

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY

G. Edward Welmaker, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

JAMES D. CHAPMAN,

APPELLANT

Appellate Case No. 2011-198167

RECORD ON APPEAL

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ORIGINAL

STATE OF SOUTH CAROLINA)

IN THE COURT OF GENERAL SESSIONS
C.A. NO: 2005-GS-10-7907

COUNTY OF GREENVILLE)

THE STATE OF SOUTH)
CAROLINA,)

Plaintiff,)

-vs-)

JAMES D. CHAPMAN,)

Defendant.)

-----)

TRANSCRIPT OF RECORD

AUGUST 22 AND 23, 2011
GREENVILLE, SOUTH CAROLINA

B E F O R E:

THE HONORABLE G. EDWARD WELMAKER, JUDGE; and a jury.

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

L. MARK MOYER, ASSISTANT SOLICITOR
ATTORNEY FOR THE STATE

BRIAN P. JOHNSON, ASSISTANT PUBLIC DEFENDER
ATTORNEY FOR DEFENDANT

APRIL HERRON,
CIRCUIT COURT REPORTER

1 (WHEREUPON, the jury was
2 duly sworn.)

3 THE COURT: Solicitor, you may make
4 your opening statement to the jury.

5 MR. MOYER: Thank you, Your Honor.
6 May it please The Court.

7 Good afternoon, ladies and gentlemen.
8 My name is Mark Moyer. I'm the assistant solicitor. As an
9 assistant solicitor it is my job to prosecute crimes,
10 prosecute defendants who commit crimes in Greenville County.

11 As you have heard, you are here today to
12 decide a murder case. You are here today because the
13 evidence is going to show in this case that this defendant
14 beat a 65-year-old woman named Margaret Parker to death.
15 The evidence will be that Miss Parker was this defendant's
16 mother.

17 The testimony your gonna hear in this
18 case is that Margaret Parker lived in an apartment on Main
19 Street, not much more than a mile away from where we sit
20 right now. You're gonna hear that at the time of her death
21 this defendant James Chapman lived with her. You're gonna
22 hear that close to about 10:00 on the evening of April 23 of
23 2010 the Greenville Police Department received a 9-1-1 call
24 in which a woman stated that her brother-in-law had called
25 them and based on that conversation they believed he had

1 just killed their mother.

2 You're gonna hear officers were then
3 dispatched to the apartment. The officers went to the
4 fifteenth floor. They went to apartment [REDACTED] and they stood
5 for a minute and listened at the door. They did not hear
6 anything. The officers knocked on the door and this
7 definition, you will hear, immediately came to the door.

8 He had some blood on the side of his
9 face stemming from some small cuts that were to his head. He
10 had a couple of other scratches to his face.

11 You're gonna hear that after confirming
12 who he was, that he was James Chapman, the first thing this
13 defendant stated to the officers was I killed my fucking
14 momma. You're gonna hear at that time officers took this
15 definition in to custody. They put him in handcuffs and
16 they, they placed him on the floor in the hallway.

17 You're gonna hear the officers went
18 inside the apartment and, sure enough, they found Margaret
19 Parker lying on the floor. She was lying face down against
20 a wall.

21 You're gonna hear that's signs of a
22 struggle were everywhere. There was bookcases knocked over,
23 a shelf knocked over, things strewn about. Blood was
24 everywhere, all over the floor, in drops and in smears. On
25 several, at least three different walls in the apartment

1 were smears and droplets of blood.

2 You're high hear, ladies and gentlemen,
3 from the medical examiner that Margaret Parker was, indeed,
4 beaten and strangled to death. You will hear that she was
5 beaten so many times and so severely that the exact number
6 of blows cannot be counted. You're gonna hear that she was
7 beaten and stomped all across her face. You will hear that
8 she was beaten on her arms, that she had blows and wounds to
9 her hands, that she had blows to her shoulder, that she had
10 bruises to her chest and her neck. your gonna hear that
11 there was also evidence of strangulation.

12 Now, a lot of testimony will be devoted,
13 in this trial, to comments this defendant made throughout
14 that night and in to the next morning. You're gonna hear
15 that he immediately confessed to officers about what he had
16 done. You're gonna hear that he made other such comments as
17 I bashed her fucking head in, I kicked her about 25 times in
18 the face, I've been wanting to kill her for years and I beat
19 that bitch to death.

20 You're gonna hear that he explained a
21 few minor injuries that he had to himself were the result of
22 his mother fighting back and you will hear that the
23 explanation that he gave for why he did this is that she had
24 it coming.

25 So the charge before you is murder.

1 Murder is defined as the killing of another person with
2 malice aforethought either expressed or inferred. And what
3 that means is that this concept of malice is the key to
4 murder. And it is important to first understand what this
5 definition does not mean. Malice aforethought does not mean
6 that a crime has to be planned out. In fact, it does not
7 mean that it has to even be thought about ahead of time.
8 The malice necessary to take a homicide or killing to murder
9 can actually happen at the moment the fatal blow is given.
10 Some people have the mistaken idea that for killing to be
11 murder that killing must be premeditated and that is not the
12 case.

13 So what is malice? Malice is a legal
14 term that has the connotation of ill will. It is defined as
15 the doing of a wrongful act intentionally and without just
16 cause or excuse. There're two different kinds of malice.
17 There's express malice and there's inferred malice.

18 Express malice means that the evidence
19 of the malice is direct and clear cut and overt. It can be
20 words that a person says. It can be evidence of planning.
21 It can be, maybe, a note left behind.

22 But the law is clear that we don't have
23 to try to read a person's mind. We can also infer malice
24 from the circumstances surrounding the assault.

25 Now, our procedure, as you heard His

1 Honor just instruct, tell y'all about, is that the state
2 will begin calling witnesses first and as soon as we're done
3 with these opening remarks we will begin calling witnesses.

4 Now, you heard the list of about 20
5 witnesses on the state's witness list. I can tell you that
6 I don't think we'll have to call all 20 of them and that
7 some of them will be very short. It's always difficult to
8 anticipate how long a trial will take but I fully expect, I
9 expect us, the state to be able to finish calling witnesses
10 sometime tomorrow afternoon.

11 Now, at the end of this trial I will
12 have another chance, another opportunity to speak to you and
13 appeal to you directly. And at that time I'm going to argue
14 to you why the killing in this case is not justified, it's
15 not a not guilty, it's not a lesser included kind of
16 homicide like manslaughter but it is murder.

17 But until then, all I ask of you is to
18 do three things. Just listen very closely to all the
19 testimony that you will hear and you have open mind, that
20 you use your good judgement and your common sense to weigh
21 the testimony and evidence that comes before you and then at
22 the end of this case you do justice.

23 Thank you.

24 THE COURT: Mr. Johnson, you may
25 address the jury in your opening statement.

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MR. JOHNSON: Thank you, Your Honor.

May it please The Court.

Ladies and gentlemen, you're here today because you have to decide was my client James Chapman guilty of murder or not. Now, that's the only thing we have, have before us at this moment. Solicitor mentioned earlier lesser included or a manslaughter. That's not something we have before us at this point so that's not something that I believe is proper to discuss.

What we have to consider here today, what we have to consider right now is murder. Now, there's two things, two prongs of the murder statute that I believe we have and solicitor and I agree. One is killing of another person with -- I'm standing here before you right now and telling you my client James Chapman killed his mother. Okay.

The question, and as the solicitor indicated, the question is whether he did it with, as the judge said earlier, malice aforethought or malice. That's the question we have here before us today.

Now, I know you may ask yourself what's malice. I know solicitor told you but I'd also like to elaborate on that, too, but malice indicates a form purpose or design to do something wrong without an excuse or, in the terms of -- in terms of murder, it's killing someone without

1 an excuse under the circumstances. Okay.

2 And when we talk about excuse we're not
3 talking about an excuse that is used as, you know, excuses
4 you from the whole legal system. Once again, as the
5 solicitor indicated there are lesser included, et cetera,
6 but that's not before us right now. Okay.

7 The question that you're gonna have to
8 ask yourself is why this happened. Why did James Chapman do
9 what he did? I think that if you find that he went up to
10 his mother's apartment and he -- that was his intention,
11 that he was gonna kill her, that you must find him guilty of
12 murder. Yes, I agree with that.

13 However, if you find that this is from
14 something from a series of events, from an altercation that
15 led to what my client James Chapman did, then that is not
16 murder; it's not malice.

17 And, once again, it could be something
18 lesser included; it could be another, another crime, another
19 offense, considering the circumstances but it's not murder
20 and that's why we're here. We're here to decide whether or
21 not he murdered his mother. We admit he killed her. The
22 question, whether it's murder.

23 Now, I know the state's gonna have you
24 rely upon -- They're gonna call upon you to rely upon
25 statements that my client may have made in a self-loathing

1 and self-condemning state. However, I think that you will
2 find that the totality of the circumstances, when you
3 consider everything that happened and you consider the
4 testimony, you consider the situation, when you consider,
5 specifically, testimony of my client, pieces of evidence,
6 that you will find that this was definitely a person who was
7 under the influence of extreme anger, emotion, intoxication
8 and this was a heat of passion crime. And not cold.

9 Ladies and gentlemen, at the end of this
10 case I feel confident that you'll find that it's not murder.
11 Now, I don't know if we have anything else before us but I
12 feel confident that this is not murder. This was a tragedy.
13 My client brutally beat his mother to death. It happened.
14 He deals with it every day. There's nothing we can do about
15 until. Question before you here today is whether he
16 murdered her or whether he did it in heat of passion.

17 Thank you.

18 THE COURT: Solicitor, you may call
19 your first witness.

20 MR. MOYER: Thank you, Your Honor.
21 May it please The Court, the state would call Francis Moore
22 to the stand.

23 FRANCIS LEE MOORE,
24 first being duly sworn,
25 testified as follows:

DIRECT EXAMINATION BY MR. MOYER:

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Q. Ms. Moore, where are you employed?

A. The Greenville Police Department.

Q. What is your position with the Greenville Police Department?

A. I'm the assistant communications administrator.

Q. How long have you worked for the police department?

A. Twenty-one years.

Q. How long have you assistant communications administrator?

A. Eleven.

Q. What are you duties in that role?

A. To hire, train new telecommunicators on the equipment, software that we use; make sure that they know how to do their jobs.

Q. Now, what is a CAD report?

A. It is a computer-aided dispatch report. It's a computer system that when we answer calls for service with type the calls in to the computer to dispatch file response units to.

Q. Okay.

Now, would that, the generation of that report, does that come, come under your -- under your authority and in your position?

FRANCIS LEE MOORE, DIRECT EXAMINATION

150

1 A. It does.

2 Q. Now, is this information that you looked about --
3 Well, let me ask you this. What all information is
4 collected for a CAD report?

5 A. The information collected is the location of the
6 call. It assigns a case number to it, shows the time that
7 the call came in. If the call came in on 9-1-1 it's an
8 automatic population of the computer-aided dispatch screen
9 so it automatically shows the caller's name or telephone
10 number; if they're calling from a cell phone, land line,
11 voice protocol. It fills in the information.

12 Then our telecommunicators type in the information
13 that we gather from the caller to define exactly what type
14 of incident we're dealing with and transfer that information
15 to officers in the field.

16 Q. Okay.

17 Is that information generated for every call for
18 which officers are dispatched?

19 A. Yes, sir.

20 Q. And are those records kept in the ordinary course
21 of business for the Greenville Police Department?

22 A. Yes, sir, they are.

23 Q. So it's a regular practice of the police
24 department to keep and to make those records?

25 A. Yes, sir.

1 Q. And do you have access to that information, as a
2 regular function of your job?

3 A. Yes, sir.

4 (Computer-aided incident report
5 marked as State's Exhibit 26 for identification only.)

6 Q. I'm going to hand you what's been marked State's
7 Exhibit Number 36. Can you take a look at that document
8 and, and tell us what that is?

9 A. This is a computer, computer generated copy of a
10 CAD incident report that we received on April 23, 2010.

11 Q. And that is the CAD report like what you just
12 described to us?

13 A. Yes, sir.

14 Q. And is that -- was that generated for the case as
15 against the defendant in this case James Chapman?

16 A. It is, it is, yes, sir. It's for the case at [REDACTED]

17 [REDACTED].
18 Q. Okay.

19 That happened on April 23 of 2010?

20 A. Yes, sir.

21 Q. All right.

22 MR. MOYER: Your Honor, at this time
23 we move to have State's Exhibit Number 26 entered in to
24 evidence?

25 THE COURT: Any objection?

FRANCIS LEE MOORE, DIRECT EXAMINATION

152

1 MR. JOHNSON: No objection.

2 THE COURT: Without objection

3 exhibit 26 is in to evidence. It may be published.

4 (State's Exhibit 26 entered in to
5 evidence without objection.)

6 Q. You already stated the date that report was
7 generated, again, on April 23 of 2010?

8 A. Yes, sir.

9 Q. And did that incident begin with a 9-1-1 call?

10 A. It did.

11 Q. What time did that call come in?

12 A. The call came in to the communication center at
13 2152 which is 9:52 p.m.

14 Q. Who made the telephone call?

15 A. It shows that the complainant was Charlene
16 Chapman.

17 Q. What was the location to which officers were
18 dispatched?

19 A. [REDACTED], apartment [REDACTED] at
20 Towers East Apartments.

21 Q. Is that in Greenville County?

22 A. It's in Greenville city.

23 Q. Greenville City which is in Greenville County?

24 A. Yes, sir.

25 Q. Now, what time, what time were officers

1 dispatched? To that location?

2 A. Officers were initially en route at 2153 hours or
3 9:53 p.m.

4 Q. What time did the first officers arrive?

5 A. At 9:55 or 2155.

6 Q. Now, are you able, able to say what time they
7 actually made contact with the suspect in the case?

8 A. (No response.)

9 Q. You just know when they arrived?

10 A. I know when the officers arrived.

11 I've just looking through the CAD report to make
12 sure there's nothing, addition.

13 All it shows is the officers arrived.

14 And they, typically, do not notify us immediately
15 that -- whether they're out with a subject or not.

16 Q. Okay.

17 Now, can you tell us when James Chapman was taken
18 away from the apartment?

19 A. I apologize. There's a lot of pages to it.

20 Q. Okay.

21 A. It shows --

22 Q. Do you recall telling me the other day that it
23 was about 2249?

24 A. I'm, I'm looking at 2253. It shows that they
25 were out at the law enforcement center and at, at 2249 there

FRANCIS LEE MOORE, CROSS-EXAMINATION

154

1 was a transport of a white male subject, with the beginning
2 mileage to the law enforcement center.

3 Q. Okay.

4 So that would be 10 --

5 A. Ten forty-nine.

6 Q. -- 49 p.m.?

7 A. Yes, sir.

8 Q. And the arrival time for him at the law
9 enforcement center was 10:53 p.m.?

10 A. Yes, sir.

11 Q. Okay.

12 MR. MOYER: Thank you. Please
13 answer any questions defendant may have.

14 THE COURT: You may cross-examine.

15 CROSS-EXAMINATION BY MR. JOHNSON:

16 Q. Officer Moore, do you have any information
17 regards to this incident other than the CAD report?

18 A. There's audio recordings available of all 9-1-1
19 and radio transmissions for the incident.

20 Q. So that's what you were responsible for?

21 A. Yes, sir.

22 MR. JOHNSON: I have nothing further

23 MR. MOYER: Nothing.

24 THE COURT: Thank you. You may
25 step down.

JAMES C. GRUBBS, DIRECT EXAMINATION

155

1 MR. MOYER: State would call Jay
2 Grubbs to the stand.

3 JAMES C. GRUBBS,
4 first being duly sworn,
5 testified as follows:

6 DIRECT EXAMINATION BY MR. MOYER:

7 Q. Would you please state your name again?

8 A. James C. Grubbs.

9 Q. Now, how long have you been in law enforcement?

10 A. Approximately 30 years.

11 Q. Where do you work right now?

12 A. The Williamson Police Department.

13 Q. What is your position with the police department?

14 A. It's interim chief.

15 Q. You're the interim chief right now? How long has
16 that been?

17 A. Oh, two weeks.

18 Q. Two weeks

19 And you were a captain right before that?

20 A. That's correct, sir.

21 Q. Now, where did you work in April of 2010?

22 A. With the Greenville Police Department.

23 Q. How long did you work -- And you retired from the
24 Greenville Police Department?

25 A. Yes, sir, I did.

JAMES C. GRUBBS, DIRECT EXAMINATION

156

1 Q. And then went back to work for Williamson?

2 A. Yes, sir.

3 Q. How long did you work for the Greenville Police
4 Department?

5 A. Approximately 28 years.

6 Q. What was your position of the police department
7 in April of 2010?

8 A. I was assigned to a specific geographical area,
9 downtown business area in uniform patrol.

10 Q. That covers Main Street, Greenville?

11 A. Yes, sir, it does.

12 Q. How long had you worked that central business
13 district?

14 A. Little over three and a half years.

15 Q. What are your duties in that role?

16 A. To answer any calls or requests for assistance by
17 citizens. Anything that people need, we try to help.

18 Q. Okay.

19 Let me ask you to move a touch closer to that
20 microphone, make sure we can hear you well.

21 What kind of training do Greenville city police
22 officers receive for positions like this, or uniform patrol?

23 A. We receive training quarterly. We receive
24 training monthly. The state mandates we have a certain
25 amount of training per year. Greenville Police Department

1 goes above and beyond all that. We're in training
2 ceaselessly.

3 Q. Now, were you working on the evening of April 23
4 of 2010?

5 A. Yes, sir, I was.

6 Q. Were you dispatched to a call that evening?

7 A. Yes, sir.

8 Q. What location?

9 A. [REDACTED]

10 Q. And any particular apartment at that location?

11 A. It was on the fifteenth floor, apartment [REDACTED].

12 Q. What is at -- Can you describe what [REDACTED]
13 [REDACTED] is?

14 A. That's a, I think, 15 story building where you'll
15 have elderly individuals, disabled individuals. People that
16 just can't afford to live anywhere else, they live there.

17 Q. So they're apartments, then, where people --

18 A. That's correct, sir. I'm sorry.

19 Q. Now, what did this call come out as?

20 A. We received a call that someone's sister-in-law
21 called the 9-1-1 center and advised that they had just
22 looked their mother and the suspect was a man by the name of
23 James Chapman.

24 Q. Were you the first officer to arrive?

25 A. Yes, sir.

JAMES C. GRUBBS, DIRECT EXAMINATION

158

1 Q. Did you wait for another officer before doing
2 anything?

3 A. Yes, sir, I did. I just waited in the lobby for
4 another officer to arrive.

5 Q. Did it take very long for the other officer to
6 arrive?

7 A. Just moments.

8 Q. Now, when the other officer arrived what did you
9 and this other officer do?

10 A. We proceeded to the fifteenth floor to [REDACTED]

11 [REDACTED].

12 Q. When you said you had a name for an individual
13 that were looking for at that apartment?

14 A. Yes, sir.

15 Q. And what was that name?

16 A. Dispatcher advised us a possible name of a
17 suspect was James Chapman.

18 Q. Did you get a description?

19 A. We asked and the only thing we really received
20 was a white male approximately 41 years of age, I believe.

21 Q. What did you do when you got to the door?

22 A. We listened for a moment to see if we could hear
23 anything. We didn't hear anything. So we knocked.

24 Q. Okay.

25 Now, when you knocked, what happened after you

1 knocked?

2 A. A white male came to the door and we asked him
3 who he was. He opened the door and we asked him. He says
4 his name was James Chapman.

5 Q. And do you see that person in the courtroom here
6 today?

7 A. Yes, sir, I do.

8 Q. Would you identify him?

9 A. He's at the defense table.

10 Q. Okay.

11 You're speaking to the time seated to the left of
12 his attorney Mr. Johnson, the defendant in this case?

13 A. Yes, sir.

14 Q. Okay.

15 Now, after he confirmed his name, what, if
16 anything, was said by either one of you?

17 A. Well, at that point, as soon as he indicated who
18 he was, he looked at me and said, I killed my fucking momma.

19 Q. What did you notice about him? About his
20 condition, the way he looked?

21 A. He appeared to me to be excited, sweating and
22 just in a state of excitement.

23 Q. Did you see any, any signs of possible injury or
24 anything like that?

25 A. He did have blood on his face from some type of

JAMES C. GRUBBS, DIRECT EXAMINATION

160

1 injury on top of his head.

2 Q. Did you ever look closely at that injury or
3 examine him --

4 A. Very briefly. Not at that point. Once we had
5 him on the floor you could see it better. I was over him; I
6 could look down and it was scratches or cuts on top of his
7 head.

8 Q. Did he complain of any injuries to you at this
9 time?

10 A. No, sir, he did not.

11 Q. Now, can you describe for us the tone of voice
12 that he used when he made this comment to you about what he
13 had done to his mother?

14 A. He was loud and, in my opinion, he was, he was
15 bragging about it.

16 Q. What did you do with him?

17 A. As soon as he identified himself and that matched
18 the description of our possible suspect he was handcuffed
19 and placed on the floor in the hall, in detention.

20 Q. Okay.

21 Did you search him?

22 A. At that time, yes, sir.

23 Q. Did you find anything of significance --

24 A. No, sir.

25 Q. -- from the search?

1 All right

2 Did other officers arrive?

3 A. Yes, sir.

4 Q. And who were the other officers?

5 A. That was Officer Powell and Officer Clemente
6 arrived moments after Officer Ross and I had secured him on
7 the floor.

8 Q. Okay.

9 And what did you do when they arrived?

10 A. Officer Powell and I then entered the apartment
11 to secure it, to see if there's any other possible threats
12 inside.

13 Q. You call that clearing a crime scene?

14 A. That's correct, sir.

15 Q. You do that on every crime scene?

16 A. Every one, sir.

17 Q. And what is the purpose of that?

18 A. To make sure any other known suspects are on the
19 inside and it's to negate any other threat to ourselves or
20 anybody else.

21 Q. Did you find any other threats inside?

22 A. No, sir.

23 Q. Any other people?

24 A. There was one other person in there.

25 Q. Okay.

JAMES C. GRUBBS, DIRECT EXAMINATION

162

1 A. She --

2 Q. We'll get to that in just a moment.

3 How about any other -- Were there any animals
4 inside this --

5 A. There was a small dog running around.

6 Q. And what did y'all do with the dog?

7 A. He was secured in a bedroom.

8 Q. It's a small dog, you said?

9 A. Small dog, yes, sir.

10 Q. Give us an indication?

11 A. Like a Chihuahua, I think.

12 Q. And you put it in a bedroom?

13 A. I believe Officer Powell secured the dog in
14 another bedroom.

15 Q. While you and Officer Powell were inside the
16 apartment did you have officers watching the defendant in
17 the hallway?

18 A. Yes, sir, I did.

19 Q. Now, tell us what you saw upon entering the
20 apartment.

21 A. We went in and first thing we noticed, the
22 apartment was in total disarray, like there had been some
23 type of big altercation inside.

24 We noticed a lady. Well, you could see the bottom
25 half of her. She had on green stretch type pants. She was

JAMES C. GRUBBS, DIRECT EXAMINATION

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1 face down on the floor. She had her bra on but did not have
2 a shirt on. She had some type of ceramic, I don't know what
3 it was, some type of pieces of broken ceramic at or near her
4 head.

5 Her head was very bloody. I checked her pulse to
6 make sure, to see, and there was no pulse.

7 And we had, again, already seen that there was
8 nobody else inside. There was what appeared to be blood.
9 There was red material around her. There was some on the
10 cushion of the couch. There was some on the floor in the
11 kitchen, which was several steps away, and there were some
12 on the floor on the other side where the bookcase was.

13 Q. Okay.

14 So did you see any signs of life with her at that
15 time?

16 A. No, sir.

17 Q. And no movement?

18 A. No, sir.

19 Q. Did you -- How long did you stay in the
20 apartment, clearing the apartment?

21 A. We probably cleared the apartment in two or three
22 minutes, at most.

23 Q. So it wasn't your job, at this time, to catalog
24 the apartment or to take evidence or anything like that?

25 A. No, sir, it was not.

JAMES C. GRUBBS, DIRECT EXAMINATION

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1 Q. Did you disturb anything while you were inside?

2 A. No, sir, didn't touch a thing.

3 Q. Other than touching Ms. Parker's neck, did you
4 move her at all, or anything?

5 A. No, we did not.

6 Q. Okay.

7 Did you ask for EMS to be called out?

8 A. That is correct, sir.

9 Q. Now, after clearing the apartment and observing
10 the victim as you just described to us, what did you do?

11 A. We secured the scene, which means not allowing
12 anybody in or out of the scene to protect any possible
13 evidence that is located at the incident location. We
14 notified the on-duty detectives and supervisors to be en
15 route.

16 Q. And then you waited there until the on-duty
17 supervisors and detectives and forensic officers arrive?

18 A. Correct, sir.

19 Q. Now, where'd you wait during this interim period
20 of time?

21 A. When -- Once we cleared the scene I stepped back
22 outside the door. There's no reason for us to be in the
23 crime scene and I was right outside the door.

24 Q. Was the defendant James Chapman still there?
25

1 A. He was, sir.

2 Q. And where was he at this time?

3 A. He was seated on the floor on the other side the
4 hall, maybe three feet away.

5 Q. So he was very close to you?

6 A. Yes, sir.

7 Q. He's in handcuffs?

8 A. Yes, sir, he was.

9 Q. And what was he doing while he was seated there?

10 A. He, he started talking.

11 Q. And before I ask you specifically what he said,
12 tell me what topic he was talking about.

13 A. The only topic he talked about the whole time
14 that I ever heard anything was him killing his mother.

15 Q. So he wasn't talking about anything, any other
16 issues?

17 A. No, sir.

18 Q. Did you or any other officers ask him any
19 questions about what happened?

20 A. Not that I heard, no, sir.

21 Q. You did not hear any other officers asking
22 questions?

23 A. No, sir, I did not.

24 Q. You didn't interrogate him or question him?

25 A. No, sir.

JAMES C. GRUBBS, DIRECT EXAMINATION

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1 Q. Did you even speak to him?

2 A. No, sir, other than ask him his name.

3 Q. Okay.

4 Did you hear any other officers do that?

5 A. No, sir.

6 Q. Question -- Okay.

7 Now, when he started talking about this, about
8 what he had done to his mother, did you do anything to
9 record or to take down what he was saying?

10 A. Yes, sir. I pulled out my notepad and started
11 writing down things he was saying verbatim.

12 Q. And so you were actually writing this down while
13 he was talking?

14 A. Yes, sir.

15 Q. Did you later write a report?

16 A. Yes, sir, I did.

17 Q. Did you include in your report all of those
18 comments that you heard the defendant saying, that you wrote
19 down in your notebook?

20 A. Yes, sir, I did.

21 Q. When did you write your report?

22 A. Within an hour of the incident.

23 Q. Now, in order to be able to testify accurately
24 and fully about what the defendant said in your presence
25 would it help you to be able to read from your report?

1 A. Yes, sir, it would.

2 Q. Okay.

3 I would ask you at this time to take a moment
4 just to leaf through those four pages and tell us if your
5 recognize what that is.

6 A. Yes, sir. This is a copy of the incident report
7 that I did within an hour, or so, after the incident.

8 Q. Okay.

9 And how do you recognize it?

10 A. It has my name on the bottom and a unit number
11 which is specific to me.

12 Q. So that's the report you wrote that, that night?

13 A. Yes, sir, it is.

14 Q. Let me ask you at this time to look in your
15 report and read in to the record what the defendant said
16 while he's in your presence that night.

17 A. Yes, sir.

18 He started talking voluntarily and he said I
19 bashed her fucking head in, I fucking hit her in the face 25
20 to 30 times; boy, she's beat up, ain't she.

21 Q. Let me ask you to slow down just a little bit.

22 A. Oh, I'm sorry.

23 Q. Speak up. I'm not sure that microphone is
24 working.

25 A. Okay.

JAMES C. GRUBBS, DIRECT EXAMINATION

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1 He said I bashed her fucking head in, I fucking
2 hit her in the face 25 to 30 times; boy, she's beat up,
3 ain't she, and he continued, no, I'm not sorry, I just
4 looked my fucking momma, I beat that bitch to death, I beat
5 her fucking face in, I beat that mother-fucking bitch's
6 teeth in.

7 Q.. Okay.

8 A. And I asked Officer Powell, who was just on the
9 inside of the room, to step outside so he could hear these
10 voluntary utterances from the defendant and he continued.
11 He said I killed my momma, I'm guilty, all that I care about
12 is my dog in there, I wanted to kill her for years, that's
13 the biggest shit you've ever seen, you be lucky I didn't
14 hang her upside down and crucify her ass, I done it and I
15 don't fucking regret it, I want to kill her -- excuse me, I
16 wanted to kill her for 20 fucking years, I done it, I'm
17 going to the man -- I'm going to be the man in the family, I
18 done killed the motherfucker, how much farther can I go,
19 beat her goddamn brains out.

20 Q. Is that the extent?

21 A. Yes, sir, it is.

22 Q. Now, during the time that you were around the
23 defendant did he ever complain of any injuries to you?

24 A. No, sir, he did not.

25 Q. Did he ever appear to be in any kind of physical

1 distress to you?

2 A. No, sir, he did not.

3 Q. What else did you do at the scene?

4 A. We just made sure that the defendant was there.
5 We protected the scene and waited for other officers to
6 arrive.

7 Q. Was at the scene kept secure until detectives and
8 forensic officers arrived?

9 A. Yes, sir, it was.

10 Q. Okay.

11 MR. MOYER: Please answer any
12 questions defense.

13 THE COURT: Cross-examine the
14 witness, Mr. Johnson.

15 MR. JOHNSON: Thank you, Your Honor.

16 CROSS-EXAMINATION BY MR. JOHNSON:

17 Q. Officer Grubbs, one of the things that solicitor
18 just asked you is if my client complained of injuries and
19 you stated he didn't, right?

20 A. No, sir, he did not.

21 Q. But it was obvious to you that he was injured,
22 right?

23 A. He did have the blood coming from his head.

24 Q. He had blood coming from his head and he had
25 scratches on his arms, and thing, right?

JAMES C. GRUBBS, CROSS-EXAMINATION

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1 A. Yes, sir.

2 Q. Now, when he was making the statements to you,
3 some of the ones you've testified, one time he said he'd
4 been wanting to kill her for years, right?

5 A. Yes, sir, I believe so.

6 Q. And another time he said he wanted to kill her
7 for 20 years.

8 A. Yes, sir.

9 Q. And another one of the things you noticed when
10 you arrived, you said he was -- he was sweating?

11 A. Yes, sir.

12 Q. Looked like he kind of going through an
13 adrenaline rush?

14 A. Yes, sir.

15 Q. He was -- He was excited?

16 A. Yes.

17 Q. He was speaking rapidly?

18 A. Yes, sir.

19 Q. And he looked like he'd been in some sort of big
20 altercation, right?

21 A. I don't -- He had blood on him.

22 Q. I'm referring to statements you made earlier in
23 your testimony.

24 A. Yes, sir. I didn't refer, specifically, to an
25 altercation. I said that he had been -- you know, he was

1 loud.

2 Q. Okay.

3 So your testimony is currently that you went in
4 the apartment and you said it didn't look like it'd been in
5 some sort of big altercation?

6 A. The apartment was askew. It was disarray.

7 Q. Oh, excuse me.

8 A. I thought you were talking about him.

9 Q. Yes, sir, yes, sir.

10 A. I apologize, yes, sir.

11 Q. So it looked like it had been altercation?

12 A. Yes, sir.

13 Q. But, otherwise, he was sweating and he was
14 speaking rapidly and he was excited?

15 A. That's correct, sir.

16 MR. JOHNSON: I have nothing further
17 of this witness.

18 THE COURT: Any redirect?

19 MR. MOYER: Not for this witness,
20 Your Honor.

21 THE COURT: Thank you. You may step
22 down.

23 MR. MOYER: State would call Chris
24 Powell to the stand.
25

CHRISTOPHER B. POWELL, DIRECT EXAMINATION

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1 CHRISTOPHER B. POWELL,
2 first being duly sworn,
3 testified as follows:

4 DIRECT EXAMINATION BY MR. MOYER:

5 Q. Would you please state your name?

6 A. Christopher B. Powell.

7 Q. And where are you employed?

8 A. The Greenville Police Department.

9 Q. How long have you been with the police
10 department?

11 A. Seven yours.

12 Q. What is your position?

13 A. I'm a patrol officer and I am also a field
14 trainer officer.

15 Q. Is that what your position was in April of 2010?

16 A. Yes, sir.

17 Q. Now, were you working the night of April 23 of
18 2010?

19 A. Yes, sir.

20 Q. Did you respond to this call that we just talked
21 about at Towers East on North Main Street that night?

22 A. I did

23 Q. And were you alone?

24 A. No, I was not.

25 Q. Who was with you?

1 A. I was also training Officer Odette Clemente at
2 the time.

3 Q. Now, when you arrived did you to go the fifteenth
4 floor to the apartment?

5 A. Yes, sir, we did, [REDACTED]

6 Q. [REDACTED]

7 What did you observe upon arriving at the
8 apartment?

9 A. I noticed that Officer Grubbs and Ross had placed
10 Mr. Chapman in handcuffs.

11 Q. Okay.

12 A. And they were awaiting our arrival.

13 Q. Now, did you participate in clearing the
14 apartment with Corporal Grubbs?

15 A. Yes, sir, I did.

16 Q. Did you touch or move anything in the apartment?

17 A. No, sir.

18 Q. Including the victim?

19 A. Never touched the victim.

20 (Photograph marked as State's
21 Exhibit 1 for identification only. Photograph marked as
22 State's Exhibit 2 for identification only.)

23 Q. I'm gone hand you State's Exhibit Numbers 1 and
24 2. Can you take a look at those photographs?

25 Can you recognize what is displayed in those two

1 photographs?

2 A. Yes, sir. This would be what I observed when we
3 cleared the residence.

4 Q. Okay.

5 Is that a true and accurate representation of the
6 way that apartment looked that night?

7 A. Yes, sir, it is.

8 MR. MOYER: I move, at this time, to
9 have State Exhibits 1 and 2 entered in to evidence.

10 THE COURT: Any objection?

11 MR. JOHNSON: Not at this time, Your
12 Honor.

13 THE COURT: Without objection
14 exhibits 1 and 2 are admitted in evidence, may be published
15 to the jury.

16 (State's Exhibit 1 and State's
17 Exhibit 2 entered in to evidence without objection.)

18 Q. Officer Powell, can you describe to the jury what
19 we're seeing in -- This is State's Exhibit Number 1.

20 A. This would be the view looking as if you're
21 coming through the entrance and the only entrance of the
22 apartment, looking in to the living room, and the kitchen
23 would be to the right, which is not shown on this picture.

24 Q. Okay.

25 So this is as walking, walking into the

1 apartment, this is what one would see?

2 A. Yes, sir, it is.

3 Q. Okay.

4 And is this the victim here? Is that the
5 position she was in when you saw her that night?

6 A. Yes, sir.

7 Q. Let me show you State's Exhibit Number 2.

8 Okay.

9 Does State's Exhibit Number 2 show the way --
10 Does that show a picture of the room from the other
11 direction?

12 A. Yes, sir, it does.

13 Q. And, in fact, is that the doorway that leads into
14 the apartment?

15 A. Yes, sir.

16 Q. Okay.

17 And is this where the victim was lying when you
18 saw her?

19 A. Yes, sir, it is.

20 Q. Now, after going through the apartment did you
21 stand by with the defendant in the hallway?

22 A. Yes, sir, I did.

23 Q. And did he appear intoxicated?

24 A. No, sir. I couldn't smell any alcohol, didn't
25 notice any outward appearance that he had been intoxicated.

CHRISTOPHER B. POWELL, DIRECT EXAMINATION

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1 Q. You didn't notice any signs of intoxication from
2 him?

3 A. No, sir.

4 Q. And in the course of your duties for your job you
5 come around -- you come in contact with people who are
6 intoxicated?

7 A. Quite frequently. I work in an area where there
8 are numerous alcoholics that I deal with now a daily basis
9 and some nights I deal with people under the influence on an
10 hourly basis.

11 Q. During the time you were around the defendant was
12 he saying anything?

13 A. Yes, sir, he was.

14 Q. And before I ask you, specifically, what he --
15 what he said, what topic was he talking about?

16 A. He was speaking of what he had done to his
17 mother.

18 Q. Did you hear him talk about anything else other
19 than that?

20 A. That was the only topic of discussion coming from
21 his mouth.

22 Q. Did you ask him any questions about what had
23 taken place in the apartment?

24 A. No, sir, and nor did I try to solicit anything
25 from him.

1 Q. You did make any comments to him?

2 A. No.

3 Q. Did you hear any other officers asking questions?

4 A. No, sir.

5 Q. Interrogate him at all?

6 A. No, sir.

7 Q. So he was just talking?

8 A. He was just talking freely and voluntarily.

9 Q. Now, when he started talking about he had done to
10 his mother did you do anything to record those comments?

11 A. I did. I pulled out my notepad and I began to
12 copy those done verbatim, word for word, what he said.

13 Q. Okay.

14 And did you later include that in your report?

15 A. I did. I transcribed exactly as I wrote it down,
16 which was exact way he said it, in to my report.

17 Q. And did you -- You made sure all the statements
18 that you had written down in your notebook were included as
19 you wrote them down in the report?

20 A. Yes, sir, I did.

21 Q. When was that done?

22 A. That was done immediately following the incident.
23 After we cleared we immediately began working on the report.

24 Q. Now, to be able to testify fully and accurately
25 about what the defendant said would it be helpful to read

CHRISTOPHER B. POWELL, CROSS-EXAMINATION

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1 from that report?

2 A. Yes, sir, it would.

3 Q. Can you take a look at the two pages I just
4 handed you and can you recognize what that is?

5 A. Yes, sir. This is the supplemental report that I
6 completed following the incident.

7 Q. All right.

8 Would you read in to the record the comments that
9 you heard the defendant making that night?

10 A. From a list of comments he made, he said she's
11 dead as a doornail; she's dead, Goddamn, she's dead.

12 After being asked by EMS for the victim's
13 information he said I don't know, she just needed to be
14 killed; I looked her; I straggled her to death; there's a
15 bunch of blood in there, ain't there boy, whee, whee; deader
16 than a damn doornail.

17 And I have a note beside this that states he that
18 laughed and smiled after making that statement.

19 Following a neighbor from apartment 15 Q stepping
20 and asked you okay he replied I'm okay, I just killed my
21 momma; I kicked her and bashed her head in, yeah; I kicked
22 her about 25 times in the face, bam, bam, bam, bam, bam; I
23 just killed my momma; I beat that bitch to death; I beat her
24 to death; I kicked her fucking face in, son; I beat that
25 motherfucking bitch's teeth in; I killed her, boy; I looked

1 my momma, you know what I'm saying; I've been wanting to
2 kill her for years; this is the biggest shit y'all ever
3 seen; you better be glad I didn't hang her from a wall
4 upside down; I'm just worried about my dog; fuck mother, she
5 can lay there on the ground bleeding; she knowed too much;
6 she got killed; life a bitch; she knew too much; I killed
7 her; I done it; I don't it and I don't regret it; I beat
8 that bitch's ass and I don't regret it; I wanted to kill her
9 for 25 years; I done it; I'm gone be the man of the
10 motherfucking family; I done killed her mother -- excuse me,
11 I done killed the motherfucker; I beat her Goddamn brains
12 in.

13 That was the last statement I recorded.

14 MR. MOYER: Please answer any
15 questions defense.

16 THE COURT: You may cross-examine
17 the witness.

18 MR. JOHNSON: Thank you, Your Honor.

19 CROSS-EXAMINATION BY MR. JOHNSON:

20 Q. Now, do you know, approximately, what time you
21 got on the scene?

22 A. Twenty-two hundred, which would be ten p.m.

23 Q. Ten p.m.

24 Now, you said when you got there that he didn't
25 appear to be intoxicated to you?

BRIAN A. SIMMONS, DIRECT EXAMINATION

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1 A. No, sir, he didn't.

2 Q. Okay.

3 Now, I assume, considering that you were -- you
4 were overhearing the statements you got a good chance to
5 look at my client, right?

6 A. Yes, sir, I did.

7 Q. And where, where was he? Was he -- He was on the
8 ground, he was on the floor, right?

9 A. He was sitting on the ground just outside the
10 apartment.

11 Q. Was he against the wall?

12 A. Yes, sir, he was.

13 Q. He was in handcuffs?

14 A. Yes, sir, he was.

15 Q. And you were able to see the injury to his head?

16 A. Yes, sir. I saw some blood about the top of his
17 head. I couldn't make out what, exact by of injury it was.

18 Q. Okay.

19 Showing you what's been previously marked as
20 Defense Exhibit Number 1, do you recognize that?

21 A. Yes, sir.

22 Q. Now, are those, is that consistent with the
23 injuries that you saw on that evening?

24 A. It's consistent, yes, sir.

25 MR. JOHNSON: I have nothing further

BRIAN A. SIMMONS, DIRECT EXAMINATION

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1 from this witness.

2 MR. MOYER: Nothing further.

3 THE COURT: All right. Thank you.

4 You may step down, Officer Powell.

5 MR. MOYER: State calls Brian
6 Simmons to the stand.

7 BRIAN A. SIMMONS,
8 first being duly sworn,
9 testified as follows:

10 MR. JOHNSON: Your Honor, may we
11 approach, please?

12 THE COURT: Yes, sir.

13 (WHEREUPON a bench conference was
14 held off the record and out of the hearing of the jury.)

15 THE COURT: You may proceed,
16 Solicitor.

17 MR. MOYER: Thank you, Your Honor.

18 DIRECT EXAMINATION BY MR. MOYER:

19 Q. Would you please state your name?

20 A. Brian Simmons.

21 Q. And where are you employed?

22 A. Greenville County EMS.

23 Q. How long have you been working for EMS?

24 A. About five years.

25 Q. And where all did you work?

BRIAN A. SIMMONS, DIRECT EXAMINATION

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1 A. Aiken County, Belton EMS and the past two and a
2 half with Greenville County.

3 Q. How long have you been with Greenville County?

4 A. Two and a half.

5 Q. And what is your position with Greenville County
6 EMS?

7 A. Paramedic.

8 Q. What do you do as a paramedic?

9 A. I respond to calls that I'm dispatched to for
10 patient care issues.

11 Q. What kind of training did you receive for that?

12 A. I went through my basic level of EMT, my
13 intermediate level of EMT and my paramedic level.

14 Q. Now, did you get a call on the evening of April
15 23 of 2010?

16 A. Yes, sir.

17 Q. And to what location?

18 A. [REDACTED], Towers East.

19 Q. Towers East Apartments?

20 A. Yes, sir.

21 Q. Were you called out for a particular apartment?

22 A. [REDACTED]

23 Q. [REDACTED]

24 What time did you arrive at the scene and or
25 attend to the -- to the victim there?

1 A. Looking at my report, I arrived -- I was at the
2 patient at 2210.

3 Q. Now, while approaching the apartment did you take
4 note of anything or anyone in the hallway?

5 A. Yes, sir. I saw the defendant sitting in the
6 hallway.

7 Q. The defendant James Chapman?

8 A. Yes, sir.

9 Q. Okay.

10 And he was handcuffed at that time?

11 A. Yes, sir.

12 Q. Was he seated?

13 A. Yes, sir.

14 Q. Now, were you directed at that time by officers
15 to the location of the victim?

16 A. Yes, sir.

17 Q. And where was that?

18 A. She was inside apartment 15 O.

19 Q. And when you went inside, can you give us a
20 description of how you found her, her inside of the
21 apartment?

22 A. As you walk in through the door, she was -- After
23 you pass the kitchen area, she was to the right prone in the
24 floor.

25 Q. And who was -- And what does prone mean?

BRIAN A. SIMMONS, DIRECT EXAMINATION

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1 A. Laying face down.

2 Q. And who was this person that you found there in
3 the apartment identified as?

4 A. Margaret Parker.

5 Q. What did you observe about her condition?

6 A. She was motionless. I observed her to be apneic.
7 She had pants on, a bra, no shirt. She had a good deal of
8 blood on her skin.

9 Q. What about the condition of the room?

10 A. It was in disarray. There was a lot of things
11 pulled down, a lot of things broken, what appeared to be
12 blood on the walls and the floor.

13 Q. What does apneic mean?

14 A. Apneic means that she had no respiratory effort.
15 She wasn't breathing.

16 Q. Now, did you do with her when you --

17 A. I had my partner wait outside. I went in with
18 the cardiac monitor and applied the monitor to her and
19 confirmed that she was in asystole and three leads.

20 Q. What does that mean?

21 A. Means that there's no electrical activity in her
22 heart.

23 Q. Okay.

24 And did you check her pulse?

25 A. I did. I checked her left carotid pulse and

BRIAN A. SIMMONS, DIRECT EXAMINATION

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1 found that to be absent, as well.

2 Q. And did you also check her breathing?

3 A. Yes, sir.

4 Q. And was there any breathing at all?

5 A. No, sir.

6 Q. So based on these observations, what did you do?

7 A. I notified our dispatch, via the radio, that she
8 was a signal 9 which is a DOA or dead on arrival.

9 Q. Okay.

10 Did you move her body at all?

11 A. No.

12 Q. Now, after attending to Ms. Parker what did you
13 do?

14 A. I went back out in the hallway. I had sent my
15 partner down. He got the tablet, which is the mobile laptop
16 computer that we carry with us to write calls, and started
17 working on my report in the hallway.

18 Q. And was the defendant still there?

19 A. Yeah, he was.

20 Q. How close were you to him?

21 A. Maybe five feet.

22 Q. And how was he acting?

23 A. He was very excited, very talkative. Verbally
24 aggressive. Sometimes.

25 Q. Did you hear him make any comments about what

1 took place in the apartment?

2 A. I did.

3 Q. And did you do anything to record what he said?

4 A. I did. I got a four by four, which is just a
5 four inch by four inch piece of gauze in a -- or in a paper
6 pouch and it's blank on one side and I began to take notes
7 or quotes on, on that.

8 Q. And did you put those comments and quotes, later,
9 in to your report?

10 A. I did.

11 Q. When? When did you do that?

12 A. Some time that night.

13 According to my report, it was closed before the
14 end of my shift the next morning. So it was completed that
15 night.

16 Q. Now, to be able to testify fully and accurately
17 about, about what he said in your presence would it help you
18 to be able to read from your report?

19 A. It would.

20 Q. Would you, please, read what those comments were
21 that you heard him say, that you wrote down?

22 A. He stated I killed my mom, I kicked her in the
23 fucking head about 25 to 30 times; I beat that Goddamn bitch
24 to death; I beat her dead, son; I beat her damn face in,
25 son; I beat that motherfucking bitch's fucking teeth in.

1 And I also have a note in here that he notable
2 laughed at times when he made these statements and says that
3 he repeated these and similar statements for the duration of
4 his time on the floor.

5 Q. Now, were you asked to take a look at the
6 defendant's physical condition or check him out?

7 A. I was.

8 Q. Okay.

9 How did that come about?

10 A. One of the officers approached me, or called me
11 over while we were working on the report and asked me to
12 look at him.

13 Q. And what happened? So they stood him up?

14 A. Yes.

15 Q. And were you able to get a look at his wounds?

16 A. I was.

17 Q. And how did he appear to you?

18 A. His wounds appeared minor.

19 Q. Minor? What do you mean by that?

20 A. They appeared superficial, non-life threatening,
21 nothing that would alter his behavior or his well being.

22 Q. Okay.

23 Did you spend a great period of time looking at
24 those wounds?

25 A. No, sir.

BRIAN A. SIMMONS, DIRECT EXAMINATION

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1 There was not a lot to really assess.

2 Q. Okay.

3 Did he -- What did he do when you approached him?

4 A. Told me to get, get the fuck away from him.

5 Q. Did you do so?

6 A. After I briefly looked at him, I did.

7 Q. Did you apply any medication or --

8 A. No, sir.

9 Q. -- any treatment of any kind?

10 A. No, sir.

11 Q. Did he ever ask you for any medical attention?

12 A. No, sir.

13 Q. And you were there, in his presence, for how long
14 a period --

15 A. Until he left.

16 Q. And he never complained to you of any injuries?

17 A. No, sir.

18 Q. Now, do head wounds bleed a lot?

19 A. Yes, sir. They're capillaries so it's kind of
20 like your ear. Your head, it's a lot of small veins. It's
21 just a lot of blood for a minimal injury.

22 Q. Okay.

23 So just because there's a lot of blood from a
24 head wound doesn't necessarily -- isn't necessarily
25 indicative of the seriousness --

1 A. Not at all.

2 Q. Have you seen people with head injuries that are
3 severe enough to cause trauma or --

4 A. Yes, sir.

5 Q. And did this defendant, was he consistent or
6 inconsistent with --

7 A. Very much, very much inconsistent.

8 Q. Tell us about that.

9 A. The typical closed head injury or something
10 that's going on with your brain would be, he would be more
11 combative.

12 MR. JOHNSON: Your Honor, I don't
13 think he's testifying as an expert, hasn't been qualified.

14 THE COURT: All right.

15 MR. MOYER: This is within his --

16 THE COURT: Lay a foundation. I
17 sustain the objection.

18 MR. MOYER: Okay.

19 Q. Tell us how, how you received the training to be
20 able to make the assessment that you're making right now.

21 A. I went to school for my EMT basic in California.
22 I then went to school for my intermediate at Upstate EMS
23 Council and again at Upstate EMS Council for my paramedic.

24 Q. Okay.

25 A. And for the paramedic it's a thousand hours of

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1 classroom and clinical time.

2 Q. And during that time were you given instruction
3 about people with head injuries?

4 A. We actually take a whole separate certification
5 class on TBIs, or traumatic brain injuries.

6 Q. You took a whole class on that subject?

7 A. It's a brief class. I mean it's not like a
8 semester class but we carry or were issued certification
9 cards for each class that we take, so.

10 Q. And over your five years as a paramedic have you
11 seen people with, with head trauma?

12 A. Yes, sir.

13 Q. Fairly frequently or --

14 A. It's -- I mean it's every once in awhile.

15 Q. It's a regular part of your job?

16 A. Yes, sir.

17 Q. And have you treated people for head injuries?

18 A. Yes, sir.

19 MR. MOYER: Your Honor, at this time
20 I would move to have the witness qualified as an expert in
21 head injuries.

22 THE COURT: Any voir dire or any
23 objection from the defense.

24 MR. JOHNSON: Briefly, voir dire?

25 THE COURT: Yes, sir, you may ask

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1 him followup questions over his expertise.

2 VOIR DIRE BY MR. JOHNSON:

3 Q. So you're testifying here today that you don't
4 have much experience regarding head injuries?

5 A. I mean I encounter them with my job. It's a
6 regular part of my job. I don't do it on a daily basis.

7 Q. How often do you consider you do it?

8 A. I don't think it's a regular enough thing to
9 establish a pattern, to give you a number.

10 MR. JOHNSON: Your Honor, at this time
11 I'm gonna object. It doesn't look like he has experience.

12 MR. MOYER: He testified he's been
13 trained in it and he's --

14 THE COURT: All right.

15 I'll allow him to testify as to his
16 expertise limited to that or what he's been trained under
17 EMS.

18 Q. Just tell us about consistent with your training
19 and your experience how this defendant's conduct was
20 consistent or inconsistent with someone suffering from a
21 head injury?

22 A. He was inconsistent in the fact that the head
23 injuries that we typically run in to are combative, either
24 one side of the scale or the other. They're either
25 combative or, more or less, comatose or unconscious.

1 He was sitting in the floor, the opposite of
2 combative. I mean he, just, was, more or less, sitting
3 there while he was talking. He wasn't -- didn't seem
4 incoherent, slinging around, fighting. He did appear to
5 have -- be pulling at his restraints. He, obviously, was
6 alert, talking, knew the events that had happened, was
7 discussing them.

8 MR. MOYER: Thank you very much.

9 One moment.

10 Please answer any question defense would
11 have.

12 THE COURT: May cross-examine, Mr.
13 Johnson.

14 CROSS-EXAMINATION BY MR. JOHNSON:

15 Q. Mr. Simmons, is your testimony that he was acting
16 inconsistent with head injuries because he was not
17 combative? Is that, your testimony just now?

18 A. Not, not just that he was not combative, that he
19 was not either combative or unconscious. He seemed -- He
20 was acting as you and I.

21 Q. He wasn't -- He wasn't making this statements
22 you're talking about?

23 A. That's not what I said.

24 Q. He wasn't excited? Was he excited?

25 A. You and I can get excited.

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1 Yes, he was --

2 Q. I'm asking you a question; I'm not asking --

3 A. He seemed excited.

4 THE COURT: Wait. Hang on just a
5 minute.

6 You answer the question.

7 You ask the question.

8 The court reporter can only get one
9 person talking at a time.

10 MR. JOHNSON: Yes, sir, Your Honor;
11 yes, sir, Your Honor.

12 THE COURT: All right.

13 Rephrase your question, then.

14 Q. Was he verbally aggressive?

15 A. Yes, sir.

16 Q. Did he make all those statements that you wrote
17 in your report?

18 A. Yes, sir.

19 Q. And your statement, you're saying here today
20 that he, he was inconsistent with head injury because he
21 wasn't combative?

22 A. In my training, yes.

23 Q. In your training this wasn't combative?

24 A. He was not combative.

25 Q. Okay.

1 I'm showing you what's previously marked as
2 Defense Exhibit 1. You recognize it?

3 A. Yes, sir.

4 Q. Is that consistent with the injuries that you saw
5 on that evening?

6 A. Yes, sir.

7 Q. I'm sorry if I asked you. I don't think I asked
8 you this but you said he was excited, talking and sweating
9 when you encountered him, right?

10 A. Yes, sir.

11 MR. JOHNSON: I have nothing further.

12 MR. MOYER: Nothing further of this
13 witness, Your Honor.

14 THE COURT: Thank you. You may step
15 down.

16 MR. MOYER: Your Honor, may be
17 approach, briefly?

18 THE COURT: Yes, sir

19 (WHEREUPON a bench conference was
20 held off the record and out of the hearing of the jury.)

21 THE COURT: We're gonna take a short
22 break, won't be very long. We're gonna get some equipment
23 working right for the next witness who'll testify.

24 This will probably be the last witness
25 for the day.

1 If you'll go back to your jury room.

2 Again, let me remind you not to discuss
3 the case one with the other.

4 We'll call you back in just a couple of
5 minutes.

6 (Court recessed for approximately
7 10 minutes.)

8 (WHEREUPON, the jury returned to
9 open court.)

10 THE COURT: Solicitor, you may call
11 your next witness.

12 MR. MOYER: Thank you, Your Honor.
13 May it please The Court, state would call Dar Shaw.

14 DARWIN SHAW,
15 first being duly sworn,
16 testified as follows:

17 DIRECT EXAMINATION BY MR. MOYER:

18 Q. Where do you work?

19 A. With the forensic division, Greenville County.

20 Q. Okay.

21 Q. What is your position?

22 A. I'm a sergeant.

23 Q. You're a sergeant?

24 A. Yes, sir.

25 Q. How long have you been in law enforcement?

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1 A. Thirty-four years.

2 Q. Has that all been with forensics?

3 A. No, sir.

4 Q. How long have you been in forensics?

5 A. It'll be 13 years in December.

6 Q. And what are your duties as a forensics officer?

7 A. As a technician I respond to crime scenes for
8 agencies within Greenville County to -- which of latent
9 processing, photographic documentation, collecting evidence
10 and doing report for court purposes.

11 Q. Now, did you respond to [REDACTED] on
12 the night of April 23 of 2010?

13 A. Yes, sir, I did.

14 Q. And what time did you respond?

15 A. I believe we got there about 5 after 11.

16 Q. Okay.

17 And how long were you there?

18 A. Two and a half hours.

19 Q. Now, during your time there did you make a
20 diagram of the inside of that apartment?

21 A. Yes, sir, I did.

22 (Diagram marked as State's Exhibit
23 27 for identification only.)

24 Q. Can you take a look at State's Exhibit Number 27
25 and can you recognize what that is?

1 A. Yes, sir. That is an enlarged copy of the
2 diagram that I did, of the scene.

3 Q. Okay.

4 MR. MOYER: Your Honor, at this time
5 I move to have State Exhibit 27 entered in to evidence.

6 THE COURT: Any objection?

7 MR. JOHNSON: No objection.

8 THE COURT: Without objection
9 exhibit 27 is admitted in to evidence. It may be published.

10 (State's Exhibit 27 entered in to
11 evidence without objection.)

12 Q. Now, did you also take photographs at the -- at
13 this location?

14 A. Yes, I did.

15 (Photograph marked as State's
16 Exhibit 3 for identification only. Photograph marked as
17 State's Exhibit 4 for identification only. Photograph marked
18 as State's Exhibit 5 for identification only. Photograph
19 marked as State's Exhibit 6 for identification only.
20 Photograph marked as State's Exhibit 7 for identification
21 only. Photograph marked as State's Exhibit 8 for
22 identification only. Photograph marked as State's Exhibit 9
23 for identification only. Photograph marked as State's
24 Exhibit 10 for identification only. Photograph marked as
25 State's Exhibit 11 for identification only. Photograph

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1 marked as State's Exhibit 12 for identification only.
2 Photograph marked as State's Exhibit 13 for identification
3 only. Photograph marked as State's Exhibit 14 for
4 identification only. Photograph marked as State's Exhibit 15
5 for identification only. Photograph marked as State's
6 Exhibit 16 for identification only. Photograph marked as
7 State's Exhibit 17 for identification only. Photograph
8 marked as State's Exhibit 18 for identification only.
9 Photograph marked as State's Exhibit 19 for identification
10 only. Photograph marked as State's Exhibit 20 for
11 identification only. Photograph marked as State's Exhibit 21
12 for identification only. Photograph marked as State's
13 Exhibit 22 for identification only. Photograph marked as
14 State's Exhibit 23 for identification only.)

15 Q. I'm gonna hand you what have already been marked
16 as State's Exhibits Numbers 3 through 23. Would you take a
17 look, briefly, at each of those and tell us if you recognize
18 what that is, what they are.

19 A. Yes, sir, I recognize those photographs.

20 Q. And what did you recognize them as?

21 A. Photographs that I took of the scene that night.

22 Q. And are they true and accurate representations of
23 the way the scene looked that night when you were in the
24 apartment?

25 A. Yes, they are.

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1 MR. MOYER: Your Honor, at this time
2 I would move to have State's Exhibits 3 through 23 entered
3 in to evidence.

4 MR. JOHNSON: Your Honor, at this time
5 I have objection to only one and you would like to approach?

6 THE COURT: Yes, if you would,
7 please.

8 (WHEREUPON a bench conference was
9 held off the record and out of the hearing of the jury.)

10 THE COURT: Exhibit 21 is withdrawn.
11 Exhibits 3 through 20, 22 and 23 are admitted in to evidence
12 without objection.

13 (State's Exhibits 3 through 20 and
14 State's Exhibits 22 and 23 entered in to evidence without
15 objection.)

16 Q. Okay.

17 Investigator Shaw, let me ask you, first, if you
18 would, to just step down and show the jury the exhibit
19 diagram that you created and if can just, briefly, explain
20 to them, using this laser pointer, the layout of the
21 apartment and what all is shown on that diagram.

22 A. This is the entryway from the hallway coming into
23 the apartment.

24 This is a kitchen area. Bathroom was off to the
25 right.

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1 A bedroom was here; however, the door was closed
2 and, understanding that there were possible animals in
3 there, I don't include that in the diagram.

4 Also, there are pieces of evidence that I
5 determined needed to be collected and regarding to the scene
6 and these items are laid out throughout the -- throughout
7 the apartment, everywhere from next to the victim in the
8 kitchen, as well as the bathroom and in the living room.

9 Q. Now, that large square that we see above the
10 diagram of a body, what is that?

11 A. It's just a partition -- a partition that
12 separates the kitchen from the living room.

13 Q. Now, the line that goes from that square over to
14 the other wall --

15 A. This here?

16 Q. Yes. What is that?

17 A. The living room was carpeted and there was
18 linoleum on the kitchen floor and I just separated it by
19 putting a line across there. That separated the carpeting
20 from the --

21 Q. Okay..

22 But so you can actually walk into the kitchen,
23 then, and cross that line?

24 A. That's correct.

25 Q. Okay. Okay.

1 Now, if you would, I'm going to show these
2 photographs to the jury and I'm gonna ask you to explain to
3 the jury what it is, exactly, that we are looking at as we
4 show them.

5 Okay.

6 Can we start, this is State's Exhibit Number 1.
7 Can you describe to the jury what we're looking at in
8 State's Exhibit Number 1?

9 A. This, photograph taken from just inside the
10 doorway.

11 Any time that we take photographs we take
12 distance photographs and we try to get midrange and then
13 closeups.

14 This is just what was observed as walking through
15 the front door and what was visible from, from the hallway.

16 Q. Now, it appears that the television is on, is
17 that correct?

18 A. Yes, it appears to be on.

19 Q. Now State's Exhibit Number 2, can you tell the
20 jury what, exactly, we're seeing in that photograph?

21 A. This is a -- just the opposite direction. The
22 doorway coming into the apartment is there.

23 This is the partition that I was talking about.
24 This was taken from the living room out towards, towards the
25 doorway.

1 Q. Okay.

2 The object in the center of the room, can you
3 tell us what --

4 A. This, this is a towel that had the suspected
5 blood on it and I also picked up the recliner which was
6 laying over backwards, on the floor.

7 Q. Okay.

8 State's Exhibit Number 3. Can you tell the jury
9 what is shown in State's Exhibit 3?

10 A. All right.

11 This is just a more closeup photograph of this
12 towel that had the suspected blood. There was also a clump
13 of hair near the bottom of this recliner. It also shows the
14 recliner and its relationship to the couch.

15 Q. Okay.

16 And this item up here?

17 A. Telephone.

18 Q. With exhibit number 4.

19 A. This photograph was to also not only get the
20 victim, but also show the items of broken ceramic, the
21 disarray. There was photographs, pictures, the frames were
22 broken. It was just to show the location of the victim as
23 well as all the damaged areas around the victim as well as
24 the suspected blood droplets that are on the floor, beside
25 her leg, between her legs.

1 Q. What observations did you make of these droplets
2 here? How can you just describe what they look like?

3 A. Any time that, like, even a drop of water, if you
4 drop it straight down onto an object, it's going to be
5 cylinder or it's gonna be round shaped. The more angle you
6 would get the more it's gonna be an elliptical shape.

7 These were -- It was a large volume. Something
8 was bleeding enough for these to drop, like, at a 90 degree
9 angle, dropping straight down, leaving circular patterns on
10 the -- on the carpet.

11 Q. And the, the markings we see up, up in this area.

12 A. Those are, looks like blood smears on the lower
13 back as well as along the center of the back and on this
14 entire left arm.

15 Q. Okay.

16 And we can see up into this area here. Can you
17 just, maybe, show on the diagram, also, where that -- what
18 that area is?

19 A. All right.

20 This is that line that I was talking about that
21 separated the carpet from the linoleum in the kitchen. Just
22 inside of this, in the kitchen was a candle holder and there
23 was also, there were blood droplets on the linoleum, some
24 that were undeterred. You could see that the droplets were
25 still not affected.

1 There were also some smears. Something caused
2 the blood to smear on, on the linoleum in several areas.

3 Q. Now, State's Exhibit Number 5, can you describe
4 what we're seeing in this picture?

5 A. Okay.

6 This is also to show that the -- not only the
7 location of the victim, but also to show there was an area
8 of suspected blood on top of this case, also showing the --
9 There's a ledge right here that has fallen off. Apparently
10 there were knickknacks on there.

11 We've got one that's still affixed to the wall.
12 The other one's laying down and the platform has fallen down
13 in behind the bookcase.

14 Q. Okay.

15 Now, did you notice anything on the wall in this
16 area?

17 A. Yes, yes, I did.

18 Q. Tell, tell us what you observed there.

19 A. As -- After all the photographs were taken, I was
20 looking for, of course, areas of, of blood, not only in the
21 kitchen but also anywhere else in the room.

22 There was blood under the -- between the first
23 shelf and the base which measured approximately 15 to 18
24 inches high from the very bottom up to the bottom of this
25 shelf and there was projected blood that was in this area,

1 did not go up above this shelf but stayed only below it in
2 the same area which the victim's head was, was lying.

3 Q. Okay.

4 And did you find anything on this bottom shelf?

5 A. Yes, sir. There, there was an area of, of blood
6 here that, it had marks that looked like it may have come
7 from the victim's hair.

8 Q. Now, what do you mean by projected blood?

9 A. Projected, there's a force that is used. If you
10 were to throw blood or if you were to hit it was an object,
11 that projects the blood out at a 90 degree. Most blood is
12 going to drop straight down. If there's some type of force
13 that is used, that will make it go straight out. If it hits
14 a flat object you will get 90 degree. You'll get those
15 small circles and they'll also be much smaller than if
16 you're just dropping blood onto the ground but it's actually
17 projected from the source to, to a solid area.

18 Q. And is it different from this suspected blood
19 pattern that's up here on this --

20 A. That is more saturated, where something, some
21 type of blood source was -- It was not dropped on there. It
22 could've been a smear, os some sort, nothing that I could
23 determine as far as where that source came from.

24 Q. Okay.

25 But it would be, you called it transferred?

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1 A. It could be transferred. Probably, it could be
2 from clothing. It could be from, from the arm.

3 There has to be a large source of blood in order
4 to get that volume on the top shelf.

5 Q. Now, the fact that there was projected blood down
6 here below this center shelf and not above it, what's --
7 what does that --

8 A. That means that the source of blood had to be
9 close to the same level as her head. It could not have come
10 from up higher; otherwise, it would've been stopped by this
11 shelf or possibly this shelf, and since they are small
12 droplets and they're projected, those occurred from
13 approximately the same level as her head was.

14 Q. Okay.

15 State's Exhibit Number 6, and can you tell the
16 jury what was seen in that photograph?

17 A. Again, that is just a more closeup photograph
18 showing this area where you've got some type of transfer on
19 the top of the shelf and it also shows these smaller
20 projected patterns that are below this shelf and
21 concentrated on, on the back wall.

22 Q. And was it on this side of the shelf, also?

23 A. Yes, it was.

24 Q. But none alone this shelf?

25 A. That's correct.

1 Q. And State's Exhibit Number 7, where is that
2 photograph taken?

3 A. This is the kitchen.

4 That's the separation between the living room and
5 kitchen.

6 This is a photograph that is taken downward,
7 showing these larger drops of blood. It also shows the
8 candle holder that's there.

9 And, then, these areas of some type of a smear,
10 there's something either stepped on, moved. Something
11 caused these to feather out and be lighter in appearance.

12 Q. Okay.

13 Show you State's Exhibit Number 8. And what is
14 shown in that photograph?

15 A. This is a closer photograph taken at a 90 degree
16 angle from across the top.

17 This is the victim's back.

18 This is that area of -- between the bottom shelf
19 and the middle shelf and showing these almost round
20 projected spatter that's on the -- on that back wall.

21 Q. State's Exhibit Number 9.

22 A. That is a photograph taken to, again, to show the
23 projected spatter. It also gives you a, a height as far as
24 how high up on the wall, that the highest area that spatter
25 was found.

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1 Q. Okay.

2 So that's that wall where the bookshelf was?

3 A. Correct.

4 Q. And you had taken the bookshelf away for that
5 photograph?

6 A. That is correct. That is.

7 Q. State's Exhibit Number, Number 10.

8 A. All right.

9 That is -- That is on the right side. This is
10 that same partition.

11 The main door would've been over in this area
12 and, again, that is showing some 90 degree projected and it
13 also shows a little bit of angle where there -- some blood
14 had struck at an angle causing these to be more elliptical.

15 Q. Okay.

16 So this is the right side of that wall; State's
17 Exhibit 10 and State's Exhibit 9 would be the left side?

18 A. That's correct.

19 Q. Show you State's Exhibit Number 11. Can you tell
20 the jury what's shown in that photograph?

21 A. All right.

22 This book -- The bookcase was moved away from the
23 wall and it was placed in front of the couch so I could,
24 again, not only photograph the wall, but get a better look.

25 This is the area that I was talking about.

1 This is where the victim's head, the area where
2 her head was at.

3 These areas here, say just by the looks of these
4 marks, appear to be, could've been from her hair, that
5 that's where most of the blood was concentrated on, was in
6 the front, as well as of the very bottom.

7 And then you can see these same 90 degree
8 projected spatter on the back of the, the case.

9 Q. State's Exhibit Number 12.

10 A. Again, this is the kitchen.

11 The living room.

12 You can see the victim's arm here.

13 This photograph was to show that there was blood
14 on this wall.

15 Bathroom is here.

16 This is the bedroom, off to the left.

17 The recliner that's laying on its back

18 And the pillow that I wanted to show that there
19 was a pattern on this wall and I wanted to, at least,
20 measure the height of it as far as how high it went.

21 Q. Okay.

22 Pattern of what?

23 A. It is some type of smear. On this here there's,
24 it's called feathering, where there was a source and if you
25 were to wipe it with a piece of clothing, if you were gonna

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1 wipe from the source, it goes from thick blood and then it
2 kind of feathers out to a lighter, to where -- Then it
3 disappears.

4 Q. Can you point that wall out on that diagram
5 behind you? Just to make sure we know.

6 A. Right.

7 This would be the wall right here, is just
8 outside the bathroom.

9 Q. Okay.

10 And that's the bathroom that's straight back own
11 that hallway?

12 A. This is the bathroom here with the bedroom to the
13 left.

14 Q. Okay.

15 And was -- And is there anything on the floor in
16 this area?

17 A. There's also, there are tracks where blood has,
18 looks like, been -- has been stepped in.

19 And the blood continued from the living room and
20 on in towards the -- towards the bathroom.

21 Q. Now, on the left side of that doorway, were there
22 -- Did you make observations about that wall?

23 A. I did. I also -- There was blood, not only on
24 the right side, which would be on this wall here, but on
25 this short wall next to the coffee table, or end table,

1 there were little spatter on the wall that I wanted to -- I
2 was showing directionality.

3 This photo doesn't show it but because I was
4 talking about the elliptical blood stains that are not
5 circular but they're more at an angle.

6 It also shows direction, that is the spatter,
7 when it hits and it goes down the wall, it'll normally,
8 it'll go in the direction that momentum takes it.

9 And so there was some spatter here. Then the
10 directionality was going from right to left and -- or from
11 high to low, which means that some type of force caused the
12 -- that blood to travel in that direction.

13 Q. And what about this, this item here?

14 A. That is a pillow that was on the back of the
15 recliner. It appeared to be saturated with blood but I
16 can't tell you from where that source was at.

17 Q. Okay.

18 But it was a large cumulation?

19 A. It was.

20 Q. Is that the largest single source of accumulation
21 or can you say that, or not?

22 A. I, I wouldn't venture to say that.

23 Q. Let me show you State's Exhibit Number 14.

24 A. This is a closer up photo of what I was talking
25 about, as far as showing directionality.

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1 Q. And I'm gone back up, quickly, to State's Exhibit
2 12 and can you show the area we're looking?

3 A. That's in this area from this wall behind the end
4 table.

5 Q. Okay.
6 And, and that's showing what?

7 A. All right.

8 This is showing directionality. It's showing
9 that the -- And you -- Looking at the elliptical, the
10 elliptical stain, again, it does not have a 90 degree but
11 it's more of a, of elliptical shape.

12 I went through, took a straight line and went
13 through the center of that drop, of these drops to show that
14 they were going in a downward angle.

15 Q. Was it a very steep angle?

16 A. That's, that's --

17 Q. It was down? Was going down?

18 A. It was, it was in a downward angle.

19 Q. Show you State's Exhibit Number 13 and what is
20 that a photograph of?

21 A. This is a photograph of the recliner. There's a
22 pair of glasses that is on the back of the recliner.

23 This is the pillow that had the, the saturated
24 blood on it.

25 We also have -- I'm sorry.

1 Also, we placed paper bags over the victim's
2 feet.

3 Q. Okay.

4 State's Exhibit Number 15.

5 This is the right wall which would be this wall
6 here. It goes in the bathroom, is directly behind and,
7 again, this is to show how high the largest area of blood
8 was, that I could find on this wall.

9 Q. State's Exhibit 16.

10 A. It's just, it's a different angle. This is that
11 same wall. The bathroom is to your left. It's showing
12 there's a clump of hair.

13 Also, there's a skillet or a pan here that had
14 suspected blood and, also, the candle holder out on the
15 kitchen floor.

16 Q. And this item up here by the pot.

17 A. That appears to be hair, as well.

18 Q. All right.

19 State's Exhibit Number 7. Was there an item of
20 clothing in that photograph?

21 A. There were.

22 We collected the, the sandals.

23 There was a tee shirt, a white shirt that had
24 suspected blood on it that was laying right by the edge of
25 the end table.

1 Q. Show you State's Exhibit Number 18.

2 A. Is a photograph of a pair of tennis shoes that
3 were found on the living room floor.

4 The -- I believe the victim would've been farther
5 up, in this area, back towards the back wall.

6 The television would've been over in this corner,
7 only farther down.

8 And that was to show the, the pair of tennis
9 shoes as well as the areas of blood on both of the shoes.

10 Q. And what did you note about the area, the main
11 area of blood on this shoe?

12 A. The majority of the blood on this one appeared to
13 be on the bottom, along the sole on this left, on the
14 outside and the majority on this one was actually on the,
15 the inside of the -- of the shoe.

16 Q. And this is which shoe?

17 A. That'd be the left shoe.

18 Q. This is the right shoe here?

19 A. Correct.

20 Q. And so this, the bottom of this shoe?

21 A. The bottom of the shoe, as well as all along the
22 entire sole.

23 Q. Can you just point out on the diagram behind
24 where those shoes were?

25 A. Okay.

1 These shoes, this would've been the right shoe
2 and that was the left shoe.

3 Q. Okay.

4 State's Exhibit 19. This is one of the shoes?

5 A. Correct.

6 That is just a closer photograph of the left
7 shoe.

8 Q. And then, State's Exhibit Number 20.

9 A. And, again, that's a closer photograph of the
10 white shoe, just showing the area of blood along the inside.

11 Q. Show you State's Exhibit Number 20 (sic).

12 A. This photograph was taken in the bathroom. There
13 were a pair of shorts that were on the floor in front of the
14 toilet.

15 We also had socks and there was a, a towel here
16 on the floor, as well as on this side of the floor.

17 Q. And, once again, could you just show us the
18 bathroom on the diagram.

19 A. This is the -- There's the socks, the shorts and
20 shirt and towel that was draped across the tub.

21 Q. All right.

22 And State's Exhibit Number 23.

23 A. That is a towel that was hanging up on the
24 curtain rod that had an area of suspected blood on the
25 bottom of the towel.

DARWIN SHAW, CROSS-EXAMINATION

216

1 Q. And was there suspected blood on these clothes
2 that --

3 A. Yes, there, there was, along the bottom.

4 Q. And they were shorts?

5 A. That's correct.

6 Q. Size? Remember the size?

7 A. Thirty-two, I think, but I --

8 Q. Thirty-two or thirty three?

9 A. Something like that, yes.

10 Q. Okay. Okay.

11 Please have a seat.

12 MR. MOYER: Okay.

13 Please answer any questions the defense
14 has.

15 THE COURT: Mr. Johnson, you may
16 cross-examine the witness.

17 MR. JOHNSON: Thank you, Your Honor.

18 CROSS-EXAMINATION BY MR. JOHNSON:

19 Q. Now, were you the only forensics to come to the
20 scene on that day?

21 A. No, sir

22 Q. Who else came with you?

23 A. Iona Ooten.

24 Q. Iona Ooten, is he -- Are you -- How does that
25 work?

DARWIN SHAW, CROSS-EXAMINATION

217

1 A. I'm a sergeant so I was -- Actually, I was
2 getting ready to go home and this call came in. She took
3 the call. I responded with her. When we got there, found
4 out what the situation was I stayed there to assist her with
5 the investigation.

6 Q. Are you saying that -- Does she rank you or do
7 you rank her?

8 A. I rank her.

9 Q. You rank her.

10 So were you -- Were you the one that was actually
11 in charge of the forensic investigation?

12 A. That's correct.

13 Q. Okay.

14 So if she did something she likely did it at your
15 direction or she did do it at your direction?

16 A. That's correct.

17 Q. All right.

18 Now, you and the solicitor just went over various
19 photos. Is, is that the only thing that you did at the
20 scene?

21 A. Once the -- No, I, I took the photographs. She
22 did video tape.

23 Once the photographs were taken, then I
24 determined what evidence was going to be collected, that I
25 felt was pertinent to the investigation.

DARWIN SHAW, CROSS-EXAMINATION

218

1 Q. When you're referring to evidence that was going
2 to be collected, what type of -- what types of things are
3 you talking about?

4 A. Anything that I feel can be tied to the -- to the
5 crime, anything that might connect a, a suspect, whether it
6 be clothing, shoes, if there were weapons, anything, like
7 the candle holder appeared to have hair on it, blood. The
8 skillet or the pan is the same way.

9 I said, I've been doing it for several years so I
10 -- When I know what the situation, what the scene is, I
11 determine what evidence needs to be collected.

12 Q. So, basically, you collect things in order to
13 help people determine what happened?

14 A. That's correct.

15 Q. Based upon your experience as far as what you
16 need to collect and what you don't need to collect?

17 A. That's correct.

18 Q. Do you have an item on this, or some things that
19 you collected in this instance?

20 A. No. I think everything was collected under Iona.
21 She collected everything at my direction.

22 Q. At your direction.

23 Did y'all do a report in this incident?

24 A. Yes.

25 Q. Did you do one yourself or did you do one with

1 Iona or how does that work?

2 A. She did the report and because I was the
3 supervisor I went over her report before it was turned in,
4 made any changes that I felt needed to be included.

5 Q. So you're saying you've seen this report?

6 A. That's correct.

7 Q. Now, if I showed you a copy of the report would
8 you remember it?

9 A. Yes.

10 Q. Is that your report in this instance? That some
11 of it, I'm sorry.

12 I think I left -- That's the original report
13 along with diagrams that you -- one that was already
14 introduced evidence, is that right?

15 A. That's correct.

16 I did the two diagrams and Iona did the
17 handwritten report.

18 Q. Now, does that report indicate that y'all
19 collected items, items of evidence or was collected at your
20 -- at your instruction?

21 A. That's correct.

22 Q. I hate to ask you to do this but can you tell me
23 how many items were collected, based upon that report?

24 A. If I looked at it I could tell you.

25 Q. Would you mind looking at it?

DARWIN SHAW, CROSS-EXAMINATION

220

1 A. At the scene there were approximately 18 items
2 collected; however, there were additional items collected,
3 such as blood swabs that were taken off of items that had
4 been collected at the scene.

5 Q. Now, why would you take a blood swab?

6 A. That is how the -- When we send items in for DNA
7 analysis, they request swabs to be done. It's just easier
8 than trying to send a large item. You would take a swab and
9 send a swab in for analysis.

10 Q. Now, are you the one who had it tested or is that
11 done by someone else?

12 A. That's done by the investigator. We collect all
13 the evidence and it's up to the agencies to request any
14 testing to be done.

15 Q. Now, as far as your knowledge is concerned, do
16 you know if any of these items have been tested?

17 A. I have no idea.

18 Q. Okay.

19 But per your report, these items were collected?

20 A. That's correct.

21 Q. Anyhow, you testified earlier that you, you
22 collected -- you collected or those items collected based
23 upon your experience telling you that what would help to
24 assist whoever would be following up find out what happened?

25 A. That's correct.

1 Q. Okay.

2 And I'm going to refer you to page 2 of your
3 statement. I'm gonna read some of the items you collected
4 and you confirm if I'm reading it correctly. You understand
5 what I'm saying?

6 A. Okay.

7 Q. Okay.

8 You collected, say, for instance, the tennis
9 shoes. And you collected the towel that you said was
10 covered with blood. And you collected the hair from the
11 living room floor, is that right?

12 MR. JOHNSON: I'm sorry, I don't know
13 fact the solicitor objects to me asking questions of this
14 man.

15 Q. But isn't that right?

16 A. That's correct.

17 Q. And you collected hair on the floor and you
18 collected a silver in color pot. And you collected a candle
19 holder. And you collected the shorts in the bathroom floor
20 and you collected the white socks. And you collected a
21 white towel with possible blood. And you collected a white
22 Styrofoam cup with possible blood. And you collected a
23 phone between her and the couch. And you collected a
24 flowered pillow with possible blood. And you collected a
25 white tee shirt from the living room floor, blood behind the

1 recliner and you collected a pair of what sandals from the
2 floor. You collected a brown wallet and you collected a
3 watch, a watch from the bathroom sink in a bowl of water, is
4 that right?

5 A. That's correct.

6 Q. And at this point you stated to your knowledge
7 you don't know if any of these items were tested?

8 A. No, sir.

9 MR. JOHNSON: I have nothing further
10 of this witness.

11 THE COURT: Anything in redirect?

12 MR. MOYER: No, Your Honor.

13 THE COURT: All right.

14 Thank you, sir. You may step down.

15 Ladies and gentlemen, we've reached a
16 good time to stop for the evening. Thank you very much for
17 your attention and went a little longer tonight but had a
18 busy day. I'm sure we're recess for the evening.

19 I ask if you would be back at 9:00 in
20 the morning, be back in your jury room. Hopefully, we'll be
21 ready to start then.

22 I remind you again not to discuss the
23 case. I know that, as I stated earlier, you're gonna have
24 curious family members who want to know all about the case.
25 You'll have a chance to share your experience on this jury

1 We'll have the jury come in, if they're
2 ready.

3 (WHEREUPON, the jury returned to
4 open court.)

5 THE COURT: Ladies and gentlemen,
6 we're now ready to proceed with the trial of the case.

7 At this time, Solicitor, you may call
8 your next witness.

9 MR. MOYER: Your Honor, may it
10 please The Court, the state would call Allan Johnson to the
11 stand.

12 ALLAN C. JOHNSON,
13 first being duly sworn,
14 testified as follows:

15 DIRECT EXAMINATION BY MR. MOYER:

16 Q. Okay.

17 Where are you employed?

18 A. The Greenville Police Department.

19 Q. How long have you been in law enforcement?

20 A. Fourteen years.

21 Q. Has it all been with Greenville Police
22 Department?

23 A. Yes, it has.

24 Q. What is your position with the Greenville Police
25 Department?

ALLEN C. JOHNSON, DIRECT EXAMINATION

227

1 A. I'm currently assigned to selective enforcement
2 as a sergeant.

3 Q. And what was your position I April of 2010?

4 A. I as assigned to uniform patrol as a sergeant of
5 uniform patrol.

6 Q. What were your duties as a sergeant of uniform
7 patrol?

8 A. To supervise the officers' working shift and
9 respond to major incidents.

10 Q. Did you respond to Towers East Apartments on
11 April 23 of 2010?

12 A. I did.

13 Q. And on that date did you go to [REDACTED]?

14 A. Yes, I did.

15 Q. On the fifteenth floor?

16 A. Yes, I did.

17 Q. And did you come in contact with the defendant in
18 this case James Chapman?

19 A. Yes, I did.

20 Q. Where did you come in contact with him?

21 A. When I got off the elevator Mr. Chapman was
22 sitting on the floor just outside of [REDACTED], in
23 handcuffs.

24 Q. And did you make the decision to have him taken
25 away from Towers East about 10 minutes till 11, as was

ALLEN C. JOHNSON, DIRECT EXAMINATION

228

1 testified yesterday, to take over to the law enforcement
2 center?

3 A. I did.

4 Q. And who did you arrange to transport him to the
5 law enforcement center?

6 A. I arranged for Officer Lopez to transport him.

7 Q. And how, how do you arrange for her to pick him
8 up?

9 A. I had Officer Lopez move her vehicle from the
10 front of the building to the rear of the building, by the
11 rear door.

12 Q. Okay.

13 How did he get from apartment [REDACTED] down to
14 Officer Lopez's car?

15 A. Myself and Officer Ross escorted him downstairs
16 from the fifteenth floor to the second floor. The from the
17 second floor we took the stairwell to the back door.

18 Q. So I assume there was a hallway to get to the
19 elevator?

20 A. Yes, sir.

21 Q. Then you went down the elevator?

22 A. Yes.

23 Q. How long were you with him?

24 A. No more than five minutes.

25 Q. During this time did either you or Officer Ross

1 interrogate the defendant?

2 A. No, I did not.

3 Q. Did either of y'all ask him any questions at all?

4 A. No, I did not.

5 Q. Nonetheless, did he make any comments about the
6 incident while you were -- while he was in your presence?

7 A. Yes, he did.

8 Q. And do you remember what those comments were?

9 A. I do.

10 Q. Okay.

11 Would you -- Would you tell the jury what he
12 said?

13 A. While we were walking him from the apartment 0 to
14 the elevator he stated I killed that fucking bitch, I killed
15 that fucking whore.

16 Q. Did he do anything while making those comments?

17 A. Right after he made the comment he laughed.

18 Q. And so what was his demeanor like during the time
19 that you were with him?

20 A. He was slightly excited. And kind of acting like
21 it wasn't a big deal.

22 Q. Did he come across to you as, as seeming impaired
23 by any injury?

24 A. No, he did not.

25 Q. Did he complain of any injuries to you?

1 A. No, he did not.

2 Q. Did he ask for any medical treatment?

3 A. No, he did not.

4 Q. Is it fairly common, in your experience as an
5 officer, for people who are injured who are about to be
6 arrested to go to the hospital before going to the law
7 enforcement center?

8 A. If the injuries are, are severe enough, yes.

9 Q. And you would take them there?

10 A. Yes. Either EMS or ourselves.

11 Q. Did you come across to you as impaired because of
12 any kind of intoxicant?

13 A. No, he did not.

14 Q. Did you notice slurred speech or anything like
15 that?

16 A. No. He, he -- Didn't smell any alcoholic
17 beverages or, or any of that nature, no slurred speech.

18 Q. Okay.

19 MR. MOYER: Thank you. Please
20 answer any questions, any question the defense may have.

21 THE COURT: Mr. Johnson.

22 MR. JOHNSON: Thank you, Your Honor.

23 CROSS-EXAMINATION BY MR. JOHNSON:

24 Q. Officer Johnson, you stated that when he said
25 these things he was excited, to you? Seemed excited?

ALLEN C. JOHNSON, CROSS-EXAMINATION

231

1 A. Slightly excited, yeah.

2 Q. But he -- So he seemed excited to you, is what
3 you said?

4 A. Slightly, yes.

5 Q. Okay.

6 And solicitor asked you if he complained of
7 injuries and you said no.

8 A. He did not.

9 Q. And he didn't ask -- did not ask for medical
10 attention and you said no.

11 A. He did not.

12 Q. But was he, in fact, injured?

13 A. He had blood on him.

14 Q. Did you -- Did you not look at his injuries at
15 all? So you just saw the blood?

16 A. I just saw the blood, yes, sir.

17 Q. Okay.

18 You can't confirm whether he was injured or not?

19 A. No, sir.

20 Q. Okay.

21 MR. JOHNSON: Nothing further from
22 this witness.

23 THE COURT: All right.

24 Thank you, sir. You may step down

25 MR. MOYER: State calls Officer

ZOILA M. LOPEZ, DIRECT EXAMINATION

232

1 Zoila Lopez.

2 ZOILA M. LOPEZ,
3 first being duly sworn,
4 testified as follows:

5 DIRECT EXAMINATION BY MR. MOYER:

6 Q. Where are you employed?

7 A. Greenville City Police Department.

8 Q. How long have you been in law enforcement?

9 A. Seven years.

10 Q. Has it all been with Greenville Police
11 Department?

12 A. Yes, sir.

13 Q. What is your position, police department?

14 A. I work the downtown area, central business
15 district.

16 Q. Okay.

17 And what is your role? What, what --

18 A. I respond to calls in, within the central
19 business district.

20 Q. And what, what area does that encompass?

21 A. It, actually, two sides, I guess, from Main
22 Street and all the way to Academy which includes [REDACTED]
23 [REDACTED], all the way to the ballpark.

24 Q. Okay.

25 And so this location we're talking about Towers

ZOILA M. LOPEZ, DIRECT EXAMINATION

233

1 East Apartments, is that within the central business
2 district?

3 A. It is.

4 Q. Okay.

5 Now, were you called to respond to the Towers
6 East Apartments on the night of April 23 of 2010?

7 A. I was.

8 Q. Do you ever go upstairs to the apartment?

9 A. I did not.

10 Q. Were you asked to have a role in the transport of
11 this defendant to the law enforcement center?

12 A. I was.

13 Q. And it was testified yesterday that you left
14 Towers East about 10:49 p.m.. Is that correct?

15 A. Yes, sir.

16 Q. And do you remember when you arrived at law
17 enforcement center?

18 A. It was 10:53.

19 Q. Where'd you come in contact with the defendant?

20 A. At the rear of Towers East.

21 Q. Just to be clear, is the person you came in
22 contact with here in the courtroom?

23 A. Yes, sir.

24 Q. And you're talking about the defendant James
25 Chapman?

ZOILA M. LOPEZ, DIRECT EXAMINATION

234

1 A. Yes.

2 Q. How did -- How did he come in your -- in contact
3 with you on that -- on that night?

4 A. Sergeant Johnson and Officer Ross was -- escorted
5 him into the backseat of my patrol car and he was placed in
6 the backseat.

7 Q. Okay.

8 Was, was it just you transported him or were
9 there other -- another officer I the car with you?

10 A. It was myself.

11 Q. Did you say anything to him on the way to the law
12 enforcement center?

13 A. I did not.

14 Q. Didn't question him or interrogate him in any
15 way?

16 A. No, sir.

17 Q. When you got to law enforcement center what did
18 you do with him?

19 A. Opened the door and let him out and myself and
20 Officer Ross escorted him upstairs to the second floor,
21 detectives division.

22 Q. Okay.

23 Now, did you immediately turn him over to
24 detectives or did you have to wait a little while for
25 detectives or arrive?

ZOILA M. LOPEZ, DIRECT EXAMINATION

235

1 A. I had to wait awhile..

2 Q. And during that time did you stay in his
3 presence?

4 A. I did

5 Q. Presence of James Chapman?

6 A. Yes.

7 Q. And, once again, during that time till you --
8 while you were waiting for detectives did you question him
9 or interrogate him?

10 A. I did not.

11 Q. While you were waiting for the detective did he
12 say anything about the incident?

13 A. Yes, he did.

14 Q. And did you do anything to record what he was
15 saying?

16 A. I pulled out my notepad and my pen and I started
17 writing down exactly what he said.

18 Q. And did you later put that into a report?

19 A. I did, sir.

20 Q. When did you do that?

21 A. Within the hour.

22 Q. Within the hour you put into your report that you
23 turned in?

24 A. Yes, sir.

25 Q. Now, would it help you to be able to testify

1 fully and accurately about what the defendant said to be
2 able to refer to your report?

3 A. Yes, sir.

4 Q. Take a look at what I just handed you. Do you
5 recognize that?

6 A. Yes, sir.

7 Q. What is that?

8 A. It's my supplemental.

9 Q. Supplemental report?

10 A. Yes.

11 Q. Is that the report you were talking about that
12 you wrote down, the comments that the defendant made?

13 A. Yes, sir.

14 Q. All right.

15 Would you please read in to the record what the
16 defendant said.

17 A. He stated I just killed my momma, what the fuck,
18 what the hell, why, ain't no one here, I just killed my
19 momma, I just beat her down to the ground, I have no
20 remorse, you just don't know but I do, it's been fucked up,
21 I've been spoiled rotten all my life, I fucking killed the
22 bitch, I smashed her head in, I killed the bitch.

23 Q. Now, what is his demeanor while he was making
24 these comments?

25 A. He was calm.

ZOILA M. LOPEZ, CROSS-EXAMINATION

237

1 Q. Did he complain of any injuries to you?

2 A. No, sir.

3 Q. Did he appear to be in any kind of physical
4 distress?

5 A. No, sir.

6 Q. Did he appear intoxicated to you?

7 A. No, sir.

8 Q. Now, as a regular function of your job do you
9 come in contact with people who are intoxicated?

10 A. I do. I work in the downtown area and I -- Every
11 time I work I come in contact with a lot of intoxicated
12 people.

13 Q. You work in the evenings in downtown?

14 A. I do.

15 Q. Now, did you turn the defendant over to
16 investigators when they arrived?

17 A. Yes, sir

18 Q. Did you -- Were you present for their interview?

19 A. Not for the interview.

20 Q. Where did you wait?

21 A. I waited right outside the interview room.

22 Q. Okay.

23 MR. MOYER: Please answer any
24 questions the defense may have.

25 THE COURT: You may cross-examine

1 the witness.

2 CROSS-EXAMINATION BY MR. JOHNSON:

3 Q. Now, Officer Lopez, you take him from, from the
4 building to the law enforcement center, right?

5 A. From [REDACTED].

6 Q. That's --

7 A. To the law enforcement center.

8 Q. Yeah, okay. So that's -- So we're on the same
9 page, right?

10 A. Yes, sir.

11 Q. Okay, and you drove him there.

12 Your car wasn't equipped with any audio-video
13 equipment, right?

14 A. No, sir.

15 Q. Okay.

16 So you wouldn't be able to, to -- We wouldn't be
17 able to examine anything he said on the car as far as that's
18 concerned, right?

19 A. I'm sorry. On the car?

20 Q. In the car. Audio-video equipment.

21 A. I don't have any video equipment.

22 Q. That's what I'm saying. So you wouldn't -- We
23 wouldn't have any audio-video equipment to examine, any
24 audio or video to examine at this time, right?

25 A. No, sir.

ZOILA M. LOPEZ, CROSS-EXAMINATION

239

1 Q. All right.

2 Now, as far as his appreciate, did he appear to
3 be injured to you?

4 A. He had blood on the top of his head.

5 Q. But you couldn't -- You didn't confirm that he
6 was -- whether he was injured or other?

7 A. He had blood.

8 Q. So you saw that he had blood but you did not try
9 to confirm whether he was injured or not?

10 A. All I saw was blood, sir.

11 Q. Did you ask him if he was injured?

12 A. No, sir. I asked him no questions.

13 Q. So you didn't say -- You just saw the blood?

14 A. Yes, sir.

15 Q. Okay.

16 But, otherwise, you did not look at anything as
17 far as where the blood was coming from or anything like
18 that, is what you're saying?

19 A. I just saw the blood on top of his head.

20 Q. And you, you didn't try to examine anything else
21 about the blood? You just saw the blood?

22 A. I'm not a medical professional, sir.

23 Q. I understand but in your -- in your capacity as a
24 police officer don't at some times you, you encounter people
25 who are injured?

ZOILA M. LOPEZ, CROSS-EXAMINATION

240

1 A. Yes, sir.

2 Q. Just like you encounter people who are
3 intoxicated?

4 A. Yes, sir.

5 Q. And you address those situations, don't you?

6 A. Yes, sir.

7 Q. And it's your testimony today that Officer
8 Johnson brought him down to your car?

9 A. Yes, sir.

10 Q. Is that right?

11 Okay.

12 A. Yes, sir.

13 Q. And, and when you -- When you got to him, your
14 testimony today is his demeanor was calm?

15 A. Yes, sir.

16 Q. All right.

17 MR. JOHNSON: I have nothing further.

18 MR. MOYER: Nothing further.

19 THE COURT: Thank you. You may step
20 down, Miss Lopez.

21 MR. MOYER: State calls Kelly
22 Chapman.

23 KELLY CHAPMAN,
24 first being duly sworn,
25 testified as follows:

BRIAN KELLY CHAPMAN, DIRECT EXAMINATION

241

DIRECT EXAMINATION BY Mr. Moyer:1
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Q. Mr. Chapman, state your full name, if you would.

A. Brian Kelly Chapman.

Q. Where you employed?

A. Garfield Design and Graphics.

Q. And are you related to the defendant in this case
James Chapman?

A. Yes, brother.

Q. You're his brother?

How old are you?

A. Forty-four.

Q. Is your brother older or younger than you?

A. Younger.

Q. How much younger?

A. Little bit over a year.

Q. Okay.

So he's 42 now?

A. Should be.

Q. He was 41 when this incident took place? Is that
correct?

A. (Nods head.)

Q. You need to say yes or no.

A. Yes.

Q. So Margaret Parker was your mother, then?

A. Right.

1 Q. How old was your mother when she died?

2 A. Sixty-five.

3 Q. And where had she been living when she died?

4 A. At the Towers East Apartments.

5 Q. Apartment [REDACTED]?

6 A. That's right.

7 Q. Was anyone -- Was she married at the time?

8 A. No.

9 Q. Was anyone else staying there with her?

10 A. My brother James.

11 Q. The defendant in this case?

12 A. Yes.

13 Q. Okay.

14 Now, she's had some issued with her heart, is
15 that correct? Your mother?

16 A. Yes, yes.

17 Q. What -- What --

18 A. She had a couple stents put in last year, I
19 think. Or the year before last.

20 Q. Okay.

21 So about a year before?

22 A. Yeah.

23 Q. Within a year of when she died?

24 Let me take you to April 23 of 2010. Did you get
25 a telephone call that evening?

BRIAN KELLY CHAPMAN, DIRECT EXAMINATION

243

1 A. Yes, sir.

2 Q. Now, was this on cell phone or a land line --

3 A. Cell.

4 Q. Cell phone?

5 I have to ask you, speak up just a little bit.

6 I'm not sure that microphone is working.

7 So were you able to see who was calling you then?

8 A. Yes, sir.

9 Q. And what came up on your phone, as far as the
10 source of that telephone call?

11 A. My mother's name.

12 Q. So you're expecting -- So it came up from your
13 mother's telephone?

14 A. Right, Margaret Parker's name come up on my
15 phone.

16 Q. So you answer the phone?

17 A. Yes, sir.

18 Q. When you answer the phone what did you
19 immediately hear?

20 A. It was like somebody trying to talk but couldn't
21 talk, maybe they were just whimpering and just, I really
22 couldn't understand what was -- That's why I thought -- I
23 thought that she was in trouble with her heart, or
24 something.

25 Q. So whose voice was it?

1 A. I don't know whose voice it was at that time.

2 Q. Do you -- Whose voice did it occur -- did you
3 think it was?

4 A. I thought it was Momma.

5 Q. Can you describe anything else about the way that
6 voice sounded?

7 A. It just sound strained. It wasn't really a
8 voice. It was more like noises, you know, like, just
9 babbling, just gurgling and I just really can't explain it.

10 Q. Okay.

11 And did that go on for very long?

12 A. Not really. I just was hollering in to the
13 phone, you know, what's wrong, what's wrong, what's wrong
14 and then, then my brother, his voice come on the phone.

15 Q. And was his voice clear?

16 A. Yes.

17 Q. And what did he say?

18 A. He said I got to let you go, I think I killed
19 Momma.

20 Q. What did you do when you heard that?

21 A. I threw my phone up against the wall, run in the
22 house and told my wife what he had said; told her that we
23 had to go, we had to go.

24 Q. Who's your wife?

25 A. Charlene Chapman.

BRIAN KELLY CHAPMAN, DIRECT EXAMINATION

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1 Q. Now, once you heard your brother's voice did you
2 hear that gurgling noise any, anymore?

3 A. No.

4 Q. So you got your wife to drive you?

5 A. Yes.

6 Q. Did your wife call 9-1-1 while you were on the
7 way?

8 A. Yes.

9 Q. Now, when you got to Greenville did you go to
10 Towers East Apartments?

11 A. Yes.

12 Q. Were the police already there?

13 A. Yes.

14 Q. Were you allowed to go up to your mother's
15 apartment?

16 A. No.

17 Q. So you didn't see your mother or your brother?

18 A. No, sir.

19 Q. State's Exhibit Number 18 shows a pair of Nike
20 tennis shoes. Whose shoes are they?

21 A. My brother's.

22 Q. James Chapman's shoes?

23 Is he right-handed or left-handed?

24 A. Right.

25 MR. MOYER: All right.

KELLY RIGGS, DIRECT EXAMINATION

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1 Q. You say you threw the phone?

2 A. Yeah.

3 Q. Okay.

4 MR. MOYER: Nothing further.

5 THE COURT: Thank you, sir. You may
6 step down.

7 MR. MOYER: State calls Kelly Riggs.

8 KELLY RIGGS,
9 first being duly sworn,
10 testified as follows:

11 DIRECT EXAMINATION BY MR. MOYER:

12 Q. Where are you employed?

13 A. Greenville Police Department.

14 Q. How long have you worked for the Greenville
15 Police Department?

16 A. Twenty-six years.

17 Q. What is your position?

18 A. I'm a sergeant over investigation over the
19 violent crimes unit.

20 Q. And how long have you been in that role?

21 A. Just a little over two years.

22 Q. And what did you do before that?

23 A. I was over the property crimes and prior to that,
24 community patrol and road sergeant.

25 Q. Okay.

KELLY RIGGS, DIRECT EXAMINATION

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1 bloods -- blood in any other locales in that room?

2 A. I did. There was -- On the floor there was a
3 substantial amount of what I believed to be blood. There
4 was blood on the walls to the right and as soon as you walk
5 into the -- As soon as you walk into the apartment, there's
6 a little kitchen area on your right; walk past the kitchen
7 area. Where the body was laying on the ground there was a
8 large amount of blood around the victim. There was also on
9 the wall.

10 There was a small shelf. I think they were
11 showed earlier. Blood on top of it.

12 Also noticed blood spatters up on the ceiling,
13 just a little bit, and observed what I thought to be blood
14 on the louver blinds on the windows across the room, while
15 would be about -- I believe about 15 feet away from the
16 victim.

17 Q. So the very back of the room?

18 A. Well, I would think it's actually -- That side,
19 actually, is facing Main Street.

20 Q. Okay.

21 A. So it's the front.

22 Q. But the opposite side of when you come into
23 the -- when you enter the apartment?

24 A. That's correct.

25 Q. All right.

KELLY RIGGS, DIRECT EXAMINATION

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1 Now, did you meet with the defendant at any
2 point?

3 A. I did.

4 Q. And how did that come about?

5 A. While I as on the scene the victim -- or the
6 suspect had actually been transported to the law enforcement
7 center to investigations. I received a phone call that the
8 office was locked and they couldn't get in. So I went over
9 to that area. Detective Conroy, left him there to handle
10 the crime scene.

11 Went over to the law enforcement center. He was
12 in the hallway as you enter into the investigations office
13 and he was actually seated on the floor at the doorway with
14 Officer Lopez and officer Ross.

15 Q. Okay.

16 And around what time was it that you got over
17 there?

18 A. It was after 11. I don't remember the exact
19 time.

20 Q. Sometimes after 11?

21 A. Yes.

22 Q. Now, did you -- Was he in custody at this point?

23 A. He was in handcuffs, yes, sir.

24 Q. And did you interrogate him on your -- or
25 question him on your own or did you wait?

KELLY RIGGS, DIRECT EXAMINATION

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1 A. No, sir. I waited on Detective Lindler.

2 Q. And did you take him anywhere while you were
3 waiting on Detective Lindler?

4 A. I opened the doorway up. I opened the door to
5 the investigations office and directed Officer Lopez and
6 Officer Ross to take him into an interview room and have him
7 seated inside the room till Detective Lindler arrived.

8 Q. Okay.

9 And would you describe that room for us?

10 A. It's a room. It's, it's, probably, 8 feet by,
11 maybe, 10 feet; had a rectangular table, about a 5 foot
12 table, three chairs in it. It's, pretty much, a bare room.

13 Q. Okay.

14 And, and what all is that room used for?

15 A. It's for interviewing victims, witnesses, family,
16 suspects.

17 Q. Now, did you notice his injuries?

18 A. I did

19 Q. And what do you recall about his injuries?

20 A. I remember he had injuries to his head. It
21 looked like he also had scratches on his arm and I think
22 there was a cut on one of his hands but the most notable
23 injuries was on the head because of the blood that was
24 actually coming down on the side of his face.

25 Q. Were those -- Were those injuries later

1 photographed?

2 A. Yes, sir, they were.

3 Q. You were present when that took place?

4 A. Yes, sir.

5 (Photograph marked as State's
6 Exhibit 29 for identification only. Photograph marked as
7 State's Exhibit 30 for identification only. Photograph 31
8 marked as State's Exhibit for identification only.
9 Photograph 32 marked as State's Exhibit for identification
10 only. Photograph marked as State's Exhibit 33 for
11 identification only. Photograph marked as State's Exhibit 34
12 for identification only.)

13 Q. Take a look, please, at State's Exhibit Numbers
14 25, 29, 30, 31, 32, 33 and 34 and can you see if you
15 recognize what is shown in those photographs.

16 A. I do. On the -- They're actually pictures of Mr.
17 Chapman. First one that you presented to me is the picture
18 of the injury to his head.

19 Q. Don't, don't tell it to the jury yet since
20 they're not in evidence but just take a look and just tell
21 me at this point if you, you recognize those as all pictures
22 of the defendant James Chapman.

23 A. Yes, sir.

24 Q. Okay.

25 And are they true and accurate representations of

KELLY RIGGS, DIRECT EXAMINATION

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1 the way he look on the night that you met with him, April 23
2 into 24 of 2010?

3 A. Yes, sir.

4 MR. MOYER: Your Honor, at this time
5 I move to have the state's exhibits entered in to evidence,
6 that I just read out.

7 THE COURT: Any objection?

8 MR. JOHNSON: No objection.

9 THE COURT: Without objection,
10 exhibits 25, 29, 30 through 34 in to evidence.

11 (State's Exhibit 25 and State's
12 Exhibits 29 through 34 entered in to evidence without
13 objection.)

14 Q. Start with State's Exhibit Number 25. Would you
15 tell the jury what you see in that photograph?

16 A. It's picture of Mr. Chapman. That is actually
17 inside the interview room.

18 Q. Does that depict the blood, as you saw it, that
19 was on his face?

20 A. Yes, sir.

21 Q. And State's Exhibit Number 29.

22 A. That is the top of Mr. Chapman head. That is the
23 injury at the top of -- on the top of his head.

24 Q. Show you State's Exhibit Number 30.

25 A. That's the back of Mr. Chapman.

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1 Q. And were there any injuries to the back, back of
2 his head or the back of his neck?

3 A. That's a tattoo in the center of his neck but you
4 can see the injury on the top of the head.

5 Q. But not in the back of his head?

6 A. No, sir.

7 Q. State's Exhibit Number 31.

8 A. That was a mark on his, I believe it was his
9 right ear, and, also, it looks like a scratch mark on the
10 side of his cheek, right cheek.

11 Q. About here and over here?

12 A. Yes, sir.

13 Q. State's Exhibit 32.

14 A. Scratch mark on the -- below his elbow.

15 And it looks like a little mark just on the side,
16 right there.

17 Q. State's exhibit 33.

18 A. That would be his left arm, a mark on his left
19 arm.

20 Q. Finally, State's Exhibit 34.

21 A. That was the cut that was on the hand that I
22 talked about earlier.

23 Q. Okay.

24 So he had a cut to that one finger, on his hand?

25 A. Yes, sir.

KELLY RIGGS, DIRECT EXAMINATION

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1 Q. Okay. Thank you.

2 Now, was the defendant advised of his
3 constitutional rights pursuant to Miranda?

4 A. Before we asked -- Before we took a statement
5 from him.

6 Q. Before you took a statement from him.

7 A. We -- He was presented with the waiver of rights
8 form.

9 Q. Okay.

10 And who brought the waiver of rights and
11 presented it to the defendant?

12 A. Detective Lindler.

13 (Rights form marked as State's
14 Exhibit 28 for identification only.)

15 Q. Let me show you what has been marked as State's
16 Exhibit Number 28 and can you recognize that?

17 A. I do.

18 Q. What is that?

19 A. It's the waiver of rights form.

20 Q. And how are you able to recognize it?

21 A. It has my signature on it.

22 Q. Is that the waiver of rights that was presented
23 to the defendant in the interview room?

24 A. It is.

25 Q. Is that a true and accurate copy of the waiver as

1 it was presented to him that night?

2 A. It is a copy of it.

3 MR. MOYER: Your Honor, at this time
4 I'd move to have State's Exhibit Number 28 entered in to
5 evidence.

6 THE COURT: Subject to your
7 objection exhibit 28 is admitted in to evidence.

8 (State's Exhibit entered 28 in to
9 evidence over objection.)

10 Q. All right.

11 Were you present when that was gone over with the
12 defendant?

13 A. I was.

14 Q. And can you tell us how that was explained to the
15 defendant?

16 A. Detective Lindler, basically, started off by
17 asking personal information, such as his name, his address,
18 his date of birth and his educational level, which she asked
19 him how much education he had and he said he went to Easley
20 High School, said he was a graduate from Easley High School.

21 She asked him if he could read or write and he
22 said that he could. And she explained the rights waiver to
23 him and read it line by line and asked him if he understood
24 each one, as she would read each line to him, and as long --
25 as soon as he said that he understood she would ask him to

KELLY RIGGS, DIRECT EXAMINATION

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1 initial it. So she went through each line and had him
2 initial at the end of each line as she explained it to him.

3 Q. Okay.

4 Would you please read in to the record the rights
5 that the defendant was advised of?

6 A. Before we ask you any questions you must
7 understand your rights. You have the right to remain
8 silent. Anything you say can be used against you in court.
9 You have the right to talk to a lawyer for advice before we
10 ask you any questions and to have him with you during
11 questioning. If you have no money to pay a lawyer's fee The
12 Court will appoint one to represent you without cost, if you
13 wish. If you decide to answer questions now without a
14 lawyer present you will still have the right to stop
15 answering at any time. You also have the right to stop
16 answering at any time until you talk to a lawyer.

17 Q. Did -- And so each of those sentences you just
18 read, the defendant initialed after each one indicating that
19 he understood those rights?

20 A. That's correct.

21 Q. In your opinion did he appear to understand those
22 rights?

23 A. Yes, sir.

24 Q. As far as his mental state goes, was he speaking
25 to you and answering questions in a rational way?

KELLY RIGGS, DIRECT EXAMINATION

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1 A. Yes, sir.

2 And when we actually went over the rights waiver
3 form, as Detective Lindler would actually read each line to
4 him, he was nodding his head up and down, saying yes.

5 Q. Did his appearance or mannerism in any way lead
6 you to suspect that he may have any, any mental deficiencies
7 or defects that would hinder his ability to understand those
8 rights?

9 A. Not at all.

10 Q. Now, let me ask you this. How about the
11 influence of alcohol or drugs? Do you have an opinion on
12 whether he appeared impaired by the influence of alcohol or
13 drugs?

14 A. He did not appear to be under the influence of
15 anything at that time.

16 Q. And what are you judging that appearance on?

17 A. My tenure in law enforcement, 26 years, 11 of
18 those spent in vice and narcotics. Prior to that, year and
19 a half in special operations dealing with that, street level
20 crimes.

21 Q. Okay.

22 Now, were there any threats or coercion or
23 intimidation used by any officers in order to get him to
24 waive his rights and talk to y'all about what happened?

25 A. No, sir.

KELLY RIGGS, DIRECT EXAMINATION

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1 Q. Were there any promises made or hope of reward
2 held out to get him to answer --

3 A. No, sir.

4 Q. -- questions or talk to you?

5 A. No, sir.

6 Q. Now, did it take any prompting to get him to
7 talk?

8 A. Not at all.

9 Q. Explain. Explain that.

10 A. Are you wanting me to go in to the statement?

11 Q. Well, no. At this point I mean did -- Was he --
12 Was he cooperative?

13 A. Extremely cooperative.

14 Q. Was he cordial?

15 A. Yes.

16 Q. Now, after he was explained all those rights did
17 he make any indication about whether or not he wished to
18 waive those rights and talk to you?

19 A. He made no indication, at all.

20 Q. Did he sign the form?

21 A. He did.

22 Q. And by signing the form was he waiving his rights
23 and telling you all that he wished to give a statement about
24 what took place that night?

25 A. That's correct.

KELLY RIGGS, DIRECT EXAMINATION

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1 Q. Did he ever change his mind, during any of the
2 time that you were with him, and asked to stop questioning
3 because he wanted a lawyer with I mean?

4 A. No, he didn't.

5 Q. Now, who led the interview of the defendant?

6 A. Detective Lindler, basically, ran the whole
7 interview.

8 Q. And what was your role?

9 A. If I may, using this Bible, say the Bible is
10 actually the table, the defendant was actually seated on
11 this side of the room. Detective Lindler was sitting about
12 the center of the table and I was actually sitting back,
13 almost, almost behind Detective Lindler but enough to where
14 I could have a strong visual observation of what his
15 demeanor was and his responses.

16 Q. Okay.

17 And so you, you were keeping a close eye on, on
18 his demeanor and the way he was acting?

19 A. Yes, sir.

20 Q. Were you also taking notes?

21 A. Yes, sir.

22 Q. Would you describe to us what his demeanor was
23 during this interview?

24 A. Very calm, relaxed, very deliberate, pretty much.
25 Kind of a sense of defiance on his responses.

KELLY RIGGS, DIRECT EXAMINATION

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1 Q. Sense of defiance you said?

2 A. Yes, sir.

3 Q. Now, you said you listened to the conversation
4 between Detective Lindler and the defendant as it took
5 place?

6 A. That's correct.

7 Q. And you took notes?

8 A. I did.

9 Q. You took notes contemporaneously with, with --
10 while this interview was taking place?

11 A. Yes, to the best of my ability.

12 Q. And did you ever put that in a report?

13 A. I did.

14 Q. And did you do that while this was still fresh on
15 my memory?

16 A. I did.

17 Q. And did you make sure that what you put in your
18 report was accurate as you had written down from the
19 conversation?

20 A. Yes, sir.

21 Q. Now, would it help you to be able to fully and
22 accurately testify about what was said to be able to refer
23 to your report?

24 A. I would prefer that.

25 Q. And do you have your report in front of you?

KELLY RIGGS, DIRECT EXAMINATION

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1 A. I do.

2 Q. Let me ask at this time to read in to the record
3 what --

4 A. The interview itself?

5 Q. Yes.

6 A. Okay.

7 The interview began with Detective Lindler asking
8 Chapman is he could tell us what happened. Chapman
9 responded by stating I looked the bitch. Chapman's demeanor
10 was slow, deliberate, matter of fact, not emotion. His leg
11 was crossed when he was seated when he was answering the
12 questions. Lindler asked Chapman where he was staying. He
13 said he was staying with his mother, the victim. Chapman
14 stated he was living with her, had been for the past two
15 months. Lindler asked Chapman what happened, how it
16 started, were they arguing. Chapman stated nothing, I just
17 killed her. I beat her to death was a matter of fact
18 response. I just strangled her; I had supper and come home,
19 just felt like killing her, simple, sweet, I just killed
20 her, I've wanted to kill her for years, I just wanted to lay
21 down -- or I just want to lay down and get me a mat, this
22 ain't no bullshit. Lindler asked Chapman what set him off
23 and Chapman replied nothing set me off, getting along good.
24 Lindler asked where it started at. Chapman replied in the
25 living room in front of her. Lindler asked Chapman what his

KELLY RIGGS, DIRECT EXAMINATION

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1 mother did when he started choking. Chapman replied she
2 started gasping for air, what do you think she done?

3 And I have in parentheses Chapman was laughing
4 while making this statement.

5 Lindler asked did she fight back. Chapman
6 stated, of course, she did, she put up a pretty good fight,
7 she's got Pruitt in her, it was time for her to go. Lindler
8 asked if Chapman's mother had hit him. Chapman replied,
9 well, she hit me in the head, I don't know with what, look
10 at my head, she's a Pruitt. Lindler asked if that was her
11 last name. Chapman replied maiden name. Lindler asked
12 Chapman is he knew what his mother hit him with in the head.
13 Chapman stated might've been a vase. I just wanted to do
14 it, I've wanted to kill her for years. Chapman continued I
15 beat her Goddamn ass, she was a whore years ago, it's all
16 fucked up, I shouldn't have done it, if I hadn't somebody
17 else would've. Lindler asked Chapman if he was taking
18 medication. Chapman stated no. Lindler asked Chapman if he
19 was taking any illegal drugs. Chapman stated no. Lindler
20 asked if he had been drinking. Chapman stated he had about
21 two beers. Lindler asked what size. Chapman stated
22 Budweiser 12 ounce. Chapman stated that he ate at Sharkey's
23 on Main Street and had a couple of beers with his meal.
24 Lindler asked if he was with anyone at Sharkey's. Chapman
25 stated I was sitting outside, my dog with me. He stated

KELLY RIGGS, DIRECT EXAMINATION

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1 that he had a Chihuahua. Lindler asked if something
2 happened to Chapman to make him want to kill his mother, why
3 he wanted to kill her. Chapman stated don't remember, it's
4 been going on for years, I've wanted to kill her for years,
5 smart ass, I've wanted to kill her for years and years.
6 Lindler asked Chapman if his brothers got along with her.
7 Chapman stated brothers got along with her. Lindler asked
8 if he got along with his brothers. Chapman stated got along
9 with brothers. Lindler asked who he called -- or who called
10 the police. Chapman stated called my brother Kelly Chapman
11 in Liberty and told him I killed her. He must've called the
12 police, I would've buried her in the backyard if I had one.
13 Lindler asked if he changed clothes or cleaned up. Chapman
14 stated splashed a little water on my face. Lindler asked
15 him what he was wearing. Chapman stated had shorts on when
16 I started, shorts and another tee shirt. He continued with
17 I beat that motherfucking bitch's ass, it was well deserved,
18 I would do it again, I beat her and beat her, who cares.
19 Lindler stated to Chapman that his mother wasn't wearing a
20 shirt. Chapman responded with I wasn't looking at my
21 mother's titties, I just beat her and beat her, I kicked her
22 in the face, who cares, 16, 15 years ago, who knows what set
23 me off, who cares.

24 And at that --

25 Q. Now -- Okay.

KELLY RIGGS, DIRECT EXAMINATION

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1 That was --

2 A. The interview ended.

3 Q. Now, after the interview was completed what did
4 Detective Lindler do?

5 A. Detective Lindler went back to her desk and sat
6 down and typed up the statement.

7 Q. And when Detective Lindler left to go do that,
8 that left you alone with the defendant?

9 A. That's correct.

10 Q. What took place at that time?

11 A. When she left I asked Mr. Chapman do you need
12 anything to drink. Mr. Chapman asked me for a glass of
13 water. So I went out, got a Styrofoam cup, got water in it,
14 brought it back and handed it to him.

15 He drank the water, put his feet up on the table,
16 put his head back and closed his eyes and went to sleep.

17 Q. And how long did he remain in that state?

18 A. He stayed, pretty much, in that position, moving
19 back and forth from that position to putting his head down
20 until Detective Lindler came back with the statement.

21 Q. Now, would you -- You mentioned -- Well, you
22 characterized that as going to sleep. Would you distinguish
23 that from -- You've seen someone pass out?

24 A. Yes.

25 Q. Would you distinguish it from that?

1 A. It wasn't passed out. It was very relaxed sleep.

2 Q. Did he wake up during any of the time he was
3 asleep?

4 A. He move around and shift around a little bit,
5 every once in awhile, just change positions.

6 Q. Now, after Detective Lindler typed up the
7 statement, what did she do?

8 A. She brought the statement back in and she
9 presented it to Mr. Chapman and asked him if he wanted to
10 read the statement or have her read it for him, just for
11 accuracy. Mr. Chapman asked her to read the statement. So
12 she read the statement to Mr. Chapman.

13 Q. And what -- Did he appear to be listening while
14 she read the statement?

15 A. He did.

16 Q. Were you watching him closely?

17 A. Yes, sir.

18 Q. And what did he indicate after Detective Lindler
19 read the statement to him.

20 A. She asked him if the statement was correct. He
21 stated the statement was correct. She asked him to sign the
22 statement. He signed the statement.

23 Q. Did he want to add anything or change anything
24 or --

25 A. No. She asked him that, if anything needed to be

KELLY RIGGS, DIRECT EXAMINATION

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1 changed. He said no.

2 Q. Okay.

3 What took place after that was complete?

4 A. Detective Lindler, after she signed the
5 statement, we signed it as witnesses. She said that she
6 wanted to go over to [REDACTED] to look at the
7 crime scene.

8 She was lead investigator on the case.

9 We had our forensics officer responded to take
10 pictures of Mr. Chapman.

11 Detective Lindler went to North Main Street.

12 I left Mr. Chapman in the room by himself, didn't
13 talk to him during that period of time.

14 Q. Okay.

15 And did he sleep anymore during that period of
16 time?

17 A. He did. He put his head down on the table or
18 shift around but he'd close his eyes and it appeared to me
19 that he was asleep.

20 Q. Once again, would you distinguish it from someone
21 passing out?

22 A. It was not passed out.

23 Q. All right.

24 Did you escort him to the detention center?

25 A. We did.

KELLY RIGGS, CROSS-EXAMINATION

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1 Q. When you took him to the detention center, do
2 they have a process where they will evaluate or, or take any
3 measures if somebody had injuries, before booking them in?

4 A. Yes, sir.

5 Q. And tell, tell us, did you notify personnel at
6 the detention center?

7 A. I did

8 Q. Tell us how that went.

9 A. When you go into the detention center you go
10 through a couple of doors. As you go through the first
11 door, it shuts behind you. I leaves you in a small,
12 contained area. It's kind of a safety area where they
13 transfer.

14 When the booking officer came in I advised him of
15 the injuries to Mr. Chapman head and also explained to him
16 that, that EMS had already looked at him and cleared him but
17 they had a nurse in there, they probably wanted to check him
18 out.

19 And Mr. Chapman made a statement.

20 Q. What did he say at that point?

21 A. I'm gone refer to this, make it clear.

22 He stated that he was all right, he just needed
23 to take a shower and wash up.

24 Q. Okay.

25 And then did he do -- You, you left him at that

KELLY RIGGS, CROSS-EXAMINATION

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1 point?

2 A. He started walking in to detention. He took about
3 two or three steps inside the detention area under their
4 custody. He stopped - he was unhandcuffed at this time -
5 turned around, took about two or three steps back to me and
6 extended his hand to shake my hand.

7 Q. What did you do when he extended his hand?

8 A. Shook his hand.

9 Q. So was your interaction with him during this
10 entire time cordial?

11 A. It was.

12 Q. He was cooperative?

13 A. Yes, sir.

14 Q. Didn't cause you any problems or trouble?

15 A. No, not at all.

16 Q. Okay.

17 MR. MOYER: Please answer any
18 questions the defense may have.

19 THE COURT: Mr. Johnson.

20 MR. JOHNSON: Thank you, Your Honor.

21 CROSS-EXAMINATION BY MR. JOHNSON:

22 Q. First, I'd like to ask you, it's Detective Riggs,
23 right?

24 A. It's detective sergeant, yes, sir.

25 Q. I apologize.

KELLY RIGGS, CROSS-EXAMINATION

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1 A. No, that's fine, that's fine.

2 Q. I wanted to know your grade, Sergeant.

3 Anyhow, is this picture previously marked as
4 defense exhibit 1 also consistent with what you saw?

5 That's correct.

6 Q. All right.

7 And it accurately reflects the injuries as you
8 saw them?

9 A. Yes, sir.

10 Q. Okay.

11 MR. JOHNSON: Your Honor, I'd also
12 like to move defense exhibit 1 in to evidence at this time.

13 MR. MOYER: I don't think so. I
14 just -- No objection.

15 THE COURT: All right.

16 Defense exhibit 1 is in to evidence
17 without objection.

18 (Defendant's Exhibit 1 entered in
19 to evidence without objection.)

20 MR. JOHNSON: All right.

21 Q. Now, I want to ask you first about this waiver of
22 rights form.

23 A. Yes, sir.

24 Q. Now, going over it, I'd like for us to
25 distinguish who wrote or signed what, okay?

KELLY RIGGS, CROSS-EXAMINATION

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1 A. Sure.

2 Q. Now, at the top there's some information, looks
3 like his name, where he lived, his education, he can read
4 and write. Now, who wrote that?

5 A. Detective Lindler.

6 Q. Okay.

7 And my client did not write that?

8 A. No, sir.

9 Q. And we have here the case number, obviously,
10 written by Detective Lindler, right?

11 A. Yes, sir.

12 Q. And also the date and time of the interview?

13 A. By Detective Lindler.

14 Q. All right.

15 Now, this was witnessed by two people. It was --
16 Who are the witnesses?

17 A. Detective Lindler and myself.

18 Q. So just you and Detective Lindler were the
19 witnesses?

20 A. Correct.

21 Q. And, then, other things look to be initialed by
22 my client, correct?

23 A. They are.

24 Q. And down there was his signature?

25 A. Yes, sir.

KELLY RIGGS, CROSS-EXAMINATION

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1 Q. All right.

2 Now, the pictures, the picture that I just moved
3 in to evidence and other pictures, that's the way he looked
4 during the interview, correct?

5 A. Correct.

6 Q. Okay.

7 So he wasn't -- He wasn't cleaned up or otherwise
8 -- He wasn't cleaned up at that point in time?

9 A. No, sir. What you saw, as, as it is.

10 Q. And was he handcuffed during the interview?

11 A. Yes, sir.

12 Q. Okay.

13 Now, you stated at two different occasions he
14 actually fell, what you thought, what you described to be as
15 sleep.

16 A. Correct.

17 Q. After the interview.

18 Now, let me ask you a question. What, what --
19 You said, you stated when you used this as kind of a
20 diagram, you stated you were sitting here.

21 A. About right here.

22 Q. About right there.

23 And where was Lindler?

24 A. Right here.

25 Q. And where was James?

KELLY RIGGS, CROSS-EXAMINATION

273

1 A. Right here.

2 Q. Now, what type of table was it? Was it a
3 rectangular table?

4 A. Was.

5 Q. All right.

6 What type of chairs were you sitting in?

7 A. They're kind of -- They're about a '70's, old
8 style vinyl chairs.

9 Q. Old style vinyl?

10 A. They're kind of, kind of what like the jury's
11 sitting in.

12 Q. Kind of like what the jury's sitting in? Now, do
13 they lean back like the jury chairs or they're just
14 stationary?

15 A. They're pretty stationary.

16 Q. They're stationary.

17 And the table is just, like, wood, like this?

18 A. It's, it's not wood. It's kind of like a Formica
19 top.

20 Q. Okay. Okay.

21 I'm not sure exactly what that is. Was it,
22 like --

23 A. Kind of like that right there. It's kind of like
24 that.

25 Q. Okay. Got you. All right. All right.

KELLY RIGGS, CROSS-EXAMINATION

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1 A. Through Detective Lindler.

2 Q. Through Detective Lindler.

3 And what did you learn that he had had to drink?

4 A. I'm not exactly -- I can't, from memory. I know
5 it was some shots of tequila and some Budweiser.

6 Q. Was it five shots of tequila and four Budweisers
7 or three Budweisers?

8 A. I think so but I'm not sure.

9 Q. But that sounds about right?

10 Now, let me ask you a question. If someone had
11 had that much to drink would you let them drive?

12 A. If she showed signs of -- that they were
13 intoxicated? No, I wouldn't let them drive.

14 Q. Let me ask you a question. Let me ask you
15 another question. Someone had five shots of tequila and
16 three Budweisers would they pass a Breathalyzer?

17 A. To explain that, my understanding is those drinks
18 were before 6:30.

19 MR. MOYER: I need to object at this
20 point. He's asking, he's assuming facts that are not in
21 evidence and that cannot be, exactly, substantiated.

22 There's no evidence he drank five shots of tequila. As will
23 probably come out later, there's evidence he may have bought
24 five shots.

25 THE COURT: Well, I'll overrule your

KELLY RIGGS, CROSS-EXAMINATION

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1 objection. I'm allow him to ask the question.

2 MR. JOHNSON: Thank you, Your Honor.

3 Q. Anyhow --

4 A. Can I finish answering the question, then?

5 Q. Honestly, I think we need to reask because we
6 were interrupted.

7 A. Okay.

8 Q. But I'll reask the question.

9 Now, if someone had five shots of tequila and
10 three Budweisers would they pass the Breathalyzer?

11 A. Not immediately afterwards, no, but over a period
12 of time that alcohol level drops.

13 If I remember, on the receipt from Sharkey's, it
14 was around 6:30.

15 Q. Six thirty. Interview took place around 11:30 or
16 so?

17 A. Yes, sir. It would've bee about five hours
18 later.

19 Q. And ended -- And it ended about one a.m.?

20 A. That's correct.

21 Q. And he had injuries during this point in time?

22 A. That's correct.

23 Q. And this was after the incident?

24 A. That's correct.

25 Q. And twice he did what you described as fall --

KELLY RIGGS, CROSS-EXAMINATION

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1 fell asleep?

2 A. That's correct.

3 Q. Now, when y'all did this interview what type of
4 room was it? You said it was -- Did I have any windows?

5 A. There is a, I think it's, like, a one-way type
6 window in it. Just, I think it's, like, an observation
7 window, would be the best way to describe it.

8 Q. Now, are there -- Now, this is at the law
9 enforcement center, correct?

10 That's correct

11 Q. Now, at the law enforcement center do y'all have,
12 like, telephones and things of that nature?

13 A. Yes.

14 Q. Computers?

15 A. Yes.

16 Q. Do you or Detective Lindler, do y'all have
17 phones?

18 A. Yes, sir.

19 Q. What type of phone do you have?

20 A. Just a regular cell phone.

21 A. Regular old cell phone?

22 A. Yes, sir.

23 Q. Is the law enforcement center equipped with
24 internet?

25 A. It is.

KELLY RIGGS, REDIRECT EXAMINATION

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1 Q. All right.

2 Isn't it true that in some police cars you have,
3 like, audio and video equipment, correct?

4 A. We do now.

5 Q. You do now?

6 A. Yes. They've been upgrading.

7 Q. They've been upgraded but you do have -- So you
8 do have -- Some of them, some of the cars do have equipment,
9 obviously?

10 A. They do now, yes.

11 Q. Did -- Was the room, was it equipped with, like,
12 electricity?

13 A. (No response.)

14 Q. Did you have lights on?

15 A. Yeah, lights were on. I just don't remember an
16 outlet or anything like that being in there, but there were
17 lights on.

18 Q. Okay.

19 But, nonetheless, despite the technology that you
20 have, you don't record this, did you?

21 A. No, we didn't.

22 Q. You didn't record this interview and you didn't
23 by audio or video?

24 A. No, sir.

25 Q. And, in fact, rather than recording it, Detective

KELLY RIGGS, REDIRECT EXAMINATION

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1 Lindler would, would ask the questions and contemporaneously
2 writing down the answers?

3 A. Yes, sir.

4 Q. So there's no audio or video for the jury to
5 examine here today?

6 A. I wish there was.

7 Q. Yeah, I, too.

8 MR. BROWN: Nothing further.

9 THE COURT: Any redirect?

10 MR. MOYER: Real quick followup
11 question.

12 REDIRECT EXAMINATION BY MR. MOYER:

13 Q. Is that protocol between the Greenville Police
14 Department to not record interviews?

15 A. It is not our protocol to record them.

16 Q. Are they done in any cases?

17 A. No, sir.

18 Q. Okay.

19 MR. MOYER: Thank you.

20 Nothing further.

21 THE COURT: Thank you, sir. You may
22 step down.

23 MR. MOYER: State would call Rebecca
24 Lindler to the stand.

25 AUDREY REBECCA LINDLER,

1 first being duly sworn,
2 testified as follows:

3 DIRECT EXAMINATION BY MR. MOYER:

4 Q. All right.

5 Investigator Lindler, where are you employed?

6 A. Greenville Police Department.

7 Q. How long have you been with the police
8 department?

9 A. Almost 13 years.

10 Q. Is that -- What is your position with the police
11 department?

12 A. I'm a violent crimes investigator.

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

14 A. Almost four years.

15 Q. Now, you were in violent crimes in April of 2010?

16 A. Yes, sir.

17 Q. Now, did you participate in the interview of the
18 defendant James Chapman, in this case?

19 A. I did.

20 Q. You were present with Sergeant Kelly Riggs?

21 A. I was.

22 Q. Where did you come in contact with the defendant?

23 A. In the interview room.

24 Q. And he was with Investigator, or Sergeant Riggs
25 at that time?

AUDREY REBECCA LINDLER, DIRECT EXAMINATION

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1 A. My initial contact he was by himself in the
2 interview room.

3 Q. But you're aware that Investigator or Sergeant
4 Riggs was there?

5 A. Yes, sir.

6 Q. And did the two of you go in and conduct the
7 interview with defendant at that point?

8 A. We did.

9 Q. Now, he was in handcuffs?

10 A. Yes, sir, in the front.

11 Q. So he was in custody?

12 A. Correct.

13 Q. And we've heard a lot about some injuries that he
14 may have sustained. Did you notice the blood on his face?

15 A. I did.

16 Q. Did he appear as he does appear in these
17 photographs that have been entered in to evidence?

18 A. Yes, sir.

19 Q. Did you notice him acting as if he was in any
20 physical distress whatsoever?

21 A. No, sir.

22 Q. During the entire time with you did he ever
23 complain --

24 A. No, sir.

25 Q. -- of any -- Did he ever ask you for medical

1 attention?

2 A. No, sir.

3 Q. Now, did you advise the defendant of his
4 constitutional rights pursuant to Miranda?

5 A. Yes, sir.

6 Q. And you did so using this form that's been
7 entered in to evidence and explained by Sergeant Riggs?

8 A. Yes, sir.

9 Q. And can you tell us, it was mentioned that you
10 wrote out the information at the top of the form, is that
11 correct?

12 A. Yes, sir.

13 Q. Is that -- Tell us about that. Is that normal
14 procedure?

15 A. Yes, sir.

16 I asked the defendant to state his name. I
17 always ask everyone to spell their name. Even if it's John
18 Smith I ask them to spell it.

19 Mr. Chapman spelled his name. I asked him where
20 he was currently living and he stated with his mother, said
21 he had been staying with her for the past two months.

22 I asked him his date of birth. He gave me his
23 date of birth. I asked him his level of education, how far
24 he went in school, and he told me he was a graduate of
25 Easley High School and I asked him if he could read and

AUDREY REBECCA LINDLER, DIRECT EXAMINATION

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1 write and he stated he could.

2 Q. Now, did he appear to have a rational
3 understanding of what y'all were talking about during this
4 interview?

5 A. Yes, sir.

6 Q. Was anything about the way he acted or way he
7 appeared to you lead you to suspect that he suffered from
8 any mental defects or deficiencies?

9 A. No, sir.

10 Q. And let me ask you also about intoxication. Did
11 he appear to be under the influence of alcohol at the time?

12 A. No, sir.

13 Q. And at the time he told you that he had had
14 something to drink that night?

15 A. Yes, sir.

16 Q. Correct?

17 And how many -- What did he tell you that night
18 he had had to drink?

19 A. He told me that night that he had two beers when
20 he ate at Sharkey's Pub.

21 Q. Now, I'll ask you about this since this has, this
22 had come already. Did you later find that he had been
23 somewhere downtown drinking?

24 A. Yes, sir.

25 Q. And tell us how you came in to that information

1 and what you learned by that information.

2 A. I learned that he had been at Sharkey's Pub and
3 had walked out on his tab.

4 Q. And what did you learn was on the tab?

5 A. When I discovered the tab forensics had located
6 the receipt from Sharkey's Pub in his pocket that they
7 collected from the crime scene. And I found out later that
8 he had ordered five tequila shots and three Budweisers.

9 Q. And what time did he -- What time did the receipt
10 show that the final receipt was printed?

11 A. Six thirty-nine. P.m.

12 Q. Six thirty-nine p.m.

13 And so from all appearances, he purchased that
14 amount of alcohol?

15 A. Correct.

16 Q. Did you find out that -- whether he was seated
17 alone or whether he was with anybody?

18 A. I went to Sharkey's Pub and spoke with the
19 manager that -- or the owner that followed him out of the
20 pub trying to get him to pay his tab.

21 And I got a statement from one of the waitresses
22 stating that he was sitting with five or six people at a
23 table.

24 Q. Okay.

25 Well, regardless, even if he -- So you don't know

AUDREY REBECCA LINDLER, DIRECT EXAMINATION

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1 whether he drank all that alcohol or not?

2 A. No, sir. All I know is he ordered that amount of
3 alcohol.

4 Q. Even if he did, does that change your opinion of
5 the way he appeared to you that night?

6 A. No, sir.

7 Q. Did he have slurred speech?

8 A. No, sir.

9 Q. Are aware that different people process alcohol
10 differently?

11 A. Yes, sir.

12 Q. That different people have different levels of --

13 MR. JOHNSON: Your Honor, he needs to
14 ask questions.

15 THE COURT: Rephrase your question.

16 MR. MOYER: Okay.

17 Q. So people who drink mor alcohol than other
18 people, are they able to absorb and to absorb alcohol at
19 greater levels than other people?

20 A. I, I believe so.

21 Q. Is that in your experience --

22 A. Yes, sir.

23 Q. Now, when you went over the rights or with the
24 defendant, did he appear to have any trouble understanding
25 the rights?

1 A. No, sir.

2 Q. And were there any threats or intimidation or
3 coercion used to get him to sign that form?

4 A. No, sir.

5 Q. Were there any promises?

6 A. No, sir.

7 Q. Made to him or hope of reward held out?

8 All right.

9 Now, after he signed the waiver did you -- you
10 began your interview of him?

11 A. I did

12 Q. And was he cooperative?

13 A. He was very cooperative.

14 Q. Did you put what he said in to a written
15 statement?

16 A. I did.

17 Q. How did you do that?

18 A. I took notes.

19 Normally, when I interview someone they,
20 basically, tell a story and you do more writing than you do
21 asking questions. With Mr. Chapman I had to ask the
22 question and he would answer it. It wasn't that he was
23 unwilling to tell me what happened; you just had to ask him
24 what you wanted to know.

25 Q. Was he cooperative?

AUDREY REBECCA LINDLER, DIRECT EXAMINATION

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1 A. Yes, sir.

2 It was more of a question answer interview.

3 Q. So he answered your questions?

4 A. Correct.

5 Q. Okay.

6 Then after he -- you had this interview with him
7 in this question answer format did you -- How did you get
8 that down in to writing?

9 A. I took notes.

10 Q. Okay.

11 And then did you later get that in to a
12 typewritten form?

13 A. I did. I left the interview room. When the
14 interview ended I left the interview room and typed up what
15 was said on a statement form and brought it back.

16 I asked Mr. Chapman if he wanted to read his
17 statement or if he wanted me to read it to him and he asked
18 me to read it to him. So I read him his statement and asked
19 him if he wanted to add anything or, you know change
20 anything and he said no. I said if that is an accurate
21 statement of what you said initial each page and sign the
22 statement. And Mr. Chapman initialed and signed the
23 statement.

24 Q. Okay.

25 Let me show what has been marked as State's

1 Exhibit Number 24. Can you recognize that?

2 A. I can. That's the -- That's a copy of the
3 statement I took.

4 Q. And how are you able to recognize it?

5 A. It has my signature on it.

6 Q. Is that an accurate copy of the statement that he
7 gave the night of April 23, 2010, that you took in and he
8 signed?

9 A. Yes, it is.

10 MR. MOYER: At this time move
11 State's Exhibit Number 24 entered in to evidence.

12 THE COURT: Subject to the objection
13 prior made exhibit is admitted in to evidence.

14 (State's Exhibit 24 entered in to
15 evidence over objection.)

16 Q. All right.

17 Would you please publish or read that statement
18 to the jury?

19 A. Detective Lindler: Mr. Chapman, what happened
20 tonight?

21 Chapman: I killed the bitch. I strangled her
22 and beat her to death.

23 Detective Lindler: What happened for you to beat
24 your mother to death?

25 Chapman: I don't know. I just fucking killed

AUDREY REBECCA LINDLER, DIRECT EXAMINATION

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1 her. I beat her ass. It's been a long time coming.

2 Detective Lindler: How long have you lived with
3 your mother?

4 Chapman: Off and on for the past 41 years.

5 Detective Lindler: When did you move into Towers
6 East?

7 Chapman: For the past two months.

8 Detective Lindler: What time did you get home
9 tonight?

10 Chapman: I don't know. Around seven p.m. and
11 she might've smarted off to me but I killed the bitch. It
12 was cold blooded murder that had been coming for years. It
13 was well deserved. I strangled her and beat her ass.

14 Detective Lindler: Where was your mother when
15 you started strangling her?

16 Chapman: Fuck. I don't know. Sitting in the
17 chair.

18 Detective Lindler: Where was she sitting at?

19 Chapman: The chair in the living room.

20 Detective Lindler: Did you stand in front of
21 her or behind her?

22 Chapman: I stood in front of her.

23 Detective Lindler: What did your mother do when
24 you started strangling her?

25 Chapman: - In quotes, he's laughing when he

1 responds - She was gasping for air. What do you think she
2 was doing?

3 Detective Lindler: Did she fight back?

4 Chapman: Of course she did. She's a Pruitt.
5 She's a fighter. Look at my fucking head.

6 Detective Lindler: What did she hit you with?

7 Chapman: Fuck. I don't know. All I know is I
8 fucking beat the bitch's ass. She had it coming. I kicked
9 her, stomped her face in and I would do it again. Been
10 wanting to kill her for years. Fucking bitch got what she
11 deserved. I beat her to fucking death.

12 Detective Lindler: Mr. Chapman, are you on any
13 medication?

14 Chapman: No.

15 Detective Lindler: Have you taken any illegal
16 drugs tonight?

17 Chapman: No.

18 Detective Lindler: Have you been drinking
19 tonight?

20 Chapman: Yes. I drunk 2 12 ounce Budweisers at
21 Sharkey's on Main Street.

22 Detective Lindler: Did you go there tonight?

23 Chapman: Yes. I eat some ribs and drunk some
24 beer. I had my dog with me and we sat outside.

25 Detective Lindler: Do you remember what you got

AUDREY REBECCA LINDLER, DIRECT EXAMINATION

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1 in to an argument about?

2 Chapman: No, I don't remember. I don't need to
3 explain this to you. I don't need to explain myself to you.
4 I only need to answer to my brothers about what happened. I
5 killed the bitch, stomped her face in. I shouldn't have
6 done it but if I didn't do it, then somebody else would.

7 Detective Lindler: Do you have any brothers or
8 sisters?

9 Chapman: I got four brothers.

10 Detective Lindler: Do they get along with your
11 mother?

12 Chapman: Yeah.

13 Detective Lindler: What did you do after you
14 realized you killed your mother?

15 Chapman: I called my brother Kelly Chapman in
16 Liberty and told him what I did.

17 Detective Lindler: What did you your brother
18 say?

19 Chapman: He said he would be right there.
20 Guess he called the police on me.

21 Detective Lindler: Did you all EMS?

22 Chapman: Shit, no.

23 Detective Lindler: Did you change clothes or
24 clean up?

25 Chapman: I washed my face off with some water.

1 I had on shorts and a tee shirt while I was killing her and
2 she bleed all over me. I put on a new tee shirt and pair of
3 pants.

4 Detective Lindler: Your mother's shirt was
5 pulled up. Did that happen during the beating?

6 Chapman: Shit. I don't know. I don't care
7 nothing about seeing my momma's titties. She's a fucking
8 whore. It was well deserved. I'd do it again. Been
9 wanting to do it for 16 years now but I don't know what set
10 me off.

11 Detective Lindler: If there anything else you
12 want to add?

13 Chapman: Yeah. I'm ready for my pad to go to
14 sleep. Let's get this over with.

15 Q. Okay.

16 I show you State's Exhibit Number 17.

17 Before I do so, let me ask you, did you go over
18 to the apartment after you finished your interview with the
19 defendant?

20 A. I did.

21 Q. Did you walk in the apartment?

22 A. I did.

23 Q. So you observed the scene as we saw it in all the
24 photographs?

25 A. Yes, sir.

AUDREY REBECCA LINDLER, DIRECT EXAMINATION

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1 Q. Over the past two days.

2 Showing you State's Exhibit Number 17, can you
3 tell us, what, what is shown in the center of that
4 photograph?

5 A. It's a white tee shirt and some white sandals
6 with suspected blood on them.

7 Q. And you know they were collected, correct?

8 A. Yes, sir.

9 Q. Did you take a look at that white tee shirt?

10 A. I did.

11 Q. Can you tell us what it looked like, how it
12 appeared?

13 A. It was a plain white tee shirt and the right side
14 of the collar was ripped, like ripped down on the right
15 side.

16 Q. Was it very bloody?

17 A. It was.

18 Q. How bloody was it?

19 A. Extremely bloody.

20 Q. All over?

21 A. Yes.

22 Q. Front and back?

23 A. Front and back, yeah.

24 Q. And you're aware that the decision was made to
25 not have the SLED laboratory analyze any of these evidence

1 for DNA evidence?

2 A. I am.

3 Q. And what was the reason for that?

4 A. I discussed it with you and we decided that SLED
5 is so backed up and it's so expensive to process evidence,
6 Mr. Chapman never denied murdering his mother.

7 MR. JOHNSON: Objection, Your Honor.

8 THE COURT: What's your objection?

9 MR. JOHNSON: Permission to approach.

10 THE COURT: Yes.

11 (WHEREUPON a bench conference was
12 held off the record and out of the hearing of the jury.)

13 Q. You can continue:

14 A. He never denied killing his mother so it wasn't a
15 whodunit. He admitted to killing his mother. Anybody he
16 came in contact with he admitted to killing her so it
17 wasn't, you know -- We weren't trying to figure out who used
18 the items that were in the house.

19 We just agreed it was not necessary to have the
20 evidence processed.

21 Q. Okay.

22 And so the decision was made that it wouldn't --
23 would not have led to any, any evidence that would -- that
24 would help solve the case, is that correct?

25 A. Correct, because both of their DNA would be on

AUDREY REBECCA LINDLER, CROSS-EXAMINATION

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1 the items that were in the apartment, the bloody items that
2 were collected, both their DNA.

3 Q. Okay.

4 MR. MOYER: One moment, please.

5 Q. Around what time was the interview with the
6 defendant concluded?

7 A. Around 1:00.

8 Q. One o'clock in the morning?

9 A. Yes, sir.

10 Q. This would be on April 24, 2010?

11 A. Yes, sir.

12 Q. Okay.

13 MR. MOYER: Please answer any
14 questions defense may have.

15 THE COURT: Mr. Johnson, you may
16 cross-examine the witness.

17 MR. JOHNSON: Thank you, Your Honor.

18 CROSS-EXAMINATION BY MR. JOHNSON:

19 Q. Detective Lindler, your transcript of the
20 statement is exactly what was said?

21 A. No, sir.

22 Q. So what, what difference?

23 A. The difference is when you're sitting, talking
24 with someone you are documented as much as you can of what
25 they say. You may not get it word for word.

1 When I interview a witness or a victim or a
2 suspect I tell them that this is gonna be a summary of what
3 they tell me.

4 Q. Now, say, for instance, there was an audio
5 recording device. Would the audio recording device pick up
6 every word that was said?

7 A. Yes, sir.

8 Q. So it's safe to say that an audio recording
9 device would be more efficient than the method that you, you
10 and Detective Riggs used in documenting his statement,
11 correct?

12 A. Correct.

13 Q. Now, I know in your statement and in Sergeant
14 Riggs you indicated he -- you indicated several times with
15 different, different emotions he showed, isn't that correct?

16 A. Correct.

17 Q. Now, in those instances, is it also possible that
18 at those times that those were misinterpreted just by, just
19 by where the statement's concerned?

20 A. No. That was the way I interpreted his --

21 Q. So that's the way you interpreted it.

22 Now, if you would've got that on the video it
23 would be more accurate than your interpretations, right?

24 A. Correct, and then the jury could interpret it.

25 Q. That's right.

AUDREY REBECCA LINDLER, CROSS-EXAMINATION

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1 Now, did you and -- Have you seen Sergeant Rigg's
2 statement?

3 A. I have.

4 Q. You have seen it? Are there differences between
5 what you say he said and what he says he said? Are there
6 differences?

7 A. Yes, sir.

8 Q. So, in other words, you, you guys heard the same
9 conversation differently?

10 A. Correct.

11 Q. Now, did you also notice the injuries that my
12 client had?

13 A. Yes, sir.

14 Q. And is it -- Is it -- The pictures, I don't guess
15 you've seen them.

16 Were they consistent with what -- with what you
17 saw --

18 A. Yes, sir.

19 Q. -- at the time?

20 And you also stated that my client was not
21 intoxicated at the time, in your opinion?

22 A. Correct.

23 Q. Now, y'all didn't -- You know, y'all didn't give
24 him, like, a Breathalyzer, or anything, right?

25 A. No.

AUDREY REBECCA LINDLER, CROSS-EXAMINATION

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1 Q. Because you found out later about the alcohol?

2 A. Correct.

3 Q. Uh-huh.

4 Now, you also said here today that you didn't
5 test the items collected by forensics, right?

6 A. Correct.

7 Q. Do you know who ordered the items to be
8 collected?

9 A. That's with every crime scene, forensics comes
10 out and processes the crime scene.

11 Q. So you do that, you do that just by routine?

12 A. Correct.

13 Q. And another thing you do by routine, say, for
14 instance, like police reports?

15 A. Correct.

16 Q. And that's so you can remember accurately what
17 happened, things of that nature?

18 A. Yes, sir.

19 Q. Because you could have a trial, like, a year and
20 a half later like here?

21 A. Correct.

22 Q. Any case, forensics comes out and their role is,
23 is to collect potential evidence?

24 A. Yes, sir.

25 Q. And they collect -- And some items they collect

AUDREY REBECCA LINDLER, CROSS-EXAMINATION

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1 is so it can be tested?

2 A. Correct.

3 Q. So, and they do that so it would assist a fact-
4 finder in trying to figure out what happened?

5 A. Correct.

6 Q. However, today we do not -- The items were not
7 tested?

8 A. Correct.

9 Q. Now, are you -- Now, role other the trial are you
10 the fact-finder?

11 A. No.

12 Q. It's your -- It's your duty to collect evidence.
13 You're the investigator, right?

14 A. No, that's not my, my --

15 Q. But are you the lead investigator in this case?

16 A. Yes, sir.

17 Q. All right.

18 So your role is the investigator?

19 A. Correct.

20 Q. You try to collect the proper evidence so you can
21 present your case?

22 A. Forensics collects it but it doesn't mean that
23 all the evidence that forensics collects will be processed.
24 On any case.

25 Q. Well, let me ask you a question. Say, for

1 instance, I'm showing you what as been marked as State's
2 Exhibit Number 3. Do you remember this?

3 A. I do.

4 Q. Now, this, was this piece of evidence collected?
5 Do you remember?

6 A. I believe it was.

7 Q. It was?

8 Now, do you know? Looks like, there appears to
9 be some blood on it right?

10 A. Yes, sir.

11 Q. Can you tell The Court, authoritatively, whose
12 blood this is?

13 A. No, sir.

14 MR. JOHNSON: Your Honor, I have
15 nothing further of the witness.

16 THE COURT: Any redirect?

17 MR. MOYER: Just a couple questions.

18 REDIRECT EXAMINATION BY MR. MOYER:

19 Q. Now, you were asked about differences between
20 what Sergeant Riggs testified to a few moments ago and what
21 ended up on the defendant's statement. Was there anything
22 inconsistent between what you put on statement and what
23 Sergeant Riggs testified to?

24 A. No.

25 It's -- In my opinion, everybody can hear you

AUDREY REBECCA LINDLER, REDIRECT EXAMINATION

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1 talking but you may reword it differently. But it's the
2 same message. With both heard that he killed his mother but
3 the exact wording was not -- We didn't have exact wording.

4 Q. Okay.

5 And it wasn't inconsistent, was it?

6 A. It wasn't inconsistent.

7 Q. Okay.

8 Just worded differently?

9 A. Correct.

10 Q. And he had a couple of other comments that --

11 A. Some curse words I picked up on, Sergeant Riggs
12 didn't pick up on or Sergeant Riggs picked up on a word that
13 I did not pick up on.

14 Q. Okay.

15 And after you wrote out, typed out the statement
16 you, you gave it to the defendant to review?

17 A. I did and I advised him I am going to read a
18 summary of what you told me, if there's anything you want to
19 change or take out or add let me know and he agreed that was
20 a summary of his statement.

21 Q. And you -- Did you read it to him or did he read
22 it?

23 A. I read it out loud to him.

24 Q. And he was listening?

25 A. He was listening.

1 Q. And he didn't -- And he signed it saying that --

2 A. While I was reading he shook his head, yeah,
3 right, yeah, right. That was his statement.

4 Q. And just a question about the collection of
5 evidence. You're not involved in what evidence is collected
6 from a crime scene, right?

7 A. No, sir.

8 Q. That's done by the forensics office?

9 A. Correct.

10 Q. And that's before anybody -- That's before arrest
11 warrants are filed, correct?

12 A. Correct.

13 Q. And so they just want to collect everything --

14 A. Everything.

15 Q. -- they can, right?

16 A. Correct.

17 Q. Just in case you need it later?

18 A. Correct.

19 And if we're in an interview with a suspect and
20 they give us information that the forensics officer may not
21 know, we can go back to the scene and ask the forensics
22 officer to specifically collect an item but when they come
23 in they're gonna take everything.

24 Q. Okay. All right.

25 MR. MOYER: Nothing further. Thank

MICHAEL P. AUSTIN, DIRECT EXAMINATION

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1 (The following takes place outside
2 the presence of the jury.)

3 THE COURT: All right.

4 Parties ready to proceed?

5 MR. MOYER: Ready, Judge.

6 MR. JOHNSON: Yes, sir, Your Honor.

7 THE COURT: All right.

8 I understand the jury has selected a
9 foreperson. Juror Spivey will be the foreman.

10 All right.

11 You can have the jury come in if they're
12 ready.

13 (WHEREUPON, the jury returned to
14 open court.)

15 THE COURT: We're now ready to
16 proceed. Solicitor, you may call your next witness.

17 MR. MOYER: Thank you, Your Honor.
18 May it please The Court, state will call Mike Austin to the
19 stand.

20 MICHAEL P. AUSTIN,
21 first being duly sworn,
22 testified as follows:

23 DIRECT EXAMINATION BY MR. MOYER:

24 Q. All right.

25 Officer Austin, where are you employed?

MICHAEL P. AUSTIN, DIRECT EXAMINATION

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1 A. The City of Greenville Police Department.

2 Q. How long have you been in law enforcement?

3 A. Just about 11 1/2 years.

4 Q. And has it all been with the city police
5 department?

6 A. Yes, sir.

7 Q. What is your position?

8 A. I'm currently a dog handler with the City of
9 Greenville.

10 Q. Were you a dog handler in April of 2010?

11 A. Yes, sir, I was.

12 Q. Now, does that mean you will handle calls that
13 don't necessarily require a dog?

14 A. Yes, sir. Mostly what I do is handle in progress
15 calls but I do help assist with other things, just like
16 normal patrol officer would.

17 Q. Now, were you working on appear 24 of 2010?

18 A. Yes, sir. I was on day shift.

19 Q. Did you have occasion to come in contact with the
20 defendant in this case on that date?

21 A. Yes, sir, I did.

22 Q. And for what reason?

23 A. I was called to the law enforcement center by a
24 supervisor, or through a supervisor. I was contacted by
25 Detective Lindler to serve a warrant at the detention

MICHAEL P. AUSTIN, DIRECT EXAMINATION

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1 center.

2 Q. And that warrant was on who?

3 A. Mr. Chapman.

4 Q. The defendant, defendant in this case?

5 A. Yes, sir.

6 Q. So about what time was it that you came in
7 contact with him?

8 A. It was right about 9:00. In the morning.

9 Q. And where did you come in contact with him?

10 A. He was inside the detention center in the first
11 level, the booking area of the detention facility.

12 Q. And how were you taken to him?

13 A. Well, as you go through the sally port where
14 people are patted down, I went to the desk there and I was
15 directed and led over to the holding cell that Mr. Chapman
16 was at, by a detention officer.

17 Q. A detention officer escorted you?

18 A. Yes.

19 Q. Was Mr. Chapman, the defendant, was he alone in
20 that cell?

21 A. Yes, sir.

22 Q. What was he doing when you saw him?

23 A. He appeared to be sleeping. He was lying on the
24 floor.

25 Q. And was he awoken?

MICHAEL P. AUSTIN, DIRECT EXAMINATION

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1 A. He was. He was awoken by the detention officer.

2 Q. Was the door open?

3 A. Well, it was open -- It was locked when we got
4 there but the detention officer opened the door for me to
5 read the warrant to him.

6 Q. Okay.

7 And the detention officer then woke up the
8 defendant?

9 A. Yes, sir.

10 Q. How did he appear to you when you saw him?

11 A. He appeared like he had been sleeping or like
12 he'd been awakened out of sleep, and calm, you know. He
13 wasn't screaming or yelling or anything like that, or
14 talking, really, for that, that matter.

15 Q. Okay.

16 Now, you said you had to serve the warrant on
17 him. Did that process include reading the warrant to him?

18 A. Yes.

19 Q. So what did he do when you started reading the
20 warrant to him?

21 A. As I was reading the warrant, partly through
22 reading that narrative he walked away and I asked him to
23 come back so that he could hear me and I could finish
24 reading the warrant and he, he stated to me that he was
25 listening, that he just wanted to get a drink of water.

MICHAEL P. AUSTIN, DIRECT EXAMINATION

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1 Q. So what did you do?

2 A. I stopped until he got a drink of water and
3 walked back over to me.

4 Inside the doorway there, the holding cell, being
5 first thing in the morning it's really loud inside the
6 detention center. They're feeding, giving out meals and
7 change of prisoners around so there's a lot going on and I
8 wanted to make sure that he could hear.

9 Q. Okay.

10 A. The warrant.

11 Q. Was he cordial to you?

12 A. Yes, sir.

13 Q. Okay.

14 So when he came back over to you did you continue
15 reading?

16 A. I did

17 Q. Okay.

18 And did he make any comments while you were
19 reading the warrant to him?

20 A. Well, as I was reading the warrant there was a
21 specific line in the warrant that, that he had -- He was
22 quoted in the warrant as stating that he had been wanting to
23 kill his mother for 16 years. And as I read that portion of
24 the warrant he nodded, or in an affirmative motion or nodded
25 towards me and stated right, right, and I just continued

MICHAEL P. AUSTIN, CROSS-EXAMINATION

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1 reading the warrant and had finished what I had to do there.

2 Q. Okay.

3 So he was -- Was he was acting like he was in
4 agreement with what you --

5 A. Yeah, it was like he was in agreement or
6 confirming what I was saying.

7 Q. Did he appear injured or in distress at all?

8 A. Not to me, he didn't.

9 Q. Did you have any further dealings with him after
10 that?

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

12 MR. MOYER: Please answer any
13 questions.

14 A. Yes.

15 THE COURT: You may cross-examine,
16 Mr. Johnson.

17 MR. JOHNSON: Yes, sir, Your Honor.

18 CROSS-EXAMINATION BY MR. JOHNSON:

19 Q. You stated when you got there he was sleeping?

20 A. Yeah, he appeared to be sleeping, yes, sir.

21 Q. He appeared to be sleeping. What did he appear
22 to be sleeping on?

23 A. I don't remember. Looked like there were some
24 blankets or something laying on the floor or maybe he was
25 using to cover up with.

MICHAEL P. AUSTIN, CROSS-EXAMINATION

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1 Q. On the floor?

2 A. On the floor, yes, sir.

3 Q. What type of room was it?

4 A. A holding cell. I don't know how big it is, or
5 anything like that.

6 Q. Do you remember anything else about the room?
7 Like anything about the floors or the walls?

8 A. Well, I mean the floors have, like, a rubber
9 coating on them but I don't -- I don't know what the walls,
10 if they're concrete, or anything like that.

11 Q. You also stated that some point when you were
12 reading him the warrant he stopped to get a drink of water?

13 A. Yes.

14 Q. So he got thirsty, went and got the water and
15 came back to you?

16 A. Yes, sir.

17 Q. All right.

18 MR. JOHNSON: I have nothing further
19 of this witness.

20 THE COURT: Thank you, sir. You may
21 step down.

22 A. Thank you.

23 MR. MOYER: State would call Dr.

24 Michael Ward

25 MICHAEL EUGENE WARD,

1 first being duly sworn,

2 testified as follows:

3 DIRECT EXAMINATION BY MR. MOYER:

4 Q. Dr. Ward, where are you employed?

5 A. I'm employed by Pathology Associates of
6 Greenville and also by Greenville County as the chief
7 medical examiner.

8 Q. What's your -- How long have you held this
9 positions?

10 A. I've been in Greenville 16 years.

11 Q. Okay.

12 What is your profession?

13 A. I'm a forensic pathologist.

14 Q. Now, how many medical examiners do we have in
15 Greenville?

16 A. There are two.

17 Q. What is -- Would you tell the jury, explain to
18 the what, what forensic pathology is and what a forensic
19 pathologist does?

20 A. Pathology is a -- Pathology is a specialty of
21 medicine which deals with the study of disease, disease
22 processes and how they affect man. Forensic pathology takes
23 that one step further, dealing with disease, disease
24 processes, trauma to determine how and why people die.

25 A forensic pathologist, generally, has been

MICHAEL EUGENE WARD, DIRECT EXAMINATION

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1 charged to determine through the autopsy process to
2 determine cause and manner of death.

3 Q. Okay.

4 Now, Dr. Ward, would you tell the jury a little
5 bit about your education background, residencies, your
6 medical license?

7 A. I received my bachelor's degree in biology from
8 The University of Alabama. I have a master's degree in
9 forensic science from The University of Alabama in
10 Birmingham. I received my medical degree from The
11 University of South Alabama, which is in Mobile. I did a
12 four-year anatomic pathologist residency at The Medical
13 University of South Carolina in Charleston and a one-year
14 fellowship in forensic pathologist at The University of New
15 Mexico in Albuquerque. I'm certified by The American Board
16 of Pathology in both anatomic and forensic pathologist and I
17 have a license to practice medicine in the states of New
18 Mexico and South Carolina.

19 Q. Now, how many forensic autopsies have you done?

20 A. Well over 2,000.

21 Q. And you've testified in court before?

22 A. Yes.

23 Q. You've been qualified as an expert in forensic
24 pathologist?

25 A. Yes, I have.

1 Q. Do you know how many time?

2 A. I would estimate over a hundred times.

3 MR. MOYER: At this time I would
4 offer Dr. Michael Ward as an expert in forensic pathologist.

5 THE COURT: Any voir dire or any
6 objection?

7 MR. JOHNSON: No, sir, Your Honor.

8 THE COURT: All right.

9 He'll be admitted as an expert in the
10 field of forensic pathology.

11 Ladies and gentlemen, let me just
12 explain to you about an expert witness. Normally, a person
13 can't give an opinion about anything. They can testify as
14 to what they saw or heard or experienced but we do have an
15 exception to that in that individuals who, because of their
16 experience or their education, their training would be
17 permitted to give an opinion and the basis of that opinion
18 in areas that, of course, qualified that witness to their an
19 expert in this case in the field of forensic pathology.

20 The fact that this witness is qualified
21 as an expert doesn't mean you have to accept that opinion.
22 It's evidence for you to treat as all over evidence. Use it
23 in any way that you see fit.

24 All right, Solicitor, you may continue
25 your examination.

MICHAEL EUGENE WARD, DIRECT EXAMINATION

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1 MR. MOYER: Thank you, Your Honor.

2 Q. Now, Dr. Ward, did you perform an autopsy on
3 Margaret Parker?

4 A. Yes, I did.

5 Q. When did you do that?

6 A. The autopsy was performed on April 24, 2010, and
7 was begun at 10 a.m.

8 Q. And where was this conducted?

9 A. At the autopsy facility which is on the property
10 of Greenville Memorial Hospital.

11 Q. And were others present for the autopsy?

12 A. Yes, they were.

13 Q. And there were law enforcement officials there,
14 and others?

15 A. Deputy Rebecca Lindler of the Greenville City
16 Police Department, Officer Jeremy Day of the forensics
17 department and Deputy Coroner Tom Selfridge (ph.) with the
18 coroner's office.

19 Q. Let me ask you first about the physical
20 dimensions of Ms. Parker's body.

21 A. She was five feet seven inches in length and
22 weighted 173 pounds.

23 Q. How as she dressed?

24 A. She was wearing blue pants, white panties and a
25 white bra.

1 Q. Now, were you able to form an opinion as to the
2 cause of death of Margaret Parker?

3 A. Yes, I was.

4 Q. And would you tell the jury what your opinion
5 was?

6 A. Ms. Parker died as results of blunt force trauma
7 of the head. Other contributing factors was manual
8 strangulation.

9 Q. And would you provide an overview first to the
10 jury before you get into specifics, of the evidence of
11 injury and trauma that you saw on Ms. Parker's body?

12 A. Yes.

13 There were multiple blunt force injuries, to
14 include lacerations or tears of the skin; a bruising of the
15 skin to involve the scalp of the head, the left side of the
16 neck, the chest and the upper extremities, or the arms.

17 Q. Did you take photographs?

18 A. Yes, I did.

19 (Photograph marked as State's
20 Exhibit 35 for identification only. Photograph marked as
21 State's Exhibit 36 for identification only. Photograph
22 marked as State's Exhibit 37 for identification only.
23 Photograph marked as State's Exhibit 38 for identification
24 only. Photograph marked as State's Exhibit 39 for
25 identification only. Photograph marked as State's Exhibit 40

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1 for identification only. Photograph marked as State's
2 Exhibit 41 for identification only.)

3 Q. I'm gonna hand you State's Exhibits Numbers 35 to
4 41. Can you just take a look through them and tell us if
5 you recognize what they are.

6 A. Yes, I recognize them.

7 Q. And what are they?

8 A. These are photographs which bear Ms. Parker's
9 unique autopsy number, that are photographs that I took
10 during the course of the autopsy.

11 Q. Are they true and accurate representations of the
12 way Ms. Parker looked on April 24 of 2010 when you performed
13 the autopsy?

14 A. Yes, they are.

15 MR. MOYER: At this time move to
16 have State's Exhibits 35 to 41 entered in to evidence?

17 THE COURT: Any objection?

18 MR. JOHNSON: No, sir, Your Honor.

19 THE COURT: Without object exhibits
20 35 through 41 are admitted in to evidence and may be
21 published to the jury.

22 (State's Exhibits 35 through 41
23 entered in to evidence without objection.)

24 Q. Dr. Ward, I'm gonna ask you, I'm not sure if you
25 can see this screen or not. If you have any trouble, let me

1 ask you just to step down and describe to us the injuries
2 now in specific terms through use of the -- of the
3 photographs.

4 And I believe there's a laser pointer in front of
5 you there.

6 And start off with State's Exhibit Number 41.
7 The time what we see in that photographs.

8 A. Your Honor, may I step down?

9 THE COURT: Yes, you may. Make sure
10 you project your voice so that the jury can hear what you're
11 gonna say and, certainly, the court reporter.

12 A. Yes, sir. Thank you.

13 This is a photograph of, primarily showing the
14 right side of Ms. Parker's head. As you can see, here's the
15 nose, mouth, eyes and her hairline. There are areas of
16 confluent bruising of the skin involving the right forehead,
17 the right side of the face as well as black eyes on both
18 sides. There's a laceration or a tear of the skin right ear
19 as well as a bruise present within the components of the
20 right ear.

21 It's difficult to see from this projection but
22 within this region here is what we call a patterned bruise
23 or it's a bruise that, instead of being just defused like
24 this, has a particular pattern to it and it's actually right
25 here. And it's three parallel lines which represent some

MICHAEL EUGENE WARD, DIRECT EXAMINATION

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1 sort of a pattern of the object that was making that bruise.

2 There's also injury to the midline of the upper
3 lip in this region here.

4 Q. Now, could the pattern that you talked about on
5 the cheek, could that be consistent with a shoe print?

6 A. It certainly could, yes.

7 Q. Let me show you -- Les me ask you. The, the cuts
8 on her face, the two you mentioned, the one on here,
9 forehead and one on her lip, are they consistent or could
10 they have been caused by stomping or, or hitting?

11 A. Mr. Moyer, you used the word cuts. These are not
12 sharp injuries. These are tears of the skin which we
13 consider to be as a result of blunt force trauma.

14 These two to the face region here and here are
15 fairly nonspecific so they could've been the result of blunt
16 force trauma with a fist, could've been with another object.
17 It could've been with a shoe but these are the result of
18 blunt injury and not sharp force injury but, yes, it could
19 be consistent with a shoe being used as a stomping weapon.

20 Q. Let me show you State's Exhibit Number 36. Can
21 you tell the jury what is depicted in that photograph?

22 A. As you can see, this is the left side of Ms.
23 Parker's face. Again there's confluent bruising involving
24 the entire left side of the face from the outside of the
25 forehead down to here, the level of the neck and, actually,

1 this extends down to the neck.

2 This bruising includes a significant amount of
3 tearing to involve the left ear. So there's tearing within
4 the region of the left earlobe, the pinna or the upper
5 portion of the left ear, and, actually, the back portion of
6 the left ear is detached from the skin. So it was forcibly
7 pushed forward causing a tear or a laceration of the skin of
8 the backside of the ear.

9 Q. So that would consistent with being struck from
10 behind?

11 A. That's correct.

12 And before we move on, I'm not sure if this is
13 represented in another photograph but there's a distinct and
14 separate area of linear or longitudinal bruising present
15 within the upper portion of the left forehead. This was
16 actually within the region of the hairline.

17 This hair has been shaved at autopsy. So this,
18 the hairline went this way. So this area of bruising was
19 actually up in the -- up in the hairline.

20 Q. State's Exhibit Number 37, can you explain to the
21 jury what is depicted in that photograph?

22 A. This is a photograph of the back portion of Ms.
23 Parker's scalp. Again you can see that the hair has been
24 shaved from around a, a long, what we call a full-thickness
25 laceration or tear of the skin. And we can tell it's a tear

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1 because within the wound depth there's actually tissue
2 that's trying to hold those pieces of skin together.

3 If had it been caused by a knife all those, all
4 those pieces of tissue would have been cut and they wouldn't
5 be present. So these are the result of blunt force trauma
6 to the head.

7 This one actually has what we call undermining so
8 it has -- It shows directional force. So this is the
9 laceration here and the direction of the force is actually
10 from Ms. Parker's right to her left, going towards the
11 midline.

12 Q. Okay.

13 And are they consistent with having been used
14 with some type of instrument?

15 A. As compared to the injuries on the face and
16 forehead which are fairly nondescript, these lacerations or
17 tears of the skin would not have been made with blows from a
18 fist and likely not have been made from a stomp with a shoe
19 but are more, much more consistent with blows from a hard
20 object which is being wielded in a blow type fashion, in a
21 traditional fashion. It could've been any type of object
22 that is solid, quite possibly having an edge to it.

23 Q. Would it take a lot of force to create a cut of
24 that type?

25 A. Yes, it would.

1 Q. I'm gone show you State's Exhibit Number 38.

2 A. The previous laceration was present within this
3 region here which is what we call the right occipital scalp.
4 This is a photograph of the left side of the back of Ms.
5 Parker's head.

6 Here's the left ear and you can see that tear of
7 the skin where the ear is almost detached from the scalp.
8 There are two separate blunt force injuries of the scalp,
9 again, with laceration or tearing, one here, which is very
10 close to the middle of the back of the scalp, and one here,
11 just behind the left ear.

12 These were similar in nature to the one to the
13 back of the right side of the head, not caused by a blow
14 with the fist, not caused with a shoe but with a blunt
15 object which is being wielded against the head.

16 Q. Show you State's Exhibit Number 40.

17 A. This is a photograph of the back of the
18 decedent's left hand showing confluent bruising of the skin,
19 back of the head and extending down to the fingers.

20 Q. And State Exhibit 46.

21 Forty-one, I'm sorry.

22 Is that the arm?

23 A. Yes.

24 May I refer to my notes for just one moment,
25 please.

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1 This is the back of the left arm. So the left
2 hand would be in this region here.

3 This is the left arm, the wrist region, the
4 forearm. Again, a confluent area of bruising but also a
5 similar pattern bruise similar to that seen on the face,
6 slightly curved, parallel.

7 Q. And State's Exhibit Number 29.

8 A. This is a photograph taken from the back of the
9 decedent so she is face down.

10 This is the right shoulder. I'm sorry, this is
11 the right arm extending this way. This is a photograph of
12 the back of the right shoulder, again, showing two areas of
13 bruising and abrasion or scratching of the skin to the right
14 shoulder here and here..

15 And at the time of autopsy we noted that this
16 area of bruising with abrasion also matches the bra strap
17 the decedent was wearing at the time.

18 Q. Now, comparing State's Exhibits Numbers 41 -- I'm
19 sorry, 35 and 36, 35 being the right side of the face, and
20 36. Which side we see more, more blows?

21 A. I'm sorry.

22 The left side received more trauma. I don't know
23 that I can say it received more blows.

24 The injuries to the left side of the face are
25 more significant with the tearing of the left ear but within

1 this area of confluent abrasion -- I'm sorry confluent
2 bruising, I can't tell you exactly how many blows there are
3 and that's same on the right side. This could all be one or
4 two very bad blows or it could be half a dozen less severe
5 blows to the skin. I just can't tell you exactly. I can
6 give you minimum number of blows but not an exact number of
7 blows.

8 Q. Okay. We'll get to that in just a minute.

9 Thank you.

10 Are there -- Were there other areas of bruising
11 that were not shown in the photographs that I just showed
12 you?

13 A. Yes, there were.

14 Q. And can you tell us about those?

15 A. There were areas of bruising involving the upper
16 portion of the left shoulder with two circular bruises
17 present. There was bruising on the back portion of the
18 right upper arm. We could just barely see it in one of
19 those photographs but in this region here is a two inch area
20 of bruising.

21 There was bruising to the back of the right
22 elbow. There was also bruising to the front side of the
23 right arm just in front of the underarm and extending down
24 to the crux of the front portion of the elbow.

25 Q. And -- items.

1 A. I'm sorry.

2 And there are also two separate and distinct
3 injuries to the front portion of the chest within the region
4 of the right breast, one to the outside in a linear fashion
5 going across the breast and then one more defuse, somewhat
6 oval shape at the medial or the inner portion of the right
7 breast.

8 Q. Was any to the left breast?

9 A. There was a fairly faint blue bruise to the left
10 side of the left breast.

11 Q. Now, you mentioned one of the -- When I asked you
12 about the cause of death you mentioned blunt force trauma
13 and strangulation. Can you tell the jury what evidence you
14 found of strangulation?

15 A. As I mentioned, the bruising from the left side
16 of the face also continued down in the region of the left
17 neck.

18 During the autopsy the structures of the neck are
19 dissected and removed in a very careful fashion. Looking at
20 the tissue beneath the skin and the layers of muscle, as we
21 dissect down we can visualize those layers individually.

22 And within out, what we would call the windpipe,
23 the region, our posterior pharynx, and as we swallow there's
24 a bone right up in the upper portion of the neck called
25 hyoid bone. That hyoid bone had hemorrhage around it and

1 also had been fractured or broken. So the combination of
2 bruising within the skin, hemorrhage within the deep
3 musculature of the neck and fracture of the left side of the
4 hyoid bone, as well as hemorrhages within the white portion
5 of the left eye called petechial hemorrhages, these are
6 consistent with manual strangulation.

7 What happens in manual strangulation is that
8 there's pressure placed to the components of the neck,
9 bruising within the -- or hemorrhage within the skin,
10 fracture of that bone and compression of the vascular
11 structures, specifically, in this case would be the left
12 internal jugular vein. As that vein is compressed blood
13 flow cannot return from the brain but can still make its way
14 up. So if you block off the blood flow coming out, then you
15 increase the pressure to the left side of the circulation
16 causing the vessels in the eye to pop and we see these
17 petechial hemorrhages.

18 And these are the, somewhat, classical
19 manifestations that we see of manual strangulation.

20 Q. Now, you mentioned that you cannot give us an
21 idea of the maximum number of blows that could've been
22 struck but can you give us an idea of a minimal number of
23 blows that could've been struck on Ms. Parker's body?

24 A. Yes, I can.

25 Q. Would you please do so?

MICHAEL EUGENE WARD, CROSS-EXAMINATION

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1 A. There are 11 separate and distinct areas of
2 bruising to the face and scalp of Ms. Parker to include the
3 right side of the face, the right forehead, the mid portion
4 of the lip, the left side of the face, the chin, the left
5 ear and the three lacerations to the -- or the three tears
6 of the skin to the back of the head. There were 11 separate
7 areas of bruising to the chest and arms or upper extremities
8 of Ms. Parker. So a total of a minimum of 22 separate
9 blows.

10 Q. Now, did you note any signs of having had any --
11 of Ms. Parker having had any medical treatment prior to this
12 incident?

13 A. Yes.

14 Q. And would you tell us about that?

15 A. I believe Ms. Parker had had a hysterectomy
16 previously and also had metallic stents placed in her
17 coronary arteries to help hold those vessels open.

18 Q. Well, did she have any disease of the arteries?

19 A. None other than the region of those stents, no.

20 Q. Okay.

21 And what happens, what's the impact of hardening
22 of the -- Did she have hardening of the arteries?

23 A. She had calcification of her vessels, yes.

24 Q. Okay.

25 And what is the ramifications of that or impact

1 of that on a person?

2 A. The normal coronary artery is made up of, of a
3 muscular wall which can expand and contract as blood flow or
4 blood demand is required of the heart. So as my heart --
5 When I exercise the vessels of my heart can expand, allowing
6 more blood flow to go, actually, to my heart. As I age and
7 my vessels become hardened or calcified, as Ms. Parker's
8 had, then they are no longer able to expand or contract.
9 They are, actually, limited in their size or the opening so
10 that she cannot dilate her vessels to allow more blood flow
11 to her heart.

12 In a stressful situation which I would be able to
13 increase the amount of blood to my heart, someone of -- Ms.
14 Parker or someone like Ms. Parker would not be able to
15 increase the blood flow to her heart and would limit its
16 ability to respond to a stressful situation.

17 MR. MOYER: All right.

18 Please answer any questions defense may
19 have.

20 THE COURT: Cross-examine.

21 MR. JOHNSON: Thank you, Your Honor.

22 CROSS-EXAMINATION BY MR. JOHNSON:

23 Q. Doctor, let's go back to some testimony. I know
24 that the solicitor mentioned something about cuts on the
25 right side of her face and you corrected him. I'd like to

1 talk a little bit about that.

2 What are cuts caused by?

3 A. They are caused by a sharp -- They're caused by a
4 weapon that has a sharp edge, a knife, a hatchet, an axe,
5 anything that has a sharp or a cutting edge to it.

6 Q. Now, in this incident did you find any injuries
7 consistent with that?

8 A. I did not.

9 Q. So in your opinion there was no knife or a sharp
10 object used?

11 A. That's correct.

12 Q. Thank you.

13 MR. JOHNSON: I have nothing further.

14 THE COURT: Any redirect?

15 MR. MOYER: Nothing further, Judge.

16 THE COURT: All right.

17 Thank you, Doctor. You may step down.

18 Call your next witness, Solicitor.

19 MR. MOYER: At this time the state
20 would rest.

21 THE COURT: Mr. Foreman, ladies and
22 gentlemen, we've reached the stage of the trial when we need
23 to take care of a legal matter. Rather than keeping you
24 waiting and then I think it might be more economical use of
25 our time, particularly with the witnesses' availability and

IONA OOTEN, DIRECT EXAMINATION

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1 hope you had a good lunch. We're now ready to proceed with
2 the trial of the case.

3 Mr. Johnson, you may call your first
4 witness.

5 MR. JOHNSON: Thank you, Your Honor.

6 I call Iona Ooten.

7 IONA OOTEN,

8 first being duly sworn,

9 testified as follows:

10 DIRECT EXAMINATION BY MR. JOHNSON:

11 Q. Miss Ooten, give us or official title.

12 A. I'm a forensic officer with the Greenville County
13 Department of Public Safety, Forensic Division.

14 Q. If I were to address you would I address you as
15 Officer Ooten?

16 A. That's correct.

17 Q. All right.

18 So you work with forensics. Do you work -- Were
19 you involved in this case?

20 A. I was.

21 Q. You was.

22 What was your involvement?

23 A. At approximately 2255 or 10 p.m., that night we
24 received a call from city dispatch stating that there'd been
25 a death investigation where a man had -- or a subject had

IONA OOTEN, DIRECT EXAMINATION

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1 reportedly been killed.

2 That instantly instigates having a supervisor go
3 so I assisted Sergeant Shaw to the scene.

4 Q. And that's Sergeant Shaw that testified earlier?

5 A. That's correct.

6 Q. In this trial.

7 What type -- What types of things did you do to
8 investigate this instance?

9 A. When we arrived on scene we did a walkthrough of
10 it, just getting an idea of, of how things looked, getting a
11 perspective as to what evidence was lying around.

12 I myself did a video recording of the scene and
13 then, basically, from there on assisted Sergeant Shaw as to
14 what items of evidence he found to be significant and then I
15 collected them.

16 Q. So you collected some evidence?

17 A. I did.

18 Q. Okay.

19 MR. JOHNSON: Like this marked as
20 Defense Exhibit 2.

21 (Bag of items marked as Defendant's
22 Exhibit 2 for identification only.)

23 Q. All right.

24 Officer Ooten, I'm showing you what has been
25 marked as Defense Exhibit 2. Do you recognize it?

1 A. I do.

2 Q. How do you recognize it?

3 A. That would be my handwriting, has a label on it.

4 Q. Okay.

5 What I'd like to do is get in to the contents of
6 that. Do you need some gloves?

7 A. Yeah.

8 Q. Here you go.

9 A. Thank you.

10 Q. What I'd like you to do, and don't show it to the
11 jury, I'd like you to open that package up and examine the
12 contents of it, tell me what you see.

13 A. Okay.

14 I see a receipt from Sharkey's Pub. I see a
15 package of opened Pall Mall cigarettes, a lighter and a
16 wooden-handled knife with the name James written on it.

17 Q. Now, did you collect those items?

18 A. I collected these items but I did not collect
19 them at the scene at the time. I collected them after the
20 items were taken back to the crime scene unit office.

21 Q. Now, where did you get the items from?

22 A. I got them from a pair of denim shorts that were
23 collected from the bathroom in the residence.

24 Q. Okay.

25 Now, from the items that you got from the shorts,

IONA OOTEN, CROSS-EXAMINATION

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1 are they in the same condition that you collected them?

2 A. They are.

3 MR. JOHNSON: Your Honor, at this time
4 I'd like to move Defense Exhibit 2 in to evidence.

5 MR. MOYER: No objection.

6 THE COURT: Without objection
7 Defendant's Exhibit Number 2 is admitted in to evidence.

8 (Defendant's Exhibit 2 entered in
9 to evidence without objection.)

10 Q. Officer Ooten, would you mind taking those items
11 out?

12 Now, the first thing I'd like to do, the receipt.
13 Can you tell The Court, receipt says?

14 A. The receipt says it is from Sharkey's Pub, 112
15 North Main Street, Greenville, South Carolina 29601 on
16 Friday, April 23, 2010, check number four two two six eight
17 six dash one, table 9, customer number 5. It is one tequila
18 for \$4.50, one Budweiser for \$3, one tequila for \$4.50, one
19 tequila for \$4.50, one Budweiser for \$3, one tequila for
20 \$4.50, one Budweiser for \$3, one tequila for \$4.50.
21 Subtotal's 28 24. Beer tax included, 66 cents. Alcohol tax
22 included, \$2.60. Total for 31 50.

23 And at the bottom it says time at 1839.

24 Q. And what time would that be, normal people?

25 A. That would be 6:39.

IONA OOTEN, CROSS-EXAMINATION

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1 Q. Six thirty-nine p.m.?

2 A. P.m.

3 Q. Okay.

4 MR. JOHNSON: Thank you.

5 Your Honor, I have, actually, nothing
6 further from this witness.

7 THE COURT: Any cross-examination?

8 MR. MOYER: Yes, just a few things.

9 CROSS-EXAMINATION BY MR. MOYER:

10 Q. That knife that's in front of you.

11 A. Yes.

12 Q. First off, let me back up. All these items were
13 found in a pair of blue jean shorts?

14 A. That's correct.

15 Q. And it was a pair of blue jean shorts that were
16 collected in the bathroom?

17 A. Yes.

18 Q. I show you State's Exhibit Number 22. His pair
19 of blue jean shorts?

20 A. Correct.

21 Q. Now, when you -- You collected the, the shorts,
22 right?

23 A. I did.

24 Q. And there was a shirt underneath that, also?

25 A. Yes.

IONA OOTEN, CROSS-EXAMINATION

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1 Q. And pair of socks?

2 A. Yes.

3 Q. And you took them back to the -- your office?

4 A. I did

5 Q. And what did you do with them when you got them
6 back to your office?

7 A. At the time we collected them they had possible
8 blood on them so they were wet so we -- I immediately put
9 them in the drying room for them to dry out before I did
10 anything further with it. And a few days later I then took
11 the clothes out to examine them and that's when I emptied
12 the pockets that were in the -- the items that were in the
13 pockets.

14 Q. And that's when you found those items there?

15 A. Yes.

16 Q. Can you hold up that knife? How big is that
17 knife? Inch and a half?

18 A. Inch, no more than two.

19 Q. No more than two?

20 Can you open the blade?

21 A. With these big gloves.

22 Q. Is it kind of difficult to open?

23 A. Yeah.

24 There we go.

25 Q. How long is that blade?

IONA OOTEN, CROSS-EXAMINATION

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1 A. An inch, maybe.

2 Q. In fact, what is that? That looks like a nail
3 file?

4 A. Yeah.

5 Q. Is there a blade on the other side? Is there a
6 few little blades on there?

7 A. Yeah, there's several.

8 Q. Okay.

9 And they're not much more than an inch, inch and
10 a half long?

11 A. No, sir.

12 Q. Okay.

13 Now, those clothes -- You can close it back up
14 now.

15 The clothes that you got out of that bathroom,
16 they were pretty bloody, weren't they?

17 A. They were.

18 Q. In fact, they were so bloody you had to have them
19 dry for several days?

20 A. Correct.

21 Q. And you, actually, were the one in charge of
22 collecting everything there in the -- in the apartment,
23 weren't you?

24 A. I was. Well, Sergeant Shaw had instructed what,
25 what he found to be equivalent and we discussed back and

IONA OOTEN, REDIRECT EXAMINATION

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1 forth different ideas but, yes, I laid down the placards and
2 I placed the items in the bags.

3 Q. And isn't it true, after the collection of
4 evidence you all don't, really, have any more say in a case
5 unless you're directed by the investigation officer?

6 A. Correct. Once we package the items and place it
7 and property in evidence we're, technically, through with
8 it.

9 Q. And is it fair to say that it's your role, pretty
10 much, collect everything that possibly might have something
11 to do with this crime?

12 A. Yes, yes. We go out and evaluate anything that
13 would have evidentiary value to it and then we collect it to
14 preserve it for any future reasons, causes.

15 Q. Because, usually, by the time you're involved in
16 a case there, often case hasn't been solved yet, isn't that
17 usually the case?

18 A. Oh, correct, yes.

19 Q. Warrants haven't been filed?

20 A. Right.

21 Q. You don't know what possible issues may, may come
22 up down the road?

23 A. Exactly.

24 Q. So you err on the side of being careful and
25 just --

1 A. Exactly.

2 Q. Now, is it fair to say that just about everything
3 you collected had blood on it?

4 A. Yes.

5 Q. There was a lot of blood in that apartment?

6 A. There was a lot of blood, yes.

7 Q. In fact, is there anything that you an even think
8 of that didn't have a lot of blood on it, that you
9 collected?

10 A. Not right off the top of my head, no. I pretty
11 much had to place everything that was collected from the
12 scene in the drying trailer.

13 Q. Do they do -- Are they considered biohazards?

14 A. Yes.

15 Q. That means you have to take a lot of special
16 care?

17 A. Correct.

18 Q. Okay.

19 MR. MOYER: Thank you.

20 THE COURT: Any redirect?

21 MR. JOHNSON: Brief redirect.

22 REDIRECT EXAMINATION BY MR. JOHNSON:

23 Q. You take special care of those items in case
24 someone may touch them, right?

25 A. Correct.

JAMES D. CHAPMAN, DIRECT EXAMINATION

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1 MR. JOHNSON: I have nothing further,
2 Your Honor.

3 THE COURT: Thank you, ma'am. You
4 may step down

5 MR. JOHNSON: Your Honor, permission
6 to approach, please?

7 THE COURT: Yes.

8 (WHEREUPON a bench conference was
9 held off the record and out of the hearing of the jury.)

10 THE COURT: Mr. Johnson.

11 MR. JOHNSON: The defense calls Mr.
12 James Chapman.

13 JAMES CHAPMAN;
14 first being duly sworn,
15 testified as follows:

16 DIRECT EXAMINATION BY MR. JOHNSON:

17 Q. James, James, do they call you James? What do
18 they call you?

19 A. Jimmy.

20 Q. Call you Jimmy. Okay.

21 Who calls you that?

22 A. My friends and family.

23 Q. Okay.

24 How old are you, James?

25 A. Forty-two.

JAMES D. CHAPMAN, DIRECT EXAMINATION

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1 Q. Now, where did you live at the time of this
2 incident?

3 A. [REDACTED].

4 Q. Where do you live now?

5 A. Greenville Detention Center.

6 Q. Now, where did you grow up?

7 A. Greenville, in Easley?

8 Q. In Easley? Did you go to school in Easley, too?

9 A. Yes, sir.

10 Q. What middle school, high school did you go to?

11 A. It's called Gettys Middle School now. It was
12 junior high, Easley Junior High when I went there.

13 Q. Where'd you go to high school?

14 A. I went a little bit in Easley but I, really, I, I
15 tell people I graduated from Easley but I really got a GED.
16 It just sounds better, you know?

17 A. Understood.

18 Do you did get a GED?

19 A. Yes, sir.

20 Q. Now, did you go to any other school?

21 A. Oh, yes. I went to Parker for a little while.
22 Wade Hampton.

23 You want, like, elementary and middle schools?

24 Q. No, sir. I'm asking you about any further
25 education --

JAMES D. CHAPMAN, DIRECT EXAMINATION

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1 A. Oh, no, sir.

2 Q. Well, Jimmy, what did you do for a living?

3 A. Cabinet maker.

4 Q. Now, did you do anything before that?

5 A. I tried a little dabble in some painting one
6 time. It didn't work out.

7 Q. Why didn't the painting work out?

8 A. We done all high work and it was just two scarey
9 to do.

10 Q. What do you mean by high work and being scarey?

11 A. We used to paint little bit, like, radio towers
12 and stuff, 350 foot up in the air, and a lot of high work,
13 like, they call it structural steel piles. We just have to
14 walk the I-beams and paint them. Just wasn't for me. For a
15 long term career.

16 Q. So how long did you okay that, do you think?

17 A. I probably done that off and on for two or three
18 years. My oldest brother.

19 Q. Now you said that now you're a cabinet, cabinet
20 maker, right?

21 A. Yes, sir.

22 Q. How long have you been making cabinets?

23 A. Probably little over 20 years.

24 Q. How'd you learn how to do that?

25 A. Well, I went through temporary service and got on

1 with Southeastern Products and they do a lot of Food Lion
2 and Michelin displays and I was just a natural at it.

3 Q. Now, were you a cabinet maker at the time of this
4 incident?

5 A. I was unemployed.

6 Q. You were unemployed? Were you looking for work?

7 A. Yes, sir.

8 Q. Jimmy, I, I just want The Court to know something
9 about you. Do you have any hobbies?

10 A. Just little bit of dabbling in woodwork, you
11 know, like, you know, if I got a place I'm living at I like
12 to have some saws laying around and just build everybody, my
13 family something nice. Everybody's, basically, got
14 something I built them.

15 Q. Did you -- Do you like any sports?

16 A. Golf. Me and my little brother got in some golf.
17 We play golf and fish a lot.

18 Q. Play golf?

19 A. Yes, sir.

20 Q. Are you any good at golf?

21 A. Last I recorded I played 20 games and kept the
22 same golf balls so that's pretty decent.

23 Q. You have any pets? Do you have any pets at this
24 time?

25 A. I had a dog. I don't have Agra no more. She got

JAMES D. CHAPMAN, DIRECT EXAMINATION

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1 ran over.

2 Q. Ran over since you've been incarcerated?

3 A. Yes, sir.

4 Q. But you had a dog at the time?

5 A. Yes, sir.

6 Q. You look to watch anything on TV?

7 A. Well, basically, just DI wives, home improvement
8 shows, movies. I just dabble in a little movies. I like
9 history channel, basically, learning channel. That's about
10 all I watch.

11 Q. Okay.

12 Jimmy, I'd like to go in to the day of the
13 incident. Do you remember it? Do you recall it?

14 A. Yes, sir.

15 Q. Do you remember as far as if I was to ask you
16 when you got up in the morning what did you do? Do you
17 remember?

18 A. First thing I do is smoke a cigarette, make
19 coffee.

20 Q. Did you do that this day?

21 A. Yes, sir.

22 Q. What did you do after that on this day?

23 A. I took the dog out, across the street, walked her
24 then brought her right back.

25 Q. Brought her back? So you brought her back home?

1 Now, was, was your mom there?

2 A. Yeah.

3 She usually got out of bed about 10:00, 10:30.

4 Q. What time did you get up this morning? That
5 morning.

6 A. Oh, I was about 9, 9:15.

7 Q. Nine o'clock?

8 A. Yes, sir.

9 Q. Now, so you come back from the dog. What'd you
10 do after that, when you --

11 A. Just like we done every day. We set there and
12 watch our programs until her soap operas came on. Then I
13 would take the dog for a long walk.

14 Q. What program do y'all watch together? Did y'all
15 watch together?

16 A. Oh, Lord, Price is Right then the news. Then at
17 12:30 is when Young and Restless or something comes on. So
18 that's my cue to take the dog for a long walk.

19 Q. Did you do that this day?

20 A. Yes, sir.

21 Q. Where'd you and the dog go?

22 A. Well, we usually start out going down Main Street
23 to River Falls Park. We hit the rabbit trail and go all the
24 way to the dog park at Cleve Park.

25 Q. How long --

JAMES D. CHAPMAN, DIRECT EXAMINATION

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1 A. That's a good hour and a half journey one way.
2 We hang out at the dog park.

3 Q. All right.
4 Let me ask you questions, Jimmy, okay?
5 What'd you do -- Well, how long did you walk the
6 dog for?

7 A. Approximately from -- Approximately from about
8 12:30 to 4:30.

9 Q. Four thirty?
10 So what did you do when you finished walking the
11 dog?

12 A. I went back to the apartment.

13 Q. Now, when you went to the apartment, was, was
14 your mom there at the apartment?

15 A. Yes, she was.

16 No, she wasn't there at that time. When I walked
17 in the door she wasn't home.

18 Q. So what did you do when you got home?

19 A. I went in there, kicked my shoes off for a
20 minute, made me something to drink and made a sandwich and
21 fed me dog.

22 Q. You say a drink. What type of drink you talking
23 about?

24 A. Tea.

25 Q. At some point did she come home?

1 A. Yeah. About 20 minutes later she came, she came
2 home.

3 Q. Okay.

4 A. She was in the building or the door would've been
5 locked.

6 Q. When she came home what'd y'all do or did you do
7 anything, go anywhere?

8 A. Well, when she came home I was setting there
9 watching TV and she come in and she seen that the dog ate
10 her cat food she just started getting ill and, let me see.

11 And she said something, did you call those people
12 about that job. I just had put an application in two or
13 three days before then.

14 I said, no, it's Friday, just leave them alone.
15 And she said something. She mumbled something, started
16 splashing stuff around in the sink and I figured somebody's
17 done made her mad.

18 I figured she'd done went to a floor because she
19 was a floor manager and past couple days one of the
20 neighbor's son been hanging around the building, you know,
21 and he's unwanted. He's got a trespassing warrant on him,
22 what not.

23 And I figured she was just mad so I said, okay,
24 this is my cue. The dogs stomach was full, I got to take
25 her back across the street and that's where I went.

JAMES D. CHAPMAN, DIRECT EXAMINATION

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1 Q. So you went across the street --

2 A. Well, I didn't make it across the street. I
3 stopped and talked to the certain individuals that live in
4 the building because when you walk, you just have to go
5 there.

6 When you walk in and out with a dog, it's a
7 retirement home, basically, and there's a lot of old people
8 around and, you know, they want to pet and gawk at the dog
9 and talk to me.

10 So it took me about good 30 minutes to get across
11 the street.

12 Q. So but you did get across the street?

13 A. Yes, sir.

14 Q. How long were you across the street?

15 A. Until my journey home. I went on up towards Main
16 Street.

17 Q. So you went on up towards -- Where'd you go?

18 A. Well, I started out just walked my dog and I
19 wound up at Sharkey's Pub at 6:30.

20 Q. So you got there at 6:30?

21 A. Yes, ma'am.

22 My receipt says -- That's when they started my
23 tab, at 6:30.

24 Q. Hold on, James. Let me get the receipt.

25 All right, James.

1 I'm showing you what's part of Defense Exhibit
2 Number 2. You recognize that receipt?

3 A. Oh, yes, sir.

4 Q. Is that your receipt?

5 A. Yes, sir, it is.

6 Q. Now, when you were going into -- The time you got
7 there, what time did you get there?

8 A. Six thirty.

9 Q. And do you know how long you stayed?

10 A. I stayed till almost 9:00.

11 Q. Now, what's, what's the significance of 9:00?

12 A. Well, it was getting dark.

13 The real significance is I got to get back before
14 the guard shows up at Mother's apartment but the real -- and
15 it's kind of -- But, you know --

16 Q. Okay.

17 A. It was getting dark and a bunch of the hobos come
18 out bumming cigarette. The walk up and down Main Street and
19 they, you know, they just -- They're persistent, you know,
20 so it's time to go.

21 Q. Now, can you pick up that receipt for me?

22 A. Yes, sir.

23 Q. What does it say you had on that day?

24 A. Three Budweisers and five tequilas.

25 Q. Did you have that or --

JAMES D. CHAPMAN, DIRECT EXAMINATION

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1 A. Yes, sir.

2 Q. -- did you buy it for someone else or that was
3 yours, that's what you had

4 A. Yeah, that was mine.

5 They was double shots. They was in the big
6 glass.

7 Q. Double shots of what?

8 A. Tequila. Instead of just individual shots it was
9 double shot. They bring them out in the big glass, you
10 know. They're about that full.

11 Q. Now, so you drink all that, I mean were you
12 drunk?

13 A. Yeah. When I stood up going home, oh, yeah, it
14 hit me like a ton of bricks.

15 Q. So it didn't hit you till stood up?

16 A. Yes, sir.

17 Q. Now, I know you've been in here and you've been
18 in here and you heard testimony. You heard testimony about
19 how you didn't pay the bill.

20 A. No, sir.

21 Q. Can, can you explain why you didn't pay the bill?

22 A. Well, I was unemployed at the time and me and a
23 buddy of mine, we joked about him paying for it but I wasn't
24 gone let him do that or I wouldn't've wadded it up and stuck
25 it in my pocket. And it was, basically, just dine and dash.

JAMES D. CHAPMAN, DIRECT EXAMINATION

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1 Q. Okay.

2 A. I'm guilty of that.

3 Q. And you stated that you wanted to get back before
4 nine. Now, what did that --

5 A. Yes, sir.

6 Q. I'd like to go back in to that. What happens if
7 you get there after nine?

8 A. Well, the guard shows up at 9:00.

9 There's a guard that watches the front door and,
10 you know, there's a camera. You can't come -- can't enter
11 or leave the building without being on camera so they always
12 got a time frame for anything --

13 Q. Now, why you worried about the guard if you lived
14 there?

15 A. Because after 14 days I'm not allowed to be there
16 or, what do you call it? Eviction on whatever the little
17 piece -- the rental agreement. It's a violation on the
18 rental agreement.

19 Q. So you were trying to avoid being seen?

20 A. Yes, sir.

21 Q. Now, so you get back to your apartment. What did
22 you do when you got back? Did you go -- Well, you get back
23 to the building. What'd you do when you got back to the
24 building?

25 A. To the building?

JAMES D. CHAPMAN, DIRECT EXAMINATION

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1 Q. Yeah.

2 A. I went straight to the elevator, waved at the
3 guard. He was there. I was running late.

4 And I waited on the elevator and went in the
5 elevator and went up to the fifteenth floor.

6 Q. You went to the fifteenth floor. Did you go
7 straight to your apartment?

8 A. Yes, sir.

9 Q. What'd you do when you got there?

10 A. Knocked on the door. It was locked. I knocked
11 on the door and she, Mother opened the door up and I let my
12 dog in. She run around in the house playing with Mother's
13 cat for a minute.

14 And I went in the living room, set down, smoked a
15 -- fixing to smoke a cigarette. Mother said, you know,
16 Gracie, her cat, been waiting on us all day, you know,
17 looking out the window, is what she done.

18 Q. What was her mood at that time when she said
19 that?

20 A. It was -- It was okay. It was okay.

21 I was fixing to head to the kitchen and eat some
22 of her homemade hotdog chili.

23 Q. Oh, so she'd already made the chili?

24 A. Yes.

25 Q. So we're at the point where she said about the

1 cat. Now, did y'all have any further interaction after
2 that?

3 A. I said -- Well, she just asked me if I was gone
4 eat and I turned around and said yes and she smelt the
5 alcohol on me.

6 Q. How'd you'll she smelled the alcohol?

7 A. Oh, her -- I could tell. Her eyes glassed over.
8 I mean she's instantly mad, real mad.

9 Q. Well, let me digress a little bit. Do you have a
10 drinking problem?

11 A. I don't drink every day. I can go months without
12 drinking but when I do I don't know when to quit.

13 Basically, I inherited my father's gene of
14 alcoholism.

15 Q. Now, does your mother know about that? Does she
16 know about your --

17 A. Yes, sir.

18 Q. She like it when you drank?

19 A. No. She hated it.

20 Q. So she, she recognized when you were drinking and
21 what happened after that?

22 A. She said you -- I told her -- What'd she say?

23 She said, are you drunk? And I said, no. She,
24 she called me a liar and she said, I'll kill -- I told you
25 I'd kill you the next time you come in here drunk. And I

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1 just shrugged it off because I've heard her say it a million
2 times. That was one of her favorite statements, I'll look
3 you for this or that.

4 . . . You want me to go on?

5 Q. Sure, James.

6 A. Okay.

7 And I just started messing with the dog, knocking
8 the cat off the couch and fixing to take her collar off,
9 like I do every time, every -- You know, when she's in the
10 house she don't need to wear it because it shaves her.

11 And the lights went out for a second. She done
12 hit me with a pot or something. In the head.

13 Q. So you say -- So you're sitting here; you're
14 playing the dog. You turned your head.

15 Now, did you -- Did you say anything back to your
16 mother after she told you she'd kill you?

17 A. Well, under my breath I said, kiss my ass, real
18 low but loud enough for her to say it.

19 Q. Her to say it?

20 A. For her to hear it.

21 Q. Okay.

22 A. I didn't holler. I just, you know, I was messing
23 with the door. Kiss my ass, you know, mumbling, and she
24 heard it. I said it loud enough for her to hear it.

25 Q. Then you say your lights went out.

1 A. Yes, sir. She hit me with something.

2 Q. Okay.

3 And what did you do?

4 A. I stood up and she hit me again and I was just --
5 had blood in my eyes and I couldn't see her. Next thing I
6 know I'm pushing, pushing and swinging at her; she's hitting
7 me again. Next thing I know, we flipped over a chair and
8 rage just took over at that minute and next thing we're
9 fighting like dogs and cats and it was -- It was -- It
10 didn't last 10 minutes.

11 It was, like, just instantly and I got up and I
12 stumbled around the house. Oh, shit, you know, I killed
13 Mother.

14 I remember when I got up I put my hand on her
15 back and that's where the hand print come from.

16 And it wasn't two, two seconds after that I was
17 fumbling for my brother Kelly's phone number. I called it a
18 million times but I just -- I couldn't think properly.

19 And I went fumbling around for the caller ID or
20 something and I found the phone number and I called. And
21 then told him immediately I'd looked Ma. And he said, well,
22 don't worry. You know, he said, well, I'll be there in a
23 minute, just clean up a little bit, and I hung up the phone.

24 That's when I went and dashed -- put water in my
25 face, was getting anything and I was -- I was bleeding like

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1 -- I was bleeding. I ain't never bleed that much before.

2 But I went to the kitchen. I was dripping blood
3 everywhere.

4 I had blood on my hands. I was trying to get it
5 out of eyes and I was slinging it everywhere. I said --

6 Q. Why'd you call your brother?

7 A. He's the only one I knew could call.

8 Q. What do you mean you could call? Why? What's
9 the significance who you knew you could call?

10 A. Well, it was pretty close.

11 Q. And in between the time -- Well, at some point
12 the police came right?

13 A. Yeah. Yes, sir.

14 Q. At some point the police came. What were you
15 doing in between that time?

16 A. Smoking a cigarette, looking at the cat, looking
17 at the dog.

18 And I went over there and I turned her head over.
19 She wouldn't look at me. That was it. It wasn't just five
20 minutes and tu, tu, tu.

21 Q. Do you remember -- Do you remember anything about
22 what you said to the officer?

23 A. Oh, yeah. I got real stupid. I just wanted --
24 At the time I was suicidal. If I had the balls I'd've
25 jumped out the window, fifteen stories up, but I just got

1 real, belligerent with them.

2 I had started saying stupid things, just hoping
3 they would drop their gun and blow my brains out.

4 Q. So how were you feeling at that time?

5 A. Mentally broke, spiritually just broke, broke.

6 Q. Now, at this time did your head hurt at all?

7 Would you consider yourself intoxicated?

8 A. Oh, yeah, I was real.

9 But at the time, my head was not hurting at that
10 moment. It was, more or less, in here.

11 I was -- I don't know. If I'd laid there and
12 bleed to death I'd been just as happy, you know. I wasn't
13 hollering for help and stuff.

14 Who cares about that? My mother's laying there
15 dead, you know. Why, why would I want to get help? Let me
16 lay there and die in the floor, you know.

17 There's certain things that goes through your
18 mind and your soul when something like that happens.

19 Q. James, you were in the courtroom when you heard
20 those officers say those things that they, they said you
21 said.

22 A. Yeah.

23 Q. Did you hear those things?

24 A. I might have.

25 I was just being real belligerent, hoping they

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1 would just kill me right there.

2 Q. Now, James, do you remember being carried back to
3 the law enforcement center?

4 A. I remember, I think we went down the storage
5 shaft or the special elevator. I'm not for sure.

6 We walked around back of the -- of the apartment.
7 I got in the back of the car. And we rode to the detention
8 center.

9 And it was kind of weirding me out when I seen
10 because we didn't go to the -- you know, where you usually
11 go when you get arrested. We went to the old part, I guess
12 the detectives' area. Yes.

13 Q. So you went to the detective area?

14 A. Yes, sir.

15 Q. Do you remember the interview that took place
16 with Detective Lindler and Sergeant --

17 A. Not all of it. I was in and out of it.

18 I was wanting to -- I was -- I was on a verge of
19 nervous breakdown, just emotional tapped out. I was just
20 wanting to lay down. Just hurry up and I -- The faster --
21 One of them mentioned the faster we go through this the
22 faster you can go lay down but I wanted to lay down.

23 I was thirsty. I couldn't hardly even talk, I
24 was so thirsty, just huffing and puffing and all because
25 tequila, it dries you out.

1 It's just weird.

2 Q. James, how do you feel about what happened now?

3 A. Sick. Something broke, you know. Won't ever be
4 the same.

5 MR. JOHNSON: Nothing further. Answer
6 any questions Mr. Moyer.

7 CROSS-EXAMINATION BY MR. MOYER:

8 Q. All right.

9 Now, Mr. Chapman, so you're telling us now
10 despite what you told to what? Eight, ten, twelve different
11 officers, that your mother hit you first?

12 A. Yes, sir.

13 Q. That's what you're saying right now? Mother who
14 is 65 years old?

15 A. Yes, sir.

16 Q. Your mother who had a heart ailment?

17 A. Yes, sir.

18 Q. Your mother who was taking --

19 A. She wasn't sick.

20 Q. Mother --

21 A. Feeble. She was nowhere near being sick and
22 feeble, it that's where you're getting at.

23 Q. She had a heart ailment, didn't she?

24 A. She had some stents.

25 Q. She had some stents which means she had hardening

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1 of the arteries.

2 A. I guess.

3 Q. You dispute that?

4 A. I guess.

5 Q. So your mother who had hardening of the arteries,
6 who's 65 years old, who was taking care of you, you're
7 telling us now she hit you first?

8 A. Yes.

9 Q. Despite what you told how many different officers
10 would you say?

11 A. What have I told them?

12 MR. JOHNSON: Your Honor, Your Honor,
13 objection. Permission to approach on this.

14 THE COURT: Yes, sir.

15 (WHEREUPON a bench conference was
16 held off the record and out of the hearing of the jury.)

17 Q. How many officers did you talk to? Ten, maybe 12?

18 A. I have no idea. Maybe three.

19 Q. Maybe three? You heard all the officers who
20 spoke the last couple of days.

21 A. But I just recall maybe three.

22 Q. And you, you don't dispute anything that they
23 said, do you?

24 A. I don't remember saying everything that they said
25 but I remember just trying to make it sound worse so they'd

1 shoot me.

2 Q. They'd shoot you?

3 A. Yes, sir.

4 Q. That's what they said that day?

5 A. No. That's what I was wanting them to do.

6 Q. Okay. Well, we'll get to that in just a moment.

7 Now let's talk a little bit about you. You were
8 living there in Towers East and you'd been living there for
9 what? Couple months?

10 A. Nine months over, off and on.

11 Q. And --

12 A. I got me out of there for two months.

13 MR. JOHNSON: Your Honor, let me
14 answer the question.

15 THE COURT: Let him finish his
16 answer.

17 Q. You'd been living there about two months?

18 A. Nine months off and one.

19 Q. About nine months?

20 A. Ever since August.

21 Q. Ever since August. Okay.

22 And, but over the years you'd lived with her for
23 most of your life, hadn't you?

24 A. Oh, yeah.

25 Q. Off and on? Through the whole 41 years of your

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1 life?

2 A. Off and on, yes.

3 Q. Before your mother you were living with your
4 girlfriend?

5 A. No. I was living in Alabama.

6 Q. Okay.

7 And you were living with your girlfriend before
8 that.

9 When you came back from Alabama didn't you go
10 move in with --

11 A. I moved straight in with Mother.

12 Q. Moved straight in with Mom.

13 A. She took it on herself to come all the way to
14 Alabama and pick me up.

15 Q. Picked you up.

16 A. I got a DUI in Alabama. Soon as I got out of
17 jail --

18 Q. Don't have to go in to any of that.

19 A. Well, as soon as I got out of jail her and my
20 aunt Dell shows up in the front yard wanting me to move back
21 to Greenville. So that's Mother.

22 Q. Did you?

23 A. Yeah, oh, yeah.

24 Q. She took care of you, then? And you didn't have
25 a job at this time, did you?

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- 1 A. No.
- 2 Q. And you hadn't had one for quite awhile?
- 3 A. No. Nine months, at least.
- 4 Q. And you didn't have any source of income?
- 5 A. No.
- 6 Q. You weren't drawing disability?
- 7 A. No.
- 8 Q. You weren't drawing any kind of other check from
9 anybody?
- 10 A. My brothers would take care of me, pretty much.
- 11 Q. Okay.
- 12 But your mother was giving you money, wasn't she?
- 13 A. No.
- 14 Q. She'd give you money for cigarettes?
- 15 A. No. My brothers would buy them.
- 16 Q. Your mother would make you dinner?
- 17 A. Oh, of course.
- 18 Q. She'd pay the bills?
- 19 A. What, what bills there were.
- 20 Q. She paying rent?
- 21 A. I mean we lived so cheaply.
- 22 Q. She paying the rent, wasn't she?
- 23 A. Yeah.
- 24 Q. She was buying the food?
- 25 A. Right.

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1 Q. She was doing all these things for you? Right?

2 A. For use.

3 It ain't like I eat four or five times a day and
4 eat her out house and home.

5 Q. Now, today this happened you told us you left out
6 that evening and you went down, walking around downtown
7 Greenville?

8 A. Yes, sir.

9 Q. And you ended up at Sharkey's?

10 A. Yes, sir.

11 Q. And that's where you started ordering these,
12 these drinks?

13 A. At 6:30, yes, sir.

14 Q. And you would agree with me that different people
15 process alcohol differently? Isn't that true?

16 A. I guess. There's people they call drunks and
17 people they call alcoholics. Drunks can drink every day for
18 hours and hours, you know. Alcoholics, they just drink and
19 get drunk.

20 Q. And you've been drinking for a long time,
21 haven't you?

22 A. No. Just off and on.

23 You act like I do it every day. I don't do it
24 every day. I go months and years without drinking but when
25 I do I don't know when to stop.

1 Q. You started drinking when you were a teenager.

2 A. So?

3 Q. Started drinking heavily?

4 A. No. Just drinking beer. Wine coolers, what not.

5 Q. You consider yourself --

6 A. Hanging out with the fellows at the high school
7 football games, and what not.

8 Q. You consider yourself an alcoholic?

9 A. Yeah, yeah, I'm an alcoholic.

10 Q. And you sat there at Sharkey's and you ordered --
11 Well, first, let me ask you this. You mentioned that you
12 walked out without paying the tab.

13 A. Right.

14 Q. In fact, they came over and brought you the tab,
15 didn't they?

16 A. Yes.

17 Q. And you picked it up, crumbled it up and then
18 they went and got the manager.

19 A. After a few minutes, yes.

20 Q. They went and got the -- The manager came and
21 brought you another tab, isn't that true?

22 A. I'm not for sure. I just remember getting up,
23 sticking the receipt in my pocket and getting up.

24 Q. And walking away?

25 A. And walking away.

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1 Q. And you said there was another guy. Who's this
2 other guy who was there that you were hoping may pay for
3 this?

4 A. Just a regular drunk, just setting there, you
5 know, just a barfly.

6 Q. Okay.

7 And to --

8 A. We just -- We just mingled, just, well, you one
9 pay for this, what not. I knew he wasn't. That's the
10 reason I took the tab. You leave the tab when you want it
11 to get paid. Then after you pay it, whatever time they pay,
12 it's paid.

13 Q. So you knew he wasn't gonna pay that tab?

14 A. Oh, yeah.

15 Q. But he was drinking with you?

16 A. No, sir.

17 Q. So he just walked up afterwards?

18 A. He's just -- He'll just stand right there at the
19 table. He just walks around.

20 Q. Were you --

21 A. Drinking Natural Lights all day long, is what he
22 says.

23 Q. Were you sharing these tequila shots with him?

24 A. No.

25 Q. Sharing any of that beer with him?

1 A. No, sir.

2 Q. What about that group of people you came up on
3 and went and sat --

4 A. They was setting at the next table.

5 Q. And you came up and sat --

6 A. There's four -- There's four seats at each table.
7 I'm setting in one; my dogs setting in another one so there
8 ain't but four people gone set at my table.

9 Q. Okay.

10 And so you were there until you picked up your
11 tab and started walking away?

12 A. Yes, sir.

13 Q. And you didn't pay your tab because you didn't
14 have any money, right?

15 A. Right.

16 Q. And you wanted the alcohol anyway, right?

17 A. Yes, sir.

18 Q. And year telling us you went back to the house
19 and that is when what you're telling us, is your mom did
20 this to you?

21 A. Yes.

22 Q. Now --

23 A. The cameras down Main Street could pretty much
24 vouch for I sat there by myself, can't they? Ain't they
25 everywhere up there?

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1 And didn't they see me walk down the road at
2 certain time?

3 Q. Sir, I ask you the questions, okay?

4 A. Okay.

5 Q. And you answer the questions.

6 Looking at State's Exhibit Number 22, they're
7 your shorts, right?

8 A. Right.

9 Q. They're the shorts you had on when this incident
10 happened?

11 A. Yes, sir, they are.

12 Q. And those Nike tennis shoes that were -- that are
13 here in State's Exhibit Number 18, they're your tennis
14 shoes, aren't they?

15 A. Yes, sir. They're my walking shoes.

16 Q. And you're right-handed, right?

17 A. Yes, sir.

18 Q. And you use your -- So you're probably right-
19 footed, aren't you?

20 A. I've never thought of it.

21 Q. Does that explain --

22 A. Maybe.

23 Q. Items, go ahead.

24 A. Maybe. I've never thought of that way.

25 Q. Okay.

1 That explains why the majority of blood is on the
2 bottom of your right shoe?

3 A. Yes, sir.

4 Q. Because that's the shoe you used to stomp your
5 mother.

6 A. It might've been..

7 Q. Now, you're telling us now you don't remember
8 this?

9 A. I don't remember exactly every blow that was
10 took. I was pushing her away and hitting at the same time,
11 trying to wipe the blood out of my face. By the time I got
12 her under control she was dead.

13 Q: Tell us what you do remember. About killing her.

14 A. I remember hitting her, her hitting me in the
15 head and it went black just a second and I stood up. She
16 hit me again and we rolled over the chair.

17 Q. We heard that part already. I want to hear --

18 A. All right.

19 Q. I want to hear what you remember about how you
20 killed her.

21 A. I remember me trying to hold her down and they
22 might've -- I might've swapped some blows with her, yes.
23 I'm not trying to lie about that. But it just don't seem
24 like twenty something blows, you know.

25 We wrestled. She might've hit her head on the --

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1 on the table and the little shelf I built her, behind her.

2 It was solid oak. It was hard as a rock, you know.

3 Q. And you --

4 A. And I remember getting up off of her. I was
5 holding her down. I remember when I got off of her body,
6 getting up, when she went still, I had my hand on her, back
7 of her neck and my hand on her back.

8 That's my hand print that's on her back, that you
9 seen yesterday.

10 Q. And you had her hand -- you had your hands around
11 her throat.

12 A. Maybe. I was trying to subdue her.

13 Q. Trying to subdue her?

14 A. Hold, hold her still, quit -- so she'd quit
15 hitting me with that damn pot.

16 Q. Well, that's what it takes?

17 A. Yes, sir.

18 Q. For a 65-year-old woman?

19 A. Yes, sir. Yeah. She's spry. She's real spry.

20 Q. To kill her? That's the only way --

21 A. I didn't mean to kill her.

22 Q. What?

23 A. I just got up; she was dead.

24 Q. You just got up and she just happened to be dead
25 at that point?

1 A. Yes, sir.

2 Q. Now, you, you told the officers that night that
3 she was -- the reason you had injuries to yourself because
4 she was fighting back.

5 A. Yeah.

6 Q. Fighting back.

7 A. Back, yes.

8 Q. Right.

9 A. She's --

10 Q. So you started it?

11 A. No.

12 Q. You'll admit to me that she fought back as you
13 were trying to strangle her?

14 A. Well, you kind of put words my mouth just then.
15 She wasn't fighting back. She was fighting me.

16 Q. She was fighting you?

17 A. Yeah.

18 Q. She was the aggressor?

19 A. There's a difference between. That's what you --
20 See, you just tried to get me.

21 No, she wasn't fighting back. She was -- We was
22 fighting. I was trying to hold her off but I was hitting
23 her. I'm not -- I ain't never said I didn't.

24 Q. So it was mutual combat, is that what you're
25 trying to say now?

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1 A. Right. Right.

2 Q. Okay.

3 And you'll admit when you had your hands around
4 her throat you weren't able to hold her arms down, right?

5 A. Oh, I don't even remember having her -- I had it
6 around her back of her neck.

7 Q. Well, you heard the medical examiner talk about
8 how she had -- she was strangled on the front of her neck,
9 how the hyoid bone was broken.

10 A. Right.

11 At the heat of the moment you never know what
12 happens.

13 Q. So when you had both of your hands around her
14 neck you weren't able to --

15 A. Oh, hold up, hold up.

16 Q. -- you weren't able to hold your arm -- her arms
17 down, were you? At that moment.

18 A. Who knows? I don't know every little detail.

19 Q. Is that when she was fighting back? Is that when
20 she was scratching at you?

21 A. No.

22 Q. Is that when she caused that scratch under
23 your -- under your eye?

24 A. Scratch? That could've been any time, from
25 standing up in front of her to flat rolling on the floor

1 with her.

2 Q. Is that when she picked up something that was
3 around her and hit you on the head?

4 A. She had something in her hand when I turned
5 around.

6 By the time I turned around and she hit me that
7 second time, I was totally blind.

8 Q. You were blind.

9 A. I had blood all in my eyes. Yes.

10 Q. What did you hit her --

11 A. I mean look at my wounds. I mean, come on.

12 Q. Let's talk about her wounds for a minute. What
13 did you use to cause those deep gashes to the back of her
14 head?

15 A. Probably my hand.

16 I think she hit her head on the back -- on
17 that -- on that table behind her.

18 Q. Well, do you --

19 A. Now, that's a solid oak thing, unfinished, and
20 oak is so sharp on the edges. Come on, I've been working
21 with wood all my life. And you look at it.

22 I know she hit her head on that, on that
23 bookshelf. I know she did.

24 Q. Okay.

25 Did she hit her head four times on that

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1 bookshelf?

2 A. She might have. During the struggle.

3 Q. And how did that happen?

4 A. Who knows? We was struggling.

5 Q. You heard Dr Ward testify about how these three
6 cuts on the back of her head were caused by some kind of
7 instrument. Do you dispute that?

8 A. Yeah, I dispute that.

9 Q. You dispute that?

10 A. Yeah. I, I think --

11 Q. You dispute what medical --

12 A. I think it was the oak on edge of that table.
13 I'm pretty sure. I, I been working with wood all my life
14 and you can run your hand across it and it'll cut the hell
15 out of you.

16 Q. And so she hit her head, let's say -- talk about
17 the first time she hit her head on that, on that shelf.
18 That's a pretty hard cut, isn't it?

19 A. Yeah, oh, yeah.

20 Q. And if the cut on your head my you dizzy what do
21 you think that cut on her head made her feel like?

22 A. I don't know. I couldn't answer that.

23 Q. Probably worse than it made you feel, don't you
24 think?

25 A. I couldn't answer that.

1 Q. So don't you think if your cut made you fall to
2 the floor don't you think that cut to her head made her fall
3 to the floor?

4 MR. JOHNSON: Your Honor, asked and
5 answered.

6 THE COURT: Overruled.

7 A. I couldn't answer that.

8 Q. Did you get her back up and hit her again with
9 that shelf?

10 A. No.

11 Q. To make the second cut?

12 A. By then it was -- she was laying still.

13 Q. Did you then get her back up and, and hit her
14 again so she had the third cut to the back of her --

15 A. No. No, sir.

16 Q. So she was on the floor and you were kicking her
17 while she was on the floor?

18 A. All this happened right there. We was standing
19 up fighting.

20 She didn't just automatically go on the floor.
21 She was swinging that pot like a gladiator would.

22 Q. How long did it take for her die once you
23 started --

24 A. I don't know. When I got off of her she was
25 still. I, I held her for a long time, told her to quit,

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1 quit, lay down, it's over with. That's when I wiped the
2 blood out my eyes, flung it on the walls. Boom, and she was
3 gone.

4 And I got up immediately and the first thing that
5 come my mind was call my brother.

6 Q. Did she die from you stomping on her head or did
7 she die --

8 A. I don't know.

9 Q. -- from you strangling her?

10 A. I couldn't answer that.

11 Q. Well, what was the last thing you remember?

12 A. Getting up off of her.

13 Q. So that would probably be because you were
14 strangling her?

15 A. Right. We was both rolling in the floor pretty
16 good.

17 Q. So you, you stomped on her head hard enough to
18 cause those injuries that we saw and then you got up --

19 A. I don't think --

20 Q. Let me finish the question.

21 A. -- there was no stomping involved.

22 Q. Let me finish the question.

23 And then you got down on the floor and strangled
24 her until she died?

25 A. No.

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1 Q. Was she dead when you called your brother?

2 A. Yes.

3 Q. How do you know?

4 A. Because she wasn't moving. I could tell by
5 looking in her eyes she wasn't -- she wasn't alive anymore.

6 Q. How do you know she wasn't alive?

7 A. I could tell it. I knew it. I knew it.

8 Q. You knew it. You thought it. And --

9 A. I knew it. There's something that breaks inside
10 of a son. You'll, you'll know it when your mother dies. If
11 you're right there in the same situation you'll know it.

12 Believe me.

13 Q. Okay.

14 Well, that, that noise that your brother heard
15 when the phone first rang and he picked up the phone --

16 A. That's me gagging.

17 Q. That was you gagging or was that your mother?

18 A. That was me gagging.

19 And I dropped the phone and, matter of fact, one
20 of the phones went up under the chair there and I couldn't
21 find it.

22 Q. Did you -- Did you call your brother because you
23 wanted him to know that you killed your mother?

24 A. Yes, of course.

25 Q. Because you told the officers that you were gonna

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1 be the man of the house now, right?

2 A. That was just blabber.

3 Q. The man of the family?

4 A. That was just blabber. I don't even remember
5 saying that.

6 Lot of that I don't remember saying but some of
7 it I do, just because I just wanting them to put me out of
8 my misery right then.

9 Q. When you called your brother you dialed the
10 phone. Right?

11 A. Yes, sir.

12 Q. Did you hold the phone up to your mother while
13 she was dying?

14 A. No.

15 Q. Is that what that noise was?

16 A. No, sir.

17 Q. You didn't call the police?

18 A. I done got up. It was probably two to three
19 minutes span between the time that she died and I called my
20 brother.

21 I couldn't even remember his number so I was
22 fumbling around for, for his phonebook. Her phonebook.

23 Q. Okay.

24 A. And the caller ID.

25 Q. You didn't call the police to let them know

1 that --

2 A. No. I figured my brother, he'd take care of
3 that, for sure.

4 Q. Let me finish my questions, okay?
5 You didn't call EMS, did you?

6 A. No.

7 Q. You didn't call 9-1-1 and say there's somebody
8 dying her, oh, my goodness --

9 A. She was dead.

10 Q. -- oh, my goodness, I can't believe what I just
11 did?

12 A. She was dead.

13 Q. You didn't call anyone to help. You didn't go
14 across the hallway and try to get somebody to --

15 A. No. That's just not a place you run to people's
16 doors, around there.

17 Q. But you didn't even try, did you?

18 A. You don't know if they're smoking crack the next
19 door over, you know. It's not a place you go banging on
20 their doors.

21 Q. You don't try, did you?

22 A. No.

23 I knew she was dead. I could tell.

24 Q. And you waited around till the police got there
25 and then you tried -- You're telling us now that the reason

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1 you made all these comments to the police is that you wanted
2 them to shoot you?

3 A. Right.

4 Q. And what were you doing that you thought would
5 make a police officer shoot you?

6 A. Well, first of all, I was kicking at one of them
7 setting there in the hallway.

8 Q. You kicked at one of them?

9 A. Yes.

10 Q. Did you hit him?

11 A. No.

12 I mean the EMT man said, you know. He would
13 vouch for that.

14 Q. Right.

15 A. I was wanting them to shoot me.

16 Q. So you were sitting on the floor --

17 A. Or just beat the hell out of me, one, which ever
18 come first, you know.

19 You're not in your right frame of mind. After
20 something like that happens you'll never be right again,
21 never. Believe me.

22 Q. All right.

23 So you --

24 A. Whatever you say, you'll never be right after you
25 take your mother's life like that. You'll never be right.

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1 Q. So you were sitting there on the floor and you,
2 you made a half-hearted kick at an officer when he went by
3 that the officer didn't see, is that correct?

4 A. It was more than a half-hearted.

5 Q. Well, you didn't hit him.

6 A. I mean where does that word come from, half-
7 hearted?

8 Q. All right.

9 Well, you didn't hit the officer, did you?

10 A. No.

11 Q. And, other than that, the only thing you talked
12 about was what you had done to your mother.

13 A. Right.

14 Q. What else did you do that you thought would make
15 an officer shoot you?

16 A. Just being belligerently, just talking crazy,
17 making more of the situation that it was.

18 Q. And that makes a police officer shoot you?

19 A. It would in the movies.

20 Q. Now, when you knocked on the door, or when the
21 officers knocked on the door you kind of figured who it was
22 there, wasn't it?

23 A. Oh, I just turned around immediately. I knew who
24 it was. There's no -- The police station, just right across
25 the street.

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1 Q. Right.

2 So you know the police officers were there?

3 A. Yes, sir. You could tell by police's knocks is
4 loud and continuously.

5 Q. Okay.

6 And you just came to the door and told them what
7 you had done, right?

8 A. Yes.

9 Q. Now, that would've been a pretty good time to,
10 maybe, get shot by an officer if you wanted to by just --

11 A. Well, I didn't have no weapons in my hand.

12 Q. Let me finish my question.

13 -- by just grabbing a kitchen knife and going at
14 the officer?

15 A. Why'd I do that?

16 Q. Well, you wanted --

17 A. That just makes the situation worse.

18 Q. You're the one telling us you wanted to be shot
19 by a police officer.

20 A. Right.

21 I was just gonna verbally.

22 Right.

23 Q. Now, you don't dispute any of those things that
24 the officers testified --

25 A. I don't remember saying everything that they

1 said. Some of it was pretty outrageous.

2 I knew I wasn't in my right mind to say shit like
3 that. I was on the verge insanity.

4 Have you ever been through this?

5 Have I ever had a psychological evaluation? No.
6 So how do you know what was in my mind at that time?

7 Have you ever lived through something like that?

8 Q. I'm asking the questions, okay?

9 A. I'm just trying to let you know that I'm not all
10 there when it happened.

11 Q. You called your mom a bitch.

12 A. Right.

13 Q. Called your mom a whore.

14 A. Well.

15 Q. Did you?

16 A. Yeah. She used to be a prostitute.

17 Q. You said that you --

18 A. That might've come be the psychological
19 background, you know.

20 Q. And you said you'd been wanting to kill her for
21 the past 16, 20, 25 years.

22 A. That was just babble. That was just hoping that
23 they would stick me in electric chair right there and there,
24 put me out of my misery.

25 I was just drunk and I was so drunk, you got

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1 to -- You got to look. This -- A man don't drink that much
2 and then get his blood pumping and thinks it's straight.

3 Q. So you were kind of worked up?

4 A. Oh, I was, yeah, I was.

5 Q. And you'd drunk some alcohol.

6 A. Uh-huh.

7 Q. Now, your mom didn't drink.

8 A. No.

9 Q. She didn't do drugs.

10 A. No.

11 Q. Wouldn't surprise you to know that the toxicology
12 and the medical examiner showed she was completely clean?
13 Would that surprise you?

14 A. Oh, yeah.

15 Q. And she didn't want you drinking in the house,
16 did she?

17 A. Right. Right.

18 Q. But --

19 A. It's just my father used to beat her.

20 Q. But you did it.

21 A. And she didn't look me drinking. That's the only
22 reason. And DUIs.

23 Q. But on April 23 of 2010 you did drink.

24 A. Yes, sir.

25 Q. And you were stating with your mom and you didn't

1 have a job and isn't it true you got home that day and you
2 came in and she smelled the alcohol on your breath and she
3 smarted off at you? Right?

4 A. Yes.

5 Q. She said something.

6 A. She said I told you I'd look you if you ever come
7 back up here drunk.

8 Q. She was mad at you for drinking?

9 A. Of that source.

10 Yes, sir.

11 Q. She was mad at you for drinking?

12 A. Yes.

13 Q. And she was fussing at you for not having a job,
14 right?

15 A. She wasn't much -- It wasn't really, like,
16 fussing. She was just verbally loud with it.

17 Q. She'd been taking you around, hadn't she?

18 A. No. No.

19 Q. She'd taken you to job interviews.

20 A. Where was she taking me to?

21 Q. She took you to a job interview, didn't she?

22 A. No, she didn't.

23 Q. You didn't drive.

24 A. Drove myself.

25 Q. You drove?

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1 A. Yeah.

2 Q. You could drive?

3 A. Yeah.

4 Q. And so you're telling us you drove yourself?

5 A. Yes.

6 Q. Okay.

7 A. I was breaking the law but I was driving.

8 Q. But she fussed at you because you didn't call
9 that man back about a job, isn't that right?

10 A. That was that moment. Thirty minutes later
11 everything would've been all right.

12 Q. Isn't the truth of the matter is that you just
13 got tired of it and in the state you were in you were tired
14 of her fussing at you about your drinking --

15 A. No.

16 Q. -- and fussing at you about not having a job --

17 A. No, sir.

18 Q. -- and you just picked up that pot with that
19 candle holder and you hit her on the head right there in
20 that chair?

21 A. No. No.

22 I could've been anywhere. I loved my mother. I
23 was not stuck in that apartment.

24 MR. MOYER: Nothing further.

25 A. I could've went anywhere. I could've went to

1 Tennessee, lived with my brother, or Alabama. I could've
2 went back and lived with Sharon.

3 THE COURT: Any redirect?

4 MR. JOHNSON: No, sir, Your Honor.

5 THE COURT: All right.

6 Thank you, sir. You may step down.

7 A. Thanks a lot.

8 THE COURT: May call your next
9 witness, Mr. Johnson.

10 MR. JOHNSON: Your Honor, the defense
11 rests at this time.

12 THE COURT: Anything in reply from
13 the state.

14 MR. MOYER: One moment, Judge?

15 THE COURT: Yes, sir.

16 THE COURT: Heard all the evidence
17 in the case. I need to work with the attorneys briefly on
18 an instruction for you. I'll ask you, if you would, go back
19 to your jury room.

20 Again, don't discuss the case. You
21 haven't heard my instruction on the law. You haven't heard
22 the closing statements from the attorneys.

23 We'll call you back in just a few
24 moments after we get the legal matters taken of. I'll ask
25 you if you would retire to your jury room at this time.

1 Mr. Johnson, you may address the jury
2 now your closing.

3 MR. JOHNSON: Thank you, Your Honor.
4 May it please The Court.

5 All right, ladies and gentlemen, I told
6 you at beginning that the defendant killed his momma. I
7 told you that. There was no -- There was never any -- was
8 never any dispute there but what I said was that he didn't
9 have the requisite malice for him to be guilty of murder and
10 that maybe there's a lesser included, less included charge.
11 Well, that's going to be before you here when you receive
12 the case, make your decision.

13 The judge is gonna charge you murder and
14 he's gonna charge you manslaughter, voluntary manslaughter.
15 You have to decide which one it is. I guess, technically,
16 you could decide he's not guilty of both but we're not even
17 -- we're not even asking for that. That's not -- That's
18 ridiculous. That's ridiculous.

19 Now, the solicitor's presented to you
20 pictures which you'll have access to, statements on how bad
21 it was. I mean it was bad, you know. And, certainly,
22 that's a factor but how bad it wasn't doesn't mean, it's not
23 necessarily indicative of murder or manslaughter. What
24 you've got to decide is whether there was malice there or
25 was that malice negated by legal provocation and did my

1 client act in the heat of passion. Once again, legal
2 provocation and then act in the heat of passion.

3 When I say legal provocation I'm not
4 talking about something that's justified here. I'm not
5 talking self defense like somebody provoked me and I
6 reacted. This is not what I'm talking about. That's not a
7 defense. Judge is gone tell you it's not a defense. It's
8 nowhere close to a defense but what it does, it reduces the
9 charge. It reduces the charge, reduces these homicide.

10 Now, these are two types of homicide,
11 murder and manslaughter two types of homicide, two types of
12 killings. There's also involuntary manslaughter but that's
13 other before you and, of course, self defense which is not
14 before you. That's not what we're arguing. We're just
15 saying it's voluntary manslaughter and we're not just saying
16 that. It's because my client's testimony and evidence
17 supports that idea.

18 Now, take a look. The first thing I'd
19 like to take a look at is my client's testimony. He told
20 you what happened and he's the only one who put forth the
21 theory about what happened. Now, my client was there. He's
22 the only one, other than his mother who is deceased,
23 obviously, but he's the only one who's there. He's the only
24 one who can tell you. He's the only one who can give an
25 opinion as to what happened.

1 let you drive a car if you were drunk. No, they won't let
2 you drive a car. There's a reason for that. You can't make
3 good decisions. You can't make them quickly. You put
4 yourself and others at danger.

5 Now, once again, that doesn't negate
6 the requisite malice but it certainly is a factor that you
7 an consider and I suggest that you should.

8 Now, I've been talking a lot about
9 malice. I don't think I really explained it. Now, the
10 judge, what the judge says about malice is going to be the
11 authority. You have to listen to what he says. He's the --
12 He's the decision maker as far as the law is concerned and
13 you will decide the facts. You'll find that facts, through
14 that law you get your decision.

15 Now, what malice is, just to be -- speak
16 open, basically, it's meanness, okay? Just being mean.
17 It's just being mean. Okay? It's ill will. It's wanton
18 heart and the judge is gone give you all these words.
19 However, malice is negated, once again, by legal provocation
20 and acting in the heat of passions. And it's still
21 homicide. It's not a defense to murder. We are not talking
22 about a defense. It is still homicide.

23 Now, let's talk about what evidence do
24 we have of legal provocation and, once again, I'm not saying
25 legal provocation as far as it being legal, what his

1 reaction is being legal. I'm speaking in terms of the law.
2 The law speaks now these terms so I will, too.

3 But one of the things that can be a
4 legal provocation for a manslaughter charge is the battery.
5 My client testified that he was hit in the head by an
6 object. You saw the injuries. You will see pictures of
7 these injuries. There is no doubt he was injured. Now, I
8 know there is some argument as to who injured he was but I
9 don't know. I think somebody with blood running all over
10 his face with a wound on top of his head is injured. I
11 don't know. Scratches on his arms and stuff.

12 Listen, something happened more than my
13 client sneaking up behind his mother and beating her to
14 death, okay? He's hurt. My client's 42 years old. She's
15 65. He's hurt. He's injured. He's got blood on his head.
16 I mean it just is what it is. He'd injured and there's
17 proof of that. You're gonna have the pictures. You have
18 his testimony. I think that's totally believable. I think,
19 I think that's something you can take to the bank.

20 Now, did he act in the heat of passion?
21 Well, I think. Look at the crime scene pictures. Tell me
22 if that's anything but chaos. Is that anything but chaos?
23 Look at it. It's a mess. Somebody went crazy in there.
24 That somebody was James. That somebody was Jimmy. He went
25 nuts in there. If he didn't act in the heat of passion I

1 don't know who did. He lost control. He lost total control
2 of the situation.

3 Now, once again, people don't -- You
4 can't do what he did. Now, that's messed up. You don't do
5 that your momma, or anyone, for that matter. And we ain't
6 asking you to let him walk out of here. We're asking you
7 okay find him guilty of manslaughter because that's what it
8 was. We ask you to find legal provocation in the heat of
9 passion. That's what it is.

10 You know, we're not here today because
11 James all of a sudden decided he's just gonna be defiant.
12 We're not here because of that. We're here because it is
13 what it is.

14 No one plans to do these things. What
15 type of person plans an altercation like this? Nobody does.
16 I'm sorry, it just doesn't happen.

17 What's another piece of evidence we had?
18 Now, there's a reason why, and I'll take this over here.
19 You'll get a chance to take a look at this but there's a
20 reason why, why I put the knife in.

21 We talk about this knife. I know the
22 solicitor likes to talk about how small, how small it is but
23 I don't know. A blade's a blade. I bet you I could cut you
24 with that blade.

25 I know one thing. If I came to your

1 house and I had intentions on killing you I'm gone pull out
2 my knife. I might hit you in the back. I ain't gone get
3 hit, now. If you don't know what's coming I ain't gone get
4 hit.

5 This was a fight. This was a fight.
6 You can't do what he did, though. He lost control. This is
7 voluntary manslaughter. That's what it is.

8 Now, I feel the need to just keep
9 saying this over and over again and I apologize for it but I
10 think it's very important. I think it's just so very
11 important. James, we ain't asking you let James walk out of
12 here not guilty. That's not what we're asking you. We're
13 just asking you, we're asking you to find him guilty of what
14 he's guilty of.

15 The state's gone ask you rely on their
16 own passion. They, they want you to rely on your emotion
17 but you guys have a duty and you took an oath and I know
18 you're gone follow it. You're gonna base your decision on
19 the facts.

20 And, of course, I understand you'll
21 consider the fact that it look so bad, that the injuries
22 that his mother suffered was so bad but I think that' also
23 evidence of the chaos, of just how crazy it was. That place
24 was wrecked. The blood all over the place. Ladies and
25 gentlemen, that's manslaughter.

1 He also testified there was no period of
2 time where he -- You know, this wasn't something where she
3 hit him, he set there and thought about it for a second. He
4 got up. He reacted.

5 He said he didn't remember how the
6 injuries got there, he just knows he did it. Sometimes
7 things just happen so fast and that's what he said, just
8 happened so fast and then was over and he realized what he
9 had done and what he wanted to do was call his brother.

10 See, that's the person he had to answer
11 to. He had to answer to his family. That's who he had to
12 answer to. Of course, he's answering here today but, you
13 know, that's how he -- That's how he resolved it. You
14 answer to your brother and his brother said he heard the
15 emotions in the phone.

16 Now, I can't speak as to what happened
17 with police officers. Of course, he told you he was self
18 loathe, self loathe, self condemnation, said he wanted to
19 die. He wasn't gone kill himself. He said he didn't have
20 the guts to do that but he had to answer to his brother. It
21 was hard to tell his brother.

22 That's somebody who's remorse. That's
23 somebody who felt what had happened. Said he couldn't even
24 look at his mother's face when she was dead. He had to turn
25 it over. That's not somebody who wants somebody dead 16

1 years. Plus, that's ridiculous. They didn't present any
2 testimony based upon that, did they?

3 Shouldn't somebody be able to pinpoint a
4 time period? What happened 16 years ago? They didn't say
5 anything about that. You know why? Because that doesn't
6 exist. There's no evidence of that. They just throw him
7 against the wall.

8 I know one thing. If he -- If he'd went
9 out in that hallway or if he'd went in that written
10 statement, said, I didn't do it, you think they would
11 investigate it? I bet you they would.

12 Just because it's self-serving they
13 didn't look in to it. They decide that you've got to
14 believe us. That's insulting. You guys need evidence.
15 They're making a job harder. Now you have to consider
16 something that's not there. You don't know whose blood it
17 was. You don't know how things play. And they could have
18 helped you do that.

19 These forensic scientists did these
20 things in good faith. They took the time. They went up
21 there. They preserved this evidence and nobody tested
22 anything. They put it on the SLED backed up. I bet you one
23 thing. If they thought they needed it, if they had felt
24 like they needed it for a conviction I bet you they would've
25 tested it. You can guarantee. You can take it to the bank.

1 I guarantee it.

2 Now, once again, the judge is gonna
3 charge you on the law but I think this fits here. I commit
4 a heat of passion upon a legal provocation is manslaughter.
5 It indicates the malice. And, once again, the legal
6 provocation was him being hit in the head. It was a fight.

7 I know it's a hard job, what I'm asking
8 you to do but it is what it is. It is manslaughter and not
9 murder.

10 Thank you.

11 THE COURT: Solicitor, you may
12 address the jury in your closing statement.

13 MR. MOYER: Thank you, Your Honor.
14 May it please The Court.

15 All right.

16 So, ladies and gentlemen, we're down to
17 one determination and that is we're here to decide now did
18 he commit this killing with malice on not. His Honor's
19 gonna instruct you, as Mr. Johnson just said, about what
20 malice means.

21 Malice is defined as the doing of a
22 wrongful act intentionally and without just cause or excuse.

23 To find the defendant of guilty of
24 manslaughter today would be to say that there was some cause
25 or excuse for what he did and I agree to you today, ladies.

1 and gentlemen, that there was no excuse for what he did on
2 April 23 of 2010.

3 Malice does not mean a crime has to be
4 planned out. Malice does not mean that a crime -- that the
5 blows have to even be thought about ahead of time.

6 Premeditation is not an element of murder. The malice can
7 consist, can take place even at the very moment the fatal --
8 the fatal blow is given. So a crime does not have to be --
9 crime does not have to be thought about ahead of time.

10 This case is not about who committed the
11 crime. This case is not about why this defendant committed
12 the crime. We know who committed the murder. We know who
13 committed this homicide and it was the defendant.

14 Likewise, ladies and gentlemen, we don't
15 have to show why he did it. When His Honor instruct you on
16 the elements of murder motive will not be among those
17 elements. He is not gonna tell you that you have to sit
18 back in that jury room and understand why he did it.

19 Human nature, I think, for all of us
20 sitting through this trial, we would like to know why. We
21 would like to know why somebody would do something so
22 devastatingly horrible. But we don't have to know why
23 because, ladies and gentlemen, many times we don't know why
24 and that's why the law is the way it is.

25 The defendant made comments, as you've

1 heard throughout this last two days, about -- that gives us
2 some clues, maybe, in to his, his mental process. He made
3 comments, I'll be the man of the house now, I'll be the man
4 of the family. He clearly has been harboring some deep
5 seated resentment or hatred towards her.

6 We know he told officer after officer
7 she'd had it coming for years. He said years to some
8 officer. He said to one officer different periods of time,
9 16, 20 years. He had deep seated animosity towards her for
10 years.

11 We don't know why. We don't know
12 exactly what that was but it doesn't matter. He had this
13 animosity.

14 Ladies and gentlemen, I would argue to
15 you that what happened is that with this animosity that he
16 had, for whatever reason, and in the state that he was in,
17 this intoxicated state after having been drinking downtown
18 and walking away on his tab, already in a foul mood and she
19 said something to him about not having a job, about not
20 providing money, about drinking, at that moment he snapped.
21 And that snapping at that moment does not make it
22 manslaughter.

23 Words alone, His Honor will instruct
24 you, words alone are not enough to take a murder to a
25 manslaughter. Simply, no matter how outrageous or no matter

1 how shameful, disgraceful, words alone cannot be enough to
2 lower a murder to a manslaughter.

3 We know the defendant made comments
4 about having this deep seated resentment against his mother
5 for years because we heard it from many officers and to, to
6 question that, to think that all of these officers got
7 together and made this up defies logic and defies logic,
8 ladies and gentlemen, that officers would do something like
9 that. So we know he made these comments about this
10 resentment that he had.

11 So the case isn't about who committed
12 the crime or about why he committed it. The case, ladies
13 and gentlemen, is about how he committed this crime and what
14 he said about it because how he committed the crime was
15 brutal and methodical and without any justification
16 whatsoever and that is inferred malice. And what he said
17 about the crime is express malice.

18 As we talked about a little bit at the
19 outset of this case, there're two different kinds of malice.
20 There's express malice where somebody through evidence of
21 planning or, or direct language will show that animosity or
22 that hatred or that ill will and what he said shows express
23 malice

24 But we also, in this case, have inferred
25 malice. We have the sheer brutality of what he did and how

1 overboard he went in this case. The circumstances
2 surrounding this crime shows inferred malice.

3 Now, ladies and gentlemen, you have all
4 the evidence that there's going to be presented in this case
5 at this point. We've moved past the stage of the case where
6 evidence, testimony, exhibits are presented to you.

7 We sometimes have jurors ask a judge
8 for, maybe, witness statements or police reports or, or
9 something else. However, except in rare situations police
10 reports and witness statements are not admissible in to
11 evidence. So you've heard everything and you've received
12 everything that you're going to get in this case.

13 And I want to make a comment at this
14 point in time about some things that you did not receive.
15 Bring this up only because this has been a focus of what the
16 defense has argued to you and that is no scientific evidence
17 like DNA or fingerprints. And I want to talk to you for
18 just one moment about that and why that's taken place.

19 Now, on television and in movies DNA and
20 scientific evidence solves it all. Watch these shows like
21 CSI, and so on, and the case always gets wrapped up by some
22 kind of scientific evidence like that. But, ladies and
23 gentlemen, in the real world that kind of evidence helps us
24 only establish identity, okay? We know who did this.
25 That's not an issue of the case.

1 It does not interpret evidence. It does
2 not tell us the order in which this kind of activity took
3 place. It has no help whatsoever.

4 Let me illustrate that. If we had a
5 criminal sexual conduct case you could use D and E evidence
6 to establish who committed the sexual conduct but it would
7 not tell us whether there was consent involved. And so when
8 that's not an issue you don't need the evidence in that
9 case.

10 In the case we have here we know the
11 defendant killed this woman. We know there's blood all over
12 the apartment. Knowing, having some kind of DNA testimony
13 here would have not have helped us and let me explain
14 further why.

15 Not only do we know that he was bleeding
16 there in the apartment but we know he lived in the
17 apartment. And so let's say we have something, an item,
18 maybe this bookshelf or maybe something, one of these
19 picture frames or, or one of these candlesticks that are on
20 the floor. Having DNA evidence would not help us because we
21 would have no way of knowing he had not touched those items
22 ahead of time and left his DNA on it.

23 He testified himself here today that
24 after this incident he was flinging some blood in the
25 apartment. We know he was bleeding. How do we know when

1 his blood or her blood got on different pieces of evidence?
2 It would not help us at all. If we found his DNA on the pot
3 that's bloody it wouldn't tell us that that pot was used
4 against him or not. All it would tell us is that at some
5 point his blood got on it.

6 And, ladies and gentlemen, there is
7 absolutely no reason why the time and resources of the state
8 lab should have to be -- to resort to looking at evidence
9 that is not necessary because it would never end. Let's say
10 we tested swabs from three different places on the wall.
11 Well, what about other places on the wall? That would've
12 become a question.

13 What if a little -- a swab from the
14 cushion that is on the chair, well, what about another spot
15 on that cushion? How do we know his DNA wasn't there?
16 There would be on end to it at all and so the DNA does not
17 help in this situation. It would tell us nothing at all.

18 Forensic officers collect evidence
19 because, as you heard me question Officer Ooten, because at
20 the time they're collecting evidence they don't know what
21 the end result is gonna be. They don't necessarily know
22 somebody is confessing. They don't necessarily know where
23 it's gonna lead and so they err on the side of let's collect
24 it all and we'll figure out later what needs to be done.

25 Now, the focus, as I stated, ladies and

1 gentlemen, should be one how he committed this crime and
2 what the defendant said about it because that shows malice.

3 How the defendant committed this crime
4 was brutal. It was protracted. We can see that the struggle
5 went on around a large portion of the room, of the living
6 room. We see her blood on multiple walls. We know that the
7 attack was varied. We know from Dr. Ward's testimony that
8 he beat her; that he struck her with a blunt object; that he
9 strangled her with his hand. He went from different type of
10 assault to different type of assault. And we know it was
11 repetitive. It happened over and over and over. We know
12 that he struck her at least 22 different times and most
13 likely many, many more because we can't even count the
14 number of blows that, that were to his face. That were to
15 her face.

16 That, ladies and gentlemen, is inferred
17 malice. If something this heinous and this brutal is not
18 malice, then it makes one wonder what is malice.

19 Defense makes a big deal of the fact
20 that the defendant didn't use this knife in the assault. It
21 would almost be comical if we were not talking about the
22 kind of case we're talking about here today. You saw how
23 long it took Investigator Ooten to open this little knife.
24 I, I would argue to you that it's probably used more for
25 purposes of cleaning your fingernails that it would be for

1 anything else.

2 For what ever reason, he could've grab a
3 knife in the kitchen if he wanted. But he didn't. He beat
4 her to death. He chose to kill her this way. He chose to
5 kill her this personally and this brutally and methodically,
6 face to face.

7 And, ladies and gentlemen, what did he
8 do after she was lifeless? What did he do before she was
9 lifeless? When he went from struggling with her throughout
10 the room and going from wall to wall as she is clawing back
11 at him, why did he not stop at any point during that
12 altercation and stop and call the police?

13 After he got her on the ground and he
14 started stomping on her, at what point could he have stopped
15 and stopped this entire ordeal and call the police? Before
16 he went from stomping her to grabbing an instrument and
17 striking her in the head he also could've called for help.
18 Before he went from that to strangling her he could have
19 stopped and called for help but he didn't.

20 And after it was over, after he was on
21 top of her, why did he not call for help them? Why did he
22 not go for help? It shows malice. It shows that he didn't
23 care about her.

24 But this case goes beyond inferred
25 malice from the circumstances. There is express malice. He

1 told us in statement after statement to the police he didn't
2 care about her. And you will be able to read the written
3 statement that was given where he states so clearly and so
4 unequivocally why or in what way he killed her. And how
5 direct. And you can see the words that he used, bitch and
6 whore. That shows express malice.

7 Now, the defendant now wants to try to
8 explain away what he said that night. He wants you to
9 believe that what he told officer after officer and then
10 signed in a written statement is not what really happened.
11 He wants to say that because of he had been struck on the
12 head and because he was intoxicated that he didn't really
13 mean all that.

14 Ladies and gentlemen, I want you to
15 think about this for just one moment. First off, I would
16 argue to you that he was not that intoxicated. He admitted
17 to you he's an alcoholic.

18 First off, I don't know if he really
19 drank all of the alcohol that shows up on that receipt. He
20 mentioned about how he was with his other -- this other guy
21 and how he sat with a group of people and then, then there
22 was this other, I think he called him a hobo who was sitting
23 near him and I think it's reasonable to assume that he was
24 sharing some of the alcohol with that other person.

25 But, regardless, if he had drunk it all,

1 for whether ever reason, he can stand that amount of
2 alcohol.

3 There's no reason to believe that each
4 one of those officers would have had the exact same
5 assessment of his intoxication level. They said he didn't
6 slur. He didn't come across as intoxicated to them and by
7 the time officers were there he did not come across that
8 way.

9 And, also, I find interesting is how
10 clearly he's able to remember everything up until the actual
11 incident. He's able to talk about where he was on Main
12 Street and how he walked home and when he got up and who he
13 spoke to. He's able to talk about all of these details so
14 clearly until the important part, until the part that is
15 before you, ladies and gentlemen, came in to play which is
16 the actual assault.

17 As for this supposed head wound, you can
18 look at the photographs and you heard what the EMS worker
19 said. It was not that serious. Head wounds bleed very
20 severely. Head wounds bleed a lot. He'd been struck on the
21 head, sure. Not enough to affect his ability to understand
22 what was going on.

23 And here's something I want to stress to
24 you and ask you to think about and take in to -- and give
25 great weight to. The final officer who testified before Dr.

1 Ward met with this defendant the following morning after he
2 had slept the night. Sleeping the night away gives someone
3 a different perspective on things. And, ladies and
4 gentlemen, I would argue to you when the -- when the officer
5 went to him that morning he'd had the opportunity to reflect
6 on what was really going on and he had had the opportunity
7 to say at that time that's not quite what really happened,
8 let me tell you what really happened, but he didn't. And
9 when that warrant was read to him the next morning and that
10 part of the warrant was read where he said he'd been wanting
11 to kill his mother for 16 years he didn't dispute it. He
12 didn't leave it go silent. He nodded his head and said
13 right, right. This is the following morning.

14 So before you are two charges, murder
15 or manslaughter. What is manslaughter? A homicide does not
16 become manslaughter just because a person is in a rage or is
17 in an agitated state. That's not the issue. I would argue
18 to you that most murders happen when a person is angry on in
19 a rage.

20 Anyone who kills somebody in a calm,
21 detached sort of way is a psychopath. Something sets people
22 off. The issue before you is, is it -- was he set off by
23 something that is legally, that is under the law justified
24 to reduce a charge from murder to manslaughter and the
25 standard is that the conduct that occurs with somebody must

1 inflame the passions of the ordinary, reasonable person to
2 the extent it produces in his mind the highest degree of
3 exasperation, rage, anger, sudden resentment or terror
4 rendering the mind incapable of cool reflection.

5 Alcohol does not play in to it. Can't
6 use that, ladies and gentlemen. Ms. Parker making smart
7 comments or any other comments to him, that cannot be --
8 That is not legally justified to reduce a charge from
9 murder to manslaughter.

10 It must be something more and I would
11 argue to you today that that is why his story changed today
12 from what he told the officers the night this happened to
13 what he said today.

14 The night this happened he never once
15 said she hit him first. He never once said that. In fact,
16 he said over and over the opposite. He said I did it,
17 she -- my injuries are because she was fighting back and you
18 can read the statement where he says that.

19 It makes no sense that she would have
20 hit him first. It makes no sense whatsoever, ladies and
21 gentlemen. She's a 65-year-old woman, completely sober who
22 doesn't want him to drink and, if you recall his testimony
23 on the stand, he said that she didn't want him to drink
24 around the house because his father was an alcoholic and he
25 used to beat them.

1 wrongful act without just cause or excuse and, ladies and
2 gentlemen, I argue to you that to convict this defendant of
3 manslaughter instead of murder is to say that there was some
4 justification or excuse for what he did and I agree to you
5 that there is not and I ask you to find him guilty for
6 murder.

7 Thank you.

8 THE COURT: Mr. Foreman, ladies and
9 gentlemen, it's now my responsibility to instruct you on the
10 law in the case. I remind you the fact that Mr. Chapman, in
11 this case has been indicted, has been charged. That's not
12 evidence in the case, can't be considered by you as evidence
13 of guilt, doesn't create any presumption or inference of
14 guilt. The indictment is merely, as I've stated earlier,
15 the formal charging paper why which the case is brought
16 before this Court.

17 Now, he's entered a plea of not guilty
18 to the charge that the indictment alleges and that plea
19 places the burden on the State of South Carolina to prove
20 his guilt beyond a reasonable doubt. A person charged with
21 committing a criminal offense in South Carolina is never
22 required to prove himself innocent. That's an important
23 rule of law, that no matter how serious the charge may be,
24 well, that person charged will always be presumed innocent
25 unless the state proves his guilt by evidence satisfying a

1 verdict?

2 FOREPERSON OF THE JURY: Yes, sir, it
3 is.

4 THE COURT: If you would, please,
5 hand the verdict form to the bailiff.

6 THE COURT: All right, Madame Clerk,
7 you may publish the verdict.

8 CLERK OF COURT: Your Honor, this is
9 case number 2011-GS-23-7907, State of South Carolina versus
10 James Dean Chapman. As to the charge of murder, We the jury
11 unanimously find Defendant James Dean Chapman guilty. Sign
12 Michael Spivey, August 23, 2011.

13 This is your verdict so say you all.
14 Please signify by raising your right hand.

15 (WHEREUPON, all jurors
16 indicated this was their verdict.)

17 THE COURT: Is there any matters we
18 need to take care of with the jury before they're dismissed
19 in this particular case? Anything from state?

20 MR. MOYER: Nothing.

21 THE COURT: From the defense?

22 MR. JOHNSON: No, sir, Your Honor.

23 (WHEREUPON, the jury was
24 dismissed.)

25 THE COURT: Anything from the state?

1 MR. JOHNSON: Thank you, Your Honor.

2 I don't think I need to say too much.

3 You heard my client's testimony about his background, things
4 he's been through in his life. I think he did a pretty good
5 job of illustrating that to The Court.

6 Since today I met him I can say he's
7 steadfastly assured me and maintained that this wasn't
8 something that was planned, that it was an accident.

9 Of course, the jury has spoken at this
10 time and we're here before you asking for the mercy of The
11 Court. We understand the maximum and minimum punishments.
12 We ask you to consider minimum, minimum side of sentence.
13 We understand the minimum itself is pretty extreme and it's
14 pretty serious sentence. Anyhow, Your Honor, we'd ask for
15 the mercy of The Court at this time.

16 I don't know if James would like to say
17 anything to The Court.

18 DEFENDANT CHAPMAN: No, sir.

19 THE COURT: Anyone else need to
20 address?

21 MR. JOHNSON: Anyone else like to
22 address?

23 I don't believe so, Your Honor. I
24 believe at this time we're prepared to accept your sentence.

25 THE COURT: Sentence of The Court is

1 the defendant be committed to state department of
2 corrections for life term.

3 I wish you the best, Mr. Chapman.

4 MR. JOHNSON: Thank you, Your Honor.

5 -- END OF TRANSCRIPT OF RECORD --
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WITNESSES

A R Lindler *ARL*

Greenville Police Department

4/24/2010

ARREST WARRANT NUMBER

M382685

ACTION OF GRAND JURY

TRUE BILL
Bohly Lamm
Foreperson of Grand Jury

VERDICT

Guilty

R McNeil Jr
Foreperson of Petit Jury

8-23-11
Date:

DOCKET NO. 2010-GS-23-
LMM

007907

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

April TERM 2010 *2011*

THE STATE

vs.

JAMES DEAN CHAPMAN

Indictment for

0116

MURDER

VIOLATION § 16-03-0010

RECEIVED

OCT - 8 2010

Clerk of Court
Greenville County

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

INDICTMENT FOR
MURDER

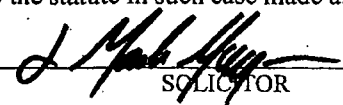
At a Court of General Sessions, convened on
County present upon their oath:

APR 12 2011

the Grand Jurors of Greenville

That JAMES DEAN CHAPMAN did in Greenville County, on or about the 23rd day of April, 2010, unlawfully and with malice aforethought kill MARGARET PARKER by means of strangling, beating, stomping and kicking MARGARET PARKER, and that MARGARET PARKER died as a proximate result thereof. This is in violation of §16-3-0010 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

STATE OF SOUTH CAROLINA)
 COUNTY OF Greenville)
 STATE VS.)
 James Dean Chapman)
 AKA:)
 Race: WHITE Sex: M Age: 42)
 JOB: SS#:)
 Address:)
 City, State, Zip:)
 DL#: SID#:)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2010GS2307907
 A/W#: M382685
 Date of Offense: 4/23/2010
 S.C. Code § : 16-03-0010, 0020
 CDR Code #: 0116

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No
 In disposition of the said indictment comes now the Defendant who was
 TO: Murder

CONVICTED OF or PLEADS

in violation of § 16-03-0010, 0020 of the S.C. Code of Laws, bearing CDR Code # 0116
 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: Mark Moyer 64155 James Dean Chapman AR 739046
 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 Life 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
 / the State Department of Corrections.
- 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 _____

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: _____

Recipient: _____

*Fine:		\$
§ 14-1-206 (Assessments 107.5 %)		\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 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	\$ 25
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114(BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCJA Surcharge)	\$5	\$ 5
to County (if paid in installments)		\$
JTAL		\$

Appointed PD or appointed other counsel,
 § 47.12 requires \$500 be paid to Clerk
 during probation.

Clerk of Court/ Deputy Clerk Paul Wickens
 Court Reporter: April Herron
 SCCA/217 (03/2011)

Presiding Judge [Signature]
 Judge Code: _____
 Sentence Date: 8/23/11

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability, with the August 13, 2007, order from the South Carolina Supreme Court entitled "Interim Guidance Regarding Personal Data Identifiers and Other Sensitive Information in Appellate Court Filings."

November 9th, 2012



Susan B. Hackett
Appellate Defender

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

ATTORNEY FOR APPELLANT

STATE OF SOUTH CAROLINA

 ORIGINAL

IN THE COURT OF APPEALS

Appeal from Greenville County

G. Edward Welmaker, Circuit Court Judge

THE STATE,

RESPONDENT,

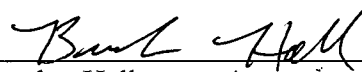
V.

JAMES D. CHAPMAN,

APPELLANT

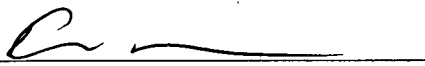
CERTIFICATE OF SERVICE

I certify that a true copy of the Record on Appeal in the above referenced case has been served upon Donald J. Zelenka, Esquire, at Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, this 9th day of November, 2012.



Brandon Hall
Administrative Specialist

SUBSCRIBED AND SWORN TO before me
this 9th day of November, 2012.

 (L.S.)
Notary Public for South Carolina

My Commission Expires: October 2, 2013.

RECEIVED

NOV 09 2012

SC COURT OF APPEALS