRECT EXAMINATION BY MR. SAMS:

2 Q. Ms. Ramsey, you stated that Mr. Henderson and Mr.  
3 Hoffman argued, or pushed, or whatever, for about  
4 20 minutes?

5 A. Yes.

6 Q. But before when you answered my question, before you  
7 stated 20 minutes, you said for just a little bit. So --  
8 and Mr. Martin broke them up or got in between them?

9 A. Yes.

10 Q. Is that right?

11 A. Yes.

12 Q. And you said he let it go on for 20 minutes, is that  
13 right?

14 A. Yes.

15 Q. But 20 minutes isn't a little bit, is it? I mean, it  
16 went on for as long as a TV show, just about, 20 minutes?

17 A. Yes.

18 Q. Okay. And you stated that this gun -- you didn't tell  
19 the police about that gun?

20 Detective Burgess here, you spoke with him, didn't you?

21 A. Yes.

22 Q. Mr. Thompson was asking about the day after that, on  
23 the 28th, you gave that statement to this Detective Burgess?

24 A. Yes.

25 Q. You didn't tell him about that gun at the time, did

1 you?

2 A. No.

3 Q. Okay. Did you decide days after that to tell about the  
4 gun?

5 A. Yes.

6 Q. Okay. And you stated "that's when I turned it in." Do  
7 you mean you actually went and got the gun and turned it in  
8 to the police, or is that when you contacted the police and  
9 told them about the gun?

10 A. I had -- I had went to the police station and tried to  
11 call Richard Burgess, but I couldn't get in touch with him,  
12 so they had a police come out there and talk to me.

13 Q. Did you give them that gun?

14 A. No.

15 Q. Do you know what happened to that gun?

16 A. The last I knew Billy Henderson put it somewhere, but I  
17 don't know where.

18 Q. The last you heard Billy Henderson was supposed to put  
19 the gun somewhere?

20 A. Uh-huh.

21 Q. And you didn't ever see it after that?

22 A. No.

23 MR. SAMS: No further questions, Your Honor.

24 THE COURT: Anything on that?

25 RECROSS EXAMINATION BY MR. THOMPSON:

1 Q. Didn't you tell me when I asked you the question that  
2 you gave the gun to a police officer?

3 A. No.

4 Q. You didn't say that?

5 A. No.

6 Q. Okay.

7 MR. THOMPSON: I don't have anything.

8 THE COURT: All right. Ma'am, you may step down.  
9 Please be very careful.

10 All right. Let's take about 15 minutes,  
11 gentlemen.

12 Madam Forelady, ladies and gentlemen of the jury,  
13 we have been running now for about an hour and 40 minutes,  
14 so we are going to take a good 15 to 18 minute break for the  
15 afternoon.

16 Please do not discuss the case even among  
17 yourselves. Don't even think about the case. You are  
18 working here. When you are at work, you take a break, you  
19 don't want to think about work, okay? Think about something  
20 else. So get some water, use the facilities. If you need  
21 anything, let the bailiffs know and they will be happy to  
22 accommodate you.

23 Madam Forelady, if you would take the jury out.

24 MR. SAMS: Your Honor, may this witness be  
25 excused?

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

THE COURT: Yes.

MR. THOMPSON: No objection.

THE COURT: Yes, sir.

(The following takes place outside the presence of  
the jury panel)

THE COURT: All right. We will take to the bottom  
of the hour, 3:30.

MR. THOMPSON: Yes, sir.

(Whereupon, proceedings were recessed)

(Whereupon, proceedings were reconvened)

THE COURT: Everybody ready?

MR. SAMS: Yes.

MR. THOMPSON: Yes.

THE COURT: All right. We will have the jury.

(The following takes place in the presence of the  
jury panel)

THE COURT: Madam Forelady, everything okay with  
the jury?

JURY FOREPERSON: Very good.

THE COURT: Everything is good.

All right, solicitor.

MR. SAMS: Thank you, Your Honor.

The State calls Dr. Charles Morrow.

DR. CHARLES MORROW, having been first duly sworn,

1 testified as follows:

2 THE COURT: Doctor, adjust that accordingly and  
3 tell us your full name and spell your last name, please, for  
4 the court reporter.

5 THE WITNESS: I'm Dr. Charles Morrow, M-O-R-R-O-W.

6 THE COURT: Thank you, doctor.

7 Solicitor.

8 MR. SAMS: Thank you, Your Honor.

9 DIRECT EXAMINATION BY MR. SAMS:

10 Q. Dr. Morrow, could you tell me where you are employed  
11 and what your position is?

12 A. I'm currently employed by Spartanburg Regional Health  
13 Care System. I am a trauma surgeon and surgical intensive  
14 with them, as well as a chief medical officer for their  
15 system.

16 Q. Okay. What is your length of experience in that  
17 position?

18 A. I have been practicing at Spartanburg Regional as a  
19 trauma surgeon and as a surgical intensive since 2001.

20 Q. Okay. And tell us a little bit about your medical  
21 background, your background in surgery, and trauma surgery,  
22 surgical critical care, including your education, your  
23 experience and any continuing education, as well as  
24 presentations.

25 A. Sure. I completed my surgical training in 2000.,

1 I did a fellowship in the trauma and critical care in  
2 Orlando, Florida.

3 Following that I came back to Spartanburg Regional and  
4 began practicing trauma and critical care there.

5 Approximately 2003 I became the director, the medical  
6 director, for the trauma service for Spartanburg Regional  
7 Health Care System. I was in that role as a practicing  
8 physician up until 18 months ago, and each time I took the  
9 role as a chief medical officer.

10 I continue to practice at about 50 percent clinical  
11 rate and cover trauma call and coverage of care.

12 Q. Okay. And tell me about your educational background.

13 A. I graduated college from the Citadel.

14 I did my medical education at the University of South  
15 Carolina; my residency in general surgery at Spartanburg;  
16 and then my fellowship in trauma critical care in Orlando  
17 Regional.

18 Q. And you have testified as an expert in court --

19 A. Yes.

20 Q. -- prior to this experience?

21 A. Yes, sir, I have.

22 Q. Discuss specifically your experience in wound care and  
23 treatment.

24 A. So at the trauma center we see roughly 1,800 patients  
25 who has been a victim of trauma every year. I am actively

DR. CHARLES MORROW - DIRECT BY MR. SAMS

1 involved in almost every one of those patients at some  
2 point. Most of them have some type of wound. And as  
3 general surgeon, as a trauma surgeon we manage each one of  
4 those.

5 Q. Okay.

6 A. Any type of traumatic injury, which includes each  
7 wound, is clearly in my area of what we do every day.

8 Q. Yes, sir.

9 So you deal with wounds on almost a daily basis?

10 A. Yes, sir.

11 MR. SAMS: At this time, Your Honor, I would move  
12 to qualify Dr. Morrow as an expert in surgical critical care  
13 as well as trauma surgery.

14 MR. THOMPSON: No objection.

15 THE COURT: Surgical critical --

16 MR. SAMS: Care, yes, sir, and trauma surgery.

17 THE COURT: Ladies and gentlemen of the jury,  
18 normally a person cannot testify -- normally a person cannot  
19 testify as to an opinion. They must testify to something  
20 that they either saw themselves, heard, or sensed by their  
21 smell. However, there is an exception when someone is  
22 qualified due to their education, experience, knowledge,  
23 skill and training. They can be qualified as an expert and  
24 permitted to testify.

25 This witness is now offered and without objection

1 qualified as an expert in surgical critical care and trauma  
2 surgery, and you give whatever weight to that testimony that  
3 he gives that you deem credible and appropriate.

4 Solicitor.

5 MR. SAMS: Thank you, Your Honor.

6 BY MR. SAMS:

7 Q. Doctor, did you provide treatment to the victim, Mr.  
8 Nathan Hoffman, on or about January 27th, 2014, in relation  
9 to a puncture wound in his back?

10 A. Yes, sir.

11 Q. Okay. And where did that treatment occur?

12 A. That occurred in the trauma center at the Spartanburg  
13 Regional Medical Center.

14 Q. Okay. So he was transported to Spartanburg Regional.

15 At what point did you become involved in his diagnosis  
16 or treatment?

17 A. He was our highest level alert when we met him when he  
18 arrived at the hospital and I was involved in his treatment.  
19 I took him to the operating room that night, and then part  
20 of my team managed his care the rest of the time he was in  
21 the hospital.

22 Q. Okay. And what does that mean, highest level of alert?

23 A. So depending on the severity of your injury and the  
24 risks for some type of instability, we can alert the team to  
25 have everyone on standby when you roll into the door. The



1 patient who we would predict are the most likely to have a  
2 life threatening injury, that's who would we would be there  
3 waiting for. That would be opposed to our lowest level  
4 alert, where someone who is involved in a fender bender, a  
5 fender-bend type auto crash and there is very low risk for  
6 them, and so we would not be waiting for them, but the  
7 emergency room physician would see them and call us, if  
8 needed.

9 Q. Okay. Tell me specifically about Mr. Hoffman's wounds  
10 when he was brought into Spartanburg Regional.

11 A. He had a wound on his back on the right-hand side that  
12 was actively bleeding. He was short of breath and actually  
13 had a low blood pressure. All of his wounds were right in  
14 that one area, so it was a safe assumption to make that they  
15 are all localized to the penetration of his skin there that  
16 either went into his chest or could have gone in other  
17 places, but that was our concern.

18 Q. Okay. And during the course of your treatment, did  
19 you -- were you able to observe the physical characteristics  
20 of the wound, its location inside of the chest cavity or the  
21 abdomen, the size of the wound and other characteristics?

22 A. Right. I don't have independent recollection of the  
23 size of that wound. I can look back on our medical records,  
24 but I can't tell you if it was three inches or five inches.  
25 From the medical record it looks like it was probably two or

1 three inches, but it's not documented specifically, the  
2 length of the wound.

3 We ultimately placed a chest tube or a tube straight  
4 through the ribs into the chest cavity to drain blood that  
5 would accumulate there. It drained an awful lot of blood in  
6 the very beginning, and it continued to drain blood, so we  
7 knew something that was actively bleeding, so that night we  
8 took him to the operating room. As part of the evaluation  
9 of what might be bleeding there we took a camera and slid in  
10 between the ribs so you could see on the inside and we were  
11 able to identify there was a blood vessel that runs just  
12 underneath the bottom of your rib and that blood vessel had  
13 been severed and that's what was actively bleeding and we  
14 controlled that.

15 Q. Okay. So the blood vessel that runs you said  
16 underneath the rib?

17 A. Yeah, on the bottom side. If my finger is your rib,  
18 the blood -- this is the inside of your body, the blood  
19 vessel runs just underneath the bottom of it.

20 Q. And that had been cut?

21 A. Yes, sir, that had been cut.

22 Q. And he was bleeding internally from that?

23 A. Yes, sir.

24 Q. What other vital organs or areas would be close to that  
25 wound area?

1 A. The unknown, when you have a laceration or a stab  
2 wound, is just how deep the knife, or whatever it was, just  
3 how deep that goes into the chest, in this case. And so all  
4 the ribs right on the outside or right on the edge we don't  
5 know until we look how much deeper that goes. And in the  
6 area -- this was on the right-hand side of his back, so if  
7 you keep going deeper and deeper into that area, you  
8 obviously get into the lung. You can get into the blood  
9 vessels that are supplying the lung. And depending on the  
10 direction of that knife, if it's a knife in that direction  
11 it's going in, our concern is you get into the vital organs  
12 that are inside the abdominal cavity, because they are very  
13 close at that level. And the major blood vessels that all  
14 return to the heart run right in that area. And so those  
15 were the ones we were most concerned about making sure we  
16 understood where that knife had gone.

17 Q. So depending on exactly where a puncture wound such as  
18 this occurred in that general area, you could hit would you  
19 consider a multitude of life threatening areas or organs?

20 A. Yes, from that area, with the trajectory being in the  
21 right direction, you could go into the liver. You could go  
22 into the kidney. Probably the most life threatening of all  
23 is the vein that comes from the small intestine, the large  
24 intestine and the liver all come together right there and as  
25 that's the one large vein that feeds back to the heart. And

1 all of those come together right there behind the liver.  
2 It's very difficult to get to. That one injury is  
3 incredibly life threatening.

4 Q. Over the course of your time as a trauma surgeon in  
5 trauma care, have you dealt with wounds that have been  
6 caused by sharp objects, such as knives?

7 A. On a regular basis.

8 Q. Okay. Based on your training and experience, is your  
9 opinion that this particular wound that Mr. Hoffman came in  
10 with on that date could have been caused by a sharp object,  
11 such as a knife blade?

12 A. Yes, definitely.

13 Q. What type of symptoms would you expect this particular  
14 type of wound to cause a patient?

15 A. Well, that's all related to just how deep the knife  
16 goes. Certainly if it penetrates the skin and it goes  
17 through the chest wall and into the cavity of the chest  
18 where the lung is, you would expect shortness of breath.  
19 You may see a fair amount of bleeding.

20 If it goes deeper than that, then you are going to see  
21 a low blood pressure and myriad of other things, depending  
22 upon what else you get into. Certainly the shortness of  
23 breath and low blood pressure would be pretty common.

24 Q. Yes, sir.

25 MR. SAMS: I beg the court's indulgence for one

DR. CHARLES MORROW - DIRECT BY MR. SAMS

1 moment, Your Honor.

2 THE COURT: Yes, sir.

3 (Off the record)

4 (Back on the record)

5 BY MR. SAMS:

6 Q. Were there any other interventions or treatment that  
7 you provided to the patient or that were provided to the  
8 patient? Other than you explained an intubation that  
9 drained him internally of that bleeding, were there other  
10 treatments that were administered?

11 A. Not specifically that I haven't already mentioned.

12 When he came into the emergency room, of course, we  
13 evaluated him and that's where he got the tube placed into  
14 his chest. Once we realized that we would have to do  
15 further investigation of that, when he went to the operating  
16 room we put him to sleep and he was intubated at that point.  
17 We did a local exploration of that injury. And then  
18 ultimately when we saw it was continuing to bleed, we put a  
19 scope into the chest so we could get a better idea of where  
20 that was coming from. At that point we were able to make  
21 all the diagnoses we needed to make and control from that,  
22 so no other significant treatments were needed after that.

23 Q. Yes, sir.

24 So just I guess in a lay person's terms, how many  
25 actual surgical type of procedures would he have undergone?

1 A. One major surgery.

2 Q. One major surgery?

3 A. Yes, sir. I wouldn't count the chest tube as a major  
4 surgery. That was certainly a surgical procedure. That was  
5 done in the emergency room, and then one major surgery. We  
6 took him to the operating room and explored his chest.

7 Q. So he would have had the chest tube placed once, and  
8 then after that the surgical -- the major surgical  
9 intervention that you just described?

10 A. That's right, yes, sir.

11 Q. Are there any other relevant observations that you can  
12 refer us to in reference to his puncture wound?

13 A. No, sir, I think we have covered it.

14 Q. All right.

15 MR. SAMS: No further questions, Your Honor.

16 THE COURT: Thank you.

17 Mr. Thompson.

18 MR. THOMPSON: May I have a moment?

19 THE COURT: Yes, sir.

20 (Off the record).

21 (Back on the record)

22 CROSS EXAMINATION BY MR. THOMPSON:

23 Q. Good afternoon, Dr. Morrow.

24 A. Good afternoon.

25 Q. The wound to Mr. Hoffman's back, was it between the

DR. CHARLES MORROW - CROSS BY MR. THOMPSON

1 shoulder blades and spine, under the shoulder blade, through  
2 the shoulder blade?

3 A. My recollection, based on the medical records, that it  
4 was to the right of the spine and just below the shoulder  
5 blade.

6 Q. So along about in this area?

7 A. Yes, sir, somewhere in there.

8 Q. Okay. And you don't recall exactly how large the wound  
9 was?

10 A. Right. The indication on the chart -- we usually -- if  
11 it's a single puncture wound, like a needle makes a puncture  
12 wound, we put a dot, and that was -- his was indicated with  
13 a line that was across the side of his back, so I can't tell  
14 you exact size, but more than just a puncture.

15 Q. How many puncture wounds were there?

16 A. My recollection, based on the chart, there was one  
17 wound.

18 Q. One wound. Okay.

19 And you did the chest tube?

20 A. Yes, sir.

21 Q. Do you recall whether or not he had fluid in his lungs,  
22 indicated he had a problem with pneumonia prior to that,  
23 congestion?

24 A. So you can't see inside of the lungs, and that would be  
25 where the pneumonia would be. What we are discussing where

1 this blood is and all this is outside of the lungs.

2 Q. Okay. But as far as any congestion, are you aware of  
3 whether or not he indicated he had congestion prior to this  
4 incident happening?

5 A. No, sir.

6 Q. All right.. And you said this was outside the lung.  
7 This is in the thoracic cavity?

8 A. Yes, sir.

9 Q. Okay. And the one major surgery was for diagnosis and  
10 to, I guess, repair whatever was bleeding in there, is that  
11 correct?

12 A. Yes, sir.

13 Q. Okay. And how long did that surgery last, do you know?

14 A. Oh, I do not recall. In general that surgery should  
15 last less than two hours, but I don't recall how long  
16 that -- I didn't review that specifically, the time frame.

17 Q. Okay. And you have treated a number of knife wounds?

18 A. Yes, sir.

19 Q. And in your opinion this was caused by a knife blade?

20 A. It was caused by some sharp object that cuts the skin.  
21 It wasn't -- it wasn't a puncture, like a pencil would  
22 puncture the skin, but it was certainly sharp enough that it  
23 was a laceration-type entrance wound.

24 Q. And over the last five years can you estimate how many  
25 puncture wounds that you have treated?



DR. CHARLES MORROW - CROSS BY MR. THOMPSON

1 A. I have never actually sat down and counted how many  
2 puncture wounds I have treated. We can estimate it by -- we  
3 see 1,800 people a year. 15 percent of those are  
4 penetrating or either knife or gunshot wounds. So, you  
5 know, we do the math.

6 Q. So 1,800 divided the 15, that's what, 270 --

7 A. Several hundred. Several hundred that I personally  
8 take care of.

9 Q. And do most of those, for lack of a better word, die in  
10 the hospital, or do they make it through?

11 A. Well, most of them make it through, depending upon  
12 where that stab wound would be. So, for example, people who  
13 are stabbed in the area that I was telling you about where  
14 all those veins come together and it's just behind the  
15 liver, I would say less than ten percent survive that.

16 Q. Okay. And let me ask you this question.

17 Was there any signs of trauma to Mr. Hoffman, in your  
18 recollection, other than that wound to the back?

19 A. I don't recall any other evidence of trauma documented  
20 anywhere other than the wound that he had on his back.

21 Q. One wound to the back?

22 A. That's my recollection.

23 Q. All right. Thank you. Have a good afternoon.

24 A. Yes, sir.

25 THE COURT: Anything?

1 MR. SAMS: Just three or four.

2 REDIRECT EXAMINATION BY MR. SAMS:

3 Q. Doctor, you stated that on the documentation from the  
4 hospital y'all use a dot or a line. Explain again what do  
5 those indicate? What's the difference?

6 A. We are just trying to document it if you have what  
7 looks like a little picture diagram of a human body and we  
8 are diagramming where we see injuries. So if you were to  
9 come in with say a gunshot wound, that's going to look like  
10 a small puncture hole. Then that would -- we would indicate  
11 that by a dot with a pin they were shot right there; whereas  
12 if you come in having been, you know, with a laceration  
13 that's larger than that, then it's not going to be a dot.  
14 It's going to be some line. If that line went all the way  
15 across your body, that would indicate you have this huge  
16 laceration.

17 His was -- based on just looking at the diagram, you  
18 would estimate it, you know, something two, three inches in  
19 size. Certainly not a dot, but it didn't go all the way  
20 across his back.

21 Q. So on a penetrating wound, the line would indicate the  
22 size of the entry portion of the --

23 A. Yes, sir, it very well could.

24 Q. Okay. You stated there were -- the problem in this  
25 case initially was blood on the outside of the lungs. In

DR. CHARLES MORROW - RECROSS BY MR. THOMPSON

1 your experience, over the course of your career, could this  
2 be a life threatening condition to have that bleeding around  
3 the lungs?

4 A. It's -- that condition was life threatening. Should we  
5 not have done anything about it, he would bleed to death.  
6 And so that's -- you put the tube in and if it continues to  
7 bleed, you have to take him to the operating room and find  
8 the source. In this case it was something that we could  
9 repair quickly and easily, but you don't know that until you  
10 look at it by itself.

11 Q. Yes, sir.

12 And during the course of your career have you seen  
13 patients with wounds of a similar size and location to Mr.  
14 Hoffman's wound actually die or be permanently impaired from  
15 the wound?

16 A. Unfortunately yes, I have seen that.

17 MR. SAMS: No further questions, Your Honor.

18 THE COURT: Anything?

19 MR. THOMPSON: Just one, judge.

20 THE COURT: Yes.

21 RECROSS EXAMINATION BY MR. THOMPSON:

22 Q. If I were to stab -- if somebody were to stab me or I  
23 was to stab myself in the leg, in the artery, and that  
24 wasn't treated, that could be life threatening too, could it  
25 not?

1 A. Yes, sir.

2 MR. THOMPSON: Thank you.

3 THE COURT: Thank you.

4 Doctor, you may step down. Please be careful.

5 MR. SAMS: May the doctor be released, Your Honor?

6 MR. THOMPSON: No objection.

7 THE COURT: Doctor, you may be released.

8 THE WITNESS: Thank you.

9 THE COURT: Thank you.

10 MR. SAMS: Your Honor, the State would call Bobbi  
11 Jo Bolin to the stand.

12 BOBBI JO BOLIN, having been first duly sworn,  
13 testified as follows:

14 THE COURT: Ma'am, once you are seated, if you can  
15 tell us your full name and spell your last name, please.

16 THE WITNESS: Bobbi Jo Bolin, B-O-L-I-N.

17 THE COURT: Thank you.

18 Solicitor.

19 MR. SAMS: Thank you, Your Honor.

20 DIRECT EXAMINATION BY MR. SAMS:

21 Q. Ms. Bolin, do you know Christopher Martin?

22 A. I know him from the Mill Hill. I don't personally know  
23 him. He lives in the same place as me..

24 Q. Okay. Had you seen him around or did you know who he  
25 was prior to this particular incident on January 27th, 2014?

BOBBI JO BOLIN - DIRECT BY MR. SAMS

1 A. Yes.

2 Q. Okay. And how about Nathan Hoffman, do you know him?

3 A. No, sir.

4 Q. You don't know him?

5 A. Uh-huh.

6 Q. Okay. Had you ever seen him around anywhere?

7 A. No, sir.

8 Q. Okay. On January the 27th, 2014, did you see Mr.  
9 Martin and Mr. Hoffman anywhere on that date?

10 A. Yes.

11 Q. Okay. Where was that?

12 A. They were on -- well, I seen Hoffman walked up on the  
13 steps to the house, because I was standing outside at my  
14 mother's, and I didn't think nothing of it.

15 Q. What house did he walk up to?

16 A. He walked up to Chris Martin's house, which is in front  
17 of my momma's.

18 MR. SAMS: May I ask Ms. Bolin to step down, Your  
19 Honor?

20 THE COURT: Sure.

21 Ma'am, be careful.

22 (Witness of the witness stand)

23 BY MR. SAMS:

24 Q. If you will step right here, I'm going to hand you a  
25 laser pointer. It's got a little button there. You see up

1 on the wall where I'm pointing?

2 If you will look up here at my map, can you see that  
3 okay?

4 A. Uh-huh.

5 Q. Can you read the street?

6 A. Yes, sir.

7 Q. Okay. Show me where Christopher Martin's house is.

8 THE COURT: Ma'am, use the pointer, please.

9 A. Well, no, I'm trying to figure out which is my momma's.  
10 That's what I'm trying to do. I see the street right there.  
11 I see the street. I'm just trying to figure out which one  
12 it is.

13 BY MR. SAMS:

14 Q. Hit that button there.

15 A. I know.

16 I'm trying to think. It looks like his is right there  
17 and mine would be -- wait a minute. Wait a minute.

18 Okay. That would be me and that would be them.

19 Q. Okay. And what house did you see Mr. Hoffman go into?

20 A. That one.

21 Q. Okay. And show me where you were located.

22 A. I was right there.

23 Q. Okay. And what happened after you saw him go in that  
24 house?

25 A. Well, within like five minutes I heard a lot of

BOBBI JO BOLIN - DIRECT BY MR. SAMS

1     arguing. And about that time I turned around and was  
2     watching and Chris was arguing and stuff and screaming and  
3     hollering and the other boy was walking away out of the  
4     fence up -- he was walking up -- he walked out. He walked  
5     up that way, and Chris took off out of the fence and chased  
6     him up the road.

7     Q.    Okay. You said that you heard -- it was about five  
8     minutes later and you heard all that --

9     A.    Yeah.

10    Q.    -- arguing?

11    A.    Yeah.

12    Q.    Okay. It was yelling?

13    A.    Yes.

14    Q.    Okay. And when you looked over there when you heard  
15    that yelling, what did you see Mr. Hoffman doing?

16    A.    He was leaving the property and walking up the road.

17    Q.    Okay. Did you ever see him approach Mr. Martin at all?

18    A.    No, sir.

19    Q.    Where was Mr. Martin at the time when you first saw  
20    him?

21    A.    They were on that little porch.

22    Q.    Okay. Did they get into a fight in the front yard,  
23    that you saw?

24    A.    I didn't see, because I was hollering "I'm going to  
25    call the law," so I just turned to go call the law.

1 Q. Well, when you first saw Mr. Hoffman come out, did you  
2 ever see them --

3 A. No, I didn't --

4 Q. Did you ever see Mr. Hoffman approach Mr. Martin to go  
5 towards him?

6 A. No.

7 Q. Did you ever see him act in an aggressive manner  
8 towards Mr. Martin at all?

9 A. No.

10 Q. Did you see Mr. Hoffman -- did you see any weapon?

11 A. No, sir.

12 Q. So you didn't see anybody with any weapon?

13 A. Uh-huh.

14 Q. Okay. And tell me again where did Mr. Hoffman walk?

15 A. He walked outside the fence and started walking up that  
16 way.

17 Q. And about where was he when you saw Mr. Martin go after  
18 him?

19 A. It's weird looking at it this way.

20 I think they were about right there when I couldn't see  
21 no further and I just went in and called the law because I  
22 didn't know what was happening.

23 Q. Well, now, you stated -- did you state that Mr. Martin  
24 followed him?

25 A. Well, he run after him.



BOBBI JO BOLIN - DIRECT BY MR. SAMS

1 Q. He ran after him?

2 A. Yeah, he come out the fence running.

3 Q. When Mr. Martin started running after him, where was  
4 Mr. Hoffman? How far down the street was he?

5 A. As far as I could see, he had made it all the way down  
6 to about right there.

7 Q. Okay. Did you ever see -- did Mr. Hoffman come back  
8 towards him, or anything like that?

9 A. Not that I could -- no.

10 Q. Did you see him -- did he keep moving away from Mr.  
11 Martin, or did he move towards him, or what?

12 A. No, when I seen him, he just kept walking away, trying  
13 to walk away.

14 Q. And was Mr. Martin walking, running? What was he  
15 doing?

16 A. He just took off his shirt and took off running to jump  
17 on him.

18 Q. Okay. Did you see any kind of attack or anything from  
19 where you were?

20 A. No, because that's when I proceeded to go back in the  
21 house and call the law.

22 Q. Okay. And you stated that you yelled something?

23 A. Yeah, "I'm calling the law."

24 Q. Okay. And -- I'll take that pointer back. You can  
25 have a seat.

1 (Witness back on the witness stand)

2 BY MR. SAMS:

3 Q. So you told him you were calling the law?

4 A. Yes, sir.

5 Q. Did you call the law?

6 A. Yes, sir, I believe I did. I don't know really. At  
7 that moment I don't -- I don't know if it was a threat or  
8 what, because I think then they said he had been stabbed, or  
9 something.

10 Q. Okay. So you don't remember if you called the law or  
11 not?

12 A. No, sir.

13 Q. Did you ever see Mr. Hoffman or Mr. Martin after that,  
14 after they went down the street?

15 A. No, sir.

16 Q. Okay.

17 MR. SAMS: I beg the court's indulgence just one  
18 moment.

19 THE COURT: Yes, sir.

20 (Off the record)

21 (Back on the record)

22 BY MR. SAMS:

23 Q. And you never saw -- you never saw Mr. Hoffman move  
24 towards or be aggressive towards Mr. Martin in any way?

25 A. No, sir.

1 Q. And Mr. Martin chased after him down the street?

2 A. And hollering.

3 Q. Mr. Martin was hollering at him?

4 A. Yeah.

5 Q. Okay.

6 MR. SAMS: No further questions, Your Honor.

7 THE COURT: Stay right there.

8 All right. Mr. Thompson.

9 MR. THOMPSON: Just a couple brief ones.

10 CROSS EXAMINATION BY MR. THOMPSON:

11 Q. Did you ever see either Mr. Martin or Mr. Hoffman hit  
12 each other?

13 A. No.

14 Q. Did you ever see any physical confrontation between the  
15 two of them?

16 A. No.

17 Q. Did you ever see either one of them with a weapon?

18 A. No.

19 Q. Did you see either one of them stab the other one?

20 A. No.

21 Q. Did you ever see a gun?

22 A. No.

23 Q. Okay.

24 MR. THOMPSON: Thank you.

25 THE COURT: Anything at all?

1 MR. SAMS: No, sir.

2 THE COURT: Thank you. Ma'am, you may step down.

3 Please be careful.

4 MR. SAMS: May Ms. Bolin be excused?

5 MR. THOMPSON: No objection.

6 THE COURT: Ma'am, you may stay or go, whichever  
7 you choose.

8 THE WITNESS: Thank you.

9 THE COURT: Thank you..

10 MR. SAMS: Your Honor, I believe we will have a  
11 matter to take up with the court.

12 THE COURT: Okay.

13 Madam Forelady and ladies and gentlemen, this is  
14 one of those moments that I told you about when we first  
15 started that the lawyers need to ask me something or we need  
16 to talk about something outside of your presence. I'm going  
17 to ask that you retire to your jury room just for a few  
18 minutes. I don't know that it will take us very long.  
19 Don't discuss the case whatsoever. It's not time to  
20 deliberate, so don't have any discussion about the case.  
21 Madam Forelady.

22 (The following takes place outside the presence of  
23 the jury panel)

24 THE COURT: Solicitor.

25 MR. SAMS: Your Honor, Mr. Thompson and I had

1 spoken to you in chambers previously and I mentioned a  
2 witness that I would like to just place on the record that I  
3 have instructed him. During the course of my interviews of  
4 this witness he had repeatedly stated some inadmissible  
5 information that I was afraid could cause a mistrial and I  
6 have instructed him very seriously and repeatedly of what we  
7 can't say and what we can say in court. I would just like  
8 to place that on the record when I bring that witness in  
9 prior to -- outside of the jury's presence, if I may.

10 THE COURT: All right.

11 Mr. Thompson.

12 MR. THOMPSON: Well, I don't specifically know  
13 what the witness is going to say. I know what -- I assume  
14 you are talking about Mr. Scates?

15 MR. SAMS: Mr. Scates. It's Vernon Scates mand,  
16 specifically I guess I should be more specific. I just  
17 wanted Mr. Scates to testify about what he saw and heard and  
18 no extraneous hearsay information, no information about the  
19 defendant's record, anything along those lines.

20 THE COURT: Well, you are going to have to control  
21 him, Mr. Sams. I mean, he's your witness. If you can't  
22 control him, don't call him, but -- you know, I can't  
23 control him for you. I can instruct him to answer the  
24 questions, and answer the questions only, but, you know, you  
25 are the one that has to control your witness.

1 MR. THOMPSON: And I will say that if he goes  
2 outside the bounds, I'm going to do what I have to.

3 THE COURT: Yes, sir.

4 MR. SAMS: Yes, sir.

5 I would like to instruct him in front of the  
6 court.

7 THE COURT: Sure.

8 (Off the record)

9 (Back on the record)

10 VERNON SCATES, having been first duly sworn,  
11 testified as follows:

12 THE COURT: Mr. Scates, have a seat. Be careful,  
13 please.

14 THE WITNESS: Yeah, I'm glad to.

15 THE COURT: Okay. If you need some help, you let  
16 us know.

17 Are you going to make a proffer, or are you  
18 just -- what are you doing?

19 MR. SAMS: I wanted to repeat to Mr. Scates. Of  
20 course, we will just be testifying simply about what you,  
21 yourself, observed. No information outside of what you saw  
22 or heard.

23 THE WITNESS: Okay.

24 MR. SAMS: Yes, sir.

25 Nothing about any prior records, or what anybody

1 told you, or anything along those lines.

2 THE WITNESS: Okay.

3 THE COURT: Sir, do you understand that?

4 THE WITNESS: Yes, sir.

5 THE COURT: Okay. All right.

6 Anything else, Mr. Sams?

7 MR. SAMS: No, sir.

8 THE COURT: Okay. Sir, you may step down. You  
9 can just have a seat right over there.

10 Are you going to bring the jury back in?

11 MR. SAMS: Yes, sir.

12 THE COURT: Okay. I'll let you call him from  
13 behind you. How about that?

14 MR. THOMPSON: Are you going to be calling Mr.  
15 Pierce next?

16 MR. SAMS: Possibly.

17 MR. THOMPSON: Well, is that an issue with him on  
18 the hearsay while the jury is still out?

19 MR. SAMS: Oh, a proffer. We can do that.

20 MR. THOMPSON: I mean, that way you don't put him  
21 up for five minutes and have to send him back out.

22 THE COURT: Yeah. Mr. Pierce is going to testify  
23 today, yeah. I'm not planning on stopping again before the  
24 end of the day.

25 MR. SAMS: Okay. Well, we can go ahead and

1 proffer his testimony.

2 THE COURT: All right. Get Mr. Herman Pierce.

3 MR. SAMS: I guess he can't stay with the proffer  
4 with the sequestration.

5 THE COURT: No, we better have Mr. Scates step  
6 outside, please.

7 HERMAN PIERCE, having been first duly sworn,  
8 testified as follows:

9 THE COURT: Sir, you are Herman Pierce?

10 THE WITNESS: Yes, sir.

11 THE COURT: Spell your last name. Move that a  
12 little closer to you.

13 THE WITNESS: P-I-E-R-C-E.

14 THE COURT: Okay.

15 Is this a proffer?

16 MR. SAMS: Yes, sir. And specifically this goes  
17 to the issue that we had argued pretrial and I believe the  
18 court had ruled upon it and then offered that we proffer  
19 this testimony just to be on the safe side. It's in regards  
20 to a statement made by the victim, Mr. Hoffman, very shortly  
21 after he was stabbed as he walked further up  
22 Mr. Pierce comes outside. He heard him yelling.  
23 Specifically I was moving to get in the statement that  
24 "Chris stabbed me," or whatever it is that Mr. Pierce will  
25 testify to, specifically to the utterance, as an excited



HERMAN PIERCE - DIRECT BY MR. SAMS

1 utterance. I just -- specifically I guess I need to proffer  
2 that particular testimony.

3 THE COURT: Yeah, I was under -- I didn't really  
4 rule on it. I had it under consideration, so that's why we  
5 are here. So go ahead and elicit the testimony you want to  
6 elicit --

7 MR. SAMS: Yes, sir.

8 THE COURT: -- on that matter.

9 DIRECT EXAMINATION BY MR. SAMS:

10 Q. Mr. Pierce, tell me where you were living on January  
11 27th, 2014.

12 A.

13 Q. .?

14 A. Uh-huh.

15 Q. And you will have to speak loudly and clearer for this  
16 fellow to hear you and record what you are saying, okay?

17 And on that particular date did you come into contact  
18 or see Christopher Martin or Nathan Hoffman?

19 A. Yes, sir, I seen both of them.

20 Q. Okay. And tell me where you saw them.

21 A. They was in my yard to start with and then they walked  
22 out of the residence and in a few -- a little while later  
23 Nathan come back out to the residence from the crossroad out  
24 there and he was going around and around saying "help me,  
25 help me," and I thought bees was after him or something.

1 Q. Okay. Let me stop you right there. You said they were  
2 in your yard. How long before this were they in your yard?

3 A. They was -- maybe an hour, or something like that.

4 Q. An hour before any of this occurred?

5 A. Yes.

6 Q. And then you said you heard Mr. Hoffman say what now?

7 A. He was coming out of the road hollering "help me, help  
8 me."

9 Q. Okay. What did you do?

10 A. I went out.

11 Q. You ran outside?

12 A. I run out in the road and I got him by the hand and  
13 carried him in the fence where I live. I was going to take  
14 him in the house but he fell.

15 Q. Did he say -- make any statements to you?

16 A. I asked him, I said "what happened to you?" I said  
17 "what's wrong with you?" He said "I have been stabbed.

18 Q. Okay. And when did you ask him what happened to him?

19 A. Just as soon as I got him in the yard.

20 Q. As soon as you got to him and got him in the yard?

21 A. Yes.

22 Q. And he said "I have been stabbed?"

23 A. Yeah, I said "who stabbed you" and he said Chris.

24 Q. Did he make any other statements?

25 A. No, he couldn't talk.

1 Q. What do you mean he couldn't talk? He couldn't talk at  
2 all?

3 A. Barely.

4 Q. Okay. What do you mean by that?

5 A. I lifted his shirt up and there was a stab wound and  
6 that was -- he couldn't talk.

7 Q. But he was able to say "he stabbed me" and said "Chris  
8 did it?"

9 A. Yes.

10 Q. Okay. And so he didn't say anything after that?

11 A. Not much. I tried to keep him awake.

12 Q. Okay.

13 MR. SAMS: Your Honor, I believe the rest of Mr.  
14 Pierce's testimony just deals with the wound and him being  
15 in the yard, but that's the portion that I would move to  
16 elicit in front of the jury under the excited utterance.

17 THE COURT: Okay. Mr. Thompson?

18 MR. THOMPSON: Judge, I don't have any questions  
19 for him on his testimony, but I still object to the -- the  
20 "help me, help me", there is no question that is an excited  
21 utterance. That can come in.

22 My concern is with the -- when he says he went out  
23 to help him and he got him in his yard and he, he being Mr.  
24 Pierce, asked him what happened, and then Mr. Hoffman said  
25 he had been stabbed, and then Mr. Pierce asked him "who did

1 it" and Mr. Hoffman said that "it was Chris."

2 I assume that you are looking at that Harrison  
3 case, I don't know, but that Harrison case requires there to  
4 be a spontaneous statement.

5 Now, if Mr. Pierce had gotten Mr. Hoffman and  
6 took -- when he heard him saying "help me, help me," taken  
7 him into the yard, and as they are going in the yard out of  
8 Mr. Hoffman's mouth, without any questions from Mr. Pierce,  
9 he would have said "I have been stabbed, Chris did it," that  
10 would fall under that. That's a spontaneous statement, but  
11 in this case it's not a spontaneous statement. It's a  
12 response to a question that was asked by Mr. Pierce. So  
13 that's our -- the totality of our argument is that it was a  
14 response elicited by a question by Mr. Pierce, not a  
15 spontaneous utterance.

16 THE COURT: Okay. I'm going to allow it over  
17 defense objection under 803(2) of the South Carolina Rules  
18 of Evidence.

19 It's this court's understanding that three  
20 elements must be met for a statement to be an excited  
21 utterance. The statement must relate to a startling event  
22 or condition; the statement must have been made while the  
23 declarant was under the stress of excitement; and the stress  
24 of the excitement must be caused by the startling event or  
25 condition. The court must consider this, under the totality

1 of the circumstances in determining whether the statement  
2 falls within the excited utterance exception. That is the  
3 State versus -- I'm sure I'll get this wrong, but  
4 Stahlnecker, S-T-A-H-L-N-E-C-K-E-R. That is found at 386  
5 S.C. 609, with a parallel cite of 690 S.E. 2d 565. That's a  
6 2010 case, which is in line with State v. Ladner. That's  
7 373 S.C. 103, a 2007 case. The other one was 2010. And  
8 also State v. Washington, 367 S.C. 76, a 2005 case.

9 This certainly was a statement made relating to  
10 the startling event. It was not a condition, but an event,  
11 and certainly made while he was under the stress of the  
12 excitement itself, the stabbing itself, and it was caused by  
13 the event itself. He was still within that excited moment.

14 I understand that he was asked and answered a  
15 question, but time is but one factor or -- but it's not the  
16 dispositive factor, so I'm going to allow that -- I'm going  
17 to allow that statement to come in over objection.

18 MR. THOMPSON: Yes, sir, and I'll -- when it comes  
19 in, I'll briefly note my objection for the record.

20 THE COURT: Yes, sir, absolutely.

21 Okay, he may testify to that.

22 MR. SAMS: Your Honor, I'm going to call Mr.  
23 Scates next. I guess you want me to call him from back here  
24 when we bring the jury in?

25 THE COURT: Yes. Are you going to call Mr.

1 Scates?

2 Mr. Scates is the next witness.

3 MR. SAMS: I'm sorry, I apologize, Mr. Pierce.

4 I'm going to call him next.

5 THE COURT: Are you going to call Mr. Pierce next?

6 MR. SAMS: Yes, sir.

7 THE COURT: Well, we can have Mr. Pierce be  
8 seated, if you would like, so he doesn't have to walk  
9 outside.

10 MR. SAMS: Whatever the court's preference.

11 THE COURT: Let's just let him have a seat right  
12 behind you there in the gallery and then he can come forward  
13 at that time.

14 Sir, if you would please step down and be very  
15 careful. If you need some help, let us know.

16 Show him where you want him to sit.

17 Are you ready?

18 MR. SAMS: Yes, sir.

19 (The following takes place in the presence of the  
20 jury panel)

21 THE COURT: Madam Forelady, any matters for the  
22 jury?

23 JURY FOREPERSON: No, sir.

24 THE COURT: Ready to go?

25 JURY FOREPERSON: Ready to go.

HERMAN PIERCE - DIRECT BY MR. SAMS

1 THE COURT: All right, solicitor.

2 MR. SAMS: Thank you, Your Honor.

3 The State calls Herman Ray Pierce to the stand.

4 HERMAN PIERCE, having been first duly sworn,  
5 testified as follows:

6 THE COURT: Mr. Pierce, tell us your full name,  
7 please, and spell your last name.

8 THE WITNESS: Herman Ray Pierce, P-I-E-R-C-E.

9 THE COURT: All right, solicitor.

10 MR. SAMS: Thank you, Your Honor.

11 DIRECT EXAMINATION BY MR. SAMS:

12 Q. Mr. Pierce?

13 A. Yes.

14 Q. Unfortunately I can see where you are living today, but  
15 back on January 27th, 2014, where were you residing? Where  
16 were you living?

17 A.

18 Q. :?

19 A. Yes.

20 Q. Okay. And do you know Christopher Martin, the  
21 defendant?

22 A. Yeah.

23 Q. Okay. How do you know him?

24 A. He was a friend.

25 Q. I'm sorry?

- 1 A. He was a friend.
- 2 Q. He was a friend of yours?
- 3 A. He lived near my house.
- 4 Q. What was the last part?
- 5 A. He lived around where I lived.
- 6 Q. Okay. And how about Mr. Nathan Hoffman, do you know
- 7 him?
- 8 A. He's a friend too.
- 9 Q. He's also a friend.
- 10 Did you know both of them back on January the 27th,
- 11 2014, when this incident occurred?
- 12 A. Yes.
- 13 Q. Okay. And did you see them on that day?
- 14 A. Yes, sir.
- 15 Q. Where did you see them?
- 16 A. They was at my house.
- 17 Q. They were at your house?
- 18 A. Yes.
- 19 Q. Where at your house?
- 20 A. At
- 21 Q. Is that the only time that you saw them that day?
- 22 A. Yes, sir, both of them together.
- 23 Q. Both of them together.
- 24 Did you see either of them separate later that day?
- 25 A. No, uh-uh.



HERMAN PIERCE - DIRECT BY MR. SAMS

1 Q. So after you saw them both at your house, you didn't  
2 never see them again?

3 A. Not until Nathan come off the road hurt.

4 Q. Say that again.

5 A. Not until Nathan come off the road hurt.

6 Q. So you did see Mr. Hoffman again?

7 A. Yeah.

8 Q. Okay. When did you see him by himself?

9 A. When he was coming off the road when he was injured.

10 Q. Okay.

11 MR. SAMS: I don't know how this is going to work,  
12 Your Honor. I was going to ask for him to step down and  
13 refer to our map. Is that --

14 THE COURT: I don't know if he can or not, but --

15 MR. SAMS: Is that proper protocol?

16 Maybe I should ask the detention center. May I  
17 give him the laser pointer and have him step down?

18 DETENTION OFFICER: That's fine.

19 THE COURT: Okay.

20 BY MR. SAMS:

21 Q. Mr. Pierce, I'm going to ask you to step right here, if  
22 I can.

23 (Witness off the witness stand)

24 BY MR. SAMS:

25 Q. All right, this is a laser pointer. That's a little

1 trigger. I want you to point it -- see it up there? I'm  
2 going to put a map up there. I want you to point to it when  
3 I put it up there.

4 Do you see that?

5 A. (Witness pointing).

6 Q. Can you see the map?

7 A. Let me figure it out here.

8 Okay. All right, I got it.

9 Q. Okay.

10 A. All right.

11 Q. Show me where your house is.

12 A. Right here.

13 Q. Is that where you were living back at this incident  
14 date?

15 A. Yeah.

16 Q. And where did you see -- when you said Nathan was  
17 coming out of the road or up the road, where was he?

18 A. He was about right here. And he was coming out through  
19 here like that right there and I heard him hollering and I  
20 was -- I run out the gate right there and I run down to him.

21 Q. I'm going to stop you right there, because I can barely  
22 hear you. You need to speak loudly for the jury, please,  
23 and for the court reporter over to your left.

24 A. Okay. He was around in here when I hear him hollering.  
25 I was right here in my house on the back. And I run out the

HERMAN PIERCE - DIRECT BY MR. SAMS

1 gate and I come down the road and met him around in there  
2 somewhere. I grabbed him up.

3 Q. Now, you said he was hollering?

4 A. Yes, sir.

5 Q. What was he saying?

6 A. He was saying "help me, help me."

7 Q. Okay. And let me stop you there.

8 You said that you saw him and Mr. Martin before that.

9 How long before that had you seen them?

10 A. It was probably about an hour.

11 Q. An hour before this?

12 A. Yeah, we was in the backyard.

13 Q. Okay. So about an hour before this they had been in  
14 your backyard?

15 A. Yes, sir.

16 Q. All right. I'm sorry to interrupt.

17 Now, after he said "help me," what happened?

18 A. When he said "help me, help me," so I grabbed him up  
19 and we barely did make it in the fence and he fell right  
20 there at my back door.

21 Q. Was anybody else around?

22 A. My wife, she was coming out the back door.

23 Q. Okay. And what happened after that?

24 A. And I said "what's the matter?" And he said --

25 MR. THOMPSON: Objection.

1 THE COURT: What's your objection?

2 Okay, it's overruled..

3 Go ahead.

4 A. He said "I have been stabbed."

5 I said "who stabbed you?"

6 He said "Chris."

7 MR. THOMPSON: I want to object to that part of  
8 the hearsay.

9 THE COURT: Yes, sir. It's overruled.

10 Go ahead.

11 BY MR. SAMS:

12 Q. He said what?

13 A. He said "Chris stabbed me."

14 Q. Okay. I'm going to take this laser pointer back and  
15 let you have a seat back up there, if you will, Mr. Pierce.

16 (Witness back on the witness stand).

17 BY MR. SAMS:

18 Q. What happened after that, Mr. Pierce?

19 A. He was -- he was laying there and I pulled his shirt up  
20 and there was a hole in his back and it was bleeding.

21 Q. Okay. Let me stop you. Remember to speak loudly. I'm  
22 sorry, I'm having trouble hearing you.

23 You say there was a hole in his back?

24 A. Yes, sir.

25 Q. Okay. And what kind of hole?

HERMAN PIERCE - DIRECT BY MR. SAMS

- 1 A. How big it was?
- 2 Q. Sure.
- 3 A. It was about like my thumb.
- 4 Q. Say that again.
- 5 A. It was about like my thumb.
- 6 Q. The size of your thumb?
- 7 A. Yeah, it was about --
- 8 Q. And you said it was bleeding?
- 9 A. Two inches in diameter.
- 10 Q. I'm sorry, what was that?
- 11 A. Two inches in diameter.
- 12 Q. Okay. And you said it was bleeding?
- 13 A. Yes.
- 14 Q. Okay. And what happened after that when you saw the
- 15 wound?
- 16 A. I told -- I told my wife to get me a rag and I kept it
- 17 open and I told her to hold it on it and I run and called
- 18 the ambulance --
- 19 Q. Okay.
- 20 A. -- and came back.
- 21 Q. Okay. And where was that wound located? Where was it
- 22 on Nathan?
- 23 A. Right down below his right shoulder on the back side.
- 24 Q. On his back?
- 25 A. Yes, sir.

1 Q. Okay. And you said it was bleeding when you looked at  
2 it?

3 A. Yeah, it was. It was bad.

4 Q. Okay. What was Nathan doing?

5 A. He was hanging in there.

6 Q. Hanging in there?

7 A. Yeah.

8 Q. Okay. How long did you hold that -- what did you say  
9 you held on the wound?

10 A. It was a rag.

11 Q. A rag.

12 How long did you hold the rag on the wound?

13 A. Until the ambulance got there and the helicopter.

14 Q. Okay. Mr. Pierce, I want you to look right here. This  
15 is State's Exhibit 44, several pieces of clothing inside of  
16 this box. I'm going to hold these up and tell me if you  
17 recognize any of these.

18 A. That's a T-shirt he had on, I think.

19 Q. Could you speak up? What is it?

20 A. Hold it up a little bit more.

21 That's -- that's just the rag we have at the time.

22 Q. Okay. That's the rag that you used?

23 A. I think it is.

24 Q. Okay. How about this?

25 A. I think that's the one we had holding his head up. I

HERMAN PIERCE - DIRECT BY MR. SAMS

1 had it under his head to prop the head up.

2 Q. Do you think this was under his head?

3 A. I believe it was.

4 Q. Okay. And how about this? Do you recognize this?

5 A. I'm not real sure about that.

6 Q. Okay. No problem.

7 So you said that you pulled his shirt up and looked at  
8 that wound?

9 A. Yeah.

10 Q. Did you take his shirt off?

11 A. I didn't.

12 Q. Do you remember what kind of shirt he had on?

13 A. Not really.

14 Q. And you stated -- he was obviously able to speak if he  
15 made that statement to you?

16 A. Yeah, when he first come in.

17 Q. Okay. You could understand what he was saying?

18 A. Yes, sir.

19 Q. Okay.

20 MR. SAMS: Beg the court's indulgence just one  
21 moment.

22 THE COURT: Yes, sir.

23 (Off the record).

24 (Back on the record).

25 BY MR. SAMS:

1 Q. So y'all stayed with him until the police and EMS  
2 arrived?

3 A. Yes, sir.

4 MR. SAMS: No further questions.

5 THE COURT: Yes, sir, Mr. Thompson.

6 CROSS EXAMINATION BY MR. THOMPSON:

7 Q. Just a couple.

8 Mr. Pierce, let's get this nasty stuff out of the way  
9 to start with. You got a drug conviction in 2013, right?

10 A. Yes, sir.

11 Q. Did you -- when you said that you first saw Mr.  
12 Hoffman, were you inside your house or outside your house?

13 A. Inside looking out the window.

14 Q. Okay. And you were looking in the direction that he  
15 was coming from?

16 A. Yes, sir.

17 Q. And you could hear him? He was in that next  
18 intersection down?

19 A. Yes, sir.

20 Q. And you could hear him hollering "help me, help me?"

21 A. Yes, sir.

22 Q. Did you see Mr. Martin at that point in time?

23 A. No, sir.

24 Q. Okay. Did you see Mr. Martin any more after that?

25 A. No, sir.



WILLIE PUTNAM - DIRECT BY MR. SAMS

1 Q. Okay. Did you see what occurred as to why Mr. Hoffman  
2 was hollering "help me, help me?"

3 A. No, sir.

4 Q. Okay.

5 MR. THOMPSON: Thank you.

6 THE COURT: Anything at all?

7 MR. SAMS: No, sir.

8 THE COURT: Thank you. Sir, you may step down.  
9 Please be careful.

10 MR. SAMS: The State calls Willie Putnam.

11 WILLIE PUTNAM, having been first duly sworn,  
12 testified as follows:

13 THE COURT: Mr. Putnam, tell us your full name and  
14 spell your last name, please.

15 THE WITNESS: William Parnell Putnam, P-U-T-N-A-M.

16 THE COURT: All right, solicitor.

17 MR. SAMS: Thank you, Your Honor.

18 DIRECT EXAMINATION BY MR. SAMS:

19 Q. Mr. Putnam, do you know Christopher Martin?

20 A. Just by the streets. That's all I know him by. By the  
21 Mill Hill, you know, I mean, that's all.

22 Q: And you have seen him around?

23 A. Yes, sir.

24 Q. You are going to have to speak up.

25 A. Okay.

1 Q. Mr. Watts is recording you and the jury is listening to  
2 you.

3 A. Okay.

4 Q. Okay. Had you seen him prior to this incident that we  
5 are here?

6 A. No, sir.

7 Q. You hadn't ever seen him before?

8 A. No, I have never seen him. I mean, I have seen him in  
9 the Mill Hill. I mean, I'm -- not by the incident right  
10 here, no. I mean, I don't know him, other than what  
11 happened that day.

12 Q. Okay. So you never seen him before then?

13 A. No.

14 Q. Okay. Do you know Nathan Hoffman?

15 A. Yes, sir.

16 Q. Okay. Did you know him before this date?

17 A. Yes.

18 Q. How did you know him?

19 A. Just -- I know him through a couple of friends that we  
20 hang out together, you know.

21 Q. Okay. On January the 27th, 2014, the day that this  
22 incident occurred that we are here on today, did you see  
23 them that day?

24 A. Did I see the what? Did I see Nathan?

25 Q. Did you see Nathan?

1 A. Yeah. I didn't see him. I seen -- I seen them both.

2 Q. You saw them both on that day?

3 A. Yeah, after it was over with. After that was over  
4 with.

5 I seen Nathan when he come out of the yard walking up  
6 the road. That's when I was walking up the road. Nathan  
7 come out of that boy's yard and --

8 Q. Now, slow down. Where did you first see them?

9 A. Nathan was coming out of that yard right there at the  
10 fence. Well, he was already out of the fence.

11 Q. Out of whose yard?

12 A. The Martin boy's yard right there.

13 Q. So Nathan was coming out of --

14 A. Well, he was --

15 Q. -- whose yard?

16 A. Yeah, he was coming out of his yard right there at the  
17 gate when I passed -- when me and him was side by side when  
18 I was walking up the road.

19 Q. Okay. So you were walking up the road?

20 A. Yes.

21 Q. Both of you were walking up?

22 A. It was -- I mean not

23

24 Q. Okay. Will you step --

25 MR. SAMS: May I have him step down?

1 THE COURT: Yes.

2 (Witness off the witness stand)

3 BY MR. SAMS:

4 Q. Will you step right here for me, Mr. Putnam? That's a  
5 laser pointer. The trigger. Point it up like that.

6 I'm going to let you look at this map that I have up  
7 here.

8 A. Uh-huh.

9 Q. Do you see that map?

10 A. Yes.

11 Q. Okay. Can you see the streets? Can you read that?

12 A. It looks like right there.

13 Q. Yeah.

14 A.

15 Q. Can you see the other street?

16 A. Yeah. Right there,

17 Q. ?

18 A. . That's too.

19 Q. Yes, sir.

20 What's that road over there on the far right?

21 A. Right here?

22 Q. Yes.

23 A.

24 Q. Okay. Show me where they were when you first saw them.

25 A. They were right there.

WILLIE PUTNAM - DIRECT BY MR. SAMS

- 1 Q. Okay. Where was you?
- 2 A. I was walking up the road.
- 3 Q. You were walking in that direction up toward .?
- 4 A. Yeah.
- 5 Q. Okay. So show me where Mr. Hoffman was when you saw
- 6 him.
- 7 A. About right there on the corner.
- 8 Q. Where was Mr. Martin?
- 9 A. He was on the front porch.
- 10 Q. Okay. Of his house?
- 11 A. Yeah.
- 12 Q. Which one is his house?
- 13 A. I would say that one right there.
- 14 Q. Okay. What happened after that?
- 15 A. The boy took his shirt off.
- 16 Q. You say the boy; who?
- 17 A. The Martin took his shirt off. And when he took his
- 18 shirt off, me and -- me and Nathan was still walking up
- 19 through there. Well, Nathan had got ahead of me a little
- 20 bit because the boy come out of the round fence and said
- 21 something to Nathan. I don't know what he said, but Nathan
- 22 got a little ahead of me and the boy come up and Nathan was
- 23 walking up there. Well, Nathan actually took off running.
- 24 When Nathan took off running, the boy chased after him about
- 25 right there and Nathan fell and the boy jumped on top of

1 him.

2 Q. And you were walking up the street the same direction  
3 as them?

4 A. Yeah, but actually I stopped. You know, I stopped  
5 because I didn't want to get involved in nothing. I didn't  
6 know what was going on. You know, I stopped right there. I  
7 stopped about right here, you know.

8 Q. Okay. And when you first saw him --

9 A. Right.

10 Q. -- when Mr. Hoffman was out in the road back when he  
11 was closer to --

12 A. Yes.

13 Q. -- did he ever go toward Mr. Martin at all?

14 A. No, sir.

15 Q. Did he do anything, act aggressively toward him?

16 A. No, sir.

17 Q. Did he have a weapon?

18 A. No, sir.

19 Q. Did you ever see Mr. Martin with a weapon?

20 A. After he jumped on the boy right there and jumped on  
21 top of him, when he come back out the road, I was over here  
22 on the other side of the road and it was a knife in his  
23 hand.

24 Q. You saw a knife in his hand?

25 A. In Martin's hand, yes..

WILLIE PUTNAM - DIRECT BY MR. SAMS

1 Q. After he --

2 A. Well, he was on the other side. You know, I really  
3 couldn't see it, but I knew he had it like right there. And  
4 I just glanced over and then that's when I -- I stopped and  
5 that's when I turned around and I just -- I didn't -- I  
6 left.

7 Q. Okay. You say you really couldn't see it. You could  
8 see it or you couldn't see it.

9 A. Well, I could see the point of it, but I know it was a  
10 knife. You know, I --

11 Q. You saw the point of the knife?

12 A. I did.

13 Q. And you said that Mr. Hoffman never went towards Mr.  
14 Martin at all?

15 A. No, sir.

16 Q. What direction was Mr. Hoffman moving?

17 A. He was moving out, coming out

18 Q. You said he started running?

19 A. Yes.

20 Q. Was Mr. Martin chasing him?

21 A. Yes, sir.

22 Q. And you never saw Mr. Hoffman display a weapon of any  
23 kind?

24 A. No, sir.

25 Q. You never saw him turn around and swing, or run towards

1 him, or do anything?

2 A. No, sir.

3 Q. And when Mr. Martin caught up with him, what did you  
4 see happen?

5 A. Well, Nathan, he slipped right there on the corner  
6 because the grass was wet and then the boy jumped on top of  
7 him and he started hitting him in the back, you know.

8 Q. You saw him hit him?

9 A. Yeah, two or three times.

10 Q. Okay.

11 A. And then that's when I -- I stopped. Nathan got up and  
12 started walking down here toward Ray's and that's when he  
13 hollered. When he hollered help, but he was out there at  
14 Ray's and there wasn't nothing I could do, you know. No, I  
15 couldn't help him, you know. Ain't nothing I could do. So  
16 the boy come walking out by me and that's when I seen the  
17 point of the knife and he went that away. I turned and come  
18 down

19 Q. Now, did you hear either of them say anything, make any  
20 statements?

21 A. No.

22 Q. You didn't hear any of them say anything the whole  
23 time?

24 A. What do you mean? No, I didn't hear them say nothing.

25 Q. You didn't hear either of them say anything?



WILLIE PUTNAM - DIRECT BY MR. SAMS

1 A. No, sir.

2 Q. Okay. I'm going to take that pointer back from you and  
3 let you have a seat.

4 A. Okay.

5 (Witness back on the witness stand).

6 BY MR. SAMS:

7 Q. All right. And you said you saw Mr. Hoffman go up  
8 toward Ray's house?

9 A. Yes.

10 Q. And what did you do?

11 A. I turned and went down , because there  
12 wasn't nothing -- you know, wasn't nothing I could do, you  
13 know. Nathan was hollering "help," but he was out there at  
14 Ray's. When he was out there at Ray, I seen Ray come out  
15 the road and there to him, and I turned around -- I mean, I  
16 just went on down

17 Q. So you heard him yell "help"?

18 A. Yeah.

19 Q. So did you hear him something?

20 A. Yeah, I heard him say "help," but then, you know, I  
21 didn't know he had been stabbed or nothing. You know, I  
22 didn't know that, you know, at the time, because I didn't go  
23 right through there. I just turned and went down -- come  
24 back and went there on

25 Q. You didn't hear him say anything else?

1 A. No, sir.

2 Q. Now, weren't you interviewed by the police? Did  
3 Detective Richard Burgess right there speak to you?

4 A. Yeah, he spoke to me in front of Jeff Wyatt, uh-huh.  
5 Pinto was there.

6 Q. Say that again.

7 A. Yes, I spoke to him, yeah.

8 Q. Okay. You gave him a written statement that you  
9 signed?

10 A. I -- I -- I don't remember what I wrote on it at the  
11 time because it's been a year and a half, but I remember  
12 signing it. He told me just -- I told him I didn't want to  
13 get involved in it and nothing like that right there and he  
14 wrote what I reckon what I said down and I signed it.

15 Q. Okay.

16 MR. SAMS: Beg the court's indulgence.

17 A. I really don't remember what I said only because it's  
18 been that long ago. I don't remember.

19 BY MR. SAMS:

20 Q. Okay.

21 MR. SAMS: Permission to approach the witness?

22 THE COURT: Yes, sir.

23 BY MR. SAMS:

24 Q. I want you to take a look at that and see if you  
25 recognize it.

WILLIE PUTNAM - DIRECT BY MR. SAMS

- 1 A. (Witness reviewing statement).
- 2 Q. Now, do you recognize what you have in your hand?
- 3 A. Yeah.
- 4 Q. What is that?
- 5 A. Statement.
- 6 Q. Whose statement?
- 7 A. Mine.
- 8 Q. Who did you give it to?
- 9 A. I give it to him.
- 10 Q. When did you give it to him?
- 11 A. That night.
- 12 Q. That night?
- 13 A. Uh-huh.
- 14 Q. I mean -- you have to say yes or no.
- 15 A. Yes, sir.
- 16 Q. So this is your statement that you are holding in your
- 17 hand?
- 18 A. Yeah, that's what I told him.
- 19 Q. Could you read the part that starts with "I heard
- 20 Nathan say?"
- 21 A. "I heard Nathan say you got a knife. What are you
- 22 going to cut me or" --
- 23 Q. Did you tell that to Detective Burgess?
- 24 A. Yes, sir, that's what I told him. I mean, I
- 25 didn't actually -- I didn't see the knife then, but, you

1 know, that's what Nathan -- I heard Nathan say "you got a  
2 knife. Are you going to cut me?"

3 He was on the other side of the road. I didn't see it  
4 then. You know, I didn't see the knife. Then that's when  
5 Nathan -- Nathan must have seen it, because he --

6 Q. You are confusing me now. You did see a knife or you  
7 didn't see a knife?

8 A. I seen the knife after he -- after he had stabbed him.  
9 I didn't see the knife when he was assaulted. Nathan said  
10 he seen it. I heard Nathan say "you got a knife. What are  
11 you going to cut me?"

12 Q. So you heard him say that?

13 A. I heard Nathan say that.

14 Q. But you didn't see the knife at that time?

15 A. I didn't see the knife, no, uh-uh.

16 Q. You saw the knife afterwards?

17 A. Afterwards, yes, sir.

18 MR. SAMS: Permission to approach the witness?

19 THE COURT: Yes, sir.

20 MR. SAMS: No further questions.

21 THE COURT: All right.

22 Mr. Thompson?

23 CROSS EXAMINATION BY MR. THOMPSON:

24 Q. After you state --

25 Well, first of all, you say that you and Nathan are

WILLIE PUTNAM - CROSS BY MR. THOMPSON

1 friends, right?

2 A. No, we -- we are not friend friends. You know, I just  
3 met him through them -- I knowed him --

4 Q. Through friends?

5 A. Through friends, yeah, for about -- about a year.

6 Q. But you really didn't know Mr. Martin --

7 A. No, sir.

8 Q. -- other than just seeing him in the area?

9 A. Seen him in the area.

10 Q. Okay. How far from this place do you live?

11 A. Right down the bottom of the hill. If you go on down  
12 , right there at

13 Q. Okay.

14 A. Jefferson.

15 Q. And after you saw the incident and you heard Nathan  
16 holler "help me, help me", you say that you turned and went  
17 down because you didn't want to get involved?

18 A. Right.

19 Q. Did you call the police?

20 A. No, sir. No, because he had already -- they was out  
21 there hollering -- while the man was hollering, they was  
22 already calling the police. They was already saying they  
23 had done called the police.

24 Q. But you see a man get stabbed and you don't want to get  
25 involved?

1 A. I -- I didn't know he had been stabbed at the time.  
2 All I know is that Martin jumped on his back and started  
3 punching him. I reckon he was stabbing him then, because  
4 Nathan hollered "help" -- I mean, you know, "I have been  
5 stabbed," but that's after he was gone on out the road.

6 Q. How many times did he punch him?

7 A. Three or four.

8 Q. Thank you.

9 MR. THOMPSON: I have no further questions.

10 THE COURT: Anything at all?

11 MR. SAMS: No, sir.

12 THE COURT: Thank you, sir. You may step down.

13 MR. SAMS: The State calls Jeffrey Wyatt.

14 JEFFREY WYATT, having been first duly sworn,  
15 testified as follows:

16 THE COURT: Sir, tell us your full name and spell  
17 your last name, please.

18 THE WITNESS: Jeffrey Lynn Wyatt, W-Y-A-T-T.

19 THE COURT: Thank you, sir.

20 Solicitor.

21 MR. SAMS: Thank you, Your Honor.

22 DIRECT EXAMINATION BY MR. SAMS:

23 Q. Mr. Wyatt, I know that you have got a quiet voice. I'm  
24 just going to ask you to speak up and clearly so that Mr.  
25 Watts can take down what you are saying and these ladies and

JEFFREY WYATT - DIRECT BY MR. SAMS

1 gentlemen on the jury can hear what you are saying, okay?

2 A. (Shaking head yes):

3 Q. Do you know Christopher Martin?

4 A. I know him by going with Jessica Ramsey. That's how I  
5 got to know him.

6 Q. Okay. Can you bring that microphone in a little  
7 closer, or something?

8 Tell me that again.

9 A. I got to knowing him by Jessica Ramsey. That's how I  
10 got to know him.

11 Q. Okay. Did you know him before January 27th, 2014,  
12 before this incident occurred?

13 A. When he went with Jessica Ramsey I did.

14 Q. Okay. Where were they living?

15 A. They lived at his momma's residence.

16 Q. Okay. Where was that?

17 A. Huh --

18 Q. Let me ask you this first. Scratch that question.  
19 Where do you live?

20 A. I live on

21 Q. .?

22 A. Yeah.

23 Q. What's your address?

24 A.

25 Q. Okay. And where did they live in proximity or in

1 relation to where you were living?

2 A. Oh, they lived across the road then.

3 Q. Across the street from you?

4 A. Yeah.

5 Q. Okay. May I ask him to step down?

6 THE COURT: Yes, sir.

7 BY MR. SAMS:

8 Q. Mr. Wyatt, step right here for me.

9 (Witness off the witness stand).

10 BY MR. SAMS:

11 Q. I got a laser pointer. You see that trigger right  
12 there? Just point it up here. I'm going to put a map up  
13 there, okay? You are going to use it to point to my map.

14 Okay. I want you to take a look at that and make sure  
15 that you can read it.

16 A. Well, I can't read.

17 Q. I'm sorry. I apologize to you.

18 All right. Can you -- can you recognize that map?  
19 Look up there. The layout of it and the roads?

20 If I told you this is ; this is  
21 running here, this is running like

22 that, and that's . Do you recognize that area?

23 A. I don't see my house.

24 Q. Okay. Let me move that over.

25 Your house is on .?



JEFFREY WYATT - DIRECT BY MR. SAMS.

1 A. They lived across the road from it.

2 Q. Okay. If this, this road here that runs up like that,  
3 if that's , and this is , where  
4 would your house be? Can you point it out?

5 A. Where would the church be at?

6 Q. I don't know what church you are talking about.

7 A. It would be -- I can't.

8 Q. Okay. That's all right.

9 A. I don't go by the map.

10 Q. We won't refer to that map. You can just have a seat  
11 back over there.

12 (Witness back on the witness stand).

13 BY MR. SAMS:

14 Q. Okay. Mr. Wyatt, you said Mr. Martin and Ms. Ramsey  
15 lived across the street from you?

16 A. Uh-huh.

17 Q. Okay. And you knew who they were on the date that this  
18 incident occurred?

19 A. Uh-huh.

20 THE COURT: You have to say yes or no.

21 BY MR. SAMS:

22 Q. You have to say yes or no.

23 A. Yeah.

24 THE COURT: He's recording it.

25 THE WITNESS: Oh.

1 BY MR. SAMS:

2 Q. Did you know who the victim, Nathan Hoffman, was on  
3 that day?

4 A. No, sir, not on that day I didn't.

5 Q. You didn't know him?

6 A. Uh-uh.

7 Q. Okay. On that day, on January the 27th, 2014, did you  
8 see the victim and Mr. Martin?

9 A. I seen them, you know, arguing.

10 Q. You saw them arguing?

11 A. Well, I was in the house when, you know, I heard a  
12 little fussing going on.

13 Q. What house were you in?

14 A. My house on

15 Q. In your house?

16 A. Yes.

17 Q. And you said that you heard them arguing or saw them  
18 arguing?

19 A. I heard them arguing and then I went to the door and  
20 opened the door and went onto the porch.

21 Q. Okay. And let me establish it. When you walk out of  
22 your door, can you see the house where they lived?

23 A. Yes, sir.

24 Q. Okay. Is it right across the street?

25 A. Yes, sir.

JEFFREY WYATT - DIRECT BY MR. SAMS

1 Q. Can you see it easily?

2 A. Yes.

3 Q. Okay. Could you -- it is close enough you could talk  
4 to somebody standing in the other yard?

5 A. Yes, sir.

6 Q. Okay. And you said you heard them arguing. You walked  
7 out of the house and what did you see?

8 A. I seen them arguing and then I seen him, you know, go  
9 around the fence and go back that way towards the Pierces.

10 Q. Who did you see go out of the fence?

11 A. Him.

12 Q. Nathan Hoffman seated here in the court that I'm  
13 pointing to?

14 A. Uh-huh. Yes, sir.

15 Q. You saw him go out of the fence?

16 A. Yes, sir.

17 Q. Okay. Where did he go after that?

18 A. He went -- he went up the road and they kept, you know,  
19 arguing back and forth. And then he, you know -- and then  
20 he started -- you know, he took his shirt off and started  
21 running out of the fence.

22 Q. Okay. Let me slow you down. You said he went up the  
23 road. What road did he go up? Do you know the name of the  
24 road that he went up?

25 A. He was going toward the Pierces' house.

1 Q. Towards the Pierces' house?

2 A. Yes.

3 Q. So that would have been up which street?

4 A. (No response).

5 Q. Do you know the name of the street he would have been  
6 walking on?

7 A. You got and all that mixed up in that  
8 area.

9 Q. So was he walking towards :?

10 A. I don't know the name of that street.

11 Q. Okay. So he was walking towards Ray Pierce's house?

12 A. Yeah.

13 Q. Do you know Ray Pierce?

14 A. Yeah.

15 Q. And you know where he lived?

16 A. Yeah.

17 Q. Okay. And so -- so Mr. Hoffman was walking up the road  
18 towards Ray Pierce's house?

19 A. Uh-huh.

20 Q. And Mr. Martin, what was he doing?

21 A. They was fussing back and forth and then he took his  
22 shirt off and run. And then he started to run and then he  
23 started running down there.

24 Q. Okay. When they were fussing back and forth, where was  
25 Mr. Martin when you first saw him?

JEFFREY WYATT - DIRECT BY MR. SAMS

1 A. When they was fussing back and forth, he was on the  
2 porch and then he got in the yard.

3 Q. Okay. And when they were fussing back and forth, where  
4 was Mr. Hoffman when you first saw him?

5 A. Then he -- he went out of the fence and then he started  
6 going towards Pierce's.

7 Q. Mr. Hoffman was walking away?

8 A. Yeah.

9 Q. Okay. Did you ever see either of them touch each other  
10 in Mr. Martin's yard?

11 A. No.

12 Q. Okay. Did you ever see Mr. Hoffman go towards Mr.  
13 Martin?

14 A. No.

15 Q. Did you ever see him swing a punch, threaten him, act  
16 aggressive, or anything like that?

17 A. No.

18 Q. So he was just walking away from him?

19 A. Yeah.

20 Q. Okay. And when Mr. Martin you said took his shirt off  
21 and went after him?

22 A. Yes.

23 Q. Did Mr. Hoffman go towards him or away from him?

24 A. He run towards him -- away from him.

25 Q. He ran away from him?

- 1 A. (Shaking head yes).
- 2 Q. Trying to get away from Mr. Martin?
- 3 A. (Shaking head yes).
- 4 Q. Could you see what happened after that?
- 5 A. Uh-uh.
- 6 Q. Did you ever leave your property?
- 7 A. No.
- 8 Q. So you stayed on your property?
- 9 A. Yes, sir.
- 10 Q. Okay. Did you see Mr. Hoffman after that on that day?
- 11 A. No.
- 12 Q. You didn't see him?
- 13 A. No.
- 14 Q. Did you see Mr. Martin after that?
- 15 A. Yeah, he came back.
- 16 Q. He came back?
- 17 A. He came back.
- 18 Q. Where did he come back to?
- 19 A. His residence.
- 20 Q. He came back to his residence?
- 21 A. (Shaking head yes).
- 22 Q. Okay. And at any time did you ever see either of these
- 23 men with a weapon of any kind?
- 24 A. I seen him, it looked like he had a weapon.
- 25 Q. Okay.

JEFFREY WYATT - DIRECT BY MR. SAMS

1 A. I mean a --

2 Q. When you say him -- let me stop you. When you said  
3 him, you mean Christopher Martin?

4 A. Yes.

5 Q. Let me ask you first, did you see Mr. Hoffman with any  
6 kind of weapon at all?

7 A. No.

8 Q. Not at all?

9 A. No.

10 Q. And you saw Mr. Martin with -- what did you say it was?

11 A. It looked like a knife to me.

12 Q. It looked like a knife?

13 A. (Shaking head yes).

14 Q. When did you see that?

15 A. When he came back.

16 Q. Say that again, I'm sorry.

17 A. When he came back.

18 Q. When he came back?

19 A. When he came back to the residence.

20 Q. Okay. And did you ever see the knife before that?

21 A. No, sir.

22 Q. And did -- did Mr. Martin make any statements that you  
23 heard?

24 A. I heard him say -- I heard him say that he stabbed  
25 somebody. That's it.

1 Q. Say that one more time.

2 A. I heard him say he stabbed somebody and that was it.

3 Q. You heard Mr. Martin say he stabbed somebody when he  
4 came back?

5 A. (Shaking head yes).

6 Q. Okay.

7 MR. SAMS: Beg the court's indulgence for one  
8 moment..

9 THE COURT: Yes.

10 (Off the record)

11 (Back on the record)

12 BY MR. SAMS:

13 Q. Did Mr. Wyatt -- did Detective Burgess, right here,  
14 ever interview you? Did you speak with him?

15 A. I spoke with him.

16 Q. Okay. Did you give him a statement, a written  
17 statement, or did he record a statement that you told him?  
18 Did he write it down what you told him?

19 A. I don't recall.

20 MR. SAMS: Permission to approach the witness,  
21 Your Honor?

22 THE COURT: Yes.

23 BY MR. SAMS:

24 Q. I'm going to hand you two pieces of paper. I want you  
25 to look at them real good. Tell me if you recognize them.



JEFFREY WYATT - CROSS BY MR. THOMPSON

1 A. Yes, sir.

2 Q. Did you remember signing that sheet of paper?

3 A. Yes, sir.

4 Q. Okay. I know that you can't read what's on there, but  
5 did you have Detective Burgess read to you what he wrote?  
6 Did he read to you what he had written down?

7 A. No, sir.

8 Q. Do you remember telling the police that after Chris  
9 took his shirt off, you noticed he was holding what looked  
10 like a knife and then he went out of the fence?

11 A. I didn't see the knife when he left that place, but  
12 when he came back I did.

13 Q. Okay.

14 MR. SAMS: No further questions, Your Honor.

15 THE COURT: Mr. Thompson?

16 MR. THOMPSON: Just one or two, judge.

17 CROSS EXAMINATION BY MR. THOMPSON:

18 Q. You didn't see what happened up the road?

19 A. Oh, no, I didn't. I couldn't see it.

20 Q. And you say that Mr. Burgess or Detective Burgess did  
21 not read the statement to you and you just signed it?

22 A. I just signed it.

23 Q. Okay. And you can't read it yourself, so you don't  
24 know what you signed?

25 A. Uh-uh.

1 Q. Okay. You say that when Mr. Martin came back, he said  
2 he had stabbed somebody?

3 A. Yeah.

4 Q. Okay. But that's not in your statement. Did you know  
5 that?

6 A. No, sir.

7 Q. Did you tell Detective Burgess that that night that he  
8 had stabbed somebody?

9 A. I thought I did, but I must have didn't.

10 Q. Thank you.

11 THE COURT: Anything else?

12 MR. SAMS: No, sir.

13 THE COURT: Thank you. Sir, you may step down.  
14 Please be careful.

15 MR. SAMS: The State would call Teresa Stroupe.

16 MR. THOMPSON: Could we approach?

17 THE COURT: Sure.

18 (Whereupon, the lawyers approached the bench for  
19 an off-the-record discussion)

20 TERESA STROUPE, having been first duly sworn,  
21 testified as follows:

22 THE COURT: Ma'am, tell us your full name and  
23 spell your last name for us, please.

24 THE WITNESS: It's Teresa Michelle Stroupe,  
25 S-T-R-O-U-P-E.

TERESA STROUPE - DIRECT BY MR. SAMS

1 THE COURT: All right, solicitor.

2 MR. SAMS: Thank you, Your Honor.

3 DIRECT EXAMINATION BY MR. SAMS:

4 Q. Ms. Stroupe, do you know Christopher Martin?

5 A. Yes, sir.

6 Q. How do you know him?

7 A. I knowed him since he was younger.

8 Q. Known him since he was younger?

9 A. Uh-huh.

10 Q. Do you know the victim, Nathan Hoffman?

11 A. Yeah, that's the one that day, he was running up the  
12 road.

13 Q. Okay. Did you know Mr. Hoffman before this particular  
14 incident?

15 A. No.

16 Q. So you didn't know him?

17 A. No.

18 Q. Now, did you see Mr. Hoffman and Mr. Martin on January  
19 the 27th, 2014, when this incident occurred?

20 A. I seen them arguing, yeah.

21 Q. You saw them arguing?

22 A. Uh-huh.

23 Q. Where were they?

24 A. Chris was on the inside of the fence and he was on the  
25 outside of the fence.

1 Q. And what house were they at?

2 A. They was at

3 Q. Okay. And do you know Jessica Ramsey?

4 A. Yeah, that's my daughter.

5 Q. That's your daughter. Okay.

6 Was she in a relationship with Mr. Martin?

7 A. Yes, sir.

8 Q. Okay. And so the house you saw them at, was it the  
9 house that Jessica and Chris were living in?

10 A. Yes, sir, because I lived right across the road.

11 Q. You lived across the road. Who did you live with?

12 A. With Jeff Wyatt.

13 Q. You lived with Jeff Wyatt?

14 A. Yeah.

15 Q. Okay. And you were in your house?

16 A. Yes.

17 Q. Across the road?

18 A. Uh-huh.

19 Q. Okay. And tell me -- you said they were arguing?

20 A. Yeah, I heard somebody arguing. I said, "Jeff, let's  
21 see who's raising hell," you know, like that, and he went  
22 out there and looked and he seen Chris and Nathan arguing,  
23 which I didn't know his name was at that time.

24 Q. I'm going to ask you just to slow down and speak real  
25 clearly because this man has to record everything that you

TERESA STROUPE - DIRECT BY MR. SAMS

1 say and then these folks are listening to you. They have to  
2 hear what you say, okay?

3 A. Okay.

4 Q. So you said it was Chris and Nathan arguing. Did you  
5 go outside to actually see it?

6 A. No, that's what Jeff said, because I said "go see who's  
7 raising cane," you know, like that.

8 Q. Did you ever go outside?

9 A. Yeah, I went outside after he told me who was fussing  
10 and all, and I went -- but that's -- I went outside. That's  
11 when I seen Chris on the inside of the fence and him on the  
12 outside of the fence and --

13 Q. When you say him, are you talking about the fellow I'm  
14 pointing to in court, Nathan Hoffman?

15 A. Yes, sir.

16 Q. And he was outside the fence?

17 A. Yeah, there was fussing back and forth.

18 And then Chris --

19 Q. And Chris was inside the fence?

20 A. Yes, sir.

21 Q. Okay.

22 A. Then Chris pulled his shirt off, come outside the fence  
23 and run him up the road.

24 Q. Say that again?

25 A. He run him up the road.

1 Q. Okay. Ran him up the road?

2 A. Yeah.

3 Q. What does that mean exactly?

4 A. He went outside the fence and he was right behind him.  
5 Nathan was trying to get away from him, the way it looked to  
6 me, and he was running.

7 Q. Okay. When you were out there when you saw them, did  
8 you ever see Mr. Hoffman move towards Mr. Martin?

9 A. No, sir.

10 Q. Okay. Did you -- you didn't never see Mr. Hoffman  
11 throw a punch, or grab Mr. Martin --

12 A. No, sir.

13 Q. -- or walk towards him, or anything?

14 A. Uh-uh.

15 Q. Did you see Mr. Hoffman do anything threatening towards  
16 Mr. Martin?

17 A. No, sir.

18 Q. Okay. And you said Mr. Martin ran Mr. Hoffman up the  
19 road?

20 A. Yes, sir.

21 Q. So they were running up the road?

22 A. Uh-huh.

23 Q. And who was following who?

24 A. Nathan, he was in front. He was trying to get away.

25 Okay. Chris was right behind him.

TERESA STROUPE - DIRECT BY MR. SAMS

1 Q. Nathan was running away from Chris?

2 A. Yeah.

3 Q. Okay. Did you ever see a weapon?

4 A. No, sir, I sure didn't.

5 Q. Okay. And did you ever leave your property?

6 A. No, sir.

7 Q. Okay. What road were they running up, do you know?

8 A. That was

9 Q. Running up :?

10 A. Yes, sir.

11 Q. Was that in the direction of like --

12 A. Uh-huh.

13 Q. -- and .?

14 A. Yes, sir.

15 Q. Up towards Ray Pierce's house?

16 A. Yes, sir.

17 Q. Okay. Did you ever see what happened? Did you,  
18 yourself, see what happened --

19 A. After --

20 Q. -- after they --

21 A. After there, no.

22 Q. -- went out of sight?

23 Did you ever see either of them after that?

24 A. Because the only thing else I know was --

25 Q. Hold on. Don't say anything anybody told you, but did

1 you see anything?

2 A. The only thing else that I seen was when Chris came  
3 back, he -- my daughter was giving him a shirt. That's all  
4 I know.

5 Q. Okay. When Chris came back, I'm sorry?

6 A. When Chris came back down from --

7 Q. Yes, ma'am?

8 A. -- the road where he was running, I seen my daughter  
9 handing him a shirt.

10 Q. So you saw your daughter hand him a shirt?

11 A. Yes, sir.

12 Q. Was that over at their house?

13 A. Yes, sir.

14 Q. Did you see anything else?

15 A. That's it.

16 Q. Okay. Thank you.

17 MR. SAMS: No further questions.

18 THE COURT: Mr. Thompson.

19 MR. THOMPSON: No questions, Your Honor.

20 THE COURT: Okay. Ma'am, you may step down.

21 Please be careful.

22 THE WITNESS: Okay.

23 THE COURT: Let me see the lawyers real quick.

24 It's a little after five.

25 (Whereupon, the lawyers approached the bench for



1 an off-the-record discussion).

2 THE COURT: Madam Forelady and ladies and  
3 gentlemen of the jury, it's a little after five p.m.. It's  
4 a little bit early to stop, but I think that the lawyers  
5 want to confer just a little bit and we may be farther along  
6 in this trial than we think we are. But, nonetheless,  
7 having said that we are going to go ahead and break for the  
8 evening. Otherwise, I would run another about a good 30  
9 minutes anyway, maybe 35, but we are going to go ahead and  
10 break a little bit early this evening.

11 We are going to start back --

12 Let's see, do we have anything, Madam Clerk, for  
13 me to do first thing in the morning?

14 THE CLERK: No, sir, I don't think, unless you  
15 scheduled something this morning while I wasn't up here.

16 (Off the record)

17 (Back on the record)

18 THE COURT: All right. Sometimes I have a  
19 conference call or something at 9:00, or 8:45. I didn't  
20 want to bring you in and let you be sitting back there. I'm  
21 told I don't have anything like in the morning. So having  
22 said that, I would be here shortly after eight a.m.. In  
23 fact, I got to drop my truck off at Burns Chevrolet for an  
24 oil change. I'll be here shortly after eight a.m. as soon  
25 as they bring me over here. We will start promptly at nine,

1 since I don't have anything else. So we will start promptly  
2 at nine. I would ask you to be here about 8:50, 8:51, or  
3 two, something like that. We are all adults here. Please  
4 be ready to go at nine. I will certainly be here before  
5 then. The lawyers will be here before then and we will be  
6 set up and ready to go.

7 So with that you are not to discuss this matter  
8 with anyone at home whatsoever. You can't discuss it among  
9 yourselves. It's not proper for you to begin any  
10 deliberations whatsoever at this time. The case is not  
11 over. Again, the case is not over. You have not heard all  
12 of the evidence, so please do not deliberate with anyone.

13 I have no belief that there would be anything in  
14 the newspaper about it. There has been no press here  
15 whatsoever, but in the event there is something somewhere,  
16 please disregard that. Don't read it. Don't listen to it.  
17 You know, you can read it and listen to it after this trial  
18 is over.

19 Don't even deliberate within your own mind, okay?  
20 So go home and do something else. This is work and you  
21 don't need to go home and think about work. I do appreciate  
22 your attentiveness, though. Be here ready to go at nine in  
23 the morning.

24 And Mr. Bailiff, do you want them to assemble back  
25 up here?

1 THE BAILIFF: Yes, sir.

2 THE COURT: Assemble back up here for the bailiffs  
3 and we will be ready to go at nine a.m. tomorrow morning.

4 Madam Forelady, if you will take the jury out.

5 (The following takes place outside the presence of  
6 the jury panel).

7 THE COURT: All right, we will be off the record  
8 now.

9 (Whereupon, proceedings were adjourned to August  
10 12, 2015).

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 STATE OF SOUTH CAROLINA )  
2 COUNTY OF CHEROKEE ) IN THE COURT OF GENERAL SESSIONS  
3  
4 THE STATE )  
5 -vs- ) TRANSCRIPT OF RECORD  
6 CHRISTOPHER EUGENE ) 2014-GS-11-00513  
7 MARTIN, ) AUGUST 12, 2015  
8 DEFENDANT. ) GAFFNEY, SOUTH CAROLINA  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

(VOLUME II)

B E F O R E:

THE HONORABLE R. KEITH KELLY, JUDGE. ; And a Jury.

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

CLIFTON M. SAMS, ASSISTANT SOLICITOR  
ATTORNEY FOR THE STATE

DON THOMPSON, PUBLIC DEFENDER  
ATTORNEY FOR THE DEFENDANT

MICHAEL R. WATTS  
CIRCUIT COURT REPORTER

|    |                                              |      |
|----|----------------------------------------------|------|
| 1  | INDEX                                        |      |
| 2  | (AUGUST 11, 2015)                            |      |
| 3  | WITNESSES                                    | PAGE |
| 4  | JURY VOIR DIRE -- PAGE 9                     |      |
| 5  | JURY SWORN -- PAGE 26                        |      |
| 6  | OPENING STATEMENT BY MR. SAMS -- PAGE 44     |      |
| 7  | OPENING STATEMENT BY MR. THOMPSON -- PAGE 47 |      |
| 8  | DETECTIVE RICHARD BURGESS (SW)               |      |
| 9  | DIRECT EXAMINATION BY MR. SAMS               | 55   |
| 10 | CROSS EXAMINATION BY MR. THOMPSON            | 63   |
| 11 | REDIRECT EXAMINATION BY MR. SAMS             | 68   |
| 12 | NATHAN HOFFMAN (SW)                          |      |
| 13 | DIRECT EXAMINATION BY MR. SAMS               | 71   |
| 14 | CROSS EXAMINATION BY MR. THOMPSON            | 83   |
| 15 | REDIRECT EXAMINATION BY MR. SAMS             | 92   |
| 16 | DETECTIVE JIMMY HENSON (SW)                  |      |
| 17 | DIRECT EXAMINATION BY MR. SAMS               | 94   |
| 18 | CROSS EXAMINATION BY MR. THOMPSON            | 109  |
| 19 | REDIRECT EXAMINATION BY MR. SAMS             | 113  |
| 20 | RE CROSS EXAMINATION BY MR. THOMPSON         | 118  |
| 21 | JESSICA RAMSEY (SW)                          |      |
| 22 | DIRECT EXAMINATION BY MR. SAMS               | 120  |
| 23 | CROSS EXAMINATION BY MR. THOMPSON            | 131  |
| 24 | REDIRECT EXAMINATION BY MR. SAMS             | 139  |
| 25 | RE CROSS EXAMINATION BY MR. THOMPSON         | 141  |

## INDEX

(AUGUST 11, 2015)

## WITNESSES

## PAGE

DR. CHARLES MORROW (SW)

DIRECT EXAMINATION BY MR. SAMS 143

CROSS EXAMINATION BY MR. THOMPSON 152

REDIRECT EXAMINATION BY MR. SAMS 156

RECROSS EXAMINATION BY MR. THOMPSON 157

BOBBI JO BOLIN (SW)

DIRECT EXAMINATION BY MR. SAMS 158

CROSS EXAMINATION BY MR. THOMPSON 165

HERMAN PIERCE (SW) (PROFFER)

DIRECT EXAMINATION BY MR. SAMS 171

(NO CROSS EXAMINATION BY MR. THOMPSON)

HERMAN PIERCE (SW)

DIRECT EXAMINATION BY MR. SAMS 177

CROSS EXAMINATION BY MR. THOMPSON 186

WILLIE PUTNAM (SW)

DIRECT EXAMINATION BY MR. SAMS 187

ROSS EXAMINATION BY MR. THOMPSON 198

JEFFREY WYATT (SW)

DIRECT EXAMINATION BY MR. SAMS 200

CROSS EXAMINATION BY MR. THOMPSON 211

## INDEX

(AUGUST 11, 2015)

## WITNESSES

PAGE

TERESA STROUPE (SW)

DIRECT EXAMINATION BY MR. SAMS

213

(NO CROSS EXAMINATION BY MR. THOMPSON)

## INDEX

(AUGUST 12, 2015)

## WITNESSES

PAGE

STATE RESTS -- PAGE 237

DEFENSE RESTS -- PAGE 237

CLOSING ARGUMENT BY MR. SAMS -- PAGE 238

FINAL ARGUMENT BY MR. THOMPSON -- PAGE 248

COURT'S JURY INSTRUCTIONS -- PAGE 259

JURY VERDICT -- PAGE 278

SENTENCING -- PAGE 283

REPORTER'S CERTIFICATE -- PAGE 285



| 1  | EXHIBITS |             |     |     |
|----|----------|-------------|-----|-----|
| 2  | NO.      | DESCRIPTION | ID. | EV. |
| 3  | S-1      | GOOGLE MAP  |     | 59  |
| 4  | S-2      | PHOTOGRAPH  |     | 72  |
| 5  | S-3      | PHOTOGRAPH  |     | 98  |
| 6  | S-4      | PHOTOGRAPH  |     | 98  |
| 7  | S-5      | PHOTOGRAPH  |     | 98  |
| 8  | S-6      | PHOTOGRAPH  |     | 98  |
| 9  | S-7      | PHOTOGRAPH  |     | 98  |
| 10 | S-8      | PHOTOGRAPH  |     | 98  |
| 11 | S-9      | PHOTOGRAPH  |     | 98  |
| 12 | S-10     | PHOTOGRAPH  |     | 98  |
| 13 | S-11     | PHOTOGRAPH  |     | 98  |
| 14 | S-12     | PHOTOGRAPH  |     | 98  |
| 15 | S-13     | PHOTOGRAPH  |     | 99  |
| 16 | S-14     | PHOTOGRAPH  |     | 99  |
| 17 | S-15     | PHOTOGRAPH  |     | 99  |
| 18 | S-16     | PHOTOGRAPH  |     | 99  |
| 19 | S-17     | PHOTOGRAPH  |     | 99  |
| 20 | S-18     | PHOTOGRAPH  |     | 99  |
| 21 | S-19     | PHOTOGRAPH  |     | 99  |
| 22 | S-20     | PHOTOGRAPH  |     | 99  |
| 23 | S-21     | PHOTOGRAPH  |     | 99  |
| 24 | S-22     | PHOTOGRAPH  |     | 99  |
| 25 | S-23     | PHOTOGRAPH  |     | 99  |

## EXHIBITS

|    | NO.  | DESCRIPTION    | ID. | EV. |
|----|------|----------------|-----|-----|
| 1  |      |                |     |     |
| 2  |      |                |     |     |
| 3  | S-24 | PHOTOGRAPH     |     | 99  |
| 4  | S-25 | PHOTOGRAPH     |     | 100 |
| 5  | S-26 | PHOTOGRAPH     |     | 100 |
| 6  | S-27 | PHOTOGRAPH     |     | 100 |
| 7  | S-28 | PHOTOGRAPH     |     | 100 |
| 8  | S-29 | PHOTOGRAPH     |     | 100 |
| 9  | S-30 | PHOTOGRAPH     |     | 100 |
| 10 | S-31 | PHOTOGRAPH     |     | 100 |
| 11 | S-32 | PHOTOGRAPH     |     | 100 |
| 12 | S-33 | PHOTOGRAPH     |     | 100 |
| 13 | S-34 | PHOTOGRAPH     |     | 100 |
| 14 | S-35 | PHOTOGRAPH     |     | 100 |
| 15 | S-36 | PHOTOGRAPH     |     | 100 |
| 16 | S-37 | PHOTOGRAPH     |     | 100 |
| 17 | S-38 | PHOTOGRAPH     |     | 101 |
| 18 | S-39 | PHOTOGRAPH     |     | 101 |
| 19 | S-40 | PHOTOGRAPH     |     | 101 |
| 20 | S-41 | PHOTOGRAPH     |     | 101 |
| 21 | S-42 | PHOTOGRAPH     |     | 101 |
| 22 | S-43 | PHOTOGRAPH     |     | 101 |
| 23 | S-44 | BOX OF CLOTHES |     | 106 |
| 24 | S-45 | PHOTOGRAPH     |     | 115 |
| 25 | S-46 | PHOTOGRAPH     |     | 115 |

|    |      | EXHIBITS    |     |     |
|----|------|-------------|-----|-----|
|    | NO.  | DESCRIPTION | ID. | EV. |
| 1  |      |             |     |     |
| 2  |      |             |     |     |
| 3  | S-47 | PHOTOGRAPH  |     | 115 |
| 4  |      |             |     |     |
| 5  |      |             |     |     |
| 6  |      |             |     |     |
| 7  |      |             |     |     |
| 8  |      |             |     |     |
| 9  |      |             |     |     |
| 10 |      |             |     |     |
| 11 |      |             |     |     |
| 12 |      |             |     |     |
| 13 |      |             |     |     |
| 14 |      |             |     |     |
| 15 |      |             |     |     |
| 16 |      |             |     |     |
| 17 |      |             |     |     |
| 18 |      |             |     |     |
| 19 |      |             |     |     |
| 20 |      |             |     |     |
| 21 |      |             |     |     |
| 22 |      |             |     |     |
| 23 |      |             |     |     |
| 24 |      |             |     |     |
| 25 |      |             |     |     |

1 (PROCEEDINGS, AUGUST 12, 2015)

2 THE COURT: We are back on the record.

3 Okay, solicitor?

4 MR. SAMS: Yes, sir.

5 The State at this time would rest.

6 THE COURT: Okay. The State has now rested.

7 And for the record the jury has not yet been  
8 brought into the courtroom, so the State has now rested.

9 Mr. Thompson?

10 MR. THOMPSON: I think we need to make a motion  
11 for a directed verdict just to protect the record, Your  
12 Honor.

13 THE COURT: Okay. Yes, sir.

14 MR. THOMPSON: Our motion would be the evidence  
15 presented does not support an attempted murder and that we  
16 would ask also based upon our objections to the hearsay  
17 evidence that came in.

18 THE COURT: All right.

19 Solicitor?

20 MR. SAMS: Your Honor, the State would argue there  
21 is more than ample evidence that could support and prove the  
22 guilt of the defendant for attempted murder. The intent to  
23 kill -- again, this is attempted murder. Obviously the  
24 victim didn't die, but malice aforethought. There is  
25 testimony on the record that there was some type of argument

1 at that house where Mr. Martin lived. He -- Mr. Martin  
2 wasn't even involved in any type of physical altercation;  
3 got in some type of verbal argument of some sort with the  
4 victim. The victim left, walked out to the street and was  
5 leaving during the verbal argument.

6 Ms. Jessica Ramsey testified that the defendant  
7 either grabbed some type of a gun and went out and put it on  
8 the step, then chased the victim down a block away as he ran  
9 from him and eventually caught him.

10 We had Willie Putnam testify that -- had Willie  
11 testify that he heard right as the -- right as the defendant  
12 got to him "you got a knife. What are you going to do, cut  
13 me now," or something to that extent.

14 The victim saw the knife as the defendant  
15 approached. Willie Putnam testified he saw the actual  
16 attack take place out in the street, saw the defendant  
17 hitting the victim in his back, saw the knife as he moved  
18 away. Again, he returned to his house.

19 There is an admission to -- overheard by Ms.  
20 Ramsey and Jeff Wyatt that "I just stabbed him."

21 Jeff Wyatt also saw the knife as he returned.

22 And so based on that, as well as the mountain of  
23 other evidence against the defendant, the State's position  
24 is that the directed verdict should be denied, that there is  
25 under this -- under the directed verdict standard there is

1 plenty of evidence tending to -- or that the jury could use  
2 to find a guilty verdict of attempted murder.

3 THE COURT: The court denies the defense motion.  
4 The trial court is concerned with the existence of evidence  
5 and not the weight. That goes to -- that is a matter  
6 entirely for the jury.

7 So this court, in reviewing the evidence that has  
8 been presented and all reasonable inferences in light most  
9 favorable to the nonmoving party, which is the State, finds  
10 there is a question of fact for the jury. So there is some  
11 evidence so the jury will get it. Okay?

12 MR. SAMS: Yes, sir.

13 MR. THOMPSON: Your Honor, I have talked to Mr.  
14 Martin as to whether or not he wishes to testify. My  
15 understanding is that he does not. I don't know if the  
16 court wants to inquire.

17 THE COURT: I believe I will do that, Mr.  
18 Thompson.

19 Sir, Mr. Martin, if you would stand, please, and  
20 be sworn.

21 CHRISTOPHER MARTIN, having been first duly sworn,  
22 testified as follows:

23 THE COURT: Mr. Martin, at this time I'm going to  
24 explain to you on the record here that you have certain  
25 rights. If you do not understand anything that I tell you

1 at this time or any question I have, if you will tell me,  
2 I'll let you talk to with your lawyer, okay?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: Sir, we have reached the stage of this  
5 trial where you may present your defense. You have the  
6 right to claim the protections given to you by the Fifth  
7 Amendment to the Constitution of the United States, which  
8 says, in part, no person shall be compelled in any criminal  
9 case to be a witness against himself.

10 You also have the right to claim the protections  
11 given to you by Article 1, Section 12 of the South Carolina  
12 Constitution, which states, in part, no person shall be  
13 compelled in any criminal case to be a witness against  
14 himself.

15 This means you cannot be required to testify in  
16 your case. You have the right to testify on your own  
17 behalf. However, no one can make you testify. This is a  
18 personal right and no one, except you, can waive this right.

19 If you decide to testify, you will be subject to  
20 the same rules that govern other witnesses and you may be  
21 examined and cross-examined on any relevant issue in this  
22 case.

23 Additionally, if you have any convictions  
24 involving dishonesty or false statement or for crimes  
25 punishable by imprisonment for more than one year and this

1 court determines the probative value of admitting the  
2 evidence outweighs its prejudicial effect to you, the  
3 solicitor will be able to introduce your record to attack  
4 your credibility.

5 If you decide to testify, the decision on your  
6 part must be freely, intelligently and voluntarily made with  
7 knowledge of the protections given to you by the  
8 Constitutions of United States and the State of South  
9 Carolina and the consequences of your decision.

10 If you decide not to testify, I will instruct the  
11 jurors that they cannot give the fact that you did not  
12 testify any consideration whatsoever and there is to be  
13 absolutely no prejudice to you because you did not testify.

14 It is entirely up to you as to whether or not you  
15 testify. You may speak with your lawyer, your family, or  
16 friends, or anyone else, but the decision must be your  
17 decision, and your decision alone.

18 Sir, do you understand what I have explained to  
19 you?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: Do you have any questions about what I  
22 have explained to you?

23 THE DEFENDANT: No, sir.

24 THE COURT: Have you discussed this with your  
25 lawyer as to whether or not you should or should not



1 testify?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: Do you wish to talk to your lawyer at  
4 this time?

5 THE DEFENDANT: No, sir.

6 THE COURT: Do you wish to testify?

7 THE DEFENDANT: No, sir.

8 THE COURT: And is that your decision?

9 THE DEFENDANT: Yes, sir, it is.

10 THE COURT: Are you under the influence of drugs,  
11 alcohol, or any substance that affects your reasoning  
12 ability?

13 THE DEFENDANT: No, sir.

14 THE COURT: You are of clear mind and know what  
15 you are doing?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: All right, sir. Thank you.

18 Mr. Thompson?

19 MR. THOMPSON: Judge, given that, the defense  
20 would rest?

21 THE COURT: The defense has now rested. Okay.

22 MR. THOMPSON: I know it's stupid, but in order  
23 for me to protect the record I have got to renew my motion  
24 for a directed verdict.

25 THE COURT: Yes, sir. And for the same reasons as

1 previously stated it is denied.

2 MR. THOMPSON: Yes, sir.

3 THE COURT: You are protected.

4 Anything from the State?

5 MR. SAMS: No, sir.

6 THE COURT: All right.

7 On the record.

8 Before we took the bench this morning, about 8:45,  
9 8:50, we had a charge conference. Gentlemen, I have shared  
10 with you my charge and I know that you reserve the right to  
11 make any objections that you want, but at this point is  
12 there any additions, deletions, corrections to what I intend  
13 to charge the jury?

14 MR. THOMPSON: None from the defense, Your Honor.

15 MR. SAMS: Your Honor, I respectfully object to  
16 the assault and battery second charge.

17 THE COURT: Yes, sir. Okay. That's noted.

18 Anything else?

19 MR. SAMS: No, sir.

20 THE COURT: All right. We are ready for the jury?

21 MR. SAMS: Yes, sir.

22 MR. THOMPSON: Yes.

23 THE COURT: Now, before they come, do you want to  
24 rest on the record?

25 MR. SAMS: Please, yes, sir.

1 THE COURT: Okay. In front of the jury?

2 MR. THOMPSON: Yes.

3 THE COURT: You will rest in front. We will go  
4 straight into closings.

5 MR. SAMS: Yes, sir.

6 THE COURT: All right. And you are first and you  
7 are last. You put nothing in.

8 MR. THOMPSON: That's right.

9 THE COURT: Okay. Ready.

10 (The following takes place in the presence of the  
11 jury panel)

12 THE COURT: Good morning, ladies and gentlemen.

13 Madam Forelady, any matters from the jury?

14 JURY FOREPERSON: No, sir.

15 THE COURT: All right. Ready to go?

16 JURY FOREPERSON: Yes.

17 THE COURT: Solicitor.

18 MR. SAMS: Your Honor, thank you.

19 At this time the State rests its case.

20 THE COURT: The State rests its case.

21 MR. SAMS: Yes, sir.

22 THE COURT: All right. Mr. Thompson?

23 MR. THOMPSON: Defense would rest also, Your  
24 Honor.

25 THE COURT: Defense has rested as well.

1                   Madam Forelady and ladies and gentlemen of the  
2 jury, both sides have now rested their cases. The State has  
3 now rested, meaning they intend not to call any more  
4 witnesses. And the defense has now rested, meaning they are  
5 not going to put up any evidence whatsoever at this point in  
6 time, nor are they required to.

7                   We are ready to close?

8                   MR. SAMS: Yes, sir.

9                   MR. THOMPSON: Yes, sir.

10                  THE COURT: Okay. All right, gentlemen.

11                  MR. SAMS: May it please the court?

12                  THE COURT: Yes.

13                  MR. SAMS: Madam Forelady, ladies and gentlemen of  
14 the jury, Mr. Hoffman walked away. He did what we are told  
15 the bigger man is supposed to do. He did what our moms tell  
16 us we are supposed to do when we are growing up, stay out of  
17 trouble. He walked away. Unfortunately sometimes in real  
18 life, as I said, you just can't get away from the trouble  
19 fast enough. Now, that's especially the case when someone  
20 like the defendant, Christopher Martin, is not going to let  
21 things go. He's not going to let someone walk away.

22                  Now, ladies and gentlemen, that's where the law  
23 steps in, because we want people to be able to walk away  
24 from trouble safely.

25                  Now, all of the witness' testimony in this case

1 tells the same story; Mr. Hoffman walked away out of that  
2 house, out of the fence, down Adams Street, and Mr. Martin  
3 was yelling, acting aggressively and chased him down the  
4 street a block away.

5 Now, was there an argument? There absolutely was  
6 an argument. We can't say specifically what Mr. Martin was  
7 so angry about. Probably something to do with the argument.

8 Mr. Hoffman, he was arguing as he left, or he said  
9 something smart, or something like that, but he continued  
10 walking away. Mr. Martin wasn't going to let that argument  
11 go.

12 Now, as far as the argument that took place in the  
13 house, it didn't even involve Mr. Martin. It involved Mr.  
14 Hoffman and a fellow named Billy Henderson, who they call  
15 "Little Man". And Mr. Hoffman told you there may have even  
16 been some pushing that took place inside that house between  
17 them, but pushing is pushing and that ended. And what  
18 happened after that ended, Mr. Hoffman walked away. He  
19 walked out of that house, and none of it involved  
20 Christopher Martin.

21 Now, whether you think, and you listened to the  
22 testimony, that Mr. Hoffman was in that house for  
23 20 minutes, as Jessica Ramsey said, and I will suggest to  
24 you that 20 minutes pushing and shoving is a pretty long  
25 time, even by olympic athlete standards, much less regular

1 guys, but whether you believe that or believe that he was in  
2 there for about five minutes, as Bobbi Jo Bolin stated up  
3 here, there was not a thing in the world that happened to  
4 justify Mr. Martin chasing him down the street and stabbing  
5 him in the back. Not a thing. He was trying to get away.

6 Now, think about how consistent the witness  
7 testimony is after 19 months to have that many people all  
8 sit up on the stand and tell the same story that involved  
9 Mr. Hoffman fleeing down the street and Mr. Martin chasing  
10 him, the shirt coming off. I mean, it's all consistent.

11 Now, are there deviations in details or do people  
12 have a hard time remembering details after 19 months?  
13 Certainly. If you think for yourself if all of you were  
14 placed around a block in various areas out here and you saw  
15 one man chasing another man down the street and then  
16 19 months later you are all called separately to tell what  
17 happened, there are going to be some people that forget some  
18 things. And depending on where you were standing, what your  
19 perspective is, there is people that you are going to focus  
20 on different details. Think about anything 19 months ago,  
21 over a year and a half ago, remarkable that you could  
22 remember, and try to remember it. It's pretty difficult to  
23 recall all the details. If you think of it in that context,  
24 that sheds light on how credible this witness testimony is,  
25 because they all have the same thing happen. Mr. Hoffman

1 walked out of that fence and he walked away up Adams Street  
2 and Mr. Martin chased him down out in that street.

3 Now, as to the actual details of the testimony, I  
4 want to review with you what we heard.

5 Jessica Ramsey, who is the mother of Mr. Martin's  
6 child, she stated that after Mr. Hoffman and Mr. Henderson  
7 argued in that house, and again she stated nobody touched  
8 Mr. Martin. The argument didn't even involve Mr. Martin.  
9 She testified that Mr. Hoffman left that house. And she  
10 also testified that Mr. Martin -- or I mean Mr. Hoffman left  
11 out of the house and Mr. Martin followed him out of that  
12 house. She testified that he grabbed a gun, went outside  
13 and set it on the steps.

14 Now, the gun -- and Mr. Thompson is a great  
15 attorney. I respect him greatly. He's a good defense  
16 attorney. The gun is something that -- and the collateral  
17 issues around the gun are something that the defense would  
18 like you to focus on; "what happened to the gun? Where did  
19 the gun go? You didn't tell the police the first time."  
20 The gun doesn't matter where it went. He didn't shoot Mr.  
21 Hoffman. Mr. Hoffman didn't even see the gun. What he did  
22 was he stabbed Mr. Hoffman with a knife.

23 Now, I'll tell you what the gun does give us, that  
24 it gives us our first glimpse into what the judge is going  
25 to charge you momentarily. You see, the judge in this whole

1 process that y'all have been a part of this whole time, he  
2 is what we call the arbiter of the law. He will instruct  
3 you on what the law in South Carolina is as it relates to  
4 this case, and he is the final word on the law. You listen  
5 to the judge and the law that he gives you to apply to the  
6 facts as you, the jury, get to find them. But he's going to  
7 instruct you on something called malice forethought and  
8 intent to kill that is involved in this attempted murder  
9 charge, and the gun gives us our first glimpse into that  
10 intent to kill and that malice aforethought. Before Mr.  
11 Martin ever stepped off of that porch and chased him down,  
12 Ms. Ramsey said he grabbed the gun, went out there and put  
13 it down.

14 Now, think about the rest of the testimony, in  
15 light of again what the judge is going to tell you about  
16 this malice aforethought and the intent to kill. He chased  
17 him down. When he gets to him -- as every witness has said,  
18 Mr. Hoffman gets down about a block away, about to Jackson  
19 Street. I know y'all seen the map. I'm not going to get  
20 the map back up and make you all look at it, because I know  
21 y'all don't need to see it, but he chased him down and gets  
22 to him at Jackson Street down Adams Street.

23 And you got Willie Putnam out in the street also  
24 and he hears Mr. Hoffman say "oh, you have a knife. What  
25 are you going to do, cut me," or "stab me," or something



1 along those lines. And then Mr. Putnam witnesses Mr. Martin  
2 then jump on top of him and start beating him in his back.  
3 He sees the knife when he gets up.

4 He goes -- Mr. Martin goes back to his house where  
5 Ms. Ramsey still is and Jeff Wyatt is across the street.  
6 And what does he say when he gets back? He says "I just  
7 stabbed him. I have to leave," and he leaves. There is not  
8 a scratch on Mr. Martin. Not a scratch. Mr. Hoffman has a  
9 giant hole in his back. He's dying out in the street.

10 Now, once Mr. Martin gets back to his house and he  
11 leaves, he doesn't call 911, 48 minutes after the first 911  
12 call comes in. Almost an hour after that call comes in.  
13 Now, he's already had time to go home. Mr. Wyatt seen the  
14 knife. Mr. Putnam seen the knife in his hand. He's told  
15 them that he stabbed Mr. Hoffman. He has left and about an  
16 hour later he calls 911.

17 Now, I'll tell you what Mr. Hoffman was doing at  
18 that time, if you can imagine. He was out in the street  
19 bleeding, barely able to speak, barely able to catch his  
20 breath. And as I told you before, thank goodness we are not  
21 here on a murder charge and we are only here on an attempted  
22 murder charge, because whatever your beliefs will tell you  
23 he was either blessed, lucky, fortunate, whatever the case  
24 may be that there was somebody out there brave enough to  
25 step out and help him when he was standing in the street, as

1 two witnesses told you, at least two witnesses told you  
2 yelling "help, help."

3 Now, Mr. Ray Pierce, who is seated up here -- who  
4 was seated up on this stand told you he comes outside and he  
5 thinks that there are bees or something chasing Mr. Hoffman,  
6 because he's walking around in circles yelling "help",  
7 reaching for his back. He gets outside and asked what  
8 happened. And as he's just been stabbed out in the street,  
9 you know, again dying, he says "I have been stabbed." Ray  
10 said "who stopped you?" He said "Chris stabbed me."

11 Now, fortunately Ray was able to get him up to the  
12 yard, get that rag inside this box, or one of them. He  
13 wasn't sure which one was the rag, but get a rag and put it  
14 on that wound and hold pressure to keep him from bleeding  
15 out. And fortunately the helicopter gets there and takes  
16 him to Spartanburg Regional and fortunately there was an  
17 able surgeon there and an able medical team and medical  
18 staff that was able to save his life, because as the doctor  
19 told you -- and when you are thinking about the injury, this  
20 is going to be important, because the judge is going to  
21 charge you on the law that relates to the injury. What did  
22 the doctor tell you? The doctor told you "if we didn't do  
23 anything, Mr. Hoffman was going to die." He was dying. He  
24 was bleeding internally. He had a stab wound through his  
25 back into his chest or into the thoracic cavity, as they

1 call it. I'm not up on anatomy enough to give you all the  
2 technical terms, but basically it went inside his body and  
3 cut, as the doctor described, a blood vessel that runs under  
4 his rib and it was real close to his liver and a bunch of  
5 blood vessels and a bunch of places that the doctor said he  
6 would have had a ten percent chance of survival if the knife  
7 had just gone in a certain way and hit that area.

8 Now, I think a few minutes before receiving that  
9 injury, Mr. Hoffman, what was he doing? He was walking  
10 away. He was trying to get away from this trouble, this  
11 little petty argument that happened, this little shoving  
12 match, that a lot of people have been in, especially if you  
13 are a guy, you may -- you may have shoved back and forth a  
14 guy, if you played ball, or on a playground, or whatever it  
15 may be. A shoving match is a shoving match. He walked  
16 away, out of that house, up the street, and was trying to  
17 get away. Ran, in fact, when he realized what was going on,  
18 and the next thing he knew he was in a helicopter flying to  
19 Spartanburg Regional for people to save his life.

20 Now, you heard Teresa Stroupe, who is the mother  
21 of Jessica Ramsey, say she saw her daughter hand Mr. Martin  
22 a shirt back when he gets back to the house and that -- that  
23 illustrates something.

24 Again, as I told you, how consistent all that  
25 testimony was. If you look at the overarching facts,

1 everybody saw him take his shirt off. He comes out, takes  
2 his shirt off, he skins off and he's ready to go. He's  
3 going after him out in the street. He's chasing him down.

4 Now, as Mr. Thompson had elicited through -- I  
5 don't remember which witness it was, but when Mr. Hoffman  
6 got to the -- got to the -- it was through Detective Burgess  
7 on cross-examination. When -- when Mr. Hoffman gets to the  
8 hospital, they did take some type of knife out of his  
9 pocket. Now, there wasn't a witness at all, there is  
10 absolutely no evidence putting any weapon in his hand.  
11 There is not a witness that establishes that Mr. Hoffman was  
12 aggressive in any way, moved towards him in any way. In  
13 fact, the opposite. He was moving away. He was trying to  
14 get away. He was trying to walk away from the trouble.

15 Now, again, Mr. Thompson being a great attorney,  
16 wants you to focus on things that are collateral, that are  
17 what we call red herrings. They are not pertinent to the  
18 attack that took place. Just because somebody may or may  
19 not have a knife in their pocket, which many, many people  
20 carry knives in their pockets every day. Many people. Not  
21 as weapons. Many, many carry around knives in their  
22 pockets, especially in South Carolina. Just because you  
23 have a knife in your pocket doesn't give anybody the right  
24 to stab you in the back in the street like a dog and leave  
25 you out there to die.

1           Now, as the doctor testified, he would have died  
2 without any kind of treatment. He was going to die out  
3 there. And I'm sure, you know, being attacked like this, if  
4 Mr. Hoffman had the choice of the people who witnessed his  
5 crime, he would prefer to have the Pope, Mother Teresa,  
6 Martin Luther King, a bunch of people who everybody is going  
7 to sit and listen to yada, yada, yada. I mean, literally,  
8 but you understand my point figuratively that he can't  
9 choose who saw this crime. Okay?

10           Now, I don't know, I'm not -- I'm not trying to be  
11 disparaging whatsoever, but I don't know if the people that  
12 y'all saw on the stand look like people living in your  
13 neighborhood or they don't. If you think that they don't,  
14 that's because you don't live in that neighborhood. Mr.  
15 Hoffman couldn't pick who saw him being attacked out there,  
16 but the one thing that all these people do have in common is  
17 that Mr. Martin is the one that put them in that position by  
18 doing what he did. By all these people out in this  
19 neighborhood being out there where they could see, that's  
20 the thing that everybody has in common, is that Mr. Martin  
21 is the one that made the choice to do what he did to make  
22 all these people have to be subpoenaed to come up here and  
23 sit on the stand and testify to you all.

24           Now, again, Mr. Thompson is going to get up and  
25 speak to you about the case. He's going to give his closing

1 argument and then the judge is going to give you the law and  
2 then you as the jury get to go back and you get to go  
3 discuss the case and you get to decide the case, because  
4 that's your job. That's our great system that we have. But  
5 as you consider the facts, consider everything that was told  
6 to you, just as Mr. Thompson told you, and how consistent  
7 after over a year and a half all this testimony is and it  
8 all points to one thing. It points to the fact that Mr.  
9 Martin, when he left that porch, he decided he wasn't going  
10 to let Mr. Hoffman walk away. He was going to go chase him  
11 out in the street, stab him and leave him to die out in the  
12 street.

13 Thank you all for listening and thank you for  
14 being here.

15 THE COURT: Thank you.

16 Mr. Thompson?

17 MR. THOMPSON: If it please the court, Your Honor?

18 THE COURT: Yes, sir.

19 MR. THOMPSON: I'm not going to preach to you. I  
20 just have to use my notes.

21 Ladies and gentlemen, thank you for listening  
22 yesterday intently. I know you paid attention.

23 As I told you in opening arguments, I think  
24 everything is going to kind of point in the same direction.  
25 There is going to be a few things off in a different

1 direction, but generally the story is going to go the same  
2 way.

3 I appreciate the kind words that Mr. Sams had  
4 about my ability. We are a small bar in this county, just a  
5 few attorneys. We are all friends with each other, okay?  
6 We know each other. We know how each other practices law.  
7 Mr. Sams has mentioned on this one and another. That white  
8 knife in his pocket don't mean a thing to me. I'm not going  
9 to argue that.

10 That gun, I'm going to say a couple of things  
11 about it and that's it. Number one, he's the only person  
12 that saw the gun. Did the gun even exist?

13 And number two, if it did exist, Mr. Martin  
14 carried the gun out on that porch. And if he intended to  
15 kill Mr. Hoffman, why didn't he shoot him with the gun? Or  
16 when he chased him down the road, why didn't he take the gun  
17 with him and shoot him, if he intended to kill him? I don't  
18 know.

19 As I told you in opening argument, you have to  
20 decide the facts in this case. Now, I'm 60 years old. I  
21 have been practicing law for 35 of that 60 years and I just  
22 found that the best ally I have is common sense, okay? And  
23 I'm not going to stand up here and try to argue something  
24 that's against common sense, because when I do, you are  
25 going to say that guy is an idiot.

1 I think when you go back -- it's not my job to say  
2 what the State has proven beyond a reasonable doubt, but I  
3 think when you go back, you are going to talk with each  
4 other and you are going to pretty quickly decide that the  
5 only evidence that you have heard that supports how Mr.  
6 Hoffman got stabbed in his back is the evidence that Mr.  
7 Martin did it. I'm not sitting here saying he did it, but I  
8 think that's what the reasonable doubt is going to show.

9 Here is what I want to talk to you about. If I --  
10 I told you if you find these facts -- and the judge is going  
11 to give you some law, and you are going to have to see how  
12 these facts that you have got mesh with the law the judge  
13 gives you to determine what happened.

14 Now, if I go to the bank with a ten dollar bill  
15 and I ask for change, they can give me two fives. They can  
16 give me a five and four ones and a bunch of change. I mean,  
17 that ten dollar bill was made up of smaller units is what  
18 I'm trying to get across to you. Well, intent to murder is  
19 made up of smaller units. The judge is going to explain  
20 some of those smaller units to you, but I'm going to  
21 start -- the way I would start, I would start at the bottom  
22 and build up. You can start however you want to. You can  
23 start at the top and build down. That may be the way the  
24 judge gives you the options, I don't know.

25 Attempted murder, though -- and I'm not going to



1 start with that. I'm going to start with -- he is going to  
2 give you three options. Well, actually four. Not guilty is  
3 one of them, but as I say, I'm not going to stand here and  
4 argue against common sense.

5 The next level up is assault and battery of a  
6 second degree. Now, if I say something different than what  
7 the judge says, you listen to the judge and not at me, okay,  
8 but assault and battery in the second degree requires that  
9 somebody, a person, injure another person, and the person  
10 that's injured has moderate bodily injury and --

11 I'm sorry, I just absolutely lost my train of  
12 thought. Moderate.

13 Bodily injury that results in the person having to  
14 have treatment.

15 Now, moderate bodily injury --

16 My train of thought just absolutely pulled out of  
17 the station.

18 Moderate bodily injury is physical injury, and in  
19 this case there is physical injury, that requires treatment  
20 to an organ system. Organ system - your heart, your lungs,  
21 your brain. Actually your skin is an organ system, okay,  
22 but it's an organ system other than skin, muscles, or  
23 connective tissues to the body. If I stab you in the arm,  
24 that's an organ system. The skin is muscle. You may cut a  
25 tendon, but that is not considered moderate bodily injury,

1 unless there is penetration that requires surgical repair,  
2 or that requires the use of general or regional anesthesia.

3 Now, in this case the doctor who testified that --  
4 when they got to the hospital they put in a chest tube.  
5 There was blood coming out. They went in to find out why.  
6 There was a blood vessel cut. They repaired it and it took  
7 one surgery, okay? Only one surgery.

8 The next step up, though, assault and battery of a  
9 high and aggravated nature. Now, that is when there is  
10 great bodily injury to a person. That great bodily injury  
11 is injury which causes a substantial, the word substantial,  
12 risk of death, or causes serious permanent disfigurement.  
13 There is no evidence in this case whatsoever of serious  
14 permanent disfigurement; or protracted loss or impairment of  
15 the function -- protracted loss or impairment of the  
16 function of a bodily member or organ. There is no  
17 testimony, no evidence whatsoever in this case, of any  
18 protracted loss or impairment. So the only thing that could  
19 support great bodily injury would be a substantial risk of  
20 death, if you find that to be the case.

21 Now, as to the moderate bodily injury, you could  
22 find that the fact that he had to have surgery and have  
23 anesthesia supports moderate bodily injury, okay?

24 So that's that -- the last charge is the one he's  
25 actually charged with, the other charge, the attempted

1 murder, and that requires an intent to kill somebody with  
2 malice aforethought.

3 I'm not going to try to go into the big long  
4 definition of malice. The judge is going to give all that  
5 to you, but malice aforethought simply means that you have  
6 an evil heart, you have blackness in your heart, you are  
7 bent on doing something evil, okay? Not only do you have to  
8 have malice, but you have to have the intent to kill.

9 If there was a gun, which y'all can decide if  
10 there was or wasn't, and he intended to kill him, why didn't  
11 he shoot him with the gun? Why didn't he chase him down the  
12 road with a gun and shoot him, okay?

13 Intent to kill? Why was there only one stab  
14 wound? If he was on top of him, as -- and I don't know  
15 which witness it was. I believe it was Mr. Putnam. If he  
16 was on top of him, hitting him, and he said three or four  
17 times, if each one of those hits was a knife stab, why  
18 didn't he stab him three or four times? Where is the intent  
19 to kill?

20 You know, there is some things in this that just  
21 don't fit together. You know, the place where they say it  
22 happened. And Mr. Hoffman says he slipped in the grass and  
23 fell and that's when Mr. Martin jumped on him. Look at the  
24 pictures of where they say it happened. Covered with dead  
25 leaves. No dead leaves were disturbed. If somebody had

1        been on the ground and it had been a -- somebody on top of  
2        him and there had been some kind of confrontation, those  
3        leaves would at least be disturbed, but they are not. They  
4        are just like they fell there. Look at the pictures.

5                The blood trail starts in the middle of the road.  
6        It doesn't start out in the leaves.

7                Now, what does all that mean? Well, it means that  
8        probably Mr. Hoffman in his statement -- now, on the stand  
9        he didn't testify to this, but when I brought his statement  
10       up he says he bent over to try and sweep Mr. Martin's legs  
11       out from under him and that's when he got stabbed in the  
12       back, okay? Not that Mr. Martin was on top of him on the  
13       side of the road stabbing him. That makes more sense.

14               Mr. Sams says, you know, as we are all taught, we  
15       walk away. Yeah, that's what we are taught. We are talk to  
16       walk away, but as I told you, I have been -- I'm 60 years  
17       old, been practicing 35 years, and but that whole 60 years I  
18       have been a redneck, okay? I was born, I was raised in the  
19       south and I grew up in the south and I know how people are.  
20       And Mr. Hoffman even testified as he's walking away he's  
21       mouthing back at Mr. Martin. He's not just walking away  
22       quietly. He's arguing back with him, mouthing back at him.  
23       Maybe that's what pissed Mr. Martin off to cause him to come  
24       off that porch.

25               The doctor's testimony, and this goes back to the

1 the injury. The doctor's testimony, one stab wound -- or,  
2 I'm sorry, one wound which could have been caused by a knife  
3 blade. He couldn't say it definitely was, but he said in  
4 his experience that could be caused by a knife blade, and I  
5 don't think there is any evidence to suggest anything else  
6 in this case. Mr. Hoffman, when he got to the hospital, had  
7 shortness of breath, low blood pressure and was bleeding.  
8 And the doctor testified that that is pretty common in stab  
9 wound cases. Shortness of breath, low blood pressure and  
10 bleeding, very common.

11 "Doctor, everybody that gets stab die?

12 "No, most of them make it. Most of them make it.  
13 It's only life threatening if you doesn't get treatment for  
14 it.

15 "If you get stabbed in the leg, could that be life  
16 threatening?

17 "Yeah. If you don't get treated, that could be  
18 life threatening."

19 That don't mean there is any intent to kill, okay?  
20 It does not mean there is an intent to kill.

21 One major surgery, not protracted surgery, not one  
22 surgery and a few days later another one, a few days later  
23 another one. No really protracted drawn-out treatment. One  
24 major surgery. He was in the hospital to observe, see how  
25 it's going and then a few days later they let him go home.

1 No disfigurement. No loss of his bodily organs or organ  
2 system.

3 What I'm arguing to you, ladies and gentlemen, is  
4 when you get down to it there is no evidence of any intent  
5 to kill in this case. That takes out the intent to murder.  
6 What you are doing is you are looking at the difference of  
7 whether or not there is great bodily injury or moderate  
8 bodily injury. Listen carefully to the judge's instructions  
9 on this to you.

10 Common sense tells me, and I can't argue against  
11 it, that there is at least moderate bodily injury, okay? He  
12 had to be anesthetized for the surgery. That's one of the  
13 elements, and he had to get treatment that required surgery,  
14 so there is moderate bodily injury.

15 Is there great bodily injury? And, again, great  
16 bodily injury is injury which causes a substantial risk of  
17 death. Was there a substantial risk of death here in this?  
18 The doctor testified most people make it. There is only a  
19 few stab wounds risk of death if you don't get treatment.

20 Or was there serious permanent disfigurement? No  
21 testimony to that whatsoever. And you can see Mr. Hoffman,  
22 he may have a scar on his back, but that's not serious  
23 permanent disfigurement.

24 Or was there a protracted loss or impairment of  
25 the function of a bodily member or organ? No. Even the

1 doctor testified that everything is fine and they let him  
2 go, so there is no protracted loss or impairment.

3 What I'm trying to tell you, ladies and gentlemen,  
4 is I think you are going to get some choices on your  
5 charges. He is guilty of this or is he not of this. Is he  
6 guilty of this -- well, is he guilty of attempted murder or  
7 not guilty? Is he guilty of assault and battery of a high  
8 and aggravated nature, or is he not guilty? Is he guilty of  
9 assault and battery in the second degree, or is he not  
10 guilty? And if he's not guilty of anything, if they haven't  
11 proven to you that Mr. Martin created any injury, then you  
12 check not guilty on everything. But like common sense, I  
13 think all the witness' testimony is pointing to the fact  
14 that Mr. Martin probably caused any injury. I don't know.  
15 I wasn't there. I don't know. I'm just having to go by  
16 what you heard, like y'all are.

17 Is he guilty of attempted murder? I submit to you  
18 he's not. The State has not proven beyond a reasonable  
19 doubt that he is.

20 Is he guilty of assault and battery of a high and  
21 aggravated nature; or is he guilty of assault and battery  
22 second degree? The only difference between those two is one  
23 has great bodily injury and the other has moderate bodily  
24 injury. I submit to you that they have probably proven  
25 moderate bodily injury. I don't think they have proven

1 great bodily injury.

2           They have to prove it to all twelve of y'all  
3 beyond a reasonable doubt. The judge is going to explain  
4 reasonable doubt to you, but let me just -- let me just give  
5 you an example, and I know every attorney and clerk of court  
6 I know is tired of me when I try cases, but let's say I'm  
7 going down to the used car lot and I'm going to buy a car.  
8 I take it out and I test drive it and I come back and I pull  
9 in the parking lot and I hop out and I tell the car salesman  
10 I'm going to buy that car. And as I walk away from the car,  
11 I sit there and I look back at it and there is oil dripping  
12 out of the bottom of it. Am I going to walk right on in  
13 that sales room to buy that car, or am I going to say wait a  
14 minute, there may be a problem here? I mean, let's think  
15 about this a little bit more. That's reasonable doubt.  
16 That's reasonable doubt. Reasonable doubt is something that  
17 would cause you to hesitate to act.

18           Now, if you are firmly convinced of the guilt of  
19 Mr. Martin on any of those charges, you have taken an oath.  
20 You are not here to reward anybody or punish anybody. You  
21 are here to see what has been proven to you beyond a  
22 reasonable doubt and to try to arrive at the truth. If the  
23 State has proven to you beyond a reasonable doubt any of  
24 those charges, then you are to find Mr. Martin guilty. If  
25 there is any -- if you are firmly convinced.



1           If there is any possibility that maybe one of  
2 those elements hasn't been proven to you, then you are to  
3 find him not guilty of the greater charge, but maybe of the  
4 lesser charge.

5           In this case there is three charges. So if he is  
6 not guilty of the second charge, maybe it's the third  
7 charge. Not guilty of -- if y'all think he's not the one  
8 that did it, find him not guilty of everything, but you are  
9 not here to punish anybody. You are not here to reward  
10 anybody. You are here to see if you can determine what  
11 happened and what the truth is. And that's it, ladies and  
12 gentlemen. That's what we are asking you to do today.

13           And I'm going to ask you to seriously return a  
14 verdict of not guilty on this case for attempted murder, not  
15 guilty on assault and battery of a high and aggravated  
16 nature, guilty on the assault and battery of the second  
17 degree, moderate bodily injury.

18           Thank you. Listen to the judge.

19           (Whereupon, at 9:50 the court charge the jury  
20 panel with the jury instructions)

21           THE COURT: Madam Forelady and ladies and  
22 gentlemen of the jury, you have seen and heard the evidence  
23 presented as well as the arguments of counsel. It is now my  
24 duty and obligation to instruct you on the law that is  
25 applicable to this case. It will then be your solemn duty

1 and obligation to begin your deliberations through which  
2 process you will apply the facts, apply the law as I  
3 instruct it to you and render a fair and impartial decision.

4 It is your exclusive duty to determine what the  
5 facts are in this case. You do that based on your own  
6 common sense examination and evaluation of the testimony and  
7 other evidence received during the trial of this case.

8 Madam Forelady, you twelve jurors alone will  
9 decide what effect, value and weight is to be given to any  
10 particular testimony or evidence received. Quite simply,  
11 your ultimate goal is to find the truth in this case. And  
12 by doing so you will have fulfilled your obligation as  
13 jurors in giving both the State and the defendant a fair and  
14 impartial trial based on the evidence presented and the law  
15 applicable to this case.

16 The indictment in this case charges the defendant  
17 with attempted murder; specifically that Christopher Eugene  
18 Martin did, in Cherokee County, South Carolina, on or about  
19 January 27th, 2014, with malice aforethought attempt to kill  
20 Nathan Hoffman by stabbing him in the back, in violation of  
21 the laws of this state.

22 I'll remind you the fact that the defendant was  
23 arrested, charged and indicted in this case is not evidence  
24 against him and cannot be considered by you as evidence of  
25 guilt, nor does it create any presumption or inference of

1     guilt. The indictment itself, this piece of paper, is  
2     simply a charging instrument which contains the charges made  
3     against him. The document is simply a matter of venue which  
4     brings this matter before the court, the vehicle.

5             The defendant has pled not guilty to the  
6     indictment and that plea puts the burden squarely on the  
7     State of South Carolina to prove him guilty.

8             A person charged with committing a criminal  
9     offense in South Carolina is never required to prove himself  
10    innocent. I charge you that it is a cardinal, important and  
11    vital rule of law that in all criminal trials, no matter  
12    what the seriousness of the charge may be for which he  
13    stands charged, the defendant is always presumed to be  
14    innocent of the crime for which the indictment was issued,  
15    unless guilt is proven by evidence satisfying you of his  
16    guilt beyond a reasonable doubt. This presumption of  
17    innocence does not end when you begin your deliberation, but  
18    it accompanies the defendant throughout the trial until you  
19    reach a verdict of guilt based on evidence satisfying you of  
20    guilt beyond a reasonable doubt.

21            The presumption of innocence is like a robe of  
22    innocence placed about the shoulders of the defendant, which  
23    remains with him from the moment of his arrest and continues  
24    until it has been stripped from his shoulders by evidence  
25    satisfying you of his guilt beyond a reasonable doubt.

1           The presumption of innocence is not a mere legal  
2 theory, nor is it a legal phrase. It's a substantial right  
3 to which every defendant is entitled, unless you twelve  
4 jurors are satisfied from the evidence of his guilt beyond a  
5 reasonable doubt.

6           I remind that you during the trial you and I have  
7 had certain duties to perform. As the trial judge it is my  
8 responsibility to preside over the case, and I also have the  
9 duty to rule on the admissibility of the evidence offered  
10 during the trial. You are to consider only the competent  
11 evidence before you. You are to consider only the testimony  
12 which has been presented from the witness stand, any  
13 exhibits which have been made a part of the record, and any  
14 stipulations of counsel.

15           Additionally, I have the duty to charge you the  
16 law applicable to this case. As the presiding judge, I am  
17 the sole judge of the law in this case and it is your duty  
18 as jurors to accept it and apply it as I now state it to  
19 you. If you have any idea as to what the law is, or what  
20 the law ought to be, or what the law should be and it does  
21 not agree with what I now tell you the law is, you must  
22 abandon your idea, because you are sworn to accept the law  
23 as I now give it to you and apply it exactly as I state it.

24           In every case tried in this court before a jury  
25 you twelve jurors become the sole and exclusive judge of the

1 facts in this case. A trial judge cannot state, comment on  
2 or make any statement to a trial jury about a fact in this  
3 case. You, the jury, are the sole judges of the facts and  
4 you are not to infer from anything that I have said during  
5 the progress of this trial in ruling on the admissibility of  
6 evidence, or otherwise, or anything that I now say during my  
7 instructions that I have an opinion about any fact in this  
8 case. The law of South Carolina does not allow me to have  
9 an opinion about the facts. This is a matter solely for  
10 you, the jury, to determine, and as jurors it is your duty  
11 to determine the effect, value, weight and truth of the  
12 evidence presented during this trial.

13 The State has the burden of proving the defendant  
14 guilty beyond a reasonable doubt.

15 Now, ladies and gentlemen, proof beyond a  
16 reasonable doubt is proof that leaves you firmly convinced  
17 of the defendant's guilt. There are very few things in this  
18 world that we know with absolute certainty and in criminal  
19 cases the law does not require proof that overcomes every  
20 possible doubt.

21 A reasonable doubt may also be described as the  
22 kind of doubt that would cause a reasonable person to  
23 hesitate to act. If you have such a doubt as to the guilt  
24 of the defendant, then he is entitled to a verdict of not  
25 guilty.

1 Reasonable doubt may arise from evidence which is  
2 in the case, or from the absence or lack of evidence in a  
3 case.

4 Based on your consideration of the evidence, if  
5 you are firmly convinced that the defendant is guilty of the  
6 crime charged, you must find him guilty.

7 On the other hand, if you think there is a real  
8 possibility he is not guilty, you must give him the benefit  
9 of the doubt and find him not guilty.

10 You alone must make the determination of whether  
11 or not reasonable doubt exists as to the guilt of the  
12 defendant.

13 There are two types of evidence which are  
14 generally presented during a trial: Direct evidence and  
15 circumstantial evidence.

16 Direct evidence is the testimony of a person who  
17 claims to have actual knowledge of a fact, such as an  
18 eyewitness. It is evidence which immediately establishes  
19 the fact to be proved.

20 Circumstantial evidence is proof of a chain of  
21 facts and circumstances indicating the existence of a fact.  
22 It is evidence which immediately establishes collateral  
23 facts from which the main fact may be inferred.  
24 Circumstantial evidence is based on inference and not on  
25 personal knowledge or observation.

1           The law makes absolutely no distinction between  
2     the weight or value to be given to either direct or  
3     circumstantial evidence, nor is a greater degree of  
4     certainty required of circumstantial evidence than of direct  
5     evidence.

6           You should weigh all of the evidence in this case  
7     and after doing so if you are not convinced of the guilt of  
8     the defendant beyond a reasonable doubt, you must find him  
9     not guilty.

10          I instruct you and emphasize the fact that the  
11     defendant did not testify is not a factor to be considered  
12     by you in any way, in your deliberation and in your  
13     consideration of the question of the guilt or innocence of  
14     the defendant. It must not be considered by you in any  
15     manner whatsoever. A defendant has the Constitutional Right  
16     to remain silent and the assertion of this right must not be  
17     considered by you in your deliberations.

18          Ladies and gentlemen, I repeat, under your oath  
19     you are to draw no conclusion whatsoever from the fact that  
20     the defendant in this case did not testify. The fact that  
21     this defendant did not testify should not be discussed in  
22     the jury room. The burden of proof, as I have stated to you  
23     previously, is on the State of South Carolina to prove him  
24     guilty beyond a reasonable doubt. The defendant is not  
25     required to prove his innocence. The burden of proof

1 remains on the State to prove guilt beyond a reasonable  
2 doubt.

3 Under the Constitution of this state you are the  
4 finders of the facts in this case. Necessarily you must  
5 determine the credibility of witnesses who have testified.  
6 Credibility simply means believability. It becomes your  
7 duty as jurors to analyze and evaluate the truth and  
8 determine which evidence convinces you of its truth.

9 In determining the believability of witnesses who  
10 have testified, you may believe one witness over several or  
11 several over one. You may believe a part of a witness'  
12 testimony and reject the remaining part of that testimony.  
13 You may believe the testimony of a witness in its entirety  
14 or reject the testimony in its entirety. You may consider  
15 whether any witness has exhibited to you any interest, bias,  
16 prejudice, or other motive in this case. You may also  
17 consider the appearance and manner of a witness while on the  
18 witness stand. Was the witness straightforward in  
19 responding to questions or hesitant? Simply put, ladies and  
20 gentlemen, do you believe the witness was telling the truth.  
21 You may consider how the witness came to know the facts to  
22 which he or she testified and whether or not the witness had  
23 an opportunity to hear, observe, or perceive a fact by means  
24 of their senses. Whatever your good judgment and common  
25 sense tells you is the most believable testimony is the



1 testimony that you should accept and reject the testimony  
2 which you find not to be credible or believable.

3 The Rules of Evidence ordinarily do not permit  
4 witnesses to testify to opinions or conclusions. An  
5 exception exists to this rule for expert witnesses. A  
6 witness who by education, experience or training has become  
7 an expert in art, science, profession, or some calling may  
8 state an opinion as to relevant and material matters in  
9 which the witness claims to be an expert and may also state  
10 the reasons for the opinion.

11 You should consider any expert opinion received in  
12 evidence in this case and like all other evidence give it  
13 the weight you think it deserves. If you decide that the  
14 opinion of an expert witness was not based on sufficient  
15 education or experience, or if you conclude that the reasons  
16 given in support of the opinion are not sound, or that the  
17 opinion is outweighed by other evidence, you may disregard  
18 the opinion entirely. An expert witness' testimony is to be  
19 given no greater weight than that of other witnesses simply  
20 because the witness is an expert. Further, you are not  
21 required to accept an expert's opinion, even though it is  
22 not contradicted.

23 Now, criminal intent is a necessary element of  
24 each crime that must be proved by the State beyond a  
25 reasonable doubt. Criminal intent is always a matter that

1 must be determined by the jury from the circumstances  
2 surrounding the situation. There is no way, ladies and  
3 gentlemen, to prove intent with a mathematical certainty.  
4 There is no way for medical science to dissect a person's  
5 brain and determine what he had in mind. The law says that  
6 criminal intent may be inferred from the circumstances shown  
7 to have existed. This is how a jury makes a determination  
8 of whether or not the element requiring intent was present.  
9 Criminal intent is a state of mind, which operated jointly  
10 with an act is the commission of a crime. Criminal intent  
11 is a mental state, a conscious wrongdoing, so it's up to  
12 you, the jury, to determine what the defendant intended to  
13 do based on the circumstances shown to have existed.

14 I tell you that the State must prove criminal  
15 intent beyond a reasonable doubt, just as the State must  
16 prove every element beyond a reasonable doubt, as I  
17 previously explained.

18 It is not necessary to establish intent by direct  
19 and positive evidence, but it may be established by  
20 inference, in the same way as any other fact, by taking into  
21 consideration the acts of the parties and all of the facts  
22 and circumstances in the case.

23 While the State may prove motive, it is  
24 unnecessary for the State to do so, but the State must prove  
25 intent.

1           Now, ladies and gentlemen, I have instructed you  
2           that the defendant is charged with the offense of attempted  
3           murder. I will now read, in part, Section 16-3-29 of the  
4           South Carolina Code of Laws which says a person who, with  
5           intent to kill, attempts to kill another person with malice  
6           aforethought, either express or implied, commits the offense  
7           of attempted murder.

8           Malice is hatred, ill will, or hostility towards  
9           another person. It is the intentional doing of a wrongful  
10          act without just cause or excuse and with an intent to  
11          inflict an injury or under circumstances the law would infer  
12          an evil intent.

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

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

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

1 person prepared beforehand to do the act which was later  
2 accomplished. For example, lying in wait for a person, or  
3 any other acts of preparation showing the deed was within  
4 the defendant's mind would be express malice.

5 Malice may be inferred from conduct showing a  
6 total disregard for human life.

7 Now, if you find the State has failed to prove the  
8 defendant is guilty of attempted murder, you must then  
9 decide whether the State has proved beyond a reasonable  
10 doubt the defendant is guilty of assault and battery of a  
11 high and aggravated nature.

12 Assault and battery of a high and aggravated  
13 nature is a lesser included offense of attempted murder, and  
14 I will now read to you, in part, that Code Section of the  
15 South Carolina law which says a person commits the offense  
16 of assault and battery of a high and aggravated nature if  
17 the person unlawfully injures another person and great  
18 bodily injury to the another person results, or the act was  
19 accomplished by means likely to produce death or great  
20 bodily injury.

21 To prove assault and battery of a high and  
22 aggravated nature, the State must first prove beyond a  
23 reasonable doubt the defendant unlawfully injured another  
24 person.

25 Next, the State must prove beyond a reasonable

1 doubt that either great bodily injury resulted or that the  
2 act was accomplished by means likely to produce death or  
3 great bodily injury.

4 Great bodily injury is defined as bodily injury  
5 which causes a substantial risk of death, or which causes  
6 serious permanent disfigurement, or protracted loss or  
7 impairment of the function of a bodily member or organ.

8 Now, ladies and gentlemen, if you find the State  
9 has failed to prove the defendant guilty of assault and  
10 battery of a high and aggravated nature, you must then  
11 decide whether the State has proved beyond a reasonable  
12 doubt that the defendant is guilty of assault and battery in  
13 the second degree.

14 Assault and battery in the second degree is a  
15 lesser included offense of assault and battery of a high and  
16 aggravated nature, as defined by state law and attempted  
17 murder, as defined by state law.

18 I will now read, in part, to you that Code Section  
19 which says a person commits the offense of assault and  
20 battery in the second degree if the person unlawfully  
21 injures another person or offers or attempts to injure  
22 another person with the present ability to do so and  
23 moderate bodily injury to another person results, or  
24 moderate bodily injury to another person could have  
25 resulted.

1           To prove assault and battery in the second degree  
2 the State must prove beyond a reasonable doubt the defendant  
3 unlawfully injured another person, or offered or attempted  
4 to injure another person with the present ability to do so.

5           Next, the State must prove beyond a reasonable  
6 doubt moderate bodily injury to another person resulted, or  
7 moderate bodily injury to another could have resulted.

8           Moderate bodily injury is defined as physical jury  
9 requiring the treatment to an organ system of the body,  
10 other than the skin, muscles and connective tissues of the  
11 body, except when there is penetration of the skin, muscles  
12 and connective tissues that requires surgical repair of a  
13 complex nature, or when treatment of the injury requires use  
14 of regional or general anesthesia.

15           Now, ladies and gentlemen, you have been selected  
16 as fair and impartial jurors sworn to impartially try and  
17 determine the facts of this case and when you comply with  
18 your oath to do so, no one will have a right to criticize  
19 your verdict, as you will have fully discharged your duty as  
20 jurors. You are to decide this case according to the  
21 testimony that you have heard from the witnesses, along with  
22 the other evidence introduced.

23           During your deliberations, ladies and gentlemen,  
24 you may only discuss the case in the jury room with fellow  
25 jurors, because they have seen and heard the same evidence

1 you have seen and heard. However, you must not discuss the  
2 case with anyone else until you have returned a verdict and  
3 the case is ended. Whenever a member of the jury requires a  
4 break for smoking, restroom, or otherwise, please  
5 discontinue your deliberations until that juror returns.

6 Now, ladies and gentlemen, your verdict must be a  
7 unanimous one.

8 Madam Forelady, when the jury agrees on the  
9 verdict, you will indicate the verdict on the form provided  
10 and sign your name, and thereafter knock on the door and  
11 inform the bailiff you have reached a verdict. When you do  
12 so we will return you as the jury, all of you, and receive  
13 your verdict in the courtroom.

14 Now, madam forelady, this is the verdict form of  
15 which I speak. My law clerk creates this forms in every  
16 case and it's just a form, nothing more and nothing less.  
17 It has the caption of the case and it has the case number,  
18 just so that it identifies which case it belongs to, and it  
19 has three questions.

20 Number 1: "We, the jury, unanimously find the  
21 defendant, Christopher Eugene Martin, on the charge of  
22 attempted murder: Not guilty, or guilty."

23 There is absolutely no significance to not guilty  
24 or guilty being listed one above the other. It simply means  
25 that I necessarily have to put one above the other on a

1 piece of paper and I do it in this form every time.

2 If you answer guilty to this question, number one,  
3 it says in bold letter "stop here. Do not go any further  
4 and answer any other questions."

5 It says "if you answered guilty to the question  
6 above, stop here.

7 "If you answered not guilty, please answer the  
8 following question: Number 2.

9 "Number 2. We, the jury, unanimously find the  
10 defendant Christopher Eugene Martin of the charge of assault  
11 and battery of a high and aggravated nature:" Again, your  
12 choices are not guilty, or guilty.

13 It says "if you answered guilty to this question,  
14 stop here. Do not proceed to question 3.

15 "If you answered not guilty, please go to the  
16 following question:"

17 The third question, "we, the jury, unanimously  
18 find the defendant, Christopher Eugene Martin, on the charge  
19 of assault and battery in the second degree: Not guilty, or  
20 guilty."

21 After you have gone through this, whichever way  
22 that you go through it, it says here at the end "I certify  
23 this decision was the unanimous decision of the jury", and  
24 it has a place, Madam Forelady, for you to sign. It has  
25 today's date and Gaffney, South Carolina written on it.



1           These documents, these pieces of evidence that  
2           have been introduced and marked by the court reporter,  
3           belong to you. All of this is evidence for you.

4           In just a few moments you are going to take your  
5           jury, Madam Forelady, back to the jury room. All 13 of you  
6           will go to the jury room. Do not begin your deliberations.  
7           As soon as you go out of the courtroom I'm going to ask the  
8           lawyers to come forward to my court reporter and go through  
9           those exhibits and make sure that all documents are there.  
10          I practiced law 25 years before I came up on this bench. I  
11          didn't mean to do it, lawyers don't mean to do it, but I did  
12          it often. You are talking to a jury about a document, a  
13          picture, or something and you walk over to the table and you  
14          lay it down. It's got a sticker on it, meaning it goes to  
15          the jury and then the jury is missing a document. I'm going  
16          to ask the lawyers to come forward and ensure that all of  
17          those documents are there, that nobody has one tucked inside  
18          a file over there. They don't mean to do it. They just --  
19          it's an accident. I want to make sure they are all there.  
20          Once the lawyers agree that all the documents are there, I'm  
21          going to send those back to you and this form will be on top  
22          of all of those documents. When those documents come back  
23          with Mr. Bailiff with this on top of it, that is your  
24          signal, Madam Forelady, to begin your deliberations. My  
25          bailiff will bring you the documents and, Madam Alternate,

1 he will leave with you. That would be your signal to leave  
2 the jury room. He will take you and segregate you so that  
3 you are not influenced by anything else that goes on in this  
4 courtroom, so you are going to have to sit privately by  
5 yourself just for a little bit, okay, or as long as it takes  
6 for them to deliberate, okay?

7 All right. Madam Forelady, at this time I'm going  
8 to ask you to take all 13 jurors back to your jury room.

9 (Whereupon, at 10:12 a.m., the jury retired to the  
10 jury room, awaiting instructions to begin deliberations)

11 THE COURT: Any matters from the State?

12 MR. SAMS: None.

13 THE COURT: From the defense?

14 MR. THOMPSON: No, sir.

15 THE COURT: Gentlemen, if you will please come  
16 forward and look at those exhibits.

17 (Off the record)

18 (Back on the record)

19 MR. THOMPSON: Judge, the clothes with the blood  
20 on them, I know the box goes back there as evidence, but  
21 they are probably -- if they are going to want to open it  
22 and handle them, they are going to need something.

23 THE COURT: They are going to need some gloves.

24 THE CLERK: I have got gloves.

25 MR. THOMPSON: I mean, number one, I can't see why

1 they would want to open it and handle it, but if they --

2 THE COURT: No, I wouldn't either, but it would  
3 have to go back.

4 Okay. Mr. Bailiff -- is everything there?

5 MR. THOMPSON: Yes, sir.

6 MR. SAMS: Yes, sir.

7 THE COURT: Okay, Mr. Bailiff, take that back and  
8 bring my alternate to wherever you need her to be.

9 (Whereupon, at 10:17 a.m., the jury panel was  
10 instructed to begin deliberations)

11 (Whereupon, at 10:18 a.m., proceedings were  
12 adjourned, pending the verdict of the jury panel)

13 (Whereupon, at 10:37 a.m., proceedings were  
14 reconvened)

15 THE COURT: Gentlemen, I'm told we have a verdict.  
16 Are you ready?

17 MR. THOMPSON: Yes, sir.

18 MR. SAMS: Yes, sir.

19 THE COURT: We will have all 13.

20 (Whereupon, at 10:38 a.m., the jury panel returned  
21 to open court to report its verdict)

22 THE COURT: Madam Forelady, has the jury reached  
23 its verdict?

24 JURY FOREPERSON: Yes, sir.

25 THE COURT: If you would hand that to the bailiff,

1 please.

2 Madam Clerk.

3 THE CLERK: "2014-GS-11-513, the State of South  
4 Carolina versus Christopher Eugene Martin, we, the jury,  
5 unanimously find the defendant, Christopher Eugene Martin,  
6 on the charge of attempted murder not guilty."

7 As to question 2, "we, the jury, unanimously find  
8 the defendant, Christopher Eugene Martin, on the charge of  
9 assault and battery of a high and aggravated nature, the  
10 jury responds guilty."

11 Signed by foreperson Vernique Hollis.

12 Ladies and gentlemen of the jury, if this is the  
13 verdict of you all, please indicate by raising your right  
14 hand.

15 (Whereupon, all the jurors raised their right  
16 hand)

17 THE CLERK: Thank you.

18 THE COURT: Polling of the jury from the State?

19 MR. SAMS: No, sir.

20 THE COURT: From the defense?

21 MR. THOMPSON: No, sir.

22 THE COURT: Okay. Madam Forelady, ladies and  
23 gentlemen, thank you so very much for your service. We  
24 could not do what we do without you.

25 We have your brothers and sisters returning for

1 jury service at two o'clock. We are going to pick the next  
2 case. Until then we have other matters that we can  
3 do with -- we have other matters that we can do without a  
4 jury.

5 Madam Forelady, I need for you to come up, please,  
6 to Madam Clerk and sign the indictment.

7 (Off the record)

8 (Back on the record)

9 THE COURT: Again, thank you for your service. We  
10 are going to ask you to take a little break, but please be  
11 back at two p.m. downstairs in the jury assembly room. We  
12 will go from there on the next case.

13 So with that, Madam Forelady, your last official  
14 act as foreperson is to take your jury back there and be  
15 released from the room back here. Somebody may have  
16 personal effects back there.

17 (Whereupon, at 10:41 a.m., the jury panel was  
18 discharged)

19 THE COURT: Matters from the State?

20 MR. SAMS: No, sir.

21 THE COURT: From the defense?

22 MR. THOMPSON: I haven't discussed an appeal for  
23 Mr. Martin, but just in order to protect the record I guess  
24 I need to make a motion for a new trial, as well as my prior  
25 motions.

1 THE COURT: Okay.

2 Solicitor?

3 MR. SAMS: Your Honor, I just would submit that  
4 the jury's verdict is rooted in substantial evidence and I  
5 would ask the court to deny the motion.

6 THE COURT: Yes, sir. Your motion is denied.

7 Thank you.

8 MR. THOMPSON: Yes, sir.

9 MR. SAMS: Your Honor, I will just need one minute  
10 to do up an ABHAN sentencing sheet. I'll be right back.

11 THE COURT: Okay.

12 (Off the record)

13 (Back on the record)

14 THE COURT: Solicitor?

15 MR. SAMS: Yes, Your Honor.

16 This is case number 2014-GS-11-513, attempted  
17 murder of Christopher Martin, sentencing for conviction of  
18 assault and battery of a high and aggravated nature.

19 The victim's mother is here. At the appropriate  
20 time she would like to address the court.

21 THE COURT: Okay. Give me his criminal history.

22 MR. SAMS: Yes, sir.

23 He has a 2005 contributing to the delinquency of a  
24 minor.

25 2005, criminal sexual conduct with a minor between

1 11 and 14 years old, second degree.

2 2005, malicious injury to personal property.

3 And a 2005 burglary second degree, nonviolent.

4 And I believe, Your Honor, that that concludes his  
5 prior convictions.

6 THE COURT: Okay. I will hear from them -- well,  
7 I'll go ahead -- go ahead.

8 MR. SAMS: Yes, sir.

9 THE COURT: Ma'am, tell us your name, please.

10 DONNA HOFFMAN: My name is Donna Hoffman, parent  
11 of the victim.

12 I just wanted you to consider the fact in your  
13 decision that the EMT determined at the scene that he needed  
14 immediate attention, which is because of the airlift, and he  
15 was -- his life was threatened at that moment or he would  
16 not have been airlifted.

17 When we arrived at the hospital we were met by the  
18 chaplain and we were taken to a private room. He was not  
19 expected to live. The EMT informed us the next day that  
20 they did not -- had not expected him to live. They thought  
21 he would bleed out before he actually arrived at the  
22 hospital. And because of the good staff and team of doctors  
23 he did live and we are very thankful for that, but he was in  
24 the hospital for two weeks. He had two tubes coming out of  
25 his body and it took him months to recover and I just wanted

1 that to go on the record.

2 THE COURT: Yes, ma'am. Thank you.

3 Anything else, solicitor?

4 MR. SAMS: No, Your Honor.

5 THE COURT: Okay. Mr. Thompson?

6 MR. THOMPSON: Judge, you have sat through the  
7 trial and you have heard everything. I'm not going to go  
8 back through the facts with you.

9 He is 30 years old, single. He has a child now.  
10 It was on the way at the time of his arrest in January of  
11 last year, but it's here now. He has an 11th grade  
12 education.

13 I asked him if he had any problems and he told me  
14 he was a slow learner, slow in school learning, and  
15 unfortunately as the area that he lived in, as you saw from  
16 the witnesses, they were -- there was some slow mental  
17 problems there with some of the witnesses and some of them  
18 uneducated and couldn't read and things like that. That's  
19 the people he's been around his whole life. And he was  
20 working for Charles Price picking tomatoes. I'm not sure  
21 that the tomato picking operation is still out there on the  
22 interstate. It would be for the last couple of years, but  
23 it's not there any more.

24 The record the solicitor has given to you is  
25 correct. That's what he's been convicted of.



1 He's been in jail since the date of his arrest on  
2 January 27th, 2014. That's 562 days.

3 And we would ask you to be as lenient in whatever  
4 sentence that you possibly can be.

5 MR. SAMS: Your Honor, I apologize. I did forget  
6 to request this the court leave restitution open so that we  
7 could compile all these medical bills and determine what  
8 insurance has covered and what is still outstanding.

9 THE COURT: Okay.

10 All right, sir, anything that you would like to  
11 say?

12 THE DEFENDANT: No, sir.

13 THE COURT: Is that a teardrop under your eye?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: What's that for?

16 THE DEFENDANT: It stands for my uncle, a lost  
17 loved one.

18 THE COURT: I don't have a clue what made you so  
19 mad to jump off that porch with a knife. I really don't. I  
20 don't need to know. It didn't come out anyway. We are all  
21 fortunate we are not here on a murder case.

22 2014-GS-11-0513, sir, you are confined to the  
23 Department of Corrections for a period of 20 years.

24 I'll give you credit for your 562 days.

25 Restitution would be left open for 30 days.

1

Good luck to you.

2

MR. SAMS: Thank you, Your Honor.

3

MR. THOMPSON: Thank you.

4

(END OF REQUESTED TRANSCRIPT OF RECORD)

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

## CERTIFICATE

I, the undersigned, Michael R. Watts, Official Court Reporter for the Seventh Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and the evidence introduced in the trial of the captioned case, relative to appeal, in the Court of General Sessions for CHEROKEE County, South Carolina, on the 11TH AND 12TH days of August, 2015.

I do further certify that I am neither of kin, counsel nor interest to any party hereto.

OCTOBER 22, 2015

A handwritten signature in cursive script, reading "Michael R. Watts", is written over a horizontal line.

Michael R. Watts  
Circuit Court Reporter

## WITNESSES

Cherokee County Sheriff's Office

*N. L.*

## ARREST WARRANT NUMBER

Direct Indictment

## ACTION OF GRAND JURY

TRUE BILL

*Wayne Adams*

Foreperson of Grand Jury

Date: *5-22-14*

## VERDICT

*Guilty of ABHAM**Vernique H. Holt's August 12, 2015*

Foreperson of Petit Jury

Date:

286

14-GS-11-00513

The State of South Carolina

County of Cherokee

Barry Barnett, Solicitor

## COURT OF GENERAL SESSIONS

MAY 22 2014

TERM

THE STATE

VS.

Christopher Eugene Marlin

Indictment for

ATTEMPTED MURDER

SC Code: 16-3-0029

CDR Code: 3410

Class FEL-A

FILED IN  
CLERK  
CHEROKEE  
2014 MAY 22  
BRAND

STATE OF SOUTH CAROLINA )  
COUNTY OF CHEROKEE )

## INDICTMENT

At a Court of General Sessions, convened on MAY 22 2014 the  
Grand Jurors of Cherokee County present upon their oath:

**ATTEMPTED MURDER**

That Christopher Eugene Martin, did in Cherokee County on or about  
January 27, 2014, with malice aforethought attempt to kill Nathan Hoffman, by  
stabbing the victim, with the intent to kill the victim, in violation of §16-03-0029, of  
THE CODE OF LAWS OF SOUTH CAROLINA, (1976, as amended).

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

  
ASSISTANT SOLICITOR

288  
288

STATE OF SOUTH CAROLINA

COUNTY OF

CHEROKEE

STATE

VS.

CHRISTOPHER MARTIN

AKA:

Race:

W

Sex:

M

Age:

DOB:

SS#:

Address:

City, State, Zip:

SC

DL#

SID#

\*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2014-GS-11-513

AW#:

DIRECT INDICTMENT

Date of Offense:

1/22/14

S.C. Code §:

16-3-29

CDR Code #:

3410

## SENTENCE SHEET

TO: ASSAULT + BATTERY OF A MAJOR + AGGRAVATED NATURE (10-20 years)  
In violation of § 16-3-600 of the S.C. Code of Laws, bearing CDR Code # 3411  
☐ NON-VIOLENT ☒ VIOLENT ☒ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ \$17-25-45  
(CSC w/minor 1<sup>st</sup> or Lewd Act)The charge is: ☐ As Indicted, ☒ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (def.'s initials)  
The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

[Signature]  
Solicitor100207  
SC Bar #[Signature]  
Defendant[Signature]  
Attorney for Defendant  
SC Bar # 5545WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center,  
for a determinate term of 20 days/months/years or ☐ under the Youthful Offender Act not to exceed        years  
and/or to pay a fine of \$       ; provided that upon the service of        days/months/years and or payment  
of \$       ; plus costs and assessments as applicable; the balance is suspended with probation for        months/years  
and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are  
incorporated by reference.☐ CONCURRENT or ☐ CONSECUTIVE to sentence on:  
☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State  
Department of Corrections. 562 days  
☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.  
Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal  
Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

## SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP       Total: \$        plus 20% fee: \$               days/hours Public Service EmploymentPayment Terms:       ☐ Set by SCDPPPSRecipient:       \*Fine:  
\$14-1-206 (Assessments 107.5%) \$         
\$14-1-211 (A)(1)(Conv. Surcharge) \$100  
\$14-1-211 (A)(2)(DUI Surcharge) \$100  
\$56-5-2995 (DUI Assessment) \$12  
\$56-1-286 (DUI Breath Test) \$25  
Proviso 47.9 (Public Def/Prob) \$500  
\$14-1-212 (Law Enforce. Funding) \$25  
\$14-1-213 (Drug Court Surcharge) \$150  
\$50-21-114 (BUI Breath Test Fee) \$50  
\$56-5-2942(J) (Vehicle Assessment) \$40/ea  
Proviso 90.5 (SCCJA Surcharge) \$5  
3% to County (if paid in installments) \$ 390  
TOTAL: \$ 133.20Clerk of Court/Deputy Clerk Brandi K. McPhee  
Court Reporter: Mike WattsObtain GED ☐Attend Voc. Rehab. Or Job Corp.       May serve W/E beginning         
Substance Abuse Counseling ☐Random Drug/Alcohol Testing ☐  
Fine may be pd. In equal consecutive weekly/monthly  
pmts. of \$        Beginning         
\$        Paid to Public Defender FundOther restitution upon for 30 days☐ Appointed PD or appointed other counsel,  
\$47.12 requires \$500 to be paid to Clerk  
during probation.Presiding Judge A. Keith Kelley  
Judge Code: 2105  
Sentence Date August 12, 2015

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

---

Appeal from Cherokee County

R. Keith Kelly, Circuit Court Judge

---

THE STATE,

RESPONDENT,

V.

CHRISTOPHER MARTIN

APPELLANT

APPELLANT CASE NO. 2015-001901

---

ANDERS BRIEF OF APPELLANT

---

KATHRINE H. HUDGINS  
Appellate Defender

South Carolina Commission on Indigent Defense  
Division of Appellate Defense  
PO Box 11589  
Columbia, SC 29211-1589  
(803) 734-1343

ATTORNEY FOR APPELLANT

**TABLE OF CONTENTS**

|                                          |   |
|------------------------------------------|---|
| TABLE OF CONTENTS .....                  | 1 |
| TABLE OF AUTHORITIES.....                | 2 |
| STATEMENT OF ISSUE ON APPEAL.....        | 3 |
| STATEMENT OF THE CASE .....              | 4 |
| ARGUMENT .....                           | 5 |
| CONCLUSION.....                          | 7 |
| PETITION TO BE RELIEVED AS COUNSEL ..... | 8 |



## TABLE OF AUTHORITIES

### **Cases**

|                                                                                                                                                          |      |
|----------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| <u>Anders v. California</u> , 386 U.S. 738, 87 S.Ct. 1396 (1967).....                                                                                    | 8    |
| <u>State v. King</u> , 412 S.C. 403, 772 S.E.2d 189 (S.C. Ct. App. 2015), <u>Petition for Writ of</u><br><u>Certiorari Granted</u> (March 28, 2016)..... | 5, 6 |

### **Other Authorities**

|                                                                                                                                         |   |
|-----------------------------------------------------------------------------------------------------------------------------------------|---|
| McAninch, Fairey, and Coggiola, THE CRIMINAL LAW OF SOUTH CAROLINA (5 <sup>TH</sup><br>Ed. 2007) p. 402 (emphasis in the original)..... | 6 |
| S.C. Code Ann. § 16-3-29.....                                                                                                           | 5 |

**STATEMENT OF ISSUE ON APPEAL**

Did the trial judge err in refusing to direct a verdict of acquittal when the State failed to prove a specific intent to commit murder, an element of attempted murder?

**STATEMENT OF THE CASE**

In May of 2014, the Cherokee County Grand Jury indicted Appellant Martin for attempted murder, indictment #2014-GS-11-513. On August 11, 2015, Martin proceeded to jury trial before the Honorable R. Keith Kelly. Don Thompson represented Martin at trial. Clifton Sams prosecuted the case. The jury found Martin guilty of the lesser included offense of assault and battery of a high and aggravated nature. Judge Kelly sentenced Martin to twenty (20) years. A timely notice of intent to appeal was served on August 13, 2015. This appeal follows.

### ARGUMENT

The trial judge erred in refusing to direct a verdict of acquittal for attempted murder when the State failed to prove a specific intent to commit murder, an element of attempted murder.

On January 27, 2014, Appellant Martin was at home with his girlfriend, his friend, Billy Henderson, and Henderson's girlfriend Libby. (R. p. 73, lines 1-12). Nathan Hoffman went to Appellant's home to buy cigarettes. (R. p. 71, lines 4-14). Hoffman testified that while he was inside Appellant's home to buy cigarettes, Henderson accused Hoffman of flirting with Libby. (R. p. 73, lines 14 – 25). According to Hoffman when Henderson raised his arm to strike Hoffman and Hoffman moved to defend himself, Appellant jumped up and started yelling, 'no, not in my house. You are not going to disrespect me here.' (R. p. 73, line 24 – p. 74, lines 1-5). Hoffman testified that he left Appellant's home, they exchanged words, Appellant followed him down the street and stabbed him with a knife. (R. pp. 75-77).

At the close of the State's case Appellant moved for a directed verdict of acquittal. (R. p. 230, lines 10-17). The judge denied the motion. (R. p. 232, lines 3-11). The trial judge erred. The judge should have directed a verdict of acquittal for attempted murder because the State failed to prove a specific intent to commit murder.

"A person who, with intent to kill, attempts to kill another person with malice aforethought, either expressed or implied, commits the offense of attempted murder." S.C. Code Ann. § 16-3-29. In State v. King, 412 S.C. 403, 411, 772 S.E.2d 189, 193 (S.C. Ct. App. 2015), Petition for Writ of Certiorari Granted (March 28, 2016), the South Carolina Court of Appeals held that specific intent to commit murder was an element of attempted murder. "We find the Legislature intended to require the State to prove

specific intent to commit murder as an element of attempted murder, and therefore the trial court erred by charging the jury that attempted murder is a general intent crime.” *Id.* 412 S.C. at 411, 772 S.E.2d at 193.

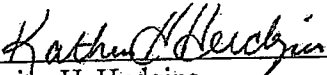
“According to the common law, one may be found guilty of an attempt to commit a crime if (1) with the *specific intent* to engage in conduct or achieve a result proscribed by that criminal offense he (2) commits an act in furtherance of that intent, which act goes *beyond mere preparation*. It is an endeavor to accomplish a crime which goes beyond mere preparation but which falls short of ultimate execution. *See La Fave* 583 (4<sup>th</sup> ed. 2003).” McAninch, Fairey, and Coggiola, *THE CRIMINAL LAW OF SOUTH CAROLINA* (5<sup>TH</sup> Ed. 2007) p. 402 (emphasis in the original). While attempted murder is now codified, the requirement of a specific intent for attempt crimes from the common law supports the holding in *King* that attempted murder requires a specific attempt to commit murder.

In the present case there was no objection to the instruction given to the jury in regard to intent. (R. p. 276, lines 11-14). Appellant, however, moved for a directed verdict of acquittal arguing, “Our motion would be the evidence presented does not support an attempted murder and that we would ask also based upon our objections to the hearsay evidence that came in.” (R. p. 230, lines 14-17). The State’s evidence did not support an attempted murder because the State failed to prove a specific intent to commit murder. The judge erred in refusing to direct a verdict of acquittal for attempted murder.

**CONCLUSION**

Based on the above argument, Appellant's conviction and sentence should be reversed and the case remanded for a new trial.

Respectfully submitted,

  
\_\_\_\_\_  
Kathrine H. Hudgins  
Appellate Defender

ATTORNEY FOR APPELLANT

This 18th day of April, 2016.

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

Appeal from Cherokee County  
R. Keith Kelly, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

CHRISTOPHER MARTIN

APPELLANT

APPELLANT CASE NO. 2015-001901

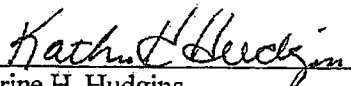
PETITION TO BE RELIEVED AS COUNSEL

Counsel for Christopher E Martin states:

1. She is Appellate Defender for the South Carolina Office of Appellate Defense, and was appointed to represent appellant.
2. She has reviewed the record of appellant's trial before Judge R. Keith Kelly, which was held on August 12, 2015, and, in her opinion, the appeal is without legal merit sufficient to warrant a new trial.
3. She has, pursuant to Anders v. California, 386 U.S. 738, 87 S.Ct. 1396 (1967), briefed an arguable legal issue which arose during the course of the trial.

WHEREFORE, she asks the Court to relieve her as counsel for Christopher E Martin.

Respectfully submitted,

  
Kathrine H. Hudgins  
Appellate Defender

ATTORNEY FOR APPELLANT

This 18th day of April, 2016.

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

---

Appeal from Cherokee County

R. Keith Kelly, Circuit Court Judge

---

THE STATE,

RESPONDENT,

V.

CHRISTOPHER MARTIN

APPELLANT

APPELLANT CASE NO. 2015-001901

---

**DESIGNATION OF MATTER TO BE  
INCLUDED IN RECORD ON APPEAL**

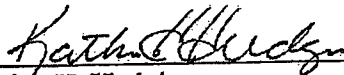
---

Appellant proposes the following be included in the Record on Appeal:

- (1) True-billed indictment and sentencing sheet;
- (2) Trial transcript volumes I and II.

I certify that this designation contains no matter which is irrelevant to this appeal.

April 18th, 2016

  
Kathrine H. Hudgins  
Appellate Defender

South Carolina Commission on Indigent Defense  
Division of Appellate Defense  
PO Box 11589  
Columbia, SC 29211-1589  
(803) 734-1343

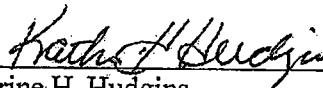
Attorney for Appellant



## CERTIFICATE OF COUNSEL

The undersigned certifies that to the best of my ability this Anders Brief of Appellant complies with Rule 211(b), SCACR, and the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

April 18, 2016



Kathrine H. Hudgins  
Appellate Defender

S.C. Commission on Indigent Defense  
Division of Appellate Defense  
1330 Lady Street, Suite 401  
Post Office Box 11589  
Columbia, South Carolina 29211-1589

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

---

Appeal from Cherokee County

R. Keith Kelly, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

CHRISTOPHER MARTIN

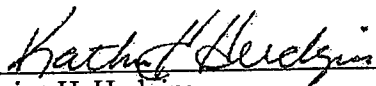
APPELLANT

APPELLANT CASE NO. 2015-001901

---

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that a true copy of the Anders Brief of Appellant and Designation of Matter in the above referenced case has been served upon J. Benjamin Aplin, Esquire, at the Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201; and a copy of the Anders Brief of Appellant and Designation of Matter and Record on Appeal have been served on Christopher E. Martin, #307574 at Lieber Correctional Institution, PO Box 205, Ridgeville, SC 29472, this 18th day of April, 2016.

  
Kathrine H. Hudgins  
Appellate Defender

ATTORNEY FOR APPELLANT

SUBSCRIBED AND SWORN TO before me  
this 18th day of April, 2016.

 (L.S.)  
Notary Public for South Carolina  
My Commission Expires: July 3, 2023.

## FORM 5

STATE OF SOUTH CAROLINA

County of CherokeeChristopher Gene Martin

Full name and prison number (if any) of Applicant

017 CP-110248

v.

State of South Carolina

IN THE COURT OF COMMON PLEAS

APPLICATION FOR

POST-CONVICTION RELIEF

INSTRUCTIONS - READ CAREFULLY

In order for this application to receive consideration by the Court, it shall be in writing (legibly handwritten or typewritten), signed by the applicant and verified (notarized), and it shall set forth in concise form the answers to each applicable question. If necessary, applicant may furnish his answer to a particular question on the reverse side of the page or on an additional page. Applicant shall make clear to which question any such continued answer refers.

Since every application must be sworn under oath, any false statement of a material fact therein may serve as the basis of prosecution and conviction for perjury. Applicants should, therefore, exercise care to assure that all answers are true and correct.

If the application is taken in forma pauperis, it shall include an affidavit (attached at the back of the form) setting forth information which establishes that applicant will be unable to pay the fees and costs of the proceedings. When the application is completed, the original shall be mailed to the Clerk of Court for the County in which the applicant was convicted.

1. Place of detention Lieber CT
2. Name and location of Court which imposed sentence Gaffney Court House
3. Name(s) of co-defendant(s) (if any) N/A
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
  - (a) 2014-GS-11-0513 ~~Aggravated Murder~~
  - (b) 2014-GS-11-513 Assault + Battery of a High + Aggravated-Nature

- (c) \_\_\_\_\_
5. The date upon which sentence was imposed and the terms of the sentence:
- (a) August 12, 2015 20 Years
- (b) \_\_\_\_\_
- (c) \_\_\_\_\_
6. Check whether a finding of guilty was made:
- (a) after a plea of guilty \_\_\_\_\_
- (b) ☒ after a plea of not guilty \_\_\_\_\_
- (c) after a plea of nolo contendere \_\_\_\_\_
7. Did you appeal from the judgment of conviction or the imposition of sentence?  
Yes
8. If you answered "yes" to (7), list:
- (a) the name of each Court to which you appealed:
- i. Cherokee County Court House
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_
- (b) the result in each such Court to which you appealed:
- i. N/A
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_
- (c) the date of each such result:
- i. ~~8/12~~ August-12-2015
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_
- (d) if known, citations of any written opinion or orders entered pursuant to such results:
- i. N/A
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_
9. If you answered "no" to (7), state your reasons for not so appealing:
- (a) \_\_\_\_\_
- (b) \_\_\_\_\_

FILED IN THE OFFICE  
CLERK OF THE COURT  
CHEROKEE COUNTY, GA  
2015 AUG 23 P 2:55  
**CLOCKED IN ERROR**

- (c) \_\_\_\_\_
10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:
- (a) Attorney Did not do His Job
- (b) lack of DNA
- (c) ~~no~~ lack of weapon for trial and witness statements
11. State concisely and in the same order the facts which support each of the grounds set out in (10):
- (a) tried to fire attorney as could not an attorney could of done a better job
- (b) No DNA was done as Blood that was found
- (c) No weapon was found to put me at the scene and witness lied at trial
12. Prior to this application have you filed with respect to this conviction:
- (a) any petition in a State Court under South Carolina Law? ~~no~~ Yes
- (b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? N/A
- (c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? N/A
- (d) any other petitions, motions or applications in this or any other Court? N/A
13. If you answered "yes" to any part of (12), list with respect to each petition, motion or application:
- (a) the specific nature thereof:
- i. APPEALS
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_
- iv. \_\_\_\_\_
- (b) the name and location of the Court in which each was filed:
- i. Cherokee County Court House Gaffney, S.C. 29340
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_
- iv. \_\_\_\_\_

FILED IN THE  
CLERK'S OFFICE  
2017 FEB 22 2:55  
CHEROKEE COUNTY, SC  
**CLOCKED IN ERROR**

(c) the disposition thereof:

- i. Appeal Dismissed
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_
- iv. \_\_\_\_\_

(d) the date of each such disposition:

- i. October 1, 2016 Filed November 9, 2016
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_
- iv. \_\_\_\_\_

(e) if known, citations of any written opinions or orders entered pursuant to each such disposition:

- i. N/A
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_
- iv. \_\_\_\_\_

14. Has any ground set forth in (10) been previously presented to this or any other Court, State or Federal, in any petition, motion or application which you have filed?

Don't Know

15. If you answered "yes" to (14) identify:

(a) which grounds have been presented:

- i. \_\_\_\_\_
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_

(b) the proceedings in which each ground was raised:

- i. \_\_\_\_\_
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_

FILED IN CLERK'S OFFICE  
2017 FEB 22 2:55  
CHEROKEE COUNTY, SC  
**CLOCKED IN ERROR**

16. If any ground set forth in (10) has not previously been presented to any Court, State or Federal, set forth the ground and state concisely the reasons why such ground has not previously been presented:

(a) \_\_\_\_\_  
 (b) \_\_\_\_\_  
 (c) \_\_\_\_\_

17. Were you represented by an attorney at any time during the course of:

(a) your arraignment and plea? \_\_\_\_\_  
 (b) your trial, if any? Don A Thomson  
 (c) your sentencing? Don A Thomson  
 (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? Kathrine H. Hudgins - Don A Thomson  
 (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed?  
Kathrine H. Hudgins

18. If you answered "yes" to one or more parts of (17), list:

(a) the name and address of each attorney who represented you:

i. Don A Thomson - N/A  
 ii. Kathrine H Hudgins  
~~5111~~ 1330 Lady Street, suite 461  
 iii. Columbia S.C. 29201  
Po Box 11589

(b) the proceedings at which each such attorney represented you:

i. Don Thomson trial Attorney  
 ii. Kathrine Hudgins Appeal Attorney  
 iii. \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

FILED IN OFFICE  
 CLERK OF COURT  
 2017 MAR 3 P 2:55  
 CLERK OF COURT  
 ERROR

19. State clearly the relief you seek in filing this application:

Lower sentencing or Charge dropped Back to  
A and B 1st  
or Charged Dropped all together

20. Are you now under sentence from any other court that you have not challenged?

No

017CP-110248

STATE OF SOUTH CAROLINA )

VERIFICATION

County of Cherokee )

I, Christopher Gene Martin, being duly sworn upon my oath, depose and say that I have subscribed to the foregoing application; that I know the contents thereof; that it includes every ground known to me for vacating, setting aside or correcting the conviction and sentence attacked in this application; and that the matters and allegations therein set forth are true.



SWORN to and subscribed before me this 22<sup>nd</sup>  
 day of March, 2017.

Luduan Bryant (L.S.)  
 Notary Public

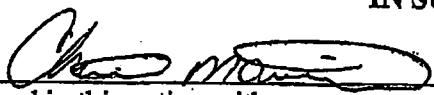
My Commission Expires: May 26, 2020

FILED IN THE OFFICE  
 CLERK OF COURT  
 2017 MAR 27 A 8:41  
 CHEROKEE COUNTY, SC



017CP-110248

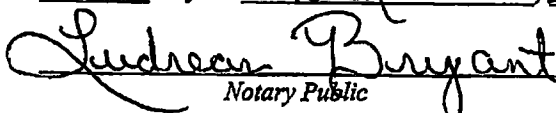
**APPLICATION TO PROCEED WITHOUT PAYMENT  
OF COSTS AND AFFIDAVIT  
IN SUPPORT THEREOF**

I, , hereby apply for leave to proceed in this action without prepayment of fees or costs or security therefor. In support of my application I declare under penalty of perjury that the following facts are true:

- (1) I am the applicant in this action and I believe I am entitled to redress.
- (2) Because of my poverty I am unable to pay the costs of said proceeding or give security thereof.

  
Applicant

SWORN or affirmed to and subscribed before me this  
22<sup>nd</sup> day of March, 2017.

  
Notary Public

My Commission Expires: May 26, 2026

FILED IN THE OFFICE  
CLERK OF COURT  
2017 MAR 27 A 8:41  
CHEROKEE COUNTY, SC

STATE OF SOUTH CAROLINA  
COUNTY OF CHEROKEE

Christopher Gene Martin, #307574,

Applicant,

v.

State of South Carolina,

Respondent.

IN THE COURT OF COMMON PLEAS  
IN THE SEVENTH JUDICIAL CIRCUIT

Case No.: 2017-CP-11-0248

**RETURN, PARTIAL MOTION TO  
DISMISS, AND MOTION FOR MORE  
DEFINITE STATEMENT**

Respondent, making its Return to the Application for Post-Conviction Relief ("PCR") filed on March 27, 2017, would respectfully show this Court:

I.

Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Cherokee County Clerk of Court. In May 2014, the Cherokee County Grand Jury indicted Applicant for attempted murder (2014-GS-11-0513). Don Thompson, Esquire represented Applicant at trial. Assistant Solicitor Clifton M. Sams represented the State. On August 11, 2015, Applicant proceeded to a jury trial before the Honorable R. Keith Kelly. The jury found Applicant not guilty of attempted murder, but guilty of the lesser included offense of assault and battery of a high and aggravated nature ("ABHAN"). On August 12, 2015, Judge Kelly sentenced Applicant to imprisonment for twenty years.

Applicant filed a timely notice of appeal. An appeal was perfected by Kathrine H. Hudgins Esquire, who submitted an Anders brief. The South Carolina Court of Appeals dismissed Applicant's appeal and granted counsel's motion to be relieved in an unpublished opinion. State v.

Martin, Op. No. 2016-UP-465 (S.C. Ct. App. filed November 9, 2016). The remittitur was returned on November 29, 2016.

Attached to this Return and incorporated by reference are the records of the Cherokee County Clerk of Court regarding the subject conviction, Applicant's records from the South Carolina Department of Corrections, the Record on Appeal, Applicant's appellate records, and the application. Respondent reserves the right to amend this Return upon receipt of any relevant materials.

## II.

In his application for post-conviction relief, Applicant alleges that he is being held in custody unlawfully for the following reasons:

1. Ineffective Assistance of Counsel
  - a. "Attorney did not do his job."
  - b. "Tried to fire attorney and could not, and [another] attorney could have done a better job."
2. Procedurally Barred Allegations
  - a. "Lack of DNA – No DNA was done on blood that was found."
  - b. "Lack of weapon for trial and witness statements."
  - c. "No weapon was found to put me at the scene and witness lied at trial."

## III.

Respondent moves pursuant to Rule 12(e), SCRCPP, to require Applicant to provide a more definite statement of the allegation that "Attorney did not do his job" enumerated in his original application for post-conviction relief. The Uniform Post-Conviction Procedure Act requires applicants to "specifically set forth the grounds upon which the application is based." S.C. Code Ann. § 17-27-50 (1985). Furthermore, Rule 8(a), SCRCPP, requires all civil pleadings include "a short and plain statement of the facts showing that the pleader is entitled to relief."

Respondent submits Applicant's allegations are so vague and ambiguous that Respondent cannot be reasonably required to frame a responsive return. Therefore, Respondent moves to require Applicant to file an amended application to specify his claims well in advance of the hearing to be scheduled in this matter.

#### IV.

Notwithstanding the need for a more definite statement, Respondent submits Applicant's allegations of ineffective assistance of counsel are without merit. In a PCR action, Applicant bears the burden of proving the allegations in his application. Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). Where the application alleges ineffective assistance of counsel as a ground for relief, Applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that [it] cannot be relied upon as having produced a just result." Strickland v. Washington, 466 U.S. 668 (1984); Butler, 286 S.C. at 442, 334 S.E.2d at 814.

In evaluating allegations of ineffective assistance of counsel, the reviewing court applies the two-pronged test outlined in Strickland v. Washington, 466 U.S. 668. First, Applicant must prove that counsel's performance was deficient. Id.; Cherry v. State, 300 S.C. 115, 117, 386 S.E.2d 624, 625 (1989). Under this prong, the court measures an attorney's performance by its "reasonableness under prevailing professional norms." Cherry, 300 S.C. at 117, 386 S.E.2d at 625 (quoting Strickland, 466 U.S. at 690). The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. Butler, 286 S.C. at 442, 334 S.E.2d at 814. "Counsel is strongly presumed to have rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment." Id. (citing Strickland, 466 U.S. at 690). The Applicant must overcome this presumption to receive relief. Cherry, 300 S.C. at 118, 386 S.E.2d at 625. Second, counsel's deficient performance must have prejudiced the Applicant

such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625.

Respondent submits Applicant can satisfy neither requirement of the Strickland test. However, the allegation of ineffective assistance of counsel probably raises questions of fact that the record does not conclusively refute. Accordingly, Respondent requests an evidentiary hearing to fully resolve this issue. See Sharper v. State, 279 S.C. 264, 305 S.E.2d 247 (1983).

#### V.

Respondent submits that Applicant's application for post-conviction relief should be summarily dismissed for failing to state claims cognizable under the Post-Conviction Procedure Act, S.C. Code Ann. §17-27-10 to -160. Aside from the allegation of ineffective assistance of counsel, Applicant raises various allegations pertaining to sufficiency of evidence presented against him at trial. This is not an issue for post-conviction relief. An Applicant may commence a post-conviction relief action on the following grounds:

1. That the conviction or the sentence was in violation of the Constitution of the United States or the Constitution or laws of this State;
2. That the court was without jurisdiction to impose sentence;
3. That the sentence exceeds the maximum authorized by law;
4. That there exists evidence of material facts, not previously presented and heard, that requires vacation of the conviction or sentence in the interest of justice;
5. That his sentence has expired, his probation, parole or conditional release [was] unlawfully revoked, or he is otherwise unlawfully held in custody or other restraint; or
6. That the conviction or sentence is otherwise subject to collateral attack upon any ground of alleged error heretofore available under any common law, statutory or other writ, motion, petition, proceeding or remedy....

S.C. Code Ann. § 17-27-20. Even if the facts alleged by Applicant are true, these facts do not support a cognizable claim for post-conviction relief under any of the statutory grounds. Challenges to the sufficiency of the evidence from trial is not a cognizable claim. Post-conviction relief is only

proper when the application collaterally attacks the validity of the conviction or sentence. Al-Shabazz v. State, 338 S.C. 354, 527 S.E.2d 742 (2000). Rather, these allegations constitute a direct appeal issue that is procedurally barred by S.C. Code Ann. § 17-27-20(b) (2003). Post-conviction relief is not a substitute for an appeal. Simmons v. State, 264 S.C. 417, 423, 215 S.E.2d 883, 885 (1974). A post-conviction relief application cannot assert any issues that could have been raised at trial or on appeal. Drayton v. Evatt, 312 S.C. 4, 8, 430 S.E.2d 517, 520 (1993). The failure to do so has waived this allegation as grounds for relief. Therefore, Respondent submits that all allegations, with the exception of ineffective assistance of counsel, should be summarily dismissed.

## VI.

Applicant must specify any claims he intends to raise at the PCR evidentiary hearing. Any claims not specifically laid out in this PCR application or in amendments will be opposed by the State at an evidentiary hearing pursuant to §§ 17-27-10 to -160 of the South Carolina Code of Laws and Rule 71.1 of the South Carolina Rules of Civil Procedure. See also Rules 15(a), SCRCP. All claims should be made well in advance of the evidentiary hearing. If Applicant has is represented by an attorney, the attorney, and not Applicant, is the only individual authorized to file amendments to this application. See Rule 11, SCRCP. Pro se filings will not be considered at the PCR hearing. Respondent reserves the right to request that any amendments withheld until the last minute be stricken because of undue prejudice to Respondent. See Rule 15(a), SCRCP.

Pursuant to § 17-27-150 of the South Carolina Code of Laws, Applicant may not invoke formal discovery processes to issue subpoenas or otherwise obtain discovery materials unless granted leave from the Court upon a showing of good cause. Furthermore, Respondent requests that all potential exhibits, witnesses, and materials used to produce potential expert witness testimony be provided to Respondent well in advance of the evidentiary hearing. Respondent reserves the right to

request a continuance and oppose witness testimony and exhibits that are withheld until the last minute resulting in undue prejudice to Respondent.

VII.

Respondent therefore requests that this Court convene an evidentiary hearing on the allegations of ineffective assistance of counsel. As to all other allegations, Respondent moves for summary dismissal pursuant to § 17-27-70 of the South Carolina Code of Laws on the basis that there is no genuine issue of material fact which would necessitate an evidentiary hearing and that those allegations should be dismissed as a matter of law.

VIII.

Each and every allegation contained within the application not expressly admitted, qualified, or explained in this Return is hereby denied.

*[Remainder of page left blank intentionally]*

IX.

WHEREFORE, Respondent requests that an evidentiary hearing be held on the claims of ineffective assistance of counsel.

Respectfully submitted,

ALAN WILSON  
Attorney General

W. JEFFREY YOUNG  
Chief Deputy Attorney General

MEGAN HARRIGAN JAMESON  
Senior Assistant Deputy Attorney General

*for:* VALERIE GARCIA GIOVANOLI  
Assistant Attorney General

By:   
ATTORNEYS FOR RESPONDENT

Office of the Attorney General  
P.O. Box 11549  
Columbia, SC 29211  
Telephone: (803) 734-3737

*2 Nov.*, 2017



STATE OF SOUTH CAROLINA )

COUNTY OF CHEROKEE )

IN THE COURT OF COMMON PLEAS

2017-CP-11-0248

CHRISTOPHER G. MARTIN, #307574 )

Applicant, )

vs )

AFFIDAVIT OF SERVICE BY MAIL

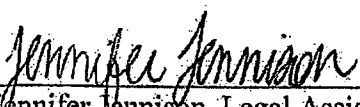
STATE OF SOUTH CAROLINA, )

Respondent, )

1. I am an employee of the Respondent in the above-captioned action.
2. Regular communication by mail exists throughout the State of South Carolina and that this is a proper circumstance of service by mail.
3. I have this day served a copy of the **Return, Partial Motion to Dismiss, and Motion for More Definite Statement** in the above-captioned matter on the following person by depositing same in the United States mail, postage prepaid:

Rodney Wade Richey, Esquire  
 Richey & Richey, PA  
 PO Box 10916  
 Greenville, SC 29603-0916

DATED this the 2<sup>nd</sup> day of November, 2017.

  
 Jennifer Jennison, Legal Assistant  
 For Respondent

1 STATE OF SOUTH CAROLINA )

2 COUNTY OF SPARTANBURG )

COURT OF COMMON PLEAS NONJURY

3  
4 CHRISTOPHER GENE MARTIN, )

5 APPLICANT, )

6 VS. )

7 STATE OF SOUTH CAROLINA, )

8 RESPONDENT. )

TRANSCRIPT

OF

RECORD

2017-CP-11-0248

9  
10 January 29<sup>th</sup>, 2018  
11 Spartanburg, South Carolina  
12

13 B E F O R E:

14 THE HONORABLE GRACE GILCHRIST KNIE, Judge.

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

16 RODNEY W. RICHEY  
17 ESQ.  
18 Attorney for the Applicant

19 VALERIE GIOVANOLI  
20 ASSISTANT ATTORNEY GENERAL  
21 Attorney for the State

22  
23 PAMELA E. GREEN  
24 Circuit Court Reporter  
25 Seventh Judicial Circuit

I N D E X   O F   W I T N E S S E SWITNESSESPAGE

CHRISTOPHER MARTIN

Direct examination by Mr. Richey

5

Cross-examination by Ms. Giovanoli

11

DON A. THOMPSON

Direct examination by Mr. Richey

13

Cross-examination by Ms. Giovanoli

19

Certificate

26

## P R O C E E D I N G S

MS. GIOVANOLI: May it please the Court?

THE COURT: Yes, ma'am.

MS. GIOVANOLI: This is the case of Christopher Gene Martin versus The State of South Carolina. The Docket Number's 2017-CP-11-0248. We're before the Court on an Application for Post-Conviction Relief filed March 27<sup>th</sup>, 2017.

In May, 2014, Applicant was indicted for attempted murder. Don Thompson represented Applicant at trial, and he proceed -- he proceeded to a jury trial on August 11<sup>th</sup>, 2015. The jury found Applicant not guilty of attempted murder, but guilty of the lesser included offense of assault and battery of a high and aggravated nature. And on June -- on August 12<sup>th</sup>, 2015, Judge Kelly sentenced the Applicant to imprisonment for 20 years.

The Applicant did file a Notice of Appeal, and the appeal was perfected by way of an Anders brief. The South Carolina Court of Appeals dismissed Applicant's appeal, and granted counsel's motion to be relieved.

Applicant has alleged ineffective assistance of counsel, and specifically he states in his application attorney did not do his job, and that he tried to fire attorney and could not, and another attorney could have done

1 a better job. At this point, the State would move for a  
2 more definite statement and to clarify the allegations  
3 because those allegation are so vague that they can not  
4 simply even be defended.

5 And also he -- also made allegations that are  
6 procedurally barred. He challenges the sufficiency of the  
7 evidence. Specifically, in that there was a lack of DNA,  
8 and there was a lack of weapon at trial for the -- and  
9 the -- there's a lack of a weapon for trial and witness  
10 statements, and that no weapon was found to put me at the  
11 scene and witness lied at trial.

12 These are all challenges to the sufficiency of the  
13 evidence, which is improper for PCR. Post-Conviction Relief  
14 is meant to be a collateral attack on a conviction, and the  
15 specific grounds for PCR laid out in the statute, and that's  
16 section 17-27-20, and challenges to the sufficiency of the  
17 evidence is simply not a cognizable claim.

18 So, therefore, we would move to dismiss those  
19 allegations, but -- and move for a more definite statement  
20 with regard to the allegations of ineffective assistance of  
21 counsel. State's present and ready to proceed. Mr. Richey  
22 represents Applicant, and I will hand it over to him.

23 THE COURT: Yes, sir, Mr. Richey, I'm happy to hear  
24 from you, sir.

25 MR. RICHEY: Thank you, Your Honor.

Christopher Martin - Direct examination  
by Mr. Richey

1 For one, the Applicant alleges that he was not provided  
2 a plea -- chance to plead to the case, that he never got the  
3 discovery in time for trial, and that counsel did not  
4 discuss with him adequately whether to testify or not  
5 testify, and that he does not believe that counsel  
6 adequately prepared for his case.

7 We're ready.

8 We call Mr. Martin if the Court's ready.

9 THE COURT: Yes, sir, I'm ready.

10 MR. RICHEY: Thank you.

11 THE COURT: Mr. Martin, sir, just come on around. I  
12 need to swear you in.

13 Okay. Raise your right-hand for me.

14 (WHEREUPON, the Applicant complies.)

15 CHRISTOPHER MARTIN, being first duly  
16 sworn, testified as follows:

17 THE COURT: Watch your step getting up on that witness  
18 stand, and make yourself comfortable.

19 All right?

20 THE WITNESS: Yes, ma'am.

21 THE COURT: Yes, sir, Mr. Richey.

22 MR. RICHEY: Thank you.

23 DIRECT EXAMINATION

24 BY MR. RICHEY:

25 Q Sir, state your name please?

Christopher Martin - Direct examination  
by Mr. Richey

- 1 A Christopher Gene Martin.
- 2 Q And, Mr. Martin, are you currently in the Department of
- 3 Corrections?
- 4 A Yes, ma'am (sic).
- 5 Q And what are you there for?
- 6 A Assault and battery with a high and aggravated nature.
- 7 Q Okay. And this was a allegation that arose basically
- 8 out of your home, correct?
- 9 A Yes, sir.
- 10 Q And there was a gentleman who had came to your --
- 11 supposedly he was selling cigarettes.
- 12 Is that correct?
- 13 A Yes, sir.
- 14 Q Or someone in your home sold cigarettes, correct?
- 15 A Yes, sir.
- 16 Q And this gentleman came to your house.
- 17 You didn't necessarily know him, correct?
- 18 A Yes, sir.
- 19 Q He got into an argument with some other guy at your
- 20 house.
- 21 Is that correct?
- 22 A Yes, sir, that's correct.
- 23 Q And then we left your house is when all this issue
- 24 started, correct?
- 25 A Correct.

Christopher Martin - Direct examination  
by Mr. Richey

1 Q And, and they allege that you, that -- the allegations  
2 is that you supposedly stabbed this guy, correct?

3 That's the allegations, correct?

4 A That's the allegation, yes, sir.

5 Q And, and you, and you pled not guilty to those  
6 allegations, didn't you?

7 A Yes, sir.

8 Q And you went to trial.

9 Is that correct?

10 A Yes, sir.

11 Q And who represented you on those charges?

12 A Mr. Don Thompson.

13 Q Okay. And did he discuss those cases with you?

14 A No, sir, he did not.

15 Q Never?

16 A No, sir.

17 Q He never talked to you about the case at all?

18 A Only once whenever he came the first time we seen him.  
19 Well, the first time I seen him, he said that he was filing  
20 for my motion discovery, and he just told me the timeframe  
21 that I would -- was looking for. But, at the time, I was  
22 not facing a attempted murder charge. I was facing assault  
23 in the first degree.

24 Q Okay. And you got directly indicted on the other  
25 cases?



Christopher Martin - Direct examination  
by Mr. Richey

1 A Well, I didn't. From what I understand, yes, sir, I  
2 did, but I didn't actually receive any indictment forms or  
3 anything on the attempted murder charge.

4 Q Okay. And that initial was -- time you saw him, was  
5 that right at the time that you got arrested?

6 A Yes, sir.

7 Q Okay.

8 A That was probably about a month later.

9 Q Okay. And then after that point, did you talk to him  
10 about your case?

11 A Once. One other time. That's whenever they came and  
12 got me to take me in for the attempted murder. They give me  
13 a bond.

14 Q Okay. So, so, they, they brought the attempted murder  
15 charge to you and, and set another bond for it?

16 A Yes, sir.

17 Q Was that an arraignment?

18 A They -- I never knew anything about the attempted  
19 murder or anything until they give me a bond.

20 Q Okay. Okay. And after that, when did you talk to Mr.  
21 Thompson?

22 A I'm gonna -- I want to say right before trial.

23 Q Okay. What's right before?

24 A Like whenever they took me over to plead not guilty.

25 Q Okay. And did y'all go over the discovery?

Christopher Martin - Direct examination  
by Mr. Richey

1 A He give me, you know, told me a little bit about the  
2 discovery, but he didn't tell me no kind of evidence or  
3 anything like that, no.

4 Q okay. Did you, did you actually get the discovery?

5 A No.

6 Q You never physically got it?

7 A No, I didn't get the discovery until after I entered  
8 the Department of Corrections and filed for it.

9 Q And where did, where did you get it from?  
10 when you got it, where did you get it from?

11 A I want to say Clerk of Court if I ain't mistaken.

12 Q So, you got information from the Clerk of Court?

13 A Yes, sir.

14 Q You didn't get---

15 A Whenever I filed for my, my motion for my PC -- for my  
16 paperwork and everything from the clerk.

17 Q So, did you receive any paperwork from Mr. Thompson's  
18 office?

19 A Not that I remember.

20 Q Okay. So, you believe he didn't properly represent you  
21 because you never got the discovery from his office?

22 A Yes, sir.

23 Q And he never discussed the case with you?

24 A Yes, sir.

25 Q Did you tell him you were innocent of these charges?

Christopher Martin - Direct examination  
by Mr. Richey

- 1 A Yes, sir, I did tell him I was innocent of the charge.
- 2 Q Do you feel like he prepared your case properly?
- 3 A No, sir, I do not.
- 4 Q Did he, did he talk to any of the witnesses you wanted
- 5 him to talk to?
- 6 A Not that I know of. I don't think he did.
- 7 Q So, you basically had a trial and you, and you didn't
- 8 talk to him, you didn't see the discovery at all?
- 9 A No, sir.
- 10 Q And, in this trial, there -- did you discuss, did you
- 11 discuss with him, in this trial, the testimony of Jessica
- 12 Ramsey?
- 13 Did you have a discussion with him about her testimony?
- 14 A No, sir.
- 15 Q Y'all didn't talk about it at all?
- 16 A No, sir.
- 17 Q Did you know she was gonna testify?
- 18 A No, I did not.
- 19 Q And she was your supposed girlfriend at the time,
- 20 right?
- 21 A Fiancée at the time.
- 22 Q And y'all have a child together?
- 23 A Yes, sir.
- 24 Q And she gave some testimony that was not to your
- 25 benefit, correct?

Christopher Martin - Direct examination  
by Mr. Richey

1 A Correct.

2 Q And you did not discuss that with Mr. Thompson or know  
3 about it all?

4 A No, sir, I did not.

5 Q So, it's your testimony you basically went and tried a  
6 case that you didn't know anything about it?

7 A Exactly.

8 Q Zero?

9 A Nothing.

10 Q At all.

11 Okay. Thank you. Answer any questions the Attorney  
12 General will have for you.

13 THE COURT: Yes, ma'am.

14 MS. GIOVANOLI: Thank you, Your Honor.

15 CROSS-EXAMINATION

16 BY MS. GIOVANOLI:

17 Q Good morning.

18 A Good morning, ma'am.

19 Q Okay. Do you remember your trial?

20 A Bits and pieces of it, yes, ma'am.

21 Q Okay. Do you remember that every single witness saw  
22 you chasing the victim as he was running leaving your house?

23 A Yes, ma'am, I do remember where they testified against  
24 that.

25 Q Including your baby's mother and your fiancée?

Christopher Martin - Cross-examination  
by Ms. Giovanoli

1           She testified that you ran out after the victim?

2   A       Yes, that's what she stated.

3   Q       But you're stating today that you're innocent of the  
4 charges?

5   A       Yes, ma'am.

6   Q       What does that mean?

7           Are, are -- did you not stab the victim or did you not  
8 attempt to murder him?

9   A       No, I did not stab him period.

10   Q       Okay. You stated that, on direct, that you got the  
11 discovery from the Clerk's Office?

12   A       Yes, ma'am.

13   Q       Is that correct?

14   A       I did receive one from the Clerk's Office, yes, ma'am.

15   Q       And that you never received it from your attorney?

16   A       Not that I remember.

17   Q       Okay. Would it surprise you to know that the clerk  
18 doesn't have the discovery in this case?

19           They're not in possession of your discovery?

20   A       I know whenever I filed for -- my motion filed, I  
21 wanted to say, that I did receive it through them. Now, I  
22 could be mistaken.

23   Q       Okay. I have no further questions. Thank you.

24   A       You welcome, ma'am.

25           THE COURT: Mr. Richey.

Don Thompson - Direct examination  
by Mr. Richey

1 MR. RICHEY: No other questions.

2 THE COURT: Okay. Sir, you may step down. Watch your  
3 step.

4 THE WITNESS: Thank you, ma'am.

5 MR. RICHEY: We call Mr. Thompson.

6 DON THOMPSON, being first duly  
7 sworn, testified as follows:

8 THE COURT: Thank you, sir. Please be seated. Make  
9 yourself comfortable.

10 DIRECT EXAMINATION

11 BY MR. RICHEY:

12 Q Sir, can you state your name please?

13 A Don Anthony Thompson.

14 Q And, Mr. Thompson, where are you employed?

15 A Cherokee County Public Defender's Office.

16 Q And, and during that employment, do you recall, recall  
17 representing Christopher Martin?

18 A I do.

19 Q And, Mr. Martin, do you recall the charges that he was  
20 charged with?

21 A He was initially charged with assault and battery first  
22 degree. That charge got upgraded to attempted murder.

23 Q Okay. And this is -- you, you were in the courtroom  
24 and he gave his testimony, wasn't you?

25 A I was.

Don Thompson - Direct examination  
by Mr. Richey

1 Q All right. And he, he testified that he never saw the  
2 discovery.

3 Can you tell me whether you went over the discovery  
4 with this gentleman?

5 A I went over it with him, but now let me back up and  
6 give you the situation at that time because there was  
7 another attorney involved also.

8 Q Okay.

9 A He was arrested on February the or I'm sorry. He was  
10 arrested January 27<sup>th</sup> of 2014. I was appointed on  
11 February 20<sup>th</sup> of 2014. Six days prior to that I was  
12 diagnosed with cancer. I had surgery in April, chemotherapy  
13 over the Fall -- months following that. I was in and out.  
14 And, in October, I had radiation. I was actually in the  
15 hospital from October through mid-February of the following  
16 year, '15. During that time, Clay Allen handled my cases.

17 Q Okay.

18 A So, from, honestly from -- I think there's some notes  
19 in here where I did meet with him like in March of 2014 one  
20 time, but from what, what happened from that point in time  
21 until February of 2015, I wasn't involved. So, I don't know  
22 whether he got discovery during that time or not.

23 Q Cause you wasn't -- okay. So -- okay. So---

24 A I wasn't, I wasn't representing -- I guess,  
25 technically, I was representing him. My name was still on

Don Thompson - Direct examination  
by Mr. Richey

1 it.

2 Q okay.

3 A But I wasn't really involved in the case at that point  
4 in time --

5 Q So---

6 A -- during that time.

7 Q Okay. So, you can't give any testimony whether he got  
8 the discovery or not?

9 A I can say I did not give it to him.

10 Q Okay. Okay. Did you go over the case with him?  
11 Did you talk to him about the witnesses and all of  
12 that?

13 A I did.

14 Q And I'm gonna, I'm gonna ask you about this.

15 Jessica Ramsey, did -- when did you, if you can  
16 remember, when did you find out she was gonna actually  
17 testify?

18 A I don't know when I found out she was actually gonna  
19 testify, but -- let's see. I have notes in my file from  
20 where I met with her and interviewed her on August the  
21 4<sup>th</sup> of 2015.

22 Q Okay. And did you discuss with -- did you discuss with  
23 the Applicant what her testimony would be?

24 Do you recall that?

25 A Yes, same day, August 4<sup>th</sup> of 2015.



Don Thompson - Direct examination  
by Mr. Richey

1 Q You discussed it with him?

2 A Uh-huh. (Affirmative).

3 Q And was that testimony gonna be helpful or harmful when  
4 you talked to her initially?

5 A It wasn't going to be helpful.

6 Q Okay.

7 A Everybody's testimony -- there was a number of people  
8 that were gonna testify against him. Everybody's testimony  
9 was -- I'm not gonna say it was different from each other,  
10 but some of them saw this part of it. Some of them saw that  
11 part of it. It was a, it was a situation where you had to  
12 put them all together to get a full story I guess is what  
13 I'm saying.

14 Q Okay. Did you -- in this case, was you ever offered a  
15 plea bargain?

16 A He was.

17 Q He was?

18 A He was.

19 Q And what was that offer?

20 A Oh, it went back and forth for a number of times.  
21 Let's see. On April the 8<sup>th</sup> of 2015, he wanted me to work  
22 him out a guilty plea. The State offered 12 years ABHAN.  
23 On August the 4<sup>th</sup> he turned that down, and these appear to  
24 be notes from the trial. So, yes, there was an offer. It  
25 went back and forth.

Don Thompson - Direct examination  
by Mr. Richey

1 Q This 12 year offer that you -- you said that was  
2 August 4<sup>th</sup>?

3 A August 4<sup>th</sup>.

4 Q So, that's the same date that you talked to the Ramsey  
5 lady and talked to him?

6 A So, that was---

7 A Well, that's the day he turned it down. I -- they may  
8 of made the offer the day before or the day before that.

9 Q Okay.

10 A I'm just not sure when it was made.

11 Q Okay.

12 A But that's the day he turned it down.

13 Q So, that was ABHAN.

14 A Did you discuss it with him, how beneficial that could  
15 be for him?

16 A I did. I told him I didn't think we had a chance in a  
17 trial.

18 Q You told him you didn't have a chance?

19 A I told him I did not think we had a chance in a trial.

20 Q And so it was your recommendation for him to plead  
21 guilty?

22 A It was.

23 Q And what was his response to that recommendation?

24 A He was going to trial.

25 Q What -- what's the sentence range for ABHAN?

Don Thompson - Direct examination  
by Mr. Richey

1 A ABHAN is zero to twenty. He was charged with attempted  
2 murder, zero to thirty.

3 Q Okay. Okay. Was there anybody who actually saw him  
4 stab this person?

5 Do you remember?

6 A I don't recall anybody actually seeing him stab him.  
7 There was one or two witnesses that saw him with a knife.

8 Q Uh-huh. (Affirmative).

9 A I think it was actually the victim that said he was  
10 stabbed. They did have to airlift the victim to the  
11 hospital with a stab wound in his back that was life  
12 threatening.

13 Q In this case, the, the Applicant did not testify.  
14 Is that correct?

15 A That's correct.

16 Q Did you discuss with him the, the pros and cons about  
17 testifying?

18 A I did.

19 Q And, and what was, what was the issue of him not  
20 testifying?

21 A He had a prior record that would of come out had he  
22 testified.

23 Q Okay. And do you believe that record would of been  
24 damaging to him?

25 A I do.

Don Thompson - Direct examination  
by Mr. Richey

1 Q Did you discuss that with him?

2 A I did.

3 Q And was it also his decision not to put up any  
4 evidence?

5 A I'm sure it was, but I'll be honest with you. I don't  
6 know of any evidence we could have put up other than his  
7 testimony.

8 MR. RICHEY: One moment, Your Honor, please.

9 THE COURT: Yes, sir, take your time.

10 (Pause.)

11 MR. RICHEY: No other questions.

12 THE COURT: Yes, ma'am.

13 MS. GIOVANOLI: Thank you, Your Honor.

14 CROSS-EXAMINATION

15 BY MS. GIOVANOLI:

16 Q Good morning, Mr. Thompson.

17 A Good morning.

18 Q I know that I know the answer to this question, but,  
19 for the record, how long have you been practicing law?

20 A Since November 1980 is when I was admitted.

21 Q Okay. And, in criminal law, is that 1990?

22 A 1990 exclusively, yes.

23 Q Okay. And what is your current position?

24 A Chief Public Defender of Cherokee County.

25 Q Okay. And was that your position at the time of this

Don Thompson - Cross-examination  
by Ms. Giovanoli

1 trial?

2 A It was.

3 Q Okay. And the trial was actually August of 2015.

4 Is that correct?

5 A Uh-huh. (Affirmative).

6 Q Okay. It was---

7 A August the 11<sup>th</sup> and 12<sup>th</sup> of 2015.

8 Q Right.

9 And so you testified earlier that you were out for a  
10 period of I believe it was six months?

11 A I was in and out for about six, seven months, and then  
12 I was out for about five totally.

13 Q Okay. And you testified that, at that time, Clay Allen  
14 was handling your case.

15 Is that right?

16 A That's correct.

17 Q And who is Clay Allen?

18 A He is my boss. He is the Seventh Circuit Public  
19 Defender.

20 Q Okay. So, at some point while you were out, a motion  
21 for discovery was made, correct?

22 A I may of made it before I went out. Let me see if I  
23 can tell you when it was done.

24 (Pause.)

25 A Yeah, it was made and let's see whose signature is on

Don Thompson - Cross-examination  
by Ms. Giovanoli

1 there. I'm the one that made it. I made it on  
2 March 18<sup>th</sup>. I signed it.

3 Q Okay. So, you, in fact, had the discovery for this  
4 case?

5 A I had the discovery when I came back in.

6 Q Okay.

7 A Yes, ma'am.

8 Q Okay. And whenever you met with the Applicant, did you  
9 receive that discovery with him?

10 A I did.

11 Q Okay. And that discovery included a list of witnesses.  
12 Is that correct?

13 A It did.

14 Q Okay. And those witnesses testified at trial, did they  
15 not?

16 A They did.

17 Q And just to summarize for the Court for clarification,  
18 some of those witnesses included Jessica Ramsey, who was the  
19 Applicant's girlfriend at the time, or fiancée, excuse me?

20 A That's correct.

21 Q And she testified that her -- that the Defendant chased  
22 the victim out of the house and down the street?

23 A I believe so. You might have to refer to the record  
24 for that, but I believe that was her testimony.

25 Q Okay. And do you recall there was also testimony from

Don Thompson - Cross-examination  
by Ms. Giovanoli

1 a, let me get the name correct, Herman Price, who actually  
2 had an in-camera hearing regarding Herman Price's testimony  
3 that he heard the victim say the Defendant stabbed him?

4 Do you recall that?

5 A Vaguely, yes.

6 Q Okay. And that came in as an excited utterance?

7 A Yes.

8 Q Do you remember that?

9 Okay. And then there was also testimony from a William  
10 Putnam?

11 A Uh-huh. (Affirmative).

12 Q Do you remember him?

13 A I do.

14 Q And he was actually the Defendant's friend, was he not?

15 A Yes.

16 Q And he testified that he saw the Defendant chase the  
17 victim, the victim fall, and the Defendant jumped on him,  
18 and, after the stabbing, the Defendant ran away and had a  
19 knife in his hand.

20 Is that correct, your recollection?

21 A I know some of the witnesses say they saw a knife, and  
22 some said they didn't. So, I don't remember exactly which  
23 one did which.

24 Q Okay. But you would agree that there were a handful of  
25 witnesses, I want to say four or five lay witnesses that

Don Thompson - Cross-examination  
by Ms. Giovanoli

1 actually witnessed this event?

2 A That's correct.

3 Q And they all testified against the defendant.

4 Is that correct?

5 A That's correct.

6 Q Did you ever discuss the Defendant testifying on his  
7 own behalf with him?

8 A We would have discussed his right to testify because I  
9 have no right to make that decision. That's his. But I  
10 would have advised him, and I'm sure I did, that testifying  
11 would not be a benefit to him.

12 Q And that was because of his prior record?

13 A His prior record would of come out.

14 Q And ultimately it was his decision not to testify.

15 Is that correct?

16 A That's correct.

17 Q And the Court actually engaged in a colloquy regarding  
18 his decision not to testify.

19 Do you recall that?

20 A That's correct.

21 Q Okay. And it's your testimony today that you advised  
22 him to accept the State's plea offer prior to trial?

23 A I -- well, I advised him that I thought he needed to  
24 plead guilty. I can't say I specifically said accept this  
25 offer.



Don Thompson - Cross-examination  
by Ms. Giovanoli

1 Q Okay.

2 A But I thought it was in his best interest to plead  
3 guilty.

4 Q Okay. And it's also your testimony that you did relay  
5 that offer to him?

6 A I did.

7 Q And, on August 4<sup>th</sup>, you have notes that showed that he  
8 turned that offer down?

9 A That's correct.

10 MS. GIOVANOLI: Okay. I have no further questions.

11 THE COURT: Yes, sir.

12 MR. RICHEY: No other questions.

13 THE COURT: All right. Thank you---

14 THE WITNESS: Thank you, Judge.

15 THE COURT: ---Mr. Thompson. You may step down.

16 Anything else, counsel?

17 MR. RICHEY: No other, no other witnesses.

18 THE COURT: Okay.

19 MS. GIOVANOLI: No witnesses from the State.

20 THE COURT: Okay. Anything else?

21 MR. RICHEY: No, ma'am, nothing else.

22 MS. GIOVANOLI: No, thank you.

23 THE COURT: Okay. Mr. Martin, sir, I have a pretty  
24 thick file on you. I have the transcript from your trial.  
25 I also have your Application. I have the sentencing

1 information, and other documents that I want to review in  
2 great detail before I make a decision about, about your,  
3 your matter today. And so I just wanted you to understand  
4 that, sir, that I will not be ruling from the bench, but you  
5 will hear from me through your legal counsel as soon as I  
6 review everything.

7 I wish you the best of luck, sir. Thank you for being  
8 here.

9 THE APPLICANT: Thank you, ma'am.

10 MR. RICHEY: Thank you, Your Honor.

11 THE COURT: Yes, sir.

12

13 \* \* \*END OF REQUESTED TRANSCRIPT OF RECORD\* \* \*

14

15

16

17

18

19

20

21

22

23

24

25

Sams represented the State. On August 11, 2015, Applicant appeared in the Spartanburg County Court of General Sessions, where proceeded to a jury trial before the Honorable R. Keith Kelly, circuit court judge. The jury found Applicant not guilty of attempted murder, but guilty of the lesser included offense of assault and battery of a high and aggravated nature ("ABHAN"). On August 12, 2015, Judge Kelly sentenced Applicant to imprisonment for twenty years.

Applicant filed a timely notice of appeal. An appeal was perfected by Kathrine H. Hudgins Esquire, who submitted an Anders<sup>1</sup> brief on Applicant's behalf and moved to be relieved as his counsel. The South Carolina Court of Appeals dismissed Applicant's appeal and granted counsel's motion to be relieved in an unpublished opinion. State v. Martin, Op. No. 2016-UP-465 (S.C. Ct. App. filed November 9, 2016). The remittitur was returned on November 29, 2016.

In his PCR application, Applicant alleges that he is being held in custody unlawfully for the following reasons:

1. "Ineffective Assistance of Counsel"
  - a. "Attorney did not do his job."
  - b. "Tried to fire attorney and could not, and [another] attorney could have done a better job."
2. "Lack of DNA – No DNA was done on blood that was found."
3. "Lack of weapon for trial and witness statements."
4. "No weapon was found to put me at the scene and witness lied at trial."

In its return, Respondent moved for summary dismissal of the three allegations relating to the sufficiency of the evidence, arguing these were impermissible challenges to the sufficiency of the evidence and were not cognizable grounds for post-conviction relief. Respondent also moved for a more definite statement as to the allegations of ineffective assistance of counsel.

---

<sup>1</sup> Anders v. California, 386 U.S. 738 (1967).

At the start of the hearing, Respondent renewed its motion to dismiss allegation regarding the sufficiency of the evidence as those claims are not cognizable claims under the PCR Act. Respondent also requested a more definite statement in order to clarify the allegations.

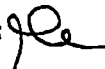
### SUMMARY OF TESTIMONY AT PCR

I. Applicant testified to the following:

Applicant testified he was selling cigarettes out of his house when the victim came to his house. He did not know the victim. The victim began fighting with another guest in the house. Applicant denied stabbing the victim. Applicant also testified never discussed discovery, the State's evidence, witnesses, or anything about the case with Counsel. Applicant claims he did not get a copy of his discovery until after he was convicted and from the Clerk of Court. Although Jessica Ramsey, Applicant's fiancé at the time of trial, testified against him, Applicant claimed Counsel never discussed her potentially testifying at trial.

II. Counsel testified to the following:

Counsel has been practicing law since 1980. He is, and was at the time of Applicant's trial, the Chief Public Defender for Cherokee County. Counsel testified Applicant was originally charged with first-degree assault and battery, but the charge was later upgraded to attempted murder. Applicant was arrested in January of 2014 and Counsel was appointed in February of 2014. Shortly thereafter, Counsel had to take an extended break from the practice of law due to a cancer diagnosis and subsequent treatment. During that time, Clay Allen, Chief Public Defender for the Seventh Judicial Circuit, handled Applicant's case. Counsel could not testify as to what occurred during his time away. Counsel returned to work in February of 2015 and Applicant's trial was not until August of 2015.



Counsel had notes in his file indicating he requested and received discovery from the State. Counsel testified he reviewed the case and all of the discovery with Applicant prior to trial. Counsel recalled meeting and interviewing Jessica Ramsey, Applicant's then-fiancé and a State's witness. He then discussed what her testimony would be with Applicant. Counsel recalled the State's case was a number of different witnesses all testifying to what they saw, which culminated to a story of Applicant chasing and stabbing the victim. The stories were different based on each witness's perception and what part of the incident they could see, but they were not necessarily contradicting.

Counsel relayed a plea offer from the State for twelve years to plead to assault and battery of a high and aggravated nature (ABHAN). Counsel had a note in his file, and recalled, that Applicant turned down the offer on August 4, 2015. At the time Counsel relayed the plea offer, he expressed his concern that he did not believe Applicant had a chance of winning at trial and should accept the plea offer, but Applicant insisted on trial. Counsel advised Applicant not to testify because of his prior criminal record and because he did not believe Applicant's testimony would be beneficial to the case. Counsel advised Applicant it was ultimately his decision whether to testify. Other than Applicant's testimony, there was no evidence to present in defense of the charges.

#### **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

This Court has had the opportunity to review the record in its entirety and has heard the testimony at the post-conviction relief hearing. This Court has had the opportunity to observe the witnesses presented at the hearing, and has weighed their testimony and credibility accordingly. Below are the findings of fact and conclusions of law as required pursuant to S.C. Code Ann. §17-27-80 (2017). Applicant has failed to prove by a preponderance of the evidence that



Counsel was deficient or that he was prejudiced by any deficiency. A Post-Conviction Relief application is not a venue for questioning each and every decision of trial counsel. Rather, the Applicant must demonstrate by a preponderance of the evidence that trial counsel was deficient and that the deficiency prejudiced the outcome of his trial. Applicant has failed to do so.

*Ineffective Assistance of Counsel*

Applicant alleges he received ineffective assistance of counsel. In a PCR action, "[t]he burden of proof is on the applicant to prove his allegations by a preponderance of the evidence." Frasier v. State, 351 S.C. 385, 389, 570 S.E.2d 172, 174 (2002) (citing Rule 71.1(e), SCRPC). Where ineffective assistance of counsel is alleged as a ground for relief, the applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied upon as having produced a just result." Strickland v. Washington, 466 U.S. 668 (1984); Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985).

The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. Courts presume that counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. Butler, *Id.* An applicant must overcome this presumption to receive relief. Cherry v. State, 300 S.C. 115, 386 S.E.2d 624 (1989). First, the applicant must prove that counsel's performance was deficient. Under this prong, attorney performance is measured by its "reasonableness under professional norms." Cherry, 300 S.C. at 117 (citing Strickland). Second, counsel's deficient performance must have prejudiced the applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Cherry, 300 S.C. at 117-18.

This Court finds Applicant has failed to meet his requisite burden of proof as to his allegations of ineffective assistance of counsel. Specifically, this Court finds Applicant has failed to establish both deficiency of counsel or any resulting prejudice from these alleged deficiencies. This Court finds Counsel's testimony to be credible and accordingly affords it great weight, while also finding Applicant's testimony to lack credibility. Counsel testified he reviewed discovery materials with Applicant, reviewed the numerous witness statements and concluded that while there were some discrepancies, the statements were not contradictory. He advised Applicant there was a high likelihood Applicant would be convicted at trial and advised Applicant he should accept the State's twelve year plea offer, but that Applicant declined the offer and insisted on proceeding to trial. Counsel also met with Applicant his fiancé to discuss her possibly testifying and also discussed Applicant's right to testify with him. This Court finds Counsel's performance was in accordance with professional standards required and that Applicant has failed to establish any deficiency of counsel or any requisite prejudice. Therefore, Applicant's allegations of ineffective assistance of counsel are denied and dismissed with prejudice.

#### ***Procedurally Barred Allegations***

Additionally, this Court finds Applicant's allegations pertaining to the sufficiency of the evidence ("Lack of DNA – No DNA was done on blood that was found," "Lack of weapon for trial and witness statements," and "No weapon was found to put me at the scene and witness lied at trial.") are non-cognizable grounds for relief under the Uniform Post-Conviction Procedure Act and grants Respondent's motion to dismiss these allegations.

An applicant may commence a post-conviction relief action on the following grounds:

1. That the conviction or the sentence was in violation of the Constitution of the United States or the Constitution or laws of this State;

2. That the court was without jurisdiction to impose sentence;
3. That the sentence exceeds the maximum authorized by law;
4. That there exists evidence of material facts, not previously presented and heard, that requires vacation of the conviction or sentence in the interest of justice;
5. That his sentence has expired, his probation, parole or conditional release [was] unlawfully revoked, or he is otherwise unlawfully held in custody or other restraint; or
6. That the conviction or sentence is otherwise subject to collateral attack upon any ground of alleged error heretofore available under any common law, statutory or other writ, motion, petition, proceeding or remedy.

S.C. Code Ann. § 17-27-20. Even if the facts alleged by Applicant are true, these facts do not support a cognizable claim for post-conviction relief under any of the statutory grounds. Challenges to the sufficiency of the evidence from trial is not a cognizable claim. Post-conviction relief is only proper when the application collaterally attacks the validity of the conviction or sentence. Al-Shabazz v. State, 338 S.C. 354, 527 S.E.2d 742 (2000). Rather, these allegations constitute a direct appeal issue that is procedurally barred by S.C. Code Ann. § 17-27-20(b) (2003). Post-conviction relief is not a substitute for an appeal. Simmons v. State, 264 S.C. 417, 423, 215 S.E.2d 883, 885 (1974). A post-conviction relief application cannot assert any issues that could have been raised at trial or on appeal. Drayton v. Evatt, 312 S.C. 4, 8, 430 S.E.2d 517, 520 (1993). The failure to do so has waived this allegation as grounds for relief. Therefore, this Court finds these allegations are procedurally barred and must be denied and dismissed with prejudice.

### CONCLUSION

Based on all the foregoing, this Court finds and concludes Applicant has not established any violations that would require this Court to grant his application. This Court finds Applicant has failed to prove any deficiencies on the part of Counsel and further, Applicant has failed to prove prejudice from any alleged deficiencies in Counsel's representation of him. Therefore, as





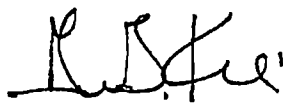
Applicant has failed to meet his burden of proof in this post-conviction relief action, his application is denied and dismissed with prejudice.

This Court notifies Applicant he must file and serve a notice of appeal within thirty days from receipt by counsel of written notice of entry of judgment to secure the appropriate appellate review. See Rule 203, SCACR. An applicant has a right to an appellate counsel's assistance when they are seeking review of the denial of PCR. Austin v. State, 305 S.C. 453 (1991). If an applicant wishes to seek appellate review, PCR counsel must serve and file a Notice of Appeal on the Applicant's behalf. See Rule 71.1 (g), SCRCP. You must look at Rule 243 of the South Carolina Appellate Court Rules for appropriate procedures for appeal.

**IT IS THEREFORE ORDERED THAT:**

1. The application for Post-Conviction Relief is denied and dismissed with prejudice;
2. Applicant shall remain in the custody of the South Carolina Department of Corrections to complete service of his sentence.

AND IT IS SO ORDERED this 9<sup>th</sup> day of May, 2018.



GRACE GILCHRIST KNIE  
Presiding Judge  
Seventh Judicial Circuit

Spartanburg, South Carolina

## FORM 4

STATE OF SOUTH CAROLINA  
COUNTY OF CHEROKEE  
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE  
CASE NUMBER 2017CP1100248

Christopher Gene Martin

State Of South Carolina

PLAINTIFF(S)

DEFENDANT(S)

Submitted by:

Attorney for: ☐ Plaintiff ☐ Defendant  
☐ Self-Represented Litigant

## DISPOSITION TYPE (CHECK ONE)

- ☐ JURY VERDICT. This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- ☒ DECISION BY THE COURT. This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered. ☐ See Page 2 for additional information.
- ☐ ACTION DISMISSED (CHECK REASON): ☐ Rule 12(b), SCRPC; ☐ Rule 41(a), SCRPC (Vol. Nonsuit);  
☐ Rule 43(k), SCRPC (Settled); ☐ Other: \_\_\_\_\_
- ☐ ACTION STRICKEN (CHECK REASON): ☐ Rule 40(j) SCRPC; ☐ Bankruptcy;  
☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other: \_\_\_\_\_
- ☐ STAYED DUE TO BANKRUPTCY
- ☐ DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):  
☐ Affirmed; ☐ Reversed; ☐ Remanded; ☐ Other: \_\_\_\_\_

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: ☒ See attached order; (formal order to follow) ☐ Statement of Judgment by the Court:

## ORDER INFORMATION

This order ☒ ends ☐ does not end the case.

Additional Information for the Clerk: \_\_\_\_\_

## INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

| Judgment in Favor of<br>(List name(s) below) | Judgment Against<br>(List name(s) below) | Judgment Amount To be Enrolled<br>(List amount(s) below) |
|----------------------------------------------|------------------------------------------|----------------------------------------------------------|
| N/A                                          |                                          |                                                          |
|                                              |                                          |                                                          |
|                                              |                                          |                                                          |

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk.

Note: Title abstractors and researchers should refer to the official court order for judgment details.

E-Filing Note: In E-Filing counties, the Court will electronically sign this form using a separate electronic signature page.

S/ Grace Gilchrist Knie  
Circuit Court Judge

2760  
Judge Code

5/14/2018  
Date

**For Clerk of Court Office Use Only**

This judgment was entered on 5/14/18, and a copy mailed first class or placed in the appropriate attorney's box on 5/14/18, to attorneys of record or to parties (when appearing pro se) as follows:

Rodney Wade Richey  
PO Box 10916  
Greenville, SC 29603-0916

Alan McCrory Wilson  
S.C. Attorney General's Office  
PO Box 11549  
Columbia, SC 29211-1549

---

**ATTORNEY(S) FOR THE PLAINTIFF(S)**

---

**ATTORNEY(S) FOR THE DEFENDANT(S)**

*Brandy W. McBee*

**Court Reporter**

**Brandy W. McBee - Clerk of Court**

**Court Reporter:**

**E-Filing Note:** In E-Filing counties, the date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgement to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCF.

---

**ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.**

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

---



---



---

2018 MAY 14 AM 9:39  
DRAWN