

ORIGINAL

VOLUME II of II

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM ANDERSON COUNTY

R. Lawton McIntosh, Circuit Court Judge

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SC Court of Appeals

THE STATE,

RESPONDENT,

V.

MATTHEW FULLBRIGHT,

APPELLANT

APPELLATE CASE NO. 2012-207553

RECORD ON APPEAL

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INDEX

INDEX.....	i
<u>JACKSON V. DENNO</u> HEARING DATED NOVEMBER 17, 2011	1
TESTIMONY	
CHRIS BEUSSE (IN CAMERA)	
Direct examination by Ms. Huey	6
Cross examination by Mr. Robinson	25
Re-direct examination by Ms. Huey	35
ROBERT GEBING (IN CAMERA)	
Direct examination by Ms. Huey	36
Cross examination by Mr. Robinson	53
WILLIAM MARK HENDERSON (IN CAMERA)	
Direct examination by Ms. Huey	55
Voir Dire Examination by Mr. Robinson	60
Direct examination continued by Ms. Huey	62
Cross examination by Mr. Robinson	66
Re-direct examination by Ms. Huey	69
MARSHALL FULLBRIGHT (IN CAMERA)	
Direct examination by Mr. Robinson	94
Cross examination by Ms. Huey	98
RULING BY THE COURT	100
TRIAL TRANSCRIPT DATED JANUARY 23-27, 2012	109
<u>JACKSON V. DENNO</u> HEARING	
TESTIMONY	
DANNY BARTON (IN CAMERA)	
Direct examination by Ms. Huey	111
Cross examination by Mr. Robinson	126
Re-direct examination by Ms. Huey	131
Re-cross examination by Mr. Robinson	135
RULING BY THE COURT	138

MOTION TO EXCLUDE ARRAIGNMENT	139
RULING BY THE COURT	142
OPENING STATEMENT BY MR. ROBINSON.....	144
TESIMONY	
MARLENE MCCLAIN	
Direct examination by Ms. Huey	149
Proffered direct examination by Ms. Huey.....	156
Proffered cross examination by Mr. Robinson.....	159
Proffered re-direct examination by Ms. Huey	161
Proffered re-cross examination by Mr. Robinson	161
Continued direct examination by Ms. Huey	168
TRACI GREMILLION	
Direct examination by Ms. Huey	170
Cross examination by Mr. Robinson	178
MOTION TO EXCLUDE ARRAIGNMENT VIDEO	185
RULING BY THE COURT	192
STATE'S EXHIBIT # 5 (ARRAIGNMENT VIDEO) IS ADMITTED.....	197
TESTIMONY	
ROB GEBING	
Direct examination by Ms. Adams.....	198
Cross examination by Mr. Robinson.....	259
Re-direct examination by Ms. Adams.....	268
Re-cross examination by Mr. Robinson.....	274
Re-direct examination by Ms. Adams	278
MARK HENDERSON	
Direct examination by Ms. Huey	279
Cross examination by Mr. Robinson	287
Re-direct examination by Ms. Huey	290
DANNY BARTON	
Direct examination by Ms. Huey	294
Cross examination by Mr. Robinson	307

MARK COYLE

Direct examination by Ms. Huey	312
Voir Dire examination by Mr. Robinson	316
Continued direct examination by Ms. Huey	320
Cross examination by Mr. Robinson	347

KENNETH BURDETTE

Direct examination by Ms. Huey	355
--------------------------------------	-----

JOE HOEFER

Direct examination by Ms. Adams	364
Voir Dire examination by Mr. Robinson	367
Continued direct examination by Ms. Huey	368
Cross examination by Mr. Robinson	376

KIM HUDSON

Direct examination by Ms. Huey	378
Cross examination by Mr. Robinson	383
Re-direct examination by Ms. Huey	387
Re-cross examination by Mr. Robinson	388

LARRY PRESHER

Direct examination by Ms. Huey	388
Cross examination by Mr. Robinson	390

BRETT WOODARD

Direct examination by Ms. Adams	395
Cross examination by Mr. Robinson	415

MELISSA WALLACE

Direct examination by Ms. Huey	418
Cross examination by Mr. Robinson	422

PAUL KELLEY

Direct examination by Ms. Huey	423
--------------------------------------	-----

SAMMY ALFAKIR (IN CAMERA)

Direct examination by Ms. Adams	431
---------------------------------------	-----

CHRIS BUESSE (IN CAMERA)

Direct examination by Ms. Adams	446
Cross examination by Mr. Robinson	447

SAMMY ALFAKIR

Direct examination by Ms. Adams	452
Cross examination by Mr. Robinson	478
Re-direct examination by Ms. Adams	482
Re-cross examination by Mr. Robinson	483

CHRIS BUESSE

Direct examination by Ms. Huey	484
Cross examination by Mr. Robinson	519
Re-direct examination by Ms. Huey	524
Re-cross examination by Mr. Robinson	530
Re-direct examination by Ms. Huey	539

MATTHEW FULLBRIGHT

Direct examination by Mr. Robinson	541
Cross examination by Ms. Adams	592
Re-direct examination by Mr. Robinson	609
Re-cross examination by Ms. Adams	611

MARVIN DAWSON

Direct examination by Mr. Robinson	620
Cross examination by Ms. Huey	637
Re-direct examination by Mr. Robinson	642

ROB GEBING

Direct examination by Mr. Robinson	644
--	-----

KAREN LANGSTON

Direct examination by Mr. Robinson	647
Cross examination by Ms. Adams	652
Re-direct examination by Mr. Robinson	657

CLOSING ARGUMENT BY MR. ROBINSON	659
--	-----

CLOSING ARGUMENT BY MS. HUEY	673
------------------------------------	-----

VERDICT	685
---------------	-----

SENTENCING	686
------------------	-----

STATE'S EXHIBIT # 1 (ADVISORY OF RIGHTS)	687
--	-----

STATE'S EXHIBIT # 2 (STATEMENT)	688
---------------------------------------	-----

STATE'S EXHIBIT # 3 (ADVISORY OF RIGHTS)	696
--	-----

STATE'S EXHIBIT # 4 (STATEMENT).....	697
STATE'S EXHIBIT # 5 (DIAGRAM).....	699
STATE'S EXHIBIT # 6 (ADVISORY OF RIGHTS)	700
INDICTMENTS AND SENTENCE SHEETS	701
CERTIFICATE OF COUNSEL.....	713

THE FOLLOWING EXHIBIT IS ON FILE WITH THIS COURT

STATE'S EXHIBIT # 15 (CD)

DIRECT EXAMINATION OF CHRIS BEUSSE BY MS. HUEY

476

1 A In the written statement, he advised that they went, he
2 went to Walmart with Ernie Ramirez that morning and they
3 bought several items at Walmart and they took some items to
4 Monitor Drive, which is the property owned by his father
5 and burnt some items.

6 Q If you could step down, Detective Beusse, and bring that
7 exhibit with you? (Witness complies and the photos are
8 projected on large screen.) This is State's 26A. Can you
9 tell the jury what that depicts, please.

10 A This would be Matthew Fullbright walking into the WalMart
11 at 28-Bypass.

12 Q And do you remember about what time that was in the
13 morning?

14 A It was around the 6 o'clock hour. A purchase was made at
15 6:36 a.m., so that would be prior to that.

16 Q And this is State's 26B.

17 A This would be Ernie Ramirez walking into Walmart, also.

18 Q Okay. So they walked in separately?

19 A Yes, ma'am.

20 Q And this is State's 26C.

21 A This would be Mr. Fullbright and Mr. Ramirez walking
22 through the store in the produce section.

23 Q And state's 26D.

24 A This would be the cash register where they checked out with
25 two gas cans at the register.

- 1 Q And when you say they checked out, who paid for these
2 particular items?
- 3 A Mr. Fullbright.
- 4 Q And we have a receipt that shows that?
- 5 A Yes, ma'am.
- 6 Q This is 26E.
- 7 A This would be Mr. Fullbright paying at the register with
8 the gas cans that were moved over here after they ran
9 through the scanner.
- 10 Q And 26F?
- 11 A That's just the segment right after that one before moving
12 on down the line.
- 13 Q And 26G?
- 14 A Mr. Fullbright is fixing to load the gas cans into a buggy.
15 This is Irving Ramirez right behind him.
- 16 Q And there were two red gas cans. Correct?
- 17 A Yes, ma'am.
- 18 Q Okay. There has been testimony about a red gas can that
19 was located at Irving Ramirez' house.
- 20 A Yes, ma'am.
- 21 Q Was that gas can different from the two pictured here?
- 22 A Yes, ma'am.
- 23 Q State's 26H?
- 24 A This is Mr. Ramirez. He also made a transaction at the
25 store.

DIRECT EXAMINATION OF CHRIS BEUSSE BY MS. HUEY

478

1 Q 26I?

2 A This is them walking out the store right here with the gas
3 cans in the buggy.

4 Q 26J?

5 A This is the segment right after this one as they rounded
6 the corner.

7 Q And 26K?

8 A This is just a few seconds later when they are fixing to
9 exit the store.

10 Q And 26L?

11 A This would be Mr. Ramirez' truck leaving the parking lot at
12 Walmart.

13 Q I'm also going to show you what has been previously
14 admitted as State's 10. See if you can tell the jury what
15 that is?

16 A This is the receipt for the items that were purchased that
17 was shown in these still photos and the items that were
18 purchased.

19 THE COURT: Just one second. Stop. Everybody -- Ma'am?

20 MS. HUEY: I think the phone he (bailiff) collected is still
21 on.

22 THE COURT: Does anybody have a cell phone with them out
23 there now? If you do, cut it off now. If I hear another one go
24 off in this court today, I'm going to put somebody in jail
25 today. Okay? Let's go forward.

DIRECT EXAMINATION OF CHRIS BEUSSE BY MS. HUEY

479

1 Q So, backing up, Detective Beusse, this is the receipt from
2 that morning at Walmart?

3 A Yes, ma'am.

4 Q Okay. And this shows the items that Mr. Fullbright paid
5 for?

6 A Yes, ma'am.

7 Q On Saturday, October 24, 2009?

8 A Yes, ma'am.

9 Q Okay. And can you see what the total amount was for that?

10 A It was \$94.65.

11 Q Okay. And can you tell what he paid with? How he paid for
12 it, check or cash?

13 A He paid cash. A hundred dollars.

14 Q And again, that was at what time?

15 A 6:36 a.m.

16 Q And this includes the two red gas cans?

17 A Yes, ma'am.

18 Q You can have a seat. (Witness returns to witness stand)

19 So, the purpose of obtaining these photo stills from the
20 video surveillance of Walmart of Mr. Fullbright, what was
21 that for?

22 A I was trying to confirm from the defendant's statement that
23 the gas cans were purchased at Walmart and to corroborate
24 that the items were burned.

25 Q Okay. So, on that note then, were any other videos

DIRECT EXAMINATION OF CHRIS BEUSSE BY MS. HUEY

480

- 1 collected as a result of your investigation from Walmart?
- 2 A Yes, ma'am. We also got one additional video from Walmart.
- 3 Q Okay. And again, are there stills from that?
- 4 A Yes, ma'am.
- 5 Q I'm going to show you what has previously been admitted as
- 6 State's 27. Could you take a look at those, please.
- 7 A Yes, ma'am.
- 8 Q If you could step down and we will publish those to the
- 9 jury. (Witness complies) Let me show you what has been
- 10 marked as 27A. If you would tell the jury what that
- 11 depicts.
- 12 A This is another transaction that was made at Walmart.
- 13 This was later in the day, in the afternoon. This is
- 14 Mr. Fullbright checking out at the register.
- 15 Q And again, is he paying for these items?
- 16 A Yes, ma'am.
- 17 Q And this is 27B.
- 18 A This is Mr. Fullbright at the register.
- 19 Q Just another shot of that?
- 20 A Yes, ma'am.
- 21 Q (Witness returns to the stand.) Detective Beusse, was a
- 22 receipt from Walmart collected from the defendant's house?
- 23 A Yes, ma'am.
- 24 Q As a result of this investigation?
- 25 A Yes, ma'am.

DIRECT EXAMINATION OF CHRIS BEUSSE BY MS. HUEY

481

1 (Ms. Huey shows a document to Mr. Robinson)

2 MR. ROBINSON: That is without objection, Your Honor.

3 THE COURT: Admitted without objection. What is that
4 number, please?

5 MS. HUEY: This is State's 11, Judge.

6 THE COURT: State's 11.

7 (Whereupon, a photograph of a Walmart receipt is entered
8 into evidence as State's Exhibit No. 11, without objection)

9 Q I'm sorry. Detective Beusse, would you step down one more
10 time? I am going to show you what's been admitted as
11 State's 11 and if you could tell the jury what that is.

12 A This is a receipt that we located in the investigation.
13 This depicts what was purchased that afternoon in the
14 previous still that I showed you. On this particular day,
15 \$149.17 was purchased and was paid for in two hundred
16 dollars in cash and this was also on October 24, '09 at
17 17:44, which is 5:44 p.m.

18 Q And again, the prior exhibit demonstrated that Mr.
19 Fullbright is the one paying. Is that correct?

20 A Yes, ma'am.

21 Q And this goes to corroborate the statement that he gave.

22 A Yes, ma'am.

23 Q So, Detective Beusse, the defendant, in his statement,
24 talks about going to Walmart that morning and buying gas
25 cans and then he also went back to Walmart in the

DIRECT EXAMINATION OF CHRIS BEUSSE BY MS. HUEY

482

1 afternoon. Is that correct?

2 A Yes, ma'am.

3 Q Okay. Now, in between that time, what, if anything, did
4 you do to corroborate what he said he did in between the
5 two Walmart trips?

6 A He mentioned that there was some gas bought at the SavMore,
7 which is right beside Walmart, and we have video from
8 Walmart, I mean SavMore, too.

9 Q Let me show you what has been previously admitted as
10 State's 28. If you could take a look at all of those?
11 Please step down. (Photos are projected on the screen) So
12 again, to corroborate his statement, this would have been
13 the gas station that the defendant and Ernie Ramirez went
14 to after they purchased, Mr. Fullbright purchased, the red
15 gas cans at Walmart?

16 A Yes, ma'am.

17 Q This is State's 28B. What does that depict?

18 A Mr. Fullbright standing at the register at SavMore.

19 Q And what does that indicate to you?

20 A He was purchasing and pointing to where he was purchasing
21 gas.

22 MR. ROBINSON: Your Honor, I am going to object, as far as
23 this picture goes. I think that is beyond the scope of what that
24 picture shows.

25 THE COURT: Based on speculation?

THE STATE OF SOUTH CAROLINA VERSUS MATTHEW FULLBRIGHT

- 1 MR. ROBINSON: Yes.
- 2 THE COURT: Sustained.
- 3 Q Who paid for these particular items at this gas station?
- 4 A Matthew Fullbright.
- 5 Q And again, what was purchased at the gas station?
- 6 A Gas.
- 7 Q And State's 28D.
- 8 A This is Matthew Fullbright at the register.
- 9 Q Okay. This is 28C.
- 10 A This would be the vehicle they were in, a green Ford pick-
- 11 up truck.
- 12 Q And that belonged to?
- 13 A Irving Ramirez, at the gas pump.
- 14 Q So, was Irving Ramirez pumping the gas outside?
- 15 A Yes, ma'am.
- 16 Q And this is 28E.
- 17 A This is another picture of the green Ford pick-up truck
- 18 belonging to Mr. Ramirez pulling out of the parking lot.
- 19 Q And 28A?
- 20 A That's also another additional picture of the green Ford
- 21 pick-up belonging to Irving Ramirez.
- 22 Q Now, you also collected a receipt from SavMore. Is that
- 23 correct?
- 24 A We did.
- 25 Q I'm going to show you what has been previously admitted as

DIRECT EXAMINATION OF CHRIS BEUSSE BY MS. HUEY

484

1 State's 13. And could you tell the jury what that depicts?

2 A That's a receipt for fuel from SavMore for \$45.00 that was
3 paid for with \$45.00 in cash.

4 Q And this is the receipt from buying the gas at SavMore.

5 A Yes, ma'am. It was on October 24 at 6:46 a.m.

6 Q Now, Detective Beusse, in the defendant's statement, he
7 says that this a robbery. Correct?

8 A Yes, ma'am.

9 Q Okay. What jewelry was recovered from Homer Staton, if
10 any?

11 MR. ROBINSON: Objection, Your Honor. Leading.

12 THE COURT: Overruled.

13 A There was a medic alert bracelet and a pocket watch.

14 Q And what, if anything did the defendant -- What did the
15 defendant say in his statement was taken from Mr. Staton?

16 A His jewelry, his wallet, cash.

17 Q And did you recover any cash from Mr. Staton?

18 A No, ma'am.

19 Q Did you recover any wallet from Mr. Staton?

20 A No, ma'am.

21 Q Was there any cash recovered from the car on Horton Road?

22 A No, ma'am.

23 Q Was there any jewelry recovered from the car on Horton
24 Road?

25 A No, ma'am.

1 Q Okay. Now, how about in terms of JoAnn Staton?

2 A JoAnn Staton, as far as...

3 Q I'm sorry. In terms of what jewelry was she found with, if
4 any?

5 A She did have some -- She had a pearl necklace, a silver
6 bracelet, a gold anklet, she had her diamond ring and band
7 on her left hand, and a diamond ring on her right hand.

8 Q Okay. Now, Detective Beusse, you try and go through the
9 statement to corroborate it, and then, do you also try to --
10 -- when you are corroborating, do you ever come up with
11 inconsistencies in his statement?

12 A Yes, ma'am.

13 Q For instance, let's take the GoPhone records.

14 A Yes, ma'am.

15 Q The defendant, in his statement, claims to be acting under
16 the direction of Irving Ramirez. Is that correct?

17 A Yes, ma'am.

18 Q Okay. And he states that Irving Ramirez, Ernie, is calling
19 him and he is using the GoPhone to call Ernie back and
20 forth.

21 A Yes, ma'am.

22 Q Okay. What, in fact, did the GoPhone records suggest? And
23 let's take it from the beginning.

24 MR. ROBINSON: Your Honor, I'm going to object, as far as
25 speculation, and the detective has not been qualified as a

DIRECT EXAMINATION OF CHRIS BEUSSE BY MS. HUEY

486

1 person to interpret these records in this case. I think it
2 calls for speculation, as well as, no foundation.

3 THE COURT: Overruled.

4 Q Starting from the beginning of the GoPhone records, one of
5 the first phone calls from the GoPhone is to a Ricky
6 Kelley. Is that correct?

7 A Yes, ma'am.

8 Q Okay. And is that consistent with the defendant's
9 statement?

10 A No, ma'am.

11 Q Now, in terms of the GoPhone records, we have heard
12 previous testimony that there was a 8:08 call on Homer
13 Staton's cell phone toward Iva.

14 A Yes, ma'am.

15 Q Okay. And then the first time the GoPhone is actually
16 used, we just, you just testified, what time is that?

17 A 9:23.

18 Q Okay.

19 A P.m.

20 Q Now based on that, and then based on your entire
21 investigation, are you able to determine an approximate
22 date of death, time of death?

23 MR. ROBINSON: Objection, Your Honor. Beyond the scope of
24 his expertise, Your Honor.

25 THE COURT: Lay a little bit further foundation, please,

THE STATE OF SOUTH CAROLINA VERSUS MATTHEW FULLBRIGHT

1 ma'am.

2 Q Detective Beusse, did you obtain phone records from Homer
3 Staton in this case?

4 A Yes, ma'am.

5 Q Did you obtain phone records from the GoPhone?

6 A Yes, ma'am.

7 Q Which was registered to Homer Staton?

8 A Yes, ma'am.

9 Q Did you collect phone records from Irving Ramirez?

10 A Yes, ma'am.

11 Q And did you also collect phone records from Kenneth
12 Burdette?

13 A I did.

14 Q Now, in addition to reviewing all those phone records,
15 what, if anything, did you do that goes back to
16 corroborating the statements to narrow down when the
17 Statons were last seen alive and when they would have last
18 been making calls?

19 A The review of their records ---

20 MR. ROBINSON: Your Honor?

21 THE COURT: State your objection.

22 MR. ROBINSON: Speculation, as far as getting the
23 foundation, is not sufficient.

24 THE COURT: Overruled. Go ahead.

25 A I reviewed the records for Homer Staton's cell phone that

DIRECT EXAMINATION OF CHRIS BEUSSE BY MS. HUEY

488

1 he had that Friday night, the last outgoing call, the call
2 that registered on the phone list is at 8:08 p.m. and then
3 the first call on the GoPhone that was used after the last
4 phone call, which is his original cell phone, was 9:23 p.m.
5 That call came out of his vehicle. So, based between 8:08
6 p.m. and 9:23 p.m., that's when I determined the time frame
7 for the death.

8 Q Now, backing up, we talked about one of the first calls
9 being to Ricky Kelley. When is the first time that Irving
10 Ramirez is actually called on that GoPhone?

11 A That was at 9:52 p.m.

12 Q Now, is the GoPhone still making calls, though, between
13 9:23 and 9:52?

14 A Yes, ma'am. There are multiple phone calls made before.

15 Q But not to Irving Ramirez, as the defendant's statement
16 would suggest?

17 A Yes, ma'am.

18 Q So, who is the GoPhone calling?

19 A Kenneth Burdette.

20 Q And in the course of your investigation, did you interview
21 Kenneth Burdette?

22 A Yes, ma'am.

23 Q Okay. And there has been testimony that Kenneth Burdette
24 met Matthew Full bright at the gas station at 252 and 413
25 on Friday, October 23rd.

1 A Yes, ma'am.

2 Q Okay. Now, that is not in the defendant's statement.

3 A No, ma'am.

4 Q Okay. But do phone records support that transaction?

5 A Yes, the phone records support that Kenneth Burdette was at
6 that gas station.

7 Q So, in the defendant's statement, when he claims to be
8 calling Ernie Ramirez back and forth, back and forth, do
9 the phone records support that?

10 A No, ma'am.

11 Q Now, additionally, Detective Beusse, the defendant directs
12 you all to a hammer. Is that correct?

13 A Yes, ma'am. He did.

14 Q And that's based on his statement.

15 A Yes, ma'am.

16 Q And what, if anything, can you tell us about that?

17 A At the direction of him, we drove to the area on Monitor
18 Road and he pointed out a location where he said the hammer
19 would be in the swamp. He said it was thrown in the area
20 he pointed out, bare-handed, by Ernie Ramirez.

21 Q And that hammer, did it match the description that he gave
22 you all back on October 29, 2009?

23 A Yes, ma'am. I asked him about that particular hammer he
24 was talking about in his statement. He did draw a sketch,
25 or a drawing of that hammer, and it matched the description

DIRECT EXAMINATION OF CHRIS BEUSSE BY MS. HUEY

490

1 of the hammer that we located.

2 Q And then you all were able to locate a hammer that matched
3 that description in a swampy area off Monitor Road?

4 A Yes, ma'am.

5 Q And who did that property belong to, again?

6 A Marshall Fullbright, the defendant's father.

7 Q Now, Detective Beusse, I believe the defendant directed you
8 all to some other places. Is that correct?

9 A He did.

10 Q Okay. And what other places did he direct you all to?

11 A He said that he had buried some jewelry behind Irving
12 Ramirez' residence. We also checked that location with
13 him, but we were unable to find anything. He also said
14 there was some items taken to McCormick and discarded.
15 We were unable to find the location that existed that he
16 was describing.

17 Q And in terms of McCormick, according to the defendant's
18 statement, he says that he and Irving Ramirez drove to
19 McCormick that night and went to a Pump Wash Station?

20 A Yes, ma'am.

21 Q What, if anything, can you tell us about that Pump Wash
22 Station in McCormick?

23 A We were never able to locate it. We checked with
24 McCormick's Sheriff's office and the Forestry Service
25 Division and nobody could say it existed. We couldn't find

1 it.

2 Q Now, Detective Beusse, did you all, excuse me one second.

3 (Ms. Huey confers with Ms. Adams) Now, Detective Beusse,
4 in your law enforcement career, have you had occasion to
5 investigate drug crimes?

6 A I don't particularly investigate drug crimes, but I have
7 been around people who use drugs or participate in that
8 lifestyle.

9 Q Okay. And how often do you think you have come into
10 contact with these kinds of people, whether it be as a
11 defendant or perhaps a witness or something in a case?

12 A Pretty much every week out in the field.

13 Q Okay. Out in the field?

14 A Yes, ma'am.

15 Q And, out in the field, are you familiar then with what drug
16 abusers may use as drug paraphernalia?

17 A Yes, ma'am.

18 Q Okay. What, if anything, can you say about those bud
19 vases?

20 MR. ROBINSON: Your Honor, I'm going to object. Foundation,
21 in this case as far as this particular witness.

22 THE COURT: Ask the last question one more time and do not
23 answer, please.

24 MS. HUEY: I asked, what, if anything, could he say about a
25 bud vase?

DIRECT EXAMINATION OF CHRIS BEUSSE BY MS. HUEY

492

1 THE COURT: Overruled. Go ahead.

2 Q In your experience, what, if anything, can you say about a
3 bud vase?

4 A It's used to smoke narcotics, smoke drugs.

5 Q Okay. And how about a Brillo pad bought in combination?

6 A The same.

7 Q Again, to smoke drugs?

8 A Yes, ma'am.

9 Q Okay. Now, Detective Beusse, did you also, and we talked a
10 lot about this map, but were you able to determine
11 distances and the time it would take to get between
12 specific locations?

13 A Yes, ma'am.

14 Q Okay. Specifically, Detective Beusse, can you tell us the
15 distance between Blair Mill Road where the defendant,
16 Matthew Full bright, lived at the time, and the location of
17 Waterside Drive where JoAnn Staton's body was located?

18 A It's approximately 20 miles.

19 Q And about how long would it take to get there?

20 A Approximately, 30 minutes.

21 Q And do the phone records support that?

22 A Yes, ma'am.

23 Q The defendant's statement talks about Waterside Drive being
24 the initial crime scene. Does the evidence support that?

25 A Yes, ma'am.

1 Q Now, from Waterside Drive to Asaville School Road, what is
2 the distance there?

3 A That's probably 8 to 10 miles. It might take 15 minutes to
4 drive it.

5 Q And again, do phone records support that?

6 A Yes, ma'am.

7 Q And how about from Asaville School Road to the gas station
8 at Highway 252 and 413. What's the distance there?

9 A Roughly 10 miles.

10 Q And again, how long would it take to get there?

11 A Probably, 15 minutes.

12 Q And again, do the phone records support that?

13 A Yes, ma'am.

14 Q And how about from the gas station at 252 and 413 to Horton
15 Road?

16 A I'm sorry, say that one more time.

17 Q The gas station at 252 and 413, the distance from there to
18 Horton Road where the car was located?

19 A That's probably between 1 and 2 miles and that would
20 probably take 5 minutes or less.

21 Q And again, do phone records support that?

22 A Yes, ma'am.

23 Q And how about from Horton Road to, back to Blair Mill Road?
24 The distance and time?

25 A Probably about 5 miles. It might take, you know, between 8

CROSS EXAMINATION OF CHRIS BEUSSE BY MR. ROBINSON

494

1 to 10 minutes, 5, somewhere between 5 and 10.

2 Q And the phone records support that?

3 A Yes, ma'am.

4 MS. HUEY: That's all I have, Judge.

5 THE COURT: All right. Ms. Terry, Ladies and Gentlemen of
6 the jury, we are going to take our afternoon break now. I would
7 say it would be a minimum of 15 minutes. So, make yourself at
8 home and if you need anything let the bailiffs know and we will
9 make sure and take care of it for you. Okay?

10 (Jury out at 3:33 p.m.)

11 THE COURT: All right. Do not speak with anyone about your
12 testimony during the break. Okay?

13 (Break)

14 THE COURT: All right, Mr. Robinson, are you ready to
15 proceed with cross examination?

16 MR. ROBINSON: I am, Your Honor.

17 THE COURT: Is the State ready to proceed?

18 MS. HUEY: Yes, sir, Your Honor.

19 (Jury in at 3:47 p.m.)

20 THE COURT: All right, Mr. Robinson.

21 MR. ROBINSON: May it please the Court.

22 THE COURT: Yes, sir.

23 CROSS EXAMINATION OF CHRIS BEUSSE BY MISTER ROBINSON

24 Q Officer Beusse, you took the statement from Irving Ramirez
25 before you took, before you spoke to Mr. Fullbright.

THE STATE OF SOUTH CAROLINA VERSUS MATTHEW FULLBRIGHT

- 1 Didn't you?
- 2 A Yes, sir.
- 3 Q You did? And actually when you went out to Mister --
- 4 Actually Mr. Ramirez' was actually the last call between
- 5 the Staton's and anyone. Right? So, it was between Mr.
- 6 Ramirez and Mr. Staton. Correct? That was the last call
- 7 at Homer's number. Correct? The last number that Homer
- 8 Staton called was to Mr. Ramirez. Correct?
- 9 A Yes.
- 10 Q And you went out to his house. Correct?
- 11 A I did.
- 12 Q And you would acknowledge that when you went to his house
- 13 -- You've got your report in there. Don't you?
- 14 A My report?
- 15 Q Let's look at page 54 and 55 of your report.
- 16 A I don't have my report with me.
- 17 Q You don't have a copy of your report?
- 18 A No.
- 19 Q Well, let me just -- When you went out there to see Mr.
- 20 Ramirez, you discovered a mop handle. Isn't that correct?
- 21 A Yes.
- 22 Q A mop. And that was the same type of mop that was found in
- 23 that swamp. Isn't it?
- 24 A It was similar. Yes.
- 25 Q Similar?

CROSS EXAMINATION OF CHRIS BEUSSE BY MR. ROBINSON

496

- 1 A Yes.
- 2 Q Almost identical, actually. Wasn't it?
- 3 A Identical?
- 4 Q Uh-huh. It was very similar. Correct?
- 5 A It was similar.
- 6 Q Okay. And you also found, when you went to his house, that
- 7 he had a gas can there as well. Correct?
- 8 A Yes, sir.
- 9 Q Okay. And do you remember Mr. Ramirez asking you about the
- 10 Statons and saying to you, to the effect of ---
- 11 MS. ADAMS: Objection, Your Honor.
- 12 THE COURT: State your objection.
- 13 MS. ADAMS: Hearsay.
- 14 THE COURT: Overruled. Go ahead.
- 15 Q That, "What, did they get shot or hit with a hammer?"
- 16 Remember that?
- 17 A I do.
- 18 Q He said that?
- 19 A He did.
- 20 Q And then Mr. Ramirez, who was a suspect in this case, who
- 21 was the last number that Mr. Staton may have spoken to,
- 22 he's the one who gave you Mr. Fullbright's information.
- 23 Isn't he?
- 24 A Ernie Ramirez gave me his information?
- 25 Q Yes. Yes.

- 1 A He did.
- 2 Q And so again, you got your information from Mr. Ramirez and
- 3 then you went to talk to Mr. Fullbright or Mr. Fullbright
- 4 talked to you. Is that correct?
- 5 A That's correct.
- 6 Q And you supposedly got a statement from him or two
- 7 statements. Is that right?
- 8 A Not supposedly, I did.
- 9 Q And the person who witnessed this statement was Mr. Gebing.
- 10 Is that correct?
- 11 A That's correct.
- 12 Q And he is the same person who went out with you to Mr.
- 13 Ramirez' residence and Mr. Ramirez made that statement to?
- 14 A The second one, yes, sir.
- 15 Q Okay.
- 16 A Not the first.
- 17 Q And you make a point -- as far as Blair Mill Road goes, how
- 18 many people do you estimate live on Blair Mill Road?
- 19 A Ten, twelve houses.
- 20 Q Ten or 12? Okay. And the GoPhone packaging that was found
- 21 in the car, you never matched that to the GoPhone that was
- 22 supposedly calling at that time. Did you?
- 23 A It was the same GoPhone.
- 24 Q Did you match it through a serial number?
- 25 A We sent the bar code.

CROSS EXAMINATION OF CHRIS BEUSSE BY MR. ROBINSON

498

1 Q Okay.

2 A Along with the search warrant.

3 Q All right. Now, when you went in, you actually went and
4 did a search of Matthew Fullbright's home. Didn't you?

5 A I wasn't there when the search was done, but there was a
6 search done.

7 Q And, actually, there was no GoPhone ever found there. Was
8 there?

9 A At his residence?

10 Q Yeah.

11 A No, sir.

12 Q And, actually, there was no blood or any sort of fibers
13 connected with this crime at his home. Was there?

14 A No, sir.

15 Q And actually, to make sure that there was no blood or any
16 prints or anything at his residence or in his yard, they
17 actually used a product that was good at detecting this
18 kind of thing. Didn't they?

19 A Yes, sir.

20 Q And they found nothing. Did they?

21 A No, sir.

22 Q So, you typed the statement. Correct? You wrote the
23 statement up. Didn't you?

24 A I typed the first statement.

25 Q You typed it out. The second statement was typed by who?

1 A Sergeant Gebing.

2 Q So, two officers types these statements. Now, in Anderson
3 County, as well as other counties in this state, there is
4 no video or audio that someone can look at. Is there?

5 A No, sir.

6 Q Actually, you're not, you are not actually, you don't have
7 that kind of -- you are not required to tape or to audio or
8 video any sort of interrogation that you do on someone.

9 Are you?

10 A No, sir. No.

11 Q And as far as the, and as far as the, this Mr. Burdette
12 that touched upon a few moments ago, yesterday, excuse me,
13 about this meeting place that he met, allegedly, Mr. Full
14 bright. There is no, there is no video of that anyplace.
15 Is there?

16 A No, sir. There is no video from the store.

17 MR. ROBINSON: Beg the Court's indulgence.

18 THE COURT: Yes, sir.

19 MR. ROBINSON: (Speaks to his client and checks his notes)

20 That's all I have, Your Honor.

21 THE COURT: Any redirect?

22 MS. HUEY: Yes, sir. A few questions, Your Honor.

23 THE COURT: Yes, ma'am.

24 REDIRECT EXAMINATION OF CHRIS BEUSSE BY MS. HUEY

25 Q Detective Beusse, there has been a lot of talk about what

REDIRECT EXAMINATION OF CHRIS BEUSSE BY MS. HUEY

500

1 Ernie said.

2 A Yes, ma'am.

3 Q Okay. You did take a statement from Mr. Ramirez. Is that
4 correct?

5 A I did.

6 Q Okay. And specifically what, if anything, did Mr. Ramirez
7 say about how he met Mr. Fullbright?

8 A He said he met him, he came to his house. He was outside
9 shooting his air rifle and Mr. Fullbright approached him
10 and they started talking.

11 Q And what was their nature of their relationship, according
12 to Mr. Ramirez?

13 A It was -- He had just met him and he asked to borrow his
14 telephone.

15 Q And he said he asked to borrow his telephone? And that
16 number is 318-1497?

17 A Yes, ma'am.

18 Q And again, in the defendant's, Matthew Fullbright's,
19 confession, he admits to using Ernie Ramirez's cell phone
20 to call the Statons. Is that correct?

21 A Yes, ma'am. He does.

22 Q And the phone records support that?

23 A Yes, ma'am.

24 Q In terms of what Ernie Ramirez told you, did he at any
25 time, say he had any knowledge of the murders of the

1 Statons?

2 A No, ma'am.

3 Q Did he, at any time, implicate Matthew Fullbright in the
4 murders of the Statons?

5 A No, ma'am.

6 Q What, if anything, did he say was his involvement?

7 A He said he wasn't involved.

8 Q Okay. In terms of Friday, October 23, 2009, what do the
9 cell phone records support in terms of where Ernie Ramirez
10 was when this incident occurred?

11 MR. ROBINSON: Your Honor, I did not go into this on cross
12 examination.

13 THE COURT: Overruled.

14 A They support that he was at his residence at the time.

15 Q And his residence was where?

16 A Blair Mill Road.

17 Q Just like he said in his statement to you.

18 A Yes, ma'am.

19 MR. ROBINSON: Objection, Your Honor. Leading.

20 THE COURT: Overruled.

21 Q Again, in terms of the statement he gave to you, Detective
22 Beusse, what, if anything, did he say about picking Matthew
23 Fullbright up on Horton Road?

24 A He said he received a phone call from Mr. Fullbright when
25 he was about to go to bed. At that time, he asked him to

REDIRECT EXAMINATION OF CHRIS BEUSSE BY MS. HUEY

502

1 come pick him up, he was having a problem with his
2 girlfriend. He told him to pick him up on Horton Road.
3 Mr. Ramirez left his residence and drove to Horton Road and
4 he picked him up at that location.

5 Q Okay. And did he, according to his statement that he gave
6 to you, did he see Mr. Fullbright right away on Horton
7 Road?

8 A No.

9 Q Okay. What did he say, according to his statement?

10 A That he drove past and had to turn around and come back
11 until he saw him.

12 Q And did his statement say he made phone calls to that
13 effect?

14 A Phone calls to?

15 Q When he said he picked Matthew Fullbright up on Horton Road
16 and he passed Mr. Fullbright, originally, are there phone
17 records to support communications between Ernie Ramirez and
18 Matthew Fullbright?

19 A No, ma'am.

20 Q But there are, in terms of Horton Road? Is that correct?

21 A Yes, ma'am.

22 Q Okay. Now, does Ernie Ramirez say anything that Matthew
23 Fullbright had blood all over him?

24 A No.

25 Q Does he say that Matthew Full bright confessed that he had

1 just killed the Statons?

2 A No, ma'am.

3 Q Does he say where the Statons bodies are located?

4 A No, ma'am.

5 Q Did Ernie Ramirez say that Matthew Fullbright burned
6 evidence the next day at Monitor Road?

7 A Did Ernie say that?

8 Q Uh-huh.

9 A He said -- He didn't say they burned evidence. He said
10 some items were burned.

11 Q Okay. And how does he explain that to you?

12 A He said he picked him up the next morning to go hunting on
13 his father's property and they bought gas before they left,
14 before they went.

15 Q Okay. And then -- And that's what is depicted in the
16 Walmart stills?

17 A Yes, ma'am.

18 Q And the SavMore stills?

19 A Yes, ma'am.

20 Q And at the burn site on Monitor Drive, what does Ernie tell
21 you about what he's doing while Matthew is burning property
22 or things?

23 A He said that he had climbed a tree in a deer stand and he
24 was in the process of hunting and he heard a whoosh sound
25 behind him and there was a fire burning.

REDIRECT EXAMINATION OF CHRIS BEUSSE BY MS. HUEY

504

1 Q So Ernie, in his statement, says that they were going
2 hunting, or so he thought?

3 A He did.

4 Q And the next thing he knows, Mr. Fullbright is burning
5 things?

6 A Yes, ma'am.

7 Q And what was Ernie Ramirez reaction to that?

8 A He stated that he was kind of angry about it, because it
9 would scare the deer away.

10 Q But does he have any knowledge of what Mr. Fullbright is
11 burning?

12 A He said he did not.

13 Q In any way, does Ernie Ramirez give you any information
14 that implicates this defendant in the murders or robberies
15 of the Statons?

16 A No, ma'am.

17 Q Other than picking Mr. Fullbright up on Friday, October 23,
18 2009, at Horton Road?

19 A That's the only thing.

20 Q Okay. And the phone records support that?

21 A Yes, ma'am.

22 Q Just one more thing about what Ernie Ramirez told you when
23 he picked Mr. Fullbright up on Horton road. What, if
24 anything, did he say Mr. Fullbright had with him?

25 A He said he had a bag with him. He put it in the back of

RECROSS EXAMINATION OF CHRIS BEUSSE BY MR. ROBINSON

505

1 the truck.

2 MS. HUEY: That's all I have, Judge.

3 THE COURT: Anything further, Mr. Robinson?

4 MR. ROBINSON: Yes, sir.

5 RE-CROSS EXAMINATION OF CHRIS BEUSSE BY MISTER ROBINSON

6 Q I'm going to ask you a little bit about your investigation
7 and Irving Ramirez in this case. So, you go to his door
8 after learning that he is the last person that spoke to
9 Homer Staton and he tells you, he asks you, about how they
10 died. He says, "What did they get, shot or hit with a
11 hammer," and you find a gas can at his house. You didn't
12 do anymore investigation on Mr. Ramirez?

13 A He didn't say that the first day I went to his house. He
14 said that in the second statement.

15 Q But it ---

16 A We did some more investigation.

17 Q But tell me what investigation you did with Mr. Ramirez to
18 follow up on him.

19 A We did a search warrant of his residence.

20 Q And what did you find?

21 A A mop handle, as you said earlier.

22 Q A mop handle that fit or was similar to the mop handle
23 found in the, found in the swamp. Okay. What else?

24 A A gas can.

25 Q A gas can that may have been used to burn certain items.

RECROSS EXAMINATION OF CHRIS BEUSSE BY MR. ROBINSON

506

- 1 Okay. What else?
- 2 A I think there was a head to a mop.
- 3 Q The same kind of mop that was found in the swamp?
- 4 A I don't know if it was the same kind of mop.
- 5 Q Actually, you and Mr. Gebing, or whoever it was the officer
- 6 was, used this mop to try to stir up this alleged pit of
- 7 ashes. Didn't you?
- 8 A I didn't do that.
- 9 Q One of your officers did. Didn't they?
- 10 A I couldn't say for sure.
- 11 Q Okay. Okay, so you have him tell you this about the
- 12 hammer. Didn't you find that a little bit unusual? Didn't
- 13 you find his statement a little unusual when he supposedly
- 14 knows nothing about this and he says to you, or asks you,
- 15 "What, did they get shot or hit with a hammer?" That
- 16 didn't kind of perk your ears a little bit?
- 17 A It did.
- 18 Q All right, tell the jury what investigation you did besides
- 19 looking at his house and finding a gas can and a mop that
- 20 fit the stuff in the swamp. You also found a gun, didn't
- 21 you, in his house?
- 22 A We did.
- 23 Q You found a Ruger gun. Didn't you?
- 24 A Yes, sir.
- 25 Q I think that is a .40 caliber. Is that right?

- 1 A A .44.
- 2 Q That wasn't actually, that actually was not a BB gun like
- 3 officer Gebing talked about a little while ago, was it?
- 4 A It was a BB gun located, also.
- 5 Q But he failed to state that you all found a .44 in his
- 6 house. Didn't he?
- 7 A He might not have remembered that, sir.
- 8 Q Oh, he meant -- Okay. Okay. Did you follow up to find out
- 9 where Mr. Ramirez may have been during this period of time?
- 10 A We did the best we could. We got his cell phone records
- 11 and we interviewed him three times.
- 12 Q Interviewed him three times. Did you go through his bank
- 13 accounts to find out if he had put some money into some
- 14 bank accounts at all?
- 15 A No. We checked his bank records for a certain period of
- 16 time, but we didn't get anything, like, any deposits.
- 17 Q Did you ever -- Did you ever talk to his, his roommate at
- 18 the time to find out if they took anything out of there to
- 19 someplace else at some time?
- 20 A We did interview his roommate.
- 21 Q He actually left for a period of time. Didn't he? The
- 22 roommate?
- 23 A He said he wasn't at home that week-end this incident took
- 24 place.
- 25 Q Wasn't at home that week-end and you didn't find it any ---

RECROSS EXAMINATION OF CHRIS BEUSSE BY MR. ROBINSON

508

1 You didn't find it unusual that this guy says this to you?
2 He has a gas can. He has a gun. Has all this stuff in his
3 house. You didn't find it appropriate to investigate him
4 more?

5 A We did investigate him.

6 Q You looked at some bank accounts. Okay, what else did you
7 do?

8 A We did a search warrant, like I said.

9 Q Searched the house.

10 A We interviewed him three times. We got his cell phone
11 records.

12 Q Okay.

13 A That's what we did.

14 Q Did you find out where he was that night? Mr. Ramirez?

15 A The cell phone records support that he was at home.

16 Q He was at home the entire time?

17 A During the time frame we were investigating.

18 Q He was at home during the time, if Dr. Woodard is correct,
19 between sometime that evening to sometime the next day, he
20 was home the entire time?

21 A From what time frame?

22 Q From early in the evening of the 23rd of October, 2009, to
23 the morning of October 24, 2009, he was home the entire
24 time?

25 A I can't say that for sure.

RECROSS EXAMINATION OF CHRIS BEUSSE BY MR. ROBINSON

509

1 Q You can't say that for sure. Okay, so you don't know.

2 A I don't know that.

3 Q So, you don't know whether or not he did this or not. Do
4 you?

5 A I can't tell you if he did that for sure.

6 Q Did you ever -- when you, when you did your search warrant
7 of this, did you ever get anything that would show that Mr.
8 Ramirez was either out of town or at someone's residence or
9 something like that during the time this allegedly
10 happened?

11 A No.

12 Q And you don't think that would be a little bit important in
13 this kind of investigation?

14 A It is important.

15 Q But you never did it?

16 A You can't find that out.

17 Q You couldn't go and find out from anybody, any people in
18 the area or anything that would indicate that he was away
19 from his house or whatever, in this case?

20 A We did the best we could.

21 Q And your investigation stopped, after you got these, the
22 bank records, let me -- what bank records did you get?

23 A Some bank records from his bank.

24 Q So, wouldn't you -- Okay. Okay. So, you didn't think it
25 wise to check any other bank for big deposits that day?

RECROSS EXAMINATION OF CHRIS BEUSSE BY MR. ROBINSON

510

- 1 A That's all we located.
- 2 Q But you were able to locate the cell phone records by these
- 3 exigent circumstances, but you couldn't locate his banking
- 4 records.
- 5 A We had his phone number. We can locate his phone numbers,
- 6 his cell phone records.
- 7 Q And you had, you had his social security number, as well.
- 8 Didn't you?
- 9 A Yes, sir.
- 10 Q And you didn't go to any other banks besides the bank he
- 11 banks at to find out ---
- 12 A We didn't locate any other accounts.
- 13 Q Did you check to see if there was anything deposited,
- 14 maybe, outside Anderson County or say another state,
- 15 possibly?
- 16 A That was the only bank account located.
- 17 Q So, you didn't go beyond that and say, okay, do you really
- 18 think, as an officer obviously, do you really think that a
- 19 person who takes that much money is going to put it in
- 20 their own bank account? Huh?
- 21 A Possibly. Possibly not. I can't tell you.
- 22 Q So, if you are person who is trying to commit a crime, you
- 23 are telling this jury that you are going to put that in
- 24 your own bank account so you can be found immediately?
- 25 A I can't tell you what he would do.

1 Q But you have been working for the Sheriff's office doing
2 investigations for how many years?

3 A I have been there for 8 years.

4 Q And you don't -- How many banks are there in
5 Anderson County and South Carolina? To your estimation?

6 A Lots.

7 Q Where did he bank?

8 A I would have to look at my notebook to tell you.

9 Q But that was the bank you checked? You checked no other
10 banks?

11 A That was the only bank account we located.

12 Q But you didn't think to yourself in your experience as an
13 officer?

14 A That is the only one we located.

15 Q So, do you think maybe he had like an alias possibly, or do
16 you think he really used his same name?

17 A It's a possibility.

18 Q Now, let's talk about the jewelry we are talking about here.
19 Okay? Did you ever check to see, like, at pawn shops, at
20 flea markets, or some place that people buy and sell
21 jewelry, did you ever check to see whether someone bought
22 and sold any jewels that may have belonged to the Statons?
23 Did you?

24 A Yes, sir.

25 Q And what did that reveal?

RECROSS EXAMINATION OF CHRIS BEUSSE BY MR. ROBINSON

512

1 A Didn't find anything.

2 Q Didn't find anything. Where did you check?

3 A We searched through leads online. We go online to certain
4 sites and search by name and social security number.

5 Q And did you think to yourself, maybe, that since this is a
6 criminal that has done this, that maybe he put it under a
7 different name or put it into a safety deposit box somewhere
8 in a different name? Like with the cash? Did you think
9 that?

10 A There's no way to tell.

11 Q No way to tell?

12 A I mean, if he has an alias and I don't know about it, I
13 can't ---

14 Q But wouldn't you think though -- Now, as an officer of
15 Anderson County you have access to computers. Correct?

16 A Yes, sir.

17 Q And you actually have access to law enforcement throughout
18 the country as far as finding people, putting out leads, and
19 things like that. Don't you?

20 A Excuse me?

21 Q If law enforcement in a different state has something occur
22 like a crime occurs that could be across state lines and the
23 person may be coming to Anderson County, you have access,
24 they can contact you. Can't they?

25 A They can put out like a BOLO.

- 1 Q Yeah. Okay.
- 2 A Be on the lookout.
- 3 Q Okay. Did you ever put a BOLO out to find out where this
- 4 money went to, this large amount of money we are talking
- 5 about or where this jewelry was?
- 6 A BOLOs are for individuals, vehicles, persons.
- 7 Q So, you didn't put a BOLO out ---
- 8 A We don't use BOLOs for large amounts of jewelry, for
- 9 example.
- 10 Q What you do then, is you just look at one -- You look at a
- 11 person's bank account that has already told you, has already
- 12 stated a question to you, "what did they get shot or hit
- 13 with a hammer," and you just check one bank account and
- 14 nothing else, as far as bank accounts go?
- 15 A That's the only one we found.
- 16 Q And not one time did you ever see any large amounts of money
- 17 floating out. You didn't check, actually. Did you?
- 18 A We attempted to check, but that was the only one located.
- 19 Q How many officers do you have working for the Anderson
- 20 County Sheriff's Department?
- 21 A Total?
- 22 Q Yes, total. How many?
- 23 A There is a couple hundred sworn deputies.
- 24 Q A couple of hundred? So, all these guys, all these
- 25 officers, and you have a lot of resources too. Don't you?

REDIRECT EXAMINATION OF CHRIS BEUSSE BY MS. HUEY

514

1 A Yes, sir.

2 Q You want to -- Actually, you put in --there is a lot of
3 money put into resources as far as computers, research, and
4 things like that. Right?

5 A Yes, sir.

6 Q With all that technology and all these hundreds of people
7 there, not one time did anyone think to themselves to put
8 out a BOLO for a large amount of money or a BOLO for a large
9 amount of jewelry out-of-state or outside of Anderson
10 County?

11 A We don't use BOLOs for that.

12 Q But you never put out any notice to anyone that there was a
13 large amount of money missing?

14 MS. HUEY: Objection.

15 THE COURT: I sustain the objection. Move on please.

16 MR. ROBINSON: That's all I have of this witness, Your
17 Honor.

18 THE COURT: May this witness be excused?

19 MS. HUEY: I have one question, Judge.

20 REDIRECT EXAMINATION OF CHRIS BEUSSE BY MS. HUEY

21 Q Detective Beusse, was Ernie Ramirez charged with any
22 involvement in this case?

23 A Yes, ma'am.

24 THE COURT: All right, thank you sir. You may step down.

25 May I see the attorneys up here?

1 (Bench Conference Off the Record)

2 THE COURT: All right. Next witness, please.

3 MS. ADAMS: Thank you, Your Honor. At this point, we would
4 like to show the arraignment video of the defendant that was
5 admitted earlier by the State, and so the jury knows, was State's
6 Exhibit 15.

7 THE COURT: All right. Go right ahead, please.

8 (Video is played)

9 THE COURT: All right, anything further from the State?

10 MS. HUEY: No, sir, Your Honor. The State rests.

11 THE COURT: Ms. Terry, Ladies and Gentlemen of the jury,
12 that ends the State's side of the case. I have several
13 administrative matters I have to deal with at this point in the
14 trial that will take us past 5:00. I am going to excuse you at
15 this point. I ask that you be back in your jury room at 9:30 in
16 the morning. I remind you, again, as I have done throughout this
17 trial, you are not to speak to anyone, including yourselves,
18 about this case. Do not listen, read, or watch anything about
19 this case. I hope you have a nice evening and we will see you in
20 the morning.

21 (Jury out at 4:24 p.m.)

22 THE COURT: All right, Mr. Robinson, do you have any motions?

23 MR. ROBINSON: I do, Your Honor. May it please the Court.

24 THE COURT: Yes, sir.

25 MR. ROBINSON: Your Honor, I would make, at this time, a

THE STATE OF SOUTH CAROLINA VERSUS MATTHEW FULLBRIGHT

DIRECT EXAMINATION OF MATTHEW FULLBRIGHT BY MR. ROBINSON 532

1 bring the jury in?

2 (Jury in at 9:41 a.m.)

3 THE COURT: Good morning Ms. Terry, Ladies and
4 Gentlemen of the jury. I hope you had a nice evening and
5 I'm going to start with the same question I have been
6 asking y'all all week. Has anyone spoken with anyone
7 about this case? Have you read, heard, or listened to
8 anything about this case during the break? (Jurors shake
9 heads) Okay. We are now going to start with the
10 defendant's side of the case. Mr. Robinson, are you ready
11 to call your first witness?

12 MR. ROBINSON: May it please the Court.

13 THE COURT: Yes, sir.

14 MR. ROBINSON: Your Honor, the Defense would call
15 Matthew Fullbright to the stand.

16 (After being duly sworn by the Clerk of Court,
17 Matthew Fullbright testified as follows:)

18 CLERK OF COURT: You may have a seat. If you would
19 please, state your full name for the record and spell your
20 last name.

21 MR. FULLBRIGHT: Matthew Brandon Fullbright.

22 F-U-L-L-B-R-I-G-H-T. Can y'all hear me fine? (Talking to
23 the jury. They respond with nods)

24 DIRECT EXAMINATION OF MATTHEW FULLBRIGHT BY MR. ROBINSON

25 Q Matthew, when you speak, speak into the microphone

THE STATE OF SOUTH CAROLINA VERSUS MATTHEW FULLBRIGHT

DIRECT EXAMINATION OF MATTHEW FULLBRIGHT BY MR. ROBINSON 533

1 and make sure the jury can hear everything you say.

2 Okay? All right. Matt, why don't you tell the jury
3 a little bit about yourself in terms of where you
4 were born, your family, brothers and sisters, things
5 like that. Why don't you tell them about that.

6 A I was born in Anderson, South Carolina. I have one
7 sister named Amanda. I had another sister who passed
8 away. I do electrical work. I have worked since I
9 was a child.

10 Q Well, tell me this, now, you have a father and what
11 is his name?

12 A Marshall.

13 Q And did your father divorce at some point in your
14 life?

15 A Yes. He got a divorce.

16 Q And how old were you when he divorced?

17 Q I would say about two or three.

18 Q Did he re-marry?

19 A He did.

20 Q And what is his -- What is your step-mother's name?

21 A Kathy Fullbright.

22 Q Kathy Fullbright. Okay. And tell the jury about
23 what kind of work you do. You said you were an
24 electrician.

25 A I am.

DIRECT EXAMINATION OF MATTHEW FULLBRIGHT BY MR. ROBINSON 534

1 Q Are you licensed?

2 A I am.

3 Q Okay. And tell the jury what kind of work is
4 entailed in being an electrician.

5 A I'm a Residential electrician, Industrial
6 electrician, Commercial electrician. I wire houses,
7 I do small business calls. Mostly what I specialize
8 in is small maintenance calls. You know, if you had
9 an outlet that went out, I would come fix that or put
10 in a ceiling fan. Anything small like that, usually,
11 is what I specialize in, but I do work in plants
12 sometimes and I a lot of have expertise in various
13 commercial electrical work, but mostly residential.

14 Q Okay. And where did you live at, let's talk about
15 October 23rd and 24th. Where did you live at that
16 time?

17 A I was living at [REDACTED] Road in Belton.

18 Q Is it a house or an apartment building?

19 A It's a house.

20 Q And how much -- Actually, who owned the apartment, or
21 who owned the house? Excuse me.

22 A It's my house.

23 Q It's your house. Okay. How much money did you pay a
24 month for it?

25 A Roughly, \$500.00 or \$400.00. It varied.

DIRECT EXAMINATION OF MATTHEW FULLBRIGHT BY MR. ROBINSON 535

1 Q Okay. Did you do some work for your Dad?

2 A I do.

3 Q Did your Dad pay you for certain jobs and so forth?

4 A He did. Sometimes I would work to trade for my rent,
5 because I was paying my father rent, I was buying the
6 house from my father. Sometimes I did do work for
7 him. Yes.

8 Q Okay. And how did you normally get paid? Was it
9 check or cash? How did you get paid?

10 A It varied. Usually, it was check or cash. It could
11 be either one.

12 Q Okay. On the 23rd, I wanted to ask you about this.
13 How much do you think -- At that time, how much were
14 you making a week, do you think, doing electrical
15 work?

16 A That varied too. Sometimes, I would make a couple of
17 hundred dollars or sometimes I would make a thousand.
18 It depended on the job.

19 Q Okay. Did you have money to pay your normal
20 expenses?

21 A Sure.

22 Q Okay. Let's talk about the 23rd, though.

23 A Okay.

24 Q I want to take you back to that time. Well, let's
25 first talk about drugs. Obviously, it has been

DIRECT EXAMINATION OF MATTHEW FULLBRIGHT BY MR. ROBINSON 536

1 talked a lot about in your case, and so forth. When
2 did you start getting involved in drugs?

3 A I smoked a little pot when I was younger, about 16,
4 17. I quit for many years. Didn't have -- Did not
5 touch drugs. If you are referring to the addiction I
6 had, I was addicted to Oxycontin, it's true. I did
7 it in the privacy of my own home. I didn't do
8 anything illegal to obtain those drugs other than the
9 actual buying of those drugs. I did use prescription
10 drugs. I first got hooked on them when I went to a
11 dentist appointment and I had a wisdom tooth pulled
12 and the doctor prescribed me Lortabs and taking those
13 Lortabs, I began to take and abuse those Lortabs.

14 Q Okay.

15 A And ever since then I started taking pain killers.

16 Q Okay. Did you have certain people that you buy drugs
17 from?

18 A I did. I had a select few. I didn't buy from many
19 people.

20 Q Did you buy drugs from Kenneth Burdette?

21 A I would buy drugs and sell to him, too.

22 Q Okay. And where did you get your money from to buy
23 these drugs?

24 A Well, I didn't always have to buy them. Sometimes, I
25 could talk to my guy down and get them from him and

DIRECT EXAMINATION OF MATTHEW FULLBRIGHT BY MR. ROBINSON 537

1 sell them straight to Kenneth Burdette and get mine
2 free like that. Sometimes, I didn't have to actually
3 have money to buy those pills.

4 Q Okay.

5 A But if I did, I would work. Usually, I could work to
6 get money to get the drugs that I needed.

7 Q So, you would work. You would do your jobs and then
8 you would take some of that money and buy drugs. Is
9 that right?

10 A That's correct.

11 Q At the time that this all came about, October 23, 24,
12 this period of time, you were working. Were you
13 working at the time?

14 A I was.

15 Q Okay. And how much money do you think you were
16 bringing in, per week, at that time?

17 A It varied.

18 Q Okay.

19 A Various amounts. If I had to put an average on it,
20 probably \$500.00 to \$800.00 a week, something like
21 that.

22 Q Were you working with your Dad, as well?

23 A Sometimes.

24 Q Did your Dad pay you money sometimes, give you some
25 money?

DIRECT EXAMINATION OF MATTHEW FULLBRIGHT BY MR. ROBINSON 538

1 A He did.

2 Q He did? And what is your Dad's name again?

3 A Marshall Fullbright.

4 Q Okay. Now, you've heard talk about the Statons, as
5 far as your relationship with the Statons. When did
6 you meet Homer Staton?

7 A I have been incarcerated for two years, but I met the
8 Statons probably 7 years prior to that.

9 Q How did you meet them?

10 A Through their brother, Fred.

11 Q Okay. And what kind of stuff did you and the Statons
12 do?

13 A I'm sorry?

14 Q What kind of stuff did you do with the Statons? Did
15 you have like a business relationship?

16 A Yes. It was primarily business, business
17 acquaintances.

18 Q Tell us what you did. What kind of relationship?
19 Explain to the jury what kind of relationship you had
20 with them.

21 A I would find deals for them if they needed to buy
22 gold or sell gold or guns. They liked to buy guns.
23 And I would let them meet people or set up deals with
24 people for them. I liked them a lot. Anything that
25 they would say, well we are looking for guns or

DIRECT EXAMINATION OF MATTHEW FULLBRIGHT BY MR. ROBINSON 539

1 something, and if I would run across somebody who had
2 guns, I met this guy, Earl Garret. I sold to Homer
3 Staton's brother, Fred. I sold him some guns. Homer
4 has bought many guns, many chains and necklaces and
5 rings. I kind of sold him things from me and from
6 other people if we had spare gold or scrap gold or
7 whatever to sell.

8 Q Now, you heard testimony from Ms. Gremillion, his
9 daughter. Did you ever go with Homer to the flea
10 market or any flea market or anything like that?

11 A No.

12 Q Okay. Okay. And what would you get out of this
13 thing, out of these deals that you were arranging,
14 something ---

15 A Usually, they would give me a kick-back, a negotiated
16 fee.

17 Q When you say kick-back, I want you to give us an
18 idea. Give an example.

19 A If I would set up a deal with them, like say, I had
20 just been to the Jockey Lot or something and saw a
21 guy that was dealing with scrap gold or be at a job
22 sometimes and somebody mentioned scrap gold. It
23 happens more than you would think, you know, if you
24 are talking about guns, especially. I would say,
25 Well, if you're interested in selling that, I could

DIRECT EXAMINATION OF MATTHEW FULLBRIGHT BY MR. ROBINSON 540

1 call Mr. Staton and give them their phone number. I
2 would usually call them right there on the spot.

3 Q So, would you say -- so, you would get a commission?
4 Is that what you are saying?

5 A Yes.

6 Q Like on a thousand dollar arrangement, how much money
7 would you get?

8 A That one -- that varied. There was no really set
9 amount. It wasn't like 15% or 20%. It could be
10 anything.

11 Q Okay. Did you introduce the Statons, at some point,
12 to Ernie Ramirez?

13 A I did.

14 Q Tell me about how you met Ernie Ramirez and when.
15 Why don't you tell the jury that.

16 A I probably -- In August or September, of 2009.

17 Q And how did you meet him?

18 A I was visiting a friend of mine that lived two houses
19 down, right beside him. His name was Leland Clary.

20 Q Okay. And? Go on.

21 A The day I went to -- Well, one day I went to see
22 Leland, Ramirez lived right next door to him, and he
23 came out and started talking about guns and whatnot.
24 He mentioned, you know, he liked guns. Everything
25 with him was guns, guns, guns. So, he was talking

DIRECT EXAMINATION OF MATTHEW FULLBRIGHT BY MR. ROBINSON 541

1 about how he was always on the lookout for guns. So,
2 the first thing I did was, I called Mr. Staton and I
3 let him them talk on the phone.

4 Q Okay. So, you introduced Ernie to the Statons? Is
5 that correct?

6 A I did.

7 Q Did you introduce Ken Burdette, or Mr. Burdette, to
8 the Statons, as well?

9 A I did.

10 Q Okay. What did Ernie -- What did you learn from
11 Ernie about his background?

12 A He was -- He said he was law enforcement, he was
13 ex-law enforcement.

14 Q Uh-huh.

15 A He was a Correctional officer, things like that. He
16 lived in many different states at many different
17 times. He said he got kicked out of the Army.

18 Q Okay. Don't go into what other people say, just stay
19 away from that. That's hearsay. Let's go back to
20 the, to October 23rd to 24th. Let's go through,
21 let's start the day, okay, if you will. Let's tell
22 the jury what -- how -- Tell the jury what happened
23 that day, tell the jury, in a kind of chronological
24 order, what happened.

25 A On the 23rd of October, I had a job that I was going

DIRECT EXAMINATION OF MATTHEW FULLBRIGHT BY MR. ROBINSON 542

- 1 to go do for a guy named Kurt Johnson and Mary
2 Johnson, who had some houses in Anderson. I had
3 repeat business with them. At the time, my vehicle
4 was messed up. I needed a ride to the job. Ramirez
5 agreed that we would go together to that job.
6 Ramirez and I went to the job in Anderson, completed
7 the job, went to cash a check we got from the job.
8 Went to ---
9 Q Let me ask you this. Where did you cash that check?
10 A Eddie's Mini-Mart.
11 Q And how much was the check for? Do you know?
12 A Two hundred twenty-five dollars.
13 Q Okay. Go ahead. Keep going.
14 A We went to Kenneth Burdette's house, I believe, after
15 that and then we went back to Belton.
16 Q Uh-huh. Okay.
17 A I pretty much just stayed around the house that day.
18 Q What time did you get home?
19 A Probably around, sometime early afternoon.
20 Q Did you have a phone at the time?
21 A I did.
22 Q Okay. What was the number of the phone?
23 A I don't remember.
24 Q Okay. What kind of phone was it?
25 A It was a pre-paid phone.

DIRECT EXAMINATION OF MATTHEW FULLBRIGHT BY MR. ROBINSON 543

1 Q Okay. All right. Let me ask you this. Let's see.
2 After you went to Eddie's Mini Mart, what did you do?
3 After you cashed your check, what did you do? After
4 you cashed the check, what did you do?

5 A We cashed the check. I think we got a couple of
6 slices of pizza. He got some gas, filled up with
7 gas. I think that was it.

8 Q Uh-huh. And why do you remember October 23, the
9 night of October 23rd so well?

10 A Well, I don't, first of all, very well. I remember
11 bits and pieces of it. I couldn't tell you, you
12 know, exactly.

13 Q Uh-huh.

14 A I remember being questioned about it a lot when I
15 spoke to law enforcement, so that probably has a lot
16 to do with that.

17 Q Did, at some point on the night of October 23rd, did
18 your Dad come to your house?

19 A He did.

20 Q Okay. What was going on that night that your Dad
21 went to, if you know?

22 A Oh, that my father went to?

23 Q Yes.

24 A A BHP game, I believe.

25 Q The -- Was it BHP versus Seneca? Is that right?

DIRECT EXAMINATION OF MATTHEW FULLBRIGHT BY MR. ROBINSON 544

1 A I think so.

2 Q Okay.

3 A Or Laurens. It was one of the two.

4 Q Okay. Now, after you were at your house on the
5 evening of October 23rd, what did you -- When did you
6 -- What happened after -- October 23rd to October
7 24th, what did you do?

8 A Not much. I think I stayed at the house.

9 Q Did you go to Walmart at some point on the 24th?

10 A I did. The next day, yes, on the 24th.

11 Q And you have seen a copy of the receipt, I believe,
12 that has been marked an exhibit by the State?

13 A I did.

14 Q So, you acknowledge that you went into that Walmart.
15 Is that correct?

16 A Sure.

17 Q Now, the hundred dollar bills that you had with you,
18 where did you get those from?

19 A Various jobs. And my father gives me money
20 sometimes. Even though I had jobs, that's the way my
21 Dad was. You know, my Dad has always been that way.
22 He's the type of guy if you have it, especially with
23 me, he would say, "Here, take this just in case you
24 need to get something or you get in a bind."

25 Q Uh-huh.

DIRECT EXAMINATION OF MATTHEW FULLBRIGHT BY MR. ROBINSON 545

1 A He would give the money to you.

2 Q Okay. Let's talk about when you got to the Anderson
3 County Detention Center. Now you got there -- You
4 got there and, at what point, did you start getting
5 questioned?

6 A Okay. Now, that was at the Sheriff's Office, not at
7 the Detention Center.

8 Q Okay. Tell me, when you got to the Sheriff's office,
9 or the Detention Center, what happened that day?

10 A I got to the Sheriff's office. Detective Beusse and
11 Officer Gebing placed me in a holding cell by myself.

12 Q Uh-huh.

13 A I was in there, I couldn't tell you how long,
14 exactly. They took me out and brought me to the
15 interrogation room. They began asking me questions
16 about the Staton's incident. I told them that I was
17 not involved and that I had no involvement with it
18 and had no prior knowledge to it. They kept
19 questioning and kept questioning. They would take me
20 out and put me back in the cell, would bring me back
21 out and question me more, take me back, put me into
22 the cell, bring me out and ask more questions.

23 Q What kind of -- What kind of drugs were you on when
24 you got there?

25 A I was just taking Oxycontin and Lortabs.

DIRECT EXAMINATION OF MATTHEW FULLBRIGHT BY MR. ROBINSON 546

1 Q And what else did you take with that? Anything else?

2 A Maybe, Darvocet.

3 Q Okay. Did you ask for an attorney at some point?

4 A I did.

5 Q How many times do you think, while you were there,
6 did you ask for an attorney?

7 A At least twice. Twice.

8 Q Okay. Let's talk about each day that you were at the
9 Anderson County Sheriff's Office and Detention
10 Center. The first day you got there was what day?

11 A The 28th of October.

12 Q The 28th. Okay. Now, tell me what you were given by
13 the Anderson County Detention Center at that time, as
14 far as medical.

15 A You mean what the nurses gave me?

16 Q Yeah. Yeah.

17 A My father had brought some -- Well, if you take
18 Oxycontin for a prolonged period of time, which I
19 did, approximately, a few years, you are going to go
20 through withdrawals. I have sought out
21 rehabilitation a couple of times during that. My
22 father brought me a medicine called DCN, which I
23 didn't remember the name of that until recently.

24 Q Right.

25 A We got the medical records.

DIRECT EXAMINATION OF MATTHEW FULLBRIGHT BY MR. ROBINSON 547

1 Q Right.

2 A I knew that it would help with withdrawals. I knew I
3 was going to have withdrawal symptoms. I went
4 through it before when I tried to come clean a couple
5 of times.

6 Q Right..

7 A Just tried it cold turkey. It just doesn't work.
8 You are going to have to give -- usually take some
9 type of medication and I was given a white pill that
10 I don't know what that was.

11 Q And that was the 28th?

12 A No. That was the 29th through, probably, the first
13 week of November.

14 Q Was that something that was given to you every day?

15 A Yes.

16 Q Okay. Did you -- How much sleep did you get when you
17 were out there?

18 A None, absolutely zero.

19 Q Okay. Were you in isolation?

20 A I was.

21 Q Okay. Tell me how these investigations went. Tell
22 me what you -- how you were feeling, and what you
23 observed, and what was going on.

24 A I was -- I mean, I was scared. I was being asked all
25 these questions about, you know, about different

DIRECT EXAMINATION OF MATTHEW FULLBRIGHT BY MR. ROBINSON 548

1 things that I had no reason to know about. I had no
2 understanding of why I was being asked these
3 questions. I was being questioned for hours on end.

4 Q And how many hours like that? Say, -- Let's take
5 each day. Let's say the 28th.

6 A Okay.

7 Q They started questioning you. How long at a time
8 would they normally question you?

9 A On the 28th -- Well, the 28th rolled into the 29th
10 and so, the questioning began at 6:00, about 6:30 on
11 the 28th. I think it was like 12 hours, maybe
12 longer. It rolled into the 29th, which was the next
13 day. So, it was over a two-day period, so I would
14 say about 12 hours of interrogation.

15 Q Okay. So, let's go up to the -- So, on the 29th, you
16 were given white pills and what else? On the 28th,
17 you were given white pills and what else?

18 A No, no, no. It started on the 29th, because my
19 father -- It was either the -- I want to say it was
20 on the 29th that my father had brought the
21 medication. I believe that's right. The first day
22 he brought medication, whenever that was, was when
23 that medication was started being given to me.

24 Q Okay. Okay. Tell me the effects of this. Tell the
25 jury the effects of this medication they were giving

DIRECT EXAMINATION OF MATTHEW FULLBRIGHT BY MR. ROBINSON 549

1 you.

2 A Well, the DCN was mostly for withdrawal. It was a
3 type of pain medication. But the white pill, I
4 cannot tell you about it, but I know that during the
5 time, whenever they would give me that white pill, it
6 would make me feel -- I cried a lot. I cannot explain
7 it. I don't know why. But that's the only thing
8 that I remember about taking that pill, maybe for a
9 couple of hours after they'd give it to me. That's
10 all I remember about the medication.

11 Q How about the -- How about the -- How about the 30th?
12 Did you get the pills on the 30th?

13 A Yes. I received the same pills at least twice a day
14 for, approximately, a week.

15 Q Okay. And so, each day you were given something. Is
16 that correct?

17 A That's correct.

18 Q Okay. And you said -- How much sleep did you get
19 each day?

20 A I got no sleep.

21 Q Okay. Were you in isolation again?

22 A I was in isolation again.

23 Q Let's talk about the dates the alleged statements
24 were done. Tell me about those dates. Tell me about
25 those days.

DIRECT EXAMINATION OF MATTHEW FULLBRIGHT BY MR. ROBINSON 550

1 A I believe the dates of the statements were on the
2 28th and the 29th of October.

3 Q And tell us what was going on at that time. How did
4 these all come about?

5 A I never saw those statements. I never knew those
6 statements existed. I was never given a copy, of
7 course. So, I mean, I don't -- I'm not sure how to
8 answer as far as that question. I never saw those
9 statements and they did not exist, to my knowledge,
10 during that frame. So.

11 Q Well let's ask this question. The jury may be
12 interested in this, but you know that the statements
13 have certain information that have been read.

14 A Uh-huh.

15 Q Where did the officers get that information from?

16 A Well, a lot of that, I learned during the period of
17 this trial. Do you want anything specific about it?

18 Q Just what you know.

19 A I don't know about those statements. I was given
20 them, the first time that I ever laid eyes on those
21 statements, was in March of last year. That was the
22 first time I ever saw those statements.

23 Q Okay. I'm going to let you look at what has been
24 marked as State's Exhibit, State's Exhibit 2. Do you
25 recognize that statement?

DIRECT EXAMINATION OF MATTHEW FULLBRIGHT BY MR. ROBINSON 551

1 (Mr. Robinson hands document to the witness)

2 A Yes, sir.

3 Q Did you sign that statement?

4 A I did not.

5 Q Did you ever read that statement prior to anytime?

6 A I'm sorry?

7 Q Did you ever read that statement?

8 A The first time I read it was in March.

9 Q Are any of the initials on there yours?

10 A No. They are not.

11 Q Okay. Why don't you explain to the jury about that
12 particular statement. Obviously, you said that is
13 not your signature?

14 A No, sir.

15 Q It is not your -- what else can the jury look for in
16 that statement?

17 A There is a lot in this statement. Where do you want
18 me to begin? I mean, can I ---

19 Q Wherever you want to begin, and just ---

20 A If you want, I can read the entire statement, page
21 for page, and we can take it item by item if you want
22 to and prove it.

23 Q It's up to you. Go ahead.

24 A Okay.

25 MS. ADAMS: Your Honor, can I object? I think he

DIRECT EXAMINATION OF MATTHEW FULLBRIGHT BY MR. ROBINSON 552

1 needs to be asked a question and then answer it.

2 THE COURT: Y'all come up here. Ms. Terry, would you
3 take the jury back to the jury room, please, ma'am?

4 (Jury out at 10:04 a.m.)

5 THE COURT: All right. Ms. Adams, what was your
6 objection, please?

7 MS. ADAMS: Your Honor, I don't think he's responding
8 to a question. I think he needs to be asked a specific
9 question about his statement, not just read his statement.
10 He needs to be asked a question.

11 THE COURT: What is your response to that?

12 MR. ROBINSONs: Unless I -- Unless I have been in a
13 different planet the last couple of days, I think they've
14 read the statement to a detective. They've read the
15 entire statement each time without any questioning by me
16 as far as interjecting during the statement. I think
17 what's good for them is good for me as far as that goes.

18 THE COURT: I'm going to give him some leeway which he
19 can go. I do understand that you have to have a question
20 and answer format.

21 MR. ROBINSON: Yes, sir.

22 THE COURT: Which is a Rule.

23 MR. ROBINSON: Yes, sir.

24 THE COURT: Okay, sir? You know, with that being
25 said, bring the jury back in, please.

DIRECT EXAMINATION OF MATTHEW FULLBRIGHT BY MR. ROBINSON 553

1 MS. ADAMS: Your Honor, if I may, real quick before we
2 bring the jury in, if we could deal with this. During
3 cross examination, already, I feel that he has opened the
4 door for the grand larceny that he turned himself in for
5 that day. I feel we get to go into those records.

6 THE COURT: We will cross that bridge when we get
7 there.

8 MS. ADAMS: All right.

9 THE COURT: Okay.

10 (Jury in at 10:06 a.m.)

11 THE COURT: Mr. Robinson.

12 MR. ROBINSON: May it please the Court?

13 THE COURT: Yes, sir.

14 CONTINUED DIRECT EXAMINATION OF MATTHEW FULLBRIGHT BY MR.

15 ROBINSON

16 Q Mr. Fullbright, did you sign the statement on the
17 28th, that has been marked State's Exhibit No. 2?

18 (Mr. Robinson hands document to the witness)

19 A I did not.

20 Q Mr. Fullbright, did you sign the statement that has
21 been marked State's Exhibit No. 4, dated October 29,
22 2009?

23 A No, sir.

24 Q Okay. Now, regarding your statements that you made,
25 and so forth, the day on the 28th, were you under the

DIRECT EXAMINATION OF MATTHEW FULLBRIGHT BY MR. ROBINSON 554

1 influence of Oxycontin?

2 A When you say the statements that I made ---

3 Q The alleged statements on the 28th.

4 A These statements?

5 Q Yes.

6 A Yeah, I was on drugs at the time.

7 Q Okay. On the 29th, were you put in to mental health
8 observation?

9 A I was.

10 Q Okay. Now, regarding the arraignment in this case,
11 you saw yesterday, a video ---

12 A I did.

13 Q --- in this case. How many hours of sleep had you
14 received prior to and the day of November 04, 2009?

15 A None. Absolutely zero. I did not sleep for over,
16 well over, 10 days.

17 Q Okay.

18 A A couple hours, maximum.

19 Q Okay. Did you take any medication -- Were you
20 administered any medications that day?

21 A Which day?

22 Q November 4th.

23 A I believe so. If memory serves me correctly, I think
24 I was given medication possibly a week after
25 arriving, somewhere in the time frame of a week.

DIRECT EXAMINATION OF MATTHEW FULLBRIGHT BY MR. ROBINSON 555

1 Q Okay. All right. And in that arraignment tape that
2 we viewed yesterday you tell -- you ask for
3 forgiveness. What are you -- What's going on?

4 A Well, the first big problem is, that's not the entire
5 video.

6 Q Okay.

7 A It's true that there is over 30 seconds or 38 seconds
8 missing from the video that they have a copy of.
9 There's another minute missing before that when I say
10 I'm innocent. That seems to be cut out of that
11 video.

12 Q Okay.

13 A There was an arraignment before that, that we cannot
14 find and that they cannot get a transcript to where I
15 said that I was not involved and I was innocent in
16 that arraignment video, as well. As far as the
17 forgiveness part, that was talking to a man that had
18 just lost a family member and I don't even know how
19 to address the situation with the gentleman. I mean,
20 there was just so much going on at that time and all
21 I remember is an officer talking to me beforehand,
22 before I was led into the arraignment. There's a
23 little conference room there and you go in and you
24 talk to a judge on a video, called a video
25 conference, something like that. Before that, an

DIRECT EXAMINATION OF MATTHEW FULLBRIGHT BY MR. ROBINSON 556

1 officer had come in and talked to me about, something
2 about the Bible. Looking back at the video myself, I
3 mean, it's obvious that I have not been sleeping and
4 I look like a wreck. I mean, I had been in that jail
5 for almost a week at that point, or however long it
6 was since the 29th and I had not had any sleep. I was
7 taking a lot of medications. I remember,
8 specifically, saying in both arraignment videos that
9 I was not involved with the incidents, I had no prior
10 knowledge, that I was innocent, and that seems to
11 have been left out.

12 Q Now, let's talk about this going out to where the
13 vicinity of the Staton's bodies were and so forth.
14 How did that all come about?

15 A Well, I never went to the location where Mr. Staton
16 was found. I have never been on that road.

17 Q Uh-huh.

18 A I'm not familiar with that area out there. Do you
19 want to know how I went to Waterside that night? Is
20 that what you mean?

21 Q Let's talk, let's talk about -- Did the officers, at
22 some point, ask about Mr. Ramirez?

23 A Yes.

24 Q Okay. And did you, at some point, take them out to
25 the area that we are talking about?

DIRECT EXAMINATION OF MATTHEW FULLBRIGHT BY MR. ROBINSON 557

1 A I did.

2 Q Okay. Why?

3 A They were asking me many questions about Ramirez,
4 what all he may have said. Anything that they could
5 think of to ask me during that point in time, they
6 were asking me. They were asking me, do you know if
7 he has any other houses, does he have any other cell
8 phones. Just many questions about Mr. Ramirez. I
9 had made a comment, I know you said I couldn't say
10 what was said, but there was a comment made about
11 Ramirez.

12 Q Just understand -- What is your understanding, what
13 information did you gain from this, as far as Mr.
14 Ramirez? Not what he said, but what information did
15 you gain?

16 A I don't know how to say that without saying what he
17 said.

18 Q Did you gain certain information, as far as this
19 particular area?

20 A Oh, yes. That's correct.

21 Q Okay. And did you convey that to the police?

22 A I did.

23 Q Okay. Did the police ask you to go out to this area?

24 A They did.

25 Q Did you do so?

DIRECT EXAMINATION OF MATTHEW FULLBRIGHT BY MR. ROBINSON 558

- 1 A I did.
- 2 Q Okay. Did you also take them to any other places?
- 3 A Not on that night. Not on the 28th.
- 4 Q Did you cooperate with them in terms of showing them
- 5 what you had learned from Mr. Ramirez?
- 6 A I told them absolutely everything I knew.
- 7 Q Okay. Matthew, did you have anything to do with the
- 8 murders of the Statons?
- 9 A I did not.
- 10 Q Okay. Did you have anything to do with Mr. Ramirez
- 11 and the Statons?
- 12 A I was not involved in this. No.
- 13 Q Okay. Did you take any part in it?
- 14 A No. No prior knowledge.
- 15 Q And where were you the evening of October 23, 2009,
- 16 to the morning of October 24, 2009?
- 17 A I was at my house.
- 18 Q And that is located where?
- 19 A Blair Mill Road. [REDACTED] Road.
- 20 Q Did you make any calls to the Statons that night?
- 21 A No.
- 22 Q Did you ever use Homer Staton's GoPhone that he had?
- 23 A No. Never.
- 24 Q Okay. Did you ever meet Kenneth Burdette, Mr.
- 25 Burdette, at this gas station over on -- that they

DIRECT EXAMINATION OF MATTHEW FULLBRIGHT BY MR. ROBINSON 559

1 talked about in this case, the gas station that was
2 abandoned?

3 A The gas station that he, that Burdette mentioned
4 here?

5 Q Yes.

6 A No. I didn't.

7 Q Let me show you what State's Exhibit, State's
8 Exhibit, let's see, State's Exhibit 24. Take a look
9 at that. Can you identify that?

10 A How do you want me to identify this?

11 Q Did you go there with Mr. Burdette on October 23rd?

12 A I can't identify this, but if this is the location
13 where he said that. No. I did not.

14 Q Did you ever make any calls from that location?

15 A No. On the night in question, I did not.

16 Q Now, there are pictures that have been introduced by
17 the State of you and Mr. Ramirez at the Walmart.

18 A Uh-huh. That's correct.

19 Q Tell me what you and Mr. Ramirez were doing there.

20 A We left on the 24th. He came and woke me up very
21 early on the 24th, honked his horn and knocked on my
22 door. It was extremely early. I was in the bed
23 asleep. He woke me up and asked me if I wanted to go
24 hunting. I'm not much of a hunter. I went a few
25 times with my father when I was younger. He asked me

DIRECT EXAMINATION OF MATTHEW FULLBRIGHT BY MR. ROBINSON 560

1 if I wanted to go back to my father's land which we
2 had been to before and I said, "Yes, we can do that
3 if you want to go."

4 Q All right. What happened then?

5 A We drove. We did go to Hardee's. We went to a
6 Walmart and purchased some items, went to the
7 SavMore, the gas station, as you've seen it.

8 Q That's actually one of the State's exhibits, as far
9 as what was purchased at SavMore. Is that correct?

10 A Yes. I think that's a Shell, actually.

11 Q Okay.

12 A Because, it is right next to my Dad's land.

13 Q To your knowledge, you went to a SavMore.

14 A Yes, sir.

15 Q Okay. Gotcha. Gotcha. So, what else happened?
16 What happened next?

17 A We went to -- You want me to, I mean, tell just the
18 whole day? Go through the whole day?

19 Q Yes.

20 A We went to my Dad's land. Ernie had some stuff that
21 he wanted to bring in the back of his truck, whatever
22 that was. He didn't specify what it was. The reason
23 I know that is when we were back at the gas station,
24 he pointed it out to me. It was a bag, greenish
25 bags, some trash bags. We got to my father's land.

DIRECT EXAMINATION OF MATTHEW FULLBRIGHT BY MR. ROBINSON 561

1 Went to, drove, there's a dirt road to the back and
2 we drove down a dirt road to get to the back part.
3 This was the first time I remember really -- You
4 know, when I went out there to hunt, I've looked for
5 deer tracks before, I did not have any gun or
6 anything with me. I wasn't planning on shooting
7 anything. I just went down and scouted around,
8 helping him out. Mr. Ramirez cut limbs off of a tree
9 to set up some type of, I don't know, some kind of
10 deer stand that you can use when you go up a tree and
11 sit in it, you know. It was a small tree. He sets
12 up the seat. I told him I was going to look for
13 tracks. I left the location where he was and I
14 walked up the property, got up towards the, there is
15 a few pieces of metal up there that my father has to
16 the side for a metal building he was planning on
17 building. I walked around that metal looking for
18 tracks. I looked back toward Ramirez and there was
19 smoke in the air. I started walking down towards the
20 smoke and I was thinking his truck was on fire, at
21 that point. I keep walking down there. When I start
22 to approach the smoke, the truck is between Ernie and
23 myself and I cannot see exactly what's going on. At
24 that point I know it's not the truck, it's something
25 burning behind it. At that point, I did see Ramirez,

DIRECT EXAMINATION OF MATTHEW FULLBRIGHT BY MR. ROBINSON 562

1 Ernie Ramirez, throw a hammer into the swamp, the
2 pond area right there, not really on my father's
3 property but it's adjacent to my father's property.
4 He threw that bare-handed, as I did tell the
5 detectives that night, he threw that bare-handed into
6 that swamp. I walked up on Ernie Ramirez and he was
7 using a phone. It was not his regular phone. It was
8 a, I remember he had, it was either a RAZR or KRZR,
9 one of those two. One of those phones. He was not
10 using his cell phone and he was saying things that I
11 couldn't really make out, but when he saw me, he hung
12 the phone up. I asked him what he was doing burning
13 stuff on my Dad's property for? He said it was just
14 some stuff that needed to be burned. He didn't
15 really go into any detail about that.

16 Q Now, remember, don't say what someone else said.

17 A Oh, I apologize. He continued burning on the
18 property and I said the best thing we can do is put
19 this out. We don't want to get the fire department
20 down here. It will be trouble if my Dad hears about
21 this. I'm trying to not say what he said. We put
22 the fire out and I helped him and he helped me put
23 the fire out. I helped him, he helped me put the
24 fire out. If the truth be told, detective -- can I
25 say what Barton said in his testimony?

DIRECT EXAMINATION OF MATTHEW FULLBRIGHT BY MR. ROBINSON 563

1 Q No, just what you learned. What you know firsthand.

2 A Okay. It was mentioned, that entrenching tool that
3 was mentioned earlier, that was Ramirez' and he used
4 that that day to cover this fire. It was already in
5 the back of his truck. It was one of those
6 collapsible military shovels or whatever. He was
7 using that. We used that together. I helped him
8 because I wanted that fire out on my Dad's property.
9 We put the fire out. We probably stayed out there a
10 few more minutes and left.

11 Q Okay. Then what happened?

12 A We went back to Belton and I went back to my house.

13 Q Now, let me show you some pictures that have been
14 introduced by the State and ask if you recognize
15 these. These are State's 23 L, P and Q. Let's see
16 if you recognize these. Do you recognize those?

17 A I do. The first time I saw these was in March.

18 Q Why don't you just -- So, you have seen those before.
19 When you identify them, make sure you say the exhibit
20 number at the top.

21 A Okay. Exhibit 23Q is a picture of some dirt that's
22 been disturbed and it has some water to the right.
23 It's a picture of the swamp area I was talking about.

24 Q Okay.

25 A 23P shows three officers standing over some dirt.

DIRECT EXAMINATION OF MATTHEW FULLBRIGHT BY MR. ROBINSON 564

1 One is using a shovel to turn some dirt with. It's
2 not really evident that there was anything burned.
3 It didn't look like it in the picture, at all. And
4 23M is the swamp area that I had mentioned.

5 Q Okay. Now, you have been in court and seen several
6 pictures of you and Ernie Ramirez. Did you have a
7 close personal relationship with him?

8 A Not really.

9 Q Would he -- Would you consider him an acquaintance or
10 a friend?

11 A An acquaintance.

12 Q Now, did you ride with him in his truck sometimes?

13 A Yes, sir.

14 Q Okay. And did you go to Walmart with him on the
15 24th?

16 A I did.

17 Q Okay. Did he ever talk to you about any of his plans
18 regarding the Statons?

19 A No.

20 Q Okay. Did Mr. Burdette ever talk about any plans ---

21 A Absolutely not.

22 Q Okay. Now, let's talk about your phone. You
23 mentioned you had a prepaid phone?

24 A I did.

25 Q When did you purchase it?

DIRECT EXAMINATION OF MATTHEW FULLBRIGHT BY MR. ROBINSON 565

1 A I couldn't tell you, exactly. I could look at the
2 records and tell you, but I can't remember.

3 Q Do you remember who it was from?

4 A I think, at that time, I had two phones, actually,
5 and I think they were from Sprint. I believe they
6 were both through Sprint.

7 Q Did you ever use Homer Staton's GoPhone?

8 A No.

9 Q Did you ever call from that GoPhone?

10 A No. I did not.

11 Q Okay. Now, you heard testimony from Ms. Hudson and
12 a Mr. Presher, from C & L.

13 A I did.

14 Q Why did you -- What -- Why did you pay, why did you
15 pay a hundred dollar bill for a Brillo pad?

16 A I never paid for nothing in one hundred bills at that
17 store. I never -- I was at that store that day. I
18 never bought, I never bought anything inside that
19 store with a hundred dollar bill. I never bought
20 anything in that store to my recollection.

21 Q So, the Brillo pad and the other thing was a vase, I
22 think? Some sort of ---

23 A Yes, they said a rose bud vase. I never purchased
24 that.

25 Q Okay. Now, at some point, there was a hammer drawn.

DIRECT EXAMINATION OF MATTHEW FULLBRIGHT BY MR. ROBINSON 566

1 Is that right?

2 A That's correct.

3 Q Did you draw that hammer?

4 A I did.

5 Q Let me show you the picture of the hammer. What was
6 the purpose of you drawing a picture of this hammer?

7 A If I can look at the date on that.

8 Q I'm pretty sure it was the 28th. If I am not
9 mistaken, on 10/28. Detective Beusse asked me to
10 draw exactly what I saw. Before I drew this, they
11 asked me about a hammer. They said, basically, do
12 you know anything about a hammer.

13 Q Okay.

14 A "Do you have any knowledge of a hammer? Do you know
15 anything about any type of hammer? Did Ramirez ever
16 mention a hammer to you? Do you remember anything
17 specific about a hammer?" I said, "Yes, he did. He
18 threw one into the swamp area." That's what I told
19 them that night and they asked me if I could identify
20 it through a drawing and I said, "Yes". However,
21 those are not my initials on there.

22 Q Can I approach you and show you a picture of the
23 drawing?

24 A Absolutely.

25 Q Do you recognize this? This is State's Exhibit 5.

1 Do you recognize that?

2 A I do.

3 Q And what is that?

4 A This is a picture that Detective Beusse asked me to
5 draw, simply describing what I saw Ramirez throw. I
6 said I sure can and I drew a black hammer and I wrote
7 "black", that's my handwriting. I wrote "yellow",
8 too, I guess, to distinguish the area between the
9 handle and the head and I wrote "metal". He told me
10 to write, specifically, each one. So, I said,
11 "Okay," and I identified it. He asked me to write
12 the date and that's my handwriting. This right here,
13 however, I did not do and I don't even know what that
14 is. (Indicating)

15 Q That would be, or appears to be, some sort of
16 signature. That's State's Exhibit 5. Is that your
17 signature?

18 A No. It is not.

19 Q Okay. Now, the hammer that Ernie threw that day. Do
20 you remember what that looked like?

21 A I do.

22 Q I'm going to approach with what's been marked as
23 State's Exhibit 7. Can you tell me if you can
24 identify that.

25 A I can say that it is similar in color, but I cannot

DIRECT EXAMINATION OF MATTHEW FULLBRIGHT BY MR. ROBINSON 568

1 say that's the exact hammer that he threw, no.

2 Q So, is that, what has been marked State's Exhibit 7,
3 that is similar to the hammer that Ernie threw?

4 A In color, yes. As far as the pattern on the handle
5 and things like that, I cannot say.

6 Q Okay. Let's go through the -- The State has more
7 pictures. This is State's Exhibit 20.

8 A 28?

9 Q 28. I am going to ask you if you can identify these
10 pictures.

11 A Okay. It shows, 28A is a picture of, it's a snapshot
12 of Ramirez' truck, his truck bed on the back. 28B is
13 a picture of me standing there talking to a clerk.

14 Q What were you buying in that picture?

15 A If I remember correctly -- I'm not sure. I think it
16 was gas. I'm pretty sure we purchased gas. I paid
17 for it. It was paid for with \$45.00, not one hundred
18 dollar bills.

19 Q What was the gas for?

20 A Ramirez asked me if I could buy him some gas. He did
21 say he would pay me back. That day on the 24th, he
22 didn't have any money with him that day.

23 Q Okay.

24 A 28C is a -- I don't see anything in that picture of
25 either one of us. It looks like the picture is split

DIRECT EXAMINATION OF MATTHEW FULLBRIGHT BY MR. ROBINSON 569

1 in the middle. I don't know. 28D is another picture
2 of me in the store, in the same store. 28E is a
3 picture of Ramirez' truck again, leaving. It's got
4 the time at the bottom of 6:55 and 25 seconds.

5 Q Okay. Thank you. Let me hand you what has been
6 marked as State's 26. See if you can identify these
7 pictures and each one is marked with a sub-category.
8 See if you can identify those and tell us what they
9 are.

10 A Okay. This is -- I'm not sure if that's the time.
11 This is 26A. It's me with a shopping cart at
12 Walmart. That is the Walmart on Highway 28. 26B is
13 Ernie Ramirez at the same Walmart. 26C, that's Ernie
14 Ramirez and myself at the produce section. 26D shows
15 two gas cans, the same two that were in Ernie's
16 truck, on Ernie's truck. 26E is, it looks like
17 myself handing the cashier some money. 26F, I guess
18 that's me getting change back from the cashier. 26G,
19 that's me putting the gas cans in a buggy. 26H looks
20 like Ramirez looking through some bags to see what
21 was in there, maybe. 26I is the shopping cart being
22 pushed by Ramirez out of the store. 26J is Ramirez
23 pushing the cart out of the store. 26K is myself and
24 Ramirez. Ramirez is standing next to the car. I was
25 standing to his left. And 26L is a picture of what

DIRECT EXAMINATION OF MATTHEW FULLBRIGHT BY MR. ROBINSON 570

1 appears to be Ramirez' truck with the, going around
2 back.

3 Q Where did you get the money to pay for this, to pay
4 for these items at Walmart?

5 A Well, the hundred dollar bills in question could have
6 come from any job, but I did cash a check the day
7 before, but I had money prior to that.

8 Q Where did you cash the check?

9 A Eddie's Mini Mart on the 23rd.

10 Q Okay. Did you go to Walmart later that day?

11 A I did.

12 Q Was it the same Walmart?

13 A Yes.

14 Q Okay. Let me hand you what has been marked State's
15 27. See if you recognize this.

16 A 27A, I can't tell who's who in that picture. 27B, I
17 know that's me and I believe that is Ramirez beside
18 me.

19 Q Okay.

20 A In a orange hat.

21 Q Okay. What is the purpose of that visit?

22 A I would have to look at the receipt to tell you,
23 exactly.

24 Q I'm going to show you the receipt and see if it
25 refreshes your memory.

DIRECT EXAMINATION OF MATTHEW FULLBRIGHT BY MR. ROBINSON 571

1 A Okay. Let me show you what has been marked State's
2 11. What is that?

3 A It's a picture of a Walmart receipt. It has a pair
4 of jeans, 2 bath towels, some shoes, a hat. Let me
5 see if I can find the time. I'm not sure if this is
6 the first receipt or the second receipt. I don't see
7 a time on it. Oh, here it is, 17:44.

8 Q Is that in the morning?

9 A That would have been 5:44 in the morning.

10 Q Okay.

11 A Shoes, hats, socks, sunglasses, long sleeve shirt, a
12 back pack, a hat, and a shirt; that's 5 thermal
13 pants, and a bug repellent pin.

14 Q How did you pay for those?

15 A Cash.

16 Q Where did you get the cash from?

17 A Jobs. I can't tell you exactly where those exact
18 bills came from, but, work.

19 Q I am going to ask you to identify what is marked
20 State's Exhibit 13. See if you can recognize that.

21 A All right. This doesn't have anything to identify
22 what store it come from, but it says it's for \$45.00.
23 I don't see a date. Oh, 10/24/09, at 6:46 in the
24 morning. Fuel, \$45.00. Total, \$45.00. Paid cash,
25 \$45.00.

DIRECT EXAMINATION OF MATTHEW FULLBRIGHT BY MR. ROBINSON 572

1 Q Okay. Let me hand you what has been marked State's
2 10. See if you can identify this receipt. Look at
3 State's 10. What is that?

4 A This is from 6:36 in the morning, 10/24/09. It's got
5 a lantern, a man's belt, something flashlight, 2 gas
6 cans, a gallon of cider, I think that's apple cider.
7 Something, plums. Oh, tare weight, plums, tare
8 weight bananas, men's gloves, a Bic lighter, and
9 Dentine gum. The amount is a total of \$94.65 cash
10 entered was \$100.00, and change is \$5.35.

11 Q Okay. Matthew, did you ever receive any money from
12 Mr. Ramirez?

13 A Yes, I did.

14 Q You did receive money. When did you receive that?

15 A On the 24th.

16 Q How much money did you get?

17 A He gave me, approximately, \$200.00. This money he
18 said, you can have this for the Staton's transaction
19 the day before..

20 Q The Staton's transaction? What is that?

21 A The day before, he had bought some guns, or sold some
22 guns to them.

23 Q Uh-huh.

24 A The money that he gave me was at my house. I don't
25 remember exactly how much money I still had with me

DIRECT EXAMINATION OF MATTHEW FULLBRIGHT BY MR. ROBINSON 573

1 that day, but he did give me approximately \$200.00.

2 Q Okay. Did you ever have any drug transactions with

3 Mr. Burdette?

4 A I did.

5 Q Did you? Okay. How many did you have with him?

6 A Lots.

7 Q Okay. Did you buy anything from him on the 23rd?

8 A I don't recall that.

9 Q And again, did you have anything to do with the

10 Staton's murder?

11 A No. I did not.

12 MR. ROBINSON: Beg the Court's indulgence.

13 THE COURT: Yes, sir.

14 Q Let me ask you -- Let's go back to the scene at the

15 Quick Stop where Kim Hudson ---

16 THE COURT: Can you speak up? I cannot hear you,

17 please?

18 MR. ROBINSON: I'm sorry, Your Honor.

19 Q Let's go back to Kim Hudson. Remember her? She came

20 to court. She's the clerk at C & L Quick Stop.

21 A She was...

22 Q Why would she lie about a bud vase and a Brillo pad?

23 MS. ADAMS: Objection, Your Honor.

24 THE COURT: Sustained.

25 Q Okay. Withdrawn.

1 MR. ROBINSON: That's all I have for this witness.

2 Thank you. Please answer any questions the Prosecution
3 may have.

4 THE COURT: All right, Ms. Terry, if you would take
5 your jury back to the jury room for a few minutes, please
6 ma'am?

7 (Jury out at 10:38 a.m.)

8 THE COURT: All right, Ms. Adams, I wanted to send the
9 jury out to address the issue you raised during the break
10 about your intention to impeach him on some charges that
11 he turned himself in on, on the 23rd.

12 MS. ADAMS: Judge, not to really impeach, just to
13 question him about it. I think that he opened the door
14 wide open. He said that his father gave him money and he
15 had plenty of jobs and this is where all these hundred
16 dollar bills are coming from.

17 THE COURT: How does that open the door to that
18 charge? I am not sure I see ---

19 MS. ADAMS: Because he was stealing from his father
20 and his step-mother. He stole jewelry from his step-
21 mother. He stole items from his father. So, his father
22 was not giving him money, Judge. He was trying to get him
23 in re-hab for his drug problem. He was taking things away
24 from him. I mean they had pending warrants.

25 THE COURT: What was the disposition of those charges?

1 MS. ADAMS: They were pending at the time. They are
2 still out there.

3 THE COURT: So, they are still pending? There is no
4 conviction?

5 MS. ADAMS: But he was stealing from his parents.

6 THE COURT: I understand.

7 MS. ADAMS: And he admitted ---

8 THE COURT: Let me look at those reports and take them
9 back and review them. Mr. Robinson, what is your position
10 on that, please, sir?

11 MR. ROBINSON: I don't think that the door was opened.
12 I didn't ask him anything about the charges or anything
13 like that.

14 MS. ADAMS: Judge, he also stated he never did
15 anything illegal except, you know, buy some drugs.

16 THE COURT: Buy and sell drugs?

17 MS. ADAMS: Right.

18 THE COURT: All right. We are going to be in recess
19 for a few minutes. Let me look at these. You can't speak
20 with anybody about your testimony. Okay, sir? You may
21 step down.

22 MR. FULLBRIGHT: May I use the restroom?

23 THE COURT: Could you take him to the restroom?

24 (Speaking to a Deputy Sheriff)

25 (Brief Break)

1 THE COURT: Ms. Adams, let me first say, number one,
2 to the extent this is not a conviction, it's just an
3 allegation and under the Rules, if I'm not mistaken in
4 that, you can't convict somebody with that unless you have
5 clear and convincing evidence of their guilt. For that
6 basis, you can't bring it as an un-convicted charge
7 pending against him. However, looking through the
8 Incident Report, it appears that there are alleged
9 statements made by him, although unrelated to the
10 allegations of criminal activity and I'm looking
11 specifically at Rule 801(d)(1) or (2). More particular,
12 (2) goes to the issue, as I can see it, that he, Mr.
13 Fullbright testified, that I have never engaged in
14 criminal activity except in buying and selling drugs. It
15 also goes to the issue of the money in his possession, as
16 far as I can see. So, I think it's appropriate to
17 question him about those alleged statements. The question
18 then comes, under 403, is the probative value outweighed,
19 significantly or substantially, by the prejudicial impact
20 and I want you to argue that, and also I want Mr. Robinson
21 to argue that. And I will let you argue the rest of my
22 analysis, too, Mr. Robinson. Tell me, as to the
23 prejudicial versus probative under the statements made in
24 these narratives, why it should be in.

25 MS. ADAMS: Well, Your Honor, basically, he is now

THE STATE OF SOUTH CAROLINA VERSUS MATTHEW FULLBRIGHT

1 saying, in a nutshell, that he was at home the entire
2 time. He's saying that he is getting hundred dollar bills
3 because he's working, he has plenty of money and he is
4 getting this money, specifically, from his Dad and other
5 jobs. That's not true. I mean, he was stealing from his
6 father, he was stealing from his mother and he was
7 actually stealing jewelry from his step-mother which is a
8 big part of this case. He's admitting to having hundred
9 dollar bills coming from his father, but again, he's
10 stealing from his father. I mean, I do not have to
11 specifically say that there was a Grand Larceny warrant
12 pending against him for stealing from his parents, but I'm
13 saying that ---

14 THE COURT: Well, let me say this: I'm ruling that you
15 cannot do that, because that is not a plea or conviction,
16 so it's not, at this stage, from what I'm seeing, clear
17 and convincing evidence of guilt of that charge. I think
18 that is the standard for non-convictions, under the prior
19 bad acts standard, but I'm going along the lines of his
20 statements and/or admissions contained in these incident
21 reports. Under rule 801, those are not even hearsay. As
22 long as they are relevant and material to this case, then
23 the question then becomes the probative and prejudicial
24 analysis and I tend to agree with you, but Mr. Robinson,
25 what is your position on that?

1 MR. ROBINSON: I would like to see the statements,
2 Your Honor.

3 THE COURT: Okay. (Judge McIntosh hands documents to
4 Mr. Robinson)

5 MS. ADAMS: Your Honor, he does have those reports.
6 We gave them to him.

7 MR. ROBINSON: (Mr. Robinson looks through documents
8 and then returns them to the Judge) This is the issue.
9 The issue I have with this is, that the prejudice is
10 pretty weak.

11 THE COURT: Sir?

12 MR. ROBINSON: The prejudice isn't very strong as
13 opposed to the probative value. The big problem I have
14 with this is, that the officers put in these reports what
15 they think someone said and that can be used later and I
16 think I would like to talk to those officers and find out
17 if that is true or not.

18 THE COURT: That's not really the issue. We're not
19 going to try a case within a case, but the analysis is in
20 this case. I may be incorrect but, your client has just
21 testified to, unequivocally, that he has not engaged in
22 any criminal activity, except for buying and selling of
23 drugs. Okay? Also, he testified that he got money from
24 his Dad, that he earned between \$500.00 and \$800.00 a week
25 in his own electrical business. According to these

1 reports, there is an admission he made to, I think it was
2 Officer Beusse if I am not mistaken, or whoever was taking
3 the report, that he allegedly stole this jewelry and tools
4 from his father. Okay? And it seems to me, number one,
5 under Rule 801, that's an admission against his interests
6 as a party. So, it doesn't even qualify for hearsay.
7 Then, it's relevant and material because he opened the
8 door to these issues in this case and so as long as the
9 Solicitor is able, in my view, to frame her questions
10 along the lines of his statements and admissions,
11 allegedly made in these reports, then I think that is
12 appropriate and that is the way I'm going to rule. Okay,
13 sir? Under Rule 403, I do not feel like the probative
14 value is substantially outweighed by the prejudicial
15 impact, especially in light of the defendant's statements
16 here and his testimony.

17 MS. ADAMS: Your Honor, I would as well, I know this
18 goes back to, I believe, to when Sergeant Gebing testified
19 first, and in Mr. Robinson's opening statement, he told
20 the jury that he turned his, he went to the Law
21 Enforcement Center to specifically ---

22 THE COURT: And my ruling stands on that. You can
23 bring up the fact that he turned himself in on unrelated
24 matters, because that refutes what Mr. Robinson said in
25 his opening statement. But again, these charges are

1 pending.. They are not -- He has not been found guilty.
2 He has not pled guilty to these charges and those
3 statements don't, in my view, amount to clear and
4 convincing evidence of his guilt. Okay? I'm just -- and
5 we don't need to get into a trial within a trial, but at
6 the same time, if you look at Rule 801 and you look at
7 D(2), Admissions by Party-Opponents, I believe it is
8 admissible under that Rule, as long as it is phrased
9 correctly. Okay?

10 MS. ADAMS: Thank you. And just for the record too,
11 Judge, so you realize these thefts from his father were in
12 the month of October. So, ---

13 THE COURT: Well, I don't think timing is necessary
14 unless it's under the 10-year rule as a relevant inquiry.

15 MS. ADAMS: It's not that. I feel it is just the fact
16 that he said he has done nothing wrong. This is where he
17 is getting his money, but his father is turning him in for
18 charges of stealing from him. That's why he was there
19 and I just think that it is very relevant, because he is
20 using his father to try to say that's where he is getting
21 those hundred dollar bills. So, he opened the door wide
22 open.

23 THE COURT: I don't disagree with you. You can go
24 into it, but there is curtailment on where you can go.
25 Again, I am going to make sure it is clear, the pending

1 charges, you cannot say or ask him, "Don't you, in fact,
2 have pending charges for grand larceny," but you can ask
3 him about him turning himself in to refute what Mr.
4 Robinson said in his opening statement. You can ask him
5 about his statements and these incident reports, because I
6 think that would be appropriate. Okay? He opened the
7 door to it and it's not hearsay. It's relevant to his
8 representations in this case. Okay? Do you understand
9 what I'm saying?

10 MS. ADAMS: I do. I just don't want to cross any
11 lines. So I want to be clear ---

12 THE COURT: Well, I tell you what. Let's do this.
13 Let's go back in the back room, and I'm not going to do a
14 backroom conversation. I just think it will be easier to
15 formulate and put it on the record and then we can come
16 back out here ---

17 MS. ADAMS: Okay.

18 THE COURT: --- and get started. Okay? We are in
19 recess. You still cannot talk with anyone about your
20 testimony.

21 MR. FULLBRIGHT: Yes, sir.

22 (Brief Break)

23 THE COURT: For the record, we met back in the jury
24 room to go over the logistics of questioning based on my
25 ruling here in open court and I think we've got that

THE STATE OF SOUTH CAROLINA VERSUS MATTHEW FULLBRIGHT

1 figured out, but I wanted to make sure that each side, the
2 State and the Defense, had a chance to clarify or add to
3 anything I put on the record. From the State, does
4 anybody want to put in anything, additionally, about our
5 meeting off the record?

6 MS. ADAMS: No, sir.

7 THE COURT: Mr. Robinson, do you?

8 MR. ROBINSON: Your Honor, if it would please the
9 Court, I disagree -- I object to it, obviously.

10 THE COURT: Sure.

11 MR. ROBINSON: I think it's, basically, a prejudice
12 argument more than anything, because the statements
13 against interests are, obviously, exceptions in this
14 matter. I think that the issue that I have is, that we
15 tried to go along the correct way. Mr. Fullbright did
16 make a statement that is contradictory to his record and
17 the charges, his pending charges, but I do believe that it
18 is very prejudicial in this case. I think that it
19 outweighs the probative value, because it makes him look
20 like he is not -- It goes to his credibility, obviously.

21 THE COURT: Sure it does.

22 MR. ROBINSON: And I would inform the Court, other
23 than these charges, he has no prior record, to speak of.

24 THE COURT: Well, I understand that, but my ruling
25 remains the same and I would point out, too, it's not just

CROSS EXAMINATION OF MATTHEW FULLBRIGHT BY MS. ADAMS 583

1 the probative outweighed by the prejudice. The prejudice
2 must substantially outweigh the probative value and I
3 don't see that happening in this case.

4 MR. ROBINSON: Well, thank you, Your Honor, for
5 considering that.

6 THE COURT: Yes, sir. And do you feel like you need
7 to add anything else on the record?

8 MR. ROBINSON: I don't and I would add that we said
9 absolutely nothing back there that what we are not saying
10 in open court here.

11 THE COURT: Okay.. Good.

12 MR. ROBINSON: I'd ask that you just note my
13 objection.

14 THE COURT: Very good. All right, Ms. Adams, are you
15 ready to proceed?

16 MS. ADAMS: Yes, sir, Your Honor.

17 THE COURT: Mr. Robinson, are you ready to proceed?

18 MR. ROBINSON: I am, Your Honor.

19 THE COURT: Would you bring the Jury in?

20 (Jury in at 11:08 a. m.)

21 THE COURT: All right, Ms. Adams, cross examination?

22 MS. ADAMS: Thank you, Your Honor. May it please the
23 Court.

24 THE COURT: Yes, ma'am.

25 CROSS EXAMINATION OF MATTHEW FULLBRIGHT BY MS. ADAMS

THE STATE OF SOUTH CAROLINA VERSUS MATTHEW FULLBRIGHT

CROSS EXAMINATION OF MATTHEW FULLBRIGHT BY MS. ADAMS 584

1 Q All right, Mr. Fullbright.

2 A Yes, ma'am.

3 Q Just to clarify a few things that the jury knows.

4 You did know Homer and Joanne Staton. Correct?

5 A I did.

6 Q And you are the one that set up jewelry deals for
7 them and you would receive kick-backs. Correct?

8 A I was not the one, I was one of many.

9 Q Okay. And so, you knew that the Staton's carried a
10 lot of cash. Correct?

11 A At times they did, but at times they didn't.

12 Q But if they were going to buy gold and they knew it
13 was a lot of gold, potentially, that they could buy,
14 they would carry cash. Correct?

15 A Not necessarily.

16 Q But, if they were going to buy gold, they carried
17 cash ---

18 A Not ---

19 Q --- to buy it?

20 A Not necessarily.

21 Q Well, when they carried cash, was it a lot of cash?

22 A I never counted their money. I couldn't tell you.

23 Q But they did have some hundred dollar bills. Correct?

24 Because I am sure they gave you some of those.

25 A I have never seen their money every time I was with

CROSS EXAMINATION OF MATTHEW FULLBRIGHT BY MS. ADAMS 585

1 them, at times they did, yes, because they paid with
2 them. I have seen them use them, absolutely. Just
3 like everyone else.

4 Q But you would see Homer Staton with his jewelry.
5 Correct? Since you knew him.

6 A As his daughter said, he always wore that. He loved
7 to show it off, of course.

8 Q All right. Now, you want this jury to believe that
9 you had all these hundred dollar bills on the 24th
10 and the night of the 23rd, or really the morning of
11 the 24th at Walmart, where we have videos of you and
12 pictures, because you were working. Correct?

13 A Well, if you are referring to the bills that Ernie
14 gave me, I have already told you that he left that, I
15 left that at my house.

16 Q I'm not talking about Ernie's bills. I am talking
17 about the jobs that you did for your Dad. You did
18 work for your Dad. Correct?

19 A I did. Well, at times. Yes.

20 Q And you had plenty of money the month of October ---

21 A I'm not going to say ---

22 THE COURT: Just one second. Don't interrupt the
23 question. She will let you answer. You let him
24 answer before you begin questioning again, okay? She
25 can't get this down, right here.

CROSS EXAMINATION OF MATTHEW FULLBRIGHT BY MS. ADAMS 586

1 MR. FULLBRIGHT: I apologize. I didn't meant to
2 interrupt.

3 THE COURT: That's okay. Go right ahead.

4 Q Did you or did you not have plenty of money in
5 October of 2009 to pay your bills and your rent?

6 A I would not say plenty, no.

7 Q You told the jury, earlier, that you had your bills
8 paid and you had plenty of money.

9 A Just because I -- No, I never said I had plenty of
10 money. No.

11 Q Well, were your bills paid?

12 A Yes, I paid my bills. I made sure my bills were
13 paid.

14 Q All right. Well, I want to show you what has been
15 marked as State's Exhibit 16.

16 THE COURT: Any objection, Mr. Robinson?

17 MR. ROBINSON: No objection.

18 THE COURT: Admitted without objection.

19 (Whereupon, an AT&T phone bill is entered into
20 evidence as State's Exhibit No. 16, without objection.)

21 Q Do you recognize that?

22 A Ah, let's see. Yes, a AT&T bill.

23 Q And whose name is on that AT&T bill?

24 A This is my bill.

25 Q Okay. And can you please tell the jury exactly how

CROSS EXAMINATION OF MATTHEW FULLBRIGHT BY MS. ADAMS 587

1 much money you owed on that bill, the total of that
2 AT&T bill?

3 A The total amount due is \$1044.94.

4 Q Thank you.

5 A I get to explain this. Right?

6 Q This is your bill. Correct?

7 A It is.

8 Q And it was due, let's make sure. The billing cycle
9 is for September 18, of '09 through October 17, of
10 '09.

11 A That is correct.

12 Q And it was due November 12, 2009, for a wireless
13 number.

14 A Uh-huh.

15 Q AT&T, by the way, not Sprint.

16 A I see the ---

17 MS. ADAMS: Your Honor, I would like to move State's
18 Exhibit 16 into evidence.

19 THE COURT: It is admitted, without objection.

20 Q Now, Mr. Fullbright, when you came in to talk to the
21 police on October 28, 2009, you told this jury that
22 you were there to talk about Ernie. Correct?

23 A They asked me questions about Ernie.

24 Q Okay. But, in fact, you went to the Law Enforcement
25 Center with your father, Marshall.

CROSS EXAMINATION OF MATTHEW FULLBRIGHT BY MS. ADAMS 588

- 1 A Uh-huh.
- 2 Q To talk about stealing from Marshall and your
- 3 step-mother, Katherine. Correct?
- 4 A That is incorrect.
- 5 Q Did you not make statements regarding stealing from
- 6 your father and your step-mother?
- 7 A Make statements to who?
- 8 Q To the police.
- 9 A No. That's incorrect.
- 10 Q So, to be specific, you never stole from your step-
- 11 father a frame ladder, a new garden tiller, rolls of
- 12 wire, a gas 5hp engine with pump, an air compressor,
- 13 or a Portaban Greanis, black in color?
- 14 A Okay. What are the dates in question on that?
- 15 Q Actually, it is in October of 2009.
- 16 A According to my statements or someone else's?
- 17 Q I'm just asking if you stole these things from your
- 18 father?
- 19 A No. I did not.
- 20 Q Or did you steal any jewelry from your step-mother --
- 21 A No. I did not.
- 22 Q --- in the month of October of 2009.
- 23 A No. I did not.
- 24 Q So, you weren't there to talk about that on October
- 25 28th?

CROSS EXAMINATION OF MATTHEW FULLBRIGHT BY MS. ADAMS 589

1 A I came to talk to the police at the Sheriff's office
2 on unrelated matters to this case.

3 Q Those unrelated matters. Correct?

4 A That is incorrect.

5 Q So, the police did not ask you about those things,
6 either, when you were there?

7 A Belton asked me to come over there, I believe. I'm
8 not sure who they talked to. My Dad is the one who
9 asked me to come in and speak of it.

10 Q So, you did go over with your Dad. Correct?

11 A I did.

12 Q I'm going to show you State's Exhibit 18. (Ms. Adams
13 shows document to Mr. Robinson.)

14 MR. ROBINSON: I have no objection, Your Honor.

15 THE COURT: Admitted without objection.

16 (Whereupon, a list of phones is entered into evidence
17 as State's Exhibit No. 18, without objection)

18 Q Do you recognize that, Mr. Fullbright?

19 A I do.

20 Q Is that yours or was it yours, at one point?

21 A Yes, it was.

22 Q So, that's your handwriting?

23 A It is.

24 MS. ADAMS: Your Honor, I would ask that State's
25 Exhibit ---

CROSS EXAMINATION OF MATTHEW FULLBRIGHT BY MS. ADAMS 590

1 A Can I keep it with me? If you're going to ask me
2 questions about it ---

3 THE COURT: Just one second. Stop. Give it back to
4 the witness and she will let you look at it when she
5 starts to answer. Okay?

6 MS. ADAMS: State's Exhibit 18, admitted into
7 evidence?

8 THE COURT: It has been admitted without objection.

9 Q So, Mr. Fullbright, this is your handwriting like you
10 said. Correct?

11 A Yes, it is.

12 Q Okay. And one of the major phone numbers on here is
13 Chip.

14 A That's true.

15 Q 363-6783. Correct?

16 A That's true.

17 Q Now, when you were talking to the police the night of
18 the 28th into the 29th, you told the jury that you
19 asked for a lawyer two times and they did not give
20 you one?

21 A I did, and my father. Well, my father and I, once,
22 and me, myself, specifically, one other time.

23 Q So, your father was present during all of this?

24 A As soon as my father and I arrived at the Sheriff's
25 office, we both instructed, I believe Owens and

CROSS EXAMINATION OF MATTHEW FULLBRIGHT BY MS. ADAMS 591

1 Ritchie, that we wanted a lawyer. I -- Like I said,
2 I have no criminal history. I've never had to be in
3 a courtroom or take a stand or nothing like this and
4 I was unaware of anything. And he said whatever they
5 are going to ask you, whatever they want to see you
6 about, we are asking for an attorney. I said okay.
7 He said, "That's what you always do," and I said,
8 "Okay." So, when we arrived, he and I both asked the
9 officers for an attorney right there on the spot.

10 Q But if you weren't there to talk about stealing from
11 your parents and you were just there to help the
12 police, to talk about Ernie, why did you need to ask
13 for a lawyer?

14 A My Dad said, "You need to ask for a lawyer. Anytime
15 you talk to the police, you want to ask for a
16 lawyer." So, I said, "okay". He said an attorney
17 will walk you through it, because the police will try
18 to trip you up. That's exactly what he said. In
19 anything.

20 Q Okay. So, earlier though, on Direct, you said that
21 you willingly drew the hammer.

22 A I did.

23 Q Okay. And you willingly took the police out to where
24 JoAnn's body was located. Correct?

25 A This is after officers instructed me that I did not

CROSS EXAMINATION OF MATTHEW FULLBRIGHT BY MS. ADAMS 592

1 have a right to an attorney, that this was not a
2 "movie". Yes.

3 Q So, you did, in fact, take these officers to JoAnn
4 Staton's body, actually, to within about 50 feet of
5 JoAnn Staton's body?

6 A I did not lead them to that body. No. That is
7 incorrect.

8 Q But you said you did take them to the body.

9 A When did I say that?

10 Q But you did draw the hammer. Correct?

11 A They asked me to draw it. That's correct.

12 Q But you never signed the hammer. Correct?

13 A That is not my initials, no.

14 Q Were you addicted to Oxycontin in October of 2009?

15 A I have already said that. Of course. I was a drug
16 user.

17 Q And Kenneth Burdette was your drug dealer. Correct?

18 A He was one guy that I knew that I ---

19 Q So, you had several?

20 A No. I had two or three. A select few. I didn't
21 deal with many people.

22 Q Mr. Fullbright, you have asked this jury to believe
23 that every single witness, including law enforcement,
24 E-M-S, Ms. Kim and Mr. Larry at the C & L Quick Shop,
25 basically lied. Is that right?

CROSS EXAMINATION OF MATTHEW FULLBRIGHT BY MS. ADAMS 593

1 A I'm saying that in the discovery that I have, which
2 is about this ---

3 Q I'm not talking about the discovery.

4 A Well, I want to explain the question. I will answer
5 with an explanation. I'm not going to sit here and
6 let you make me look to be something that I'm not.
7 Okay? I wasn't involved in this. I'm not going to
8 sit here and act like I was. I'm not going to answer
9 questions in a manner that say that I was. I'm going
10 to explain myself. First off, there are supplemental
11 reports, that they are probably not going to see,
12 that contradict each other. Captain Gebing, in his
13 Supplemental Report ---

14 THE COURT: Just one second. That's not going to
15 happen. Here's the rules of this court and you are going
16 to abide by them and so is the Solicitor and so is Mr.
17 Robinson. This is the ground rules for everybody. The
18 question is asked. You answer the question. If you want
19 to explain yourself that is germane to that question, you
20 may do so, only after you answer the question. You may
21 not stand up on this stand and editorialize. Do you
22 understand?

23 MR. FULLBRIGHT: Yes, sir.

24 THE COURT: Neither will any other witness in this
25 case. Do you understand?

CROSS EXAMINATION OF MATTHEW FULLBRIGHT BY MS. ADAMS 594

1 MR. FULLBRIGHT: Yes, sir.

2 THE COURT: Okay. With that being said, re-phrase
3 your question, please.

4 MR. ADAMS: Yes, sir. Thank you.

5 Q Mr. Fullbright, are you saying that Sergeant Beusse
6 is not telling the truth about what happened when you
7 came into the Law Enforcement Center on October 28th
8 and October 29th?

9 A That is the truth. I'm saying that.

10 Q Okay. And Sergeant Gebing isn't telling the truth?

11 A There are many parts that are not true. That is
12 correct. I'm not saying everything is false, but
13 many parts are not and they have contradicted
14 themselves many times.

15 Q And Mark Henderson from E-M-S would be another who
16 said, basically, there was nothing really wrong with
17 you that night. He's not telling the truth, either.
18 Correct?

19 A Actually, to answer this question, in his transcript,
20 if you will go back to the 17th, he said in his
21 transcript, on the record under oath, that he never
22 advised that there was anything medically wrong with
23 me. However, in the form he had me to sign, he says,
24 "We are advising you that you have a medical
25 condition that requires physician care," and so, yes,

CROSS EXAMINATION OF MATTHEW FULLBRIGHT BY MS. ADAMS 595

1 he lied.

2 Q But Mr. Fullbright, you are saying you were under the
3 influence of drugs when you came in on the 28th.

4 Correct?

5 A I am.

6 Q Because you remember certain things that happened,
7 but not other things.

8 A Such as?

9 Q Well, you remember drawing the hammer, but you don't
10 remember taking law enforcement out to JoAnn Staton's
11 body, to the vicinity of JoAnn's body.

12 A Well, I don't think anybody in this court is going to
13 remember exactly what they did two years ago, first
14 off.

15 Q Well, when you really have killed two people, you
16 remember.

17 A I didn't really kill anyone, and you know that.

18 Q And you conveniently forget those things, but you
19 remember drawing the hammer.

20 A And what, specifically, are you saying I forgot?
21 What exactly? I'm confused here. Which parts am I
22 remembering and not remembering? Just so they can
23 understand. (Indicating the jury)

24 Q Mr. Fullbright, you admit that you used hundred
25 dollar bills the morning of October 24th at Walmart

CROSS EXAMINATION OF MATTHEW FULLBRIGHT BY MS. ADAMS 596

1 to pay. Correct?

2 A I did.

3 Q And you used hundred dollar bills in the afternoon at
4 Walmart to pay for those items, again. Correct?

5 A I think those -- I'm not sure of the times on those,
6 the receipts.

7 Q Two hundred dollars, cash.

8 A Okay.

9 Q I'm not disputing the amounts. I'm just not sure of
10 the times, if it was afternoon or morning, whatever,
11 but yes, I did pay with those.

12 Q With hundred dollar bills?

13 A Yes. Well, it doesn't say one hundred dollar bills.
14 It says cash tendered, so it, actually, could mean
15 twenties, whatever, but I am assuming a hundred,
16 because I carried hundreds.

17 Q But you didn't buy those things at the C & L Quick
18 Stop?

19 A No. I did not.

20 Q You were never at the C & L Quick Stop?

21 A I was at the C & L Quick Stop.

22 Q (Ms. Adams speaks with Ms. Huey.) Mr. Fullbright,
23 you stated that on November 04, the morning of that
24 arraignment tape, that you hadn't gotten any sleep
25 and that you didn't know what you were doing, pretty

CROSS EXAMINATION OF MATTHEW FULLBRIGHT BY MS. ADAMS 597

1 much.

2 A I didn't say I didn't know what I was doing. I said
3 I hadn't slept.

4 Q Did you make those statements?

5 A That is part of the video, a part of the statements
6 that I said, yes, but in explanation, as you said
7 before, this doesn't pertain to what we were talking
8 about. If you walk up on someone and you hear
9 someone say they hate someone, that's one thing. But
10 if you walk up on them and say -- and hear them say
11 that they heard someone say that, it's totally -- you
12 can take something out of context. You can take out
13 words before and after, of course, like you did on
14 that video.

15 Q Mr. Fullbright, on November 4th, there is a nurse at
16 the jail that made a note that basically said, "The
17 patient can be released from D-1 cell," which is
18 isolation. "At this time, patient doesn't present
19 the symptoms of mental illness." Do you remember
20 meeting with the nurse on November 04, 2009?

21 A I see this as, you gave this to us just the other
22 day. This is not a nurse with the Anderson County
23 Detention Center. This is the Anderson Clinic
24 Manager, who is not associated with the Anderson
25 County Detention Center. So, if you are asking if

CROSS EXAMINATION OF MATTHEW FULLBRIGHT BY MS. ADAMS 598

1 this is the nurse that works there, it's not. This
2 is a woman who sat down with me for, approximately,
3 60 seconds, never looked into my eyes, asked me a few
4 questions, and I believe the other officer said, "We
5 are going to need this cell, go ahead and move him."
6 I remember that.

7 Q And then October 29th of '09, "Inmate not showing any
8 signs or symptoms of withdrawal at this time". (Ms.
9 Adams hands document to the defendant) That is not
10 correct, either?

11 A It says, " In re:-- which, I am -- attempted to have,
12 is showing signs, withdrawal. Inmate was medicated
13 when Intake -- excuse me -- Inmate was heavily
14 medicated, is actually what it says right here --
15 When intake at 5 o'clock on 10/29/09, checks this,
16 and so it actually says I am having withdrawal
17 symptoms. It says I was heavily medicated. Yes.
18 (Hands document back to Ms. Adams)

19 MS. ADAMS: Your Honor, I would ask that this be
20 marked as State's Exhibit, I don't know what number we are
21 on, but it says: Inmate is not showing any signs or
22 symptoms of withdrawal at this time.

23 THE COURT: Any objection?

24 MR. ROBINSON: I am going to object, Your Honor. I
25 would like to take that up on a side bar.

CROSS EXAMINATION OF MATTHEW FULLBRIGHT BY MS. ADAMS 599

1 THE COURT: Yes, sir.

2 (Bench Conference Off the Record)

3 Q Mr. Fullbright, you mentioned being in isolation.

4 Correct?

5 A I was.

6 Q Okay. And, in fact, you were actually in isolation
7 because, "Inmate Fullbright was digging around the
8 intercom with a metal object".

9 A That is incorrect.

10 Q "And a metal wire, approximately, 6 inches long."

11 A That is incorrect.

12 Q Okay. And so, I guess it's incorrect, as well, that
13 during this time Corporal James and Officer Davis
14 searched your cell when you were in isolation.

15 A Uh-huh.

16 Q And recovered one cigarette, one screw, and one
17 metal-type pen.

18 A Okay. First of all, I could not have been in that
19 room had they did not placed me in isolation first.
20 That's a isolation cell. You do not go into that
21 cell unless you are placed in isolation. So, A, I
22 was already in isolation. B, I was pressing a button
23 on that speaker. That's why we were having trouble
24 getting a video where that room is. That was
25 obvious. I mean it was not true. The part about the

REDIRECT EXAMINATION OF MATTHEW FULLBRIGHT BY MR. ROBINSON⁶⁰⁰

1 metal thing is not true. They found a metal, piece
2 of metal, by the toilet that I was not connected to.
3 They put it down on a report it was mine, but it is,
4 obviously, not true. I mean the guys were treating
5 me like crap from the moment I got there. I had two
6 other incident reports that are not true, from the
7 same officers.

8 Q Mr. Fullbright, I'm sure that officer is not telling
9 the truth either, just like nobody else in the
10 State's case.

11 MR. ROBINSON: Your Honor, I am going to object.
12 Argumentative.

13 THE COURT: Sustained.

14 MS. ADAMS: I have no further questions, Your Honor.

15 THE COURT: Redirect?

16 MR. ROBINSON: May it please the Court.

17 THE COURT: Yes, sir.

18 REDIRECT EXAMINATION OF MATTHEW FULLBRIGHT BY MISTER

19 ROBINSON

20 Q Matthew, did you ever leave the state of South
21 Carolina on the night of October 23, 2009?

22 A No. I did not.

23 Q Did you ever leave the County of Anderson after
24 October 23, 2009?

25 A No. I did not.

REDIRECT EXAMINATION OF MATTHEW FULLBRIGHT BY MR. ROBINSON⁶⁰¹

1 Q Did you ever deposit any amounts of money a bank
2 after October 23, 2009?

3 A No, sir. I do not bank.

4 Q Okay.

5 MS. ADAMS: Your Honor, I object. This did not come
6 out on my cross. I don't know where he is going with
7 this.

8 THE COURT: How is that responsive to the cross?

9 MR. ROBINSON: I'll withdraw that, Judge.

10 THE COURT: Okay, sir.

11 Q Regarding the phone bill you were talking about, that
12 is the phone you have had since -- Let me ask you
13 this, when did you have that phone?

14 A I'm not sure of the exact time but I had it -- She's
15 only got one billing cycle. I'm not sure if she had
16 the one prior to that.

17 Q I'm going to show you what's been marked State's #16.

18 A Okay.

19 Q That she talked about a moment ago.

20 A Okay.

21 Q Is this a copy of that bill for your cell phone?

22 A It's got my name, my address on it. This is my
23 billing cycle from 09/18/09 to 10/17/09. That's
24 correct.

25 Q Why don't you tell the jury the phone number.

RE-CROSS EXAMINATION OF MATTHEW FULLBRIGHT BY MS. ADAMS 602

1 A 221-7333.

2 Q All right. Thank you. Did you ever pay that bill?

3 A No. I did not.

4 MR. ROBINSON: One second, Your Honor.

5 THE COURT: Yes, sir.

6 MR. ROBINSON: That's all. Thank you.

7 THE COURT: Any Re-cross?

8 RE-CROSS EXAMINATION OF MATTHEW FULLBRIGHT BY MS. ADAMS

9 Q In fact, Mr. Fullbright, you had several pre-paid
10 phones that were out of money, which is why you had
11 to use your Aunt Edna's phone and your Mom and Dad's
12 phones and Ernie's phone to call the Staton's.

13 Correct?

14 MR. ROBINSON: Your Honor. Objection.

15 THE COURT: Just ---

16 MR. ROBINSON: That is that outside of the Direct
17 Examination and Redirect.

18 THE COURT: All right. I will sustain.

19 MR. ROBINSON: I would ask that be stricken from the
20 record, Your Honor.

21 THE COURT: I sustain the objection. Okay, you may
22 step down. Will you call your next witness, please, sir?

23 MR. ROBINSON: Just one second. Sidebar?

24 (Bench Conference Off the Record)

25 THE COURT: We are going to have our morning break,

1 now. Just go back and relax for a few minutes. It will
2 probably be about 15 minutes, maybe 20 minutes. Okay?

3 (Jury out at 11:35 a.m.)

4 THE COURT: All right, we are in recess.

5 MS. ADAMS: Your Honor, if I may. If you don't mind,
6 remind Mr. Robinson that his witnesses are sequestered,
7 which would be Mr. and Mrs. Fullbright, about any
8 testimony that they may or may not have.

9 THE COURT: I don't think he would do that, but I
10 would be glad to. I mean, you know the Rules. You are
11 an ethical lawyer, but there is a sequestration order, so
12 obviously you can't talk to the witnesses and the
13 witnesses cannot talk to each other about what's going on
14 in here.

15 MR. ROBINSON: I think I raised the objection with
16 them.

17 THE COURT: All right. We are in recess.

18 (Brief Break)

19 THE COURT: Mr. Robinson, were you able to enter into
20 a stipulation as to the admissibility of certain records?

21 MR. ROBINSON: Your Honor, Ms. Adams and I talked
22 about this. There is a question regarding what something
23 means on these records and that's the issue that I have.
24 I would also like to point out to the Court, we served
25 subpoenas on Matthew West and the Nursing Staff of

THE STATE OF SOUTH CAROLINA VERSUS MATTHEW FULLBRIGHT

1 Anderson County. I just checked outside and no one is
2 here and I wanted to get an idea of what this says. Ms.
3 Adams is saying that it says there was zero signs of
4 withdrawal and I am saying there was.

5 THE COURT: That's the nurse -- and you have you guys
6 -- Did you serve it on her?

7 MR. ROBINSON: I served it -- If I could pass it up
8 the Court, any Nursing staff that Mr. Baxter sent and Mr.
9 West who is the person, I believe, who is in charge of the
10 Nurses and Medical Staff. (Judge looks at documents)

11 THE COURT: Who is Jeff Black or Arlette Jones?

12 MS. ADAMS: Arlette Jones, Judge, is at the Detention
13 Center. She's over -- like a Captain.

14 THE COURT: Mr. West needs to be here. I mean he was
15 served. He needs to be here. Okay?

16 MS. ADAMS: Okay. I will call him.

17 THE COURT: Mr. Matthew West, Anderson County
18 Detention Facility.

19 MS. ADAMS: Do we need him, Judge? We really need
20 whoever made that note to interpret it. Right?

21 MR. ROBINSON: That's the problem I have. We don't ---

22 THE COURT: I don't disagree. I am just looking at it
23 from the strict logistics of a subpoena. They -- You
24 know, he can't choose not to come. I'm not saying he did.

25 MS. ADAMS: Oh, I agree. Yes, sir, I agree.

1 THE COURT: And then the Nursing Staff? That is a
2 little bit vague, but you know.

3 MR. ROBINSON: Yes, I agree.

4 THE COURT: I will tell you what. During the lunch
5 break can we find out who this person is who made this
6 note so we can have them up here to interpret and decipher
7 it?

8 MR. ROBINSON: That would be fine, Your Honor.

9 MS. ADAMS: Judge, we've got her. She's here.

10 THE COURT: She's here? You want to go out and talk
11 to her right now, Mr. Robinson, and make that decision?

12 MR. ROBINSON: Sure.

13 THE COURT: Okay. Why don't you and the Solicitor go
14 out and see if y'all can't figure that out.

15 (Brief Break)

16 THE COURT: All right, Mr. Robinson, have y'all been
17 able to come to some resolution?

18 MR. ROBINSON: Some of these things that I'm looking
19 at, they are in a regular notebook, things that are
20 handwritten, and so forth, and I think I need a little
21 more time to look at that, because this is the first time
22 I have seen it.

23 THE COURT: So, you are going to call this witness
24 after lunch?

25 MR. ROBINSON: Yes, I would like to. I'm hoping that

1 we can stipulate to what is going to come in, but I would
2 like an opportunity to look at it.

3 THE COURT: We discussed that back in my chambers
4 about the Instructions of Evidence Rule and that is the
5 State versus Breeze that I want to cite and it is
6 B-R-E-E-Z-E. Okay? Do you think we have, that you will
7 be able to get your witness in before the lunch break or
8 do you think it would be better, from the scheduling
9 perspective, to break now?

10 MR. ROBINSON: I think after lunch.

11 THE COURT: I'm sorry?

12 MR. ROBINSON: I think that after lunch might be best.

13 THE COURT: Okay. So, we will come back at what,
14 2:00?

15 MR. ROBINSON: I can be ready about 1:45 or 2:00.

16 THE COURT: I think 2:00 will be fine. All right. We
17 will be in recess until 2:00.

18 MR. ROBINSON: Thank you, Your Honor.

19 MS. ADAMS: The only thing, Judge, concerning the
20 nurse. She says she has to pick her child up at 2:30.

21 MR. ROBINSON: If we can agree on this, we can have
22 her out.

23 THE COURT: She's under subpoena. She is going to
24 have to make arrangements or we will get somebody there to
25 pick up her child, if we have to, but she can't just

1 leave. I mean, this is a murder trial. If y'all can
2 agree to things over the break, great. If not, she's
3 going to have to stay here. Let her know, because she
4 needs to make arrangements.

5 MR. ROBINSON: Yes, sir, Judge.

6 THE COURT: All right, that being said, I -- if we not
7 starting until 2:00, because I know we have had some
8 delays this morning and have been going kind of back and
9 forth, and as I told all the attorneys, I'm not going to
10 turn this case over to the jury after 4:00 in the
11 afternoon, so, I doubt that we will finish today. That
12 being said, we might.

13 MR. ROBINSON: Your Honor, I would like to get back to
14 some clarification that you made before, regarding the
15 arraignment.

16 THE COURT: The admission of the arraignment under
17 your Sixth Amendment argument?

18 MR. ROBINSON: Yes. And I'd like the Court to note my
19 objection to that, as far as, I would like to make some
20 clarification to that, to know I object to it coming in.

21 THE COURT: Right, and absolutely, and also on the
22 record, I gave you the opportunity, since I clarified my
23 ruling later, that if you wanted to add anything beyond
24 objecting to my ruling. I assumed that was inherent. I
25 was giving you the opportunity. So, I assume that by that

1 you do not want to add anything else other than what you
2 have argued already?

3 MR. ROBINSON: I don't, Your Honor. The Court has
4 given me enough opportunity on several different occasions
5 to argue why the Court its ruling and the Court has given
6 me plenty of time to clarify it.

7 THE COURT: Okay, we will be in recess until 2:00.

8 (Lunch Recess)

9 JANUARY 26, 2012 - AFTERNOON

10 THE COURT: All right, is the State ready to proceed
11 or are y'all still going over a few matters? (Ms. Adams
12 and Mr. Robinson are having a discussion off the record)

13 MS. ADAMS: We need just a moment, Your Honor.

14 THE COURT: Yes, ma'am. All right, are we ready to
15 proceed?

16 MR. ROBINSON: Your Honor, I have one matter that I
17 would like to take up with the Court.

18 THE COURT: I'll tell you, I'm not, I'm not planning
19 on dragging this thing out much longer. We have not
20 gotten to much trial testimony today. What is it that you
21 want to bring up now?

22 MR. ROBINSON: I don't ---

23 THE COURT: No, sir. I want you to bring it up, but I
24 am just telling everyone I'm tired of waiting around for
25 this case. I want to move it on. Okay? What is it?

 THE STATE OF SOUTH CAROLINA VERSUS MATTHEW FULLBRIGHT

1 MR. ROBINSON: Your Honor, I have two witnesses
2 subpoenaed, two officers that were subpoenaed, and they
3 are not here.

4 THE COURT: Do you need to have them picked up?

5 MR. ROBINSON: It is Officers Gebing ---

6 THE COURT: Okay.

7 MR. ROBINSON: --- and Coyle.

8 THE COURT: Mr. Coyle?

9 MR. ROBINSON: Yes, sir.

10 THE COURT: Okay. Can you get Gebing here?

11 MS. ADAMS: Your Honor, they have previously testified
12 and have been released.

13 THE COURT: Well, did you have them under subpoena
14 again?

15 MR. ROBINSON: Yes, sir.

16 THE COURT: Okay. They need to be here. Who is Mr.
17 Coyle?

18 MR. ROBINSON: He is the officer that testified on
19 Tuesday.

20 THE COURT: Okay. Can you get them here? Do I need
21 to get somebody to go get them?

22 MS. HUEY: We can call them, Judge.

23 THE COURT: Have them come forthwith, please.

24 MR. ROBINSON: I am ready to go, Your Honor.

25 THE COURT: Good. I'm not trying to scold you. I

THE STATE OF SOUTH CAROLINA VERSUS MATTHEW FULLBRIGHT

DIRECT EXAMINATION OF MARVIN DAWSON BY MR. ROBINSON 610

1 just don't think we should be sitting around so much. All
2 right, is the State ready to move on? Is the State ready?

3 MS. ADAMS: Yes, sir.

4 THE COURT: Would you bring the jury in, please?

5 (Jury in at 2:20 p.m.)

6 THE COURT: Ms. Terry, Ladies and Gentlemen of the
7 jury, I hope you will be warmer. They've cut up the heat
8 a little bit, but before we get started let me ask each of
9 the jury members, has anyone spoken with anybody, read,
10 heard, or listened to anything about this case? (Jurors
11 shake heads) Very good. Are you ready to proceed, Mr.
12 Robinson?

13 MR. ROBINSON: Yes, Your Honor. Your Honor, the
14 Defense would call Mickey Dawson to the stand.

15 (After being duly sworn by the Clerk of Court, Mickey
16 Dawson testified as follows:)

17 CLERK OF COURT: If you would take the witness stand
18 and state your full name and spell your last name for the
19 record, please.

20 MR. DAWSON: Marvin H. Dawson, Jr. D-A-W-S-O-N.

21 MS. HUEY: Your Honor, the State would stipulate to
22 Mr. Dawson being qualified as an expert as a Forensic
23 Document Examiner.

24 THE COURT: Okay. What field did you seek to have him
25 an expert?

DIRECT EXAMINATION OF MARVIN DAWSON BY MR. ROBINSON 611

1 MR. ROBINSON: It is in the field of a Forensic
2 Document Examiner.

3 THE COURT: Forensic Document Examiner. Okay. Ladies
4 and Gentlemen of the jury, again, normally people are
5 limited in their testimonies to what they saw or heard or
6 felt or seen. In this case, Mr. Dawson is stipulated to
7 be an expert in the field of Forensic Document Examination
8 and, therefore, he will be allowed to give his opinion in
9 that area. It is like any other evidence in this case you
10 can accept it, you can reject it, or do with it what you
11 think is proper. Okay?

12 MR. ROBINSON: May it please the Court.

13 DIRECT EXAMINATION OF MARVIN H. DAWSON BY MISTER ROBINSON

14 Q Mr. Dawson, why don't you tell the jury a little bit
15 about what you do as far as a Forensic Document
16 Examiner?

17 A As a Forensic Document Examiner, documents are
18 submitted, items are submitted, that may bear a
19 question of interest. It could be signatures,
20 papers, water marks, inks, a number of items, and
21 today I will just address handwriting. Then we
22 gather specimens, or known writings, so that we can
23 compare questioned and known to reach an opinion of
24 the examination requested. There is a lot of
25 training that goes into this, as well.

DIRECT EXAMINATION OF MARVIN DAWSON BY MR. ROBINSON 612

1 Q Okay. What is your educational background?

2 A I have undergraduate and graduate degrees from the
3 University of South Carolina. I'm a graduate of the
4 FBI National Academy.

5 Q Is that what that pin is on your jacket?

6 A Well, yes, it is.

7 Q And where did you, as far as employment, why don't
8 you tell the jury a little bit about your background,
9 employment-wise.

10 A I began my employment with the South Carolina Law
11 Enforcement Division, or SLED, in 1972. In the
12 latter part of 1972 and 1973, I went to the Georgia
13 Bureau of Investigations in Atlanta, the GBI lab and
14 began a two year internship as a Questioned Document
15 Examiner. I completed the two-year internship,
16 returned to SLED and started the Questioned Document
17 Laboratory at SLED located in Columbia, South
18 Carolina. I have also attended numerous workshops
19 and conferences across the United States with various
20 organizations. I've attended courses in the
21 profession discipline with most of the Federal
22 agencies, FBI, the Secret Service, etc. And I have
23 membership in the appropriate organizations, as well
24 as being Board Certified by the American Board of
25 Forensic Document Examiners.

DIRECT EXAMINATION OF MARVIN DAWSON BY MR. ROBINSON 613

1 Q All right. And as far as SLED, what did you -- What
2 was your title at SLED? What did you do at SLED.

3 A Originally, when I went to Sled, I started a Forensic
4 Photography Laboratory, a full service laboratory,
5 and then I started the Sled Document Laboratory.

6 Both of them, when I was in the Photography
7 Laboratory, I was the Agent-in-Charge and,
8 eventually, with some seniority. In the Document
9 Laboratory, I was the Lieutenant-in-Charge.

10 Q And did you provide any training to other Document
11 Examiners?

12 A Yes, I did. I have trained other Document Examiners.

13 Q Okay. Who are the persons that you have trained that
14 are still there at SLED?

15 A I have trained, who is now Lieutenant, Gaile Heathe,
16 who is head of the Document Laboratory at SLED. When
17 I left she assumed my position.

18 Q Okay. How many times have you testified in the State
19 Courts of South Carolina?

20 A State Courts, quite a number of times. Total courts
21 of Federal Courts, State Courts, Municipal Court,
22 Court Martials, approximately, 350 times as a
23 Forensic Document Examiner.

24 Q Do you testify -- Did you testify on behalf of the
25 State as well as the Defense?

DIRECT EXAMINATION OF MARVIN DAWSON BY MR. ROBINSON 614

1 A Yes, sir. Plaintiff, Defense, whatever.

2 Q Okay. Mr. Dawson, were you asked to perform an
3 examination of certain documents in this case?

4 A Yes, I was.

5 Q Can you tell the jury about your investigation and
6 how you went about doing it?

7 A Yes, sir. Mr. Fullbright, who I believe is the
8 father of the defendant, I believe, in this case. Is
9 that correct?

10 Q Mr. Fullbright. Correct.

11 A Mr. Fullbright contacted me and asked me to examine
12 some documents on behalf of him and Mr. Robinson. I
13 was presented documents that were questioned. In my
14 report, they are referred to as Questioned Documents.
15 Our jargon is, anything that has been questioned has
16 a "Q" and the specimen signature has a "K". Document
17 examination is like anything in the laboratory, you
18 have to have specimens or a data base to compare to.
19 When a -- In a signature case which we are talking
20 about now, for example, when a person learns to write
21 in first grade, you have a copy book and make block
22 letters, printed letters. Later on in several grades
23 they start connecting those letters and are know as
24 cursive letters. So, you learn this skill of
25 writing, if you would, and there are certain levels.

DIRECT EXAMINATION OF MARVIN DAWSON BY MR. ROBINSON 615

1 To a Document Examiner, we see a person's handwriting
2 mature into late teens or early twenties. That's not
3 mental or emotional maturity, you just get locked
4 into a habit, where we develop individual
5 characteristics or style, if you would. Those
6 individual characteristics are identifiable because
7 you deviate from the way you were taught to write.
8 You get sloppy. We all just get away from the way we
9 were taught. So, when you get a case in, a
10 Questioned Document, you take a look at the
11 questioned signatures and you look at several things.
12 You look for individual characteristics, which we
13 identify as a writer or non-writer. You look at,
14 microscopically, all signatures and works are
15 examined microscopically, as well, with the
16 characteristics of genuineness and we look for
17 characteristics of non-genuineness. There are
18 characteristics of both things that we are looking
19 for. And then we have the specimen signatures, the
20 data base, if you would. These normally come from
21 the normal course of business signatures. You get
22 samples of writing done in the normal course of
23 business outside the environment and you take a look
24 at the specimen signatures and you validate that they
25 do come from a common source and in that common

DIRECT EXAMINATION OF MARVIN DAWSON BY MR. ROBINSON 616

1 source of the specimen signatures, you look at the
2 individual characteristics of that writer as well.
3 And then you do side by side comparisons and you look
4 for characteristics in the Questioned and individual
5 characteristics of Known. And you note the
6 characteristics of each and compare them for
7 similarity or dissimilarities. In fact, I brought
8 some charts today to better be able to explain my
9 testimony in this area.

10 Q Why don't you, since you have explained how you go
11 about doing the examination of documents, why don't
12 you tell the jury what you did in this case? How you
13 went about comparing the documents to Mr.
14 Fullbright's historical signatures.

15 A Three documents were submitted, basically, submitted
16 to me. One was a copy of the Anderson County
17 Sheriff's Office Advisory of Rights dated 10/29/09 at
18 2:21 p.m. The second document was Anderson County
19 Sheriff's Office Advisory of Rights dated 10/29/09
20 and the third one was a machine copy of a typed
21 confession. There were the signatures purported to
22 be Mr. Fullbright's contained on these documents. A
23 couple of documents had two signatures on them. The
24 specimen signatures that -- I have quite a list of
25 those, but basically, they came from the Anderson

DIRECT EXAMINATION OF MARVIN DAWSON BY MR. ROBINSON 617

1 County Sheriff's office, several applications there.
2 Some were statements, a victim's impact statement.
3 There were other specimen signatures that came from
4 Anderson County Sheriff's Department and I think
5 there was a total of about, probably, 11 specimen
6 signatures submitted as undisputed signatures
7 attributed to Matthew Fullbright.

8 Q Mr. Dawson, may I approach for one second and show
9 you what has been marked as State's Exhibits, as far
10 as the alleged statements of Mr. Fullbright, to make
11 sure that those are the ones that you compared?

12 A Yes, sir.

13 Q Okay.

14 MR. ROBINSON: May I approach the witness, Your
15 Honor?

16 THE COURT: Yes, sir.

17 Q Mr. Dawson, let me show you what has been marked
18 State's 1, 2, 3, and 4. Can you identify those
19 documents?

20 Q Yes, sir. State's Exhibit 3 is a document that I
21 have examined. In fact, it has a white tag on it.

22 Q All right. Why don't you give those back to me after
23 you identify them. All right.

24 A Okay, this is my known. This isn't questioned.

25 Q All right.

DIRECT EXAMINATION OF MARVIN DAWSON BY MR. ROBINSON 618

1 A I received this document as a known document.

2 Q Right. All right.

3 A Okay?

4 Q This is one of the documents that you wanted to
5 examine. Is that right?

6 A Sir?

7 Q You wanted to examine that document. Correct?

8 A I have examined this document.

9 Q All right.

10 A This document was submitted to me as a known specimen
11 of Mr. Fullbright's writing and initials.

12 Q All right. Okay. And how about the two statements
13 that have been marked as State's Exhibits?

14 A State's Exhibit 4, I had the signature page of this
15 document. So, yes, I have examined this document.

16 Q All right. And the last document is, what has been
17 marked State's 1's

18 A Number 2, is the remaining document.

19 Q Okay. And that was, as well, a part of your
20 examination?

21 A Yes. As I recall, this document does not contain a
22 signature, but it does contain initials.

23 Q All right. And that was part of your examination.
24 Is that correct?

25 A That is correct. This is State's Exhibit 2.

DIRECT EXAMINATION OF MARVIN DAWSON BY MR. ROBINSON 619

1 Q All right. Okay. In examining the documents that
2 have been marked -- Let's first, go about it this
3 way: How did you compare State's Exhibits 1,2,3,and 4
4 to the historical document provided?

5 A To the specimen writing?

6 Q Yes.

7 A There was really not a basis for comparison.

8 Q All right. So, what did you -- So how did you go
9 about examining those alleged statements in this
10 case?

11 A There were entirely different pen movements,
12 different writing patterns. The internal consistency
13 was not compatible between the questioned and the
14 unknown. So, it is an inconclusive examination.

15 Q All right. What does that mean exactly?

16 A I don't know. You can't assign the authorship to
17 anyone.

18 Q Okay. So, were you able to, after -- based on your --
19 -- Let's just go back a little bit here. Tell me how
20 you do your comparisons between the historical
21 specimen, and those are prior times before any
22 action, just old documents that you have examined.
23 Correct?

24 A That is correct, sir.

25 Q Okay. And you take those and what do you do with

DIRECT EXAMINATION OF MARVIN DAWSON BY MR. ROBINSON 620

1 those? What do you do with those documents?

2 A You compare them. First of all you examine them
3 microscopically, the questioned documents. You look
4 for characteristics that would indicate forgery, and
5 of the characteristics of forgery, disguise,
6 deception, or whatever, and then you take these
7 specimen signatures of historical documents, or known
8 writings, and examine those for common authorship to
9 make sure no one else tried to drop a signature in
10 there.

11 Q Uh-huh.

12 A And that is important when you have spouse's signing
13 each other's names and all and then once you have
14 validated that the pool of specimen signatures are
15 all executed by the same writer, then you compare the
16 questioned signatures to the known signatures looking
17 for similarities, looking for individual
18 characteristics. You compare, hopefully, apples to
19 apples. In this particular case, you are comparing
20 apples and oranges. There is no known basis for
21 comparison. The questioned signatures are executed,
22 as the chart shows, in a nice round, looping, odd-
23 type of series of circular pen movements. The known,
24 or specimen signatures, are executed very sharply in
25 a vertical movement with some resemblance of

DIRECT EXAMINATION OF MARVIN DAWSON BY MR. ROBINSON 621

1 letterforms depending on the natural variation you
2 have. There is no basis for comparison between the
3 two. Therefore, it is an inconclusive examination.

4 Q You mentioned your charts. Did you bring your charts
5 with you?

6 A Yes, sir. They are behind your seat, sir.

7 Q Would that help you explain some of the things to the
8 jury?

9 A Absolutely.

10 Q Could you please do that sir?

11 A Certainly. (Witness looks to the Judge.) May I?

12 THE COURT: Yes, sir.

13 (The witness leaves the witness stand and places the
14 charts on an easel in front of the jury)

15 A This is a -- I have five questioned signatures.

16 There are just a couple of them up there for the
17 purpose of demonstration. These are the questioned
18 signatures. You see how there are a series of loops
19 that have been made, no real letterforms in there.

20 Q When you say questioned signatures, what are you
21 referring to?

22 A The signatures on the State's Exhibits you asked me
23 to take a look at.

24 Q All right. Okay. Go ahead. Sorry.

25 A This is a Advisory of Rights, Advisory of Rights.

DIRECT EXAMINATION OF MARVIN DAWSON BY MR. ROBINSON 622

1 (Comparing) So, these are the looping signatures. On
2 the bottom are initials, see? The initials are also
3 on the questioned signatures. The initials up here on
4 the left and the signatures up here by the signature
5 box. As you can see, these are loops, horizontal in
6 shape and form. These are very greatly, very
7 greatly, on the initials, vertical, horizontal, up
8 and down, very erratic. Both, the signatures and the
9 initials are very erratic. These are the specimen
10 signatures or the known signatures of Mr. Fullbright.
11 These were taken from various and sundry known
12 writings, from the Sheriff's Department writings and
13 other documents. They came from some of the time he
14 was incarcerated, as I recall, and some of the
15 documents were submitted to where authorities
16 requesting various things. These signatures are more
17 vertical, not horizontal. Up and down, very acute.
18 Very few letterforms are identifiable, but you can
19 see the styles are pretty much the same, both ways.

20 Q Mr. Dawson, would it help you -- Would it help for me
21 to bring those out so you can have them side by side?

22 A I was heading there, yes, sir.

23 Q Okay. Just so the jury can see. I can hold them.
24 Okay. Tell the jury the historical documents that
25 you examined for Mr. Fullbright that you have on

DIRECT EXAMINATION OF MARVIN DAWSON BY MR. ROBINSON 623

1 there. Which ones are the historical documents?

2 A The ones on the left are the questioned. I mean, are
3 the historical, the known. The ones on the right,
4 these are questioned signatures. Those are
5 historical, the known, signatures. Yes, sir.

6 Q Okay. And the ones on the left are what?

7 A Questioned documents. These are the questioned
8 documents that came off these forms right here.

9 Q So these, what's on the left, that is what's
10 contained in State's Exhibits 1, 2 -- 2 and 3. Is
11 that correct?

12 A They are like documents. These are representative of
13 all of those that are in question. All of them are
14 the same, pretty much. Yes, sir.

15 Q And that is right here?

16 A Yes, sir. That's two of them.

17 Q And these are the ones that he -- These are the ones
18 that are historical documents. Correct?

19 A That is correct. Those are the specimen documents.

20 This is the database you work from. You say, this
21 person writes like this, it's this person's
22 individual characteristics, it's the way this person
23 writes. Yes, sir.

24 Q Now, did you consider, possibly, someone forging
25 their signature? Like Mr. Fullbright may be playing

DIRECT EXAMINATION OF MARVIN DAWSON BY MR. ROBINSON 624

1 around, or forging? Did you think about that?

2 A I had to consider that, yes.

3 Q And what conclusion did you come to?

4 A Disguised writing is a very large part of inquiry
5 into author authenticity and unauthenticity. You can
6 disguise writing for a number of reasons, but
7 normally, when a person disguises his signature,
8 there are mistakes. They will change several things.
9 They will change the shape, the size, the pressure,
10 or whatever. Normally, the signature is fairly
11 pictorial, like they normally do it, except they will
12 really mess it up by changing line forms or whatever.
13 Maybe slowly writing using the left hand or whatever.
14 This may be disguised writing. It has
15 characteristics of disguised writing.

16 Q Uh-huh.

17 A It has pen lifts and pen stops, poor line quality, no
18 real internal consistency, anywhere. So, these
19 questioned signatures and the questioned initials
20 contain characteristics of disguised handwriting, but
21 I can't say who disguised them. It is not a
22 traditional disguise. So, I have no idea who
23 disguised it, if indeed they are disguised, but they
24 have characteristics of disguised writing.

25 Q So, you don't know whether they have been disguised

DIRECT EXAMINATION OF MARVIN DAWSON BY MR. ROBINSON 625

1 or not. Correct?

2 A They have characteristics of disguised writing. I
3 assume someone attempted to do it.

4 Q It could have been done by anyone?

5 A Yes, sir. It could be done by anyone.

6 Q You can have a seat. (Witness returns to the witness
7 stand.) Mr. Dawson, based on your training that you
8 have gone through, as well as your tenure as chief of
9 the Sled Forensic Document Examiner Department, and
10 based on your examination of the historical documents
11 provided to you, and based on the documents that have
12 been submitted by the State as Exhibit, State's
13 Exhibits one through four, have you come to the
14 conclusion, have you come to a conclusion as to
15 whether or not the two signatures, the signature on
16 State's Exhibit numbers one through four are Matthew
17 Fullbright's?

18 A My examination is inconclusive. I don't know who did
19 it. I can't tell.

20 Q You have no conclusion?

21 A No conclusion.

22 Q Mr. Dawson, did you prepare a report, as far as your
23 examination goes?

24 A Yes, sir. I did. The report is in my binder as well
25 as all evidence I used to reach my opinion.

DIRECT EXAMINATION OF MARVIN DAWSON BY MR. ROBINSON 626

1 Q Can I approach you for one second so you can identify
2 this document? Do you recognize this document? Can
3 you identify that? (Mr. Robinson hands witness a
4 document)

5 A Yes, sir. This is a copy of my report.

6 MR. ROBINSON: Your Honor, I would move, at this
7 time, what has been pre-marked as Defense Exhibit 5 into
8 the record at this time.

9 THE COURT: Any objection?

10 MS. HUEY: Your Honor, I have an objection to it being
11 admitted.

12 THE COURT: You do have an objection?

13 MS. HUEY: To it being admitted, yes, sir.

14 THE COURT: Okay. Would you take the jury back to the
15 jury room, please?

16 (Jury out at 2:46 p.m.)

17 MS. HUEY: Your Honor, I don't know that he can
18 make ---

19 THE COURT: Okay. I'm sorry?

20 MS. HUEY: I don't know if he can make a report -- I
21 don't know that he can admit that report into evidence.
22 He has testified to it, but I don't think the report,
23 itself, is admissible.

24 THE COURT: Why would the report not be admissible?
25 Under what Rule?

THE STATE OF SOUTH CAROLINA VERSUS MATTHEW FULLBRIGHT

DIRECT EXAMINATION OF MARVIN DAWSON BY MR. ROBINSON 627

1 MS. HUEY: I'm sorry, Judge. One second. I don't
2 understand admitting his statement of opinion can be
3 admitted as evidence.

4 THE COURT: Well, if you look at Rules 701 through
5 705, you know, it appears to me that we stipulated, that
6 you stipulated, that he was an expert in a designated
7 field and the data underlying his professional or expert
8 opinion is admissible into evidence. So, the only
9 question -- I am looking at the report, Mr. Robinson. The
10 report is consistent with his testimony. It was nothing
11 about Officer Danny Barton that was brought out in any
12 testimony and I think that probably should be redacted.

13 MR. ROBINSON: I agree. I agree.

14 THE COURT: Okay... I'm going to note your objection.
15 I am going to find this admissible with any reference to
16 Officer Danny Barton, B-A-R-T-O-N, being redacted. Okay?
17 Unless something in cross examination makes it admissible.
18 Solicitor, are you ready for cross examination?

19 MS. HUEY: Yes, sir, Your Honor.

20 THE COURT: Okay. Anything further from you with this
21 witness?

22 MR. ROBINSON: Nothing, at this time.

23 THE COURT: Would you bring the jury in, please?

24 (Jury in at 2:53 p.m.)

25 THE COURT: All right. Cross examination?

CROSS EXAMINATION OF MARVIN DAWSON BY MS. HUEY

628

1 MS. HUEY: Yes sir, Your Honor.

2 CROSS EXAMINATION OF MARVIN DAWSON BY MS. HUEY

3 Q Mr. Dawson, so that we are not confused, let's go
4 back to State's 1, 2, 3, and 4. I'm showing you what
5 has been admitted as State's 1.

6 A Yes, ma'am.

7 Q And now you have examined that document. Correct?

8 A That is correct.

9 Q And was that submitted to you as a known specimen?

10 A Yes, it was. This was submitted to my lab as a known
11 specimen of Mr. Fullbright's signature and his
12 initials. That is correct.

13 Q Okay. And so ---

14 A It was submitted to SLED as a questioned document.

15 It was submitted to me as a known.

16 Q Right. So -- And so describe again what known means?

17 A Known means that a person wrote it, there is no
18 question, it is undisputed and it came as a normal
19 writing exercise or whatever.

20 Q Okay. So, this was submitted to you as a known
21 sample of Matthew Fullbright's handwriting. That's
22 my understanding.

23 A Yes, ma'am.

24 Q Every signature on this page and every initial on
25 this page?

- 1 A Two of each, yes, ma'am.
- 2 Q And known means undisputed, just so I understand?
- 3 A That is my definition.
- 4 Q Okay.
- 5 A The accepted definition.
- 6 Q Thank you. Okay. So, then Mr. Dawson, to go on, the
- 7 items that you did examine were only from the State's
- 8 3 and 4, then?
- 9 A State's 2, is that it?
- 10 Q State's 2 is the Advisory of Rights Form?
- 11 A That's it.
- 12 Q I just handed that to you.
- 13 A That's 3 and 4.
- 14 Q Yes, sir.
- 15 A Two, is what?
- 16 Q Two, is the 7-page statement that ---
- 17 A This does not contain a signature. This only
- 18 contained initials.
- 19 Q So, you did not examine this particular statement?
- 20 A I did, yes, but I didn't have a signature, only
- 21 initials.
- 22 Q Okay. So ---
- 23 A To answer your question, yes, ma'am, I examined
- 24 State's Exhibits 3 and 4.
- 25 Q Okay. So, you did not examine the signature, and I

CROSS EXAMINATION OF MARVIN DAWSON BY MS. HUEY

630

1 apologize these pages aren't numbered, but back to
2 State's 2, Mr. Dawson. If I may approach?

3 A Uh-huh.

4 Q I believe it is the fifth page. Did you exam that
5 particular signature?

6 A I accepted that as initials, not a signature and that
7 is consistent with the initials on this document and
8 the initials on the questioned document.

9 Q Okay. So, you did consider those initials?

10 A Yes.

11 Q Okay. So, in terms of the signatures that you did
12 examine ---

13 A That I did or didn't examine? I couldn't hear.

14 Q That you did.

15 A I did, yes.

16 Q Again, to clarify for the jury, you cannot identify
17 whether or not Matthew Fullbright signed those or
18 not.

19 A It is inconclusive. That is correct.

20 Q Inconclusive. Cannot identify them. You can't say
21 he didn't do it, but you can't necessarily match
22 them. Is that correct?

23 A The examination is inconclusive as to whether he did
24 or did not. That is correct.

25 Q And then you also go on to say that this is

1 associated with disguised writing. Those signatures
2 were associated with disguised writing.

3 A Those are characteristics that are normally
4 associated with disguised writing. That is correct.

5 Q And again, disguised writing means, what?

6 A Disguised writing means attempts at disavowing a
7 writing, a signature. It could be extended writing
8 or whatever. It's a matter of being disguised,
9 which is what the word means.

10 Q Have you ---

11 A Some may call it deception.

12 Q Deception, faking it?

13 A I have never seen it called faking before, but for
14 purposes of your discussion, I imagine you could say
15 that it is faking it.

16 Q Yes. Thank you. And again, you can't tell who faked
17 it.

18 A It's inconclusive. I cannot identify the writer or
19 author.

20 Q Okay. And Mr. Dawson, I believe Mr. Robinson asked
21 you about who you had trained at SLED. Is that
22 correct?

23 A That is correct.

24 Q All right. And you have trained Gaile Heathe,
25 Lieutenant Gaile Heathe at SLED?

CROSS EXAMINATION OF MARVIN DAWSON BY MS. HUEY

632

1 A That is correct.

2 Q All right. And have you reviewed her report that was
3 submitted to you?

4 A The original report and her supplemental. I did
5 review two of her reports. That is correct.

6 Q And what is your opinion in reference to hers?

7 A She agreed with me.

8 Q In that, it could not be identified?

9 A It was inconclusive. That is correct. Her report
10 states it is inconclusive.

11 Q And does she also go on to say that it is associated
12 with disguised writing?

13 A That is correct. Her report agrees with me.

14 Q And, Mr. Dawson, the only way to know who actually
15 signed those signatures, or made those initials,
16 would be to witness it?

17 A Not necessarily. I've examined signatures in the
18 past in cases in the past where notaries or witnesses
19 of signatures were not legitimate, even when they
20 have been notarized or witnessed. Those are few and
21 far between, but that happens.

22 Q But in this particular case, because they can't be
23 identified and they looked disguised, if you had a
24 witness to it, that would help you determine who
25 wrote the signatures?

REDIRECT EXAMINATION OF MARVIN DAWSON BY MR. ROBINSON 633

1 A A Forensic Document Examiner properly trained with
2 proper experience will testify to the facts of the
3 case, not to hearsay or other items. The facts of
4 this case that I examined as a Document Examiner is,
5 there is no basis for comparison. It's inconclusive.
6 I am not accepting what anyone else may or may not
7 say.

8 Q Exactly. So, you were not present on October 28,
9 2009.

10 A No. I was not present.

11 Q When these signatures were taken.

12 A No, ma'am.

13 MS. HUEY: That's all I have, Judge.

14 THE COURT: Redirect?

15 MR. ROBINSON: One redirect question, Your Honor.

16 REDIRECT EXAMINATION OF MARVIN DAWSON BY MR. ROBINSON

17 Q Mr. Dawson, you are not -- you have no idea -- You
18 don't have a determination as to who ---

19 A I'm sorry. Repeat the question?

20 Q You can't, you can't say who may have tried to
21 deceive. Can you?

22 A As I testified, I have no idea, sir.

23 Q All right. Thank you, Mr. Dawson.

24 THE COURT: May this witness be excused?

25 MS. HUEY: Yes, please.

1 THE COURT: Mr. Robinson?

2 MR. ROBINSON: Yes, sir.

3 THE COURT: Thank you, sir. You may be excused.

4 MR. DAWSON: Thank you, Your Honor.

5 THE COURT: All right, let's take about a five minute
6 break in between. I need to make a quick call and I will
7 be right back. You may go back to your jury room.

8 (Jury out at 3:03 p.m.)

9 THE COURT: Mr. Robinson, do you have any other
10 witnesses?

11 MR. ROBINSON: Your Honor, I have another, but I'd
12 like to know about the report coming in.

13 THE COURT: Sir?

14 MR. ROBINSON: Your Honor, we had a report that we
15 talked about before that I intended to come in. They made
16 objection to it.

17 THE COURT: You are talking about Doctor, I mean Mr.
18 Dawson?

19 MR. ROBINSON: Yes, you had instructed that it be
20 redacted and I have redacted it and I wanted to, again,
21 move for this document to come in.

22 THE COURT: I will find it admissible in its redacted
23 form. There was nothing in cross examination brought up
24 about Officer Barton, so I find it submitted, subject to
25 objection.

DIRECT EXAMINATION OF ROB GEBING BY MR. ROBINSON

635

1 (Whereupon, Mr. Dawson's report is admitted into
2 evidence as Defense Exhibit 5, subject to objection)

3 THE COURT: Who is your next witness?

4 MR. ROBINSON: Officer Gebing.

5 THE COURT: Is he here?

6 MS. HUEY: Yes sir, Your Honor.

7 THE COURT: Okay. Just one second. Can you stay
8 there, Officer? I want you to stay right there. Bring
9 the jury out, please.

10 (Jury in at 3:11 p.m.)

11 THE COURT: All right, Officer Gebing.

12 OFFICER GEBING: Yes, sir?

13 THE COURT: You are still under oath. Would you step
14 around please?

15 CLERK OF COURT: You are still under oath. Please
16 take the stand.

17 MR. ROBINSON: May it please the Court.

18 THE COURT: Yes, sir.

19 DIRECT EXAMINATION OF ROB GEBING BY MR. ROBINSON

20 Q Officer Gebing, are crime scene logs required to be
21 made out for each and every crime scene?

22 A Required, no.

23 Q They are not required?

24 A No.

25 Q Okay. Does there exist a crime scene log for both

DIRECT EXAMINATION OF ROB GEBING BY MR. ROBINSON

636

1 Horton Road and, excuse me. Does there exist a crime
2 scene log for Horton Road?

3 A I, personally, don't know.

4 Q Okay. Do you know if a crime scene log exists for
5 Asaville School Road, excuse me, Asaville School
6 Road?

7 A Asaville School Road?

8 Q Yes.

9 A I personally, again, do not.

10 Q Okay. Do you know if a crime scene log exists when
11 Mr. Fullbright was asked to take officers to
12 Waterside Drive on October 28, 2009?

13 A Again, I, personally, do not know if one exists for
14 that either.

15 Q Did you go out there on October 28, 2009?

16 A With your, with your client?

17 Q Yes.

18 A Yes. I did.

19 Q Okay. And according to you did Mr. Fullbright give a
20 voluntary statement at that time, to you?

21 A In the car?

22 Q Yeah.

23 A He was talking and pointed out where the body was and
24 such. The actual written statement wasn't prepared
25 until later.

1 Q Did he ever write out his own statement?

2 A No.

3 Q So, no written statement by Mr. Fullbright exists?

4 A No.

5 Q Does any written statement by Mr. Fullbright exist as
6 written by Mr. Fullbright?

7 A No. Any written statements that exist, one was typed
8 by myself and one was typed by Sergeant Beusse.

9 Q All right. That's all I have. Thank you.

10 THE COURT: Cross examination?

11 MS. HUEY: No, sir, Your Honor.

12 THE COURT: May Officer Gebing be excused?

13 MR. ROBINSON: Yes, sir, Your Honor.

14 MS. HUEY: Yes, please.

15 THE COURT: Thank you, sir.

16 OFFICER GEBING: Thank you, Your Honor.

17 THE COURT: Would you call your next witness. Please?

18 MR. ROBINSON: Your Honor, we would call Officer Coyle
19 to the stand. Your Honor, we would call at this time, Mr.
20 Coyle is not here, we would call the nurse from the
21 Detention Center.

22 THE COURT: Do you know her name?

23 MR. ROBINSON: Her name would be Karen Langston.

24 THE COURT: Okay. Would you call Karen Langston,
25 please, Mr. Frazier?

DIRECT EXAMINATION OF KAREN LANGSTON BY MR. ROBINSON 638

1 (After being duly sworn by the Clerk of Court, Karen
2 Langston testified as follows:)

3 CLERK OF COURT: If you would take the witness stand
4 and state your name and spell your last name for the
5 record, please.

6 MS. LANGSTON: My name is Karen Langston.
7 L-A-N-G-S-T-O-N.

8 DIRECT EXAMINATION OF KAREN LANGSTON BY MISTER ROBINSON

9 Q Ms. Langston, have you been subpoenaed to court today
10 by my office?

11 A Yes. I have.

12 Q Can you give us your full name, please?

13 A Karen Elizabeth Langston.

14 Q And what is your title and occupation?

15 A I am the Head Nurse at the Anderson County Detention
16 Center. I'm a Registered Nurse.

17 Q All right. In the course of, in the course of your
18 job, do you keep records for patients that are at the
19 Anderson County Detention Center?

20 A We have what are called, Intake Sheets, when you
21 first come into the jail. We have medical files with
22 sick calls, which is when detainees request
23 medication or request to see the physician. We have a
24 book which we use as a pass along book for incoming
25 shifts coming on where we write down notes of certain

1 things that have occurred during the day.

2 Q Do you keep logs of any time that one of the
3 residents gets medicine?

4 A We have Medical Administration Records, yes, sir.

5 Q Do you have a log for every time a resident gets a
6 medication?

7 A They are signed off when they are given. We have a
8 piece of paper which is a Medicine Administration Log
9 when we give them.

10 Q Did you bring certain record with you today?

11 A I didn't bring them with me. You have copies of the
12 records which ---

13 Q All right. If I show you a copy of what you have
14 brought today, would you identify that?

15 A Yes, sir.

16 Q Ms. Langston, I am going to show you what has been
17 marked as Defense Exhibit 4, for identification
18 purposes. Do you recognize this document?

19 A Yes, sir.

20 Q And what is the Exhibit number?

21 A Exhibit 4.

22 Q Okay.

23 MR. ROBINSON: At this time, Your Honor, I would move
24 the records that Ms. Langston identified into evidence as
25 Defense Exhibit 4.

DIRECT EXAMINATION OF KAREN LANGSTON BY MR. ROBINSON 640

1 THE COURT: Any objection?

2 MS. ADAMS: No, sir, Your Honor. I would just like a
3 look at them real quick.

4 THE COURT: Sure.

5 MS. ADAMS: To make sure they are all there. (Mr.
6 Robinson shows the documents to Ms. Adams) Yes, sir, they
7 are all there. No objection.

8 THE COURT: Admitted without objection.

9 (Whereupon, Detention Center documents are entered
10 into evidence as Defense Exhibit 4, without objection)

11 Q Ms. Langston, would you explain to the jury what has
12 been marked as Defense Exhibit 4? What did you bring
13 today with you?

14 A The first sheet is what's called a Receiving
15 Screening Form which is normally filled out by the
16 officer who is booking the detainee at the jail.

17 Q Excuse me a second. Could you maybe speak into the
18 microphone a little bit more?

19 A I'm sorry. The first sheet is the Receiving
20 Screening form which is filled out by the booking
21 officer at the jail when the detainee is booked in.

22 Q All right. What is the date on that?

23 A The date on this is October 29, 2009.

24 Q Okay. And what is the next item that you have there?

25 A The next document is, I believe, a page from my pass-

DIRECT EXAMINATION OF KAREN LANGSTON BY MR. ROBINSON 641

1 a-long book. Which is a nursing, a type of nursing
2 log we pass along information to the oncoming shift.

3 Q All right.

4 A And it is a note from one of my colleagues.

5 Q Why don't you read what the note says?

6 A Okay. The note says, 10/29/09 Thursday 2/5.

7 Fullbright - has been taking Oxycontin and Lortabs
8 without prescription, which is what the S with a line
9 over the top means. Heart rate 60s, with movement.
10 Resp. 8 to 10. Speech slurred and lethargic.

11 Staggers when walking. Family brought in DCN, which
12 is a shortening of Darvocet from July/2009, Hampton
13 advised.

14 Q What is the date, again?

15 A October 29, 2009.

16 Q All right. And what is the next item?

17 A The next document is dated Thursday 10/29/09. D-1.

18 Fullbright destroyed D-1. Has metal weapon with
19 cigarette. Moved to Z-tank for obs. Attempted to
20 have SS withdrawal and was heavily medicated when
21 went in intake at 0500 on 10/29/09. Checked heart
22 rate, was low 60s. Resp. 8 to 10. I am not showing
23 any sign of SS withdrawal at this time.

24 Q Okay. And what was that dated?

25 A The date on that was Thursday, 10/29/2009.

DIRECT EXAMINATION OF KAREN LANGSTON BY MR. ROBINSON 642

1 Q What is the next item? And this, of course, is all a
2 part of that exhibit. Correct?

3 A Correct. The next document is dated 10 -- it is
4 Saturday. Let me get my dates right. That is
5 10/31/2009. D-1, Fullbright. Zero with a cross, SS
6 withdrawal. Medical has been given. DCN since
7 yesterday. Zero cross, COs of pain. I don't know
8 what that notation is that she made next to that.

9 Q Well, read what you know.

10 A Per investigator, okay to have jump suit and flip
11 flops only.

12 Q All right. How about the next page.

13 A The next page is dated November 04, 2009. Matthew
14 Fullbright, 29, white male presented to ACDC with two
15 counts murder, grand larceny, and conspiracy. At
16 this time denies SI/HI S-intent, Plan D. Admits to
17 difficulty sleeping, but denies any sys. of
18 depression or anxiety. Denies ADH paranoia. Admits
19 to methamphetamines, Xanax, cocaine, THC, Oxycodone,
20 and Roxycodone this year. At this time, CLT doesn't
21 present with sys. of MI. CLT can be released from
22 D-1 cell to appropriate ACDC cell. Signed, Traci
23 Richardson, MA, Anderson Clinic Manager, A-O-P-M-H-C
24 - diagnosis polysubstance dependence.

25 Q Polysubstance dependence?

1 A Yes. That is what it says.

2 Q Okay. What is the next one?

3 A That's all I have.

4 Q Is that the complete -- Is that everything that you
5 brought with you today?

6 A That is everything that I brought with me today.
7 That is, yes, for the dates that I was requested to
8 bring here.

9 Q So, now, are there any other records regarding -- Is
10 there anything in those records that says what he has
11 been given during the period of 10/28 to 10/04?

12 A No, there isn't, sir, and these records are all I
13 have.

14 Q All right. Thank you, ma'am. Please answer any
15 questions the Solicitor may have.

16 THE COURT: Cross examination?

17 MS. ADAMS: Yes, sir, Your Honor. Just a few
18 questions.

19 CROSS EXAMINATION OF KAREN LANGSTON BY MS. ADAMS

20 Q Ms. Langston, real quick. The first page of the
21 document that you read, you said those were the
22 Receiving or the Intake when Mr. Fullbright came in
23 the morning of October 29, '09, Correct?

24 A Correct.

25 Q So, that time is 4:13 in the morning. Correct?

CROSS EXAMINATION OF KAREN LANGSTON BY MS. ADAMS

644

- 1 A That is correct.
- 2 Q Okay. And this sheet is basically, it states it is
- 3 the Intake Officer's opinion. Correct?
- 4 A That is correct.
- 5 Q At the Detention Center.
- 6 A Yes.
- 7 Q And it goes through a list of questions that the jury
- 8 will see, but basically, does the inmate appear to be
- 9 under the influence of alcohol? What is checked?
- 10 A No.
- 11 Q Does the inmate appear to be under the influence of
- 12 barbiturates or heroin or any other drugs?
- 13 A No.
- 14 Q Are there any visible signs of alcohol or drug
- 15 withdrawal symptoms?
- 16 A No.
- 17 Q Okay. And it goes on to say risk of suicide and all
- 18 those are no and then he is asked if you are on any
- 19 medication or are you supposed to be on any
- 20 medication and the officer writes down his response,
- 21 which was...
- 22 A Oxycontin, Lortabs, and I cannot make out the last.
- 23 Q I think that is probably Darvocet.
- 24 A Darvocet.
- 25 Q And then do you take drugs?

1 A It says, yes, but it says not prescribed.

2 Q So that, basically, that means that the defendant
3 told the officer he was taking drugs, but
4 nonprescription?

5 A It says not prescribed.

6 Q And then the defendant signed it but, specifically,
7 then underneath there is an officer's note and then
8 he has it starred. And it says, subject says that he
9 may go into DT's from Meth. Correct?

10 A Correct.

11 Q Okay. So, he looked fine to the officer, but then he
12 tells the officer that he may go into DTs. Correct?

13 MR. ROBINSON: Your Honor, objection. I think this is
14 extrapolating the records and I think she is going beyond
15 what the records say, interpreting the records.

16 THE COURT: Overruled.

17 A It does state that he may go into DT's from Meth.

18 Q But that is what the defendant stated to the officer.
19 That is what that means. Correct?

20 A That's what it says..

21 Q So, then, when we go to that next page, if you would?

22 A Yes, ma'am.

23 Q Which was 10/29; Thursday morning, same day as this.

24 Would this be somewhere around 5 a.m. or maybe a
25 little after?

CROSS EXAMINATION OF KAREN LANGSTON BY MS. ADAMS 646

- 1 A When I looked at my log-in books for that day, the
2 person who wrote this note came into work at 0500
3 hours that morning.
- 4 Q She came in ---
- 5 A At 0500.
- 6 Q And this is 5 A.M., the first one of the morning?
- 7 A First note in the book that morning. Yes, ma'am.
- 8 Q So, thirty minutes after Mr. Fullbright tells the
9 officer he may go into DT's, she sees him and writes,
10 Fullbright has been taking Oxycontin and Lortabs
11 without prescription and then it gives his pulse as
12 60, respiratory 8 to 10, and she said his speech was
13 slurred and lethargic, staggers when walking.
- 14 A That's correct.
- 15 Q And then that same day, that Thursday afternoon, is
16 the next page. Correct?
- 17 A That would be after 6 p.m. when she came back into
18 work that evening.
- 19 Q Okay. And this is when the defendant had destroyed
20 that D-1 cell that he had the weapon that you read
21 earlier, that he had a metal weapon, a cigarette ---
- 22 A That is what is written down here. Yes, ma'am.
- 23 Q Okay. And then it says, inmate attempted to have
24 signs and symptoms of withdrawal. Correct?
- 25 A That is what was written. Yes, ma'am.

CROSS EXAMINATION OF KAREN LANGSTON BY MS. ADAMS .647

1 Q Attempted, which -- Would you probably say that means
2 taking ---

3 MR. ROBINSON: Objection. Speculation, Your Honor.

4 THE COURT: I sustain that.

5 Q Then the next page is October 31st, that's Saturday.
6 Correct?

7 A Correct.

8 Q And the first line is, no signs or symptoms of
9 withdrawal. Correct?

10 A That's correct.

11 Q And medical, he has been given his Darvocet since
12 yesterday:

13 A That's what it states. Yes.

14 Q And no signs or symptoms of withdrawal?

15 A Correct.

16 Q And then the final one that you read from November
17 4th, the day of his arraignment, this is where the
18 defendant states that he admits to difficulty
19 sleeping, but denies any signs of depression and/or
20 anxiety. Correct?

21 A That is correct. Yes, ma'am.

22 Q And then he also admitted to all those drugs you have
23 listed and he said he had done those this year?

24 A Correct.

25 Q And at this time -- CLT was the client. Correct?

REDIRECT EXAMINATION OF KAREN LANGSTON BY MR. ROBINSON 648

1 A Correct.

2 Q Okay. So, at this time, the client doesn't present
3 any symptoms of mental illness?

4 A That is what it states. Yes, ma'am.

5 Q Thank you so much.

6 MR. ROBINSON: I have a couple of questions on
7 redirect, Your Honor.

8 THE COURT: Yes, sir.

9 REDIRECT EXAMINATION OF KAREN LANGSTON BY MS. ADAMS

10 Q Ma'am, as far as the records that you brought, do you
11 have any record, first of all do you -- How many
12 Oxycontin or drugs to help with withdrawal, was Mr.
13 Fullbright given per day?

14 A Sir, I couldn't tell you that. I don't have that
15 information with me.

16 Q Okay. And you have no record of any -- Okay.
17 Obviously, from the report, you know that medicine
18 was given to him.

19 A I do and I was unable to locate those records, sir.

20 Q So, to your knowledge you do not have any records of
21 these medications that were given?

22 A Correct. sir.

23 Q Of any given?

24 A Correct, sir.

25 Q Now when the -- In your, in the items that you

REDIRECT EXAMINATION OF KAREN LANGSTON BY MR. ROBINSON 649

1 brought, could you tell me how many pills were in the
2 bottle that were brought to you?

3 A I don't have that piece of paper in front of me.

4 Q Okay. Thank you, ma'am.

5 THE COURT: May this witness be excused?

6 MR. ROBINSON: Yes, sir.

7 MS. ADAMS: Yes, sir.

8 THE COURT: Thank you, ma'am.

9 MS. LANGSTON: Thank you.

10 THE COURT: Would you call your next witness, please?

11 MR. ROBINSON: We call Officer Coyle, Your Honor.

12 Your Honor, I would call Mr. Michael Rice at this time.

13 THE COURT: Michael Rice?

14 MR. ROBINSON: Yes, sir.

15 MS. ADAMS: Your Honor, may we approach?

16 THE COURT: Yes, ma'am.

17 (Bench Conference Off the Record)

18 THE COURT: We need to take up some matters out of
19 your presence, please. If you would go back to your jury
20 room. Go ahead and have your afternoon break.

21 (Jury out at 3:34 p.m.)

22 THE COURT: All right, is Michael Rice here?

23 MR. FRAZIER: He is right here.

24 THE COURT: Come around, please.

25 (After being duly sworn in by the Clerk of Court,

THE STATE OF SOUTH CAROLINA VERSUS MATTHEW FULLBRIGHT

1 back for closings.

2 (Brief Break)

3 THE COURT: As I understand it, the State is waiving
4 opening on the law, and so, Mr. Robinson will go first?

5 MS. HUEY: Yes, sir, Your Honor.

6 THE COURT: And then, y'all will finish up. Is that
7 correct?

8 MS. HUEY: Yes, Your Honor.

9 THE COURT: Is the State ready to proceed?

10 MS. HUEY: The State's ready, Your Honor.

11 THE COURT: How about the Defense?

12 MR. ROBINSON: The Defense is ready, Your Honor.

13 THE COURT: Bring the jury in, please.

14 (Jury in at 10:20 a.m.)

15 THE COURT: All right, Ms. Terry, Ladies and
16 Gentlemen of the jury, we are now going to the closing
17 argument phase. Mr. Robinson?

18 MR. ROBINSON: May it please the Court.

19 THE COURT: Yes, sir.

20 CLOSING ARGUMENT - MR. ROBINSON

21 I want to thank y'all for listening the last couple
22 of days. Im sorry it took a week, but I guess we just had
23 to do this, but let me ask you, you have an opportunity,
24 today, to unravel a mystery and unravel a story in this
25 case, to find out the solution or the answer to this

THE STATE OF SOUTH CAROLINA VERSUS MATTHEW FULLBRIGHT

1 mystery.

2 Now, in my case in chief, I had Mr. Dawson come in
3 here to tell you about his examination of these signatures
4 that were purported to be Matthew Fullbright's on the
5 statements that were written by the detectives, Gebing and
6 Beusse. Now, as I told you in the beginning, Matthew
7 Fullbright is a drug abuser. You heard from different
8 people, you heard from Matthew, himself, that he was
9 addicted to something called Oxycontin and Lortabs and you
10 heard from the nurse that came in here and talked about
11 that. You will see her reports back there in your jury
12 room and he may not be the best person for making good
13 choices and friends or acquaintances and he may not be the
14 best person to pay bills and so forth and not pay for
15 things on time, but that doesn't make Matthew Fullbright a
16 killer. Think about it.

17 One of the issues, or one of the items that the Judge
18 mentioned to you a minute ago was motive. He knew these
19 folks for seven years. He got a commission each time from
20 the Statons when he would arrange something as far as
21 buying gold, buying different items. You heard Ms.
22 Gremillion, at the beginning, mention that her parents
23 would go to flea markets, they would travel around and buy
24 things and sell things. You heard that he carried cash,
25 that she carried cash. You also heard that they carried

THE STATE OF SOUTH CAROLINA VERSUS MATTHEW FULLBRIGHT

1 guns. She didn't know of any enemies that he may have had
2 or she may have had, but why were they carrying guns?

3 Now, let's talk at the outset about the physical
4 evidence in this case. The State has provided to you and
5 published to you, different items: a hammer, different
6 prints, latent prints. You heard from Officer Coyle, you
7 heard from Ms. Skipper from SLED regarding analyses that
8 she did. You also heard that they had a clump of hair
9 from Ms. Staton's hand, but there's one theme or one
10 constant throughout all their testimony and that is, there
11 is no physical evidence, no latent prints, no
12 fingerprints, no hair that would match Matthew Fullbright.
13 All this information, as far as latent prints, the bag
14 with the hammer, it's not connected to him. There are no
15 fingerprints, nothing.

16 They had a receipt, different receipts from SavMore
17 and from Walmart, twice. They say he used one hundred
18 dollar bills when he purchased these items at Walmart.
19 There is a \$45.00 receipt in there, but you heard from the
20 clerk, Ms. Hudson at C&L, that he cashed his check a
21 couple times a week. You also heard testimony from
22 officers that they went out, they went to Eddies Mini-Mart
23 or Quick Mart and he'd cash a check for \$225.00 and he
24 paid in hundreds. So what? But the Solicitor seems to be
25 trying to say that because a person pays in hundreds, that

1 this person must be guilty of this, but the officers
2 themselves and the C&L person say that he cashed his
3 checks and he got hundreds.

4 And you heard some testimony regarding a Brillo pad,
5 a can or bottle of Pepsi and a vase that he paid \$100.00
6 for, got change, then paid \$100.00 and got change and she
7 thought that was unusual, but she also said on cross
8 examination that people came in there all the time and
9 cashed their checks, either tax checks, payroll checks,
10 things of that nature, and they got large amounts of money
11 and they paid for small items, because this was a
12 convenience store. So, people pay with high amounts of
13 money. They pay with one hundred dollar bills, twenties,
14 fives, whatever. That was from the C&L person, Ms.
15 Hudson. She thought it was suspicious, but she also said
16 that's how people paid, sometimes, there. They must have
17 had a lot of money coming out of this place.

18 Let's go to the investigation that they did on his
19 house. They go to his house and what did they find?
20 Nothing. They don't find any items, anything connected to
21 this. They have nothing that connects him to this.

22 Now, the Solicitor is going to be saying, well, you
23 know he was hard up for money and so he had this big
24 motive to rob. If you had robbed someone of \$70,000.00 or
25 whatever amount they claim it was, wouldn't there be some

1 record of that? Wouldn't there be some record somewhere,
2 as far as a bank account, or whatever, or something like
3 that? Wouldn't that person want to get out of town?
4 Leave? And there's nothing like that. If the Prosecutor
5 could come in here and show bank accounts and records and
6 things like that, that would indicate high deposits and
7 things like that, but they can't. There is nothing.
8 There's nothing.

9 And the Solicitor brought up this point at the end of
10 the case yesterday about his parents, taking jewelry and
11 items from his parents and then going to the Belton Police
12 Department. You heard from the Belton Police Officer,
13 Officer Turner, yesterday, but that was after October 23rd
14 and 24th. And if he had all this money and all this gold
15 that he had, why would he have to steal from his parents,
16 why would he have to take stuff from his parents to get
17 drugs? Think about that. If he had all that money, why
18 would he have to steal or take things from his parents?
19 His father told you, not his father, but there was
20 evidence that his father was trying to get him into detox,
21 but he testified to you that he was in South Carolina,
22 never left Anderson County, stayed here the entire time.

23 Wouldn't you think that if a person had done all
24 these dastardly mean things, and so forth, that they would
25 probably leave the area pretty quickly? He didn't do

1 that. He was here. He didn't go any place. He was at
2 the police department the next week. So, let's talk
3 about the phone towers, these phone towers that we heard
4 about from these experts that they had, Mr. Hoefer and the
5 other gentleman from AT&T. Do you remember, at the
6 beginning of this case, the Prosecutor told you this case
7 will come down to mobile phone records? That's what she
8 said. Ms. Huey made the point that this case would come
9 down to phone records. Who was the last person that Homer
10 Staton spoke to or had a conversation with, a phone
11 conversation with? It wasn't Matthew Fullbright. It was
12 Irving Ramirez. Irving Ramirez. You will look at the
13 phone records in a few minutes, and Irving Ramirez is the
14 one who called him and they called back and forth and as a
15 result of that, that's when Homer Staton and his wife came
16 over to that area. If you look at the phone records, as
17 far as where Ernie Ramirez was, he called around 7:00,
18 6:00 or something like that. You'll see the records back
19 there and so if I'm wrong, look at the records. But then
20 again, he was back on Blair Mill Road at 10:29.

21 So, think about this and this is going to come from
22 Officer Beusse's testimony on re-cross. You had the
23 opportunity to listen to my cross examination and re-cross
24 examination. Okay? And we know that Ernie Ramirez had a
25 roommate, Mr. Logan, and we know that he left after that

1 weekend. Who's the person in all of this who had the most
2 experience? This was an ex-cop. An ex-cop. Who had the
3 most experience? We don't know what kind of experience he
4 had, but let's just say he knew how to do crime scenes,
5 how to cover things up.

6 MS. HUEY: Objection, Your Honor.

7 THE COURT: Ms. Terry, would you take your jury back
8 to the jury room, please, ma'am?

9 (Jury out at 10:35 a.m.)

10 THE COURT: Would you state your objection for the
11 record, please, ma'am?

12 MS. HUEY: Your Honor, I understand that Ernie
13 Ramirez' name has come up continuously, but I believe Mr.
14 Robinson is getting into facts that are not in evidence as
15 far as Mr. Ramirez being an ex-cop and being from out of
16 town. I don't think that that was ever elicited.

17 THE COURT: I distinctly recall that there was
18 testimony as to Ramirez supposedly being an ex-cop. My
19 notes are downstairs and I can go check them, but I do
20 recall that there was testimony that he was or somebody
21 said he was. Where did that come from?

22 MR. ROBINSON: I think it was Beusse or someone like
23 that. I'm not sure who said it, or maybe, Mr. Fullbright.
24 I went back today and listened, Your Honor, to the tape.
25 I wanted to make sure I was right on that, but I think

1 that's pretty close.

2 THE COURT: There certainly was testimony that he was
3 an ex-cop.

4 MS. HUEY: I apologize, then, Judge. I also think
5 that he said that Ernie Ramirez was out of town.

6 MR. ROBINSON: I didn't say that. His roommate went
7 out of town after.

8 THE COURT: Hold on. Y'all direct your stuff to me.
9 You disagree with what, please?

10 MS HUEY: I'm sorry, Judge. I understood him to say
11 Ernie Ramirez was the one out of town.

12 MR. ROBINSON: I didn't say that, your Honor.

13 THE COURT: I didn't recall that you did. If there
14 are facts in evidence, he can reasonably argue inferences
15 reasonably arising out of those facts and then let the
16 jury decide. And there was testimony about him being an
17 ex-cop.

18 MS. HUEY: I apologize, Judge.

19 THE COURT: That's okay. All right. Would you bring
20 the jury back.

21 (Jury in at 10:37 a.m.)

22 THE COURT: Mr. Robinson.

23 CONTINUED CLOSING ARGUMENT - MR. ROBINSON

24 You heard testimony that Mr. Ramirez was an ex-cop.
25 Think about that. Think about who is the expert, who is

THE STATE OF SOUTH CAROLINA VERSUS MATTHEW FULLBRIGHT

1 the person in this case that knew how to do these things?
2 Who is the person who could have known and how this plan
3 must have gone through his head, at some point, as to how
4 to do this.

5 And you know, it's interesting, if you listen -- Ms.
6 Adams is going to come up here in a second and zero in on
7 the phone records, but Ernie Ramirez is the last person to
8 have a phone conversation, or something, with Homer
9 Staton. We know that, but we also know that at 10:29, he
10 was also back on Horton Road, or at Horton Road, and this
11 GoPhone that they talk about, they haven't really produced
12 any evidence that this GoPhone was ever in Matthew
13 Fullbright's possession. What do they have that says that
14 that GoPhone was his? What do they really have?

15 You know, they've got this cell phone bill, this AT&T
16 cell phone bill here and you also heard testimony that he
17 also had a cell phone, another AT&T phone, and the number
18 was a 221 number, not the number that they have on their
19 GoPhone here, but why didn't the police trace where he
20 was? Why didn't they use the stuff on their phone to find
21 out where he was? Because, if they did, they would have
22 found out that he was in his house over on Blair Road and
23 his Dad came over there after the BHP game.

24 MS. HUEY: Objection, Your Honor.

25 THE COURT: I sustain the objection.

1 But you all can extrapolate from the evidence and you
2 can make your own inferences from the evidence that was
3 presented in this case. But you know, cell phones, it's
4 not straining an idea that a cell phone could be left at
5 home by Mr. Ramirez, and the roommate or someone could
6 have answered at that house, because they have no evidence
7 that Matthew Fullbright ever had a GoPhone. None.

8 But I want to go back with you, because you remember
9 the guy, Mr. Burdette, that came up here. He was the
10 gentleman who was a large guy, the Solicitor went through
11 a colloquy with him where she went through his convictions
12 and so forth. She is kind of asking you to believe this
13 guy who is a convicted felon in this case, instead of him.
14 (Indicating Mr. Fullbright)

15 But let's think about Irving Ramirez and when the
16 officer came to his house. When he came to his house, do
17 you remember what he said? "Did they get shot or hit with
18 a hammer?" Shot or hit with a hammer. Think about that.
19 Did you hear Mr. Gebing's defensive response when I asked
20 about Mr. Ramirez? Now, Mr. Beusse says that perked up
21 his ear when he said that and it perked up his ear when he
22 heard the guy had a mop, the same type of mop handle or
23 whatever it was, that was found in the swamp. He also had
24 a gas can. And Mr. Gebing didn't mention it, but Mr.
25 Beusse mentioned it, that they found a .40 or .45 caliber

1 gun at his house, as well.

2 But they didn't check any other records, though.

3 They didn't go check to see if Mr. Ramirez had any sort of
4 bank accounts with large amounts of money in them. They
5 really didn't do much of an investigation of Mr. Ramirez.

6 But the statement, the statement that he made, "Did they
7 get shot or get hit with a hammer," and the fact that he
8 was the last person that Homer Staton spoke to, should
9 have made it a priority and it wasn't.

10 But he was a cop, he was a law enforcement officer,
11 and you can make inferences about this, as far as the
12 statement, and so forth, but you listened to Mr. Dawson
13 yesterday, you're going to have his report back there.

14 You can decide whether or not the statements or the
15 signatures, or excuse me, the statements, the signatures
16 or the initials are the same. You can go back, you won't
17 look at this, (Indicating large diagram on easel) but you
18 will have his report back there and you'll see what he
19 says. He says it's inconclusive.

20 He can't tell.

21 But one issue that came up, one besides the fact that
22 the signatures are not the same and the initials are not
23 the same, you have this going out, according to the
24 officers, he gave the complete statement or they wrote up
25 the complete statement. Doesn't it make sense that --

1 because according to them, they talked to Ernie first.
2 They talked to Mr. Ramirez first and it would make sense
3 if they got all their information on all these statements
4 from Mr. Ramirez and Mr. Ramirez, you'll remember, was the
5 last person to speak with Mr. Staton. He's the person
6 that talked about the hammer when he was questioned by the
7 police. And he's the one, who probably, most probably if
8 you extrapolate, the person who gave all the information
9 to the police that they typed down and then had Mr.
10 Fullbright, they said, signed it. It shows, it
11 establishes, there's a problem with that. Mr. Dawson
12 talked about it.

13 They typed this statement. They are the ones that
14 may have even signed the statement or had someone there
15 sign the statement.
16 It's not a conspiracy theory. It's just looking at what
17 you have. I'm not putting out there that everyone is
18 involved in some grand conspiracy. It's not that, it's
19 facts. Information that you have. You can look at this.
20 You can use your common sense.

21 And also, look at the records of the nurse who came
22 in yesterday. Look at, going to the jail, having a drug
23 addiction and being given different things, and so forth,
24 and you'll read the report as far as what he was put
25 through. He was put through hours and days of

1 investigation. He was put through hours and days of
2 constant questioning and so forth.

3 And the nurse told you about pills and things of that
4 nature and some stuff is not there, obviously, but read
5 the report of November 4, 2009. That's the date of this
6 arraignment that they are going to play for you in a
7 moment when he is talking at the arraignment. He told you
8 that the arraignment tape is not complete. He said more
9 about this. Even after days and he was talking to Mr.
10 Staton's brother, because he didn't know what to say to
11 him. He didn't know what to say. What would anybody say?

12 But you know I want you to, when you go back there,
13 look at the nurse's notes from November 04, 2009. She
14 says in one part of her note about what he says about his
15 innocence. Look at that, it's in a statement. It's
16 something the nurse put in there from 11/04/2009, which is
17 the day of the arraignment and he testified to it, that he
18 had been given medication, and so forth, that day.

19 But you know, in this case, there is so much emotion
20 involved. It's a horrible, horrible thing. A horrible
21 thing. But you know, as the Judge told you a second ago,
22 there's a standard in criminal cases and that is, that
23 everyone, every citizen, is entitled to a presumption of
24 innocence and the State must prove to you, beyond a
25 reasonable doubt, all the elements of their case..

1 Now, Ms. Adams will say, as the Judge said, it
2 doesn't mean beyond every possibility, beyond every doubt.
3 Of course not. It's, the State must establish for you,
4 beyond a reasonable doubt, that Matthew Fullbright is
5 guilty.

6 If you look at the evidence in this case, or lack of
7 evidence, the presumption of innocence, because you know,
8 in our society, we have newspapers, we have internet, we
9 have computers. Every day it's a natural presumption to
10 assume that when the police arrest somebody, that that
11 person is guilty. In civil cases, automobile accidents,
12 product liability cases, there's a standard called,
13 preponderance of the evidence, which is more likely than
14 not. That's not the standard in this case. The standard
15 in this case is a much higher standard and it's set up to
16 protect everyone, every citizen in this country.

17 Remember, I said at the beginning of this case, a quote by
18 Thomas Jefferson about why these rules are in place. It's
19 to protect citizens.

20 Matthew Fullbright is innocent. He's innocent. He
21 may not have the best choice in friends, he may not be the
22 best at paying bills, but there's nothing the State has
23 shown you to prove that he's guilty. You may not like
24 him, you may not like the way he looks, you may not like
25 the clothes he wears. This is not a popularity contest.

THE STATE OF SOUTH CAROLINA VERSUS MATTHEW FULLBRIGHT

1 I ask you to consider this case like any other case. Give
2 Matthew Fullbright the presumption of innocence in this
3 matter and look at this case with the standard that the
4 State must prove their case beyond a reasonable doubt.
5 They can't. They can't do it. Matthew Fullbright is
6 innocent. There's a quotation that was done that was set
7 in the 1960s that still holds true today, "Injustice
8 anywhere is injustice everywhere." Do justice in this
9 case. Find Matthew Fullbright not guilty of these
10 offenses, because he is not guilty. Thank you.

11 MS. HUEY: May it please the Court?

12 THE COURT: Yes, ma'am.

13 CLOSING ARGUMENT - MS. HUEY

14 MS. HUEY: Let me first say to y'all, that the State has
15 a burden of proving, beyond a reasonable doubt, that this
16 defendant, Matthew Fullbright, committed the murders and
17 armed robberies of Homer and JoAnn Staton and that is a
18 burden we welcome. But let me tell you that when the Defense
19 puts up a case, you must judge the credibility of their
20 witnesses, just as you would ours and that includes the
21 defendant in this case.

22 The Defendant would have you believe that this is a
23 grand conspiracy and that, literally, everyone is lying: from
24 the Sheriff; from every investigator in this case; from
25 paramedic, Mark Henderson; from Radio Frequencing Engineering

1 experts; from Kim Hudson and Larry Preshar from C & L Quick
2 Stop, and the list goes on.

3 The defendant would have you believe that he was at home
4 the night of October 23, 2009. At home, in the privacy of
5 his own home, doing illicit drugs, drugs for which he had
6 plenty of money to buy, but we do have an AT&T phone bill
7 that showed that he owed over a thousand dollars on it and we
8 do have evidence through his own testimony that he was
9 stealing from his own parents, jewelry and money. Who was he
10 selling that jewelry to at the same time frame as this
11 incident, because he was desperate and he was addicted to
12 drugs and he needed more and more drugs? Kenneth Burdette
13 told you he would use pennies if he could, to buy pills from
14 him. That tells us what he was. He didn't have plenty of
15 money as he would have you believe. That came from him, but
16 I guess Officer Turner with the Belton Police Department is
17 also lying. He's part of the conspiracy, because he didn't
18 hear the defendant confess to stealing from his parents.
19 He's also lying.

20 Now, the defendant also took the stand and said that he
21 didn't sign any Advice of Rights Form and he didn't waive his
22 Rights, ever. As soon as he walked in to turn himself in on
23 an unrelated matter, he wanted an attorney, and yet, his own
24 handwriting expert told you State's Exhibit 1, an Advice of
25 Rights Form and a Waiver of Rights, he states he doesn't want

1 an attorney and says he wants to talk to police. This was
2 submitted as a known sample, a known specimen.

3 What does "known" mean? Undisputed. These are
4 Matthew's signatures. These are Matthew's initials. He
5 wanted to talk to the police and he did so willingly and it
6 started October 28, 2009.

7 Now, Ladies and Gentlemen, let me tell you, his
8 confession alone, the fact that he took you, excuse me, the
9 police to JoAnn Staton's body that was in the middle of
10 nowhere, that hadn't been found for five days it was so
11 secluded, so pitch black dark that the police had to get fire
12 trucks out there to light it up, the fact that he did that
13 and the fact that some records support the GoPhone being at
14 all of these crime scene locations, that alone, is enough for
15 you to convict him on these charges. Because as the Judge
16 charged you, the hand of one is the hand of all. By his own
17 admission in these statements, a part of these crimes was the
18 plan was to rob and kill them. See how many times that's in
19 his statements. The plan was to rob and kill them. He got
20 proceeds from that, hundred dollar bills. We don't know how
21 much money, but he got the proceeds. Based on this alone,
22 you have enough to convict him, but let's take it further.

23 The State has shown you, and the defendant admits
24 himself, that he is the one who knew the Statons. He knew
25 that they were flashy. He knew that they carried large

1 amount of cash at times. He is the one that knew. In his
2 statement to police, he talks about having the use of Aunt
3 Edna's phone to call the Statons, which was verified through
4 the investigation. And he talks about using Ernie Ramirez's
5 phone, which is verified in this investigation. He is using
6 Ernie Ramirez's phone to call the Statons and that is in his
7 statement. That is verified. So, Ernie Ramirez's phone
8 number may be showing up, but it's Matthew Fullbright using
9 it.

10 Now, Traci, their daughter, the Staton's daughter,
11 testified that, yes, they wore a lot of jewelry, they carried
12 a lot of cash, depending on who they were going to meet. It
13 could be anywhere from \$10.00 to \$50,000.00. Again, we don't
14 know exactly, but we do know that there was no cash found on
15 Homer Staton and all of his jewelry was gone, other than a
16 medical alert bracelet. How do we know the defendant is the
17 one that committed these crimes, that he is the one that
18 armed himself with a hammer? Well, the Statons knew him.
19 They trusted him. When he used Ernie Ramirez's phone to call
20 the Statons, they were coming into Williamston. They had
21 been in Greenville, previously, at 6:22 and they are coming
22 into Williamston at 7:29 and then at 7:44, the Statons
23 called Ernie's phone, because that's what Matthew told them
24 to. That is the phone number he was using. They are coming
25 into Belton at that time, about 7:44. At 8:08 they are

1 heading toward Iva. The defendant is in the back seat.
2 JoAnn Staton is driving and Homer Staton in the passenger
3 seat. It's the three of them. At 8:08, an outgoing call
4 from Homer's cell phone is made. That is the last time that
5 Homer Staton's cell phone is used and after 8:08 when the
6 Statons were killed.

7 Now, I submit to you that is consistent with the pretend
8 call to Billy that you will read about in his statement.
9 Billy, the supposedly big fish that had lured the Statons
10 over with the promise of buying lots of gold. The defendant
11 is the one who was sitting in the back seat and took a hammer
12 and hit them over and over and over and over and over and
13 over and over again. He is the one that killed them and the
14 crime scene reconstruction from SLED and Dr. Woodward
15 corroborate the fact that the murder happened in the car.
16 The attack happened in the car and that the attack came from
17 behind. That one person was in the back, because of the way
18 of the blood and there was so much blood, tissue, bone
19 fragments in the front.

20 Now, in the defendant's statements, he will have you
21 think that Ernie Ramirez is the one who did this, that he had
22 his truck parked there and he jumped out of the truck, then
23 jumped into the car, and committed this murder. Well, why in
24 the world did JoAnn Staton still have her jewelry on her?
25 Well, I will tell you why: Because the defendant was in a

1 hurry. He needed that car. JoAnn Staton was driving that
2 car. He had to remove her body. There are drag marks. He
3 had to get her body out of the car so he had a car to leave
4 the scene. If someone else is there, why in the world would
5 you get into a car that was filled with blood, bone
6 fragments, tissue, and with a dying or dead Homer Staton next
7 to you? Why would you do that, if there was someone else out
8 there to get into the car with? That's because he rode with
9 them. He lured them to this place and he needed a way to get
10 out of there. He is so desperate, that he jumped in that car
11 after dragging JoAnn Staton out, without taking the time to
12 rob her of her jewelry, and then he drives with Homer Staton
13 in the car. He had to recline Homer Staton, bend over his
14 bloody body and recline him in that passenger seat, so he
15 wouldn't get caught. He risked driving around 8 to 10 miles
16 with a body in the car, because he had noone else to ride
17 with. He needed that car and then he dumped Homer Staton at
18 Asaville School Road.

19 Now, the GoPhone records are extremely important. The
20 defendant admits to using the GoPhone. The GoPhone was
21 registered to Homer Staton. There is a GoPhone box in his
22 car. The GoPhone came from Homer Staton. The killer used
23 the GoPhone. The killer is Matthew Fullbright and the reason
24 we know that is, the first phone call made, one of the phone
25 calls made on that GoPhone, which the call started at 9:22,

1 so that we know the Statons are dead between 8:08 and 9:22.
2 The calls from the GoPhone start at 9:22 and one of the first
3 calls is to Ricky Kelley and he took the stand. He was a
4 very short witness. But what did he tell y'all? He knows
5 Matthew Fullbright. He does not know Ernie Ramirez and that
6 is extremely telling. When the first call is made on that
7 GoPhone is to this defendant -- from this defendant to Ricky
8 Kelley and then, after that, he is so desperate to get more
9 drugs, who did he start calling? Kenneth Burdette. And that
10 is the motive. He wanted what he couldn't have. He wanted
11 more money for more drugs because he was hooked, and so, in
12 the middle of all this he is calling his drug supplier. And
13 how do we know that? Because the phone records support it
14 and Kenneth Burdette took the stand and testified that he
15 talked to Matthew Fullbright that night and not only did he
16 talk to him and talk to him several times, he ended up
17 meeting him at a gas station at Highway 252 and 413 and the
18 Radio Frequency Engineer expert testified that tower sites
19 are consistent, that they were both there. And Kenneth
20 Burdette told you that he was in a small dark car and he was
21 parked in the abandoned gas station parking lot and Kenneth
22 Burdette had to cross the street to the dark abandoned gas
23 station to make the drug exchange and the phone records
24 support that.

25 Now, the defendant's statement talks about Ernie Ramirez

1 a lot and we've talked about Ernie Ramirez a lot. This is
2 the trial of Matthew Fullbright. Ernie Ramirez's potential
3 involvement is for another day, but I would submit to you
4 that from testimony elicited, Ernie is involved after the
5 fact. He admits to picking the defendant up on Horton Road
6 and the phone records support that. Phone records support
7 Ernie Ramirez being home when this incident occurred, but
8 they do support picking up Matthew Fullbright on Horton Road
9 where that bloody abandoned car of the Staton's was found.
10 Now, if Ernie Ramirez is the mastermind and he is directing
11 Matthew Fullbright as to what to do, telling him to use this
12 GoPhone, Matthew Fullbright calling how many people and
13 making how many calls or receiving how many calls on that
14 GoPhone before Ernie Ramirez is even contacted? He is
15 meeting people to buy -- or a person to buy drugs. Would a
16 mastermind let him do that? An ex-cop who is so
17 knowledgeable about crimes? Would he stand for that? No.
18 Matthew Fullbright did this by himself.

19 Now, Kenneth Burdette also tells you that prior to this
20 event, Matthew Fullbright was buying \$60.00, maybe \$100.00
21 worth of pills at a time, but starting that Friday night,
22 October 23 and the day after this, he is buying lots more
23 drugs, using lots more money. Buying more drugs. Again,
24 motive.

25 Now, the next day, Saturday, October 24, the defendant

THE STATE OF SOUTH CAROLINA VERSUS MATTHEW FULLBRIGHT

1 and Ernie Ramirez went to Walmart. And y'all have the video
2 stills of that. It is the defendant, Matthew Fullbright,
3 purchasing two red gas cans. Ernie Ramirez already had a gas
4 can at his house. Matthew Fullbright purchasing two red gas
5 cans. Matthew Fullbright using cash. \$100.00 bills to pay
6 for those red gas cans. And you see in the stills of him
7 going to the SavMore to the gas station. Again, it is
8 Matthew Fullbright paying for the gas to fill those gas cans.
9 Later on, Kenneth Burdette testified that he met Matthew
10 Fullbright at C & L Quick Stop to sell him more drugs.
11 Matthew Fullbright took the stand and denied going into C & L
12 Quick Stop and using three separate \$100.00 bills. Because
13 again, Kim Hudson and Larry Presher must be lying in this
14 grand conspiracy. But Kim Hudson told you that he came in
15 three separate times using \$100.00 bill each time and bought
16 a small rose bud vase and a Brillo pad and then a Pepsi and
17 she thought that was unusual and suspicious. And so she told
18 her boss, the owner of the store, Larry Presher. As a result
19 he looked out in the parking lot and who did he see but
20 Matthew Fullbright and Kenneth Burdette together.

21 Now, Investigator Beusse testified that in his law
22 enforcement experience, those small bud vases and Brillo pads
23 are used to smoke drugs, to do illegal drugs. And again, as
24 I said, he is using hundreds of dollars of bills to pay for
25 more and more drugs. Later that day, again, the defendant

1 and Ernie Ramirez are together and he is at Walmart, again.
2 The defendant is, again, paying with cash. He is always the
3 one paying. Now, the defendant would have you believe,
4 again, that this is a grand conspiracy where everyone is
5 lying and that he has been framed, but when y'all read both
6 statements, see if that looks like someone who has been
7 framed and see if that looks like the ranting and ramblings
8 of the defendant, Matthew Fullbright. He is trying to
9 mitigate, trying to throw them. The police are writing down
10 what he says as he says it. If they were making it up, they
11 would do a much better job. They would have it more concise,
12 just a few pages. Get him in and out. And if Ernie has
13 supplied all this information, then wouldn't they have put
14 Matthew with the hammer in his statement? And if Ernie has
15 told them, I guess the defense is trying to intimate that
16 Ernie Ramirez told the police where JoAnn Staton's body was,
17 but yet they waited until Matthew Fullbright came along for
18 Matthew Fullbright to, then, take them to the body. No.
19 That was the most important thing for them to find out.
20 Where was JoAnn Staton? She was still not found. Five days.
21 As soon as Matthew Fullbright told them where to go, they
22 were out of there and they went to find her body, because
23 that was the most important thing to them. But the Defense
24 will have you believe that these statements are completely
25 made up and that he didn't sign anything, he didn't initial

1 anything, all that, but their own expert testified that he
2 can't identify these signatures, that he doesn't know whether
3 or not Matthew did them or not, and in his expert opinion,
4 they are associated with disguised writing. Disguised
5 writing. You have Investigators Gebing, Beusse, and Barton
6 telling you that they witnessed him sign and initial the
7 statements. This isn't a grand conspiracy. He is trying to
8 throw you, and he does that several times. He does that when
9 he fakes falling out in the initial interview and the
10 paramedics have to come and he refuses treatment. He does
11 that when he goes to the jail and attempts to have symptoms
12 of withdrawal. Again, he does that when he is initialing and
13 signing things, just scribbling so as not to be associated
14 with him actually having done it. He takes them to various
15 locations where nothing is ever recovered, a wild goose
16 chase. And yet, he does take them to that hammer. That
17 doesn't even match, but he knew it was there and he threw it
18 and he described what color it was. But those are not his
19 initials. Those aren't his initials on that drawing, but he
20 did admit to do it. He is trying to throw them, trying to
21 play with them, trying to mess with them. Don't let the
22 defense do that to you today.

23 You have more than enough evidence to find this
24 defendant guilty, beyond a reasonable doubt, of the brutal,
25 brutal murders of Homer and JoAnn Staton and their armed

1 robberies. You have the defendant's written words and you
2 have his spoken words and that is what I am going to leave
3 you with.

4 (Ms. Huey plays the video of the arraignment, State's
5 Exhibit No. 15).

6 THE COURT: All right Ms. Terry, Ladies and Gentlemen of
7 the jury, that will conclude the fourth phase of this case.
8 We are about to begin on the fifth phase, which will be your
9 deliberations. What I am going to do is send the entire jury
10 back, including you, Mr. Ballard. We are going to make sure
11 that we have all of the exhibits and evidence prepared and
12 ready and we are going to send it back with a note for you to
13 begin your deliberations. Mr. Ballard, when that occurs, I
14 am going to ask you to step back out and not be involved in
15 the deliberations and I will speak to you at that point. But
16 do not, Ladies and Gentlemen, begin your deliberations at
17 this stage. We will let you know in just one minute that you
18 may. At this time, Ms. Terry, would you take your jury back,
19 please? Oh, not just yet. Very good. You had a request
20 for a pad, easel, or multicolored pens. We have those here
21 for you and when we send the exhibits back we will make those
22 available to you as well.

23 MS. TERRY: Thank you, Your Honor.

24 THE COURT: Thank you, ma'am.

25 (Jury out at 11:18 a.m.)

THE STATE OF SOUTH CAROLINA VERSUS MATTHEW FULLBRIGHT

1 THE COURT: Would you pass it to the Bailiff, please
2 ma'am?

3 (Verdict forms are passed to the Judge.)

4 THE COURT: Would you publish the verdict, please sir.

5 CLERK OF COURT: Yes, sir. This is in the Court of
6 General Sessions in the State of South Carolina in the County
7 of Anderson. In the case of South Carolina versus Matthew
8 Brandon Fullbright, the defendant. This is the Verdict Form.
9 We, the jury, under Indictment number, 2010-GS-04-69,
10 unanimously find that the defendant, Matthew Brandon
11 Fullbright, is guilty of the murder of Homer L. Staton.

12 We, the Jury, under the Indictment 2010-GS-04-70,
13 unanimously find that the defendant, Matthew Brandon
14 Fullbright, is guilty of murder of JoAnn Staton.

15 We, the jury, under Indictment 2010-GS-04-71,
16 unanimously find that the defendant, Matthew Brandon
17 Fullbright, is guilty of the armed robbery of Homer L.
18 Staton.

19 We, the jury, under Indictment 2010-GS-04-72,
20 unanimously find that the defendant, Matthew Brandon
21 Fullbright, is guilty of the armed robbery of JoAnn Staton.
22 This is signed in Anderson, South Carolina by Deborah W.
23 Terry, foreperson.

24 THE COURT: All right, Ms. Terry, Ladies and Gentlemen of
25 the jury, was that your verdict in the jury room and is that

THE STATE OF SOUTH CAROLINA VERSUS MATTHEW FULLBRIGHT

1 This is my sentence: Under Indictment 2010-70, the
2 sentence is life in prison. It shall be consecutive to
3 Indictment 2010-69, and that sentence is life in prison.
4 That shall be consecutive to 2010-72, and that would be 30
5 years. And that shall be consecutive to 2010-71, and that
6 shall be 30 years. Good luck to you, sir.

7 MR. ROBINSON: Thank you, Judge.

8 MS. ADAMS: Thank you, Judge.

9 THE COURT: Court is dismissed.



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Advisory of Rights

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JUL - 1 2013

Matthew Brander Fiedler

GED CLERK OF COURT

Can Read & Write

Location: ACSO

Date: 10/28/09

Time: 6:35 PM.

Before you are asked any questions, you must understand your rights.

- MBF ☐ You have the right to remain silent.
- MBF ☐ Anything you say may be used against you in court.
- ☐ You have the right to speak to a lawyer for advise before you are asked any questions and have him with you during questioning.
- ☐ If you cannot afford a lawyer, one will be appointed for you before any questioning, if you wish.
- ☐ If you decide to answer questions now without a lawyer present, you will still have the right to stop answering questions at any time. You also have the right to stop answering at any time until you speak with a lawyer.

FILED - CLERK'S OFFICE
ANDERSON S.C.
2011 NOV 23 A 8:58
COMMON PLEAS AND
GENERAL SESSIONS

C. H. Bousse

Witness

Date & Time: 10/28/09 6:36 PM.

R. Gebing

Witness

Signature: X [Signature]

WAIVER OF RIGHTS

I have read this statement of my rights, and I understand what my rights are. I am willing to make a statement and answer questions. I do not want a lawyer at this time. I understand and know what I am doing. No promises or threats have been made to me and no pressure or coercion of any kind has been used against me.

C. H. Bousse

Witness

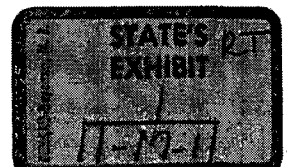
Date & Time: 10/28/09 6:37 PM.

R. Gebing

Witness

Signature: X [Signature]

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Anderson County Sheriff's Office

Detective Division

305 Camson Road
Anderson, SC 29625

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JUL - 1 2013

[Signature]
CLERK OF COURT

Voluntary Statement

Date: 10/28/09

Matthew Brandon Fullbright W/M 29 DOB [REDACTED]

Belton Sc 29627

Ph. [REDACTED]

DL# [REDACTED]

SSN: [REDACTED]

GED

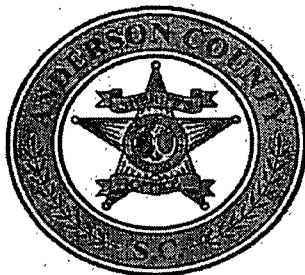
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ANDERSON SC
JULY 23, A 9:58
COMMUNITY PLEAS AND
GENERAL SESSIONS

DOB I am allowing Det. Beusse to type this statement. On Tuesday or Wednesday of last week I walking down Blair Mill Rd. and heard someone shooting targets that were metal that I had heard before and this got my attention. I walked up and looked around the fence and started talking to the guy who lives there. He asked me if I was the guy down the street with the pit bull and I said yes. I went to the back porch and started talking to him and we introduced ourselves. I told him I was Matthew and he told me his name was Ernie. With in about 20 minutes Ernie was asking me if I could get some weed. I told him that I knew where to get some and we left in the hour and went to Subway and got something to eat. Ernie asked me how far it was to get some weed and I told him it was by the fair grounds. I told him turn by turn of how to get there. We got there and I got him some weed he had a glass pipe with him. This was at Kenneth Burdettes house. We got forty dollars worth of weed. Ernie bought the weed and he had went by the Wachovia in Belton after Subway. I got some OC's for myself. We smoked some weed and drove around for a while. This was when we started talking heavily about my financial problems. Ernie was talking about his financial problems but stated he was not that worried that he got a check but could always use money. I brought up that I had a ring and some tools that I could sale and get some money. I told him that I was going to sale the ring to my buddy. I told Ernie that my friend wore a Rolex and some diamond rings *[Signature]*

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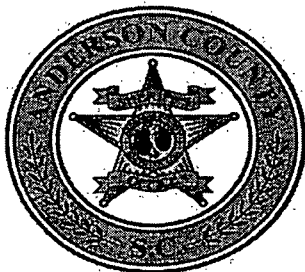
MB and I told Ernie I wished I had my bills paid. We drove around some more and we talked about that some more. Ernie said that he had never seen a Rolex and he wished he had a Rolex and some diamonds would be nice. Ernie started asking questions about who I sold jewelry to. He asked how old they were, how long have you known them, do you know where they live. I had told him that it was a man and his wife and they were from Greenville SC. Ernie stated that he could not believe that they had not been robbed riding around like that and I told him that I had thought about that too. We drove around some more and Ernie took me home late in the day. The next day I got real high and walked up to Ernie's house. We shot some air rifles. Prior to meeting Ernie I went to my aunt's Edna Edwards and called Chip Staton and asked him if I could meet him at the Jockey Lot over the weekend so he could take a look at the ring I had to sale. This was on Wednesday when I made this call. Chip said he would meet me on Saturday at the Jockey Lot in Anderson. Back to being at Ernie when I was high and we were running out of weed. Ernie wanted some more weed and we went back to Kenneth's. Ernie was asking about OC's and wanted to know how it made you feel. I told him it was great. I told him I would get some and let him try it. I four or five pills and we were riding around smoking weed and let him try some. Ernie really liked it and I sold him one of my pills. We were riding around and I told him about my father's land and had some deer. Ernie was in to hunting and I told him that I would take him out there. I know one day Ernie went to work with me to an electrical job in Anderson. We did the job and got the check and cashed the check at Eddie's minute Mart for \$225.00. We then went to Kenneth's and bought some pills. I think the day after the job is when we went to my Dad's property and showed it to Ernie. We looked at deer tracks and drove around. On this night we came back late around 7 and 8:30pm and found a Buck on Whitten Rd., stopped and got it and took it to Ernie's. We cleaned it at Ernie's and I helped him. During this time is when Ernie started taking about it looked like we killed somebody b/c there was blood everywhere. He said something along the lines like they are going to think we have a body strung up. Ernie said he could kill somebody and explain the blood. I went home between 1:30 and 2:30 am. The next day Ernie came and got me at my *MB*

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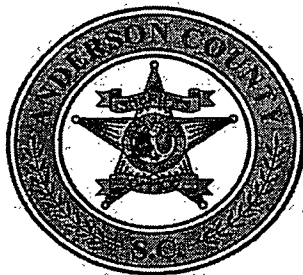
MB house and we went back to his house. We sat on the back porch and Ernie said he had a question for me. He started asking about Chip and Jo and wanted to know if I was sure they always had that stuff on them all the time. I told him yes and he asked me if I was still meeting Chip at the Jockey lot. I know that I had previously called Chip from Ernie's cell phone and asked about a meeting time at the Jockey Lot. Ernie asked me if I had thought about taking there money and I told him it had crossed my mind but I did not think I could do it. Ernie asked if they carried a lot of cash and I told him a good bit. I asked Ernie what are you thinking and he said he would like to see everything with his eyes. I said okay and I could call them and they could come up here. Ernie said if we did something it would have to be secluded. Ernie asked me if I could keep a secret and I asked him if he could keep a secret. We both said yes. I told him that if I was seen I could not do anything. Ernie said we could think of a way around that. Ernie said he did not want to use a gun b/c it could be traced back and he would have to get rid of it. I told him that I did not want to shoot anyone. Ernie asked if they would come meet me at my house and I told him yes. Then Ernie said if I do see there stuff and I think it is good we need a game plan. We came up with the plan to have them come to my house and then call them back and tell them to come down to Ernie's to buy the ring and then he could see if they and there gold and cash. Ernie came up with the plan to tell them that we knew somebody who had some gold to get them in the car and take them off in the country. Ernie wanted to find a real secluded spot to do that. I told Ernie how am I going to do this if I am seen b/c I know them. We the came up with the idea of me being part of the robbery. I was supposed to be with them and I would be robbed too. We were going to tell them that Ernie had a friend out in the country that wanted to sale some gold knowing that they would agree. Ernie told me that he used to be a ex cop and knew how to work this. Ernie asked me if they carried guns and I said yes. We needed a place to do this and Ernie asked if I knew a place, I told him no. Ernie said it needed to be near a house but seclude. We got into Ernie's truck and drove around looking for a place. I told Ernie that there was a lot of country out towards Iva. We took off and went down Hwy 413 and kept driving. We went down several roads. We drove down Hen Coop Rd., Beer Creek, *MB*

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and we turned around and Ernie said these will not work. We kept going and got to Audubon and went down and took all the roads in and out. We got to the end and drove to both cul de sac's and Ernie said this is perfect. Ernie turned onto a cut out road in the woods and drove down to the creek and went over the log. Ernie got out and walked around and I took a piss. Ernie walked around the lake. This was in the daylight. We left and drove the roads again to see the ways in and out. We took Millrich Rd. and kept going over and over on what was going to happen. Ernie told me that I was going to have to file a police report and make it look real b/c Chip and Jo would want to and I would have to go along with it. Ernie told me when I got to the spot to ask them to pull over so I could take a piss or get out and use the cell phone b/c of no service. This all was suppose to depend on how much money they had. I was supposed to call them and say the friends name was Billy. I was going to take them to Billy in the country and ride with them and Ernie was going to leave after us and beat us to the spot where the robbery was going take place. I was suppose to ride them through town to kill time to give him time to get on Hwy 413 and get to the spot we picked out. We went back to Ernie's house and he wanted me to call Chip and tell him about Billy having coins and gold to sale. I did call Chip on Ernie's phone and told him about the same ring and asked him if he wanted to come up tonight if it was not too late and buy the ring and go see a guy named Billy who had some stuff. Chip agreed and he could be there in an hour. Then me and Ernie started going over the details of the robbery. Ernie had a cover story saying that he would be at a guy house. The guy had an Arabic name that begins with a "A". This is where he was supposed to be I don't know if he exists. Some time past and I called Chip back and told him that I was going to be up the road and wanted him to meet me there. Chip asked if it was safe and I told him it was okay, they were familiar b/c they had been to my house before. Chip agreed and I told him when he got on my street to call me back. Chip did call me back when he got close by on Ernie's phone. All the phones calls to Chip took place on Ernie's phone. One time in the middle I did call and ask if they were close by and they said they were in Williamston. They came to Ernie's house and pulled into Ernie's yard coming from my house near the road. We were both high.

AST

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When they got there I did have my dog with me and tied her up on the corner. Chip and Jo got out and were talking to Ernie and me. The plan was going to be if it was not a go Ernie was going to get on the phone and act like Billy could not make it. I asked Chip to look at the ring and he looked at the ring on the porch with his loop. Then I got back in the car with Chip and asked him to pay me if he could so I could stop and get something to eat. At this time Ernie was talking to Jo about her necklace and something else. Chip weighed the ring in the car and then paid me and Ernie could see. They said is getting late and asked if everything was a go with Billy. Ernie got on his phone and acted like he was talking to Billy and told them that I had the address and if I got lost I would call. I told Chip that Billy was ready. I got in the car with Chip and Jo which is a dark blue car. I sit in the back seat behind Chip. I give them directions off of a paper that Ernie had wrote to make it look real. We drive to the spot that we had picked out which was the spot that I showed the Detectives tonight. We got there and I asked Chip if he could stop and I could pee. I got out and took a piss next to the woods and got back to the car and nothing happened. We drove around some and I was acting like I could not find the place. I did not know what to do. I then saw Ernie's truck sticking out of the woods. We drove down to the cul de sac and turned around. We went back down the road and I said let me call this guy. I asked Chip to use his phone and pretended to call Billy. I was in the car at this point and then got out of the car with the cell phone. I told him that I had the number. I acted like I did not have a signal. I was were we found Jo tonight. Ernie comes out of the woods and it is dark. Ernie pushed me and screams get on the ground. I put the phone in my back pocket and got on the ground and put my hands out. Ernie said get your hands up and Chip did not do this and reaches for his pocket. Ernie slides into the back seat and has a gun pointed to there heads and say don't move. Jo says take what you want don't hurt us. Ernie hit Chip with the gun when Chip reached for his pocket and Chip kept reaching. Ernie said hands up and he hit Chip again with the gun in head. Ernie had a automatic black gun. Ernie had something on the end that was cloth. Jo starting to come down with her hands and the next thing I know Ernie pulled something out of his jacket and hits Chip in the head and Jo in the head. Jo said he shot us.

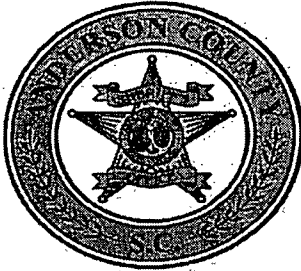
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Cliff Benson

R. Gebing - ACSO - 1528

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I did not know what to do. Ernie said I'm taking the money and he hit them and hit them and hit them. I had to look away and kept hearing Ernie hit them. Jo was in the driver's seat and Chip in the passenger seat. Ernie got out and looked at me and said get up. I got up and Ernie opened Jo's door. Ernie said help me and I stood there. Ernie pulled her to the woods. Ernie said I need you to drive this car and I did. Ernie was over there with Jo and I know he has her diamond ring b/c I saw it later. I got in the car and sat there looking straight forward. Chip was not making any noise. I had to move the driver's seat back to drive. Before I got in to drive Ernie handed me some textile gloves that were white in color. I sit there and Ernie comes around and hands me a phone and says I need you to call me this was a go phone. The phone had a plastic thing around it. Ernie got in the back seat and rambled around I did not look much I did not want to see Chip. Ernie told me to try the phone to see if it worked. I turned the phone on and at first could not get it to work. Ernie was taking Chip's watch, jewelry, wallet, and cash. Ernie was wearing gloves that looked like the ones that he gave me. Ernie was putting this stuff in a dark bag that was a pocket book size. Ernie told me to drive down the street to the cul de sac and turn around and give me time to change clothes. I don't know where he changed I think he might have went down to the lake b/c his truck was down that path that I showed the Detectives. I drove down the road Ernie told me to pull over where there is no houses. I was waiting on Ernie on the side of the road. Ernie came out and stopped behind me and then pulled up beside me. Ernie told me to go down Hwy 413 and go to the caution light and wait. Ernie said stay near the caution light. While we were leaving I tried the phone and it worked I called Ernie. Ernie pulled off from me when we left and I met back up with him at the caution light. I followed Ernie in his truck and Ernie pulled over and I stopped. Ernie said that we needed to get Chip out of the car. I don't know where we were at. Ernie drug Chip into the woods and did not spend that much time. I sat in the car. Ernie had on coveralls that were brown at this point that he did not have on during the robbery. He was still wearing gloves. Then I drove to Horton Rd. and Ernie stayed there and did not get in his truck. Ernie told me to go to Horton Rd. and wait on me. We had seen Horton Rd. earlier when we drove around looking for the robbery spot. I

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Anderson, SC 29625

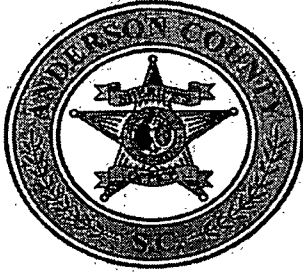
calling him and he is calling me. I went and parked on Horton Rd. on a little turn off. Ernie comes down to Horton Rd. and he went past me and the phone died and I called him back. Ernie pulled in behind me. Ernie got out of his truck and came to the car and was going through the car again. I was standing outside the car. He still had his coveralls on. The lights were off on his truck. Ernie was going slow and he had some water and washed up. The water was in a bottle, I don't know what kind of bottle. He had on camouflage gloves now. Ernie bent down at his truck and did something. At first I was standing by the car and I walked into the woods and threw up about 30 to 40 feet away. Ernie spent about three or four minutes in the car. Ernie told me not to get into the truck just wait. Ernie told me to take my gloves off and put them in a bag he had that was a black trash bag. Ernie gave me a painter's suit to put on and he slipped some dish washing gloves on my hands. Ernie had all kinds of white sheets with squares on them and sheets of plastic down inside the truck to cover up the seats and floorboard. We got into the truck and left and went to a spot down near McCormick. There was a wooden building out in the country and there was a well head with a red handle. Ernie had a big tarp and we put all our clothes on it and cleaned up good. Ernie had more sheets and more gloves in the back. We rolled up the tarp, folded the corners and tied it up and put it in the back of the truck. We drove to another spot and Ernie stopped and got out and put something else in the back of the truck. He drove to the bottom of the property and stopped. Ernie got out and took the tarp out of the back of the truck. He asked me to help and I did. We put the tarp on top of a cement pad in the woods and left it there. Ernie said it would be taken care of b/c I told him that we needed to get rid of it. We got in the truck left and drove back to Belton. When we got to his house he told me not to get out. He came around to my side and put down a blue tarp but not a whole tarp. I took my shoes and socks off and he rolled it up. I stood on the tarp and washed my feet. Ernie put the tarp in a black trash bag and took it down in the woods. He had the other bag with the jewelry and money around back and he had the wallets and stuff in the bag. I got \$3,000 of cash and some jewelry from Ernie which buried in the woods near my house. I want to be completely honest and say that the plan was to kill and rob the people.

P.O. BOX 5497

Office: 864-260-4435 * FAX: 864-260-4882

L09-12861

95.7 #



Anderson County Sheriff's Office

Detective Division

305 Camson Road
Anderson, SC 29625

Signature: *[Handwritten Signature]*

I received a copy.

Witness:

P.O. BOX 5497
Office: 864-260-4435 * FAX: 864-260-4882

L 09-12861
95: 88



Anderson County Sheriff's Office
Advisory of Rights

A TRUE COPY

JUL - 1 2013

CEP
CLERK OF COURT

Carroll & White

Location: ACDC

Date: 10/29/09

Time: 2:20PM

Before you are asked any questions, you must understand your rights.



☒ You have the right to remain silent.



☒ Anything you say may be used against you in court.



☐ You have the right to speak to a lawyer for advise before you are asked any questions and have him with you during questioning.



☐ If you cannot afford a lawyer, one will be appointed for you before any questioning, if you wish.



☐ If you decide to answer questions now without a lawyer present, you will still have the right to stop answering questions at any time. You also have the right to stop answering at any time until you speak with a lawyer.

C. H. Funder
Witness

Date & Time: 10/29/09 2:21 PM

R. Gebing
Witness

Signature: [Signature]

[Signature]

WAIVER OF RIGHTS

I have read this statement of my rights, and I understand what my rights are. I am willing to make a statement and answer questions. I do not want a lawyer at this time. I understand and know what I am doing. No promises or threats have been made to me and no pressure or coercion of any kind has been used against me.

C. H. Funder
Witness

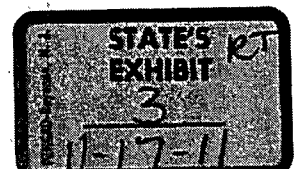
Date & Time: 10/29/09 2:22 PM

R. Gebing
Witness

Signature: [Signature]

[Signature]

L-09-12861
928



Statement of: Matthew Brandon Fullbright [REDACTED]

[REDACTED]
Belton SC

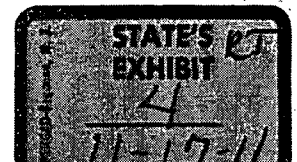
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10/29/09 - 1 2013

FILED - CLERK'S OFFICE
CLERK OF COURTS
JAN 23 2010
CLERK OF COURTS

MBE
This is being written for me by R. Gebing of the ACSO. I had talked with Ernie, who lives down the street from me about my financial problems and some people I knew who bought gold and jewelry and stuff. We smoked dope together and hung out sometimes. We got to talking about robbing the people I knew (Chip and Jo Staton) and Ernie and me planned on robbing them and killing them. He said that he didn't want to leave witnesses. The plan was that he was supposed to get them out of the car and tie them up and take them out in the woods, but it didn't happen like that. I was supposed to have rode with them down off of Audubon, where I showed the detectives last night and they found Jo Ann's body. I rode there with them and led them through town to let Ernie get there ahead of us, Jo Ann drove slow, and I was supposed to get out of the car when I got there. Ernie was supposed to run up, get them at gunpoint. I was supposed to hold the gun once they got out of the car. I had some gloves with me before I even got in the car with them, Ernie had gloves too. He was gonna tie them up with duct tape, a new roll he'd gotten somewhere without touching it. He was gonna walk them into the woods and execute them I was supposed to jump in the car and drive off to Horton Rd., we'd scouted all these places out beforehand. Things didn't go like they were planned because Chip and Jo didn't cooperate. I had gotten out of the back seat to use the phone and that was how Ernie got in the back seat, I had left the door open. He had a black automatic handgun with some kind of cloth on the bottom of it. Ernie wasn't wearing a mask or anything, eh had a cheap leather jacket on. When Chip started going for his gun and wouldn't put his hands up, Ernie hit him, first with the gun, then with a hammer. Ernie hit Jo with the hammer too, he hit them both a pretty good bit, I was getting up off the ground. He started pulling the jewelry off of them and I held the bag for him, it was a black kind of like a pocketbook, maybe like a shaving kit with a zipper on the top. He got Jo out of the car and drug her to the woods. When he did, he told me to get in the car. I didn't want to drive around with Chip in the car, but it was too late then. He went up to the truck and I waited on him, then I followed him to where Chip was dumped and I helped him drag Chip into the woods. We then drove up to Horton Rd and we talked on the phone, I was using Chip's Go Phone. Ernie was telling me how to drive, what to do if anybody saw us, that kind of stuff. He said that if somebody was out there, that we shouldn't be seen together, there was a lot of little things that were said. He followed me the whole way there, there was no call telling him that he had passed me and to turn around. When we got to Horton, he started going through the car real good and I got changed, I had brought a change of clothes, some pants, shoes, shirt, socks, whatever. He had told me to bring it, said he didn't want me to get into the truck with any of the car stuff on me. I don't know what else was taken there but I know he went through the car real well. There were sheets on the seats of the truck. We rode back to Ernie's house and then went to my house to get another change of clothes, then rode to McCormick and Ernie cleaned up something out back. Ernie wanted to change again and we wrapped up the clothes and sheets in the tarp and we left the tarp there on a cement thing. We left McCormick and came back to

L09-12861
96.1 g



7BE

Ernie's house. He gave me some money and some of the jewelry, we sat out back and got high, then I went home. The next day, before we rode out to the land, I went out to the woods behind his house and I buried some of my money and the jewelry. I walked up to his house and we went to Hardee's I think, then went we went to Wal-mart and I got some clothes and he went in with me. He told me some things to buy and gave me the money for it and would tell me to keep the change. We got two gas cans and went to the gas station next to the Wal-mart and got the gas, he pumped it. We went up to my father's land on Monitor and we burned a big bag of stuff, I'm not sure what was in it. I had some stuff from my house, some trash. Ernie threw the hammer that he killed Jo and Chip with, barehanded into the water down by the back of the property. I called Chip's phone the day after he was killed because Ernie told me too, I left him a message. We'd already talked bout doing it, that I should do it after all this was done, to not implicate anybody. I remember the message was something like that he was the first person I was calling, I got me a new phone. This is the complete truth this time, the part about the robbery and the killing, I didn't want to make anyone think that it was anything else than what it really was. Me and Ernie both knew that Chip and Jo were gonna be killed.

EBK

C. G. Tessa

R. G. Gering - ACSO - 1528

Di

Received ACpy

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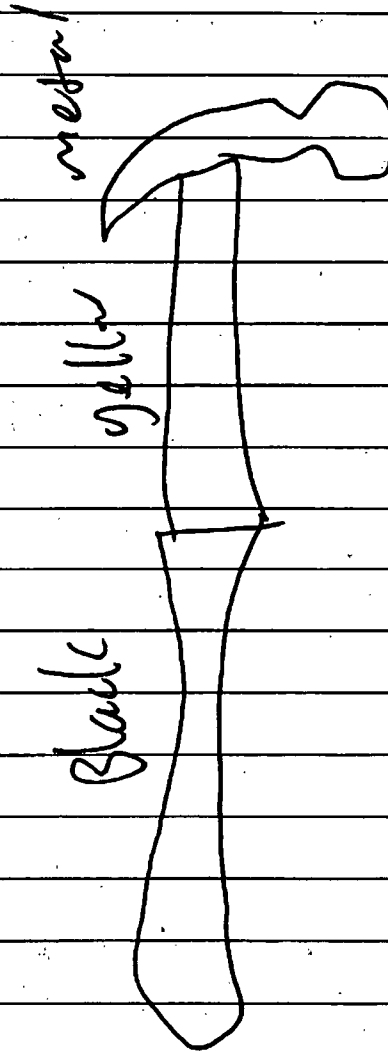
JUL - 1 2013

Patricia A. Miller
CLERK OF COURT

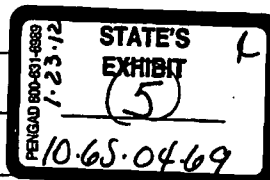
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GENERAL SESSIONS AND
JUDICIAL LEAS AND

CLERK'S OFFICE
JUL 11 AM 30 A 9:40



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Can write



Anderson County Sheriff's Office
Advisory of Rights

Matthew B. Fullbright
Belton, SC 29697

Location: ALDC

Date: 10-30-09 0950 hrs

Time: 0950

A TRUE COPY

JUL - 1 2013

Matthew B. Fullbright
CLERK OF COURT

Before you are asked any questions, you must understand your rights.

MPF You have the right to remain silent.

MPF Anything you say may be used against you in court.

You have the right to speak to a lawyer for advice before we ask you any questions and have him with you during questioning.

MPF If you cannot afford a lawyer, one will be appointed for you before any questioning, if you wish.

MPF If you decide to answer questions now without a lawyer present, you will still have the right to stop answering questions at any time. You also have the right to stop answering at any time until you speak with a lawyer.

D.L. Barton MPF
Witness

Date & Time: 10-30-09 0952

Signature: [Signature]

Witness

WAIVER OF RIGHTS

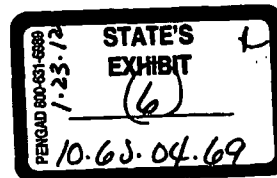
I have read this statement of my rights, and I understand what my rights are. I am willing to make a statement and answer questions. I do not want a lawyer at this time. I understand and know what I am doing. No promises or threats have been made to me and no pressure or coercion of any kind has been used against me.

D.L. Barton MPF
Witness

Date & Time: 10-30-09 0954

Signature: [Signature]

Witness



DOCKET NO. 2010-GS-04-00069

701
WITNESSES

C Beusse, Anderson County Sheriff's Dept.

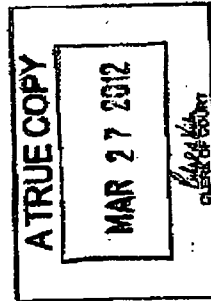
The State of South Carolina

County of Anderson

COURT OF GENERAL SESSIONS

JAN 19 2010

Term



ARREST WARRANT NUMBER

J879739

THE STATE

vs.

Matthew Brandon Fullbright

ACTION OF GRAND JURY

CTH

Indictment for

Murder / Murder

SC Code: 16-03-0010, 0020

CDR Code: 0116

Foreperson of Grand Jury
Date:

TRUE BILL

19 2010

Robert W. Beusse
Foreperson

Foreperson of Petit Jury

Date: 1-27-12

Guilty
Delma W. Seem

STATE OF SOUTH CAROLINA)
COUNTY OF Anderson)

INDICTMENT

At a Court of General Sessions, convened on JAN 19 2010, the Grand Jurors of Anderson County present upon their oath:

Murder / Murder

That Matthew Brandon Fullbright did in Anderson County, on or about October 23, 2009, unlawfully and with malice aforethought kill Homer L. Saton by means of, blunt force trauma, and that, Homer L. Saton died as a proximate result thereof. This is in violation of §16-3-10 of the South Carolina Code of Laws (1976) as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

Catherine J. Hays
ASSISTANT SOLICITOR

COUNTY OF Anderson
 STATE VS.
Matthew Brandon Fullbright
 AKA: _____
 Race: W Sex: M Age: 32
 DOB: [REDACTED] SS#: [REDACTED]
 Address: _____
 City, State, Zip: Belton, SC 29627-2340
 DL#: [REDACTED] SID#: [REDACTED]
 *CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐
 In disposition of the said indictment comes now the Defendant who was
 TO: Murder / Murder (30 to life)

INDICTMENT/CASE#: 2010GS0400069
 A/W#: J879739
 Date of Offense: 10/23/2009
 S.C. Code § : 16-03-0010, 0020
 CDR Code #: 0116

SENTENCE SHEET

☒ CONVICTED OF or PLEADS

in violation of § 16-03-0010, 0020 of the S.C. Code of Laws, bearing CDR Code # 0116
☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)
 The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST: Catherine T. Huey 68416
 Huey, Catherine T. SC Bar# _____ Defendant Attorney for Defendant SC Bar# _____

WHEREFORE, the Defendant is committed to the ☐ State Department of Corrections, ☐ County Detention Center,
 for a determinate term of Life days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
 and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
 of \$ _____, plus costs and assessments as applicable*; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
 probation, which are incorporated by reference.

☐ CONCURRENT or ☒ CONSECUTIVE to sentence on: To all charges
☐ 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 the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal
 Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____

☐ Set by SCDPPPS

Recipient: _____

*Fine:		\$
§ 14-1-206 (Assessments 107.5 %)		\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$100.00
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$25.00
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114(BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCA Surcharge)	\$5	\$5.00
3% to County (if paid in installments)		\$
TOTAL		\$130.00

Clerk of Court/ Deputy Clerk

Court Reporter: J. Rick

SCCA/217 (03/2011)

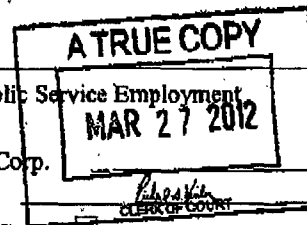
_____ days/hours Public Service Employment
 Obtain GED ☐
 Attend Voc. Rehab. or Job Corp. ☐
 May serve W/E beginning _____
 Substance Abuse Counseling ☐
 Random Drug/Alcohol testing ☐
 Fine may be pd. in equal, consecutive weekly/monthly
 pmts. of \$ _____ beginning _____
 \$ _____ paid to Public Defender Fund
 Other: _____

☐ Appointed PD or appointed other counsel,
 § 47.12 requires \$500 be paid to Clerk
 during probation.

Presiding Judge

Judge Code: 2153

Sentence Date: 1/22/12



DOCKET NO. 2010-GS-04-00070

WITNESSES

C Beusse, Anderson County Sheriff's Dept.

The State of South Carolina

County of Anderson

COURT OF GENERAL SESSIONS

JAN 19 2010

Term

A TRUE COPY

MAR 27 2012

clerk@sc.com

ARREST WARRANT NUMBER

J879740

THE STATE

vs.

Matthew Brandon Fullbright

ACTION OF GRAND JURY

CTH

Indictment for

Murder / Murder

SC Code: 16-03-0010, 0020

CDR Code: 0116

Foreperson of Grand Jury

Date:

TRUE VERDICT

JAN 19 2010

Robert W. Hemphill
Foreperson

Foreperson of Petit Jury

Date:

1-27-12

708
Guilty

STATE OF SOUTH CAROLINA)

INDICTMENT

COUNTY OF Anderson)

JAN 19 2010

At a Court of General Sessions, convened on _____, the Grand Jurors of
Anderson County present upon their oath:

Murder / Murder

That Matthew Brandon Fullbright did in Anderson County, on or about October 23, 2009, unlawfully and with malice aforethought kill JoAnn Staton by means of, blunt force trauma, and that, JoAnn Staton died as a proximate result thereof. This is in violation of §16-3-10 of the South Carolina Code of Laws (1976) as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided:

Catherine J. Hays
ASSISTANT SOLICITOR

706
COUNTY OF
STATE

Anderson
VS.
Matthew Brandon Fullbright

AKA:

Race: W Sex: M Age: 32

DOB: [REDACTED] SS#: [REDACTED]

Address: [REDACTED]

City, State, Zip: Belton, SC 29627-2340

DL#: [REDACTED] SID#: [REDACTED]

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was
TO: Murder / Murder (30 to life)

in violation of § 16-03-0010, 0020 of the S.C. Code of Laws, bearing CDR Code # 0116

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)

The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:
Catherine T. Huey 6/8/16
Huey, Catherine T. SC Bar#

Defendant

Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of Life days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.

☐ CONCURRENT or ☒ CONSECUTIVE to sentence on: To all Charges
☐ 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 the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal
Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:	\$
§ 14-1-206 (Assessments 107.5 %)	\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100
§ 14-1-211(A)(2) (DUI Surcharge)	\$100
§ 56-5-2995 (DUI Assessment)	\$12
§ 56-1-286 (DUI Breath Test)	\$25
Proviso 47.9 (Public Def/Prob)	\$500
§ 14-1-212 (Law Enforce. Funding)	\$25
§ 14-1-213 (Drug Court Surcharge)	\$150
§ 50-21-114 (BUI Breath Test Fee)	\$50
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea
Proviso 90.5 (SCCA Surcharge)	\$5
3% to County (if paid in installments)	\$
TOTAL	\$ 130.00

Clerk of Court/ Deputy Clerk

Court Reporter: J. Rice

SCCA/217 (03/2011)

INDICTMENT/CASE#: 2010GS0400070

A/W#: J879740

Date of Offense: 10/23/2009

S.C. Code § : 16-03-0010, 0020

CDR Code #: 0116

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS

PTUP

_____ days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp.

May serve W/E beginning

Substance Abuse Counseling

Random Drug/Alcohol testing ☐

Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund

Other: _____

☐ Appointed PD or appointed other counsel,
§ 47.12 requires \$500 be paid to Clerk
during probation.

Presiding Judge

Judge Code:

Sentence Date: 11/27/12

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MAR 27 2012

Clerk of Court

DOCKET NO. 2010-GS-04-00071

707
WITNESSES

C Beusse, Anderson County Sheriff's Dept.

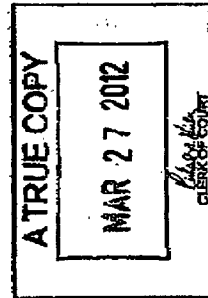
The State of South Carolina

County of Anderson

COURT OF GENERAL SESSIONS

JAN 19 2010

Term



ARREST WARRANT NUMBER

J879742

THE STATE

vs.

Matthew Brandon Fullbright

ACTION OF GRAND JURY

CTH

Indictment for

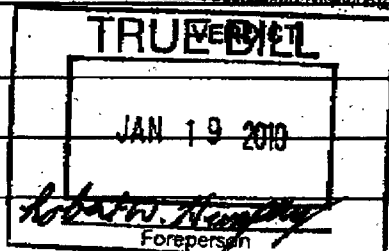
**Robbery / Armed Robbery, robbery while armed
or allegedly ar**

SC Code: 16-11-0330(A)

CDR Code: 0139

Foreperson of Grand Jury

Date:



Foreperson of Grand Jury

Date:

Jan 19
Debra W. Sims

STATE OF SOUTH CAROLINA)

INDICTMENT

COUNTY OF Anderson)

JAN 19 2010

At a Court of General Sessions, convened on _____ the Grand Jurors of
Anderson County present upon their oath:

Robbery / Armed Robbery, robbery while armed or allegedly armed

That Matthew Brandon Fullbright did in Anderson County, on or about October 23, 2009, while armed with a deadly weapon, or while alleging either by action or words he/she was armed while using a representation of a deadly weapon or any object which a person present during the commission of the robbery would reasonably believe to be a deadly weapon, take by means of force or intimidation, goods or monies described as: personal belongings and cash from the person or presence of Homer L. Staton. This is in violation of §16-11-330(A) of the South Carolina Code of Laws (1976) as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

Catherine J. Huey
ASSISTANT SOLICITOR

COUNTY OF Anderson
 STATE VS.
Matthew Brandon Fullbright
 AKA:
 Race: W Sex: M Age: 32
 DOB: [REDACTED] SS#: [REDACTED]
 Address: [REDACTED]
 City, State, Zip: Belton, SC 29627-2340
 DL#: [REDACTED] SID#: [REDACTED]

INDICTMENT/CASE#: 2010GS0400071
 A/W#: J879742
 Date of Offense: 10/23/2009
 S.C. Code §: 16-11-0330(A)
 CDR Code #: 0139

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

☒ CONVICTED OF or ☐ PLEADS

TO: Robbery / Armed Robbery, robbery while armed or allegedly armed with a deadly weapon (10 to 30)

in violation of § 16-11-0330(A) of the S.C. Code of Laws, bearing CDR Code # 0139
☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC ☐ §17-25-45
 w/minor 1st or Lewd Act)

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)

The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST: Catherine T. Huey 68416
 Huey, Catherine T. SC Bar#

Defendant

Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
 for a determinate term of 30 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
 and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
 of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
 probation, which are incorporated by reference.

☐ CONCURRENT or ☒ CONSECUTIVE to sentence on: TO ALL CHARGES

☐ 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 the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal
 Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:
 § 14-1-206 (Assessments 107.5 %) \$
 § 14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100.00
 § 14-1-211(A)(2) (DUI Surcharge) \$100 \$
 § 56-5-2995 (DUI Assessment) \$12 \$
 § 56-1-286 (DUI Breath Test) \$25 \$
 Proviso 47.9 (Public Def/Prob) \$500 \$
 § 14-1-212 (Law Enforce. Funding) \$25 \$ 25.00
 § 14-1-213 (Drug Court Surcharge) \$150 \$
 § 50-21-114(BUI Breath Test Fee) \$50 \$
 § 56-5-2942(J) (Vehicle Assessment) \$40/ea \$
 Proviso 90.5 (SCCA Surcharge) \$5 \$ 5.00
 3% to County (if paid in installments) \$
 TOTAL \$

Clerk of Court/ Deputy Clerk

Court Reporter: J. Rice

SCCA/217 (03/2011)

_____ days/hours Public Service

Obtain GED ☐

Attend Voc. Rehab. or Job Corp.

May serve W/E beginning

Substance Abuse Counseling

Random Drug/Alcohol testing

Fine may be pd. in equal, consecutive weekly/monthly
 pmts. of \$ _____ beginning

\$ _____ paid to Public Defender Fund

Other:

☐ Appointed PD or appointed other counsel,
 § 47.12 requires \$500 to be paid to Clerk
 during probation.

Presiding Judge

Judge Code:

Sentence Date: 1/27/12

TRUE COPY

MAR 27 2012

CLERK OF COURT

DOCKET NO. 2010-GS-04-00072

WITNESSES

C Beusse, Anderson County Sheriff's Dept.

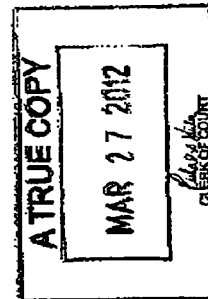
The State of South Carolina

County of Anderson

COURT OF GENERAL SESSIONS

JAN 19 2010

Term



ARREST WARRANT NUMBER

J879743

THE STATE

vs.

Matthew Brandon Fullbright

ACTION OF GRAND JURY

CTH

Indictment for

Robbery / Armed Robbery, robbery while armed
or allegedly armed

SC Code: 16-11-0330(A)

CDR Code: 0139

Foreperson of Grand Jury

Date:

TRUE BILL

JAN 19 2010

Foreperson

Foreperson of Petit Jury

Date:

719
x Guilty
x Delia L. L. L...

STATE OF SOUTH CAROLINA)
COUNTY OF Anderson)

INDICTMENT

At a Court of General Sessions, convened on JAN 19 2010, the Grand Jurors of Anderson County present upon their oath:

Robbery / Armed Robbery, robbery while armed or allegedly armed

That **Matthew Brandon Fullbright** did in Anderson County, on or about **October 23, 2009**, while armed with a deadly weapon, or while alleging either by action or words he/she was armed while using a representation of a deadly weapon or any object which a person present during the commission of the robbery would reasonably believe to be a deadly weapon, take by means of force or intimidation, goods or monies described as: personal belongings and cash from the person or presence of JoAnn Staton. This is in violation of §16-11-330(A) of the South Carolina Code of Laws (1976) as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

Catherine J. Huey
ASSISTANT SOLICITOR

712
COUNTY OF
STATE

Anderson

VS.

Matthew Brandon Fullbright

AKA:

Race: W Sex: M Age: 32

DOB: SS#: [REDACTED]

Address:

City, State, Zip: Belton, SC 29627-2340

DL#: SID#: S [REDACTED]

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

TO: Robbery / Armed Robbery, robbery while armed or allegedly armed with a deadly weapon (10 to 30)

in violation of § 16-11-0330(A) of the S.C. Code of Laws, bearing CDR Code # 0139

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)

The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

WITTEST:

Catherine T. Huey 68416
Huey, Catherine T. SC Bar# Defendant

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,

for a determinate term of 30 days/months/years or ☐ under the Youthful Offender Act not to exceed years
and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment
of \$; plus costs and assessments as applicable*, the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.

☐ CONCURRENT or ☒ CONSECUTIVE to sentence on: To All Charges
☐ 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 the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal
Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total: \$ plus 20% fee: \$

Payment Terms:

☐ Set by SCDPPPS

Recipient:

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Proviso 90.5 (SCCA Surcharge)	\$5
3% to County (if paid in installments)	\$
TOTAL	\$

Clerk of Court/ Deputy Clerk

Court Reporter: J. Rice

SCCA/217 (03/2011)

INDICTMENT/CASE#: 2010GS0400072

A/W#: J879743

Date of Offense: 10/23/2009

S.C. Code § : 16-11-0330(A)

CDR Code #: 0139

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS

in violation of § 16-11-0330(A) of the S.C. Code of Laws, bearing CDR Code # 0139

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45

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TOTAL	\$

Presiding Judge

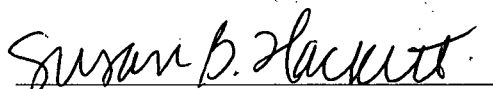
Judge Code:

Sentence Date:

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."

March 5th, 2014

A handwritten signature in cursive script, reading "Susan B. Hackett", is written over a horizontal line.

Susan B. Hackett
Appellate Defender

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

ATTORNEY FOR APPELLANT

ORIGINAL

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Anderson County

R. Lawton McIntosh, Circuit Court Judge

RECEIVED

MAR 05 2014

SC Court of Appeals

THE STATE,

RESPONDENT,

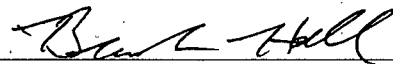
V.

MATTHEW FULLBRIGHT,

APPELLANT

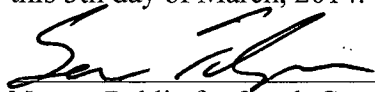
CERTIFICATE OF SERVICE

I certify that a true copy of the Record on Appeal in the above referenced case has been served upon Donald J. Zelenka, Esquire, at the Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, this 5th day of March, 2014.



Brandon Hall
Administrative Specialist

SUBSCRIBED AND SWORN TO before me
this 5th day of March, 2014.



(L.S.)

Notary Public for South Carolina

My Commission Expires: October 30, 2022