

ORIGINAL

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM CHEROKEE COUNTY

J. Derham Cole, Circuit Court Judge

RECEIVED

MAY 28 2014

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

JOSEPH DANTE SATTERWHITE,

APPELLANT

APPELLATE CASE NO. 2013-001058

RECORD ON APPEAL

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INDEX

INDEX	i
GUITY PLEA TRANSCRIPT (May 6, 2013).....	1
TRIAL TRANSCRIPT (May 14 and 15, 2013).....	12
JURY VOIR DIRE.....	17
WITNESS SELECTION	24
MOTION TO EXCLUDE EXHIBIT	57
TESTIMONY (OFF THE RECORD)	
BRIAN BLANTON	61
LIEUTENANT RONALD RAMSEY.....	70
CAPTAIN CHRIS SKINNER.....	74
PRELIMINARY INSTRUCTION.....	79
OPENING STATEMENT BY MR. BARNETTE	86
OPENING STATEMENT BY MR. THOMPSON.....	90
TESTIMONY	
OFFICER TIM TATE.....	91
INVESTIGATOR JAMES BOLTON.....	95
YASMINE ELLIS.....	113
DR. JANIE ROSS.....	128
WESLEY SATTERWHITE.....	135
JANET SATTERWHITE.....	149
TROY MCDOWELL	147

MICHELLE EICHENMILER	161
KENNETH JOHNSON	166
MICHAEL LOGAN	170
OFFICER JOE SIZEMORE	173
MOTION FOR DIRECTED VERDICT.....	178
TESTIMONY	
JOSEPH DANTE SATTERWHITE	183
SERGEANT CHRISTOPHER BLANTON	231
CLOSING ARGUMENT BY MR. THOMPSON	241
CLOSING ARGUMENT BY MR. BARNETTE	245
CHARGE ON THE LAW	250
VERDICT	269
SENTENCING	270
INDICTMENT AND SENTENCE SHEETS.....	277
STATE EXHIBIT #7 (PRE-INTERROGATION WAIVER FORM).....	280
STATE EXHIBIT #8 (VOLUNTARY STATEMENT)	281
STATE'S EXHIBIT #9 (FACEBOOK PAGE).....	283
COURT'S EXHIBIT #2 (FACEBOOK PAGE).....	284
COURT'S EXHIBIT #3 (MOTION IN LIMINE TO EXCLUDE REFERENCE TO THE TOXICOLOGY REPORT).....	285
COURT'S EXHIBIT #4 (DEFENDANT'S NC CONVICTIONS).....	288
COURT'S EXHIBIT #5 (JURY'S NOTE)	329
CERTIFICATE OF COUNSEL.....	330

1 STATE OF SOUTH CAROLINA)
2 COUNTY OF CHEROKEE) IN THE COURT OF GENERAL SESSIONS
3
4 The State,)
5 -vs-) TRANSCRIPT OF RECORD
6 Joseph Dante Satterwhite,) 2012-GS-11-736
7 Defendant.) May 6, 2013
8) Spartanburg, South Carolina
9

10 B E F O R E:

11 HONORABLE J. DERHAM COLE, JUDGE
12
13

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

15 BARRY JOE BARNETTE, ESQUIRE
16 PRINA CHANDRAKANT TAILOR, ESQUIRE
Attorneys for the State

17 DON A. THOMPSON, ESQUIRE
18 Attorney for the Defendant
19
20
21

22 Linda D. Moffitt
23 Circuit Court Reporter
24
25

INDEX

Guilty plea -- page 3.

No sworn testimony; no exhibits entered into evidence.

1 MR. BARNETTE: May it please the Court, Your Honor.

2 This is the case of the State vs. Joseph Dante
3 Satterfield -- Satterwhite, Your Honor. He's pleading
4 guilty to the following indictment: 12-GS-11-736. Your
5 Honor, it's a 2-count indictment. Your Honor, the first
6 count is murder. The second count is possession of a
7 weapon during a violent crime, Your Honor.

8 The only recommendation made by the state is a life
9 sentence not be given in this case, with any term of years
10 the Court determines in this case, Your Honor. Both of
11 them have been true billed by the grand jury.

12 He's represented by Mr. Don Thompson.

13 Your Honor, I do have eight exhibits I'd like to make
14 part of the facts of the case at the appropriate time.

15 Your Honor, may I approach the bench?

16 And, Your Honor, I believe he is waiving jurisdiction
17 to have this plea taken in Spartanburg County. It's set
18 for trial in Cherokee County next week, Your Honor, for
19 general sessions.

20 THE COURT: You are Joseph Dante Satterwhite?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: Mr. Thompson is your lawyer?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: How long has he been representing you?

25 THE DEFENDANT: Since May 2012.

1 THE COURT: And since May of 2012, which is about a
2 year ago, or is a year ago, depending upon the date of the
3 offense -- the offense was in March.

4 But, Mr. Thompson, you started representing him
5 sometime during the month of May of last year?

6 MR. THOMPSON: Yes, sir. He was brought back from --
7 he was extradited from North Carolina, and I began
8 representing him on May 24th.

9 THE COURT: Since that time, Mr. Satterwhite, have you
10 had plenty of time and opportunity to talk with Mr.
11 Thompson about your case, as well as your apparent decision
12 to plead guilty to the charge of murder?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: Has he been over this indictment with you
15 and explained to you what the state claims that you did?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: The indictment alleges that on or about
18 March the 14th of 2012 you did wilfully and with malice
19 aforethought kill one Allene Jean Ellis by shooting her and
20 that she died as a proximate result of that gunshot wound.

21 The second count of the indictment charges you with
22 possession of a firearm during the commission of a violent
23 crime.

24 They allege that on March the 14th of 2012 you did
25 possess a firearm during the commission of a violent crime,

1 that violent crime being described as murder as is alleged
2 in count one of the indictment. But there are two separate
3 and distinct criminal offenses for which you can receive
4 two separate and distinct punishments or penalties.

5 The only contingency is that in order to be convicted
6 of possession of a firearm during the commission of a
7 violent crime you also have to be convicted of the crime of
8 murder.

9 You're offering to plead guilty to each of those
10 charges, is that true?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: Did Mr. Thompson explain to you what would
13 have to be proven in court before you could be found guilty
14 of the crime of murder?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: And do you understand what has to be
17 proven?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: Did he also explain to you what would have
20 to be proven in court before you could be convicted of
21 possession of a firearm during the commission of a violent
22 crime?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: And do you understand what would have to
25 be proven?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: Did he also explain to you what type of
3 punishment or penalty could be imposed if you were
4 convicted or found guilty of the crime of murder?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: And what do you understand the punishment
7 or penalty can be?

8 THE DEFENDANT: If found guilty receive a life
9 sentence.

10 THE COURT: Well, that is certainly an option. You
11 would have to be sentenced to a term of imprisonment not
12 less than 30 years in jail, and you could receive up to a
13 life sentence for the crime of murder. And you understand
14 that?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: Do you also understand you can receive an
17 additional potential punishment of a sentence of up to five
18 years for the crime of possession of a firearm during the
19 commission of a violent crime?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: And did you tell Mr. Thompson everything
22 you know about the allegations that have been made against
23 you?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: And did you and he discuss whether or not

1 you have some defense to either of the charges to which
2 you're offering to plead guilty?

3 THE DEFENDANT: To a degree, yes, sir.

4 THE COURT: Well, to a degree. Did you talk about it
5 enough to determine whether or not you had a defense?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: And are you aware of any defense that you
8 have to the charge of murder?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: And what defense do you have?

11 THE DEFENDANT: From my understanding speaking with my
12 attorney I really don't have a defense.

13 THE COURT: Well, that was my question. Do you know
14 of any defense that you have to the charge of murder? Do
15 you know what a defense is?

16 THE DEFENDANT: Yes, sir, I know what a defense is.

17 THE COURT: What do you understand a defense to be?

18 THE DEFENDANT: A -- a actual reason to -- a actual
19 reason to discount what murder actually is, if I actually
20 committed murder.

21 THE COURT: Well, a defense would be some reason, any
22 reason, either based upon the facts or based upon the law,
23 or both for that matter. But it would be a reason why you
24 should not be found guilty of the crime that they claim you
25 committed. Do you have any reason why you should not be

1 found guilty of the crime of murder?

2 THE DEFENDANT: I have a reason, yes, sir.

3 THE COURT: And what reason do you have?

4 THE DEFENDANT: As far as the parameters of murder,
5 the charge, I didn't maliciously or intent to murder
6 Ms. Ellis.

7 THE COURT: Okay. So your defense would be that you
8 did not commit a -- you did not cause the death of
9 Ms. Ellis with any malice aforethought?

10 THE DEFENDANT: No, sir. I didn't.

11 THE COURT: Okay. But you understand through your
12 discussions with your lawyer that that's exactly what the
13 state has to prove, that you did wilfully and with a
14 malicious intent, malice aforethought, kill Ms. Ellis. Do
15 you understand that's what they have to prove?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: Do you -- and you and Mr. Thompson have
18 discussed the evidence that would be presented if your case
19 went to trial before a jury?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: And you know who the witnesses are that
22 the state would call to testify?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: And do you know what other evidence the
25 state would introduce at the trial of your case?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: And you've discussed it with Mr. Thompson?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: And based upon your discussions is it your
5 belief that if your case did go to trial and a jury made
6 the determination as to your guilt that there is a
7 significant likelihood that they would find that you did
8 kill Ms. Ellis and that at the time you killed her you did
9 do so wilfully and with malice aforethought?

10 THE DEFENDANT: I guess, yes, sir.

11 THE COURT: Well, you can be certain or you can be
12 uncertain, or you can guess or whatever you'd like to do,
13 but I need to know from you that you believe if you went to
14 trial you'd be found guilty of murder.

15 THE DEFENDANT: I believe that if I went to trial for
16 this charge of murder, I believe that I would probably be
17 found guilty.

18 THE COURT: Okay. And so based upon your
19 understanding as to the evidence and your belief that you'd
20 be found guilty of murder, you prefer to plead guilty
21 rather than to have a jury decide your guilt?

22 THE DEFENDANT: Now that you word it that way, no,
23 sir, not really.

24 THE COURT: Okay. So you'd rather have a jury trial?

25 THE DEFENDANT: I would just much rather -- I just

1 don't want to spend the rest of my life in prison. So if I
2 have to plead --

3 THE COURT: Well, that's not a decision that you get
4 to make today.

5 THE DEFENDANT: I understand.

6 THE COURT: The decision that you have to make is
7 whether or not you want to go forward and plead guilty or
8 you want to have a jury trial.

9 THE DEFENDANT: I guess -- I guess I'll let 12 people
10 decide.

11 THE COURT: Okay. Your case is set for next week.

12 MR. BARNETTE: Yes, sir. First case Monday morning,
13 and there will not be no more recommendations. Withdraw
14 any offers or anything made before.

15 THE COURT: All right.

16 END OF REQUESTED TRANSCRIPT OF RECORD

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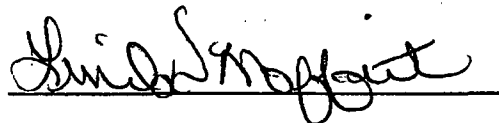
25

CERTIFICATE

I, the undersigned Linda D. Moffitt, Official Court Reporter for the Seventh Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of all the proceedings had and evidence introduced in the trial of the captioned cause, relative to appeal, in the Court of General Sessions for Cherokee County, South Carolina, on the 6th day of May 2013.

I do further certify that I am neither of kin, counsel nor interest to any party hereto.

July 30, 2013

A handwritten signature in cursive script, appearing to read "Linda D. Moffitt", is written over a horizontal line.

Linda D. Moffitt
Circuit Court Reporter

STATE OF SOUTH CAROLINA COURT OF GENERAL SESSIONS
CHEROKEE COUNTY 2012-GS-11-0736

THE STATE OF SOUTH CAROLINA,

-VS-

JOSEPH D. SATTERWHITE,

Defendant.

)
)
)
)
TRANSCRIPT OF RECORD
)
)
)
)
)

May 14 & 15, 2013
 Gaffney, South Carolina

Ordered: May 23, 2013

Delivered: September 23, 2013

B E F O R E:

THE HONORABLE J. DERHAM COLE, Presiding Judge.

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

MR. BARRY BARNETTE, Esquire
 Seventh Circuit Solicitor Appearing for the State

MR. DON THOMPSON, Esquire
 Public Defender Appearing for the Defendant

Pamela Faucette
 Circuit Court Reporter

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INDEX**Motions & Matters:** **Page:**

Voir Dire.....	6
Jury Selection.....	35
Pre-Trial Motions.....	46
Preliminary Instruction.....	68

Opening Statements: **Page:**

Mr. Barnette.....	75
Mr. Thompson.....	79

WITNESSES**Officer Brian Blanton (Pre-Trial):** **Page:**

Direct by Mr. Barnette.....	50
Cross by Mr. Thompson.....	55

Lieutenant Ronald Ramsey (Pre-Trial): **Page:**

Direct by Mr. Barnette.....	59
Cross by Mr. Thompson.....	62

Captain Chris Skinner (Pre-Trial): **Page:**

Direct by Mr. Barnette.....	63
Cross by Mr. Thompson.....	65

Officer Timothy Tate: **Page:**

Direct by Mr. Barnette.....	80
Cross by Mr. Thompson.....	84

Officer James Bolton: **Page:**

Direct by Mr. Barnette.....	84
Cross by Mr. Thompson.....	96
Redirect by Mr. Barnette.....	100

Ms. Yasmine Ellis: **Page:**

Direct by Mr. Barnette.....	103
Cross by Mr. Thompson.....	115

Dr. Janice Ross: **Page:**

Direct by Mr. Barnette.....	117
Cross by Mr. Thompson.....	122

Mr. Wesley Satterwhite:**Page:**

Direct by Mr. Barnette.....	124
Cross by Mr. Thompson.....	132
Redirect by Mr. Barnette.....	137

Ms. Janet Satterwhite:**Page:**

Direct by Mr. Barnette.....	138
Cross by Mr. Thompson.....	144

Reverend Troy McDowell:**Page:**

Direct by Mr. Barnette.....	147
Cross by Mr. Thompson.....	149

Ms. Michelle Eichenmiller:**Page:**

Direct by Mr. Barnette.....	150

Mr. Kenneth Johnson:**Page:**

Direct by Mr. Barnette.....	156
Cross by Mr. Thompson.....	158

Mr. Michael Logan:**Page:**

Direct by Mr. Barnette.....	159
Cross by Mr. Thompson.....	162

Officer Joe Sizemore:**Page:**

Direct by Mr. Barnette.....	163
Cross by Mr. Thompson.....	166

Mr. Joseph Dante Satterwhite:**Page:**

Direct by Mr. Thompson.....	173
Cross by Mr. Barnette.....	195

The State v. Joseph D. Satterwhite - May 14 & 15, 2013**Page 4****Sergeant Chris Blanton - Reply Witness:****Page:**

Direct by Mr. Barnette.....220

Cross by Mr. Thompson.....228

EXHIBITS

State's Exhibits:	Marked:	Received:
1 - (Fired Bullet)	91	91
2 - (.38 Revolver)	42	95
3 - (Fired Shell Casing)	42	95
4 - (Map of)	42	82
5 - (Diagram)	42	87
6 - (Bullet Fragment)	42	119
7 - (Waiver of Rights)	42	54, 221
8 - (Written Statement of Dft)	42	55, 224
9 - (Copy of Dft's Facebook Page)	42	113 (Over Obj.)
10 - (Photo of		
	42	87
12 - (Photo of Keys in Victim's Hand)	42	87
13 - (Photo of Victim's Purse)	42	87
14 - (Copy of 911 Call)	42	(ID Only)
15 - (Copy of Jail Call)	42	(ID Only)
16 - (Photo)	42	93

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EXHIBITS

State's Exhibits:	Marked:	Received:
17 - (Photo)	42	93
18 - (Photo)	42	93
19 - (Photo)	42	93
20 - (SLED Forensic Report)	154	(ID Only)
21 - (Defendant's Personal Effects)	164	164
21A - (Defendant's Cell Phone)	198	198
Defendant's Exhibits:	Marked:	Received:
(None)		
Court's Exhibits:	Marked:	Received:
1 - (SLED Toxicology Report)	46	46
2 - (Facebook Posting)	113	113
3 - (Notice of Motion/Motion in Limine)	259	259
4 - (Defendant's N.C. Convictions)	259	259
5 - (Jury Note)	264	264
Motions & Matters:		Page:
Motions at End of State's Case.....		167
Motions at End of Defense's Case.....		217
Closing Arguments:		Page:
Mr. Thompson.....		230
Mr. Barnette.....		234
Jury Charge:		239
Verdict:		257
Sentencing:		259
Reporter's Certification		265

1 May 14, 2013

10:52 A.M.

2 (Roll call and jury qualifications began at 10:52 a.m. and
3 concluded at 11:00 a.m.)

4 VOIR DIRE

11:14 A.M.

5 (A recess was taken after the roll call and qualification of the jury
6 from 11:00 to 11:12 a.m.)

7 (Off-the-Record Comments)

8 (Brief Pause)

9 THE COURT: Let me see you all for just a second, please.

10 (Whereupon, a bench conference was had with both attorneys
11 present.)

12 (Voir dire began at 11:14 a.m.)

13 THE COURT: All right, ladies and gentlemen, we are ready to
14 proceed. We will begin with the first trial that's going to require some of your
15 participation.

16 And the title of that case is *The State vs. Joseph Dante Satterwhite*.
17 Mr. Satterwhite is the Defendant. He's the person who is accused of a crime
18 for which we are ready to begin selection of a jury.

19 Mr. Satterwhite is accused by way of a document referred to as an
20 indictment. It's the charging paper;

21 It's not proof of anything. It doesn't establish anything, but it is the
22 charge, the allegations, that are made against the Defendant for which he is
23 now going to stand trial.

24 Mr. Satterwhite is accused, by way of this indictment prepared by the
25 prosecutor, of having committed the crimes of murder and possession of a

1 firearm during the commission of a violent crime.

2 The State alleges that, on or about March the 14th of 2012, Mr.
3 Satterwhite did willfully and with malice aforethought kill one Allene Jean Ellis
4 by shooting her and that she died as a proximate result of that gunshot
5 wound.

6 They also allege, in the same indictment in a separate account, that
7 Mr. Satterwhite did here in Cherokee County, on or about March the 14th of
8 2012, possess a firearm during the commission of a violent crime. And the
9 violent crime is alleged to be the murder that is alleged in count one of the
10 indictment.

11 Now, as to those allegations, and as to each of these charges, the
12 Defendant has entered a plea of not guilty. And a plea of not guilty places
13 upon the State the burden of proving the allegations that are set for in each of
14 the indictments, the burden of proving each of the essential elements that
15 constitute the crimes that are alleged against the Defendant.

16 And, therefore, the burden is upon the state to establish Mr.
17 Satterwhite's guilt to the satisfaction of twelve (12) jurors, beyond a
18 reasonable doubt, before any verdict of guilty could be returned.

19 And, so, we're going to be selecting probably fourteen (14) of you.
20 There will be twelve (12) primary jurors and two (2) others are seated as
21 alternates.

22 But you're going to be selected, those folks, for listening to the
23 testimony that will come from witnesses testifying from the witness stand and
24 to consider any other evidence that might be introduced in the trial of the
25 case.

1 And, at the trial's conclusion, after which I instruct you on the law, the
2 jury panel will be asked to go back and begin jury deliberations.

3 And through that process, you're going to be called upon, through the
4 exercise of good judgment and common sense, conscientiously applied to the
5 testimony and evidence in the case, to decide what you believe to be the true
6 facts as they relate to these allegations.

7 Once you decide the facts, you'll apply the law that I will have provided
8 you. And those twelve (12) jurors will determine whether or not the
9 Defendant has been guilty beyond a reasonable doubt.

10 And, if he has, then, the verdict would be guilty. And, if he has not,
11 then, the verdict would be not guilty.

12 So before we begin with jury selection, I've got some people to
13 introduce and some questions to ask. And the purpose of the introductions is
14 to find out, if any potential juror has any connection in any fashion with any of
15 the persons involved in the trial of the case, including each of the witnesses.

16 And, then, the questions are designed to find out if there's a reason
17 why any juror should not be selected to serve because of some bias or
18 inability to be fair and impartial based upon some circumstance.

19 So, as these introductions are made, I need to know if you're
20 connected by blood or marriage to these people. I need to know if you go to
21 church with them, if you go to school with them, if you go -- if you are
22 employed at the same place they're employed. Or you socialize with them or
23 you know them; you just met them somewhere, in some fashion you had
24 contact.

25 So I need to know if you're related to them or if you have any other

1 type of a connection with -- with each of the people that I am going to
2 introduce.

3 Now, first of all, as I told you, the Defendant; that is, the person who is
4 accused of having committed these crimes alleged in the indictment, is
5 Joseph Dante Satterwhite.

6 Mr. Satterwhite, if you'll stand and face the jury panel, please sir, so
7 that they may see who you are and determine whether or not they -- turn a
8 little bit so they can see you and see if they have any connection with you.

9 **(Mr. Satterwhite complied with the Court's request.)**

10 **THE COURT:** Okay. You may be seated.

11 **(Mr. Satterwhite complied with the Court's request.)**

12 **THE COURT:** Seated with Mr. Satterwhite at the defense table is
13 Don Thompson. He is a lawyer with the public defenders office. He'll be
14 assisting Mr. Satterwhite in the trial of this case.

15 **(Mr. Thompson stood and faced the jury panel.)**

16 **THE COURT:** The person who is alleged to have been the victim
17 of these -- of this crime is Allene Jean Ellis. Ms. Ellis' -- some of her family
18 are present here and so I'm going to ask them to, please, stand and face the
19 jury panel so that they may see who you are and by seeing you they may
20 know whether or not they have any connection with Ms. Ellis.

21 **(Family members complied with the Court's request.)**

22 **THE COURT:** Thank you. You all can be seated.

23 **(Family members complied with the Court's request.)**

24 **THE COURT:** All right. And presenting the case on behalf of the
25 State is Barry Barnette. He's the Circuit Solicitor for the Seventh Judicial

1 Circuit.

2 (Mr. Barnette stood and faced the jury panel.)

3 (Potential juror stood in response.)

4 THE COURT: All right. You don't have to stand right this minute.

5 And — and I do appreciate you standing because that's what you were asked
6 to do, but I was a little bit vague in that.

7 I'm going to go through reciting -- I'm going to introduce everybody and
8 recite the witness list. And, once I've done that, if you're connected to
9 anybody or know anybody, I'll ask you to stand at that time.

10 All right. So, in addition to those who have already been introduced to
11 you, potential witnesses who will be called during the trial include: Chad
12 Hutchens, with the Gaffney City Police Department, Tim Tate with the
13 Gaffney City Police Department;

14 Chris Skinner with the Gaffney City Police Department, Ron Ramsey
15 with the Gaffney City Police Department (stood); Brian Blanton with the
16 Gaffney City Police Department (stood); Ken Taylor with the Gaffney City
17 Police Department; JR Sizemore with the Gaffney City Police Department
18 (stood); JH Bolton with the Blacksburg Town Police Department (stood);
19 Kenneth Lee Johnson, a resident of Chesnee, South Carolina;

20 Yasmine Ellis, a resident of Gaffney (stood); Darrell Ellis, a resident of
21 Gaffney (stood); Wesley Satterwhite, a resident of Greer; Janet Satterwhite,
22 a resident of Greer.

23 If you all are present, please, stand so the jury can see who you are.

24 (No Response)

25 THE COURT: Are they here?

1 **MR. BARNETTE:** I'll have to check on it, Your Honor. I believe
2 they're staying outside.

3 **THE COURT:** Can you see if they are out there, any witnesses in
4 this case?

5 **(Brief pause while the bailiff checks to see if witnesses are**
6 **outside the courtroom.)**

7 **MR. BARNETTE:** Your Honor, we're going to go check on that ---

8 **THE COURT:** Well, they might be standing outside. And I want
9 to get going.

10 **MR. BARNETTE:** Yes, sir.

11 **THE COURT:** Troy McDowell, a resident of Gaffney; Rakeia
12 Valentine, a resident of Gaffney; Jacqueline Lindner, a resident of Gaffney;
13 Eileen Ellis, a resident of Gaffney;

14 Michael [sic] Eichenmiller, employed by the State Law Enforcement --
15 Law Enforcement Division; Doris Yarborough, employed by the State Law
16 Enforcement Division;

17 Michael Logan, a resident of Gaffney; Janice Ross, a medical doctor, a
18 pathologist; Dennis Fowler, Cherokee County coroner.

19 **(Brief Pause while witnesses step into the courtroom.)**

20 **THE COURT:** All right. Now, who are these folks?

21 **(Off-the-Record Comments)**

22 **THE COURT:** Do you know these two -- this lady over here ---

23 **MR. THOMPSON:** This is my client's mother and sister.

24 **THE COURT:** Oh, okay. All right. Well, let me ask you all to
25 stand, please, so that the jury can see who you are.

1 (Witnesses complied with the Court's request.)

2 THE COURT: Face the jury panel or just turn a little bit so they
3 can see you over here (indicating).

4 (Witnesses complied with the Court's request.)

5 THE COURT: Okay. Thank you. Be seated.

6 (Witnesses complied with the Court's request.)

7 MR. THOMPSON: I'm sorry. That 's not who I thought you were
8 asking about.

9 THE COURT: Tell — tell me you all's names, please.

10 UNIDENTIFIED MALE: Michael Logan.

11 THE COURT: Michael Logan?

12 MR. LOGAN: Yes, sir.

13 THE COURT: Okay.

14 UNIDENTIFIED FEMALE: Jacqueline Linder.

15 THE COURT: Jacqueline Linder?

16 MS. LINDER: Yes.

17 THE COURT: Okay. Thank you. You may be seated.

18 (Witnesses complied with the Court's request.)

19 (Brief Pause)

20 THE COURT: Are there any other additional witnesses on behalf
21 of the State?

22 MR. BARNETTE: No, sir.

23 THE COURT: The Defense?

24 MR. THOMPSON: No, sir.

25 THE COURT: All right. Now, ladies and gentlemen, does

1 anybody know anybody who has just been introduced for your benefit? If so,
2 please, stand.

3 (Potential jurors stand in response.)

4 THE COURT: All right. What I'll do is I'll start on the front row
5 with the lady in the blue turtleneck and I'll go down the row. And, then, I'll go
6 to the next row and the next row all the way to the back.

7 As I go individually with you, I need you to tell me what your name is,
8 what your juror number is, and then tell me who it is that you know or have
9 some connection with and what that connection is. All right, yes, ma'am?

10 POTENTIAL JUROR: My name is Evangeline Adams, I'm juror
11 number one, and I know the family.

12 THE COURT: You're juror number one?

13 POTENTIAL JUROR: Yes, sir.

14 THE COURT: And you know the folks that --- that stood and
15 were ---

16 POTENTIAL JUROR: Yes, I know this man in the red.

17 THE COURT: Do you know -- do you know what his name is?

18 POTENTIAL JUROR: No, but I call him Peanut. That's all I know.

19 THE COURT: You call him what?

20 POTENTIAL JUROR: Peanut.

21 THE COURT: Peanut? Okay. All right.

22 POTENTIAL JUROR: Peanut is all I know.

23 THE COURT: Okay. And what -- what is his -- what is your
24 name, sir?

25 POTENTIAL JUROR: Darrell Ellis.

1 **THE COURT:** Darrell Ellis. Okay. You know Darrell Ellis? And
2 how do you know Darrell Ellis?

3 **POTENTIAL JUROR:** We were raised around each other. I've
4 been knowing him all of my life.

5 **THE COURT:** Okay. All right. Is there anything about your
6 connection with him — do you know anybody else in the family?

7 **POTENTIAL JUROR:** The whole family really.

8 **THE COURT:** You know the whole family?

9 **POTENTIAL JUROR:** Yes, sir.

10 **THE COURT:** All right. And is there anything about your
11 connection with that family that would in any way interfere with your ability to
12 be fair and impartial in this case if you were called upon to serve as a juror?

13 **POTENTIAL JUROR:** No, sir

14 **THE COURT:** All right. Thank you. You may be seated. That's
15 juror number one. Yes, ma'am?

16 **POTENTIAL JUROR:** Sherita Eddington, juror number 29.

17 **THE COURT:** Twenty-nine (29)?

18 **POTENTIAL JUROR:** Yes, sir.

19 **THE COURT:** And who is it that you know?

20 **POTENTIAL JUROR:** I am friends with Linder and several others.

21 **THE COURT:** All right. Well, tell me who they are.

22 **POTENTIAL JUROR:** I know Michael Logan, Darrell Ellis, and
23 Yasmine.

24 **(Brief Pause)**

25 **THE COURT:** All right. You know Mr. Logan, you know Ms.

1 Linder, you know Mr. Ellis, and you know Ms. Ellis? Anybody else?

2 **POTENTIAL JUROR:** No, sir.

3 **THE COURT:** And did you know -- did you know Allene Jean
4 Ellis?

5 **POTENTIAL JUROR:** Yes, sir.

6 **THE COURT:** Okay. And how do you know these folks?

7 **POTENTIAL JUROR:** I went to school with several of them.

8 **THE COURT:** All right.

9 **POTENTIAL JUROR:** And a couple of them were classmates.

10 **THE COURT:** Okay. And is there anything about those
11 connections or --- or your friendship with them or whatever that connection is
12 that would interfere in any way with your ability to be fair and impartial in this
13 case?

14 **POTENTIAL JUROR:** No.

15 **THE COURT:** All right. You may be seated.

16 **(Juror complied with the Court's request.)**

17 **THE COURT:** Yes, sir?

18 **POTENTIAL JUROR:** Joe Fowler, 35.

19 **THE COURT:** Thirty-five (35)?

20 **POTENTIAL JUROR:** Yes, sir.

21 **THE COURT:** All right. Who is it that you know?

22 **POTENTIAL JUROR:** The city -- the police, the detectives.

23 **THE COURT:** You know the city officers?

24 **POTENTIAL JUROR:** Yes, yeah.

25 **THE COURT:** All right. Anybody else you know?

1 **POTENTIAL JUROR:** (Someone coughed, inaudible)

2 **THE COURT:** Sir?

3 **POTENTIAL JUROR:** No.

4 **THE COURT:** All right. And how do you know the city officers?

5 **POTENTIAL JUROR:** I work on their vehicles.

6 **THE COURT:** You work on their vehicles?

7 **POTENTIAL JUROR:** Yes.

8 **THE COURT:** And is there anything about that connection that
9 would have any bearing upon your decision in the case?

10 **POTENTIAL JUROR:** No, sir.

11 **THE COURT:** Can you be fair and impartial to both sides
12 notwithstanding that connection?

13 **POTENTIAL JUROR:** (Nods affirmatively.)

14 **THE COURT:** Sir?

15 **POTENTIAL JUROR:** Yes, sir.

16 **THE COURT:** Okay. Thank you. Be seated.

17 **(Juror complied with Court's request.)**

18 **(Brief Pause)**

19 **THE COURT:** Did I call out Mike Segina?

20 **MR. THOMPSON:** I don't believe you did, Judge.

21 **THE COURT:** I don't think I did either. Mike Segina is also with
22 the Gaffney City Police Department. So, if you know him, I would ask to
23 please stand also.

24 **(Potential jurors stand in response.)**

25 **THE COURT:** All right. The next row, yes, ma'am?

1 **POTENTIAL JUROR:** Brenda Garcia, number 39.

2 **THE COURT:** Number 39? And who is it that you know?

3 **POTENTIAL JUROR:** Yasmine.

4 **THE COURT:** You know...?

5 **POTENTIAL JUROR:** Yasmine.

6 **THE COURT:** You know Yasmine Ellis?

7 **POTENTIAL JUROR:** Right.

8 **THE COURT:** All right. And how do you know Ms. Ellis?

9 **POTENTIAL JUROR:** Working with her.

10 **THE COURT:** Okay. And did you know anybody else in the
11 family?

12 **POTENTIAL JUROR:** No, sir.

13 **THE COURT:** And is there anything about that connection that
14 would have an impact upon your decision in the case?

15 **POTENTIAL JUROR:** No, sir.

16 **THE COURT:** You can be fair and impartial to both sides?

17 **POTENTIAL JUROR:** Yes.

18 **THE COURT:** All right. Thank you. Be seated.

19 **(Juror complied with the Court's request.)**

20 **THE COURT:** Yes, sir?

21 **POTENTIAL JUROR:** Sam Miller, 91. Officer Blanton and I are
22 church members together, as well as Coroner Fowler. And Coroner Fowler's
23 daughter and my daughter are best friends.

24 **(Brief Pause)**

25 **THE COURT:** All right. And is there anything about those

1 connections that with have any bearing upon your ability be fair and impartial
2 to both sides?

3 **POTENTIAL JUROR:** No, sir.

4 **THE COURT:** Thank you. Be seated.

5 **(Juror complied with the Court's request.)**

6 **THE COURT:** I'm having a hard time figuring out the rows, but I
7 think it's you, ma'am.

8 **POTENTIAL JUROR:** Jessica Ramsey, 106.

9 **THE COURT:** All right.

10 **POTENTIAL JUROR:** I know Yasmine Ellis and Mr. Barnette.

11 **THE COURT:** You know Ms. Ellis and you know Solicitor
12 Barnette?

13 **POTENTIAL JUROR:** Yes, sir.

14 **THE COURT:** All right. And how do you know Ms. Ellis?

15 **POTENTIAL JUROR:** I went to school with her and played
16 volleyball with her.

17 **THE COURT:** All right. And how do you know Solicitor Barnette?

18 **POTENTIAL JUROR:** I'm friends with his daughter.

19 **THE COURT:** Would either of those facts have any bearing upon
20 your decision in this case if you were called upon to serve?

21 **POTENTIAL JUROR:** No, sir.

22 **THE COURT:** Thank you. Be seated.

23 **(Juror complied with the Court's request.)**

24 **THE COURT:** Next row?

25 **POTENTIAL JUROR:** Michelle Grant, number 44.

1 (Brief Pause)

2 THE COURT: All right. How does that question relate to you?

3 POTENTIAL JUROR: I know some of the officers.

4 THE COURT: You know some of the city police officers?

5 POTENTIAL JUROR: Yes.

6 THE COURT: And how do you know them?

7 POTENTIAL JUROR: I went to school with Mike. And Jeff is a
8 friend of the family.

9 (Brief Pause)

10 THE COURT: All right. Would either of those connections have
11 any bearing upon your decision in the case?

12 POTENTIAL JUROR: No, sir.

13 THE COURT: Can you be fair and impartial to both sides?

14 POTENTIAL JUROR: Yes, sir.

15 THE COURT: Thank you. Be seated.

16 (Juror complied with the Court's request.)

17 THE COURT: Next?

18 POTENTIAL JUROR: Kelly Johnson, 66.

19 THE COURT: All right. Who is it that you know?

20 POTENTIAL JUROR: Officer Sizemore.

21 (Brief Pause)

22 THE COURT: Which one?

23 POTENTIAL JUROR: Sizemore, Jeff Sizemore.

24 THE COURT: Sizemore? Okay. And how do you know Officer
25 Sizemore?

1 **POTENTIAL JUROR:** We used to work together.

2 **THE COURT:** And is there anything about that connection that
3 would have any bearing upon your decision in the case?

4 **POTENTIAL JUROR:** No, sir.

5 **THE COURT:** Thank you. Be seated.

6 **(Juror complied with the Court's request.)**

7 **THE COURT:** The next row?

8 **POTENTIAL JUROR:** Daniel Irvin, 64.

9 **THE COURT:** Who do you know?

10 **POTENTIAL JUROR:** I know Joe Fowler (phonetic) and a couple
11 of the officers.

12 **THE COURT:** All right. And is there anything about those
13 connections that would have any bearing upon your decision in the case?

14 **POTENTIAL JUROR:** No, sir.

15 **THE COURT:** All right. Thank you. You may be seated.

16 **(Juror complied with the Court's request.)**

17 **(Brief Pause)**

18 **THE COURT:** All right, next?

19 **POTENTIAL JUROR:** Stephen Kammerlen, 69. And I know
20 Yasmine. She was in my high school class.

21 **THE COURT:** In high school together?

22 **POTENTIAL JUROR:** Yes, sir.

23 **THE COURT:** Would that have any bearing on your decision in
24 the case?

25 **POTENTIAL JUROR:** No, sir.

1 THE COURT: Thank you. Be seated.
2 (Juror complied with the Court's request.)
3 MR. THOMPSON: What number was that, please?
4 THE COURT: Sixty-nine (69). Next row?
5 POTENTIAL JUROR: Tisha Poteat, number 119.
6 THE COURT: Who is it that you know?
7 POTENTIAL JUROR: I know Officer Segina. I know Mr. Skinner
8 and I know Coroner Fowler.
9 (Brief Pause)
10 THE COURT: And how do you know them?
11 POTENTIAL JUROR: Mike Skinner and I were classmates. I
12 attend church with Mr. Skinner and family friend of Coroner Fowler.
13 THE COURT: And would any of those connections have any
14 bearing upon your decision in the case?
15 POTENTIAL JUROR: No, sir.
16 THE COURT: Can you be fair and impartial to both sides
17 notwithstanding those connections?
18 POTENTIAL JUROR: Yes, sir.
19 THE COURT: Thank you. Be seated.
20 (Juror complied with the Court's request.)
21 THE COURT: Next on that row.
22 POTENTIAL JUROR: Curtis Wray, 136. I know Michael Logan.
23 (Brief Pause)
24 THE COURT: And how do you know Mr. Logan?
25 POTENTIAL JUROR: Friend of the family. I know his whole

1 family. I'm good friends with his brother.

2 **THE COURT:** Okay. Well anybody else that you know?

3 **POTENTIAL JUROR:** No, sir.

4 **THE COURT:** With that connection with Mr. Logan have any
5 bearing upon your decision in the case?

6 **POTENTIAL JUROR:** No, sir.

7 **THE COURT:** Could you be fair and -- fair and impartial to both
8 sides?

9 **POTENTIAL JUROR:** Yes, sir.

10 **THE COURT:** Thank you. Be seated.

11 **(Juror complied with the Court's request.)**

12 **THE COURT:** And your number is 136?

13 **POTENTIAL JUROR:** Yes, sir.

14 **THE COURT:** Thank you. All right. Yes, ma'am?

15 **POTENTIAL JUROR:** Lisa McBride, 84. I know Derek Jeter
16 (phonetic), James Bolton, and Brian Blanton.

17 **THE COURT:** And it would any of those connections have any
18 bearing upon your decision in the case?

19 **POTENTIAL JUROR:** No, sir.

20 **THE COURT:** And how is it that you know those folks?

21 **POTENTIAL JUROR:** Well, Derek and James worked in
22 Blacksburg with my husband. And Brian Blanton and I worked together a
23 long time ago.

24 **THE COURT:** All right. But it would not affect your decision in
25 the case?

1 POTENTIAL JUROR: No.

2 THE COURT: All right. Thank you. You may be seated.

3 (Juror complied with the Court's request.)

4 (Brief Pause)

5 THE COURT: Next?

6 POTENTIAL JUROR: Jerry McCraw, 85.

7 THE COURT: Who is it that you know?

8 POTENTIAL JUROR: Mr. Segina.

9 THE COURT: And how do you know him?

10 POTENTIAL JUROR: I attend a school with him. We were
11 classmates.

12 THE COURT: All right. Would it have any bearing upon your
13 decision in the case if you're selected?

14 POTENTIAL JUROR: No, sir.

15 THE COURT: Thank you. Be seated.

16 (Juror complied with the Court's request.)

17 THE COURT: Next?

18 POTENTIAL JUROR: Jerry Hyatt, 62. Dennis Fowler, I met him
19 at several – talked with him at several organized events. And my son is a
20 friend of his daughters.

21 THE COURT: And would either of those facts have any bearing
22 upon your decision in the case?

23 POTENTIAL JUROR: No, sir.

24 THE COURT: Thank you. Be seated.

25 (Juror complied with the Court's request.)

1 **THE COURT:** Next row?

2 **POTENTIAL JUROR:** Rosalyn Camp, number 17.

3 **THE COURT:** Do is it that you know?

4 **POTENTIAL JUROR:** I know the whole Ellis family and Allene
5 Jean was my daughter's aunt.

6 **THE COURT:** All right. And how is it that you know the family,
7 just through the family connection?

8 **POTENTIAL JUROR:** Well, I used to date one of the brothers.

9 **THE COURT:** Which one was that?

10 **POTENTIAL JUROR:** I can't really remember.

11 **THE COURT:** Okay. Would any of those facts have any bearing
12 upon your decision in the case if you were called upon to serve?

13 **POTENTIAL JUROR:** (Shakes head negatively.) No.

14 **THE COURT:** It would not?

15 **POTENTIAL JUROR:** No.

16 **THE COURT:** Okay. Thank you. You may be seated.

17 **(Juror complied with the Court's request.)**

18 **THE COURT:** Yes, sir?

19 **POTENTIAL JUROR:** Larry Thornton, 120. I know almost all of
20 the Ellis family.

21 **THE COURT:** And how do you know them?

22 **POTENTIAL JUROR:** I've run a car detail (phonetic) business in
23 Gaffney for the last 17 years and most of them from there.

24 **THE COURT:** All right. Would any of those connections have
25 any bearing upon your decision in the case?

1 POTENTIAL JUROR: No, sir.

2 THE COURT: Thank you. Be seated.

3 (Juror complied with the Court's request.)

4 THE COURT: Next?

5 POTENTIAL JUROR: James Bradley, number 11. I know Dennis
6 Fowler.

7 THE COURT: And how do you know Mr. Fowler?

8 POTENTIAL JUROR: We went to school together.

9 THE COURT: Would that have any bearing upon your decision in
10 this case?

11 POTENTIAL JUROR: No, sir.

12 THE COURT: Thank you. Be seated.

13 (Juror complied with the Court's request.)

14 THE COURT: Next?

15 POTENTIAL JUROR: Quensena Robinson, number 112.

16 THE COURT: One, twelve (112)?

17 POTENTIAL JUROR: Yes.

18 THE COURT: Who is it that you know?

19 POTENTIAL JUROR: The whole family.

20 THE COURT: Which family?

21 POTENTIAL JUROR: Allene was my aunt.

22 THE COURT: Ma'am?

23 POTENTIAL JUROR: Allene was my aunt.

24 THE COURT: Okay.. And —

25 POTENTIAL JUROR: And Yasmine -- and Yasmine is my cousin.

1 **THE COURT:** All right. And would that connection have a
2 bearing upon your decision in the case?

3 **POTENTIAL JUROR:** Yes.

4 **THE COURT:** You think it might? Okay. We'll excuse Juror
5 Number 112 from service in the case. Don't leave yet, but you won't be
6 serving in the case, okay?

7 **POTENTIAL JUROR:** Okay.

8 **THE COURT:** Next?

9 **POTENTIAL JUROR:** Wilma Camp, number 19.

10 **THE COURT:** What number?

11 **POTENTIAL JUROR:** Nineteen (19).

12 **THE COURT:** Number 19? All right. Who is it that you know?

13 **POTENTIAL JUROR:** The whole — the whole Ellis family and
14 Jackie Linder.

15 **THE COURT:** You know the Ellis family and you know Jackie
16 Linder?

17 **POTENTIAL JUROR:** Yes, sir.

18 **THE COURT:** And how do you know them?

19 **POTENTIAL JUROR:** I went -- I went with the Ellis family uncle or
20 a cousin or whatever.

21 **THE COURT:** Well, you got a tell me because I certainly don't
22 know.

23 **POTENTIAL JUROR:** I went with their cousin.

24 **THE COURT:** You did what with his cousin?

25 **POTENTIAL JUROR:** I went with Allene Ellis's cousin.

1 THE COURT: You went with a cousin?

2 POTENTIAL JUROR: Uh-huh (affirmative).

3 THE COURT: All right. And would any of those things have any
4 bearing upon your decision in this case?

5 POTENTIAL JUROR: Maybe, yeah.

6 THE COURT: You think it would?

7 POTENTIAL JUROR: Uh-huh (affirmative)..

8 THE COURT: All right. We'll excuse juror number 19 from
9 service in the case, but don't leave yet.

10 (Brief Pause)

11 THE COURT: All right, any other jurors that have not already
12 provided me with information that has some connection with somebody
13 involved in the case?

14 And let me include in that question, if you know anybody employed in
15 the Seventh Judicial Circuit Solicitor's Office or the Seventh Judicial Circuit
16 Public Defenders Office, if you know anybody employed with either of those
17 offices, if so, please, stand.

18 (No Response)

19 (Brief Pause)

20 THE COURT: All right. And, as I've told you, the Defendant is
21 accused of having committed the crime of murder. And I need to find out if
22 any juror or any members of your immediate family — and I'm going to define
23 an immediate family member as a parent or a spouse or a child or a sibling; a
24 parent, a spouse, a child, or a sibling --- have you or any members of your
25 immediate family ever been the victim of any type of violent crime or ever

1 been accused of having committed any type of violent crime?

2 And, for purposes of the question, I'm going to include in the definition
3 of a violent crime, the crimes of murder, manslaughter, attempted murder,
4 assault and battery in any degree, kidnaping, criminal sexual conduct, armed
5 robbery, criminal domestic violence of a high and aggravated nature;

6 Burglary, any other similar type a crime, have you or a family member
7 ever been a victim of such or have you ever been accused of having
8 committed any of those types of crimes? If so, please, stand.

9 **(Potential juror stood in response.)**

10 **THE COURT:** All right. You — you are juror 136?

11 **POTENTIAL JUROR:** Yes, sir.

12 **THE COURT:** All right. And was it you are a family member that
13 you want to tell me about?

14 **POTENTIAL JUROR:** Me.

15 **THE COURT:** It was you?

16 **POTENTIAL JUROR:** Yes, sir.

17 **THE COURT:** And if — if you don't want to respond to the
18 question where you are, you can come down here if you prefer, but were you
19 a victim or were you accused?

20 **POTENTIAL JUROR:** I was accused..

21 **THE COURT:** You were accused? And has the case been
22 resolved?

23 **POTENTIAL JUROR:** Yes, sir..

24 **THE COURT:** Okay. And is there anything about that
25 experience that you had that would affect your judgment in this case?

1 **POTENTIAL JUROR:** No, sir.

2 **THE COURT:** All right. Thank you. You may be seated.

3 **(Juror complied with the Court's request.)**

4 **THE COURT:** Anyone else need to respond to the question; you
5 or a family member was the victim of a violent crime or you've been accused
6 of having committed a violent crime. If so, please, stand.

7 **(No Response)**

8 **(Brief Pause)**

9 **THE COURT:** I also need to ask, if any member of the jury panel
10 belongs to any type of organization that might be characterized as a law
11 enforcement support group or an advocacy group or a crime victim or
12 anything of that nature.

13 And those types of organizations might include Mothers Against Drunk
14 Drivers, Citizens Against Violent Crime, the Honorary Sheriff's Association,
15 the Fraternal Order of Police, the Police Benevolent Society, the Honorary
16 Trooper — or the Troopers Association, or any other similar type of
17 organization.

18 Do you belong to or do you contribute time or do you contribute money
19 to any of those types of organizations? If so, please, stand.

20 **(Potential jurors stand in response.)**

21 **THE COURT:** All right. And your number again, please?

22 **POTENTIAL JUROR:** My number is 84.

23 **THE COURT:** Eighty-four (84)? And how does that question
24 relate to you, ma'am?

25 **POTENTIAL JUROR:** My husband was a president of the

1 Fraternal Order of Police ----

2 **THE COURT:** Okay.

3 **POTENTIAL JUROR:** — in Blacksburg.

4 **THE COURT:** All right. Is there anything about the fact that
5 would affect your judgment in this case?

6 **POTENTIAL JUROR:** No, sir.

7 **THE COURT:** Thank you. Be seated.

8 **(Juror complied with the Court's request.)**

9 **THE COURT:** Does any member of the jury panel belong to or
10 do you attend church at Mount Zion Church or Buck Shoals Church; Mount
11 Zion Church or Buck Souls — excuse me — Buck Shoals Church? Do you
12 belong to it or do you go to church there? If so, please, stand.

13 **(No Response)**

14 **THE COURT:** None responding.

15 **(Brief Pause)**

16 **THE COURT:** All right. And this is a — an event which the State
17 alleges occurred back on March 14th, 2012. It is alleged to have occurred at
18 located here in the city of Gaffney, within probably a
19 couple of miles of the — the courthouse. And it was the residence of Allene
20 Jean Ellis.

21 Does any juror believe that you have been exposed to any type of
22 information that might relate to this case from any person or any other
23 source? Have you seen anything about the case on television? Have you
24 heard anything about the case on the radio?

25 Have you read anything about the case in the newspaper? Have you

1 heard anything about the case from some people at work or church or school
2 or anywhere else just talking about the case?

3 Have you been exposed to any type of information that relates to this
4 particular case from any source whatsoever? If so, please, stand.

5 **(No Response)**

6 **THE COURT:** None responding.

7 **(Brief Pause)**

8 **THE COURT:** Is any member of the jury panel related by blood
9 or by marriage to any type of law enforcement officer, as well as have you
10 ever been employed as a law enforcement officer?

11 I need to know if any juror has been or is now a law enforcement
12 officer or you have a relative who is now or has been a law enforcement
13 officer of any type working for any type of law enforcement agency? That
14 includes civilian as well as military police agencies. If so, please, stand.

15 **(Potential jurors stand in response.)**

16 **THE COURT:** All right. I'll start with the front row and work my
17 way back. Name and number, please, sir?

18 **POTENTIAL JUROR:** Randy John Hummel, number 61.

19 **THE COURT:** How does it relate to you?

20 **POTENTIAL JUROR:** My wife's cousin Chris Mason (phonetic) is
21 a state trooper.

22 **THE COURT:** All right. Thank you. Be seated.

23 **(Juror complied with the Court's request.)**

24 **THE COURT:** Yes, ma'am?

25 **POTENTIAL JUROR:** Ashley Owens, 97. And my husband's

1 uncle is Mr. Owens right there.

2 **THE COURT:** Okay. Would that have any bearing on your
3 decision in the case?

4 **POTENTIAL JUROR:** No, sir.

5 **THE COURT:** Thank you. Be seated.

6 **(Juror complied with the Court's request.)**

7 **THE COURT:** Yes, sir?

8 **POTENTIAL JUROR:** Sam Miller, 91. My wife's first cousin is a
9 state trooper.

10 **THE COURT:** Thank you. Be seated.

11 **(Juror complied with the Court's request.)**

12 **THE COURT:** Yes, ma'am?

13 **POTENTIAL JUROR:** Tracy Burch, 14. My dad was in the
14 military police.

15 **THE COURT:** Thank you. Be seated.

16 **(Juror complied with the Court's request.)**

17 **THE COURT:** Yes, sir?

18 **POTENTIAL JUROR:** Matthew Mullinax, 95. My uncle is a
19 Cherokee County Reserve Officer.

20 **THE COURT:** Thank you. Be seated.

21 **(Juror complied with the Court's request.)**

22 **THE COURT:** Yes, sir?

23 **POTENTIAL JUROR:** I got a first cousin who's a county officer.

24 **THE COURT:** And your name and number, please? .

25 **POTENTIAL JUROR:** James Martin, 81.

1 THE COURT: All right. Thank you. Be seated.

2 (Juror complied with the Court's request.)

3 THE COURT: Yes, ma'am?

4 POTENTIAL JUROR: Tisha Poteat, 119. My brother was -- was
5 a police officer and he's a coroner (phonetic) in Spartanburg County.

6 THE COURT: Thank you. Be seated.

7 (Juror complied with the Court's request.)

8 THE COURT: Eighty-four (84)?

9 POTENTIAL JUROR: Eighty-four (84). My husband was a police
10 officer. And I have several cousins who have been police too (phonetic).

11 THE COURT: Thank you. Be seated.

12 (Juror complied with the Court's request.)

13 THE COURT: Yes, sir?

14 POTENTIAL JUROR: Jerry McCraw, 85. I have a first cousin who
15 is a B&R (phonetic) officer and a first cousin who is a SLED agent.

16 THE COURT: Thank you. Be seated.

17 (Juror complied with the Court's request.)

18 THE COURT: Yes, sir?

19 POTENTIAL JUROR: Eighty-one (81), James Martin. My first
20 cousin is the chief of police in Blacksburg.

21 THE COURT: All right. Thank you. Be seated.

22 (Juror complied with the Court's request.)

23 THE COURT: Now those who responded to that question
24 indicating a relationship to a law enforcement officer, is there anything about
25 that connection that would interfere with your ability to be fair and impartial to

1 both sides in this case if you were called upon to serve? If it — if you believe
2 it might interfere with your ability to be fair because of that connection, I would
3 ask that you, please, stand.

4 **(No Response)**

5 **THE COURT:** None responding. All right. I've introduced all the
6 principles and the witnesses to you. I've told you basically what the case is
7 about and asked you some other questions, but I would ask — but what I will
8 ask now is if any juror knows of any reason whatsoever why you believe you
9 could not be fair and impartial as a juror in this case if you're selected.

10 If you have any reason whatsoever why you think you could not be fair
11 in this particular case, I would ask that you, please, stand.

12 **(Potential juror stood in response.)**

13 **THE COURT:** All right. You're juror number 112?

14 **POTENTIAL JUROR:** Yes, sir.

15 **THE COURT:** All right. Ma'am, you've already been excused so
16 you don't need to stand up again. But thank you. Anyone else?

17 **(No Response)**

18 **THE COURT:** All right. None responding. Any other questions
19 requested by the State?

20 **MR. BARNETTE:** Not from the State, Your Honor.

21 **THE COURT:** By the Defendant?

22 **MR. THOMPSON:** No, sir.

23 **THE COURT:** All right. The jury is going to be selected. The
24 computer selects your name from the list randomly. If you are selected, you
25 will be asked to come — your name is called and you'll be asked to come

1 forward, and you'll see the Clerk of Court, Ms. McBee, seated right in front of
2 me.

3 You'll be asked to stand directly in front of her. Both sides have an
4 opportunity to have you excused from serving in the case. If either ask that
5 you be excused, from serving in the case, just go back and have a seat where
6 you are now.

7 If both agree to have you seated for service in the case, you'll be
8 having a seat in the jury box to your right and to my left.

9 So, please, come forward as your name is called and you'll be
10 instructed to be seated for service in the case or excused from service in the
11 case.

12 As you come up, if you'll please come up through the middle aisle
13 there, to the gate in the middle aisle, right where the bailiff is, and just come
14 forward and stand right in front of Ms. McBee and we'll let you know if you're
15 going to be seated or excused.

16 (Brief Pause)

17 Jury Selection 11:50 a.m.

18 MADAM CLERK: Juror 96, Adam Nelson.

19 (Potential juror stepped forward.)

20 (Off-The-Record Comments)

21 MADAM CLERK: What says the State?

22 MR. BARNETTE: Please present the juror.

23 MADAM CLERK: Says the Defense?

24 MR. THOMPSON: Present the juror, please.

25 MADAM CLERK: Please have a seat in the jury box.

1 (Juror complied with the request.)
2 MADAM CLERK: Juror 29, Cheride Edrington.
3 (Potential juror stepped forward.)
4 MADAM CLERK: What says the State?
5 MR. BARNETTE: Please present the juror.
6 MADAM CLERK: Says the Defense?
7 MR. THOMPSON: Excuse her from the trial of this case, please.
8 MADAM CLERK: You've been excused. Juror 61, John Hummel.
9 (Potential juror stepped forward.)
10 MADAM CLERK: What says the State?
11 MR. BARNETTE: Please present the juror.
12 MADAM CLERK: Says the Defense?
13 MR. THOMPSON: Seat the juror, please.
14 MADAM CLERK: Please take a seat in the juror box.
15 (Juror complied with the request.)
16 MADAM CLERK: Juror 55, Eric Harrison.
17 (Potential juror stepped forward.)
18 MADAM CLERK: What says the State?
19 MR. BARNETTE: Please present the juror.
20 MADAM CLERK: Says the Defense?
21 MR. THOMPSON: Seat the juror, please.
22 MADAM CLERK: Please take a seat in the jury box.
23 (Juror complied with the request.)
24 MADAM CLERK: Juror 4, Laura Bailey.
25 (Potential juror stepped forward.)

1 MADAM CLERK: What says the State?
2 MR. BARNETTE: Please present the juror.
3 MADAM CLERK: Says the Defense?
4 MR. THOMPSON: Seat the juror, please.
5 MADAM CLERK: Please take a seat in the jury box.
6 (Juror complied with the request.)
7 MADAM CLERK: Juror 34, Grover Fowler.
8 (Potential juror stepped forward.)
9 MADAM CLERK: What says the State?
10 MR. BARNETTE: Please present the juror.
11 MADAM CLERK: What say the Defense?
12 MR. THOMPSON: Seat the juror, please.
13 MADAM CLERK: Please take a seat in the jury box.
14 (Juror complied with the request.)
15 MADAM CLERK: Juror 20, Rhonda Carelock.
16 (Potential juror stepped forward.)
17 MADAM CLERK: What says the State?
18 MR. BARNETTE: Please present the juror.
19 MADAM CLERK: What says the Defense?
20 MR. THOMPSON: Seat the juror, please
21 MADAM CLERK: Please take a seat in the jury box.
22 (Juror complied with the request.)
23 MADAM CLERK: Juror 13, Cody Brown.
24 (Potential juror stepped forward.)
25 MADAM CLERK: What says the State?

1 **MR. BARNETTE:** Please present the juror.

2 **MADAM CLERK:** Says the Defense?

3 **MR. THOMPSON:** Seat the juror, please.

4 **MADAM CLERK:** Please take a seat in the jury box.

5 **(Juror complied with the request.)**

6 **MADAM CLERK:** Juror 97, Ashley Owens.

7 **(Potential juror stepped forward.)**

8 **MADAM CLERK:** What says the State?

9 **MR. BARNETTE:** Please present the juror.

10 **MADAM CLERK:** What says the Defense?

11 **MR. THOMPSON:** Seat the juror, please.

12 **MADAM CLERK:** Please take a seat in the jury box.

13 **(Juror complied with the request.)**

14 **MADAM CLERK:** Juror 15, Amanda Burkholder.

15 **(Potential juror stepped forward.)**

16 **MADAM CLERK:** What says the State?

17 **MR. BARNETTE:** Please present the juror.

18 **MADAM CLERK:** Says the Defense?

19 **MR. THOMPSON:** Seat the juror, please.

20 **MADAM CLERK:** Please take a seat in the jury box.

21 **(Juror complied with the request.)**

22 **MADAM CLERK:** Juror 28, Amanda Deaton.

23 **(Potential juror stepped forward.)**

24 **MADAM CLERK:** What says the State?

25 **MR. BARNETTE:** Please present the juror.

1 MADAM CLERK: Says the Defense?

2 MR. THOMPSON: Seat the juror, please.

3 MADAM CLERK: Please take a seat in the jury box.

4 (Juror complied with the request.)

5 MADAM CLERK: Juror 1, Evangline Adams.

6 (Potential juror stepped forward.)

7 MADAM CLERK: What says the State?

8 MR. BARNETTE: Please present the juror.

9 MADAM CLERK: Says the Defense?

10 MR. THOMPSON: Excuse the juror from the trial of this case, please.

11 MADAM CLERK: You've been excused. Juror 131, Ralph Welch.

12 (Potential juror stepped forward.)

13 MADAM CLERK: What says the State?

14 MR. BARNETTE: Please present the juror.

15 MADAM CLERK: Says the Defense?

16 MR. THOMPSON: Excuse the juror from the trial of this case, please.

17 MADAM CLERK: You've been excused. Juror 87, David McGowans

18 (Potential juror stepped forward.)

19 MADAM CLERK: What says the State?

20 MR. BARNETTE: Please excuse this juror from service.

21 MADAM CLERK: You've been excused. Juror 66, Kelly Johnson.

22 (Potential juror stepped forward.)

23 MADAM CLERK: What says the State?

24 MR. BARNETTE: Please present the juror.

25 MADAM CLERK: What says the Defense?

1 **MR. THOMPSON:** Excuse the juror from the trial of this case, please.

2 **MADAM CLERK:** You've been excused. Juror 91, Sam Miller.

3 **(Potential juror stepped forward.)**

4 **MADAM CLERK:** What says the State?

5 **MR. BARNETTE:** Please present the juror.

6 **MADAM CLERK:** Says the Defense?

7 **MR. THOMPSON:** Excuse the juror from the trial of this case, please.

8 **MADAM CLERK:** You've been excused. Juror 40, Amanda Gibson.

9 **(Potential juror stepped forward.)**

10 **MADAM CLERK:** What says the State?

11 **MR. BARNETTE:** Please present the juror.

12 **MADAM CLERK:** Says the Defense?

13 **MR. THOMPSON:** Seat the juror, please.

14 **MADAM CLERK:** Please take a seat in the jury box.

15 **(Juror complied with the request.)**

16 **MADAM CLERK:** Juror 88, Patti McNair.

17 **(Potential juror stepped forward.)**

18 **MADAM CLERK:** What says the State?

19 **MR. BARNETTE:** Please present the juror.

20 **MADAM CLERK:** Says the Defense?

21 **MR. THOMPSON:** Seat the juror, please.

22 **MADAM CLERK:** Please take a seat the jury box.

23 **(Juror complied with the request.)**

24 **(Brief Pause)**

25 **THE COURT:** And this will be for the first alternate.

1 **MADAM CLERK:** Juror 122, Thomas Trulock.

2 **(Potential juror stepped forward.)**

3 **MADAM CLERK:** What says the State?

4 **MR. BARNETTE:** Please present the juror.

5 **MADAM CLERK:** What says the Defense?

6 **MR. THOMPSON:** Seat the juror, please.

7 **MADAM CLERK:** Please take a seat in the jury box.

8 **(Juror complied with the request.)**

9 **THE COURT:** This will be for the second alternate.

10 **MADAM CLERK:** Juror 111, Tracy Reynolds.

11 **(Potential juror stepped forward.)**

12 **MADAM CLERK:** What says the State?

13 **MR. BARNETTE:** Please present the juror.

14 **MADAM CLERK:** Says the Defense?

15 **MR. THOMPSON:** Seat the juror, please.

16 **MADAM CLERK:** Please take a seat in the jury box. Jury selection
17 is completed.

18 **(Jury selection concluded at 11:58 a.m.)**

19 **THE COURT:** All right. Those members of the jury who have
20 been selected, I ask that you, please, go with the bailiff to the jury room. And
21 I'll bring you back in just a few minutes to begin with the trial.

22 **(The jury exited the courtroom at 11:59 a.m.)**

23 **THE COURT:** Are there any matters that need to be addressed
24 regarding jury selection by the State?

25 **MR. BARNETTE:** None from the state, Your Honor.

1 **THE COURT:** By the Defendant?

2 **MR. THOMPSON:** No, sir.

3 **THE COURT:** All right. Those jurors who were not selected, you
4 are excused for the balance of the day. I would ask that you, please, call
5 back to the number that you have on the juror information pamphlet. Call that
6 juror information line. That's the number in the little black box.

7 Call that number after 6 o'clock this evening. And that — that
8 recorded message will either tell you what time you need to report or it may
9 ask you to call back at a particular time in order to receive reporting
10 information.

11 Please be sure you follow the instructions on the message, okay?

12 Thank you again for your participation. Have a good afternoon.

13 **(Whereupon, the remaining jury panel exited at 12:02 p.m.)**

14 **(Brief Pause)**

15 **(Off-the-Record Discussion)**

16 **MR. BARNETTE:** May we approach for a second, Your Honor?

17 **THE COURT:** (Nods affirmatively.)

18 **(Whereupon, a bench conference was had with both attorneys**
19 **present.)**

20 **(Whereupon, State's Exhibit Numbers 2 through 19 were marked**
21 **for identification.)**

22 **MR. BARNETTE:** Thank you, Your Honor.

23 **THE COURT:** All right. Do we have any motions or other matters
24 we need to address before we begin?

25 **MR. BARNETTE:** Yes, sir. The State has a motion I've given to the

1 Court as well as Mr. Thompson. Our motion is to exclude any reference to
2 victim's toxicology report in this matter.

3 First of all, I don't believe it's relevant. And, secondly, if it is relevant, I
4 think it's highly prejudicial and has nothing to do with this case.

5 **THE COURT:** All right. What is the Defense's position? Are you
6 in agreement or not?

7 **MR. THOMPSON:** No, sir.

8 **THE COURT:** You're not in agreement?

9 **MR. THOMPSON:** No, sir.

10 **THE COURT:** All right. What other motions or matters do we
11 have?

12 **MR. BARNETTE:** Well, out-of-court third-party guilt, but I think he's
13 agreed —

14 **MR. THOMPSON:** I'm agree to that. There is no issue there.

15 **THE COURT:** Okay.

16 **MR. THOMPSON:** We have a motion — — we have a *Jackson v.*
17 *Denno* motion as to his statements.

18 **THE COURT:** Okay.

19 **MR. THOMPSON:** And we would also have a motion — the two
20 people allegedly present when this happened were his father and his
21 stepmother. We have a motion to sequester them while they testify; to
22 sequester one while the other one is testifying.

23 **THE COURT:** Okay. How long do you all anticipate it will take to
24 resolve the motions?

25 **MR. BARNETTE:** The *Jackson v. Denno*, Your Honor, will be fairly

1 short. We're just putting the officers up and certainly Mr. Thompson will have
2 a chance to question them, but I don't think it's too much of contention.

3 And, then, the toxicology I think is fairly straightforward.

4 **MR. THOMPSON:** Yeah. I was going to say my argument on the
5 toxicology will be 15 seconds. And, then, you just have to make the decision.

6 **THE COURT:** Well, so, at 12:30 we'll be through?

7 **(Brief Pause)**

8 **MR. BARNETTE:** I — I don't know if it'll be that quick, Judge.

9 **THE COURT:** Well, that's why I'm asking.

10 **MR. BARNETTE:** Yes, sir.

11 **THE COURT:** Well how long?

12 **MR. THOMPSON:** I would say a good half-hour.

13 **THE COURT:** So this afternoon?

14 **MR. THOMPSON:** Yes, sir.

15 **THE COURT:** Okay. All right. Bring the jury back in, please.

16 **(The jury entered the courtroom at 12:11 p.m.)**

17 **THE COURT:** Ladies and gentlemen, I've got a few matters that
18 I'm going to need to address before we can actually begin with the trial of the
19 case.

20 And so we should be able to resolve those while you've gone to lunch.
21 And, then, we'll begin with the trial after lunch. So right now you're going to
22 be excused.

23 But let me caution you that, throughout the course of this trial, you're
24 not permitted to talk about the case with any person whatsoever in any
25 fashion whatsoever.

1 You are not permitted to discuss it with your friends, with your
2 neighbors, with your relatives; you can't even discuss it with your fellows
3 jurors until the trial has been concluded and you've been asked to go back
4 and begin with your deliberations.

5 So, during the lunch recess, and in any other time we take a break,
6 you're not to talk about the case. You're only to do that when I instruct you to
7 begin your deliberations. And that, of course, won't be until the end of the
8 trial.

9 It's also important that you base your decision solely upon the
10 evidence presented during the course of the trial and the law that I'll provide
11 you at the trial's conclusion.

12 And so, during the course of this trial, you are never permitted to allow
13 yourselves to be exposed to any type of media coverage that might relate to
14 the case or to conduct your own research or do your own investigation into
15 any issue.

16 You've got to base your decision upon what you see and hear during
17 the trial. You can't supplement your knowledge by conducting outside
18 research, doing your own investigation, or being exposed to media coverage
19 that might relate to the trial, whether it be television, radio, or newspaper
20 because those -- those items might not even be accurate.

21 And, if you hear discussions about the case from people, it might not
22 be accurate and it might influence your decision and it's not based upon
23 something that's an actual fact.

24 So no discussions about the case, no research, no investigation, no
25 media exposure throughout the course of the trial.

1 Do have a good lunch. Please report to your jury room at 2:30, 2:30
2 this afternoon. When you come back, you'll be coming up the back steps.
3 The bailiff will show you where that is. You'll be going directly to your jury
4 room. And, once you're all back, then, we'll begin with the trial of the case.

5 Let me say that, as you leave to go to lunch, let me ask that you leave
6 the courthouse promptly and go to lunch wherever you're going to go directly.
7 When you come back, don't stand in the parking lot. Don't stand on the steps
8 or on the sidewalk.

9 Go directly — when you come back, park your car and go directly to
10 the jury room. That way there won't be any possibility that you'll be exposed
11 to anybody talking about the case or other matters, okay?

12 Have a good lunch. We'll see you at 2:30; 2:30 this afternoon.

13 (Whereupon, the jury exited the courtroom at 12:14 p.m. for the
14 luncheon recess.)

15 **PRE-TRIAL MOTIONS**

16 (Whereupon, Court's Exhibit Number 1 was marked for
17 identification.)

18 **THE COURT:** All right. The first matter to address is the State's
19 motion to exclude the results of the toxicology report, the test results of the
20 testing of the — the body of Ms. Ellis. And the Defense objects or does not
21 consent.

22 **MR. THOMPSON:** Yes, sir.

23 **THE COURT:** Okay. Mr. Barnette?

24 **MR. BARNETTE:** Your Honor, the reason for the motion is I do have
25 a SLED report here we've made Court's Exhibit Number 1, which for the

1 record I'll identify so the Court knows exactly what we're talking about .

2 (Brief Pause)

3 MR. BARNETTE: All right. Court's Exhibit 1 will be State's exhibit
4 — the SLED report L12 3936. It was done by Shannon Shorels (phonetic) in
5 this case .

6 (Brief Pause)

7 MR. BARNETTE: Your Honor, it was done for the autopsy. It
8 showed THC and THC metabolites in her system at the time.

9 Your Honor, based on the facts of the case and everything, we don't
10 see any way this could be used in there. It's not relevant to the case .

11 The Defendant actually — basically ambushed the victim in her own
12 home and shot her in the back of the head. There's no signs of self-defense,
13 no signs of any type of manslaughter situation. We don't see any way this
14 could be relevant.

15 And, even if it is relevant, it'd be highly prejudicial and has no bearing
16 on the facts of this case. And I'm going to hand this up to the Court.

17 (Documents handed up to the Court)

18 MR. BARNETTE: I believe the case law — the case law is cited in
19 the motion.

20 THE COURT: All right. Mr. Thompson?

21 MR. THOMPSON: Your Honor, as to the case law cited in the motion,
22 that deals with prior drug dealings and illegal drugs being found in the home.
23 And that deals with trying to make one of the State's key witnesses out to be
24 a drug dealer.

25 That's not the case here. Ms. Ellis had marijuana in her system

1 according to the toxicology report. Mr. Satterwhite's statement he gave to the
2 police indicated that — in that statement that she tripped and fell in front of the
3 gun.

4 We would say that it is relevant, the fact that she's using marijuana
5 could in fact — in fact lead to support his allegations that she tripped and fell
6 on something.

7 So we would — It's not — it's not something you try to make out some
8 witness as to a liar or a drug deal or something like that like these cases in
9 the motion say. It's — I think it would be relevant.

10 And I think that, even if — going — going beyond that, I think it's
11 relevant to deal with the probative versus prejudicial; there's no question that
12 it's more probative than it would be prejudicial. It would have no prejudicial
13 effect whatsoever.

14 **THE COURT:** All right. Mr. Barnette?

15 **MR. BARNETTE:** Your Honor, it obviously would because any kind
16 of drug use is not the basis of this situation. This is just straight up murder
17 case where he ambushed her.

18 And I have a — and I'll also make this part of the record also. I've
19 already mark them for State's Exhibits and we'll be introducing these.

20 State's Exhibit 10, 11, 12, and 13, which are going to be introduced --
21 do I need to make these Court's exhibits, Your Honor?

22 **THE COURT:** Well, not if they're going to be introduced into
23 evidence.

24 **MR. BARNETTE:** Okay. Well, they're going to be introduced into
25 evidence later in the testimony.

1 **MR. THOMPSON:** No objection.

2 **MR. BARNETTE:** Your Honor, on this basis, she had pulled her car
3 — as a matter of that, a family member of hers, her daughter, members of
4 the Defendant's family had went through the house looking to make sure he
5 wasn't in there.

6 He had parked the Tahoe behind the house. She went behind the
7 house, pulled the Tahoe in front of the house, had just gotten out, went inside
8 the door, went inside the house, and still has the keys in her hands at the time
9 she was found shot by the police afterwards dead on the front porch with the
10 keys literally still in her hand, as well as the purse that was found beside her
11 hand with the keys.

12 The reason I am introducing these things during this motion, Your
13 Honor, I don't see any factual support what Mr. Thompson is submitted for the
14 Defendant to show that the marijuana use is any use whatsoever.

15 She didn't threaten him. She didn't put herself in this position. He put
16 her in this position.

17 He's trying argue like that she fell or whatever and that was because of
18 marijuana use. But, if she fell, it was probably because she was shot in the
19 back of the head by the bullet or was being shot at. And it wasn't from the
20 marijuana use.

21 So, even though it — he claims it would be probative, it's highly
22 prejudicial to use to confuse the jury and confuse the issues in this case.

23 **(Brief Pause)**

24 **THE COURT:** Well, of course, you all have me at somewhat of a
25 disadvantage because I don't know what the evidence is going to reveal. And

1 you all hopefully do.

2 I can see, under the State's scenario, that use of the marijuana by the
3 deceased wouldn't be relevant to anything. But, if it contributed to an
4 accident which caused the death, then, obviously it would be relevant.

5 But I don't know what kind of evidence there is that's going to support
6 that — that allegation or that contention or that fact.

7 So what I propose to do at the moment is, I am going to exclude the
8 admission of it such time that there is evidence in the record from which
9 would make it relevant and probative at some point.

10 So it will not — it will not be addressed in front of the jury until such
11 time the relevance has been made apparent to me. And, then, I'll — you all
12 let me know when you think that has occurred and I'll address it. Okay?

13 All right. The next motion is to determine the voluntariness of any
14 statement made by the Defendant.

15 **MR. THOMPSON:** Yes, sir.

16 **THE COURT:** Okay.

17 **MR. BARNETTE:** I'd call Officer Blanton to the stand, Your Honor.

18 **(The witness stepped forward to be sworn.)**

19 **(Whereupon,**

20 **BRIAN BLANTON**

21 first being duly sworn, testified as follows:)

22 **(Off-the-Record Comments)**

23 **DIRECT EXAMINATION by MR. BARNETTE:**

12:22 P.M.

24 **Q.** If you would, sir, give your full name for the record, please.

25 **A.** It's Christopher Brian Blanton (phonetic).

- 1 Q. And where do you work at, sir?
- 2 A. Gaffney City Police Department.
- 3 Q. And what is your position?
- 4 A. I'm a sergeant in the detective division.
- 5 Q. And how long have you been with the city, sir?
- 6 A. Almost sixteen (16) years.
- 7 Q. Was you working on the murder case involving Joseph Satterwhite?
- 8 A. Yes, sir.
- 9 Q. And was he extradited back from Greensboro, North Carolina?
- 10 A. Yes, sir.
- 11 Q. And, when he came back, did you all interview him?
- 12 A. Yes, sir.
- 13 Q. Let me show you what has been marked as State's Exhibits 7 and 8
- 14 there's going to be introduced at a later date, but it's been marked for purposes of
- 15 this hearing only.
- 16 **(Exhibit handed to the witness.)**
- 17 Q. I'm showing you State's Exhibit Number 7. Was that the waiver form
- 18 that you did with Mr. Satterwhite?
- 19 A. Yes, sir.
- 20 Q. And did you explain his rights to him?
- 21 A. Yes, sir.
- 22 Q. Did you read those to him?
- 23 A. Yes, sir.
- 24 Q. And did you let him see the form?
- 25 A. Yes, sir.

1 Q. And how do you know you read them to him, sir?

2 A. As I'm reading the — his *Miranda* warnings, I actually read one at a
3 time and make eye contact with him to make sure that he acknowledges that he
4 hearing me okay.

5 I check them off. And, at that time, I asked him if he understood his
6 rights. He advised yes. And he was given an opportunity to sign stating that he did
7 understand his rights.

8 Q. And did he sign the form?

9 A. Yes, sir.

10 Q. And was it witnessed?

11 A. Yes, sir.

12 Q. Who witnessed that form?

13 A. My Lieutenant, Ron Ramsey (phonetic).

14 Q. And, of course, you have also witnessed and signed it?

15 A. Yes, sir.

16 Q. Okay Did you go on and read more of the form to him?

17 A. Yes, sir. At that time, basically I asked him if he understood his rights.
18 I, then, explained to him — I asked him, if he wished to waive, which means to give
19 up his rights and speak with us in reference to the homicide that we were
20 investigating.

21 At that time, he stated that he did understand his rights and he was
22 given an opportunity to sign saying he understood them.

23 Q. And did he sign that form again?

24 A. Yes, sir.

25 Q. And was that witnessed also?

1 A. Yes, sir.

2 Q. And who was it witnessed by, sir?

3 A. Lieutenant Ramsey.

4 Q. Was it also witnessed by you, sir?

5 A. Oh, yes, sir.

6 Q. And did you continue on with the form with him?

7 A. Yes, sir. At that time, I asked him if he wanted to write down his
8 statement. At that time, he advised me he would rather me write it for him.

9 And it — basically in his words I would write it. And, then, I would let
10 him proofread it to make sure that nothing was added or — or left out.

11 Q. Did he tell you what — how far he had went in school?

12 A. Yes, sir. Yes, he told me 12th grade. He graduated.

13 Q. And did he also sign that agreeing to that, that he went that far and he
14 understood that?

15 A. Yes, sir.

16 Q. Okay. And so he had signed it actually three (3) times?

17 A. Yes, sir.

18 Q. And it was witnessed all three (3) times?

19 A. Yes, sir.

20 MR. BARNETTE: Okay. Your Honor, I showed this to Mr.
21 Thompson. And I know he has a copy of it.

22 (Documents handed up)

23 MR. BARNETTE: I would like to enter this waiver form as a — an
24 exhibit for this hearing only at this time, Your Honor.

25 THE COURT: It's admitted.

(Whereupon, Plaintiff's Exhibit Number 7 was admitted for the hearing only.)

Q. (By Mr. Burnett) Let me approach with State's Exhibit Number 8, sir.

(Exhibit handed to the witness.)

Q. And I believe he was going into that when you — did he — he ask you to write it out for him?

A. Yes, sir.

Q. And, please, go on from there. What happened after that?

A. Basically he just told me everything that led up to the — the occurrence and afterwards. And I basically wrote it as he was telling me what transpired.

Q. And how many pages did it consist of, sir?

A. One full-page and about a third of another one.

Q. Okay. And did he sign both of the pages on that?

A. Yes, sir.

Q. Did he get a chance to read it over?

A. Yes, sir.

Q. And did you read it back to him?

A. Yes, sir.

Q. And did he initial at the beginning of the first page?

A. Yes, sir. His initials are at the beginning and at the end.

Q. It shows at the beginning and the end there?

A. Yes, sir.

Q. And was there one area that actually you had to make a change because you made a mistake?

A. Yes, sir. Basically just a spelling error that I made. So I scribbled it out

1 and initialed my initials on it.

2 Q. And he gave the statement to you freely and voluntarily?

3 A. Yes, sir.

4 Q. Was he promised anything for his statement?

5 A. No, sir.

6 Q. Was he threatened in any way?

7 A. No, sir.

8 Q. And he fully and voluntarily gave this statement of his own free will?

9 A. Yes, sir.

10 MR. BARNETTE: Your Honor, I would like to introduce State's
11 Exhibit Number 8 into evidence at this time for the purposes of this hearing.

12 MR. THOMPSON: No objection

13 THE COURT: It's admitted.

14 (Whereupon, State's exhibit Number 8 was admitted into evidence
15 for the hearing only.)

16 MR. BARNETTE: If you would, please answer any questions Mr.
17 Thompson may have for you.

18 CROSS EXAMINATION by MR. THOMPSON:

12:26 P.M.

19 Q. Detective, you — you took this statement on May 29th; is that right?

20 A. Yes, sir.

21 Q. And he was arrested in March; is that correct?

22 A. No, sir. That's the incident date.

23 Q. The incident date was in March, but when was he arrested?

24 A. He was arrested in Greensboro the following day.

25 Q. So in March he was arrested?

- 1 A. Yes, sir, in Greensboro.
- 2 Q. When was he brought back to South Carolina?
- 3 A. I — I believe he was transported back on May the 18th.
- 4 Q. Pardon me?
- 5 A. May the 18th was when he was extradited back.
- 6 Q. Okay. And you didn't take a statement until the 29th?
- 7 A. Yes, sir.
- 8 Q. Is there a reason you waited eleven (11) days?
- 9 A. No, not — none in particular.
- 10 Q. Okay. Were any statements taken in North Carolina?
- 11 A. No, sir.
- 12 Q. What condition was he in when he was brought back from North
- 13 Carolina to South Carolina?
- 14 A. I'm not sure. I didn't — I wasn't the one who transported him back.
- 15 Q. Was the 29th the first time you saw him?
- 16 A. Yes, sir.
- 17 Q. Okay. What condition was he in on the 29th?
- 18 A. As far as — when you say "condition," you mean like healthwise or...?
- 19 Q. Healthwise.
- 20 A. I — I didn't notice any — anything wrong with him. He was extremely
- 21 calm, very relaxed.
- 22 Q. Did he tell you why he wanted you to write the statement?
- 23 A. No, sir, he didn't tell me why.
- 24 Q. Did he tell you that he was under heavy medical drugs, that he couldn't
- 25 write a statement?

1 A. No, sir. He did not make any mention of anything about medicine or
2 anything like that.

3 Q. So he didn't say anything about being medicine for mental —

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

5 Q. How long were you with him on the 29th?

6 A. Probably an hour, an hour and 15 minutes, an hour and 20 minutes,
7 something like that.

8 Q. Did you go over everything and, then, write the statement or did you
9 write the statement as he would tell you?

10 A. Basically I wrote it down as he was telling me about the occurrence.

11 Q. So it took about an hour and 20 minutes to write a page and a third?

12 A. No, sir. The first -- the first part of the interview was just normal
13 conversation, far as a his -- his background, how long he had known Ms. Ellis, how
14 long they had dated, just to get a little background on the — on the incident.

15 Q. So all that wasn't to write the statement?

16 A. No, sir.

17 Q. All right.

18 (Brief Pause)

19 Q. Did you record any of the statement besides writing it?

20 A. No, sir.

21 Q. There's no video or —

22 A. No, sir.

23 Q. — audio recording?

24 A. No, sir.

25 Q. Okay.

1 (Brief Pause)

2 Q. Did you promise of anything to give a statement?

3 A. No, sir.

4 Q. Did he ask for anything while he was with you?

5 A. No, sir.

6 Q. Water, food, soda, coffee?

7 A. I don't remember if he did or not. I'm not sure.

8 Q. Did you provide him anything while he was with you?

9 A. Not that — not that I can remember.

10 Q. Who was in the room besides you and he?

11 A. My lieutenant, Ron Ramsey, and my captain, Chris Skinner.

12 Q. Were they in there the whole time?

13 A. Yes, sir.

14 Q. Did either of them promise him anything in your presence?

15 A. No, sir.

16 (Brief Pause)

17 Q. Was he in handcuffs while you talked to him?

18 A. No, sir, I don't believe he was.

19 (Brief Pause)

20 Q. But it was a three -on-one situation in the room?

21 A. Yes, sir.

22 (Brief Pause)

23 Q. Did you tell him that he could stop talking at any time?

24 A. Yes, sir.

25 Q. I know you got it in the rights that he can remain silent, but did you

1 explain to him that ----

2 A. Yes, sir.

3 Q. — he could terminate the interview at any time he wanted to?

4 A. Yes, sir, he was aware.

5 Q. Did he ever indicate he wanted to terminate it?

6 A. No, sir.

7 MR. THOMPSON: Thank you.

8 MR. BARNETTE: No further questions for this witness, Your Honor.

9 THE COURT: You can step down.

10 THE WITNESS: Thank you.

11 (Witness complied with the Court's request.)

12 MR. BARNETTE: Your Honor, we'd call Lieutenant Ramsey just

13 briefly.

14 (The witness stepped forward to be sworn.)

15 (Whereupon,

16 LIEUTENANT RONALD RAMSEY

17 first being duly sworn, testified as follows:)

18 DIRECT EXAMINATION by MR. BARNETTE:

12:30 P.M.

19 Q. Yes, sir. Would you, please, give your full name for the record?

20 A. Ronald Howard Ramsey, Jr. (phonetic).

21 Q. And where do you work at, sir?

22 A. I work for the Gaffney Police Department.

23 Q. And what is your position there, sir?

24 A. I'm a Lieutenant in the detective division.

25 Q. And how long have you been with the Gaffney Police Department, sir?

1 A. Just over sixteen (16) years.

2 Q. Was you involved in an interview with Mr. Satterwhite?

3 A. I was present, yes, sir.

4 Q. I know you heard Detective Blanton testify and so forth. Was you
5 present when the waiver form was given to him?

6 A. Yes, sir, I was.

7 Q. Let me show you what's been marked as State's Exhibit Number 7.

8 (Exhibit handed to the witness.)

9 Q. Did he go through those — all of the *Miranda* rights with the Defendant
10 in your presence?

11 A. He did.

12 Q. And did the Defendant understand those rights?

13 A. He acknowledged he did, yes, sir.

14 Q. And did he sign that form, the first part about the — the rights?

15 A. Yes, sir, he did.

16 Q. And did you witness it?

17 A. I witnessed his signature and his understanding, yes, sir.

18 Q. And, then, he continued on about the crimes and about being through
19 the 12th grade. Did you also witness his signatures, acknowledgment of that
20 information?

21 A. I did.

22 Q. And he actually signed it three (3) different times?

23 A. That's correct.

24 Q. At any time, was he threatened in any way?

25 A. No, sir, he was not.

1 Q. Was he promised anything?

2 A. No, sir.

3 Q. Did he give this — and let me show you State's Exhibit Number 8.

4 (Exhibit handed to the witness.)

5 Q. Is this the written statement that he gave you all?

6 (Brief pause while the witness examines document.)

7 A. Yes, sir, it is.

8 Q. And did he give that to you all freely and voluntarily?

9 A. He did.

10 Q. And who wrote the statement?

11 A. Detective Blanton wrote the statement.

12 Q. And did the Defendant have an opportunity to read the statement after
13 it was done?

14 A. He did. He started at the beginning and put his initials, read the
15 statement, and, when he was finished, he initialed it at the end.

16 Q. Did he also sign at the bottom of it?

17 A. Both pages, yes, sir.

18 Q. And was it witnessed also?

19 A. I witnessed his signature, yes, sir.

20 Q. And that — that was also read back by the Detective Blanton, is that
21 correct?

22 A. It was.

23 MR. BARNETTE: If you would, please, answer any questions Mr.

24 Thompson may have for you.

25 CROSS EXAMINATION by MR. THOMPSON:

12:32 P.M.

1 Q. Detective Ramsey, did you question Mr. Satterwhite in any way?

2 A. I participated in the interview, yes, sir.

3 Q. And what does that mean?

4 A. If — if there was something I felt I needed to ask, I asked.

5 Q. Okay. So you may have asked some questions?

6 A. Yes, sir.

7 Q. All right. How long did you interview him before you all wrote the
8 statement?

9 A. We began at 2 p.m. and we were finished at 3:20 p.m.

10 Q. Okay. That doesn't exactly answer the question.

11 A. Well that would be an hour and twenty (20) minutes.

12 Q. Detective Blanton testified that you all talked for a while and got
13 background and then wrote the statement.

14 A. Yes, and we started at 2 p.m.

15 Q. Okay. How long before you started writing the statement?

16 A. We normally have conversation with them beforehand to — to
17 normalize good rapport. And then we get into the questioning.

18 Q. Okay. Did you ever promise Mr. Satterwhite anything?

19 A. No, sir, I did not.

20 Q. Did anybody else ever promised him anything in your presence?

21 A. No, sir.

22 Q. Did you ever leave the room during that hour and twenty (20) minutes?

23 A. I do not believe so, sir.

24 Q. Okay. Did detective Blanton ever leave the room during that hour and
25 twenty (20) minutes?

1 A. I do not believe so.

2 Q. Okay. And did Captain Skinner ever leave?

3 A. That's possible. He may have stepped out to smoke. He likes to do
4 that.

5 Q. Okay. Did Mr. Satterwhite ever request anything; water, food, Coke,
6 a cigarette?

7 A. I don't remember him ever requesting a beverage or anything.

8 Q. Okay. Did you notice anything about Mr. Satterwhite that appeared
9 unusual?

10 A. No, sir.

11 Q. Okay. Did you know he was -- whether or not he was under
12 medication?

13 A. No, sir.

14 Q. All right.

15 MR. THOMPSON: Thank you. I have no further questions.

16 MR. BARNETTE: No further questions of this witness, Your Honor.

17 THE COURT: Step down.

18 (Witness complied with the Court's request.)

19 MR. BARNETTE: Your Honor, I'd call Captain Skinner to the stand.

20 (The witness stepped forward to be sworn.)

21 (Whereupon,

22 CAPTAIN CHRIS SKINNER

23 first being duly sworn, testified as follows:)

24 DIRECT EXAMINATION by MR. BARNETTE:

12:35 P.M.

25 Q. If you would, sir, please, give your full name for the record.

- 1 A. Chris Skinner.
- 2 Q. And where do you work at, sir?
- 3 A. Gaffney City Police Department.
- 4 Q. And what is your position there, sir?
- 5 A. Captain of detectives.
- 6 Q. And how long have you been with the Gaffney Police Department, sir?
- 7 A. Reserved time and full time, twenty-eight (28) years.
- 8 Q. And was you involved in an interview with the Defendant?
- 9 A. I was.
- 10 Q. And was you present when Sergeant Blanton read him his rights?
- 11 A. Yes.
- 12 Q. I show you State's Exhibit Number 7.
- 13 **(Exhibit handed to the witness.)**
- 14 Q. Was that the form that was used?
- 15 A. It was.
- 16 Q. Okay. And, then, let me show you State's Exhibit Number 8.
- 17 **(Exhibit handed to the witness.)**
- 18 Q. Was that the written statement that was done in this case?
- 19 A. Yes, sir.
- 20 Q. Okay. And, at any time, was the Defendant promised anything?
- 21 A. No, sir.
- 22 Q. Was he threatened in any way?
- 23 A. No, sir.
- 24 Q. Did he appear to be under the influence of anything?
- 25 A. No, sir, not at all.

1 Q. And did he give this statement freely and voluntarily?

2 A. He did.

3 MR. BARNETTE: If you would, please, answer any questions Mr.
4 Thompson might have for you.

5 CROSS EXAMINATION by MR. THOMPSON:

12:36 P.M.

6 Q. Captain, were you in the room the whole hour and twenty (20) minutes,
7 or did you step out to smoke a cigarette?

8 A. I probably stepped out and smoked a cigarette.

9 Q. Okay. So you can't say with any certainty what went on in that room
10 the whole time; is that correct?

11 A. I was not in there the whole time, most of the time.

12 MR. THOMPSON: Okay. Thank you.

13 MR. BARNETTE: No further questions for this witness, Your Honor.

14 THE COURT: Step down..

15 THE WITNESS: Yes, sir.

16 (Witness complied with the Court's request.)

17 MR. BARNETTE: Your Honor, that would be the State's showing in
18 this matter.

19 THE COURT: Mr. Thompson?

20 MR. THOMPSON: No, nothing.

21 THE COURT: Does the Defendant want to testify?

22 MR. THOMPSON: I don't — I'll talk to him about it, but I don't think
23 so.

24 (Brief pause while Mr. Thompson talked to the Defendant.)

25 MR. THOMPSON: No, sir, he's not going to testify.

1 **THE COURT:** All right. Anything further on the motion?

2 **MR. BARNETTE:** Nothing from the State, Your Honor.

3 **MR. THOMPSON:** No, sir.

4 **THE COURT:** All right. Based upon the testimony and the
5 evidence presented, I find the statement was freely and voluntarily made to
6 law enforcement pursuant to interrogation after being advised and
7 understanding his Constitutional Rights.

8 He was not threatened. He was not promised anything. He was not
9 denied anything. The statement was freely and voluntarily made at the
10 request of law enforcement and consent — and the knowing consent of the
11 Defendant.

12 Anything else?

13 **MR. BARNETTE:** Not from the State, Your Honor.

14 **MR. THOMPSON:** No, sir.

15 **THE COURT:** All right. What other matters do we have to
16 address?

17 **MR. THOMPSON:** Are you putting on sequestration?

18 **MR. BARNETTE:** Yeah. What it is, Your Honor, I think the two
19 family members of the Defendant is going to remain outside, Your Honor.
20 They don't want to come in during the testimony until they have to testify.

21 **MR. THOMPSON:** That is perfectly fine. I just wanted them
22 sequestered during each other's testimony. But if they're going to remain
23 outside the whole trial, I guess that's sequestration.

24 **THE COURT:** Okay.

25 **(Off-The-Record Comments)**

1 **MR. THOMPSON:** We have nothing else.

2 **THE COURT:** Okay. Let me instruct those in the audience who
3 have come to observe. You are welcome to come and to observe, but you
4 have to always exhibit proper decorum; that means you have to be quiet.
5 You have to pay attention.

6 You can't make faces. You can't react to testimony. You can't in any
7 way disrupt the proceedings. And it's required for anybody to come into the
8 courtroom to go through the metal detector and security before you can be
9 admitted. And that takes a while to do because the number of people
10 present.

11 So you need to get here early, if you want to come into the courtroom,
12 because, when we come back from lunch, this case is going to start at 2:30.
13 And at 2:30, if you're not in the courtroom in a seat, you will not be admitted
14 into the courtroom and given a seat.

15 All right. Anything further?

16 **MR. BARNETTE:** Nothing from the State, Your Honor.

17 **THE COURT:** Court is in recess until 2:30.

18 **(Whereupon, a lunch recess was taken from 12:40 p.m. until 2:30**
19 **p.m.)**

20 **(Off-The-Record Comments)**

21 **THE COURT:** Any matters that need to be addressed before the
22 jury is sworn?

23 **MR. BARNETTE:** Not from the State, Your Honor.

24 **MR. THOMPSON:** No, sir.

25 **THE COURT:** All right. Bring them in. And ask Ms. Bailey to

1 take the foreperson's seat.

2 **BAILIFF:** Yes, sir.

3 (The jury was summoned and entered the courtroom at 2:35 p.m.)

4 **PRELIMINARY INSTRUCTIONS**

5 **THE COURT:** All right. Good afternoon, ladies and gentlemen.

6 We are ready to begin with the trial of the case for which each of you have
7 been selected.

8 Ms. Bailey, I'm going to ask you to serve as the foreperson of the jury.
9 As the foreperson, you'll have three specific duties that none of the other
10 jurors will have.

11 First of all, you will be asked to serve as the spokesperson for the jury.
12 And that just means, if something arises, during the course of the trial that
13 need to be brought to my attention, you or a fellow juror has some difficulty,
14 problem, or question, you let me know directly or through the bailiff and I'll
15 address those issues or answer those questions.

16 Secondly, you'll be called upon to preside over the jury deliberations at
17 the trial's conclusion. In other words, after all the evidence has been received
18 and I've instructed you on the law, and instructed you and your fellow jurors to
19 begin with your deliberations, you're going to be called upon to preside over
20 that process in the jury room simply to ensure that those deliberations are
21 carried out in some orderly fashion.

22 And thirdly, you'll actually write the verdict or the decision of the jury.
23 And you'll do that on the verdict form that I'll provide you at the trial's
24 conclusion, on which you will indicate the jury's unanimous decision.

25 Now, the foreperson has those specific duties that I just indicated.

1 That does not, however, mean that she is any more important than any of you
2 other jurors. And -- and that's because the decision of the jury is the
3 unanimous consensus opinion of all twelve (12) jurors.

4 And, therefore, all of you and each of you will have an equal say and
5 an equal vote of what the ultimate decision will be in the case. Someone
6 simply has to be delegated those responsibilities that I have just indicated.
7 And I have delegated those to Ms. Bailey in appointing her as the foreperson.

8 But all of you jurors are equally important so far as the ultimate
9 decision is concerned. Because, as I've stated, the verdict has to be
10 unanimous; all of you must be in agreement.

11 Now, Mr. Trulock and Ms. Reynolds, each of you have been selected
12 as alternate jurors. And the function of an alternate juror is to take the place
13 of one of the original jurors if one of these twelve (12) cannot continue to
14 serve for some reason during the course of the trial.

15 And, if one or two were unable to continue to serve, then, one or both
16 of you would be called upon to take those absent jurors' places.

17 In that event, you would become the twelfth juror. In that event, you
18 would participate throughout the trial, including participating in jury
19 deliberations at the trial's conclusion.

20 If, however, when the time does come for jury deliberations, the
21 original twelve (12) are able to participate, then, your service will and you
22 would not participate any further.

23 And that's because the verdict or the decision of the jury is the decision
24 of twelve (12). And no more than twelve (12) are permitted to engage in that
25 deliberation process.

1 But it is important that each of you pay just as careful attention, as we
2 ask of all of the jurors in the case, because it does occur, from time to time for
3 one reason or another, one or two of these jurors may be unable to continue.
4 In that event, you would be called upon to take that person's or those
5 persons' places.

6 And so we do appreciate your participation as alternate jurors just as
7 we appreciate the participation of each of you jurors who have been selected
8 for the purpose of deciding the verdict in this particular case.

9 You may swear the panel.

10 **(Whereupon, the jury was impaneled at 2:00 p.m.)**

11 **THE COURT:** Ladies and gentlemen, as you know, you have
12 been selected to decide the verdict in -- in the case of *The State vs. Joseph*
13 *Dante Satterwhite*.

14 As you also know, Mr. Satterwhite has been accused by the
15 prosecutor, by way of this indictment (indicating), with having committed the
16 crimes of murder and possession of a firearm during the commission of a
17 violent crime.

18 And, by way of this indictment, the State alleges that Mr. Satterwhite
19 did here in Cherokee County, on or about March the 14th of 2012, willfully and
20 with malice aforethought kill one Allene Jean Ellis by shooting her. And that
21 she died as a proximate result of that gunshot wound.

22 Count two of the indictment alleges that he did possess a firearm
23 during the commission of a violent crime, that violent crime alleged to be the
24 murder alleged in count one.

25 Now, as to each of those charges and the --- and as to the allegations

1 contained in the indictment, the Defendant has entered a plea of not guilty.
2 And, as I've told you, that plea of not guilty has placed upon the State the
3 burden of proving the allegations that they've made against the Defendant,
4 the burden of proving each of the essential elements that constitute the
5 crimes that have been alleged against the Defendant.

6 And, therefore, the burden is upon the State to establish the
7 Defendant's guilt to the satisfaction of you twelve (12) jurors beyond a
8 reasonable doubt before any verdict of guilty could be returned.

9 Now, every person who is accused of a crime -- and it doesn't matter
10 how serious the offense might be for which that person stands charged -- a
11 person accused of a crime is always to be presumed innocent of the charge.

12 And that presumption of innocent remains with any defendant, as it
13 does with this Defendant, from the time he is placed under arrest and,
14 throughout the course of the criminal process, and even throughout the
15 course of the actual trial of the case.

16 And that presumption of innocence will be with Mr. Satterwhite, even at
17 the trial's conclusion when you go back into your jury room to begin with your
18 deliberations in the case.

19 And that presumption of innocent will be with him in that jury room and
20 it will be with him forever unless you twelve (12) jurors determine that he's no
21 longer entitled to that presumption of innocence.

22 In other words, after you've carefully considered all the evidence in the
23 case and from that evidence you've decided what you believe to be the true
24 facts as they relate to these allegations, and upon deciding those facts, you'll
25 apply the law that I will have provided you, as it relates to the charges, if you

1 twelve (12) jurors unanimously determine that his guilt has been proven,
2 beyond a reasonable doubt, then, he would no longer be entitled to that
3 presumption of innocence.

4 But it is only if, unless, and until you are satisfied of his guilt, beyond a
5 reasonable doubt, that the presumption of innocence would no longer be
6 applicable.

7 Now, the way the trial will proceed is, in a moment, the lawyers are
8 going to address you in what are called opening statements.

9 There are two occasions in the trial of the case where lawyers are
10 permitted to address the jury directly. And that is at the beginning of the trial
11 before any evidence has been introduced and, then, again, at the conclusion
12 of the trial after all the evidence has been received.

13 But keep in mind, as I've just indicated, the evidence comes in
14 between the opening and closing statements accomplished by the lawyers.

15 And, therefore, what the lawyers tell you in their opening and closing
16 statements is not to be considered by you as any evidence upon which you
17 will base your decision. And that's because their statements are not
18 evidence.

19 They don't know anything about this case of their own personal
20 knowledge or perception like the witnesses who will be testifying to. The
21 lawyers won't be placed under oath. They're not going to take the witness
22 stand. They're not going to be subjected to direct and cross examination like
23 each of the witnesses will be.

24 And so what they tell you in their statements should not be considered
25 by you as evidence. But you should listen to what they have to say because

1 those statements do serve a purpose.

2 The opening statements will serve to provide you with a basic
3 understanding as to what this case is about from both the perspective of the
4 State and the Defense so that you will have some context in which to place
5 the evidence that we will be receiving shortly thereafter.

6 The closing statements occur after all of the evidence has been
7 received. And, again, while those statements are not evidence, it does afford
8 the lawyers an opportunity to discuss with you the evidence that you have
9 seen and heard during the course of the trial.

10 And, through that discussion, each will have an opportunity to try to
11 persuade you or to convince you that the evidence in the case does or does
12 not support a particular decision.

13 And it's in between the opening and the closing statements that we
14 actually receive the evidence upon which you base your decision.

15 The State has made an accusation. The State has brought the charge
16 against the Defendant. And, therefore, the State has the burden of proof.

17 As I've told you, the State has to prove the Defendant's guilt beyond a
18 reasonable doubt. And, therefore, the State will go forward first in its
19 presentation of evidence.

20 Once the State has concluded with their presentation of evidence, a
21 defendant may testify, may call witnesses, may even introduce evidence, but
22 a defendant in a criminal trial is never under any obligation witness -- to take
23 the witness stand and testify or call a witness or produce evidence. And
24 that's because the burden is never upon a person accused of a crime to prove
25 that they are not guilty or to prove that they are innocent because, in some

1 cases, that might not be possible.

2 The burden is always upon the State because they made the charge to
3 prove the Defendant's guilt beyond a reasonable doubt.

4 There is no burden upon a defendant to prove anything during the
5 course of a trial. But every Defendant is afforded an opportunity
6 to present evidence in the event he or she wishes to do so.

7 So, after all the evidence has been received and you hear the final
8 summations of the lawyers, I will, then, instruct you fully on the law as it
9 relates to the criminal law generally and as it relates to this particular crime
10 specifically.

11 And, then, you'll be asked to go back and begin with your
12 deliberations. And, through that process, you'll examine all the evidence,
13 decide the facts, apply the law, and arrive at a fair and just decision.

14 Now all we're going to ask for you to do is play careful attention
15 throughout the course of the trial. Give every witness the same degree of
16 attention as they testify because one of your prerogatives in the case is to
17 determine the credibility and the believability of witnesses' testimony.

18 Sometimes in a case you have witnesses testify contrary one to
19 another. And where that dispute or that conflict in the testimony relates to a
20 material fact, which has to be decided by the jury in order to arrive at a
21 decision, you are the ones that make that determination. You are the ones
22 that decide the credibility and the believability of each witness' testimony.

23 So that you will be in a proper position to be able to fairly do that, it's
24 important that you give every witness the same degree of attention as they
25 testify so that, at the trial's conclusion when you go back to deliberate, you

1 can judge a witness' credibility, in light of not just that witness' testimony, but
2 in light of all the testimony and all of the evidence received during the trial.

3 And, of course, it's important that you keep an open mind throughout
4 the course of the trial. And that just means that you're not to begin making up
5 your minds or formulating your opinions as to what you think the ultimate
6 decisions in this case ought to be, until after all the evidence has been
7 received, until I instruct you on the law that's applicable, and until you've been
8 asked to go back and begin with your deliberations.

9 That is the process that is designed for you twelve (12) jurors to arrive
10 at a fair and just decision in the case. So I do want to thank you in advance
11 for your participation, as well as for your careful attention.

12 I would ask that you, please, give the lawyers your attention now as
13 they give you their opening statements.

14 **MR. BARNETTE:** May it please the Court, Your Honor?

15 **THE COURT:** Solicitor Barnette?

16 **OPENING STATEMENTS**

17 **MR. BARNETTE:** Madam Forelady, ladies and gentlemen of the
18 jury, I'm going to tell you about an event that occurred on March 14th of last
19 year. That night the Defendant, Mr. Satterwhite, and he's also called — JD is
20 a name that's going to be heard a lot. Or he's even called Trinidad. He goes
21 by different names.

22 But he was seeing the victim, Allene Ellis. They had seen each other
23 over a period of time. Allene became very scared of him. And you're going to
24 hear testimony of that day where he went over to basically his family -- her
25 whole family is here.

1 And that she went into the house and had it checked out before she
2 went into her own house. It's

3 Yasmine is her daughter and you'll hear from her. She's sitting in the
4 front row in the white dress.

5 She, then, went into the house and checked it out herself. They had
6 went over earlier that night and got the Defendant's own parents to come to
7 check the house because she was so scared of him from events that
8 happened that day.

9 Earlier that day, he was driving her in his — her Tahoe vehicle that was
10 found at the scene of the crime in the front yard. And they were at Yasmine's
11 place of work.

12 She works at Varsity Square. She had just got off of school. She went
13 to Gaffney High School; is an 11th grader. She was at work.

14 Her mama came in with him and she went out the back door. She was
15 talking about how scared — "I need to get away from him." So she went back
16 and got into Yasmine's car and drove off her car out back. He was still in the
17 car and then drove away with it.

18 When they — later that night she came back and picked up Yasmine.
19 It was around 9 o'clock on March 14th, 2012. And, when she picked her up,
20 they went over to the house and the Tahoe that the Defendant was driving
21 was behind the house.

22 They were so scared, they got the Satterwhites. And they actually met
23 with them twice and went over and they said, "Well, he's over at his house."
24 And he wasn't at his house.

25 So they went over to that house that night, a little bit after 10:00 a —

1 p.m. that night. And like I say, Yasmine goes in first. She checks the house,
2 checks every room except for one because they were just moving back.

3 What it was, Yasmine and her mother had basically been taking care
4 of their grand -- her grandpa and grandmother in that situation and was
5 moving back into the house and a lot of things had been done.

6 And she didn't check the closet in the house. So she leaves. She has
7 to pick up her boyfriend at Outback. And, while she's gone, the Satterwhites
8 go into the house to make sure everything is okay.

9 She went back and got the Tahoe, Allene did. She's also called
10 Punkin (phonetic); you may hear some people refer to her as that -- bringing
11 the Tahoe to the front of the house. When she gets out the house --- gets
12 out of the Tahoe and is going into the house.

13 She has her keys in her hands. And she has her purse. And this
14 Defendant right here (indicating) comes out with a 38 caliber gun, out of that
15 closet, and shoots her in the back of the head.

16 And she falls in the doorway front door. And you'll see part of her body
17 falls on the front porch. The front porch is probably a little bit bigger than this
18 table (indicating). Her legs are laying in the house.

19 She's bleeding and dies on the front porch from the head wound in the
20 back of the head. And you'll see the keys literally still in her hand.

21 Ladies and gentlemen, if that ain't murder, I don't know what is. He
22 waited on her, hunted her down basically.

23 As soon as she comes in the doorway, she has no idea. She thought it
24 was clear because three different people had cleared it. That's how scared
25 she was. And you'll hear the testimony of those people.

1 And unfortunately two of the witnesses are going to be his mom and
2 stepfather [sic]. If you can imagine having to testify in that situation. But they
3 stayed and gave statements to the police and they're going to be testifying
4 here today.

5 You'll hear Yasmine talk about her mom coming over to her work,
6 about her going through the house. And she said, "The only reason I didn't
7 check that closet is because basically I thought that it was full of stuff because
8 we were moving in."

9 And that's what happened, ladies and gentlemen.

10 Afterwards, after he shot her, he runs from the scene, throws the gun
11 in some woods, goes down to his apartment, calls an individual to come pick
12 him up -- and you'll hear from that individual -- to drive him to Cowpens and
13 drops him off in Cowpens. And he never turned himself in.

14 Several people -- and you'll hear from them -- call him to ask him to
15 turn himself in. The police don't catch him until he gets to Greensboro --
16 Greensboro, North Carolina, is where he's captured. And he's later brought
17 back.

18 He left the scene and never called the police. He just wanted to get
19 away for what he did.

20 What I'm going to ask you to do, ladies and gentlemen, is listen to the
21 witnesses today. And you're going to be hearing from several of them, but
22 the bottom line is the man that killed Allene Ellis is that man right there
23 (indicating). And he shot her in the back of the head in her own house.

24 And I'll be coming back to ask you for a verdict. And the verdict I'll be
25 asking you for both counts is guilty. Thank you very much.

1 **THE COURT:** Mr. Thompson?

2 **MR. THOMPSON:** Thank you, Your Honor. Good afternoon, ladies
3 and gentlemen.

4 You know, we watch trials on television and people argue over every
5 point and every word. That's not going to be the case here, okay? You're
6 going to -- the State has to prove its case, but we are not going to argue over
7 every point and every word.

8 What we want you to do, as the Defense, we want you to listen to the
9 testimony. The State has a theory of what happened. And that's what they
10 just told you. But that theory is not exclusive of -- of other possibilities, okay?

11 And I want you to listen for one thing in particular. I want you to listen
12 and see who can testify that they saw an incident.

13 I think the facts are going to be pretty clear that Ms. Ellis was shot and
14 killed on March 14th at her home. But listen and see if a single witness says
15 that they saw that shooting, okay, because what transpired is what's
16 important in this case.

17 I don't ever talk about the law in opening arguments and I'm not going
18 to this time except I'm going to touch on one thing. The Judge is going to tell
19 you what the law is at the end of the case.

20 You're interested with a murder, whether or not there was an unlawful
21 killing of a person with malice aforethought. And the Judge will explain what
22 malice is to, malice aforethought.

23 You look and listen carefully to the testimony because, at the end of
24 the case, when you go back to deliberate, one of the things you've got to do is
25 you've got to say was there an unlawful killing of this individual?

1 Did it occur at the hands of Mr. Satterwhite? And, if so, was there
2 malice aforethought? Was there malice aforethought?

3 And you're not going to hear a single soul I don't believe tell you that
4 they saw him put a gun to the back of her head and pull the trigger, okay?

5 I think you're going to hear some testimony that -- from his dad and
6 from his stepmom, who were the only two people there. And neither one of
7 them is going to tell you that they saw what happened.

8 But listen, listen carefully, because the State's theory of what
9 happened in this case --- and I'm going to apologize; I've got sinus problems
10 and allergy problems and my voice comes and goes --- but the State's theory
11 is not the only possibility of what happened in this case. And you've got to
12 decide have they proven their case. Thank you.

13 **THE COURT:** Mr. Barnette?

14 **MR. BARNETTE:** May it please the Court, Your Honor? I call Officer
15 Tate to the stand, please.

16 **(The witness stepped forward to be sworn.)**

17 **(Whereupon,**

18 **OFFICER TIMOTHY TATE**

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

20 **DIRECT EXAMINATION by MR. BARNETTE:**

3:01 P.M.

21 **Q.** Officer, if you would, give us your full name for the record, please.

22 **A.** Tim Demar Tate (phonetic).

23 **Q.** And where do you work at, sir?

24 **A.** I'm a police officer for the City of Gaffney.

25 **Q.** And how long have you been with the Gaffney Police Department, sir?

1 A. Five (5) years.

2 Q. Back on March 14th, 2012, was you working that evening, sir?

3 A. Yes, I was.

4 Q. And did you receive a call at here in Gaffney, sir?

5 A. Yes, I did.

6 Q. If you would, tell the jury what you saw once you got there.

7 A. Well, me and another officer, when we arrived at the scene, from what
8 we saw, the victim was still there. And I got out of my car. And me and Officer
9 Turner (phonetic) go towards the front door. And Ms. Ellis was laying in the front in
10 between the doorway. And the head was out from the inside.

11 So, me and Officer Turner, we stepped over her and went inside and
12 cleared the house to make sure there wasn't nobody in there. And, then, we came
13 back out.

14 Q. Okay. And how did you know Ms. Ellis?

15 A. From the church.

16 Q. And how did you know her from church?

17 A. Well, she would come to our church and sing a lot with the choir -- with
18 the church choir.

19 Q. And, when you came back out, who was still -- was there anybody still
20 in the area?

21 A. Yeah, Mr. Satterwhite's dad and stepmom.

22 Q. Okay. And did they talk to you ---

23 A. Yes, they did.

24 Q. --- and the other officer about it?

25 A. Uh-huh (affirmative).

- 1 Q. And who did they indicate was the --- the person who did the shooting?
- 2 A. His son, Joseph.
- 3 Q. Okay. And did you all try to locate him?
- 4 A. Yes, we did.
- 5 Q. Was you able to find him?
- 6 A. We couldn't find him.
- 7 Q. And this occurred in Cherokee County?
- 8 A. Yes, Gaffney.
- 9 Q. And --- and it occurred in the City of Gaffney; is that right?
- 10 A. Yes --- yes, sir.
- 11 Q. Let me show you what's been marked as State's Exhibit Number 4.
- 12 **(Exhibit handed to the witness.)**
- 13 Q. Is this a map of the area we're talking about?
- 14 A. Two, thirty-three (233), yes, sir.
- 15 **MR. BARNETTE:** Your Honor, permission to enter this into evidence
- 16 and publish it to the jury.
- 17 **MR. THOMPSON:** No objection.
- 18 **THE COURT:** You may.
- 19 **(Brief Pause)**
- 20 **THE COURT:** It's admitted.
- 21 **(Whereupon, State's Exhibit Number 4 was admitted into evidence**
- 22 **without objection.)**
- 23 **THE COURT:** What number is it?
- 24 **(No Response)**
- 25 **THE COURT:** What's the number?

1 **MR. BARNETTE:** It's State's Exhibit Number 4, Your Honor.

2 **(State's Exhibit Number 4 shown on overhead.)**

3 **Q.** (By Mr. Barnette) - Can you see from there, sir, or do you need to step
4 down for a little bit?

5 **A.** Yes, sir, I can see it.

6 **Q.** Okay.

7 **(Off-The-Record Comments)**

8 **Q.** Looking at all this right here (indicating), what street is this right here,
9 sir?

10 **A.** That's Camellia.

11 **Q.** Okay. And is that the location of 233?

12 **A.** Yes, sir.

13 **Q.** And right here (indicating), this is -- can you tell us what street that is
14 right there (indicating)?

15 **A.** That's Buford Street.

16 **Q.** Okay. So that's a location that's here in the city of Gaffney? Probably
17 about two (2), two and a half (2 ½) miles up off of Floyd Baker ----

18 **A.** Yes, sir

19 **Q.** ---- to the left?

20 **A.** Yes, sir.

21 **Q.** And did you all secure the crime scene after that, sir?

22 **A.** Yes, we did.

23 **Q.** And, Investigator Bolten, did he come and process the crime scene
24 afterwards?

25 **A.** Yes, he did.

MR. BARNETTE: If you would, answer any questions that Mr.

Thompson may have.

CROSS EXAMINATION by MR. THOMPSON:

3:04 P.M.

Q. Officer Tate, on March 14th, when this incident occurred at Camellia Circle, were you present at that time?

A. I was dispatched out there.

Q. Okay. So she would have already been shot by the time you got there?

A. Yes, sir.

Q. All right. So you didn't see what happened?

A. No, sir.

MR. THOMPSON: Okay. Thank you.

MR. BARNETTE: We'd ask that this witness be excused, sir.

MR. THOMPSON: No objection.

THE COURT: You may step down and you may be excused.

(Witness complied with the Court's request.)

MR. BARNETTE: May it please the Court, Your Honor? I'd like to call Investigator Bolton to the stand.

(The witness stepped forward to be sworn.)

(Whereupon,

INVESTIGATOR JAMES BOLTON

first being duly sworn, testified as follows:)

DIRECT EXAMINATION by MR. BARNETTE:

3:05 P.M.

Q. If you would, sir, please give your full name for the record.

A. James Harold Bolton (phonetic).

1 Q. And where do you work at now, sir?

2 A. I am an investigator and police officer for the town of Blacksburg,
3 South Carolina.

4 Q. And back in March of — March 14th, 2012, who was you working for
5 then, sir?

6 A. The City of Gaffney Police Department as a detective and a certified
7 crime scene investigator.

8 Q. Okay. And how long have you been in law enforcement, sir?

9 A. About seven and a half (7 ½) years now, sir.

10 Q. Back on March 14th, 2012, was you called to here
11 in Gaffney?

12 A. I was, sir.

13 Q. And, when you arrived there, would you tell the jury what you saw?

14 A. Initially upon my arrival, my training and — and -- with investigation is
15 to ensure that the crime scene is, in fact, secured. And it was.

16 The officers had the scene secured with crime scene tape
17 and was allowing no one in or out. I was advised by officers upon my arrival that
18 eyewitnesses were present and in a vehicle parked in the driveway.

19 They — they was later identified as the father of Mr. Satterwhite and
20 his stepmother. Upon identification of the vehicle and a positive ID of them, I
21 released those eyewitnesses to the custody of Detective Sergeant Brian Blanton.

22 At that point in time, my job was to start processing the crime scene.

23 The victim was on the front porch. My initial question was had she been moved
24 based on — I had heard, while en route, that EMS was, in fact en route -- had been
25 on the scene to see if there was any chance there would be a life-saving technique

1 The instruction that I received was that she was just tilted over, but
2 initially upon their arrival, she was face down more supine — or excuse me — prone
3 up on the front porch from about knees down were inside the doorway of the
4 residence. And the remaining parts of her body was -- was outside on the front
5 porch .

6 **Q.** Did you take pictures there of the crime scene, sir?

7 **A.** I did, sir.

8 **Q.** And did you also do a diagram?

9 **A.** I did.

10 **Q.** Let me show you what has been marked as State's Exhibit Number 5.

11 **(Exhibit handed to the witness.)**

12 **Q.** Is that the diagram that you prepared, sir?

13 **A.** It is.

14 **Q.** And let me show you State's Exhibits 10, 11, 12 and 13.

15 **(Exhibits handed to the witness.)**

16 **Q.** Was these pictures that you took at the scene, sir?

17 **(Brief pause by the witness examines documents.)**

18 **A.** They are, sir.

19 **Q.** Do these fairly represent what you saw that night?

20 **A.** Yes, sir.

21 **MR. BARNETTE:** Your Honor, I would like to move State's -- State's

22 Exhibits 5 and 10 through 13 into evidence at this time.

23 **(Brief pause while exhibits shown to Mr. Thompson.)**

24 **MR. THOMPSON:** No objection.

25 **THE COURT:** They're admitted.

1 (Whereupon, State's Exhibit Number 5 and State's 10 through 13
2 were admitted into evidence without objection.)

3 MR. BARNETTE: May I publish them to the jury at this time, Your
4 Honor?

5 THE COURT: You may.

6 (Brief Pause)

7 Q. (By Mr. Barnette) I'm showing you State's Exhibit Number 5.

8 (State's 5 shown on overhead.)

9 Q. And looking at the crime scene and everything, did you make — can
10 you see okay up there, sir?

11 A. Yes, sir.

12 Q. Was this where she was located at ----.

13 A. Yes.

14 Q. — Ms. Ellis?

15 A. Yes, sir, it was.

16 MR. BARNETTE: And -- I need to move this up a little bit.

17 Q. Is this her Tahoe right here (indicating)?

18 A. Yes, sir. It was identified as her vehicle, yes, sir.

19 Q. And, of course, this is the house (indicating). And this is the living
20 room area (indicating)?

21 A. It was, sir.

22 Q. Is this the kitchen area (indicating)?

23 A. Yes, sir.

24 Q. And these are the three bedrooms (indicating)?

25 A. Yes, sir.

1 Q. And is this the bathroom (indicating)?

2 A. Yes, sir.

3 Q. And I guess that's the washer and dryer area (indicating)?

4 A. Yes, sir, it is.

5 Q. And was this a small closet right there (indicating)?

6 A. Yes, sir.

7 **(State's 10 shown on overhead.)**

8 Q. I'm showing you State's Exhibit Number 10. Was this the front of the
9 residence at ?

10 A. It is, sir.

11 Q. And what I'm pointing at there, what -- is that were Ms. Ellis was?

12 A. It was, yes, sir.

13 Q. And this I guess the end of her vehicle (indicating)?

14 A. Yes, sir, it is.

15 Q. I show you State's Exhibit 11.

16 **(State's 11 shown on overhead.)**

17 Q. Please tell the jury what this is, sir.

18 A. Sir, that's going to be the victim. She was covered in a white sheet.

19 And you'll notice inside the door casing there, it will be what was later identified as
20 her purse.

21 Q. So the purse is located here (indicating)?

22 A. Yes, sir.

23 **(Off-The-Record Comments)**

24 Q. This is her purse (indicating); is that right?

25 A. Yes, sir.

1 Q. And, of course, this is her legs that was inside the doorway
2 (indicating)?

3 A. Yes, sir.

4 Q. And right in here (indicating), was her head area I assume?

5 A. Yes, sir, that's correct.

6 Q. State's Exhibit Number 12——

7 **(State's 12 shown on overhead.)**

8 Q. — can you tell the jury what they 're looking at right now?

9 A. Sir, that will be her right hand. And immediately after her right hand
10 was a set of car keys or generalized keys.

11 Q. So the keys were right there basically in her right hand?

12 A. Yes, sir.

13 Q. And this is the purse that we was talking about earlier?

14 A. Yes, sir, it is.

15 Q. I'll show you State's Exhibit 13.

16 **(State's 13 shown on overhead.)**

17 Q. This is the purse that we saw earlier in the pictures?

18 A. It is, sir.

19 Q. And it wound up being her purse?

20 A. It is.

21 Q. And I believe that is her hand (indicating). Is that her hand with the
22 keys down below; is that right?

23 A. That — that's correct.

24 **(Brief Pause)**

25 Q. Afterwards, was you called back to the scene afterwards the next day

1 concerning a bullet?

2 A. Yes, sir, I was. During the course of processing — the initial processing
3 of the scene, the lighting was very poor so we processed as well as we could under
4 those conditions .

5 During the next day, I was notified by a family member, after I released
6 the scene back to them, that they had seen a piece of fuzz present outside from one
7 of the cushions and it had something possibly hard in it.

8 I went back to the scene and collected that item. And it was identified
9 as a bullet.

10 (Brief Pause)

11 Q. Let me show you this picture, which is State's Exhibit Number 11.

12 (State's 11 shown on overhead.)

13 Q. Is this the loveseat that we're talking about?

14 A. Yes, sir.

15 Q. And was it found — which direction was the bullet traveling from?

16 A. The bullet would have been traveling, based on its projectory, inside
17 the pillow from inside out.

18 Q. Inside the house out -- out to the door?

19 A. Yes, sir.

20 Q. Out through the door? And did you collect that bullet, sir?

21 A. I did.

22 Q. Let me show you what has been marked as State's Exhibit Number 2.

23 (Exhibit handed to the witness.)

24 Q. Is that the — the container and the bullet that you found from that
25 pillow in the loveseat?

1 **A.** It is, sir.

2 **MR. BARNETTE:** Your Honor, I'd like to enter State's Exhibit
3 Number 2 into evidence at this time.

4 **(Brief pause while exhibit shown to Mr. Thompson.)**

5 **MR. THOMPSON:** No objection.

6 **THE COURT:** Did you say number 2?

7 **MR. BARNETTE:** Yes, sir. State Exhibit 2. It should be a bullet.

8 **THE COURT:** I know, but that's not what I got on this list.

9 **(Off-The-Record Comments)**

10 **MR. BARNETTE:** Oh, State's Exhibit 1. I'm sorry, Your Honor.

11 **COURT REPORTER:** I had mis-marked it.

12 **(Off-the-Record discussion)**

13 **MR. BARNETTE:** Thank you, Your Honor. We'll reintroduce it. It
14 should be State's Exhibit Number 1, Your Honor.

15 **THE COURT:** It's admitted.

16 **(Whereupon, State's Exhibit Number 1 was marked and admitted**
17 **into evidence without objection.)**

18 **MR. BARNETTE:** May I publish it to the jury, Your Honor.

19 **THE COURT:** You may.

20 **(State's 1 shown on overhead .)**

21 **Q.** **(By Mr. Barnette)** I show you State's Exhibit Number 1. Is this the
22 information you filled out on the — on the bullet you found, sir?

23 **A.** It is, sir.

24 **Q.** And is this object right here the bullet itself?

25 **A.** Yes, sir, it is.

1 Q. In May — I believe was May the 30th, was you called back out to — to
2 a wooded area near the house?

3 A. Yes, sir. After consulting with Detective Sergeant Blanton, where we
4 had information to believe that the weapon was in the adjacent property, still
5 adjoining to the property that the crime was committed.

6 We initially did a sweep with metal detectors and received several
7 positive indications while searching the creek area out the — just beside the house.
8 The area was severely wooded with kudzu's vines, and at that point in time, I
9 consulted with my command staff, and indicated that if I utilized heavy equipment if
10 need be to obtain any potential evidence or obtain that weapon that could be present
11 there.

12 At that point in time, sir, I contacted — or the City of Gaffney
13 Maintenance Department was contacted to have a backhoe called in to track — or
14 a large tractor. We cleared out the kudzu area, cleared out all of the vines, small
15 limbs. Several officers, we made sweeps of the area trying to locate the weapon.

16 Again, with — with a metal detector, I was having indicators that there
17 was metal inside the creek beneath the water. I instructed the backhoe operator to
18 initiate a dig into the creek with the smallest portion of the scoop of the tractor.

19 He released that first portion and we sifted through the sand and
20 located nothing other than just generalized debris and household products.

21 On the second scoop, the backhoe dropped out that lye -- dropped out
22 the sand and immediately Officer — primarily Detective Sergeant Blanton located
23 the weapon within — while sifting through the sand. But the weapon was present at
24 that time.

25 Q. Did you take pictures of this, sir?

1 A. I did.

2 Q. Okay. Let me show you what has been marked as State's Exhibits 16,
3 17, 18, 19. Do those pictures fairly represent what you all saw that day, sir?

4 (Brief pause while the witness examines exhibits.)

5 A. Yes, sir, they do.

6 MR. BARNETTE: Your Honor, I'd like to place these into evidence at
7 this time.

8 (Brief pause while Mr. Thompson examines exhibits.)

9 MR. THOMPSON: No objection.

10 THE COURT: They're admitted.

11 (Whereupon, State's Exhibit Numbers 16, 17, 18 and 19 were
12 admitted into evidence without objection.)

13 MR. BARNETTE: Permission to publish them to the jury, Your
14 Honor?

15 THE COURT: You may.

16 Q. (By Mr. Barnette) Let me show you State's Exhibit Number 16 and
17 show this to the jury at the same time, sir.

18 (State's 16 shown on overhead.)

19 Q. Is this the house we've been seeing in all of them
20 (indicating)?

21 A. Yes, sir, it is.

22 Q. And is this the backhoe you was talking about (indicating)?

23 A. Yes, sir, it is.

24 Q. And this is the area generally that you all were digging in (indicating)?

25 A. Primarily right beneath the scoop where you see the scoop is where I

1 was having them to place to dig. And, as he dropped the scoop, that would be the
2 location each time.

3 Q. Okay. So he actually dropped it here?

4 A. Yes, sir.

5 Q. It was actually done in this area?

6 A. Yes, sir.

7 Q. I'm going to show you State's Exhibit 17.

8 **(State's 17 shown on overhead.)**

9 Q. It may be hard to see, but is that where — is that the gun that you all
10 located where the scoop was dug out?

11 A. Yes, sir, it is.

12 Q. I show you State's Exhibit 18, which is actually a closer view of it.

13 **(State's 18 shown on overhead.)**

14 A. Yes.

15 Q. Is this the gun ----

16 A. Yes, sir, it is.

17 Q. — you found? And did you look — did you all dig the gun out of the
18 mud obviously?

19 A. Yes, sir, we did.

20 Q. Now, State's Exhibit Number 19 ----

21 **(State's 19 shown on overhead.)**

22 Q. — is this the gun and the shell casings that was still in the gun?

23 A. Yes, sir, they are.

24 Q. Okay. And it appears that the gun had been fired and two of them had
25 not?

1 A. That is correct, sir.

2 Q. Okay.

3 (Brief Pause)

4 Q. Let me show you State's Exhibits — I believe this is 2 and 3. If you
5 would, take a look at those items, sir.

6 (Brief pause while the witness examines items.)

7 A. All right.

8 Q. (By Mr. Barnette) Sir, State's Exhibit 2, was that the pistol that you all
9 found in the mud?

10 A. It is, sir.

11 Q. And did you place that into evidence once you all gathered it?

12 A. I did.

13 Q. And was those the shell casings and the shells still left in the gun in
14 State's Exhibit 3?

15 A. Yes, sir, they are.

16 MR. BARNETTE: Your Honor, I'd like to enter these into evidence at
17 this time.

18 MR. THOMPSON: No objection.

19 THE COURT: They're admitted.

20 (Whereupon, State's Exhibit Numbers 2 and 3 were admitted into
21 evidence without objection.)

22 MR. BARNETTE: Permission to publish them to the jury, Your
23 Honor?

24 THE COURT: You may.

25 (State's 2 shown on overhead.)

1 Q. (By Mr. Barnette) That was the pistol that you all found; is that right?

2 A. Yes, sir, it is.

3 (Brief Pause)

4 Q. And it's a .38 caliber weapon, sir; Is that right?

5 A. Yes, sir.

6 Q. And it contains five (5) shell casings?

7 A. Yes, sir.

8 Q. And State's Exhibit 3 —

9 MR. BARNETTE: Permission to publish those also, Your Honor?

10 THE COURT: (Nods affirmatively.)

11 (State's 3 shown on overhead.)

12 Q. (By Mr. Barnette) — these was the five (5) shells that was left in -- in

13 the gun — or the pistol, sir?

14 A. Yes, sir.

15 Q. Okay. And I believe it shows three (3) of them spent and two (2) of

16 them not spent?

17 A. That's correct.

18 (Brief Pause)

19 MR. BARNETTE: If you would, sir, please answer any questions Mr.

20 Thompson may have for you.

21 A. Yes, sir.

22 CROSS EXAMINATION by MR. THOMPSON:

3:21 P.M.

23 Q. Detective, I believe you said that you went out with a metal detector to

24 the creek first?

25 A. I did — I did.

1 Q. And you said you had several hits?

2 A. I did.

3 Q. Okay. Did you dig all of those hits?

4 A. Yes, sir, we did.

5 Q. Did you dig anything out of any of the others?

6 A. If you'll notice, in the — in fact, one of the pictures on the actual
7 second dig there was a metal object that was present there. It was a piece of pipe
8 or a piece of debris as well.

9 Q. No other guns?

10 A. No, sir.

11 Q. Was there anything on that pistol? Did you do fingerprints or anything
12 like that?

13 A. No, sir, not at the time we did not.

14 Q. Okay.

15 (Brief Pause)

16 Q. Was there anything on that pistol that identifies that pistol being in the
17 hands of Mr. Satterwhite?

18 A. In the hands of him, no, sir.

19 Q. Okay.

20 A. Not to my knowledge unless there was some further forensic testing
21 done.

22 Q. Okay. But you know of nothing?

23 A. No, sir.

24 Q. The gun had three (3) fired shells in it; is that correct?

25 A. Yes, sir.

1 Q. And you were called out to the house the next day to get a shell out of
2 a seat of a sofa ----

3 A. A bullet, yes, sir.

4 Q. --- loveseat? Okay. And you recovered that?

5 A. I did.

6 Q. And we're going to assume, under the theory of this case, that one of
7 the bullets was the one that --- that killed Ms. Ellis?

8 A. That is correct.

9 Q. And there were three (3) fired shots there. Did you find another fired
10 shot?

11 A. No, sir. A attempt was made that night while I was on --- on the
12 scene. And they had conflicting reports of between three (3) and four (4) shots.
13 When I went out to the adjacent neighboring houses to see if there was any damage,
14 or bullet holes or broken windows, none was found.

15 Q. Okay. What about in the floor in front of the loveseat?

16 A. No, sir.

17 Q. Okay. Did you look or you just didn't find any?

18 A. I did look, sir.

19 Q. How about in the floor anywhere around the loveseat?

20 A. There was no bullet holes in that seat, sir. It was lifted up by myself, a
21 coroner, a deputy coroner ----

22 Q. I'm not talking about ----

23 A. --- and we did a sweep of the perimeter and we didn't see nothing.

24 Q. I'm not talking about a sweep; I'm talking about the floor.

25 A. Correct.

1 Q. Okay, sir. Now, you weren't there when the incident occurred?

2 A. No, sir.

3 Q. So you have no firsthand knowledge of it?

4 A. No, sir.

5 Q. You're basically a -- a forensics crime scene --

6 A. That's correct.

7 Q. And it's your job to try to put things back together?

8 A. Yes, sir.

9 Q. Okay. And I believe you testified, did you not, that the medics had
10 already been out there, paramedics, and had actually moved Ms. Ellis's body?

11 A. By my understanding, yes. The body had been in fact lifted up to --
12 because in my experience as a paramedic that leads would have been placed upon
13 her body to see any obvious signs of life.

14 Q. So there was -- those photographs and all, that's not the exact position
15 the body was in when -- when it fell? Paramedics moved it?

16 A. Correct.

17 Q. Keys in her hand and all of that?

18 A. Yes, sir.

19 Q. Okay. It may not have been that far out the door?

20 A. No, sir. It was described to me initially the body was in place and still
21 being face down ----

22 Q. It was turned over?

23 A. -- it was turned over. The body had not been moved any extenuating
24 projectories (phonetic) whatsoever.

25 (Brief Pause)

MR. THOMPSON: Thank you.

A. Yes, sir.

MR. BARNETTE: Just general redirect, Your Honor.

REDIRECT EXAMINATION by MR. BARNETTE:

3:25 P.M.

Q. I'm showing you crime scene — State's Exhibit Number 5.

(State's 5 shown on overhead.)

Q. This is a crime scene. You put the -- the pieces of furniture where they were and everything; is that right?

A. That is correct.

Q. And like you said, you checked the floor, you checked — actually you went out a second time the next day, and I'm sure you checked the floor the second time, didn't you?

A. Correct. And, during the initial sweep during the processing of the crime scene, we use what is typically — there are several methods, but on that particular night I used what is considered — if I may step down —

Q. Yes, sir.

A. — an inside spiral. Meaning I would actually take myself and any other officers and work my way in towards the center of each room so that, during the initial sweep, that nothing would be overlooked.

And, therefore, I know from firsthand knowledge because I was present that the person was in fact lifted up and move so a search of the floor could be conducted.

Q. As a matter of fact, the floor — the floor — I show you State's Exhibit Number 11.

(State's 11 shown on overhead.)

1 Q. Obviously it could have went out the door?

2 A. Yes, sir.

3 Q. And it could have went anywhere?

4 A. That is correct.

5 Q. And like you said you looked across the street at different places but
6 couldn't find it anywhere?

7 A. No, sir, I could not.

8 Q. And that's sort of like looking for a needle in a haystack, once it goes
9 out the door?

10 A. Yes, sir, it is.

11 Q. And Mr. Thompson mentioned about fingerprints. Well, that gun was
12 in mud, right?

13 A. Correct.

14 Q. And I'm assuming water was with it also?

15 A. Yes, sir.

16 Q. How does that affect fingerprints?

17 A. It can be very detrimental with basically the time frame that had since
18 gone by. The gun was placed into evidence and there would be an attached form
19 (phonetic) and another decision would have had to have been made to have sent
20 that weapon for further processing.

21 Q. But basically with water you can't get a fingerprint?

22 A. No, sir.

23 Q. Okay. And this crime occurred on March 14th, 2012?

24 A. Yes, sir.

25 Q. And you recovered the gun when?

1 A. May the 30th.

2 Q. 2012?

3 A. Yes, sir.

4 Q. Two months after that?

5 A. Yes, sir. And pretty much any hopes of potential forensic evidence
6 that I would obtain, at that given time, was not going to be feasible.

7 Q. And where was Ms. Ellis shot at?

8 A. Sir, based on my examination and — and experience as a paramedic,
9 she was shot in the back of the head.

10 MR. BARNETTE: Thank you, sir.

11 A. Yes, sir.

12 MR. BARNETTE: Please answer any questions Mr. Thompson may
13 have for you.

14 MR. THOMPSON: Nothing further.

15 THE COURT: You may step down.

16 (Witness complied with the Court's request.)

17 MR. BARNETTE: Your Honor, we asked the witness be excused.

18 THE COURT: He may be.

19 (Whereupon, the witness was excused and step down at 3:27

20 p.m.)

21 MR. BARNETTE: I'd call Yasmine Ellis to the stand, please, Your
22 Honor.

23 (The witness stepped forward to be sworn.)

24 (Whereupon,

25 YASMINE ELLIS

1 first being duly sworn, testified as follows:)

2 **DIRECT EXAMINATION by MR. BARNETTE:**

3:28 P.M.

3 Q. Yasmine, I'm going to need for you to speak up. I know you're soft
4 spoken. Pull that mic to you so that those folks can hear you back here, okay?

5 A. Yes, sir.

6 Q. If you would, give me your full name, please.

7 A. Yasmine Somone Ellis (phonetic).

8 Q. And, Yasmine, where do you live now?

9 A. I live at (phonetic).

10 Q. And who do you live with there?

11 A. A friend of the family.

12 Q. Where do you go to school at?

13 A. Gaffney High School.

14 Q. And what grade are you in there?

15 A. I'm in the twelfth (12th) grade.

16 Q. Okay. And do you graduate soon?

17 A. Yes, sir, on June 3rd (phonetic).

18 Q. Going back to March the 14th, 2012, where was you all living at the
19 time?

20 A. We were moving into We were just moving back
21 from my grandfather's house.

22 Q. And where did your grandfather live at?

23 A. (phonetic).

24 Q. And why — why was you all there earlier? Was you helping your
25 grandfather? Was your mother helping him?

1 A. Yes, sir. My mom was my grandfather's caretaker. She took care of
2 him.

3 **THE COURT:** You — you don't have to lean into that microphone.
4 Just speak out. It should pick you up, okay?

5 Q. (By Mr. Barnette) And why did she have to take care of him?

6 A. Because he had dementia.

7 Q. So you all were in the process of moving back to

8 A. Yes, sir.

9 Q. Who had lived there previously?

10 A. A family member, my mom's nephew.

11 Q. Did your mom own the property?

12 A. Yes, sir. She was renting it.

13 Q. But you all was in the process of moving back?

14 A. Yes, sir.

15 Q. Do you know the Defendant?

16 A. Yes, sir.

17 Q. How do you know the Defendant?

18 A. He was my mom's boyfriend.

19 Q. And had -- had they been having problems?

20 A. Not to my knowledge, but that day I could tell.

21 Q. Okay. Tell the jury why you could tell they were having problems that
22 day.

23 A. Because my mom came to my job and she actually went out the back
24 door. And she just seemed like she was aggravated, very aggravated and scared.

25 Q. Let's go back earlier in the day and explained to the jury. You went to

- 1 high school. You were in school that day earlier?
- 2 A. Yes, sir.
- 3 Q. And where do you work at?
- 4 A. At Varsity Square.
- 5 Q. And what time did you get to Varsity Square?
- 6 A. At 4 o'clock.
- 7 Q. And what did you drive to get to Varsity Square?
- 8 A. A red Honda Accord.
- 9 Q. And that was your car?
- 10 A. Yes, sir.
- 11 Q. And what did your mom drive? What did she have?
- 12 A. A Tahoe.
- 13 Q. And, while you was working there, did the Tahoe pull in front of the —
- 14 the place you worked?
- 15 A. Yes, sir.
- 16 Q. Tell the jury what happened when they pulled up in the Tahoe. Who
- 17 was in the Tahoe?
- 18 A. My mom and Joseph.
- 19 Q. Okay. And you mean Joseph, the Defendant ?
- 20 A. Yes, sir.
- 21 Q. And you — can you show us Joseph in the courtroom now?
- 22 A. (Witness indicating.)
- 23 Q. Can you describe what he is wearing?
- 24 A. It's like a olive green suit and like a pale yellow button up. And he has
- 25 on glasses.

1 **MR. BARNETTE:** Your Honor, I'd like the record to reflect that she's
2 ID'd the Defendant.

3 **THE COURT:** It shall.

4 **Q.** (By Mr. Barnette) And did your mom come into your work?

5 **A.** Yes, sir.

6 **Q.** And what happened when she came into your work?

7 **A.** She came in. She told me that she just wanted to go out the back
8 door. She didn't want to be bothered. And that he was getting on her nerves.

9 **Q.** And did — did anybody — could anybody just go out the back door?

10 **A.** No, sir. Only employees were allowed to go out the back door at
11 Varsity Square .

12 **Q.** But did your manager — did the manager let her go out the back door?

13 **A.** Yes, sir. He allowed her go out it.

14 **Q.** About what time was this?

15 **A.** It was a little after I got to work, around 5:00, 5:15.

16 **Q.** And did she go — did she take your car?

17 **A.** Yes, sir.

18 **Q.** And she left in the red Accord, the Honda Accord. What did — so the
19 Defendant stayed out in the — the Tahoe in the front?

20 **A.** Yes, sir. He didn't know that my mom had gone out the back door.

21 **Q.** And did he leave later?

22 **A.** Yes, sir.

23 **Q.** After you got done --- what time did you get done with work that night?

24 **A.** Around 9 o'clock p.m.

25 **Q.** And who picked you up?

1 A. My mom.

2 Q. And, if you would, tell the jury what happened once your mom picked
3 you up.

4 A. She told me that she —

5 MR. THOMPSON: Objection to hearsay.

6 THE COURT: Sustained.

7 Q. (By Mr. Barnette) Where did you all go once she picked you up?

8 A. We went to our house on

9 Q. When you got there, did you see something? Did you and your mom
10 see something?

11 A. Yes, sir. My mom noticed that the truck was in the backyard.

12 Q. When you say the truck, what was that?

13 A. The Tahoe.

14 Q. And that was her — her vehicle?

15 A. Her Tahoe.

16 Q. And who was the last person you saw driving it, driving the Tahoe
17 (phonetic)?

18 A. Joseph when he left the scene of my work .

19 Q. So what did you all do after that?

20 A. My mom didn't want to go in the house. She didn't trust it so she
21 wanted to go to Joseph's dad's house .

22 Q. So you all went up to Joseph's dad's house and his stepmother's
23 house?

24 A. Yes, sir.

25 Q. And, when you all got there, what happened?

1 A. Joseph's dad called him and Joseph told his dad that he was at home.

2 MR. THOMPSON: Objection to hearsay.

3 Q. (By Mr. Barnette) Let me rephrase the question for you. Where does
4 Mr. Satterwhite — where does his dad and stepmother live at?

5 A. Right beside AutoZone .

6 Q. Is that AutoZone up here on Logan Street right here in town?

7 A. Yes, sir.

8 Q. Once you got there, was there a phone call made?

9 A. Yes, sir.

10 Q. After the phone call was made, what happened? Where did you all go
11 then?

12 A. We went back to the house on

13 Q. Okay. Was it just you and your mom still?

14 A. Yes, sir.

15 Q. When you all got there, what did you all see?

16 A. We saw that the truck was still in the back. And my mom, she just still
17 didn't trust it.

18 Q. Now, when you say truck, you mean the Tahoe?

19 A. The Tahoe.

20 (Brief Pause)

21 Q. So where did you all go after that?

22 A. We went back to Joseph's dad's house.

23 Q. And did you all leave that house — leave their house again?

24 A. Yes, sir, but this time they left with us because my mom — you know,
25 she talked to Joseph's dad into coming with us because she explained that he was

1 the only person that could calm Joseph down.

2 Q. So where did you — so his dad and stepmother went with you all this
3 time?

4 A. Yes, sir, but they drove different cars . We were still in the red Honda
5 Accord and they were in a black — it was like a Cadillac Jeep.

6 Q. And where did you all go then after that?

7 A. We went and checked Joseph's apartment at — at Woodland Estates
8 (phonetic).

9 Q. So his apartment was at Woodland Estates?

10 A. Yes, sir.

11 Q. Was he there?

12 A. No, sir.

13 Q. Where did you all go after that?

14 A. We went to our house on

15 Q. When you all got there, was the Tahoe still in the back?

16 A. Yes, sir.

17 Q. Tell the jury what happened. What did you all do after that?

18 A. My mom walked in the door to check the house. And I wasn't — I
19 didn't think that none of this would happened so I wasn't really scared. I went in and
20 I checked the house.

21 And we just got moved in so the house was like really packed. There
22 were things in the whole den area and everywhere. I checked under the beds and
23 really everywhere except for the closets, which I thought were packed .

24 Q. So you went through the house. And, if you would, can you just — so
25 did you go in the front door?

1 A. Yes, sir.

2 Q. And what rooms did you check?

3 A. This bedroom one, it was full of stuff and the lock was gone really
4 inside there. And bedroom two was my room and I checked everywhere in there, in
5 the closet. The closet doesn't even have a door.

6 I checked under the bed on the side. And my mom's room, bedroom
7 three, I checked everywhere in there. I checked in the bathroom. The only thing I
8 didn't check is the closet that's right there.

9 Q. That we talked about?

10 A. Right there, yes, sir.

11 Q. Okay. So that was the only area you did not check?

12 A. Yes, sir.

13 Q. So, when you came back out, what did you tell your mom?

14 A. That Tank (phonetic) called, my boyfriend had called, and it was time
15 for him to get off of work and that I always go get him when he gets off of work.

16 Q. Okay. Now who is Tank?

17 A. Octavius Morris (phonetic). He's ----

18 Q. Is he --

19 A. ---- my boyfriend.

20 Q. -- is he your boyfriend?

21 A. Yes, sir.

22 Q. Okay. So he had called for you?

23 A. Yes, sir.

24 Q. So you came back out of the house and you thought it was clear?

25 A. Yes, sir.

1 Q. And so you told your mom that and your mom let you know that
2 Octavius had called you?

3 A. Yes, sir.

4 Q. And what did you do after she told you that?

5 A. She let me use my phone and she was talking to Joseph's step mom
6 at the time.

7 Q. And which car did you take?

8 A. I took the red Honda Accord.

9 Q. Okay. And where did you go with it?

10 A. I went to Outback Steakhouse. That's where he worked, Octavius was
11 working..

12 Q. Did you pick him up?

13 A. Yes, sir.

14 Q. And when you was coming back, what happened?

15 A. I called my mom and someone answered the phone, but all I heard
16 voices. So I, instead of taking him straight home, I went directly back to my house to
17 see, you know, if anything had went on.

18 Then, when I pulled back at my house, it was a crime scene.

19 Q. And, when you pulled back in, they had secured the crime scene?

20 A. Yes, sir. They was putting yellow tape up.

21 Q. Did you see anything on the front porch?

22 A. Yes, sir.

23 Q. What did you see on the front porch?

24 A. All I saw was white.

25 Q. Did you know who that was?

1 A. Yes, sir.

2 Q. And who was it?

3 A. My mom.

4 Q. Later on did you talk to the police about what happened and what you
5 knew about it?

6 A. I talked to them the morning — the morning — the next morning.

7 Q. And later on was you notified about some Facebook clips — postings
8 by the Defendant?

9 A. Yes, sir.

10 Q. And did you go onto Facebook and see these Facebook postings?

11 A. Yes, sir.

12 Q. Let me show you what's been marked I believe as State's Exhibit
13 Number 9.

14 (Exhibit handed to the witness.)

15 Q. Is that the Facebook postings that you saw posted by the Defendant?

16 A. Yes, sir.

17 Q. And what else is he known as?

18 A. Trinidad.

19 Q. So that's another name for him also?

20 A. Yes, sir.

21 Q. And was these the postings that you saw on his Facebook page?

22 A. Yes, sir.

23 MR. BARNETTE: Your Honor, I like to enter these into evidence at
24 this time.

25 MR. THOMPSON: We may need to discuss this, Your Honor.

1 (Whereupon, a bench conference was had with both attorneys
2 present.)

3 MR. THOMPSON: Your Honor, we — I think we ended up with a
4 sidebar concerning this Facebook page. I — I would still like my objection
5 noted on the record, but I will stipulate that — I mean, I know the Court's
6 overruled my objection; I will stipulate, though, that, that's what he's about to
7 present is from March 15th.

8 THE COURT: And the entry was made on March 15th ----

9 MR. THOMPSON: Yes, sir.

10 THE COURT: — two thousand and ----

11 MR. THOMPSON: Twelve (2012).

12 MR. BARNETTE: Twelve (12).

13 THE COURT: ----- twelve (2012)? Okay.

14 MR. BARNETTE: And, Your Honor, I'm going to take the other part
15 to make it Court's Exhibit 2 to protect the record if that's okay.

16 (Whereupon, State's Exhibit Number 9 was admitted over
17 objection.)

18 (Whereupon, Court's Exhibit Number 2 was marked for
19 identification and admitted.)

20 MR. BARNETTE: Your Honor, permission to publish State's Exhibit
21 Number 9 to the jury?

22 THE COURT: You may over objection.

23 (Exhibit handed to the witness.)

24 Q. (By Mr. Barnette) If you would, Yasmine, go ahead and read that for
25 the jury.

1 A. It says, "I didn't mean it; I really didn't, but she knows how and what
2 happened..." -- my mom -- "...to be honest, I wish it were -- were me. So to end
3 the drama, you'll find me off of 85 near where we shared so many good times."

4 (Phonetic)

5 Q. And saw this posting on March the 15th?

6 A. Yes, sir.

7 **(Brief Pause)**

8 Q. If I could show you I believe it's State's Exhibit Number 2.

9 **(Exhibit shown to the witness.)**

10 Q. Do you know this pistol?

11 A. Yes, sir.

12 Q. And how do you know that pistol, ma'am?

13 A. It was my grandfather's gun.

14 Q. Okay. And where did you all tell keep it at the house?

15 A. My mom and Joseph usually stored with other guns of his and

16 Joseph's.

17 Q. Okay. And where was that gun being kept in the house?

18 A. That night my mom -- my mom and Joseph stayed at -- at Woodland
19 Estates in his apartment and my mom told me that she placed it in my night stand ---

20 Q. Okay.

21 A. -- the night before.

22 Q. So this gun was in your night stand?

23 A. Yes, sir.

24 Q. Okay. And -- and this is the gun that was in your night stand?

25 A. Yes, sir.

1 Q. And did you receive a text concerning the gun -- concerning this gun?

2 A. Yes, sir.

3 Q. And, if you would, tell the jury about that text.

4 A. It was earlier that day when I was in school. And he -- again, we were
5 working in the house so he was the only one up there when me and my mom were
6 both at work and or at school.

7 And he text me. It was that afternoon, probably around noon that day.

8 And he said, "Where is that thing?"

9 Q. And what did he mean by "that thing"?

10 A. The gun.

11 Q. And what kind of phone does he have?

12 A. He has a pink phone that's Boost Mobile.

13 Q. Okay. Could he text obviously and post things on that phone?

14 A. Yes, sir.

15 MR. BARNETTE: One moment, Your Honor, please.

16 (Brief Pause)

17 MR. BARNETTE: Please answer any questions Mr. Thompson
18 would have for you.

19 A. Yes, sir.

20 CROSS EXAMINATION by MR. THOMPSON:

3:50 P.M.

21 Q. Ms. Ellis, how long had you all lived in that house on Camellia Circle?

22 A. We were just now moving back, but we had been there at long time,
23 ever since I was a child; almost 9 years before we moved to my grandpa's.

24 Q. But you say you were just moving back. What -- I mean, were you
25 spending the night there?

1 A. I was.

2 Q. Okay. How long had you been spending the night there?

3 A. It was a little over a week.

4 Q. All right. And Mr. Satterwhite spent the night there with your mom?

5 A. No, sir. Mr. Satterwhite had never spent the night there.

6 Q. But Mr. Satterwhite was doing work on the house for your mom; is that
7 correct?

8 A. Yes, sir.

9 Q. Okay. And, when this incident occurred, you were not at the house, is
10 that correct?

11 A. Correct.

12 Q. So you didn't see what happened?

13 A. No, sir.

14 MR. THOMPSON: All right. Thank you. I have no further questions.

15 MR. BARNETTE: No further questions for this witness, Your Honor.

16 THE COURT: You may step down.

17 (Witness complied with the Court's request.)

18 THE COURT: We're going to take a short break before we go
19 further. Let me ask the jury to, please, go to the jury room.

20 Remember what I told you earlier: Don't talk about the case. You
21 can't do it until the deliberation time comes. Please go to your jury room and
22 we'll take a short break and I'll bring you back after that break.

23 (The jury exited the courtroom at 3:50 p.m.)

24 THE COURT: We'll be in recess for fifteen (15) minutes. Be sure
25 you're back in your seat in fifteen (15) minutes or you won't come in.

1 (Whereupon, a recess was taken from 3:51 p.m. until 4:21 p.m.)

2 (Off-The-Record Comments)

3 THE COURT: All right. Are we ready for the jury?

4 MR. BARNETTE: The State's ready, Your Honor.

5 MR. THOMPSON: Yes, sir.

6 THE COURT: Okay. Bring them in.

7 (The jury entered the courtroom at 4:21 p.m.)

8 THE COURT: All right. The jury is present. You may continue.

9 MR. BARNETTE: Your Honor, I'd call Dr. Ross, please. We're
10 calling this witness out of order, Your Honor, to fit her schedule for tomorrow.

11 (The witness stepped forward to be sworn.)

12 (Whereupon,

13 DR. JANICE ROSS

14 first being duly sworn, testified as follows:)

15 DIRECT EXAMINATION by MR. BARNETTE: 4:22 P.M.

16 Q. Dr. Ross, will you give us your full name, please?

17 A. Janice Edwards Ross.

18 Q. And where do you work at, ma'am?

19 A. Newberry, South Carolina for Newberry Pathology Associates.

20 Q. And what is your position there, ma'am?

21 A. I'm a forensic pathologist.

22 Q. And could you tell the jury what forensic pathologists do, ma'am?

23 A. Yes. A pathologist is a doctor. I have a bachelor's degree from the
24 University of South Carolina and my doctorate of medicine, my MD, from Upstate
25 Medical Center in Syracuse, New York, where I did further training in pathology.

1 Pathology is the study of disease. We learn to use laboratory
2 procedures and the autopsy and looking at tissue under a microscope to diagnose
3 diseases.

4 A forensic pathologist uses that knowledge for legal matters, especially
5 during autopsies in incidences of homicides, accidents, suicides. And we do
6 procedures for rape kits, et cetera.

7 **Q.** And how many times have you been qualified as a forensic pathologist,
8 Doctor?

9 **A.** In the -- in the State of South Carolina, about ninety (90) times.

10 **MR. BARNETTE:** Your Honor, we would move her as an expert in
11 forensic pathology.

12 **MR. THOMPSON:** We'll stipulate to her qualifications.

13 **THE COURT:** All right. She is so qualified.

14 **Q.** (By Mr. Barnette) Yes; ma'am. Was you called to do an autopsy of
15 Allene Ellis?

16 **A.** Yes.

17 **Q.** And, if you would, tell the jury when she came in and what you —
18 what you found once she came in. What did you perform — find in your autopsy
19 results, ma'am?

20 **A.** We did the autopsy on March 15th, 2012. In the morgue at Newberry
21 County Memorial Hospital. We — we received the body in a body bag.

22 We opened the bag and we do photographs and an inventory of the
23 clothing. And, then, we photograph the external body. In this case, because of the
24 evidence of a gunshot wound, we did an x-ray of the head to identify any bullets still
25 inside the head.

1 Then, we do an internal examination to document patterns of injury
2 and to identify any other disease processes.

3 Q. Based off your x-ray, what did you find? Where was — where was the
4 gunshot wounds at, ma'am?

5 A. We found — well, externally we found an entrance gunshot wound to
6 the back of the head. And the — the bullet had fragmented into two pieces. One
7 fragment was caught in some bobby pin in the back of the head near the entrance
8 wound.

9 Q. Okay.

10 A. And the main piece of the lead from the bullet was in the middle of her
11 brain called the pons.

12 Q. And did you remove those fragments, ma'am?

13 A. Yes.

14 Q. Let me show you what has been marked as State's Exhibit Number 6.

15 **(Exhibit handed to the witness.)**

16 Q. If you would, take a look at it and see if those are the two bullet
17 fragments that you retrieved from the victim's head.

18 **(Brief pause while the witness examines exhibit.)**

19 A. Yes, these are.

20 **MR. BARNETTE:** Your Honor, I'd like to enter these into evidence at
21 this time.

22 **MR. THOMPSON:** No objection.

23 **THE COURT:** They're admitted.

24 **(Whereupon, State's Exhibit Number 6 was admitted without**
25 **objection.)**

1 MR. BARNETTE: May I publish it to the jury, Your Honor?

2 THE COURT: You may.

3 (State's 6 shown on overhead.)

4 Q. (By Mr. Barnette) Okay, Ms. Ross -- Dr. Ross, could you identify what
5 these -- all these are in State's Exhibit Number 6?

6 A. Yes. The lead fragment with the bobby pin is on the right when you
7 face those pictures.

8 Q. Yes, ma'am.

9 A. And the lead ball that was found in the middle of the brain in the pons
10 is on the left as you face the picture.

11 Q. So literally that bullet -- the one on the right, that fragment -- hit the
12 bobby pin and actually popped the bobby pin into the head?

13 A. Yes.

14 Q. And, if you would come down, if you would, and showed the jury on me
15 -- demonstrate on me where the entrance wound was for the gunshot.

16 (Witness complied with the request.)

17 A. The back of the head right -- just to -- just to the right of midline. And it
18 went straight and slightly to the left.

19 Q. Let me turn it this way and let you show -- so the jury can see that one
20 also.

21 A. Right here (indicating); it went straight and back to front and slightly to
22 the left.

23 Q. So it basically went straight in?

24 A. Correct.

25 Q. At that angle like that?

1 A. Yes.

2 Q. Just a straight -- just straight shot basically?

3 A. Yes.

4 Q. Just a little bit to the left; is that right?

5 A. Yes.

6 MR. BARNETTE: Thank you, ma'am.

7 (Witness returns to the witness stand.)

8 Q. And was that the cause of death, ma'am?

9 A. Yes, the laceration of the brain, yes.

10 Q. And I think, in talking to you or whatever -- did the victim have braids in
11 her hair?

12 A. Yes.

13 Q. Is it hard -- so you really can't tell how close were how far the gunshot
14 was from?

15 A. Correct.

16 Q. Because the gunshot wound -- because of the braids you couldn't see
17 the gunpowder or the tattooing?

18 A. That is correct. When a -- a bullet comes out of a gun, some soot and
19 some burned powder also comes out. But the soot and powder only goes a certain
20 distance.

21 And, if you can see evidence of the soot and the powder on the skin,
22 you can get an idea of the range of the gunshot wound. In this case, the -- the hair
23 was so thick you couldn't tell how -- how close. You couldn't see the stippling or
24 the tattooing.

25 Q. But it was shot straight into the back of the head?

1 A. Correct.

2 MR. BARNETTE: Please answer any questions Mr. Thompson may
3 have for you.

4 CROSS EXAMINATION by MR. THOMPSON:

4:29 P.M.

5 Q. Doctor, did you detect any soot or gunpowder in her hair?

6 A. No, we — we did not — did not.

7 Q. Okay. Did you test the hair to see if there was any?

8 A. I don't believe we sent that to SLED. We don't do the gunshot residue
9 at the -- the morgue.

10 (Brief pause while witness reviews documents.)

11 A. No, we did not send the hair.

12 Q. That there was no stippling or patterns -- patterns to the skin?

13 A. Correct.

14 Q. Okay. And I believe, according to your report, the — the bullet entered
15 about four (4) inches from the top of the head and about a half-inch (½") across the
16 midline; is that correct?

17 A. Correct.

18 Q. And — and would that be kind of right behind the eyeballs?

19 A. No; it's in the back of the head. The bullet would be in the middle of
20 the head sort of above your hard palate.

21 (Brief Pause)

22 Q. It would have entered ---

23 A. Right behind the eyes.

24 Q. It would have entered behind her eyes or ---

25 A. No, it entered the back of the head.

1 Q. Okay. The back of the head -- the back of the head and it entered at a
2 height equal to your eyes, above your eyes, or ----

3 A. I guess about equal.

4 Q. About equal?

5 A. Yes.

6 Q. Okay. And it went directly in?

7 A. Yes.

8 Q. And it lodged in the brain?

9 A. Yes.

10 Q. Okay. There was no exit wound whatsoever?

11 A. No, sir.

12 Q. Okay. Were you at on March 14th of 2012?

13 A. No, I was not.

14 Q. So you have no personal knowledge of what happened?

15 A. No, sir.

16 MR. THOMPSON: Okay. Thank you.

17 MR. BARNETTE: I have no further questions for this witness, Your
18 Honor. And I ask for her to be excused.

19 THE COURT: You may step down and you are excused. Thank
20 you.

21 (Witness complied with the Court's request.)

22 MR. BARNETTE: May we approach for a second, Your Honor?

23 THE COURT: (Nods affirmatively.)

24 (Whereupon, a bench conference was had with both attorneys
25 present.)

1 **MR. BARNETTE:** Your Honor, I'd like to call Mr. Satterwhite to the
2 stand.

3 **(The witness was summoned and stepped forward to be sworn.)**

4 (Whereupon,

5 **WESLEY SATTERWHITE**

6 first being duly sworn, testified as follows:)

7 **DIRECT EXAMINATION by MR. BARNETTE:**

4:30 P.M.

8 **Q.** Mr. Satterwhite, if you would, give your full name, please.

9 **A.** Wesley Lorenzo Satterwhite (phonetic).

10 **Q.** And I apologize for calling you here to court today, but do you know
11 the Defendant in this case, sir?

12 **A.** Yes, I do.

13 **Q.** Who is he?

14 **A.** He's my son.

15 **Q.** Back on March 12th, 2012 -- or March 14th, 2012, did Yasmine and
16 Allene Ellis come over to you all's residence that night?

17 **A.** Yes, they did.

18 **Q.** Okay. When they came over to your residence, what did they ask you
19 to do?

20 **A.** To my recollection, they asked me to -- had I seen my son. And I told
21 them I hadn't seen him that day. And they asked me -- well, that was the first time
22 that they came over. And that's -- that was the end of that conversation.

23 **Q.** And did they come over a second time?

24 **A.** They did because -- well, she did come back a second time.

25 **Q.** And the second time, after you all talked, where did you all go?

1 A. Well, after we talked, we went to -- she wanted us to go with her to her
2 home.

3 Q. And was that , was at her house there -- here in
4 Gaffney?

5 A. It was a house here in Gaffney. I don't know the address.

6 Q. But it was her house?

7 A. Yes, her house.

8 Q. And what did you do -- who was with you when you went over to the
9 house?

10 A. My wife was with me.

11 Q. And what was you driving, sir?

12 A. What was I driving?

13 Q. Yes, sir.

14 A. I was driving a Cadillac, 2006.

15 Q. Okay. And did they drive their car?

16 A. Yes.

17 Q. A red Honda?

18 A. Yes.

19 Q. When you got there, who went in the house first?

20 A. Her daughter.

21 Q. And did she -- why did she go into the house?

22 A. Why?

23 Q. Yeah.

24 A. I'm not sure about the reason she went there. She wanted us to get
25 out. And her daughter got out of the car and went in and we went to the back door

1 of the house.

2 Q. Was you all looking for JD, your son?

3 A. Yes, we came to look to see if he was there.

4 Q. Was Allene scared to go in the house?

5 A. Well, she -- yeah, she was afraid.

6 Q. Okay. And who was she afraid of, sir?

7 A. She said she was afraid of my son.

8 MR. THOMPSON: Objection to hearsay.

9 (Brief Pause)

10 THE COURT: Let me see you all a minute.

11 (Whereupon, a bench conference was had with both attorneys
12 present.)

13 THE COURT: Sustain the objection.

14 MR. THOMPSON: Move to strike that last response.

15 THE COURT: All right. The last response is stricken. And the
16 jury is asked to disregard it. Just act as if it was never made.

17 Q. (By Mr. Barnette) What was Ms. Ellis's state of mind when you all got
18 there?

19 A. What was her state of mind?

20 Q. Yes, sir.

21 A. Well, when you say state of mind, could you be more clear?

22 Q. Did she want to go in the house at first?

23 A. Well, first of all, she wanted us to just see was anyone in her car, was
24 JD her car ---

25 Q. Uh-huh (affirmative).

1 A. --- in her van.

2 Q. So, her daughter went in the house and, then, she came -- and
3 she went in the house first?

4 A. Yes, her daughter got out of the car. We didn't -- I didn't know that
5 she had gone till we got back to the front.

6 Q. And did she --- did her daughter come out of the house?

7 A. Come out of the house?

8 Q. Yes, sir.

9 A. Yes.

10 Q. Okay. After she came out the house, did she speak to her mom?
11 And don't say what she said, but did she speak to her mom?

12 A. I'm not sure.

13 Q. Okay. And where did you go during this time, sir?

14 A. At that time, when she was in the house and when all of this
15 transpired, we was in -- at the back looking in the van.

16 Q. So you were looking at the Tahoe in the back?

17 A. Looking at the Tahoe, yes.

18 Q. So you -- who was with you ---

19 A. My wife, my wife and I.

20 Q. And who were you all looking for in the Tahoe?

21 A. Well, we were looking for J -- my son.

22 Q. Did you all come back up front of the house afterwards?

23 A. We came back to the side of the house to the front.

24 Q. When you came up to the front of the house, did Yasmine -- did
25 Yasmine go ahead and leave after that?

1 A. Yes. She had left, yeah.

2 Q. And did she leave in the red car?

3 A. I don't ---

4 Q. The car that she and her mother came over ---

5 A. I'm not even sure what -- what she left in.

6 Q. Okay. I understand. And who pulled the Tahoe up to the front of the
7 house?

8 A. Her mother did.

9 Q. So Ms. Ellis went and moved her car to the front?

10 A. Yes.

11 Q. Did you -- did you and your wife go into the house?

12 A. Well, we -- at -- at that time, we got into our car and we was leaving
13 because we didn't see my son. So we got in the car and we was at the end of the
14 driveway on the side there and she pulled around and begging for us to come back
15 up to the house. And that's when we heard the shots.

16 Q. Okay. So you all went inside after she asked you all to go inside?

17 A. Yes.

18 Q. And where did you go inside the house, sir?

19 A. We came inside. And the way the house is made, we went inside the
20 front door into the living room I think it was -- yeah, to the side of the den area or
21 something. So we went to the left; went to the left.

22 Q. And, while you all was in there, did JD or your son, did he come out of
23 a closet, room, or somewhere in the house?

24 A. While I was in the house?

25 Q. Yes, sir.

1 A. Not while I was in the house.

2 Q. Okay. When you was in the house, did you see him inside the house?

3 A. I did not.

4 Q. Did -- what did you do once you went in the house? Did you come
5 back out or where did you go?

6 A. Yes, I was somewhere out of the house.

7 Q. Okay. And, when you came out of the house, where did you go, sir?

8 A. I was going to my car.

9 Q. Did you hear something as you was walking to your car?

10 A. Yes, sir. I heard a commotion after -- after I got outside. And I heard
11 the commotion and I came back in.

12 Q. Okay. And what did you hear, sir?

13 A. Well, I heard it sounded like two shots.

14 Q. You heard the gunshots. And who did you see run out of the house?

15 A. Who did I see run out of the house?

16 Q. Yes, sir.

17 A. Well, at the time I saw my son come through the -- when I came inside,
18 I saw him at the door.

19 Q. And, when you met your son at the door, what is the -- did he have
20 anything in his hand or did he just run by you or what happened? Tell us what
21 happened.

22 A. Well, at the time I saw him -- and, when I saw him, it just really wasn't
23 really him because it was just someone like I didn't even know.

24 (Brief Pause)

25 Q. And did he run away?

1 A. Well, he -- he turned and walked off the porch, yeah. He turned out.
2 the door and walked out.

3 **(Brief Pause)**

4 Q. And did you ask him to stay?

5 A. Well, we made eye contact. And -- and, then, when I saw her, then
6 that's when I went to see what -- what was going on.

7 Q. And where was at?

8 A. She was right there at -- at -- at the -- the doorway.

9 Q. So she was laying right at the doorway?

10 A. Right.

11 Q. And was she bleeding from her head?

12 A. Well, at the time I couldn't -- I couldn't tell. You know, I went to look to
13 see because I wanted to see what happened. And I saw that something had
14 happened then. And that's when I made the call to 911.

15 Q. And you saw your son run away?

16 A. Well, he walked -- we made eye contact and looked. And that's when
17 I just saw something weird happened and knew that something happened out of the
18 ordinary.

19 And but it was just someone that --- well, I've known him over thirty
20 (30) years and -- and, then, to look and see what had happened, it was just a slap in
21 your mind and reasoning and everything because it just wasn't him.

22 And that's sort of hard to put into words, when someone you know that
23 length of time and now you don't know him, because something had taken over.

24 **(Brief Pause)**

25 Q. Did you --- but you did hear two gunshots?

1 A. Yes.

2 Q. And you called 911?

3 A. I did.

4 Q. And law enforcement came and you talked to law enforcement?

5 A. I did.

6 Q. And you gave them a statement; is that right?

7 A. Yes, after I went up to the -- the police station.

8 MR. BARNETTE: One moment, Your Honor, please.

9 (Brief Pause)

10 Q. (By Mr. Burnett) Mr. Satterwhite, did you ever see a gun?

11 A. Did I see a gun?

12 Q. Yes, sir.

13 A. Well, I didn't see a gun because whenever -- when I came back in,

14 things went very fast. And I -- we just made eye contact and I was just looking up to

15 what had happened, what had been done then. There were no more words stated.

16 Q. You didn't -- so you didn't look to see what -- you looked at his eyes is

17 what you ----

18 A. Right. I -- I wasn't just looking. All this had happened just that quick.

19 Q. Was you shocked?

20 A. I was, totally shocked.

21 Q. Was there anybody else in the house?

22 A. My wife. She had went to the back. I went to the left and she went to

23 the right.

24 Q. And like you said, you went to help Ms. Ellis because she was on the

25 front -- I mean the doorway on the front porch?

1 A. Yes, when I -- yeah, when I came, yeah.

2 MR. BARNETTE: One moment, Your Honor, please.

3 (Brief Pause)

4 MR. BARNETTE: Please answer any questions Mr. Thompson may
5 have for you. And I'm sorry again for having to call you.

6 CROSS EXAMINATION by MR. THOMPSON:

4:43 P.M.

7 Q. Mr. Satterwhite, I'm sure it's -- it's tough being called to testify against
8 your own son. I've got a son and I -- I know how that would be.

9 The night this happened, where was the first -- that night at Camellia
10 Circle, where was your son when you first saw him?

11 A. Where was he?

12 Q. Yes, sir.

13 A. In --- in the living room.

14 Q. You saw him in the living room?

15 A. Well, yeah, but I ----

16 Q. Yes, sir. And --- and you say you heard shots. Did you hear shots
17 before you saw him or after the shots?

18 A. That was the shots that came afterwards.

19 Q. The shots came after you saw him?

20 A. Yes.

21 Q. Did you see the shots fired?

22 A. I didn't see the shots.

23 (Brief Pause)

24 Q. Was she present with him -- by "she" I mean Ms. Ellis -- was she
25 present with him when you saw him?

1 A. Well, yeah, after it happened, yeah, after.

2 Q. Well, I guess what I'm getting at is, you say you first saw him in the
3 living room. And, then, the shots were fired.

4 A. No. I said, when -- when I saw him, he was in the living room. Yeah,
5 that was after I had stepped in there.

6 Q. Well, let me go back. When you first saw him, had the shots already
7 been fired or not?

8 A. When I first saw him?

9 Q. Yes, sir.

10 A. Yes, they had been fired because I was outside the door because I
11 didn't see him. And, then, when he came to the -- from the rear where he was at
12 that time, then, all this other transpired. That's when he shot. And then that's when I
13 turned around to come back inside then.

14 Q. All right. Did you see her fall?

15 A. Did I see her fall?

16 Q. Yes, sir.

17 (Brief Pause)

18 A. I'm trying to -- well, I believe it was, yeah, because it all happened and
19 I was outside the door. And I was coming through the front of the door. And that's
20 where I was -- just -- just had walked out the door.

21 Q. So, after she was shot, you saw her fall? Did she fall in the house, in
22 the doorway, or outside the house?

23 A. No, it -- it wasn't. It was right at the doorway.

24 Q. Was -- was her body inside the house or outside the house?

25 A. Oh, it was inside.

1 Q. It was inside?

2 A. Yeah.

3 Q. And her legs were inside or outside?

4 A. Inside.

5 Q. Inside? But she was inside the house?

6 A. It was inside, yeah.

7 Q. Okay. Prior to the paramedics getting there, did you see anybody
8 move her body?

9 A. I went to the body -- I went to where she was because I was there and
10 my son had already left. And, then, my wife had come through and had been
11 through. And, then, when I went to see what was going on, after she was there,
12 then, that's when I made the call.

13 But I didn't move her as far as that, I just went over to see what was
14 going on.

15 Q. And you say you made the call; are you talking about the 911 call?

16 A. Yes.

17 Q. And you say you heard two shots?

18 A. Yes, two shots.

19 Q. Could it have been more than two?

20 A. It -- well, what I can recollect is -- is two shots. And they were so --
21 they was just fast shots, quick. But I'm thinking it was just two. If I'm not -- as far as
22 I can remember.

23 (Brief Pause)

24 Q. And you didn't see your son at that house prior to the shooting?

25 A. No, I didn't. But that was my first time even being at the house.

1 Q. Okay. You didn't -- you didn't have a conversation with him outside the
2 house that night?

3 A. Earlier?

4 Q. Yes, earlier were you and him standing outside the house, did you
5 have any conversation with him?

6 A. No. No, we didn't have a conversation outside the house earlier. That
7 was my first time at the residence.

8 Q. And you say you -- you've known him for thirty (30) years?

9 A. Yes, more.

10 Q. And it didn't appear to be him?

11 A. It wasn't -- it just wasn't him. It -- it wasn't. This is no exaggeration.
12 When you know someone, you know him. And it just wasn't him. And that's what
13 was so shocking.

14 And that's what brought about a change in all of our lifestyle. And
15 because this young man I knew from a baby up. And -- and I know -- knowing the
16 -- the gift that he has placed within him, it just wasn't him.

17 So I couldn't imagine what happened. And still to this day I haven't
18 figured that out.

19 Q. What gift does he have?

20 A. He has the gift of -- well, he was a gifted child, musically inclined.

21 Q. He's a minister of music ----

22 A. Yes.

23 Q. -- at a local church?

24 A. Yes, yes. That's just one of his gifts.

25 Q. Where was your wife when all of this happened?

1 A. My wife had went to the back. She -- we went to one area; we went to
2 the left and she went to the right. And she was coming back after it was all over.

3 The reason why I said something had happened and was triggered
4 within his mind and his reasoning, that he didn't even act as -- well, he acted like he
5 didn't see her or he just --- just came on up.

6 Q. Now, when -- after he passed you on the porch and stepped off and
7 walked away, and you went to check on her, was your wife there already checking
8 on her too or was your wife in another part of the house or what?

9 A. Yes. My wife was coming up and she was in the rear on the inside and
10 she coming up from the other side.

11 Q. She was in the hallway?

12 A. Yes.

13 **MR. THOMPSON:** May I have a moment, Your Honor?

14 **THE COURT:** (Nods affirmatively.)

15 **(Off-the-Record Discussion)**

16 Q. (By Mr. Thompson) And you're -- you're certain that you and your son
17 had no conversation that night prior to you seeing him coming out of the house?

18 A. (No Response)

19 Q. At the house?

20 A. At that house, no.

21 Q. Okay.

22 A. We had had a conversation at -- at my -- well I talked to him on the
23 phone, but not ---

24 Q. But no face-to-face conversation at that house?

25 A. No.

1 **MR. THOMPSON:** Okay. Thank you.

2 **MR. BARNETTE:** Just one thing on redirect, Your Honor.

3 **REDIRECT EXAMINATION by MR. BARNETTE:** **4:50 P.M.**

4 **Q.** And, sir, I'm going to show you State's Exhibit Number 11.

5 **(Exhibit shown to the witness.)**

6 **Q.** Was that approximately the position of her body when you got to her?

7 **A.** Yeah, in the doorway, yeah.

8 **MR. BARNETTE:** Your Honor, permission to publish State's Exhibit
9 Number 11.

10 **THE COURT:** You may.

11 **(State's 11 shown on overhead.)**

12 **Q.** Mr. Satterwhite, I'm showing you State's Exhibit Number 11. This is
13 approximately where Mr. Ellis's body was when you got to it, sir?

14 **A.** Yeah, because I was on the right side -- outside coming in.

15 **MR. BARNETTE:** Thank you, sir. Please answer any questions Mr.
16 Thompson has for you.

17 **MR. THOMPSON:** I have nothing further.

18 **THE COURT:** You may step down.

19 **(Witness complied with the Court's request.)**

20 **MR. BARNETTE:** I would ask that this witness be excused, Your
21 Honor.

22 **THE COURT:** You may be excused.

23 **(Whereupon, the witness was excused at 4:51 p.m.)**

24 **MR. BARNETTE:** May we approach for a second, Your Honor?

25 **THE COURT:** You may.

(Whereupon, a bench conference was had with both attorneys

present.)

MR. BARNETTE: Your Honor, I'd call Miss -- Ms. Satterwhite to the stand, please.

(The witness was summoned and stepped forward to be sworn.)

(Whereupon,

JANET SATTERWHITE

first being duly sworn, testified as follows:)

DIRECT EXAMINATION by MR. BARNETTE:

4:52 P.M.

Q. Okay. Ms. Satterwhite, would you give us your full name, please?

A. Janet Marie Satterwhite (phonetic).

Q. Ms. Satterwhite -- and I'm sorry about calling you as a witness -- do you know the Defendant in this case, ma'am?

A. (No Response)

Q. Do you know the Defendant in this case? I apologize.

A. Yes.

Q. And you've had some health issues too; is that right?

A. Yes.

Q. How do you know the Defendant in this case, ma'am?

A. He's a son to my husband. That's his son Joseph.

Q. Back on March 14th, 2012, did you go with him to Miss -- to the Ellis's house here in Gaffney, ma'am?

A. Yes.

Q. And who did you ride with over to their house?

A. With my husband.

1 Q. And what was he driving, ma'am?

2 A. A black SRX

3 Q. And did you ---

4 COURT REPORTER: I'm sorry, I didn't hear her answer.

5 A. It was a black SRX.

6 COURT REPORTER: Thank you.

7 Q. And did the Ellises drive their car over to the house?

8 A. Sir?

9 Q. Did Yasmine and Ms. Ellis, did they go over to the house with you all?

10 A. Yes.

11 Q. And, when you got there, who went in the house first?

12 A. Her daughter.

13 Q. And where did you and your husband go?

14 A. We was --- from my memory, we drove over there. And we drove and
15 we didn't get out of the car at the time. We was just sitting in the car waiting for her.

16 Q. Okay. And, then, later on did you go back and check on the Yukon
17 [sic] in the back? Or did your husband check on that?

18 A. Uh-huh (affirmative). We -- I'm -- I'm thinking we did that when we
19 first got there.

20 Q. Okay. So, when you all first got there, did you go check on the Yukon
21 [sic] in the back?

22 A. Yes. We went back to the back of the -- and it was parked behind the
23 house.

24 Q. Did you all come back to the front of the house or come back to you
25 all's car?

1 A. Yes.

2 Q. And did Yasmine, did she come back out of the house, Ms. Ellis's
3 daughter?

4 (Brief Pause)

5 A. I can't remember exactly when, but she did leave the house. I don't
6 know exactly. And I don't want to tell you wrong.

7 Q. Okay. Let me ask you this question: I know you gave a statement to
8 the police. Would that help you remember ---

9 A. Yes.

10 Q. ---- or refresh your memory?

11 A. Yes.

12 MR. BARNETTE: May I approach the witness with her statement,
13 Your Honor?

14 THE COURT: You may..

15 (Witness handed document.)

16 (Brief pause while the witness reviews documents.)

17 A. Okay. That's what -- that's what my statement said.

18 Q. What -- what did it refresh your memory about, ma'am?

19 A. That she went into the house and she came back out and said that he
20 wasn't in there.

21 Q. What happened next, ma'am?

22 A. We were getting ready to leave at that time. And Punkin (phonetic),
23 she came to the car and she had said to us that "Please, don't leave."

24 MR. THOMPSON: Objection to hearsay again, Judge.

25 THE COURT: Overruled. She's -- she's available. She's here.

1 You -- are you talking about what Yasmine Ellis said?

2 **MR. BARNETTE:** No, Your Honor. I think she is just saying what the
3 --- we'll move on from there. I think she was saying what ---

4 **THE COURT:** Okay.

5 **MR. BARNETTE:** — Ms. Ellis said.

6 **THE COURT:** All right. I mean, don't testify as to what the
7 deceased said.

8 **A.** Okay, sir.

9 **Q.** (By Mr. Barnette) Okay. After talking to her, after talking to Ms. Ellis,
10 did you all go in the house, ma'am?

11 **A.** We did.

12 **Q.** And where did you go in the house?

13 **A.** I walked the other direction.

14 **Q.** And, when you say the other direction, so you all went in different
15 directions in the house?

16 **A.** Yes.

17 **Q.** What part of the house did you go into, ma'am?

18 **A.** To the right side of the house. I went down the hallway to the
19 daughter's room. By the bathroom there was another room.

20 **Q.** Okay. And did you see -- did you see the Defendant in the house at
21 that time?

22 **A.** No, huh-uh (negative).

23 **Q.** When you was in the back of that house, did you hear something?

24 **A.** No.

25 **Q.** What happened as you was in the back of the house?

1 A. All I heard is -- I just -- I just heard what sounded like firecrackers ----

2 Q. Uh-huh (affirmative).

3 A. -- popping. And, then, I just heard Ms. Ellis (phonetic)

4 Q. Okay. And what did ---

5 MR. BARNETTE: Your Honor, I'm going to -- this is going to be an
6 exception. I want to say present sense impression on this.

7 Q. (By Mr. Barnette) What did you hear Ms. Ellis say?

8 A. "JD, no."

9 Q. And then -- then, is that when you heard firecrackers?

10 A. Yes.

11 Q. What did you do after that, ma'am?

12 A. By that time I came by -- I came by and that's when I just saw her, Ms.
13 Ellis.

14 (Brief Pause)

15 Q. Ma'am, I hate to show you this picture, but I need to know for sure. I'm
16 showing you State's Exhibit Number 11. Is that approximately where you saw her
17 body?

18 (Exhibit handed to the witness.)

19 (Brief Pause while the witness examines exhibit.)

20 A. (Nods affirmatively.)

21 Q. Okay.

22 THE COURT: You have to answer orally, please.

23 A. Yes, sir, yes, sir.

24 MR. BARNETTE: Your Honor, permission to publish State's Exhibit

25 11?

1 THE COURT: You may.

2 (State's Exhibit 11 shown on overhead.)

3 Q. Looking at State's Exhibit Number 11, ma'am, is this where you saw
4 Ms. Ellis's body?

5 A. (Nods affirmatively.)

6 Q. If you would, you have to verbally answer that, ma'am.

7 A. Yes, sir.

8 Q. Afterwards, did the police -- did your husband call 911?

9 A. Yes.

10 Q. And did -- and, then, you obviously gave a statement. Did you all talk
11 to the police afterwards, ma'am?

12 A. I know we talked with them a little there but they said to come to the
13 station and we talked to them.

14 Q. Did you ever see the Defendant or did -- you just -- you never saw him.
15 -- did you ever see the Defendant in the house?

16 A. Did I see Punkin?

17 Q. No, did you see the Defendant?

18 A. No, I didn't. I didn't see him, no.

19 Q. Okay.

20 MR. BARNETTE: One moment, Your Honor, please.

21 (Brief Pause)

22 MR. BARNETTE: Please answer any questions Mr. Thompson may
23 have for you, ma'am.

24 A. Yes.

25 MR. BARNETTE: Thank you. I'm sorry again.

CROSS EXAMINATION by MR. THOMPSON:

5:01 P.M.

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Q. Ms. Satterwhite, I believe you've had a stroke; is that correct?

A. Yes, sir.

Q. And was that before or after this incident occurred?

A. It was -- let's see, I had a shoulder injury and it was some place about like three weeks prior to that (phonetic).

Q. Okay. And does that affect your memory?

A. Yes, sir.

Q. Okay. I believe you testified just then to Mr. Barnette's question that you never saw Joseph in the house?

A. I didn't. But all I -- I had --- during that time, I couldn't remember because I was walking -- I could barely walk at that time because of the shoulder. And all I really know is what I said, I didn't see nothing; I just heard a sound and just a "JD, don't."

Q. Okay. And you said it sounded like firecrackers?

A. Yes.

Q. And how many firecrackers?

A. At least pow, pow.

Q. Okay. Just two?

A. It was like a pow pow.

Q. Could it have been more than two?

A. It could have been. It happened so fast.

Q. Okay. And so you didn't see what happened?

A. No. I was still on the side of the bathroom, where the bedroom was.

Q. And you didn't see Mr. Joseph Satterwhite in the house?

1 A. No, sir.

2 Q. Did you see Mr. Joseph Satterwhite outside the house?

3 A. No, because I do remember my -- because -- what I remember is my
4 husband standing outside ---

5 Q. Now don't go in to what somebody said.

6 A. No. I'm going by what I remember. I remember my husband was
7 standing outside by the time I came back because you have to remember during that
8 time I was feeling terrible. I could barely use the steps.

9 Q. Okay.

10 MR. THOMPSON: Thank you.

11 MR. BARNETTE: I have no further questions of this witness, Your
12 Honor.

13 THE COURT: You may step down.

14 (Witness complied with the Court's request.)

15 THE COURT: You may also be excused.

16 MR. BARNETTE: Thank you, Your Honor.

17 THE COURT: All right. Ladies and gentlemen, we're going to
18 break for the afternoon. Remember my caution previously given: No
19 discussions about the case, no research, no investigation, no exposure to any
20 type of media coverage; television nor radio nor newspaper articles.

21 You have to base your decision upon what you see and hear during
22 the trial. And you can't be influence by any outside or extraneous information.

23 Have a good evening. Please report directly to your jury room at 9:30
24 in the morning, 9:30 in the morning.

25 (Whereupon, the jury was excused for the evening and exited the

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courtroom at 5:04 p.m.)

THE COURT: Court is in recess until 9:30 in the morning. All persons remain seated until the Defendant is removed from the courtroom.

(The Defendant was removed from the courtroom at 5:05 p.m.)

THE COURT: Is the Defendant where they need him to be so everybody can leave?

(Deputy nodded affirmatively.)

THE COURT: All right. Court is in recess until 9:30 in the morning.

(Court was adjourned for the day at 5:07 p.m.)

(Court reconvened at 9:40 a.m. on Wednesday, May 15, 2013.)

(Off-The-Record Comments)

THE COURT: Okay. If you can't be quiet, you're going to have to leave the courtroom, you understand? Court is in session.

Any matters we need to address before the jury is brought in?

MR. BARNETTE: Not from the State, Your Honor.

MR. THOMPSON: Not from the Defense.

THE COURT: All right. Bring them in, please.

(The jury was summoned and entered at 9:40 a.m.)

THE COURT: Good morning, ladies and gentlemen. As you know, when we recessed yesterday, the State was in the midst of their presentation of evidence. So we will continue with that presentation this morning. Mr. Barnette?

MR. BARNETTE: May it please the Court, Your Honor? I'd like to call Troy McDowell to the stand, please.

1 (The witness stepped forward to be sworn.)

2 (Whereupon,

3 **TROY MCDOWELL**

4 first being duly sworn, testified as follows:)

5 **(Off-the-Record Comments)**

6 **DIRECT EXAMINATION by MR. BARNETTE:**

9:41 A.M.

7 **Q.** If you would, sir, please give us your full name, please.

8 **A.** Troy McDowell.

9 **Q.** And where do you work at, sir?

10 **A.** Buck Shoals Baptist Church (phonetic).

11 **Q.** And what is your position there, sir?

12 **A.** Pastor.

13 **Q.** And how long have you been there, sir?

14 **A.** Twenty-three (23) years.

15 **Q.** Do you know the Defendant in this case?

16 **A.** Yes, sir.

17 **Q.** And what do you know him by? What do you -- what name do you
18 know him by? Do you know him by Joseph or JD or...?

19 **A.** JD.

20 **Q.** And back on March 14th, 2012, did you talk to the Defendant?

21 **A.** Yes, sir, I did.

22 **Q.** And could you tell the jury about that conversation, please?

23 **A.** After Bible study, he had called me -- coughs excuse me -- about three
24 or four times and I didn't answer the call. And, when I left the church, he called me
25 again and I answered.

1 Q. And when he -- and so this is after evening service?

2 A. Right.

3 Q. And that was on Wednesday night?

4 A. Yes, sir.

5 Q. Okay. If you would, tell the jury what he told you.

6 A. When I answered the phone, he said, "Rev, I think I killed Punkin."

7 And I said, "What?" He said, "I think I killed Punkin."

8 So I said, "You need to turn yourself in." And he said, "Nah." And,

9 then, he said, "I shot three times and she fell." And I said, "You need to turn yourself

10 in." He said, "No." I said, "If you don't turn yourself in, they're monitoring calls." And

11 he hung up.

12 Q. And who is Punkin?

13 A. I just know her from different churches seeing her sing. And she would
14 come to the church with him probably four (4) or five (5) times.

15 Q. Is that Allene Ellis, is that ---

16 A. Yes, sir.

17 Q. I guess you found out later that's who that was?

18 A. Right.

19 Q. And he told you that he thought that he killed her?

20 A. Yeah.

21 Q. Did you talk to him any more after that conversation?

22 A. Yeah, probably once. I think that night he called and he was
23 emotional. He was crying and he was sorry for what he did.

24 He was telling me that he was sorry because I had helped him out in
25 certain situations. And basically that was it.

1 Q. And, then, you asked him to turn himself in?

2 A. Right, yes, sir.

3 Q. But he just hung up?

4 A. Yes.

5 MR. BARNETTE: If you would, answer any questions Mr. Thompson
6 may have for you, sir.

7 A. Sure.

8 MR. BARNETTE: Thank you.

9 CROSS EXAMINATION by MR. THOMPSON:

9:44 A.M.

10 Q. Reverend McDowell, you know him from your church, don't you?

11 A. Yes, sir.

12 Q. He's the minister of music at your church; is that correct?

13 A. Yes, sir.

14 Q. Okay. Just a couple of questions. Had Mr. Satterwhite talked to you
15 prior to March 14th about problems he and Punkin were having?

16 A. A couple of times he mentioned some things.

17 Q. Okay. I don't want to go into those, but he talked to you about
18 problems they were having?

19 A. Yes, sir.

20 Q. Okay. And you were not at Camellia Circle on March 14th, 2012, where
21 you?

22 A. No, sir.

23 Q. You have no personal knowledge of what happened?

24 A. No, sir, no more than what I was told.

25 Q. Okay.

MR. THOMPSON: Thank you.

MR. BARNETTE: No further questions, Your Honor. And we would ask that the witness be excused.

THE COURT: Thank you. You may step down and you may also be excused.

(Witness complied with the Court's request.)

MR. BARNETTE: Your Honor, we like to call Michelle -- and I hope I pronounce this right -- Eichenmiller to the stand, please.

(The witness stepped forward to be sworn.)

(Whereupon,

MICHELLE EICHENMILER

first being duly sworn, testified as follows:)

DIRECT EXAMINATION by MR. BARNETTE:

9:45 A.M.

Q. If you would, ma'am, please give your full name for the record.

A. My name is Michelle Eichenmiller.

Q. And where do you work at, ma'am?

A. I work for the South Carolina law enforcement division, commonly known as SLED.

Q. And what is your position there, ma'am?

A. I'm a forensic firearms examiner in the forensic -- in the forensic lab.

Q. Okay. And how long have you been with SLED?

A. Approximately seven (7) years.

Q. And are you the -- do you test firearms and bullets or ballistics -- I'm trying to keep this simple -- but from that standpoint, do you check the bullets against firearms to see if -- if they came from that firearm?

1 A. Yes, the branch of forensic science that I work in is any fired
2 ammunition components from -- as evidence from a scene or firearms that are
3 submitted as evidence from a scene.

4 Q. And how times have you been qualified as a firearms expert?

5 A. Fourteen (14).

6 **MR. BARNETTE:** Your Honor, at this time I would move her as an
7 expert in firearms at this time.

8 **MR. THOMPSON:** No objection.

9 **THE COURT:** She is so qualified.

10 Q. (By Mr. Barnette) Let me show you a couple of exhibits if I could,
11 ma'am.

12 **(Exhibits retrieved.)**

13 Q. And I believe these are already into evidence. Let me show you the
14 gun that's been marked as State's Exhibit Number 2.

15 **(Exhibit shown to the witness.)**

16 A. Whenever I receive evidence in a case, I mark the envelope with --
17 with my item number, the case number, and my initials. I also mark the firearm
18 itself.

19 And, then, my -- I heat seal the bag when I'm finished with it. So all of
20 those are still intact. So this is a firearm I examined.

21 Q. So you did examine that firearm?

22 A. Yes.

23 Q. What kind of firearm is that, ma'am?

24 A. It's a Rossi revolver. If I could refer to my notes, I could tell you the
25 model it is. It's a 38 caliber.

1 Q. Yeah, you can if you would like to.

2 (Brief Pause)

3 A. It's a model 33 Rossi and the caliber is a .38 special.

4 Q. And, when this weapon is fired, obviously, it's a revolver you said?

5 A. Yes.

6 Q. If you would, tell the jury about the mechanism, how the revolver works
7 and how the trigger pulls and things like that.

8 A. Well, a revolver is -- if you ever seen a old Western movie, it's the kind
9 cowboys used . There's typically five or six cartridges in the cylinder. That cylinder
10 will rotate every time the trigger is pulled and it will fire out of one barrel.

11 Q. And so the trigger would have been pulled each time the fired -- the
12 weapon gets fired each time?

13 A. Correct.

14 Q. And does the hammer have to go back also?

15 A. Yes.

16 Q. Let me show I believe -- I believe the first item you received was
17 State's Exhibit Number 1. I believe that was from a loveseat in the home?

18 A. Yes.

19 Q. Did you examine that bullet, ma'am?

20 A. I did.

21 Q. And, in your examination, I noticed there's markings on it. Was there
22 enough markings that would exclusively say it was fired by this gun?

23 A. The -- when I -- when I received the firearm, it had been in water, and
24 so I had to oil it and clean it up. It had a lot of dirt and grime on it.

25 After test firing, which is what I do if I receive a firearm in a case, I

1 compared it to this bullet. I fired similar ammunition; this is a lead bullet. I fired lead
2 bullets out of that firearm.

3 I compared them to each other. And, due to the condition of the
4 firearm when I received it, I was unable to match the bullet to the firearm. However,
5 the rifling -- firearm have rifling in their barrel, which is cutouts, the rifling was the
6 same size and the same number.

7 Q. So it could have been fired from this weapon?

8 A. It could have been fired by this one or any other firearm with similar
9 rifling.

10 Q. However, because of the condition of the pistol, from -- from being in
11 the water, you couldn't -- you couldn't make a match out of it?

12 A. Correct. And also the condition of that bullet, coming out of loveseat.
13 It had -- bullets have braiding on the side so any marks that I might have been
14 looking at, which my marks are microscopic and very fine, might have been
15 dispersed by the loveseat.

16 Q. Let me show you what's been marked as State's Exhibit Number 6.
17 Did you receive this afterwards ---

18 A. Yes.

19 Q. -- after the first bullet?

20 A. Yes.

21 Q. And I believe that was from the gunshot wound or the head wound of
22 -- from Ms. Ellis. And you receive that from the Newberry pathologist; is that
23 correct?

24 A. Yes. The Newberry pathologist brought it into SLED and I retrieved it
25 from login, which is how the usual process goes. But that's where it came from.

1 Q. Okay. And, then, you examined these I guess bullet fragments in this
2 case?

3 A. I did. Both items in here were submitted as one item, but they're two
4 lead fragments. I examined them both and compared them to the test fire that I had
5 obtained from the firearm.

6 Q. And what was your results, ma'am?

7 A. The results of those examinations were also inconclusive. This was --
8 we could still say that it might have been fired by that firearm. There were very little
9 markings on here due to the condition that I received it in, which was from the
10 autopsy. So, it was damaged.

11 Q. But it could have been fired from this firearm?

12 A. It could've been fired from that firearm..

13 Q. But you can't say exclusively because of the damage?

14 A. Right. We could get the microscopic marks that tell us definitively it
15 was this firearm. It was just a firearm that has similar rifling to this one.

16 Q. And did you do a report on this, ma'am?

17 A. I did.

18 (Whereupon, State's Exhibit Number 20 was marked for
19 identification.)

20 Q. Me show you State's Exhibit Number 20.

21 (Brief pause while exhibit is shown to Mr. Thompson.)

22 Q. And your report -- let me show it to you. It's marked for ID purposes.
23 Is that a copy of the report you did concerning these two bullets?

24 (Exhibit shown to the witness.)

25 A. It appears to be.

1 (Brief pause while the witness examines documents.)

2 A. Yes, it is.

3 MR. BARNETTE: Okay. Thank you, ma'am. If you would, answer
4 any questions Mr. Thompson may have for you. Thank you, ma'am.

5 MR. THOMPSON: No questions.

6 THE COURT: Is that introduced without objection?

7 MR. BARNETTE: No, sir.

8 THE COURT: Okay. You may step down.

9 (Witness complied with the Court's request.)

10 MR. BARNETTE: Your Honor, we would ask that this witness be
11 excused.

12 THE COURT: She may be.

13 MR. THOMPSON: No objection.

14 (Whereupon, the witness was excused.)

15 MR. BARNETTE: Your Honor, I'd like to call Kenneth Johnson to the
16 stand.

17 (The witness stepped forward to be sworn.)

18 (Whereupon,

19 KENNETH JOHNSON

20 first being duly sworn, testified as follows:)

21 DIRECT EXAMINATION by MR. BARNETTE:

9:53 A.M.

22 Q. If you would, sir, please state your full name.

23 A. Kenneth B. Johnson, Jr.

24 Q. Okay. If you would, speak -- pull right up to the microphone.

25 A. Kenneth B. Johnson, Jr.

- 1 Q. Thank you, sir. And where do you live at, sir?
- 2 A. Chesnee, South Carolina.
- 3 Q. Okay. And do you know the Defendant in this case?
- 4 A. Yes.
- 5 Q. And how do you know the Defendant?
- 6 A. He was the minister of music in our church and my friend.
- 7 Q. And what -- what name do you know him by?
- 8 A. JD.
- 9 Q. Okay. Back on March 14th, 2012, that evening, did he call you, sir?
- 10 A. Yes, sir.
- 11 Q. And where was you at when he called you?
- 12 A. I was at home.
- 13 Q. Okay. And what did he ask you to do?
- 14 A. He asked me to come and get him.
- 15 Q. Okay. And did you go pick him up?
- 16 A. Yes.
- 17 Q. Where did you pick him up, sir?
- 18 A. I picked him up somewhere in front of his house.
- 19 Q. In front of his house?
- 20 A. His apartment, yes, sir.
- 21 Q. And did you know at that time he was dating Allene Ellis at that time?
- 22 A. Dating?
- 23 Q. Well, did you ever see him with her?
- 24 A. Yes.
- 25 Q. Okay. And how far was that from her house?

- 1 A. I really don't know. I really couldn't tell you.
- 2 Q. But you found him at the front of his -- in the front of where he was
- 3 staying at?
- 4 A. Absolutely, yes.
- 5 Q. And where was that at, sir?
- 6 A. In -- off of Brooke -- Brookshire. I can't remember the name of it.
- 7 Q. Was it here in Gaffney?
- 8 A. Yes, it's in Gaffney, yes.
- 9 Q. And, when you picked him up, what did he -- where did he want you to
- 10 take him, take him to?
- 11 A. He asked me to get him out of Gaffney. And he asked me to take him
- 12 to Cowpens.
- 13 Q. So he asked you to take him out of Gaffney and he asked you to take
- 14 him to Cowpens?
- 15 A. Yes.
- 16 Q. And where did you take him in Cowpens, sir?
- 17 A. Say what?
- 18 Q. Where did you take him to in Cowpens?
- 19 A. I took him to -- well, close to Three Oaks Apartments.
- 20 Q. Okay. And is that across from the ---
- 21 A. It's -- it's really close to 83, yeah.
- 22 Q. So it's right there in Cowpens as you go off the exit there at the
- 23 Interstate?
- 24 A. Yeah, yes, sir.
- 25 Q. Okay. And did you drop him off there, sir?

1 A. Yes, sir.

2 Q. Did he say where he was going or anything?

3 A. No, sir.

4 Q. He just told you he had to get out of Gaffney?

5 A. Yes.

6 MR. BARNETTE: If you would, please answer any questions Mr.
7 Thompson may have for you.

8 CROSS EXAMINATION by MR. THOMPSON:

9:55 A.M.

9 Q. Mr. Johnson, were you ever present at Ms. Ellis's house on the 14th of
10 March ----

11 A. No.

12 Q. — 2012?

13 A. No.

14 Q. Okay. So you don't know what took place there?

15 A. No, sir.

16 MR. THOMPSON: Okay. Thank you.

17 THE COURT: Step down.

18 (Witness complied with the Court's request.)

19 MR. BARNETTE: We would ask that the witness be excused, Your
20 Honor.

21 MR. THOMPSON: No objection.

22 THE COURT: He's excused.

23 (Whereupon, the witness was excused.)

24 MR. BARNETTE: Your Honor, we would like to call Mike Logan to
25 the stand.

1 (The witness stepped forward to be sworn.)

2 (Whereupon,

3 MICHAEL LOGAN

4 first being duly sworn, testified as follows:)

5 DIRECT EXAMINATION by MR. BARNETTE:

9:56 A.M.

6 Q. If you would, sir, please state your full name for the record.

7 A. Mike Logan.

8 Q. And where do you live at, sir?

9 A. Here in Gaffney.

10 Q. And what do you do, sir?

11 A. I'm the minister of music at Mount Zion Baptist Church and I've been
12 there since the startup.

13 Q. And how long have you had that position, sir?

14 A. Mount Zion, probably about eight — eight (8) years and really I just
15 started up in Minnesota (phonetic).

16 Q. Okay. Do you know the Defendant in this case, sir?

17 A. Yes, sir, I do.

18 Q. How do you know the Defendant, sir?

19 A. I met JD about ten (10), fifteen (15) years ago. He was in a musical in
20 Charlotte when I first met him.

21 Q. Okay. So you've known him for a period of time?

22 A. Yes, sir.

23 Q. And do you see him in the courtroom here today?

24 A. Yes, yes, sir.

25 Q. And can you ver — just point and verify where he's at, sir?

1 A. To the right of me in a brown suit, yellow shirt with glasses on.

2 **MR. BARNETTE:** Your Honor, I would like the record to reflect that
3 he has ID'd the Defendant.

4 **THE COURT:** It shall.

5 **Q.** (By Mr. Barnette) Back on March 14th, 2012, if you would, tell the jury
6 what happened that — that evening.

7 **A.** Well, I actually talked to JD before the crime occurred, which it wasn't
8 anything out of the ordinary because we talks a lot of times. But that day I was
9 going to a revival at Bethel Baptist Church.

10 And he came by the church. I had — I had got some equipment fixed
11 for their church and so he was bringing a check by. And so he texted, "I'm outside,"
12 so I left out of Bethel and I came.

13 I got the check and, then, we talked about five (5) — five (5) or ten (10)
14 minutes. It wasn't nothing out of the ordinary. And so, you know, I went back into
15 the church. And that was it at that time.

16 About ten (10:00) I received a call from one of the members of the
17 church stating that he had killed her. And so I went to the scene where it occurred at
18 and where the families were -- were at. And so -- and there was a lot of family
19 members up there.

20 And I called JD. And — and I understand — and after that, when I got
21 there — and I talked to him approximately five (5) or ten (10) times that night; I don't
22 know the exact number, but it was a lot of times we talked.

23 So, when I first talked to JD, I said, "JD, you -- you know, you need to
24 turn yourself in." And he was in the state of mind where he was real angry at the
25 time. And he was just stating, "Well, Mike, if you don't understand," and you know,

1 "If anybody come around me, I'm going to kill them too"; that state of mind.

2 And I said, "JD, that's not the thing to do." I say [sic], "You know, you
3 tell me where you're at and I'll take you to the police department myself." And he
4 hung up the phone.

5 And so I called back immediately stating the same stuff; you know,
6 "JD, just turn yourself in," "Just tell me where you're at." And he would never tell me
7 or that, "Mike, you just don't understand."

8 And so, after about five (5) or six (6) calls trying to get, you know, back
9 in contact with him, it was still the same thing. And I talked to Pastor Troy McDowell.

10 And so he talked to him and said "I already have it," said, "Just don't
11 worry about it." He said, "Because he's in a state of mind where he's not in his mind
12 right now." And so I just left it alone.

13 And so probably about 12 o'clock, I was getting ready to go home, and
14 the Defendant called me. He said, "Mike, I trust you." He said, "I just want to talk to
15 you before something else happen."

16 I said, "Well, JD, you tell me where you're at and I'll take you down to
17 the police department myself." He was like, "Well, I killed Punkin." And I said, "I
18 understand that. You can't change what you already have done." I said, "The best
19 thing you can do is go turn yourself in."

20 And he said, "Meet me down at the police department in ten minutes."
21 He said, "Come by yourself." And I said, "I'm — I'm on my way down there." He
22 said, "I'm getting ready to die." (Phonetic) He said, "I'm coming from the back entry
23 of the police department." And I said, "Well, I'm on my way down there now."

24 And, when I arrived down there, he never did show up.

25 Q. And who did you know — who is Punkin?

1 A. Allene was a member of the choir at Mount Zion Baptist Church.

2 Q. So it was Allene Ellis?

3 A. Allene Ellis, correct.

4 MR. BARNETTE: If you would, sir, please answer any questions Mr.
5 Thompson may have for you.

6 CROSS EXAMINATION by MR. THOMPSON:

9:59 A.M.

7 Q. Mr. Logan, I understand that on March 14th, 2012, you were at Ms.
8 Ellis's house after the incident occurred; is that right?

9 A. Yes, sir.

10 Q. Were you there when it occurred?

11 A. No, I wasn't.

12 Q. You don't have any personal knowledge of what happened?

13 A. No, I don't.

14 MR. THOMPSON: Okay. Thank you.

15 MR. BARNETTE: No further questions of this witness, Your Honor.

16 THE COURT: You may step down.

17 MR. BARNETTE: We'd ask that he be excused, Your Honor.

18 THE COURT: He may be.

19 MR. BARNETTE: Your Honor, I would like to call Joe Sizemore to
20 the stand, please.

21 (The witness stepped forward to be sworn.)

22 (Whereupon,

23 OFFICER JOE SIZEMORE

24 first being duly sworn, testified as follows:)

25 DIRECT EXAMINATION by MR. BARNETTE:

10:00 A.M.

- 1 Q. Sir, if you would, state your full name for the record.
- 2 A. Joe Sizemore.
- 3 Q. And where do you work at, sir?
- 4 A. Gaffney City Police Department.
- 5 Q. And what is your position there, sir?
- 6 A. Crime scene detective.
- 7 Q. And how long have you been there, sir?
- 8 A. A little over six (6) years.
- 9 Q. Was you called to go to Greensboro, North Carolina, sir?
- 10 A. Yes, sir, I was.
- 11 Q. And what date did you go up there, sir?
- 12 A. I went there May the 18th, 2012; or -- yeah.
- 13 Q. And was that to pick up the Defendant in this case, sir?
- 14 A. Yes, sir.
- 15 Q. And did you — where did you pick him up at, sir?
- 16 A. Guilford County Jail.
- 17 Q. Okay. And did you bring him back to Gaffney, South Carolina?
- 18 A. Yes, sir, I did.
- 19 Q. And did you also receive the personal effects that he had on him when
- 20 he was captured in Greensboro?
- 21 A. Yes, sir.
- 22 Q. And was this box what they gave to you that was in his possession?
- 23 A. Yes, sir.
- 24 Q. Okay. And you brought this back and entered it into evidence, sir?
- 25 A. Yes, sir.

1 **Q.** And the clothes — the clothing, the personal items that he had on him
2 at the time?

3 **A.** Yes, sir. Guilford County said that's what — everything that he had
4 was in that box.

5 **MR. BARNETTE:** Your Honor, I'd like to enter the contents of this
6 box into evidence at this time as State's Exhibit Number 21.

7 **MR. THOMPSON:** I haven't seen what's in the box yet.

8 **(Off-the-Record Discussion)**

9 **(Brief pause while Mr. Thompson examines contents a box.)**

10 **(Whereupon, Plaintiff's Exhibit Number 21 was marked for**
11 **identification.)**

12 **MR. THOMPSON:** No objection.

13 **THE COURT:** It's admitted.

14 **(Whereupon, Plaintiff's Exhibit Number 21 was admitted into**
15 **evidence without objection.)**

16 **Q.** (By Mr. Barnette) And these are the personal items he had on him
17 when --- when you brought him back to Gaffney?

18 **A.** Yes, sir.

19 **Q.** And that was entered into evidence and has been in evidence since
20 then?

21 **A.** Yes, sir.

22 **Q.** Okay.

23 **(Brief pause while item is retrieved from box.)**

24 **Q.** His shoes.

25 **(Brief pause while item is retrieved from box.)**

- 1 Q. I believe his watch.
- 2 **(Brief pause while item is retrieved from box.)**
- 3 Q. I just pulled that from the box. Does that appeared to be a phone, sir?
- 4 A. Yes, sir, a pink in color cell phone.
- 5 Q. And what does this appeared to be, sir (indicating)?
- 6 A. A Greyhound Bus ticket.
- 7 Q. Okay.
- 8 **(Brief Pause)**
- 9 Q. If you would, sir, take a look inside the ticket there.
- 10 **(Witness complied with the request.)**
- 11 Q. And what — what date was that ticket purchased?
- 12 A. Fifteen (15) March, 2012.
- 13 Q. Okay. And where was it purchased — where was it leaving from?
- 14 A. Charlotte, North Carolina.
- 15 Q. And where was it going to?
- 16 A. Greensboro, North Carolina.
- 17 Q. Thank you, sir.
- 18 **(Ticket retrieved from the witness.)**
- 19 Q. Okay. And you brought him back to the Gaffney — obviously the
- 20 Cherokee County jail?
- 21 A. Yes, sir.
- 22 Q. And he was placed there?
- 23 A. Yes, sir.
- 24 **MR. BARNETTE:** Okay. If you would, answer any questions Mr.
- 25 Thompson may have for you.

CROSS EXAMINATION by MR. THOMPSON:

10:05 A.M.

Q. Was your first involvement in this case in May of 2012?

A. Yes, sir.

Q. So you -- you weren't involved at all in March when the incident took place?

A. No, sir, I was not.

MR. THOMPSON: Okay. Thank you.

THE COURT: You may step down.

(Witness complied with the Court's request.)

MR. BARNETTE: I have no further questions for this witness, Your Honor, and ask that he be excused.

THE COURT: You may also be excused.

(Whereupon, the witness was excused.)

MR. BARNETTE: Your Honor, may I have a minute to look through all the exhibits to make sure...

THE COURT: (Nods affirmatively.)

(Brief Pause)

MR. BARNETTE: Your Honor, the State would rest.

THE COURT: All right. Ladies and gentlemen, that is all of the testimony or evidence to be offered by the State, at least in their case in chief. Before we go further, I've got some matters I need to address with the lawyers.

So I'll ask you to, please, go to your jury room. Do not yet begin any discussions about the case. I will bring you back shortly to continue.

(The jury exited the courtroom at 10:06 a.m.)

1 **THE COURT:** All right. Any motions or other matters to
2 address?

3 **MR. THOMPSON:** Defense would move for a directed verdict, Judge.
4 We would argue that the evidence presented does not support a conviction
5 for murder.

6 **THE COURT:** All right. That motion is denied. Does the
7 Defense wish to present any additional evidence?

8 **(Brief Pause)**

9 **MR. THOMPSON:** Mr. Satterwhite and I have talked — I'm sorry, my
10 voice is going — have talked several times in the last few days about him
11 testifying. And he tells me he wishes to testify.

12 **THE COURT:** All right. Mr. Satterwhite, you heard what your
13 lawyer just told me?

14 **THE DEFENDANT:** Yes, sir.

15 **THE COURT:** Do you understand that, when you are accused of
16 a crime, you have an absolute right to remain silent. Meaning that nobody
17 can require you to testify.

18 Nobody can require you to make any statement. No one can require
19 that you answer any questions that relate to the charge that has been brought
20 against you.

21 At the same time, if you wish to testify, you have that right to do so. It's
22 simply your decision; you have the choice. You are the only person that can
23 make it.

24 Have you and Mr. Thompson talked about your right to testify as well
25 as to not testify in this case?

1 **THE DEFENDANT:** Yes, sir.

2 **THE COURT:** And has he discussed with you the advantages
3 and disadvantages of testifying as well as not testifying?

4 **THE DEFENDANT:** Yes, sir.

5 **THE COURT:** And do you understand what those advantages
6 and disadvantages are?

7 **THE DEFENDANT:** Yes, sir.

8 **THE COURT:** Do you understand that, if you choose to take the
9 witness stand, that you'll have to answer not just your lawyer's questions, but
10 you'll have to answer any questions, to the extent that they're relevant, asked
11 by the prosecutor, even if the responses to those questions might tend to
12 prove you guilty of some crime they claim you committed?

13 **THE DEFENDANT:** Yes, sir.

14 **THE COURT:** Do you understand that, if you choose not to take
15 the witness stand and testify, that I will instruct the jury that they may not hold
16 that against you or consider it in any way and they cannot allow it to influence
17 their deliberations or their decision as to whether or not the evidence in this
18 case proves you guilty?

19 **THE DEFENDANT:** Yes, sir.

20 **THE COURT:** Have you had time to reflect upon your decision as
21 to whether or not you will testify?

22 **THE DEFENDANT:** Yes, sir, I have.

23 **THE COURT:** Do you have any questions you need to ask me
24 about that decision?

25 **THE DEFENDANT:** No, sir.

1 **THE COURT:** Have you reached a decision?

2 **THE DEFENDANT:** Yes, sir, I have.

3 **THE COURT:** And what is it?

4 **THE DEFENDANT:** I'm going to testify.

5 **THE COURT:** And is that a decision that you reached of your
6 own freewill and accord?

7 **THE DEFENDANT:** Yes, sir, it is.

8 **THE COURT:** Has anybody pressured you into that decision or
9 even suggested that, that's the decision you ought to make?

10 **THE DEFENDANT:** No, sir.

11 **THE COURT:** You made that decision on your own?

12 **THE DEFENDANT:** Yes, sir, I have.

13 **THE COURT:** And you're satisfied with it?

14 **THE DEFENDANT:** Yes, sir, I am.

15 **THE COURT:** Okay.

16 **MR. THOMPSON:** Your Honor, we might want to settle any prior
17 record at this time. He has a — several convictions in North Carolina.

18 One of them is for possession of a firearm by a felon. And that he
19 received a minimum of thirteen (13) months and a maximum of sixteen (16)
20 months. And that was in 2010.

21 He has a failure to return rental property that he received thirty (30)
22 days for in 2007. He has an accessory after the fact for discharging a
23 weapon into occupied property in the year 2000 that he received thirteen (13)
24 to sixteen (16) months for.

25 **(Brief Pause)**

1 **MR. THOMPSON:** And he has a conspiracy to commit common law
2 robbery in July of 2003 that he received a ten (10) to twelve (12) month term
3 for.

4 And I believe there's also a — a driving with license revoked and an
5 expiration of registration card and tag in 2006. And an assault inflicting
6 serious injury in 2002 that he got seventy-five (75) days for.

7 **(Brief Pause)**

8 **MR. THOMPSON:** I would argue, judge, that — that some of these
9 are — would not be admissible. The 2002 assault inflicting serious injury, I
10 would argue that, that's number one beyond the ten years. And number two,
11 it was a seventy-five (75) day sentence.

12 I don't know what North Carolina's potential penalty is, but that — that
13 is beyond the ten years.

14 I think I would probably have to concede that the conspiracy to commit
15 common law robbery would be admissible. And the possession of a firearm
16 by a felon would be admissible.

17 But I — I would move to keep the failure to return rental property out
18 being a thirty (30) day sentence. And I would move to —

19 **(Brief Pause)**

20 **MR. THOMPSON:** The driving with the license revoked and
21 expiration of registration card and I guess the discharging a weapon into
22 occupied property would be admissible also, except for the fact that it's
23 beyond the ten (10) years.

24 And I would — as far as the potential penalty, it would be admissible,
25 but it's beyond the ten (10) years. It was in 2000. So I would argue that we

1 should keep it out, Judge.

2 **THE COURT:** All right. Solicitor?

3 **MR. BARNETTE:** I agree with Mr. Thompson on that, Your Honor. I
4 believe the two that we could use would be the conspiracy to commit common
5 law robbery and the possession of a firearm by a felon.

6 **THE COURT:** Okay. So the only ones that you'll be — wish to
7 use for purposes of impeachment is the 2010 and the 2003 convictions?

8 **MR. BARNETTE:** Yes, sir. And just — and Mr. Thompson is correct.
9 That's when the offenses occurred. He was sentenced on the conspiracy to
10 commit armed robbery on October 12th, 2004. And on the firearm, he — he
11 was convicted on August 1, 2011. That's when the judge signed and the
12 sentence went into effect.

13 **THE COURT:** Do you propose to simply ask him, with regard to
14 the 2010 — 2010 conviction, whether or not he's been convicted of a crime
15 that carried more than a year?

16 **MR. BARNETTE:** If the Court would want me to do it that way, I
17 understand.

18 **THE COURT:** I think that would be appropriate. And, with
19 respect to the conspiracy to commit common law robbery, that's a crime of
20 dishonesty. So he can be asked about that.

21 **(Brief Pause)**

22 **MR. BARNETTE:** So, to make sure I'm clear with the Court, I can
23 ask him if he's been convicted of conspiracy to commit a common law robbery
24 and was also convicted of another offense that carried more than one year?

25 **THE COURT:** Correct.

1 MR. BARNETTE: Okay. Yes, sir.

2 THE COURT: Okay.

3 MR. THOMPSON: That's all I have, Your Honor, other than I may
4 take a break, hit the men's room?

5 THE COURT: All right. We'll take ten minutes before we begin.

6 MR. THOMPSON: Okay. Thank you.

7 (Whereupon, a recess was taken from 10:10 a.m. until 10:25 a.m.)

8 (Off-the-Record Comments)

9 THE COURT: Are we ready for the jury?

10 MR. BARNETTE: The State's ready, Your Honor.

11 MR. THOMPSON: Yes, sir.

12 THE COURT: Okay. Bring them in, please.

13 (The jury was summoned and entered the courtroom at 10:25
14 a.m.)

15 THE COURT: All right. As you know, the State has rested in
16 their presentation. So we'll now proceed with any to be offered by the
17 Defense. Mr. Thompson?

18 MR. THOMPSON: Thank you, Your Honor. We'd would call Mr.
19 Joseph Satterwhite to the stand.

20 (The witness stepped forward to be sworn.)

21 (Whereupon,

22 JOSEPH DANTE SATTERWHITE

23 first being duly sworn, testified as follows:)

24 (Off-The-Record Comments)

25 MR. THOMPSON: May it please the Court, Your Honor?

1 THE COURT: Mr. Thompson?

2 DIRECT EXAMINATION by MR. THOMPSON:

10:26 A.M.

3 Q. Mr. Satterwhite, give us your full name, please, sir.

4 A. Joseph Dante Satterwhite.

5 Q. Okay. And where do you live, Mr. Satterwhite?

6 A. Lately here in Gaffney.

7 Q. Okay. Where are you from initially?

8 A. Born in the State of Georgia, by way of Shelby, by way of Greensboro.

9 Q. Okay. And how long have you lived here in Gaffney?

10 A. Close to two (2) years.

11 Q. Okay. And were you working?

12 A. Yes, sir, I was.

13 (Off-The-Record Comments)

14 A. Yes, sir.

15 Q. Okay. What kind of work did you do?

16 A. Music. I was the minister of music at Buck Schoals Baptist Church in
17 Blacksburg.

18 Q. All right. Did you know Ms. Ellis, Allene Ellis?

19 A. Yes, sir, I did.

20 Q. And how did you know her?

21 A. She was --- she was my girlfriend, but a lot more than that. That word
22 does not -- that's not the proper word to use to describe what she was to me.

23 Q. Okay. But you and her were seeing each other?

24 A. Yes, sir, we were.

25 Q. I want to take you back to March 14th of 2012, okay? Were you and

1 she -- well, did you and she have an argument that day?

2 A. On that day? Yes.

3 Q. Okay. Did you argue prior to that day?

4 A. Yes, sir, we had.

5 Q. Would you tell us about what was -- what led up to that argument?

6 What caused the argument? What -- what was going on with that?

7 A. Well, like I said, that's a broad question there because, at that time,
8 there was a lot of things going on in our lives at that time. And to put it frankly and
9 honestly, my role to Allene was more of a protector because there was a lot of things
10 that was happening in our lives at that time.

11 And ---

12 Q. Well, let me just ask a specific question.

13 A. Okay.

14 Q. Was there some concern about whether or not she was seeing
15 somebody else?

16 A. It wasn't a concern, it was more of a -- an assumption.

17 Q. Okay. Was that what the argument was over?

18 A. To a degree. On the 14th, to a degree, yes, sir.

19 Q. Now, on the 14th, did you -- of March, 2012, did you see Ms. Ellis that
20 day?

21 A. I -- I did.

22 Q. When did you first see her?

23 A. Well, actually, we woke up that morning together. I took her to work
24 like normal. And I seen her again when I picked her up from work.

25 Q. Okay. Where did she work at?

1 A. She worked at the Walmart place up in -- the plant, the plant near
2 Union.

3 Q. Okay. And what time did you take her to work; do you recall
4 approximately?

5 A. We left the house around 5:15, 5:20.

6 Q. Morning or afternoon?

7 A. In the morning, in the a.m.

8 Q. Okay. And what time did you pick her up?

9 A. I'm there at 4:30 to pick her up. She gets off at 4:30.

10 Q. All right. And, when you picked her up, what did you all do?

11 A. Did the normal things; got in the car, smiling like she always is, and I
12 asked how her day was, the normal routine. "Just work." "I got one more day left."

13 We rode down the road and there was a conversation in between there
14 where more or less she -- she had to go by the insurance place. And that's
15 downtown Gaffney.

16 So we went by there. And they were just about to close, but she just --
17 just made it in.

18 So, when we left from there, we was on the way back to the house at
19 Camellia Circle, but she said she needed to stop by -- by Yasmine's, by her job.

20 Q. And that's Varsity Square?

21 A. Varsity Square, yes, sir. And we went by there. By this time, by this
22 time, the argument was -- it was more or less -- it wasn't an actual argument at this
23 time. It was more or less, "Punkin, I know this." And she was like, "JD, no it ain't."

24 So now it was one of those -- one of those type of things going on. So
25 she needed to go by Varsity Square. She needed to see Yaz.

1 She's talking to Yaz, she called her on the phone. She said, "You go
2 ahead and go. I'm already gone."

3 **Q.** Now, when you went to Varsity Square, did she get out and go in?

4 **A.** She got out and went in, yes, sir.

5 **Q.** Did you get out of the car and go in?

6 **A.** No, sir, I didn't.

7 **Q.** Okay. And you were driving her Tahoe?

8 **A.** Yes, sir, at the time, yes, sir.

9 **Q.** All right. So you got a phone call from her telling you they had already
10 gone?

11 **A.** She said, "You can go ahead and go. I'm -- I'm already gone."

12 **Q.** Okay. What did you do at that time?

13 **A.** I went back to my house, went back to my apartment on Overbrook,
14 getting ready for church. Wednesday nights I'm always going to church for Bible
15 study.

16 **Q.** All right.

17 **A.** So -- so getting back -- getting ready for church. I didn't hear from her
18 anymore before I went to church.

19 So I went to church. Everything seemed regular, normal. So I left
20 church, came on down the road. I do my -- my customary, what I always do on
21 Wednesday nights when I get out of church, I call Punkin.

22 I called her. We had a conversation. She always asked me the same
23 thing: "What you going to eat? I told her it don't even really matter. And I also told
24 her I had to go see Mike Mike.

25 **Q.** Who is Mike Mike?

1 A. That's Mr. Logan.

2 Q. Okay.

3 A. Like he said earlier, we had -- I had some speakers from my church.
4 He had a guy that he knew to -- that would fix them. So I had to pay him because he
5 had already paid him. So I had to give him the check to give back.

6 So I -- I told her I -- "I got to see Mike Mike before I come to the house
7 and get these speakers." So I text Mike Mike, told him I'm outside and, you know,
8 Mike Mike came and I exchanged the speakers and everything. And we exchanged
9 pleasantries and all of that, you know, a little.

10 Q. And where did you go then?

11 A. Well, let me back up. We was coming down the Boulevard I see
12 Punkin at Yaz's job. I guess she was waiting for her to get off of work or something.

13 So right after I left Mike Mike, I was on my way back to the far side to
14 meet up with her at Varsity. But she was gone.

15 So I called her, "Where you at? I'm at Varsity." She said she had to
16 go to the store but she was on her way back to pick Yasmine up from work.

17 So I told her, "I'm on my way to the crib." And by that, she already
18 understood that I was talking about the Circle, Camellia Circle, because me and
19 Punkin and Yaz, we all had been staying together since -- since the last of -- well,
20 since spring of two thousand and -- 2011, from -- from the country house to -- to my
21 house to Camellia Circle.

22 So, when -- when I told her that I'm on my way back to the house, she
23 already knew that's where I was talking about. So she was -- all right.

24 The next thing I know, time started getting later and later and later and
25 later. So I was fixing to come on back up. Now I'm like, "What's up? Were you all

1 at? " She's more or less just -- just saying that Yaz worked over, something to that
2 degree.

3 That's when -- that's when other stuff started flickering in me. And I
4 started -- because I know, when I seen her at the Varsity, I was going right back. I
5 told her, "Well, I'll just wait until you get back." She's like, "No, just go ahead." I
6 was like, "Well, I'm on my way to the crib. I'll just wait on you when I get there."

7 Then -- see earlier, a few days earlier --- this is where to catch up to
8 this -- this last altercation -- a few days earlier was my daddy's birthday. His
9 birthday was the 12th, March the 12th.

10 Now this is two days before this incident. Now, mind you, I was doing
11 little things at the house because just moved back in and little things needed -- wear
12 and tear of some things, wear and tear to be continued.

13 So I had to redo the floor in the hallway, different things of that nature,
14 doing carpeting and different things just to make the house more livable. So that
15 whole week that's what I was doing. If I seen you at work, that was what was going
16 on, I was over there doing all of that.

17 But ever since that -- that -- there was a -- there was a hit on -- on
18 Yasmine's Facebook page. And that's when all of this action started coming out. It
19 was -- it was -- that was when -- like I say, there was a lot of things going on in our
20 lives at this time now, a lot. And mostly everybody that's behind on this side, they
21 know exactly what was going on.

22 Q. Well, let's -- let's get on to the point of what ----

23 A. All right.

24 Q. -- really happened.

25 A. I'm --- I'm getting there. Now what's -- all of this that was happening,

1 she's got -- she's got a hit on her Facebook page. And they were saying some
2 things and basically a lot of slanderous things about Punkin.

3 And -- and one thing stood out to me because we already had an issue
4 about something else anyway. And that one thing was, when they said, "Are you
5 messing around with the preacher?" And "You hanging out at his house."

6 Now that was something that was significant to me because one time
7 before I had asked her about -- about my daddy. See, my daddy, he had been
8 down here way before I've been down here.

9 And it became an issue when I -- when I met Punkin and I actually
10 started dating her, I brought her around to the -- to the house one time. And -- and I
11 knew something wasn't right.

12 And the first time I asked my daddy just -- just in casual, "Okay, Daddy,
13 do you know Punkin?" And he was like, "Ah, Boy," but you got to know my daddy
14 and our relationship to understand what -- what that "ah, boy" meant.

15 But I would ask Punkin and she would just brush it off like, "I know your
16 daddy, but I don't know your daddy." "I know you." And we would leave it at that.

17 But, after that, he came across on that -- on that -- on that page, I
18 started questioning him more and more about it because the more and more we
19 went around my dad, the more and more it seemed like something wasn't right.

20 Now, earlier, when I said we picked -- when I picked her up, and -- and
21 -- and the conversation that was, I asked her again about daddy because the 12th
22 was his birthday and we was supposed to be going over there on the birthday, but
23 she didn't really want to go.

24 And, so, I'm asking, "Why? Is this because you all already know each
25 other too much? Or is it because you just don't want to go just because you just

1 don't want to go?" So the issue started coming into play about other things.

2 Now, the 14th, after I got there from church, that's when they start really
3 just -- the whole thing just changed from -- from the time that Yasmine had got off
4 work and they was in the car, me and Punkin, we're on the phone.

5 And we -- we talking now. We -- and I mean, the talking was getting
6 more and more into an argument status.

7 Now, we was talking so much her phone went dead. I'm thinking she's
8 just hung up the phone, but she called me right back on Yasmine's phone. And,
9 now, we -- she's continuing to talk.

10 And so, now, I'm asking her -- I'm like, "Okay. So what's -- what's the
11 business between you and my daddy just straight up? Tell me -- tell me what it is;
12 just let me know what it is."

13 She's like, "Oh, Babe, it ain't nothing like that, Babe. It ain't nothing
14 like that." And, then, that's when she let me know, "Okay. Well, I might go over to
15 your daddy's house and let him tell you himself."

16 I guess that's when she went over there; that's when they went over
17 there because sure enough my daddy come calling me.

18 He's like, "Well, Joseph..." -- my daddy calls me Joseph -- he said,
19 "Well, Joseph, your -- your girl over here and she's upset." I'm like, "What's going
20 on?" And he's like -- well, the first time he called he was like, "I want you to help me
21 with these boxes at the store tomorrow." So I'm like, "Okay," and hung up the
22 phone.

23 So, when he called back, that's when he was saying, "Well your girl's
24 over here and she seems upset." So I was like, "All right. Keep her there. I'm on
25 my way."

1 Now, mind you, where Camellia Circle is and where my daddy stays,
2 that's ---

3 Q. Where did your dad live?

4 A. My daddy at the time stayed right there on Logan Street. That's right
5 beside AutoZone right here. Right here (indicating) and Camellia Circle, if you take
6 that little one-shot right on down and you're right there. Is not even -- maybe a mile
7 and a half, maybe two miles.

8 But we get there. So I'm like, "Keep her there. I'm on my way." And
9 he was like, "Nah, we ain't got to have all this going on over here like this." He's
10 basically saying he don't want no drama in his house like that. So I'm like, "Okay.
11 All right."

12 So we hung up. So now she's back calling me. We back on the
13 phone. She's using Yaz's phone and -- because like I say her phone is dead. She's
14 using Yaz's phone. She calls -- she calls and we're talking and the argument is still
15 escalating.

16 It's still escalating. And I'm like, "Why are you going over here talking
17 to my daddy like that? Somebody's lying." I'm like, "Man, you all -- you all starting to
18 play with my mind now." That's -- that's -- that's where I'm at now.

19 I'm like, "You all playing me." And every body -- and like I say, if you knew
20 who I was, you would understand what that means at that time. Like I say, there's a
21 lot of people in here and a lot of people know me from -- from -- to a certain degree.

22 And a lot of people understand my level of anger. And a lot of people
23 also understand the love that I have for Punkin and they know that I would never
24 hurt her. That's how -- that's how the things -- that's just the way it is, the truth of
25 the matter.

1 Q. All right. Let's move on a little bit. Now, you and Punkin were arguing.
2 What happened after -- after you all argued on the phone?

3 A. It went from -- it went from that to we got off the phone. And I'm like,
4 "All right. Whatever." Like that, "Whatever." So Yaz called. She said, "JD, what's
5 going on because me and mama, we just riding around. I just got off of work. I'm
6 tired. I've got school in the morning. And me and mama are just riding around."

7 I was like, "All right, Yaz. I'm gone. I'm on my way over to the crib.
8 The truck in back yard, the keys are on the front porch." That's what I told her.

9 So -- and that's what I did. I walked to my crib. And, then, my daddy,
10 he called again. That's when I knew something wasn't right when he called that
11 time.

12 Q. Let's back up one second. You carried -- Ms. Ellis's Tahoe to her
13 house?

14 A. Yeah.

15 Q. And you left the keys on the front porch?

16 A. I put the keys on the front porch, parked the truck in the back.

17 Q. And where did you go?

18 A. I left on foot to go to my house because my house is right around the
19 corner. It's walking distance; literally walking distance.

20 Q. So you went to your house?

21 A. I went to my crib.

22 Q. All right. Then what happened?

23 A. Then I got a phone call from my daddy. He's like, "Boy, where are you
24 at?" I'm like, "I am at home. What's up?" And he's like, "Well, it's Punkin. She's
25 upset."

1 I'm like, "Daddy, I mean, I don't know what's going on? What's up?

2 I'm -- because the game was on and I'll never forget it. My boys was playing Miami
3 and I'll never forget it because I was at the crib and my daddy had called and I was
4 -- I was there.

5 Then the next thing I know, after we made that phone call, I started
6 walking back over and across, walked back across to Camellia Circle.

7 They still wasn't there. I didn't see the car. I didn't see -- I didn't see
8 nothing. And now, by this time, ain't nobody was answering the phone. So I'm very
9 nervous. So I go in the house.

10 The next thing I know, I heard -- I heard car doors, boom boom boom
11 boom. And I know it was more than -- more than one person because I'm hearing
12 car doors.

13 Now, in my mind -- I ain't looked out the door and seen what it was. I
14 just heard all these car doors. So I didn't know what was going on. I didn't know
15 what was what. I didn't know if she went and grabbed somebody to come with her
16 or something. I didn't know what was going on.

17 But what I do know is, when I heard these car doors, I heard voices.
18 And it was them. It was -- I heard -- I heard my daddy. And I heard -- I heard
19 Punkin and I heard Yaz But, when the door opened, Yaz came through the door.

20 Q. Where were you at when Yaz came in?

21 A. I was in the other room, like in the pictures that you all seen all day
22 yesterday, that first bedroom right there.

23 Q. The first bedroom?

24 A. That Bedroom One.

25 Q. Okay.

1 A. So I heard Yaz; came through the door. She went in, I guess -- I don't
2 know. I guess she started looked around or something, but she left back out.

3 So, the next thing I know -- and I didn't even know Yasmine was gone.
4 I didn't even know that. I'd even know that until I actually went back outside
5 because then I -- I heard -- I heard my daddy. And, when I heard my daddy, that's
6 when I went out. That's when I came out of the room. I heard my daddy.

7 Now, I know yesterday you all heard what my daddy said and all of
8 that, but, when I came out of that house, I went to my daddy. And my daddy was
9 standing right there on the porch.

10 And when I --- and when my daddy was -- where he was at, the
11 altercation became between me and my daddy. It wasn't even about Punkin no
12 more.

13 Now this is the part that -- that -- that folks fail to realize. Everybody
14 who knows Punkin knows she ain't about to get up all in that like that. And she --
15 she just was more or less more concerned about me at the time than anything else
16 because Punkin, when she came in the house, she went to the carport.

17 That's where -- that's where all of her other clothes was. Like I say,
18 everything was sealed and cluttered because the move and all of that. And she
19 hadn't really gotten everything altogether, her and Yaz.

20 But, in the carport, that's where she kept a lot of her other clothes.

21 Q. Is that the garage area that's on the diagram?

22 A. Yes, sir. And it's -- it's closed in, yes, sir. In the diagram that you all
23 seen was the kitchen and, then, a little room down there it was -- that was a closed
24 in carport.

25 That's where Punkin was. And I seen Punkin when she was in there --

1 well, I didn't actually see her, but I heard her in there. She was rumbling for some
2 clothes.

3 Now, me and my daddy, we are out here and now -- by now, I'm telling
4 you, I'm irate. I'm -- I'm -- I'm angry now because now I'm asking my daddy, I'm like,
5 "So, what's up? You been lying. You up here talking about you ain't messing with
6 her, but she's coming to your house to come get you. Why?

7 "She ain't never come to your house to come get you. She ain't never
8 came to your house to come get you. So why would you say now and you're --
9 you're over here?" And now the altercation is between me and my daddy.

10 And now, Punkin, she came out. She's got her hands full of clothes in
11 her hands because she was saying she was -- because I asked her, I'm like, "Where
12 you going? "She was like, "Oh, I'm about to go over to Jackie's. I'm getting my work
13 clothes and I'm going over the Jackie's," so -- because she had her work clothes in
14 her hands.

15 So I'm like, "So somebody's lying," so I'm like, "What -- what -- what's
16 going on right here? What is this?" And, then, my daddy, he's looking like he don't
17 understand what's happening. And now, my stepmom, she done came around the
18 back. She done came in and now she be in it too.

19 And she's trying to act like she didn't remember, but what she failed to
20 realize is, I remember. I remember everything. They remember everything. They
21 remember that altercation me and my daddy was having right there on that front step
22 and how that it escalated.

23 Now, in that -- in that photo that you all seen, it didn't have the bed
24 thing that was right here in the front room. Now, that bedpost -- out of all the
25 pictures that were shown, none of those pictures that was shown was actually in that

1 front room.

2 In that front room, there was a bedpost to -- to a bed that -- that -- that
3 what was broken in the move. And we kept that in that front room.

4 And on the bedposts it have a top half right here (indicating). Now,
5 when me and my daddy right here (demonstrating), outside on the porch, we
6 outside. We talking -- well, we're not really talking now. We're really in a -- we
7 really arguing now. Then, Punkin, she comes up.

8 She's like, "No, Baby, that ain't me and him. It's not like that. It's not
9 like that." And daddy's like, "Boy, what's wrong with you?" He's like, "Boy, what's
10 going on with you?" "What's going on with you?"

11 Now I tell you, I didn't --- now, remember, I didn't have the gun on me
12 at first. It wasn't on me then. The gun wasn't even on me. The gun was right there
13 on that -- on that bedpost that was right there in the front room where no pictures
14 were shown of that.

15 Why I don't know, but when I talked with them, I told the detectives
16 this. I told them that the gun was right there on the bedpost right there in the front
17 room.

18 I told them all of this; explained to them about the argument. And I
19 even told them about the dude who stayed next door who could -- who could confirm
20 the argument. I told them the dude is a little bit slow, but he was outside because it
21 had got so loud. That's how loud it had gotten.

22 Now, me and my daddy, we were -- and Punkin, she's done came on
23 down there. She's done came up now from the carport. She's got her hands --
24 she's got her hands full with these clothes in her hands.

25 And, then, all she is now, she standing in between me and my daddy.

1 Now she's standing right here (indicating) by the -- by the actual -- by that -- by that
2 little couch that you seen in the post -- in the pictures, the couch right there by the
3 door, right there by the door. She's standing by that.

4 My daddy is standing right here (indicating). And I'm standing right
5 here (indicating), right in front of this. And Punkin is here and my daddy is right here
6 (demonstrating).

7 Now this is what happened -- and this is where everything goes --
8 everybody goes blank right here at this point. Now, at this point, that's when I seen
9 the gun right there. I ain't going to lie. I seen the gun. The gun was right there on
10 the bedpost.

11 Now I pick the gun up; yes, I did. And, when I picked the gun up, at
12 first in my mind I'm like, "Okay. They see me now with the gun, so somebody is
13 going to tell the truth now. Somebody has got to tell the truth.

14 "Now I'm -- I'm angry and I got a gun in my hand, so somebody is
15 going to tell the truth."

16 So the first thing I did, the first shot was right there in the floor. Now
17 that's the same bullet that -- that -- that the crime scene man, he swears they didn't
18 see. They swear they didn't have.

19 But that's the bullet that -- that -- that, once that gun got retrieved --
20 and I told them where the gun was and I told the how many shots I had fired, that's
21 the same bullet that came from nowhere that nobody can find; that one bullet that's
22 in the ground that will show where I was and where I was shooting the gun.

23 And I shot the gun right there. And my daddy will tell you --p if you had
24 asked the right questions yesterday evening, he would have told you, "My son shot
25 that gun while looking at my daddy asking him, "Now which one of you all lying?"

1 "You lying. Daddy, you're lying." Shot the gun and it went bam right
2 there. And, then, the second time I shot the gun, by then, Punkin, she done got
3 scared. I mean she is really -- now she's -- she's scared for real.

4 Now she tried to move forward and she hit on that chair that was right
5 there by the door. And, about that same time, I was shooting again.

6 Not one time did I raise that gun up above my waist; not one time. All
7 of my shots was down on the ground. All my shots was on the ground. And, if it
8 wasn't -- not one time did I even -- because Punkin, she -- I hate to say this, but she
9 -- she was a victim of -- of -- of -- of -- she was a victim of her own heart, man.

10 I'm telling you, she -- she loved me so much, she -- she didn't want
11 nothing to happen to me that night and she put herself in the way. And she wasn't
12 even -- it wasn't nothing even there for her; that was between me and my daddy.

13 And the reason why my daddy came in here like that and the reason
14 why it was so easy for him to come in here and say what he said, because he's got
15 that guilty conscious too.

16 He knows Punkin had nothing to do with this. He knows this wasn't
17 about an issue between me and Punkin. This was about me and my daddy.

18 Out of fourteen (14) months, my daddy came to see me Tuesday
19 because -- because of the DA. The DA done told him to come down and see me;
20 you know what I'm saying, after 14 months to tell me that he had to come up here
21 and say this and say this.

22 And I'm like, "Daddy, you need to tell these people that -- that this was
23 between me and you; this didn't have anything to do with me and Punkin," because
24 like I say, if -- I love Punkin with all my heart and I would never, in my right mind, kill
25 Punkin.

1 Anybody that knows me and knows our relationship knows that
2 because, when they tried to jump on Punkin and -- and -- and Yasmine, it was JD. It
3 was JD when -- when folks try to come up here and -- and -- and push her and push
4 her all around when her own brother beat her up, it was JD. JD came to save the
5 day.

6 If I wanted to kill that woman, it wouldn't of been like what they're trying
7 to say I done came out to the house and ambushed her. It's no way possible
8 because I loved that woman too much to even come in between anything like that.

9 Q. Okay. Let's -- let's -- let's ask a -- a question here. You fired one shot
10 into the floor?

11 A. I fired a shot in the floor. The first shot was in the floor.

12 Q. And you ---

13 A. And me and my daddy argued, "Which one of you all is lying?" "You're
14 lying." I shot it just like that (demonstrating).

15 Q. Well, just answer the question.

16 A. Yes, sir.

17 Q. Let's not go back through everything you said. The first shot was in the
18 floor?

19 A. Yes, sir.

20 Q. Did you fire a second shot?

21 A. Yes, sir.

22 Q. Where did you fire that?

23 A. I guess that was the one that hit in the chair because, then, I'm like this
24 (demonstrating).

25 Q. Did you fire another shot?

1 A. The third shot was when she had actually started tripping. She had
2 tripped on the actual thing, on the chair that's right there by -- by the door. That's
3 what had actually -- that's what made me freeze because I seen her tripping, but, at
4 the same time, I was shooting the gun at the same time.

5 Q. And you know whether or not that bullet hit her?

6 A. I don't know. I know it couldn't have been the first two because the first
7 two I seen hit the floor and the other one I seen like a little -- like a little feather come
8 out, like -- like right under the little couch.

9 And by then, like I say, she was so scared she was screaming then
10 because she had heard the two shots. And by the end, then -- then my step
11 mamma, she done came from the back.

12 She done came out the back looking like -- looking I like "Wesley?
13 Wesley?" And Daddy's right here, right beside me. And he knows what's going on.

14 Q. Did you fire more than three shots?

15 A. No, sir.

16 Q. Okay. After you fired the third shot, what did you do?

17 A. I looked down because Punkie's on the ground. I looked down and I'm
18 like, "No, there ain't no way."

19 And I looked at my daddy. That's when he said when we locked eyes.
20 That was one of two things that my daddy said. We locked eyes and I'm looking at
21 my daddy like there ain't no way this just happened to the woman I just love because
22 of this. There ain't no way.

23 That's exactly what that was. That's exactly what that is. He
24 understood what it was when he said he didn't under -- he didn't know me, after 30
25 years, I didn't know him.

1 Q. Well, let's -- you've made it clear that they're some issues between you
2 and your dad, okay? But let's get beyond that right now. After you fired the third
3 shot, and you and your dad locked eyes, what did you do then?

4 A. I was here (indicating). I looked down and I'm standing here like,
5 "There ain't no way. This didn't just happen." Then I looked at my daddy and he
6 looked at me and I just went the other way.

7 Q. And where did you go?

8 A. I went home. I just was walking actually, but I was walking in the
9 direction of my house because, then, my feet was just moving on its own. And they
10 were used to me going round the corner and going to the house and going over to
11 Punkie's.

12 Q. Okay. At that point time, did you call Mister -- Mr. Johnson?

13 A. No, that's not what happened then.

14 Q. Well, what happened?

15 A. I called my daddy. I was like, "Daddy, tell me Punkin ain't dead." I
16 called my daddy. That's the first call that I called. Like I say, they've got all my
17 phone records and they'll see my first -- the first call I called was to my daddy
18 because he was right there. And I'm saying to myself, I'm like, "Daddy, tell me
19 Punkin ain't dead."

20 And he was saying that, "They're working on her right now. They're
21 trying to revive her." I'm like, "Daddy, just tell me she ain't dead." Then, by that
22 time, he was like, "I'm going to call you right back."

23 Then I called Troy, Pastor Troy. Then I was like, "Rev -- because he
24 just prophesied to me Sunday now -- he just prophesied to me, he just told me, "Joe,
25 God said you got a big decision to make and -- and you're going to make the right

1 decision."

2 So when I called pastor Troy, I said, "Doc, you just told me Sunday that
3 I had a decision to make and you said that God said it was going to be the right
4 decision."

5 But I was like, "Doc, you was wrong. You was wrong." And he was
6 like, "What are you talking about, Joe?" I was like, "Rev, I think I just killed Punkin."
7 And I was like, "Rev..." -- and he -- he was like, "Joe, what are you talking about?" I
8 was like, "Rev, I think I just killed Punkin."

9 That's all I could say. That's all I could say. Then, he was like, "What
10 are you talking about?" And he was like -- and I was like, "Call my daddy." So he
11 called my daddy.

12 And then he called me back and he was like, "Well, Joe, she's dead."
13 And, then, from there it's -- it just was a downward fall spiraling, everything just sort
14 of started spiraling out of control.

15 That's when I started getting phone calls from -- from family members,
16 and -- and I'm sitting up here like -- and I'm like, "No. It ain't no way." That's all I
17 could keep saying
18 to myself, "There ain't no way." "There ain't no way." "There ain't no way this -- this
19 just happened; it can't. It can't just happened."

20 Then I called him because now I was like, "Okay." The main reason I
21 wanted to get out of Gaffney right then was because they started threatening me.
22 They started telling me, "This, this, this, this, this, this, when we see you, this, what's
23 up, where you at?"

24 That's all they kept saying when they called me, "Where you at?"
25 "Where you at?" "Where you at?" And I was like, there ain't no way I'm going to my

1 house now, now that these people going to trying to come at me and they don't even
2 know what happened.

3 There ain't no way I can do this now. So, yes, I called Lee. I called
4 Lee not just because he was a friend of mine, not just because I trusted Lee, but just
5 because I knew he would come.

6 And right then I called him and I was like, "I need to get out of Gaffney,
7 Dawg." (Phonetic) And he was like, "What's up?" And I was like, "I need to get out
8 of Gaffney." "I need to get out of Gaffney."

9 And, then, by then I started getting phone calls. Got -- got a call from
10 Mike Mike. And, then, he was saying stuff like, "What -- what happened?" And I'm
11 like, "Mike Mike, I don't even know. I don't even know. I don't know."

12 And he's like -- but, then, I told him -- I'm like "Mike Mike, Mike Mike, I
13 just messed up, man." That 's when he was like, "Well, look, man, I'll come get you.
14 Where you at? I'll come get you," because he knew that -- what was going around
15 and what was said and being said. And he was like, "Well, I'll come get you. Where
16 you at? I'll come get you."

17 And I was like, "Man, I'm on my way down there to -- to the jail. Meet
18 me down there at the jail." And, then it all changed up because it just -- I don't
19 know. I mean, I wasn't right that day. I wasn't right. I mean, I instantly became this
20 other man. I instantly became voided. My life instantly voided out when I seen
21 when I seen.

22 Q. So, then, you went to -- hopped a bus to Greensboro; is that correct?

23 A. Yes, sir.

24 Q. And you were arrested getting off the bus in Greensboro?

25 A. Yes, sir.

1 Q. Okay. And you were transported back down here in mid May?

2 A. Yes, sir.

3 Q. And you gave a statement I believe to Detective Blanton; is that
4 correct?

5 A. Well, I didn't actually give him a statement. They actually told me what
6 happened.

7 Q. They told you what happened?

8 A. They went off of what my daddy and -- and his wife said. And they
9 basically told me, "This is what happened." The only information I could add was
10 what I did with the gun.

11 They basically -- everything else, they told me what -- what had
12 happened. And I was so doped up on -- on these drugs -- they had me on mental
13 meds. They had me on stuff that I ain't never taken a day in my life because that's
14 just how far gone I was.

15 When I went to Greensboro, when I -- when I got locked up, I was so
16 far gone I was a zombie. I wasn't even who I was. I mean, the love of my life was
17 gone and -- and I wasn't the same. I wasn't the same at all; at all.

18 Q. Is there any doubt in your mind that the third shot that you fired was
19 the shot that -- that killed her?

20 A. I mean, after the fact, I know that's the one that hit her.

21 Q. Did you mean to shoot her?

22 A. Not even -- not in -- no, sir, not at all.

23 Q. Did you mean to kill her?

24 A. No, sir.

25 Q. Did you mean to fire a shot to try to scare her?

1 A. I did try to scare her. I tried to scare both of them. But I wasn't trying
2 to kill her. I wasn't even aiming at her. That's the -- that's the whole point. I wasn't
3 even aiming at her.

4 She was right here (indicating) and my daddy was right here
5 (indicating). And I'm right-handed. If I have been left-handed, I would have been
6 shooting at my daddy over here. But I was right here (indicating).

7 She was just that's close because she was that -- that caught up in it,
8 "JD, no, don't be -- your daddy ain't -- no, it's you. It's you.

9 Q. I got -- I've got one -- one last question. To be fair and full disclosure,
10 you've got a conviction in North Carolina for conspiracy to commit common law
11 robbery; is that correct?

12 A. That's old, yeah.

13 Q. And also another felony that carries over a year; is that correct?

14 A. Yes, sir.

15 MR. THOMPSON: Thank you. Answer any question the solicitor may
16 have for you.

17 THE COURT: Mr. Barnette?

18 MR. BARNETTE: May it please the Court, Your Honor?

19 CROSS EXAMINATION by MR. BARNETTE:

11:06 A.M.

20 Q. You never told anybody this story before today, have you?

21 A. Yes, sir, I have.

22 Q. Well, who have you told it to?

23 A. I told it to these two detectives over here (indicating).

24 Q. That's not what you told them.

25 A. That's what I told them.

1 Q. You gave a statement; you didn't tell them that story, did you?

2 A. Yes, sir, I did.

3 Q. Would you like to read over your statement?

4 A. I don't have to read that.

5 Q. You didn't say it in this statement, did you?

6 A. I didn't write that. I didn't write that.

7 Q. You didn't tell them about, "Well, it started on her Facebook page."

8 Now you're blaming Yasmine for the Facebook posting?

9 A. I'm not blaming Yasmine for the Facebook posting.

10 Q. Now you're blaming your dad for all of this?

11 A. My dad had a lot to do with it, he did.

12 Q. So what you're insinuating to this jury is was your dad and Punkin was
13 having an affair?

14 A. That's not what I'm insinuating.

15 Q. Well, what are you insinuating then? Tell us.

16 A. I'm not insinuating anything. What I'm saying is what the truth is, what
17 happened that night. What happened was, me and my daddy had an altercation. It
18 wasn't me and Punkin. That's what I'm saying; the truth.

19 The truth is me and my daddy was outside talking in an argumentative
20 tone. The truth is that when it got to that level, Punkin came out because she heard
21 me, the man that she also loved.

22 She heard me. And she knew the type of level of person that I am.
23 And she didn't want anything to happen to me. That's how she got involved in all of
24 this. That's when -- that's when she came back into the picture.

25 Q. Well, the truth is she goes in Yasmine's work, she goes out the back

1 door and gets her car because she's scared to death of you.

2 A. The truth is, when I took her to the job, she wanted to see Yaz
3 because, like I say, we just left the insurance place. And the insurance place, the
4 insurance man wanted some more money because the car that we just -- that she
5 had just put down on her insurance.

6 Now she wanted to get the car because she had to take the car back
7 up to the insurance place because they had to take pictures and all of that good
8 stuff. Why she went out the back, I don't know.

9 Q. The insurance place was closed. You just told them they made it right
10 before there -- you made it before it was closed. So it was closed, wasn't it?

11 A. When we got there, it was right before. They let her in. They let her in.
12 I told you they was closing, but they let her in. See you've got to understand ---

13 Q. Well, now -- now you're telling the jury that now because you're
14 making it up as you go, aren't you?

15 A. No, sir, not at all. I remember that day very clearly. I remember oh so
16 clear because that was the day that changed my whole life. I remember that day.

17 Q. And you changed her life (indicating), didn't you?

18 A. And I'm so sorry for that. I mean it's -- there's no malice in my heart.
19 Like I say, we were a family for a long time, me, her, and her mama. It was just me,
20 Punkin and Yasmine, nobody else.

21 Q. Oh, there was nobody else, huh?

22 A. It wasn't. I'm telling you, at that time, there was nobody else. It was
23 just us three. We was alienated, just us three. There was nobody else.

24 (Brief Pause)

25 Q. Let me show you what's State's Exhibit Number 20 [sic]. Is that your

1 phone, sir?

2 A. Yeah, that's the one I was using.

3 Q. That was your phone that you were using?

4 A. Yeah, I was using that.

5 (Brief Pause)

6 MR. BARNETTE: One moment, Your Honor, please.

7 (Brief Pause)

8 Q. (By Mr. Barnette) Let's power it up and see who also is in it.

9 A. Power up.

10 MR. BARNETTE: I'd like to mark this as State's Exhibit 21, Your
11 Honor, the phone.

12 THE COURT: Well, I thought that was already in evidence.

13 MR. BARNETTE: It is, but can I mark it as a separate exhibit I guess
14 to make sure it's ID'd? And I don't know if Mr. Thompson wants to see it
15 again or not.

16 (Off-The-Record Comments)

17 MR. BARNETTE: Or 21A, 21A

18 (Whereupon, State's Exhibit Number 21A was marked for
19 identification and was previously admitted without objection.)

20 (Brief Pause)

21 Q. (By Mr. Barnette) Who's Michelle (phonetic)?

22 A. A lady from my church.

23 Q. How well did you know Michelle?

24 A. I knew her pretty well.

25 Q. I'd say you did. Michelle says, "I hope you didn't show up because I'm

1 not playing games with you, how much do — I want you (phonetic)." See?

2 (Exhibit shown to the witness.)

3 Q. Maybe you can read it for us. What did you say back to her?

4 A. Say what, back? That, "You want me."

5 Q. What does that say?

6 A. "Do you love my dick (phonetic)?"

7 Q. You're saying that to Michelle, right?

8 A. That's what I said.

9 Q. What does Michelle say back to you?

10 A. "Thanks for making me feel sexy."

11 Q. What did you say?

12 A. "You do the same."

13 (Brief Pause)

14 A. Now, while you're doing all of that, let me tell you:---

15 Q. Well, tell us about Michelle then.

16 A. Let me tell you what this is. This woman had low self-esteem.

17 Q. She had low self-esteem?

18 A. Yeah.

19 Q. Okay.

20 A. And she was going through some issues with her husband. Now you
21 have to understand my position where I was in the church. I was the minister of
22 music.

23 Q. Uh-huh (affirmative).

24 A. And I was also a minister. Now, when you're a minister of the people,
25 you are -- you are coming into grips of things. And people are attracted to you in

1 different types of ways.

2 See, when in ministry, you are adapting. You are -- you are a type of
3 person that -- that it's sort of kind of like a counselor with some people. You can
4 touch people in different types of ways.

5 Now, that woman right there, she had issues. She had needs. And
6 those needs was to help uplift her. And I was a great lifter. I was an encourager.
7 I was all of that.

8 Now, by whatever you're trying to insinuate right now, it has no effect
9 because my heart was with Punkin. My heart was with no woman at my church. I
10 mean the evidence shows that. Since the day I met Punkin, we was together.

11 Q. Okay. I'm trying to read through this message if I can. When was the
12 message -- when did you all do the texting?

13 A. I don't know. You got it.

14 Q. March ---

15 A. March 11th.

16 Q. March 11th?

17 A. Right.

18 Q. Of 2012?

19 A. Two thousand, twelve (2012).

20 **(Brief Pause)**

21 Q. Okay. And this is from Michelle.

22 A. Uh-huh (affirmative).

23 Q. Can you read that to us, what Michelle said to you?

24 A. "I can only imagine what -- whatever God give -- give you, what that
25 look like." "D, I want you so bad, from your head to your toes. You are fine, fine

1 individual."

2 Q. Okay.

3 (Brief Pause)

4 MR. BARNETTE: I'm trying to figure out how to work this, Your
5 Honor.

6 (Brief Pause)

7 Q. (By Mr. Barnette) What is she saying there?

8 A. "You are my weakness. I've try not to look at you."

9 Q. Keep going, please.

10 A. "You are a fine brother and with those glasses on just makes me want
11 to eat (phonetic) you."

12 Q. How do I go back to the -- get out of that.

13 A. Go back. You see "back"?

14 Q. Okay.

15 A. Push back.

16 (Brief Pause)

17 Q. What is she saying to you there?

18 A. She said, "Well, I think I'll start by kissing those sexy lips and slowly
19 going down your chest all the way to your dick. And I want to stop right there and
20 suck it til you cum."

21 Q. Sounds like you're giving a lot of counseling to her, doesn't it?

22 A. I mean, those are just words.

23 Q. The truth is you were seeing somebody else, weren't you?

24 A. That's not the truth. That's not the truth at all.

25 Q. This is your phone.

1 A. Those are words.

2 Q. You've even got her picture in here, don't you?

3 A. I've got pictures of a lot of women in there.

4 Q. You've got pictures of a lot of women in there, don't you?

5 A. Yes, sir, I do.

6 Q. You were counseling a lot of women, weren't you?

7 A. No, sir, I wasn't.

8 Q. Well, what were you doing with all those women?

9 A. Half the women -- like I say, I have three children by three different
10 women. I talk to them on a regular basis because I am a father with three kids. And
11 other people are just friends and so on, so on.

12 Q. What other pictures are on this phone?

13 A. I mean, you have the phone. You can look at any pictures you like to
14 look.

15 Q. Okay. We'll take a look at some of them.

16 (Brief Pause)

17 MR. BARNETTE: One second, Your Honor, please, while I learn
18 how to work it.

19 MR. THOMPSON: Your Honor, may Mr. Barnette and I approach?

20 THE COURT: You may.

21 (Whereupon, a bench conference was had with both attorneys
22 present.)

23 Q. (By Mr. Barnette) I don't want to beat a dead horse, but did you send
24 pictures of yourself to these women?

25 A. Sir?

1 Q. Did you send pictures of yourself to these women?

2 A. No, sir, I didn't.

3 Q. But you just counseled them, like Michelle ----

4 A. I counsel ---

5 Q. --- in March of 2012?

6 A. I talk to women, I talked to men. I mean, it's -- it's part of my -- it's part
7 of my occupation of being a minister. Now, if you're trying to -- trying to say that if
8 I've made mistakes; yes, I'm human.

9 But, the truth of the matter is, being human don't take away what
10 happened on March 14th. That ain't got nothing to do with this because that is totally
11 different, totally different.

12 Q. Well, in other words, Punkin couldn't go see even your dad or talk to
13 anybody else; you was her protector, weren't you?

14 A. Yes, sir, I was her protector.

15 Q. In other words, she was your property?

16 A. No, sir, she wasn't.

17 Q. She wasn't going to see -- or even, if you even thought that she would
18 seeing somebody else?

19 A. That's not even the least likely of what being a protector and comforter
20 means.

21 Q. Well, what does being her protector mean?

22 A. Like I was -- like I was saying in my testimony, there was a lot of stuff
23 going on during that time. A lot of her family was trying to bully her.

24 Like I told you, her own brother even jumped on her blacked her eye
25 when I wasn't even there. Now being a protector is, Punkin is the type of woman

1 she is very well mannered, mild tempered. And people knew that and folks tried to
2 take -- use that to their advantage.

3 Q. Yeah, all these people know how good a person she was, don't they?

4 A. Yes, I know they do. Yes, and all these people know too how her
5 family was treating her. And all these people know too, when JD came into the
6 picture, that changed because they understood you're not going to -- you're not
7 going to run over Punkin. You're not.

8 Q. Yeah, things changed for her, didn't they?

9 A. Yes, they did. Yes, they did. You'd be surprised at what all happened
10 since the day I met Punkin. Since that day, you would be surprised how we all
11 became one.

12 Q. Now, let me show you State's Exhibit Number 2. It changed March
13 14th, didn't it, forever?

14 (Exhibit shown to the witness.)

15 Q. This is your gun, right?

16 A. No, sir, that's not my gun.

17 Q. Well, where did the gun come from?

18 A. That gun came from the country. That's her daddy's gun.

19 Q. What's that?

20 A. That's her daddy's gun.

21 Q. Okay. So you didn't text and let her know -- just ask her where the
22 thing was?

23 A. No, sir, I didn't.

24 Q. Oh, okay. Your testimony is you talked to all these people and you just
25 walked over to the house, didn't you?

1 A. I walked over to the house?

2 Q. Yeah. Well, when you heard them outside, why didn't you just go open
3 the door and say, "Come on in"?

4 A. Because like I told you I didn't know who was who. I didn't know what
5 was going on.

6 Q. Well, you just told the jury that you heard your dad's voice and you
7 heard Punk's voice. You heard all their voices outside. Why didn't you just go
8 outside and just see them?

9 A. Yeah, I heard them then, but when it first happened, I didn't know who
10 was who. I just heard doors slam; boom, boom, boom, boom. And, when you hear
11 doors slam, that means there's more than one person. I didn't know what was going
12 on.

13 Q. Well, you said all these people out here know that you're the protector;
14 you changed her life?

15 A. Yes, sir.

16 Q. Nobody is going to mess with you, are they?

17 A. They didn't, no, sir. They didn't.

18 Q. I mean, shoot, you've been convicted of conspiracy to commit armed
19 robbery -- I mean common law robbery; isn't that right?

20 A. No, sir, I was not convicted of that.

21 Q. Conspiracy to commit a common law robbery?

22 A. I wasn't convicted of that. I pled guilty to it.

23 Q. Oh, you pled guilty to it? Okay.

24 (Brief Pause)

25 Q. And, like you said, you decided to leave Gaffney, didn't you?

1 A. Yes, sir, I sure did.

2 Q. You got out of here as fast as you could?

3 A. Yes, sir. If you've got some of the phone calls I got, you would've got
4 up out of there too.

5 Q. Why didn't you go to the police station?

6 A. I mean, at the time, like I say, I wasn't myself; I wasn't. I was -- I
7 wasn't who I am.

8 Q. As a matter fact, you even bought a bus ticket. How did you get from
9 Cowpens to Charlotte?

10 A. It's -- there was a truck driver right there. It was just that he was just in
11 the truck and I'm walking down the street. He had rolled down the window and he
12 was saying -- saying something to me.

13 I don't know if I was walking some type of way or looking some type of
14 way, but he was saying something. He's like, "What's wrong?" And I was like, "I
15 don't even know." I was like, "I just need a ride."

16 And the next thing I know he was like, "Well, I'm about to go ahead and
17 get on 85. I can take you up close to Belmont." So I was like "Okay." So we rode.
18 We rode to Gastonia because I -- I understood Gastonia is -- is a bigger city than
19 Belmont.

20 So I was just walking around like a zombie that night. And the next
21 thing I knew that morning I got on the bus and that took me to Charlotte. And I went
22 from that terminal and I walked from there to the bus terminal and I purchased me a
23 ticket to go to Greensboro.

24 Q. And, of course, this State's Exhibit 24, this is the ticket that you bought
25 from Charlotte to Greensboro, North Carolina?

1 A. It says Greyhound on it. I'm guessing that's the ticket.

2 (Brief Pause)

3 Q. That's a receipt you got for the ticket, isn't it?

4 A. Yeah, it's the ticket.

5 (Brief Pause)

6 A. No, this ain't the ticket.

7 Q. No, I say that's the receipt, right?

8 A. This is not -- nah, this ain't it. You know how I know it's not it?

9 Q. Why is that not it?

10 A. Look at the name. That ain't even my name. In this whole trial, you
11 done used my name. That is nowhere near my name. That is not the ticket that I
12 had.

13 Q. Oh, so there's another one? Okay. So you was telling somebody a
14 false name to get a ticket?

15 A. Like I say, that's not my ticket.

16 Q. This was found with you with your stuff in the box when they got you,
17 wasn't it?

18 A. No, sir, it wasn't.

19 Q. And now you're saying this isn't your ticket because it doesn't have
20 your name on it?

21 A. I'm going to tell you why that's not my ticket. Because first off, the only
22 thing I had was just a Greyhound thing right there (indicating). That's all I had.

23 Q. You had this (indicating)?

24 A. I didn't have all of that.

25 Q. You didn't have all that?

1 A. I didn't. I discarded that on the bus. That's how I know I didn't have it.
2 Now looking at that name, I know that's nowhere near me. Somebody may have
3 purchased the ticket at that time going from Charlotte to Greensboro and used that,
4 but that's not me. The name I used was not that.

5 As a matter of fact, I didn't even use a name. They just gave me a
6 ticket.

7 Q. What name did you use then?

8 A. I didn't have to give them a name. I just went up there and bought a
9 ticket. I didn't have to use a name.

10 Q. Well, how did you buy the ticket?

11 A. With cash money.

12 Q. How much cash money did you have to buy all this stuff?

13 A. It didn't cost much. It cost about twenty dollars (\$20) to get from
14 Charlotte to Greensboro on a Greyhound. It don't -- it's not expensive.

15 Q. How much -- what did you take with you when you left Gaffney?

16 A. My phone, and that's what I had right there (indicating); my shoes, my
17 -- my wallet. That's -- that's what I had with me.

18 Q. Going back to the Facebook page, you posted that on Facebook, didn't
19 you?

20 A. I don't remember posting that.

21 Q. You're also known as Trinidad, right?

22 A. I am Trinidad, yes, sir.

23 Q. I'm showing you State's Exhibit Number 9.

24 **(Exhibit shown to the witness.)**

25 Q. Is that your post?

1 A. I don't remember doing that because I don't — I didn't even get on the
2 computer.

3 Q. Well, you don't have to, do you, because you've got Internet on this
4 (indicating).

5 A. But I don't Facebook on it. I don't even remember that post, that's not
6 — I don't even understand that. That says 36 minutes ago. Thirty-six (36) minutes
7 ago from what? Where? Where is the 36 minutes? From what?

8 Q. March 15th, 2012.

9 A. Thirty-six (36) minutes from March 15, 2012, what is that? I don't
10 understand what that is.

11 Q. Well, we don't understand a lot of things you're saying right now, sir.

12 A. All I know is I told the truth.

13 Q. Well, you're basically saying this lady right here (indicating) did not tell
14 the truth?

15 A. Who, Yasmine?

16 Q. Yes.

17 A. No, I'm not saying that.

18 Q. You're basically saying your parents didn't tell the truth. They've had
19 to come in here and testify.

20 A. My daddy didn't tell the whole truth, no, sir, he didn't. He left out
21 different things.

22 Q. And you say the police officers -- and through this statement you never
23 mention anything about a confrontation with your dad, did you?

24 A. Yes, sir, I did. Now that other things; this is truth right here. This
25 whole paper right here (indicating), I didn't write that.

1 Q. So this (indicating) is all a lie? The police made a lie for you?

2 A. What they did was, they told me what took place on March 14th. When
3 they brought me into this investigation, when they brought me from — from the city
4 jail or the county jail to the city department — as a matter of fact, that young man
5 right there (indicating) was the one that took me over there.

6 And he's the one that brought me from Greensboro. And he was like,
7 "Well, Mr. Satterwhite, I've seen a lot of you — we're seeing a lot of each other." He
8 made a joke like by saying, "I'm seeing more of you than I am my own kids" or
9 something he said. And I was like "Yeah."

10 So we get down there and the first two people I see is — is my man
11 right here (indicating), this detective, and — and this one (indicating), Mister — the
12 redhead man right here (indicating). And the first thing they did, he walked in, "Oh,
13 what's up, JD?" I'm like, "What's up?"

14 And, at this moment, they can already tell that I'm already doped up o
15 because I've been on these — these mental meds. And the first thing they start
16 asking me was, "Okay, now, JD, we know what happened. We know you did this.
17 We know you did that."

18 And I'm just sitting here like, "What — what you all talking about?
19 What is this you all are saying? I ain't done none of this."

20 And now, when they start asking me certain questions, that's when I
21 started telling them, "Okay, go ask the dude next door." The dude next door who I
22 told them he's a little slow, but he heard the argument.

23 But I see they didn't do that. The only thing they was concerned about
24 was a gun.

25 Q. Well, let me ask you this here: State's Exhibit 7, they gave your rights

1 to you, didn't they?

2 (Exhibit shown to the witness.)

3 A. Yeah, they read that.

4 Q. And you signed it, didn't you?

5 A. Yeah, they read them to me.

6 Q. They read them to you and you understood them and everything,
7 right?

8 A. I understand my rights, yes, sir.

9 Q. Okay. And they also -- actually you signed three different times that
10 you understood that?

11 A. Like I say, I understand my rights. They read those to me.

12 Q. Okay.

13 A. And he was very adamant about reading the rights. Just like he said,
14 he paused after each one and he made sure I understood what he was saying. And
15 I told him, "I understand." And because he understood the state of mind that I was
16 in. He understood that I was on medicine.

17 Q. And, then, they get -- you told them the statement?

18 A. I didn't tell them this. This is what I'm telling you. They wrote what
19 they wanted to write and they allowed me to just do this: "JD, initial this, and initial
20 this." That's what they told me.

21 Now, after they told me what they did and after -- and after I told my
22 man -- this is exactly what he told me, "Well, they'll probably get you for negligent
23 homicide." That's exactly what that man right there (indicating) told me.

24 Him (indicating), that second one right there. He told me that. That's
25 what he told me. That's why I am like, all of this right here, I mean, this is -- that's

1 not right. That's not right.

2 Q. And they talked to you in reference to a homicide, a murder?

3 A. Right.

4 Q. Okay.

5 A. They said all of this. I'm not disputing this. They said all of this, my
6 statement, my rights, they said all of this.

7 Q. Okay.

8 A. They did all of this. And like I say, my man, he was real adamant
9 about each and every last one of these. But, when it came down to this (indicating),
10 this is — this has been fabricated to fit what my daddy and his wife had said
11 because they had told me what had happened that night.

12 Q. Well, did you tell them that you and Punkin or Allene Jean Ellis was
13 arguing?

14 A. Yeah.

15 Q. You told them that?

16 A. Yeah, I told them we was arguing what? Read the rest of it that they
17 say that I said. They said that I said that — that we was arguing about a — a man.

18 Q. Right.

19 A. And the man is my daddy. This man put down what he wanted to put
20 in the paper.

21 Q. Why didn't you — so your testimony today is that you told them that it
22 was your daddy?

23 A. I told them this. That's what I'm saying; I told them this.

24 Q. But it was never in there, was it? You never told them about that, did
25 you?

1 A. They would never wrote it in there. I told them about the argument that
2 me and Punkin was having. It was about a man. And the man was my daddy.
3 That's what the argument was about.

4 Q. The problem is it's everybody else's fault, everybody else's is lying but
5 you?

6 A. No, it's not everybody else's fault and no, I am not lying because
7 throughout this whole trial, everything was set up to a degree. And you can tell a lie
8 from a fake.

9 I mean because people lie, but evidence don't lie. That's one thing
10 that's for certain.

11 And -- and, by saying that, all of this right here (indicating), that's --
12 that's -- that's not what really happened. That what you all got on these papers is
13 totally different. Like, when my daddy and them spoke to them that night, it's totally
14 different that what he said on this stand.

15 Q. No, it's not.

16 A. Oh, yes, it is. Yes, sir, it is. Yes, sir.

17 Q. That's your opinion.

18 A. No, sir, it's not. It's in paper. It's in writing because like you all did
19 yesterday, you all got my daddy and his wife, right before we -- we closed down
20 yesterday. And, once you start telling them and you ask them did they see me, all
21 they said yesterday they said they didn't see me. That's what we all heard.

22 But in them statements, they seen me in the house. They seen me.
23 And you even allowed her to read the statement because she had memory loss.
24 And I wondered why she stopped reading it right before she got to the part where
25 she said she seen me come out of the room. I'm like, "Why?"

1 But it's not the same. That's what I'm saying, it's hard to tell a lie and
2 keep it going.

3 Q. Well, I agree with you on that.

4 A. It's hard.

5 Q. I agree with you on that.

6 A. It's hard to tell one and keep it going.

7 Q. But the one thing that is true, you pulled this gun out. And you used
8 this gun, correct?

9 (Brief Pause)

10 A. That's incorrect.

11 Q. Well, what is incorrect about it? You testified earlier you shot this gun.
12 You used that gun —

13 A. Yes, sir. I shot the gun, yes, sir. But I did not murder her, Allene.

14 Q. You realize this is a revolver?

15 A. I understand what that is, yes, sir.

16 Q. Okay.

17 (Brief Pause)

18 Q. And you realize the hammer has to be pulled back on this gun to shoot
19 it?

20 A. That's not true.

21 Q. Oh, okay.

22 A. That's not true. I'm telling you that's not true.

23 Q. It pulls pretty hard, doesn't it?

24 A. I'm telling you, with a revolver, you can keep shooting that gun without
25 having to pull that hammer back.

- 1 Q. Okay. So let's say that assumption on that, so you just keep shooting.
2 Well, obviously it has to pull back. It's not like an automatic weapon. So you have to
3 intentionally shoot this gun three times to shoot it?
- 4 A. No, sir, wrong again. You don't have to pull the hammer back —
- 5 Q. I'm not saying pull the hammer —
- 6 A. — before you shoot it.
- 7 Q. Let's say — let's say — let's say the hammer automatically goes back,
8 but you have to pull that trigger three times, don't you?
- 9 A. Yes, sir. You have to pull the trigger, yes, sir. You sure do.
- 10 Q. And you pulled that trigger three times — your testimony is three
11 times?
- 12 A. That is what it is. You seen the three exit bullets. You seen the — the
13 three spent bullets. You seen that. Like I say, evidence don't lie. I'm not lying. I'm
14 not lying.
- 15 Q. Well who — and you say this is not your gun?
- 16 A. It's not my gun. That's Nate's (phonetic) gun.
- 17 Q. Okay. But, the matter of fact is, you knew exactly where it was?
- 18 A. No, I didn't know where the gun was.
- 19 Q. Oh, now you say — you been in there working all week and you don't
20 know where the gun is?
- 21 A. Yeah, I've been in there working all week. Now you got to understand
22 how that gun even got to where it is. They used that gun to protect themselves from
23 their own family.
- 24 Yasmine had that same gun to protect themselves from her family
25 because different one of them would come down there and try to jump on them.

1 And they had to go up there and that was their protection when I wasn't around.

2 That gun right there, that gun (indicating).

3 **Q.** Yeah, you made sure that Yasmine had this gun for protection, didn't
4 you?

5 **A.** That gun right there was for their protection. That was Nate's gun;
6 that's not my gun.

7 **(Brief Pause)**

8 **Q.** Well, how did you know where the gun was?

9 **A.** I didn't know where the gun was. I'm telling you where the gun was.
10 The gun was on the bedpost in the front room. That's where the gun was.

11 **Q.** But you knew it -- it wasn't in the dresser like Yasmine said?

12 **A.** No. The dresser is in the room. The best post is right here
13 (indicating). That wasn't in there.

14 **MR. BARNETTE:** One moment, Your Honor.

15 **(Brief Pause)**

16 **MR. BARNETTE:** That's all my questions, Your Honor.

17 **MR. THOMPSON:** Nothing further.

18 **THE COURT:** You may step down.

19 **(Witness complied with the Court's request.)**

20 **MR. THOMPSON:** That's the Defense's case, Judge.

21 **THE COURT:** Any reply?

22 **MR. BARNETTE:** Your Honor, can we take a break for a minute just
23 so I can check on that?

24 **THE COURT:** All right. Ladies and gentlemen, I'll ask you to
25 please go to your jury room. Don't talk about the case yet. It's not concluded.

1 I'll bring you back when we're ready to continue.

2 (The jury exited the courtroom at 11:35 a.m.)

3 (Brief Pause)

4 THE COURT: All right. We'll take ten (10) minutes.

5 (Whereupon, the recess was taken from 11:35 a.m. until 11:53
6 a.m.)

7 THE COURT: All right. How about instruction requests?

8 MR. THOMPSON: Judge, I'm going to request manslaughter. And I --
9 I know it may be a -- a strange request, but I know for decades the case law
10 has said that manslaughter is the unlawful killing of another person in the heat
11 of passion with -- with legal ad --- legally adequate provocation .

12 I guess I hadn't look at the statute since law school. I pulled the statute
13 out and looked at it, 16-3 - 50. It says, "A person convicted of manslaughter
14 or the unlawful killing of another, without malice expressed or implied, must
15 be imprisoned blah, blah, blah..."

16 Apparently the statute is defining manslaughter and not including those
17 elements of heat of passion or legal --- legally adequate provocation.

18 It's -- it's just saying unlawful killing with no -- without malice expressed
19 or implied.

20 So it's either -- and I realize it's a manslaughter comma (,) or, so it's
21 either defining manslaughter as that or it's creating a second class of
22 manslaughter. So we would ask for a -- a charge on manslaughter.

23 THE COURT: Well, that statute has been interpreted as being
24 the killing -- the unlawful killing of another in the sudden heat of passion
25 based upon sufficient legal provocation. I've heard no evidence here that

1 would establish a sufficient legal provocation.

2 And the law is clear, if there is not sufficient legal provocation, an
3 unlawful killing is murder even in the heat of passion.

4 **MR. THOMPSON:** I understand, but still, I'm — I'm requesting it.

5 **THE COURT:** All right. Does the State have a position?

6 **MR. BARNETTE:** Your Honor, we would object to -- the basis is
7 obviously, if manslaughter is charged and it's found out later that — that there
8 was no basis for the manslaughter charge, as the Court has done, basically
9 they've reversed on that twice. I think it was two Greenville County cases.
10 So I would object based on that.

11 **THE COURT:** Well, I'm — I'm satisfied what the law is and I'm
12 satisfied from hearing the evidence that there is no evidence of a sufficient
13 legal provocation. So I'm denying that request.

14 **MR. THOMPSON:** On behalf — on behalf of Mr. Satterwhite, we
15 would also request a charge of accident.

16 **THE COURT:** All right. What's the State's position on that?

17 **MR. BARNETTE:** Your Honor, I'd -- based off his testimony and so
18 forth I think he's probably entitled to it. Not that I think that there's any
19 evidence to show it, but based on what he claims it's an accident that he did,
20 even though I don't think there's any credibility to his testimony.

21 **THE COURT:** Well, in order to be entitled to a --- an instruction
22 on accident, the — the — the killing has to be unintentional. But you also
23 have to be acting lawfully. And you have to be exercising due care in the
24 handling of a firearm in this case.

25 Number one, I don't think he was acting lawfully and number two, I

1 don't think he was exercising due care in handling the firearm. He was firing
2 willy-nilly even according to his testimony.

3 **MR. BARNETTE:** And, Your Honor, I would also -- he has a
4 conviction for possession of a weapon by a felon. So, obviously, he was not
5 entitled to be in possession of any weapon under any circumstance.

6 **THE COURT:** I do think accident is prohibited by -- by any
7 elements that would need to be shown in order for accident to be instructed.
8 So I think that's precluded also.

9 **MR. THOMPSON:** Yes, sir.

10 **THE COURT:** All right. Anything else? All right. Well, once we
11 have the reply witness, we're going straight into arguments and charge. Do
12 you all have anything else you want to address before that?

13 **MR. BARNETTE:** Your Honor, I would just like to be able to move
14 some of the exhibits over to the table.

15 **THE COURT:** Okay.

16 **MR. BARNETTE:** I can go ahead and do that now if you like me to
17 before the jury comes out.

18 **THE COURT:** Well, either way.

19 **MR. BARNETTE:** Okay. And, then, I'd -- I would waive opening.

20 **THE COURT:** Okay.

21 **MR. THOMPSON:** And I -- I forget, Judge, which reasonable doubt
22 charge do you use?

23 **THE COURT:** The Manning charge, the simple charge.

24 **MR. THOMPSON:** Okay.

25 **MR. BARNETTE:** If I could go through some of these and I'll put

1 them over here, Your Honor, so we'll be ready to go.

2 **THE COURT:** Uh-huh (affirmative).

3 **(Mr. Barnette moves exhibits.)**

4 **MR. BARNETTE:** Thank you, Your Honor.

5 **THE COURT:** All right. Bring the jury in, please.

6 **(The jury was summoned and entered the courtroom at 11:56**
7 **a.m.)**

8 **THE COURT:** All right. The jury is present. You may proceed.

9 **MR. BARNETTE:** May it please the Court, Your Honor? I'd call
10 Sergeant Blanton to the stand.

11 **(The witness stepped forward to be sworn.)**

12 (Whereupon,

13 **SERGEANT CHRISTOPHER BLANTON**

14 first being duly sworn, testified as follows:)

15 **DIRECT EXAMINATION by MR. BARNETTE:**

11:56 A.M.

16 **Q.** If you would, sir, give your full name for the record.

17 **A.** Christopher Blanton (phonetic).

18 **Q.** And where do you work at, sir?

19 **A.** Gaffney City Police Department.

20 **Q.** And what's your position there, sir?

21 **A.** I'm a detective and Sergeant -- or excuse me -- Sergeant in the
22 Detective Division.

23 **Q.** And how long have you worked there, sir?

24 **A.** Going on sixteen (16) years.

25 **Q.** Did you interview the Defendant in this case, sir?

1

A. Yes, sir.

2

Q. And, prior to interviewing him — let me show you State's Exhibit

3

Number 7.

4

(Exhibit shown to the witness.)

5

Q. Did you give him his rights?

6

A. Yes, sir.

7

Q. If you would, tell the jury how you do that.

8

A. Basically start on the first line, "You have the right to remain silent."

9

Q. It might be easier to do it this way. Let me make sure.

10

A. Yes, sir.

11

MR. BARNETTE: Your Honor, I'd like to ---

12

Q. Is this the waiver form that you did with the Defendant?

13

A. Yes, sir.

14

MR. BARNETTE: Your Honor, I'd like to move this into evidence at

15

this time.

16

THE COURT: Any objection?

17

MR. THOMPSON: No objection.

18

THE COURT: It's admitted.

19

(Whereupon, State's Exhibit Number 7 was admitted into evidence

20

without objection.)

21

MR. BARNETTE: Your Honor, may I publish it to the jury?

22

THE COURT: You may.

23

(State's 7 shown overhead.)

24

Q. (By Mr. Barnette) Can you see that, Sergeant Blanton?

25

A. Yes, sir.

1 **Q.** Okay. If you would, tell the jury what you -- do you first get the
2 personal information?

3 **A.** Yes, sir, I do. Basically start at the top fill out the case number of the
4 incident, just get personal information such as date of birth, that type of information.

5 **Q.** Okay. And did you interview him on May 29th, 2012?

6 **A.** Yes, sir.

7 **Q.** Was that -- was that after he was brought back from Greensboro,
8 North Carolina?

9 **A.** Yes, sir.

10 **Q.** Okay. If you would, go through the form there. Did you ask him what
11 education he had?

12 **A.** Yes, sir.

13 **Q.** How far had he gone?

14 **A.** He said he graduated high school.

15 **Q.** Okay. If you would, go through how you do the rights to the jury if you
16 would.

17 **A.** Basically just advise him before we ask any questions or spoke to him
18 about the incident, he had to understand his rights. And we have to read his rights
19 to him.

20 At that time, I start obviously on the top; he had the right to remain
21 silent. And, after I read that one, I make eye contact with him to make sure he
22 understands. I ask, and, then, I'd go down the line.

23 **Q.** Okay. And after that did he sign that he understood those rights?

24 **A.** Yes, sir. That's his signature over here to the right.

25 **Q.** Okay. And who -- who witnessed his signature?

- 1 A. Lieutenant Ron Ramsey.
- 2 Q. And was you also present when that happened?
- 3 A. Yes, sir.
- 4 Q. And, then, tell -- if you would, go to the second part of it with the jury, if
- 5 you would, sir.
- 6 A. Basically just -- we ask him if he understood his rights and if he wish to
- 7 waive, which means give up his rights, and speak with us about the homicide that
- 8 we were investigating. He acknowledged that he did and he signed the waiver form.
- 9 Q. He signed right there (indicating); is that right?
- 10 A. Yes, sir.
- 11 Q. And was that also witnessed by Lieutenant Ramsey?
- 12 A. Yes, sir.
- 13 (Brief Pause)
- 14 Q. And afterwards you all started the interview at what time?
- 15 A. Two o'clock (2:00).
- 16 Q. And when did it -- when did it end, sir?
- 17 A. Three twenty (3:20).
- 18 Q. And did he write two pages -- or were two pages his statement?
- 19 A. Yes, sir. It was actually one page and probably another third of
- 20 another.
- 21 Q. Okay. And did he also signed that?
- 22 A. Yes, sir.
- 23 Q. And was that witnessed by you and Lieutenant Ramsey?
- 24 A. Yes, sir.
- 25 Q. And did he give you a statement, sir?

1 A. Yes, sir.

2 Q. Let me show you what's been marked as State's Exhibit Number 8.

3 (Exhibit shown to the witness.)

4 Q. Is that the statement given to you, sir?

5 A. Yes, sir.

6 Q. Okay. And that was given to you by the Defendant?

7 A. Yes, sir.

8 MR. BARNETTE: Your Honor, I would like to enter this into evidence
9 at this time.

10 MR. THOMPSON: No objection.

11 THE COURT: It's admitted.

12 (Whereupon, State's Exhibit Number 8 was admitted into evidence
13 without objection.)

14 MR. BARNETTE: May I publish it to the jury, Your Honor?

15 THE COURT: You may.

16 (State's 8 shown on overhead.)

17 Q. (By Mr. Barnette) Okay. Who wrote this statement out, sir?

18 A. I did.

19 Q. And let me ask you this: While you all were talking to hm, how did he
20 appear? Did he appear to be under the influence of drugs or anything like that?

21 A. No, sir.

22 Q. Did he appear to be coherent?

23 A. Oh, yeah.

24 Q. And how did you all talk? Was there ---

25 A. Very calm, cordial, like we are here today.

1 Q. And did -- so you wrote it at his request?

2 A. Yes, sir.

3 Q. Okay. If you would, can you read -- can you read the statement to the
4 jury? I know they can read it, but that way it'll won't be very long.

5 A. Yes, sir. It says "I, JD Satterwhite, and Allene Ellis were arguing on
6 the phone on March 14th, 2012 about her involvement with another guy.

7 "After our initial conversation, she called me back from her daughter's
8 phone. I proceeded by her -- by her residence and parked her Tahoe behind the
9 house to wait on her to get home.

10 "I saw her ride by the house several times. I went in the residence and
11 waited roughly twenty (20) to thirty (30) minutes before she showed back up. When
12 she showed up, my dad and stepmom were with her along with Punkie's daughter,
13 Yasmine.

14 "After several minutes..."

15 Have you got the -- I can read it from here better than I can up there.

16 **(Document handed to the witness.)**

17 A. It says, "After several minutes I accessed a storage room and entered
18 the living room. I heard several doors slamming so I assumed everyone was
19 leaving.

20 "I stepped out the front door and didn't see Punkie's car so I thought
21 she had left. I, then, went back into the house and saw a gun laying on the bed
22 footboard inside the living room.

23 "I also saw Punkin about the same time coming from the enclosed
24 garage portion of the house. I picked up the gun and fired two shots to the side of
25 her.

1 "At that point, she tripped over a chair as I fired the third shot. The last
2 shot must of been the shot that struck her.

3 "I then jumped off the front porch and ran left toward West Buford
4 Street. I threw the gun in a wooded area beside Punkie's house. I
5 ran to my apartment on Overbrook Drive.

6 "I then called Lee Johnson and asked ---

7 Q. Hold on one second, okay?

8 A. Okay.

9 (Off-The-Record Comments)

10 Q. Go ahead, sir.

11 A. Okay. "I then called Lee Johnson and asked if he could come pick me
12 up. He drove me to Cowpens and let me out. I hitched a ride with a truck driver to
13 Gastonia, North Carolina, bought a Greyhound bus ticket to Greensboro, North
14 Carolina.

15 "Once I arrived in Greensboro, I got onto a City of Greensboro bus
16 and, when I exited the bus on Franklin Boulevard, I was approached by several
17 police officers."

18 Q. At any time, did he mention anything about any arguments with his dad
19 or anything about that, that he's testified to today?

20 A. No, sir.

21 Q. At any time, in any conversation with him?

22 A. No, sir.

23 (Brief Pause)

24 Q. Now, going to the first page on the bottom of it, was he given an
25 opportunity -- did you read this statement back to him?

1 A. Yes, sir. After I wrote it, I read it back to him.

2 Q. Did he have an opportunity to look at the statement?

3 A. Yes, sir. After I -- normal procedure for me is, if they ask me to write
4 their statement, I write it. After I write it, I read it back to them. And, then, third I
5 hand them the statement and let them read it theirselves before me and ask them to
6 initial the beginning and the end of it.

7 Q. Okay. So, when you're talking at the beginning of it, whose initials is
8 that (indicating)?

9 A. That's his initials.

10 Q. And that's where he initialed the beginning of the statement?

11 A. Yes, sir.

12 Q. And that's on Page 1. And, then, on the bottom, did he sign the bottom
13 of it?

14 A. Yes, sir.

15 Q. And was that also witnessed by you and Lieutenant Ramsey?

16 A. Yes, sir.

17 Q. On Page 2 of the statement, did he initial the end of it?

18 A.
19 Yes, sir.

20 Q. And is that his initials at the end of it?

21 A. Yes, sir.

22 Q. And, at the bottom of the page, the second page, did he also sign that
23 page?

24 A. Yes, sir.

25 Q. And was that witnessed by you and Lieutenant Ramsey?

1 A. Yes, sir.

2 (Brief Pause)

3 Q. And did you also take statements from the — from his mother and step
4 father?

5 A. His father and step mom, yes, sir.

6 Q. Okay. And did they ever mention anything about this argument or
7 anything like that?

8 A. No, sir.

9 MR. BARNETTE: One moment, Your Honor, please.

10 (Brief Pause)

11 MR. BARNETTE: Please answer any questions Mr. Thompson will
12 have for you, sir. Thank you.

13 (Brief Pause)

14 CROSS EXAMINATION by MR. THOMPSON:

12:06 P.M.

15 Q. You took a statement from the stepmother?

16 A. Yes, sir.

17 Q. Do you have a copy of that statement with you?

18 (Brief Pause)

19 A. Yes, sir.

20 Q. In that statement you took from her, she says, does she not, that she
21 saw Joseph come out of the room in the house; is that correct?

22 (Brief pause while the witness reviews document.)

23 A. Yes, sir.

24 Q. So she said she saw him in the house?

25 A. Yes, sir.

1 Q. And you understand that she testified she didn't; is that correct?

2 MR. BARNETTE: Your Honor, I would object at this point as from
3 that standpoint.

4 THE COURT: Well, I'll sustained the objection to that question. I
5 mean —

6 Q. (By Mr. Thompson) But in her statement —

7 THE COURT: — her testimony speaks for itself.

8 Q. (By Mr. Thompson) In her statement to you, she said she saw him in
9 the house; is that correct?

10 A. Yes, sir.

11 MR. THOMPSON: Thank you. Nothing further.

12 MR. BARNETTE: No more questions of this witness, Your Honor.

13 THE COURT: Step down, please.

14 THE WITNESS: Thank you.

15 (Witness complied with the Court's request.)

16 THE COURT: Anything further in reply?

17 MR. BARNETTE: No, sir, nothing else from the State..

18 THE COURT: All right. Ladies and gentlemen, that's all the
19 testimony and the evidence to be offered in the trial of the case. What you're
20 going to hear now are the lawyers' final summations, after which I'll instruct
21 you on the law, and, then, you'll begin with your jury deliberations.

22 So please give the lawyers your attention as they give you their final
23 summations. Note any motions properly made and heard.

24 MR. THOMPSON: Thank you, Your Honor.

25 CLOSING ARGUMENTS

1 **MR. THOMPSON:** I'll say good afternoon again, ladies and

2 gentlemen because it's just past twelve (12:00).

3 I told you yesterday in opening that everything in this case is not going
4 to be contested, okay? And the only thing you really -- I think really the only
5 things you've heard that have been contested or that have been different is
6 the testimony of Mr. Satterwhite and Mr. Satterwhite, the son and father, as to
7 what happened.

8 Murder — the Judge is going to instruct you on the law, so, if I say any
9 thing different, you forget what I say and you listen to what he says, okay?
10 Murder is the unlawful killing of an individual with malice aforethought, either
11 expressed or implied.

12 Malice is an evil heart, a bad intent. Malice can be -- and I think the
13 Judge will tell you -- can be inferred from the use of a weapon, okay? But
14 that's inferred; it's not mandatory.

15 You've heard all of the testimony. You've listened to -- to everything.
16 And I'll be honest with you, I noticed this morning while I was standing there,
17 you all every one paid attention to what was being said. And I commend you
18 for that.

19 But I wasn't there on March the 14th of 2012. The Solicitor wasn't there
20 on March 14th, 2012. And none of you were there. But unfortunately you're
21 the ones that's got to make a decision as to whether or not the State as
22 proven its case beyond a reasonable doubt.

23 Most of the witnesses that took the stand weren't there. Only two
24 witnesses who took that stand -- or three, if you count Mr. Satterwhite -- three
25 witnesses that took that stand were at that house, okay?

1 Mr. Wesley Satterwhite, the father, he testified that he didn't see what
2 happened. He wasn't in the room, didn't see it.

3 Mrs. Satterwhite, the step mom, testified she didn't see what happened
4 either. In fact, she testified she never even saw Mr. Satterwhite in the house.
5 Yet her statement to the police was she saw him in there, as you just heard
6 Detective Blanton say.

7 Getting to the truth of what happened in this might be a difficult matter.
8 Sometimes it is.

9 I think that the evidence is pretty clear that there was some
10 kind of an argument. Mr. Satterwhite himself -- Mr. Joseph Satterwhite and
11 Ms. Ellis had -- I don't know if you'd call it an argument or a disagreement or
12 what, but they had a running conflict over a couple of days.

13 And you heard testimony that he picked her up at work and she
14 wanted to go to her daughter's place of employment. She went in the front
15 door, out the back door, and took her daughter's car and left him sitting there
16 in her car. And you've heard that he took the car to the house later on.

17 At the beginning, I told you, under -- the State's theory of the case is
18 he was laying in wait in that house and -- to kill her. That 's their theory of the
19 case.

20 It may have changed a little bit today because they were questioning
21 about the phone and whether or not he had another girlfriend and this and
22 that and the other, which really has nothing to do with I don't think what
23 happened here that night.

24 There's no indication that the argument was over whether or not he
25 had a girlfriend. And the case was -- all the evidence seemed to be whether

1 or not she had a girlfriend -- I mean a boyfriend.

2 The issue in this case also I don't think is -- is whether or not he fired
3 the gun that fired the fatal shot. He admits he fired into the floor. He fired a
4 second shot which hit the couch. And that she tripped up as he fired the third
5 shot and it apparently is the shot that hit her in the back of the head.

6 The issue in this case, ladies and gentlemen, is whether or not Mr.
7 Satterwhite had malice, malice aforethought, when he fired that third shot that
8 killed her. And that's what you all got to decide.

9 Was he acting with the evil heart? Was he bent and intent on doing
10 something dastardly, evil, okay? And you're going to have to take that - - all
11 the evidence you've heard from everybody -- don't just -- don't just -- and I --
12 I'm going to say this, then, I'm going to qualify what I'm about to say: Don't
13 just pick and choose.

14 Now I say that because you can pick and choose. You can decide, "I
15 don't believe this person's testimony. I do believe this person's." That's your
16 job; you can pick and choose.

17 But, if you're going to pick and choose, at least consider what you're
18 doing and know that what you're picking and choosing is -- there's a reason
19 for picking and choosing.

20 Don't just say, "Ah, we're just going to -- out of hand, we're going to
21 dismiss this testimony and listen to this one." Know that, if you dismiss
22 somebody's testimony, that you have a reason for doing so.

23 I think the Judge is going to explain to you reasonable doubt; I'm -- I'm
24 sure he's going to. Reasonable doubt is just simply a doubt which would
25 cause you to hesitate to act, okay?

1 I always try to give an example like if I were going to go buy a used
2 car. And I get in the car and I drive it, do my test drive, I come back. And,
3 boy, I like this car. I'm ready to buy it. I got the cash in my pocket and I'm
4 ready to buy it.

5 I get out of that car and start to walk into the office and I look back and
6 there's a puddle of oil just pouring out from under it. Am I still going to just
7 turn around and walk in that office and buy that car? Or am I going to say,
8 "Wait a minute, there's a problem here," okay? That's reasonable doubt.

9 The State has to prove to you, beyond a reasonable doubt, that he
10 acted, he killed her, Miss — Ms. Ellis, with malice aforethought, either
11 expressed or implied. Not just speculate that he did it; they got to prove
12 beyond a reasonable doubt that he did, okay?

13 There's no question that this was a tragedy; it's a tragedy for
14 everybody involved. But is it a murder? That's the question.

15 You've heard all the evidence, and a lot of the evidence you've heard is
16 evidence they had to put in because, if they didn't put it in, there would be a
17 lot of gaps.

18 But there has never been any denial of that being the gun, of there
19 being three shots fired. And you can -- you can look at the photograph; you
20 don't even have to look at the bullets.

21 You can, but you don't have to; you can look at the photograph of the
22 gun and tell there's three shots fired because there's -- there's an hammer
23 mark on three shells. And there's no hammer mark on the other two.

24 From the crime scene investigator, the direction of the bullet was into
25 the door or out of the door. There seemed to be two different -- two different

1 types answers I got from him.

2 If it were from out of the door, that might mean one thing. If it was from
3 the outside into the door, that might mean something else. That would mean
4 that Mr. Joseph Satterwhite was on the porch when the shot was fired.

5 And what did Mr. Joseph Satterwhite say? He was on the porch
6 arguing with his dad.

7 **(Brief Pause)**

8 **MR. THOMPSON:** The main thing we want you to do, ladies and
9 gentlemen, in this case is to consider all the testimony and all the evidence
10 you've heard and try to render a just and true verdict. That's all we're after;
11 we're after the truth. Thank you.

12 **(Mr. Thompson's closing argument ended at 12:16 p.m.)**

13 **THE COURT:** Mr. Barnette?

14 **MR. BARNETTE:** May please the Court, Your Honor? Let's talk
15 about some credibility here. Let's talk about the Defendant. Here's a man
16 that says we were so tight in together, the three of us, talking about Yasmine,
17 Punkin, and him; they were so tight. And here's a man that tells you a story
18 that he's never told anybody.

19 He says the police is lying; the police wrote down all this information
20 (indicating). He says Yasmine started this because of a Facebook posting
21 put on there. My dad's the problem here.

22 A man that had — can you imagine having to come testify against your
23 own son? And he got up here and he had to tell you he was the man that did
24 the shooting, that gentleman right there (indicating).

25 And, then, about this other woman thing. Yeah, it doesn't matter about

1 March 14th to determine what happened that night. But it goes to his
2 credibility, ladies and gentlemen.

3 Here's a man that was accusing her of having an affair, and here he is
4 counseling people in his church. And he's got several women's pictures on
5 his phone. He counsels those folks. It's not counseling that I know about
6 that a church does.

7 And they talk about the evidence. Let's talk about the evidence.
8 Here's a lady in her home. She's so scared that she has to go to her
9 daughter's work and asks her, "Can I go out the back door?" And goes and
10 gets in her car. And, then, has to go get people to try to settle him down and
11 keep him away from her.

12 He wants you to believe that, he, "I'm just — you know, just hanging
13 around." Walked up there and he's believing that — he's inside this house
14 and hears these voices, the voices he's known — I guess his dad for 30
15 years; Punkin, Yasmine.

16 He testified at first that he heard all these voices. And, then, later on.
17 he said, "No, I didn't know who they were. I just heard doors slamming."

18 But he don't say anything to the police statement in there. He's waiting
19 on her.

20 And, when you talk about bullets, remember where the projectory was
21 of the bullets. And you'll have the pictures there. One bullet we know hit the
22 loveseat going from inside out, outside the building. And you heard Detective
23 Bolton testify about that.

24 We know one bullet hit right there (indicating) and basically went
25 forward and, then, above her palette, above the roof of her mouth.

1 And you remember the stepmother's testimony? "JD, no." As soon as
2 she walked in, he came out, she turned to go and get away from him. And he
3 shot right at her.

4 The first one hit the loveseat, right in the path of the direction. He's
5 coming out of the closet or that back area shooting and hits the -- hits her in
6 the head.

7 The third bullet could have easily went out the door not to be found.
8 But we know he shot and killed Punkin, Allene.

9 And look where her body winds up, the legs are just inside. Her head
10 and her body is outside on the porch.

11 And one of the most telling things to me, do you see where her Yukon
12 [sic] was parked, just like they said that she had just pulled up to the front,
13 had just gotten out of the Yukon, still had the keys in her hand.

14 She had her purse, just like anybody would be when they walk into
15 their home. But you shouldn't be running into somebody like that with a .38
16 revolver.

17 And a revolver, it takes some pressure to pull it.. I mean, it's not just
18 something -- that's not a hair trigger that just goes off. He pulled that thing
19 three times and shot her right in the back of her head as she was trying to run
20 out the doorway from him.

21 The Judge is going to talk to you about malice, malice aforethought.
22 And what that means is, he's going to tell you it's no appreciable amount of
23 time. It can happen (snaps fingers) that quick. If you decide you're going to
24 do something it can happen (snaps fingers) within seconds.

25 This is something he obviously had some time to look at. He decided

1 he was going to be in that house. The gun, he had actually texted Yasmine,
2 saying, "Where is the thing at"; the gun that they kept for her protection.
3 Obviously he knew where the gun was.

4 (Brief Pause)

5 MR. BARNETTE: And you can — you can — malice can be done by
6 different things; lying in wait. It can be done by his actions, implied or
7 expressed.

8 It can be done from his actions, being so reckless — even if you take
9 his story, which I submit to you is not the truth by any means, because you all
10 saw the testimony.

11 You saw how he tried to make everything fit his story. Of course, the
12 problem was he told the police a story back in May of 2012 that don't even
13 match up.

14 But he had to make it try fit the facts because he knows what the
15 problem is because these people are coming in here and testifying. And he
16 told everybody he did it.

17 And he ran all the way to Greensboro, North Carolina. And you saw
18 the box, when I opened it up, and all the evidence that was in there. He even
19 pointed this out, the ticket they got off him that day had a wrong name.

20 And why has it got a wrong name? Because he told them the wrong
21 name. He was going to run.

22 I mean, if — if you take his scenario, if he loved this woman so much,
23 why didn't he stay and try to help her? Why didn't he call 911? Why didn't he
24 comfort her? Why don't he try to help her?

25 But no, he left, threw away the gun in a patch of woods and just kept

1 on going to his place. Then he called Mr. Johnson and said, "I got to get out
2 of Gaffney."

3 Goes to Cowpens, whatever he say, I don't know — we don't know
4 how he got from there, but we obviously found out he was in Greensboro,
5 North Carolina and was still going when the police caught him.

6 If he loved that woman that much, do you think he would've left ? That
7 is a man who don't love anything but himself. The only one he cares about is
8 himself. As long — he was the protector. I submit to you, yeah, he was
9 protector all right. That was his property and nobody else was going to be
10 involved with his property.

11 But he could do whatever he wanted to do. He could talk to anybody
12 he wanted to talk to. But she couldn't.

13 But everybody else is wrong; he's right. His family, her family, the
14 police are all wrong.

15 Ladies and gentlemen, if the actions in this case is not malice, I don't
16 know what is. This is just your old-fashion murder. And he decided he was
17 going to take matters in his hands and he did when he pulled that trigger and
18 shot her in the back of the head. Remember it was flat; it wasn't an angle. If
19 she would have fell and hit the floor, do you think it would have been straight
20 into the back of her head? No. He pointed and shot the gun straight into her
21 head as she was trying to go out the door.

22 She was running away from him, from her own home. A woman that
23 he was so tight with that he loved so much, he left her bleeding to death on
24 that front porch at his hands.

25 What I'm going to ask you to do, ladies and gentlemen, for justice for

1 Yasmine, for her family, all the people that she knew, justice screams out
2 one thing and it's called guilty.

3 I ask for guilty on both counts because he needs to answer for what he
4 did because he sure is not. He's still in denial to this day and always will be.
5 But you can tell him, "No, you did this and you're going to pay the price for
6 what you did." Thank you all very much.

7 Thank you, Your Honor.

8 **JURY CHARGE**

12:28 A.M.

9 Ladies and gentlemen, you've heard and seen all the evidence in the
10 case. You've now heard the final summations of the lawyers. I'm, therefore,
11 now going to instruct you on the law that's applicable in the case.

12 You'll, then, be asked to go back and begin with your deliberations.

13 Through that process, you'll examine all the evidence. And you'll decide what
14 you believe to be the true facts. You'll apply the law and arrive at a fair and
15 just decision, whatever that decision may be.

16 It is your exclusive duty to determine what the facts are. You do that
17 through your own common sense examination and evaluation of all the
18 testimony and the other evidence received during the course of this trial.

19 You twelve (12) jurors alone will decide what weight, value, and effect
20 to give any particular witness's testimony or other evidence in the case.

21 Again, your sole objective is to simply reach a fair and just decision
22 based solely upon the evidence and the law applicable to the facts as you
23 determine those facts to be.

24 In this case, as you know, the Defendant has been accused of the
25 crimes of murder and possession of a firearm during the commission of a

Jury Charge

Page 240

1 violent crime. The allegations setting forth that charge are contained in the
2 indictment, which I explained to you prior to and after your selection.

3 The indictment will be in the jury room, Madam Forelady. It will be
4 there because it's on the back of this indictment that you're going to be
5 indicating the jury's unanimous decision as to each of the separate counts.

6 And, once you've reached your decision, you'll indicate that decision
7 and you'll sign your name as the foreperson. But, while the indictment is in
8 the jury room to serve as the verdict form, it serves no other purpose as far as
9 you jurors are concerned.

10 It's not proof of anything. It's not evidence of anything. It does not
11 establish anything. It hasn't been introduced as evidence. It simply will be
12 serving as the verdict form.

13 But the Defendant is accused of having committed the crime of
14 murder, the State alleging on March the 14th of 2012 he did willfully and with
15 malice aforethought kill one Allene Jean Ellis by shooting her and that she
16 died as a proximate result of that gunshot wound.

17 Count two of the indictment alleges that he possessed a firearm during
18 the commission of a violent crime. And they allege that violent crime to be
19 the crime of murder, as is alleged in Count one of the indictment.

20 Now, as to those allegations and as to those charges, he has entered
21 a plea of not guilty. And, as I've told you, that plea of not guilty has placed
22 upon the State the burden of proving the allegations that they have made
23 against the Defendant;

24 The burden of proving each of the essential elements that make up the
25 crime that alleged against the Defendant, and therefore the burden is upon

1 the State to establish his guilt to the satisfaction of you twelve (12) jurors,
2 beyond a reasonable doubt, before any verdict of guilty could be returned.

3 The burden is never upon a defendant to prove that he or she is not
4 guilty or to prove that he or she was innocent because in some cases that
5 might not be possible. The burden is always upon the State because they
6 made the charge to establish the defendant's guilt beyond a reasonable
7 doubt.

8 You are further instructed that it is a vital important and cardinal rule of
9 law that every defendant in a criminal trial -- and it doesn't matter how serious
10 the offense might be for which that person stands charged -- the person is
11 always presumed innocent of the charge.

12 And that presumption of innocence remains with any defendant as it
13 does with this Defendant, from the time that he is placed under arrest and
14 throughout the course of the criminal process, and even through out the
15 course of the actual trial in the case.

16 And, as I've told you, that presumption of innocence will be with Mr.
17 Satterwhite even as you go back into your jury room to begin with your
18
19 deliberations in this case. And that presumption of innocence will be with him
20 in that jury room, and it will be with him forever, unless you twelve (12) jurors
21 determine that he is no longer entitled to that presumption of innocence.

22 In other words, after you've carefully considered all the evidence in the
23 case, and from that evidence you have determined what you believe to be the
24 true facts, as they relate to these allegations, and after deciding those facts,
25 you apply the law that I will have provided you, if you twelve (12) jurors

1 unanimously determine that his guilt has been proven, beyond a reasonable
2 doubt, then, he would no longer be entitled to that presumption of innocence.

3 But it is only if, unless, and until that you are satisfied of his guilt,
4 beyond a reasonable doubt, that the presumption of innocence would no
5 longer be applicable.

6 Now, while the State does have the burden of proving the Defendant's
7 guilt to your satisfaction, beyond a reasonable doubt, that doesn't mean that
8 the State is required to prove his guilt beyond all doubt or beyond any
9 possible doubt. But it does require the State to prove his guilt to your
10 satisfaction beyond a reasonable doubt.

11 And the term "reasonable doubt" should be given its plain and ordinary
12 meaning. A reasonable doubt is the kind of doubt that would cause a
13 reasonable person to hesitate to act upon the information provided.

14 And the Defendant is entitled, to any reasonable doubt, that arises
15 from the evidence or lack of evidence in the case. And, if upon any factual
16 issue essential to a finding of a verdict of guilty, you have some reasonable
17 doubt as to how that issue should be resolved, it would be your duty to
18 resolve that reasonable doubt in favor of the Defendant.

19 And, therefore, upon your consideration of the whole case, if you have
20 a reasonable doubt as to the defendant's guilt, it would be your duty to
21 resolve that reasonable doubt in his favor and to return a verdict of not guilty.

22 And, on the other hand, after you've carefully considered all of the
23 evidence in the case and you've decided the facts and applied the law, you
24 have no reasonable doubt as to his guilt, it would be your corresponding duty
25 to find him guilty where you are convinced of that guilt beyond a reasonable

1 doubt.

2 The same law that provides that you are the judges of the facts also
3 provides that I am the judge of the law. And that simply means that nobody is
4 going to tell you how to arrive at your determination of fact in this case. You
5 do that through the exercise of good judgment and common sense
6 conscientiously applied to the testimony and evidence received during the
7 course of the trial.

8 You must, however, under your oath as a juror, accept the law as I
9 provide it to you as being the law that you are to apply in this case. In other
10 words, you are never to concern yourself with what you thought the law was
11 before you came to serve as a juror this week, or what you think the law
12 ought to be.

13 You must simply, under your oath as a juror, accept the law as I
14 provide it to you as being the law that you are to apply in the case. And, then,
15 you simply take that law and you apply it to the facts as you twelve (12) jurors
16 determine those facts to be based upon your common sense examination of
17 all the evidence.

18 Now, as I've told you, you are the sole judges of the facts in this case.
19 And you are, therefore, necessarily the sole judges of the credibility and the
20 believability of each witnesses that has testified during the course of this trial.

21 You twelve (12) jurors alone will decide what weight, value, and effect
22 to give any particular witness's testimony or even a portion of that testimony.

23 But there are a number of factors which you should consider in arriving
24 at your assessment and your evaluation of a witness's credibility. And I'm
25 going to list those factors for you.

1 You should consider the demeanor of the witness; that is, how the
2 witness appeared to you as the witness testified from this witness stand. Was
3 the witness straightforward in responding to questions or was the witness
4 hesitant or evasive in responding to questions that were asked of the witness.

5 Simply put, did the witness appear to you to be telling the truth and to
6 have knowledge of the facts to which that witness has testified?

7 You should also consider whether or not the testimony of a witness is
8 consistent or is it inconsistent with that witness's own testimony or with other
9 statements made by that same witness, whether in court or outside of court.

10 And you should also consider whether or not the testimony of a
11 witness is consistent or inconsistent with other witnesses' testimony or other
12 evidence received during the course of the trial.

13 You should also consider how the witness came to know the facts to
14 which that witness has testified. In other words, what was that particular
15 witness's opportunity and ability to perceive the existence of those facts to
16 which that witness has testified while having previously used his or her
17 senses. And, then, what is that witness's ability to be able to come into court
18 and to accurately recollect to you what they had previously perceived.

19 You should also consider any bias or prejudice or interest that a
20 witness might have with regard to the case. In other words, do you find some
21 reason that a particular witness would come into court and would testify one
22 way or another to help or hurt one side or the other?

23 And you may consider any interest that a witness might have in the
24 outcome of the case, if you determine that, that witness does have such an
25 interest, and you find that, that interest would bear upon that particular

1 witness's credibility.

2 And you should also consider whether or not the testimony of a
3 witness is strengthened or is it weakened by other testimony or other
4 evidence received during the course of the trial.

5 Now, during the course of this trial, you have heard certain testimony
6 elicited by questions of the Defendant relating to his having prior convictions
7 for certain types of criminal offenses. Ordinarily evidence of prior criminal
8 convictions is not admissible in the trial of the case because it's not relevant
9 to any issue that a jury must decide.

10 However, where the Defendant, or any other witness for that matter,
11 has a — a record of convictions for certain types of criminal offenses, and
12 where the Defendant or that person takes the witness stand and testifies,
13 then, evidence of those convictions may be elicited during that testimony.

14 But the purpose of that evidence coming in is very limited. The
15 purpose for which it is offered and the purpose for which the jury may
16 consider it is solely on the issue of the credibility and the believability of the
17 Defendant's testimony. It is not to be considered by you for any other
18 purpose.

19 You — you may only consider such evidence as it relates to the issue
20 of the credibility of the Defendant's testimony, if you determine that, that
21 evidence is probative on that particular issue.

22 It is not being offered as evidence of the Defendant's guilt of the crimes
23 for which he is standing trial today. And you, under your oath as jurors, may
24 not consider it as such evidence. You may consider it, if at all, only on the
25 issue of the Defendant's credibility.

1 Because you are the finders of the facts and because you are the
2 judges of the credibility of each witness that has testified, you are permitted to
3 believe as much or as little of what a witness has testified to as you deem is
4 appropriate.

5 And, therefore, you may believe everything a witness testified to, you
6 may choose to believe none of it. You may believe some portion of a
7 witness's testimony and reject some other portion of that same witness's
8 testimony.

9 You may believe one witness as opposed to several or several as
10 opposed to one. But whatever your good judgment and common sense tells
11 you is the most believable and credible testimony, is the testimony you should
12 accept. And you should reject any testimony or other evidence that you find
13 not to be credible or believable.

14 Again, your sole objective is to simply reach a fair and just decision.
15 And it should not matter how that decision is reached, whether it be based,
16 upon testimony from the Defendant or testimony from the State, or a
17 combination of testimony and evidence received from both sides during the
18 course of the trial.

19 **(Brief Pause)**

20 **THE COURT:** Now, in this case as you are aware, the Defendant
21 is charged with the crime of murder and with the possession of a firearm
22 during the commission of a violent crime, that violent crime alleged to be the
23 crime of murder. And both of those criminal offenses are statutory offenses,
24 and that just means that they're set forth in a -- a statute that are in these
25 blue books behind me.

1 The Legislature meets every year from January until June. During that
2 time -- and they're meeting right now — during that session they pass a
3 number of laws and rules and regulations that govern our conduct in a variety
4 of ways.

5 Some of those statutes are criminal penalty statutes. And — and the
6 Legislature simply precludes us from engaging in certain types of conduct.
7 And they define what that conduct is.

8 And where a person is found to have engaged in that prohibited
9 conduct, in violation of that statute, it subjects that person to some form of
10 punishment or penalty.

11 But, please, understand that you are never to be concerned with any
12 punishment or penalty that might be imposed based upon any — any
13 decision that you make. Your sole obligation and duty is to determine
14 whether or not a defendant's guilt has been proven beyond a reasonable
15 doubt.

16 And you are to make that determination without any consideration
17 being given to any consequence of that decision by way of any punishment
18 that might be imposed.

19 Murder is defined in Section 16–3-10 of the South Carolina Code of
20 Laws. And that statute defines murder as, "The killing of any person with
21 malice aforethought either expressed or implied." "The killing of any person
22 with malice aforethought either expressed or implied."

23 And, therefore, in order for you to find the Defendant guilty of the crime
24 of murder, it would be necessary that the evidence in this case has
25 established, to your satisfaction beyond a reasonable doubt, that the

1 Defendant, Joseph Dante Satterwhite, did commit some act or acts which
2 proximately caused the death of — of the decedent, Allene Jean Ellis, and
3 that the killing was done with malice aforethought.

4 Malice is an essential element of the crime of murder. So what is
5 malice? Well, malice is a state of mind. Malice is a technical term importing
6 wickedness and excluding just cause or legal excuse.

7 It is something which springs from depravity, from a heart devoid of
8 social duty and fatally bent on mischief. It is a state of mind indicating an
9 extreme disregard for or an extreme indifference to human life.

10 Malice refers to a state of mind connoting an ill will towards another
11 person and having the intent to cause harm. It may likewise be defined as a
12 state of mind signifying a form, purpose, and design to commit a wrongful act
13 intentionally without just cause or legal excuse.

14 The existence of malice may be either expressed or implied. The word
15 “expressed” or “implied” malice, as it relates to the existence of malice, do not
16 mean different kinds of malice but merely the manner in which malice may be
17 shown to have existed; that is to say either proof by direct evidence or proof
18 by circumstantial evidence from which the existence of malice may be
19 reasonably inferred.

20 And an inference is simply a deduction of fact which may logically and
21 reasonably be drawn from the proof of some other fact or set of facts. In
22 other words, you may infer that a particular event occurred or that a particular
23 fact exists based upon the proof of sufficient factual circumstances which
24 would reasonably warrant your arriving at a particular conclusion.

25 Malice may be express as where there is an expressed threat to kill or

1 a lying in wait or where the evidence otherwise directly shows that the
2 Defendant intended to kill or intended to commit some act or acts; the natural
3 tendency of which was to destroy human life.

4 Malice may be inferred though no expressed intent to kill was proven
5 by direct evidence, where the facts and the circumstances, which have been
6 established by the evidence in the case, satisfying you, beyond a reasonable
7 doubt, that malice was present in the mind of the Defendant at the time that
8 any act was committed that proximately caused the death of Ms. Ellis.

9 The existence of malice may be inferred from circumstances shown to
10 have existed at the time of the event. And the existence of malice may be
11 inferred from the act, declarations, or as well as conduct of the Defendant, as
12 well as any other circumstances established by the evidence in this case from
13 which you might reasonably infer such a fact as often the state of a person's
14 mind can only be proven by circumstantial evidence.

15 (Brief Pause)

16 **THE COURT:** Malice, as an essential element of the crime of
17 murder, does not necessarily require proof of an ill will or a hatred of the
18 particular person against whom an wrongful act is committed. Nor does it
19 necessarily require proof of an actual or specific intent to take human life,
20 although such an intent may be established by the evidence in the case.

21 But rather it means a state of mind accompanied by conduct signifying
22 a general malignant recklessness and an extreme disregard for and an
23 extreme indifference to human life.

24 It is also essential that there exist not only malice but that it exist
25 aforethought. The law, however, does not require that malice must exist for

1 any appreciable length of time before the commission of a wrongful and fatal
2 act; indeed, the malice may be conceived at the very moment that the fatal
3 act is committed.

4 It is sufficient in the law so long as the State has proven, beyond a
5 reasonable doubt, both the existence of malice in the mind of the Defendant
6 and the commission of an act or acts by the Defendant which proximately
7 caused the death of Allene Jean Ellis.

8 **(Brief Pause)**

9 **THE COURT:** And while the State must prove, beyond a
10 reasonable doubt, that a killing did occur accompanied by the element of
11 malice aforethought in order to establish the crime of murder, it is not
12 necessary that the State prove any motive for such a killing.

13 A motive is not an essential element of the crime of murder, which has
14 to be proven, although in some cases there may be evidence relating to
15 motive introduced during the course of the trial.

16 Count two of the indictment alleges the possession of a firearm during
17 the commission of a violent crime. And that statutory offense is set forth in
18 Section 16-23-490 of the code of laws.

19 And that particular code section provides that "It shall be unlawful to
20 possess a firearm or to visibly display what appears to be a firearm during the
21 commission of a violent crime."

22 Section 16-1-60 defines those crimes that are classified as violent
23 under the law. And pursuant to that statute, the crime of murder is classified
24 as a violent crime under the law of this State.

25 So, in order for the Defendant to be found guilty of the violation of this

1 particular section of law, it would be necessary that the evidence in this case
2 has established to your satisfaction, beyond a reasonable doubt, that the
3 Defendant did commit the crime of murder. And that, during the commission
4 of that crime, he did possess or visibly display a firearm.

5 Now, ladies and gentlemen, I'm not in any way concerned with what
6 your decisions are, but you are instructed that the verdicts have to be
7 unanimous; all twelve (12) of you must be in agreement before any decision
8 may be rendered.

9 Madam Forelady, as you know, you're going to be called upon to
10 preside over the jury deliberations simply to ensure that they are carried out in
11 some orderly fashion. And you'll decide that orderly fashion.

12 But all jurors are expected to participate in the deliberations because,
13 as I've stated, the verdict has to be unanimous. It's a consensus opinion of
14 the entire twelve (12). And all of you must be in agreement before any
15 decision may be written by the foreperson.

16 With regard to each of the separate charges in the indictments, you
17 have to potential verdict forms. Both of those two potential verdict forms are
18 "guilty" and "not guilty."

19 So, whatever that decision is, indicate it in the space provided, Madam
20 Forelady, and sign your name as the foreperson. You're the only juror that
21 needs to sign the verdict form. And there's also a space for the appropriate
22 date.

23 Now, on the back of the indictment, beneath the word "verdict," is
24 where you're going to indicate the decision. And I'm going to write myself,
25 underneath that word "verdict" "Count one" and "Count two." You will be

1 called upon to render separate and distinct verdicts as to Count one and to
2 Count two.

3 During your deliberations, there may come a time where you have a
4 question about a witness's testimony or some other evidence or you may
5 even wonder if there's something else that you can have that exists out there
6 but it's not been introduced and you want to know if you can have it to assist
7 you in resolving the case.

8 Please understand that I am not permitted to answer any questions
9 that relate to questions of fact or questions about the evidence. And no
10 additional evidence can be received or introduced now that you're going back
11 to begin with your deliberations.

12 So, even if something exists that you think might help, if you don't have
13 it in the jury room and it hasn't been introduced during the course of this trial,
14 you can't have it. So don't inquire about that.

15 Also, as I say, I'm never permitted to comment upon the facts or the
16 evidence in the case so I cannot give you any guidance as to that. You
17 determine the facts based upon your consideration of all the testimony and
18 the other evidence in the case.

19 If, however, you have a question that you believe can be answered by
20 having the testimony of a witness replayed, in whole or in part, we can bring
21 you back into the courtroom to have a witness's testimony reheard.

22 I don't have transcripts of the testimony so I can't send those back into
23 the jury room with you, but, if you have a question about a witness's
24 testimony and you think it can be resolved by having the witness's testimony
25 replayed, in whole or just in part, just let me know that fact and we'll bring you

1 back into the courtroom to have that testimony replayed.

2 If you ever have a question about the law that you are to apply, I am
3 permitted to answer those questions. So, if you need a re-instruction or you
4 need an explanation or a clarification of the law that I've provided, I am
5 permitted to provide you with that additional instruction, explanation, or
6 clarification.

7 Madam Forelady, if at any time you need to address some matter to
8 me, if you'll write it on a piece of paper, give it to the bailiff, he'll provide it to
9 me, and I'll respond to any issue or answer any question that you may have.

10 I don't know how many smokers we have. I understand we have
11 some. If you want to smoke, you are permitted to smoke during jury
12 deliberations, but you cannot smoke in the jury room. You have to go outside
13 in order to accomplish that purpose.

14 So if any — if we have any smokers and you want to smoke, you let
15 the bailiff know and he'll take you outside in order to accomplish that.

16 You are instructed, however, that deliberations have to stop. And they
17 may only be resumed when all twelve (12) jurors are present in the jury room
18 so that all may participate.

19 So, if at any time a juror is absent from the jury room for some
20 authorized purpose, then, your deliberations have to stop and they only
21 resume when all are present.

22 I assume that, while all of you don't smoke, all of you do eat. And I
23 think you have all ordered lunch. And it should be here shortly, if it's not here
24 now.

25 So, when your lunch comes, you do what you want to about

1 deliberations and lunch. You can stop and eat and, then, resume your
2 deliberations or you can resume -- or you can deliberate while you're eating if
3 that's the desire of the jury. I would simply leave that up to you.

4 I think that covers everything, but if it doesn't, one of these lawyers will
5 remind me that I -- that I neglected to tell you something. And, if I need to
6 bring you back, I will.

7 Otherwise, you'll be able to begin jury deliberations when the bailiff
8 brings to the jury room all the exhibits which had been introduced and to you,
9 Madam Forelady, he'll also bring the indictment which will serve as the verdict
10 form.

11 So I'll ask the two alternate jurors to stay in the courtroom with me. I'll
12 ask that twelve (12) primary jurors, if you would, please retire to your jury
13 room, but do not begin deliberations until the bailiff instructs you to do so.

14 **(Whereupon, the jury exited the courtroom at 12:55 p.m.)**

15 **THE COURT:** Are there any exceptions taken to the instructions
16 or requests for additions to the instruction by the State?

17 **MR. BARNETTE:** None from the State, Your Honor.

18 **THE COURT:** By the Defendant?

19 **MR. THOMPSON:** I simply renew my request for manslaughter and
20 accident.

21 **THE COURT:** All right. That request is noted and denied. Do
22 you want to renew your motions for a directed verdict also and any others you
23 may have?

24 **MR. THOMPSON:** Yes, sir. I think we made one at the end of the
25 close of the State's case, but we went straight into the arguments. So I renew

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my ---

THE COURT: I'm sure — I said that the record would note that your motions had been made and heard. So I will hear them now if you have any.

MR. THOMPSON: Yes, sir. Given the testimony by Mr. Satterwhite, I would renew my motion for a directed verdict on murder.

THE COURT: All right. That motion is also denied. All right, let me ask you all to verify the exhibits, please, before the they go back — oh, let me talk to the alternates. Excuse me.

I apologize for having this computer screen up here in front of you all and I know it's — it's hard for me to get in a position where I can see everybody and the court reporter can see me as I talk with the jury, so I do apologize for that.

As you know, you can't participate in jury deliberations because the original twelve (12) are able to do that. So that's going to conclude your service for this case.

The balance of the jury panel is scheduled to come back this afternoon at 2:30. So you're going to be excused right now for lunch. But I would ask that you, please, report back here to the courtroom at 2:30 this afternoon. And it might be that you'll be called upon to serve again.

So thank you for your participation in this trial. And I look for to seeing you at 2:30, okay? If you'll go with the bailiffs, they'll check you out.

(Off-the-Record Comments)

THE COURT: Did you order lunch? No, they didn't order lunch. So they're going to lunch.

1 (Whereupon, the alternates were excused at 12:58 p.m.)

2 THE COURT: All right. You all verify the exhibits, please.

3 (Brief pause while the attorneys verified the exhibits.)

4 (Off-the-Record Comments)

5 MR. BARNETTE: Your Honor, there is two live rounds in this.

6 THE COURT: In what?

7 MR. BARNETTE: In the evidence. Now they do have the gun
8 secured. But there is Exhibit 3 that is —

9 THE COURT: Okay.

10 MR. BARNETTE: — two live rounds.

11 THE COURT: Well, they'll — they'll be instructed not to put any
12 cartridges in the firearm unless they talk to me first.

13 (Brief Pause)

14 THE COURT: All right. Are the exhibits in proper order?

15 MR. THOMPSON: Yes, sir.

16 MR. BARNETTE: Yes, sir.

17 THE COURT: All right. Please instruct the jury to begin their
18 deliberations and notify us when they're completed.

19 BAILIFF: Yes, sir.

20 (Off-the-Record Comments)

21 (Whereupon, the jury began deliberations at 1:02 p.m.)

22 THE COURT: All right. We'll be at ease while the jury is
23 deliberating.

24 MR. THOMPSON: Your Honor, may — (coughs) excuse me. Can
25 they take Mr. Satterwhite back to feed him lunch?

1 **THE COURT:** Yeah, let's do that. Everybody remain seated
2 while the Defendant is removed from the courtroom.

3 **(The Defendant was escorted out of the courtroom at 1:02 p.m.)**

4 **MR. BARNETTE:** May we approach for a moment?

5 **(Whereupon, a bench conference was had with both attorneys**
6 **present.)**

7 **(The verdict was reached at 2:22 p.m.)**

8 **THE COURT:** All right. It's my understanding the jury has
9 reached a decision. Are we ready to receive it?

10 **MR. BARNETTE:** The State's ready, Your Honor.

11 **MR. THOMPSON:** The Defense is ready.

12 **THE COURT:** Let me caution those in the audience: There is to
13 be no reaction to whatever the decision might be. If you can't control your
14 emotions, you need to leave now because, if — if you can't control your
15 emotions and you stay, you'll be leaving with one of these officers as I
16 consider that to be contempt of court.

17 All right. Bring the jury in, please.

18 **(The jury was summoned and entered the courtroom at 2:58 p.m.)**

19 **THE COURT:** Madam Forelady, have you and your fellow jurors
20 reach a unanimous decision as to each of the separate counts in the
21 indictment?

22 **MS. BAILEY:** Yes, sir, we have.

23 **THE COURT:** Have you reflected those decisions on the verdict
24 form as requested?

25 **MS. BAILEY:** Yes, sir.

1 **THE COURT:** And did you sign your name as the foreperson?
2 **MS. BAILEY:** Yes, sir.
3 **THE COURT:** If you would, please, hand that form up by way of
4 the bailiff.

5 **(Ms. Bailey complied with the Court's request.)**

6 **(Documents handed to Madam Clerk.)**

7 **THE COURT:** You may publish the verdict.

8 **MADAM CLERK:** "Indictment 2012-GS-11-736, *The State vs.*
9 *Joseph Dante Satterwhite*, indictment for murder count one, the verdict is
10 guilty.

11 "In indictment for possession of firearm during commission of a violent
12 crime, the verdict is guilty. Signed by foreperson Laura Bailey."

13 Ladies and gentlemen of the jury, if this is the verdict of you all, please,
14 indicate by raising your right hand.

15 **(All jurors complied and responded affirmatively.)**

16 **MADAM CLERK:** Thank you.

17 **THE COURT:** Does the Defendant wish to have the jury polled?

18 **MR. THOMPSON:** No, sir.

19 **THE COURT:** All right. Any other matters we need to address
20 with the jury present?

21 **MR. BARNETTE:** Not from the State, Your Honor.

22 **MR. THOMPSON:** No, sir.

23 **THE COURT:** All right. Thank you, ladies and gentlemen, for
24 your participation in the trial of this case. You're going to be excused for the
25 balance of the afternoon. But we do anticipate selecting another jury at 9:30

1 in the morning.

2 I'm not certain of that at the present time, so, if you'll simply call back
3 to the number that you have on your juror information pamphlet, the number
4 in the black box, call that number to receive reporting information.

5 Call back after 6 o'clock this evening and you'll be instructed if you
6 need to report in the morning or you need to call back. Just be sure you call
7 this evening so you can receive that reporting information. Okay?

8 Thank you again for your participation.

9 **(Whereupon, the jurors were excused and exited the courtroom at**
10 **3:00 p.m.)**

11 **SENTENCING**

12 **THE COURT:** All right. Any matters to address prior to the
13 imposition of sentence?

14 **MR. BARNETTE:** Your Honor, we do have an exhibit we're going to
15 enter which is prior convictions, well the certified convictions in North Carolina
16 of the Defendant and make that part of the record. And I believe Yasmine
17 would like to address the Court at the appropriate time also, Your Honor.

18 **THE COURT:** Okay.

19 **(Whereupon, Court's Exhibit Numbers 3 and 4 were marked for**
20 **identification.)**

21 **MR. THOMPSON:** Your Honor, we would make a motion for a new
22 trial based on the jury's — jury's verdict doesn't reflect the evidence in the
23 case.

24 **THE COURT:** All right. That motion is denied.

25 **MR. THOMPSON:** Okay.

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(Brief Pause)

(Off-the-Record Comments)

(The Defendant stepped forward with his attorney.)

THE COURT: All right. Mr. Barnette?

MR. BARNETTE: May it please the Court, Your Honor? I believe you've heard his criminal record. What I've done is, I've put it in as Court's Exhibit Number 4.

Just to go over the parts, Your Honor. In 2002, Your Honor, he was convicted of assault inflicting serious injury in North Carolina, Your Honor. In 2000, Your Honor, he was convicted of accessory after the fact, discharge of a weapon in an occupied property;

In 2004, he was convicted of conspiracy to commit common law robbery; 2010, Your Honor--- 2011 actually he was convicted of possession of a firearm by a felon, as well as alluding arrest with three aggravating factors, whatever that means in North Carolina, Your Honor. And in 2008 he was convicted of failure to return rental property.

Your Honor, I have included his rap sheet as well as the certified convictions and made those part of the exhibit of Court's Exhibit Number 4, Your Honor.

THE COURT: All right. Mr. Thompson, have you and Mr. Satterwhite reviewed that ----

MR. THOMPSON: Yes, sir, we have.

THE COURT: --- exhibit? Does he have any disagreement with it?

MR. THOMPSON: No, sir, that is his record.

1 **THE COURT:** Okay.

2 **MR. BARNETTE:** I'd like to pass it up to the Court, Your Honor.

3 **(Documents handed up)**

4 **MR. BARNETTE:** And, Your Honor, Yasmine would like to address
5 the Court at the appropriate time.

6 **THE COURT:** All right. Ms. Ellis?

7 **MS. ELLIS:** Yes, sir. Your Honor, I'm sure that everyone can
8 imagine the pain and sorrow of losing a mother but also my best friend; my
9 number one girl in the whole wild world, my sister, and my everything all in
10 one night.

11 My mom was the only person I had. She's still the only person I
12 have. I'm eighteen (18) years old and I still have a lot of growing up to do, but
13 without my mom I've had to do most of my maturing.

14 As long as I live, I pray to never have to stress or have words
15 accompanying (phonetic) to him, words on what to say or what to do.

16 My family and I deserve the peace knowing that the man that took a
17 good piece of our family away from us may never have a chance to be free.
18 Thank you.

19 **THE COURT:** Okay. Thank you, Ms. Ellis. I wish you the best.

20 **MR. BARNETTE:** Thank you, Your Honor. That would be the State's
21 presentation.

22 **THE COURT:** Okay. Mr. Thompson?

23 **MR. THOMPSON:** Thank you, Judge. I'm not going to go into the
24 facts of the case. You listen to those for two days. Mr. Satterwhite is thirty-
25 one (31) years old, Judge. He has three children; two six-year-olds and a

1 two-year-old.

2 He's a high school graduate. He played football in high school for two
3 years. He is — was, at the time of his arrest, the minister of music at Greater
4 Buck Shoals Church.

5 And I understand, from talking with his family, that he's — he has
6 always been a very gifted musician. He — he also tells me that he had his
7 own jazz band and played in jazz clubs around Charlotte.

8 He's one of six children. He has two brothers and three sisters.

9 Judge I've — Mr. Satterwhite and I've talked about this in detail. He
10 understands that today he's looking at a sentence of thirty (30) years to life. I
11 would ask you to consider a sentence that would give him a chance to look
12 down the road and maybe have a few years left at the end of his life that he
13 could get out and be free.

14 Given that I would ask you to take notice of Code Section 19-1-150,
15 which basically is the life expectancy tables in this state that the — the
16 Legislature said we can use.

17 And according to that he has a life expectancy of 46.85 years at this
18 point. And I realize those tables don't take into account race or the fact that
19 he would be incarcerated during that time, but we would ask you to consider
20 something less than a life sentence.

21 **THE COURT:** All right. Mr. Satterwhite, is there anything you
22 would like to add to what your lawyer has told me?

23 **THE DEFENDANT:** No, sir.

24 **(Brief Pause)**

25 **THE COURT:** All right. On indictment 2012-736, an indictment

1 for murder and the possession of a firearm during the commission of a violent
2 crime, as to Count one, the indictment for murder, wherein you have been
3 found guilty by the jury for that offense, the sentence of the Court is you,
4 Joseph Dante Satterwhite, be confined to the South Carolina Department of
5 Corrections for the period of your natural life.

6 Indictment 2012-736, Count two, possession of a firearm during the
7 commission of a violent crime, wherein you have been found guilty, the
8 sentence of the Court is you be confined to the South Carolina Department of
9 Corrections for a period of five (5) years.

10

11 Now, Mr. Satterwhite, you have a right to appeal the verdict of the jury
12 and the sentence of the Court. You must file your notice of your intention to
13 appeal those decisions within ten (10) days of today's date.

14 **MR. THOMPSON:** May Mr. Barnette and I approach, Your Honor?

15 **THE COURT:** Okay.

16 **(Whereupon, a bench conference was had with both attorneys**
17 **present.)**

18 **THE COURT:** All right. Pursuant to 16-23-490, Subsection (a),
19 because a life sentence has been imposed, without the possibility of parole,
20 the sentence imposed in Count two for possession of a firearm is vacated.

21 **MR. BARNETTE:** And, Your Honor, just for the record, if someone
22 challenges the parole eligibility (phonetic), we'd like to be able to bring him up
23 for re-sentencing if something changed because we wrote on it.

24 **THE COURT:** Okay.

25 **MR. BARNETTE:** Thank you, Your Honor.

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MR. THOMPSON: Thank you.

(Whereupon, the proceeding concluded at 3:16 p.m.)

(Court's Exhibit Number 5 was marked for identification.)

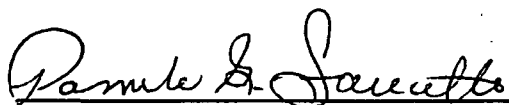
REPORTER'S NOTE: This transcript contains quoted material. Such material is reproduced as read or quoted by the speaker.

REPORTER'S CERTIFICATE

I, the undersigned, **PAMELA S. FAUCETTE**, Official Court Reporter for the Seventh Judicial Circuit of the State of South Carolina, do hereby certify that I acted as the Court reporter at the foregoing proceeding; that the foregoing pages, numbered 1 through 264, were transcribed by me and represent a complete and accurate transcription of said proceeding to the best of my knowledge and belief.

I do further certify that I am not of counsel for or in the employment of either of the parties to this action, nor am I interested in the results of this action.

September 22, 2013


Pamela S. Faucette
Official Court Reporter
Seventh Judicial Circuit

WITNESSES

Gaffney Police Dept.

[Signature]

ARREST WARRANT NUMBER

M526191 (Count One)

Direct Indictment (Count Two)

ACTION OF GRAND JURY

[Stamp]

Foreperson of Grand Jury
Date: *7/19/12*

VERDICT

Count I: *GUILTY*

Count II: *GUILTY*

[Signature]
Foreperson of Petit Jury
Date: *5/15/2013*

12-08-11-0736

The State of South Carolina

County of Cherokee

Barry Barnette, Solicitor

COURT OF GENERAL SESSIONS

JUL 19 2012

TERM

THE STATE

vs.

Joseph Dante Satterwhite

Indictment for

**MURDER AND
POSSESSION
OF FIREARM DURING COMMISSION OF A
VIOLENT CRIME**

SC Code: 16-03-0010, 0020; 16-23-490

CDR CODE: 116; 0549

CLASS: FEL-EXM; FEL/F

BRANDY W. MCBEE
2012 JUL 19 AM 10 04
CHEROKEE COUNTY, S.C.
CLERK OF COURT
FILED IN OFFICE OF

STATE OF SOUTH CAROLINA

COUNTY OF
STATE

Cherokee

VS.

Joseph Dante Satterwhite

AKA:

Race: Sex: M Age: 31

DOB: SS#:

Address:

City, State, Zip:

DL#: SID#:

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

TO: Murder / Murder- Count 1

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2012GS1100736

A/W#: M526191

Date of Offense: 3/14/2012

S.C. Code §: 16-03-0010

CDR Code #: 0116

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS

in violation of § 16-03-0010 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) ☐ §17-25-45The 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:

BARNETTE, BARRY

13039
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 paymentof \$ —; plus costs and assessments as applicable*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:☐ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections.☐ The Defendant is to be placed on 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 ☐ OrderedTotal: \$ — 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 (SCCJA Surcharge)	\$5
3% to County (if paid in installments)	\$
TOTAL	\$

PTUP

— days/hours Public Service EmploymentObtain 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 FundOther: —☐ Appointed PD or appointed other counsel,
§ 47.12 requires \$500 be paid to Clerk
during probation.

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (03/2011)

Presiding Judge

Judge Code:

Sentence Date:

2053
May 15, 2013

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

279

COUNTY OF
STATE

Cherokee

VS.

Joseph Dante Satterwhite

AKA:

Race: Sex: Age: 31

DOB: SS#:

Address:

City, State, Zip:

DL#: SID#:

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

☒ CONVICTED OF or ☐ PLEADS

TO: Weapons / Poss. weapon during violent crime, if not also sentenced to life without parole or death- Count 2

in violation of § 16-23-0490 of the S.C. Code of Laws, bearing CDR Code # 0549

☐ 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.

ARREST:

BARNETTE, BARRY

13039 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 5 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.

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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 PTUPTotal: \$ — 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	\$
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§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114(BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCJA Surcharge)	\$5	\$
3% to County (if paid in installments)	\$	\$
TOTAL	\$	\$

— days/hours Public Service EmploymentObtain 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 FundOther: —☐ Appointed PD or appointed other counsel, § 47.12 requires \$500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (03/2011)

Presiding Judge

Judge Code:

Sentence Date:

William A. McBe
2053
May 15, 2013

280

Gaffney Police Department
 201 N. Limestone Street
 Post Office Box 2109
 Gaffney, South Carolina 29342

5-47

CASE NUMBER

2012-003086

Pre-Interrogation Waiver Form

Name: Satterwhite, Joseph Dante Address: _____
 Telephone Number: _____ Social Security Number: _____
 Date of Birth: _____ Today's Date: 5/29/12 Time: 1348 Educational Level: 12th grade

STATEMENT OF RIGHTS

Before any questions are asked of you, you must understand your rights.

- (X) 1. You have the right to remain silent.
- (X) 2. Anything you say can and will be used against you in a court of law.
- (X) 3. You have the right to talk to a lawyer and to have a lawyer present with you while you are being questioned.
- (X) 4. If you cannot afford to hire a lawyer, a lawyer will be appointed, free of any costs, to represent you before any questioning begins.
- (X) 5. You have the right to stop answering questions at any time.

The above rights have been read to me by Det. Blanton

I have read the above rights, and I understand them fully.

Witness Ronald R Signed X Joseph Satterwhite

WAIVER OF RIGHTS

Fully understanding my rights as they have been explained to me, I wish to waive (give up) my rights and talk to

officer Det. Blanton in reference to Homicide

I have waived my rights freely and voluntarily, without being threatened or coerced; and without being promised any leniency or reward.

Signed X Joseph Satterwhite Witness Ronald R

Time Interview Began: 2:00 P.m. Time (Statement/Interview) was completed: 3:20 P.m.

I have made this statement freely and voluntarily, without being threatened or coerced; and without being promised any leniency or reward.

I have read this statement consisting of 2 page(s), and I swear or affirm that the facts contained therein are true and correct.

I further state that I have received a copy of this statement.

SWORN TO AND SUBSCRIBED TO BEFORE ME

THIS _____ DAY OF _____, 20____

NOTARY PUBLIC FOR SOUTH CAROLINA
 MY COMMISSION EXPIRES: _____

Signed: X Joseph Satterwhite

Witness: Bria Blanton

Witness: Ronald R

VOLUNTARY STATEMENT

281

PAGE 1 OF 2

CASE NUMBER

2012-003086

NAME: Joseph Satterwhite

(JDS) I, J.D. Satterwhite, and Allene Jean Ellis were arguing over the phone on March 14th, 2012 about her involvement w/ another guy. After our initial conversation, she called me back from her daughters phone. I proceeded by her residence and parked her tahoe behind the house to wait on her to get home. I saw her ride by the house several times. I went in the residence and waited roughly 20-30 minutes before she showed back up. When she showed up, my dad and stepmom were with her ~~along~~ along w/ "Punkin's" daughter, Yasmine. After several minutes, I exited a storage room and entered the living room. I heard several doors slamming so I assumed everyone was leaving. I stepped out the front door and didn't see Punkin's car so I thought she had left. I then went back into the house and saw a gun laying on a bed foot board inside the livingroom. I also saw Punkin about the same ^{time} coming from the enclosed garage portion of the house. I picked up the gun and fired two shots to the side of her. At that point, she tripped over a chair as I fired the third shot. The last shot must have been the shot that struck her. I then jumped off the front porch and ran left toward W. Buford St. I threw the gun in the wooded area beside Punkin's house. I ran to my apartment on Overbrook Dr. I then called Lee

WITNESS:

Donald R.

WITNESS:

Wanda Blunt

X Joseph Satterwhite

Signature of person giving voluntary statement

Gaffney Police Department
201 North Limestone Street
Post Office Box 2109
Gaffney, South Carolina 29342

VOLUNTARY STATEMENT

PAGE 2 OF 2

CASE NUMBER

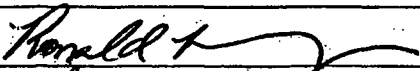
2012-003086

NAME: Joseph Satterwhite

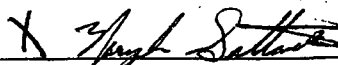
Johnson and asked if he could come pick me up. He drove me to Cowpens and let me out. I hitched a ride w/ a truck driver to Gastonia, N.C. I bought a Greyhound bus ticket to Greensboro, N.C. Once I arrived in Greensboro, I got onto a City of Greensboro bus and when I exited the bus on Franklin Blvd., I was approached by several police officers. (JDS)

End of Statement

WITNESS:



WITNESS:



Signature of person giving voluntary statement

Search

Patrick Sullivan



Trinidad Satterwhite

Works at Min of music at GREATER BUCK SHOALS Studied at UBA Argentina Lives in Gaffney, South Carolina From Valdosta, Georgia

Friend Request Sent

Mess

Well



Trinidad Satterwhite

didnt mean it!!! really didnt!!! n she knos how n wut happen n y!!! 2 b honest wish it wer me!!! so 2 end d drama ull find me off of 85 near wer we shared sooo many guttimes!!!

Share · 36 minutes ago ·

S-#9



Phyllis Williams nooooo jay d please dont! call me or somebody please please
about a minute ago

Trinidad Satterwhite
I kno d odds r stacked agaisnt me....n it jus seemz der no way out...#justneededAcar -- 3kisses
Share · March 8 at 6:12am via mobile ·
2 people like this.

Mia Hemphill JD...where's JD at?...
March 8 at 12:56pm

Trinidad Satterwhite
Keep playin...U gon b da game!!!
Share · March 1 at 4:30pm via mobile ·

Trinidad Satterwhite
Sooooo bored...
Share · February 23 at 12:33pm via mobile ·

Mia Hemphill likes this.
View all 9 comments

Trinidad Satterwhite Got 1...mindin my OWN
February 23 at 3:22pm · 1

Tracy Sarratt like me am your friend and am right down road just a step away!
February 23 at 8:07pm

Trinidad Satterwhite
If u wanna play "GAMES" go 2 d arcade cause i aint NUNTIN 2 b playin wit!!
#FINALwamin
Share · February 22 at 12:19pm via mobile ·
3 people like this.

RECENT ACTIVITY
"Sounds lik fun..." on Lingerie party's Wall.

Trinidad Satterwhite
Wen pple talk bout U dey aint gt nuntin 2 say bout themselves...Waste ur tyme doin sumtin else like mindin ur OWN bizness!!
Share · February 16 at 11:39am via mobile ·
5 people like this.

Mia Hemphill Talking ab it stranger...
February 16 at 12:47pm

Trinidad Satterwhite Jus gotta gt it out! #nevastrange
February 16 at 1:28pm

Trinidad Satterwhite
If u didnt gt wut u wanted remembe wut u already hav...LIFE!!
#sumbodylostders2day
Share · February 14 at 10:25pm via mobile ·
6 people like this.

Trinidad Satterwhite

People You May Know

'Boot Burgess (Boot Burgess)
147 mutual friends
Add Friend

Adolf Alexander
7 mutual friends
Add Friend

Danny Estep
13 mutual friends
Add Friend

Sponsored

Jacqueline Orr Davis, Kaye...
and P Wayne Henderson II like
Walmart.



Walmart
Like

LIKE Us, We're Irish!



We're all Irish at Applebee's on St. Patrick's Day! Eat, drink, and celebrate with us! DAY Happy Holidays more!

Sports on Facebook
The NCAA Tournament Field of live and Sporting News has the bracket game for you. Ch...



Sporting News Br
Insanity

Like This Page

Mass Effect
Watch this funny interpretation of the Mass Effect 3 launch trailer. You won't regret it.



Like This Page

Tracy Pittman Moore Boyd
commented on Lynn Holcomb's status: "Wyn u a mess, lol"

Sandy Ellis Cooke likes Ginger Owens's photo.

Tena Allison commented on Chuck Beard's link: "But u have to be willing to ch..."
See All

Kimberly Arthur Myers
commented on Stephanie Wylle Grant's status: "Just say WOW all day!!"

Mary Jane Humsinger and **Kimberly Keller** are now friends.

Tena Allison likes Chuck Beard's link.

David Michael Wood Photo of...

Aaron Cook

Angel Briann House

Dawn Sullivan

Haley Rogers

Heather Nichols

Jonathan Davenport

Jordan Plummer

Layton Dayne Sullivan

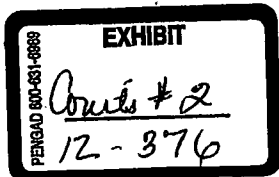
Lisa Moss

Loyce Sullivan

Pat Sullivan

Scarlet Ramsey Ham

MORE ONLINE FRIENDS (24)



STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS
COUNTY OF CHEROKEE) INDICTMENT NO.: 12-GS-11-376

STATE OF SOUTH CAROLINA)
VS.)
JOSEPH SATTERWHITE,)
Defendant.)

NOTICE OF MOTION AND MOTION
IN LIMINE TO EXCLUDE ANY
REFERENCE OF THE VICTIM'S
TOXICOLOGY REPORT UNDER
SOUTH CAROLINA CASE LAW AND
RULES 401, 402, AND 403 OF THE SOUTH
CAROLINA RULES OF EVIDENCE

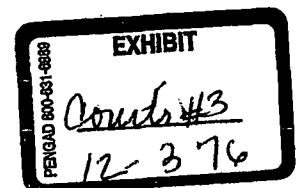
TO: THE DEFENDANT AND HIS ATTORNEY: Don Thompson, Esq., and the Seventh Judicial Circuit Public Defender's Office.

YOU WILL PLEASE TAKE NOTICE, that the State of South Carolina will move in front of this Court on May 14, 2013 or when scheduled by this Court for an order to prevent the Defendant and his attorneys from making reference to SLED toxicology report on Allene Ellis (the victim) during the trial of this case. The State makes this motion under the following grounds and reasons:

The State would argue that the victim's toxicology report from SLED is not relevant in this case.

The SLED toxicology report states that victim had tested positive for THC and THC metabolite. The South Carolina Court of Appeals stated in State v. Lyles, 379 S.C. 328, 665 S.E.2d 201 (Ct. App. 2008) that:

The evidence presented by Lyles was properly excluded. The trial judge correctly found no probative link between the proffered testimony and the pending charges. Lyles was on trial for murder, armed robbery, and unlawful possession of a pistol by a person under the age of twenty-one. The testimony put forth by the defense, if accepted, would have established drugs were offered for sale outside of the apartment several months before the shooting by an individual known only as C.C. whose true identity remains unknown to the court. Additionally, there was evidence that a small quantity of partially-smoked marijuana was found near the victim. Lyles professes this evidence shows that he and Jeter were truthful in their assertions of venturing to the apartment to purchase drugs. Defense counsel argued this went directly to the creditability of Lyles and Jeter (co-defendant). Nevertheless, these contentions miss the mark. Even if factual, the testimony does not serve as a defense to any of the offenses charged in this case nor does it excuse or mitigate Lyles' actions. It is not



probative of any issue material to reaching a verdict. This absence of a logical connection to the facts in debate makes the evidence irrelevant and inadmissible.

Additionally, even if the testimony were relevant to the controversy, the trial judge correctly ruled it was inadmissible as unfairly prejudicial. The evidence is prejudicial because it stands to suggest a decision on an improper basis. By potentially insinuating a key witness for the State is a drug dealer and drugs were present next to the victim, the testimony could unfairly impugn the character of Spicer and Howze and cloud the issues. The risk of confusion or misdirection requires an analysis under Rule 403, SCRE. Given the tenuous probative link, the prejudicial effect outweighs any value the evidence may hold."

Under Rules 401 and 402 of the South Carolina Rules of Evidence, any evidence or testimony concerning this issue would be irrelevant to the incidents involving the Defendant and the victim, Allene Ellis. These issues have no probative link with the events that occurred on March 14, 2012 between the defendant and the victim in this case. The South Carolina Supreme Court held in State v. Adams, 322 S.C. 114, 470 S.E.2d 366 (1996) that "where drug use is unrelated to the crime at issue, evidence of the drug use should be excluded (*citing State v. Bolden*, 303 S.C. 41, 398 S.E.2d 494 (1990))." The evidence in this case would not show any basis for drugs being involved in this case between the defendants and the victim and would be unrelated to this crime.

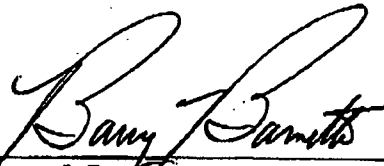
The Even if the Court would find this evidence or testimony relevant, the evidence should be excluded because the probative value is substantially outweighed by the danger of unfair prejudice, confusion of the issues, or could mislead the jury as stated by the South Carolina Court of Appeals in the Lyles opinion and Rule 403 of the South Carolina Rules of Evidence. The South Carolina Supreme Court in State v. Boiter, 302 S.C. 381, 396 S.E.2d 364 (1990) stated that, "a court may prohibit cross-examination for impeachment purposes when the probative value of the evidence that the defendant seeks to elicit is substantially outweighed by the risk of prejudice." The South Carolina Court of Appeals in State v. Sprouse, 478 S.E.2d 871 (S.C. App. 1996) ruled that "Evidence, even if arguably relevant, must be excluded if its probative value is outweighed by the prejudicial impact of its

admission.” The Court also cited State v. Kelley, 319 S.C. 173, 460 S.E.2d 368 (1995) and State v. Alexander, 303 S.C. 377, 401 S.E.2d 146 (1991). The South Carolina Court of Appeals held again in Johnson v. Horry County Solid Waste Authority, 389 S.C. 528, 698 S.E.2d 835 (Ct. App. 2010) that:

“Otherwise relevant evidence may be excluded when its probative value is ‘substantially out weight by the danger of unfair prejudice, confusion of the issues, or misleading the jury...’ Rule 403, SCRE. ‘Unfair prejudice means an undue tendency to suggest a decision on an improper basis.’”

Even if the victim’s toxicology report was held to be relevant by this Court, the unfair prejudicial impact of this report would outweigh any probative value and should be excluded under Rule 403 of the South Carolina Rules of Evidence.

The State would request an *in-camera* review by the Court before any such evidence may be deemed relevant or admissible in this case under the grounds stated in this Motion.



Barry J. Barnette
Solicitor
Seventh Judicial Circuit

Gaffney, South Carolina
May 14, 2013

ICHS.003FC4EE77 from SCCH - May 31, 2012 at 15:44:26

SPTSL416

.ICHS.003FC4EE77.SCCH.20120531 15:44:26

TO: SPTSL416-39230 20120531 15:44:26 003FC4EE77

FROM: SCCH-12906103 20120531 15:44:26

ICHS/QH INQUIRY OF SCLED CCH FILES USING:

ATN-TRENT, D

ORI-SC042015A PUR-C

NAM-SATTERWHITE, JOSEPH DANTE

SOC- SEX-M RAC-B DOB-

E

DATE-05/31/2012 TIME-15:38 PAGE-01 OF 01

ORI-SC042015A

SCLED IDENT RESPONSE TO ICHS/QH INQUIRY

THIS RESPONSE CONTAINS POSSIBLE HITS ONLY AND DOES NOT IMPLY A POSITIVE MATCH WITH THE INDIVIDUAL IN QUESTION

NAME-SATTERWHITE, JOSEPH D

SEX-M RACE-B

HEIGHT-603 WEIGHT-235 EYES-BRO HAIR-BLK SKIN-

BORN-

FPC: HENRY-

NCIC-

SID-SC02037369 FBI-864747NB1

PALM PRINTS AVAILABLE

1-FINGERPRINT IMAGES ON THIS SUBJECT ARE STORED ON SCAFIS

DATE RECORD ENTERED--02/02/2012 DATE OF LAST UPDATE--05/23/2012

ALIAS NAMES-SATTERWHITE, JOSEPH DANTE

SATTERWHITE, JD

BIRTH DATES-

MARKS, ETC-

SOC SEC NUMBERS-

SCLED CJIS RECORD INDICATES SUBJECT HAS OUT-OF-STATE ARREST INFORMATION

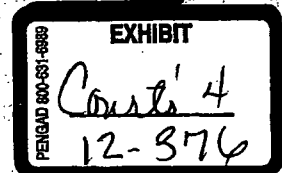
INDIVIDUAL PROHIBITED FROM POSSESSING OR ACQUIRING FIREARM OR AMMUNITION PURSUANT TO FEDERAL GUN CONTROL ACT OF 1968

INFORMATION SUBMITTED TO SLED CCH INDICATES THIS INDIVIDUAL HAS BEEN CONVICTED OF A FELONY ACCORDING TO THE SOUTH CAROLINA CODE OF LAWS. THEREFORE, THIS PERSON IS INELIGIBLE TO SHIP, TRANSPORT, OR RECEIVE ANY FIREARM OR AMMUNITION AFFECTED BY INTERSTATE OR FOREIGN COMMERCE, AS DEFINED BY THE GUN CONTROL ACT OF 1968 (18.U.S.C. 922(G)).

** END OF IDENT **

REQUESTED FOR CRIMINAL JUSTICE PURPOSES MAY OCCUR DAILY, A NEW INQUIRY SHOULD BE MADE AND NO SUBSEQUENT USE OF THIS RECORD IS ALLOWED.

FOR COMPLETE CRIMINAL HISTORY, PERFORM ICHR INQUIRY USING SID NUMBER OR FBI NUMBER.



SOUTH CAROLINA LAW ENFORCEMENT DIVISION

FORENSIC SERVICES LABORATORY REPORT

NIKKI R. HALEY
Governor



MARK A. KEEL
Chief

Brian Blanton
Gaffney Police Department
P.O. Box 2109
Gaffney, SC 29342

FIREARMS DEPARTMENT

March 20, 2013
SLED LAB: L12-06879
Your Case No: 20123086
Incident Date: 3/15/2012
[S] Joseph Satterwhite
[V-Deceased] Allene Ellis

This is an official report of the South Carolina Law Enforcement Division Forensic Services Laboratory and is to be used in connection with an official criminal investigation. These examinations were conducted under your assurance that no previous examinations of person(s) or evidence submitted in this case have been or will be conducted by any other laboratory or agency.

Mark A. Keel, Chief
South Carolina Law Enforcement Division

SUPPLEMENTAL REPORT

ITEMS OF EVIDENCE:

- Item: 1 One fired bullet, described as "recovered from love seat".
Item: 2 One Rossi Model 33 revolver, 38 Special caliber, serial number D739472.

RESULTS:

See report dated November 6, 2012.

Comparison to L12-03936 (Cherokee County Coroner's Office Case Number: FA12-197)

Test bullets previously fired from Item 2 in this case were microscopically compared to the fired bullet fragments submitted as part of Item 6 (L12-03936). The results of these comparisons were inconclusive due to damage and extremely limited marks of value. The Item 6 bullet fragments could have been fired by Item 2 or by another similarly rifled firearm or firearms.

Michele Eichenmiller

Michele Eichenmiller
Forensic Scientist



REQUEST FORWARDED TO NCIC
 ANY OUT-OF-STATE IDENT INFORMATION TO FOLLOW FROM NCIC VIA YOUR TERMINAL
 ** END OF MESSAGE **

Top of page or Menu

Delete

QH 00351B2FEE from III - May 31, 2012 at 15:44:29

SPTSL416

.QH.00351B2FEE.III.20120531 15:44:29

TO: SPTSL416-39231 20120531 15:44:29 00351B2FEE
 FROM: III-1781742 20120531 15:44:29

7L011D4300736D2QH

SC042015A

THIS NCIC INTERSTATE IDENTIFICATION INDEX RESPONSE IS THE RESULT OF
 YOUR

INQUIRY ON NAM/SATTERWHITE, JOSEPH DANTE SEX/M RAC/B DOB/

SOC/ PUR/C

NAME

FBI NO.

INQUIRY DATE

SATTERWHITE, JOSEPH DANTE

864747NB1

2012/05/31

SEX RACE BIRTH DATE HEIGHT WEIGHT EYES HAIR PHOTO
 M B 602 200 BRO BLK N

BIRTH PLACE

NORTH CAROLINA

FINGERPRINT CLASS

PATTERN CLASS

UC UC UC UC UC UC UC UC UC UC UC
 UC UC UC UC UC UC UC UC UC UC UC
 UC UC UC UC UC UC UC UC UC UC UC

ALIAS NAMES

JASON, X

KANE, X

SATTERWHITE, DANTE

SATTERWHITE, JASON

SATTERWHITE, JD

SATTERWHITE, JOSEPH D

SATTERWHITE, KANE

OTHER

SCARS-MARKS-

BIRTH DATES TATTOOS

SOCIAL SECURITY

PRCD L EAR

TAT LF ARM

TAT R ARM

TAT RF ARM

IDENTIFICATION DATA UPDATED 2012/05/23

THE CRIMINAL HISTORY RECORD IS MAINTAINED AND AVAILABLE FROM THE
 FOLLOWING:

GEORGIA

- STATE ID/GA2864709J

NORTH CAROLINA - STATE ID/NC0882855A
SOUTH CAROLINA - STATE ID/SC02037369

THE RECORD(S) CAN BE OBTAINED THROUGH THE INTERSTATE IDENTIFICATION INDEX BY USING THE APPROPRIATE NCIC TRANSACTION.

END

Top of page or Menu

Delete

ICHR 003FC4EE8A from SCCH - May 31, 2012 at 15:46:16

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TO: SPTSL416-39232 20120531 15:46:16 003FC4EE8A
FROM: SCCH-12906122 20120531 15:46:16

ICHR REQUEST FOR RAP SHEET
ORI-SC042015A FBI-864747NB1 PUR-C
ATN-TRENT,

AUTHORIZED CRIMINAL JUSTICE AGENCY USE ONLY. CONTACT CONTRIBUTING AGENCY FOR SPECIFIC/MORE DATA ABOUT CHARGES AND/OR DISPOSITIONS. BECAUSE ADDITIONS OR DELETIONS MAY BE MADE AT ANY TIME, A NEW COPY SHOULD BE REQUESTED WHEN NEEDED FOR SUBSEQUENT USE.

PAGE-01 DATE-05/31/2012 TIME-15:40:24
REQ ORI-SC042015A 7TH JUDICIAL CIRCUIT
SID-SC02037369 FBI-864747NB1
NAME-SATTERWHITE, JOSEPH D SEX-M RACE-B
HEIGHT-603 WEIGHT-235 EYES-BRO HAIR-BLK SKIN- BORN-
FPC- HENRY-

PALM PRINTS AVAILABLE
1-FINGERPRINT IMAGES ON THIS SUBJECT ARE STORED ON SCAFIS

DATE RECORD ENTERED--02/02/2012 DATE OF LAST UPDATE--05/23/2012

ADDITIONAL IDENTIFIERS	BIRTH			
NAME	DATES	MARKS	SOC SEC	MISC NUM
SATTERWHITE, JOSEPH DANTE				
SATTERWHITE, JD				

CONTRIBUTOR/SUBJECT	DOA/RCVD CHARGE/DISPOSITION/ETC
SC011015G CHEROKEE PPP	09/14/2011 CUSTODY STATUS-PROBATION
CASE-SC0110	
CIT-16-23-420-FELONY	

COURT CHARGE 01-CARRY FIREARM

CIT-16-9-320 (A) -MISDEMEANOR

PUBLIC BUILDINGS/ADJ AREA
COURT DISP-CONVICTED;OOS
CASE TRANSFER FROMNC ON
SUPERVISION UNTIL 2/1/
ATN-11P000501760

COURT CHARGE 02-RESISTING
ARREST
COURT DISP-CONVICTED;OOS
CASE TRANSFER FROM NC ON
SUPERVISION UNTIL 2/1

SATTERWHITE, JOSEPH DANTE
SC0110200 GAFFNEY PD
CASE-2012003086
ATN-110000022869
WARR-M526191
CIT-16-3-10-FELONY

05/18/2012

ARREST CHARGE 01-MURDER
OFFENSE DATE-03/14/2012
PALM PRINTS AVAILABLE

BASED ON SEARCH OF SCLED CJIS CCH FILE USING FBI/864747NB1
REQUESTED FOR CRIMINAL JUSTICE PURPOSES

SCLED CJIS RECORD INDICATES SUBJECT HAS OUT OF STATE ARREST INFORMATION
REQUEST FORWARDED TO NCIC FOR OUT-OF-STATE INFORMATION
INFORMATION FROM OTHER STATES TO FOLLOW THRU NLETS VIA YOUR TERMINAL

INQUIRY WILL BE FORWARDED TO: N C I C W A N T E D P E R S O N S

INDIVIDUAL PROHIBITED FROM POSSESSING OR ACQUIRING FIREARM OR AMMUNITION
PURSUANT TO FEDERAL GUN CONTROL ACT OF 1968

INFORMATION SUBMITTED TO SLED CCH INDICATES THIS INDIVIDUAL HAS BEEN
CONVICTED OF A FELONY ACCORDING TO THE SOUTH CAROLINA CODE OF LAWS.
THEREFORE, THIS PERSON IS INELIGIBLE TO SHIP, TRANSPORT, OR RECEIVE ANY
FIREARM OR AMMUNITION AFFECTED BY INTERSTATE OR FOREIGN COMMERCE, AS
DEFINED BY THE GUN CONTROL ACT OF 1968 (18.U.S.C. 922(G)).

** S C CJIS END OF RECORD **□

Top of page or Menu

Delete

QR 00351B300A from III - May 31, 2012 at 15:46:19

SPTSL416

.QR.00351B300A.III.20120531 15:46:19

TO: SPTSL416-39233 20120531 15:46:19 00351B300A
 FROM: III-1781770 20120531 15:46:19
 EL011D4300736F2QR
 SC042015A

THIS INTERSTATE IDENTIFICATION INDEX RESPONSE IS THE RESULT OF YOUR
 RECORD REQUEST FOR FBI/864747NB1. INDIVIDUAL'S RECORD WILL BE
 COMPLETE WHEN ALL RESPONSES ARE RECEIVED FROM THE FOLLOWING SOURCES:
 GEORGIA - STATE ID/GA2864709J
 NORTH CAROLINA - STATE ID/NC0882855A

AN ADDITIONAL RECORD MAY BE OBTAINED FROM FILES WITHIN YOUR STATE.
 END

Top of page or Menu

Delete

QWA 00060B3DAF from NC2K May 31, 2012 at 15:46:21

SPTSL416
 .QWA.00060B3DAF.NC2K.20120531 15:46:21
 TO: SPTSL416-39234 20120531 15:46:21 00060B3DAF
 FROM: NC2K-736687 20120531 15:46:21
 1L011D430073702QWA
 SC042015A

***MESSAGE KEY QWA SEARCHES ALL NCIC PERSONS FILES WITHOUT
 LIMITATIONS.

MKE/WANTED PERSON

EXL/D - NO EXTRADITION

ORI/GA0440000 NAM/SATTERWHITE, JOSEPH DANTE SEX/M RAC/B POB/

DOB/ HGT/602 WGT/190 EYE/BR0 HAI/BLK FBI/864747NB1

SMT/PRCD L EAR

MNU/PI-GA2864709J SOC/257439693

OLN/000027543312 OLS/NC OLY/2011

OFF/FAILURE TO APPEAR - SEE MIS - FAILURE TO APPEAR

OOC/STOLEN PROPERTY

DOW/20011012 OCA/B01C17945

WNO/01C17945

VLD/20110824

MIS/ORG CHARGE-THEFT BY RECEIVING/VIOLATION OF GEORGIA CONTROLLED
 SUBJSTANCE

MIS/ACT/JNT SIR

DNA/N

ORI IS DEKALB COUNTY SHERIFF'S OFFICE 404 298-8200

AKA/JASON, X

AKA/KANE, X

AKA/SATTERWHITE, DANTE

AKA/SATTERWHITE, JASON

AKA/SATTERWHITE, JOSEPH D

AKA/SATTERWHITE, KANE

SMT/TAT LF ARM

SMT/TAT R ARM
 SMT/TAT RF ARM
 MNU/PI-NC0882855A
 NIC/W110240148 DTE/20100414 0331 EDT DLU/20110824 0403 EDT
 IMMED CONFIRM WARRANT AND EXTRADITION WITH ORI

Top of page or Menu

Delete

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SPTSL416
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 TO: SPTSL416-39235 20120531 15:46:24 00081D9769
 FROM: NLETS-1939305 20120531 15:46:24
 CR.GAIII0000
 12:44 16890
 05/31/2012 08540 SC042015A
 *1D4300736F

TXT

HDR/2L011D4300736F2QR

ATN/TRENT,

***** CRIMINAL HISTORY RECORD *****

***** Introduction *****

This rap sheet was produced in response to the following request:

FBI Number 864747NB1
 State Id Number GA2864709J ()
 Purpose Code C
 Attention TRENT,

The information in this rap sheet is subject to the following caveats:

**THIS RESPONSE IS BEING PRODUCED FOR YOUR REQUEST SENT: 2012-05-31
 (GA; 2007-08-11)

Important! Criminal history record information is obtained one of two ways: 1) by conducting an inquiry using personal identifiers such as name and date of birth (name search), or 2) by submitting fingerprint cards to the Georgia Crime Information Center (GCIC). When conducting a name search for criminal history record information, there is a possibility that the information returned belongs to a different person with the same, or similar, identifiers. In this case, a positive match of the person whose criminal history record is sought requires submission of fingerprint cards to GCIC. When conducting a fingerprint search for criminal history record information, the information returned does, in fact, belong to the individual. In this case, conducting a name search using the individual's personal identifiers would be the same information. (GA; 2007-08-11)
 When the information contained in a criminal history report causes an

adverse employment or licensing decision the individual, business or agency making the decision must inform the applicant of all information pertinent to the decision. The disclosure must include information that a criminal history record check was conducted, the specific contents of the record and the effect the record had upon the decision. Failure to provide all such information to the person subject to the adverse decision is a misdemeanor offense under Georgia law. Additionally, any unauthorized dissemination of this record or information herein also violates Georgia law. The plea of nolo contendere may be considered a conviction for some purposes: however, except as otherwise provided by law, it shall not be used against the defendant in any other court as a conviction or admission of guilt or for the purpose of effecting any civil disqualification of the defendant to hold public office, to vote, to serve upon any jury, or any other civil disqualification imposed upon a person convicted of any offense under the laws of this state.

(GA; 2007-08-11)

In the event that identifiers are not clearly associated to a specific cycle, the information is most likely non-fingerprint based information received from the Department of Corrections at the time of release from incarceration. (GA; 2007-08-11)

***** IDENTIFICATION *****

Subject Name(s)

SATTERWHITE, JOSEPH DANTE

Subject Description

FBI Number
864747NB1

State Id Number
GA2864709J

Social Security Number

Sex
Male

Race
Black

Height
6'02" (2001-05-15)

Weight
190 (2001-05-15)

Date of Birth

Hair Color
Black (2001-05-15)

Eye Color
Brown (2001-05-15)

Place of Birth

***** CRIMINAL HISTORY *****

----- Cycle 1 -----
Tracking Number 00083311804
Earliest Event Date 2001-05-15 Incident Date 2001-05-15

Arrest Date 2001-05-15

Arrest Case Number 01-050309
 Arresting Agency GA0440600 DORAVILLE POLICE DEPARTMENT
 Subject's Name SATTERWHITE, JOSEPH DANTE
 Arrest Type Adult
 Charge 1
 Charge Number 00083311804001
 Charge Tracking Number 00083311804
 Charge Literal THEFT BY RECEIVING STOLEN PROPERTY
 Statute (16-8-7; GA)
 State Offense Code 2353
 Severity Unknown
 ***** INDEX OF AGENCIES *****
 Agency DORAVILLE POLICE DEPARTMENT; GA0440600;
 Agency Telephone (770) 455-1000
 Address
 3750 PARK AVENUE
 DORAVILLE, GA 303400000

 Agency DORAVILLE POLICE DEPARTMENT; GA0440600;

 * * * END OF RECORD * * *
 Top of page or Menu

Delete

CR 00081D9769 from NLETS - May 31, 2012 at 15:46:24

SPTSL416
 .CR.00081D9769.NLETS.20120531 15:46:24
 TO: SPTSL416-39235 20120531 15:46:24 00081D9769
 FROM: NLETS-1939305 20120531 15:46:24
 CR.GAIII0000
 12:44 16890
 05/31/2012 08540 SC042015A
 *1D4300736F
 TXT
 HDR/2L011D4300736F2QR
 ATN/TRENT,
 ***** CRIMINAL HISTORY RECORD *****
 ***** Introduction *****
 This rap sheet was produced in response to the following request:
 FBI Number 864747NB1
 State Id Number GA2864709J ()
 Purpose Code C
 Attention TRENT,

The information in this rap sheet is subject to the following caveats:

****THIS RESPONSE IS BEING PRODUCED FOR YOUR REQUEST SENT: 2012-05-31
(GA; 2007-08-11)**

Important! Criminal history record information is obtained one of two ways: 1) by conducting an inquiry using personal identifiers such as name and date of birth (name search), or 2) by submitting fingerprint cards to the Georgia Crime Information Center (GCIC). When conducting a name search for criminal history record information, there is a possibility that the information returned belongs to a different person with the same, or similar, identifiers. In this case, a positive match of the person whose criminal history record is sought requires submission of fingerprint cards to GCIC. When conducting a fingerprint search for criminal history record information, the information returned does, in fact, belong to the individual. In this case, conducting a name search using the individual's personal identifiers would be the same information. (GA; 2007-08-11)

When the information contained in a criminal history report causes an adverse employment or licensing decision the individual, business or agency making the decision must inform the applicant of all information pertinent to the decision. The disclosure must include information that a criminal history record check was conducted, the specific contents of the record and the effect the record had upon the decision. Failure to provide all such information to the person subject to the adverse decision is a misdemeanor offense under Georgia law. Additionally, any unauthorized dissemination of this record or information herein also violates Georgia law. The plea of nolo contendere may be considered a conviction for some purposes; however, except as otherwise provided by law, it shall not be used against the defendant in any other court as a conviction or admission of guilt or for the purpose of effecting any civil disqualification of the defendant to hold public office, to vote, to serve upon any jury, or any other civil disqualification imposed upon a person convicted of any offense under the laws of this state. (GA; 2007-08-11)

In the event that identifiers are not clearly associated to a specific cycle, the information is most likely non-fingerprint based information received from the Department of Corrections at the time of release from incarceration. (GA; 2007-08-11)

***** IDENTIFICATION *****

Subject Name(s)

SATTERWHITE, JOSEPH DANTE

Subject Description

FBI Number

864747NB1

State Id Number

GA2864709J

Social Security Number

Sex

Race

SPTSL416

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TO: SPTSL416-39236 20120531 15:46:25 00081D976A

FROM: NLETS-1939306 20120531 15:46:24

CR.NCIII0000

12:44 10631

05/31/2012 08541 SC042015A

*1D4300736F

TXT

HDR/2L011D4300736F2QR

ATN/TRENT,

***** CRIMINAL HISTORY RECORD *****

***** Introduction *****

This rap sheet was produced in response to the following request:

Subject Name(s)	SATTERWHITE, JOSEPH DANTE
FBI Number	864747NB1
State Id Number	NC0882855A (NC)
Request Id	UNKNOWN
Purpose Code	C
Attention	TRENT,

The information in this rap sheet is subject to the following caveats:

BASED ONLY ON SID NUMBER (NC)

THIS CRIMINAL HISTORY IS FOR A MULTI-STATE RECORD. (NC)

THIS RESPONSE CONTAINS ONLY NORTH CAROLINA CHARGES. (NC)

A MULTI-STATE NCIC RESPONSE WILL BE PROVIDED BY THE FBI. (NC)

THIS CRIMINAL HISTORY RECORD INFORMATION ON THE ABOVE-NAMED INDIVIDUAL IS A CERTIFIED COPY SUBSTANTIATED BY FINGERPRINTS, AS IT APPEARS IN THE SBI/DCI FILES. STATE/FEDERAL REGULATIONS REQUIRE A ONE-YEAR RECORD OF DISSEMINATION. * * * CAUTION * * * CHANGES TO THIS RECORD MAY OCCUR AT ANY TIME AND A NEW INQUIRY SHOULD BE MADE FOR SUBSEQUENT USE. THIS RECORD MUST NOT BE USED AFTER 2012-08-29 (NC)

***** IDENTIFICATION *****

Subject Name(s)

SATTERWHITE, JOSEPH DANTE

JASON, X (AKA)

KANE, X (AKA)

SATERWHITE, JOSEPH DANTE (AKA)

SATTERWHITE, DANTE (AKA)

SATTERWHITE, JASON (AKA)

SATTERWHITE, JOSEPH D (AKA)

SATTERWHITE, KANE (AKA)

Subject Description

FBI Number	State Id Number	DOC Number
864747NB1	NC0882855A (NC)	0702974

Social Security Number Driver's License Number

E

Sex
Male

Race
Black

Skin Tone
Medium Brown

Height
6'03"

Weight
240

Date of Birth

Hair Color
Black

Eye Color
Brown

Scars, Marks, and Tattoos

Code

Description, Comments, and Images

PRCD L EAR

TAT LF ARM

TAT R ARM

TAT RF ARM

Place of Birth

(

***** CRIMINAL HISTORY *****

===== Cycle 1 =====

Tracking Number 01
Earliest Event Date 2000-07-18 Incident Date 2000-07-18

Arrest Date 2000-07-18
Arrest Case Number 200007180011
Arresting Agency NC0230000 CLEVELAND CO SO CRIMINAL RECORDS
Subject's Name SATTERWHITE, JOSEPH DANTE
Offender Id Number R57437W
Charge 01
Charge Charge Literal SHOOTING INTO OCCUPIED DWELLING
Charge 02
Charge Charge Literal DAMAGE TO PERSONAL PROPERTY
Charge 03
Charge Charge Literal RESIST AN OFFICER
Charge 04
Charge Charge Literal DELAY, OBSTRUCT AN OFFICER

Court Disposition (Cycle 1)
Court Case Number 2000CRS053097
Court Agency NC023035J CLEVELAND CO SUP CRT - SHELBY
Charge Charge Literal RESISTING PUBLIC OFFICER
Statute (14-223; NC)
Severity Misdemeanor
Disposition (2000-10-03; Dismissal Without Leave (By DA))

Court Disposition	(Cycle 1)
Court Case Number	2000CRS053098
Court Agency	NC023035J CLEVELAND CO SUP CRT - SHELBY
Charge Literal	INJURY TO PERSONAL PROPERTY
Statute	(14-160; NC)
Severity	Misdemeanor
Disposition	(2000-10-03; Dismissal Without Leave (By DA))
Court Disposition	(Cycle 1)
Court Case Number	2000CRS053099
Court Agency	NC023035J CLEVELAND CO SUP CRT - SHELBY
Charge Literal	ACCESSORY AFTER THE FACT (F)
Statute	(14-7; NC)
Severity	Felony
Disposition	(2000-10-04; Trial By Judge; Verdict: Guilty)
Court Comment	Plea: Guilty To A Lesser Degree
Court Comment	Special Condition: 2 DAYS PTC,\$325 ATT FEE,NOT POSSESS ANY FIREARM ANYWHERE,
Court Comment	Special Condition: RESTITUTION NOT AWARDED BECAUSE VICTIM DIDN'T REQUEST IT
Court Comment	Special Condition: CURFEW
Court Disposition	(Cycle 1)
Court Case Number	2000CRS053099
Court Agency	NC023035J CLEVELAND CO SUP CRT - SHELBY
Charge Literal	DISCHARGE WEAPON OCCUPIED PROP
Statute	(14-34.1; NC)
Severity	Felony
Disposition	(2000-10-03; Dismissal Without Leave (By DA))
Sentencing	(Cycle 1)
Sentencing Agency	NC023035J CLEVELAND CO SUP CRT - SHELBY
Court Case Number	2000CRS053099
Charge Literal	ACCESSORY AFTER THE FACT (F)
Statute	(14-7; NC)
Severity	Felony
Disposition	(2000-10-04; Trial By Judge; Verdict: Guilty)
Sentence	Special Condition: 2 DAYS PTC,\$325 ATT FEE,NOT POSSESS ANY FIREARM ANYWHERE,
Sentence	Special Condition: RESTITUTION NOT AWARDED BECAUSE VICTIM DIDN'T REQUEST IT
Sentence	Special Condition: CURFEW
Sentence	Confinement: 13M-16M
Sentence	Time Served Credit: 002
Sentence	Probation Sentence: 36M
Sentence	Supervised Probation Sentence: Y
Sentence	Court Costs: \$225
Sentence	Structured Sentencing Offense Class: G
Sentence	Structured Sentencing Type: Intermediate Sentence
Sentence	Supervised Probation: 006M
Sentence	Days to Complete Community Service: 180
Sentence	Judgment Satisfied: E

===== Cycle 2 =====			
Tracking Number	02		
Earliest Event Date	2000-07-18	Incident Date	2000-07-10

Arrest Date	2000-07-18		
Arrest Case Number	200007100167		
Arresting Agency	NC0230000 CLEVELAND CO SO CRIMINAL RECORDS		
Subject's Name	SATTERWHITE, JOSEPH DANTE		
Offender Id Number	R57314P		
Charge	01		
Charge Literal	BREAKING AND ENTERING		
Charge	02		
Charge Literal	LARCENY		
Severity	Felony		

Court Disposition	(Cycle 2)		
Court Case Number	2000CRS053106		
Court Agency	NC023035J CLEVELAND CO SUP CRT - SHELBY		
Charge Literal	BREAKING AND OR ENTERING (F)		
Statute	(14-54(A); NC)		
Severity	Felony		
Disposition	(2000-10-03; Dismissal Without Leave (By DA))		

Court Disposition	(Cycle 2)		
Court Case Number	2000CRS053106		
Court Agency	NC023035J CLEVELAND CO SUP CRT - SHELBY		
Charge Literal	FELONY LARCENY		
Statute	(14-72(A); NC)		
Severity	Felony		
Disposition	(2000-10-03; Dismissal Without Leave (By DA))		

Court Disposition	(Cycle 2)		
Court Case Number	2000CRS053106		
Court Agency	NC023035J CLEVELAND CO SUP CRT - SHELBY		
Charge Literal	POSS STOLEN GOODS/PROP (F)		
Statute	(14-71.1; NC)		
Severity	Felony		
Disposition	(2000-10-03; Trial By Judge; Verdict: Guilty)		
Court Comment	Plea: Guilty		
Court Comment	Special Condition: 2 DAYS PTC, REMIT SUPERVISION FEE, REST. NOT ORDERED TO		
Court Comment	Special Condition: BRENDA & MICHAEL ALLISON BECAUSE THEY DIDN'T REQUEST IT,		
Court Comment	Special Condition: NOT POSSESS ANY FIREARM ANYWHERE, COMPLY WITH CONDS OF PROB		
Court Comment	Special Condition: IN 00 CRS 53099 53, CURFEW		

Sentencing	(Cycle 2)		
Sentencing Agency	NC023035J CLEVELAND CO SUP CRT - SHELBY		
Court Case Number	2000CRS053106		
Charge Literal	POSS STOLEN GOODS/PROP (F)		
Statute	(14-71.1; NC)		

	Severity	Felony
	Disposition	(2000-10-03; Trial By Judge; Verdict: Guilty)
Sentence		Special Condition: 2 DAYS PTC, REMIT SUPERVISION FEE, REST. NOT ORDERED TO
Sentence		Special Condition: BRENDA & MICHAEL ALLISON BECAUSE THEY DIDN'T REQUEST IT,
Sentence		Special Condition: NOT POSSESS ANY FIREARM ANYWHERE, COMPLY WITH CONDS OF PROB
Sentence		Special Condition: IN 00 CRS 53099 53, CURFEW
Sentence		Confinement: 6M-8M
Sentence		Time Served Credit: 002
Sentence		Probation Sentence: 36M
Sentence		Supervised Probation Sentence: Y
Sentence		Court Costs: \$115
Sentence		Restitution: \$826.00
Sentence		Structured Sentencing Offense Class: H
Sentence		Structured Sentencing Type: Intermediate
Sentence		Sentence
Sentence		Supervised Probation: 006M
Sentence		Judgment Satisfied: E
===== Cycle 3 =====		
Earliest Event Date		2001-08-01

Corrections		(Cycle 3)
Date Supervision Began		2001-08-01
Corrections Agency		NC092175C NC CORR IDENT BRANCH-RALEIGH
Subject's Name		SATTERWHITE, JOSEPH D
Correctional Id Number		0702974
Court Case Number		2000CRS053106
Correction Action		SUBJECT INCARCERATED FOR CONVICTIONS
Charge		01
Charge Literal		POSSESSING STOLEN GOODS
Severity		Felony
Disposition		(2000-10-03; Convicted and Incarcerated; Court Case Number: 2000CRS053106)
Charge		02
Charge Literal		DISCHARGE FIREARM OCCUPIED PROPERTY
Severity		Felony
Disposition		(2000-10-03; Convicted and Incarcerated; Court Case Number: 2000CRS053099)
===== Cycle 4 =====		
Tracking Number		03
Earliest Event Date		2002-09-30 Incident Date 2002-09-29

Arrest Date		2002-09-30
Arrest Case Number		20020900870
Arresting Agency		NC0390200 BUTNER PD - DISPATCHER
Subject's Name		SATTERWHITE, JOSEPH DANTE
Offender Id Number		S44292N
Charge		01
Charge Literal		ASSAULT WITH DEADLY WEAPON INTENT KILL INFLICT
SERIOUS		
INJ		
Statute		(114-32; NC)

Earliest Event Date	2003-09-03	Incident Date	2003-07-19

Arrest Date	2003-09-03		
Arresting Agency	NC0230200 SHELBY PD COMMUNICATIONS		
Subject's Name	SATTERWHITE, JOSEPH DANTE		
Offender Id Number	GN4112T		
Charge	01		
Charge Literal	TRUE BILL ROBBERY WITH DANGEROUS WEAPON		
Statute	(ELONY; NC)		
Severity	Felony		

Court Disposition	(Cycle 6)		
Court Case Number	2003CRS004913		
Court Agency	NC023035J CLEVELAND CO SUP CRT - SHELBY		
Charge Literal	ROBBERY WITH DANGEROUS WEAPON		
Statute	(14-87; NC)		
Severity	Felony		
Disposition	(2004-10-12; Dismissal Without Leave (By DA))		

Court Disposition	(Cycle 6)		
Court Case Number	2003CRS004913		
Court Agency	NC023035J CLEVELAND CO SUP CRT - SHELBY		
Charge Literal	CONSP TO COMMIT COMMON LAW ROBBERY		
Statute	(14-87; NC)		
Severity	Felony		
Disposition	(2004-10-12; Trial By Judge; Verdict: Guilty)		
Court Comment	Plea: Guilty		
Court Comment	Special Condition: RIGHTS RESTORED 032205		

Sentencing	(Cycle 6)		
Sentencing Agency	NC023035J CLEVELAND CO SUP CRT - SHELBY		
Court Case Number	2003CRS004913		
Charge Literal	CONSP TO COMMIT COMMON LAW ROBBERY		
Statute	(14-87; NC)		
Severity	Felony		
Disposition	(2004-10-12; Trial By Judge; Verdict: Guilty)		
Sentence	Special Condition: RIGHTS RESTORED 032205		
Sentence	Confinement: 10M-12M		
Sentence	Time Served Credit: 197		
Sentence	Structured Sentencing Offense Class: H		
Sentence	Structured Sentencing Prior Points: 05		
Sentence	Structured Sentencing Type: Active Sentence		
Sentence	Firearms Penalty: N		
===== Cycle 7 =====			
Tracking Number	05		
Earliest Event Date	2004-09-28	Incident Date	2003-07-16

Arrest Date	2004-09-28		
Arrest Case Number	200409280015		
Arresting Agency	NC0230000 CLEVELAND CO SO CRIMINAL RECORDS		
Subject's Name	SATTERWHITE, JOSEPH DANTE		
Offender Id Number	GN5278D		
Charge	01		

Court Disposition	(Cycle 10)
Court Case Number	2006CR 016349
Court Agency	NC036025J GASTON CO DIST COURT - GASTONIA
Charge Literal	DWLR
Statute	(20-28(A); NC)
Severity	Other
Disposition	(2007-07-03; Trial By Judge; Verdict: Guilty)
Court Comment	Plea: Guilty
Court Comment	Special Condition: \$50 FTA FEE

Court Disposition	(Cycle 10)
Court Case Number	2006CR 016349
Court Agency	NC036025J GASTON CO DIST COURT - GASTONIA
Charge Literal	EXPIRED REGISTRATION CARD/TAG
Statute	(20-111(2); NC)
Severity	Other
Disposition	(2007-07-03; Dismissal Without Leave (By DA))
Court Comment	Special Condition: PLEA

Sentencing	(Cycle 10)
Sentencing Agency	NC036025J GASTON CO DIST COURT - GASTONIA
Court Case Number	2006CR 016349
Charge Literal	DWLR
Statute	(20-28(A); NC)
Severity	Other
Disposition	(2007-07-03; Trial By Judge; Verdict: Guilty)
Sentence	Special Condition: \$50 FTA FEE
Sentence	Confinement: 45D
Sentence	Probation Sentence: 18M
Sentence	Supervised Probation Sentence: N
Sentence	Fine: \$150
Sentence	Court Costs: \$110
Sentence	Judgment Satisfied: Y
===== Cycle 11 =====	
Tracking Number	07
Earliest Event Date	2008-01-06 Incident Date 2007-06-21

Arrest Date	2008-01-06
Arresting Agency	NC0360600 GASTONIA PD COMMUNICATIONS
Subject's Name	SATTERWHITE, JOSEPH DANTE
Offender Id Number	WN3866W
Charge	01
Charge Literal	FRAUD, RENTAL PROPERTY, FAIL RETURN
Statute	(14-168.4; NC)
Severity	Misdemeanor

Booking Case Number	
Booking Agency	NC0360600 GASTONIA PD COMMUNICATIONS

Court Disposition	(Cycle 11)

Booking Case Number		NC0410200 GREENSBORO PD - RECORDS
Booking Agency		
Court Disposition	(Cycle 12)	
Court Case Number	2010CR 080553	
Court Agency	NC041025J GUILFORD CO DIST CRT-GREENSBORO	
Charge Literal	FELONY POSSESSION OF COCAINE	
Statute	(90-95(D) (2); NC)	
Severity	Felony	
Disposition	(2010-07-12; Dismissal Without Leave (By DA))	
Court Disposition	(Cycle 12)	
Court Case Number	2010CR 080554	
Court Agency	NC041025J GUILFORD CO DIST CRT-GREENSBORO	
Charge Literal	CARRYING CONCEALED GUN(M)	
Statute	(14-269(A1); NC)	
Severity	Misdemeanor	
Disposition	(2010-07-09; Dismissal Without Leave (By DA))	
Court Disposition	(Cycle 12)	
Court Case Number	2010CRS080555	
Court Agency	NC041035J GUILFORD CO SUP CRT GREENSBORO	
Charge Literal	POSSESSION OF FIREARM BY FELON	
Statute	(14-415.1; NC)	
Severity	Felony	
Disposition	(2011-08-01; Trial By Judge; Verdict: Guilty)	
Court Comment	Plea: Guilty	
Court Comment	Special Condition: BURKE/WARE/091311 ORD MOD;WAIVE NC PSF(CROMER)	
Court Comment	Special Condition: PREVIOUS MICROFILM+: 1101279999	
Sentencing	(Cycle 12)	
Sentencing Agency	NC041035J GUILFORD CO SUP CRT GREENSBORO	
Court Case Number	2010CRS080555	
Charge Literal	POSSESSION OF FIREARM BY FELON	
Statute	(14-415.1; NC)	
Severity	Felony	
Disposition	(2011-08-01; Trial By Judge; Verdict: Guilty)	
Sentence	Special Condition: BURKE/WARE/091311 ORD MOD;WAIVE NC PSF(CROMER)	
Sentence	Special Condition: PREVIOUS MICROFILM+: 1101279999	
Sentence	Confinement: 13M-16M	
Sentence	Time Served Credit: 5	
Sentence	Probation Sentence: 36M	
Sentence	Supervised Probation Sentence: Y	
Sentence	Fine: \$500	
Sentence	Court Costs: \$619	
Sentence	Restitution: \$0.00	

Court Case Number	2007CR 059209		
Court Agency	NC036025J GASTON CO DIST COURT - GASTONIA		
Charge Literal	FAIL RETN PROP RENTD PUR OPT		
Statute	(14-168.4; NC)		
Severity	Misdemeanor		
Disposition	(2008-02-29; Trial By Judge; Verdict: Guilty)		
Court Comment	Plea: Guilty		
Court Comment	Special Condition: COURT COST AND PSF WAIVED, PAY UNDER PROB OFFCR, APPEAL-		
Court Comment	Special Condition: 2/29/08		

Court Disposition	(Cycle 11)		
Court Case Number	2007CRS059209		
Court Agency	NC036035J GASTON CO SUP COURT - GASTONIA		
Charge Literal	FAIL RETN PROP RENTD PUR OPT		
Statute	(14-168.4; NC)		
Severity	Misdemeanor		
Disposition	(2008-03-24; Dismissal Without Leave (By DA))		

Sentencing	(Cycle 11)		
Sentencing Agency	NC036025J GASTON CO DIST COURT - GASTONIA		
Court Case Number	2007CR 059209		
Charge Literal	FAIL RETN PROP RENTD PUR OPT		
Statute	(14-168.4; NC)		
Severity	Misdemeanor		
Disposition	(2008-02-29; Trial By Judge; Verdict: Guilty)		
Sentence	Special Condition: COURT COST AND PSF WAIVED, PAY UNDER PROB OFFCR, APPEAL-		
Sentence	Special Condition: 2/29/08		
Sentence	Confinement: 30D		
Sentence	Probation Sentence: 36M		
Sentence	Supervised Probation Sentence: Y		
Sentence	Restitution: \$9334.24		
Sentence	Judgment Satisfied: N		
===== Cycle 12 =====			
Tracking Number	08		
Earliest Event Date	2010-06-16	Incident Date	2010-06-16

Arrest Date	2010-06-16		
Arresting Agency	NC0410200 GREENSBORO PD - RECORDS		
Subject's Name	SATTERWHITE, JOSEPH DANTE		
Offender Id Number	GX4068F		
Charge	01		
Charge Literal	POSSESSION OF FIREARM BY FELON		
Statute	(14-415.1; NC)		
Severity	Felony		
Charge	02		
Charge Literal	FELONY POSSESSION OF COCAINE		
Statute	(90-95(D)(2); NC)		
Severity	Felony		
Charge	03		
Charge Literal	CARRYING CONCEALED WEAPON		
Statute	(14-269(A); NC)		
Severity	Misdemeanor		

Male	Black	
Height 6'02" (2001-05-15)	Weight 190 (2001-05-15)	Date of Birth
Hair Color Black (2001-05-15)	Eye Color Brown (2001-05-15)	
Place of Birth GEORGIA		
***** CRIMINAL HISTORY *****		
----- Cycle 1 -----		
Tracking Number	00083311804	
Earliest Event Date	2001-05-15	Incident Date 2001-05-15

Arrest Date	2001-05-15	
Arrest Case Number	01-050309	
Arresting Agency	GA0440600 DORAVILLE POLICE DEPARTMENT	
Subject's Name	SATTERWHITE, JOSEPH DANTE	
Arrest Type	Adult	
Charge	1	
Charge Number	00083311804001	
Charge Tracking Number	00083311804	
Charge Literal	THEFT BY RECEIVING STOLEN PROPERTY	
Statute	(16-8-7; GA)	
State Offense Code	2353	
Severity	Unknown	
***** INDEX OF AGENCIES *****		
Agency	DORAVILLE POLICE DEPARTMENT; GA0440600;	
Agency Telephone	(770) 455-1000	
Address	3750 PARK AVENUE DORAVILLE, GA 303400000	

Agency	DORAVILLE POLICE DEPARTMENT; GA0440600;	
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Charge Literal	ROBBERY WITH DANGEROUS WEAPON		
Statute	(14-87; NC)		
Severity	Felony		

Booking Case Number			
Booking Agency	NC0230000 CLEVELAND CO SO CRIMINAL RECORDS		

Court Disposition	(Cycle 7)		
Court Case Number	2004CRS006317		
Court Agency	NC023035J CLEVELAND CO SUP CRT - SHELBY		
Charge Literal	ROBBERY WITH DANGEROUS WEAPON		
Statute	(14-87; NC)		
Severity	Felony		
Disposition	(2004-10-12; Dismissal Without Leave (By DA))		
===== Cycle 8 =====			
Earliest Event Date	2004-10-22		

Corrections	(Cycle 8)		
Date Supervision Began	2004-10-22		
Corrections Agency	NC092175C NC CORR IDENT BRANCH-RALEIGH		
Subject's Name	SATTERWHITE, JOSEPH D		
Correctional Id Number	0702974		
Court Case Number	2003CRS004913		
Correction Action	SUBJECT INCARCERATED FOR CONVICTIONS		
Charge	01		
Charge Literal	COMMON LAW ROBBERY		
Severity	Felony		
Disposition	(2004-10-12; Convicted and Incarcerated; Court Case Number: 2003CRS004913)		
===== Cycle 9 =====			
Earliest Event Date	2005-03-29		

Corrections	(Cycle 9)		
Date Supervision Began	2005-03-29		
Corrections Agency	NC092175C NC CORR IDENT BRANCH-RALEIGH		
Correctional Id Number	0702974		
Correction Action	DISCHARGED		
===== Cycle 10 =====			
Tracking Number	06		
Earliest Event Date	2006-09-08 Incident Date	2006-09-07	

Arrest Date	2006-09-08		
Arresting Agency	NC0360800 LOWELL PD		
Subject's Name	SATERWHITE, JOSEPH DANTE		
Offender Id Number	WM1125L		
Charge	01		
Charge Literal	LICENSE, DRIVING WHILE REVOKED		
Statute	(20-28(A); NC)		
Severity	Other		

Booking Case Number			
Booking Agency	NC0360800 LOWELL PD		

Sentence	Structured Sentencing Offense Class: G
Sentence	Structured Sentencing Prior Points: 07
Sentence	Structured Sentencing Type: Intermediate Sentence
Sentence	Firearms Penalty: N
Sentence	Impact Program: N
Sentence	Supervised Probation: 006M
Sentence	Judgment Satisfied: N
===== Cycle 13 =====	
Tracking Number	09
Earliest Event Date	2010-07-19 Incident Date 2010-07-19

Arrest Date	2010-07-19
Arresting Agency	NC0410200 GREENSBORO PD - RECORDS
Subject's Name	SATTERWHITE, JOSEPH DANTE
Offender Id Number	GX4654P
Charge	01
Charge Literal	FLEE ELUDE ARREST WITH A MOTOR VEHICLE
Statute	(20-141.5(B); NC)
Severity	Felony

Booking Case Number	
Booking Agency	NC0410200 GREENSBORO PD - RECORDS

Court Disposition	(Cycle 13)
Court Case Number	2010CRS083420
Court Agency	NC041035J GUILFORD CO SUP CRT GREENSBORO
Charge Literal	ELUDE ARRST MV >=3 AGRV FCTRS
Statute	(20-141.5(B); NC)
Severity	Felony
Disposition	(2011-08-01; Trial By Judge; Verdict: Guilty)
Court Comment	Plea: Guilty

Court Disposition	(Cycle 13)
Court Case Number	2010CRS083420
Court Agency	NC041035J GUILFORD CO SUP CRT GREENSBORO
Charge Literal	RESISTING PUBLIC OFFICER
Statute	(14-223; NC)
Severity	Misdemeanor
Disposition	(2011-08-01; Dismissal Without Leave (By DA))

Sentencing	(Cycle 13)
Sentencing Agency	NC041035J GUILFORD CO SUP CRT GREENSBORO
Court Case Number	2010CRS083420
Charge Literal	ELUDE ARRST MV >=3 AGRV FCTRS
Statute	(20-141.5(B); NC)
Severity	Felony
Disposition	(2011-08-01; Trial By Judge; Verdict: Guilty)
===== Cycle 14 =====	
Tracking Number	10
Earliest Event Date	2012-03-15

Arrest Date	2012-03-15
Arresting Agency	NC0410200 GREENSBORO PD - RECORDS
Subject's Name	SATTERWHITE, JOSEPH DANTE
Offender Id Number	GY6736U
Charge	01
Charge Literal	EXTRADITION/FUGITIVE OTH STATE
Statute	(15A-727 733 734; NC)
Severity	Felony

Booking Case Number	
Booking Agency	NC0410200 GREENSBORO PD - RECORDS
***** INDEX OF AGENCIES *****	
Agency	CLEVELAND CO SO CRIMINAL RECORDS; NC0230000;
Agency	BUTNER PD - DISPATCHER; NC0390200;
Agency	SHELBY PD COMMUNICATIONS; NC0230200;
Agency	LOWELL PD; NC0360800;
Agency	GASTONIA PD COMMUNICATIONS; NC0360600;
Agency	GREENSBORO PD - RECORDS; NC0410200;
Agency	NC CORR IDENT BRANCH-RALEIGH; NC092175C;
Agency	CLEVELAND CO SUP CRT - SHELBY; NC023035J;
Agency	GRANVILLE CO SUP CRT - OXFORD; NC039035J;
Agency	GASTON CO DIST COURT - GASTONIA; NC036025J;
Agency	GASTON CO SUP COURT - GASTONIA; NC036035J;
Agency	GUILFORD CO DIST CRT-GREENSBORO; NC041025J;
Agency	GUILFORD CO SUP CRT GREENSBORO; NC041035J;
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Top of page or Menu

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STATE OF NORTH CAROLINA		File No. 02CRS053567	51
County GRANVILLE OXFORD		Seat Of Court In The General Court Of Justice	
NOTE: (This form is to be used for misdemeanor offense(s). Use AOC-CR-342 or CR-310 for DWI offense(s).)		☐ District ☒ Superior Court Division	
STATE VERSUS		JUDGMENT SUSPENDING SENTENCE - MISDEMEANOR(S)	
Defendant SATTERWHITE, JOSEPH, DANTE		☐ IMPOSING AN INTERMEDIATE PUNISHMENT ☒ IMPOSING A COMMUNITY PUNISHMENT (STRUCTURED SENTENCING) G.S. 15A-1341, -1342, -1343, -1343.2, -1346	
Race B	Sex M	DOB	
Attorney For State GREGORY, MARK, L		Attorney For Defendant GIBSON, TERESA ☒ Appointed ☐ Retained	
Def. Found Not Indigent ☐ Def. Waived Attorney ☐			
The defendant ☒ pled guilty to: ☐ was found guilty/responsible by the Court of: ☐ was found guilty by a jury of: ☐ pled no contest to:			
File No.(s)	Off.	Offense Description	Offense Date
02CRS053567	51	ASSAULT INFLICT SERIOUS INJ(M)	9/29/2002
			G.S. No. 14-33(C)(1)
			CL. A1
The Court has determined, pursuant to G.S. 15A-1340.20, the number of prior convictions to be <u>5</u> . Level: ☐ I (0) ☐ II (1-4) ☒ III (5+)			
☐ 1. The Court imposes the punishment term pursuant to a plea arrangement as to sentence under Article 58 of G.S. Chapter 15A. ☐ 2. The Court finds: ☐ (a) enhanced punishment from a Class 2 or Class 3 misdemeanor to a Class A1 or Class 1 misdemeanor. ☐ G.S. 90-95(e)(4) (drugs); ☐ G.S. 14-3(c) (hate crime). ☐ (b) enhanced punishment from required suspended sentence to Class 2 misdemeanor. G.S. 90-95(e)(7).			
The Court, having considered evidence, arguments of counsel and statement of defendant, finds that the defendant's plea was freely, voluntarily, and understandingly entered, and Orders the above offenses be consolidated for judgment and the defendant be imprisoned.			
for a term of <u>75</u> days		in the custody of the: ☐ N.C. DOC. ☒ Sheriff of GRANVILLE County: ☐ Other	
☐ This sentence shall run at the expiration of sentence imposed in file number			
The defendant shall be given credit for <u>10</u> days spent in confinement prior to the date of this Judgment as a result of this charge(s), to be applied toward the ☒ sentence imposed above. ☐ Imprisonment required for special probation below.			
SUSPENSION OF SENTENCE			
☒ With ☐ Without* the consent of the defendant and subject to the conditions set out below, the execution of this sentence is suspended and the defendant is placed on ☒ supervised ☐ unsupervised probation for <u>20</u> months. (*Note: For offenses committed on or after January 1, 1997, per repeal of 15A-1341(c), defendant's consent is not needed.)			
☐ 1. The Court finds that a ☐ longer ☐ shorter period of probation is necessary than that which is specified in G.S. 15A-1343.2(d). ☐ 2. The Court finds that it is NOT appropriate to delegate to the Division of Adult Probation and Parole in the Department of Correction the authority to impose any of the requirements in G.S. 15A-1343.2(e) if the offender is sentenced to a community punishment, or G.S. 15A-1343.2(f) if the offender is sentenced to an intermediate punishment. ☐ 3. The above period of probation shall begin when the defendant is released from incarceration in the case referred to below. ☐ 4. The above period of probation shall begin at the expiration of the sentence in the case referred to below.			
(NOTE: List case number, date, county and court in which prior sentence imposed.)			
File Number	Offense	County	Court
			Date
☐ 5. The defendant shall comply with the conditions set forth in file number			
MONETARY CONDITIONS			
The defendant shall pay to the Clerk of Superior Court the "Total Amount Due" shown below, plus the probation supervision fee, pursuant to a schedule ☒ determined by the probation officer. ☐ set out by the court as follows:			
Costs	Miscellaneous	Fine	Restitution*
\$ 250.00	\$ 0.00	\$ 100.00	\$ 0.00
Attorney's Fee	Comm. Service Fee	Total Amount Due	
\$ 455.00	\$ 0.00	\$ 805.00	
*See attached "Restitution Worksheet, Notice And Order (Initial Sentencing)," AOC-CR-611, which is incorporated by reference.			
☐ All payments received by the clerk shall be distributed pro rata among the persons entitled to restitution in this priority: first among all G.S. 7A-304(d) priorities ☐ and before payment of community service and probation supervision fees. ☐ Upon payment of the "Total Amount Due", the probation officer may transfer the defendant to unsupervised probation.			

REGULAR CONDITIONS OF PROBATION - G.S. 15A-1343(b)

The defendant shall: (1) Commit no criminal offense in any jurisdiction. (2) Possess no firearm, explosive device or other deadly weapon listed in G.S. 14-269. (3) Remain gainfully and suitably employed or faithfully pursue a course of study or of vocational training that will equip the defendant for suitable employment, and abide by all rules of the institution. (4) Satisfy child support and family obligations, as required by the Court.

If the defendant is on supervised probation, the defendant shall also: (5) Remain within the jurisdiction of the Court unless granted written permission to leave by the Court or the probation officer. (6) Report as directed by the Court or the probation officer to the officer at reasonable times and places and in a reasonable manner, permit the officer to visit at reasonable times, answer all reasonable inquiries by the officer and obtain prior approval from the officer for, and notify the officer of, any change in address or employment. (7) Notify the probation officer if the defendant fails to obtain or retain satisfactory employment. (8) At a time to be designated by the probation officer, visit with the probation officer a facility maintained by the Division of Prisons.

If the defendant is to serve an active sentence as a condition of special probation, the defendant shall also: (9) Obey the rules and regulations of the Department of Correction governing the conduct of inmates while imprisoned. (10) Report to a probation officer in the State of North Carolina within (seventy-two) 72 hours of the defendant's discharge from the active term of imprisonment.

SPECIAL CONDITIONS OF PROBATION - G.S. 15A-1343(b1), 143B-262(c)

The defendant shall also comply with the following special conditions which the Court finds are reasonably related to the defendant's rehabilitation:

- ☐ 11. Surrender the defendant's drivers license to the Clerk of Superior Court for transmittal/notification to the Division of Motor Vehicles and not operate a motor vehicle for a period of _____ or until relicensed by the Division of Motor Vehicles, whichever is later.
- ☒ 12. Submit at reasonable times to warrantless searches by a probation officer of the defendant's person, and of the defendant's vehicle and premises while the defendant is present, for the following purposes which are reasonably related to the defendant's probation supervision:
☒ stolen goods ☒ controlled substances ☒ contraband ☐ _____
- ☒ 13. Not use, possess or control any illegal drug or controlled substance unless it has been prescribed for the defendant by a licensed physician and is in the original container with the prescription number affixed on it; not knowingly associate with any known or previously convicted users, possessors or sellers of any illegal drugs or controlled substances; and not knowingly be present at or frequent any place where illegal drugs or controlled substances are sold, kept or used.
- ☒ 14. Supply a breath, urine and/or blood specimen for analysis of the possible presence of a prohibited drug or alcohol, when instructed by the defendant's probation officer.
- ☐ 15. Successfully pass the General Education Development Test (G.E.D.) during the first _____ months of the period of probation.
- ☐ 16. Complete _____ hours of community or reparation service during the first _____ days of the period of probation, as directed by the community service coordinator and pay the fee prescribed by G.S. 143B-475.1(b) ☐ pursuant to the schedule set out under monetary conditions above. ☐ within _____ days of this Judgment and before beginning service.
- ☐ 17. Report for initial evaluation by _____ participate in all further evaluation, counseling, treatment or education programs recommended as a result of that evaluation, and comply with all other therapeutic requirements of those programs until discharged.
- ☐ 18. Not assault, communicate with, be in the presence of, or be found in or on the premises of _____
- ☒ 19. Other:
 NOT VIOLATE ANY LAW THAT CARRIES A PENALTY OF 45 DAYS OR MORE. DEFENDANT SHALL WORK FULL TIME FOR THE CHURCH IN MUSIC OR BE GAINFULLY EMPLOYED OR A FULL TIME STUDENT. TRANSFER PROBATION TO CLEVELAND COUNTY.
- ☐ 20. Comply with the Special Conditions Of Probation - Intermediate Punishments - Contempt which are set forth on AOC-CR-603, Page Two.

- ☒ A hearing was held in open court in the presence of the defendant at which time a fee, including expenses, was awarded the defendant's appointed counsel or assigned public defender.

ORDER OF COMMITMENT/APEAL ENTRIES

- ☐ It is ORDERED that the Clerk deliver two certified copies of this Judgment and Commitment to the sheriff or other qualified officer and that the officer cause the defendant to be delivered with these copies to the custody of the agency named on the reverse to serve the sentence imposed or until the defendant shall have complied with the conditions of release pending appeal.
- ☐ The defendant gives notice of appeal from the judgment of the District Court to the Superior Court.
- ☐ The current pretrial release order is modified as follows:
- ☐ The defendant gives notice of appeal from the judgment of the Superior Court to the Appellate Division. Appellate entries and any conditions of post conviction release are set forth on form AOC-CR-350.

SIGNATURE OF JUDGE

Date 4/30/2003	Name Of Presiding Judge (Type Or Print) ROBERT H. HOBGOOD	Signature Of Presiding Judge <i>Robert H. Hobgood</i>

CERTIFICATION

I certify that this Judgment with the attachment marked below is a true and complete copy of the original which is on file in this case.

- ☐ Appeal Entries (AOC-CR-350)
- ☐ Judgment Suspending Sentencing, Page Two (Special Conditions of Probation - Intermediate Punishments - Contempt(AOC-CR-603, Page Two)).
- ☐ Restitution Worksheet, Notice And Order [Initial Sentencing] (AOC-CR-611).

Date 3/12/13	Signature <i>Kay W. Rayner</i>	SEAL
Date Certified Copies Delivered To Sheriff	☒ Deputy CSC ☐ Assistant CSC ☐ Clerk Of Superior Court	

STATE OF NORTH CAROLINA				03CRS004913 52	
CLEVELAND		County SHELBY		Seat of Court	
NOTE: (This form is to be used for (1) felony offense(s), and (2) misdemeanor offense(s), which are consolidated for judgment with any felony offense(s). Use AOC-CR-342 for DWI offense(s).)				In The General Court Of Justice ☐ District ☒ Superior Court Division	
STATE VERSUS				JUDGMENT AND COMMITMENT	
Name Of Defendant SATTERWHITE, JOSEPH, DANTE				ACTIVE PUNISHMENT	
Race B Sex M DOR		FELONY			
		(STRUCTURED SENTENCING)			
Attorney For State LARI, ELIZABETH, A		☐ Def. Found Not Indigent ☐ Def. Waived Attorney		Attorney For Defendant FLOWERS, F, A	
				G.S. 15A-1301, 15A-1340.13 ☒ Appointed ☐ Retained	
The defendant ☒ pled guilty to: ☐ was found guilty by a jury of: ☐ pled no contest to:					
File No.(s)	Off.	Offense Description	Offense Date	G.S. No.	F/M CL *Pun. CL
03CRS004913	52	CONSP TO COMMIT COMMON LAW ROBBERY	7/19/2003	14-87	F H
NORTH CAROLINA - CLEVELAND COUNTY This to certify that the foregoing is a true copy of the original on file in this office This <u>15th</u> day of <u>March</u> 20 <u>13</u> <u>Benita Melton</u> c.s.c.					
*NOTE: Enter punishment class if different from underlying felony class (punishment class represents a status or enhancement).					
The Court: ☒ 1. has determined, pursuant to G.S. 15A-1340.14, the prior record points of the defendant to be <u>5</u> PRIOR ☐ I ☒ III ☐ V ☐ 2. makes no prior record level finding because none is required for Class A felony, violent habitual felon, or drug trafficking offenses. RECORD LEVEL: ☐ II ☐ IV ☐ VI					
The Court: (NOTE: Block 1 or 2 MUST be checked.): ☒ 1. makes no written findings because the prison term imposed is: ☒ (a) within the presumptive range of sentences authorized under G.S. 15A-1340.17(c). ☐ (b) for a class A felony. ☐ (c) for an adjudication as a violent habitual felon. G.S. 14-7.12. ☐ (d) for drug trafficking offenses. ☐ 2. makes the Findings of Aggravating and Mitigating Factors set forth on the attached AOC-CR-605. ☐ 3. Imposes the prison term pursuant to a plea arrangement as to sentence under Article 58 of G.S. Chapter 15A. ☐ 4. finds the defendant has provided substantial assistance pursuant to G.S. 90-95(h)(5). ☐ 5. adjudges the defendant to be an habitual felon to be sentenced as a Class C felon pursuant to Article 2A of G.S. Chapter 14. ☐ 6. finds enhanced punishment from a Class A1 or Class 1 misdemeanor to a Class I felony. ☐ G.S. 90-95(e)(3) (drugs); ☐ G.S. 14-3(c) (hate crime). ☐ 7. finds the above designated offense(s) is a reportable conviction involving a minor. G.S. 14-208.6. ☐ 8. finds the defendant is classified as a sexually violent predator. G.S. 14-208.20. ☐ 9. finds that the defendant used, displayed, or attempted to use or display a firearm at the time of the felony and, pursuant to G.S. 15A-1340.16A, has increased the minimum term of imprisonment to which the defendant would otherwise be sentenced by sixty (60) months. This finding is based on the jury's determination of this issue beyond a reasonable doubt or the defendant's plea of guilty or no contest to this issue. ☐ 10. finds the defendant is classified as a recidivist. G.S. 14-208.6. ☐ 11. finds the defendant has committed an aggravated offense. G.S. 14-208.6. ☐ 12. finds that a ☐ motor vehicle ☐ commercial motor vehicle was used in the commission of the offense and this conviction shall be reported to DMV.					
The Court, having considered evidence, arguments of counsel and statement of defendant, Orders that the above offenses, if more than one, be consolidated for judgment and the defendant be imprisoned					
for a minimum term of:		for a maximum term of:		in the custody of:	
10 months		12 months			
☐ Class A Felony: ☐ Life Imprisonment Without Parole ☐ Death (see attached Death Warrant and Certificates)		☒ N.C. DOC ☐ Sheriff pursuant to G.S. 15A-1352(b) ☐ Other _____			
☐ Class B1 Felony: Life Imprisonment Without Parole ☐ Violent Habitual Felon: Life Imprisonment Without Parole					
The defendant shall be given credit for <u>197</u> days spent in confinement prior to the date of this Judgment as a result of this charge(s). ☐ The sentence imposed above shall begin at the expiration of all sentences which the defendant is presently obligated to serve. ☐ The sentence imposed above shall begin at the expiration of the sentence imposed in the case referenced below:					
File Number	Offense	County	Court	Date	

(check all that apply)

☐ 1. The defendant shall pay the costs.☐ 2. The defendant shall pay a fine of \$ _____.

The Court recommends:

☐ 3. Assignment to a substance abuse treatment unit. G.S. 15A-1351(h) (applies only to offenses committed before December 1, 2003).☐ 4. Psychiatric and/or psychological counseling.☐ 5. Work Release.☐ 6. Payment as a condition of post release supervision, if applicable, or from work release earnings, if applicable, of the items and amounts set out below.

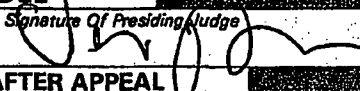
Fines	Court Costs	Restitution*	Attorney's Fees	Total Amount Due
\$	\$	\$	\$	\$

*See attached "Restitution Worksheet, Notice And Order (Initial Sentencing)," AOC-CR-611, which is incorporated by reference.

The Court further recommends:

The Court does not recommend:

☐ 1. Restitution as a condition of post release supervision or work release. ☐ 2. Work release.**AWARD OF FEE TO COUNSEL FOR DEFENDANT**☒ A hearing was held in open court in the presence of the defendant at which time a fee, including expenses, was awarded the defendant's appointed counsel or assigned public defender.**ORDER OF COMMITMENT/APEAL ENTRIES**☒ It is ORDERED that the Clerk deliver two certified copies of this Judgment and Commitment to the sheriff or other qualified officer and that the officer cause the defendant to be delivered with these copies to the custody of the agency named on the reverse to serve the sentence imposed or until the defendant shall have complied with the conditions of release pending appeal.☐ The defendant gives notice of appeal from the judgment of the Superior Court to the Appellate Division. Appeal entries and any conditions of post conviction release are set forth on form AOC-CR-350.**SIGNATURE OF JUDGE**

Date 10/12/2004	Name Of Presiding Judge (Type Or Print) DENNIS J WINNER	Signature Of Presiding Judge 

ORDER OF COMMITMENT AFTER APPEAL

Date Appeal Dismissed	Date Withdrawal Of Appeal Filed	Date Appellate Opinion Certified

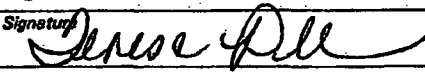
It is ORDERED that this Judgment be executed. It is FURTHER ORDERED that the sheriff arrest the defendant, if necessary, and recommit the defendant to the custody of the agency named in this Judgment on the reverse and furnish that agency two certified copies of this Judgment and Commitment as authority for the commitment and detention of the defendant.

Date	Signature	☐ Deputy CSC ☐ Assistant CSC ☐ Clerk Of Superior Court

CERTIFICATION

I certify that this Judgment and Commitment with the attachment(s) marked below is a true and complete copy of the original which is on file in this case.

- ☐ Appeal Entries (AOC-CR-350)
☐ Felony Judgment Findings Of Aggravating And Mitigating Factors (AOC-CR-605)
☐ Judicial Findings As To Forfeiture Of Licensing Privileges (AOC-CR-317)
☐ Victim Notification Tracking Form
☐ Restitution Worksheet, Notice And Order (Initial Sentencing) (AOC-CR-611)

Date 10/12/2004	Signature 	SEAL
Date Certified Copies Delivered To Sheriff 10/12/2004	☒ Deputy CSC ☐ Assistant CSC ☐ Clerk Of Superior Court	

Material opposite unmarked squares is to be disregarded as surplusage.



State of North Carolina
General Court of Justice

**CLERK OF SUPERIOR COURT
GASTON COUNTY**

L. N. BROWN, JR.,
CLERK OF SUPERIOR COURT
EX OFFICIO JUDGE OF PROBATE

325 N. Marietta Street, Suite 1004
Gastonia, N.C. 28052-2331
PHONE (704) 852-3100
FAX (704) 852-3267

To Whom It May Concern:

The ~~arrest~~ record against Joseph Satterwhite DOB: _____
relating to the charge(s) of DWLR + Expired Registration Card/Tag
(06 CR 16349)
occurring in 2006 has been destroyed, because of the disposition of VD,
WC, WM, DC and that have a disposition date over 2 years old in accordance with
the rules of the record keeping established by the Administrative Office of the
Courts. We cannot furnish copies requested by Law Enforcement or United States
Military or any other agencies.

Sheryl Pate
Assistant Deputy Clerk of Superior Court
Gaston County, Gastonia, NC

350 GASTON
DISPOSED
CITATION FTCC:010708
SATTERWHITE, JOSEPH, DANTE

ICA INQUIRY 01 06CR 016349 FILM:
R S DOB/AGE CR FILING DATE: 090806
B M DL#:
CE CIT#: C7244427 TRIAL DATE: 012508
CSLR: CSLRC: AM 004A
DEF ATTY: WAIVED TYP: W VRA:

CHG/ARRN OFFN: T DWLR 20-28(A)
COMPLAINANT: MOORE, C CPD ISSUED: 090706 SERVED: 090706
OFFN DATE: 090706 ARR N DATE: MOTIONS DATE: DISP DATE: 070307
CONT. D: 00 S: 00 C: 00 NR: 00 RSONCO: GANG REL: DV CV: N

PLEA	VER	MOD	FINE	COSTS	WCC	REST	JUDGE	PAID	TO-BE-PAID
GU	GU	JU	\$ 00150.00	\$ 110.00	\$		PAJ	YES	
CONV OFFN: T DWLR							20-28(A)		
SENT LEN: 045 D -							SENT TYPE: C		
PROB: 018 M							CONS F/JGMT:		
AREA CD: ACCD: HWY:							APPEALED TO SUPERIOR:		
CDL: N CMV: N HAZ: N TRP/DIST: V ST: NC V TYP: P							TRANS TO SUPERIOR:		
							APPELLATE:		
\$50 FTA FEE									

ARREST DATE: 090806 CHECK DIGIT: WM1125L SID: NC0882855A LID:
NEXT#: PF2 - NAME INQUIRY ADDL CHARGES: Y

Original File Destroyed
A TRUE COPY
CLERK OF SUPERIOR COURT
GASTON COUNTY

S. Sheryl Pate
Assistant Deputy Clerk Superior Court

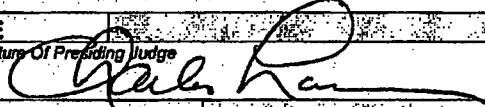
350 GASTON ICA INQUIRY 02 06CR 016349 FILM:
 DISPOSED R S DOB/AGE CR FILING DATE: 090806
 CITATION FTAC:070307 B M DL#:
 SATTERWHITE, JOSEPH, DANTE CE CIT#: C7244427 TRIAL DATE: 012508
 CSLR: CSLRC: AM 004A
 DEF ATTY: WAIVED TYP: W VRA:
 CHG/ARRN OFFN: T EXPIRED REGISTRATION CARD/TAG 20-111(2)
 COMPLAINANT: MOORE, C CPD ISSUED: 090706 SERVED: 090706
 OFFN DATE: 090706 ARRAN DATE: MOTIONS DATE: DISP DATE: 070307
 CONT. D: 00 S: 00 C: 00 NR: 00 RSONCO: GANG REL: DV CV: N
 PLEA VER MOD FINE COSTS WCC REST JUDGE PAID TO-BE-PAID
 VD \$ \$ \$
 CONV OFFN:
 SENT LEN: SENT TYPE: CONS F/JGMT:
 PROB: WITHDRAWN: APPEALED TO SUPERIOR:
 AREA CD: ACCD: HWY: V LIC: MNA1814 TRANS TO SUPERIOR:
 CDL: N CMV: N HAZ: N TRP/DIST: V ST: NC V TYP: P APPELLATE:
 PLEA

ARREST DATE: 090806 CHECK DIGIT: WM1125L SID: NC0882855A LID:
 NEXT#: PF2 - NAME INQUIRY ADDL CHARGES:

Original File Destroyed
A TRUE COPY
 CLERK OF SUPERIOR COURT
 GASTON COUNTY

g. Sheryl Pate
 Assistant Clerk Superior Court

STATE OF NORTH CAROLINA		File No. 00CRS 53099 Co. Of Hearing
CLEVELAND County	SHELBY	Seat of Court
(NOTE: There must be a separate revocation judgment for each sentence which is activated, but one revocation judgment is sufficient where the original sentence was imposed on offenses consolidated for purposes of judgment. This form is to be used in conjunction with AOC-CR-603.)		In The General Court Of Justice Superior Court Division
STATE VERSUS		JUDGMENT AND COMMITMENT UPON REVOCATION OF PROBATION OR ELECTION TO SERVE SENTENCE - FELONY (STRUCTURED SENTENCING) G.S. 15A-1341(c), 15A-1344, 15A-1345
Defendant JOSEPH D. SATTERWHITE		
Race Black	Sex M	
DOB		
Attorney For State GWYNN RADEKER		Attorney For Defendant At Revocation Hearing N/A
☐ Def. Found Not Indigent ☒ Def. Waived Attorney		☐ Appointed ☐ Retained
The defendant was placed on probation pursuant to the following Judgment Suspending Sentence:		
Date Of Judgment Suspending Sentence 10-03-2000	Name Of Original Sentencing Judge FORREST D. BRIDGES	Name Of County Of Origin CLEVELAND
File No.(s) In County Of Origin And Offense(s) 00CRS 53099 ACCESSORY AFTER FACT-DISCHARGE WEAPON INTO OCCUPIED PROPERTY		Date Of Offense 07-18-2000 G.S. No. 14-7 F./M. F CL. G
		NORTH CAROLINA - CLEVELAND COUNTY This to certify that the foregoing is a true copy of the original on file in this office This <u>15th</u> day of <u>March</u> , 2013 <u>Renita McKen</u> c.s.c.
In the original Judgment Suspending Sentencing, the Court determined, pursuant to G.S. 15A-1340.14, the prior record points of the defendant to be <u>0</u>		PRIOR RECORD LEVEL: ☒ I ☐ II ☐ III ☐ IV ☐ V ☐ VI
In the original Judgment Suspending Sentence, the Court sentenced the defendant:		
☒ 1. from the presumptive range of minimum durations. ☐ 2. from the minimum durations based upon the Findings of Aggravating and Mitigating Factors. ☐ 3. based upon a finding of Extraordinary Mitigation. ☐ 4. based upon a finding of substantial assistance pursuant to G.S. 90-95(h)(5). ☐ 5. based upon enhanced punishment to a Class I felony. ☐ G.S. 90-95(e)(3) (drugs); ☐ G.S. 14-3(c) (race).		
CONCLUSION AND ORDER		
☐ Based upon the Findings of Fact set out on the reverse side, the Court concludes that the defendant has violated a valid condition of probation upon which the execution of the active sentence was suspended, and that continuation, modification or special probation or criminal contempt is not appropriate, and the Court ORDERS that the defendant's probation be revoked, that the suspended sentence be activated, and the defendant be imprisoned: ☒ The defendant has freely, voluntarily and understandingly elected to serve the defendant's suspended sentence of imprisonment in lieu of the remainder of the defendant's probation. Therefore, by virtue of G.S. 15A-1341(c) the Court ORDERS that the suspended sentence be activated, and the defendant be imprisoned:		
for a minimum term of: 13 months	for a maximum term of: 16 months	In the custody of the: ☐ Sheriff pursuant to G.S. 15A-1352(b). ☒ N.C. DOC. ☐ Other
The defendant shall be given credit for <u>26</u> days spent in confinement prior to the date of this Judgment as a result of this charge(s).		
☐ The sentence activated this date shall begin at the expiration of all sentences which the defendant is presently obligated to serve. ☐ The sentence activated this date shall begin at the expiration of the sentence imposed in the case referenced below: (NOTE: List the case number, date, county and court in which prior sentence imposed.)		

<i>(check all that apply)</i>			
☐ 1. The Clerk, under G.S. 7A-304(d), shall immediately disburse any undisbursed monies paid by the defendant under the Judgment Suspending Sentence, as provided in that Judgment.			
The Court recommends:			
☐ 2. Substance Abuse Treatment Unit pursuant to G.S. 15A-1351(h). ☐ 3. Psychiatric and/or psychological counseling.			
☐ 4. Work Release			
☐ 5. Payment as a condition of post release supervision, if applicable, or from the defendant's work release earnings, if applicable, the "Total Amount Due" shown below.			
Restitution	All Prior Attorney Fees In This Case	Attorney's Fee For This Proceeding	All Other
			Total Amount Due
The Court further recommends:			
The Court does not recommend: ☐ 1. Restitution as a condition of post release supervision. ☐ 2. Work release.			
FINDINGS			
After considering the record contained in the files numbered above, together with the evidence presented by the parties and the statements made on behalf of the State and the defendant, the Court finds:			
1. The defendant is charged with having violated specified conditions of the defendant's probation as alleged in:			
☐ a. the Violation Report(s) on file herein, which is incorporated by reference.			
☐ b. the Notice of Hearing on Violation Of Unsupervised Probation on file herein, which is incorporated by reference.			
2. Upon due notice or waiver of notice (check a. or b.)			
☐ a. hearing was held before the Court and, by the evidence presented, the Court is reasonably satisfied in its discretion that the defendant violated each of the conditions of the defendant's probation as set forth below.			
☐ b. the defendant waived a violation hearing and admitted that the defendant violated each of the conditions of the defendant's probation as set forth below.			
3. The condition(s) violated and the facts of each violation are as set forth (check a. and/or b.)			
☐ a. In paragraph(s) _____ in the Violation Report or Notice dated _____.			
☐ b. on the attached sheet.			
4. Any allegation of a violation stated in the Violation Report, Notice, or otherwise, which is not set forth above is dismissed.			
5. Each of the conditions violated as set forth above is valid; the defendant violated each condition willfully and without valid excuse; and each violation occurred at a time prior to the expiration or termination of the period of the defendant's probation.			
☐ Each violation is, in and of itself, a sufficient basis upon which this Court should revoke probation and activate the suspended sentence.			
6. The Judgment for attorney's fees previously entered in this case shall be docketed, if it has not already been docketed.			
AWARD OF FEE TO COUNSEL FOR DEFENDANT			
☐ A hearing was held in open court in the presence of the defendant at which time a fee, including expenses, was awarded the defendant's appointed counsel or assigned public defender.			
ORDER OF COMMITMENT/APEAL ENTRIES			
It is ORDERED that the Clerk deliver <u>two</u> certified copies of this Judgment and Commitment to the sheriff or other qualified officer and that the officer cause the defendant to be delivered with these copies to the custody of the agency named on the reverse to serve the sentence imposed or until the defendant shall have complied with the conditions of release pending appeal.			
☐ The defendant gives notice of appeal from the judgment of the Superior Court to the Appellate Division. Appeal entries and any conditions of post conviction release are set forth on form AOC-CR-350.			
SIGNATURE OF JUDGE			
Date	Name Of Presiding Judge (Type Or Print)	Signature Of Presiding Judge	
07-16-2001	CHARLES C. LAMM JR.		
ORDER OF COMMITMENT AFTER APPEAL			
Date Appeal Dismissed	Date Withdrawal Of Appeal Filed	Date Appellate Opinion Certified	
It is ORDERED that this Judgment be executed. It is FURTHER ORDERED that the sheriff arrest the defendant, if necessary, and recommit the defendant to the custody of the official named in this Judgment and furnish that official <u>two</u> certified copies of this Judgment and Commitment as authority for the commitment and detention of the defendant.			
Date	Signature	☐ Deputy CSC ☐ Assistant CSC ☐ Clerk Of Superior Court	
CERTIFICATION			
I certify that this Judgment and Commitment with the attachment marked below is a true and complete copy of the original which is on file in this case.			
☐ Appeal Entries (AOC-CR-350) ☐ Judicial Findings As To Forfeiture Of Licensing Privileges (AOC-CR-317)			
☐ Commitment Information Statement (DC-600)			
Date Of Certification	Date Certified Copies Delivered To Sheriff	Signature And Seal	
7-30-01	7-30-01		
☐ Deputy CSC ☐ Assistant CSC ☐ Clerk Of Superior Court			

NOTE TO CLERK: Send certified copies to the Clerk of Superior Court of county or origin, if different, and to DOC, Attn: Combined Records, 831 West Morgan Street, Raleigh, NC 27603. [Courier Box 63-71-00]

STATE OF NORTH CAROLINA

00 CRS 53099 53

CLEVELAND

County

SHELBY

Seat of Court

In The General Court Of Justice
Superior Court Division

NOTE: (This form is to be used for (1) felony offense(s), and (2) misdemeanor offense(s), which are consolidated for judgment with any felony offense(s). Use AOC-CR-310 for DWI offense(s).)

STATE VERSUS

Name Of Defendant

JOSEPH DANTE SATTERWHITE

Race

Black

Sex

Male

DOB

Attorney For State

ELIZABETH A LARI

☐ Def. Found

Not Indigent

CE

Def. Waived

Attorney For Defendant

ALI PAKSOY, JR

☒ Appointed ☐ Retained

JUDGMENT SUSPENDING SENTENCE - FELONY

☒ IMPOSING AN INTERMEDIATE PUNISHMENT☐ IMPOSING A COMMUNITY PUNISHMENT
(STRUCTURED SENTENCING)

G.S. 15A-1341, -1342, -1343, -1343.2, -1346

The defendant ☒ pled guilty to: ☐ was found guilty by a jury of: ☐ pled no contest to:

File No.(s)	Off.	Offense Description	Offense Date	G.S. No.	F/M	CL
00CRS53099	53	ACCESSORY AFTER FACT -DISCHARGE WEAPON INTO OCCUPIED PROPERTY	07-18-2000	14-7	F	G

The Court:

- ☒ 1. has determined, pursuant to G.S. 15A-1340.14, the prior record points of the defendant to be 0 PRIOR RECORD LEVEL: ☒ I ☐ III ☐ V
☐ 2. makes no prior record level finding because none is required. ☐ II ☐ IV ☐ VI

The Court (NOTE: Block 1 or 2 MUST be checked.):

- ☒ 1. makes no written findings because the prison term imposed is within the presumptive range of sentences authorized under G.S. 15A-1340.17(c).
☐ 2. makes the Findings of Aggravating and Mitigating Factors set forth on the attached AOC-CR-605.
☐ 3. makes the Findings of Extraordinary Mitigation set forth on the attached AOC-CR-606.
☐ 4. finds the defendant has provided substantial assistance pursuant to G.S. 90-95(h)(5).
☐ 5. finds enhanced punishment from a Class A1 or Class 1 misdemeanor to a Class I felony.
☐ G.S. 90-95(e)(3) (drugs); ☐ G.S. 14-3(c) (hate crime).
☐ 6. imposes the punishment pursuant to a plea arrangement as to sentence under Article 58 of G.S. Chapter 15A.
☐ 7. finds the above designated offense(s) is a reportable conviction involving a minor. G.S. 14-208.6.
☐ 8. finds the defendant is classified as a sexually violent predator. G.S. 14-208-20.

The Court, having considered evidence, arguments of counsel and statement of defendant, finds that the defendant's plea was freely, voluntarily, and understandingly entered, and Orders the above offenses be consolidated for judgment and the defendant be imprisoned

for a minimum term of 13 months for a maximum term of 16 months in the custody of the N.C. DOC.☐ This sentence shall run at the expiration of sentence imposed in file number _____The defendant shall be given credit for -2- days spent in the confinement prior to the date of this Judgment as a result of this charge(s) to be applied toward the ☒ sentence imposed above. ☐ Imprisonment required for special probation set forth on AOC-CR-603, Page Two.

SUSPENSION OF SENTENCE

☐ With ☐ Without* the consent of the defendant and subject to the conditions set out below, the execution of this sentence is suspended and the defendant is placed on ☒ supervised ☐ unsupervised probation for 36 months.

(*NOTE: For offenses committed on or after January 1, 1997, per repeal of 15A-1341(c), defendant's consent is not needed.)

- ☐ 1. The Court finds that a ☐ longer ☐ shorter period of probation is necessary than that which is specified in G.S. 15A-1343.2(d).
☐ 2. The Court finds that it is NOT appropriate to delegate to the Division of Adult Probation and Parole in the Department of Correction the authority to impose any of the requirements in G.S. 15A-1343.2(e) if the offender is sentenced to a community punishment, or G.S. 15A-1343.2(f) if the offender is sentenced to an intermediate punishment.
☐ 3. The above period of probation shall begin when the defendant is released from incarceration in the case referred to below.
☐ 4. The above period of probation shall begin at the expiration of the sentence in the case referred to below.

(NOTE: List file number, date, county and court in which prior sentence imposed.)

File Number	Offense	County	Date
			This 15 th day of March 13

☐ 5. The defendant shall comply with the conditions set forth in file number _____

MONETARY CONDITIONS

The defendant shall pay to the Clerk of Superior Court the "Total Amount Due" shown below, plus the probation supervision fee, pursuant to a schedule ☒ determined by the probation officer. ☐ set out by the court as follows:

Costs	Fine	Restitution*	Attorney's Fee	Community Service Fee	Total Amount Due
\$ 125.00	\$	\$	\$ 325.00	\$ 100.00	\$ 550.00

*See attached "Restitution Worksheet, Notice And Order (Initial Sentencing)" AOC-CR-611, which is incorporated by reference.

- ☐ All payments received by the Clerk shall be distributed pro rata among the persons entitled to restitution in this priority: first among all G.S. 7A-304(d) priorities ☐ and before payment of community service and probation supervision fees.
☐ Upon payment of the "Total Amount Due", the probation officer may transfer the defendant to unsupervised probation.

REGUL**CONDITIONS OF PROBATION - G.S. 15A-1343(b)****1343(b)**

The defendant shall: (1) Commit no criminal offense in any jurisdiction. (2) Possess no firearm, explosive device or other deadly weapon listed in G.S. 14-269. (3) Remain gainfully and suitably employed or faithfully pursue a course of study or vocational training, that will equip the defendant for suitable employment, and abide by all rules of the institution. (4) Satisfy child support and family obligations, as required by the Court.

If the defendant is on supervised probation, the defendant shall also: (5) Remain within the jurisdiction of the Court unless granted written permission to leave by the Court or the probation officer. (6) Report as directed by the Court or the probation officer to the officer at reasonable times and places and in a reasonable manner, permit the officer to visit at reasonable times, answer all reasonable inquiries by the officer and obtain prior approval from the officer for, and notify the officer of, any change in address or employment. (7) Notify the probation officer if the defendant fails to obtain or retain satisfactory employment. (8) At a time to be designated by the probation officer, visit with the probation officer a facility maintained by the Division of Prisons.

If the defendant is to serve an active sentence as a condition of special probation, the defendant shall also: (9) Obey the rules and regulations of the Department of Correction governing the conduct of inmates while imprisoned. (10) Report to a probation officer in the State of North Carolina within seventy-two (72) hours of the defendant's discharge from the active term of imprisonment.

SPECIAL CONDITIONS OF PROBATION - G.S. 15A-1343(b1), 143B-262(c)

The defendant shall also comply with the following special conditions which the Court finds are reasonably related to the defendant's rehabilitation:

- ☐ 11. Surrender the defendant's drivers license to the Clerk of Superior Court for transmittal/notification to the Division of Motor Vehicles and not operate a motor vehicle for a period of _____ or until relicensed by the Division of Motor Vehicles, whichever is later.
- ☐ 12. Submit at reasonable times to warrantless searches by a probation officer of the defendant's person, and of the defendant's vehicle and premises while the defendant is present, for the following purposes which are reasonably related to the defendant's probation supervision:
☐ stolen goods ☐ controlled substances ☐ contraband ☐ _____
- ☐ 13. Not use, possess or control any illegal drug or controlled substance unless it has been prescribed for the defendant by a licensed physician and is in the original container with the prescription number affixed on it; not knowingly associate with any known or previously convicted users, possessors or sellers of any illegal drugs or controlled substances; and not knowingly be present at or frequent any place where illegal drugs or controlled substances are sold, kept or used.
- ☐ 14. Supply a breath, urine and/or blood specimen for analysis of the possible presence of a prohibited drug or alcohol, when instructed by the defendant's probation officer.
- ☐ 15. Successfully pass the General Education Development Test (G.E.D.) during the first _____ months of the period of probation.
- ☐ 16. Complete _____ hours of community or reparation service during the first _____ days of the period of probation, as directed by the community service coordinator and pay the fee prescribed by G.S. 143B-475.1(b). ☐ pursuant to the schedule set out under monetary conditions above. ☐ within _____ days of this Judgment and before beginning service.
- ☐ 17. Report for initial evaluation by _____ participate in all further evaluation, counseling, treatment or education programs recommended as a result of that evaluation, and comply with all other therapeutic requirements of those programs until discharged.
- ☐ 18. Not assault, communicate with, be in the presence of, or be found in or on the premises of _____
- ☒ 19. Other:
RESTITUTION IS NOT AWARDED TO BRENDA AND MICHAEL ALLISON BECAUSE THEY DID NOT REQUEST IT.
DEFENDANT IS NOT TO POSSESS ANY FIREARM ANYWHERE.

- ☒ 20. Comply with the Special Conditions Of Probation - Intermediate Punishments - Contempt which are set forth on AOC-CR-603, Page Two.

- ☒ A hearing was held in open court in the presence of the defendant at which time a fee, including expenses, was awarded the defendant's appointed counsel or assigned public defender.

ORDER OF COMMITMENT/APEAL ENTRIES

- ☐ 1. It is ORDERED that the Clerk deliver two certified copies of this Judgment and Commitment to the sheriff or other qualified officer and that the officer cause the defendant to be delivered with these copies to the custody of the agency named on the reverse to serve the sentence imposed or until the defendant shall have complied with the conditions of release pending appeal.
- ☐ 2. The defendant gives notice of appeal from the judgment of the Superior Court to the Appellate Division. Appeal entries and any conditions of post conviction release are set forth in form AOC-CR-350.

SIGNATURE OF JUDGE

Date

Name Of Presiding Judge (Type Or Print)

Signature Of Presiding Judge

10-04-2000

FORREST D. BRIDGES

CERTIFICATION

I certify that this Judgment and the attachment(s) marked below is a true and complete copy of the original which is on file in this case.

- ☐ 1. Appellate Entries (AOC-CR-350)
- ☒ 2. Judgment Suspending Sentence, Page Two (Special Conditions Of Probation - Intermediate Punishments - Contempt (AOC-CR-603, Page Two)
- ☐ 3. Felony Judgment Findings Of Aggravating And Mitigating Factors (AOC-CR-605)
- ☐ 4. Extraordinary Mitigation Findings (AOC-CR-606)
- ☐ 5. Restitution Worksheet, Notice And Order (Initial Sentencing) (AOC-CR-611)

Date Of Certification

Signature

SEAL

Date Certified Copies Delivered To Sheriff

☐ Deputy CSC☐ Assistant CSC☐ Superior Clerk of Court

STATE OF NORTH CAROLINA		File No. <u>07CR54209</u>	
County <u>Bastion</u>		Seat Of Court <u>In The General Court Of Justice</u>	
NOTE: (This form is to be used for misdemeanor offense(s). Use AOC-CR-342 or AOC-CR-310 for DWI offense(s).)		☒ District ☐ Superior Court Division	
STATE VERSUS		JUDGMENT SUSPENDING SENTENCE - MISDEMEANOR(S)	
Defendant <u>Joseph Dante Satterwhite</u>		☐ IMPOSING AN INTERMEDIATE PUNISHMENT	
Race <u>B</u>	Sex <u>M</u>	☒ IMPOSING A COMMUNITY PUNISHMENT (STRUCTURED SENTENCING)	
Attorney For State <u>Donterna</u>		G.S. 15A-1341, -1342, -1343, -1343.2, -1346	
☐ Def. Found Not Indigent ☒ Def. Waived Attorney		☐ Appointed ☐ Retained	
The defendant ☒ pled guilty to: ☐ was found guilty/responsible by the Court of: ☐ was found guilty by a jury of: ☐ pled no contest to:			
File No.(s)	Off.	Offense Description	Offense Date
07CR54209		Fail to return rent prop	6-21-07
			14168.4
			2
The Court has determined, pursuant to G.S. 15A-1340.20, the number of prior convictions to be <u>0</u> . Level: ☒ I (0) ☐ II (1-4) ☐ III (5+)			
☐ 1. The Court imposes the punishment term pursuant to a plea arrangement as to sentence under Article 58 of G.S. Chapter 15A. ☐ 2. The Court finds: ☐ (a) enhanced punishment from a Class 2 or Class 3 misdemeanor to a Class A1 or Class 1 misdemeanor. ☐ G.S. 90-95(e)(4) (drugs). ☐ G.S. 14-3(c) (hate crime). ☐ (b) enhanced punishment from required suspended sentence to Class 2 misdemeanor. G.S. 90-95(e)(7). If in District Court, the Court found this issue beyond a reasonable doubt or the defendant pled guilty or not contest to this issue. If in Superior Court, this finding is based on the jury's determination of this issue beyond a reasonable doubt or the defendant's plea of guilty or no contest to this issue. ☐ 3. The Court imposes mandatory punishment. G.S. 14-33(d) (assault in the presence of a minor). ☐ 4. The Court finds this is an offense involving assault or communicating a threat, and the defendant had a personal relationship as defined by G.S. 50B-1(b) with the victim.			
The Court, having considered evidence, arguments of counsel and statement of defendant, Orders that the above offenses, if more than one, be consolidated for judgment and the defendant be imprisoned			
for a term of <u>30</u> days in the custody of the: ☐ N.C. DOC. ☒ Sheriff of <u>Bastion</u> County. ☐ Other			
☐ This sentence shall run at the expiration of sentence imposed in file number _____			
The defendant shall be given credit for _____ days spent in confinement prior to the date of this Judgment as a result of this charge(s), to be applied toward the ☐ sentence imposed above. ☐ Imprisonment required for special probation below.			
SUSPENSION OF SENTENCE			
Subject to the conditions set out below, the execution of this sentence is suspended and the defendant is placed on ☒ supervised ☐ unsupervised probation for <u>30</u> months.			
☐ 1. The Court finds that a ☐ longer ☐ shorter period of probation is necessary than that which is specified in G.S. 15A-1343.2(a). ☐ 2. The Court finds that it is NOT appropriate to delegate to the Division of Community Corrections in the Department of Correction the authority to impose any of the requirements in G.S. 15A-1343.2(e) if the offender is sentenced to a community punishment, or ☐ if the offender is sentenced to an intermediate punishment. ☐ 3. The above period of probation shall begin when the defendant is released from incarceration in the case referred to below. ☐ 4. The above period of probation shall begin at the expiration of the sentence in the case referred to below.			
File Number	Offense	County	Court
☐ 5. The defendant shall comply with the conditions set forth in file number _____			
☐ 6. The defendant shall provide a DNA sample pursuant to G.S. 15A-266.4. (AOC-CR-319 required)			
MONETARY CONDITIONS			
The defendant shall pay to the Clerk of Superior Court the "Total Amount Due" shown below, plus the probation supervision fee, pursuant to a schedule ☒ determined by the probation officer. ☐ set out by the court as follows:			
Court Costs	Miscellaneous	Fine	Restitution*
\$ <u>waive</u>	\$	\$	\$ <u>9334.24</u>
Attorney's Fee	Comm. Service Fee	EHA Fee	Total Amount Due
\$	\$	\$	\$ <u>9334.24</u>
*See attached "Restitution Worksheet, Notice And Order (Initial Sentencing)," AOC-CR-611, which is incorporated by reference.			
☐ All payments received by the Clerk shall be distributed pro rata among the persons entitled to restitution in this priority: first among all G.S. 7A-304(d) priorities ☐ and before payment of community service and probation supervision fees. ☒ Upon payment of the "Total Amount Due," the probation officer shall transfer the defendant to unsupervised probation.			
AOC-CR-604, Rev. 4/08 © 2005 Administrative Office of the Courts			

REGULAR CONDITIONS OF PROBATION - G.S. 15A-1343(b)

NOTE: Any probationary judgment may be extended pursuant to G.S. 15A-1342. The defendant shall: (1) Commit no criminal offense in any jurisdiction. (2) Possess no firearm, explosive device or other deadly weapon listed in G.S. 14-269. (3) Remain gainfully and suitably employed or faithfully pursue a course of study or vocational training, that will equip the defendant for suitable employment, and abide by all rules of the institution. (4) Satisfy child support and family obligations, as required by the Court.

If the defendant is on supervised probation, the defendant shall also: (5) Remain within the jurisdiction of the Court unless granted written permission to leave by the Court or the probation officer. (6) Report as directed by the Court or the probation officer to the officer at reasonable times and places and in a reasonable manner, permit the officer to visit at reasonable times, answer all reasonable inquiries by the officer and obtain prior approval from the officer for, and notify the officer of, any change in address or employment. (7) Notify the probation officer if the defendant fails to obtain or retain satisfactory employment. (8) At a time to be designated by the probation officer, visit with the probation officer a facility maintained by the Division or Prisons.

If the defendant is to serve an active sentence as a condition of special probation, the defendant shall also: (9) Obey the rules and regulations of the Department of Correction governing the conduct of inmates while imprisoned. (10) Report to a probation officer in the State of North Carolina within seventy-two (72) hours of the defendant's discharge from the active term of imprisonment.

- ☐ 11. The court finds that the defendant is responsible for acts of domestic violence and ☐ there is an abuser treatment program, approved by the Domestic Violence Commission, reasonably available to the defendant, and the defendant shall attend and complete that program. ☐ there is not an approved abuser treatment program reasonably available. ☐ It would not be in the best interests of justice to order the defendant to complete an abuser treatment program because _____

NOTE: See Page Two, Side Two for Additional Conditions For Persons Convicted Of Domestic Violence.

SPECIAL CONDITIONS OF PROBATION - G.S. 15A-1343(b1), 143B-262(c)

The defendant shall also comply with the following special conditions which the Court finds are reasonably related to the defendant's rehabilitation:

- ☐ 12. Surrender the defendant's drivers license to the Clerk of Superior Court for transmittal/notification to the Division of Motor Vehicles and not operate a motor vehicle for a period of _____ or until relicensed by the Division of Motor Vehicles, whichever is later.
- ☐ 13. Submit at reasonable times to warrantless searches by a probation officer of the defendant's person, and of the defendant's vehicle and premises while the defendant is present, for the following purposes which are reasonably related to the defendant's probation supervision:
☐ stolen goods ☐ controlled substances ☐ contraband ☐ _____
- ☐ 14. Not use, possess or control any illegal drug or controlled substance unless it has been prescribed for the defendant by a licensed physician and is in the original container with the prescription number affixed on it; not knowingly associate with any known or previously convicted users, possessors or sellers of any illegal drugs or controlled substances; and not knowingly be present at or frequent any place where illegal drugs or controlled substances are sold, kept or used.
- ☐ 15. Supply a breath, urine and/or blood specimen for analysis of the possible presence of a prohibited drug or alcohol, when instructed by the defendant's probation officer.
- ☐ 16. Successfully pass the General Education Development Test (G.E.D.) during the first _____ months of the period of probation.
- ☐ 17. Complete _____ hours of community or reparation service during the first _____ days of the period of probation, as directed by the community service coordinator and pay the fee prescribed by G.S. 143B-262.4(b). ☐ pursuant to the schedule set out under monetary conditions above. ☐ within _____ days of this Judgment and before beginning service.
- ☐ 18. Report for initial evaluation by _____ participate in all further evaluation, counseling, treatment or education programs recommended as a result of that evaluation, and comply with all other therapeutic requirements of those programs until discharged.
- ☐ 19. Not assault, threaten, harass, be found in or on the premises or workplace of, or have any contact with _____
 "Contact" includes any defendant-initiated contact, direct or indirect, by any means including but not limited to telephone, personal contact, e-mail, pager, gift-giving, telefacsimile machine or through any other person, except _____
- ☐ 20. Other: _____

- ☐ 21. Comply with the Special Conditions Of Probation - Intermediate Punishments - Contempt which are set forth on AOC-CR-603, Page Two.

- ☐ A hearing was held in open court in the presence of the defendant at which time a fee, including expenses, was awarded the defendant's appointed counsel or assigned public defender.

ORDER OF COMMITMENT/APPEAL ENTRIES

- ☐ 1. It is ORDERED that the Clerk deliver two certified copies of this Judgment and Commitment to the sheriff or other qualified officer and that the officer cause the defendant to be delivered with these copies to the custody of the agency named on the reverse to serve the sentence imposed or until the defendant shall have complied with the conditions of release pending appeal.
- ☒ 2. The defendant gives notice of appeal from the judgment of the District Court to the Superior Court.
- ☐ 3. The current pretrial release order is modified as follows: _____
- ☐ 4. The defendant gives notice of appeal from the judgment of the trial court to the appellate division. Appeal entries and any conditions of post conviction release are set forth on form AOC-CR-350.

SIGNATURE OF JUDGE

Date 2-24-06 Name Of Presiding Judge (Type Or Print) _____ Signature Of Presiding Judge [Signature]

CERTIFICATION

I certify that this Judgment and the attachment(s) marked below is a true and complete copy of the original which is on file in this case.

- ☐ 1. Appellate Entries (AOC-CR-350) ☐ 4. Extraordinary Mitigation Findings (AOC-CR-606)
- ☐ 2. Judgment Suspending Sentence, Page Two [Special Conditions Of Probation - Intermediate Punishments - Contempt] (AOC-CR-603, Page Two) ☐ 5. Restitution Worksheet, Notice And Order [Initial Sentencing] (AOC-CR-811)
- ☐ 3. Felony Judgment Findings Of Aggravating And Mitigating Factors (AOC-CR-605) ☐ 6. Judicial Findings As To Required DNA Sample (AOC-CR-319)

Date Of Certification 2-24-06 Signature [Signature] SE/

Date Certified Copies Delivered To Sheriff _____ ☐ Deputy CSC ☐ Assistant CSC ☐ Clerk Of Superior Court

STATE OF NORTH CAROLINA		FILED		File No. 10CRS080555 51				
GUILFORD (GR) County GREENSBORO		Seal of Court		In The General Court Of Justice				
NOTE: (This form is to be used for (1) felony offense(s) and (2) misdemeanor offense(s) that are consolidated for judgment with any felony offense(s). Use AOC-CR-310 for DWI offense(s).)				☐ District ☒ Superior Court Division				
STATE VERSUS 2011 AUG -9 PM 3:40				JUDGMENT SUSPENDING SENTENCE - FELONY				
Name Of Defendant SATTERWHITE, JOSEPH, DANTE		GUILFORD CO. C.S.C.		☒ IMPOSING AN INTERMEDIATE PUNISHMENT				
Race B	Sex M			☐ IMPOSING A COMMUNITY PUNISHMENT (STRUCTURED SENTENCING)				
Attorney For State BARLOW, JODI		Attorney For Defendant WILLIAMS, JOE		G.S. 15A-1341, -1342, -1343.2, -1348				
☐ Del. Found Not Indigent		☐ Del. Waived Attorney		☐ Appointed ☒ Retained Crt Rptr Initials MW				
The defendant ☒ pled guilty to ☐ was found guilty by a jury of ☐ pled no contest to								
File No.(s)	Off.	Offense Description	Offense Date	G.S. No.	F/M CL. Pun. Ct.			
10CRS080555	51	POSSESSION OF FIREARM BY FELON	6/16/2010	14-415.1	F G			
10CRS083420	51	ELUDE ARREST MV >3 AGRV FCTRS	7/19/2010	20-141.5(B)	F H			
*NOTE: Enter punishment class if different from underlying offense class (punishment class represents a status or enhancement).								
The Court:								
☒ 1. has determined, pursuant to G.S. 15A-1340.14, the prior record points of the defendant to be <u>7</u> . Any prior record level point under G.S. 15A-1340.14(b)(7) is based on the jury's determination of this issue beyond a reasonable doubt or the defendant's admission to this issue.								
☐ 2. makes no prior record level finding because none is required.								
The Court (NOTE: Block 1 or 2 MUST be checked):								
☒ 1. makes no written findings because the prison term imposed is within the presumptive range of sentences authorized under G.S. 15A-1340.17(c).								
☐ 2. makes the aggravating and mitigating factors Determination as set forth on the attached AOC-CR-605.								
☐ 3. makes the Findings of Extraordinary Mitigation set forth on the attached AOC-CR-606.								
☐ 4. finds the defendant has provided substantial assistance pursuant to G.S. 90-95(h)(5).								
☐ 5. finds enhancement pursuant to: ☐ G.S. 90-95(e)(3) (drugs). ☐ G.S. 14-3(c) (hate crime). ☐ G.S. 50B-4.1 (domestic violence). ☐ G.S. 14-50.22 (gang). ☐ Other: _____ This finding is based on the jury's determination of this issue beyond a reasonable doubt or the defendant's admission to this issue.								
☐ 6. imposes the punishment pursuant to a plea arrangement as to sentence under Article 58 of G.S. Chapter 15A.								
☐ 7. finds the above designated offense(s) is a reportable conviction under G.S. 14-208.6 and therefore								
a. imposes the special conditions of probation set forth on the attached AOC-CR-603, Page Two, Side Two, and								
b. makes the additional findings and orders on the attached AOC-CR-615, Side Two.								
☐ 8. finds the above-captioned offense(s) involved the (check all that apply) ☐ physical or mental ☐ sexual abuse of a minor.								
☐ (If No. 7 not found) and therefore imposes the special conditions of probation set forth on the attached AOC-CR-603, Page Two, Side Two.								
☐ 9. finds that a ☐ motor vehicle ☐ commercial motor vehicle was used in the commission of the offense and this conviction shall be reported to DMV.								
☐ 10. finds this is an offense involving assault or communicating a threat, and the defendant had a personal relationship as defined by G.S. 50B-1(b) with the victim.								
☐ 11. finds the above-designated offense(s) involved criminal street gang activity. G.S. 14-50.25.								
The Court, having considered evidence, arguments of counsel and statement of defendant, Orders that the above offenses, if more than one, be consolidated for judgment and the defendant be imprisoned								
for a minimum term of <u>13</u> months for a maximum term of <u>16</u> months in the custody of the N.C. DOC.								
☐ This sentence shall run at the expiration of sentence imposed in file number _____								
The defendant shall be given credit for <u>5</u> days spent in confinement prior to the date of this Judgment as a result of this charge(s) to be applied toward the ☒ sentence imposed above. ☐ Imprisonment required for special probation set forth on AOC-CR-603, Page Two.								
SUSPENSION OF SENTENCE								
Subject to the conditions set out below, the execution of this sentence is suspended and the defendant is placed on ☒ supervised ☐ unsupervised probation for <u>36</u> months.								
☐ 1. The Court finds that a ☐ longer ☐ shorter period of probation is necessary than that which is specified in G.S. 15A-1343.2(d).								
☐ 2. The Court finds that it is NOT appropriate to delegate to the Division of Community Corrections in the Department of Correction the authority to impose any of the requirements in G.S. 15A-1343.2(e) if the offender is sentenced to a community punishment, or G.S. 15A-1343.2(f) if the offender is sentenced to an intermediate punishment.								
☐ 3. The above period of probation shall begin when the defendant is released from incarceration in the case referred to below.								
☐ 4. The above period of probation shall begin at the expiration of the sentence in the case referred to below.								
File Number	Offense	County	Court	Date				
☐ 5. The defendant shall comply with the conditions set forth in file number _____								
☒ 6. The defendant shall provide a DNA sample pursuant to G.S. 15A-286.4. (AOC-CR-319 required)								
MONETARY CONDITIONS								
The defendant shall pay to the Clerk of Superior Court the "Total Amount Due" shown below, plus the probation supervision fee, pursuant to a schedule ☒ determined by the probation officer. ☐ set out by the court as follows: COURT STRIKES THE COMMUNITY SERVICE FEE.								
Court Costs	Miscellaneous	Fine	Restitution*	Attorney's Fee	Comm. Service Fee	EHA Fee	SPM Fee	Total Amount Due
\$ 619.50	\$	\$ 500.00	\$	\$	\$	\$	\$	\$
*See attached "Restitution Worksheet, Notice And Order (Initial Sentencing)" AOC-CR-611, which is incorporated by reference.								
☐ Upon payment of the "Total Amount Due," the probation officer may transfer the defendant to unsupervised probation.								
AOC-CR-603, Rev. 4/11 © 2011 Administrative Office of the Courts								
Material opposite unmarked squares is to be disregarded as surplusage. (Over)								

THIS 3/14 2013
W. Williams Rhine C.S.C.

AUG 1 9 2011 CC:PO KC

REGULAR CONDITIONS OF PROBATION - G.S. 15A-1343(b)

NOTE: Any probationary judgment may be extended pursuant to G.S. 15A-1342. The defendant shall: (1) Commit no criminal offense in any jurisdiction. (2) Possess no firearm, explosive device or other deadly weapon listed in G.S. 14-269. (3) Remain gainfully and suitably employed or faithfully pursue a course of study or vocational training, that will equip the defendant for suitable employment, and abide by all rules of the institution. (4) Satisfy child support and family obligations, as required by the Court.

If the defendant is on supervised probation, the defendant shall also: (5) Remain within the jurisdiction of the Court unless granted written permission to leave by the Court or the probation officer. (6) Report as directed by the Court or the probation officer to the officer at reasonable times and places and in a reasonable manner, permit the officer to visit at reasonable times, answer all reasonable inquiries by the officer and obtain prior approval from the officer for, and notify the officer of, any change in address or employment. (7) Notify the probation officer if the defendant fails to obtain or retain satisfactory employment. (8) At a time to be designated by the probation officer, visit with the probation officer a facility maintained by the Division of Prisons. (9) Submit at reasonable times to warrantless searches by a probation officer of the defendant's person and of the defendant's vehicle and premises while the defendant is present, for purposes directly related to the probation supervision, but the defendant may not be required to submit to any other search that would otherwise be unlawful. Whenever the warrantless search consists of testing for the presence of illegal drugs, the defendant may be required to reimburse the Department of Correction for the actual cost of drug screening and drug testing, if the results are positive. (10) Submit to warrantless searches by a law enforcement officer of the defendant's person and of the defendant's vehicle, upon a reasonable suspicion that the defendant is engaged in criminal activity or is in possession of a firearm, explosive device, or other deadly weapon listed in G.S. 14-269 without written permission of the court. (11) Not use, possess, or control any illegal drug or controlled substance unless it has been prescribed for the defendant by a licensed physician and is in the original container with the prescription number affixed on it; not knowingly associate with any known or previously convicted users, possessors, or sellers of any such illegal drugs or controlled substances; and not knowingly be present at or frequent any place where such illegal drugs or controlled substances are sold, kept, or used.

- ☐ 12. The Court finds that the defendant is responsible for acts of domestic violence and ☐ there is an abuser treatment program, approved by the Domestic Violence Commission, reasonably available to the defendant, and the defendant shall attend and complete that program. ☐ there is not an approved abuser treatment program reasonably available. ☐ it would not be in the best interests of justice to order the defendant to complete an abuser treatment program because

NOTE: See Page Two, Side Two, for Additional Conditions For Persons Convicted Of Domestic Violence.

SPECIAL CONDITIONS OF PROBATION - G.S. 15A-1343(b1), 143B-262(c)

The defendant shall also comply with the following special conditions which the Court finds are reasonably related to the defendant's rehabilitation:

- ☒ 13. Surrender the defendant's drivers license to the Clerk of Superior Court for transmittal/notification to the Division of Motor Vehicles and not operate a motor vehicle for a period of _____ or until relicensed by the Division of Motor Vehicles, whichever is later.
- ☐ 14. Successfully pass the General Education Development Test (G.E.D.) during the first _____ months of the period of probation.
- ☐ 15. Complete _____ hours of community service during the first _____ days of the period of probation, as directed by the judicial service coordinator. The fee prescribed by G.S. 143B-262.4 is ☐ (for offenses committed on or after December 1, 2009) not due because it is assessed in a case adjudicated during the same term of court. ☐ to be paid ☐ pursuant to the schedule set out under Monetary Conditions above ☐ within _____ days of this judgment and before beginning service.
- ☐ 16. Report for initial evaluation by _____ participate in all further evaluation, counseling, treatment or education programs recommended as a result of that evaluation, and comply with all other therapeutic requirements of those programs until discharged.
- ☐ 17. Not assault, threaten, harass, be found in or on the premises or workplace of, or have any contact with _____ "Contact" includes any defendant-initiated contact, direct or indirect, by any means including but not limited to telephone, personal contact, e-mail, pager, gift-giving, telefacsimile machine or through any other person, except _____
- ☐ 18. Other: _____
- ☒ 19. Comply with the Special Conditions Of Probation which are set forth on AOC-CR-603, Page Two.

- ☐ A hearing was held in open court in the presence of the defendant at which time a fee, including expenses, was awarded the defendant's appointed counsel or assigned public defender.

ORDER OF COMMITMENT/Appeal ENTRIES

- ☐ 1. It is ORDERED that the Clerk deliver two certified copies of this Judgment and Commitment to the sheriff or other qualified officer and that the officer cause the defendant to be delivered with these copies to the custody of the agency named on the reverse to serve the sentence imposed or until the defendant shall have complied with the conditions of release pending appeal.
- ☐ 2. The defendant gives notice of appeal from the judgment of the trial court to the appellate division. Appeal entries and any conditions of post conviction release are set forth on form AOC-CR-350.

SIGNATURE OF JUDGE

Date 8/1/2011	Name Of Presiding Judge (Type Or Print) L. TODD BURKE	Signature Of Presiding Judge 

CERTIFICATION

I certify that this Judgment and the attachment(s) marked below is a true and complete copy of the original which is on file in this case.

☐ 1. Appellate Entries (AOC-CR-350)	☐ 5. Restitution Worksheet, Notice And Order (Initial Sentencing) (AOC-CR-611)
☐ 2. Judgment Suspending Sentence, Page Two [Special Conditions Of Probation] (AOC-CR-603, Page Two)	☒ 6. Judicial Findings As To Required DNA Sample (AOC-CR-319)
☐ 3. Felony Judgment Findings Of Aggravating And Mitigating Factors (AOC-CR-605)	☐ 7. Judicial Findings And Order For Sex Offenders - Suspended Sentence (AOC-CR-615, Side Two)
☐ 4. Extraordinary Mitigation Findings (AOC-CR-606)	☐ 8. Convicted Sex Offender Permanent No Contact Order (AOC-CR-620)

Date Of Certification	Signature	SEAL
Date Certified Copies Delivered To Sheriff	☐ Deputy CSC ☐ Assistant CSC ☐ Clerk Of Superior Court	

STATE VERSUS

File No.

10CRS080555

51

Name Of Defendant

SATTERWHITE, JOSEPH, DANTE

INTERMEDIATE PUNISHMENTS - CONTEMPT

NOTE: Use this page in conjunction with AOC-CR-310, "Impaired Driving - Judgment Suspending Sentence;" AOC-CR-603, "Judgment Suspending Sentence - Felony;" AOC-CR-604, "Judgment Suspending Sentence - Misdemeanor(s);" AOC-CR-608, "Order On Violation Of Probation Or On Motion To Modify;" AOC-CR-619, "Conditional Discharge Under G.S. 90-96(a);" or AOC-CR-621, "Conditional Discharge Under G.S. 14-50.29."

In addition to complying with the regular and any special conditions of probation set forth in the "Judgment Suspending Sentence" entered in the above case(s), the defendant shall also comply with the following special conditions of probation and conditions of special probation, which are defined as intermediate punishments by G.S. 15A-1340.11(6).

☐ 1. Special Probation - G.S. 15A-1351☐ Contempt - G.S. 15A-1344(e1) and 5A-11(a)

For the defendant's active sentence as a condition of special probation, the defendant shall comply with these additional regular conditions of probation: (1) Obey the rules and regulations of the Department of Correction governing the conduct of inmates while imprisoned. (2) Report to a probation officer in the State of North Carolina within seventy-two (72) hours of the defendant's discharge from the active term of imprisonment.

☐ A. Serve an active term of _____ ☐ days ☐ months ☐ hours in the custody of ☐ N.C. DOC. ☐ Sheriff of this County.

☐ B. The defendant shall report in a sober condition to begin serving his/her term on:

Day	Date	Hour	☐ AM	☐ PM	Day	Date	Hour	☐ AM	☐ PM
			☐	☐				☐	☐

☐ C. The defendant shall again report in a sober condition to continue serving this term on the same day of the week for the next consecutive weeks, and shall remain in custody during the same hours each week until completion of the active sentence ordered.

☐ D. This sentence shall be served at the direction of the probation officer within _____ ☐ days ☐ months of this judgment.

☐ E. Pay jail fees.

☐ F. Work release is recommended.

☐ G. Substance abuse treatment is recommended.

☐ H. Other:

☐ 2. Residential Program - G.S. 15A-1340.11(8); 15A-1343(b1)(2)

Attend or reside in _____ (name program) residential program for a period of _____ ☐ days, ☐ months, and abide by all rules and after care regulations of that program.

Other:

☐ 3. House Arrest With Electronic Monitoring - G.S. 15A-1340.11(4a); 15A-1343(b1)(3c)

Be assigned to house arrest and electronic monitoring and remain at the defendant's residence for a period of _____ ☐ days ☐ months, abide by all rules, regulations and directions of the probation officer regarding such monitoring, and pay the fee prescribed in G.S. 15A-1343(c2) as provided under Monetary Conditions. The defendant may leave the residence for the following purpose(s) and as otherwise permitted by the defendant's probation officer: ☐ employment ☐ counseling ☐ a course of study ☐ vocational training.

Other:

☒ 4. Intensive Supervision - G.S. 15A-1340.11(5); 15A-1343(b1)(3b); 143B-262(c)

Submit to intensive supervision pursuant to G.S. 143B-262(c), for a period of _____ 6 _____ months (6 to 9 months recommended by the Division of Community Corrections), and comply with the rules adopted for such supervision by the Division of Community Corrections.

Other: THE COURT STRIKES THE COMMUNITY SERVICE REQUIREMENT AND FEE OF THE INTENSIVE SUPERVISION PROGRAM.

☐ 5. Day-Reporting Center - G.S. 15A-1340.11(3); 15A-1343(b1)(10); 15A-1340.11(6)

Report as directed by the probation officer to the Day Reporting Center for a period of _____ ☐ days, ☐ months, and abide by all rules and regulations of that program.

Other:

☐ 6. Drug Treatment Court - G.S. 15A-1340.11(3a); 15A-1340.11(6)

Comply with the rules adopted for the program as provided for in Article 62 of Chapter 7A of the General Statutes and report on a regular basis for a specified time to participate in court supervision, drug screening or testing, and drug or alcohol treatment programs.

Other:

INTERMEDIATE CONDITIONS OF PROBATION - G.S. 15A-1343(b4)

If subject to intermediate punishment, the defendant shall, in addition to the terms and conditions imposed above, comply with the following intermediate conditions of probation. (1) If required by the defendant's probation officer, perform community service under the supervision of the Division of Community Corrections, and pay the fee required by G.S. 143B-262.4, but no fee shall be due if the Court imposed community service as a special condition of probation and assessed the fee in this judgment or any judgment for an offense adjudicated in the same term of court. (2) Not use, possess, or control alcohol. (3) Remain within the defendant's county of residence unless granted written permission to leave by the court or the defendant's probation officer. (4) Participate in an evaluation, counseling, treatment, or educational program as directed by the probation officer, keeping all appointments and abiding by the rules, regulations, and direction of each program.

MANDATORY SPECIAL CONDITIONS FOR SEX OFFENDERS AND PERSONS CONVICTED OF OFFENSES INVOLVING PHYSICAL, MENTAL, OR SEXUAL ABUSE OF A MINOR - G.S. 15A-1343(b2)

NOTE: The following are not defined as intermediate punishments under G.S. 15A-1340.11(6).

NOTE: Select only one of the three sets of conditions below.

☐ **7. Special Conditions For Reportable Convictions - G.S. 15A-1343(b2)**

NOTE: Impose only for a reportable conviction under G.S. 14-208.6.

The defendant has been convicted of an offense which is a reportable conviction as defined in G.S. 14-208.6(4) and must

1. Register as a sex offender and enroll in satellite-based monitoring if required on the attached AOC-CR-815, Side Two.
2. Participate in such evaluation and treatment as is necessary to complete a prescribed course of psychiatric, psychological, or other rehabilitative treatment as ordered by the court.
3. Not communicate with, be in the presence of, or found in or on the premises of the victim of the offense.

- ☐ 4. (If the Court finds physical, mental or sexual abuse of a minor) Not reside in a household with

☐ a. (for sexual abuse) any minor child.

☐ b. (for physical or mental abuse) any minor child ☐ other than the child(ren) named below, for whom the court expressly finds that it is unlikely that the defendant's harmful or abusive conduct will recur and that it would be in the best interest of the child(ren) named below to reside in the same household with the probationer. (Name minor child(ren) with whom the probationer may reside in the same household):

5. Submit at reasonable times to warrantless searches by a probation officer of the defendant's person, of the defendant's vehicle and premises, and of the defendant's computer or other electronic mechanism which may contain electronic data, while the defendant is present, for the following purposes which are reasonably related to the defendant's probation supervision: ☐ child pornography

☐ 6. Other:

☐ **8. Special Conditions For Offenses Involving The Sexual Abuse Of A Minor - G.S. 15A-1343(b2)**

NOTE: Impose if offense involved sexual abuse of a minor but is not a reportable conviction.

The defendant has been convicted of an offense involving the sexual abuse of a minor and must

1. Participate in such evaluation and treatment as is necessary to complete a prescribed course of psychiatric, psychological, or other rehabilitative treatment as ordered by the court.
2. Not communicate with, be in the presence of, or found in or on the premises of the victim of the offense.
3. Not reside in a household with any minor child. (G.S. 15A-1343(b2)(4))
4. Submit at reasonable times to warrantless searches by a probation officer of the defendant's person, of the defendant's vehicle and premises, and of the defendant's computer or other electronic mechanism which may contain electronic data, while the defendant is present, for the following purposes which are reasonably related to the defendant's probation supervision: ☐ child pornography

☐ 5. Other:

☐ **9. Special Conditions For Offenses Involving The Physical Or Mental Abuse Of A Minor - G.S. 15A-1343(b2)**

NOTE: Impose if offense involved physical or mental abuse of a minor but is not a reportable conviction and did not involve sexual abuse.

The defendant has been convicted of an offense involving the physical or mental abuse of a minor and must

1. Participate in such evaluation and treatment as is necessary to complete a prescribed course of psychiatric, psychological, or other rehabilitative treatment as ordered by the court.
2. Not communicate with, be in the presence of, or found in or on the premises of the victim of the offense.
3. Not reside in a household with
 - ☐ a. any minor child.
 - ☐ b. any minor child other than the child(ren) named below, for whom the court expressly finds that it is unlikely that the defendant's harmful or abusive conduct will recur and that it would be in the best interest of the child(ren) named below to reside in the same household with the probationer. (Name minor child(ren) with whom the probationer may reside in the same household):

4. Submit at reasonable times to warrantless searches by a probation officer of the defendant's person, of the defendant's vehicle and premises, and of the defendant's computer or other electronic mechanism which may contain electronic data, while the defendant is present, for the following purposes which are reasonably related to the defendant's probation supervision: ☐ child pornography

☐ 5. Other:

OTHER SPECIAL CONDITIONS

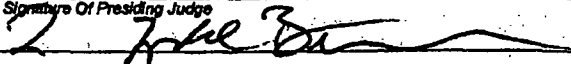
☐ **10. Other Special Conditions:**

ADDITIONAL CONDITIONS FOR PERSONS CONVICTED OF A DOMESTIC VIOLENCE OFFENSE

The defendant shall

- ☐ A. not come within _____ feet of _____ at any time.
- ☐ B. fully comply with any 50B Domestic Violence Protective Order in effect.

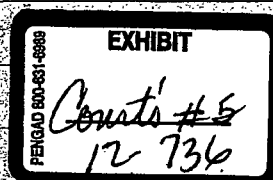
The above conditions are incorporated in the "Judgment Suspending Sentence" in the above case(s) and made a part thereof.

Date 8/1/2011	Name Of Presiding Judge (Type Or Print) L. TODD BURKE	Signature Of Presiding Judge 

CAN WE SEE THE STATEMENT
OF THE FATHER +
THE FATHER'S WIFE?

The written statements were not
introduced and therefore may not now
be received. If you would like to rehear
testimony that may relate to the issue
inform the bailiff.





CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

May 28th, 2014.


Kathrine H. Hudgins
Appellate Defender

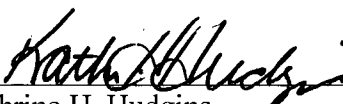
South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S. C. 29211-1589
(803) 734-1330

ATTORNEY FOR APPELLANT

CERTIFICATE OF COUNSEL FOR APPELLANT

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Appellate Defender

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ATTORNEY FOR APPELLANT

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Cherokee County

J. Derham Cole, Circuit Court Judge

ORIGINAL

RECEIVED

MAY 28 2014

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

JOSEPH DANTE SATTERWHITE,

APPELLANT

APPELLATE CASE NO. 2013-001058

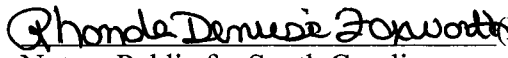
CERTIFICATE OF SERVICE

I certify that a true copy of the Record on Appeal in the above referenced case has been served upon Donald J. Zelenka, Esquire, at Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201 this 28th day of May, 2014.



Brandon Hall
Administrative Specialist

SUBSCRIBED AND SWORN TO before me
this 28th day of May, 2014.

 (L.S.)
Notary Public for South Carolina
My Commission Expires: October 17, 2021