

ORIGINAL

STATE OF SOUTH CAROLINA
In The Court of Appeals

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SC Court of Appeals

APPEAL FROM ORANGEBURG COUNTY

Edgar W. Dickson, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

CARVIN HOLMAN,

APPELLANT.

Appellate Case No. 2012-213249

RECORD ON APPEAL

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1 SOLICITOR: One additional thing, Your Honor, that
2 we wanted to give the Court a heads up on, is that there
3 was a prior incident somewhere around a couple of weeks
4 prior to the incident where the victim in the case, the
5 homicide victim, Anthony James, was at the IGA in Holly
6 Hill, and we have a witness who would testify that the
7 Defendant came into the IGA and slapped Mr. James and he
8 threatened to kill him.

9 It may be that we will need to take that up in cam-
10 era before that witness testifies. I just want to put
11 the Court on notice of that at this time.

12 THE COURT: Okay. Do you have any reference to it
13 in your opening?

14 That situation could come up during the trial, Mr.
15 Wise, so you and your client need to be aware of that.
16 Okay.

17 SOLICITOR: One other thing that Mr. Wise has brought
18 to my attention that I did speak to him about was concern-
19 ing some photographs that we intend to offer.

20 THE COURT: All right, sir.

21 MR. WISE: Your Honor, the Court doesn't know much
22 about this case but I would tell the Court that some of
23 these photographs are . .

24 THE COURT: Graphic?

25 MR. WISE: Yes, sir.

1 THE COURT: Okay.

2 MR. WISE: I have no objection to looking at them
3 now.

4 SOLICITOR: There are five photographs of Mr. James
5 taken out there at the scene. Basically they are enlarged
6 color copies of them, and I will hand them up for the
7 Court.

8 MR. WISE: Our position would be that we have --
9 there are photographs that show Mr. James covered in a
10 sheet that I think obviously would relate to the jury what
11 happened here without the graphic nature of some of those
12 photographs.

13 THE COURT: Okay.

14 SOLICITOR: It would be our position, Your Honor,
15 that obviously one of the things I have to prove is mal-
16 ice -- one of the elements I have to prove. That is one
17 of the reasons I would offer them.

18 But the basic reason is that Mr. Holman shot Mr.
19 James one time, striking him in the arm. They struggled
20 after that, at which time Mr. James got away, and Mr.
21 Holman shot across his yard, basically striking him at
22 that time in the chest with a thirty-thirty rifle, and
23 it basically severed his lower spine and pretty much that
24 dropped him, and Mr. Holman at that time re-loaded that
25 gun, walked over to him across the yard, and there was a

1 witness across the street who actually saw the last shot
2 which was basically fired point-blank taking the top of
3 Mr. James' head off.

4 It is one thing to describe that but another to ac-
5 tually see it. That is malice, and I would like to show
6 that to the jury.

7 It is one thing to talk about it, that he did this,
8 but another thing to show them what we're talking about
9 out there in the yard.

10 MR. WISE: I guess I agree with Mr. Sorenson. He
11 indicates he was shot and there was a struggle; he got
12 away and was shot again several different times, and he
13 described that as being malice.

14 If that is malice, a description of it would convey
15 malice, and they don't need those photographs to make that
16 out.

17 A very descriptive ID by the different witnesses
18 would show everything those photos would show, without
19 the prejudice of the graphic nature of them would create,
20 Your Honor.

21 THE COURT: Okay. Well, the photos -- I understand
22 the graphic nature of the photos, but they are photos of
23 the victim and if the State tried to introduce ten photos
24 like that or fifteen or something like that I would be --
25 I would be -- I would tell the State that they have to

1 reduce the number of photographs, but I think each one
2 of the photographs depict something about each one of the
3 shots, and so I'm inclined at this time to let them in.

4 You said there was a motion in limine involved, and,
5 you know, if they are not properly identified or something
6 like that it would be an issue but not for here.

7 SOLICITOR: That would be the color photographs,
8 Your Honor?

9 THE COURT: Yes, I know you want the color photo-
10 graphs, but I would like to look at these again. Just
11 not right now.

12 Hang onto them until we get to that.

13 SOLICITOR: If I could have them marked?

14 THE COURT: Okay.

15 SOLICITOR: Have them marked for ID or something like
16 that so we can . .

17 THE COURT: Okay. That will be fine.

18 SOLICITOR: I believe, Your Honor, that would be all
19 I would have. We can have them marked later.

20 THE COURT: Okay.

21 SOLICITOR: When I talked to Mr. Wise earlier, there
22 were a couple of other matters that might become issues.

23 THE COURT: Okay.

24 MR. WISE: One of the witnesses I think the State
25 is going to call is a nurse at TRC. She would probably

1 for you to determine.

2 In deciding whether to believe a witness, you have a
3 right to consider the interest of any witness, the bias
4 of any witness, the prejudice of any witness, the oppor-
5 tunity for the witness to have seen the matters and the
6 things about which the witness testifies, and the way the
7 witness acts on the witness stand.

8 You have a right to consider anything that is in the
9 record and that will help you evaluate the testimony of
10 these witnesses.

11 That means that it is your duty to pay close atten-
12 tion to them, to observe them, to listen to what they
13 say, pay close attention to the attorneys and this Court.

14 Please give your close attention to the testimony in
15 this case so at the end of all the testimony, after the
16 arguments of counsel and the charge on the law by me, you
17 will be in a position to determine what the true facts
18 are, applying the law to these facts, and render a true
19 verdict in this case.

20 Mr. Sorenson, are you ready?

21 SOLICITOR: Yes, sir.

22 THE COURT: All right.

23 SOLICITOR: May it please the Court?

24 THE COURT: Yes, sir.

25 SOLICITOR: Good afternoon, Madam Forelady and ladies

1 and gentlemen of the jury.

2 Back on June 24th of last year, that man right there,
3 Carvin Holman, was on a hunt. The man he was hunting
4 was forty-five year old Anthony James. Unfortunately, la-
5 dies and gentlemen, as you have probably guessed based
6 on the charges, he was successful.

7 Back in June of last year, Carvin Holman couldn't ac-
8 cept the fact that his wife, Debbie Holman, had separated
9 from him and was moving on with her life.

10 He could not accept the fact that she did not want
11 to get back together with him; couldn't accept the fact
12 that she had a new boyfriend that she was hoping to move
13 in with. That man was forty-five year old Anthony James.

14 So he went on a hunt over a two day period, June
15 23rd and into the afternoon of June 24th, when he commit-
16 ted the violent crimes that you will hear about.

17 What I want to do at this point is take a few min-
18 utes of your time and go over the five separate things
19 Mr. Holman is charged with, and then you will hear the
20 facts from this witness stand. I am sure and I submit to
21 you that what you hear will convince you to find him to
22 be guilty on all of the five charges.

23 I want to kind of do this kind of chronologically,
24 going over the series of events of the evening of June
25 23rd of last year.

1 Mr. Holman was at home with his wife, Debbie, there.
2 The first offense that we're going to talk about that he
3 is charged with is kidnapping.

4 When we think of kidnapping, we tend to think about
5 someone snatching a child off the side of the road, you
6 know, or taking someone from a rich family and holding
7 them and demanding a ransom from the family -- something of
8 that nature.

9 That is not really all that our statute says con-
10 cerning kidnapping. Kidnapping is also when you restrain
11 someone's freedom by unlawfully confining them.

12 In this case, the evidence will show that on the
13 evening of June 23rd of last year Mr. Holman got ahold
14 of his wife, Debbie, and asked her to come over and bring
15 some video tapes she had of his; that he wanted to talk
16 to her about their children.

17 That night he got her to come into his house, and
18 when she got inside he locked the door. At that time he
19 threatened her and told her she was never going to leave
20 again. When she tried to get out, he pulled out what
21 turned out to be (inaudible) and struck her about the
22 head, so she couldn't get out of the house. He struck
23 her multiple times.

24 You will hear how he held her there that night and
25 all the way up until the afternoon of June 25th, when he

1 about one or one thirty in the afternoon told her she
2 would never see her kids again. That is the crime of
3 kidnapping.

4 During that period of time he is also charged with
5 criminal sexual conduct in the first degree, and you will
6 hear those facts. The Judge will charge you on the law
7 in South Carolina about criminal sexual conduct; that
8 Criminal sexual conduct in the first degree is simply our
9 rape statute. We don't have a crime called rape in South
10 Carolina. It is called by the fancy term of criminal
11 sexual conduct.

12 Criminal sexual conduct in the first degree is when
13 you commit a sexual battery, which in this case was sex-
14 ual intercourse, with somebody without consent, accompan-
15 ied by some sort of aggravation.

16 In this case there are a couple of facts of aggrava-
17 tion, that it occurred during the time when there is a
18 kidnapping, when you are confining somebody. That is
19 criminal sexual conduct in the first degree.

20 Additionally, if you threaten by use of a deadly
21 weapon, and in this case you are going to hear about the
22 fact ~~that~~ Mr. Holman throughout this entire episode had a
23 deadly weapon, which ended up being the weapon which he
24 used to kill Mr. James the following day, a rifle.

25 That's the crime of criminal sexual conduct in the

1 first degree. Additionally, he is charged with something
2 called possession of a weapon during the commission of a
3 violent crime. That is simply when you have a weapon as
4 you commit a violent crime.

5 In this case, all four of these crimes, kidnapping,
6 criminal sexual conduct in the first degree and murder
7 occurred when he was in possession of a deadly weapon, so
8 he would be guilty of that third offense.

9 Now, I want to talk to you just briefly about the
10 last two, which is are the two that involved Anthony James.
11 All right?

12 The first one he's charged with is burglary in the
13 first degree. Burglary in the first degree is when you
14 unlawfully enter the dwelling or the home of another per-
15 son without consent, with the intent to commit a crime
16 therein, accompanied by some circumstance of aggravation.
17 That is burglary in the first degree.

18 A circumstance of aggravation is if the incident
19 happened during the nighttime, but in this case the burg-
20 lary happened at one o'clock in the afternoon, but if
21 you are armed with a deadly weapon that is a circumstance
22 of aggravation that would make it a burglary in the first
23 degree, a deadly weapon such as a rifle in this case.

24 If you cause injury to a non-participant in the crime,
25 such as the home-owner, that would constitute burglary

1 in the first degree.

2 There are several aggravating circumstances that ap-
3 ply in this case. You will hear from this witness stand
4 how, as I've indicated, he had been looking for Anthony
5 James on the night before, June 23rd.

6 You will hear from Debbie Holman how he forced her
7 at gunpoint to go with him the night before by Anthony
8 James' house to look for him around midnight. The place
9 was dark out there so they didn't think he was home.

10 The next morning about six o'clock he drove her back
11 out there again to go look for him because he knew that
12 he typically walked to work at IGA -- he worked from six
13 in the morning until two or so in the afternoon.

14 How they went looking for him, Mr. Holman armed with
15 that rifle, forcing Mrs. Holman to go with him; how he
16 went by his job at the IGA to try to get him to come out.

17 How ultimately around one or one thirty in the af-
18 ternoon they showed back up at his home. Mr. Holman then
19 pulled around back, got out and went up to the back door.
20 He ultimately went into the house and fired the rifle
21 one time, striking him in the arm. Burglary in the first
22 degree.

23 Murder, ladies and gentlemen, is the unlawful kill-
24 ing of another person with malice aforethought. Let me
25 talk to you about a couple of those terms.

1 Malice -- malice is evil, hatred toward another per-
2 son, a heart fatally bent on mischief, lack of social
3 duty or devoid of social duty.

4 Aforethought means that the malice had to have been
5 in existence at the time he pulled the trigger. In South
6 Carolina we don't have to prove that the Defendant planned
7 something or that it was premeditated murder within a
8 specific period of time. We just have to prove that that
9 malice existed in Mr. Holman's mind at the time he fired
10 that fatal round. In this case I believe we will prove
11 that it existed in Mr. Holman's mind for a period of time
12 prior to when he pulled up at Mr. James' house that after-
13 noon.

14 Express malice is when he had told somebody I'm going
15 to kill him; when he expressed ill will toward him, that
16 hatred toward him.

17 Then there is implied malice, which could be what
18 can be inferred from the facts and circumstances of his
19 actions. He went looking for him with a weapon -- the
20 facts and circumstances surrounding the killing of Mr.
21 James.

22 You will hear that after Mr. Holman fired the ini-
23 tial round from that rifle inside Mr. James' house which
24 struck him in the right arm that it was a pretty signi-
25 ficant injury but it wasn't fatal.

1 Mr. James at that point in time tried to get away.
2 You will see pictures inside of his house showing the
3 blood inside of his house. You will see pictures where
4 he got out of the house into the back yard. After that
5 struggle he went out into the yard but just as he got
6 away, got across his yard and going up to the road, he
7 was shot a second time.

8 Mr. Holman shot one time, hitting him in the chest,
9 and you will hear that the second shot basically went
10 into his chest, exited his lower back, basically taking
11 out his spine, his lower spine, as you will hear in the
12 testimony. That dropped him on the street, right in his
13 yard.

14 But it wasn't over, and you will hear about the third
15 shot. He walked up and reloaded that rifle; he stood
16 over Anthony James, and Carvin Holman -- he reloaded that
17 gun and pulled the trigger the third time. The third shot
18 did the trick. It took off the top of Anthony James'
19 head.

20 Then he took off running in the woods, and he was
21 caught the next day.

22 Thank you, Your Honor.

23 THE COURT: Mr. Stroud.

24 MR. STROUD: Thank you. Ladies and gentlemen, Mr.
25 Holman didn't rape anyone, he didn't kidnap anyone, and

1 there was no burglary; there was no murder.

2 Everything the Solicitor has just told you they have
3 pieced together from testimony that you will hear on the
4 stand. With every witness who comes up you have the duty
5 to decide whether or not that person is being truthful.

6 That includes the police, as well as the normal ci-
7 vilian witnesses. Just because a police officer has a
8 badge doesn't mean that he -- I need to be careful in how
9 I say this -- is more truthful than anyone else.

10 Mr. Holman is presumed innocent at this point. He
11 sits before you an innocent man. The Government has to
12 prove every element of every crime beyond a reasonable
13 doubt.

14 There are multiple charges in this case. Murder,
15 burglary, rape, kidnapping. If the State were to prove
16 to you beyond a reasonable doubt and you were to decide
17 he was guilty of one of these charges, this does not auto-
18 matically make him guilty of all of the charges.

19 Just because he did one does not mean he did the
20 other.

21 I also want to talk to you while we're on that topic
22 about pictures I believe the State is going to offer. If
23 the pictures do come in, I would like to tell you right
24 now they are graphic. Mr. James -- they are graphic pic-
25 tures.

1 The human emotion you're going to feel is that someone
2 needs to pay for this. The pictures are gross.

3 But just because the pictures are gross, that does
4 not mean that Carvin Holman shot him. It doesn't mean that
5 Carvin Holman is guilty of all of the charges before you.
6 All we're asking for is that you give Mr. Holman a fair
7 trial.

8 Keep an open mind and listen closely to everything
9 that every witness says. Make sure that every element of
10 every crime he's charged with is fulfilled, and we ask
11 that you find him not guilty.

12 Thank you.

13 THE COURT: Thank you, Mr. Stroud.

14 Is the State ready to call its first witness?

15 SOLICITOR: Yes, sir. May we approach?

16 THE COURT: Yes, sir.

17 (Conference at the bench between counsel and the
18 Court)

19 THE COURT: Ladies and gentlemen, before we start
20 taking testimony I will let you go back to your jury room
21 for five minutes.

22 When you all come back out, the State will call its
23 first witness.

24 Thank you.

25 (Jury excused from Courtroom)

1 (The Court took a short recess, after which the case
2 was resumed and the jurors returned to the Courtroom)

3 THE COURT: We took that short break to do some of
4 the things we needed to do before we started taking the
5 testimony, and I appreciate your patience with that.

6 Solicitor, you may call your first witness.

7 SOLICITOR: May it please the Court?

8 THE COURT: Yes, sir.

9 SOLICITOR: The State would call Debbie Holman.

10 DEBBIE HOLMAN, being
11 duly sworn, testified as follows:

12 CLERK: Please have a seat on the witness stand and
13 give us your name, please.

14 WITNESS: Debbie Holman.

15 DIRECT EXAMINATION

16 BY SOLICITOR:

17 Q. Debbie, I need to make sure you keep your voice up
18 nice and loud for me. Okay?

19 A. Yes, sir.

20 Q. All right. Debbie, if you will, tell the jury how
21 old you are?

22 Make sure you keep your voice up nice and loud.

23 A. I'm thirty-six.

24 Q.. And how many children do you have?

25 A. Three.

D. HOLMAN ON DIRECT

1 Q. And tell us how old they are?

2 A. (Inaudible response)

3 Q. Okay, and the Defendant in this case, Carvin Holman,
4 how do you know Mr. Holman?

5 A. We were married.

6 Q. Are the two of you still legally married at this
7 point in time?

8 A. Yes.

9 Q. And speak up nice and loud for me. Okay?

10 When did the two of you all first -- when did you
11 get married?

12 A. August 30th it will be fourteen years.

13 Q. So fourteen years ago now?

14 A. Yes.

15 Q. So if my math is right it would have been in 1998?

16 A. Yes, sir.

17 Q. Now, were you all together prior to your getting
18 married in 1998?

19 A. Yes, sir.

20 Q. And how long -- when did you first start seeing Mr.
21 Holman?

22 A. I was seeing Mr. Holman before we got married, and
23 we've been married, like I say, for almost fourteen years.

24 Q. How long prior to that did you first start seeing
25 him?

D. HOLMAN ON DIRECT

- 1 A. Prior to that?
- 2 Q. Yes, maam.
- 3 A. A couple of years.
- 4 Q. Now, you indicated you have three children?
- 5 A. Yes.
- 6 Q. Are any of your children Mr. Holman's children?
- 7 A. Two.
- 8 Q. Two out of the three of them?
- 9 A. Yes.
- 10 Q. Which out of the three of them?
- 11 A. [REDACTED]
- 12 Q. And how old are the two of them?
- 13 A. Seventeen and (inaudible)
- 14 Q. Your oldest is a daughter?
- 15 A. Yes.
- 16 Q. She is not Mr. Holman's?
- 17 A. No.
- 18 Q. Now, back in June of 2011, were you and the Defen-
- 19 dant -- were you all together at that point in time?
- 20 A. No.
- 21 Q. And how long had you been separated from Mr. Holman?
- 22 A. It was about two years.
- 23 Q. Two years now?
- 24 A. Uh hm.
- 25 Q. So I guess a little less than a year prior to all of

D. HOLMAN ON DIRECT

1 this happening in June of last year. Is that right?

2 A. Yes, sir.

3 Q. Okay, and back in June of 2011, at that point in
4 time had you started seeing somebody else?

5 A. When we separated?

6 Q. In June of last year.

7 A. After we were separated, yes.

8 Q. Okay. Who did you start seeing in June of 2011?

9 A. Anthony James.

10 (Brief pause in the proceeding to adjust microphone
11 for witness)

12 BY SOLICITOR:

13 Q. Now, back in June of 2011, did your husband, Carvin
14 Holman -- did he know at that point in time that you were
15 seeing Anthony James?

16 A. Yes.

17 Q. What were his feelings about that?

18 A. He wasn't happy about it.

19 Q. And back in June of last year, where was Anthony
20 James working -- in June of last year?

21 A. At PGA.

22 Q. And that's where?

23 A. Holly Hill.

24 Q. How about -- where was Anthony living back in June
25 of last year?

D. HOLMAN ON DIRECT

1 A. He was living on [REDACTED] in Holly Hill.

2 Q. And I show you State's Exhibit Number 4. Whose
3 Trailer is that?

4 A. That's Anthony's trailer.

5 Q. Okay. At [REDACTED]?

6 A. Yes.

7 SOLICITOR: Your Honor, I would offer State's 4 in
8 evidence.

9 THE COURT: Any objection?

10 MR. WISE: No, sir.

11 THE COURT: State's 4 in evidence without objection.

12 (Photograph admitted without objection as State's
13 Exhibit 4 in evidence)

14 BY SOLICITOR:

15 Q. That would be Mr. James' trailer that he was living
16 in back in June of last year?

17 A. Yes.

18 Q. All right, and where in June of last year were you
19 living at?

20 A. I was living at my mother's house [REDACTED]

21 [REDACTED].

22 Q. And how about your three children?

23 A. They were living there also

24 Q. Okay. Around the time when all this happened in
25 June of last year, were you making plans about that time

D. HOLMAN ON DIRECT

1 to move somewhere else?

2 A. Yes.

3 Q. Where was that that you were making plans to move
4 to?

5 A. To Anthony's house.

6 Q. So you were making plans to move in at the end of
7 June of last year?

8 A. Yes.

9 Q. Into Anthony's trailer?

10 A. Yes.

11 Q. And what about the children?

12 A. Yes.

13 Q. They were going to move with you?

14 A. Yes.

15 Q. All right. Now, I want to turn your attention if I
16 could, Debbie, to back in the afternoon or early evening
17 of June 23rd of 2011.

18 Had you seen Anthony James that afternoon?

19 A. I had seen Anthony James on Thursday.

20 Q. And where was it that you saw Anthony?

21 A. At his house on [REDACTED].

22 Q. Okay. What were you doing over there that afternoon?

23 A. Um, me and the children would go by there sometimes
24 to see how Anthony was doing, and when we got there
25 Anthonoy was sitting on the couch. When I came in the

D. HOLMAN ON DIRECT

1 door, he said something about you all can move in any
2 time, and I said, oh, that's good, and he said, let's go
3 -- and I was happy, and he said, let's go get some clean-
4 ing supplies and stuff so we can clean the bathrooms and
5 stuff like that from Dollar General.

6 And we went out and got the cleaning stuff and came
7 back, and when we got back he said, oh, I forgot something
8 else; I need to get -- and then there was a knock on the
9 door and his friend, Jessie, had came in and he told
10 Jessie, I was getting ready to go to the store with her,
11 and I said, no, that's okay; I'll go and you stay with
12 your friend, Jessie.

13 So he said, well, okay, how long you gonna be, and
14 I said probably an hour or so. I may go get something
15 else or ride around, so I don't know, and that was when
16 I left and he went off with his friend, Jessie.

17 Q. And did you at some point in time that afternoon go
18 to Carvin's home?

19 A. Yes, sir.

20 Q. And why was that? Did you receive a telephone call
21 from him?

22 A. Yes, I got a phone call.

23 Q. What was the nature of that call?

24 A. He said something about can you come by the house --
25 stuff like that, and I don't even see my kids -- stuff

D. HOLMAN ON DIRECT

1 like that; you never drop my kids off to see me for
2 Father's Day -- stuff like that.

3 Then he started gong on about I need the tapes that
4 belong -- some videotapes that belong to him, and he said
5 he wanted those back.

6 Q. And did you end up going over to Carvin Holman's
7 house that night?

8 A. Yeah, to return the tapes.

9 Q. And did anyone go with you?

10 A. No.

11 Q. Where were your children at?

12 A. My kids were at my mother's house.

13 Q. And where was Carvin living at that time back in
14 June of last year?

15 A. He was living at [REDACTED] Holly Hill.

16 Q. And is that a place that you and he had resided to-
17 gether?

18 A. No.

19 Q. He had moved there after you all had separated?

20 A. Yes.

21 Q. I show you State's Exhibit 8. Do you recognize that?

22 A. Yes.

23 Q. What is that?

24 A. A picture of Carvin Holman's house.

25 SOLICITOR: I would move to admit State's Exhibit 8.

D. HOLMAN ON DIRECT

1 THE COURT: Any objection?

2 MR. WISE: No objection.

3 THE COURT: State's 8 is in without objection.

4 (Photograph admitted in evidence as State's Ex-
5 hibit 8 without objection)

6 BY SOLICITOR:

7 Q. You said you went to Mr. Holman's house?

8 A. Yes.

9 Q. Tell the jury when you got over to his house what
10 happened?

11 A. When I got to his house, he came right on outside
12 and he got into my car, and he told me to drive him to
13 the gas station (portion not audible on tape). So I
14 took him to the store and waited in the car. He went in
15 and got something and came back out and got back in the
16 car, and then he asked me some questions and we got into
17 a argument as we were going back about the fact that I
18 was seeing Anthony.

19 He asked me questions like do you love him and stuff
20 like that; how you going to choose him over me and stuff
21 like that?

22 Then he asked me did I love him, and I told him yes,
23 and then he put his hand on me like this and I felt some-
24 thing on me, and I told him I'm getting back to your house
25 and you're getting out of my car.

D. HOLMAN ON DIRECT

1 When I got back to his house, he said I need to talk
2 to you about when I can see my kids and stuff like that,
3 and I told him to get out of the car; that we didn't need
4 to talk about the kids.

5 But I know he love the kids and so I did get out of
6 the car so we could talk about the kids, but when I got
7 inside the house he said I won't see my kids any more,
8 and right then I started to cry, and I told him that if I
9 could call and talk to them, and he said, no, you won't
10 see your kids no more.

11 So at the time I could see that he was serious, and
12 I knew that something was going to happen. So I went
13 running to the back door, and when I went to the back door
14 he came up side my head with the gun.

15 Q. What kind of gun was it?

16 A. It was a long rifle.

17 Q. Okay.

18 A. I ran back to the front door, trying to get out that
19 door, and he hit me up side my head with the gun -- with
20 the rifle and then he bang my head against the wall, and
21 I could see the blood, you know, on the wall where I went
22 crashing on the wall. My mouth was bleeding and everything.

23 So after that he pull me in the house and told me I
24 wasn't going anywhere, because everything was my fault,
25 and he made me sit down.

D. HOLMAN ON DIRECT

1 Q. Where was it that he made you sit down?

2 A. On a long couch.

3 Q. Do you remember what color that couch was?

4 A. I just remember that I sat on it.

5 Q. I'm showing you State's Exhibit 9. Is that the same
6 couch in State's Exhibit 9?

7 A. Yes.

8 Q. Is that how it was that night when you were there?

9 A. Yes.

10 SOLICITOR: Your Honor, at this time I'd offer State's

11 9.

12 THE COURT: Any objection?

13 MR. WISE: No objection.

14 THE COURT: Admitted without objection.

15 (Photograph admitted in evidence without objection
16 as State's Exhibit 9)

17 BY SOLICITOR:

18 Q. This is the couch where Mr. Holman made you sit?

19 A. Yes.

20 Q. And the door -- is the door in the photograph that
21 you tried to get out?

22 A. Yes.

23 Q. Which door is that?

24 A. That's the front door.

25 Q. The door is right below where my finger is?

D. HOLMAN ON DIRECT

1 A. Yes. The door is on the side of the house. Not on
2 that side but ..

3 Q. The other side?

4 A. Yes.

5 Q. Okay. What, if anything, did he do while you were
6 sitting on that couch?

7 A. He was sitting in a chair with the gun.

8 Q. Had you seen that gun before?

9 A. I had seen that gun one time when we was living on
10 [REDACTED]. He had it and took it out a couple of
11 times.

12 Q. All right. Now, tell me what, if anything, happened
13 that night after he made you sit down there?

14 A. He made me sit down and he was talking to me first,
15 telling me he was going to kill me; that I wasn't going
16 anywhere, stuff like that, and he showed the gun to me,
17 stuff like that.

18 Then he came up over me and said, you know, you got
19 to pay the consequences, and stuff like that, and I told
20 you I was going to flip out on you one day and stuff like
21 that.

22 At that time I was crying, you know, but the more I
23 cried the more he told me to shut up; not to say anything;
24 to let him talk, and after that I kept crying
25 but then I stopped crying. I just stopped when he said I'm
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D. HOLMAN ON DIRECT

1 going to get something from you. Then he came over to me
2 and said something about taking my pants down or something
3 like that, and he came over to me and got on top of me,
4 and I was scared to say no because -- I was scared to
5 tell him no because I didn't know what he was going to do
6 to me.

7 So I couldn't -- I mean, I didn't say a word. I
8 couldn't.

9 Q. Let me ask you this. Where was the gun at during
10 that?

11 A. I'm not -- he may have put the gun down at this side
12 somewhere. I don't know. He had had the gun up until
13 that time, but I don't think he had it at that time.

14 Q. Okay. What happened then? You said when he came
15 up and got on top of you, and tell the jury what he did
16 to you at that time?

17 A. He just -- he got on top of me and he put his thing
18 into me and he started doing it, and I didn't tell him to
19 stop because I didn't know what he was going to do to me
20 then.

21 Q. Okay. Do you know whether he ended up ejaculating
22 or not?

23 A. Yes, sir, he ejaculated.

24 Q. After that happened, what did you do from that point
25 on?

D. HOLMAN ON DIRECT

1 A. I didn't do anything. I just stayed there like I
2 was frozen.

3 Q. At any point in time did he let you leave or tell
4 you that you could leave?

5 A. He never told me I could leave.

6 Q. Did he ever tell you you couldn't leave?

7 A. He told me I wasn't leaving until he was through
8 with me.

9 Q. You said earlier that he had made several comments
10 about being upset about you choosing Anthony over him?

11 A. Yes.

12 Q. At any point in time that night, did the topic kind
13 of turn to trying to find Anthony?

14 A. Yes.

15 Q. Tell the jury kind of what happened after that?

16 A. At some point he said we were going to go out and we
17 were going to find Anthony, and so around about ten o'clock
18 that's what he did. We went to Anthony's house, and when
19 I got to Anthony's house he told me to get out of the car.
20 I told him no, and he told me to get out and he got his
21 gun out. He said to get out, so I got out.

22 When I got out, I was looking in the back of the car
23 because I was ^{thinking of} getting to a neighbor's house, but he kept
24 the gun on me so I couldn't.

25 He told me to knock on the door but I wouldn't do it,

D. HOLMAN ON DIRECT

1 and I tried to get in the car to take off, but when I got
2 back in the car he was hanging on the driver's side of
3 the car. He had his foot on the brake and I had my foot
4 on the gas. I tried to put it in drive, and the more I
5 tried to put it in drive the more he start beating me,
6 hitting me, and then he start biting me and stuff like
7 that.

8 He bit me on my finger and he'd bite me on my back,
9 and I got the car to start and it start going across the
10 road and hit the mailbox. Then he got back in the car and
11 once he got back in the car I got in the other side and we
12 went back to his house.

13 Q. Do you remember where it was that you all parked when
14 you pulled up that first time that night?

15 A. We parked in the front yard.

16 Q. Showing you State's Exhibit Number 4. Can you point
17 to where you parked?

18 A. We parked right here.

19 Q. Where I'm holding my finger?

20 A. Right.

21 Q. Pretty much?

22 A. Yes.

23 Q. Now, you said you got out and then you tried to get
24 back in the driver's seat?

25 A. Yes.

D. HOLMAN ON DIRECT

1 Q. And I believe you indicated you were trying to put
2 the car in gear? You all were tussling as you tried that?

3 A. Right.

4 Q. All right, and I show you State's Exhibit Number 6.
5 What is that?

6 A. That's my car.

7 Q. And showing you State's Exhibit Number 7, what is
8 that of?

9 A. Where the gear is.

10 Q. Whose car is that?

11 A. My car.

12 Q. And the gear shift, I notice there's no knob on it?

13 A. That was torn off.

14 Q. Was there a knob prior to you struggling with Mr.
15 James?

16 A. Yes, there was.

17 SOLICITOR: Your Honor, I would move to admit State's
18 Exhibits 6 and 7 into evidence.

19 THE COURT: Any objection?

20 MR. WISE: No objection.

21 THE COURT: So 6 and 7 are admitted into evidence
22 without objection.

23 (Photographs admitted in evidence as State's Exhibits
24 6 and 7)

25 BY SOLICITOR:

D. HOLMAN ON DIRECT

1 Q. One is the car and one is the interior of the car.

2 A. . .

3 Q. And this is the front of your car? State's 6?

4 A. Yes.

5 Q. Exhibit 7, is that the gearshift we were talking
6 about?

7 A. Yes, sir.

8 Q. Prior to the night of this incident, was there a
9 knob on the gearshift?

10 A. Yes.

11 Q. And the beer in the front of the car, whose beer is
12 that?

13 A. That was Carvin Holman's beer.

14 Q. There also appears to be some blood inside the car?

15 A. Yes.

16 Q. Whose blood is that?

17 A. . .

18 MR. WISE: Objection, Your Honor. There has been
19 no foundation for that. She can't say that is blood.

20 She can only say it appears to be blood.

21 BY SOLICITOR:

22 Q. Does that appear to be blood?

23 A. Yes.

24 Q. And who was bleeding inside the car?

25 A. I was bleeding.

D. HOLMAN ON DIRECT

1 Q. You testified -- I'll come back to the photos in a
2 minute.

3 You just testified, Ms. Holman, that during the time
4 of that struggle in the driver's seat of the car that
5 Mr. Holman had started biting you?

6 A. Yes.

7 Q. Tell the jury where he was biting you?

8 A. He bit me on my back, right here. He would bite me
9 on my arm, my finger.

10 Q. Okay, and do you still have some scars from those
11 bites?

12 A. Yes.

13 SOLICITOR: Your Honor, can I have her step down and
14 show the jury that?

15 THE COURT: You may step down.

16 A. (Witness leaving witness stand to comply with the
17 Solicitor's request.)

18 BY SOLICITOR:

19 Q. Ms. Holman, later on that night -- stay right there
20 just for a second. Okay.

21 Later on that night did you ultimately end up at the hospital
22 hospital?

23 A. Yes, I did.

24 Q. Bear with me one second.

25 (Brief pause in the proceeding)

D. HOLMAN ON DIRECT

1 BY SOLICITOR:

2 Q. Did they take photographs at the hospital?

3 A. Yes.

4 SOLICITOR: I would move to admit State's Exhibits
5 14 through 23.

6 THE COURT: Any objection?

7 MR. WISE: No objections.

8 THE COURT: State's Exhibits 14 through 23 are in
9 evidence without objection, being photographs taken . .

10 SOLICITOR: Taken at the hospital.

11 (TRANSCRIPTION NOTE: The next few questions while
12 Solicitor and Witness were speaking concerning the photo-
13 graphs taken at the hospital are inaudible on tape)

14 Q. You may return to the stand.

15 And that happened that evening out there at Mr.
16 James' house?

17 A. Yes, it did.

18 Q. Did you ever see Mr. James out there that night?

19 A. No, sir.

20 Q. You indicated you ultimately ended up leaving, is
21 that correct?

22 A. Yes.

23 Q. And where did he continue driving?

24 A. To Carvin's Holman's house.

25 Q. And that's where you went after you left Mr. James'

D. HOLMAN ON DIRECT

1 house?

2 A. Back to Carvin's house.

3 Q. Tell the jury what happened -- let me ask you, when
4 you were out there that night, did Mr. Holman have that
5 gun with him?

6 A. Yes.

7 Q. And the next time -- when you went back to his house,
8 tell the jury what happened, when you got back to Mr.
9 Holman's house on [REDACTED]?

10 A. When we got back there, he started saying the same
11 thing about me choosing Anthony and he start going on
12 about this was all my fault and he never would have done
13 this if it wasn't for me and he was paying me back and
14 stuff like that.

15 Then he told me that he was not going to give up;
16 that he was going to do what he's got to do; he's going to
17 get Anthony.

18 Q. Back in June of that year, you say Anthony was work-
19 ing at IGA? The IGA in Holly Hill?

20 A. Yes.

21 Q. And what hours was he working?

22 A. It varied. Sometimes he would work and get off at
23 eleven or twelve o'clock, and sometimes if they have a
24 truck he will have to stay later.

25 Q. What time would he usually go to work?

D. HOLMAN ON DIRECT

1 A. Six o'clock.

2 Q. So he would usually go at six o'clock and the time
3 he got off depended on how busy they were?

4 A. Yes.

5 Q. Okay, and did you all ultimately -- did Mr. Holman
6 end up taking you back out again driving that night in
7 your car? The night of the 24th?

8 A. Yes.

9 Q. Okay, and tell the jury what happened?

10 A. . . .

11 Q. What happened when you all went out the second time
12 that night?

13 A. He was driving around and he said he was going to
14 find Anthony . . .

15 Q. Speak up, please.

16 A. He was going to find Anthony, and he said if I don't
17 find him I'm going to kill you. He was driving past
18 Anthony's house and the dirt road but he couldn't find
19 Anthony.

20 Q. Why was he on the dirt road?

21 A. Well, to see if Anthony's on the dirt road. He had
22 drive by Anthony's and he knows Anthony walks that road.

23 Q. Did Anthony have a car?

24 A. No.

25 Q. How would Anthony get to work?

D. HOLMAN ON DIRECT

1 A. Either someone would take him or he would walk.

2 Q. All right. Was he able to find Anthony when he was
3 driving around out there?

4 A. No.

5 Q. Who was driving?

6 A. Carvin Holman was driving.

7 Q. Where were you at that time?

8 A. I was inside the vehicle.

9 Q. Okay, and had he done anything further to you at that
10 time?

11 A. No.

12 Q. And after driving around with Carvin looking for him,
13 what did you all do then?

14 A. He went by Anthony's job, and when he couldn't find
15 Anthony he said he was going to go to his job.

16 Q. All right.

17 A. And when he got to his job he parked to the side of
18 the building and he said for me to call Anthony's house
19 on the phone, and I said I wasn't going to do that.

20 And so he took the phone and said I'm going to call
21 Anthony and make him come out myself if you don't want
22 it. So what he did was call and the boss answered the
23 phone and he give me the phone and told me to talk to
24 Anthony. I could hear what was going on in the store.

25 I said something to Anthony, and he could tell from

D. HOLMAN ON DIRECT

1 my voice -- I said, hey, how you doing, and he said,
2 what's wrong, because he could tell from my voice that I
3 was upset or crying.

4 He said, what's happened, what's wrong, and about
5 the second time he said what's wrong that's when he had
6 snatch the phone from me. Then he hit me and he said,
7 we're leaving, and he took off because he thought that
8 Anthony knew what was going on.

9 And he said if Anthony don't come, I'm going to kill
10 you, and so we went down the road before he got to the
11 dirt road, and he said again he was going to kill me. I
12 knew he was going to kill me because he said he was going
13 to kill me.

14 So what I did was I jumped out of the car and just
15 was trying to get away from him, and he stopped the car
16 and he made me get back in the car.

17 Q. And did you hurt yourself at all when you jumped
18 out of the vehicle?

19 A. Yeah, I scraped my side and my toes and I had a big
20 tear in my toe nail and my toe nail came off.

21 Q. I show you State's Exhibit Numbers 21 and 22. Do
22 you recognize them?

23 A. Yeah.

24 Q. What is that?

25 A. What was hurt when I jumped out of the car.

D. HOLMAN ON DIRECT

1 SOLICITOR: The State would offer State's Exhibits
2 21 and 22 in evidence.

3 MR. WISE: No objection, Your Honor.

4 THE COURT: They are admitted without objection.

5 (Photographs marked State's Exhibits 21 and 22 admit-
6 ted in evidence without objection)

7 BY SOLICITOR:

8 Q. What is depicted in Number 21, Ms. Holman?

9 A. These were my clothes right there.

10 Q. Is that how they appeared after that night?

11 A. Yes.

12 Q. And they show what happened that night?

13 A. Yes.

14 Q. Okay.

15 A. It happened early that morning.

16 Q. You say he stopped the car and got you back in?

17 A. Yes.

18 Q. And what happened then?

19 A. He went back to his house.

20 Q. What happened when you went back to his house?

21 A. He went back to his house and I think I fell asleep,
22 and when I woke up it was about twelve o'clock or one
23 o'clock that I woke up, and he told me that we was still
24 going to find Anthony. We was still going back out.

25 Q. Okay, and what did you all do at that point in time?

D. HOLMAN ON DIRECT

1 Did you all go back in your car?

2 A. In my car.

3 Q. And who was driving?

4 A. He was driving.

5 Q. And where were you at?

6 A. I was in the car.

7 Q. Where at in the car?

8 A. The back seat.

9 Q. And where did you all go when you left his house that
10 afternoon, early afternoon?

11 A. He stop at a gas station and stuff like that, and
12 then we were riding around again and he went back to
13 Anthony's house. At that time I don't remember much be-
14 cause I was sick and I wasn't feeling very well, and I
15 told him -- I was begging and pleading with him, don't do
16 this; please don't do this, and he told me I'm not going
17 to hurt Anthony; I'm just going to treat him like I treat
18 you.

19 Q. Back up a second. You said he went to the store.
20 Did he get anything from the store?

21 A. I don't remember him getting anything.

22 Q. And you said you all then went to Anthony's house?

23 A. Yes.

24 Q. Did he park in the same spot he had the night be-
25 fore, in the front?

D. HOLMAN ON DIRECT

1 A. . .

2 Q. Up in the front?

3 A. Are you talking about the last time we went there?

4 No.

5 Q. He . .

6 A. He came back and parked in the back.

7 Q. Okay. Showing you State's Exhibit Number 5, is that
8 where he went and parked?

9 A. Yes.

10 SOLICITOR: Your Honor, at this time we'd offer
11 State's 5 in evidence.

12 MR. WISE: No objection.

13 THE COURT: State's 5 in evidence without objection.

14 (Photo admitted without objection as State's Exhibit
15 5)

16 BY SOLICITOR:

17 Q. What part of Anthony's house is depicted in State's
18 Exhibit 5?

19 A. The back yard.

20 Q. When Carvin Holman pulled around there at Anthony's
21 home, where did he park in relation to the steps?

22 A. He pulled there by the steps.

23 Q. Right there by the steps?

24 A. Yes.

25 Q. And tell the jury then what happened next?

D. HOLMAN ON DIRECT

1 A. Okay. He got out of the car and I seen him walk to
2 the back steps and when he walked to the back steps I
3 turned around and that's when I looked at the keys in the
4 car.

5 And when I seen the keys in the ignition I cranked
6 it up and I left and I drove from the back side of the
7 house to the front, and . .

8 Q. Let me back you up.

9 A. Okay.

10 Q. When you saw him get out of the vehicle, where did he
11 go?

12 A. To the back steps.

13 Q. And did he have anything with him when he got out of
14 the car?

15 A. His long gun.

16 Q. And you said that you about that time noticed the
17 keys were still in the car?

18 A. Yes.

19 Q. And where were you in the car when you noticed that?

20 A. I was in the back seat.

21 Q. And what did you then do?

22 A. Um, . .

23 Q. Did you get out of the car?

24 A. I never got out of the car. I just noticed the keys
25 were still in the ignition. I knew when he got out of the

D. HOLMAN ON DIRECT

1 car he always took the keys with him, but this time he
2 left the keys in the car.

3 Q. Okay.

4 A. When I saw those keys in the ignition, that's when
5 I jumped in the front and cranked it up and left.

6 Q. When you were doing all of that, did you hear any-
7 thing?

8 A. Yeah, I thought I heard a gunshot.

9 Q. Could you tell at that point in time where the gun-
10 shot was coming from?

11 A. No, I just heard it.

12 Q. Was it outside . . .

13 A. No, it sounded like it was coming from inside.

14 Q. Did you see -- did you have any idea where Mr. Holman
15 went at that point in time?

16 A. No.

17 Q. And during the point in time when all this was going
18 on, did you ever see Anthony?

19 A. I never seen him.

20 Q. You said you went in the front seat and cranked it
21 up and left?

22 A. Yes.

23 Q. Did you go back out kind of that way or around this
24 way?

25 A. I went back this way.

D. HOLMAN ON DIRECT

1 Q. This way? Okay.

2 A. This way.

3 Q. So you ultimately came out -- showing you Number 4,
4 what side did you come out?

5 A. This way.

6 Q. On the left in this picture?

7 A. Yes.

8 Q. Okay. When you hit the road what way did you go?

9 A. This way.

10 Q. Made a right?

11 A. Toward Holly Hill.

12 Q. And when you heard that one shot you say it sounded
13 like it came from inside?

14 A. Yes.

15 Q. Did you hear any other shots or hear anything else?

16 A. No.

17 Q. Did you ever look back when you were driving away to
18 see if you could see anything back there?

19 A. I never looked back.

20 Q. Where did you end up going?

21 A. To the police station.

22 Q. The Holly Hill police station?

23 A. Yes.

24 Q. And was anybody at the police station?

25 A. Yes. It was a lady in there.

D. HOLMAN ON DIRECT

1 Q. And did you talk to her?

2 A. Yeah. I told her that I was held hostage all night
3 long and I needed the police to come.

4 Q. And did she ultimately put you in contact with a po-
5 lice officer?

6 A. Yes, she did.

7 Q. And did they keep you there at the police station?

8 A. Yes, they did.

9 Q. And ultimately where were you taken?

10 A. To the hospital.

11 Q. How did you get to the hospital?

12 A. By ambulance.

13 Q. And tell the jury what -- at that point in time when
14 you were at the Holly Hill police station and you told
15 the lady you had been held hostage, did you know what, if
16 anything, had happened to Anthony at that point in time?

17 A. No, I didn't know.

18 Q. You said they took you in an ambulance and took you
19 to the hospital?

20 A. Yes.

21 Q. What happened to you at the hospital?

22 A. When I got to the hospital, they just started ques-
23 tioning me and taking photographs and stuff like that.

24 Q. Did they do a gynecological exam on you?

25 A. Yes.

D. HOLMAN ON DIRECT

- 1 Q. Did they take blood and hair and . .
- 2 A. Yes.
- 3 Q. . . samples, things of that nature?
- 4 A. Yes.
- 5 Q. Did you talk to nurses and doctors?
- 6 A. Yeah.
- 7 Q. And to police officers?
- 8 A. Police officers.
- 9 Q. You also said they took some photographs of you?
- 10 A. Yes.
- 11 Q. And those other photographs we saw earlier of the
- 12 bite marks and all, were those taken at the hospital on
- 13 that afternoon?
- 14 A. Yes.
- 15 Q. And I show you State's Exhibits 10, 11, 12 and 13,
- 16 and ask you if you recognize those photographs?
- 17 A. I do.
- 18 Q. Who are those photographs of?
- 19 A. They're pictures of me.
- 20 Q. Where were they taken t?
- 21 A. The hospital.
- 22 Q. Do they depict the injuries that you had suffered?
- 23 A. Some of them.
- 24 Q. So these pictures depict some of those injuries?
- 25 A. Yes, sir.

D. HOLMAN ON DIRECT

1 SOLICITOR: I would move to admit State's Exhibits
2 10 through 13.

3 THE COURT: Any objection?

4 MR. WISE: No objection.

5 THE COURT: State's 10 thorough 13 admitted without
6 objection.

7 (Photographs admitted without objection into evi-
8 dence as State's Exhibits 10, 11, 12, 13)

9 BY SOLICITOR:

10 Q. Now, State's Exhibit Number 10, what is that showing?

11 A. Um, this shows the bruises on my face and shoulder.

12 Q. That's a picture of you?

13 A. Yes, that's me.

14 Q. Okay. State's Exhibit Number 11, where is that in-
15 jury?

16 A. (Inaudible)

17 Q. What caused them?

18 A. (Inaudible)

19 Q. Those were taken that afternoon at the hospital?

20 A. Yes.

21 Q. Did you have that hemorrhaging in your eye that af-
22 ternoon?

23 A. Yes.

24 Q. Was it there prior to that?

25 A. It was put there when he hit me with the gun.

D. HOLMAN ON DIRECT

1 Q. Okay.

2 A. That's how that happened. All of that happened.

3 Q. Okay, from the night of June 23rd until one o'clock
4 or one thirty on June 24th, were you with the Defendant
5 that whole period of time?

6 A. Yes.

7 Q. Did you want to be with him that whole period of
8 time?

9 A. No.

10 Q. Why didn't you leave?

11 A. Because I was scared. I was afraid if I was to try
12 to run he would take the gun and shoot me in my back.

13 Q. During that whole period of time did he have that
14 gun with him?

15 A. He had the gun with him that whole time.

16 Q. The person we've been talking about this whole time,
17 is he here in the Courtroom?

18 A. Yes.

19 Q. Can you point him out for the jury?

20 A. Yes, there.

21 Q. In the yellow shirt at the Defense table?

22 A. Yes.

23 Q. Thank you, Debbie. Please answer any questions Mr.
24 Wise has.

25 A. Yes.

1 THE COURT: All right, we'll take a break and
2 when we come back you can address that issue if you'd
3 like to address it. (Jury excused from Courtroom)

4 (Whereupon, the Court took a short recess, after
5 which the matter continued)

6 THE COURT: All right. We had a meeting in Cham-
7 bers to outline the Cross Examination and some issues,
8 and we have come back to put on the record some of the
9 argument and my decision regarding that.

10 Mr. Wise's Cross Examination of the witness is sub-
11 ject to his objection to my ruling which we will place
12 on the record at a later time, but I just want to pre-
13 serve his objection before we go forward, so it will be
14 preserved for later appeals, if necessary.

15 Mr. Wise, your witness. Oh, I'm sorry. When we
16 bring in the jury it will be your witness.

17 (Jury returned to the Courtroom)

18 THE COURT: All right, Mr. Wise, are you ready?

19 MR. WISE: Yes, sir. May it please the Court?

20 THE COURT: Yes, sir.

21 CROSS EXAMINATION

22 BY MR. WISE:

23 Q. Ms. Holman, I want to start by talking a little
24 bit about your background with Carvin. Let's talk a
25 little bit about that.

MRS. HOLMAN ON CROSS

1 A. Okay.

2 Q. All right. When you and he were together, where
3 did you live?

4 A. Say again?

5 Q. When you and he were together, where did you live?

6 A. We lived different places.

7 Q. During the time you were together, was he working?

8 A. He was working until he got hurt on the job.

9 Q. And when he got hurt on the job he lost his job?

10 A. Yes.

11 Q. Okay, and as a result of that you lost that house?

12 A. Yes.

13 Q. And that's why you separated?

14 A. Uh, yes.

15 Q. Okay, so when you separated, you went to live with
16 your family and he lived some place else?

17 A. Yes.

18 Q. Okay, and -- but you continued to see each other?

19 A. No.

20 Q. Well, you separated because he lost his job? Cor-
21 rect?

22 A. No. Well, that's why we separated.

23 Q. Okay.

24 A. Right.

25 Q. And you say that happened in 2009?

D. HOLMAN ON CROSS

1 A. Yeah, it did.

2 Q. Okay, and the children stayed with you?

3 A. Yes.

4 Q. Okay, and after you and the children went to live
5 one place and he went to live the other place, how often
6 -- how many times a month would you see him?

7 A. A month? I would see him maybe one time when he
8 said he had something for the kids and he would come up
9 there and give something to the kids.

10 Q. So you say between 2009 and 2011 you saw him one
11 time? Is that your testimony?

12 A. Once or twice. I don't remember.

13 Q. Okay. Now, when that happened, when you lost the
14 house, you still considered him to be your husband. Is
15 that right?

16 A. Well, no.

17 Q. So when he lost his job he was no longer your hus-
18 band?

19 A. Well, he still was my husband but when we separated
20 like I said it was for almost like -- he was staying in
21 one place and I was staying in another, so I considered
22 us separated at that time.

23 Q. Okay. Did you continue to have a relationship with
24 him?

25 A. No.

D. HOLMAN ON CROSS

1 Q. So between the time you separated in 2009 up until
2 June of 2011, you never had any sexual involvement?

3 A. No.

4 Q. Okay, and when the -- the once or twice that you vis-
5 ited him, was that at his house?

6 A. Yeah, that was at his house.

7 Q. All right, and do you remember the last time you saw
8 him before June 23rd of 2011?

9 A. Yes, sir. The last time I seen him was when he had
10 attacked me, when this happened.

11 Q. Before that?

12 A. Before?

13 Q. Uh hm.

14 A. Um, the last time I seen him was when I picked up
15 some clothes from him.

16 Q. Do you remember when that was?

17 A. It had to be -- it was probably within a month.

18 Q. A month before the incident happened?

19 A. Uh hm.

20 Q. So sometime in May of 2011?

21 A. Uh hm.

22 Q. And you went to his house to pick up those clothes?

23 A. Yes.

24 Q. Okay. I think you testified on Direct Examination
25 that you knew he had this gun that was involved in this

D. HOLMAN ON CROSS

1 incident?

2 A. Yes.

3 Q. How do you know that?

4 A. Because he pulled it out one time at the house.

5 Q. At the house on [REDACTED]?

6 A. Yes.

7 Q. Okay. On the one or two occasions that you went to
8 his house, did you see it? That you went to his new
9 house, did you see it?

10 A. To the new house?

11 Q. Yes.

12 A. The new house he move into -- yes.

13 Q. Where did you see it?

14 A. In his truck.

15 Q. Where did he keep it?

16 A. Where did he keep it?

17 Q. Yes.

18 A. I don't know where he kept it but he just took it
19 out. He went to his truck and took it out.

20 Q. Okay. Wasn't the normal place he would keep that
21 gun next to the recliner, laying on the floor? At his
22 house when you'd walk in it was laying on the floor?

23 A. Yeah. When I was there that night, I seen the gun
24 on the floor.

25 Q. Okay, and that's where he normally would keep it?

D. HOLMAN ON CROSS

1 A. I don't know.

2 Q. Okay. Ms. Holman, I want to talk a little bit about
3 your relationship with Anthony.

4 A. Okay.

5 Q. How did you meet him?

6 A. At the IGA.

7 Q. I didn't understand that. Did somebody introduce
8 you to him?

9 A. No, I just saw him several times there.

10 Q. Do you remember when it was that you met him?

11 A. I don't know exactly.

12 Q. Do you remember what year it was?

13 A. In 2008 -- no, it was in 2009.

14 Q. Okay, and when you met him, did you know that he
15 and Carvin were friends?

16 A. No, I didn't. I didn't know they were close.

17 Q. When did you learn that they were close?

18 A. When he would call and I would constantly hang up on
19 him, and then I would pick up the phone again and he'd
20 say, well, you know he's my friend.

21 Q. When would he call?

22 A. When Carvin would call, he would say me and him was
23 best friends.

24 Q. Do you remember when the first time was you had that
25 kind of phone call from Carvin was?

D. HOLMAN ON CROSS

1 A. No.

2 Q. Do you know what year it was?

3 A. I don't recall.

4 Q. About how long was it after you met Anthony that
5 you got that first phone call from Carvin?

6 A. How long after?

7 Q. Yes, how long after? From the time you met him at
8 the IGA to the first time you became aware that Anthony
9 and he were good friends.

10 A. After me and Anthony start going together.

11 Q. When did you and Anthony start going together?

12 A. In 2010.

13 Q. Do you remember what part of 2010?

14 A. No, I don't remember what month. It was cold then.

15 Q. Okay. And do you remember how long after you started
16 going with Anthony in the winter of 2010 that Carvin made
17 that call -- that first phone call to you?

18 A. I don't remember.

19 Q. Was it immediately after?

20 A. No. Maybe a month after.

21 Q. Okay.

22 A. Uh hm.

23 Q. Do you have any idea how he knew that you and Anthony
24 were seeing each other?

25 A. No.

D. HOLMAN ON CROSS

- 1 Q. Okay.
- 2 A. It was probably from people telling him.
- 3 Q. How would people know that you and Anthony were see-
- 4 ing each other?
- 5 A. They probably see us together.
- 6 Q. You would socialize with Anthony?
- 7 A. Yes.
- 8 Q. You considered him your boyfriend?
- 9 A. Yes.
- 10 Q. Okay, and at what point did you think the relation-
- 11 ship with Anthony was serious?
- 12 A. When we started spending more time together.
- 13 Q. Do you remember about when that was?
- 14 A. No, I don't.
- 15 Q. All right. So at that point you were doing things
- 16 with Anthony when you were still married to Carvin?
- 17 A. Yes.
- 18 Q. And people who knew you knew that you were still
- 19 married to Carvin and were seeing Anthony?
- 20 A. Yes.
- 21 Q. It was common knowledge that you were dating?
- 22 A. Yes.
- 23 Q. And that would have been in the winter of 2010?
- 24 A. I guess.
- 25 Q. Okay. It was -- did you tell him in the winter of
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D. HOLMAN ON CROSS

1 2010, look, we're divorcing? We're separated?

2 A. No, I never told him anything but people would see
3 us together and probably told him.

4 Q. Did you file for divorce?

5 A. No.

6 Q. So let me see if I understand. Some time between
7 2010 and June you were seeing him?

8 A. Yes.

9 Q. Do you think it was around the winter of 2010 that
10 Carvin confronted you about the relationship with you and
11 Anthony?

12 A. No, I think it was later on.

13 Q. When do you think that was?

14 A. I would say 2011. I'm not sure.

15 Q. Okay. This thing happened in June of 2011. So
16 about how far before that was it?

17 A. Oh, I don't know. I can't remember.

18 Q. Would it have been months?

19 A. It was at least a month.

20 Q. So the month before this thing happened, Carvin knew
21 what was going on with you and Anthony?

22 A. Yes, sir.

23 Q. When you found out -- when Carvin confronted you
24 about the fact that you were going out with and were in-
25 volved with a friend of his, a good friend of his, what

D. HOLMAN ON CROSS

1 did you say to him?

2 A. Nothing. He said something about that they used to
3 be friends. It was way back and they wasn't friends at
4 the time.

5 Q. So the fact that they weren't close friends made it
6 okay?

7 A. Well, yes.

8 Q. Was he upset when he first confronted you about your
9 relationship with Anthony?

10 A. Yes.

11 Q. All right. I'm sorry. I may have asked you this.
12 Why did you just tell him about it?

13 A. I didn't see any reason to tell him about my life.
14 We were not together.

15 Q. Would there be times when you were out with Anthony
16 -- I'm sorry. Would there be times when you would be out
17 with -- in a situation where you would be with Carvin and
18 Anthony both in a social situation?

19 A. No.

20 Q. Say you would be at a club or cookout and they would
21 both be there?

22 A. That did happen once at a cookout.

23 Q. Who did you go to that cookout with?

24 A. . .

25 Q. Did you go with Anthony?

D. HOLMAN ON CROSS

- 1 A. I was invited.
- 2 Q. Did you go with anybody?
- 3 A. No.
- 4 Q. Did you go with Anthony?
- 5 A. Did I go with him? I was invited to his cookout.
- 6 Q. So this was a cookout that Anthony put on?
- 7 A. Yes. He invited me, so I came.
- 8 Q. And you were there and Carvin was there?
- 9 A. It was just a cookout and he was there.
- 10 Q. That Carvin was there?
- 11 A. He did show up.
- 12 Q. And at that cookout, you argued about Anthony?
- 13 A. Yes.
- 14 Q. So Carvin didn't know?
- 15 A. I don't know whether he knew or not.
- 16 Q. All right. Is it fair to say that you were keeping
- 17 your relationship with Anthony a secret? I'm sorry.
- 18 Is it fair to say that you were not keeping it a secret
- 19 except from Carvin?
- 20 A. . .
- 21 Q. He was the only one who was in the dark about it?
- 22 A. He knew.
- 23 Q. And did there come a time that he confronted you about
- 24 your relationship with Anthony?
- 25 A. . .

D. HOLMAN ON CROSS

- 1 Q. Well, did you deny your relationship with Anthony?
- 2 A. No, I never denied it.
- 3 Q. So when he confronted you about it, you admitted it?
- 4 A. Yeah, I did.
- 5 Q. Did there come a time when Carvin called you on your
- 6 cel phone and Anthony answered?
- 7 A. I think so, yes. Yeah.
- 8 Q. Okay, and they exchanged some words?
- 9 A. Yes.
- 10 Q. Do you remember when that was?
- 11 A. I don't remember.
- 12 Q. Do you remember what was said between them at the
- 13 time? Between Anthony and Carvin?
- 14 A. He told him don't call my phone any more.
- 15 Q. Anthony said that to Carvin?
- 16 A. Uh hm.
- 17 Q. Did he say anything about the fact that -- well, let
- 18 me rephrase that.
- 19 Do you know about what time of night that phone call
- 20 was?
- 21 A. It was during the day but I don't know what time.
- 22 Q. Do you remember words exchanged along the lines of
- 23 -- it wasn't at night?
- 24 A. No.
- 25 Q. Do you remember words along the line of Anthony
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D. HOLMAN ON CROSS

1 saying to Carvin, I got your woman; she's in my bed?

2 A. No.

3 Q. No words like that were exchanged?

4 A. No.

5 Q. Is it fair to say that you concealed from Carvin
6 what was going on between you and Anthony?

7 A. No.

8 Q. You were married to him and . .

9 A. But we wasn't together.

10 Q. Did Anthony own a gun?

11 A. No.

12 Q. Okay, and if you were to compare Anthony and
13 Carvin, who was taller?

14 A. Carvin.

15 Q. Do you know who would weigh more?

16 A. I don't know.

17 Q. Okay. I want to go now to the Thursday, June 23rd.

18 Before anything happened at Carvin's house, you had
19 been to Anthony's house. Correct?

20 A. What?

21 Q. Before you were at Carvin's house, you were at
22 Anthony's house?

23 A. Yes.

24 Q. And you and Anthony were supposed to start cleaning
25 his house so you could move in with the kids?

D. HOLMAN ON CROSS

1 A. Yes.

2 Q. At the point that you were getting ready to move
3 Carvin's kids into the house with Anthony, did you tell
4 him that's what you were going to do?

5 A. No.

6 Q. Okay. All right, you said you went to get cleaning
7 supplies and then you were going to return to Anthony's
8 house?

9 A. Yes.

10 Q. And he was with Jessie?

11 A. Yes.

12 Q. And he and Jessie went out together?

13 A. I don't know if they actually went out. I left I
14 guess at the same time Anthony left.

15 Q. Well, you waited for a while, didn't you?

16 A. No, I left and then came back.

17 Q. And he wasn't there?

18 A. No.

19 Q. Did you wait then for a while?

20 A. I waited for a while.

21 Q. And you went to Carvin's?

22 A. No, I went to my mother's house.

23 Q. But didn't you come back to Anthony's house?

24 A. Yeah, after I got everything for us to clean and he
25 wasn't there when I came back.

D. HOLMAN ON CROSS

1 I had to go back to the store and get some more
2 stuff that I forgot the first time.

3 Q. And then you came back?

4 A. After I got everything I came back to see if Anthony
5 had come back to the house but he wasn't there.

6 Q. Then you left??

7 A. Yeah, because my kids were ready to go.

8 Q. Okay, and you went to Carvin's house?

9 A. No, I went to my mother's house.

10 Q. You went to your mother's house or Carvin's house?

11 A. I went to my mother's house.

12 Q. When you went to Carvin's house did you take the
13 children with you?

14 A. No.

15 Q. Did you tell anyone you were going to Carvin's
16 house?

17 A. No, I didn't tell anybody.

18 Q. Do you remember what time you arrived?

19 A. It was late evening.

20 Q. And when you walked in -- okay, you took him to the
21 store?

22 A. Yes.

23 Q. Did he force you to take him to the store?

24 A. No, he just got into the car and said, take me to
25 the store. When he asked me to do something, I done it.

D. HOLMAN ON CROSS

1 Q. When you got to the store, did you give Carvin any
2 money?

3 A. No.

4 Q. What did he buy at the store?

5 A. He came out with a brown bag and I thought it was
6 beer.

7 Q. He bought beer?

8 A. I think so.

9 Q. And when you drove back to Carvin's house, did he
10 say anything to you?

11 A. You're talking about when we went back to Holly
12 Hill?

13 Q. Yes.

14 A. He mentioned about -- he talked about Anthony.

15 Q. When you got back to Carvin's house, what did he
16 say? Did he talk then about Anthony?

17 A. When we got back to the house, he mentioned some-
18 thing about get out the car and let's talk about the kids
19 and when I can see them.

20 Q. Now, there came a point-- I think your testimony was
21 there came a point when Carvin said to you, we're going
22 to wait a couple of hours and then go find Anthony?

23 A. Yes.

24 Q. After you got back and you went inside?

25 A. Uh hm.

D. HOLMAN ON CROSS

1 Q. Okay.

2 A. He kept watching the time and saying he wanted to go
3 out in a little bit.

4 Q. He was watching the time?

5 A. Yeah, and he said he wanted to go find Anthony.

6 Q. Okay, and you told us about what happened when you
7 went out.

8 When you came back to the house that is when you and
9 he had sex?

10 A. No, we didn't -- it wasn't -- we didn't have sex.

11 Okay?

12 Q. You said he forced you. I understand.

13 A. Yes, he told me to take my pants down, and he came
14 over there and just started -- you know.

15 Q. In fact, you told the police -- I think you said he
16 took my pants off and he got with me . .

17 A. I didn't have a choice. He still had the gun in
18 the house, and if I told him no -- I didn't know what he
19 would do if I told him no.

20 Q. You say you took your pants off?

21 A. Yes.

22 Q. And you had done that before. Right?

23 A. Had I done that before? No.

24 Q. And I believe you said around eleven or eleven thirty
25 Carvin said, we're going to go look for Anthony? Between

D. HOLMAN ON CROSS

1 eleven and eleven thirty?

2 A. I don't know the exact time.

3 Q. According to your testimony he picked the time and
4 picked the place?

5 A. Yes.

6 Q. Okay. Did there come a time while you were at the
7 house that Anthony gave you a shirt to wear?

8 I'm sorry -- Carvin gave you a shirt to wear?

9 A. Because I had bled on my shirt and he gave me a shirt,
10 yeah.

11 Q. Okay. Is that the shirt?

12 A. Yeah.

13 Q. All right, did there come a point in time when you
14 and Carvin went to a gas station?

15 A. Yes.

16 Q. And who drove?

17 A. He drove.

18 Q. Where were you?

19 A. In the back seat.

20 Q. And when he drove to the gas station; where did he park?

21 A. He parked at the store by the gas pump and got out
22 of the car.

23 Q. Okay. He parked at the door or by the gas pump?

24 A. By the gas pump.

25 Q. He parks by the gas pump, gets out of the car, and

D. HOLMAN ON CROSS

1 he goes into the store?

2 A. Yes.

3 Q. Did he get gas?

4 A. Yes.

5 Q. Do you remember how he paid for it?

6 A. Well, the money I had in the door, he used that money to pa
7 for the gas.

8 Q. Okay. Why was the money in the door?

9 A. I put the money -- it wasn't my money so I put it --
10 it was Anthony's money and I was keeping it for him.

11 Q. Okay, so he gets in the car and pulls up at the gas
12 pump and he looks down and sees money for gas? He sees
13 money to pay for the gas?

14 A. No, he knew it was there the whole time.

15 Q. All right. Before you went to the gas station, did
16 he say anything to you about not having any money?

17 A. He didn't say anything about that.

18 Q. All right. So he parks the car, gets out of the car,
19 and you are in the car. He goes inside. Is that right?

20 A. Yes.

21 Q. He pays for the gas. Did he buy anything else?

22 A. He went in there because he had to get something. I
23 think he bought soda or something like that.

24 Q. And he comes back out and gets in the car and goes?

25 A. Yes.

D. HOLMAN ON CROSS

1 Q. And he also bought you something to drink at that
2 gas station?

3 A. Yes, because I told him I wasn't feeling well.

4 Q. So he gave it to you and you drank it?

5 A. I probably did. I don't remmber.

6 Q. Okay. Once he went into the gas station, did he
7 take the gun with him?

8 A. I don't think so. I don't even know where the gun
9 was when he was in the gas station.

10 Q. Was it in the car?

11 A. I don't know. I didn't see it.

12 Q. Now, there came a point when you went to the IGA?

13 A. Uh hm.

14 Q. What time of the day was that?

15 A. It was about six o'clock.

16 Q. In the morning?

17 A. In the morning.

18 Q. Between five thirty and six?

19 A. Uh hm. Between five thirty and six in the morning.

20 Q. Was the store open that early?

21 A. Yes, it was open.

22 Q. Were people coming and going?

23 A. I don't know.

24 Q. But it was open for business?

25 A. Yeah.

D. HOLMAN ON CROSS

1 Q. Okay.

2 A. It was open for business.

3 Q. And when you went to IGA where did you park?

4 A. On the side of the store.

5 Q. This is the IGA in Holly Hill?

6 A. Yeah.

7 Q. At the IGA you parked on the left side of the store,
8 is that right?

9 A. Kind of on the back side.

10 Q. Okay. You're in the car and he's in the car, and
11 where are you seated?

12 A. I was in the back and he told me to get out.

13 Q. And did there come a time that you got out of the
14 car?

15 A. No. The time I tried to get out of the car was when
16 he asked me to get out, and I was going to try to get out
17 the car and try to get away. When I tried to get out of
18 the car he pushed me back.

19 Q. Was that at the IGA?

20 A. Yes.

21 Q. Let's talk about it. So you are -- he's here in the
22 front and you're in the back, and he wanted you to get
23 out of the car at the IGA?

24 A. I didn't get out but I was -- what I did was try to
25 get in the front and he pushed me back.

D. HOLMAN ON CROSS

1 I didn't get out but I was trying to get out, and
2 he shoved me back in the back. He told me to get out and
3 when I tried to get out he shoved me back in the back
4 seat and I got back there.

5 Q. So you were trying to get from the back to the
6 front then?

7 A. Yeah.

8 Q. You climbed over from . .

9 A. Yeah.

10 Q. You tried to climb into the front seat . .

11 A. Yes.

12 Q. . . and he pushed you back in the back seat?

13 A. Yeah.

14 Q. And that was when the call was made to Anthony?

15 A. The call was made, yeah, after that.

16 Q. Okay.

17 A. He called and made me talk to him. He told me to
18 call Anthony and I said, no, you call him, because I
19 didn't want to call and I didn't have a phone.

20 Q. Sure, you tried to get in the front and he shoved
21 you in the back seat?

22 A. No, he told me to get back. Get back or I'll shoot
23 you, and he had the gun.

24 Q. And I think you said while you were on the phone with
25 -- he told you to get back in the back and that's when

D. HOLMAN ON CROSS

1 the phone call was made to Anthony?

2 A. Yes.

3 Q. And I think you said while you were on the phone with
4 Anthony that Carvin tried to hit you?

5 A. Yeah, because he heard Anthony ask me what was wrong.

6 Q. Anthony was on the phone?

7 A. Yeah.

8 Q. And you are sitting now in the parking lot of the IGA
9 and Anthony is hitting you?

10 A. Carvin is hitting me with the gun.

11 Q. Carvin is hitting me with the gun. I'm sorry. I
12 apologize.

13 A. Uh hm. Yes.

14 Q. Anybody come out to the car to see what's going on?

15 A. No.

16 Q. Going back to Anthony's house -- to Carvin's house,
17 you slept, you said, until around noon?

18 A. Yes, twelve or one o'clock.

19 Q. Until one o'clock?

20 A. Yeah.

21 Q. Now, is that when he pulled you to the back of the
22 house?

23 A. He pulled me to the back of the house.

24 Q. Did he park where you normally would park?

25 A. No, I parked in the front.

D. HOLMAN ON CROSS

1 Q. You never parked in the back?

2 A. No.

3 Q. And I think you testified that he said I don't want
4 to kill Anthony; I want to beat him?

5 A. Yeah, that's what he said to me.

6 Q. Were you walking in front of Carvin? When you were
7 going into Anthony's house was that his instruction, for
8 you to get out and walk in front of Carvin?

9 A. When?

10 Q. When you went to Anthony's house the following morn-
11 ing?

12 A. I didn't get out of the car.

13 Q. Was there some discussion about you getting out of
14 the car?

15 A. No.

16 Q. Okay, and it's your testimony you never got out of
17 the car?

18 A. No, I didn't. I never got out.

19 Q. Keys in the car -- he got out and went to the door?

20 A. Yes.

21 Q. You took off?

22 A. Yes.

23 Q. What was the last thing you saw before you left?

24 A. I see him going to the back door. He went up the
25 steps to the back door.

D. HOLMAN ON CROSS

- 1 Q. Okay, and so you took off?
- 2 A. Yes, when he left the keys in the car.
- 3 Q. And I thought you said you heard a gunshot? When
- 4 Mr. Sorenson asked you, you said you heard a gunshot?
- 5 A. Yeah.
- 6 Q. Was that gunshot in the house?
- 7 A. It sounded like it was inside the house. Uh hm.
- 8 Q. And you talked to the police later about this, about
- 9 what happened?
- 10 A. Yes.
- 11 Q. And you gave a statement?
- 12 A. Yes.
- 13 Q. Did you ever mention hearing the gunshot?
- 14 A. No, not at the time.
- 15 Q. Okay. Okay, and after leaving you drove to the
- 16 Holly Hill Police Department?
- 17 A. Yes.
- 18 Q. Who is Jessie James?
- 19 A. Jessie James is Anthony's friend who lives across
- 20 from him.
- 21 Q. Across the street?
- 22 A. Uh hm.
- 23 Q. Okay, and when you left and went to Holly Hill?
- 24 A. Yes.
- 25 Q. You did not go across the street?

D. HOLMAN ON CROSS

1 A. No, I went across the street to the police station.

2 Q. Why didn't you go across the street?

3 A. I was just trying to get some help, and I went to
4 the police station so the police would come back and check
5 on Anthony.

6 Q. You thought it was quicker to go to the Holly Hill
7 police rather than go across the street to Anthony's
8 friend to ask him to call the police?

9 A. I thought the better way to do it was to go to the
10 police department.

11 Q. Okay. You did not stop at a store on the way?

12 A. No.

13 Q. To call nine one one?

14 A. No.

15 Q. You never called anybody to try to get them to
16 Anthony's house as soon as possible?

17 A. No, because I didn't have a phone.

18 Q. And you never stopped at someone's house to use a
19 phone?

20 A. No.

21 Q. Did it occur to you that -- you were worried about
22 Anthony but you took off and didn't stop and get anyone
23 to help Anthony?

24 A. I was worried about Anthony.

25 Q. But you didn't stop?

D. HOLMAN ON CROSS

1 A. . .

2 Q. His friend was right across the street, and that was
3 the closest thing, wasn't it?

4 A. . .

5 Q. Carvin has a rifle and he's walking up the steps
6 to your boyfriend's house, and once you get away you
7 wouldn't go right across the road to call the police or
8 say for him to call the police?

9 A. The first thing I thought about was getting to the
10 police.

11 Q. And when you got to the police station, the first
12 words out of your mouth were, I'm a hostage -- I've been
13 held hostage -- that's what you told them?

14 A. Yes.

15 Q. You didn't say to them first thing, go to my boy-
16 friend's house?

17 A. No, but I told them that. I did tell them that.

18 Q. Okay.

19 A. Uh hm.

20 Q. In your statement that you made, you never -- I have
21 the statement that you gave.

22 A. Yeah.

23 Q. You never say that . . .

24 A. I said my husband is over at Anthony's house. I told
25 the police that. I did told the police that.

D. HOLMAN ON CROSS

1 Q. Okay, I'm going to show you -- this is a statement
2 you made, your statement?

3 A. Yes.

4 Q. Look at your statement.

5 A. . .

6 Q. All right. What did you say at the police depart-
7 ment when you got there?

8 A. (Reading from statement) I was held hostage all
9 night.

10 Q. You didn't talk about your boyfriend being in danger,
11 did you? Did you say that in your statement?

12 A. No, I didn't.

13 Q. The reason you didn't say anything about your boy-
14 friend being in danger is because you knew that Carvin was
15 not going there to kill him; he was only going there to
16 beat him up. Is that right?

17 A. He had said that, but I saw the evil in his eyes and
18 I thought he was going to kill Anthony and then come and
19 kill me also. He kept telling me what he was going to do.

20 Q. Okay. He never shot you with the gun, did he?

21 A. No, he didn't, but he told me what he was going to
22 do to me.

23 Q. You and he were going to ride around and you went by
24 Anthony's house; but you said repeatedly he was going to
25 kill you?

D. HOLMAN ON CROSS

- 1 A. He did.
- 2 Q. He never even pointed the gun at you, did he?
- 3 A. Yes, he had. He had pointed the gun.
- 4 Q. From the time you left the house?
- 5 A. Yes. He would point it if I didn't do what he tells me.
- 6 Q. Okay. You thought he went there to fight and you
- 7 weren't worried about Anthony, were you?
- 8 A. I was worried about him.
- 9 Q. You thought that Anthony could defend himself against
- 10 Carvin if he went there to fight him. Right?
- 11 A. . .
- 12 Q. You weren't worried about Anthony. Right?
- 13 A. No, I was worried about Anthony.
- 14 Q. You were worried about Anthony but you never told any-
- 15 body or called anybody. So you weren't worried about
- 16 Anthony?
- 17 A. . .
- 18 Q. Anthony could hold his own against Carvin, couldn't
- 19 he?
- 20 A. He could . .
- 21 Q. He could hold his own against Carvin.
- 22 A. I don't know.
- 23 Q. Anthony was a tough guy, wasn't he?
- 24 A. Yes, he was. Yes.
- 25 Q. He was?

D. HOLMAN ON CROSS

1 A. Yes.

2 Q. He was, yes. Okay, so you're going all day after you
3 go to Carvin's house. Did you ever call the police?

4 A. When?

5 Q. You're gone all that time and did anybody else call
6 the police?

7 A. When?

8 Q. From the time you left your house to go to Carvn's
9 house, did anybody call the police looking for you?

10 A. No.

11 Q. Okay. At any point in time while you were riding
12 around with Carvin in Holly Hill, did he ever give you the
13 gun to hold?

14 A. No.

15 Q. He never did?

16 A. No.

17 Q. Did you ever tell him that you wanted to come back and
18 stay with him?

19 A. No. If I did tell him that, it was because I was
20 saying things just to make him -- just to get him to stop
21 all that was going on.

22 Q. So you might have said that?

23 A. I don't remember saying that.

24 Q. You might have said it to make him feel good?

25 A. Yes, sir.

D. HOLMAN ON CROSS

1 Q. Did you ever tell him to take it out on Anthony?
2 He's fighting you, hitting you -- don't hit me; you take
3 it out on Anthony?

4 A. I don't remember saying that.

5 Q. Did you ever tell him Anthony gave you drugs?

6 A. No, because I never done drugs.

7 Q. Okay. You never told him that?

8 A. No. He said I was on drugs.

9 Q. Did you ever tell Carvin that Anthony had raped you?

10 A. No. He never raped me.

11 Q. Okay. Okay. And Carvin did tell you that he would
12 beat Anthony up?

13 A. Yeah. He said he just wanted to beat him; he wasn't
14 going to kill him.

15 Q. Okay. Is it your testimony that Carvin was taking
16 you around when he went to find Anthony?

17 A. Yes.

18 Q. Why would Carvin take you around when he was looking
19 for Anthony? Why would he do that? Back and forth?

20 A. I guess he wanted me to see him suffer.

21 Q. Okay, he wanted you to see him beat up Anthony?

22 A. I guess so, and he wanted me to suffer.

23 Q. Okay.

24 A. And by him throwing everything on me, I just felt he
25 figure I needed to be there along with him.

D. HOLMAN ON CROSS

1 Q. Okay. You testified on Direct Examination about the
2 incident where Carvin bit you?

3 A. Yes.

4 Q. Did you have any part in that?

5 A. No.

6 Q. And you said -- I think you said Carvin got in the
7 driver's side and I sat on the passenger side and he then
8 drove off?

9 A. Uh uh.

10 Q. Is that how you described it?

11 A. No, I didn't describe it like that. That time we
12 was in the yard and he was saying -- he was on the outside
13 of the car and trying to get back inside the car, while
14 I'm in the driver's side trying to get away from him.

15 The more I tried to get away from him, the more he was
16 hitting me back and forth and stuff like that, and he was
17 biting me at the time so I can't get away.

18 Q. And did there come a point in time when he got in the
19 car?

20 A. He got back in and -- he jumped back in the car.

21 Q. You got in the passenger side?

22 A. Yeah.

23 Q. And off you went?

24 A. Yeah, he drove off.

25 Q. Okay.

D. HOLMAN ON CROSS

1 A. He wanted to go back to Anthony's house.

2 Q. Okay. Aren't you the driver -- weren't you moving
3 the car when he was trying to get in?

4 A. Yeah, I'm trying to move it and he had his foot on
5 the brake from outside the car. I'm trying to get the
6 car to move but he has the car door open, fighting me.

7 Q. Okay, and you didn't -- I may have asked you this.
8 You didn't tell the police that you heard a gunshot?

9 A. No, I didn't.

10 Q. It's kind of important, wasn't it?

11 A. Yeah, but at the time I was upset and depressed and
12 everything, and I just didn't think of everything.

13 Q. When you started to drive off, you didn't stop and
14 look to see what was going on?

15 A. No.

16 Q. Okay.

17 MR. WISE: Could I have one moment?

18 THE COURT: Sure.

19 (Brief pause in proceeding)

20 MR. WISE: That's all I would have.

21 THE COURT: Anything on Redirect?

22 SOLICITOR: Just a couple of things.

23 THE COURT: Maam, I know you're tired, but he still
24 has more questions.

25 REDIRECT EXAMINATION

D. HOLMAN ON REDIRECT

1 BY SOLICITOR:

2 Q. Ms. Holman, just a couple of things I want to clar-
3 ify.

4 How far is the Holly Hill Police Department from
5 Anthony's house?

6 A. Um, it wasn't far. Maybe about a mile down the road.
7 Not far. A few miles maybe.

8 Q. Mr. Wise asked you questions about whether you told
9 the police about hearing the gunshot. Is that correct?

10 A. Yes.

11 Q. And he showed you your statement. Remember that?
12 Remember him showing you your statement?

13 A. Yes.

14 Q. When you heard the gunshot, did you know at that
15 point in time that Anthony had been shot? When you heard
16 the gunshot?

17 A. I did not know at that time.

18 Q. When you got to the Holly Hill Police Department,
19 did you know at that point in time when you got there whe-
20 ther Anthony had been shot?

21 A. I didn't know, no.

22 Q. Did you ever know whether Anthony was home?

23 A. I didn't know whether he was home.

24 Q. Okay. Did there come a time when you learned that
25 not only had Anthony been shot but that he was dead?

D. HOLMAN ON REDIRECT

1 A. Yeah, probably when I was in the police station.

2 Q. Did you hear that on the police radio?

3 A. Yeah, the police radio.

4 Q. And the statement Mr. Wise had you look at, when did
5 you give that statement?

6 A. . .

7 Q. Do you remember that written statement?

8 A. ...

9 Q. If you saw it, would it kind of refresh your memory
10 as to when that was?'

11 A. It probably . .

12 Q. Look right here. What day is that? What's the date
13 on that?

14 A. June 29th.

15 Q. About five days after this?

16 A. Yes.

17 Q. Is that the written statement Mr. Wise was showing
18 you?

19 A. Yes.

20 Q. By that time you knew Anthony was dead, is that cor-
21 rect?

22 A. Yes.

23 Q. Okay, and you told him in that statement that you
24 heard a gunshot as you left Anthony's house? You told
25 them five days later you heard a gunshot?

P. BRADSHAW ON DIRECT

1 out of the ordinary happen that afternoon?

2 A. Yes, sir. Ms. Holman came into the office..

3 Q. Okay. You were in your office and she came in.

4 And did you know or were you familiar with Ms. Holman from
5 just working there?

6 A. Yes, she had come in to pay her water bill previous
7 to this.

8 Q. Okay, and describe for the jury her demeanor and how
9 she was acting when she came into your office that after-
10 noon?

11 A. She seemed very panic-stricken. She was crying,
12 screaming for help, and as I approached her she -- I could
13 tell she had kind of been through something because she --
14 some sort of altercation of some sort because she had some
15 bruising and lacerations to her face or facial area.

16 She was crying and very hysterical and saying some-
17 one was after her.

18 Q. Okay, and showing you State's Exhibits Number 10 and
19 11, does that kind of depict how her face looked that af-
20 ternoon?

21 A. It does.

22 Q. When she presented herself at your office, that is
23 how she looked that day?

24 A. Yes, sir.

25 Q. Okay, and she indicated at that point in time that

1 THE COURT: All right. Anything from the State be-
2 fore we take a break?

3 SOLICITOR: No, sir.

4 THE COURT: Anything from the Defense?

5 MR. WISE: I have one matter I want to take up with
6 you.

7 THE COURT: We could do it in the morning if you wish
8 to wait.

9 MR. STROUD: We have the matter of the photographs,
10 Your Honor.

11 THE COURT: Yes, and what I have decided is that I
12 am going to allow the five color photographs into evi-
13 dence. I note your objection to those so as to preserve
14 the record.

15 I believe from what I know now, the photographs are
16 used only to corroborate and there are not too many of
17 them.

18 The State is trying to present the photographs that
19 are in my estimation as basic as they can be, not tending
20 to cause any prejudice by showing close-ups or anything
21 like that.

22 So that is my ruling on that. Okay?

23 SOLICITOR: They are marked as State's Exhibits 24
24 through 28.

25 THE COURT: All right.

A. ZEIGLER ON CROSS

1 Q. Thank you.

2 THE COURT: Anything further from the State?

3 SOLICITOR: No, Your Honor.

4 THE COURT: You may step down.

5 SOLICITOR: May she be excused?

6 MR. WISE: No objection.

7 THE COURT: You're excused.

8 (Witness excused by the Court)

9 THE COURT: Call your next witness, please.

10 SOLICITOR: The State calls Jessie James.

11 JESSIE JAMES, being

12 duly sworn, testified as follows:

13 CLERK: Have a seat on the witness stand and state
14 your name for the record.

15 WITNESS: Jessie Emile James.

16 DIRECT EXAMINATION

17 BY SOLICITOR:

18 Q. Good morning, Mr. James.

19 A. Good morning.

20 Q. How are you?

21 A. I'm all right.

22 Q. Tell the jury how old you are?

23 A. I'm fifty-four years old.

24 Q. All right, and what do you do for a living right
25 now?

J. JAMES ON DIRECT

- 1 A. I go to school right now.
- 2 Q. Where do you go to school?
- 3 A. Trident Technical College.
- 4 Q. What are you studying?
- 5 A. Business management.
- 6 Q. And where -- Mr. James, where do you live right now?
- 7 A. At [REDACTED] in Holly Hill, South Carolina.
- 8 Q. How long have you lived at [REDACTED]?
- 9 A. Since about 2009.
- 10 Q. Where did you live prior to that?
- 11 A. Florida.
- 12 Q. And whose home is that that you live in?
- 13 A. My mother's home.
- 14 Q. And where is that in relation to Anthony James' house
- 15 on [REDACTED]?
- 16 A. It's kati-cornered across the street.
- 17 Q. And did you know Mr. Anthony James?
- 18 A. Yes.
- 19 Q. Tell the jury how you knew Mr. James?
- 20 A. Well, from being on the side of the road, like cou-
- 21 sins.
- 22 Q. Did you know him prior to moving back to South
- 23 Carolina?
- 24 A. No, sir.
- 25 Q. And when you moved back in 2009 and began living

J. JAMES ON DIRECT

1 with your mother, was Mr. James living across the street
2 from you at that time?

3 A. No, sir.

4 Q. Okay, and about when-- how long ago did he move to
5 the trailer across the street from you?

6 A. It might have been a little over a year.

7 Q. Ultimately, the two of you became friends?

8 A. Yes.

9 Q. Showing you State's Exhibit Number 29, have you seen
10 that before?

11 A. Yes.

12 Q. And does that show not only your trailer but Anthony
13 James' trailer?

14 A. Yes.

15 SOLICITOR: I would move State's Exhibit 29 into
16 evidence.

17 MR. STROUD: No objection.

18 THE COURT: Admitted without objection.

19 (Photograph admitted in evidence as State's Exhibit
20 29 without objection)

21 BY SOLICITOR:

22 Q. Would you point out to the jury where your trailer
23 is?

24 A. Here.

25 Q. And what about Anthony James' trailer?

J. JAMES ON DIRECT

1 A. There.

2 Q. Now, you indicated earlier that you and Anthony were
3 friends?

4 A. Yes, sir, we were friends.

5 Q. And the night before he was killed, did you see him
6 that night?

7 A. Yes.

8 Q. You were together that night?

9 A. Yes.

10 Q. You hung out together?

11 A. Yes. We went to Holly Hill.

12 Q. Okay, and did you end up bringing him home that
13 night?

14 A. Yes, I did.

15 Q. You remember what time it was that you dropped him
16 off at his home?

17 A. Eleven o'clock that night.

18 Q. Turning your attention now to the following day, the
19 afternoon of June 24th, what were you doing that after-
20 noon shortly after one?

21 A. I was sitting at the house watching TV.

22 Q. All right, and tell the jury what, if anything, hap-
23 pened that afternoon while you were sitting there watch-
24 ing television?

25 A. We was sitting there and I heard this loud noise,

J. JAMES ON DIRECT

1 and I opened the door because I thought it was a trans-
2 former blowing.

3 Q. Okay, you opened -- what door did you open?

4 A. The front door.

5 Q. The front door, and that is the front door on the
6 front of your house?

7 A. Yes.

8 Q. And tell the jury what happened when you opened the
9 door?

10 A. I came out on the front porch.

11 Q. Tell the jury what you saw when you came out on the
12 front porch?

13 A. I saw Anthony on his back -- down on his back.

14 Q. Where was he at?

15 A. Probably in this photograph -- he was laying here.

16 Q. Was he on the ground?

17 A. Yes, sir.

18 Q. What else did you see when you saw Anthony on the
19 ground across the street?

20 A. I saw a person, someone, approach him and do some-
21 thing to him. I heard a shot.

22 Q. And did you recognize that person who was approach-
23 ing him?

24 A. No.

25 Q. Could you tell if it was a male or female?

J. JAMES ON DIRECT

1 A. It was a male.

2 Q. Could you tell if it was a white male or black male?

3 A. A black male.

4 Q. Did you recognize him?

5 A. No.

6 Q. You said he did something with a gun?

7 A. It looked like he was either reloading it or cocking
8 it.

9 Q. What kind of gun was it? Could you tell?

10 A. A rifle.

11 Q. A rifle?

12 A. Uh hm.

13 Q. And where was Anthony at while all that was going
14 on?

15 A. He was on the ground and wasn't moving.

16 Q. And what, if anything, did you see the person do who
17 had that rifle?

18 A. He walked off in the woods with the rifle.

19 Q. You say you saw him cocking it or reloading it and
20 what did he do after that?

21 A. Oh, yes.

22 Q. What did he do after that?

23 A. He fired it. You want me to show you?

24 Q. Yes, sir.

25 A. . .

J. JAMES ON DIRECT

1 Q. You indicated Anthony was on the ground?

2 A. Yes.

3 Q. And the gun was there with the rifle?

4 A. Yes.

5 Q. Kind of show the jury what he did when the shot was
6 fired? Where he was when the shot was fired?

7 A. . .

8 SOLICITOR: Can I have him stand up, Your Honor?

9 THE COURT: All right.

10 BY SOLICITOR:

11 Q. Show the jury what you saw as best you can.

12 A. He had the rifle kind of like that and he was stand-
13 ing over Anthony, and there was a shot.

14 Q. So if I was Anthony how close would the guy be to me?

15 A. About there. (Portion not audible on tape)

16 Q. About here?

17 A. Yes, sir, or a little closer.

18 Q. Okay.

19 A. Then the person shot him.

20 Q. Did you actually see the person shoot Anthony?

21 A. No, I saw his head when he fired. His head went to
22 the left.

23 Q. All right, and while all that was going on, what
24 were you doing?

25 A. I was on the phone to nine one one.

J. JAMES ON DIRECT

1 Q. And where ultimately did you see -- I think you said
2 you saw the person after he fired that shot. Where did
3 the person go?

4 A. Back toward the woods.

5 SOLICITOR: Beg the Court's indulgence one second.

6 (Brief pause in proceeding)

7 BY SOLICITOR:

8 Q. Let me show you State's Exhibit Number 34. Does
9 that picture kind of show -- it is covered up with a sheet
10 but do you see where Anthony's body is?

11 A. Yes, sir.

12 Q. Is that where you saw what was taking place?

13 A. Yes.

14 SOLICITOR: At this time we'd offer State's Exhibit
15 34 into evidence.

16 MR. STROUD: Without objection.

17 THE COURT: State's Exhibit 34 is in evidence with-
18 out objection.

19 (Photograph of Mr. James admitted without objection
20 as State's Exhibit 34 in evidence)

21 BY SOLICITOR:

22 Q. Is that [REDACTED] out here?

23 A. Yes.

24 Q. And is that Anthony's body covered up with the sheet?

25 A. Yes, sir.

J. JAMES ON DIRECT

1 Q. Now, you indicated you saw the individual take off
2 toward the woods?

3 A. Yes.

4 Q. Showing you State's Exhibit Number 33. Does that kind
5 of show the direction that he ran?

6 A. Yes, sir. On the right side and went in between the
7 goal posts and stuff like that.

8 SOLICITOR: Offer State's Exhibit 33.

9 MR. WISE: No objection.

10 THE COURT: State's 33 is in evidence without objec-
11 tion.

12 (Photograph admitted without objection in evidence
13 as State's Exhibit 33)

14 BY SOLICITOR:

15 Q. Would you kind of point out for the jury where you
16 were?

17 A. In this area here.

18 Q. And what part of the woods area did you see him run
19 to?

20 A. Back in there.

21 Q. You indicated that you were on the phone with nine
22 one one, and police did ultimately come out there?

23 A. Yes, they did.

24 Q. Did you go anywhere right after you got off the phone
25 with nine one one?

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J. JAMES ON DIRECT

1 A. Yes, because I went to go and get some of his fam-
2 ily, you know. His brother and his family.

3 Q. Okay.

4 A. Tell them he was down on the ground.

5 Q. He had relatives or some of his family nearby?

6 A. Yeah, some of them stay in the culdesac on [REDACTED]
7 [REDACTED].

8 Q. I show you State's Exhibit 29. Is that [REDACTED]
9 right around the corner here?

10 A. Yes.

11 Q. And did some of the family members come back over
12 there?

13 A. Yes, they came.

14 Q. Specifically, did one of them drive a red car?

15 A. Yes.

16 Q. Showing you State's Exhibit 34. You see the car in
17 the picture?

18 A. Yes.

19 Q. Whose car is that? The red car?

20 A. Tommy James -- Thomas James.

21 Q. When Anthony was shot -- was that car there when he
22 was shot?

23 A. No, sir.

24 Q. He showed up kind of after the fact as a result of
25 you going . . .

J. JAMES ON DIRECT

1 A. Yes, he came to see what's the matter.

2 Q. When you saw that individual walking in that wooded
3 area you pointed out to the jury, did he have the rifle
4 with him?

5 A. Yes.

6 Q. Please answer any questions Defense Counsel may have.
7 That's all I have.

8 THE COURT: Cross examine.

9 CROSS EXAMINATION

10 BY MR. STROUD:

11 Q. Good morning, Mr. James.

12 A. Good morning, sir.

13 Q. About how far away was your front door from where
14 Mr. Anthony James body was?

15 A. I'd say maybe about a hundred yards. No more than
16 a hundred.

17 Q. When Mr. Sorenson was laying down, you instructed
18 him to cross his feet. Could you see that from a hundred
19 yards away?

20 A. Yes, his feet were crossed.

21 Q. You also instructed him to clinch his fist. You
22 could see that from a hundred yards away?

23 A. I could. I thought you asked me how far the house
24 was but you asked me how far the door was. I mis-
25 understood.

J. JAMES ON DIRECT

1 Q. How far away was your door from where Mr. James was?

2 A. Oh, I'd say probably about fifty . .

3 Q. Fifty?

4 A. Maybe fifty from my front door to him.

5 Q. Okay. Showing you State's Exhibit 29, the map here.

6 From here to here, you say is about a hundred yards. Is
7 that right?

8 A. That was a rough estimate.

9 Q. And that's about half the area from your door to
10 him?

11 A. Yes, sir. I would say approximately. I don't know
12 how to tell you exactly how far it was.

13 Q. Okay, and you and Anthony were good friends?

14 A. Yes. We had become friends, yeah.

15 Q. Let's see. You heard the boom and you walked out . .

16 A. No, I didn't walk out. I opened the door.

17 Q. You opened the door and you saw someone approach and
18 shoot.

19 After that, what did you do?

20 A. That's when I was on the phone.

21 Q. You were on the phone.

22 Q. So then did you call the Jameses?

23 A. No, I went down there.

24 Q. Where did you go?

25 A. Around the corner, [REDACTED].

J. JAMES ON DIRECT

1 Q. Okay.

2 A. On the culdesac -- they live on the culdesac.

3 Q. Okay.

4 MR. STROUD: One moment, Your Honor.

5 THE COURT: Yes, sir.

6 (Brief pause in proceeding)

7 BY MR. STROUD:

8 Q. When you saw what happened your first instinct was
9 to call the police?

10 A. Yes.

11 Q. And then you go to get Anthony's family?

12 A. Yes.

13 Q. Did his family get there before the police got
14 there?

15 A. No. The first officer that come there drove in and
16 the person was back in the woods back there.

17 Q. All right. Let me back up to when you opened the
18 door. At first you didn't see anybody but you saw Anthony.
19 Correct?

20 A. I saw Anthony lying there, right.

21 Q. And you were far enough away that when you looked
22 you could only see Anthony? You couldn't see anything else?

23 A. Right, at first.

24 Q. And how long did it take -- how long were you looking

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J. JAMES ON DIRECT

1 until this person came up into your sight? Your line of
2 sight?

3 A. Seconds. Five seconds.

4 Q. Where was he walking from?

5 A. From the well Anthony got -- from that direction.

6 Q. From the well?

7 A. From that area.

8 Q. Let me show you that map again. Would you point kind
9 of where you're talking about?

10 A. This area right here. On my left side -- my left
11 side.

12 Q. Is this where your front door is?

13 A. Yes.

14 Q. And this tree right here didn't obstruct your view
15 over there?

16 A. No.

17 Q. Nothing further. Thank you, sir.

18 THE COURT: Anything on Redirect?

19 SOLICITOR: No, sir.

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

21 (Witness excused from stand)

22 THE COURT: All right, ladies and gentlemen. I ap-
23 preciate your attention. We're going to take a short
24 break.

25 Remember what I told you yesterday, that you cannot

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1 A. Yes, sir.

2 Q. And how about Debbie Holman? Did you know Debbie?

3 A. Yes, sir.

4 Q. And were you aware that in June of 2011 Anthony and
5 Debbie Holman were seeing each other, were in a relation-
6 ship with each other?

7 A. Yes, sir.

8 Q. And are you aware of whether it was kind of serious
9 or not?

10 A. It was.

11 Q. Let me ask you this. Were you aware at that time
12 that Debbie Holman was still married?

13 A. Yes, sir.

14 Q. Now, the morning that Anthony was killed, that Fri-
15 day, June 24th, did you work with him that morning?

16 A. Yes, sir.

17 Q. How about the day before that, Thursday morning?

18 A. Yes, sir.

19 Q. How was Anthony acting at that point in time?

20 A. He was really nervous. He was usually cheerful.

21 Q. Had something happened at work sometime shortly prior
22 to that time that kind of caused that change in attitude?

23 A. About two weeks before.

24 Q. Tell the jury what had happened about two weeks be-
25 fore at the IGA?

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- 1 A. Mr. Holman had come in and got in Anthony's face and
2 was threatening him, slapped him.
3 Q. And did you actually see that happen?
4 A. Yes, sir.
5 Q. How close to Anthony were you when that happened?
6 A. We were working side by side.
7 Q. As close as we are now?
8 A. Yes.
9 Q. You said he came in a slapped Anthony?
10 A. Yes.
11 Q. Did he say anything at that time?
12 A. Yes, he told him he was going to kill him.
13 Q. And you heard that?
14 A. Yes, I did.
15 Q. And as a result of that, did Mr. Holman end up leav-
16 ing or bring thrown out of the store?
17 A. My husband walked in the department, and he ended up
18 leaving.
19 Q. Your husband approached?
20 A. Yes, sir.
21 Q. And did you know back in June of last year when this
22 happened -- did you know the person's name who had slapped
23 Anthony at the time it happened?
24 A. Yes, sir.
25 Q. Right after that happened, I mean, did you ask Anthony

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1 what was happening?

2 A. I asked him.

3 Q. And what was his response?

4 A. He told me that he had had threats from Carvin.

5 Q. Okay, and you said that was about two weeks prior
6 to the last time you worked with Anthony?

7 A. That's right.

8 Q. And the individual made the comment that he was going
9 to kill him at that time?

10 A. That's right.

11 Q. Did Anthony say anything to him originally?

12 A. No, sir.

13 Q. How about after the slap?

14 A. No, sir.

15 Q. Thank you, Nicole. Please answer any questions
16 the Defense Counsel may have.

17 CROSS EXAMINATION

18 BY MR. STROUD:

19 Q. How you doing, Ms. Rutland.

20 A. Okay.

21 Q. You say you'd worked there at IGA for ten
22 years?

23 A. Yes, sir.

24 Q. Full time or part time?

25 A. Full time.

1 SOLICITOR: State would call Lieutenant Gerald Carter.

2 GERALD CARTER, being

3 duly sworn, testified as follows:

4 CLERK: Please have a seat and state your name for
5 the record.

6 WITNESS: Gerald David Carter.

7 DIRECT EXAMINATION

8 BY SOLICITOR:

9 Q. Good morning, Lieutenant Carter. If you would,
10 please tell the ladies and gentlemen of the jury where
11 you're employed?

12 A. Orangeburg County Sheriff's Office.

13 Q. And how long have you been working for the Orangeburg
14 County Sheriff's Office?

15 A. Nineteen years.

16 Q. And what is your position there? What are your
17 current duties?

18 A. Presently I'm a Lieutenant supervisor over forensic
19 services.

20 Q. And what does forensic services entail?

21 A. In a nutshell, crime scene investigation, evidence
22 processing.

23 Q. And you are the supervisor of that unit?

24 A. Yes, sir, I am.

25 Q. How long have you been in forensic services?

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1 How long have you been employed in that capacity?

2 A. I've been a full time forensic investigator for
3 seven years, approximately.

4 Q. And prior to that, what was your role in the Sher-
5 iff's Office?

6 A. I was a criminal investigator.

7 Q. And, if you will, Lieutenant Carter, tell the jury
8 a little bit about your training with regard to not only
9 processing crime scenes but specifically also with the
10 field of blood splatter analysis?

11 A. As part of my experience in the last seven years I
12 have done documentation of approximately three hundred
13 and five crime scenes I have processed. Of the 305, ap-
14 proximately ninety-five of those involved a death.

15 Of the 95, approximately forty-five were homicides.

16 As far as my education and training, I have a degree
17 in criminal justice which I obtained from Clemson Univers-
18 ity.

19 I'm certified as a crime scene investigator through
20 the International Association for Identification back in
21 2010. I'm a graduate of the National Forensic Academy,
22 the 2010 class.

23 While attending the National Forensic Academy, I had
24 forty hours of bloodstain analysis training. I've done
25 thirty-two hours of bloodstain analysis training from the

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1 Central Piedmont Community College in North Carolina. I
2 have another -- in 2007 I received eight hours of train-
3 ing in bloodstain pattern analysis through the International
4 Association for Identification and received another seven
5 point five hours from that same Association in 2010.

6 I've done analysis of bloodstain patterns in various
7 crime scenes over the years, and as to bloodstain pattern
8 analysis, that's the extent of my education.

9 SOLICITOR: Your Honor, at this time I would offer
10 Lieutenant Carter as an expert in the field of crime scene
11 analysis and bloodstain pattern analysis.

12 MR. WISE: No objection.

13 THE COURT: All right. He is an expert in crime
14 scene and bloodstain analysis.

15 Thank you, sir.

16 BY SOLICITOR:

17 Q. Lieutenant Carter, I would draw your attention back
18 to the afternoon of June 24, 2011. Did you respond to
19 a premises on [REDACTED] that afternoon?

20 A. I did.

21 Q. What was the reason you responded out there on that
22 occasion?

23 A. I responded in reference to a death involving a gun-
24 shot.

25 Q. Okay, and describe if you would that scene when you

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1 arrived out there that afternoon?

2 A. When I arrived on the scene, there were officers
3 outside the location -- this was in Holly Hill and I re-
4 sponded from Orangeburg. When I arrived, there were police
5 officers at the location outside the secured scene area.
6 I didn't see anybody inside the secured scene.

7 There was a bloodhound unit working and for that rea-
8 son I did not get to work immediately. The decedent was
9 covered with a sheet in the front yard.

10 Q. And ultimately you did -- do you recall what time it
11 was that you got out there that afternoon?

12 A. Around two twelve, I believe it was.

13 Q. In the afternoon?

14 A. Yes.

15 Q. And did you have an opportunity as a part of your
16 crime scene investigation to take photographs out there?

17 A. Yes, I did.

18 Q. And initially, I guess, kind of from the front yard
19 to the back and then the interior of the home. Let me
20 show you a series of photographs. Look at those and see
21 if you can identify those?

22 A. These were taken at the scene out there that after-
23 noon.

24 Q. State's Exhibit 4?

25 A. Yes, sir.

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1 Q. State's 33? That was also out there?

2 A. Yes.

3 Q. State's 34?

4 A. Yes. That's one I took.

5 Q. You indicated earlier that when you got out there,
6 the decedent was within the secured crime area?

7 A. Yes, sir.

8 Q. Secured with crime scene tape?

9 A. Yes, sir.

10 Q. And that crime scene tape, is that depicted in the
11 three photographs?

12 A. Yes, sir, it is.

13 Q. And kind of roaming around the exterior of the front
14 yard in these three photographs that's what you would see?

15 A. Yes, sir.

16 Q. And I believe it's been indicated that nobody was
17 inside that residence. Is that correct?

18 A. Yes, sir, that's correct. Not when I got there.

19 Q. And what's depicted in State's Exhibit 31 and 32 is
20 how the scene appeared when you got there?

21 A. Yes, sir. Those are taken in the front yard.

22 Q. Additionally, you indicated Mr. James was in the
23 front yard? Is that correct, when you got there?

24 A. Yes.

25 Q. Showing you State's Exhibits 24, 25, 26, 27 and 28,
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1 do those photographs depict Mr. James as he appeared when
2 you got there?

3 A. Uh hm. Yes, sir.

4 SOLICITOR: Your Honor, at this time we'd offer the
5 photographs into evidence, State's Exhibits 31, 32, 33, and
6 24 through 28.

7 THE COURT: Any objection?

8 MR. WISE: We object to 24 through 28.

9 THE COURT: I will note your objections on the re-
10 cord so it will be preserved. I'll go along with my ruling
11 as to those.

12 (State's Exhibits 31, 32, 33 admitted with no objec-
13 tion noted. State's Exhibits 24 through 28 admitted over
14 objection into evidence.)

15 BY SOLICITOR:

16 Q. Could you step down, please?

17 A. Yes, sir.

18 SOLICITOR: May the witness step down before the
19 jury?

20 THE COURT: Yes, sir.

21 Q. Lieutenant Carter, I'm going to get you to describe
22 for the jury what is shown in these photographs.

23 You said when you arrived at the scene, Mr. James'
24 body was still on the scene?

25 A. Yes, sir.

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1 Q. And showing you State's Exhibit Number 33. Is that
2 the body actually shown in this photograph?

3 A. Yes, sir.

4 Q. Covered with a sheet?

5 A. Yes.

6 Q. And that's how it appeared when you arrived?

7 A. Yes, sir.

8 Q. Showing you State's Exhibit 34. Is Mr. James'
9 body also shown in that photograph?

10 A. Yes, sir.

11 Q. Point out exactly where that is that we're talking
12 about.

13 A. In this area right about here.

14 Q. And the red car that was in that photograph, did you
15 receive some information about when that car got there
16 at the scene?

17 A. Yes, sir. I was advised by a member of the Sheriff's
18 Office that this car arrived after the officer arrived,
19 and it was driven by a family member of Mr. James.

20 Q. Now, at some point did you have an opportunity to
21 approach and observe Mr. James' body?

22 A. Yes, sir.

23 Q. Could you tell the jury what you observed about Mr.
24 James' body out there?

25 A. Once the Deputy Coroner arrived at the scene, the

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1 sheet was removed, and photographs were taken at that
2 time.

3 I observed that he had massive trauma to his head
4 and skull. He had massive trauma to his right forearm, this
5 area of the arm. That was a contusion that was massive to
6 his chest as well as an injury to his lower back.

7 Q. Okay.

8 A. These appeared to be gunshot wounds.

9 Q. And showing you State's Exhibit Number 24, is that
10 how Mr. James appeared to you as you were out there on
11 the scene? The wounds that you observed?

12 A. Yes, sir.

13 Q. And he was obviously deceased?

14 A. Yes.

15 Q. And showing you State's Exhibit 25, does that also
16 show Mr. James' body?

17 A. Yes, sir, it does.

18 (TRANSCRIPTION NOTE: Portion not audible on tape.
19 Witness difficult to hear away from the witness stand.)

20 Q. And State's Exhibits 26, 27 and 28 as well?

21 A. Yes, sir, that is correct. Photographs of Mr. James'
22 body, with what I believe to be gunshot wounds.

23 Q. And did you see contusions also?

24 A. Yes, sir, there were contusions.

25 Q. And around the area surrounding Mr. James out there,

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1 did you find any other items of evidence out there in
2 the front yard?

3 A. Yes, sir. There were items pertaining to the wounds
4 he had suffered.

5 Q. And what were those items?

6 A. Specifically they appeared to be skull fragments.

7 Q. Showing you State's Exhibits 31 and 32, is that an
8 accurate depiction of that?

9 A. There are markers that were placed on the ground be-
10 fore they are photographed. The markers show where the
11 items were located.

12 One and two just southeast of the body, as you see
13 in the photograph.

14 Q. And those items were found in that front yard area?

15 A. Yes, sir, they were.

16 Q. Out there at the scene did you do anything with Mr.
17 James as far as collecting any items?

18 A. The items were photographed and the fragments were
19 collected by the Coroner's Office.

20 Q. Lieutenant Carter, did you have an opportunity to
21 go then around to the rear of the residence there on
22 [REDACTED]? The back or side area of the residence?

23 A. Yes, I did.

24 Q. Describe for the jurors kind of what the area looked
25 like back there?

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1 A. As you can see, it's a double wide mobile home, and
2 about not quite midway of the trailer there is a path
3 about four feet wide -- four or five feet wide that runs
4 along the back of the trailer.

5 There is a back door and a light pole in the area
6 as well. Also the steps.

7 Q. Showing you State's Exhibit Number 37, as you come
8 around the right corner and around the trailer, is that
9 how it actually appeared at that point in time?

10 A. Yes, sir. This is an accurate photograph of how it
11 appeared.

12 Q. And does this also show the back door of the mobile
13 home?

14 A. Yes.

15 Q. As well as the path you talked about off the back
16 door there?

17 A. Yes, sir.

18 Q. And you also talked about a light pole back in that
19 area. Is that shown on the photograph?

20 A. Yes, sir.

21 Q. I show you State's Exhibit 36, and that is just
22 another view of the same area. Is that correct?

23 A. Yes, sir.

24 Q. Tell the jury when you went around to that area what
25 you observed?

G. CARTER ON DIRECT

1 A. Yes, sir.

2 Q. Did you have an opportunity to kind of look over
3 the area back there to determine whether anything had hap-
4 pened in the back area?

5 A. Yes, sir, we did.

6 Q. And what, if anything, did you find back in that
7 area as far as evidence?

8 A. Initially when you first turn the corner of the mo-
9 bile home there was some blood, a bloodstain pattern both
10 on the outer walls of the mobile home and on the slab.

11 There were various patterns of blood spatters on the
12 back steps. On the back steps there was additional blood,
13 going down the casing and down the steps.

14 The back door was open and there was a bloodstain
15 pattern also on the back door where it was open.

16 Q. Showing you State's Exhibits 35 through 47, are
17 those photographs you took out there in that back yard?

18 A. Yes, sir, I did.

19 Q. And do they fairly and accurately depict what you saw
20 out there at that point in time?

21 A. They do.

22 SOLICITOR: Your Honor, at this time I would offer
23 State's Exhibits 35 through 47 in evidence.

24 THE COURT: Any objection?

25 MR. WISE: No, sir.

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1 THE COURT: State's 35 through 47 are in evidence
2 without objection.

3 (Photographs from scene admitted in evidence without
4 objection as State's Exhibits 35 through 47)

5 SOLICITOR: May I just have a moment, Your Honor.

6 THE COURT: Yes, sir.

7 (Brief pause in proceeding)

8 BY SOLICITOR:

9 Q. You've gone over a couple of these already, 35, 36, 37.
10 You testified that there appeared to be on the back of the
11 trailer some blood evidence. Is that correct?

12 A. Yes.

13 Q. And does State's Exhibit 39 depict what you saw out
14 there?

15 A. Yes.

16 Q. Point out to the jury the blood you were talking
17 about on State's Exhibit 39?

18 A. This stain and this stain are what we call transfer
19 stains. In other words, something that had blood on it
20 came in contact with that wall and transferred some blood
21 on the wall. There was direct contact with the wall.

22 Q. Okay, and this is on the back wall of the trailer?

23 A. Yes.

24 Q. Show the jury the stains that you are talking about
25 there?

G. CARTER ON DIRECT

1 A. These stains here.

2 Q. You said that was on the back wall of the trailer, and
3 what else do the photographs show?

4 A. There is some evidence of blood droplets, if you will.
5 They are almost in a straight line. They are not right
6 together but they are in sort of a line. (Portion not aud-
7 ible on tape)

8 Q. And you also indicated there was blood found in the
9 concrete slab?

10 A. Yes, sir.

11 Q. Showing you State's Exhibit 40, does this photo show
12 that?

13 A. Yes, sir, it does.

14 Q. And what about these? What are these consistent with?

15 A. Well, these are large and while we don't have a lot
16 of them that are oblong they are in more of a circle, round-
17 circle, which indicates the individual continued to stand
18 still or just stopped for a moment. Then there was some
19 movement forward and backward, and this indicates some di-
20 rectional movement as to where the blood came from.

21 Q. And showing you State's Exhibits 42, 43, 44, 41, are
22 those closeups of what you were just talking about?

23 A. Yes, sir. It is not the same pattern as the blood on
24 the cement slab but another angle of that. This shows
25 blood on the cement slab, State's Exhibit 17, but this is

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1 another angle of the blood pattern.

2 Q. Okay, and State's Exhibit 18? Is that . .

3 A. State's Exhibit 18 shows a pattern toward the steps
4 and between the air-conditioner and the steps there are some
5 drops on the ground but there was not a lot of movement from
6 the person the blood came from.

7 Q. Going back to State's Exhibit 17, is that a close-up
8 view of that area?

9 A. Yes, you can see the debris in the corner, and that is
10 the debris close up.

11 Q. Closer to where the blood is located?

12 A. Yes.

13 Q. And showing you State's Exhibit 41, is that the same
14 area you were talking about?

15 A. Yes, you can see the blood pattern coming down and
16 moving in that direction.

17 Q. And I believe you testified earlier and pointed out
18 in the yard area a blood pattern. Where the grass
19 had some blood on it?

20 A. Yes, sir. You can see blood spots on the ground lead-
21 ing that way.

22 Q. And State's Exhibit Number 48, is that another photo
23 of that path of blood?

24 A. Yes, the same as on 45 , bloodstain on the grass.

25 Q. That shows the path on the grass?

G. CARTER ON DIRECT

1 A. Yes.

2 Q. The path of blood on the grass?

3 A. Yes, sir.

4 Q. And a larger area of blood on the grass?

5 A. Yes.

6 Q. And that shows where Mr. James was on the ground?

7 A. Yes, sir. That shows he was on the ground for some
8 period of time, and that shows the place of his death.

9 Q. And did you at some point in time find a cartridge
10 casing in the area?

11 A. Yes, sir.

12 Q. Showing you what's marked as State's Exhibit 56. Do
13 you recognize that?

14 A. Yes, sir. That is the cartridge casing where it was
15 located.

16 SOLICITOR: Your Honor, I would move to admit State's
17 Exhibit 56 in evidence.

18 MR. WISE: No objection.

19 THE COURT: Admitted without objection, State's Exhibit
20 56.

21 (Photo of cartridge casing admitted without objection
22 as State's Exhibit 56)

23 BY SOLICITOR:

24 Q. Did you collect that cartridge casing?

25 A. Yes, sir, I did.

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1 Q. What is the caliber of the cartridge casing?

2 A. (Inaudible)

3 Q. And what kind of rifle would have fired that cartridge?

4 A. It was fired from a high-powered rifle, most probably
5 a bolt action type weapon. A thirty-thirty is the most com-
6 mon in the western type rifle.

7 Q. And when you fire that type of weapon, does it automat-
8 ically eject the cartridge?

9 A. No, sir, it does not. It would have to be taken out
10 before it is fired again. When you shoot it, you have to
11 push the lever open and eject it. A bolt action is the
12 same thing. If you don't push the lever the shell stays
13 in the gun.

14 Q. And did you find any other shell casings in that area?

15 A. No, sir, I did not.

16 Q. There is evidence in the record to suggest that that
17 rifle was fired three times, so how many shell casings would
18 you expect to find out there?

19 A. If they were ejected undisturbed, I would expect to
20 find three. I guess it would be correct to say possibly
21 three.

22 Q. Now, did you also have the opportunity to kind of go
23 later that day into the interior of the residence?

24 A. Yes, sir, I did.

25 Q. Describe for the jury, coming in the back door, what

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1 part of the residence you entered?

2 A. There was a laundry room.

3 Q. Coming into that laundry room, did you find anything
4 of evidentiary value in that area?

5 A. The only thing that was found was the bloodstains and
6 the bloodstain pattern on the interior of the back door and
7 which extended to the laundry room wall.

8 Some blood was actually found on the washing machine
9 and drier. (Portion not audible) Some biological evidence
10 that appeared to be tissue.

11 Q. Showing you State's Exhibit 48, 49, 50, 51, 52, 53.
12 Do you recognize what those depict?

13 A. . . .

14 Q. Do you recognize those photographs?

15 A. Yes, I took those photographs.

16 Q. Do those accurately depict what you found as you en-
17 tered the back door?

18 A. Yes, they do.

19 SOLICITOR: At this time I would offer State's Exhibits
20 48, 49, 50, 51, 52, 53 in evidence.

21 MR. WISE: No objection.

22 THE COURT: State's Exhibit 48 through 53 in evidence.

23 (Photographs of decedent's residence admitted in evi-
24 dence without objection as State's Exhibits 48, 49, 50, 51,
25 52 and 53)

G. CARTER ON DIRECT

1 BY SOLICITOR:

2 Q. Lieutenant Carter, you said there were bloodstains and
3 bloodstains on the interior of the back door?

4 A. Yes, and continuing onto the wall.

5 Q. Show the jury in State's Exhibits 48, 49 and 50 the
6 area you were talking about?

7 A. Yes, sir. Bloodstains on the interior of the back
8 door that kind of continued on the wall of the laundry room
9 here.

10 Q. And show the jurors down here what you're talking
11 about?

12 A. (Inaudible)

13 Q. Showing you State's Exhibit 50, what does this depict?

14 A. These are additional blood drops on the washer and drier.

15 Q. And State's Exhibit Number 51?

16 A. This shows a pattern on the kitchen wall. It shows
17 some blood flowing down the wall and some droplets on the
18 floor.

19 This is the corner of the kitchen and the blood is run-
20 ning down the wall. This is consistent with the right side
21 or right arm wound of the victim, the shot hitting the sub-
22 ject and the blood spattering on the wall, running down the
23 wall onto the floor.

24 And 52 and 53 also shows the blood pattern in the room.
25 This is blood kind of further into the residence.

G. CARTER ON DIRECT

1 The laundry room is just before the kitchen, and then
2 the living area.

3 Q. And does the blood pattern seem to go further into the
4 residence?

5 A. Yes, this is the dining room slash kitchen area, and
6 then further into the residence is the living room.

7 Q. And was blood found inside the living room area?

8 A. Yes. There were blood droplets on the couch as well.

9 Q. Blood droplets in the couch area?

10 A. Yes, sir.

11 Q. Showing you State's Exhibits 58, 59, 64, 65, 66, do
12 those pictures document the blood droplets you saw in that
13 area?

14 A. Yes, sir.

15 SOLICITOR: Your Honor, the State would offer into evi-
16 dence State's Exhibits 58, 59, 64, 65, 66.

17 THE COURT: Any objection?

18 MR. WISE: No, sir.

19 THE COURT: Okay, 58, 59, 64 through 66 . .

20 SOLICITOR: Yes, sir.

21 THE COURT: . . in evidence without objection.

22 (Photos of interior of residence entered in evidences
23 without objection as State's Exhibits 58, 59, 64, 65, 66)

24 BY SOLICITOR:

25 Q. Showing you, Lieutenant Carter, State's Exhibits 58

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1 and 59, tell us what is depicted there?

2 A. This is what is called a mid-range picture, and you
3 can see the droplets of blood in the area.

4 Q. What does this show? Where is that?

5 A. This is the impact -- bullet impact in the kitchen --
6 where a bullet passed through there in that area.

7 Q. And were you able to tell anything from that impact in
8 the kitchen floor?

9 A. Yes, I was able to use a probe and pull out what was
10 in the floor in that area.

11 Q. And in doing that, what direction did that shot come
12 from?

13 A. It came from the area of the laundry room.

14 Q. Sort of from the door area?

15 A. I would say so.

16 Q. And can you tell where the shooter was standing?

17 A. Not exactly, no.

18 Q. But you can tell the general direction it was coming
19 from?

20 A. Right.

21 Q. Okay. Was a weapon found out there at the scene?

22 A. No, sir.

23 Q. Okay. No firearms at all?

24 A. No, sir.

25 Q. What time did you end up kind of clearing that scene?

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1 A. Close to ten P.M.

2 Q. Okay, and where did you go then after you left [REDACTED]
3 [REDACTED]?

4 A. When I left [REDACTED] I went to a secondary crime
5 scene at [REDACTED].

6 Q. And did you obtain a search warrant for that house or
7 did you go in immediately when you arrived?

8 A. No, Inspector Godwin had obtained a search warrant for
9 the residence.

10 Q. And showing you State's Exhibits 8 and 9, is that at
11 the residence you went to on [REDACTED]?

12 A. Yes, sir.

13 Q. What does State's Exhibit 8 show?

14 A. That's a picture of the residence at that address.

15 Q. And showing you State's Exhibit 9, what does that de-
16 pict?

17 A. That shows a couch in the living room area of the resi-
18 dence as well as the door.

19 Q. Is that the residence of the Defendant, Carvin Holman?

20 A. Yes, it is.

21 Q. Describe for the jury the residence.

22 A. (Portion not audible) There was a drop or two on top
23 of the stool of blood but not a lot.

24 Q. And that was documented in your photographs?

25 A. Yes, sir.

G. CARTER ON DIRECT

1 Q. Showing you what appear to be photographs of that res-
2 idence, State's Exhibits 57, 60, 61, 62 and 63, are those
3 from that secondary scene?

4 A. Yes, sir.

5 SOLICITOR: Your Honor, the State would offer State's
6 Exhibits 57, 60, 61, 62 and 63 in evidence.

7 MR. WISE: No objection, Your Honor.

8 THE COURT: They're admitted, State's 57 and 60
9 through 63, without objection.

10 (Photographs of [REDACTED] residence admitted with-
11 out objection as State's Exhibits 57, 60, 61, 62 and 63 in
12 evidence)

13 Q. What does State's Exhibit 57 show?

14 A. The front door in relationship to the room. The front
15 door is right here.

16 Q. And State's Exhibit 60 through 63?

17 A. They show blood droplets in that same area.

18 Q. You indicated also an area there by that chair where
19 there appeared to be some blood droplets in that area also?

20 A. Yes.

21 Q. Showing you State's Exhibit 68, 69, 64, 65, 66, do
22 they document blood droplets found on the floor and by the
23 chair?

24 A. Yes, sir, they do.

25 SOLICITOR: At this time we'd offer State's Exhibits

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1 68, 69, 64, 65 and 66 in evidence.

2 MR. STROUD: No objection.

3 THE COURT: Admitted without objection, 68, 69, 64
4 through 66 in evidence.

5 (Photographs from [REDACTED] address admitted in
6 evidence without objection, State's Exhibits 64, 65, 66,
7 68 and 69)

8 BY SOLICITOR:

9 Q. Showing you State's Exhibit 68, would you kind of show
10 us what is depicted in that photograph?

11 A. The droplets on the floor there.

12 Q. And 64 and 65?

13 A. The left side of the stool and that area of the
14 room.

15 (Portion inaudible on tape)

16 Q. And is 65 a close-up of that?

17 A. Yes, it is.

18 Q. And is there a drop on the wall?

19 A. You can see some blood on the wall in that photograph.
20 That's State's 64 and 65 is a close-up of the wall.

21 Q. Looking in that area, did you find any other blood evi-
22 dence? In that living room area?

23 A. Yes, there were. I believe there were some stains
24 (portion inaudible)

25 Q. And showing you State's Exhibits 70 through 77, are
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1 those photographs you took when you processed the car of
2 Debbie Holman?

3 A. Yes, sir.

4 SOLICITOR: We would offer State's 70 through 77.

5 MR. WISE: No objection.

6 THE COURT: State's Exhibits 70 through 77 in evidence
7 without objection.

8 (Photographs of car admitted without objection as Ex-
9 hibits for the State 70 through 77 in evidence)

10 BY SOLICITOR:

11 Q. And these are photographs of the car which you pro-
12 cessed in connection with this case of Debbie Holman?

13 A. Yes, they are.

14 Q. And are there bloodstains shown in this photographs
15 of the vehicle?

16 A. Yes, sir.

17 Q. And were you able to collect samples from those
18 bloodstains?

19 A. I was able to collect samples, yes, sir.

20 Q. Were those samples sent to SLED for examination?

21 A. I collected the samples but I am not sure which ones
22 were actually sent to SLED.

23 Q. And would you show the jury the photographs of the
24 vehicle and what you found?

25 A. (Inaudible on tape)

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1 Q. In State's Exhibit 75, on the driver's side?

2 A. Yes, sir.

3 Q. On State's Exhibit 75 which is a close-up of the
4 driver's side . .

5 REPORTER: I need to hear you all.

6 THE COURT: Speak up, please.

7 Q. Is that a close-up of a beer can in the front?

8 A. Yes, sir.

9 Q. And then is there a lemonade can in the back seat of
10 the vehicle?

11 A. Yes, and a cup-holder in the back.

12 Q. Were there any other cans of soda or beer cans in the
13 vehicle?

14 A. There was an unopened can of beer.

15 Q. And is that in the plastic bag?

16 A. Yes, sir.

17 Q. I think you can go back to your seat, Lieutenant.

18 SOLICITOR: May I have a moment?

19 THE COURT: Yes, sir.

20 (Brief pause)

21 BY SOLICITOR:

22 Q. And is [REDACTED] in Orangeburg County?

23 A. Yes, it is.

24 Q. How about [REDACTED] which you processed also?

25 A. Yes, sir, in Orangeburg County.

G. CARTER ON DIRECT

1 Q. Thank you. That would be all I have. Please answer
2 any questions the Defense may have.

3 A. Yes, sir.

4 (TRANSCRIPTION NOTE: The tape stopped recording at
5 this point and began again with a bench conference which
6 was off the record between counsel and the Court concern-
7 ing a juror taking notes.)

8 THE COURT: Anything from the Defense?

9 MR. STROUD: No, Your Honor.

10 THE COURT: We'll come back now at two fifteen, and I
11 remind you not to talk about the testimony or the case.

12 Have a good lunch.

13 (Jury excused from the Courtroom)

14 THE COURT: I'll see you back here after lunch.

15 Thank you.

16 (Court took lunch recess, after which the case was
17 resumed)

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1 (Jury returned to the Courtroom)

2 THE COURT: Ladies and gentlemen, I hope you had a
3 good lunch. We're getting ready to continue with the case.

4 As you may recall, Lieutenant Carter was on the stand,
5 getting ready for Cross Examination)

6 (Witness resumed witness stand)

7 THE COURT: Mr. Stroud.

8 MR. STROUD: May it please the Court?

9 THE COURT: Yes, sir.

10 CROSS EXAMINATION

11 BY MR. STROUD:

12 Q. Lieutenant Carter, let me direct your attention to
13 [REDACTED], the crime scene.

14 Did the blood spatter tell you he was initially shot
15 there in the house?

16 A. Yes.

17 Q. And it proceeded out of the house down the back of
18 the house?

19 A. Yes, sir.

20 Q. And it would stop at some point? Stop and go?

21 A. Yes.

22 Q. And would that be consistent with somebody struggling
23 with someone?

24 A. No, sir. What I would look for if there had been a
25 struggle would be more like what is called cast-offs. The

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1 stains which I examined would be more consistent with
2 someone moving fairly slow. The transfer on the back of
3 the trailer indicates someone who had contact with the
4 back of the trailer.

5 If there had been a struggle, it would have been
6 cast-offs. These stains would have -- probably during
7 a struggle, there would have been more velocity with the
8 movement which would have made the stains narrower and
9 given more directionality to it.

10 Q. Okay.

11 A. Like moving your arms quickly or in a quicker
12 motion.

13 Q. And did you notice any blood in the back yard?

14 A. I did not actually document or see any. I docu-
15 mented between the cement pad and the pool of blood near
16 the light pole, the trash can, in that area.

17 I didn't actually document any blood between the
18 cement pad and the back yard, that spot.

19 Q. Between the cement pad and the barrel?

20 A. There was a pool of blood.

21 Q. A pool of blood?

22 A. A pool of blood near the barrel going towards the
23 direction of the barrel.

24 Q. No blood was found there?

25 A. None that I saw.

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1 Q. Would that indicate to you that someone could have
2 been there?

3 A. Not necessarily. I would say probably not.

4 Q. Okay.

5 A. There was a good stand of grass, and droplets can a
6 sometimes be difficult to see. They were not readily vis-
7 ible to me when I was processing the scene.

8 Q. But it is possible something was there?

9 A. I didn't find anything there. It could be something
10 that didn't leave an impression on the ground. There
11 was nothing there when I got there.

12 Q. Okay. Did you find a handgun in the residence?

13 A. No.

14 Q. All right. Let's turn your attention to Mr. Holman's
15 house at [REDACTED]. You said you processed the
16 house?

17 A. Yes, sir.

18 Q. How did you get in?

19 A. I believe the front door was unlocked.

20 Q. Okay.

21 A. I don't remember having a key.

22 Q. Okay.

23 A. I believe it was unlocked. We did not forcea our
24 way in.

25 Q. Okay. Did you notice how many locks there were on

G. CARTER ON CROSS

1 the front door?

2 A. No, sir, I did not.

3 Q. What about the back door?

4 A. The back door just had the doorknob type hardware and
5 also had a slide bolt, whatever you call it, and it was
6 locked.

7 Q. Okay. When you unlock it, you just slide it back?

8 A. Yes, sir.

9 Q. Now, you processed -- you were showing pictures of
10 his house, and you spent a little time in front of the
11 front door?

12 A. Yes.

13 Q. In fact, . . .

14 MR. STROUD: May I approach, Your Honor?

15 THE COURT: Yes.

16 BY MR. STROUD:

17 Q. When you were in the house, could you see the lock
18 to the front door?

19 A. There was a lock there but I didn't . . .

20 Q. Does that show a picture of it?

21 A. The front door, yes.

22 Q. Please describe the lock and how it looks?

23 A. There appears to be some type of a latch, not a key
24 lock. It appears to be some type of a latch that I be-
25 lieve would have -- you would a latch that would be in

G. CARTER ON CROSS

1 the inside and latch in place on the inside.

2 Q. Not exactly like the bolt on the back door but it's
3 the same sort of thing, so that if you were inside you
4 could lock it? The same principal as the bolt?

5 A. Yes. You would lock it from the inside.

6 Q. Now, Lieutenant Carter, earlier -- you were testify-
7 ing on direct that sometimes you will take what appears
8 to be blood and you would say this appears to be blood?

9 A. Yes.

10 Q. You take whatever appears to be blood?

11 A. Yes, sir, but I'm not a lab technician. From my ex-
12 perience if it looks like a bloodstain, but you take it
13 and then you send it to a lab to have them say whether
14 it is blood, to do an analysis of the stain.

15 Q. Okay.

16 A. We like to leave the analysis to the lab to identify
17 if it is blood or it is not blood.

18 Q. But every time you testified earlier this was blood,
19 and you are saying it appeared to you to be blood?

20 A. Based on my experience, it appeared to be blood.

21 Q. And you'd send these off to be analyzed by forensic
22 technicians who tell you whether or not it is blood?

23 A. Correct. They are sent to the lab at SLED.

24 Q. And there is a substance that you have that is called
25 luminol that you can spray on it? You can spray it on

G. CARTER ON CROSS

1 what appear to be blood drops?

2 A. Yes, sir.

3 Q. But even if the blue color appears, that doesn't
4 mean that it is blood?

5 A. No.

6 Q. It just means it could be blood?

7 A. It could be blood possibly; that there is a possi-
8 bility of it being blood.

9 Q. And basically all the bloodstains you found in Mr.
10 Holman's house they just appeared to be blood as far as
11 you could testify?

12 A. As far as I could testify, they appeared to be
13 blood, yes, based on my experience.

14 Q. At Mr. Holman's house at [REDACTED]?

15 A. Yes.

16 Q. And you certainly don't know whose blood?

17 A. No.

18 Q. You aren't even sure if it's human blood?

19 A. That's a part of the analysis, whether it is human
20 blood.

21 Q. But you can't really say it's blood at all, much
22 less that it's human blood?

23 A. Correct.

24 Q. You also processed Debbie Holman's car, is that cor-
25 rect?

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1 A. Yes, that's correct.

2 Q. And I believe you testified you found on the exter-
3 ior and interior of the car you found what appeared to be
4 blood?

5 A. Correct.

6 Q. And no difference in doing that there than at Mr.
7 Holman's house.

8 I would like to show you State's Exhibit 77. This
9 is from Debbie Holmes' car, the back rear bumper?

10 A. Yes, it is.

11 Q. Did you take swabs from that?

12 A. No.

13 Q. You're not in charge of taking wet swabs and sending
14 them to SLED?

15 A. Sometimes I have had to, but even if I send -- just
16 as an example, if I send ten swabs to SLED, they don't al-
17 ways test all ten.

18 Q. Okay.

19 A. They may make a decision to only test say three of
20 them. I have no control of that.

21 Q. Okay. I think what I was trying to ask was more
22 along the lines of do you decide which swabs from which
23 part of the car get sent for analysis?

24 A. Without input from another source, such as the pro-
25 secution, the Solicitor's Office -- if I confer with them

G. CARTER ON CROSS

1 I probably would try to determine what would be sent to
2 SLED.

3 Q. Okay.

4 A. I can't be choosy in a case like this where there
5 are so many samples. I can't just send them all.

6 Q. In this case, did you pick which pieces got to go
7 to SLED?

8 A. Probably.

9 Q. Okay.

10 A. And I can't remember for sure.

11 Q. Okay. How many are you allowed to send to SLED?

12 A. Normally, the rule is regardless of how many you
13 take -- the rule is five.

14 So if you have like -- say in a case where we have
15 many samples, we have to pick which five to send. Now,
16 we can upon special request sometimes send a few more,
17 but the rule is five.

18 Q. And this stain on the interior of Debbie's car, can
19 you tell us how long that had been there?

20 A. No, sir.

21 Q. And you are not sure if it was actually blood, but
22 it appeared to be blood to you?

23 A. Based on my experience, it appeared to be blood but
24 without lab analysis I can't say definitely.

25 Q. When you processed Debbie's car, did you notice

G. CARTER ON CROSS

1 anything strange about the locks on the car doors?

2 A. No, sir, I didn't notice anything.

3 Q. Did the handles appear to be intact? I mean, did
4 they . .

5 A. The doors appeared to be functioning normally.

6 Q. Do you know if the swabs from the back of Debbie's
7 car were sent to the lab for analysis?

8 A. From the bumper area?

9 Q. Yes, sir.

10 A. I do not recall if we sent them to SLED.

11 Q. All right..

12 MR. STROUD: A moment, sir. /

13 THE COURT: Yes, sir.

14 (Brief pause)

15 MR. STROUD: No further questions.

16 THE COURT: Anything on Redirect?

17 SOLICITOR: No, sir.

18 THE COURT: You may step down.

19 (Witness excused)

20 THE COURT: Call your next witness.

21 SOLICITOR: I would call Dr. Janice Ross.

22 JANICE ROSS, being duly
23 sworn, testified as follows:

24 CLERK: Please have a seat on the witness stand and
25 state your full name for the record.

DR. ROSS ON DIRECT

1 A. Yes. We do the autopsies in the morgue at the New-
2 berry County Memorial Hospital. The body is brought to
3 us in a body bag, which we open.

4 Then we look at the body externally with the cloth-
5 ing on, and we take the clothing off, photograph the body
6 front and back.

7 Then we look at the internal organs.

8 Q. Specifically, in this case did you have an occasion
9 to perform the autopsy on thirty-five year old Anthony
10 James back on June 25th of last year, 2011?

11 A. Yes, sir.

12 Q. If you would, tell the jury about the initial ex-
13 ternal examination of Mr. James? What your findings
14 were?

15 A. Well, initially we saw that he had gunshot wounds
16 and we did x-rays of the chest and arms of the body to
17 identify the presence of any bullets.

18 Q. And tell the jury about the results of the autopsy on
19 you performed on Mr. James.

20 A. We found fragments of bullets in the head, the right
21 arm and the chest cavity.

22 Q. And the fragments -- can you describe that for the
23 jury?

24 A. The fragments were kind of outlining the path of the
25 bullets which is consistent with a high-power rifle.

DR. ROSS ON DIRECT

1 On the x-rays you can see the little tiny fragments
2 of bullets. The bullets go through at such a high speed
3 that pieces of the lead come off as it goes through the
4 body.

5 It just looks like smoke along the path of the bul-
6 lets in the body. It's called lead smoke forms.

7 Q. And let me show you what's been marked as State's
8 Exhibits 24, 25, 26, 27 and 28. Did you have a chance to
9 examine the photographs that were taken of Mr. James on
10 the scene?

11 A. Yes, I have.

12 Q. And let's use these as we talk about the injuries.
13 Okay?

14 A. Yes.

15 Q. Okay, and you said you observed three gunshot wounds
16 to Mr. James?

17 A. Yes. Well, there was a fourth wound or graze to
18 the right arm or forearm, but it most likely was related
19 to the arm shot, or there may have been a fourth shot that
20 grazed his forearm.

21 Q. Okay, we'll talk about that. Could that relate to
22 the arm shot?

23 A. Yes.

24 Q. Let's go through these wounds and take them kind of
25 one at a time.

DR. ROSS ON DIRECT

1 Tell the jury a little bit about your findings when
2 you looked at that wound to Mr. James' right arm?

3 A. Yes. The shot entered the upper right arm on the
4 side and came out toward the inside of the right arm.

5 Q. And is that shot related to the forearm wound?

6 A. Yes, it's related to the forearm injury.

7 Q. As you indicated?

8 A. Yes.

9 Q. Is that what's known as a through and through wound?

10 A. Yes.

11 Q. And how about to the right forearm area?

12 A. That was just a graze wound. Through the skin and
13 muscle and out.

14 Q. State's Exhibit 28 is what we're talking about there?

15 A. Yes.

16 Q. Now, that wound -- what was the result of that wound?

17 A. There could be extensive bleeding from the laceration
18 of blood vessels in that area. I believe it fractured
19 the arm.

20 Q. Anything else we need to talk about concerning that
21 wound?

22 A. No.

23 Q. And what in your opinion is the type of weapon that
24 would have caused that wound to Mr. James' right arm, or
25 those wounds?

DR. ROSS ON DIRECT

1 A. I think the evidence would indicate a high powered
2 rifle.

3 Q. And can we move on to the area of the wound to the
4 chest. Could the forearm wound be related to the wound
5 to the chest?

6 A. The forearm wound could be related to the wound to
7 the chest.

8 Q. Now, if you could, describe for the jury in State's
9 Exhibit 26 what your findings were with regard to that
10 wound?

11 A. The wound was to the chest or upper abdomen. There
12 was some abrasion of the skin around it which could be
13 related to the forearm wound or related to the overlying
14 clothing causing that abrasion.

15 There is a lot of what looks like dried blood.

16 Q. Okay. In that wound, did you find the projectile?
17 Did you find the actual projectile in Mr. James' body?

18 A. The path of the projectile goes from front to back
19 and downward and slightly to the right.

20 Part of the bullet fragments exited the back, and
21 we did find other fragments under the skin near that same
22 area.

23 Q. Showing you State's Exhibit 27, is that the area
24 where that bullet or that fragment came through Mr. James'
25 back?

DR. ROSS ON DIRECT

1 A. Yes.

2 Q. And could you kind of track the path of that bullet
3 to the chest area?

4 A. Yes.

5 Q. You were able to track the path of that bullet from
6 the area of the chest through his lower back?

7 A. Yes.

8 Q. What injuries did you find as a result of the path
9 of that bullet?

10 A. That one lacerated the left kidney, went through
11 some of the intestines, went through the spine and the
12 backbone, and then through the spinal cord at the level
13 of L-three on the lower back, and that would have para-
14 lyzed him immediately.

15 Q. After he suffered that chest wound, would he be able
16 to walk any more?

17 A. He would not.

18 Q. Now, Dr. Ross, the wound to Mr. James' chest, would
19 that wound have been fatal?

20 A. Eventually, yes.

21 Q. Eventually?

22 A. It would have been, yes.

23 Q. And in the time leading up to death, and as a result
24 of that, why would he have died as a result of that wound?
25 to the chest?

DR. ROSS ON DIRECT

1 A. Massive bleeding, internal bleeding.

2 Q. As a result of the kidney and the intestines being
3 struck?

4 A. Yes, and the mesentery which carries a lot of blood
5 vessels to the kidneys and liver.

6 Q. Okay. And in between that wound to the chest and
7 Mr. James passing away from that wound, would he still
8 have been able to see possibly right at that time period?

9 A. Yes.

10 Q. Could he have been conscious during that time per-
11 iod?

12 A. Yes.

13 Q. Is there way you can tell anything about how far
14 away he was shot in that wound to the chest?

15 A. No, there was no stippling, no evidence it was a con-
16 tact wound or near contact wound. A couple of feet to
17 say twenty feet.

18 Q. And you talked about a high power rifle being in-
19 volved in the wound to the arm. Could that same type of
20 weapon have caused that injury to the chest?

21 A. Yes.

22 Q. And as to the wound to Mr. James' head, would you
23 describe that wound to the jury?

24 A. Yes, that wound was basically to the left temple
25 area and the bullet opened up the top of the head, made a

DR. ROSS ON DIRECT

1 path through the brain.

2 Q. And what would have been the result of that gunshot
3 wound?

4 A. Immediate unconsciousness and immediate death.

5 Q. Was the same type of weapon involved in that injury
6 that inflicted the other two?

7 A. Yes.

8 Q. Dr. Ross, during the time you were doing the autopsy,
9 as a part of that do you take a sample of blood to be sub-
10 mitted for DNA testing?

11 A. Yes.

12 Q. A blood sample from the victim?

13 A. Yes.

14 Q. And you turned it over to law enforcement?

15 A. Yes.

16 Q. Dr. Ross, did you ultimately have an opinion as to
17 the cause of death of Anthony James to a reasonable de-
18 gree of medical certainty?

19 A. Yes.

20 Q. What is that cause of death?

21 A. Laceration of the brain due to the gunshot wound.

22 Q. That last shot, the shot to the head, pretty much
23 would have caused instantaneous death?

24 A. Yes. He would have died within seconds.

25 Q. Thank you, Dr. Ross. Please answer any questions Mr.

1 THE COURT: Thank you. You may leave, maam.

2 (Witness excused)

3 THE COURT: Next witness, please.

4 SOLICITOR: Riley Godwin.

5 RILEY GODWIN, being
6 duly sworn, testified as follows:

7 CLERK: Have a seat, please, and state your name for
8 the record.

9 WITNESS: Riley L. Godwin.

10 DIRECT EXAMINATION

11 BY SOLICITOR:

12 Q. Good afternoon, Investigator Godwin.

13 A. Good afternoon.

14 Q. Back in June of 2011, where were you employed at that
15 time?

16 A. I was a criminal investigator for the Orangeburg
17 County Sheriff's Office.

18 Q. How long have you been working as an investigator for
19 the Sheriff's Office?

20 A. Approximately eighteen months.

21 Q. Prior to working for the Orangeburg County Sheriff's
22 Office, where were you working?

23 A. The Calhoun County Sheriff's Office, an adjoining
24 county, for approximately nine years, in the same capacity.

25 Q. Specifically with regard to the homicide of Anthony

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1 James and the rape and assault on Ms. Holman, what was your
2 role in that case?

3 A. As I said, I was an investigator with the Sheriff's
4 Office in Orangeburg, and on that particular day I became
5 the lead detective in this homicide investigation.

6 Q. Did you have occasion to respond on the afternoon of
7 June 24th, 2011, out to [REDACTED]?

8 A. Yes, sir, I did.

9 Q. Okay, and do you know approximately what time you got
10 there that day?

11 A. If I remember right, it was around lunch, approximately
12 one o'clock when the call came out. I was in Orangeburg,
13 and I responded to the call -- I would say approximately
14 two o'clock or so.

15 Q. When responding to [REDACTED], did you ultimately
16 learn about another victim being at the Holly Hill Police
17 Department?

18 A. Yes, sir.

19 Q. Did that information come in about the same time as the
20 homicide call?

21 A. Yes, sir. I responded to the homicide call and, of
22 course, we got additional information that there was another
23 victim at the Holly Hill Police Department.

24 Q. You got information from the Holly Hill Police Depart-
25 ment -- is that how it came in?

R. GODWIN ON DIRECT

1 A. Yes.

2 Q. And did you actually go out there to [REDACTED]?

3 A. Yes, I did.

4 Q. And ultimately that afternoon did you obtain a warrant
5 for Mr. Holman's arrest?

6 A. Yes, sir.

7 Q. When?

8 A. Sometime that afternoon I returned back to Orangeburg
9 -- it was a Friday, and Mr. Holman was at large so we wanted
10 to make sure we had our warrants in place by five o'clock
11 when the Magistrate's Office closed.

12 We needed to get that done.

13 Q. And ultimately that afternoon did you have an oppor-
14 tunity to go over to the Regional Medical Center?

15 A. I did.

16 Q. What was the purpose of you going over there?

17 A. The victim that was at the Holly Hill Police Depart-
18 ment was Ms. Debbie Holman, so I went by the hospital after
19 I received the arrest warrants just to check on what the
20 allegations were and check on her.

21 The allegation was that she had been involved in a
22 sexual assault which is not something I would particularly
23 get into discussing, so two female officers were there with
24 her, Sergeant Coaxum and Investigator Garrison, as well as
25 the hospital staff attending her.

R. GODWIN ON DIRECT

1 Q. And that evening did you ultimately learn where the
2 Defendant Carvin Holman's residence was?

3 A. Yes, sir. I learned he lived on [REDACTED] or
4 [REDACTED].

5 Q. As a result of having that information, what did you
6 then do?

7 A. I obtained pictures of the residence to have a good
8 description of it. I went to the Magistrate's Office that
9 afternoon to get a warrant for that house.

10 Q. Okay, and did you ultimately respond over to that resi-
11 dence on [REDACTED]?

12 A. Yes, sir.

13 Q. Was that search warrant executed by Lieutenant Carter
14 and the crime scene unit?

15 A. Yes, sir. I delivered the search warrant to Lieuten-
16 ant Carter at the [REDACTED] address, and upon my arrival
17 he conducted the search.

18 Q. Were you present while that residence was being searched
19 by Lieutenant Carter?

20 A. I was.

21 Q. What was the purpose of you staying there?

22 A. At the time Mr. Holman was still at large, and he was
23 presumed by us to be armed and dangerous, so it was just
24 for security purposes for Lieutenant Carter, as he conducted
25 that process.

R. GODWIN ON DIRECT

1 Q. Did it appear that after the homicide Mr. Holman had
2 been back to the residence?

3 A. No, sir.

4 Q. And ultimately that night when you all were at that
5 residence, did you do anything to that home?

6 A. Yes, sir. When we completed the search warrant that
7 night, Lieutenant Carter suggested that we put some evi-
8 dence tape on the door. We checked all the windows to make
9 sure all the windows were securely locked. We put a piece
10 of evidence tape on the door, Lieutenant Carter dated it and
11 initialed it, to make sure nobody would be able to get back
12 inside the house without knowledge, without having to re-
13 move the evidence tape or breaking it.

14 Q. And the next morning then, on June 25th, did you have
15 an officer go back by that residence -- on that following
16 morning?

17 A. That next morning myself and Lieutenant Williams and
18 some of the operations unit went back down to the Holly Hill
19 and we went by the house to see if he had returned to the
20 house during the night.

21 Q. And had the evidence tape been disturbed?

22 A. No, sir, the evidence tape had not been disturbed.

23 Q. And later that day were you in the Holly Hill area
24 attempting to see if you could locate Mr. Holman?

25 A. Yeah, I was in Holly Hill and we had put in quite a

R. GODWIN ON DIRECT

1 few hours when the supervisor advised us -- I went home to
2 take a break.

3 Q. Ultimately later on that afternoon did you learn that
4 Mr. Holman had been arrested on [REDACTED], at a resi-
5 dence on [REDACTED], in Holly Hill?

6 A. Yes, sir. I was already en route back to Holly Hill
7 to go check the house again, and I was notified by radio
8 that he had been taken into custody.

9 Q. And where did you then go when you receive that word?

10 A. I then went to -- I believe it was [REDACTED] --
11 where they were holding the suspect.

12 Q. And when you got there, did you have occasion to come
13 into contact with the Defendant, Carvin Holman?

14 A. Yes, sir, I did.

15 Q. Tell the jury how that came about?

16 A. When I got information that he had been taken in cus-
17 tody I informed them I was on the way. I arrived on the
18 scene and Mr. Holman had been handcuffed and placed in the
19 back of a marked patrol car. He was in custody.

20 Q. And did you make contact with him?

21 A. I did. I didn't know Mr. Holman, but I got in the
22 back of the car and introduced myself, read him his
23 Miranda Rights.

24 I asked him if he needed to go to the hospital; was
25 he okay.

R. GODWIN ON DIRECT

1 Q. Okay.

2 A. I checked on his well-being at that time.

3 Q. You said you read him his Miranda Rights. Do you re-
4 member what you went over with him in that vehicle at that
5 time?

6 A. I told him he had the right to remain silent; that
7 anything he said would be used against him in a Court of
8 Law.

9 I also advised him that he had the right to have an
10 attorney; that if he could not afford an attorney one would
11 be appointed him.

12 That he also had the right to have him present before
13 he answered any questions that I may have for him, and if
14 he chose to answer questions that he could stop answering
15 questions at any time.

16 Q. That's what you informed him of in the patrol car?

17 A. Yes, sir.

18 Q. Did he say whether he understood those or did you ask
19 him whether he understood his rights?

20 A. Yes, sir, I did. He said he understood.

21 Q. And you said at that point in time you were kind of
22 asking him in the patrol car if he was hurt or needed to be
23 attended to, medical-wise?

24 A. Yes, sir.

25 Q. Did he have any injuries that you saw on him?

R. GODWIN ON DIRECT

1 A. No, sir. He didn't have any injuries. His only com-
2 plaint as of being thirsty, so I got Deputy Bowen or Deputy
3 Lewis to get him a bottle of water.

4 We got him the bottle of water and asked him did he
5 want to go back to the office and give me his side of the
6 story because -- and that's kind of the way it worked out.

7 Q. And did you immediately go back to the Sheriff's Of-
8 fice?

9 A. No. We were there on [REDACTED] which is not very far
10 from the Holly Hill Police Department, so we were going
11 back to the Holly Hill Police Department, but I wanted to
12 try to find the gun, find the weapon, and so we went back
13 to the police department in Holly Hill and by that time I
14 obtained what we call a Miranda Form, a rights form, in
15 writing and showed that to Mr. Holman.

16 Q. I show you State's Exhibit Number 1. Is that the form
17 you obtained and showed him?

18 A. Yes, sir, it is.

19 Q. And where does the form indicate you were at?

20 A. The Holly Hill Police Department.

21 Q. And what's the date on it?

22 A. On June 25, 2011, at six thirty P.M.

23 SOLICITOR: At this time, we'd offer State's Exhibit
24 1 into evidence.

25 THE COURT: State's 1 is admitted in evidence without

R. GODWIN ON DIRECT

1 objection.

2 (Advisement of Rights form admitted in evidence as

3 State's Exhibit 1)

4 BY SOLICITOR:

5 Q. You indicated that this was a Miranda Form?

6 A. Correct, it was in writing the same rights I had read
7 to him. This particular form required him to read his
8 rights and put his initials out by each one of them.

9 Q. Did you have an opportunity to go over that form with
10 him, State's Exhibit 1?

11 A. Yes, I did.

12 Q. And kind of go over for the jury how you went about
13 going over that form?

14 A. Well, we had taken Carvin out of the back of the pa-
15 trol car, and put him in the patrol captain's truck so we
16 wouldn't let everybody know kind of what was going on who
17 were outside there.

18 Q. Okay.

19 A. Then I went to my car and got the form out and came
20 back and Carvin and I went over the rights together. He
21 put his initials out beside each of them to show he under-
22 stood.

23 Then he also signed waiving his rights.

24 Q. So he signed the form on the bottom there?

25 A. Correct.

R. GODWIN ON DIRECT

1 Q. And they were the same rights you had gone over with
2 him in the patrol car?

3 A. Yes, sir, they were.

4 Q. And as you went over the items one through five, whose
5 initials appear by each of those?

6 A. Carvin Holman's initials.

7 Q. And after he initialed those did you go to the bottom
8 where it says, I understand my rights -- who signed at the
9 bottom there?

10 A. Mr. Carvin Holman.

11 Q. And did he appear to understand them when you went
12 over them?

13 A. Yes, sir, absolutely.

14 Q. And you went over the bottom part of the waiver of
15 rights with him?

16 A. Yes, sir.

17 Q. And did he say he wished to waive his rights and talk
18 to you?

19 A. Yes, sir.

20 Q. And who witnessed his signature on that?

21 A. I believe the one at the top is my signature, and the
22 one directly under that is Captain (inaudible).

23 Q. And you all signed as witnesses in front of Mr.
24 Holman?

25 A. Correct.

R. GODWIN ON DIRECT

1 Q. At that point in time did you promise Mr. Holman any-
2 thing to get him to talk to you?

3 A. No, sir.

4 Q. Offer him anything to get him to talk to you?

5 A. No, sir.

6 Q. Now, at that point in time, you indicated that your
7 main concern was trying to find the weapon when you were
8 there in Holly Hill?

9 A. Yes, sir.

10 Q. And at that point in time you hadn't found the weapon?

11 A. No, sir.

12 Q. When Mr. Holman waived his rights and indicated he
13 would talk to you, did you ask Mr. Holman about where the
14 gun was?

15 A. Yes, sir.

16 Q. What was his response to that?

17 A. He said he had thrown the gun in the woods behind the
18 house. I asked him, where is the gun, and he said he threw
19 the gun in the woods behind the house at [REDACTED] -- in-
20 dicated he had thrown the gun behind the house in the woods.

21 Q. And as a result of his giving you that information
22 at six thirty that afternoon, what did you all then do?

23 A. We took Mr. Holman, myself and Captain Jenkins and
24 several other units that were there, and we all, along with
25 Mr. Holman, went to [REDACTED] for Mr. Holman to show

R. GODWIN ON DIRECT

1 us where he threw the gun.

2 Q. So you went back over there?

3 A. Yes, we did.

4 Q. And did you locate the gun?

5 A. No, sir, we didn't.

6 Q. About what time was that?

7 A. It was six thirty when he waived his rights, so it was
8 probably -- I know it was daylight when we got back to
9 Orangeburg, so we were out there probably an hour or forty-
10 five minutes to an hour.

11 Q. Okay, and after not finding the gun, did you take Mr.
12 Holman back to your office?

13 A. Yes, we went back to the police department in Holly
14 Hill, and took him out of the truck of Captain Jenkins and
15 put him in a patrol car. Then he was transported to what
16 we call CID, our headquarters, by Deputy Bowen, at the
17 Orangeburg County Sheriff's Office.

18 Q. Okay, and did you also then respond back to your of-
19 fice?

20 A. I did.

21 Q. And did you stop and get anything on the way to your
22 office?

23 A. I did. I knew Carvin was probably hungry and I asked
24 Captain Jenkins for permission to stop and get him something
25 to eat and, of course, myself, so I stopped by Hardee's

R. GODWIN ON DIRECT

1 and got us both a burger combo.

2 Q. When you got back to the Sheriff's Office -- you said
3 you went to the Criminal Investigations Division. Where
4 is that?

5 A. On Chestnut Street.

6 Q. And did you have an opportunity to sit down and speak
7 with Mr. Holman at that time?

8 A. I did.

9 Q. And about what time was it when you got back to speak
10 with Mr. Holman?

11 A. Let me look at my notes. I arrived back at our head-
12 quarters in Orangeburg at twenty fifteen which would be at
13 eight fifteen in the evening.

14 Q. Okay. At that point in time when you got back, what
15 did you do at that time?

16 A. We sat down in the interview room which has a table,
17 and he told me his version of the story.

18 Q. He told you his version of what had happened when you
19 got back to Orangeburg?

20 A. Yes, sir.

21 Q. And did he tell you about the circumstances between
22 him and Ms. Holman leading up to that afternoon?

23 A. Yes, sir.

24 Q. Did he tell you about the circumstances surrounding the
25 shooting of Anthony James?

R. GODWIN ON DIRECT

1 A. He did.

2 Q. Was anybody else in the room with you?

3 A. There was no one else in the room with us, but in the
4 interview room we have a camera mounted up in the corner,
5 and there is a room adjoining that that someone can sit in
6 and look at the video monitor and listen in, to see and
7 hear everything that was going on.

8 So Investigator Lori Garrison was in the adjoining room
9 observing everything that was going on.

10 Q. And you said as you were sitting there he told you
11 what had happened?

12 A. Yes, sir. He told me what had gone on, and I asked
13 him if he wanted to give me a statement, and he said yes.

14 Q. I show you State's Exhibit Number 2. Do you recognize
15 that as the statement that was taken from Mr. Holman that
16 evening?

17 A. Yes, sir.

18 SOLICITOR: Your Honor, at this time I would offer
19 State's Exhibit Number 2 in evidence.

20 THE COURT: Any objection?

21 MR. WISE: No objection.

22 THE COURT: Admitted in evidence without objection,
23 State's Exhibit 2;

24 (Statement of Defendant admitted in evidence without
25 objection as State's Exhibit 2)

R. GODWIN ON DIRECT

1 BY SOLICITOR:

2 Q. I'll let you hold onto that. Showing you State's
3 Exhibit 2, does that have a time that you began that writ-
4 ten statement from Mr. Holman?

5 A. Yes, sir, it does.

6 Q. And what is the date?

7 A. June 25th, 2011, and the time is nine O five P.M.

8 Q. You testified earlier you had gotten back to your of-
9 fice at about eight fifteen, so that is about fifty minutes
10 later?

11 A. Yes, sir.

12 Q. You indicated that earlier Mr. Holman had kind of told
13 you about it?

14 A. Yes, sir.

15 Q. Ultimately when you took the written statement from
16 him, did you go back over what he had already told you?

17 A. Yes, sir.

18 Q. And was that basically the same thing he told you at
19 that period of time?

20 A. Yes, sir.

21 Q. Now, State's Exhibit 2, the top part of the statement
22 has the date and the time, and then there is some
23 identifying information?

24 A. Yes, sir.

25 Q. Who filled out that part of the top of that statement?

R. GODWIN ON DIRECT

1 A. I did.

2 Q. Is it customary that you would fill out all of that?

3 A. Yes, sir.

4 Q. And the next part is another section about his Miranda
5 Warnings and things like that?

6 A. Yes, sir.

7 Q. That you had gone over with him earlier?

8 A. Correct.

9 Q. And did you go back over them with him again at that
10 point in time?

11 A. Yes, sir.

12 Q. And did he initial again those rights?

13 A. Yes, sir.

14 Q. Okay, and let me ask you this. At any point in time
15 did Mr. Holman indicate to you that he didn't want to talk
16 to you?

17 A. No, sir.

18 Q. Did he indicate to you at any time that he wanted to
19 consult with a lawyer?

20 A. No, sir.

21 Q. At any time did he indicate to you he wished to stop
22 talking?

23 A. No, sir.

24 Q. And if he had done any of that, what would you have
25 done?

R. GODWIN ON DIRECT

1 A. I would have had to have stopped.

2 Q. After you went over those rights with him, did you then
3 go about taking a written statement from him?

4 A. Yes, I did.

5 Q. Tell the jury when you were taking the statement from
6 Mr. Holman, tell the jury how you went about taking that
7 statement?

8 A. . .

9 Q. Whose handwriting it is in and so forth?

10 A. In my experience it is not uncommon in taking a state-
11 ment from someone for -- in taking a statement from someone
12 for them to prefer to write it themselves. Sometimes they
13 prefer to have the person taking the statement to write it.

14 In the case of Mr. Holman, he asked if I would write
15 the statement for him in his words. He would dictate it
16 and I would write it, write what he said.

17 I agreed to do that, and I required him to state on
18 there that's what he wanted me to do.

19 Q. Okay. Tell us about that?

20 A. It says, I, Carvin Holman, ask Riley Godwin to fin-
21 ish writing my statement for me, and it's signed by Carvin
22 Holman.

23 Q. And is that statement in your handwriting?

24 A. Correct.

25 Q. Whose words are they?

R. GODWIN ON DIRECT

1 A. Carvin Holman's words.

2 Q. And after completing the statement is there also a kind
3 of question and answer portion of the statement?

4 A. Yes, sir.

5 Q. How did you go about doing that? Who would write the
6 questions and so forth?

7 A. I would write the questions -- if I needed additional
8 information on something I would write the questions and
9 the person giving the statement would write the answers.

10 Q. Look on page five and six of the statement. The ques-
11 tions -- did you write them?

12 A. Yes, sir, I wrote the questions.

13 Q. And then when he would give an answer, whose handwrit-
14 ing is that in?

15 A. His -- my writing is the cursive.

16 Q. And in order to get him to give you this statement,
17 did you promise him anything?

18 A. No, sir.

19 Q. Threaten him in any way?

20 A. No, sir.

21 Q. Was he freely and voluntarily talking to you?

22 A. Absolutely, yes.

23 Q. Was he cooperative with you?

24 A. Very cooperative.

25 Q. And ultimately after you finished writing the statement,

R. GODWIN ON DIRECT

1 tell the jury -- did you go over it with Mr. Carvin
2 Holman?

3 A. I did.

4 Q. Tell the jury how you went about doing that?

5 A. After the statement was completed and after I finished
6 asking him the last question, and after he answered that, I
7 let him read the statement himself. He read the statement
8 himself and also I went over the statement with him again --
9 with him and reading it, sitting right beside him.

10 There were a couple of places where I had to make a
11 correction, something grammatical or something I had spelled
12 wrong, and I would make the correction and I would initial
13 it and have him initial it.

14 But before I went back over it with him, I had him to
15 read it himself.

16 Q. And after going over it with him, did Mr. Holman sign
17 the statement?

18 A. Yes, sir, he did. He signed the statement and I and
19 Investigator Garrison observed him sign it, and at the bot-
20 tom of the page I initialed it. I initialed at the bottom
21 of it myself.

22 SOLICITOR: Your Honor, at this time, I would ask that
23 Investigator Godwin publish the ~~statem~~ent to the jury.

24 THE COURT: All right, sir.

25 (State's Exhibit 2 published to the jury by witness)

RE GODWIN ON DIRECT

1 BY SOLICITOR:

2 Q. And did Mr. Holman sign that statement?

3 A. Yes, he did.

4 Q. And did you promise him anything?

5 A. No.

6 Q. Did you promise him anything to get him to talk to
7 you?

8 A. No, sir.

9 Q. Threaten him to get him to talk to you?

10 A. No, sir.

11 Q. At any time when he was giving you that written state-
12 ment, did he said he wanted to stop or wanted to talk to a
13 lawyer?

14 A. No, sir.

15 Q. From your experience as a police officer, did he ap-
16 pear to freely and voluntarily give you that statement?

17 A. Yes, sir, definitely.

18 Q. After taking that statement from him that night, did
19 you also go over with him and see whether he would be
20 willing to give you a DNA sample?

21 A. Yes, sir, I did.

22 Q. And showing you State's Exhibit Number 3, is that the
23 consent form you went over with him?

24 A. Yes.

25 Q. Did he sign it, indicating his consent to have the

R. GODWIN ON DIRECT

1 buccal swab taken from him?

2 A. Yes.

3 SOLICITOR: At this time I would offer State's Exhibit
4 3 in evidence.

5 MR. STROUD: No objection.

6 THE COURT: State's 3 in evidence without objection.

7 (Consent for sample admitted in evidence without ob-
8 jection as State's Exhibit 3)

9 BY SOLICITOR:

10 Q. Now, the person who gave you that written statement
11 that you just read to the jury, is he here in the Courtroom?

12 A. He is.

13 Q. Would you point him out for the Court and the jury?

14 A. Yes, the Defendant. On the far right at defense table,
15 Carvin Holman.

16 Q. There has been testimony about several other searches
17 that you all made in an attempt to try to find that rifle.

18 Were you involved in some of those?

19 A. Yes, sir, I was.

20 Q. And ultimately several days later on June 30th, did
21 you have an opportunity to go back by the Orangeburg
22 County Detention Center and inquire from Mr. Holman about
23 the whereabouts of that gun again?

24 A. Yes, sir. Initially that afternoon we had gone with
25 Mr. Holman to look behind the house but we were unable to

R. GODWIN ON DIRECT

1 find the gun. I believe that was on Saturday.

2 That Sunday morning Lieutenant Williams had assem-
3 bled some guys from DNA and the Sheriff's Office who went
4 out and made a more thorough search during the daylight
5 hours to try to find the gun.

6 I went to the jail and spoke with Carvin just to make
7 sure that he was still certain he had put the gun in the
8 woods behind the house, you know; that he hadn't put it
9 somewhere else.

10 I told him we had looked twice and we can't find it,
11 and he said, well, I put it there.

12 So that very afternoon myself and Lieutenant Williams
13 and a couple of other guys -- a smaller group went back.
14 There was some platting tape in the woods, orange tape,
15 like for boundaries that were tied around a tree, and Carvin
16 had remembered that tape.

17 So we went back and found the platting paper but were
18 not able to find the gun. We went back again a couple of
19 days later with a bigger group of people but were unable to
20 find it.

21 Q. And that gun still has not been recovered?

22 A. It has not been recovered.

23 Q. Thank you. That's all I have.

24 Please answer any questions Mr. Wise has.

25 A. Yes, sir.

R. GODWIN ON CROSS

1 CROSS EXAMINATION

2 BY MR. WISE:

3 Q. Mr. Godwin, how are you?

4 A. I'm fine, counsellor, and you?

5 Q. Hanging in there.

6 Investigator, let me ask you this. When you spoke
7 with Mr. Holman, you knew what this case was about. Right?

8 A. Yes, sir. I was involved the day before and actu-
9 ally responded to the scene on [REDACTED]. Yes, sir.

10 Q. And you knew the allegations?

11 A. Yes, sir.

12 Q. The way I understand your testimony, within fifteen
13 minutes of getting Mr. Holman to CID you had the statement?

14 A. He had already told me his version of the story. Yes,
15 sir.

16 Q. And that really didn't differ much from what was writ-
17 ten down?

18 A. No.

19 Q. Okay, so in fifteen minutes he told you all about it?

20 A. Yes.

21 Q. You told him to come in if he wanted to give his side
22 of the story, and he did?

23 A. Yes.

24 Q. Okay, and you wrote the statement and you read the
25 statement to him?

R. GODWIN ON CROSS

- 1 A. Correct.
- 2 Q. And I think Mr. Sorenson asked you this, but you didn't
- 3 put any pressure on him to give you his
- 4 statement?
- 5 A. No, sir, I did not.
- 6 Q. And he gave you several versions of what happened?
- 7 A. No.
- 8 Q. He was always consistent?
- 9 A. Yes.
- 10 Q. From beginning to end you went straight through?
- 11 A. Yes.
- 12 Q. Okay. Are you trained in taking statements?
- 13 A. Professionally trained?
- 14 Q. Or in your . .
- 15 A. I was not trained in taking statements as far as any
- 16 professional training, only experience.
- 17 Q. You have different techniques to get people to give
- 18 statements, don't you?
- 19 A. . .
- 20 Q. Sometimes people are reluctant and you have methods?
- 21 A. Everybody has their own personality.
- 22 Q. And did you have to do anything to get Mr. Holman to
- 23 open up to you?
- 24 A. Not as long as I was a good listener.
- 25 Q. Okay. He just sat down and gave you the statement?

R. GODWIN ON CROSS

1 A. Gave me his version of it.

2 Q. Okay. He admitted to shooting without any prompting
3 from you?

4 A. Yes.

5 Q. Okay, and he never admitted to rape or kidnapping?

6 A. No.

7 Q. I was looking at some notes and there are some
8 things I wanted to make sure of.

9 I did not see in his statement that he told you that
10 -- said something to this effect -- Debbie told him that
11 Anthony was on crack and because of that she was going on
12 crack too.

13 Do you remember him saying that?

14 A. No.

15 Q. Do you remember a conversation with him before you
16 started writing that he made that statement?

17 A. I remember him saying -- he admitted to having a con-
18 versation about him having her on drugs.

19 Q. Him being Anthony?

20 A. Anthony -- that was his allegation.

21 Q. Okay. Okay. Did he tell you that Debbie had said to
22 him that she wanted to come back and stay with him and the
23 kids? Do you remember him saying that?

24 A. I don't recall him saying that to me.

25 Q. Okay, and let me back up a little bit.

R. GODWIN ON CROSS

1 When you were taking the statement, Investigator
2 Garrison heard everything that was said?

3 A. Yes, she did.

4 Q. But you don't remember him making that statement?

5 A. No, sir.

6 Q. Okay. Let me show you something. Do you recognize
7 that?

8 A. This is Investigator Garrison's -- actually when I was
9 in the room talking to Mr. Holman, she came in and sat in
10 there. She was actually kind of transcribing it.

11 Q. Okay. She heard everything you heard?

12 A. Correct. She was kind of court-reporting.

13 Q. Everything you heard she heard?

14 A. Correct.

15 Q. You see number two on the side of that piece of
16 paper there?

17 A. Yes, sir, I do.

18 Q. Does it indicate that Mr. Holman said she wanted to
19 come back with him?

20 A. . . .

21 Q. Does it indicate that? She wanted to come back and
22 stay with him and the children? Debbie said that?

23 A. I see on here what it says, yes.

24 Q. Okay. Okay, and so he did say that?

25 A. He did.

R. GODWIN ON CROSS

1 Q. Okay.

2 A. She said she was writing down everything he said, so
3 I'm positive he said that. I just don't recall it.

4 Q. And did he say that Debbie said stop beating me and
5 beat on him because -- stop beating me and beat on Anthony
6 because he caused all of this?

7 A. He probably did.

8 Q. One second . .

9 A. Stop beating me and beat on Anthony.

10 Q. All right. Did he say also that Debbie was supposed
11 to . .

12 A. That's not in the statement.

13 Q. Okay, and did he say also Debbie was supposed to walk
14 in front of him and that's at number eight?

15 A. Yes.

16 Q. He was referring to going into Anthony's house, is
17 that correct?

18 A. I believe so.

19 Q. And the next thing I want to ask you about, did he
20 say that when he gets just outside the trailer that Debbie
21 took off?

22 A. He did.

23 Q. Okay. He was as cooperative with you as you could
24 imagine?

25 A. Very cooperative.

R. GODWIN ON CROSS

1 Q. He helped you look for the gun?

2 A. Yes.

3 Q. Now, when he took you to look for the gun, that was
4 in the woods right behind Anthony's house. Correct?

5 A. Yes.

6 Q. How far in?

7 A. Well, initially probably about a hundred yards, and
8 he was in back of us, but it was focused in the area right
9 behind the house.

10 Q. And he gave you a DNA sample voluntarily?

11 A. Yes.

12 Q. You didn't have to ask him twice?

13 A. No.

14 Q. When you arrested him, did he have any money?

15 A. You know, when I took him to jail I didn't ask him, and
16 I'm not sure whether he did or not.

17 MR. WISE: May I have one moment?

18 THE COURT: Yes, sir.

19 (Brief pause)

20 MR. WISE: That's all the questions I have for you.

21 SOLICITOR: May I ask the Court's indulgence?

22 THE COURT: Anything on Redirect?

23 SOLICITOR: Briefly, Your Honor.

24 REDIRECT EXAMINATION

25 BY SOLICITOR:

R. GODWIN ON REDIRECT

1 Q. On the night Mr. Holman was arrested, Lieutenant Carter
2 came over and took the buccal swabs?

3 A. Yes.

4 Q. And also basically collected clothing from Mr.
5 Holman?

6 A. Yes, sir. He brought him a jumpsuit to change into
7 to take his clothing. Then he took the buccal swabs.

8 Q. And does this indicate on there that he had a Dollar
9 Forty-five?

10 A. Yes. A Dollars and forty-five cents.

11 Q. Okay. Mr. Wise asked you -- about the first question
12 he asked you was whether you kind of knew everything about
13 this case when you got down to Holly Hill. Do you remember
14 that?

15 A. Yes, sir.

16 Q. And you did not take a statement from Debbie Holman,
17 is that correct?

18 A. No, I did not.

19 Q. Have you seen the written statement that she gave?

20 A. Yes.

21 Q. Okay, and if I show you that will it help you to re-
22 fresh your recollection of when that statement was given?

23 A. Yes.

24 Q. What's the date on that?

25 A. June 29th, actually four or five days later, is when

R. GODWIN ON REDIRECT

1 they took the statement. Actually, Ms. Holman came to
2 our office and gave a statement.

3 Q. So that would have been after Mr. Holman gave his state-
4 ment?

5 A. Yes, sir.

6 Q. Would you have been familiar with her statement at the
7 time you took a statement from Mr. Holman?

8 A. No, sir.

9 Q. I believe that's all I have, Your Honor. Thank you.

10 THE COURT: Anything on Recross?

11 MR. WISE: No, Your Honor.

12 THE COURT: You may step down.

13 (Witness excused from stand)

14 THE COURT: May I speak to the attorneys for a second?

15 (Conference at the bench between counsel and the Court
16 off the record)

17 SOLICITOR: May it please the Court, Your Honor?

18 THE COURT: Yes, sir.

19 SOLICITOR: At this time the State rests.

20 THE COURT: Thank you, sir.

21 All right, ladies and gentlemen, the State has now pre-
22 sented all the evidence that they're going to present in this
23 case, and we are getting ready to proceed with the trial.

24 Before I can do that, there are matters that I need
25 to take up out of you all's presence. You can see by the

1 THE COURT: Thank you, Mr. Holman. I appreciate it.

2 All right. Yesterday evening at the close of the case
3 we met in Chambers to go over the charges.

4 Mr. Wise had requested a charge of manslaughter as a
5 lesser included and gave me four reasons, which I will go
6 into at a later time today. I have decided I am not going
7 to charge manslaughter.

8 He also requested a CDV charge which for reasons I'll
9 also explain later I will not charge.

10 He also requested criminal sexual conduct in the sec-
11 ond degree which I will charge.

12 Mr. Wise, what I intend to do is -- I'm noting an ob-
13 jection to my charges on the record, and I will go back
14 after completing the charge and note your arguments and my
15 reasons on the record.

16 Okay?

17 MR. WISE: Yes, sir.

18 THE COURT: But your objections are so noted on the
19 record.

20 Any other housekeeping things?

21 (No audible response)

22 THE COURT: All right. Ms. Harry Dot, the State and
23 the Defendant have reviewed the verdict form. Mr. Sorenson,
24 is it okay?

25 SOLICITOR: Yes, sir.

1 requests for charges.

2 All right, give me five minutes and we'll be ready to
3 go.

4 (The Court took a brief recess, after which the case
5 was continued)

6 THE COURT: Bring the jury out, please.

7 (Jury returned to Courtroom)

8 THE COURT: All right, we are ready to proceed with
9 closing arguments of counsel.

10 Mr. Sorenson.

11 SOLICITOR: Thank you. May it please the Court?

12 THE COURT: Yes, sir.

13 SOLICITOR: Ladies and gentlemen, back in June of
14 last year, that man right there, Carvin Holman, hated the
15 fact that his marriage was over; hated the fact that his
16 wife had moved on; hated mostly the fact that not only did
17 she move on, but she was in a new relationship with a man
18 that he knew.

19 In all of that, ladies and gentlemen, there may very
20 well be a reason to be upset. There may very well be a
21 reason to go across the hall over here to Family Court.

22 But none of that -- none of that justifies or excuses
23 what he did to this woman back in June of last year. It
24 doesn't justify it, doesn't minimize it, excuse it.

25 And it certainly, ladies and gentlemen, doesn't justify

1 or minimize or excuse what he ultimately ended up doing to
2 Anthony James the afternoon of June 24th, 2011.

3 He had made a decision at that point in time, and I
4 would submit it started before June 23rd when he walked in
5 the IGA a couple of weeks before and slapped and threatened
6 to kill Anthony James.

7 Before that murderous rampage began, he had made a
8 decision that he was going to punish his wife for what he
9 perceived her to have done to him, and he was also going
10 to exact the ultimate toll on the person he felt was re-
11 sponsible.

12 Now, the first thing, ladies and gentlemen, I want to
13 talk about is the statement that Mr. Holman gave to Inves-
14 tigator Godwin back on June 25th of 2011.

15 If you listened to Mr. Wise's Cross Examination of Mr.
16 Godwin, initially you kind of wondered, you know, if he
17 was trying to argue that he didn't really tell him all of
18 this. Then he asked him the question, and I assume it had
19 to be what he was getting at, you know all the facts be-
20 fore you interview them, right?

21 I guess he was trying to suggest that Investigator
22 Godwin was planting the facts in this case.

23 I submit to you that that doesn't make any sense for
24 a couple of reasons. First of all, we know that Debbie
25 Holman hadn't given her statement to law enforcement until

1 after this. There are so many factors that are so -- and
2 I'm going to talk about that in a little while -- that jive
3 together.

4 You know, if he was going to sit down and make up a
5 statement and trick him into signing it somehow--you know,
6 to put in there that he had raped his wife, that he had as-
7 sailed his wife, that he had kidnapped his wife, not to
8 mention you have a six page statement of the one you're dealing
9 with and it culminates in a homicide. You know, the homi-
10 cide comprises maybe a paragraph of this. That doesn't
11 make any sense.

12 But then the other thing you need to be looking at --
13 I suspect when Mr. Wise gets up here, this is essentially
14 going to be his defense. I don't think he's going to say
15 ultimately that he planned it.

16 That's going to be the defense. They're going to get
17 up here and say -- Mr. Stroud got up in his opening and
18 the last thing he closed with was, ladies and gentlemen, I
19 ask you to find him not guilty of all these charges, and
20 they're going to try to use this to convince you why he's
21 not guilty of murder, not guilty of burglary, not guilty
22 of criminal sexual conduct, not guilty of kidnapping bas-
23 ically.

24 I suspect they're going to get up here and say, you
25 know, how cooperative Mr. Holman was; that he gave this

1 statement freely and voluntarily; that it didn't take any
2 pressure to get him to talk.

3 Yes, in that regard he was cooperative, but coopera-
4 tive doesn't necessarily equal truthfulness because, you
5 see, he had a twenty-four hour period when he was on the
6 run, hiding out and realizing out how bad he had screwed
7 up, to start thinking about what he was going to say to
8 try to get himself out of the mess he got in the day be-
9 fore.

10 Because, you see, while I suspect they're going to get
11 up here in closing and tell you this proves he is not guilty
12 of these charges, I submit to you when you go over his
13 statement and go over the facts which were given from the
14 witness stand, what that does is corroborate the State's
15 case and proves him guilty not only beyond a reasonable
16 doubt but beyond all doubt on every one of these indict-
17 ments.

18 Now, as His Honor told you, as Judge Dickson told you,
19 we're at the stage of the trial obviously where the law-
20 yers can get up and give their closing arguments. We have
21 to prove to you beyond a reasonable doubt each and every
22 element of each and every crime Mr. Holman is charged with,
23 of every one of these indictments. We have the burden
24 of proof, and in this case it's a burden that I welcome.

25 Now, I have to go first. Okay? When I'm done Mr.

1 Wise is going to have an opportunity to get up and give
2 his closing argument as to what the facts have shown.
3 I don't have an opportunity to come back, so what I have
4 to do right now is kind of anticipate while I'm before you
5 kind of what I anticipate Mr. Wise is going to argue to
6 you.

7 But ultimately when all of that is done, His Honor is
8 going to charge you on the law, and a part of that is his
9 going over the five individual indictments. As you know,
10 he is charged with five separate and distinct offenses
11 that you are to consider individually.

12 He can be found guilty on one, two, three, four or on
13 five. Just because he's guilty of one doesn't mean he is
14 guilty of the other, although I submit to you that the evi-
15 dence has proven that he is.

16 So what I want to do is take it kind of like I did in
17 my opening statement, and then I want to close chronolog-
18 ically, and start basically on June 23, 2011, that Thurs-
19 day.

20 As I said, there are five Indictments, and I am only
21 going to focus on four. The fifth one is possession of a
22 weapon during the commission of a violent crime.

23 You all are going to hear from Judge Dickson about,
24 well, first of all, murder, criminal sexual conduct, burg-
25 lary in the first degree and kidnapping are all violent

1 crimes. Therefore, if you find him guilty of any of those
2 four offenses and you find he had a thirty-thirty rifle
3 while committing those offenses, whether it be murder or burg-
4 lary or kidnapping or rape, then he's guilty of that weapon
5 charge. I'm not going to talk any more about that.

6 Let's start with the kidnapping. Initially I will
7 talk about the statutes and what we have to prove and then
8 talk to you about the facts that prove Mr. Holman's
9 guilt on that initial charges.

10 Kidnapping very simply is when someone unlawfully
11 seizures, confines, enveigles, decoys, kidnaps, abducts or
12 carries away another person, by any means whatsoever.

13 That means if you unlawfully confine somebody or kidnap
14 them and restrain their freedom, they are then guilty
15 of kidnapping.

16 In this case, the kidnapping started when he locked
17 that door, he threatened her when she tried to get away,
18 threatened her with a gun.

19 The kidnapping continued all through that night and
20 into the next day until she gets away finally and when the
21 homicide occurred.

22 So that is kidnapping. Let's listen to what the facts
23 are that prove Mr. Holman's guilt beyond a reasonable
24 doubt of kidnapping. Obviously where we need to start is
25 with Debbie Holman's testimony.

1 Now, what did she say happened? She drove over there
2 that night to return some videotapes and to talk to him
3 about his kids. He had called her about the tapes.

4 She gets over there and they go to the store and come
5 back. He asks her to come in and talk to her about the
6 kids, but when they get in the first thing he does is to
7 lock the door.

8 She said they started arguing and then the threats
9 begin, you're not going to see your kids again; you're going
10 to pay for what you have put me through. He suddenly has
11 that rifle and she tries to get out the door and he strikes
12 her in the head with it. He slams her head against the wall
13 causing the injuries which I'll talk to you about more in a
14 little while. He causes injury to her face, her neck, her
15 left eye.

16 And it doesn't stop there. It doesn't stop there.
17 We'll be talking about criminal sexual conduct in a minute
18 and that is part of it, but then they go out that night and
19 now he's on the hunt for Anthony James.

20 About midnight that night they go out for him to hunt
21 -- he's looking for Anthony James, out to his house look-
22 ing for him. It's dark out. He leaves her to get out of
23 the car and go up to the door. He threatens her, he gets out
24 and she tries to get in the driver's seat, and what did she
25 say he did at that point in time?

1 They are there at Anthony James' house when he forces
2 his way back into the driver's seat and tussles with her;
3 shes' trying to get into the driver's seat, and they tus-
4 sle over the gearshift, fighting over the gearshift, and
5 he starts biting her.

6 On the lip she still has a scar there that she showed
7 you, on the finger, forearm, and I guess their argument is
8 that she's doing this stuff to herself. I don't know what
9 they'll say about that. I mean, he admits that in his
10 statement.

11 She has five bite marks on the back, the upper back
12 and shoulder, so the kidnapping is continuing as she is
13 trying to get away but he's not letting her.

14 He ultimately ends up forcing her into the back seat
15 of the car and they go back to his house. That is corrob-
16 orated when you look at the pictures inside the car. The
17 blood in the front seat of the car. You can see from that
18 that Ms. Holman was bleeding. He bit her thumb.

19 Are they going to ask you to believe that she was a
20 willing participant, willing to go along with this the whole
21 time? Use your common sense.

22 But it doesn't end there. It doesn't end there.
23 They go back to the house and she says at that point in
24 time he threatened her. She tried to talk to him and he
25 told her to shut up, and they ultimately end up going out

1 again the next morning a little before six o'clock. He
2 tries to get her to call him, takes her to the IGA, trying
3 to get him to come out. He has the gun in the car when they
4 go to the IGA that morning.

5 He calls and puts her on the phone and she is upset
6 and crying, and he at that point in time realizes that
7 Anthony James may call the cops or something, so he takes
8 off.

9 He had threatened her before, you're not going to see
10 your kids again, and so she jumps out of the moving car.
11 She has an injury from that and goes to the hospital a
12 couple of hours later complaining of low back pain.

13 Mr. Wise got up on Cross Examination and asked her a
14 whole lot of questions about everything, but the one thing
15 he didn't ask her a single question about, was about jump-
16 ing out of that car. There was a reason for that, because
17 he knows there is no rational answer for that that makes
18 any sense other than the fact that he was kidnapping her.

19 Who jumped out of the moving car? Who jumped out of
20 the car? Who would, except somebody who was being unlaw-
21 fully confined.

22 If he had stopped there, that is enough to convict
23 him of kidnapping. But there's a bit more. You heard from
24 the first person who saw Debbie Holman after she got away
25 from the Defendant, the Town Clerk of Holly Hill.

1 Ms. Bradshaw said that she was panic-stricken, crying
2 and screaming for help when she came through the front door,
3 and bare-footed, face cut up -- she looked like she had
4 been through it.

5 What does she tell her when she comes in? The first
6 thing after she asks her what's wrong -- I've been held
7 hostage and he's after me. I've been held hostage, and
8 he's after me.

9 You know, the Defendat made a big deal out of that --
10 I can't believe you wouldn't say, you know, my boyfriend
11 is being shot. Why wouldn't you say that?

12 Think about that, ladies and gentlemen, about what she
13 had been through during the last sixteen hours or fifteen
14 hours. She had been held hostage.

15 Remember her testimony? You know, she told us she
16 heard a gunshot but when she pulled out of the yard she
17 didn't see Anthony. There was no reason for her to
18 have lied about that.

19 I mean, it is very easy to try to imply something be-
20 cause there was blood on the back of the car, and there is
21 no doubt about the car having left when he came down those
22 steps.

23 We know that from the Defendant's statement where he
24 said that Debbie had pulled off when he came down the steps.
25 I submit to you she's got tunnel-vision at that point in

1 time and she's focusing on getting out of there. And she
2 didn't realize they had come back down those steps.

3 But when she shows up over at the Town Hall looking
4 for help, looking for a police officer, the first thing she
5 says is she's been held hostage and he's after her.

6 Why would she have said that if it is not true, and
7 how is that possible? I mean, she's bleeding and it makes
8 no sense unless it's true.

9 Then the last thing was, you know, that proves beyond
10 any doubt that she was kidnapped is his own statement.

11 Look at what he said. You're going to have the statement
12 back there with you. About an hour after we got back we
13 started fighting. I hit her about five times in the arms
14 and face.

15 He admits to assaulting her when they get back to the
16 house. He talked about when they left that morning and
17 they went by the IGA and he wouldn't come out. (Reading
18 from Defendant's statement) I made a right out of the back
19 side of IGA and she tried to jump out of the car. I
20 turned the car around and she was walking; I told her to
21 get back in the car and she did.

22 I mean, why on earth would ~~she~~ be jumping out of the
23 car if she was a willing participant? Why on earth would
24 she jump out of a moving vehicle? The fact that she wants
25 to get away from him.

1 What does he say after that? I told her to get back
2 in the car and she did. I handed the gun and the bullets
3 and she held it until we got back to the house. Why did he
4 make that comment in his statement? She denies that he
5 did that. He put that comment in that to try to tell In-
6 vestigator Godwin he hadn't kidnapped her and she had con-
7 trol of the gun.

8 Again, that doesn't make any sense. She asked me to
9 take her to the hospital and I told her I wasn't going to
10 go right then. He is trying to say she is a willing par-
11 ticipant in this whole thing.

12 (Reading from Defendant's statement)

13 She told me to take it out on him and not her; he was
14 the cause of all of this. Right there it implies he was
15 doing something to her -- stop taking it out me, but we're
16 supposed to believe she was a willing participant, for the ride.

17 Moving back to the yard outside the trailer when she
18 took off -- that can explain why Anthony's blood was on
19 the back of the car. She was trying to move away as they
20 were coming out of that trailer.

21 Does that sound like a person who is in it all along?
22 Willing to go along? Does that sound right to you, a per-
23 son who had her freedom taken from her?

24 She was confined and kidnapped on the night of June
25 23rd and into June 24th.

1 The second offense, criminal sexual conduct in the
2 first degree -- basically, ladies and gentlemen, as to the
3 offense you're going to have three different options when
4 you go back. You can find the Defendant guilty of crimi-
5 nal sexual conduct in the first degree, or a lesser offense
6 of criminal sexual conduct in the second degree, or obviously
7 if we don't prove his guilt to you beyond a reasonable doubt
8 not guilty.

9 Let's talk about two different degrees of criminal
10 sexual conduct. Criminal sexual conduct requires a sexual
11 battery, sexual intercourse, and it has to be without
12 consent.

13 In the first degree, it has to be accompanied by some
14 aggravated force, which is either physical force or physi-
15 cal violence, of a high and aggravated nature that overcomes
16 the victim or is done with a deadly weapon.

17 In other words, if you have a deadly weapon and that
18 overcomes the victim's will when you commit a sexual bat-
19 tery on her, you are guilty of criminal sexual conduct in
20 the first degree.

21 Another way is if it is committed while the victim is
22 also a victim of kidnapping. If you find that that night he
23 locked that door and then assaulted her, that is kidnapping
24 and that is part of the circumstances, then he is guilty of
25 CSC in the first degree.

1 If the victim was also a victim of kidnapping when he
2 sexually assaulted her, he is guilty of criminal sexual con-
3 duct in the first degree.

4 Now, the second one is criminal sexual conduct in the
5 second degree, and what that involves is that same sexual
6 assault by the threat of use of force. In other words, he
7 threatened to use force on her. When you threaten some-
8 body to get them to submit to a sexual battery that is crim-
9 inal sexual conduct in the second degree.

10 Ladies and gentlemen, in this case, basically it's
11 going to boil down to two issues, I submit. One is whether
12 it was consensual, and I would submit to you ladies and
13 gentlemen that it is either criminal sexual conduct in the
14 first degree or he's not guilty.

15 Either it was when she was forcibly confined, kidnapped,
16 or physically assaulted, threatened with a weapon, or he
17 did none of that. CSC in the first or not guilty.

18 Let's talk about the criminal sexual conduct. All
19 right, and that is sexual battery. No doubt he had sexual
20 intercourse with her. You've got her testimony, you've
21 got DNA evidence of that, and ultimately you have his state-
22 ment that he gave.

23 He said after the fight we made up and had sex. So
24 there is no doubt about that.

25 Let's look at the lack of consent because I submit to

1 you that is ultimately the issue regarding the criminal
2 sexual conduct. In considering that, you have to look at
3 his actions. His actions really led up to that sexual as-
4 sault. If you look at Debbie Holman's testimony, she goes
5 in the house -- and we've already talked about the kidnap-
6 ping -- he locks the door and threatened her, physically
7 assaulted her.

8 He forced himself on her, and his statement says about
9 an hour after we got back we started fighting and I hit
10 her about five times -- she pushed me and I hit her five
11 times in the arms and face. After the fight we made up and
12 had sex.

13 So the issue, ladies and gentlemen, basically becomes,
14 and I submit to you, ladies and gentlemen -- does that look
15 like somebody's face who would consent to having sex --
16 the issues basically becomes consent. Does that look like
17 the face of someone who consented?

18 Keep in mind, ladies and gentlemen, that these pictures
19 were taken not like right after the assault and doesn't in-
20 clude clean-up when it happened.

21 These pictures are taken some fifteen or sixteen hours
22 later. She still has dried blood from the assault at the
23 house on her lips. She has hemorrhaging in her left eye.
24 Bruising around her throat. Does that sound like consensual
25 sex?

1 Remember she told the nurse there at the hospital that
2 it occurred on the red couch. There was blood -- there is
3 a close-up of it -- there is droplets of blood on the floor
4 right next to the couch. Pictures of blood on the couch,
5 blood on the wall next to the couch, blood on the back of
6 the chair next to the couch.

7 Yet he is going to get up here and ask you to believe
8 that was consensual sex. Ladies and gentlemen, I submit
9 to you that makes absolutely no sense whatsoever.

10 That is his way -- twenty-four hours later after he
11 knows that he's caught and he's got to come up with some-
12 thing to try to explain way his actions.

13 Mr. Wise is going to get up here and try to make a
14 big deal out of the fact that, you know, she testified that
15 she never told the nurse she told him no. Remember what
16 she said -- she was scared and she didn't know what he was
17 going to do. That's why she didn't say that.

18 He was hitting her, choking her, slammed her head up
19 against the wall, and then goes about forcing himself on
20 her. She didn't come in here and say, oh, I told him no;
21 I told him no, but that's not the fact that it was consen-
22 tual. That's not what happened. She didn't tell him no,
23 and she told you why.

24 Let's move on to burglary. Burglary in the first de-
25 gree is the unlawful entry into another person's home --

1 into someone else's home without their consent with the in-
2 tent to commit a crime therein and accompanied by circum-
3 stances of aggravation.

4 In this case, there is a list of possible ones, but
5 the ones that apply in this case are the fact that you are
6 armed with a deadly weapon -- he had that thirty-thirty
7 rifle -- or causes physical injury to a non-participant.

8 In other words, if you and a codefendant go into a
9 home to commit a burglary and the codefendant gets hurt that
10 doesn't count, but if the victim of the burglary gets injured
11 as a result -- it doesn't require any degree of injury -- in
12 this case, of course, the victim was also a victim of homi-
13 cide.

14 That's burglary in the first degree. Let's look at
15 the elements. All right? Unlawful entry -- how do we know
16 Carvi Holman went into Anthony James' home that day? Well,
17 there are several things that tell us that. Carvin Holmes'
18 statement that he pulled up to the back steps, got out of
19 the car and goes up the back steps. He gets out of the
20 car with the rifle and she refuses to get out and go knock
21 on the door.

22 She sees him out there and then she sees the keys in
23 the car. She realizes he has left them and she climbs over
24 the seat and hears a gunshot inside the trailer. We know
25 whose gun was inside the trailer.

1 Look at the pictures inside. You've got blood spatters
2 all over the inside, and we know the first shot took
3 place inside the house. Blood spatters all inside there.

4 Remember Jessie James' testimony, the neighbor who
5 lived across the street? You know, he hears the gunshot and
6 thinks it's a transformer blown. That's what brings him
7 outside.

8 He sees the victim on the ground and then sees a man
9 walk over and mess with the gun and shoot him another time.
10 He didn't hear the first shot. I guess the reason he didn't
11 hear the first shot is that he was inside Anthony's trailer
12 when he fired that first shot.

13 But then the most telling of it all is Carvin Holman's
14 statement, his own statement. This is what he said in
15 his own statement, what he tells Investigator Godwin. He
16 said he got out and knocked on the door. Anthony opened
17 the door and started walking away down the hall. I think
18 he was expecting her and not me. He turned around and saw
19 me with the gun and grabbed the gun and I pulled the trig-
20 ger. Then he goes on -- he got hit in the arm when I shot
21 -- pushed me out the door -- he got hit in the arm when I
22 shot and he pushed me out the door.

23 When you push somebody out the door you don't want them
24 in there to start with. Then the question he was asked and
25 he answered -- when you went to Anthony's did you have the

1 gun? Yes. When you got out of the car at [REDACTED], did
2 you go into the house with the intent to beat Anthony up?
3 Did you have a gun when you went inside?

4 So there is no doubt about it that he went into the
5 house without consent -- into Anthony's house without con-
6 sent, with malice. I mean, the man has threatened to kill
7 him two weeks earlier and he shows up at his house with a
8 gun.

9 Now, I don't know. They may bet up and argue that he
10 gave consent by opening the door. He told us in his own
11 statement why that happened -- I guess he was expecting her
12 and not me.

13 He went into the house without consent -- a non-issue.
14 Did he intend to commit a crime therein? Again, not an
15 issue.

16 Did he intend to commit a crime therein? Well, when
17 he got out of the car with a rifle did he intend to kill
18 Anthony? If you find that's true, he's guilty of burglary
19 in the first degree.

20 I mean, he had a whole lot on his mind besides going
21 to beat Anthony James up that afternoon.

22 Let's turn to circumstances of aggravation. Armed with
23 a deadly weapon, no doubt about it; causing injury to a
24 non-participant -- you know, you have to kind of separate
25 your thought patterns about it.

1 Murder is a separate offense. He was shot in the arm,
2 upper arm or forearm, while he was in the house.

3 Even after that, he's still trying to blame Anthony
4 James for what happened, for what happened to him, you know.

5 He turned around and saw me with the gun and grabbed
6 the gun and I pulled the trigger. He was trying to blame
7 Anthony for pulling on the gun, but that doesn't justify his
8 going into a man's home armed with a rifle^{to assault him}. It doesn't
9 minimize it, definitely doesn't excuse it.

10
11 When you look at the gunshot residue, I submit to you
12 that's not an issue either. If he was close enough to grab
13 the gun he would have had gunshot residue on him.

14 I submit to you Mr. James had turned and started walk-
15 ing away when he turned around, saw Carvin with that rifle,
16 and he put his hands up in the same position Dr. Ross has
17 talked about, if you remember.

18 He put his arms up. There's a picture of blood that
19 was found on the ceiling from when he got shot. He's
20 standing there with his arms up when he was shot by that
21 man.

22 The last charge against Mr. Holman, ladies and gentle-
23 men, is the most serious charge, the charge of murder, and
24 murder quite simply is the unlawful killing of another per-
25 son with malice aforethought either express or implied.

Let me talk to you a minute about what malice is.

1 What is malice, express or implied, which means there
2 are two different ways you can find malice. Express means
3 somebody's words, I'm going to kill you, as he had told
4 Anthony James two weeks before. Express means acts of prep-
5 aration leading up to that morning.

6 He attempted to find Anthony James the night before.
7 He tried to get him to come out at work; to trick him and
8 get him to come out that morning.

9 Malice can be implied here, ladies and gentlemen, from
10 the overall circumstances, and I'll talk to you about that
11 again in a few minutes.

12 What's the definition of malice? Malice is hatred,
13 ill will, hostility toward another person. Intentional
14 doing of a wrongful act without just cause, without excuse,
15 with intent to inflict an injury under circumstances from
16 which you could infer an evil intent. Conduct showing a
17 total disregard for human life. Total disregard for human
18 life.

19 You can also infer it when it accompanies the use of
20 a deadly weapon as in this case, the rifle he took into
21 the house of Anthony James, the gun he used to kill Anthony
22 James.

23 This isn't a who-dun-it. You heard about the twenty-
24 four hour manhunt for Carvin Holman after the death of Mr.
25 James.

1 We know that Carvin Holman was found across town, hid-
2 ing in the back of a van in the middle of the summer, with
3 the same type of ammunition -- an empty box found there.
4 Ammunition to use in a rifle to hunt as shown on the back
5 of the box, things such as an antelope, a white-tailed deer,
6 a black bear.

7 And obviously we have his statement where he admits
8 to shooting Anthony James. It's not a who-dun-it.

9 The thing you've got to look at, I guess, is whether
10 that malice is there. You know, if you look at his state-
11 ment when you have it back there, as much as he denies
12 things -- he denies he kidnapped his wife; he denies he
13 forced her to have sex with him; denies that he assaulted
14 her with the rifle -- he denies all of that, but when you
15 get to the murder -- line by line he talks about it. Line
16 by line, four or five lines.

17 Even he can't come up with a justification or an ex-
18 cuse for that. He tried earlier to pass Debbie off as
19 being a bad wife. He said that Anthony told me he had raped
20 her; he told me he had her on drugs. That not what she said
21 on this witness stand, not what you heard from Ms. Rutland
22 who worked with Anthony and was his friend. She said that
23 Debbie and Anthony were serious, and they had planned to live
24 together, according to Debbie.

25 So maybe that's where he's going to try to argue that

1 it's not murder. Even if it's true about Debbie, that does
2 not justify what he did. He had gone hunting for Anthony
3 James that night, he was hunting for him that morning, and
4 finally, the third time, that afternoon.

5 Now, that malice started when he walked through that
6 back door, ladies and gentlemen, with that rifle, and it
7 started when he pulled the trigger, striking Anthony in the
8 arm. It ended there in the yard.

9 Ladies and gentlemen, I submit to you when Anthony
10 was trying to get away and is basically stumbling along the
11 back of his trailer, so that he falls down in the back yard
12 -- trying to get away from the man that is coming to kill
13 him.

14 When he makes his way across his yard I submit he was
15 trying to go for help, to his cousin's house across the
16 street, and I don't know if it would have mattered if he
17 -- the fact that he turned around or not -- whether he would
18 have been shot anyway.

19 The malice continued when Carvin Holman reloaded that
20 gun and puts in another round; fire again, striking Anthony
21 in the chest.

22 That lacerated his kidney, his intestines, and ran
23 out of his spinal column, dropping him on the ground. He
24 was knocked to the ground a little over halfway to the street.

25 If it ended right there, I submit to you that he'd

1 still be in the same spot. There was no chance of him sur-
2 viving that wound. It would definitely have been murder,
3 no chance of him surviving that wound. He would be guilty
4 of that murder.

5 But when you're looking at that malice remember this,
6 that he reloaded that gun again. Look at his statement.

7 He started walking away. I then reloaded that gun and
8 shot him again. He fell on the ground. I heard him say,
9 oh, Lord. He was laying on his back. I reloaded the gun
10 and walked up and shot him in the head. It's murder.

11 Look back on what Jessie James testified. He heard
12 that gunshot and saw his cousin laying in the yard. He
13 had come out to see what's going on. He saw him messing
14 with the gun.

15 He was fifty yards away and he saw Carvin Holman shoot
16 Anthony James and put him on the ground. He's laying flat
17 on the ground, and he doesn't see anybody else. He's on
18 this corner and he's looking at who fired that shot.

19 What did he testify he saw then? They may say he has
20 some bias because it's his cousin or his friend that's dead,
21 but what did he say he saw? What did he testify that the
22 man with the gun did then?

23 If he has bias against Carvin Holman he would have come
24 in and said, that's him; that's the man that shot him. He
25 didn't know who it was who shot him.

1 He only knew it was a black man, and he sees him come
2 into the picture with a rifle, come up to Anthony and mess
3 with the gun. He was reloading that gun I submit to you.
4 Then he stands over him and pulls the trigger, taking the
5 top of Anthony James' head off.

6 Any chance he had had of maybe surviving the other
7 shots is gone now. If that's not malice, ladies and gentle-
8 men, I don't know what it is. That is a total lack of re-
9 gard for another man's life.

10 There is no justification for his actions. There is no
11 excuse for it. Sixteen months ago Carvin Holman terrorized
12 his wife, assaulted her, sexually assaulted her, mentally
13 assaulted her, told her he would kill her.

14 He went hunting for Anthony James armed with his rifle,
15 and he went into that man's home and shot him; chased him
16 down in the yard and shot him, shot him again -- then he shot
17 him again.

18 Ladies and gentlemen, on behalf of the citizens of
19 Orangeburg County, I respectfully ask you to hold him ac-
20 countable for his actions. I ask you when you get back in
21 that jury room to hold him accountable.

22 Thank you.

23 THE COURT: Thank you, Mr. Sorenson. Mr. Wise?

24 MR. WISE: May I have one moment?

25 THE COURT: Sure.

1 (Brief pause)

2 MR. WISE: I'm going to start out -- I'm going to try
3 to start out the first day where we left off. We came in
4 front of you the first day and looked you in the eye and
5 said that Mr. Holman was not guilty of murder. I'm going
6 to start out with that.

7 I'm going to tell you more about it, and I'm going to
8 tell you why I say that. I want you to know that is still
9 our position. That is still what we say.

10 A couple of things I want to talk about first in re-
11 sponse to some of the things that Mr. Sorenson said to you.
12 He started by talking about the fact that Carvin hated the
13 fact that his marriage was over. He hated the fact that
14 his wife was moving on. He hated that he wasn't getting to
15 see his children.

16 That is unrelated to what happened to Anthony James.
17 He just told you -- he said that Mr. Holman was hunting
18 Anthony James all that night and the next day but that is
19 not what the case is about.

20 We know what his statement was. We know what he said
21 to the police. I don't think Investigator Godwin was try-
22 ing to plant facts or anything else.

23 I have known Investigator Godwin a long time. He's
24 a good investigator, and he wouldn't do that. You heard
25 him testify. The point was to say that he really admitted

1 to the things he did in the statement, he was being forth-
2 right, just like Investigator Godwin said he was.

3 Think about what he said in his statement. He was
4 open, and there are a lot of other things he could have
5 said. But he came in and sat down. They had talked it
6 out and in a few minutes they had written it out. He was
7 totally open. They read it back and forth, and he then
8 signed it.

9 No threats, no trying to get him to tell the truth,
10 no techniques. He comes in and sits down at the table and
11 tells what happened.

12 You've got two different stories here. You have a
13 story that Debbie tells. You have a story that Carvin
14 tells.

15 I simply say to you, and I mean it -- I simply say
16 this, you can't accept Debbie's story, although some of
17 the things in Carvin's statement may cause you some con-
18 cern.

19 Just a couple of things -- just a couple of facts on
20 things that are wrong with it. If Mr. Holman was as dan-
21 gerous as she says he was, why would she go to his house?
22 Just go over there? If he was, she wouldn't do that.

23 Why would she go to Carvin's house and take him to
24 the store? I think she said something about him doing some-
25 thing to her in the car. He was punching her, hitting her

1 -- but if that happened why would she go inside the house
2 when they got back to his house? She wouldn't.

3 The reason she went back inside, of course, is that
4 none of that happened. Remember what she said happened
5 that night? Remember? She said he took my phone and
6 called Anthony, and I was crying. I submit to you if her
7 boyfriend heard her crying he would have called the pol-
8 ice. He would have called the police, but he didn't, be-
9 cause he didn't hear her crying.

10 Now, we don't argue about the fact that Carvin wanted
11 to fight Anthony. He said that more than once. The idea
12 was to get him to come out to fight him. We'll tell you that.

13 I submit that when she said otherwise, that is not
14 the whole truth. Carvin is not going to have her in the
15 parking lot of the IGA in Holly Hill, beating her with a
16 rifle, and nobody came and got involved. Nobody saw any-
17 thing, nobody comes, nobody called the police.

18 This is the IGA where people know her. Ms. Rutland
19 said, I know her. This didn't happen. It simply didn't
20 happen.

21 The other thing that I think would cause you some con-
22 cern is that her story is this. She testified they went
23 to -- her testimony is he took her to a gas station. Re-
24 member that? It was in broad daylight. Parks at a pump, he
25 gets out of the car and pays for gas, he buys the beer, he

1 buys her a soda. He's in the store and he comes back out
2 and gets in the car and they drive off.

3 That's what she says. That didn't happen. I don't
4 think he kidnapped her, in fact.

5 If she was there under duress when he walks into the
6 store without the gun, why doesn't she get out and run away
7 -- end of drama?

8 Another thing is that while they were at his house
9 Carvin gave her that shirt to put on. Remember -- I guess
10 the theory is that at some point he was going to kill her,
11 so why would he give her a shirt.

12 Now, the testimony was she was bloody. Fine. Then I
13 would expect to see a bloody shirt come in. The allega-
14 tions are they're in town, they're looking around, and with
15 the bloody shirt. Nobody saw that, because there never was
16 a bloody shirt.

17 He gave her the shirt because she was cold. That's
18 why he did it.

19 But the biggest thing about her story that you should
20 question -- the biggest issue you should have with Debbie
21 is about where she was when this thing happened, and this
22 is the biggest problem I see with this case, and what I
23 think the case is about.

24 They can't get past the fact that that is Anthony's
25 blood -- Anthony's blood on the back her car. The blood on

1 her car says to me, and I think it says to you, that she
2 was there when the incident happened.

3 Her story about he gets out and she pulls away is not
4 true. If you want to know the truth, look at what Carvin
5 said. Okay?

6 He told what happened and why that blood is on the
7 back of Debbie's car. The only way the blood could be on
8 the back of the car is that Carvin and Anthony were fight-
9 ing after they came out of the house.

10 That blood that Investigator Carter talked about, the
11 blood on her car, that was Anthony's blood, and I submit
12 this is what happened on Friday.

13 Let me back up. Debbie and Carvin were not to-
14 gether. We know that. She may not have been in love with
15 Carvin any more, but Carvin didn't know that. She's running
16 around town with Anthony but Carvin doesn't know that. She
17 knew that Anthony and Carvin were friends. She was at a
18 cookout at Anthony's house when Carvin comes. She was there
19 with Anthony.

20 She figured they weren't close friends -- no big deal.
21 They are both there and she is married to him but she is
22 with Anthony. I didn't know they were that close.

23 Now, everybody knows that nobody said anything to
24 Carvin, but the testimony of the manager at the IGA was
25 that she knew about Debbie and Anthony.

1 What I'm saying is that Carvin had to learn about what
2 his wife was doing on the street, or that's what she says.
3 He has to hear about that fact that his wife was moving in
4 the home with another man, and right before it happened.
5 Moving his kids into the home of another man.

6 In any event, what happened on Thursday is Debbie and
7 Anthony are getting ready to clean up his house so she and
8 the kids can move in and they can live together. She says
9 they were supposed to go and get supplies and he goes off
10 with a friend.

11 She leaves and she goes back. He's not there. She
12 comes back and waits around. He's drinking somewhere, some
13 place else.

14 She gets upset. She goes to Carvin's house. She
15 tells Carvin things about Anthony. She said Anthony raped
16 her; that he gave her drugs. Carvin gets mad. This is his
17 wife, the woman he loves. He gets mad as husbands would
18 do.

19 He goes looking for Anthony that night. They go to-
20 gether, Debbie and Carvin together. Debbie is providing
21 him information about Anthony.

22 So that Carvin knows what his schedule is, Carvin knows
23 what path he walks back and forth to work. How else would
24 he know that or when he goes to work? Carvin didn't have
25 that information.

1 If Carvin is going on a hunt as the State says, he's
2 got to know all about Anthony's schedule so he can find
3 him. Debbie is the one providing him with the information
4 on that.

5 she is with him every step. Ultimately they go to
6 Anthony's house. We know that. The car is parked in the
7 back of the house. It's parked in the back where Debbie
8 would usually park.

9 He gets out and he goes in. When that first shot gets
10 fired, she is there. The shot that goes into his arm.

11 When they come fighting out of the house, she is there,
12 and that's why Anthony's blood is on the car. She's right
13 there, looking at everything. Then, I submit to you, hav-
14 ing set this tragedy in motion, I think she becomes afraid,
15 and maybe rightfully, that she may be responsible, and she
16 takes off and goes to the police.

17 That is why she never mentions the shooting because
18 she was at the shooting. She comes up with being held hos-
19 tage and the story of that. That gets her past the whole
20 hand of one, hand of all theory.

21 She goes and makes up the story and that's why she
22 never mentions the fact that her boyfriend was shot because
23 she was not going to tell the police my boyfriend was shot
24 and I was there.

25 What is important about what Carvin said in his

1 statement -- and think about it -- see if it makes sense
2 -- how can she not go right across the street and go for
3 help?

4 She drove two and a half miles. She drove on past
5 Jessie's house. She drove past downtown Holly Hill, and
6 she could have made a left and gone down [REDACTED] to a
7 phone, but she drives two and a half miles to the police
8 station. She doesn't call nine one one.

9 Why would you do anything like that if she didn't have
10 any involvement; if she's trying to help Anthony and help
11 herself? She'd call nine one one. How could she not call
12 nine one one?

13 How could she not call from a convenience store or
14 from Mr. James' house? That's what you would do if you
15 see something like that, if you have no involvement.

16 Because she was afraid. That's why. The point of
17 this is I don't think you can accept Debbie's statement in
18 its whole cloth, her story. I tell you that. I would
19 submit that a woman who would do the things that she did,
20 who would carry herself the way she carried herself, it's
21 unbelievable that her statement is true. Her statements
22 under oath in this Courtroom at unbelievable. She should
23 not have any credibility whatsoever.

24 If you want to know what happened here, you read it
25 from Carvin's statement.

1 That's what happened. He laid it all out.

2 Remember, he admitted shooting Anthony. If he had
3 wanted to try to make a defense, that's a pretty bad way to
4 go at it. In his statement, he admitted hitting Debbie but
5 he did not admit raping her or kidnapping her. He told
6 the truth.

7 I submit to you that he sat down with Investigator
8 Godwin and said, let me tell you what I did. He shot him
9 in his arm, and then he shot him again. While he was on
10 the ground he shot him again. He did say that. He wasn't
11 holding anything back. He's telling him the truth.

12 He would have admitted holding his wife against her
13 will, kidnapping, if that had happened. What he said in his
14 statement, he admitted without any prompting, without any
15 hesitation. He gave his DNA.

16 He told the truth that day, put it all out there. He
17 didn't talk about raping her or kidnapping her because that
18 wasn't true. Let's talk about the charges.

19 They can't contest the fact that when Debbie said he
20 -- they get in his house and Carvin goes about locking the
21 doors -- they can't contest the fact that he didn't have
22 any locks on his doors. No locks. No deadlocks. Just has
23 latches.

24 That's all. Look at the pictures in evidence. They
25 can't contest that fact, and they can't the fact that while

1 she's there they sleep, and I think she said they got up
2 around noon. Noon on Friday.

3 If Debbie wanted to leave, she would have left.

4 Now, I can't explain to you the whole thing. I don't
5 know or understand it. It's not how I would act but it
6 is what we have here.

7 I can tell you there is no rape here, and you have to
8 consider this. Debbie said four things -- four things she
9 said about the sex they had.

10 She said, number one, she didn't say a word. Number
11 two, she said she assumed he thought that since she was his
12 wife he could have sex with her. She said, number three, he
13 didn't threaten her then with the gun, and, four, he did
14 not use any force.

15 As far as Carvin is concerned, he's having sex with
16 his wife.

17 Mr. Sorenson and I agree on a great deal in this case.
18 No doubt about it, Carvin hit her, he struck her. He said
19 that in his statement, that they fought as wives and hus-
20 bands sometimes do, but that doesn't mean he kidnapped her.
21 It certainly doesn't make him a rapist. Married people have sex
22 sex. That is not a rape.

23 I definitely am going to sound like a lawyer when I
24 say this, but in the State's opening they say that Carvin
25 unlawfully entered the residence. The State says that it

1 was without consent.

2 Now, we don't know Anthony or what would have hap-
3 pened if he had not opened the door. We can assume he
4 would not have consented but we don't know that. That
5 would be conjecture.

6 But we know this, they have a problem with each other
7 and I submit to you Anthony was not afraid of Carvin, and
8 we know this because Carvin was still walking the street,
9 having threatened Anthony's life at work.

10 So we know he was not afraid of Carvin, and the fact
11 that they may have saw each other inside the house or out-
12 side the house is one of those things that could happen,
13 but we don't know exactly what the situation was.

14 I submit to you that there is no proof that it was
15 without consent. No proof he unlawfully entered.

16 Now, let's make this short. I'm going to say some-
17 thing that you are going to think is crazy, but Carvin is
18 not a violent man. He's not, although what he did that
19 day was violent. He's not a violent man and if everyone
20 was so afraid of him and he was hunting Anthony he would
21 have been dead. He was walking the street because no one
22 was afraid of him. Debbie was not afraid of him because, as
23 she told him, Anthony drinks so much, I might as well keep
24 you. She said that. She's not afraid of him.

25 She went to his house voluntarily, and not only did

1 she go voluntarily but she didn't even tell anybody she was
2 going.

3 I understand the State's theory. Carvin was mad that
4 his wife was fooling around. If that was so, she would
5 have dealt with that when he first found it out, but he
6 didn't.

7 Carvin was not hunting Anthony. We now know that he
8 wanted to fight Anthony, and how do we know that? Because
9 he said it. He goes to the IGA to get him to come outside
10 and fight him.

11 He didn't shoot him at the IGA at Holly Hill. Nothing
12 happened there. I don't believe he had threatened him there
13 before, but even if he did, at the end of the day what hap-
14 pened? Anthony goes home, comes back the next day and he's
15 unharmed. If Anthony had come out of the IGA he's not going
16 to shoot him at the IGA. Nothing happened.

17 If Carvin was going there to kill him, when Anthony
18 came to the back door that night he would have shot him
19 then and there. He would have been dead then and that
20 would have been the end of it.

21 A fight occurred and there was a shot. They come out-
22 side and obviously they separated. They separated and
23 then he shot him. We don't know what happened other than
24 that. When Carvin shot him the second time they
25 were not that close. Carvin shot him as he was walking away.

1 Carvin came out from behind the tree which means
2 that Carvin was not that close, and so something happened
3 as he was walking away to cause Anthony and Carvin to be
4 face to face. Something happened as Anthony is walking
5 away.

6 That's what this case is about, what happened. This
7 is what happened, and look at what Carvin said Anthony James
8 said. He said, you were going to kill me today; now I'm
9 going to kill you. Read Carvin's statement. Anthony was
10 looking at him in his face as he said that.

11 Let's go back a moment. If Carvin were hunting Anthony,
12 being a good shot and having a high-powered rifle, Anthony
13 would have been killed by then. I submit to you it's clear
14 that Harvin had no intention of doing that.

15 The reason he had a gun was because he didn't know
16 if Anthony had a gun, and let's talk about why it isn't
17 murder.

18 This is why I said this isn't murder. Number one, the
19 most important thing, there is no malice.

20 The law requires there be malice as you will hear,
21 and I submit there was none. In the opening the State said
22 murder requires malice, and malice means ill will, hatred,
23 evil will. Carvin didn't have any of that.

24 Certainly if I go to someone and address a wrong they
25 have done to my family member, that is not ill will. We

1 know that.

2 If somebody rapes my wife, if somebody gives drugs to
3 my wife, the mother of my children, and I go to take is-
4 sue with that, that is not malice. That's what happened
5 here. He was going to deal with something that happened
6 between him and the victim. If a person gives my wife drugs
7 it means something to me. What he's done means something
8 to me and my family, but there is no malice involved.

9 Now, the focus is whether the shots were motivated
10 by malice, and I submit to you that if Carvin had been con-
11 sumed by malice in a problem he had with Anthony, things
12 would have happened differently than in this case.

13 What happened that day is not something that had hap-
14 pened before, so if you want to know what he was thinking
15 go to his statement. If you want to know what he's think-
16 ing, read his statement. See what he said. (Reading from
17 statement)

18 Looking at the pictures of Anthony, they are terrible
19 pictures. Mr. Sorenson held up the pictures in talking
20 about Carvin hunting for Anthony and shooting him. He
21 talked about the hunting rifle.

22 Let's talk about the rifle. It was a large caliber
23 gun. He used a large caliber gun because that's all he
24 had. Mr. Sorenson said several times that these injuries
25 were malice, but I submit to you that a horrendous injury

1 does not equal malice. The State attempted to accomplish
2 through shock value what they did not accomplish with testimony.
3 They don't have any inference of malice.

4 So if it wasn't malice, what was it? It was fear, and
5 fear is not malice. Was Carvin afraid of Anthony? I don't
6 know. You have to look at this.

7 Number one, he was shot in the arm, and even being
8 shot in the arm and being unable to use that arm, he could
9 force Anthony down the porch steps and hit him across the
10 lips with the use of one arm.

11 After that fight that they had, after being shot in
12 the arm, Anthony stands up and walks away, and
13 then he does this -- he stops and turns and looks Carvin in
14 the eye and makes that statement. You're going to have to
15 kill me today or I'm going to kill you.

16 When Carvin heard that statement, he took it seriously
17 and he was rightfully scared of a person who could go through
18 all Anthony had been through and look you in the eye, while
19 you're holding a rifle, and threaten to kill you.

20 Anthony stands up, turns to him and threatens to kill
21 him. That would scare most people, and it scared
22 Carvin. When that happened, when a man feels that kind of
23 fear, he can't just walk away because walking away would be
24 a death sentence.

25 So he shot and killed him. He did. The first shot

1 I submit to you was an accident, the one in the arm. It
2 wasn't intentional, and the bottom line is he didn't in-
3 tend to kill Anthony. I submit he didn't act out of malice
4 but out of fear. He was afraid and rightfully so because
5 Anthony was strong and determined and angry.

6 I've been representing Carvin for about a year or a
7 little more than a year. Sometimes in my representation
8 I am missing something or not saying something I could say.
9 I wish I had a dollar for every time I've said about this
10 case that it wasn't murder. It's not murder.

11 Remember what the Solicitor said about Carvin shoot-
12 ing him in the head? I can understand that, and
13 when you stand over a man and shoot him in the head -- I can
14 see why the State says that.

15 But that is not how we decide things. We decide a
16 case on why it happened.

17 Mr. Sorenson said he needs to be held responsible, and
18 Carvin said that.

19 He said if that's not malice he doesn't know what is,
20 but malice is not fear, so what are you supposed to do?
21 You have a problem. You have a very sad act to perform, no
22 doubt about it. It's going to be hard. Any time I have
23 talked to people about Carvin and tell them I don't think
24 it's murder, they laugh in my face. They laugh in my face.

25 I got this case because everyone said the same thing.

1 He shot him in the head and killed him. How can it
2 not be murder?

3 Well, folks, it's not murder because the law says it's
4 not murder. When you apply that law, you will see that
5 it is not murder.

6 No matter how bad the injuries are, no matter how big
7 the gun, no matter how many shots are fired, it is not a
8 murder.

9 The term murder means something. I had a professor in
10 law school who always said this in telling us what that
11 meant, any time you take a case start with what the law
12 says.

13 If you start with what the law says in this case, what
14 happened here is not murder because there is no malice.
15 What happened to Anthony was motivated by fear. Yes, he
16 had an issue with Anthony. He had raped his wife and given
17 his wife drugs. He had a fight with him and accidentally
18 shot Anthony and he made that statement to Carvin. He was
19 afraid but that's not murder.

20 Your job under your oath is to follow the law. You've
21 got a tough job, but the State's case did not prove there
22 was a murder. There was no murder. You can find him guilty
23 of murder or not guilty of murder. I think if you apply the
24 law and think about the facts and what happened, you will
25 find him not guilty.

1 THE COURT: We'll take a short break. I'll let you
2 go back to your jury room, and when you come back out I
3 will charge you with the law of the case.

4 Go back in your jury room for about ten minutes.

5 (Jury excused from Courtroom)

6 THE COURT: All right, we'll take about a ten minute
7 break.

8 (Court stood in recess for a brief period after which
9 the case resumed)

10 THE COURT: Bring in the jury, please.

11 (Jury returned to Courtroom)

12 THE COURT: It is now my job to charge you on the law
13 in this case. The Indictments charge the Defendant with
14 murder, burglary in the first degree, possession of a
15 weapon during the commission of a violent crime, kidnap-
16 ping, criminal sexual conduct in the first degree.

17 I remind you that just because the Defendant was ar-
18 rested, charged and indicted in this case is not evidence
19 in this case and cannot be considered by you as evidence
20 of guilt in this case, nor does it create any presumption
21 or inference of guilt.

22 These documents are simply the formal written instru-
23 ments which contain the charges against the Defendant.
24 They are the formal documents by which this case is brought
25 into Court.

1 The Indictments in this case allege several differ-
2 ent offenses against the Defendant. The offenses are,
3 again, murder, burglary in the first degree, possession
4 of a weapon during the commission of a violent crime,
5 kidnapping, and criminal sexual conduct in the first
6 degree.

7 Each Indictment charges a separate and a distinct
8 offense, and you must decide each Indictment separately
9 on the evidence and the law applicable to it uninfluenced
10 by your decision as to any other Indictment.

11 The Defendant may be convicted or acquitted on any
12 or all of the offenses, and you will be asked to write a
13 separate verdict of guilty or not guilty for each of
14 them.

15 The Defendant has pled not guilty to these Indict-
16 ments, and that plea puts the burden on the State to
17 prove the Defendant guilty beyond a reasonable doubt.

18 A person charged with a criminal offense in South
19 Carolina is never required to prove his or her innocence.
20 I charge you that it is an important rule of law that
21 the defendant in a criminal trial, no matter how serious
22 the offense may be, is always presumed to be innocent of
23 the crime for which the Indictment was issued, unless guilt
24 has been proven by evidence satisfying you of that guilt
25 beyond a reasonable doubt.

1 This presumption of innocence does not end when you
2 begin your deliberations but it continues and accompan-
3 ies the Defendant throughout the trial until you reach a
4 verdict of guilt based on evidence satisfying you of
5 that guilt beyond a reasonable doubt.

6 The presumption of innocence is like a robe of
7 righteousness that is placed about the shoulders of the
8 Defendant, and it remains with the Defendant until it has
9 been stripped from him by evidence satisfying you of the
10 Defendant's guilt beyond a reasonable doubt.

11 The presumption of innocence is not a mere legal
12 theory. It is not just a legal phrase. It is a sub-
13 stantial right to which every defendant is entitled unless
14 you, the jury, are satisfied from the evidence of the
15 Defendant's guilt beyond a reasonable doubt.

16 What is a reasonable doubt in the law? A reason-
17 able doubt is the kind of doubt that would cause a rea-
18 sonable person to hesitate to act. The State has the
19 burden of proving the Defendant guilty beyond a reason-
20 able doubt.

21 Some of you may have served as jurors in civil
22 cases where you were told that it is only necessary to
23 prove that a fact is more likely true than not true, such
24 as by the greater weight or preponderance of the evi-
25 dence.

1 In criminal cases, the State's proof must be more
2 powerful than that. It must be beyond a reasonable
3 doubt.

4 Proof beyond a reasonable doubt is proof that will
5 leave you firmly convinced of the Defendant's guilt.
6 There are very few things in this world that we know
7 with absolute certainty, and in a criminal case the law
8 does not require proof beyond every possible doubt.

9 If based on your consideration of the evidence you
10 are firmly convinced the Defendant is guilty of the
11 crimes charged, you must find the Defendant guilty. On
12 the other hand, if you think there is a real possibility
13 the Defendant is not guilty, you must give the Defendant
14 the benefit of the doubt and find him not guilty.

15 During this trial, you and I have certain duties to
16 perform. As Trial Judge, it is my responsibility to
17 preside over the trial of this case and to rule on the
18 admissibility of evidence offered during the trial.

19 You are to consider only the evidence before you.
20 You are to consider only the testimony of witnesses from
21 this witness stand and exhibits which have been made a
22 part of the record.

23 I have the additional duty to charge you the law
24 applicable to this case. As the Presiding Judge, I am the
25 sole judge of the law in this case, and it is your duty

1 as jurors to accept and apply the law as I give it to
2 you.

3 If you already have any idea of what the law is or
4 what the law ought to be and it does not agree with what
5 I now tell you the law is, you must abandon this idea
6 because you are sworn to accept the law and apply the
7 law as I state it to you.

8 In every case tried before a jury, the jury is the
9 sole and exclusive judge of the facts in the case. A
10 Trial Judge cannot intimate, comment on or make any
11 statement to a trial jury about the facts in a case.

12 Since you, the jury, are the sole judges of the
13 facts in this case, you are not to infer from what I have
14 said during the trial in ruling upon the admissibility
15 of evidence or anything that I say during the course of
16 this instruction to you that I have any opinion about the
17 facts of the case.

18 The law does not allow me to have an opinion as
19 to the facts in this case. This is a matter solely for
20 you, the jury, to determine.

21 As jurors, it is your duty to determine the effect,
22 the value, weight and truth of the evidence presented
23 during this trial.

24 There are two types of evidence which are generally
25 presented during a trial, direct evidence and circumstantial

1 evidence.

2 Direct evidence is testimony of a person who claims
3 to have actual knowledge of a fact such as an eyewitness.
4 It is evidence which immediately establishes the main
5 fact to be proved.

6 Circumstantial evidence is proof of a chain of facts
7 and circumstances indicating the existence of a fact.
8 It is evidence which immediately establishes collateral
9 facts from which the main fact may be inferred.

10 Circumstantial evidence is based on inference and
11 not on personal knowledge or observation.

12 There is absolutely no distinction in the weight or
13 value of either direct or circumstantial evidence, nor
14 is a greater degree of certainty required of circumstan-
15 tial evidence than of direct evidence.

16 You should weigh all of the evidence in this case,
17 and after weighing all the evidence if you are not con-
18 vinced of the guilt of the Defendant beyond a reasonable
19 doubt you must find the Defendant not guilty.

20 Necessarily, you must determine the credibility of
21 witnesses who have testified in this case. Credibility
22 simply means believability.

23 It becomes your duty as jurors to analyze and to
24 evaluate the evidence and to determine which evidence
25 convinces you of its truth.

1 In determining the believability of witnesses who
2 have testified in this case, you may believe one witness as
3 against several witnesses, or several witnesses as against
4 one witness.

5 You may believe a part of the testimony of a witness
6 and reject the remaining part of the testimony of that
7 same witness.

8 You may believe the testimony of a witness in its
9 entirety or reject the testimony of a witness in its
10 entirety.

11 You may consider whether a witness has exhibited to
12 you any interest, bias, prejudice or other motive in the
13 case.

14 You may also consider the appearance and manner of a
15 witness on the witness stand.

16 The rules of evidence ordinarily do not permit a wit-
17 ness to testify as to opinions or conclusions. An excep-
18 tion to this rule exists for witnesses we call expert wit-
19 nesses.

20 A witness who by education and experience are expert
21 in some art, science, profession or calling, may state an
22 opinion in a relevant or material matter in which the wit-
23 ness claims to be an expert and also state the reasons for
24 that opinion.

25 You should consider any expert opinion received in the

1 evidence in this case like any other evidence and give it
2 the weight you think it deserves.

3 If you decide that the opinion of an expert witness
4 is not based on sufficient education and experience, or if
5 you determine that the reasons given in support of the
6 opinion are not sound, or if the opinion is outweighed by
7 other evidence, you may disregard the opinions entirely.

8 An expert witness' testimony is to be given no greater
9 weight than that of other witnesses simply because the wit-
10 ness is an expert. Further, you are not required to accept
11 his opinion even though it is not contradicted.

12 I instruct you and emphasize to you that the fact that
13 the Defendant did not testify is not a factor to be consid-
14 ered by you in any way in your deliberations and in your
15 consideration on the question of guilt or innocence of the
16 Defendant.

17 It must not be considered by you in any manner what-
18 soever. The Defendant has the constitutional right to re-
19 main silent and the assertion of this right must not be con-
20 sidered by you in your deliberations.

21 I repeat, under your oath you are to draw no conclusion
22 whatsoever from the fact that the Defendant in this case
23 did not testify.

24 The fact that the Defendant did not testify should not
25 even be discussed in the jury room.

1 The burden of proof, as I have stated to you, is on
2 the State. The Defendant is not required to prove his inno-
3 cence. The burden of proof remains on the State to prove
4 guilt beyond a reasonable doubt.

5 In order to establish criminal liability, criminal in-
6 tent is required. For example, the mental state required
7 to be proven by the State for a particular crime may be
8 purpose, intent, recklessness or criminal negligence.

9 Criminal intent must be proven by the State beyond a
10 reasonable doubt. Criminal intent is always a matter that
11 must be determined by the jury from the circumstances sur-
12 rounding the situation.

13 There is no way to prove intent to a mathematical cer-
14 tainty. There is no way medical science can dissect a per-
15 son's brain and determine what the person had in mind, so
16 the law says criminal intent may be inferred from the cir-
17 cumstances shown to have existed.

18 You must make a determination of whether or not the
19 elements requiring intent is present. It is not necessary
20 to establish intent by direct and positive evidence. In-
21 tent may be established by inference in the same way as
22 any other fact by taking into consideration the acts of the
23 parties and all of the facts and circumstances in the case.

24 Criminal intent is a mental state. It is a conscious
25 wrongdoing. It is up to you to determine what the Defendant

1 intended to do based on the circumstances shown to have
2 existed. Criminal intent can arise from actions or a fail-
3 ure to act. It can arise from recklessness, negligence or
4 an indifference to duty or to consequences that is consid-
5 ered by the law to be the equivalent of criminal intent.

6 A statement alleged to have been made by the Defendant
7 has been admitted into evidence in this case. While the
8 Court has determined that the statement is admissible, I
9 instruct you that you make the ultimate decision of whether
10 or not the Defendant made the statement.

11 If the Defendant did make the statement, you must de-
12 termine whether the statement was made by the Defendant
13 voluntarily and of his own free will. This means that the
14 statement was not caused by pressure, force, fear, threats,
15 coercion or intimidation, or by hope or promise of leniency
16 or of a reward of any kind.

17 In determining whether the statement was voluntary,
18 you should consider both the characteristics of the Defen-
19 dant and the details of the questioning.

20 Some of the factors you must consider are the age of
21 the Defendant, the Defendant's education or lack of educa-
22 tion, the Defendant's mental ability or capacity, the IQ of
23 the Defendant or his intelligence, the Defendant's back-
24 ground and environment, place and length of detention and
25 questioning, and the advice or lack thereof to the

1 Defendant of his constitutional rights, including but not
2 limited to the right to remain silent, whether the state-
3 ment could be used against him in a Court of Law, the right
4 to have a lawyer present, and that if he could not afford a
5 lawyer that one would be appointed to represent him with-
6 out any cost, and that he could stop making a statement at
7 any time.

8 You must carefully consider all of the surrounding
9 circumstances before you give any weight to an alleged
10 statement.

11 The State has the burden of proving beyond a reason-
12 able doubt that the alleged statement was voluntary. If
13 you determine it was, you may give it any further con-
14 sideration that you deem proper. You decide what weight,
15 if any, should be given to the alleged statement.

16 If you determine that the statement was not a free
17 and voluntary statement of the Defendant, you would not
18 consider the statement.

19 The Defendant is charged with first degree burglary.
20 The State must first prove beyond a reasonable doubt that
21 the Defendant entered the dwelling without consent.

22 A dwelling is any building or portion of a building
23 in which a person ordinarily sleeps. A building that
24 is constructed as a dwelling but has never been occupied
25 can not be considered a dwelling for purposes of burglary.

1 But a building is a dwelling even if the residents are tem-
2 porarily absent from the dwelling.

3 In order to prove that the Defendant entered the
4 dwelling, the State does not have to show the Defendant's
5 entire body entered the dwelling. It is sufficient if
6 only a part of the body, such as a hand or even an instru-
7 ment such as a hook or other instrument. The smallest entry
8 is sufficient.

9 In addition, the State must prove that force was used
10 to gain entry. If a person enters a building by using de-
11 ception, artifice, trick or misrepresentation to get the
12 consent to enter, this is an entry without consent.

13 Next, the State must prove beyond a reasonable doubt
14 that the Defendant intended to commit a crime, either a
15 felony or misdemeanor, at the time of entry.

16 The mere entry into a dwelling without consent is not
17 burglary. If the intent to commit a crime is formed after
18 entry, it is not burglary. On the other hand, if the De-
19 fendant intended to commit a crime at the time of entry,
20 it is a burglary even if the intent was abandoned after the
21 entry.

22 It does not matter that the intended crime is not com-
23 pleted.

24 Intent may be shown by acts and conduct of a Defendant
25 under circumstances from which you may naturally and

1 reasonably infer intent.

2 Finally, the State must prove beyond a reasonable doubt
3 that when entering, while in the dwelling, or when fleeing
4 the Defendant or an accomplice was armed with a deadly wea-
5 pon or explosive.

6 A deadly weapon is any article or substance which is
7 likely to cause death or great bodily harm. Whether an in-
8 strument has been used as a deadly weapon depends on the
9 facts and circumstances of each case.

10 The following are examples of instruments which may be
11 deadly weapons: A pistol, a shotgun, a dirk, a dagger, a
12 knife, slingshot, metal knuckles, a razor, gasoline, a fire-
13 bomb, a molotov cocktail, lighter fluid. A gun may be a
14 deadly weapon even if it is not operating.

15 The State must prove beyond a reasonable doubt that
16 when entering, while in the dwelling, or when fleeing, the
17 Defendant caused physical harm, physical injury, to a per-
18 son not participating in the crime or on entering, while in
19 the dwelling or when fleeing, and the Defendant displayed
20 what was or appeared to be a knife, pistol, revolver, shot-
21 gun or other firearm.

22 The Defendant is also charged with criminal sexual con-
23 duct in the first degree which the State must prove beyond
24 a reasonable doubt.

25 The first element which the State must prove beyond

1 a reasonable doubt is that the Defendant engaged in a sex-
2 ual battery with the victim. A sexual battery is sexual
3 intercourse, cunnilingus, fellatio, oral intercourse, or
4 any intrusion, however slight, of any part of a person's
5 body or any object into the genital or anal openings of
6 another person's body except when the intrusion is accom-
7 plished for medical treatment or diagnostic purposes.

8 If you find that the State has not shown beyond a rea-
9 sonable doubt that a sexual battery occurred, you would
10 stop deliberating and your verdict would have to be not
11 guilty.

12 If you find that a sexual battery did occur, you must
13 then decide whether the State has proven beyond a reason-
14 able doubt that the Defendant used aggravated force to ac-
15 complish the sexual battery.

16 Aggravated force is the use of physical force or phy-
17 sical violence of a high and aggravated nature to overcome
18 the victim.

19 This includes the use of a deadly weapon or the victim
20 submitted to sexual battery while the victim was also the
21 victim of forcible confinement, kidnapping, robbery, extor-
22 tion, housebreaking or any other similar offense or act.

23 If you find that the State has failed to prove beyond
24 a reasonable doubt the Defendant is guilty of first degree
25 criminal sexual conduct, you may consider whether the

1 State has proved the Defendant is guilty of second degree
2 criminal sexual conduct.

3 Second degree sexual conduct contains the elements of
4 first degree criminal sexual conduct except the circumstan-
5 ces of aggravation. Instead, the State must prove beyond a
6 reasonable doubt that the Defendant used aggravated coercion
7 to accomplish the sexual battery.

8 In order to prove second degree criminal sexual con-
9 duct, the State must first prove beyond a reasonable doubt
10 that the Defendant engaged in a sexual battery with the vic-
11 time.

12 A sexual battery is sexual intercourse as I have pre-
13 viously defined that.

14 If you find that a sexual battery did occur, you must
15 then decide whether the State has proven beyond a reasonable
16 doubt that the Defendant used aggravated coercion to accom-
17 plish the sexual battery.

18 Aggravated coercion means that the Defendant threatened
19 to use force or violence of an aggravated nature to over-
20 come the victim if the victim reasonably believed the Defen-
21 dant had the present ability to carry out the threat.

22 Aggravated coercion may also exist if the Defendant
23 threatened to retaliate in the future by the infliction of
24 physical harm, kidnapping or extortion under circumstances
25 of aggravation against the victim or any other person.

1 The Defendant is also charged with murder. The State
2 must prove beyond a reasonable doubt that the Defendant
3 killed another person with malice aforethought.

4 Malice is hatred, ill will or hostility towards
5 another person. It is the intentional doing of a wrongful
6 act without just cause or excuse and with an intent to in-
7 flict the injury while under circumstances that that law
8 would infer an evil intent.

9 Malice aforethought does not require that the malice
10 exist for any particular time before the act is committed
11 but malice must exist in the mind of the Defendant just
12 before and at the time the act is committed.

13 Therefore, there must be confirmation of a previous
14 evil intent and the act.

15 Malice aforethought may be express or implied. The
16 terms express and implied do not infer different types of
17 malice, but merely the manner in which malice may be shown
18 to exist, either by direct evidence or by inference from
19 the facts and circumstances which are proven.

20 Express malice is shown from a person speaking words
21 which express hatred or ill will for another, or when the
22 person prepared beforehand to do the act which was later
23 accomplished.

24 For example, lying in wait for a person, or any other
25 act of preparation going to show that the deed was within

1 the Defendant's mind would be express malice.

2 Malice may be inferred from conduct showing a total
3 disregard of human life. Inferred malice may also arise
4 when the deed is done with a deadly weapon.

5 A deadly weapon is any article, instrument or substance
6 which is likely to cause death or great bodily harm. Whe-
7 ther an instrument has been used as a deadly weapon depends
8 upon the facts and circumstances of each case.

9 I have already given you examples of instruments that
10 can be deadly weapons.

11 The Defendant is also charged with kidnapping. The
12 State must prove beyond a reasonable doubt the Defendant
13 knowingly and unlawfully seized, confined, inveigled, de-
14 cayed, kidnapped, abducted or carried away another person
15 without authority of law.

16 To do a deed unlawfully is to do it wilfully against
17 the law.

18 Knowingly means with knowledge, consciously, not acci-
19 dentally.

20 Seized means to take hold of suddenly and forcibly.

21 Confined means to limit, restrict or enclose within
22 bounds, imprison or shut or keep in.

23 Enveigle means to lure, entice or lead astray by false
24 representations, promises or other deceitful means.

25 Decoy means to lure by or get by decoy. A decoy is

1 something that entices a person into a trap.

2 To kidnap is to remove a person against his will by
3 unlawful force or by fraud.

4 Abduct means to carry off secretly or by force for
5 an illegal purpose.

6 Carry away means to remove.

7 The State does not have to prove the Defendant did all
8 of these things. Instead, if you find beyond a reasonable
9 doubt that the Defendant did any of these things you may
10 find the Defendant guilty of kidnapping, something done
11 without authority of law and something the law does not
12 sanction, permit, allow or provide justification for.

13 The kidnapping does not have to be for personal or
14 monetary gain or for any illegal purpose. It may be for
15 any reason whatsoever.

16 The Defendant is also charged with possession of a
17 weapon during the commission of or attempt to commit a voi-
18 lent crime. The State must prove beyond a reasonable doubt
19 that the Defendant is in possession of a firearm or visibly
20 displayed what appeared to be a firearm during the commis-
21 sion of a violent crime.

22 A firearm means a machine gun, revolver, pistol or any
23 weapon which will, is designed to, or may be readily con-
24 verted to expel a projectile.

25 A knife means any instrument or tool with a sharp

1 blade whether or not fastened to a handle to be used to in-
2 flict a cut or a wound.

3 In order to find the Defendant guilty of the posses-
4 sion of a weapon during the commission of a violent crime,
5 you must first find the Defendant guilty of committing a
6 violent crime or attempting to commit a violent crime.

7 Murder, burglary in the first degree, kidnapping and
8 criminal sexual conduct in the first degree are violent
9 crimes.

10 The State must prove beyond a reasonable doubt that
11 the weapon further advanced or helped in the commission of
12 that crime.

13 I am required to declare the law to you as I have done
14 through these instructions to help guide you to your ver-
15 dict. Whether some of these instructions will apply depends
16 on what you find to be the facts. The fact that I have in-
17 structed you on various subjects in this case must not be
18 taken as indicating an opinion of this Court as to what you
19 should find to be the truth or as to what your verdict
20 should be.

21 Your verdict must represent the considered judgment
22 of each juror. In order to return a verdict you must nec-
23 essarily, each one of you jurors, agree. It is necessary
24 that each one of you jurors agree. Your verdict must be
25 unanimous. All twelve of you must agree on the verdict.

1 Your verdict cannot be based upon sympathy, passion,
2 prejudice, emotion, or any other consideration that is not
3 in evidence in this case. Remember, you are not partisans
4 favoring one party over another. You are the judges of the
5 facts. Your sole interest is to seek the truth from the
6 evidence that was submitted in this case.

7 Now, Madam Forelady, I'm going to read the verdict
8 form to you. (Going before the jury and reading the ver-
9 dict form)

10 State of South Carolina, County of Orangeburg, in the
11 Court of General Sessions, and the Indictment numbers.

12 The State of South Carolina versus Carvin Holman, De-
13 fendant, and it lists the five charges. You must agree as
14 to all five of the verdicts. You must respond to the five
15 questions and your Foreman must write your decision as to
16 each one of them, each of the five different charges.

17 Now, by each one of the charges the directions say,
18 please circle the appropriate verdict form and follow the
19 accompanying instructions.

20 First question, and then we, the jury, unanimously
21 find the Defendant as to the charge of murder -- either
22 guilty or not guilty.

23 Question Number two, we, the jury, unanimously find
24 as to the charge of burglary in the first degree either
25 guilty or not guilty.

1 Question number three, we, the jury, unanimously find
2 as to the charge of possession of a weapon during the com-
3 mission of a violent crime guilty or not guilty.

4 Question number four, we, the jury, unanimously find
5 the Defendant as to the charge of kidnapping guilty or not
6 guilty.

7 Finally, as to the fifth charge, we, the jury, unani-
8 mously find the Defendant as to the the charge of criminal
9 sexual conduct in the first degree guilty or not guilty.

10 If you answered guilty to number five stop your de-
11 liberations.

12 However, if you answer not guilty the question goes on,
13 we, the jury, unanimously find that Defendant as to the
14 charge of criminal sexual conduct in the second degree guilty
15 or not guilty.

16 If you answered guilty you would stop your delibera-
17 tions.

18 As I told you earlier, ladies and gentlemen, that would
19 complete the charge on the law. I will excuse you to go
20 back to your jury room. Do not begin talking about the case
21 until you receive instructions to do so, as I have earlier
22 instructed you.

23 If I need to charge you further you will be brought
24 back in for that. If I do not need to charge you further
25 you will remain in the jury room and exhibits will be then

1 brought back to you with instructions to begin deliberating.
2 from the bailiff at that time.

3 Until you get the exhibits back there and this verdict
4 form, do not even talk about this case.

5 Thank you.

6 (Jury excused from the Courtroom)

7 THE COURT: Any additions or corrections to my charge
8 from the State?

9 SOLICITOR: No, sir.

10 THE COURT: Mr. Wise, again noting your objection to
11 my not charging manslaughter, are there any other excep-
12 tions to my charge?

13 MR. WISE: No, Your Honor.

14 THE COURT: Please check to make sure we have all the
15 exhibits together. Thank you.

16 (Brief pause; after which exhibits and verdict form
17 were taken into the jury room and the jury was instructed
18 to begin deliberations.)

19 (Other matters were taken up by the Court until the matter
20 was resumed)

21 THE COURT: I have a jury note. Bring them in,
22 please. It is signed by the Foreman.

23 (Jury returned to the Courtroom)

24 THE COURT: Ladies and gentlemen, I have your note, and
25 I'm going to read you the definitions of burglary in the

1 first degree and the definition of kidnapping again. Okay?

2 The Defendant is charged with first degree burglary,
3 and the State must prove beyond a reasonable doubt that the
4 Defendant entered a dwelling without consent. A dwelling
5 is any building or portion of the building in which a person
6 ordinarily sleeps.

7 A building constructed as a dwelling that has never
8 been occupied cannot be considered a dwelling for purposes
9 of burglary, but a building is a dwelling even if the resi-
10 dents are temporarily absent from the building.

11 In order to prove that the Defendant entered the
12 dwelling the State does not have to show that his entire
13 body entered the dwelling. The smallest entry is suffi-
14 cient. It may be any part of the body such as a hand or
15 foot or even an instrument such as a hook or other instru-
16 ment.

17 In addition, the State does not have to prove that
18 force was used to get in. If a person enters a building
19 using ^{artifice,} ~~deception~~/trick or misrepresentation in order to
20 get consent to enter, it is an entry without consent.

21 Next, the State must prove beyond a reasonable doubt
22 that the Defendant intended to commit a crime, either a
23 felony or a misdemeanor, at the time of the entry. The
24 mere entry into a building without consent is not burglary.

25 If the intent to commit a crime is formed after the

1 entry, it is not burglary. On the other hand, if the Defen-
2 dant intended to commit a crime at the time of the entry, it
3 is a burglary even if the intent was abandoned after the
4 entry.

5 It does not matter that the intended crime was not
6 completed. The intent may be shown by acts and conduct of
7 the Defendant and other circumstances from which you may
8 naturally and reasonably infer intent.

9 The State must prove beyond a reasonable doubt that
10 when entering the dwelling, while in the dwelling or when
11 fleeing the Defendant was armed with a deadly weapon or ex-
12 plosive.

13 A deadly weapon is any article or substance which is
14 -- any article, instrument or substance which is likely to
15 cause death or great bodily harm.

16 Whether an instrument has been used as a deadly weapon
17 depends on the facts and circumstances of each case. The
18 following are examples of instruments which may be deadly
19 weapons: A pistol, a shotgun, a dagger, a knife, a sling-
20 shot, metal knuckles, a razor, a dirk, gasoline, a firebomb,
21 molotov cocktail and lighter fluid.

22 A gun may be a deadly weapon even if it is not operat-
23 ing.

24 The State must prove beyond a reasonable doubt that
25 when entering, in the dwelling or when fleeing the Defendant.

1 caused physical harm or injury to anyone not participating
2 in the crime, or when entering, in the dwelling or when
3 fleeing the Defendant displayed what was or appeared to be
4 a knife, pistol, revolver, shotgun, machine gun or other
5 firearm, and that is the charge of burglary in the first
6 degree.

7 The charge for kidnapping -- kidnapping is defined as
8 -- the State must prove beyond a reasonable doubt that the
9 Defendant knowingly and unlawfully seized, confined, enveig-
10 led, decoyed, kidnapped or carried away another person,
11 without authority of law.

12 To do a thing unlawfully is to do it wilfully against
13 the law. Knowingly means with knowledge, not accidentally.
14 Seized means to take hold of suddenly or forcibly.

15 Confine means to limit, restrict or enclose within
16 bounds, to imprison or to shut or keep in.

17 Enveigle means to entice or lead astray by false rep-
18 resentations, promises or other deceitful means.

19 Decoy means to lure by or as if by decoy. A decoy is
20 something to entice a person into a trap.

21 Kidnap is to take a person against his will by unlawful
22 force or by fraud.

23 Abduct means to carry out secretly or by force for an
24 evil purpose.

25 Carry away means to remove.

1 The State does not have to prove a Defendant did all
2 of these things. Instead, if you find beyond a reasonable
3 doubt that the Defendant did any of these things, you may
4 find the Defendant guilty of kidnapping.

5 Something done without authority of law means that is
6 something which the law does not sanction, permit, allow,
7 condone or provide justification for.

8 Kidnapping does not have to be for any personal or any
9 monetary gain or for any illegal purpose. It can be for
10 any reason whatsoever.

11 Those are the definitions of burglary in the first de-
12 gree and kidnapping.

13 You all go back into the jury room and continue with
14 your deliberations.

15 Thank you.

16 (Jury excused from Courtroom to continue deliberating)

17 THE COURT: Mr. Sorenson, anything I need to do as to
18 those definitions?

19 SOLICITOR: No, sir.

20 THE COURT: Mr. Wise, anything?

21 MR. WISE: No.

22 THE COURT: Then we'll wait on the jury.

23 (Court stood in recess as to this matter)

24 (The matter resumed after a brief period)

25 THE COURT: All right, ladies and gentlemen, I have

1 versus Carvin Holman on Indictments 2011 GS 38 1477 through
2 1481, this is the verdict form of the jury.

3 As to question number one, we, the jury, unanimously
4 find the Defendant as to the charge of murder, guilty.

5 As to question number two, we, the jury, unanimously
6 find the Defendant as to the charge of burglary in the first
7 degree, guilty.

8 Question number three, we, the jury, unanimously find
9 the Defendant as to the charge of possession of a weapon
10 during the commission of a violent crime, guilty.

11 Question number four, we, the jury, unanimously find
12 the Defendant as to the charge of kidnapping, guilty.

13 Question number five, we, the jury, unanimously find
14 the Defendant as to the charge of criminal sexual conduct
15 in the first degree, not guilty.

16 Question number six, we, the jury, unanimously find
17 the Defendant as to the charge of criminal sexual conduct
18 in the second degree, not guilty.

19 Signed by the Forelady of the jury and dated today's
20 date.

21 Anything from the State?

22 SOLICITOR: No, sir.

23 THE COURT: Anything from the Defense?

24 MR. WISE: Poll the jury.

25 THE COURT: Ladies and gentlemen, it has been requested

1 by the Defense that we poll the jury. That means you are
2 going to be questioned individually about whether or not
3 this is your verdict.

4 When your name is called, if you will just respond, I
5 will appreciate it. Okay?

6 Madam Clerk, go forward with the questions. Please
7 stand and respond when she calls your name.

8 CLERK: [REDACTED], was this your verdict?

9 JUROR: Yes, it is.

10 CLERK: Is it still your verdict?

11 JUROR: Yes, it is.

12 (All jurors were questioned individually in the same
13 manner by the Clerk, and each juror answered in the affirma-
14 tive as to each question.)

15 THE COURT: Anything else from the Defense?

16 MR. WISE: No, sir.

17 (Whereupon, the jurors were excused by the Court)

18 THE COURT: All right. Do you need to take a few min-
19 utes?

20 SOLICITOR: We'd like to take a few minutes.

21 THE COURT: Okay.

22 (Court took brief recess before the matter resumed)

23 THE COURT: Mr. Sorenson?

24 SOLICITOR: Thank you, Your Honor. May it please the
25 Court?

1 There are some family members who have asked to ad-
2 dress the Court.

3 THE COURT: Yes, sir.

4 SOLICITOR: I have them seated over here in the jury
5 box. Some are seated on this side of the Courtroom.

6 Anthony James, Your Honor, I believe was forty-five at
7 the time of his death. He comes from a pretty extended fam-
8 ily, was ninth in order of ten siblings, the baby boy out of
9 the group.

10 Several of his siblings have asked to address the Court,
11 and I will ask them to come up one by one. If you all want
12 to come forward.

13 State your name.

14 (Name inaudible) I would like to tell you that the
15 past sixteen months have been the hardest in our lives.

16 On June 24th when I received the call about Anthony I
17 was at my office in Allendale, South Carolina, my son in law
18 was on the other end of the phone. I don't know if I am
19 allowed to say the words that he said or not.

20 THE COURT: It's probably a good thing not to say it.

21 (Relative continuing) Well, you know, he just say that
22 and we had been living with the death of our mother who had
23 left us in 2006. She left ten children back here, and we
24 had been living with the death of our mother all of those
25 years.

1 She left us in the hands of God, and we know that we
2 were living with each other by the hands of God.

3 You know, this hurt us because it wasn't by a
4 stranger. It was by a person that we loved and that we con-
5 sider as family. You know, you can deal with things that
6 are done by a stranger, but to hear my daughter saying, momma,
7 Anthony is dead and Carvin did it. You think you will never
8 hear this.

9 Words can't express how we feel. Nothing that is said
10 in this Courtroom today and nothing said by the Prosecutors,
11 as nice as they are -- nothing can bring him back. A part
12 of us left on June 24th that we will never get back.

13 But today it begins a little closure for the family
14 that is left. There are children left, grandkids, and what
15 really can be said? Does everybody understand how we feel?
16 No. They may sympathize, but there is nobody that will ever
17 know how this feels. They will never know who aren't in our
18 family.

19 Believe it or not, I understand the other side of it,
20 because, as I've said before, he was considered family, but
21 this is not what Anthony deserved. There is nothing that
22 will bring back our brother, and somebody has to pay.

23 His family has a chance to see their brother some more,
24 but the James Family will not have that chance. No.

25 I just want to let the whole Court know how the family

1 feels. If you think you know how we feel, no, you don't.
2 No, you don't, and people are going to be hurt. I just
3 want to let the families know on both sides how we feel.
4 You don't know how we feel. (Portion not audible on tape)

5 This tragedy hurts like a wound. That's all I have to
6 say because I don't want to start crying. Thank you.

7 (Other family members speaking to the Court)

8 THE COURT: All right, thank you. I appreciate it.

9 Mr. Wise?

10 MR. WISE: I don't have anything else to say to the
11 Court, Your Honor. The Court knows everything that hap-
12 pened, everything there is to know.

13 We would ask the Court to just be as lenient as it can
14 be in sentencing.

15 Thank you.

16 THE COURT: Let's take about five minutes then, and I
17 will come back out here.

18 (Court took brief recess and the matter then resumed)

19 THE COURT: I want to make this a Court's Exhibit.

20 (Court's Exhibits 3, 4 and 5 marked by Reporter, being
21 jury note previously discussed, letter from the Palmetto
22 Center, and verdict form, respectively.)

23 This is a part of the trial where it is my duty to
24 sentence the Defendant. Again, if you don't believe you can
25 maintain your composure, I would ask you to leave right now.

1 Now is your chance to leave. All right.

2 Mr. Holman, the jury has heard all the testimony in
3 this case and has found you guilty of these crimes beyond
4 a reasonable doubt. From my looking and listening to the
5 evidence, this was a particularly brutal and cruel killing
6 of Mr. James.

7 As a result, you have four charge you were found guilty
8 of, and your sentence will be as follows:

9 For possession of a weapon during a violent crime, the
10 sentence is that you are committed to the State Department
11 of Corrections for a period of five years.

12 For the kidnapping charge, the sentence is that you
13 are committed to the State Department of Corrections for a
14 period of forty years.

15 For the crimes or convictions for the crimes of murder
16 and burglary in the first degree, the sentence of this Court
17 is that you be committed to the State Department of Correc-
18 tions for a term of life.

19 The sentences are concurrent.

20 Good luck to you.

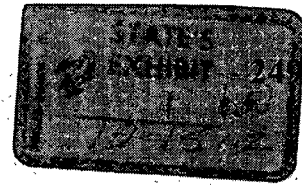
21 -----END OF REQUESTED TRANSCRIPT OF RECORD-----

22

23

24

25



STATE OF SOUTH CAROLINA)
COUNTY OF ORANGEBURG)

ORANGEBURG COUNTY SHERIFF'S OFFICE
CRIMINAL INVESTIGATIVE DIVISION

Place: Holly Hill P.D. Date: 6-25-11 Time: 6:30 PM

THESE ARE YOUR RIGHTS. PLEASE READ CAREFULLY

BEFORE WE ASK YOU ANY QUESTIONS, YOU MUST UNDERSTAND YOUR RIGHTS.
Please initial beside each sentence.

- CH 1. You have the right to remain silent, anything you say can be used against you in court.
- CA 2. You have the right to talk to a lawyer for advice before we ask you any questions and to have him with you during questioning.
- CH 3. If you cannot afford a lawyer, one will be appointed for you before any questioning if you wish.
- CH 4. If you decide to answer questions without a lawyer present, you will still have the right to stop answering at any time.
- CH 5. You also have the right to stop answering at any time until you talk to a lawyer.

I UNDERSTAND MY RIGHTS.

Car Holm
Signature

WAIVER OF RIGHTS

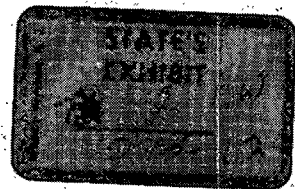
I have read this statement of my rights and I understand what my rights are. I am willing to make a statement and answer questions. I do not want a lawyer at this time. I understand and know what I am doing. No promises or threats have been made to me and no pressure or coercion of any kind has been used against me.

Rejoice
Witness

Car Holm
Signature

Car Holm
Witness

ORANGEBURG COUNTY SHERIFF'S OFFICE
CENTRAL INVESTIGATIVE DIVISION
DEFENDANT AFFIDAVIT



Date: 6-25-2011 Time: 9:05pm Place: CID
Defendant Name: Carvin Holman
Address: [REDACTED]
Social Security#: [REDACTED]
Age: [REDACTED] Date of Birth: [REDACTED] Phone Number: [REDACTED]

My rights are as follows: CH 1. I have the right to remain silent; anything I say can be used against me in Court. CH 2. I have the right to talk to a lawyer for advice before I am asked any question. If I cannot afford a lawyer, one will be appointed for me before any questions if I wish. CH 3. If I decide to answer questions now without a lawyer present, I will still have the right to stop answering at any time. CH 4. I also have the right to stop answering at any time until I talk with a lawyer.

I understand the rights above and initialed each. I have been advised of the rights above by Riley Godwin of the Orangeburg County Sheriff's Office and wish to make the following statement.

I Carvin Holman ask Riley Godwin To
Finish writing my statement for me. Carvin Holman
Around 10pm Thursday night Debbie came to my home to
bring me 8 or 10 video tapes. I asked her to take me to
Columbia to the store and she did. She stayed
in the car in the drivers seat and I went inside
and got two Bud Lights. Then we went back to my
house and watched TV. About an hour after we
got back we started fighting. She pushed me
and I hit her about 5 times in the arms and
face.

Rly CH

After the fight we made up and had sex. Then she fell asleep on the couch and I fell asleep in the recliner. We woke up around 5am Friday morning and talked about him (Anthony) having her on drugs. We kept talking til around sevenam and she was telling me about him (Anthony) raping her. We left around 830am (Fri morn) and went to his job and she called him from my cell phone and asked him to step outside. He said he was busy and couldn't come outside. I drove off with Debbie in the car and made a right out of the backside of the IGA. When I was speeding off she tried to jump out of the car and I drove onto the grass so she wouldn't hit on the pavement. I turned the car around and went back and she was walking. I told her to get back in the car and she did. I handed the gun and the bullet and she held it all the way back to the house. She asked me to take her to the hospital and I told her I wasn't going to go right then. She said to take her and she would tell the doctor that she was in a car wreck. We got back to the house about 9am and I helped her inside. She used the bathroom and came back and sat on the couch. We laid out and fell asleep til

Rly CH

around 12 o'clock. We then got up and went to Vance and got gas. She said she was hurting too bad to sit in the front seat so she sat in the back. We got gas, a beer for me, and a soda for her. We went to Anthony's house on [REDACTED]. I had to stop a couple of times for her ^{CH} to throw up on the way. She told me to take it out on him and not on her because he was the cause of all of this. We got to Anthony's house about 130pm and I pulled up to the back door and parked. I told ^{CH} to get out and knock on the door. She said she was hurting too bad so I got out and knocked on the door. Anthony opened the door and started walking away down the hall. I think he was expecting her and not me. He turned around and saw me with the gun and he grabbed the gun and I pulled the trigger. He got hit in the arm when I shot and he pushed me out the door. When we got to the ground beside the trailer that's when Debbie took off in the car. We fought over to the trashcan and I was on top of him and he turned the trashcan over on the way to the ground. He grabbed a bottle and he hit me in the head with it and then he dropped it. He was focused on the gun but he didn't know that I had the bullets for it in my pocket.

DJ CH

Then I picked up the same bottle and hit him in
real hard a bunch of times in each of his ^{CH} ~~left~~ ^{key} eyes. I then got off of him and he started walking
away and I kept hearing him say "You gonna have
to kill me today or I'm gonna kill you". I then
reloaded the gun and shot him and he fell to
the ground and I heard him say "oh Lord". He
was laying on his back and I reloaded the gun
and walked up to him and shot him in the head.
I then took off and ran through the woods behind
the trailer and threw the gun down. I ran
and walked through the woods all the way back to
unity. I hid out in the ditch by the cow pasture
until dark and then I went and got in the Van
in [REDACTED] front yard. Well really I went to the
Van first and then ^{CH} ^{PR} ~~this~~ ^{place} ditch and then the rain came
and I went back to the Van and that's where I
slept. I got out and got some water and some wild
gaspes and got back in the Van until the police
found me. I was asleep when the opening of the
gate woke me up. I just gave up because I was
tired and thirsty. I was handcuffed after they got
me out the Van and then you (Riley) came and
got in the car with me and talked to me.

Ry CH

We then went to the Police department in Holly Hill and I got in a black truck and took yall to look for the gun but we didn't find it and then we came here.

Q) When I (Riley) got in the car with you did I read you your rights A) yes

Q) Did I Read them to you again at the Police Dept? A) yes

Q) Did you hold Debbie at your house against her will? A) NO

Q) Did you Rape her?

A) NO

Q) Did you hit her with the the gun?

A) NO

Q) When you went to Anthony's Jot Did you have the gun?

A) yes

Q) Was it a Rifle?

A) yes

Q) When she took you to the store Thursday night did you have the gun?

A) NO

Q) When you got out the car at [REDACTED] did you go in that house with the intent to Beat Anthony up?

A) yes

Q) Did you have the gun when you went inside?

A) yes

Ry CH

Q) Are you under the influence of Any Alcohol or Drugs Right Now

A) NO

Q) Are you giving this statement on your own free will?

A) yes

Q) Has Anyone promised you Anything for cooperating?

A) NO

Q) Did you know that what you were doing was wrong (shooting)

A) yes

Q) Have you been treated fairly by Riley Godwin?

A) yes yes yes

I declare that the statement above is made freely and voluntarily without promise or hope of reward or leniency and without fear or threat of physical harm, by any person.

I swear or affirm that this statement is the truth, the whole truth and nothing but the truth, so help me God.

Can Holden
Signature of Defendant

Witnesses:

Riley Godwin

Lawyer

Q) Have I Read this statement back to you after it was finished?

A) yes

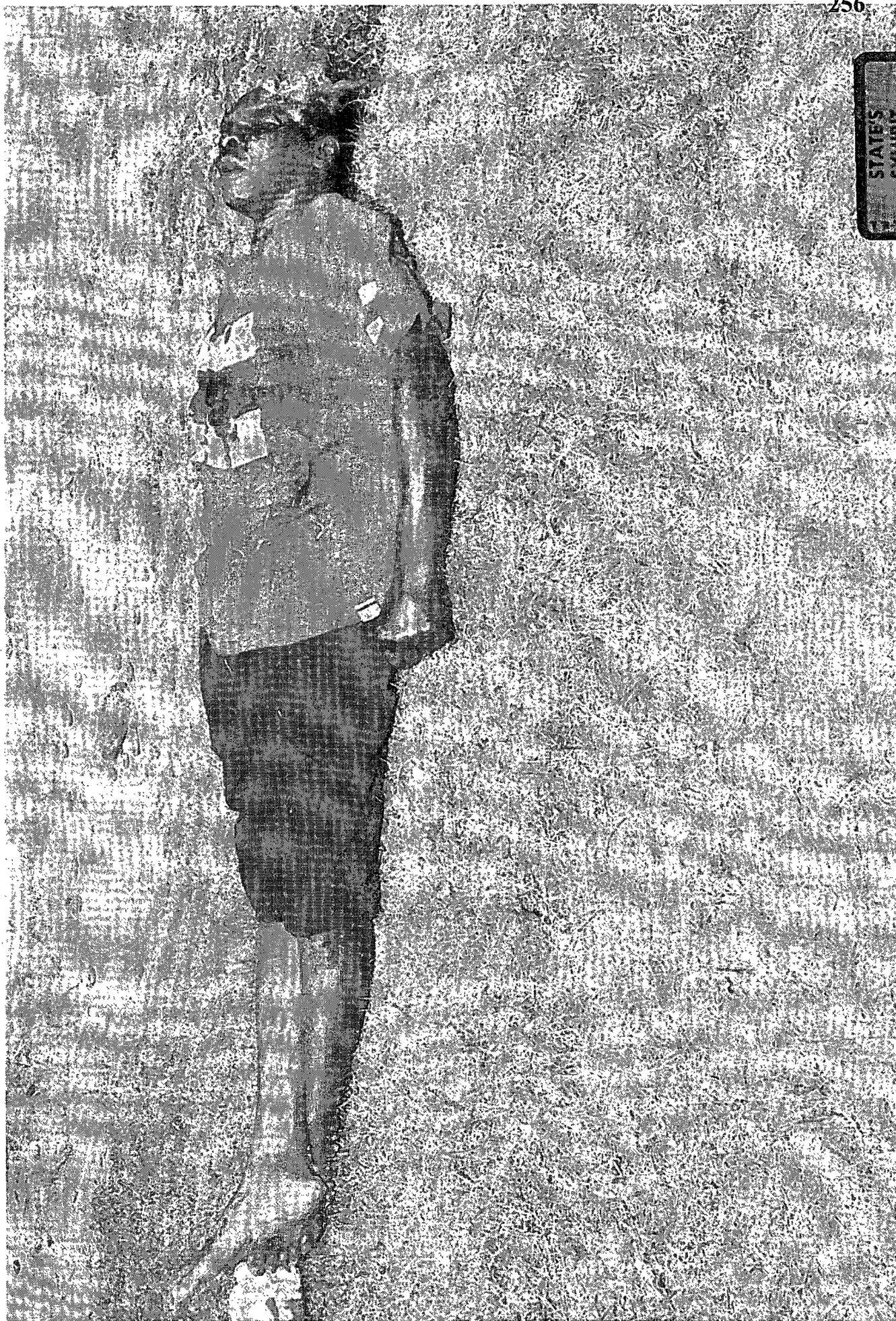
Notary Public

Sworn to before me this

Day of _____, 20____

My Commission Expires _____

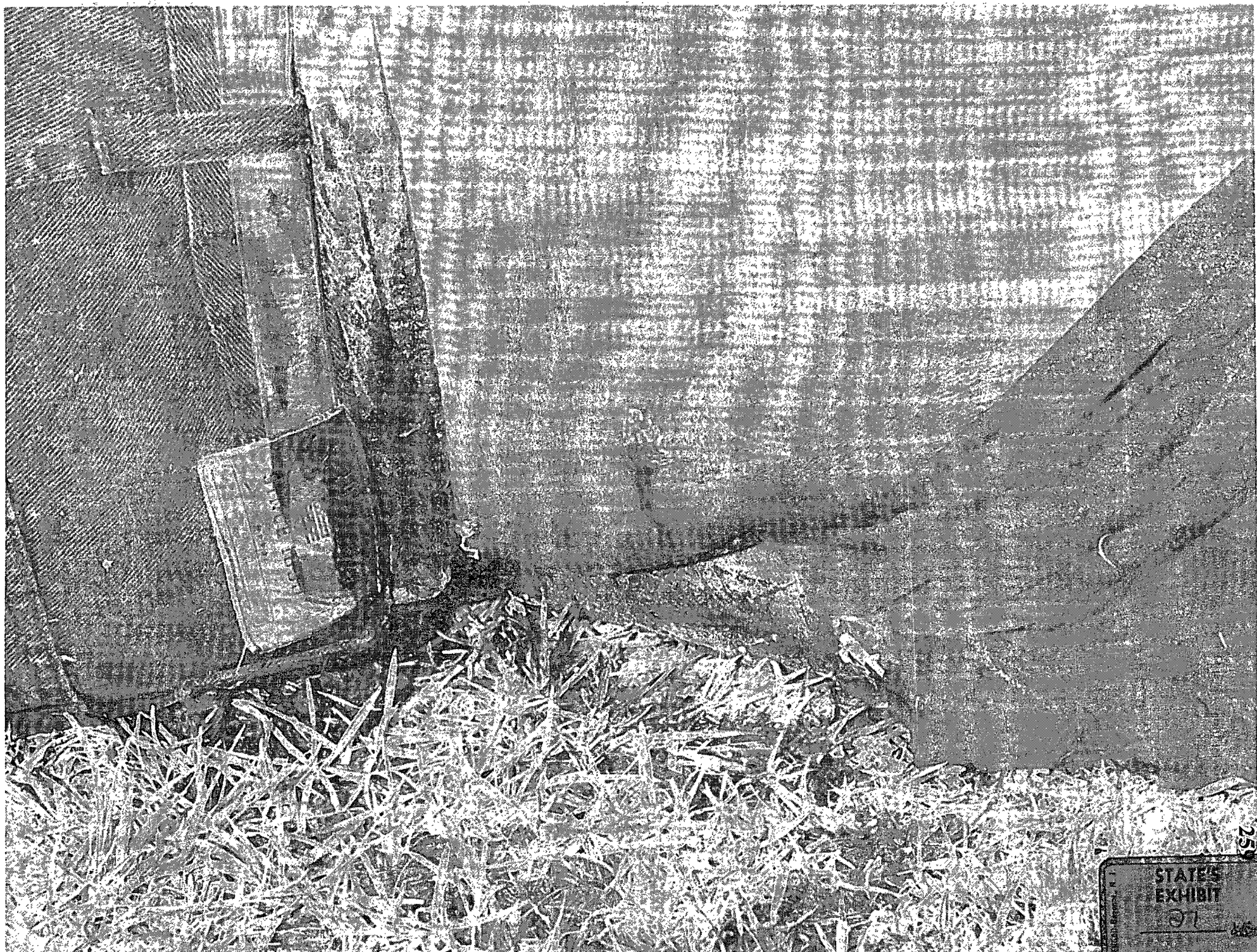
Ry CH



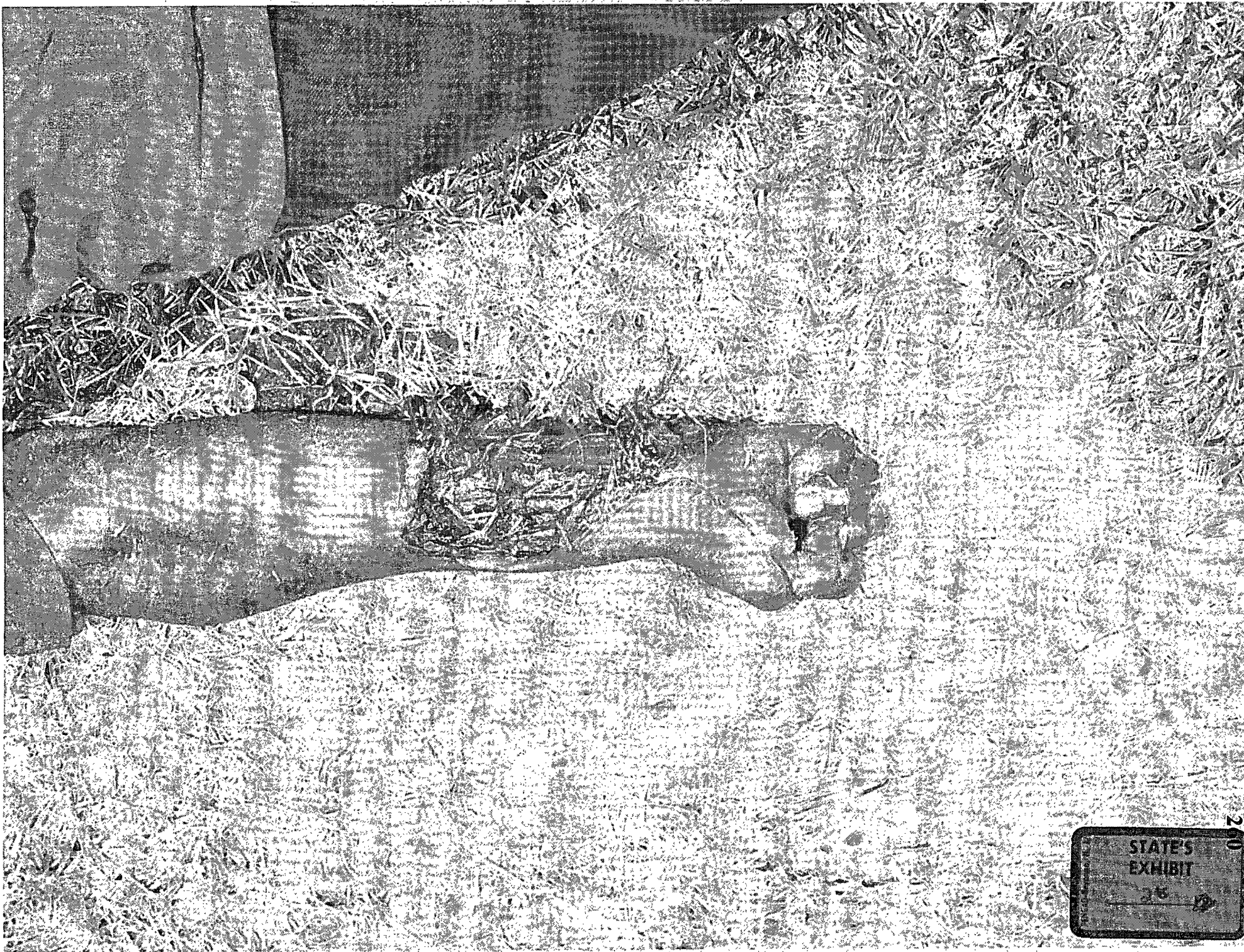




258
STATE'S
EXHIBIT
20



25
STATE'S
EXHIBIT
01



WITNESSES

Riley Godwin

Orangeburg County Sheriff

ARREST WARRANT NUMBER
M805569

Arrested: June 27, 2011

TRUE BILL
ACTION OF GRAND JURY

AUG 10 2011

W. B. Bloome
Date 8-10-11

Foreperson of Grand Jury
Date: August 10, 2011

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2011GS38-1477

The State of South Carolina
County of ORANGEBURG

COURT OF GENERAL SESSIONS

August 8, 2011 TERM

THE STATE
vs.

Carvin Holman

Indictment for

MURDER

ATTEST: TRUE COPY

Winnif B. Clark
CLERK OF COURT
ORANGEBURG COUNTY, SC

SC Code: 16-3-10

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

RECEIVED
CLERK OF COURT
ORANGEBURG COUNTY, SC
AUG 10 2011

STATE OF SOUTH CAROLINA)
COUNTY OF ORANGEBURG)

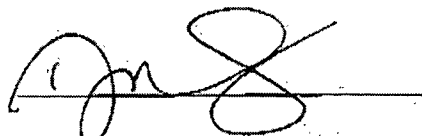
INDICTMENT
2011GS38-1477

At a Court of General Sessions, convened on August 8, 2011 the Grand Jurors of Orangeburg County, present upon their oath:

MURDER

That in Orangeburg County on or about June 24, 2011, with malice aforethought, the defendant, Carvin Holman did kill one Anthony James by means of shooting the victim with a gun. The victim did die as a proximate result thereof. This offense being in violation of the Common Law and Section 16-3-10, of the South Carolina Code of Laws, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


Donald N. Sorenson, Solicitor

WITNESSES

Riley Godwin

Orangeburg County Sheriff

ARREST WARRANT NUMBER
M805570

Arrested: June 27, 2011

ACTION OF GRAND JURY

AUG 10 2011

Nicole Bloome
Date *8-10-11*

Foreperson of Grand Jury
Date: August 10, 2011

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2011GS38-1478

The State of South Carolina
County of ORANGEBURG

COURT OF GENERAL SESSIONS

August 8, 2011 TERM

THE STATE
vs.

Carvin Holman

Indictment for

BURGLARY - FIRST DEGREE

ATTEST: TRUE COPY

W. D. Clark
CLERK
ORANGEBURG COUNTY, SC

SC Code 16-11-311

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

RECORDED
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2011 AUG 10 P 12:41

STATE OF SOUTH CAROLINA)
COUNTY OF ORANGEBURG)

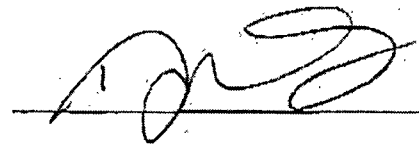
INDICTMENT
2011GS38-1478

At a Court of General Sessions, convened on August 8, 2011 the Grand Jurors of
Orangeburg County present upon their oath:

BURGLARY - FIRST DEGREE

That in Orangeburg County, South Carolina, on or about June 24, 2011, the
Defendant, Carvin Holman, did willfully and unlawfully enter the dwelling of
Anthony James, without consent and with the intent to commit a crime therein
and the defendant did while armed with a deadly weapon and/or cause physical
injury to a non-participant in the crime. This offense being a violation of Section
16-11-311 of the South Carolina Code of Laws, as amended.

Against the peace and dignity of the State, and contrary to the statute in
such case made and provided.


Donald N. Sorenson, Solicitor

WITNESSES

Riley Godwin

Orangeburg County Sheriff

ARREST WARRANT NUMBER

M805571

Arrested: June 27, 2011

ACTION OF GRAND JURY

AUG 10 2011

Diane Blaine

Date 8-10-11

Foreperson of Grand Jury

Date: August 10, 2011

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2011GS38-1479

The State of South Carolina

County of ORANGEBURG

COURT OF GENERAL SESSIONS

August 8, 2011 TERM

THE STATE

vs.

Carvin Holman

Indictment for

POSS. WEAPON DURING VIOLENT
CRIME, IF NOT ALSO SENTENCED TO
LIFE WITHOUT PAROLE OR DEATH

Winnifred B. Clark

CLERK OF COURT
ORANGEBURG COUNTY, SC

SC Code: 16-23-490

After being fully advised as to my legal
rights, I hereby waive presentment to the
Grand Jury.

Defendant

I
hereby appear in my own proper person
and plead guilty to the within indictment
or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

2011 AUG 10 PM 2:17
L. J. D. OF 904-132

STATE OF SOUTH CAROLINA)
)
COUNTY OF ORANGEBURG)

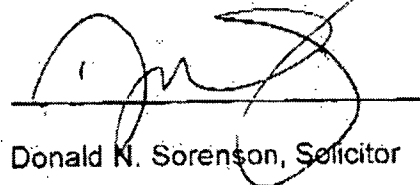
INDICTMENT
2011GS38-1479

At a Court of General Sessions, convened on August 8, 2011 the Grand Jurors of
Orangenburg County present upon their oath:

**POSS. WEAPON DURING VIOLENT CRIME, IF NOT ALSO SENTENCED TO
LIFE WITHOUT PAROLE OR DEATH**

That in Orangenburg County on or about June 24, 2011, the defendant, Carvin Holman did
visibly display or have in his possession, a rifle during the commission of a violent crime.
This offense in violation of Section 16-23-490, of the South Carolina Code of Laws, as
amended.

Against the peace and dignity of the State, and contrary to the statute in
such case made and provided.



Donald N. Sorenson, Solicitor

WITNESSES

Riley Godwin

Orangeburg County Sheriff

ARREST WARRANT NUMBER
M805572

Arrested: June 27, 2011

ACTION OF GRAND JURY

AUG 10 2011

Diane Blaine

Date 8-10-11

Foreperson of Grand Jury

Date: August 10, 2011

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2011GS38-1480

The State of South Carolina

County of ORANGEBURG

COURT OF GENERAL SESSIONS

August 8, 2011 TERM

THE STATE
vs.

Carvin Holman

Indictment for

KIDNAPPING

ATTEST: TRUE COPY

Winnifred B. Clark

CLERK OF COURT
ORANGEBURG COUNTY, SC

SC Code: 16-3-910

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

FILED
2011 AUG 10 12 12 PM
CLERK OF COURT
ORANGEBURG COUNTY, SC

STATE OF SOUTH CAROLINA)
COUNTY OF ORANGEBURG)

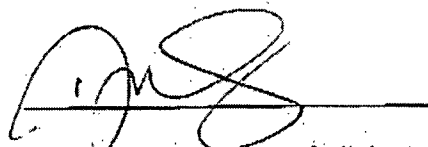
INDICTMENT
2011GS38-1480

At a Court of General Sessions, convened on August 8, 2011 the Grand Jurors of Orangeburg County present upon their oath.

KIDNAPPING

That in Orangeburg County, South Carolina, on or about June 23, 2011, the Defendant, Carvin Holman, unlawfully did seize, confine, inveigle, decoy, kidnap, abduct or carry away the victim, Debbie Holman, without authority of law. This offense in violation of Section 16-03-910, of the South Carolina Code of Laws, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


Donald N. Sorenson, Solicitor

WITNESSES

Riley Godwin

Orangeburg County Sheriff

ARREST WARRANT NUMBER
M805573

Arrested: June 27, 2011

ACT OF GRAND JURY
TRUE BILL

AUG 10 2011

Winniford B. Clark
Date 8-10-11

Foreperson of Grand Jury
Date: August 10, 2011

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2011GS38-1481

The State of South Carolina
County of ORANGEBURG

COURT OF GENERAL SESSIONS

August 8, 2011 TERM

THE STATE
vs.

Carvin Holman

Indictment for

CRIMINAL SEXUAL CONDUCT - FIRST
DEGREE

ATTEST: TRUE COPY

Winniford B. Clark
CLERK OF COURT
ORANGEBURG COUNTY, SC

SC Code: 16-3-652

After being fully advised as to my legal
rights, I hereby waive presentment to the
Grand Jury.

Defendant

I
hereby appear in my own proper person
and plead guilty to the within indictment
or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

2011 AUG 10 P 2:07

STATE OF SOUTH CAROLINA)
COUNTY OF ORANGEBURG)

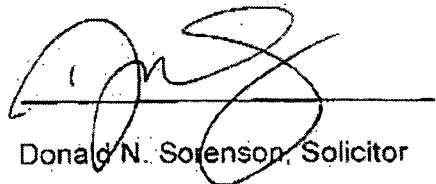
INDICTMENT
2011GS38-1481

At a Court of General Sessions, convened on August 8, 2011 the Grand Jurors of Orangeburg County present upon their oath:

CRIMINAL SEXUAL CONDUCT - FIRST DEGREE

That in Orangeburg County, South Carolina, on or about June 23, 2011, the Defendant, Carvin Holman, did commit a sexual battery upon the victim, Debbie Holman, and the victim did submit to sexual battery under aggravated force, and/or the victim was subjected to forcible confinement, kidnapping, robbery, extortion, burglary or any other similar offense or act. This offense in violation of Section 16-03-652 of the South Carolina Code of Laws, as amended.

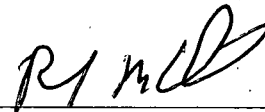
Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


Donald N. Sorenson, Solicitor

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that is Record on Appeal complies to the best of my ability, with the August 13, 2007, order from the South Carolina Supreme Court entitled "Interim Guidance Regarding Personal Data Identifiers and Other Sensitive Information in Appellate Court Filings."

July 17th, 2014

By: 

Franklin B. Joyner, Jr.
Post Office Box 1434
Cheraw, South Carolina 29520
(843) 253-5316

Robert M. Dudek
Chief Appellate Defender
South Carolina Commission on Indigent Defense
Division of Appellate Defense
Post Office Box 11589
Columbia, South Carolina 29211-1589
(803) 734-1330

ATTORNEYS FOR APPELLANT

ORIGINAL

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Orangeburg County
Edgar W. Dickson, Circuit Court Judge

RECEIVED

JUL 17 2014

SC Court of Appeals

THE STATE,

RESPONDENT,

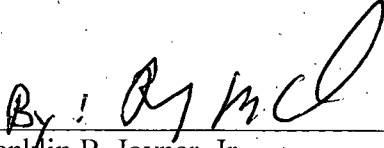
V.

CARVIN HOLMAN,

APPELLANT

CERTIFICATE OF SERVICE

I certify that a true copy of the Record on Appeal in the above referenced case has been served upon Melody J. Brown, Esquire, at Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, this 17th day of July, 2014.

By: 
Franklin B. Joyner, Jr.
Post Office Box 1434
Cheraw, South Carolina 29520
(843) 253-5316

Robert M. Dudek
Chief Appellate Defender
South Carolina Commission on Indigent Defense
Division of Appellate Defense
Post Office Box 11589
Columbia, South Carolina 29211-1589
(803) 734-1330

SUBSCRIBED AND SWORN TO before me
this 17th day of July, 2014.

Kurt Kewer (L.S.)

Notary Public for South Carolina
My Commission Expires: July 3, 2023.