

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Greenville County

Honorable Letitia H. Verdin, Circuit Court Judge

WILLIAM DOUGLAS ZEIGLER,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO 2018-001011

APPENDIX

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S.C. SUPREME COURT

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	)	2013-GS-23-8196
COUNTY OF GREENVILLE	)	2013-GS-23-8197
	)	2014-GS-23-0245
	)	
	)	
	)	
STATE OF SOUTH CAROLINA,	)	
PLAINTIFF,	)	
	)	
vs.	)	TRANSCRIPT OF RECORD
	)	
WILLIAM ZEIGLER,	)	
DEFENDANT.	)	
_____	)	

June 1 and 2, 2015
Greenville, South Carolina

B E F O R E:

THE HONORABLE EDWARD W. MILLER, JUDGE

A P P E A R A N C E S:

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CHERYL A. SMITH
Circuit Court Reporter

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P R O C E E D I N G S

(WHEREUPON, State's Exhibit Nos. 1 through 66 were premarked for identification prior to commencement of trial.)

THE COURT: All right. Ladies and gentlemen, welcome up to Courtroom No. 4. And as I told you before, we're going to qualify you all to serve on this particular case. So in order for us to do that, I will announce the case to you and tell you a little bit about what it's about.

This is a three-count case, three indictments. The first indictment, which is 2014-245, alleges that William Douglas Zeigler did, in Greenville county, on or about the 18th day of July 2013, willfully and unlawfully have in his possession and under his control a quantity of cocaine base, also known as crack cocaine, a controlled substance.

The second indictment, which is 2013-8197, alleges that William Douglas Zeigler did, in Greenville county, on or about July 12, 2013, unlawfully seize, abduct, confine, inveigle, decoy or carry away Brenda Stone without the authority of law.

And the third indictment, which is 2013-8196, alleges that William Douglas Zeigler did, in Greenville county, on or about the 12th day of July, 2013 engage in sexual battery with Brenda Stone and used aggravated force to accomplish this sexual battery, all these being in

1. violation of the statutes and laws of the State of South
2. Carolina.

3. Now, to these indictments, Mr. Zeigler has pled not
4. guilty, and as such, as with anyone who is charged with a
5. crime, certain rights attach and apply throughout these
6. proceedings, and that is that anyone who is charged with a
7. crime is presumed to be innocent unless and until the
8. charging body can prove beyond any reasonable doubt each
9. and every element of each offense that that person is
10. charged with. Please keep that in mind throughout the
11. course of these proceedings.

12. The other thing I would tell you is that these three
13. indictments are just exactly what they appear to be. They
14. are sheets of paper, and you are to take no inference or
15. make any presumption from the fact that these indictments
16. have been issued with respect to the issue of guilt or
17. innocence. That is determined solely based on the evidence
18. presented in this courtroom and the law as I will give it
19. to you. Please keep that in mind throughout the course of
20. all these proceedings.

21. Now, before I go any farther, I would ask the
22. attorneys to stand and introduce themselves and their
23. client.

24. All right, Mr. Moyer.

25. MR. MOYER: Good morning. My name is Mark Moyer. I

1 am the assistant solicitor with the 13th Circuit
2 Solicitor's Office, and seated with me is Andrea Phillips.
3 She's a legal investigator at our office.

4 THE COURT: Thank you.

5 MR. CHAMBERS: Good morning, ladies and gentlemen. My
6 name is Randy Chambers. I practice law primarily here in
7 Greenville. I have my own practice, but I also do
8 part-time work for the Public Defender's Office. I'm here
9 today representing William Zeigler. He's the person that
10 you have heard or will hear referred to as the defendant.

11 JURY QUALIFICATION

12 THE COURT: All right. Ladies and gentlemen of the
13 jury, is there any member of the jury panel related by
14 blood or marriage or who has a business, personal or social
15 relationship with any of the attorneys involved in this
16 case or any member of the 13th Circuit Judicial Solicitor's
17 Office? If so, please stand.

18 (WHEREUPON, there was no response.)

19 THE COURT: Is there any member of the jury panel
20 related by blood or marriage to Mr. William Douglas Zeigler
21 or have a business, personal or social relationship with
22 him? If so, please stand.

23 (WHEREUPON, there was no response.)

24 THE COURT: I'm going to read a list of potential
25 witnesses. Please listen. I'm going to need to know the

1 same about each of these people: Brenda Stone, Brittany
2 Stone, Amber Olson, Siobhan Grady, Christopher Hoyes with
3 the Sheriff's Office, Brian Garrett with the Sheriff's
4 Office, Mike Robertson with the Sheriff's Office, Brian
5 Lovelace with the Sheriff's Office, David Wes Kilgore with
6 the Sheriff's Office, Ragan Marling with the Sheriff's
7 Office, Dar Shaw with Greenville County Forensic Division,
8 Kelly Dixon, Greenville County Department of Public Safety,
9 Jagannadha Kandala with the Greenville County Department of
10 Public Safety, Kara Bennick with the Greenville County
11 Department of Public Safety, Melanie Watson with the
12 Greenville County Department of Public Safety, Tabitha
13 Fricks with the Greenville County Department of Public
14 Safety, Julie Thaxton with the Greenville County Department
15 of Public Safety. Is there any member of the jury panel
16 related by blood or marriage or who has a business,
17 personal or social relationship with any of those potential
18 witnesses? If so, please stand.

19 (WHEREUPON, there was no response.)

20 THE COURT: Is there any member of the jury panel who
21 has any knowledge about the events that are alleged in
22 these indictments? If so, please stand.

23 (WHEREUPON, there was no response.)

24 THE COURT: Has any member of the jury panel or family
25 member or close friend ever been a victim of or charged

1 with any of these types of offenses? If so, please stand.

2 Okay. Yes, ma'am. If you would, your name and
3 number.

4 JUROR #143: Erin Mcadams, No. 143.

5 THE COURT: 1 what?

6 JUROR #143: 143.

7 THE COURT: Okay. Yes, ma'am. Just a brief synopsis.
8 Are you okay? All right.

9 JUROR #143: I was sexually assaulted.

10 THE COURT: Okay. Thank you very much. Would the
11 fact that that has occurred to you impair your ability to
12 be fair and impartial in this case to either the State or
13 the defense? Would it impair your ability?

14 JUROR #143: No. No, sir.

15 THE COURT: Okay. And you could make a decision if
16 you were selected based on the evidence presented in this
17 courtroom and the law as I will give it to you?

18 JUROR #143: Yes.

19 THE COURT: Okay. Thank you very much.

20 All right. Is there any member of the jury panel who
21 is aware of any bias or prejudice towards either the State
22 or the defense? If so, please stand.

23 (WHEREUPON, there was no response.)

24 THE COURT: Is there any member of the jury panel a
25 member of or a contributor to a group whose primary concern

1 is the promotion of law enforcement or victims' rights?
2 Examples would be MAD, SAD or CAVE. If so, please stand.

3 (WHEREUPON, there was no response.)

4 THE COURT: Is there any juror who knows of any reason
5 whatsoever why you should not serve in this case based upon
6 your ability to be fair and impartial to both the State and
7 the defense and to base any decision made based solely on
8 the evidence presented in this courtroom and the law as I
9 would give it to you? If you can't do that, please stand.

10 (WHEREUPON, there was no response.)

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

12 MR. MOYER: No, Your Honor.

13 THE COURT: From the defense?

14 MR. CHAMBERS: No, Your Honor.

15 JURY SELECTION

16 THE COURT: All right. When your name is called, if
17 you would, just stand where you are and await further
18 instructions.

19 THE CLERK: Juror 194, Jeff Shipley.

20 What says the State?

21 MR. MOYER: Please present Mr. Shipley.

22 THE CLERK: What says the defendant?

23 MR. CHAMBERS: Swear Mr. Shipley, please.

24 THE CLERK: Mr. Shipley, would you please come
25 forward, have a seat in the jury box.

1 No. 5, Sheila Babb.

2 What says the State?

3 MR. MOYER: Please present Ms. Babb.

4 THE CLERK: What says the defendant?

5 MR. CHAMBERS: Swear Ms. Babb, please.

6 THE CLERK: Ms. Babb, please come have a seat in the
7 jury box.

8 Juror 132, Sherry Leonhardt.

9 What says the State?

10 MR. MOYER: Please present Ms. Leonhardt.

11 THE CLERK: What says the defendant?

12 MR. CHAMBERS: Excuse Ms. Leonhardt from this case,
13 please.

14 THE CLERK: All right. You may be seated. You have
15 been excused from this case.

16 Juror 165, Diane Pakkala.

17 What says the State?

18 MR. MOYER: Please present Ms. Pakkala.

19 THE CLERK: What says the defendant?

20 MR. CHAMBERS: Excuse Ms. Pakkala from this case,
21 please.

22 THE CLERK: All right. Ma'am, you may be seated.

23 Juror 159, James Naquin.

24 What says the State?

25 MR. MOYER: Please present Mr. Naquin.

1 THE CLERK: What says the defendant?

2 MR. CHAMBERS: Swear Mr. Naquin, please.

3 THE CLERK: Sir, please come have a seat in the jury
4 box.

5 Juror 191, Ceomi Shanks.

6 What says the State?

7 MR. MOYER: Please present Ms. Shanks.

8 THE CLERK: What says the Defendant?

9 MR. CHAMBERS: Excuse Ms. Shanks from this case,
10 please.

11 THE CLERK: All right. Ma'am, please be seated.

12 Juror 224, Joe Waller.

13 What says the State?

14 MR. MOYER: Please present Mr. Waller.

15 THE CLERK: What says the defendant?

16 MR. CHAMBERS: Swear Mr. Waller, please.

17 THE CLERK: Sir, would you please come have a seat in
18 the jury box.

19 Juror 154, Jacob Moore.

20 What says the State?

21 MR. MOYER: Please excuse this juror.

22 THE CLERK: All right. Sir, be seated. You have been
23 excused from this case.

24 Juror 80, Ray Garron.

25 What says the State?

1 MR. MOYER: Please present Mr. Garron.

2 THE CLERK: What says the defendant?

3 MR. CHAMBERS: Excuse Mr. Garron from this case,
4 please.

5 THE CLERK: All right, sir. Please be seated.

6 Juror 17, Robyn Black.

7 What says the State?

8 MR. MOYER: Please present Ms. Black.

9 THE CLERK: What says the defendant?

10 MR. CHAMBERS: Swear Ms. Black, please.

11 THE CLERK: Ma'am, please come have a seat in the jury
12 box.

13 Juror 207, Brenna Stoppiello.

14 What says the State?

15 MR. MOYER: Please present Ms. Stoppiello.

16 THE CLERK: What says the defendant?

17 MR. CHAMBERS: Swear Ms. Stoppiello, please.

18 THE CLERK: Ma'am, please come have a seat in the jury
19 box.

20 Juror 244, Shing Chung.

21 What says the State?

22 MR. MOYER: Please excuse the juror in this case.

23 THE CLERK: All right, sir. You may be seated.

24 Juror 34, Lakita Cheatham.

25 What says the State?

1 MR. MOYER: Please present Ms. Cheatham.

2 THE CLERK: What says the defendant?

3 MR. CHAMBERS: Swear Ms. Cheatham, please.

4 THE CLERK: Ma'am, please have a seat in the jury box.
5 Juror 37, Jonan Clayton.

6 What says the State?

7 MR. MOYER: Please present Mr. Clayton.

8 THE CLERK: What says the defendant?

9 MR. CHAMBERS: Swear Mr. Clayton please.

10 THE CLERK: Sir, please have a seat in the jury box.
11 Juror 190, Lauren Scoggins.

12 What says the State?

13 MR. MOYER: Please present Ms. Scoggins.

14 THE CLERK: What says the defendant?

15 MR. CHAMBERS: Excuse Ms. Scoggins from this case,
16 please.

17 THE CLERK: All right. Ma'am, please be seated.
18 Juror 188, Nabila Salam.

19 What says the State?

20 MR. MOYER: Please present Ms. Salam.

21 THE CLERK: What says the defendant?

22 MR. CHAMBERS: Swear Ms. Salam, please.

23 THE CLERK: Ma'am, please come have a seat in the jury
24 box.

25 Juror 131, Jerome Lawson.

1 What says the State?

2 MR. MOYER: Please present Mr. Lawson.

3 THE CLERK: What says the defendant?

4 MR. CHAMBERS: Swear Mr. Lawson, please.

5 THE CLERK: All right. Sir, please have a seat in the
6 jury box.

7 Juror 23, Annette Branham.

8 What says the State?

9 MR. MOYER: Please present Ms. Branham.

10 THE CLERK: What says the defendant.

11 MR. CHAMBERS: Excuse Ms. Branham from this case,
12 please.

13 THE CLERK: All right. Ma'am, please be seated.

14 Juror 107, Paul Hillman.

15 What says the State?

16 MR. MOYER: Please present Mr. Hillman.

17 THE CLERK: What says the defendant?

18 MR. CHAMBERS: Swear Mr. Hillman, please.

19 THE CLERK: All right. Sir, please have a seat in the
20 jury box.

21 THE COURT: One alternate, two and one, one and two.

22 Oh, I'm sorry. I got ahead of myself.

23 THE CLERK: Juror 247, Ted Smith.

24 What says the State?

25 MR. MOYER: Please excuse the juror in this case.

1 THE CLERK: All right. Sir, please be seated. You
2 have been excused from this case.

3 Juror 158, Rhonde' Murphree.

4 What says the State?

5 MR. MOYER: Please present Ms. Murphree.

6 THE CLERK: What says the defendant?

7 MR. CHAMBERS: Excuse Ms. Murphree from this case,
8 please.

9 THE CLERK: All right. Ma'am, please have a seat.

10 Juror 70, Joshua Frady.

11 What says the State?

12 MR. MOYER: Please excuse the juror in this case.

13 THE CLERK: All right, sir.

14 Juror 171, Whitney Pence.

15 What says the State?

16 MR. MOYER: Please present Ms. Pence.

17 THE CLERK: What says the defendant?

18 MR. CHAMBERS: Excuse Ms. Pence from this case,
19 please.

20 THE CLERK: All right. Ma'am, please be seated.

21 Juror 19, James Bonke.

22 What says the State?

23 MR. MOYER: Please excuse the juror in this case.

24 THE CLERK: All right. Sir, please be seated.

25 Juror 35, Kristin Churan.

1 What says the State?

2 MR. MOYER: Please present Ms. Churan.

3 THE CLERK: What says the defendant?

4 MR. CHAMBERS: Excuse Ms. Churan from this case,
5 please.

6 THE CLERK: All right. Ma'am, please be seated.

7 Juror 248, Peter Webb.

8 What says the State?

9 MR. MOYER: Please present Mr. Webb.

10 THE CLERK: What says the defendant?

11 MR. CHAMBERS: Swear Mr. Webb, please.

12 THE CLERK: All right. Mr. Webb, please have a seat
13 in the jury box.

14 THE COURT: Now one and two.

15 THE CLERK: Juror 10, Preston Bell.

16 What says the State?

17 MR. MOYER: Please excuse the juror in this case.

18 THE CLERK: All right. Sir, please be seated.

19 Juror 118, Alexandra Kaufman.

20 What says the State?

21 MR. MOYER: Please present Ms. Kaufman.

22 THE CLERK: What says the defendant?

23 MR. CHAMBERS: Excuse Ms. Kaufman from this case,
24 please.

25 THE CLERK: All right. Ma'am, please be seated.

1 Juror 215, Dana Taylor.

2 What says the State?

3 MR. MOYER: Please present Ms. Taylor.

4 THE CLERK: What says the defendant?

5 MR. CHAMBERS: Excuse Ms. Taylor from this case.

6 THE CLERK: All right. Ma'am, please be seated.

7 Juror 179, Brooke Walker.

8 What says the State?

9 MR. MOYER: Please present Ms. Walker.

10 THE CLERK: What says the defendant?

11 MR. CHAMBERS: Swear Ms. Walker, please.

12 THE CLERK: Ms. Walker, please have a seat in the jury
13 box.

14 THE COURT: All right. Any exception or objection to
15 the jury as impaneled pursuant to Batson or Jeb?

16 MR. MOYER: No, Your Honor.

17 THE COURT: From the defense?

18 MR. CHAMBERS: No, Your Honor.

19 THE COURT: Okay. All right.

20 Ladies and gentlemen, we have two distinct groups in
21 here. I apologize to all the court personnel. I use the
22 same little joke all the time. One of you thinks you won
23 the lottery, one thinks you've lost. I want to tell you
24 that I think the group that's been selected has won the
25 lottery. It is, as I said downstairs, a great privilege, a

1 great responsibility and a great honor to serve on a jury,
2 and it is a rare event that it occurs. However, I'm happy
3 to tell you all that you are not selected on this case, and
4 I would ask you all to retire back to the jury assembly
5 room where you will get further instructions. Okay? Thank
6 you.

7 (WHEREUPON, the jury panel exited the courtroom at
8 12:08 p.m.)

9 THE COURT: While they're exiting, if I could talk to
10 the lawyers for just one second.

11 (WHEREUPON, a bench conference was held off the record.)

12 INTRODUCTORY REMARKS

13 THE COURT: Ladies and gentlemen, again, I want to
14 thank you for your service, and I want to tell you that I'm
15 very sincere when I say that I think you all are the
16 fortunate ones to be selected. It is not something that
17 you would seek out, perhaps, in the ordinary course of your
18 life, but it is an event that, I think, will stay with you,
19 and one that you can be extremely proud of when you're
20 finished with your service this week.

21 I want to tell you, we have a dispute which can't be
22 resolved, a dispute about the facts of the case. It can't
23 be resolved in any way other than to impanel a jury and ask
24 y'all to come up here and listen to the evidence and the
25 law and render a decision which resolves that dispute. And

1 that is your job today and however long the trial lasts.

2 I would remind you that every person charged with a
3 crime in this country is presumed to be innocent unless and
4 until the charging body can prove beyond any reasonable
5 doubt each and every element of each offense that that
6 person is charged with. I also remind you that the
7 indictments that are issued in this case are not evidence,
8 and you should make no presumption or take any inference
9 from the fact that they're issued in resolving this dispute
10 at the end of the case. They have nothing to do with guilt
11 or innocence. They're just the formal documents which
12 allow the case to wind its way through our court system and
13 arrive here in court for disposition.

14 I want to tell you that you can break a trial into as
15 many parts as you want to, and if you read some of these
16 novels or watch some of the television shows, they break a
17 trial into all these minute parts. You can do that if you
18 want, but for our purposes, I break a trial into five parts
19 so that you all have sort of a procedural roadmap so you'll
20 know where you are and what to expect next. They're not of
21 equal length.

22 But the first part we'll engage in after lunch. We
23 have some matters we need to take up outside of your
24 presence, so we're going to break for lunch when I finish
25 these brief remarks. But the first part will be the

1 opening statements to you by the attorneys. And those are
2 brief and they're non-argumentative.

3 The second part of the trial is the meat and potatoes
4 of every case, and that is the presentation of the evidence
5 in the case. And the evidence will come to you in
6 generally one of three ways. The most common way that
7 comes to mind first, it would be through oral testimony
8 from this witness stand. Second most common way would be
9 through the presentation of tangible objects or documents.
10 And then the third most common way would be through what we
11 call a stipulation of the parties. That's where the
12 parties agree that some fact is so beyond dispute that you
13 should accept it as being true. I don't know what
14 combination the evidence will come to you in, but it will
15 generally be in one of those three forms.

16 Now, the third part of the trial, after all of the
17 evidence is presented, will be when the attorneys make
18 their closing arguments to you. It's an opening statement
19 and it's a closing argument. And that is when the
20 attorneys advocate their position, urge you to resolve the
21 dispute in their favor based on the evidence and the law.

22 Now, the fourth part of the trial will be after the
23 arguments when I charge you what the law is in this case.
24 Now, I may do it from time to time throughout the course of
25 the trial, but at the close of the case, I will charge you

1 on the law and tell you what it is as it applies to this
2 case.

3 And then the fifth part of the trial will be at the
4 end of the case when you all are in your jury room and you
5 deliberate. So jury deliberations would be the last part,
6 and that will be when the dispute is resolved.

7 Now, I'll ask you to do a number of things throughout
8 the course of the trial. The first one is to keep an open
9 mind. We go through all these questions qualifying you all
10 to serve to ensure that we have a fair and impartial jury
11 who doesn't come into court with their minds made up about
12 how a case should be resolved. Keep an open mind
13 throughout the course of the trial and listen to the
14 testimony and the evidence.

15 And the second thing is just that. I ask you to pay
16 attention and listen to the testimony and the evidence. If
17 you let your mind wander off or you daydream a little bit
18 and you don't watch a witness, perhaps the way a witness
19 responds to a question might become important in your
20 deliberations at the end of the trial, and if you were
21 daydreaming, you might be at a disadvantage during your
22 deliberations. So please pay attention.

23 The third thing I ask you to do, and I instruct you to
24 do, and it is vital, is that you not talk about this case
25 with anyone prior to your jury deliberations. We're going

1 to break for lunch. You don't know much about the case.
2 But if the case goes into tomorrow and you go home tonight,
3 whoever you see may want to talk about it. We know they
4 want to talk about it. We know you all want to talk about
5 it. It's human nature.

6 If you're like me, I can't decide what to have for
7 dinner without discussing it with my wife, and we know the
8 same is true with you all. But you are swearing an oath --
9 or you will when you come back from lunch not to do that.
10 Why is that, ladies and gentlemen? I will tell you that
11 even an innocent comment from someone who you like and
12 trust could have an impact on your state of mind in the
13 case, and that wouldn't be fair to the parties involved in
14 this case, that wouldn't be fair to your fellow jurors, and
15 most especially, it wouldn't be fair to yourself to allow
16 someone who is not making the significant sacrifice that
17 you are making to be here and to listen to the evidence and
18 the law, to let them have any impact on the outcome of this
19 case. That's why we ask you to do it. They're not going
20 to be in here listening to what will be constitutionally
21 proper evidence and testimony, and so they shouldn't be
22 allowed to intrude into this at all. We don't care what
23 they think. We only care what you all think. So keep that
24 in mind throughout the course of the trial.

25 I will tell you that you all are the sole judges of

1 the facts. That is, you determine who to believe and what
2 to believe, what is true, what is not true. The trial
3 judge is not allowed to have an opinion about the facts of
4 the case, so please don't think by anything I might say or
5 do throughout the course of the trial I have such an
6 opinion. I don't, and the law does not allow it. You all
7 are the sole judges of the facts.

8 That same law makes me the sole judge of the law in
9 the case, and so if you have any idea about what you think
10 the law is or what the law ought to be and it differs from
11 what I tell you the law is, you'll swear that oath to set
12 aside your own opinion and apply the law precisely as I
13 state it to you. The purpose for that, ladies and
14 gentlemen, is to ensure that everyone who is charged with a
15 crime is treated under the same law. That's why we do it
16 that way.

17 So a couple of other things. You saw me ask the
18 lawyers to come up here and talk to me and you couldn't
19 hear what we said. It may be from time to time through the
20 course of the trial that I ask you all to go back to your
21 jury room so we can discuss something. And I will tell you
22 that we may be trying to keep something from you, but we
23 are not trying to deceive you. It could be that we need to
24 talk about a logistical scheduling matter or we could talk
25 about a piece of evidence and whether or not it should be

1 admissible, and if it's determined that it's not to be
2 admissible, then you can understand why you shouldn't hear
3 it. That's what goes on when we have what we call a bench
4 conference or I ask you all to go retire to your jury room
5 and discuss the case.

6 Now, I will tell you that we're going to break for
7 lunch, and I'll ask you all to be back at 2:00. That's a
8 long lunch hour, but we have a number of matters we need to
9 go over to resolve prior to us starting the case which will
10 shorten the trial as we move along.

11 So one last thing I ask you to do when you come back
12 at 2:00 is to see if you can decide who you would like to
13 be your foreperson. And the foreperson is the moderator of
14 discussions at the close of the case and the jury
15 spokesperson here in the courtroom should you need to do
16 that. So of the first 12, please decide, if you can
17 decide, who you'd like to be your foreperson. If you can't
18 do it, I can do it for you, but I always like to give you
19 an opportunity. I have a very scientific method. I have a
20 list of your names. I cover my eyes, I put my finger down,
21 and there's your foreperson. So see if y'all can decide
22 who you want it to be, and y'all have a pleasant lunch.
23 We'll see you back here at 2:00. Thank you very much. If
24 you would, go with Ms. Katrenia. She'll show you where to
25 go.

1 (WHEREUPON, the jury exits the courtroom at 12:18 p.m.)

2 THE COURT: Okay.

3 MR. MOYER: Judge, while they're bringing the officers
4 in, the first thing I want to bring up was I -- actually, I
5 had the indictments amended at the last grand jury. I
6 don't think that that is what was read to the jury. I
7 don't think it was the amended, unless I got it wrong. I
8 think ---

9 THE COURT: Well, you come look at it. And these are
10 the ones I read.

11 MR. MOYER: Basically, just change the -- no. These
12 are not the amended indictments. So I don't think it
13 matters at this point, but we'll need the amended one. It
14 was the last -- the very last grand jury. And it just
15 changed the dates and also one matter under criminal sexual
16 contact.

17 MR. CHAMBERS: Obviously, before we get started, I'd
18 like to see the amended ones.

19 THE COURT: Yeah. Where are they?

20 THE CLERK: They're evidently put on the cart. I had
21 already pulled them and amended ones were going to be
22 substituted. May I get them at lunch or do you want them
23 now? I can go get them.

24 MR. MOYER: I have copies of them now. That would
25 work.

1 THE COURT: Yeah. Show us the copies. Show them to
2 Randy.

3 Do you want the originals to compare? Mary, let him
4 have the originals so he can compare them.

5 MR. CHAMBERS: It looks like on the criminal sexual
6 conduct that they added the forcible, confined or
7 kidnapping language; is that right?

8 MR. MOYER: Correct. And other than that, all of them
9 just amended the dates.

10 MR. CHAMBERS: Yeah. These look okay, Your Honor.

11 MR. MOYER: I sent Mr. Chambers an e-mail about six
12 weeks ago to let him know I was going to do -- amend ---

13 MR. CHAMBERS: He did.

14 THE COURT: All right. There being no objection from
15 the defense about the indictments, I don't -- I can
16 certainly --

17 MR. CHAMBERS: I'll just restate for the record, Your
18 Honor, I mean, he did send me an e-mail telling me that he
19 was going to amend those. I never saw the amended
20 indictments. I honestly didn't notice that what you read
21 were the original indictments. But it appears that -- I
22 mean, the dates that are on the amended indictments
23 accurately reflect at least what I was provided in
24 discovery material as far as the proper dates. The only
25 added language to the CSC had to do with the kidnapping

1 element, just adding that as another aggravating factor.
2 Again, all the discovery that I was provided dealt with the
3 alleged kidnapping, so I don't believe that there's any
4 prejudice to my client at this point because the originals
5 were read to the jury. So on that basis, I don't have any
6 objection.

7 THE COURT: In fact, I don't want to say it's
8 insignificant that the jury didn't hear about the
9 allegations of confinement for the CSC. They did hear that
10 there was -- they did hear the kidnapping indictment, so I
11 don't think it will have -- I don't think there's any
12 prejudice, so we'll go forward. Okay.

13 MR. MOYER: Okay. Your Honor, regarding the Jackson
14 v. Denno hearing, the State would start by calling Deputy
15 Brian Garrett to the stand.

16 WHEREUPON,

17 BRIAN GARRETT,
18 After first having been duly sworn, testified as follows:

19 THE CLERK: Please state your name for the record.

20 THE WITNESS: Sergeant Brian Garrett.

21 DIRECT EXAMINATION

22 BY MR. MOYER:

23 Q Where are you employed?

24 A Greenville County Sheriff's Office.

25 Q How long have you worked at the Sheriff's Office?

1 A About 16 years.

2 Q What is your position?

3 A I'm a sergeant in Uniform Patrol.

4 Q Okay. Let me take you back to July of 2013. Did you
5 get involved in the investigation of this case against
6 William Zeigler?

7 A Yes, sir. I did.

8 Q Okay. Now, without going into how, did that
9 investigation lead eventually to the arrest of this
10 defendant?

11 A Yes, sir. It did.

12 Q On what date was that?

13 A The 17th. Correction. The 13th.

14 Q 13th of July 2013?

15 A That's correct.

16 Q Okay. Now, did you have interaction with the
17 defendant on that day?

18 A Yes, sir. I did.

19 Q Where did that take place?

20 A At the incident location which was [REDACTED] Old Grove Road,
21 [REDACTED], Greenville, South Carolina 29605.

22 Q Okay. And where specifically at that location did you
23 have interaction with the defendant?

24 A He was in the vehicle of Deputy Hoyes at the time.

25 Q Okay. And did you have communication with

1 Investigator Robertson?

2 A Yes, sir. I did.

3 Q Were you asked to do anything when you got over there?

4 A I was asked to detain and -- or see that he got
5 detained and read him Miranda.

6 Q Okay. Now, when you came in contact with the
7 defendant, was he detained?

8 A Yes, sir. He was.

9 Q Was he in handcuffs?

10 A Yes, sir.

11 Q So he was definitely in custody and not free to leave
12 at that time?

13 A That's correct.

14 Q All right. Where did you speak to him?

15 A He was in the rear of Deputy Hoyes' car.

16 Q Now, did you observe the injuries to the defendant's
17 face at that time?

18 A Yes, sir. I did.

19 Q Okay. Despite those injuries to his face -- how do
20 you describe his injuries?

21 A Just kind of like superficial, maybe some bruising.

22 Q Scratches and things?

23 A Correct. Yes.

24 Q Okay. Did he complain of being in distress or ---

25 A No.

1 Q --- any discomfort?

2 A No, sir. He didn't.

3 Q All right. Now, before you asked the defendant any
4 questions, did you advise him of his constitutional rights
5 pursuant to Miranda?

6 A Yes, sir. I did.

7 Q How did you do so?

8 A I read it from the Sheriff's Office issued Miranda
9 card.

10 Q All right. Would you read into the record what
11 warnings you advised the defendant on?

12 A I advised the defendant of Miranda warning from the
13 Sheriff's Office issued card which states (as read): You
14 have the right to remain silent. Anything you say can and
15 will be used against you in a court of law. You have the
16 right to talk to an attorney and have him or her present
17 with you during questioning -- while you -- excuse me.
18 Correction. While you're being questioned. If you cannot
19 afford to hire an attorney, one will be appointed to
20 represent you before and -- excuse me -- any question if
21 you wish. You are -- excuse me. You can decide at any
22 time to exercise these rights and not answer any questions
23 or make statements. Do you understand these rights and I
24 have -- as I have explained them to you? Having these
25 rights in mind, do you wish to speak to me at this time?

1 Q All right. Now, did the defendant appear to have any
2 trouble understanding his rights at that time?

3 A No, sir. He did not.

4 Q Now, were there any threats made by you or any other
5 officers or coercion or intimidation used to get him to
6 agree to talk to you?

7 A No, sir.

8 Q Were there any promises made to him or hopes of reward
9 held out to get him to talk to you?

10 A No, sir. No, sir.

11 Q All right. In your opinion, did the defendant
12 understand the rights?

13 A Yes, sir.

14 Q Did you ask him if he understood his rights?

15 A Yes, sir. I did.

16 Q And what was his response?

17 A He said he understood his rights and he was willing to
18 waive those rights.

19 Q Okay. Now, after he told you he would waive his
20 rights, at any point after that, did he ever change his
21 mind and ask for a question to be stopped?

22 A No, sir. He did not while I was present.

23 Q Okay. Well, did you ask the defendant any questions?

24 A I asked him one question, and he answered --
25 correction. Excuse me. I said -- I asked the suspect if

1 he knew a female by the name of Brenda Stone, and without
2 pause, he stated that he did not.

3 Q Okay. Around what time of day was this on July 13th?

4 A From midnight -- correction. Noon.

5 Q Okay. It was sometime in the afternoon?

6 A That's correct.

7 Q Okay. You don't know the specific time?

8 A No, sir.

9 MR. MOYER: Okay. Please answer any questions defense
10 has.

11 MR. CHAMBERS: Your Honor, I don't have any questions
12 for Sergeant Garrett.

13 THE COURT: All right. Thanks, sir. You can step
14 down.

15 MR. MOYER: The State would call Ragan Marling to the
16 stand.

17 WHEREUPON,

18 RAGAN MARLING,

19 After first having been duly sworn, testified as follows:

20 THE CLERK: Please state your name for the record.

21 THE WITNESS: I'm Ragan Marling, Greenville County
22 Sheriff's Office.

23 THE CLERK: Thank you.

24 ///

25 ///

DIRECT EXAMINATION

BY MR. MOYER:

Q What is your position with the Sheriff's Office?

A I am a sergeant over Crimes Against Children and Sex Crimes with Criminal Investigation Division.

Q And was that your position with the Sheriff's Office back in July of 2013?

A Yes, it was.

Q Now, did you also get involved in the investigation of this case?

A I did.

Q And what lead you getting involved?

A I received a call from my investigator, Mike Robertson. It was while we were off duty and both of us were on call rotation.

Q Okay. And what were you asked to do?

A Mike was needing assistance because there was two different places that he was going to have to be at, so I responded to the location where the defendant was at.

Q Okay. Is that the location Brian Garrett was just referring to?

A Yes, sir. [REDACTED] Old Grove Road, [REDACTED]

Q Okay. When you arrived there at the scene, did you speak to any deputies to find out what the allegations were?

1 A I was in constant contact with Mike Robertson, so he
2 was advising me of what the situation was. When I got on
3 the scene, I also met with Sergeant Garrett and Deputy
4 Hoyes.

5 Q Okay. Now, after speaking to them and finding out all
6 that information, did you speak to the defendant?

7 A I did. Sergeant Garrett had advised me that he had
8 read the Miranda to the defendant and the defendant was in
9 the backseat of Deputy Hoyes' car. So I responded over
10 there and asked him how he got scratches on his face,
11 proceeded to engage in a conversation with him.

12 Q Okay. And before I get specifically to that, you were
13 aware that Deputy Garrett had already spoken to him?

14 A Yes, sir.

15 Q And you were aware that he had already waived his
16 Miranda warning?

17 A I was.

18 Q And so tell us about the conversation that you engaged
19 the defendant in.

20 A I asked him several -- I mean, he had scratches on his
21 face and I asked him about that. And he went in to giving
22 me some incidences that occurred the night before. And if
23 I can read this paragraph, it explains it better ---

24 Q Okay.

25 A --- that I put in. (As read) "I observed several

1 scratches on his -- and marks on his face. I inquired as
2 to his activities consisting of the night before until the
3 morning. He stated that he went to his girlfriend's house
4 the night before, and he left around 10 p.m. and went
5 straight home. He stated that he did not see anyone until
6 he went back to his girlfriend's house the next morning.

7 "I asked him how he got scratches on his face, and he
8 stated that he and his buddy got into an argument at his
9 house yesterday, Ethan, and he got hit. I asked him why
10 his girlfriend did not see the scratches on his face when
11 he was at her house. Mr. Zeigler then changed his story to
12 that it was after he left his girlfriend's house and he met
13 his buddy at the Spinx station. He got into a fight there.
14 I asked him what Spinx station so I could get -- go and
15 observe the security video, and he told me that it was not
16 near the video camera so that it would not be on the -- on
17 the -- on there. Mr. Zeigler then asked" -- I'm sorry.
18 "Mr. Zeigler was asked as to why he was changing his story,
19 and he shrugged his shoulders. He also verbally stated
20 that he did not do anything."

21 MR. MOYER: Okay. I have no further questions for
22 this witness.

23 CROSS EXAMINATION

24 BY MR. CHAMBERS:

25 Q Do you -- did Sergeant Garrett give the defendant the

1 Miranda warnings in your presence?

2 A No, he did not.

3 Q Do you know how long it was prior to your questioning
4 that he had given him his Miranda warnings?

5 A I do not.

6 Q Did you, before speaking to Mr. Zeigler, address that
7 issue with him, say, "I understand you've been given your
8 rights. Do I need to go over those with you again?" or
9 anything like that?

10 A Normally I would, but it's not documented and I don't
11 recall doing that.

12 MR. CHAMBERS: Okay. That's all the questions I have.

13 REDIRECT EXAMINATION

14 BY MR. MOYER:

15 Q Just real quick, but that was that same afternoon?

16 A It was the same afternoon.

17 Q And Deputy Garrett was there on the scene?

18 A Was present when I arrived.

19 MR. MOYER: Okay. Nothing further.

20 THE COURT: Well, just for the record, do you have in
21 your notes what time you spoke to him?

22 THE WITNESS: I can check real quick. I'm sorry. No,
23 I don't.

24 THE COURT: Do you have what time you arrived at the
25 scene?

1 THE WITNESS: It would be on our computer, but I don't
2 have that with me at this time.

3 THE COURT: Okay. All right. Any other questions?

4 MR. MOYER: No. Not at this time, Your Honor.

5 THE COURT: All right. Thank you, ma'am. You may
6 step down.

7 THE WITNESS: Thank you.

8 MR. MOYER: The State would call Mike Robertson to the
9 stand.

10 WHEREUPON,

11 MIKE ROBERTSON,

12 After first having been duly sworn, testified as follows:

13 THE CLERK: Please state your name for the record.

14 THE WITNESS: Mike Robertson.

15 DIRECT EXAMINATION

16 BY MR. MOYER:

17 Q All right. Tell us where you are employed.

18 A Greenville County Sheriff's Office.

19 Q And what is your position with the Sheriff's Office?

20 A I'm an investigator in the Crimes Against Children's
21 Unit.

22 Q Did you get involved -- did you participate in the
23 investigation of this case that's before the Court for the
24 charges against William Zeigler?

25 A I did.

1 Q Now, did you have occasion to speak to the defendant
2 on July 13, 2013?

3 A I did.

4 Q And around what time was it that you did so?

5 A I don't have a time. I know that I was contacted by
6 Sergeant Garrett. I was on the on-call status for Sex
7 Crimes, and I was contacted by Sergeant Garrett at 12:00 in
8 the afternoon on the 13th. At that time, I had responded
9 to the hospital, spoke with the victim, had taken a
10 statement from the victim. I'd also spoken with the
11 victim's daughter, took a statement from her, had gone out
12 to the incident location to verify the address, had gone
13 back to the magistrate's office to obtain the search
14 warrant.

15 And then after I obtained the search warrant and also
16 speaking with Sergeant Garrett and then obtaining a photo
17 lineup, going back to the hospital, having the photo lineup
18 looked at by the victim, and then going back to the
19 magistrate to get the warrants, and then going back to the
20 incident location is when I spoke with the defendant.

21 Q Okay. And you started that whole process right about
22 noon, correct?

23 A I got the call at 12:00. It usually takes me about
24 45 minutes to get to the hospital, so I'm going to say
25 anywhere from 12:30 to 12:45.

1 Q All right. Now, did you have -- all right. So where
2 did it take place that you spoke to the defendant?

3 A That was the Old Grove Address, [REDACTED] Old Grove Road,

4 [REDACTED]

5 Q Okay. And what was taking place at that incident
6 location at that time?

7 A When I went -- arrived there to speak with the
8 defendant?

9 Q Yes.

10 A The defendant was -- if I recall, he was standing out
11 beside Deputy Hoyes' car. Sergeant Garrett was there,
12 Sergeant Marling was there, and Deputy Hoyes was there.

13 Q Okay. Now, did you have -- I'm sorry. Were you made
14 aware that Deputy Garrett and Sergeant Marling had already
15 spoken to the defendant?

16 A I was.

17 Q Did you know that the defendant had waived his Miranda
18 warnings by that point?

19 A That's correct.

20 Q All right. And so did you have occasion at that time
21 to talk to the defendant about taking any evidence from
22 him?

23 A I did. I asked him if he would be willing to give me
24 a DNA sample.

25 Q Okay. And in the form of what?

1 A A buccal swab.

2 Q All right. Now, did you tell him -- let me ask you
3 this. Did the defendant, at that time, appear to be in any
4 particular distress or discomfort?

5 A No, sir.

6 Q Was he cooperative with you?

7 A He was.

8 Q Okay. What was his response to you when you told him
9 that you wanted to get the buccal swabs from him?

10 A He cooperated, and I read him -- we had a consent
11 form. I read him the consent form, and he signed the
12 consent form.

13 Q Okay. And do you have that consent form with you?

14 A I don't have it up here with me, no.

15 Q Okay. Would you recognize it if I -- take a look at
16 what I am handing you now. Do you recognize that?

17 A (Reviews document) I do.

18 Q And what is that?

19 A This is the consent form for a buccal swab.

20 Q Okay. And did you read that to the defendant?

21 A I did.

22 Q And would you just read into the record what it is
23 that that form says?

24 A It says -- it's on the Sheriff's Office letterhead.
25 It's got the case number; the date; the time, which is 1659

1 hours. It says, "I," and it's got "William D. Zeigler,
2 after being advised that I have the right to have an
3 attorney present, if I cannot afford an attorney, the Court
4 will appoint one for me, that anything which I say or do
5 can and will be used against me in a court of law, do
6 freely and voluntarily give the Greenville County Sheriff's
7 Office permission to take" -- "buccal swab" is written in
8 -- "of or from me for investigation purposes. I give this
9 permission freely and voluntarily. There have been no
10 threats made against me, and I have not been coerced in any
11 way. I have not been promised anything in return for
12 giving this permission." It's signed Mr. William Zeigler,
13 date 7/13/13, and witnessed by myself, signature.

14 Q Okay. What was his response after you read that to
15 him?

16 A He volunteered and signed the form.

17 Q Okay. He did sign the form saying he would do that?

18 A Yes, sir.

19 Q And what was the time then that you spoke to him about
20 that?

21 A This was 1659 hours, which is a minute till 5:00.

22 MR. MOYER: Okay. I have no further questions for
23 this witness at this time.

24 MR. CHAMBERS: No questions, Your Honor.

25 THE COURT: All right. Thanks, sir. You can step

1 down.

2 MR. MOYER: The State calls Deputy Hoyes to the stand.
3 WHEREUPON,

4 CHRISTOPHER HOYES,

5 After first having been duly sworn, testified as follows:

6 THE CLERK: Please state your name for the record.

7 THE WITNESS: Chris Hoyes.

8 DIRECT EXAMINATION

9 BY MR. MOYER:

10 Q And where are you employed?

11 A The Greenville County Sheriff's Office.

12 Q Okay. Did you get involved in the investigation in
13 this case?

14 A Yes, I did.

15 Q In fact, were you the first officer to get involved,
16 Deputy?

17 A Yes, sir. I was.

18 Q Okay. And you responded first to the hospital; is
19 that right?

20 A Yes.

21 Q That investigation eventually -- and what did you do
22 at the hospital? Who did you meet with?

23 A I met with the victim and the victim's daughter.

24 Q Okay. And around what time of day was it that you met
25 with her?

1 A I believe it was around 11:00 in the morning.

2 Q Okay. Did that investigation lead you to then
3 eventually going to this location that we've been talking
4 about of [REDACTED] Old Grove Road?

5 A Yes, sir.

6 Q Okay. And do you remember what time it was that you
7 went to that location?

8 A I believe it was around noon, between noon and 1:00.

9 Q Okay. And then did your investigation -- you then
10 left that location; is that correct?

11 A Yes, sir.

12 Q And then you returned back?

13 A Returned back.

14 Q And is that when the arrest was made of the defendant,
15 William Zeigler?

16 A Yes, sir.

17 Q Okay. And at that time, did you take the defendant
18 into custody?

19 A Yes, sir.

20 Q And were you present when Deputy Garrett gave the
21 defendant his Miranda warnings?

22 A Yes, sir.

23 Q Did you note the time that he gave those warnings?

24 A Yes, sir. It was 3:48 p.m.

25 Q 3:48 p.m. Okay. All right.

1 Now, did you also have an encounter with the defendant
2 in which you talked to him with regard to what he may have
3 on his person?

4 A Yes, sir. I did.

5 Q And was that before or after these other -- Deputy
6 Garrett, Investigator Robertson, Sergeant Marling had
7 spoken to him?

8 A I believe it was after they had spoken with him.

9 Q Okay. And did you transport the defendant to the Law
10 Enforcement Center?

11 A Yes, sir.

12 Q In your car?

13 A Yes.

14 Q And did you search him?

15 A Yes, sir. I did.

16 Q Did you find anything of significance on his person?

17 A Yes, I did.

18 Q And what was it that you first found?

19 A A crack pipe and two -- two white rocks in which -- I
20 believe it was two white rocks in which the defendant
21 volunteered was crack cocaine.

22 Q Okay. So what did you find first?

23 A I believe the crack pipe.

24 Q Okay. And then after you found the crack pipe, did
25 you ask him -- did you have a conversation about anything

1 else that may be on his person?

2 A Yes. Yes, sir.

3 Q What was his response at that time?

4 A The defendant volunteered that -- he said, "I have
5 crack on me." He volunteered that he had the narcotics on
6 him.

7 Q Okay.

8 A At that point, I retrieved the narcotics from him.

9 Q And they were in what?

10 A They were in his pocket in a cigarette -- cigarette
11 box.

12 MR. MOYER: Okay. I have no further questions for the
13 witness at this time.

14 MR. CHAMBERS: No questions, Your Honor.

15 THE COURT: Thank you. You can step down.

16 THE WITNESS: Thank you.

17 MR. MOYER: Your Honor, we have no further witnesses
18 on the issue of the Jackson v. Denno.

19 MR. CHAMBERS: Your Honor, the only statements that I
20 would object to would be the ones that are made to Sergeant
21 Marling. He was -- my client was clearly in custody at
22 that point. There was a custodial interrogation. He had
23 been advised of his Miranda rights, but there was
24 apparently some lapse in time, and a different officer
25 talked with him at that point and the sergeant was not

1 able to say that she readvised him of his rights or even
2 reminded him that he had been advised of his rights before
3 proceeding. She simply started asking him questions, it
4 would appear. And for that reason, we don't believe -- our
5 position would be that was not voluntary and should be
6 suppressed.

7 THE COURT: I don't have -- there's nothing in the
8 record that would -- one way or another that would suggest
9 that his will had been overborn to the point that the
10 statement was not voluntary. I'm certainly sensitive to
11 the fact that we don't have all the information with
12 respect to times and all that. But I'm going to overrule
13 your objection. If something comes out in the course of
14 the trial that suggests that there is -- you know, the
15 statement is involuntary, then we'll revisit it. Okay.

16 MR. MOYER: The only thing I would just note for the
17 record is that we know it was within the space of about an
18 hour, at the most an hour.

19 THE COURT: Right.

20 MR. MOYER: Okay. Your Honor, at this point, we would
21 move on to the Neil v. Biggers hearing. The State would
22 call Investigator Robertson to the stand.

23 THE COURT: You're still under oath.

24 THE WITNESS: Yes, sir.

25 THE COURT: Okay.

1 WHEREUPON,

2 MIKE ROBERTSON,

3 After having been previously duly sworn, testified as
4 follows:

5 DIRECT EXAMINATION

6 BY MR. MOYER:

7 Q Okay. Now, did the investigation that we've already
8 been speaking about in the Jackson v. Denno hearing, did
9 that lead you to putting together a photo lineup?

10 A It did.

11 Q And what information -- how were you able to get the
12 information to be able to do that?

13 A When I was at the magistrate's office, I spoke with
14 Sergeant Garrett who informed me that the defendant did
15 arrive back there. He supplied me with the name of the
16 defendant, his birth date. At that time, I had went to our
17 Records Division and had them pull up on the computer
18 similar pictures of the defendant which we put in a six
19 format -- picture format. And then I took those -- that
20 format on one sheet of paper to the victim at the hospital.

21 Q So how many photographs were shown in that
22 photographic lineup?

23 A There are six.

24 Q And was this defendant -- was this defendant, William
25 Zeigler, one of the photos in that lineup?

1 A That's correct.

2 Q And did you then -- were the other five people all
3 similar in physical description to the defendant?

4 A That's correct.

5 Q And in what way was that?

6 A We try to get the same type of hair. If the suspect
7 has a beard or mustache, try to get -- or a goatee, try to
8 get pictures that look similar to them that has the type of
9 goatee or the mustache or the beard. Just try to get as
10 close going through all the mug shots on the computer of
11 individuals that look as close as we can to the suspect.

12 Q Okay. And when you had that lineup put together, did
13 you show it to anybody?

14 A I did.

15 Q Who did you show it to?

16 A I showed it to the victim, Ms. Stone.

17 Q And what date and what time was that done?

18 A That was also on the 13th.

19 Q Okay. And did you use an Affidavit of Photograph
20 Identification while you spoke to her?

21 A I did.

22 Q Would you have placed the time that you spoke to her
23 on that?

24 A I would have to look at the form to make sure there's
25 a date on there -- or a time on there, on the form.

1 Q Okay. At this point let me hand you --

2 (WHEREUPON, State's Exhibit Nos. 67 and 68 were marked for
3 identification.)

4 Let me hand you State's Exhibit Nos. 67 and 68. Do
5 you recognize what they are?

6 A I do.

7 Q What are they?

8 A This is the photo lineup, and also the Affidavit of
9 Photograph Identification.

10 Q How do you recognize them?

11 A It's my handwriting, my signature, and this is the
12 photo lineup that I recall putting together.

13 Q Okay. What did you do with them after you were
14 finished showing them to Ms. Stone?

15 A I filled out the Affidavit of Photograph
16 Identification after she positively identified Mr. Zeigler
17 as the perpetrator, and then I filled out the form and had
18 her sign the form and put her address and telephone number
19 on it.

20 Q Okay. Where did you take them?

21 A I took these to Property and Evidence.

22 Q Okay. And did you bring them here to court today?

23 A I did.

24 Q Are they in substantially the same condition now as
25 they were when you showed them to Ms. Stone?

1 A They do appear to be, yes, sir.

2 MR. MOYER: Okay. At this time, I move to have
3 State's Exhibits 67 and 68 entered in the record for the
4 purposes of this hearing.

5 THE COURT: Any objection?

6 MR. CHAMBERS: No, Your Honor.

7 THE COURT: Okay.

8 (WHEREUPON, State's Exhibit Nos. 67 and 68 were admitted
9 into evidence.)

10 BY MR. MOYER:

11 Q Okay. Now, so where was Ms. Stone when you showed her
12 the photo lineup?

13 A At the hospital.

14 Q Okay. And by looking at State's Exhibit 68, can you
15 tell us what time it was when you showed this to her?

16 A It was timed 1635 hours.

17 Q So that's 4:35 in the afternoon?

18 A That's correct.

19 Q On what date?

20 A July 13th.

21 Q And when did the actual incident happen to her?

22 A I believe it was the night of the 12th into the
23 morning of the 13th.

24 Q Okay. So this was the afternoon of the same day where
25 the incident all finished up?

1 A That's correct.

2 Q Okay. Now, tell us what you spoke to Ms. Stone about
3 before showing her the photo lineup. How did you present
4 that to her?

5 A I presented her the photo lineup of the six
6 individuals first. I explained to her that the person who
7 allegedly did this incident to her could or could not be in
8 the photograph -- or in the pictures. I advised her that
9 if she positively identified the individual as being the
10 perpetrator, that she needed to be sure that she was
11 absolutely sure and make no mistakes that this was the
12 individual who did this.

13 Q Okay. So did you tell her that the person who did
14 this to her was definitely in the lineup?

15 A I did not.

16 Q Did you lead her to believe that she had to or should
17 pick somebody out?

18 A No.

19 Q Did you exert any pressure on her at all either way?

20 A No, sir.

21 Q Did you make any suggestion as to which person on that
22 lineup she should select?

23 A I did not.

24 Q Okay. So there's no influence whatsoever by you?

25 A No, sir.

1 Q Well, tell us what Ms. Stone's reaction was when you
2 showed her that photo lineup.

3 A She positively identified Picture No. 5 as being the
4 perpetrator of the alleged incident, which was Mr. Zeigler.

5 Q Okay. And tell us about how -- what was her reaction?
6 How sure did she appear?

7 A I asked her if she is positive, and she said that she
8 was most definitely positive.

9 Q Okay. Did she pick him out right away?

10 A She did.

11 Q Now, after she picked him out of the photo lineup, did
12 you ask her to make any -- any marks on that photo lineup?

13 A I did. I asked her to sign and date the bottom of the
14 picture that she positively identified.

15 Q Okay. And did she do so?

16 A She did.

17 Q And she did that under whose picture?

18 A Under the No. 5 picture, Mr. Zeigler.

19 MR. MOYER: Okay. All right. I don't have any
20 further questions for this witness at this time.

21 MR. CHAMBERS: No questions, Your Honor.

22 THE COURT: Okay.

23 MR. MOYER: Okay. The State will now call Brenda
24 Stone.

25 THE COURT: Well, let me just ask you this. Do you

1 know if there was any prior relationship between the victim
2 and the defendant in this matter other than the incident?

3 THE WITNESS: According to the victim, there was not,
4 and even according to the defendant.

5 THE COURT: Okay. All right. Thanks very much. You
6 can step down.

7 MR. MOYER: The State calls Brenda Stone to the stand.
8 WHEREUPON,

9 BRENDA STONE,
10 After first having been duly sworn, testified as follows:

11 THE CLERK: Would you please state your name for the
12 record.

13 THE WITNESS: Brenda Marie Stone.

14 DIRECT EXAMINATION

15 BY MR. MOYER:

16 Q Okay. Ms. Stone, first off, tell us how old you are.

17 A I'm 42.

18 Q Okay. Now we're going to talk right now just a few
19 questions about this photographic lineup, okay, and nothing
20 else really about the case. Just a few matters concerning
21 this, okay?

22 Now, do you remember speaking to Detective Robertson
23 at the hospital and being shown this selection of pictures?

24 A Yes, sir.

25 Q You do. Okay. And were you asked whether or not you

1 could identify the person who sexually assaulted you?

2 A Yes, sir.

3 Q Okay. And where were you when this took place?

4 A At Greenville Memorial.

5 Q And when did you go to the hospital?

6 A About 8:00 or 9:00 that morning.

7 Q Okay. You went that morning?

8 A Yes.

9 Q When did the ordeal take place? When did it start?

10 A Friday afternoon the 12th when I got off of work.

11 Q And when did you last see him?

12 A Daybreak.

13 Q Okay. Now, when the detective showed you those
14 photographs, did he, in any way, lead you to believe that
15 you had to pick somebody out of that lineup?

16 A No.

17 Q Okay. Did you feel any pressure that you had to pick
18 somebody out?

19 A No.

20 Q All right. Now, if the person who had done this to
21 you was not in that lineup, would you have told
22 Investigator Robertson?

23 A Yeah. I would have told him.

24 Q All right. Now, when he showed you the lineup, did he
25 suggest, in any way, which picture you should pick?

1 A No.

2 Q Okay. Did he influence your decision at all?

3 A No.

4 Q Okay. Now I'm just going to ask you a few questions
5 about the person who did this to you. We're not going to
6 go into details about what he did, but just about how good
7 a look you got at him, okay?

8 When did you first come in -- well, you already told
9 us. It was on July the 12th when you first came into
10 contact with him. All right. Had you ever met him before?

11 A No, sir.

12 Q As far as you know, had you ever seen this person?

13 A No, sir.

14 Q And where was it that you first came in contact with
15 him?

16 A At the Spinx.

17 Q A Spinx gas station?

18 A On White Horse Road.

19 Q Okay. Was he walking or in a car? Or what was he
20 doing?

21 A He was driving.

22 Q Okay. And you ended up in the vehicle with him; is
23 that correct?

24 A Yes.

25 Q Now, was it dark out at this point?

1 A Yes, sir.

2 Q Now, despite that, were you able to see his face while
3 you were in the car with him?

4 A Yes, sir.

5 Q All right. Now, how long would you say you were in
6 the car with him before you got out of the car?

7 A Probably 10 to 15 minutes, just long enough to go down
8 White Horse Road.

9 Q Okay. And then where did you end up?

10 A At his house.

11 Q And you're not quite sure of the address?

12 A I don't know if he lived there, but . . .

13 Q Had you ever been there before?

14 A No, sir.

15 Q Okay. Now, when you got there, I understand you had a
16 struggle with him; is that right?

17 A Yes, sir.

18 Q Was it dark out there?

19 A Yes, sir.

20 Q All right. Were you able to see him at that time,
21 though?

22 A Somewhat, but there was a streetlight across the
23 street.

24 Q Okay. And at some point, you actually ran over
25 towards that streetlight?

1 A Yes, sir.

2 Q Okay. And did you have an encounter with him over
3 there at that streetlight as well?

4 A Yes, sir.

5 Q Okay. And so you were able to see him?

6 A Yes, sir.

7 Q And how close was he to you at that time?

8 A Very close.

9 Q Like close enough to touch?

10 A Yeah.

11 Q In fact, y'all were struggling, right?

12 A Yes, sir.

13 Q So you were actually coming in contact with him?

14 A Yes, sir.

15 Q Okay. And then where did you end -- then you ended up
16 in his residence, right?

17 A Yes, sir.

18 Q Okay. Now, when you were in his residence, do you
19 remember if he had power? Did he have lights?

20 A No. I don't think -- it was pure black. You couldn't
21 see.

22 Q Okay. So were you able to see him that night?

23 A Just the shadow of, you know, a person.

24 Q Okay. Now, were you still -- after the whole ordeal
25 was over, when you woke up the next day, was it light out?

1 A Yes, sir.

2 Q Okay. Was it light inside the trailer?

3 A No. That morning?

4 Q Yes.

5 A Yes.

6 Q That morning, right.

7 A Yes.

8 Q Okay. Was he still there?

9 A Yes.

10 Q Was he in the same room with you?

11 A Yes.

12 Q And were you able to see him real clearly at that

13 time?

14 A Yes, sir.

15 Q Okay. And you also -- he ended up actually driving

16 you home; isn't that right?

17 A Yes, sir.

18 Q And it was daylight at that time?

19 A Yes, sir.

20 Q And you were seated in the front seat with him?

21 A Yes, sir.

22 Q Did you get a good enough -- did you get a good look

23 at his face?

24 A Yes, yes.

25 Q And did you get a good enough look at him at that time

1 that you were able to identify him later?

2 A Yes, sir.

3 Q Okay. Now, let me show you these photographs, okay?

4 State's Exhibit No. 67, do you recognize that lineup?

5 A Yes.

6 Q And do you see your name on that lineup?

7 A Yes, sir.

8 Q Okay. Do you recognize this as the lineup that the
9 investigator showed you?

10 A Yes, sir.

11 Q When he showed you this lineup, what was your reaction
12 as to whether or not the person who did this to you was
13 there, was pictured in it?

14 A I probably was scared.

15 Q Okay. I didn't ask that question right.

16 A I'm sorry.

17 Q When he showed you the lineup, did you see the person
18 who did this to you?

19 A Yes.

20 Q And did you look over the lineup very carefully?

21 A Yes, sir.

22 Q Did you have -- and where is that person located on
23 that lineup?

24 A (Indicating.)

25 Q And do you recognize any markings near his picture?

1 Any names or any writing?

2 A My initials.

3 Q Okay. They're your initials there?

4 A Yes, sir.

5 Q Do you recognize your handwriting?

6 A Yes, sir.

7 Q Did you put that on there when ---

8 A Yes, sir.

9 Q When you looked at that, how sure were you that that
10 was the man who did this?

11 A Very sure.

12 Q Okay. Was there any doubt in your mind?

13 A No, sir.

14 Q Okay. Did you tell the investigator that that was the
15 person?

16 A Yes, sir.

17 Q And then you signed it and dated it ---

18 A Yes, sir.

19 Q --- to show that that was who did this to you? Okay.

20 MR. MOYER: Okay. I don't have any more questions for
21 you at this time. Answer any questions that the defense
22 attorney may have for you, okay?

23 MR. CHAMBERS: No questions, Your Honor.

24 THE COURT: Ma'am, you just pointed at a picture on
25 the photo lineup. Can you describe the location of the

1 photograph so we know which photograph, which picture on
2 the photo lineup?

3 THE WITNESS: It's Photo No. 5, and it has my name
4 underneath it.

5 THE COURT: And how do you know it's No. 5?

6 THE WITNESS: Because ---

7 THE COURT: What's the location in the grid?

8 THE WITNESS: Oh, it's the second row in the middle.

9 THE COURT: Okay. Any other questions?

10 MR. CHAMBERS: No, Your Honor.

11 THE COURT: Okay. All right. Thank you, ma'am. You
12 may step down.

13 MR. MOYER: I have no further witnesses on this issue.

14 THE COURT: Anything?

15 MR. CHAMBERS: No, Your Honor.

16 THE COURT: Okay. All right. We'll break for lunch.
17 You've got one hour. See you at 2:00.

18 (WHEREUPON, a recess is taken at 1:00 p.m.)

19 (WHEREUPON, the jury entered the courtroom at 2:27 p.m.)

20 THE COURT: All right. Ms. Babb, I want to thank you
21 for agreeing to serve as the foreperson.

22 With that, I'll turn it over to Ms. Troupe.

23 THE CLERK: If you will, please stand and raise your
24 right hand for the oath in this case. The proper response
25 is "I will."

1 (WHEREUPON, the jury was sworn at 2:28 p.m.)

2 THE CLERK: Thank you. Please be seated.

3 THE COURT: All right. Ladies and gentlemen, we are
4 prepared to start the trial and will proceed with the
5 opening statements from the attorneys.

6 OPENING STATEMENTS

7 MR. MOYER: Thank you, Your Honor. May it please the
8 Court.

9 Madam Forelady, ladies and gentlemen of the jury, my
10 name is Mark Moyer. I am an assistant solicitor. I work
11 for the solicitor, Walt Wilkins, here who is the solicitor
12 of the 13th circuit. In case you're unfamiliar with the
13 title, solicitors are what just about every other
14 jurisdiction calls DA or district attorney.

15 So Walt Wilkins is the solicitor. I am an assistant
16 solicitor who works for him. It is my job in this role to
17 represent the State in criminal prosecutions, and you've
18 heard that is what we are here doing today. This defendant
19 has been charged and indicted for three counts that His
20 Honor has read to you before we started this trial.

21 Now, ladies and gentlemen, what this case really boils
22 down to is this. On the night of July 12, 2013, this
23 defendant, William Zeigler, was presented with the perfect
24 victim and a perfect scenario, and he exploited it. You're
25 going to hear testimony in this case through the witnesses

1 the State brings forward over the next two days, I think,
2 that this defendant came across a woman who was alone, a
3 woman who had way too much to drink, and he took advantage
4 of it. He didn't know this woman. Never met her before.
5 She didn't know him, but he found her. And that woman is
6 Brenda Stone, and she's seated back here in the courtroom.
7 She's going to be testifying either today or tomorrow, and
8 she's going to tell you what happened.

9 And you can hear from Ms. Stone, you can hear that on
10 this date in July of 2013, she was a 40-year-old woman.
11 She lived with her daughter Brittany in Piedmont. She's a
12 hard worker. She worked at Columbia Farms. It's often
13 colloquially referred to as the chicken farm. It's a hard
14 job. Her daughter would have to drive her around including
15 to work because Brenda did not drive.

16 You're going to hear that on the afternoon of
17 July 12, 2013, Brittany picked Brenda up at Columbia Farms,
18 picked her up from work, and they started driving home.
19 And you're going to hear that they got into an argument.
20 And it was insignificant, it was silly, over how Brittany
21 was driving. Well, for whatever reason, maybe Brenda had a
22 long day at work, whatever it was, they got into an
23 argument and she got mad. And so she just told her
24 daughter to let her out, let her out of the car. And it
25 happened to be in a neighborhood that they were familiar

1 with. They actually used to live at this place, Earle
2 Drive, so they knew many people. So Brittany didn't think
3 too much about it. Her mother asked to be let out and she
4 dropped her mother off.

5 You're going to hear testimony that Brenda ended up
6 going to a liquor store. She bought a bottle of vodka and
7 she drank it. She got very intoxicated. The day went on.
8 That evening she ends up at a Spinx gas station on White
9 Horse Road. She's alone and she's intoxicated. And that's
10 where you will hear she comes in contact with this
11 defendant. He's in a white SUV. As I stated, he did not
12 know her, she did not know him, but he [sic] asked her
13 [sic] for a ride, and in her intoxicated decision, she made
14 an unwise choice: She got in the vehicle with somebody she
15 didn't know.

16 Now, it turns out that the defendant, at one time,
17 used to work at Columbia Farms as well. I don't believe
18 they coincided in dates, but in any case, perhaps that was
19 their point of contact. But whatever it was, she decided,
20 she made an unwise decision, she got in the car where
21 everything started off fine. She only lived a couple of
22 miles away.

23 They started driving down White Horse Road towards her
24 house in the right direction. They come to the
25 intersection of Piedmont Highway. Brenda's place where she

1 lived with Brittany was to the right. Well, at that point,
2 they got into the left-hand lane, and Brenda said
3 something. She said something about them going the wrong
4 way. And that's when everything changed. That's when the
5 defendant put his hand over on top of her and said, "You
6 shut the fuck up. You get down." At that point, Brenda
7 gets alert. She knows that something very deeply horrible
8 was about to happen.

9 So they turn down that road, and they begin traveling
10 towards the defendant's residence. And it's only a couple
11 of blocks away. They arrive there. It's dark. It's a
12 trailer park she had never been to before. All the lights
13 are out. And here the defendant gets out of the car, he
14 comes around and gets her out. Brenda gets out of the car,
15 and she takes off. She was able to get away from him, you
16 will hear, and she runs.

17 She sees another trailer not too far away, and she
18 runs up to that trailer. You'll hear testimony that she
19 was banging on that trailer and yelling, banging so hard
20 that it leaves a bruise on her hand. No one comes to the
21 door. She doesn't hear anyone inside. She assumes no one
22 is there or whatever. She looks around. What else is she
23 going to do? When she turns around, she sees blackness.
24 She doesn't see him, so she thinks she's going to run
25 again.

1 So she takes off running. Well, at this time, she
2 encounters the defendant, and he's there. And she starts
3 fighting. She fights, she claws, she scratches, she hits,
4 she kicks, trying to get away. She doesn't. She gets
5 knocked to the ground and she keeps fighting. She kicks at
6 him. You'll hear testimony at that time the defendant
7 grabs her by the legs, by her what they refer to as the
8 chicken boots, the boots that they wear at Columbia Farms,
9 and he begins dragging her across the road towards his
10 apartment. He's dragging her towards his -- not apartment,
11 towards his trailer.

12 You will hear that as he's dragging her, the boots
13 actually come off. He then grabs her around the legs and
14 he begins pulling her by the legs.

15 At some point, Brenda hits her head hard on a piece of
16 cement, very hard. And it hurts very bad. And she knows
17 that she is either going to have to just give in or she's
18 going to get hurt really bad, and so she does.

19 They end up inside his trailer. You will hear that
20 she begs him not to do anything, cries, but it's to no
21 avail. And Brenda is going to testify to you about how he
22 then sexually assaults her, how he rapes her multiple times
23 throughout the night, both vaginally and anally.

24 You'll hear that the next morning she wakes up in the
25 room, and the defendant is still there. And you'll hear

1 testimony that she -- Brenda wakes up, she's hung over,
2 she's sore. She goes to the bathroom. She gets sick.

3 We'll hear the defendant, actually, at this point, his
4 demeanor has changed, and he actually is somewhat
5 accommodating to her. He even takes her home. Now, I say
6 "home" because Brenda wasn't going to let him know where
7 exactly she lived, so she told him a few places away from
8 where she actually lived. And he dropped her off. He even
9 asked for her phone number.

10 We'll hear testimony that Brenda then goes in the
11 house, goes in Brittany's house. She goes in the room,
12 sits on the bed and begins crying. She doesn't lie down
13 because she can't. Her back is so sore from being dragged
14 across the yard that it would hurt too much to lie down.

15 So as she's sitting on the bed crying, Brittany comes
16 in and sees her. We'll hear testimony that Brittany then
17 gets her, finds out what happens, takes her to the
18 hospital, and that's where a rape exam is done.

19 You will hear testimony that there were injuries to 17
20 parts of her body. Not 17 injuries. 17 places on her
21 body, many of which have multiple injuries, abrasions,
22 bruises, whatever.

23 Law enforcement gets involved. Of course, she doesn't
24 know a name, she doesn't know an address, but law
25 enforcement are able to piece together from information

1 she's able to give them where this might be. They go out
2 to that residence, they find the trailer that matches the
3 description, take a picture of the area, go back and show
4 Brenda. And she says, "Yes, that's where it happened."

5 Officers go back to that location. Sure enough, the
6 defendant shows up while they're there. You'll hear
7 testimony that when he sees officers, he starts to back
8 away. Officers call out to him to stop, and he does. He
9 stops. They talk to him. He denies any knowledge of being
10 with a woman named Brenda Stone the night before.

11 A photo lineup is done with Brenda. You'll hear
12 testimony that she picks him out of the photo lineup.

13 You'll hear testimony that when the defendant was
14 booked into the jail, he had Brenda's debit card and her ID
15 from Columbia Farms in his wallet.

16 That's the summary of the evidence you're going to
17 hear. You're going to hear from somewhere between 10 and
18 12 witnesses who are going to lay this story out to you
19 over the next two days.

20 At the end of this case, I'm going to stand before you
21 again, and I'm going to argue to you why all this evidence
22 points conclusively at this defendant's guilt. For now,
23 all I want to do is I'm going to ask you to do this, to
24 listen closely and pay close attention to all the testimony
25 and evidence that comes before you, and to use your common

1 sense and your good judgment to weigh that evidence, and
2 then at the end of this case, do justice.

3 Thank you.

4 THE COURT: Mr. Chambers?

5 MR. CHAMBERS: May it please the Court. Your Honor,
6 solicitor, ladies and gentlemen, I introduced him a little
7 bit earlier, but this is William Zeigler. You've heard him
8 referred to as the defendant.

9 What you just heard from the solicitor is a good
10 synopsis of the accusations, the allegations that they've
11 made against Mr. Zeigler, and now the time has come, after
12 we finish with these opening statements, for the solicitor
13 to start presenting evidence to you in order to carry this
14 burden that he has.

15 And one of the things that's always bothered me about
16 my client's being referred to as the defendant, it seems to
17 say that he has something he has to prove, he has to defend
18 himself. And that's not really how it works at all. I was
19 fortunate enough to begin my career as a Navy JAG officer.
20 And in the military, we refer to somebody who's standing
21 trial as the accused, and I always liked that because
22 that's really a more accurate term. He's accused. He's
23 accused of the things that the solicitor just recited to
24 you, and now they have to prove those things to you beyond
25 a reasonable doubt.

1 Now, there are some facts that are really not in
2 dispute. It is clear that back on July 12th and 13th of
3 2013, that Brenda Stone, at some point during that evening,
4 became -- and everybody who came into contact with her that
5 night described her the same way as just grossly
6 intoxicated. You've heard about people being falling-down
7 drunk. She was falling-down drunk. She was drunk to the
8 point that people noticed. You know, not just under the
9 influence, but drunk to the point that she didn't have
10 control of her motor skills and things were fuzzy to her.
11 You're going to hear that as these witnesses testify.

12 It is also, I think, agreed upon that prior to coming
13 into contact with Brenda Stone, that William went to see,
14 for lack of a better term we'll call her his girlfriend,
15 but it was a young lady that he went out with and did
16 things with. Her name is Siobhan. That he went over to
17 see her, and that he left and he went home, and at some
18 point after going home, decided that he needed some things,
19 and he went down to the Spinx station on White Horse Road.
20 And it was there where he encountered Brenda Stone. She
21 asked him for a ride, and he agreed to give her a ride, and
22 she got in the car with him.

23 You will hear that he was going to take her supposedly
24 to her daughter's, but after they got in the car, she's
25 drunk, she's erratic, she won't tell him where it is. They

1 drive and they drive, and finally he just says, "Listen,
2 I'm going to my house." And that's where they went.

3 You will hear that after they got there, and it is
4 agreed upon that they did engage in sexual intercourse. So
5 really, the question becomes whether or not it was
6 consensual intercourse or whether it was as described to
7 you by the solicitor in this case.

8 I don't know all the evidence that the solicitor is
9 going to present to you because, as I've already said a
10 couple of times, the burden of proof is on him. I mean, I
11 have some idea because we engage in what's called discovery
12 beforehand and I get to see reports and witness statements
13 and things like that. But until those witnesses actually
14 take the stand and testify and we all get a chance to judge
15 their demeanor and to listen to what they say and to see if
16 it's consistent with things they've already said and see if
17 it's corroborated by evidence and other evidence that's
18 presented -- and as the solicitor indicated to you to ask
19 yourself whether it makes sense.

20 You're the finders of fact in this case. Nobody else
21 is going to decide what the facts are. You're going to do
22 that based on the evidence that comes to you from the
23 witness stand and anything else that the solicitor chooses
24 to put into evidence to carry his burden. And at the
25 appropriate time, y'all are going to go back there, all 12

1 of you -- I realize there's 13 now, but you'll be cut down
2 to 12 when you go back there. And all of you from the
3 different walks of life, different ages, different life
4 experiences, different personalities, you're going to
5 discuss this evidence, and you're going to make a
6 determination, and it has to be unanimous, whether or not
7 they've proven their case to you beyond a reasonable doubt.
8 And it is a high burden. Judges will often describe it as
9 evidence that will leave you firmly convinced. Firmly
10 convinced, folks, is another way of saying definitely sure.

11 To try and put things into perspective for you, there
12 are different burdens of proof in different forms. You
13 heard this morning, although they settled all those cases,
14 that we had common pleas going on this week. Common pleas
15 are what most people refer to as civil court. There's some
16 very important matters that get decided in civil court.
17 There are cases where people have been killed or people
18 have been maimed, and millions of dollars are at stake.
19 And yet, the burden of proof for a plaintiff bringing a
20 case in common pleas is by a preponderance of the evidence
21 or a greater weight of the evidence, which mean that at the
22 beginning of that trial, if you were to have a scale that's
23 perfectly balanced, the plaintiff would merely have to tilt
24 that scale ever so slightly. If they do that, they win.
25 They carried their burden of proof.

1 There are other courts and tribunals, primarily things
2 like arbitrations, where the standard of proof is by clear
3 and convincing evidence. That sounds like a heavy burden,
4 and it is. It's certainly greater than by a greater weight
5 of the evidence. But when we get into General Sessions or
6 criminal court, we reserve the highest burden. What's the
7 reason for that? Because this is the only court where we
8 can deprive somebody of their liberty, the thing that is
9 most precious to all of us. We can lock somebody up for a
10 very long time as a result of what happens in this court.
11 And so what our founding fathers decided way back when is
12 that the government has to come in here and prove their
13 case beyond a reasonable doubt, which means that scale that
14 we talked about has to be tilted almost all the way.

15 Now, nobody can prove anything to 100 percent
16 certainty, and that's not their burden. But they have to
17 remove any substantial doubt from your mind. In other
18 words, when you leave here after having reached a decision,
19 do you feel comfortable with it or does it linger? Do you
20 continue to have questions? Because, ladies and gentlemen,
21 questions equate to doubt, and if you get back there after
22 they've presented their case and you're not sure, then
23 there's reasonable doubt. And that's what you need to keep
24 in mind.

25 Now, we're right here at the beginning, and you're

1 about to listen to all the evidence that's presented. What
2 I would ask each and every one of you to do is to listen to
3 the law when it comes that time that His Honor gives you.
4 He knows the law, and you will apply that law. Listen to
5 the evidence that comes to you and judge that the way that
6 you judge things every day as to whether somebody's telling
7 you the truth, whether it make sense to you, and then use
8 your common sense. If y'all do that, you're going to be
9 able to do what you came here for, and it's a very
10 important function.

11 One of the things that I always quote to juries at the
12 beginning of the case, because I think it shows how
13 important what you're here to do, is John Adams said that
14 trial by jury is the very heart and lungs of liberty. And
15 that's absolutely true, because this is how, unlike other
16 countries who are controlled by tyrants and dictators and
17 people like that, that we hold the government accountable,
18 that we say to the government, "If you're going to make an
19 accusation against somebody, then you need to be able to
20 back it up."

21 Folks, Mr. Zeigler has been waiting since back in 2013
22 when these allegations were made for his day in court.
23 That day has arrived, and we appreciate you being here. We
24 look forward to hearing the solicitor's case, and we'll get
25 an opportunity to come back and speak to you again at the

1 end of this.

2 Thank you very much.

3 THE COURT: Call your first witness.

4 MR. MOYER: The State would call Brittany Stone.

5 WHEREUPON,

6 BRITTANY STONE,

7 After first having been duly sworn, testified as follows:

8 THE CLERK: Would you please state your name for the
9 record.

10 THE WITNESS: Brittany Leigh Stone.

11 DIRECT EXAMINATION

12 BY MR. MOYER:

13 Q Okay. Ms. Stone, I'm going to be asking you questions
14 from over here. I want to make sure you move into the
15 microphone so we can hear you real clearly.

16 How old are you?

17 A I'm 25.

18 Q And are you related to Brenda Stone?

19 A Yes, sir. She's my mother.

20 Q She's your mother.

21 Okay. Do you have any brothers and sisters?

22 A I have two brothers.

23 Q Did y'all grow up here in Greenville?

24 A Yes, sir.

25 Q Okay. Now, I'm going to take you back now to July the

1 12th of 2013. Do you remember that day?

2 A Yes, sir.

3 Q Was your mother living with you at that time?

4 A Yes, sir.

5 Q Where did y'all live at that time?

6 A We lived off Piedmont Highway.

7 Q And you used to -- you had a driver's license?

8 A Yes, sir.

9 Q You had a vehicle?

10 A Yes, sir.

11 Q Was your mother able to drive?

12 A No, sir.

13 Q Who would drive her around?

14 A I would.

15 Q Was she working at that time?

16 A Yes, sir.

17 Q Where was she working?

18 A At the chicken farm.

19 Q Do you know the official name of the chicken farm?

20 A Columbia Farms.

21 Q Columbia Farms. Okay.

22 And did you used to take her back and forth to work?

23 A Yes, sir. I did.

24 Q Okay. Did you pick her up from work on July 12, 2013?

25 A Yes, sir. Yes, sir. I did.

1 Q Around what time was it that you did so?

2 A About 2:00, 2:30, 3:00.

3 Q And was it just the two of y'all in the car?

4 A Yes, sir.

5 Q And y'all got into an argument?

6 A Yes, sir.

7 Q What was the argument about?

8 A My mom's a little scared of driving because her
9 brother had got in a car accident and died when he was 14,
10 so she's always had that phobia. And I was driving a
11 little fast, and she got nervous and we started a spat
12 about it.

13 Q Okay. And what did that result in?

14 A We were close to Earle Drive where we used to live,
15 and she said, Well, I'm just going to get out to dissolve
16 the argument. And she knew six or seven people that lived
17 on that road, so . . .

18 Q Okay. How long before that had y'all -- had you lived
19 over there, too?

20 A Yes, sir.

21 Q How long before that had y'all lived there, would you
22 say?

23 A Probably six months.

24 Q Okay. Do you know how long you lived over there?

25 A We lived over there off and on for a year and a half,

1 two years.

2 Q All right. So you dropped her off?

3 A Yes, sir.

4 Q Were you concerned about her at that time?

5 A No. I knew there was a bunch of people down there
6 that she knew.

7 Q And so around what time of day was this when you
8 dropped her off?

9 A Probably about 3:30.

10 Q Okay. Now, where did you go after that?

11 A I went and picked up my friend, took him to work and
12 went back home.

13 Q Okay. When did you see your mother next?

14 A About 10:30 the next morning.

15 Q Where was she when you saw her?

16 A She was in her room.

17 Q Did you hear her come in?

18 A No. I had just woke up. And I went into the living
19 room, and my roommate had said, "Your mom come in, and she
20 didn't look too good." And so I went to check on her.

21 Q And what did you find when you went into the room?

22 A She was sitting on the bed, and she was like this
23 (demonstrating). She had her head down and she was crying.
24 And I said, "Mom, what's wrong?"

25 And she just kept repeating, "He raped me. He raped

1 me."

2 Q Okay. Did you see any signs of injury to her?

3 A Yes. She kept saying her back hurt, so I lifted up
4 her shirt and she had gravel stuck in her back, scratches
5 all down her back. She had mud all over, big bruises all
6 over her arms and up and down her legs.

7 Q Did she have any of those marks or injuries when you
8 saw her the night before ---

9 A No, sir.

10 Q --- the afternoon before?

11 A No, sir.

12 Q Okay. So what did you do when you saw her in this
13 condition and heard what she had to say?

14 A I told her, I said, "You need to put the clothes back
15 on you had. We're going to go straight to the hospital."

16 Q Had she changed?

17 A No.

18 Q Okay.

19 A She took her shoes and her socks off, but I put those
20 in a bag. And she kept saying she wanted to take a shower
21 because she felt so dirty. And I said, "No. They need
22 that for evidence, Mom. We have to go straight to the
23 hospital."

24 Q Okay. Did you take her to the hospital?

25 A Yes, sir.

1 Q What hospital?

2 A Greenville Memorial.

3 Q And around what time of day was it? About 10:30?

4 A Yeah. By the time we got to the hospital, it was
5 about 11:00, 11:15-ish.

6 Q Okay. All right. Did you stay with her there?

7 A Yes, I did.

8 MR. MOYER: Okay. That's all the questions I have for
9 you at this time. Please answer any questions defense may
10 have.

11 THE COURT: Cross?

12 CROSS EXAMINATION

13 BY MR. CHAMBERS:

14 Q I'm assuming that when you picked your mother up from
15 work, that she hadn't been drinking at all.

16 A Yes, sir.

17 Q And she didn't have any alcohol with her during her
18 time with you; is that correct?

19 A No, sir. She didn't.

20 Q This argument the two of you had got so severe that
21 she actually got out of the car there on Earle Drive, and
22 you let her out, and that's the last time you saw her that
23 evening?

24 A She got out to keep the argument from getting severe.

25 Q Okay. Then you didn't drop her off at any specific

1 house. You just let her out on Earle Drive?

2 A Yes, sir.

3 Q And then you drove away?

4 A Yes, sir.

5 Q Did she have a cell phone or anything?

6 A Yeah. But she didn't have minutes on it at that
7 point.

8 Q So you didn't call later to check up on her to make
9 sure she ---

10 A I did call about 11:00, but she didn't answer.

11 Q All right. You said you didn't see her again until
12 the next morning as you described to the solicitor?

13 A Yes, sir.

14 MR. CHAMBERS: That's all the questions I have.

15 MR. MOYER: No redirect.

16 THE COURT: All right. Thank you. You may step down.

17 MR. MOYER: The State calls Amber Olson.

18 WHEREUPON,

19 AMBER OLSON,

20 After first having been duly sworn, testified as follows:

21 THE CLERK: Please state your name for the record.

22 THE WITNESS: My name is Amber Olson.

23 DIRECT EXAMINATION

24 BY MR. MOYER:

25 Q Where do you work?

1 A At Greenville Memorial Hospital.

2 Q And where in particular in the hospital do you work?

3 A I work on the second floor which is the Neuroscience
4 Stroke Center.

5 Q How long have you been a nurse?

6 A I've been a nurse for 13 years.

7 Q How long have you been with Greenville Hospital
8 system?

9 A It will be 11 years this year.

10 Q Are you an RN?

11 A Yes.

12 Q And where did you get your degree?

13 A At Idaho State University.

14 Q What do you do in the neuroscience center?

15 A I'm one of the charge nurses. I also do direct
16 patient care from time to time, so we take care of any
17 neurological issues with patients.

18 Q Okay. So in addition to that function as a nurse, do
19 you have any other functions at the hospital?

20 A Yes. I work in the ER. I take all of the ER, too, as
21 a SANE nurse, which is a sexual assault nurse examiner.

22 Q What's the word you used again? SANE?

23 A SANE.

24 Q How do you spell that?

25 A S-A-N-E.

1 Q Okay. So it's like an acronym?

2 A It's an acronym, yes.

3 Q For sexual assault ---

4 A Nurse examiner.

5 Q Okay. So what do SANE nurses do?

6 A We've had special forensic training where we then
7 collect like a legal -- we do a legal and a medical
8 examination where we collect the history of what has
9 happened, and then we also do a physical examination. And
10 then we've been trained to collect the evidence properly
11 and then to maintain chain of custody.

12 Q Okay. How long have you been a SANE?

13 A A little over three years.

14 Q What kind of training have you had for that?

15 A We had 40 hours of like classroom work, and then we
16 had to do five cases with somebody who was already a SANE
17 nurse to be able to make sure we were learning all the
18 steps and the proper collection, and then we also had to do
19 about 20 pelvic examinations with a physician, a PA, nurse
20 practitioner at some of the clinics around.

21 Q Okay. Do you know how many SANE nurses there are in
22 Greenville county? Do you even know?

23 A There's probably roughly between six or ten of us.
24 Some people have moved and then some people quit, and then
25 we've just got some new nurses that have started, so

1 they're still in their training.

2 Q So you said you have to participate with five as part
3 of your training?

4 A Uh-huh.

5 Q That would be actual examinations of alleged sexual
6 assaults?

7 A Uh-huh. Yeah.

8 Q Now, do you know how many patients you have done as a
9 SANE nurse?

10 A I've probably done ten cases, right around ten cases.

11 Q Now, what procedures -- tell us about the procedures
12 that you go through when you do an examination of this
13 nature.

14 A We'll get a call from the ER charge nurse letting us
15 know that there is a sexual assault victim. The ER will
16 have cleared the patient for us to be able to take on to
17 the SANE room to do the examination.

18 Once we get back to the SANE room or the sexual
19 assault room, we sit down and we go through exactly what
20 this kit is, what's going to take place to allow them to
21 know that this is going to take a little time.

22 So once we get back -- back there, then we perform the
23 examination.

24 Q Okay. And what does the examination consist of?

25 A The way that I do it and stuff, we have to collect

1 blood work and we also have to collect urine. Sometimes
2 the ER has already collected urine, but we'll run that for
3 a pregnancy test, but then we also collect urine to be able
4 to send within the kit itself.

5 We also draw three gray-top tubes. So I will draw the
6 blood, and then depending on when they have to go to the
7 bathroom is when we'll collect urine. Then I will do oral
8 swabs. We swab the cheek to get the person's known DNA,
9 and then we also swab like around the gum line, under the
10 tongue just to see if there's any evidence there. And then
11 I would offer them something to eat just to provide
12 comfort. And then once we've done that, we'll go through a
13 detailed account of what happened.

14 We like to collect some information prior to the
15 event, what happened during the event, and then what
16 happened right after. That way, we know if the patient's
17 had anything to eat, if they've showered. That will help
18 us kind of guide and know how to properly collect evidence.

19 And then we'll go through -- once we do that, then
20 I'll have them change into a gown. And we collect their
21 clothing, and then we go through the rest of the
22 examination where we may collect fingernail scrapings,
23 pubic hair combing. We examine the body. And then we turn
24 the lights off and do a max blue light where we can pick up
25 on any suspected possibly saliva because it will highlight.

1 Then we can collect that. And then at the very end, we do
2 the vaginal and rectal examination.

3 Q Okay. And you mentioned examine the body. What does
4 that entail?

5 A So we go through and look at the entire body from head
6 to toe and we'll document any type of injuries or markings
7 and stuff that we see.

8 Q Okay. Now, how long generally does a SANE examination
9 take to perform?

10 A It can take anywhere from three to five hours.

11 Q Did you do a SANE examination on Brenda Stone?

12 A Yes, I did.

13 Q And what date and time did that take place?

14 A I got there on July 13th probably right around 12:30.

15 Q In the morning or the afternoon?

16 A 12:30 in the afternoon.

17 Q And you said July 13th. What year?

18 A Oh, sorry. 2013.

19 Q Okay. And what led to you doing this particular exam?

20 A I received a phone call from the ER charge nurse
21 letting me know that there was a sexual assault victim that
22 had come in.

23 Q All right. Now, where did you come in contact with
24 Brenda Stone?

25 A I went to the ER room where she was in, talked to her,

1 let her know who I was, and then I took her back to our
2 room that we do the sexual assault examinations in.

3 Q Okay. So is there a specific room dedicated to these?

4 A Yes.

5 Q And is there a reason for that?

6 A Yes. Because it contains all of our equipment and
7 stuff that we need to be able to perform the exams, so once
8 we get into the room, then there's no reason for us to have
9 to keep going in or out or leaving the room and stuff. So
10 we keep everything that we would need right there.

11 Q What do you remember about the appearance and demeanor
12 of Ms. Stone when you came in contact with her?

13 A She was a little unkempt looking, a little bit
14 disheveled. She was tearful. But when she would speak and
15 stuff, she would maintain eye contact with you and she
16 would speak and answer your questions.

17 Q Now, these things that you described, are these
18 particulars that you put in your report?

19 A Yes.

20 Q So you asked about eye contact?

21 A Yes.

22 Q Now, was anyone else present with you during the SANE
23 examination?

24 A There normally is always a Julie Valentine advocate
25 that comes in just to be able to be there for the patient.

1 Q What is the -- let me start over. What's the Julie
2 Valentine?

3 A The Julie -- Julie Valentine advocate. So there's the
4 Julie Valentine Center, who is the rape crisis center. And
5 so they volunteer as well. And they will come with us into
6 the examinations to be a support person to the sexual
7 assault victim.

8 Q Was anyone present for Ms. Stone's examination?

9 A Yes. Trish was.

10 Q Okay. Anyone else participate?

11 A No.

12 Q Did any law enforcement?

13 A Yes. Before we -- when we were going through the
14 history part, the law enforcement, they did knock on the
15 door to come in to see if they could speak with her. So we
16 allowed them in because we were collecting that part of the
17 -- we were collecting history at that time. So he came ---

18 Q You were -- I'm sorry.

19 A He came in at that point. He had knocked on the door
20 at that time that we happened to be doing that.

21 Q So what do you mean by collecting history?

22 A I was just having her go through a detailed account of
23 what had happened, like before, during and after.

24 Q And the officer was present for that?

25 A Yes.

1 Q Okay. Did a doctor come in at some point, too,
2 briefly?

3 A Yes. When we were doing the examination and stuff,
4 when we had -- were looking at the pubic area and stuff, I
5 had some areas of concern, and so we always have a
6 physician come in if there's something that we know that
7 doesn't look quite right. So I had him come in to examine
8 that.

9 Q Okay. Now, what time was your examination completed?

10 A I'm trying to think. I think it was probably -- I
11 discharged the patient around 5:00 that afternoon. And
12 then my -- by the time I got all the evidence collected, I
13 had turned the box over about 1756, according to my notes.

14 Q And that's the box of evidence?

15 A Uh-huh.

16 Q We'll talk about that in a minute.

17 But you ended up turning that over to an officer?

18 A Yes.

19 Q Okay. Now, so you did a physical examination of
20 Ms. Stone?

21 A Yes.

22 Q And did you document those injuries?

23 A Yes, I did.

24 Q And how do you document the injuries?

25 A We have pictures that we use of the body. It's the

1 front and the back side. And then we put numbers to the
2 areas of the body that we're describing, and then we put
3 them in a box below.

4 Q Okay. And so are they numbered?

5 A Yes. We number. So that way we say No. 1, and then
6 we'll describe what it is, but then we'll make a No. 1 on
7 the body so then we can make reference to the area of the
8 body.

9 Q Okay. So you said you have a diagram that you use?

10 A Uh-huh.

11 Q Okay. For point of clarification for the jury, I'm
12 going to ask you to use this demonstrative evidence for
13 purposes of explaining the injuries that you saw. Do you
14 recognize -- are you able to identify what that is?

15 A Yes.

16 Q What is that?

17 A Those are -- that's the same picture that we use in
18 our documentation, and those are -- that's what I had
19 filled out.

20 Q So they're the injuries that you noted?

21 A Uh-huh.

22 Q So that's an accurate copy of your ---

23 A Yes.

24 Q --- of your -- of the diagram that you have?

25 A Yes.

1 Q Okay. How many areas of injury did you actually
2 document?

3 A I documented 17 areas of injury, but within certain
4 areas, there were multiple injuries. But -- so -- but they
5 were all of the same markings or the same -- they looked
6 the same, so we kind of clustered some of them.

7 Q Okay. Would I be able to ask you to bring your report
8 and just step down here so you're a little bit closer to
9 the jury? And if you could, just go through each area by
10 number. And if you could, point to that area on your
11 diagram and then tell the jury what particular injury you
12 found at that location and what description you have of it.
13 So if you could just start with No. 1.

14 A Okay. So No. 1 was on -- and this will be right, left
15 and then on the back side, left, right (indicating).

16 So then the area at No. 1 was kind of a purple
17 circular marking on the hand. No. 2 ---

18 Q Let me stop you for one second. What do you mean by a
19 purple circular mark?

20 A Like the part of her hand had a marking on it similar
21 to like a bruise, what a bruise -- the start of a bruise
22 would look like. But when I see it, at that time, it was
23 more like a purply-reddish mark. So it's a discolor to the
24 skin.

25 Q Okay. And just for the record so the record reflects

1 it, which hand was it?

2 A This would be the right.

3 Q Okay. And what part of that hand?

4 A I had it on a pinky, on the pinky side.

5 Q Okay. On the pinky side. Was it the pinky itself or
6 was it down more?

7 A It was like down in this area (indicating).

8 Q Did Ms. Stone make any complaints about that area?

9 A She had more complaints about her back more so and her
10 left knee.

11 Q Okay. If you can, move on to No. 2 then.

12 A Okay. So then No. 2 is here (indicating) on the
13 forearm. And that was a red circular marking.

14 Q What do you mean by a red circular marking?

15 A So it was a circular marking, and it was red at the
16 time. So bruising will take time to develop over time, so
17 we just mark what we see. At that time, it was red. So
18 that means that there was either some blunt force trauma to
19 the skin or some type of pressure that's been applied to
20 the skin to make it discolored.

21 Q Okay. And what actually discolors? How does it
22 discolor?

23 A It's broken blood vessels and stuff for injury to
24 blood vessels. And so the blood's kind of seeped out into
25 the like epithelial part of the skin, and then it causes

1 the bruising.

2 Q Okay. All right. That was No. 3, you said?

3 A Uh-huh.

4 Q If you can, move to No. 4.

5 A No. 3 was the same. It was a bunch of scattered
6 markings up on like the biceps area.

7 Q Okay. And so when you say the same, you're talking
8 about the red circle ---

9 A Like there were multiple -- multiple circular marks.

10 Q Okay.

11 A No. 4, there was another circular mark.

12 Q And what part of the body was No. 4?

13 A Just a little bit higher up from -- from the -- these
14 had multiple areas. This was more one.

15 Q On her right arm?

16 A Yes.

17 Q Okay. Up near her shoulder?

18 A Uh-huh.

19 Q Okay.

20 A No. 5 would then be over here on the other arm. So
21 kind of the similar markings 4 and 5, then 3 and 6.

22 Q So 5 sort of corresponds to 4 ---

23 A Uh-huh.

24 Q --- but it's on her left arm?

25 A Yes.

1 Q Okay. And what was found at No. 5?

2 A Another red circular marking.

3 Q Okay. And what about No. 6?

4 A On No. 6, it was more -- there were scattered
5 abrasions with some circular markings as well.

6 Q Okay. Now, what's the difference between an abrasion
7 and a circular marking?

8 A The circular marks, the skin is intact so you just see
9 discoloration of the skin. If you've got an abrasion, it's
10 kind of a scraping of the skin so you've opened up and torn
11 apart a little bit of the skin, so the skin is not intact.

12 Q Okay. And so there were multiple at No. 6, you said?

13 A Scattered abrasions, yes.

14 Q Okay.

15 A And then No. 7 was the back of the elbow. So this
16 (indicating) would be the right elbow. And it was also a
17 red abrasion.

18 Q Okay.

19 A No. 8 would be down here on the thigh -- right thigh.
20 It was a circular marking.

21 And then 9, the other thigh. It's also a red circular
22 marking.

23 And then 10, that would be the right knee with
24 scattered circular marks.

25 Q That means multiple of those -- of those ---

1 A When I say "scattered," that would be you've got
2 multiple -- multiple areas, multiple markings.

3 Q Okay.

4 A 11 would have been two circular red markings kind of
5 found on the -- on the knees as well.

6 Q And that would be which? Left or right?

7 A The left knee.

8 Q It would be her left knee?

9 A Uh-huh.

10 Q Okay.

11 A 12, on the back of the right thigh would have been a
12 red circular mark as well.

13 13, just further down there was another circular
14 marking.

15 14, there was also a red circular marking.

16 And then 15 is the back of like the left knee area.
17 It was a circular lump, and it was 5 millimeters by
18 5 millimeters. And she also complained of a lot of pain
19 through that area.

20 So when I say a lump, that means that the blood
21 vessels have seeped into one area where it kind of causes a
22 contusion or an accumulation of the blood to make it hard
23 so it feels like a knot.

24 16, she also had another lump up on her head that she
25 said was painful.

1 And then 17, there were so many multiple markings on
2 her back that they were small like lacerations throughout
3 her backside.

4 Q Okay. Now, was that 7 or was that 17?

5 A 17.

6 Q Okay. What do you number the vaginal area as?

7 A That's its own separate picture, so we don't document
8 separately within the vaginal area.

9 Q Okay. Let me ask you -- if you would, you can take
10 the stand again.

11 A Okay.

12 Q Thank you.

13 A Uh-huh.

14 Q Okay. If you would, now I'd like you to talk about
15 your examination of her vaginal area and rectal areas.
16 First off, can you tell us how it is you go about doing
17 that and then tell us what the results were of that?

18 A When we view the vaginal area and stuff, we look with
19 our eyes just to see if we can see anything different. We
20 use a special die called toluidine blue. And once we've --
21 once we've looked at it ourselves, then we put that on the
22 bottom part of the vagina area. And if the die obtakes
23 [phonetic] in a certain area, it will show that there's a
24 laceration that we may not have seen just by looking. So
25 if the die obtakes in that area, then you'll see

1 lacerations, which we did find two lacerations on the
2 posterior facet of the vagina, which is the bottom part
3 between the vagina and the anal area.

4 Q Now, based on your training and your experience doing
5 these types of examinations, are injuries to the vaginal
6 area like this, are they common or rare in sexual assaults?

7 A No. We don't normally see a lot of injury to the ---

8 Q Do you know why?

9 A Because it's a normal response for the body to
10 lubricate during sexual intercourse, sometimes even with a
11 stimulation like that.

12 Q Okay. Now, where would these particular injuries you
13 saw with Ms. Stone rank on the continuum of injuries that
14 you have witnessed yourself doing these kinds of
15 examination?

16 A This case, this has been the most -- the most visible
17 documented areas of injury and the most injury that I have
18 ever seen.

19 Q Does that include to her vaginal area?

20 A Yes.

21 Q Now, did you look at her -- what observation did you
22 make of her rectal area?

23 A The whole area itself, though, was red, just red in
24 color and stuff so that there had been probably pressure
25 applied or some type of force applied to that area to have

1 changed the skin color.

2 Q So it had actually changed the skin color?

3 A Uh-huh. It was very red.

4 Q Still red.

5 Was the vaginal area red as well?

6 A Up on the top of the area. When I had asked the
7 doctor to come in, there was kind of red raised patches, so
8 he thought possibly some type of yeast.

9 Q Okay. Now, did Ms. Stone complain of any pain to any
10 parts of her body?

11 A Yes. She complained of the head hurting, the back of
12 that left knee, and then just she felt a lot of pressure
13 and discomfort down through her vaginal and rectal area.

14 Q When you say -- okay. Now, did you then collect
15 evidence pursuant to a rape kit?

16 A Yes.

17 Q What is that? How is that ---

18 A So this is the box that contains all of our envelopes,
19 all of our swabs. It contains our clothing bags, the
20 debris sheet that we have them step on to change clothing,
21 also our smears and stuff. And then it contains our bags
22 and stuff that we would collect the blood and stuff in.

23 Q So what all particular evidence do you collect in a
24 rape kit in a case like this?

25 A Depending on like what is there, because we always

1 will go through and do like fingernail scrapings, sometimes
2 we collect pubic hair if there's -- if it's there or not.
3 We look for suspected body fluids and stuff, which I did
4 swab in her case because I had -- we had found some
5 highlighted -- when I looked through the max blue light and
6 stuff, we found some highlighted area on the breast, so we
7 went ahead and swabbed for that.

8 Q Okay. What about smears and swabs? Are they
9 collected?

10 A Yes. So the only smears that we do are when we do the
11 oral swabbing, not for their DNA but just a general oral
12 swab. We'll put that on a smear, and then we do the
13 vaginal and the rectal swab. We also put that on a smear.

14 Q Okay. And I think I was asking you just kind of in
15 general, but can you tell us in particular with Ms. Stone
16 what all evidence you collected?

17 A Yes. I collected the oral swab and smear, I collected
18 fingernail scrapings, her known DNA, pubic hair combings, a
19 vaginal swab and smear, a rectal swab and smear and
20 suspected body fluid from the left breast.

21 Q Okay. And what is a swab and smear? Can you tell us
22 what the difference is?

23 A The swab we would just collect, and we put them in a
24 dryer for them to dry. But when we do the smear and stuff,
25 that's putting also the fluid and stuff that you found on a

1 smear, and then the lab tests those. But I can't speak for
2 the test -- of how they test those.

3 Q So you just collected all of them?

4 A Uh-huh.

5 (WHEREUPON, State's Exhibit No. 69 was marked for
6 identification.)

7 Q I'm going to hand you what's been marked as State's
8 Exhibit No. 69. Are you able to recognize what that is?

9 A Yes. This is the kit that we collect the forensic
10 evidence, and this is a sexual assault kit.

11 Q Okay. Can you tell us in particular whose -- what
12 case that kit was used for?

13 A Yes. Brenda Stone.

14 Q And is that the victim in this case that we're talking
15 about today?

16 A Yes.

17 Q How are you able to recognize it?

18 A We write the victim's name, and then we write the date
19 of collection, which was 7/13/13. And then everything
20 inside the kit is also -- if you open up the kit, it's
21 labeled with her information.

22 Q Okay. And is that the actual box that you used with
23 Brenda Stone and put in all the evidence you were talking
24 about?

25 A Yes.

1 Q Now, after you put all that evidence inside that box,
2 what do you do with the box?

3 A We'll seal it, and then we wait. We call law
4 enforcement, tell them we have a kit, and then we wait
5 until they come to hand it over to them.

6 Q Okay. And did you hand this box over to anyone?

7 A Yes. I handed it over to David Kilgore or -- I think
8 that's how you say his name.

9 Q Okay. And what was the date and time of day that you
10 did that?

11 A I handed it over to him at 1804.

12 Q So that would be 6:04 p.m.?

13 A Yes.

14 Q What date?

15 A On July 13th of 2013.

16 Q What time did you actually get that box -- empty box
17 and begin using it?

18 A When I opened the box, I opened it at 2:20 that
19 afternoon.

20 Q Okay. And once you opened the box, did you allow that
21 box to get out of your presence?

22 A No. That's why we collect blood and urine, and then
23 we go through the history and stuff. Because once I open
24 this box, I cannot leave for any reason.

25 Q It stays in your possession the whole time?

1 A Uh-huh. In my possession, and everything that needs
2 to go in here stays in my possession at all times.

3 Q So up until the time you sealed it and turned it over
4 to Deputy Kilgore, that box was with you?

5 A Uh-huh.

6 Q Okay. Thank you. Did you notice on the form if
7 anyone else -- I'm sorry -- on the box if anyone else came
8 into the room while you were using the box?

9 A Yes. I had Doctor Frank Falizzy [phonetic] come in.
10 And so anytime we have a doctor enter in the room, we also
11 have their name on the box so that that shows that they
12 were present within the examination at a certain time.

13 So he came in at 1655 to sign it, and then I took the
14 box back over at 1657 just to show that he was part -- he
15 had examined the vaginal area.

16 Q Okay.

17 A Just so we would note his presence.

18 MR. MOYER: Okay. One moment, please.

19 Please answer any questions the defense has.

20 CROSS EXAMINATION

21 BY MR. CHAMBERS:

22 Q The reason that the doctor came in was because you had
23 seen this redness, this apparent rash, and you wanted a
24 doctor to take a look at it?

25 A Yes.

1 Q And he indicated to you that his best guess was that
2 it was a yeast rash?

3 A Uh-huh.

4 Q Did he do any follow-up to see if there was any
5 infection or anything like that as a result?

6 A He order her Diflucan, and then we recommend that the
7 patient, if they still have symptoms, we give them
8 instructions on follow-up care.

9 MR. CHAMBERS: That's all the question I have. Thank
10 you.

11 MR. MOYER: No further questions for this witness.

12 THE COURT: Thank you. You may step down.

13 MR. MOYER: Can she be excused?

14 MR. CHAMBERS: No objection, Your Honor.

15 THE COURT: All right. You're released from subpoena.

16 MR. MOYER: Okay. At this time, the State calls
17 Christopher Hoyes.

18 WHEREUPON,

19 CHRISTOPHER HOYES,

20 After first having been duly sworn, testified as follows:

21 THE CLERK: Please state your name for the record.

22 THE WITNESS: Christopher Hoyes.

23 DIRECT EXAMINATION

24 BY MR. MOYER:

25 Q Could you tell the jury were you're employed?

1 A The Greenville County Sheriff's Office.

2 Q How long have you worked for the Sheriff's Office?

3 A Just around three years.

4 Q Okay. How long have you been in law enforcement?

5 A Three years.

6 Q Okay. So you started your law enforcement career with
7 the Sheriff's Office?

8 A Yes, sir.

9 Q What is your position there?

10 A Uniform Patrol Division deputy II.

11 Q Tell the jury what someone in your position does on a
12 daily basis.

13 A On a daily basis, we receive 9-1-1 calls, so every
14 time you call 9-1-1, you have a deputy that shows up when
15 you live in the county. So we will respond to the scene
16 and handle the calls that way. When we're not handling
17 9-1-1 calls, we're being proactive in trying to detect and
18 deter crime within Greenville county.

19 Q Okay. Now, were you working on the morning of July
20 the 13th of 2013?

21 A Yes, sir. I was.

22 Q What was your position back then?

23 A I was a road deputy like I currently am. I received a
24 -- a hospital person called the Greenville County Sheriff's
25 Office and wanted a deputy to respond out there to initiate

1 an investigation of a possible sexual assault.

2 Q Okay. When was it that you arrived?

3 A I believe 11:18.

4 Q Did you meet with anyone when you got there?

5 A Yes. I met with the victim and the victim's daughter.

6 Q Where was it that you met with them?

7 A It was in a room in the ER.

8 Q Describe to the jury what kind of emotional condition
9 she appeared to you to be in.

10 A The victim, it's hard to describe. The victim's eyes
11 were swollen. She had bruising and red marks all over her
12 body. She was bawling and crying. But basically, it's
13 hard to put into words how bad she was. She volunteered to
14 show me her physical manifestations of injury. So she had
15 scratches and it almost looked like road rash going up her
16 back, bruising all over her legs and arms.

17 Q Okay. Now, without telling us what she said, did you
18 talk to her about what had happened at that point?

19 A Yes, sir. I did.

20 Q Okay. Now, did you get a written statement or try to
21 get a detailed explanation as to what happened at that
22 time?

23 A No, sir. I didn't.

24 Q And why is that?

25 A That's not my area of expertise, and I didn't want to

1 overstep the sex crime investigators.

2 Q Okay. So an investigator would follow up with that?

3 A Yes, sir.

4 Q What are you trying to gain by speaking to someone at
5 this point?

6 A Trying to determine where the incident -- first if an
7 incident took place, then where an incident would have
8 taken place. And at that point, we call a supervisor who
9 would then contact the on-call sex crimes investigator.

10 Q All right. Now, did other officers arrive at the
11 hospital?

12 A Yes, sir.

13 Q Who were those officers? And did you note the time
14 frames?

15 A Sergeant Brian Garrett. He arrived at the hospital at
16 11:56 a.m., Investigator Robertson at 12:40 p.m.

17 Q Okay. Now, did you leave at any point?

18 A Yes, sir. I did.

19 Q And around what time was it that you left, and what
20 was your purpose in leaving?

21 A I believe I left around noon.

22 Q Okay. Where were you going? What were you going to
23 go try to do?

24 A I was trying to establish where the incident location
25 would be, which would mean that trying to establish where

1 the actual crime took place.

2 Q Okay. So you didn't have an address at that time?

3 A No, sir.

4 Q What sort of information did you have to go on to try
5 to find this place?

6 A I had a trailer somewhere off of Old Grove Road where
7 a red car, which was broken down -- well, it had flat
8 tires, and a blue car across the street near a basketball
9 hoop.

10 Q That was the information you had to go on?

11 A Yes, sir.

12 Q Are you familiar with that area that she was talking
13 about?

14 A Yes, sir.

15 Q How is that?

16 A Because I drive around that area. It's a very -- it's
17 a high-crime area, and I patrol it proactively every day
18 that I work. That's my area that I work just off of White
19 Horse Road, so I was familiar with the layout, the
20 different trailer parks that are back there.

21 Q Okay. So the information you had then was a trailer
22 and the description of these two vehicles?

23 A The vehicles and where they were placed, you know,
24 parallel to the trailer or perpendicular and how the cars
25 were laid out and the basketball hoop next to the blue car.

1 Q All right. So where did you go to look?

2 A I went to several trailer parks, I believe, between
3 noon and 1 p.m. that day, several trailer parks off of Old
4 Grove Road which is -- I'd say there's probably seven or
5 eight trailer parks just off of the road there that sit off
6 the road. So I continuously kept driving around looking
7 for an incident location.

8 Q Did you eventually find a place that fit the
9 description you were looking for?

10 A Yes, sir.

11 Q And what was that address?

12 A Was in [REDACTED] Old Grove Road. [REDACTED] would be the exact
13 trailer.

14 Q And did it fit the complete description that you had
15 been looking for?

16 A Yes, sir. To a T.

17 Q Now, is that area in Greenville county?

18 A Yes, it is. Greenville county.

19 Q And around what time was it that you came to that
20 location?

21 A I believe it was 1:12 p.m.

22 Q Okay. Now, did you do anything to try to verify
23 whether you were correct or not?

24 A Yes, sir. I did.

25 Q What did you do?

1 A I took pictures on my cell phone of the cars and how
2 the cars were positioned, so therefore I would have a point
3 of reference when I would show the victim.

4 Q Okay. So you took those pictures. And then what did
5 you do after you took those pictures?

6 A I went back to the hospital to go meet with the
7 victim.

8 Q Okay. I'm going to hand you State's Exhibit Nos. 1
9 and 2. If you would, just take a look at those two and
10 tell me if you can recognize what they are.

11 A (Reviews documents) Yes, sir. I do.

12	Q	What are they?

13 A They are the two pictures that I took and showed to
14 the victim.

15 Q Okay. And are they true and accurate representations
16 of the pictures that you took on July 13th and then showed
17 to the victim?

18 A Yes, sir. Absolutely.

19 MR. MOYER: Okay. At this time, I move to have
20 State's Exhibit 1 and 2 entered in the record -- entered
21 into evidence.

22 MR. CHAMBERS: No objection, Your Honor.

23 THE COURT: Okay.

24 (WHEREUPON, State's Exhibit Nos. 1, and 2 were admitted into
25 evidence.)

1 BY MR. MOYER:

2 Q Okay. We seem to be having some troubles with the
3 overhead right now. Let me just ask you, if you would,
4 step down here and just show the jury the two pictures that
5 you say you took and describe what it is as you're showing
6 each of them.

7 A This would be when you enter on the single lane road
8 going into the trailer park. This would be on your
9 right-hand side. So I took a picture of this. This was
10 the blue car and basketball hoop directly next to it, or it
11 depends on how you're looking at it, behind it.

12 And then this was across the street. So this would be
13 a neighbor's house right here. This would be the car, the
14 street, and then the other trailer would be on this side
15 right here. So this would be the broken-down red car that
16 the victim described to me. And I say broken down because
17 the tires were flattened on it and it had dirt all over it
18 (indicating throughout).

19 Q Let me -- I think we do have it working now. If you
20 would, just take ---

21 A Sure.

22 Q Okay. If you'll just describe what it is that we see.
23 This is State's Exhibit No. 1. Tell the jury what that is.

24 A That is the broken-down or flattened red car directly
25 in front of the defendant's trailer right there in the

1 background. That would be the defendant's trailer. The
2 car is kind of a faded red and had dirt on it, dirt all
3 over it, and I believe all four tires were flattened.

4 Q Okay. And then State's Exhibit No. 2.

5 A And then that would be directly -- just about directly
6 across the street from the defendant's trailer. That blue
7 car is exactly what the victim described, how it was
8 pointing towards the red car with the basketball hoop next
9 to it or behind it.

10 Q Okay. Thank you. So after you took those
11 photographs, you say you went back to the hospital?

12 A Yes, sir.

13 Q And did you meet with the victim again?

14 A Yes, sir. I did.

15 Q And what was her reaction when you showed that to her?

16 A She immediately recognized the pictures and, you know,
17 affirmed that that was the incident location.

18 Q Okay. So what did you do then after you gathered that
19 information?

20 A After that I notified my supervisor, Brian Garrett,
21 and Mike Robertson was advised of that as well. I went
22 back directly to the incident location, which would be that
23 address where the trailers are, and I went and tried to
24 make contact with a subject, -- whoever was at that trailer.

25 Q Was anyone at the trailer?

1 A No, sir.

2 Q Did you report that to your supervisor?

3 A Yes, sir.

4 Q And what were you instructed to do at that time?

5 A To lock down the incident location.

6 Q What does that mean?

7 A Basically, no one leaves -- or no one comes into the
8 incident location to contaminate it at that point.

9 Q Okay. Now, you said Sergeant Garrett was there with
10 you?

11 A Yes, sir. He was.

12 Q Okay. Were you able to find anything on the premises
13 to give you an idea of a name of a possible person that
14 would be living there?

15 A I personally was not on the premises. I personally
16 was not -- I did not find the name in the mailbox to find
17 the suspect's information.

18 Q Okay. But was the name given to you?

19 A Yes, sir. It was.

20 Q By whom?

21 A A neighbor.

22 Q Okay. And was the deputy also -- another deputy you
23 said looked in the mailbox?

24 A Yes, sir.

25 Q Who was that?

1 A A neighbor advised me that a William Z lived there.

2 At that time or around that time, Sergeant Garrett looked

3 in the mailbox and saw it said the suspect's name. I did

4 -- I then went ---

5 Q And what name was that?

6 A William Zeigler.

7 Q Okay. Now, do you have a computer in your car?

8 A Yes, sir. I do.

9 Q Does that computer have access to records like
10 driver's licenses and things like that?

11 A Yes, sir. It does.

12 Q Okay. And using that information, using your
13 computer, were you able to find a photo of a person named
14 William Zeigler?

15 A Yes, sir. I was.

16 Q After you did so, did you see any vehicles that caught
17 your attention?

18 A No. Not at that -- at that point, no.

19 Q Okay. At a subsequent time?

20 A Yes. A white SUV pulled towards -- pulled into the
21 single lane street -- trailer park and observed me as I
22 observed that car.

23 Q Okay. What was -- why was your attention drawn to
24 this white SUV?

25 A It was a white SUV, and the victim had described a

1 white SUV with tinted windows to me as being the suspect
2 vehicle.

3 Q Okay. And where was the vehicle coming from? From
4 what direction?

5 A It was coming from Old Grove Road. I believe it was
6 coming from the Grove Road side of it.

7 Q But it was pulling into the trailer park?

8 A Trailer park. Yes, sir.

9 Q And what did the vehicle do as it began to approach
10 you?

11 A It stopped and decided to -- and start backing up.

12 Q What did you do when you saw it started backing up?

13 A I exited my vehicle real quick and ran over to stop
14 and yell at the defendant and tell him to stop the vehicle.

15 Q Did the vehicle stop?

16 A Yes, sir. It did.

17 Q How many people were in the SUV?

18 A Two.

19 Q Did you recognize either of those people?

20 A I recognized the operator of the vehicle who was
21 driving it who is the defendant.

22 Q Okay. Did it match the photo that you had pulled up?

23 A Yes, sir. It did.

24 Q Okay. Is that person here in this courtroom?

25 A Yes, sir. Yes.

1 Q Can you identify him?

2 A Yes. Sitting right over there.

3 Q William Zeigler, the defendant in this case?

4 A Yes, sir.

5 Q And who was the other occupant of the vehicle?

6 A Siobhan Grady.

7 Q Male or female?

8 A Female. She was in the passenger's seat.

9 Q Okay. Did you do anything to confirm the identity of
10 the person in the driver's seat?

11 A Yes. I asked the defendant his identifying
12 information, so name and date of birth.

13 Q What did you do with him at that time?

14 A At that time, I was advised to detain him, and he was
15 advised that he was detained at that point.

16 Q How did you detain him? Where did you detain him?

17 A I detained him. I placed him in handcuffs, put him in
18 the back of my vehicle and told him that an investigator is
19 on their way to talk to him about a possible crime that was
20 -- that had occurred. And that's when Sergeant Garrett
21 advised he was on his way to read him Miranda rights.

22 Q Okay. Did Sergeant Garrett come read the Miranda
23 rights?

24 A Yes, sir.

25 Q Did you note the time that he did so?

1 A Yes, sir. I did.

2 Q What time did he do so?

3 A 3:48 p.m.

4 Q And where was that done?

5 A That was done -- the defendant was sitting in the back
6 of my vehicle, and Sergeant Garrett was standing with the
7 passenger door open -- or, I'm sorry, with the rear
8 driver's side door open.

9 Q Okay. Now, was there anything about the defendant's
10 appearance that stood out to you?

11 A Yes. Immediately when he got out of the vehicle, I --
12 I observed scratches on his face. He just -- he had
13 scratches. I noticed one by his eye. It looked like he
14 had been in a fight or been in some pretty serious
15 altercation.

16 Q Okay. All right. Now, at a later point, was the
17 defendant arrested?

18 A Yes, sir. He was.

19 Q And did you do that?

20 A Yes, sir. I did.

21 Q At the time that was done, did you end up transporting
22 him to the Law Enforcement Center?

23 A Yes, sir. I did.

24 Q Did you search the defendant?

25 A Yes.

1 Q What, if anything, did you find at the time you
2 searched him?

3 A I located a crack pipe, which would be a glass pipe
4 with black residue on it. And the suspect -- the suspect
5 -- or the defendant -- I apologize. The defendant
6 volunteered that he had crack on him as well.

7 Q Okay. And did you find crack on him or did you find
8 anything that, in your training and experience, appeared to
9 look like crack?

10 A Yes.

11 Q Okay. Where?

12 A They were in a cigarette box, like a single cigarette
13 box that was empty, and it had the rocks at the bottom. I
14 believe it was two small rocks. And to my knowledge,
15 training and experience, it was consistent with crack
16 cocaine.

17 Q Okay.

18 (WHEREUPON, State's Exhibit Nos. 70 and 71 were marked for
19 identification.)

20 I'm going to hand you first what's been marked as
21 State's Exhibit No. 70. Would you take a look inside that
22 and see if you can recognize what that is?

23 A (Witness complies) Yes, I do.

24 Q And what do you recognize it as?

25 A It appears to be two crack rocks or crack cocaine

1 rocks with a little bit of black residue on it.

2 Q Okay. Are there any markings, that ---

3 A It's got my signature on it. I sealed it and I marked
4 it with my initials after it was sealed so that it wouldn't
5 be contaminated.

6 Q Okay. And what did you end up doing with it?

7 A Filled out a drug analysis request form, which that
8 sends it off so it's tested so when it comes back, we have
9 a positive or a negative on that being crack cocaine or
10 not, being of cocaine base or not.

11 Q Did you place it in any storage facilities?

12 A Yes. I placed it at Property and Evidence Division,
13 which is located at the Greenville County Sheriff's Office
14 Law Enforcement Center.

15 Q Okay. All right. Now, when you took the defendant to
16 the Law Enforcement Center, were any further searches
17 conducted of the defendant's person?

18 A Yes.

19 Q And what was done and who did it?

20 A Whenever you're inputting someone that's going into
21 detention into the detention center, I always go through
22 their wallet entirely because a lot of people carry a
23 hidden \$20 bill or hidden \$100 bill, and I don't want that
24 to go missing and then they come back and say that it
25 walked off. So while I was conducting -- searching his

1 entire wallet, I located a debit card, which was -- and a
2 Columbia Farms ID card which came back to be the victim's.
3 So I had already met with the victim, obviously, earlier in
4 the day, and then when I located her identification, her
5 work identification in his wallet once we got to jail.

6 Q Did you collect those items?

7 A Yes, sir. I did. And I also placed those items in
8 Property and Evidence for safekeeping.

9 (WHEREUPON, State's Exhibit Nos. 72 and 73 were marked for
10 identification.)

11 BY MR. MOYER:

12 Q I'm going to hand you what's been marked as State's
13 Exhibit Nos. 72 and 73. And if you would, just take a look
14 at those and see if you can recognize what they are.

15 A (Witness complies) The first one would be a Columbia
16 Farms ID, and it would be to Brenda Stone with her picture
17 on it and, I guess, an issue date, 6/25/2013.

18 Q Okay. And the other one is?

19 A The other one would be a ---

20 Q What exhibit is that that you're holding?

21 A It's 72. And it would be a BB&T bank card. It's an
22 instant-issue card, and it's got a debit card -- debit
23 number. It's a Visa card.

24 Q Are those the two items you took out of this
25 defendant's wallet on July 13, 2013?

1 A Yes, sir.

2 Q Are they in substantially the same condition now as
3 they were when you collected them from him on that date?

4 A Yes, sir.

5 MR. MOYER: At this time, I move to have State's
6 Exhibit 72 and 73 entered into evidence.

7 MR. CHAMBERS: No objection, Your Honor.

8 (WHEREUPON, State's Exhibit Nos. 72 and 73 were admitted
9 into evidence.)

10 BY MR. MOYER:

11 Q Okay. I'm now going to hand you State's Exhibit
12 Nos. 59 and 63. Can you just take a minute and take a look
13 at what I've just handed you? Do you recognize what is
14 depicted in those two exhibits?

15 A Yes, sir. I do.

16 Q And what is shown?

17 A It would be the defendant's face, Mr. Zeigler's face
18 with -- when I initially came into contact with him and the
19 bruising and scratching on the side of his face that I was
20 referring to earlier.

21 Q Are they true and accurate representations of the way
22 the defendant looked on July 13th of 2013 when you came in
23 contact with him at his residence?

24 A Yes, sir.

25 MR. MOYER: I move, at this time, Your Honor, State's

1 Exhibits 59 and 63 entered into evidence.

2 MR. CHAMBERS: No objection, Your Honor.

3 (WHEREUPON, State's Exhibit Nos. 59 and 63 were admitted
4 into evidence.)

5 BY MR. MOYER:

6 Q If you would, let's start off with State's Exhibit
7 No. 59. I'm going to hand you this laser pointer, and if
8 you could, just kind of point out to the jury what it is --
9 first off, what do we see? Whose face is that?

10 A We have the defendant's face.

11 Q Okay.

12 A You have the defendant's face, and if you see up here
13 (indicating), I guess, near his temple, he's got scratching
14 and scratches. And then the one right below his left eye
15 is what really caught my eye in determining the physical
16 manifestations of injury that occurred. To me, it looked
17 like a scratch or some sort of altercation that occurred.

18 Q Okay. And which side would that be?

19 A That would be the left side of his face.

20 Q And State's Exhibit No. 63?

21 A And this would be the right side of his face. If you
22 see right where I'm pointing, it's another deep scratch to
23 where -- and his forehead as well would be more scratches.
24 Almost looked like some sort of altercation occurred as
25 well.

1 MR. MOYER: Okay. Thank you. One moment, please.

2 I have no further questions for you at this time.

3 Please answer any questions defendant has.

4 CROSS EXAMINATION

5 BY MR. CHAMBERS:

6 Q The trailer park that you finally determined was where
7 the victim had spent -- or the alleged victim in this case
8 had spent the night, where was that located?

9 A It was located at [REDACTED] Old Grove Road, Greenville,
10 South Carolina, Greenville county.

11 Q And how many trailers were there?

12 A I believe around eight or nine.

13 Q They're in fairly close proximity to one another?

14 A They're scattered. So you'll have two -- one, two and
15 three are real close, and then you'll have like where one
16 would have been. So it's an empty lot. And then . . .

17 Q Okay.

18 A To me it looked like there may have been a few
19 abandoned as well.

20 Q Were you able to determine the approximate time when
21 Ms. Stone says that she was essentially dragged across the
22 street from the other trailer?

23 A No, sir. I was not.

24 Q Did you canvass the area and talk to the residents of
25 the other trailers?

1 A Yes, sir. I did.

2 Q All right. And you didn't get any indication anybody
3 heard or saw anything, did you?

4 A No, sir. I did not.

5 Q And the trailer where the blue car was there, was
6 anybody home at that residence?

7 A Yes.

8 Q And that was their blue car?

9 A Yes, sir.

10 Q And that car was there at the time that Ms. Stone said
11 she was pounding on their door?

12 A Yes, sir.

13 Q Nobody came to the door, though, did they?

14 A When I went and talked to them or ---

15 Q No.

16 A No. Oh, okay. No, sir. They didn't during the
17 incident.

18 Q And did you talk to those people?

19 A I attempted to. They were Spanish speaking, and we
20 didn't have any deputies that spoke Spanish at that time.

21 MR. CHAMBERS: All right. That's all the questions I
22 have for you. Thank you.

23 REDIRECT EXAMINATION

24 BY MR. MOYER:

25 Q A couple of quick follow-up questions.

1 A Yes, sir.

2 Q You said you've worked that area for a while?

3 A Yes, sir..

4 Q What kind of reception do you get from people in that
5 community towards law enforcement?

6 A It's nobody will -- I don't want to say -- I don't
7 want to generalize. Not a lot of people are willing to
8 cooperate with law enforcement out of fear for whether
9 somebody in their neighborhood will find out that they're
10 cooperating with us or -- and it's not uncommon for me to
11 be, for example, 200 yards down the road at that QT and
12 hear gunshots and look for the gunshots to try and find out
13 if there's an altercation. And nobody calls 9-1-1 or even
14 acknowledges that they heard gunshots, and they could be
15 outside as well.

16 Q Okay. So it's a common thing then for to have a lack
17 of -- are there a lot of shootings and crime ---

18 A Yes. There's a lot of -- it's an extremely
19 high-crime, high-drug area. A lot of -- a lot of
20 shootings, a lot of altercations, a lot of fights,
21 assaults.

22 MR. MOYER: All right. Thank you.

23 RECROSS EXAMINATION

24 BY MR. CHAMBERS:

25 Q You said you did have a neighbor that volunteered that

1 William Z. lived in that trailer, correct?

2 A Yes, sir.

3 Q So you were getting some level of cooperation from
4 people who lived out there?

5 A Yes, sir.

6 Q So bottom line is you went around and talked with
7 people that were there, and nobody saw or heard anything;
8 is that correct?

9 A No one would tell me anything, correct.

10 Q In fact, indicated to you that they didn't hear or see
11 anything?

12 A Yes, sir. Correct.

13 Q And they affirmatively said to you, "We did not hear
14 or see anything"?

15 A I don't -- I got the William Z. name from one
16 neighbor, and they didn't see or hear anything, correct.
17 And then the Spanish speaking, I couldn't communicate with
18 them that well.

19 MR. CHAMBERS: All right. Thank you.

20 THE WITNESS: Yes, sir.

21 THE COURT: Thank you. You can step down.

22 All right. Ladies and gentlemen, let's take a short
23 afternoon break. We'll get back with you shortly. Don't
24 talk about the case. Thank you.

25 (WHEREUPON, the jury exits the courtroom at 3:51 p.m.)

1 THE COURT: All right. Madam Court Reporter, I'm
2 going to hand you the -- make this a court's exhibit.
3 that's where they voted that lady to be foreperson.

4 Anything before we break? All right. Just take a few
5 minutes.

6 (WHEREUPON, Court's Exhibit No. 1 was marked for
7 identification.)

8 (WHEREUPON, a recess was taken at 3:51 p.m.)

9 (WHEREUPON, the jury entered the courtroom at 4:15 p.m.)

10 THE COURT: All right. Mr. Moyer?

11 MR. MOYER: The State calls Brian Garrett to the
12 stand.

13 WHEREUPON,

14 BRIAN GARRETT,

15 After first having been duly sworn, testified as follows:

16 THE CLERK: Please state your name for the record.

17 THE WITNESS: Sergeant Brian Garrett.

18 DIRECT EXAMINATION

19 BY MR. MOYER:

20 Q Where are you employed?

21 A The Greenville County Sheriff's Office.

22 Q How long have you been with the Sheriff's Office?

23 A A little over 16 years.

24 Q Is that where you began your law-enforcement career?

25 A Yes, sir.

1 Q What is your position there?

2 A I'm a Uniform Patrol sergeant.

3 Q What are your duties as a Uniform Patrol sergeant?

4 A I'm responsible for the south end of Greenville
5 county. I have about six to seven deputies working for me,
6 and monitor calls for service and respond to calls of a
7 serious nature.

8 Q Okay. Were you working on the morning of July 13th of
9 2013?

10 A Yes, sir.

11 Q I'm sorry. I meant July 12th of 2013. I apologize.

12 A That's correct.

13 Q Did you get involved in the investigation of this
14 case?

15 A Yes, sir. I did.

16 Q And what led you to get involved, and where did you
17 respond initially?

18 A I heard the call for service go out at the hospital at
19 701 Grove Road in reference to a sexual assault. And as
20 Deputy Hoyes responded, he called me and briefed me on what
21 he had. And after he did that, I responded to the
22 hospital.

23 Q Okay. And what did you do when you got to the
24 hospital?

25 A Well, talking with Deputy Hoyes on the phone, he

1 sounded like he had a pretty good location -- possible
2 location and he might be able to find the location. I
3 advised him to get what information from the victim that he
4 could in response to see if he could respond and find the
5 location. When I responded to the hospital, he had already
6 come back from what he determined was the possible incident
7 location, showed me a couple photos that he had taken on
8 his cell phone, briefed me on what the victim had told him.
9 And we went in and spoke to the victim briefly.

10 Q Okay. And then did you accompany him back to the
11 incident location?

12 A Yes, sir. I believe it's [REDACTED] Grove Road, [REDACTED]

13 Q Is it the location that ---

14 A Yes, sir.

15 Q --- Deputy Hoyes was talking about?

16 A Yes, sir.

17 Q All right. Now, when you got there, did you assist in
18 trying to determine a possible last name for a resident of
19 that location?

20 A I did. From the photos he showed, it appeared that
21 the -- from what the victim said, the red vehicle was in
22 front of the incident location. I think we ran the VIN.
23 There might have been a tag on it to try to locate a
24 possible. We didn't get anything back. I know he knocked
25 on a couple of doors trying to locate a possible witness.

1 We weren't able to locate anything, and I looked through
2 the mailbox associated with the number that belonged to
3 that mobile home.

4 Q Okay. And did you see a name in that mailbox?

5 A I did. It was last name Zeigler was taped on the
6 inside of the mailbox.

7 Q And you had already gotten the first name from Deputy
8 Hoyes?

9 A That's correct.

10 Q Okay. Did you give that name, that information to
11 anyone for purposes of trying to come up with a photo
12 lineup?

13 A Of course, Deputy Hoyes took the information and went
14 into his AS/400 system, which is part of the computer
15 system where he can locate identification from possible
16 prior incident locations or victims and so forth.

17 Q Okay. But when you got that name, did you give that
18 name to anybody?

19 A Yes. We had taken that name, and through the AS/400
20 system, looked at a couple of photos. And I believe there
21 was an incident or two located -- associated with that
22 address.

23 Q I'm sorry. Let me stop you real quick. I'm just
24 curious. Did you relay that information to any other ---

25 A Yes, I did. To Investigator Robertson.

1 Q Investigator Robertson?

2 A Yes.

3 Q Okay. And that was by a radio? telephone?

4 A I called him on the phone.

5 Q Okay. Now, did you then leave that location?

6 A Yes. I was leaving. I called Investigator Robertson,
7 gave him the information, and he advised he was going to
8 put together a photo lineup and was going to make contact
9 with the victim at the hospital. Shortly, within a minute
10 or so, I believe I copied on the radio from Deputy Hoyes
11 that he believed the suspect was pulling into the incident
12 location in a vehicle.

13 Q Did you instruct Deputy Hoyes to do anything?

14 A I did. Speaking with Investigator Robertson, we
15 determined that we needed to detain the subject, and I
16 advised Deputy Hoyes to do so.

17 Q All right. And did you change your direction of
18 travel at that point?

19 A Yes. At the request of Investigator Robertson, I
20 returned back to the incident location to make contact with
21 the subject and advised him of Miranda.

22 Q Now let's talk about that for just a minute. When you
23 got back to the location, did you find a person in custody?

24 A Yes, sir. I did.

25 Q Who was that person?

1 A That would be the defendant, Mr. Zeigler.

2 Q And where was he?

3 A He was seated in the rear passenger area of the --
4 Deputy Hoyes' vehicle.

5 Q Okay. Now, was there anything about his appearance
6 when you approached him that caught your attention?

7 A I did notice that he had several superficial type
8 abrasions on both sides of his face, the left and the
9 right.

10 Q Okay. Was there anything else about his body that you
11 noticed?

12 A I do recall that the victim mentioned that Mr. Zeigler
13 was missing an appendix or part of a finger, I believe, on
14 his right hand, index finger, and I noticed that the
15 subject was also missing that part of his index finger.

16 Q Okay. Now, was the defendant in handcuffs at this
17 time?

18 A Yes, sir. He was.

19 Q So he was definitely in custody and not free to leave?

20 A Yes, sir. He was.

21 Q Okay. And after you determined that, did you speak to
22 him about his Miranda warnings there at Deputy Hoyes' car?

23 A Yes, sir. I did.

24 Q Now, before -- before you asked him -- let me say
25 this. How was it that you went about advising him of his

1 Miranda warnings?

2 A I made contact with him and advised him on who I was
3 in reference to an ongoing investigation. I read -- asked
4 him if he -- read him Miranda, and then once Miranda was
5 read, asked him if he would be willing to answer some
6 questions at this time.

7 Q Okay. How did you read him his Miranda rights? Do
8 you have a protocol?

9 A We do. We always have a Miranda card issued by the
10 Greenville County Sheriff's Office with Miranda warnings
11 written on the back.

12 Q Okay. And would you just read into the record what
13 those warnings were that you advised him of?

14 A (As read) "Miranda warning. You have the right to
15 remain silent. Anything you say can and will be used
16 against you in a court of law. You have the right to talk
17 to an attorney and have him or her present with you while
18 you are being questioned. If you cannot afford to hire an
19 attorney, one will be appointed to represent you before any
20 questioning, if you so wish. You can decide at any time to
21 exercise these rights and not answer any questions or make
22 statements. Do you understand these rights I have
23 explained to you? Having these rights in mind, do you wish
24 to speak with me?"

25 Q Okay. Now, did the defendant appear to have any

1 trouble understanding his rights?

2 A No, sir.

3 Q In your opinion, did he understand them?

4 A Yes, sir. I did -- he did. And I asked him again, I
5 said, "You do understand your Miranda rights?"

6 Q What did he say?

7 A He said, "Yes, sir. I do."

8 Q Okay. Were there any threats or coercion or
9 intimidation used to get him to talk to you?

10 A No, sir.

11 Q Any promises or hope of reward held out?

12 A No, sir.

13 Q Okay. So what was the defendant's position as to
14 whether to waive his rights and talk to you or not?

15 A I asked him, and he said he would be willing to waive
16 his Miranda rights and speak to us at that time.

17 Q Okay. So after he told you that, did you ask any
18 questions?

19 A I asked him one question. I asked the suspect if he
20 knew a female by the name of Brenda Stone, and without
21 pause he stated that he did not.

22 Q Okay. Did you ask him anything else?

23 A No, sir. I did not.

24 Q Did you have any other interaction with him after
25 that?

1 A I remained on the scene during questioning by
2 Investigator Marling and Investigator Robertson.

3 MR. MOYER: Okay. Please answer any questions defense
4 has.

5 CROSS EXAMINATION

6 BY MR. CHAMBERS:

7 Q So the only question you asked was, "Do you know
8 Brenda Stone"?

9 A Yes, sir.

10 Q His response was no?

11 A "I do not."

12 MR. CHAMBERS: Thank you.

13 THE COURT: All right. Thank you. You can step down.

14 MR. MOYER: The State calls Ragan Marling to the
15 stand.

16 WHEREUPON,

17 RAGAN MARLING,

18 After first having been duly sworn, testified as follows:

19 THE CLERK: Please state your name for the record.

20 THE WITNESS: I'm Ragan Marling.

21 DIRECT EXAMINATION

22 BY MR. MOYER:

23 Q Where do you work?

24 A I'm a sergeant with Greenville County Sheriff's
25 Office.

1 Q How long have you been in law enforcement?

2 A Certified officer for 18 years. I've been working for
3 Greenville County for 22 years.

4 Q Okay. What was your position back in July of 2013?

5 A I'm a sergeant in Sex Crimes investigations and Crimes
6 Against Children within the Criminal Investigation
7 Division.

8 Q Okay. And what are your duties in that capacity?

9 A I supervise the ongoing investigations over Crimes
10 Against Children and adult sex crimes. I review their
11 reports that are made and case files. I'm on call every
12 five weeks for any violent crime within Greenville county.

13 Q All right. Now, do you recall coming involved in this
14 case that we're talking about today?

15 A Yes, sir. I do.

16 Q Okay. So let me take you back to July the 13th of
17 2012. Do you remember what day of the week that was?

18 A I believe it was a Saturday.

19 Q Okay. So were you working?

20 A I was on call status for any violent crime in
21 Greenville county.

22 Q What led to you getting involved in the case?

23 A I received a call from Investigator Mike Robertson who
24 works underneath my authority and who was also on call
25 status for that week. And he was notified by Sergeant

1 Brian Garrett of a possible sexual assault victim at
2 Greenville Memorial Hospital.

3 Q Okay. So where did you respond and what were you
4 asked to do?

5 A Investigator Robertson called me and said that he was
6 at the hospital with the victim and told me the condition
7 of her but that he was going to need assistance from
8 someone else to respond to the incident location as to
9 where Uniform Patrol had found the incident location and
10 were out with the possible suspect. So I agreed, being on
11 call status, to respond to the incident location.

12 Q Okay. What did you find taking place at the incident
13 location when you got there?

14 A When I responded to [REDACTED] Old Grove Road, Lot No. 6,
15 which is a mobile home park, I parked and got out of my car
16 and was advised that the possible suspect was in the back
17 of Deputy Hoyes' car. Brian Garrett approached me and told
18 me the situation as to how they made contact with the
19 defendant and advised me that he had been read his Miranda
20 according to our policies.

21 Q So you were aware at that time that Deputy Garrett had
22 already just spoken to him and advised him of his Miranda
23 rights?

24 A Yes, sir.

25 Q Okay. And you've seen the photographs that were

1 displayed of the defendant's face?

2 A Yes, sir. I have.

3 Q Did you observe those injuries?

4 A I also observed those injuries on and about his face.

5 Q Okay. Now, did you have a conversation with him?

6 A I did.

7 Q Where did that take place?

8 A He was in the back of Deputy Hoyes' car.

9 Q Is that where you spoke to him?

10 A That is where I spoke to him.

11 Q Well, tell us the contents of the conversation that
12 you had back and forth with him.

13 A Okay. I inquired as to how he got the scratches on or
14 about his face, and he stated that he had been at his
15 girlfriend's house the prior evening and had left about
16 10:00 and had gone home. And I asked him again how he got
17 the scratches, and he stated that he got in a fight with
18 his buddy at the Spinx station. So I asked him what Spinx
19 station he went to so that I can go observe the video
20 surveillance to confirm his story, and he stated, "No. It
21 happened around the corner on the Spinx station. It would
22 not have been videoed." So I asked him why his girlfriend
23 said that he didn't see the scratches on his face, and he
24 says, "I don't know. I didn't do anything," and sort of
25 shrugged it off.

1 Q Okay. And so his first -- do you have your report
2 with you?

3 A I do.

4 Q Okay. So his first version to you was that he had
5 gotten into a fight with a friend?

6 A Yes, sir. At the Spinx station.

7 Q And he told you that he had been with his girlfriend
8 the night before?

9 A Correct.

10 Q What time did he say he left his girlfriend's house?

11 A Around 10:00 that p.m. on Friday night, I believe.

12 Q And what did he tell you about when he saw his
13 girlfriend next after that?

14 A The next morning. He said he saw -- he didn't see her
15 again till the next morning.

16 Q Okay. And you confronted him about -- you confronted
17 him about -- when did he say that he had gotten into this
18 fight with his friend?

19 A Yesterday. Yesterday evening he got hit -- when he
20 got into an argument and he got hit. And I asked him why
21 his girlfriend did not see the scratches, and he said --
22 changed his story and then said that it was after he left
23 his girlfriend's house.

24 Q Okay. And then what did he say about where -- about
25 how it took -- where and how it took place after he changed

1 his story?

2 A Again, I asked him what Spinx station so that I could
3 confirm -- confirm with the video, and then he just changed
4 his story again and said that it was around the corner,
5 that the security video would not have captured it.

6 Q Okay. One moment, please.

7 Where did he say -- when his first version about what
8 happened when he got in an argument the night before with
9 his buddy, where did he say that took place?

10 A Well, the first time he stated that he was at his
11 girlfriend's house till 10:00, then he went straight home
12 at 10:00. I asked him how he got the scratches on his
13 face, and he stated that his buddy and him got into an
14 argument at his house yesterday evening and he got hit. I
15 asked him why his girlfriend did not see the scratches, and
16 Mr. Zeigler then changed his story. And it was after he
17 left his girlfriend's house he met his buddy at the Spinx
18 station and he had got in a fight there. And when I
19 inquired as to which Spinx station to observe the video, he
20 stated that it would not be on the -- it was around the
21 corner. It would not be on the video. Mr. Zeigler, I
22 asked him why he changed his statement or his story, and he
23 shrugged his shoulders and he said that he didn't do
24 anything.

25 Q Okay. So the first time he said he got into a fight

1 with his buddy at his house?

2 A Correct.

3 Q And then he said he got in a fight with his buddy
4 later at the Spinx?

5 A Correct. When I asked why his girlfriend had not seen
6 his scratches on the face.

7 MR. MOYER: Okay. Please answer any questions defense
8 has.

9 CROSS EXAMINATION

10 BY MR. CHAMBERS:

11 Q Those statements are from your recollection and your
12 notes; is that correct?

13 A Correct.

14 Q Now, you were told that Sergeant Garrett had placed
15 William -- had read him his Miranda rights; is that
16 correct?

17 A Correct.

18 Q And he was sitting in the back of a patrol car when
19 you got there?

20 A Correct.

21 Q And that's where you talked to him?

22 A Correct.

23 Q Did you get inside the patrol car or were you standing
24 outside looking in?

25 A I opened the door and was standing in the apex of the

1 door.

2 Q All right. Now, that patrol car, like all patrol
3 cars, is equipped with an in-car camera; is that correct?

4 A Most of them are. Yes, sir.

5 Q And it also has a recording device that picks up audio
6 as well as getting video?

7 A Correct.

8 Q And you actually had the capacity to turn the camera
9 around so that you can film the person sitting in the back;
10 is that correct?

11 A Yes, sir.

12 Q Did you choose to turn the camera around so that you
13 could video and audio record this conversation that you
14 were having with William?

15 A I don't -- I don't recall. I don't even think that
16 the in-car camera was working at the time. But that's my
17 -- I don't -- I don't even think we have a tape of the
18 incident, period, from the in-car camera.

19 Q But you would have remembered, I would suppose, since
20 you remembered all these other things, whether or not you
21 at least tried to do those things, right?

22 A I didn't document that in my report, so no, I don't
23 recall.

24 Q Okay. So in all probability then, you didn't make any
25 effort to utilize what was available to you to record this

1 conversation that you were having so that we can see and
2 hear it here today?

3 A If it's available -- if it was available, I would have
4 been aware of it and I would have initiated that. Yes,
5 sir.

6 Q So basically, what you're saying is you don't know
7 whether you did that or not?

8 A If it was available.

9 Q Well, if it were available, you'd probably have
10 already shown it to us and we'd be talking about it right
11 now, wouldn't we?

12 A We would have it in court. Yes, sir.

13 MR. CHAMBERS: Okay. That's all the questions I have
14 for you. Thank you.

15 THE COURT: Anything?

16 MR. MOYER: Nothing further.

17 THE COURT: All right. You can step down. Thank you.

18 THE WITNESS: Thank you.

19 MR. MOYER: The State calls Deputy Kilgore to the
20 stand.

21 WHEREUPON,

22 DAVID KILGORE,

23 After first having been duly sworn, testified as follows:

24 THE CLERK: Please state your name for the record.

25 THE WITNESS: David Kilgore.

DIRECT EXAMINATION

BY MR. MOYER:

Q Where are you employed?

A I'm employed with the Greenville County Sheriff's Office.

Q And how long have you been with the Sheriff's Office?

A Approximately three years now.

Q What is your position now?

A I'm an investigator with Vice/Narcotics Unit.

Q What was your position in July of -- July 13, 2013?

A At the time, I had recently come on with the Sheriff's Office about six months earlier, so I was still running on patrol.

Q Okay. Did you get involved in this case that we're talking about today?

A Yes, I did.

Q What was your involvement in the case?

A My involvement in the case, I was dispatched by our dispatch center and told to go over to the hospital in order to pick up the sexual assault kit. The kit had been -- or excuse me. Nurse Olson had said that the kit was ready for pick up, so I went over, signed for it, picked it up and took it back over to the Sheriff's Office to drop it off at Property and Evidence.

Q Okay. And so what sort of protocol is followed for a

1 situation like this?

2 A A situation like this, you would immediately pick it
3 up as fast as possible because the evidence could
4 deteriorate if it's left out of refrigeration. So I pick
5 it up, take it over, drive it straight there, drop it into
6 a refrigerator that has a lockbox inside of it. Once it's
7 locked up, I just document that on a Property and Evidence
8 sheet and turn it over.

9 Q Okay. Let me hand you what's been marked as State's
10 Exhibit No. 69. Can you take a look at that and see if you
11 can recognize what that is?

12 A Yes, I do. It's the sexual assault kit.

13 Q Okay. That you got from Amber Olson?

14 A Yes. And it's actually got me listed on the chain of
15 custody from July 13, 2013, taken from Amber Olson, given
16 to me, signed for and picked up at 6:04.

17 Q Okay. And that's when you picked it up, you said?

18 A Yes.

19 Q And then what did you do with it?

20 A I immediately drove it over to the Sheriff's Office
21 where I placed it into Refrigerator Box 1, and that was at
22 6:20.

23 Q And did you have any further involvement in that piece
24 of evidence or this case?

25 A This piece of evidence, no. However, I did drop

1 off two more bags that were also turned over to me that I
2 believe were clothing that had already been sealed.

3 MR. MOYER: Okay. Thank you. Please answer any
4 questions defense has.

5 MR. CHAMBERS: Your Honor, I don't have any questions
6 for Investigator Kilgore.

7 THE COURT: All right. Thank you. You can step down.

8 MR. MOYER: The next witness, Your Honor, is Kara
9 Bennick. We'll just check to see if she's -- and she is.
10 The State calls Kara Bennick to the stand.

11 WHEREUPON,

12 KARA BENNICK,

13 After first having been duly sworn, testified as follows:

14 THE CLERK: Please state your name for the record.

15 THE WITNESS: Kara Bennick.

16 DIRECT EXAMINATION

17 BY MR. MOYER:

18 Q Where are you employed?

19 A Greenville County, the Department of Public Safety,
20 Forensics Unit, Property and Evidence room.

21 Q Okay. What is your position at the Property and
22 Evidence room?

23 A I'm the supervisor of the evidence section.

24 Q What is your function? What are your duties in that
25 position?

1 A Besides the administrative duties, I'm also an
2 evidence technician.

3 Q Okay. And what sort of administrative duties do you
4 have?

5 A I mean, anything administrative. Making, you know,
6 basically all the scheduling. That kind of stuff. Time
7 cards. Anything administrative.

8 Q Okay. Now, are you familiar with the process of how
9 evidence is stored and chain of custody is kept?

10 A Yes.

11 Q And is that the primary function of your department
12 where you work?

13 A Yes.

14 Q Okay. Tell us about -- is this a secure facility?

15 A It is. We're responsible for the care, custody and
16 control of all incoming property and evidence.

17 Q Okay. And that is with what agencies?

18 A Greenville County, Greenville City. We also service
19 local agencies for our lab purposes.

20 Q And tell us every time evidence is brought in or taken
21 out of the Property and Evidence room, is there any sort of
22 documentation made?

23 A Yes. There's a chain of custody that follows the
24 evidence coming in and going out.

25 Q And how is that done?

1 A Electronically by a FileOnQ system.

2 Q Okay. What does that mean?

3 A It's a barcode system that tracks all the evidence
4 movements.

5 Q Okay. And are those records kept in the course of
6 regularly conducted business activity?

7 A They are.

8 Q And is that information recorded and kept long term
9 and preserved?

10 A Yes, sir. Permanently.

11 Q And it's a regular practice of your department to make
12 and keep those records?

13 A It's a policy of our department.

14 Q Okay. All right. Now, do you have access to that
15 information as a regular normal function of your job?

16 A I do.

17 Q Okay. Now I would like to turn your attention to
18 three different pieces of evidence that are applicable to
19 this case, and I'm going to start off by handing you this
20 document and ask you if you can recognize what that is.

21 A Yes. This is a chain of custody that travels with the
22 evidence, and it logs all its movements.

23 Q Okay. Is that just like you were describing to us
24 earlier every time the evidence comes in and out of that
25 secure facility, it is documented?

1 A Yes, sir.

2 Q Okay. And what evidence is that particular chain of
3 custody form associated with?

4 A It's piece of evidence DK-01. It's a sexual assault
5 kit for Brenda Stone.

6 Q Okay. And does that document indicate the chain of
7 custody, when that evidence came in and out of your
8 facility?

9 A It does. It logs the movement and the leaving.

10 Q And does it say who was associated with that
11 particular movement?

12 A Yes.

13 Q All right. Would you just relate to the jury the
14 different times that evidence came in and out, who was
15 associated with it, and what was done with it at those
16 times?

17 A Okay. This report was originated -- this kit was
18 removed from the locker box of the refrigerator on
19 July 15, 2013, by Melanie Watson. She took it in. She
20 then processed the kit and -- processed the kit for
21 storage, I should say. And then she moved it to one of our
22 storage locations on July 15th as well.

23 Q Okay. And let me stop you for one second. It came
24 from what type of facility?

25 A It came from the refrigerator lockbox. That's an

1 after-hours storage for when officers come in after hours
2 to store evidence.

3 Q Okay. Now, if someone puts evidence in -- does it say
4 who put that evidence into that facility?

5 A It tells you the impounding officer was David Kilgore.

6 Q David Kilgore.

7 A Yes.

8 Q Okay. And once that evidence is put into that
9 facility that you talked about, is it possible for anyone
10 else other than someone who works with you to get it out?

11 A No. It's secured with a padlock once it goes in the
12 box, and the only people that have the key are the evidence
13 technicians.

14 Q Okay. And this Tabitha Fricks you mentioned, who was
15 -- she used to work in your facility?

16 A Melanie Watson, actually.

17 Q I'm sorry.

18 A I didn't get to Tabitha.

19 Yes. Tabitha did work for us.

20 Q Okay. But the first person you told us is Melanie
21 Watson?

22 A Melanie. Yes, sir.

23 Q And what was her position?

24 A She's an evidence technician.

25 Q Okay. And what were her duties -- or are her duties?

1 A She receives evidence and signs it out.

2 Q Okay. So she took it out, you said, what date and
3 time?

4 A She removed it from the box on July 15, 2013, and then
5 secured it in its proper location.

6 Q And what was that location that she put it in?

7 A That's going to be F Room, Shelf 5.

8 Q Okay. And is that also a secure facility?

9 A It is.

10 Q Okay. And then what was the next movement with the
11 box?

12 A The next movement, it was moved from F Room to E Room.
13 We've recently undergone renovations, and we moved the kits
14 back to their home base.

15 Q Okay. What does that mean, home base?

16 A It just -- it was a different storage location. They
17 were temporarily moved for renovation purposes, secured in
18 a different room and then moved back.

19 Q And who did that particular move?

20 A Mel  nie made that movement as well. She moved all the
21 kits.

22 Q What date was that?

23 A That was July 15th. We were finishing up that project
24 and moving them from one section to another.

25 Q Okay. Does it say what time?

1 A She did that about 12:10 -- 12 -- well, 12:10:29, to
2 be exact.

3 Q Okay. And what was the next time that evidence was
4 moved?

5 A July 16, 2013, Tabitha moved it to put it in DNA
6 staging.

7 Q And who is Tabitha?

8 A Tabitha is a former evidence technician.

9 Q And she has the same functions that Melanie Watson
10 has?

11 A She did.

12 Q She would process and in take evidence?

13 A Yes, sir.

14 Q Okay. And what did she do? Where did she take it
15 from and where ---

16 A She removed it from its home location of the E Room to
17 the staging shelf for DNA. Somebody submitted a DNA
18 processing request, and we removed it and staged it in a
19 secure location awaiting DNA processing.

20 Q Okay. And is that also within your facility? Is that
21 within the Property and Evidence room?

22 A Yes. It's just a different location.

23 Q Okay. And that's just to have it ready for someone
24 else to pick up?

25 A Yes. They'll come and pick it up.

1 Q Okay. And when was the evidence handled next?

2 A August 23, 2013, Julie Thaxton signed it back -- or,
3 actually, Julie Thaxton signed it out to Dr. Kandala with
4 the lab.

5 Q Who is Julie Thaxton?

6 A She's a former evidence technician as well.

7 Q Who is Dr. Kandala?

8 A He is the DNA technical coordinator.

9 Q So he picked it up?

10 A Uh-huh. He picked it up.

11 Q He actually took that box and took it with him?

12 A Yes. He physically took it to the DNA lab.

13 Q Okay. And then it was in his custody and not yours
14 for a period of time?

15 A Right.

16 Q Did it ever come back into your custody?

17 A It did.

18 Q And when was that?

19 A September 4, 2013, it came back into Julie's custody,
20 and she relocated it back on its home shelf.

21 Q That was Julie Thaxton?

22 A Uh-huh.

23 Q Was the evidence handled again after that?

24 A Yes.

25 Q When was that?

1 A On May 27, 2015, there was a request for the stuff to
2 be moved to court staging pending coming to court today.

3 Q And then brought to court today?

4 A Yes.

5 Q And who handled it on those occasions?

6 A Jenny Coley [phonetic] signed it out to court staging
7 where she staged it for the court, and then Kathy Lance
8 [phonetic] signed it out to court.

9 Q And they're both also --

10 A Evidence -- current evidence technicians, yes.

11 Q Okay. I'm now going to hand you another document and
12 ask you the same series of questions. First off, can you
13 tell me, is that also a chain of custody form?

14 A It is.

15 Q For what piece of evidence is that?

16 A This is for a buccal swab from a William Zeigler --
17 Zeigler.

18 Q Okay. Was that item placed into your Property and
19 Evidence room?

20 A It was.

21 Q And who placed it into the room and when was that
22 done?

23 A This actually came in to us during business hours over
24 the counter by Investigator Robertson.

25 Q Okay. And what date and time was that done?

1 A Tabitha Fricks took custody of it on July 15, 2013, at
2 8:38 a.m.

3 Q And that was from Investigator Robertson?

4 A Yes.

5 Q Okay. When was the evidence handled next?

6 A Tabitha on that same date moved it to DNA staging, so
7 there must have been a request that came in with it at the
8 same time.

9 Q Okay. Then when was it handled after that?

10 A It was signed out to Dr. Kandala on the same day. The
11 kit was signed out on August 23, 2013.

12 Q And who handled that?

13 A Julie Thaxton signed both out.

14 Q Did that piece of evidence come back into the Property
15 and Evidence room?

16 A It did on September 4, 2013. It was returned, and
17 Julie Thaxton also signed it back in.

18 Q And they're the same dates as ---

19 A The kits.

20 Q --- the box?

21 Okay. And then was it handled again after that?

22 A It was. This item was also moved to court staging by
23 Jenny Coley on May 27, 2015.

24 Q And then it was brought to court?

25 A Yes. Signed out this morning.

1 Q Does it say who signed it out and picked it up?

2 A Kathy Lance signed it out, and it looks like
3 Investigator Robertson signed it out this morning.

4 Q Is Investigator Robertson the person who picked up the
5 other item that you just mentioned, the box, the rape kit?

6 A Yes.

7 Q Okay. Then finally, one other item let me ask you
8 about. Do you recognize what I just handed you?

9 A I do.

10 Q And what is that?

11 A This is a chain of custody as well.

12 Q Okay. And what item of evidence is that for?

13 A This is for CMH-1, two white rocklike substances.

14 Q Okay. When was that evidence placed into the Property
15 and Evidence room?

16 A This was received through the drop box by -- Deputy
17 Hoyes put it in.

18 Q What date and time?

19 A On July 15, 2013, Melanie Watson received it in from
20 the dropbox.

21 Q What is the dropbox?

22 A The dropbox is the secured after-hours box.

23 Q So that means that no one is actually working there,
24 there's a secure box with evidence ---

25 A Yes. That they drop it into.

1 Q Okay. When was that evidence handled next?

2 A On July 15th it went to the drug staging section.

3 Q Is that similar to the DNA staging?

4 A Yes. It's right across the way from it.

5 Q Just a place for evidence to be placed?

6 A It's readily available. It's staging for those
7 locations to be signed out.

8 Q Okay. And when was that evidence handled after
9 July 15th?

10 A July 29, 2013, it was signed out to Kelly Dixon by
11 Melanie Watson.

12 Q Who is Kelly Dixon?

13 A She was a -- I'm sorry. She's a drug analyst.

14 Q Okay. She's a drug analyst. Okay.

15 So was the evidence then in her custody for a period
16 of time?

17 A Yes.

18 Q And when did it come back into your custody?

19 A July 31, 2013, Melanie Watson signed it back in.

20 Q Was it handled again after that?

21 A It was to go to court staging.

22 Q When was that?

23 A May 27, 2015.

24 Q Who handled the evidence at that time?

25 A Jenny Coley also moved this item.

1 Q And then was it handled again after that?

2 A It was signed out to court to Investigator Robertson
3 today by Kathy Lance.

4 MR. MOYER: I don't have any further questions, Your
5 Honor, at this time.

6 MR. CHAMBERS: No questions, Your Honor.

7 THE COURT: Thank you. You can step down.

8 MR. MOYER: Your Honor, regarding the next witness, I
9 think we'll need some insight from you as to how late you
10 want to go today.

11 THE COURT: Why don't y'all come up here for a second.

12 (WHEREUPON, a bench conference was held off the record.)

13 THE COURT: All right. Gosh, I told you this morning,
14 I guess, that we don't have a time clock that we punch.
15 And if you want to, we can just sit here another six
16 minutes and we can leave -- break directly at 5:00 or we
17 can break right now, whatever y'all want to do. The next
18 witness I think may be lengthy, and we've been up here
19 talking about logistics and the best way to handle it, so
20 we're going to break for the evening now.

21 I want to remind you that you all have sworn an oath
22 to well and truly try the case, and that includes following
23 my instructions to you on the law. That means you can't
24 talk about it. You've heard some things, you probably
25 learned some things. The people you're going to see

1 tonight are going to want to know about it. You're going
2 to want to talk about it, and I told you why you can't do
3 that. Don't go out to the incident location, don't get on
4 the Internet, and for goodness sake, don't get on some
5 social media site and talk about it. I'll just tell you,
6 that's happened before. And what happens is all that we've
7 done, we just throw it out and we start over with a
8 brand-new jury. So just don't do it. Treat this case the
9 way you want your justice system to be treated, and that
10 means don't talk about it.

11 I'll see you all at 9:30 in the morning, okay? And
12 you all have a good night.

13 (WHEREUPON, the jury exits the courtroom at 4:53 p.m.)

14 THE COURT: Okay. Anything before we break?

15 MR. MOYER: No, Your Honor.

16 MR. CHAMBERS: No, Your Honor.

17 THE COURT: All right. See you all in the morning.

18 (WHEREUPON, the proceedings were concluded at 4:54 p.m., to
19 be reconvened on Tuesday, June 2, 2015.)

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1 TUESDAY, JUNE 2, 2015

2 (WHEREUPON, State's Exhibit Nos. 74, 75, 76 and 77 are
3 marked for identification.)

4 (WHEREUPON, the jury entered the courtroom at 9:51 a.m.)

5 THE COURT: All right, ladies and gentlemen. Welcome
6 back. And we're ready to begin again.

7 Mr. Moyer?

8 MR. MOYER: The State would first recall Deputy Chris
9 Hoyes.

10 THE COURT: You're still under oath.

11 WHEREUPON,

12 CHRISTOPHER HOYES,

13 After having previously been duly sworn, testified as
14 follows:

15 REDIRECT EXAMINATION

16 BY MR. MOYER:

17 Q Deputy Hoyes, I just have a couple of questions for
18 you. The vehicle that you were using on July 13, 2013, did
19 it have an audio or video camera?

20 A No, sir.

21 Q Had it ever?

22 A Yes, sir. It had a camera. No, sir, it wasn't
23 working.

24 Q It wasn't working?

25 A Yes, sir.

1 Q How long had it not been working?

2 A When I first received the vehicle, it hadn't been
3 working. We still run on a VHS system, and I haven't had a
4 working camera since I started till now.

5 MR. MOYER: Okay. That's all I have.

6 RECROSS EXAMINATION

7 BY MR. CHAMBERS:

8 Q Was your patrol car the only one there at the scene?

9 A No, sir.

10 Q There were others?

11 A Yes, sir.

12 Q And do you know if there's video and audio equipment
13 at the Law Enforcement Center?

14 A Yes, sir. There is equipment in every vehicle. As to
15 it working, I'm not sure.

16 Q Have you ever taken a written statement from a witness
17 or a defendant?

18 A Yes, sir.

19 Q And you actually have a form, don't you, that they can
20 fill out, either you write down what is said and then they
21 look it over, initial and sign it, or they write it out
22 themselves and then sign it?

23 A Yes, sir.

24 Q So all those things are available?

25 A Yes, sir.

1 MR. CHAMBERS: Thank you very much.

2 MR. MOYER: Nothing further.

3 THE COURT: All right. Thank you. You can step down.

4 MR. MOYER: Your Honor, at this time, the State is
5 going to move to enter some evidence into the record by
6 stipulation. Start off with State Exhibit Nos. 70 and 75.
7 The State moves to enter State's Exhibit No. 70, enter it
8 into evidence, which has been already testified to was two
9 white rocklike substances. The State would move to have
10 that entered into evidence.

11 MR. CHAMBERS: Without objection, Your Honor.

12 THE COURT: Okay.

13 (WHEREUPON, State's Exhibit No. 70 was admitted into
14 evidence.)

15 MR. MOYER: And then State's Exhibit No. 75, which is
16 a stipulation, the State would move to have that entered
17 into evidence.

18 MR. CHAMBERS: Without objection. I've signed that.
19 We've stipulated that the two rocklike substances are, in
20 fact, crack cocaine.

21 THE COURT: Okay.

22 (WHEREUPON, State's Exhibit No. 75 was admitted into
23 evidence.)

24 MR. MOYER: And I would like to publish the
25 stipulation to the jury.

1 THE COURT: Yeah. Go ahead.

2 MR. MOYER: The stipulation in State's Exhibit No. 75
3 states that the State, through assistant solicitor Mark
4 Moyer, and the defendant, through his attorney Randy
5 Chambers, hereby agree and stipulate to the following:
6 That State's Exhibit No. 70 was analyzed by Kelly S. Dixon,
7 who is a crime lab technician employed by the Greenville
8 County Department of Public Safety, on July 31, 2013, and
9 that Kelly S. Dixon determined that State's Exhibit No. 70
10 is cocaine base, otherwise known as crack cocaine, and
11 weighs 0.24 grams.

12 And then the State will move to have State's Exhibit
13 No. 69, which has been identified as the sexual assault
14 evidence collection kit, and State's Exhibit No. 77, which
15 is buccal swabs taken from William Zeigler, into evidence,
16 and then also State's Exhibit 74, which is a stipulation.

17 MR. CHAMBERS: And likewise, Your Honor, we have no
18 objection to those items coming into evidence.

19 THE COURT: Okay.

20 (WHEREUPON, State's Exhibit Nos. 69, 74 and 77 were
21 admitted into evidence.)

22 MR. MOYER: And at this point, I would like to publish
23 State's Exhibit No. 74 to the jury.

24 THE COURT: All right.

25 MR. MOYER: The State, through assistant solicitor

1 Mark Moyer, and the defendant, through his attorney Randy
2 Chambers, hereby grant, stipulate to the following: That
3 Dr. Jagannadha Kandala, who is a DNA analyst employed by
4 the Greenville County Department of Public Safety,
5 conducted DNA testing on the evidence contained in the
6 sexual assault kit of the victim, Brenda Stone, and buccal
7 swabs containing known DNA of defendant William Zeigler,
8 that sperm contained on the vaginal swab taken from Brenda
9 Stone matches the known DNA of William Zeigler, and that
10 sperm contained on the rectal swabs taken from Brenda Stone
11 matches the known DNA of William Zeigler.

12 Your Honor, at this time, the State would call Brenda
13 Stone to the stand.

14 WHEREUPON,

15 BRENDA STONE,

16 After first having been duly sworn, testified as follows:

17 THE CLERK: Would you please state your name for the
18 record.

19 THE WITNESS: Brenda Marie Stone.

20 DIRECT EXAMINATION

21 BY MR. MOYER:

22 Q All right. Ms. Stone, what is your full name?

23 A Brenda Marie Stone.

24 Q How old are you?

25 A I'm 42.

1 Q Where are you from?

2 A Greenville, South Carolina.

3 Q Have you lived here all your life?

4 A All my life.

5 Q Are you married?

6 A No, sir.

7 Q Sorry?

8 A No, sir.

9 Q Do you have children?

10 A Three.

11 Q You have three children. Is one of them Brittany who

12 testified yesterday?

13 A Yes, sir.

14 Q Now I'm going to take you back to July 12, 2013, okay?

15 The day this incident began.

16 A Yes, sir.

17 Q Were you working on that day?

18 A Yes, sir.

19 Q What day of the week was that?

20 A It was on a Friday.

21 Q Where were you working?

22 A At Columbia Farms.

23 Q Where is that located?

24 A Right off Rutherford Road.

25 Q Do you know about how long you had been working there

1 at that time?

2 A Probably about I would say right at my 90-day mark
3 because I was about to get hired on full time. About
4 90 days.

5 Q Okay. I want to show you State's Exhibit No. 73. Do
6 you recognize what that is?

7 A (Nods head affirmatively.)

8 Q What is that?

9 A It's my ID for Columbia Farms. You have to have it to
10 get in.

11 Q Okay. Now, there's a date on it. Does that have your
12 picture? Right?

13 A Uh-huh.

14 Q There's a date of June 25th of 2013. Is that when you
15 started?

16 A That's the date they issued your picture, whatever.

17 Q Okay. So you say you've been working there about two
18 and a half to three months at that time?

19 A Yes, sir.

20 Q All right. So back to June the 12th of 2013, you said
21 it was a Friday. How late did you work that day?

22 A I'd say about 2:30 or 3:00.

23 Q Okay. What time did y'all normally get off?

24 A It always depended on Friday because they -- you would
25 sometimes get done early at the end of the week.

1 Q Okay. So like say early in the week, how late would
2 you work?

3 A Anywhere from 2:00 to 4:00.

4 Q Okay.

5 A You got off in between those hours, depending on if
6 you were done.

7 Q Okay. What time did you start working that day?

8 A I think I got dropped off about 7:30.

9 Q Who dropped you off?

10 A Brittany.

11 Q Brittany your daughter. Okay.

12 So you got dropped off about 7:30. What time did you
13 start working?

14 A By 8:00.

15 Q What do you do between 7:30 and 8:00?

16 A You have to get in line to get all your gear to wear.
17 You have to wear a bunch of gear.

18 Q Okay. What kind of gear did you have to wear?

19 A You have to wear like a metal glove so you don't cut
20 your hand and then another pair of gloves and then another
21 pair of gloves and these arm things, a head net, another
22 jacket that goes on this way and an apron that goes on this
23 way (demonstrating), and boots up to here.

24 Q Okay. Tell me about the boots. Are they special
25 boots?

1 A Yes, sir.

2 Q What is special about them?

3 A They're steel toed, and they -- rubber all the way up
4 to your knees.

5 Q Okay. Are they kind of distinctive?

6 A Very.

7 Q Does everybody who works there have to wear the boots?

8 A They have to have them.

9 Q Do you ever see somebody out and about wearing boots
10 like that? What do you ---

11 A They automatically probably work at the chicken farm.
12 That's the only place ---

13 Q You ever see them?

14 A (Nods head affirmatively.)

15 Q Okay. Now, how many days a week were you working back
16 then?

17 A Five.

18 Q What was your position there at Columbia Farms? What
19 did you do?

20 A I was in debone, which means I cut -- you just stand
21 on a line, and the chickens come down. You have to be very
22 fast, and you cut the tenders out.

23 Q Is it a hard job?

24 A Very.

25 Q How would you feel at the end of the day after

1 working?

2 A Very, very tired. It's called a line production.

3 Q Okay. So you feel pretty-wiped out by the end of the
4 day?

5 A Yes. Too many people don't make it out there.

6 Q Really?

7 A That's how hard it is.

8 Q Okay. Now, did you drive? Were you able to drive
9 back then?

10 A No.

11 Q How would you get to and from work?

12 A Brittany.

13 Q Would you say Brittany picked you up on July 12th
14 about 2:00?

15 A Yes, sir.

16 Q And you were living with Brittany at that time?

17 A Yes, sir.

18 Q Now, did you have a boyfriend at that time?

19 A No, sir.

20 Q Were you dating?

21 A No, sir.

22 Q Was there any reason for that?

23 A I was in a relationship, and I guess my heart was
24 broken. I hadn't dated in almost 2 years.

25 Q So you weren't dating at all around that time?

1 A No, sir.

2 Q All right. Now, how long would it take you to get
3 from work where you get picked up to get home?

4 A I'd say a good 25 or 30 minutes.

5 Q All right. So now on July 12, 2013, y'all got -- you
6 got into an argument with your daughter, right? You and
7 Brittany got onto an argument?

8 A On the 12th?

9 Q July 12th ---

10 A Yes.

11 Q --- when she picked you up from work?

12 A Yes.

13 Q Okay. Do you remember what it was about?

14 A Her driving.

15 Q Okay. And so had you had anything to drink at that
16 point?

17 A No.

18 Q Can you drink at Columbia Farms?

19 A No.

20 Q Okay. So what did you do after you got into that
21 argument with Brittany?

22 A I got dropped off at Earle Drive where we had just
23 moved and I know a lot of people.

24 Q Okay. How long did you live over in that area?

25 A Off and on four and a -- about four years.

1 Q Did you have a lot of friends over in that area?

2 A Yes, sir.

3 Q Okay. So when you got dropped off, what did you do?

4 A I went to my friend's, but there was no one at home.

5 I went to another friend's, and there was no one at home.

6 Then I went to Walgreens to get a phone card.

7 Q Okay. And Walgreens, where is Walgreens?

8 A Like a block from -- well, you go over the bridge and

9 then a good two blocks, at the most.

10 Q And you say you got a phone card?

11 A Yes, sir.

12 Q And had your phone run out of minutes?

13 A Yes, sir.

14 Q All right. So after you left Walgreens, where did you
15 go?

16 A I walked up to the liquor store.

17 Q What did you get at the liquor store?

18 A A bottle of vodka.

19 Q Do you remember how much you got?

20 A It was either a half pint or a pint.

21 Q You drank it all, right?

22 A Sitting on the bench at Walgreens.

23 Q Okay. You got pretty intoxicated; is that fair to
24 say?

25 A Yes, sir.

1 Q You don't argue with that at all, do you?

2 A No, sir. I don't.

3 Q What did you do then?

4 A I called my son. I called a few people to see if they
5 could come get me so me and Brittany could chill out on our
6 argument. And my son was at work, and then I called my
7 friend Brian and he come and got me, but it was like dusk
8 to dark then.

9 Q So it was getting dark around that time?

10 A It was still daylight, but it was heading into the
11 late evening.

12 Q And did your friend Brian -- where did y'all ---

13 A He took me to my other friend's. His name's Jerry.
14 And I stayed there for a little while talking, but he told
15 me I couldn't stay there neither because I was drinking or
16 drunk, whatever.

17 Q So Brian took you away from there?

18 A (Nods head affirmatively.)

19 Q Okay. Now, where did you end up later on that
20 evening?

21 A I was at the Spinx.

22 Q And what road is that Spinx on?

23 A On White Horse Road.

24 Q Now, about how far is that from Brittany's house where
25 you were living at?

1 A I'd say about two and a half miles. I was like
2 halfway there, almost there.

3 Q Okay. Now, you were still pretty intoxicated?

4 A Yes, sir.

5 Q Okay. Now, do you have some memory lapses of the
6 evening up until that point?

7 A I do.

8 Q Okay. Now, have you had the chance to look at the
9 video that was taken from that Spinx gas station?

10 A Yes, sir.

11 Q You have viewed that?

12 A Yes, sir.

13 Q Now, from looking at that and from thinking back over
14 the events of the night, how did you get to the Spinx
15 station?

16 A Mitchell, a friend -- he's a family friend ---

17 Q Okay.

18 A --- who lives across the street from my mother for
19 like 20 years.

20 Q Okay. Now, what was your relationship with these
21 gentlemen you spoke about, Mitchell and Jerry and Brian?

22 A All just good friends. They know my family. I've
23 grown up around them.

24 Q Had you ever dated any of them?

25 A No.

1 Q All right. So Mitchell took you to the gas station.
2 And what kind of vehicle were you in?

3 A He was on a moped.

4 Q Okay. Now, did Mitchell take you home or did he leave
5 you there?

6 A No. He actually, because I was so intoxicated, tried
7 to make me put on a helmet, and I wouldn't do it. So he
8 got mad and left me at the Spinx.

9 Q Okay. All right. So how did you end up leaving from
10 the Spinx gas station?

11 A I got into an SUV, a white one, with a man I didn't
12 know.

13 Q All right. Was there anyone else in that vehicle
14 besides this man you didn't know?

15 A No, sir.

16 Q Now, is that man who was driving that white SUV, is
17 that man here in this courtroom?

18 A Yes, sir.

19 Q Okay. I want you to identify him for the jury.

20 A William Zeigler (indicating).

21 Q The defendant seated over across the courtroom?

22 A Yes, sir.

23 Q And had you ever met him before?

24 A No, sir.

25 Q As far as you know, had you ever seen him --

1 A No, sir.

2 Q -- before that night?

3 Now, did you later learn that he also, at least at
4 some point, had worked at Columbia Farms?

5 A Yes, sir. Later on I learned.

6 Q Did you know him there?

7 A No, sir.

8 Q As far as you know, had you ever seen him?

9 A No, sir.

10 Q All right. Now, what were you wearing this evening on
11 that night?

12 A Chicken boots.

13 Q What do you mean by chicken boots? They're those big
14 heavy boots you were talking about?

15 A They're black boots. Yeah. You wear -- it's hard to
16 wear them even around, much less -- but blue jeans and a
17 T-shirt, and my hair was actually pulled up in a ponytail.

18 Q All right. So when you were in the defendant's
19 vehicle, this white SUV, what did you tell him about where
20 you wanted to go?

21 A Piedmont Highway, which is 81, I believe, which is
22 right before the flea market. And you have to go right on
23 White Horse Road.

24 Q Did you tell him what was at Piedmont Road?

25 A It's right on the Piedmont Road. It turns into Grove

1 Road to the left, but it's Piedmont Highway to the -- yeah.

2 Q All right. Did you tell him whose house you wanted
3 him to take you to?

4 A My daughter's.

5 Q Okay. Did you tell him that's where you were staying?

6 A Yes.

7 Q Okay. So when y'all left the Spinx gas station, did
8 you start off in the direction towards that area or ---

9 A Yes.

10 Q Okay. And would that have been a right or a left out
11 of that gas station?

12 A It would have been a right out of the Spinx, and then
13 you go through a couple of red lights, and then it would
14 have been right to Piedmont.

15 Q Okay.

16 A It's only two turns.

17 Q You're supposed to turn right on Piedmont?

18 A (Nods head affirmatively.)

19 Q Okay. Well, what happened when you came up towards
20 Piedmont Highway?

21 A He got in the far left lane and took a left. And that
22 right there was like what are ---

23 Q One second. So he got into the left lane?

24 A (Nods head affirmatively.)

25 Q When he got into the left, did you realize that was

1 not the correct way to go?

2 A Yes, sir.

3 Q What did you do?

4 A Asked him what is he doing, where are you going,
5 what's going on.

6 Q And what did he do at that point?

7 A Pretty much grab ahold of me and tell me to shut
8 the ---

9 Q You can say the word. I want you to say the words
10 that he used.

11 A Shut the fuck up and slide down in the car. And the
12 last thing I seen was the QT's.

13 Q Okay. So was that why you were still at that
14 intersection when he did that?

15 A We were actually turning it.

16 Q You were turning?

17 A (Nods head affirmatively.)

18 Q Okay. Up until that point, had you been nervous about
19 being in that vehicle with him?

20 A My brain was racing because ---

21 Q I mean before he got into that left lane.

22 A Was what now?

23 Q Were you nervous about being in the car with him
24 before he got into the wrong lane?

25 A Not -- not -- a little, but not, you know.

1 Q Okay. So how did you feel then when he did that, when
2 he reached over and said that to you and put his hand
3 across you?

4 A Just kind of shocked and unbelievable because I guess
5 you always see that kind of crap on TV, but you never
6 think, you know, it could happen to you. Maybe jumping out
7 of the car while we were turning.

8 Q Okay. So where did his hand actually touch you?

9 A Right here (indicating).

10 Q Okay. All right. So where did you end up going? You
11 said you saw a landmark. What was the landmark you saw?

12 A QT's,

13 Q QT? Okay.

14 And so after you turned, did it take a while to get to
15 the destination?

16 A No. It was very short. After he made the left, it
17 was like just a few -- like a minute or two we took a
18 right, and then it was just black after that.

19 Q Now, did you have your phone with you?

20 A Yes.

21 Q And you had put some minutes on it, you said?

22 A Yes.

23 Q All right. Did you do anything or try to do anything
24 in it while ---

25 A I had him -- sorry.

1 Q Just because this court reporter has to take down
2 everything we say, so just wait until I finish the question
3 and then answer. Thank you.

4 So after he put his hand across your chest like that
5 and you had the phone, did you try to do anything with it?

6 A Yes.

7 Q Okay. What did you try to do?

8 A I was trying to dial 9-1-1.

9 Q Okay. And how were you trying to do that?

10 A I was just trying to feel for the buttons because I
11 couldn't -- I had it down so he couldn't see that I had a
12 phone. And I was trying to dial 9-1-1 or somebody.

13 Q All right. Were you able to do that?

14 A No.

15 Q Okay. Now, when you ended up stopping at this area,
16 did this look like an area you were familiar with?

17 A No. I couldn't see nothing. Everything was black
18 except for one streetlight.

19 Q Okay. Now -- and so it was nighttime at this point?

20 A Yes.

21 Q It was pretty dark out?

22 A Yes.

23 Q All right. Well, when you stopped, what happened
24 after he stopped the vehicle there in this trailer park?

25 A He stopped. I tried to get out. I thought just run

1 before I -- you know. I still had a chance to run, so I
2 tried to run.

3 Q Okay. Well, did he get out of the car first?

4 A Yes. He got out.

5 Q So when he got out of the car, what did he do?

6 A He was coming around and then opened the door, and
7 then I took off running.

8 Q Okay. And where did you run towards?

9 A To the light. There was a streetlight over a trailer.

10 Q Uh-huh. Okay.

11 A There was a car there, so I figured someone would be
12 there.

13 Q Okay. Did you make it to the trailer?

14 A Yes.

15 Q Okay. And what did you do when you made it to the
16 trailer?

17 A I beat on it so bad. I beat on the tin, I beat on the
18 glass. Nobody -- I couldn't hear nothing. Nobody came.

19 Q Did you yell? Did you say anything?

20 A I screamed. I almost thought about breaking the glass
21 in hopes that they would have a phone in there or
22 something.

23 Q Okay. And you were banging on the door. Is that how
24 -- there's been some testimony about some bruises on your
25 hands. Is that how you got the bruises.

1 A That's how hard I beat on it. I beat on the tin part
2 and the window.

3 Q Okay. Well, and so could you hear anything inside
4 this trailer?

5 A No.

6 Q Could you see any lights on or anything?

7 A No.

8 Q And you didn't hear any movement or anyone's voices or
9 anything like that?

10 A No.

11 Q All right. So after you got no response from beating
12 on this trailer, what did you do at that point?

13 A I tried to think. Either break into this trailer and
14 use the phone or either take off running up that way
15 (indicating) away.

16 Q Okay. And what was up that way?

17 A Away from this trailer park, because there had to be a
18 road or a house or something.

19 Q So what did you do?

20 A I took off running.

21 Q Okay. Now, before you took off running, did you turn
22 around and look back to see if you could see anyone?

23 A You can't see -- where I was standing is the
24 streetlight, so within like from here to her desk is all
25 jet black. You can't see what's out there or who's out

1 there.

2 Q So you couldn't see if he was out there or not?

3 A No.

4 Q Okay. So when you took off running, what happened?

5 A Before I took off running -- I mean, I took off
6 running and it felt like he clothes-hangered me to the
7 ground and said, "Ha, ha. I got you, bitch."

8 Q And so up until that point, had you heard him make any
9 noises or say anything?

10 A No.

11 Q Okay. And so what did -- okay. Now, did you fall to
12 the ground?

13 A Yes. *L*

14 Q And what happened then?

15 A I fought and kicked and whatever I could do to try to
16 show him, you know.

17 Q Did you swing at him?

18 A Yes.

19 Q And what were you swinging at?

20 A I don't know. I was just swinging. His head, his
21 ear, his -- whatever I could reach to keep him -- to try to
22 stun him so I could get up and run again.

23 Q Okay. Were you saying anything; do you remember?

24 A I was just crying. I don't remember exactly.

25 Q Well, what did he do?

1 A He fought me back, and he grabbed my work boots and
2 was starting to drag me, literally drag me through the
3 grass. And I wriggled -- I kept fighting, and I wriggled
4 my feet out of the boot. But then he took his arms and
5 wrapped them all the way around my legs and drug me.

6 Q Okay. Did you continue to try to fight or struggle?

7 A I tried until there's -- when you hit the pavement, it
8 did my back all the way up, but then my head hit this --
9 like a cement thing that stops your car. I mean, I don't
10 know what you call it. My head hit it, then that's when I
11 realized he's probably going to kill me. I mean,
12 literally, all I could think about was my grandbabies, and
13 he's really going to hurt me now. I mean, I know because I
14 put up a fight, and he's got me in there and I couldn't get
15 loose.

16 Q All right. And so what was your reaction at that
17 point?

18 A I just kind of held my head up to keep from hitting it
19 again and just let him drag me because I couldn't get loose
20 and I just figured maybe if I did what he asked, he
21 wouldn't hurt me.

22 Q Okay. Now, you've seen the photographs that were
23 taken later at the hospital?

24 A (Nods head affirmatively.)

25 Q Did you see the photographs that were taken of your

1 back?

2 A Yes.

3 Q And have you seen the scrape marks there?

4 A Yes.

5 Q Can you tell us how those scrape marks got on your
6 back?

7 A That's where he drug me on the pavement, and then you
8 can see where I hit my head. I had a big knot on my head.
9 And then he finished dragging me all the way across the
10 pavement up into his yard.

11 Q Now, most of those scrape marks are towards your lower
12 back?

13 A That's because when I hit my head, I tried to hold my
14 head up so I wouldn't hit my head on nothing else because I
15 know whatever that was was pretty hard brick-wise.

16 Q Okay. All right. So how far did he drag you then?

17 A From one trailer, through the yard to a paved drive,
18 across the pavement, into his yard. A good ways.

19 Q Okay. And what happened when you got to his yard?

20 A We fought some more. I tried to fight him again to
21 keep from -- because I know once he got me in the trailer,
22 there wouldn't -- getting out.

23 Q And how did you fight him? What did you do?

24 A Just I don't know. I was -- I mean, I know I fought
25 him.

1 Q Did you use your arms or your legs?

2 A My arms.

3 Q Okay. So you swung at him?

4 A Yes.

5 Q All right. Well, did he get you inside the trailer?

6 A Yes.

7 Q Okay. Now, tell us, were there lights on in the
8 trailer?

9 A No. It was pure dark, too.

10 Q Tell us the best you can from that night which
11 direction you went when you were inside the trailer.

12 A I'm pretty sure we went to the right, and there's a
13 bedroom.

14 Q Okay. So he took you into the bedroom?

15 A (Nods head affirmatively.)

16 Q Okay. And what, if anything, did he say to you at
17 that point?

18 A He was just saying -- calling me a bitch, and he's got
19 me now, and you're going to -- he was saying, You're going
20 to suck my dick and, bitch, you're going to -- whatever.
21 Yeah.

22 Q What, if anything, did you do?

23 A Just cried and begged him, "Please don't do this.
24 Just let me go. I won't tell nobody. Just don't hurt me,
25 please." And just he didn't care.

1 Q Okay. Now, I need you to tell us what he did to you,
2 okay?

3 A He held me by the arm, both of them. And it's like he
4 was scared to let go because he knowed [sic] I was going to
5 try to run. He held me and told me to take off my clothes,
6 which he somewhat helped take off my pants.

7 Q Now, were you resisting him at this point?

8 A Somewhat, but because he had me by my arm, I figured
9 maybe if I did what he wanted, he wouldn't hurt me.
10 Because he'd been so violent with me, I figured he's going
11 to hurt me anyway, like kill me. I don't know.

12 Q Okay. So your clothes came off then?

13 A Yes.

14 Q Okay. Then just tell the jury what he did.

15 A He inserted his penis into me more than once. I
16 passed out. I see he did it from behind to me. I passed
17 out and he did it again to me from the behind. And when I
18 woke up, he was doing it to me from behind.

19 Q How long a period of time would you say this all took
20 place?

21 A I would say -- I'd say from 12:00 until daylight.

22 Q Okay. Now, you said he put his penis in your vagina.
23 You also said he was behind you. Did he put his ---

24 A Into my ---

25 Q Your bottom?

1 A Yes.

2 Q I'm sorry. Penetrated you anally as well; is that
3 correct?

4 A Yes, sir.

5 Q Okay. Now, was he wearing a condom?

6 A No.

7 Q Okay. All right. Now, during this time, was he
8 handling you at all with his -- you mentioned earlier that
9 he was holding your arm. Did that continue throughout the
10 night?

11 A Yes. If he didn't have his hand over me right here
12 (indicating), he either had me by an arm at all times.

13 Q Okay. All right. Now, you ended up sleeping in that
14 room?

15 A I passed out for like two different times because I
16 was trying to wait on that moment for him to fall asleep so
17 I could leave and call 9-1-1 or get a neighbor or
18 something.

19 Q All right. Now, did you wake up then finally in the
20 morning when it was light?

21 A Yes. I woke up and it was daylight.

22 Q Now, was he still in the room?

23 A Yes.

24 Q Okay. All right. What did you do then when you woke
25 up?

1 A I have high blood pressure so I had to go use the
2 restroom, and I actually had to throw up because my blood
3 pressure was out the ying-yang.

4 Q Okay. The alcohol affected you?

5 A Yes.

6 Q And where did you go to throw up?

7 A As soon as you leave the room, it's like a bathroom
8 right here right across from the door. It's kind of like
9 you walk in the door, and there's the bathroom and here's a
10 bedroom.

11 Q All right. Now, while you were in that bathroom sick,
12 did you see the defendant at that time?

13 A Yeah. At one point.

14 Q What did he do?

15 A I was throwing up so severely. He come in there and
16 asked me was I okay.

17 Q And how was he acting? Was he acting any differently
18 in the morning than he was the night before?

19 A Yeah. Because he was very -- a violent person and
20 very like weird as in for someone to be laughing, ha, ha,
21 ha, I got you, to like almost like he was worried because I
22 was throwing up, was I okay.

23 Q Okay. All right.

24 A It was very weird.

25 Q So what did you do then after you threw up?

1 A I went back -- I used the restroom, I throwed [sic]
2 up. I thought about running out that door, but he popped
3 up. And I went back in the bedroom to try and find my
4 clothes.

5 Q Okay. Did you find your clothes?

6 A Just my pants and my shirt.

7 Q Okay. What about your boots?

8 A He had went and got my boots and brought them. That's
9 when I peeked out the window and seen the red car.

10 Q Okay. So your boots were still outside from when they
11 had ---

12 A Evidently. I don't know when he went and got them,
13 but he had them.

14 Q But he brought them to you?

15 A They were on the porch.

16 Q Okay. And then what was he doing that morning?

17 A The only thing I can remember is his phone had rang,
18 and he answered it. And it seemed like it was his boss or
19 something because they were telling him, you know ---

20 Q Okay. Well, I don't need to know ---

21 A Yeah. I was going to say I don't remember, but . . .

22 Q Okay. Now, how did you end up getting home that
23 morning?

24 A He was leaving, and I asked him to give me a ride.

25 Q Okay. And so how was he acting at this time?

1 A Like I don't know. I was in like shock and dead
2 stare. Couldn't believe ---

3 Q Was he being violent towards you that morning?

4 A No, no. He wasn't being violent. He was just like
5 nothing ever happened.

6 Q Okay. So he gave you a ride. Where did you tell him
7 to take you?

8 A I told him it was my daughter's house, but it actually
9 wasn't. Because since he had done this to me and I already
10 know, you know, I'm going straight to the police with this,
11 or whatever, I had him drop me off like two to three houses
12 before you actually got to my daughter's house.

13 Q Okay. Now, did he say anything to you at any point?

14 A Yes.

15 Q What did he do? What did he say?

16 A He asked me for my phone number.

17 Q What did you tell him?

18 A I didn't say nothing. I just kept walking.

19 Q So what did you do? Did you go to Brittany's house?

20 A Yes, sir.

21 Q What did you do when you got inside the house?

22 A I went to my room. I had passed her other roommate,
23 and he asked me was I okay. And I just said, "Yeah." But
24 I was crying, and I went to my room. And I couldn't lay
25 down on the bed. I could just sit up.

1 Q Why couldn't you lay down?

2 A Because my back was eat up with road rash.

3 Q How were you feeling physically at this time?

4 A Physically like I had been beaten.

5 Q Okay. Where all were you sore?

6 A All over.

7 Q All over where?

8 A Everywhere. All my legs, arms.

9 Q Were your privates ---

10 A Private areas, my head. Somehow or another I had a
11 big chunk of hair missing, too, from him.

12 Q Now, so did you see Brittany?

13 A Brittany came into my room and asked me was I okay,
14 and I started crying. And she asked me what was wrong, and
15 I told her. And I told her I feel so nasty and gross. And
16 I kept wanting to get in the shower, and she wouldn't let
17 me. She said, "No. You're going to the hospital right
18 now."

19 Q You went to the hospital with her?

20 A And I went to the hospital with her right then.

21 Q And that's where they went through the rape kit --

22 A Yes, sir.

23 Q -- that we talked about yesterday?

24 And do you remember speaking to officers there?

25 A All I remember is speaking to Mr. Roberts [sic]

1 because I was so upset. He kind of, you know . . .

2 Q Made you feel better?

3 A He calmed me down. I didn't even want to see a man,
4 period, you know what I'm saying?

5 Q Do you remember trying to -- did you know this man's
6 name at this point?

7 A No. I didn't know his name. I didn't know nothing.
8 The only thing I knowed about him was a white SUV, a
9 trailer down beside it with no power with a hose pot
10 running to it and a missing finger.

11 Q Okay. Did you know what he looked like? Were you
12 able to describe ---

13 A Yes. I remembered what he looked like.

14 Q Do you know what you told him about what he looked
15 like?

16 A Huh?

17 Q What did you tell the officers about what this guy --
18 this man looked like?

19 A With salt-and-pepper hair, a bit tall. You have to
20 look up. Broad-shouldered, and a missing finger.

21 Q And do you remember telling -- describing the red car
22 that you told us about?

23 A Yes.

24 Q And the other car?

25 A The only thing I could -- yeah. The red car, and then

1 there was a basketball goal with a hoopty-like car parked
2 in the trailer that I ran to. That's all I could --
3 because it was so dark.

4 Q Do you remember the officer coming back and showing
5 you those pictures that he took?

6 A Yes.

7 Q When he showed you those pictures, how sure were you
8 that ---

9 A I was very sure, because that one has flat tires, and
10 it's at the very end of that trailer. When you try to look
11 out the window, that's all you can see is that red car.

12 Q That red car.

13 All right. Now, you talked about Investigator
14 Robertson. Is that this investigator right here?

15 A Yes.

16 Q And you spoke to him. Do you remember him later that
17 morning coming in and showing you some pictures, some
18 photographs of people?

19 A Yes.

20 Q And that was while you were still at the hospital?

21 A Yes, sir.

22 Q Okay. Now, do you remember him -- do you remember
23 what he said to you when he showed you that page with the
24 pictures in it?

25 A He told me that he could be there or he couldn't be

1 there.

2 Q Okay.

3 A But as soon as I seen his picture, I know which one it
4 was.

5 Q Okay. So I'm going to hand you State's Exhibit
6 No. 67. I'm just going to ask you, can you take a look at
7 that document I just gave you? Do you recognize that?

8 A Yes, sir.

9 Q What is that document?

10 A It is of six men who all look the same and similar
11 things.

12 Q Okay.

13 A But No. 5 is him.

14 Q Okay. Now, is that the photographic lineup that the
15 officer showed you that day?

16 A Yes.

17 Q Okay. How do you recognize it?

18 A What do you mean?

19 Q I mean, how were you able to tell that's the same one?
20 Do you see your name or any markings on there?

21 A Yes. I signed it that morning.

22 Q Okay. You signed it. And did you date it?

23 A Yes. 7/13/2013.

24 MR. MOYER: Your Honor, at this time, I move to have
25 State's Exhibit 67 entered into evidence.

1 MR. CHAMBERS: No objection, Your Honor.

2 THE COURT: Okay.

3 (WHEREUPON, State's Exhibit No. 67 was admitted into
4 evidence.)

5 BY MR. MOYER:

6 Q Okay. So when Investigator Robertson showed you this
7 lineup, did he suggest in any way which person to pick?

8 A No. In fact, he told me that he might not even be in
9 that one. He just had to get -- you know, what I went by
10 the description.

11 Q Okay. And when you looked at that, how sure were you
12 that that was the person?

13 A Very sure.

14 Q Okay. And what number on there did you identify as
15 being the person who did this to you?

16 A No. 5.

17 Q No. 5. And then you wrote your name?

18 A (Nods head affirmatively.)

19 Q Okay. Now I'm going to ask you about the Spinx, when
20 you were at the Spinx gas station, a few questions about
21 that, okay?

22 You say you have taken a look at that video from the
23 Spinx gas station?

24 A Yes, sir.

25 Q I'm going to hand you State's Exhibit No. 76 and ask

1 you, are you able to recognize that?

2 A Yes, yes.

3 Q How are you able to recognize it?

4 A Because it's my signature after I watched it.

5 Q Okay. So when you watched the video, is that the
6 Spinx gas station where you got into William Zeigler's car
7 on July the 12th of 2013?

8 A Yes, sir.

9 Q Is that the video from that night?

10 A Yes, sir.

11 Q Are you in that video?

12 A Yes, sir.

13 Q Is that the way you were dressed on July the 12th of
14 2013?

15 A Yes, sir.

16 Q The man you identified as Mitchell, is he in that
17 video?

18 A Yes, sir.

19 Q Did you see him on that video?

20 A Yes, sir.

21 Q On his moped?

22 A He's on his moped trying to hand me a helmet.

23 Q Okay. Is that a true and accurate depiction of the
24 events that happened there at that Spinx on that night?

25 A Yes, sir.

1 MR. MOYER: Your Honor, at this time, I move to have
2 State's Exhibit No. 76 moved into evidence.

3 MR. CHAMBERS: No objection.

4 MR. MOYER: Published to the jury.

5 THE COURT: Okay.

6 (WHEREUPON, State's Exhibit No. 76 was admitted into
7 evidence.)

8 (WHEREUPON, State's Exhibit No. 76, a video, was played in
9 open court.)

10 BY MR. MOYER:

11 Q Can you point out -- tell us what I'm pointing to with
12 this red laser?

13 A That's Mitchell's moped, and that's Mitchell.

14 Q That's Mitchell right there?

15 A Yes.

16 (WHEREUPON, State's Exhibit No. 76, a video, was played in
17 open court.)

18 That's me.

19 Q Okay. Are those those boots you were talking about
20 you were wearing?

21 A Yes, sir.

22 Q Now, this vehicle is coming into view over here. Do
23 you recognize that?

24 A That's William Zeigler's car.

25 Q Does it look like the vehicle that you got in later?

1 A Yes.

2 (WHEREUPON, State's Exhibit No. 76, a video, was played in
3 open court.)

4 Q What are you doing there?

5 A I think I had -- I think I had knocked the helmet out
6 of Mitchell's hands. He's trying to make me put it on. So
7 he gets mad and we're arguing, and he leaves because I
8 wouldn't -- he wasn't going to ride me on that moped as
9 drunk as I was without the helmet. So we argue, and then
10 he leaves..

11 (WHEREUPON, State's Exhibit No. 76, a video, was played in
12 open court.)

13 Q So this is the vehicle then that you described as
14 getting into?

15 A Yes, sir.

16 (WHEREUPON, State's Exhibit No. 76, a video, was played in
17 open court.)

18 Q At this time, I'm going to hand you several
19 photographs that have already been marked as exhibits, and
20 I want you to look at them and see if you can recognize
21 what I'm showing you. Start with State's Exhibit No. 4.
22 Do you recognize what's shown in that picture?

23 A Yes.

24 Q What is that?

25 A That's the red car and the trailer with flat tires.

1 Q Okay. Let me show you State's Exhibit No. 5. What is
2 depicted in that photograph?

3 A That is the front entrance.

4 Q Is that the defendant's trailer?

5 A Trailer, yes.

6 Q William Zeigler's trailer.

7 State's Exhibit No. 6?

8 A That is his car parked behind his trailer.

9 Q State's Exhibit No. 7?

10 A That's his car.

11 Q Does that show his trailer and his car?

12 A Yep. His trailer and his car.

13 Q Okay. State's Exhibit No. 8?

14 A That's the room.

15 Q Okay. State's Exhibit No. 9?

16 A That's the room.

17 Q And State's Exhibit No. 10?

18 A That's the room with my socks right there.

19 Q Okay. Now, are these pictures all true and accurate
20 representations of those areas and objects and places that
21 you just talked about?

22 A Yes, sir.

23 Q The way they looked on July the 12th and 13th, 2013?

24 A Yes, sir.

25 MR. MOYER: Your Honor, at this time, I move to have

1 State's Exhibits 4, 6, 7, 10, 9 and 8 moved into evidence.

2 MR. CHAMBERS: No objection, Your Honor.

3 THE COURT: Okay.

4 (WHEREUPON, State's Exhibit Nos. 4, 6, 7, 8, 9 and 10 were
5 admitted into evidence.)

6 BY MR. MOYER:

7 Q We're going to start with State's Exhibit No. 5. Can
8 you tell the jury what it is that we see in that
9 photograph?

10 A That's the red car with a flat tire, and that's his
11 trailer, and that's his car parked on the back side of the
12 trailer.

13 Q And "his," you're talking about the defendant, William
14 Zeigler?

15 A Yes, sir.

16 Q I'm going to show you State's Exhibit No. 5. Would
17 you tell the jury what that is?

18 A That is the front of the trailer.

19 Q Okay. Does that show the side that you entered into
20 on the night of July 12th?

21 A Yes.

22 Q It was that side.

23 Let me show you State's Exhibit No. 6. Could you tell
24 the jury what is shown in that picture?

25 A That is the back side of his trailer with his vehicle.

1 Q Okay. And then State's Exhibit No. 7?

2 A That's his vehicle and his trailer.

3 Q Okay. All right. Now I'm going to show you State's
4 Exhibit No. 8. What do we see in that picture?

5 A That's the bedroom.

6 Q Okay. What is where I'm pointing with the laser
7 pointer right now?

8 A That's the door.

9 Q Is that the door that you came in?

10 A Yes.

11 Q Okay. And then the bedroom, tell me when the laser
12 pointer hits that area.

13 A That's the bedroom.

14 Q Is this where the assault took place?

15 A Yes, sir.

16 Q Okay. State's Exhibit No. 9?

17 A That's the bedroom, and that's the mattress. It's a
18 blowup mattress.

19 Q Right here (indicating)?

20 A Yes.

21 Q Is that where it took place?

22 A (Non verbal answer.)

23 Q Okay. State's Exhibit No. 10?

24 A That's the room.

25 Q Okay. And do you recognize what I'm pointing my laser

1 at right now?

2 A Yes.

3 Q Okay. What is that?

4 A Those are my socks.

5 Q Okay. Which ones? The green ones or the other ones?

6 A Both. Those peace sign ones actually belong to my
7 daughter, and I had took them from her drawer to double up
8 because the chicken boots rub your feet.

9 Q Okay. So you have to wear multiple socks?

10 A (Nods head affirmatively.)

11 Q Okay. Thank you. Now, we talked about State's
12 Exhibit No. 73 a little bit already. I'm going to hand you
13 that and State's Exhibit No. 72. Now, I want to ask you,
14 do you recognize those two items?

15 A Yes, sir. Because I had just got off work. All I had
16 on me was my bank card, because it's payday, and my ID.

17 Q Okay. Well, let's start off with State's Exhibit
18 No. 73. What is that again?

19 A That is my Columbia Farms picture ID.

20 Q Did you have that on July the 12th of 2013 at work?

21 A Yes, sir. You have to have it to get in and out of
22 your job.

23 Q Okay. And State's Exhibit No. 72, what is that?

24 A That is my bank card where you have direct deposit
25 from Columbia Farms to get paid.

1 Q So they issue that card?

2 A Yes. No. I have to go get it myself. It's mandatory
3 you open an account.

4 Q Did you have that with you on July the 12th of 2013?

5 A Yes, sir.

6 Q Now, when you got to Brittany's house on July 13th
7 that morning, did you have those items with you?

8 A No, sir.

9 Q Do you know what happened to them?

10 A No, sir. It really -- at the time, it crossed my mind
11 about them with everything that took place.

12 Q So you don't -- you don't know how they -- where were
13 they on the 12th?

14 A I had no idea.

15 Q I'm sorry. When you had them on the 12th, where would
16 you keep them?

17 A In my back pocket.

18 Q Okay. Would you keep them in a wallet or anything
19 like that?

20 A No.

21 Q You just have them loose in your pocket?

22 A I just have them loose.

23 Q And your clothes did come all the way off during that
24 night, right? You were naked?

25 A Yes, sir.

1 Q And there were times that you were passed out?

2 A Yes, sir.

3 Q A few more questions, okay?

4 Tell me how this incident, what were -- how you felt
5 physically and how long that physical manifestation lasted,
6 okay? If I need to rephrase the question . . .

7 A From when?

8 Q On July the 13th of 2013, from this incident, how did
9 you feel physically? What sort of injuries?

10 A Like I had been beat. I was drained. It was just
11 like in a state of shock like you just -- you just can't
12 believe this happened to you.

13 Q Okay. So where all was the pain, and how long would
14 you say it lasted?

15 A Probably like three to five days after. My back was
16 so road-rashed, I couldn't lean back on nothing or wear
17 clothes hardly.

18 MR. MOYER: Okay.

19 THE COURT: Just a minute. All right. We'll take a
20 short break. Just stay where you are. Don't discuss the
21 case. Okay. All of you.

22 (WHEREUPON, the jury exits the courtroom at 10:45 a.m.)

23 THE COURT: All right. We'll take just a short break.

24 And, Ms. Stone, you can stand down, but don't discuss
25 your testimony with anybody.

1 All right. Take a short break.

2 (WHEREUPON, a recess is taken at 10:46 a.m.)

3 (WHEREUPON, the jury entered the courtroom at 11:03 a.m.)

4 THE COURT: All right. Mr. Moyer?

5 MR. MOYER: I have no further questions. Please
6 answer any questions defense may have.

7 CROSS EXAMINATION

8 BY MR. CHAMBERS:

9 Q Good morning, Ms. Stone. How are you?

10 A Good.

11 Q Now, on July the 12th, you said that you were working
12 at the chicken farm that day; is that right?

13 A Yes, sir.

14 Q You went to work. You said your daughter dropped you
15 off at 7:30?

16 A Yes, sir.

17 Q You worked a full shift?

18 A Yes, sir.

19 Q You got off at what time?

20 A Around 2:00.

21 Q 2:00?

22 A 2:00, 3:00.

23 Q And you were still wearing your work clothes, correct?

24 A Yes, sir.

25 Q Boots and the T-shirt and the jeans?

1 A Yes, sir.

2 Q And when she picked you up, was the plan for the two
3 of you to go -- you were living with her at the time,
4 right?

5 A Yes, sir.

6 Q Was the plan for you to go straight back to her house
7 where you were staying?

8 A Probably we were going to pay bills, or she had
9 another friend to pick up from work.

10 Q But eventually, you were going to go on home?

11 A Yes, sir.

12 Q And you said working there at the chicken farm is hard
13 work?

14 A Yes, sir.

15 Q I mean, you're tired at the end of the day?

16 A Very.

17 Q And you need to get home and rest?

18 A Yes.

19 Q All right. But you never made it home, did you?

20 A No, sir.

21 Q And that is because somewhere along the way, you
22 testified, and I believe your daughter testified, that the
23 two of you got into an argument?

24 A Yes, sir.

25 Q It was an argument serious enough that you had her let

1 you out of the car?

2 A Yes, sir.

3 Q And she did that?

4 A Yes, sir.

5 Q And that was prior to you having anything to drink at
6 all?

7 A Yes, sir.

8 Q It must have been quite an argument.

9 A Yes, sir.

10 Q Okay. And you got out on Earle Drive?

11 A Yes, sir.

12 Q Now, where is Earle Drive located in Greenville
13 county? Where is that?

14 A Off White Horse Road almost across from Graceland
15 Cemetery.

16 Q And you said you wanted to get out there because you
17 knew people?

18 A Uh-huh.

19 Q And you tried a couple of people and they weren't
20 home?

21 A Yes, sir.

22 Q But you had your phone with you. Did you think about
23 maybe calling your daughter back, saying, "Hey, I'm sorry.
24 Come pick me up. Take me home"?

25 A No, sir.

1 Q So what seemed like a good idea to you was to go buy a
2 pint of vodka?

3 A No. First I tried to call my son who was at work. I
4 tried to call a few people.

5 Q Okay.

6 A Then the vodka came in because I couldn't get in touch
7 with nobody.

8 Q All right. So you were so despondent about not being
9 able to get anybody that you started to get a pint of vodka
10 and drink it?

11 A Yep.

12 Q And you drank that, you said, sitting there on a
13 bench?

14 A Yes, sir.

15 Q And you drank the whole thing?

16 A Yes, sir.

17 Q And you drank it straight?

18 A No. I chased it with a Pepsi.

19 Q Oh, okay. And you were already upset and even a
20 little despondent, and then you capped that off by drinking
21 this pint of vodka, chasing it with a Pepsi?

22 A Yes.

23 Q And then after that, as you testified, your memory
24 becomes a little hazy, right? You have trouble remembering
25 things?

1 A Yes.

2 Q In fact, you don't even know how you ended up at the
3 Spinx?

4 A No, I didn't.

5 Q Do you remember on that evening going to a friend
6 named Jerry Jordan's house?

7 A Yes, I do.

8 Q And do you remember that his daughter was there?

9 A No. I don't remember if she was there.

10 Q Do you remember that they actually came across the
11 street because they saw you there and went over there to
12 give you a ride? Do you remember that?

13 A No. I left with Brian.

14 Q Okay. Who is Brian?

15 A A friend of mine who's the one who picked me up at
16 Walgreens.

17 Q Okay. So he picked you up at Walgreens. So you don't
18 remember getting a ride from Jerry Jordan and his daughter
19 anywhere?

20 A No.

21 Q And they call you Marie, don't they? Isn't that what
22 most people that know you call you?

23 A Yes, sir.

24 Q All right. And do you remember where Brian took you?

25 A No. I didn't remember after that. I'm assuming

1 Mitchell's.

2 Q Okay. Is that where you asked him to take you or were
3 you trying to get someplace else?

4 A I was trying to get home, but since I -- my mother and
5 Mitchell live right in behind the Spinx. I was trying to
6 get somewhere where I knowed someone where I could spend
7 the night.

8 Q Well, do you remember Don Cox giving you a ride
9 someplace?

10 A Nope.

11 Q You don't remember Don Cox was going to take you to
12 your mother's house?

13 A No.

14 Q This was around 8 or 9 p.m. You don't remember Don
15 Cox, that you told him you didn't want to go to your
16 mother's house because you were too drunk?

17 A Yeah. Because she won't let me -- allow [sic] at her
18 house.

19 Q All right. But you wanted to get to Mitchell's house
20 because he basically lived right by your mother?

21 A Yep.

22 Q So if you're at Mitchell's, you could easily walk to
23 your mom's house?

24 A Yeah. But she won't probably let me in.

25 Q All right. But at some point, you did get to

1 Mitchell, correct?

2 A Yes.

3 Q And instead of going to your mother's house from
4 Mitchell's or just staying at Mitchell's, Mitchell actually
5 took you to the Spinx station, didn't he?

6 A Yes.

7 Q Did he not -- did Mitchell not offer to give you a
8 ride to your son's house?

9 A My son -- yes. He was going to take me to my son's.

10 Q Why didn't he take you to your son's?

11 A Because I was drunk and I -- he was going to try to
12 make me wear a helmet, and I didn't want to.

13 Q In fact, when you all stopped there at the Spinx and
14 we see you staggering out there to the moped, you actually
15 took his helmet and threw it on the ground, didn't you?

16 A Yes.

17 Q You cracked the helmet, and he was mad at you over
18 that; is that right?

19 A Yes.

20 Q In fact, you even slapped him while you were standing
21 there, didn't you?

22 A I don't -- just what's in the video ---

23 Q All right.

24 A --- which I didn't see that. I seen me smack the
25 helmet out of his hands.

1 Q Okay. And so because you broke his helmet and slapped
2 him, he left you at the Spinx, didn't he?

3 A Yep.

4 Q So it would appear that you came into contact with
5 several people who attempted to get you places, either to
6 your mom's or to your son's or even to your daughter's, and
7 at every turn, these people were thwarted in their efforts;
8 is that fair to say?

9 A I was very drunk by then.

10 Q Yeah. I mean, you were drunk and you were
11 belligerent; would that be fair to say?

12 A I guess.

13 Q And despite these people's best efforts, after they
14 got you into their mode of transportation, whether it be in
15 a car or on a moped and attempting to get you someplace,
16 you either argued with them, slapped them, or in some other
17 way thwarted their effort to get you there, correct?

18 A It appears that way.

19 Q And then when you first talked to the police and even
20 to the nurse at the hospital when they were doing the rape
21 kit, you didn't even remember how you got to Spinx, did
22 you?

23 A No, I didn't.

24 Q You remembered because when you went right back and
25 watched that video, you saw that Mitchell was there on his

1 moped.

2 A Yes.

3 Q And that's what brought the memory back for you.

4 A Yes.

5 Q So this evening, everything, your memory is suspect
6 for the entire evening, correct?

7 A No. There's certain parts I remember very clearly.

8 Q Okay. Well, you seem to remember as you sit here and
9 recounted after William picked you up, you seemed -- your
10 memory seemed to get remarkably better. You seemed to
11 remember everything very clearly; is that fair to say?

12 A Who is William?

13 Q William Zeigler, the person you identified.

14 A I'm sorry.

15 Q The gentleman sitting right here.

16 A Yes.

17 Q All right. And you said when we watched that video
18 that that was his car that pulled up to the pump.

19 A Yes.

20 Q All right. And you know that just from watching the
21 video?

22 A Yes.

23 Q Now, where did you first ---

24 A I also know that from being in his car.

25 Q Okay. Now, I didn't hear you say when the solicitor

1 was talking to you, but where did you first encounter
2 William Zeigler?

3 A In the Spinx at the parking lot.

4 Q So in the parking lot. And where was his car parked?

5 A I don't recall, but I know I was in his car because
6 when we got to the red light, that's when everything came
7 back to me. That's when I sobered up and thought, Marie,
8 you're in deep shit.

9 Q Well, I understand that you were in the car, but what
10 I'm asking you is physically, where was he when you first
11 spoke to him?

12 A When I first spoke to him, on that side of the Spinx
13 where they don't have a camera.

14 Q Okay. So he wasn't sitting at the pump?

15 A I didn't know that until I seen the video.

16 Q Okay. Did he -- did you see him in the store at all?

17 A No.

18 Q Now, you'd been at the Spinx for a while, hadn't you?

19 A I don't remember how long I was there.

20 Q Do you remember that a fellow named LeRoy who worked
21 there had actually asked you to leave the Spinx because you
22 were so drunk and you were causing problems out there?

23 A No, I do not.

24 Q You don't remember that?

25 A No.

1 Q But you do remember that at some point, you talked to
2 William Zeigler, but you don't know -- you said you saw his
3 car pull up at the pump, but that's not where you got in
4 the car, correct?

5 A No.

6 Q Okay. So at some point, was he out of the car or was
7 he in the car?

8 A When?

9 Q When you spoke to him.

10 A In his car.

11 Q He was in his car. So where were you?

12 A Standing at the Spinx on the side.

13 Q Okay. And so you ended up getting in the car with
14 him?

15 A Yes, sir.

16 Q And you said that a very short distance from there
17 where he was supposed to make a left, he made a right?

18 A No. Where he was supposed to make a right, he made a
19 left.

20 Q Okay. And that's when you say you became alarmed?

21 A That's when I was very alarmed.

22 Q Now, so you don't recall the fact that he was going to
23 take you to your daughter's house?

24 A Do what now?

25 Q You don't recall the fact that he was going to take

1 you to your daughter's house?

2 A Yeah. I recall he was supposed to take me to my
3 daughter's house.

4 Q And you don't recall that you wouldn't tell him where
5 she lived?

6 A No. I know how to ---

7 Q And you don't recall that you kept -- songs kept
8 coming on the radio that you wanted to listen to, so you
9 told him you didn't want to go home and you wouldn't tell
10 him where you lived?

11 A No.

12 Q Okay. You tell a very compelling story earlier where
13 you said that as soon as he took that wrong turn and you
14 said something to him, that he immediately threw his arm
15 across you, I believe he called you or told you to get down
16 in the car, bitch, like that?

17 A Yes.

18 Q But you had an opportunity on July 13th of 2013 to
19 talk to Investigator Robertson, didn't you?

20 A Yes.

21 Q And do you recall that you gave a written statement on
22 that date?

23 A Yes.

24 Q And do you recall that when you recounted that story
25 on that night, you said that you told him on White Horse

1 Road, said, "We got to the intersection of White Horse Road
2 and Piedmont Highway, and he turned left. And I said he
3 should have turned right to go to my daughter's house"? So
4 that's a little bit different than what you just said,
5 correct?

6 A No. He should have -- he should have been going
7 right, but he got over in the left-hand lane, and he went
8 left.

9 Q And what you said then was that his response was, "The
10 male said we are just going to go to his house. We argued
11 a little bit. We pulled to the trailer, and he put his
12 hand across my chest." That's what you said then. Do you
13 recall that?

14 A Yes.

15 Q So that's much different than, "Get down in the seat,
16 bitch."

17 A Well, then we were -- we were arguing because I knowed
18 for a fact something was not right because he waited all
19 the way to the red light to get over to the left-hand lane,
20 like a sudden thing, like just whip it on over and start
21 turning when he's supposed to be going right. White Horse
22 Road is like a four-lane highway.

23 Q Okay. Do you recall that when you pulled in -- when
24 you pulled up at his trailer, we saw a car that was parked
25 there, and it was pulled all the way into the driveway. Do

1 you remember looking at that picture? You identified it
2 for the solicitor.

3 A Which car?

4 Q Okay. His car, the white SUV that you were in. Yeah.
5 Here we go.

6 A Yes.

7 Q Did y'all pull into the driveway that way when you
8 went there?

9 A No. It was in the front of the house.

10 Q So it was in the front. So -- and you said you stayed
11 in the car, if I remember correctly, and then he came
12 around to the driver's side door -- or to the passenger's
13 side door and opened it for you?

14 A Yes.

15 Q So he opened the door. So he's standing right there
16 where you're going to get out, right?

17 A Yes.

18 Q But he didn't grab ahold of you, right?

19 A No. I ran. I don't know if he grabbed me or what,
20 but I know I had to run.

21 Q But he's standing right here by the door. You get
22 out. I mean, he didn't grab ahold of you and pull you out
23 or anything, did he?

24 A I don't remember.

25 Q That wasn't your testimony, was it?

1 A I just remember taking off running.

2 Q You ran. And according to you, you were able to get
3 all the way over to the trailer where that blue car is
4 parked?

5 A Yes.

6 Q And it appeared that somebody was home?

7 A That's the only place you could see with a light.

8 Q And you said that you were raising a ruckus out there,
9 right?

10 A Yes, sir. I was.

11 Q I mean, you were pounding. But not only that, you
12 were screaming and you were yelling?

13 A Yes, sir.

14 Q And you said nobody came to the door?

15 A No, sir. Nobody did.

16 Q And it would appear from those pictures that there are
17 trailers all around out there, all around where
18 Mr. Zeigler's trailer is, correct?

19 A Correct.

20 Q And you were yelling and hollering and beating and
21 carrying on?

22 A Yes, sir.

23 Q And then you describe what you say happened once you
24 went inside, and you either passed out or went to sleep
25 after that, correct?

1 A Yes, sir.

2 Q But then you woke up and you went to the bathroom to
3 throw up?

4 A To use the restroom and throw up.

5 Q And you knew where the restroom was located,
6 apparently?

7 A Well, I asked him or whatever, because when I moved,
8 he got up. And he said it was right there.

9 Q Okay. So you asked this person who you said had just
10 done all these terrible things to you, "Where's your
11 bathroom?" and he just calmly said, "It's right there," and
12 you went in there and threw up?

13 A My head was hurting me so bad because I have high
14 blood pressure. I could hardly see. I could hardly see
15 the wall. All I could do is look down.

16 Q I got you. The boots that you said were pulled off
17 during the struggle, you speculated that he went out and
18 picked them up. You didn't see him pick the boots up?

19 A No. I didn't see him. I think they were just there.

20 Q The boots were on the outside on the porch?

21 A They were, yes.

22 Q Okay. So that's where you saw them, and he went and
23 got them for you?

24 A Evidently he had to go get them.

25 Q But he got them for you off the porch where they were

1 sitting and gave them to you, correct?

2 A He told me where they were. I don't know if he handed
3 them straight to me.

4 Q Now, you indicated when you gave the statement to
5 Investigator Robertson that you were on the ground and that
6 Mr. Zeigler actually, when he got your legs up to drag you,
7 that he put your feet or ankles up under his arms, is that
8 correct, like this (demonstrating)?

9 A When I had my boots on, he had me by the boots. After
10 the boots come off, he entwined his hands.

11 Q And you said he put you up under his arms like that
12 (demonstrating)?

13 A Yeah.

14 Q Do you remember that? So that's true.

15 A No. I don't -- I just remember him entwining to where
16 I couldn't wriggle my legs out. I could wriggle out of the
17 boots, but I couldn't unwriggle [sic] out of his hands
18 after that.

19 Q Let me just ask you this way. Do you remember saying
20 to Investigator Robertson, "I thought he was going to hit
21 me, so I sat down and started kicking him"?

22 A No. Actually, he hit me down. He knocked me down.

23 Q Well, that's different than what you told Investigator
24 Robertson.

25 A Okay. Then that was the next morning. And yes, I was

1 very whatever happens after you get beat, raped and drunk.

2 Q Okay. So you said, "I thought he was going to hit
3 me." You don't deny that you said, "I thought he was going
4 to hit me, so I sat down and started kicking"?

5 A It seemed like he clothes-lined me down.

6 Q Well, but what you said was, "I sat down."

7 A Okay.

8 Q I mean, you didn't say, "He clothes-lined me down."

9 A Okay.

10 Q Well, I'm asking you.

11 A Sir?

12 Q Did you say, "He clothes-lined me down"?

13 A That's what I'm saying.

14 Q But did you say that to Investigator Robertson?

15 A No. Because I was so sick and so just tired and in
16 shock, I don't -- I gave the best I could remember then.

17 Q But now nearly two years later you remember it
18 differently?

19 A Because after two years, you try to put that behind
20 you so you can live your life back like a normal person.

21 Q And you would admit that you said here that you sat
22 down, not that he in any way knocked you down?

23 A No. He clothes-lined me down.

24 Q All right. But that's not what you told the
25 investigator.

1 A Okay.

2 Q Let's just be clear about that.

3 A Okay.

4 Q And you said that he grabbed my feet and put them
5 under his arms and dragged me to his trailer. Is that your
6 -- was that what you told Investigator Robertson?

7 A If that's what the paper says, yes.

8 Q Let me ask you this. How tall are you?

9 A I'm 5'1".

10 Q Okay. So you're very short, correct?

11 A Yes.

12 Q And the scratches that you say were made from this
13 dragging are on your lower back?

14 A Yes.

15 Q They're not up anywhere around your upper back,
16 shoulders, anywhere like that, correct?

17 A Yeah. There's a few up there.

18 Q Well, we've got the pictures, so everybody can look at
19 those. But you would agree that it's primarily your lower
20 back area?

21 A That's because I hit my head on that thing so hard it
22 brought -- you come more and more alert through this
23 because you get scareder and scareder. When my head hit
24 that, I know that he is a very -- he's -- he's going to
25 hurt me. So I tried to hold my head up more. That's why

1 the scratches are from here (indicating) down. The road
2 rash, rather. It's not scratches. It's road rash.

3 Q Okay. And you had your telephone with minutes on it,
4 correct?

5 A Yes.

6 Q And you did say -- although you didn't tell anybody
7 beforehand, did you? You didn't say to Investigator
8 Robertson that you tried to use your phone, did you?
9 That's not in your statement?

10 A I can't remember.

11 Q But you did say that you tried to dial 9-1-1?

12 A I tried to dial whatever I could down here ---

13 Q But now, you -- you had ---

14 A --- so they could hear what was being said to me.

15 Q But you never called anybody on that phone later on,
16 did you?

17 A What do you mean?

18 Q I mean earlier that morning after you say all this
19 happened, you could easily have gotten on your phone when
20 you went into the bathroom.

21 A I didn't know where the phone was.

22 Q Okay. Did you get your phone back?

23 A No. It was lodged in his car.

24 Q Okay.

25 A In the thingy.

1 Q But after all of these terrible things, you asked this
2 man to give you a ride home that morning?

3 A Yes.

4 Q You wanted to get back in the car with this person you
5 said did all these terrible things with you and drive home?

6 A No. I wanted to hit him with a putt-putt golf thing
7 that was on the front porch for what he done to me, but
8 instead, I was so sick and so hung over, that's all I could
9 remember is a hose pot running through the bathroom that I
10 puked on, and him leaving, and a golf putt-putt thing on
11 the porch. But I was so drained and so sick and so hurt,
12 it was just get home.

13 Q Now, you had never met him beforehand, correct?

14 A No. I have never seen him or met him in my life.

15 Q And he didn't know your name, did he?

16 A Not -- no. He shouldn't have.

17 Q So if somebody said, "Do you know Brenda Stone?" he
18 would probably respond, "No. I don't know Brenda Stone."

19 MR. MOYER: I object, Your Honor. That calls for
20 speculation.

21 THE COURT: That's all right. Go ahead. It's
22 cross-examination.

23 BY MR. CHAMBERS:

24 Q So if somebody were to ask him, "Do you know Brenda
25 Stone?" he would probably say, "No. I don't know Brenda

1 Stone"?

2 A A lot of people know me by Brenda Stone and a lot of
3 people know me by Marie Stone.

4 Q Well, he wouldn't know you by either one, would he?

5 A No, he wouldn't.

6 Q I mean, y'all didn't exchange names.

7 A No.

8 Q I mean, the truth is, you just had a bad night, right?

9 A Yeah. More than bad.

10 Q I mean, you had -- essentially, you woke up and just
11 sort of had buyer's remorse about what you had done that
12 night, correct?

13 A No. The only remorse I had is that I got too drunk to
14 look after myself and got in the car with the wrong person.

15 MR. CHAMBERS: All right. That's all the questions I
16 have for you. Thank you.

17 MR. MOYER: Your Honor, at this time ---

18 THE COURT: Just a second.

19 MR. MOYER: I'm sorry.

20 I would move to have the statement which she was just
21 being cross-examined on moved into evidence pursuant to
22 Rule 801(d)(b).

23 THE COURT: Wait, wait. All right. Y'all come up
24 here.

25 (WHEREUPON, a bench conference was held off the record.)

1 THE COURT: All right. It's in without objection.

2 (WHEREUPON, State's No. 78 was marked for identification
3 and admitted into evidence.)

4 MR. MOYER: For the record, that was State's Exhibit
5 No. 78.

6 REDIRECT EXAMINATION

7 BY MR. MOYER:

8 Q Just a couple questions. Ms. Stone, when did you find
9 your phone on July 13th?

10 A I don't think I ever found my phone.

11 Q Okay.

12 A I don't remember. But I remember seeing it in the --
13 it was lodged in between the back of the seat and the thing
14 that -- the car.

15 Q Okay. In whose car?

16 A His.

17 Q When did you see it?

18 A The next morning.

19 Q When you got in the car?

20 A Uh-huh.

21 Q Did you get it at that time?

22 A I can't remember. I think I did, but I can't
23 remember.

24 Q Okay. You don't have it now?

25 A No.

1 Q But you saw it in his car the next morning?

2 A Yes.

3 MR. MOYER: Okay. Nothing further. Thank you.

4 MR. CHAMBERS: No recross, your Honor.

5 THE COURT: All right. Thank you. You can step down.

6 MR. MOYER: At this time, the State calls Siobhan
7 Grady.

8 WHEREUPON,

9 SIOBHAN GRADY,

10 After first having been duly sworn, testified as follows:

11 THE CLERK: Would you please state your name for the
12 record.

13 THE WITNESS: Siobhan Grady.

14 DIRECT EXAMINATION

15 BY MR. MOYER:

16 Q Could you spell your first name?

17 A S-I-O-B-H-A-N.

18 Q B-H-A-N. And your last name is Grady?

19 A Yes.

20 Q How old are you?

21 A 48 years old.

22 Q All right. Now, do you know the defendant, William
23 Zeigler?

24 A Yes, I do.

25 Q The defendant in this case.

1 How long have you known him?

2 A I think I met him in January two years ago, so . . .

3 Q Did you know him in July of 2013?

4 A Yes.

5 Q Was he a boyfriend of yours?

6 A No. He was just a friend.

7 Q Did y'all ever date?

8 A Not -- hu-uh.

9 Q Did you used to hang out with him and spend time with
10 him then as a friend?

11 A Yes.

12 Q Did you do so at your place or his place?

13 A Both.

14 Q And I don't know if you saw any of these photographs
15 that were displayed up here. Were you in here earlier when
16 they showed some pictures of a trailer?

17 A No.

18 Q Okay. Let me show you State's Exhibit No. 5. Do you
19 recognize that?

20 A Yes.

21 Q Okay. And what is that?

22 A That's a trailer that he was living in.

23 Q And where were you living?

24 A Off White Horse Road in a trailer park.

25 Q Okay. Now, did y'all ever live together?

1 A No. I stayed with him for a while, but not -- I
2 didn't ever like live with him officially, no.

3 Q Like you didn't live with him as a
4 boyfriend/girlfriend?

5 A No.

6 Q But you did stay at his place, you said?

7 A Yes.

8 Q Okay. And where was that?

9 A It was over -- gosh. It was over off of -- I want to
10 say Old Buncombe. It was a one -- like efficiency
11 apartment.

12 Q How long did you stay with him?

13 A About three weeks.

14 Q Okay. Now, let me ask you, around the time of -- let
15 me ask you this question. Were you with him on July the
16 13th of 2013 when he was arrested?

17 A Yes.

18 Q Okay. In fact, are you actually shown in one of the
19 pictures? Is there a picture of you?

20 A No. I didn't know that.

21 Q Have you seen it? Let me show you State's Exhibit
22 No. 47. Do you recognize -- do you see that picture?

23 A Yeah.

24 Q Do you recognize the person walking to the vehicle in
25 that picture?

1 A Yeah.

2 Q Is that you?

3 A Yeah.

4 MR. MOYER: Your Honor, at this time, I move to have
5 State's Exhibit 47 entered into evidence.

6 MR. CHAMBERS: No objection, Your Honor.

7 THE COURT: Okay.

8 (WHEREUPON, State's Exhibit No. 47 was admitted into
9 evidence.)

10 BY MR. MOYER:

11 Q All right. Were you with William Zeigler the night
12 previous to when he was arrested?

13 A Yes.

14 Q And where were you?

15 A At the trailer on White Horse Road.

16 Q So was it your place or his place?

17 A My place..

18 Q Did he spend the night at your place?

19 A No.

20 Q When did he leave?

21 A Around 9:00, 9:30, I think.

22 Q Did he tell you where he was going at the time?

23 A He said he was going home.

24 Q Did you hear from him again that night?

25 A No.

1 Q Did you see him the following day?

2 A Yeah.

3 Q Where did ---

4 A He -- he came over at like 9:00, 9:30 in the morning.

5 Q Okay. Were you expecting him to come over?

6 A No, I wasn't.

7 Q All right. So had you made any arrangements at all
8 for him to come over that morning?

9 A Not that I remember. It was two years ago, but I
10 don't remember.

11 Q Did he call prior to coming over?

12 A Not that I remember, no.

13 Q From what you remember, he just showed up?

14 A Yes.

15 Q All right. What did you notice about his appearance
16 at that time?

17 A He had scratches all over his face, and he hadn't had
18 them the night before.

19 Q I'm sorry? What about ---

20 A He hadn't had them before.

21 Q Okay. Was it noticeable enough that you asked him
22 about this?

23 A Yes.

24 Q And what did he tell you about what took place?

25 A He said that he stopped at the gas station to get some

1 gas, and there he encountered a woman and a man. And the
2 man was hurting the woman, and he stepped in and defended
3 her and chased the guy off or something.

4 Q Okay. Did he say how he got the scratches on his
5 face?

6 A Well, I guess when he said that, he was implying that
7 he got the scratches from the scuffle with the gentleman.

8 Q Okay. And you remember giving a statement that day
9 when you were arrested on July 13th of 2013?

10 A When he was arrested?

11 Q I'm sorry. When he was arrested. I apologize.

12 A Yeah. Yeah.

13 Q You gave a statement to law-enforcement officers?

14 A Yes.

15 Q And fair to say that would have been -- the incidence
16 would have been more fresh on your memory at that time?

17 A Definitely.

18 Q Would it refresh your memory if you had a chance to
19 look at your statement?

20 A Sure.

21 Q Okay. I just want you to read over the last paragraph
22 of your statement. First off, what I've handed you, is
23 that your statement that you gave?

24 A Yes.

25 Q You recognize it? You see your name on there?

1 A Yes.

2 Q Okay. Just read over the last paragraph silently for
3 a minute.

4 A (Reviews document) Yeah.

5 Q Okay. And what did he say about how he got the
6 scratches on his face?

7 A The guy hit him back and that he told me he got the
8 scratches on -- that's how he got the scratches on his
9 face.

10 Q From the guy hitting him?

11 A Yeah.

12 Q Okay. Thank you. Was William Zeigler dating anyone
13 at that time that you know of?

14 A No. Not that I know.

15 Q And he wasn't dating you?

16 A No.

17 Q Would it have bothered you if he had been dating
18 anybody?

19 A No.

20 Q Would it have bothered you if he went out with
21 somebody, had a date with somebody?

22 A No.

23 Q Okay. What kind of vehicle was the -- did he drive,
24 did William Zeigler drive?

25 A I think it was an Infinity SUV.

1 Q Show you pictures of State's Exhibit No. 7. Do you
2 recognize that?

3 A Yes.

4 Q Is that a picture of his vehicle?

5 A Yes.

6 Q Okay. Now let me show you what's been marked as
7 State's Exhibit No. 3. Have you had a chance to look at
8 that photograph once before?

9 A Yes.

10 Q Do you recognize the items that are in that
11 photograph?

12 A It looks like his glasses and his work ID.

13 Q Okay. And do they look like glasses that he used to
14 wear?

15 A Yeah. I think so.

16 MR. MOYER: Okay. Your Honor, at this time, move to
17 have State's Exhibit No. 3 entered into evidence.

18 MR. CHAMBERS: No objection, Your Honor.

19 THE COURT: Okay.

20 (WHEREUPON, State's Exhibit No. 3 was admitted into
21 evidence.)

22 BY MR. MOYER:

23 Q Okay. Back up. I'm going to point to some items here
24 with the laser pointer. Would you tell us what that
25 (indicating) is?

1 A They look like his glasses.

2 Q And right here (indicating)?

3 A His ID.

4 Q And that was his ID for where?

5 A I believe the chicken farm.

6 Q Okay. And did he used to work at the chicken farm?

7 A Yeah, he did.

8 Q Was he working there in July of 2013?

9 A Not that I know of.

10 Q So you're not sure, actually?

11 A No. He wasn't working there.

12 Q He wasn't. Do you know when he stopped working there?

13 A He stopped working there when he broke his ankle. But
14 I think he had gone back to work after it healed, and then
15 he stopped working there after that. So I don't know
16 exactly when that was.

17 Q Okay. So you're not quite sure then if he had gone
18 back to work there or not?

19 A Right.

20 MR. MOYER: Okay. I think that's all the questions I
21 have for you right now. Please answer any questions
22 defense might have.

23 CROSS EXAMINATION

24 BY MR. CHAMBERS:

25 Q You and William weren't boyfriend/girlfriend, but

1 there was a romantic element to your relationship, correct?

2 A He told me that he was in love with me, and I told him
3 that I didn't want to have a relationship like that. But
4 he was a nice guy, so I -- and I still hung out with him as
5 a friend, but there really was not a romantic element. I
6 mean, I knew that he, you know, really cared about me.

7 Q For lack -- I mean, and I don't mean to be indelicate,
8 but the two of you would engage in sexual intercourse with
9 one another, would you not?

10 A No.

11 Q Never?

12 A No.

13 Q But he told you he was in love with you?

14 A Yes.

15 Q And you were clear about that in his involvement with
16 you?

17 A He was clear about the fact that he was in love with
18 me, yeah.

19 MR. CHAMBERS: Okay. Thank you very much. That's all
20 the questions I have.

21 MR. MOYER: No further questions.

22 THE COURT: All right. Thank you. You can step down.

23 MR. MOYER: The State calls Dar Shaw to the stand.

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1 WHEREUPON,

2 DAR SHAW,

3 After first having been duly sworn, testified as follows:

4 THE CLERK: Please state your name for the record.

5 THE WITNESS: Darwin Shaw, S-H-A-W.

6 DIRECT EXAMINATION

7 BY MR. MOYER:

8 Q Where are you employed?

9 A Department of Public Safety, Forensic Division.

10 Q And what do you do with the Forensic Division?

11 A I respond to crime scenes at the request of agencies
12 within Greenville county, all the cities, the city and the
13 municipalities as well as the Sheriff's Office, process
14 crime scenes for fingerprints, collect evidence, take
15 photographs and then prepare reports for testimony in
16 court.

17 Q How long have you been in law enforcement?

18 A Over 37 years.

19 Q How long have you been in the forensic division?

20 A About 16 1/2 years.

21 Q Okay. Now, were you called out to meet -- I'm sorry
22 -- to get involved in the case against William Zeigler that
23 we're talking about on July 12th -- I'm sorry -- 13th of
24 2013?

25 A Yes, I was.

1 Q Okay. And where were you originally requested to go?

2 A To the hospital.

3 Q And do you know -- what hospital?

4 A Greenville Memorial.

5 Q And you responded there?

6 A I did.

7 Q Do you know what time you responded?

8 A I think I got there about noon.

9 Q Okay. Do you make -- is that something you would mark
10 on your report?

11 A I would.

12 Q If you had a chance to look at the report, would that
13 refresh your memory?

14 A I have.

15 Q Oh, you have your report with you?

16 A I do.

17 Q Okay. Would you tell us what time if was, after you
18 refresh your memory, that your arrived at the hospital?

19 A I got the call at 11:50 from dispatch, and I arrived
20 at the hospital at noon.

21 Q Okay. And what time did you depart the hospital?

22 A At 12:40.

23 Q And did you meet with Brenda Stone when you arrived?

24 A I did.

25 Q Did you do so prior to the SANE nurse getting

1 involved?

2 A I met with the -- she was there, but we didn't have a
3 conversation until the SANE nurse arrived.

4 Q Okay. And then did you take photographs of her?

5 A Yes, I did.

6 Q And you documented the injuries that were to her body?

7 A I did.

8 Q How did you know what to take pictures of while you
9 were taking photographs of her?

10 A The -- when I met with her in the SANE room, I
11 explained who I was and why I was there as far as taking
12 photographs. I asked her specifically where her injuries
13 were at. I try to get that information from the victim,
14 and then from there, I take photographs. And then if there
15 are additional injuries that I observe or in our discussion
16 later are found, I take photographs of those as well.

17 Q Okay. Were others present while you took the
18 photographs?

19 A Yes. Her daughter was there and the SANE nurse was
20 there.

21 Q Okay. Now, did you also go to the incident location,
22 the incident location being [REDACTED] Old Grove Road?

23 A I did.

24 Q Okay. And what time did you respond to that area?

25 A At 5:40 p.m.

1 Q Okay. And did you take photographs there?

2 A I did.

3 Q What time did you depart that scene?

4 A At 1903, which was 7:03 p.m.

5 Q Okay. Now, did you have an opportunity to look over
6 the photographs that we got then printed off recently?
7 Have you taken a look at all these photographs that we're
8 about to show?

9 A I have.

10 Q Are they all true and accurate representations of the
11 places that you just described, old Grove Road, and also
12 the pictures of Brenda Stone that you took on that day?

13 A Yes, they are.

14 MR. MOYER: Your Honor, at this time, the State would
15 move to have the rest of the marked evidence into the
16 record, into evidence.

17 MR. CHAMBERS: No objection Your Honor.

18 THE COURT: All right.

19 (WHEREUPON, State's Exhibit Nos. 5, 11, 12, 13, 14, 15, 16,
20 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31,
21 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46,
22 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 60, 61, 62, 64,
23 65, 66, 68 and 71 were admitted into evidence.)

24 MR. MOYER: So at this time, just to make sure the
25 record is clear, that would be all the State's Exhibit

1 Nos. 1 through 78 in evidence.

2 BY MR. MOYER:

3 Q Officer Shaw, I'm going to hand you this laser
4 pointer, and I'm going to ask you -- I think you should be
5 able to see the screen from where you are. If not, maybe
6 you can step down. But I'm going to ask you to tell the
7 jury what it is we're seeing as we go through these
8 different pictures.

9 And we start off, this is State's Exhibit No. 11. Can
10 you tell the jury who that is?

11 A This is the victim, and it's just a photograph. What
12 I typically do is take an overall photograph of the victim
13 prior to taking close-up photos of any injuries.

14 Q Okay. And State's Exhibit No. 12?

15 A That's an area of suspected blood on the top shoulder
16 and left shoulder of the shirt that she was wearing.

17 Q All right. State's Exhibit No. 14?

18 A When I was speaking to her in regards to any injuries
19 that may not be visible, she indicated that she had
20 soreness and it looked like a bruise on this joint of the
21 pinky finger on her right hand.

22 Q Okay. State's Exhibit No. 13, is that another ---

23 A That's another photograph showing the bruise-like
24 discoloration of the skin.

25 Q Okay. State's Exhibit No. 15?

1 A Again, this is an initial photograph just showing both
2 arms out in front of her body prior to any close-up
3 photographs being taken.

4 Q Okay and are you able to see any of the marks that
5 have been -- that were talked about in that photograph?
6 It's a bit hard to see.

7 A There's a bruise on the forearm area. There appears
8 to be a couple more in this (indicating) area. And then
9 there's also -- appears to be a bruise on the inner part of
10 the forearm.

11 Q State's Exhibit No. 16?

12 A Again, that's just a closer photograph of the bruising
13 on the skin.

14 MR. CHAMBERS: Your Honor, I'm going to object to
15 characterizations of what the picture show. My
16 understanding is he took the pictures, but I think we're
17 getting into what would be, when you talk about bruising
18 and things like that, medical testimony. I think that's
19 outside the scope of his -- what he can testify to.

20 MR. MOYER: Well, Judge, I don't think -- I'm sorry.

21 THE COURT: Go ahead.

22 MR. MOYER: My response would be that we've already
23 had medical testimony about these particular areas being
24 bruises.

25 THE COURT: I'm going to overrule your objection.

1 BY MR. MOYER:

2 Q State's Exhibit No. 17?

3 A This is the inner biceps area on the inside of the
4 arm, again, with discoloration of the skin. Appears to be
5 bruising.

6 Q State's Exhibit 18?

7 A And that is just a closer . . .

8 Q I think this is the photograph we were showing,
9 State's Exhibit 18.

10 A Right. And that's just discoloration bruising-type
11 injuries to the inner triceps area.

12 Q And State's Exhibit 19?

13 A This is, again, looks like there's bruising on the
14 inner arm and also some type of an abrasion at the elbow.

15 Q State's Exhibit No. 20?

16 A There are small bruising areas of the skin on the left
17 arm between the biceps and the elbow area.

18 Q State's Exhibit 21?

19 A This is just a closer -- closer photograph. The scale
20 is in there to try to show dimension as far as width and
21 length of these individual marks.

22 Q And that's her left arm also?

23 A That's correct.

24 Q State's Exhibit 22?

25 A Again, this is just another scaled photo of the

1 injuries to the left arm.

2 Q And that's further down near her elbow; is that right?

3 A That's correct.

4 Q Now State's Exhibit 23?

5 A This is a picture of the right leg. There appears to
6 be bruising on the thigh area as well as along the outer
7 part of the right knee and behind the right knee.

8 Q State's Exhibit 24?

9 A Again, it's just a -- it's a close-up photograph.
10 It's scaled to show the length and the width of this
11 particular bruise.

12 Q State's Exhibit 25?

13 A Again, this is a -- it's an initial photograph prior
14 to any scaling just showing any injuries to the knees or to
15 the front of the legs.

16 Q State's Exhibit 26?

17 A Again, this is a photograph of bruising to the -- it
18 looks like to the back of the leg, right leg.

19 Q State's Exhibit 27?

20 A A scale photograph of bruising to the -- to the right
21 knee.

22 Q State's Exhibit 28?

23 A Again, this is just a same photograph only without --
24 without a scale.

25 Q Exhibit 29?

1 A Again, bruising to the -- below the right kneecap.

2 Q State's Exhibit 30?

3 A And this is -- there are two different bruises in the
4 left knee area.

5 Q State's Exhibit 31?

6 A A photograph. It's an overall photograph just showing
7 the entire back of the right leg and left leg prior to
8 scaling of any of the injuries.

9 Q State's Exhibit 32? 32, yes.

10 A Again, this is showing bruising on the inside of the
11 left leg. It also shows on the right leg showing -- not
12 detailed, but showing that there's bruising on both legs.

13 Q State's Exhibit 33?

14 A That is a scaled photo of the bruise on the back of
15 her left leg.

16 Q State's Exhibit 35?

17 A That appears to be the left leg, but it's bruising on
18 the inside below the knee.

19 Q State's Exhibit 36?

20 A There's a bruise on the inside of the right leg above
21 the knee.

22 Q Now State's Exhibit No. 37?

23 A This is an overall photograph of the victim's back
24 showing that there are some type of scratches or striations
25 of the skin on the back.

1 Q State's Exhibit 38?

2 A It's just a closer photograph with a little bit more
3 detail showing these abrasions or these scratches on the
4 back as well as -- appear to be a bruise up in this
5 (indicating) area.

6 Q Exhibit 39?

7 A Again, it's just another photograph showing these
8 (indicating) marks that are linear as well as these marks
9 as well from some type of movement or abrasion of the skin.

10 Q Exhibit 40?

11 A It's a scaled photograph of the injury to the lower
12 right back area.

13 Q Exhibit 41?

14 A Scaled photo of the bruise on the -- in the middle of
15 her back.

16 Q Exhibit 42?

17 A Again, it's a scaled photograph of more striations of
18 the skin which are about shoulder blade height.

19 Q State's Exhibit 43?

20 A And this is a scaled photograph showing the striations
21 of the middle of the back as well as on the left portion of
22 the back towards the middle.

23 Q Okay. Now let's move on to State's Exhibit No. 44.

24 A This is a photograph of the trailer that was
25 identified to me by the sergeant on scene as well as the

1 investigator as to where the suspect lived.

2 Q State's Exhibit 45?

3 A It's just a -- the same. A trailer. It was just a
4 farther-away -- it was taken from the street.

5 Q Exhibit 46?

6 A A photograph at the front of the trailer. There is a
7 red car that's parked in the front, a white SUV parked in
8 the back, and just on the front side of this red car is the
9 street that came down into the trailer park.

10 Q State's Exhibit 47?

11 A This is just a photograph taken of the back of the
12 trailer. I wanted to get the vehicle in the photograph.
13 And the female was walking up towards the vehicle, and she
14 was included in the photograph.

15 Q State's Exhibit 49?

16 A This is a close-up photograph of the SUV that was
17 parked in the driveway behind the trailer.

18 Q State's Exhibit 50?

19 A Again, it's just another angle showing the logo as far
20 as the type of vehicle and showing the right front -- the
21 fender.

22 Q And now State's Exhibit No. 51?

23 A This is a photograph -- photograph taken of a bedroom.
24 The -- this (indicating) area is the front porch. So as I
25 came up onto the front porch, directly to the right was a

1 bedroom located in the front. The red vehicle -- red
2 vehicle would have been parked out in front of the house --
3 or the trailer in this -- in that direction.

4 Q And State's Exhibit No. 8 is a similar photograph?

5 A It's a similar. It's just taken a little farther
6 away, again, showing the front porch and then standing
7 inside of the hallway back towards that front bedroom.

8 Q State's Exhibit 51?

9 A This photograph of a blowup mattress and a sheet which
10 was identified to me by Investigator Robertson that he
11 wanted to make sure that these items were photographed.

12 Q State's Exhibit 52?

13 A It is just a -- this is a photograph. There was a
14 blowup mattress, the sheet. There were articles of
15 clothing. So it's just a matter of documenting items that
16 were in the room.

17 Q State's Exhibit 53?

18 A Again, this is a photograph showing the -- taken from
19 the bottom. This is where -- would be the bottom of the
20 mattress -- of the blowup mattress. The entryway is over
21 here (indicating) coming into the bedroom, and the sheet
22 that was laying on top of the mattress.

23 Q State's Exhibit 58?

24 A That is a picture of the toilet with toilet paper
25 inside of the toilet.

1 Q Okay. And you were actually looking for something; is
2 that right?

3 A Yes. My understanding from the investigator was that
4 the victim had lost her dentures, and I looked in the
5 bedroom. After I -- items were collected, I looked for the
6 dentures. It was also my understanding that she had thrown
7 up. So I looked in the bathroom for her dentures. Because
8 of the amount of toilet paper in the toilet, I thought it
9 was possible it might be there. I found a stick inside of
10 -- inside of the trailer, used the stick to pull the toilet
11 paper out looking for the dentures, but I didn't find them.

12 Q Okay. State's Exhibit No. 54?

13 A This is the entryway, the ramp going up to the front
14 of the trailer. And, again, this is showing the
15 investigators here, the sergeant that was on scene. And I
16 was showing these items here (indicating) because of the
17 relationship to where they were at to the porch leading up
18 to the trailer.

19 Q And what were those items?

20 A There was a pair of glasses and an identification
21 card.

22 Q State's Exhibit No. 3?

23 A This is just a closer photograph showing the glasses
24 on the ground as well as the identification card.

25 Q 54, same thing?

1 A Same thing, just a different -- different direction.

2 Q 57?

3 A That's just a -- that's a close-up photograph of the
4 glasses.

5 Q And 56?

6 A And this is an identification card for Columbia Farms
7 with the name William Zeigler on the front.

8 Q Okay. Just a couple more. One moment.

9 State's Exhibit No. 59?

10 A This is a close-up photograph of the defendant showing
11 that there were marks and redness, discoloration to the
12 cheek as well as the forehead area.

13 Q State's Exhibit 63?

14 A Again, this is another photograph showing any visible
15 injuries to the -- it looked like bruising and
16 discoloration to the skin in front of his right ear. It
17 would be on his right cheek.

18 Q And that was the other side of his face?

19 A Correct.

20 Q State's Exhibit No. -- which would be the right side
21 would be State's Exhibit No. 63, correct?

22 A This is the right side, correct.

23 Q Okay. State's Exhibit No. 60?

24 A This is a scaled photograph of the mark on the left
25 cheek.

1 Q State's Exhibit No. 61?

2 A Again, it's a scaled -- scaled photograph showing the
3 smaller areas -- circular areas that were next to his left
4 eye.

5 Q State's Exhibit 62?

6 A This is a scaled photograph of an abrasion that he had
7 on his forehead.

8 Q State's Exhibit No. 64?

9 A Again, this is a scaled photograph showing the redness
10 and discoloration of the skin in front of the right ear.

11 Q State's Exhibit 65?

12 A Again, a scaled photograph of an abrasion on the right
13 forehead above his right eyebrow.

14 Q And then finally, State's Exhibit 66?

15 A This is a photograph of the victim's hands.

16 Q Of the ---

17 A I'm sorry. The suspect's hands.

18 And the reason for this photograph is the victim had
19 indicated to myself when the photographs were being taken
20 that the subject was missing part of the tip of his index
21 finger on his right hand.

22 Q Okay. And so you're talking about when you were
23 taking photographs of the victim at the hospital, she told
24 you that?

25 A That's correct.

1 Q And at that point, a suspect hadn't been identified;
2 isn't that true?

3 A That's my -- that's my understanding. That's correct.

4 MR. MOYER: Okay. I have no further questions for
5 this witness.

6 MR. CHAMBERS: No questions.

7 THE COURT: All right. Thanks, sir. You can step
8 down.

9 MR. MOYER: At this time, the State rests.

10 THE COURT: All right. Let me talk to the lawyers for
11 one second up here.

12 (WHEREUPON, a bench conference was held off the record.)

13 THE COURT: All right. Madam Forelady and ladies and
14 gentlemen of the jury, this is one of those times I need to
15 have a conference to talk about legal matters outside of
16 your presence. It's also probably a good time to break for
17 lunch. I ask you to be back at 2:00. We've got some
18 things we've got to do. I hope that will give you plenty
19 of time to get something done. And remember, don't talk
20 about the case, don't do any research and don't visit the
21 scene..

22 We'll see you at 2:00. Thank you very much.

23 (WHEREUPON, the jury exits the courtroom at 12:06 p.m.)

24 THE COURT: Any motions?

25 MR. CHAMBERS: Your Honor, as to the indictments for

1 CSC first and kidnapping, I will make a motion for a
2 directed verdict.

3 THE COURT: On what grounds?

4 MR. CHAMBERS: The usual grounds, that they have not
5 presented sufficient evidence as to each element.

6 THE COURT: I'm going to make the usual ruling. I
7 think they have, so I deny that.

8 Okay. Mr. Zeigler, if you would stand, please. Raise
9 your right hand. Do you swear to tell the truth?

10 DEFENDANT ZEIGLER: Yes, sir.

11 THE COURT: All right. You can put your hand down.

12 I want you to understand that you have an absolute
13 constitutional right to testify in your defense. You have
14 an equal absolute constitutional right not to testify, and
15 it cannot be held against you. The decision about whether
16 or not to testify is one that involves strategic trial
17 tactics and something you need to discuss with your
18 attorney. He will make recommendations to you about what
19 to do, but I want you to understand that the final decision
20 about whether or not to testify belongs to you. It is your
21 constitutional right, and you must make the decision. Do
22 you understand all that?

23 DEFENDANT ZEIGLER: Yes, sir.

24 THE COURT: Do you have any questions you need to ask
25 me about it?

1 DEFENDANT ZEIGLER: No, sir.

2 THE COURT: All right. I'll ask the State, is there
3 any -- in case he decides to testify, are there any
4 impeachable offenses?

5 MR. MOYER: The only -- or the one conviction he has
6 within the ten-year time frame is a conviction for
7 violation of the sex offender registry.

8 MR. CHAMBERS: I'd certainly object to that, Your
9 Honor. I think the nature of that saying that he was on
10 the sex offender registry would be so prejudicial that my
11 client would not get a fair trial. I would ask that they
12 simply be able to ask if he'd been convicted of a felony.
13 I think that is sufficient for impeachment purposes.

14 THE COURT: What was the -- it was a first offense
15 violation?

16 MR. MOYER: Yes. Isn't that 0 to 5? I thought it was
17 0 to 5, Your Honor.

18 THE COURT: Failure to register?

19 MR. MOYER: Am I wrong? Is it 0 to -- it's not over a
20 year? I apologize, Your Honor.

21 THE COURT: Let's make sure about it.

22 MR. CHAMBERS: I really don't know. I've represented
23 several people with those, but I don't remember.

24 THE COURT: We're going to check. We're going to find
25 out before we do anything else. Do you have the code

1 section?

2 MR. MOYER: Well, I do, actually. Yes.

3 THE COURT: Well, you've got the book. Look it up.

4 MR. MOYER: I forgot I had this with me.

5 It says, "Imprisoned for not more than 366 days." So
6 I guess that would be just up to a year, not over a year,
7 so it would not be eligible for impeachment. I don't
8 believe it's a crime of dishonesty.

9 MR. CHAMBERS: It seems to have actually taken into
10 consideration the leap year.

11 THE COURT: Well, all right. So no impeachable
12 offenses.

13 MR. MOYER: There would be none in the past ten years,
14 Your Honor.

15 THE COURT: Okay. All right. So I'll see you all at
16 2:00.

17 MR. CHAMBERS: Thank you, Your Honor.

18 THE COURT: Well, let me first ask Mr. Zeigler, have
19 you made a decision?

20 DEFENDANT ZEIGLER: Yes. Yes, sir.

21 THE COURT: Okay. What is your decision?

22 DEFENDANT ZEIGLER: I'm going to testify.

23 THE COURT: Okay. All right. I'll see you at 2:00.

24 (WHEREUPON, a recess is taken at 12:11 p.m.)

25 (WHEREUPON, the jury entered the courtroom at 2:27 p.m.)

1 THE COURT: All right, Mr. Chambers.

2 MR. CHAMBERS: Your Honor, I call William Zeigler.

3 THE COURT: All right.

4 WHEREUPON,

5 WILLIAM ZEIGLER,

6 After first having been duly sworn, testified as follows:

7 THE CLERK: And would you please state your name for
8 the record. Would you please state your name.

9 THE WITNESS: I'm sorry. William Douglas Zeigler.

10 DIRECT EXAMINATION

11 BY MR. CHAMBERS:

12 Q All right, William. I'm going to ask you as best as
13 you can to speak up. If you need to move the microphone
14 closer to you, do that. Just make sure that all the jurors
15 can hear what you have to say, okay?

16 A Yes, sir.

17 Q How old are you?

18 A 54, sir.

19 Q And are you from here in Greenville? Do you live here
20 in Greenville?

21 A I was born in Texas, but I've been in South Carolina
22 since I was 12 years old.

23 Q All right. And you've been sitting here through this
24 trial listening to all the events that were counted back in
25 July of 2013, correct?

1 A Yes, sir.

2 Q Now, where were you living at the time?

3 A [REDACTED] Old Grove Road, sir.

4 Q And is that the trailer park we've seen pictures of?

5 A Yes, sir.

6 Q And that's just off of White Horse Road a little bit?

7 A Yes, sir.

8 Q Were you working at that time?

9 A I started working with a guy doing remodeling houses
10 and stuff. I lost my job at Columbia Farms because I broke
11 my ankle.

12 Q And when did you lose your job out at Columbia Farms?

13 A Back in February.

14 Q February of 2013?

15 A Yeah. 2012, 2013, somewhere around there.

16 Q But you had worked out there at some point?

17 A Yes, sir. I stayed out there a year. I drewed [sic]
18 my vacation pay and everything.

19 Q Did you ever meet or know Brenda Marie Stone?

20 A No, sir.

21 Q Prior to the evening where you picked her up at the
22 Spinx, as far as you know, did you ever lay eyes on her?

23 A Oh, no, sir.

24 Q All right. Now, on that day, which was July 12th,
25 what had you been doing that day during the day?

1 A I was working in Belton. There was a guy doing -- was
2 building a deck, and I was coming back home from work. And
3 my girlfriend, Siobhan Grady, told me to come by and get
4 something to eat. And we sat there and watched some movies
5 and drank some beer.

6 Q And that is Siobhan who testified a little bit
7 earlier?

8 A Yes, sir.

9 Q And the two of you were friends?

10 A Well, yeah. Say so.

11 Q What would you say?

12 A Well, we had relationships because we lived together
13 for about four months over on Washington Avenue. And then
14 she went back to rehab -- housing thing. And then she end
15 up losing that housing, and me and her got back together.
16 And then she couldn't stay where I was staying because of
17 my landlord and his wife didn't get along.

18 Q In July of 2013, what was the nature of your
19 relationship that you had with her?

20 A Just as girlfriend/boyfriend, really, I thought.
21 Because I really cared for the woman.

22 Q She said earlier that you were in love with her; is
23 that true?

24 A Yeah. Yes, sir.

25 Q But were y'all seeing other people?

1 A Yes, sir.

2 Q All right. So you said you went out with Siobhan, got
3 something to eat. Did you take her home at some point?

4 A Yeah.

5 Q What time did you take her home?

6 A I don't know. It was around about 8:30, 9:00 when we
7 come back. Because we went to Red Lobster to eat.

8 Q Did you stay there with her for a little bit?

9 A Oh, yeah. I stayed there.

10 Q So about what time did you leave her place?

11 A It was close -- something to 10:00, I guess, because I
12 went up to Spinx and I went to get -- when I went inside, I
13 got me some beer and some cigarettes.

14 Q So when you left her place is when you went to Spinx?

15 A Yes, sir.

16 Q And after you went to Spinx, where were you going to
17 go after that?

18 A I was headed toward Berea.

19 Q To do what?

20 A Pick up some money for a job I'd done for some
21 plumbing work.

22 Q So what was your reason for stopping at the Spinx?

23 A I needed some more beer.

24 Q All right. And you said cigarettes?

25 A Yeah. Cigarettes. Yeah.

1 Q Were you going there to get gas?

2 A No, sir.

3 Q We saw a video of it earlier. There was a white SUV
4 that was identified as you. Was that you?

5 A No, sir. I wasn't -- that scooter wasn't even there
6 when I was there.

7 Q When you pulled in -- is that the Spinx you went to?

8 A Yes, sir.

9 Q When you pulled into that Spinx, where did you park
10 your -- what were you driving, by the way? What is that
11 SUV?

12 A It's an Infiniti.

13 Q Where did you park it?

14 A I was in probably about the second lane from the door
15 right there.

16 Q So one of those spots that you just pull in up by the
17 door?

18 A Yeah.

19 Q So were you close to the front door?

20 A Yes, sir.

21 Q And you said it was the second slot over from the
22 door?

23 A Yes, sir.

24 Q All right. So when you pulled up there, tell us what
25 you did.

1 A Well, I pulled up, I got out, I went in the store and
2 got me some beer and cigarettes and came back out. And all
3 of a sudden, Ms. Stone come over there drunk and everything
4 and asked me for a ride, if I would give her a ride. I
5 said, "Yes, I'll give you a ride."

6 Q Did you know who she was?

7 A No, sir.

8 Q Did she say anything to you about why she needed or
9 wanted a ride?

10 A No, sir.

11 Q Could you tell that she was drunk?

12 A Yes, sir.

13 Q All right. But you agreed to give her a ride?

14 A Yes, sir.

15 Q What was your reason for agreeing to give her a ride?

16 A I was just going to be nice and just give her a ride.

17 Q So after she asked for the ride, you told her you'd
18 give her a ride. Tell us what happened. And be as
19 detailed about it as possible.

20 A Okay. Well, she went back inside the store with a
21 woman to get some money off the ATM machine. And they
22 stayed in there three or four or five minutes, I know. And
23 I'm sitting there waiting for her to come out. And all of
24 a sudden, they open up the door and Siobhan -- I meant --
25 Siobhan -- Ms. Stone had this other girl around her neck,

1 and they was dancing and everything. And then she come
2 running around in front of my car, opened up the
3 passenger's side. She jumped inside my vehicle all the way
4 across the seat, grabbed me around my neck and everything.
5 That's where the scratches came in on my face because she
6 -- we was kissing about three or four minutes, and it blew
7 my mind.

8 Q Who was this girl that she was with?

9 A I don't know who she was.

10 Q Did she get in the car, too?

11 A No, sir.

12 Q Did you see her anymore?

13 A No. She just disappeared.

14 Q So you said that Ms. Stone jumped in the car, grabbed
15 you, started kissing and stuff. So what did y'all do then?

16 A I told her -- I asked her where she was going, and I
17 had the CD player turned on and there was a love song
18 playing. She turned it wide open. I told her I had to run
19 down here in Berea right quick like to pick up some money,
20 and then let me know where she was going to go from there.
21 When I went down and got the money and stuff, on my way
22 back to the house and everything, she never would tell me
23 where she was going, so I didn't know where to go.

24 Q So you went to Berea first?

25 A Yes, sir.

1 Q And how far from there -- from where you were on White
2 Horse was it that you went to Berea?

3 A Oh, my God. Almost to Travelers Rest.

4 Q And you picked up some money?

5 A Yes, sir.

6 Q And then you went back. And did she tell you where
7 she wanted you to take her?

8 A No, sir.

9 Q So how long did that go on that she's not telling you
10 where she wants to go?

11 A We just sit there in the car, and I asked her where --
12 where was you going or anything. She wouldn't tell me.
13 She just turned the radio up real loud and everything. And
14 then all of a sudden, she just jumps out of the car while
15 we was at my house and ---

16 Q Well, let me ask you this because you jumped ahead of
17 me. How did you end up at your house?

18 A I turned -- I went to my house because I didn't -- I
19 didn't know where else to go:

20 Q Did you tell her you were going to your house?

21 A Yeah.

22 Q Did she ever volunteer where you were supposed to go?

23 A No, sir. No, sir.

24 Q So you pulled up at your house. Now, where did you
25 park your car when you pulled up at your trailer?

1 A I always pull in behind the house that's in front of
2 me.

3 Q That driveway?

4 A Well, no. This is the side of the house back there.

5 Q All right. Did you park where -- we saw a picture
6 earlier that had your car.

7 A Yeah. Where the back porch is.

8 Q Let's see if I can find it.

9 A With a ramp and all that.

10 Q Is that (indicating) where you were parked?

11 A No. Hu-uh. I was along the other side.

12 Q Okay. Walk over here just so they can see because I
13 don't know that they can tell.

14 A I was parked on the ramp side -- the back side of the
15 house over on this side of the house right in there
16 (indicating).

17 Q All right. You can go ahead and have a seat.

18 So when you pulled up there and stopped, did you
19 immediately get out of the car or was there some
20 discussion? Or what happened?

21 A No. We just sat there. And I was trying to get
22 communication with her, and she wouldn't communicate with
23 me at all. And I just sat there and listened to the radio,
24 and I reached back and got me a beer, sat there and drank
25 me a beer, smoked me a cigarette. And I ended up pulling

1 out my shooter and smoke me a -- some crack.

2 Q So a shooter, is that like a pipe or something?

3 A Yes, sir.

4 Q So you smoked crack?

5 A Yes, sir.

6 Q Did Ms. Stone join you in a beer?

7 A No, sir. No, sir.

8 Q Did she join you in any crack?

9 A No, sir.

10 Q So you did that on your own?

11 A Yes, sir.

12 Q And so after doing all that, what happened?

13 A We sat there, and I asked her, I said, "Where are you
14 going? I've got to get to bed and go to sleep." I said,
15 "I've got to get up early in the morning because I've got
16 to be in Spartanburg on a house." And she never would tell
17 me what was going on. And then all of a sudden, she just
18 -- everything went crazy after that.

19 Q How did it go crazy?

20 A She just opened up the door and jumped out and ran
21 across my yard, and she slipped and fell. There's a little
22 embankment on the side right there, and that's where she
23 fell. And she hit her head backwards like that
24 (demonstrating).

25 Q What did you do?

1 A I sat there in the van and watched her for a minute,
2 wondering if she was going to be all right. And then she
3 got up and she went over to the trailer and banged on the
4 trailer window. And I told her, I said nobody wasn't going
5 to come to the door. I said, "If you want to go home, we
6 can go home now. I'll take you home."

7 Q What made you think nobody was going to come to the
8 door?

9 A Because he's an asphalt worker, and when he goes to
10 bed, he goes to bed.

11 Q All right.

12 A He's a Mexican.

13 Q I got you. So after that, what happened?

14 A And then after that, I sat there a few more minutes.
15 And I was drinking my beer and drinking -- listening to the
16 radio, and I got tired and everything. So I told her, I
17 said, "I'm going in here and go to bed and go to sleep." I
18 said, "If you want -- if you want to stay here, you can
19 stay here wherever you want to stay at," you know. And
20 then a few minutes later, she came walking up the thing.

21 Q What thing?

22 A The ramp right there.

23 Q All right. Were you already in the trailer?

24 A Yes, sir.

25 Q So she came in the trailer after you did?

1 A Yes, sir.

2 Q And then what happened?

3 A We sat there, and I told her -- I told her, I'll take
4 you home anytime you want to go or anything. And she would
5 never respond to me at that moment.

6 Q All right. Did she look like she was hurt or
7 anything?

8 A No. She didn't act like she was hurt.

9 Q Did she continue to act crazy as you described?

10 A She was trying to calm herself down at that point,
11 yeah.

12 Q All right. So then what happened?

13 A Then we ended up having sex.

14 Q Well, how did you go from telling her you'd take her
15 home to the two of you having sex? I mean, walk us through
16 that. Be as detailed as you can. What happened?

17 A Well, we was talking and everything and that, and
18 somehow, I don't know how it came out to be about the sex
19 part, but I asked her, "Could we have sex?" and we did.
20 And that was it. I went back -- I went to sleep. And when
21 I woke up, she was in the bathroom throwing up and stuff.

22 Q All right. So she was in the bathroom throwing up?

23 A Yes, sir.

24 Q What did you do?

25 A I woke up. My phone was ringing. I woke up and

1 answered my phone. It was my boss man asking me why I
2 ain't -- why I ain't at work already. And it was earlier
3 than this, about 9:00 in the morning.

4 And so she was in the bathroom and everything, and I
5 got me a beer and started -- I was drinking me a beer, and
6 I asked her if she was ready to go, I'd take her home. And
7 she says, "Yeah." And then she came out of the trailer,
8 got in the vehicle and I took her home.

9 Q You went on to work after that?

10 A No, sir. I decided I wasn't going to work that day.

11 Q All right. Did you tell your boss man?

12 A No.

13 Q All right. Now, as far as the two of you engaging in
14 sex, did you force her in any way to have sex with you?

15 A No, sir. No, sir. No, sir.

16 Q So did she consent to have sex with you?

17 A Yes, sir.

18 Q And how did the two of you have -- I mean, I hate for
19 you to be really graphic, but what did the two of you
20 engage in? What type of sexual activities?

21 A Just intercourse, not no any others. I was fine with
22 just sex.

23 Q All right. But you did have sex with her?

24 A Yes, sir.

25 Q So the next day after you dropped her off, tell us

1 what you did and what happened.

2 A Well, I dropped her off, I left, and then I went by
3 Siobhan's to see Siobhan.

4 Q All right. And she said that was about 9:30 in the
5 morning. Does that sound ---

6 A Yeah. It was about 9:30, quarter to 10:00. Yes, sir.

7 Q Is that right after you dropped off Ms. Stone?

8 A Yes, sir.

9 Q And when you went in to see Siobhan, how did that go?

10 A It was all right. We was talking and everything. She
11 asked me if I had beer or anything. I said, "Yeah. I've
12 got beer out there in the car," and we drank us some beer.
13 We sit there and we was drinking beer, and she asked me
14 about my face. And I told her I had an occasion with
15 somebody.

16 Q Did you know that you had these marks on your face?

17 A Yeah. I knew I had it.

18 Q Had you had those prior to hooking up with Ms. Stone?

19 A Just when I was at the store when she jumped all over
20 me, I figured that's where it came from. I didn't really
21 pay that much attention. I felt the burning on the side of
22 my face.

23 Q Okay. And ---

24 A And then I had a bruise on my head. That was from
25 work.

1 Q How did you get that?

2 A They had a tube -- a tube of six came down out of the
3 ceiling I was working on and hit me on the top of the head
4 right there.

5 Q So that was that mark you had on top of your head?

6 A Yeah, yeah.

7 Q So when she asked you about the marks on your face,
8 what did you tell Siobhan?

9 A I told her I had an occasion with a man and a woman.

10 Q What kind of occasion?

11 A That, you know, a man was interfering with a woman and
12 I got in between them. I didn't want Siobhan to know I was
13 with another woman.

14 Q Well, I thought she didn't care if you were with other
15 women.

16 A Well, I didn't know that, because sometimes -- one
17 time before, me and her had an occasion with another woman
18 in between, and it wasn't too good.

19 Q So you lied to her about that?

20 A Yes, sir.

21 Q So then was everything okay after you told her that?

22 A Yeah.

23 Q So what did y'all do?

24 A We was planning on going to the movies that day, and
25 she was going to go get some stuff out of the store and

1 stuff. And so she decided we was going to go by my house,
2 and we was going to have sex and then leave from there and
3 go to the movies.

4 Q Okay. So when you pulled up at your house, what was
5 going on?

6 A I seen a deputy there.

7 Q And what did you do?

8 A I backed out -- started backing out because I had
9 drugs on me.

10 Q So you didn't want to see the deputy?

11 A No, sir.

12 Q So when the deputy asked you to stop, what did you do?

13 A I stopped.

14 Q And then did you have any idea what was going on?

15 A Oh, no. No, sir.

16 Q And when all these people started showing up and
17 asking you questions and stuff, did you know what was going
18 on?

19 A No, sir.

20 Q Do you remember Sergeant Garrett reading you what they
21 call Miranda rights?

22 A Yes, sir,

23 Q And did you agree to talk to him?

24 A Yes, sir.

25 Q Do you remember him asking you if you knew somebody

1 named Brenda Stone? (

2 A Yes, sir.

3 Q And what did you tell him?

4 A I told him I did not.

5 Q Is that all he asked you?

6 A Yes, sir.

7 Q Did you know Brenda Stone?

8 A No, sir.

9 Q Did it dawn on you that Brenda Stone was the person
10 that you'd been with the night before?

11 A No, sir.

12 Q Do you recall Sergeant Marling talking to you while
13 you were sitting in the back of the patrol car?

14 A Just a little bit. Not much.

15 Q A female officer?

16 A Yes, sir.

17 Q You don't really remember much about talking to her?

18 A Hu-uh.

19 Q Do you remember anything you might have said to her?

20 A She asked me about the things on my face.

21 Q What did you tell her?

22 A I told her I just had a scene at the store.

23 Q So you told her the same thing you did Siobhan?

24 A Yeah.

25 Q Was Siobhan there?

1 A Yeah.

2 Q So she was there when this was going on?

3 A Yeah. I was scared to say anything at the moment
4 because Siobhan was there.

5 Q And at some point, they asked you if they could take a
6 swab and take a DNA sample out of your mouth?

7 A Yes, sir.

8 Q And they told you you didn't have to consent to that,
9 right?

10 A Yes, sir.

11 Q But did you consent to that?

12 A Yes, sir.

13 Q So you cooperated with everything the police asked you
14 to do; is that right?

15 A Oh, yes, sir.

16 Q Now, we saw what appeared to be -- it was glasses, at
17 any rate. Were those your glasses that we saw the picture
18 of on the ground?

19 A I'm not sure. The badge was, but I wear ---

20 Q Did you have -- I'm sorry. Go ahead.

21 A But my regular glasses, Siobhan said she found them in
22 the backseat of my car, and my prescription glasses I wear.

23 Q Could those have been your glasses?

24 A Yeah. They could have been.

25 Q Any idea how they ended up on the ground?

1 A No, sir.

2 Q What about your Columbia Farms ID?

3 A I don't know. Because, see, some stuff fell out of my
4 billfold. I was looking in my billfold and stuff and my
5 door was open, and it might have fell out then.

6 Q The ---

7 A Because when I got up the next morning, I had some
8 stuff on the ground and on the floorboard of the SUV when I
9 got up. I put all the stuff back inside my thing. I
10 didn't have my glasses on at that time. So everything I
11 picked up went in my billfold, and I didn't realize what I
12 put all in my billfold.

13 Q So is that how the ATM card and the ID for Ms. Stone
14 ended up in your billfold?

15 A Yes, sir. Yes, sir.

16 Q Because you just picked those things up off the floor?

17 A Yes, sir.

18 Q Now, you heard her testimony. Did you, at some point,
19 clothes-line her or knock her down?

20 A No, sir. No, sir.

21 Q Did you grab her by her feet and drag her back to your
22 trailer?

23 A No, sir.

24 Q Did you do any of those things that she said?

25 A No, sir.

1 Q What about her boots? Did you go pick her boots up
2 out of the yard and put them up on the porch?

3 A No.

4 Q Were they on the porch?

5 A I don't recall that.

6 Q Do you remember going out and getting them off the
7 porch for her the next day?

8 A Hu-uh.

9 Q I'll just ask you again, did you, in any way, force
10 her to engage in sexual activity with you?

11 A Oh, no, sir. No sir.

12 Q All right. That's all I have. Please answer any
13 questions the solicitor has for you.

14 A Okay.

15 Q Oh, one other thing just real quick. As far as the
16 possession of crack charge goes, you're guilty of that,
17 aren't you?

18 A Yes, sir.

19 Q You possessed the crack?

20 A Yes, sir.

21 Q And you told the officer you had the crack?

22 A Yes, sir.

23 MR. CHAMBERS: All right. Thank you very much.

24 ///

25 ///

CROSS EXAMINATION

BY MR. MOYER:

Q Well, then, If you're so interested in cooperating with the officer about the crack and all that, why were you backing away from the trailer when you started pulling in there and you saw the police officers?

A I don't know. I just -- I didn't want -- I didn't know he was looking for me at the time. And here I am with drugs, and I didn't really want to pull down in there with drugs on me.

Q Okay. Well, you said later you didn't mind telling the officer about the crack.

A Yeah. I know later, yeah.

Q Okay. Well, why didn't you mind later, but why did you mind when you first were pulling up there?

A I don't know.

Q You don't know?

A I just -- I didn't think it was nothing really going on at the moment.

Q At which moment?

A The moment when I was talking to the officer.

Q Okay. Well ---

A Because we talked for a long time. I done got in the car and everything with dope on me, and I was trying to get by with the dope on me. Maybe I'd have got away with it.

1 Q So why were you scared to drive up to your house when
2 you saw those police officers there?

3 A I didn't want to because I had dope on me. I was kind
4 of in shock -- in shock, you know. I had two feelings
5 going on at one time, and Siobhan was with me, too.

6 Q Well, that's what I'm trying to understand. You said
7 you were scared about the dope then, but then later when
8 you talked to the police officer, you told him all about
9 the dope.

10 A Yeah. After he -- well, after he done want to pat me
11 down. He didn't know nothing about the dope on me until he
12 wanted to pat me down.

13 Q Okay. So when you were pulling up there, though,
14 where was the dope?

15 A It was in my front pocket.

16 Q In a pack of cigarettes, right?

17 A Yes, sir.

18 Q Okay. In your pocket?

19 A Yes, sir.

20 Q Hidden pretty well, right?

21 A Yeah.

22 Q Okay. So you hadn't done anything wrong, right?

23 A Right.

24 Q So those officers didn't have any reason to search
25 you.

1 A Well, I pulled on down. Once he found out who I was,
2 I pulled on down in there.

3 Q I'm talking about before, though. I'm talking about
4 when you started driving up and you saw some police
5 officers there, you hadn't done anything wrong, so they
6 didn't have any reason to search you, right?

7 A Right.

8 Q They wouldn't have any reason to find dope in your
9 pocket, right?

10 A Uh-huh.

11 Q So you weren't scared of that. You were scared
12 driving up there because you knew Brenda Stone that you had
13 just raped had probably told on you.

14 A No. I didn't even know -- I didn't even know who she
15 was at the time. I didn't.

16 Q I didn't say you knew what her name was, but you knew
17 you had just raped a woman the night before.

18 A No.

19 Q All right. Well, let's talk a little bit about that
20 night before. So you admit you'd been with Siobhan?

21 A Yeah.

22 Q And Siobhan, you said -- I'm not quite sure I
23 understand the relationship you said. You said you
24 sometimes see each other but you were dating other people.

25 A Yeah.

1 Q Okay. So you would see other people and she would see
2 other people?

3 A No. I didn't really see nobody. I was too busy
4 working.

5 Q I'm just going on what you told your lawyer when he
6 asked you ---

7 A Yeah. That's what -- we see each -- yeah. We can see
8 each other, you know, different people if we wanted it that
9 way. I didn't want it that way, though.

10 Q Okay. But you could?

11 A Yeah. I could.

12 Q And she didn't care if you saw other people?

13 A No, she didn't.

14 Q So you didn't have any reason to lie to her about
15 having consensual sex the night before, did you?

16 A No.

17 Q You didn't. In fact, when she saw these scratches
18 that you say come from kissing, you could have just said,
19 "You know what? I met a girl and we had sex," and she
20 wouldn't have minded, right?

21 A I don't know.

22 Q So you had no reason to lie to her.

23 A I didn't know at that moment what she would do.

24 Q You just said you could see other people.

25 A Yeah. We could see other people.

1 Q All right.

2 A But I didn't want to, though.

3 Q You didn't want to, but she didn't care, did she? She
4 didn't care. You heard her testify, right?

5 A Yeah.

6 Q Okay. And you went to the Spinx gas station?

7 A Yeah.

8 Q Now, you saw the video here a little ---

9 A Yeah.

10 Q You saw the video. And you saw that was Siobhan --
11 I'm sorry. Not Siobhan. That was Brenda with that moped,
12 right?

13 A Yeah.

14 Q That was her?

15 A Yeah. That was her.

16 Q You recognized the boots, right?

17 A Yeah. I recognized -- well I didn't really pay
18 attention to the boots because I -- when she got in the
19 car, I didn't even notice she had rubber boots on.

20 Q Okay. Well, when you saw -- okay. That was her,
21 though ---

22 A Yeah.

23 Q --- having that little altercation with the man at the
24 moped?

25 A Yeah.

1 Q Now, you're saying that wasn't you in that white
2 vehicle?

3 A No.

4 Q Now, obviously, we can't see a license plate so we
5 don't know for sure, but you would agree that's the same
6 kind of vehicle you've got, right?

7 A It looked like the same kind of vehicle. But as you'd
8 seen, it pulled right on out and went out the side
9 entrance.

10 Q Okay. And it was going the same direction that Brenda
11 was walking, wasn't it?

12 A I guess.

13 Q Okay. And you would agree it was the same color
14 vehicle as yours, right?

15 A Close to it, yeah.

16 Q It was white and had the same strip down the side as
17 yours did?

18 A I couldn't really tell much about the strip part.

19 Q Okay. Had tinted windows. Your truck has tinted
20 windows, right?

21 A Yes.

22 Q Okay. So it would be an awful big coincidence then,
23 though, wouldn't it?

24 A Yeah.

25 Q Another vehicle exactly like yours.

1 A Yeah. But I didn't pull up to the gas pumps. I came
2 around on the back side of the gas pumps and pulled in
3 where the door's at.

4 Q Okay. All right. Now, you then say she came up to
5 you and she asked you for a ride home. She got in the car.
6 And that's when -- that's when your face got hurt?

7 A Yes, sir.

8 Q Okay. And you're talking about all those injuries on
9 your face.

10 A Yeah. The scratch mark on the face right there
11 (indicating), yeah.

12 Q The scratch mark on your left side of your face.

13 A Yeah.

14 Q Scratch mark on the right side of your face. Would
15 you like to look at the pictures?

16 A I don't know about the right side.

17 Q Let's look at State's Exhibit No. 59. That's the left
18 side of your face, right?

19 A Yeah. That's the side over here (indicating), yeah.

20 Q Okay.

21 A All right.

22 Q And you see there's two scratch marks on the left side
23 of your face, don't you?

24 A Yeah.

25 Q There's another big ---

1 A That's where -- yeah.

2 Q There's another -- there's a bruise by your eye, isn't
3 there?

4 A I don't know if it was a bruise or what it is.

5 Q It's certainly a discoloration, isn't it?

6 A (Non verbal answer.)

7 Q And so did you get a bruise from this kissing, also?

8 A No. She just had her hands all over me in the car.

9 Q And you got bruises from that?

10 A Yeah. I guess.

11 Q Let's look at the other side of your face. You've got
12 scratch marks on those cheeks as well, don't you?

13 A Somewhat.

14 Q Somewhat. Okay. Let's look right above that eye.
15 You've got what looks like a bruise above that eye, too,
16 don't you?

17 A That's where I was talking about -- about I got hit in
18 the head when I was doing work.

19 Q Well, I thought that was a bruise up by your forehead.

20 A Right here (indicating).

21 Q Because you have another bruise up here (indicating)
22 on the top of your forehead, don't you?

23 A Yeah. That's where a tube of six got me right there.

24 Q All right. That's where that got you. But then
25 you've got bruises on both sides of your head by your eyes,

1 you've got two or three scratches on each side of your
2 face, and that's all from being kissed by Brenda Stone; is
3 that what you're telling us? Is that your testimony?

4 A Yeah.

5 Q Isn't it true that you got those bruises on your face
6 because she was trying to fight you off from dragging into
7 your house, into your trailer?

8 A No. No, sir.

9 Q Okay. So your testimony is that you then went to
10 Berea. What did you do in Berea?

11 A I went and picked up some money.

12 Q Where did you get money?

13 A I done a plumbing job for a guy, and he owed me \$200.

14 Q Okay. What's this guy's name?

15 A I don't remember offhand.

16 Q Where did he live?

17 A Up there in a trailer park up there towards Travelers
18 Rest.

19 Q What road?

20 A It's behind a bread company up there.

21 Q What's the name of the road though?

22 A I ain't exactly sure.

23 Q And what's this guy look like?

24 A He's a black dude.

25 Q And what's his name?

1 A I can't remember offhand now.

2 Q You went up there and you got money?

3 A Yes, sir.

4 Q Okay.

5 A She stayed out in the car when I went inside the
6 trailer.

7 Q Okay. And then your testimony is that you then went
8 -- started driving again, and she wouldn't tell you where
9 she wanted to go?

10 A No, sir.

11 Q And so you took her to your house?

12 A Yes, sir.

13 Q Okay. And the reason you took her to -- why didn't
14 you just take her back to the Spinx gas station, drop her
15 off there?

16 A She didn't know -- I didn't know where to take her to
17 and she didn't want to go back to the station, so I didn't
18 know . . .

19 Q Did she want to go to your house?

20 A Huh?

21 Q Did she ask to go to your house?

22 A No, sir. I didn't -- I wasn't going to do nothing to
23 her. I wasn't scared of her or anything like that, so I
24 was just asking her where she wanted to go.

25 Q All right. And then your testimony is then you sat in

1 your driveway?

2 A Yeah.

3 Q And you started smoking crack and drinking beer?

4 A Yeah.

5 Q Okay. And she wasn't drinking beer or smoking crack
6 is what you told us.

7 A She didn't want no beer, no.

8 Q And you said she also went crazy and ran out and
9 slipped and fell, and that's when she hurt her head?

10 A Yeah. There's a embankment outside the door right
11 there, and she fell down it.

12 Q Okay. Well, what can you tell us about all the
13 bruises on the inside of her arm, her right arm?

14 A I don't know where that came from, period, because I
15 ain't put my hands on her at all.

16 Q What about all the bruises on the inside of her left
17 arm?

18 A I don't know about that either.

19 Q What about all the bruises on the inside of her right
20 thigh?

21 A I don't know about that either.

22 Q What about the bruises on her left thigh?

23 A I didn't -- I don't know anything about that one
24 either.

25 Q What about the bruises on her calves?

1 A I don't know about none of it. And that's the truth.

2 Q What about the scrapes on her back?

3 A When she went out that embankment, it's a lot of
4 gravel and stuff, and she had to hit right there. And
5 there's asphalt right there, too.

6 Q And so your testimony is that then after all that,
7 after she had fallen down an embankment, hit her head,
8 watched you smoke crack, she's drunk, she's been working
9 all day at Columbia Farms, she came into your trailer and
10 wanted to have sex with you?

11 A Yeah.

12 Q That's your testimony?

13 A Yeah.

14 Q And she wanted to have anal sex with you?

15 A No. Not -- had nothing like that.

16 Q Are you aware of the fact that your sperm was found on
17 swabs that were collected from that area of her body?

18 A I don't know how it got there ---

19 Q Do you have any explanation for that?

20 A --- because there's nothing like that happened.
21 That's for sure.

22 Q Do you know that area had redness and tenderness?

23 A It wasn't from me, that's for sure.

24 Q Well, how did the sperm get in that area?

25 A I don't know. Because I went the other hole. I ain't

1 go that hole. That's for sure.

2 Q So that's your testimony?

3 A Yes, sir.

4 Q Isn't it true that the bruises on her arms are from
5 your holding onto her so that she wouldn't try to run away
6 again?

7 A No, sir.

8 Q And that the bruises ---

9 A I went to sleep. And she could have left at any time
10 she wanted to.

11 Q And that the bruises on her legs are from when you
12 reached down while she was kicking you trying to keep you
13 away from raping her, and you grabbed her legs and started
14 dragging her?

15 A No.

16 Q And isn't it true that the scrape marks on her back
17 were from you carrying her across the parking lot dragging
18 her to your place?

19 A I couldn't do that, sir. I got a broken ankle.

20 Q And then you then started talking to some police
21 officers at -- when you showed up at your trailer the next
22 morning, you talked to several police officers there,
23 right?

24 A Yeah.

25 Q And one of them was Brian Garrett, and he only asked

1 you one question. He asked you if you knew Brenda Stone.

2 A Yeah.

3 Q And what did you say?

4 A No.

5 Q And you had her ID with her name in your pocket at
6 that very moment, didn't you?

7 A I didn't know I had it in my pocket.

8 Q You didn't know that?

9 A No, sir.

10 Q How did it get in your pocket?

11 A I don't know.

12 Q You don't know.

13 A I picked up -- I didn't have my glasses on my face,
14 and I picked up the cards and stuff I had on the floorboard
15 of my car and stuck them in my billfold. And that was the
16 last time -- I didn't even know that I had her license or
17 anything in my billfold, period.

18 Q That's how all that got in your billfold?

19 A Yes, sir.

20 Q Well, didn't it occur to you ---

21 A Because I can't see without my glasses.

22 Q Well, did it ever occur to you -- and so you didn't
23 know her name?

24 A No, sir.

25 Q Well, did it ever occur to you while that officer was

1 talking about a woman whose name didn't -- did it ever
2 occur to you that maybe it might be that woman that you had
3 just had sex with the night before?

4 A No, sir.

5 Q You didn't even think about that?

6 A No. I didn't think nothing about it. No, sir.

7 Q You didn't -- I don't mean to cut you off. You didn't
8 think to yourself, Well, maybe it's that woman whose name I
9 didn't know who was drunk and seemed like she was in a lot
10 of trouble the night before. Maybe I should tell him about
11 that. That didn't occur to you?

12 A No, sir.

13 Q And then you spoke to that other investigator, the
14 female investigator?

15 A Yes, sir.

16 Q And you told her that you got those scrape marks and
17 bruises on your face because you had gotten into a fight
18 with your friend, with a buddy, at your house. Didn't you
19 tell her that?

20 A At the store, yeah.

21 Q No. At the house first.

22 A No. It was an occasion at the store, not the house.

23 Q Okay. All right. Well, we have some differences.

24 So you're saying you did not tell her that you had had
25 a fight with a buddy at your house and then changed your

1 story saying it was at the Spinx?

2 A No.

3 Q Okay.

4 A I said store.

5 Q All right. Well, let's stick with that. Why did you
6 tell her that? Why didn't you tell her, "Listen, I met
7 this girl last night, and, you know, we started kissing,
8 and I guess she scraped my face a little bit"? Why didn't
9 you tell her that?

10 A I don't know. I didn't want -- I didn't want my
11 girlfriend finding out at the time.

12 Q But your girlfriend didn't care if you saw other
13 people, did she?

14 A Well, I didn't really know that.

15 Q Well, you testified to that.

16 A Well, I didn't know that until today when she said
17 what she said today.

18 Q And then you told that same officer when she asked you
19 -- when she asked you why Siobhan didn't know -- or didn't
20 see the scratches on your face because, well, it didn't
21 happen at my house before I saw Siobhan. It actually
22 happened at the Spinx. So you changed your story that
23 time, didn't you?

24 A I can't recall, sir.

25 Q Now, and Siobhan wasn't around during that

1 conversation, was she? She wasn't listening.

2 A I can't remember if she's close to the car or not,
3 because she was right there behind the car.

4 Q Well, didn't you think something was going on when the
5 police were asking you all these kinds of questions?

6 A Yeah.

7 Q Did it occur to you that, well, maybe you should just
8 tell him what really happened?

9 A Well, I didn't think at that exact moment.

10 Q And so you agree that that was your Columbia Farms ID
11 that was in the -- out in the middle of the driveway?

12 A That's one of them, yeah.

13 Q You have several. That was one of them?

14 A Yeah. I had two of them.

15 Q And you say they look kind of like your glasses
16 because you have some glasses that look like that?

17 A Yes, sir. Siobhan said my other glasses was in the
18 car. I don't know where them glasses come from.

19 Q Okay. So those were probably your glasses right
20 there?

21 A Might be my reading glasses, maybe.

22 Q Okay. Because they're right next to your ID?

23 A My badge, yeah.

24 Q And isn't it true that the reason those two items were
25 there in the yard right in the same direction from where

1 you dragged Brenda Stone towards your trailer is because
2 she was fighting you so hard, that stuff just fell out of
3 your pockets?

4 A No, sir.

5 Q Isn't that how that stuff got there?

6 A No, sir.

7 MR. MOYER: I have nothing further.

8 MR. CHAMBERS: No redirect, Your Honor.

9 THE COURT: All right. You can step down.

10 MR. CHAMBERS: The defense rests.

11 THE COURT: Okay. Let me talk to the lawyers up here
12 for one second.

13 (WHEREUPON, a bench conference was held off the record.)

14 THE COURT: Okay. Ladies and gentlemen, this is one
15 of those times where I need to have a conference out of
16 your presence. But I want to tell you that we've now
17 completed the first two parts of the trial. You remember
18 the first part was the opening statements, the second part
19 is the presentation of the testimony and the evidence. So
20 all of the testimony and all of the evidence that's going
21 to be presented in this case is before you.

22 So I'm going to have a legal discussion with the
23 lawyers. I'll be back with you very shortly. We will move
24 into the third part of the trial which will be the closing
25 arguments of the attorneys, okay? So if y'all retire to

1 your jury room, we'll get right back with you.

2 (WHEREUPON, the jury exits the courtroom at 3:07 p.m.)

3 THE COURT: All right. Mr. Chambers, anything?

4 MR. CHAMBERS: I would, at this point, renew my motion
5 for a directed verdict, Your Honor.

6 THE COURT: Okay. Same ruling.

7 All right. Any specific requests for a charge?

8 MR. CHAMBERS: Not from me, Your Honor.

9 THE COURT: Let me tell you what we've got. We've got
10 the judge and the jury, indictment's not evidence, multiple
11 charges, credibility of the witnesses, presumption of
12 innocence, reasonable doubt, direct and circumstantial
13 evidence. Do you want anything on voluntary intoxication
14 not being a defense to a crime?

15 MR. MOYER: That's what I was just going to say.

16 THE COURT: Do you want anything about the statement
17 of the defendant? No? He didn't contest it.

18 MR. CHAMBERS: No. No, Your Honor.

19 THE COURT: Any question about identity?

20 MR. CHAMBERS: No, Your Honor.

21 THE COURT: All right. Well, let's just take a short
22 break, and we'll come back and get at it.

23 MR. MOYER: The only other matter I would think of is
24 that the testimony -- I don't know if you charge -- some
25 judges do, some don't, but the testimony of a victim in a

1 criminal sexual conduct case does not have to be
2 corroborated.

3 THE COURT: Corroborated. Yeah. I think that's part
4 of my standard charge, but I'll check on that.

5 We'll just take a short break and get right back with
6 you.

7 (WHEREUPON, a recess is taken at 3:09 p.m.)

8 (WHEREUPON, the jury entered the courtroom at 3:22 p.m.)

9 THE COURT: All right, ladies and gentlemen. Welcome
10 back. We are ready to move into the third part of the
11 trial with the closing arguments of the attorneys. Y'all
12 paid great attention throughout the course of the trial,
13 and I ask you to continue to do that during the arguments
14 of these fine attorneys. All right.

15 CLOSING ARGUMENTS

16 MR. CHAMBERS: May it please the Court.

17 THE COURT: Yes.

18 MR. CHAMBERS: Your Honor, solicitor, ladies and
19 gentlemen, we have finally come to the end. The solicitor
20 has put his case up in full, and even though there was no
21 obligation on our part to put up any evidence, and
22 certainly no obligation for my client to testify, he took
23 the stand. He not only answered my questions, but
24 withstood the cross-examination of the solicitor in this
25 case.

1 And so in a few minutes after you've heard from us and
2 after His Honor has charged you on the law, then you are
3 going to have the opportunity to go back and consider all
4 the evidence in the case, and you're going to have to reach
5 a unanimous decision in this case. And at least from my
6 perspective, anyway, this is a difficult case, because this
7 is a situation where people sometimes find themselves where
8 things look bad. There's circumstantial evidence there
9 that just looked bad for you. And that's the situation
10 that William Zeigler finds himself in.

11 Brenda Stone has taken the witness stand, she's
12 testified, this is after having talked to the police back
13 in 2013, and she says that she was raped. She says that
14 William Zeigler took her to his house against her will,
15 dragged her across the yard into his trailer and raped her.
16 He says they had sex but it was consensual.

17 So the first thing that I would be asking myself if I
18 was sitting there in your place is: Why would she lie?
19 What's her motive to lie? And that's a difficult question
20 to answer. And, frankly, I don't even know if she is
21 lying. She may, in her own way, be telling the truth just
22 the same as William Zeigler is telling the truth. She may
23 believe that something happened to her, because frankly,
24 there's a lot about that night before that she doesn't
25 remember. There are a lot of things that she did that

1 night before that she couldn't recall. There are a lot of
2 things about that night before that she even herself says
3 were hazy. She didn't even know how she got to the Spinx
4 until she was able, with the solicitor's assistance, to go
5 back, look at some video, and have a chance to ponder
6 things again. So what you have to do is you have to go
7 through all of the evidence.

8 Now, it is very often a tactic, I believe, of
9 prosecutors where they like to say that the defense counsel
10 wants you to take your eye off the ball, defense counsel
11 doesn't want you to look at the evidence in this case.
12 And, ladies and gentlemen, that could not be further from
13 the truth. Because what I want you to do is I want you to
14 look at all the evidence in this case, I want you to
15 consider all of the testimony you heard in this case, and I
16 want you to do it with a discerning and skeptical eye.
17 Because that's what you're called upon to do. Because
18 they, as we've discussed, and I'm not going to bore you
19 with all that stuff again, although it is very important,
20 they have the burden of proof.

21 The State has the burden of proof, and it's beyond a
22 reasonable doubt. The evidence that they've brought you
23 needs to leave you firmly convinced, in other words,
24 definitely sure about what the proper verdict in this case
25 is. So you have to look through all the evidence, and you

1 have to consider all of it, and you have to ask is it
2 corroborated, and you have to ask does it make sense to me.

3 There are some things that we know. We know, for
4 example, that Brenda Stone went to work at about 7:30 at
5 Columbia Farms. Her daughter took her there. We know that
6 she worked a hard job. Listen, I've had a lot of clients
7 that end up working there, and I know from talking to them
8 that it's a hard job. I live out at Pebble Creek. I drive
9 by Columbia Farms at least twice a day. I see those people
10 coming to and from work. I can tell you that they look
11 like they're dreading it when they're walking in there, and
12 they look like they're tired when they come out. And I
13 know it's a hard job. They're hustling, they're on that
14 line all day, it's very physical, it's physically
15 demanding, and I imagine it takes a toll on people. I
16 imagine that it's not uncommon, for example, to get
17 scratches and bruises and lots of things like that while
18 you're doing that job. I also would imagine that you are
19 bone tired when you're done doing that job.

20 On the day that Brenda Stone is picked up by her
21 daughter, she said that she was bone tired. She wanted to
22 go home. But here's what happened. She gets into an
23 argument that is so severe with her own daughter that she
24 gets out of the car, her daughter just lets her out in a
25 neighborhood.

1 Now, it's a neighborhood she said she was familiar
2 with. She didn't just stop the car and make her get out.
3 But rather than continue however long it was home, she was
4 so belligerent at that point and so upset that she wanted
5 out of the car, and so her daughter let her out of the car.
6 She obliged her. And what did she, in very short order,
7 end up doing? Did she get another ride home? No. She
8 went and bought herself a pint of vodka.

9 Now, listen, none of this is illegal, and I'm not
10 trying to cast dispersions based on the fact that she did
11 these things. But, first of all, you have to consider what
12 her frame of mind was, and you have to consider the fact
13 that on top of everything else that had happened, she
14 decides to get drunk. I mean, she's only 5'1". She's a
15 small person to begin with. She hadn't had anything to
16 eat. I mean, did you ever hear any testimony at all about
17 her having anything to eat?

18 And she knocks back a pint of vodka with nothing but a
19 Pepsi chaser. She was wasted. She was falling-down drunk.
20 You got to see a little bit of it on that video, just a
21 little bit of a snippet. But she had a hard time walking a
22 straight line. She was even belligerent in that video. I
23 mean, this guy who is a friend of hers, she throws his
24 helmet down and breaks it. She slaps him. You can see it
25 on the video. I asked her about it on cross-examination.

1 She was very erratic with her behavior that night,
2 perfectly consistent with what William Zeigler described to
3 you.

4 There are -- something else that we know is that she
5 said she didn't remember how she got to the Spinx until she
6 saw the video, but she does remember that she was going
7 over to this guy Jerry's house. She said Jerry wasn't
8 home.

9 She apparently didn't recall that two or three people
10 had given her rides. There was a guy named Don I asked her
11 about taking her over to her son's house who lived very
12 close to where her mother lived. There's another person I
13 asked her about that was trying to take her home. And yet,
14 none of these people were never able to get her there.
15 There was always some reason that she didn't want to go
16 there or they didn't end up there, either she didn't want
17 her mom to see her when she was drunk. I can't remember
18 what the reason was that she didn't end up going over to
19 her son's house which would have been very close to her
20 mother's. And even Mitchell, the guy on the moped, was
21 taking her -- was going to take her back to her daughter's
22 house, and that didn't happen because she got mad at him,
23 threw his helmet down and slapped him.

24 So despite everybody's best efforts of trying to get
25 this woman home, she thwarted those efforts. Again, it's

1 this erratic behavior that she displayed throughout the
2 night, this drunken, erratic behavior. She had no control
3 over what she was doing, she didn't know what she was
4 doing, and despite everybody's best effort to get her home,
5 they were not able to do that. She was at the Spinx. I
6 asked her if she remembered them asking her to leave
7 because she was so drunk. She didn't remember that.

8 But along comes William Zeigler. Now, I'm not even
9 sure what significance it would be that they want to say
10 that it was William Zeigler that pulled up there at the
11 pump. If you want to look at that video, it's in evidence.
12 There was a person that I saw pop out of the car there. It
13 wasn't William Zeigler. You certainly never saw William
14 Zeigler get out of the car. Somebody pulling up to the
15 pumps would have been there to get gas. William says
16 that's not his car. It would seem to be that it's not his
17 car. And in some crazy scheme to make money, it would seem
18 to me that the folks at Infinity probably made more than
19 one of those white vehicles. I drive a white Dodge pickup
20 truck, and I spot about three or four of those every time I
21 walk into Walmart.

22 So, again, I don't know what significance that would
23 be, but when he says that's not his car, there's no reason
24 to believe him -- to not believe him when he says that's
25 not his car. We know he went to Spinx. He told you he

1 went to Spinx. He went to Spinx after he left Siobhan who
2 is -- I don't know. I think those two are not on the same
3 page about their relationship. She said that he loves her;
4 she doesn't love him, you know. That could very well be.
5 But they had some sort of relationship that went beyond
6 friendship, and that's where he was. He'd been out with
7 her. They'd eaten. I think they said they'd gone to a
8 movie. And then he was going to go by and get some beer
9 and cigarettes and then go out to Berea, which he told you
10 about. So he stopped by there. And that's where he meets
11 Brenda Stone. He wasn't out looking for anybody. He
12 wasn't trying to find anybody. He pulls in there, and this
13 woman asks him for a ride.

14 Now, they say -- they want to make it sound like he
15 was stalking her, like he saw her and said, "That's an easy
16 target. I'm going to swoop in there." But this is
17 somebody that had been asking people for rides all night
18 long, so it's certainly not a stretch to believe that she
19 asked him for a ride.

20 And he told you what then happened. He told you that
21 she went back into the store to get something out of the
22 ATM. Well, we know she had her ATM card with her, so that
23 would make sense. There was another girl that was with
24 her. He said they were dancing around and carrying on and
25 stuff. Again, she is extremely drunk at this point. She

1 could very well have been doing that.

2 She comes out and gets in the car and lunges over at
3 him and starts to kiss him and stuff, and that's when she
4 scratches his face.

5 He tells you in great detail about going out to this
6 house in Berea. And that's how you can sometimes tell that
7 somebody is telling you the truth is by the detail that
8 they use in being able to recount that to you. He went out
9 there and he got the money. She kept playing with the
10 volume, turning the radio up, carrying on. He wanted to
11 take her home. Frankly, he was probably trying to get rid
12 of her at that point, but she wouldn't tell him where to
13 go. She wanted to keep playing with the radio, she wanted
14 to keep carrying on, perfectly consistent with the way
15 she'd been acting all night long.

16 And then he, just out of a lack of any idea about what
17 else to do, he just drives to his house. And he says,
18 "Listen, I'll take you home anytime you want to go, but I'm
19 going to bed. I'm tired." She ends up coming in there,
20 they have sex with one another.

21 He told you that while she was out there, she jumped
22 out of the car, she ran around, she pounded on that one
23 door, she ended up falling down, all of which is very easy
24 to do when you're in the kind of shape that she was in.
25 She tells a very different story, but then again, she's

1 told a different story on a couple of occasions.

2 Now, the solicitor wanted to introduce into evidence
3 the statement that she gave to Investigator Robertson. By
4 the way, we didn't get to hear from Investigator Robertson.
5 I'm not sure why. He's sitting right over here. He could
6 have testified about his investigation at any time, but
7 apparently, they didn't want you to hear from him.

8 But at any rate, that statement's in, and I want you
9 to take a look at that statement. That's why I didn't
10 object to it. I don't have a problem with you looking at
11 it because it is considerably different in some very real
12 aspects to what she testified to when she testified here
13 today.

14 She said that when they got out there -- first of all,
15 she says that when they were driving out there, he took a
16 wrong turn. She says in her original statement that they
17 just kind of fussed with each other, but today it was very
18 dramatic. ("He threw his arm on me. He said, 'You just
19 slink down in the seat, bitch,'" you know, and he drove on.
20 She's exaggerating. She's exaggerating for your benefit.
21 She's exaggerating because she wants you to believe what
22 she says happened. But she didn't say that in the
23 five-page statement that she gave the police, and she could
24 have put anything in that statement she wanted to, anything
25 that happened in that case as she remembered it.

1 She says in her original statement to the police that
2 at some point, he clothes-lined her and knocked her down.
3 But what does she say -- or she says that when she
4 testifies. But what does she say in that original
5 statement? She says, "I thought he was going to hit me,"
6 not that he hit her, not that he pushed her, not that he
7 did anything to her. "I thought he was going to hit me, so
8 I laid down on my back and I started kicking him." That is
9 a lot different. And it is significant, because what is
10 she doing again? She is exaggerating for your benefit.

11 I'm not really sure she remembers anything about what
12 happened except maybe bits and pieces. She knows that she
13 woke up in -- apologies to my client, but just one of the
14 worst looking places that I've ever seen with a man that
15 she doesn't know, and she's sore all over. I would imagine
16 that she was pretty upset with herself, and maybe she
17 thought that something bad had happened to her as she tried
18 to piece things together. You know, that happens. There
19 are people, I may be among this number, that at some point
20 in their life have had so much to drink, that they don't
21 really remember everything that happened the night before
22 when you start working backward and trying to fill in those
23 blanks. I don't know. But I know when you look at the
24 story she told on July 13th and the story that she told
25 when she came in to testify today, it is different in some

1 very real aspects.

2 One of the things that's really significant when you
3 look at that statement that she gave is, first of all,
4 William said she fell. There was like a culvert that had
5 some gravel and stuff, and she fell trying to run down
6 through there. When you look at the scrape marks that are
7 on her back, it's perfectly consistent with the kind of
8 fall that he's talking about.

9 And the thing that is significant about it is all of
10 those scrape marks are in the lower back area except for
11 one that's kind of up here at the top. If you look at them
12 closely, they also go in different directions, which would
13 be perfectly consistent with somebody who slipped down
14 someplace and then is trying to get herself back up. Not
15 consistent, however, with somebody -- and this is what she
16 said in that statement. This is why I questioned her on it
17 so specifically when she was on the stand.

18 He said -- and she's 5'1". I'm 5'9". William is
19 taller than I am. She said that he took her feet and put
20 them up under his arms and then dragged me. The scrape
21 marks would have -- if that were the case, she would have
22 been almost on her head. Any scrape marks would have been
23 up around her shoulders, or certainly the back of her head.
24 Would not have been the way they appear, and they would
25 have all been in one direction. They would have not been

1 going in different directions and stuff. I mean, it's
2 true. She's got red marks and things all over her.
3 But again, she works.

4 That blood that's on her shirt, by the way, you know,
5 somebody made reference when they testified, well, we
6 believe that that was suspected blood. That's probably
7 chicken blood. It didn't correspond with any wounds that
8 they said she had. That's a shirt that she supposedly wore
9 the night before, but it's also the shirt she wore to work.
10 Who knows? I mean, there's lots of things that we can talk
11 about.

12 Now, they talk about the marks that he has on his face,
13 and that Siobhan didn't notice anything before that.
14 Listen. You can take a look at those. Those are very
15 superficial marks to be perfectly consistent with what he
16 said happened when they were in the car. This is a guy who
17 does a lot of physical labor. He talked about the bump on
18 his head and how he got that. And you can take a look at
19 that. Sure, he didn't tell the truth to his girlfriend
20 about what happened. Most men wouldn't. And it's easy to
21 say, "Well, she didn't care." He doesn't know that. And
22 even if she didn't care, even if he knew in his heart of
23 hearts she didn't care, this is a woman that he wants to
24 have a relationship with. He wouldn't tell her that. He's
25 still hoping to light some spark with Siobhan, you know.

1 It doesn't surprise me.

2 He pulls up. And think about how he conducted himself
3 the next morning. This is a person -- because if you
4 listen to the way she described that, it sounded like the
5 work of somebody who is truly sadistic, somebody that's
6 just mean as hell. But the next morning he comes in to
7 check on her in the bathroom. He asks her how she's doing
8 like nothing happened, because nothing happened. And it is
9 telling that she asked him for a ride. You would not have
10 gotten me back in the car with somebody that I believe had
11 done something like that to me. There's no way.

12 Now, the solicitor is probably going to talk about the
13 physical exam that they did, the rape kit. All right.
14 Well, first of all, there was redness. But remember, one
15 of the problem areas was a yeast rash. I asked the nurse,
16 "Could there also have been a yeast infection?"

17 "Yes, there could have been."

18 There was, they said, a couple of laceration to the
19 vagina, but there was no real explanation as to how those
20 got there.

21 Now, what she said about the anal area was that it was
22 red. She did not say anything about there being
23 lacerations. Had somebody forced their way into her
24 rectum, there would almost have to have been if there were
25 in the vagina, because that area is not self-lubricating

1 the way that she said the vagina is. And as common sense
2 would tell us, it's very hard to get into that area. Okay.

3 So the solicitor says, "Well, how did -- how did the
4 DNA also get into the rectal area?" Well, common sense
5 would tell you that if they engaged in vaginal sex, it
6 could very easily have drained out of the vagina and down
7 into the rectal area very easily and would have remained
8 there. It doesn't take much when they're doing those
9 swabs.

10 And he has nothing to lose, by the way, by saying,
11 "Yeah, we -- we had all kinds of sex that night. We did it
12 the front door, the back door and any way you wanted to do
13 it." He has nothing to lose by saying that. He's just
14 telling you the truth. He's telling you as it happened.

15 The solicitor will point out that there were the
16 glasses and there was the Columbia Farms ID in the yard.
17 Well, ladies and gentlemen, there was stuff all over that
18 yard. His car was there. This woman had been in the car,
19 and she had jumped out, and she had run around and done all
20 those things. The solicitor's explanation, as I understood
21 it when he was talking about it, was that Columbia Farms ID
22 had fallen out of my client's pocket as he was dragging the
23 alleged victim over to his trailer. Well, first of all, it
24 would be very difficult for something to just fall out of
25 your pocket. But secondly, why in the world would he have

1 his Columbia Farms ID anywhere on his person? He hadn't
2 worked there since February. He hadn't been over there.
3 He had no reason for it.

4 Now, he said those glasses could have been his. They
5 might have been his reading glasses, but he doesn't know
6 how they got out there. One thing that's notable about it
7 is they apparently were not any kind of glasses that he was
8 wearing or anything because glasses that you're wearing, if
9 they were to fall off, I don't think that they would end up
10 on the ground perfectly folded, which is the way those
11 glasses were. Those glasses could have slipped out at any
12 point.

13 When my client, William Zeigler, pulled up at that
14 trailer, he had no reason in the world to believe that he
15 had done anything wrong. He had taken Brenda Stone home,
16 or at least where she told him her home was. He had
17 dropped her off, and then he had gone over to his
18 girlfriend's house. These are not the actions of somebody
19 who is sitting there thinking, God, I raped somebody last
20 night. I kidnapped somebody last night. He's going about
21 his day just like any other day, and then he is going to
22 take Siobhan right back over to the trailer where all this
23 was supposed to have occurred. And when he pulls up, the
24 police are there.

25 Now, the solicitor wants you to believe that he knew

1 right away that the jig was up because he started to back
2 away. I don't know. I would be kind of worried, too, if I
3 pulled up and I saw the cops at my house. I might wonder a
4 little bit about what's going on. But if I had crack in my
5 pocket, I would certainly be worried about it, and I would
6 try my best to avoid the cops.

7 And, of course, the solicitor says, "Well, if you were
8 going to tell him about it anyway, why would you be worried
9 about it?" Well, that doesn't make sense. That makes no
10 sense at all. I mean, it's one thing to think, Well, I'm
11 just going to back out of here and kind of ease on out of
12 here, but when the police officer tells you to stop and
13 they start asking you questions and they're about to pat
14 you down, well, that's a different thing. And so it was at
15 the point where they were about to pat him down that he
16 says, "Listen, man, I've got a couple of crack rocks in my
17 pocket." He came clean.

18 So, by the way, when you get back there and you start
19 to deliberate, he's guilty of possessing crack. There's
20 absolutely no doubt about it. You'll find him guilty of
21 that. He admitted that to the police. In fact, he
22 cooperated with everything the police asked of him.

23 Now, it is important to note that as they're asking
24 him questions and things and the solicitor says, "Well, why
25 didn't you say what happened last night and what was going

1 on last night?" he had no idea that that's what those
2 people were out there to talk to him about. Sergeant
3 Garrett puts him under oath and then strangely asks him one
4 question and one question only: "Do you know Brenda
5 Stone?" Well, if somebody walked up to me before I got
6 this case and said, "Do you know Brenda Stone?" I would
7 have said, "No. No. I don't know Brenda Stone." How else
8 was he supposed to answer it? They didn't exchange names.
9 They didn't know each other. They both worked at Columbia
10 Farms at some point, but they've never crossed paths. He
11 had no reason to know.

12 Then Sergeant Marling comes and talks to him. Now, I
13 want you to bear in mind, folks, they are doing an
14 investigation. They have had a report of one of the most
15 serious types of crimes with which a person can be accused
16 of having committed, and they take basically no measures to
17 properly record their investigation at any point when
18 they're dealing with him. She talked about what she asked
19 him. And what he said, he doesn't remember a lot of it.
20 But guess what? Neither did Sergeant Marling. Guess what
21 her response was when I asked her, "Well, you know, you're
22 in a patrol car. Couldn't you turn the camera around and
23 record it?"

24 "I don't remember if I did that or not. I don't even
25 remember if it was working." Now, they later brought

1 Deputy Hoyes back to say that it wasn't working. But then
2 again, there were other patrol cars out there, all of which
3 would presumably have a camera like that.

4 But they didn't even have to do it there. Listen.
5 You've got somebody that you think is a rapist and a
6 kidnapper, why would you not go back to the Law Enforcement
7 Center, sit down at one of those tables with that one-way
8 mirror they have that they can look through and see what's
9 going on with the video camera and the audio on, read him
10 his rights again, and start asking him questions? And then
11 you could come in here and the solicitor would go, "Let's
12 cue up that video. Let's listen to what he had to say."
13 Well, they didn't do that. They didn't even try to record
14 it out there at the scene. They didn't even go the extra
15 step as they did with Ms. Stone and with the other
16 witnesses of saying, "Well, let's write down what your
17 statement is, and let's let you look it over, and let's let
18 you sign it." They didn't go to the trouble to do that.
19 They could have done it.

20 You know, if you're going to come in here and testify,
21 know what you're testifying to. Be able to support it.
22 And don't stumble over it as soon as you're asked a
23 question that you're not ready for, which is basically what
24 she did when I asked her about recording it.

25 The other thing that's really interesting to me is

1 when you look at these pictures, there are several trailers
2 out here, and they're in very close proximity to one
3 another. And I had a hard time kind of getting this out of
4 the police officers. I said to Deputy Hoyes, who seems
5 like a fine fellow -- I don't want anybody to think I'm,
6 again, casting aspersions on anybody, but you do have to
7 look at how the job was done because there are some
8 significant things. He said -- I said, "Did you canvass
9 the area?"

10 "Yeah. I talked to some people, but, you know, nobody
11 heard or saw anything."

12 Now, she was supposedly just raising hell out there,
13 screaming, "Help," carrying on. Now, William himself told
14 you that the fellow that lives across, the door that she
15 was knocking on -- and she did say she was knocking on that
16 door, and he explained that to you. But that fellow is
17 probably not getting up. He goes to bed, and he's dead to
18 the world. And William didn't have to say that. I mean,
19 he could have just said whatever. It certainly doesn't
20 help him to say, "That guy's not going to come to the
21 door," but he knew that. But surely somebody else would
22 have heard something if she was carrying on like that.

23 And then the police conveniently say when they're
24 questioned by the solicitor, "Well, people out in that
25 area, man, they don't like to talk to the police." Well,

1 that's easy to say after the fact. But here's the thing.
2 When I pushed him a little bit, if you'll remember, Deputy
3 Hoyes said that people affirmatively said to him, because I
4 made a note of this, that they didn't hear or see anything.
5 And it's not like they weren't willing to cooperate because
6 it was a neighbor who told Deputy Hoyes William Z. lives in
7 that trailer. So, folks, somebody would have heard or seen
8 something.

9 Now, William told you that she was running around out
10 there and that she was making some noise, but there's a
11 difference in that and somebody screaming for help.
12 There's a difference in that and somebody who is supposedly
13 fighting for their life. Somebody out there would have
14 heard something, and you cannot tell me that these are
15 people who, at the very least, wouldn't have picked up the
16 phone and called 9-1-1, at the very least. And none of
17 that happened.

18 You didn't hear from any of those neighbors. You
19 didn't even get a name from Deputy Hoyes. He said that he
20 talked to people, but he didn't let you know who any of
21 those people were, and you wouldn't have heard any of that
22 if I hadn't asked him about it on cross-examination.

23 And just because the one fellow over there speaks
24 Spanish, they didn't bother to follow up. Ladies and
25 gentlemen, here in Greenville County, South Carolina, one

1 of the easiest things in the world is to find somebody to
2 interpret Spanish for you, and I know they've got them
3 working for the Sheriff's Office. I would certainly want
4 to know what somebody living that close to where a crime
5 like this was supposed to have been committed, would want
6 to know what they saw or heard, if anything, and they
7 didn't do it.

8 Now, it might be easy to say, well, the police,
9 perhaps, didn't do as thorough a job as they should have
10 done, but that does not, in any way, diminish what Brenda
11 Stone told us. I can understand that you might say that.
12 But, again, you have to look at the inconsistencies in the
13 way that she told her story, the way that she came in here
14 and deliberately exaggerated that story for your benefit
15 when she testified, and you can compare it to the statement
16 that she gave before. The belligerence that she displayed,
17 the erratic behavior that she displayed, and the fact that
18 she -- it was admittedly fuzzy and downright forgetful
19 about most of what happened that night. Strangely enough,
20 her memory doesn't kick in on that drunken evening until
21 she claims all this stuff started to happen to her.

22 Now, you got to hear from William, and the solicitor
23 pushed him pretty good. But, folks, he was consistent, and
24 he was truthful, and what he told you made common sense.
25 And you get to judge that. You get to judge that. And you

1 get to go back in a little bit, and you need to ask
2 yourself -- it's not a question of who do I believe the
3 most. It is a question of do I believe their case to such
4 an extent that I believe it beyond a reasonable doubt. And
5 that's the question you have to answer. Our position is
6 that they have not met that burden and that the reasonable
7 verdict in this case is not guilty. But, ladies and
8 gentlemen, that's for you to discuss, all of you, when you
9 go back there individually and discuss this case and pore
10 through the evidence.

11 Now, I always stand up here too long. I always talk a
12 little bit longer than I should. And that's because when I
13 go back over there and sit down, I don't get to talk to you
14 again and there's not going to be any more evidence. And
15 Solicitor Moyer is going to get up here, and he is going to
16 talk to you, and I will not be able to rebut anything that
17 he says. And that's because he does have the burden of
18 proof. But as he talks to you, just remember the things
19 that we've talked about, remember the things that you've
20 seen and heard as this case has gone on.

21 William Zeigler appreciates you being here. I know
22 it's an inconvenience, but we look forward to your decision
23 in this case. Thank you very much.

24 THE COURT: All right, Mr. Moyer.

25 MR. MOYER: Thank you, Your Honor. May it please the

1 Court.

2 THE COURT: Yes, sir.

3 MR. MOYER: All right. The first thing I want to say
4 is this, that as His Honor has told you all, the case is
5 now closed. There's not going to be any more evidence or
6 testimony given in this case. The only reason I want to
7 mention that to you at this point and reiterate that is
8 sometimes we have jurors come back after they've been
9 deliberating and they want to -- they have a question that
10 they want to see a statement or they want to see a police
11 report or they want to know something else about the case.
12 Well, that's -- we're beyond that point. All the evidence
13 and testimony and photographs and so forth are before you
14 now. And the fact is that in almost all cases except for
15 rare exceptions, like we have one in this case, things like
16 police reports and witness statements aren't admissible
17 into evidence. So you have heard everything and seen
18 everything that you're going to get in this case.

19 Now, the first thing I want to say to you is this, and
20 I think it's the obvious, and that is that we are not here
21 today to judge Brenda Stone, okay? The defense used a
22 phrase almost like a mantra throughout this whole trial,
23 and that was "drunk and erratic behavior" or "drunk and
24 belligerent." We acknowledge that she had too much to
25 drink. That's not a crime, and it doesn't excuse his

1 behavior.

2 I, obviously, have no way of knowing what y'all's
3 personal attitudes towards alcohol are. Some people are
4 adamantly opposed to any consumption of alcohol and have
5 very strong feelings about that. And if you're in that
6 camp, I'm not going to be up here and try to certainly talk
7 you out of that position. All I'm going to ask of you is
8 that you not hold that fact against Brenda Stone. In fact,
9 I would argue to you it would be against your oath if you
10 were to do so. You'd be violating that oath because His
11 Honor, as he instructs you on the law very soon, is not --
12 you're not going to hear anything from Judge Miller that
13 allows you to excuse a crime because someone drank too
14 much. Not all, but most people drink alcohol, and not all,
15 but most people who drink alcohol have, at some time or
16 other in their life, drunk too much, have gone to excess.
17 That does not excuse this behavior. The punishment for
18 that should be a hangover, not rape like what happened to
19 Brenda Stone.

20 Brenda Stone did something very stupid. She's the
21 first one to admit that to you. She drank too much. It
22 contributed to her being put in a position to be raped, but
23 it in no way exonerates the rapist in the same way that if
24 you left your car unlocked, it would not excuse the person
25 who comes up and opens that car and steals something out of

1 it, the same way as if you failed to stop the delivery of-
2 your newspaper when you go on vacation and didn't leave
3 some lights on or have some neighbors check on it and
4 someone breaks in. You may have done something that
5 contributed to that crime happening to you, but it does not
6 excuse the burglar, and the same goes for situations like
7 this where someone like Brenda Stone drank too much. This
8 defendant, as I said in my opening statement, committed a
9 crime of opportunity. He saw Brenda Stone as a defenseless
10 and perfect victim, and he took that opportunity and he
11 used it.

12 I want to make just a couple of quick observations
13 about the law. His Honor is going to instruct you full in
14 just a moment, but we have three charges before you. One
15 we already know the defendant has admitted guilt to, and
16 that's the crack cocaine charge.

17 He's also charged with kidnapping. Kidnapping means
18 to seize, to confine, to inveigle, to decoy or be carried
19 away. I think this is one of the few cases I've ever had
20 where actually all five or six different definitions
21 actually apply. Actually, any one of those would apply.

22 A kidnapping could mean to seize, to just confine
23 somebody, which this defendant -- or just to grab somebody
24 unlawfully, deprive that person of their freedom. That
25 would be kidnapping.

1 To confine, this defendant certainly confined the
2 victim not only in his vehicle, but then in his home as he
3 was raping her.

4 To abduct or carry away, we know when he was dragging
5 her from that other trailer towards his trailer where he
6 was going to assault her, he certainly was abducting and
7 carrying away.

8 And the other one is the word "inveigle." What
9 inveigle means is to decoy, to decoy, to trick. And when
10 he got her to get into his car, I would argue to you that
11 he had already formed the intention at that time that he
12 was going to rape her, and if so, that would be kidnapping
13 right then and there.

14 "Criminal sexual conduct" means a sexual battery.
15 "Sexual battery" means any kind of intercourse or oral sex,
16 any kind of penetration in the vaginal areas or the anal
17 areas, however slight. And then there must be another
18 aggravating factor, and that would be -- it can be
19 aggravated force, which means force or physical violence of
20 a high and aggravated nature, which we certainly have
21 because of all the injuries and trauma that this defendant
22 inflicted on Brenda Stone, or -- it doesn't have to be
23 "and" -- but or the circumstances are such at the time of
24 the sexual battery, the victim was also the victim of
25 forcible confinement or kidnapping. So if the defendant

1 used aggravated force or there was some type of unlawful
2 confinement involved in that sexual battery, then it is
3 criminal sexual conduct first.

4 Now, the defendant wants you to believe that this was
5 a consensual encounter, that he did nothing wrong. Let's
6 talk about that for just a minute. Let's consider his
7 story. And the first thing we would have to decide upon is
8 which of his stories to believe. He gave multiple stories,
9 and let's consider which of those were.

10 The first story he gave was to Siobhan Grady. This
11 was the woman who testified a little bit earlier this
12 morning who says she was a friend of his. And when the
13 defendant came to her the next morning and he had to
14 explain all of these scratches on his face -- and the
15 explanation he gave to her was this: he said that this was
16 the hero story, remember? This is the one where he said he
17 went to a gas station and he saw a guy beating up a woman,
18 so he intervened. And while he was intervening, this guy
19 hit him in the face. That was his hero story first.

20 And I would argue to you the way that sort of
21 developed in his mind was he was remembering back to when
22 he was at the Spinx gas station and he saw that altercation
23 at the moped. It wasn't a fight. There wasn't even a
24 slap. I think she may have slapped at him or he may have
25 slapped at her, but if you think it's relevant, you can

1 look at that video again. I'm not sure it really matters
2 in this case. But there wasn't a physical altercation, but
3 there certainly was a verbal one. And the guy on the
4 moped, Mitchell, obviously got angry and he drove off.
5 That's what planted the seed in his head, and he decided
6 for this hero story at that point. That's the first story
7 he gave.

8 Then -- and I'll get to this point right now. Why
9 would he have to tell that story? If this -- if these
10 marks on his face came from someone kissing him, as he
11 tried to tell you just a few minutes ago, from someone
12 leaning across the seat and kissing him, if he got bruises
13 to his forehead on both sides, multiple scratch marks on
14 both sides of his face from a consensual romantic
15 encounter, why didn't he just tell her? He tries to spin
16 it now that, well, he was in love with her and he didn't
17 want her to know that he was with another woman. Siobhan
18 told you that they were friends. She didn't care if he saw
19 somebody else. He didn't spend the night with her. He
20 even testified on direct when his own attorney was asking
21 him questions, he said, "Yeah, we were seeing other
22 people." He had no reason to lie unless he did something
23 wrong, which was raping somebody.

24 All right. Then he has this story that he told Brian
25 Garrett, and this was, as you heard, just one question.

1 When the defendant was apprehended at the scene at his own
2 trailer, he was placed in the back of that patrol car, and
3 an investigator told Sergeant Garrett, "Just go up and ask
4 him if he knows Brenda Stone." Brenda Stone was still back
5 at the hospital.

6 So Sergeant Garrett goes up and asks him -- gives him
7 Miranda warnings and asks him that one question, "Do you
8 know Brenda Stone?" What was his answer? Without
9 hesitation, he says, "No."

10 Now, the defense wants you to believe, well, he didn't
11 know her name, so he's going to automatically say, "No."
12 Now, I don't -- we don't have any direct testimony about
13 whether he knew her name or not. I'll tell you this, and
14 -- you know, he had a badge with her name on it in his
15 pocket. Now, he has an explanation for how it got there,
16 and I want to address that in a few moments. But he had
17 her name in his pocket.

18 All right. Let's say just for sake of argument he
19 didn't look at it. Don't you think at that point it would
20 have triggered something about what about this strange
21 encounter with a woman last night? Why would he not say,
22 "Well, let me tell you about this woman"? Obviously,
23 something strange is going on. Police all of a sudden show
24 up at his house, they're doing an investigation, they're
25 locking him up, and they're looking for a woman. And here

1 he had what he described as a weird encounter. His story
2 was that this encounter with this woman was just weird, I
3 think, was the word he used. I mean, that is odd that some
4 woman -- for his story to be believed, that is one of the
5 strangest stories ever, that this woman would just come and
6 drape himself [sic] over him like that and want to have sex
7 with him, and he didn't know her name. Maybe he would have
8 said, "Wait a minute. Let me -- I don't know this woman's
9 name, but let me tell you about this." He didn't. All
10 right. So that's another story.

11 What's the second -- the next story that he told?
12 Well, that was to Investigator Marling. Again, his story
13 is nothing about a sexual encounter, nothing about a
14 consensual sexual encounter. He says at this point -- and
15 they're asking about his face, the female officer -- "How
16 did you get those scratches on your face?"

17 His first story is, "Well, when I was at home, I got
18 into a fight with my friend, and that's how I got these
19 bruises and scrapes on my face."

20 Investigator Marling said, "Well, you think then when
21 you left your house and went to Siobhan's house she would
22 have seen the scrapes. Why didn't she see the scratches?"

23 Well, then he sort of does a hybrid story which is a
24 bit like the hero story he told Siobhan and a bit like the
25 friend's story, and he combines those two and he said,

1 well, he got in a fight with his friend at the Spinx gas
2 station. Again, a lie. Why? No reason to lie. If he had
3 done nothing wrong like he insists to you, he has no reason
4 to fabricate that at all.

5 He then had another story, and that was basically just
6 a shrug, "I didn't do anything." Not "I had sex with a
7 woman last night and I can't believe she now says it's not
8 consensual." "I didn't do anything."

9 And then there's the story he told in court today, the
10 one he's had over a year and a half to think about and to
11 try to fit -- and to fit into the facts that later
12 developed: the lineup that he didn't know about when he
13 was initially being questioned, the ID of Brenda Stone's
14 that was in his wallet that he didn't know they were going
15 to find, the DNA testimony and evidence that was later
16 going to be found out and that was going to confirm that he
17 was with this woman. He didn't know any of that. The
18 injuries.

19 Now that he knows all of that, his story fits that.
20 And does it make sense? Does his story make sense? And
21 I'm not going to recount it all. I hope that I made the
22 point that I would have spent some time on now when I
23 cross-examined him just a few moments ago, the fact that he
24 could get these scrapes on his face from kissing somebody,
25 the fact that someone who had just worked all day long at

1 this Columbia Farms and is absolutely exhausted is drunk,
2 has what he describes has just fallen down and scraped
3 herself, has watched him smoke crack cocaine and drink
4 beer, now she's going to want to go have sex with him.
5 Does that make any sense whatsoever?

6 Now, I want you to think about what Brenda Stone
7 testified to. And let me first address what the defense
8 has made a great bit of argument about regarding her
9 statement. We're sending her statement back to you so you
10 can read it. And defense wants you to focus fully on
11 inconsistencies -- what they say are inconsistencies
12 between what she wrote and what she said in court. And if
13 you take the time to read that again, I want you to ask --
14 answer this question or think about this. Are they
15 inconsistencies or has she just filled in the gaps?
16 Because there are differences in what -- the way these
17 pieces of testimony have come out.

18 When the officers took the statement from her, they're
19 trying to find out what happened. They're trying to just
20 get an explanation of what happened so they could get
21 probable cause for their warrant so they can go out and
22 find the suspect.

23 Today in court is the date where she gives details.
24 Today is that date. And so she told you what happened.
25 And I want you to also remember when she gave that

1 statement, she was sitting in an emergency room. She was
2 sitting in an emergency room after just having gone through
3 an ordeal of rape, probably the most -- one of the most
4 traumatic ordeals that any person could go through. She
5 had been struck on the head. She's going through the
6 mental trauma of what happened. She doesn't have the time
7 and the luxury to sit down and parse out every small detail
8 of what happened. Officers want to know what happened, and
9 so she's just spilling her guts, officers are writing it
10 down. You have to wonder about the translation that takes
11 place as well.

12 So what about her testimony? The first thing I want
13 to point out to you is something the defense, and
14 understandably so from their perspective, wants you to
15 gloss over pretty quickly, and that is this question: Why
16 would she lie? Why would she lie? She wasn't seeing
17 anybody. She didn't have a boyfriend to try to cover up a
18 story with. She didn't have a husband that she had to try
19 to hide this from. If she had sex with somebody, she's a
20 single woman, he's a single guy, if she had had a
21 consensual encounter with him, why?

22 I mean, think about this, ladies and gentlemen. How
23 much would you have to absolutely hate another person to
24 make up a lie like this, all of the ramifications, all of
25 the consequences that come forward? How much would you

1 have to hate that person, not only for what it would do to
2 them, but think about what it would do to you. You saw
3 Brenda Stone having to testify earlier today, dragging --
4 going through a rape examination, having to talk to
5 officers, having to come talk to me, having to come to
6 court and be cross-examined and get in front of strangers
7 and tell some of the most intimate details. Why would you
8 go through all that if it didn't happen? Why would you
9 lie? And that question is unanswered. In order for her to
10 lie, there would have to be a reason.

11 She acted like somebody who had just been raped. She
12 was crying. She was incredibly emotional. Her daughter
13 and the officers and the nurse all talked about that. She
14 went to the hospital right away. She didn't wait.

15 Something I asked the nurse about when she testified,
16 I believe, the second witness yesterday was Amber testified
17 that when she talked to Brenda about what happened when she
18 got the account, she said Brenda was emotional and she was
19 upset, but she looked me in the eye. And that's something
20 that they actually have to mark on that form. What does
21 that tell you? What do you know about people who look you
22 in the eye? That tells you that's someone who's telling
23 the truth. We know she talked to the police. She
24 cooperated with them so that they could catch this man.
25 She went through all that.

1 And then, ladies and gentlemen, finally, the reason
2 you can believe her story is because what she told you, her
3 testimony, is corroborated by the facts. She immediately
4 was able to identify that trailer. She was immediately
5 able to describe the person who did this to her. There's
6 plenty of evidence that goes to identity: the DNA, the
7 photo lineup. The defendant now admits to you that he was
8 the person who was with her, although he didn't back then.
9 I would contend to you that if we didn't have the identity
10 and if we didn't have the DNA, if we didn't have the photo
11 lineup, he would have stuck to the story he originally was
12 telling the officers, which is, "I don't know nothing about
13 nothing." Now he has to conform his story.

14 These injuries were consistent with rape. First the
15 injuries to him, these injuries to his face. He testified
16 that one of those bruises, the one high on his forehead was
17 from work where something struck him when he was at work.
18 The rest of them he tries to explain from when they were in
19 the car when she reached over to kiss him. Does that make
20 any sense? What is consistent is what is believable about
21 how he got those scratches and injuries to his face,
22 obviously is that when she's flailing and swinging and
23 trying to keep him away, she is striking his face. That's
24 the only logical explanation.

25 His glasses and his identification are on the ground,

1 and we don't know exactly how they got there. I mean, I
2 think it's a little odd, yes. The defense just says,
3 "Well, there's all kinds of things all over his yard."
4 And, yes, it is rather cluttered, but it's not cluttered
5 with personal things. Don't you think it's a little bit
6 odd that his identification from Columbia Farms and a pair
7 of glasses are just right out in the middle the next day?
8 I mean, you wouldn't think that would stay there very long.
9 You'd think when he's going in and out, if he happens to
10 drop them, he'd see them and pick them up.

11 I would contend to you that it's a very logical
12 explanation that those were -- they were deposited the
13 night before when she was struggling with him, when he was
14 leaning over to grab her legs as she was kicking at him,
15 that wherever they were in his body, maybe his glasses were
16 on his head or the ID was in his pocket, they fell out.

17 Her injuries, she had injuries to her vagina, she had
18 tears in her vagina. Ladies and gentlemen, consensual sex
19 does not cause vaginal injuries. In fact, you heard that
20 even normally in rape cases there are not vaginal injuries.
21 The SANE nurse testified to you that this is the worst that
22 she had seen, not in sex, but in rape cases. And she had
23 done at least ten, and she had participated in five others.
24 This was the worst. Because normally, even in rape cases,
25 it doesn't leave injuries. In this case, it was so bad and

1 it was so long and it was so violent, it left injuries to
2 her vagina. It left injuries -- it left redness to her
3 rectal area.

4 Now, listen, you'll have a chance to read her
5 statement again. She was talking about him raping her
6 anally from the very beginning before she knew that DNA was
7 going to confirm that. She was saying that from the very
8 beginning. He raped her anally.

9 All the injuries to her body, the injury to her hand,
10 that's from her striking on the trailer next door. And I
11 think it's a very logical time to make a couple of comments
12 about this. This, I thought, was going to be one of the
13 focuses of our closing arguments, that, well, why didn't
14 these people come forward? Why didn't these people hear
15 her banging on the door? Well, the defendant explained
16 that to us very clearly when he testified. He said that,
17 in his version where this was a consensual encounter and
18 for some reason she went running off into the night for no
19 reason and started banging on the door, he told you all,
20 ladies and gentlemen, he knew that person wasn't going to
21 come to the door. It's a Hispanic guy, and he works really
22 hard and he doesn't hear anything. I don't know how he
23 knew, but he knew the guy in that trailer is not going to
24 come to the door. He didn't care, which is why he didn't
25 follow her to that trailer when she ran off. He knew she

1 would.

2 Now, could other people have heard in the
3 neighborhood? We don't know if they did or not. It very
4 well could be that the people -- other people in the
5 trailer park, if they were home at all, who knows, could
6 have been -- I mean, if the guy whose house she is banging
7 on doesn't hear it or doesn't care, I mean, what reason do
8 we have to think that anyone else around would hear it or
9 care?

10 We know -- Deputy Hoyes testified about what that area
11 is like. It's a high-crime area. A lot of people don't
12 want to get involved with the police. There's shootings.
13 There's all kinds of stuff going on. People don't want to
14 get involved. That could be a reason why the -- for
15 whatever reason, they didn't. But the injury to her hand
16 confirms that.

17 The injury to her legs, ladies and gentlemen,
18 obviously, consistent with him grabbing her legs and
19 pulling her.

20 Injury to her arms, she testified that once she got in
21 that trailer, he kept ahold of her. Because she ran once,
22 he's not going to let her go again. All those bruises to
23 her left -- there are bruises to both arms, one of --
24 they're much more bruised. I don't remember which one.
25 Y'all have a chance to look at it. One of them, there are

1 bruises all up and down that forearm. It's him clutching
2 onto her. He's not going to let her go.

3 Injuries to her back where he dragged her, Brenda
4 herself told you that the reason that the drag marks were
5 to her lower body was that when her head hit that concrete,
6 she was kind of hunching forward as he dragged her so she
7 wouldn't hit her head again. That's the reason all those
8 scrape marks were to her lower back.

9 Why then the next morning did things sort of turn
10 differently? Why did they -- why was there an abrupt
11 change? Let's talk about that for just a minute and I'll
12 wrap it up.

13 The defendant took Brenda Stone home. He drove her
14 home. He even asked for her phone number. Why is that?
15 The defense tells you that somebody who has just gone
16 through an ordeal wouldn't act the way Brenda Stone did the
17 next morning, and my first response to that, ladies and
18 gentlemen, is who are we to try to say -- try to tell
19 someone who has been through an ordeal like that how they
20 should or should not act? There's not a manual for sexual
21 assault. There's no one telling us how we should act.
22 She's the one who went through that ordeal. She's the one
23 who could assess her danger. She's the one who's trying to
24 stay alive. She's the one who was in the best position to
25 be able to say, "How can I get out of this?"

1 And she said for whatever reason the next morning he
2 had changed. Why? Why did he change? Well, there's
3 several reasons. There are several possibilities for that.
4 One is he sobered up. He'd been smoking crack, he'd been
5 drinking. He may not even have remembered that it was a
6 rape. And His Honor is going to instruct you voluntary
7 intoxication, that's from drugs or alcohol, is not a
8 defense. And if he didn't remember, it does not excuse
9 what he did. That's one possibility.

10 Another possibility is this, is that rape is as much
11 about control and aggression and domination as it is about
12 sex. And what he did to her has all the earmarks of that.
13 He literally dragged her to his trailer. He was
14 essentially owning that woman. He was essentially owning
15 Brenda. He then raped her anally, which is another sign of
16 aggression and domination.

17 He had her ID and her bank card in his pocket. And
18 why was that? Now, his explanation is he just saw them and
19 picked them up accidentally. Another explanation for that,
20 ladies and gentlemen, is could he possibly have wanted to
21 have something to remember her by, some memory of her that
22 he could have with him that when he pulled out, he could
23 remember what he did to that woman? But for whatever
24 reason, in his mind, he owned her. She was acting the next
25 morning like she acquiesced. He may have even thought that

1 she liked it. And he was going to drive her home, and he
2 did.

3 Ladies and gentlemen, in closing, I ask you -- I told
4 you in my opening that I would get up at the end during my
5 closing argument and I would ask you to do justice. Ladies
6 and gentlemen, people who commit crimes like this against
7 citizens of Greenville county, against our fellow citizens
8 of Greenville county, justice demands that we hold them
9 responsible. And I ask you, ladies and gentlemen, to find
10 William Zeigler guilty of all three of these charges that
11 are before you.

12 Thank you.

13 CHARGE ON THE LAW

14 THE COURT: All right. Ladies and Gentlemen of the
15 jury, during this trial, you and I have certain duties to
16 perform, and as the trial judge, it is my responsibility to
17 preside over the trial of the case and to rule on the
18 admissibility of the evidence offered during the trial. It
19 is also my duty to charge you the law applicable to the
20 case. And as I told you in my opening statement, it is
21 your duty as jurors to accept and apply the law as I now
22 state it to you. If you think you have any idea as to what
23 the law is or what the law ought to be and it differs from
24 what I now tell you the law is, you have sworn an oath to
25 set aside your own opinion and apply the law precisely as I

1 state it to you.

2 I also remind you that in every case tried in this
3 court before a jury, you the jury are the sole and
4 exclusive judges of the facts, and a trial judge cannot
5 comment on or make any statement about the facts in a case.
6 So please don't think from anything I have said or done
7 throughout the course of the trial I have such an opinion.
8 You and you alone are the judges of the facts.

9 I also instruct you that the fact that the defendant
10 was arrested, charged and indicted in this case is not
11 evidence of guilt, nor does it create any presumption or
12 inference of guilt. These documents are simply the formal
13 written instruments which contain the charges made against
14 this defendant, and they serve as the formal documents by
15 which the case is processed and brought into court for
16 resolution.

17 Now, there are three different indictments in this
18 case, and they allege different offenses. The first
19 indictment is for criminal sexual conduct in the first
20 degree, the second indictment is for kidnapping, and the
21 third indictment is for possession of cocaine base or crack
22 cocaine.

23 Each indictment charges a separate and distinct
24 offense, and you must decide each indictment separately on
25 the evidence and the law applicable to that indictment

1 uninfluenced by your decision as to any other indictment.
2 The defendant may be convicted or acquitted on any or all
3 of the offenses charged, and you will be asked to write a
4 separate verdict of guilty or not guilty for each
5 indictment.

6 Necessarily, you must determine the credibility or
7 believability of the witnesses who have testified in the
8 case. It becomes your duty as jurors to evaluate the
9 evidence and determine which evidence convinces you it is
10 true.

11 Now, in determining the believability of the
12 witnesses, you may believe one witness over several or
13 several over one. You may believe a part of the testimony
14 of a witness and reject the remaining part. You may
15 believe the testimony of a witness in its entirety or
16 reject the testimony in its entirety. And you may consider
17 whether the witness has an interest in the result of the
18 trial, whether the witness is prejudiced towards either the
19 State or the defendant, the opportunity for the witness to
20 have seen the matters and things about which the witness
21 has testified, and the way the witness acts on the witness
22 stand or what we call a witness's demeanor.

23 The defendant has pled not guilty to these
24 indictments, and that plea puts the burden on the State to
25 prove the defendant guilty. A person charged with

1 committing a criminal offense in South Carolina is never
2 required to prove themselves innocent, and I charge you
3 that it is a cardinal and an important rule of the law that
4 a defendant in a criminal trial will always be presumed to
5 be innocent of the crimes for which indictments have been
6 issued unless guilt has been proven by evidence satisfying
7 you the jury of guilt beyond a reasonable doubt.

8 Now, reasonable doubt is the kind of doubt which would
9 cause a reasonable person to hesitate to act, and
10 reasonable doubt may arise from the evidence which is in
11 the case or from the lack or absence of evidence in the
12 case, and you the jury must determine whether or not
13 reasonable doubt exists as to the guilt of this defendant.

14 The State has the burden of proving each and every
15 element of a crime beyond a reasonable doubt, and any
16 reasonable doubt that you may have in your deliberations
17 should be resolved in favor of the defendant.

18 Now, there are two types of evidence which are
19 generally presented during a trial. That is direct
20 evidence and circumstantial evidence. Direct evidence
21 directly proves the existence of a fact and does not
22 require deduction. Circumstantial evidence is proof of a
23 chain of facts and circumstances indicating the existence
24 of a fact, and crimes may be proven by circumstantial
25 evidence.

1 The law makes no distinction between the weight or
2 value to be given to either direct or circumstantial
3 evidence. However, to the extent the State relies on
4 circumstantial evidence, all of the circumstances must be
5 consistent with each other and when taken together, point
6 conclusively to the guilt of the accused beyond a
7 reasonable doubt. If the circumstances merely portray the
8 defendant's behavior as suspicious, the proof has failed.

9 The State has the burden of proving the defendant
10 guilty beyond a reasonable doubt. The burden rests with
11 the State regardless of whether the State relies on direct
12 evidence, circumstantial evidence or a combination of the
13 two.

14 I also tell you that voluntary intoxication is not a
15 defense to a crime, and a person who voluntarily becomes
16 intoxicated is just as responsible for the acts committed
17 while intoxicated as when the person is not intoxicated.

18 The defendant is charged with criminal sexual conduct
19 in the first degree. The first element which the State
20 must prove beyond a reasonable doubt is that the defendant
21 engaged in a sexual battery with the victim. A sexual
22 battery is sexual intercourse, cunnilingus, fellatio, anal
23 intercourse or any intrusion, however slight, of any part
24 of a person's body or of any object into the genital or
25 anal openings of another person's body except when the

1 intrusion is accomplished for medically recognized
2 treatment or diagnostic purposes.

3 Now, if you find that the State has not shown beyond a
4 reasonable doubt that a sexual battery occurred, you would
5 stop deliberating and your verdict would have to be not
6 guilty. If you find that a sexual battery did occur, you
7 must then decide whether the State has proven beyond a
8 reasonable doubt that the defendant used aggravated force
9 to accomplish the sexual battery.

10 Now, aggravated force means the use of physical force
11 or physical violence of a high and aggravated nature to
12 overcome the victim. This includes the threat of using a
13 deadly weapon, or the victim submitted to the sexual
14 battery while the victim was also the victim of forcible
15 confinement, kidnapping, robbery, extortion, burglary,
16 housebreaking or any other similar act or offense.

17 Now, I would also tell you that the law says that the
18 testimony of a victim need not be corroborated in
19 prosecutions for criminal sexual conduct.

20 The defendant is also indicted for kidnapping, and the
21 State must prove beyond a reasonable doubt that the
22 defendant knowingly and unlawfully seized, confined,
23 inveigled, decoyed, kidnapped, abducted or carried away
24 another person without authority of law. To do a thing
25 unlawfully is to do it willfully against the law.

1 "Knowingly" means with knowledge, consciously and not
2 accidentally.

3 "Seize" means to take hold of suddenly or forcibly.

4 "Confine" means to limit, restrict, or enclose within
5 bounds, imprison or shut or keep in.

6 "Inveigle" means to lure, entice or lead astray by
7 false representations, promises or other deceitful means.

8 "Decoy" means to lure by, or as if by, decoy. A decoy
9 is something to entice a person into a trap.

10 Kidnap is to remove a person against their will by
11 unlawful force or by fraud.

12 "Abduct" means to carry off secretly or by force for
13 an illegal purpose, and "carry away" means to remove.

14 The State does not have to prove that the defendant
15 did all of these things. Instead, if you find beyond a
16 reasonable doubt that the defendant did any of these
17 things, you may find the defendant guilty of kidnapping.
18 And something done without authority of law is something
19 which the law does not sanction, permit, allow, condone or
20 provide justification for. And the kidnapping does not
21 have to be for any personal or monetary gain for any
22 illegal purpose, but may be for any reason whatsoever.

23 The defendant is also indicted for possession of crack
24 cocaine. Now, to prove possession, the State must prove
25 beyond a reasonable doubt that the defendant had both the

1 power and the intent to control the disposition or use of
2 the crack cocaine.

3 Possession may be either actual or constructive.
4 Actual possession means that the crack cocaine was in the
5 actual physical custody of the defendant. Constructive
6 possession means that the defendant had dominion, control
7 or the right to exercise dominion or control over either
8 the crack cocaine itself or the property on which the drug
9 was found.

10 Now, the State must also prove beyond a reasonable
11 doubt that the substance introduced in this case is crack
12 cocaine.

13 Now, ladies and gentlemen, there are three separate
14 indictments, and as I told you, each indictment stands or
15 falls on its own merit according to the law and the
16 evidence that I have given to you and the evidence you've
17 heard here in the courtroom.

18 There are two possible verdicts which you may reach on
19 each indictment, and they are either "guilty" or "not
20 guilty." We have prepared a verdict form, Madam Forelady,
21 that we're going to send back into the jury room which I
22 think is self-explanatory. When you have -- I will tell
23 you this. All 12 of you must agree on your verdict on each
24 indictment. It must be unanimous. Your verdict cannot be
25 based on sympathy, passion, prejudice, emotion or any other

1 consideration not in evidence in the case. You have no
2 enemies to punish, you have no friends to reward.

3 Now, when you all have reached a unanimous verdict on
4 each of the indictments, each of the charges, and you have
5 marked it on the appropriate spot and signed your name on
6 the back page, indicate to our bailiffs and they will bring
7 you back into court and we'll receive your verdict.

8 I'm going to excuse you all at this time to your jury
9 room, ask you not to begin your deliberations just yet. I
10 need to go over my charge on the law with the attorneys to
11 make sure that I have not misstated or omitted something.
12 So when the verdict form comes back there with all of the
13 evidence, you may begin your deliberations.

14 So at this time, you all please go to your jury room
15 with the exception of Ms. Walker. Ms. Walker, you need to
16 stay. Say goodbye to Ms. Walker.

17 (WHEREUPON, the jury exits the courtroom at 4:34 p.m.)

18 THE COURT: Ms. Walker, I didn't mean to frighten you
19 or anything. The law -- you're just as qualified as each
20 of those people, and I wish you could be allowed to go back
21 and deliberate and help resolve the case, but the law only
22 allows 12. So you are -- you have completed your service
23 on this case. I wish I could tell you you are done for the
24 week, but I can't do that. I need to ask you to call back
25 after 6:00 tonight to find out when you either next report

1 or call back again.

2 So thank you very much for your service, and I hope to
3 see you later in the week.

4 All right. Any exception or objection to the charge
5 as given?

6 MR. MOYER: No, Your Honor.

7 MR. CHAMBERS: No, Your Honor.

8 THE COURT: Okay. You all go through the evidence.
9 Here's the verdict form. And let's get them going.

10 (WHEREUPON, a recess is taken at 4:35 p.m.)

11 THE COURT: All right. I have a question from the
12 jury which reads, "We would like to know the definition of
13 kidnapping again." It's signed by the foreperson and
14 dated. So I would just suggest that I make a copy of my
15 charge and send it back to the jury room.

16 MR. MOYER: I'm happy with that.

17 MR. CHAMBERS: Yeah. No objection.

18 THE COURT: Okay.

19 (WHEREUPON, Court's Exhibit No. 2 is marked for
20 identification.)

21 (WHEREUPON, a recess is taken at 5:47 p.m.)

22 (WHEREUPON, the jury entered the courtroom at 6:32 p.m.)

23 THE COURT: All right. Madam Forelady, I understand
24 you've reached a verdict?

25 MADAM FORELADY: Yes, Your Honor. We have.

1 THE COURT: Okay. Would you hand it to the bailiff
2 for me, please.

3 All right. Madam Clerk, would you publish it for us,
4 please.

5 VERDICT

6 THE CLERK: Your Honor, in the case of
7 2013-GS-23-8196, 8197 and 0245, the State of South Carolina
8 vs. William Douglas Zeigler, No. 1, as to the charge of
9 criminal sexual conduct in the first degree with Brenda
10 Stone, we the jury find the defendant guilty.

11 No. 2, as to the charge of kidnapping of Brenda Stone,
12 we the jury find the defendant guilty.

13 As to the charge of possession of cocaine base, crack
14 cocaine, we find the defendant guilty.

15 These are signed by Sheila Babb, our forelady.

16 Ladies and gentlemen, if you agree these are the
17 verdicts you reached in your deliberation room, would you
18 please raise your right hand.

19 (WHEREUPON, the jury panel raised their right hands.)

20 THE COURT: Okay. Anything further from the jury from
21 the State?

22 MR. MOYER: No, Your Honor.

23 THE COURT: From the defense?

24 MR. CHAMBERS: No, Your Honor.

25 THE COURT: Okay. Thank you very much.

1 All right. Madam Forelady, ladies and gentlemen of
2 the jury, I want to thank you for your service. You all
3 worked really, really hard, and I hope what I told you
4 Monday, yesterday, is true about the feeling of civic pride
5 that you'll have. And I think that will grow as you
6 reflect back on this.

7 I am happy to tell you that unless you just want to,
8 your service for the week is concluded, so you all have
9 earned the right to go back to your ordinary usual
10 routines, and we thank you for your service. And if you
11 all in the jury room will -- I guess you've got the letters
12 and all that?

13 THE CLERK: No. If they'll call the number on the
14 back of their badge, Judy can fax it to them.

15 THE COURT: Okay. If you need something for your
16 work, if you'll call the number on your badge, then
17 Ms. Olson will fax you a -- because we hadn't anticipated
18 cutting you loose until just now. So if you'll call,
19 she'll fax you whatever documents you need for your work,
20 okay?

21 You all are welcome to stay, go, whatever you'd like
22 to do, all right?

23 (WHEREUPON, the jury exits the courtroom at 6:35 p.m.)

24 THE COURT: How many jail days does he get?

25 MR. MOYER: He has 689.

1 THE COURT: All right. Anything? What would you like
2 to tell me?

3 MR. MOYER: I'd like to tell you his criminal history,
4 Your Honor.

5 THE COURT: Yeah.

6 MR. MOYER: In 1985 he had a DUI.

7 In 1988 he was convicted of lewd act on a child. He
8 was actually charged with criminal sexual conduct with a
9 minor, but he plead to lewd act with a child and he was
10 sentenced to five years, suspended on five years
11 confinement, five years probation.

12 In '96 he was convicted for DUS, failure to stop for a
13 blue light.

14 In 1993 he was convicted, again, for lewd act on a
15 child. And that was -- he was sentenced to ten years on
16 that occasion.

17 He was charged in 2002 with DUI.

18 In 2011 he was convicted of violation of the sex
19 offender registry.

20 He has some other minor charges in 1980 from out of
21 state, from Florida, actually.

22 Your Honor, I'm not sure if the victim wishes to
23 address the Court. I believe she would when Your Honor
24 wants to hear from her.

25 THE COURT: Okay. I'd be happy to hear from you,

1 Ms. Stone, if there's anything you want to stay.

2 MS. STONE: I just want to say I hope that he never,
3 ever gets the chance to do this to another human being.
4 And that's it.

5 THE COURT: All right. Thank you very much. Yes,
6 ma'am. All right.

7 MR. CHAMBERS: Your Honor, I don't know anything that
8 I could add at this point. You heard the testimony and saw
9 the evidence that was presented. My client, obviously,
10 within the last ten years, at any rate, has not had any
11 issues as far as his criminal history goes. I would be
12 glad to let him speak if he has anything he wants to say on
13 his own behalf.

14 THE COURT: Anything you want to tell me?

15 DEFENDANT ZEIGLER: Yes. Really, back in -- that
16 wasn't '93. That was '91. I was in CCI doing time, and
17 they put '93 on there. I should be under the old law. I
18 didn't have to register, but I followed the law because,
19 you know, till I could find out how to get out from under
20 the law at that time. Because I went to CCI prison camp,
21 and it wasn't no fun, sir.

22 THE COURT: Yeah. Well ---

23 DEFENDANT ZEIGLER: I learned how to fight real good.

24 MR. MOYER: Your Honor, I would -- I'm sorry.

25 THE COURT: Yeah. Go ahead.

1 MR. MOYER: I just want to echo what the victim said.
2 I mean, I got the incident reports from his two prior
3 convictions, but in both of those cases, the victims were
4 4-year-old children. He obviously is a threat to society,
5 and we would hope that the sentence he receives would not
6 allow him to get out. Unfortunately, these two convictions
7 are not eligible for the three-strikes-and-you're-out law,
8 or we certainly would have sought that.

9 THE COURT: Well, he's 54 years old.

10 MR. MOYER: Yes, sir.

11 THE COURT: Okay. Anything?

12 MR. CHAMBERS: No, Your Honor.

13 THE COURT: What are the specific -- what's the
14 specific sentence for the CSC first now?

15 MR. MOYER: It's 0 to 30 for an adult, and then 30 on
16 the kidnapping.

17 SENTENCING

18 THE COURT: Yeah.

19 Well, I want to tell you, Mr. Zeigler, you have ten
20 days to file a notice of appeal. If that's what you desire
21 to do, you need to let your lawyer know it right away.

22 DEFENDANT ZEIGLER: Yes, sir.

23 THE COURT: And I do want to congratulate both of the
24 attorneys on an excellent job. I don't know that there was
25 anything else that could have been presented that wasn't

1 presented in the case.

2 So I give you 30 years on the CSC first, 30 years on
3 the kidnapping, and 3 years on the cocaine base.

4 Good luck.

5 MR. MOYER: Thank you, Your Honor.

6 MR. CHAMBERS: And, Your Honor, I want to make sure
7 that I have created a proper record for appeal. I don't
8 believe I made a motion for a new trial, so at this time, I
9 would make a motion for a new trial.

10 THE COURT: All right. Well, that motion is denied.
11 Thank you very much.

12 *****END OF TRANSCRIPT OF RECORD*****
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1 CERTIFICATE OF REPORTER

2
3 STATE OF SOUTH CAROLINA)

4 COUNTY OF GREENVILLE)

5
6
7 I, CHERYL A. SMITH, Official Court Reporter for the
8 Thirteenth Judicial Circuit of the State of South Carolina,
9 do hereby certify that the foregoing is a true, accurate
10 and complete Transcript of Record of the proceedings had
11 and evidence introduced in the trial of the captioned case,
12 relative to appeal, in the Court of General Sessions for
13 Greenville County, South Carolina, on the 1st and 2nd days
14 of June, 2015.

15 I do further certify that I am neither of kin,
16 counsel, nor interest to any party hereto.

17
18 August 27, 2015

19
20
21 

22
23 Cheryl A. Smith, CVR-M

24 Court Reporter
25

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Greenville County

Edward W. Miller, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

WILLIAM DOUGLAS ZEIGLER,

APPELLANT

APPELLATE CASE NO. 2015-001351

ANDERS BRIEF OF APPELLANT

DAVID ALEXANDER
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

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STATEMENT OF ISSUE ON APPEAL

Whether, in this rape case, the trial judge committed plain error by not charging the jury on the defense of consent when such a charge was supported by the evidence, the defendant's testimony, and the defense's theory of the case as stated in its arguments to the jury?

STATEMENT OF THE CASE

On May 19, 2015, a Greenville County grand jury indicted appellant for first-degree criminal sexual conduct, kidnapping, and possession of crack cocaine. R. 356. On June 1, 2015, appellant was tried before the Honorable Edward W. Miller and a jury. R. 1. L. Mark Moyer represented the State. R. 1. Randall Lee Chambers represented appellant. R. 1. The jury convicted appellant on all three counts. R. 349, ll. 5 – 24. Judge Miller sentenced appellant to thirty years' imprisonment for CSC, thirty years' imprisonment for kidnapping, and three years' imprisonment for possession of crack. R. 354, ll. 2 – 4. This appeal follows.

ARGUMENT

In this rape case, the trial judge committed plain error by not charging the jury on the defense of consent when such a charge was supported by the evidence, the defendant's testimony, and the defense's theory of the case as stated in its arguments to the jury.

Factual Background

This rape case amounted to a credibility contest between the complainant, Brenda Stone ("Stone") and appellant, William Zeigler ("Zeigler"). Several important facts were not in dispute. Stone and her daughter both testified that they had an argument in the car after Stone's daughter picked her up from work. R. 80, ll. 1 – 20. Stone agreed with defense counsel that it was "quite an argument." R. 209, ll. 8 – 9. Stone made her daughter let her out of the car in a neighborhood near White Horse Road in Greenville. R. 208, l. 25 – 209, l. 15. Stone then bought a bottle of vodka and drank all of it on a bench in front of Walgreen's, chasing it with a Pepsi. R. 210, ll. 1 – 22. Stone admitted she was very intoxicated. R. 173, ll. 23 – 25.

Later that evening, Stone wound up at a Spinx gas station on White Horse Road. R. 174, ll. 19 – 23. She could not remember how she got there. R. 211, ll. 2 – 4. Stone could not recall seeing several friends in between drinking the vodka at Walgreen's and arriving at Spinx. R. 210, l. 23 – 213, l. 9. A surveillance video showed Stone in the parking lot of the Spinx getting into an altercation with a friend of hers who had given her a ride on his moped. R. 213, ll. 3 – 21. Stone's friend wanted her to wear a helmet but instead she threw it on the ground, breaking it. R. 213, ll. 3 – 22. Stone's friend "got mad and left me at Spinx." R. 176, ll. 4 – 8. Stone admitted that she was drunk and belligerent. R. 214, ll. 4 – 12.

Stone met Ziegler in the parking lot at Spinx. R. 215, l. 25 – 216, l. 3. Stone got a ride from Ziegler. R. 176, l. 9 – 178, l. 4. At this point, Stone's version of events diverges from Ziegler's. Stone claimed that she asked Ziegler to take her to her daughter's house. R. 178, ll. 2 – 4. Instead, Ziegler took her to his trailer and brutally raped her. R. 178, l. 19 – R. 189, l. 6. Photographs of scratches and bruises on Stone's body were introduced into evidence, which Stone claimed she received when she tried to fight Ziegler. R. 178, l. 19 – R. 189, l. 6.

Ziegler testified that Stone approached him at the Spinx and asked him for a ride. R. 264, ll. 1 – 5. After wandering around the gas station, Stone eventually "jumped inside" Ziegler's car and grabbed his neck, kissing him and scratching his face. R. 264, l. 17 – 265, l. 7. Stone played with his radio, turning up the volume. R. 265, ll. 14 – 23. Stone refused to tell Ziegler where she wanted to go. R. 265, ll. 14 – 23. Ziegler drove to Berea to pick up some money he was owed and continued to try to get Stone to tell him where to go. R. 265, l. 24 – 266, l. 15. Eventually Ziegler just went to his house, with no objection from Stone. R. 266, ll. 16 – 21.

When they arrived at the house, Ziegler and Stone sat in his car and Ziegler drank a beer, smoked a cigarette and smoked crack. R. 267, l. 17 – 268, l. 11. Ziegler told her that he needed to go to bed and "everything went crazy after that." R. 268, ll. 12 – 18. Stone jumped out of Ziegler's car, ran across his yard, and slipped, falling on an embankment. R. 268, ll. 19 – 24. After watching Stone run around, Ziegler told her that he would take her home, but she said nothing so he went into his trailer to go to sleep. R. 268, l. 25 – 269, l. 20. Stone eventually followed Ziegler into the trailer and they ended up having sex. R. 269, l. 13 – 271, l. 22. Ziegler testified the sex was consensual. R.

271, ll. 16 – 17. They fell asleep and when Ziegler awakened, Stone was in his bathroom vomiting. R. 270, ll. 14 – 21. When Stone finished in the bathroom, Ziegler took her home. R. 271, ll. 4 – 8.

Stone testified that after being raped, she passed out and woke up when it was daylight. R. 189, ll. 7 – 21. She went into the bathroom to throw up, partially because she was hungover. R. 189, l. 24 – 190, l. 5. Ziegler came in the bathroom and asked her if she was okay. R. 190, ll. 14 – 16. Stone admitted asking Ziegler – the man she claimed had just raped her – for a ride back to her house. R. 191, ll. 22 – 24. Ziegler took her near her daughter's house and acted "like nothing ever happened." R. 192, ll. 3 – 12. Ziegler also asked for her phone number. R. 192, ll. 15 – 18. When Stone was in the house, she told her daughter she had been raped, and then went to the hospital. R. 193, ll. 14 – 22.

After the defense rested, the trial judge asked if the parties had any specific requests to charge. R. 297, ll. 6 – 7. Defense counsel responded, "Not from me, Your Honor." R. 297, l. 8. The trial judge then told the parties what he planned to charge and asked the State whether they wanted a charge on voluntary intoxication not being a defense. R. 297, ll. 9 – 14. The solicitor said, "That's just what I was going to say." R. 297, l. 15. The trial judge did not charge the jury that consent was a defense to the criminal sexual conduct charge and that the State had the burden to disprove that Stone had consented to having sex with Ziegler. R. 339, ll. 13 – 348, l. 7.

Discussion

The trial judge did not charge the jury on the defense of consent. R. 339, ll. 13 – 348, l. 7. Appellant concedes that he did not request a charge on consent or obtain a ruling on the charge from the trial judge. R. 297, l. 8. R. 348, ll. 4 – 7. However, a trial judge has a duty to craft his charge to fit the facts of the case. State v. Fuller, 297 S.C. 440, 444-45, 377 S.E.2d 328, 331 (1989) (“In charging self-defense, we instruct the trial court to consider the facts and circumstances of the case at bar in order to fashion an appropriate charge.”).

“The law to be charged must be determined from the evidence presented at trial.” State v. Knoten, 347 S.C. 296, 303, 555 S.E.2d 391, 394 (2001). “If there is any evidence to support a charge, the trial court should grant the request.” State v. Brandt, 393 S.C. 526, 550, 713 S.E.2d 591, 603 (2011). “Consent on the part of the female being fundamentally inconsistent with the concept of rape, and indeed with its very definition, it is ordinarily an essential element of the crime that the act be committed without the consent of the female, or, as it is otherwise expressed, against her will.” State v. Whitener, 228 S.C. 244, 273, 89 S.E.2d 701, 716 (1955). Specific intent is an essential element and consent defeats this element. Id. Reasoning in Whitener that the victim was underage, the Court stated that it was not “**necessary for the State to prove force or want of consent.**” Id. (emphasis added). This statement from Whitener shows that it was the State’s burden to disprove that Stone consented to having sex with Zeigler.

The evidence entitled Zeigler to a charge on consent and the State’s burden of proof. Zeigler testified that their sex was consensual. R. 269, l. 13 – 271, l. 22. Defense counsel argued, “He says they had sex but it was consensual.” R. 299, l. 16. Defense counsel

argued that had the sex not been consensual, Stone would never have asked for a ride home the next morning. R. 311, ll. 6 – 11. The State argued, “Now, the defendant wants you to believe that this was a consensual encounter, that he did nothing wrong.” R. 325, ll. 4 – 9. Despite Zeigler’s testimony and the arguments of counsel on consent, the trial judge failed to charge the jury how to decide the case’s central issue. Under these facts, there is a “reasonable likelihood” that the jury understood the jury instructions to allow conviction based on proof insufficient to meet the In re Winship, 397 U.S. 358 (1970) standard—that the Due Process Clause mandates that the government prove every element of the charged offense beyond a reasonable doubt. Todd v. State, 355 S.C. 396, 400, 585 S.E.2d 305, 307 (2003); State v. Aleksey, 343 S.C. 20, 538 S.E.2d 248 (2000).

While Zeigler did not ask for a consent charge, the need for it was plain from the evidence and the arguments of counsel and the trial court should have given the charge. While “the plain error rule does not apply in South Carolina state courts,” this rule is in conflict with the rule from Fuller that judges must fashion fact-specific charges on defenses. State v. Sheppard, 391 S.C. 415, 421, 706 S.E.2d 16, 19 (2011). Only a handful of states have refused to adopt any form of plain error review. See Tory A. Weigand, Raise or Lose: Appellate Discretion and Principled Decision-Making, 17 Suffolk J. Trial & App. Advoc. 179, 222 (2012) (noting that “[v]irtually all of the states have adopted a plain error type default standard for unpreserved contentions at least in criminal cases with only about eight (8) states refusing to adopt such an exception or otherwise limiting any plain error review to death penalty cases or erroneous jury instruction claims.”).

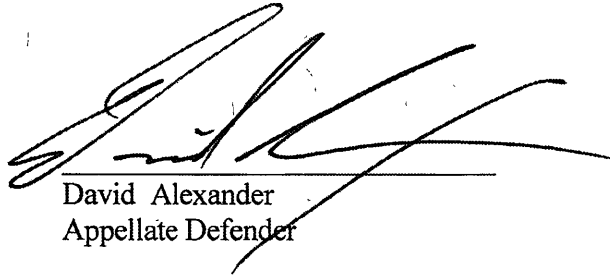
South Carolina's adherence to strict error preservation rules is inconsistent with the modern trend, even compared to our sister states in the deep South. In 2011, the Georgia Supreme Court adopted plain error review in non-capital cases "whenever an appealing party properly asserts an error in jury instructions." State v. Kelly, 718 S.E.2d 232, 235 (Ga. 2011). In 2012, the North Carolina Supreme Court issued an opinion providing what it called "a doctrinal statement regarding the plain error standard." State v. Lawrence, 723 S.E.2d 326, 330 (N.C. 2012). In explaining how it would apply plain error, the court noted that such review "is normally limited to instructional and evidentiary error." Id. at 333. The court reviews unpreserved jury instruction errors for whether the error is "fundamental" and "had a probable impact on the jury verdict." Id. at 334.

If this Court adopted the North Carolina standard, this case should be reversed. The failure to charge the jury on consent was fundamental. The jury was not instructed on how to apply the law and the burden of proof on the central contested issue in the case. Had the jury been charged on consent and that the State had the burden of proof, the jury would have reviewed Stone's testimony with a more critical eye and likely would have acquitted Zeigler. Appellant urges the Court to take up this issue under the North Carolina plain error standard and reverse.

CONCLUSION

For the foregoing reasons, appellant's convictions should be reversed and remanded for a new trial.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'David Alexander', is written over a horizontal line. The signature is stylized with long, sweeping strokes.

David Alexander
Appellate Defender

ATTORNEY FOR APPELLANT

This 11th day of February, 2016.

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Greenville County

Edward W. Miller, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

WILLIAM DOUGLAS ZEIGLER,

APPELLANT

APPELLATE CASE NO. 2015-001351

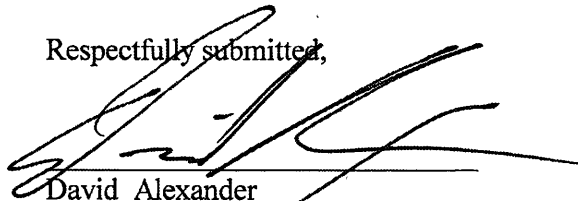
PETITION TO BE RELIEVED AS COUNSEL

Counsel for William Douglas Zeigler states:

1. He is Appellate Defender for the South Carolina Office of Appellate Defense, and was appointed to represent appellant.
2. He has reviewed the record of appellant's trial before Judge Edward W. Miller, which was held on June 2, 2015, and, in his opinion, the appeal is without legal merit sufficient to warrant a new trial.
3. He 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, he asks the Court to relieve him as counsel for William Douglas Zeigler.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'David Alexander', is written over a horizontal line.

David Alexander
Appellate Defender

ATTORNEY FOR APPELLANT

This 11th day of February, 2016.

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Greenville CountyEdward W. Miller, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

WILLIAM DOUGLAS ZEIGLER,

APPELLANT

APPELLATE CASE NO. 2015-001351

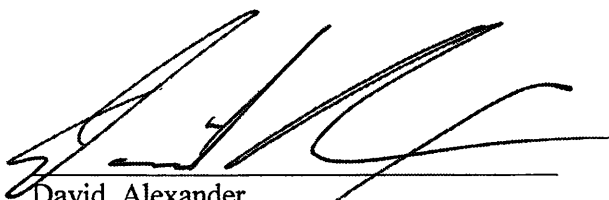
**DESIGNATION OF MATTER TO BE
INCLUDED IN RECORD ON APPEAL**

Appellant proposes the following be included in the Record on Appeal:

- (1) True-billed indictment(s);
- (2) Trial Transcript dated June 1-2, 2015.

I certify that this designation contains no matter which is irrelevant to this appeal.

February 11th, 2016



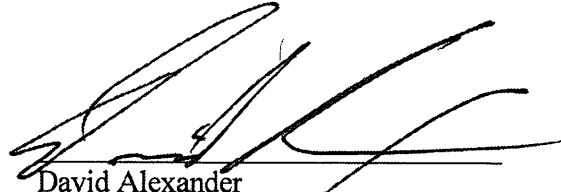
David Alexander
Appellate DefenderSouth Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589
(803) 734-1343

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."

February 11, 2016

A handwritten signature in black ink, appearing to read 'David Alexander', is written over a horizontal line.

David Alexander
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 Greenville County

 Edward W. Miller, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

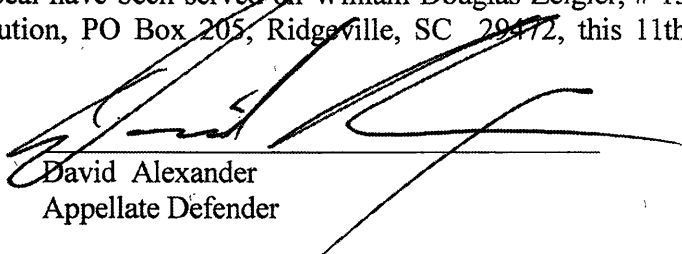
WILLIAM DOUGLAS ZEIGLER,

APPELLANT

APPELLATE CASE NO. 2015-001351

 CERTIFICATE OF SERVICE

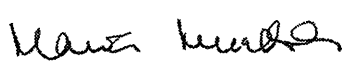
The undersigned attorney hereby certifies that a true copy of the Anders Brief of Appellant and Designation of Matter in the above referenced case has been served upon J. Benjamin Aplin, Esquire, at the Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201; and a copy of the Anders Brief of Appellant and Designation of Matter and Record on Appeal have been served on William Douglas Zeigler, # 154981 at Lieber Correctional Institution, PO Box 205, Ridgeville, SC 29472, this 11th day of February, 2016.



 David Alexander
 Appellate Defender

ATTORNEY FOR APPELLANT

SUBSCRIBED AND SWORN TO before me
 this 11th day of February, 2016.


 _____ (L.S.)
 Notary Public for South Carolina
 My Commission Expires: July 3, 2023.

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

The State, Respondent,

v.

William Douglas Zeigler, Appellant.

Appellate Case No. 2015-001351

Appeal From Greenville County
Edward W. Miller, Circuit Court Judge

Unpublished Opinion No. 2016-UP-494
Submitted November 1, 2016 – Filed November 23, 2016

APPEAL DISMISSED

Appellate Defender David Alexander, of Columbia, for
Appellant.

Attorney General Alan McCrory Wilson and Senior
Assistant Deputy Attorney General John Benjamin Aplin,
both of Columbia; and Solicitor William Walter Wilkins,
III, of Greenville, all for Respondent.

PER CURIAM: Dismissed after review pursuant to *Anders v. California*, 386 U.S. 738 (1967). Counsel's motion to be relieved is granted.

APPEAL DISMISSED.¹

HUFF and SHORT, JJ., and MOORE, A.J., concur.

¹ We decide this case without oral argument pursuant to Rule 215, SCACR.



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

December 13, 2016

The Honorable Paul B. Wickensimer
Courthouse
305 E North St
Greenville SC 29601-2121

REMITTITUR

Re: The State v. William D. Zeigler
Lower Court Case No. 2013GS2308197, 2014GS2300245, 2013GS2308196
Appellate Case No. 2015-001351

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court is enclosed.

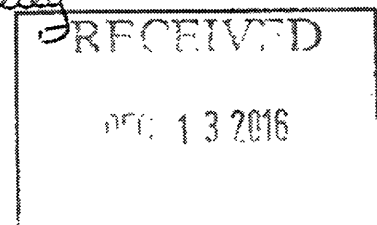
Very truly yours,

V. Claire Allen, Deputy

CLERK

Enclosure

cc: William Douglas Zeigler, 154981
Alan McCrory Wilson, Esquire
David Alexander, Esquire
John Benjamin Aplin, Esquire
William Walter Wilkins, III, Esquire
The Honorable Edward W. Miller



FORM 5

STATE OF SOUTH CAROLINA)

County of Greenville)William Zeigler, #154981)

Full name and prison number (if any) of Applicant)

v.)

State of South Carolina)

IN THE COURT OF COMMON PLEAS

2017-CP-23-01405

APPLICATION FOR

POST-CONVICTION RELIEF

FILED-CLERK OF COURT
JULIE B. WICKER
GREENVILLE, SC
2017 MAR - 6 PM 3:41INSTRUCTIONS - 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 Corr. Inst.; South Carolina Dept. of Corrections; P.O. Box 205, Ridgeville, S.C. 29472
2. Name and location of Court which imposed sentence Greenville County Court of General Sessions; the Hon. Edward W. Miller, Judge and a jury
3. Name(s) of co-defendant(s) (if any) None
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
 - (a) 2013-GS-23-8196; CSC, first degree
 - (b) 2013-GS-23-8197; Kidnapping

(c) 2014-65-23-0245; possession of cocaine base (cocaine base) ³⁷⁷

5. The date upon which sentence was imposed and the terms of the sentence:

(a) June 2nd, 2015; thirty (30) years

(b) " " " thirty (30) years

(c) " " " three (3) years

6. Check whether a finding of guilty was made:

(a) after a plea of guilty _____

(b) after a plea of not guilty X

(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. South Carolina Court of Appeals

ii. _____

iii. _____

(b) the result in each such Court to which you appealed:

i. Appeal dismissed pursuant to Anders v. California

ii. _____

iii. _____

(c) the date of each such result:

i. November 23, 2016

ii. _____

iii. _____

(d) if known, citations of any written opinion or orders entered pursuant to such results:

i. Unpublished Opinion No. 2016-UP-494

ii. _____

iii. _____

9. If you answered "no" to (7), state your reasons for not so appealing:

(a) N/A

(b) _____

- (c) _____
10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:
- (a) Ineffective Assistance of Counsel
- (b) _____
- (c) _____
11. State concisely and in the same order the facts which support each of the grounds set out in (10): Applicant specifically reserves the right to amend or
- (a) supplement this application when he is appointed counsel
- (b) _____
- (c) _____
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
- (b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? No
- (c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? No
- (d) any other petitions, motions or applications in this or any other Court? No
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. N/A
- ii. _____
- iii. _____
- iv. _____
- (b) the name and location of the Court in which each was filed:
- i. N/A
- ii. _____
- iii. _____
- iv. _____

(c) the disposition thereof:

i. N/A

ii. _____

iii. _____

iv. _____

(d) the date of each such disposition:

i. N/A

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?

No

15. If you answered "yes" to (14) identify:

(a) which grounds have been presented:

i. N/A

ii. _____

iii. _____

(b) the proceedings in which each ground was raised:

i. N/A

ii. _____

iii. _____

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? X _____
 (c) your sentencing? X _____
 (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? X _____
 (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed?
No

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. Randall Lee Chambers, Esq.

 ii. Appellate Defender David Alexander, SCTD, Division
of Appellate Defense, P.O. Box 11589, Columbia, S.C.
 iii. 29211-1589

(b) the proceedings at which each such attorney represented you:

- i. trial & sentencing

 ii. Direct appeal

 iii. _____

19. State clearly the relief you seek in filing this application: Convictions & sentences vacated & dismissed, or, in the alternative, reversed and remanded for a new trial & any other relief the Court deems just and proper

20. Are you now under sentence from any other court that you have not challenged?

No

STATE OF SOUTH CAROLINA)

County of Dorchester)

VERIFICATION

I, William Zeigler, #154981, 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.

x William Zeigler

SWORN to and subscribed before me this 2nd day of February, 2017.

Lushan Bryant (L.S.)
Notary Public

My Commission Expires: May 26, 2020

**APPLICATION TO PROCEED WITHOUT PAYMENT
OF COSTS AND AFFIDAVIT
IN SUPPORT THEREOF**

I, William Zeigler, #154981, 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.

X William Zeigler
Applicant

SWORN or affirmed to and subscribed before me this
2nd day of February, 2017.

Luduan Bryant
Notary Public

My Commission Expires: May 21, 2020

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS IN
	)	THE THIRTEENTH JUDICIAL CIRCUIT
COUNTY OF GREENVILLE	)	
	)	
William Douglas Zeigler, #154981,	)	2017-CP-23-1495
	)	
Applicant,	)	
	)	RETURN AND MOTION FOR A
v.	)	MORE DEFINITE STATEMENT
	)	
State of South Carolina,	)	
	)	
Respondent.	)	
_____	)	

Respondent, making its Return to the Application for Post-Conviction Relief ("PCR") filed on March 6, 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 Greenville County Clerk of Court. In May 2015, the Greenville County Grand Jury indicted Applicant for criminal sexual conduct (CSC), first degree (2013-GS-23-8196), kidnapping (2013-GS-23-8197), and possession of cocaine base (crack cocaine) (2014-GS-23-0245). Randall Lee Chambers, Esquire, represented Applicant. Assistant Solicitor L. Mark Moyer, Esquire prosecuted the case. On June 1-2, 2015, Applicant proceeded to trial before the Honorable Edward W. Miller. The jury found Applicant guilty as indicted. Judge Miller sentenced Applicant to imprisonment for thirty years each for CSC and kidnapping, and three years for possession of cocaine with credit for time served.

The facts underlying the charges are as follows: on July 12, 2013, the victim, in an intoxicated state, asked the Applicant to give her a ride home. Trial Tr. pg. 66, Line 16- pg. 67, Line 15. Instead of taking her home, the victim alleged Applicant took to his trailer and raped her. Trial Tr. pg. 69,

Lines 10-23. The Applicant alleged that the victim was intoxicated when he agreed to give her a ride home, but would not tell him where, so after driving around he took her back to his house. Trial Tr. pg. 73, Line 7, 21- pg. 74, Line 2. After arriving at his home, Applicant admitted to using cocaine. Trial Tr. pg. 267, Line 14- pg. 268, Line 1. After they entered Applicant's home, he alleged they engaged in consensual sexual intercourse. Trial Tr. pg. 74, Lines 3-4, pg. 270, Lines 17-19.

Applicant filed a timely notice of appeal. David Alexander, Esquire, of the Office of Appellate Defense perfected the appeal. The South Carolina Court of Appeals dismissed Applicant's appeal after review pursuant to Anders¹ on November 23, 2016. State v. Zeigler, Op. No. 2016-UP-494 (S.C. Ct. App. filed November 23, 2016). The remittitur was returned to the circuit court on December 13, 2016.

Attached to this Return and incorporated by reference are the records of the Greenville County Clerk of Court regarding the subject convictions, Applicant's records from the South Carolina Department of Corrections, the trial transcript, and Applicant's appellate records. 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."

III.

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).

¹ Anders v. California, 386 U.S. 738 (1967).

IV.

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)-(b), SCRPC. All claims should be made well in advance of the evidentiary hearing. Because Applicant has been appointed an attorney, the attorney, and not Applicant, is the only individual authorized to file amendments to this application. See Rule 11, SCRPC. 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), SCRPC.

V.

Respondent also hereby moves for a more definite statement. Applicant has failed to set forth any facts to "support each ground" or to explain with any specificity whatsoever the facts upon which his claims are based. The Uniform Post-Conviction Procedure Act requires the Applicant to *"specifically set forth the grounds upon which the application is based."* S.C. Code Ann. § 17-27-50 (1985) (emphasis added). Respondent respectfully submits that it is incumbent upon Applicant, through counsel, to amend his application to set forth specific facts upon which his allegations are based so that Respondent may adequately prepare for an evidentiary hearing. Therefore, Respondent requests that Applicant be required to amend his application to set forth specifically the grounds on which his claims are based.

VI.

Each and every allegation contained within the application not expressly admitted, qualified, or explained in this Return is hereby denied.

VII.

WHEREFORE, Respondent requests that an evidentiary hearing be held on the claims of ineffective assistance of trial counsel.

Respectfully submitted,

ALAN WILSON
Attorney General

ROBERT BOLCHOZ
Chief Deputy Attorney General

MEGAN HARRIGAN JAMESON
Senior Assistant Deputy Attorney General

DESHAWN H. MITCHELL
Assistant Attorney General

By: 
ATTORNEYS FOR RESPONDENT

Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211
Telephone: (803) 734-3737

July 28, 2017

STATE OF SOUTH CAROLINA)

COUNTY OF GREENVILLE)

IN THE COURT OF COMMON PLEAS

2017-CP-23-1495

WILLIAM DOUGLAS ZEIGLER, 154981)

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 and Motion for a More Definite Statement** in the above-captioned matter on the following person by depositing same in the United States mail, postage prepaid:

Rodney W. Richey, Esquire
Post Office Box 10916
Greenville SC 29603

DATED this 28th day of July, 2017.


 Judy A. C. Carey, Legal Assistant
 For Respondent

STATE OF SOUTH CAROLINA	)	COURT OF COMMON PLEAS
	)	
COUNTY OF GREENVILLE	)	THIRTEENTH JUDICIAL CIRCUIT
	)	
William Douglas Zeigler,	)	Case No(s) : 2017CP2301495
	)	
Applicant,	)	
	)	
-VS-	)	TRANSCRIPT OF RECORD
	)	
State of South Carolina,	)	
	)	
Respondent.	)	

October 24, 2017
Greenville, South Carolina

B E F O R E:

HONORABLE LETITIA H. VERDIN, Judge.

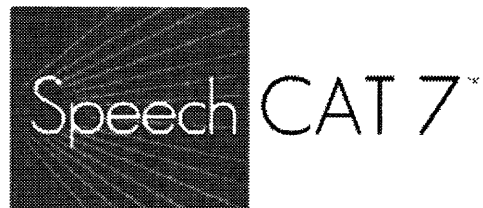
A P P E A R A N C E S:

RODNEY RICHEY, Esquire
Attorney for the Applicant

DeSHAWN MITCHELL, Esquire
Attorney for the Respondent

Teresa B. Johnson, CVR-M-CM,
Circuit Court Reporter
P.O. Box 2812
Greenville, S.C. 29602

Records are
taken and
produced via



I N D E XDIRECT CROSS REDIRECT RECROSS

William Zeigler

by Mr. Richey 5

by Mr. Mitchell 9

Randall Chambers

by Mr. Richey 12

by Mr. Mitchell 15

Certificate of Reporter 21

EXHIBITS PAGE**NO.****DESCRIPTION****ID EV****APPLICANT EXHIBITS**

(No exhibits offered.)

RESPONDENT EXHIBITS

(No exhibits offered.)

COURT EXHIBITS

(No exhibits offered.)

P R O C E E D I N G S

(Proceedings begin on the 24th day of October 2018 at approximately 11:55 a.m.)

THE COURT: Yes, sir.

MR. MITCHELL: May it please the Court, Your Honor?

THE COURT: Yes.

MR. MITCHELL: This is 2017-CP-23-1495, Mr. William Zeigler versus the State of South Carolina. The applicant is presently confined in the South Carolina Department of Corrections pursuant to order of commitment from Greenville County Clerk of Court. In May of 2015, Greenville County Grand Jury indicted Applicant for Criminal Sexual Conduct in the first degree and Possession of Cocaine Base. Mr. Randall Chambers represented Applicant.

On June 1st and June 2nd of 2015, Applicant proceeded to trial before the Honorable Edward W. Miller. The jury found Applicant guilty as indicted. Judge Miller sentenced Applicant to imprisonment for 30 years each for CSC and Kidnapping and three years for Possession of Cocaine, with credit for time served.

The applicant filed a timely notice of

1 appeal. Mr. David Alexander of the Office of
2 Appellate Defense perfected the appeal. The
3 South Carolina Court of Appeals dismissed the
4 applicant's appeal, after review, pursuant to
5 Anders on November 23rd, 2016. The remittitur
6 was issued on December 13th, 2016. He's present
7 in the courtroom today, represented by
8 Mr. Richey.

9 **THE COURT:** All right.

10 **MR. RICHEY:** Judge, we'll call
11 Mr. Zeigler.

12 **THE COURT:** All right, Mr. Zeigler.

13 **THE CLERK:** Mr. Zeigler, please step
14 around to the witness booth and place your left
15 hand on the Bible and raise your right hand.

16 **WILLIAM ZEIGLER**

17 having first been duly sworn, testifies as follows:

18 **THE CLERK:** Thank you. You may be seated.

19 **THE BAILIFF:** Make sure you speak loud and
20 clear in the microphone.

21 **THE CLERK:** Please state your full name
22 for the record.

23 **THE WITNESS:** William Douglas Zeigler.

24 **DIRECT EXAMINATION**

25 **BY MR. RICHEY:**

1 **Q** Mr. Zeigler, are you incarcerated at the
2 Department of Corrections right now?

3 **A** Yes, sir.

4 **Q** And what are you -- where are you?

5 **A** I'm in Lieber Correctional Institution.

6 **Q** Okay. And why are you there? What were you
7 convicted of?

8 **A** Kidnapping and sexual assault.

9 **Q** Okay. Briefly, this was, supposedly, the
10 girl that you had taken home with you?

11 **A** Yes, sir. I had picked her up at a store.

12 **Q** And you went home and...

13 **A** You know, she wouldn't let me know where
14 she was staying at all, and I took her to my house.
15 And then from then on, she wouldn't do nothing. She
16 just started complaining and stuff, and got real
17 crazy with me, and ran out of the car, and went down
18 an embankment. I told her I had to go to work that
19 night and everything. I went in the house and went to
20 sleep.

21 She finally came in there. She calmed down
22 and she came in there. We had sex. And the next
23 morning, I woke up. She was in the bathroom throwing
24 up and stuff. The next thing I know, you know, I take
25 -- she asked me to take her home and I took her home

1 and dropped her off. And that was the last time I
2 seen that woman until --

3 Q Until the trial, right?

4 A Until the trial, yeah.

5 Q All right. Okay. At the trial, who
6 represented you on this case?

7 A Randy Chambers.

8 Q In fact, the only evidence -- the case was,
9 basically, her word and your word, correct?

10 A Yeah. Yes, sir.

11 Q There was not a lot of outside information
12 to be bought in, correct?

13 A Yes, sir.

14 Q But, in light of that, you still believed
15 that Mr. Chambers did not effectively represent you,
16 correct?

17 A Yes.

18 Q Do you believe he did not properly
19 investigate your case?

20 A Yes, you know.

21 Q What -- well, why -- what could he have
22 done?

23 A Just made sure everything lined up in the
24 way it should have lined up, anyway, you know,
25 because here this woman was in the store and asked me

1 for a ride. I said, yes, ma'am, I'll give you a ride,
2 you know, like that. But I didn't know her compassion
3 was that much, you know, because she jumped in the
4 car, kissed me, and all of this good stuff, you know?

5 Q Okay. Do you believe that Mr. Chambers
6 should have pursued a -- well, let me ask you this,
7 did you get a plea offer in the case?

8 A No, sir.

9 Q Okay. Do you believe that Mr. Chambers
10 should have pursued one?

11 A Yes, sir.

12 Q Or tried to get one?

13 A Tried to get one or something, yeah.

14 Q Did y'all discuss the case, you and
15 Mr. Chambers?

16 A Not very often -- not very much, just right
17 before I went to trial.

18 Q And when you talked about it, what did you
19 talk about?

20 A About what happened and stuff like that. I
21 told Mr. Chambers exactly what happened, the same
22 story I'm telling now. You know, I just picked her up
23 and...

24 Q And Mr. Chambers tried that in front of the
25 jury, correct?

1 **A** Yes, sir.

2 **Q** Okay. Did you testify at trial?

3 **A** Yes, sir.

4 **Q** Okay. And you had an opportunity to tell
5 your side of it?

6 **A** Yes, sir.

7 **Q** Okay. Are you -- are you asking for a new
8 trial?

9 **A** Yes, sir. If I can, yes, sir.

10 **Q** If there is anything else that you believe
11 Mr. Chambers should have done to properly represent
12 you?

13 **A** Now?

14 **Q** That you haven't already discussed, is
15 there anything else?

16 **A** No, sir.

17 **Q** Okay. Answer the questions the Attorney
18 General have for you.

19 **MR. MITCHELL:** Thank you, Your Honor.

20 **CROSS-EXAMINATION**

21 **BY MR. MITCHELL:**

22 **Q** Good morning -- I should say good
23 afternoon. Mr. Zeigler, how are you?

24 **A** All right, sir.

25 **Q** I just have a few questions for you. Do you

1 recall how many times you met with your attorney
2 prior to going to trial?

3 **A** Once out of a year, I think. Somewhere
4 along there.

5 **Q** Whose decision, ultimately, was it to go to
6 trial, yours or his?

7 **A** I guess it had to be his to go to trial.

8 **Q** Did you want to plead guilty or...

9 **A** No, I didn't really want to plead guilty. I
10 wanted to see what they'd would give me, you know.
11 Then later on, right before I got ready to go to
12 trial, the woman said, you're going to court. I said,
13 I am? She said, yes, sir, you are. I said, don't I
14 get a plea -- don't I get a guilty plea. She said, 20
15 years. I said, you know, I overlooked that. I said I
16 wasn't going to go for no 20.

17 **Q** So you got a plea offer of 20 years?

18 **A** They didn't come straight out full and tell
19 me 20 years. You know what I am saying? She did tell
20 me right there on the phone about everything like
21 that.

22 **Q** Okay. So your contention was that this
23 encounter with the victim was consensual and it
24 wasn't an assault?

25 **A** Huh-uh.

1 **Q** Now, you were there at the trial. Do you
2 recall the physical evidence being presented?

3 **A** Yes, sir.

4 **Q** Being drug across the road. Do you remember
5 that?

6 **A** Yes, sir.

7 **Q** You remember the evidence of scratches on
8 your face?

9 **A** That scratch came off of when she jumped in
10 the car and kissed me. That's where the scratch
11 really came from.

12 **Q** What about the bruising around her thigh
13 and her --

14 **A** Because she fell down the embankment on the
15 thing when she went and jumped out of the car. I
16 hadn't even touched that woman. I swear to that now.

17 **Q** So she incurred all of those injuries on
18 her own?

19 **A** Yes, sir. Yes, sir.

20 **MR. MITCHELL:** That's all the questions I
21 have, Your Honor.

22 **THE COURT:** All right.

23 **MR. RICHEY:** No other questions.

24 **THE COURT:** Sir, you can step down.

25 **MR. RICHEY:** We call Mr. Chambers.

1 **THE CLERK:** Mr. Chambers, please raise
2 your right hand.

3 **RANDALL CHAMBERS**
4 having first been duly sworn, testifies as follows:

5 **THE CLERK:** Thank you. Please be seated
6 and state your full name for the record.

7 **THE WITNESS:** My full name is Randall Lee
8 Chambers.

9 **DIRECT EXAMINATION**

10 **BY MR. RICHEY:**

11 **Q** Mr. Chambers, do you recall representing
12 Mr. Zeigler?

13 **A** I do.

14 **Q** And --

15 **A** I'm going to be honest with you, it's a
16 fairly -- it's a somewhat vague memory. But I do --
17 and I remember him well, now that I saw him this
18 morning. But yeah, I remember him.

19 **Q** Do you -- you know that this was a jury
20 trial, correct?

21 **A** Correct.

22 **Q** Do you recall investigating the case? Let
23 me ask you this way, did you investigate this case?

24 **A** To the extent that I could, yes.

25 **Q** Okay. And do you believe that you were

1 properly prepared to try this case?

2 **A** I think I was as prepared as possible.

3 **Q** Okay. Did you -- Mr. Zeigler testified that
4 there was not a plea offer, but he said something
5 about 20 years. Do you know whether there was an
6 offer that he could accept or not?

7 **A** No, there was a plea offer from Mark --
8 Mark Moyer was the solicitor. He sent it to me, you
9 know, as they do in writing. That's exactly what it
10 was, an offer to plead guilty for 20 years. They were
11 going to dismiss the kidnapping and something else
12 and recommend 20 years. My recollection is that I
13 discussed that with Mr. Zeigler. I mean, I do that in
14 every case, as far as I know.

15 **Q** Did you talk to him about the case?

16 **A** Yeah, we -- we -- we -- we talked about it
17 on several occasions. Yeah, I'll be very candid in
18 telling you, I never see clients as much as they
19 probably think I ought to, and I get that. But I saw
20 him on several occasions, and certainly enough that
21 both of us had a good understanding of the case and
22 where we were going with it. He told me from the very
23 first time I met with him exactly what he testified
24 to today. He's been extremely consistent in what his
25 story was.

1 **Q** And his position was it was consensual sex?

2 **A** Absolutely. Also, you know he talked about
3 how erratic she was. I feel like we demonstrated that
4 a good deal at the trial. She was extraordinarily
5 drunk at the time and just on and on like that, so...

6 **Q** Okay. And he never said anything to you
7 that would lead you to believe that he felt he was
8 guilty?

9 **A** No.

10 **Q** And this was, basically, a case that came
11 down to between his word and her word, to a certain
12 degree?

13 **A** Yeah. I mean, I think, you know, if I'm the
14 prosecutor, there were some things that I'd point to
15 that would corroborate what she said, you know, the
16 bruising and things like that. And then there was
17 some testimony from the daughter -- cause that's
18 where we -- where William dropped her off, was at the
19 daughter's house. But, then, there were also a lot of
20 inconsistencies.

21 So yeah, I mean, you sum it up pretty well.
22 It was, more or less, her word against his. Of
23 course, he had the -- he has the advantage of
24 reasonable doubt, if the jury applies reasonable
25 doubt the way they're supposed to. But, nevertheless,

1 we lost.

2 Q Thank you. Answer any questions the
3 Attorney General have for you.

4 **CROSS-EXAMINATION**

5 **BY MR. MITCHELL:**

6 Q Good afternoon, Mr. Chambers, how are you?

7 A I am okay. Thank you.

8 Q I just have a few questions for you. How
9 long have you been practicing criminal law here in
10 South Carolina?

11 A In South Carolina, since 1992.

12 Q Okay. And you were appointed to this case,
13 correct?

14 A I was.

15 Q I think we briefly went over some of the
16 facts, but, essentially, would you agree with me that
17 this was a sexual encounter, that the allegations
18 were that the victim was raped, correct?

19 A Yes.

20 Q I mean by the State, I should say.

21 A Criminal sex -- criminal sexual conduct
22 under South Carolina code, yes.

23 Q Yes, sir. You made mention that you met the
24 applicant a number of times?

25 A Yes.

1 **Q** During these meetings, is it your standard
2 practice to go over the discovery?

3 **A** When I have it. I mean, the first few
4 meetings, I'm probably not going to have it. But
5 yeah, once I got it, we went over it. I always
6 provide them a copy, if they ask for it. If they're
7 in jail, you want to be careful about discovery. But
8 I've told Tracy, who is my assistant there in the
9 public defender's office, that any time one of my
10 clients ask for discovery, I want her to send it to
11 them. And then, yeah, we discuss it.

12 **Q** Did you discuss with him the potential
13 charges and the sentences -- sentences that he was
14 facing?

15 **A** I did.

16 **Q** Did he ever indicate to you that he didn't
17 understand any of the things that you were saying to
18 him?

19 **A** No, he understood. I mean, he just -- you
20 know, he professed his innocence and he felt like he
21 wasn't going to take 20 years. He didn't feel like he
22 had much to lose by going to trial, if the best offer
23 he was going to get was a 20-year offer. And I did
24 try to get better offers, by the way. I mean, it's
25 just -- you know, he kind of -- Mark Moyer felt like

1 he had a good case and he drew the line at 20.

2 Q So there's no doubt that you presented your
3 client with a plea offer?

4 A Yes.

5 Q And, in terms of investigation into this
6 case, was there any type of investigation -- did you
7 do any type of investigation or did you feel the need
8 to?

9 A I didn't do any independent examination, I
10 mean, other than driving out to where the crime scene
11 was. I do that. Then, I go through all of the
12 discovery, make sure I have all of the discovery. I
13 didn't -- in this particular case, I didn't have
14 anybody take any pictures or anything, which, you
15 know, I've done on some cases in the past. But, I
16 mean, like I said, to the extent that I could, I did
17 investigation.

18 Q Okay. Would I be correct in saying that the
19 transcript there's out -- bears out that there was a
20 Neil v. Biggers hearing, which involved
21 identification of the...

22 A I'll be honest with you. I did not review
23 the transcript. I couldn't find it in my office this
24 morning and thought that this hearing, as you and I
25 have talked, tomorrow. But if it's in the record,

1 then, yeah, I'm sure that's what happened.

2 **MR. MITCHELL:** Judge, I would just note
3 for the record that a hearing was had concerning
4 identification for the defendant, noted on
5 Page 49 of the transcript.

6 **THE COURT:** All right.

7 **BY MR. MITCHELL:**

8 **Q** I just want to talk a little bit about the
9 physical evidence in this case. In the transcript --
10 well, I guess I should ask you was there any physical
11 evidence with regard to a sexual assault presented at
12 trial, if you can recall?

13 **A** I don't remember any physical evidence of
14 sexual assault. I remember that there was -- that she
15 had some scratching and bruising and things on her
16 body that would be indicative of -- of -- of some
17 type of injury.

18 **Q** Do you recall if a rape kit had been done
19 or entered into evidence?

20 **A** Yeah, there was a rape kit done. I remember
21 that. I don't remember if there were any findings.
22 The answer, just off of the top of my head, I don't
23 remember if there were any findings or anything with
24 the rape kit.

25 **Q** Just so that I can be clear for the record,

1 the strategy going into the trial was that this was
2 consensual?

3 **A** Exactly. You know, we wanted to point to
4 the fact that she got into the car with him
5 voluntarily. She wanted a ride. He gave her a ride.
6 This wasn't anything where she was forced into the
7 car. You know, the fact that she asked him for a ride
8 the next morning and everything seemed fine to him,
9 you know, just all of those sorts of things. You
10 know, that was -- strategy-wise, I mean, that was
11 always it. This was a consensual encounter.

12 **Q** And Mr. Ziegler helped you with that
13 strategy by testifying at trial, correct?

14 **A** Absolutely.

15 **MR. MITCHELL:** Judge, that's all the
16 questions I have.

17 **THE COURT:** Anything else?

18 **MR. RICHEY:** No other questions.

19 **THE COURT:** All right. Sir, you can step
20 down.

21 **THE WITNESS:** Sorry.

22 **THE COURT:** That's fine.

23 Anything else, Mr. Richey?

24 **MR. RICHEY:** No, ma'am.

25 **THE COURT:** Anything from the State?

1 **MR. MITCHELL:** Nothing, Your Honor.

2 **THE COURT:** All right, then. Well, I will
3 take this matter under advisement and take a
4 look at the transcript and issue a decision
5 shortly. All right?

6 Good luck to you, Mr. Zeigler.

7 (Proceedings are concluded at approximately
8 12:14 p.m.)

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STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

I do further certify that I am neither of kin, counsel
nor interest to any party hereto.

Circuit Court Reporter

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

William Douglas Zeigler, #154981
Applicant,

v.

State of South Carolina,
Respondent.

IN THE COURT OF COMMON PLEAS
THIRTEENTH JUDICIAL CIRCUIT

2017-CP-23-1495

ORDER OF DISMISSAL

18 MAY 22 AM 8:34
Paul Wickensmeyer CDC GVL SC

This matter comes before the Court by way of an application for post-conviction relief filed on March 6, 2017 by William Douglas Zeigler (Applicant). Respondent made its Return on or about July 28, 2017. An evidentiary hearing into the matter was convened on October 24, 2017, at the Greenville County Courthouse in Greenville, South Carolina. Applicant was present and represented by Rodney W. Richey, Esquire. Respondent was represented by DeShawn H. Mitchell, Esquire of the South Carolina Attorney General's Office.

At the hearing, Applicant testified on his own behalf. Applicant's Trial Counsel Randall L. Chambers, Esquire also testified. This Court had before it a copy of the records of the Greenville County Clerk of Court regarding the Applicant's convictions, the transcript from Applicant's trial, the PCR application, Respondent's Return, Applicant's records from the Department of Corrections and Applicant's appellate records. After reviewing the record and everything presented, this Court finds Applicant has failed to establish any constitutional deprivations entitling him to post-conviction relief and denies this application.

PROCEDURAL HISTORY

Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Greenville County Clerk of Court. In May 2015, the Greenville County Grand Jury indicted Applicant for criminal sexual conduct (CSC), first degree (2013-GS-

23-8196), kidnapping (2013-GS-23-8197), and possession of cocaine base (crack cocaine) (2014-GS-23-0245). Randall Lee Chambers, Esquire, represented Applicant. Assistant Solicitor L. Mark Moyer, Esquire prosecuted the case. On June 1-2, 2015, Applicant proceeded to trial before the Honorable Edward W. Miller. The jury found Applicant guilty as indicted. Judge Miller sentenced Applicant to imprisonment for thirty years each for CSC and kidnapping, and three years for possession of cocaine.

Applicant filed a timely notice of appeal. David Alexander, Esquire, of the Office of Appellate Defense perfected the appeal. The South Carolina Court of Appeals dismissed Applicant's appeal after review pursuant to Anders¹ on November 23, 2016. State v. Zeigler, Op. No. 2016-UP-494 (S.C. Ct. App. filed November 23, 2016). The remittitur was returned to the circuit court on December 13, 2016.

FACTUAL HISTORY

The facts underlying the charges are as follows: on July 12, 2013, the victim, in an intoxicated state, asked the Applicant to give her a ride home. Trial Tr. pg. 66, Line 16- pg. 67, Line 15. Instead of taking her home, the victim alleged Applicant took to his trailer and raped her. Trial Tr. pg. 69, Lines 10-23. The Applicant alleged that the victim was intoxicated when he agreed to give her a ride home, but would not tell him where, so after driving around he took her back to his house. Trial Tr. pg. 73, Line 7, 21- pg. 74, Line 2. After arriving at his home, Applicant admitted to using cocaine. Trial Tr. pg. 267, Line 14- pg. 268, Line 1. After they entered Applicant's home, he alleged they engaged in consensual sexual intercourse. Trial Tr. pg. 74, Lines 3-4, pg. 270, Lines 17-19.

ALLEGATIONS

1. "Ineffective Assistance of Counsel."

¹ Anders v. California, 386 U.S. 738 (1967).

SUMMARY OF TESTIMONY PRESENTED AT THE EVIDENTARY HEARING

Applicant's Testimony

Applicant testified Trial Counsel represented him. He testified regarding the facts of his case. Applicant testified the sex with the victim in his case was consensual and that the injuries the victim sustained were self-inflicted.

Trial Counsel's Testimony

Trial Counsel testified he represented Applicant. He testified he met with Applicant on several occasions, discussed his charges, the state's evidence and the potential sentences Applicant faced. Trial Counsel testified the State extended Applicant a plea offer of twenty years. He testified he discussed the plea deal with Applicant but he rejected it.

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 can weigh their testimony and credibility accordingly. These credibility findings have been applied to the Court's findings and conclusions set forth below. Below are the findings of fact and conclusions of law as required pursuant to S.C. Code Ann. §17-27-80 (2017).

In a post-conviction relief action, the applicant bears the burden of proving the allegations in his application. Butler v. State, 286 S.C. 441, 442, 334 S.E.2d 813, 814 (1985). Where the application alleges ineffective assistance of counsel 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, 286 S.C. at 443, 334 S.E.2d at 814. The

proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. The courts presume that counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. Strickland, 466 U.S. at 689. Applicant must overcome this presumption in order to receive relief. Cherry v. State, 300 S.C. 115, 118, 386 S.E.2d 624, 625 (1989).

The reviewing court applies a two-pronged test in evaluating allegations of ineffective assistance of trial counsel. Id. at 117, 386 S.E.2d at 625. First, the applicant must prove that counsel's performance was deficient. Id. Under this prong, the court measures an attorney's performance by its "reasonableness under professional norms." Id. (quoting Strickland v. Washington, 466 at 688). 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.

Ineffective Assistance of Counsel

This Court finds Trial Counsel's testimony credible. Based upon this Court's observations of Applicant at the hearing and the inconsistency of his testimony, the Court finds Applicant's testimony not credible. This Court finds Trial Counsel provided effective assistance in this case. Trial Counsel is a trial practitioner who had experience in the trial of criminal offenses. Trial Counsel conferred with Applicant on multiple occasions, during which time Trial Counsel discussed the pending charges, the State's evidence, possible defenses and courses of action, and answered all of Applicant's questions. Additionally, this Court finds the underlying factual basis for the conviction involves a sexual assault incident. Both the victim and Applicant testified at trial with the Applicant testifying the sex was consensual. Trial Tr. pg. 270.

Accordingly, having reviewed the full trial transcript, this Court finds that Trial Counsel was well-versed in the factual allegations, that Trial Counsel asked appropriate questions which were relevant to Applicant's theory of the case, and that Trial Counsel's pretrial discussions with Applicant were sufficient and were not deficient in any respect. Therefore, this Court finds Applicant has failed to prove the first prong of the Strickland test - that Counsel failed to render reasonably effective assistance under prevailing professional norms. Applicant failed to present compelling evidence that Counsel committed either errors or omissions in his representation of Applicant. This Court also finds Applicant has failed to prove the second prong of Strickland - that he was prejudiced by Counsel's performance. This Court concludes Applicant has not met his burden of proving Trial Counsel failed to request a competency evaluation. The allegation is denied and dismissed.

CONCLUSION

Based on all the foregoing, this Court finds and concludes that Applicant has not established any violations that would require this Court to grant his application. Therefore, this application for post-conviction relief must be denied and dismissed with prejudice.

This Court notifies Applicant that he must file and serve a notice of appeal within thirty (30) 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. Refer to 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 18 day of May, 2018.



LETITIA H. VERDIN
Presiding Judge
Thirteenth Judicial Circuit

Greenville South Carolina

WITNESSES

C Hoyes

Greenville County Sheriffs Office

9/23/2013

ARREST WARRANT NUMBER
2013A2330208195

ACTION OF GRAND JURY

TRUE BILL

Wayne Chapman

FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

Foreperson of Petit Jury

Date:

AMENDED INDICTMENT
DOCKET NO. 2014-GS-23-000245

LMM

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

May

TERM 2015

THE STATE

vs.

WILLIAM DOUGLAS ZEIGLER

Amended Indictment for

3009

POSSESSION OF COCAINE BASE
(CRACK COCAINE)

VIOLATION § 44-53-0375

ENTERED
ACCT

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

AMENDED INDICTMENT FOR
POSSESSION OF COCAINE BASE
(CRACK COCAINE)

MAY 19 2015

At a Court of General Sessions, convened on

the Grand Jurors of Greenville

County present upon their oath:

That WILLIAM DOUGLAS ZEIGLER did in Greenville County, between July 12, 2013 and July 13, 2013, willfully and unlawfully have in his possession and under his control a quantity of Cocaine Base (Crack Cocaine), a controlled substance. This is in violation of §44-53-375 of the South Carolina Code of Laws (1976) as amended.

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


SOLICITOR

WITNESSES

Michael Robertson *MR*

Greenville County Sheriffs Office

7/13/2013

ARREST WARRANT NUMBER
2013A2330205830ACTION OF GRAND JURY
TRUE BILL*Wayne Shepherdson*

FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

Foreperson of Petit Jury
Date:AMENDED INDICTMENT
DOCKET NO. 2013-GS-23-008197

LMM

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

May

TERM 2015

THE STATE

vs.

WILLIAM DOUGLAS ZEIGLER

Amended Indictment for

0095

KIDNAPPING

VIOLATION § 16-03-0910

009
ENTERED
BOOK

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

AMENDED INDICTMENT FOR
KIDNAPPING

MAY 19 2015

At a Court of General Sessions, convened on

the Grand Jurors of Greenville

County present upon their oath:

That WILLIAM DOUGLAS ZEIGLER did in Greenville County, between July 12, 2013 and July 13, 2013,
unlawfully seize, abduct, confine, inveigle, decoy or carry away BRENDA STONE, without the authority of law.

This is in violation of §16-03-0910 of the South Carolina Code of Laws (1976) as amended.

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


SOLICITOR

420

STATE OF SOUTH CAROLINA

COUNTY OF
STATE

Greenville

VS.

William Douglas Zeigler

AKA:

Age:

Sex: M

Age:

54

DOB:

SS#:

Address:

City, State, Zip: Greenville, SC 29605

DL#:

SID#:

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
TO: Kidnapping

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2013GS2308197

A/W#: 2013A2330205830

Date of Offense: 7/12/2013

S.C. Code § : 16-03-0910

CDR Code #: 0095

SENTENCE SHEET

☐ CONVICTED OF or ☐ PLEADS

in violation of § 16-03-0910 of the S.C. Code of Laws, bearing CDR Code # 0095

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC § 17-25-45 w/minor 1st or Lewd Act)The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Moyer, Mark

SC Bar#

Defendant

Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the ☐ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 30 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. 688 DAV☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal
Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____

☐ Set by SCDPPPS

Recipient: _____

*Fine:

§ 14-1-206 (Assessments 107.5 %)		\$	
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$	100.00
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$	
§ 56-5-2995 (DUI Assessment)	\$12	\$	
§ 56-1-286 (DUI Breath Test)	\$25	\$	
Proviso 47.9 (Public Def/Prob)	\$500	\$	
§ 14-1-212 (Law Enforce. Funding)	\$25	\$	25.00
§ 14-1-213 (Drug Court Surcharge)	\$150	\$	
§ 50-21-114 (BUI Breath Test Fee)	\$50	\$	
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$	
Proviso 90.5 (SCCA Surcharge)	\$5	\$	5.00
3% to County (if paid in installments)		\$	39.0
TOTAL		\$	1339.0

PTUP

_____ days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund

Other: _____

A Certified Copy

Paul B. Winkelman
Clerk of Court C.P. & G.S.
Greenville County, SC☐ Appointed PD or appointed other counsel.
§ 47.12 requires \$500 be paid to Court during probation.

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (03/2011)

Presiding Judge

Judge Code:

Sentence Date:

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

421

COUNTY OF Greenville
 STATE VS.
William Douglas Zeigler

AKA:

Race: Sex: M Age: 54

DOB: SS#: [REDACTED]

Address:

City, State, Zip: Greenville, SC 29605

DL#: SID#:

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

TO: Possession Of Cocaine Base

INDICTMENT/CASE#: 2014GS2300245A/W#: 2013A2330208195Date of Offense: 7/18/2013S.C. Code §: 44-53-0375 (A)CDR Code #: 3009

SENTENCE SHEET

☐ CONVICTED OF or ☐ PLEADS

in violation of § 44-53-0375 (A) of the S.C. Code of Laws, bearing CDR Code # 3009

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

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

The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

[Signature] 64155
 Moyer/Mark SC Bar#

Defendant

Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the ☐ State Department of Corrections, ☐ County Detention Center,
 for a determinate term of 3 ~~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. 689045

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

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

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

PTUP

Total: \$ plus 20% fee: \$

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:	\$
§ 14-1-206 (Assessments 107.5 %)	\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100
§ 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)	\$10/ea
Proviso 90.5 (SCCA Surcharge)	\$5
2% to County (if paid in installments)	\$
TOTAL	\$ <u>288.40</u>

 days/hours Public Service Employment

Obtain GED ☐Attend Voc. Rehab. or Job Corp. May serve W/E beginning Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐

Fine may be pd. in equal, consecutive weekly/monthly
 pmts. of \$ beginning

\$ paid to Public Defender Fund

Other:
Paul B. Wilkerson
 Clerk of Court C.P. & G.S.

Greenville County, SC

Dated 6-2-15

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

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (03/2011)

Presiding Judge

Judge Code:

Sentence Date:

[Signature]
2130
6-2-15

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

AMENDED INDICTMENT FOR
CRIMINAL SEXUAL CONDUCT FIRST DEGREE

At a Court of General Sessions, convened on **MAY 19 2015** the Grand Jurors of Greenville
County present upon their oath:

That WILLIAM DOUGLAS ZEIGLER did in Greenville County, between July 12, 2013 and July 13, 2013,
engage in sexual battery, with BRENDA STONE, and used aggravated force to accomplish this sexual battery
and/or the victim was also the victim of forcible confinement or kidnapping. This is in violation of South Carolina
Code of Laws Section 16-03-0652 of the South Carolina Code of Laws (1976) as amended.

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


SOLICITOR

WITNESSES

Michael Robertson

Greenville County Sheriffs Office

7/13/2013

ARREST WARRANT NUMBER
2013A2330205829

ACTION OF GRAND JURY

TRUE BILL

Wayne S. Harrison

FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

Foreperson of Petit Jury

Date:

AMENDED INDICTMENT
DOCKET NO. 2013-GS-23-008196

LMM

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

May

TERM 2015

THE STATE

vs.

WILLIAM DOUGLAS ZEIGLER

Amended Indictment for

0160

CRIMINAL SEXUAL CONDUCT FIRST DEGREE

VIOLATION § 16-03-0652

000
RECEIVED