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STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Berkeley County

Honorable Maite Murphy, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

RANDY WRIGHT,

APPELLANT

APPELLATE CASE NO. 2017-002130

RECORD ON APPEAL

JOANNA K. DELANY
Appellate Defender

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

ATTORNEY FOR APPELLANT

ALAN WILSON
Attorney General

DEBORAH R.J. SHUPE
Senior Assistant Deputy Attorney General
Rembert Dennis Building
1000 Assembly Street, Room 519
Columbia, SC 29201

SCARLETT A. WILSON
Solicitor, Ninth Judicial Circuit
101 Meeting Street
Charleston, SC 29401

ATTORNEYS FOR RESPONDENT

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STATE OF SOUTH CAROLINA	) GENERAL SESSIONS COURT
COUNTY OF BERKELEY	) CASE NO. 2016-gs-08-00306
STATE OF SOUTH CAROLINA, Plaintiff,	) Transcript of Record
vs.	) Date: August 30, 2017
RANDY WRIGHT, Defendant.	) August 31, 2017

* * * \

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A P P E A R A N C E S

REPRESENTING THE STATE OF SOUTH CAROLINA:

WILTON MCNEELY, ASSISTANT SOLICITOR

JORDAN SMITH, ASSISTANT SOLICITOR

Ninth Circuit Solicitor's Office

300B California Avenue

Moncks Corner, SC 29461

REPRESENTING THE DEFENDANT, RANDY WRIGHT:

STEVE DAVIS, ESQUIRE

431 E. Main Street

Moncks Corner, SC 29461

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(State's Exhibits Number 1 - 33 premarked before trial by Solicitor.)

(The following proceedings were held 8/30/17 at 9:54 a.m., Berkeley County General Sessions Court.)

(State's Exhibits 1 - 33 premarked by the Solicitor.)

MR. MCNEELY: State calls State of South Carolina v. Randy Wright.

THE COURT: Ladies and gentlemen of the jury, we are about to begin the trial of the South Carolina v. Randy Wright. Before we begin the selection of this trial, I will read to you the indictment which contains merely the allegation that brings the case into court. The reason I do that is to see if you know anything about the case to let me know if that's the case.

Indictment 2016-GS-08-00306 states that in Berkeley County, South Carolina, on or about August 8th, 2015, the Defendant Randy Wright did commit an unlawful act of injury upon the victim James Carlton Taylor; and as a result, he suffered great bodily injury or harm to produce death or great bodily injury, in violation of the South Carolina Code of Laws.

Ladies and gentlemen, I will ask the Solicitor to introduce the Solicitor and members of

his office, please.

MR. MCNEELY: Thank you, Your Honor.

Morning, ladies and gentlemen. My name is Will McNeely. I represent the Ninth Circuit Solicitor's Office on behalf of the elected Solicitor Scarlett Wilson, who is your solicitor for Berkeley and Charleston Counties. I'm the Solicitor assigned to Berkeley County.

Assisting me in the trial of this case will be Assistant Solicitor Jordan Smith and our paralegal, Denita Brown, Officer Michelle Ward, and my investigator will be in and out, David Young.

THE COURT: Thank you. Ladies and gentlemen, is there anyone related by blood or marriage, or have a close personal or social relationship, or has ever been represented by any of the attorneys at the Solicitor's Office in any capacity? If so, please stand.

I find that there is no one standing.

Mr. Davis, if you would please stand and introduce yourself and any members of your office.

MR. DAVIS: Good morning. My name is Steve Davis. I practice law in Moncks Corner. I have the pleasure this morning of representing

Mr. Randy Wright and the Wright family. Thank you very much.

THE COURT: Thank you, Counsel.

Ladies and gentlemen, is there anyone related by blood or marriage, or have a close personal or social relationship with Mr. Davis, or has ever been represented by him in any capacity? If so, please stand.

Yes, sir. If you would come forward.

THE BAILIFF: Juror 157.

THE COURT: Morning.

PROSPECTIVE JUROR: Morning.

THE COURT: You're Mr. Smalls.

PROSPECTIVE JUROR: Yes, ma'am.

THE COURT: Come on up so the court reporter can hear you. You have been represented by Mr. Davis before?

PROSPECTIVE JUROR: Yes.

THE COURT: And when was that?

PROSPECTIVE JUROR: It's a been long time.

THE COURT: A long time ago?

PROSPECTIVE JUROR: Yes.

THE COURT: Do you regularly see him or talk to him on a regular basis?

PROSPECTIVE JUROR: Well, he's married to my sister.

THE COURT: Okay. So you're family, so you have a double thing.

PROSPECTIVE JUROR: Don't tell anybody.

THE COURT: I'm not sure that you claim him or not. I'm kidding, of course. Mr. Smalls, obviously, if you're family, do you think that you could set that aside, or you would be predisposed to be on his side?

PROSPECTIVE JUROR: Mostly on his side.

THE COURT: All right, sir. Why don't we do this. I will excuse you from the trial of this case.

PROSPECTIVE JUROR: Okay. Thank you.

THE COURT: You're free to go.

THE BAILIFF: Juror 119.

THE COURT: Morning, sir.

PROSPECTIVE JUROR: Morning.

THE COURT: You're Mr. McClean?

PROSPECTIVE JUROR: Yes, ma'am.

THE COURT: Come on up a little bit. You've been represented by Mr. Davis?

PROSPECTIVE JUROR: No. We live in the same neighborhood and go to church with my wife.

THE COURT: So you just kind of know who he is?

PROSPECTIVE JUROR: Yes.

THE COURT: Do you visit or go to dinner or anything of that nature?

PROSPECTIVE JUROR: No.

THE COURT: The fact that you know who he is, can you set that aside in this case and listen to the evidence as it comes from the witness stand?

PROSPECTIVE JUROR: No.

THE COURT: Pardon me?

PROSPECTIVE JUROR: No.

THE COURT: You can't listen to the evidence?

PROSPECTIVE JUROR: Yeah, I can.

THE COURT: Can you set aside knowing him and be fair to both sides?

PROSPECTIVE JUROR: Yes. Yes.

THE COURT: I just wanted to make sure that you understood my question. So you can set aside knowing him and be fair and impartial to both sides?

PROSPECTIVE JUROR: Yes.

THE COURT: And will you follow the law

as I give it to you?

PROSPECTIVE JUROR: Yes.

THE COURT: All right. Thank you.

Ladies and gentlemen, you were introduced to Mr. Randy Wright a second ago. Anyone related by blood or marriage or have a close social relationship with Mr. Randy Wright? If so, please stand.

Yes, sir; if you would come forward.

THE BAILIFF: Juror 173.

THE COURT: Morning.

PROSPECTIVE JUROR: Morning.

THE COURT: You're Mr. Thomas.

PROSPECTIVE JUROR: Yes, ma'am.

THE COURT: How do you know Mr. Wright?

PROSPECTIVE JUROR: My brother was married to his sister.

THE COURT: Okay. And they have been divorced for awhile?

PROSPECTIVE JUROR: They've been divorced for a bunch of years.

THE COURT: A bunch of years?

PROSPECTIVE JUROR: Yes.

THE COURT: Do you see him regularly?

PROSPECTIVE JUROR: No.

THE COURT: Have you -- do you spend time in each other's homes?

PROSPECTIVE JUROR: No.

THE COURT: Do you know anything about the case?

PROSPECTIVE JUROR: No.

THE COURT: Okay. Do you think you can set aside the fact that he was previously in your family?

PROSPECTIVE JUROR: Yeah, I think I can. Yeah.

THE COURT: Well, I mean, if you can, you can; if you can't, you can't. There is no right or wrong answer. You know exactly how you feel.

PROSPECTIVE JUROR: Yeah, I'm sure.

THE COURT: Are you sure?

PROSPECTIVE JUROR: Yeah.

THE COURT: Okay. Okay. And you can set that previous relationship completely aside; is that correct?

PROSPECTIVE JUROR: Ma'am.

THE COURT: Okay. And can you be fair and impartial to both sides, to the State and defense?

PROSPECTIVE JUROR: Yes.

THE COURT: And can you -- if you know, was that -- as far as a divorce was concerned, is it what you would consider amicable? There's no hard feelings still in the family?

PROSPECTIVE JUROR: No, there was hard feelings.

THE COURT: There was. Why don't we do this to be on the safe side. I'm going to go ahead and excuse you from this trial.

PROSPECTIVE JUROR: Sure. Sure. Thank you, ma'am.

THE BAILIFF: Juror 60.

THE COURT: Good morning.

PROSPECTIVE JUROR: Good morning.

THE COURT: Mr. Brinson.

PROSPECTIVE JUROR: Yes.

THE COURT: And you know Mr. Wright?

PROSPECTIVE JUROR: Yes, ma'am. My brother was commonly-law married to his sister. So we have a niece together. I talk to the niece every now and then.

THE COURT: As far as Mr. Wright is concerned, do you visit in each other's homes?

PROSPECTIVE JUROR: No, ma'am, I don't

speak to him or anything. Like I said, it's just letting you know, it's family. Her family.

THE COURT: Her family. Okay. And as far as -- you said that you don't visit. Do you know anything about the case, or have you heard anything about this case?

PROSPECTIVE JUROR: No, ma'am.

THE COURT: You have no previous information about it?

PROSPECTIVE JUROR: No, ma'am.

THE COURT: Can you set that situation aside, as far as that family connection in this case, and listen to the evidence as it comes from the witness stand?

PROSPECTIVE JUROR: Yes, ma'am.

THE COURT: And would you be fair and impartial to both sides?

PROSPECTIVE JUROR: Yes, ma'am.

THE COURT: Can you follow the law as I give it to you?

PROSPECTIVE JUROR: Yes, ma'am.

THE COURT: Okay. Thank you.

PROSPECTIVE JUROR: Can I ask you another thing? I'm also a provider in the emergency room, and Friday I don't have any

coverage. I've tried all week to get coverage, and I'm available today and tomorrow, but Friday I have no backup.

THE COURT: We should be done by Friday.

MR. MCNEELY: Mr. Brinson testified as a medical expert in an attempted murder trial I was involved in, on Friday. So we did meet on that occasion.

THE COURT: Do you recall that?

PROSPECTIVE JUROR: Yes, ma'am.

THE COURT: Anything about that previous interaction that would prevent you from being fair and impartial to both sides?

PROSPECTIVE JUROR: No, ma'am.

THE COURT: Okay. Thank you.

Ladies and gentlemen, I'm going to read to you a list of potential witnesses in this case. After I read all of the potential witnesses to you, I will ask you the same question; if you are related by blood or marriage or have a close personal or social relationship with any of the potential witnesses in this case. And if they're in the courtroom, please stand so the jury can see them.

James Taylor, Tammy Lott, Dale Williams, Deanna Williams, Denise Pendley, Linda Starland, Robert Dwyer, Michelle Ward -- there is Ms. Ward. Thank you, Ms. Ward.

James Riser, John Murray, Bobby Shuler, Trey Elrod, Augustus Mack Flood, Chrystal Spence, Tiffany Swinton, Scott Grooms, Renee Bailey, Dr. Carl Potts, Wendy Griffith, Grace Bays, Sarah Zapata, Penny Blair, Doyle Long, and Sheila Monday.

These are a list of potential witnesses in this case. If anyone is related by blood or marriage and has a close personal or social relationship with any of the potential witnesses, please stand.

I find that there is no one standing.

Ladies and gentlemen of the jury panel, is there any member of the jury panel that was a member of the grand jury which issued the indictment in this case? If so, please stand.

I find there is no one standing.

Is there any member of the jury panel who is a member of or a contributor to any group which has, as its primary concern, the promotion of law enforcement or victims' rights? These groups

would include but are not limited to MADD, SADD, or Citizens Against Violent Crime. If so, please stand.

I find there is no one standing.

Is there any member of the jury panel heard of this case before today, or today, or have any information about this particular case? If so, please stand.

I find that there is no one standing.

Ladies and gentlemen of the jury panel, based upon your personal experiences or that of your immediate family or friends -- you've heard the type of allegations in this case -- anything about your experiences or that of your friends or family or any close personal -- anybody close to you that would cause you in any way to hesitate in your ability to be fair and impartial to both the State and the defense in this case? If so, please stand.

I find that there is no one standing.

Any member of the jury panel formed or expressed any opinion about any issue or matter involved in this case? If so, please stand.

I find that there is no one standing.

Is there any member of the jury panel

aware of any bias or prejudice towards either the State or the defense in this case? If so, please stand.

I find that there is no one standing.

Does any member of the jury panel know of any reason whatsoever why he or she should not serve as a juror in this case with a particular emphasis being placed on your ability to be fair and impartial both to the State and the defense? If so, please stand.

I find that there is no one standing.

Ladies and gentlemen, that will conclude the list of questions that we will ask before we begin the selection of this jury.

We are having some technical difficulties. So if you want to run to the restroom or whatnot, please be back in ten minutes. We should be ready to go by then.

(A recess transpired.)

THE COURT: We are now ready to proceed. Madame Clerk.

THE CLERK: Ladies and gentlemen, as I call your name, please come forth and bring your personal belongings with you. If I say, have a seat in the jury box, please have a seat in the

jury box. If I say, return to your original seating, please return.

Please follow the instructions of the bailiff right here with the gray jacket on.

Juror No. 134, Richard O'Brien.

What say you for the State?

MR. MCNEELY: Please seat the jury.

THE CLERK: What say you for the defense?

MR. DAVIS: Seat Mr. O'Brien.

THE CLERK: Seat the juror.

Juror 159, Jason Southard.

What say you for the State?

MR. MCNEELY: Please seat the juror.

MR. DAVIS: Seat Mr. Southard.

THE CLERK: Seat the juror.

Juror 107, Charles Livingston.

What say you for the State?

MR. MCNEELY: Please seat the juror.

THE CLERK: What say you for the defense?

MR. DAVIS: Seat Mr. Livingston.

THE CLERK: Seat the juror.

Juror 178, Allysa Toms.

What say you for the State?

MR. MCNEELY: Please excuse the juror.
THE CLERK: Excuse the juror.
Juror No. 29, Mark Chance.
What say you for the State?
MR. MCNEELY: Please seat the juror.
MR. DAVIS: Seat Mr. Chance.
THE CLERK: Seat the juror.
Juror 170, Randall Swiszcz.
What say you for the State?
MR. MCNEELY: Please seat the juror.
THE CLERK: What say you for the defense?
MR. DAVIS: Seat the juror.
THE CLERK: Seat the juror.
Juror 195, James Lewis.
What say you for the State?
MR. MCNEELY: Seat the juror.
THE CLERK: What say you for the defense?
MR. DAVIS: Excuse the juror.
THE CLERK: Excuse the juror.
Juror 17, Gabrielle Brooks.
What say you for the State?
MR. MCNEELY: Seat the juror.
THE CLERK: What says the defense?

MR. DAVIS: Please seat Ms. Brooks.
THE CLERK: Seat the juror.
Juror No. 94, Amanda Kerwood.
What say you for the State?
MR. MCNEELY: Please seat the juror.
MR. DAVIS: Seat the juror.
THE CLERK: Seat the juror.
Juror No. 8, Rita Bennett.
What say you for the State?
MR. MCNEELY: Seat the juror.
THE CLERK: What say you for the defense?
MR. DAVIS: Please excuse Ms. Bennett.
THE CLERK: Excuse the juror.
Juror 70, Ernestine Glover.
What say you for the State?
MR. MCNEELY: Seat the juror.
MR. DAVIS: Seat Ms. Glover.
THE CLERK: Seat the juror.
Juror 135, Torey Ogrodnik.
What say you for the State?
MR. MCNEELY: Please seat the juror.
THE CLERK: What say you for the defense?
MR. DAVIS: Seat the juror.

THE CLERK: Seat the juror.
Juror 49, Laura Drolet.
What say you for the State?
MR. MCNEELY: Please seat the juror.
THE CLERK: What say you for the defense?
MR. DAVIS: Seat Ms. Drolet.
THE CLERK: Seat the juror.
Juror 171, Hugh Tappan.
What say you for the State?
MR. MCNEELY: Please seat the juror.
THE CLERK: What say you for the defense?
MR. DAVIS: Excuse this juror.
THE CLERK: Excuse the juror.
Juror 35, Linda Compton.
What say you for the State?
MR. MCNEELY: Please seat the juror.
THE CLERK: What say you for the defense?
MR. DAVIS: Excuse this juror.
THE CLERK: Excuse the juror.
Juror 176, Anna Thompson.
What say you for the State?
MR. MCNEELY: Please seat the juror.

MR. DAVIS: Seat Ms. Thompson.
THE CLERK: Seat the juror.
Juror 113, Joshua Martin.
What say you for the State?
MR. MCNEELY: Please excuse the juror.
THE CLERK: Excuse the juror.
Juror 89, David Hopkins.
What say you for the State?
MR. MCNEELY: Seat the juror.
THE CLERK: What say you for the defense?
MR. DAVIS: Seat Mr. Hopkins.
THE CLERK: Seat the juror.
Picking for our alternate.
Juror No. 22, Tamera Burdette.
What say you for the State?
MR. MCNEELY: Seat the juror.
THE CLERK: What say you for the defense?
MR. DAVIS: Apologize, what's the number again?
THE CLERK: 22.
MR. DAVIS: Seat Ms. Burdette.
THE CLERK: Seat the juror.
Picking for our next alternate.

Juror 184, James Vondohlen.

What say you for the State?

MR. MCNEELY: Seat the juror.

THE CLERK: What say you for the defense?

MR. DAVIS: Seat the juror.

THE CLERK: Seat the juror.

THE COURT: Any exceptions or objections from the selection of this jury from the State or the defense?

MR. MCNEELY: None, Your Honor.

MR. DAVIS: None, Your Honor.

THE COURT: Ladies and gentlemen of the jury panel that were not picked for the trial of this case, it's actually your lucky day. You are done with jury service so you are free to go. If you need an excuse from the clerk's office, I'm sure they will help you at the clerk's office.

Have a nice day. Thank you so much.

(Jury panel out, 10:28 a.m.)

THE COURT: Welcome, ladies and gentlemen of the jury.

Madame Clerk, please swear in the jury.

THE JURY,

being first duly sworn, testified as follows:

THE COURT: Please be seated.

Good morning, ladies and gentlemen of the jury. Thank you for accepting this important responsibility of jury service and for your contribution today to our system of justice.

What I will now say to you is intended to serve as an introduction to the trial of this case. These remarks are not a charge on the law in this case. I will instruct you on the law in this case applicable at the end of the trial before you retire to consider your verdict. This is merely an explanation of the procedure that we will follow so that you will have a better understanding of what is going on during the trial of this case.

Ladies and gentlemen, you are not to take notes during the trial of this case. The defendant in this case is charged by an indictment filed in this court with the crime of assault and battery of a high and aggravated nature. The elements of that crime will be explained to you at a later time. The indictment is simply the charge by which this case is brought into court, and it is not in any sense evidence of the allegations it contains.

The defendant has pled not guilty to

this indictment. The State, therefore, has the burden of proving each of the elements of the indictment beyond a reasonable doubt. It will be your duty, ladies and gentlemen, to decide whether the State has met that burden. Your purpose as jurors is to find and determine the facts. You are the sole judges of the facts. If at any time I make any comment regarding the facts, you must disregard that.

You are to determine the facts from the testimony that you hear and any other evidence that is properly introduced in court. It is up to you to determine the inferences that you feel may be properly drawn from the evidence. It is especially important that you perform your duty of determining the facts diligently and conscientiously because ordinarily there is no way to correct an erroneous determination of the facts by a jury.

On the other hand and with equal emphasis, the same law that makes you the judges of the facts, makes me the judge of the law. The law as given by the Court is the only law that you may consider. You must accept it and follow it, even though you may disagree with it.

I cannot tell you what the facts are

and you cannot disagree with me about what the law is or should be. Your job is to take the law as I give it to you and apply it to the facts as you find them from the testimony of the witnesses and any other evidence that is introduced.

After doing that, you will render your verdict under the solemn oath that you just took as jurors.

Until I advise you to begin your deliberations, you must not discuss the case with anyone. This includes your fellow jurors, your friends, your family members, anyone involved in this case. This includes any discussions which are face to face, by telephone, e-mail, any texts, blogs, or any other communication.

You may not use a computer, cell phone, or other electronic devices with communication capabilities at any time while you're in the courtroom or during deliberations.

During the breaks; or for meals; or overnight, of course, you may use these devices; however, you may not at any time use these devices to get or send information about the case. This would include any information about a party, witness, an attorney, any court officers, any news

account about the case, any research on any topics that may be raised, and any topics that you think would be helpful in deciding this case, or any testimony as presented by a witness.

During the trial, please do not listen to, watch, or anything about any news reports about this case. This would include anything that may be in the newspapers, internet, radio, or TV. You must not consider anything that you may have heard or read or heard about this case outside of this courtroom, whether it's before or during the trial of this case.

After the case is submitted to you, you must discuss it only in the jury room with your fellow jurors. The attorneys and parties in this case have been advised not to talk to you; so if you see them coming in and out of the courthouse and they don't say hello, they are not being unfriendly. They're just following the Court's instructions.

It is important that you keep an open mind and not decide any issue in this case until all of the evidence has been presented, the parties have made their closing arguments, and I have instructed you on the law in this case.

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

In just a moment, the Solicitor will make an opening statement in which the Solicitor will explain to you what the issues in the case are, or at least the Solicitor thinks the issues are.

The attorney for the defense may also make an opening statement; although, they're not required to do so.

What the attorneys tell you during their opening statements is not evidence in this case. It's only their contention as to what the issues are. The evidence in this case will be presented to you by the testimony of sworn witnesses from the witness stand and by any exhibits that are properly introduced during the trial of the case.

From time to time during the trial, you may hear one of the attorneys say something like, Your Honor, I have a matter of law. May we

approach the bench? Or sometimes I myself might find it necessary to excuse you from the courtroom for a short while so the attorneys and I can discuss a matter of law.

The reason for this is because you are the judges of the facts in this case, and sometimes when I'm discussing matters of law with the attorneys, it may be necessary for me to make a comment as to the facts in connection with the ruling as to whether or not a particular law applies.

I'm not supposed to tell you what I think the facts are, so I will excuse you from the courtroom for a short while while these discussions take place so that, in no way, will you be influenced by anything I might say or do in connection with the facts in this case.

In determining what the true facts are in this case, you must decide whether or not the testimony of witnesses is believable. It will be my responsibility to rule as a matter of law whether or not certain testimony is admissible or not; but once the testimony is admitted, whether you believe it or not, is solely for you to determine.

In deciding whether or not to believe a witness, you have the right to consider the interest of any witness, the bias of any witness, the prejudice of any witness, the opportunity for what the witness could have seen, the matters about which the witness may testify, and the way that the witness acts on the witness stand.

You have the right to consider anything that is in the record that will help you evaluate the testimony of the witnesses. That means it is your duty to pay close attention to these witnesses to observe the witnesses, to listen to the witnesses, and please pay close attention to the attorneys and to the Court.

Please do not let your thoughts wander, but give strict attention to the testimony in this case so that at the end of the trial, after you've heard the closing arguments of counsel and you've been instructed on the law, you will then be in a position to render a verdict under the solemn oath that you just took.

It will be the added duty of the foreperson to write the verdict on the verdict form, and I will allow you to elect your own foreperson when you go back in the jury room to act

in that capacity. You also will be the liaison to the Court. Your vote, of course, is the same as everyone else's, but it's the foreperson's duty to write the verdict on the verdict form.

In order to preserve everyone's rights, are there any objections to the opening instructions?

MR. MCNEELY: None from the State.

MR. DAVIS: None, Your Honor.

THE COURT: Okay. All right. Ladies and gentlemen, pay close attention.

You may proceed, Solicitor.

MR. MCNEELY: Your Honor, may I approach briefly?

THE COURT: Certainly.

(Bench conference.)

MR. MCNEELY: Good morning, ladies and gentlemen of the jury. Thank you for being here today. I know jury selection and jury duty is not on the top of everyone's list for the week, but this will only take up a short period of your time, and I can't stress to you how important you are to this.

You are the deciders of the facts. You are the conscience of the community. When a

dispute happens, you get to be the ones to speak for the community as to what the results would be, what justice will be done.

The Defendant in this case, Randy Wright, is charged with the offense of assault and battery of a high and aggravated nature. I represent the State in this matter on behalf of the Solicitor's Office and the elected Solicitor, Scarlett Wilson. Assisting me, the Assistant Solicitor Jordan Smith. She is also with our office.

The judge at the end of the trial will explain the law to you. She is the decider of the law, and you are the decider of the facts. Whatever she says regarding the law, that's the law of this court, but I'm going to give you a little background on what the law is as it applies to this charge so you will know what we were speaking about.

As I stated, the Defendant, Randy Wright, is charged with assault and battery of a high and aggravated nature. The elements of the charge are as follows: A person commits the offense of an assault and battery of a high and aggravated nature. The person, one, unlawful entry

to another person and, two, great bodily injury to another person results or -- and I can't stress the or enough -- the act is accomplished by means likely to produce death or great bodily injury.

What that means is when that the assault occurs an injury occurs to the victim. If there's great bodily injury to the victim, then it's assault and battery of a high and aggravated nature; however, great bodily injury isn't required.

If the act itself which caused injury, the great bodily injury or any minimal injury under that, is a means by which it can be conceived likely to produce death or great bodily injury, it's still a high and aggravated nature assault.

It does not require that there be great bodily injury. Just that it be accomplished by means likely to produce that.

What great bodily injury means as defined by statute is injury which causes a substantial risk of death or which causes serious permanent disfigurement or protracted loss or impairment of the function of a bodily member or organ.

So what you're going to decide in this

case is whether the victim, Jimmy Taylor, was injured? Was he injured to a point of great bodily injury, or was the appliance by which he was injured likely to produce great bodily injury? And that's what the focus of the case is going to be about.

No one is going to come in here and say that Jimmy Taylor, luckily, suffered great bodily injury in this case. The issue is that it was accomplished by means likely to produce that. He's lucky that he didn't suffer great bodily injury. He's lucky that he is here to sit in this courtroom today and that he didn't die from the attack.

The evidence that's going to be presented, ladies and gentlemen, is that on Saturday, August 8, 2015, around dusk, Jimmy Taylor was on his way home, to his home on Cooper Store Road in Moncks Corner.

For anybody who doesn't know where that is, you head out of town here towards Cross, take a left a couple of red lights on and head back towards the interstate. Cooper Store Road is a long road, two lanes that connect you to Jedburg and then you hit the interstate. It's a fairly rural part of the county, but there are homes all

along it as well as farms and fields.

He was on his way home to the trailer. He was coming through town from Moncks Corner, and he stopped at the Country Corner store right up here at the intersection of Highway 6, or Main Street. It's where you can cut off to go to Pinopolis. The gas station that's frequented by people, especially those that live out in Cross or Coopers Store area that are heading to their house before they're on their way out of town.

He stopped there and went in and got some gas and got some other items, got in his truck to head out of the parking lot. As he was heading out of the parking lot, taking a right to head north, he sees this Defendant and his two adult sons, Adam and Shawn Wright, sitting in a truck in the parking lot of an abandoned building across the street.

Jimmy Taylor drives by, and he sees the Defendant pull his truck out onto the road and get right behind him. Now, what you will hear is that Jimmy knows this Defendant. They've had interactions before, and they weren't close.

So when he saw him, he knew who he was dealing with and knows that he lives near him.

Jimmy headed on out Highway 6, or Main Street, and made a left on Cooper Store Road to head home; this Defendant turned right behind him.

After they turned onto Cooper Store, this Defendant passed him and got in front of him in the truck. Not long after that, he rolled back close to the front of Jimmy's car, and a bottle came flying out of the passenger side striking the victim's truck in the front.

Jimmy was scared at that point, but he kept driving. The Defendant turned off onto Rainbow Acres Road, which is just a little bit before the victim's house. When the Defendant turned off, Jimmy thought everything was going to be okay; it was just a little bottle hitting his truck. It may have caused some damage, but everything is all right.

Jimmy proceeded on past Rainbow Acres, and he made a left into his driveway. It's a gravel driveway about 20 yards long with a gate at the end. Jimmy turned towards the gate, and he got out to unlock the gate that he keeps locked so people can't get in to take his stuff. As he exited his truck that night to open his gate, what he thought was over when the Defendant turned down

Rainbow Acres wasn't.

He saw the Defendant and his two adult sons charging at him up the driveway. The next thing he knew, he got hit in the face with a pipe, or a jack handle, some long metal object, right in the eye. Means likely to cause death or great bodily injury.

It didn't stop there, though. It wasn't one blow to the face. It proceeded to be a repeated assault on his head with a long metal object causing multiple lacerations -- and you will see photos of them -- and he got beat and kicked all over his body by this Defendant and his two adult sons.

Luckily, for Jimmy, before they could finish the beating and seriously and permanently maim or kill him, his neighbor Dale Williams' dog started barking. Dale flipped on the light on his porch because it was dark at this point, and he came outside, and the Defendant and his sons ran down the driveway, got back in their truck, pulled a U-turn and left.

Jimmy was bleeding profusely from his head; he was beaten all over; EMS was called to the scene. He was taken to EMS and treated for his

injuries. Like I said, Jimmy's lucky to be here today. He's sitting right there. It haunts him every day. He got the devil beaten out of him, and it very easily, if not probably, could have ended his life or seriously made it to where he couldn't be sitting in this courtroom today.

You're going to hear from witnesses in this case. You will hear from Mr. Taylor and the officers involved as well as some forensic evidence and medical evidence about his treatment. You will see photos of his injuries, the driveway where this happened. You will see some physical evidence. You will see the shirt he was wearing when this happened.

Listen to all of the evidence from the witness stand. Look at what we present to you. Use your common sense. This isn't a complicated case; there's one charge. It's very simple.

On August 8, 2015, this Defendant and his sons made the conscious choice to beat Jimmy within an inch of his life, or what could have been within an inch of his life if not his life.

One thing I want to share with you about the law before I close is the hand of one is the hand of all. I mentioned to you about the

facts that this was a collective beating handed out by the Defendant and his sons. You do not need to focus on who threw which blow, because the law of the State says, when a crime is committed by two or more people who are acting together, the act of one is the act of all.

A person who joins with another to commit an unlawful act is criminally responsible for everything done by the other person which happens as a probable or natural consequence of carrying out the crime.

So what that says in a nutshell is this Defendant is responsible for every blow he threw and every blow his sons threw through the course of this assault. What happened to Jimmy on that night was a coordinated attack by this man and his sons that very easily and probably could have killed him but for his neighbor exiting his front porch that night and scaring them away.

I ask you to pay attention during this. Thank you for your service and time. You are the deciders in this case. Hear from the witnesses; look at the evidence. When you do, you will be firmly convinced this Defendant is guilty beyond a reasonable doubt. Thank you.

THE COURT: Thank you, Solicitor.

Counsel.

MR. DAVIS: May it please the Court, Your Honor.

THE COURT: Yes, sir.

MR. DAVIS: Ladies and gentlemen of the jury, I'm going to re-introduce myself. After you hear that version, then you may say, why are we here? I'm going to make some concessions. You promise me to honestly honor your duty to be fair and impartial, you don't have no friends to reward, no enemies to punish, I promise you that if you center your attention to this fact-finding chair, right here (Indicating), I'm confident that justice will be rendered.

Now, if you come with a preconceived disposition about what the facts are, that really -- this young man I represent, Randy Wright, his wife of 24 years, no prior criminal history whatsoever. His version of the facts is totally opposite.

I want you to hold the Solicitor to his version of what he represented to you. Despite what the Judge said, that our conscious effort should be to get the facts from here. But he, the

Solicitor, has made a decision to adopt the version of the facts that Mr. Taylor has presented to him.

The question is going to be in this case, are you too going to join in with this miscarriage of justice and adopt Mr. James Taylor's version of what happened that night? It just doesn't make sense.

And I thought about this case sitting up in the deer stand yesterday. A thought came to me, yes, it was an invitation to fight, but who created that invitation to fight? I want you to be mindful of the things that were not said. But we're going to fill in the gaps.

We're going to fill in the gaps, because there is no mention of the country store that Mr. James Taylor was at purchasing alcohol, that his blood level was highly toxic, that he shouldn't even have been driving on the roadway. Solicitor didn't share any of these facts, that the EMS report would show that he, in fact, didn't want to go in the EMS.

Because you know what? When you initiate a fight and you get somewhat some bad results from it, you feel justified in not seeking any further treatment.

This description of a pipe, this description of a jackhammer is being adopted to incense you and enrage you to have a bias and negative opinion of Randy Wright. And I'm telling you, Randy Wright has a heart of peace. I'm convinced of this. He has a heart of peace. He's a man, he's a hard worker, he's a mechanic, and any individual will attest to that.

What truly happened that night you will hear from this witness stand is that, in fact, Mr. Taylor with a heart of war bent on engaging into a fight, started a series of events that caused each and every one of you to be here today.

I will share with you a little secret. I've been practicing law for 35 years, but more importantly, out of that 35 years, I have sat in that same chair for ten years. Ten years I sat in this chair and I enjoyed every aspect of sitting in that chair, because I'm telling you, even 35 or 25 years later what really gets me up in the morning is the potential or the existence of an injustice. I don't understand it, but it's woven into the fabric of who I am, an injustice.

And this is what's trying to be perpetrated upon each and every one of you this

week as is related to Randy, the potential for injustice. You know, sometimes if we have kids and one of them rush to you first and give you a version of what happened, you know, it's easily encrypted to want to adopt that description.

These are the things I want to share with you. This isn't what happened on August 8, 2015, and it took 11 days for the cops to figure out what happened. Eleven days. And all this description of someone being lucky that they're alive is nothing but hot air being perpetrated by the Solicitor. Eleven days, luck to be here.

It's a tragedy that Randy Wright is here, to be honest with you, facing his life, liberty and the pursuit of his happiness with his wife of 24 years, his two lovely daughters, and his two sons. He just wants to go back to his address called a Pot of Gold Drive out here in the Berkeley County community.

You know, once you're charged with an offense in the State of South Carolina of this great nation, that's what it is; it's a charge. The burden shifts on the prosecutor to prove him guilty beyond a reasonable doubt. Thank God we have a jury system in this country where a person

has the right to have 12 people made up of his peers bring their decision.

I will live with whatever your decision is. I'm confident when the facts are gleaned from this witness chair, you too will join me in concluding that Randy Wright is the victim here.

Think about this for a moment. A pipe, a jackhammer, and in the totality of the injuries, you're talking about 15 or 12 stitches. My God. James Taylor brought a stick. Thank God that this young man's two sons, who was not even engaged in this matter, came to his rescue. Because, luckily, he was in a choke hold by James Taylor, and his sons came to his father's rescue.

Now, this is what happened and this is what is going to be presented from the witness chair. Randy (sic) Taylor was shocked to know that this guy is violent against him. He's a mechanic; he had done work for him. He don't know what's going on.

He stops at the country store, he's worked all day. This young man is inside the door -- prosecutor don't reference that -- of the country store. He looks back at him and holds his two cases of beer up in his hands, looks ugly at my

client, exits the store.

The two sons don't even -- they didn't even go inside the store. Randy was not drinking. So we'll find out that the alleged victim had. He drives away, and lo-and-behold, this same James Taylor who is coming, before you got the State's doctored version of their case, drives up behind him, slings a bottle out at his car, and strikes Randy Taylor's vehicle.

Now, if Randy Taylor is guilty of anything, ladies and gentlemen, he used poor judgment to go in and inquire, park his car across the street, because they live in the same neighborhood, and say, well, Mr. Taylor, what have I done to offend you. I noticed in the store you had this ugly disposition towards me. I noticed that you drove up close behind my vehicle and you threw a bottle. Before he could say a word, James Taylor took out a stick and a fight ensued.

Young boys rushed across the street and picked Mr. Taylor -- come here, Randy, please.

(Defendant approached.)

MR. DAVIS: How tall are you, Randy?

THE DEFENDANT: I'm 4, 9.

MR. DAVIS: Okay.

He's a little fellow here, little fellow. Taylor had him down and the boys came and pulled him off. The reason I used poor judgment is because I said, you know what, Randy should have gone on home, but sometimes you have a peace of heart and you want to find out. You live in the same neighborhood. When you live in the same neighborhood, you want to know why your neighbors are kind of foul with you.

It's not uncommon for him to park across the street and walk over and say, what's going on. But this whole aspect of seeing him drive down Highway 16 and get behind this car and engage in a fight don't make sense. Randy Taylor just came from work. Randy Taylor doesn't have that kind of disposition. He doesn't have any foulness or ugliness towards James Taylor.

I ensue each one of you, I don't care if you don't like my strong voice, don't penalize Randy Wright but for what comes from this fact-finding chair. That's all I'm asking. That's all I'm asking. I sat in that chair for ten years and enjoyed what I did. I believe in victims. I believe in right and wrong.

I believe the State has the right to

prosecute the cases, but at the end of the day, I'm asking each one of the -- you make them prove their case beyond a reasonable doubt. Don't make them fantasize and talk about lucky somebody's alive, we're talking about near death.

You engage in the creative invitation to fight -- eleven days. And I will share this: The cops didn't have to come and search for Randy Wright. Randy Wright walked into the sheriff's department and said, what's going on? What happened? Eleven days later.

Now, someone who is near death, who is beaten so savagely -- I need to have a talk with Sheriff Lewis, the new sheriff, because it takes 11 days to determine that somebody's been savagely beaten for you to arrest them; something is wrong with law enforcement in Berkeley County. Something is seriously wrong.

I'm not telling you that the ruckus didn't occur. I'd never misrepresent that. I want you to listen right here, and the judge is going to instruct you, I hope that you can agree with me that it doesn't matter where the truth comes from. I hope you can agree with me that it doesn't matter where the truth comes from.

Your job is a truth-finding mission. I'm confident if you pursue the truth, at the end of the day you will speak a verdict and tell Randy, you can go back to Pot of Gold Drive where you live with your family, and we prevented this miscarriage of justice and this adoption and version of the facts; because each one of you, collectively and individually, will render a verdict that speaks the truth and say without a shadow that, in fact, my client is innocent, and not guilty. Thank you very much.

THE COURT: You may call the first witness.

MR. MCNEELY: Thank you. The State calls Dale Williams.

THE WITNESS: I don't swear on Bibles.

THE COURT: You can affirm to tell the truth.

DALE WILLIAMS,

being first duly affirmed, testified as follows:

THE CLERK: Please be seated. State your full name and spell your last name for the record.

THE WITNESS: Dale Patrick Williams, W-I-L-L-I-A-M-S.

THE COURT: Your witness.

MR. MCNEELY: Thank you, Your Honor.

DIRECT EXAMINATION

BY MR. MCNEELY:

Q. Good morning, Mr. Williams.

A. Morning, sir.

Q. How old are you, sir?

A. 60.

Q. Are you married?

A. Yes.

Q. What's your wife's name?

A. Deanna.

Q. In August of 2015, where were you living?

A. Where I live now, Cooper Store Road.

Q. What's your address on Cooper Store Road?

A. [redacted].

Q. Who lived with you at that address at that time?

A. My wife.

Q. Deanna Williams?

A. Yes, sir.

Q. Who was your next-door neighbor?

A. There's not anybody to the left. To

the right it's Jimmy Taylor.

Q. And about how far is your house from his?

A. Twenty yards.

Q. How long had Jimmy lived next door to you?

A. He was there when I got there. I've been there 4 years -- four and a half years.

Q. So at the time you lived there about three years?

A. Yes.

Q. And Jimmy's lived there the whole time?

A. He was there when I got there.

Q. Have you ever interacted with Jimmy on and off?

A. He's like me; we stay to ourselves. I see him and shake hands. He's a good neighbor, but we try to stay out of each other's business.

Q. Ever have any problems with him?

A. No.

Q. Do you recall the evening of August 8, 2015 --

MR. DAVIS: Your Honor, I didn't get a response. I don't know if he shook his head, but I didn't get your response, Mr. Williams, if you had

any problems with him.

THE WITNESS: No, never. He's a good neighbor.

BY MR. MCNEELY:

Q. Do you recall the evening of August 8, 2015?

A. Yes.

Q. Was that a Saturday?

A. Yes.

Q. Where were you around 8 or 9:00 that evening?

A. Sitting on the sofa.

Q. Who was home with you?

A. My wife.

Q. What were you doing that evening?

A. I was watching television. I believe she was on her computer.

Q. Is the television room near the front door?

A. Yes, sir.

Q. Please tell the jury what happened after that.

A. The dog got my attention. She sometimes barks, but when she growls it means something else. And I knew something was not

right. I wasn't sure what it was, so I went and opened the front door and looked.

And Mr. Taylor's driveway runs down the property just to the right. It was dark, and I couldn't see much, but I opened the door to the porch and started to go out, and I realized that something was not right.

I come across the porch and I still didn't know exactly what it was, but there was a group of people in the driveway. And it was at that point I realized that something just didn't seem right. At first, I thought maybe it was just people standing there talking.

And as I -- my porch is probably 12, 15 feet wide. As I got to the banister railing, I seen one of them get up and come back down the driveway, and I realized it was Jimmy. And he was hollering at the lady at his house to call 911.

Q. And did you see other people in the driveway?

A. Yes.

Q. Can you describe them?

A. No. It is very dark in that corner of the yard.

Q. What did the other people do when you

walked outside?

A. They went to a pickup truck that was sitting in the road and left.

Q. So when you first saw them, they were at the end of Jimmy's driveway near his house?

MR. DAVIS: Object to the leading, Your Honor. He's putting words in his mouth.

MR. MCNEELY: I'll rephrase.

THE COURT: Okay.

BY MR. MCNEELY:

Q. Where were the people, other than Jimmy, when you first walked outside?

A. When I walked out, what I could see was it appeared to be three standing and one on the ground. And it took me a minute to realize that that meant there was a problem.

And as he got up and came this way, they went towards the truck. They were right there probably -- I don't know how -- front yard is probably 150 feet. He was probably 50 feet in or so because he had pulled in the driveway and stopped.

Q. Did you flip the porch light on?

A. It was on.

Q. So after you walked out on the porch,

the other three people that were in the driveway, other than Jimmy, did they leave?

A. Yes.

Q. And if I understood you correctly, they ran down Jimmy's driveway --

MR. DAVIS: I'm going to object. I don't think that's responsive. He didn't say ran. He said they went to the truck.

THE COURT: Don't lead, please.

THE WITNESS: It would be a fair statement that they ran. They were getting out of there in a hurry.

BY MR. MCNEELY:

Q. And where did they go to?

A. They went to a pickup truck in the road.

Q. Where exactly in the road?

A. I couldn't tell. The road is a distance from the house. I couldn't tell if the truck was parked -- stopped at the end of the road, which I believe it was, or on the side of the road, but the truck was stopped in the road.

Q. And what did the two individuals do after they got in the truck?

A. Drove away.

Q. Do you know what direction they drove?

A. To the left, as I was standing on the porch.

Q. Did they drive straight or pull a U-turn?

A. That I don't know.

Q. What happened after the truck left -- scratch that.

Can you describe the truck? Did you get a make or model or color?

A. No. Full size, I would be guessing to say it was red or -- that's a guess. It was a full-size Chevrolet maybe, I don't know. I wasn't paying as much attention to the truck as to Mr. Taylor, because as he came down the driveway, once he got under that security light, I could see him pulling his shirt up over his head, and I could see he was covered in blood.

Q. It was dark outside, correct?

A. It was dark until he got under the security light. That corner of the yard is extremely dark.

Q. And is the darkness part of the reason that you're unsure what color the truck was?

MR. DAVIS: Objection, Your Honor;

leading again.

THE WITNESS: Yes. That, and there's four or five trees in the front yard, and there's limbs underneath. You know, you're looking around tree trunks and things like that.

Q. I believe you stated you saw Jimmy under a light in the driveway?

A. Security lights. There's a fence right there and a security light going around the corner into what would be the front -- or backyard rather. And he had walked under that security light, and I could see then that he had pulled his T-shirt up in an attempt to pull it on his head to stop the bleeding.

Q. What happened after that?

A. He called out to Barbara to call 911. And I thought I heard him say, and maybe I should not say this, but I was pretty sure that I heard him say one of them had a gun. I don't know if he was guessing at that point or if it was true, but he did call her to say, call 911.

I stepped back inside and told Deanna to call the police, and I called to Jimmy to come over to the front porch. And as he was coming across the yard, I went inside and grabbed a bath

towel. And when I went out he was already up on the porch, and I wrapped his head to stop the bleeding. But he was beat pretty severely.

Q. Did Jimmy tell you what happened when he got up on the porch?

A. He did. He did. He said an altercation had began at the store on Cooper Store Road, or the little store at the top of the hill. The corner store, whatever they call it. And he got in the truck to come back home and that he had been road-raged on the way.

And so when he pulled into the driveway and stopped, of course, they came over, and I gather it just broke out into an altercation; but I have the feeling had not I heard the dog and walked out on the porch that Mr. Taylor wouldn't be here today.

Q. Did he tell you who was in his driveway?

A. He did. He said he knew them and that he'd had difficulties with them before.

Q. Did he give you a name?

A. He did.

Q. What name did he give you?

A. You know, there was a Randy Wright and

-- there was two or three names. I wasn't paying a lot of attention at that point; I was trying to -- he was pretty stunned.

Q. I believe you said your wife called 911?

A. Yes.

Q. What happened after she called 911?

A. They came with the ambulance.

Q. Did you remain on the porch with Jimmy?

A. Yes.

Q. What did you do while you were on the porch with Jimmy?

A. Just tried to sit him down and keep him calm, stop the bleeding. And I wasn't -- again, you know, I wasn't asking him questions concerning all this, because it's not my business, but I wanted to make sure that he was safe. Barbara, who was the girlfriend at the time, had come over to see what was going on, to make sure that he was okay.

Q. Did EMS arrive?

A. Yes.

Q. Did they treat Mr. Taylor?

A. Yes.

Q. Did they take him from the scene?

A. I believe they did.

Q. Okay. Did the sheriff's deputy arrive?

A. Yes.

Q. Did you speak with them?

A. Yes.

Q. What did you do after the ambulance left?

A. Went back inside.

Q. Did you ever go over into Jimmy Taylor's driveway that night?

A. No.

Q. Did you ever go over into Jimmy Taylor's driveway the next day?

A. No.

MR. MCNEELY: No further questions from the State at this time, Your Honor.

THE COURT: Cross-examination.

CROSS-EXAMINATION

BY MR. DAVIS:

Q. Mr. Williams.

A. Yes, sir.

Q. Where are you from originally?

A. Alexandria, Virginia.

Q. Alexandria, Virginia?

A. Yes.

Q. And you moved here three or four years ago?

A. No. I was brought here as a child by my father.

Q. Okay. But you moved into the location where we're describing about three or four years ago?

A. Yes, sir.

Q. And you were sworn to tell the truth, even though you didn't put your hand on the Bible, you know that?

A. Say again.

Q. You were sworn to tell the truth?

A. Yes, sir.

Q. Okay. There is a privacy fence between you and Jimmy Taylor; is there not?

A. Yes, sir.

Q. Okay.

A. Correction, not a privacy fence; a chain-linked fence.

Q. A chain-linked fence that separates your property?

A. It's on his property. His property extends beyond the fence, and it's -- you have to know that. If you are not familiar with that

property, that fence is not on the property line. His property extends beyond that.

Q. But there is a fence that separates --

A. There is a fence that separates us.

Q. You stay to your business and he stays to his business, right?

A. Pretty much. I mean, we're friendly. I see him. He's come over and cut the grass for me before. He's brought me -- you know, we help each other, but we don't get into each other's business.

Q. That's okay. Fine. Was he drinking that night when you went out and approached him?

A. Say again.

Q. Had he been drinking?

A. Who?

Q. Ain't but one person we're talking about.

A. You're talking to me --

Q. Jimmy Taylor.

A. I have no idea.

Q. Well, you got real close to him; did you not?

A. I didn't notice if he was, no.

Q. Can you tell whether a person is intoxicated or not? Have you ever seen intoxicated

people?

A. I've been intoxicated before the Lord saved me, but, sir, what I'm trying to tell you is I didn't notice that on him that night.

Q. So you didn't see any indication of that whatsoever?

A. You know, it would be hard to tell because he was in bad shape when I seen him.

Q. My question is, did you see any indication --

A. No, sir.

Q. Thank you.

Now, and you cannot tell this jury at all what transpired in that driveway, can you?

A. No, I can't.

Q. As a matter of fact, you can't tell the jury this that Mr. Randy Wright's vehicle was not parked on Mr. Taylor's property; isn't that true?

A. It was parked in the road.

Q. My question is, it was not parked on his property; isn't that true?

A. The vehicle was not, no.

Q. That's correct. That's what I asked you. Was the vehicle parked on his property?

A. No. I made that clear earlier when I

said it was parked -- stopped at the end of road or on the side of the road.

Q. And you don't know what transpired before your dog growled and how you got to that point; isn't that true?

A. If you had seen Mr. Taylor, you would know --

Q. My question --

MR. DAVIS: I ask that he be responsive, Your Honor --

THE COURT: Mr. Davis, hold on a second.

Mr. Williams, when you're asked a question, say yes or no and then explain. Okay?

THE WITNESS: Okay.

Your question?

BY MR. DAVIS:

Q. My question was, in the description of what transpired, Jimmy Taylor told you that this incident started at the corner store; isn't that true?

A. Yes, sir.

Q. You weren't in court when the Solicitor gave his version of the facts, were you?

A. No.

Q. There's no question that this incident occurred at the country store. What did he tell you occurred at the country store?

A. There had been an altercation.

Q. What type of altercation?

A. He was going to his vehicle when he was confronted by three different people.

Q. At the country store?

A. At the country store.

Q. Three different people confronted --

A. Three people in a pickup truck.

Q. Okay. Were there any confrontations inside the store at the country store?

A. I have no idea.

Q. I don't know. I'm asking did he share that with you? I don't have no idea.

A. I don't know either. He did not tell me that.

Q. He didn't say anything about inside the store, did he?

A. You're talking about two years ago. I don't honestly remember. I know that he said he was at the country store when -- it must have begun inside. I know that he indicated he was going to his vehicle when they came to him.

Q. So you were -- this fight could have taken place at the country store; isn't that true? Nothing prevented it, sir?

Sir? Did he tell you anything that prevented it from happening at the country store?

A. I'm not sure I understand what you're asking me. Are you asking --

Q. Did any altercation or fight took place at the country store?

A. Most likely, yes, but there -- I mean, there was a scuffle in the driveway.

Q. I'm not talking about the driveway, Mr. Williams. You said that Mr. Taylor shared with you what happened -- that it started at the country store?

A. No, sir, you're taking what -- I didn't say that he relayed all of that to me. He said that that's where it started. Now, he didn't give me a whole story of what happened there. He said he was going to his vehicle when this began there, and he got in the vehicle to come back to home, and that's when he was road-raged on the way back to his home.

Q. Do you know Randy Wright?

A. No.

Q. Have you ever had any dealings with him?

A. No, sir.

Q. Now, can you explain to the jury why EMS personnel said Jimmy Taylor didn't want to seek treatment?

MR. MCNEELY: Objection; calling for speculation and making a statement not in evidence.

THE COURT: Sustained.

BY MR. DAVIS:

Q. Were you there when EMS arrived?

A. Yes, sir.

Q. Okay. How long did EMS stay out there?

A. I guess 20 minutes.

Q. Twenty minutes. Okay. So they brought him back that night, or do you have that information?

A. No idea.

Q. Sir?

A. I have no idea.

Q. When would be the next time that you saw your neighbor, your good neighbor?

A. It would be a few days later.

Q. So this incident occurred on August 8th, and then you saw your good neighbor a few days

later. How many days later?

A. I have no idea. It was two years ago.

Q. I know it was two years ago. We all got this two years down. You have testified already that things happened two years ago; isn't that true?

A. Yes, sir.

Q. So you can remember some aspect of two years, so I'm asking you to please try to, sir. Can you?

A. No, sir. I can't tell you exactly when I seen him; it was a few days later. He was stitched up and banged up pretty good.

Q. But you didn't see him but a few days earlier? I mean, a few days past that?

A. Yes.

Q. And he shared with you that same night Randy Wright and some other Wright boys; did he not?

A. Say again.

Q. He shared with you who he had gotten into this altercation with; did he not?

A. He knew them, yes.

Q. Yeah. Now, EMS stayed there about 20 minutes, sir?

A. That's a guess.
Q. Okay. And then you said you heard something. This is important, sir. Isn't it true that what Mr. James Taylor said was, I'm going to get my gun? Isn't that true?
A. No.
Q. Well, tell us exactly what did he say?
A. He said, Barbara, call 911, I think one has a gun. And, again, I don't know that that was true. That's just part of what I heard.
Q. So you distinctively heard Randy Taylor -- I mean, Jimmy Taylor saying, call 911? You recall that?
A. Yes.
Q. And you recall him saying, they have a gun?
A. I did not. I believe I told you I thought I heard him say that.
Q. So at the same thought process, isn't it conceivable he said, I'm going to get my gun?
A. No.
Q. No?
A. No.
Q. Were any weapons discharged on August 8th when your dog was growling?

A. No.

Q. Did you secure any pipe or jackhammer anywhere near where this incident took place?

A. No.

Q. Isn't it true, sir, that Mr. Taylor has a habit of keeping a bat in his vehicle?

A. Say again.

Q. Have you ever seen Mr. James Taylor with a bat in his vehicle?

A. No.

Q. No, you haven't seen it, or what?

A. I have no idea. I don't go into his vehicle.

Q. Okay. Because you have a privacy fence between you all; isn't that true?

A. Yes, sir. No, not a privacy fence. It's a chain link.

MR. DAVIS: No further questions.

THE COURT: Any redirect?

MR. MCNEELY: Thank you, Your Honor.

REDIRECT EXAMINATION

BY MR. MCNEELY:

Q. Just a couple of quick questions, Mr. Williams. You said there is a chain-linked fence between your properties?

A. Not between the properties. It's on his property. And the reason that this is important is, the place where Jimmy was parked was his property. And the place where this altercation, or whatever you want to call it, took place was on his private property. He was in his yard when this happened.

Q. This fence -- if you're standing on your porch, is it between your porch and where this incident happened, or did this incident happen between your porch and is the fence on the other side of where it happened?

A. When I'm standing on the porch, his driveway comes down the right side of the property on this side of the fence. The fence is on the far side, but that property belongs to him. The property marker is right there at the corner. He was in his driveway on his property when this occurred.

Q. And there's nothing, if I understand you correctly, between your porch and his driveway but yard?

A. Correct.

Q. Okay. So there was nothing obstructing your view of his driveway?

A. Nothing at that point. Just the darkness.

Q. Okay. When you saw the three individuals run back down the driveway, could you see if anything was in any of their hands?

A. No. And, again, I wasn't paying a lot of attention to that. It took me a moment to realize what was happening. And once I seen him coming back down and I got a look at him, he was my major concern. He looked like he needed help.

Q. And it was dark?

A. Yes, until he got under the security light.

Q. So if I understand your testimony correctly, you can't say one way or the other whether somebody had something in their hands or they didn't?

A. I can't say that.

Q. When the three ran back down the driveway, did it appear to you that any of them were injured or having trouble walking or moving?

A. No.

Q. They got out of there in a hurry?

A. Yes.

MR. DAVIS: I object to that, Your

Honor.

MR. MCNEELY: No further questions.

MR. DAVIS: Just a few.

THE COURT: No, sir.

You can step down, Mr. Williams.

Counsel, please approach.

(Bench conference.)

THE COURT: You may call your next witness.

MR. MCNEELY: The State calls Deanna Williams.

THE COURT: Deanna Williams.

DEANNA WILLIAMS,

being first duly sworn, testified as follows:

THE CLERK: Please be seated. State your full name and spell your last name for the record.

THE WITNESS: My full name is Deanna Williams, W-I-L-L-I-A-M-S.

THE COURT: Your witness.

MR. MCNEELY: Thank you.

DIRECT EXAMINATION

BY MR. MCNEELY:

Q. Morning, Mrs. Williams.

A. Good morning.

Q. Where do you live?

A. [redacted].

Q. Are you married?

A. Yes, sir. I'm married to Dale Williams.

Q. Were you living at that address on Cooper Store Road August 2015?

A. Yes.

Q. Do you have neighbors?

A. Yes. Jimmy Taylor lives to the left of me if you're standing at the street.

Q. How far, approximately, is Jimmy Taylor's house from yours?

A. Twenty, thirty feet.

Q. And were the homes in that location during August 2015?

A. Yes.

Q. And I want you to look, if you don't mind, at State's Exhibit 2.

MR. MCNEELY: Permission to approach the witness, Your Honor?

THE COURT: Yes, sir.

BY MR. MCNEELY:

Q. Mrs. Williams, please look at that photo. Do you recognize what is depicted in that

photo?

A. Yes, sir. This is where I live.

Q. From what angle is the photo taken?

A. Down with Cooper Store Road at the -- going all the way across the picture.

Q. Is it a fair and accurate representation of where yours and Jimmy Taylor's homes were located August 8, 2015?

A. Yes, sir.

MR. MCNEELY: Your Honor, at this time I would move to admit State's Exhibit Number 2 into evidence.

MR. DAVIS: No objection, Your Honor. It's a matter of public record.

THE COURT: Okay. It's in.

(STATE EXH. 2 in evidence.)

MR. MCNEELY: Permission to approach?

THE COURT: Yes, sir.

BY MR. MCNEELY:

Q. Mrs. Williams, I will hand you a laser pointer.

MR. MCNEELY: Permission to approach the witness, Your Honor?

THE COURT: Yes, sir.

BY MR. MCNEELY:

Q. It's this little red button at the top. If you can please turn around and look at the photo. Using the laser pointer, point out our home.

A. My home is right there. (Indicating)

Q. Can you point out Jimmy Taylor's home?

A. He's right there.

Q. And there are a few trees there, I guess?

A. Yes, sir.

Q. What road is that running through the length of the picture?

A. At the top, it's Cooper Store Road. Right in here. (Indicating)

Q. Do you see that road right there in the top right corner?

A. Yes, sir.

Q. Do you know what road that is?

A. That is Rainbow Acres.

Q. Thank you very much, Mrs. Williams. You can turn around.

I want to discuss the evening of August 8, 2015. Do you recall where you were and what you were doing at, approximately, 8:45 that

night?

A. Sitting in the living room, watching TV with my husband.

Q. In your home, where is the living room in relation to the front door?

A. The front door is here, and the living room is here. (Indicating) So to the left of the front door.

Q. Does the front door lead into the living room or there's space between?

A. It's -- the door and the living room is right there, you walk into the living room.

Q. Did an incident occur near your home that evening?

A. Yes, sir.

Q. Please tell the jury how you first became aware of the incident.

A. We have a black lab who is very quiet, very chilled. She was laying by the front door on the wood part of it because it's cool, and she started growling real low. And she alerted us that something was going on.

Q. Is that unusual for the dog?

A. Very unusual. She doesn't -- she doesn't growl hardly ever.

Q. What was your impression when you hear that?

A. It worried me because there was nothing going on in our house. I didn't know what was going on.

Q. What's the dog's name?

A. Maggie.

Q. When Maggie started growling, did you hear anything going on?

A. I didn't, no. The TV was on.

Q. Is your front door solid or is it glass?

A. It's solid.

Q. What happened after Maggie started growling?

A. My husband and I kind of looked at each other, and he walked outside, and I stayed inside. And he -- you know, I don't know what happened while he was outside; I wasn't there. He told me to stay inside. I was pretty scared as it is. At that point, you know, I don't know what -- I mean, I do know, but I don't know what happened, because I wasn't out there.

Q. Okay. So if I understand you correctly, when Mr. Williams walked outside on the

front porch you stayed inside?

A. I stayed inside, yes, sir.

Q. After he got outside, did he say anything to you?

A. He told me to call 911, Jimmy had been hurt, but that was all I knew at that point. So I called 911.

Q. And when you called, were you still inside or outside?

A. I was inside.

Q. Okay. What happened next after you placed the call?

A. I explained to them the address and that something was going on with our neighbor, but then they started asking me questions. So at that point I had to go outside to get answers from Jimmy.

Q. Is that the first time that you saw him that night?

A. Yes, sir.

Q. Please describe how he appeared when you walked outside on the front porch.

A. Blood everywhere. I mean, that's all I can say. He had, what I found out later, he had a white T-shirt wrapped around his head, which was

covered in blood; his chest was covered in blood. We put him on our porch swing, which eventually ended up covered in blood.

His eye -- I'm not sure if I can describe his eye. It was like -- almost like it was falling out of his head maybe. It was just real scarey.

Q. Was Jimmy conscious?

A. He was.

Q. Was he able to speak?

A. I'm sorry?

Q. Was he able to speak?

A. Yes, he was.

Q. Did he tell you what happened to him?

A. He said that he had been jumped by, and all he said was, Randy and his two sons in his driveway. He said they lived on Rainbow Acres, and that was really it.

Q. Did you actually see any of the assault?

A. No, sir.

Q. Did you see anybody else outside that night when you walked out on the porch, other than your husband and Jimmy?

A. No.

Q. So at that point, it was over?
A. Correct.
Q. Okay. What was your husband doing at that time?
A. He was holding a towel -- he had yelled at me to also bring a towel. And he was trying to stop the bleeding on Jimmy's head. And I walked out and, like I said, I was talking to dispatch and trying to get answers for them.
Q. During this process, you were on the phone with 911?
A. Correct.
Q. At some point did emergency personnel arrive?
A. Yes.
Q. Who arrived?
A. EMS, police -- I just had a yard full of people.
Q. Did EMS treat Jimmy?
A. Yes.
Q. Did that treatment start on the porch?
A. Yes.
Q. What happened after that?
A. They put him in the ambulance and took him to the hospital.

Q. I think, as we covered, you were the person that called 911 that night?

A. Yes.

Q. Deanna, how were you feeling when you called?

A. I was scared.

Q. I'm going to show you what was marked as State's 1.

MR. MCNEELY: Permission to approach the witness, Your Honor?

THE COURT: Yes, sir.

BY MR. MCNEELY:

Q. Please look at State's Exhibit 1, Mrs. Williams, and tell me if you recognize it.

A. Yes, sir. This is the DVD that you had us listen from the 911 call.

Q. How do you recognize it?

A. I had to initial and date it.

Q. Have you reviewed the contents of the disk?

A. Oh, yes, sir.

Q. What is contained on the disk?

A. The call that I made to 911.

Q. The call on August 8, 2015, regarding Mr. Taylor?

A. Yes.
Q. Was that your voice making the call?
A. Yes.
Q. Was it a complete recording of the 911 call you made that night?
A. Yes.
Q. Had it been changed or altered in any way?
A. No.
MR. MCNEELY: Your Honor, at this time, I would move to admit State's Exhibit 1 into evidence.
THE COURT: Any objection?
MR. DAVIS: No objection.
THE COURT: Okay. It's in.
(STATE EXH. 1 in evidence.)
MR. MCNEELY: Permission to publish?
THE COURT: Yes, sir.
(911 call played in open court.)
BY MR. MCNEELY:
Q. Okay. Mrs. Williams, was that a complete copy of the call you placed that night?
A. Yes, sir.
Q. When you were talking to Mr. Taylor

during that call, what was his demeanor?

A. Very disoriented, scared. He wanted to keep getting up, as you could tell. I was trying to keep him down.

Q. How long have you lived beside Mr. Taylor?

A. Four years now.

Q. Approximately three at that time?

A. (Nodding)

Q. Have you ever had any problems with him?

A. Absolutely not.

Q. Had there ever been any altercations there, to your knowledge?

A. No, sir.

Q. After you hung up the phone with 911 that night, what did you do?

A. I stayed outside until the emergency vehicles got there, and then I went back inside to stay out of the way. He was on my front porch and there's limited space.

Q. Did EMS take him to the hospital that night?

A. They did.

Q. Did you ever speak with law enforcement

that night?

A. No, sir.

Q. You went back inside?

A. Yes.

MR. MCNEELY: No further questions from the State at this time.

MR. DAVIS: May it please the Court?

THE COURT: Yes, sir.

CROSS-EXAMINATION

BY MR. DAVIS:

Q. Mrs. Williams, how are you this morning?

A. I'm good. How are you?

Q. Have you and I discussed this case?

A. No.

Q. First time, right?

A. Yes, sir.

Q. Now, let's agree on some things. Okay. You weren't outside, you did not go outside?

A. I'm sorry?

Q. You did not go outside to witness anything?

A. No, sir.

Q. And, apparently, Mr. Taylor did not lose consciousness?

A. No, not when he was on my porch.

Q. He was able to communicate through you while you were on the phone asking his age and whatnot?

A. Yes.

Q. And you were telling him to calm down?

A. Yes.

Q. Could you tell if he had been drinking or not?

A. I could not tell.

Q. You could not tell?

A. (Shaking head.)

Q. This is very important. There is a chain-linked fence. Can we agree to that?

A. Yes, sir.

MR. DAVIS: I'm asking the State to put their first exhibit back up for me for the purpose of cross-examination.

THE COURT: You mean State's Exhibit 2?

MR. DAVIS: Yes, ma'am. Thank you.

THE WITNESS: I have it.

MR. DAVIS: Okay. Can you blow it up a little bit? As large as you can, please. There. Thank you.

BY MR. DAVIS:

Q. Now, show the red mark of where you live, ma'am.
A. Right here. (Indicating)
Q. So is that a double-wide or --
A. Yes. It's a double-wide and a front porch.
Q. Where is the fence?
A. The fence is right here. (Indicating)
Q. Okay. Right there is the fence?
A. Yes.
Q. Now, there is a gate, right?
A. Correct.
Q. And this driveway where the incident took place, took place on the outside of the gate?
A. Yes.
Q. Which meant, ma'am, that Jimmy actually had to open his gate to go into his place?
A. Correct.
Q. So when we make the description as to what took place, Jimmy was not in that confined area within his gated property; isn't that true?
A. Correct. But he was on his driveway.
Q. I understand that. Well, you use that driveway also, Mrs. Williams?
A. No, sir.

Q. You don't have to use that driveway?

A. I don't.

Q. Okay. Now, Mrs. Williams, I want you to put that red mark in your hand one more time. Now, in relationship to where Jimmy's home is located -- show us again.

A. Right here. (Indicating)

Q. So that's Jimmy's right there?

A. Yes.

Q. And those trees were in existence that particular night also; is that true?

A. I'm sorry?

Q. Those trees --

A. Uh-huh.

Q. -- landscape is the same?

A. Correct.

Q. And it was dark?

A. Correct.

Q. How is visibility?

A. Not really good.

Q. Not really good. And if someone was, say, parked in the roadway, where would they be parked?

A. If they were parked on the road, they would have been parked in this area. (Indicating)

Q. Okay. And then there is a road -- a driveway with the fence separating it; that's true?
A. Once more, I'm sorry.
Q. Does the gate go up and close also as it runs on?
A. Yeah.
Q. (Indicating)
A. Yeah. The fence goes all the way around his property.
Q. Okay. Thank you.
And who is laughing in the background? I heard some laughing.
A. Me.
Q. Heard you laughing?
A. Yeah.
Q. And you didn't hear any description -- did Jimmy share with you where the incident started originally?
A. No.
Q. He didn't share that with you?
A. No, sir.
Q. And you said law enforcement came that night also?
A. Yes, sir.
Q. But they didn't inquire and spoke to

you at all?

A. No, sir.

MR. DAVIS: Okay. Thank you, Mrs. Williams.

THE WITNESS: You're welcome.

THE COURT: Any redirect?

MR. MCNEELY: None, Your Honor.

THE COURT: You may step down. Thank you.

You may call your next witness.

MR. MCNEELY: The State calls Denise Pendley.

DENISE PENDLEY,

being first duly sworn, testified as follows:

THE CLERK: Please be seated. State your full name and spell your last name for the record.

THE WITNESS: Denise Lasiter Pendley, P-E-N-D-L-E-Y.

THE COURT: Your witness.

MR. MCNEELY: Thank you, Your Honor.

DIRECT EXAMINATION

BY MR. MCNEELY:

Q. Morning, Ms. Pendley.

A. Morning.

Q. Where do you live?
A. Goose Creek.
Q. In Berkeley County?
A. Yes.
Q. Do you know the victim in this case, Jimmy Taylor?
A. Yes, I do.
Q. How do you know him?
A. He's my brother.
Q. And do you live with Mr. Taylor?
A. No.
Q. Do you know where Mr. Taylor lives?
A. Yes.
Q. Where does he live?
A. [redacted].
Q. Have you been to his home before?
A. Oh, yes.
Q. Does his home have a driveway?
A. Yes.
Q. Is it a private driveway or is it shared?
A. I think it's private.
Q. Do you know about how long it is from the road where the driveway starts to the gate at his house?

A. I am not good at guessing. It's not -- you don't just pull in. It's a little ways.

Q. When did he move there?

A. I don't --

Q. I'm not asking for a specific date. About how many years?

A. Twenty years ago maybe.

Q. So he's lived there a good long while?

A. Yes.

Q. Do you have regular contact with Jimmy?

A. Yes.

Q. Are you close as siblings?

A. Yes, we're close.

Q. On August 8, 2015, were you at his home?

A. No.

Q. Did you have contact with Jimmy on August 8, 2015?

A. Yes.

Q. How did you come into contact with Jimmy that night?

A. I got a phone call that he was in the hospital at the ER and was in bad shape.

Q. Who called you?

A. I believe it was his girlfriend, Tammy.

Q. What did you do when you got the call?
A. I went straight to the hospital.
Q. What hospital was it?
A. I think it's Roper in Moncks Corner.
Q. That's here in town?
A. Yes.
Q. Did you make contact with Jimmy at the hospital that night?
A. Oh, yes.
Q. Where was he when you arrived?
A. He was in the -- in an ER room.
Q. And you went back there to be with him?
A. Yes.
Q. How did Jimmy appear when you first saw him that night?
A. Oh, he was a mess.
Q. Was he injured?
A. Oh, yes.
Q. Can you describe the injuries you observed that night?
A. He had -- I think they had already stapled his head together. He had staples in his head, stitches; he was bruised really bad on his back. He had blood all over his face. I mean, just from the -- you know, the injuries on his

head.

Q. Did you stay with him at the hospital that night?

A. Yes.

Q. How long were you at the hospital that night?

A. Probably two or three hours.

Q. What treatment did he receive at the hospital that night that you were aware of?

A. They had to staple his head together; he had stitches in his head, mainly repairing the wounds that he had.

Q. While you were there that night, did you take photographs of Jimmy and his injuries?

A. Yes, I did.

Q. I want you to look at what's been previously marked as States's Exhibits 11 through 20.

MR. MCNEELY: Permission to approach the witness?

THE COURT: Yes, sir.

BY MR. MCNEELY:

Q. Please look at these photographs. Do you recognize what's depicted in those photos?

A. Do I recognize --

Q. What is shown in those pictures?
A. Oh, yes. Yes.
Q. What are the photos of?
A. Of Jimmy and his injuries.
Q. Where were they taken?
A. At the hospital.
Q. On the night of August 8, 2015?
A. Yes, sir.
Q. Are they a fair and accurate description of him as he appeared that night in the hospital?
A. Yes.
Q. Do they appear to be changed or altered in any way?
A. No, sir.

MR. MCNEELY: Your Honor, at this time I move to admit State's 11 through 20.

MR. DAVIS: No objection.

THE COURT: All right. They're in.

(STATE EXH. 11 - 20 in evidence.)

MR. MCNEELY: Permission to publish?

THE COURT: Yes, sir.

BY MR. MCNEELY:

Q. Ms. Pendley, what is depicted in this

photo?

A. That's Jimmy the night I saw him at the hospital. His eye is swollen shut; the other one is almost shut. You can tell his hair is matted with blood from the injuries.

Q. Was that photo taken soon after you arrived?

A. Yes.

Q. Was the purpose of the photo to show the injury to his left eye?

A. Yes, sir.

Q. Exhibit 12. What is depicted in this photo?

A. This is the photo I took with the staples in his head where they had to staple his head back together from the injuries.

Q. Were you there before they took him for scans; do you recall?

A. Before the scan?

Q. Yes, ma'am.

A. I don't recall.

Q. Okay. State's 13, what is depicted here?

A. This is another one of his injuries where they have stapled his head together due to

the injuries of being beat.

Q. Can you point that out with the laser pointer, please?

A. (Indicating) Right here.

Q. So those are staples his head?

A. Yes.

Q. Exhibit 14, what is depicted here?

A. This is the side view of him where he's -- you can see his eye, still see his hair all matted with blood, and then you can see the partial -- where his back had been beaten and part of his stomach here had been beaten also.

Q. Exhibit 15, what is depicted here?

A. This is where the stomach had been beat, and he's got some scratches up here that were bleeding. You can tell he's been -- something had -- he'd been beaten by something on his stomach.

Q. State's 16, what is shown here?

A. This is where his eye had been beaten with something so bad that his eye is swollen shut and he's got -- I think he has stitches right here and he may have had stitches right here also. (Indicating)

Q. State's 17, what is depicted here?

A. This is another view of his head where

it was busted open and it had to be stapled together.

Q. What area of his head is that?

A. The front.

Q. Is that the right side?

A. Yes.

Q. Okay.

A. Well -- yes.

Q. That's his face in the bottom of the photo, correct?

A. Pardon?

Q. Is that his face in the bottom of the photo?

A. Yes, sir.

Q. Exhibit 18, what is depicted here?

A. This looks like where he -- they didn't have to staple him. They stitched him from the injuries where his head was busted open.

Q. What area of his head is that?

A. I believe in his right -- in this area right here. (Indicating)

Q. Back left?

A. Yes, sir.

Q. Okay. Exhibit 19, Mrs. Pendley, I noticed in this photograph that he's wearing

different pants; is that correct?

A. Yes.

Q. Was this taken early on when you arrived at the hospital or right before you left?

A. He had to go back to the hospital for -- to be checked, and this is, I think, the second visit to the hospital.

Q. What are we seeing there?

A. This is where he's bruised really bad from being beat with something, some kind of object on his side and his back area.

Q. And that's the right side of his torso?

A. Yes, sir.

Q. Exhibit 20, what is shown here?

A. This is where he was beat on the front of his stomach -- the front of his stomach with an object.

Q. Thank you.

All right. Mrs. Pendley, you can turn around. Are those photos a fair and accurate representation of how Jimmy appeared at the hospital that night?

A. Yes, sir.

Q. Okay. Was Jimmy discharged from the emergency room the following morning?

A. I'm not sure of the exact time. I was distraught; I don't remember the exact time.

Q. Was it late?

A. Yes.

Q. So it could have been late on the 8th or early on the 9th?

A. Correct.

Q. Okay. But he was discharged?

A. Yes, sir.

Q. Did he go home?

A. Yes.

Q. Did you go home with him?

A. No. Tammy took him home.

Q. In the days after the assault, did you see him several times?

A. Yes.

Q. Did you take additional photos of his injuries then?

A. Yes, I did.

Q. I show you what's been marked as State's 22 through 26.

MR. MCNEELY: Permission to approach the witness?

THE COURT: Yes, sir.

BY MR. MCNEELY:

Q. I show you what was marked as State's Exhibit 21 and 22. Please look at those photos. Do you recognize those photos?

A. Yes, sir.

Q. Approximately, when were they taken?

A. Maybe a week after. I don't know the exact date, but maybe a week.

Q. Okay.

A. Or more.

Q. Are they a fair and accurate representation of Mr. Taylor's injuries as he appeared at that time?

A. Yes, sir.

MR. MCNEELY: Move to admit at this time 21 and 22.

THE COURT: Any objection?

MR. DAVIS: Your Honor, I'm going to object for lack of proper foundation, specifically -- may I approach the bench, Your Honor?

THE COURT: Yes, sir.

(Bench conference.)

THE COURT: You may proceed. They're in.

(STATE EXH. 21 and 22 in evidence.)

MR. MCNEELY: Publish State's 21.

BY MR. MCNEELY:

Q. Ms. Pendley, please look at this photo. What is depicted here?

A. This is Jimmy's eye after -- it's been two years, but I'm thinking that's a week or two after the injury. This is what his eye looked like as it was healing.

Q. State's 22, what is depicted here?

A. This is where he had been beat with an object.

MR. DAVIS: I'm going to object to her characterization of an object; there's no proper foundation; it calls for speculation. I don't think she has the knowledge to say that, Your Honor.

THE COURT: That's sustained. You can describe the injuries as you saw, but not the causation of them, Mrs. Pendley.

MR. DAVIS: Thank you.

THE WITNESS: I'm sorry, I couldn't hear you.

THE COURT: You can describe what you saw, but not what caused them.

THE WITNESS: Okay. This is an injury -- this is bruising from -- that I took a picture

of a week -- I'm not sure of the exact date -- after the incident.

BY MR. MCNEELY:

Q. You said you weren't sure of the exact date. Can you say it was within a week?

A. Yes.

Q. I show you now State's 23, 24, 25, and 26.

While Mr. Davis is looking at those, I'll ask you one more question. Were those pictures taken inside of the building --

A. Yes.

Q. -- or outside? Okay.

MR. MCNEELY: Permission to approach, Your Honor?

THE COURT: Yes, sir.

BY MR. MCNEELY:

Q. Look at those photos. Do you recognize what's depicted in those photos?

A. Yes, sir.

Q. What is depicted in those photos?

A. Jimmy's injuries from the incident a week or days afterwards.

Q. We just looked at State's Exhibits 21 and 22. Were those pictures taken subsequent to 21

and 22?

A. Yes.

Q. And I know you can't say an exact date, but give or take several days?

A. Yes, sir.

Q. And are they inside or outside?

A. Inside.

Q. Flip through them, please.

A. This is on his back porch so they were outside.

Q. And do they fairly and accurately represent his injuries as they appeared at that time?

A. Yes, sir.

MR. MCNEELY: At this time, I move to admit State's 23 through 26.

MR. DAVIS: Your Honor, I have the same concern in reference to time sequence, especially since the Solicitor has provided the time frame.

THE COURT: Yes, sir, again, that would for cross-examination.

They're in.

(STATE EXH. 23 - 26 in evidence.)

BY MR. MCNEELY:

Q. Exhibit 23, what is depicted here,

Mrs. Pendley?

A. This is his eye after several days of healing from the injury.

Q. You see the blue marks up in the upper right?

A. Pardon?

Q. Do you see the blue in the upper --

A. Yeah. That's where the stitches -- he's got stitches up there that are healing from the injury.

Q. State's 24, what is showing here?

A. This is the staples that were put in his head to repair the injury, and this is pictures that I took showing the progress of the injury being healed.

Q. State's 25, please.

A. These are the stitches that were put in his head, and it shows the healing days or weeks after the injury.

Q. And State's 26, please?

A. This is the bruising on the side of his body. It's just showing the progress -- I took pictures to show the progress of what was healing and how it looked.

Q. I know when we've discussed that you

couldn't give a specific date. Can you say whether or not if this was more than a week after the incident?

A. Probably a little over a week.

Q. Have you had regular contact with Jimmy since this incident occurred?

A. Oh, yes.

Q. How has it affected Jimmy?

A. He's had a hard time with it. I mean, emotionally, physically, his health is not good from it. He just -- it's just been emotional, and it's devastating to him for something like this to happen to anybody.

Q. Has his demeanor changed since the incident?

A. Yeah. I would say, yes.

Q. Is he more or less anxious following the incident than he was before?

A. He's anxious, yes.

Q. Does he work?

A. Yes, he does.

Q. Do you know if he has any problems with work?

A. No, sir.

Q. Does he -- do you know if he has any

physical issues remaining from these injuries?

A. I know he's had some back problems, possible kidney problems and -- just emotionally.

Q. Did he have any of that prior to this incident?

A. No, sir.

MR. MCNEELY: No further questions from the State.

THE COURT: Cross-examination.

MR. DAVIS: May it please the Court?

THE COURT: Yes, sir.

CROSS-EXAMINATION

BY MR. DAVIS:

Q. How are you doing, Mrs. Pendley?

A. I'm fine.

Q. Have you and I discussed this case at all?

A. No.

Q. And Jimmy is your little brother or your big brother?

A. He's my little brother, little Jimmy.

Q. Little Jimmy. And little Jimmy's had some problems before, has he not?

A. Problems?

Q. With the law.

MR. MCNEELY: Objection, Your Honor.

BY MR. DAVIS:

Q. Are you aware --

THE COURT: Hold on, Mr. Davis. Please approach.

(Bench conference.)

BY MR. DAVIS:

Q. Mrs. Pendley, can you explain to us why it was necessary for you to take the pictures and not law enforcement?

A. Why did I take them instead?

Q. Yes, ma'am.

A. I took pictures because I wanted pictures of him in case we needed them.

Q. For what purpose?

A. To have evidence.

Q. Evidence for what purpose?

A. Evidence to show that he had been injured by these people that he said injured him.

Q. But from the first night in question he had shared with them, Berkeley County Sheriff's Department, who these culprits were, isn't that true?

A. Yes, he knew who they were.

Q. So they were involved from August 8th,

2015; isn't that true?

A. Yes.

Q. And you would surmise that they then had an obligation to investigate this matter; isn't that true?

A. Yes.

Q. And in the process of that investigation would have entailed taking pictures too?

A. They may have taken pictures; I don't know.

Q. You took those pictures.

A. I took these pictures.

Q. And then you took subsequent pictures?

A. Yes.

Q. Now, you alluded to -- I didn't object initially, but you said some object. You don't know how those injuries occurred, ma'am, do you?

A. I don't know what?

Q. You don't know how little Jimmy incurred the injuries, do you?

A. No. I wasn't there.

Q. Okay. And, in fact, on the night in question, they kept Jimmy about two hours or more, give or take?

A. At least.

Q. In other words, though, Mrs. Pendley, he wasn't admitted?

A. No. He wasn't admitted to the hospital, no.

Q. And those injuries, as serious as they appear, you cannot tell the jury that, in fact, those injuries impacted the intracranial -- the skull part of his skull, can you?

A. I don't know.

Q. Have you learned that it did, ma'am?

A. I don't know.

Q. Okay. And so, Mrs. Pendley, you would agree that bad things happen to people when they get into a fight; isn't that true?

A. Bad things happen when you get into a fight?

Q. Yes, ma'am.

A. Yes.

Q. People receive injuries?

A. Yes.

Q. And you don't know how the fight entailed or what caused it or how the fight took place?

A. I wasn't there.

Q. Okay. You say you're in contact with your brother all the time. Can you tell if he had been drinking that night or not?

A. No, I could not tell.

Q. So he wasn't drinking?

A. I don't know if he was or not.

Q. Can you tell when he's drinking?

A. Yes.

Q. So this night it would be your testimony that he had not been drinking?

A. I don't think he was.

MR. DAVIS: No further questions.

THE COURT: Any redirect?

MR. MCNEELY: Just a few, Your Honor.

REDIRECT EXAMINATION

BY MR. MCNEELY:

Q. You're not a doctor, correct?

A. No.

Q. So you can't say specifics about the injuries to Jimmy's head, correct?

A. No.

Q. And just to clarify, you can't say one way or the other if he had been drinking?

A. No.

Q. You don't know; you didn't see him, but

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you don't know?

A. I don't know.

MR. MCNEELY: Okay. Nothing further, Your Honor.

THE COURT: Okay. You may step down, ma'am. Thank you.

Ladies and gentlemen of the jury, it's about 12:00. I know you've had a long morning with the jury selection process and the beginning of the trial, and we have some other matters that we need to take care of this morning. So I will go ahead and let you go for your lunch break.

Please remember my previous instructions not to discuss the case with anyone or allow anyone to discuss this case with you, and that includes discussing it amongst yourselves.

If you could be back in your jury room -- it's, like I said, a little bit after 12 right now. If you could be back in your jury room at 1:30, and we will resume the trial of the case. Thank you.

(Jury out, 12:10 p.m.)

THE COURT: Ready to do the Jackson v. Denno hearing?

MR. MCNEELY: We're happy to. I will

tell you for scheduling persons our next person is Mr. Taylor and that could take awhile. So I think maybe if we do the Denno and break for lunch, and you can do the plea, and then we can resume back. It's probably going to take more than 30 minutes to do the hearing.

THE COURT: Sure. What I would like to do though, so we don't sit around for that long, we can always get started with the testimony, take a short recess, then we can take that plea, and then resume with his testimony.

MR. MCNEELY: That's fine.

JACKSON V. DENNO HEARING

THE COURT: So you may call your first witness.

MR. MCNEELY: The State calls Detective Michelle Ward at this time.

MICHELLE WARD,

being first duly sworn, testified as follows:

THE CLERK: Please be seated. State your full name and spell your last name for the record.

DIRECT EXAMINATION

BY MR. MCNEELY:

Q. Detective Ward, where are you currently

employed?

A. Berkeley County Sheriff's Office.

Q. What is your position there and how long have you been employed there?

A. I'm currently a detective within the detectives division and been there about four years.

Q. What are the responsibilities of your position as a detective?

A. To investigate crimes.

Q. Were you working in that capacity during August 2015?

A. No.

Q. When did you start working as a detective?

A. Shortly -- in August of 2015, but after this incident occurred.

Q. Okay. So right about the time?

A. Yes.

Q. What were you doing with the sheriff's office on August 8, 2015? What was your title?

A. I was a patrol deputy.

Q. And what were the duties of your position as a patrol deputy?

A. To respond to calls for service.

Q. How long have you been a patrol deputy?
A. About a year.
Q. Were you working on the evening of August 8, 2015?
A. I was.
Q. During that time, did you become involved in the investigation, or did you become involved in an incident involving the victim, Jimmy Taylor?
A. I did.
Q. Did that investigation lead to an arrest of this Defendant, Randy Wright, and his sons, Adam Wright and Shawn Wright?
A. Yes.
Q. What charge was Randy Wright arrested for?
A. Assault and battery, high and aggravated.
Q. What charges were his sons arrested for?
A. Assault and battery, high and aggravated.
Q. What day do you recall was Mr. Randy Wright arrested?
A. On August 19, 2015.

Q. Okay. Did you personally arrest him, or was he taken into custody by somebody else?

A. He was taken into custody by somebody else.

Q. And once he was in custody, were you alerted to his being in custody?

A. Yes.

Q. Following the arrest, did you meet with him for the purpose of conducting an interview?

A. I did.

Q. Did you request to speak with him, or did he request to speak to you?

A. He requested to speak with me.

Q. Okay. And what day did you meet with him?

A. August 19th.

Q. 2015?

A. Yes.

Q. Where did you meet with the Defendant?

A. At the Hill-Finklea Detention Center in one of the meeting rooms.

Q. Are the meeting rooms audio and video recorded?

A. No.

Q. Who else was present with you when you

met with him?

A. Sergeant Riser.

Q. Is he with the Berkeley County Sheriff's Office?

A. Yes.

Q. Was he a detective at the time?

A. Yes.

Q. Was he assigned to this case as a detective, or was it your case?

A. It was my case.

Q. What did you do when you and Sergeant Riser first entered the room?

A. We introduced ourselves to Mr. Wright, told him who we were, who we worked with, and the reason why he was arrested.

Q. Did you advise him of the charge at the time?

A. Yes.

Q. Did you advise him of the victim of the charge?

A. Yes.

Q. And did you advise him of the incident that this charge stemmed from?

A. Yes.

Q. What did you do next?

A. We -- I read him his Miranda Rights off of a form that we have. I allowed him to look at it while I was reading it to him.

Q. Did you advise the Defendant of his Miranda Rights prior to beginning the interview?

A. Yes.

Q. Was he advised orally, in writing, or both?

A. Both.

Q. Did he confirm that he understood his Miranda Rights prior to any statements being taken from him?

A. Yes.

Q. How did he confirm that; orally or in writing?

A. Both.

MR. MCNEELY: Your Honor, at this time, I would present State's Exhibit 27 for purposes of this hearing.

MR. DAVIS: Just for the Jackson v. Denno.

MR. MCNEELY: Permission to approach the witness?

THE COURT: Yes, sir.

BY MR. MCNEELY:

Q. Please look at that for me. Do you recognize it?
A. I do.
Q. What is that form?
A. That is the Defendant's statement form that has the Miranda advisement on it.
Q. Okay. Is it the Miranda advisement and statement taken from the Defendant in this case?
A. Yes.
Q. How do you know that?
A. My signature is on it as well as his.
Q. Okay. The top portion of the first page, what is that section?
A. That's the Miranda advisement.
Q. Was this section read to the Defendant prior to you taking any statement from him?
A. Yes.
Q. Were each of the warnings read individually?
A. Yes.
Q. Did he acknowledge that the rights were read to him in any way?
A. Yes, verbally, and he initialed next to each one.
Q. And are the initials present on that

page?

A. Yes.

Q. Did the Defendant voluntarily agree to waive those rights and speak to you about this matter?

A. He did.

Q. How did he do so; orally, in writing, or both?

A. Both.

Q. Did you sign the sheet acknowledging where he waived the Miranda Rights and agreed to speak with you?

A. Yes.

Q. How old is the Defendant?

A. A little over 50.

Q. What was the Defendant's demeanor at the time that you met with him on August 19, 2015?

A. He was calm, attentive.

Q. Did he appear to understand what was going on?

A. Yes.

Q. Did he seem coherent?

A. Yes.

Q. Did he seem rational?

A. Yes.

Q. Did he appear to comprehend the meaning and effect of his words?

A. Yes.

Q. Did he appear to have any physical defects?

A. No.

Q. Did he appear to have any mental defects?

A. No.

Q. Did he appear to be intoxicated or under the influence of alcohol in any way?

A. No.

Q. Did you or anyone else make any threats to the Defendant?

A. No.

Q. Was he under duress in any way?

A. No.

Q. Did you, Sergeant Riser, or any other officer make any promises to the Defendant?

A. No.

Q. Did you, Sergeant Riser, or any other officers make any misrepresentations to the Defendant?

A. No.

Q. Did the Defendant voluntarily waive his

Miranda Rights and agree to speak to you?

A. Yes.

Q. Was the waiver of Miranda Rights executed by the Defendant prior to any statement being taken from him?

A. I'm sorry?

Q. Did he waive his Miranda Rights prior to you taking any statement from him?

A. Yes.

Q. Did he voluntarily waive his Miranda Rights verbally, in writing, or both?

A. Both.

Q. Was it a knowing and intelligent waiver?

A. Yes.

Q. How long did your conversation or interview with the Defendant last that day?

A. It was less than an hour.

Q. Were there any breaks?

A. No.

Q. Did the Defendant ever ask to stop the conversation or interview at any point?

A. No.

Q. Did he ever request to have a lawyer present during the interview?

A. No.

Q. Did he ever make a request for food, drink, or use of the bathroom that was not met?

A. No.

Q. Following the Defendant's advisement of rights and waiver, tell the jury how the interview began.

A. It began, I asked him about what happened on August 8, 2015. He initially told me that nothing happened; he wasn't involved in any altercations; he went home after work. I confronted him with the information from the victim where he was identified as being involved in that altercation.

At that point, that's whenever he told me that while he was leaving the Country Corner store headed home on Cooper Store Road, that the -- Jimmy Taylor, the victim, was behind him and threw a beer bottle at his truck, at which point he pulled off at Rainbow Acres and followed the victim to his residence and confronted him. And that's whenever the victim assaulted him.

Q. Okay. You said that he told you. Did he provide you an oral recitation about what happened prior to executing that written statement?

A. Yes.

Q. After the oral discussion, did you have him reduce it to writing?

A. Yes.

Q. And is that what is contained in Exhibit 27?

A. Yes.

Q. In looking at the form on the second page, there's a Q and A section written down at the end.

MR. DAVIS: Judge, may I go to the restroom?

THE COURT: Sure.

MR. DAVIS: I'll just be a minute.

(A recess transpired.)

THE COURT: You may proceed.

MR. MCNEELY: Thank you, Your Honor.

BY MR. MCNEELY:

Q. In looking at the form, State's Exhibit 27, there's a part at the end on page 2. Appears to be a Q and A section; is that correct?

A. Yes.

Q. Can you please explain what that was?

A. It's to help clarify the statement that he had wrote to fill in any gaps.

Q. So that was executed after he wrote the initial part of the statement?
A. Yes.
Q. Who wrote the questions?
A. I did.
Q. Who wrote the answers?
A. He did.
Q. And did he initial by each?
A. Yes.
Q. Is that a complete and accurate copy of the Defendant's statement form completed by this Defendant on August 9, 2015?
A. Yes.
Q. Could you please --
MR. MCNEELY: Would Your Honor like me to have it read for the record, or would you like to review it?
THE COURT: I don't think it's necessary.
MR. DAVIS: Not at this point.
BY MR. MCNEELY:
Q. Does it appear to have been changed or altered in any way?
A. No.
Q. During the interview, did Randy Wright

ever ask to stop the interview?

A. No.

Q. Did he ever ask to have a lawyer present during the interview?

MR. DAVIS: Asked and answered, Your Honor, these questions.

BY MR. MCNEELY:

Q. Prior to interviewing Randy Wright and taking this statement, was he fully advised of his Miranda Rights?

A. Yes.

Q. Do you have any reason to believe that he did not understand the Miranda Rights right and make a voluntary waiver?

A. No.

MR. MCNEELY: No further questions.

MR. DAVIS: Just a few.

THE COURT: Cross-examination.

CROSS-EXAMINATION

BY MR. DAVIS:

Q. Hey, Ms. Ward. How are you doing?

A. I'm doing okay, sir. You?

Q. And you are -- you and I have never discussed this case?

A. No.

Q. You would agree that when -- Randy came down to the sheriff's office department; did he not?

A. He did.

Q. And, initially, he said he didn't know what was going on apparently?

A. Apparently.

Q. Apparently? Okay. But at some point he sat down and shared with you what happened that night; isn't that true?

A. Yes.

Q. Okay. Now, in that process you learned that he had an 11th grade education?

A. Yes.

Q. And he was a mechanic?

A. Uh-huh.

Q. And did he share with you that he had received injuries that night?

A. He did tell me that.

Q. And he shared with you also that his vehicle had been impacted by Mr. Taylor; isn't that true? When I say impacted, I mean he threw a bottle and hit his vehicle?

A. Yes.

Q. And he also shared with you -- I'm

going to save that one.

MR. DAVIS: I have no further questions.

THE COURT: Anything further, Solicitor?

MR. MCNEELY: Just a couple, Your Honor.

REDIRECT EXAMINATION

BY MR. MCNEELY:

Q. When you initially questioned him orally about the incident, did he deny being involved in any altercation?

A. Yes.

Q. And then when you -- when you informed him that the victim had identified him as the person who assaulted him, did he change his story at that point?

A. Yes.

Q. And is that when he told you the story that he had wrote down later?

A. Yes.

MR. DAVIS: Judge, if I may have one question?

THE COURT: Hold on. Were you done?

MR. MCNEELY: I was not.

MR. DAVIS: Okay.

BY MR. MCNEELY:

Q. Did he ever ask to have a lawyer present during that time?

A. No.

Q. Okay. And all of the statements taken from the Defendant were following a Miranda Rights waiver executed by him, correct?

A. Yes.

MR. MCNEELY: No further questions.

RECROSS-EXAMINATION

BY MR. DAVIS:

Q. One last thing, Detective Ward. Randy Wright said he never struck Mr. Jimmy Taylor; isn't that true?

THE COURT: Mr. Davis, save that one for the jury.

MR. DAVIS: Thank you.

THE COURT: You may step down, ma'am. Thank you.

Any other witnesses?

MR. MCNEELY: No, Your Honor.

THE COURT: Following the testimony pursuant to the Jackson v. Denno, the State has established by preponderance of the evidence that

the statement given by the Defendant was voluntary and in compliance with Miranda Rights so it will be admissible.

Anything further at this time?

MR. MCNEELY: Not from the State.

MR. DAVIS: Nothing.

THE COURT: We will be at ease until 1:30.

Oh, Mr. Davis, once the case is called to trial, I keep the Defendant in custody.

So we'll go ahead and take him into custody.

MR. DAVIS: Will you give him something to eat, Judge?

THE COURT: Absolutely.

MR. DAVIS: You can do that, Mr. Grainger?

THE DEPUTY: We will do that.

(A luncheon recess transpired.)

THE COURT: I know one of the jurors during the jury qualifications, Ms. Glover, I believe, she said she sometimes needs to stand up. Would you ask her and just let her know she can sit on the back row in case she needs to stand.

THE BAILIFF: Yes, Your Honor.

THE COURT: Mr. McNeely, would you kind of keep an eye on the time, if there is a natural stopping point during the testimony of the next witness, we'll take that quick break.

MR. MCNEELY: I think I have a good spot.

THE COURT: Okay. Thank you.

State ready to proceed?

MR. MCNEELY: State is ready.

MR. DAVIS: The defense is ready.

THE COURT: Let's have the jury, please.

(Jury in, 1:41 p.m.)

THE COURT: Welcome back, ladies and gentlemen of the jury. You may have a seat.

I hope you had a nice lunch. I will apologize to you ahead of time. Sometimes we're required to multitask a little bit; so in about 20 minutes, we have to take a quick break to handle something else that shouldn't take too very long. I just wanted to give you a heads up that we may take a break in the testimony when it actually may not be a natural break to take a break in the testimony, but we are now ready to proceed.

You may call your next witness.

MR. MCNEELY: The State calls the victim, Jimmy Taylor.

JAMES CARLTON TAYLOR, III,

being first duly sworn, testified as follows:

THE CLERK: Please be seated. State your full name and spell your last name for the record.

THE WITNESS: My name is James Carlton Taylor, the Third, T-A-Y-L-O-R.

THE COURT: Your witness.

MR. MCNEELY: Thank you.

DIRECT EXAMINATION

BY MR. MCNEELY:

Q. Mr. Taylor, do you go by Jimmy?

A. Yes, sir, I do.

Q. Are you married?

A. No, sir.

Q. What do you do for a living?

A. I'm a plumber.

Q. How long have you been doing that?

A. I've been doing it off and on about 20 years.

Q. Where do you live?

A. [redacted].

Q. How long have you lived there?

A. Close to 20 years.
Q. Is that in Berkeley County?
A. Yes, sir.
Q. Do you have next-door neighbors?
A. Yes, sir, I do.
Q. Who are your neighbors?
A. Deanna Williams and Dale Williams.
Q. How long have they lived beside you?
A. Probably about four years.
Q. Did they live beside you during August 2015?
A. Yes, sir, they did.
Q. How far is their home from yours?
A. Probably 20, 25 yards.
Q. Does your driveway run between your home and their home?
A. Yes, sir, it does.
Q. Is there any fencing or anything between your driveway and their home?
A. No, sir.
Q. Is there a fence on the other side of your driveway?
A. There is a fence on the other side.
Q. So you have a gate on your driveway?
A. Yes, sir.

Q. I want to show you what's been admitted into evidence as State's Exhibit 2.

Oh, I'm sorry. Mr. Taylor, this is a laser pointer. Just use this red button.

Do you recognize what is depicted in that photo?

A. Yes, sir, I do.

Q. What is depicted in the photo?

A. Cooper Store Road.

Q. Do you see your home in the photo?

A. Yes, sir, I do.

Q. Can you point it out for the jury?

A. Right there. (Indicating)

Q. Right there in those trees?

A. Yes, sir, right there.

Q. Okay. Do you see Dale and Deanna Williams' home?

A. Right there. (Indicating)

Q. And where is your driveway?

A. My driveway is right here. (Indicating)

Q. Okay. And is that Cooper Store Road running throughout the photo?

A. Yes, sir, it is. Right there. (Indicating)

Q. Does your driveway go from Cooper Store Road all the way back to your house?

A. Yes, sir, it does.

Q. Is it a private driveway, or is it shared?

A. It's a private driveway, but sometimes my neighbors, whenever they have company, they use my driveway if need be.

Q. So you let Dale and Deanna's friends use it?

A. Yes, sir.

Q. But it's on your property?

A. Yes, sir.

Q. Do you own that property?

A. Yes, sir, I do.

Q. You see the little road at the top of the picture in the upper right-hand corner cutting off of Cooper Store Road?

A. Yes, sir, I do.

Q. Can you point that out for the jury, please?

A. Rainbow Acres. (Indicating)

Q. Is that the name of the road?

A. Yes, sir.

Q. What's not on the photo if you go down

Rainbow Acres Road there?

A. What is not on the photo?

Q. Yeah. If you kept going down Rainbow Acres off the picture, what -- are there homes? Is it fields?

A. There's homes back there. There's just homes, homes sites.

Q. Okay. And you see that field above your home on the photo across Cooper Store Road?

A. Yes, sir.

Q. Are there homes back on the other side of that field?

A. Yes, sir.

Q. You can turn back around, Mr. Taylor. Thank you.

How long, approximately, is your driveway?

A. Probably at least 40 yards long.

Q. Several car lengths off the road?

A. Yes, sir.

Q. Are you familiar with the Defendant in this action, Randy Wright?

A. Yes, sir, I am.

Q. Do you know where he lives?

A. I know he lives in Rainbow Acres.

Q. And that's not too far from your house?
A. No, sir, it's not.
Q. It's just across the way behind that field?
A. Yes, sir.
Q. And correct me if I'm wrong, you first met the Defendant approximately a year before this incident took place; is that right?
A. Yes.
Q. And the circumstances of you meeting him were, you needed someone to help you put a starter on your truck?
A. Yes.
MR. DAVIS: I would object to the leading of the questions. He's putting words in his mouth. Leading, Your Honor.
THE COURT: It's sustained.
BY MR. MCNEELY:
Q. Who introduced you to Randy Wright?
A. A fellow named Willie.
Q. Do you know his last name?
A. Harmon.
Q. Did Randy Wright come to your house about that time?
A. Yes, sir, he did.

Q. Did he come in your driveway?
A. Yes, sir.
Q. So Randy Wright knew where you lived; is that correct?
A. Yes, sir, he did.
Q. Did you meet any of his family members at that time?
A. I met both of his sons that day.
Q. What are their names?
A. Shawn and Adam.
Q. And you see Mr. Wright here in the courtroom?
A. Yes, sir, I do.
Q. He's not the largest fellow, is he?
A. No, sir.
Q. Are his sons larger or smaller?
A. They're a little bit bigger than him.
Q. Are they adults?
A. Yes, sir.
Q. Were Adam and Shawn Wright at your house the day that Randy assisted you with your truck?
A. Yes, sir, they came by.
Q. Following that day, you didn't have the best relationship with Randy Wright; is that

correct?

A. Yes, sir.

Q. And did you see him again, approximately, six months after this incident?

A. Yes, sir, I did. I saw him in the Piggly Wiggly.

Q. What happened that day?

A. We had words.

Q. What did he say to you?

A. Told me he didn't appreciate me talking about his family.

Q. How far was he from you when he said this?

A. He was pretty close to me.

Q. Did he touch you at that time?

A. No, sir.

Q. Was that the entirety of the interaction the two of you had that day?

A. Yes, sir.

Q. Did you say anything back to him?

A. No, sir.

Q. He just walked up to you and said, I don't appreciate you talking about my family?

A. Yes, sir.

Q. Did he seem angry when he said that to

you?

A. Yes, sir, he did.

Q. Did he touch you at that time?

A. No, sir.

Q. After that day, did you see him again before the date you were assaulted?

A. I seen him on Cooper Store Road passing in traffic.

Q. Had you seen his sons Adam and Shawn again before the day you saw him?

A. I saw them with Randy passing in traffic.

Q. Because you live off of the same road; is that correct?

A. We travel the same road, sir.

Q. And they live not too far from you?

A. Yes, sir, that's correct.

Q. I want to talk about the evening of August 8, 2015.

A. Yes, sir.

Q. Where were you and what had you been doing during the afternoon and early evening hours that day?

A. That afternoon I had been to Goodwill shopping. I went and bought me some work clothes.

Q. Were you doing plumbing at the time?
A. No, sir. I was painting actually at that time. I was painting for a painting company.
Q. So what Goodwill did you go to?
A. I went to the one in Goose Creek.
Q. Is that off of Saint James?
A. It's on Saint James Boulevard.
Q. And you live in Moncks Corner; is that correct?
A. Yes, sir.
Q. Where did you go after the Goodwill that day?
A. I went to Los Arcos and ate.
Q. Did you have anything to drink at that time?
A. Yes, sir. I had a couple of beers while I was there.
Q. And after you were at Los Arcos, what did you do?
A. I proceeded home.
Q. Okay. When you proceed home from Goose Creek, do you come through town here in Moncks Corner?
A. I came down Old 52 actually that day. My brother -- I have a brother that lives in

Strawberry.

Q. Did you stop off there?

A. No, sir, I didn't. His truck wasn't home. When I passed by there, he wasn't there.

Q. You were thinking about stopping?

A. Yes.

Q. To say hello if he'd been home?

MR. DAVIS: Objection; again, leading, Your Honor.

THE COURT: Please move on.

BY MR. MCNEELY:

Q. I believe you stated that you continued on home?

A. Yes, sir. I came right through town.

Q. And what street or what road do you take out of town to head towards your house?

A. I take Highway 6 to Cooper Store Road.

Q. Is Highway 6 also called Main Street?

A. Yes, sir.

Q. Did you stop anywhere on Highway 6 that night?

A. I stopped at the Country Corner store.

MR. MCNEELY: Your Honor, may I approach?

THE COURT: Yes, sir.

(Bench conference.)

THE COURT: Ladies and gentlemen, it's almost 2:00, and I just brought you in here and we've just got started, but we're going to take a brief recess. Please remember my instructions; don't discuss the case. We will be right back with you.

(Jury out, 1:52 p.m.)

THE COURT: Mr. Taylor, while we're on recess, you are not allowed to discuss the testimony with anyone. Okay?

THE WITNESS: Yes, ma'am.

THE COURT: You can step down for a minute. Thank you.

(There was a break in these proceedings.)

THE COURT: Are you ready to proceed?

MR. MCNEELY: We are, Your Honor.

MR. DAVIS: We are, Your Honor.

THE COURT: Let's have the jury, please.

Mr. Taylor, please come back up on the stand.

(Jury in, 3:01 p.m.)

THE COURT: Welcome back. I wish I had

that crystal ball where I always knew exactly much time it would take. Unfortunately, it took a little bit longer than I anticipated, so I thank you for your patience.

We will now proceed with the testimony. You may continue.

MR. MCNEELY: Thank you, Your Honor.

CONTINUING DIRECT EXAMINATION

BY MR. MCNEELY:

Q. Mr. Taylor, when we left off, we were discussing the evening of August 8, 2015, and we were discussing you being on the way home that evening.

A. Yes, sir.

Q. And when you were coming through town here, do you know approximately what time it was?

A. I would say probably around 8:00, maybe 8:15. It was around 8-ish, 8:00.

Q. Was that around dusk that day?

A. It was right at dusk, dark.

Q. And I believe you said you stopped off at the Country Corner store on Highway 6?

A. Yes, sir, I did.

Q. Why did you stop off at the store that night?

A. I stopped to get cigarettes and sodas.
Q. Did you go into the store?
A. Yes, sir.
Q. Did you see this Defendant that night in the store?
A. I didn't see him in the store, no, sir.
Q. What did you do after you left the store? Physically walked out of the store into the parking lot, what did you do at that time?
A. I exited the parking lot onto Highway 6.
Q. Driving your truck?
A. Yes, sir.
Q. Did you see the Defendant in the parking lot of Country Corner store that night?
A. No, sir. I saw him across the street on the other side of the road.
Q. What were you doing when you saw him?
A. He was parked.
Q. Where was he parked?
A. There's an abandoned building there, a brick building. He was parked in front of it.
Q. Was he in his vehicle?
A. Yes, sir.
Q. Were there other people in the vehicle

with him?

A. Yes, sir.

Q. Who was in the vehicle with him?

A. Shawn and Adam Wright.

Q. What kind of vehicle is it?

A. It's a white F250, if I'm not mistaken.

Q. Pickup truck?

A. Yes, sir.

Q. Did you drive past it?

A. Yes, sir.

Q. What happened after you passed it?

A. They pulled out behind me.

Q. Right behind you, or was there a car between you?

A. There wasn't a car between us then, but there was a car between us when I got on Cooper Store Road.

Q. After you drove down Highway 6, where did you go?

A. I turned onto Cooper Store Road.

Q. Who was behind you?

A. Randy Wright.

Q. What happened after you turned onto Cooper Store Road?

A. They passed me.

Q. When you say, they, who do you mean?
A. Randy Wright, Adam Wright and Shawn Wright.
Q. Who was driving?
A. Randy Wright.
Q. And what happened after they passed you?
A. Immediately as soon as they passed me, a bottle came out of the window and hit the front of my truck and hit my right turn signal on the front of my truck.
Q. When that happened, were they passing you, or had they passed you and gotten back in front of you?
A. They were passing me.
Q. Did the bottle come out of the driver's side or the passenger side?
A. Passenger side.
Q. What happened after the bottle hit your truck?
A. They turned onto Rainbow Acres.
Q. Is that before or after your driveway?
A. That's before my driveway.
Q. So when they turned onto Rainbow Acres, what did you do?

A. I proceeded on to my house.

Q. And how far is that, give or take, past Rainbow Acres?

A. I would say no more than a quarter of a mile.

Q. Okay. And is your house to the left or right on --

A. To the left.

Q. Did you pull into your driveway?

A. Yes, sir, I did.

Q. By that time was it light or dark outside?

A. It was getting dark.

Q. When you pulled into the driveway, did you stop right after you pulled in, or did you pull all the way into it?

A. I pulled all the way to where I open my gate.

Q. Do you shut that gate regularly?

A. Yes, sir, I keep it locked.

Q. So every time you come in you have to get out and open that gate?

A. Yes, sir.

Q. Did you see anybody behind you in your driveway when you pulled in that night?

A. Whenever I got out of my truck, Randy Wright and Adam and Shawn Wright had run up my driveway, and they were at my truck whenever I got out. Whenever I opened my door, they were already at the back of my truck.

Q. Let's back up a little bit. When you pulled into the driveway and you were still in your truck, did you see anybody behind you?

A. No, sir.

Q. And then at some point you began to exit; is that correct?

A. Whenever I went to get out of my truck, that's when they approached me.

Q. Getting out to open the gate?

A. Yes, sir.

Q. Did you see them before you got out of your truck or after you got?

A. I didn't see them until after I got out of my truck.

Q. When you first saw them, where were they?

A. They were at the side of my truck, passenger side. I mean, not passenger side, the driver's side.

Q. Did anybody say anything at that time?

A. Yes, sir.

Q. Who?

A. Randy did.

Q. What did he say?

A. He said he was going to F me up.

Q. Did you know why?

A. Yeah. He was mad about me saying stuff about his family evidently.

Q. What happened after he said, I'm going to F you up?

A. I immediately got hit in my left eye.

Q. What did you get hit with?

A. Some kind of instrument.

Q. Can you describe it for the jury?

A. Something very hard and blunt.

Q. Was it short or long?

A. I think it was short, and I think it was a metal, because it took a chunk of skin out with it.

Q. If you could, can you hold your hands up for the jury and sort of describe how long --

A. Maybe that long. Maybe at least that long. (Indicating)

Q. Okay. Do you have any idea what it was?

A. If I had to guess, I would say maybe a jack handle like goes on a floor jack.

Q. Like what you would jack a car up with?

A. Yes, sir.

Q. It was about that size?

A. Yes, sir.

Q. And how long is your driveway?

A. Probably 35 or 40 yards.

Q. So when Randy approached you and said, I'm going to F you up, and then you got hit, were you all the way up in your driveway?

A. I was all the way to where I open my gate and swing to turn in.

Q. And that's on your property?

A. Yes, sir, in my driveway on my property.

Q. Who was holding the weapon that you were hit with first?

A. Shawn Wright.

Q. And where were you hit first?

A. In my left eye.

Q. Can you point that out?

A. Right here. (Indicating)

Q. What happened after you were first hit in your left eye?

A. I couldn't see.

Q. What happened after that?

A. I was bleeding all over the place and I was continuously getting hit in my head.

Q. With the object still?

A. Yes, sir.

Q. Did you get hit other places?

A. Yes, sir.

Q. Where?

A. My back, stomach, my fingers, my arms.

Q. Were you only hit with the object, or were you hit with anything else?

A. I was kicked. I had shoe prints on my stomach.

Q. Were you punched?

A. Yes, sir.

Q. Who was hitting you?

A. All three of them.

Q. Simultaneously?

A. All at the same time.

Q. Were you able to stay on your feet?

A. No, sir.

Q. Or did you fall to the ground?

A. I went to the ground, sir.

Q. How many times had you been struck in

the head by the time you fell to the ground?

A. At least -- I would say, at least eight, if not ten times.

Q. Where did you eventually fall to the ground?

A. I fell to the ground on the side of my truck.

Q. The driver's side or passenger side?

A. Passenger side.

Q. So you were able to make your way around the truck?

A. I was trying to get away from them.

Q. Did you go around the front or the back of the truck?

A. I went around the back of the truck.

Q. After you fell to the ground, what happened?

A. I was being kicked and hit, and I was yelling and screaming for help. And that's when Dale Williams came out on his porch.

Q. What did the defendants do?

A. They ran.

Q. Were they on the ground with you, or were they standing up?

A. No, sir, they were standing up.

Q. Did you ever hit any of -- the Defendant or either of his two sons?

A. No, sir.

Q. Did all three of them hit you?

A. Yes, sir.

Q. Had you ever had a physical altercation with them prior to this?

A. No, sir.

Q. When your neighbor came out of his house, what did the defendants do?

A. They ran.

Q. Or excuse me, the Defendant, Randy Wright.

A. Ran.

Q. Where did they run to?

A. They ran back to the truck.

Q. All three of them?

A. Yes, sir.

Q. Where was the truck parked?

A. It was parked by Deanna and Dale's mailbox on the opposite side of the road.

Q. So it was across the road?

A. It was on the other side of the road where the mailboxes are.

MR. MCNEELY: Can you please show

State's Exhibit 2?

BY MR. MCNEELY:

Q. If you could, Mr. Taylor, point out where you were in your driveway when you were assaulted approximately. I know it's small.

A. I was right here where I -- right here is where my gate is. I pulled behind my trailer and I was probably right here. (Indicating)

Q. Where was their truck parked?

A. Their truck was parked -- their mailbox is not visible, but it's right there behind that tree. You can barely see it. I think it might be that white thing right there, that's their mailbox.

Q. And the truck was parked on the opposite side of the road where the field is?

A. Yes, sir.

MR. MCNEELY: You can take that down, Dee.

BY MR. MCNEELY:

Q. Mr. Taylor, the weapon that we discussed, who had that in his hand?

A. Shawn Wright.

Q. Did he have that in his hand the whole time?

A. As far as I know.

Q. Did they leave that or take it?

A. They took it with them.

Q. What happened when they got back in the truck?

A. They made a U-turn and proceeded back toward Rainbow Acres.

MR. MCNEELY: If you could put up 2 again.

BY MR. MCNEELY:

Q. Turn around and look at the photo, Mr. Taylor. I apologize. You pointed out where the truck was parked.

A. Yes, sir.

Q. What way was it facing?

A. It was facing this direction here. It was facing this way. (Indicating)

Q. Okay. So what did it do when they got back into the truck?

A. They made a U-turn and proceeded back to Rainbow Acres.

Q. Okay. Which is where you know the Defendant to reside?

A. Yes, sir.

Q. Thank you. Mr. Taylor, I'm going to show you what's been premarked as State's Exhibits

3 through 10.

MR. MCNEELY: Permission to approach the witness, Your Honor?

THE COURT: Yes, sir.

BY MR. MCNEELY:

Q. Mr. Taylor, please look at these photos.

A. Yes, sir.

Q. Flip through them if you don't mind. Do you recognize what was depicted in the photos?

A. My driveway and the back of my house.

Q. Is the area of Cooper Store Road in front of your house depicted?

A. Yes, sir.

Q. Are those photos a fair and accurate representation of the way that area appeared on August 8, 2015?

A. Exactly.

Q. And, obviously, it's light outside in the photos, but it was not light that night, correct?

A. No, sir.

MR. MCNEELY: At this time, Your Honor, the State would move to admit 3 through 10.

MR. DAVIS: No objection.

THE COURT: All right. They're in.

(STATE EXH. 3 - 10 in evidence.)

BY MR. MCNEELY:

Q. Exhibit Number 3, can you tell the jury what we're looking at in this photo?

A. Yes, sir. This right here is my driveway, and this right here is Dale and Deanna's driveway; and that's Dale and Deanna's mailbox, and that's my mailbox. (Indicating)

Q. What road is that?

A. Cooper Store Road.

Q. You pointed out your driveway is sort of along the treeline in the top right of the picture.

A. Yes, sir.

Q. Is your driveway on the side of the treeline that we are looking from, or is it on the other side of the trees?

A. My driveway is on the other side of these trees right here and it goes straight down.

Q. Do you see those bushes where the laser pointer is now?

A. Yes, sir.

Q. Is your driveway on this side of those bushes or on the other side?

A. It's on this side.
Q. So the only thing obstructing the view of the driveway from this angle are those three trees along the road?
A. Yes, sir.
Q. Exhibit 4, what are we looking at here?
A. My driveway.
Q. And that's Cooper Store Road in the bottom of the photo?
A. Yes, sir.
Q. Do you see the house in the upper right?
A. Yes, sir.
Q. Is that your house or somebody else's house?
A. That's Dale and Deanna's house, and my property line goes straight down straight to that telephone pole and straight on back.
Q. So the driveway that we're looking at, is that all on your property?
A. Yes, sir. My driveway is from right here, over. (Indicating)
Q. What is that black square object in the upper part of the middle of the picture?
A. That right there is a Conex box.

Q. Storage shed?

A. Yes, sir.

Q. Can you see your house, or is it blocked by the bushes?

A. You can't see my house for the bushes.

Q. Exhibit 5, what are we looking at here?

A. My driveway.

Q. A little further up than the last photo?

A. Yes, sir.

Q. Is that a chain-link fence on the left?

A. That's my fence right here.

Q. Is that where the gate is?

A. My gate is right along in here. (Indicating)

Q. Exhibit 6, what are we looking at here?

A. Same thing we were looking at a minute ago a little further up. Here's my gate, right there is where it swings in and right here is where I pull in and right here is where I stop. (Indicating)

Q. To get out and open the gate?

A. Yes, sir.

Q. At that point you just pointed out, how far down the driveway is it, give or take?

A. 35 or 40 yards.
Q. Next photo, Exhibit 7, what are we looking at here?
A. My backyard, my shed.
Q. Where is your house in relation to that gate?
A. My house is right over here. (Indicating)
Q. Exhibit 8, what are we looking at there?
A. My gate, my house.
Q. Okay. So it's sort of the reverse of the previous picture?
A. Yes, sir.
Q. And Exhibit 9, what are we looking at?
A. Back to Cooper Store Road from the end of my driveway.
MR. MCNEELY: If you could please back up to State's Exhibit 7. Thank you.
BY MR. MCNEELY:
Q. Mr. Taylor, if you could on this photo, if it is shown, point out the area where you were when you first got struck with the weapon. (Indicating)
A. About right here. (Indicating) Or

probably right here in this area right here. (Indicating)

Q. Where was your vehicle?

A. My vehicle was sitting right here. (Indicating)

Q. Okay. Where were you when you went to the ground, if it's pictured?

A. I was over here. (Indicating)

Q. On the other side of the truck?

A. I was on the driver's -- on the passenger side front of the truck.

Q. In that gravel area?

A. Yes, sir.

Q. Did the Defendant have or his sons have permission to be in your driveway that night?

A. No, sir.

Q. And your driveway is on your own private property; is that correct?

A. Yes, sir.

MR. MCNEELY: Can you please show Exhibit 9 again?

BY MR. MCNEELY:

Q. If pictured, Mr. Taylor, could you please show where the Defendant's truck was parked that night?

A. Right along here. (Indicating)
Q. On the other side of that bush?
A. On the other side of that bush on the edge of the road back there.
Q. And where were you when you first get hit with the weapon?
A. I was right here in this area right here. (Indicating)
Q. Where were you when you fell to the ground?
A. Somewhere over here. (Indicating)
Q. Who all hit you that night, Mr. Taylor?
A. Shawn Wright, Adam Wright, and Randy Wright.
Q. All three of them?
A. Yes, sir.
MR. DAVIS: Objection; asked and answered.
THE COURT: Overruled.
BY MR. MCNEELY:
Q. Did they all three hit you at the same time?
A. Yes, sir, they were all three hitting me at the same time.
Q. Together?

A. Yes, sir.

Q. All right. Mr. Taylor, you can turn back around.

Do you see any of the people today who assaulted you on the night of August 8, 2015?

A. Yes, sir, I sure do.

Q. Point that person out and describe what they're wearing.

A. Randy Wright, right there in the white shirt.

MR. MCNEELY: Let the record reflect that the witness identified the Defendant, Your Honor.

THE COURT: Yes, sir.

BY MR. MCNEELY:

Q. And I believe we may have touched on this, but were you able to hit any of them back that night?

A. No, sir. I wasn't able to defend myself at all.

Q. Did you have any weapons in your truck that night?

A. No, sir.

Q. After the assault was over, please tell the jury your condition at the time.

A. My left eye was hanging out of my head, and I was bleeding all over, and I was in -- I know I was in shock. I had been hit in my head so many times I really didn't even know where I was until I started talking to Dale. Whenever Dale and Deanna started talking to me, that's when I realized where I was.

Q. Did you lose consciousness?

A. No, sir.

Q. Were you able to get to your feet?

A. At some point.

Q. What did you do after you got to your feet?

A. To be honest with you, I know I was running around trying to get somebody to help me. I know I ran -- I ran up on their porch, and I was just bleeding all over the place. And I was trying to -- I really didn't know what was going on at that moment because I was -- I mean, I was in whatever you call it, panic mode, or -- I mean, I was bleeding all over the place.

Q. Were you disoriented?

A. Very much so. I didn't know where I was until they started talking to me.

Q. You had been hit in the head multiple

times?

A. Yes, sir.

Q. Were you able to make it up onto Dale and Deanna's porch?

A. Yes, sir.

Q. What happened when you were up there?

A. They wrapped towels around my head.

Q. Did anybody call 911?

A. Miss Deanna.

Q. What happened after that?

A. EMS come got me and took me to the hospital.

Q. What happened -- what hospital did they take you to?

A. Berkeley Roper.

Q. Is that over here off of the bypass?

A. Yes, sir.

Q. Did EMS treat you some at the scene in their yard that night?

A. Yeah. He was trying to get me to stop bleeding.

Q. Did the sheriff's office arrive at the -- did the sheriff's office, anybody from them arrive at the Williams' residence that night?

A. Yes, sir.

Q. Did you get an opportunity to speak with them before you were taken to the hospital?

A. Briefly. I was bleeding so bad, it was almost impossible for me to talk to her.

Q. Did anybody go to the hospital with you?

A. My sister, my niece -- well, my sister came. My girlfriend, she and my sister and my niece came to the hospital afterwards.

Q. And your sister is Denise Pendley?

A. Yes, sir.

Q. And backing up a little bit, was anybody else in your driveway that night at the time of the assault other than you, the Defendant, and his two sons, Adam and Shawn?

A. No, sir.

Q. The next person you saw, was that Dale Williams?

A. Yes, sir.

Q. When you arrived at the hospital, what was your understanding of your injuries?

A. Serious.

Q. Where were you injured specifically?

A. I was injured real -- I had some severe lacerations to my head, and I had been kicked and

beat all over my body from my head to my toe.

Q. Can you point out where your head was lacerated?

A. Here, here, here, here, five places.

Q. What treatment did you receive at the hospital that night?

A. I was sewed up and then I was stapled.

Q. Did you get any scans while you were at the hospital, any x-rays or CT?

A. Yes, sir, I had to go twice. They did one that night and then they made me come back and do another one because I had a massive blood on my brain.

Q. Did they send you straight to scans when you got to the hospital, or did they treat you some first?

A. They treated me some first.

Q. Do you know why they did that first?

A. Because I was bleeding.

Q. Did they give you any anesthetic?

A. Yes.

Q. To numb your scalp?

A. Yes, sir.

Q. And after the scans were done, what happened at the hospital?

A. I guess I was released.
Q. Did they bring you back and stitch on you again?
A. I can't remember.
Q. Did you talk to Detective Ward with the sheriff's office at the hospital that night?
A. Yes, sir, I did.
Q. Did you tell her what happened to you?
A. Yes, sir, I did.
Q. Were you able to give a written statement at the hospital that night?
A. Not that night, I was not physically able.
Q. Were you at the hospital until the next day?
A. No, sir. I was released -- well, yes, sir, I guess I was. I was released the next morning.
Q. Sometime after midnight --
A. Yes, sir.
Q. -- on August 9th? Were photos taken of your injuries at the hospital?
A. Yes, sir.
Q. Where did you go when you were released from the hospital?

A. Home.

Q. What did you do when you got home?

A. Laid on my couch.

Q. Were you able to go to work the next week?

A. No, sir.

Q. At any point the next day after this assault happened, did you go out in the driveway?

A. Yes, sir, I did.

Q. What did you see in the driveway at that time?

A. A visor hat.

Q. Did you see anything else?

A. Blood.

Q. Whose blood was that?

A. Mine.

Q. Whose visor hat was that?

A. Shawn Wright's.

Q. Was he wearing it when he approached you with the weapon in his hand that night?

A. Yes, sir.

Q. Was anybody else wearing a hat?

A. Not that I recall.

Q. Did you locate any weapon that was used that night?

A. No, sir.
Q. Is that because it was taken with them that night?
A. Evidently.
Q. What do you do with the visor you found in your driveway?
A. I put it in a Piggly Wiggly bag and called Michelle Ward.
Q. Did you eventually turn it over to her?
A. Yes, sir, I turned it over to her.
Q. When was that?
A. I think it was like the next day or it was like two days later or --
Q. Mr. Taylor, I want to show you what's been premarked as State's Exhibit 29.
MR. MCNEELY: Permission to approach the witness?
THE COURT: Yes, sir.
BY MR. MCNEELY:
Q. Mr. Taylor, would you please look at this item here. There are gloves here you can put on before pulling the item out of the bag.
A. Let me see them.
Q. Do you recognize that item?
A. Yes, sir, I do.

Q. What is that item?

A. Shawn Wright's hat.

Q. And you turned it over to Detective Ward?

A. Yes, sir.

Q. Thank you, Mr. Taylor.

Did you turn any other items over to Detective Ward?

A. Yes, sir, my shirt.

MR. MCNEELY: Permission to approach the witness?

THE COURT: Yes, sir.

BY MR. MCNEELY:

Q. I'm showing you what's been premarked as State's Exhibit 28. Please look at that item. Do you recognize that?

A. It was a Sherwin Williams paint shirt.

Q. What color is that shirt?

A. It's red.

Q. What color was it when it started out on you.

A. It was white.

Q. What are those stains that are sort of brown?

A. All of that is solid blood.

Q. Whose is that?
A. Mine.
Q. Thank you, Mr. Taylor.
What did you do with this item?
A. I gave it to Ms. Ward.
Q. When you met with her next when you gave her those items, where did you meet with her?
A. I think I met with her either in the parking lot or the courthouse or the police station. I can't remember.
Q. Did you provide a written statement to her at that time?
A. Yes, sir, I did.
Q. Was that several days after the assault?
A. Yes, sir.
Q. Were the items I showed you, 28 and 29, were those in your continuous custody and control the night of the incident until you turned them over to Detective Ward?
A. Yes, sir.
Q. Did you receive any follow-up medical treatment?
A. Yes, sir.
Q. When was that after the initial night

of the assault?

A. I'm not sure exactly, but my eardrum ruptured in the night while I was sleeping, my left ear. It busted; I had blood up against my eardrum and it caused it to bust.

Q. Well, how long after the assault was that?

A. A couple of weeks.

Q. Did you have to go back and go get any staples or stitches removed from your head?

A. Yes, sir, I did.

Q. Was that done at the same time?

A. I can't remember.

Q. Other than what we've discussed, have you had any other medical treatment for your injuries?

A. No, sir, I haven't.

Q. Is that because you didn't need any medical treatment or because you couldn't afford it?

A. I don't have any insurance.

Q. Are you still experiencing any problems or effects from your injuries that night?

A. Yes, sir, I do.

Q. Tell the jury about that.

A. On a daily basis, I suffer severe back pain, and from where I was hit in my head, my neck cracks all the time. My neck is constantly snapping and it just -- it wasn't like this before. It's something that I'm having to live with, and I have to -- I don't know, about in a two-week period I probably take -- eat a bottle of Advil. I mean, I take Advil every day.

Q. Do you work?

A. Yes, sir.

Q. What kind of work?

A. I'm a plumber.

Q. Can you do that work without taking your Advil?

A. No, sir, not if my back is hurting.

Q. Has this incident affected you emotionally?

A. Yes, sir, it has.

Q. Please describe that for the jury.

A. I don't like being alone. Sometimes I feel like I'm having a panic attack and I have anxiety. I can't sleep at night. I have trouble with my memory. Sometimes I can't remember simple stuff, just simple things.

Q. Was any of this like that before this

assault?

A. No, sir.

MR. MCNEELY: One moment, Your Honor.

BY MR. MCNEELY:

Q. Was there any damage to your truck that night from the bottle?

A. Yes, sir. My turn signal was knocked out, the lens was busted.

Q. Was that like that before August 8th, 2015?

A. No, sir.

MR. MCNEELY: Nothing further from the State at this time.

THE COURT: Ladies and gentlemen, we're going to take a very brief recess for one minute. If you would go to the jury room, we'll be right back with you. Please remember my previous instruction; do not discuss this matter.

(Jury out, 3:31 p.m.)

(A recess transpired.)

(DFT. EXH. 1, Medical records, was marked for identification.)

(DFT. EXH. 2, Medical records, was marked for identification.)

(DFT. EXH. 3, Medical records, was

marked for identification.)

(DFT. EXH. 4, Medical records, was marked for identification.)

(Jury in, 3:41 p.m.)

THE COURT: Welcome back, ladies and gentlemen. We are ready to proceed.

You may proceed, Mr. Davis.

MR. DAVIS: Thank you.

CROSS-EXAMINATION

BY MR. DAVIS:

Q. How are you doing, Mr. Taylor?

A. I'm okay.

Q. Mr. Taylor, this is the first time that you and I have ever discussed the matter; isn't that the truth?

A. Sir?

Q. This is the first time that you and I have ever discussed this matter?

A. Yes, sir.

Q. But you've had ample opportunity to discuss it with the prosecutor; isn't that true?

A. Yeah, I talked to them about it.

Q. Okay. And it's fair to say, in those discussions, you would have went over your -- first of all, the statement that Randy made, he shared

that with you?

A. I don't recall what you're talking about, sir.

Q. Well, you know, in this process they take statements from people who are involved in an incident like this, a criminal act. So, in this instance, my client gave a statement.

A. He did, yes, sir. He said he had nothing to do with it.

Q. Okay. But --

MR. MCNEELY: Objection. May we approach?

THE COURT: Yes, sir.

(Bench conference.)

THE COURT: You may proceed.

BY MR. DAVIS:

Q. Mr. Taylor, let's go through this again. You and the prosecutor have had an opportunity to prepare yourself for this trial; isn't that true?

A. Yes, sir. That's what you just asked me and that's what I just answered.

Q. And in that preparation, then, is it fair to tell the jury that, in fact, you went over all -- they shared with you some statement he gave

as to what happened that night? Mr. Randy Wright, that is.

A. I reckon, I don't know.

Q. Okay. Is it fair to say that in preparing you today that the prosecutor went over the EMS detail what happened when they first came to see you? To treat you?

A. Say that again, sir.

Q. Is it fair to say that in preparation for getting ready for trial, that the prosecutor went over the EMS --

A. What do you mean, went over the EMS?

Q. What time the EMS arrived. What condition you were in when EMS arrived. Did he go over those with you?

A. He didn't have to, because, I mean, I already knew basically all that.

Q. But the question is, though, there is an EMS narrative of what happened coming out to your house; isn't that true?

A. Yeah. EMS did come to my house, sir.

Q. And you would have reviewed that with the prosecutor; isn't that true?

A. Yes, sir.

Q. Okay. And isn't it also fair to say

that in preparation for your trial -- because you will admit that this is the first time that I've had an opportunity to speak to you?

A. Yes, sir.

Q. Is it fair to say that in trial preparation, that the Solicitor and you would have went over your medical records, too?

A. Yes, sir.

Q. I mean, things that you are testifying to and your sister testified to, these are the medical records; isn't that true?

A. I reckon.

Q. I mean --

A. I don't know what you've got in your hand.

Q. Sir?

A. I don't know what you've got in your hand. I mean, if they are the medical records, and you say they're my medical records, then they're my medical records.

Q. I will give it to you and let you look at it. And I apologize, these are the first pages to it. Put this in front, sir.

Do you recognize from those medical records anything pertaining to you?

A. Yes.
Q. The name, first of all?
A. I see my name on it there.
Q. And take your time to look through there.
A. I've already seen all this. I don't know what you want me to look for.
Q. I don't want you to look for anything. I just want to make sure that we -- you went over those records in anticipation for your testimony. That's all I need to know.
A. I hadn't really gone over them records. I mean, those are my papers. I've got a copy of them at the house, and I have looked over them, but I haven't gone over them with anyone.
Q. So the testimony you said today, basically, is separate from whatever those doctors may have said in their reports?
A. Say that again.
Q. You are not a medical doctor, are you, Mr. Taylor?
A. No, I'm not a doctor.
Q. And so, is it fair and honest to say that we can rely on the medical notes, what the doctor said, or we should rely on what you said?

Which one, sir?

A. Well, I guess you need to go by what the doctor says because he's a doctor, right?

Q. Thank you.

And we also then in that same vain in reference to the EMS run -- this is Defendant's Exhibit Number 1.

MR. DAVIS: May I approach, Your Honor?

THE COURT: Yes, sir.

BY MR. DAVIS:

Q. I want you to look over this, sir. Please. Please. Look over that, Mr. Taylor, and tell me if there's anything in there familiar that is associated to you.

A. I don't know.

Q. Is your name on there, sir?

A. Yeah.

Q. Okay. Is there a date on there, sir?

A. I'm sure there is.

Q. Okay. Do you know who gave me that information, sir?

A. No, sir.

Q. Sir?

A. No.

Q. Sir?

A. Do I know who gave you that?
Q. Yes.
A. I have no idea.
Q. Okay. I want to hand you what is Defendant's Exhibit Number 2 and ask you, are you familiar with any of this information?
A. Okay.
Q. Sir?
A. Yeah, I reckon I am.
Q. Okay. And I want to give you Defendant's Exhibit Number 4 and see if you're familiar with any of this information.
A. Yes.
Q. And lastly, Exhibit Number 3, and ask you, are you familiar with any of that information?

MR. MCNEELY: Your Honor, if I may interject, the State would appreciate a chance to review the documents --

MR. DAVIS: Oh, I apologize. Since you gave it to me, I thought you were familiar with it. Take your time.

These are not marked and he wants it marked.

(DFT. EXH. 5, Medical records, was marked for identification.)

MR. DAVIS: Your Honor, may I approach?

THE COURT: Yes, sir.

BY MR. DAVIS:

Q. Mr. Taylor, I will hand you what was marked as Defendant's Exhibit Number 5 and ask, is there anything associated there to you as a result of reviewing that document?

A. Say that again, sir.

Q. Does that document pertain to you, sir?

A. Yes, sir.

Q. What is the date on it, sir?

A. I don't know. I ain't got my glasses on.

Q. Okay. I'm sorry, I apologize. Magnifying glasses help?

A. It says August 8, 2015.

Q. Okay. And that's the date this incident happened, why we're here; isn't it, sir?

A. Yes, sir.

Q. Okay. Were you administered any blood on August 8, 2015, by the medical personnel there at Roper Hospital?

A. Did they give me blood?

Q. Yes.

A. Not that I know of.

Q. Okay. Isn't it true that they drew blood from you? Isn't that true?

A. I'm sure they did. I reckon they did.

Q. Isn't it further true, as a result of drawing that blood, that your alcohol level in your system was 189?

A. I don't know what it was.

MR. DAVIS: Okay. Your Honor, may I approach the witness?

THE COURT: You may.

BY MR. DAVIS:

Q. There's a reference to alcohol. What's the number alluded there to, sir?

A. Say that again.

Q. There're a reference to alcohol. What's the number alluded there to? The top of the page.

A. The top of the page?

Q. Yes, sir.

A. Talking about 21. -- 2139.

Q. That's the blood they drew from you.

A. 189, it looks like.

Q. Thank you, sir. May I have that? Okay.

And you would admit this is part of

your medical record?

A. Yes, sir.

Q. Okay. Also on direct examination, it was your testimony that you had a couple of beers, right?

A. Yes.

Q. Isn't it true that you had consumed alcohol the majority of that day, sir? Isn't that true?

A. Whenever I was at dinner, I drank two beers at Los Arcos.

Q. And what time would you say you consumed those beers with dinner?

A. It was probably around 6:00, 6:30. It was early in the evening.

Q. And you drove from where, sir?

A. From Goose Creek.

Q. Goose Creek?

A. (Nodding)

Q. And when you presented -- when you were presented to the hospital that night, August 8th, did you share with them what happened?

A. Share with who?

Q. The nurse, the doctors, whoever was treating you. Did you share with them --

A. I reckon. I can't remember, I mean ...

Q. Okay. I will help you.

MR. DAVIS: Your Honor, may I approach?

THE COURT: Yes, sir.

BY MR. DAVIS:

Q. I want to give you this document -- it's part of your medical record -- to refresh your memory. Okay?

In the corner there where it says, patient provide. What did you share with the --

A. Yeah. It says right here that I denied alcohol consumption.

Q. Okay. You denied alcohol consumption even though a .189 was found in the blood that they took from you; isn't it true?

A. It says, patient was nauseous, back pain, vomiting. I mean, I guess they asked me and I told them no. I mean, I really don't remember.

Q. Okay. All right. But, sir, I want to direct your attention -- I'm not to be tricky or anything.

A. Really?

Q. No, I'm not. You said you would testify to the truth; isn't that correct?

A. Yeah.

Q. Thank you. There's a narrative right here I want to point you to.

A. All right.

Q. You referenced how you had all this tremendous blood loss and all of this injury to yourself. Share with us what you told the people there.

A. What do you want me to share, sir?

Q. I will tell them. I'll tell it, sir. Isn't it true, sir -- first of all, you stated that you -- you denied you were drinking; isn't that true?

A. If that's what they said there, I guess I did, but I don't remember.

Q. Isn't it true that you stated that you were assaulted by three individuals, was punched, kicked and hit with what he said may have been a baseball bat? Didn't you say that?

A. Yes, sir.

Q. And you deny that you had any loss of consciousness?

A. I don't think I lost consciousness.

Q. And today your testimony has been that you were probably hit by a jackhammer that you use to jack up a tire; isn't that --

A. It was dark. I don't know what they hit me with.

Q. Well, I understand that, but on direct examination, sir, wasn't it your testimony that you were hit by a jackhammer? Isn't that what you said?

A. I was hit by some kind of instrument, sir. I don't know what it was.

Q. And, sir, I'm glad you referenced that. Isn't it true that you, when you got out of your truck, produced a bat or stick; isn't that correct?

A. No, sir.

Q. Okay. And, sir, tell the jury what it is that prevented Randy and his two sons from attacking you at the corner store. What prevented them from just punching you?

A. They weren't even near me at the corner store. They were on the other side of the road parked. When I pulled out of the parking lot, they followed me.

Q. Now, sir, there is a reference to something happened maybe six months or a year ago at the Piggly Wiggly when this young man, Randy Wright, you said approached you in the Piggly Wiggly. Did he strike you or assault you in any

manner whatsoever that day in question, sir?

A. No, sir.

Q. Was there anything preventing him from striking you that day in question?

A. Sir?

Q. Was there anything hindered him or prevented him from engaging in combat with you?

A. I don't know.

Q. Now, fast forward to August 8, 2016. When you drove into your driveway, sir, what prevented Randy and his sons to just drive right up behind you since these folks were so hell bent on assaulting you?

A. I wasn't driving the truck; he was. And he parked the truck where he chose to park it. I wasn't driving a vehicle, sir.

Q. And isn't it true, sir, that you did go inside the country store?

A. Yes, sir.

Q. And you purchased additional alcohol --

A. No, sir.

Q. -- with --

A. No, sir. Look here, what you said earlier --

THE COURT: Hold on. Let him finish

the questions, then you can answer. It's yes, no, or you don't know, and then you can explain. Don't interrupt each other.

THE WITNESS: I'm sorry.

BY MR. DAVIS:

Q. Isn't it true that when you went inside that country store you purchased additional alcohol, beer?

A. No, sir.

Q. Sir?

A. No, sir. What you said earlier whenever you were first opening up, you were up here, and I heard everything you said. Everything that come out of your mouth, none of that was true. None of it. All of that was fabricated. I don't know -- you must have got it from him, but none of that was true, sir.

Q. Isn't it true, further, that you threw a bottle and hit Randy's vehicle; isn't that true?

A. No, sir.

Q. Okay. And Randy came up to you and asked you what was going on; isn't that true?

A. He didn't ask me nothing, sir.

Q. And you got out with that bat or that stick; isn't that true?

A. No, sir.

Q. And you commenced to strike Randy and had him down on the ground; isn't that true?

A. No, sir, that is not true.

Q. You never engaged, you didn't never touch this young man?

A. No, ma'am, I ain't never touched that man.

Q. Okay. And you had him down in a choke hold down on the bottom; isn't that true?

A. If I had told you I never touched that man, how can I have him down on a choke hold?

Q. And those two boys came to their father's rescue; isn't that true?

A. No, sir.

Q. Of all the pictures, do -- the prosecutor, did they share the pictures with blood on the ground that you alluded to, sir?

A. Say that again.

Q. You said there was blood profusely everywhere. You took any pictures of the blood on the ground?

A. No, sir, I didn't take no pictures of blood --

Q. And, sir, isn't it true that you were

never on the opposite side of that vehicle? Everything took place on the driver's side because you got out with that bat or stick in your hand; isn't that true?

A. No, sir.

Q. Okay.

A. That is not true.

Q. In fact, you didn't even want to go to the EMS; isn't that true?

A. I don't know how you can make a statement like that. I was about to bleed to death all over my neighbor's porch. Why would I not want to go with the EMS?

Q. Okay. I will share with you in just a moment. I want to refresh your memory.

MR. DAVIS: Judge, may I approach?

THE COURT: You may.

BY MR. DAVIS:

Q. Exhibit Number 1, which you said you were familiar with. I want to direct -- you need to put your glasses on, sir. Go to the bottom of the page. Put your glasses on, please.

A. I don't know where this came from.

Q. The question is, isn't it true that you stated you did not want to go with EMS?

A. I never stated that, sir, so I don't understand this.

Q. You see what I'm talking about, though, sir, don't you?

A. This right here is nothing that I said, sir.

Q. Okay. Isn't it further true that it states in that same document that the bleeding was minor; isn't that true?

A. That's not -- it wasn't minor.

Q. I'm talking about what the document speaks, sir.

A. Yes, sir. This right here, I don't know -- this right here is not true, sir. I mean...

Q. Okay.

A. I didn't -- this is acting like I didn't want to go to the EMS and I didn't want medical attention, and I was about to bleed to death all over my neighbor's porch. I mean, that's kind of crazy, isn't it?

Q. Did they provide any blood to you at the hospital, sir?

Did you receive any units of blood in your medical records, sir?

A. I don't know.
Q. Sir?
A. I don't know. I don't recall.
Q. I will give you Exhibit Number 5 and tell you to look through this and see if you got any units of blood.
A. I mean this is a bunch of paperwork. Where would it be?
Q. It's paperwork, but it's your medical records which speaks volume --
A. I don't remember getting any blood, sir. I don't think they gave me any blood.
Q. Thank you. Thank you.
And do you recall what was the diagnosis that the doctor shared with you, sir?
A. Diagnosis?
Q. Yes, the findings.
A. I don't recall what -- I don't understand what you're asking me.
Q. Well, you know, when your sister testified, she said she was not a doctor. You heard that, right?
A. I know my sister is not a doctor.
Q. That's my point. And so the expert in this case for diagnosis, you would agree, is lodged

with the medical doctors. Do you agree with that?

A. I still don't understand what you're asking.

Q. I'll put it like this: You didn't doctor yourself; isn't that true?

A. No, sir.

Q. You went to the hospital and relied on their expertise, sir, to treat you; isn't that true?

A. I couldn't have sewed my head up, sir.

Q. I understand that. My question is, you went to the hospital; isn't that true?

A. Yes, sir.

Q. And is it fair for the jury to rely on what the medical folks did for you? Is that fair enough?

A. Yes.

Q. Can we live with that? Whatever the medical doctors said they did for you, is -- is that accurate?

A. Yeah.

Q. Okay. Now, there was some description of some pictures -- I'm not going to pull it out -- where it was unclear whether these photographs were taken immediately after the accident, and then

sometime later, but there's no question that you had a follow-up at Roper Hospital, sir, about a week after incident; isn't that true?

A. Yes, sir.

Q. And at that follow-up they removed some stitches and you shared with them that you had no complaints; isn't that true?

A. No, sir.

Q. Okay. Thank you. I'm going to come back to that.

MR. DAVIS: Judge, may I approach on Exhibit 3?

THE COURT: You may.

BY MR. DAVIS:

Q. I will give you the second page while I search for the other information. On the second page, it lists your diagnosis. Do you mind sharing that with us, sir? Do you see it, sir?

A. I don't know what you're asking me to look for. It says right here, they removed stitches.

Q. And you had no complaints, sir?

A. Who said I had no complaints?

Q. You said it. You told the doctor; isn't that true, sir?

A. I don't see where it says that I said anything like that. You're trying to fabricate the story. I don't know what you're trying to do here, but --

Q. You admit that the jury has a right to know the truth; isn't that correct?

A. You're saying that I said on this paper here that I had no complaints. And I don't -- I don't see that on here, and I don't understand what you're saying. So you can come and get this piece of paper. And this print, you can't even hardly read it.

Q. Okay. I apologize. This is Defendant's Exhibit Number 4.

MR. DAVIS: Can I approach, Your Honor?

THE COURT: Yes, sir.

BY MR. DAVIS:

Q. This is the one I want you to -- Number 4.

A. Are you sure this is the right one?

Q. I'm a little slow, Mr. Taylor, but I try to be good.

Number 4, Mr. Taylor, whose name is it addressed to?

A. My name is on top of the page.

Q. What is the date, Mr. Taylor?
A. 15th.
Q. You would admit that's a week after August 8th? Do you admit that?
A. Yes, sir.
Q. Now, in the top there you had the stitches removed, and isn't there a reference in there, sir, where it says you had no complaints?
A. I don't see it. You can come point it out?
Q. Thank you. Thank you.
MR. DAVIS: Judge, he said I can come. Patient has no complaints --
THE WITNESS: Well, who put that on there? I didn't write it on there.
BY MR. DAVIS:
Q. I didn't prepare it, sir. Those are your medical records.
A. Well, look here. I mean, I don't know how it got on there. That ain't --
Q. Okay.
A. That's not right.
Q. Okay. And then this is Exhibit Number 3 --
A. Okay.

Q. -- with the diagnosis. No, this is different. If you want me to point this one out for you, I will, too. Do you want me to help point it out?

Diagnosis: Right here it says, unarmed fight or brawl. Unarmed fight or brawl.

Now, I didn't put that on that paper, sir. Somebody else put it on there. I know Randy Wright didn't put it.

Who put unarmed fight or brawl on the medical records?

A. I don't know.

Q. Okay. But it's there; isn't that true?

A. I don't know who put that there.

Q. But it's there?

A. Yeah, it's there. I don't know who put it there.

Q. It's also there that no blood was drawn. You didn't receive any units of blood that night. That's --

MR. MCNEELY: Your Honor, been asked and answered.

THE COURT: Let's move on.

MR. DAVIS: Thank you, Judge.

Now, could you put that picture back up

where it's up in the sky and we see 176, please?
BY MR. DAVIS:
Q. While she's putting that up, I want to make sure that we understand. Mr. Taylor, when do you recall actually giving Detective Ward a statement? How many days after August 8th?
A. I can't remember how many days. It's been two years.
Q. Okay. You didn't give a statement that night; isn't that true?
A. Yeah. I did give her a statement that night, I reckon. I can't remember. It's been two years, I mean.
Q. Okay. Now, it was your testimony on direct examination that -- you got that red marker, please? I want you to keep it, please.
Show me on the screen -- behind the field apparently Mr. Taylor (sic) lives -- the road that would take them to the house behind the field. The Solicitor alluded to it.
A. Right there. (Indicating)
Q. Okay.
A. Rainbow Acres.
Q. Okay. So it's your testimony that you would have gotten home before they did for their

turn; isn't that true?

A. I don't understand what you're asking me.

Q. If I leave Cooper Store, would I get to your house first or Randy Wright's house first?

A. When you get to that road right there, before you get to my driveway. (Indicating)

Q. Okay. So the question is, Randy turned off before you get to your house?

A. Yes, sir.

Q. Okay. Now, isn't it true that the reason Randy passed his driveway, sir, is because you threw a bottle and struck his vehicle; isn't that true?

A. No, sir.

Q. And he came out to discuss this with you, and you came out with a stick, a bat, or whatever and commenced to get engaged with combat; isn't that true?

A. No, sir, that is not true.

Q. You got the worse end of the deal because these boys came and protected their father; isn't that true?

A. No, sir, that is not the truth. None of that is true, sir. Everything you just said is

not the truth.

Q. Can you own a weapon, sir?

A. No, sir.

Q. Why not?

MR. MCNEELY: Your Honor, objection.

MR. DAVIS: What's the objection?

I'll stop, Judge.

THE COURT: Sustained.

THE WITNESS: I have a felony.

BY MR. DAVIS:

Q. Okay. Thank you. Prevented you from having a gun; isn't that true?

THE COURT: Mr. Davis, I sustained the objection.

Ladies and gentlemen, you will strike that testimony from your consideration.

BY MR. DAVIS:

Q. And isn't it true that you were aggressive from the store all the way up to your driveway?

A. No, sir.

Q. And isn't it true that Randy Wright never struck you; isn't that true?

A. No, sir. Everything that you're saying to me, sir, none of that is true. So you can just

keep on with it if you want to.

Q. Okay.

A. It's getting repetitious.

Q. And what is in the medical records is not true, too; isn't that correct?

A. What's in the medical reports aren't true, I mean, that I had my head sewed up?

Q. That you denied that you had drank alcohol.

A. I don't remember what I told them down there, sir.

Q. Okay. Or the fact that you didn't receive any units of blood that night?

A. I don't remember if I did or not.

Q. Or the fact that you didn't have any complaints about when you went for follow-ups?

A. Oh, I had complaints.

Q. All of those are untrue; isn't that correct?

A. I've still got complaints.

Q. Where did you hide that bat, Mr. Taylor?

A. I don't know what bat you're talking about.

Q. You would readily admit that a jack

iron is made out of steel or some equivalent; isn't that correct?

A. A jack iron is made out of the steel?

Q. Yeah.

A. I guess if you have a jackhammer made out of steel.

MR. DAVIS: This is the last question, Your Honor.

BY MR. DAVIS:

Q. This is part of your medical records, too. I want you to look down at the bottom, sir, if you might. Do you see that 300 down there at the bottom, sir? Do you see that 300?

A. Yeah.

Q. And it says -- what is the word that goes with that 300?

A. With the 300? The milligrams?

Q. Yes, sir. They used the word, toxic; isn't that true?

A. Toxic range?

Q. Toxic, yes, sir. And yours was 189; isn't that correct?

A. I don't know what it was.

Q. Well, that's your record; is it not?

A. Yeah, these are my papers.

Q. They took 21 point some units of blood or something for a sample; isn't that true?

A. Yeah.

MR. MCNEELY: Objection, Your Honor.

THE COURT: Move on, Mr. Davis.

MR. DAVIS: Thank you, Judge. No further questions, Your Honor.

THE COURT: Any redirect?

MR. MCNEELY: Yes, Your Honor.

REDIRECT EXAMINATION

BY MR. MCNEELY:

Q. Mr. Taylor, this was stricken by the Court, it wasn't supposed to have been said, but since it came out, you have a felony conviction, right?

A. Yes, sir.

Q. Was that in 1993?

A. I was charged with it, and it was something that my twin brother did. And I was charged with it, they made me an accessory, but I actually had nothing to do with it. I was charged with it, and it's still on my record.

Q. Either way, it was in 1993?

A. That's been when I was, like -- I think I might have been 18 or 19 years old.

Q. And it was for burning a car, correct?
A. That's what my brother did.
Q. Had nothing to do with anybody else, burning a car?
A. My brother burned the car, and I knew about it, and I was charged as an accessory because I knew after the fact.
Q. Okay. And that's your only felony?
A. It's the only thing I've ever been in trouble for. And it wasn't even me.
Q. On the night of the incident, you were struck in the head with a long metal object; is that correct?
A. I was struck in the head with something that was mighty damned hard, excuse me, because it busted my head all to pieces.
Q. And, truth be told, you don't know exactly what it is?
A. I don't know. It was dark, sir, and after I got hit -- after that first hit when I got my eye knocked out, I could not see much of anything but blood.
Q. So it could have been a jack handle?
A. It could have been a log.
Q. It could have been a baseball bat?

A. I mean, it could have been a log.

Q. Could it have been a pipe?

A. Could have been a fence pipe. It could have been a jack iron. I mean, a tire iron. I mean, it could have easily been a tire iron.

Q. It was long and metal?

A. It was something that was long and hard. Pictures -- pictures say a hundred -- pictures are worth a hundred words is what they say. I mean, my pictures are right there. I don't know what they hit me with, sir.

Q. But they hit you with something long?

A. He hit me with something that busted my head open.

Q. Mr. Davis made a big deal about the EMS and it saying you said you didn't want to go to hospital?

A. That's -- that's hogwash.

Q. And when we talked before, you said when you were on the porch you were disoriented; is that correct?

A. I was disoriented. Ms. Deanna kept trying to -- she had to keep telling me to sit down because I was in so much -- I mean, I was in shock.

Q. Do you remember --

A. I didn't really know what was going on until they started talking to me and got me calmed down, because I didn't know where I was.

Q. Do you remember everything that you said that night?

A. Do I remember everything that they said?

Q. That you said.

A. Yes, sir.

Q. Did you want to go to the hospital?

A. Damned right I did, sir. I was about to die on those peoples' porch.

Q. Did you have --

THE COURT: Mr. Taylor, you need to watch the language.

THE WITNESS: I'm sorry. I'm sorry.

Yes, sir. There was no way I would never want to say I was not going to the emergency room. I was in -- I was about to die on the porch, Will.

BY MR. MCNEELY:

Q. Did you even have a choice not to go to the hospital?

A. I didn't have no choice.

Q. I show you what was marked as

Exhibit 30. We looked at it before. This is your shirt, right?

A. That's my shirt.

Q. And I believe you stated that everything that's on there that's not white is blood; is that right?

A. That shirt was solid white when I came home that evening.

Q. Was it wrapped around your head at some point?

A. I had pulled it off and wrapped it around my head because I was bleeding so bad.

Q. Was all of that blood soaked up before EMS arrived on scene that night?

A. Yes, sir. It was several towels and several sheets out of Ms. Deanna's house. She had to throw the sheets away.

Q. Do you have any complaints about the medical services that were provided to you at Roper?

A. No, sir.

Q. Do you have any complaints about the injuries that you received on August 8, 2015?

A. Yes, sir, I do.

Q. You live with it every day; is that

correct?

A. I suffer with back pain every day.

Q. Was your head split wide open?

A. I have headaches, I have trouble remembering, and then I have lower back pain where I was struck in my kidney, or across my side.

Q. And this is all from being assaulted by this Defendant and his sons on August 8, 2015?

A. Yes, sir.

Q. With a weapon?

A. Yes, sir.

MR. MCNEELY: Nothing further, Your Honor.

THE COURT: You may step down, sir. Thank you.

Solicitor, you may call your next witness.

MS. SMITH: Thank you, Your Honor. The State calls John Murray.

JOHN MURRAY,

being first duly sworn, testified as follows:

THE CLERK: Please be seated. State your full name and spell your last name for the record.

THE WITNESS: John Murray, M-U-R-R-A-Y.

THE COURT: Your witness.

DIRECT EXAMINATION

BY MS. SMITH:

Q. Deputy Murray, where are you currently employed?

A. Dorchester County Sheriff's Office.

Q. How long have you been employed at Dorchester County?

A. Just about a year.

Q. Before Dorchester, where were you?

A. Berkeley County.

Q. And how long were you with the sheriff's office in Berkeley County?

A. About four months.

Q. What was your position there?

A. I was a detective.

Q. And were you employed with the Berkeley County Sheriff's Office in April of 2016?

A. Yes.

Q. And how long -- excuse me, you had been in that capacity about four months?

A. Yes, ma'am.

Q. What were the duties of your position?

A. I was a general investigator.

Q. And during that time, were you involved

in the investigation of this case?

A. I was.

Q. What was your involvement?

A. I went with Detective Ward to the public defender's office and took two buccal swabs.

Q. Did you have a search warrant for those swabs?

A. Yes.

Q. Did you execute that search warrant?

A. I did.

Q. Can you please describe exactly what the process is when you executed that search warrant.

A. You open the buccal swab kit, take out the two sterilized Q-tips, rub it on the inside of the subject's mouth, seal it back into the envelope and put it into evidence.

Q. What is the purpose of taking this buccal swab?

A. To match DNA.

Q. Was anyone else present with you at the time you executed the search warrant?

A. Detective Ward and the public defender was also there, but I don't remember what their name was.

Q. And who was the subject that you executed the search warrant upon?

A. I don't have an independent recollection of their name.

Q. Would it refresh your recollection if I showed you the chain of custody?

A. I believe it would.

MS. SMITH: May I approach the witness, Judge?

THE COURT: You may.

BY MS. SMITH:

Q. Detective Murray, if you would take a look at these two chain of custodies and let me know when you have reviewed them.

A. I have.

Q. And do you now remember the names of the two subjects that you executed the search warrant upon?

A. Shawn Lee Wright and Adam Shane Wright.

Q. Do you recall the date that you executed that search warrant?

A. It was April 1, 2016.

Q. What did you do with the kits after you collected the samples?

A. I placed them into the evidence locker

at the sheriff's office.

Q. And did you do anything next?

A. Ma'am?

Q. Did you do anything next? Did you complete the search warrant return?

A. I believe I did.

Q. Did you log the kits into evidence?

A. Yes.

Q. How when you log something into evidence at the sheriff's office, is there a secure process for doing so?

A. You just annotate it on the chain of custody.

Q. Do you put it in a secure --

A. Put it in a locked locker, yes, ma'am.

Q. And does only Evidence have access to that secure locker?

A. Yes.

Q. I'm first going to show you what was marked for identification as State's 32.

MS. SMITH: May I approach the witness, Judge?

THE COURT: You may.

BY MS. SMITH:

Q. Would you please tell me if you

recognize this packaging?

A. I do.

Q. What is that item?

A. It is the buccal swab for Adam Wright.

Q. Do you recognize that item?

A. From the chain of custody.

Q. I'm going to show you what was marked as State's 33 for identification. Would you please let me know if you recognize this exhibit?

A. I do.

Q. How do you recognize that?

A. From the chain of custody.

Q. What is that?

A. It's a buccal swab on Shawn Wright.

Q. Thank you, Deputy Murray.

Besides what we have discussed currently, did you have any other involvement in this case?

A. I did not.

Q. Briefly, back to the kit, once you collected the kit. You mentioned that you swabbed each subject?

A. Yes.

Q. And then what do you do with the swabs once you --

A. They get sealed back up in the original package --

Q. I'm sorry, continue.

A. And then it's placed into the evidence locker.

Q. And the packaging that you replaced the swabs in, is it able to be reopened once you seal it?

A. No, it's not. It has tamper-proof tape on it.

Q. And you had no other involvement other than executing the search warrant?

A. That was it.

MS. SMITH: I don't have any other questions for this witness.

THE COURT: Any cross-examination?

CROSS-EXAMINATION

BY MR. DAVIS:

Q. You would have learned that this incident occurred August 8, 2015?

A. Yes.

Q. And when you were asked to go and secure these swabs, it was April of 2016?

A. Yes, sir.

Q. Almost a year later?

A. Yes, sir.

MR. DAVIS: Okay. No further questions.

THE COURT: Anything further?

MS. SMITH: Nothing further.

THE COURT: You may step down. Thank you.

Would you please approach?

(Bench conference.)

THE COURT: You may call your next witness.

MS. SMITH: The State calls Captain Bobby Shuler.

BOBBY SHULER,

being first duly sworn, testified as follows:

THE CLERK: Please be seated. State your full name and spell your last name for the record.

THE WITNESS: My name is Bobby Shuler, S-H-U-L-E-R.

THE COURT: Your witness.

MS. SMITH: Thank you, Judge.

DIRECT EXAMINATION

BY MS. SMITH:

Q. Good afternoon, Captain. Where are you

currently employed?

A. The Berkeley County Sheriff's Office.

Q. What is your position at the sheriff's office, and how long have you been employed there?

A. I've been employed with Berkeley County since 1999, approximately 18 years. My current position now is the captain over the uniformed patrol division.

Q. Was that your same position in April of 2016?

A. No. At the time, in 2015, I was the captain over the criminal investigations division.

Q. How long had you worked in that capacity in April of 2016?

A. I've been in criminal investigations division for 12 years.

Q. What were the duties of your position as captain over the investigations division?

A. My primary job as the captain is to oversee the day-to-day operations of the criminal investigations division; direct/manage the detectives within my division is my responsibility.

Q. During this time frame, were you able to become involved in the investigation of this case?

A. I did.

Q. What was your involvement in this case?

A. I received a search warrant signed by the case agent in this case, which is Detective Michelle Ward, who worked for me. She had a signed search warrant by a judge and asked me to execute a search warrant for a buccal swab.

Q. And did you do that?

A. I did.

Q. Can you please describe exactly what you did in the process of executing that search warrant?

A. Basically, how it works, I was advised by the detective that he coordinated with the Defendant, with this individual's attorney, for him to come in voluntarily to have the buccal swab done.

So we met with him in our office, the CID office at the Berkeley County Sheriff's Office. It was myself and one of the other detectives, and he was -- I gave him a copy of the search warrant. We read the search warrant, read it and explained it to him, asked him if he had any questions. He did not.

At that point, we initiated the buccal

swab kit. It's basically a sealed kit. We get the kits through Tritech Company for -- for the process. In that kit is basically documentation that you put all the information of the person that you're doing, getting the buccal swab. And anybody -- as far as buccal swab, buccal swab is -- the simple terminology is a DNA swab.

So in that kit is some gloves, information, a container, like a cardboard container with two sticks with like cotton tips in there. And what we do is we have the individual-- and the simplest and least invasive way of getting a DNA swab, or buccal swab, is to swab the inside of their mouth.

So you take one and swab the left side of the cheek, and then you take the other one and swab the right side of the cheek. You put them in the cardboard box, they're both sealed up with evidence tape, which is sealed, initialed by myself and whoever the person we were getting the buccal swab from.

It's put back into the kit in the bag, put it into the envelope, and that envelope is sealed; and it also has an evidence seal on which is basically signed by myself, the individual, and

it's dated and timed.

Q. And once you sealed that packaging after collecting the sample, it's unable to be reopened?

A. Once it's sealed and we do a chain of custody for the buccal swab, it's placed in our evidence. Our evidence then takes it based off of the lead detective. It's sent to SLED, the South Carolina Law Enforcement Division, for testing. That's the agency that does all of our testing.

And once it gets there, they'll check and make sure nothing has been compromised, and at that point they would be the ones who actually open it up.

Q. And did you complete the search warrant on this case?

A. We did.

Q. Did you log the DNA sample into evidence?

A. We did.

Q. And was the buccal swab kit in your continuous custody and control from the time that you obtained the sample until you logged it into the evidence locker at the sheriff's office?

A. It was.

Q. Prior to executing the search warrant, did you confirm the Defendant's identity?

A. Yes. When the Defendant got there, I asked him for his South Carolina ID and confirmed this was the individual that we were serving the search warrant on and collecting the buccal swab from.

Q. Captain Shuler, I'm going to show you what's been marked for identification as State's Exhibit 31. Could you please take a look at it and tell me if you recognize it.

A. Yes, ma'am. This is the evidence sheet for collection of the buccal swab from the Defendant, Randy Wright.

Q. How do you recognize that?

A. Obviously, it's my signature and my handwriting. It's got all the information on it. It has the case number -- do you mind if I take it out?

Q. Absolutely not.

A. At the bottom of it, it is my name, my signature, and the date where I released it and put it into evidence at the Berkeley County Sheriff's Office.

Q. Beyond this and beyond what we've

discussed with collecting the DNA sample, did you have any other involvement in this investigation?

A. I did not.

Q. I'm going to hand you State's Exhibit 31 back. Would you tell me, please, if you can, who you logged that buccal swab kit into evidence with?

A. I can't make out -- it's one of our forensic techs at the time, Tiffany Swinton. So it was logged in through her. That's who it was given to.

Q. She was one of the forensic technicians with the Berkeley County Sheriff's Office?

A. She was.

MS. SMITH: I don't have any further questions for you, Captain Shuler. Thank you so much.

THE COURT: Cross-examination?

CROSS-EXAMINATION

BY MR. DAVIS:

Q. How are you doing, Detective?

A. Hi, Mr. Davis. How are you, sir?

Q. Have you and I discussed this case at all?

A. No, sir.

Q. Basically, all your involvement is you came in and made sure some evidentiary things were taken to SLED?

A. Not -- my only involvement in this case was I obtained a signed search warrant by the lead detective, Detective Ward, and we executed the search warrant on Mr. Randy Wright and collected the buccal swab that was placed in evidence.

Q. And that was April 2016?

A. Yes, sir. That was done on April 7, 2016.

Q. Okay. And do you have information that you can share with us that he actually brought some kind of a T-shirt with him that had blood on it?

A. I have no information about that. That was not my information.

Q. And in reference to matters that are picked up at the crime scene, who normally secures forensic evidence at a crime scene?

A. Well, it depends on who gets there first --

MS. SMITH: Objection; outside the scope of direct.

THE COURT: I'll allow it, though.

MR. DAVIS: Thank you, Your Honor.

THE WITNESS: Through our experience, you know, normally, the crime scene -- the first officer on scene, once they get there, evaluate what they've got and determine if they have a crime scene or actually locate a crime scene, then that crime scene is secured by the responding deputies.

BY MR. DAVIS:

Q. You see on TV all the time, they put a yellow tape around it; isn't that true?

A. Most of the time, yes. If the area is where they can't do that, yes.

Q. And so if there's seven or eight towels of blood on there, you would think that the detective would retrieve that information; isn't that correct?

MS. SMITH: Objection, Judge; outside the scope of direct, calls for speculation. He has testified that he was not involved in any other part of this investigation other than collecting the buccal swab.

THE COURT: I believe he's just asking in generalities.

MR. DAVIS: That's correct, Your Honor.

THE WITNESS: Okay. Can you ask me that question?

BY MR. DAVIS:

Q. How long have you been a detective? You're the captain.

A. I'm no longer a detective, but I was a detective for 12 years.

Q. Twelve years. You and I have worked on cases together; isn't that --

A. We have.

Q. Now, the proper protocol is you put the yellow tape up and you commence to retrieve whatever forensic evidence you can secure; isn't that true?

A. The proper protocol is, if you can secure the crime scene and there's a way to secure the crime scene, whether it's yellow tape or not yellow tape. You can secure it with people, but, normally, what you see on TV, or whatever, is the yellow tape.

So I won't say that happens all the time because we might not be able to do it with that, but --

Q. You don't have any yellow tape in Berkeley County?

A. Well, we do, but --

THE COURT: Mr. Davis, let him answer

the question.

THE WITNESS: I'm not saying it happens all the time. I won't tell you that happens all the time. I'm not going to set that image that the yellow tape goes up every time.

BY MR. DAVIS:

Q. Forget about the yellow tape.

A. Okay. So, routinely, yes. You get there and secure the crime scene, you evaluate what we have; the investigators will come out if the investigators are called to come out. Then, if a search warrant needs to be obtained for the Scene to process the scene, then a search warrant will be obtained, then the Scene will be called out to the crime scene and -- along with the detectives to process the scene.

Q. A bloody T-shirt that's just lying around that was wrapped around somebody's head, shouldn't that have been retrieved?

A. I wasn't there. I'm not going to speculate on a scene that I wasn't there.

Q. This would be important, would it not?

A. If it was there on the scene --

Q. It's here today.

A. Okay. I have no answer to that; I

wasn't on the scene. I can't answer to something I wasn't there. I don't want to speculate on something --

Q. My question is, though, isn't part of the process to secure all of the evidentiary things that you can?

A. Yeah. If you're on the scene and you know it to be evidence or deem it to be evidence to a case, then, yes, if we can get it collected, we will.

Q. And part of the reason is because you can put it in a secure setting; isn't that true? That's what we've been discussing all this time, put it in a secure setting?

A. Yeah. If we get it collected, it's going to be through the chain of custody.

Q. You don't want a process where there could be an interventional period of time it could be altered; isn't that true?

A. I'm sorry, I didn't understand the question.

Q. Evidence can be altered; isn't that true?

A. Sure, it can be altered.

MR. DAVIS: No further questions.

THE COURT: Any redirect?

MS. SMITH: Briefly.

REDIRECT EXAMINATION

BY MS. SMITH:

Q. Captain Shuler, investigators aren't always called to the scene of the accident. Sometimes they may meet a victim at the hospital; is that correct?

A. That's correct. Depending on the scene, the -- you know, our deputies are trained. They can do a lot of things on scene and process them as well. They don't always need have to an investigator right there.

Q. And oftentimes patrol deputies will respond to an incident scene and maybe not call a detective out to that scene?

A. That's true.

MS. SMITH: Thank you, Captain. I don't have anything further.

THE COURT: Thank you, Captain. You can step down.

THE WITNESS: All right. Thank you.

THE COURT: You may call the next witness.

MS. SMITH: Thank you, Judge. The

State calls Tiffany Swinton.

TIFFANY SWINTON,

being first duly sworn, testified as follows:

THE CLERK: Please be seated. State your full name and spell your last name for the record.

THE WITNESS: Good afternoon. My name is Tiffany Swinton, last name is S-W-I-N-T-O-N.

MS. SMITH: Thank you, Judge.

DIRECT EXAMINATION

BY MS. SMITH:

Q. Good afternoon, Ms. Swinton. Where are you currently employed?

A. I work at the Hill-Finklea Detention Center.

Q. And what is your position there, and how long have you been there?

A. I'm a detention officer. I've been there a year now.

Q. Where were you employed during April of 2016?

A. At the forensic center.

Q. And what was your position at that time?

A. Forensic technician.

Q. How long had you worked in that capacity in April of 2016?

A. I would say seven months.

Q. And can you describe for the jury the training, education, and experience that you undertook to perform in that roll?

A. Well, I went to Morris College. That's where I got my criminal justice degree. And there you were trained to do fingerprints and photograph and stuff like that.

Q. A lot of in-house training?

A. Yes, ma'am.

Q. And what were the duties of your position as a forensic technician for the Berkeley County Sheriff's Office?

A. Process crime scenes and store evidence.

Q. And did you also act as an evidence custodian?

A. Yes, ma'am.

Q. And can you explain to the jury what it means to be the custodian of evidence?

A. Well, we go to the sheriff's office to get the evidence and we store it, we log it into the computer, and we house it until it's needed for

court.

Q. So you generally have the occasion to handle various types of evidence?

A. Yes.

Q. And can you explain in general how the evidence room process works at the sheriff's office? Can you explain the way you receive evidence?

A. The road deputy brings it to the sheriff's office. The forensic technician goes and gets it, log it in the computer, and we house it in the back.

Q. Are there different ways that evidence can come into your custody and control?

A. Yes, ma'am.

Q. Picking it up versus receiving it?

A. Yes, ma'am.

Q. Do you follow any specific practices and procedures to make sure that evidence is properly handled?

A. Yes, ma'am.

Q. What specifically?

A. As far as what do you mean?

Q. As far as the specific practices and procedures to make sure that you properly handle

evidence, what would you specifically do, for instance? Anything regarding packaging or labeling?

A. Yes, ma'am.

Q. And do you fill out chain of custody?

A. Yes, ma'am.

Q. Do you have the officers fill out chain of custody forms?

A. Yes, ma'am.

Q. If someone takes custody of an item, is that documented in some way?

A. Yes, ma'am; they sign it out.

Q. Onto a chain of custody form?

A. Yes, ma'am.

Q. And why do you do that?

A. To see who received it, where it comes from, just to keep track of it.

Q. To keep track of where it has been --

A. Yes.

Q. How is evidence packaged in your evidence room at the sheriff's office?

A. What do you mean?

Q. Can it be packaged -- is it packaged individually?

A. Yes, ma'am.

Q. And is it stored in a specific way in the evidence room?
A. Yes, ma'am.
Q. How was it stored?
A. Categorized based on like if it was a buccal swab, drugs, or firearms. Things like that.
Q. Once a piece of evidence has been received by a technician, by a custodian of evidence, who has access to those various types of evidence?
A. We do, forensic technician.
Q. And you are possible for signing it in and out at that point?
A. Yes, ma'am.
Q. As an evidence custodian, did you receive any particular items of evidence in this case?
A. Yes, ma'am.
Q. I'm going to show you what was marked for identification as State's 31.
MS. SMITH: May I approach the witness?
THE COURT: Yes, ma'am.
BY MS. SMITH:
Q. Take a look and tell me if you recognize it.

A. Yes, ma'am, I do.

Q. How do you recognize it?

A. This was an assault case, Captain Shuler did the buccal swab, and I logged it into the computer.

Q. And so you received the evidence from Captain Shuler?

A. Yes, ma'am.

Q. And who was the buccal swab taken upon?

A. Randy Wright.

Q. Okay. How do you know all of this?

A. Because it is stated here on the chain of custody.

Q. Did you sign the chain of custody?

A. Yes, ma'am, I did.

Q. So you were the one person who received that item?

A. Yes, ma'am.

Q. When did you receive that testimony?

A. I received that item 4/7/2016.

Q. When was it initially logged into evidence?

A. That same day.

Q. By Captain Shuler?

A. Yes, ma'am. He brought it to me and I

logged it into the computer.

Q. So you would have retrieved it from the secure locker that same day?

A. Yes.

Q. And logged it into the forensic database?

A. Yes, ma'am.

Q. And was that item in your continuous custody and control or the evidence room's custody and control from the time that you logged it in until the time it was taken to the South Carolina Law Enforcement Division?

A. Yes, ma'am.

Q. And do you know -- can you tell me who took that particular item to State Law Enforcement Division?

A. Kirsten Chestnut.

Q. Was she also a technician?

A. Yes, ma'am.

Q. Do all technicians in the evidence room have access to the logging and custody capabilities of evidence?

A. Yes, ma'am.

Q. And other than what we have just talked about, did you have any other involvement in this

case?

A. No, ma'am.

MS. SMITH: Perfect. I'll take that item. I don't have any further questions for you, Ms. Swinton.

THE COURT: Any cross-examination?

MR. DAVIS: Just one question.

CROSS-EXAMINATION

BY MR. DAVIS:

Q. You said you've got a fancy college degree in crime scene processing; is that true?

A. Yes, sir.

Q. And you received it from where, ma'am?

A. Morris College.

Q. Why do we have crime scene processors? Why is it important?

A. As far as fingerprints goes, to keep track --

Q. What else?

A. -- of evidence. DNA.

Q. DNA. What else? Blood?

A. Yes.

Q. What about shirts that have blood on them?

A. Clothing, shoes, fingerprints.

Q. All that is secured; isn't that true?
A. Yes, sir.
Q. You want to put it into a controlled environment --
A. Yes, sir.
Q. So it can't be altered; isn't that true?
A. Yes, sir.

MR. DAVIS: No further questions.

THE COURT: Any redirect?

MS. SMITH: Briefly, Judge.

REDIRECT EXAMINATION

BY MS. SMITH:

Q. You mentioned, Ms. Swinton, that you received the buccal swab from Randy Wright into evidence on the same day that Captain Shuler placed it into the secured evidence locker?
A. Yes.
Q. The packaging when you received it, do you remember if it was sealed when you received it?
A. Yes --

MR. DAVIS: I didn't cover that on -- I object. It's a whole new line of questioning.

THE COURT: Just finish this last question.

MS. SMITH: That was my only question, Judge.

BY MS. SMITH:

Q. Was it sealed when you received it?

A. It was.

THE COURT: You may step down, ma'am. Thank you.

It's about quarter to five. I know you've had a long day, so it's a good time for us to take our evening recess.

Please remember my previous instruction not to discuss this case with anyone or allow anyone to discuss the case with you. Do not do any independent research or anything of that nature about this case.

If you would please be back in your jury room 9:15, and we will resume the trial of the case. Have a nice evening.

(Jury out, 4:49 p.m.)

THE COURT: Counsel, anything before we recess?

MR. DAVIS: Judge, I have a plea for you. All jurisdictions are different. In Berkeley County, the chief administrative judge allowed a bondsman to sign on so he can stay on the bond so

this fellow can go home tonight and sleep in his comfortable with his family.

He has no prior criminal record. This incident has been over two years. He's not a flight risk. He don't have any crime of violence. They're still living in the same neighborhood.

I'm asking for the Court to consider allowing him to go home tonight. If the bondsman is prepared to stay on the bond. He has hypertension; he needs to be home.

THE COURT: Mr. Davis, my policy -- once that we start a trial and the bond is extended, that's my policy.

MR. DAVIS: You're not going to kill a man for asking, would you?

THE COURT: Oh, no, sir.

(These proceedings were recessed at 4:50 p.m. to be continued 9/1/17 at 9:15 a.m.)

(The following proceedings were held 8/31/2017, Berkeley County General Sessions Court, at 9:43 a.m.)

THE COURT: Morning, ladies and gentlemen. I hope that you had a nice evening. We are now ready to proceed with the trial of this case.

You may call your next witness, Solicitor.

MR. MCNEELY: Thank you, Your Honor. State calls Michelle Ward.

MICHELLE WARD,

being first duly sworn, testified as follows:

THE CLERK: Please be seated. State your full name and spell your last name for the record.

THE WITNESS: Michelle Ward, W-A-R-D.

THE COURT: Your witness.

MR. MCNEELY: Thank you, Your Honor.

DIRECT EXAMINATION

BY MR. MCNEELY:

Q. Good morning, Detective Ward. Where are you currently employed?

A. Berkeley County Sheriff's Office.

Q. What is your position there, and how

long have you been employed there?

A. I am currently a detective, and I've been employed there about three years.

Q. Were you employed with the sheriff's office in August of 2015?

A. I was.

Q. What was your position at that time, and how long had you worked in that capacity?

A. I was a patrol deputy, and I had been working in that capacity about a year.

Q. What did you do before joining the sheriff's office?

A. I worked at the court, the traffic court.

Q. What were the duties in your position as a patrol deputy?

A. So to respond to calls for service.

Q. Any and everything?

A. Just about.

Q. Did you handle assault cases as a patrol deputy?

A. Yes, I did.

Q. Handled domestic violence cases as a deputy?

A. Yes, I did.

Q. Were you working on the evening of August 8th, 2015?

A. I was.

Q. In what capacity were you working?

A. As a patrol deputy.

Q. While working that evening at approximately 8:45 p.m., were you dispatched to an incident at [redacted] in the area of Moncks Corner?

A. Yes, I was.

Q. Just to clarify, that is in Berkeley County?

A. Yes.

Q. Please tell the jury how you became involved in the incident that night.

A. I received a call from dispatch in reference to an assault.

Q. At that location on Cooper Store Road?

A. Yes.

Q. Can you describe the weather and lighting conditions at that time you received the call?

A. It was starting to get dark, but it was clear.

Q. By the time you got there, was it dark

outside?

A. Yes.

Q. What did you do when you arrived at the scene?

A. Once I arrived at the scene, I noticed that another deputy had gotten there just before I did, an EMS was already on scene. I approached the other deputy that was there to see what all was going on and what needed to be done. And he advised me that the victim was in the EMS truck.

Q. Did the other deputy arrive just before you did?

A. Shortly before I did.

Q. And at that time when you arrived, EMS was already treating Mr. Taylor?

A. Yes.

Q. Please describe his appearance and demeanor at the time.

A. He was covered in blood, he appeared very upset, he was crying, he was shaking.

Q. Were you able to speak with him at the time?

A. Very briefly.

Q. Where was he when you spoke to him?

A. The back of the ambulance.

Q. He was already in the back?
A. Yes.
Q. Did the ambulance take him from the scene?
A. They did.
Q. About how long after you arrived?
A. Just moments after I arrived.
Q. What did you do when the ambulance left?
A. I followed the ambulance to the hospital.
Q. Is that an uncommon practice for you to follow the victim to the hospital?
A. No, it's not.
Q. As opposed to staying at the scene and trying to talk to the other people there?
A. Correct. I needed to speak with the victim to see what happened.
Q. And that's standard protocol?
A. Yes.
Q. What did you do when you arrived at the hospital?
A. I made contact with the victim, Jimmy Taylor. He was back in the emergency room already.
Q. Who else was present with him at the

time?

A. It was just myself and the nurses.

Q. Did anybody else arrive?

A. After awhile his -- I believe it was his sister arrived, and she was in the waiting room.

Q. When you were at the hospital, did you inquire of Mr. Taylor what had happened?

A. I did.

Q. What did he say to you?

A. He had told me that he was traveling down -- he had left from the corner store and was traveling down Cooper Store Road, and that a truck had pulled up behind him and then subsequently passed him and started throwing beer bottles out of the vehicle at him, at his vehicle.

The vehicle then pulled off onto Rainbow Acres, and he continued going home. As he was going home the vehicle pulled in behind him and parked across the street.

Q. What happened after that?

A. He told me that the subjects of the vehicle came out and confronted him at his vehicle and began beating on him with a stick-like object.

Q. A weapon of some sort?

A. Yes.

Q. Did you get a good look at Mr. Taylor's injuries while at the hospital?

A. I did.

Q. Did he tell you who inflicted those injuries?

A. He did.

Q. Who did he tell you?

A. He told me that Randy Wright and his sons, Shawn and Adam Wright.

Q. Can you describe the injuries on Mr. Taylor that night?

A. His left eye was swollen and bruised, he had laceration to -- around his left eye. He had a laceration to -- multiple lacerations to his head. He had bruising and swelling to his right hip and abdomen area.

Q. Were photos taken at the hospital?

A. Yes.

Q. Who took them?

A. I did.

Q. Did anybody else?

A. I'm not sure.

Q. Did his sister take photos?

A. She did after the fact. At the time

when I was there, I was the only one that took photos.

Q. Did she provide you any photos?

A. She did.

Q. Were these photos that she took at the hospital?

A. Yes.

Q. Did you combine those with your photos?

MR. DAVIS: I'm going to object to testifying, leading.

THE COURT: Just rephrase.

BY MR. MCNEELY:

Q. What did you do with the photos that Jimmy's sister provided you?

A. I added them in with my photos and submitted them for evidence.

Q. Were all of those photos provided to us?

A. Yes.

Q. Were you able to take a formal statement from Mr. Taylor at the hospital?

A. No, I was not.

Q. Why were you not able to take a formal statement?

A. He was too upset and shaken up from the

incident, and with the hospital staff treating his wounds, I was not able to get him to write down a statement.

Q. What did you do after you spoke with Mr. Taylor at the hospital that night?

A. I had to go back on patrol.

Q. What did you do in this case after that?

A. After I had met with him at the hospital, a few days later I spoke with him at the sheriff's office and was able to get a written statement.

Q. Did he provide you a written statement at the time?

A. He did.

Q. Did he bring you any items at that time?

A. He did. He brought me a brown visor hat and a shirt.

Q. Okay. I would like to show you what's been marked as State's Exhibit 29.

MR. MCNEELY: Permission to approach, Your Honor?

THE COURT: Yes, sir.

BY MR. MCNEELY:

Q. Please look at that. Do you recognize that item?

A. Yes. That's going to be the visor hat he brought to me.

Q. What date did he bring that to you?

A. That would be August 13th.

Q. What did you do when you received it?

A. I placed it into evidence using the chain of custody that we use.

Q. Did you put it in the evidence drop box, or did you actually log it in?

A. I put it in the lockbox.

Q. Who has access to the lockbox?

A. Only forensic.

Q. Thank you very much.

I now want to show you what was marked as State's Exhibit 30.

MR. MCNEELY: Permission to approach?

THE COURT: Yes, sir.

BY MR. MCNEELY:

Q. Please open that bag and look at that item. Do you recognize that item?

A. I do.

Q. What is that item?

A. This is going to be the T-shirt that

Mr. Taylor brought to me.

Q. What date did he bring that to you?

A. August 13th.

Q. What did you do with the item?

A. I placed it into evidence.

Q. In the lockbox?

A. Yes.

Q. Did Mr. Taylor provide you any other items at that time?

A. I do not recall.

Q. After receiving Mr. Taylor's written statements and those items, did you issue warrants for arrest in this case?

A. At that time, I did not. I was still wanting to make sure that I had the appropriate persons.

Q. Okay. And did you look up their information?

A. I did.

Q. And did you -- did you issue warrants after that?

A. Yes.

Q. Okay. Who did you issue warrants for?

A. I issued warrants for Randy Wright Shawn Wright and Adam Wright.

Q. On what charges?
A. Assault and battery, high and aggravated.
Q. Was the Defendant in this case, Randy Wright, taken into custody?
A. Yes.
Q. On what day was he taken into custody?
A. August 19, 2015.
Q. Did you do anything in this case after he was taken into custody?
A. I did. I went and spoke with Mr. Wright.
Q. Did you do that on your own, or did Mr. Wright request to speak with you?
A. He requested to speak with me.
Q. Where did you go to meet Mr. Wright?
A. At the Hill-Finklea Detention Center.
Q. Did anyone go with you?
A. Yes.
Q. Who?
A. Sergeant Riser.
Q. What happened when you arrived at the Hill-Finklea Detention Center?
A. Myself and Sergeant Riser met with him in one of the meeting rooms.

Q. Do you see Randy Wright in the courtroom today?

A. I do.

Q. Please point him out to the jury and describe what he's wearing.

A. He's going to be sitting at that table right over there in a peach in color shirt.

Q. You said you met with him in a meeting room at the detention center?

A. Yes.

Q. Is that room audio or video recorded?

A. No, it's not.

Q. Who was present for the meeting?

A. Myself, Sergeant Riser, and Mr. Wright.

Q. What did you do when you entered the room with the Defendant?

A. I introduced myself and Sergeant Riser and advised him that we were there in reference to why he was arrested and that he was being arrested for assault and battery, high and aggravated.

Q. What did you do next?

A. We sat down and went over his Miranda Advisement.

Q. Did you advise him of his Miranda Rights prior to beginning any interview?

A. I did.
Q. How was he advised, orally or in writing?
A. Both.
Q. Did the Defendant confirm that he understood his Miranda Rights prior to any statements being taken from him?
A. He did.
Q. How did he confirm that, orally or in writing?
A. Both.
Q. I want to show you what was marked as State's Exhibit 27.
MR. MCNEELY: Permission to approach, Your Honor?
THE COURT: Yes, sir.
BY MR. MCNEELY:
Q. Detective, do you recognize this item?
A. I do.
Q. What is that item?
A. This is the Miranda Advisement and Statement form.
Q. How do you know -- is that for this case?
A. Yes.

Q. How do you know that?

A. It's got the case number written on top, and it has Mr. Wright's name on it, as well as I have my signature down at the bottom.

Q. The top portion of the front page, what is that section?

A. The Miranda Advisement.

Q. Was that section read to the Defendant prior to taking any statement from him?

A. It was.

Q. Was it read as a whole or was each right read individually?

A. Each read individually.

Q. Did the Defendant acknowledge that the rights were read to him in any way?

A. Yes. Orally, and he initialed next to each one.

Q. Did he agree to waive those rights and speak with you about the matter?

A. He did.

Q. Did you sign it as well?

A. Yes.

Q. How old is the Defendant?

A. A little over 50.

Q. What was the Defendants's demeanor at

the time?

A. He was calm.

Q. Did he appear to understand what was going on that day?

A. He did.

Q. Did he seem coherent?

A. Yes.

Q. Rational?

A. Yes.

Q. Did he appear to comprehend the meaning and effects of his word?

A. Yes.

Q. Did he appear to have any physical defect?

A. No.

Q. Did he appear to have any mental defect?

A. No.

Q. Did he appear intoxicated or under the influence of a substance in any way?

A. No.

Q. Did you or anyone make any threats to the Defendant?

A. No.

Q. Was he under duress in any way?

A. No.

Q. Did you or any other officer make any promises to the Defendant?

A. No.

Q. Did you make any misrepresentations to the Defendant?

A. No.

Q. Did the Defendant voluntarily waive his Miranda Rights and agree to speak to you?

A. Yes.

Q. Did he waive those Miranda Rights prior to any statements being taken?

A. Yes.

Q. Did he waive those orally or in writing, or both?

A. Both.

Q. Was it a knowing and intelligent waiver?

A. Yes.

Q. How long did the conversation with the Defendant last that day?

A. Less than an hour.

Q. Were there any breaks?

A. No.

Q. Did he ever ask to stop the interview

at any point?

A. He did not.

Q. Did he ever ask to have a lawyer present during the interview?

A. No.

Q. Did he ever make a request for food, drink, or use of the restroom that was not met?

A. No.

Q. Following the Defendant's advisement of rights and waiver, please tell the jury how the interview began.

A. It began, I asked Mr. Wright if he was involved in any altercation on August 8, 2015.

Q. What was his response?

A. He denied being in any altercation on that date.

Q. He expressly denied being involved in any altercation at all?

A. Correct.

Q. What did you do at that time?

A. I advised him that we had a victim and advised him that the victim was Jimmy Taylor and that he identified him as being the one that assaulted him on that night.

Q. Did you tell him any specific facts

about what Jimmy had told you other than that at that time?

A. No, I did not.

Q. What was Randy Wright's response when you told him that he'd been identified by Jimmy Taylor as the person who assaulted him?

A. At that time he told me as he was leaving the Country Corner store and heading down Cooper Store Road, a vehicle came up from behind him and began throwing beer bottles at his truck. And he pulled off onto Rainbow Acres and got behind the vehicle and followed him to his -- to where the vehicle was going and decided to confront the person as to why they were throwing beer bottles at his truck.

Q. So he changed his story?

A. Yes.

MR. DAVIS: Object to that, Your Honor, changing his story. Basically, he testified. He didn't change his story.

THE COURT: Well, it's in --

MR. DAVIS: The characterization, Your Honor.

THE COURT: It's inconsistent. Your objection is overruled.

BY MR. MCNEELY:

Q. Is that statement different from what he told you initially?

A. Yes.

Q. He initially told you he wasn't involved in anything at all, correct?

A. Correct.

Q. What did he say happened after he arrived at Jimmy Taylor's home?

A. He said that he confronted the person about why he was throwing beer bottles at his truck.

Q. What did he say happened after that?

A. That Jimmy Taylor pulled out a club from his truck and attacked him with it.

Q. Did he say who was with him?

A. He said that his sons were with him. I believe it was Adam and Randy, Junior.

Q. Did you ask him about Shawn?

A. I did.

Q. What did he say about Shawn?

A. He said that Shawn was not there, that Shawn was at home.

Q. What did you do after taking that verbal statement from Mr. Wright?

A. I asked for him to put it in writing for me.

Q. And just backing up a little bit. Prior to his second verbal statement, you had not told him Jimmy Taylor's story; is that correct?

A. Correct.

Q. Did he reduce his statement to writing?

A. He did.

Q. Is that the form that you looked at?

A. Yes.

Q. Identified as State's Exhibit 27?

A. Yes.

Q. Will you look at the second page? There is a section listed as Q and A; is that correct?

A. Yes.

Q. What is that section?

A. That -- we typically will do a question and answer at the end of the statement if there's any gaps in the statement or any additional information that we think we may need.

Q. What's the section before the Q and A?

A. That's going to be his statement.

Q. How did that get produced? Did you just tell him to write his statement and let him

run, or did you Q and A him the whole way?

A. When he wrote -- initially wrote the statement, I gave him the paper and asked for him to put it in writing, and he wrote what his statement was. Whenever he said that he was done, I read over it.

And whenever I saw that there may have been some additional information that would have been needed in the statement, that's when I wrote the question and answer with him.

Q. Is that a complete and accurate copy of the Defendant's statement form --

A. Yes.

Q. -- completed on August 19th, 2015?

A. Yes.

Q. Does it appear to have been changed or altered in any way?

A. No.

MR. MCNEELY: Your Honor, at this time I would move to admit State's Exhibit 27 into evidence.

MR. DAVIS: Your Honor, we have been through this process. No objection.

THE COURT: Thank you. It's in.

(STATE EXH. 27 in evidence.)

MR. MCNEELY: Permission to publish to the jury by reading.

THE COURT: You may do so.

BY MR. MCNEELY:

Q. Detective, would you please read the statement -- or the second statement of Randy Wright into the record?

A. It says: 8/8/16, left Country Corner store, got on Cooper Store Road. Truck behind me. Cut my signal light on to get on my street. Bottle hit back of my truck. Jimmy throwed it at my truck hitting it in the back. I turned around to see who it was. He turned left into his yard. I parked across the street of road, walked up to him. Asked, what is your problem? He reached behind his truck seat and got a club, hitting me with it on my leg. I said, what is your problem? He said, come on. And my oldest son tried to block him from hitting me, so I grabbed him around the waist and got him on the ground. We tussled. I got up. He said he was going to call the law, so we went to leave. He said he would get his 45 and shoot us. We got in my truck and went home.

Do you want me to read the question and answer part?

Q. Please.

A. I then wrote a question out: Who was with you in the truck?

He answered: Adam Wright and Randy Wright.

Then I wrote out a question: Did Adam and Randy Wright get out of your truck and walk across the road with you?

He answered: Yes.

I wrote out the question: Did anyone hit Mr. Taylor?

He answered: Yes. My son was trying to get him off me, and he started hitting me with a club.

I asked the question: Which son are you talking about in the above question and answer?

And he answered: Adam.

Q. Thank you, Detective.

You asked if Shawn Wright was present, correct?

A. Yes.

Q. And he said no?

A. Correct.

Q. Did you ask if he was injured?

A. I did.

Q. What was his response?

A. He said that he was not injured.

Q. When you encountered him on August 19th, 2015, did he appear to be injured by the alleged assault from the victim?

A. No.

Q. Did you see anything at all to indicate any injury?

A. No, I did not.

Q. And you specifically asked him about that?

A. I did.

Q. Yet he told you that the victim hit him with a club multiple times?

A. Yes.

Q. Did he ever make a report to law enforcement about this incident before he was arrested?

A. No, he did not.

Q. Following the conclusion of the written statement, did that conclude the interview?

A. It did.

Q. Following the conclusion of the interview that day, what else did you do in this case?

A. I don't believe I did anything else in this case.

Q. Did you issue any search warrant?

A. I did. My apologies.

Q. Why did you issue search warrant?

A. For the visor hat, to be able to identify whose hat it was.

Q. You have inconsistent stories between Jimmy and the Defendant?

A. Yes.

MR. DAVIS: Object again to relevance and the characterization of the testimony, Your Honor.

THE COURT: Don't lead, please.

BY MR. MCNEELY:

Q. Who did Jimmy tell you was present the night of the assault?

A. He told me Randy Wright, Shawn Wright, and Adam Wright.

Q. So what was your reason for issuing a search warrant?

A. He advised me that the hat belonged to Shawn Wright, but Mr. Randy Wright told me that Shawn was not present. So I got -- I needed a search warrant for DNA to identify whose hat it

was.

Q. Okay. Did you get a search warrant for any buccal swabs?

A. Yes.

Q. Whose buccal swabs did you take?

A. I got search warrants for Randy Wright, Shawn Wright, and Adam Wright.

Q. Were those search warrants executed?

A. They were.

Q. Was any samples collected from the visor to your knowledge?

A. Yes.

Q. What was done with that sample and the buccal swabs?

A. All three buccal swabs and the sample that was taken from the visor hat was sent to SLED for analysis.

Q. Did you actually serve the buccal swabs warrant?

A. I did not.

Q. Is that uncommon?

A. I'm sorry?

Q. Is that uncommon?

A. No, it's not.

Q. Who served the warrants; do you know?

A. Captain Shuler served one of them, and Detective Cassal, while he was with us, served two of them.

Q. You arrested the Defendant and his sons 11 days after this incident?

A. Yes.

Q. Is it uncommon to wait a period to investigate a case before you issue arrest warrants?

A. It's not uncommon.

Q. Because you want to be as certain as possible you're arresting the right person, correct?

MR. DAVIS: I'm going to object, Your Honor. Characterization of the testimony again.

THE COURT: Don't lead.

BY MR. MCNEELY:

Q. Following the collection of the DNA evidence in this case, did you have any further investigation?

A. I don't believe so.

MR. MCNEELY: Thank you, Detective Ward. I don't have any more questions.

THE COURT: Cross-examination.

MR. DAVIS: Thank you, Your Honor. May

it please the Court?

THE COURT: Yes, sir.

CROSS-EXAMINATION

BY MR. DAVIS:

Q. Good morning, Detective Ward. How are you doing this morning?

A. Doing alright, sir. And yourself?

Q. Good. You doing alright?

A. So far.

Q. You and I have had some brief association with this case which was yesterday?

A. Yes.

Q. Outside of the presence of the jury?

A. Yes.

Q. On yesterday you alluded to the fact on direct examination that Mr. Randy Wright did allude to having an injury to his knee; did he not? He stated that he had an injury to his knee.

A. I misheard your question yesterday, but he instructed that he was struck in the leg but that he did not have any injuries.

Q. On yesterday you in the affirmative said, in fact, that he did state that he had an injury, but you misunderstood my question?

A. Yes.

Q. Okay. Thank you. Now, let's review your investigation in this case. Okay. Is it fair to say that your investigation began on August 8, 2015?

A. Yes.

Q. You appeared at the scene, correct?

A. Yes, sir.

Q. You observed Mr. Jimmy Taylor?

A. Yes.

Q. And you followed Mr. Jimmy Taylor to Roper Hospital; isn't that correct?

A. Yes, I did.

Q. And he gave you a statement that particular night, it was oral?

A. An oral statement, yes.

Q. And you took two photographs?

A. I can't recall exactly how many photographs.

Q. You didn't take as many as has been introduced into evidence today, though; isn't that correct?

A. No, I did not.

Q. And did you have any discussion with any of the doctors while you were there in reference to the severity of the injuries?

A. They didn't have anything that they could discuss with me, because they were still working on him.

Q. Did you go back and discuss the severity of the injuries with the doctors or treating physicians in this matter?

A. No, I did not.

MR. DAVIS: Could I have this marked?

(DFT. EXH. 6, Statement of James Taylor, was marked for identification.)

BY MR. DAVIS:

Q. I'm going to hand you Defendant's Exhibit 6 and ask can you identify that, please.

A. This is going to the statement that Mr. Taylor provided to me on August 13, 2015.

Q. And that would have been, approximately, five days after you had discussed this matter with him on August 8th, that night; isn't that correct?

A. Correct.

Q. And tell us -- the jury what kind of demeanor and impression of him that particular day, and tell us how that came about.

A. Talking about on August 13th?

Q. Yes, that's correct.
A. He met with me at the Berkeley County Sheriff's Office. When I first met with him he was calm, he appeared to be okay. As we were talking, he began to get upset again, as we were talking about the incident.
Q. Okay. And you were in the courtroom when he testified yesterday; were you not?
A. Yes.
Q. I want you to review that statement. Any changes seem to be appeared to it?
MR. MCNEELY: Your Honor, I'm going to object to this. May we approach?
THE COURT: Yes, you may.
(Bench conference.)
BY MR. DAVIS:
Q. I want you to take your time and read that statement, familiarize yourself with it.
A. Okay.
Q. Having read that statement, when he gave the oral statement on August 8th, did he reference going --
MR. MCNEELY: Objection, Your Honor.
THE COURT: Basis of the objection?
MR. MCNEELY: Same as before, trying to

get in the specifics of the statement.

THE COURT: I'll overrule it.

MR. DAVIS: Thank you.

BY MR. DAVIS:

Q. Did he reference the basis of securing and going to get a gun on the night in question?

A. It says that he was getting a gun.

Q. Yeah. And also in reference to who struck --

MR. MCNEELY: Your Honor --

THE COURT: Hold on a second. Come here, Counsel. Can I see the statement, please?

(Bench conference.)

MR. DAVIS: I move without objection Exhibit Number 6.

THE COURT: It's in.

(DFT. EXH. 6 in evidence.)

BY MR. DAVIS:

Q. Read the statement that you received from Mr. Jimmy Taylor some five days after this incident.

A. It says: 8/8/15, I was at Country Corner store getting gas and sodas. When I exited the parking lot, Randy Wright and Adam and his other son, Shawn, threw a bottle and hit my truck.

I proceeded home. They followed me to my driveway. I did not throw -- I'm sorry. I did not know they were in my driveway. When I got out of my truck, they started hitting me with -- in the head. I went to the ground and they kept hitting me. My neighbors' dog started barking, so my neighbors looked out the door and saw me on the ground with three men beating me. He told them to stop, and they didn't. He told them he was getting -- getting his gun, then they stopped and ran.

And then there's a question and answer at the bottom.

Q. So you did the question and answer on Jimmy Taylor. Let's hear your question and answer for this young man.

A. Were there any weapons involved?

He answered: The club I got beat with.

The next question is: Who used the weapon?

He answered: Shawn Wright hit me several times in my head with a bat or club.

The next question is: Where did the subject park their vehicle?

Across the highway in Billy Murray's field.

Q. In reference to the investigation, everything apparently started at the Cooper Store; you agree with that?

A. He didn't mention that an altercation happened at the corner store.

Q. Did you, as part of your investigation, go and speak with anybody at the corner store and view any video at the country store?

A. No.

Q. Why not? Wouldn't that have been pertinent as part of your investigation?

A. No.

Q. In reference to the vehicle where it says that Jimmy Taylor said that his vehicle was struck on the passenger side by a bottle, did you take any pictures of his vehicle to see if there was damage to his taillight and bring forth to this jury?

A. Jimmy Taylor's taillight?

Q. Yes.

A. No. He didn't say that his taillight was broken. His front light was broken.

Q. Did you take any pictures of the front light?

A. No, I did not.

Q. That would have corroborated that Randy or someone in Randy's vehicle threw a beer bottle and struck his vehicle; wouldn't it?

A. Possibly, but his truck is a work truck and there's a lot of damage to it.

Q. The bottom line is, part of your investigation to do things independent, you said that you did not rush to judgment to arrest Randy or his sons, because you wanted make sure that you get it right; isn't that correct?

A. Correct.

Q. Because, number one, you weren't present that night; isn't that true?

A. Correct.

Q. You don't know how the facts unfolded that particular night; isn't that correct?

A. I have learned through talking --

Q. I'm talking about your own personal knowledge. Do you have any information on your personal knowledge as to what unfolded that night, other than what you participated in as part of your investigation?

A. No, I did not witness anything.

Q. Did you just make a determination when you spoke to Jimmy Taylor whether, in fact, he was

under the influence of any alcohol or drugs when you discussed that with him?

A. I did not observe any.

Q. Did you review his medical records in anticipation of your testimony today as part of your investigation?

A. Did I review them before testimony today?

Q. Yes.

A. No, I have not.

Q. Have you ever reviewed his medical reports and highlighted any aspects that pertained to his injuries or his alcohol intake?

A. No. Those all went straight into evidence.

Q. My question is: Have you, Ms. Ward, as a detective, ever reviewed any of that information in preparation of your testimony here today?

A. No.

Q. Now, in reference to -- tell the jury, in relationship to Randy Wright, Shawn Wright, and Adam Wright were pronounced on April 8th as the people who was involved with this brawl or this fight; isn't that correct?

A. I'm sorry?

Q. On August 8, 2015, they were identified?

A. Yes.

Q. They were known. Okay.

A. Yes.

Q. And Jimmy Taylor comes to the sheriff's office on August 15th; is that correct?

A. I believe he came August 19th.

Q. Okay. August 19th. Eleven days later?

A. Yes.

Q. Okay. Tell this jury what investigation you did between August 8th and August 19th. What did you do?

A. I spoke with the victim again to get down exactly what happened during the incident and, also, to be able to positively identify the subjects that he stated was the people who assaulted him.

Q. So this was August 8th, the initial interview. When is the next time that you spoke to anybody pertaining to this matter?

A. August 13th.

Q. And who did you meet with on August 13th?

A. Jimmy Taylor.

Q. And on August 13th, that's the date on the statement?

A. Yes.

Q. And you would readily admit that apparently over five days had transpired between August 8th and August 13th?

A. Yes.

Q. You do not know what condition this shirt had been in during that period of time which is Exhibit -- State's Exhibit Number 28?

Ma'am?

A. I believe it's 30.

Q. State's Exhibit 30. You don't know what condition it was in?

A. I remember seeing it on August 8th because Mr. Taylor was wearing it.

Q. My question is: Did you retrieve it on August 8th?

A. I did not.

Q. Did you retrieve it August 9th?

A. No, sir.

Q. Did you retrieve it August 10th?

A. No.

Q. Did you retrieve it August 11th?

A. No.

Q. 12th.
A. No.
Q. So I'll ask my question again. Can you tell us what transpired with this incident between August 8th and August 13th?
A. No, I do not know what happened with the shirt --
Q. You cannot --
A. -- between those dates.
Q. Ma'am?
A. No. I cannot tell you what happened with the shirt --
Q. You were not in control of it; isn't that correct?
A. Correct.
Q. Okay. Now, after August 13th, as part of your investigation, you had the same -- basically, the same thing you had on August 8th on August 13th, except that on August 13th, now you have reference to a gun, you have reference to a stick or a bat. Basically, same items that you had on August 8th, right?
A. Correct.
Q. Tell us what changed between August 13th and August 19th when the Solicitor said

you went and actually went and got warrants for Mr. -- for Randy? What changed in between those dates?

A. Well, I didn't want to get a warrant just based off of a name. I wanted go get an identifier, date of birth, where they lived, that type of thing. So I did some additional research to learn who the people were to properly arrest the right person and not somebody else who just so happened to have the same name.

Q. Did you speak with Mr. Williams or Deanna, the wife, who came here and testified earlier? Did you take any statements from them?

A. I did not, because whenever I first arrived on the scene, the officer that was there told me that they didn't see anything.

Q. Thank you.

The officer said they, Mr. and Mrs. Williams, did not what?

A. See anything.

Q. Okay. But you know they testified this week, though; isn't that right?

A. Yes.

Q. You were in the courtroom?

A. Yes.

Q. And, apparently, if you accept their testimony, they did see some things apparently; isn't that correct?

A. Mr. Williams apparently saw something.

Q. But more importantly they provided names that night; did they not?

A. Mr. Taylor did.

Q. Okay. And you sat in the courtroom and said that these folks, Randy and his sons, live right across the field; isn't that correct?

A. Off of Rainbow Acres.

Q. And so between August 13th and August 19th, tell us what changed to cause the warrants to be issued?

A. I was able to get their date of birth and the additional identifiers so I could know I was putting out the arrest warrant for the correct person.

Q. But you must admit, Detective Ward, whatever the story or the facts are, it was already cemented at that time apparently?

A. Yes.

Q. Now, did Randy Wright come and indicate a presence with you or did you drive out to Pot of Gold Lane where he lives? Tell us about that.

A. He came to the sheriff's office.

Q. Okay. He drove himself in to you; isn't that correct?

A. Yes, he did.

Q. Ma'am, to be correct, Randy had the position that he thought that this matter was over; isn't that correct?

A. I'm not sure what his position was.

Q. Okay. And so he shared with you he never assaulted anyone? Has Randy ever admitted to you that he struck Jimmy Taylor?

A. No, he did not.

Q. Ma'am?

A. No, he did not.

Q. Okay. And he commenced to provide the statement as to what took place?

A. Yes.

Q. Now, setting that apart, setting that apart, you have Randy Wright's version of what took place; isn't that correct?

A. Yes.

Q. You have Jimmy Taylor's version of what took place; is that right?

A. Yes.

Q. Tell this jury and tell us what

independent corroboration in reference to testimony that you can give us to glean more light on what happened on August 8, 2015.

MR. MCNEELY: Objection, Your Honor.

THE COURT: What's the basis of the objection?

MR. MCNEELY: I think the question is improper for the jury. It's not --

MR. DAVIS: She's the head investigator.

THE COURT: I think he can ask her what evidence she obtained.

MR. DAVIS: Thank you.

BY MR. DAVIS:

Q. Ma'am, what evidence did you obtain separate in these two conflicting stories as to what took place?

A. The injuries on the victim.

Q. Well, you at no point reviewed these medical records. That's what you said earlier; isn't that correct?

A. Correct.

Q. So other than the superficial look of these injuries, that's it; isn't that correct?

A. No, they didn't look superficial to me.

Q. Well, ma'am, I go back again, have you reviewed these records to the extent to know whether they were superficial or serious or not?

A. I did not.

Q. Okay. Are you a medical doctor?

A. I am not.

Q. Okay. Now having said that, any other evidence you can bring to the jury to decipher the truth in this matter?

A. No.

Q. So we have -- Randy Wright's statement is in.

MR. DAVIS: May I approach?

THE COURT: You may.

BY MR. DAVIS:

Q. You have in your hand State's Exhibit into evidence Number 27. Tell us what it is.

A. This is Randy Wright's Miranda Advisement and Statement.

Q. And I hand you what was introduced as Defendant's Exhibit 6. Tell us what you have in your hand.

A. James Taylor's statement.

Q. Two conflicting statements?

A. Yes.

Q. The truth be told, is that part of the reason it took you so long to formulate who to arrest in this matter?

A. No.

Q. Did you go speak to anybody at the store in reference to what transpired that night?

A. No.

MR. DAVIS: No further questions.

THE COURT: Any redirect?

REDIRECT EXAMINATION

BY MR. MCNEELY:

Q. Detective Ward, Mr. Davis asked you about speaking to anybody at the store.

A. Correct.

Q. And you said you didn't do so?

A. I didn't.

Q. Why didn't you do so?

A. There was no indication that was brought to me to say that there was an altercation that occurred at the store.

Q. You didn't have anything to say that anything happened there, correct?

A. Correct.

Q. Following this assault, you went to the hospital, correct?

A. Correct.
Q. You have common sense, correct?
A. Yes.
Q. Did you observe Mr. Taylor's injuries?
A. I did that night, yes.
Q. You are not a doctor, correct?
A. No, I'm not.
Q. But you have common sense?
A. Yes.
Q. Were those minor injuries?
A. They did not look minor to me.
MR. MCNEELY: I will ask the court reporter to mark this as State's 34 for identification.
(STATE EXH. 34, Arrest warrant, was marked for identification.)
BY MR. MCNEELY:
Q. With regard to State's 28, the T-shirt.
A. Yes.
Q. When did Jimmy Taylor provide that to you?
A. On the 13th.
MR. MCNEELY: Permission to approach the witness?
THE COURT: Yes, sir.

BY MR. MCNEELY:

Q. Please review this item. Do you recognize State's Exhibit 34?

A. Yes.

Q. What is that?

A. That is the arrest warrant I took out on Randy Wright.

MR. DAVIS: I'm going to object to that, Your Honor.

THE COURT: Basis of the objection?

MR. DAVIS: First of all, Your Honor, we're here on an indictment. Okay. And those are just charging papers. They have no weight, no validity, whatsoever. No basis, highly prejudicial on those statements --

THE COURT: Would you come forward?

MR. DAVIS: -- should be the indictment's highly prejudicial.

THE COURT: Mr. Davis, when I ask you to come forward.

MR. DAVIS: I'm sorry.

THE COURT: Stop arguing.

MR. DAVIS: I'm sorry.

(Bench conference.)

BY MR. MCNEELY:

Q. Did you issue that warrant, Detective Ward?

A. I did.

Q. What day did you issue that warrant?

A. On August 13, 2015.

Q. The day you took his statement?

A. Yes.

Q. When was it served on the Defendant?

A. It was served on August 19, 2015.

Q. What is the standard practice for serving warrants?

A. Typically, what we do is we -- when we get the arrest warrant, we'll turn it over to the warrants division and the warrants division serve the warrants.

Q. Is that what you did in this case?

A. Yes.

Q. But the warrant was issued on the 13th?

A. Yes.

Q. After you had time to meet --

MR. DAVIS: Objection. I think it's asked and answered.

THE COURT: Overruled; you may proceed.

BY MR. MCNEELY:

Q. After you had time to meet with Jimmy

Taylor?

A. Yes.

Q. And take his statement?

A. Yes.

Q. And collect the evidence you collected?

A. Yes.

MR. MCNEELY: No further questions.

THE COURT: You may step down, Detective. Thank you.

You may call your next witness.

MR. MCNEELY: The State calls August Mack Flood.

AUGUST MACK FLOOD,

being first duly sworn, testified as follows:

THE CLERK: Please be seated. State your full name and spell your last name for the record.

THE WITNESS: August McMillan Flood, the Third, F-L-O-O-D.

THE COURT: Your witness.

MR. MCNEELY: Thank you, Your Honor.

DIRECT EXAMINATION

BY MR. MCNEELY:

Q. Mr. Flood, where are you employed?

A. Berkeley County Sheriff's Office.

Q. What is your position there, and how long have you been employed there?

A. I'm an evidence technician. I've been there approximately six years.

Q. Were you employed there during August of 2015?

A. Yes, was.

Q. What was your position, and how long had you worked in that capacity?

A. Evidence technician, six years.

Q. Please describe your education and training.

A. I have a Bachelor of Science degree, I'm certified through the South Carolina Criminal Justice Academy. I've had training through the South Carolina Law Enforcement Division. I've had courses in crime scene investigations through the University of West Virginia; training through Berkeley County Sheriff's Office.

Q. What are the duties of your position as a forensic or crime scene technician?

A. I investigate crime scenes. As an evidence technician that -- we will issue evidence out to the deputies or give evidence that's been recovered by owners. We also do forensic analysis,

which is fingerprinting, buccal swabs, marijuana analysis. Those type of things.

Q. DNA swabs?

A. Absolutely, yes, sir.

Q. Do you also collect evidence as an evidence tech?

A. Yes, I do.

Q. Please tell the jury in general terms how the evidence room at Berkeley County Sheriff's Office works.

A. When we receive evidence, it's all logged into the computer system under the case number. It's assigned a location in evidence rooms. It's put in that location depending on the type of evidence it is, and it's put in sealed containers and locked in a safe, secure location.

Q. Why are the containers sealed?

A. To secure that it hasn't been tampered with and those types of things.

Q. Do you follow protocol practices and procedures to make sure that evidence is handled properly?

A. Yes, we do.

Q. I believe you mentioned packaging and labeling?

A. That's correct.

Q. Are chains of custody sheets always done?

A. Yes, it is.

Q. What is a chain of custody?

A. Chain of custody has the case number on it that identifies what case that evidence belongs to, shows a defendant or also shows a victim, and it also shows who has handled that piece of evidence.

Q. If somebody handled the evidence, is their name on the chain of custody?

A. That's correct.

Q. And that's the standard procedure?

A. That is.

Q. Once in the evidence room, who has access to the various types of evidence?

A. Five of us employees.

Q. The forensic tech?

A. That's correct.

Q. As evidence custodian, did you receive items of evidence in this case?

A. Yes, I did.

Q. I show you what was marked as State's Exhibit 28.

MR. MCNEELY: Permission to approach, Your Honor?

THE COURT: Yes, sir.

BY MR. MCNEELY:

Q. Do you recognize that item?

A. Yes, I do, sir.

Q. What is that item?

A. It's a T-shirt.

Q. Who did you receive that item from?

A. I received it from Officer Ward.

Q. When did she log it into evidence?

A. She logged it into evidence on August 13th, 2015.

Q. Is that the day you received it?

A. I received it on the 14th.

Q. Where did you receive it from?

A. From the evidence locker.

Q. What is the evidence locker?

A. Excuse me, what is it?

Q. What is it?

A. We have lockers over at the sheriff's office that usually deputies will come in or detectives and they'll store evidence in the lockers. Once they shut the door on the locker, it's locked, and we pick them up on a daily basis.

Q. Who has access to the evidence?

A. The five people in the forensics unit.

Q. Once something is dropped into the box, can the person dropping it in there get it back?

A. No.

Q. Only the evidence tech?

A. That's correct.

Q. And you retrieved that item on August 14th from the evidence locker?

A. That's correct.

Q. In this case?

A. Yes, sir.

Q. Has the shirt been in the custody of Berkeley County Evidence continuously since that time?

A. Yes, sir.

MR. MCNEELY: Your Honor, at this time, I would move to admit State's Exhibit 28 into evidence.

MR. DAVIS: Objection, Your Honor.

THE COURT: Basis?

MR. DAVIS: On the basis of a critical aspect of the integrity of the chain. It wasn't retrieved by the Berkeley County sheriff's deputies; it was five days after the incident; it

could have been tampered with; it was not in control and custody of the Berkeley County deputies or law enforcement during that period of time; it could have been altered tremendously.

I think it affects the integrity of the -- of the whole chain process, Your Honor, in relationship to -- as a basis for being denied into evidence.

THE COURT: That would go to the weight of the evidence, not the admissibility of it. So your objection is overruled.

MR. DAVIS: Thank you.

THE COURT: 28 is in evidence.

(STATE EXH. 28 in evidence.)

BY MR. MCNEELY:

Q. I want to show you what was marked as State's Exhibit 29.

MR. MCNEELY: Permission to approach, Your Honor?

THE COURT: Yes, sir.

BY MR. MCNEELY:

Q. Open that for me and tell me if you recognize that item.

A. Yes, sir, I do.

Q. What is that item?

A. It's a hat or visor, camouflaged visor.

Q. Did you receive that item into evidence in this case?

A. Yes, I did.

Q. Who did you receive it from?

A. I received it from Deputy Ward.

Q. How do you know?

A. She turned it over to evidence on August 13th, and I picked it up on the 14th.

Q. From the locker?

A. From the locker.

Q. Same as the shirt?

A. Yes, sir.

Q. Has it been in the continuous custody and control of Berkeley County Evidence since that time?

A. Yes, it has.

MR. MCNEELY: Your Honor, at this time, the State moves to admit State's Exhibit 29 into evidence.

MR. DAVIS: Objection. Same basis; it was not secure.

THE COURT: Same ruling.

MR. DAVIS: Thank you.

THE COURT: 29 is in.

(STATE EXH. 29 in evidence.)

BY MR. MCNEELY:

Q. In addition to receiving custody of evidence into the Berkeley County evidence room, you mentioned that you perform forensic analysis as well.

A. That's correct.

Q. What types of forensic analysis do you perform?

A. It's DNA, buccal swabs, GSR kits, those type of things.

Q. Fingerprints?

A. That's correct, fingerprints also.

Q. Marijuana analysis?

A. Marijuana analysis.

Q. What's a GSR kit for somebody --

A. Gunshot residue.

Q. Specifically, with regard to DNA swabs, is performing those swabs a regular part of your duty?

A. Yes.

Q. What training do you have in performing DNA swabs?

A. I've been trained through the Berkeley County Sheriff's Office.

Q. They train you on how to collect the DNA sample?

A. Yes.

Q. Is that done with a standard kit?

A. Yes, it was.

Q. Can you describe the kit to the jury?

A. The kit contains latex gloves, two Q-tips swabs that are in a sterile container, also a container that the swabs go back into, and sterile water, a little vial of water.

Q. What is the process of collecting a DNA sample?

A. I would put the latex gloves on to prevent any contamination. The swabs would be taken out of the sterile plastic wrapper, several drops of the sterile water dropped on the Q-tip, swab the item that you want to try to extract the DNA from, put it back into the little box that's provided.

The case number is put on the box, I initial it the day it was done, and each end is wrapped with -- sealed with tape.

Q. Why is it sealed with tape?

A. To prevent any tampering with it.

Q. Once it's sealed, can you open it and

reclose it?

A. No, sir.

Q. Once it's opened, it's opened?

A. Yes, sir.

Q. Did you seal the -- or did you collect a sample and seal the sample kit in this case?

A. Yes, I did.

Q. What did you collect a sample from?

A. From the visor.

Q. State's Exhibit 29?

A. That's correct.

Q. How did you perform the collection kit on that visor?

A. I did it basically the way I described earlier, and I swabbed the inside brim of the hat, which would be the portion of the hat that would be in more contact with DNA of that individual.

Q. The part of the hat that would be up against their head?

A. Yes, sir, the inside brim, or band of the hat.

Q. Did you seal the kit after you collected it from that visor?

A. Yes, I did.

Q. What was done with it then?

A. It was put into a sealed envelope and put into evidence.

Q. After being put into evidence, did you perform any analysis on the DNA swab?

A. No, sir.

Q. Why not?

A. I'm not certified to do that. We don't have the equipment for that.

Q. Who does that?

A. That's done by SLED.

MR. MCNEELY: Permission to approach?

THE COURT: Yes, sir.

BY MR. MCNEELY:

Q. Please look at the chain of custody. Excuse me, that's the visor.

A. That's the visor.

Q. I apologize. State's Exhibit 30, please look at State's 30. Mr. Flood, do you recognize that item?

A. Yes, sir, I do.

Q. What is that item?

A. It's a DNA swab I took from the visor.

Q. What was done with the swab after you collected it?

A. It was put into evidence.

Q. And then what happened to it after that?
A. It was put into evidence to be sent to SLED in Columbia.
Q. And it was sealed when you put it into evidence?
A. That's correct.
Q. Was it sent to SLED in Columbia?
A. Yes, sir.
Q. When was it sent to SLED?
A. 25th of May.
Q. Of 2016?
A. 2016.
Q. Who took it to SLED?
A. It was taken to SLED by Kirsten Chestnut, one of my employees.
Q. And you know that from the chain of custody?
A. Yes, I do.
Q. Is the item sealed currently?
A. Repeat that.
Q. Is the buccal swab -- is the DNA swab sealed currently?
A. Yes.
Q. Who sealed it?

A. It was sealed by Kirsten Chestnut at SLED.

Q. SLED sealed it back?

A. Yes.

Q. And returned it back to Berkeley County?

A. Yes, sir. SLED sealed it back after they performed the test on it.

Q. That yellow sticker on it?

A. That's SLED's.

MR. MCNEELY: No further questions from the State, Your Honor.

THE COURT: Cross-examination.

MR. DAVIS: May it please the Court, Your Honor?

THE COURT: Yes, sir.

CROSS-EXAMINATION

BY MR. DAVIS:

Q. How are you doing, Mr. Flood?

A. Fine, sir.

Q. You went to school in reference to crime scene investigation?

A. Yes, sir.

Q. You would admit that wearing gloves is necessary in that process; is it not?

A. Yes, sir.

Q. You also readily admit that taking photographs of where items are found is also important; is it not?

A. Yes, it is.

Q. And actually putting a marker beside the item that is located; isn't that correct?

A. Yes, sir.

Q. And isn't it fair to say that in a situation like this that if a T-shirt like this was a part of the crime scene, or whatever, a photograph could have been taken of it much earlier identifying it before it was secured by your evidence locker?

A. It's possible, yes, sir.

Q. If you take pictures of the individual, you're going to take pictures of all the other physical evidence; isn't that correct?

A. Yes, sir.

MR. DAVIS: Nothing further.

THE COURT: Any redirect?

REDIRECT EXAMINATION

BY MR. MCNEELY:

Q. You weren't out at the scene on August 8, 2015 --

A. No, sir.

Q. The only involvement in this case is in the forensics?

A. That's correct.

THE COURT: No, sir, we're done.

MR. MCNEELY: Nothing further, Your Honor.

THE COURT: You may step down, sir. Thank you.

You may call your next witness.

MS. SMITH: Thank you, Your Honor. The State calls Deputy Crystal Spence.

CHRYSTAL SPENCE,

being first duly sworn, testified as follows:

THE CLERK: Please be seated. State your full name and spell your last name for the record.

THE WITNESS: Chrystal Spence, S-P-E-N-C-E.

THE COURT REPORTER: Would you spell your first name, too, please?

THE WITNESS: C-H-R-Y-S-T-A-L.

THE COURT: Your witness.

MS. SMITH: Thank you, Judge.

DIRECT EXAMINATION

BY MS. SMITH:

Q. Good morning, Deputy Spence. Where are you employed?

A. Berkeley County Sheriff's Office.

Q. What is your position at the sheriff's office and how long have you been employed there?

A. Sergeant in the forensic unit for seven years.

Q. And you were also employed in the forensic unit in April of 2016?

A. Yes.

Q. And at that time were you also a sergeant in the forensic unit?

A. Yes.

Q. Can you describe your education, training, and experience in forensics?

A. Classes at the South Carolina Criminal Justice Academy, photography, fingerprint processing crime scenes, LE 3 certification, IPTM in North Florida University. I've had several classes there for processing crime scenes, evidence management.

Q. As part of your position, what duties do you perform?

A. Daily office -- keeping the office

rolling every day, processing any crime scene that comes in during our hours, processing evidence, transporting evidence from our agency to another agency that may need to be processed, logging in evidence.

Q. So in your daily role you typically will have the occasion to handle various types of evidence?

A. Yes.

Q. And can you explain generally how the evidence room process at the sheriff's office works?

A. Evidence is stored in a secure location over at the sheriff's office in lockers. We have the only -- the forensic unit has the keys to get the evidence out. We go over there daily and pull the evidence out and bring it back to our office, log it in and then put it into another secure facility.

It's given numbers with the case number so we know what piece of evidence goes with what tag number and then it's put into a bin so we know what location it's in.

Q. So once officers drop evidence into your secure lockers, they have no way to retrieve

it?

A. No.

Q. At that point, does it -- do pieces of evidence come into your continuous custody and control?

A. Once we get it out of the locked lockbox, then, yes, it's in our control until it goes to another agency.

Q. Do you follow any specific practice or procedures to maintain properly handling the evidence once you receive it out of the secure locker?

A. Yes.

Q. What sort of practices would those be?

A. Everything is handled through a case number, it's logged in and given a tag number. So once that piece of evidence is given -- let's say, for example, tag one. It stays with that piece of evidence until the time it's disposed, and it's always in a locked secure location.

Q. If someone takes custody of that evidence once you've logged it under a case number, is that documented?

A. On the chain of custody.

Q. And that form stays with each piece of

evidence?

A. Until destruction.

Q. Why do you do this? Why do you specifically label it and package it and maintain proper handling procedures?

A. To show where the evidence has gone, who has touched it, and for court purposes.

Q. Once you as a forensic technician receives evidence into the room from the secure locker, who has access to that evidence?

A. There's five people in our unit that have keys and that's it.

Q. As evidence custodian, did you receive custody of any items of evidence in this particular case?

A. Yes, I did.

Q. I am showing you what has been marked as State's Exhibit 31. Do you recognize this?

Actually, I need to show you State's 32. I apologize. I'm not sure you received that one. This is State's 32. Take a look and tell me if you recognize that.

A. Yes, I do.

Q. What is that?

A. It's a buccal swab kit.

Q. How do you know that?
A. The chain of custody states it with the person -- suspect's name, what item it is, and who turned it in.
Q. And when did you receive that item?
A. April 1, 2016.
Q. When was it initially logged into your evidence room?
A. April 1st, 2016.
Q. And you would have retrieved it from the secure locker on that day?
A. Yes.
Q. And you would have logged it into the forensics database?
A. Yes.
Q. Under a specific case number?
A. Yes.
Q. Was that item in the continuous custody and control of evidence from the time that you logged it in until it was taken to SLED for testing?
MR. DAVIS: Objection to the leading, Your Honor. I know these are technical questions, but there is a proper way to ask these questions.
THE COURT: Please rephrase.

BY MS. SMITH:

Q. Was that item in the evidence rooms in your continuous custody and control?

A. Yes, it was.

Q. I will show you what was marked as State's Exhibit 33. Tell me if you recognize it.

A. Yes, I do.

Q. How do you recognize it?

A. It's another buccal swab turned in by Detective Murray with the same case number.

Q. When did you first receive that item?

A. April 1, 2016.

Q. And was it initially logged into your database on that same day?

A. Yes, it was.

Q. And does that -- would you have retrieved it from -- what day --

MR. DAVIS: Objection; Your Honor. The same process -- same basis.

THE COURT: She asked what date. That's not leading.

BY MS. SMITH:

Q. What date did you log it into evidence?

A. April 1, 2016.

Q. Under the specific case number?

A. Correct.

MR. DAVIS: That's the question right there. Thank you.

THE COURT: Please proceed.

MS. SMITH: Thank you, Judge.

BY MS. SMITH:

Q. Was the item in the continuous custody and control of forensics?

MR. DAVIS: That's another -- objection, Your Honor.

THE COURT: She asked whether or not it was in their continuous custody.

MR. DAVIS: Thank you, Your Honor.

MS. SMITH: I'm sorry, Judge.

THE WITNESS: Yes.

MS. SMITH: Beg the Court's indulgence?

BY MS. SMITH:

Q. Taking look at State's 32 and 33, can you identify who the buccal swabs were taken from?

A. Yes, I can.

Q. Who were they taken from?

A. 33 was taken from Shawn Lee Wright and 32 was taken from Adam Shane Wright.

Q. And looking at State's Exhibit 32, can you tell if that package was sealed when you

received it into evidence?

A. No, I cannot.

Q. Okay. Can you tell me if the buccal swab was sealed when you would have received that into evidence?

A. It was sealed. I remember it was sealed. I had to take it out of this package to see that seal.

Q. Would SLED have resealed that pack?

A. Yes, they did.

Q. And State's 33, was the buccal swab sealed when you received it --

A. Yes, it was sealed.

Q. Has that packaging been resealed?

A. Yes, it had.

Q. Okay. Can you take a look at the chain of custody on State's 32. Was this item transported to SLED?

A. Yes.

Q. Was it transported by a forensic technician in your office?

A. Yes, it was.

Q. Who was it transported to SLED by?

A. Kirsten Chestnut.

Q. On what day?

A. May 25, 2016.
Q. And taking a look at the chain of custody on State's Exhibit 33, can you tell me if that swab was taken to SLED?
A. Yes, it was by the same person.
Q. On the same day?
A. Yes.
MS. SMITH: I don't have any further questions. Thank you, Judge.
THE COURT: Cross-examination?
MR. DAVIS: Thank you for coming. No questions.
THE COURT: You may step down, ma'am.
Ladies and gentlemen, it's about 11:00. It's a good time for us to take our morning break. If you would go to your jury room. Please remember my previous instructions; do not discuss the case with anyone else. We will be right back with you.
(Jury out, 10:54 a.m.)
THE COURT: We will be at ease for a few minutes.
(A recess transpired.)
THE COURT: Ready for the jury?
MR. MCNEELY: We are.
MR. DAVIS: We are.

(Jury in, 11:18 a.m.)

THE COURT: Welcome back, ladies and gentlemen. We are ready to proceed.

You may call your next witness.

MR. MCNEELY: Thank you. State calls Wendy Griffith.

WENDY GRIFFITH,

being first duly sworn, testified as follows:

THE CLERK: Please be seated. State your full name and spell your last name for the record.

THE WITNESS: My name is Wendy Sue Griffith, G-R-I-F-F-I-T-H.

THE COURT: Your witness.

MR. MCNEELY: Thank you, Your Honor.

DIRECT EXAMINATION

BY MR. MCNEELY:

Q. Ms. Griffith, where are you currently employed?

A. A company called HouseCalls-MD.

Q. What does HouseCalls-MD do?

A. We are medical providers that go to the home of our patients, rather than our patients having to go to a doctor's office.

Q. What is your position there?

A. I'm a physician's assistant, so I go out and see patients and medically treat them.

Q. How long have you been employed in that capacity?

A. Part time to full time since July of 2015.

Q. Were you part time in August of 2015?

A. At HouseCalls-MD?

Q. Correct.

A. I was.

Q. Did you work anywhere else in August of 2015?

A. I was full time at Roper Berkeley, Moncks Corner.

Q. As a physician's assistant?

A. Correct, in the ER.

Q. Please describe your education for the jury.

A. I finished high school. I have a bachelor's degree in nutrition/dietetics -- it's the application of nutritional disease -- a master's degree in exercise science, and then a second master's degree in physician assistant studies.

Q. Please describe your clinical training.

A. As a physician assistant, I assume?

Q. Correct.

A. You have to have a bachelor's degree to even get into a physician assistant studies master's program, and then it's a 27-month program. The first year is all didactic, you're just learning medicine, a crash course in medicine; and then the second year you're out in the field working under a physician in whatever setting it might be.

You have to go through all the rotations, geriatrics, pediatrics, OB-GYN, surgery, all of them. And then you have to pass an exam and then get approved by the Medical Board of South Carolina to practice medicine in the state.

Q. Do you hold any licenses or certifications?

A. Yes. I have a local one with the South Carolina physician assistants group and then the national level.

Q. Are you licensed by the State?

A. Oh, yeah.

Q. What is a physician assistant?

A. It is a medical provider. I am not an assistant to a physician. A physician assistant

practices independently. There has to be an MD available by law should I have any questions or need guidance on treating a certain patient. A physician assistant is\a medical provider, just like a nurse practitioner or just like a medical doctor themselves.

Q. So you can treat patients on your own?

A. All the time.

Q. As long as there is an MD available in case --

A. By phone, text, whatever it might be.

Q. What service do you provide in your role as a physician's assistant?

A. Typically, I do what we call a history. Whenever somebody has a complaint, I get a lot of information on that and then do a physical exam and then make an assessment. They might need testing for me to make a decision on how best to treat them and what their diagnosis is.

So I'll order x-rays, lab tests, whatever, evaluate those and then have a plan of action for treating them.

Q. Can you treat wounds?

A. Oh, yeah.

Q. Sutures, staples?

A. Always.

Q. And you can do that without a physician?

A. Oh, yes.

Q. Please tell the jury a little bit about your work history as a physician's assistant. Where did you start out in school?

A. Right out of school in the ER, probably in the busiest ER in this area. So I trained for seven years under ivy league ER physicians. I greatly value that experience that I had at that hospital ER, and it's made me the physician assistant that I am today. And then I went to Roper Berkeley.

Q. What hospital were you in prior to Roper Berkeley?

A. Trident ER.

Q. Is that in Summerville?

A. It's in North Charleston.

Q. And how long were you there in the emergency department?

A. Seven years.

Q. When did you move to Roper Berkeley?

A. March of 2014 maybe.

Q. While you were at Trident, how many

emergency patients did you treat?

A. At Trident?

Q. Yes.

A. Probably 50 a shift, 10 shifts a month, so 500 a month times 12 months; a lot.

Q. Thousands?

A. Thousands.

Q. Are you a member of any professional associations or organizations?

A. Just the ones I previously mentioned.

Q. As a physician's assistant, do you participate in continuing education?

A. Oh, I have to. 100 every two hours.

Q. A hundred hours?

A. Uh-huh.

MR. MCNEELY: At this time, the State would move to qualify Ms. Griffith as an expert under Rule 702 in emergency medical services.

THE COURT: Any voir dire?

MR. DAVIS: Just a few if it please?

THE COURT: Certainly.

VOIR DIRE EXAMINATION

BY MR. DAVIS:

Q. Hey, Dr. (sic) Griffith. How are you doing?

A. Hi.

Q. You always have a doctor available to you; is that correct?

A. At least by phone or text. They don't have to be in the vicinity.

Q. Do you have a primary doctor assigned to you, or does it fluctuate or change?

A. Every physician assistant has to have a supervising physician.

Q. And so Dr. Potts is your supervisor?

A. He was on the shift that night with me, but one of the other co-workers is my supervising physician.

Q. And you have testified in this capacity before in our court system?

A. I've never been a medical witness in a courtroom.

Q. You've never been a medical witness in a courtroom. So this is totally new to you?

A. I'm just answering questions.

Q. Okay. Thank you.

MR. DAVIS: No further questions.

THE COURT: The Court finds that she is qualified based upon her qualifications and experience pursuant to Rule 702. You may proceed.

MR. MCNEELY: Thank you, Your Honor.

CONTINUING DIRECT EXAMINATION

BY MR. MCNEELY:

Q. Ms. Griffith, were you employed at Roper Berkeley Hospital in Moncks Corner as an ER physician's assistant during August of 2015?

A. I was.

Q. Were you working on the evening of August 8, 2015?

A. I was.

Q. During that time did you have opportunity to provide treatment to an injured patient named Jimmy Taylor?

A. I did.

Q. Approximately what time did Mr. Taylor present to the ER that night?

A. It was probably somewhere between 9:15, 9:45. I know it was late in my shift.

Q. Okay. Please tell the jury how Mr. Taylor presented to you at the ER that evening.

A. I was the first medical provider to see him. He came in by EMS. EMS was bringing him in on their gurney. I was on the opposite side, the right side of the hospital bed. They were transferring him over.

Very emotional, distraught, tearful, shaking all over kind of like you would if you were kind of having a little bit of a shock after an experience like that. He was injured severely in the head. I could see wounds on his torso area, on his face. Trauma patient is what we would call it.

Q. Was he bleeding?

A. Oh, very much so, especially from the head.

Q. Was he conscious?

A. He was. He was alert, he was oriented, he could tell me his name, he followed commands, answered my questions appropriately. He could tell me what happened to him.

Q. Was he upset?

A. Oh, very much so. Like I said, he was emotionally distraught. It was a man crying.

Q. Did you ask Mr. Taylor how he suffered those injuries?

A. I did.

Q. Is that a standard question for you in treating an emergency --

A. Oh, you have to. It's part of the history.

Q. Did he tell you how he suffered those

injuries?

A. He did.

Q. What did he say?

A. He said that he was beaten. He knew who they were and he told me, and he told me that he was attacked by three of them. And I believe that he was either in his garage or driveway when they approached him, and he said he was beaten.

He didn't know what he was beaten with. He knew it was a hard object. He was hit several times in the head. He said he was kicked and hit also.

Q. Please tell the jury about your initial evaluation of Mr. Taylor's injuries.

A. Well, I pretty much just described it, but in a more thorough detail, he had a lot of bleeding in the head, which I wanted to investigate right away, because somebody like that needs to go to CT to get a head CT very fast to see if there is internal bleeding based on what I had seen externally.

It was so much bleeding that the root of his hair was so saturated with blood it started to coagulate or like solidify or gelatinize. And it was challenging and tedious to part the hair to

get in there and see what the damage was.

I want to look for lacerations. I want to look for an open-scull injury, or what we call bone laxity or skull laxity --

THE COURT: Ms. Griffith, can you please slow down. Our court reporter has to take it down.

THE WITNESS: Oh, sorry. I typically talk fast.

THE COURT: That's fine. I just want to make sure that she has time to write everything down.

THE WITNESS: Sure, I'll try.

And so I needed to investigate his wounds so I know what I'm working with so I know the appropriate testing to order and then try to treat them as soon as possible.

BY MR. MCNEELY:

Q. Was that part of your differential diagnosis?

A. Intracranial hemorrhage? Most definitely, yes.

Q. Can you tell the jury what a differential diagnosis is?

A. A differential diagnosis, if somebody

comes in with chest pain, that can be so many things. It could be a heart attack. It could be indigestion. It could be a panic attack. So when somebody comes in with a chief complaint or an injury or pain somewhere, your differential is all the possible things that could be.

So when he came in with all of those head injuries, I needed to figure out what is going on. Is it internal bleeding? Is it just external? You know, severe or lacerations? There's a depth there you have to work.

Q. Correct me if I'm wrong, when a medical provider does a differential diagnosis, they start with what the most severe injury could possibly be, rule it out, and work down; is that correct?

A. Exactly.

Q. Okay. What did you start with for Mr. Taylor to conduct his differential diagnosis?

A. Well, his head, of course. It was obvious that he was still bleeding. And, like I told you, he had so much matting. I had to really get in there and get a good look of what was going on. I had to stabilize him before I was able to send him to CT. My biggest concern with him was a brain injury or intracranial hemorrhage.

Another area on his face was his eye. He had a laceration, and there was so much swelling. The first thought of an ER PA is a globe injury, which is another word for the eyeball. That is very serious.

And, also, the orbit, the thin boney skeleton that holds the globe or the eyeball, if that's fractured, that too is a very serious injury. So those were the things I was thinking when he came in with that type of injury.

Q. Was he sent for scans immediately?

A. No. We weren't able to do that. You can't send somebody to CT when they're bleeding out of the head. You have to take care of that first. What I did, because it was so difficult to really get to those wounds to see how bad they were, I looked for pulsatile bleeding. It's bleeding from the head that is like an artery.

And that's where I numbed him up and then put in some loose staples just to hold those lacerations together and the scalp intact so that hopefully he would clot off and then we could get him to CT.

Q. Just to explore that a little more in detail, you said you numbed him a little bit?

A. Oh, yeah.

Q. Does that mean you provided local anesthesia to the scalp?

A. Yes.

Q. And then you stapled his lacerations shut?

A. I did.

Q. Were those to be permanent repairs or was that a temporary --

A. Those were temporary.

Q. Okay. Can you describe the lacerations for the jury on Mr. Taylor's head? Were they linear or nonlinear?

A. The one up on his left eyelid was horizontal and linear, a straight line. And then the one that he had, I believe it was the right temporoparietal is what we call it, the left occiput, the left back of the scalp were what we call irregular. I kind of call them boomerang shaped.

Q. Is the main difference between those the shape of them?

A. Exactly, yes.

Q. How --

A. Straight and perfect would be linear;

anything C-shaped or stellate would be irregular.

Q. How do linear wounds usually come about?

A. Usually it's sharp and clean, like if you're cutting vegetables in your kitchen and you cut yourself with a knife. That would be like a linear laceration.

Q. What about a nonlinear wound?

A. Nonlinear is like trauma-like impact, blunt object, something like that. You more or less hit something so hard that it shreds or tears or rips.

Q. Rather than a slice?

A. Exactly.

Q. When you first evaluated Mr. Taylor on August 8, 2015, did his wound appear consistent with his statement about what happened that night?

A. Very much so.

Q. After you completed the initial evaluation and prepped him by stapling him closed enough to send him to CT, was he sent for scans?

A. He was.

Q. What was scanned?

A. Well, with injuries like that you pretty much have to scan from the head all the way

down to the pelvis. Because of the markings on his body, we had to assess him also for internal damage or internal bleeding.

Q. Did he have any internal bleeding?

A. Based on the studies, no.

Q. So based on the scans, were you able to determine the extent of his injuries?

A. Yes. Yes. He had plenty of external bleeding, like in the subcutaneous tissue you could tell because of the large bruise or ecchymosis.

Q. But no internal injuries?

A. No internal injuries once the CT came back. He's a very lucky man.

Q. At that point, what was the treatment plan for Mr. Taylor?

A. Just to comfort him for the most part, get him cleaned up better because he came in looking pretty rough and then to shave the head, get some sutures and staples and replace the temporary ones, control his pain.

Q. Was that done?

A. Uh-huh, all of that was done.

Q. Do you know -- and I'm going to ask specifically about the multiple injuries to his eye.

A. Uh-huh.

Q. How many sutures was required there? Do you have any idea?

A. Just looking at it, I would say maybe five to seven.

Q. What about the boomerang injury on his right front head?

A. That one -- everybody, you know, staples differently, but I would say probably 10 or 12.

Q. And how about in the left back of the head?

A. I would say probably -- I think Dr. Potts ended up doing part sutures and part staples, but probably a good 15 back there between the two.

Q. During that time, was he still bleeding?

A. When he was being sutured up the second time?

Q. Yes.

A. Oh, I'm sure he was. It probably had slowed down, but I'm sure he was.

Q. Was he provided additional anesthesia during that procedure?

A. Oh, sure. You would have to numb him up again; it doesn't last that long. For him to go to CT for that many CTs and then come back to the ER for suturing, you would have to re-numb him.

Q. Were CT scans performed basically from the waist up?

A. They were, yeah. With the brain you have to assess the chest wall, do a chest CT. With injuries like that to the abdomen and the rib cage, you have to think about a pneumothorax or a collapsed lung.

If it was a broken rib and it punctured his lung, you have to consider all of that. A liver laceration, a spleen laceration, the intestines torn, any damage to the kidney, any of those internal organs in the chest wall or the abdomen after trauma like that you have to consider.

Q. Thank you, Ms. Griffith. I want to show you what was marked and admitted into evidence as State's Exhibit 11.

MR. MCNEELY: Permission to approach, Your Honor.

THE COURT: Yes, sir.

BY MR. MCNEELY:

Q. I'm handing you a laser pointer with the red button on the top. Is this Mr. Taylor?

A. It is.

Q. Can you tell the jury what we're looking at in this photo?

A. Yeah. Obviously, he has, right here, trauma to that left eye and, obviously, he's got a laceration right there. I can tell that it's -- you know, we don't have a whole lot of padding in our eyelid anyway. So I can tell it's pretty deep and starting to clot off.

It looks a little gelatinous right there, but when you see an injury like that, I have to be concerned. Was he stabbed with something? Did it go into the globe? And that's why we had to do, like, even a facial bones CT in addition to the head CT.

And then because he's so swollen right here -- right here because it's so dark, I can tell that he's bleeding in the soft tissue. And there's so much swelling that he can't even open his eye. And, obviously, he's got some tears right there and over there. So still shooken up by all of this.

Q. The red area at the top of the eye, is that the linear wound you described?

A. It is the horizontal linear one that I described. It's gaping a little bit, but still considered linear.

MR. MCNEELY: Exhibit 12, please.

THE WITNESS: I'm sorry?

BY MR. MCNEELY:

Q. I asked her to change the picture.

A. Okay.

Q. What are we looking at right here?

A. So that's a laceration, and you can tell how it's got that little bit of a C-shape to it so that would be considered irregular. And that's like the right temporoparietal area of the skull is what we call that area.

Q. Are those the initial staples that you put in to take him to CR?

A. It looks like it to me, yeah.

Q. Exhibit 13, please.

A. So there you can see how -- how matted and how much bleeding there was that was matting his hair. All over here you can see how much blood -- how much he was bleeding that it matted his hair to that severity. It makes it very difficult to get in there and see the lacerations and get them closed.

Q. I apologize -- continue.

A. I was just going to say, he's got a partial lack here and then a little bit of something going on right here also.

Q. Those two are separate?

A. Irregular, uh-huh.

Q. You mentioned a wound to the occipital area.

A. Well, it's not quite occipital. It's more parietal now that I see it from this angle. Occipital would be down here.

Q. Is there an additional wound down there that you can't see?

A. I can't tell from this picture, but I thought that it was lower.

Q. This is Number 14. What are we looking at here?

A. So you can see these marks a little better. I don't know if you can from your angle or not, but they're red, reddened and striated. So you kind of think of what might have been used to make those marks.

And, you know, I can't really say it looks like a handprint or fingerprint, but something with a pattern that would leave a pattern

like that. And that's why I'm saying that's when you have to investigate a chest wall injury with a chest CT.

And then you can see right down here too, maybe he was kicked, maybe hit with a blunt-force object, but it's enough we have to scan him to check for any internal damage or even a fracture of that upper hip bone.

Q. This is Exhibit 15.

A. And then here, again, you can see redness from blunt trauma.

Q. This is Exhibit 16.

A. And that could have been like a horizontal blow, maybe kicked when he was down. It's really hard to say.

Q. What are we looking at here?

A. This looks like maybe he's been cleaned up a little bit. Yeah, it looks like it because it looks like he's got some cotton right here, and it looks like he's been cleaned up a little bit, maybe even had some hair removed over here so the staples could be adequately placed.

And then, like I said, he was alert and, you know, still has the swelling in this eye. It looks like this eye was maybe stitched right

there, and enough swelling still in this eye that he probably wasn't able to open it for a few days or longer because of the swelling.

Q. He wasn't able to open his eye for several days?

A. Oh, I'm sure he wouldn't have been able to because of all that swelling. You just don't have the muscle activity in an eyelid to lift that up and keep it open.

Q. This is Exhibit 17.

A. Yeah. Looks like they took some of the hair away so they could clean real good and get staples in there.

Q. About how long is that wound?

A. Oh, I would say maybe six to seven centimeters.

Q. Is that a significant or insignificant wound?

A. That's pretty significant.

Q. This is Exhibit 18. What are we looking at here?

A. This looks like -- more like the right side. It's kind of hard to tell from the angle, but this is part of the suture at the back of the head. It looks like, again, they had to shave some

hair and do some sutures in that area. And that's probably four or five centimeters.

Q. This is Exhibit 20. What are we looking at here?

A. Again, blunt trauma to the abdomen, lower abdomen, because of the redness, and looks like there's some swelling when you compare it to these other sides of the abdomen where there is no injuries.

Q. Was it that whole side of his torso that you were circling?

A. Yeah. Like it's pretty extensive. I mean, it's right there to meet the belly button and all the way out to the right hip bone.

Q. This is Exhibit 19.

A. This is pretty concerning. You can tell he has a lot of soft tissue bleeding. That he was hit hard enough that he's had a lot of soft tissue bleeding. That is blood pouring into the soft tissue, the subcutaneous tissue like our fatty layer, and those red blood cells are dying off. So they go from, like, red to purple to black.

And then all of this -- so, again, significant, significant trauma from the front of his abdomen to his lower back. And that's when you

-- and his liver is just right up here, his intestines are in here, his kidneys stuck inside there. All of that you have to be concerned for internal organ damage.

Q. What would cause a wound like that?

A. Something very hard and forceful, baseball bat, pipe, persistent kicking maybe.

Q. You can turn around, Ms. Griffith. Thank you.

Based on your medical training, do you have an opinion as to whether or not Mr. Taylor's injuries could have been life-threatening?

A. Oh, very much so. Just the head alone. Yeah. Very, very -- like I was saying, if you have a fracture in the orbit, that can lead to a brain bleed; or just all those external injuries with the pulsatile arterial bleeding, I would have suspected severe brain damage, internal bleeding.

Q. Possible skull fracture?

A. Very much so, yeah. That would damage the brain.

Q. Could those have resulted in death?

A. Very much so, yes.

Q. Luckily for Mr. Taylor, as I understand this correctly --

MR. DAVIS: Objection to the characterization, luckily for Mr. Taylor.

MR. MCNEELY: I'll rephrase.

THE COURT: Thank you.

BY MR. MCNEELY:

Q. We discussed what could have happened, what likely could have happened.

A. Uh-huh.

Q. Mr. Taylor did not suffer skull fracture, correct?

A. Correct.

Q. He didn't have brain trauma?

A. He did not.

Q. But he could have easily?

A. He could have. We were all shocked that every one of those CTs were normal based on what we were seeing externally.

Q. If a person is hit in the head multiple times with a bat or pipe or jackhammer, in your opinion, could blows to the head like that be likely to result in death or significant bodily injury?

A. Very much so. Those were pretty severe hits to shred his scalp. The scalp is pretty strong. Those were severe hits to shred his scalp.

Those very much could have caused intracranial hemorrhage, skull fracture.

Q. What about a single hit to the head with an object like that?

A. Oh, yeah. And not only that, it could have been brain damage. He could have been in a vegetative state the rest of the life if it didn't kill him. You have to consider all of those things with injuries like that.

Q. A strike to the head like that is not insignificant?

A. It is not insignificant. That's severe.

MR. MCNEELY: No further questions from the State, Your Honor.

MR. DAVIS: May it please the Court, Your Honor.

CROSS-EXAMINATION

BY MR. DAVIS:

Q. Ms. Griffith, how are you doing today?

A. Very well, sir. And yourself?

Q. You and the Solicitor have had ample time to prepare for this testimony; have you not?

A. I think I met with them a few weeks ago.

Q. And how long did you converse with each other?

A. Less than ten minutes.

Q. Ten minutes?

A. Yes.

Q. Wow. Wow. But you will admit that what should control is the medical records, don't you think so?

A. Say that one more time, sir.

Q. What should control as to findings for Jimmy Taylor should be the medical records?

A. I think that they should be included, but then the witness of the provider I think is very important also.

Q. Okay. Well --

A. And, of course, the results of the tests which would be part of the record.

Q. I would hope so. What is the significance of no acute intracranial hemorrhaging?

A. That means he got very lucky. Even though he was hit to the head several times and he had no internal injuries, he was very lucky.

Q. So in your medical journal, they use the terms, you are lucky if you don't have an acute intracranial hemorrhage? That's what you're --

the word you use in your profession, lucky?

A. We do not, sir. We try to avoid personal opinion.

Q. Okay. But you don't use the word, lucky; isn't that correct?

A. True.

Q. And, as a matter of fact, you called Dr. Potts that night and told -- and he shared with you that since you had that finding that was very significant; isn't that correct?

A. Which finding was very significant?

Q. That there was no acute intracranial hemorrhaging.

A. We did know the result of the test that night.

Q. And you did share it with Dr. Potts?

A. Dr. Potts was on when the results came back.

Q. Okay. And you reviewed it with him; is that correct?

A. I had left for the evening. He took over the patient's care.

Q. Okay. And the CT scan of the facial bones showed no evidence of acute fracture or dislocation. What does that mean?

A. That means there was no nasal bone fracture, no orbit fracture, no damage to the globe.

Q. Okay. And also in reference to the eye injury that --

MR. DAVIS: Do you mind putting that back up on the board?

MR. MCNEELY: Which one?

MR. DAVIS: The eye, the one that stayed shut for four days. The eye, please.

BY MR. DAVIS:

Q. Red eye, subconjunctival hemorrhage?

A. Yes.

Q. That just -- sometimes that's harmless; isn't that correct?

A. Very much so. Like if you were to pry his eyelids open, you would see a subconjunctival hemorrhage that was caused by trauma. But, yes, you're correct, they can just be spontaneous.

Q. And they do not always require treatment; isn't that correct?

A. A subconjunctival hemorrhage most times does not require treatment.

Q. Most times does not require treatment. As a matter of fact, it clears up in maybe a week

or so; isn't that true?

A. It depends how severe it is, true, it can. But those are the ones that are spontaneous, not caused by trauma.

Q. Well, let's go to that. Did you have occasion to see Mr. Jimmy Taylor a week or two weeks after this incident?

A. I did not.

Q. So you cannot testify with any personal knowledge or professional knowledge as to whether or not his red eye had cleared up?

A. I don't know how well he healed.

Q. Okay. Thank you. And it's very interesting -- tell us, was it you that requested the alcohol analysis?

A. That -- I probably put that order in. It's part of a work-up for trauma.

Q. Do you have any notes to tell you what the findings were?

A. I do not.

Q. Okay. I'm going to see if I can put some medical records together for you.

MR. DAVIS: Judge, may I?

THE COURT: You may.

BY MR. DAVIS:

Q. Look through there and see if you can see the alcohol findings.

A. It's right here in front so it looks like 189.

Q. And how did you learn it was 189?

A. A blood draw will do that and then you send it to the lab.

Q. Who did the blood draw?

A. I would imagine one of the nurses.

Q. Who would have ordered the blood draw?

A. One of the providers like myself or Dr. Potts.

Q. Did you order it?

A. That I don't know.

Q. Okay.

A. I can't tell by this page if it was ordered by myself or by Dr. Potts.

Q. And why would it be ordered?

A. It's just part of the trauma workup.

Q. Looking through those records, can you tell if he was provided any blood that night? Was he given any blood?

A. Not to my knowledge. I can look through all of these, but --

Q. Please, this is important.

A. -- I don't think he needed a blood transfusion. There should be a page of labs -- sorry, it's taking me a minute. I'm just trying to find it.

Q. Seriously, we've been waiting two years, Ms. Griffith, two years.

A. I see where the order was placed, but I do not see the results of the CBC -- oh, here we go. It's at the very back. So there's no reason he would need a blood transfusion based on the hemoglobin and hematocrit. And that's what we look at to determine if he needed a transfusion.

Q. All of that simply said, he did not have a great significant loss of blood?

A. He didn't have a significant loss of blood to cause him to have to have a blood transfusion.

Q. Let's go back to the alcohol page that you have in front of you.

A. Yes.

Q. Tell the ladies and gentlemen what the significance of that 189 in relationship to -- down to the bottom in reference to greater than 300 being toxic. Explain that to us, please.

A. So it looks like his alcohol level that

evening was 189, and abnormal or toxic range is greater than 300. So he probably was drinking during the time of the incident.

I remember asking him, and he told me he had been drinking. I think he told me he was in the driveway working on a car or in the garage. He was outside working on something.

Q. So it's your testimony that he told you he had been drinking?

A. I asked him specifically, and he said that he had.

MR. DAVIS: May I approach the witness, Your Honor?

THE COURT: You may.

BY MR. DAVIS:

Q. I would ask that you review that as part of his record too. Do you see the highlighted area?

A. I do.

Q. Share that with the jury, what that highlighted portion says.

A. It says, the highlighted -- person -- it's pertinent negative, that's like what we don't find. It says, patient denies any alcohol consumption.

Q. Patient denies any alcohol consumption. Who would have been responsible for putting that in the medical record?

A. It could have been the provider --

Q. Well --

A. -- myself or one of the nurses.

Q. You testified that you were one of the providers that night --

A. Uh-huh.

Q. -- you said on direct examination; isn't that correct?

A. Yeah.

Q. Okay.

A. It could be -- sometimes we click things that we see, so the wrong thing was clicked, or it could have been part of a nursing note that was put in there, or maybe he told Dr. Potts he hadn't been drinking; but I know I asked him, and he told me that he had some alcohol. But he was very articulate, followed my commands and answered the questions well.

Q. So you wouldn't figure that it was any life -- life was not -- he didn't have any life-threatening injuries since he was so articulate and alert?

A. They were very life-threatening. The bleeding of his head, the orbit of the eye, the damage, the external injuries that were obvious.

Q. Were there any internal injuries?

A. All of the CTs were normal. There were no internal injuries, everything was external.

Q. Was there any permanent damage to the eye?

A. That I don't know. That would be an ophthalmologist to determine that.

Q. And were there any brain -- bleeding on the brain?

A. No internal bleeding on the brain; no brain bleed.

Q. And getting back to the 189, you can bring in the expertise that we can share. And can you compute the toxicology in reference to blood alcohol in relation to someone being impaired, and how -- what would be your characterization of someone with a 189?

A. My immediate thought, he was a guy hanging out in the garage working on his car, or whatever it was, having a few beers.

Q. A few beers?

A. I don't know. That was my first

thought.

Q. I'm talking about the significance of the number, 189 --

A. Uh-huh.

Q. -- in medical terms. I'm not talking about a few beers. You're the expert. With your training, share -- and with your master's in emergency room treatment, tell the jury what the significance of 189 in comparison to 300 -- greater than 300 being toxic.

A. It really is very individual and it depends on how the liver -- your individual liver processes alcohol. Him at 189, he's in the garage working on his car. Me at 189, I could be passed out on the floor. It's very different.

Q. Okay. Well, say that in relationship then --

MR. MCNEELY: I think it's been asked and answered.

MR. DAVIS: I'm not finished, Your Honor.

THE COURT: Well, let's move on.

BY MR. DAVIS:

Q. Yeah. In this regard, if I take what you're telling me, the law in South Carolina, point

zero either is considered under the influence for driving a car.

A. Uh-huh.

Q. It would be your position then that even though it's .08, it would depend on whoever the individual is in reference to their equilibrium in ingesting alcohol? That would be your take.

A. There are two different levels. You have to be very careful what you're comparing. This is a blood level. It has a different range than what the officers use.

Q. I understand.

A. Okay. And I am not familiar with what they use, what their normal ranges are. You're saying .8 for intoxication to drive.

MR. MCNEELY: Your Honor, may we approach?

THE COURT: You may.

(Bench conference.)

THE COURT: You may proceed.

MR. DAVIS: Thank you, Judge.

BY MR. DAVIS:

Q. Ma'am, you have no information provided as to how these injuries occurred other than what was presented to you; isn't that correct?

A. What the patient told me and based on what I could observe.

Q. Okay.

A. Those injuries came from blunt force. He said he didn't know what it was, a pipe, baseball bat, kicked, hit. I believe it based on what I had seen.

Q. You don't know who initiated that process?

A. I do not. Based on what the patient said, he was approached on his own property.

Q. Okay. And can you explain to the jury why one of the diagnoses is that this was an unarmed brawl? That's in the medical records.

A. Say that term --

Q. One of the diagnoses is that this was an unarmed brawl.

A. Right. Like the patient had nothing to defend himself with, no weapon.

Q. Unarmed brawl. Unarmed, meaning --

A. He was unarmed. He wasn't carrying a weapon.

Q. Unarmed, meaning there was no weapon at all, ma'am.

A. By the patient.

Q. Well, I want you to take your time and look through and tell me where you saw that.

A. Is it highlighted?

Q. No, ma'am. I'm not going to help you this time.

THE COURT: Mr. Davis, if there's a portion of the medical records that you're asking her to look for, instead of her trying to --

MR. DAVIS: I'm trying to look for it myself, Your Honor.

THE WITNESS: And if it does say, unarmed, that would be on behalf of the patient.

BY MR. DAVIS:

Q. Wow.

A. We wouldn't be commenting on what the other involved had or did not have. We would just be commenting on the patient, that he was unarmed.

Q. When people are presented to the emergency room by EMS, they have different codes. Do you recall what code that Mr. Taylor was presented to when he came to the ER?

A. I do not. They call that in to the nurse, the nurse that grabs the call.

Q. Would there be any way in the medical record or on the EMS run -- I ask that you review

this please. That's the EMS run.

A. So it does look like an EMS report and more or less the time they arrived, what they found on exam, where they were taking the man, and then more or less what the patient was saying.

Q. Does it say anything about bleeding on that EMS personnel?

A. Say that again.

Q. Does it say anything about blood and bleeding?

A. Yeah. It looks like two areas on the head where there is bleeding noted. Also areas on the front and back torso with abrasions and redness.

Q. Okay. And what are some of the description of it?

A. In -- specifically about the bleeding?

Q. Yes, ma'am.

A. In the parentheses behind it, it says, minor, but you could see for yourself from the picture.

Q. Yes, ma'am, we all can.

These medical records, you were part of those medical records?

A. Very much so, yeah.

Q. And it was prepared in the normal course at the Roper Emergency Room facilities?

A. Sure.

MR. DAVIS: Judge, I move that all of those records be introduced.

THE COURT: Any objection?

MR. MCNEELY: The only objection I would have, Your Honor, is that they have been separated and put together so many times I don't know what is in there is a complete copy.

MR. DAVIS: We'll make sure it's a complete copy.

MR. MCNEELY: I think that Ms. Griffith has testified sufficiently about the medical records in regards to everything he pointed out. I don't know that they would add anything and I don't know that a proper foundation has been laid.

THE COURT: I will allow it if we can put them all together and ensure they are in the proper order. And that would be Defendant's Exhibit 3.

MR. DAVIS: That's correct, Your Honor. Thank you.

No further questions, Your Honor.

THE COURT: Any redirect?

MR. MCNEELY: No, Your Honor.

THE COURT: You may step down.

(DFT. EXH. 3 in evidence.)

THE COURT: Call your next witness.

MR. MCNEELY: The State calls Sara Zapata.

SARAH ZAPATA,

being first duly sworn, testified as follows:

THE CLERK: Please be seated. State your full name and spell your last name for the record.

THE WITNESS: Sarah Zapata, Z-A-P-A-T-A.

THE COURT: Your witness.

MR. MCNEELY: Thank you.

DIRECT EXAMINATION

BY MR. MCNEELY:

Q. Where are you currently employed, Ms. Zapata?

A. I'm employed at the South Carolina Law Enforcement Division commonly known as SLED.

Q. What is your position there and how long have you been employed there?

A. I'm a forensic scientist in DNA casework department, and I have worked there for a

little over two years.

Q. Please describe your education and training for the jury.

A. I have a Bachelor of Science degree in forensic science from the Pennsylvania State University, and upon employment at SLED I completed, approximately, a one-year-long training process under a court-qualified DNA analyst.

Q. Was that prior to the two years you had been working at SLED?

A. That's part of the two years.

Q. Do you hold any licenses or certifications?

A. I'm certified by SLED to perform DNA analysis.

Q. Please tell the jury about your work history.

A. I have worked at SLED two years in their DNA casework department.

Q. Did you start with SLED right out of college?

A. A little after, yes.

Q. Are you a member of any professional organizations?

A. I'm not.

Q. Okay. Do you participate in continuing education programs?

A. Yes. We are required to participate in at least eight hours of continuing education every year.

Q. In your current position, do you work full-time year around?

A. Yes, I do.

Q. Tell the jury about your primary functions of your position at SLED?

A. As a DNA analyst my job is to process items of evidence, generate DNA profiles from them, and then process standards or known DNA items and compare the unknown profiles that I get from evidence to these known profiles to see if the person who donated the known standard could be a source of the unknown DNA.

Q. Is that what you do in your day-to-day practice at SLED?

A. Yes.

Q. How does case evidence come to be in your possession at SLED?

A. When I'm assigned a case, I look at what items have been requested to be processed for DNA; and then I request those items from Evidence

Control where they are stored securely until it's time for me to work on them; and then those items are transferred to my custody; and then I take them to my secure lab.

Q. When evidence comes into your custody at SLED, be it a sample swab or a known standard buccal swab, are those sealed?

A. Yes, sir, they are.

Q. What do you do if they aren't sealed?

A. If they aren't, I would not work on them. I would notify my supervisor and the submitting agency.

Q. Why would you not work on them?

A. You don't know if they have been tampered with or anyone else touched them. You don't want to work them.

Q. The seal insures that they are not contaminated?

A. Yes.

Q. Once you take possession of the evidence, how do you perform your analysis?

A. So I take just a small portion of the sample, whatever the sample is, and using our standard laboratory procedures, take a series of instruments to generate a DNA profile.

Q. How many cases have you worked for DNA since you started at SLED?

A. Approximately 120.

MR. MCNEELY: Your Honor, at this time, I move to admit Ms. Zapata as an expert witness in the field of DNA analysis.

THE COURT: Any voir dire?

MR. DAVIS: I concur, Your Honor, no.

THE COURT: She's qualified.

MR. MCNEELY: Thank you.

BY MR. MCNEELY:

Q. Did you receive evidence at SLED to analyze for this case?

A. Yes, I did.

Q. Please tell the jury what evidence you received.

A. I received swabs from a camo visor hat.

Q. Did you receive any known standard swabs?

A. Yes, I did; standards from Andy Wright, Adam Wright, and Shawn Wright.

Q. Is that Andy or Randy?

A. Sorry, Adam, Randy and Shawn.

MR. MCNEELY: Permission to approach the witness, Your Honor?

THE COURT: You may.

BY MR. MCNEELY:

Q. I would like to show you what was marked as State's Exhibits 30, 31, 32, and 33. Can you please look at those items.

A. Okay.

Q. Do you recognize the items?

A. Yes, I do.

Q. How do you recognize those items?

A. They have my initial along the seal and the date, and there's item numbers printed on them as well as the bar code.

Q. Did you seal them?

A. Yes, I did.

Q. After you completed your testing?

A. Yes.

Q. Were they sealed -- were the buccal swabs and sample sealed when you received them?

A. Yes, they were.

Q. And you performed analysis on those?

A. Yes.

MR. MCNEELY: Your Honor, at this time, I move to admit State's Exhibits 30 through 33 into evidence.

THE COURT: Any objection?

MR. DAVIS: Yes, Your Honor; same basis that you heard in reference to chain of custody.

THE COURT: Yes, sir. They're admitted.

(STATE EXH. 30 in evidence.)

(STATE EXH. 31 in evidence.)

(STATE EXH. 32 in evidence.)

(STATE EXH. 33 in evidence.)

BY MR. MCNEELY:

Q. Ms. Zapata, please explain to the jury what a sample swab is?

A. A sample swab is from an item of evidence, and when we generate the profiles from that sample, we do not know the source of the DNA.

Q. So what is the purpose of you analyzing a DNA swab?

A. The purpose is to try to determine who could have come into contact with the item of evidence.

Q. You're trying to identify who touched the item or wore the item?

A. Yes.

Q. What is a buccal swab or buccal swab?

A. A buccal swab is a swab taken from the inside of someone's mouth and so we know who the

donor of that DNA is.

Q. What do you get from a buccal swab?

A. So from when we test items to do a DNA profile, we want to look at the areas of DNA that differ between people and so we test several different locations along the DNA. And then the combination of all these test results is a DNA profile.

Q. So at that point you have a known standard for an individual?

A. Yes.

Q. And you then compare those known standards to the sample?

A. Yes. We compare any DNA in the evidence profile that we can make comparisons to to this known standard.

Q. And you performed that analysis in this case?

A. Yes, we did.

Q. Please explain specifically what analysis you performed on Exhibits 30 through 33.

A. Sure. Item 4 was swabs from the camo visor hat. Like I was saying earlier, I take a small portion of the swab, utilize our laboratory procedures to generate this unknown profile.

In this case, hat, a profile from multiple people. We call that a mixture. That just means that multiple people came in contact with the item. And so I used our guidelines to determine what information from that mixture I could use to make comparisons.

And then I went ahead and used the same laboratory procedures to generate a profile from the buccal swabs, and then compared the profile from the evidence swab to the buccal swabs.

Q. What were the results of your comparison?

A. The DNA profile developed from item 4, which was the swabs from the camo visor hat, is a mixture of at least three individuals. The partial DNA profile of the major contributor to this mixture matches the DNA profile of Shawn Wright.

The probability of randomly selecting an unrelated individual having a DNA profile matching this major contributor is approximately 1 in 22,000. Due to the inability to supplement statistics, no further interpretation will be offered regarding the minor contributor to the mixture.

Q. So what does a mixture mean?

A. A mixture just means that the DNA from more than one person is present on an item.

Q. What is a major contributor?

A. Sometimes one person will leave more DNA than another person, and we call that a major contributor.

Q. And what did that tell you in this case?

A. In this case, the profile of the major contributor matched the DNA profile of Shawn Wright.

Q. Can you assume that Shawn Wright wore that visor?

A. That he came in contact with it at some point, yes.

MR. MCNEELY: No further questions.

THE COURT: Cross-examination?

CROSS-EXAMINATION

BY MR. DAVIS:

Q. How are you doing?

A. Fine.

Q. Were there any DNA findings pertaining to Mr. Randy Wright?

A. In this case, I made comparisons to the major contributor, and he was excluded as a

possible source of the major contributor, and I couldn't draw any conclusions about the minor contributors.

Q. When you use the words minor and major, one of my favorite channels is the I.E. channel, and I follow forensics pretty good. And some aspect that you had sufficient sample from my client; isn't that correct?

A. From his known standard?

Q. Well, he sent in his sample.

A. Yes. Yes.

Q. You had sufficient amount, right?

A. Uh-huh.

Q. Then on the visor apparently, then you extracted blood from that, that's correct?

A. Not blood.

Q. What did you extract?

A. It was touch DNA. So just --

Q. Touch DNA?

A. Uh-huh.

Q. So this is not blood we're talking about?

A. No.

Q. Okay. This just means that, in fact, two individuals came into contact with each other?

A. It means that at least three individuals came into contact with the hat.

Q. With the hat?

A. Yes.

Q. Touched the hat?

A. Yes.

Q. I'm lost. And how were you able to determine that Shawn Wright touched the hat?

A. So we have very specific guidelines that tell us what information we can use to make comparisons. In order to make a comparison, you have to be able to calculate a statistic.

And so, in this case, I could only calculate a statistic on the major contributor, and that major contributor matched the DNA profile that I developed from Shawn Wright's buccal swab.

Q. Was any of Jimmy's blood identified?

A. I could not make any comparison to the known contributor.

Q. Jimmy Taylor is the victim. Did they submit his -- a swab of his in reference to the hat?

A. They did not.

Q. What would that -- if it was sent to you, what significance would that have been?

A. Well, there wasn't any blood on the hat that I was given to process, only a touch swab from the hat; but in this case, because I couldn't make any comparisons to the minor contributors, I don't think that it would have made a difference, because I couldn't use that information to make any further comparisons.

Q. You're telling me that if you had taken a swab of Jimmy, the victim, and did your chemical analysis process protocol, you could not determine whether he came into contact with that hat or not?

A. I could compare it to the major contributor, but that source has already been identified as Shawn Wright, but I could not make any comparisons to the minor contributors.

Q. So then Jimmy would have been considered a minor contributor too?

A. I don't know who the minor contributors are.

Q. So that excludes Randy Wright also; isn't that correct?

A. It's not an exclusion or inclusion; I just cannot make any comparisons to the minor contributors.

Q. So it's, in other words, nil,

nonexistent?

A. It's just unusable information.

Q. Unusable, which means you cannot incriminate an individual, in a sense, of useable evidence, in a sense? You can't share this with the jury, in a sense?

A. I don't understand the question.

Q. I'm not trying to be confusing. You have come into this Court and identified that Shawn Wright wears that hat apparently; isn't that correct?

A. He came into contact with it at some point, yes.

MR. DAVIS: Okay. No further questions.

THE COURT: Any redirect?

MR. MCNEELY: Just a couple, Your Honor.

REDIRECT EXAMINATION

BY MR. MCNEELY:

Q. Can you tell us about touch DNA?

A. Sure. Touch DNA is DNA left behind when you touch an item.

Q. And that could be from grabbing it with your hands?

A. Right. It could be from grabbing it, from rubbing on something.

Q. It can be from this collar rubbing against the back of my neck?

A. Yes.

Q. And from me sweating in a visor, right?

A. Yes.

Q. And the major contributor to this visor was Shawn Wright?

A. Correct.

MR. MCNEELY: No further questions. Thank you.

THE COURT: You may step down, ma'am. Thank you.

MR. MCNEELY: At this time, the State rests its case.

THE COURT: Ladies and gentlemen of the jury, it's about -- close to 12:30, and the State has rested their case. It's a good time for us to take our lunch break. If you would be back in your jury room at 2:00. We have a couple of other things we need to take care of while you're at lunch, so I'll give you a little bit of extra time for lunch.

Please remember, do not discuss the

case with anyone or allow anyone to discuss this case with you. We'll see you back at 2:00. Have a nice lunch.

(Jury out, 12:24 p.m.)

THE COURT: Any motions, Mr. Davis?

MR. DAVIS: Yes, Your Honor. I make the motion to dismiss particularly as it deals with assault and battery of a high and aggravated nature, that aspect dealing with serious bodily injury.

Now, Judge, I understand the testimony that has been presented, but at the end of the day, basically, what has been presented to this Court is no internal injuries to any major organs whatsoever has been testified in this matter. And, specifically, a read of the elements of the case says, most likely.

Drinking too much water can most likely cause injury to you from a medical standpoint. In reference to what is before you, this jury cannot ascertain with any degree of certainty that the injuries that Mr. Jimmy Taylor received was life-threatening to the extent or most likely great bodily injury.

For that reason, Your Honor, I would

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ask that the charges be dismissed in reference to assault and battery of a high and aggravated nature and in an alternative for a lesser included offense.

MR. MCNEELY: Thank you, Your Honor. The Court is well aware a directed verdict motion the evidence to be in the light most favorable to the State. The Defendant is charged with assault and battery of a high and aggravated nature of Jimmy Taylor. This requires the Defendant caused injury unlawfully to another person.

In this case, there has been ample evidence that Mr. Wright, along with his sons, inflicted bodily injury upon Mr. Taylor in his driveway on August 8, 2015. We heard that from the testimony of the victim himself, and it was corroborated by the other witnesses in this case; and, also, that the -- either great bodily injury to another person results, or the act is accomplished by means likely to produce death or great bodily injury.

There has been ample evidence presented in this case by the victim and others that this act of injury was inflicted upon Mr. Taylor with a blunt-force object trauma to the head multiple

times. A jury could reasonably find that that means of inflicting injury is likely to produce death or great bodily injury, and it was also specifically testified to by our medical expert, Wendy Griffith.

We would ask that the motion be denied and the matter be presented to the jury.

THE COURT: Both parties are aware at this juncture that the Court is concerned of the existence or nonexistence of evidence. There is an existence of competent evidence tending to prove the charges contained in the indictment and, specifically, with the assault and battery of a high and aggravated nature.

There is testimony to corroborate that -- Ms. Griffith did testify the injuries certainly could have been life-threatening, which also falls into the subsection of an act which, if accomplished, is likely to produce death or great bodily injury or great bodily injury. Subsection A states great bodily injury to another person results or is likely to.

So I believe that based upon the evidence of both the victim and Ms. Griffith, along with the corroborating testimony, there is ample

argument to give it to the jury. So your motion is respectfully denied.

MR. DAVIS: Thank you, Your Honor.

THE COURT: Is Mr. Wright ready to be placed under oath?

MR. DAVIS: He's ready, Your Honor.

THE COURT: Mr. Wright, please stand.

RANDY WRIGHT,

being first duly sworn, testified as follows:

THE COURT: Mr. Wright, you need to speak out loud so the court reporter can hear you.

THE DEFENDANT: I do.

EXAMINATION

BY THE COURT:

Q. Mr. Wright, at this time, I'm going to explain to you certain of your rights. If you do not understand anything that I say, please let me know. If you want me to explain anything in more detail also, please, let me know. Do you understand?

A. Yes, ma'am.

Q. We have now reached the stage of the trial where you may present your defense. You have the right to claim the protections given to you by the Fifth Amendment to the Constitution of the

United States.

This amendment states in part that no person shall be compelled in any criminal case to be a witness against themselves. This means you cannot be required to testify in this case. You have the right to testify on your own behalf; however, no one can make you testify.

This is a personal right and no one can waive this right except for you. If you decide to testify, you will be subject as to the same rules that govern other witnesses, and you may be examined and cross-examined on any relevant issue in this case.

In addition, if you have any convictions involving dishonesty or false statement or for crimes punishable by more than one year of imprisonment, and I determine that the probative value of admitting this evidence outweighs the prejudicial effect to you, the Solicitor will be able to introduce your record to impact your credibility.

If you decide to testify, this decision on your part must be made freely, voluntarily, intelligently, and with the knowledge of the protections given to you by the Fifth Amendment and

the consequences of your decision to testify.

If you decide not to testify, I will instruct the jury they cannot use the fact that you did not testify, and they cannot give it any consideration whatsoever, and there is to be absolutely no prejudice to you because you did not testify.

It is left entirely up to you as to whether or not you wish to testify. You can talk to your attorney, your family, your friends, but, ultimately, this decision is entirely up to you. Do you understand what I've explained to you?

A. Yes.

Q. Do you need time to talk to your attorney regarding your decision as to whether or not you will testify?

A. Yes.

Q. You need more time to talk to him?

A. Yes.

THE COURT: Take your time.

MR. DAVIS: He wants to testify.

THE COURT: Mr. Wright, is that correct? You wish to testify today?

THE DEFENDANT: Yes, ma'am.

THE COURT: All right, sir. Do you

have any questions -- other questions regarding your right to testify?

THE DEFENDANT: No.

THE COURT: All right. We'll be at ease until 2:00 and then we will resume.

MR. DAVIS: Thank you.

THE COURT: If you-all would, before then, meet me in chambers about 1:45.

MR. MCNEELY: With regard to the medical records, do I have everything that -- we have pages 91 --

MS. SMITH: We're missing a bunch. This starts with 67 and 68 and then it picks up with 91.

MR. MCNEELY: Can I print off a complete copy of the Bates stamps?

THE COURT: That would be better.

MR. MCNEELY: We will get a Bates-stamped copy.

(A luncheon recess transpired.)

THE COURT: We're going to bring the jury out. It's come to my attention there was a court officer that potentially overheard a negative comment made by one of the jurors, which I have discussed with both counsel in chambers.

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The agreement of the parties to best handle this is to bring out the entire jury and basically do a broad question. Let them know that apparently there is -- there was an alleged negative comment made by someone in the courtroom and whether or not the jury, A, heard it; and if they did, if they can set that aside and be fair and impartial to both sides and, obviously, follow the Court's instructions as to the evidence and be the finders of fact based on the evidence and not any personal animosity towards anybody else in the courtroom.

Is that the correct recitation of the agreement?

MR. MCNEELY: That's how I understood it, Your Honor.

THE COURT: Are you okay with that, Mr. Davis?

MR. DAVIS: My major concern is that Randy Wright gets a fair trial. And I just view any negativity pertaining there to me; I don't want it to impugn to Randy Wright, especially in an environment that currently exists in this country to a large degree.

You and I may disagree, but I think any

negativity in that regard could be reflected and sent like a poison and pollute throughout the whole jury panel, and that would negate Mr. Wright getting a fair trial. That's my only concern.

I can't remove myself out of this posture as a trial lawyer, but I'm very concerned in reference to where this potentially could go in terms of bias and prejudice against my client's right to a fair trial.

THE COURT: And that's as I understand the concern, Mr. Davis; however, as far as the statement is concerned, I think if the jury can say they can set it aside and they weren't affected by it and be fair and impartial, and they're under oath to follow that instruction -- I mean, jurors may not like any of us in the courtroom, but if they can follow the law and be fair and impartial, that's what your client deserves and that's what he would get.

MR. DAVIS: Thank you.

THE COURT: Let's have our jury, please.

(Jury in, 2:17 p.m.)

THE COURT: Welcome back, ladies and gentlemen. I hope that you had a nice lunch.

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Before we get started, there is a little bit of a housekeeping matter I must take up with you, and it's a little bit of an unusual circumstance, but it was brought to my attention that there may have been a negative comment made against someone in the courtroom by a member of the jury.

I don't know that for sure. I don't know if anybody heard it; however, I have the duty to ask you, A, if any member of the jury heard it and, if so, if they can set that aside and make a fair and impartial determination of the facts; because you are the judges of the facts based upon the evidence that you hear solely from the witness stand, and not any personal feelings that you may have against anybody in this courtroom; that it is your sworn duty to follow the law and make that determination based upon the evidence as presented during the trial of this case.

I'm going to ask you to go to your jury room. Don't discuss it amongst yourselves, because I don't want anyone to influence anyone else, but if you feel that you have heard something and you have been impacted in any way, shape, or form, or you can't make a fair determination of the evidence based upon the facts that you hear from the witness

stand, just write me a note and let me know.

So what I'm going to do is I will ask you to go to the jury room, and I will have the bailiff pass out a notepad in case anybody does need -- or maybe give a piece of paper to everybody, and if you heard something and you were impacted by it, then we'll need to discuss it a little bit further.

(Jury out, 2:19 p.m.)

THE COURT: Any exception or objections to my questioning of the jury?

MR. MCNEELY: None from the State.

MR. DAVIS: None, Your Honor.

THE COURT: Okay.

We can put on the record that we've had a charge conference in chambers. Both parties have been provided copies of the proposed jury instructions and have no objection to them; is that correct?

MR. DAVIS: That's correct, Your Honor.

MR. MCNEELY: I apologize, Your Honor.

THE COURT: I didn't see you go back there.

MR. MCNEELY: Jury charge conference?

THE COURT: Correct. Any objections?

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MR. MCNEELY: No, Your Honor, other than what we discussed.

THE COURT: Thank you.

(Brief recess.)

THE COURT: I have a note signed by the foreperson, Ms. Laura Drolet. We, the jury, can all make a decision based upon the witnesses.

We will mark that as a Court's Exhibit. I think it's appropriate to proceed.

Any objections?

MR. MCNEELY: None from the State.

MR. DAVIS: Thank you, Judge.

THE COURT: Let's have our jury back.

(COURT EXH. 1, Jury note, was marked for identification.)

(Jury in, 2:25 p.m.)

THE COURT: Welcome back. We are ready to proceed with the trial of the case. Counsel?

MR. DAVIS: We call Penny Blair, Your Honor.

THE COURT: Yes, sir.

PENNY BLAIR,

being first duly sworn, testified as follows:

THE CLERK: Please be seated. State your full name and spell your last name for the

record.

THE WITNESS: Penny Darlene Blair, B-L-A-I-R.

THE COURT: Your witness.

DIRECT EXAMINATION

BY MR. DAVIS:

Q. Ms. Blair, where do you live?

A. [redacted], Moncks Corner.

Q. How long have you lived there?

A. Seven years.

Q. Okay. Tell us a little bit about yourself.

A. I work at Country Corners.

Q. Are you married? Single?

A. Single. I live with somebody.

Q. Okay. And do you know Randy Wright?

A. Yes, I do.

Q. How long have you known him?

A. Three years.

Q. And tell the jury how you come to associate yourself with knowledge of Randy Wright.

A. He's a customer that comes into the store that I work at.

Q. And how many times would you say that you've had the opportunity to interact with him?

A. I talk to him all the time he comes into the store.

Q. Can you share with the jury your impression of his demeanor and character as it relates to your association with him.

A. He's always been a very respectable man as far as I can tell. I've never had any issues or problems with him, in or outside of the store.

Q. And you also know Jimmy Taylor?

A. Yes, I do.

Q. And tell the jury how you know Jimmy Taylor.

A. I used to work at Family Dollar. I worked there for ten years before I worked at Country Corners, and he used to come into the Family Dollar.

Q. You've had an opportunity to witness him also?

A. Yes, I do.

Q. Does he frequent the country store?

A. I've seen him once or twice in the Country Corners.

Q. Now, you've known Jimmy longer than you have known Randy; isn't that correct?

A. Yes, sir.

Q. And you've been placed under oath to tell the truth and nothing but the truth; is that correct?

A. Yeah.

Q. In reference to the country store, does the country store have the ability to videotape people who come in there?

A. Yes.

Q. Was that availability or process in play on August 8, 2015?

A. I did not work that night, and I have no idea if the cameras taped what they have on tape.

Q. Okay. But is it customary or part of the protocol for the camera to always be in play?

A. Always.

Q. So there's no question that if law enforcement had presented themselves, they could have actually secured the camera therein?

A. Oh, yes.

Q. Have you ever seen Randy rude, disrespectful in any manner whatsoever?

A. Never.

Q. Okay. You know, sometimes folks come in and they're patrons, and they can show a lot of

ugliness in their behavior and character. Have -- or did Randy Wright ever exhibit any of those features?

A. Never.

Q. Have you ever had the opportunity to serve Jimmy when he comes into the country store?

A. At the Country Corners, no, but at Family Dollar, yes.

Q. How would you compare the two descriptions in reference to the association that took place?

A. Meaning -- I didn't understand the question.

Q. Do they display the same mannerisms?

A. How would -- I'm sorry?

Q. Well, you said that Randy's mannerism when he comes in the store, he's polite, he's jolly?

A. Uh-huh, yes, sir.

Q. In comparison to Jimmy, who --

A. No. I've seen Jimmy in the Family Dollar store, and there have been times that he's been intoxicated. And but I --

MR. MCNEELY: Your Honor, I will object to this line of questioning. I don't know what

it's relevant to.

THE COURT: Sustained.

BY MR. DAVIS:

Q. Okay. Would you trust Randy Wright in your home?

A. Yes.

MR. MCNEELY: Objection, Your Honor. I don't know what it is relevant to.

MR. DAVIS: Character and reputation.

THE COURT: Overruled.

Let's move on, Mr. Davis.

BY MR. DAVIS:

Q. You would trust Randy in your home?

A. Yes, sir.

Q. And by the way, has Randy ever did any mechanic work for you?

A. Yes.

Q. And has he always done what he promised he would do?

A. Yes.

Q. And always kept his word?

A. Yes.

Q. Does he have a reputation of getting in fights?

A. Not that I know of, never. He's always

been respectful to me and my job. When I'm at work, I've never had any issues with Randy.

MR. DAVIS: No further questions.

THE COURT: Cross-examination?

MR. MCNEELY: Thank you, Your Honor.

CROSS-EXAMINATION

BY MR. MCNEELY:

Q. Ms. Blair, you know the Defendant as a customer of the store?

A. Yes.

Q. He's done some mechanic work for you, right?

A. Yes.

Q. Do you hang out socially with him?

A. No.

Q. Have you ever hung out socially with him?

A. I've been to his home.

Q. Was that for mechanic work?

A. Yes.

Q. So you went to his home for mechanic work?

A. And he's been to my house for mechanic work.

Q. It wasn't a social interaction; it was

a business deal? He was doing work for you?

A. Yes. I know his family. I am friends with his family.

Q. You weren't there on August 8th?

A. No, I was not at work.

Q. You weren't anywhere near Jimmy Taylor's house?

A. No.

Q. You have no idea what happened that night?

A. No.

Q. And you have seen Jimmy Taylor as a customer?

A. Yes, I have.

Q. And he's been respectful to you as a customer?

A. Yes.

Q. Okay. But you have no idea what happened in this case, you weren't there?

A. Only by hearsay.

Q. Right, you weren't there.

A. I was not. I was not working that night.

Q. Okay. And the store has cameras?

A. Yes, it does.

Q. And do the cameras save everything that is recorded, or do they wipe the recording if you don't --

A. If they don't save them, they do wipe the recordings.

Q. Do you know how long they have to save it?

A. No, I do not.

Q. Any idea at all?

A. No.

MR. MCNEELY: Okay. No further questions, Your Honor.

THE COURT: Any redirect?

MR. DAVIS: No further questions.

THE COURT: You may step down, ma'am. Thank you.

You may call your next witness.

MR. DAVIS: We call the Defendant, Your Honor, Randy Wright.

THE COURT: Mr. Wright.

RANDY WRIGHT,

being first duly sworn, testified as follows:

THE CLERK: Please be seated. State your full name and spell your last name for the record.

THE DEFENDANT: Randy Wright, W-R-I-G-H-T, last name.

THE COURT: Your witness.

DIRECT EXAMINATION

BY MR. DAVIS:

Q. How old are you, Randy?

A. Sir?

Q. How old are you?

A. 52.

Q. How far did you go in school?

A. 11th grade.

Q. And are you married?

A. Yes.

Q. How long have you been married?

A. About 32 years.

Q. And your wife is in the courtroom?

A. Yes, sir.

Q. What is her name?

A. Angela.

Q. And how old were you when you got married to Angela?

A. About 25.

Q. How many kids do you have?

A. We have five.

Q. Boys or girls?

A. We got three boys and two girls.

Q. And your daughters are in the courtroom?

A. One of them.

Q. What's her name?

A. Hannah.

Q. Any grandchildren?

A. Yes, sir.

Q. How many?

A. Eight.

Q. How many?

A. Eight.

Q. Eight grandchildren. What kind of work do you do?

A. I do mechanic work.

Q. How long have you done mechanic work?

A. Since I was probably 15.

Q. Okay. And if truth be told, you've done work for Jimmy Taylor before; isn't that true?

A. Yes, sir.

Q. Any problem with that?

A. Not at that time, no.

Q. And you told me you had a DUI some eight or nine years ago?

A. It was about eight years ago.

Q. Have you had any since?
A. No.
Q. Do you have any crimes of violence on your record?
A. No.
Q. Have you ever assaulted anyone?
A. No.
Q. Ever been in any fights?
A. No.
Q. Where did you sleep last night?
A. Slept on the floor in lockup.
Q. You've never spent any time in prison or jail before, have you?
A. No.
Q. Do you know why we're here, right?
A. Yes, sir.
Q. It's been almost two years.
A. Yes.
Q. And you want to tell the jury your version of what happened that day, right?
A. Yes, sir.
Q. Okay. Now, before you get to that version, there has been some reference that Jimmy Taylor testified that he met you in Piggly Wiggly six months or so before that. Do you have any

recollection of that?

A. None.

Q. Have you had any beef or animosity towards Jimmy in any way?

A. No, I haven't. No.

Q. You did not?

A. No.

Q. Tell the jury on that August 8th, did you go to work.

A. Yes, sir.

Q. Where did you go to work?

A. I worked on Daniel Island.

Q. And that's a good distance from your house?

A. Yes, sir.

Q. How did you get over there?

A. I drove.

Q. Okay. And what did you do that day?

A. I worked on trucks.

Q. What type of trucks?

A. Dump trucks, excavators, and bulldozers.

Q. You do diesel mechanics?

A. I do both.

Q. You've been doing that since you were

15?

A. Yes.

Q. You got off from work about what time?

A. We got back to the garage in St. Stephen just around about 5:30.

Q. And who owns the garage in St. Stephen?

A. Swamp Fox Utilities.

Q. And that's who you work for?

A. Yes.

Q. How long have you been working with them?

A. About two years.

Q. Where did you work before them?

A. I worked at TLS Trucking in Goose Creek.

Q. How long did you work there?

A. I worked there about year and a half.

Q. Where did you work before T and L (sic) Trucking?

A. Feller Containment.

Q. So you've always worked on heavy equipment and diesel trucks?

A. Yes.

Q. So what time did you get off August 8, 2015?

A. We got back to the shop because we had to drop some stuff off there. It was probably about 6:00.

Q. You said we. Who is we?

A. Me and my two sons.

Q. The two boys were working with you?

A. They did that day.

Q. Okay. So you came from Mendel Rivers Road, which is in St. Stephen?

A. Yes.

Q. And you were driving?

A. Yes, sir.

Q. And the two boys were in the -- what were you driving?

A. I was driving my truck.

Q. Is it red?

A. White.

Q. And when you left St. Stephen on Mendel Rivers Road, where did you go?

A. We continued into Moncks Corner, and we stopped at the Country Corner store. I had to get cigarettes and stuff.

Q. So you stopped there?

A. Uh-huh.

Q. When you stopped at the country store,

did you know that Jimmy Taylor was there?

A. No, sir, I didn't.

Q. How do you learn that Jimmy Taylor was there?

A. It was after I entered the store.

Q. After you entered the store?

A. Yes, sir.

Q. Tell the jury what happened after you entered the store.

A. Well, they had two lines because they was packed in there usually on the weekends. And so I got in line and, like I said, the lines were long on both sides. And I got in line, and I didn't see him come in, but I was standing in line waiting to get my stuff.

I was standing there and just happened to turn around and looked back in the line and he was in my line. And he just stood there with a bad look, mean looking. He had two big bottles of Bud Lite and looked at me with, like, a mean look, you know.

I didn't know what was wrong with him. I had never seen him act like that.

Q. You had never seen him act like that before?

A. No.

Q. Now, the two sons, Adam and Shawn, I think?

A. Yes, sir.

Q. Did they go into the store with you?

A. No, sir.

Q. So you were the only individual that went into the store?

A. Yes.

Q. And after you left the store, tell the jury what happened.

A. We got -- I went and got back in my truck. We went to leave the country corner store, I pulled out on the road, on 6, headed to my house. And, like I said, it was dusk out there --

Q. I want to stop you. Did you get served before Jimmy Taylor, or did Jimmy Taylor get served before you in that store?

A. I got served before he did.

Q. So you left before him?

A. Yes, sir.

Q. Go ahead.

A. So, anyway, I pulled out and continued on to home, and it was dusk/dark. There was a lady walking with a baby on the side of the road.

Q. 176?

A. Highway 6. And the grass was high, so I was scared she was going to get snake bit, and so I stopped and asked if she needed a ride. I told my boys they would have to get in the back if I have to take her somewhere. She told me, no.

She said, my husband is back at the store raising cane. If she gets in a vehicle with somebody and he sees her, there's going to be trouble. I said, okay, I tried. And so she declined the ride.

So I turned around. At that point when I turned around back down 6, that's when Mr. Taylor happened to get behind me.

Q. How did you know it was Mr. Taylor?

A. I didn't know at that point until we got on Cooper Store Road. I knew the same truck was behind me. We got on Cooper Store Road, and he kept getting up on my bumper.

Q. What do you mean he kept getting up on your bumper?

A. He'd rush up on my bumper, stay there, you know, real close. So, anyway, I continued on until I made my turn on Rainbow Acres. I put my blinker on and went to turn in, and just as I

turned in, something hit the back of my truck.

Q. Here you're about to turn onto Rainbow Acres, which would take you to a Pot of Gold where you live, and that's when the bottle impacted the back of the truck?

A. Yes, sir.

Q. Tell the jury what you did after that.

A. He had passed -- once he passed, I noticed the truck. He went on down the road and put a left on to go into his driveway. And I told my sons, I want to find out what his problem was with me. But I never -- me and him ain't never had any problems, so I didn't know. You know, I've been to his house and worked on the truck.

At that time, I didn't figure anything was going to happen. So I went on up there and I pulled up and I walked to the truck where Jimmy was. And he had the door open and he had the back seat folded up and had his foot inside the truck like he was waiting.

And I just walked up there and asked him, I said, what's your problem with me? What have I done to you? And he was -- you could tell he was intoxicated. And he reached behind the seat and grabbed a club and told me, I will show you

what the MF I will do to you, like that.

And then about that time -- before that point I told my boys to stay in the truck, I was just going to see what was wrong with Jimmy. And as I did, one of my sons had come beside me. And I told him, I said, Jimmy, it ain't going to be like this. And he said, I'm going to show you.

And he squared back and caught me in my kneecap with the club. At that point, I told him, whoa, whoa, stop, you know. And my oldest son told him, Jimmy, you ain't got to be hitting nobody with that, and he caught him in the ribs with it. And about that time, my other son had come up.

I was there first before either one of them. And when they come up, Jimmy said, I'm going to get my gun and shoot all of you MFers, like that. And then he started coming at me again with the club. And once he went to swing on me again, the only thing I could do was grab him around the waist to keep him from hitting me.

Once I did that, he got the club under my throat and he had his other forearm choking me. There wasn't nothing I could do. And I kept trying to get out my breath that you're choking me, I can't breathe, I can't breathe. The more I did,

the harder he got.

So at that point my sons asked him to let me go. He wouldn't let me go. So they started pulling on him, telling him to let me go, and he would not let go. And I don't know what happened, you know, a little bit before that because I almost passed out he was choking me so hard.

So after that I'm not -- everybody hit the ground. And once I got up and everybody stopped, he got up and he was going through his gate to his house. I didn't know what kind of condition he was in because I was on the bottom. And he said he was going to get his gun.

Q. Okay. Did you hit --

A. I never got a chance to.

Q. Never did?

A. Never did.

Q. But apparently somebody hit Jimmy?

A. I was on the bottom of the pile. I can't tell you.

Q. Apparently, one of your boys, or both of your boys did strike coming to your defense?

A. Yes, sir.

Q. And now, you know -- do you recall -- you were in the courtroom the whole week when

Mr. Williams testified?

A. Uh-huh.

Q. Do you recall him or any manner -- in any manner whatsoever?

A. No, sir. There wasn't nobody there.

Q. You don't recall that?

A. No, sir.

Q. The words you last hear, he was going to get his gun?

A. Yes.

Q. And after you left, what did you do?

A. I told my sons -- once he got up and went to go to his trailer to get his gun, I told them, I said, let's go because this ain't worth it. Somebody is going to get killed is what I told them.

You know, we just walked back to my truck and turned around and went home. At that point when he went walking into the trailer, like I said, it was dark. I didn't know that he had that much --

Q. You didn't know the extent of his --

A. I did not know.

Q. Did you strike Jimmy Taylor at any time?

A. No.

Q. You did grab him though?

A. Around the waist.

Q. Why did you grab him?

A. He was getting ready to hit me again with that club.

Q. And you and I've had this discussion, why did you follow him after you were about to turn into your driveway and drive the road to take you home?

A. That was poor judgment; I shouldn't have. That was -- I shouldn't have.

Q. Okay. Did you approach him in any threatening manner whatsoever?

A. No, I didn't. I just asked him what have I done to him.

Q. And you hadn't done anything to provoke any incident from what took place in the country store?

A. No, sir.

Q. Had you been drinking that afternoon?

A. No, sir.

Q. Now, you went home and you shared it with your family apparently?

A. Yes, I did.

Q. And did you seek any medical treatment in relation to what happened to you?
A. No, I didn't.
Q. What kind of injuries, if any, did you receive?
A. He got my kneecap, busted it open on my left leg.
Q. You shared that with Officer Ward --
A. Yes, I did.
Q. -- as part of her investigation. Did she at any time make a decision to take any pictures when she saw your property some 11 days later?
A. No.
Q. What was your understanding then after that night? What was your understanding?
A. I thought it was over with.
Q. Okay. And so on April -- I'm sorry, strike that, on August 19th, how did you learn that someone from the sheriff's office wanted to discuss this how? Tell me how you got into that process.
A. I wasn't at home when they come. I wasn't at home when they had come to serve a warrant, as I understood it.
Q. And so you went and turned yourself in?

A. Yes.

Q. And when they took the swab, at that point you turned yourself in and volunteered that also?

A. Yes.

Q. When you turned yourself in and you provided that statement, that was about some 11 days after the incident; isn't that correct?

A. Yes, sir.

Q. And no one from the sheriff's office had come to you on August 9th, August 10, 11, 12, 13, 14, 15th -- until the 19th; isn't that right?

A. Yes.

Q. And you were not represented by counsel?

A. No, sir.

Q. And you signed what we call a Mirada statement that I have the absolute right to remain silent and do not have to answer any questions or give any statements and this cannot be used against me; that if I answer a statement or give a statement, anything I say can and will be used against me in a court of law. Anything you said?

A. Yes.

Q. That I have the right to consult with a

lawyer of my choice before I answer questions or give a statement and also have him present while being questioned; that if I wish to talk to a lawyer and have him present but unable to afford to hire a lawyer, one will be appointed to represent me free of charge.

You initialed those things and then you still went and shared what happened?

A. Yes, sir.

Q. Have you ever been interrogated before by law enforcement?

A. No, sir.

Q. You had never been through that process before?

A. No, sir.

Q. And it took place at the sheriff's office?

A. Yes, sir.

Q. And how long would you say that process took?

A. Probably about an hour.

Q. Do you recall speaking to Detective Ward?

A. Uh-huh.

Q. And Detective Ward in her statement

said initially you denied even being engaged in any altercation. Tell us about that.

A. Whenever they started asking me questions, you know, she was -- they was asking me what kind of truck, make and model, color did I drive. And I told them.

And then they said, okay, now you started proceeding on Cooper Store Road toward Mr. Taylor's house. And right then I said, no, you have it all messed up right from the start. And that I didn't want, you know, for it be all mixed up like that.

That's why I did the interview, but then once they settled down and calmed down, I went ahead and give the interview.

Q. And what do you mean -- do you mean, then they calmed down, they did not prejudge what you were about to say?

A. Exactly.

Q. And then you shared with them what took place?

A. Yes, I did.

Q. And there is no question that you told them that Mr. Jimmy Taylor hold up these two beer bottles or large beer containers inside the store?

You shared that with them?

A. Yeah.

Q. And you also shared with them that this is where it all began?

A. Yeah, that's what I said.

Q. Did they ask you about, Mr. Randy Taylor (sic), did you have any beef with Mr. Taylor or anything in that regard?

A. No.

Q. Did they ask you to -- or show any pictures that they had taken of Mr. Jimmy Taylor's vehicle claiming that you had struck that vehicle and caused damage to the front light in any regard?

A. No, sir.

Q. Okay.

A. They didn't check mine.

Q. Nobody checked your vehicle at all?

A. No, sir.

Q. Randy, there's no question that you and your sons have got in a brawl or confrontation with Jimmy Taylor.

A. Yes.

Q. Can you tell us why?

A. I still can't tell you why.

Q. Sir?

A. I still can't tell you why.

Q. Still can't tell you why. You work that complete day?

A. Yes.

Q. Could you tell whether Jimmy had been drinking that day on August 8, 2015?

A. Yes, sir, I could.

Q. And what would you say in that regard?

A. The way he acted in the store, and then once I approached him, the staggerness (sic) and stuff that he had.

Q. Is there anything else that you think I may have neglected to share with this jury that you want to share with them? This is your only shot.

A. No, sir. Like I said, I had poor judgment. I'm sorry it happened. I wish it never would have happened. I mean, I can't -- you know, being on the bottom of the pile, I can't do nothing, but if I had to do it again, I would have chose not to go up there.

Q. Had you ever been in mutual combat with anybody before -- you have a reputation for fighting?

A. No, sir. No, sir.

Q. How much do you weigh?

A. I weigh 120 pounds.

Q. Would you allow your boys to engage in an invitation to fight just for the sake of it?

A. No, sir.

Q. Would you park your vehicle across from the country store and lie in wait until someone come out and then invite them or create a situation that causes us to be here today?

A. No, sir.

Q. Is that in your character?

A. No, sir. If he hadn't hit my truck that night with a beer bottle, none of this would have happened.

MR. DAVIS: No further questions.

THE COURT: Cross-examination.

MR. MCNEELY: Thank you, Your Honor.

CROSS-EXAMINATION

BY MR. MCNEELY:

Q. Good afternoon, Mr. Wright.

A. Afternoon.

Q. You live in Rainbow Acres?

A. Yes, sir.

Q. You live with your family?

A. Yes, sir.

Q. You have a white truck?

A. Uh-huh.

Q. Mr. Davis brought up that you had a DUI conviction from eight or nine years ago?

A. Uh-huh.

Q. Did they take you to jail when you got arrested for that?

A. Yes.

Q. Did you spend the night?

A. Yes, sir.

Q. You testified just a few minutes ago you never spent a night in jail until last night; is that not true?

A. Trying to think. No, I didn't spend the night. I'm sorry.

Q. You knew Jimmy Taylor, correct?

A. Yes, sir.

Q. Worked on his truck?

A. Uh-huh.

Q. Mr. Davis was questioning you about the night of August 8th, 2015. You stated that your sons Adam and Shawn were with you that night; is that right?

A. Uh-huh.

THE COURT: Sir, you need to answer yes or no, please, instead of uh-huh.

THE DEFENDANT: No. I had stated that my other son was with me, Randy. Shawn was with me. I wrote Randy, but it was Shawn.

BY MR. MCNEELY:

Q. So Shawn was with you?

A. Yes.

Q. But when you wrote the statement for Detective Ward you said Adam and Randy were with you?

A. Yes.

Q. That wasn't true?

A. Shawn was with me. I got mixed up. I got the names mixed up.

Q. You get the kids mixed up a lot?

A. Yes, sir, I sure do.

Q. And you testified and wrote in the statement -- well, first off, when Detective Ward questioned you on August 19th, you denied being in any altercation on August 8th; did you not?

A. I didn't deny it, no.

Q. Were you sitting there when she testified that you denied being in an altercation on that night?

A. Yes.

Q. Ms. Ward is not telling the truth to

this jury?

A. Once they started telling me about what was going on before I could tell them what was going on, that's when I stopped.

Q. You changed your story when she told you that Jimmy Taylor identified you, didn't you?

A. No, I didn't.

Q. Well, going from not being in an altercation on August 8th to being in an altercation after your name was identified by the victim, is that --

A. I wrote it down. It's wrote down in my report.

Q. No question this happened in Jimmy Taylor's driveway, correct?

A. Yes, sir, it did.

Q. Before that you testified and wrote in your statement that he hit the back of your truck with a beer bottle from behind you?

A. Yes, sir.

Q. What is the speed on Cooper Store Road?

A. It goes from 45 to 55.

Q. And he was driving on the road when this happened?

A. Yes, sir, he was.

Q. Do you know if Mr. Taylor ever played professional baseball?

A. I don't know.

Q. I imagine the Braves might want him if he can throw a beer bottle and hit the back of your truck at 50 miles per hour. That would be pretty quick, wouldn't it?

A. He was on my bumper, and I was having to make a right turn, and I ain't doing but 20 to turn down my road.

Q. Did you take any pictures of the damage to your truck?

A. No, I didn't.

Q. You went up into Jimmy Taylor's driveway, correct?

A. Yes.

Q. While he was getting out --

A. He was already out.

Q. Near the gate in his driveway?

A. Yes, sir.

Q. You testified that he hit you in the kneecap with the bat?

A. Yes, sir. I didn't say a bat; I said it was a club. It wasn't a bat; it was a club.

Q. Describe it.

A. It was round, about that long. (Indicating)

Q. What was it made out of?

A. I don't know if it was pine or what it was. It was made out of wood.

Q. Wood?

A. Yeah.

Q. And you testified that he choked you with it?

A. Yes, he did.

Q. And you almost passed out?

A. Yes, I did.

Q. When Detective Ward interviewed you, you said you didn't have any injuries?

A. I told her. I tried to show them to her. They wouldn't look at my knee. I tried to show them.

Q. She asked you specifically about injuries, and your testimony to this jury is you tried to show them your knee and they wouldn't look at it?

A. I told them, I said, do you want to see my leg where he hit me? And they kept going on with the interview, so...

Q. Did you get any medical treatment for

it?

A. No, sir.

Q. Did you take any pictures of it?

A. My daughter did on her phone, but that was two years ago, and they got -- somehow all the pictures got deleted.

Q. So you don't have any pictures of this alleged injury?

A. No. They said they could get them, people said they can retrieve them somehow.

Q. You don't have them here today?

A. No.

Q. And you testified that while Jimmy was on top of you, he had the club around your neck choking, correct?

A. Yes.

Q. And while that happened, that's when your sons, Adam and Shawn hit Jimmy?

A. They were trying to get him off of me, trying to keep him from choking me.

Q. You saw the injuries to Jimmy Taylor's head, correct?

A. Yes.

Q. Well, if he's got the club while they were hitting him, what did they hit him with?

A. I have no idea.

Q. I think it's pretty safe to say those injuries weren't caused by fists; is it not?

A. Some of them looked like they probably wouldn't.

Q. You went up Mr. Taylor's driveway first?

A. Yes.

Q. And the boys followed?

A. Yes.

Q. To confront him in his driveway?

A. Yes, sir.

Q. You didn't go to the emergency room for any injuries you received?

A. No.

Q. Did you make a report to law enforcement about the incident?

A. No. I thought it was over.

Q. But you got cracked in the kneecap with a club and got choked until you passed out, and you didn't make any report to law enforcement.

A. No.

Q. The first contact you had with law enforcement was on August 19, 2015, that's right?

A. Yes.

MR. MCNEELY: No further questions from the State.

THE COURT: Any redirect?

REDIRECT EXAMINATION

BY MR. DAVIS:

Q. Anything prevent you from owning a gun?

A. No, sir.

Q. You can have a concealed weapon if you want one?

A. Yes, sir.

MR. MCNEELY: Your Honor, I object to this line of questioning. It's irrelevant and outside of the scope.

THE COURT: Sustained.

BY MR. DAVIS:

Q. You'd never been confronted with this situation before, had you?

A. No, sir.

Q. In relationship to where the incident took place, was it on the driver's side or the passenger side?

A. It was on the driver's side of his truck.

Q. And his gate that we see repeatedly on the high fence --

A. Yes.

Q. -- that gate was still shut?

A. Yes.

Q. He had not entered into actually the enclosure of his property?

A. Yes, he did enter. He walked into his house where he said he was going to get his gun.

Q. Where did -- when you talked to him to first confront him, was this behind the fence or on the outside of the fence?

A. At the point when he turned around and opened the gate and said he was going to get the gun, I told my boys, let's go.

Q. Wait a minute now. The fight took place near his vehicle, or where --

A. Near his vehicle.

Q. Okay. On the --

A. Driver's side.

Q. Driver's side. And it's your testimony you never struck --

A. No, never touched him other than to grab him around the waist.

Q. Grabbed him around the waist. And you all went down to the dirt?

A. Yes, sir.

MR. DAVIS: Okay. Thank you.

THE COURT: You may step down, sir.

You may call your next witness.

MR. DAVIS: We rest, Your Honor.

THE COURT: Ladies and gentlemen of the jury, both parties have rested their case. Before we go into closing argument and charge, we would take a brief recess so we can prepare accordingly.

We'll be back with you in five minutes or so. Please remember my previous instructions not to discuss this case amongst yourselves. Thank you.

(Jury out, 3:10 p.m.)

THE COURT: We'll be at ease.

MR. MCNEELY: The charge is remaining as is, correct?

THE COURT: Correct.

MR. MCNEELY: It's my understanding now with closing that I do my closing in its entirety, Mr. Davis then closes, and I get a brief rebuttal.

THE COURT: Right, just can't bring up anything new.

MR. DAVIS: Thank you, Your Honor.

THE COURT: Let's have the jury, please.

(Jury in, 3:40 p.m.)

THE COURT: Welcome back, ladies and gentlemen of the jury. We are now ready to proceed with closing arguments. You may proceed, Solicitor.

MR. MCNEELY: Thank you, Your Honor.

Good afternoon, ladies and gentlemen. I would like to thank you again for your service during this trial. We are almost to the end. In a few moments when I'm finished speaking and Mr. Davis is finished speaking, you're going to hear from the judge on the law. It will be your job to apply the law to the facts that you have gleaned from this trial.

Before we do that, we'll go back over what I think the evidence says. Mr. Davis will do the same. She's going to instruct you, but I will remind you now, what I say and what Mr. Davis says is not evidence. The evidence you heard came from the witness stand and is laid out on this table and it's gleaned from your perceptions.

What I'm going to tell you now is my interpretation of what the evidence is. The Defendant in this case, Randy Wright, is charged with assault and battery of a high and aggravated

nature. I told you yesterday, and I will tell you again, assault and battery of a high and aggravated nature, or ABHAN for short, a person commits the offense of assault and battery of a high and aggravated nature if they unlawfully injure another person and great bodily injury to another person results, or the act is accomplished by means likely to produce death or great bodily injury.

That's the crux of this case, ladies and gentlemen. The second this Defendant and his sons bashed Jimmy Taylor over the head with a club or a pipe or a jack handle or a bat, whatever it was we don't know because they took it with them, this is an ABHAN. Split his head wide open and could have easily killed him.

Great bodily injury means injury which causes a substantial risk of death or which causes serious permanent disfigurement or protracted loss or impairment of a function of a bodily member or organ. I will talk about this more later, but you heard from Wendy Griffith this morning, not too long ago.

She sat right there and told you, one of those licks could have made him a vegetable for the rest of the life. One of them could have

killed him. He took multiple blows to the head body with that object.

The hand of one is the hand of all. When a crime is committed by two or more people who are acting together, the act of one is the act of all. What Mr. Wright did and what his sons did that day, they're all in it together. They're responsibile -- Mr. Wright is responsible for each and every strike that he threw and that his sons threw. They were all there together. It was a coordinated assault.

She's going to instruct you about reasonable doubt. I think I mentioned it on Tuesday -- or Wednesday rather. Reasonable doubt is not beyond all reasonable doubt. It's not absolute certainty. It's the old saying, death and taxes, that's what we know with absolute certainty.

Reasonable doubt is doubt that would a reasonable person to hesitate to act. If the evidence leaves you firmly convinced that the Defendant is guilty, then you must find the Defendant guilty. Again, it's not an absolute certainty.

You're going to be charged on several lesser included offenses. I will go over them with

you now just briefly. You're only to consider the lesser included offenses if you first find that this was not an ABHAN. If you find this is an ABHAN as charged, that he's guilty of this crime, you stop there. If you find it wasn't an ABHAN, then you consider the lesser included offenses.

Assault and battery, first degree. A person commits the offense of assault and battery, in the first degree, if the person offers or attempts to injure another person with present ability to do so and the act is accomplished by means likely to produce death or great bodily injury.

It sounds kind of confusing when you think about it with ABHAN, but it's really simple when you think about it. If the person is injured and the means by which it was accomplished could have caused death or great bodily injury, it's an ABHAN.

If they tried to injure the person, but didn't injure them, and the means could have caused great bodily injury, then it can be an A&B first. If they took a swing at Jimmy's head with a pipe and missed, or just hit his arm and grazed his arm, and he wasn't really hurt, then we would talking

about an A&B first.

That's not what we're talking about here. We're talking about a man who had his head split wide open up in multiple places and could have easily been killed.

A&B second degree, below A&B first, obviously. A person commits the offense of assault and battery in the second degree if the person unlawfully injures another person or offers or attempts to injure the person and moderate bodily injury to another person results or moderate bodily injury could have resulted. So if the act was accomplished by means that weren't likely to produce death or great bodily injury, but could produce moderate bodily injury, then that's an assault and battery second.

By way of example, if this had just been a fistfight, then we would be talking about an A&B second. You're not going to split somebody's head open, like Jimmy's was, or cause those contusions to his side if you're just talking about a fistfight. This was a multiperson attack on Jimmy with a weapon. A&B second doesn't apply.

But moderate bodily injury, just so you know, means physical injury that involves prolonged

loss of consciousness or causes temporary moderate disfigurement, or temporary loss of the function of a bodily member or organ, or that requires medical treatment when the treatment requires the use of regional or general anesthesia or either results in a fracture or dislocation.

And notice, I'm going back, requires medical treatment with regional or general anesthesia. It does not include one-time treatment and subsequent observation of scratches, cuts, abrasions, bruises, burns, splinters or any other minor injuries that do not require critical care.

If you look at this case in a vacuum -- I'm certain defense attorney is going to argue this -- and you just look at Jimmy's injuries as to what was the result, what were his injuries, then his injuries probably meet the definition of moderate bodily injure. But that's because he was lucky. Not because that's what this would have normally resulted in.

The means by which Jimmy was caused injury could have easily killed him. That's why it's an ABHAN, not an A&B second. If you get back there and you disagree that a blow to the head with a pipe like that could have killed a man or

seriously maimed him, and you find he only had moderate bodily injury, then it's an A&B second. I don't think that's what the evidence shows, but you will be allowed to consider that.

Finally, you will be able to consider A&B third. A person commits the offense of assault and battery in the third degree if they injure another person or offer to attempt to injure another person. That means injury that doesn't meet the level of moderate bodily injury, a minor scrape, a touch; and it doesn't definitely meet the definition of great bodily injury.

Those are the lesser includeds that you're going to be allowed to consider. As I've said throughout, the lesser includeds just don't apply in this case. This was an ABHAN. Jimmy could have been killed; there was a weapon involved; he got bashed in the skull with it.

The defense throughout this case threw out a lot of red herrings, a lot of stuff that doesn't matter, a lot of stuff intended purely to distract from the fact that Jimmy was beaten within an inch of his life, but for Dale Williams walking outside to stop them.

Jimmy drank some beers that night. I

told you that right when Jimmy got up there. He went to Los Arcos in Goose Creek and had a few beers at dinner. It doesn't have anything to do with anything. He's a grown man, an adult.

Jimmy may have told EMS initially that he didn't want to go to the hospital. He was beaten in the head multiple times. He was disoriented everybody testified who saw him. He didn't know what was going on. He had no choice due to his injuries. He was bleeding like a stuck pig. He's not not going to go to the hospital and go sleep it off.

Jimmy didn't lodge any complaints to medical staff about his treatment a week after the incident. It notes no complaints in the second set of medical records, but he didn't have any complaints about the way he was treated a week ago. I'm sure he had a few complaints about being bashed in the skull and kicked in the side and beaten with a club all over. These have nothing to do with anything, and that's what they want you to focus on.

Let's talk about the Defendant's statement for a minute. Let's talk about his statement first that was introduced and then we'll

talk about the testimony you heard. It's nothing but lies and coverup. When he was asked about the -- if he was involved in an altercation, his first statement wasn't what he told you today. It was, I wasn't involved in any altercation that night. I just went home.

And then when Detective Ward confronted him with the fact that Jimmy Taylor specifically identified him, a man he knew from before as the person that assaulted him, he changed his story for the first time.

Jimmy threw a bottle at my truck. I was involved in an altercation that night in Jimmy Taylor's driveway, but he started it. Jimmy started hitting me with a club; my sons had to come and rescue me. Shawn wasn't there at all. It was me, Adam, and my other son, Randy, Junior.

We know that changed today, and I will get to that in a minute, but let's look at this. This story, if you read it on his statement and think about it, this is Jimmy's story. He knows because he was there and involved in this assault.

Once he's caught -- once he's caught by law enforcement as involved in this incident, he knows all the details, and they didn't tell him.

All he's done is taken Jimmy's story, the facts, and flipped them and blamed them on Jimmy.

Oh, I was there now, you're right, but Jimmy had a club. Jimmy hit me. He started it in his driveway. My sons had to come to my rescue. Shawn wasn't there at all. It was me, Adam, and Randy, Junior. It's full of holes and lies and it's a coverup. It's obvious when you read it.

Then he testified today, now all of a sudden, Shawn was there because there's been DNA evidence to prove that he was there. Jimmy hit him with a club in the kneecap, cracked him with a wooden club in the kneecap and choked him to nearly passing out, but he didn't need medical attention. He didn't report it to law enforcement.

You better believe if somebody cracks me in the kneecap with a club and chokes me half to death, and I didn't have anything to do with it, the first person I call is the police. He didn't call the police because that's not what happened.

He didn't go to the hospital because he wasn't injured. The only person injured was Jimmy Taylor; and he was more than just a little injured. This was a coordinated attack on Jimmy by the Defendant and his sons.

No report made to law enforcement; no injury at all to the Defendant. DNA evidence shows that he lied to Detective Ward. Shawn was there; he was wearing that visor just like Jimmy said.

Now let's talk about the facts of what really happened that night. You heard them from Jimmy, his story has been consistent the entire time, and it's corroborated by all the other evidence in this case.

On August 8, 2015, Jimmy Taylor was brutally assaulted in his own driveway by this Defendant and his sons. During the assault, he was hit in the head with a long object, a jack hammer, a pipe, a bat, repeatedly. We can't tell you what it was because they took it with them. He just knows it was long and hard and caused him significant injury.

The assault was likely to result in death or great bodily injury to the victim, Jimmy Taylor. Luckily for him, though, it was stopped when Dale Williams walked outside.

You've have seen this photo; it's in evidence as Exhibit 2. I've just added a little marker right here for the victim's residence. It's kind of hard to see because of all the trees. This

is the Williams' residence; this is Jimmy's residence; this is the driveway. (Indicating)

This is a very high picture. That is no short driveway, and they were all the way up in it.

Dale Williams, he was the first person to testify. He was sitting at home in his living room, just inside the front door, and Maggie, the dog, growls and alerted him that something's wrong. It's unusual, so he stepped out. And what did he see at the time? Exactly what Jimmy told you too. He saw three people standing over Jimmy in his driveway while he was laying on the ground. He had an unobstructed view of it.

The three people ran away and got into a truck and drove away when they say that he was outside. None of them appeared injured at all, yet the Defendant testified that he'd been cracked in the kneecap, choked half to death, and his son was cracked in the ribs, but they can all three run swiftly to the truck and drive away. It doesn't add up because that's not what happened.

Jimmy was hollering for someone to call 911. Jimmy stepped into the security light, and he was covered in blood. That's not a paper cut.

That is soaked through with blood. You can take it back to the jury room and look at it. He made it to the porch; he was bleeding profusely from the head. His shirt was so soaked they had to go get towels to try to help him.

EMS came to the scene. Jimmy told them right then and there on the front porch bleeding all over the Williams' front porch swing what happened. It was Randy and his two sons, and they live in Rainbow Acres. His story has been the same since five seconds after this happened.

Deanna Williams, she stayed inside because she was scared, and rightfully so. She called 911 and tried to calm Jimmy down. He was disoriented, scared to death. He made it to the porch, and they got towels to help him. EMS came and took him. Jimmy told her; you heard it on the 911 tape; you can hear Jimmy in the background.

If you want to listen to it again, you're welcome to. She's asking him, who is it Jimmy? What happened? It was Randy and his two sons, and they live in Rainbow Acres. Jimmy's said the same thing since it happened.

And, finally, you heard from Jimmy. Unfortunately, there wasn't an eyewitness to the

entire assault. This would be a lot easier if there was. Everything that you heard, the evidence adds up to tell you that what Jimmy told you on the stand is the truth. Jimmy knows the Defendant and his sons.

They approached him angrily in the grocery store several months before, the Defendant did. He said in an aggressive manner, you better quit talking about my family.

They didn't like each other particularly. That's the motive for this crime. I don't know when that goes for some people, particularly this Defendant, from I don't like somebody to I'm going to do what they did to Jimmy in his driveway, but something -- something must have been there.

On August 8, 2015, Jimmy Taylor had been to Goose Creek that day shopping for work clothes. He had dinner at Los Arcos and headed home to Moncks Corner. Unfortunately, for Jimmy he stopped at the Country Corner store to get gas and sodas. He exited the parking lot and he saw the Defendant and his sons lying in wait for him across the street in the parking lot of an abandoned building.

I don't know if anybody in the jury ever drives out 6, but there's a brick building just past the Country Corner store to the left. It's been there the entire time I've lived here. I don't know what it was, but that parking lot is right there catty-cornered across from the Country Corner store.

The Defendant pulled out right behind him, he followed him closely until they turned onto Cooper Store Road, and then he passed Jimmy. And at that time the passenger in his car through a bottle back to his vehicle.

Now, I'm no physicist, but when you're traveling down the road, it's a lot easier to throw something back and let it fall on something that's moving forward -- like it did to Jimmy's car like he told you -- than it is for Jimmy to left-hand bottle rocket a beer bottle out of the back passenger side of his window to a car that's turning off the road. It just doesn't add up because that's not what happened.

What happened is, they pulled in front of Jimmy, and they were ticked off, and the passenger, one of the sons, chucked a beer bottle out of the back window, and it hit Jimmy's front

turn-signal light. They pulled off after that. Jimmy didn't turn down Rainbow Acres. Jimmy wasn't look for a fight. Nobody would be looking for what happened to Jimmy. Jimmy just wanted to go home.

He went home, he pulled up into his driveway, he got out like any other day to open his gate and go inside. And that's when it happened.

See the driveway right here. (Indicating) This is no short driveway. I wish my driveway was that long. I could park six, eight cars back to back in it. This is a 30-yard-long driveway that turns off to the left. That's closer up. (Indicating) You can see Jimmy's shed and his gate right there.

Jimmy's all the way into his driveway. His private property. He exits his vehicle to open his gate, and right when he gets out of his truck, the Defendant and his sons appear right on him at his truck carrying a weapon, and they say, I'm going to F you up. This man right here. (Indicating)

He's not the largest man in the world, but he's a big man when he's got two more people than Jimmy does that are bigger than him. I'm going to F you up. Jimmy gets smacked with a long

metal weapon, and his eye is split wide open. So much that it's swollen shut immediately and bleeding all over. He can't see.

The brutal assault continues. This Defendant and his sons, Adam and Shawn, all hitting him continuously at the same time all over his body. Hit in the head repeatedly with a weapon. You've seen the photos. A punch to the head through your hair does not cause that injury. That's a weapon striking his skull. Kicked all over his body as he fell to the ground.

He tried to run. Continuous blows make him fall. He's on the ground surrounded by the Defendant and his sons getting repeatedly kicked and hit, head split open and pouring blood. Right here. He pointed it out to you. All the way up in his driveway, he had gotten out to open his gate; his truck is parked right here. He tried to run around it and that's where he falls.

Call it luck or call it grace, Maggie, the dog, Jimmy ought to buy her a lifetime supply of Pedigree. Maggie hears what's going on and Maggie growls and tells Dale Williams, something is going on outside, you need to go and see what's happening. And, luckily, Dale paid attention

because Maggie doesn't do that unless something is wrong.

Dale walks outside; the Defendant and his sons are standing over Jimmy laying in his driveway. Dale Williams tells you exactly the same thing that Jimmy does. As soon as they know Dale's there, they run off, get in their truck, pull a U-turn, take the weapon, nobody injured, head home.

This is just another view. It's where Jimmy was assaulted laying in his driveway. Probably going to get beat to death had Dale not walked out. And this is the road. You can see how far it is. They had to run back down there and get their truck and leave. That's no short run.

If somebody is injured, they don't make it that quick. Jimmy is pouring blood and screamed for someone to call 911 and gets to his feet and manages to make it over to the Williams' blood-soaked shirt around his head. EMS arrives and takes him to the hospital, and you've seen the photos. (Indicating) That's no minor blow to the eye. That's strike one with the pipe. Seven centimeters long. That's no minor blow with a fist.

Strike two to the head with a pipe.

(Indicating) Four to five centimeters long, staples, no minor blow. That's a direct hit. Hit three to the head with a pipe.

So much blood coming out of these injuries that they can't even take him for x-rays when he gets to the hospital. They have to give him anesthesia and staple his head shut in three places to even get him an x-ray. It's a miracle that he's sitting in this courtroom today watching this trial. Anesthesia required, and not just the head and face. Enormous contusions to the body that come from long blunt trauma, just like the injuries to his head. See it right there. All over him.

Wound repair, additional anesthesia required, profuse bleeding noted. Extensive cleaning required, sutured and stapled all over his head. Sutures all along the front of his eye. Eye completely swollen shut. Staples, 12 or more of them to hold his head shut, staples and stitches.

This is no minor beating, folks. This was an assault on Jimmy Taylor's life. Contusions the full length of his torso. That's no minor lick, ladies and gentlemen. That's the worst bruise I have ever seen. Liver right here, kidney

right here. You heard Jimmy tell you he still has kidney problems.

This is multiple days after the incident. (Indicating) His eye completely hemorrhaged, still covered, swollen, stitches still in. Look at that now. His entire side is black. This is over a week after. His entire side is still black.

What you can gather from the facts, Jimmy's statement never changes. Jimmy's statement is corroborated by every other bit of evidence in this case: The T-shirt, Dale Williams' testimony, Deanna Williams' testimony, DNA evidence. Jimmy said on night one it was Shawn Wright.

The Defendant in his statement told Detective Ward it was Randy Wright and then, all of a sudden today, when the SLED DNA analyst has come and said, oh, it was Shawn Wright because that hat that was left in Jimmy's driveway belonged to Shawn. Well, now it's Shawn. Because it can't be disputed at this point.

Hand of one is the hand of all. Does not matter who of the three had the weapon in their hand or who struck which injury-causing blow to Jimmy; they all did it together. Randy Wright is

criminally responsible for each and every bit of this vicious assault on Jimmy Taylor. They were all in it together, and that's the law. I've talked to you about it enough times that I'm sure you're sick of hearing it from me.

ABHAN, a person commits the offense of ABHAN if they unlawfully injure another person and great bodily injury to another person results, or the act is accomplished by means likely to produce death or great bodily injury.

Jimmy Taylor was certainly injured on August 8, 2015. That act was certainly accomplished by means likely to produce great bodily injury. You heard it from the medical expert. Don't take it from me. He could have been dead with one blow; definitely could have been dead with two blows; definitely could have been dead with three; definitely could have been dead with four. Could have been a vegetable at least.

He's a luck man. That does not alleviate the crime that was perpetrated by this Defendant. Jimmy Taylor is lucky to be alive. Look at him. This affects him every single day. He is a broken man because this Defendant and his sons tried to beat him to death for no good reason

at all.

Hitting another person in the head and face with a pipe, jack hammer or whatever you want to call it, is by definition likely to produce great bodily injury. It doesn't take a medical expert to say it, but you heard her say it. You're smart people; you have common sense. You hit somebody over the head with a jack handle and it doesn't kill them, that's sheer luck.

This Defendant is guilty, ladies and gentlemen, of aggravated assault. ABHAN, assault and battery of a high and aggravated nature. And I ask that you return a verdict of guilty because that's what the evidence shows. That's what the evidence in this case shows. Thank you.

MR. DAVIS: Madame Forelady and other members of the jury, I want to thank each one of you individually and collectively for extending to me and the Wright family this opportunity to argue and defend this case.

I told you in the opening statement what the case was all about. It was which version of facts you were going to adopt. I hope I haven't misrepresented anything in that regard because, basically, that's still where we are. What version

of the facts are you going to adopt in this case?

It's easily seen that the State has adopted the position of Jimmy Taylor 100 percent, hook, sink, every aspect. The only question is whether you as a group or individually will follow the same suit. I have no bone in this other than to seek justice.

I got up this morning with the same position I've held for 35 years in doing this job, even when I was a prosecutor. It's not my job to actually impugn myself into a position of what the truth is. Truth is just clear. Truth is something that covers all aspects of who we are. I am convinced and believe in this judicial system that I have been associated for 35 years.

I'm a father; I'm a grandfather; I've got three sons and one daughter. My youngest son, he's in the military. He salutes the flag. He's what is called an honor guard. So those of you who are veterans, an honor guard is an individual who actually buries old soldiers.

I believe in this system. I believe in this system when I sat where Mr. McNeely sits, and I believe in this system where I sit right now. This system works, but it works with individuals

coming into the courtroom and what I call not preconceived biases or prejudice. This system works when the evidence or the facts, or the lack thereof, gives you a clear indication of how you should derive at your decision.

If you find yourself in a position when you leave here today -- if I happen to but up into any one of the Wright family, I can look them clearly and squarely in the eye and say, you know, I made the right decision. I made the right decision because the State carried its burden of proof beyond a reasonable doubt as to the guilt of Randy Wright.

But let's actually look at this for a moment and see what's going on. I think what's more important in this case, not so much what we say, is what we haven't seen because therein I think lies the truth. There's a girlfriend at the house by the name of Candy who did not take this witness stand. Did not. I don't know why, but she could shed some light.

There's a video at the store that actually could have shown what type of interaction took place in that Cooper Store (sic) before this incident occurred. That did not appear. There is

EMS people who said that it was minor bleeding, whatever, he didn't want to go. No EMS individual made it to this chair to share anything with you whatsoever. The version you have is all delay.

You have these missing elements. You really don't have actually all of the parties for you to make any decision. What investigations were done in this case separate and apart from the two statements of Randy Wright and Jimmy Taylor? What investigations took place? None. None.

There should be something that makes you feel, well, as a juror, as you deliberate that you can corroborate, you know, these two parts go together.

Now, you saw Jimmy, you saw Randy. Both of them have statements that you're going to take into the jury room, but, more importantly, there's been this broad context as if luck had so much to do with everything. Luck is great at the casinos. Las Vegas; Hickory, North Carolina; that's where luck comes into play.

Luck should not be the derivative in reference to where we're going to make decisions on people's liberty, life, and the pursuit of happiness, because, my friend, that's really what

we're discussing now this afternoon.

That's what really makes me emotional about -- when you are put into a position that actually you want to impact someone's life, liberty, and their pursuit of happiness. You should be competent, each one of you collectively.

And for those of you who, for whatever reason may have a dislike, I don't know for whatever reason, I'm going to tell you a psychologist -- as I look at each one of you, I tell you what I'm concerned about.

In the majority of the time that I've been doing this, and I've been doing this for a while, that's these jurors that have their arms folded. The psychologist says they're exhibiting a wall. There's nothing that I can do or say to penetrate that.

And that's horrible, that's horrific, that's terrible, because in that regard, those type of individuals should tell the judge, Judge, I have an enemy that I want to punish; I have a friend that I want to reward and, therefore, I shouldn't be sitting on this jury. I shouldn't be sitting on the jury, because I have not honored my oath to come in here with an open mind and make a decision

based on the facts of this case.

Now, I will share with you that Randy made a poor judgment that night. Let's think about this from common sense. That's a word that's been used a lot too, common sense and lucky. Common sense and disregard. Look at the movement. If it makes sense that Jimmy, who is highly intoxicated, for whatever reason, who Dr. Griffith apparently -- I don't know how she got this information, that he was sitting in his garage drinking a few beers.

I'll bet you what we do know is that Randy went to work, he worked all day, didn't consume any alcohol, he stopped at the Cooper Store to get him some cigarettes. You take Jimmy's version. He stopped and get sodas and cigarettes, sodas and cigarettes. And he displayed some ugliness, what I shared with you, behavior towards Randy. Randy, on his way home, and doesn't even make sense, that as he's about to turn in he dislodges a bottle and strikes his vehicle.

The sad commentary about this, if I think he's guilty of anything, is poor judgment at that point. In hindsight, he should have turned and went on home to his lovely wife of 24 years and eight grandchildren. That's what he should have

done.

Sometimes you live in the same neighborhood with ugliness -- I'm familiar with it to some degree. When you live around ugliness in the same neighborhood, you kind of confront the ugliness. He parked his car a good distance away from that driveway in the street, and he walked up there.

I think if he had to do it over, he would not have walked up there, because he didn't realize his sons were with him too. And when he walked up there -- think about this. Who in this courtroom between the two of them can legally possess a weapon? Jimmy cannot. Randy can.

The same manner in which he has his gate locked, secured, I can assure you that Jimmy is not a guy to move around if he doesn't have some type of protection. There is no question in my mind when you look at the version of the facts that Jimmy stepped out with that club that has been elevated for whatever reason -- the State calls it a pipe, the State calls it a jackhammer, the statement that you have in the courtroom references the stick or club, whatever reason, I believe that he brought it at that instance.

Now, Randy bears some responsibility because Randy went up to him and said, what have I done to you? And from that moment on, things got out of hinge. Things got out of hinge because you now, as individual jurors and collectively, have to make a decision. And I don't care, it still comes down to whose version of facts are you going to adopt.

The Solicitor has impressed upon you that these injuries are life-threatening. Well, you know, if you drink too much water, my friends, it's life-threatening. What I want you to address your attention to, you take your time painstakingly and look through the medical records; because, you know, in this whole process of how you've gotten the full picture, the full story has been by a process under our system called cross-examination. The Sixth Amendment right, cross-examination, how you learned from the beginning that this incident occurred or started at the Cooper Store.

It was through cross-examination that you learned this aspect about these injuries was non-threatening. Is was through cross-examination that you learned that this red eye does not even need treatment. It was through this process that

you learned that the investigator actually only took two pictures and that the sister involved took the remaining pictures of the injuries.

And we learned through cross-examination that as horrific as those lacerations would be in the head, those are large staples that were put there just temporarily, but we learned there was no acute intracranial hemorrhaging, which means that there was no internal bleeding. The injuries looked, but they were still superficial, and the record will support that, the medical records will support that.

Now, you may say, Mr. Davis, did Jimmy deserve what happened? I would tell you who Jimmy is. Jimmy's this kind of guy -- you heard him testify -- he doesn't like to take responsibility for anything. He said he -- something happened in his past, and he blamed his twin brother. He wasn't associated with that.

And it's the same process in that relationship to what happened that night. He threw that bottle in provocation. He started that provocation at the Cooper Store and proceeded -- Randy made a poor judgment approaching him in that driveway on the outside of the fence. He got the

best of Randy, and them boys came to his rescue.

And I want you to pay close attention to Jimmy's own statement. Jimmy's own statement, please. Jimmy's own statement, which this incident occurred on August 8th, and he only presents his statement approximately some five days later, and he had sufficient time to understand and to really appreciate what transpired and to put down actually what happened. In that statement, he does not allude to the fact that Randy Wright touches or hits him.

Sometimes when I'm put in this position after and try to cross-examine experts and even people from SLED, one of my central theme, or central consideration, is that I hope that the folks who actually come up here, they too share my passion for the truth. And my passions for whatever the facts are, that is what the facts are.

I don't know if I did something personally to Dr. Griffith, but she was just as -- wow. I had to ask her, is lucky a medical conclusion in reference to what you come to, because on the records that I reviewed, these were superficial wounds, as horrible as it may look on this big screen pulled up.

I'm asking you to really look into the aspects of all of the evidence. If rendering your conclusion is not going to make active consideration, they have two alternates on the outside that -- I don't want to be involved in deliberation where it's going to take some painstaking research to try to get to the facts, because in this instance the facts is going to be delineated from two statements because there has been no corroborating investigation by the sheriff.

And I tell you why I say that: As each one of these folks came up and talked about the chain of custody, my concern is about what I call the crime-scene-gathered information. That's important to me. That should be important to you because, at the inception, that's where it starts.

Randy and his sons' name were pronounced on August 8th and were arrested on August 19th. There is no way to get around that. And during that same process, there is a video apparently at the Cooper Store. There are pictures that could have been taken of Jimmy's car to show whether, in fact, Randy was the aggressor or not.

None of this was presented to you, but even more painstaking is the fact that you think

you would bring the EMS personnel here who actually is on the scene instead of the neighbor who has to live next to Jimmy for the next 25 years, Mr. Williams. Who would be more unbiased? An EMS person, somebody who provided the initial treatment. Somebody else who could come in and say, yeah, he was so drunk he didn't even want to go. He didn't want to do this. We closed up that minor bleeding.

The State didn't call anyone pertaining because they want you to join in to this adoption of the facts. They want you to join in and be a part of what I would call -- not cover up the lies. Covering up the lies is on the part of the State.

The State, with all its power and resources -- I want you to understand that Mr. Randy Wright is a simple man, a mechanic going to work every day, don't have no tremendous needs, put in a position that he has to fend off the whole state of South Carolina and all its resources. Ask you now to join in with these adoption of facts. Not to give you what you truly need to make a decision, because at the end of the day, what you really have is a dispute as to what took place, two different versions.

Now, was it smart for Randy to approach Jimmy in his driveway? No, sir. It was not. It was not. But, you know, what? Unlike Jimmy, Randy accepts responsibility for that, that blaming that he did. He accepts responsibility.

But I can assure you that Jimmy will not accept any responsibility. Instead, he takes the position that apparently I have put different information in the medical records. He takes the position that maybe I changed the statement in regard to what took place. You take your time painstakingly and review all the evidence, because I'm telling you what's important here is with that statement.

When I was a little boy, I had two heros. You young drawers would not appreciate this, but maybe my age group could attest to this. My two heros was Underdog, a little dog with a little kid. Many times in my past 25 years I have found myself as Underdog. Little dog with a kid up against incredible odds trying to find what the truth is. I still find myself in that position a lot of times. I really do.

My other hero was Superman, and I tell you why I liked Superman. I liked Superman because

Superman always said truth, justice, and the American way. It really don't matter to get up in the morning if you're not going to be part of that. If you're not going to be a part of something that is truth and justice and the American way, it's really sad.

It's sad because, as I sat in that same particular chair, those were still my heros, Superman and Underdog. It hasn't changed even though I sit in this chair. It hasn't changed, but I think one thing that has flipped in this Underdog world, I understand that the State with all its power and resources, you shall not give them an excuse to find Randy guilty if you cannot beyond a reasonable doubt decipher between the two facts or versions that occurred.

It would be a miscarriage of justice for each and every one of you collectively, individually, just to follow suit for what the Solicitor has done and adopt the facts as they were presented to you. Because, my friend, yes, an altercation occurred that night. Yes, there were provocation that night. Yes, there was a brawl that took place. But I think that many shared blame for what happened that night. There was

shared responsibility.

And all I ask is what I asked at the beginning; don't do anything for me. Do something for the system we call truth, justice, and the American way. Don't do it for me. In this system the decision you make, I guarantee you, I guarantee you it hinges on each and every one of us.

So when you go back there and deliberate, don't deliberate about the lawyer that may have had an earring in his left ear. Don't deliberate about the lawyer's voice may have been hoarse or whatever, or he may have been loud or he may have mispronounced a word. That is not important, my friend.

What is important and what's at stake here is liberty. This man's freedom is at stake. What's at stake here, my friend, is truth. You have two versions of what took place. You can tell me that how you can decipher what happened, other than the fact that the State has decided to align with one side versus the other, you tell me, otherwise, how you can conclude that this young man is guilty of assault and battery of a high and aggravated nature with tremendous consequences and references to his liberty, his pursuit, continued

pursuit of his happiness with the eight grandchildren.

I am certain when I sit down that I will miss some points. I am certain. I am certain, but I am certain also that each one of you individually and collectively have brought your common sense, as the Solicitor said, and you will look closely at the evidence in this case.

When I went to bed last night, I knew I had a tremendous burden. It always is. I make no apology for what I do. No apologies. I enjoy what I do. I can look back over my life, put my hand on it (Indicating), with my presence I've made a difference in the lives of countless people. I can look back, I have no hesitation. When I sat in this chair (Indicating), I can look back over my life and account for the difference that I've made with respect to families.

But what I wager you to honor, I wager you to honor, don't become a part of this adoption of the facts that the Solicitor have taken to create here. I ask you to return a verdict of not guilty. If you can't see it within your heart to find him not guilty, then at a minimum, some lesser included offense.

Not that the Solicitor say he was bashed, not that the Solicitor said he was lucky, not the fact that the Solicitor said he was near death, look at the medical records and let the medical records speak, and listen to the Honorable Judge Murphy. Because you promised, you promised when you took your oath that you would follow her instructions.

I'm confident, if you follow her instructions, you will come back with a verdict that speaks the truth; one that will allow Mr. Randy, his wife, Angela, Hannah, and the boys, and the grandchildren to go ahead and pursue the happiness they deserve, and this will not be a total destruction of his way of living.

Thank you very much.

THE COURT: Any reply?

MR. MCNEELY: Ladies and gentlemen, I know that you're ready to wrap this up so I will be brief.

I talked to you in my previous statement about red herrings and Mr. Davis, and it doesn't seem that we have come any further than we were then. All Mr. Davis wants to talk about is alcohol. It's no mystery Jimmy had a few beers. I

told you that from the beginning.

Jimmy burned a car in 1993 and was convicted of that. It's nothing to do with anything about why we're here today. He was 24 years old. I was nine when Jimmy got in trouble for burning a car.

What we are here about today is the vicious and coordinated attack on Jimmy by this Defendant and his sons on August 8, 2015. All Mr. Davis wants to focus on is little minutiae, small, inconsequential bits. He does not want to look at the photos. He does not want to look at the evidence.

He wants to talk about why you haven't heard from EMS. You didn't hear from EMS, because you heard from Jimmy and the neighbors and the doctor. You didn't hear from Tammy, because she wasn't outside. She was inside; she didn't see anything. You saw what Denise Pendley did; she took the photos.

Let's talk about the video at the Country Corner store. There's no video from the Country Corner store because the video wipes itself clean if it's not saved immediately. And it wouldn't show anything anyway. It would show Jimmy

buying cigarettes.

Let's talk Randy Wright's poor judgment. Looks like poor judgment to me. Poor judgment that could have likely killed, maimed, seriously injured Jimmy Taylor.

Mr. Davis is right; this is about two stories. You heard Jimmy's story, which was the same five seconds after he was attacked that he gave to Detective Ward August 13th after he was finally able to get off of his couch and bed and go talk to her. And you'll have it with you.

And Mr. Davis said he never said got hit by Randy Wright. Well, I'm going to read it to you.

I got out of my truck, and they started hitting me in the head. I went to the ground, and they kept hitting me.

His story has never changed. This man and his sons beat the tar out of Jimmy Taylor. His statement is corroborated by all the rest of the evidence. Who was there? Shawn Wright was there. Three of them were there. They were standing over him in the driveway.

Dale Williams -- his statement is corroborated by all of the other evidence that's

the one story, the corroborated truth.

The second story you heard is this one. It's only changed three to four times since we've been sitting here. He wasn't involved in an altercation. Okay. I was, but it was Jimmy. Shawn wasn't there, but now today when all the evidence is played, Shawn is there also.

You have seen the photos, you have seen the evidence. Jimmy very easily could not be sitting in this courtroom today. He was very clearly injured by this Defendant and his sons and he could have lost his life. That's why we're here. That's what this is about. And all you have to do is say this Defendant is guilty of that crime. Thank you.

THE COURT: Ladies and gentlemen of the jury, it is now time for me to charge you on the law in this case. The indictment charges the Defendant with assault and battery of a high and aggravated nature.

I remind you that the fact the Defendant was arrested, charged, and indicted in this case is not evidence in this case and cannot be considered by you as evidence of guilt in this case, nor does it create any presumption or

inference of guilt. This document is simply the formal written instrument which contains a charge made against the Defendant. It is the formal document by which the case is brought into court.

I remind you that during this trial, you and I have certain duties to perform. As the trial judge, it's my responsibility to preside over the trial of this case, and I also have the duty to rule on the admissibility of evidence offered during this trial.

You are to consider only the competent evidence before you. If there is any testimony stricken from the record during this trial, you must disregard that testimony. You are to consider only the testimony which has been presented from the witness stand, any exhibits which have been made part of the record in this case and any stipulations of counsel.

I have the additional duty to charge you the law in this case. As a presiding judge, I'm the sole judge of the law, and it is your duty as jurors to accept it and apply it as I now state it to you. If you have any ideas as to what the law is or what the law ought to be, and it does not agree with what I now tell you the law is, you must

abandon this idea because you are sworn to accept the law and apply it exactly as I state it to you.

In every case tried in this court before a jury, the jury becomes the sole and exclusive judge of the facts in this case. A trial judge cannot intimate, state, comment on, or make any statements to the trial jury about the facts in the case. Since you, the jury, are the sole judges of the facts, you are not to infer from what I have said during the progress of the trial in ruling upon the admissibility of evidence or otherwise, or anything that I say now during the course of these instructions to you, that I have any opinion about the facts in this case.

The law does not allow me to have an opinion about the facts in this case. This is a matter solely for you, the jury, to determine. As jurors, it is your duty to determine the effect, value, weight, and truth of the evidence presented during this trial.

There are two types of evidence which are generally presented during a trial; direct evidence and circumstantial evidence. Direct evidence is the testimony of a person who claims to have actual knowledge of a fact, such as an

eyewitness.

Circumstantial evidence is proof of a chain of facts and circumstances indicating the existence of a fact. The law makes absolutely no distinction between the weight or value to be given to either direct or circumstantial evidence. Nor is a greater degree of certainty required of circumstantial evidence than of direct evidence.

You should weigh all of the evidence in the case. After weighing all of the evidence, if you are not convinced of the guilt of the Defendant beyond a reasonable doubt, you must find the Defendant not guilty.

Necessarily, you must determine the credibility of witnesses who have testified in this case. Credibility simply means believability. It becomes your duty as jurors to analyze and evaluate the evidence and determine which evidence convinces you of its truth.

In determining the believability of witnesses who have testified in this case, you may believe one witness over several witnesses, or several witnesses over one witness. You may believe a part of the testimony of a witness and reject the remaining part of the testimony of that

same witness. You may believe the testimony of a witness in its entirety or reject it in its entirety.

You may consider whether the witness has exhibited to you any interest, bias, prejudice, or other motive in the case. You may also consider the appearance and the manner in which the witness testifies on the witness stand.

Normally, a person cannot give opinion testimony. Normally, when a person testifies, they must testify to what they either saw, heard, sense by smell, or something of that nature; however, there is an exception when someone is qualified because of education or experience. They are permitted to give their opinion in certain areas if the Court qualifies them as experts that way.

Merely because witnesses are qualified as experts does not mean that you must accept their opinion, but it is evidence for you to use in any way that you see fit and give it the weight and the credibility that you believe is appropriate.

What is a reasonable doubt in the law? A reasonable doubt is the kind of doubt that would cause a reasonable person to hesitate to act, but the State has the burden of proving the Defendant

guilty beyond a reasonable doubt.

Some of you may have served as jurors in civil cases where you were told it is only necessary to prove that the fact is more likely true than not true, which is by the greater weight or preponderance of the evidence.

In criminal cases, the State's proof must be more powerful than that. It must be beyond a reasonable doubt. Proof beyond a reasonable doubt is proof that leaves you firmly convinced of the Defendant's guilt. There are very few things in this world that we know with absolute certainty, and in criminal cases the law does not require proof that overcomes every possible doubt. If, based on your consideration of the evidence, you are firmly convinced that the Defendant is guilty of the crime charged, you must find him guilty.

If, on the other hand, you think there's a real probability that the Defendant is not guilty, you must give him the benefit of the doubt and find him not guilty.

A statement alleged to have been made by the Defendant has been admitted into evidence in this case. While the Court has determined that the statement is admissible, I instruct you that you

make the ultimate decision as to whether or not the Defendant made the statement.

If the Defendant did make the statement, you must determine if the statement was made by the Defendant voluntarily and by his own free will. This means that the statement was not caused by pressure, force, fear, threats, coercion, or intimidation, or by hope or a promise of leniency or reward of any kind.

In determining whether the statement was voluntary, you should consider the characteristics of the Defendant and the details of the questioning. Some of the factors that you must consider are: The age of the Defendant; the Defendant's education or lack of education; the Defendant's mental ability or capacity; the Defendant's IQ or intelligence; the Defendant's background and environment; the place and length of the detention; the nature of the questioning and the advice or lack thereof to the Defendant of his constitutional rights, including but not limited to the right to remain silent, that any statement could be used against him in a court of law, the right to have a lawyer present, that if he cannot afford a lawyer, a lawyer would be appointed to

represent him at no cost, and that he could stop making a statement at any time.

You must carefully consider all of the surrounding circumstances before you give any weight to an alleged statement.

The State has the burden of proving beyond a reasonable doubt that the alleged statement was voluntary. If you determine that it was, you may give the statement any further consideration that you deem proper. You must decide what weight, if any, to be given to the alleged statement.

If you determine the alleged statement was not the free and voluntary statement of the Defendant, you should not consider the statement at all.

There has been evidence presented that witnesses have made prior statements which are not consistent with the witnesses' present testimony. You may use this evidence to decide whether to believe the witness. You may also use evidence of the earlier contradictory statements to determine the truth of those statements. It is up to you to decide whether to believe the earlier statements of the testimony given at trial.

If a witness is shown to have knowingly testified untruthfully concerning any material matter, you may consider this in determining whether to trust the witness's testimony as to other matters. You may reject all testimony of that witness or give all or part of the testimony the weight you think it deserves.

The Defendant has presented evidence of his good reputation and character to show it would be inconsistent with the Defendant committing the crime. The weight that you give to the testimony, like all other testimony in this case, is for you to decide in your good judgment.

You may consider the testimony of the Defendant's good character along with all the other evidence in deciding whether or not the Defendant committed the crime.

In order to establish criminal liability, criminal intent is required. For example, the mental state required to be proven by the State for a particular crime might be purpose, intent, knowledge, recklessness, or criminal negligence.

Criminal intent must be proven by the State beyond a reasonable doubt. Criminal intent

is always a matter that must be determined by the jury from the circumstances surrounding the situation. There is no way to prove intent to a mathematical certainty. There is no way that medical science can dissect a person's brain and determine what the person had in mind.

The law says that criminal intent may be inferred from the circumstances shown to have existed. This is how you make a determination as to whether or not the elements required was present.

It is not necessary to establish intent by direct and positive evidence, but intent may be established by inference in the same way as any other fact by taking into consideration the acts of the party and all of the facts and circumstances of the case.

Criminal intent is a mental state, a conscious wrongdoing. It is up to you to determine what the Defendant intended to do based on the circumstances shown to have existed.

Criminal intent can arise from the action or a failure to act. It may arise from negligence, recklessness, or indifference to duty or consequences that is considered by the law to be

the equivalent of criminal intent.

If a crime is committed by two or more people who are acting together in committing the crime, the act of one is the act of all. A person who joins with another to commit an unlawful act is criminally responsibile for everything done by the other person which happens as a probable or natural consequence of the acts done in carrying out the common plan and purpose.

For example, two people can by guilty of killing another person when only one of the two had a gun. There is only one bullet and one of the two that fired the shot that caused the death. If two or more people are together acting together and assisting each other in committing an offense, the act of one is the act of all; or as it is sometimes said, the hand of one is the hand of all.

Prior knowledge that the crime is going to be committed is not sufficient to make that person guilty of that crime. Mere knowledge that another person is going to commit a crime, even if the Defendant is present when the crime is committed, is not sufficient to convict the Defendant as a principal.

Guilt is a principle as shown by actual

or constructive presence at the scene as a result of a prior arrangement; therefore, a finding of a prior arranged plan or common scheme is necessary for finding the guilt of the principal. The State must prove beyond a reasonable doubt by competent evidence the theory that the hand of one is the hand of all.

A principal in a crime is one who either actually commits the crime or who is present, aiding, abetting, and assisting in committing the crime. When a person doesn't act in the presence of or with the assistance of another, the act is done by both.

Where two or more acting with a common plan or attempt are present at the commission of a crime, it doesn't matter who actually commits the crime. All are guilty. The hand of one is the hand of all.

Present at the commission of a crime means to be sufficiently near to aid and abet and assist in the commission of the crime; however, mere presence at the scene of a crime is not sufficient to convict one as a principal in the theory of aiding and abetting.

Intent is also a necessary element, but

there must have been a common design or intent to commit the crime, and the crime must have been committed pursuant thereto with the person aiding and abetting by some overt act. Intent means intending the result which actually occurs, not accidently or involuntarily. Intent may be shown by acts and the conduct of the Defendant and other circumstances from which you may naturally and reasonably infer intent.

The State must prove these elements beyond a reasonable doubt. A person commits the offense of assault and battery of a high and aggravated nature if the person unlawfully injures another person and, A, great bodily injury to another person results; or, B, the act is accomplished by means likely to produce death or great bodily injury.

Great bodily injury means bodily injury that causes a substantial risk of death, or which causes serious permanent disfigurement or protracted loss or impairment of the function of a bodily member or organ. If you find that the State has failed to prove the Defendant is guilty of an assault and battery of a high and aggravated nature, you must then decide if the State has

proved the Defendant is guilty of assault and battery, first degree.

If you find that the State has failed to prove the Defendant is guilty of assault and battery in the first degree, you must then decide whether the State has proved the Defendant is guilty of assault and battery in the second degree. Likewise, if you find that the Defendant has failed -- has failed to prove the Defendant is guilty of assault and battery, second degree, you must decide whether the State has proved the Defendant is guilty of assault and battery, third degree.

Assault and battery, first degree, is a person commits the crime of assault and battery in the first degree if the person unlawfully injures another person and the fact either involves nonconsensual touching of the private parts of another adult either under or above clothing, with lewd and malicious intent or occurred during the commission of a robbery, burglary, kidnapping, or theft.

Private parts means the genital area or buttocks of a male or female or the breast of a female. Two, a person may also commit the offense of assault and battery in the first degree if the

person unlawfully offers or attempts to injure another person with the present ability to do so, and the act either is accomplished by means likely to produce death or great bodily injury, or occurred during the commission of a robbery, burglary, kidnapping, or theft.

Great bodily injury means bodily injury which that causes a substantial risk of death or causes serious permanent disfigurement or protracted loss or impairment of the functions of a bodily member or organ.

Assault and battery in the second degree is as follows: A person commits the offense of assault and battery in the second degree if the person unlawfully injures another person or offers or attempts to injure another person with the present ability to do so; and either moderate bodily injury to another person results, or moderate bodily injury to another person could have resulted, or the act involves a nonconsensual touching of a private part of an adult, either under or above clothing.

Moderate bodily injury means physical injury that involves prolonged loss of consciousness, or that causes temporary or moderate

disfigurement, or temporary loss of the function of a bodily member or organ, or injury that requires medical treatment or the treatment requires use of regional or general anesthesia, or injury that results in a fracture or dislocation.

Moderate bodily injury does not include one-time treatment and subsequent observation of scratches, cuts, abrasions, bruises, burns, splinters or other minor injuries that does not ordinarily require extensive medical care.

Private parts means the genital area or buttocks of a male or female or the breasts of a female.

Assault and battery, third degree: A person commits the offense of assault and battery in the third degree if the person unlawfully injures another person or offers or attempts to injure another person with the present ability to do so.

For purposes of the effect of moderate bodily injury can mean physical injury that involves prolonged loss of consciousness, or that causes temporary or moderate disfigurement or temporary loss of the function of a bodily member or organ, or injury that requires medical treatment

where the treatment requires use of regional or general anesthesia, or injury that results in a fracture or dislocation.

Moderate bodily injury does not include one-time treatment and subsequent observations of scratches, cuts, abrasions, bruises, burns, splinters or any other minor injuries that do not ordinarily require extensive medical care.

An assault occurs when a person unlawfully attempts or offers to commit a violent injury upon another person and have the present ability to complete the attempted injury. An assault is the intentional creation of a reasonable fear of immediate bodily harm. It is not necessary that the attempted injury or harm actually take place.

For example, if I walk up to you, and when you are within arms reach, I draw back to hit you, that is an assault.

A battery is the unlawful touching of another person by a person who has committed the assault. The unlawful touching can be caused by a part of the accused body or by any object that is used within motion.

A battery is a completion of the

assault by using or applying force to another person, however slight, in a rude, angry, or resentful manner without legal justification for doing so. Using my earlier example by carrying out the assault by hitting you, that's the battery.

Ladies and gentlemen of the jury, you will have the verdict form, Madame Forelady, in the verdict room. It's rather self-explanatory. It goes to the instructions it will say, No. 1, as to the charge of assault and battery of a high and aggravated nature, we, the jury, unanimously find the Defendant, and then you circle the appropriate verdict. If your verdict on that charge is guilty, then you stop your deliberations at that point. If it is not, then you go to the next question and so on in the same manner.

You must sign the verdict form as the jury foreperson and date it. Again, your verdict must be a unanimous one which -- I hate to explain this to people but sometimes they come to us -- all 12 of you must agree on the verdict.

When you reach a verdict, if you would please knock on the door, and we will bring you back in here to receive it.

For the last time, I'm going to ask you

to go to the jury room. Do not begin your deliberations just quite yet in case I forgot to tell you something. When you receive the verdict form along with all of the exhibits in the jury room, then you may begin your deliberations. Thank you.

(Jury out, 4:56 p.m.)

THE COURT: Any exceptions or objections to the law from the State or the defense?

MR. MCNEELY: Your Honor, I will note for the record that I didn't catch it before under the assault and battery, third degree, definition, it continued to say, A, for purposes of that section and define moderate bodily injury. Moderate bodily injury actually does not apply to A&B third. It's for A&B second.

THE COURT: Did I State that for that section or for all of them?

MR. MCNEELY: You stated it for A&B second and A&B third. I don't know that it's a major issue. I just wanted to note it.

THE COURT: I think it reiterates what the definition of moderate bodily injury is.

Any objection?

MR. DAVIS: No objection.

THE COURT: Okay.

(Whereupon, the verdict form and exhibits went to the jury room, 4:58 p.m.)

THE COURT: The jury has a question for us. And the question states: The jury is requesting the definition of A&B first degree, second degree, and third degree. We will mark this as a Court's Exhibit.

If there's not any objection, I will just bring them in and read those --

MR. DAVIS: Why don't you give them the instructions?

THE COURT: Well, I've done that in the past, but sometimes they nitpick and go back and forth. I'm happy --

MR. DAVIS: Since they say all three, Your Honor --

THE COURT: Please don't interrupt me, Mr. Davis.

MR. DAVIS: I'm sorry, Judge. I'm sorry.

THE COURT: You mean the full charge or just the written charges they've asked for?

MR. DAVIS: First, second, and third.

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THE COURT: I don't have a problem with that, but then I think you almost have to do the whole thing. It's up to you-all.

MR. MCNEELY: What's the question?

THE COURT: The jury is requesting the definition of ABHAN, ABHAN first degree, second degree, and third degree.

MR. MCNEELY: They want all the charges.

MR. DAVIS: Yeah.

MR. MCNEELY: I don't have a problem with sending a copy of the law as it applies to the assault charges back. I would note that exception I made about the definition of moderate bodily injury after A&B third being removed.

THE COURT: Right; I will take it out.

MR. MCNEELY: But other than that, I'm fine with that. It is a lot to take in.

MR. DAVIS: It is. That was my major concern. It's a lot for them to remember.

THE COURT: Sure. And then I don't have to read it all again.

MR. DAVIS: I don't have a problem.

THE COURT: We will just print those out and review them before they go back, and we'll

mark it as a Court's exhibit.

(COURT EXH. 2, Jury note, was marked for identification.)

(Brief pause.)

THE COURT: Do you-all want to come up and take a look at it?

(COURT EXH. 3, Jury Charge, was marked for identification.)

(Jury charge sent to the jury.)

THE COURT: It's my understanding we have a verdict in the case. Anything before I bring the jury out?

MR. MCNEELY: Nothing from the State.

MR. DAVIS: Nothing from the defense.

THE COURT: Okay. Let's have our jury.

(Jury in, 6:26 p.m.)

THE COURT: Madame Forelady, has the jury reached a verdict?

FORELADY: Yes, we have.

THE COURT: Please hand it to the bailiff.

(Verdict handed to the Court. Verdict handed to the Clerk.)

THE COURT: Please publish the verdict.

THE CLERK: In the State of South

Carolina, County of Berkeley, versus Randy Wright, Indictment 2016-GS-08-00306.

As to the charge of assault and battery of a high and aggravated nature, we, the jury, unanimously find the Defendant guilty. Signed by the Foreperson.

Ladies and gentlemen of the jury, if this is your verdict, would you please signify by raising your right hand?

THE JURY: (Raised hands)

THE COURT: Thank you, ladies and gentlemen. If you would please go to the jury room for the very last time, I will be in there to release you momentarily.

(Jury out, 6:28 p.m.)

THE COURT: Please prepare the sentencing sheet. I will be right back. Anything before I release the jury?

MR. DAVIS: May I approach the bench, Your Honor?

THE COURT: Yes, sir.

(Bench conference.)

MR. DAVIS: Upon the receiving of the verdict, Your Honor, it's been my standard procedure, and I think the State of South Carolina

do provide for a process where you can ask for a polling of the jury.

I am aware that they all raised their hands, but that's a continuation -- that would be a group aspect polling of the jury. Require an individual -- calling out each specific juror, and I respectfully request that at this time, Your Honor.

THE COURT: Mr. Davis, I certainly understand your position; however, the Clerk did ask them, is this your verdict, and each of the jurors raised their hand individually. They looked around and they raised their hand individually, and that's on the record. Your request is respectfully denied.

Anything further before I release the jury?

MR. DAVIS: Not in that regard, Your Honor.

I respectfully ask for a new trial in lieu of the fact that one of the specific jurors made a comment about my role as legal counsel, and he was allowed to remain on the jury. They came back in reference to your questioning, as we discussed primarily, that they could make a

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decision based on the evidence.

They did not relay whether or not they had heard the comment or not, which is somewhat different in relationship to actually making the decision on the facts of the case. And for that reason I ask for a mistrial, Your Honor.

THE COURT: Well, a couple of things, Mr. Davis. First of all, when we asked the jury that question, I specifically asked both parties if they were satisfied with the questioning of the jury, at which point you stated that you were. Had you not, I would -- we would then cross the bridge to do further questioning if it was necessary.

They did indicate that they were able to make a decision based solely on the evidence that was submitted from the witness stand and I reiterated to them during my questioning of them that they were under oath to follow the law of the court.

They stated that they would and there is no other reason to believe they would not do that. So for that reason I deny that motion.

MR. DAVIS: Thank you.

THE COURT: Anything further before I go release the jury?

MR. MCNEELY: Nothing from the State, Your Honor.

(A recess transpired.)

THE COURT: State ready to proceed?

MR. MCNEELY: State is ready.

THE COURT: Happy to hear from you Solicitor.

MR. MCNEELY: Thank you. The victim, Jimmy Taylor, you have seen, has been present. He asked me to speak on his behalf.

THE COURT: Yes, sir.

MR. MCNEELY: The State is mindful, Your Honor, of this Defendant's minimal prior record; it's a 2013 DUAC. The State is also mindful of the beating that was handed out to Jimmy Taylor on August 8th, 2015. It's changed his life every day since that incident.

He's in pain every day. He didn't deserve what happened to him. This could have been settled with an argument, but, instead, this Defendant made a conscious decision to conspire with his sons and beat the fire out of Jimmy Taylor.

This was no minor assault. It was an orchestrated act that was only stopped by the

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neighbor's dog barking. God only knows where we would be if that dog hadn't alerted Mr. Williams.

You've seen the evidence, so I won't belabor it. The State believes that this crime is serious and it deserves serious and significant active time. Your Honor, we would request an active sentence of at least -- we will defer to Your Honor as to what substantial active is appropriate. Thank you.

THE COURT: All right. Mr. Davis.

MR. DAVIS: Your Honor, may it please the Court. You heard the whole complete case. I have no reservation in defense of this young man. I don't quarrel with the jury's conclusion as to what was reached.

Judge, you don't get to be 52 years of age and, all of a sudden, your attitude and behavior changes. I'm going to cheat a little bit because your mom shared something with me that you are fair ever since you were young, and you have continued to carry it on as an adult.

I say that to say this: This young man has displayed no indicia of any violence in 52 years of his existence being a father, a husband, grandfather. None.

Judge, I had a list of people prepared to talk about his character and reputation, but, at the end of the day, really that confronts actually what the facts of the case are in a sense. It confronts actually what the facts of the case are. That's just what it is, his reputation and character.

His reputation and character, Your Honor, does not support any violence whatsoever, and I want the Court to actively consider the fact that his record has been blameless for 52 years. No indicia of any violence whatsoever. He's been married to the same woman for a tremendous period of time. He works.

And I still consent to the proposition that if he had to go back in time, no matter who threw what bottle, he should have turned home that day on August 8th instead of following behind Mr. Taylor and this incident occurred.

But I can say without any hesitation that there's never been any animosity between Randy Wright and Jimmy in this instance. None whatsoever.

Judge, any sentence you impose on a 52-year-old individual is going to be a hardship.

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No question about it. Because it's a serious offense, it carries 85 percent. I would ask you to seriously consider, Your Honor, the fact that this is so much out of character in relationship to his past behavior and actions.

You, yourself, being a prosecutor understand and appreciate that these behaviors just don't pop up overnight. There's always an indication of people coming before you multiple times.

Now, I will agree that Randy has picked and selected and this jury had delivered a very, very serious criminal charge lodged against him, but, Judge, this should not be the end testimony or the end statement as it relates to Randy Wright. He's had his trial and he's had his day in court, but I'm going asking the Court to actively consider a sentence that will not be a death sentence at 52 years of age. I think you can fashion something in that particular manner, Your Honor.

I'm not going to argue about the specifics of the injury. The law is written in such a way and couched in such a way that the injury can be non-existent and just the characterization of how it happened, but I stand in

reference to the medical records and what it supports.

What the medical records support and what the medical records talk about is no bleeding on the brain. The medical records speak about no intracranial hemorrhaging. The record speaks about red eye and the record speaks about those instances in reference to the injury that he received.

It don't negate it, Judge, but at the end of the day it speaks volumes of the injury that he received. And I say that to say this, Your Honor: Whatever sentence you impose, it's going to be a hardship on his family. Before you impose sentence, I would ask that you hear from Mr. Wright's wife.

THE COURT: I would be happy to.

MR. DAVIS: Come on.

THE COURT: Yes, ma'am. State your name for the record.

MS. WRIGHT: Angela Wright.

THE COURT: Yes, ma'am.

MS. WRIGHT: He's the sole provider of our home. I don't know what to say. I'm asking for leniency, please. I'm married to him for a long time, and this isn't his character of what has

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been done. And I would like to apologize to Mr. Taylor for what happened to him.

MR. DAVIS: And, Judge, I don't want you to think that this family came up with a large sum of money. I represented this family for $3,000. If I had known it was going to come to this, I wouldn't have taken this case. $3,000. If I had known I would impact the family for 3,000, I wouldn't take a case like this. Maybe it's time for me to retire, Your Honor.

THE COURT: Anything further?

MR. DAVIS: Nothing further.

THE COURT: You know, Mr. Wright, sometimes senseless things happen, and those are the most disturbing things because it's of concern, obviously, I think, taken into consideration the fact that you don't have a prior record.

What really bothers me about this case is the fact that you're a father. And how you could raise two children to become adults to think it's okay to savagely beat somebody with their father. The person that's supposed to teach them respect, responsibility, hard work, compassionate and empathy. But somehow you've raised your boys to think it's okay to beat somebody like this. So

that puts a huge question mark about your character that has been brought up, such good character. That just doesn't happen overnight like that.

And it's also interesting to hear that everybody's apologized on your behalf except for you.

THE DEFENDANT: Well, I think I did on the stand. I said I hate that everything happened, what happened with him. And I wish if I could change it, I would. And I just -- Lord knows I hate what happened to him.

MR. DAVIS: Judge, let me just say, I've been practicing a long time. I've met a lot of clients. This just ain't Randy. His two boys were getting ready to plead guilty to ten-year sentences and I decided I was going to defend the father and have his day in court. And then they pulled back their pleas, ten years apiece.

And this is the end of the relationship to what he ends up with.

Now, I don't regret the decisions I've made, but I see vividly what you're saying. I'm a father; I have three sons. I have always shared with them that what I see as the worst thing, if he was going to engage in any way with Jimmy Taylor,

those boys should not have been there at all. And that's a sad commentary to be honest with you, but, Judge, I still think that he should be extended some mercy for his lack of prior bad behavior.

THE COURT: The one thing that I would like to add, Mr. Davis, although the injuries didn't result in significant injury, it could have.

MR. DAVIS: It could have. It could have; I agree.

THE COURT: Nobody deserves that. Nobody deserves that. It's just something that we can't tolerate.

Anything further from anyone?

MR. DAVIS: No.

MR. MCNEELY: No.

THE COURT: On Indictment 2016-GS-08-0306, you are hereby committed to the State Department of Corrections for a period of 15 years. That's provided upon the service of ten years and probation to follow for five years. Special conditions of probation are that you are to receive substance abuse counseling, random drug and alcohol testing. You must complete anger management and perform 200 hours of community service.

MR. DAVIS: We thank you, Judge.

(These proceedings were concluded at 6:52 p.m.)

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CERTIFICATE OF REPORTER

I, Carol Denise Lauder, Registered Professional Reporter and Notary Public for the State of South Carolina at Large, do hereby certify that the foregoing transcript is a true, accurate, and complete record.

I further certify that I am neither related to nor counsel for any party to the cause pending or interested in the events thereof.

Witness my hand, I have hereunto affixed my official seal this 9th day of February, 2018, at Charleston, Charleston County, South Carolina.

Carol Denise Lauder
Registered Professional
Reporter, CP

Sign, date, time

The jury is requesting the definitions of ~~ABHAN~~ AB First degree, second degree, & third degree.

5:06 8-31-17

COURT'S EXHIBIT #D

WHM/0308217
WITNESSES

Berkeley County Sheriff's Office

Ashley Bess

AGENCY CASE NUMBER

2015-08045013

ARREST WARRANT NUMBER

2015A0810400964

DATE OF ARREST

08/19/2015

ACTION OF GRAND JURY

True Bill

Tina M. Marshall 3-22-16

Foreperson of Grand Jury *Date:*

VERDICT

Foreperson of Petit Jury *Date:*

DOCKET NO. 2016-GS-08-00306

The State of South Carolina

County of Berkeley

COURT OF GENERAL SESSIONS

MARCH TERM 2016

THE STATE

VS.

RANDY WRIGHT
W/M DOB: [redacted]1964

Indictment for

ASSAULT & BATTERY OF A HIGH AND AGGRAVATED NATURE

SC Code: § 16-03-0600(B)(1)
CDR Code: 3411

502

FILED
16 MAR 22 PM 2:49
MARY D. BROWN
CLERK OF COURT
BERKELEY COUNTY, S.C.

STATE OF SOUTH CAROLINA

COUNTY OF BERKELEY

INDICTMENT

At a Court of General Sessions, convened March 2016, the Grand Jurors of Berkeley County present upon their oath:

Assault & Battery Of A High And Aggravated Nature

That in Berkeley County, South Carolina on or about August 8, 2015, the Defendant, Randy Wright, did commit an unlawful act of injury upon the victim, James Carlton Taylor, and as a result, the victim suffered great bodily injury or the act was accomplished by means likely to produce death or great bodily injury, in violation of Section 16-3-600(B)(1) of the South Carolina Code of Laws (1976) as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

WILTON H. MCNEELY
ASSISTANT SOLICITOR

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STATE OF SOUTH CAROLINA

COUNTY OF BERKELEY

IN THE COURT OF GENERAL SESSIONS

STATE VS.

RANDY WRIGHT

AKA:

Race: _____ Sex: M Age: 52

DOB: [redacted]/1964 SS#: [redacted]

Address: [redacted]

City, State, Zip: [redacted]

DL# [redacted] SID# _____

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

INDICTMENT/CASE#: 2016-GS-08-00306
A/W: 2015A0810400964
Date of Offense: 08/08/2015
S.C. Code §: 16-03-0600(C)(1)
CDR Code #: 3412

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS

TO: Assault & Battery Of A High And Aggravated Nature

In violation of § 16-03-0600(B)(1) of the S.C. Code of Laws, bearing CDR Code # 3411

☐ NON-VIOLENT ☒ VIOLENT ☒ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS (CSC w/minor 1st or Lewd Act) ☐ §17-25-45

The charge is: ☒ As indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. _____ (def.'s initials)

The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Wilton H. McNeely, Assistant Solicitor 101638 SC Bar # | Defendant | Attorney for Defendant 1587 SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center, for a determinate term of 15 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of $_____; provided that upon the service of 10 days/months/years and or payment of $_____;plus costs and assessments as applicable*; the balance is suspended with probation for 5 years months/years and subject to South Carolina Department of Probation, Parole and Pardon Service standard conditions of probation, which are incorporated by reference.

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____

☐ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections.

☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing

Total: $_____ plus 20% fee: _____ $_____

Payment Terms: _____

☐ Set by SCDPPPS _____

Recipient: _____

*Fine: _____		$_____
§14-1-206 (Assessments 107.5%)		$_____
§14-1-211 (A)(1)(Conv. Surcharge)	$100	$100.00
§14-1-211 (A)(2)(DUI Surcharge)	$100	$_____
§56-5-2995 (DUI Assessment)	$12	$_____
§56-1-286 (DUI Breath Test)	$25	$_____
Proviso 61.6 (Public Def/Prob)	$500	$_____
§14-1-212 (Law Enforce. Funding)	$25	$25.00
§14-1-213 (Drug Court Surcharge)	$150	$_____
§50-21-114 (BUI Breath Test Fee)	$50	$_____
§56-5-2942(J) (Vehicle Assessment)	$40/ea	$_____
3% to County (if paid in installments)	$	$3.75
TOTAL		$128.75

☐ Ordered 200 PTUP _____ days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. Or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☑

Random Drug/Alcohol Testing ☑

Fine may be pd. in equal consecutive weekly/monthly pmts. of $_____ Beginning _____

$_____ Paid to Public Defender Fund

Other: Anger management must complete

☐ Appointed PD or appointed other counsel, §47.12 requires $500 be paid to Clerk during probation.

FILED
AUG 31 2017
NO.
CASE
MARY P. BROWN CLERK OF COURT
BERKELEY COUNTY, SC

Clerk of Court/Deputy Clerk: L. Hill

Court Reporter: Debbie Lauder

Presiding Judge: Marvin Kittredge

Judge Code: 2144

Sentence Date: 8/31/17

SCCA/217 (07/2016)

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,

Joanna K. Delany
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT

This 1st day of April, 2019.

RECEIVED
APR 01 2019
SC Court of Appeals