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STATE OF SOUTH CAROLINA

In The Court of Appeals

NO DEF. BRIEF

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SEP 23 2013

APPEAL FROM LEE COUNTY

William Jeffrey Young, Circuit Court Judge

SC Court of Appeals

THE STATE,

No Respondent's Brief Filed

RESPONDENT,

V.

JESSICA BEOCKETE MOORE,

APPELLANT

APPELLATE CASE NO. 2012-212900

RECORD ON APPEAL

KATHRINE H. HUDGINS
Appellate Defender

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

Attorney for Appellant

ALAN WILSON
Attorney General

SALLEY W. ELLIOTT
Senior Assistant Deputy Attorney General
Office of the Attorney General
PO Box 11549
Columbia, SC 29211

(803) 734-3727

Attorneys for Respondent

INDEX

INDEX.....	i
TRIAL TRANSCRIPT.....	1
OPENING STATEMENTS	27
CLOSING ARGUMENT.....	253
VERDICT	295
SENTENCING	309
INDICTMENT SHEET.....	311
SENTENCE SHEET	313
STATE'S EXHIBIT #2 (Addendum to Lease).....	314
STATE'S EXHIBIT #3 (Notice of Termination).....	315
STATE'S EXHIBIT #4 (Policy Info)	316
STATE'S EXHIBIT #5 (Fire Claim and Service Record)	317
STATE'S EXHIBIT #6 (Ledger and Copies of Check).....	318
STATE'S EXHIBIT #7 (List of Damaged Items)	321
STATE'S EXHIBIT #8 (Statement of Ms. Magazine)	328
DEFENSE EXHIBIT #1 (Statement of Shakilya Hudson Dated June 19, 2011).....	330
DEFENSE EXHIBIT #2 (Statement of Shakilya Hudson Dated June 20, 2011).....	331
DEFENSE EXHIBIT #3 (Statement of Shakilya Hudson Dated August 6, 2011).....	332
DEFENSE EXHIBIT #4 (Statement of Shakilya Hudson Dated September 7, 2011).....	333
CERTIFICATE OF COUNSEL.....	334

ORIGINAL

STATE OF SOUTH CAROLINA)
) COURT OF GENERAL SESSIONS
 COUNTY OF LEE)

State of South Carolina,)
)
 PLAINTIFF,) 2012-GS-31-0017
)
 vs.) TRIAL
)
 Jessica Brockett Moore,)
)
 DEFENDANT.)
 _____)

BEFORE THE HONORABLE W. JEFFREY YOUNG, JUDGE

AUGUST 7, 8, 9, 2012

BISHOPVILLE, SOUTH CAROLINA

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

Paul Fata, Esq.
 Clifford Scott, Esq.
 For the State

Calvin K. Hastie, Sr., Esq.
 7 East Hampton Avenue
 Sumter, South Carolina 29150
 For the Defendant

REMA K. GANTT THOMAS
 CIRCUIT COURT REPORTER

I N D E X

PAGE NO.

Exhibit List 5

Tuesday, August 7, 2012

Opening Remarks 7

Petit jury panel sworn 8

Jury panel qualification 8

Jury selection 9

Jury sworn 17

Opening statements

By the State 27

By the Defense 34

Wednesday, August 8, 2012

Witnesses for the State;

Johnnie Mae Magazine

Direct 39

Cross 61

Redirect 82

Recross 90

Ada Mae Hopkins

Direct 92

Cross 95

Jennifer Morrow Miller

Direct 98

Cross. 103

Allen Edward Wyche

Direct 107

Cross. 114

Redirect 119

Recross. 121

Joshua Anthony Kelly

Direct 123

Cross. 128

Redirect 130

Recross. 130

Shakiyla Hudson

Direct 131

Cross. 153

Redirect 185

Ken Watson

Direct 191

Cross. 207

Redirect 219

Recross. 2204

State rests. 223

Motions. 224

Ruling of the Court. 225

Thursday, August 9, 2012

Kendrick Darnell Franklin

Direct	236
Cross.	243
Redirect.	245
Motion	250
Ruling of the Court.	250
Closing remarks	
By the Defense	253
By the State	266
Charge of the Court.	283
Jury verdict	295
Jury polled.	295
Sentence of the Court.	309
Court Reporter's Certification	310

EXHIBITS

PAGE NO.

FOR THE STATE:

State's Exhibit Number One, Photographs A-S.	103
State's Exhibit Number Two, Addendum to Lease.	103
State's Exhibit Number Three, Notice of Termination.	103
State's Exhibit Number Four, Policy Info	113
State's Exhibit Number Five, Fire Claim Service Record	113
State's Exhibit Number Six, Ledger and Copies of Checks	113
State's Exhibit Number Seven, List of Damaged or Destroyed Items.	113
State's Exhibit Number Eight, Statement of Ms. Magazine	250
State's Exhibit Number Nine (ID), Statement of Kendrick Franklin.	250

FOR THE DEFENSE:

Defendant's Exhibit Number One, 6/19/11 Statement of Shakiyla Hudson	179
Defendant's Exhibit Number Two, 6/20/11 Statement of Shakiyla Hudson	179
Defendant's Exhibit Number Three, 8/16/11 Statement of Shakiyla Hudson	179
Defendant's Exhibit Number Four, 9/7/11 Statement of Shakiyla Hudson	179

1 (The defendant, together
2 with counsel, was personally present in the
3 courtroom.)

4 THE COURT: All right, Mr. Solicitor, are
5 you ready to call your next case?

6 MR. SCOTT: Your Honor, we are. Your
7 Honor, the State calls the case of State versus
8 Jessica Brockett Moore. This is Indictment Number
9 2012-GS-31-17. Ms. Moore is charged with arson in
10 the third degree.

11 THE COURT: Let me see the attorneys up
12 here real quick.

13 All right, ladies and gentlemen, as the
14 State said, we're about to begin the case of State
15 versus Jessica Brockett Moore, and she is charged
16 with arson.

17 And the indictment reads that Jessica
18 Brockett Moore did in Lee County on or about June
19 19, 2011, violate Section 16-11-110 of the Code of
20 Laws of South Carolina as amended in that she did
21 willfully and maliciously set fire to, or burn, or
22 cause to be burned a building of the Ashley Parks
23 Apartments.

24 Now, ladies and gentlemen, as I told you
25 yesterday, the fact that she was arrested, charged,

1 and indicted in no way is an indication that she
2 actually committed this offense.

3 The defendant has pled not guilty, and
4 therefore the State has the burden of proving each
5 element of the charge beyond a reasonable doubt.
6 Now, ladies and gentlemen, I'm going to need to ask
7 you some questions like I did yesterday.

8 So would you please place the jury panel
9 under oath again for today?

10 CLERK OF COURT: All jurors, please stand
11 and raise your right hand.

12 (Whereupon, the jury panel was sworn.)

13 THE COURT: All right, thank you. Ladies
14 and gentlemen, as I told you yesterday, the reason
15 you're under oath is because the attorneys are going
16 to use your answers to these questions as the basis
17 for building their jury. And they want to build a
18 jury however they see it, and it's very important
19 that you answer these questions completely and
20 honestly.

21 (Whereupon, the jury panel was qualified.)

22 THE COURT: Does the State have any
23 additional questions it would like for me to ask?

24 MR. SCOTT: No, sir.

25 THE COURT: Mr. Hastie, does the defense

1 have any additional questions you'd like for me to
2 ask?

3 MR. HASTIE: No, Your Honor.

4 THE COURT: All right, thank you.

5 All right, ladies and gentlemen, what we
6 will do is the same thing we did yesterday. If your
7 name is called, please bring your personal items up
8 with you, turn around and face the clock, and then
9 each side will have an opportunity to strike you or
10 seat you.

11 As I said yesterday, please don't take it
12 personally if they do not put you on this jury
13 panel. We will just send you out into this pouring
14 rain after we select this jury. So, ladies and
15 gentlemen, they can strike for any reason or no
16 reason, but they can't strike you for the sole
17 reason of your gender or your race.

18 CLERK OF COURT: Juror number 32, Jesse
19 Dean.

20 MR. SCOTT: Please seat this juror.

21 MR. HASTIE: Please seat Mr. Dean.

22 CLERK OF COURT: Have a seat in the jury
23 box.

24 Juror number 82, Alice Boykin.

25 MR. SCOTT: Seat this juror, please.

1 MR. HASTIE: Your Honor, I took that as a
2 sign to please excuse this juror.

3 CLERK OF COURT: Juror number six,
4 Queenesta Barr.

5 MR. SCOTT: Please seat this juror.

6 MR. HASTIE: Please seat Ms. Barr.

7 CLERK OF COURT: Have a seat in the jury
8 box.

9 Juror number 26, Craig Dacosta.

10 MR. SCOTT: Please excuse this juror.

11 CLERK OF COURT: Juror number 143, Eartha
12 Brooks.

13 MR. SCOTT: Please seat this juror.

14 MR. HASTIE: Please seat Ms. Brooks.

15 CLERK OF COURT: Have a seat in the jury
16 box.

17 Juror number 11, Gary Boykin, Jr.

18 MR. SCOTT: Please seat this juror.

19 MR. HASTIE: Please seat Mr. Boykin.

20 CLERK OF COURT: Juror number 25, Bernelle
21 Cooley.

22 MR. SCOTT: Please seat this juror.

23 MR. HASTIE: Please seat this juror.

24 CLERK OF COURT: Have a seat in the jury
25 box.

11

1 Juror number 136, Barbara Toney.
2 MR. SCOTT: Please excuse this juror.
3 CLERK OF COURT: Juror number 117, Annette
4 Rubin.
5 MR. SCOTT: Please seat this juror.
6 MR. HASTIE: Please seat the juror.
7 CLERK OF COURT: Juror number 62, Glen
8 Jenkins.
9 MR. SCOTT: Please seat this juror.
10 MR. HASTIE: Please seat Mr. Jenkins.
11 CLERK OF COURT: Have a seat in the jury
12 box.
13 Juror number 38, Susan Farver.
14 MR. SCOTT: Please seat this juror.
15 MR. HASTIE: Please excuse Ms. Farver.
16 CLERK OF COURT: Juror number 112, Marion
17 Reynolds.
18 MR. SCOTT: Please seat this juror.
19 MR. HASTIE: Please excuse Mr. Reynolds.
20 CLERK OF COURT: Juror number 86, Lillie
21 McDuffie. Jury number 86, Lillie McDuffie.
22 You're 56.
23 MS. HOLLOMON: Oh, okay.
24 CLERK OF COURT: Juror number 73,
25 Kristopher Kennedy.

1 THE COURT: Madam Clerk, which number did
2 you call?

3 CLERK OF COURT: Number 73, Kristopher
4 Kennedy.

5 MR. SCOTT: Please seat Mr. Kennedy.

6 MR. HASTIE: Please excuse Mr. Kennedy.

7 CLERK OF COURT: Juror number 59, Randall
8 Huggins.

9 MR. SCOTT: Please seat Mr. Huggins.

10 MR. HASTIE: Please seat Mr. Huggins.

11 CLERK OF COURT: Have a seat in the jury
12 box.

13 Juror number 74, Stacey Kerce.

14 MR. SCOTT: Please excuse Ms. Kerce.

15 CLERK OF COURT: Juror number 84, Nofes
16 McCoy.

17 MR. SCOTT: Please seat this juror.

18 MR. HASTIE: Please seat Mr. McCoy.

19 CLERK OF COURT: Juror number 56,
20 Josephine Hollomon.

21 MR. SCOTT: Please seat this juror.

22 MR. HASTIE: Please excuse Ms. Hollomon.

23 CLERK OF COURT: Juror number two,
24 Shanekia Albert.

25 MR. SCOTT: Please seat this juror.

1 MR. HASTIE: Please excuse Ms. Albert.
2 CLERK OF COURT: Juror number 145, Mamie
3 Williams.
4 MR. SCOTT: Please seat this juror.
5 MR. HASTIE: Please excuse Ms. Williams.
6 CLERK OF COURT: Juror number 23, Ashleigh
7 Bradshaw.
8 THE COURT: Madam Clerk, what was that
9 number?
10 CLERK OF COURT: Number 23.
11 MR. SCOTT: Please seat this juror.
12 MR. HASTIE: Please seat Ms. Bradshaw.
13 CLERK OF COURT: Juror number 51, Jordan
14 Holder.
15 MR. SCOTT: Please seat this juror.
16 MR. HASTIE: Please excuse Ms. Holder.
17 CLERK OF COURT: Juror number 29, Jalesha
18 Davis.
19 MR. SCOTT: Please seat this juror.
20 MR. HASTIE: Please seat Ms. Davis.
21 CLERK OF COURT: Juror number 36, Tonya
22 Durant.
23 MR. SCOTT: Please excuse this juror.
24 CLERK OF COURT: Have a seat back in the
25 audience.

1 Juror number 141, Maryanna Welsh.

2 MR. SCOTT: Please seat this juror.

3 MR. HASTIE: Please excuse the juror.

4 CLERK OF COURT: Juror number 116, Bobby
5 Rogers.

6 MR. SCOTT: Please seat this juror.

7 MS. HASTIE: Please seat Mr. Rogers.

8 CLERK OF COURT: Have a seat in the jury
9 box.

10 THE COURT: One alternate.

11 CLERK OF COURT: Juror number nine,
12 Latress Boyd.

13 MR. SCOTT: Please excuse this juror.

14 CLERK OF COURT: Have a seat back in the
15 audience.

16 Juror number 35, Wendy Dotts.

17 MR. SCOTT: Please seat this juror.

18 MR. HASTIE: Please seat Ms. Dotts.

19 CLERK OF COURT: Have a seat in the jury
20 box.

21 Ms. King, if you would please call out the
22 names of all the jurors.

23 CLERK OF COURT: Please raise your hand
24 when I call your name: Jesse Dean, number 32;
25 number six, Queenesta Barr; number 143, Eartha.

15

1 Brooks; number 11, Gary Boykin; number 25, Bernelle
2 Cooley; number 117, Annette Rubin; number 62, Glen
3 Jenkins; number 59, Randall Huggins; number 84,
4 Nofes McCoy; number 23, Ashleigh Bradshaw; number
5 29, Jalesha Davis; number 116, Bobby Rogers; and the
6 alternate, number 35, Wendy Dotts.

7 THE COURT: All right, ladies and
8 gentlemen, you all have been selected as the jury
9 for this trial. I'm going to send you back to your
10 jury room for a few minutes while we take up a few
11 pre-trial matters.

12 And while you're back there, if you could
13 select who will be your foreperson. The foreperson
14 will sit in this front left seat, and then the
15 alternate will always sit there. All right, thank
16 you.

17 (Jury out at 2:49 p.m.)

18 THE COURT: All right, are there any
19 objections from the State or the defense to the jury
20 that has been selected and the manner in which it
21 has been selected?

22 MR. SCOTT: Your Honor, the State has no
23 objections.

24 THE COURT: Mr. Hastie?

25 MR. HASTIE: None from the defense, Your

1 Honor.

2 THE COURT: Okay, then they will be our
3 jury.

4 Ladies and gentlemen, I almost feel mean
5 doing this, but I'm going to have to send you out
6 into the weather. You're done for today. If you
7 could do the same thing and call back between 12 and
8 one tomorrow for further instructions, just like you
9 did today.

10 Ladies and gentlemen, have a nice day. Be
11 careful on the streets. With the amount of water
12 that we've seen come down, we know there's a lot on
13 the road. So if you have to drive on the country
14 roads, be especially careful. Have a nice evening.

15 (Jury panel not chosen excused for the
16 day.)

17 THE COURT: Are there any pre-trial
18 motions to be made, Mr. Hastie?

19 MR. HASTIE: No, Your Honor.

20 MR. SCOTT: There are none that I'm aware
21 of.

22 THE COURT: Okay. Are you all ready to
23 start?

24 MR. SCOTT: Yes, sir.

25 THE COURT: Okay.

17

1 MR. HASTIE: Yes, sir.

2 THE COURT: I think what we've agreed that
3 we would do is we would start with your openings and
4 my pre-trial charge, and then we will start the
5 testimony tomorrow at 11:00, is that correct?

6 MR. SCOTT: Yes, sir.

7 THE COURT: All right, very well. Let's
8 bring our jury back in.

9 (Jury in at 2:51 p.m.)

10 THE COURT: Mr. Dean, you must have an
11 aura of leadership about you since this is the
12 second jury in a row you've been put as the
13 foreperson.

14 All right, please swear the jury.

15 (The jury was sworn.)

16 THE COURT: All right, thank you, ladies
17 and gentlemen. Before we begin this trial, I want
18 to tell you that this trial will probably be
19 different from what you might expect.

20 You know, most people do not have a chance
21 to attend an actual court session as you all are
22 today and may think from watching TV, movies, or
23 reading books that trials are always full of high
24 drama, intense action, and riveting circumstances.

25 Now, while all those things may be true at

1 times, this trial is not for entertainment. This is
2 a real trial which is a fundamental part of our
3 democracy. It is a search for the truth in an
4 effort to make sure that justice is done.

5 And searching for the truth and ensuring
6 that justice is done is often slow, deliberate, and
7 repetitive, the exact opposite of what you might
8 have seen on television, in movies, or read in
9 books.

10 Ladies and gentlemen, this courtroom over
11 here in Lee County is a beautiful courtroom. You
12 should be proud to have a courtroom like this. And
13 this is a place of honor that is dedicated to
14 protecting and preservation of our citizens' rights
15 through what many have called and what I truly
16 believe to be the greatest justice that has ever
17 been created.

18 The attorneys who are appearing before you
19 are advocates for the parties that they represent.
20 But first and foremost, they are officers of this
21 Court who are sworn to uphold the integrity and the
22 fairness of our judicial system and to help you in
23 your search for the truth.

24 Ladies and gentlemen, you should expect
25 them to be professional, competent, and ethical in

1 the representation of their client's interest. And,
2 ladies and gentlemen, remember you also just took an
3 oath to listen to the evidence in this case and
4 reach a fair and just verdict, and you are expected
5 to be professional, reasonable, and ethical as well.

6 And let me again thank you for accepting
7 this important responsibility of jury duty and your
8 contribution to our judicial system. Now, what I
9 intend to tell you now is intended only to serve as
10 an introduction to the trial of this case.

11 These remarks are not a charge on the law,
12 and I will charge you the law that is applicable to
13 this specific case at the end of the trial. This is
14 merely an explanation of the procedures that we will
15 follow in this trial so that you may better
16 understand what may be happening.

17 Let me say up front, ladies and gentlemen,
18 that you will not be allowed to take notes during
19 this trial. Therefore, it is very important that
20 you listen closely throughout this trial.

21 The defendant in this case is charged by
22 the indictment filed in this Court with arson, the
23 elements which will be explained to you later. As I
24 said earlier, the indictment charging the defendant
25 is simply the document by which the case is brought

1 into court and is not in any sense evidence of any
2 of the allegations therein.

3 The defendant has pled not guilty to the
4 charge in the indictment, so the State must
5 therefore have the burden of proving all of the
6 elements of the charge against the defendant beyond
7 a reasonable doubt.

8 And it will be your duty, ladies and
9 gentlemen, to decide whether the State has met that
10 burden. Your purpose is to determine the facts of
11 this case. You are to determine the facts from this
12 witness stand and from the testimony that you hear
13 and any other evidence that is presented in court.

14 It is up to you to determine the
15 inferences which you feel may be properly drawn from
16 the evidence which is presented. Ladies and
17 gentlemen, it's especially important that you
18 perform your duty diligently and conscientiously,
19 because ordinarily there is no way to correct an
20 erroneous determination of facts by a jury.

21 On the other hand but with equal emphasis,
22 the same law that makes you the judges of the facts
23 make me the judge of the law. The law as given by
24 me to you is the only law that you may consider.

25 You must accept the law as I give it to

1 you, even though you may disagree. Let's make an
2 agreement. I cannot tell you what the facts are,
3 and you cannot disagree with me about what the law
4 is or what you think the law should be.

5 As jurors, it is your job to take the law
6 as I give it to you and apply it to the facts as you
7 find them from the testimony of the witnesses from
8 this witness stand and any other evidence that is
9 introduced.

10 After hearing the evidence, you will
11 deliberate and render a just and true verdict under
12 the solemn oath that you just took as jurors. Until
13 I advise you to begin your deliberations, ladies and
14 gentlemen, at the conclusion of the case, you must
15 not discuss the case with others, including your
16 fellow jurors.

17 You may not use a computer, cellular
18 phone, or other electronic device with
19 communications capabilities while in attendance at
20 trial or during your deliberations. Now, you may
21 use these devices when you go home at night or when
22 we break for lunch, but you still may not use them
23 to disclose any information about the case when
24 you're not in court.

25 Information about the case would include

1 but certainly not be limited to information about a
2 party, a witness, an attorney, or a Court officer,
3 any news accounts about the case, any information
4 collected through juror research or any topics
5 raised or testimony offered by any witness or any
6 information collected through juror research on any
7 topic that you might think would be helpful in
8 deciding the case.

9 Ladies and gentlemen, as I told the jury
10 yesterday, all the information you will need to
11 render a true and just verdict should come from
12 within the four walls of this courtroom. Ladies and
13 gentlemen, after the case is submitted to you, you
14 must discuss it only in the jury room with your
15 fellow jurors. The attorneys and the parties in
16 this case are advised that they are not to talk to
17 you at all.

18 So if you see anyone involved in this case
19 around the courthouse square and they don't even say
20 hello, they're not being unfriendly. They're just
21 following my instructions. Now, ladies and
22 gentlemen, it is very, very important that you keep
23 an open mind and not decide any issue in this case
24 until all the evidence has been presented, the
25 attorneys have made their closing arguments, and I

1 have instructed you on the law to this particular
2 case.

3 It is your solemn responsibility as jurors
4 to determine the guilt or innocence of the
5 defendant, and your verdict must be based solely on
6 the evidence that is presented in this trial and on
7 the law as I instruct it to you at the close of the
8 trial.

9 Now, in just a moment, ladies and
10 gentlemen, the Solicitor will make what is called an
11 opening statement in which he will explain what he
12 believes the issues are in this case. The
13 defendant's attorney, Mr. Hastie, may also make an
14 opening statement, although he is not required to do
15 so.

16 What the attorneys tell you during their
17 opening statement is not evidence in this case. It
18 is only their contention as to what they believe the
19 issues are in this case.

20 Now, from time to time during this trial,
21 you may hear one of the lawyers say something like,
22 "Your Honor, I believe we have a question of law,"
23 or "Your Honor, may approach the bench?" Or
24 sometimes I might find it necessary to excuse you
25 from the courtroom for a short while, while the

1 attorneys and I discuss a matter of law.

2 Now, the reason for this is because, as
3 I've told you, you are the judges of the facts. And
4 sometimes when I'm discussing a matter of law with
5 the attorneys, it may be necessary to make some
6 comment as to the facts in connection with ruling on
7 whether or not a particular law applies.

8 And as I said, I'm not supposed to tell
9 you what the facts are. So I will excuse you from
10 the courtroom while these discussions take place so
11 no one will be influenced by anything that I might
12 say or do in connection with the facts.

13 Also during the trial, the attorneys might
14 make an objection to certain evidence that is about
15 to be presented. Now, whether I sustain, which
16 would be to grant the objection and stop the
17 testimony, or overrule, which would be to deny the
18 objection and allow the testimony to continue,
19 should not be construed that I favor one side over
20 the other. I do not.

21 Nor should you infer that the objecting
22 party is trying to hide something from you. In this
23 Court, as in all situations in life, there are
24 specific rules that must be followed. The attorneys
25 as officers of this Court, are merely trying to

25

1 follow the rules of evidence in this Court in making
2 their objection, and I am only ruling based upon
3 what I believe the law of the State of South
4 Carolina to be concerning the evidence that is about
5 to be presented.

6 In determining what the true facts are in
7 this case, you must decide whether or not the
8 testimony of a witness is believable. It will be my
9 responsibility as the judge to rule as a matter of
10 law as to whether certain testimony is advisable.

11 But once the testimony is admitted,
12 whether or not you decide to believe it is solely
13 for you as the finders of fact. Now, ladies and
14 gentlemen, in deciding whether to believe a witness,
15 you have the right to consider the interest of any
16 witness, the bias of any witness, the prejudice of
17 any witness, the opportunity for the witness to have
18 observed the matters or things about which the
19 witness may testify, and the way the witness acts
20 on the witness stand.

21 Ladies and gentlemen, you have a right to
22 consider anything that is in the record that will
23 help you evaluate the testimony of a witness. That
24 means that it is your responsibility and duty to pay
25 close attention to these witnesses, to observe the

1 witnesses, and to listen to the witnesses and to pay
2 close attention to the attorneys and to the Court.

3 Don't let your thoughts wander, but give
4 strict attention to the testimony in this case so at
5 the end of all the testimony, after the arguments of
6 counsel and the charge on the law by me, you will
7 then be in a position to determine what the true
8 facts are and to apply the law to those facts and
9 thus render a true and just verdict.

10 Now, Mr. Foreman, it is your
11 responsibility to preside in the jury room, and you
12 will be the jury's spokesperson here in court. It
13 will also be your responsibility to write down the
14 verdict on the verdict form, but I'll give you
15 further instructions on that at the appropriate
16 time.

17 Now, in order to preserve everyone's
18 rights, I will give the parties an opportunity to
19 object to anything that I have stated to the jury.
20 Does the State have any objection to anything that
21 I've said to the jury?

22 MR. SCOTT: Your Honor, we have none.

23 THE COURT: Okay, Mr. Hastie, any
24 objections?

25 MR. HASTIE: No, sir.

1 THE COURT: Thank you.

2 All right, ladies and gentlemen, we will
3 now begin the trial of this case.

4 Mr. Scott?

5 MR. SCOTT: Your Honor, may it please the
6 Court.

7 OPENING STATEMENT

8 BY MR. SCOTT

9 Good evening, ladies and gentlemen of the
10 jury. I already introduced myself once to you --
11 actually twice, yesterday and again today. First of
12 all, let me thank y'all for tolerating the jury
13 selection process.

14 I know at times it's kind of cumbersome,
15 it seems like it's never going to end, and you're
16 wondering why y'all are being put through this. But
17 the reason you're being put through it, quite
18 frankly, is that this system of ours wouldn't work
19 without you.

20 You know, just to paraphrase a saying that
21 I'm not sure who it was, but many years ago somebody
22 said that our system of government, said that our
23 criminal justice system is the best in the world
24 compared to all the others, and that's absolutely
25 true.

Opening Statement by Mr. Scott

28

1 When you compare our system to all the
2 others, it is the best in the world because it
3 works. It doesn't always work perfectly, but it
4 works. And because of your participation, it is
5 able to work.

6 You might even compare your role to that
7 of a cornerstone. You know, if we didn't have
8 jurors, we didn't have juries, it would be like
9 trying to build a house without a foundation,
10 because without y'all participating in the process,
11 there would be no criminal justice system.

12 You are the foundation of our criminal
13 justice system, and we really do thank you for your
14 participation. Some people try to wiggle their way
15 out of jury service. It truly is a noble calling,
16 and, you know, it's one of the finest things you
17 actually do, because when this system was created,
18 our constitution gave everybody the right to be
19 judged by a jury of your peers.

20 That means a jury of other citizens in the
21 community. You are those citizens in this
22 community. So we thank you for taking seriously
23 your role. Now, as the judge told you when he read
24 the indictment, this case involves the charge of
25 arson.

Opening Statement by Mr. Scott

29

1 And as His Honor also told you, that
2 indictment is not evidence, and be it far from me to
3 suggest to you that it is evidence. That is nothing
4 more than the formal charge that the State has
5 brought against Ms. Moore, essentially containing
6 its theory of what it is that the State believes Ms.
7 Moore did.

8 Well, what exactly is this case about?
9 Well, the State's position is that obviously this
10 case is about fire. Ms. Moore, the defendant, is
11 charged with burning down or substantially
12 destroying a building at the Ashley Park Apartments
13 here in Bishopville. So this case is first and
14 foremost about fire and the destructive nature of
15 fire.

16 The State would also suggest to you this
17 case is about a lack -- a total lack -- of regard
18 for the safety and well-being of the lives of
19 others, because as a result of the actions of Ms.
20 Moore, an apartment building at Ashley Park
21 Apartments was almost completely destroyed.

22 People were living in that apartment
23 building at the time. This case is also about
24 greed, because you're going to hear testimony that
25 one of the reasons -- perhaps not the main reason --

Opening Statement by Mr. Scott

30

1 that Ms. Moore decided to do this is for money, to
2 make a claim against their insurance company.

3 So, first and foremost, this case is about
4 fire. It's about a total lack of regard for the
5 health, safety, and well-being of others, property
6 of others, and ultimately this case is about greed.
7 Now, you're going to hear testimony from several
8 witnesses in this case.

9 And as the judge said, you need to make
10 sure that the decision you make in this case is
11 based on the evidence that y'all are going to hear
12 from this witness stand and whatever documentary
13 evidence that may be introduced through witnesses.
14 And as the Court also said, do not try to listen to
15 any TV reports or newspaper reports.

16 I doubt this is going to be on TV. This
17 is not one of those Hollywood type cases where
18 you're going to read about it in the newspapers,
19 you're not going to hear about on the 6:00 or the
20 11:00 news. But if in fact you do see something
21 like that, turn the TV off or throw the paper to the
22 side and don't pay attention to it.

23 You're going to hear testimony from
24 witnesses to the effect that Ms. Moore was heard
25 upstairs -- the apartment she lived in was an

Opening Statement by Mr. Scott

31

1 upstairs apartment -- throwing things around in her
2 apartment, throwing things, turning over chairs,
3 turning over dressers.

4 And you're also going to hear testimony
5 that after that noise was heard, Ms. Moore was seen
6 actually running down the stairs carrying baskets of
7 clothing to her car. In fact, the testimony is
8 going to be that she did that twice.

9 And the witness who will testify to that
10 will also say they saw this woman speed away from
11 the apartment complex. Now, shortly after that, the
12 fire was discovered. You will also hear testimony
13 from somebody who is called a co-defendant.

14 That's just a fancy word. All it means is
15 somebody who is charged with aiding and assisting,
16 in this case, Ms. Moore. And that person is going
17 to testify to you that Ms. Moore actually admitted
18 to starting the fire. She actually admitted to that
19 person starting the fire.

20 And you will also hear testimony from an
21 agent -- I should say a representative, not
22 necessarily an agent -- but a representative of the
23 insurance company that Ms. Moore has a policy with
24 about a couple of days before this fire started, you
25 will hear testimony to the effect that the manager

Opening Statement by Mr. Scott

32

1 of apartment complex actually sent Ms. Moore a
2 notice that her apartment was being terminated --
3 her lease was being terminated for lease violation.

4 You're going to hear all that testimony.
5 And it's going to be up to you -- it will be up to
6 you -- as the judge said, y'all are the sole
7 deciders, you are the deciders of the facts. Y'all
8 will have to decide what the facts are. You have to
9 decide that.

10 That is your exclusive right. No one else
11 can take that right away from you. Now, sometimes
12 it's argued when we trial criminal cases that the
13 State has all the resources, the State has all the
14 power. Well, that may or may not be true, but the
15 State has the burden of proof.

16 And we gladly accept the burden of proof.
17 But I would submit to you that the one true power in
18 any case, the one true power, the one true resource,
19 is truth. That's the power that should guide you.
20 That's the light that should guide your decision.

21 You know, when you took that oath, that
22 oath requires that you return what's called a true
23 and just verdict. What we ask you to do is make
24 sure that you're guided by the truth when you make
25 that verdict or when you render that verdict.

Opening Statement by Mr. Scott

33

1 You know, y'all have probably all heard
2 the saying that if it looks like a duck, walks like
3 a duck, quacks like a duck, then the chances are
4 it's a duck. It ain't a moose. It's a duck.

5 Use your common sense. You didn't leave
6 it outside on the courthouse steps. Y'all all have
7 life experiences that will enable you to make a --
8 to be discerning, if you will. So use your wisdom
9 and assess what you hear from that witness stand and
10 decide whether it's true or not, does it make any
11 sense or not.

12 Two plus two equals four. It doesn't
13 equal negative seventeen. So if you have two plus
14 two, the rational conclusion is that that equals
15 four. It doesn't equal a negative seventeen. All
16 we ask that you do, all the State is asking that you
17 do, is keep an open mind about all the evidence you
18 will hear, but please don't discard the most
19 valuable resource, your common sense.

20 You know, Abraham Lincoln once said that
21 God must love the common man because He made so many
22 of them. I would paraphrase that by saying the
23 common person. In other words, the every person.
24 Y'all are people who are possessed of everybody
25 common-sense knowledge.

Opening Statement by Mr. Scott

34

1 The only thing that you will be concerned
2 with is what is based on facts and truth. In fact,
3 some people might say that being a lawyer keeps you
4 from making common-sense decisions.

5 But all we ask that you do is listen to
6 all of the evidence. Keep in mind, like I said, if
7 it looks like a duck, it walks like a duck, it
8 quacks like a duck, it's a duck.

9 If you listen to all the evidence,
10 consider all the facts, keeping in mind your
11 everyday knowledge about how the world really works
12 and about how people really are, you shouldn't have
13 any trouble at the end of this case reaching a
14 verdict in this case that speaks the truth, and that
15 verdict should be a verdict of guilty. Thank you.

16 THE COURT: Mr. Hastie, for the defendant.

17 MR. HASTIE: May it please the Court?

18 THE COURT: Yes, sir.

19 OPENING STATEMENT

20 BY MR. HASTIE

21 MR. HASTIE: Good afternoon. I introduced
22 myself earlier. My name is Calvin Hastie, and I
23 represent Ms. Moore. I told you all I'm from
24 Sumter, and I'm certainly proud of it. And I, too,
25 want to thank you all for being here this afternoon.

Opening Statement by Mr. Hastie

35

1 When you are accused by someone, then you
2 have the right to confront them. My client has
3 waited 12 months for this day. She's waited 12
4 months in jail so she could get this day to have her
5 day in court.

6 If I had to -- and I like to come up with
7 themes for different cases. And I had a pretty
8 rough time trying to come up with a theme for this
9 particular case because of the lack of evidence. So
10 the closest I could come to a theme would be this
11 case is about jumping to conclusions.

12 I want you all to sit back -- and the
13 Solicitor talked about -- a lot about ??? telling
14 you about what two plus two equals four and all that
15 stuff. But I want you to listen to the evidence
16 starting tomorrow morning. I want you to take a
17 look at the witnesses that they're going to put on
18 the stand.

19 One thing this country talks about and
20 guarantees us is the presumption of innocence. The
21 Constitution of this United States and this State of
22 South Carolina says that you and me, regardless of
23 the charge, we are presumed innocent until proven
24 guilty.

25 And I love that presumption of innocence,

Opening Statement by Mr. Hastie

36

1 because it goes on to say that this presumption of
2 innocence is like a robe of righteousness that we
3 all wear -- a robe of righteousness that we all
4 wear, presumed innocent. And it tells the State
5 that "It is your burden to remove that robe."

6 It didn't say to the State, "Well, you can
7 pull off the robe if it looks like he might have
8 done it." It says, "No, the burden is beyond a
9 reasonable doubt."

10 No, it's not quack like a duck, look like
11 a duck. It's nothing like that at all. It tells
12 the State, "Your burden, you must prove to these 12
13 jurors beyond a reasonable doubt that Ms. Moore
14 committed this offense." And I say, ladies and
15 gentlemen, that the State will not be able to meet
16 that burden under the law.

17 THE COURT: Thank you, Mr. Hastie.

18 MR. HASTIE: Yes, sir.

19 THE COURT: All right, ladies and
20 gentlemen, that will be all that we will do for
21 today. We will start the testimony of witnesses
22 tomorrow morning at 11:00. If you will please be
23 here just a little bit before 11 so we can start
24 promptly at 11.

25 As I told you before, please do not

1 discuss the case with anyone. Have a good night's
2 rest, because we may have a long day tomorrow. And
3 please drive safely as you're going to your homes.
4 Have a nice evening, ladies and gentlemen. Thank
5 you.

6 (The jury left the courtroom at 3:19 p.m.)

7 THE COURT: Is there anything else we need
8 to take up this afternoon?

9 MR. SCOTT: Not from the State, Your
10 Honor.

11 MR. HASTIE: Nothing from the defense.

12 THE COURT: All right, gentlemen, I will
13 be here at 10:00 in the morning taking pleas. And
14 then we will start the testimony in this trial at
15 11:00. Court is adjourned till tomorrow
16 morning at 10:00.

17 MR. SCOTT: Yes, sir.

18 - End of Day -

1 Wednesday, August 8, 2012

2 (The defendant, together
3 with counsel, was personally present in the
4 courtroom.)

5 THE COURT: All right, the parties have
6 agreed that the witnesses would be sequestered
7 during the trial, is that correct?

8 MR. SCOTT: Your Honor, that's correct,
9 and I have so instructed any witnesses who should be
10 here to remove themselves from the courtroom.

11 THE COURT: Let's bring our jury back.

12 (The jury returned to the courtroom at
13 11:43 a.m.)

14 THE COURT: All right, it looks like we've
15 got all of your jury. I understand that all of you
16 were on time, but we had other things that we were
17 doing. So it took us a little longer to get ready
18 for court, so if you will please excuse us. Ladies
19 and gentlemen, at this time we will now begin the
20 testimony in this case.

21 All right, Mr. Scott, you may call your
22 first witness.

23 MR. SCOTT: Your Honor, thank you. Your
24 Honor, the State calls Ms. Johnnie Mae Magazine.

25 THE COURT: All right, Ms. Magazine,

1 please come forward.

2 (The witness was sworn.)

3 CLERK OF COURT: State your full name for
4 the record.

5 MS. MAGAZINE: Johnnie Mae Magazine.

6 JOHNNIE MAE MAGAZINE, having first been
7 duly sworn, testified as follows:

8 DIRECT EXAMINATION

9 BY MR. SCOTT:

10 Q Ms. Magazine, how are you this morning?

11 A Fine, thank you.

12 Q A little nervous?

13 A Well, a little.

14 Q Okay, all right. Ms. Magazine, where do
15 you reside?

16 A Excuse me?

17 Q Where do you live?

18 A Oh, at in Bishopville.

19 Q Okay. Is that Ashley Park Apartments?

20 A Yes, Ashley Park Apartments.

21 Q Okay. And were you living there in June
22 of last year?

23 A Yes, I did.

24 Q Okay. Specifically, were you living there
25 on June 18 and June 19 of last year?

1 A Yes, sir.

2 Q In fact, I'm talking about Father's Day
3 weekend of last year.

4 A Yes, sir.

5 Q Okay, you were living there then?

6 A Yes, sir.

7 Q Okay, all right. Which apartment were you
8 living in at the time?

9 A In B2.

10 Q Apartment B2?

11 A Yes. I'm not staying there now.

12 Q Now, is that on the first -- ma'am?

13 A Yes.

14 Q Is that on the first floor or the second?

15 A First floor.

16 Q Okay. And when did you move into that
17 apartment?

18 A I couldn't remember what month it was.

19 Q I don't need the specific date.

20 A Okay, about three or two -- three months.

21 Q Okay, all right. And was anyone else
22 living there with you?

23 A At that time, it was my husband, but he's
24 deceased now.

25 Q Okay. He died while you were living

Johnnie Mae Magazine - Direct

41

1 there?

2 A Yes.

3 Q Okay, all right. And who lived
4 immediately upstairs over you?

5 A Jessica Moore.

6 Q Okay. Would that be Ms. Moore who is the
7 defendant here in the courtroom?

8 A Yes, sir.

9 Q All right. And did you see Ms. Moore on
10 Saturday, the 18th?

11 A Yes, sir, I did.

12 Q Okay. Where did you see her?

13 A At her apartment.

14 Q Okay. Now, did you see her earlier in the
15 day or later at night?

16 A Well, that was earlier -- well, late that
17 night, yes.

18 Q Okay, all right. What were the
19 circumstances of you seeing her later that night?
20 How is it that you came to see her later that night?

21 A Oh, she was getting ready to go out that
22 night.

23 Q Okay.

24 A And it was around about between 12 and
25 1:00.

1 Q Okay.

2 A Yes.

3 Q Okay. So what were the circumstances of
4 you seeing her during that time period around 12 or
5 1:00 that night?

6 A Because there was so much noise upstairs,
7 I couldn't rest. I couldn't get to sleep.

8 Q Okay. What kind of noise are you talking
9 about?

10 A Well, footsteps, banging, throwing things
11 everywhere, you know, like that. You know, it was a
12 whole lot of noise.

13 Q Okay, all right. Did you go up and talk
14 to her about that?

15 A No, I didn't, because the last time I did
16 was to get the cops and this and that. So they told
17 me just to let the cops handle it --

18 Q Okay.

19 A -- so I left it alone.

20 Q So you didn't go up because y'all had a
21 conflict earlier?

22 A Right, earlier in the day.

23 Q All right. But you say at some point she
24 left the apartment?

25 A Yes, she did.

Johnnie Mae Magazine - Direct

43

1 Q And about what time was that?

2 A I'd say about one.

3 Q Okay.

4 A Between one and one-thirty.

5 Q Okay. Did you hear any more noise at that
6 time?

7 A No, I didn't.

8 Q Okay, all right. Now, did you remain in
9 the apartment after Ms. Moore --

10 A Yes, I did.

11 Q -- left that first time?

12 A Yes, that's one of the reasons, too.

13 Q And what did you do while she was gone?

14 A I slept.

15 Q Okay, all right. And was there a time
16 later on that night that there was some more noise
17 that you heard?

18 A Probably right about between 4:00 and
19 4:30.

20 Q Okay.

21 A I heard more, yes.

22 Q Okay. Tell the jury what you heard.

23 A Well, between 4:30 I heard noise something
24 like an iron drop.

25 Q Like a what, ma'am?

1 A An iron, a piece of iron.

2 Q Okay.

3 A Dropping on the floor --

4 Q Okay.

5 A -- hit the floor or whatever, which

6 usually happened.

7 Q Okay.

8 A And it woke me up.

9 Q Okay.

10 A And I said, "Oh, God, she's back."

11 Q Uh-huh.

12 A And so I stayed awake. And so it was some

13 more noise like she was throwing things around, like

14 pulling out dressers and stuff like that. And she

15 was making all kind of noise.

16 Q Okay.

17 A And I said, "Oh, my God, what is she

18 doing?" And so I never called the cops because she

19 said she'd handle it. So I let it alone.

20 Q I'm sorry, what did you just say?

21 A The landlord.

22 Q Oh, okay.

23 A Said she would handle it.

24 Q Okay.

25 A So I left it alone.

Johnnie Mae Magazine - Direct

45

1 Q All right. Let's back up a second. You
2 said you heard things like -- heard noises like
3 things being thrown around. How long did that go
4 on?

5 A It went on for about ten or 15 minutes --

6 Q Okay.

7 A -- by the noise.

8 Q Now, did you hear this just then -- to
9 your knowledge, is the apartment upstairs a -- you
10 have a two- or one-bedroom apartment?

11 A I had a two-bedroom apartment.

12 Q Now, to your knowledge, is the apartment
13 upstairs -- was that a one- or a two-bedroom
14 apartment?

15 A It's two.

16 Q Okay. So where did the noise -- what area
17 upstairs did it seem to be coming from, do you know?

18 A From the bedroom.

19 Q Bedroom?

20 A Uh-huh.

21 Q Okay. Were there any other areas of the
22 apartment upstairs?

23 A No, just that.

24 Q Okay, all right. So anyhow, so how long
25 did you say the noise went on?

1 A About 15 -- I'd say about 15 or 20
2 minutes.

3 Q Okay. And tell the jury again what it
4 sounded like to you.

5 A Like someone was just taking their dresser
6 drawer and maybe they are knocked down. It was just
7 a loud boom.

8 Q Okay.

9 A And the loud boom, you know, it startled
10 me, you know.

11 Q Okay. So is that what woke you up?

12 A Yes.

13 Q Okay, all right. And you say that lasted
14 for about how long?

15 A It was 15 minutes -- a good 15 minutes,
16 yes.

17 Q Okay. Now, when the noise was going on or
18 after the noise was going on, did you at any time
19 see Ms. Moore again?

20 A Well, yes.

21 Q Okay.

22 A After I got up and I said, "Oh, well, let
23 me get on up, because I'm going to stay up all night
24 anyway." So I got up, washed my face, fixed me a
25 cup of coffee, and I sat around for a little while.

1 And the noise was still going on.

2 Q Okay.

3 A And after a while, I looked out of the
4 window. I hear her downstairs. I hear her running
5 down the stairs. So I looked. When I looked, she
6 was putting clothes in the car. It was a basket
7 with clothes.

8 Q Okay.

9 A Matter of fact, she had two of them.

10 Q Okay. Now, you said that you heard noise,
11 somebody running downstairs?

12 A Yes.

13 Q Okay.

14 A Running upstairs and running down.

15 Q Okay. How many times did you hear this
16 person doing this?

17 A From here, it was like twice.

18 Q Okay.

19 A It was twice.

20 Q And you said you looked out of your
21 window?

22 A Yes.

23 Q Okay.

24 And, Your Honor, if you would bear with me
25 for a minute, please.

1 THE COURT: Yes, sir.

2 Mr. Hastie, you may move, if you need to,
3 to see.

4 MR. HASTIE: Okay.

5 Q Ms. Magazine --

6 A Uh-huh.

7 Q -- I'm going to show you what's been
8 previously marked as State's Exhibit 1H, okay, and
9 ask if you recognize the building that has been
10 shown in that photograph?

11 A Yes, I do.

12 Q Okay. And what building is that?

13 A It's B30.

14 Q Okay. And that's the building you lived
15 in?

16 A I was living in, yes.

17 Q Okay. And is your apartment -- can you
18 see the window in your apartment on that building?

19 A Yes, I can.

20 Q Okay. Which one is it?

21 A Well, this is my bedroom, and this is her
22 bedroom.

23 Q And you're pointing to the window to the
24 right?

25 A Right.

Johnnie Mae Magazine - Direct

49

1 MR. SCOTT: Your Honor, may I have her
2 just approach the screen?

3 THE COURT: You may, certainly.

4 MR. SCOTT: Ms. Magazine, step down over
5 here.

6 THE COURT: Please speak loudly when
7 you're down there, ma'am, so they can hear you.

8 Q All right; stand over here so the jury can
9 see. Now, this is the building here that you lived
10 in, Building B?

11 A Right.

12 Q And where would the stairwells be? Would
13 they be in this area here?

14 A Right here.

15 Q Go ahead and point to it.

16 A Right here, in that area here.

17 Q Okay. So the stairwell would be over
18 there in that area?

19 A Yes.

20 Q Okay.

21 A Right.

22 Q And what window did you look out when you
23 heard the noise?

24 A This is my bedroom window, right here.

25 Q Okay. So that would be this window right

1 here. That's the window you looked out, right here.

2 And what did you see when you looked out of that
3 window?

4 A I saw Jessica Moore putting clothes in her
5 car.

6 Q Okay, all right. Now, was that just the
7 one time that you saw her come down the stairs or
8 the two times?

9 A It was just one time, because I watched
10 what was going on in case it was unusual.

11 Q Okay.

12 A And I left it alone.

13 Q Okay, all right. And did you see Ms.
14 Moore come down the stairs again?

15 A I saw when she got in the car and left.

16 Q Okay, all right. Upstairs above you, is
17 that Ms. Moore's apartment?

18 A Yes, it is.

19 Q So then this window right here, would this
20 be the window that's her bedroom?

21 A That's her bedroom.

22 Q Okay, all right. Now, the parking area is
23 not shown on this photograph. But is there a
24 parking area out in front of the building?

25 A Yes, it is. The parking area is 30 feet -

1 - I'm sorry. My window was 30 feet from where she
2 had her car parked.

3 Q Okay. How do you know it's 30 feet?

4 A Because I counted once when I was cleaning
5 up.

6 Q All right, okay. Thirty feet and 30 steps
7 -- 30 steps?

8 A I counted it when I was cleaning up.

9 Q Okay, all right. And so where was her car
10 parked in this area?

11 A It was like right here.

12 Q Okay. It's sort of --

13 A The building is right here and then the
14 steps.

15 Q Okay, all right.

16 A Steps are here.

17 Q Yes, ma'am.

18 A Yes.

19 Q So it was in the area in front here?

20 A Yes, it was.

21 Q Okay, all right. And so what did you see
22 when you saw her come down the stairs the second
23 time?

24 A She was getting in her car.

25 Q Okay.

1 A And she was getting in so fast. I said,
2 "Well, she's gone now." And then she went like
3 drive over to this area here -- it's a garbage area.

4 Q Okay.

5 A And she went.

6 Q Okay. You can go ahead and take a seat,
7 ma'am.

8 A Okay.

9 Q Now, when you saw Ms. Moore come
10 downstairs and get in the car, was she walking
11 slowly? Was she walking fast? How was she walking,
12 or was she running? I don't know. Tell us what you
13 saw.

14 A Oh, she was gone. I mean, she was like
15 something was behind her.

16 Q Okay, all right.

17 A Yes.

18 Q And when she got in the car to drive out
19 of the parking lot, did she drive slow or fast?

20 A No, no. She went out like a bat out of
21 hell.

22 Q Okay.

23 A Yes, she did.

24 Q All right. Now, before -- at what time
25 during the time that all this happened did you

Johnnie Mae Magazine - Direct

53

1 discover there was a fire? How did you discover
2 there was a fire?

3 A After she left, I went and laid back down,
4 and I turned the TV on. I said, "Well, I'm going to
5 stay up." I turned the TV off and was going back to
6 sleep. And when I turned around in the window, I
7 saw a light. And I thought, "Oh, my God, what's
8 going on?" It was the fire that was coming from her
9 apartment was shining down on mine. And all I could
10 see was fire.

11 Q Now, when you say the fire was coming from
12 her apartment, are you referring to the window of
13 your apartment?

14 A The window, yes -- out of her bedroom
15 window.

16 Q Okay, all right.

17 A Yes.

18 Q And about how long after Ms. Moore left
19 did you discover this fire?

20 A About five or 10 minutes.

21 Q Okay, all right. Before you saw the
22 flames, did you smell anything?

23 A Yes, I did. It was rubber, like something
24 burning rubber, because I thought it was my air
25 conditioning.

1 Q Yes, ma'am.

2 A And I got up and turned it off. And it
3 was all over my bathroom, because my bathroom was in
4 the back. I was living in a handicapped apartment
5 because that's how I kept my husband.

6 Q Okay.

7 A And the bathroom was in the back. So when
8 I got up, you know, to go in the bathroom and wash
9 my face, brush my teeth, that's when it got -- it
10 was strong.

11 Q Okay.

12 A And so I came back to the front, and it
13 startled me. I said, "Oh, my God, what's going on?"
14 So I looked -- I came out the door, and I didn't
15 smell anything, so therefore it was in my apartment.
16 But I didn't know where it was coming from.

17 Q Okay.

18 A And then after a while, it calmed down.
19 And then I didn't smell it any more. And all of a
20 sudden, it was fire.

21 Q Okay, all right. Now, after -- did you
22 call the fire department, or did somebody else call
23 the fire department?

24 A Somebody else called the fire department,
25 because I was, you know --

Johnnie Mae Magazine - Direct

55

1 Q Yes, ma'am.

2 A -- trying to get everybody out of the
3 apartment. I couldn't go upstairs because of the
4 smoke.

5 Q Okay.

6 A My neighbors downstairs, I just went there
7 and knocked on the door and told them there was a
8 fire.

9 Q Okay. So when you -- let's go back just a
10 little bit to make sure we understand everything
11 that you testified to. You saw Ms. Moore earlier
12 that evening, and you say she left her apartment
13 about what time? You said about 12:00 or 1:00, I
14 think you --

15 A Yes.

16 Q -- you said that evening?

17 A She went out.

18 Q I think you said 1:00, right?

19 A Yes.

20 Q And then she came back. And about what
21 time was it that you saw her --

22 A Probably between 4:00 -- I'll say 4:30.

23 Q Okay.

24 A Yes.

25 Q Okay. And after she came back, you again

1 heard the noise upstairs?

2 A Yes.

3 Q Okay.. And the noise you heard this time
4 was?

5 A I mean, it seemed like she was tearing up
6 the apartment, okay?

7 Q Okay, all right.

8 A Yes.

9 Q And then after you heard the noise, is it
10 after that point you saw her run down the stairs to
11 put the clothes in the car?

12 A Yes.

13 Q Okay.. And then what point after she first
14 -- well, tell us, when did you smell the burning
15 odor?

16 A When she was up there making all that
17 racket.

18 Q Okay.

19 A That's when I smelled it.

20 Q All right. And you said you thought it
21 was your air conditioning?

22 A I thought it was my air conditioning.

23 Q Right..

24 A So I turned it off.

25 Q Okay. Now, after the fire department came

Johnnie Mae Magazine - Direct

57

1 and the police came and everybody reported to the
2 fire, did you at any point see Ms. Moore again at
3 the apartment complex?

4 A Yes, I did.

5 Q Okay.

6 A Yes, sir, I did.

7 Q How did you end up seeing her later on
8 that morning?

9 A I was coming down my -- you know, trying
10 to figure out, you know, what damage I had.

11 Q You were trying to do what, ma'am?

12 A The ideas that I had, my furniture and
13 stuff.

14 Q Yes, ma'am.

15 A I was in there trying to get everything
16 together.

17 Q Okay.

18 A The firemen had already set half of my
19 stuff out in the back.

20 Q Okay.

21 A And I was setting the rest of it out. And
22 when I went out the back way, she was coming behind
23 me.

24 Q Now, the "she" you're referring to is Ms.
25 Moore?

- 1 A Ms. Moore.
- 2 Q Okay.
- 3 A And she jumped on me.
- 4 Q Okay.
- 5 A And the fireman approached the apartment.
- 6 But she had my hair pulling it, and the fireman
- 7 approached the apartment.
- 8 Q Why did she do that?
- 9 A I don't know why. She said -- okay, this
- 10 is the words she said, why did I tell a lie on her.
- 11 Q What lie was that?
- 12 A I didn't see her.
- 13 Q Uh-huh. Okay, let's make sure I
- 14 understand what you're saying. You said Ms. Moore
- 15 jumped on you?
- 16 A Because I told her -- she said why did I
- 17 lie on her.
- 18 Q So she was stating that when you told her
- 19 you saw her running from the apartment --
- 20 A Yes.
- 21 Q -- that she was lying, okay?
- 22 A Uh-huh, she was lying.
- 23 Q All right. Did you say anything to her in
- 24 response?
- 25 A No, I didn't.

- 1 Q All right.
- 2 Q Okay. How did y'all get separated?
- 3 A A fireman separated us.
- 4 Q Okay, all right. Sgt. Watson?
- 5 A No.
- 6 Q Oh, Ms. Michaels?
- 7 A Ms. Michaels.
- 8 Q Okay.
- 9 A She came up, and she took my arm and she
- 10 took me to the fire.
- 11 Q Okay, all right. Now, so Ms. Moore
- 12 accused you of lying on her, is that correct?
- 13 A Yes.
- 14 Q Well, was what she told the truth?
- 15 A I'm telling the truth.
- 16 Q Okay.
- 17 A Nothing but the truth.
- 18 Q Okay. And is there any reason why you
- 19 would say the things you've said if they weren't
- 20 true?
- 21 A No, no reason whatsoever.
- 22 Q Now, I understand there had been some
- 23 previous conflicts between you and Ms. Moore, is
- 24 that right?
- 25 A Right.

1 Q Okay.

2 A But that's forgiven. I mean, you know, I
3 forgive her for that --

4 Q Right.

5 A -- because she knows she did it. She
6 flattened my tire. She cut my tire. I forgave her
7 for that.

8 Q Now, Ms. Magazine, during all this time
9 when you heard the noise upstairs that woke you up
10 around 4:00, 4:30, or so, did you see anybody else
11 leave Ms. Moore's apartment?

12 A No, sir, nobody but Jessica.

13 Q Did you see or hear anybody else go into
14 her apartment?

15 A No, sir, nothing but Jessica.

16 Q Okay, all right. Please answer any
17 questions that Mr. Hastie may have, okay?

18 A I will.

19 THE COURT: Mr. Hastie, your witness.

20 MR. HASTIE: May it please the Court?

21 THE COURT: Yes, sir.

22 MR. SCOTT: Your Honor, I'm sorry. Every
23 time the screen goes out, I have to log back on.

24 THE COURT: All right.

25 MR. HASTIE: Well, Your Honor, while he's

Johnnie Mae Magazine - Direct

61

1 doing that, I'll just start.

2 THE COURT: All right, very well.

3 CROSS-EXAMINATION

4 BY MR. HASTIE:

5 Q Okay, good morning.

6 A Good morning.

7 Q Okay, now, you testified that you lived in
8 which apartment?

9 A B.

10 Q B?

11 A That's right.

12 Q And how long had you lived in B?

13 A About four months.

14 Q Four months?

15 A Yes.

16 Q Okay. And where did you live prior to
17 that?

18 A In C apartment.

19 Q In C apartment?

20 A Yes.

21 Q Now, was your husband living with you in C
22 apartment?

23 A No, he wasn't. It was only one bedroom.

24 Q It was just a one-bedroom.

25 A Uh-huh.

1 Q So you lived in C apartment --

2 A Uh-huh.

3 Q -- and he lived in B apartment?

4 A No, no, no, no. I left the C apartment to
5 take care of my husband in B apartment, because he
6 had to have his own room. Matter of fact, I had my
7 own room, he had his.

8 Q Okay. That's in B apartment?

9 A Yes.

10 Q How long did you live in C apartment prior
11 to moving to B apartment?

12 A About a year and a half to two years.

13 Q Okay. Now, where did your husband live
14 during that time?

15 A He lived with my daughter at the time.

16 Q Okay. Where was that?

17 A On Meeting Street.

18 Q In --

19 A In Bishopville.

20 Q -- Bishopville. So your husband didn't
21 move to B apartment until --

22 A He got sick.

23 Q -- he got sick?

24 A Yes.

25 Q And that's about three or four months

1 before this incident?

2 A Yes.

3 Q And then you moved from C apartment to B
4 apartment --

5 A Right.

6 Q -- to help care for him?

7 A Yes.

8 Q Okay. Now, let's talk about the night in
9 question. You said you saw Ms. Moore the first time
10 that day at what time?

11 A I don't know. It's been a year. It's
12 kind of fuzzy right now, but it was early. I mean,
13 she was, you know, just up and down, up and down. I
14 didn't have any question or anything with her, but I
15 just, you know --

16 Q Approximately what time of day was that?

17 A I don't know. It was up in the day. I
18 don't know. I wouldn't --

19 Q I mean, like 1:00 in the afternoon --

20 A No.

21 Q -- 2:00?

22 A It was later than that, probably.

23 Q Five or six?

24 A No, it was between three and four,
25 something like that.

1 Q In the afternoon?

2 A Yes, it was in the afternoon.

3 Q Okay.

4 A She was in and out, in and out.

5 Q Okay.

6 A In and out.

7 Q Okay. But you did see her again that
8 night. About what time was that?

9 A About 12:00 or 1:00.

10 Q Twelve or 1:00, okay. And you're sure
11 about that time? You're not fuzzy about that time?

12 A You know, it's been a year. But, yes,
13 because she was getting ready to go out.

14 Q Okay. And let's talk about the noises
15 that you said you started hearing. You heard what
16 type of noise? You mentioned an iron drop?

17 A No, I didn't say an iron.

18 Q Okay. What type of noise did you hear?

19 A It's like a pole, you know. Always when
20 she comes in, she always drops it on the floor. And
21 this was going on since I was living -- she was
22 living above me.

23 Q Three or four months?

24 A Yes.

25 Q Okay. So you heard an iron drop.

Johnnie Mae Magazine - Cross

65

1 A It was all different things.

2 Q What other kind of noise?

3 A Like it was heavy footsteps like she
4 worked hard, and it was like drawers and stuff --
5 you know, she was getting ready to go out.

6 Q Heavy footsteps?

7 A Yes, she was rushing and getting ready to
8 go out.

9 Q How do you know that?

10 A The apartment is thin. I can hear.
11 Matter of fact, I live above people now. I can hear
12 everything that goes on because the ceiling is so
13 thin.

14 Q You can even tell that people are getting
15 ready to go out of the apartment?

16 A Yes. I hear them walking and using the
17 bathroom, you know.

18 Q You can tell when they're getting ready to
19 use the bathroom, too?

20 A The toilet flushes.

21 Q All right. So what time was this when she
22 got ready to go out?

23 A When she came back in -- she was out, and
24 she came back in. It was about 12:00, between 12:00
25 and 12:30. She didn't leave until just about 1:00,

1 okay.

2 Q She left about 1:00?

3 A Yes.

4 Q And then what were you doing at that time?

5 A I was in bed.

6 Q You was in bed?

7 A Yes, I was.

8 Q When she left?

9 A Yes. Before she left, I was in bed,
10 because I go to bed early.

11 Q Okay.

12 A Around about 10:00, 10:30 I'm in bed.

13 Q And you know she left because of how, the
14 door shut?

15 A And the noises completely stopped.

16 Q The noise stopped.

17 A And that was a relief.

18 Q The noise doesn't stop when she goes to
19 bed at night?

20 A No, sir, it don't.

21 Q All right. So, now what time in the
22 morning -- when something strange started happening,
23 what time was that?

24 A About 4:30.

25 Q About 4:30?

Johnnie Mae Magazine - Cross

67

1 A Yes, about 4:30.

2 Q Okay.

3 A Between 4:00 and 4:30, yes.

4 Q And we know you heard some things
5 happening. And you said it felt like she threw a
6 dresser or something down?

7 A No, it seemed like she was pulling -- when
8 she pulled the drawer out, she let them hit the
9 floor. She let everything hit the floor, like she
10 was throwing it against the wall. It was a racket.
11 It was a heavy racket.

12 Q Do you know -- you've been in her bedroom.
13 Do you know whether or not she even has a dresser in
14 that room?

15 A I don't know what she has up in there.

16 Q You don't know if she even had a dresser.

17 A I've only been to the front door to warn
18 her to stop the noise.

19 Q So you don't even know if she has a
20 dresser in her bedroom, do you?

21 A No, I don't.

22 Q Tell us about the smoke. When did you
23 first smell the smoke?

24 A When she woke me up. It was about -- I'll
25 say about five minutes after she woke me up, that's

1 when I started smelling like rubber was burning.

2 Q It was about 4:30 in the morning?

3 A It was 4:30 in the morning.

4 Q And she woke you up?

5 A Yes.

6 Q Was she coming back in or just --

7 A She was coming in.

8 Q Just coming in?

9 A Yes.

10 Q But you did not see her come in?

11 A Excuse me?

12 Q Did you see her come back?

13 A No, I didn't see her come in, but I knew

14 it was her. Yes, I felt it was her. The way she

15 acted for four months, I can tell. You can just --

16 a person coming into their apartment, because she do

17 the same things over and over again.

18 Q How do you know it was her rather than

19 someone else that was in her apartment, using her

20 apartment? How do you feel somebody?

21 A Because two people do not act the same, I

22 mean, when they enter someone's apartment, unless

23 she told them to do it, quite naturally.

24 Q Okay. So you felt it was her. You didn't

25 see it was her. You just felt it was her?

1 A No, I felt that it was her.

2 Q Okay, all right. Tell us about this
3 smoke. When did you first sense that?

4 A Excuse me?

5 Q When did you first sense the smoke?

6 A When she woke me up, there was the racket
7 all of a sudden. I was in the bed, and I said,
8 "Well, let me get up." Then that's when I started
9 smelling the smoke. It smelled like rubber burning.
10 It was light then, not heavy. It was light.

11 Q Okay.

12 A And I thought it was my air conditioning.
13 That's why I got up.

14 Q Okay.

15 A And it frightened me because I smelled it.
16 But she was still -- Jessica was still up there
17 making the racket, okay. And I went to the
18 bathroom, brushed my teeth, and it had got stronger
19 when I got in my bathroom. I came out between the
20 bathroom and my bedroom and down the hall, it got
21 stronger when I went back into my bedroom. I went
22 in the --

23 Q Okay. Excuse me, I'm sorry.

24 A I went in the kitchen to fix a cup of
25 coffee and came back in my bedroom.

1 Q So you smelled the smoke, and you decided
2 to go fix yourself a cup of coffee?

3 A Well, I mean, to get my nerves together
4 and what not, because I didn't know what was going
5 on. I smelled smoke earlier. That time in the
6 morning, nothing in your apartment is burning, I
7 mean, you know -- because I thought it was my air
8 conditioning.

9 Q So you fixed yourself a cup of coffee?

10 A Yes.

11 Q Approximately what time did you start --
12 if this started at 4:30, approximately what time is
13 it now after you fixed your cup of coffee and you
14 still thought it was your air conditioner, and you
15 checked it out and it wasn't the air conditioner?

16 A I didn't look at the clock again.

17 Q You don't know?

18 A I didn't know what time it was. When I
19 fixed me a cup of coffee, I was in my kitchen.

20 Q How long did it take from that first time
21 till now?

22 A It was about two minutes or whatever.

23 Q Two minutes?

24 A Three minutes or whatever to fix me a cup
25 of coffee and walk back into my room.

1 Q Okay. So in two minutes, you went and
2 checked the air conditioner. You knew it was her
3 throwing stuff around, and you ran and fixed you a
4 cup of coffee. And two minutes later --

5 A I didn't ran to fix me a cup of coffee. I
6 walked in there, fixed me a cup of coffee, and I was
7 panicking at the same time trying to fix me a cup of
8 coffee, because the racket was upstairs, and it was
9 not normal.

10 Q In those two minutes, you also said that
11 you went to the bathroom and washed your face, too,
12 didn't you, in this same two minutes of time?

13 A No, you can't do that in two minutes'
14 time.

15 Q When did you wash your face and all that
16 stuff?

17 A When she came in and woke me up.

18 Q When she what, now?

19 A When she came in and woke me up. I laid
20 there for a while. Then I got up. I went in the
21 bathroom, brushed my teeth, and washed my face. And
22 I smelled the smoke before I even got up really. It
23 was light, not heavy. It was like I could smell it
24 one way. It wasn't strong.

25 Q And after all that and in that two

1 minutes, you still went and laid back down when you
2 smelled smoke?

3 A No, I didn't go lay back down when I,
4 smelled smoke. I laid back down after she left.

5 Q All right, so sometime after 4:30. And
6 you saw her leave the apartment?

7 A Yes, I did.

8 Q We'll just use this picture. Now, show
9 the jury the area where your apartment is.

10 A This is my apartment here, and this is my
11 bedroom window.

12 Q Okay. And now at this point, when did you
13 see the fire? Did you not say you looked out your
14 window and saw the fire?

15 A After she left, I went and laid back down.
16 And then when I turned over to my window right here
17 -- right here is the window -- and that's when I saw
18 the flames.

19 Q You -- right here?

20 A My blinds was open.

21 Q You were able to look out your window and
22 see some flames from the second floor above you?

23 A Yes, because that's right here.

24 Q And where were the flames?

25 A They were just right here.

1 Q Where is your bedroom in relation to this
2 window?

3 A That way to the corner of this.

4 Q Where is your head? Were you facing the
5 window or the wall?

6 A I'm facing the window.

7 Q Your head is facing the window?

8 A Right.

9 Q It wasn't behind your head facing the
10 window?

11 A Excuse me?

12 Q If the window is back behind?

13 A Uh-huh.

14 Q And your head is back this way?

15 A Right.

16 Q So your head is away from the window?

17 A Well, yes, my bed is here, and the window
18 is here. But my head's up here.

19 Q And you were able to turn in the bed, look
20 out your window --

21 A Yes.

22 Q -- and see the flames above you?

23 A And that's when I saw the flames. When I
24 had turned over and that's when I saw the flames.

25 Q Okay. Now, you said you saw her leaving,

1 getting in her car. Where was her car parked in
2 relationship to this picture?

3 A It was parked in the handicapped part.

4 Q Where was she parked?

5 A In the handicapped. If I was coming
6 downstairs from her apartment, there's a handicapped
7 part. Her car was parked in this handicapped space,
8 almost in front of the steps.

9 Q Almost in front of the steps?

10 A Yes, in front of the steps.

11 THE COURT: You've got to speak louder.

12 The Court Reporter needs to hear you.

13 MS. MAGAZINE: Oh, I'm sorry.

14 THE COURT: Turn this way so she can pick
15 up what you're saying.

16 Q For the Court Reporter, just show her
17 where the parking space is.

18 A The parking space is --

19 COURT REPORTER: I just need to hear you.
20 I don't need to see it.

21 A Okay, the parking space is down here by
22 the steps, in front of these steps. And that's
23 where her car was parked at.

24 Q And you saw her come to her car?

25 A I seen her went to her car from my window.

Johnnie Mae Magazine - Cross

75

1 Q Okay.

2 A I saw from the window.

3 Q Okay.

4 A Down the steps.

5 Q All right. How many bags did you see her
6 take to her car?

7 A She had two bags. She had a big one in
8 this hand here, and then she had a small one.

9 Q Okay. Now, you may have a seat. You gave
10 a statement to the police that day or the next day,
11 didn't you?

12 A Excuse me?

13 Q You gave a statement to the police that
14 next day, didn't you?

15 A Yes.

16 Q Okay. Take a look at this. Does this
17 seem to be your statement that you gave to the
18 police that night?

19 A Yes, it does.

20 Q Now, in your statement, did you mention
21 anything to the police about her coming downstairs
22 twice with two bags of clothes?

23 A It wasn't bags. It was a basket.

24 Q Basket, I'm sorry.

25 A Right.

1 Q Is that in your statement?

2 A No, it's not.

3 Q Why isn't that in your statement?

4 A Why not? Because he didn't ask me. He
5 asked me what was -- I told him the statement. He
6 didn't ask me about the clothes.

7 Q He asked you what was happening in that,
8 right?

9 A Yes. And they didn't write any of that.
10 I don't know.

11 Q So that wasn't important to you evidently?

12 A Excuse me?

13 Q That was not important to you evidently
14 that she came down twice with two bags of clothes?

15 A It was important, yes, that she was
16 leaving with two baskets of clothes.

17 Q But you chose not to tell the police about
18 that?

19 A Well --

20 Q Is that correct?

21 A -- everybody makes mistakes.

22 Q Okay. So you made that mistake, okay.
23 Now, have you or do you work for the apartment
24 complex?

25 A Yes, I does.

1 Q What was your job? What is your job?

2 A Clean the apartments, around the
3 apartments.

4 Q How long have you had that job?

5 A Going on two years now.

6 Q Two years now?

7 A Uh-huh. I have Pepper Tree and Ashley.

8 Q Do you have keys to the apartments?

9 A No, I don't -- no.

10 Q Do you have authority to enter the
11 apartments for any reason?

12 A Only when they move out.

13 Q Only when they move out?

14 A I cleans it up --

15 Q You clean it up?

16 A -- so someone else can move in.

17 Q Okay. Now, you admit that the
18 relationship between you and Ms. Moore was not a
19 good one, to put it mildly, right?

20 A Well, I get along with everybody, but
21 seems like she wasn't one of them.

22 Q She wasn't getting along with you?

23 A I don't know.

24 Q You mentioned something -- and I didn't
25 see it anywhere -- about you asked her -- she asked

1 you, "Why did you lie on me?" is that correct?

2 A That's the reason she jumped -- she came
3 back and jumped on me. That's the question she
4 asked me, why did I lie on her.

5 Q You mentioned something about she cut your
6 tires?

7 A Oh, that was earlier.

8 Q When was that?

9 A If I'm not mistaken, it was the same
10 month.

11 Q In June?

12 A I guess August. It was a year, I know
13 that.

14 Q How do you know she cut your tires?

15 A Because we already had enough confusement
16 about the noise upstairs, and I was trying to sleep
17 because I was tired.

18 Q Did you see her cut your tires?

19 A Yes, I did.

20 Q You did see her?

21 A Yes, I did.

22 Q Did you call the police?

23 A That morning.

24 MR. HASTIE: Moment's indulgence, Your
25 Honor?

1 THE COURT: Yes, sir.

2 MR. HASTIE: Thank you.

3 Q You mentioned earlier that your furniture
4 was -- some of it was set outside?

5 A Yes.

6 Q Did you set it outside?

7 A No.

8 Q Who set it outside?

9 A Firemen.

10 Q Did they set everybody's furniture
11 outside?

12 A I wouldn't know.

13 Q Was anybody else's furniture outside
14 besides yours?

15 A Well, yes, my furniture was the only one
16 that was outside because of the water. My ceiling
17 had already dropped in my bedroom in my bed. The
18 stuff -- my furniture in my bedroom, I didn't save
19 anything. My clothes were wet. Everything was
20 messed up. And the back bedroom was messed up,
21 also.

22 Q So what was outside?

23 A My living room set -- what was it? -- the
24 stuff that I had in my living room.

25 Q The stuff from the living room was already

1 set outside?

2 A Yes.

3 Q Now, you mentioned something about calling
4 the landlord. You called the landlord that night?

5 A No, I didn't. I didn't mention the
6 landlord, not that time of morning, no way, no.

7 Q When was the landlord involved? Do you
8 have any idea?

9 A It would be before that. It would be
10 before the firemen got involved, because I told her
11 about the noise, and she told me to call the cops.

12 Q You called the landlord at some point that
13 same night?

14 A No, she wouldn't answer her phone.
15 No, no, no, no, I didn't call the landlord that
16 night.

17 Q When did she tell you to call the cops?

18 A That was earlier before the fire. We was
19 having some conflict before that, and that's when
20 all the police and everything was involved in it.

21 Q Not that same day?

22 A No.

23 Q Oh, another time.

24 A Another occasion.

25 Q At another time?

1 A Yes.

2 Q Okay. So let's say 4:30. Let's assume it
3 was 5:00. This is June. Was it daylight yet around
4 5:00 in the morning?

5 A When the fire -- when I saw the fire, or
6 what?

7 Q Yes.

8 A Excuse me?

9 Q When?

10 A No, it wasn't.

11 Q It was dark, wasn't it?

12 A It wasn't day. It was still night.

13 Q It was dark, wasn't it?

14 A Yes.

15 Q Okay. And how is the lighting in the
16 parking lot there?

17 A The light in the apartment? Oh, it's
18 pretty good.

19 Q Where is the light pole in relation to the
20 apartment?

21 A Over there between the apartment and the
22 garbage dump.

23 Q Could you show us one more time?

24 A Okay, this is the apartment. The garbage
25 dump is on this side, and the light is there too,

1 not too far from the garbage dump.

2 Q Not too far from the garbage dump?

3 A Right.

4 Q Okay.

5 A Go ahead. I'm sorry, go ahead.

6 Q And her car is parked over there on the
7 left of that garbage?

8 A Yes, over in here.

9 Q Thank you, ma'am.

10 Moment's indulgence, Your Honor?

11 THE COURT: Yes, sir.

12 MR. HASTIE: Thank you, Honor. No further
13 questions.

14 THE COURT: Any redirect, Mr. Scott?

15 MR. SCOTT: Yes, sir, Your Honor. May it
16 please the Court?

17 THE COURT: Yes, sir.

18 REDIRECT EXAMINATION

19 BY MR. SCOTT:

20 Q Ms. Magazine --

21 A Uh-huh.

22 Q -- when Mr. Hastie was asking you the
23 question about your furniture being put outside, you
24 said that the ceiling had fallen down in your
25 apartment?

1 A Yes.

2 Q I'm going to show you what is marked
3 State's Exhibit 1E and ask you if that hole in that
4 floor is looking down into your apartment
5 downstairs?

6 A Yes, it is.

7 Q Okay. So that's your apartment that's
8 shown underneath there?

9 A Right, this is my bedroom.

10 Q Come over here, ma'am, please, ma'am.

11 A This is my bedroom.

12 Q Okay. So this is the upstairs with Ms.
13 Moore's apartment that's being shown, correct?

14 A Yes.

15 Q And now, is this your apartment downstairs
16 there?

17 A Right.

18 Q And so when you say the ceiling fell in,
19 you're talking about what we're looking at right
20 here, okay, all right. Is that the reason some of
21 your stuff was taken outside?

22 A Yes, sir.

23 Q Are you okay?

24 A No.

25 Q You need to take a break, ma'am?

1 A I'm okay.

2 Q All right, you can go retake your seat,
3 okay. Now, are you all right?

4 A I'm okay.

5 Q Yes, ma'am, you can take your time.

6 A Okay.

7 Q Ms. Magazine, I'm not trying to make this
8 any more difficult for you --

9 A I know.

10 Q -- than it already is, but --

11 A It just brings back memories.

12 Q -- what caused you to react like that?

13 Was it the picture and bringing your memories from
14 that night?

15 A You know, that's my life.

16 MR. SCOTT: We might want to take a break,
17 Judge.

18 THE COURT: All right, why don't we take a
19 break. Ladies and gentlemen, I'm going to send you
20 all back to the jury room for just a minute. We'll
21 take a break, and then we'll come back. Don't
22 discuss anything about the case in the jury room
23 while you're back there. Thank you.

24 (Jury out at 12:30 p.m.)

25 THE COURT: All right, court will be in

Johnnie Mae Magazine - Redirect

85

1 recess for 10 minutes.

2 MR. SCOTT: Thank you, Judge.

3 (Court in recess.)

4 THE COURT: Are you okay now, ma'am?

5 MS. MAGAZINE: Yes, sir.

6 THE COURT: Okay.

7 MS. MAGAZINE: Thank you.

8 THE COURT: All right, let's bring our
9 jury back in.

10 (Jury in at 12:43 p.m.)

11 THE COURT: All right, we were in the
12 middle of redirect.

13 Mr. Scott, you may proceed.

14 MR. SCOTT: Your Honor, thank you.

15 EXAMINATION CONTINUED

16 BY MR. SCOTT:

17 Q Ms. Magazine --

18 A Yes.

19 Q -- when Mr. Hastie was asking you some
20 questions, he asked you about a statement that you
21 gave to the police later on that morning after the
22 fire. Do you remember that?

23 A Yes.

24 Q And you remember your statement?

25 A It's been a year.

1 Q Yes, ma'am, it's been a long time.

2 A Okay.

3 Q I'm going to give you -- I'm going to pass
4 to you what's been marked State's Exhibit Number
5 Eight --

6 A Okay.

7 Q -- for identification and ask if you can
8 take a look at this and see if that's the statement
9 that you gave to the police back in June of last
10 year. You can take a minute and read it, if you
11 need to.

12 A Yes, sir.

13 Q Okay. And it continues on the second
14 page, if you want to take a look at that, too. All
15 right, you've had a chance to take a look at the
16 entire statement?

17 A Yes.

18 Q And according to this statement, you tell
19 the police it was around 4:30 --

20 A Yes.

21 Q -- when you heard the noise, is that
22 right?

23 A Uh-huh.

24 Q And also according to this statement, it
25 says that you -- it says, "I woke up because the

1 girl that lived upstairs above me named Jessica was
2 knocking around and making all kinds of noises"?

3 A Yes.

4 Q That's what you remember telling them?

5 A Yes.

6 Q And your statement goes on to say, "It
7 sounded like a bunch of banging on the walls and
8 stuff. Didn't hear any voices. All I heard was
9 banging, sounded like she was throwing things all
10 over the floor." Do you remember telling them that?

11 A Yes, I did.

12 Q And you also state later on in the
13 statement -- I won't read the whole statement. But
14 you also say in here that "It kind of smelled like
15 rubber."

16 A Yes, sir.

17 Q And that's what you testified to today?

18 A Yes, sir.

19 Q And it said that you started looking
20 around and saw that your air conditioner was leaking
21 water. So you turned it off, thinking that's what
22 it was.

23 A Uh-huh.

24 Q And that's what you testified to today as
25 well, is that right?

1 A Yes.

2 Q And you say, "I went to the bathroom and
3 was about to lay down and decided to get some
4 coffee." You testified about that today?

5 A Yes.

6 Q You say that "When I got to my bedroom, I
7 saw some lights. And I looked out of my window, and
8 I saw Jessica backing up in her car and driving like
9 a bat out of hell." That's pretty much what you
10 testified to today --

11 A Yes.

12 Q -- as well?

13 A Uh-huh.

14 Q You said you lay down, you lay back down,
15 "And I kept smelling the smell. I looked out my
16 window again, and that's when I saw the fire blaze,
17 and I ran out." That's what you told them?

18 A Yes, uh-huh.

19 Q Okay. So when you make this statement, it
20 was just a few hours after the fire, correct?

21 A Yes.

22 Q Okay. And this was a year ago, correct?

23 A Yes, one year.

24 Q Okay. And the information that you gave
25 them, was it accurate and true at the time?

1 A Yes.

2 Q Okay.

3 A It was what I saw.

4 Q Did anybody ask you when you gave this
5 statement what you saw Ms. Moore carrying when she
6 ran down the stairs?

7 A No, no. No one asked me that.

8 Q Okay. But even back then, you indicated
9 to them that you saw her get in her car and drive
10 like a bat out of hell?

11 A Uh-huh.

12 Q Okay. Essentially meaning she was rushing
13 to get out of there?

14 A Right.

15 Q Okay. Now, you know, Mr. Hastie asked you
16 about whether y'all got along, and he also asked you
17 about keys to the apartment. You do some kind of
18 custodial work for the apartment complex?

19 A The only thing that I do is like clean the
20 yard. I already mentioned that. And when people
21 move in, I goes in there and clean it up for them
22 before they move in.

23 Q Okay.

24 A And that's it.

25 Q So you did not have a key in your

1 possession to Ms. Moore's apartment, did you?

2 A No, no, not none of the apartments.

3 Q So as I understand it, what happens is a
4 person moves out, and then they ask you to clean the
5 apartment before somebody moves in?

6 A Right.

7 Q Okay.

8 A Right.

9 Q All right. All right, thank you, ma'am.

10 A All right.

11 Q That's all I have.

12 THE COURT: Any recross, Mr. Hastie?

13 MR. HASTIE: Yes, Your Honor.

14 RECCROSS EXAMINATION

15 BY MR. HASTIE:

16 Q The picture that he showed you of your
17 apartment below, and when I looked at it, I saw kind
18 of a brown couch?

19 A It was a chair for my husband.

20 Q A chair?

21 A It was a lounge chair.

22 Q It was a lounge chair?

23 A Yes.

24 Q Where was it located?

25 A It was on the foot of my bed.

Johnnie Mae Magazine - Recross

91

1 Q At the foot of your bed?

2 A Yes.

3 Q Okay, thank you. I have no further
4 questions.

5 THE COURT: Okay, very well. Thank you,
6 ma'am. You may step down.

7 MS. MAGAZINE: Thank you.

8 THE COURT: I guess now would probably be
9 a good time to go ahead and break.

10 MR. SCOTT: Yes, sir.

11 THE COURT: Unless your witness is going
12 to take 10 minutes total.

13 MR. SCOTT: The next one probably won't be
14 more than -- my direct is going to be five minutes
15 or less, Judge.

16 THE COURT: But I don't know how long for
17 Mr. Hastie.

18 MR. HASTIE: It all depends on what she
19 says.

20 THE COURT: Let's go ahead and try to get
21 one more witness in.

22 MR. SCOTT: Yes, sir.

23 MR. HASTIE: Yes, sir.

24 THE COURT: Ma'am, please come on down and
25 be sworn.

1 (The witness was sworn.)

2 CLERK OF COURT: State your full name for
3 the record.

4 MS. HOPKINS: Ada Mae Hopkins.

5 ADA MAE HOPKINS, having first been duly
6 sworn, testified as follows:

7 DIRECT EXAMINATION

8 BY MR. SCOTT:

9 Q Ms. Hopkins, how are you?

10 A Good.

11 Q Okay. Now, as I understand it, you also
12 reside at Ashley Park Apartments, is that correct?

13 A Yes, sir.

14 Q And were you living there in June of last
15 year?

16 A Yes, sir.

17 Q You remember the fire that took place
18 there on Father's Day weekend last year?

19 A Yes, I do.

20 Q Okay. Now, were you at home that night?

21 A No.

22 Q Okay. Where were you?

23 A Charlotte.

24 Q Okay. You were in Charlotte?

25 A Yes.

Ada Hopkins - Direct

93

1 Q What time did you get back to the
2 apartment complex that night?

3 A Three thirty a.m.

4 Q Okay. That's 3:30 in the morning?

5 A Uh-huh.

6 Q Okay. So that would have been Saturday
7 night, early Sunday morning?

8 A Sunday morning.

9 Q Okay. And which apartment did you live
10 in?

11 A C4.

12 Q Okay. Now, we've heard a lot of talk
13 about Building B. Is Building C next to Building B
14 or right across from Building B?

15 A Next to B.

16 Q Okay, all right. When you got back to the
17 apartment complex at 3:30 that morning -- and how do
18 you know it was 3:30?

19 A I looked at my clock in the car.

20 Q Okay. And what made you look at your
21 clock?

22 A Because I had to be to work --

23 Q What time?

24 A -- at five.

25 Q You had to be to work an hour and a half

Ada Hopkins - Direct

94

1 later?

2 A Yes.

3 Q Did you get any sleep?

4 A No.

5 Q Okay, all right. So when you got back to
6 the apartment complex, did you see Ms. Moore or her
7 car or any indication she was there?

8 A I seen her car.

9 Q Okay. Now, you say you saw her car.
10 Where was it parked?

11 A Where she lived at, B Building.

12 Q It was parked in front of B Building?

13 A Uh-huh.

14 Q Okay. How do you know it was Ms. Moore's
15 car?

16 A Because I didn't have nowhere to park my
17 car, so I had to go up and down and look for a park.
18 And then my godfather got out of the car to move his
19 car.

20 Q Okay.

21 A So I parked where he parked at my
22 building.

23 Q Okay, so -- I'm sorry, go ahead. So there
24 wasn't enough space for you to park your car --

25 A No, sir.

Ada Hopkins - Direct

95

1 Q -- so somebody else had to move theirs.
2 But how do you know that was her car that you saw
3 there?

4 A Because I seen her in it all the time.

5 Q Okay. So you've actually seen her driving
6 that car?

7 A Yes.

8 Q Okay. What time did you leave to go to
9 work?

10 A Five oh five.

11 Q Now, where do you work?

12 A Across the street at McCoy Nursing Center.

13 Q All right, thank you, ma'am. That's all I
14 have. Mr. Hastie may have some questions for you.

15 A Okay.

16 THE COURT: Mr. Hastie?

17 CROSS-EXAMINATION

18 BY MR. HASTIE:

19 Q Good afternoon.

20 A Good afternoon.

21 MR. HASTIE: While he's trying to pull the
22 picture here, could she come down a minute, please?

23 THE COURT: Certainly. Please speak
24 loudly, ma'am.

25 Q We have to speak loudly so that the Court

Ada Hopkins - Cross

96

1 Reporter can type what we say. Do you recognize
2 this apartment?

3 A Yes.

4 Q Where is C in relation to this?

5 A C is on the other side of this apartment.

6 Q C is right on this side here?

7 A Yes.

8 Q Okay. And you had to ride around till you
9 could find a park. And where did you eventually
10 find a park, just proximity?

11 A Well, where my godfather had his car
12 parked.

13 Q In C?

14 A Yes.

15 Q How far down?

16 A Just a little piece down here.

17 COURT REPORTER: I can't understand her.

18 A A little piece farther down.

19 Q Where was Ms. Moore's car parked?

20 A Probably right up in there.

21 Q Right in front of the building?

22 A Uh-huh.

23 Q And what time of morning was this, you
24 said, about 3:30?

25 A Three-thirty, yes.

Ada Hopkins - Cross

97

1 Q And you didn't go to bed, you said, that
2 night --

3 A No, I had to be to work.

4 Q -- because you had to be to work?

5 A Yes, I had to work.

6 Q And you did see her leave? Did you say
7 you saw her leave?

8 A No, I didn't.

9 Q You didn't see her leave, all right.

10 A No, I cannot tell you.

11 Q All you testified to was her car there?

12 A That's it.

13 Q Okay, thank you. No further questions.

14 THE COURT: Thank you.

15 Any redirect?

16 MR. SCOTT: No, Your Honor.

17 THE COURT: All right, thank you, ma'am.

18 You may step down.

19 This is a good time to take a lunch break.

20 Ladies and gentlemen, if you could please be back
21 here just a little bit before 2:15. That gives you
22 time to get out and get wherever you need to go. Be
23 back here just a little bit before 2:15, and please
24 do not discuss the case with anyone while you're at
25 lunch.

Ada Hopkins - Cross

98

1 (Jury out at 1:04 p.m. for lunch.)

2 THE COURT: All right, court is adjourned
3 until 2:15.

4 MR. SCOTT: Thank you, Your Honor.

5 (Court in recess.)

6 THE COURT: All right, let's bring our
7 jury back in.

8 (Jury in at 2:18 p.m.)

9 THE COURT: We will continue with the
10 trial of this case.

11 Mr. Scott, please call your next witness.

12 MR. SCOTT: Your Honor, thank you. The
13 State would call Jennifer Miller.

14 (The witness was sworn.)

15 CLERK OF COURT: State your full name for
16 the record.

17 MS. MILLER: Jennifer Morrow Miller.

18 JENNIFER MORROW MILLER, having first been
19 duly sworn, testified as follows:

20 DIRECT EXAMINATION

21 BY MR. SCOTT:

22 Q Good afternoon, Ms. Miller.

23 A Good afternoon.

24 Q Ms. Miller, you are employed where?

25 A Boyd Management.

Jennifer Miller - Direct

99

1 Q And what is Boyd Management? What is
2 that?

3 A It is a management company for apartment
4 complexes.

5 Q All right. Is that the apartment --
6 forgive me. Is that the company that manages Ashley
7 Park Apartments?

8 A Yes, sir.

9 Q And I think y'all manage several others in
10 the Bishopville area as well, is that right?

11 A Yes, sir.

12 Q What are the others that y'all manage?

13 A We manage Ashley Park Apartments, Woodside
14 Apartments, and Pepper Tree Apartments.

15 Q Okay. And what position do you occupy
16 with Boyd Management?

17 A I'm a site manager.

18 Q Okay. Meaning? What is a site manager?

19 A I help maintain the records for the
20 property complexes here in Bishopville.

21 Q Okay, all right, very good. Now, did you
22 occupy that position last year?

23 A Yes, I did.

24 Q In June of last year, all right. Now, I'm
25 going to show -- by the way, as a custodian of the

Jennifer Miller - Direct

100

1 records, you would be one of the official custodians
2 of the records, is that correct?

3 A Yes, sir.

4 Q Okay. I'm going to show you what's been
5 marked -- this is State's Exhibit Two for
6 identification and State's Exhibit Three for
7 identification -- and ask if you could tell me if
8 you recognize those two documents.

9 A Exhibit Two is the addendum to Ms. Moore's
10 lease that extended her lease until November 2011,
11 and Exhibit Three is her notification of termination
12 of lease.

13 Q All right. So State's Exhibit Two is a
14 lease extension through November of last year, is
15 that correct?

16 A Yes, sir.

17 Q And State's Exhibit Three for
18 identification is a termination notice?

19 A Yes, sir.

20 Q Okay. What is the date on that
21 termination notice?

22 A 6/16/11.

23 Q Okay. So would that be June 16 of last
24 year?

25 A Yes, sir.

Jennifer Miller - Direct

101

1 Q All right. And to your knowledge, the
2 fire that we're talking about in this case actually
3 started on the week of Father's Day of last year,
4 which was the week of 18, 19 June, is that correct?

5 A Yes, sir.

6 Q Okay. So tell me about this now. Did the
7 management mail that termination notice to the
8 defendant, Ms. Moore?

9 A Our records indicate that it was mailed by
10 Certified Mail and also as regular mail.

11 Q Okay. Do you have any indication whether
12 Ms. Moore accepted or signed the receipt for the
13 Certified Mail?

14 A The Certified Mail was not picked up.

15 Q Okay. Was the regular mail that was
16 mailed to her returned to the management?

17 A No, sir.

18 Q Okay. So y'all never got that back?

19 A No, sir.

20 Q Okay. Did you reach any conclusions as a
21 result of the mail not being returned to you?

22 A I assume she got it.

23 Q Okay, all right. Now, you had a chance to
24 look at -- I should say observe the damage that was
25 done to the apartment complex after the fire,

Jennifer Miller - Direct

102

1 correct?

2 A Yes, sir.

3 Q All right. I'm going to hand you what's
4 been marked for identification purposes State's
5 Exhibit 1A through I believe it's 1R -- 1S, I'm
6 sorry, State's Exhibit 1A through 1S --

7 THE COURT: These are without objection?

8 MR. HASTIE: Without objection, Your
9 Honor.

10 THE COURT: Without objection.

11 Q -- and ask you to take a look at those,
12 please, ma'am. You've had a chance to look at them?

13 A Yes, sir.

14 Q All right. What do those photographs
15 show?

16 A Those are pictures of Building B.

17 Q Okay. And do they represent the condition
18 of Building B after the fire?

19 A Yes, sir.

20 Q All right. Have you had any discussions
21 with the defendant, Ms. Moore, since the fire
22 started?

23 A No, sir.

24 Q Okay, all right.

25 Your Honor, at this time we'd move for the

Jennifer Miller - Direct

103

1 admission of State's Exhibit 1A through 1R, the
2 photographs in questions, and we would also move for
3 admission of the lease addendum, which is State's
4 Exhibit Three -- excuse me, Your Honor, Exhibit Two,
5 and the notification of termination, State's Exhibit
6 Three.

7 THE COURT: Okay.

8 And, Mr. Hastie, any objection to any of
9 those?

10 MR. HASTIE: No, Your Honor.

11 THE COURT: All right, 1A through R, two,
12 and three are admitted without objection.

13 MR. SCOTT: Thank you, Your Honor.

14 (State's Exhibits Number 1A through 1R,
15 Photos; State's Exhibit Number Two, Addendum to
16 Lease; and State's Exhibit Number Three,
17 Notification of Termination, were entered in
18 evidence.)

19 MR. SCOTT: Your Honor, those are the only
20 questions I have for this witness.

21 THE COURT: All right, Mr. Hastie?

22 MR. HASTIE: Thank you, Your Honor.

23 CROSS-EXAMINATION

24 BY MR. HASTIE:

25 Q Good afternoon, Ms. Miller.

Jennifer Miller - Cross

104

1 A Good afternoon.

2 Q How long have you been working in this
3 position that you are currently in?

4 A I've been employed with Boyd Management
5 almost four years.

6 Q Four years. I notice that you talked
7 about a termination. What were the grounds for the
8 termination?

9 A The paperwork said that it was for Section
10 13, good cause.

11 Q Station 13?

12 A Section 13 of the lease.

13 Q Section 13. Do we know any more about the
14 good cause?

15 A I believe it was due to an altercation on
16 site.

17 Q An altercation on site. Has she been
18 written up in the four years that you were with Boyd
19 for any other termination type incidents that you
20 know of?

21 A Not to my knowledge.

22 Q Not to your knowledge. Have you all --
23 does Ms. Magazine work for you?

24 A I am one of the site managers for Boyd
25 Management. The Ashley Park Apartments that she

Jennifer Miller - Cross

105

1 does work for, that site manager is not here today.

2 She's on vacation. I'm standing in for her.

3 Q You're standing in for her?

4 A So, no, sir, she does not work directly
5 under me.

6 Q Okay. So you are not the site manager at
7 Ashley Park Apartments?

8 A No, sir.

9 Q So you don't stay at the apartments or
10 anything like that, do you?

11 A No, sir, I do not live there.

12 Q Now, this certified letter, is that the
13 normal way that you all notify customers that
14 they're going to be terminated?

15 A Yes, sir.

16 Q Okay. And you got nothing back from her?

17 A From Ms. Moore?

18 Q From Ms. Moore.

19 A No, sir.

20 Q Certified, the green card did not come
21 back?

22 A No, sir, the letter was returned.

23 Q Okay. And you also mailed her a notice?

24 A I'm sorry?

25 Q You mailed her a notice, as well?

Jennifer Miller - Cross

106

1 A A certified copy and a regular mail copy
2 has been mailed, according to our records.

3 Q Is that common practice?

4 A Yes, sir.

5 Q Okay. Do you all ever just go over and
6 take the notice and put on their door saying "You
7 are being terminated in 30 days"?

8 A For a lease termination?

9 Q Yes.

10 A It can be put on the door. It can be
11 mailed regular mail. But one of those is always
12 done, in addition to the certified.

13 Q Okay. Just one of those is always done?

14 A Uh-huh.

15 Q Do you know who set the fire that night?

16 A I do not.

17 Q Did you see anyone set the fire that
18 night?

19 A I was not there.

20 MR. HASTIE: No further questions.

21 THE COURT: Any redirect?

22 MR. SCOTT: Your Honor, that's all we have
23 at this time.

24 THE COURT: All right, thank you, ma'am.
25 You may step down.

Jennifer Miller - Cross

107

1 Is there any objection to this witness
2 being excused?

3 MR. HASTIE: Not at all, Your Honor.

4 MR. SCOTT: There is no objection. But I
5 understand she was going to remain for the trial.

6 THE COURT: She's welcome to.

7 MR. SCOTT: Yes, sir.

8 THE COURT: This is a public courtroom.

9 MR. SCOTT: Yes, sir. The next witness,
10 Your Honor, is Mr. Allen Wyche.

11 (The witness was sworn.)

12 CLERK OF COURT: State your full name for
13 the record.

14 MR. WYCHE: Allen Edward Wyche.

15 COURT REPORTER: Please spell your last
16 name.

17 MR. WYCHE: W-Y-C-H-E.

18 ALLEN WYCHE, having first been duly sworn,
19 testified as follows:

20 DIRECT EXAMINATION

21 BY MR. SCOTT:

22 Q Mr. Wyche, where are you employed, sir?

23 A I'm employed with State Farm Insurance
24 Company.

25 Q And where is your office located?

Allen Wyche - Direct

108

1 A In Florence.

2 Q All right. And in what capacity are you
3 employed with them?

4 A I'm a claims representative.

5 Q Okay, a claims representative?

6 A Correct.

7 Q And as a claims rep, do you investigate
8 claims and makes claims determinations?

9 A That's correct.

10 Q All right. Now, are you the claims rep
11 that handled a claim filed by the defendant in this
12 case for a fire to her apartment?

13 A I am not the initial claim representative.
14 The claim was referred to me in July, and I took
15 over the claim at that point.

16 Q Okay. So since July of 2011, you have
17 been handling the claim?

18 A That's correct.

19 Q All right, very good. Did State Farm make
20 any payments to Ms. Moore? Well, first, before we
21 do that, let me go ahead and pass you up some
22 documents here. These are documents that have been
23 previously marked for identification.

24 This is State's Exhibit Four, Five, Six,
25 and Seven for identification. I'd like you to take

Allen Wyche - Direct

109

1 a look at these and tell me if you recognize those
2 documents, please, sir.

3 A Yes, I do.

4 Q Okay. Starting with State's Exhibit Four,
5 what is that?

6 A This is part of the claim service record
7 that indicates the amount of coverage that was in
8 force at the time on this particular policy. It has
9 the inception, the amount of coverages, and the
10 expiration date.

11 Q All right. And what kind of coverage does
12 it show existed in this policy?

13 A This is a tenant homeowner's policy, and
14 it provided coverage in the amount of \$20,440 for
15 personal property.

16 Q All right, sir. And State's Exhibit Five
17 for identification, what is that?

18 A This is the initial page of what we call
19 the fire claim service record which gives basic
20 information about the claim that is presented. It
21 has the claim number, the policy number, contact
22 information for the policyholder, and brief facts at
23 that particular point.

24 Q Okay. So that document essentially shows
25 that a claim has been opened for the incident in

Allen Wyche - Direct

110

1 question, is that correct?

2 A That's correct.

3 Q All right, go ahead, sir. And State's
4 Exhibit Number Six would be what?

5 A This is a printout of payments that have
6 been made to or on behalf of Ms. Moore, a total of
7 \$4,600 -- excuse me, my eyes aren't what they used
8 to be -- \$4,695.37 was paid, has been paid to Ms.
9 Moore.

10 Q All right. And to your knowledge, what
11 was the reason for those payments, or what do they
12 payments represent?

13 A It appears that the initial payment of
14 \$600 was simply an advance to Ms. Moore because she
15 had had a loss. She had lost items from her
16 apartment, and it's our standard practice to make a
17 courtesy payment up front to replace incidentals and
18 just living expenses.

19 There was an additional \$2,000 advance
20 made later to assist with additional living
21 expenses. There were two other payments made to
22 independent contractors, one to Kline and Company
23 and one for Temporary Accommodations that were
24 companies that we used to set up housing for our
25 policyholders when they were forced to move out of

Allen Wyche - Direct

111

1 the property because of a loss.

2 Temporary Accommodations was paid \$897.78,
3 and Kline and Company was paid \$1,197.59. And so
4 all those payments together came up to \$4,695.37.

5 Q All right, sir. And when a payment is
6 made on a policy of this sort, is it made
7 automatically, or is it made at the request of the
8 insured?

9 A The initial payment of \$600 in this case
10 appears to have been an automatic payment we'd do
11 for anyone. I can't really comment on that second
12 payment, other than the fact that it appears to have
13 been primarily for additional living expenses, which
14 would have been for additional lodging or additional
15 costs of living as a result of being outside the
16 apartment.

17 Q Okay. Bottom line is, would a claim have
18 -- forgive me. Would any payments have been made if
19 a claim had not been filed?

20 A No.

21 Q All right. And State's Exhibit Seven for
22 identification, what is that or what are those
23 documents?

24 A This is a computer-generated listing of a
25 personal property inventory that was based on

Allen Wyche - Direct

112

1 documents provided by Ms. Moore to our original
2 adjuster and our contents inventory unit. They
3 would take the documents that Ms. Moore provided,
4 transfer them to a data base to come up with this
5 inventory to show what was being claimed.

6 Q All right. And so State's Exhibit Seven
7 was created by State Farm based upon information
8 retained or I should say obtained from the
9 policyholder?

10 A That's correct.

11 Q All right, sir. To your knowledge, did
12 State Farm conduct any kind of investigation as to
13 the source of the fire?

14 A Well, our investigation is ongoing. It's
15 not complete.

16 Q All right. Have any decisions or
17 conclusions been made one way or the other about
18 whether it was accidental or electrical or anything
19 of that sort?

20 A We have concluded the fire was not
21 accidental. Electrical sources were ruled out.
22 Other actual causes were ruled out. And the fire
23 was determined to be incendiary.

24 Q Okay. And when you say it was -- a source
25 that was ruled out means that you've determined that

Allen Wyche - Direct

113

1 it wasn't caused by that, is that right?

2 A Correct.

3 Q And you say you've ruled out the
4 electrical source of the fire?

5 A That's correct.

6 Q And you've ruled out accidental?

7 A Correct.

8 Q And determined that it was incendiary,
9 meaning what?

10 A Intentional.

11 Q Okay, all right. And of course, you don't
12 know who set the fire?

13 A No, sir, I don't.

14 Q Okay.

15 Your Honor, at this time I'd like to move
16 for the admission of these documents, State's
17 Exhibit Four for identification, five, six, and
18 seven for identification as State's Exhibits Four,
19 Five, Six, and Seven.

20 THE COURT: Just for identification
21 purposes?

22 MR. SCOTT: I'm sorry. I identified them
23 as identification --

24 THE COURT: Right.

25 MR. SCOTT: -- moving for the admission,

Allen Wyche - Direct

114

1 Your Honor.

2 THE COURT: All right, Mr. Hastie, any
3 objection?

4 MR. HASTIE: Without objection, Your
5 Honor.

6 THE COURT: All right, without objection
7 State's Exhibits Four, Five, Six, and Seven are
8 admitted into evidence.

9 (State's Exhibit Number Four, Policy Info;
10 State's Exhibit Number Five, Fire Claim Service
11 Record; State's Exhibit Number Six, Ledger and
12 Copies of Checks; and State's Exhibit Number Seven,
13 List of Damaged or Destroyed Items Seven, were
14 entered in evidence.)

15 MR. SCOTT: Thank you, Your Honor. I have
16 no further questions for this witness.

17 THE COURT: All right, thank you.
18 Mr. Hastie?

19 MR. HASTIE: Thank you, Your Honor.

20 CROSS-EXAMINATION

21 BY MR. HASTIE:

22 Q Good afternoon.

23 A Hi.

24 Q Now, you admitted that you were brought in
25 on this case last year sometime?

Allen Wyche - Cross

115

1 A Yes, July.

2 Q Since July. Who was initially the claims
3 person?

4 A Last name was Dean. I can't recall his
5 first name right off. He's a line unit
6 representative.

7 Q Okay. And you're obviously not a regular
8 line unit person. Are you higher than Dean?

9 A I'm in a different category than Dean, not
10 necessarily higher but in a different category.

11 Q Okay. Now, let's talk about -- you did
12 say the investigation is ongoing, is that correct?

13 A That's correct. We have not concluded our
14 investigation, nor have we reached a final decision
15 on this claim.

16 Q Okay. But I thought you just said you
17 concluded that this was not accidental. So there's
18 some conclusion already before the investigation is
19 completed?

20 A That's just the cause of the fire. It has
21 nothing to do with anything else. We have not
22 concluded who set the fire. Incendiary can mean --
23 simply means it's an intentionally set fire. It
24 doesn't say who set the fire.

25 Q But you have -- who does your

Allen Wyche - Cross

116

1 investigation for you? Who did that?

2 A It depends on what part of the
3 investigation you're referring to.

4 Q The one that said it was not accidental.

5 A We hire an independent origin and cause
6 expert to conduct those investigations, and it could
7 be one of many.

8 Q Okay. Who is this particular one, do you
9 know?

10 A Mr. Phil Brooks.

11 Q Mr. Phil Brooks. Do you have a report
12 from Mr. Phil Brooks?

13 A We do.

14 Q Did you give it to the Solicitor?

15 A I did not.

16 Q How long is this report?

17 A With photographs, maybe 10 to 12 pages.

18 Q Uh-huh. So you got this report from Mr.
19 Phil Brooks, a private company. But you all still
20 haven't concluded who set the fire?

21 A That's correct.

22 Q Okay. So we really aren't sure at this
23 time who set the fire?

24 A No, sir, we're not.

25 Q The insurance company can't say at this

Allen Wyche - Cross

117

1 time who set that fire?

2 A That's correct.

3 Q But in that same report, he said it was
4 incendiary?

5 A Incendiary.

6 Q What does that mean?

7 A It means it's not an accidental fire.

8 Q I think that's what you said earlier. Did
9 that report tell where the fire started?

10 A Yes, it did.

11 Q What room?

12 A Bedroom.

13 Q In the bedroom?

14 A Yes.

15 Q Any particular location?

16 A I think the report indicated that it
17 started in two different unrelated locations either
18 at floor level or near floor level at opposite ends
19 of the bed.

20 Q At opposite ends of the bed?

21 A Correct.

22 Q Meaning the back and the front of the bed?
23 You don't know?

24 A I don't know.

25 Q Y'all do have pictures, though?

Allen Wyche - Cross

118

1 A Yes, we do.

2 Q So when did you get this information from
3 that particular company? Where did you all get that
4 information?

5 A Phil Brooks.

6 Q Phil Brooks.

7 A I don't have the exact date -- obviously,
8 sometime after the fire, but I don't know exactly
9 when it was.

10 Q But you all paid her after -- did you get
11 this report after you all had paid her or before?

12 A I'm sure it was after.

13 Q After y'all had paid her, okay. How long
14 will we get a final conclusion of who started the
15 fire in your opinion, in your company's opinion? Do
16 you have any idea?

17 A I'm sorry, repeat that?

18 Q When might you get the report, the final
19 report, from your company as to who started the
20 fire?

21 A When we complete our investigation.

22 Q When might that be, I guess I'm asking?

23 A It's hard to say. I can't give you a
24 definitive answer on that.

25 Q And you all have been investigating for

Allen Wyche - Cross

119

1 how long, now?

2 A Since initially June 19, 2011.

3 Q Over a year?

4 A That's correct.

5 Q That's probably normal in some fires, I
6 would think, right, about that time? Is that a
7 normal time period to get a conclusion?

8 A Whenever there's an intentionally set
9 fire, yes.

10 MR. HASTIE: Court's indulgence, Your
11 Honor?

12 THE COURT: Yes.

13 MR. HASTIE: Your Honor, I have no further
14 questions. Thank you, Your Honor.

15 THE COURT: Any redirect?

16 MR. SCOTT: Your Honor, just briefly.

17 REDIRECT EXAMINATION

18 BY MR. SCOTT:

19 Q Mr. Wyche, you may have answered this in
20 response to Mr. Hastie's questions. I didn't hear
21 it if you did. Is it common for State Farm to
22 conduct its own investigation in these types of
23 fires even when law enforcement is involved?

24 A Yes, it is.

25 Q Okay. And is there a reason why this

1 particular investigation has not been completed?

2 A Well, we -- as part of our investigation -

3

4 Q Let me ask you another way. Does the fact
5 that the apartment owner got arrested have anything
6 to do with the fact that it's not completed?

7 A No.

8 Q Okay, all right. Go ahead and answer the
9 question, I'm sorry. You started to say something
10 else prior about this.

11 A No. We utilize the policy language -- to
12 conduct our investigation. Part of that is to
13 conduct an examination of the policyholder.

14 Q Yes, sir.

15 A We take the information from examination
16 and use that as the basis for our final
17 investigation. Whenever we get to that point where
18 we feel like the investigation is complete, then we
19 submit it for consideration.

20 Q Okay.

21 A And we have not had the opportunity to
22 complete the examination of Ms. -- gosh, I'm sorry.
23 I have forgotten.

24 Q Moore.

25 A Ms. Moore.

Allen Wyche - Redirect

121

1 Q Okay. And just a couple more questions.
2 When did you first notify the State, i.e. me, of
3 this other investigation that you're discussing now?

4 A Well, I told you about it today. However,
5 I would have thought that it would have been sent to
6 SLED with their investigation. Maybe they didn't
7 give it to you. I'm not sure.

8 Q Okay. The first time you mentioned it --
9 because Mr. Hastie asked you whether you had
10 provided a report to me.

11 A Correct.

12 Q And I just wanted to clear up when you
13 actually told me about this investigation.

14 A I mentioned it to you today.

15 Q All right, thank you, sir.

16 THE COURT: Any recross?

17 MR. HASTIE: Just one question.

18 RECCROSS EXAMINATION

19 BY MR. HASTIE:

20 Q So you just informed the Solicitor today
21 about the finding, about this conclusion. Is that
22 your testimony?

23 A I'm sorry, please repeat it.

24 Q You just informed the Solicitor today
25 about your conclusion in this fire?

Allen Wyche - Recross

122

1 A Yes.

2 Q And you have no written report from the
3 company that did this investigation?

4 A No, sir. I told you I did. I told you
5 there was a report, and, yes, there were
6 photographs. And I said the photographs were
7 attached to the report. You asked me how many pages
8 it was. I said with photographs, perhaps 10 to 12
9 pages.

10 Q So you knew you were coming to trial
11 today, and you chose not to bring any photographs or
12 what you have to confirm what you said?

13 A I was told I was going to be asked about
14 the documents that was entered into the evidence
15 today.

16 Q Okay.

17 Thank you, Your Honor. Nothing further.

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

19 MR. WYCHE: May I be excused, sir?

20 THE COURT: Any objection to his being
21 excused, Mr. Hastie?

22 MR. HASTIE: No, Your Honor.

23 THE COURT: Mr. Scott?

24 MR. SCOTT: Your Honor, I have no
25 objection.

Allen Wyche - Recross

123

1 THE COURT: All right, thank you, sir.

2 You may be excused.

3 MR. WYCHE: Thank you.

4 MR. SCOTT: Your Honor, may I have the
5 indulgence to see if the officer I mentioned earlier
6 is here? If he's not, I'll offer another witness.

7 THE COURT: Very well, take a moment.

8 (The witness was sworn.)

9 CLERK OF COURT: State your full name for
10 the record.

11 MR. KELLY: Joshua Anthony Kelly.

12 JOSHUA ANTHONY KELLY, having first been
13 duly sworn, testified as follows:

14 DIRECT EXAMINATION

15 BY MR. SCOTT:

16 Q Officer Kelly, where are you employed?

17 A Bishopville Police Department.

18 Q And, first of all, thank you for coming.
19 You worked last night, right?

20 A Yes, sir.

21 Q And you were actually here earlier this
22 morning, and unfortunately we weren't able to call
23 you. We apologize for that. How long have you
24 worked with the Bishopville Police Department?

25 A About a year and a half now.

Joshua Kelly - Direct

124

1 Q Okay. And what do you do there? What's
2 your official position with that department?

3 A Master patrolman.

4 Q Okay. And as a master patrolman, do you
5 investigate criminal activities and things of that
6 sort?

7 A To a certain extent, anything more like -

8 Q Well, I guess I used the wrong
9 terminology. You respond to reports of criminal
10 activity, I should say.

11 A Yes, sir.

12 Q Yes, sir, okay. You were on duty on the
13 weekend of June 18, June 19 last year?

14 A Yes, sir, I was.

15 Q Did you respond to a report of a fire at
16 the Ashley Park Apartments?

17 A Yes, sir, I did.

18 Q And it goes without saying, but Ashley
19 Park Apartments is here in Bishopville, correct?

20 A Yes, sir.

21 Q And that is here in Lee County?

22 A Yes, sir.

23 Q And do you recall what you saw when you
24 got there?

25 A When I pulled up on scene -- first of all,

Joshua Kelly - Direct

125

1 when the call came out, I heard it on the fire
2 radio. As soon as I got en route to the call, they
3 called us on the police radio and told us about it.

4 When I pulled in, I was pretty much the
5 first one on scene. And I noticed that the
6 apartment complex was fully involved, which means
7 the fire was coming out of the windows and doors
8 from one of the second-floor apartments.

9 Q All right. Let me show you -- this is
10 State's Exhibit 1D. It's not as clear as it should
11 be. But do you recognize that?

12 A Yes, sir, I do.

13 Q Is that the building that the fire took
14 place at?

15 A Yes, sir, it is.

16 Q All right. And so when you got there,
17 that building was ablaze, for lack of a better
18 description?

19 A Yes, sir.

20 Q Did y'all -- were you able to make any
21 determination as to where the fire was coming from?

22 A You can tell once on scene and once we
23 entered that apartment complex that it was pretty
24 much contained and started in one apartment in
25 particular.

Joshua Kelly - Direct

126

1 Q Okay.

2 A And that was a second-floor apartment.
3 Facing it from the outside, it was the top right
4 apartment --

5 Q All right.

6 A -- facing the apartment.

7 Q And would it be the apartment in
8 photograph 1H that's represented by the window on
9 the second floor?

10 A Yes, sir, there on the second floor.

11 Q Okay, all right. And how long did you
12 remain -- well, let me back up. After you got there
13 and you saw the apartment was ablaze, what did you
14 do?

15 A After arriving on the scene, me and my
16 partner, first of all, we made everybody was out of
17 the apartment complex. So we ran up to the second
18 floor, knocking on doors and making entry, because a
19 lot of the residents were still in the bed and still
20 asleep and wasn't aware that the apartment was on
21 fire.

22 Q Okay.

23 A So we started to get everybody out of the
24 apartment complex.

25 Q All right. And about how long did it take

Joshua Kelly - Direct

127

1 y'all to accomplish that?

2 A Ten to 15 minutes.

3 Q Okay, all right. And did you remain on
4 scene after you got everybody out?

5 A Yes, sir, I did.

6 Q Okay. Did you take any other -- forgive
7 me. Did you participate in any other investigative
8 or patrolling activities, for lack of a better
9 description, while you were on the scene?

10 A I notified our on-call investigator, which
11 was the time was Lt. Cam Watson.

12 Q Okay.

13 A By that time, he was already on the scene
14 and had started his part in the investigation. I
15 pretty much just kind of listed the names of
16 everybody in the apartments that were residing
17 there.

18 Q Okay. After that date, did you have any
19 further involvement in the investigation of the
20 source or the cause of the fire?

21 A No, sir.

22 Q Okay. Did you actually enter the unit
23 itself that was on fire?

24 A Not the apartment that the fire originated
25 from. The flames were too heavy. There was no way

Joshua Kelly - Direct

128

1 to make entry into that apartment.

2 Q Okay, all right. Thank you, sir. That's
3 all I have. Please answer any questions that Mr.
4 Hastie may have.

5 THE COURT: Mr. Hastie?

6 MR. HASTIE: Thank you, Your Honor.

7 CROSS-EXAMINATION

8 BY MR. HASTIE:

9 Q Good afternoon. How are you doing?

10 A Doing good, sir.

11 Q I'm sorry for the inconvenience that you
12 had to come in this afternoon. But all you are
13 testifying here this afternoon is that you got
14 there, there was a fire that had already started?

15 A Yes, sir.

16 Q You were the first on site?

17 A Yes, sir.

18 Q You and your partner -- who was your
19 partner? What was his name?

20 A It was a female. It was Officer Nickie
21 Gott.

22 Q How do you spell that last name?

23 A G-O-T-T. Also, there was a third officer,
24 Cpl. Bernie Reams.

25 Q What's that last name?

Joshua Kelly - Cross

129

1 A Reams -- R-E-A-M-S.

2 Q Reams or Rains?

3 A Reams.

4 Q Reams, okay -- R-A-M-S?

5 A R-E-A-M-S, I believe.

6 Q All right. And you received the call on
7 the fire radio and your police radio?

8 A Yes, sir.

9 Q So y'all have two separate radios?

10 A Most patrol vehicles do. You have a low-
11 band radio, which has your fire channels and some
12 secondary department channels, and then you have
13 your primary radio.

14 Q Do you work for the police department or
15 the fire department or both?

16 A I worked fire in Gardner County and police
17 here with Bishopville.

18 Q Okay. Do you have any knowledge of who
19 set the fire in this building?

20 A No, sir, I don't.

21 Q None whatsoever?

22 A No, sir.

23 Q Thank you very much. No further
24 questions.

25 THE COURT: Any redirect?

Joshua Kelly - Cross

130

1 MR. SCOTT: Very briefly, Your Honor.

2 REDIRECT EXAMINATION

3 BY MR. SCOTT:

4 Q Officer Kelly, I believe you indicated
5 that Officer Gott -- you and Officer Gott arrived at
6 approximately the same time, right?

7 A Yes, sir.

8 Q And can you explain why she is not here
9 today?

10 A She is going into labor anytime, and she
11 could be having her baby right now. I don't know.

12 Q All right, thank you, sir. That's all.

13 THE COURT: Any recross?

14 MR. HASTIE: Court's indulgence, Your
15 Honor.

16 RECROSS EXAMINATION

17 BY MR. HASTIE:

18 Q Yes, sir, one question. You don't have
19 any notes or anything with you, do? You have no
20 notes or anything about it, do you?

21 A No, sir.

22 Q Can you remember approximately what time
23 you guys got there and you were first on the scene?

24 A The call come out, it was right at the end
25 of shift. I believe it was about 5:40, 5:45 when

Joshua Kelly - Recross

131

1 the come call out. I was getting ready to get off.

2 Q Five forty-five?

3 A Yes, sir, I do believe so. It might have
4 been a little bit earlier but not much.

5 Q Thank you very much, sir.

6 THE COURT: All right, very well, thank
7 you. You may step down.

8 Any objection to this witness being
9 excused for the balance of the trial?

10 MR. SCOTT: Not at all, Your Honor.

11 MR. HASTIE: No, Your Honor.

12 THE COURT: All right, thank you.

13 MR. SCOTT: Your Honor, the next witness
14 is Shakilya Hudson.

15 THE COURT: All right, please call Ms.
16 Hudson.

17 (The witness was sworn.)

18 CLERK OF COURT: State your full name for
19 the record.

20 MS. HUDSON: Shakiyla Hudson.

21 DIRECT EXAMINATION

22 BY MR. SCOTT:

23 Q All right, Ms. Hudson, I understand you're
24 a little nervous, is that right?

25 A Yes, sir.

Shakiyla Hudson - Direct

132

1 Q I want you to speak up nice and loudly
2 because everybody on the jury has to hear what you
3 have to say, okay?

4 A Okay.

5 Q All right. Where do you live, Ms. Hudson?

6 A On Florence, South
7 Carolina.

8 Q That's in Florence?

9 A Yes, sir.

10 Q And you live there with your parents?

11 A Yes, sir.

12 Q Okay. And I believe they're in the
13 courtroom with you?

14 A Yes, sir.

15 Q Okay. And how old are you now?

16 A I'm 20.

17 Q Okay. When did you turn 20?

18 A December 13th.

19 Q Okay. And do you know the defendant, Ms.
20 Jessica Moore?

21 A Yes, sir.

22 Q And how do you know Ms. Moore?

23 A I date her brother.

24 Q Okay. You said you date her brother?

25 A Yes, sir.

Shakiyla Hudson - Direct

133

1 Q And when did you first meet her?

2 A Probably like the end of May or like the
3 middle of April.

4 Q So you met her sometime last spring?

5 A Yes, sir.

6 Q Okay, all right. And how is it that your
7 brother ended up introducing you to her?

8 A Because I told him that I was interested
9 in dance, and he told me that he has a sister that
10 dances.

11 Q Okay, all right. Now, did you happen to
12 see or spend any time with Ms. Moore on the 18th of
13 June of last year? This is Father's Day weekend.
14 The 18th was a Saturday.

15 A Yes, sir.

16 Q Okay. And how is that you ended up at --
17 did you end up being at her apartment on that day?

18 A Yes, sir.

19 Q Okay. How is it that you ended up being
20 there?

21 A Because she usually will take me to see
22 her brother because I'm engaged, and he was
23 incarcerated at the time.

24 Q And now you talk you real fast, okay?

25 A Oh, she was taking me over --

Shakiyla Hudson - Direct

134

1 Q You need to slow down a little bit, okay?

2 A Okay. She was taking me to go see her
3 brother on the weekends. He was incarcerated at the
4 time.

5 Q Okay. And so is that how you ended up at
6 her house that day?

7 A Yes, sir.

8 Q Okay. About what time did you first get
9 to her house that day?

10 A I was already there. I had stayed the
11 night.

12 Q You spent --

13 A The night.

14 Q -- Friday night before?

15 A Yes, sir.

16 Q Okay, all right. And the reason you were
17 there is because you wanted to ride to go visit her
18 brother?

19 A Yes, sir.

20 Q Okay, all right. Now, so did you in fact
21 go visit her brother on that Saturday?

22 A Yes, sir.

23 Q Okay. And did you come back to the
24 apartment after that?

25 A Yes, sir.

Shakiyla Hudson - Direct

135

1 Q Okay. About what time did you get back?

2 A Like that afternoon.

3 Q Sometime --

4 A I can't recall the time.

5 Q Sometime in the afternoon?

6 A Yes, sir.

7 Q Okay. And when you got back there that
8 afternoon, how much time did you spend at the
9 apartment?

10 A We were at the apartment all that day.

11 Q All that day?

12 A Uh-huh.

13 Q Okay. Did you leave at some point that
14 night?

15 A Yes, sir.

16 Q Okay. Do you know about what time it was
17 when you left?

18 A Probably about 11-something, 12 that
19 night.

20 Q Okay. So it was late that night when you
21 left?

22 A Yes, sir.

23 Q Okay. And when you say "we left," you're
24 talking about you and Ms. Moore, correct?

25 A Yes, sir.

Shakiyla Hudson - Direct

136

1 Q Okay, all right. Where did y'all go?

2 A We went to a strip club.

3 Q Okay. You went to a strip club?

4 A Yes, sir.

5 Q And is that where the dancing takes place?

6 A Yes, sir.

7 Q Okay. And you said that your brother
8 introduced you to Ms. Moore?

9 A Her brother.

10 Q I'm sorry, forgive me. Her brother --

11 A Yes, sir.

12 Q -- introduced you to her?

13 A Uh-huh.

14 Q Okay. And so was that some place you were
15 already working when you met Ms. Moore?

16 A No, I wasn't a dancer at the time.

17 Q Okay. Well, how is it that y'all ended up
18 going there then?

19 A That was a place I guess she was dancing
20 at the time.

21 Q Okay. So Ms. Moore was dancing there?

22 A Yes, sir.

23 Q And she introduced you to the opportunity
24 to dance there? Is that what happened?

25 A Yes, sir.

Shakiyla Hudson - Direct

137

1 Q Okay, all right. So y'all went to the
2 club. About what time did you get there?

3 A I'd say about one that night, about one-
4 something.

5 Q Okay. Let's back up a little bit.
6 Earlier you said you left the apartment around
7 11:30, 12:00. You got to the club around one.

8 A Uh-huh.

9 Q Did you go anywhere else before you went
10 to the club?

11 A No, sir.

12 Q Okay. How far is the club from the
13 apartment complex?

14 A I'd say about 10 minutes, 10 minutes or
15 so.

16 Q Okay. So are you sure about what time you
17 left the apartment?

18 A Yes, it was like 11-something, 12.

19 Q Okay, 11-something to 12. The reason I'm
20 asking you is you said you got to the club at one.

21 A Yes.

22 Q And you say it's only about 10 minutes
23 away. So if you left at 11 --

24 A Well, I mean, when we got to the club it
25 was one. You know, it took a little time to get

Shakiyla Hudson - Direct

138

1 there.

2 Q You just know it was late when you left
3 the apartment?

4 A Yes, sir.

5 Q Okay, all right, okay. Now, after you got
6 to this club, how much time did you end up spending
7 with Ms. Moore that night?

8 A Me and her, we didn't spend any time
9 together. I went to the room, and I dressed out and
10 started making money.

11 Q Okay. Now, what about Ms. Moore? Did she
12 dress out herself?

13 A No, sir.

14 Q Okay. Had you been there with her before?

15 A Yes, sir.

16 Q Had she dressed out before?

17 A Yes, sir.

18 Q Was this the first time that she didn't
19 since you've been there with her?

20 A Yes, since I've been there.

21 Q Okay, all right. All right, so was there
22 some point when you actually ended up being
23 separated apart from Ms. Moore that night at the
24 club?

25 A Yes, sir.

Shakiyla Hudson - Direct

139

1 Q Okay. And what happened with that?

2 A I went to give a private dance.

3 Q Okay. And about what time was that?

4 A About three-something that morning.

5 Q Okay. And how long did you remain in this
6 private dance?

7 A Probably like 45 minutes to an hour.

8 Q Okay. And during that time period, did
9 you see Ms. Moore?

10 A No.

11 Q Okay. When did you next see her?

12 A Like after I had done my dance.

13 Q Okay.

14 A And that was something four-something that
15 morning.

16 Q It was what, I'm sorry?

17 A Like four in the morning.

18 Q Okay. Do you know exactly what time it
19 was?

20 A No, I can't recall the time.

21 Q Okay, all right. But you said like four-
22 something. I'm trying to determine what caused you
23 to think it was four-something. I'm just trying to
24 get you to give the jury an idea as to what time you
25 thought it was and why.

Shakiyla Hudson - Direct

140

1 A Because I was -- well, in a private dance,
2 you give some dances, and sometimes -- it starts off
3 as dancing, but it may not end as dancing. And that
4 night it didn't end as dancing.

5 Q Okay. So you spent a little time in the
6 club?

7 A Uh-huh.

8 Q Okay. And so when you saw Ms. Moore
9 again, you say it was around four or sometime in
10 that time period. You're not really sure?

11 A I'm not really sure, but, yes.

12 Q Was it daylight yet?

13 A No, it wasn't daylight.

14 Q Okay, all right, okay. Now, when Ms.
15 Moore got back that night -- I mean, when you saw
16 her again, I should say, at the club. Let's back up
17 a little bit. You went back to the apartment after
18 seeing her brother at the jail on that Saturday,
19 correct?

20 A Yes, sir.

21 Q And y'all stayed there till around --

22 A Like 11-something, 12-something.

23 Q -- late that night?

24 A Yes.

25 Q Was there any discussion at that time

Shakiyla Hudson - Direct

141

1 before y'all left to go to the club about setting
2 the apartment on fire?

3 A No, not that during that day. It was no
4 discussion.

5 Q I'm talking about that night, okay?

6 A That night?

7 Q Yes.

8 A Well, she really didn't say nothing that
9 night. But she went into the bathroom, and she had
10 grabbed a bag after that.

11 Q She went to the bathroom and did what?

12 A She grabbed a bag out of the restroom.

13 Q Okay.

14 A And in that bag, it contained like
15 fingernail polish remover and alcohol.

16 Q Contained what, I'm sorry?

17 A Fingernail polish remover and alcohol.

18 Q Okay. And what, if anything, did you see
19 Ms. Moore doing with that?

20 A She was splashing it all over the
21 apartment.

22 Q Okay. Now, what, if anything, did you do?

23 A I began to help her.

24 Q And when you say you began to help her,
25 what did you do?

Shakiyla Hudson - Direct

142

1 A I began splashing it also in the
2 apartment.

3 Q And how much did you end up splashing?

4 A I'd say around two bottles.

5 Q Two bottles of what in particular?

6 A The fingernail polish remover and alcohol.

7 Q Okay. Now, why did you do that?

8 A Ain't no excuse, really.

9 Q Pardon me?

10 A I really don't have no excuse as to why I
11 did it. But, I mean, it was like she was getting
12 mad. And I heard her mumble under her breath that I
13 wasn't going to do it or whatever.

14 Q Okay, let's back up. You said you heard
15 her mumbling under her breath, saying what?

16 A She was like saying if I wasn't going to
17 do it, she'd do it herself.

18 Q Okay. She was saying since you weren't
19 going to do it, she would do it herself?

20 A Yes, sir.

21 Q So had she asked you to help her earlier?

22 A Well, we didn't talk about it none that
23 day. But like a week or two prior to that, she
24 already had done talked about it.

25 Q Okay. And what did she prior -- during

Shakiyla Hudson - Direct

143

1 that week or two prior?

2 A She was going through a financial
3 situation, and she had insurance on that apartment.

4 Q Okay. What kind of financial situation,
5 if she described it to you? Did she talk to you
6 about what that financial situation was?

7 A Yes, sir.

8 Q What did she tell you?

9 A She was paying out money for a lawyer for
10 her brother and for her boyfriend.

11 Q Okay. She was paying out money for
12 lawyers?

13 A Uh-huh.

14 Q Okay. And was there any other discussion
15 about the financial situation?

16 A No, she just said she needed the money.
17 And I guess her boyfriend's people were supposed to
18 give her half back on what she had paid out, but
19 they never did.

20 Q Okay. Did she tell you how much money she
21 was talking about that she had dished out for him?

22 A No, sir.

23 Q Okay, all right. Now, so a week or so
24 earlier, this talk about burning the apartment, Ms.
25 Moore talked to you about that. Was there anything

Shakiyla Hudson - Direct

144

1 else that she did or said to cause you to think she
2 was going to do this?

3 A No, sir.

4 Q I mean, not necessarily at that time you
5 had that discussion but between the time that she
6 had that discussion with you and the time the fire
7 was set that night.

8 A Well, we splashed the --

9 Q Right.

10 A -- alcohol and ammonia in the apartment.

11 Q Okay. Did Ms. Moore, to your knowledge,
12 say or do anything, or collect any information, or
13 do anything to cause you to think she was going to
14 do that?

15 A She had bags like her debts bag and like
16 that, that contained like important stuff of hers.

17 Q Okay. Repeat what you just said.

18 A Important things of hers.

19 Q Okay. And did you go anywhere with Ms.

20 Moore -- I should say -- let me ask you. Are you
21 aware of any action that Ms. Moore took prior to the
22 fire, before the fire --

23 A Uh-huh.

24 Q -- okay, that caused you to think that
25 this is what she really intended to do?

Shakiyla Hudson - Direct

145

1 A We was -- we had went to Wal-Mart, and she
2 was like -- she was getting all these expensive
3 electronic items like for her papers and stuff,
4 getting like the cost of them. But I guess they
5 were supposed to be items that were inside the
6 apartment, but I never seen them inside there.

7 Q What kind of items in particular?

8 A Like expensive coffee makers, like
9 expensive dish like -- you know, dishes or pots,
10 like computers, plasmas.

11 Q When you say "plasmas," you're talking
12 about plasma TVs?

13 A Yes.

14 Q Okay, all right. And how often -- let me
15 ask you this another way. How many times did you go
16 with her to Wal-Mart when you saw her doing this?

17 A Twice.

18 Q Okay, all right. All right, let's go back
19 to this night when the apartment fire took place.
20 When you finish your private dance and you came out
21 of the room, and you saw Ms. Moore, did y'all have
22 any kind of discussion?

23 A She told me that she wasn't feeling well,
24 and she asked was I ready to go, and I told her yes.

25 Q Okay. So what happened after that?

Shakiyla Hudson - Direct

146

1 A We had left, and as we was leaving to go
2 out onto the interstate at one point, she --

3 Q Ms. Hudson, I want you to slow down just a
4 little bit, okay? I'm having difficulty
5 understanding, so I know the jury is having trouble
6 understanding --

7 A Okay.

8 Q -- you, okay? So y'all got in the car,
9 and what happened?

10 A We was going onto the interstate to go to
11 Florence.

12 Q Okay.

13 A And as we was getting onto the interstate,
14 she just looked at me and told me it was done.

15 Q She looked at you and what?

16 A She told me it was done.

17 Q Okay. Now, what did you understand that
18 to mean?

19 COURT REPORTER: Done?

20 MR. SCOTT: Yes, ma'am.

21 A That the apartment was set on fire.

22 Q And why did you understand it to mean
23 that?

24 A Because we had already splashed the
25 ammonia, the alcohol, and all that stuff.

Shakiyla Hudson - Direct

147

1 Q Okay, all right. Now, so as a result of
2 this, an investigation was conducted. And you were
3 actually talked to by the police, correct?

4 A Yes, sir.

5 Q And I believe you gave four statements to
6 the police, right?

7 A Yes, sir.

8 Q One on June 19, do you remember that?

9 A Uh-huh.

10 Q One on June 20?

11 A Uh-huh.

12 Q One on August 16?

13 A Uh-huh.

14 Q And on September -- sometime in September
15 of last year. Do you remember those statements?

16 A Yes, sir.

17 Q Now, it wasn't until the 16th of August
18 that you said something about Ms. Moore being
19 involved in the fire. Why didn't you tell the
20 police anything about that during the first two
21 statements?

22 A Because I was afraid, and I didn't want to
23 be no snitch.

24 Q You were afraid, and you didn't want to be
25 a snitch?

Shakiyla Hudson - Direct

148

1 A Uh-huh.

2 Q What were you afraid of?

3 A It's just I was dating her brother at the
4 time, and it was time for him to go home. So I knew
5 it was be some complications in our relationship.

6 Q When you say you knew there were going to
7 be complications with the relationship, what do you
8 mean?

9 A Like if he would have known about it right
10 then and there.

11 Q I'm sorry?

12 A If he would have known about the situation
13 right then and there.

14 Q Okay. Now, you're talking in riddles,
15 okay. If her brother had known about the situation
16 right then and there, you said you were scared.
17 What were you scared was going to -- what were you
18 afraid of happening?

19 A That he -- when the police came for me, he
20 did stuff because of me.

21 Q Okay. And you had a reason for believing
22 that could happen?

23 A Uh-huh.

24 Q Why?

25 A Because of what happened before.

Shakiyla Hudson - Direct

149

1 Q Okay, all right. So you were scared that
2 people were going to call you a snitch, okay. So,
3 now, as a result of the investigation, Ms. Moore was
4 charged with arson.

5 A Uh-huh.

6 Q You actually got arrested and charged with
7 being an accessory, didn't you?

8 A Yes, sir.

9 Q Okay. Now, did you do anything else other
10 than what you have just testified to this jury about
11 in that apartment that day?

12 A Would you repeat it?

13 Q I'm talking about in terms of the fire
14 getting started.

15 A Would you repeat it?

16 Q You said you splashed some -- what did you
17 say, nail polish remover or alcohol, on the wall?

18 A Yes, sir.

19 Q Did you do anything else?

20 A No, sir.

21 Q Okay. Were you with her -- or were you at
22 the apartment when the fire started that night?

23 A No, sir.

24 Q Okay. And did you go into the apartment
25 and set the fire?

Shakiyla Hudson - Direct

150

1 A No, sir.

2 Q Okay. Now, like I said, you've been
3 charged in this case as well, right?

4 A Yes, sir.

5 Q And why are you testifying today? I know
6 I've asked you to testify. But why are you
7 testifying?

8 A Because, I mean, I feel as though as it's
9 the right thing to do, even though I did take part
10 in that. I just -- I don't know. I was thinking
11 about the families and stuff and the other people
12 that got affected in the situation, and I just
13 couldn't deal with that.

14 Q Okay. Now, have any promises been made to
15 you as a result of your testimony today?

16 A No, sir.

17 Q Okay. At any time that Ms. Moore was
18 having these discussions with you about burning the
19 apartment building down, did y'all have any
20 discussions about, you know, whether she had any
21 concern for the people in the apartment building?
22 Did that ever come up?

23 A I did ask her about the people in the
24 apartment, and she informed me that it was a child
25 in the apartment with asthma or something. But she

Shakiyla Hudson - Direct

151

1 really wasn't that concerned.

2 Q Did she say anything else about what she
3 thought or felt about any of the other people in the
4 apartment?

5 A She already had done got into it with the
6 neighbor downstairs, and so she --

7 Q I'm sorry. I want you to repeat that,
8 please.

9 A I said she had already got into it with
10 the neighbor downstairs, and she already said that,
11 you know, she didn't like them or whatever.

12 Q Okay. And you actually heard her say
13 that?

14 A Uh-huh.

15 Q Okay. Now, these things that you say that
16 you saw Ms. Moore writing down and indicating that
17 she had in the apartment, you say you never saw any
18 of those things in the apartment, is that right?

19 A Yes, sir.

20 Q Okay. How many times had you been to her
21 apartment?

22 A Several times.

23 Q Ma'am?

24 A Several times.

25 Q Okay, several times, okay. When was the

Shakiyla Hudson - Direct

152

1 first time you went to her apartment?

2 A Probably like in May sometime.

3 Q Okay. Because I think you indicated you
4 knew her for about a month and a half when this
5 first happened?

6 A Yes, or two months, yes.

7 Q So the fire started during Father's Day
8 weekend. That was around the 18th and 19th of June.
9 So you met her around the first of May?

10 A Yes, probably like the end of April.

11 Q End of April, first of May. So between
12 April 30th, let's say, and June 18, Father's Day
13 weekend, how many times had you been into her
14 apartment or been inside her apartment?

15 A I'd say over 15 times.

16 Q Ma'am?

17 A Over 15 times.

18 Q Fifteen times?

19 A Uh-huh.

20 Q And during those 15 visits, did you ever
21 see any of the things in her apartment that she
22 wrote down on this list or lists that you described
23 that was created when she went to Wal-Mart?

24 A No, sir.

25 Q Okay. And you were actually with her when

Shakiyla Hudson - Direct

153

1 this was happening?

2 A Yes, sir.

3 Q Okay. Did she tell you why she was making
4 this list or these lists?

5 A Yes, to give to her insurance people,
6 because I guess she would get more money back for
7 it.

8 Q Okay, all right. Now, Ms. Hudson, have
9 you understood every question I have asked you?

10 A Yes, sir.

11 Q You understand that you are expected to
12 testify under oath truthfully today?

13 A Yes, sir.

14 Q Have you in fact done that?

15 A Yes, sir.

16 Q Okay. Answer any questions that Mr.
17 Hastie may have for you, okay?

18 A Okay.

19 THE COURT: Mr. Hastie?

20 MR. HASTIE: Yes, sir, Your Honor.

21 CROSS-EXAMINATION

22 BY MR. HASTIE:

23 Q Good afternoon, Ms. Hudson.

24 A Hello.

25 Q Now, the Solicitor said you made four

Shakiyla Hudson - Cross

154

1 statements, sworn statements. Is that correct?

2 A Yes, sir.

3 Q And when you make a sworn statement, you
4 promise to tell the truth, is that correct?

5 A Yes, sir.

6 Q Okay. Now, let's look at your first
7 statement. This is a statement you made on June the
8 19th, the day the incident happened, maybe the next
9 day.

10 MR. SCOTT: Mr. Hastie, I'm sorry, can I
11 just take a look at what you're showing her?

12 MR. HASTIE: Yes, sir. We're going to
13 take a look at all these.

14 Q Take a look at this statement and see if
15 that's the statement you gave. And you gave that to
16 a SLED --

17 A Agent.

18 Q -- agent at that time, didn't you?

19 A Yes, sir.

20 Q Could you read to the jury your statement?

21 A "Last night me and Jessica Moore went" --

22 Q Please slow down.

23 A Okay. "Last night me and Jessica Moore
24 went to the Candy Shop. After that, she took me to
25 Florence where we got a room at the Suburban, went

Shakiyla Hudson - Cross

155

1 in the room, ate dinner, fell asleep. We got in the
2 room about 5 a.m. When I woke, she was gone. The
3 door was open. I got up around 11 a.m. then again
4 around 1 p.m."

5 Q Okay. So you said you and Jessica went to
6 the Candy Shop. You left there, went to a motel,
7 and went to get a room?

8 A Uh-huh.

9 Q Right?

10 A Yes, sir.

11 Q Is this statement true?

12 A Yes, sir.

13 Q Okay. How is this statement true if your
14 testimony is that y'all went to the house, did all
15 kind of things and setting it on fire. Why didn't
16 you mention --

17 MR. SCOTT: Your Honor, she didn't say
18 that.

19 A No, I didn't tell you I went to the house.

20 THE COURT: Sustained.

21 MS. HUDSON: Excuse me, I didn't --

22 THE COURT: Ma'am --

23 MR. HASTIE: He sustained it. You don't
24 have to say anything.

25 MS. HUDSON: Okay.

Shakiyla Hudson - Cross

156

1 MR. HASTIE: Thank you.

2 Q And y'all had gone to sleep. What day was
3 this?

4 A This right here was Father's Day.

5 Q Okay. So was this the day after?

6 A Yes.

7 Q The morning the fire --

8 A Started, yes.

9 Q That's still the morning the fire was set,
10 correct?

11 A Uh-huh.

12 Q Okay. And did you say anything in there
13 about Jessica being involved in a fire?

14 A No, sir.

15 Q Why not?

16 A Because, like I said, at first I was
17 scared.

18 Q You were scared?

19 A Yes, sir.

20 Q So you chose not to tell the whole truth?

21 A Yes, sir.

22 Q Then the very next day you made another
23 statement, is that correct?

24 A That's when the lieutenant came back and
25 the SLED officer came back and told me I had to --

Shakiyla Hudson - Cross

157

1 that the statement had to be in detail, that that
2 right there was not in enough detail. So he came
3 back, and he was talking to me, and he wrote the
4 statement. That was the next day.

5 Q You didn't write the statement?

6 A That's not my handwriting.

7 Q That's not in your handwriting?

8 A No.

9 Q Is this your handwriting?

10 A Yes, sir.

11 Q That was your handwriting?

12 A Uh-huh.

13 Q Okay. He said he needed more details?

14 A Yes, he said I needed to go into more
15 details, it just can't be that short. From my
16 understanding, that was told to me.

17 Q But you told him that was the truth as you
18 saw it, right?

19 A Uh-huh.

20 Q But he said he needed more details. Did
21 he tell you what details he needed?

22 A No, sir.

23 Q Okay. So let's take a look at the details
24 that you provided in the second statement. Read
25 slowly enough so the jury can hear it.

Shakiyla Hudson - Cross

158

1 Q "On Saturday, June 18, 2011, me and
2 Jessica went to the Candy Shop around 11:30 p.m. We
3 both danced all night." Okay, I did not write that
4 in the statement. Like I said, this is his
5 handwriting.

6 Q Hold it. The part that you did not dance
7 all night?

8 A No, we both did dance all night.

9 Q That's what that statement says, doesn't
10 it?

11 A Yes.

12 Q And that statement is not correct, is it?

13 A Huh-uh.

14 Q Okay. But you signed that statement,
15 didn't you?

16 A Yes. But then I also as far as when I was
17 -- again the second time, just recently I also
18 informed Mr. Scott that this right here wasn't
19 correct.

20 Q When did you inform Mr. Scott that this
21 statement wasn't correct?

22 A The first time I talked to him.

23 Q Which was when?

24 A Thursday.

25 Q You just talked to Mr. Scott the first

Shakiyla Hudson - Cross

159

1 time last week?

2 A Thursday, uh-huh.

3 Q And you told him that that sworn statement
4 was not correct?

5 A Yes.

6 Q Okay. Read on and let's see what's not
7 correct about that sworn statement you just made.

8 A Okay. "We left the Candy Shop around" --

9 Q She's trying to type, and they're trying
10 to listen.

11 A Okay. "We both left the Candy Shop around
12 4:30 p.m."

13 Q Is that part --

14 A "On Sunday, June 19" -- I didn't -- went
15 to the post office or Street in Florence. Then
16 Jessica said she was not feeling well, so we went to
17 the Shell station across the street."

18 Q Stop right there one moment, and let me
19 interrupt you.

20 A Uh-huh.

21 Q I apologize. That part where you said you
22 left the Candy Shop around 4:30 in the morning" --

23 A Uh-huh.

24 Q -- is that correct?

25 A Uh-huh.

Shakiyla Hudson - Cross

160

1 Q Is that true?

2 A Yes, sir, it was around 4:30.

3 Q Okay. And when you left there around 4:30
4 in the morning, where did you go from there?

5 A We went to Florence.

6 Q Went to Florence?

7 A Uh-huh.

8 Q But the Candy Shop is in Bishopville?

9 A Yes, sir.

10 Q How far is Florence? How long does that
11 take?

12 A I'd say about 30 minutes.

13 Q About 30 minutes?

14 A Uh-huh.

15 Q Okay. So you left the Candy Shop and went
16 to Florence. It's about five-something now. Go
17 ahead.

18 A Okay. "So we went to the Shell station
19 across the street, and we were there for about 10
20 minutes. Then we came to my house and could not get
21 in. Two of my cousins" --

22 Q Excuse me, I'm sorry.

23 A Uh-huh.

24 Q Where is your house?

25 A My house is located in Florence.

Shakiyla Hudson - Cross

161

1 Q Okay. And who lives there with you in
2 your house?

3 A Me and my mother.

4 Q Okay. So whose house is it really, your
5 house or your mother's house?

6 A My mother's house.

7 Q Your mother's house?

8 A Yes. So I guess that part isn't correct
9 either?

10 Q That's okay.

11 A Okay.

12 Q Just don't ask questions. So you live
13 with your mother, and y'all went to your mother's
14 house in Florence. But you could not get in.
15 That's what you just read?

16 A Uh-huh.

17 Q Why couldn't you get into your mother's
18 house?

19 A Because we was like we just came from a
20 nightclub. My mother has other kids, too.

21 Q So she wouldn't let you in, is that right?

22 A Uh-huh, yes.

23 Q So she locked the door on you?

24 A Yes, we have a screen door, and like you
25 cannot get to the front door. We have a screened

Shakiyla Hudson - Cross

162

1 porch, so you cannot get to the front door and knock
2 on the front door directly. You have to knock on
3 the screen door, so it's kind of hard for people to
4 hear.

5 Q Okay.

6 A Okay.

7 Q Do you have a cell phone you could call
8 your mom and say, "I'm outside"?

9 A No, sir.

10 Q Does she have a phone?

11 A Yes, her husband has a phone.

12 Q Okay. Do you have a key to the house?

13 A No, sir. There's only two keys, one for
14 her, one for her husband.

15 Q And you live there, though, right?

16 A Yes. She has eight children. If she
17 would give everybody a key, she has to give all
18 eight of us a key.

19 Q Okay. Let's continue reading that
20 statement.

21 A "Then we came to my house. We could not
22 get in. Two of my cousins wanted to go to a hotel.
23 So me and Jessica and my two cousins went to a
24 convenience store, couldn't go to the Huddle House,
25 and then to Hardee's. We went to Motel 6, Motel 8,

Shakiyla Hudson - Cross

163

1 and finally got a room at the Suburban."

2 Q Hold it right there. Let's go a little
3 slower. So you left your mother's house. What's
4 the first place you went to?

5 A We went to a convenience store.

6 Q Convenience store. How long did y'all
7 stay there -- two minutes, five minutes?

8 A Yes, like two minutes.

9 Q Y'all bought something from the
10 convenience store?

11 A My cousin and them did.

12 Q Okay. Then you left the convenience
13 store, and you went to?

14 A We went to get something to eat at
15 Hardee's.

16 Q At Hardee's?

17 A Uh-huh.

18 Q So that shouldn't have taken too long?

19 A It was late at night, so that's third
20 shift. And it does take a little bit.

21 Q It takes a while if you go to Hardee's
22 late at night?

23 A Yes, because that's a club night. It was
24 Father's Day weekend.

25 Q That's right.

Shakiyla Hudson - Cross

164

1 A Yes.

2 Q So y'all got there about 5:00. What time
3 do you think it is around now?

4 A I don't know, probably about 5:30.

5 Q Five-thirty?

6 A Uh-huh.

7 Q Jessica is with you all of this time?

8 A Uh-huh. She was transportation.

9 Q She's still --

10 A Yes.

11 Q -- with you all. And Jessica, you, your
12 two cousins?

13 A Uh-huh.

14 Q Okay. Read on, please, ma'am.

15 A "Me, Jessica, Deportia, and Jessie stayed
16 in the room. We went to Hardee's" -- "Me, Jessica,
17 Deportia, Jessie stayed in the room. We went to
18 Hardee's before the hotel. I ate and went to sleep.
19 I did not get up until 11 a.m. on Sunday. Jessica
20 was gone when I got up. I went back to bed and got
21 up around 1:30," I guess that says.

22 Q You went back to where? I didn't hear
23 you.

24 A I said I went back to sleep.

25 Q Went to sleep?

Shakiyla Hudson - Cross

165

1 A Yes.

2 Q What time do you think it is about this
3 time?

4 A I don't know. This right here is the
5 second time I had got back up. "I went back to bed
6 and got up around 1:30, left the hotel, and came
7 home."

8 Q And came home?

9 A Uh-huh.

10 Q To your mama's house?

11 A Yes.

12 Q So your mama did let you in I guess in the
13 morning?

14 A Yes.

15 Q It was daylight at this time, wasn't it?

16 A Yes.

17 Q Okay. Now, do you mention anywhere in
18 that statement about burning --

19 A The apartment --

20 Q -- the apartment?

21 A No.

22 Q You didn't mention that at all, did you?

23 A Huh-uh.

24 Q And the detective came to you and said,
25 "Look, now, this can't work" --

Shakiyla Hudson - Cross

166

1 A Uh-huh.

2 Q -- right?

3 A Uh-huh.

4 Q This is too small for all this stuff to
5 happen. So now he gives you a chance to tell the
6 truth and tell the whole truth. You write a much --
7 you didn't write this, did you?

8 A No.

9 Q You gave a much longer statement, right?

10 A Yes.

11 Q Even in this longer statement, you still
12 chose not to tell the whole truth, is that correct?

13 A Yes.

14 Q Okay. So there's statement number three.
15 The first one was the day after, and the next one
16 was the next day, the 20th, the one that we just
17 talked about, is that right?

18 A Uh-huh.

19 Q Okay. Now, here we are August the 16th.
20 This is June, so July, August, two months later --

21 A Uh-huh.

22 Q -- what's wrong with your second
23 statement? Why did you write a third statement?

24 A Because the officer came back.

25 Q The officer came back again?

Shakiyla Hudson - Cross

167

1 A Uh-huh.

2 Q And said what?

3 A He really didn't say much. But he was
4 just like -- I can't really recall what he said,
5 because I can't recall. But I know I wrote a third
6 statement.

7 Q So you already wrote two statements, and
8 you wrote this under oath. You know all of these
9 things, "I promise to tell the truth. I certify the
10 facts contained in here are true and correct,"
11 right?

12 A Yes, sir.

13 Q You know this says that?

14 A Yes, sir.

15 Q You wrote two statements, and both of them
16 you know in your heart weren't the truth?

17 A Well, yes, you could say that, because I
18 was informed that not telling the whole truth is
19 basically telling a lie.

20 Q It could get you in more trouble, right?
21 The whole reason you're doing all this today, and I
22 guess then, you didn't want to get in no more
23 trouble.

24 A Uh-huh.

25 Q But you're lying to the SLED agent, right?

1 A Well, yes.

2 Q Okay. Now, who came back to you and asked
3 you for a third statement two months later? Who was
4 that?

5 A Lt. Watson.

6 Q Lt. Watson. Who in the world is Lt.
7 Watson?

8 A Right here.

9 Q Oh, that's him right there?

10 A Yes, sir.

11 Q Okay. What did he tell you? Why have we
12 got to have a third statement?

13 A Because I wasn't telling the truth, the
14 whole truth.

15 Q How did Lt. Watson know you're not telling
16 the truth, the whole truth?

17 A How -- excuse me?

18 Q How does he know you are not telling the
19 truth in two sworn statements?

20 A I don't know. I guess he was just doing
21 his job.

22 Q Just doing his job?

23 A Uh-huh.

24 Q Okay. So now you got to tell the truth a
25 third time, right?

Shakiyla Hudson - Cross

169

1 A Yes.

2 Q Okay. You're going to straighten it up
3 this time, all right. Just take a look at -- is
4 this your handwriting?

5 A Yes, sir.

6 Q Could you read that statement to the jury?
7 Please read slow so we can hear this true story.

8 A "On the night of June 19th, me and Jessica
9 went to the Candy Shop located in Bishopville. That
10 night Jessica did not dress out. I went to the
11 private room to give a guy a private dance. When I
12 got out, me and Jessica was on our way to Florence.

13 "As we was getting onto the interstate,
14 Jessica told me that she set her apartment on fire.
15 We went to the Candy Shop around 11:30, 12. We left
16 around 4:20, 4:30. A week before the fire, Jessica
17 had planned to set the apartment building on fire.
18 She asked me to indulge in her activities. I
19 responded no, and the conversation was left at
20 that."

21 Q So "I went to the private room to give a
22 guy a private dance. When I got out, Jessica was on
23 her way out to Florence"?

24 A No, sir.

25 Q Could you read that part. I don't

Shakiyla Hudson - Cross

170

1 understand it. I'm trying to figure out what you
2 all were doing.

3 A "I went and gave a guy a private dance.
4 When I got out, me and Jessica was on our way to
5 Florence."

6 Q Stop right there. You and Jessica were on
7 your way to Florence?

8 A Yes, sir.

9 Q What time was that?

10 A After we left the club, around 4:30 or so.

11 Q It was about 4:30?

12 A Uh-huh.

13 Q And go on read the rest of it.

14 A "Jessica told me that she set her
15 apartment on fire. We went to the Candy Shop around
16 11:30, 12. We left around 4:20, 4:30. A week
17 before the fire, Jessica had planned to set the
18 apartment building on fire, and she asked me to
19 indulge in her activities. I responded no. The
20 conversation was left at that."

21 Q I guess I'm a little confused.

22 A Yes, sir.

23 Q You left out that she said that it was
24 done?

25 A Yes.

Shakiyla Hudson - Cross

171

1 Q Read starting right there with that.

2 A It just went back to saying --

3 Q When she said it was done, what time was
4 that?

5 A It was just we got onto the interstate.
6 Jessica said that she had --

7 Q Y'all were on your way to Florence at this
8 time?

9 A Yes, sir.

10 Q To go to your mama's house still?

11 A Yes, sir.

12 Q She told you that it was done?

13 A Yes, sir.

14 Q What time was that?

15 A It had to be after 4:30.

16 Q Because y'all had already danced and all
17 this stuff, right?

18 A No, not "y'all." I did.

19 Q You did.

20 A Yes, sir.

21 Q She didn't, that's right. She didn't
22 dance that night.

23 A Uh-huh.

24 Q Okay. And she told you all -- were you in/
25 the car when she told you it was done?

Shakiyla Hudson - Cross

172

1 A We was on our way to go on the interstate.

2 So, yes, I was in the car.

3 Q So y'all was in the car?

4 A Uh-huh.

5 Q She did not tell you in the club that it
6 was done?

7 A No.

8 Q She did not tell you in the club, right?

9 A No.

10 Q You all were in the car on the way to
11 Florence, right?

12 A Uh-huh.

13 Q Let me see that. Where does the nail
14 polish and -- what else was used to set this on
15 fire?

16 A Alcohol.

17 Q Alcohol?

18 A Uh-huh.

19 Q Where does that come in here? You didn't
20 mention that in here?

21 A No, sir.

22 Q So you still on time number three --

23 A Uh-huh.

24 Q -- didn't tell the whole truth, did you?

25 A Uh-huh. I didn't mention it in the fourth

Shakiyla Hudson - Cross

173

1 statement also.

2 Q You just mentioned that today?

3 A Yes -- well, I didn't mention -- well, Mr.
4 Cliff was aware of it. I had told him already. But
5 the thing was I didn't want her to go down by
6 herself when I knew I had some place in it.

7 Q So you just told Mr. Scott --

8 A Thursday --

9 Q -- last Thursday --

10 A No -- yes, he was -- I been told him, but
11 I'm just informing y'all. It was not written into
12 the statement.

13 Q He knew all -- you told him a long time
14 ago that --

15 A Thursday.

16 Q Just Thursday?

17 A Yes.

18 Q That you were involved in this?

19 A Uh-huh.

20 Q And that you -- and what was your role
21 that you did not put in here?

22 A That I splashed the alcohol and the
23 ammonia, and that's it.

24 Q So you admitted you splashed the alcohol
25 in the apartment?

1 A Yes, sir.

2 Q What night -- the same night that we've
3 got a fire?

4 A Yes, sir.

5 Q What room were you in?

6 A I was in the living room.

7 Q You were in the living room?

8 A Uh-huh.

9 Q Where did the fire -- where was it lit?

10 A I don't know.

11 Q Okay. You don't know who lit the fire?

12 A Well, from my -- I don't know exactly who
13 lit the fire, but --

14 Q Hold, hold it. Do you know? Did you see
15 who --

16 A No, I did not see who lit the fire.

17 Q So you don't know who lit the fire?

18 A No.

19 Q But you were a part of putting it down --

20 A The ammonia, sir.

21 Q -- the same night, though, right?

22 A Yes, sir.

23 Q Did you leave the building or something?

24 A I told you that -- okay, it was during
25 before we went to the club. Before we left for the

Shakiyla Hudson - Cross

175

1 club around 11 to 12, that's when we splashed the
2 alcohol and the ammonia acid over the apartment.

3 Q Y'all splashed it. Was it lit at that
4 time?

5 A No, sir.

6 Q So somebody came back?

7 A Yes, sir.

8 Q Your testimony is that someone came back
9 and had to light it?

10 A Yes, sir.

11 Q You don't know who lit it, but you weren't
12 there?

13 A No, sir.

14 Q And you did all this because you were just
15 trying to help Jessica out?

16 A Yes.

17 Q You just wanted to help her out to try to
18 get some money?

19 A No, sir. I wasn't even getting anything
20 from out of the deal.

21 Q Why did you help her?

22 A Huh?

23 Q Why did you help her?

24 A Because -- like I say, that night she was
25 mad. She was like since I wasn't going to do it,

Shakiyla Hudson - Cross

176

1 she would just do it herself. So like I said, I did
2 pick up the bottle of ammonia and the alcohol, and I
3 started splashing it over the apartment.

4 Q So it's ammonia and alcohol?

5 A Uh-huh, like fingernail polish remover.

6 Q Oh, remover?

7 A Uh-huh.

8 Q Okay, okay. So then the officer came to
9 you and said, "Man, this still isn't working out.
10 You need to make another statement" --

11 A Uh-huh.

12 Q -- right?

13 A -- Uh-huh.

14 Q And now you are telling this jury and the
15 Court that you know that even this third statement
16 is not the truth?

17 A Yes.

18 Q It's not the truth?

19 A Yes, sir.

20 Q Am I right about that?

21 A Uh-huh.

22 Q And you knew that?

23 A Uh-huh.

24 Q And you're making this stuff under oath.

25 You know that too, right?

Shakiyla Hudson - Cross

177

1 A Yes.

2 Q Okay. So now why are you writing a fourth
3 statement? Who came to you and said, "Those three
4 aren't good enough"?

5 A No, actually, it's not really a fourth
6 statement. It's just a rewrite that Lt. Watson had
7 did over the computer. It's like he had did the
8 second statement.

9 Q So it's a rewrite of this August 16
10 statement?

11 A Uh-huh.

12 Q But this rewrite is September the 7th?

13 A Yes.

14 Q That's almost a month later.

15 A Well, I guess that's how they operate.

16 Q I hope not, all right. So who rewrote
17 this statement?

18 A Lt. Watson.

19 Q Did you rewrite this statement?

20 A No, it was typed up on the computer. It's
21 not written.

22 Q Did you provide any information for this
23 statement?

24 A Yes.

25 Q Is this statement -- I'm afraid to ask

Shakiyla Hudson - Cross

178

1 this. Is this statement the whole truth and nothing
2 but the truth?

3 A Well, no, because it didn't have --

4 Q Hold on. Did you say no?

5 A Yes, sir.

6 Q Okay. I knew I was afraid to ask that
7 question. What's not true about this fourth
8 statement?

9 A It did not have the ammonia -- me
10 splashing the ammonia in the apartment. The
11 statement does not have that.

12 Q So even after the officer came to you and
13 said, "We've got four statements from you, and they
14 are not right. We can't put it all there," you
15 wrote it. You gave him some more information? But
16 you left out --

17 A That's not more information. That's just
18 a rewrite of the third statement. That's what I'm
19 trying to get you to see.

20 Q You're trying to get me to see that?

21 A Yes.

22 MR. HASTIE: Your Honor, I would like to
23 mark these four statements as Defense Exhibits One,
24 Two, Three, Four.

25 THE COURT: Any objection, Mr. Scott?

Shakiyla Hudson - Cross

179

1 MR. SCOTT: Your Honor, I have no
2 objections.

3 THE COURT: Without objection, the
4 statements will be marked as Defense Exhibits One,
5 Two, Three, and Four.

6 (Defendant's Exhibit Number One, 6/19/11
7 Statement of Shakiyla Hudson; Defendant's Exhibit
8 Number Two, 6/20/11 Statement of Shakiyla Hudson;
9 Defendant's Exhibit Number Three, 8/16/11 Statement
10 of Shakiyla Hudson; and Defendant's Exhibit Number
11 Four, 9/7/11 Statement of Shakiyla Hudson, were
12 entered in evidence.)

13 Q So really this last statement was you were
14 just trying to clarify -- the deputy wanted you to
15 just clarify some things, is that right?

16 A I don't think it was really clarification.
17 He just wanted to retype, and I had to sign my name
18 or whatever.

19 Q Okay. Why didn't you use this opportunity
20 to tell -- because you're saying this still isn't
21 the whole story?

22 A Yes, sir.

23 Q It's still not completely true, is it?

24 A Yes, sir.

25 Q Why didn't you tell him, "I've got some

Shakiyla Hudson - Cross

180

1 more information to add"?

2 A Because I've never been in trouble before.
3 I've never been incarcerated before. And that's
4 what I was scared of at the time. If I would have
5 told him that information, I would have been facing
6 jail.

7 Q Say what, now, about jail?

8 A I would have placed in jail if I would
9 have told him that I took part and said that.

10 Q So you knew -- you did know that if you
11 had told the truth, you probably would have been in
12 jail with Jessica, is that right? You would have
13 been arrested too?

14 A I don't know for a fact that I would have
15 been arrested, but I know probably I would have.
16 Well, I did get arrested. I don't know what I'm
17 talking about. I did get arrested. I was charged
18 with accessory before and after the fact.

19 Q Have you pled to anything yet?

20 A No, sir.

21 Q Are those charges still pending?

22 A Yes, sir. They are from my understanding.

23 Q Okay. They asked you to testify today?

24 A Can you --

25 Q They asked you to testify today?

Shakiyla Hudson - Cross

181

1 A Yes, I got a subpoena or whatever it's
2 called.

3 Q You got a subpoena?

4 A Yes.

5 Q Okay. And did anyone promise you anything
6 if you testified truthfully?

7 A No, sir.

8 Q But you knew you were supposed to testify
9 truthfully when you raise your hand?

10 A Exactly, to testify and not lie in court
11 when I placed my hand on the Bible.

12 Q But you lied here, though, didn't you?
13 You lied in this statement?

14 A Well, yes, you could say that, because I
15 didn't tell the whole truth.

16 Q And you knew you were under oath?

17 A I didn't know at the time, because, like I
18 say, I've never been -- this is the first time I'd
19 ever been going through anything like this. I
20 didn't know at the time that writing a statement was
21 like being under oath.

22 Q But you did read your statement, didn't
23 you?

24 A I mean, I read it.

25 Q Did you read the part that says, "I have

Shakiyla Hudson - Cross

182

1 read each page of this statement consisting of one
2 statement. Each page bears my signature and
3 corrections, if any, bears my initials. And I
4 certify that the facts contained herein are true and
5 correct"? Did you read that part?

6 A Yes, sir.

7 Q And you still chose not to tell the truth,
8 is that right?

9 A Well, you can say that's the truth. But,
10 like I say, I did left out the part that I took in
11 it.

12 Q Intentionally, right?

13 A Yes.

14 Q Okay. Did you or Jessica at any time take
15 any clothes or any items from the car and put them
16 in the back of her car or your car?

17 A Well, yes, she had her bags. I don't have
18 any clothes at Jessica's house.

19 Q She had her bags from her house?

20 A Yes.

21 Q Okay. And that was when you all left
22 early on or was that --

23 A Yes, this is when we left around -- when
24 we left to go to the club.

25 Q Which was about?

Shakiyla Hudson - Cross

183

- 1 A Like 11-something, 12-something that
2 night.
- 3 Q And not late that night?
- 4 A Huh-uh.
- 5 Q That's when y'all left?
- 6 A Yes.
- 7 Q How many bags did she have?
- 8 A I'd say about four.
- 9 Q She had about four bags?
- 10 A Uh-huh.
- 11 Q With her stuff in it?
- 12 A Yes, sir.
- 13 Q Her clothes and stuff?
- 14 A Uh-huh.
- 15 Q And this was around 11, 12, when y'all was
16 going to the club?
- 17 A Uh-huh.
- 18 Q And early on you said that you didn't want
19 to do all this stuff because you didn't want to be a
20 snitch, is that right?
- 21 A Yes.
- 22 Q You don't mind being a snitch now?
- 23 A I mean, not when it's the right thing to
24 do.
- 25 Q Why wasn't it the right thing to do the

1 day you were asked what happened back on the 19th?

2 Wasn't that the right thing to do that day?

3 A Well, like I say, I was afraid.

4 Q But you're not afraid today?

5 A No, because I'm not with her brother
6 anymore.

7 Q You're not what?

8 A I'm not with Roger Moore anymore.

9 Q So you lied because of her brother partly.
10 Court's indulgence, Your Honor?

11 THE COURT: Yes, sir.

12 Q But after all of this testimony today and
13 all of these statements, none of which are true
14 completely, right?

15 A Uh-huh.

16 Q None of which are true --

17 A Uh-huh.

18 Q -- do you know who set that fire?

19 A I mean, I wasn't there at the time, so I
20 guess I can't say.

21 Q So you guess you can't say, because you
22 weren't there, right?

23 A Yes, sir.

24 Q Are you telling the truth now?

25 A Yes, sir.

Shakiyla Hudson - Cross

185

1 Q You're sure you weren't? You didn't set
2 the fire?

3 A I'm positive I didn't set no fire.

4 Q Do you know that Jessica set the fire?
5 Did you see her set the fire?

6 A Well, no, not really; I didn't see her set
7 the fire.

8 Q Thank you.

9 Your Honor, thank you very much. No
10 further questions.

11 THE COURT: Any redirect?

12 MR. SCOTT: Yes, sir.

13 REDIRECT EXAMINATION

14 BY MR. SCOTT:

15 Q Ms. Hudson --

16 A Yes, sir.

17 Q -- are you wearing a watch now?

18 A No, sir.

19 Q Were you wearing a watch on the night that
20 this happened?

21 A No, sir.

22 Q Okay. So these times that you have talked
23 about during the testimony that you gave earlier
24 when I was questioning you and the time that Mr.
25 Hastie was questioning you, were you estimating what

1 you thought the time was?

2 A No, sir.

3 Q Do you understand my question?

4 A Yes, sir.

5 Q Okay. You weren't wearing a watch.

6 A Yes, sir.

7 Q So I'm trying to figure out how -- when
8 you say it was 4:30 or it was 5:00 or whatever time,
9 it was, 11:30, 12:00, are you estimating or guessing
10 at what the time was? That's what I'm asking you.

11 A No, sir. When we had left the apartment,
12 Jessica, she had a cell phone. So that's why I was
13 saying it was around 11-something, 12-something.

14 Q Okay.

15 A And in the private room when I gave the
16 guy my number, that's how I know it was around
17 three-something, four-something when he put my
18 number into his cell phone.

19 Q Okay. Now, you were just asked by Mr.
20 Hastie if you knew who set the fire, and you said
21 you weren't there. And you weren't there, correct?

22 A Yes, sir.

23 Q You knew the apartment wasn't burning when
24 you left to go to the club at 11:30 or 12 that
25 night, is that right?

Shakiyla Hudson - Redirect

187

1 A Yes, sir.

2 Q And there was a time, I believe you said,
3 when you were at the club when you and Jessica were
4 actually separated, you didn't see her?

5 A Uh-huh. That's when I was giving my
6 private dance.

7 Q Okay. And do you know where she went or
8 what she did during that time period?

9 A Well, I didn't see her. So, no, I don't
10 know.

11 Q So you don't know where she went?

12 A Huh-uh.

13 Q And you indicated earlier that the
14 apartment complex is about 10 minutes away from the
15 club, is that right?

16 A Uh-huh.

17 Q Okay. And you said that when y'all got on
18 the road to go to Florence, she said to you, "It's
19 done"?

20 A Uh-huh.

21 Q Okay. And you said you concluded -- you
22 determined that that meant the apartment was burned
23 down, right?

24 A Yes.

25 Q Had she said anything else to you that

1 would have caused you to think she was talking about
2 something else?

3 A No, sir.

4 Q She didn't tell you she was going to bake
5 a cake and that the cake was done, did she?

6 A No, sir.

7 Q Okay. She didn't talk to you about
8 writing any poems or things like that, that that had
9 been done?

10 A No, sir.

11 Q Okay. So when she said to you, "It's
12 done," the only thing you could think of that she
13 was talking about was the fire?

14 A Yes, sir.

15 Q Okay. And when I asked you on direct
16 examination about these four statements that you
17 gave, you indicated that you were afraid and that
18 you didn't want to be called a snitch?

19 A Yes, sir.

20 Q Okay. And I think you admitted that you
21 knew the statements were not true?

22 A Yes, sir.

23 Q Okay. And I think you said something in
24 response to Mr. Hastie when he asked you why you
25 didn't tell the truth and are you telling the truth

Shakiyla Hudson - Redirect

189

1 today. You said something about putting your hand
2 on the Bible.

3 A Uh-huh.

4 Q Does that have any special meaning to you?

5 A Uh-huh. Well, I grew in a very religious
6 home, so, yes.

7 Q Okay. So what are you saying, that when
8 you testified today under oath, you were testifying
9 truthfully because you put your hand on the Bible?

10 A Yes, sir.

11 Q Okay. And you understand some of the
12 things you've said and testified to in this court,
13 they don't make you look too good?

14 A Yes, sir.

15 Q You understand that?

16 A Yes, sir.

17 Q In fact, we talked about that before you
18 came into court?

19 A Uh-huh.

20 Q And you said you were willing to do that?

21 A Yes, sir.

22 Q Okay. Have you testified truthfully
23 during your testimony today?

24 A Yes, sir.

25 MR. SCOTT: That's all I have, Your Honor.

Shakiyla Hudson - Redirect

190

1 THE COURT: Mr. Hastie, any recross?

2 MR. HASTIE: No, sir.

3 THE COURT: All right, thank you. You may
4 step down.

5 Would the jury like a recess at this time?
6 I think we'll take a recess. We'll take a 15-minute
7 recess. And, again, please don't discuss anything
8 about the case. Thank you.

9 (Jury out at 3:53 p.m.)

10 THE COURT: Court is in recess until 4:00.

11 MR. SCOTT: Thank you, Your Honor.

12 (Court in recess.)

13 THE COURT: Is the State ready to call its
14 next witness?

15 MR. SCOTT: Your Honor, at this time the
16 State would call Sgt. Ken Watson of the Lee County
17 Sheriff's Office.

18 THE COURT: All right, thank you.

19 Come forward, please.

20 (The witness was sworn.)

21 CLERK OF COURT: State your full name for
22 the record.

23 MR. WATSON: Ken Watson.

24 KEN WATSON, having first been duly sworn,
25 testified as follows:

Ken Watson - Direct

191

1 DIRECT EXAMINATION

2 BY MR. SCOTT:

3 Q Sgt. Watson, you are currently employed
4 with the Lee County Sheriff's Department, correct?

5 A Yes, sir.

6 Q And you've heard a lot about this Lt.
7 Watson. Are you also --

8 A That would be me.

9 Q Okay. And that was when you were working
10 with the Bishopville Police Department, is that
11 right?

12 A Yes, sir.

13 Q Okay. And how long were you employed with
14 them before you came to work at the Sheriff's
15 Department?

16 A About six years.

17 Q Okay. And in July -- forgive me, not July
18 -- but in June of last year, you were still employed
19 with them, is that correct?

20 A Yes, sir.

21 Q When did you move over to the Sheriff's
22 Department?

23 A April of this year.

24 Q All right, sir. Now, I believe that you
25 responded to the call for this apartment fire last

Ken Watson - Direct

192

1 year, is that right?

2 A I did.

3 Q Do you recall approximately what time that
4 you arrived on the scene or what time the call came
5 in?

6 A Yes, sir. I arrived around 5:45.

7 Q Okay, all right. Do you know what time
8 the call came in?

9 A According to the incident report, the call
10 was dispatched from our dispatch center at 5:32 a.m.

11 Q And how does calls, and dispatch, and all
12 that work? How does that work? I'm trying to get
13 an idea exactly what happens after a call is placed
14 to 911 on a fire. What happens after that?

15 A As soon as they get the call, they put the
16 information in the computer and that time.
17 Everything is going to have a time stamp on it in
18 there. And they'll just actually call. Normally,
19 in this situation, it was a fire.

20 So the first thing that was dispatched was
21 fire, because the police are not going to do a whole
22 lot of good. They had to get the big red truck
23 there. So they dispatched the fire, and then they
24 turned around and dispatched the police department
25 to come also and assist and do whatever needs to be

Ken Watson - Direct

193

1 done when you get on scene.

2 Q All right. And what did you observe when
3 you got there?

4 A When I arrived -- actually, on the way to
5 the fire -- and I live out about 12 miles out of
6 town. I was about halfway to work, because I was
7 actually coming on duty that morning. And I could
8 see the fire from about halfway, probably about six
9 miles out coming in from the Lucknow (PH) area of
10 Lee County.

11 I could see a large plume of smoke, and it
12 was quite illuminated behind. And when I did arrive
13 on the scene, I pulled up and there were people
14 everywhere where they was out of their apartments.
15 I found our officers.

16 Officer Kelly, who testified earlier, he
17 was covered in soot. And I asked him, you know, was
18 everybody out, was everybody okay. And he said, "We
19 had to get some people out of the apartments. But
20 everybody is out."

21 I said, "Is that everybody from every
22 residence?" And he said, "As far as I know." And I
23 could tell it started on the second-floor apartment.
24 It was where the most damage was coming out. I
25 said, "Was the resident there? Is she here?" And

Ken Watson - Direct

194

1 Officer Kelly said they had not seen her anywhere.

2 Q Okay. Was the fire department already
3 there when you got there?

4 A The fire department was there, and they
5 had actually done their initial suppression or
6 knock-down where they started knocking the fire
7 down. There wasn't as much fire when I arrived as I
8 could see when I was coming in. But there was still
9 heavy smoke when I got to the area.

10 Q Okay, all right. And you said that when
11 you got there, you could observe that most of the
12 damage was to the second -- we're talking about this
13 apartment we talked about earlier, which is
14 identified as --

15 A Second floor, right-hand side.

16 Q -- 1H -- forgive me.

17 A B6.

18 Q Exhibit 1H.

19 A Yes, sir.

20 Q Apartment B6?

21 A Yes, sir.

22 Q We've identified that as being Jessica
23 Moore's apartment, is that correct?

24 A Yes, sir.

25 Q Okay, all right. Now, did you enter the

Ken Watson - Direct

195

1 apartment at any time on that evening or on that
2 morning?

3 A When I originally arrived, I did not. I
4 did shortly thereafter, within -- as soon as the
5 fire department had it safe for us to start an
6 investigation, we did enter the apartment.

7 Q Okay, all right. And did you at any time
8 while you were on scene see the defendant on site?

9 A I did, and this was within probably about
10 two, maybe two and a half hours into the entire
11 scene. I had already been to Sumter and came back
12 in order to secure a search warrant to start the
13 investigation. And I was upstairs, and I heard a
14 commotion downstairs.

15 Q Would that be the commotion that Ms.
16 Magazine has already testified to?

17 A Yes, sir.

18 Q Okay.

19 A When I ran downstairs, I could hear the
20 voices. I could hear the flailing around basically.
21 I heard the word "bitch," and I heard what sounded
22 like skin contact. And when I got downstairs, one
23 of the officers had Ms. Moore and was handcuffing
24 her in the rear of the building.

25 Q Okay, all right. What kind of

Ken Watson - Direct

196

1 investigation did you participate in to try to get
2 an idea of how this fire got started and where it
3 got started?

4 A We did a cause of origin fire
5 investigation.

6 Q Cause of origin?

7 A Cause of origin, and which basically that
8 was a two-prong investigation. You find the origin
9 of the fire, where it started from. And then at
10 that point, you do what you can to determine what
11 the cause of the fire was.

12 Q Okay, let's talk about the origin. What,
13 if anything, did y'all do to try to determine the
14 origin of the fire?

15 A Well, basically, you know, there's a
16 methodology we use. And you'll start out by
17 photographing --

18 Q Let me back up. Forgive me, Sgt. Watson
19 for interrupting.

20 A Yes, sir.

21 Q You also used to work in a fire prevention
22 or fire suppression capacity, is that right?

23 A Yes, sir.

24 Q Could you give a little bit of background
25 in that area?

Ken Watson - Direct

197

1 A I started in the fire service when I was
2 16 years old in my hometown in Beaufort County. And
3 I was a volunteer firefighter while there and up
4 until just shortly after my daughter was born, which
5 would have been in about 1998. So I was probably 30
6 years old.

7 I did also for seven years - from 1999 to
8 2006, I worked for the South Carolina Forestry
9 Commission, and I was a fire investigator for them.
10 For the majority of that period of time, I was in
11 suppression and investigation. And I did that all
12 around the state pretty much on a daily basis with
13 wild land fire.

14 Q Okay. So you were about to tell me about
15 the origin investigation that y'all did.

16 A The origin, normally you'll actually look
17 at the fire, look at your walls, look at your
18 floors, look at whatever you have there, what's left
19 in the area. And you almost bring it back into a
20 cone from, you know, widespread black marks, soot,
21 light damage, into the heavier damage area.

22 And in this particular case, we got into
23 it in that bedroom where the floor was just burned
24 out. We could see into the bottom apartment. And,
25 you know, that's going to be your origin where the

Ken Watson - Direct

198

1 majority of the damage is at. That's where the fire
2 sat longest, and it's where it consumed more
3 materials and burned its way out from there.

4 Q Now, I'm going to show you, Sgt. Watson --
5 and if this is not the right one, you tell me and
6 I'll get another one for you. This is Exhibit 1F.
7 Does that show where you're referring to, or would
8 it be one of the other photographs?

9 A This is.

10 Q Okay.

11 A Because in this photo, you can see -- you
12 can actually see through into the bottom apartment.

13 Q Give me a second --

14 A Yes, sir.

15 Q -- so I can get it on the screen, if you
16 would. I apologize. I want to make sure it's the
17 same one.

18 I apologize, Your Honor.

19 THE COURT: Okay.

20 MR. SCOTT: All right, very good.

21 Q Why don't you come up here and show the
22 jury what you're referring to?

23 A This is basically the picture was taken
24 from the door of the bedroom where we couldn't go
25 any further because the floor was burned out. And

Ken Watson - Direct

199

1 there's a window we saw on the front of the picture
2 earlier. This is the window here.

3 It's at the corner. The wall meets here,
4 and it comes back. And this is where the majority
5 of the damage was on the scene, was this area right
6 down here. These are the rafters, the floor joists,
7 separating the two apartments. This would be the
8 bottom apartment's ceiling.

9 And, of course, this would be the top
10 apartment's floor. And it actually burned through
11 where you could see into the above apartment. And
12 right here, you can see where you have some beds and
13 some springs from a mattress.

14 Q And so based on what y'all observed --
15 what you observed -- you determined that the source
16 or origin of the fire was somewhere in this area?

17 A Yes, sir.

18 Q Okay. And in the area of the bed?

19 A Yes, sir, around the bed, around the floor
20 area around it.

21 Q Okay. So that's what you did to determine
22 origin. What did y'all do to determine causation of
23 the fire? You can retake your seat, I'm sorry.

24 A We did clear the floor or tried to clear
25 the best we could the floor out so we could try to

Ken Watson - Direct

200

1 determine hit. We brought an arson dog, an
2 accelerant sniffing dog.

3 He can sniff several different chemicals
4 out, the residual from gasoline or oil or something
5 like that. We brought a dog in, but we couldn't get
6 him very far in the apartment because the floor was
7 -- the floor had burned out. So the dog did not
8 alert to anything in the apartment. However --

9 Q Go ahead, please.

10 A Ms. Hudson testified that acetone and
11 alcohol was used to start the fire. And when you
12 burn alcohol or acetone either one, they're such
13 light materials that they actually burn away with
14 little residue. A dog can't smell them. If you
15 take a sample of the floor and send it to a lab, it
16 will not pick it up.

17 Q Now, in terms of any electrical shortage
18 or any sort of malfunction based on an outlet or
19 appliance or anything of that sort causing the fire,
20 did y'all see anything there that caused you to
21 believe that that might have been the source of the
22 fire?

23 A No, sir. Actually, in that photo that I
24 was just showing you, you can see --

25 Q Could you come down and show the jury what

Ken Watson - Direct

201

1 you're referring to?

2 A Yes. You can see right here in this
3 corner, that's an actual electrical outlet. And
4 there's no damage around it. If the fire would have
5 started in the wiring there, it would have to come
6 out of the wall. And the wall is intact.

7 The only thing you have is where the paint
8 and the paper on the sheetrock was burned away. So
9 this could not be. Also, there's no -- if something
10 had been plugged into it and maybe it shorted out,
11 the insulation on the wiring would have burned all
12 of it. Of course, the insulation. But you still
13 would have had copper wire or some sort of tag in
14 the outlet or the energy plug of the receptacle, and
15 it's just not there.

16 Q All right. So based on what you and any
17 others who were involved in the investigation were
18 able to observe at the scene, did you reach any
19 conclusions about whether this was an accidental
20 fire or not?

21 A We did determine that it was an
22 intentionally set fire.

23 Q And so that means it was not caused by an
24 electrical outage -- forgive me, a shortage?

25 A Yes, sir.

Ken Watson - Direct

202

1 Q Okay. After your investigation at the
2 apartment scene, did you continue to investigate
3 with a view toward determining who were the suspects
4 or who were the likely suspects in this case?

5 A Yes, sir, we did.

6 Q Okay. What, if anything, did you do in
7 your efforts to try to get down -- I should say to
8 reach some conclusion as to who started this fire?

9 A We started with Ms. Moore, of course. You
10 know, she rented the apartment, and, you know, we
11 knew that she had --

12 MR. SCOTT: Your Honor, may I approach the
13 witness for a minute?

14 THE COURT: You may.

15 Q Go ahead, please, sir.

16 MR. HASTIE: Objection, Your Honor. He's
17 on the stand --

18 THE COURT: Let me see the attorneys up
19 here for a minute.

20 All right, counsel may proceed as
21 instructed.

22 Q Let's go to the statements that we had
23 already heard some testimony about that took place
24 during Mr. Hastie's cross-examination of Ms. Hudson.
25 Were you involved in the taking of any of those

Ken Watson - Direct

203

1 statements --

2 A Yes, sir.

3 Q -- Sgt. Watson?

4 A Yes, sir.

5 Q What was your involvement in statement
6 number one, which is, I should say, Defense Exhibit
7 Number One? And this is the one that was taken on
8 June 19, 2011.

9 A I was present while it was taken. We
10 actually did it in a parking lot in Florence when we
11 found Ms. Hudson. And basically we asked her what
12 happened that night. We knew she had been with Ms.
13 Moore. Ms. Moore told us she had been with her.

14 And she was basically her alibi witness.
15 But we found Ms. Hudson, and she wrote this
16 statement telling us, you know, they had left the
17 apartment on that night about 11 to 12, went to the
18 club.

19 They left the club about 4:30 or 5:00,
20 went to Florence. They got a motel room. And, you
21 know, from there when she woke up, Jessica was gone.
22 And she didn't know where she had gone to.

23 Q All right. Now, the statement that was
24 taken the following day, which is Defense Exhibit
25 Two, did you -- were you present or have any

Ken Watson - Direct

204

1 involvement in obtaining that statement?

2 A Yes, sir, I was. Let me look at it
3 briefly. This is when we were back in Florence,
4 because we went to her house this time. And this
5 one, actually Agent Roosevelt, wrote this statement.

6 And we were trying to get a little more in
7 depth, you know, because basically what she told us
8 was "All right, we went here. We went here. We did
9 this, and then we're done." At this point, she told
10 me she went to a convenience store, and they went
11 and got some food. They went to the post office.

12 Q All right, sir. Now, I'll go ahead and
13 show you what's been marked Defense Exhibit Three
14 and Defense Exhibit Four and just ask if you had any
15 involvement in this. The testimony is that you were
16 involved -- I know you were involved in Defense
17 Exhibit Four being produced. Were you involved in
18 Defense Exhibit Three being obtained?

19 A Yes, I was present when this statement was
20 given, and she wrote it for Agent Roosevelt. Again,
21 which is -- because it's on a SLED document. And
22 she wrote the statement. And when I got back to the
23 police department, Chief Ewing told me, "You know
24 that I want you writing the statements. Whether
25 it's typed up or handwritten, you write down what

Ken Watson - Direct

205

1 they tell you."

2 And he was kind of upset I let Roosevelt -
3 - let her write the statement rather than myself --
4 writing it myself and having her sign it. And that
5 was just Chief Ewing's policy from all the years
6 that he worked for Sheriff Lott in Richland County.
7 When he came here, we picked up a lot of their
8 policies.

9 Q All right. Now, when you talked to Ms.
10 Moore, did she admit her involvement in the crime?

11 A No, sir.

12 Q Okay. Now, based on the information you
13 obtained from her and based on the additional
14 information you got from Ms. Hudson, you made an
15 arrest in this case, is that correct?

16 A Yes, sir.

17 Q Okay. And you made the decision to charge
18 Ms. Moore with arson. What led you to decide to
19 choose to charge her with arson?

20 A The statements that we received from
21 witnesses and Ms. Hudson saying that Ms. Moore told
22 her, "I burned the apartment. I started the fire."

23 Q Now, the statements that you said you
24 obtained from witnesses, which witnesses are you
25 specifically referring to?

Ken Watson - Direct

206

1 A The statement from Ms. Johnnie Magazine,
2 who saw Ms. Moore leaving the scene of the fire, and
3 also the statement from Ms. Ada Hopkins stating that
4 she did see Ms. Moore's car there at the apartments
5 when she got there at 3:30 in the morning.

6 Q And did Ms. Hudson talk with you about why
7 she did not initially admit her or Ms. Moore's, I
8 should say, involvement in this crime?

9 A She did. She indicated to me that she was
10 in fear of Ms. Moore and her brother, who she was
11 dating. She was in a bad relationship.

12 Q Did your investigation, Sgt. Watson,
13 result in you determining that anyone else was in
14 Ms. Moore's apartment around the time of the
15 inception of this fire on June 19?

16 A No, sir.

17 Q As a result of your investigation, have
18 you talked to any witnesses who saw anyone else
19 enter or leave that apartment around the time of the
20 inception of this fire?

21 A No, sir.

22 Q Do you have any evidence at all that you
23 can share with the jury that would cause you to
24 believe that someone other than Ms. Moore set this
25 fire?

Ken Watson - Direct

207

1 A No, sir, none at all.

2 Q All right. Please answer any questions
3 that Mr. Hastie may have.

4 THE COURT: Mr. Hastie.

5 MR. HASTIE: Thank you, Your Honor.

6 CROSS-EXAMINATION

7 BY MR. HASTIE:

8 Q How are you doing?

9 A Good.

10 Q You really had me worried when I saw that
11 there was a lieutenant and a sergeant. I've been in
12 the army 20 years, and I've never seen anyone have
13 both of those ranks at the same time. But now I
14 think I've got it straight. So you worked for
15 departments?

16 A Yes, sir. I left the city and came to
17 work for the Sheriff's Office.

18 Q You left as a lieutenant?

19 A Yes, sir.

20 Q And now you're a sergeant for the
21 Sheriff's Office?

22 A Yes, sir. Sometimes you have to take a
23 step down.

24 Q Do they pay sergeants more money than they
25 pay lieutenants?

Ken Watson - Cross

208

1 A It's a retirement thing basically.

2 Q I understand.

3 A I'm getting old.

4 Q All right, let's see here. You were just
5 coming on duty, you said?

6 A Yes, sir.

7 Q You said you were called by the dispatcher
8 about 5:32?

9 A Yes, sir, according to the incident
10 report, it was dispatched at 5:32.

11 Q Okay. And anybody, a blind man, could see
12 it started from the second floor. Flames were
13 coming out of the second floor. That's not a
14 question.

15 A Yes, sir.

16 Q You mentioned a search warrant. That's
17 just normal procedure, you have to have a search
18 warrant? If there's a fire, you have to get a
19 search warrant?

20 A Yes, sir. It's another person's
21 residence.

22 Q Even if it's on fire?

23 A Even though it's on fire, yes, sir.

24 Q During the investigation, do you have the
25 start time of the fire?

Ken Watson - Cross

209

1 A No, sir.

2 Q You're not sure what time the fire
3 started?

4 A No, sir.

5 Q Now, you said you've been in some fire
6 service since you were 16 years old?

7 A Yes, sir.

8 Q Now, have you had any special training in
9 determining where a fire starts? In Sumter, we have
10 these four officers with special training in fires.

11 A Yes, sir, I am certified --

12 Q You're certified?

13 A -- by the South Carolina Fire Academy and
14 the South Carolina Criminal Justice Academy as a
15 fire investigator.

16 Q As a fire investigator?

17 A Yes, sir.

18 Q So you have certification for that?

19 A Yes, sir.

20 Q Okay.

21 A And I am a certified wild land
22 investigator also.

23 Q Wildlife?

24 A Wild land.

25 Q Wild land?

Ken Watson - Cross

210

1 A Yes.

2 Q Like a forest fire?

3 A Yes, sir.

4 Q And y'all had an arson dog?

5 A Yes, sir. It's an ACF dog, a sniffing
6 dog.

7 Q But the dog couldn't determine anything
8 about what chemicals? This arson dog, that's his
9 job?

10 A Right. His job is if he smells any
11 residual fuel or oil, he will alert to it. There
12 are several different chemicals they can smell.

13 Q Okay. And you concluded that it had to be
14 the alcohol and this acetone stuff because you can't
15 smell that?

16 A No, sir, I didn't conclude that.

17 Q That was your --

18 A That's what was testified to, and it does
19 make sense. I was merely stating the fact that a
20 dog could not smell alcohol nor acetone after it
21 burns.

22 Q But you're not sure whether that was the
23 cause or not, are you -- the alcohol and the
24 acetone? Someone testified to that.

25 A Right. Somebody testified to that they

Ken Watson - Cross

211

1 poured alcohol and acetone in the apartment, that
2 Ms. Hudson and Ms. Moore poured alcohol and acetone

3 --

4 Q And that's the only --

5 A -- which would explain why the dog did not
6 smell anything.

7 Q And that's the only evidence that you have
8 is what was testified to by Ms. Hudson?

9 A We have evidence -- we have a statement
10 saying Ms. Moore was leaving the apartment right
11 before the fire started. We have --

12 Q Did that have anything to do with the
13 acetone and smelling what --

14 A No.

15 Q There was a question about the smell.
16 That's all we're talking about now.

17 A Okay.

18 Q Now, since you're a firearm, you're
19 familiar with this report?

20 A No, sir.

21 Q You don't know what this report is?

22 A No. And they started with those long
23 after I retired from the fire service.

24 Q Okay. Who is "they"?

25 A The dispatch center. That's where that

Ken Watson - Cross

212

1 came from.

2 Q This came from the dispatch center?

3 A The dispatch center.

4 Q But you've seen these before, right, these
5 type reports?

6 A Is that the actual dispatch report or the
7 fire report?

8 Q You tell me. You're the expert.

9 MR. SCOTT: May I see what you're showing
10 him, please?

11 MR. HASTIE: Sure.

12 A Okay, this is the actual fire report.

13 Q From that night?

14 A Well, it's -- it was taken 6/19.

15 Q That's from 6/19.

16 A I believe it is, sir.

17 Q And who normally puts these reports
18 together?

19 A That is a fire report. That comes from
20 the fire department. That has nothing to do with
21 us. If you'll look at the top, it should say Lee
22 County Fire, and it's also got -- look on it on the
23 right-hand side.

24 Q This is from the actual fire department?

25 A Yes, sir.

Ken Watson - Cross

213

1 Q But that night, you testified that you
2 were a trained fire person. But you weren't acting
3 as a fireman?

4 A No, sir. I was coming to work. I was
5 going to work the street as a police officer that
6 day.

7 Q So your investigation, with your fire
8 experience was not as a fire person this night, was
9 it?

10 A Yes, it was, because I was coming to work.
11 We were very short-handed.

12 Q Okay.

13 A So my job with the Bishopville Police
14 Department at that time was the lieutenant over
15 training and investigations. My job, I was the only
16 fire investigator with the department at that time.
17 Even though I was coming to work, I was dispatched
18 in an investigative capacity because there was a
19 fire that needed investigating.

20 Q You were charged with two hats that night,
21 fireman and police officer?

22 A When you're in law enforcement, there's
23 always three or four hats going on.

24 Q But you do admit that you have already
25 said this is the fire that is in this report, is

Ken Watson - Cross

214

1 that correct?

2 A Yes, sir.

3 Q Now, we have area of origin. And what
4 does that say?

5 A Undetermined. They didn't do a fire
6 investigation, I guess.

7 Q Okay. Right?

8 A Uh-huh.

9 Q Under heat source, what do they have on
10 here?

11 A Undetermined.

12 Q Undetermined. What do they have?

13 A Undetermined.

14 Q Let me ask you this. Factors contributing
15 to ignition, what do they have?

16 A That's checked none.

17 Q None. This is a report by the fire
18 people, the Lee County fire folks, right? They're
19 trained as well as you are, aren't they? These are
20 fire people.

21 A Some of them.

22 Q Some of them, okay. But this night, you
23 were on duty as a police officer?

24 A Yes, sir.

25 Q You were coming to work as a police

Ken Watson - Cross

215

1 officer, not a fireman, is that right?

2 A I'm not a fireman. I stopped being a
3 fireman in about '98.

4 Q So you haven't been a real fireman since
5 '98, right -- a fireman?

6 A No, I'm a fire investigator.

7 Q Do you have any training since '98?

8 A Yes, sir.

9 Q A fire investigator?

10 A In investigations, yes, sir.

11 Q For fires?

12 A For fires.

13 Q Okay. Now, you heard the testimony of
14 Shakiyla?

15 A Yes, sir.

16 Q And the first statement was that you or
17 someone interviewed her in the parking lot in
18 Florence?

19 A Yes, sir.

20 Q Why did you all do that, because you all
21 didn't want to bring her back to the police station
22 or something? Is that normal that you just
23 interview folks in a parking lot?

24 A We were 30, 35 miles away from the police
25 department, and this was an opportunity to talk to

Ken Watson - Cross

216

1 her. It was kind of tough finding her. We were
2 working on very vague directions, and we actually
3 got over in that neighborhood and looked out and
4 found somebody who said, "Oh, yes, she lives right
5 down there."

6 Q Gave directions from who?

7 A From Ms. Moore.

8 Q Ms. Moore. But the next day, you went to
9 her house in Florence?

10 A Yes, sir.

11 Q And you conducted statement number two.
12 Was Agent --

13 A We went to her house that first day, but
14 she wasn't there. And then all of a sudden,
15 somebody there at the house walked up with a cell
16 phone and says, "This is Shakiyla on the phone."
17 And she told us where she was, so we went to her
18 rather than losing contact with her.

19 Q Y'all went to her in the parking lot,
20 right?

21 A Yes, sir.

22 Q Okay. Now, you weren't involved in all --
23 even though the Solicitor wanted to talk about it
24 there are three statements, but there are actually
25 four statements. One was just a retype, I guess.

Ken Watson - Cross

217

1 A Yes, sir. I talked about that just a
2 second ago.

3 Q Yes, sir. Now, the first statement she
4 made, was that written by her?

5 A Let me make sure. Yes, sir, she wrote
6 that one.

7 Q The policy where you work is the chief
8 don't like for people to write their own statements
9 in their own words?

10 A Yes, sir.

11 Q And they want you all to rewrite their
12 statement -- that's the policy?

13 A They want it typed up. He wanted it typed
14 up in this form, this statement form that he brought
15 with him from Richland County.

16 Q Why didn't you type that first one up?

17 A I didn't have a computer out there. And
18 we knew we were going to talk to her again. She
19 wasn't telling us everything.

20 Q But you didn't type the second one up?

21 A She basically expanded on this one, but
22 she still wasn't telling us everything.

23 Q But the policy is the chief would prefer -
24

25 A Yes, sir.

1 Q -- you guys to retype someone's
2 handwritten statement?

3 A Well, it's either typed or we hand-write
4 it. And this one, Agent Roosevelt hand-wrote
5 himself.

6 Q Now, Agent Roosevelt, does he work for you
7 guys?

8 A No, sir, he works for SLED.

9 Q For SLED, right. So the chief can't tell
10 him what to do, right?

11 A No, sir.

12 Q Unless something has changed since I've
13 been around.

14 A And that did actually save me.

15 Q All right, so he's SLED.

16 A I mean, I've got to keep my boss happy
17 too.

18 Q Okay. So you retyped that final
19 statement?

20 A Yes, sir.

21 Q Do you know -- did you see who set the
22 fire?

23 A No, sir, I didn't. But all my evidence
24 indicates that Ms. Jessica Moore started the fire.

25 Q And all your evidence -- a lot of your

Ken Watson - Cross

219

1 evidence came from Ms. Hudson?

2 A Yes, sir.

3 Q A lot of it, right. Okay, thank you. I
4 have nothing further.

5 THE COURT: Any redirect?

6 MR. SCOTT: Your Honor, very briefly.

7 REDIRECT EXAMINATION

8 BY MR. SCOTT:

9 Q Sgt. Watson, the actual investigation of
10 this fire was not really participated in by the Lee
11 County Sheriff's Department -- forgive me, Fire
12 Department, was it?

13 A No, sir.

14 Q And so these questions that Mr. Hastie
15 asked you during cross about undetermined --

16 A Yes, sir. And I was trying to expand on
17 that when he stopped. But, yes, the fire department
18 suppressed the fire. If they feel it's suspicious,
19 they call the law enforcement agency within that
20 jurisdiction, which happened to be the City of
21 Bishopville.

22 And I was called. And they do have people
23 who can do cause and origin of fires, but they can't
24 build a case and charge. So your law enforcement
25 agency has to do that. That's why they didn't

Ken Watson - Redirect

220

1 actually get involved in this fire other than
2 extinguishing the fire and calling us in to handle
3 it from there.

4 Q All right, thank you, sir. That's all.

5 THE COURT: Any recross, Mr. Hastie?

6 MR. HASTIE: Yes, sir.

7 RECROSS EXAMINATION

8 BY MR. HASTIE:

9 Q So are you telling me that the fire people
10 called the police folks to do fire investigations?

11 A Yes, sir.

12 Q They aren't trained in fire investigation?

13 A Yes, they are. They are trained to do
14 fire -- cause of fire, cause and origin
15 investigations. They are trained to do that.

16 Q Right.

17 A Some of them. We have a few here in the
18 county that are trained.

19 Q All right.

20 A But they cannot -- they do not have the
21 authority to charge somebody in a fire. So you have
22 to have a law enforcement agency to charge.

23 Q No, we aren't talking about charging.

24 We're talking about do they have the authority, the
25 experience to --

Ken Watson - Recross

221

1 A If they feel like a fire is --

2 THE COURT: Hold it. Let him ask his
3 question, and then you may answer.

4 MR. WATSON: Yes, sir.

5 Q Let me finish the question. Are you
6 saying that the fire department do not have trained
7 people to do their own fire investigation -- not
8 police investigation -- to determine the origin of
9 fires?

10 A Yes, sir, they do.

11 Q They do, right?

12 A Uh-huh.

13 Q And in this report that they submitted,
14 they said origin what?

15 A That is a fire report. It is not a fire
16 investigation. That's the actual -- that report is
17 done in every fire they go to.

18 Q Okay.

19 A When they feel like there's a suspicious
20 circumstance to the fire, they will call the law
21 enforcement agency that is in that jurisdiction.

22 Q But I'm just trying to get to again, the
23 fire report for this particular incident by the fire
24 people --

25 A Uh-huh.

1 Q -- said the area of origin is
2 undetermined, is that correct?

3 MR. SCOTT: He's asked that several times.

4 THE COURT: I'll give him a little leeway.

5 A They suppressed the fire. And by the time
6 they got the fire suppressed, I was already standing
7 there. And it was turned over to the police
8 department.

9 Q So you're saying that the fire report
10 submitted by the fire people is incorrect?

11 A No, sir. That's the fire report they did.

12 Q Right.

13 A That's what -- if they don't do an
14 investigation, cause and origin investigation, they
15 have to be undetermined because they don't know. I
16 did the cause and origin and moved on from there.

17 Q Okay, thank you.

18 Your Honor, I would like to have this
19 report marked as a defense exhibit.

20 THE COURT: Any objection?

21 MR. SCOTT: Yes, sir.

22 THE COURT: What's your objection?

23 MR. SCOTT: It's already been testified to
24 that Sgt. Watson didn't prepare the report, that the
25 report was prepared by someone in the fire

Ken Watson - Recross

223

1 department. That person is not here to testify.

2 THE COURT: You're saying it's hearsay?

3 MR. SCOTT: Sir?

4 THE COURT: It's hearsay?

5 MR. SCOTT: Yes, sir, that's actually the
6 objection.

7 THE COURT: Sustained.

8 MR. HASTIE: Thank you, Your Honor.

9 THE COURT: You may step down.

10 MR. WATSON: Thank you, sir.

11 THE COURT: Mr. Scott?

12 MR. SCOTT: Your Honor, the State rests.

13 THE COURT: All right, ladies and
14 gentlemen, I'm going to send you back to the jury
15 room for just a few minutes while we take up a few
16 matters of law, and then we'll bring you back out
17 here. It may be a little longer. Please do not
18 discuss anything about the case while you're out.

19 (Jury out during motions.)

20 THE COURT: All right, are there any
21 motions to be made from the defense?

22 MR. HASTIE: Yes, Your Honor, thank you.

23 I would like to make a motion for directed verdict.

24 The charge of third-degree arson says that they must
25 prove that this fire was a willful act on behalf of

Ken Watson - Recross

224

1 my client. And the testimony I believe is far from
2 that.

3 One of their primary witnesses, Ms.
4 Hudson, you heard how she had four sworn statements,
5 all of which she says did not tell the complete
6 truth. I certainly don't think that they've met
7 their burden, Your Honor, at this time for this
8 charge to go forward. On behalf of my client, I
9 make a motion for a directed verdict.

10 THE COURT: Thank you.

11 Mr. Scott?

12 MR. SCOTT: Your Honor, thank you. May it
13 please the Court. Judge, we know that the standard
14 is that the evidence is to be viewed in a light most
15 favorable to the non-moving party. In this instance
16 that's the State.

17 We have testimony from Ms. Magazine to the
18 effect that when Ms. Hudson came home late that
19 morning or revisited the apartment late that
20 morning, she heard things being tossed out, thrown
21 on the floor. She smelled smoke. She saw Ms.
22 Hudson run down the stairs carrying a basket, jumps
23 into her car, and sped away.

24 We also have testimony, Judge, that nobody
25 else was seen going in or out of this apartment

Ken Watson - Recross

225

1 during that time. Furthermore, we have testimony
2 from Ms. Hudson that she and Ms. Moore spread
3 accelerants throughout the apartment.

4 We also have testimony to the effect that
5 Ms. Hudson accompanied Ms. Moore to Wal-Mart where
6 Ms. Moore, acknowledging her intention, made a list
7 of things so she could give this list to the
8 insurance company to bolster her fire claim. Your
9 Honor, I think that, given the standard, that the
10 Court is required to adhere to ruling on such a
11 motion.

12 I think clearly we have enough information
13 in this case to present this case to the jury. And
14 I would ask that the motion be denied.

15 THE COURT: All right, thank you.

16 At this stage of the trial, it's more the
17 existence of evidence and not the weight of the
18 evidence, whether the jury determines that it's
19 going to believe Ms. Hudson or not whether she and
20 Ms. Moore spread accelerant around.

21 And certainly the spreading of accelerant
22 in and of itself would be indication of willfulness.
23 But, again, whether or not the jury decides to
24 believe that is a different matter. But there's
25 certainly sufficient evidence to survive a motion

Ken Watson - Recross

226

1 for directed verdict. And therefore I respectfully
2 deny your motion, Mr. Hastie.

3 MR. HASTIE: Thank you, Your Honor.

4 THE COURT: Now, for a timing situation,
5 do you all want me to bring the jury out and break
6 for the day? Or do you want me to go ahead and
7 question your client now and finish up the testimony
8 in this case -- whether or not you're going to rest,
9 I don't know -- and then just bring the jury back
10 for final arguments tomorrow?

11 MR. HASTIE: I would like to break for
12 today, Your Honor, and give me a chance to talk to
13 my client. And we can start fresh in the morning.

14 THE COURT: All right. Well, let her know
15 that I will question her. I tell you what, let me
16 go ahead and question her under oath concerning her
17 testifying. That way she can confer with you as to
18 whether she wants to testify. I'll ask her the
19 alternate question tomorrow morning.

20 MR. HASTIE: Yes, sir.

21 THE COURT: So if you can bring her up and
22 have her placed under oath for this limited purpose
23 only.

24 (The witness was sworn.)

25 THE COURT: She doesn't need to sit there.

Ken Watson - Recross

227

1 She can just stand up there. I would prefer her to
2 stand at the microphone.

3 MR. HASTIE: I'm sorry, Your Honor.

4 THE COURT: All right, you are Ms. Moore,
5 is that correct --

6 MS. MOORE: Correct.

7 THE COURT: -- the defendant in this case?
8 You would be Jessica Brockett Moore. Ms. Moore, at
9 this time I'm going to explain to you certain of
10 your rights. If you do not understand anything that
11 I say, please let me. If you want me to explain in
12 greater detail, please let me know. You understand?

13 MS. MOORE: Yes, sir.

14 THE COURT: All right. Now, Ms. Moore, we
15 have reached the stage of the trial where you may
16 present your defense. You have a right to claim the
17 protections given to you by the Fifth Amendment of
18 the Constitution of the United States.

19 And this amendment states in part that no
20 person shall be compelled in any criminal case to be
21 a witness against himself. Now, this means that
22 you cannot be required to testify in this case.

23 You have the right to testify on your own
24 behalf. However, no one can make you testify. This
25 is a personal right, and no one may waive it except

Ken Watson - Recross

228

1 for you.

2 If you decide to testify, you will be
3 subject to the same rules that govern other
4 witnesses, and you may be examined and cross-
5 examined on any relevant issues in this case.

6 In addition, if you have any convictions
7 involving dishonesty or false statement or for
8 crimes punishable by imprisonment of more than one
9 year and this Court determines that the probative
10 value of admitting this evidence outweighs the
11 prejudicial effect on you, the Solicitor will be
12 able to introduce your record to attack your
13 credibility.

14 Mr. Scott, does the State have any
15 information concerning any prior criminal acts that
16 it would intend to bring up should she testify?

17 MR. SCOTT: Your Honor, I had law
18 enforcement do a criminal records check this
19 morning. And based on my review, Judge, I didn't
20 see anything on there. But I'll pass it up to you.

21 THE COURT: All right. So the State is
22 making the assertion that they have no criminal
23 record to present?

24 MR. SCOTT: Yes, sir.

25 THE COURT: All right.

Ken Watson - Recross

229

1 Now, if you decide to testify, the
2 decision on your part must be freely, voluntarily,
3 and intelligently made with the knowledge of the
4 protections given to you by the Fifth Amendment and
5 the consequences of your decision to testify.

6 If you decide not to testify, I will
7 instruct the jurors that they cannot give the fact
8 that you did not testify any consideration
9 whatsoever, and there is to be absolutely no
10 prejudice to you because you did not testify.

11 It's left entirely up to you whether or
12 not to testify. You may talk to your attorney, your
13 family, your friends, or anyone else. But the final
14 decision will be left entirely up to you. Do you
15 understand what I have explained to you?

16 MS. MOORE: Yes, sir.

17 THE COURT: Do you have any questions
18 about what I have explained to you?

19 MS. MOORE: No, sir.

20 THE COURT: All right. What we're going
21 to do is I'll break now. You can talk with Mr.
22 Hastie and anyone else you want to. But when we
23 start the trial tomorrow morning, before the defense
24 decides to put up its case, I will get your ultimate
25 answer.

1 MS. MOORE: Okay.

2 THE COURT: All right, thank you.

3 MR. HASTIE: Thank you, Judge.

4 THE COURT: All right, let's bring the
5 jury back in and let me dismiss them for the
6 afternoon.

7 (Jury in at 4:56 p.m.)

8 THE COURT: Is 10:00 good for everybody in
9 the morning?

10 MR. SCOTT: Yes, sir.

11 MR. HASTIE: Yes, sir.

12 THE COURT: All right, ladies and
13 gentlemen, this is a perfect place for us to break
14 for the day. I'm going to dismiss you for the
15 afternoon with the instructions that you, of course,
16 not to speak to anyone. If there's anything in the
17 newspapers, please do not read anything about it.

18 I'll instruct you all to be back here a
19 little bit before ten so we may commence the
20 testimony or finish the trial. All right, thank
21 you, ladies and gentlemen. Have a nice evening.

22 (Jury out at 4:59 p.m.)

23 THE COURT: All right, is there anything
24 else we need to take up this afternoon?

25 MR. SCOTT: Not from the State, Your

Ken Watson - Recross

231

1 Honor.

2 THE COURT: Mr. Hastie?

3 MR. HASTIE: Nothing, Your Honor.

4 THE COURT: All right, very well. Court
5 is adjourned until 10:00 tomorrow morning.

6 MR. SCOTT: Thank you.

7 MR. HASTIE: Yes, sir.

8 - End of Day -

1 Thursday, August 9, 2012

2 (The defendant, together
3 with counsel, was personally present in the
4 courtroom.)

5 THE COURT: The State has rested, yet the
6 State has discovered that it has one more witness.
7 Is that correct, Mr. Scott?

8 MR. SCOTT: Yes, sir, that is correct.

9 THE COURT: And who would that witness be?

10 MR. SCOTT: Your Honor, that witness is
11 Mr. Kendrick Darnell Franklin. He's listed as
12 witness number seven on the State's witness list. I
13 had a discussion with Mr. Franklin this morning and
14 asked him why he didn't show up earlier.

15 And he indicated he thought I wasn't going
16 to need him. He said he called in and spoke to the
17 administrative assistant in our office, and she told
18 him the trial was in progress. So he didn't come up
19 here.

20 I tried to call him Tuesday night, didn't
21 reach him, and assumed he -- my assumption was that
22 he wasn't going to come, Your Honor. But he is here
23 this morning, and I would ask the Court to allow us
24 to reopen and call Mr. Franklin as a witness.

25 THE COURT: All right, Mr. Hastie?

Ken Watson - Recross

233

1 MR. HASTIE: Thank you, Your Honor. Your
2 Honor, of course, I'm opposed to this maneuver. He
3 addressed it yesterday.

4 I'm very much concerned, Your Honor, that
5 he had gone out last night, found the guy after he
6 rested, probably trying to fill some holes that were
7 not filled yesterday by all of this in this
8 courtroom. And to come here and try to bring in a
9 guy to try to bolster the testimony we heard
10 yesterday, which would was not enough to convict my
11 client, I am just concerned.

12 THE COURT: Tell me how the defense is
13 prejudiced by this.

14 MR. HASTIE: What? There are some holes
15 in this whole story that makes no sense. There are
16 some holes.

17 THE COURT: I don't know care about what
18 he does. How are you and your client prejudiced in
19 any way by his opening up and calling another
20 witness?

21 MR. HASTIE: I'm prejudiced because he's
22 closed and you allow him to come back in. That's
23 how I'm prejudiced.

24 THE COURT: There's no prejudice. Okay, I
25 respectfully disagree with your position. I find

Ken Watson - Recross

234

1 that there is no prejudice to the defense, and I
2 will allow the State to open to call another
3 witness.

4 MR. HASTIE: Thank you.

5 THE COURT: Do we have all of our jurors
6 here?

7 BAILIFF: Yes, sir.

8 THE COURT: Have you all had an
9 opportunity to look at the --

10 MR. SCOTT: I have not, Judge. I can go
11 ahead and look at this.

12 THE COURT: Okay, you all can use this
13 time to look at it while we wait for our final
14 juror, the charge. This is the draft of the charge.

15 MR. HASTIE: Well, he e-mailed it to me.
16 Of course, I don't have my computer. Do you want to
17 attach a copy?

18 THE COURT: Send it to Ms. King, and she
19 will make a hard copy for you to review. Well, I
20 guess we don't know what all the testimony is. But
21 at this point, do you have any proposed charges?

22 MR. HASTIE: No, sir.

23 THE COURT: Okay. Do you all have any
24 objection to me placing the alternate as a primary
25 juror and letting this juror be the alternate?

Ken Watson - Recross

235

1 MR. SCOTT: I have no objection.

2 THE COURT: Any objection, Mr. Hastie?

3 MR. HASTIE: Yes, sir. I'd prefer to wait
4 till the juror comes in. Do we know how long it
5 will take her to get here?

6 THE COURT: We don't know. That's why we
7 have an alternate. So we will put the alternate on.
8 When he comes, he won't be able to be the alternate
9 because he won't hear all the testimony.

10 MR. HASTIE: Let the record reflect that I
11 object to using the alternate.

12 THE COURT: Yes, Mr. Hastie objects, and
13 the record reflects that. The juror is not here.
14 We will proceed with the alternate. Okay, he's
15 here. He arrived.

16 (Jury in at 9:34 a.m.)

17 THE COURT: Good morning, ladies and
18 gentlemen. I hope you had a nice evening's rest.
19 Yesterday when we ended, we thought the State had
20 rested. The State has one more witness, so we will
21 have one more witness from the State and then we
22 will continue on.

23 You may call your next witness.

24 MR. SCOTT: Your Honor, thank you. At
25 this time, Your Honor, the State would call Kendrick

Ken Watson - Recross

236

1 Darnell Franklin.

2 (The witness was sworn.)

3 CLERK OF COURT: State your full name for
4 the record.

5 MR. FRANKLIN: Kendrick Franklin.

6 KENDRICK DARNELL FRANKLIN, having first
7 been duly sworn, testified as follows:

8 DIRECT EXAMINATION

9 BY MR. SCOTT:

10 Q Mr. Franklin, do you know the defendant in
11 this case, Ms. Jessica Moore?

12 A Yes.

13 Q You have to speak up. This lady here is
14 taking down everything you say, and the jury has to
15 hear you, okay?

16 A Yes.

17 Q All right. And how long have you known
18 her?

19 A I mean, we went to school together. But,
20 you know, after school, you know, I, you know, met
21 back up with her again for like maybe three, four
22 months, maybe five.

23 Q So y'all met when you were in high school?

24 A Well, I know her in high school.

25 Q Knew her in high school?

Kendall Franklin - Direct

237

1 A Uh-huh.

2 Q Okay, all right. And you said you met
3 back up. You had a relationship with her?

4 A A real good friendship.

5 Q Okay, real good friendship, all right.
6 You're not related to her by marriage or blood?
7 You're not kinfolk, you're not a relative, related
8 to her, are you?

9 A No, sir.

10 Q Okay, all right. And was there a time
11 when you actually spent some time living at the
12 apartment that Ms. Moore lived in at Ashley Park
13 Apartments?

14 A Yes.

15 Q Okay. Do you remember about what time
16 period that was?

17 A All I know, it was last summer. I don't
18 know when.

19 Q It was in 2011?

20 A Yes, sir.

21 Q Summer of 2011?

22 A Yes, sir.

23 Q All right, sir. And how long -- about how
24 long did you stay there?

25 A I mean, it wasn't no just staying. It was

Kendall Franklin - Direct

238

1 like off and on.

2 Q Off and on?

3 A You know, about three days there, two days
4 off, stuff like that.

5 Q Keep your voice up, okay, because the last
6 person all the way back in that box has to hear you,
7 okay?

8 A Okay.

9 Q And you can come close to the mike if you
10 need to, all right. And how did you end up staying
11 at her place?

12 A I mean, we just started talking, and, you
13 know, I just started, you know, just being over
14 there.

15 Q Okay, all right. You were never -- so you
16 didn't move in. You just stayed there off and on,
17 is that what you're saying?

18 A Yes, sir.

19 Q Okay, all right. Now, during the time
20 that you were staying with Ms. Moore, did you ever
21 hear her say anything about any intention of burning
22 the apartment?

23 A I mean, not just really just saying it.
24 But you know how people when they get mad, because
25 she got into an argument with another tenant in the

Kendall Franklin - Direct

239

1 apartments. And, you know, whenever you get mad,
2 you say things like that. And she just said, you
3 know, "I should burn the apartment down." But, you
4 know, she was just saying that out of anger.

5 Q Okay.

6 A You know, I mean, a lot of people say
7 things like that, but, you know, they don't do it.

8 Q Uh-huh. Do you remember making a
9 statement, Mr. Franklin, to the Bishopville Police
10 Department on the 4th of August of last year?

11 A I don't remember, but, you know, I
12 probably have.

13 Q Okay. Let me do this for you, sir. I'm
14 going to show you what's been marked State's Exhibit
15 Number Nine for identification, and I'm going to ask
16 you to take a look at that statement, and read it,
17 and tell me if you recognize that statement.

18 A Yes, sir.

19 Q Okay. Is that the statement you gave to
20 the police on August 4, 2011?

21 A Yes, sir.

22 Q Okay. Now, what I want you to do is look
23 at the signature. Is that your signature?

24 A Yes, sir.

25 Q All right. And before you signed this

Kendall Franklin - Direct

240

1 statement, did you read it?

2 A No, sir.

3 Q You didn't read it?

4 A No, sir.

5 Q Why did you sign it, then?

6 A I mean, it was really all out of anger at
7 the time.

8 Q Out of anger?

9 A Yes, sir.

10 Q Okay. Now, in this statement which you
11 signed and you say you didn't read, was it read to
12 you?

13 A Yes, sir.

14 Q Who read it to you?

15 A Another officer. I don't know who it was.

16 Q Okay. So the officer actually read the
17 statement to you, and then you signed it?

18 A Yes, sir.

19 Q Okay. When you signed the statement, were
20 you saying that the information that's in this
21 statement is true?

22 A Yes, sir.

23 Q Okay. Now, in this statement --- I'm going
24 to let you look at this, but I'm going to read to
25 you what is in the statement that you signed on

Kendall Franklin - Direct

241

1 August 4th that you gave the police, the Bishopville
2 Police Department.

3 It says, "Jessica Moore and Shakiyla
4 Hudson had been talking about burning Jessica's
5 Apartment B6, Ashley Park Apartments, for about a
6 month because Jessica was having problems with her
7 neighbor, Johnnie Magazine, downstairs below her
8 apartment." Is that in this statement?

9 A Yes, sir.

10 Q Okay. And was it in the statement when
11 you signed it?

12 A Yes, sir.

13 Q "I heard both Jessica and Shakiyla talking
14 about burning the apartment. They decided they
15 would try to make it look like someone broke in and
16 then would start a fire and burn the place down."
17 Was that in the statement when you signed it?

18 A Yes, sir.

19 Q Was that in the statement when it was read
20 to you by the police?

21 A Yes, sir.

22 Q And you go on to say that "Jessica told me
23 that she took Shakiyla and parked on a street over
24 from the apartment complex and sent Shakiyla to the
25 apartment to set the fire. After they set the fire,

Kendall Franklin - Direct

242

1 Jessica said they went to a club." Was that in this
2 statement?

3 A Yes, sir.

4 Q And was that read to you --

5 A Yes, sir.

6 Q -- when you signed it?

7 A Yes, sir.

8 Q Okay. So when you gave this statement to
9 the police back on August 4, 2011, that was about a
10 little less than two months after the fire. Was
11 what you said in this statement true?

12 A I mean, I could say I heard that, but I
13 can't say whether it's true or not.

14 Q Okay. Did you understand my question? My
15 question was, when you told the police what you said
16 in this statement, were you telling them what you
17 had heard?

18 A Yes, sir.

19 Q Okay. So when you told them that Jessica
20 told you that she parked across the street and sent
21 Shakiyla to burn the apartment down, that's what you
22 heard her say?

23 A Yes, sir.

24 Q When you told the police that you heard
25 Jessica Moore and Shakiyla Hudson talking about

Kendall Franklin - Direct

243

1 burning the apartment and making it look like
2 somebody broke in, that's what you heard her say?

3 A Yes, sir.

4 Q Okay.

5 Judge, that's all I have for this witness.

6 THE COURT: Mr. Hastie, any cross-
7 examination?

8 MR. HASTIE: Just two things, Your Honor.

9 CROSS-EXAMINATION

10 BY MR. HASTIE:

11 Q How are you doing?

12 A All right.

13 Q You also said that people say things and
14 don't really mean it. What do you mean by that?

15 A I mean I have heard a lot of people say
16 they'll do this and they'll do that and then don't
17 do it.

18 Q Okay.

19 A You know, I mean saying it all out of
20 anger.

21 Q Okay, saying things out of anger?

22 A Yes, sir.

23 Q And you've heard a lot of people say a lot
24 of things?

25 A Yes, sir.

1 Q And they still don't do it, right?

2 A Yes, sir.

3 Q You said that you really didn't read your
4 statement before you signed it?

5 A I mean, I didn't even write the statement.

6 Q You didn't even write the statement?

7 A No, sir.

8 Q Who wrote the statement?

9 A Another officer.

10 Q Do you see the officer that wrote the
11 statement in this courtroom?

12 A I can't remember. Might have been --

13 Q Might be Mr. Watson over there?

14 A Yes, sir.

15 Q He wrote this statement for you?

16 A Yes, sir.

17 Q And you were telling him a story, and he
18 was trying to put it down in writing?

19 A Yes, sir.

20 Q And you just signed it. He read it to
21 you, and you just signed it, right?

22 A Yes, sir.

23 Q Do you know for sure who set that
24 apartment on fire that night?

25 A I was incarcerated.

Kendall Franklin - Cross

245

1 Q You were incarcerated?

2 A Yes, sir.

3 Q So you were in jail?

4 A Yes, sir.

5 Q So you have no idea --

6 A No, sir.

7 Q -- what happened, do you?

8 A No, sir.

9 Q Not at all?

10 A Huh-uh.

11 MR. HASTIE: Your Honor, I have no further
12 questions.

13 THE COURT: Any redirect?

14 MR. SCOTT: Just briefly, Your Honor.

15 REDIRECT EXAMINATION

16 BY MR. SCOTT:

17 Q Mr. Franklin --

18 A Yes, sir.

19 Q -- how far did you go in school, sir?

20 A Graduated.

21 Q You graduated high school?

22 A Yes, sir.

23 Q You can read?

24 A Yes, sir.

25 Q You can write, right?

1 A Yes, sir.

2 Q And this statement says, "This is to
3 certify that I have read or had read to me the
4 foregoing statement, and a true copy has been given
5 to me this 4th day of August, 2011." So this says
6 the statement was read to you, and a copy was given
7 to you, okay.

8 A I never got a copy of it.

9 Q Okay.

10 A It been read to me, but I never got a
11 copy.

12 Q Okay, it was read to you. Now, when it
13 was read to you, did you say -- now, you say Lt.
14 Watson, now Sgt. Watson, he typed the statement for
15 you?

16 A Yes, sir.

17 Q Did you say, "Wait a minute, now. I
18 didn't say that"? Did you say that about anything
19 that's in this statement?

20 A No.

21 Q Did you tell him when he read the
22 statement to you, "Now, wait a minute. I didn't say
23 that Jessica and Shakiyla had been talking about

Kendall Franklin - Redirect

247

1 burning Jessica's Apartment B6 at Ashley Park"? Did
2 you tell him that after he read the statement to
3 you?

4 A I mean, I can't remember.

5 Q Well, you signed it with this in here,
6 didn't you?

7 A I mean, I don't know. I can't remember.

8 Q Well, my question to you is, you signed it
9 with this in here, right?

10 A Yes, sir.

11 Q And after the statement was read to you,
12 did you say, "I did not say that Jessica told me
13 that she drove and parked across the street and sent
14 Shakiyla in to burn the apartment"? Did you tell
15 him you didn't tell him that?

16 A No, sir.

17 Q Okay. But you had a chance to correct it,
18 didn't you?

19 A Yes, sir.

20 Q But did you tell him anything that I just
21 read to you that's in your statement wasn't true at
22 the time?

23 A I mean, everything that's in there is

1 true.

2 Q Okay. So it was true?

3 A I mean, not that.

4 Q What you told him was true at the time, is
5 what you're saying?

6 A Yes, about what happened, yes.

7 Q Okay. So when you said that "I heard
8 Jessica and Shakiyla talking about burning the
9 apartment," that was true, you heard them say that?

10 A Yes, sir.

11 Q You heard Ms. Moore talking about burning
12 her apartment --

13 A Yes, sir.

14 Q -- when you say that "Jessica told me that
15 she parked across the street and sent Shakiyla to
16 burn the place," she told you that?

17 A Yes, sir.

18 Q Okay. And that was true what you told
19 them. What you said to Sgt. Watson was what she
20 told you?

21 A Yes, sir.

22 Q Okay. Now, I understand you can't look in
23 a person's mind and decide what they're saying is

Kendall Franklin - Redirect

249

1 true or not. But that's what you heard her tell
2 you?

3 A Yes, sir.

4 Q And you say that sometimes people will say
5 things and not do anything, right?

6 A Yes, sir.

7 Q And that's true.

8 A Yes, sir.

9 Q But you know that the apartment did end up
10 getting burned, right?

11 A Yes, sir.

12 Q Okay, all right. Thank you.

13 THE COURT: Any recross?

14 MR. HASTIE: No, Your Honor.

15 THE COURT: All right, thank you. You may
16 step down.

17 Any other witnesses?

18 MR. SCOTT: Your Honor, we have no other
19 witnesses. It was pointed out to me, Judge, this
20 morning that I neglected to move for the admission
21 of one of my exhibits. That was the statement of
22 Ms. Magazine that was State's Exhibit Number Nine
23 for identification, which I would like to move for

1 admission at this time.

2 THE COURT: Mr. Hastie?

3 MR. HASTIE: Without objection, Your
4 Honor.

5 THE COURT: Without objection.

6 MR. SCOTT: Thank you, Your Honor.

7 THE COURT: And nine would be admitted
8 into evidence.

9 (State's Exhibit Number Nine, Statement of
10 Ms. Magazine, was entered in evidence.)

11 MR. SCOTT: The State now rests.

12 THE COURT: All right, ladies and
13 gentlemen, let me send you to the jury room for just
14 a few minutes while we take up a few matters of law.
15 Thank you. Please do not discuss anything about the
16 case.

17 (The jury left the courtroom at 10:53
18 a.m.)

19 THE COURT: All right, Mr. Hastie, would
20 you like to renew your motion or make another
21 motion?

22 MR. HASTIE: Yes, Your Honor, I would like
23 to renew my motion for a directed verdict at this
24 time that I made yesterday.

25 THE COURT: All right, thank you. I

1 respectfully deny it. Have you had an opportunity
2 to speak to your client, Ms. Moore?

3 MR. HASTIE: Yes, sir, I have.

4 THE COURT: Ms. Moore, would you please
5 stand?

6 (The defendant complied.)

7 Yesterday we went through a series of
8 questions concerning your testifying. Have you had
9 an opportunity to speak to your attorney about this?

10 MS. MOORE: Yes, sir.

11 THE COURT: Okay. Are you going to
12 testify?

13 MS. MOORE: No, sir.

14 THE COURT: All right, very well, thank
15 you.

16 All right, that will take care of all the
17 evidence in the case. So are you all ready to go

1 into closing arguments? Have you all had an
2 opportunity to review the charge?

3 MR. HASTIE: Yes, sir.

4 THE COURT: Any objections?

5 MR. SCOTT: None from the State, Your
6 Honor.

7 THE COURT: Any objection?

8 MR. HASTIE: None from the defense.

9 THE COURT: All right, let's bring the
10 jury in, and we'll argue and charge.

11 MR. SCOTT: Your Honor, I will waive
12 opening.

13 THE COURT: All right, yes.

14 And since you've put in evidence, you
15 don't get final closing.

16 MR. HASTIE: Yes, sir.

17 (The jury returned to the courtroom at
18 10:56 a.m.)

19 THE COURT: All right, ladies and
20 gentlemen, all of the testimony that you are going
21 to hear in this trial has now been heard by you. We
22 are the stage of the trial where the attorneys will
23 give you their closing arguments. Then I will
24 charge you on the law and send you back to the jury
25 room to begin your deliberations.

1 Is the State ready to proceed? I
2 understand you're waiving.

3 MR. SCOTT: We waive opening, Your Honor.

4 THE COURT: Mr. Hastie --

5 MR. HASTIE: Yes, sir.

6 THE COURT: -- are you ready to proceed?

7 MR. HASTIE: Yes, sir.

8 THE COURT: Yes, sir, all right.

9 MR. HASTIE: Thank you, Your Honor.

10 THE COURT: Yes, sir.

11 CLOSING ARGUMENT

12 BY MR. HASTIE

13 MR. HASTIE: Good morning, ladies and
14 gentlemen. We're at the end finally of this trial.
15 And I want to thank you for your service again. I
16 mentioned yesterday that I think, other than the
17 military service, jury duty is probably the next in

Closing Argument by Mr. Hastie

254

1 line, because jury duty is just so important.

2 I don't want you all to feel that you have
3 to -- you heard a lot of stuff here yesterday and
4 some this morning -- that you have to pick a side.

5 It's not about Mr. Scott or myself. Even though we
6 are adversaries in this courtroom, we are really
7 good friends and probably will have lunch together.

8 So this is not about picking sides. You
9 have to decide, where does justice lie in what
10 you've heard? Where does justice lie in what you've
11 heard? I started yesterday about a theme. It's
12 very difficult to try to determine what the theme
13 should be.

14 And my theme yesterday I said was jumping
15 to conclusions. And that's why I think if a proper
16 investigation was done by the police department that
17 there might have been a different outcome. But it
18 wasn't.

19 The fact of the matter is there was a fire
20 at Ashley Apartments. Who set the fire? I have not
21 evidence in here yesterday as to who actually set
22 that fire. I think the real victim here is not only
23 just the people that lived in that apartment complex
24 there in B but also Ms. Moore.

25 Ms. Moore has been on my case about

Closing Argument by Mr. Hastie

255

1 getting her into court. She probably didn't have
2 the money to bond out. She said, "I just want to
3 get to court, Mr. Hastie, because I didn't do this."

4 I said, "Okay, we're going to try to get
5 you in court." Now, it's 12 months later she
6 finally is in court. But let me tell you a little
7 bit about Jessica Moore. Ms. Moore has a son,
8 six years old, autistic.

9 MR. MOORE: Your Honor --

10 THE COURT: Objection sustained.

11 MR. HASTIE: Okay. Let me tell you a
12 little bit about the presumption of innocence that
13 you all have to consider. Remember yesterday I said
14 the law, the constitution, requires that we are
15 presumed innocent until proven guilty.

16 And I mentioned to you that this
17 presumption of innocence is like a robe of
18 righteousness that we all wear. And it's not the
19 sacred duty just to put on the robe, like I said,
20 and present some facts on some things.

21 The burden on the State is way up here,
22 not down here. This isn't a civil trial -- the
23 judge is going to talk to you about that -- where
24 maybe, maybe not. In a criminal court, beyond a
25 reasonable doubt. That's what you've got to take a

1 look at when you go back in the room with all the
2 evidence that was presented.

3 I also talked to you all about you must
4 look at the credibility of the witnesses that you
5 saw, to include this young man who just came in
6 today -- the credibility of the witnesses who you
7 saw yesterday. And let's just start with some of
8 them, Ms. Magazine.

9 You know, she admitted on the stand, I
10 said, "Well, you know, in your report, you didn't
11 say nothing about these baskets that you saw her
12 bringing two baskets downstairs and putting them in
13 her car."

14 "Well, no, I didn't mention that." But
15 here it is one year later on the stand, and her mind
16 got a little clearer. But the day this happened,
17 she couldn't remember. Her times, her time-lines.
18 Think about some of the time-lines that you heard
19 about her time-lines.

20 She said, "I heard her leave around 1:00
21 or 1:30. Then around 4:30, I heard this noise going
22 on upstairs." And remember Ms. Hudson's testimony
23 about her time when they left. And you heard Ms.
24 Magazine talk about she told who was walking on the
25 floor by how they walk.

Closing Argument by Mr. Hastie

257

1 "I know it was her, because I can tell.
2 There's something in me. I can tell who it is by
3 how they walk on the floor. Everybody has a
4 different way of walking." So she's 100 percent
5 sure it was Jessica in that apartment.

6 Let's talk about her demeanor. When she
7 was on that stand and I was cross-examining her, her
8 demeanor was tough, defiant, "I can't remember,"
9 "Everybody can't remember everything during the
10 fire." And then when she was shown this picture of
11 her -- of the fire, she started all this crying, and
12 we had to stop.

13 But the night of the fire, what was she
14 doing? The night of the fire, she was fighting, her
15 apartment burning down. She was out there fighting
16 Ms. Moore. She was throwing punches like John
17 Foreman. But yesterday she implied that she was
18 just a sensitive person.

19 I don't think she's the type of person
20 you'd want to meet in the alley that night. Then
21 she said that she could see the fire. Here in bed,
22 she could see the fire out of the upstairs window.
23 Looking out this way, she could see this fire.
24 Credibility of witnesses.

25 Then she talked about she smelled some

1 smoke, thought it was the air conditioner. You'll
2 have the statements to kind of take a closer look in
3 the jury. She made some statement that "I made some
4 coffee and washed my face and then went back to
5 bed."

6 I don't know nobody who thinks that
7 something's on fire that could go back to bed, but
8 she did. The next witness, Ada Hopkins, came in,
9 and she said, "Well, I came in there about 3:30, and
10 I had to go to work." I think she left at 5:05.

11 And she said Ms. Moore's car was still in
12 the parking lot. But Ms. Magazine testified that
13 she saw her leaving before that like a bat out of
14 you know what. Look at these time-lines and see do
15 they fit, just see do they fit.

16 Jennifer Miller, the site manager, she
17 said, "I'm just a site manager. I don't live there.
18 I wasn't there." Then when I asked her, "How long
19 has Ms. Moore been living there?" "Five years."

20 "Have you all had any problems with Ms.
21 Moore in the five years she's been living there?"
22 "No." We started having problems when? When Ms.
23 Magazine moved into the B complex. She has been not
24 written up, nothing, not been given a termination
25 notice before.

Closing Argument by Mr. Hastie

259

1 And what was this incident that you all
2 sent her this termination notice about an incident
3 that happened? Well, I think Ms. Magazine shed some
4 of the light on that when she said about accused her
5 of cutting her tires. So she has been a fine tenant
6 for five years, no problem with paying her rent on
7 time, no problem with anything, no complaints, not a
8 single complaint until Ms. Magazine moved into B.

9 Now, the insurance guy, Allen, now, I
10 thought he was very interesting because he came into
11 court that day and talked about the investigation.
12 "Are you the lead investigator?" "Oh, no, no, I'm
13 not the main guy. Somebody else started this, and
14 I'm just -- I got put on it about a year ago."

15 "Is there a final report?" "No, there's
16 not a final report because investigation is ongoing.
17 But I have concluded" -- he has -- "that the fire
18 was not accidental." Okay, so the investigation is
19 still ongoing.

20 "Well, where is your report?" "Well, I
21 have a report with pictures and all that stuff,
22 about nine or ten pages." "Where is it?" "I didn't
23 bring it." "You knew you were coming to court. You
24 didn't bring in the report. But you have concluded
25 -- you admitted the investigation is still ongoing,

1 and you have concluded that it was not accidental?"

2 Officer Kelly was next. Officer Kelly --

3 "Well, it was about -- when I got the call, it was

4 about 5:45." "Officer Kelly, do you have any idea

5 who set this fire?" "Absolutely not. I don't know

6 who set the fire. I'm a police officer."

7 "Do you know the cause of the fire?" "No,

8 I don't know the cause of the fire. But I do know

9 one thing. I went around and knocked on everybody's

10 door because some people were still sleeping." Who

11 testified that they had already knocked on

12 everybody's door early that morning? Ms. Magazine,

13 she knocked on everybody's door already.

14 Now, Shakiyla Hudson, that's one of the

15 most amazing testimonies that I have seen since I've

16 been practicing law, because you've got a young lady

17 that got on that stand yesterday and had four sworn

18 statements -- four. And she admitted that on all

19 four, "I wasn't telling the truth."

20 "Is this the truth?" "Well, no." "How

21 about number two?" "Well, no, that's not the proper

22 truth either." "How about number three?" "No,

23 that's not the truth."

24 Then I said, "Well, I'm afraid to ask you

25 about number four." Surely, I thought she would

Closing Argument by Mr. Hastie

261

1 have said number four had to be the final truth.

2 But what did she say? "Well, no, I didn't say that.

3 Even though it was typed for me," she said, "I

4 didn't say that in my statement."

5 But one of the most interesting things she

6 said during this whole time that's a thing that

7 really kind of shook me for a moment, when she was

8 asked by the Solicitor, "Well, are you telling the

9 truth now?" and she said, "Oh, yes, I'm telling the

10 truth now because when I put my hand on the Bible,

11 I'm going to tell the truth because I'm a very" --

12 what kind of person did she say she was? -- "I'm a

13 very religious person."

14 Well, if she's very religious, that

15 frightens me. "I'm a very religious person." After

16 a year of her knowing about what's going on here,

17 she says she decided last Thursday to meet with the

18 Solicitor and tell this new truth that she wanted to

19 share.

20 Now, she admitted that she is being

21 charged with this being an accomplice. So she has

22 yet to stand trial for anything. But she said, "We

23 left around 11:30, 12," and you'll have her

24 statement as well, "going to the club." Then she

25 testified about 5:30.

Closing Argument by Mr. Hastie

262

1 They were at Hardee's in Florence getting
2 some food, she and her cousin -- two cousins, her,
3 and Jessica. Then she told this story about she was
4 going to Jessica's where they spread this fingernail
5 polish and alcohol, and how they purchased these
6 items.

7 All this convenient story I think served
8 as a gap filler because there have been some gaps in
9 this whole case. And Mr. Ken Watson, who came up
10 and pretty much concluded that he was -- he is a
11 police officer. But I know he's been doing fire
12 work since he's been 16 years old.

13 But when I asked how -- because he had all
14 these prior conclusions. But when I asked him,
15 "Well, wait a minute now. In this particular fire,
16 were you acting as a police officer or a fireman? I
17 know you can wear two hats sometimes."

18 "I'm a police officer." "Did the fire
19 people ask you to make any type of conclusion for
20 the fire as the start of the fire in this case?"
21 "No. But I believe that the fire started over
22 here." It wasn't electrical, by his expertise.

23 Someone else you didn't hear, just like
24 this young man who came in today, on their witness
25 list was a fireman. They didn't call the firearm

Closing Argument by Mr. Hastie

263

1 and have him testify. There's a fireman on their
2 list. He didn't come in and tell us about it.
3 They're fire people who it is their job to determine
4 the cause of a fire.

5 But they didn't call him. They had an
6 arson dog involved. The arson dog couldn't
7 determine, you know, what accelerants were used or
8 anything like that. But Watson could determine what
9 caused it. He said this alcohol stuff sounds
10 logical to him that Shakiyla talked about.

11 And I'm just, you know, "So that's how you
12 got your report for this fire was it was
13 intentionally set." Then I asked him, "Let's look
14 at the real fire report." There is a report.
15 "Let's look at the real fire report." We read it
16 into evidence.

17 "What does the fire report say about the
18 origin of the fire, Mr. Watson?" He said, "The
19 report says undetermined." "What does the fire
20 report say about the heat source, the cause?" "It
21 says undetermined."

22 "What does the fire report say about it?
23 How did it first get started, a match whatever?"
24 The fire report that he read into your record says
25 undetermined. The factors contributing to the

Closing Argument by Mr. Hastie

264

1 ignition of the fire, any factors you all have
2 discovered, the fire people said undetermined. He
3 read that into the record.

4 Then this morning the State reopened again
5 and brought one more witness up here. And you all
6 heard the young man, Kendrick. He said, "People say
7 things all the time that they don't do, and I hear
8 it all the time." He said it.

9 "Well, what about this statement? Did you
10 read it?" "No, I didn't." "Did you sign it?"
11 "Yes, I signed it." "Can you say whether or not
12 this is true or not?" "Can't say." "Do you know,
13 then, who set the fire that night?" "There's no way
14 I can know because I was in" what? He was in jail.
15 See, he had no idea, only what he said he heard.

16 It is your job to decide this case. You
17 guys are the protector of all rights from
18 accusations like this. Someone can accuse us of
19 stuff. But thank God we've got the constitution of
20 this country and this state that says you must prove
21 it.

22 You aren't guilty, and then let's prove
23 ourselves. We are innocent, and this burden is on
24 the State to prove to you beyond a reasonable doubt
25 all of it. I just believe that you have not been

Closing Argument by Mr. Hastie

265

1 convinced beyond a reasonable doubt that Ms. Moore
2 set this fire, was involved in this fire. I simply
3 ask that you weigh the evidence, weigh the evidence
4 in this case.

5 Sometimes juries like to just go with
6 what's in their heart and not what's been seen,
7 what's in their head. Some people in cases like
8 this, they love to say -- you've heard something
9 similar. They love to say where there's smoke,
10 there's fire.

11 That's good for civil cases. For criminal
12 cases, that doesn't work. The criminal law requires
13 more than that. You heard at the beginning of the
14 State's case about if it walks like a duck, it
15 quacks like a duck, it swims like a duck, it must be
16 a duck.

17 That's not criminal law. That's just not
18 criminal law. I tried to add up these time-lines
19 last night, all of these different numbers that we
20 heard about who left what time, two plus two, and
21 the times never fit. The times never fit.

22 And on behalf of Ms. Moore, I just hope
23 that after you weigh everything very carefully.
24 Then you will render a verdict of not guilty. Thank
25 you.

Closing Argument by Mr. Hastie

266

1 THE COURT: Thank you, Mr. Hastie.

2 Mr. Scott for the State.

3 MR. SCOTT: Your Honor, thank you.

4 CLOSING ARGUMENT

5 BY MR. HASTIE

6 Ladies and gentlemen, I'm going to try to
7 be as brief as I can. Mr. Hastie said there is an
8 old cliché that goes where there's smoke, there's
9 fire. And I don't know if he realized it or not,
10 but that's exactly what we have in this case.

11 The smoke that existed in this case came
12 from the fire that Jessica Moore set to the Ashley
13 Park Apartments Building B on June 19th last year.
14 Earlier when we got started the other day, Mr.
15 Hastie said that he believes that the State was
16 jumping to conclusions about what happened in this
17 case.

18 I hope that you can see after hearing all
19 of the evidence that it's not a case where the State
20 has jumped to conclusions. But it's a case where
21 the State has been led to the right conclusion down
22 the path paved by the evidence against Jessica
23 Moore.

24 Mr. Hastie is absolutely right when he
25 said we all benefit from -- some people refer to it

Closing Argument by Mr. Hastie

267

1 as a robe of innocence. The presumption of
2 innocence is a robe or cloak that protects us. And
3 that's a very valuable right that we have in
4 America. That's absolutely correct.

5 Everybody benefits from that. Everybody
6 benefits from that robe of innocence, including
7 Jessica Moore. But what you have to understand is
8 that that robe can be stripped away from her if the
9 evidence shows that you're no longer entitled to
10 benefit from that robe of innocence.

11 And I would submit to you that that robe
12 has been stripped away from Jessica Moore by the
13 evidence presented in this case. Now, you know, it
14 would be a very -- if the presumption of innocence
15 were an irrebuttable presumption -- and irrebuttable
16 means you're presumed innocent, and that's all there
17 is it to; the State can never prosecute you -- no
18 one would ever be brought to justice.

19 The presumption of innocence is a
20 rebuttable presumption. What does that mean? That
21 means if the evidence shows that the presumption --
22 I should say the person has in fact committed the
23 offense beyond a reasonable doubt -- and I'll talk
24 about that in a minute -- then that presumption of
25 innocence has been rebutted.

Closing Argument by Mr. Hastie

268

1 You're presumed innocent, true. That's a
2 presumption which can be rebutted if the evidence
3 shows that you're no longer entitled to benefit from
4 that presumption. Jessica Moore is no longer
5 entitled to benefit from that presumption.

6 Now, let's go back to June 19, 2011 -- the
7 night of Saturday, June 18, to be specific, in 2011.
8 What do we know happened on that night or during the
9 early morning hours? Well, we know there was a fire
10 at Ashley Park Apartments, and we know that there
11 was a fire that burned a storage building.

12 And we know that because we have evidence
13 in the form of photographs and testimony. There's
14 no dispute that there was a fire at that apartment.
15 There is no dispute that the fire started in Unit
16 B6, which was Ms. Moore's apartment. There is no
17 dispute about that. There's no disputing that.

18 There is no dispute that Ms. Moore was a
19 tenant and that she had received -- she was given a
20 lease termination notice three days earlier by the
21 manager of Ashley Park Apartments. That's
22 undisputed. That is undisputed.

23 There is no dispute that Jessica Moore had
24 a fire insurance policy on that apartment. Those
25 things are not in dispute. They're not in dispute.

Closing Argument by Mr. Hastie

269

1 They are not in dispute.

2 You may recall earlier when I made my
3 opening remarks to you, I indicated this case was
4 about three things. It was about a fire. There's
5 no question about that. The fire has been
6 established. It was about a total lack of regard,
7 total lack of concern, for the safety and well-being
8 of lives and the property of others.

9 Isn't it clear now why that statement was
10 made that there was a total lack of concern?
11 Doesn't it take a person who has absolutely no
12 concern for others to set a place on fire, knowing
13 people are asleep?

14 Well, the argument goes, "Well, the State
15 hasn't proved that Jessica Moore set this fire,
16 because nobody saw her do it. Nobody saw Jessica
17 Moore strike a match and set that apartment on
18 fire." That's absolutely right. Nobody saw her do
19 that. Nobody saw her strike a match.

20 But there is much more about this case
21 that Mr. Hastie did not acknowledge to you in his
22 closing remarks. For instance, if you're sitting
23 inside here, and you know that there is no giant
24 outside waving a big hose around, spraying the
25 sidewalks and the streets, and you walk outside and

Closing Argument by Mr. Hastie

270

1 you see that the ground is sweet, now, you didn't
2 see it rain.

3 Let's say you were asleep, as a matter of
4 fact. You were asleep. You didn't see it rain.
5 You walk outside. What are you going to conclude --
6 that there was a giant who suddenly appeared and
7 sprayed the ground or that it rained?

8 What's the logical conclusion to draw from
9 that scenario? The logical conclusion is "It must
10 have rained while I was asleep." Now, what's the
11 logical conclusion to draw in this case?

12 Well, we have testimony, and I'll talk
13 about Ms. Magazine's testimony a minute. We have
14 testimony from Ms. Magazine that around 4:30 or so
15 in the morning of Sunday, a lot of noise upstairs,
16 Jessica Moore's apartment, woke her up.

17 It appeared like she was throwing things
18 around. Saw her run downstairs a couple of times
19 and take things to her car. The second time, she
20 sped out of the parking lot. Her car was parked in
21 front of the stairway. She could see it from the
22 window, her bedroom window.

23 No testimony that nobody else is seen in
24 that apartment around that time of that early
25 morning, none at all. There's absolutely no

Closing Argument by Mr. Hastie

271

1 indication anybody else was in that apartment. Now,
2 there has been some attempt to imply that Ms.
3 Magazine had a key to Jessica Moore's apartment.
4 That's unbelievable. That's without merit. That's
5 not even worthy.

6 What else do we have? Ada Mae Hopkins
7 went to Charlotte that night, came back home at 3:30
8 in the morning. She had to go to work at 5:00.
9 What did she say? "I saw Jessica Moore's car in the
10 parking lot when I got back." She didn't say she
11 saw her when she left to go to work at 5:05. She
12 said she saw it when she came home from Charlotte at
13 3:30 in the morning.

14 Now, Ms. Moore was the only one observed
15 leaving that apartment around the time the fire
16 started. There's been an attempt to make you think
17 that well, if Ms. Magazine really thought there was
18 a fire going on, why would she drink some coffee and
19 go back to sleep?

20 Well, remember her testimony. Think about
21 it. She said that she thought it was her air
22 conditioning unit. So she unplugged it, and she
23 went back to sleep. And she continued to smell the
24 smoke. She got up, okay. That was the testimony.

25 Now, so the fact that she went back to

Closing Argument by Mr. Hastie

272

1 sleep, that's not so unusual if you think you
2 discovered the source of the smell. You go back to
3 sleep. You wake up again because the smell was
4 still there.

5 What's so unusual about lying in bed and
6 looking out your window and seeing a blaze? Well,
7 we know from the pictures that the place was
8 destroyed. There had to be a big blaze. Sgt.
9 Watson, then Lt. Watson, testified on his way into
10 work six miles away -- six miles away -- he saw the
11 blaze.

12 So is it so hard to believe that somebody
13 downstairs in the bedroom underneath the apartment
14 can see the blaze from that person's window? Of
15 course, you're going to see it. Of course, you're
16 going to see it.

17 Now, Mr. Hastie said that Ms. Magazine
18 cried when I showed her the picture because she was
19 tough and mad when he was questioning her. I would
20 disagree with that characterization. And he said
21 that she was fighting out there that night when the
22 fire started.

23 Well, y'all heard the testimony. Y'all
24 heard her start to cry. The defendant started to
25 cry. She came up to Ms. Magazine and started

Closing Argument by Mr. Hastie

273

1 hitting her. That's who started the fire -- or I
2 should say that's who attacked Ms. Magazine. So she
3 wasn't out there fighting. She was out there
4 concerned, as the other tenants were, about what had
5 happened to their apartment and their belongings.

6 Now, is it so hard to believe -- fires are
7 horrendously horrifying things. Is it so hard to
8 believe that a person is shown a photograph of a
9 tragic event in their life that scared them to
10 death, that that's going to bring back memories, and
11 they're going to be flushed with emotion? What's so
12 hard to believe about that?

13 There's nothing hard. That's a typical
14 and natural human reaction. That is a human
15 emotional reaction. There's nothing unusual about
16 that, nothing. Now, the testimony of Ms. Miller was
17 brought to you just to establish -- presented to you
18 just to establish that Ms. Moore had an apartment
19 there, she had a lease, but she got terminated.

20 The testimony from Ms. Miller did not say
21 that all the problems started when Ms. Magazine
22 moved in, okay. That wasn't the testimony. Y'all
23 recall there was a termination notice presented to
24 not Ms. Magazine but to Jessica Moore.

25 I would submit to you if Ms. Magazine was

1 the problem and not Ms. Moore, wouldn't the notice
2 have gone to Ms. Magazine, or wouldn't the notice at
3 least have gone to both of them? But it didn't. So
4 the fact that the notice of termination was given to
5 the defendant indicates that the defendant was the
6 cause of the problem, not the other way around.

7 Now, Ms. Hudson testified to you that --
8 and by the way, a few words about Ms. Hudson. She
9 was 19 at the time. She turned 20 six months ago.
10 And it should have been obvious to everybody that
11 this young lady was incredibly naive and incredibly
12 stupid.

13 And I'm not trying to malign her by saying
14 that. I am not trying to malign her. I'm not
15 trying to cast aspersions by saying that. She was
16 incredibly naive and just did some really stupid
17 things. There's no question about it. There's no
18 question about that.

19 And you heard her say -- in fact, she
20 talked about some things on that witness stand, and
21 you may remember I questioned her. I said, "Now,
22 you've said some things that kind of paint a really"
23 -- I didn't say ugly picture. But in fact, they do
24 paint kind of an ugly picture about her.

25 You know, dancing at a club that, you

Closing Argument by Mr. Hastie

275

1 know, we wouldn't like to visit perhaps. You know,
2 admitting that she made some statements to the
3 police that weren't true, admitting -- admitting --
4 that she helped Jessica Moore spread accelerants,
5 this alcohol and acetone, the nail polish remover,
6 in the apartment.

7 Well, if you say those kind of things,
8 people aren't going to think too fondly of you.
9 They aren't going to like it. But yet she got on
10 the stand, and she testified to that. Now, if she
11 was lying yesterday, okay, if she was going to lie
12 yesterday, why not make the lie complete? Why not
13 make it complete?

14 Why are you going to get on the stand and
15 say, "Oh, yes, I had something to do with it too"?
16 If she had wanted to lie, why is she going to
17 implicate herself? Make the lie complete, absolve
18 yourself. "Oh, no, I was there, and I saw Ms. Moore
19 was just going through the apartment and was
20 throwing stuff. She was the one doing it, not me."

21 Why are you going to lie to implicate
22 yourself? That doesn't make any sense. Most people
23 don't lie themselves into trouble. They lie
24 themselves out of trouble. So, you know, if nothing
25 else, that lends or adds some credibility to her

1 testimony. You ain't going to lie yourself in
2 trouble. You're going to lie yourself out of
3 trouble.

4 Now, Ms. Hudson testified that they went
5 to the club, and that around three or so, she went
6 into this private dance. And we all know what the
7 private dance was. And she said she was gone an
8 hour or more and was not in the presence of Ms.
9 Moore.

10 And so she doesn't know where Ms. Moore
11 went during that hour. But think back, if you will,
12 about where this club is. It's down on I-15 -- I'm
13 sorry, U.S. 15, and Ashley Park Apartments,
14 according to the testimony, is about 10 minutes
15 away.

16 If she's in this private room with this
17 gentleman for about an hour or so, how long does it
18 take Ms. Moore to get down here? Ten minutes down
19 here, does whatever she does in the apartment. I
20 think Ms. Magazine said she heard the noise about 15
21 or so minutes upstairs.

22 So it's 10 minutes to drive here with 15
23 to do whatever she's going to do upstairs. That's
24 25 minutes and then 10 or so to get back. That's,
25 what? That's about 25 or 30 minutes. It doesn't

Closing Argument by Mr. Hastie

277

1 take long to do what Ms. Moore could have done, what
2 she, in fact, the evidence shows did do while Ms.
3 Hudson was otherwise occupied at the club.

4 I would admit to you that time is kind of
5 -- the times don't jibe because people when they're
6 in a state of excitement, you don't always record or
7 I should say have an accurate perception, if you
8 will, of exactly what time it is, especially late at
9 night when you're dealing with these kinds of
10 traumatic experience.

11 But there is absolutely no doubt no
12 evidence indicates anybody else in that apartment
13 that night or early that Sunday morning but Jessica
14 Moore. There's no evidence anybody else was there.
15 And there is absolutely no evidence that this fire
16 was accidental.

17 Remember when -- now, Mr. Hastie said that
18 Mr. Wyche testified that he drew those conclusions.
19 Well, think back, if you will, to Mr. Wyche's
20 testimony. Didn't you hear him say that State Farm
21 hired somebody to investigate and that that person's
22 conclusions were what he said, x, y, z? It wasn't
23 accidental. It wasn't electrical. It was
24 incendiary. It was determined that somebody set it.

25 That's what he testified to. Think back

Closing Argument by Mr. Hastie

278

1 to Sgt. Watson's testimony about what they
2 determined. It wasn't -- there was no fire source.
3 In fact, remember the picture with the wall side
4 that's showing, the side that was still intact? No
5 indication that fire started in that outlet, none at
6 all.

7 And remember also he said that if in fact
8 there was nothing left, no accelerants left, no
9 evidence of any fuel, for lack of a better
10 description, any liquids used to start the fire, it
11 would make sense that it was alcohol or what's
12 called acetone, this nail polish remover, because
13 those things don't leave any trace when they burn.

14 When you burn those, they don't leave a
15 trace. So if that's in fact what was used, as Ms.
16 Hudson said, it makes sense that they're not going
17 to find any of that stuff. It makes sense.

18 There is no evidence this fire started as
19 a result of any natural occurrences, no natural
20 occurrences. Lightning didn't strike the apartment
21 that night. Nobody testified there was a lightning
22 storm that struck that apartment, went in that
23 window and struck that apartment and caused that
24 fire. No evidence of that at all.

25 Mr. Franklin, who testified this morning,

Closing Argument by Mr. Hastie

279

1 it's obvious he didn't want to testify. That's
2 obvious. He did not. Why is that? Well, he knew
3 Ms. Moore. He knew Ms. Moore. He knew her. It's
4 obvious they had a close relationship. That's
5 understandable.

6 But less than two months after the fire --
7 less than two months after the fire -- he talked to
8 the police, and he tells the police that "I heard
9 Jessica and Shakiyla talking about setting the fire
10 in the apartment."

11 This was not something that was just
12 created in order to fill in any holes in the State's
13 case. He told the police that in August -- in
14 August. Now, obviously, you have to understand
15 again why he was trying to -- I understand. He's
16 trying to save face with the defendant by saying
17 "Well, maybe she didn't mean it. People say things
18 all the time they don't mean," you know.

19 And we understand that, of course. But he
20 also in his statement said, "Ms. Moore told me that
21 she drove and parked across the street and sent
22 Shakiyla in to start the fire." Well, the evidence
23 indicates that really isn't the way it happened.

24 And I would submit to you the evidence
25 indicates or a reasonable conclusion is Ms. Moore

Closing Argument by Mr. Hastie

280

1 told him that because she didn't want to implicate
2 herself in the fire. But let's assume for the sake
3 of argument that what she told him was true.

4 She just admitted to him her involvement
5 in the fire. She's admitted to him her involvement
6 in the fire -- presumption of innocence, robe of
7 innocence stripped away, no longer entitled to wear
8 it, no longer entitled to wear it.

9 Now, the job that each of you have is to
10 decide what are the facts in this case. You
11 remember the judge indicated earlier when he was
12 giving you his initial charge, he said, "Look, I
13 decide the law," and that's right. The judge
14 decides the law, and y'all decide the facts.

15 The judge can't tell you what the facts
16 are. Y'all can't tell the judge what the law is.
17 Use your common sense. We're not jumping to
18 conclusions. But where does the evidence lead you?
19 What conclusion does the evidence lead you to? Did
20 this fire simply spontaneously appear? There's no
21 evidence of it.

22 All the indications are that this fire was
23 started by Jessica Moore. Like I said, there's no
24 eyewitness who was there and saw her strike a match
25 and light it or flick a Bic lighter and set it --

Closing Argument by Mr. Hastie

281

1 and torch it. But all the indicators are that
2 that's -- she's the one who did it. She is the one
3 who did it.

4 Many things happen in life that you just
5 know happened because of the circumstantial
6 evidence. But circumstantial evidence, by the way,
7 is real evidence. Circumstantial evidence is real
8 evidence. Eyewitness testimony is not the only kind
9 of evidence.

10 If that were the case, very few people
11 would be brought to justice. If you take the
12 circumstances and look at the circumstances, and if
13 the inference points you in the direction of "Well,
14 given these circumstances, the only logical
15 conclusion is this must be why it happened," that's
16 exactly what you've got in this case.

17 You've got somebody who -- and by the way,
18 well, arson is a crime of malice. That means the
19 person has done something maliciously and
20 intentionally, willfully. The evidence of malice,
21 intent, willfulness in this case, where do you have
22 that? Well, think about it.

23 "We went through the apartment splashing
24 things on the wall, the floor, and the bed with the
25 intention that the apartment would be burned."

1 Sounds like malice. That is evidence of malice.

2 Ms. Moore goes to the store, to Wal-Mart,
3 writing down expensive items so she can file a claim
4 and get compensated from the fire claim for this
5 fire. That shows intent to do something out of
6 malice in order to benefit from it, okay.

7 Again, Mr. Franklin testified that he told
8 the police less than two months after the fire
9 Jessica told him what she was going to do -- forgive
10 me, Ms. Moore. I don't mean to be too familiar with
11 the defendant. Ms. Moore told him what she was
12 going to do, what they were going to do to the
13 apartment. There's your malice. There is your
14 malice.

15 Now, you know, I know that when a person
16 is talking to people, there's an old saying -- and I
17 may get it wrong -- but the mind can stand only so
18 much as the part we sit on can bear. So I don't
19 want to talk to you all too long and make you
20 uncomfortable.

21 But just use your common sense, folks.
22 This case is not rocket science. This case is about
23 somebody who maliciously and intentionally burned an
24 apartment building, burned an apartment building
25 down, having no regard for the consequences,

Closing Argument by Mr. Hastie

283

1 thinking only about herself -- thinking only about
2 herself, thinking only about herself.

3 Yes, there was smoke because there was a
4 fire set by the defendant, Jessica Moore. When you
5 took an oath, that oath that you took says that you
6 will return a true verdict, a verdict that speaks
7 the truth.

8 The only verdict that will speak the truth
9 in this case is that Jessica Moore started the fire,
10 burned the apartment building at Ashley Park
11 Apartments. And your obligation is to render,
12 return a verdict of guilty. Thank you.

13 THE COURT: Thank you, Mr. Scott.

14 CHARGE OF THE COURT

15 Would the bailiffs please secure the
16 courtroom?

17 All right, ladies and gentlemen, all the
18 testimony and other evidence in this case has been
19 presented to you. Now is the time in the trial
20 where I will charge you the law that is applicable
21 to this case.

22 I remind you, ladies and gentlemen, that
23 during this trial, you and I have certain duties to
24 perform. As the trial judge, it is my
25 responsibility to preside over the trial of this

Charge of the Court

284

1 case, and I also have the duty to rule on the
2 admissibility of evidence that is offered during
3 this trial.

4 You are to consider only the competent
5 evidence before you. If there was any evidence or
6 testimony ordered stricken from the record in this
7 case during this trial, you must disregard that
8 testimony.

9 You are to consider only the testimony
10 which has been presented from this witness stand and
11 any exhibits which have been made a part of the
12 record and any stipulation of counsel. I have the
13 additional duty, ladies and gentlemen, to charge you
14 the law that is applicable to this case.

15 As the presiding judge, I am the sole
16 judge of the law in this case, and it is your duty
17 as jurors to accept and apply the law as I now state
18 it to you. If you already have an idea as to what
19 the law is or what you think the law ought to be and
20 it does not comply with what I tell you the law is,
21 you must abandon that idea, because you are sworn to
22 accept the law and apply the law exactly as I state
23 it to you.

24 In every case tried before this Court, the
25 jury becomes the sole and the exclusive judges of

Charge of the Court

285

1 the facts. And as the trial judge, I cannot
2 intimate, state, comment, or in any way make any
3 statement to a jury about the facts in a case.

4 Since you as the jurors are the sole
5 judges of the facts, you are not to infer from
6 anything that I have said during the progress of
7 this trial and ruling upon the admissibility of
8 evidence or otherwise or anything that I know say
9 during the course of these closing instructions that
10 I have any opinion about the facts in this case.

11 The law does not allow me to have an
12 opinion about the facts in this case. It is a
13 matter solely for you as jurors to determine. As
14 jurors, it is your duty to determine the effect, the
15 value, the weight, and the truth of the evidence
16 that has been presented during this trial.

17 Ladies and gentlemen, the indictment in
18 this case, Indictment Number 2012-GS-31-17 alleges
19 one count against the defendant, Jessica Brockette
20 Moore, arson in the third degree. Count one alleges
21 that Jessica Brockette Moore committed arson in the
22 third degree on or about June 19, 2011.

23 I remind you, ladies and gentlemen, the
24 fact that the defendant was arrested, charged, and
25 indicted is not evidence in this case and cannot be

Charge of the Court

286

1 considered by you as evidence of guilt, nor does it
2 create any presumption or inference of guilt.

3 The indictment is simply the formal
4 written instrument which contains the charge made
5 against the defendant. It is the formal document by
6 which this case is brought into court.

7 Ladies and gentlemen, the defendant has
8 pled not guilty to the indictment, and the plea puts
9 the burden on the State to prove the defendant
10 guilty. A person charged with committing a criminal
11 offense in South Carolina is never required to prove
12 her innocence.

13 I charge you that this is an important
14 rule of law that the defendant in a criminal trial,
15 no matter how serious the charge is, will always be
16 presumed to be innocent of the crime for which the
17 indictment was issued unless guilt has been proven
18 by evidence satisfying you of that guilt beyond a
19 reasonable doubt.

20 The presumption of innocence does not end
21 when you begin your deliberations, but it
22 accompanies the defendant throughout the trial until
23 you reach a verdict of guilt based on evidence that
24 has satisfied you of that guilt beyond a reasonable
25 doubt.

Charge of the Court

287

1 The presumption of innocence is like a
2 robe of righteousness placed about the shoulders of
3 the defendant. It remains with the defendant until
4 it has been stripped from the defendant by evidence
5 satisfying you of the defendant's guilt beyond a
6 reasonable doubt.

7 The presumption of innocence is not a
8 mere legal theory. It is not just a legal phrase
9 that we use. But it is a substantial right to which
10 every defendant is entitled unless you, the jury,
11 are satisfied from the evidence of the defendant's
12 guilt beyond a reasonable doubt.

13 Now, ladies and gentlemen, necessarily you
14 must determine the credibility of witnesses who have
15 testified in this case. Credibility simply means
16 believability. It becomes your duty as jurors to
17 analyze and to evaluate the evidence and determine
18 which evidence convinces you of its truth.

19 In determining the believability of
20 witnesses who have testified in this case, you may
21 believe one witness over several witnesses or
22 several witnesses over one witness. You may believe
23 a part of the testimony of a witness and reject the
24 remaining parts of the testimony of that same
25 witness.

Charge of the Court

288

1 You may believe the testimony of a witness
2 in its entirety or reject the testimony of a witness
3 in its entirety. You may consider whether the
4 witness has exhibited to you any interest, bias,
5 prejudice, or other motive in this case. You may
6 also consider the appearance and manner of a witness
7 on the witness stand.

8 Now, ladies and gentlemen, there are two
9 types of evidence which are generally presented
10 during a trial. There's direct evidence and
11 circumstantial evidence. Direct evidence is the
12 testimony of a person who claims to have actual
13 knowledge of a fact, such as an eyewitness. It is
14 evidence which immediately establishes the main fact
15 to be proved.

16 Circumstantial evidence is proof of a
17 chain of facts and circumstances indicating the
18 existence of a fact. It is evidence which
19 immediately establishes collateral facts from which
20 the main fact may be inferred. Circumstantial
21 evidence is based on inference and not on personal
22 knowledge or observation.

23 And the law makes absolutely no
24 distinction between the weight or value to be given
25 to either direct or circumstantial evidence, nor is

Charge of the Court

289

1 a greater degree of certainty required of
2 circumstantial evidence than of direct evidence.
3 You should weigh all of the evidence in this case.

4 And after weighing all the evidence, if
5 you are not convinced of the guilt of the defendant
6 beyond a reasonable doubt, you must find the
7 defendant not guilty. Now, ladies and gentlemen, I
8 instruct you and emphasize the fact that the
9 defendant did not testify is not a factor to be
10 considered by you in any way in your deliberations
11 and in your consideration of the question of guilt
12 of innocence of the defendant.

13 It must not be considered by you in any
14 manner whatsoever. A defendant has the
15 constitutional right to remain silent, and the
16 assertion of this right must not be considered by
17 you in your deliberations. And I repeat, under your
18 oath you are to draw no conclusion whatsoever from
19 the fact that the defendant in this case did not
20 testify.

21 The fact that the defendant did not
22 testify should not even be discussed in the jury
23 room. As I said, the burden of proof, as I stated,
24 is on the State, and the defendant is not required
25 to prove her innocence.

Charge of the Court

290

1 Now, ladies and gentlemen, the question
2 comes up, what is reasonable doubt? Reasonable
3 doubt is the kind of doubt that would cause a
4 reasonable person to hesitate to act. The State has
5 the burden of proving the defendant guilty beyond a
6 reasonable doubt.

7 Some of you may have served as jurors in a
8 civil case where you were told that it is only
9 necessary to prove that a fact is more likely true
10 than not true, such as by the greater weight or the
11 preponderance of the evidence. In criminal cases,
12 the State's proof must be more powerful than that.
13 It must be beyond a reasonable doubt.

14 Proof beyond a reasonable doubt is proof
15 that leaves you firmly convinced of the defendant's
16 guilt. There are very few things in this world,
17 ladies and gentlemen, that we know with absolute
18 certainty. And in criminal cases, the law does not
19 require proof that overcomes every possible doubt.

20 If based upon your consideration of the
21 evidence you are firmly convinced of the defendant's
22 guilty or the defendant is guilty of the crime
23 charged, you must find the defendant guilty. If, on
24 the other hand, you think that there is a real
25 possibility that the defendant is not guilty, you

Charge of the Court

291

1 must give the defendant the benefit of the doubt and
2 find her not guilty.

3 Ladies and gentlemen, the defendant has
4 been charged with arson in the third degree under
5 Section 16-11-110(c). And in order to prove third-
6 degree arson, the State must prove beyond a
7 reasonable doubt that the defendant willfully and
8 maliciously caused an explosion, set fire to, burned
9 or caused to be burned, aided, counseled, or
10 procured the burning of certain properties.

11 Willful means that it was not done by
12 accident but was done knowingly and intentionally.
13 It must be shown that the burning was by the willful
14 act of some person and not as a result of a natural
15 or accidental cause.

16 Malicious means with ill will, hatred, or
17 hostility towards another person. A person who
18 intentionally does a wrongful act without legal
19 justification or excuse does the act maliciously. A
20 malicious burning is an act done with a condition of
21 mind that shows a heart bent on mischief, showing a
22 design to do an intentional wrong act towards
23 another or towards the public without any legal
24 justification or excuse.

25 This malice need not be expressed but may

1 be inferred. Burning means actual combustion of
2 some portion of a piece of property. It is not
3 necessary that the property be consumed or
4 destroyed. Charring of the material of which the
5 property is constructed or a change in the fiber or
6 composition of the structure is required for a
7 burning.

8 Singeing, smoking, blistering, scorching,
9 or discoloring by the heat, however, is not enough
10 to constitute a burning. Next, the State must prove
11 beyond a reasonable doubt that the property which
12 was burned was a dwelling house, a building,
13 structure, or any other property. A dwelling house
14 is a building in which a person ordinarily sleeps.

15 Finally, the State must prove beyond a
16 reasonable doubt that the explosion or burning
17 directly or indirectly resulted in bodily injury to
18 a person or damage to the property. Ladies and
19 gentlemen, there are two possible verdicts which you
20 may find in this case under Indictment 2012-GS-31-17
21 of arson in the third degree.

22 They are not guilty and guilty. Ladies
23 and gentlemen, there's no significance whatsoever to
24 the order in which I state these possible verdicts.
25 It's simply that one must be stated first. Now,

Charge of the Court

293

1 ladies and gentlemen, your verdict must be
2 unanimous. All 12 of you must agree on the verdict,
3 and your decision must not be based on sympathy,
4 passion, prejudice, emotion, or any other
5 consideration that is not in evidence in this case.

6 Mr. Foreman, when the jury agrees on the
7 verdict, you will write the verdict on this verdict
8 form, and you will sign your name as the foreperson.
9 Then there's a button -- Lee County is unique. Lee
10 County has a button in the jury room, and it will
11 set off the green light when you reach your verdict.

12 At that time, we will then bring you back
13 into the courtroom for the publication of your
14 verdict. Now, ladies and gentlemen, I ask that you
15 return to the jury room, but do not begin your
16 deliberations until you are told to do so by the
17 Clerk or the bailiff. There are still some matters
18 of law we must discuss before you begin your
19 deliberation. Thank you.

20 (The jury left the courtroom at 11:54 a.m.
21 to deliberate their verdict, after which the
22 following proceedings were had:)

23 THE COURT: Any objections to the closing
24 arguments?

25 MR. SCOTT: None by the State, Your Honor.

1 MR. HASTIE: Not from the defendant, Your
2 Honor.

3 THE COURT: Is there any objection to
4 sending a hard copy of everything that I just read
5 to the jury back into the jury room?

6 MR. SCOTT: I certainly don't have any
7 objection, Your Honor.

8 MR. HASTIE: No, sir.

9 THE COURT: All right, the Court will
10 remain at ease pending the call to court in this
11 case.

12 Gentlemen, thank you for your civility in
13 this case. However it may turn out, you have been
14 good attorneys, and you have upheld your civility.

15 MR. SCOTT: Thank you, Judge.

16 THE COURT: Thank you.

17 COURT REPORTER: Your Honor, we're sending
18 in Defendant's One through Four and Plaintiff's One
19 through Eight.

20 THE COURT: All right.

21 (Court in recess.)

22 (The jury returned to the courtroom at
23 2:15 p.m. with verdict.)

24 THE COURT: All right, Mr. Foreman, has
25 the jury reached a verdict?

295

1 JURY FOREMAN: Yes, we have.

2 THE COURT: Is it unanimous?

3 JURY FOREMAN: Yes, sir.

4 THE COURT: All right, if you would pass
5 it to the bailiff.

6 Please publish the verdict. The defendant
7 will stand.

8 (The defendant complied.)

9 VERDICT OF THE JURY

10 CLERK OF COURT: State of South Carolina
11 versus Jessica Brockett Moore, as to the charge of
12 arson, third degree, we, the jury, unanimously find
13 the defendant guilty.

14 THE COURT: All right. Does the State or
15 the defense request polling of the jury?

16 MR. HASTIE: I do.

17 THE COURT: Okay, please poll the jury.

18 CLERK OF COURT: Juror number 32, Jesse
19 Dean, was this your verdict and is it still your
20 verdict?

21 MR. DEAN: Yes.

22 CLERK OF COURT: Juror number six,
23 Queenesta Barr, was this your verdict and is it
24 still your verdict?

25 MR. BARR: Yes.

1 CLERK OF COURT: Juror number 143, Eartha
2 Brooks, was this verdict and is it still your
3 verdict?

4 MS. BROOKS: Yes.

5 CLERK OF COURT: Juror number 11, Gary
6 Boykin, was this your verdict and is it still your
7 verdict?

8 MR. BOYKIN: Yes.

9 CLERK OF COURT: Juror number 25, Bernelle
10 Cooley, was this your verdict and is it still your
11 verdict?

12 MS. COOLEY: Yes.

13 CLERK OF COURT: Juror number 117, Annette
14 Rubin, was this your verdict and is it still your
15 verdict?

16 MS. RUBIN: Yes.

17 CLERK OF COURT: Juror number 62, Glen
18 Jenkins, was this your verdict and is it still your
19 verdict?

20 MR. JENKINS: Yes.

21 CLERK OF COURT: Juror number 59, Randall
22 Huggins, was this your verdict and is it still your
23 verdict?

24 MR. HUGGINS: Yes.

25 CLERK OF COURT: Juror number 84, Nofes

1 McCoy, was this your verdict and is it still your
2 verdict?

3 MR. MCCOY: Yes.

4 CLERK OF COURT: Juror number 23, Ashleigh
5 Bradshaw, was this your verdict and is it still your
6 verdict?

7 MS. BRADSHAW: Yes.

8 CLERK OF COURT: Juror number 29, Jalesha
9 Davis, was this your verdict and is it still your
10 verdict?

11 MS. DAVIS: Yes.

12 CLERK OF COURT: Juror number 116, Bobby
13 Rogers, was this your verdict and is it still your
14 verdict?

15 MR. ROGERS: Yes.

16 THE COURT: All right, the jury has been
17 polled. The verdict stands.

18 Now, ladies and gentlemen, this will now
19 complete your work for this week. And I want to
20 take this opportunity -- and I would have said the
21 same thing if the verdict had gone the other way --
22 but I just want to thank you for taking time out of
23 your lives to come here and decide this case.

24 You know, there's a lot of things that you
25 could have been doing and a lot of things that are

1 going on in the community. But I can assure you
2 nothing is more important than making sure that
3 justice is done in this county.

4 And by your taking three days out of your
5 lives to come up here -- actually, four days, I
6 realize -- and be part of this says a lot about who
7 you are and what your feelings toward the community
8 are.

9 Now, all along I told you do not talk with
10 anybody concerning this case. That prohibition is
11 lifted. You may talk to anyone you want to for as
12 long as you want to or as little as you want. So
13 that's up to you.

14 If somebody persists in speaking with you
15 about the case and you don't want to talk to them,
16 please contact the bailiffs or something up here,
17 and they'll make sure that doesn't happen.

18 What's the big pay they get over here in
19 Bishopville for serving on a jury?

20 CLERK OF COURT: Ten dollars per day plus
21 mileage.

22 THE COURT: Ten dollars a day. And I can
23 assure you that that \$40 they're going to give you
24 for coming up here is chicken feed compared to the
25 service that you have done for Lee County and the

1 State of South Carolina.

2 So, again, we all know you're not doing it
3 for the money, but you're good citizens. You could
4 have come up with a thousand excuses to get out of
5 jury duty, but you didn't. And I would like to have
6 the opportunity of shaking your hand as you leave.

7 Now, in about 15 minutes, I'm going to
8 sentence the defendant on this charge. You've been
9 here all along. You're welcome, after I excuse you,
10 to come sit in the courtroom and watch the
11 sentencing, because you've been here all along and
12 you get to see it too. Thank you, ladies and
13 gentlemen.

14 (Jury out at 2:19 p.m.)

15 THE COURT: Are there any post-trial
16 motions, Mr. Hastie?

17 MR. HASTIE: No, Your Honor.

18 THE COURT: All right. I'll give you
19 about 15 minutes to get your thoughts together, and
20 if there's any victims who would like to speak,
21 anybody speaking on her behalf, I'll be glad to hear
22 from them. Or do you need more time than that?

23 MR. HASTIE: That's fine.

24 THE COURT: Okay. In 15 minutes, we'll
25 have sentencing. Thank you.

1 MR. SCOTT: Thank you.

2 (Court in recess.)

3 THE COURT: All right, I'll hear from the
4 State. What is her prior criminal record?

5 MR. SCOTT: Your Honor, she doesn't really
6 have any prior record to speak of. The other day
7 when the Court had asked me to pass up --

8 THE COURT: I remember.

9 MR. SCOTT: -- there's officially not much
10 of a record at all. I don't think there's any
11 conviction that I recall, Your Honor, even on that
12 criminal record, as I recall.

13 THE COURT: All right.

14 MR. SCOTT: And, Your Honor, what I would
15 like to do at this point, if the Court would allow,
16 is to just pass up the photographs of the apartment
17 building.

18 THE COURT: Yes, sir.

19 MR. SCOTT: And I also have attached here,
20 Your Honor, this is several months ago I had
21 requested Boyd Management, the agency that actually
22 manages the apartment, to send a letter indicating
23 their wishes and their desires. And that's included
24 on top there, Your Honor.

25 THE COURT: All right.

301

1 MR. SCOTT: And my understanding, Judge,
2 is that Ms. Jennifer Miller, who the Court may
3 recall testified on behalf of the management
4 company, would like to make a statement. I think
5 Sgt. Watson would also like to address the Court at
6 the appropriate time.

7 THE COURT: All right. All right, sir,
8 you may call whoever wants to speak.

9 MR. SCOTT: Ms. Miller, would you come
10 forward, please, ma'am.

11 And was there anybody else who wanted to
12 speak to this Court?

13 Stand at this mike right here.

14 MS. MILLER: Thank you, Your Honor.

15 THE COURT: Yes, ma'am.

16 MS. MILLER: We would just like for you to
17 take in consideration that during this, it did cost
18 a substantial loss for the company.

19 THE COURT: And this is almost a half a
20 million dollar loss?

21 MS. MILLER: Yes, sir. And in addition to
22 that, over 13 of our residents were in that building
23 at the time that it was on fire and did have to be
24 removed from that building. Those families were
25 displaced from their homes until the end of October

1 of 2011.

2 During that time, some of them were going
3 from home to home, depending on where they could
4 stay. These families were put in a very bad
5 situation because of this. Thank you.

6 THE COURT: Yes, ma'am.

7 Yes, sir.

8 MR. WATSON: Your Honor, I'd just like to
9 reiterate the fact that were so many victims in this
10 crime. Matter of fact, in my career, I believe this
11 one crime has impacted more people at any one time
12 than I have seen in 23 years.

13 And also not just where it's impacting our
14 victims, we had officers who put their lives in
15 danger to get some of these people out of that
16 apartment. And if you would just consider that in
17 your sentencing, Your Honor.

18 THE COURT: All right, thank you.

19 Would Ms. Magazine like to speak?

20 MR. SCOTT: I asked her, Judge, and she
21 told me that she --

22 Did you want to say anything?

23 THE COURT: Ms. Magazine, would you like
24 to speak?

25 MR. SCOTT: Okay, you've changed your

1 mind. Come on around. Just come around here,
2 ma'am.

3 MS. MAGAZINE: Your Honor --

4 THE COURT: Yes, ma'am.

5 MS. MAGAZINE: -- I would like to say that
6 I forgive her for taking my house, and I know it was
7 bad for all of us, you know. But all I can say is
8 that this child needs help read bad. So we'll pray
9 for her. Thank you.

10 THE COURT: Okay, thank you. I believe it
11 was Ms. Magazine the evidence was the neighbor who
12 went around and woke everybody up.

13 MR. SCOTT: I believe so.

14 THE COURT: Is that right, Ms. Magazine?

15 MS. MAGAZINE: Yes, sir.

16 THE COURT: You were the one who basically
17 everybody else?

18 MS. MAGAZINE: Yes, sir, all that I could
19 have gotten to.

20 THE COURT: You are a hero, thank you.

21 MS. MAGAZINE: The officers did the rest.

22 THE COURT: Thank you.

23 Yes, sir?

24 MR. SCOTT: Your Honor, in terms of any
25 recommendation from the State, I really don't have

1 to make. The Court heard the testimony during the
2 entire hearing. The Court has reviewed the
3 photographs and can realize this is really a
4 conflagration, Judge.

5 As Officer Watson said, he could see the
6 flames from six miles away. We would simply ask the
7 Court to take into consideration all of the facts
8 and circumstances to include the damages, the impact
9 on the victims involved; when the Court fashions an
10 appropriate sentence.

11 THE COURT: All right, thank you. Are
12 they asking for restitution in any amount? One
13 hundred and fifty-one thousand to the building,
14 \$14,000 loss of rental, \$2,500 deductible paid by
15 the property, I mean just half a million.

16 MR. SCOTT: Your Honor, I remember now why
17 she itemized those things like that. At the time, I
18 was engaged in negotiations discussions with Mr.
19 Hastie. And I told her I'd like her to send me a
20 letter showing what their damages was and commenting
21 on what I told her I was prepared to offer the
22 defendant at that time.

23 I don't believe, as I recall from the
24 discussion I had with the author of the letter,
25 Judge -- I told them, "Y'all don't really have any

305

1 reasonable expectation of being compensated. You
2 understand that."

3 THE COURT: Okay.

4 MR. SCOTT: So I don't think they're
5 looking to get anything back, Judge.

6 THE COURT: Okay.

7 All right, Mr. Hastie, would you like to
8 come forward and make a statement to the Court?

9 MR. HASTIE: Yes, Your Honor, I would,
10 yes. Thank you, Your Honor.

11 THE COURT: Yes, sir.

12 MR. HASTIE: It isn't very much to say the
13 jury has spoken in this particular case, but I would
14 just like to bring to the Court's attention that my
15 client is 25 years of age. She does have one son,
16 six years of age, who is autistic.

17 As you've already heard, she has no
18 criminal record whatsoever. She -- at this time
19 when this happened, she was accepted into the
20 Midlands Tech Health Science program. It's a two-
21 year wait to get in that program, and she was
22 accepted into the program.

23 She's done volunteer work at Lexington
24 Hospital. That was one of the requirements before
25 you can even get into this Health Science program at

1 Midlands Tech. I know she's 25, and she could be
2 considered for -- she may be considered for a Y, I'm
3 not sure.

4 But I want to mention that because of her
5 age. She is here with her mother, who has been with
6 us the entire time, Your Honor. And that's about
7 all we have to say, Your Honor.

8 THE COURT: Would she like to make a
9 statement to the Court?

10 MR. HASTIE: No, sir.

11 THE COURT: Okay then. Has she been in
12 jail since the occurrence?

13 MS. HASTIE: She has been in jail since
14 last August.

15 THE COURT: Is this a violent, serious
16 crime?

17 MR. SCOTT: Yes, sir, it is, Your Honor,
18 violent and serious, arson third.

19 MR. HASTIE: Arson third is not a violent
20 crime.

21 MR. SCOTT: Well, we're having a debate
22 about arson third, whether arson third is violent,
23 Your Honor.

24 MR. HASTIE: We could take a look. I
25 brought the book.

1 MR. SCOTT: Okay.

2 THE COURT: Well, you all look in the
3 book. It's got it in a different section. Look in
4 the book.

5 MR. SCOTT: Our records doesn't clarify,
6 Judge.

7 THE COURT: Okay. I've got violent,
8 serious. I can't imagine something that carries 15
9 years and has the mental requirement of malice that
10 it wouldn't be, but I'm going to put it on here. If
11 it needs to come off, I'll do that.

12 MR. SCOTT: Yes, sir.

13 MR. HASTIE: Because the book does not say
14 that. It says first, violent, second, violent. It
15 doesn't speak at all on the third. But we can check
16 that.

17 THE COURT: Okay.

18 MR. HASTIE: Thank you.

19 THE COURT: Be that as it may, I listened
20 to the testimony here, and what I have is Ms. Moore
21 is an extremely selfish person. She decided from
22 the evidence -- and the jury believed it, and it
23 certainly rang true. It was a premeditation,
24 premeditated burning of this building at a time of
25 the day when she could have reasonably thought that

1 people could have been killed in this.

2 The only reason a lot of people were not
3 killed in this is because we've got good citizens
4 like Ms. Magazine who tried to warn all of her
5 neighbors about this. Had she been a heavy sleeper,
6 Ms. Magazine wouldn't be here today, and your client
7 would be very lucky that she's not facing an arson
8 first degree, which is the equivalent of a murder
9 charge.

10 And then she goes up and tries to fight
11 Ms. Magazine for saying what she knew, for saying
12 the truth. I see no -- absolutely no -- remorse
13 here. I think her selfishness is still going on
14 today.

15 All she wants to do is get out of here.
16 But she's really lucky that she's not facing 16
17 counts of murder. I'm thinking through the trial
18 this is the burning of one room that happened to go
19 to another room.

20 But, no, this was a burning of people's
21 homes while they were asleep. You may as well have
22 thrown a bomb into this building, because that's
23 what you did. You threw a fire bomb into this
24 building. I have no reason to give a downward
25 deviation from the maximum sentence.

309

1 There's absolutely no reason for me -- and
2 I know this is your first offense.

3 SENTENCE OF THE COURT

4 The sentence of this Court is that you be
5 committed to the State Department of Corrections for
6 a period of 15 years. Good luck.

7 MR. SCOTT: Thank you, Your Honor.

8 MR. HASTIE: Thank you, Your Honor.

STATE OF SOUTH CAROLINA)

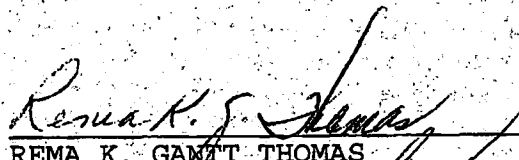
COUNTY OF LEXINGTON)

COURT REPORTER'S CERTIFICATION

I, REMA K. GANTT THOMAS, OFFICIAL COURT REPORTER, AND NOTARY PUBLIC IN AND FOR THE STATE OF SOUTH CAROLINA, DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE, ACCURATE AND COMPLETE TRANSCRIPT OF RECORD OF THE PROCEEDINGS HAD AND EVIDENCE INTRODUCED IN THE ABOVE-CAPTIONED CASE ON AUGUST 7 THROUGH 9, 2012, IN BISHOPVILLE, SOUTH CAROLINA.

I FURTHER CERTIFY THAT I AM NEITHER OF COUNSEL NOR KIN TO ANY OF THE PARTIES TO THIS CAUSE OF ACTION, NOR AM I INTERESTED IN ANY MANNER IN ITS OUTCOME.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND SEAL AT CHAPIN, SOUTH CAROLINA, THIS THE FOURTH DAY OF JANUARY, 2013.



REMA K. GANTT THOMAS
OFFICIAL COURT REPORTER
NOTARY PUBLIC FOR SOUTH CAROLINA
MY COMMISSION EXPIRES 11/21/2013

WITNESSES**BISHOPVILLE POLICE DEPARTMENT**

Captain D. Tarbell

Officer Cameron Watson

ARREST WARRANT NUMBERK391966 (1); M855108 (2); No Warrant
(3)

D/A: 06/19/11

ACTION OF GRAND JURY

True B.II


Foreperson of Grand Jury

Date: 2-2-2012

VERDICTForeperson of Petit Jury
Date:DOCKET NO. 2012-GS-31- 17**The State of South Carolina**

County of Lee

COURT OF GENERAL SESSIONS**FEBRUARY TERM 2012****THE STATE**

vs.

SHAKIYLA INELL HUDSON

JESSICA BROCKETTE MOORE

Indictment for**ARSON
ACCESSORY AFTER THE FACT
ACCESSORY BEFORE THE FACT****E. A. FINNEY III, SOLICITOR**

STATE OF SOUTH CAROLINA)
)
 COUNTY OF LEE)

INDICTMENT FOR
 ARSON
 ACCESSORY AFTER THE FACT
 ACCESSORY BEFORE THE FACT

At a Court of General Sessions, convened on February 2, 2012, the Grand Jurors of Lee County present upon their oath:

COUNT ONE - ARSON

That JESSICA BROCKETTE MOORE did in Lee County on or about June 19, 2011, violate Section 16-11-110 of the Code of Laws of South Carolina (1976), as amended, in that she did wilfully and maliciously set fire to or burn or cause to be burned BUILDING OF THE ASHLEY PARK APARTMENTS.

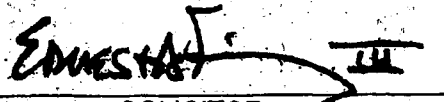
COUNT TWO - ACCESSORY AFTER THE FACT

That SHAKIYLA INELL HUDSON did in LEE County on or about June 19, 2011, render assistance to a felon, namely, JESSICA BOCKETE MOORE who, on or about June 19, 2011, did violate Section 16-1-55 of the Code of Laws of South Carolina (1976), as amended, committed the crime of Arson.

COUNT THREE - ACCESSORY BEFORE THE FACT

That SHAKIYLA INELL HUDSON did in Lee County on or about June 19, 2011, procure a felony to be committed, to-wit: Arson, by means of advising, aiding, counseling, encouraging and hiring the within named defendant, JESSICA BROCKETTE MOORE, for the felony of Arson, as prohibited by Section 16-1-40 of the Code of Laws of South Carolina (1976), as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


 SOLICITOR

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF LEE

STATE

INDICTMENT/CASE# 2012 -GS- 31 - 17

VS.

Jessica Brockett Moore

AW#: K391966

AKA:

Date of Offense: 06/19/11

Race: Black

Sex: Femal

Age: 25

S.C. Code §: 16-11-110

DOB:

SS#:

CDR Code #: 0008

Address:

City, State, Zip: Bishopville, SC 29010

SENTENCE SHEET

DL#

SID#

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

☒ CONVICTED OF or ☐ PLEADSTO: *Arson in the 3rd Degree*

In violation of §

of the S.C. Code of Laws, bearing CDR Code # 0008

☐ NON-VIOLENT☒ VIOLENT☒ SERIOUS☐ MOST SERIOUS☐ Mandatory GPS☐ \$17-25-45

The charge is:

☐ As indicted,☐ Lesser Included Offense,☐

Defendant Waives Presentment to Grand Jury.

(def.'s initials)

The plea is:

☐ Without Negotiations or Recommendation,☐

Negotiated Sentence,

☐ Recommendation by the State.

ATTEST:

Solicitor

SC Bar #

Defendant

Attorney for Defendant

SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center, for a determinate term of 15 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and or payment of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on:☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections.☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP

Total: \$ _____ plus 20% fee: \$ _____ days/hours Public Service Employment

Payment Terms:

Obtain GED ☐☐ Set by SCDPPPS

Attend Voc. Rehab. Or Job Corp.

Recipient:

*Fine:

\$14-1-206 (Assessments 107.5%)

\$

\$14-1-211 (A)(1)(Conv. Surcharge)

\$100

\$

\$100.00

\$14-1-211 (A)(2)(DUI Surcharge)

\$100

\$

\$56-5-2995 (DUI Assessment)

\$12

\$

\$56-1-286 (DUI Breath Test)

\$25

\$

Proviso 47.9 (Public Def/Prob)

\$500

\$

\$14-1-212 (Law Enforce. Funding)

\$25

\$

\$25.00

\$14-1-213 (Drug Court Surcharge)

\$150

\$

\$50-21-114 (BUI Breath Test Fee)

\$50

\$

\$56-5-2942(J) (Vehicle Assessment)

\$40/ea

\$

Proviso 90.5 (SCCJA Surcharge)

\$5

\$

\$5.00

3% to County (if paid in installments)

\$

\$

\$3.90

TOTAL

\$

\$133.90

May serve W/E beginning

Substance Abuse Counseling ☐Random Drug/Alcohol Testing ☐

Fine may be pd. in equal consecutive weekly/monthly

pmts. of \$

Beginning

\$

Paid to Public Defender Fund

Other:

☐ Appointed PD or appointed other counsel,

\$47.12 requires \$500 be paid to Clerk

during probation.

Clerk of Court/Deputy Clerk

Court Reporter:

SCCA/217 (03/2011)

Presiding Judge

Judge Code: 1156

Sentence Date

9 August 2012

ADDENDUM TO LEASE

Date: 10/28/10

Tenant Name: J. Moore
 Unit: _____
 Address: Bishopville, SC 29010

This is to advise you that in accordance with the terms of your Lease Agreement dated 11/19/07, your lease will be amended as indicated below:

This Amendment is effective 12/01/10.

☐ The lease expiration date remains unchanged.

☒ The lease expiration date has been extended to: 11/30/11

Reason for this amendment is:

☒ Annual recertification

☐ Change in household income

☐ Assignment of rental assistance

☐ Transfer from unit _____ to unit _____

☐ Rental rate change: New Basic \$ _____ New Note Rate \$ _____

☐ Utility Allowance Change

☐ Rent Incentive

☐ Change in household occupants as follows: _____

☒ Your rent will be adjusted from \$ -51 /month to \$ 81 /month.

☐ Your rent remains the same and is not affected by this change.

Bm Roland
 Landlord Signature

10/28/10
 Date

Jessie Moore
 Resident Signature

10/28/2010
 Date

 Resident Signature

 Date

 Resident Signature

(Signed by all persons age 18 & older)

 Date

"In accordance with Federal law and U.S. Department of Agriculture policy, this institution is prohibited from discriminating on the basis of race, color, national origin, age, disability, religion, sex, and familial status.

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W. Washington, D.C. 20250-9410 or call (800) 795-3272 (voice) or (202) 720-6382 (TDD)."

BMI 1/2010 Insert 41

Certified as a True and Correct Copy
Jessie Moore
 Clerk, Court of Common Pleas
 and General Sessions, Lee
 County, South Carolina

RB1AA031
date: 08-02-11

page: 11

FIRE

claim number

40-D234-284

ASSIGNMENT/RESERVE INFORMATION

claim rep:	Wyché, Alan	unit:	M team:	sec:	cat code:	fac:	8
COL/line	party	status	reserves	ind paid			
34/001	Named Insured(s)	Open	12,100	2,600.00			
69/001	Named Insured(s)	Open	5,050	0.00			

POLICY INFORMATION

insured
MOORE, JESSICA
BISHOPVILLE SC 36 290101169

policy-no 40-BH-P222-6 dol 06-19-11

eff date: 06-30-10 exp date: 06-30-11
cancel/expiration

policy source: FMR rein dt: cov cease dt: feini: cancel dt: sein:

location deductible A-0500 @-SPEC

yr blt 00 stories trans NB 031 yr iss 10

agnt 1948-40 serv agt

agnt name: THERESA MILEY, THERESA B agt phone 803-781-1540

pace: P 224.9# iv: 0 co-ins:

iv rate: roof type roof cov code roof install date hail resistive class

loan no: claim history cat number dol RCB COL cmt PD

claimant x-ref policy

regional messages assignment date: rein: self ins ret:

policy type HO - RENTERS

forms FP-7954- OPT- JF- LSP- B1- FE-7240-8 FE-5320-

title RENTERS POLICY JEWELRY AND FURS

AMENDATORY ENDORSEMENT POLICY ENDORSEMENT

* denotes forced coverage a denotes different deductible # denotes pace description

line	flmp class	scspta	description	# UPDATED	deductible amount	rk no	item	risk amount
001	HO 465		HOMEOWNERS		20,440	1		20,000
002	JF 465		JEWELRY AND FURS S		2,500	1		2,500
003	@ HW 461		BACK-UP OF SEWER O		10,000	1		10,000

limits
B AD ALT 3066
CONTENTS 20440
ALE ACTUAL
LIAB 300000
MPC/PER 1000
MPC/OCC

Certified as a True Copy

James D. Smith

Clerk, Court of Common Pleas
and General Sessions
County of York, Pa.

NOTICE OF TERMINATION OF LEASE

Date: 6/16/11Delivered by: Certified Mail
Return Receipt Requested

Tenant Name: Jana Moore
 Unit: Ble
 Address: Ashley Park

Dear ms Moore

You are advised that your lease agreement is terminated. This termination of tenancy is due to material and/or other good cause violation of your Lease Agreement. Please refer to Section 13 of your Lease: Termination or Renewal

You may choose to voluntarily vacate the premises. If you so choose, you should notify this office and return all keys on the date you vacate. However, if you have not vacated by 7/17/11 (30+ days from the above date), you are advised that eviction proceedings may be sought through the appropriate judicial process according to State Law at which time you may present a defense.

You and your attorney may view your file and copy any information it contains to aid you in your defense.

Sincerely,

Janelle Morris
 Site Manager

ASHLEY PARK APARTMENTS

BISHOPVILLE, SOUTH CAROLINA 29010

Address:

Hours: 8-4:30 Two+ThursTelephone: Fax: For the hearing impaired TDD-Relay #: 1-

Cc: Resident file: copy to BMI Compliance Department

RI

U.S. Postal Service

CERTIFIED MAIL RECEIPT

Domestic Mail Insurance Coverage Provided

BISHOPVILLE SC 29010

In acc
discrim.To file
Washin

Postage	\$	\$0.44	0010
Delivery Fee		\$2.85	13
Return Receipt Fee (Enclosures Required)		\$2.30	
Restricted Delivery Fee (Enforcement Feature)		\$0.00	
Total Postage & Fees		\$5.59	

06/16/2011

Apt 306

Jana Moore Ashley Park

SR SR, APT. NO.

or PO Box

City, State, ZIP

County, State, ZIP

policy, this institution is prohibited from
igion, sex, and familial status.Rights, 1400 Independence Avenue, S.W.,
382 (TDD).

BMI 1

Certified as a True Copy

Janelle Morris
 Clerk, Court of Common Pleas
 and General Sessions, Lee
 County, South Carolina



RB1AA031
date: 08-02-11

35

317

route to: Joyce Danton

age: 1

STATE FARM FIRE AND CASUALTY COMPANY
FIRE CLAIM SERVICE RECORD

claim number
40-D234-284
policy number
40-BH-P222-6

date of loss
06-19-11

claim rep: Wyche, Alan			
phone:			
reporting agent: MILEY	st & agent: 40-1948	phone: E	
servicing agent: MILEY, THERESA B	agent:	phone:	

NAMED INSURED

name: MOORE, JESSICA			
street:			
city: BISHOPVILLE	state/prov: SC	zip/postal: 29010-1169	age: 09-08-1986
phone: work:	t:	home:	ext:
contact:	contact:		
lang of choice: English	hearing impaired: N		
deceased: N	sex: FEMALE	minor:	parent/guardian:
ssn or tin: 463899786	occupation:	tax state:	
other insurance:			
comments:			
insured location			
street:			
city: BISHOPVILLE	state/prov: SC	zip/postal: 29010-1169	
occurrence location			
street:			
city:	state/prov:	zip/postal:	

FACTS

FIRE WAS SET TO THE INSURED'S APARTMENT. INSURED LOST ALL BELONGINGS.

date and time of loss 06-19-11	probable cause FIRE	probable loss amt	severity MODERATE DAMAGE
date reported to police	department	case number	

Certified as a True Copy

James E. Davis

Clerk, Court of Common Pleas
and General Sessions, Lee
County, South Carolina

Aug'06 12:02:20p

CCS, Financial Log Search Results, Im M/Unit M/SZ SIU Comp

p.3
Page 1 of 1

Financial Log Search | Search Results | Payments

Found: 4

Search Results - Search Criteria: All Payments

Payment Number	Issued Date	Payee	Status	Amount
<u>127975603J</u>	10/25/2011	TEMPORARY ACCOMMODAT	Paid	897.78
<u>127523136K</u> E	08/15/2011	KLEIN AND COMPANY	Paid	1,197.59
<u>127874965J</u>	07/12/2011	JESSICA MOORE	Paid	2,000.00
<u>127873690J</u>	06/30/2011	JESSICA MOORE	Paid	800.00

Grand Total: 4,895.37

Modify Search

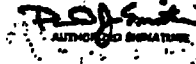
 #2
 Certified as a True Copy

 Clerk, Court of Common Pleas
 and General Sessions, Lee
 County, South Carolina 8/2/2012

Aug'06 12 02:20p

0

p.4

 STATE FARM FIRE AND CASUALTY COMPANY DULUTH, GA BANC STN F 27-519-1067		LACROVEA BANK, NA CHARLOTTE, NC 64-975/612		1 27 975603 J
CLAIM NO: 40-D234-284 LOSS DATE: 06-18-2011	INSURED: MOORE, JESSICA ON BEHALF OF: JESSICA MOORE		DATE: 10-25-2011 MM DD YYYY	
*****EXACTLY EIGHT HUNDRED NINETY-SEVEN AND 78/100 DOLLARS*****				\$*****897.78
Pay to the Order of: TEMPORARY ACCOMMODATIONS INC				
AUTHORIZED SIGNATURE  AUTHORIZED SIGNATURE 				
# 2717975603# 061209756# 2079900091229#				

Seq: 22
 Dep: 000545
 R/T: 011000138
 Date: 10/28/11

MOST BE EMBOSSED BY ALL PAYEES
 CUST: TEMPORARY ACCOMMODATIONS INC
 AG: MASTER
 This check is payable to the order of the payee named above.
 By endorsing this check for your account, you agree not to use or
 deposit any personal funds in the account named above. It is understood
 that the funds in the account named above are for the use of the payee.

 STATE FARM FIRE AND CASUALTY COMPANY DULUTH, GA OFFICE FIVE 27-521-1069		LACROVEA BANK, NA CHARLOTTE, NC 64-975/612		1 27 874965 J
CLAIM NO: 40-D234-284 LOSS DATE: 06-18-2011	INSURED: MOORE, JESSICA 1404		DATE: 07-12-2011 MM DD YYYY	
*****EXACTLY TWO THOUSAND AND 00/100 DOLLARS*****				\$*****2,000.00
Pay to the Order of: JESSICA MOORE AP WINDUPVILLE SC 29010-1169				
AUTHORIZED SIGNATURE  AUTHORIZED SIGNATURE 				
# 2717874965# 061209756# 2079900091229#				

12/21/11 07:41 158113516 253275691 SCH

12/21/11
12:01:30
MOORE

STATE FARM FIRE AND CASUALTY COMPANY
SAINT LOUIS, MO 63102
MEMPHIS, TN 38103
CLAIM NO. 40-D234-284
LOSS DATE 08-18-2011
ISSUED MOORE, JESSICA
DATE 08-30-2011
EXACTLY SIX HUNDRED AND 00/100 DOLLARS
\$ 600.00
Pay to the Order of JESSICA MOORE
9
SC
DL
1003
87/09/11 25893 8079 NC899093
AUTHORIZED SIGNATURE
AUTHORIZED SIGNATURE

2717873690 0612097565 207990009124

12/21/11 07:41 158113516 253275691 SCH

12/21/11
12:01:30
MOORE

#4



Summary Print

Created on 08-02-11

Page 1 of 6

p.6

Customer: JESSICA MOORE

BISHOPVILLE, SC, 290101169
(803)486-0173

Claim Number: 40D234284
Policy Number: 40BHP2226
Personal Property Limits: \$20,440.00
Claim Handler: Alan Wyche
(803)935-3651
Unit: M

Date of Loss: 06-19-2011
Catastrophe Code:

Certified as a True
James E. [Signature]
Clerk, Court of Common Pleas

Search Criteria:

Room: All Rooms Items: All Items

Description:

List Items From: All Items

Item List

Item No.	Qty	Item Description	Spcl Lmt	Settlement Option	Cost to Repair/ Replace (Includes tax if applicable)	Depreciation	This Settlement Amount	Previous Payments	Total Item Settlement	Replacement Cost Available	Qty Rem	Quotes
1	1	eyeglasses/frames		ACV	208.44	62.53	145.91	0.00	145.91	62.53	1	N
2	5	shades		ACV	76.55	7.55	68.00	0.00	68.00	7.55	5	N
3	4	contact lens		NEG	215.83	0.00	215.83	0.00	215.83	0.00	0	N
4	40	shoes		ACV	2,591.57	1,295.78	1,295.79	0.00	1,295.79	1,295.78	40	N
5	4	boots		ACV	647.96	323.98	323.98	0.00	323.98	323.98	4	N
6	20	picture frames		ACV	280.58	70.14	210.44	0.00	210.44	70.14	20	N
7	1	painting		ACV	97.19	24.29	72.90	0.00	72.90	24.29	1	N
8	1	wall mirror		ACV	86.39	21.59	64.80	0.00	64.80	21.59	1	N
9	1	booster seat		ACV	75.59	60.47	15.12	0.00	15.12	60.47	1	N
10	25	uniform shirts		ACV	323.73	161.86	161.87	0.00	161.87	161.86	25	N
11	6	pants		ACV	116.58	58.29	58.29	0.00	58.29	58.29	6	N

1000238

Page 1 of 6

2002 128083 202 07-07-2011

For internal use only. This form and all information contained herein constitute confidential information, which may not be disclosed without appropriate State Farm authorization.

Aug 06 12 02:20p

#5

p.7
0

Item No.	Qty	Item Description	Spcl Lmt	Settlement Option	Cost to Repair/ Replace (includes tax if applicable)	Depreciation	This Settlement Amount	Previous Payments	Total Item Settlement	Replacement Cost Available	Qty Rem	Quotes
12	6	shoes		ACV	259.07	129.53	129.54	0.00	129.54	129.53	6	N
13	1	bean bag		ACV	17.27	4.31	12.96	0.00	12.96	4.31	1	N
14	1	sofa		NEG	648.00	0.00	648.00	0.00	648.00	0.00	0	N
15	1	School book		ACV	72.00	36.00	36.00	0.00	36.00	36.00	1	N
16	1	School book		ACV	120.35	60.17	60.18	0.00	60.18	60.17	1	N
17	1	Anatomy book		ACV	148.80	74.90	74.90	0.00	74.90	74.90	1	N
18	3	Books		ACV	112.73	56.36	56.37	0.00	56.37	56.36	3	N
19	3	Books		ACV	103.97	51.98	51.99	0.00	51.99	51.98	3	N
20	2	Books		ACV	255.30	127.65	127.65	0.00	127.65	127.65	2	N
21	3	Books		ACV	64.10	32.05	32.05	0.00	32.05	32.05	3	N
22	2	Books		ACV	69.61	34.80	34.81	0.00	34.81	34.80	2	N
23	1	Book		ACV	28.50	14.25	14.25	0.00	14.25	14.25	1	N
24	1	Book		ACV	485.99	242.99	243.00	0.00	243.00	242.99	1	N
25	1	Book		ACV	520.01	86.66	433.35	0.00	433.35	86.66	1	N
26	2	Books		ACV	120.30	60.15	60.15	0.00	60.15	60.15	2	N
27	2	Books		ACV	183.95	91.97	91.98	0.00	91.98	91.97	2	N
28	1	Twin mattress		ACV	322.92	193.75	129.17	0.00	129.17	193.75	1	N
29	1	King bed		ACV	376.92	75.38	301.54	0.00	301.54	75.38	1	N
30	1	King mattress		ACV	754.92	113.23	641.69	0.00	641.69	113.23	1	N
31	1	Storage ottoman		ACV	214.92	42.98	171.94	0.00	171.94	42.98	1	N
32	1	3pc bed		ACV	85.32	34.12	51.20	0.00	51.20	34.12	1	N
33	20	DVDs		ACV	215.78	107.89	107.89	0.00	107.89	107.89	20	N

#6

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Item No.	Qty	Item Description	Spcl Lmt	Settlement Option	Cost to Repair/ Replace (includes tax if applicable)	Depreciation	This Settlement Amount	Previous Payments	Total Item Settlement	Replacement Cost Available	Qty Rem	Quotes
34	6	Wine/champagne flute set		ACV	32.34	6.48	25.88	0.00	25.88	6.48	6	N
35	2	Shot glass set		ACV	26.99	5.39	21.60	0.00	21.60	5.39	2	N
36	1	Rug		ACV	183.59	45.89	137.70	0.00	137.70	45.89	1	N
37	1	Rug		ACV	32.28	8.07	24.21	0.00	24.21	8.07	1	N
38	1	Calculator		ACV	66.39	25.91	60.48	0.00	60.48	25.91	1	N
39	15	CDs		ACV	181.84	80.92	80.92	0.00	80.92	80.92	15	N
40	10	CDs		ACV	172.69	86.34	86.35	0.00	86.35	86.34	10	N
41	1	Showerhead		ACV	47.52	3.16	44.36	0.00	44.36	3.16	1	N
42	1	Radio		ACV	212.76	63.82	148.94	0.00	148.94	63.82	1	N
43	1	TV stand		ACV	323.87	32.38	291.49	0.00	291.49	32.38	1	N
44	1	Bissel vac		ACV	203.95	27.19	176.76	0.00	176.76	27.19	1	N
45	1	Bissel steamer		ACV	134.96	13.49	121.47	0.00	121.47	13.49	1	N
46	1	Home theater		ACV	213.84	26.73	187.11	0.00	187.11	26.73	1	N
47	1	King comforter set		ACV	102.47	20.49	81.98	0.00	81.98	20.49	1	N
48	1	King sheet		ACV	32.37	6.47	25.90	0.00	25.90	6.47	1	N
49	1	TV stand		ACV	53.99	5.39	48.60	0.00	48.60	5.39	1	N
50	1	TV stand		ACV	43.19	12.95	30.24	0.00	30.24	12.95	1	N
51	1	Xbox 360		ACV	430.92	50.27	380.65	0.00	380.65	50.27	1	N
52	1	Xbox controller		ACV	53.86	5.39	48.57	0.00	48.57	5.39	1	N
53	1	Kung fu panda 2		ACV	53.98	26.98	26.98	0.00	26.98	26.98	1	N
54	1	Mongoose bike		ACV	139.32	55.72	83.60	0.00	83.60	55.72	1	N

1000238

Page 3 of 6

2002 129083 202 07-07-2011

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#7

Item No.	Qty	Item Description	Spcl Lmt	Settlement Option	Cost to Repair/ Replace (includes tax if applicable)	Depreciation	This Settlement Amount	Previous Payments	Total Item Settlement	Replacement Cost Available	Qty Rem	Quotes
55	1	Water gun		ACV	53.97	43.17	10.80	0.00	10.80	43.17	1	N
56	1	Nintendo DS		ACV	139.32	92.88	46.44	0.00	46.44	92.88	1	N
57	1	Comforter set		ACV	53.99	21.59	32.40	0.00	32.40	21.59	1	N
58	1	Grill		ACV	51.71	4.70	47.01	0.00	47.01	4.70	1	N
59	1	Pol/pan set		ACV	140.39	28.07	112.32	0.00	112.32	28.07	1	N
60	1	Dinner set		ACV	43.17	25.90	17.27	0.00	17.27	25.90	1	N
61	1	Fork/spoon/knife set		ACV	46.41	9.28	37.13	0.00	37.13	9.28	1	N
62	1	Coffee maker		ACV	108.92	21.38	85.54	0.00	85.54	21.38	1	N
63	1	Microwave		ACV	51.83	14.13	37.70	0.00	37.70	14.13	1	N
64	1	Microwave		ACV	86.39	3.92	82.47	0.00	82.47	3.92	1	N
65	1	Blender		ACV	21.59	3.32	18.27	0.00	18.27	3.32	1	N
66	1	Toaster		ACV	16.17	4.04	12.13	0.00	12.13	4.04	1	N
67	1	Crockpot		ACV	26.97	6.74	20.23	0.00	20.23	6.74	1	N
68	1	Griddle		ACV	32.37	8.09	24.28	0.00	24.28	8.09	1	N
69	1	Jewelry box		ACV	64.79	3.23	61.56	0.00	61.56	3.23	1	N
70	1	Boy polo		ACV	8.63	4.31	4.32	0.00	4.32	4.31	1	N
71	1	Boy short		ACV	18.35	9.17	9.18	0.00	9.18	9.17	1	N
72	1	Boy skate shoe		ACV	43.19	34.55	8.64	0.00	8.64	34.55	1	N
73	1	Dress		ACV	37.79	18.89	18.90	0.00	18.90	18.89	1	N
74	1	5pc d'nette		ACV	538.92	107.78	431.14	0.00	431.14	107.78	1	N
75	1	2yr geek squad protection pl		NC	0.00	0.00	0.00	0.00	0.00	0.00	0	N

1000238

Page 4 of 6

2002 128083 202 07-07-2011

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#8

Claim Number: 40D234284

Customer: JESSICA MOORE

Page 5 of 6

p.10

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Item No.	Qty	Item Description	Spcl Lmt	Settlement Option	Cost to Repair/ Replace (includes tax if applicable)	Depreciation	This Settlement Amount	Previous Payments	Total Item Settlement	Replacement Cost Available	Qty Rem	Quotes
76	1	Washer		ACV	485.99	132.54	353.45	0.00	353.45	23.55	1	Y
77	1	Digital camera		ACV	161.99	13.49	148.50	0.00	148.50	13.49	1	N
78	1	Digital camcorder		ACV	194.39	13.88	180.51	0.00	180.51	13.88	1	N
79	1	19 inch tv		ACV	205.19	51.29	153.90	0.00	153.90	51.29	1	N
80	1	22 inch tv		ACV	291.59	48.59	243.00	0.00	243.00	48.59	1	N
81	1	32 inch tv		RS	434.10	0.00	434.10	0.00	434.10	0.00	0	Y
82	1	Tissue holder		ACV	21.59	1.07	20.52	0.00	20.52	1.07	1	N
83	1	Rug		ACV	323.99	80.99	243.00	0.00	243.00	80.99	1	N
84	1	Curtains		ACV	75.59	50.39	25.20	0.00	25.20	50.39	1	N
85	2	Pillows		ACV	43.19	4.31	38.88	0.00	38.88	4.31	2	N
86	1	Scale		ACV	32.39	1.61	30.78	0.00	30.78	1.61	1	N
87	1	Set 4 glassware		ACV	10.79	2.15	8.64	0.00	8.64	2.15	1	N
88	1	Deep fryer		ACV	75.59	6.39	70.20	0.00	70.20	5.39	1	N
89	1	Tea kettle		ACV	26.99	2.69	24.30	0.00	24.30	2.69	1	N
90	1	Dishwasher		NC	566.53	0.00	0.00	0.00	0.00	0.00	0	N
91	1	Groceries		NEG	216.00	0.00	216.00	0.00	216.00	0.00	0	N
92	10	Towels		ACV	107.89	35.98	71.93	0.00	71.93	35.98	10	N
93	20	Washcloth		ACV	86.18	28.72	57.46	0.00	57.46	28.72	20	N
94	6	Hand towel		ACV	38.82	12.94	25.88	0.00	25.88	12.94	6	N
95	1	Luggage		ACV	64.79	6.47	58.32	0.00	58.32	6.47	1	N
96	1	Luggage		ACV	53.99	5.39	48.60	0.00	48.60	5.39	1	N
97	1	Duffle bag		ACV	140.39	14.03	126.36	0.00	126.36	14.03	1	N

1000238

Page 5 of 6

2002 129083 202 07-07-2011

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Item No.	Qty	Item Description	Spcl Lmt	Settlement Option	Cost to Repair/ Replace (includes tax if applicable)	Depreciation	This Settlement Amount	Previous Payments	Total Item Settlement	Replacement Cost Available	Qty Rem	Quotes
98	1	Tool set		ACV	48.41	9.28	37.13	0.00	37.13	9.28	1	N
99	1	Wrench/hammer set		ACV	21.57	4.31	17.26	0.00	17.26	4.31	1	N
100	1	Iron		ACV	35.61	11.87	23.74	0.00	23.74	11.87	1	N
101	1	Iron board		ACV	16.17	3.59	12.58	0.00	12.58	3.59	1	N
102	1	Eyeglasses frame		ACV	90.72	72.57	18.15	0.00	18.15	72.57	1	N
103	1	Lens		ACV	117.72	39.24	78.48	0.00	78.48	39.24	1	N
104	1	Shades		ACV	15.11	5.03	10.08	0.00	10.08	5.03	1	N
105	1	Lens		ACV	53.96	5.39	48.57	0.00	48.57	5.39	1	N
106	40	Shoes		ACV	2,807.57	1,403.78	1,403.79	0.00	1,403.79	1,403.78	40	N
107	4	Boots		ACV	647.96	323.98	323.98	0.00	323.98	323.98	4	N
108	1	Frame		ACV	12.96	3.23	9.72	0.00	9.72	3.23	1	N
109	1	Wall painting		ACV	43.19	10.79	32.40	0.00	32.40	10.79	1	N
110	1	Mirror		ACV	86.39	12.95	73.44	0.00	73.44	12.95	1	N
111	1	Booster seal		ACV	75.59	45.35	30.24	0.00	30.24	45.35	1	N
112	25	Uniforms		ACV	323.73	268.98	64.75	0.00	64.75	258.98	25	N
113	6	Uniforms		ACV	764.58	611.66	152.92	0.00	152.92	611.66	6	N
114	10	Uniforms		ACV	140.29	112.23	28.06	0.00	28.06	112.23	10	N
115	6	Shoes		ACV	210.54	168.43	42.11	0.00	42.11	168.43	6	N
116	1	Bookbag		ACV	17.27	8.63	8.64	0.00	8.64	8.63	1	N
Inv Totals					23,412.50	8,465.34	14,947.16	0.00	14,947.16			

1000238

Page 6 of 6

2002 - 129083 202 07-07-2011

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#10

Yearly Purchase Summary

B?

Claim Number: 400234284

Date of Loss: 06-19-2011

Participant: JESSICA MOORE(PN)

Yearly Purchase Summary

Year	Replacement Cost	Cumulative Total
2011	\$1,711.15	\$23,412.50
2010	\$12,445.47	\$21,701.35
2009	\$5,593.74	\$9,255.88
2008	\$3,662.14	\$3,662.14
2007	\$0.00	\$0.00
2006	\$0.00	\$0.00
2005	\$0.00	\$0.00
2004	\$0.00	\$0.00
2003	\$0.00	\$0.00
2002	\$0.00	\$0.00
Before 2002	\$0.00	\$0.00

Print Back

#10

Statement

State of South Carolina)

) S.S.

City of Bishopville

Personally appeared before me this 19 day of June, 2011, at 1040 hours, an officer duly and legally authorized to administer oaths in the above named county and state aforesaid, comes one Johnnie Mae Magazine B/F Dob of _____ ay time telephone number 803-486-0496. Night time telephone number _____

Who makes the following statement under oath to wit:

Q. J E EWING R. J. MAGAZINE

Q. Johnnie, tell me what you know about a fire that was inside your apartment building this morning.

R. It was around 4:30 this morning when I woke up. I woke up because the girl that lives up above me named Jessica was knocking around and making all kinds of noises. It sounded like a bunch of banging on the walls and stuff. I did not hear any voices. All I heard was banging. Sounded like she was throwing things all over her floor. Since I was awake, I decided to go brush my teeth and wash my face. While I was brushing my teeth, I smelt something funny. It kind of smelt like rubber. I walked out of my bathroom and into my den and could smell it there. It was all through the house. I did not know what it was. I started looking around and saw that my air conditioner was leaking water so I turned it off thinking that is was that. Then the noises stopped. I went back to my bedroom and was about to lay down and decided to get me some coffee. I got up and went to the kitchen and got me some coffee and walked back to my bed. When I got to my bedroom I saw some lights and I looked out of my window and I saw Jessica backing up in her car and driving like a bat out of hell. I then lay back down and I kept smelling the smell. I then looked out my window again and that is when I saw the fire blaze and I ran out and started knocking on doors trying to get everyone out.

Q. How long have you known Jessica?

R. I have seen her for two years but I moved under her about two months ago.

Q. What type of car does she drive?

R. A small gray car. It has four doors.

Q. Ok, from the time you heard the banging up stairs, how long was it till you saw Jessica leave?

R. Around 15 minutes.

This statement was made in the presence of Chief John. E. Ewing of Bishopville Police Department.

I make this statement of my own free will and accord, without reward or intimidation. All of the above is the truth, the whole truth and nothing but the truth.

Sworn to and subscribed before me
this 19 day of JUNE 2011.

Signed: Johnnie Magazine

Witness: _____

Witness: _____

[Signature]
Notary Public for South Carolina
My commission expires 01/22/2020.

Certified as a True Copy
Page 1

[Signature]
Clerk, Court of Common Pleas
and General Sessions, Lee

58

Statement

State of South Carolina)

) S.S.

City of Bishopville

Q. How long was it from the time that you saw her leave till you saw the fire?

R. Around 10 or 15 minutes.

Q. Now you say that you saw Jessica leaving like a "bat out of hell". Explain that.

R. She was backing up and drove off really fast.

Q. Ok, you say that you saw Jessica leaving in her car; did you actually see it was her or did you just see her car leaving?

R. I saw her in that car. She was wearing what she has on right now.

Q. Was anyone with her?

R. No. She was out there by herself.

Q. When you looked outside the window, did you see anyone else in the parking lot?

R. No. I did not see anyone else.

Q. During this entire event, did you hear anyone talking?

R. Nope. Not upstairs or outside.

Q. Once you ran outside, did you see anyone or hear anyone?

R. I saw Sabrina on the phone. She must have been calling 911. Sabrina lives across the hall from Jessica.

Q. Do you have anything to add to this statement?

R. Nothing that I can think of right now.

This statement was made in the presence of Chief John. E. Ewing of Bishopville Police Department.

I make this statement of my own free will and accord, without reward or intimidation. All of the above is the truth, the whole truth and nothing but the truth.

Sworn to and subscribed before me
this 19 day of JUNE 2011.

Signed: John E. Ewing

Witness: _____

Witness: _____

[Signature]
Notary Public for South Carolina
My commission expires 01/22/2020.



VOLUNTARY STATEMENT

CASE # 35-11-0071

LEAD #

LAST NAME Hudson	FIRST NAME Shakyla	MIDDLE NAME Mell	AGE 19
NICKNAME/AKA	M ☐ F ☒ SEX	STREET ADDRESS	
CITY Florence	STATE S.C.	ZIP 29501	MAILING ADDRESS IF DIFFERENT
HOME TELEPHONE	CELL TELEPHONE	OCCUPATION	
EMPLOYER	EMPLOYER ADDRESS		
DRIVER'S LICENSE NUMBER/STATE	DATE AND TIME OF INTERVIEW 6-19-2011 2:15 PM		
LOCATION OF INTERVIEW T.J. Maxx parking lot ruins of Florence			
INTERVIEWING AGENT John R. Ruff	DEPARTMENT SLED	INTERVIEWING AGENT Cam Watson	DEPARTMENT BPD

I, **Shakyla Hudson**, understand I do not have to say anything, and I volunteer the following information of my own free will, for whatever purposes it may serve. I can read and write and completed the grade in school.

Last night me and Jessica Mucke went to the candy shop after that she took me to Florence where we got a room at the suburban hotel we went in the room ate then I feel asleep we got in the room about 3am when I awake she was gone the door was cracked I got up around 11am then again at 1pm.

I have read each page of this statement consisting of 1 page(s), each page of which bears my signature, and corrections, if any, bears my initials, and I certify that the facts contained herein are true and correct.

Date: **6/19/11** Time: **2:30pm**

Signature of person giving voluntary statement

WITNESS:

WITNESS:

I certify that I have been given a copy of this statement consisting of 1 pages.

Certified as a True Copy

James E. Smith
Clerk, Court of Common Pleas
and General Sessions, Lee
County, South Carolina



VOLUNTARY STATEMENT

CASE # 35-11-0071

LEAD # _____

LAST NAME <u>HUDSON</u>	FIRST NAME <u>SHAKYLA</u>	MIDDLE NAME <u>ELLEN</u>	AGE <u>19</u>	DOB ____
NICKNAME/AKA ____	M ☐ F ☒ SSN ____	STREET ADDRESS ____		
CITY <u>FLORENCE</u>	STATE <u>SC</u>	ZIP <u>29501</u>	MAILING ADDRESS IF DIFFERENT ____	
HOME TELEPHONE <u>252-366-1111</u>	WORK TELEPHONE ____	CELL TELEPHONE ____	OCCUPATION <u>N/A</u>	
EMPLOYER <u>None</u>	EMPLOYER ADDRESS <u>N/A</u>			
DRIVER'S LICENSE NUMBER/STATE ____	DATE AND TIME OF INTERVIEW <u>June 20, 2011 3:00 PM</u>			
LOCATION OF INTERVIEW <u>FLORENCE SC</u>				
INTERVIEWING AGENT <u>John Rummelt</u>	DEPARTMENT <u>SWD ARS</u>	INTERVIEWING AGENT <u>Cam Watson</u>	DEPARTMENT <u>Disorderly PD</u>	

I, SHAKYLA HUDSON, understand I do not have to say anything, and I volunteer the following information of my own free will, for whatever purposes it may serve. I can ☐ cannot read and write and completed the 10th grade in school.

On Saturday June 18, 2011 me and Jessica went to The Candy Shop around 11:30 pm. We both danced all night off and on. We left the Candy Shop around 4:30 am on Sunday June 19, 2011. We went to the Post office on Evans Street in Florence. Then Jessica said she was not feeling well so we went to the Shell Station across the street and we were there for about 10 minutes. Then we came to my house and could not get in. 2 of my cousins wanted to go to a hotel so me, Jessica and my 2 cousins went to a convenience store hooked onto THE Huddle House and then to Hardees. We went to Motel 6, Motel 8 and finally got a room at the Suburban. Me, Jessica, Deborah Miller and Jessie Brower stayed in the room. We went to Hardees before the hotel. I ate and went to sleep. I did not get up until 11 am on Sunday 6-19-2011. Jessica was gone when I got up. I went back to bed and got up around 1 or 1:30 pm. Left hotel and came home. Agent Rummelt prepared this statement for me and it is true and correct.

I have read each page of this statement consisting of 1 page(s), each page of which bears my signature, and corrections, if any, bears my initials, and I certify that the facts contained herein are true and correct.

Date: 6-20-2011 Time: 3:42 pm

Signature of person giving voluntary statement

WITNESS: John D. RuppWITNESS: [Signature]I certify that I have been given a copy of this statement consisting of 1 pages.

Certified as a True Copy

Clerk, Court of Common Pleas
and General Sessions, Lee
County, South Carolina



VOLUNTARY STATEMENT

CASE # 35-11-0021

LEAD #

LAST NAME <u>DUNSON</u>	FIRST NAME <u>Shakyla</u>	MIDDLE NAME <u>Marie</u>	AGE <u>19</u>	D.O.B.
NICKNAME/KA	M ☐ F ☒ SSN	STREET ADDRESS		
CITY <u>Durham</u>	STATE <u>NC</u>	ZIP	MAILING ADDRESS IF DIFFERENT	
HOME TELEPHONE	WORK TELEPHONE	CELL TELEPHONE <u>(919) 611-1979</u>	OCCUPATION	
EMPLOYER		EMPLOYER ADDRESS		
DRIVER'S LICENSE NUMBER/STATE		DATE AND TIME OF INTERVIEW <u>8-16-2011 11:30am</u>		
LOCATION OF INTERVIEW <u>Durham Police Dept</u>				
INTERVIEWING AGENT <u>John Ruff</u>	DEPARTMENT <u>AIRSON</u>	INTERVIEWING AGENT <u>Cam Watson</u>	DEPARTMENT <u>Bishopville PD</u>	

I, Shakyla Watson, understand I do not have to say anything, and I volunteer the following information of my own free will, for whatever purposes it may serve. I can cannot read and write and completed the _____ grade in school.

On the night of June 19, me & Jessica went to the Candy Shop located in Bishopville. That night Jessica did not dress out. I went into the private room to give a guy a private dance when I got out me and Jessica was on our way to Florence as we was getting onto the interstate Jessica told me that she sat her apartment on fire. We went to the candy shop around 11:30, 12 and left around 4:20 ~ 4:30. A week before the fire Jessica had plan to sat it off the apartment building on fire and she asked me to indulge in her activity. I refused no and the conversation was left at that.

I have read each page of this statement consisting of 1 page(s), each page of which bears my signature, and corrections, if any, bears my initials, and I certify that the facts contained herein are true and correct.

Date: 8-16-2011 Time: 12:20 PM

Signature of person giving voluntary statement

WITNESS: John Ruff

WITNESS: Cam Watson

I certify that I have been given a copy of this statement consisting of 1 pages.

Certified as a True Copy

James Davis

Clerk, Court of Common Pleas
and General Sessions, Lee
County, South Carolina

D3

14

Statement of

Shakiyla Hudson

Florence SC 29501

Made at

Bishopville, South Carolina, this 7 day of September, 2011, at 1756 hours, in the presence of Lt Cameron Watson of the Bishopville police Department.

I, Shakiyla Hudson, understand that I have the right to remain silent. Anything I say can be used against me in court. I have the right to talk to a lawyer for advice before you ask me any questions, and to have a lawyer with me during any questioning. If I cannot afford a lawyer, one will be appointed for me before any questioning, if I wish. If I decide to answer questions now, without a lawyer present, I still have the right to stop answering at any time. I also have the right to stop answering at any time until I talk to a lawyer. Do make the following statement:

I had been staying at Jessica Moore's apartment at Ashley Park Apartments since Thursday June 16th. Jessica's Apt was B-6. On Saturday night about 11:30 or 12:00 Jessica and I went to the Candy Shop Located on Hwy 15 S just outside of Bishopville. We went to the Candy Shop to dance and make some money. I went and dressed out to dance but Jessica did not get dressed out. We started mingling in the crowd at about 3:30 I went in to a private room with a customer named D. I was the private room for about an hour or more. When I went back into the dressing room I saw Jessica sitting down with her head in her hands she told me she was not feeling well. She Then she said are you ready to go? I said yes and changed back in to my regular clothes. As we started to get on the interstate towards Florence She said "girl it's done" I asked her what she said "she set the apartment on fire". I did not ask any details, but about a week before the fire Jessica asked me if I would help her set her apartment on fire. She said I need some money and I have insurance on it. Also she was tired of the neighbors and had fought with the neighbor below her apartment.

why
dressed out at
3:30 -
arrived at
11:30

I have made the foregoing statement freely and voluntarily without fear, threat, promise or reward or hope of reward of any kind.

Witness:

Signed:

Witness:

This is to certify that I have read or have read to me the foregoing statement consisting of 1 pages and a true copy has been given to me this 7 day of Sept, 2011

Sworn to and subscribed before me
This 7 day of Sept, 2011

Signed:

Russell H. Proctor
Notary Public for South Carolina
My commission expires 2-17-24

Page 1

Certified as a True Copy

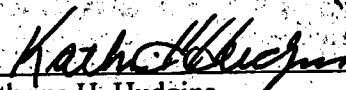
James E. Davis
Clerk, Court of Common Pleas
and General Sessions, Lee
County, South Carolina



CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability, with the August 13, 2007, order from the South Carolina Supreme Court entitled "Interim Guidance Regarding Personal Data Identifiers and Other Sensitive Information in Appellate Court Filings."

September 23, 2013


Kathrine H. Hudgins
Appellate Defender

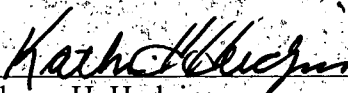
South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S. C. 29211-1589
(803) 734-1330

ATTORNEY FOR APPELLANT

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