

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Sumter County

Honorable R. Ferrell Cothran, Circuit Court Judge

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SC Court of Appeals

THE STATE,

RESPONDENT,

V.

DAVID JAMEL MCCOY,

APPELLANT

APPELLATE CASE NO 2018-001203

RECORD ON APPEAL

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STATE OF SOUTH CAROLINA ) IN THE COURT OF GENERAL SESSIONS

COUNTY OF SUMTER ) 2013-GS-43-01093

The State,	)	
	)	
Plaintiff,	)	Transcript of Record
	)	
vs.	)	June 21, 2018
	)	
David Jamel McCoy,	)	
	)	
Defendant.	)	

B E F O R E:

Honorable R. Ferrell Cothran  
Sumter County Courthouse  
Sumter, South Carolina

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

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Attorney for Plaintiff

Jason Bridges, Esquire  
Attorney for Defendant

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Circuit Court Reporter

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1 (On the record, June 21, 2018.)

2 MR. CORBETT: Concerns about the proposed voir dire from  
3 the Defense.

4 THE COURT: Okay. And tell me which ones you --

5 MR. CORBETT: Judge, the State objects to numbers seven,  
6 eight and nine.

7 THE COURT: All right. I'm not going to ask number  
8 seven, and I'm not going to ask number eight. I never do, and  
9 number nine makes absolutely no sense, "Is any member of the  
10 jury panel a friend or follower on Facebook, Twitter or any  
11 other social media" --

12 MR. BRIDGES: No. It's supposed to be --

13 THE COURT: A friend or follower of who?

14 MR. BRIDGES: Supposed to be of any of the parties in the  
15 case.

16 THE COURT: And I'll always ask them if they know about,  
17 you know, I'll ask them a general question, well, that, but,  
18 but I'm not going to ask seven or eight. I never do. We're  
19 not opening that can of worms. Do any -- do you have any  
20 motions?

21 MR. BRIDGES: Just a Jackson v. Denno I  
22 anticipate.

23 THE COURT: Okay. Anything else?

24 MR. BRIDGES: That, maybe the sequestration, standard  
25 sequestration of witnesses.

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1 THE COURT: Your -- do you have any issues with  
2 sequestration?

3 MR. CORBETT: No, Judge. I do not.

4 THE COURT: Okay. I assume we got enough jurors. It's a  
5 five and ten.

6 MR. CORBETT: That's correct, Judge, and Judge, if I may,  
7 I'm just going to step just to the other side of the door and  
8 make sure a couple of witnesses are in route.

9 THE COURT: Okay.

10 MR. CORBETT: With regard to the case the State intends  
11 to call this morning it's the case of State of South Carolina  
12 versus David McCoy. It is indictment 2013-GS-43-1093. Mr.  
13 McCoy is present in the courtroom with his attorney, Jason  
14 Bridges, Jason Corbett on behalf of the State. Your Honor,  
15 understanding that we have not picked a jury yet, if the Court  
16 is so inclined, the issue regarding the Defendant's statement  
17 would be a matter involving Officer or, excuse me, Deputy  
18 Rodney Ragin. He is present in the courtroom at this time.

19 THE COURT: Okay. I'm informed by the clerk that we're  
20 still missing four jurors. So is this going -- is this going  
21 to be a very long hearing? Can we knock this hearing out  
22 while we're waiting on those four?

23 MR. CORBETT: Judge, I believe that this will be one of  
24 the shorter Jackson v. Denno hearings.

25 THE COURT: Okay. Call your first witness then.

1 MR. CORBETT: Your Honor, the State would call Deputy  
2 Rodney Ragin.

3 THE COURT: All right. If you'd come around, please,  
4 sir.

5 Whereupon, Rodney Ragin is called to the stand, duly  
6 sworn by the clerk and testified as follows:

7 THE CLERK: Step around, sir. State your full name and  
8 spell your last name for the record, please, sir.

9 MR. RAGIN: Rodney Ragin, R-A-G-I-N.

10 MR. CORBETT: Your Honor, if I may, I'm going to hand  
11 Investigator Ragin a copy of his incident report. I do not  
12 intend to introduce it at this time, but more so for the  
13 purposes of refreshing recollection. Do I need to mark this  
14 as a -- for identification?

15 THE COURT: You intend to -- it's never going into  
16 evidence? No?

17 MR. CORBETT: Judge, I -- at this point I don't intend to  
18 offer it.

19 THE COURT: Okay. Okay.

20 EXAMINATION

21 BY MR. CORBETT:

22 Q Investigator Ragin, good morning.

23 A Good morning.

24 Q Investigator Ragin, a couple of obvious questions, by  
25 whom are you employed?

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1 A Sumter County Sheriff's Office.

2 Q And what is your current duty assignment at the Sheriff's  
3 Department?

4 A I'm a lieutenant, which is a supervisor over patrol  
5 division.

6 Q Now, how long have you been with the Sumter County  
7 Sheriff's Department?

8 A Twenty-one years.

9 Q Okay. So obviously you were with the Sumter County  
10 Sheriff's Department on August 5<sup>th</sup> of 2013?

11 A Correct.

12 Q Now, do you have any recollection of being called out to  
13 an arson case on that date?

14 A Yes.

15 Q Okay. And I'm going to ask -- there's a document there  
16 for purposes of refreshing your recollection. Is that an  
17 incident report that you prepared?

18 A Yes. It is.

19 Q And what was the date that you responded?

20 A The date responded was 8<sup>th</sup> month, 6<sup>th</sup> day, 2013, 8-5-2013.

21 Q And what was the location where you responded?

22 A [REDACTED] Campbell Court in Sumter, South Carolina.

23 Q And is that -- is that located here in Sumter County?

24 A Yes. It's located in south -- southern portion of  
25 Sumter, South Carolina.

1 Q Now, when you responded to the scene the individual  
2 charged in this case, David McCoy, was he at the scene when  
3 you first responded?

4 A No. He wasn't.

5 Q Okay. At some point in time was he brought to the scene?

6 A Yes. He was.

7 Q Okay. Did you have occasion to speak with him?

8 A Yes. Briefly, I did.

9 Q Okay. If you would, please, tell us but prior to  
10 speaking to him did you provide him with Miranda warnings?

11 A Yes. I read him his Miranda rights. I didn't give him a  
12 written out one. I read it to him.

13 Q Okay. So in other words, you were at the scene of the  
14 alleged offense when you spoke with him?

15 A Yes.

16 Q Okay. So the Miranda warnings were given to him  
17 verbally.

18 A Verbally.

19 Q Okay. Not in an interview room at the sheriff's  
20 department or anything of that nature?

21 A No, sir.

22 Q Okay. And when you give someone Miranda warnings is it  
23 something that you do from memory or is it a card that you  
24 read off of? How do you do that?

25 A It depends. At that point in time it wasn't a card. It

Jackson v. Denno

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1 was just off of memory.

2 Q Okay. And did you advise him of his right to remain  
3 silent?

4 A I advised him that he had the right to remain silent,  
5 anything he say can and will be used against him in a court of  
6 law, he can, can have a, an attorney appointed for him by  
7 state and asked him questions at that point in time did he  
8 wish to talk to me.

9 Q Okay. And was he informed that he did not have to talk  
10 to you?

11 A Yes.

12 Q Okay. Was he informed that he could not answer your  
13 questions if he so chose?

14 A Yes.

15 Q Okay. Now at the time of your speaking with him was  
16 there anything about his nature that made him seem incompetent  
17 or unable to answer questions?

18 A No.

19 Q Okay. Did he appear to be suffering under any type of  
20 mental defect?

21 A No, sir.

22 Q All right. Did he appear to be suffering under any type  
23 of intoxication?

24 A None that I detected.

25 Q Okay. Now at this point in time he was in custody; is

1 that correct?

2 A Yes. He was, he was detained by another officer who  
3 stopped him because of the description of the vehicle.

4 Q Okay. And then he was transported back to your location?

5 A Yes.

6 Q Okay. And subsequent to you reading the Miranda rights,  
7 did he indicate he was willing to speak?

8 A He was willing to speak and even though I read him his  
9 rights he did speak to me.

10 Q Okay. Did he provide a written statement?

11 A None that I'm aware of.

12 Q Okay. So it was a verbal conversation between the two of  
13 you?

14 A Yes.

15 Q Okay. And generally, what was the substance of the  
16 conversation between you and Mr. McCoy?

17 A I, of course, introduced myself. I was in full uniform.  
18 In speaking to him I asked him about the incident that  
19 occurred which setting the fire. He said that he came to the  
20 house. He kicked in the door. He admitted to busting in the  
21 door of the residence and stated that he lived there, but he  
22 did not set it on fire.

23 Q Okay. So he admitted to kicking in the door but denied  
24 any involvement with the fire.

25 A Yes.

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1 Q Now, during the course of questioning, did you make any  
2 type of representations or promises to him concerning his  
3 charges, sentencing or anything of that nature?

4 A No.

5 Q Okay. Was he detained for a long period of time prior to  
6 your questioning him?

7 A No. When he returned to the scene itself.

8 Q Okay. So it was a conversation there at the same time he  
9 came back?

10 A Yes.

11 Q Okay. Was, was -- do you remember about how long it was  
12 from the time he returned to the scene till when you spoke  
13 with him?

14 A It couldn't have been too long because we didn't -- after  
15 I spoke with the individual that was there at the residence  
16 and they told me what was going on when the officer came back  
17 with him may have been a few minutes and I went to the car and  
18 spoke with him.

19 Q Okay. So it was a matter of minutes?

20 A Yeah. It wasn't an hour.

21 Q So he wasn't held in a location without benefit of sleep,  
22 food, water, anything of that nature?

23 A No.

24 Q Okay. Is there anything about that brief conversation  
25 you had with him that appeared to be involuntarily or, or

1 involuntary or coerced or anything of that nature?

2 A No.

3 MR. CORBETT: Your Honor, that's all the questions that I  
4 have of this witness.

5 THE COURT: Okay. Mr. Bridges.

6 MR. BRIDGES: Thank you, Your Honor.

7 EXAMINATION

8 BY MR. BRIDGES:

9 Q Good morning, Officer Ragin.

10 A Good morning.

11 Q I believe you answered Mr. Corbett's question about this,  
12 but you did not originally detain Mr. McCoy; is that correct?

13 A No. He was brought back by another officer.

14 Q And so was he in -- so he was in police custody --

15 A Yes.

16 Q -- when he was brought to you?

17 A Yes.

18 Q Do you know how long he was in police custody for?

19 A Not per se exact minutes I can't tell you.

20 Q Did, did you get any indication that that officer who  
21 detained him originally had mirandized him?

22 A No. No. I didn't ask.

23 Q Was, was Mr. McCoy in restraints when he arrived on scene  
24 there?

25 A I believe he was.

Jackson v. Denno

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1 Q So he was --

2 A He was detained.

3 Q It was clear that he was detained, he was not free to go  
4 at that point.

5 A At that point.

6 Q Was there a written waiver that was presented to him of  
7 his rights?

8 A I didn't present one. I'm not sure one presented or not.

9 Q And on that scene you didn't have body cameras or dash-  
10 cams at that time. I think back in 2013 I don't think you  
11 guys had those things.

12 A I can't recall at what point we were with, with the  
13 cameras.

14 Q Okay. But as far you know, this wasn't videotaped or  
15 recorded?

16 A Can't say, you know, that's five years ago. I can't.

17 Q Did Mr. McCoy give any kind of affirmative recognition of  
18 his rights before he started speaking to you?

19 A He, he said that he understood them, and I asked him was  
20 he willing to speak and he say yes.

21 Q Okay. And he was detained for an indefinite period of  
22 time before you had that discussion with him?

23 A It wasn't too long because it was fresh -- he was seen --  
24 the description of the vehicle was given, talked to him,  
25 officers got out with him and he was brought back to the

1 scene. So it wasn't like an hour or a long period of time.

2 Q And, and you don't know what, you know, any, any other  
3 law enforcement officers might have said to him before he came  
4 to you?

5 A No, Your Honor.

6 Q Okay. No further questions.

7 THE COURT: Okay. Anything further from the State?

8 MR. CORBETT: Nothing further from the State.

9 THE COURT: Any other witnesses?

10 MR. CORBETT: No other witnesses, Your Honor.

11 MR. BRIDGES: As this is a totality of the circumstances  
12 analysis and it's whether or not it's a voluntary statement,  
13 and I have no further questions for Mr. Ragin. He can step  
14 down.

15 THE COURT: Okay.

16 MR. BRIDGES: The -- because he was detained by another  
17 officer, it's unknown if he was mirandized or not, it's  
18 unknown how long he was detained for. Though it seemed like  
19 proper protocol was followed when he got on scene the other  
20 factors I don't know what Mr. McCoy knew going into this  
21 situation, and I would respectfully request that his  
22 statements on scene are inadmissible because the  
23 involuntariness due to totality of circumstances could not be  
24 known.

25 THE COURT: Okay. Do you know any other circumstances

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1 that has not been testified to on the stand right now?

2 MR. BRIDGES: I --

3 THE COURT: I mean, he said he was in custody. He'd been  
4 picked up by some other officer after the description had been  
5 given of his vehicle and brought back to the scene. Outside  
6 of that do you know any other circumstances that happened to  
7 him?

8 MR. BRIDGES: No. I'd just say we just don't know what  
9 was said at that initial, when he was picked up by the initial  
10 officer.

11 THE COURT: Okay. Well, I find that based on the  
12 officer's testimony he was, in fact, in custody which required  
13 Miranda warnings, and he -- he said he gave him the Miranda  
14 warnings. I've heard nothing to the contrary, that he, you  
15 know, that he appeared to, to answer the questions properly  
16 and not be under the influence and he knowingly and he  
17 knowingly and voluntarily entered those statements, and I  
18 think it was free and not coerced and I'll -- the statement's  
19 admissible.

20 Now, I got all the jury now?

21 (Clerk and Court confer.)

22 THE COURT: Before we start this case, what law do you  
23 all think applies to this case?

24 MR. BRIDGES: I would say that 2013, the law that was in  
25 effect in 2013.

1 THE COURT: Do you all agree because the law has changed  
2 since this case. They changed the law in 2016 on a third. So  
3 I'm trying to find out, and how -- based on the little bit I  
4 know about this case and what he just testified to it was a  
5 dwelling? So how is it not second?

6 MR. CORBETT: Judge, bear with me one moment, please.

7 Judge, and I'm sorry, I, I copied out of my 2018 book.  
8 Bear with me one moment, please, Judge.

9 THE COURT: They changed the law April 21<sup>st</sup> of 2016.

10 MR. CORBETT: Judge, it's my understanding that the third  
11 degree is because there was no death or bodily injury.

12 THE COURT: Well, second doesn't require death or bodily  
13 injury. That says first, if it's death or bodily injury,  
14 second's just a dwelling house.

15 MR. BRIDGES: Second under the statute book I have says  
16 which results either directly or indirectly in serious bodily  
17 injury to a person is guilty of arson in the second degree.

18 THE COURT: Well, mine doesn't say anything about injury.  
19 So at the time 2016 it required injury. The new code does not  
20 require injury.

21 MR. BRIDGES: That is correct, Your Honor. It's actually  
22 I made that point at the preliminary hearing, and they said  
23 the law had changed at that point recently.

24 THE COURT: Okay. So but you all all agree at the time  
25 of this incident the old law was in effect, the 2010 law?

Voir Dire

17

1 MR. CORBETT: That is correct, Judge.

2 MR. BRIDGES: I'm in agreement, Your Honor.

3 THE COURT: Okay. Okay. So all right. Anything? What  
4 about the jury?

5 (Clerk and Court confer.)

6 THE COURT: Any reason we can't bring this jury up and  
7 select this jury?

8 MR. CORBETT: The State's ready to proceed, Your Honor.

9 THE COURT: Okay.

10 MR. BRIDGES: The Defense is ready, Your Honor.

11 (The following takes place in the presence of the jury  
12 panel.)

13 THE COURT: All right. Mr. Solicitor, you may call your  
14 next case.

15 MR. CORBETT: Thank you, Your Honor. May it please the  
16 Court?

17 Your Honor, Jason Corbett on behalf of the State of South  
18 Carolina. At this time we would call the case of the State  
19 versus David Jamel McCoy, indictment number 2013-GS-43-1093.  
20 Mr. McCoy is before the Court on a true-billed indictment  
21 alleging arson in the third degree. He is present in the  
22 courtroom represented by his counsel, Jason Bridges. Your  
23 Honor, if I may I will hand up the original indictment along  
24 with a list of the State's potential witnesses.

25 THE COURT: Okay.

Voir Dire

18

1           Okay. Ladies and gentlemen, if you'll give me your  
2 attention we're about to begin the case of the State versus  
3 David McCoy. Is there any member of the jury panel connected  
4 by blood or marriage, close personal friends or social  
5 relations with Mr. McCoy? If so, please stand. He's seated  
6 here at this table.

7           (No response.)

8           THE COURT: All right. I'm going to read out a list of  
9 potential witnesses in this case, and I need to know the same  
10 information whether you're connected by blood or marriage,  
11 close personal friends or social relations with any of these  
12 potential witnesses: Laquetta Baker Bell, Clyde Butler, Tripp  
13 Mays, Rodney Ragin, Joe Powell, Marquis Pair, Brad Ridgill, a  
14 Julian Blair. Any member of the jury panel connected by blood  
15 or marriage, close personal friends or social relations with  
16 any of those potential witnesses? If so, please stand.

17           (No response.)

18           THE COURT: Okay. Any member of the jury panel a friend  
19 on social media with any of the potential witnesses in this  
20 case or the Defendant in this case? If so, please stand.

21           (No response.)

22           THE COURT: The attorneys in this case representing the  
23 State are Jason Corbett and representing the Defense is Jason  
24 Bridges. Any member of the jury panel connected by blood or  
25 marriage, close personal friends, social relations or been

Voir Dire

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1 represented by either two of these attorneys? If so, please  
2 stand.

3 (No response.)

4 THE COURT: This incident allegedly occurred on or about  
5 August the 5<sup>th</sup>, 2013. Does any member of the jury panel know  
6 anything about this case at all? If so, please stand.

7 (No response.)

8 THE COURT: Any member of the jury panel formed or  
9 expressed an opinion about any of the matters or issues  
10 involved in this case? If so, please stand.

11 (No response.)

12 THE COURT: Any members of the jury panel aware of any  
13 bias or prejudice you may have toward the State of South  
14 Carolina or this Defendant? If so, please stand.

15 (No response.)

16 THE COURT: Any member of the jury panel served on the  
17 Grand Jury here in Sumter County that heard this case? If so,  
18 please stand.

19 (No response.)

20 THE COURT: Any member of the jury panel a contributor or  
21 a member of any group that promotes law enforcement, victims'  
22 rights, SADD, MADD, CAVC or any other organizations that  
23 support law enforcement or the rights of victims in this  
24 state? If so, please stand.

25 (No response.)

Voir Dire

20

1 THE COURT: Any member of the jury panel due to religious  
2 or moral reasons unable to sit in judgment of your fellow man?  
3 If so, please stand.

4 (No response.)

5 THE COURT: Any member of the jury panel or a member of  
6 your immediate family employed by law enforcement? If so,  
7 please stand.

8 Okay. And I went through you all the other day. We're  
9 going to do it again. Yes, ma'am.

10 JUROR NUMBER 76: My husband works for the State of South  
11 Carolina. He teaches for the Department of -- Department of  
12 Corrections, all of the staff members.

13 THE COURT: Okay. And give me your number again.

14 JUROR NUMBER 76: 76.

15 THE COURT: And would that affect your ability to be fair  
16 and impartial?

17 JUROR NUMBER 76: Absolutely not. I'm my own person.

18 THE COURT: Thank you, ma'am. Yes, sir.

19 JUROR NUMBER 110: Juror 110. My daughter works for  
20 Richland County with child support payments.

21 THE COURT: Okay. Would that affect your ability to be  
22 fair and impartial?

23 JUROR NUMBER 110: No, sir.

24 THE COURT: Thank you.

25 JUROR NUMBER 114: 114. My sister-in-law works for the

Voir Dire

21

1 North Charleston Police Department.

2 THE COURT: Okay. And would that affect your ability to  
3 be fair and impartial?

4 JUROR NUMBER 114: It will not.

5 THE COURT: Thank you. Yes, sir.

6 JUROR NUMBER 39: Juror 39. My nephew is a drug  
7 enforcement officer and detective out of Rocky Mount, North  
8 Carolina.

9 THE COURT: Okay. And would that affect your ability to  
10 be fair and impartial in this case?

11 JUROR NUMBER 39: No, Your Honor.

12 THE COURT: Thank you. Yes, ma'am.

13 JUROR NUMBER 152: 152. My niece works for the Sheriff's  
14 Department Sex Offender.

15 THE COURT: In the Sumter County Sheriff's Department?

16 JUROR NUMBER 152: Yes, sir.

17 THE COURT: Okay. And was she a potential witness that I  
18 read out in this case?

19 JUROR NUMBER 152: No.

20 THE COURT: Would that affect your ability to be fair and  
21 impartial?

22 JUROR NUMBER 152: No, sir.

23 THE COURT: Thank you, ma'am. Yes, ma'am.

24 JUROR NUMBER 158: 158. My sister-in-law she's a manager  
25 coordinator for probation and parole in Columbia.

Voir Dire

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1 THE COURT: Okay. And would that affect your ability to  
2 be fair and impartial?

3 JUROR NUMBER 158: No.

4 THE COURT: Thank you, ma'am.

5 Anyone else?

6 (No response.)

7 THE COURT: Any member of the jury panel, a member of  
8 your immediate family volunteered your time for any  
9 organizations that supports law enforcement, victims'  
10 advocates or the Solicitor's Office? If so, please stand.

11 (No response.)

12 THE COURT: Any member of the jury panel had any special  
13 training in fire causation, prevention or any training with a  
14 fire department? If so, please stand. Any -- yes, sir.

15 JUROR NUMBER 16: Juror 16.

16 THE COURT: Okay.

17 JUROR NUMBER 16: I was a volunteer for Sumter County  
18 Fire Department.

19 THE COURT: How long ago?

20 JUROR NUMBER 16: Two years.

21 THE COURT: Two years ago?

22 JUROR NUMBER 16: Yes, sir.

23 THE COURT: And how long were you involved as a  
24 volunteer?

25 JUROR NUMBER 16: About a year and a half.

Voir Dire

23

1 THE COURT: Okay. Were you working as a volunteer with  
2 Sumter County Fire Department in August of 2013?

3 JUROR NUMBER 16: No, sir. I don't believe so.

4 THE COURT: Okay. Did you in any way respond to a fire  
5 that -- where was the location of this fire, [REDACTED] Campbell.

6 MR. CORBETT: [REDACTED] Campbell Court.

7 THE COURT: Campbell Court.

8 JUROR NUMBER 16: No, sir.

9 THE COURT: Okay. Do you know anything about that call  
10 at all?

11 JUROR NUMBER 16: No, sir.

12 THE COURT: All right. And tell me your number again.

13 JUROR NUMBER 16: Juror 16.

14 THE COURT: Okay. Thank you, sir. Yes, ma'am.

15 JUROR NUMBER 76: In 1997 I went through a Navy boot camp  
16 and we had to learn how to put out fires to keep the ship  
17 afloat.

18 THE COURT: Okay. Would that affect your ability to be  
19 fair and impartial in this case?

20 JUROR NUMBER 76: No.

21 THE COURT: Thank you, ma'am.

22 Any member of the jury panel know of any reason  
23 whatsoever they can't give the State of South Carolina or this  
24 Defendant a fair and impartial trial? If so, please stand.

25 (No response.)

## Jury Selection

24

1 THE COURT: Any further questions from the State?

2 MR. CORBETT: Nothing from the State, Your Honor.

3 THE COURT: From Defense?

4 MR. BRIDGES: May I approach, Your Honor?

5 THE COURT: Sure.

6 (Whereupon, a bench conference is held in the presence  
7 but out of the hearing of the jury panel.)

8 THE COURT: Okay. Is any member of the jury panel ever  
9 been a victim of an arson? If so, please.

10 (No response.)

11 THE COURT: Okay. Any further questions from either  
12 side?

13 MR. CORBETT: Nothing from the State, Your Honor.

14 MR. BRIDGES: Nothing from the Defense, Your Honor.

15 THE COURT: All right. Madam Clerk, if you'll give me a  
16 jury. It's five and ten. One alternate going to be enough?

17 MR. CORBETT: Yes, Your Honor.

18 MR. BRIDGES: Yes, Your Honor.

19 THE COURT: Okay.

20 THE CLERK: May it please the Court, Your Honor?

21 THE COURT: Yes, sir.

22 THE CLERK: Ladies and gentlemen, when I call you  
23 forward, most of you already know the process because we've  
24 been doing it for the last couple of days, come to the front  
25 and face the back of the courtroom.

## Jury Selection

25

1 Juror Number 39, John Crouse, Crouse.  
2 JUROR NUMBER 39: Crouse.  
3 THE CLERK: What say the State?  
4 MR. CORBETT: Present the juror, please.  
5 THE CLERK: What say the Defense?  
6 MR. BRIDGES: Please excuse this juror.  
7 THE CLERK: Have a seat back, sir.  
8 Juror Number 181, Alphonia Vanburen.  
9 What say the State?  
10 MR. CORBETT: Excuse the juror, please.  
11 THE CLERK: Juror Number 74, Joseph Hines [sic].  
12 JUROR NUMBER 74: Hires.  
13 THE CLERK: Hires.  
14 What say the State?  
15 MR. CORBETT: Present the juror, please.  
16 THE CLERK: What say the Defense?  
17 MR. BRIDGES: Please excuse this juror.  
18 THE CLERK: Have a seat back, sir.  
19 Juror Number 179, Ryan Tomlin.  
20 What say the State?  
21 MR. CORBETT: Present the juror, please.  
22 THE CLERK: What say the Defense?  
23 MR. BRIDGES: Present the juror.  
24 THE CLERK: Have a seat in the jury box, sir.  
25 Juror Number 104, Jasmine Knight.

## Jury Selection

1           What say the State?

2           MR. CORBETT: Present the juror, please.

3           THE CLERK: What say the Defense?

4           MR. BRIDGES: Present the juror.

5           THE CLERK: Have a seat in the jury box, please, ma'am.

6           Juror Number 79, Sean Hoskins.

7           What say the State?

8           MR. CORBETT: Present the juror, please.

9           THE CLERK: What say the Defense?

10          MR. BRIDGES: Present the juror.

11          THE CLERK: Have a seat in the jury box, please, sir.

12          Juror Number 154, Imani Robinson.

13          What say the State?

14          MR. CORBETT: Present the juror, please.

15          THE CLERK: What say the Defense?

16          MR. BRIDGES: Present the juror.

17          THE CLERK: Have a seat in the jury box, please, ma'am.

18          Juror Number 153, Daneatrian Robinson.

19          What say the State?

20          MR. CORBETT: Excuse the juror, please.

21          THE CLERK: Juror Number 24, Nicholas Cheek.

22          What say the State?

23          MR. CORBETT: Present the juror, please.

24          THE CLERK: What say the Defense?

25          MR. BRIDGES: Excuse the juror, please.

## Jury Selection

27

1 THE CLERK: Juror Number 82, La'torria Hudson.  
2 What say the State?  
3 MR. CORBETT: Present the juror, please.  
4 THE CLERK: What say the Defense?  
5 MR. BRIDGES: Present the juror, please.  
6 THE CLERK: Have a seat in the jury box, please, ma'am.  
7 Juror Number 122, Tracey McDowell.  
8 What say the State?  
9 MR. CORBETT: Present the juror, please.  
10 THE CLERK: What say the Defense?  
11 MR. BRIDGES: Present the juror, please.  
12 THE CLERK: Have a seat in the jury box, please, ma'am.  
13 Juror Number 160, Gail Shirar.  
14 What say the State?  
15 MR. CORBETT: Present the juror, please.  
16 THE CLERK: What say the Defense?  
17 MR. BRIDGES: Excuse the juror.  
18 THE CLERK: Juror Number 35, Lorraine Cousar.  
19 What say the State?  
20 MR. CORBETT: Present the juror, please.  
21 THE CLERK: What say the Defense?  
22 MR. BRIDGES: Excuse the juror, please.  
23 THE CLERK: Juror Number 13, Lena Berard.  
24 What say the State?  
25 MR. CORBETT: Present the juror, please.

## Jury Selection

28

1 THE CLERK: What say the Defense?

2 MR. BRIDGES: Present the juror, please.

3 THE CLERK: Have a seat in the jury box, please, ma'am.

4 Juror Number 101, Denise Kirkland.

5 What say the State?

6 MR. CORBETT: Present the juror, please.

7 THE CLERK: What say the Defense?

8 MR. BRIDGES: Excuse the juror, please.

9 THE CLERK: Juror Number 148, Bambi Reed.

10 What say the State?

11 MR. CORBETT: Present the juror, please.

12 THE CLERK: What say the Defense?

13 MR. BRIDGES: Excuse the juror, please.

14 THE CLERK: Juror Number 76, Gina Holdiness.

15 What say the State?

16 MR. CORBETT: Present the juror, please.

17 THE CLERK: What say the Defense?

18 MR. BRIDGES: Excuse the juror, please.

19 THE CLERK: Have a seat back in the audience, please,

20 ma'am.

21 Juror Number 152, Annette Robinson.

22 What say the State?

23 MR. CORBETT: Present the juror, please.

24 THE CLERK: What say the Defense?

25 MR. BRIDGES: Present the juror.

## Jury Selection

29

1 THE CLERK: Have a seat in the jury box, please, ma'am.  
2 Juror Number 177, Susan Thomas.  
3 What say the State?  
4 MR. CORBETT: Present the juror, please.  
5 THE CLERK: What say the Defense?  
6 MR. BRIDGES: Present the juror, please  
7 THE CLERK: Have a seat in the jury box, please, ma'am.  
8 Juror Number 150, Jose Rivera.  
9 What say the State?  
10 MR. CORBETT: Present the juror, please.  
11 THE CLERK: What say the Defense?  
12 MR. BRIDGES: Present the juror.  
13 THE CLERK: Have a seat in the jury box, please, sir.  
14 Juror Number 91, Graylin Jackson.  
15 What say the State?  
16 MR. CORBETT: Present the juror, please.  
17 THE CLERK: What say the Defense?  
18 MR. BRIDGES: Present the juror, please.  
19 THE CLERK: Have a seat in the jury box, please, sir.  
20 Juror Number 103, Denise Kluesner.  
21 JUROR NUMBER 103: Kluesner.  
22 THE CLERK: What say the State?  
23 MR. CORBETT: Present the juror, please.  
24 THE CLERK: What say the Defense?  
25 MR. BRIDGES: Excuse the juror, please.

## Opening Instructions by Court

30

1 THE CLERK: Juror Number 93, Therel Jackson.  
2 What say the State?  
3 MR. CORBETT: Present the juror, please.  
4 THE CLERK: What say the Defense?  
5 MR. BRIDGES: Present the juror, please.  
6 THE CLERK: Have a seat in the jury box, please, sir.  
7 Juror Number, 80, Daryl Houck.  
8 What say the State?  
9 MR. CORBETT: Present the juror, please.  
10 THE CLERK: What say the Defense?  
11 MR. BRIDGES: Present the juror, please.  
12 THE CLERK: Have a seat in the jury box, please, sir.  
13 THE COURT: Are there any matters of law pertaining to  
14 selection of the jury on behalf of the State?  
15 MR. CORBETT: Nothing from the State, Your Honor.  
16 THE COURT: On behalf of Defense?  
17 MR. BRIDGES: Nothing from the Defense, Your Honor.  
18 THE COURT: Okay.  
19 (Remaining jury panel excused.)  
20 THE COURT: Okay. We'll swear the jury.  
21 (Jury sworn by the clerk.)  
22 THE COURT: Ladies and gentlemen, I'm going to basically  
23 give you an overview of what this case is about and what your  
24 responsibilities are, and this is not a charge on the law. I  
25 will charge you at the end of the case the law that you are to

## Opening Instructions by Court

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1 apply in this case. This Defendant has been indicted for the  
2 crime of arson in the third degree. This indictment is not  
3 evidence in this case. It's simply a document that gets us  
4 into court, and he's entered a plea of not guilty to this  
5 indictment, and that places the burden upon the State of South  
6 Carolina to prove the elements of this indictment to you  
7 beyond a reasonable doubt. Your job in this case is to listen  
8 to the evidence and determine the facts in this case. My job  
9 is to rule upon the admissibility of that evidence and to give  
10 you the law that you are to apply in this case. It is very  
11 important that you pay close attention because if you make a  
12 mistake it is very hard to correct your mistake. If I make a  
13 mistake at some other time and some other place that will be  
14 reviewed and corrected, but it's important that you get it  
15 right. So I need each one of you to pay close attention to  
16 the evidence in this case to determine what the facts are in  
17 this case.

18 The evidence is going to come to you in basically three  
19 forms. First of all through sworn testimony, witnesses will  
20 come forward and sit in that stand right there under oath and  
21 testify to you as to the facts or things that they've observed  
22 and know. The other way that you may receive evidence is  
23 through certain documents, photographs or things that are  
24 introduced by the parties in this case. The third way you may  
25 receive evidence is through stipulations of the parties. In

## Opening Instructions by Court

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1 some cases some facts aren't disputed, and so both sides will  
2 stipulate that these facts are not under dispute. That's how  
3 you're going to receive the evidence in this case, and your  
4 job is to listen to that evidence and come back with a verdict  
5 based on that evidence and the law that I am going to give  
6 you.

7 I'm going to try to stop every hour, hour and a half to  
8 take a break. I try not to stop in the middle of a witness's  
9 testimony but sometimes it's so long that I have to. Having  
10 said that, if at any time you need a break because I need each  
11 one of you to pay close attention, if you're uncomfortable for  
12 any reason at all, you can't pay attention. So if you need a  
13 break simply raise your hand, we'll take a break and come back  
14 if -- and continue with the testimony. I'm going to tell you  
15 that while you're sitting on the jury in this case you can't  
16 talk about it to anybody. You can't discuss it over lunch.  
17 You can't talk to any of the parties. You can't talk to your  
18 family about it. You can't even talk among yourselves about  
19 it till I tell you you can, and I understand that seems  
20 strange that after you've heard one or two witnesses and  
21 you've gone back in the jury room during a break you may want  
22 to discuss what that witness said or didn't say, and the  
23 problem with that is at the end of the case you're going to  
24 want to defend the opinion you had at the beginning of the  
25 case with your fellow jurors. So I don't want you to start

## Opening Instructions by Court

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1 expressing your opinions to each other until you've heard all  
2 the evidence in this case, till you've heard all the facts in  
3 this case, as well as the law that I'm going to charge you,  
4 and then and only then will it be proper for you to discuss  
5 the case among yourselves, and you know, we have a great  
6 system of justice that works, and when you do it that way most  
7 of the time the juries get it right. So it's important that  
8 you follow those instructions.

9       You also can't do any research outside of the courtroom.  
10 Everything you know about this case you need to learn in this  
11 room. So you can't get, you know, overnight or during a break  
12 get on the internet and Google anybody or look up any facts.  
13 That's not proper. You've got -- everything you know has got  
14 to be learned in this courtroom.

15       Now, in a few minutes the attorneys are going to get up  
16 and make an opening statement to you. Those opening  
17 statements are not evidence in this case. It is simply  
18 they're going to explain to you what they think this case is  
19 about and what the evidence is going to show you or not show  
20 you in this case. After you've heard all the evidence the  
21 attorneys will get up and make closing arguments to you, and  
22 they're going to argue to you what they think the evidence  
23 showed or didn't show. Then I will charge you on the law that  
24 you are to apply in this case and give you this case to  
25 decide. So if you pay close attention the attorneys are going

1 to make an opening statement, and then we'll get started with  
2 the evidence. Mr. Solicitor.

3 MR. CORBETT: Ladies and gentlemen, good morning. My  
4 name is Jason Corbett. I am one of the assistant solicitors  
5 here in Sumter County, and I want to take a few moments now to  
6 talk to you about the case that you are going to hear. Now,  
7 ultimately what you will hear in this case is evidence, and  
8 evidence comes from the witness stand, witnesses who sit there  
9 and testify to you to events that happened on the night in  
10 question. The evening hours of August 5<sup>th</sup> of 2013, is there  
11 anything more frightening than a fire in your home? Is there  
12 anything more frightening --

13 MR. BRIDGES: I have an objection. May I approach?

14 (Whereupon, a bench conference is held in the presence  
15 but out of the hearing of the jury.)

16 MR. CORBETT: Ladies and gentlemen, is there anything  
17 more frightening than a house fire, a house fire, and in this  
18 particular instance Ms. Baker, who's now known as Ms. Bell,  
19 she had been in a relationship with Mr. McCoy, and sometimes  
20 relationships go sour. Sometimes they go bad. Sometimes they  
21 go sideways. Whatever term you want to apply to that,  
22 relationships can be complicated. They can be difficult.  
23 Occasionally couples argue, but there are some acts that are  
24 beyond an argument. There are some acts that are beyond what  
25 couples would normally do. There are some acts that cross the

## Opening Statement by the State

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1 line from being an argument to being a crime.

2 Now, on those late evening hours of August 5<sup>th</sup> Mr. McCoy  
3 goes to the residence of Ms. Baker, and I will tell you that I  
4 will get Baker and Bell mixed up as we go. At the time she  
5 was known as Ms. Baker, now known as Ms. Bell, went to her  
6 residence because things had gone sideways. You know what he  
7 did when he got there? Bang, kicked the door in, forced his  
8 way into her residence. Yes. It's true that he had been  
9 staying there, but he didn't knock on the door. He didn't  
10 twist the door handle. He forced his way in, busted his way  
11 into the house, and during the course of that argument, threw  
12 her property about the house, perhaps as we would say it down  
13 from where I'm from slung it around tearing up her stuff,  
14 tearing it up, but then it became more dangerous because Mr.  
15 McCoy went to the kitchen to a pantry type closet and  
16 retrieved a bottle of charcoal lighter fluid, lighter fluid,  
17 went to the bedroom, just poured it on the bedding. Where I  
18 come from I call it a bedspread. I think some people might  
19 call it a comforter, linens, poured lighter fluid on her bed  
20 linens and took out a cigarette lighter and set it on fire,  
21 set it on fire in the house, then leaves, leaves the scene and  
22 leaves Ms. Baker there along with a relative who happened to  
23 be there and the two of them managed to drag it out of the  
24 house to the front yard. It's still smoking when the police  
25 get there.

## Opening Statement by the State

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1           Now, folks, I'm no expert in fires, but I do know just  
2 commonsense tells you that putting lighter fluid in a house  
3 and putting a flame to it is dangerous, and we have a name for  
4 that. The name for that is arson, and arson is a crime.

5           You know, I think sometimes when we come in the  
6 courtroom, all of us have watched television shows, police  
7 shows, we've seen the Law and Orders and we've watched the  
8 CSIs and all of these other shows, and they engage us and they  
9 draw us in with an hour-long conspiracy woven among all these  
10 different characters and parties, and my fear is that when we  
11 come to the courthouse somehow that may we expect that this is  
12 an episode of TV, but it's not. I jokingly tell people if it  
13 were I would be taller and better looking, but this is real  
14 life and sometimes our crimes are just crimes of anger.  
15 Sometimes they are crimes of jealousy. Bedding, think about  
16 that for a moment, of all the things that he could have set on  
17 fire, he set on fire the bedding. What does that say to you  
18 about a relationship that's gone sour?

19           Ladies and gentlemen, I'm going to ask that you listen to  
20 the evidence from that witness stand and that when you hear  
21 that evidence you will do something that's not particularly  
22 pleasant to do, but something that you have sworn an oath to  
23 do, to well and truly try the facts of the case, and the facts  
24 of the case are that David McCoy committed an arson. Thank  
25 you.

## Opening Statement by the Defense

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1 THE COURT: Mr. Bridges.

2 MR. BRIDGES: Thank you, Your Honor. May it please the  
3 Court.

4 Good morning, ladies and gentlemen. I'd like to join the  
5 solicitor in thanking you for your service. I know this  
6 probably isn't even in the top 50 of things you'd want to do  
7 on a day like today, but for my client, Mr. McCoy, and for the  
8 victim and for the State this is a very important day for  
9 them. It's been almost five years since this case came about.  
10 Mr. McCoy has been waiting to have his day in court since  
11 then, and today he's going to be able to get his day in court.

12 Now, in any criminal case, and the Judge will instruct  
13 you on this later, the State has the burden of proof. The  
14 State has to prove that David McCoy actually set this fire  
15 with the intention to damage the house beyond a reasonable  
16 doubt. I don't have to prove Mr. McCoy's evidence, I mean,  
17 Mr. McCoy's innocence. I don't have to prove that he did or  
18 didn't do anything. It's the State's burden to prove that  
19 beyond a reasonable doubt. However, today, and the State's  
20 story is going to be that David McCoy in the heat of this  
21 argument poured lighter fluid on everything, set the fire.  
22 Now, there's some, some of that I'm not going to dispute with  
23 the State. I'm not going to dispute that there wasn't a fire.  
24 You're going to see photographs. You're going to see that  
25 clearly was a fire. The question is going to be did David

1 McCoy set that fire, and I believe once you hear the whole  
2 side of the story there will be plenty of room for reasonable  
3 doubt about whether or not Mr. McCoy was the source of that  
4 fire.

5 You'll hear testimony from the witnesses. You'll see the  
6 forensic evidence that was taken there, and I just would urge  
7 you to pay attention to everything and keep in mind throughout  
8 all of this the State has the burden of proving David McCoy  
9 set this fire, and I'm confident at the end of this trial they  
10 will not have met that burden and you will not -- and you will  
11 find him not guilty of those charges.

12 Again, I thank you for your patience and your time, and I  
13 look forward to hopefully resolving this by the end of the day  
14 and I will speak to you soon. Thank you.

15 THE COURT: Mr. Solicitor, you may call your first  
16 witness.

17 MR. CORBETT: Your Honor, may counsel and I approach  
18 briefly?

19 THE COURT: Yes, sir.

20 (Whereupon, a bench conference is held in the presence  
21 but out of the hearing of the jury.)

22 MR. CORBETT: Your Honor, may it please the Court?

23 THE COURT: Yes, sir.

24 MR. CORBETT: The State would call Laquetta Baker Bell to  
25 the stand.

Laquetta Bell - Direct by State

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1 THE COURT: All right. If you'd come around, please,  
2 ma'am, and place your left hand on the Bible and raise your  
3 right.

4 THE CLERK: Put your left hand on the Bible, raise your  
5 right hand, state your name, please, ma'am.

6 MS. BELL: Laquetta Maisha [spelled phonetically] Bell,  
7 B-E-L-L.

8 Whereupon, Laquetta Baker Bell is called to the stand,  
9 duly sworn by the clerk and testified as follows:

10 THE CLERK: Step around and have a seat, please, ma'am.  
11 State your full name and spell your last name for the record,  
12 please, ma'am.

13 MS. BELL: Laquetta Maisha [spelled phonetically] Bell,  
14 B-E-L-L.

15 DIRECT EXAMINATION

16 BY MR. CORBETT:

17 Q Ms. Bell, good morning.

18 A Good morning.

19 Q Now, Ms. Bell, I'm going to ask you to speak up and speak  
20 into that microphone for us. Okay?

21 A Yes, sir.

22 Q I'll stand a little further back so you'll know to talk  
23 loud so everybody can hear you. Now, Ms. Bell, you've stated  
24 your name. Are you from the Sumter area?

25 A Yes, sir.

Laquetta Bell - Direct by State

40

1 Q Okay. Lived here all your life?

2 A Yes, sir.

3 Q Okay. And do you still live here in Sumter County?

4 A Yes, sir.

5 Q Okay. Now, you know the reason we're here this morning  
6 for the incident back in 2013; is that correct?

7 A Yes, sir.

8 Q Now, at the time you were living at [REDACTED] Campbell Court;  
9 is that correct?

10 A Yes, sir.

11 Q Okay. Is that here in Sumter County?

12 A Yes, sir.

13 Q And at that time was there a particular individual that  
14 you were seeing?

15 A As relationship-wise?

16 Q Yes, ma'am.

17 A Yes, sir.

18 Q And who was that?

19 A David McCoy.

20 Q Okay. And do you see Mr. McCoy here today?

21 A Yes, sir.

22 Q All right. Is -- can you tell us what color shirt he is  
23 wearing?

24 A Red.

25 Q Okay. Sitting here at the table with his Defense

Laquetta Bell - Direct by State

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1 counsel?

2 A Yes, sir.

3 Q Okay. Now, how long had -- at this point in time back in  
4 August of 2013 how long had you known Mr. McCoy?

5 A Maybe about, about six years.

6 Q Now, I know that relationships can sometimes be  
7 complicated. How, how would you describe your relationship  
8 with Mr. McCoy?

9 A Like maybe like more of a friendship kind of  
10 relationship.

11 Q Now, at any point in that August of 2013 time period or  
12 before that had Mr. McCoy stayed at your residence?

13 A Yes, sir.

14 Q Okay. So the nature of your relationship was such that,  
15 he would stay over at your residence?

16 A Yes, sir.

17 Q Now, and I'm trying not to get into too much of your  
18 personal life, but within the confines of this relationship is  
19 it fair to say that the two of you had been intimate?

20 A Yes, sir.

21 Q Okay. Now, at some point in time did the relationship  
22 suffer or have problems?

23 A Yes, sir.

24 Q Okay. Tell us about that particularly as it relates to  
25 this August 5<sup>th</sup> -- excuse me, August 5<sup>th</sup> of 2013 time period.

1 A Well, during that time we was dating. He had a  
2 girlfriend and I had a boyfriend. So my boyfriend, he was  
3 incarcerated, and his girlfriend, I guess she was, you know, I  
4 guess a girlfriend, but I guess he told me him and her wasn't  
5 together. So, me and him we kind of like started seeing each  
6 other. Then, you know, he, he brought some of his belongings  
7 to my house. When I found out he still was sleeping with his  
8 girlfriend I told him, you know, we was going to go ahead and  
9 just cut it off and still be friends. So he came to my house,  
10 which my door was locked, and he kick in the back door.

11 Q All right. Well, hold up there for me just a moment.  
12 All right. So sometime prior to this evening in question you  
13 had decided that you were going to cut it off?

14 A Yes.

15 Q Okay. All right. Now, I believe that you alluded to  
16 this, but did he have some of his possessions or belongings at  
17 your residence?

18 A Yes, sir.

19 Q Okay. Now, how would you describe those, clothing,  
20 furniture, what, what would he have had at your house?

21 A He had a couple of pieces of clothes and a stand with a  
22 flat screen TV on it.

23 Q Now, do you recall the evening of August 5, 2013?

24 A Yes, sir.

25 Q Okay. And you were beginning to tell us a little bit

Laquetta Bell - Direct by State

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1 about it; is that correct?

2 A Yes, sir.

3 Q Okay. Who was at your residence that evening?

4 A It was me, my cousin and my five kids.

5 Q Now, did Mr. McCoy come to your residence that night?

6 A Yes, sir.

7 Q Okay. And I believe you were beginning to describe those  
8 events to us. Tell us what happened.

9 A He came there. My door was lock. He kick in the back  
10 door, and once he kick in the door my kids had got in the  
11 truck because we was about to leave. So I guess me and him we  
12 started arguing, and I told him, you know, it's not going to  
13 be a relationship. So --

14 Q I'm sorry. Let me stop you there one moment. At the  
15 time that the door was kicked in who was in the residence?

16 A It was me, my cousin and my five kids.

17 Q Okay. Now, at some point thereafter did the kids -- I  
18 don't want to put words in your mouth, did they go outside?

19 A Yes. They went outside and got in the truck.

20 Q Okay. All right. Besides you and Mr. McCoy was anyone  
21 else in the residence?

22 A Yes.

23 Q All right. Who is that?

24 A My cousin.

25 Q His name's Clyde?

1 A Clyde Butler.

2 Q All right. Tell us what happened there in the residence  
3 that evening.

4 A It was like a kitchen closet which it was pretty high  
5 because that's where I usually like leave like the lighter  
6 fluid and stuff like if I'm cooking on the grill because like  
7 I say I had five kids, which in the closet it was like pretty  
8 high. He got the lighter fluid from out the closet and he  
9 began to pour it on the comforter that was in the room, in my  
10 bedroom, and he set it afire, and once he set it afire --

11 Q Well, I'm sorry. Let me stop you there for just a  
12 moment. You indicated that he forced his way into the  
13 residence; is that correct?

14 A Yes, sir.

15 Q Okay. And then the two of you were arguing about the  
16 nature of the relationship?

17 A Yes, sir.

18 Q Okay. Did anything happen prior to the lighter fluid  
19 being brought out?

20 A My cousin, I don't know if -- what it was thrown, but my  
21 cousin head had got like bust on the side of his head because  
22 I guess, you know, he was trying to stop him.

23 Q Now, was -- prior to the lighter fluid coming out was  
24 anything else in the house damaged, disheveled or anything of  
25 that nature?

Laquetta Bell - Direct by State

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1 A No, sir.

2 Q Okay. All right. Please continue with telling us what  
3 happened that night.

4 A The lighter fluid was pour on the bed. Then he, he put a  
5 light to it and that's when me and my cousin we grabbed the  
6 comforter set and we tried to like kind of roll it up and we  
7 was dragging it out the house so we could have let the fire  
8 out.

9 Q Now, if you know, do you know about how long Mr. McCoy  
10 was there?

11 A I'm thinking about 30 minutes, no more than 30 minutes.

12 Q Did Mr. McCoy ever indicate why he was there?

13 A No.

14 MR. BRIDGES: Object to hearsay.

15 THE COURT: Go ahead. Overruled.

16 Q Did he ever indicate why he was there?

17 A No, sir.

18 Q Okay. Help us out. Describe for us what it was like  
19 when he first came in the door and forced his way in. Tell, I  
20 mean, tell us about the tone, the mannerism. What was going  
21 on?

22 A I mean, it wasn't like really a tone, but you could have  
23 like basically see like the anger in his face.

24 Q Where did you say the lighter fluid was?

25 A It was in the kitchen like a closet.

Laquetta Bell - Direct by State.

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1 Q And where is that -- excuse me, where is that in relation  
2 to the bedroom?

3 A The kitchen closet?

4 Q Yes, ma'am.

5 A You would had to leave out the kitchen and go down the  
6 hallway to get in the bedroom.

7 Q Ms. Bell, I'm going to show you what's been marked for  
8 identification as State's Exhibit Number One and it's a single  
9 sheet with four pictures contained thereon. Can you tell us  
10 what we're looking at here?

11 A In the first picture?

12 Q Well, yes. Well, yeah, we need to -- all right. It's  
13 four pictures. Let's start at the top left.

14 A Okay. That was the kitchen.

15 Q Okay. And what do we see at -- near the -- at the back  
16 of that photograph?

17 A At the back?

18 Q Yes, ma'am.

19 A Where you could like see like where like the door was  
20 kick in because the boards was broken.

21 Q Okay. And I'm sorry, that's the top left photograph.  
22 What are we looking at in the top right, and I believe that  
23 one may be turned sideways.

24 A Here?

25 Q Yes, ma'am.

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1 A The top right is like where the kitchen closet was like  
2 by the door and the lighter fluid was up in the top part of  
3 the kitchen closet.-

4 Q Okay. Can you also see the door going outside in that  
5 picture?

6 A Yeah.

7 Q All right. Does that picture also show damage?

8 A Like the board around it was broken.

9 Q And the bottom left it appears to be a mattress in that  
10 picture?

11 A Yes, sir.

12 Q All right. Can you tell us what that is?

13 A It was the bedroom where my cousin was sleeping.

14 Q Okay. And then also the bottom right picture, I believe  
15 also oriented --

16 A Here?

17 Q -- bottom right.

18 A Okay. Yeah. Just the -- like basically the same picture  
19 where the door, the boarding around the door was broken and  
20 the part of the kitchen closet.

21 Q How was that boarding or, or trim around the door broken?

22 A When he kicked the back door in.

23 MR. CORBETT: Your Honor, we'd offer State's Number One  
24 for identification into evidence.

25 THE COURT: What says Defense?

Laquetta Bell - Direct by State

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1 MR. BRIDGES: No objection.

2 THE COURT: All right. It's in without objection.

3 (State's Exhibit Number One [Photographs] admitted into  
4 evidence and appropriately marked.)

5 MR. CORBETT: Judge, if we may have monitor, please.

6 THE COURT: You got it? Okay.

7 BY MR. CORBETT:

8 Q Very good. Thank you. Ms. Bell, are you able to see the  
9 photograph here on your monitor?

10 A Yes, sir.

11 Q Okay. Now, I've actually turned the sheet a little bit,  
12 the pictures that were sideways. The top left that we're  
13 looking at there, what do you see in that top left picture?

14 A The top left is where the back door was kick in and  
15 around the door where the boarding was break and the top part  
16 of the closet to the kitchen.

17 Q Okay. Ma'am, if you would, please, touch the screen  
18 where the trim around the back door was broken or the boarding  
19 around the back door. Right there? Okay. And if you would,  
20 please, just touch for us the closet you're talking about  
21 where the lighter fluid was. So up there on that shelf?

22 A Yeah.

23 Q Was I able to take those marks off your screen?

24 A Yes, sir.

25 Q All right. Very well. Now, we're looking again at the

Laquetta Bell - Direct by State

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1 top left picture there. Tell us what we're looking at.

2 A The back door and basically like the kitchen part and the  
3 trimming where the back door were where it was broken.

4 Q Now, I'm going to touch the screen here. Excuse me. Is  
5 this the damage we're talking about?

6 A A little. Yeah.

7 Q Okay.

8 A A little bit to the left.

9 Q And would this be the closet right here?

10 A That's the side of the closet.

11 Q The side.

12 MR. CORBETT: Your Honor, I understand State's One is in  
13 evidence?

14 THE COURT: Yes.

15 BY MR. CORBETT:

16 Q Now, ma'am, I'm going to show you what's been marked for  
17 identification as State's Number Two. If you would please  
18 take a moment and let's orient this. We'll do it that way.

19 Top left, do you know what we're looking at there?

20 A The boarding around the door.

21 Q Okay. And is it obviously damaged in that photograph?

22 A Yes, sir.

23 Q Okay. And I'm sorry I've got it kind of catawampussed on  
24 you. All right. And if you would please the way I'm holding  
25 it the bottom left what are we looking at there?

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1 A The kitchen closet.

2 Q Okay. Is that where the lighter fluid had been?

3 A Yes, sir.

4 Q Now, the damage shown in the picture that you just  
5 described to me was that the damage caused by Mr. McCoy?

6 A Yes. To the door.

7 Q Okay.

8 MR. CORBETT: Your Honor, we'd offer this as State's  
9 Number Two.

10 THE COURT: What says the Defense?

11 MR. BRIDGES: No objection.

12 THE COURT: It's in without objection.

13 (Whereupon, State's Exhibit Number Two [Photographs]  
14 admitted into evidence and appropriately marked.)

15 BY MR. CORBETT:

16 Q Now, Ms. Bell, the picture that you've just identified  
17 there, is that a closer view of the damage to the door?

18 A Yes, sir.

19 Q Now, what are we looking at in this picture?

20 A The kitchen closet where the lighter fluid was kept on  
21 that shelf.

22 Q Now, Ms. Bell, I'm going to show you what's been marked  
23 for identification as State's Exhibit Number Three and ask you  
24 to look at that and tell us if you can identify that.

25 A You want me to start with the first picture right here?

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1 Q Yes, ma'am. The top left will be fine.

2 A The first picture is my room. The bottom picture is the  
3 hallway. Going back up is part of the hallway, and the bottom  
4 picture is like coming from the hallway to the living room.

5 Q The hallway to the living room. Okay.

6 THE COURT: And that's State's Exhibit Three?

7 MR. CORBETT: Yes, sir. That's State's Exhibit Three.

8 Your Honor, we'd offer it into evidence.

9 THE COURT: Any, any objection?

10 MR. BRIDGES: No objection, Your Honor.

11 THE COURT: How many more photographs you got beside that  
12 one that you intend to put in?

13 MR. CORBETT: Judge, it's probably about eight more.

14 THE COURT: You got any objection to any of them?

15 MR. BRIDGES: No, sir.

16 THE COURT: All right. They're all in without objection.  
17 We can speed this up a little bit.

18 MR. CORBETT: Very well.

19 THE COURT: Okay.

20 (State's Exhibit Number Three [Photographs] admitted into  
21 evidence and appropriately marked.)

22 BY MR. CORBETT:

23 Q Now, Ms. Bell, I know it's a little bit unclear on my  
24 monitor, but can you tell us what this picture here is?

25 A My bedroom.

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1 Q Okay. Now, is that where the fire started?

2 A Yes, sir.

3 Q And I'm going to move to -- this picture, what are we  
4 looking at here?

5 A The hallway.

6 Q What are we looking at in this picture?

7 A Part of the hallway and part of the hallway and living  
8 room.

9 Q Okay. Where the hallway and the living room come  
10 together?

11 A Where -- basically you can like where the living room,  
12 the living room and the hallway is like -- was like right, you  
13 know, nothing wasn't blocking it off.

14 Q Very well. Now, Ms. Bell, I'm going to show you what's  
15 been marked as State's Number Four and ask if you can identify  
16 that.

17 A The first picture is, I guess, like where he had his game  
18 system where the cords and everything was at.

19 Q And what room would that have been in?

20 A In my bedroom.

21 Q Okay.

22 A The bottom part of the picture is the comforter that was  
23 set on fire, and the top part is basically like the bedroom  
24 like with the cords and everything and the bottom part the  
25 basket and the cords.

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1 MR. CORBETT: And Your Honor, my understanding is this is  
2 in without objection?

3 THE COURT: That's correct.

4 (State's Exhibit Number Four [Photographs] admitted into  
5 evidence and appropriately marked.)

6 BY MR. CORBETT:

7 Q Ma'am, the picture of the comforter here, was that the  
8 comforter that was taken outside?

9 A Yes, sir.

10 Q Okay. Was it brought back into the house?

11 A No, sir.

12 Q All right. So that picture's taken outside?

13 A Yes, sir.

14 Q Okay. And then these other pictures just give some views  
15 of the bedroom?

16 A Yeah. And I guess like when the fire had started I guess  
17 like some of the wire must be had burned to like the games  
18 system or whatever it was he had.

19 Q And ma'am, on this bottom right picture are those the  
20 wires and cords you were referring to?

21 A Yes, sir.

22 Q Okay. And it looks like to be some discoloration there  
23 around the cords; is that correct?

24 A Yes, sir.

25 Q What caused that?

1 A The fire.

2 Q Now, Ms. Bell, I'm going to show you what's been marked  
3 for identification as State's Number Five and ask if you look  
4 at these four photographs if you can identify those, and I  
5 understand that one of them that did not come out very clear.

6 A The first photo is the comforter that we took outside  
7 that was burnt. The bottom picture is the part of the front  
8 door where the lighter fluid, I guess, when they took pictures  
9 of the lighter fluid. The top part if you turn it this way is  
10 the part of the living room, and the last part I can barely  
11 see it.

12 Q Is that one too dark to make out?

13 A Yeah.

14 Q Okay. Very well. Let's talk about the three. Now, Ms.  
15 Bell, let me ask you here, is this the comforter that was on  
16 -- had been on fire?

17 A Yes, sir.

18 Q Okay. Now, the white object in the picture, what is  
19 that?

20 A It was the chair.

21 Q Okay. Was it already outside?

22 A Yes. It was outside.

23 Q Okay. So when you all were able to drag it outside you  
24 dropped the comforter near the chair?

25 A Yes.

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1 Q Okay. Is that, is that how the chair was damaged?

2 A Yes, sir.

3 Q The fire from the comforter?

4 A Yes, sir.

5 Q Okay. So that's the comforter that had been in your  
6 room; is that correct?

7 A Yes, sir.

8 Q Okay. And it was set on fire in your bedroom?

9 A Yes, sir.

10 Q Now, the picture at the bottom right, is that the can of  
11 lighter fluid that was in your house?

12 A Yes, sir.

13 Q Okay. Did you place it where it sits in the picture?

14 A No, sir.

15 Q All right. Who was the last person that you saw with  
16 possession of that container of lighter fluid?

17 A David McCoy.

18 (Whereupon, State's Exhibit Number Five [Photographs]  
19 admitted into evidence and appropriately marked.)

20 Q Ma'am, I'm going to show you what's been marked as  
21 State's Number Six and ask if you can identify this.

22 A I'm going to start on this side.

23 Q Yes, ma'am. That's fine.

24 A Okay. The top picture is, I guess, it was my bedroom  
25 where the stand and the TV were. I guess he flip over and he

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1 break because he broke his TV. The bottom part --

2 THE COURT: Put it on -- wait a minute -- put it on the  
3 screen where we won't have to do this twice. It's already in  
4 evidence. She doesn't have to identify it.

5 MR. CORBETT: Yes, sir.

6 THE COURT: And then she can describe it on the screen  
7 where the jury can see what we're talking about.

8 BY MR. CORBETT:

9 Q Ma'am, are you able to see that on the monitor?

10 A Yes.

11 Q Okay. What were you describing to us in this picture?

12 A The TV that was on the stand that he turned over and  
13 broke.

14 Q Now, did you personally observe that?

15 A Yes. I was in the bedroom.

16 Q Okay. Why did he turn over the TV if you know?

17 A It was his TV. I guess he didn't want me to keep it.

18 (State's Exhibit Number Six and Seven [Photographs]  
19 admitted into evidence and appropriately marked.)

20 Q Now, Ms. Baker, I'm going to show you what's been marked  
21 or which has been admitted into evidence as State's Exhibit  
22 Number Nine -- I'm sorry -- State's Number Seven. Are you  
23 able from the monitor to tell us about this picture, this top  
24 right one?

25 A That's the front of the house where -- that's the one?

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1 Q Ma'am?

2 A This one?

3 Q Yes, ma'am.

4 A Right here. Okay. Yeah. That was the front of my  
5 house.

6 Q Okay. And I'm going to touch the screen to make a mark  
7 on it.

8 A Okay.

9 Q Tell us what's going on right here.

10 A That was the chair and the comforter set that was on  
11 fire.

12 Q Okay. Is that where you drug it out to?

13 A Yes.

14 Q Okay. And this is basically appears to be very similar?

15 A The same thing.

16 Q And that's just the picture from a little further back?

17 A Yes.

18 Q Ms. Bell, I apologize for the silliness of this question,  
19 but at no time did you give consent or permission for Mr.  
20 McCoy to set afire your residence; is that correct?

21 A No, sir.

22 Q You never did that?

23 A No, sir.

24 Q I want to back up just a little bit. Prior to him coming  
25 over that evening, had you broken it off prior to that or was

Laquetta Bell - Direct by State

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1 it that night?

2 A It was basically kind of like in the daytime where we had  
3 the conversation and he, I guess he got dropped off.

4 Q So he came into your residence, damaged the television,  
5 knocking it off the stand and put lighter fluid on the  
6 bedspread and lit it.

7 A Yes, sir.

8 Q What did he use to light it?

9 A A lighter.

10 Q Like a -- what I'd call a cigarette lighter?

11 A Yes.

12 Q Did you at any time notice which vehicle he used to get  
13 there?

14 A He -- like I said, he got dropped off.

15 Q Now, once the comforter was set on fire what did you do  
16 at that point?

17 A What did I did?

18 Q Yes, ma'am.

19 A I drag it out the door.

20 Q Okay. Did you drag it out by yourself?

21 A Me and my cousin.

22 Q Okay. Who's your cousin?

23 A Clyde Butler.

24 Q Mr. Butler happened to be there at that, at that time?

25 A Yes. He was living there.

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1 Q Can you tell us anything about Mr. Butler, his condition?

2 A He's like disabled, like he like got a very bad speech  
3 problem.

4 Q Bear with me one moment, please. Did he have a key to  
5 the residence?

6 A No, sir.

7 Q Okay. So when he got there and it was locked he just --

8 A Yes, sir.

9 Q -- for lack of a better term busted it open?

10 A Yes, sir. I only had one key made.

11 Q Did you know he was coming over?

12 A No, sir. We was inside the house.

13 Q Did you have any indication before the, the door was  
14 kicked in or busted in that he was there?

15 A No, sir.

16 Q So it wasn't a knock or a -- anything of that  
17 nature?

18 A No, sir.

19 Q It was just you're at the house and the next thing you  
20 know the door is busted in?

21 A Yes, sir.

22 Q And you indicated the kids went outside?

23 A Yes, sir.

24 Q Okay. Were they, were they of age that they could go out  
25 on their own?

1 A Yes.

2 Q Okay. Ms. Bell, thank you very much. Please answer any  
3 questions that Mr. Bridges has.

4 A Thank you.

5 CROSS EXAMINATION

6 BY MR. BRIDGES:

7 Q Good morning, Ms. Bell.

8 A Good morning.

9 Q Let's go back before this incident happened. When did  
10 you and Mr. McCoy start dating?

11 A We was friends.

12 Q What -- this happened in August 2013. Was he regularly  
13 staying at the house -- when did he start regularly staying at  
14 the house?

15 A Probably sometimes in May.

16 Q Is this May 2013 or May 2012?

17 A '13.

18 Q '13. Okay. So by this point by your account would be  
19 about six months he'd been staying there or about three or  
20 four months he had been staying there?

21 A I'm not going to say he was staying there. He would  
22 spend nights there.

23 Q Did he have items at the house?

24 A Yes, sir.

25 Q You said he had a TV?

Laquetta Bell - Cross by Defense

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1 A Yes. And his TV stand.

2 Q Did he have -- you said he had some kind of video gaming  
3 equipment?

4 A And like the video and the surround bar system.

5 Q Did he have clothes?

6 A Yes.

7 Q But you're saying he was -- that was on and off. He  
8 wasn't staying there every night?

9 A No.

10 Q Now, while this was going on you said you had a boyfriend  
11 who was incarcerated?

12 A Yes.

13 Q When was he set to return from SCDC?

14 A He had got out it was maybe like the beginning of August.

15 Q Was he going to stay back in with you when he came back?

16 A No. He was living with his mother.

17 Q Okay. Was he -- were you still going to be with him when  
18 he came back?

19 A No. I informed my kids' father that me and him was  
20 dating. So that's why my kids' father didn't come back.

21 Q So you meant you and Mr. McCoy?

22 A Yes.

23 Q Okay. And he didn't come back?

24 A No.

25 Q And you said Mr. McCoy did not have a key to the house?

- 1 A No.
- 2 Q Just not that day, not at any time he had a key?
- 3 A No.
- 4 Q And whose name -- were you renting that house?
- 5 A Yes.
- 6 Q And was the, the lease in your name?
- 7 A Yes.
- 8 Q And was -- now, Mr. Butler was living with you there?
- 9 A Yes.
- 10 Q And you provided care for him as in like you helped him
- 11 with his, his living arrangements and his food and everything
- 12 like that?
- 13 A Who, Mr. Butler?
- 14 Q Yes.
- 15 A He was getting SSI. So he pretty much, you know, helped
- 16 out.
- 17 Q And you and Mr. McCoy did not have any children in
- 18 common; right?
- 19 A No.
- 20 Q So he has, he has a TV there?
- 21 A Yes.
- 22 Q And he has a video game system and speakers?
- 23 A Yes.
- 24 Q And he has clothes. How many clothes?
- 25 A I can't really count on hand but it wasn't a lot because

Laquetta Bell - Cross by Defense

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1 most of the time he would go back home and change.

2 Q And that day he came over, so now let's go to the -- to  
3 August 2013. When he came over you said he just kicked in the  
4 door?

5 A Yes.

6 Q So you did not speak with him before he entered?

7 A Yes. I spoke to him, like I said, when I found out he  
8 was still seeing his baby momma I told him we was going to cut  
9 it off.

10 Q So is this why he was at the house or --

11 A No. This wasn't why he was at the house.

12 Q Okay. So this was via like text or phone or something?

13 A Phone.

14 Q Phone. But when he arrived at the house you're saying  
15 you didn't speak -- you didn't speak with him before he  
16 entered?

17 A No.

18 Q So you say he just kicked in the door?

19 A Yes.

20 Q So you did not bar his entry to the house?

21 A Repeat that.

22 Q So you did not like see him coming and then lock the  
23 door? The door was already locked?

24 A Yes.

25 Q So you didn't have any words with him at the door?

1 A No.

2 Q Okay. And was -- his stuff was still in the house when  
3 he allegedly set this fire?

4 A Yes.

5 Q And you say he grabbed -- he's the one that grabbed the  
6 lighter fluid?

7 A Yes.

8 Q And you said it looked like a cigarette lighter that he  
9 had?

10 A Yes, a cigarette lighter.

11 Q So after this happened and he was arrested did you have  
12 any more contact with him?

13 A Yes. We still remained friends.

14 Q Did you do anything to help him bond out of jail?

15 A Well, actually, I -- the bail bond that his father used  
16 his father gave me the money to like have him released and  
17 like I say --

18 Q So, let me stop you right there. We'll get to that. So  
19 you assisted in getting him bonded out of jail?

20 A No. I didn't assist him. His father gave me the money  
21 because his father, I guess, didn't wanted to sign to get him  
22 out of jail.

23 Q But did you sign to get him out?

24 A Yes. I did.

25 Q Are you aware that that signature released him from jail?

Laquetta Bell - Cross by Defense

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1 A Yes.

2 Q Okay. And your children were there that day?

3 A Yes.

4 Q So this man sets fire to your house that your children  
5 are in and you signed his release from jail?

6 A No. My children was not in the house when he set the  
7 fire.

8 Q Well, they were in the car close by the house?

9 A Yes.

10 Q Yes. So why were you okay with signing his release  
11 paperwork?

12 A Because like I said, he did it out of anger, and like  
13 until this day now I don't have a problem with him. I mean,  
14 me and him we don't conversate. I mean, we still -- like I  
15 said, we still remain friends until then. Me and his father,  
16 you know, we was friends. So like I never really had a  
17 problem with -- nor I -- or like until this day I still don't  
18 have a problem with him.

19 Q So after this incident you, you guys hung out more or you  
20 interacted with him after this?

21 A It's basically like we, we still, you know, was talking  
22 and, you know, whatever.

23 Q So did the relationship continue?

24 A No.

25 Q But you still remained friends?

1 A Yes.

2 Q Did he ever come back to that house?

3 A Yes.

4 Q Was he ever around your kids after that?

5 A Yes.

6 MR. BRIDGES: The Court's indulgence.

7 BY MR. BRIDGES:

8 Q So just to summarize, Mr. McCoy is the one that set this  
9 fire in your house?

10 A Yes.

11 Q So you signed his bond paperwork that released him from  
12 jail?

13 A Yes.

14 Q No further questions.

15 A Thank you.

16 THE COURT: Anything further from the State?

17 MR. CORBETT: Briefly, Judge.

18 REDIRECT EXAMINATION

19 BY MR. CORBETT:

20 Q Mr. Bridges was asking you about the children's father.  
21 Did Mr. McCoy accuse you of having him over to your house?

22 A No.

23 Q Okay. That wasn't any part of the problem?

24 A No.

25 Q Okay. Had he been over to the house any?

Laquetta Bell - Redirect by State

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1 A My kids' father?

2 Q Yes, ma'am.

3 A No, sir.

4 Q Okay. That's all that'd I have. Thank you.

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

6 Okay. Ladies and gentlemen, I got to be somewhere else  
7 for a little while. So I'm going to have to stop this trial  
8 for a minute and go and deal with another matter. So I'm  
9 going to send you all to lunch and ask you to be back in the  
10 jury room at 1:45. I'll take care of that other matter, be  
11 back and we'll finish this trial. Don't discuss this case  
12 over lunch, don't allow anyone to discuss it with you. If you  
13 have an emergency you've got to call us because I need all of  
14 you back. If I'm missing one of you I'm going to send the  
15 sheriff looking for you. I'll see you at 1:45. Thank you.

16 (Whereupon, the following takes place outside the  
17 presence of the jury.)

18 THE COURT: Okay. I hope I'll be back at least by 1:30.  
19 I'll see you all then. Thank you.

20 MR. BRIDGES: I understood you -- that his -- Mr. McCoy's  
21 bond staying with, but he's complied with all the terms of it.  
22 Can he remain --

23 THE COURT: Yeah. He can remain out. Get back. You  
24 understood if you don't show back up we're going to continue  
25 this trial without you. It'll be if you don't show up I'm

1 going to issue a bench warrant. You understand that?

2 MR. MCCOY: Yes, sir.

3 THE COURT: All right. I'll see you at 1:45.

4 OFF THE RECORD

5 (On the record. The following takes place outside the  
6 presence of the jury.)

7 MR. CORBETT: And Judge, what I'm trying to anticipate is  
8 at the end of the State's case if the Defendant chooses to  
9 testify there's probably going to need to be a, a hearing on  
10 his prior record.

11 THE COURT: Okay.

12 MR. CORBETT: So I'm asking my office to start prepping  
13 that.

14 THE COURT: So how close are we to that point?

15 MR. CORBETT: Judge, I have three more witnesses.

16 THE COURT: Okay.

17 MR. CORBETT: At least three.

18 THE COURT: Okay. And you've had this discussion with  
19 his-attorney about his prior record?

20 MR. CORBETT: Yes, sir. Judge, his -- Mr. Bridges is  
21 aware of the prior record.

22 THE COURT: Okay. So are we ready for the jury?

23 MR. CORBETT: The State's ready, Your Honor.

24 MR. BRIDGES: The Defense is ready, Your Honor.

25 THE COURT: Okay. Somebody bring me the jury.

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1 (Whereupon, the following takes place in the presence of  
2 the jury.)

3 THE COURT: Okay. You may call your next witness.

4 MR. CORBETT: Thank you, Your Honor. The State would  
5 call Rodney Ragin.

6 WHEREUPON, Rodney Ragin is called to the stand, duly  
7 sworn by the clerk and testified as follows:

8 THE CLERK: Step around, sir. State your full name, sir,  
9 and spell your last name.

10 MR. RAGIN: Rodney Ragin, R-A-G-I-N.

11 DIRECT EXAMINATION

12 BY MR. CORBETT:

13 Q Deputy Ragin, good morning.

14 A Good morning.

15 Q I'm sorry. Good afternoon.

16 A Afternoon.

17 Q Now, I know this is a painfully obvious question, but  
18 tell us by whom are you employed?

19 A Sumter County Sheriff Department in Sumter, South  
20 Carolina.

21 Q And how long have you been with the Sheriff's Department?

22 A Over 21 years.

23 Q Okay. So back in August of 2013, you were with the  
24 Sheriff's Office?

25 A That is correct.

1 Q Okay. What do your current duties include?

2 A I'm a lieutenant with the sheriff department, and my  
3 current duty is to supervise a shift. My shift is the A  
4 shift.

5 Q Okay. One of the patrol shifts?

6 A Yes.

7 Q Okay. In 2013 what was your job with the sheriff's  
8 department?

9 A I was a staff sergeant at the time. I supervised for a  
10 particular region in Sumter County.

11 Q Now, I'm going to ask you to turn your attention back to  
12 August 5<sup>th</sup> of 2013. You were working that evening?

13 A Yes.

14 Q Okay. Did you have occasion to respond to Campbell Court  
15 that evening?

16 A Yes. I did.

17 Q Okay. If you would, please, tell us what your  
18 involvement was and what you discovered and, and when you  
19 responded to that scene.

20 A Responded to a call at [REDACTED] Campbell Court in the  
21 southern portion of Sumter to a call for a boyfriend kicking  
22 in the door to a residence, and when I got there, I was met by  
23 the victim in the road. This was a dirt road, and she advised  
24 then that the subject left with his father in a van. I  
25 observed a -- some furniture and stuff in the yard, look like

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1 it was smoldering from a fire. She stated that she was okay,  
2 but I was also greeted by a male subject who was bleeding from  
3 their head, spoke with him also.

4 Q Do you remember his name?

5 A His name, I believe, was Clyde.

6 Q Clyde. Okay. And you described the items in the yard.

7 How was it that you described those items?

8 A It was smothering like with smoke. It was still heated  
9 and smoking.

10 Q Now, at this point in time is it normal procedure for you  
11 all to call additional officers?

12 A We -- I alerted the officers to the particular vehicle  
13 that they were in because I was the first officer to get  
14 there. So I had other guys coming. I alerted them that the  
15 subject had left, he was in a van. They later stopped that  
16 van and found the Defendant along with his father inside of  
17 that van.

18 Q Okay. All right. So other officers made basically a  
19 traffic stop?

20 A Yes.

21 Q Okay. Now, is it normal procedure for a patrol officer  
22 such as yourself to then contact investigations?

23 A Yes. Any time we get to a situation where farther  
24 investigation is needed such as arson, murders, anything like  
25 that, then you call what we call the on-call investigator. In

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1 this case we'd call the on-call arson investigator.

2 Q And that would be standard procedure?

3 A That's standard procedure.

4 Q Okay. Now, I may have already asked you this, and if I  
5 did I apologize, the [REDACTED] Campbell Court address is that here  
6 in Sumter County?

7 A That is in Sumter County, the southern portion of Sumter  
8 County.

9 Q And did you have occasion that evening to speak to Mr.  
10 McCoy?

11 A Yes. The Defendant, I spoke with the Defendant when he  
12 came back to the scene. If I recall, officers out there they  
13 made a traffic stop with him, him along with his father, I  
14 believe his father was the driver of the van, drove back to  
15 the scene and which at which time I came in contact with them  
16 and I spoke with him and I read him his Miranda rights and  
17 after reading his -- him his Miranda rights --

18 MR. BRIDGES: At this point I reinstate my pretrial  
19 objection.

20 THE COURT: Okay. Your objection is noted for the  
21 record. You may proceed, Solicitor.

22 MR. CORBETT: Yes, sir.

23 BY MR. CORBETT:

24 Q Now, Deputy Ragin, stop there for just a moment because I  
25 know a lot of people who've watched police officer shows on TV

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1 may have heard this -- the word or phrase Miranda before, but  
2 what are you talking about when you say Miranda warnings?

3 A I advised him of his rights, which were you have the  
4 right to remain silent, anything you say can and will be used  
5 against you in a court of law, you have a right to hire an  
6 attorney, have one present before you during and before  
7 questioning, if you cannot afford to hire one one will be  
8 appointed for you by the State, knowing all this do you still  
9 wish to speak with me?

10 Q Now, at that point in time did Mr. McCoy, in fact, speak  
11 with you?

12 A Yes.

13 Q Okay. What was the substance of that conversation?

14 A I asked him what occurred, was he at the residence, what  
15 occurred? He said yes. At which time I asked him what  
16 happened he explained that he kicked the door in, he lived  
17 there, and so knowing that I asked him what happened once he  
18 got inside. He says his old lady, his girlfriend wanted him  
19 out, wanted him to get his stuff out, argument ensued, and he  
20 said nothing else happened.

21 Q Okay. But he did admit to kicking the door in?

22 A Yes.

23 Q Now, did you make any observations inside the residence  
24 yourself or did you wait for investigations to handle that  
25 portion of it?

1 A Investigation went in and took pictures of everything. I  
2 was on the outside where I did all my talking to the victim as  
3 well as to the Defendant and the witness.

4 Q So most of your time was spent on the outside of the  
5 residence?

6 A That is correct.

7 Q Okay. All right. I'm going to show you State's Exhibit  
8 Number Five and ask if you'll look at the top left photograph.  
9 Do you recollect that?

10 A Yes.

11 Q All right. Do you know what it is that we're looking at  
12 in that picture?

13 A You're looking at what appear to be like a comforter and  
14 a melted chair.

15 Q Okay. And you indicated that was still smoldering when  
16 you arrived?

17 A Yes.

18 Q Deputy Ragin, please answer any questions Mr. Bridges  
19 has.

20 CROSS EXAMINATION

21 BY MR. BRIDGES:

22 Q Good afternoon, Deputy Ragin.

23 A Good afternoon.

24 Q On August 13<sup>th</sup> [sic] when you arrived at the scene Mr.  
25 McCoy was, was not present. He was brought there by another

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1 officer; is that correct?

2 A He came back in the van with his father. In fact, they  
3 followed him back to the residence.

4 Q But you did not observe the fire take place, it was  
5 already -- it was in the yard, you said it was smoldering?

6 A Yes.

7 Q So you did not observe Mr. McCoy lighting the fire or  
8 anything like that; did you?

9 A No, sir.

10 Q And you testified that you, you spoke to him. Did you  
11 speak with Ms. Bell?

12 A Yes. I spoke to Ms., Ms. Bell.

13 Q Did she say that he lived at the house?

14 A Stated that he lived there one time, but she was kicking  
15 him out.

16 Q That she was in the process of kicking him out that day?

17 A Yes.

18 Q Did you -- were you the one that followed up and, and  
19 obtained the arrest warrant for Mr. McCoy?

20 A No. I wasn't.

21 Q Would that have involved you?

22 A Don't recall doing it. No.

23 Q So it, it was not you as far as you know?

24 A It was not me.

25 Q No further questions.

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1 THE COURT: Anything further from the State?

2 MR. CORBETT: Nothing on redirect, Your Honor.

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

4 MR. CORBETT: Your Honor, the State would call  
5 Investigator Loman Mays, also known as Tripp Mays to the  
6 stand.

7 THE COURT: Okay.

8 Whereupon, Loman C. Mays, III, is called to the stand,  
9 duly sworn by the clerk and testified as follows:

10 THE CLERK: Step around, sir. Sir, state your full name  
11 and spell your last name for the Court.

12 MR. MAYS: Loman C. Mays, III, also known as Tripp,  
13 spelling of last name is M-A-Y-S.

14 DIRECT EXAMINATION

15 BY MR. CORBETT:

16 Q Investigator Mays, good afternoon.

17 A Good afternoon, sir.

18 Q Investigator Mays, again, probably obvious question but  
19 who do you work for?

20 A I work with the Sumter County Sheriff's Office.

21 Q Okay. Now, in addition to the Sumter County Sheriff's  
22 Department, do you have any other type of work that you do?

23 A Yes, sir. I'm a volunteer firefighter with the Sumter  
24 County Fire Department as well.

25 Q Okay. Now, first, let me ask you a little bit about the

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1 fire department. How long have you been with the fire  
2 department?

3 A Since January of 1989.

4 Q Okay. And is there a particular rating or rank that you  
5 hold in the fire department?

6 A I'm a lieutenant with the fire department.

7 Q So that's been since 1989 you've been with the volunteer  
8 fire department?

9 A Yes. It is.

10 Q Okay. Now, how long have you been with the sheriff's  
11 department?

12 A I've been with the Sumter Sheriff's Office since 2002  
13 with three years prior with Summerton Police Department in  
14 1999.

15 Q Now, in connection with your time at the Sumter County  
16 Sheriff's Department, well, let me ask you, in what capacity  
17 do you currently work at the sheriff's department?

18 A I'm the lieutenant in the narcotics division.

19 Q Okay. Have you held other posts in the sheriff's  
20 department?

21 A Yes. I have.

22 Q Okay. What are some of those other posts?

23 A Of course I was on patrol working patrol division doing  
24 patrol, answering calls of service, checking property and  
25 such. Then I was promoted to investigator narcotics division

1 2009, transferred out of narcotics division or, sorry, 2006,  
2 transferred out of narcotics division, in 2009 the criminal  
3 investigations. I was -- started out as an investigator, was  
4 promoted to lieutenant in criminal investigations, and now I'm  
5 lieutenant over narcotics.

6 Q Now, with regard to the criminal investigations, and, and  
7 let me ask it this way, back in August of 2013 were you with  
8 the sheriff's department?

9 A Yes, sir.

10 Q Okay. In August in 2013 would it have been normal for  
11 you to be called out on an arson call?

12 A Yes. It was.

13 Q Okay. Now, in connection therewith, have you had any  
14 training regarding fires and arson?

15 A Yes, sir.

16 Q Okay. If you would, please, tell us about that training  
17 and whether or not it needs to be specified for fire  
18 department or sheriff's department or both.

19 A Okay. Of course, we -- as being a firefighter, we're  
20 trained in fire patterns, the way they burn, how they can be  
21 changed. We're trained to -- in fire suppression, fire alarms  
22 and water supply and a lot of other things that it takes to  
23 extinguish the fires. We're also as being a fire investigator  
24 we're trained more so to look at the building construction,  
25 the way things are going to burn inside of the building and

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1 how that fire is going to burn, how it can change and to  
2 determine exactly where that fire started and how it started.

3 Q All right. And how many different courses have you had  
4 concerning firefighting and, and fire origin?

5 A Probably, let's see, in the neighborhood of 20.

6 Q Twenty separate courses involving firefighting and fire  
7 origin?

8 A Yes, sir.

9 Q Okay. And have you investigated arson fires prior to  
10 this?

11 A Yes, sir.

12 Q Okay. Did you have any cases after this?

13 A Yes, sir. A lot.

14 Q Okay. Have you testified in court before concerning  
15 arson cases?

16 A Yes, sir.

17 Q Okay.

18 MR. CORBETT: Your Honor, at this time we would offer  
19 Investigator Mays as an expert in arson investigation and also  
20 in -- as to cause and origin of fires.

21 THE COURT: What says the Defense?

22 MR. BRIDGES: No objection to his credentials.

23 THE COURT: Okay. He's -- I so find.

24 BY MR. CORBETT:

25 Q Now, Investigator Mays, on the evening of August 5, and I

1 believe spilling over to August 6<sup>th</sup> of 2013, did you have  
2 occasion on that evening to respond to the [REDACTED] Campbell Court  
3 address?

4 A Yes, sir. I did.

5 Q And if I may, I'm going to start with what's already been  
6 placed into evidence -- I'm sorry. Let me take a moment to  
7 put them back in order. Now, Investigator Mays, before we put  
8 them on the monitor, I'm going to ask you to look through  
9 State's One through Seven, each sheet containing four  
10 pictures, and just briefly before I put it on that monitor I  
11 want to make sure you can identify those.

12 A Yes, sir.

13 Q Now, what are these pictures of?

14 A It's photos of the scene at [REDACTED] Campbell Court inside,  
15 outside.

16 Q Okay. And do those photographs accurately reflect the  
17 condition of the property that evening in question when you  
18 arrived?

19 A It does.

20 Q Okay. And do you recall who took the pictures?

21 A Yes, sir. I did.

22 Q You took the pictures?

23 A Yes, sir.

24 Q Okay. Now, I'm going to show you an additional one,  
25 which has been marked for identification as State's Exhibit

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1 Eight, and ask if you can identify that.

2 A Yes, sir.

3 Q Okay. Did you also take that picture?

4 A Yes, sir.

5 Q Okay. I'll come back to the contents in just a moment.

6 A Okay.

7 MR. CORBETT: Judge, at this time we would offer State's  
8 Number Eight.

9 THE COURT: Any objection?

10 MR. BRIDGES: No, Your Honor. I believe that might  
11 already be in without objection. If it is not I have no  
12 objection.

13 THE COURT: Okay.

14 (State's Exhibit Number Eight [Photographs] admitted into  
15 evidence and appropriately marked.)

16 BY MR. CORBETT:

17 Q Investigator Mays, I apologize for the focus of these  
18 photographs. If you need the original, please let me know.

19 A Yes, sir.

20 Q I'm going to refer you to this photograph here on the  
21 monitor. Do you have your monitor available?

22 A No, sir. It's not on.

23 THE COURT: Cut it on on the side right there. There you  
24 go.

25 A It's on now, sir.

1 Q Okay. Are you able from the monitor view to tell what  
2 this is a photograph of?

3 A Yes, sir. That was a photograph of the comforter in the  
4 front yard on that white plastic style chair.

5 Q Okay. And what can you tell us about the condition of  
6 that comforter?

7 A It had -- it'd burned pretty good. There was a lot of  
8 heat, fire melting.

9 Q So it's obviously -- obvious to you that it was fire  
10 damage?

11 A Yes.

12 Q Okay. Now, this picture here, can you identify that?

13 A Yes, sir. That is the plastic bottle of Kingsford  
14 Lighter Fluid, charcoal lighter fluid that was at the doorway  
15 where it was sitting whenever it was found.

16 Q Now, I notice that there is a yellow marker in the  
17 picture; is that correct?

18 A That is correct.

19 Q Okay. Where did that yellow marker come from?

20 A We use numbered markers to identify items of evidence  
21 that we take photographs of.

22 Q Okay. And would this basically be the same picture  
23 without the evidence marker?

24 A That is correct.

25 Q Okay. Now, before I put this under the monitor because

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1 of the lighting on it I'm going to hand it to you and ask you  
2 to look at this if you recall what that is of.

3 A Yes, sir.

4 Q I'm sorry. Go again. Say again, please.

5 A Yes, sir. I, I, I recognize these photographs.

6 Q Okay. And what is that?

7 A One of them is part of material bedding that had been  
8 burned. There's also -- those are -- other pictures are  
9 inside of the residence where part of the carpet had also been  
10 burned.

11 Q So there was fire damage inside the residence as well?

12 A Yes, sir.

13 MR. CORBETT: And Your Honor, I'm sorry. I am referring  
14 to State's Number Four.

15 THE COURT: Okay.

16 BY MR. CORBETT:

17 Q So in this picture we're also seeing fire damage?

18 A Yes, sir.

19 Q Now, Investigator Mays, as you were investigating the  
20 scene you were looking for cause and origin among other  
21 things; is that correct?

22 A Yes, sir.

23 Q Okay. Was there anything in particular you noticed about  
24 the burned bedding or the residence?

25 A Yes, sir. Whenever made entry into the residence of

1 course it was with the fire department originally, noticed a  
2 strong odor of what appeared to be lighter fluid inside the  
3 residence, and then after we come back out being outside for a  
4 little while and Ms. Bell pointing out that that was the  
5 comforter that was burned, we noticed a distinct strong odor  
6 of lighter fluid in the area of the comforter as well.

7 Q Okay. Now, Investigator Mays, stand by for me one  
8 moment.

9 MR. CORBETT: Your Honor, may counsel and I approach  
10 briefly?

11 THE COURT: Yes.

12 (Whereupon, a bench conference is held in the presence  
13 but out of the hearing of the jury.)

14 MR. CORBETT: Your Honor, at this time Mr. Pair is the  
15 evidence custodian at the sheriff's department. May he open  
16 the evidence bag at this time?

17 THE COURT: Yes, sir.

18 BY MR. CORBETT:

19 Q Now, Investigator Mays, I'm going to show you a couple of  
20 items.

21 MR. CORBETT: Your Honor, Your Honor, for identification  
22 State's Number Nine.

23 THE COURT: Okay.

24 MR. CORBETT: A silver can with a plastic bottle  
25 contained therein, State's Number Ten, a smaller in size metal

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1 container.

2 BY MR. CORBETT:

3 Q Investigator Mays, you were testifying to is that you had  
4 -- you could detect an odor of lighter fluid?

5 A Yes, sir.

6 Q Both inside the residence and on the comforter outside?

7 A That is correct.

8 Q Now, in connection therewith, do you collect samples?

9 A We do.

10 Q Okay. Now, the item that's been marked as State's Number  
11 -- I need to make sure I say it correctly -- State's Number  
12 Nine, is that the lighter fluid bottle we see in the  
13 photographs?

14 A Yes, sir. It is.

15 Q Okay. And you took that into evidence?

16 A Yes, sir.

17 Q Okay. The smaller can, tell us what that is, please.

18 A That contains fire debris, which is burned material that  
19 we collected at the scene, which would have been outside of  
20 the residence, from the comforter. We cut a little piece off  
21 and that's what we turn in to have our chemist analyze it for  
22 -- on this type of stuff accelerants.

23 Q And that -- the collection of those samples was confirmed  
24 or your smelling of the lighter fluid is the reason that you  
25 took samples?

1 A Yes, sir.

2 Q Now, those items were secured and then turned over to the  
3 lab for analysis; is that correct?

4 A That is correct.

5 Q Okay. And you're the person who took those samples?

6 A Yes.

7 Q And took that into evidence?

8 A I did.

9 Q Okay. Now, Investigator Mays, let me change just a  
10 little bit. With regard to the seriousness of an accelerant  
11 used in a residence, what can that do within a space like a  
12 residence on that type of material?

13 A With an accelerant used in today's type of material that  
14 is put inside of homes today they burn hotter and faster and  
15 produce very toxic smoke and gases very rapidly.

16 Q Based on your experience fighting fires and in arson  
17 investigation, is it in and of itself a dangerous act to put  
18 lighter fluid on a bedspread in a bedroom and light it?

19 A Yes. It could not only injure any other -- anybody in  
20 the house to include the person that ignites it.

21 Q And you indicated from the photographs that not only was  
22 there fire damage to the comforter but also to the carpet in  
23 other locations?

24 A That is correct.

25 Q Deputy -- excuse me, Investigator Mays, thank you.

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1 Please answer any questions Mr. Bridges has.

2 A Yes, sir.

3 CROSS EXAMINATION

4 BY MR. BRIDGES:

5 Q Good afternoon, Investigator Mays.

6 A Good afternoon, sir.

7 Q Investigator Mays, when you arrived on scene were the --  
8 was Ms. Bell and her cousin, Mr. Butler, still there?

9 A Yes, sir.

10 Q Did you take any photographs of Mr. Butler's supposed  
11 injuries?

12 A No, sir. I did not.

13 Q And you took all the photographs I believe that are  
14 State's One through Eight that were shown to you of the scene;  
15 correct?

16 A Yes, sir.

17 Q Was that -- I believe it's State's Number Nine, the  
18 lighter fluid bottle, was that tested for fingerprints?

19 A Yes, sir. It was. It came back insufficient ridge  
20 detail by our crime scene that processed the, the bottle for  
21 fingerprints.

22 Q So there was not a fingerprint that could be detected on  
23 there by the system?

24 A That is correct.

25 Q Did you seek an arrest warrant for burglary or for

1 assault in this case?

2 A No, sir. It was just the arson, and the reason being is  
3 because we had knowledge that he had been staying at the  
4 residence, and you can't burglarize the residence that you've  
5 been living in.

6 Q So -- that is correct.

7 A That's correct.

8 Q So, so you had, you had information that it was his  
9 residence as well?

10 A Yes, sir.

11 Q And there was just not sufficient evidence for the  
12 assault?

13 A He wasn't charged that due to the fact that during the  
14 course of the fire there was an injury, didn't determine --  
15 well, it didn't -- we didn't charge the assault because of the  
16 -- this other charge.

17 Q And you testified earlier those injuries weren't  
18 documented that supposedly happened?

19 A I didn't document them, no, sir.

20 Q The, the, the bottle of lighter fluid was tested for  
21 fingerprints?

22 A Yes, sir.

23 Q I guess was the bedding too damaged probably to be -- to  
24 have any hope of a reliable fingerprint specimen?

25 A Yes, sir. It's very hard to get any type of fingerprint

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1 off of that type of material as well.

2 Q And especially after the fire.

3 A Especially after that.

4 Q But there was no hit for Mr. McCoy?

5 A I'm sorry?

6 Q The fingerprint that was -- it was inconclusive, the  
7 fingerprint that was on the bottle of lighter fluid; correct?

8 A There was insufficient ridge detail. That's correct.

9 Q So it could not be established that that was David  
10 McCoy's fingerprint?

11 A Correct.

12 Q Thank you, Investigator Mays. No further questions.

13 A Yes, sir.

14 THE COURT: Anything further?

15 MR. CORBETT: Nothing on redirect, Your Honor.

16 THE COURT: Okay. Thank you, sir. You can step down.

17 A Thank you, sir.

18 THE CLERK: State your name.

19 MR. POWELL: Joseph Powell, P-O-W-E-L-L.

20 THE CLERK: Step -- go ahead.

21 Whereupon, Joseph Dwayne Powell was called to the stand,  
22 duly sworn by the clerk.

23 THE CLERK: Step around, sir. State your full name, sir,  
24 and spell your last name for the record.

25 MR. POWELL: My name is Joseph Dwayne Powell, P-O-W-E-L-

Joseph Powell - Direct by State

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1 L.

2

DIRECT EXAMINATION

3 BY MR. CORBETT:

4 Q Mr. Powell, good afternoon.

5 A Good afternoon, sir.

6 Q Tell us by -- whom are you employed by?

7 A I am currently employed at the Sumter County Sheriff's  
8 Office where I am in charge of the forensics laboratory where  
9 we do analysis of both arson and drug analysis.

10 Q And how long have you been with the Sumter County  
11 Sheriff's Department?

12 A I've been with the Sumter County Sheriff's Office  
13 approximately six years.

14 Q Okay. And the entire six years that you've been with the  
15 Sumter County Sheriff's Department, has it been in the lab  
16 setting?

17 A Yes, sir. It has.

18 Q Very well. Now, prior to coming to the Sumter County  
19 Sheriff's Department, do you have any prior law enforcement  
20 experience?

21 A Yes, sir. Originally I was employed with the South  
22 Carolina Law Enforcement Division as a forensic chemist. At  
23 that time I was working in the area of drug analysis as well  
24 as the area of trace evidence. Trace evidence involves both  
25 the analysis of arson, explosives, gunshot residue and other

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1 types of tests that might be called upon. I worked there for  
2 approximately 26 years, retired out and was enjoying  
3 retirement. My wife kind of felt like she would like for me  
4 to start working again. So I now have this job.

5 Q Very well. In connection with your work at the Sumter  
6 County Sheriff's Department laboratory as well as the SLED  
7 laboratory, have you received training in that regard?

8 A Yes, sir. I have.

9 Q All right. If you would, please --

10 MR. CORBETT: And Judge, for the purposes of Defense  
11 counsel I'm going to ask him about his training so that he can  
12 be qualified as an expert in the field of trace analysis and  
13 forensic analysis.

14 THE COURT: Okay.

15 A I have received training in many different areas of trace  
16 evidence as well as obtaining a Bachelor of Science Degree in  
17 analytical chemistry from the University of Southern  
18 Mississippi. I have analyzed thousands of cases and have been  
19 qualified both in federal, state and local courts in all  
20 aspects of trace evidence as well as drugs.

21 MR. CORBETT: Your Honor, at this time we would offer Mr.  
22 Powell as an expert in the field of trace evidence and  
23 forensic analysis.

24 THE COURT: What says Defense?

25 MR. BRIDGES: No objection to his credentials.

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1 THE COURT: Okay. The Court so finds.

2 BY MR. CORBETT:

3 Q Now, Mr. Powell, with regard to that, I'm going to show  
4 you two items which have been marked State's Exhibit Number  
5 Nine and State's Exhibit Number Ten. Those have been marked  
6 as such for identification, and in your capacity as the  
7 chemist at the lab, did you have occasion to analyze these  
8 items?

9 A Yes, sir. What's listed as State's Exhibit Number Nine  
10 and State's Number Ten are going to be lined cans that have  
11 within them samples that was taken from a burn site. These  
12 cans bear my initials, JDP, on -- both of them have this. The  
13 contents within I opened up. I then took and ran what's  
14 called an extraction where I actually remove the components  
15 that are found within the cans, run them on an instrument and  
16 be able to -- and look at what kind of material is there. In  
17 this case because I had a known quantity which was a cigarette  
18 lighter material as well as a burn sample I took and compared  
19 the contents of this with the contents of the fire scene.

20 Q Now, with the fire sample, which I believe -- well, let  
21 me ask you, did you prepare a report in connection with your  
22 analysis?

23 A Yes, sir. I do.

24 Q All right. Do you have that available to you?

25 A I do.

Joseph Powell - Direct by State

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1 Q All right. With regard to what has been listed as item  
2 one in your report, would you tell us what item one is?

3 A Item one is going to be a plastic container which is  
4 labeled Kingsford Charcoal Lighter Fluid. I analyzed the  
5 contents of it and found it to contain a material which we  
6 label as a medium petroleum distillate. That's a chemical  
7 phrase meaning that it has a certain set of chemicals based  
8 upon criterias we use. They're labeled as medium meaning that  
9 we have low, medium and high and there's also many other  
10 subcomponents that are found within it also.

11 Q Now, when you write on your report that item one located  
12 or found therein is a medium petroleum distillate, is that a  
13 fancy way of saying lighter fluid?

14 A Yes, sir. It is. There are other components can have  
15 these same materials, but the predominate material that you  
16 have with this is lighter fluid.

17 Q Okay. Now, you also noted an item two on your report; is  
18 that correct?

19 A That is correct.

20 Q And what is item two?

21 A Item two is going to be this small can which has within  
22 it just fire debris. I took the -- I took this, heated it,  
23 captured the materials coming off of it, ran it on my  
24 instrument and then compared that with the Kingsford Lighter  
25 Fluid.

Joseph Powell - Direct by State

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1 Q And what was that comparison?

2 A When I ran the comparison I found that everything matched  
3 up between the two. So, the, the material in here is actually  
4 going to be a medium petroleum product, which is consistent  
5 with Kingsford Lighter Fluid.

6 Q So based on your training and experience the fire debris  
7 taken from the scene, the chemical component of that matches  
8 the lighter fluid?

9 A That is correct.

10 MR. CORBETT: Your Honor, at this time the State would  
11 move into evidence State's Number Nine and Number Ten.

12 THE COURT: What says the Defense?

13 MR. BRIDGES: No objection, Your Honor.

14 THE COURT: All right. Nine and Ten are in without  
15 objection.

16 (State's Exhibit Number Nine [Large Metal Container] and  
17 State's Exhibit Number Ten [Small Metal Container] admitted  
18 into evidence and appropriately marked.)

19 BY MR. CORBETT:

20 Q Now, Mr. Powell, you work in a lab setting; is that  
21 correct?

22 A That is correct, sir.

23 Q Okay. So on this particular case you were not someone  
24 who went to the scene?

25 A No, sir. Rarely do I -- am I ever asked to go out to a

Joseph Powell - Direct by State

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1 scene. The evidence will come to me and then, then I will  
2 analyze it.

3 Q Very well. And this particular evidence it came to you  
4 in as far as you know the same condition as when it was  
5 collected?

6 A Yes, sir. It was -- came to me. It had been -- a top  
7 had been put on, as you see it's still sealed and it has my  
8 initials on it. So these are the containers I received in, in  
9 this case.

10 Q Very well. Mr. Powell, please -- thank you very much.  
11 Please answer any questions Mr. Bridges may have.

12 A Yes, sir.

13 MR. BRIDGES: I have no questions for this witness, Your  
14 Honor.

15 THE COURT: Okay. Thank you, sir. You can step down.

16 A Thank you, sir.

17 MR. CORBETT: Your Honor, the State rests.

18 THE COURT: Okay. Ladies and gentlemen, I've got to take  
19 up some matters of law. This will be a good time for a break.  
20 So I'm going to send you to the jury room. I'll get you back  
21 out in just a few minutes. Don't discuss the case yet. Well,  
22 one, one other thing, while you're back there, I need you to  
23 select a foreperson. That person has no greater vote than  
24 anyone else. They'll simply preside over the deliberation and  
25 sign the verdict form and that needs to be one of the original

1 12, not necessarily the alternate, but if you all will do that  
2 before you come back out and select one person among you all  
3 to be the foreperson I would appreciate it. I'll get you back  
4 out in a few minutes.

5 (Whereupon, the following takes place outside the  
6 presence of the jury.)

7 MR. BRIDGES: Move for a directed verdict under Rule 19.

8 THE COURT: Okay. I think there's sufficient evidence in  
9 this record that, that the jury can make a determination of  
10 guilt or innocence based on the record. I'll deny your  
11 motion.

12 MR. BRIDGES: Thank you, Your Honor.

13 THE COURT: Now, what about the record? Well, let --

14 MR. CORBETT: Well, Your Honor, with regard to the  
15 State's perspective, the Defendant's NCIC shows that in 2007  
16 he was taken into custody by the South Carolina Department of  
17 Corrections. It lists assault and battery with intent to  
18 kill, two counts, seven years each concurrent, possession of  
19 weapon during a violent crime, five years concurrent, and it's  
20 either a stolen pistol or a possession of a pistol by a person  
21 convicted of a crime of violence, seven years concurrent, and  
22 Judge, I also have the actual copies of the sentencing sheets  
23 with regard to those convictions.

24 THE COURT: Okay. All right. You got any statements you  
25 want to make on that?

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1 MR. BRIDGES: Yes, Your Honor. The conviction would be  
2 outside of the ten years, but his release date is with inside  
3 the ten years. My main concern about this is how this would  
4 be categorized if it was brought in front of a jury. I don't  
5 think we can really say that he wasn't convicted of a felony.  
6 Because it's assault and battery with intent to kill it is  
7 prejudice just -- the name of that charge would be prejudicial  
8 towards my client. Even though this is not a violent crime,  
9 certainly the circumstances of this case that would prone the  
10 jury to say, well, this is a prior bad act, and I do feel like  
11 it's a way to get in a prior bad act because of the charge  
12 that he pled guilty to and the sensitivity with this case, I  
13 mean, I would say we could even maybe stipulate that he, you  
14 know, he can say he was convicted of a felony and he did time,  
15 but the attempted murder I feel is too prejudicial for this  
16 case and to be relevant and that it would prejudice my client  
17 if it was said that he was convicted of assault and battery  
18 with intent to kill.

19 THE COURT: Okay. You want to be heard on that, Mr.  
20 Solicitor?

21 MR. CORBETT: Judge, we think that under the factors set  
22 forth both in Rule 609, as well as the factors set forth in  
23 Colf, C-O-L-F, that the -- and, and one of those issues is the  
24 centrality of the credibility issue, and if the Defendant  
25 chooses to testify that he didn't do it then credibility

1 becomes a central theme in the case, and we believe that under  
2 that analysis that it's appropriate that that be admitted.

3 THE COURT: Okay. Well, the Colf case has five factors,  
4 you know, the impeachment value of the crime, point in time of  
5 the prior conviction and his subsequent. Does he have any  
6 other history the State wants to put in, the similarity  
7 between the crime and the charged crime and the importance of  
8 his testimony, as well as credibility issue.

9 MR. CORBETT: Judge, and if I, if I may if I'm not  
10 speaking out of turn, that the court or the, the Colf case  
11 seems to indicate that if, if cases are very similar then  
12 there's an analysis required that it's -- it can't be too  
13 similar so to speak.

14 THE COURT: Right. It's more prejudice.

15 MR. CORBETT: But in this case, we've got assault and  
16 battery with intent to kill, which by my review of the file  
17 involved a shooting, and the case currently charged is an  
18 arson.

19 THE COURT: Yes.

20 MR. CORBETT: So those are two different crimes.

21 THE COURT: I, I understand that. There are not  
22 similarities that would cause the prejudicial effect to  
23 outweigh the probative value. All right. And I, and I think  
24 that under those five factors that this made the case fall  
25 down to a credibility issue, and the fact that the crimes

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1 aren't similar that I don't think the prejudicial effect  
2 outweighs the probative value, and I'm going to allow it in.

3 MR. BRIDGES: Now, Your Honor, the details about those  
4 crimes will be off limits.

5 THE COURT: No. He's not going into details, just the  
6 fact, you know, he takes the stand he may be subject to cross  
7 examination and impeachment on that. Mr. McCoy, how about  
8 stand up and raise your right hand, please, sir.

9 (Defendant is sworn by the Court.)

10 THE COURT: Okay. You understand we've reached the point  
11 in the trial where you have a right to put up evidence and you  
12 have a right to testify. If you choose not to testify I'm  
13 going to instruct the jury that they cannot consider that  
14 against you in any way. You understand that? They can't even  
15 discuss that, but you have a right to testify, and if you  
16 choose to testify you'll be subject to cross examination just  
17 like any other witness. I mean, you'll be subject to  
18 impeachment just like any other witness, and your prior  
19 criminal record that the Solicitor just told me about will  
20 come out. Do you understand that?

21 MR. MCCOY: Yes, sir.

22 THE COURT: And you have -- you need to talk to your  
23 lawyer and make a decision as to whether you're going to  
24 testify or not, but ultimately it is your decision, not his.  
25 He can only advise you as to what he thinks you should or

1 should not do. You understand that?

2 MR. MCCOY: Yes, sir.

3 THE COURT: But you have a -- you have a right to  
4 testify, and you have a constitutional right to remain silent,  
5 and if you choose to remain silent, I will instruct the jury  
6 they cannot consider that against you. You understand?

7 MR. MCCOY: Yes, sir.

8 THE COURT: You got any questions you want to ask me  
9 concerning your rights?

10 MR. MCCOY: No, sir.

11 THE COURT: Okay. Thank you, sir.

12 All right. Now, do you all need a minute or are we going  
13 --

14 MR. BRIDGES: Just a brief minute, Your Honor, no more  
15 than five minutes.

16 THE COURT: Okay. All right. We'll come back at quarter  
17 to three and decide whether you're going to put up any  
18 evidence or not.

19 OFF THE RECORD

20 (On the record. The following takes place outside the  
21 presence of the jury.)

22 THE COURT: Okay. Bring me the jury, and we'll see if we  
23 can't get the wheels of justice going.

24 MR. BRIDGES: You need me to go ahead and rest on the  
25 record and then --

## Closing Argument by State

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1 THE COURT: Huh?

2 MR. BRIDGES: You want me to go ahead and rest on the  
3 record when they get in?

4 THE COURT: Yeah. That'll be good.

5 (Whereupon, the following takes place in the presence of  
6 the jury.)

7 THE COURT: Okay. Mr. Bridges.

8 MR. BRIDGES: The Defense rests, Your Honor.

9 THE COURT: Okay. Ladies and gentlemen, you have heard  
10 all the evidence you're going to hear in this case. Now is  
11 the time for the closing arguments of the attorneys. I will  
12 charge you on the law and give you this case to decide. So if  
13 you'll pay close attention to the attorneys they will give you  
14 their closing arguments. Mr. Solicitor.

15 MR. CORBETT: Thank you, Your Honor.

16 A person who willfully and maliciously causes an  
17 explosion, sets fire to, burns or causes to be burned or aids,  
18 counsel or procures a burning that results in damage to a  
19 dwelling house, building, structure or any property whether  
20 the property of himself or another which results either  
21 directly or indirectly in bodily injury to a person or damage  
22 to the property is guilty of arson in the third degree, arson  
23 in the third degree. That definition covers quite a bit, but  
24 what that definition says, what that law says that it's  
25 against the law to go in somebody's house and set the bed on

1 fire by pouring lighter fluid on it and putting a cigarette  
2 lighter to it. That's what this case is about.

3 Now, ladies and gentlemen, I want to tell you that  
4 because the case is short doesn't mean it's not important or,  
5 it's not significant. I tried a traffic case one time that  
6 took almost three days, and that was a traffic case, doesn't  
7 make it more important than this case because it was long.  
8 No, this was not a long trial, but I need you to think back to  
9 the evidence. When it comes down to it, that is what your  
10 oath requires you to do, to well and truly try the facts of  
11 the case, and I'm going to spend just a moment talking to you  
12 about the facts, but I will tell you, I'm not going to stand  
13 up here all afternoon and try to impress you with some oratory  
14 skill.

15 You were here today. You heard the testimony. You don't  
16 need me to spend an hour retelling it, but ladies and  
17 gentlemen, what do we know from this witness stand? Ms.  
18 Baker, now Ms. Bell, told you about her relationship with the  
19 Defendant, Mr. McCoy. She had known him for a long time. She  
20 told you that here in Sumter County, she identified Mr. McCoy  
21 as the individual who set the fire and to the damage to her  
22 residence. That's the evidence that you have.

23 Now, what we were able to do with some additional  
24 witnesses was fill in a little bit of the color around the  
25 story, but the basic portion of this trial is the testimony of

Closing Argument by State

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1 Ms. Bell, but then think about the other evidence. When  
2 Investigator Ragin said he -- or excuse me, Deputy Ragin got  
3 up there and said, "He admitted to me that he broke the door  
4 in," or when he -- Investigator Mays took the samples and  
5 submitted them to the lab and the bedspread was consistent  
6 with having lighter fluid on it. So her testimony was  
7 consistent with the testimony of the arriving officer, the  
8 testimony of the investigator and the testimony of the  
9 chemist. That's what you have before you today.

10 You know, when I stood up here earlier this morning I  
11 told you that sometimes relationships can be complicated.  
12 It's nothing new to us. We see it all the time. So Mr.  
13 Bridges stood here and he made a point to talk to you about  
14 the fact that she took the father's money and went over to the  
15 jail and signed the bond form. Doesn't surprise me. We deal  
16 with cases involving couples and relationships all the time.  
17 Nothing surprises me about that, but here's what I know. You  
18 can't look at a crime and not call it a crime. I'm sorry.  
19 You just can't. If we do then let's go ahead and take this  
20 and let's set it on fire.

21 Ms. Bell told you that he came over there that night. He  
22 didn't have a key. So he used either his foot or his shoulder  
23 as a key. You can see it in the pictures. By the way, these  
24 photographs they'll be available to you. You'll have the  
25 opportunity to take these back to the jury room. The reason I

1 don't hand them to you right now is because it's kind of  
2 difficult for everybody to pass them around -- well, you might  
3 not want to listen to me but that would be the problem, trying  
4 to listen and pass pictures at the same time, but you'll have  
5 those available to you and you will see the damage to the  
6 door. You will see a burned bedspread out in the front yard.  
7 You will see burn marks on the carpet in the bedroom. What  
8 are you to believe? That Ms. Bell kicked in her own door, set  
9 her own bed on fire and then drug it outside?

10 You heard from the witness who was there. Admittedly you  
11 didn't hear from Clyde, but remember what Ms. Bell said about  
12 Clyde? It kind of falls under what I call bless his heart  
13 category. He's on SSI, and he -- his speech is off, but he  
14 helped her drag the -- she testified that he helped her drag  
15 the bedspread out that night.

16 You heard from the investigators. You heard from the  
17 responding officer. Ladies and gentlemen, sometimes your oath  
18 requires you to call a crime a crime. If she's questioned and  
19 she has forgiveness in her heart and says, "I'm okay now," it  
20 doesn't change the fact that it happened. That doesn't change  
21 the fact. There's still a time of account for doing something  
22 like this. This isn't normal. Arguments between a couple  
23 aren't supposed to turn into setting a bed on fire, and I  
24 can't help but wonder if there's some symbolism in the object  
25 he chose to burn, a bed.

## Closing Argument by Defense

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1 Ladies and gentlemen, the evidence that you have heard in  
2 this case, the only evidence you have heard in this case is  
3 that the Defendant, Mr. McCóy, committed the crime of arson in  
4 the third degree. Thank you.

5 MR. BRIDGES: Good afternoon, ladies and gentlemen. As I  
6 mentioned in my opening this morning, you're going to hear  
7 another side of the story as the evidence and testimony came  
8 out, and you have. The Solicitor made a big point of saying  
9 is this normal, is this something we can excuse. Is it normal  
10 to sign the bond release for a man who supposedly burned  
11 something inside your house? Is it normal when you had to  
12 send your children away because you're worried about what he's  
13 going to do to then be the person that signs that thing to  
14 release him from prison. When we evaluate the case, the Judge  
15 is going to instruct you to evaluate the testimony you heard  
16 and the evidence you saw. Well, the physical evidence you saw  
17 shows that a fire happened. I'm not contesting that a fire  
18 happened. It's very obvious. All the, all the law enforcement  
19 officers basically just reaffirm that fact. They documented  
20 it, showed there's lighter fluid. What they showed though Mr.  
21 McCoy's fingerprint were not on that lighter fluid. So the  
22 State's saying that there's a witness testimony saying he did  
23 it but they couldn't physically verify that. They couldn't say  
24 that he had his hands on it, and she testified that he had his  
25 hands on it, he took it, he poured it on the bed, he set it on

1 fire. Also, he lives at that house. That is -- that was his  
2 house. He was not tried for burglary. He was not charged with  
3 charged with burglary and the supposed assault that happened  
4 they couldn't document that. They didn't charge him with that.  
5 Investigator Mays says it's not a crime to break into your own  
6 house. It's clear there was a tumultuous relationship here  
7 where that they had other relationships. Ms. Bell had a --  
8 the father of her children has come back from prison. This  
9 was a tense situation. There was some disagreement, but it  
10 was his house. He had stuff there. She even said in her own  
11 testimony these are his video game systems. This was his bed.  
12 The State's saying, "Well, it's ridiculous. I'm going to say  
13 why would she cause this fire?" Why would he cause the fire?  
14 It's also his house. Why would he destroy his own stuff?  
15 It's clear there was -- that there was disagreement, there was  
16 an argument. The State hasn't shown any evidence that he's  
17 the one that set that fire other than her testimony, and her  
18 actions after this happened show that she signed his bond  
19 paper, well, she signs the release. If he really did this, if  
20 he really set fire in your house where her children were  
21 there, why would she want him to be released from jail, and  
22 then they had interactions afterwards. She said, "Oh, yes, he  
23 was around my kids before. We remained friends." That's not  
24 normal either. The State is trying to say it's, it's, it's  
25 not normal for, for this to happen. I, I submit to you that

## Closing Argument by Defense

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1 the State hasn't shown that Mr. McCoy has caused this fire.  
2 They showed that there was a fire. There was a domestic  
3 dispute, but they're missing a piece there. They're missing  
4 the evidence that shows that Mr. McCoy set that fire. That's  
5 a gap in the State's theory, and a gap is what I like to call  
6 reasonable doubt, and the State has the burden, as I said in  
7 the beginning, to prove this case beyond a reasonable doubt,  
8 and they have failed to do that. They have failed to do that  
9 because Mr. McCoy's fingerprints were not on the, on the, on  
10 the bottle of lighter fluid. There was inconsistencies in Ms.  
11 Bell's testimony. She said, "Oh, he didn't really live there.  
12 He just stayed over sometimes," to gradually, "Yes, he lived  
13 there." It came out that he lived there. That's why he  
14 wasn't charged with burglary. That's why he had a lot of his  
15 property in there. So again, the State's saying, you know,  
16 "Oh, it's ridiculous. Why would she set a fire?" Well, it's  
17 also ridiculous why would he set a fire? He lived there. He  
18 had objects there of quite some value. She said he had  
19 speaker system, he had video games. Why would he set those  
20 things on fire, and those are all questions that the State has  
21 not answered. So I'll submit to you that this -- that there  
22 was a domestic dispute that day, but what, what transpired was  
23 not arson on the part of Mr. McCoy. Mr. McCoy was present at  
24 the scene at some point, but they can't -- the State can't  
25 show that he had his fingers on that bottle of

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1 lighter fluid. They can't show -- that there was no evidence  
2 that he had a lighter on him. Ms. Bell testified that he used  
3 a lighter. No lighter was recovered. So there are gaps in  
4 the State's case, ladies and gentlemen, and when the State  
5 hasn't met their burden of proving a case beyond a reasonable  
6 doubt, the only verdict that can be returned is not guilty.  
7 So I would just request that you find Mr. McCoy not guilty of  
8 the charge of arson third degree because the State's not met  
9 their burden. They can show that there was property damage  
10 and they can show that there was a fire, but they have to  
11 prove that Mr. McCoy caused that fire, and they have not done  
12 that beyond a reasonable doubt. So therefore, Mr. McCoy is  
13 not guilty of arson. Thank you, ladies and gentlemen.

14 THE COURT: Okay. Mr. Foreman and ladies and gentlemen,  
15 now that you've heard the evidence in this case as well as the  
16 closing arguments of the attorneys I'm going to now charge you  
17 on the law that you're to apply in this case, and under our  
18 constitution and code of laws in this state, you the jury are  
19 the only people that can find the facts in this case. Under  
20 the same law and constitution, I'm not allowed to have an  
21 opinion about the facts in this case. You and only you will  
22 determine what the facts are in this case. So if I've said  
23 anything or done anything throughout this trial that you think  
24 I have an opinion about the facts, you're to disregard that  
25 because it is solely up to you to determine the facts in this

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1 case. That same constitution and code of laws that makes you  
2 the exclusive judge of the facts makes me the exclusive judge  
3 of the law. So, if you have an opinion as to what you think  
4 the law is or what the law should be and it differs from what  
5 I now fixing to tell you what the law is, under your oath  
6 you're to disregard your opinion and follow the law exactly as  
7 I give it to you.

8       The fact that this Defendant was arrested, charged and  
9 indicted in this case is not evidence in this case and cannot  
10 be considered by you as evidence in this case. The, the  
11 indictment is simply a formal legal document which brings this  
12 case to court to be processed through the court system, and  
13 he's entered a plea of not guilty to that indictment, and  
14 therefore, it casts the burden upon the State to prove the  
15 elements of that indictment to you beyond a reasonable doubt.  
16 The Defendant in this case, as I've told you, is not required  
17 to prove himself or herself innocent. In South Carolina and  
18 in every state in this country the State has the burden of  
19 proving a person guilty beyond a reasonable doubt.

20       Now, I instruct you and emphasize to you the fact that  
21 the Defendant did not testify in this case is not a fact that  
22 you consider in any way in your deliberations in the  
23 Defendant's guilt or innocence. The Defendant has a  
24 constitutional right to remain silent, and the assertion of  
25 that right must not be considered by you in your deliberation,

1 and I repeat, under your oath, you're to draw no conclusions  
2 whatsoever from the fact that the Defendant did not testify in  
3 this case. The fact that the Defendant did not testify should  
4 not even be discussed in the jury room. The burden of proof,  
5 as I have stated to you, is on the State. The Defendant is  
6 not required to prove himself or herself innocent. The burden  
7 remains on the State to prove the Defendant guilty beyond a  
8 reasonable doubt. It is an important rule of law in this  
9 country that a Defendant in a criminal trial will always be  
10 presumed innocent of the crime for which he or she is charged  
11 until his guilt has been proven by evidence that satisfies you  
12 of that guilt beyond a reasonable doubt.

13 Presumption of innocence is not a mere legal theory. It  
14 is not just a legal phrase. It is a substantial  
15 constitutional right to which every Defendant is entitled.  
16 The presumption of innocence accompanies the Defendant from  
17 the time he is charged throughout the trial until you reach a  
18 verdict of guilt based on evidence that satisfies you of that  
19 guilt beyond a reasonable doubt.

20 A reasonable doubt is a doubt which makes an honest,  
21 sincere, conscientious juror in search of the truth to  
22 hesitate to act. Proof beyond a reasonable doubt must, must,  
23 therefore, be proof of such a convincing character that a  
24 reasonable person would not hesitate to rely upon it in the  
25 most important of his or her own affairs. Proof beyond a

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1 reasonable doubt can also be described as proof that leaves  
2 you firmly convinced of the Defendant's guilt.

3 Now, there are very few things in this world we know with  
4 absolute certainty, and in a criminal case the law does not  
5 require proof that overcomes every possible doubt. If based  
6 on your consideration of the evidence you are firmly convinced  
7 that the Defendant is guilty of the crime charged, you must  
8 find him guilty. If on the other hand, you think there's a  
9 real possibility that he's not guilty, you must give him the  
10 benefit of that doubt and find him not guilty.

11 In determining the factors in the case you must  
12 necessarily pass upon the credibility, which simply means the  
13 believability of the witnesses and the weight or value to be  
14 given to their testimony. You alone must decide the force and  
15 effect, the truth of that testimony. In making these  
16 decisions there are many things that you should and may take  
17 into consideration such as the appearance or manner of the  
18 witness on the stand, sometimes referred to as the demeanor of  
19 the witness, was the witness forthright or hesitant, was the  
20 witness's testimony consistent or did it contain  
21 discrepancies, what was the ability of the witness to know the  
22 facts about which he or she testified, did the witness have a  
23 cause or reason to be biased and prejudiced in favor of their  
24 testimony, was the testimony of a witness corroborated or made  
25 stronger by other evidence or testimony or was it made weaker

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1 by other evidence or testimony.

2 Now, the rules of evidence do not ordinarily permit a  
3 witness to testify to an opinion or conclusion. An exception  
4 to this rule exists for witnesses we call expert witnesses. A  
5 witness who by education and experience has become an expert  
6 in some art, science, profession or calling may state an  
7 opinion as to relevant and material matters in which the  
8 witness claims to be an expert and may also state the reasons  
9 for that opinion. You should consider an expert opinion  
10 received in evidence in this case like any other evidence,  
11 give it the weight you think it deserves. If you decide that  
12 the opinion of an expert is not based on sufficient education  
13 and experience or if you conclude that the reasons given in  
14 support of the opinion are not sound or that the opinion is  
15 outweighed by other evidence, you may disregard the opinion in  
16 its entirety. An expert witness's testimony is to be given no  
17 greater weight of that than any other witness in this case  
18 simply because the witness is an expert, and you're not  
19 required to accept the expert's opinion even though it has not  
20 been contradicted.

21 As jurors you have a right to believe a small portion of  
22 a witness's testimony and disregard the larger or vice versa.  
23 You may believe all of a witness's testimony or none. You may  
24 believe the testimony of a single witness against that of many  
25 or the other way around.

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1 Now, in a criminal case or in any case in this state,  
2 there are two types of evidence that are generally presented  
3 during a trial, direct evidence and circumstantial evidence.  
4 Direct evidence directly prove the evidence -- the existence  
5 of a fact and does not require deduction. Circumstantial  
6 evidence is proof of a chain of facts and circumstances  
7 indicating the existence of a fact. Crimes may be proven by  
8 circumstantial evidence, and the law makes no distinction  
9 between the weight or value to be given either to direct or  
10 circumstantial evidence. However, to the extent that the  
11 State relies on circumstantial evidence, all of the  
12 circumstances must be consistent with each other and taken  
13 together point conclusively to the guilt of an accused beyond  
14 a reasonable doubt. If these circumstances merely portray the  
15 Defendant's behavior as suspicious, the proof fails. The  
16 State has the burden of proving the Defendant guilty beyond a  
17 reasonable doubt, and this burden rests upon the State  
18 regardless of whether the State relies on direct evidence or  
19 circumstantial evidence or the combination of the two.

20 Now criminal intent is a necessary element of each crime  
21 and must be proven by the State beyond a reasonable doubt.  
22 Criminal intent is always a matter that must be determined by  
23 the jury from the circumstances surrounding the situation.  
24 There is no way to prove intent to a mathematical certainty.  
25 There's no way medical science can dissect a person's brain

1 and determine what he or she had in mind. So the law states  
2 criminal intent may be inferred from the circumstances shown  
3 to have existed both before and after the fact, and this is  
4 how you, the jury, make a determination of whether or not the  
5 element requiring intent was present. Criminal intent is a  
6 state of mind that operates jointly with an act or omission in  
7 the commission of a crime. Criminal intent is a mental state  
8 of conscious wrongdoing. So it is up to you, the jury, to  
9 determine what the Defendant intended to do based on the  
10 circumstances shown to have existed, and I tell you the State  
11 must prove criminal intent beyond a reasonable doubt just as  
12 the State must prove everything beyond a reasonable doubt.

13 Now, the Defendant in this case is charged with the crime  
14 of arson in the third degree. In order to prove arson in the  
15 third degree, the State must prove beyond a reasonable doubt  
16 that the Defendant willfully, maliciously caused an explosion,  
17 set fire to, burned, caused to be burned, aided, counseled or  
18 procured the burning of certain properties.

19 Willfully means that it was done -- that it was not done  
20 by accident, that it was done knowingly and intentionally. It  
21 must be shown that the burning was by the willful act of some  
22 person and not as a result of natural or accidental causes.

23 Maliciously means with hatred, ill will or hostility  
24 toward another person. A person who intentionally does a  
25 wrongful act without legal justification or excuse does the

Charge

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1 act maliciously. A malicious burning is an act done with a  
2 condition of the mind that shows a heart bent on mischief,  
3 showing a design to do an intentional wrong act towards  
4 another or towards the public, without any legal justification  
5 or excuse. This malice need not be express, but may be  
6 inferred.

7 Burning means actual combustion of some portion of a  
8 piece of property. It is not necessary that the property be  
9 consumed or destroyed. Charring of the material of which the  
10 property is constructed or a change in the fiber or  
11 composition of the structure is required for a burning.  
12 Singeing, smoking, blistering, scorching, or discoloring by  
13 heat, however, is not enough to constitute a burning.

14 Next, the State must prove beyond a reasonable doubt that  
15 the property which was burned was a dwelling house, a  
16 building, a structure or any other property. A dwelling house  
17 is a building in which a person ordinarily sleeps.

18 Finally, the State must prove beyond a reasonable doubt  
19 that the explosion or burning directly or indirectly resulted  
20 in bodily injury to a person or damage to the property.

21 Now, ladies and gentlemen, you're not partisans for the  
22 State of South Carolina or this Defendant. You do not serve  
23 as jurors to reward your friends or punish your enemies. That  
24 system of justice simply would not be tolerated. You have  
25 been selected by both the State and this Defendant to be fair

Charge

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1 and impartial jurors, and it is your duty by your joint  
2 deliberation to determine what the facts are in this case and  
3 give this Defendant the benefit of every reasonable doubt on  
4 each and every issue and then to the facts that you determine  
5 to be true you're to apply the law which I have given you in  
6 this court and reach a verdict in this case, and when you have  
7 done this you will have accomplished your duties as  
8 jurors.

9 Now, Mr. Foreman, I've had my law clerk draw up a verdict  
10 form. It is simply the caption of the case, the State of  
11 South Carolina versus David Jamel McCoy, and it lists the  
12 possible verdict. As to the charge of arson in the third  
13 degree, we, the jury, unanimously find the Defendant guilty or  
14 not guilty. Once you -- you all determine what the verdict is  
15 you're to check either guilty or not guilty, date it and sign  
16 your name to it. It must be unanimous verdict. All 12 of you  
17 must agree, and the order that he's put them in you should  
18 draw no conclusions whatsoever. We just have to simply put  
19 them in some order.

20 When you've reached a verdict if you'll knock on the  
21 door, let the bailiff know, we'll bring you out and receive  
22 that verdict. If you're having a question, you need to write  
23 that question on a piece of paper and send it out. If you  
24 have a question about the facts I can't answer it because I  
25 can't reopen this case. You've heard all the facts you're

Charge

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1 going to hear. If you have a question about the law, if you  
2 want me to explain something on the law that I've charged you,  
3 I can bring you back out and further explain the law, but I  
4 can't answer any questions about the facts.

5 Now, I'm going to send you back to the jury room. I got  
6 to talk to these attorneys to be sure I haven't left out  
7 anything. If I've left out something I'll bring you back out  
8 and recharge you. If I've covered everything then I will send  
9 this verdict form along with the evidence into the jury room.  
10 When you get this verdict form that'll be your indication when  
11 you can begin your deliberation. If for any reason any of you  
12 step out the room, if you need to go to the restroom or you're  
13 being excused in any way, you've got to stop talking about the  
14 case because you can only talk about it when all 12 of you are  
15 present, and the verdict must be unanimous, all 12 of you must  
16 agree on the verdict.

17 Now, my alternate, which one's the alternate? Okay. You  
18 stay with me. The only reason I need you if somebody gets  
19 sick or dies on me, and it looks like all of them are going to  
20 make it. So if you'll, if you'll stay with me. The rest of  
21 you go to the jury room and either I'll bring you back out in  
22 a second or send this to you. Okay?

23 (Whereupon, the following takes place outside the  
24 presence of the jury.)

25 THE COURT: Okay. Any exceptions, deletions on behalf

Verdict

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1 of the State?

2 MR. CORBETT: Nothing from the State, Your Honor.

3 MR. BRIDGES: Nothing from the Defense, Your Honor.

4 THE COURT: Okay. Gentlemen, if you all would get the  
5 evidence together with the court reporter we'll send it to the  
6 jury room.

7 (Exhibits reviewed by counsel for the State and Defense  
8 and approved. Alternate released by Court. Deliberations  
9 begin at 3:18 p.m.)

10 OFF THE RECORD

11 (Verdict reached at 3:40 p.m. On the record. The  
12 following takes place in the presence of the jury.)

13 THE COURT: Mr. Foreman, I understand you've reached a  
14 verdict?

15 FOREPERSON: Yes. We have.

16 THE COURT: Is it unanimous?

17 FOREPERSON: Yes. It is.

18 THE COURT: Okay. If you'd pass it up, please, sir.

19 (Complies with request and Court reviews.)

20 THE COURT: Okay. You may publish the verdict.

21 THE CLERK: State of South Carolina, County of Sumter, in  
22 the Court of General Sessions in the Third Judicial Circuit,  
23 case number 2013-GS-43-01098, versus David Jamel McCray [sic],  
24 Defendant, verdict, well, the verdict form, as to the charge  
25 of arson in the third degree, we, the jury, unanimously find

## Sentencing and Guilty Plea

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1 the Defendant guilty, dated 6-21-18, foreman, how you  
2 pronounce that?

3 FOREPERSON: Sean Hoskins.

4 THE CLERK: Sean Hoskins.

5 THE COURT: Thank you, sir.

6 Anything from the State before I release the jury?

7 MR. CORBETT: Nothing from the State.

8 THE COURT: From Defense?

9 MR. BRIDGES: Nothing from the Defense.

10 THE COURT: Okay.

11 (Jury released by Court.)

12 MR. CORBETT: Judge, may we approach?

13 THE COURT: Sure.

14 (Whereupon, a bench conference is held.)

15 OFF THE RECORD

16 (On the record.)

17 THE COURT: Mr. McCoy, I got a sheet here before me for  
18 failure to stop for a blue light. Do you want to plead guilty  
19 to that?

20 MR. MCCOY: Yes, sir.

21 THE COURT: You had enough time to talk to your lawyer?

22 MR. MCCOY: Yes, sir.

23 THE COURT: This case has not been true-billed by the  
24 Grand Jury. Do you want to waive that or you want it to go to  
25 the Grand Jury? You want it -- go ahead.

## Sentencing and Guilty Plea

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1 MR. MCCOY: Waiving it.

2 THE COURT: Anybody promised you anything or threatened  
3 you in any way?

4 MR. MCCOY: No, sir.

5 THE COURT: You under the influence of alcohol or drugs  
6 today?

7 MR. MCCOY: No, sir.

8 THE COURT: You got any mental diseases that would keep  
9 you from understanding what you're doing here today?

10 MR. MCCOY: No, sir.

11 THE COURT: By pleading you're giving up your right to  
12 remain silent and you're giving up your right to a jury trial  
13 where you'd be presumed innocent. They'd have to prove you  
14 guilty beyond a reasonable doubt to all 12 jurors. You'd be  
15 able to sit in this courtroom as you've just did and confront  
16 each witness that would testify against you. Your lawyer  
17 could cross examine those witnesses and subpoena witnesses to  
18 testify in your behalf. You understand? Do you understand  
19 that?

20 MR. MCCOY: Yes, sir.

21 THE COURT: If you want to appeal this guilty plea you've  
22 got to file it in 10 days. Okay?

23 MR. MCCOY: Yes, sir.

24 THE COURT: Solicitor.

25 MR. CORBETT: Thank you, Your Honor. With regard to the

## Sentencing and Guilty Plea

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1 failure to stop for the blue light, indictment 2018-GS-43-665,  
2 on or about July 1<sup>st</sup>, 2016, Mr. McCoy was at a stop sign at the  
3 intersection of Franklin Lane and East Red Bay Road. Also at  
4 that intersection was Deputy Floyd with the Sumter County  
5 Sheriff's Office. Deputy Floyd noticed unusual behavior in  
6 that the vehicle did not move until he did. He waited for  
7 some period of time. Then the vehicle changed directions and  
8 went to the left. As Deputy Floyd initiated a traffic stop,  
9 the vehicle accelerated, turning left onto Brent Street, then  
10 a right onto Gordon. The vehicle accelerated disregarding a  
11 stop sign at Webb Street, also a stop sign at Dan Street --  
12 Dant Street, also ran the stop sign at Patricia Street. The  
13 vehicle then took a right onto Wilder, came to an abrupt stop.  
14 The driver, Mr. McCoy, exited and fled from the scene on foot.  
15 Deputy Floyd was able to run him down and take him into  
16 custody. It was determined that his driver's license was  
17 suspended, and a small quantity of marijuana was found in the  
18 car.

19 THE COURT: Okay. Those facts correct, Mr. McCoy?

20 MR. MCCOY: Basically. There was another fellow in there  
21 with me, also.

22 THE COURT: Okay. You were the driver?

23 MR. MCCOY: Yes, sir.

24 THE COURT: I find there's a factual basis, your plea is  
25 freely and voluntarily entered into and you've had advice of

1 competent counsel with whom you're telling me you're satisfied  
2 and I'll accept your plea.

3 All right. You want to tell me -- tell me a little --  
4 his whole record and then I'll let Mr. Bridges tell me  
5 anything good about him. Any -- and is there a recommendation  
6 on the failure to stop?

7 MR. CORBETT: No, sir, Your Honor.

8 THE COURT: Well, the block is checked. That was just a  
9 mistake? It's got a recommendation block checked.

10 MR. CORBETT: Yes, sir. I'm sorry. That was a, that  
11 was a mistake.

12 THE COURT: Okay. Okay. I've -- I heard during the  
13 trial that he has two counts of attempted murder and  
14 possession of a weapon?

15 MR. CORBETT: At that time, Your Honor, it was called  
16 assault and battery with intent to kill, possession of a  
17 pistol, I believe it was by a person under 21, and then also  
18 possession of a weapon during the commission of a violent  
19 crime. That took place in 2000 -- it looks like the actual  
20 offense was in 2006.

21 Judge, just by way of some background and of some concern  
22 to the State is by the Defendant's own statement in that case  
23 he lied in wait across the street from an ex-girlfriend's  
24 house. An individual left that residence in his car. There  
25 was a second person in the car. He opened fire on the car as

## Sentencing and Guilty Plea

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1 it pulled away, hitting both of the individuals with gunshots.

2 Your Honor, that's the prior offense. Judge, that's the  
3 only convictions on his record.

4 THE COURT: Okay. Yes, sir.

5 MR. BRIDGES: Thank you, Your Honor.

6 Mr. McCoy is 32 years old. He has four children, all of  
7 whom are young, I believe under the age of five?

8 Yeah. He has four kids under the age of five. He, he's  
9 married. He's lifelong resident of Sumter. He works with a  
10 roofing company. His family could not be present with him  
11 today because his wife is in the hospital. He tells me right  
12 now he's the main source of income in the household. So as --  
13 and, and I would request also credit for time served. I don't  
14 have the exact total for both these warrants, but I would just  
15 request that you check the box, Your Honor.

16 As you heard today in the arson trial, these parties have  
17 long since reconciled. Thankfully there was no injuries. The  
18 damage to the house, there was damage to the house, but it  
19 doesn't seem like there was major damage to the house. The  
20 victim herself testified that they had since stayed friends.

21 We would request with -- that the failure to stop and the  
22 arson sentences run concurrent. As far as his record he did  
23 his time for that, Your Honor. He pled guilty. I would say  
24 those are not related incidents. It was a different victim,  
25 circumstance. We would just request, given the outcome of

1 this case, the lack of injuries, and, and the fact that him  
2 and the victim has appeared to reconcile, that because he is  
3 the sole source of income that his sentence be either  
4 suspended to probation or be allowed that he can either do  
5 this as house arrest so he can keep working and keep providing  
6 for his family, Your Honor, and that they run concurrent.

7 THE COURT: Okay. Anything else from the State?

8 MR. CORBETT: Your Honor, one moment, please. Let me  
9 confer with the victim, please.

10 Your Honor, I advised the victim that she had the  
11 opportunity, the right to speak to Your Honor. She indicated  
12 that she doesn't have anything additional to add.

13 THE COURT: Okay. On the arson the sentence of the Court  
14 is you're committed to the State Department of Corrections for  
15 a term of six years. I'm giving you credit for the time you  
16 served. On the failing to stop it's two years to run  
17 concurrent, credit for time served.

18 MR. CORBETT: Your Honor, prior to us stepping back on  
19 this case, may I put on the record that prior to this trial  
20 myself and Defense counsel discussed resolving all of Mr.  
21 McCoy's cases. There remains outstanding a trafficking in  
22 cocaine base more than 28 grams. I have had situations in the  
23 past where people received a sentence, bringing them back  
24 later for their other charges, and they say, "Well, Judge, all  
25 that was taken care of when I left." That case is not taken

## Sentencing and Guilty Plea

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1 care of, Your Honor.

2 THE COURT: Okay. And I took into consideration the fact  
3 that he didn't hurt anybody and that she and him made up, but  
4 he, you know, I also took into consideration the nature of the  
5 charges, and he broke in a home and set the bed on fire and it  
6 could have been bad. Okay.

7 MR. CORBETT: Thank you, Your Honor.

8 THE COURT: And if it had been in the nighttime I'd maxed  
9 him.

10 (Adjourned.)

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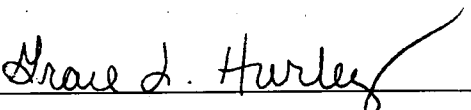
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## C E R T I F I C A T E

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I, the undersigned, Grace L. Hurley, Official Court Reporter for the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the trial and guilty plea held in the case of The State versus David Jamel McCoy, held in the Court of General Sessions for Sumter County, Sumter County Courthouse, Sumter, South Carolina, on June 21, 2018.

I do hereby certify that I am neither of kin, counsel, nor interest to any party hereto.

  
\_\_\_\_\_  
Grace L. Hurley, CVR-CM-M  
Official Reporter

September 9, 2018.

RECORDED

THE STATE OF SOUTH CAROLINA  
In the South Carolina Court of Appeals

2018 JUN 25 AM 9:45

JAMES C. CAMPBELL  
CLERK OF COURT  
SUMTER COUNTY, S.C.

APPEAL FROM SUMTER COUNTY  
Court of General Sessions

R. Ferrell Cothran, Jr., Circuit Court Judge

Case No(s): 2013GS4301093

The State of South Carolina,

Respondent.

v.

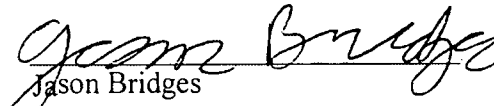
DAVID JAMEL MCCOY ,

Appellant.

NOTICE OF APPEAL

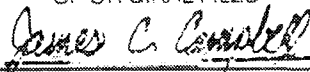
David Jamel Mccoy appeals his conviction in this case. The conviction was imposed , following a jury trial, by the Honorable R. Ferrell Cothran, Jr. on June 21, 2018.

Date: June 25, 2018

  
Jason Bridges  
Sumter Public Defender  
215 N. Harvin Street, Room 151  
Sumter, SC 29150  
(803)436-2424  
Attorney for Appellant

Other Counsel of Record:  
W. Jason Corbett , Esq.  
Assistant Solicitor  
Sumter County Courthouse  
215 North Main Street  
Sumter, SC 29150

CERTIFIED TRUE COPY  
OF ORIGINAL FILED



CLERK OF COURT  
SUMTER COUNTY  
SOUTH CAROLINA

THE STATE OF SOUTH CAROLINA

THE STATE OF SOUTH CAROLINA  
In the Appellate Court

RECORDED  
2018 JUN 25 AM 9:45

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Court of General Sessions

JAMES C. CAMPBELL  
CLERK OF COURT  
SUMTER COUNTY, S.C.

R. Ferrell Cothran, Jr., Circuit Court Judge

Case No(s): 2013GS4301093

The State,

Respondent.

v.

DAVID JAMEL MCCOY ,

Appellant.

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on the below listed respondents/involved parties by depositing a copy of it in the United States Mail, postage prepaid, on June 25, 2018, addressed to:

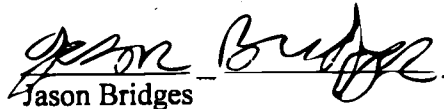
W. Jason Corbett , Esq.  
Assistant Solicitor  
Sumter County Courthouse  
215 North Harvin Street  
Sumter, SC 29150

S.C. Office of Appellate Defense  
P.O. Box 11433  
Columbia, SC 29211

Sumter County Clerk of Court  
215 N. Harvin St  
Sumter, SC 29150

Criminal Appeals Clerk  
The S.C. Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

Date: June 25, 2018

  
Jason Bridges

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Sumter, SC 29150  
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Attorney for Appellant

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OF ORIGINAL FILED



CLERK OF COURT  
SUMTER COUNTY  
SOUTH CAROLINA

THE STATE OF SOUTH CAROLINA  
In the South Carolina Court of Appeals

RECORDED

2018 JUN 26 P 4: 19

APPEAL FROM SUMTER COUNTY  
Court of General Sessions

JAMES C. CAMPBELL  
CLERK OF COURTS  
SUMTER COUNTY, S.C.

R. Ferrell Cothran, Jr., Circuit Court Judge

Case No(s): 2013GS4301093

The State of South Carolina,

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v.

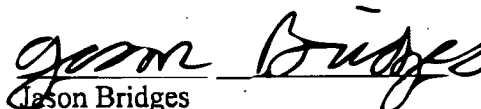
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Appellant.

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Date: June 25, 2018



Jason Bridges  
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(803)436-2424  
Attorney for Appellant

RECEIVED

JUN 26 2018

SC Court of Appeals

Other Counsel of Record:  
W. Jason Corbett , Esq.  
Assistant Solicitor  
Sumter County Courthouse  
215 North Main Street  
Sumter, SC 29150

THE STATE OF SOUTH CAROLINA

RECEIVED

JUN 26 2018

SC Court of Appeals

THE STATE OF SOUTH CAROLINA  
In the Appellate Court

RECORDED

2018 JUN 26 P 4:19

APPEAL FROM SUMTER COUNTY  
Court of General Sessions

JAMES C. CAMPBELL  
CLERK OF COURTS  
SUMTER COUNTY, S.C.

R. Ferrell Cothran, Jr., Circuit Court Judge

Case No(s): 2013GS4301093

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Criminal Appeals Clerk  
The S.C. Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

Date: June 25, 2018



Jason Bridges  
Sumter Public Defender  
215 N. Harvin Street, Room 151  
Sumter, SC 29150  
(803)436-2424  
Attorney for Appellant

3/5

**WITNESSES**

Julian Blair  
Sheriff

Sumter County

07-30-2018

14:47:35

**DOCKET NO. 2013-GS-43-1093**

**The State of South Carolina**

**County of SUMTER**

**COURT OF GENERAL SESSIONS**

November TERM 2013

**THE STATE**

**VS.**

**DAVID JAMEL MCCOY**

**ARREST WARRANT NUMBER**

2013A4310200919

**Indictment for**

**Arson - Third Degree**

**ACTION OF GRAND JURY**

*True bill*

*[Signature]*

Foreperson of Grand Jury

Date: *11-14-13*

*[Signature]*

**VERDICT**

**ERNEST A. FINNEY, III, SOLICITOR**

Foreperson of Petit Jury

Date:

803 4362223

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STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF SUMTER )

INDICTMENT FOR  
  
Arson - Third Degree


At a Court of General Sessions, convened on November 14, 2013 the Grand Jurors of SUMTER County present upon their oath:

**COUNT ONE**  
**ARSON - THIRD DEGREE**

That David Jamel McCoy did in Sumter County, South Carolina, on or about August 5, 2013, willfully and maliciously cause an explosion, set fire to, burn or cause to be burned, or aided, counseled or procured the burning of the residence of Laquetta Baker and others, in violation of §16-11-110, 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



ARSON3.DOT

## 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 April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,



Wanda H. Carter  
Deputy Chief Appellate Defender

South Carolina Commission on Indigent Defense  
Division of Appellate Defense  
PO Box 11589  
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT

This 19th day of February, 2019.

**RECEIVED**  
FEB 19 2019  
SC Court of Appeals