

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM PICKENS COUNTY

G. Edward Welmaker, Circuit Court Judge

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SC Court of Appeals

THE STATE,

RESPONDENT,

V.

RUFUS RAIDEN, III,

APPELLANT

APPELLATE CASE NO. 2014-000215

RECORD ON APPEAL

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STATE OF SOUTH CAROLINA
COUNTY OF PICKENS

IN THE COURT OF GENERAL SESSIONS

STATE OF SOUTH CAROLINA,

PLAINTIFF,

-VS-

RUFUS RAIDEN, III,

DEFENDANT.

2012-GS-39-0107

JANUARY 27, 2014

TRANSCRIPT OF RECORD

BEFORE:

THE HONORABLE G. EDWARD WELMAKER, JUDGE

APPEARANCES:

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CIRCUIT COURT REPORTER

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JURY VOIR DIRE

Juror #	Name	Race	Sex	Strikes			Accept
				Court	Plaintiff	Def.	
81	McAlister, Jennifer L	W	F			x	
64	Hutto, Bernadette D	W	F				x
43	Fullington, Teresa	B	F		x		
8	Bergeron, Lisa J	W	F				x
130	Sutherby, Norman M	W	M			x	
153	Whitener, Patricia A	W	F			x	
10	Boatwright, Joy L	W	F				x
117	Sheriff, Scotty E	W	M			x	
150	Weaver, Jason B	W	M				x
148	Watkins, Stephen P	W	M				x
33	Denny, Robin S	W	F				x
137	Trumbower, Theresa M	W	F				x
134	Throns-Qualls, Jacqueline	W	F			x	
15	Briscoe, Christine A	W	F			x	
78	Martin, Juanita B	W	F		x		
61	Hooker, Albert H Jr	W	M				x
72	Laughter, Rebecca L	W	F		x		
154	Wilkins, Julia M	W	F				x
48	Garrett, Tracie B	W	F			x	
2	Anders, James W	W	M				x
90	Monroe, Charles H Jr	W	M			x	
55	Grissom, Theresa N	B	F				x
89	Minniefield, Mark D	B	M				x
71	Landreth, Debra H	W	F				x
125	Stanley, Randall C	W	M				x

JANUARY 27, 2014

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(WHEREUPON, Court convened with all parties present
and the following proceedings were had.)

3

4

(WHEREUPON, State Exhibit Numbers 1 through 16 were
marked for identification.)

5

6

(WHEREUPON, State Exhibit Numbers 1 through 5 were
marked for identification.)

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THE COURT: All right. Ladies and gentlemen,
we're now ready to select a jury for the trial of the
case we're going to start today. This is a case brought
by the state of South Carolina against Mr. Rufus Raiden,
III.

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The indictments I have charge him with committing
the offenses of, back in December of 2011, around the
10th of December, one indictment says that he was
operating a motor vehicle on a public highway in the
state while his license to do so had been suspended; that
constituting the offense of driving under suspension.

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There's also an indictment that says on or about
that same day of December 10, 2011, that he was operating
a motor vehicle on South Carolina Highway number 8, the
Pelzer Highway, in Easley, South Carolina. That while
operating that vehicle he did strike another vehicle
belonging to a Jeremy Ryan Crain, inflicting bodily
injury and ultimately death, and then fleeing the scene

1 of the accident without either properly identifying
2 himself or providing assistance to the victim; that being
3 against the law of South Carolina.

4 Mr. Raiden, he's entered a plea of not guilty to
5 both of these charges. That places the burden on the
6 state of South Carolina to prove his guilt beyond a
7 reasonable doubt. Every person accused of violating any
8 criminal offense in South Carolina is presumed innocent
9 until the state has met that high standard of proof of
10 convincing a jury of his guilt beyond any reasonable
11 doubt.

12 I'm going to be judging the law in this case and
13 deciding what law is applicable. We need to find twelve
14 fair and impartial jurors to decide just what the facts
15 are.

16 First of all, ladies and gentlemen, is there any
17 member of the jury panel who has any prior knowledge from
18 whatever source, media or the coffee shop or hearsay, any
19 source of information whatever it is, if you have any
20 prior knowledge about this alleged incident that happened
21 back in December of 2011, would you please stand?

22 All right. What's the source of your information,
23 sir?

24 THE JUROR: His wife and daughter are a friend
25 of mine.

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Jury Voir Dire

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1 THE COURT: All right. So you have friends to
2 Mr. Raiden. Would that affect your ability to be a fair
3 juror in this case?

4 THE JUROR: It may do so, yes, sir.

5 THE COURT: All right, sir. I'm going to
6 excuse you from the trial of this case. Your name,
7 please, sir?

8 THE JUROR: Phillip Powers.

9 THE COURT: Okay, Mr. Powers, if you would
10 remain seated for just now. You don't need to respond to
11 any other questions.

12 Yes, sir, what is your name?

13 THE JUROR: Scotty Sheriff.

14 THE COURT: And what is the source of your
15 information?

16 THE JUROR: The news, the local news.

17 THE COURT: The news. All right. You heard
18 this back when it happened or have you heard it more
19 recently on the news?

20 THE JUROR: When it happened.

21 THE COURT: When it happened?

22 THE JUROR: Yes, sir.

23 THE COURT: All right. What you heard from the
24 news back then, do you believe that would affect your
25 ability to be a fair juror in this case?

1 THE JUROR: I don't really remember a lot of
2 details, so I'll just have to say no.

3 THE COURT: Okay. But in other words, if
4 you're selected as a juror, evidence is going to be
5 presented in this courtroom. It may conflict, it may be
6 consistent with what you may have remembered happening in
7 the news, but your decision will need to be made from the
8 courtroom and not from any other source. Do you believe
9 you could -- if that resurrects itself in your mind,
10 could you disassociate whatever you heard and make a
11 decision on the law and the evidence in this courtroom
12 and that alone?

13 THE JUROR: Yes, sir..

14 THE COURT: All right. Thank you, sir. You
15 may be seated.

16 Is there any member of the jury panel related by
17 blood or marriage to Mr. Jeremy Ryan Crain or Mr. Rufus
18 Raiden? If so, please stand.

19 (No response.)

20 THE COURT: Is there any member of the jury
21 panel now or in the past had a close business, or a
22 social or a personal relationship with either Mr. Raiden
23 or Mr. Jeremy Ryan Crain? If so, would you please stand.

24 Yes, sir, you knew one of these people?

25 THE JUROR: Mr. Raiden and I, I believe, went

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1 to high school together.

2 THE COURT: Okay. Again, have you seen him
3 since then?

4 THE JUROR: No. Been a long time.

5 THE COURT: Would that affect your ability to
6 be a fair juror?

7 THE JUROR: No, sir, it wouldn't.

8 THE COURT: Again, if you would -- excuse me?

9 THE JUROR: No, sir.

10 THE COURT: Again, if you would state your name
11 for the record, please.

12 THE JUROR: Scotty Sheriff.

13 THE COURT: Thank you, Mr. Sheriff. You may be
14 seated.

15 Several potential witnesses may be called upon to
16 testify in this case, ladies and gentlemen. Not all of
17 these may be called, but some may. I'm going to read a
18 list of these names. If you would just listen carefully
19 for any of these names you recognize and then I'll have
20 some follow-up questions about that.

21 From the South Carolina Highway Patrol, Officer J.C.
22 Greer, Officer B.W. Mayfield. Also with that agency is
23 Tommy Brooks, M.L. Pelfrey, John Craig, Bruce Brock, Neil
24 Nimmons, D.C. Andis, Scott McMahan, Scott Barton, Leroy
25 Kelly, M.L. Taylor. From the Pickens County Sheriff's

1 Office, Jeff Bolde. Pickens County EMS, Logan Brooks.
2 From SLED, Rhonda Fields. Also in law enforcement, a
3 potential witness would be Kevin Rhinehart. Dr. James
4 Fulcher, a pathologist, may be called upon to testify.
5 Other witnesses that may be called upon would be Tara
6 Henderson, Paul Kelley, Jennifer Kelley, Brian Stone,
7 Bernice Raiden, Justin Raiden, Kim Raiden, Matt Parris,
8 Kevin Gibson, Greg Holliday, Lisa Holliday, Grayson
9 Holliday, Glenn Holliday, Mark Chastain, Voyce Ann Gray,
10 Richard Howard Gray.

11 Is there any member of the jury panel related by
12 blood or marriage to any of these potential witnesses?
13 If so, would you please stand.

14 (No response.)

15 THE COURT: Is there a member of the jury panel
16 who has a close business, or a social, a personal
17 relationship with any of these potential witnesses. If
18 so, would you please stand.

19 Yes, if you would state your name, in the back, let
20 me start there. Your name, please.

21 THE JUROR: Linda Gilbert.

22 THE COURT: And which of the witnesses do you
23 know?

24 THE JUROR: Tara Henderson. I know her mother
25 and I know her just casually.

1 THE COURT: Okay. Would the fact that if she
2 were to be called to testify, you know her, though
3 casually, would that affect your ability to be a fair
4 juror? Could you weigh her testimony with the same
5 standard you weigh every other witness who testifies?

6 THE JUROR: It would not affect my ability.

7 THE COURT: Okay. Thank you, ma'am, you may be
8 seated.

9 Yes, ma'am, your name, please.

10 THE JUROR: Dawn Morgan.

11 THE COURT: Ms. Morgan, which of those
12 witnesses do you know?

13 THE JUROR: Kevin Rhinehart.

14 THE COURT: Kevin Rhinehart?

15 THE JUROR: If it's the same one, I go to
16 church with him.

17 THE COURT: This Kevin Rhinehart apparently
18 doesn't live here or didn't live here now. Do either of
19 you know whether he lives here now?

20 MR. RICHARDSON: He does, Your Honor.

21 THE COURT: He does not?

22 MR. RICHARDSON: He does.

23 THE COURT: He does live here now?

24 MR. RICHARDSON: Yes, sir.

25 THE COURT: All right. So if Mr. Rhinehart

1 were to testify and you go to church with him, do you
2 believe that would interfere with your ability to be a
3 fair juror? That you would believe him -- I need you to
4 verbalize your answer so ---

5 THE JUROR: I would believe him, but I mean,
6 you know, I would still be fair.

7 THE COURT: But you would feel like that, his
8 testimony would be believable, whatever he says?

9 THE JUROR: Yes, sir.

10 THE COURT: All right. Well, I don't want to
11 put you in an awkward position with one witness
12 testifying and you feeling that you're going to be seeing
13 him in church. So I believe I'm going to excuse you from
14 the trial of this case. If you would be seated. You
15 don't need to respond anymore to my questions. Again, if
16 you would state your name, please, ma'am.

17 THE JUROR: Dawn Morgan.

18 THE COURT: All right. Thank you, Ms. Morgan,
19 you may be seated.

20 Yes, ma'am, your name.

21 THE JUROR: Carolyn Marshall, number 77. Dr.
22 Fulcher is my daughter-in-law's father's best friend.
23 I've been in social situations with him. I don't know if
24 that ---

25 THE COURT: Would that affect your ability to

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1 be a fair juror if he comes and testifies in this case?

2 THE JUROR: No.

3 THE COURT: It would not?

4 THE JUROR: No.

5 THE COURT: You could be fair to both sides and
6 weigh his testimony as you would any other?

7 THE JUROR: Yes, sir.

8 THE COURT: Again, your name, please.

9 THE JUROR: Carolyn Marshall.

10 THE COURT: Thank you, ma'am.

11 Is there any member of the jury panel who has
12 expressed or formed an opinion in anyway about the facts
13 in this case? If so, would you please stand.

14 (No response.)

15 THE COURT: Is there a member of the jury panel
16 aware of any bias or prejudice that would interfere with
17 your ability to be a fair juror if you were called upon
18 to serve in this case? If so, would you please stand.

19 All right. If I could have you two come up here and
20 we'll talk with the court reporter just for a moment and
21 then I'll have other questions for the rest of the panel.

22 If I could just see you one at a time, please.

23 Yes, ma'am, your name, please.

24 THE JUROR: Cassie Gregory. I'm number 54.

25 THE COURT: You do not believe you could be a

1 fair juror?

2 THE JUROR: My sixteen year old brother died
3 under the same circumstances, so I don't think so.

4 THE COURT: Okay. I'll excuse you from this
5 trial if you would just remain seated. You do not need
6 to respond to anymore questions. All right. Thank you.
7 Thank you very much.

8 Yes, ma'am.

9 THE JUROR: Renae Wilson, 159.

10 THE COURT: Yes, Ms. Wilson.

11 THE JUROR: I have a -- five years ago my
12 grandmother was killed in a hit and run accident and I am
13 absolutely biased.

14 THE COURT: If you would not respond to any
15 other questions I ask. You may be excused from this
16 case.

17 THE JUROR: Okay. Thank you.

18 THE COURT: You may be seated at this time.
19 Thank you.

20 MR. RICHARDSON: Your Honor, if it pleases the
21 court. I made one mistake. When you asked me about Mr.
22 Rhinehart, he is not from this area. I misspoke when I
23 said that.

24 THE COURT: Okay. So Mr. Rhinehart that you
25 knew is not living in this area now, so I believe she is

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1 qualified.

2 THE JUROR: Did you say something?

3 THE COURT: Yes, ma'am, I excused you from this
4 case because of your being in church with Mr. Rhinehart
5 and now I understand it's a different Rhinehart. Doesn't
6 even live around here. So you are qualified to serve on
7 this jury. Thank you, ma'am. What was your name again,
8 was it Ms. Sheriff?

9 THE JUROR: Dawn Morgan.

10 THE COURT: Ms. Morgan. Thank you, ma'am.

11 Is there any member of the jury panel or a member of
12 your immediate family who is a contributing member of an
13 organization whose primary concern is that of victims'
14 rights or law enforcement, such as the Sheriff's
15 Association or the Trooper's Association, MADD or SADD,
16 CAVE or PARR, any such organization? If you or a member
17 of your immediate family is a contributing member, would
18 you please stand.

19 (No response.)

20 THE COURT: Thank you. There is no response.

21 Is any member of the jury panel or a member of your
22 immediate family who has ever been charged with or
23 accused of, arrested for, or ever, on the other side,
24 been a victim of an alcohol related crime, be it driving
25 or non-driving? If you have ever been accused or charged.

1 or a victim of any alcohol-related crime or victim of an
2 alcohol-related driving incident, would you please stand?
3 Either a victim or if you've ever been accused of that.

4 Okay. I've got three here. Again, let me talk to
5 each of you privately here with the court reporter, if
6 you would just come forward one at a time, please.

7 Yes, ma'am.

8 THE JUROR: Teresa Fullington, 43. My niece is
9 getting ready to go to trial for something like that,
10 too. She was driving.

11 THE COURT: Would that affect your ability to
12 be a fair juror?

13 THE JUROR: I wouldn't.

14 THE COURT: In other words, ---

15 THE JUROR: No, it wouldn't. Nothing to do
16 with her. I never did this before.

17 THE COURT: You could be a fair juror to both
18 sides?

19 THE JUROR: I can be fair but sad.

20 THE COURT: Excuse me?

21 THE JUROR: Fair but sad. But I can be fair.

22 THE COURT: Okay. Thank you. You may be
23 seated.

24 Yes, sir.

25 THE JUROR: Ken Dobson, number 35. My brother

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1 was accused and found guilty of manslaughter in a
2 situation where he was driving a vehicle where somebody
3 else was killed, passenger was killed. Later on it was
4 appealed and it was overturned. That was back in the
5 eighties.

6 THE COURT: Would that affect your ability to
7 be a fair juror?

8 THE JUROR: No, sir. No, sir.

9 THE COURT: You could be fair to both sides?

10 THE JUROR: Yes, sir.

11 THE COURT: And listen to the law?

12 THE JUROR: Yes, sir.

13 THE COURT: Okay. Thank you.

14 Yes, ma'am. Your name, please.

15 THE JUROR: Sharladon Kelley, number 68. My
16 brother was convicted in 2010. He actually had a DUI and
17 killed a man and he's serving a six year sentence. So at
18 this time I don't know if I hear evidence that might be
19 against it with the hardship in both families from my
20 past and what happened to my brother, I don't know
21 whether I could honestly be fair.

22 THE COURT: Okay. I'll excuse you from the
23 trial of this case.

24 THE JUROR: And that's the truth. I'm just
25 saying it's a similar case to my brother's and he's got

1 three more years to go.

2 THE COURT: If you could have a seat, please.

3 You don't need to respond to any other questions I ask.

4 Thank you.

5 Yes, ma'am, your name, please.

6 THE JUROR: Diane Turner. I'm not sure if I
7 understood the question right. My brother was accused of
8 DUI, but he hasn't been convicted or anything.

9 THE COURT: You understood the question right.
10 Would that affect your ability to be a fair juror in this
11 case ---

12 THE JUROR: No.

13 THE COURT: --- even though he's got that
14 charge pending?

15 THE JUROR: No.

16 THE COURT: You could listen to the evidence
17 ---

18 THE JUROR: Yes.

19 THE COURT: --- and make a decision on the law
20 and the evidence alone?

21 THE JUROR: Yes.

22 THE COURT: Your name again, please.

23 THE JUROR: It's Diane Turner. One thing you
24 were talking about, my husband is in law enforcement.
25 He's a member of the FOP, Fraternal Order of Police. I

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21

1 don't know if that's one of the things you were speaking
2 of.

3 THE COURT: That's one of the things -- I'm
4 going to be asking that in a minute, about if you have
5 relatives in law enforcement, so you can respond in a
6 minute on that.

7 THE JUROR: Okay. Thank you so much.

8 THE COURT: Yes, ma'am.

9 THE JUROR: My name is Diane Page or Carolyn
10 Page. My son had a conviction of DUI back in 2009.

11 THE COURT: Would that affect your ability ---

12 THE JUROR: No. He was guilty. No.

13 THE COURT: You could be fair to both sides?

14 THE JUROR: I could.

15 THE COURT: Thank you, Ms. Page. You may
16 return to your seat.

17 Is there any member of the jury panel or a member of
18 your immediate family who has ever been accused or
19 charged or arrested for a violent crime against another
20 person or ever been the victim of a violent crime against
21 -- that another person committed against you? If you've
22 been the victim or been accused of a violent crime of
23 hurting someone from whatever means, or if you've been
24 victimized by that, would you please stand.

25 THE JUROR: My son has.

1 THE COURT: Okay.

2 THE JUROR: Does that matter?

3 THE COURT: Yes, ma'am. Again, your name,
4 please?

5 THE JUROR: Debra Landreth.

6 THE COURT: Yes, ma'am. Again, your son was
7 charged with a violent crime?

8 THE JUROR: Yes, sir.

9 THE COURT: Would that affect your ability to
10 be a fair juror?

11 THE JUROR: No, sir.

12 THE COURT: You could be fair to both sides?

13 THE JUROR: Yes, sir.

14 THE COURT: Thank you, ma'am, you may be
15 seated.

16 Yes, sir, your name, please.

17 THE JUROR: Jason Weaver.

18 THE COURT: Yes, sir, Mr. Weaver.

19 THE JUROR: I'd like to approach you if that's
20 possible.

21 THE COURT: All right, sir. Yes, sir.

22 THE JUROR: About three years ago I got charged
23 with second degree assault. I went through PTI. So it's
24 been removed.

25 THE COURT: Would that affect your ability to

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Jury Voir Dire

23

1 be a fair juror?

2 THE JUROR: No, sir, not at all.

3 THE COURT: You could be fair to both sides?

4 THE JUROR: Yes, sir.

5 THE COURT: Thank you. You can return to your
6 seat.

7 Is any member of the jury panel or a member of your
8 family involved in law enforcement in anyway? If so,
9 would you please stand. If you or a member of your
10 immediate family are in law enforcement.

11 Okay. Let me start here. The questions I'm going
12 to have are what the relationship is and what relative it
13 is. Let me start on this side. If you would state your
14 name again, please.

15 THE JUROR: Ken Dobson. My brother was a
16 policeman for Clemson University. Now he's a state
17 constable.

18 THE COURT: Okay. If you could remain standing
19 just a moment. Yes, ma'am, your name, please.

20 THE JUROR: My name is Diane Turner. My
21 husband is a retired law enforcement officer. He worked
22 with Pickens County, Easley City and Anderson County.

23 THE COURT: How long has he been retired?

24 THE JUROR: About seven years.

25 THE COURT: If you would remain standing. Yes,

1 ma'am, your name, please.

2 THE JUROR: My name is Jennifer McAlister. I
3 have an uncle that works for Pickens County.

4 THE COURT: Okay. If you would remain
5 standing. Yes, ma'am, your name, please.

6 THE JUROR: Tina Gilbert. I have a son who is
7 a police officer in York County.

8 THE COURT: York County. If you would remain
9 standing. Yes, ma'am, on the front.

10 THE JUROR: My name is Hallie Elrod. My son-
11 in-law was with the state highway patrol in Greenville
12 County. He is no longer with them. That was six years
13 or more ago he was employed.

14 THE COURT: All right. Thank you. If you
15 would remain standing. Yes, ma'am.

16 THE JUROR: Elise Morgan. My husband works for
17 the Pickens County Sheriff's Office. He's a police
18 officer.

19 THE COURT: He works or did work?

20 THE JUROR: He works currently.

21 THE COURT: Works now?

22 THE JUROR: Yes.

23 THE COURT: Okay. If you would remain
24 standing. Your name, please, sir.

25 THE JUROR: Juror 135. My niece works at the

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1 Pickens County Sheriff's Department as a police officer.

2 THE COURT: Okay. Your name, please, sir.

3 THE JUROR: Charles Monroe. Sixteen years with
4 Spartanburg County Sheriff's Office and also youth and
5 protection officer.

6 THE COURT: All right. Those of you who are
7 standing, either yourselves or relatives are involved in
8 law enforcement, based on the list of witnesses, I assume
9 that some law enforcement will be testifying in this
10 case. The fact that you have a relative or you yourself
11 have served as law enforcement, that's not disqualifying.
12 What I want to make sure of that we have twelve fair and
13 impartial jurors. If you believe that because of the
14 relationship you have with law enforcement through a
15 relation of a family member that would interfere with
16 your ability to listen to all the evidence and weigh that
17 evidence carefully as you would with a non-law
18 enforcement officer testifying, and listen to the law
19 that I give you, then if you can do that, you're an
20 impartial juror. If you can't do that because of that
21 relationship, then we need to pick other jurors. I'm
22 going to give you the law. You're going to hear
23 testimony from law enforcement and non-law enforcement.
24 Those of you who are standing, if you believe this
25 relationship you have with law enforcement would

1 interfere in anyway with your ability to be a fair juror,
2 I'm going to ask if you would to please be -- remain
3 standing. If you believe you could be fair and impartial
4 to both sides, I'm going to ask if you would please be
5 seated at this time.

6 Let the record reflect that all the jurors have been
7 seated.

8 At this time I'm going to have the attorneys, if you
9 would, to please stand and introduce yourself to the
10 jury. Solicitor.

11 MR. RICHARDSON: Thank you, Your Honor. Please
12 the court. Good afternoon, ladies and gentlemen. My
13 name is Doug Richardson. I'm the prosecutor in this
14 case.

15 THE COURT: Mr. Alexander.

16 MR. ALEXANDER: Thank you, Your Honor. Good
17 afternoon. I'm Steven Alexander. I represent Rufus
18 Raiden, III, sitting here. I practice here in Pickens
19 with my father, James or Jim Alexander.

20 THE COURT: Is there any member of the jury
21 panel related by blood or marriage to either of these
22 attorneys or members of their staff? If so, would you
23 please stand.

24 (No response.)

25 THE COURT: Is there a member of the panel who

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1 has a close business or a social, a personal relationship
2 with either of the attorneys or members of their staff?
3 If so, would you please stand.

4 (No response.)

5 THE COURT: Is there any member of the jury
6 panel ever been involved in any litigation which either
7 of these attorneys represented you or represented the
8 opposing side? If so, would you please stand.

9 Yes, ma'am, your name, please.

10 THE JUROR: Ann Childress.

11 THE COURT: All right. And which of the
12 attorneys ---

13 THE JUROR: Alexander.

14 THE COURT: Did he represent you or represent
15 the opposing side?

16 THE JUROR: His father represented me.

17 THE COURT: All right. And how long ago was
18 that?

19 THE JUROR: Over twenty years.

20 THE COURT: Would that affect your ability to be
21 a fair juror?

22 THE JUROR: No, sir.

23 THE COURT: You could be fair to both sides?

24 THE JUROR: I could be fair to both sides.

25 THE COURT: Thank you very much. You may be

1 seated.

2 Mr. Raiden comes into this courtroom today and the
3 state of South Carolina comes into this courtroom today
4 desiring to have fair and impartial jurors to hear this
5 case, to listen to the testimony presented, to weigh any
6 other evidence that's presented, to listen to the law
7 that I give you and make a decision strictly on the law
8 and the evidence, and that alone. Not only is that their
9 desire, they deserve that under the law of South
10 Carolina, under our constitution. Is there any member of
11 the jury panel aware of any reason whatsoever that in
12 this case you could not be fair to both the state and to
13 the defendant and render a verdict strictly on the law
14 and the evidence and that alone? If for any reason you
15 believe in this case you could not be a fair juror, would
16 you please stand.

17 (No response.)

18 THE COURT: Thank you. There's no response.

19 Any other questions from the state?

20 MR. RICHARDSON: Nothing further from the
21 state, Your Honor.

22 THE COURT: From the defense?

23 MR. ALEXANDER: No, Your Honor.

24 THE COURT: All right. Let's empanel our jury.

25 THE CLERK: Juror number 81, Jennifer L.

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1 McAlister. If you would, please stand. What says the
2 state?

3 MR. RICHARDSON: Please present Ms. McAlister.

4 THE CLERK: And the defense?

5 MR. ALEXANDER: Please excuse Ms. McAlister.

6 THE CLERK: Have a seat, please, ma'am.

7 Juror number 64, Bernadette D. Hutto. What says the
8 state?

9 MR. RICHARDSON: Please present Ms. Hutto.

10 THE CLERK: And the defense.

11 MR. ALEXANDER: Please present Ms. Hutto.

12 THE CLERK: If you would come forward, please,
13 ma'am, and have a seat in the jury box.

14 Juror number 43, Teresa Fullington. Please stand,
15 ma'am. What says the state?

16 MR. RICHARDSON: Please excuse Ms. Fullington
17 from the trial of this case.

18 THE CLERK: If you would return to your seat,
19 please, ma'am.

20 Juror number 8, Lisa J. Bergeron. What says the
21 state?

22 MR. RICHARDSON: Please present Ms. Bergeron.

23 THE CLERK: And the defense?

24 MR. ALEXANDER: Please seat the juror.

25 THE CLERK: If you would come forward, please,

1 ma'am, and have a seat in the jury box.

2 Juror number 130, Norman M. Sutherby. What says the
3 state?

4 MR. RICHARDSON: Please present Mr. Sutherby.

5 THE CLERK: And the defense?

6 MR. ALEXANDER: Please excuse Mr. Sutherby.

7 THE CLERK: If you would, have a seat, please,
8 sir.

9 Juror number 153, Patricia A. Whitener.

10 THE JUROR: Whitener.

11 THE CLERK: Whitener. Excuse me. What says
12 the state?

13 MR. RICHARDSON: Please present Ms. Whitener.

14 THE CLERK: And the defense?

15 MR. ALEXANDER: Please excuse Ms. Whitener.

16 THE CLERK: You can return to your seat,
17 please, ma'am.

18 Juror number 10, Joy L. Boatwright. What says the
19 state?

20 MR. RICHARDSON: Please present Ms. Boatwright.

21 THE CLERK: And the defense?

22 MR. ALEXANDER: Please present Ms. Boatwright.

23 THE CLERK: Come forward, please, ma'am, and
24 have a seat in the jury box.

25 Juror number 117, Scotty E. Sheriff. What says the

1 state?

2 MR. RICHARDSON: Please present Mr. Sheriff.

3 THE CLERK: And the defense?

4 MR. ALEXANDER: Please excuse Mr. Sheriff.

5 THE CLERK: If you would, have a seat, please,

6 sir.

7 Juror number 150, Jason B. Weaver. What says the

8 state?

9 MR. RICHARDSON: Please present Mr. Weaver.

10 THE CLERK: And the defense?

11 MR. ALEXANDER: Please present Mr. Weaver.

12 THE CLERK: If you would, come forward, please,

13 sir, and have a seat in the jury box.

14 Juror number 148, Stephen P. Watkins. What says the

15 state?

16 MR. RICHARDSON: Please present Mr. Watkins.

17 THE CLERK: And the defense?

18 MR. ALEXANDER: Please present Mr. Watkins.

19 THE CLERK: If you would, come forward, please,

20 sir, and have a seat in the jury box.

21 Juror number 33, Robin S. Denny. What says the

22 state?

23 MR. RICHARDSON: Please present Ms. Denny.

24 THE CLERK: And the defense?

25 MR. ALEXANDER: Please present Ms. Denny.

1 THE CLERK: If you would, come forward, please,
2 and have a seat in the jury box.

3 Juror number 137, Teresa M. ...

4 THE JUROR: Trumbower.

5 THE CLERK: Okay. What says the state?

6 MR. RICHARDSON: Please present Ms. Trumbower.

7 THE CLERK: And the defense?

8 MR. ALEXANDER: Please present Ms. Trumbower.

9 THE CLERK: If you would, come forward, please,
10 ma'am, and have a seat in the jury box.

11 Juror number 134, Jacqueline Thrans-Qualls. What
12 says the state?

13 MR. RICHARDSON: Please present Ms. Thrans-
14 Qualls.

15 THE CLERK: And the defense?

16 MR. ALEXANDER: Please excuse the juror.

17 THE CLERK: Have a seat, please, ma'am.

18 Juror number 15, Christine A. Briscoe. What says
19 the state?

20 MR. RICHARDSON: I'm sorry. What was the
21 number?

22 THE CLERK: 15.

23 MR. RICHARDSON: Please present Ms. Briscoe.

24 THE CLERK: And the defense?

25 MR. ALEXANDER: Please excuse Ms. Briscoe.

1 THE CLERK: Have a seat, please, ma'am.

2 Juror number 78, Juanita B. Martin. What says the
3 state?

4 MR. RICHARDSON: Please excuse Ms. Martin from
5 the trial of this case.

6 THE CLERK: If you would have a seat, please,
7 ma'am.

8 Juror number 61, Albert H. Hooker, Jr. What says
9 the state?

10 MR. RICHARDSON: Please present Mr. Hooker.

11 THE CLERK: And the defense?

12 MR. ALEXANDER: Please present Mr. Hooker.

13 THE CLERK: If you would come forward, please,
14 sir, and have a seat in the jury box.

15 Juror number 72, Rebecca L. Laughter. What says the
16 state?

17 MR. RICHARDSON: Please excuse Ms. Laughter
18 from the trial of this case.

19 THE CLERK: If you would have a seat, please,
20 ma'am.

21 Juror number 154, Julia M. Wilkins. What says the
22 state?

23 MR. RICHARDSON: Please present Ms. Wilkins.

24 THE CLERK: And the defense?

25 MR. ALEXANDER: Please present Ms. Wilkins.

1 THE CLERK: If you would come forward, please,
2 ma'am, and have a seat in the jury box.

3 Juror number 48, Tracie B. Garrett. What says the
4 state?

5 MR. RICHARDSON: Please present Ms. Garrett.

6 THE CLERK: And the defense?

7 MR. ALEXANDER: Please excuse Ms. Garrett from
8 the trial of this case.

9 THE CLERK: If you would have a seat, please,
10 ma'am.

11 Juror number 2, James W. Anders. What says the
12 state?

13 MR. RICHARDSON: Please present Mr. Anders.

14 THE CLERK: And the defense?

15 MR. ALEXANDER: Please present Mr. Anders.

16 THE CLERK: If you would come forward, please,
17 sir, and have a seat in the jury box.

18 Juror number 90, Charles H. Monroe, Jr. What says
19 the state?

20 MR. RICHARDSON: Please present Mr. Monroe.

21 THE CLERK: And the defense?

22 MR. ALEXANDER: Please excuse Mr. Monroe from
23 the trial of this case.

24 THE CLERK: If you would, have a seat, please,
25 sir.

1 Juror number 55, Theresa M. Grissom. What says the
2 state?

3 MR. RICHARDSON: Please present Ms. Grissom.

4 THE CLERK: And the defense?

5 MR. ALEXANDER: Please present Ms. Grissom.

6 THE CLERK: If you would come forward, please,
7 ma'am, and have a seat in the jury box.

8 Juror number 89, Mark D. Minniefield. What says the
9 state?

10 MR. RICHARDSON: Please present Mr.
11 Minniefield.

12 THE CLERK: And the defense?

13 MR. ALEXANDER: Please present Mr. Minniefield.

14 THE CLERK: If you would come forward, please,
15 sir, and have a seat in the jury box.

16 This will be for the first alternate. Juror number
17 71, Deborah H. Landreth. What says the state?

18 MR. RICHARDSON: Please present Ms. Landreth.

19 THE CLERK: And the defense?

20 MR. ALEXANDER: Please present Ms. Landreth.

21 THE CLERK: If you would come forward, please,
22 ma'am, and have a seat in the jury box.

23 This will be for the second alternate. Juror number
24 125, Randall C. Stanley. What says the state?

25 MR. RICHARDSON: Please present Mr. Stanley.

1 THE CLERK: And the defense?

2 MR. ALEXANDER: Please present Mr. Stanley.

3 THE CLERK: If you would come forward, please,
4 sir, and have a seat in the jury box.

5 THE COURT: Are there any matters we need to
6 take care of as far as the selection of the jury in this
7 case, from the state?

8 MR. RICHARDSON: Nothing from the state, Your
9 Honor.

10 THE COURT: From the defense?

11 MR. ALEXANDER: Nothing from the defense, Your
12 Honor.

13 THE COURT: Ladies and gentlemen who were not
14 selection, I can excuse you for the day. Thank you for
15 your patience with us today as we went through this
16 process. Please call back on the number that you've been
17 provided tonight after six o'clock. There will be
18 further instructions for you as to when you need to
19 either call back in or report back. You're excused at
20 this time.

21 Everyone else, please remain seated while the jury
22 departs.

23 (WHEREUPON, the jury panel exited the open court at
24 approximately 1:37 p.m.)

25 THE COURT: Ladies and gentlemen, you've seen

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1 the process by which you were selected for the trial of
2 this case. These parties believe you're the best twelve
3 people to hear this matter and make a decision on the
4 facts. You're going to be the judge of the facts. I'm
5 referred to as the judge. I wear the black robe. I'm
6 the judge of the law. You're every bit as much judges as
7 I am because you're going to be judging the facts. We
8 have two alternate jurors. Sometimes we don't know how
9 long a case may go. With the season being what it is,
10 there may be an illness befall one of you, the first
11 twelve selected. So rather than have to start the
12 process all over again, we get alternates sometimes to
13 step into the shoes of a juror who maybe has an emergency
14 in the home or otherwise. They're every bit as much a
15 part of the jury as anyone else. But as the bailiff, I'm
16 sure, has instructed them, they'll occupy the two seats
17 on the end on the back row. The rest of you, as you come
18 and go, can sit anywhere you like.

19 You may have some apprehension about now finding
20 yourself sitting in a jury box. You may have never had
21 an opportunity to be at the courthouse, never talked to a
22 lawyer in your whole life. And you answered your summons
23 today and now you find yourself sitting in the jury box
24 and I've entitled you judge and you may think to
25 yourself, well, I'm not capable of doing that. I've

1 never served as a juror before. I assure you, ladies and
2 gentlemen, you bring every skill you're going to need
3 into this courtroom to be a fact-finder, because you're
4 going to utilize the good common sense with which you've
5 been blessed, the everyday experiences you enjoy in the
6 workforce, in the home, social activities and otherwise,
7 and that's what you're going to need to utilize to decide
8 this case.

9 Obviously to be a good listener, you need to be
10 comfortable and be observant, watch what's going on here.
11 My job is to tell us when we take breaks, as I mentioned
12 downstairs, every hour, hour and a half, we'll probably
13 take a break. If you need a break and I haven't called
14 for a break, please get my attention. Get one of the
15 bailiffs' attention. Over to your left, Mr. Shumacher.
16 You've had interaction with these bailiffs already. Mr.
17 Carr here, Mr. Grant in the back. Any of these gentlemen
18 will certainly help you. Mr. Welborn, the fine clerk of
19 court, he'll be here most of the time in the courtroom;
20 maybe one of his assistants. Any of these folks will
21 certainly help. The young lady with her back to you is
22 the court reporter, Ms. Danette Hanks. She's taking down
23 everything that's said, keeping a record of the
24 proceedings. Hudson Smith is the young man seated behind
25 me, recent law school graduate, admitted to the bar; my

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1 law clerk, a valuable asset to me. Any of these folks
2 will certainly be willing to help you anyway that they
3 can.

4 One of the things that I need to instruct you now,
5 and I'll give you a few more instructions when we come
6 back. You're long overdue for a lunch break. Our chief
7 justice of our Supreme Court in South Carolina has issued
8 an order that is required of all jurors who are sitting
9 in a jury box, such as you, she's instructed us trial
10 judges to relay that message to you. We're in a highly
11 technological age, a high information age. While you're
12 sitting as a jury and once you've been empaneled as a
13 juror, the order of the court is that you not have any
14 kind of contact with anyone. You don't talk about the
15 case, get on the worldwide web with your so-called
16 friends and social media and tell them about your
17 experience moment-by-moment, or even at the end of the
18 day or anytime. That would be improper, ladies and
19 gentlemen.

20 While you're serving as a juror in this case, you're
21 to be focused on what happens here and not any social
22 media. When this case is concluded you're going to have
23 every opportunity to share your experiences with your
24 family and your friends and your loved ones. But while
25 it's in progress, you shouldn't be talking to family or

1 with anyone else. You can certainly let them know you've
2 been picked for the trial and what the indictment says.
3 But other than that, you shouldn't be talking about what
4 some witness said or what you're anticipating or anything
5 else that's happening here, until the trial is over.
6 Then, of course, you'll have ample opportunity to do
7 that.

8 By the same token, while you're involved in a trial,
9 you may hear some words; you may have already heard some
10 words you want to google or check out, some book at the
11 library, and find out what went on and check archives on
12 the internet. That would be improper, as well. These
13 fine attorneys, I'm confident, are going to provide you
14 all the information you need to make a good, sound
15 decision as to the factual issue that you have before
16 you. It should come from this courtroom and this
17 location alone. Not from any extraneous sources.

18 We're involved in a process now, a high process of
19 -- involving the fact-finding of what the state alleges
20 against one of its citizens. We want to maintain the
21 purity of that process. And I'm confident that you will
22 remember the commitment that you've already made through
23 this process to these parties that you are going to be
24 fair and impartial and refrain from any other sources of
25 information other than what happens here.

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1 Sometimes in the course of a trial there may be a
2 break where I have to take care of matters of law. I
3 want to make the best decision as the judge of the law
4 that I possibly can. It may require you being back in
5 your jury room while I hear argument of counsel or study
6 some law books or hear some testimony that wouldn't even
7 be properly present before a jury. So I hope you'll
8 understand that when those occasions come, just in the
9 progress of the trial, or one of the lawyers may ask for
10 a legal conference, and I'll take care of that outside of
11 your presence.

12 You're a judge. I've told you that. But you're the
13 judge of the facts. And when all the evidence is in and
14 you're back in your jury room deliberating, even though
15 I'm a fellow judge like you, I'm not going to be back
16 there with you, because that's not my prerogative to be
17 the fact-finder. That's your prerogative and yours
18 alone. So I'm sure you'll bear in mind the importance of
19 that.

20 And even as you come back from lunch, you see one of
21 these lawyers in the hallway or elevator and they seem to
22 not be friendly toward you or high-hat you and walk the
23 other way, don't hold that against them or their clients.
24 That's their training. They want to make sure there's no
25 appearance of any impropriety that they're talking with a

1 juror, even though it may be an innocent topic of the
2 weather or sporting event or anything else. So if they
3 seem to avoid you, they're friendly by nature, I assure
4 you, but that's the way they've been trained.

5 We're going to take a belated lunch break now. We
6 have some legal matters we need to take care of,
7 hopefully to help expedite the trial once it does start.
8 We're going to take a break for a quick sandwich
9 ourselves, and after that we'll take care of some of
10 those legal matters.

11 Part of my job is to estimate so that you don't have
12 waiting time, and I'm going to do my best based on what
13 the lawyers say of the time we'll need. If you'll be
14 back at three thirty, I hope we'll be ready to start by
15 then. That gives you an extended lunch hour, but it
16 gives us time to, hopefully, get the things done that we
17 need to do so that the opening statements of the
18 attorneys can start then. If you'll be back at three
19 thirty in your jury room, Mr. Shumacher will show you
20 where to report back.

21 Don't discuss the case with anyone. I'll keep
22 repeating that. That's very important. Even with each
23 other. You should not be discussing the case of what
24 you've heard and speculating on things. You talk about
25 the case when all the evidence is in and I've instructed

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1 you on the law, but not until then, even with your fellow
2 jurors.

3 Have a good lunch, ladies and gentlemen. I'll see
4 you back at three thirty.

5 (WHEREUPON, the jury exited the open court at
6 approximately 1:47 p.m.)

7 THE COURT: All right. Let's try to be back
8 about two thirty, two thirty-five and be ready to start
9 then. I don't know if y'all have any exhibits y'all can
10 agree to. That would certainly help Ms. Hanks to get
11 those premarked. We'll be ready for our motions at that
12 time.

13 (WHEREUPON, the court stood at recess for a lunch
14 break.)

15 THE COURT: All right. What motions do we
16 have, Mr. Alexander?

17 MR. ALEXANDER: Thank you, Your Honor. Mr.
18 Richardson can correct me if I'm wrong, but I think we
19 agreed to sequester the witnesses, or I'm requesting the
20 witnesses be sequestered.

21 THE COURT: Any objection to ---

22 MR. RICHARDSON: I don't object.

23 THE COURT: Okay. Without objection they'll be
24 sequestered. I'll depend upon y'all to maintain that.

25 MR. RICHARDSON: And so we're clear, though, in

1 the courtroom is going to be my investigating officer and
2 the victim's family. But none of them are on my witness
3 list to any extent.

4 THE COURT: Right. Okay.

5 MR. ALEXANDER: No objection to that.

6 I guess, first, I have a motion for a continuance,
7 Your Honor. The basis of this, two of my witnesses on
8 the witness list were Voyce -- the statement says Voyce
9 Gray -- it's either Voyce or Joyce Gray -- and Richard
10 Gray. Statements were taken from them around the time of
11 the incident. We have simply been unable to locate these
12 witnesses. I had a -- well, I guess the court approved a
13 private investigator toward the end of 2013. This case
14 was continued off the December docket -- I forget the
15 week it was, but the December docket -- so that we would
16 have more time to prepare for trial, which resolved some
17 of the other outstanding issues we had. But during that
18 time we were still unable to locate the Grays up until
19 basically this past weekend, Your Honor.

20 My investigators had been going out to the house,
21 which -- or the address which was on their statements,
22 and basically nobody -- couldn't get anybody to the door
23 for the last week or so. I did a subpoena for them and
24 had said just go serve the subpoena on them. Well, they
25 finally got somebody to the door. I think he called me

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1 Saturday morning, is when he told me. But got somebody
2 to the door. It was not the Grays. Said they hadn't
3 lived there for some time. And so the investigator did a
4 trace or something of some nature and found what he
5 believes that they're living in Alabama. Got a phone
6 number of what he believed to be the phone number. We
7 tried that number and it's either disconnected or doesn't
8 work. It never rang; wasn't a busy signal or anything.

9 So, and I frankly don't know whether they would be a
10 really good witness or a bad witness for us at this
11 point, but their statements indicate that they would
12 potentially be, at least in part, a good witness that we
13 would want to at least have the opportunity to question,
14 Your Honor. But we haven't been able to locate them.
15 And so we would request -- since I just found this
16 information out over the weekend, about them being
17 potentially in Alabama, we would request a continuance in
18 order to more adequately track them down in Alabama and
19 talk with them, and if necessary, begin the process to
20 try to get them here.

21 I certainly don't know all the ins and outs of that.
22 I talked with Mr. Richardson about that a little bit, and
23 from my understanding it involves filing some sort of
24 action in Alabama, getting them under that subpoena
25 power, paying their expenses to come here and things of

1 that nature. So it's certainly not an easy process, but
2 I would be remiss if I did not ask for this without ---

3 THE COURT: Well, we don't even know where they
4 are. Maybe your ---

5 MR. ALEXANDER: Well, I believe my investigator
6 found a -- and I apologize. He didn't -- he had over the
7 weekend. I didn't get any type of affidavit or anything
8 from him. But he found an address and phone number for
9 them in Alabama, so I believe he knows at least where
10 they're living.

11 THE COURT: If you got another investigator out
12 there, you can -- maybe we can find out something even in
13 the course of this trial. I don't know whether --
14 Solicitor, with this many witnesses again, I don't know
15 if all those would be called, but would both of you
16 anticipate this going into Thursday?

17 MR. ALEXANDER: Very possibly, yes, sir.

18 MR. RICHARDSON: Probably, at this point.

19 THE COURT: Okay. We've about lost Monday
20 anyhow, so that might give him some time to find those
21 people before you need them and certainly if something
22 happens maybe we can even work out testimony
23 electronically or whatever if they're available.

24 MR. ALEXANDER: Yes, sir.

25 THE COURT: I deny your motion to continue. If

1 you'll just have your investigator to keep working.

2 MR. ALEXANDER: Yes, sir.

3 THE COURT: I don't know, perhaps Mother Nature
4 may give you a continuance, from what I hear. I don't
5 know whether -- I was talking to people in Columbia;
6 they're already buying their milk and bread. I don't
7 know what's going to happen up here, but certainly
8 Columbia is expecting a storm tomorrow. I deny your
9 motion. I believe there's been sufficient time. Perhaps
10 even as the trial is progressing we can still find those
11 individuals.

12 MR. ALEXANDER: Yes, sir. And my next motion
13 is a motion in limine, I guess, a motion to exclude any
14 testimony relating to the cause or which vehicle was at
15 fault or the at-fault party in the accident, Your Honor.

16 Mr. Raiden is charged under 56-5-1210, and I won't
17 read the entire statute to you, but the elements needed
18 to be proven based on that is that the defendant was a
19 driver of a vehicle involved in an accident resulting in
20 personal injury or death, and the defendant leaves the
21 scene without first properly identifying himself and
22 providing reasonable assistance to the injured party.

23 Nowhere is there a requirement for the state to
24 establish that Mr. Raiden's vehicle, that he's allegedly
25 driving, the state has alleged, was the at-fault vehicle.

1 It's not an element in the crime charged. It's my
2 understanding the state -- there was a M-A-I-T
3 investigation done by highway patrol -- and I apologize;
4 I don't know what stands for off the top of my head --
5 but where they investigated the accident. And I believe
6 they would be testifying, or the state is going to
7 proffer expert testimony that the truck that they're
8 alleging Mr. Raiden was driving was the at-fault vehicle.
9 So the only purpose in offering that would be to
10 unfairly prejudice my client in the eyes of the jury
11 that, as they allege, not only was he driving and
12 allegedly fled the scene, but also it was his fault the
13 accident happened anyway. It doesn't add anything to the
14 burden. It's not required -- any burden of proof, any
15 element of the crime charged. It would simply be --
16 there's simply no probative value to it whatsoever.
17 Therefore, the lack of any probative value is
18 substantially outweighed by the prejudicial effect. All
19 there is is prejudicial effect to that testimony, Your
20 Honor. And it's simply not needed for the state to prove
21 their case. So therefore we would move to exclude any
22 evidence of that nature, Your Honor.

23 THE COURT: Was it a head-on collision or a ---

24 MR. ALEXANDER: Slightly off head-on collision.

25 THE COURT: But the cars were going in opposite

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1 directions?

2 MR. ALEXANDER: Yes, sir.

3 THE COURT: What's the state's position on
4 that, Mr. Richardson?

5 MR. RICHARDSON: Your Honor, it's really the
6 res gestae of the case in explaining the entire case to
7 the jury. But beyond that, what the relevance is and
8 what it goes to is motive and reason to leave the scene.
9 I certainly should have the opportunity to argue certain
10 facts that happened. Regardless of whether it's part of
11 an element, I can argue to the jury that motive and
12 reason behind somebody leaving the scene is because they
13 were at-fault at the accident.

14 And in addition to that, it simply goes to the
15 entire case. It's part of the entire case. It's res
16 gestae of the case.

17 THE COURT: Do you have -- do you intend to
18 present photographs and all of the markings in the road
19 and things like that?

20 MR. RICHARDSON: I do, Your Honor.

21 MR. ALEXANDER: And I'm not objecting to the
22 photos coming in. What I'm objecting to or would ask to
23 be excluded is any witness, certainly any expert, but any
24 lay witness saying that the, the truck -- Mr. Raiden was
25 allegedly driving a truck and the deceased was driving a

1 silver car -- any testimony that the truck crossed the
2 center line or the truck ---

3 THE COURT: Won't the pictures show that, or
4 not, of the marks in the road or anything?

5 MR. ALEXANDER: Well, ---

6 THE COURT: Or both of them then went off on
7 the side?

8 MR. RICHARDSON: Your Honor, the way it's going
9 to be explained is that the truck went into the far --
10 into the victim's lane and hit him basically head-on.
11 The truck is then -- comes to a resting position, which
12 pictures will show, in that left lane and the car was
13 knocked into an embankment on the opposite side of the
14 road. There needs to be explanation ---

15 THE COURT: When the officer got there, the
16 truck was in the road?

17 MR. RICHARDSON: That's correct.

18 THE COURT: And the car was off the road?

19 MR. RICHARDSON: That's correct.

20 MR. ALEXANDER: But they can testify about that
21 and not say the person driving the truck -- they can say
22 they collided and the one car was thrown this way. They
23 don't have to say, the truck crossed the center line and
24 did it. They can just say that the accident occurred,
25 they collided in the roadway, and came to rest ---

1 THE COURT: But they're going to show that,
2 pictures show them where the truck is situation?

3 MR. ALEXANDER: They may be, but ---

4 THE COURT: Aren't they going to talk about the
5 point of impact, things like that?

6 MR. ALEXANDER: I would object to any
7 discussions of point of impact, because that would go to
8 the cause of the accident.

9 THE COURT: If they didn't say who was at
10 fault, they just said here's the way the accident
11 occurred?

12 MR. ALEXANDER: I guess I'm objecting to all
13 that testimony. I mean, I don't object to the photos
14 coming in, showing, okay, this is the damage to the
15 vehicle, for purposes of showing damage to the vehicles,
16 because, you know, an element is that he died as a result
17 of the accident. So I don't object to the damage coming
18 in to show -- I guess substantiate the blunt force trauma
19 that he suffered, things of that nature.

20 But any discussion about the cause of the accident
21 is just simply irrelevant. It's not needed to prove the
22 res gestae of the case. It is not needed to establish
23 the elements that they have the burden of proof under
24 this statute, Your Honor. It's not relevant. Even if it
25 -- I mean, it's not relevant. But even if it was,

1 because it's not a specific element of the statute, if
2 somehow, you know, the motive to leave or whatever, any
3 -- if that's somehow a probative value of it, it still --
4 it's substantially outweighed by the prejudicial effect
5 of it. But I don't believe that that -- I mean, that
6 doesn't go to any motive to believe the people.

7 Because under the statute there can be an accident
8 -- my interpretation of the statute, and Your Honor can
9 correct me if I'm wrong, is that if I'm in an accident
10 with John Doe and it's John Doe's fault and I know it's
11 his fault, I know I didn't do anything wrong, but I had
12 just come from the bar and I was worried about, you know,
13 the trooper smelling something on me, so I take off and
14 run. And they investigate and determine the other person
15 was at fault, but he ends up, you know, hurt or deceased,
16 I can still be charged with hit and run, because I left
17 the scene, even though it wasn't my fault.

18 So it's not relevant as to who was at fault under
19 this statute. Just simply that there was a hit and run
20 and that they left the scene.

21 THE COURT: All right. What's your other
22 motion?

23 MR. ALEXANDER: Thank you, Your Honor. My next
24 motion is a motion to exclude any evidence or suppress
25 any evidence of alleged flight. At a minimum, the

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1 evidence -- it's my belief that the state is going to
2 offer evidence; one, of course, that they're saying Mr.
3 Raiden fled from the scene of the incident. That he was
4 attempting to flee law enforcement by having travel plans
5 to California. That he was detained or arrested at a bus
6 station in Columbia, which are the facts. He was, in
7 fact, -- did, in fact, have a ticket to California. Was,
8 in fact, arrested at the Columbia bus station. I believe
9 they may also offer evidence that they attempted to rent
10 a car prior to purchasing the bus ticket.

11 I mean, one, -- and I don't know if Your Honor got
12 it -- I emailed very late Friday a motion that I had
13 drafted.

14 THE COURT: I read it. And I looked at the
15 cases.

16 MR. ALEXANDER: Thank you, Your Honor. My
17 basis for that, it's my understanding that Mrs. Raiden,
18 my client's mother may testify that she had contact with
19 law enforcement sometime Saturday and that I think the
20 evidence would show that Mr. Raiden was taken to Columbia
21 by his parents Sunday sometime, the next day.

22 I believe there -- you know, to be candid with the
23 court, I believe there is some evidence that at least
24 Mrs. Raiden knew that the highway patrol was looking to
25 speak with Mr. Raiden as of Saturday sometime. So that

1 my position on that, I guess, is there's no direct
2 evidence, no evidence or circumstantial evidence, that
3 Mr. Raiden himself was aware that there was an arrest
4 warrant out for him. That he may have been aware that
5 the highway patrol was looking to speak with him
6 regarding the accident, and that may be a fine
7 distinction, but I think there is a distinction there
8 between knowing that there's a warrant out for your
9 arrest versus, hey, we need to talk to you about this
10 accident that you're -- you know, about a truck.

11 And the case law talks about that critical factor,
12 admissibility of evidence of flight is whether the
13 totality of evidence creates an inference the defendant
14 had knowledge, is being sought by the authorities, his
15 actions were motivated as a result, that the police were
16 aware of his wrongdoing and seeking him for that purpose.
17 But there's various cases that some are excluded, some
18 are not. I'll just point out a couple, I think, are more
19 relevant, because I know Your Honor read the motion.

20 The first case I had listed there is *State v. Odoms*.
21 They excluded evidence of flight, or the Court of Appeals
22 said it was improperly admitted and should have been
23 excluded because the state failed to present evidence
24 connecting the flight to anything other than a statement
25 regarding that defendant's suspended driver's license,

1 which was not what he was on trial for. There has to be
2 this nexus connection between what he's charged with and
3 the evidence of flight.

4 Also, if there's an alternative explanation as to
5 the flight, for lack of a better word, that that is a
6 factor to be considered in the admissibility of it. Mrs.
7 Raiden, my client's mother, I believe would testify that
8 he, Mr. Raiden, regularly traveled to California to see a
9 friend of his named Maria almost every Christmas and that
10 that was -- that Christmas he had discussed -- she was
11 aware that he was again planning on doing that. Now, he
12 didn't, obviously, have a pre-purchased bus ticket or
13 anything like that. We're not at all trying to say that.
14 But it is an alternative explanation of why he picked
15 California; that he didn't just pick it at random to get
16 as far away as possible. He was going there for a
17 specific purpose, to visit with a friend. And then ...

18 So we believe, even if there's some evidence of the
19 alleged flight from the scene is admissible, we would
20 move that the evidence regarding the travel plans, the
21 bus ticket, detention in Columbia, that that part of it
22 be suppressed, at a minimum, because there's not a
23 connection there as required, but also there's the
24 alternative explanation of his flight.

25 There's no eyewitness testimony placing Mr. Raiden

1 behind the wheel. I don't believe there will be
2 testimony about that he was present at the scene. I
3 believe that wouldn't come forward from various
4 witnesses. The truck was not titled in his name, but
5 there's no question that he had possession of it. It was
6 his truck. It was titled in somebody else's name for
7 title loan purposes only. So it's not -- there will be
8 testimony about that his DNA was in the car, items with
9 his name on it, things of that nature. That's not
10 surprising that it basically was his -- defacto his
11 truck, I guess.

12 So we move to suppress that evidence of flight. If
13 not all of it, at a minimum the evidence regarding
14 California -- the trip to California and the rental car
15 and bus ticket and his arrest in Columbia.

16 THE COURT: All right. Solicitor, be glad to
17 hear from the state in reply.

18 MR. RICHARDSON: Thank you, Your Honor. Your
19 Honor, this first under *State v. Byers*, that's 284 SE2d
20 360. It's an older case. But I think it establishes the
21 law initially that evidence of flight is proper and
22 counsel can argue the inferences from that.

23 And Your Honor, I apologize. I didn't get the
24 motion until this morning, so I've not been able to
25 respond in writing. But that kind of sets the bar that

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1 flight is -- then using the case *State v. Martin*, as
2 cited by counsel, the rule in that is that, and it states
3 in there, any guilty act, conduct or statement on the
4 part of the accused are admissible, including flight, as
5 evidence of guilty conscience. Okay. So we have that
6 flight is admissible. I believe that counsel is saying
7 that we don't have a nexus with the crime. Well, what
8 *Martin* says is that we've got to look at the totality of
9 the circumstances and basically says, whether the
10 totality of the evidence creates an inference -- so we're
11 talking inference -- that the defendant had knowledge
12 that he was being sought.

13 Well, Your Honor, under the facts of this case, we
14 can start from the beginning and the incident in and of
15 itself, certainly somebody that is in an accident of that
16 sort and leaves the scene is going to believe -- a
17 reasonable person is going to believe that the
18 authorities are seeking him. That's the first. It goes
19 to an inference of his knowledge that they're seeking
20 him.

21 Your Honor, second to that is that we have a witness
22 who is going to testify and this witness has put into a
23 statement that the defendant told him that he was hiding
24 in the woods. Once again, a nexus, an inference to the
25 knowledge that he would be sought. Why would he be

1 hiding?

2 Your Honor, we're going to have other evidence from
3 witnesses who have given statements that are going to
4 testify that they saw the defendant come out of the woods
5 at his house after officers left his house. After the
6 officers pull out and leave his house, he comes out of
7 the woods. Once again, this is a nexus. It keeps
8 building and building. He is -- the state's position is
9 that he is trying to avoid capture.

10 Then, Your Honor, we're going to have testimony he
11 used the phone of a neighbor for somebody to come pick
12 him up. And that person that came and picked him up is
13 going to testify that he took him to Ms. Raiden's house;
14 that's his mother's house, that counsel has referred to.

15 Your Honor, at that point in time, law enforcement
16 actually did come to Ms. Raiden's house and talk to Ms.
17 Raiden while the defendant was inside the house. So we
18 have another inference, a nexus, that he knew he was
19 being sought. And Your Honor, he went and -- we'll have
20 testimony, and it's also in a statement -- what I'm
21 telling you are in statements, that he went and tried to
22 rent a car that Saturday. And I'll point out, and I
23 think a big point of this, Judge, is that this incident
24 took place on a Saturday morning at approximately one
25 a.m. We don't know exactly when the wreck happened

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1 because there was no eyewitnesses. We don't know how
2 long that poor kid was out there. But at one o'clock on
3 Saturday morning is when this happened. Everything I'm
4 telling you happened within two days. Then he is unable,
5 and testimony and statements will show, that he was
6 unable to get a rental car to leave. And he's telling
7 his family he's been in an accident. They'll testify to
8 that. That's in their statements. That he's been in an
9 accident. He's looking for a rental car. And then after
10 he's unable to get a rental car, the officer comes to the
11 house with his mother, and it is at that time that his
12 mother takes him to Columbia, in which he gets a bus
13 ticket to California, within a -- I think we're at just
14 about forty-eight hours period of time. He's caught in
15 the bus station where he says that y'all are looking for
16 me.

17 So, Your Honor, if we look at the totality of this
18 thing, and every piece of it, this is him trying to get
19 away from capture. And I believe when you look at the
20 totality, there's certainly an inference; there's more
21 than an inference, that he was fleeing. And based upon
22 the case law, his flight, his conduct, and the rule, a
23 guilty act or conduct, of that flight is admissible. And
24 I'm allowed to argue that and I'm allowed to argue any
25 inference therefrom.

1 MR. ALEXANDER: Your Honor, just very briefly.

2 THE COURT: Yes, sir, Mr. Alexander.

3 MR. ALEXANDER: The only thing I would, I
4 guess, counter, is with the crime charged. He's charged
5 with hit and run resulting in death. So I mean,
6 obviously there's the inference that if he was in the
7 car, he ran, he knew there was some type of accident.
8 But they have to have some inference that he knew that it
9 was another vehicle that he hit as opposed to running
10 into a telephone pole or something. But further, that he
11 was being sought for the hit and run resulting in death.
12 And I don't believe that there is evidence to make that
13 inference, connect it directly to the crime that he's
14 charged with. And some of the case law that
15 substantiates that where they were on trial for other
16 things, that these defendants ran and they were on trial
17 for -- I forget what one of them was -- that that was on
18 -- I apologize, Your Honor. There was one where there
19 was a traffic stop and ---

20 THE COURT: I read the case. I can't remember
21 if it was failure to stop for a blue light or if it was
22 some other charge; maybe the Odoms case. I can't
23 remember ---

24 MR. ALEXANDER: There was the Odoms case where
25 -- that somebody made a statement about that his license

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1 was suspended and that's when the guy took off and then,
2 he was on trial for something else. I think drugs or
3 something that was found in the car.

4 THE COURT: Maybe it's Robinson about the
5 murder and the armed robbery.

6 MR. ALEXANDER: Yes, sir. But I believe it's
7 Crawford where there was a traffic stop -- well, that was
8 one that he had direct contact. So I only have two
9 points, I guess. One, there has to be that connection
10 with the crime that he's on trial for and the nexus that
11 he had some knowledge or inference is that he had some
12 knowledge that they were looking for him for that crime.
13 He may have been aware they were looking to talk to him
14 about an accident that he didn't wait around for. But I
15 don't believe, under the totality, they can make that
16 inference that he was aware that Mr. Crain had passed
17 away or that he was even injured.

18 But also, I think it's important that there's -- I
19 don't believe there's any evidence that Mr. Raiden
20 himself had any contact with law enforcement prior to him
21 being approached in the bus station in Columbia. His
22 family certainly did, but ...

23 THE COURT: The bus station testimony, which
24 was the thrust of your brief, I'm assuming that he
25 arrived -- that the mother took him down there.

1 MR. ALEXANDER: Yes, sir. I believe that would
2 be the testimony.

3 THE COURT: Is the state going to call her as a
4 witness?

5 MR. RICHARDSON: Yes.

6 THE COURT: And she'll testify substantially to
7 that?

8 MR. RICHARDSON: Yes.

9 THE COURT: And also I'm assuming she'll
10 testify that he had gone to California in times past and
11 had a friend out there?

12 MR. RICHARDSON: I don't know anything about
13 that. That's the first I've heard that.

14 THE COURT: Well, is she going to testify to
15 that?

16 MR. ALEXANDER: That's what she told me, yeah.

17 THE COURT: All right. Well, if she testifies
18 to what she told you and what she told the state, then
19 the reason for the alleged flight is tempered by her
20 testimony.

21 MR. ALEXANDER: Well, I would argue that it's
22 possibly tempered, but I would argue that despite that,
23 all the other requirements still have to be met, I guess
24 would be my position. Even with the other explanation.

25 THE COURT: Now, did this accident occur near

1 either drivers' home?

2 MR. ALEXANDER: It occurred -- I don't know the
3 exact number, but three to five miles from my client's
4 house.

5 MR. RICHARDSON: It's close to both of them's
6 house.

7 THE COURT: Okay.

8 MR. ALEXANDER: It was on Highway 8 kind of
9 between the old Walmart heading toward Pelzer. Toward
10 the Anderson County line is where it occurred.

11 MR. RICHARDSON: Your Honor, I stand corrected.
12 The victim lived about fourteen miles from the incident.

13 THE COURT: Okay. Well, in light of the fact
14 that the state is going to call the mother to testify and
15 the defense would certainly have an opportunity to cross
16 examine her on that to negate any flight problem, I
17 believe there is sufficient nexus to allow that. So I
18 overrule your objection on that, Mr. Alexander and will
19 allow the evidence in.

20 As far as the other issue on the cause of the
21 accident, I'm going to allow the state to set the stage
22 of -- I guess the MAIT team was there with their drawings
23 and different colors and everything as to what they
24 found. I don't think it's relevant as to -- I'm not
25 going to let them get into here's the cause of the

1 accident, that he was going fifty-three miles per hour in
2 a thirty-five zone and crossed the center line and lost
3 control and the tires were over here; that's how it all
4 happened because he went off the shoulder and then he
5 over-corrected. I'm not going to let them get into that
6 kind of speculation; although I'm sure that these guys
7 feel like it's not speculation, it's science based on
8 what they know. But I'll certainly allow them to set the
9 scene as to what they found and what their investigation
10 showed as to skid marks, tire marks, debris in the -- you
11 know, the metal scraping in the road, what they found on
12 the side of the road. But I don't see any relevance --
13 again, I agree with Mr. Alexander, as to coming out and
14 saying, this is the cause of the accident; this driver
15 left the center line. I believe, you know, the things
16 that they can show is their investigation, they can
17 present, but not the -- who caused the accident. And I
18 don't know whether they're going to say how fast the
19 other car was traveling or what the location of the other
20 car was before impact or immediately before. Sometimes
21 these investigators come up with a lot of information
22 based upon their investigation, but we're not going to
23 have a common pleas case of who's at fault and who's
24 entitled to recovery or percentages of fault.

25 Do you understand what I'm saying, Mr. Richardson?

1 MR. RICHARDSON: Your Honor, are you going to
2 let them opine where the vehicles were positioned at the
3 time of the accident?

4 THE COURT: Yeah, I'll allow that.

5 MR. RICHARDSON: Okay.

6 THE COURT: The jury can -- they can have all
7 -- their investigation, if it shows this was the point of
8 impact based upon debris and skid marks or marks in the
9 road or whatever, is that the gist of what they're going
10 to testify to?

11 MR. RICHARDSON: Yes, sir. They would opine as
12 to where the collision took place. They don't have to
13 give an opinion as to who's at fault, if that's what
14 you're saying.

15 THE COURT: Right. Because, you know -- I'm
16 going to allow that because, you know, where it took
17 place, you know, sometimes in these head-on collisions
18 it's the other car over in your lane and you swerve to
19 get over there and then you're in their lane when they
20 come back. And so I think it -- even though it could
21 happen in the victim's lane, the victim could have been
22 in the other lane to cause the defendant to swerve over
23 into that lane. I don't know whether their evidence is
24 going to show that, but sometimes cars -- if this
25 happened -- we really don't know what time it happened,

1 but I don't know how far they're going to go in their
2 investigation and what they're -- again, we need to limit
3 that to not try a civil case, but to try a criminal case
4 relating to leaving the scene of the accident.

5 MR. RICHARDSON: Well, I'll leave out any
6 opinion they have. They could testify, based on what I'm
7 understanding, as to where the skid marks are and where
8 the point of impact was.

9 THE COURT: I think it will help the jury to
10 know a little bit about the scene when they got there and
11 where all the cars were. I guess they're going to say
12 they looked for drivers or the other driver ---

13 MR. RICHARDSON: Yes, sir.

14 THE COURT: --- and did those kind of things?

15 MR. ALEXANDER: So you're saying they can say
16 that -- I mean, I believe that's an opinion, that if
17 they're saying we believe the point of impact was right
18 here to the left of center in the ---

19 THE COURT: Well, I'm going to have to hear the
20 evidence first to know on what basis they make that
21 finding. And if we need to hear that testimony now, I'll
22 be glad to hear it in the next ten minutes.

23 MR. RICHARDSON: Your Honor, I don't have those
24 particular witnesses here.

25 THE COURT: Those guys aren't here?

1 MR. RICHARDSON: No, sir.

2 MR. ALEXANDER: I guess we could take that up
3 in the morning.

4 THE COURT: All right. We can do an in-camera
5 hearing. But there's pictures, I presume?

6 MR. RICHARDSON: Yes, sir, there is.

7 THE COURT: And markings that someone will ---

8 MR. RICHARDSON: Yes, sir.

9 THE COURT: How many MAIT team people are
10 testifying?

11 MR. RICHARDSON: Just one.

12 THE COURT: One? Okay. And he'll be ---

13 MR. RICHARDSON: My intent of it -- and I was
14 going ---

15 THE COURT: You had several listed is why -- I
16 didn't know if you didn't know which one was ---

17 MR. RICHARDSON: I'm sorry.

18 THE COURT: You had like three or four listed.

19 MR. RICHARDSON: There's one -- I apologize.
20 There's one pertaining to the incident itself. Beg the
21 court's indulgence. There's one that pertains to this
22 motion as we speak right now. The other -- the others
23 are chain.

24 THE COURT: They're chain?

25 MR. RICHARDSON: Yes, sir.

1 THE COURT: All right.

2 MR. RICHARDSON: There was blood found in the
3 vehicle that matches the defendant's and they're chain.

4 MR. ALEXANDER: I guess I would request an
5 opportunity for that witness to be proffered, so we ---

6 THE COURT: Okay. We'll do that before ---

7 MR. ALEXANDER: --- to get a better handle on
8 what Your Honor's ruling is on that.

9 THE COURT: So, Mr. Richardson, you're pursuing
10 the motive argument and the motive being that he was at
11 fault in causing the accident? Or the motive being that
12 he left the scene?

13 MR. RICHARDSON: Certainly part -- certainly an
14 argument I have is that because he was the cause of the
15 accident he left the scene.

16 THE COURT: But that is not an element to the
17 charge ---

18 MR. RICHARDSON: I agree.

19 THE COURT: --- that he's facing today?

20 MR. RICHARDSON: Right. We don't ever have to
21 prove motive from our standpoint. Just like motive in a
22 murder case. I can establish motive, even though it's
23 not an element of the crime. I'm just establishing
24 motive.

25 THE COURT: Right. You're saying that motive

1 is ---

2 MR. RICHARDSON: Possible motive for him to
3 leave the scene.

4 THE COURT: But motive is not an element of
5 this offense?

6 MR. RICHARDSON: I agree. And I don't think --
7 I agree, Your Honor. Just like in a murder case, it's
8 not an element. But motive is something that I can
9 prove, that I'm allowed to argue and prove.

10 MR. ALEXANDER: But in a murder case, Your
11 Honor, they are required to prove that the defendant is
12 at fault for that person's death and that they killed
13 him. I mean, that is an element of it. And if they --
14 he's right. They don't have to prove motive in a murder.
15 But if it's somehow connected to that element. But I
16 don't see that being connected to an element of this
17 alleged crime, Your Honor.

18 MR. RICHARDSON: Your Honor, we don't ever know
19 what motive is when we're dealing with cases. We argue
20 that and it becomes a jury question as to whether -- my
21 argument as to the motive of why the defendant left the
22 scene, they agreed with it or they don't agree with it.
23 And what I'm presenting to the court is that if he is at
24 fault in a wreck -- people leave scenes because they're
25 at fault in accidents. That happens all the time. And

1 that's a motive. We don't ever have to prove that, but
2 that's a motive for leaving because they caused the
3 wreck.

4 MR. ALEXANDER: But it has to be based on
5 relevant evidence and admissible evidence, Your Honor. I
6 don't believe that that is relevant evidence or
7 admissible. I mean, in part it's speculation. They're
8 speculating that that is his motive and they're basing it
9 on what I would submit is irrelevant evidence that the
10 jury should not hear about.

11 THE COURT: How many pictures do you have?

12 MR. RICHARDSON: I think fourteen -- sixteen.

13 THE COURT: And do you have objections to any
14 of the pictures?

15 MR. ALEXANDER: I'd have to look at them
16 again. I mean, there was hundreds of pictures. And
17 certainly there's, you know, ---

18 MR. RICHARDSON: I don't want to be too ---

19 MR. ALEXANDER: No, no, I'm not ---

20 MR. RICHARDSON: Judge Pyle used to cut me down
21 for doing that.

22 MR. ALEXANDER: I certainly don't mean all
23 those should be offered. But my point was that there's
24 numerous pictures to choose from that could cut down on
25 spray paint marks and things of those nature to eliminate

1 the jury even being able to speculate about those. And
2 there's only -- the positron of the cars, I mean, those
3 are what they are. I mean, the truck that belonged to my
4 client is in the roadway and the deceased is on the side
5 of the road. But, you know, how they ended up there is
6 what I'm saying ---

7 THE COURT: Let me see those pictures just for
8 a minute, if I could.

9 MR. ALEXANDER: I don't necessarily have any
10 objection to any of those photos, Your Honor. I just
11 don't want the witnesses to be able to say -- point out
12 this is what we believe the point of impact to be based
13 on this and this.

14 THE COURT: Did the truck move after the point
15 of impact?

16 MR. RICHARDSON: Yes.

17 THE COURT: It did?

18 MR. RICHARDSON: It did.

19 And Judge, to tell you the truth, I wasn't going to
20 get into too much of the technical aspect of that. That
21 was not my intent.

22 THE COURT: Well, that's what -- we'll see how
23 ---

24 MR. ALEXANDER: I'm just going by the audio
25 notes of Trooper Andis. I don't know his role in the

1 report or whatever, but he said -- at least he said that
2 it appeared that when they collided, both rotated and
3 came to the final rest on opposite sides of the road.

4 THE COURT: Does that talk about the point of
5 impact then? He said they collided and came to rest on
6 the opposite sides ---

7 MR. ALEXANDER: That's my paraphrased notes of
8 his audio notes.

9 THE COURT: Is he the one testifying? Andis?

10 MR. RICHARDSON: No, sir. No, sir, he is not.

11 THE COURT: Okay.

12 MR. RICHARDSON: Your Honor, this -- I'll say
13 this too, this is -- Mr. Alexander has been privy to
14 this, but this is the mapping of the accident that I was
15 going to use, if I could hand that up to you.

16 THE COURT: Yes, sir..

17 MR. ALEXANDER: I certainly object to that
18 because it goes -- that goes straight to illustrating who
19 they believe is the at-fault vehicle.

20 THE COURT: This happened on Sheriff Mill Road
21 or Highway 8?

22 MR. RICHARDSON: Happened on Highway 8 at
23 Sheriff Mill Road.

24 MR. ALEXANDER: That's correct, Your Honor.

25 THE COURT: Okay. What relevance do these

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1 have, Mr. Richardson?

2 MR. RICHARDSON: It's just -- Your Honor, it's
3 back to my initial argument that I was going to show,
4 through -- have the MAIT expert opine that the defendant
5 was at fault in the accident, that that was relevant in
6 my mind, and I believe under the law it's relevant, to
7 show a motive for that person to leave the scene and run.

8 Your Honor, if you would like for me to have Trooper
9 Brooks here tomorrow morning ---

10 THE COURT: Yeah, let's do that.

11 MR. RICHARDSON: --- then we can put this -- we
12 can proffer ---

13 THE COURT: Right. Let's do that. I'll just
14 have the jury come back about nine thirty and we can be
15 here at nine and see how we go. We'll take that under
16 advisement.

17 Any other matters we need to take care of now before
18 we -- let me ask you about scheduling. Do you have
19 another motion?

20 MR. ALEXANDER: No. I think we're agreeing on
21 these other two I had as far as why my client -- they
22 would only offer evidence that my client's driver's
23 license was simply suspended, not why it was suspended.

24 And then in some of the interviews, I think mainly
25 with Justin, there's some comments about alleged past

1 drinking problems, past DUIs, a bad driving record,
2 things of that nature of my client. I believe Mr.
3 Richardson has agreed that that evidence won't be
4 offered.

5 MR. RICHARDSON: I'm well aware that that
6 evidence ---

7 THE COURT: The witnesses know that as well;
8 right?

9 MR. RICHARDSON: Yes. I've told them. Unless
10 the defense opens the door.

11 MR. ALEXANDER: Well, obviously.

12 MR. RICHARDSON: But I mean, I'm well aware of
13 that.

14 THE COURT: We know that. Anything else, Mr.
15 Alexander?

16 MR. ALEXANDER: No, Your Honor. The only other
17 thing I had as far as scheduling. I was going to mention
18 this so y'all can help me remember. I've got an
19 appointment Thursday morning to remove some stitches from
20 my head. It's like at seven forty-five in Greenville.

21 THE COURT: Okay. We'll make that ---

22 MR. ALEXANDER: I don't think it'll be a
23 problem.

24 THE COURT: Just remind us.

25 MR. ALEXANDER: If we go that far.

1 THE COURT: Do you have a -- your first
2 witness, what kind of length of time is that witness
3 going to be? Long or ---

4 MR. RICHARDSON: It's going to be lengthy. If
5 you would like, it's out of order, I could put up two
6 short ones, but they would be out of order; I think an
7 EMS guy.

8 THE COURT: Well, I want you to be able to try
9 your case. That's why I'm asking now. I don't know if
10 y'all want to make your opening and then -- will the long
11 witness be long, like hours, or could we finish it -- if
12 y'all get through your opening statements by ten minutes
13 till four, are you going to be able to get that one
14 witness up today, cross examination, too?

15 MR. RICHARDSON: Your Honor, to be honest with
16 you, I think that would -- it's going to be lengthy. I'm
17 going to be putting in some pictures and stuff.

18 THE COURT: Could you do some more or do y'all
19 just want to start it in the morning? Make your openings
20 today, break early and start back in the morning? I'm
21 trying to accommodate you. I know you don't want to make
22 your opening statements and then go home. You'd rather
23 do that tomorrow, probably.

24 MR. ALEXANDER: It's however ---

25 THE COURT: I don't want you to have to -- if

1 we can accommodate you -- to have to break a lengthy
2 witness up and even for cross examination. I'd rather
3 have it continuous.

4 MR. RICHARDSON: I would, too. Yes, sir, I
5 would, too. I agree.

6 THE COURT: But if it's going to inconvenience
7 you to call two short witnesses out of order just to get
8 them up to get a little bit done together; otherwise
9 we'll just work extra hard tomorrow. I'm not making the
10 decision. I'm trying to help y'all help me make the
11 decision. I was a lawyer one time myself.

12 MR. RICHARDSON: Out of an abundance of
13 caution, I would prefer to start the witness case
14 tomorrow. I don't care one way or the other on opening.
15 We can do that tomorrow, too.

16 THE COURT: Well, I mean, your openings aren't
17 going to be very long; is it?

18 MR. ALEXANDER: No.

19 THE COURT: When I say not very long, Judge
20 Pyle length? Are y'all talking about ten or fifteen
21 minutes or y'all talking about three or four minutes?

22 MR. RICHARDSON: It's not going to take that
23 long. I cut my teeth under Judge Pyle.

24 MR. ALEXANDER: I'd say less than ten minute.

25 THE COURT: Less than ten, okay.

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1 MR. ALEXANDER: I'll try to do it less than
2 ten, I'll say.

3 MR. RICHARDSON: I think I can do it in ten
4 minutes.

5 THE COURT: And the other guy, the officer, is
6 not here this afternoon; he's in Columbia, your MAIT guy?

7 MR. RICHARDSON: No. He's in Greenville, but
8 he's just not here.

9 THE COURT: Okay.

10 MR. ALEXANDER: Depending on the direct of
11 Trooper Mayfield, I mean, I have a lot -- or potentially
12 a lot of cross him on, so ...

13 THE COURT: Okay. Well, I'll be glad to start
14 in the morning and talk to that officer first thing.
15 I'll just tell the jury, instead of keeping them waiting,
16 that we'll have them here at nine thirty in the morning
17 and give them some more instructions to do that.

18 Is there any other -- other than this investigation
19 as to the cause of the accident, any other things you
20 anticipate that may come up? Are there any *Jackson Denno*
21 hearings or anything like that we need to have that we
22 can take care of this afternoon?

23 MR. ALEXANDER: My client didn't give any
24 statements. I mean, he met with Sergeant Brooks or
25 Sergeant Brock when he got back to Pickens and they tried

1 to interview him and he -- they did -- they had to get a
2 search warrant to get his DNA swab.

3 MR. RICHARDSON: I wasn't going -- what I was
4 going to do, Judge, on that is he wouldn't give it, but I
5 wasn't going to mention it. I think that would be
6 improper for me to mention that. I was just going to ask
7 the officer did he get the blood -- or saliva from the
8 defendant and that's it. Just leave it right at that.
9 I'm sorry I'm stumbling around. I just -- I wouldn't put
10 any ---

11 THE COURT: That's okay. Then the officer
12 won't say, you know, it took us four days to have three
13 hearings or whatever. He'll say he got it; right?

14 MR. ALEXANDER: Yeah.

15 THE COURT: Y'all know how to keep it clean,
16 I'm sure.

17 MR. RICHARDSON: If Mr. Alexander will
18 stipulate to chain, we may could cut out a few others.

19 MR. ALEXANDER: I'll consult with my client.

20 THE COURT: He can think about that.

21 MR. ALEXANDER: The only other thing I can
22 think of off the top of my head, Your Honor, is there was
23 some -- in reviewing some of Justin Raiden's statements,
24 he gave a couple of written statements and a couple of
25 recorded statements, he does mention some things that --

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1 he says that his grandma, who is my client's mother, told
2 him, and I just want to make sure, at least as far as
3 understanding they may try to do it with some type of
4 impeachment or something like that, but that he doesn't
5 say my grandma told me that Rufus said this.

6 THE COURT: Well, y'all both will explain to
7 your witnesses that we're going to hear ---

8 MR. RICHARDSON: I see what he's saying. But
9 I'm not going -- if he's saying am I trying to offer
10 hearsay ---

11 THE COURT: Y'all both know how to handle those
12 rules.

13 MR. RICHARDSON: And if I do, call me down.

14 MR. ALEXANDER: Yeah. He knows that was one
15 concern I had.

16 MR. RICHARDSON: But generally I'll stop my
17 witness if I hear it. So that's understood, Your Honor.

18 THE COURT: Okay. Let's have your officer here
19 at nine in the morning and we'll see if there's any
20 information, be good, and I'll just send the jury home
21 this afternoon.

22 If our jury is ready, you can have them come in.

23 (WHEREUPON, the jury entered the open court at
24 approximately 3:41 p.m.)

25 THE COURT: I kept you waiting a little while,

1 ladies and gentlemen. We try to anticipate legal matters
2 and sometimes, as I told you earlier, I have to hear some
3 testimony from folks that wouldn't even be properly
4 presented and sometimes those witnesses are not
5 available.

6 We have some legal matters that have taken a little
7 longer than I thought. Rather than keeping you waiting
8 and starting with our opening statements in a little bit
9 and then having to break, based on scheduling witnesses,
10 I think it might be better for us to get those resolved
11 this afternoon as best we can and just let us start with
12 a fresh slate in the morning. So rather than keeping you
13 here, I'm going to let you go for the day while we work
14 these matters out.

15 I'm going to ask, if you would, we have a legal
16 matter first thing in the morning that we need a witness
17 who's not available today to take care of, so rather than
18 starting at nine, which is when we usually start, I'm
19 going to have you come in at nine thirty. Hopefully
20 we'll be able to start earlier and -- we will start
21 earlier and try to get some of those matters resolved so
22 that in the morning we can hear from the attorneys in
23 their opening statement and move right into the first
24 witness.

25 Let me remind you again, while you're out and about

1 not to be discussing the case. And certainly don't let
2 anyone discuss it with you. And don't try to do any kind
3 of independent research. That would be improper. I
4 wouldn't expect that anyone would call you during the
5 evening or want to contact you or see you somewhere out
6 eating or whatever and want to provide information to you
7 or ask you questions about this matter. If that were to
8 happen, please explain to the person you're a juror on
9 this case and you can't be talking about it. If anyone
10 were to persist and want to share information with you or
11 ask you questions, please excuse yourself as quickly as
12 you can, and if possible get the name of that individual
13 and I assure you that I'll take care of that. But I
14 don't expect anything like that to happen. I'm not
15 anticipate it in anyway. But I want to remind you again
16 of the importance of the duty that you're called upon to
17 do now, and that is to maintain that impartiality that
18 you have in this case going in and continue during the
19 trial of the case. You will have an opportunity to
20 discuss it after it's over, but not while it's going on.

21 I don't know what the weather may hold. There will
22 be a message for you if we were to have any inclement
23 weather overnight. The clerk's office will have a
24 message for you. I don't think any of that will be
25 happening tonight, but I just want you to make sure that

1 you operate your motor vehicle safety and if you need
2 transportation, certainly let the clerk's office know.

3 I don't know that this will be a case that'll have
4 any media reporting overnight. There might be something
5 in the paper tomorrow, may be something on television or
6 radio. If that were to happen, again, let me remind you
7 that you can have your loved ones or family or friends
8 clip any news article or tape any recording on the news
9 media. Refrain from any of that. The influence that you
10 have on this case and the decision you're going to have
11 to make is going to come from this courtroom and this
12 courtroom only. Refrain from viewing any kind of media
13 report if there are any. I'm sure you'll obey that
14 instruction and fulfil the commitment that you've made to
15 these parties to try this case under the law and the
16 facts that you hear in this courtroom.

17 Sorry we have to break early, but scheduling-wise,
18 it's necessary. So if you will be back at nine thirty in
19 the morning. The bailiff will show you, again, where to
20 report back. Have a good evening, ladies and gentlemen.
21 We'll continue working here a while longer.

22 (WHEREUPON, the jury exited the open court at
23 approximately 3:46 p.m.)

24 THE COURT: All right. We'll be back at nine
25 o'clock in the morning. We'll hear that testimony of the

1 officer -- what's the name of that officer, you say, Mr.
2 Richardson?

3 MR. RICHARDSON: It's Officer Brooks.

4 THE COURT: Brooks?

5 MR. RICHARDSON: Yes, sir.

6 THE COURT: All right. We'll be at ease till
7 nine in the morning.

8 (WHEREUPON, the court stood at recess for the day.)

9 **January 28, 2014**

10 (WHEREUPON, Court convened with all parties present
11 and the following proceedings were had.)

12 (WHEREUPON, State Exhibit Numbers 17, 18, 19 and 20
13 were marked for identification.)

14 THE COURT: All right. As I understand,
15 gentlemen, our issue today is the testimony of the MAIT
16 team as far as the investigation at the scene. Is that
17 right?

18 MR. ALEXANDER: Yes, sir. Whether or not
19 there's a proffer of evidence about whether he can
20 testify about the causation, point of impact, at-fault
21 vehicle.

22 THE COURT: All right. I'll be glad to hear
23 the proffer, Solicitor.

24 MR. RICHARDSON: Okay. State calls Tommy
25 Brooks to the stand.

1 THE COURT: If you would raise your right hand,
2 put your left hand on the bible.

3 Do you swear or affirm the testimony you're about to
4 give the court will be the truth, whole truth and nothing
5 but the truth, so help you God?

6 THE WITNESS: I do.

7 THE COURT: Please be seated and state your
8 name for the record.

9 THE WITNESS: My name is Tommy James Brooks.

10 MR. RICHARDSON: Your Honor, for the purposes
11 of this hearing, would the court and/or the defense
12 counsel like me to proffer his expertise prior to
13 testimony?

14 THE COURT: I suppose so. That would probably
15 be ---

16 MR. RICHARDSON: Yes, sir.

17 THE COURT: --- beneficial.

18 **PROFFERED TESTIMONY**

19 **TOMMY JAMES BROOKS,**

20 **HAVING BEEN DULY SWORN, TESTIFIED AS FOLLOWS:**

21 **DIRECT EXAMINATION**

22 **BY MR. RICHARDSON:**

23 Q. Trooper, could you -- where are you employed?

24 A. I'm employed with the South Carolina Highway Patrol.

25 Q. Okay. And how long have you been with the highway

1 patrol?

2 A. I've been employed with the highway patrol since
3 1996. I'm in my eighteenth year.

4 Q. Okay, sir. And how long have you been in law
5 enforcement?

6 A. I've been for -- I had a six month prior to coming
7 on with the highway patrol with the Salem Police
8 Department, local police in Oconee County, but other than
9 that it's been all highway patrol.

10 Q. Okay, sir. And do you -- is there any -- as part of
11 the South Carolina Highway Patrol, do you have any
12 special duties? Are you a part of any special team?

13 A. I'm part of what is known as the MAIT team. It's
14 the Multi-disciplinary Action Investigation Team.

15 Q. Okay, sir. And what exactly does that team do?

16 A. We investigate, we reconstruct complex motor vehicle
17 collision. We've had advance training in all different
18 aspects. I have my training record documents with me
19 here today. We do anything from motorcycle wrecks to
20 train crashes. We do plane crashes. We do crashes on
21 lakes for boats. And our specific job is not
22 enforcement, however, it's just to gather facts and
23 determine what caused a collision to occur.

24 Q. And so render an opinion from that?

25 A. Yes, sir.

1 Q. Okay. Now, as far as your -- do you have any
2 specialized training for this particular MAIT team?

3 A. Yes, sir, I do. I actually have over -- I have a
4 thousand and forty-eight hours of advanced training. I
5 have -- and just the basic, we have at-the-scene traffic
6 collision investigation, which was eighty hours. I have
7 advanced collision investigation; traffic collision
8 reconstruction, which is also eighty hours; computer
9 collision diagraming, which allows us to use the computer
10 to draw the scale diagrams after we map scenes.
11 Collision forensic investigative techniques that allows
12 us to -- not only to look for but to collect evidence as
13 we find it. I've had basic detective course, which
14 again, allows us to not only look for a detective to
15 collect evidence. I've had DNA training through SLED.
16 I've had a human fibers class, which dealt with the
17 aspects of people, what they do during particular
18 collisions as far as reactions. I've also had an
19 occupant kinematics class that we learned what bodies do
20 inside cars when cars have accidents. And that's just
21 touching on the high points.

22 Q. Okay, sir. And certainly you've had other training
23 other than that?

24 A. Oh, yes, sir.

25 Q. Okay. Well, from that point, is there -- that's the

1 training you've done. Was there specialized education or
2 was that part of the education?

3 A. That's part of the education. I was actually, when
4 I worked the road, I was what is known as a MAIT
5 associate. I had parts of the training course. I still
6 worked the road and wrote tickets, but when they had a
7 collision that the MAIT team had to come investigation,
8 we would go and assist them with that.

9 Q. Okay, sir. So you have your education and then you
10 had your training in that sense?

11 A. Yes, sir.

12 Q. And how long have you been with MAIT?

13 A. I came over as a permanent member in 2008.

14 Q. Okay. And prior to 2008, how long were you in
15 training?

16 A. I was in training, actually started my training in
17 1999.

18 Q. Okay, sir. Now, have you, have you ever done an
19 accident reconstruction?

20 A. Yes, sir, I have.

21 Q. Okay. How many have you done?

22 A. I couldn't put a number on it. There's ---

23 Q. More than a hundred?

24 A. Yes, sir.

25 Q. Basically when there's a fatality involved, are

1 y'all called to the scene; is that the way it works?

2 A. Typically if there's a question, if it's a single
3 vehicle that has a fatality, it's up to the captain of
4 the troop's discretion. If it's a chargeable fatal for
5 magistrate's court or for high court, we'll get called.
6 Sometimes we're called on an immediate basis, sometimes
7 on a deferred basis, deferred meaning the next business
8 day, next available day. We have felony DUIs with death;
9 we have leaving the scenes with death; we have police
10 chases with death. And we're also available to sheriffs'
11 offices and coroners' offices to do mappings also.

12 Q. And you've been doing that since 2008?

13 A. Yes, sir.

14 Q. Have you ever been qualified in the courts of South
15 Carolina as an accident reconstruction expert?

16 A. Yes, sir.

17 Q. How many times?

18 A. Twice, and I think they were both -- once was in
19 Spartanburg and once was here in Pickens County.

20 Q. Okay, sir.

21 MR. RICHARDSON: Your Honor, at this time I
22 would offer Trooper Brooks as an expert in accident
23 reconstruction?

24 THE COURT: Any voir dire from the defense or
25 any objection?

1 MR. ALEXANDER: No voir dire or -- as to those
2 issues at your time, Your Honor. Our objection for the
3 purposes of this hearing, Mr. Richardson had mentioned
4 yesterday something about that he may testify about
5 where, where someone may have been in the car. If
6 they're going to go into that, I guess I do have some
7 voir dire about that.

8 MR. RICHARDSON: Well, I thought we were
9 strictly on the cause of the accident and ---

10 MR. ALEXANDER: That's fine. I just wanted ---

11 THE COURT: Okay. Let's go ---

12 MR. RICHARDSON: I thought that was the issue
13 you're deciding?

14 THE COURT: It is. Let's go with that.

15 MR. ALEXANDER: That's fine, Your Honor.

16 THE COURT: You may proceed.

17 Q. Okay, sir. Now ---

18 MR. RICHARDSON: I'm sorry, Judge. I
19 apologize.

20 Q. Okay, sir. Now I want to take your memory back to
21 December 10th of 2011. Sir, were you called to a wreck
22 scene on Highway 8?

23 A. Yes, sir, I was.

24 Q. Okay, sir. And do you know when you got there?

25 A. I would have to look back at my notes. It was

1 around -- well, I was called around four a.m., four oh
2 five, somewhere in there.

3 Q. Okay, sir.

4 A. And it takes -- I live in Walhalla, so it would have
5 taken me at least thirty-five minutes to arrive on scene.

6 Q. All right. And when you got to the scene did you
7 view any vehicles?

8 A. The first thing we do when I arrive on the scene --
9 I'm actually a supervisor. I had another member of my
10 crew also en route. I met with Corporal Mayfield, since
11 he was the investigating officer. And I first go through
12 and he walks me through and tells me what he has, shows
13 me everything as it is in the roadway at its final rest.
14 This particular occasion there was a pickup truck that
15 was in the roadway. There was a small car, Chevrolet
16 car, that was up on an embankment ---

17 Q. Okay, sir.

18 A. --- just off of Highway 8.

19 Q. Okay, sir. And upon your arrival at the scene, what
20 are your initial steps?

21 A. Typically what we do, after I speak with a
22 supervisor, once my other investigator gets on the scene,
23 I task out who gets to do what jobs. In this particular
24 case, my other investigator was tasked with taking
25 photographs. We take photographs, what we call nighttime

1 photography, and what we do is we take a camera and set
2 it up on a tripod. We actually don't use any flashes.
3 We open the shutter on the camera and we use a flashlight
4 and we actually physically -- looks like you're painting
5 it. We're actually lighting up the scene and the longer
6 the shutter stays open, the more light is absorbed. So
7 he was tasked with that. I was -- I tasked myself with
8 using the digital video recorder, the video camera. The
9 reason we do that is if something happens to the
10 photographs, if they accidentally get deleted or whatever
11 off of the drive, then we have the video, which is
12 following along with the photographer. Once that was
13 complete, I begin general vehicle exams, which I go back
14 and I physically look at the vehicles. I check the
15 brakes and I check the steering and I check the -- what
16 kind of tires, if there's an issue with a tire. I check
17 for air pressures and tread depths and just the basic
18 stuff on a vehicle. Once that was complete, we set up
19 our total station. Once we set the total station up, one
20 man acts as an architect, and the architect in this
21 particular case is the one who draws the picture. I
22 acted as architect. Lance Corporal Andis actually ran
23 the station. And what happens with that is, as you
24 identify evidence on the roadway, I'm out with a prism
25 pole or with cones and I look and I see what it is and I

1 say, okay, I want this to be a gouge mark. He codes
2 gouge mark in the handheld computer, the data collector,
3 and he shoots that point. And as I walk through I'm
4 actually drawing -- I'm physically drawing the picture,
5 he's just coding it into the machine.

6 Q. Okay. And ultimately do you depict those on a
7 mapping ---

8 A. Yes, sir, we do. We do it on a scale diagram.

9 Q. All right. Let me hand you what's been marked
10 State's Exhibit 9, 10, 16 and 2. Can you identify those
11 photographs?

12 A. Yes, sir. This is a photograph taken of the active
13 collision scene on Highway 8. It's just past -- going
14 toward -- if you're going toward Anderson County, it's
15 just past Sheriff Mill Road.

16 Q. Okay. And would that tell you -- right now, those
17 photographs, is that an accurate depiction of the scene
18 as you saw it on that evening?

19 A. Yes, sir, it is. Typically ---

20 Q. Would you look through each photograph?

21 A. Yes, sir, I will. And typically, as I look through,
22 I'll tell you this, typically when something -- if they
23 call the MAIT team, nobody touches anything until we get
24 there, even the coroner will wait. In this case there
25 wasn't anybody on the scene. But everybody waits. They

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1 lock the scene down until we get there. No traffic is
2 allowed to go through it and nobody is allowed to move
3 anything until we, until we get on scene. Yes, sir, this
4 is accurate. May be out of order, though.

5 MR. RICHARDSON: Your Honor, I've shown these
6 to counsel.

7 MR. ALEXANDER: No objection for this hearing,
8 Your Honor.

9 THE COURT: Okay. All right.

10 Q. So when you -- I'm going to show you what's been
11 marked State's Exhibit 2. Do you recognize that photo?

12 A. Yes, sir, I do.

13 Q. Okay. And what is that a photo of?

14 A. That's a photo of the truck. And we're actually
15 facing back toward Anderson County just past Sheriff Mill
16 Road.

17 Q. If you will, Trooper, there's a pointer there.

18 A. Okay.

19 Q. So you'll be able to point when you're referencing
20 certain parts of this picture.

21 A. Okay. But anyway this is actually Highway 8.
22 Anderson County is in this direction. Sheriff Mill Road
23 is back here behind us. This truck right here was --
24 hadn't been moved since he came to his final rest, as
25 well as the car. When I arrived on scene, I noted that

1 Sheriff Mill Road is actually an asphalt road; it's only
2 two lanes. And it's actually double yellow through there
3 because of the intersection that's coming up, just this
4 direction. Actually, also, in -- and I noted in a couple
5 of the other photos that actually show it, there's
6 actually gouge marks right here that are in the pavement.
7 And gouge marks come when vehicles collide when they
8 reach their maximum engagement. What I'm saying is when
9 cars come together and they hit, they're actually pushed
10 down into the pavement by the forces of the collision.
11 They gouge in the pavement and when they start to come
12 back up from maximum engagement and they start to depart
13 to their final rest, you have other types of evidence.
14 There's also a tire mark ---

15 Q. Just let me ask you regarding the gouge marks. I'm
16 going to put up here -- continue on talking about it.
17 I'll get back to the gouge marks.

18 A. Yes, sir. There was actually a tire mark. The tire
19 mark led -- and you'll be able to see it, and there's
20 actually a better photograph of it -- it leads from this
21 side of the roadway and it actually came from the left
22 rear tire of this pickup truck.

23 Q. Let me put up State's Exhibit 8.

24 A. That mark right there, that is the tire mark I'm
25 talking about. It's got grinding where they picked up

1 rocks as the tire was turning and sliding around to its
2 final rest. The tire mark that you see right here not
3 only led up underneath the truck, but it went up under
4 that left rear tire and that's where it stopped. It
5 didn't go any farther than that. There's evidence on the
6 side of the tire where the tire has been over-deflected.
7 And when I say over-deflected, I mean, the tire,
8 especially radial tires, are designed to be flexible.
9 They're designed to be soft. So the sidewalls are
10 designed to flex and it gives you a comfortable ride. In
11 this case when a vehicle is rotating either way, but in
12 this case it's rotating clockwise, the forces will cause
13 it to load up on one or more of the tires and it rolls it
14 over onto its shoulder and as it's going, it's just
15 scrubbing or acting almost like a squeegee, in this case,
16 as it slides around to its final rest. And it not only
17 leaves evidence on the pavement, but it also leaves it on
18 that tire.

19 Q. Okay. And what does that particular mark tell you?

20 A. That particular mark right there tells me, along
21 with those gouge marks, that when this collision occurred
22 -- could you go back to the first photograph, please?

23 Q. Certainly. And I have one that's a little closer.

24 A. Okay.

25 Q. This is State's 9.

- 1 A. When this particular collision occurred, you can see
2 the damage on the truck and the damage on the car. This
3 is what we consider to be an offset head-on collision.
4 When I say offset, I mean that everything that you have
5 has a center of mass. Cars have a center of mass.
6 Basketballs have a center of mass, where you see people
7 can actually spin a basketball on their finger. Cars are
8 the same way. In this case, when the two cars came
9 together, the centers of mass were not aligned, because
10 if the centers of mass had been aligned then they would
11 have stopped where they were at. You know, they would
12 have acted on each other that way. In this case, the
13 center of mass of the truck, which was about center-ways
14 back there where the instrument panel is, everything
15 happened to it just to its right, so that caused the
16 vehicle to rotate.
- 17 Q. If you'll use that to point where you're referring
18 to.
- 19 A. It's actually to the right of where the center --
20 the center of mass would be right back in here. It
21 happened to the right of that, which caused the vehicle
22 itself to rotate clockwise this direction.
- 23 Q. In which lane did it rotate?
- 24 A. It rotated in the lanes Highway 8 on the westbound
25 side going into Easley.

1 Q. Okay.

2 A. This is the lane going back to Anderson County. The
3 evidence that's in the roadway, coupled with the evidence
4 that I see from the tire mark, I was able to determine
5 that this car that's up on the embankment was actually in
6 this lane traveling towards Easley. This vehicle, for
7 whatever reason, went left of center. It's far enough
8 left to center that when it began to rotate that its tire
9 came from the fog line on the opposite side of the road
10 in the wrong lane. And after impact it rotated around to
11 its final rest. If the collision had occurred in the
12 other lanes with the car going away from Easley, the car
13 would have ended up over here in the edge of the woods
14 and the truck would have ended up in this lane over here
15 or off on the side of the road.

16 Q. And let me show you what's marked State's Exhibit
17 10. Is that also some markings there that -- can you
18 tell me how that helps you to come to your conclusion of
19 where these vehicles were?

20 A. Actually the damage -- this is what I was talking
21 about as far as being an offset head-on collision. The
22 cars were headed toward each other, but then again you
23 see the impact is right here and it would be to the right
24 of its center of mass, which is right back in here, and
25 that would have caused that vehicle to actually rotate as

1 it was going this way towards Easley, it would have
2 rotated back toward the right. The speed of this vehicle
3 and the mass of the other vehicle, they all play on each
4 other. It's almost like -- it's like a football game.
5 You know, you got somebody that's small can run over
6 bigger players because he's moving faster or either he's
7 -- they're about the same speed and one's bigger than the
8 other. In this case, they're relative -- their speed --
9 there's not a great deal of speed involved in this. The
10 truck actually hit the softest part of the car; in this
11 case on the right front side. That caused the car not
12 only to stop the car but to push it back and rotate it
13 back off onto this embankment. And the marks that you
14 see actually right here are what was painted for its
15 final rest. The troopers -- the road troopers, they go
16 on scene first and actually paint that in case something
17 happens and somebody comes in and actually moves that
18 prior to us getting there.

19 Q. I see. Yes, sir. And so once again I show you
20 State's 2. In your opinion was that the final resting
21 place of these vehicles?

22 A. Yes, sir, it is.

23 Q. Okay. All right. And then after you viewed the
24 gouge marks and skid marks and the damage to the vehicle
25 and things of that nature, did you map it on a CAD of

1 some type?

2 A. Yes, sir, we did. That's what I'm telling you about
3 -- Andis actually ran the station. And the station that
4 we used is almost like a surveyor would use. You see
5 surveyors out there marking points. What this actual
6 equipment that we have does, it maps distances from the
7 station itself and height differences. So that way when
8 you go in there and draw it, you can actually draw a
9 scale diagram of the scene. And again, where I'm the
10 architect, I'm telling the guy on the station what he
11 needs to code each mark as. Because, you know, he may be
12 fifty feet up the road looking through a little scope at
13 me and I'm saying, hey, I want this to be the start of
14 the gouge mark, start of the tire mark, final rest, left
15 front, right front, or whatever. But in this case we did
16 do a forensic mapping and produced a scale diagram.

17 Q. Okay. Let me hand you what's been marked State's
18 17, 18, 19 and 20. Can you identify that, please, sir?

19 A. Yes, sir.

20 Q. Is that the mapping that was done based upon the
21 markings of the scene?

22 A. Yes, sir, it is. And basically what you have here
23 are these four CAD printouts. We always start out with
24 one of the roadway and it's just showing ---

25 Q. Well, don't explain it to me right yet.

1 A. Okay. I'm sorry.

2 Q. I've got to make sure ---

3 A. Yes, sir. But it is accurate.

4 Q. And that's -- the MAIT team did this?

5 A. Yes, sir, we did.

6 MR. ALEXANDER: No objection for this hearing,
7 Your Honor.

8 THE COURT: All right.

9 Q. So based upon these -- let me refer you to, first,
10 State's Exhibit 17. Okay. First of all, what are you
11 showing here?

12 A. First off -- and it'll say it. There's actually a
13 little box just underneath that that would say roadway.
14 It's showing Highway 8. And typically you see that it's
15 north seeking arrows right here, that's actually the
16 magnetic north of the road. But an even number road
17 actually runs east/west as far as when people say I was
18 going west on whatever road or east on whatever road.
19 That's why they do that. Even numbers are east/west and
20 odd numbers are north/south. This is Highway 8. Here's
21 Sheriff Mill Road. And the collision occurred right back
22 down in here towards the final rest in the roadway and
23 then on the embankment.

24 Q. Okay. This is just basically an initial picture of
25 the scene? That's ---

1 A. Right. That's showing -- what we do here is we
2 actually show you what the road looked like. We
3 actually, when we put this thing in the CAD to draw that
4 photograph or that picture, we actually have different
5 layers. We have layers for just this roadway and then we
6 show everything without the evidence. Then we have an
7 impact layer. We have evidence and final rest there.
8 Then we have a sequence of events layer.

9 Q. Okay. Let me show you now what's marked State's 18.
10 What are you showing ---

11 A. I'm showing the impact of the two vehicles. And
12 this area is actually based on the gouge marks that were
13 in the pavement and the beginning of that tire mark. And
14 typically when those forces start acting on these cars,
15 when they start gouging and moving, you can set a car
16 back on a tire mark and actually track it to its final
17 rest, and that's what we did in this case.

18 Q. And then State's 19?

19 A. Again, this is what I told you about. This is the
20 evidence and the final rest layer. It shows the vehicles
21 as they were found at their final rest. And also showing
22 the gouges and that tire mark. It's kind of hard to see.
23 That's the tire mark right there.

24 Q. That's the tire mark that was seen in the photos?

25 A. That's the tire mark that was seen in the photos.

1 It started and continued underneath the truck and stopped
2 under the tire.

3 Q. And I think I went out of order here. I apologize.
4 Let me show you State's 20.

5 A. No, you're not out of order. That's how we --
6 that's actually how we do that. This is the last thing
7 we do, it's called a sequence of events. And sometimes
8 we -- it gets a little busy and it looks like cars are
9 piled on top of each other. But we put what happened
10 during a collision leading up to their final rest. In
11 this case, that's just turning on the impact layer
12 showing which direction the cars were coming from,
13 turning on impact layer. And of course, you can't see
14 the gouge marks but you can see the tire mark, because
15 those layers are also turned on, the evidence layers.
16 The gouge marks are underneath the cars. And in this
17 particular instance, the truck rode up on the car and
18 pushed it back up the embankment and just rotated around
19 to its final rest.

20 Q. Yes, sir. Now, all this mapping is based upon your
21 forensic work and the evidence that you gathered at the
22 scene; correct?

23 A. Yes, sir, it is.

24 Q. Okay. And based upon that, do you have an opinion
25 as to, first of all, which lane the collision took place

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1 in?

2 A. Yes, sir, I do.

3 Q. And what is your opinion on that?

4 A. My opinion is that the collision actually took place
5 in the lane, Highway 8, going towards Easley, and Easley
6 is right up here, going toward Sheriff Mill Road. The
7 truck, for whatever reason, drove left of center. And
8 again, it was all the way over, almost against the fog
9 line on the outbound lane going toward Anderson County
10 when it impacted a car that was traveling in towards
11 Easley.

12 Q. Okay, sir. And I'll just ask you, do you have an
13 opinion who -- which vehicle was the cause of the
14 accident?

15 A. Typically what we do is we have the evidence as we
16 find it. In this case the truck drove left of center and
17 hit the car.

18 Q. Okay. Was there any evidence that the car -- by the
19 way, this was a -- do you remember what type of truck
20 this was?

21 A. I would have to look back at the general vehicle
22 design.

23 Q. To any extent, it was a truck and a car?

24 A. Yes, sir, it was a full size truck and a compact
25 car.

1 Q. Okay. And based upon what you seen, do you have an
2 opinion as to whether the car was within its lane?

3 A. Yes, sir, it was within its lane. Just from the
4 gouge marks that I saw on the pavement, I was able to put
5 it back in its proper lane.

6 MR. RICHARDSON: Your Honor, that's the
7 evidence limited to -- that he would testify to, limited
8 to the issues that we have before us.

9 THE COURT: All right. Any cross examination?

10 MR. ALEXANDER: No, Your Honor.

11 THE COURT: All right. Thank you, sir. You
12 may step down.

13 MR. RICHARDSON: For the record, Your Honor, I
14 have just instructed the trooper who just testified to
15 step outside, which he's doing right now, based upon your
16 order of sequestration.

17 THE COURT: All right. Anything else from the
18 state?

19 MR. RICHARDSON: Nothing further, Your Honor.

20 THE COURT: All right. Mr. Alexander, be glad
21 to hear from you.

22 MR. ALEXANDER: Just renew my motion to exclude
23 that testimony, Your Honor, based on, first of all,
24 relevance. It's just simply not relevant to what Mr.
25 Raiden is charged with. It's not necessary. It's not an

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1 element of the crime charged. It's not necessary to
2 prove any element of that. I believe they argued that it
3 was evidence of motive or something of that nature for
4 leaving the scene. But it's not evidence -- or it's not
5 relevant to any element of the crimes.

6 And in that light, based on what Corporal Brooks
7 testified to, the only effect is -- there's no probative
8 value to it. The only effect is substantial prejudicial
9 effect to Mr. Raiden, that the jury would hear, you know,
10 compelling evidence that his -- the truck that they're
11 saying he was driving was the at-fault vehicle in this
12 accident which resulted in Mr. Crain's death. It does
13 nothing but go towards prejudice, more sympathy towards
14 the victim and things of that nature. So we would move
15 for it to be excluded, Your Honor.

16 THE COURT: All right. Solicitor.

17 MR. RICHARDSON: Your Honor, and again, the
18 probative nature and the way it outweighs prejudice is it
19 allows for an argument of motive, which our Supreme Court
20 has cited that we're allowed to present to a jury. It's
21 the res gestae of the case. It's the part of the case,
22 part of the facts, I have motive -- as a possible motive
23 for the reason of leaving the scene. And in addition to
24 that, Your Honor, we have a scenario where we're putting
25 up an accident in front of this jury and this is part of

1 further informing them of what happened out there. And
2 they have a right to know that. And they're going to be
3 questioning that in their mind. So it not only goes to
4 motive as a probative value, but it also is the entire --
5 it's res gestae, to further inform the jury of everything
6 that happened in this case.

7 MR. ALEXANDER: The only ---

8 MR. RICHARDSON: And the defense of the case is
9 going -- I'm sorry. The defense of the case, evidently,
10 is going to be he was not driving. What we're talking
11 about is a scenario of how that individual truck hit
12 this vehicle.

13 MR. ALEXANDER: Well, certainly the defense is
14 he was not driving, Your Honor, or we wouldn't be here
15 today, Your Honor. But the fact about the jury needing
16 to know more about the accident, I believe Your Honor,
17 based on the statute, could give a very brief instruction
18 that causation and which vehicle was at fault is not
19 necessary for you to determine to reach a verdict. Just
20 a simply instruction to that nature resolves that
21 question in their mind, if they, in fact, had that
22 question.

23 THE COURT: Well, as you both know, the
24 standard for relevant evidence is that it's evidence
25 having the tendency to make the existence of a fact more

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1 probable or less probable than it would be without the
2 evidence.

3 I think, particularly in light of the full reading
4 of the statute involved here, that the evidence would be
5 relevant. I find that the proffer of evidence is clear
6 and the testimony would be convincing of the activity of
7 how the accident occurred. Of course, the prejudicial
8 effect under Rule 403 is always critical. But I believe,
9 though you obviously did not cross examine now, I believe
10 through the full analysis of his testimony and the cross
11 examination thereof that the jury will have an
12 opportunity to fully hear the case and that the
13 prejudicial effect of letting this in would not be
14 outweighed by the probative value. So I'll overrule your
15 objection, Mr. Alexander. You're certainly -- your
16 objection is noted for the record. And you can make your
17 objections appropriately as the case moves along.

18 All right. Anything else we need to have before the
19 jury comes in and they're sworn?

20 MR. RICHARDSON: Nothing for the state, Your
21 Honor.

22 MR. ALEXANDER: Just a brief two minute break,
23 Your Honor.

24 THE COURT: Go right ahead, Mr. Alexander.
25 We'll be at ease for about two minutes.

1 (WHEREUPON, the court stood at recess for a short
2 break.)

3 THE COURT: All right. If our jury is ready we
4 can have them come in.

5 (WHEREUPON, the jury entered the open court at
6 approximately 9:45 a.m.)

7 THE COURT: Good morning, ladies and gentlemen.
8 We're now ready to proceed with the trial of the case.
9 In a few moments the attorneys are going to make an
10 opening statement to you. They're going to give you an
11 overview of what they believe the case is about, at least
12 in their individual views. What the lawyers have to say
13 to you in their opening statement is not evidence. The
14 evidence is going to come from the witness stand and any
15 documents or other tangible evidence that may be
16 presented.

17 I still urge you to listen carefully as these
18 attorneys address you. I'm confident that each of them
19 can give you some valuable insights to help you to listen
20 as the case develops and know what to be alerted to.

21 Before they make their opening statements to you,
22 I'm going to have the clerk administer an oath to you.
23 This is an oath that's been in existence since well
24 before the foundation of our country. Even in England,
25 before America came into existence, jurors such as you

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1 hundreds of years ago would take a similar oath.
2 Throughout our country, even today, I'm confident that
3 there's a jury sitting in another state that's taking an
4 oath similar. It's a time-honored oath. I hope you'll
5 listen carefully as it's given to you.

6 After that the attorneys will make their opening
7 statements to you.

8 Mr. Welborn.

9 THE CLERK: If you would, please stand. Again,
10 after the oath is administered, answer by saying I will.
11 Raise your right hand.

12 You shall well and truly try the issue joined in
13 this case of the State versus Rufus Raiden, III, and a
14 true verdict render according to the law and evidence, so
15 help you God?

16 THE JURORS: I will.

17 (WHEREUPON, the jury was duly sworn.)

18 THE CLERK: Thank you, you may be seated.

19 THE COURT: Mr. Richardson.

20 MR. RICHARDSON: Thank you, Your Honor. Please
21 the court. Mr. Alexander.

22 **OPENING STATEMENT**

23 **BY MR. RICHARDSON:**

24 Good morning, ladies and gentlemen. I'm going to
25 reintroduce myself. I know you heard my name before, but

1 I am Doug Richardson. And I'm an assistant solicitor in
2 the Thirteenth Judicial Circuit. The way our state runs
3 is we have the judicial circuit, basically you'll have
4 different counties in it. And this particular circuit,
5 the Thirteenth Circuit, is Greenville County and also
6 Pickens County. I happen to work in the Pickens County
7 office. My job is to prosecute the various cases that
8 come up through the various law enforcement agencies.

9 Now, ladies and gentlemen, today you are here
10 because the defendant has been indicted for leaving the
11 scene of an accident where a death was involved. And
12 also driving under suspension. His Honor is going to
13 tell you what the law is at the end of this case. He's
14 going to charge you to what the law is. But just to give
15 you kind of a brief overview of what it is, in this
16 state, if you are involved in an accident and you leave
17 that accident without remaining there to help or to give
18 your personal information, you just take off, that's
19 against the law. And if a death is involved, that also
20 is another aspect of the law.

21 Now, ladies and gentlemen, in this case, I submit to
22 you that you will have evidence presented to you that the
23 defendant hit the victim and left the scene and the
24 victim died. Now, I'm not going to go into, right now,
25 every little aspect of this case. But we have a lot of

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1 witnesses to testify and you'll hear from quite a few
2 who'll get up here and testify. You're going to hear
3 from experts. You're going to hear from lay witnesses.
4 You're going to hear from a whole bunch of different
5 witnesses. One witness, unfortunately, that you're not
6 going to be able to hear from is Ryan. Ryan Crain was
7 twenty-four years old. He died that night from a tragic
8 wreck caused by the defendant. There are no eyewitnesses
9 to this wreck. However, we will have certain people come
10 up and testify to you as to their opinion, their expert
11 opinion, of how it happened. Regardless of how it
12 happened, you cannot leave the scene when somebody dies.

13 Now, ladies and gentlemen, I told you there was no
14 eyewitnesses to this case. There are two types of
15 evidence that are able to be presented in a court of law.
16 There's direct evidence and then there's circumstantial
17 evidence. Both are very good evidence. Both are very
18 valuable evidence. For example, the difference between
19 the two; direct evidence will be a scenario where let's
20 say it's raining outside, or to put it into better
21 context, it's getting ready to snow outside. And you go
22 outside and you're in the snow and the snow is coming
23 down. You come back in and you see the snow and you
24 touch the snow. You can say it's snowing.

25 Ladies and gentlemen, circumstantial evidence would

1 be if you a room like this with no windows and a person
2 comes in and the weather report has stated to you before
3 you came to court today that it may snow today. And you
4 know it may snow today. And in walks a person with an
5 umbrella and a slicker hat on and a slicker on and he or
6 she is all wet, with boots. Well, from that evidence,
7 although you can't see it, you could surmise that it's
8 snowing outside. So that's a type of circumstantial
9 evidence. What happens in circumstantial evidence is
10 pieces of a puzzle are put together and they're added
11 together. And then once those pieces come all together
12 piece by piece by piece, there's a picture. In this
13 case, ladies and gentlemen, that picture will show that
14 the defendant is guilty of these crimes.

15 Now, I have a burden of proof in this case; it's
16 reasonable doubt. The judge will tell you about that.
17 And I gladly accept that burden. Solicitors all over the
18 state accept that burden. I've been doing it for twenty-
19 three years now. I would like to say to you that it's a
20 reasonable doubt, it's not all doubt, it's not every bit
21 a doubt. There's always going to be doubt. There's
22 human being. Everybody is always going to have some
23 doubt. But it's a reasonable doubt. Really, ladies and
24 gentlemen, what it boils down to is using your common
25 sense. And that's what we do. We bring in you good

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1 people, put you in this box, in everyday walks of life,
2 different jobs, different family atmospheres, to come in
3 here and listen to the evidence and decide the case.

4 Ladies and gentlemen, in doing that, we want you to
5 use your common sense. Now, ladies and gentlemen, after
6 this case comes to fruition, and I have presented the
7 evidence I have, I'm confident that your good common
8 sense will enable you come back with a verdict of guilty
9 on both charges.

10 Thank you. I'll be back to speak to you in closing
11 arguments at the end of this trial.

12 THE COURT: Mr. Alexander, you may address the
13 jury.

14 MR. ALEXANDER: Thank you, Your Honor. Mr.
15 Richardson.

16 **OPENING STATEMENT**

17 **BY MR. ALEXANDER:**

18 Ladies and gentlemen, I'll reintroduce myself. I'm
19 Steven Alexander. I introduce myself briefly yesterday.
20 I have the pleasure of representing Rufus Raiden, III in
21 this matter. As Mr. Richardson says, he's charged with a
22 very serious offense; hit and run resulting -- hit and
23 run by a driver, leaving the scene of an accident,
24 resulting in death. He's also charged with driving under
25 suspension.

1 I thank you for your service in advance. I know
2 you're not here voluntarily. This is -- Mr. Raiden is
3 charged with this offense and he can't have his day in
4 court without y'all. Appreciate y'all's service in this
5 matter.

6 Cases like this -- any death of a young man is
7 tragic, regardless of the circumstances. I certainly
8 can't speak from personal experience, but the death of a
9 young man like Mr. Crain in a car accident, regardless of
10 how it occurs, is tragic. Worse, of course, for the
11 parents, extended family. Everybody has brothers,
12 siblings, family, somebody around that age. So you can
13 put it somewhat in perspective, but until you're in this
14 situation, you never know how it impacts you.

15 But your job, and the judge will instruct you of
16 this, your role or one of your roles in this matter is
17 you're the judge of the facts. You determine what the
18 facts are in this case. Y'all will hear testimony of a
19 lot of witnesses over the next couple of days about what
20 they say happened in this case. Y'all have got to
21 determine what happened. And you've got to set aside the
22 tragic feeling of a young man's death, which is an
23 element in this case. The evidence will show that he
24 died as a result of this accident. There's no question
25 about that. But you've got to put that aside and decide

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1 the case solely on the facts.

2 Mr. Raiden has obviously been charged with this. He
3 was arrested for it. The judge said he was indicted for
4 it, which is why he's here today. None of that matters.
5 None of that is evidence. Y'all are the sole determining
6 body of whether or not he's actually guilty or not guilty
7 of this offense.

8 Now, when you hear the testimony -- I'm not going to
9 go into what I believe the testimony might be, but -- as
10 far as specifics, but I believe you're going to hear, at
11 least from some witnesses, some inconsistent testimony.
12 You're going to have to reconcile that and decide which
13 witnesses are telling you the truth, which witnesses do I
14 believe. Do I believe all their testimony, part of it,
15 none of it. You can do any of those things. And so
16 credibility for all witnesses is a big thing in all
17 criminal trials -- all trials, whether criminal or civil.
18 They're especially important in this case, because you're
19 going to have to reconcile some of these inconsistencies
20 to determine what you believe happened and make that
21 finding. And the judge will instruct you a little bit on
22 that and we'll talk a little bit about that in closing.

23 And the judge will instruct you -- well, as Mr.
24 Richardson said, he has the burden of proof in this case.
25 I'm sure you're all well aware, without us telling you

1 that, that they have to prove beyond a reasonable doubt.
2 You may see something on TV about it, as I said. But it
3 is the highest standard we have in our justice system, in
4 our court system. Civil trials is a much lower standard.
5 So it's a very high burden the state has.

6 Mr. Raiden is presumed innocent in this case, as I'm
7 sure y'all well know. And that lasts -- it didn't leave
8 them at the door when this trial started. That stays
9 with him throughout the case and follows y'all into the
10 jury room when you begin your deliberations. At that
11 point then you decide, have they presented sufficient
12 evidence to chip away that innocence, that cloak of
13 innocence that he has wrapped around him. And in order
14 to find him guilty, you have to find that they've met
15 their burden and chipped away the innocence.

16 Now, the key part, and I'll read it, is in the
17 statute, what he's charged with, while operating a motor
18 vehicle. The arrest warrant says, while driving a
19 vehicle. The statute says a driver of the vehicle. The
20 statute, the law that the judge will give you at the end
21 of the case. It's not the only thing you've got to
22 decide, but that's the key thing that y'all are going to
23 have to determine in this case, is whether or not Mr.
24 Raiden was the driver of this vehicle, because only the
25 driver can be guilty of a hit and run, whether a hit and

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1 run resulting in damage, hit and run resulting -- in this
2 case it's hit and run resulting in death. Only the
3 driver can be guilty of that. And that's the key fact in
4 this case.

5 The owner of the vehicle is not guilty of anything.
6 The person who might have had possession of the vehicle
7 sometimes the same day before the accident, they're not
8 guilty. A passenger in the vehicle that leaves the
9 scene, they're not guilty of hit and run. So that's one
10 of the -- the main key pieces that we're going to ask you
11 to determine, which the state has to prove. The state
12 has to prove he was driving this vehicle.

13 And so I submit to you, as Mr. Richardson said, it
14 seems obvious, but I'll say it anyway, use your common
15 sense, everyday experiences. Don't leave those at the
16 door. I mean I think y'all live lives and everybody has
17 those experiences and brings those into the courtroom.
18 So I submit to you that when you hear all the evidence,
19 at the end of it, I would ask you to return a verdict of
20 not guilty, as I don't believe the state will be able to
21 meet their burden to prove that Mr. Raiden was driving
22 this vehicle. Thank you.

23 THE COURT: Solicitor, you may call your first
24 witness.

25 MR. RICHARDSON: Thank you, Your Honor. Please

1 the court. State calls Brian Mayfield to the stand.

2 THE CLERK: Raise your right hand.

3 Do you solemnly swear or affirm that the testimony
4 you're about to give in this case will be the truth, the
5 whole truth and nothing but the truth, so help you God?

6 THE WITNESS: Yes, sir.

7 THE CLERK: Thank you, sir. If you would have
8 a seat and state your name for the record, please.

9 THE WITNESS: Brian Wayne Mayfield.

10 **BRIAN WAYNE MAYFIELD,**

11 **HAVING BEEN DULY SWORN, TESTIFIED AS FOLLOWS:**

12 **DIRECT EXAMINATION**

13 **BY MR. RICHARDSON:**

14 Q. Okay, Trooper, what I'm going to have you do is if
15 you would move that microphone in front of you. Yes,
16 sir. I need you to speak into that. I'll be back here.
17 Speak loud enough so that these last jurors can hear you.
18 Okay?

19 A. Yes, sir.

20 Q. All right. So where are you employed?

21 A. With the South Carolina Highway Patrol.

22 Q. Okay, sir. And how long have you been employed with
23 the highway patrol?

24 A. April will be twenty-three years.

25 Q. Okay, sir. And what are your duties today at the

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1 highway patrol?

2 A. I'm a supervisor for our post, which includes
3 Pickens and Oconee County within this troop.

4 Q. Okay, sir. And were you a supervisor back on
5 December the 10th of 2011?

6 A. Yes, sir.

7 Q. Okay, sir. And part of being a supervisor, does
8 that also entail you being on the road, so to speak?

9 A. Yes, sir.

10 Q. Okay, sir. Now, were you working the evening -- I
11 should say the early morning hours of December the 10th
12 of 2011?

13 A. Yes, sir.

14 Q. Were you dispatched to a wreck scene?

15 A. Yes, sir.

16 Q. Okay. Do you recall approximately what time it was
17 you were dispatched to that wreck scene?

18 A. I believe I heard it when I was at the -- in Pickens
19 at the jail, I heard it go out over the county radio.
20 And I think I got it about one twenty-two a.m., so around
21 in that time.

22 Q. Okay, sir. One twenty-two is when you were actually
23 called to the scene?

24 A. Yes, sir.

25 Q. Do you recall what time it was when you arrived at

1 the scene?

2 A. It was about one forty-four, about a quarter till
3 two.

4 Q. Did you make a direct route to the scene?

5 A. Yes, sir. I went directly to the scene from my
6 location in Pickens to Highway 8.

7 Q. Okay, sir. Now, let me ask you this. This wreck
8 scene on Highway 8, was there a road it was near?

9 A. Sheriff Mill Road.

10 Q. Okay, sir. And the scene of this wreck scene, is
11 this in Pickens County?

12 A. Yes, sir.

13 Q. Okay. It's kind of close to Anderson County; is
14 that right?

15 A. Yes, sir.

16 Q. But it was in Pickens County?

17 A. Yes, sir.

18 Q. Okay, sir. Now, when you arrived at the scene, what
19 did you observe?

20 A. I observed a pickup truck in the roadway and I
21 observed a Chevrolet Cavalier off the right-hand side,
22 which would have been my right-hand side of the roadway.

23 Q. Okay, sir. And so you were coming from the Easley
24 direction?

25 A. Yes, sir.

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1 Q. Okay, sir. Let me hand you what's been marked
2 State's Exhibit 1 through 7. And what I want you to do,
3 is if you'll look at those pictures and tell me if you
4 recognize those?

5 A. Yes, sir, I do.

6 Q. Okay.

7 A. Yes, sir, I do.

8 Q. And are those pictures of the accident scene?

9 A. Yes, sir.

10 MR. RICHARDSON: Beg the Court's indulgence.

11 Your Honor, at this time ---

12 Q. Well, let me ask you, Trooper, do these pictures
13 accurately depict the scene as you saw it on the evening
14 of -- excuse me, the early morning hours of December
15 10th, 2011?

16 A. Yes, sir.

17 MR. RICHARDSON: Your Honor, at this time we --
18 the state would offer into evidence State's Exhibit 1, 2,
19 3, 4, 5, 6 and 7.

20 THE COURT: Any objection?

21 MR. ALEXANDER: No objection.

22 THE COURT: Without objection, Exhibits 1
23 through 7 are admitted and may be published to the jury.

24 (WHEREUPON, State Exhibit Numbers 1 through 7 were
25 admitted into evidence.)

1 MR. RICHARDSON: Thank you, Your Honor.

2 Q. Trooper Mayfield, you have a pointer there if you
3 would like to use it. Okay. I am referring, Trooper
4 Mayfield, to State's Exhibit 2. They don't teach you
5 technology in law school. Can you tell the jury, is that
6 the wreck scene as you saw it?

7 A. Yes, sir.

8 Q. Okay, sir. And which vehicle -- let me ask you
9 this. When you arrived at the scene, was anybody located
10 in any one of the vehicles?

11 A. Yes, sir. Mr. Crain was inside the Chevrolet
12 Cavalier.

13 Q. Okay. Can you please point out to the jury where
14 that is?

15 A. It's right here.

16 Q. And Mr. Crain is the victim in this case?

17 A. Yes, sir.

18 Q. Okay, sir. And was he being attended to at that
19 particular time?

20 A. Yes, sir, he was.

21 Q. Okay, sir. Now, the truck, do you know what kind of
22 truck that is?

23 A. It's a Chevrolet, I believe, full-size, I guess kind
24 of like a Silverado, something like that.

25 Q. Okay. Do you know what year it was made?

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1 A. 1993, I believe.

2 Q. All right. And the car, what type of car is that?

3 A. That's a Chevrolet Cavalier. I think that's about
4 an '02, I believe, something like that. Early 2000s.

5 Q. Now, when you arrived, was there anybody located in
6 the truck?

7 A. No, sir.

8 Q. Did you look inside the truck?

9 A. Yes, sir, I did.

10 Q. Let me show you what's been marked State's Exhibit
11 6. What is that?

12 A. That's the driver's side of the Chevrolet pickup
13 truck.

14 Q. Okay. And when you arrived at the scene, is that
15 how you found it?

16 A. Yes, sir. Yes, sir.

17 Q. Okay, sir. Now, did you manipulate the seats or
18 seatbelts or anything of that nature?

19 A. I looked inside the vehicle. I don't recall moving
20 the seat or anything like that, other than I just looked
21 inside for information. I think I may have went into the
22 console, something like that.

23 Q. Okay, sir. And did you -- in fact, did you get some
24 information?

25 A. Yes, sir. I found some paperwork.

1 Q. Okay, sir. And let me show you State's Exhibit 4.

2 What is that, sir?

3 A. That's the Chevrolet Cavalier that Mr. Crain was
4 driving.

5 Q. Is that before or after he was removed from the
6 vehicle?

7 A. That would have been after he was removed from the
8 vehicle.

9 Q. Yes, sir. And State's Exhibit 5. What is that,
10 sir?

11 A. That would be the passenger side view of the same
12 Chevrolet Cavalier that Mr. Crain was in.

13 Q. Okay, sir. And State's Exhibit 7.

14 A. That would be the front end on the driver's side of
15 the pickup truck right there just inside the frame of the
16 picture on the left-hand side and the Chevrolet off the
17 right-hand side of the road right there on the
18 embankment; the Chevrolet Cavalier.

19 Q. Okay, sir. And let me go back to State's Exhibit 6.
20 There's a building off in the distance. Do you know what
21 that is?

22 A. That's a business of some type. I can't recall the
23 name of it, but it's like a plant.

24 Q. Okay, sir.

25 A. It's right there at Sheriff Mill Road.

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1 Q. Okay, sir. Now, upon your arrival, where was your
2 patrol car parked ---

3 A. I parked ---

4 Q. --- in relation to that picture?

5 A. I parked basically ---

6 Q. This is -- I'm sorry -- State's Exhibit 2.

7 A. I parked basically in the -- facing the direction of
8 the pickup truck with my lights on, and went to the
9 actual scene of the two vehicles, walked to the two
10 vehicles. But my vehicle was facing the direction of
11 Anderson County, like facing that pickup truck.

12 Q. Okay. And you may have testified, but was there any
13 emergency personnel there upon your arrival?

14 A. Yes, sir, there was.

15 Q. Okay. And where were they concentrated?

16 A. They were working around the Chevrolet Cavalier, I
17 believe, trying to extricate Mr. Crain from the vehicle.

18 Q. Okay, sir. And do you know -- did you walk over to
19 the Chevrolet and look at it?

20 A. I did. I did.

21 Q. And do you know at that time was Ryan, the victim,
22 was he alive?

23 A. Yes, sir, he was.

24 Q. Now, sir, at this point in time what are your
25 duties? What are you trying to ascertain?

1 A. Well, I'm trying to ascertain exactly what occurred.

2 I'm trying to ascertain who I have there on scene. I'm

3 trying to mark the scene. I'm trying to make sure that

4 -- since I found out that the driver had left the scene

5 of the pickup truck, I speak with the county and they

6 tell me they're trying to drive down the roadway to see

7 if they could locate a driver, locate anyone around the

8 scene.

9 Q. Well, let me ask you that. In your investigation

10 did you -- were you ever able to locate the driver of the

11 Chevy truck?

12 A. Myself, I ---

13 Q. At the scene?

14 A. No, sir. No, sir, I was not.

15 Q. All right. And then what did you do?

16 A. Mark the scene and take photographs as best I can.

17 And also determine the need possibly for MAIT in this

18 situation.

19 Q. Okay. Now, MAIT is the -- what is MAIT?

20 A. The Multiple-Disciplinary Accident Investigation

21 Team.

22 Q. And they're called out to the scene to -- of this

23 nature?

24 A. Yes, sir. Yes, sir.

25 Q. Did you call them?

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1 A. Well, they contacted my captain, who has the
2 authority to notify them.

3 Q. And were they notified?

4 A. Yes, sir, they were notified.

5 Q. Now, at some point did you look in the vehicle, in
6 the truck vehicle, to try to ascertain and get evidence
7 of who was driving that vehicle?

8 A. Yes, sir.

9 Q. And what did you do?

10 A. I found some paperwork with Mr. Raiden's name on it.
11 I found a checkbook. I think there was some clothing in
12 there with like Raiden Transport or something like that
13 on it. Maybe a hat, something like that. Mainly I found
14 some paperwork and most of the paperwork, like I said,
15 had his name on it.

16 Q. And where -- this paperwork with his name on it,
17 where was it located?

18 A. It was in the passenger compartment of the pickup
19 truck.

20 Q. Okay, sir. And did you ever find the registration
21 to the vehicle?

22 A. Yes, sir. Yes, sir.

23 Q. And whose name was on that registration?

24 A. Tara Henderson.

25 Q. Okay, sir. Did that -- did you do any follow-up on

1 that?

2 A. Yes, sir. I contacted, I believe it was the city of
3 Seneca, to go by her residence and see if they could get
4 her to the door and, you know, find her and then I could
5 speak with her about who possibly could have -- who had
6 possession of that truck. And they did get her to call
7 me.

8 Q. And was -- her address was on the registration?

9 A. Yes, sir, I believe they were the same. Yes, sir.

10 Q. At some point you had contact with Tara Henderson.
11 Was that by telephone or what?

12 A. Initially it was, yes, sir.

13 Q. And did you have her come to the scene?

14 A. Yes, sir, I asked her to. I asked her directions --
15 or I asked initially, I believe, who would have had that
16 pickup truck or when was the last time she knew about the
17 whereabouts of it. And she told me that it was ---

18 MR. ALEXANDER: Objection, Your Honor, hearsay.

19 THE COURT: Sustained.

20 Q. Don't tell me what she told you. After your
21 conversation with her on the telephone, did you actually
22 have a personal -- excuse me, personal contact with her
23 at the scene?

24 A. Yes, sir, I asked her to come to the scene and she
25 did.

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1 Q. Okay. And certainly y'all had -- don't tell me what
2 you said, but y'all had a conversation at the scene;
3 right?

4 A. Yes, sir.

5 Q. After that conversation, what did you do?

6 A. I asked Ms. Henderson if she would to attempt to
7 help us locate Mr. Raiden's residence.

8 Q. Okay. And did you, in fact, at some point ascertain
9 where his residence was?

10 A. Yes, sir.

11 Q. Once you ascertained where the defendant's residence
12 was, what did you do?

13 A. We went over to the residence. I initially had a
14 trooper go over there before I did and there was no
15 answer at the door. After we concluded our business at
16 the scene, I went to the residence also.

17 Q. Okay. And when you went to the defendant's
18 residence -- well, let me ask you this. In order to get
19 to his residence, how would you travel?

20 A. We traveled down Highway 8. Once you cross into
21 Anderson County, you go straight down 8. It becomes 86
22 right past where Highway 8 turns back to the right. When
23 it becomes 86, Watson Road, the residence I had for him
24 was off to the right, right there.

25 Q. Okay. And your description of that, you're going

1 away from Easley?

2 A. Yes, sir.

3 Q. Towards Anderson?

4 A. Yes, sir.

5 Q. And once you got to Mr. Raiden's residence -- did

6 Ms. Henderson come with you there?

7 A. Yes, sir.

8 Q. And what did you do at the residence?

9 A. We spoke about a possible key that could be in the
10 house. She told me she knew about a key that she had
11 access to, I believe that he kept hidden, but she could
12 not find it once we got there.

13 Q. Okay. And did you -- you may have already testified
14 to this. Did you knock on the door and try to get an
15 answer?

16 A. Yes, sir. We tried to get somebody to the door, but
17 couldn't get anybody.

18 Q. Okay, sir. And this is still the early morning
19 hours of December the 10th?

20 A. Yes, sir.

21 Q. Okay. And was there, was there a vehicle at all in
22 the driveway of that residence?

23 A. I don't think so. I don't remember, I don't
24 remember seeing another vehicle, that I recall.

25 Q. Okay. Now, Ms. Henderson, did you ultimately take a

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1 written statement from her?

2 A. Trooper McMahan did.

3 Q. Okay. Now, after that did you have any other
4 trooper come to the house?

5 A. I believe McMahan, after I went in that morning,
6 McMahan assumed some duties of trying to locate Mr.
7 Raiden.

8 Q. When you say you went in, you mean ---

9 A. Went in for the -- I had been out all night, so I
10 went in from third shift and went home to get some sleep.

11 Q. Okay.

12 A. And Trooper McMahan assumed duties of attempting to
13 locate Mr. Raiden and follow up any leads we may get.

14 Q. Okay. And did he set up on that house?

15 A. I believe he did, yes, sir.

16 Q. Now, once you came back on and started investigating
17 the case further, what did you do?

18 A. That night that I came out, the next night, I
19 believe I made contact with Mr. Raiden's ex-wife, Kim, at
20 her residence. She gave me Duane's address. That's the
21 brother of Rufus. And she also, I think, gave me some
22 other information of where he may hang out. And I spoke
23 with her for a little bit.

24 Q. And at this point in time you're actively looking
25 for the defendant?

1 A. Yes, sir.

2 Q. And did that lead you to his family?

3 A. Well, what we did -- what happened was, sometime
4 during that day, I believe, they got a tip that a green
5 pickup truck had picked up Mr. Raiden ---

6 MR. ALEXANDER: Objection to hearsay, Your
7 Honor.

8 THE COURT: I'll sustain the objection. He
9 certainly can talk about his -- what his investigation
10 did, but I sustain it.

11 MR. RICHARDSON: Yes, sir.

12 Q. As far as the investigation, you -- ultimately you
13 and other troopers went to Bernice Raiden's house?

14 A. Yes, sir, we did.

15 Q. Okay. And that's the family of the defendant?

16 A. Yes, sir.

17 Q. Okay. And there did you talk to all the family
18 members?

19 A. We talked to Bernice. We talked to his other
20 brother. We talked to, I believe, his sister-in-law, and
21 his dad.

22 Q. And did you take a statement from them?

23 A. Yes, sir.

24 Q. And you were actively looking for the defendant at
25 this time; is that right?

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1 A. Yes, sir.

2 Q. And did you -- in doing so, did you ascertain
3 whether at the time of that incident he was under
4 suspension?

5 A. Yes, sir. Yes, sir.

6 Q. Was he under suspension at the time of this
7 incident?

8 A. Yes, sir, he was.

9 Q. And what I mean -- his driver's license was under
10 suspension?

11 A. Yes, sir.

12 Q. All right. Once you talked to the family did you do
13 anything further?

14 A. Well, ---

15 Q. You talked to Kim Raiden and then you went and
16 talked to members of the family?

17 A. Yes, sir.

18 Q. By the way, where do they live?

19 A. They live in Greenville. I believe the Judson
20 Community of Greenville, I believe, over off of 123.

21 Q. Okay, sir. After your conversations with them, did
22 you -- at some point in time did you call the Columbia

23 ---

24 MR. ALEXANDER: Objection. Leading, Your

25 Honor.

1 THE COURT: I sustain the objection. Rephrase
2 your question.

3 MR. RICHARDSON: Okay, sir.

4 Q. Once you talked to the family did you make any phone
5 calls to any other law enforcement agencies?

6 A. Yes, sir. We ended up calling Columbia P.D.

7 Q. Okay. And what did you tell them?

8 A. That there was -- Rufus Raiden, we had a warrant on
9 for leaving the scene of an accident with death, was at
10 the Greyhound bus station and was going to -- and had
11 purchased a ticket to get on a Greyhound bus and go to,
12 apparently, Los Angeles.

13 Q. Okay, sir. And was he arrested?

14 A. Yes, sir.

15 Q. Where was that?

16 A. He was arrested in Columbia.

17 Q. Where in Columbia?

18 A. At the Greyhound bus station; he was taken into
19 custody there.

20 Q. And did he have in his possession a ticket?

21 A. Yes, sir.

22 Q. What kind of ticket?

23 A. He had a bus ticket -- I believe a bus ticket and
24 baggage ticket for the destination of Los Angeles.

25 Q. Okay. Can you identify that? Is that it?

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1 A. Yes, sir.

2 MR. RICHARDSON: Your Honor, at this time we
3 would offer this into evidence as State's Exhibit -- I'm
4 not sure where we're at. I think 18.

5 MADAM COURT REPORTER: No. It would be 21.

6 MR. RICHARDSON: 21.

7 THE COURT: Any objection?

8 MR. ALEXANDER: I do object. As far as I'm
9 aware, I was never provided a copy of that bus ticket.
10 Obviously I was aware they were alleging that he had it
11 and all that, but that's the first time I've seen the
12 actual ticket.

13 THE COURT: Okay. Did you have an objection to
14 the exhibit?

15 MR. ALEXANDER: I do object to the exhibit on
16 the basis it wasn't -- I was never provided the actual
17 copy or that they had it.

18 THE COURT: Okay. But you were aware they had
19 it?

20 MR. ALEXANDER: I was aware that they were
21 alleging he was arrested with a bus ticket in Columbia,
22 obviously.

23 THE COURT: Okay. Any reason he didn't have
24 it?

25 MR. RICHARDSON: Your Honor, in our discovery

1 requests go out and we informed them of the ticket and
2 the discovery stuff we have, but we also put in there
3 that any physical evidence is in evidence and he can go
4 see it at any time.

5 THE COURT: All right. Over objection, Exhibit
6 is admitted.

7 (WHEREUPON, State Exhibit Number 21 was marked and
8 admitted into evidence.)

9 Q. Okay. I'm referring back to now what's been placed
10 into evidence as State's Exhibit 21.

11 A. Yes, sir.

12 Q. I'll hand that to you. When was he arrested?

13 A. December -- I believe it was December the 12th. And
14 we took -- it was in the late night, late evening hours,
15 and he was taken to the Richland County Detention Center
16 and retained there until we could go pick him up.

17 Q. Okay, sir. And where is that bus ticket for?

18 A. It shows twelve forty-five a.m. from Columbia to
19 Atlanta. It shows an arrival December the 14th.

20 Q. When does it say departure?

21 A. I'm looking for the department date.

22 Q. If you need to open it, you can.

23 A. I need to open it. Apparently the departure is
24 December 11th -- I'm sorry, December 12th, 2011, at
25 twelve forty-five a.m.

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1 Q. So approximately forty-eight hours after this wreck
2 took place?

3 A. Yes, sir.

4 Q. You can put that back in the bag.

5 MR. RICHARDSON: That's all the questions I
6 have right now of this witness. Please answer any
7 questions that Mr. Alexander may have for you.

8 THE WITNESS: Yes, sir.

9 MR. ALEXANDER: Your Honor.

10 THE COURT: You may cross-examine.

11 **CROSS EXAMINATION**

12 **BY MR. ALEXANDER:**

13 Q. Is it corporal or ...

14 A. It's corporal. Yes, sir.

15 Q. Corporal Mayfield, so were you the supervising
16 officer on scene?

17 A. I was the investigator and supervisor, I guess you'd
18 say. Yes, sir.

19 Q. And the M-A -- it is MAIT? Is that how y'all say
20 it?

21 A. MAIT, yes, sir.

22 Q. And then when they were on scene, did they take over
23 or are you still the supervisor

24 A. Yes, sir. They pretty much took over. We kind of
25 leave the scene as it is for them to do their job.

1 Q. All right. So -- now, what -- was your first
2 contact with Bernice Raiden at her home in Greenville?

3 A. Yes, sir, I believe so. Yes, sir.

4 Q. Bernice Raiden is Mr. Raiden's mother; is that
5 correct?

6 A. Yes, sir.

7 Q. And that was on December 10th, 2011, the same day as
8 the accident; is that right?

9 A. I believe it was the 10th or the 11th, yes, sir.
10 Yes, sir, somewhere around in there. I believe another
11 trooper also made contact with her before I did.

12 Q. All right. Well, let's do it this way. So you came
13 on -- the accident happened on the 10th at like --
14 somewhere around one a.m.; is that right?

15 A. Yes, sir.

16 Q. And then you were on shift -- third shift during
17 that point in time?

18 A. Yes, sir. That's when one day kind of goes into the
19 next.

20 Q. All right. So when did your shift end that night?

21 A. I would have -- it should have ended at six a.m.
22 that morning, but I don't think I got home quite at six
23 a.m.

24 Q. Okay. And when did you come back on duty?

25 A. About six p.m. on Saturday evening.

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1 Q. Okay. So you -- it would have been -- you wouldn't
2 have met with Ms. Raiden until after six p.m. then?

3 A. Yes, sir, I think I met with Ms. Raiden sometime
4 after that because we received a tip at some point in
5 time that he had been at her house.

6 Q. Okay.

7 A. I think I met -- I think another trooper may have
8 met with her before I did.

9 Q. Okay. And you had a conversation -- you actually
10 made contact with Ms. Raiden ---

11 A. Yes, sir.

12 Q. --- at that time?

13 A. Yes, sir.

14 Q. Did you go in the house or anything then?

15 A. Yes, sir. I believe I went in the house at one
16 point in time and attempted to speak with her.

17 Q. I mean, did you go in and search the house or
18 anything like that or just go in the front door a little
19 bit?

20 A. I think we got to the front door and we talked with
21 her and she allowed us inside, I believe, and you know,
22 that he wasn't there then.

23 Q. Okay. So -- and prior to that, I guess, when you
24 were still on shift from when you originally responded at
25 the scene, it was during that period when you had contact

1 with Tara Henderson?

2 A. Yes, sir.

3 Q. Did you tell her that the driver of the vehicle had
4 to be injured?

5 A. I stated he could be injured, yes, sir.

6 Q. That you believed the driver of that -- of the
7 truck was injured in some way?

8 A. Yes, sir, that he could be injured. Yes, sir.

9 Q. All right. Did she tell you -- or did you listen
10 to a voicemail that Ms. Henderson ---

11 MR. RICHARDSON: Your Honor, I'm going to
12 object. I believe he's getting ready to get into
13 hearsay.

14 THE COURT: Okay. Let me hear the question.

15 Q. Did you listen to a voicemail? Did Ms. Henderson
16 ask you to listen to a voicemail that was on her phone?

17 A. Yes, sir. Yes, sir.

18 Q. Did you, in fact, listen to it?

19 A. Yes, sir.

20 Q. Do you know who the voicemail was supposed to be
21 from?

22 A. It was supposed to be from Rufus, is what she said.

23 Q. Okay. And based on you listening to the voicemail
24 -- well, do you know when that voicemail was left?

25 A. I think she said something about eleven thirty the

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1 night prior to the wreck happening.

2 Q. It was ---

3 A. Somewhere around in there.

4 Q. --- around eleven thirty p.m. December 9th, 2011?

5 A. I believe so, yes, sir.

6 Q. That would be before the accident occurred?

7 A. Yes, sir, I believe so. That's what she said.

8 Q. And based on your knowledge, listening to the
9 voicemail, was the person on that phone, was he with
10 somebody else?

11 A. I could hear him. It sounded like he might have
12 been, you know, possibly in a crowd of folks. From what
13 I could hear it sounded -- he sounded intoxicated.

14 Q. But he was talking to somebody else, at least at
15 some point during ---

16 A. I could hear -- it seemed like I could hear other
17 folks. Yes, sir.

18 Q. All right. And so based on that, though, did you,
19 at any point during your investigation, try to find any
20 other individual other than Rufus Raiden that may have
21 been involved in this accident?

22 A. Well, initially, this Rufus, having his name, that
23 was going to be our point of -- our person of interest,
24 given what Tara had said about where the truck was at.
25 That was where I felt like initially we needed to go with

1 our resources, was trying to locate Rufus. But I didn't
2 have anything else to go on as far as another person.

3 Q. Okay. Ms. Henderson didn't tell you that she
4 thought he was with somebody else that night?

5 MR. RICHARDSON: Your Honor, I object. That's
6 hearsay.

7 MR. ALEXANDER: But he just said he didn't ---

8 THE COURT: I'll overrule the objection.

9 A. She may have mentioned that he said he may have
10 been with somebody else, arguing with somebody else or
11 something like that.

12 Q. That wouldn't be a basis that maybe somebody else
13 was involved?

14 A. Well, ---

15 Q. That he was with somebody an hour and a half before
16 the accident happened, that they may have been there?

17 A. Well, it doesn't necessarily mean they were there.
18 I mean, he could have been at a location with some other
19 folks.

20 Q. I understand.

21 A. But I didn't have a name or anything else to go on
22 other than Mr. Raiden.

23 Q. Ms. Henderson didn't tell you that this
24 individual's name might be Josh?

25 A. I believe I heard that name, yes, sir. I believe I

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1 heard that name. But other than that I didn't have a
2 last name or anything like that. I didn't have Mr.
3 Raiden to -- obviously there to give me a last name.
4 Q. Sure. So you didn't make -- based on the
5 information you had, you're saying you didn't have enough
6 to go knock on doors or go around places in the area to
7 find where the truck may have been?

8 A. Well, I mean, I did, you know, check the
9 neighborhood as far as where the wreck happened at, but I
10 did not necessarily, I guess, go to his residence and
11 knock on his -- knock on all his neighbors' doors. I
12 know some of his neighbors were interviewed by other
13 troopers.

14 Q. Okay. I'm going to show you a photograph. Do you
15 recognize that?

16 A. Yes, sir.

17 Q. What is that of?

18 A. It's of the floorboard and steering column.

19 Q. Of which ---

20 A. Of the pickup truck.

21 Q. Of the green pickup truck in that photo?

22 A. Yes, sir. Yes, sir.

23 Q. That's in 'State's Exhibit 2?

24 A. Yes, sir.

25 Q. Of that truck?

1 A. Yes, sir.

2 Q. Is that photo ---

3 MR. RICHARDSON: Your Honor, I'm going to -- if
4 he's going to question him on the picture, I would ask
5 that he -- that a foundation be laid and it be placed
6 into evidence.

7 MR. ALEXANDER: That's what I'm trying to do,
8 Your Honor.

9 THE COURT: All right.

10 Q. Is that -- what you see in that photo, is it
11 accurate as to what you saw around one a.m. December
12 10th, 2011?

13 A. Yes, sir.

14 Q. Has it changed in any way?

15 A. No, sir.

16 MR. ALEXANDER: I'd offer that as Defense
17 Exhibit 1.

18 MR. RICHARDSON: Without objection.

19 MR. ALEXANDER: It would be Defense Exhibit 6,
20 Your Honor. I apologize.

21 THE COURT: Number 6, without objection, is
22 admitted into evidence and may be published.

23 (WHEREUPON, Defendant Exhibit Number 6 was marked
24 and admitted into evidence.)

25 Q. All right. So this Defense Exhibit 6, now the

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1 steering column, was it -- when you arrived on the scene
2 was it in the condition that you see in this photo?

3 A. Yes, sir.

4 Q. That it's bent like in the opposite direction of
5 what it would normally be in?

6 A. Yes, sir.

7 Q. Now, the center of the steering column, was there
8 any air bag or anything deployed in the truck, that you
9 know of?

10 A. Not that I know of. Not that I recall either.

11 Q. There's not one in the photo. There wasn't one
12 removed or anything like that?

13 A. No, sir, not that I removed or not that I'm aware
14 of.

15 Q. Okay. All right. So based on -- is it fair to say
16 that based on the damage to the steering wheel, steering
17 column, and the damage -- just the overall damage to the
18 vehicles, is that why you believed that the driver of the
19 truck had to be injured in some way?

20 A. Yes, sir. I believe he could have been injured,
21 yes, sir.

22 Q. Did you initially suspect Tara Henderson may have
23 been the driver?

24 A. Well, when I spoke with her on the phone I asked
25 her about the whereabouts of the truck. I ---

1 Q. Don't tell me what she said. Did you initially
2 suspect that she was the driver? Yes or no?

3 A. I don't know that I initially suspected it. I
4 checked with her.

5 Q. Is it a fair conclusion that the registered owner
6 of the vehicle could have been driving the vehicle?

7 A. Well, that's possible. I checked. I check with
8 her.

9 Q. But she was -- your testimony is she was eliminated
10 based on where y'all determined she was at?

11 A. She was in -- I believe she was in Seneca when I
12 called.

13 Q. She was at her house in Seneca?

14 A. Yes, sir.

15 Q. Okay. That was my question. Now, when Mr. Rufus
16 was arrested -- I just want to make sure I was straight
17 on the time on that. It was December 12th, 2011, but it
18 was just past midnight; is that correct?

19 A. I believe it was on Sunday night, I think, is what
20 I recall.

21 Q. Sunday night would have been December 11th, 2011;
22 is that right?

23 A. Yeah. It could have been, it could have been after
24 midnight. It could have been somewhere after midnight.

25 Q. And his bus was set to leave at twelve forty-five

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1 a.m. ---

2 A. Yes, sir.

3 Q. --- Monday morning, very early Monday morning?

4 A. Yes, sir. I believe so, yes, sir.

5 Q. All right. Now, did you have multiple contact with

6 Mr. Raiden's nephew, Justin Raiden?

7 A. I did.

8 Q. Did you have ---

9 MR. ALEXANDER: One moment, Your Honor.

10 Q. You went to his house in the a.m. hours on Sunday,

11 December 11, 2011; right?

12 A. Yes, sir.

13 Q. He gave you a brief verbal statement then; correct?

14 A. Yes, sir.

15 Q. And then a different highway patrolman had contact

16 with him early afternoon the same day; is that correct?

17 A. I believe so. Yes, sir, that's correct.

18 Q. And then he gave a written statement, looks like to

19 Trooper Barton maybe ---

20 A. Yes, sir.

21 Q. --- on December 12th at some time; is that correct?

22 A. Yes, sir, I believe he did.

23 Q. All right. And then you took a -- you yourself

24 were present when he gave a second written statement on

25 December 19th, 2011; is that correct?

1 A. I believe so. I believe that's the day of it, yes,
2 sir. I'd have to look at the date of it. But yes, sir,
3 I was present when he did a second statement.

4 Q. All right. And then there was a telephone
5 interview done with Mr. -- with Justin Raiden by Lance
6 Corporate Andis on January 4th, 2012; is that correct?

7 A. I'm not sure, but if you say so, yes, sir.

8 Q. So you're aware of at least four contacts that
9 Justin Raiden had with the highway patrol?

10 A. Yes, sir.

11 Q. And he may have had a fifth?

12 A. I'm not sure. He could have, I guess. Yes, sir.

13 MR. ALEXANDER: One moment, Your Honor.

14 Q. When Mr. Raiden, Rufus Raiden, was brought into
15 custody -- well, you say he was taken to Richland County
16 first; is that right?

17 A. Yes, sir.

18 Q. And he was transported the next morning, I guess,
19 to Pickens County?

20 A. Yes, sir.

21 Q. Did you have any personal contact with Mr. Raiden
22 after he was arrested?

23 A. I saw him at the jail.

24 Q. Okay. Did you see his appearance?

25 A. Yes, sir.

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1 Q. Did you observe him to be injured in any way?

2 A. Not any way that I observed.

3 MR. ALEXANDER: That's all the questions I have
4 at this time.

5 THE COURT: Any redirect?

6 MR. RICHARDSON: Briefly, Your Honor.

7 **REDIRECT EXAMINATION**

8 **BY MR. RICHARDSON:**

9 Q. Mr. Alexander asked you about a voicemail. How did
10 the defendant sound on that voicemail?

11 A. He sounded intoxicated.

12 Q. And he also asked you about injuries. How long
13 have you been a trooper?

14 A. Twenty-three years.

15 Q. Can you tell the jury -- come close to how many
16 wreck scenes you've been to? More than you can count?

17 A. Yes, sir.

18 Q. Okay. Have you ever been to a wreck scene of this
19 magnitude where the people have not been injured?

20 MR. ALEXANDER: Your Honor, I'm going to object
21 to this line of questioning if it's not ---

22 MR. RICHARDSON: Your Honor, he opened ---

23 THE COURT: I'll allow it. Overruled.

24 Q. Have you ever been to a wreck scene of this
25 magnitude where people have not been injured?

1 A. Yes, sir.

2 Q. Thank you. That's all the questions I have for
3 you.

4 THE COURT: Thank you, sir. You may step down.

5 THE WITNESS: Thank you, Judge.

6 MR. RICHARDSON: Please the court.

7 THE COURT: Yes, sir.

8 MR. RICHARDSON: State calls Jeff Bolde to the
9 stand.

10 THE CLERK: Place your left hand on the bible
11 and raise your right.

12 Do you solemnly swear or affirm that the testimony
13 you're about to give in this case will be the truth, the
14 whole truth and nothing but the truth, so help you God?

15 THE WITNESS: Yes, sir.

16 THE CLERK: Thank you, sir. If you would have
17 a seat and state your name for the record, please.

18 THE WITNESS: Deputy Jeff Bolde.

19 **JEFF BOLDE,**

20 **HAVING BEEN DULY SWORN, TESTIFIED AS FOLLOWS:**

21 **DIRECT EXAMINATION**

22 **BY MR. RICHARDSON:**

23 Q. Deputy, where are you employed?

24 A. Pickens County Sheriff's Office.

25 Q. And what are your duties with the Pickens County

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1 Sheriff's Office?

2 A. Road patrol, answer calls.

3 Q. Okay, sir. And how long have you been with Pickens
4 County?

5 A. Since 2009.

6 Q. How long have you been in law enforcement?

7 A. 2009.

8 Q. Okay, sir. And were you, were you working on the
9 -- in the early morning hours of December 10th of 2011?

10 A. Yes, sir.

11 Q. Okay, sir. Were you dispatched to a wreck scene on
12 Highway 8?

13 A. Yes, sir.

14 Q. And when you got there -- well, let me ask you --
15 let me show you what's been marked State's Exhibit 2. Is
16 this the scene as you remember it?

17 A. Yes, sir, it is.

18 Q. And when you get to a scene of this nature, what is
19 your first duties?

20 A. First duties is to check on the drivers of both
21 vehicles.

22 Q. Okay, sir. And did you check on -- well, let me --
23 were you the first one there or were there other people
24 there already?

25 A. If I recall correctly, there was already other

1 people already on scene when I arrived.

2 Q. When we say other people, other officials?

3 A. I'm not sure. Some rescue, some rescue members
4 aren't marked, so I don't know if there was rescue
5 members -- if they were rescue members or ---

6 Q. Okay, sir. And where were they located when you
7 got there?

8 A. They were tending to the driver -- people were
9 already tending to the driver of the car on the bank.

10 Q. Okay, sir. And did you actually go over to that
11 area, to the driver?

12 A. Walked over to the driver, seen that people were
13 tending to him, then attempted to locate the other driver
14 of the truck.

15 Q. Okay. What did you do to attempt to locate that
16 driver?

17 A. Walked around the truck, looked in and underneath
18 the vehicle and then proceeded to look around the
19 surrounding areas. Talked with other people on the
20 scene, you know, asked them if they had seen the driver
21 or knew who the driver was. If I can recall correctly
22 somebody stated that the driver ---

23 MR. ALEXANDER: Objection, Your Honor.

24 THE COURT: I sustain the objection.

25 Q. Don't tell me what somebody else said. But after

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1 your speaking to everybody at the scene, what did you do?

2 A. Attempted to locate the driver. We searched the
3 surrounding area, walked the wood line, went down the
4 road, tried to check down the road. After we could not
5 locate the driver, we then secured the scene for EMS
6 personnel and fire.

7 Q. And by securing the scene, what do you, what do you
8 do?

9 A. Keep civilians out, keep family members out in
10 order to let EMS personnel, fire and rescue, do what they
11 need to do in order to help whoever they need to help.

12 Q. And did you view anybody going inside that truck?

13 A. No, sir.

14 Q. And did you also deal with the traffic while you
15 were out there?

16 A. Yes, sir.

17 Q. Is that part of your duties?

18 A. Yes, sir.

19 Q. Okay. Were you present when the victim was removed
20 from the vehicle?

21 A. I was -- they called the helicopter in. I actually
22 drove down to pick up the medics from the helicopter.

23 Q. Okay.

24 A. I don't recall if he was already out of the vehicle
25 while I was standing there or not. I drove the medics

1 back to the accident scene.

2 Q. So the medics in the actual helicopter?

3 A. In the helicopter, helicopter medics, yes, sir.

4 Q. So part of your duties was to help transport them?

5 A. Yes, sir.

6 Q. How far did -- where did the helicopter land?

7 A. The helicopter landed at the new high school.

8 Q. The new Easley High School?

9 A. The new Easley High School located on Highway 8.

10 Q. Okay, sir. Thank you. That's all the questions I
11 have. Please answer any questions that Mr. Alexander may
12 have.

13 MR. ALEXANDER: I don't have any questions for
14 Deputy Bolde, Your Honor.

15 THE COURT: All right. Thank you, sir. You
16 may step down.

17 THE WITNESS: Thank you.

18 MR. RICHARDSON: Your Honor, if it pleases the
19 court, may this witness be excused?

20 MR. ALEXANDER: I have no objection.

21 THE COURT: Without objection, the witness may
22 be excused. Thank you for coming, sir.

23 This might be a good time for us, ladies and
24 gentlemen, to take a short break for the morning. Let me
25 remind you again, as I will each time, not to discuss the

1 case.

2 Sometimes when you're back in your jury room you may
3 need a question answered or you may need to call check on
4 a sick child. We need to have a liaison with the court,
5 someone to communicate with the bailiffs, on to Mr.
6 Welborn, if you need a cup of coffee or whatever that may
7 be, if you have a legal question toward the end. That
8 person that we'll designate as the foreperson will write
9 that out. Some of you may need to make a phone call and
10 the foreperson can communicate with the bailiff to write
11 out the need that some juror has. Sometimes when you're
12 back there you just need someone to be a liaison with the
13 court and with the clerk's office, so we'll have a
14 foreperson to do that. Sometimes, as exhibits are
15 introduced, instead of up on the scene, they may be
16 passed around and the attorney may hand it to the
17 foreperson and let that individual look at it and pass it
18 around to fellow jurors.

19 What the foreperson's ultimate job is, is to
20 facilitate the discussion that all of the jurors will
21 have when all the evidence is in and the law has been
22 instructed to you, make sure that all the jurors have his
23 or her input into their view of the facts.

24 I mentioned yesterday, the alternates will always
25 sit on the two seats that they're in. The foreman's seat

1 is the first seat on the front row. Others can sit on
2 the front row, back row, left side, right side, wherever
3 you like. I'm going to appoint Mr. Hooker to be the
4 foreperson. So when you come back in he'll occupy that
5 seat on the front. Our alternates there.

6 We'll take about a ten, fifteen minute break, and be
7 ready to proceed with the witnesses as soon as you get
8 back. We'll take a break now. Don't discuss the case.

9 (WHEREUPON, the jury exited the open court at
10 approximately 10:52 a.m.)

11 THE COURT: All right. We'll take about a
12 fifteen minute break.

13 (WHEREUPON, the court stood at recess for a short
14 break.)

15 (WHEREUPON, the jury entered the open court at
16 approximately 11:15 a.m.)

17 THE COURT: Before we get started could I see
18 the attorney up here just a moment.

19 (WHEREUPON, Messrs. Alexander and Richardson
20 approached the bar.)

21 THE COURT: You may call your next witness,
22 Solicitor.

23 MR. RICHARDSON: Thank you, Your Honor. State
24 calls Logan Brooks.

25 THE CLERK: If you would place your left hand

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1 on the bible and raise your right.

2 Do you solemnly swear or affirm that the testimony
3 you're about to give in this case will be the truth, the
4 whole truth and nothing but the truth, so help you God?

5 THE WITNESS: Yes, sir.

6 THE CLERK: Thank you, sir. If you would have
7 a seat and state your name for the record, please.

8 THE WITNESS: Logan Brooks.

9 **LOGAN BROOKS,**

10 **HAVING BEEN DULY SWORN, TESTIFIED AS FOLLOWS:**

11 **DIRECT EXAMINATION**

12 **BY MR. RICHARDSON:**

13 Q. Mr. Brooks, if you would do me a favor. If you'll
14 pull yourself up a little closer to that microphone.

15 This courtroom is a little hard to hear in; okay?

16 A. Okay.

17 Q. Sir, where are you employed?

18 A. Pickens County EMS.

19 Q. Speak up just a little bit.

20 A. Pickens County EMS.

21 Q. Thank you, sir. And what are your duties with
22 Pickens County EMS?

23 A. Now I'm a paramedic. We respond to 911 calls from
24 the call area and provide advanced life support for
25 patients.

1 Q. All right, sir. Now, back in December, December
2 the 10th, 2011, were you working with Pickens County EMS
3 at that time?

4 A. I was. I was a basic EMT at the time. I was not a
5 paramedic then.

6 Q. A basic EMT would be in training?

7 A. A basic EMT, there's different levels of EMT,
8 paramedic being the highest. I was working with a
9 paramedic. It depends on the type of call as to who
10 takes the call.

11 Q. Okay, sir. On December 10th, were you in fact
12 dispatched to a wreck scene?

13 A. Yes, I was.

14 Q. And do you recall where that wreck scene was?

15 A. It was on Pelzer Highway in the area of Sheriff
16 Mill Road.

17 Q. Okay. And Pelzer Highway is also known as Highway
18 8?

19 A. Yes, sir.

20 Q. Speak up just a little bit; okay?

21 A. Yes, sir.

22 Q. So this lady back here can hear you; okay?

23 A. Okay.

24 Q. Now, I know you haven't testified before, so I
25 don't mean to chastise you, but we all need to hear you.

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1 It's hard to hear in this courtroom. When you arrived at
2 the scene, what was the first thing you did?

3 A. The first thing I did was go over to the vehicle
4 where the patient was located. My partner went to the
5 other vehicle, which was abandoned.

6 Q. Okay, sir. Let me show you what's been marked
7 State's Exhibit 4. Do you recognize that?

8 A. Yes, sir, I do.

9 Q. What is that?

10 A. That's the vehicle where the patient that we
11 provided care to was located.

12 Q. Okay, sir. And there is a little pointer there on
13 your desk. Can you show where the patient was located in
14 the vehicle?

15 A. His head was located in the driver's side area with
16 his feet facing towards the passenger seat, or the
17 passenger compartment.

18 Q. Okay, sir. Now, in this picture there appears to
19 be a passenger door was on the ground. When you
20 approached the vehicle was it like that?

21 A. No, sir.

22 Q. Where did you -- were you able to render aid of any
23 type to the victim in the vehicle?

24 A. No, sir. I got in the backseat of the vehicle and
25 covered him up with a sheet so while they were

1 extricating the patient he would not be cut or get any
2 glass on him or anything like that.

3 Q. Okay, sir. And by extricating him, how were they
4 doing that?

5 A. They were trying to pry this door off right here.

6 Q. Okay. Were they using any instrument to do that?

7 A. Yes, sir. They were using the jaws of life.

8 Q. Okay, sir. And during that time you were in the
9 backseat?

10 A. Yes, sir.

11 Q. Okay. Was the victim in the vehicle, was he
12 talking at all; was he alive?

13 A. He was alive. He was talking. He was what we
14 would call alert to verbal stimulus, which is a decreased
15 level of consciousness. His mental status was altered.
16 There was no lucid conversation.

17 Q. Okay, sir. And during this period of time was he
18 actually -- do you recall, was he actually trapped in the
19 vehicle or were they able to extricate him after the door
20 was removed?

21 A. They had a hard time getting the door off. The
22 reason why we tried to pop this door off here, you could
23 open the driver's side door, but he was fighting us a
24 little bit and trying to maintain his c-spine precaution,
25 we were trying to slide him out feet first.

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1 Q. When you say c-spine, I'm sorry ---

2 A. Cervical spine.

3 Q. Okay.

4 A. With trauma patients, you want to try to keep their
5 head as still as possible. And the way he was fighting,
6 it would have been very hard to drag him out head-first
7 through the steering wheel with him fighting, which we
8 ended up still having to do that, because the extrication
9 just wasn't quite going as planned.

10 Q. Okay, sir. Once he was removed from the vehicle
11 did you put him on any type of device?

12 A. We placed him on a long spine board, which just
13 stabilizes his spine.

14 Q. Okay, sir. And at this time was he still alive?

15 A. Yes, sir, he was.

16 Q. Okay, sir. And where did he go at that point --
17 once he was placed on that spine board, where did he go
18 from that point?

19 A. We took him immediately to the ambulance and from
20 there we took him to the Easley High School parking lot
21 where the helicopter was landed.

22 Q. And were you with him during that period of time?

23 A. I was in the back in the patient care compartment.
24 We had a rescue member driving us to the LZ.

25 Q. LZ is landing zone?

1 A. Yes, sir.

2 Q. And once at the landing zone, he was placed in the
3 helicopter?

4 A. Yes, sir.

5 Q. Okay. Did you go with him?

6 A. I did not go in the helicopter.

7 Q. All right. What was the status of the flight? Was
8 it a hot flight or ...

9 A. I do believe the rotors were still turning. I'm
10 not a hundred percent sure, though.

11 Q. Okay. Do y'all have certain codes as to what you
12 -- the emergency of the situation regarding the
13 helicopters, whether the blades need to still be turning
14 at that point?

15 A. That's usually at the discretion of the flight
16 crew.

17 Q. I see. Okay. And once he was put in the
18 helicopter, did you go with him or did you stay?

19 A. I stayed in the ambulance.

20 Q. When he was put in the helicopter was he still
21 alive?

22 A. Yes, sir.

23 Q. Thank you. That's all the questions I have.

24 Please answer any questions Mr. Alexander may have for
25 you.

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1 MR. ALEXANDER: I don't have any questions for

2 Mr. Brooks.

3 THE COURT: All right. Thank you. You may
4 step down, sir.

5 MR. RICHARDSON: Please the court, Your Honor,
6 can this witness be excused?

7 MR. ALEXANDER: No objection.

8 THE COURT: Without objection, he may be
9 excused.

10 MR. RICHARDSON: Thank you.

11 THE COURT: You may call your next witness.

12 MR. RICHARDSON: Tara Henderson.

13 THE CLERK: Place your left hand on the bible
14 and raise your right.

15 Do you solemnly swear or affirm that the testimony
16 you're about to give in this case will be the truth, the
17 whole truth and nothing but the truth, so help you God?

18 THE WITNESS: Yes, sir.

19 THE CLERK: Thank you, ma'am. If you would
20 have a seat and state your name for the record, please.

21 THE WITNESS: My name is Tara Henderson.

22 TARA HENDERSON,

23 HAVING BEEN DULY SWORN, TESTIFIED AS FOLLOWS:

24 DIRECT EXAMINATION

25 BY MR. RICHARDSON:

1 Q. Ms. Henderson, it's real hard to hear in this
2 courtroom, especially back here. So if you could just
3 pull up just right at that microphone and speak, I'd
4 appreciate it. Ms. Henderson, where do you live?

5 A. Seneca.

6 Q. And how long have you lived in Seneca?

7 A. All my life.

8 Q. Okay. And are you presently employed?

9 A. I am.

10 Q. And where are you employed?

11 A. Easley.

12 Q. I'm sorry?

13 A. Sprint in Easley.

14 Q. Sprint in Easley?

15 A. Yes.

16 Q. It's kind of hard to hear you.

17 A. Oh, I'm sorry.

18 Q. That's okay. I'll let you know. How long have you
19 been at Sprint?

20 A. Oh, about six years. I haven't been in Easley but
21 probably about maybe three or four years.

22 Q. Okay. So you worked at a Sprint at some other
23 location?

24 A. Uh-huh (affirmative).

25 Q. Okay. Are you presently married?

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- 1 A. No.
- 2 Q. Do you have any children?
- 3 A. Yes.
- 4 Q. How many children do you have?
- 5 A. Two.
- 6 Q. How old are they?
- 7 A. Fifteen and eleven.
- 8 Q. Okay. All right. I've got two that age myself.
- 9 Let me ask you, do you know the defendant?
- 10 A. I do.
- 11 Q. How do you know him?
- 12 A. Friends.
- 13 Q. Okay. And how long have you known him?
- 14 A. I guess three years now.
- 15 Q. Let me take your memory back to December 10th,
- 16 2011; okay?
- 17 A. Okay.
- 18 Q. Did you receive a phone call the early morning
- 19 hours of December 10th?
- 20 A. I received a phone call. I didn't get the phone
- 21 call. It went to my voicemail.
- 22 Q. Okay, I see. Did you check your voicemail or what
- 23 happened after that?
- 24 A. I did check my voicemail.
- 25 Q. Okay. And at some point in time did you have some

1 contact with the highway patrol or a police officer in
2 Seneca?

3 A. I did.

4 Q. Okay. Where did that take place?

5 A. At my home.

6 Q. Okay.

7 A. The call you're talking about early, is that what
8 you're talking about, from the trooper?

9 Q. Yes, ma'am?

10 A. Okay. I did receive a phone call from, I guess it
11 was a dispatcher, wanting me to call the trooper.

12 Q. Okay. And did you -- in fact, did you call the
13 trooper?

14 A. I did.

15 Q. And when you called the trooper -- well, do you
16 recall who it was? Was it Trooper Mayfield?

17 A. I think so. I'm not sure who it was.

18 Q. Okay. What did he talk to you about at that time?

19 A. He said that the vehicle that was registered in my
20 name was in an accident and do I know who would be
21 driving that vehicle.

22 Q. Okay. And what did you tell him?

23 A. I told him that no one should be driving the
24 vehicle, but it was at Rufus Raiden's home.

25 Q. Okay. And was that the defendant's primary mode of

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1 transportation?

2 A. I'm not really sure about that.

3 Q. Okay. Did he have any other cars at his house?

4 A. No.

5 Q. Okay. Let me show you what's been marked State's

6 Exhibit 2. Now, does that appear to be the truth that

7 was supposed to be at Rufus's?

8 A. Correct.

9 Q. Okay. And once you had that conversation with the
10 trooper, did you go anywhere?

11 A. I did. He asked me where did he live, and I really
12 couldn't explain or give direction. So I met with him
13 later.

14 Q. Okay. Where did you meet him?

15 A. Pretty much at the -- I guess at the scene.

16 Q. Okay. At this wreck scene?

17 A. Correct.

18 Q. So you actually went to the wreck scene?

19 A. I did.

20 Q. Okay. And is this what you saw ---

21 A. I really did not see anything much because I was
22 kind of further back. I think there's a plant nearby and
23 that's kind of where I was. I did see, you know, a
24 vehicle and -- you know, both vehicles, but I didn't
25 really see that much.

1 Q. And were you asked to identify this vehicle?

2 A. No.

3 Q. Now, ---

4 A. I guess I should say not that I remember
5 identifying it. I don't remember being asked to identify
6 the vehicle.

7 Q. Okay. But at some point in time, you informed the
8 trooper that that was -- that vehicle had been in the
9 possession of the defendant?

10 A. Over the phone call.

11 Q. I'm sorry. If I misstate something, please tell
12 me.

13 A. Uh-huh (affirmative).

14 Q. So after -- at that point in time -- well, let me
15 ask you this. It was registered in your name?

16 A. Correct.

17 Q. But the defendant drove it. Why is that?

18 A. He wasn't as for my knowledge. It was for he
19 needed a title loan. And the whole process was to help
20 him get this title loan. So everything was done that day
21 for the title loan.

22 Q. Okay. Now, after you went to the scene did you go
23 anywhere else?

24 A. Late I believe I took Mayfield to Rufus's home.

25 Q. And to get to the defendant's home, is it basically

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- 1 straight down Highway 8?
- 2 A. You will go that way.
- 3 Q. Okay. Is that the way you went?
- 4 A. Yes. Well, yeah. We kind of took a back way in.
- 5 I think I was following the trooper, maybe. I kind of
- 6 took the back way because you couldn't get there that
- 7 way.
- 8 Q. Because of the wreck?
- 9 A. Correct.
- 10 Q. Okay. So eventually you get back on Highway 8 and
- 11 then down to the defendant's house?
- 12 A. Correct.
- 13 Q. About how far does he live from that -- from the
- 14 wreck scene?
- 15 A. I don't know; maybe twelve minutes. I don't really
- 16 know.
- 17 Q. Okay. Now, once you got to his home, what did you
- 18 do?
- 19 A. I think we maybe looked around. I talked to
- 20 Mayfield for a few minutes. And I really don't remember.
- 21 And I asked him, I was like, are you sure that he was
- 22 driving? Because, you know, I got a voicemail from him
- 23 earlier and he was talking to someone asking them where
- 24 they worked.
- 25 Q. Okay. Right now just answer the questions I ask

1 you.

2 A. I don't remember. I guess we looked around.

3 Q. Okay.

4 A. I don't remember.

5 Q. Didn't you try to knock on the door and try to get
6 him to come to the door?

7 A. I don't remember if we did at that time. We went
8 back a second time and seems like, you know, but I don't
9 remember knocking on the door.

10 Q. The second time did you go with Trooper Mayfield or
11 another trooper?

12 A. I think Mayfield was there because he asked me to
13 come back down there, so it was Mayfield and some other
14 officers.

15 Q. Okay. And at that time did you try to get in the
16 house?

17 A. I believe so, yeah. I think that's when we looked
18 for a key.

19 Q. You looked for a key?

20 A. Yeah, the second time.

21 Q. All right. Were you able to find that key?

22 A. No.

23 Q. How did you know he had a key?

24 A. Because I, you know, had taken him home before and
25 he had a key that was outside.

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1 Q. Okay. Now, and at that time were you also knocking
2 on the door trying to get somebody to come to the door?

3 A. I really don't remember knocking on the door. I
4 don't remember knocking on the door.

5 Q. Okay. Now, did you eventually have a conversation
6 with the defendant?

7 A. I did, later that Saturday afternoon.

8 Q. Okay. And was that the Saturday afternoon after
9 the wreck?

10 A. Correct.

11 Q. December the 10th?

12 A. Correct.

13 Q. Okay. And was that conversation in person or
14 telephone or what?

15 A. Over the phone.

16 Q. And during that conversation what did he tell you
17 about the wreck?

18 A. He said that he wanted to state that he was not
19 there. That he met a guy named Josh. And that he had
20 fell asleep on the couch and Josh and his girlfriend took
21 the vehicle. And so I asked him anyway, I was like, are
22 you hurt? And he said, I wasn't driving. He said, I
23 wasn't there. So I said, well, if you wasn't there and
24 if you're not hurt, you know, turn yourself in because
25 that would prove that you wasn't driving.

1 Q. And did he respond to that?

2 A. No. He was kind of silent. But I was really upset
3 at that time. Just had a conversation with another
4 officer like a few minutes before he called. So he
5 didn't say that he wouldn't. He did say anything; he was
6 kind of silent. But then I got a bang on my door, which
7 I knew they had sent the officers to my house again. And
8 I just told him, don't call me no more and hung the phone
9 up.

10 Q. Okay. Did you tell him -- you told him that you
11 had spoke with the officers, to the highway patrol?

12 A. I don't think so. I think, you know, I just -- I
13 mean, I was just kind of like, you know, very angry and
14 like, you know, there's so much going on, you're in so
15 much trouble, and you know, just really upset about it.
16 And he tried to, you know, calm me, he was like, I wasn't
17 there and, you know, tell me about his friend.

18 Q. Okay. You stated that he said he wasn't there.
19 Was his statement that he was not in the vehicle?

20 A. He said that he had fell asleep on the couch and
21 the guy Josh and his girlfriend took the keys.

22 Q. Okay. Do you know a Josh?

23 A. I don't know a Josh. We didn't really hang out
24 like that. I did tell them, you know, later, that he had
25 mentioned a name that I thought started with the letter J

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1 that he had met like a couple of weeks ago, and I don't
2 remember if it was a Josh or not. We didn't really hang
3 out that much for me to really know all his friends.
4 Q. Okay. Thank you. That's all the questions I have.
5 Please answer any questions Mr. Alexander may have.

6 THE COURT: You may cross examine the witness.

7 MR. ALEXANDER: Thank you, Your Honor.

8 **CROSS EXAMINATION**

9 **BY MR. ALEXANDER:**

10 Q. Ms. Henderson or may I call you Tara?

11 A. That's fine.

12 Q. So I don't want to rehash everything, but you --
13 what time were you first -- or the voicemail that I guess
14 somebody left you from the police, do you remember what
15 time that was?

16 A. From the police?

17 Q. Yeah. From the police department?

18 A. Well, the police did not -- I got it confused when
19 he was asking me about the call at first. Okay? The
20 police didn't ask me for a voicemail. When they actually
21 called me that night, I actually answered the phone of
22 the dispatcher.

23 Q. Okay. So the voicemail you were talking about was
24 the voicemail from Rufus?

25 A. Correct.

1 Q. All right. So what time did you talk with the
2 dispatcher?

3 A. I honestly don't know. I mean, maybe one or one
4 fifteen, one thirty. I don't really remember.

5 Q. A.m. hours?

6 A. Correct.

7 Q. Woke you up from sleeping?

8 A. Exactly.

9 Q. Okay. And then ---

10 A. I'm sorry. Okay. The officer came to my door,
11 banging on the door, and woke me up, and told me to call
12 the dispatcher. So I called the dispatcher. They gave
13 me a number and then I guess they connected me with
14 Mayfield. So that's how that went.

15 Q. I see. So you didn't get a phone call; somebody
16 came to your house and woke you up?

17 A. Uh-huh (affirmative).

18 Q. And then you called someone?

19 A. Correct.

20 Q. So how long from your first contact was it that you
21 made it out to the scene of the accident? Just
22 approximately?

23 A. I mean, I got up right away. It takes me about
24 forty minutes, I guess, to get there. So ...

25 Q. An hour or so?

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1 A. Probably an hour, yeah.

2 Q. Maybe a little less? Okay. And from there you
3 went to -- or you stayed there a while, but then
4 eventually led them to Rufus's house?

5 A. Correct.

6 Q. What time did you eventually get back home that day
7 or that morning, I guess?

8 A. I don't know. Maybe three or something. Because I
9 know I had to go back out and it was still -- when I went
10 back out down there it was still dark. So, I mean,
11 three, four.

12 Q. Is it fair to say you had a lot of contact with
13 highway patrol -- different highway patrolmen over this
14 two-day period before Mr. -- before Rufus got arrested;
15 is that right?

16 A. Correct.

17 Q. And did you have to repeat your same story multiple
18 times to different trooper?

19 A. Pretty much. I mean, I don't know who I was
20 talking to over the phone, so, you know, yeah.

21 Q. So you got a voicemail from Rufus and that was on
22 December 9th, 2011, at about eleven twenty-seven p.m.?

23 A. Correct.

24 Q. That's before the accident happened?

25 A. Correct.

1 Q. And based on your knowledge he was with somebody
2 else at that time?

3 A. Yes.

4 Q. He was asking ---

5 MR. RICHARDSON: Your Honor, I object. May we
6 approach?

7 THE COURT: Yes, sir.

8 (WHEREUPON, Messrs. Alexander and Richardson
9 approached the bar.)

10 THE COURT: You may proceed.

11 MR. ALEXANDER: Thank you, Your Honor.

12 Q. Tara, in the voicemail did Rufus ask somebody,
13 where are we at; something to that effect?

14 A. Correct.

15 Q. Okay. And there was some background noise in the
16 voicemail; could you tell?

17 A. I don't recall hearing any background noise.

18 Q. Now, when you -- you said you talked to him
19 Saturday afternoon sometime?

20 A. Correct.

21 Q. That was still on the 10th, but in the afternoon;
22 is that right?

23 A. (Affirmative nod.)

24 Q. Did you call him or did he call you?

25 A. He called me from a private number.

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1 Q. From a private number; okay. But he identify
2 himself?

3 A. When I heard his voice I knew it was him.

4 Q. You knew it was him. Okay. Now, you had -- right
5 before that call is it true you had just had a
6 conversation with someone from the highway patrol on the
7 phone; is that right?

8 A. Correct.

9 Q. And had they accused you of basically hiding Rufus
10 from them?

11 A. Correct.

12 Q. And you were very upset about that?

13 A. Very upset. Because I had been them all evening --
14 all morning.

15 Q. Any idea what trooper you were talking to on that?

16 A. I have no idea.

17 Q. Did you basically, not to put words in your mouth,
18 but go off on Rufus; right when you realized it was him
19 on the phone?

20 A. Yeah. I kind of went off on the trooper, too, and
21 then Rufus and then the officers that came to the house.
22 I was, you know, pretty upset. I guess just with the
23 emotion of everything, I just kind of exploded.

24 Q. All right. And then at that point is when Rufus
25 said that he wasn't even at the wreck; that he was asleep

1 on the couch?

2 A. Correct.

3 Q. And this guy named Josh had had the car; is that
4 right?

5 A. Correct.

6 Q. Now, did any member of the highway patrol or any
7 law enforcement ever tell you that Mr. -- that the driver
8 of the vehicle -- that if he was driving, that he had to
9 been injured and that's one reason they needed to find
10 him quickly?

11 A. Yes.

12 Q. Do you remember which troopers told you that?

13 A. It was several. I know Mayfield had mentioned it
14 and when we went back the second time one of the cops,
15 and then later after I had spoken to Rufus, when I gave
16 my statement to -- is it McMahan?

17 Q. You gave -- Corporal McMahan took your written
18 statement?

19 A. Right.

20 Q. And he told you that as well?

21 A. Yes.

22 Q. And is that why you asked Rufus on the phone
23 whether he was injured?

24 A. Correct.

25 Q. Based on what they had -- what the troopers had

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1 told you?

2 A. Yes.

3 Q. Did you tell Corporal Mayfield about the voicemail
4 from Rufus?

5 A. He heard it.

6 Q. Okay. And so you talked with Corporal Mayfield
7 that you believed that he -- that Rufus was with somebody
8 else at least an hour and a half before the accident
9 happened?

10 A. Yes.

11 Q. Based on your conversations with Corporal Mayfield
12 or any member of the highway patrol, did they seem
13 interested in trying to find anybody other than Rufus?

14 A. No.

15 Q. Did you get a call -- well ... Now, to clarify,
16 the car was registered in your name for the title loan
17 reasons?

18 A. Correct.

19 Q. And you said something like for that day. But
20 y'all didn't get the title loan on the day of the
21 accident; did you?

22 A. Oh, no.

23 Q. It had been like a month or two before?

24 A. It was a month or so.

25 MR. ALEXANDER: One moment, Your Honor.

1 That's all the questions I have for Ms. Henderson,
2 Your Honor.

3 THE COURT: Any redirect?

4 MR. RICHARDSON: Just briefly.

5 **REDIRECT EXAMINATION**

6 **BY MR. RICHARDSON:**

7 Q. Ma'am, who -- on the title loan, who got the money
8 for that?

9 A. He did.

10 Q. You're talking about he, the defendant?

11 A. Yes.

12 Q. And the vehicle was in his name, but transferred
13 into your name; isn't that correct?

14 A. I don't know whose name that it was in. I really
15 didn't do anything. I don't know whose name it was in.

16 Q. Okay. Thank you.

17 THE COURT: Thank you, ma'am, you may step
18 down. Any objection to this witness being excused?
19 Either of you need her later?

20 MR. ALEXANDER: No, Your Honor.

21 THE COURT: Okay. The witness may be excused.
22 You may call your next witness, Solicitor.

23 MR. RICHARDSON: State calls Paul Kelley.

24 THE CLERK: Place your left hand on the bible
25 and raise your right.

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1 Do you solemnly swear that the testimony you're
2 going to give in this case will be the truth, the whole
3 truth and nothing but the truth, so help you God?

4 THE WITNESS: Yes, sir.

5 THE CLERK: Thank you, sir. If you would have
6 a seat and state your name for the record, please.

7 THE WITNESS: My name is James Paul Kelley.

8 **JAMES PAUL KELLEY,**

9 **HAVING BEEN DULY SWORN, TESTIFIED AS FOLLOWS:**

10 **DIRECT EXAMINATION**

11 **BY MR. RICHARDSON:**

12 Q. Mr. Kelley, where do you presently live?

13 A. 15 7th Street, Judson.

14 Q. Okay. And is that where you lived on December the
15 10th of 2011?

16 A. Yes, sir.

17 Q. Okay. And who lives there?

18 A. Me and my mother and my wife.

19 Q. Okay. Is your mother Bernice Raiden?

20 A. Yes, sir.

21 Q. Okay. And what's your wife's name?

22 A. Jennifer Nicole Kelley.

23 Q. And the defendant is your brother; is that correct?

24 A. Yes, sir.

25 Q. Okay. And did the defendant live with y'all at

1 that time?

2 A. My brother? No, sir.

3 Q. Okay. Now, you're here today under my subpoena; is
4 that right?

5 A. Yes, sir.

6 Q. Okay. But you've come and talked with me in my
7 office; is that right?

8 A. Yes, sir.

9 Q. Okay. And let me ask you, back on December the
10 10th, do you recall this wreck incident happening?

11 A. Yes, sir.

12 Q. Okay. And on December the 10th, was there -- at
13 some point in time did you see the defendant?

14 A. My brother?

15 Q. Yes, sir?

16 A. Yes, sir.

17 Q. And where was that?

18 A. At my home.

19 Q. And do you remember when it was?

20 A. No, sir.

21 Q. Okay. You don't remember what time of the day it
22 was?

23 A. No, sir.

24 Q. Do you remember if it was morning or afternoon?

25 A. No, sir.

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Paul Kelley - Direct Examination by Mr. Richardson

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1 Q. Okay. Was it light outside or was it dark outside?

2 A. I don't remember.

3 Q. Do you recall having a conversation with your
4 brother?

5 A. A brief one.

6 Q. Okay. And what did he tell you at that time?

7 A. He told me he had been in a wreck and when the
8 wreck happened he blacked out and when he woke up there
9 was nobody in the truck with him, so he got scared and
10 ran.

11 Q. Okay. And did he say what he -- did he say
12 anything about if he -- where he was -- where he went
13 when he ran?

14 A. No, sir.

15 Q. Okay. You remember giving a statement in this
16 case; is that right?

17 A. Yes, sir.

18 Q. Okay. Do you remember him saying that he ran and
19 hid out?

20 A. Hid out in the woods, yes, sir.

21 Q. Okay. He told you he hid out in the woods?

22 A. Yes, sir.

23 Q. Okay. And then after he hid out in the woods, did
24 he tell you then he got ---

25 MR. ALEXANDER: Your Honor, object. Leading.

1 A. No, sir.

2 THE COURT: Rephrase your question, if you
3 would.

4 Q. Okay. Do you remember giving a statement that you
5 gave the troopers on December the 11th; right?

6 A. I don't remember what the statement said.

7 Q. Okay. If I show you the statement, would it
8 refresh your memory?

9 A. Yes, sir.

10 Q. Okay. And in particular I'm -- starting with he on
11 down, just read that. Don't say anything about that.

12 A. Okay. Well, when the wreck happened ---

13 Q. Hold on. Does that refresh ---

14 THE COURT: Wait, wait. Make sure that you ask
15 him the question before he reads from the statement, Mr.
16 Richardson; okay?

17 Q. Okay, sir, I don't want you to read the statement.
18 But if you'll read that statement to yourself.

19 A. Okay.

20 Q. See if that refreshes your memory about what he did
21 after he left the woods.

22 A. When he left the woods ---

23 THE COURT: Now, if you would ask your
24 question, Mr. Richardson, for the witness; all right,
25 sir?

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1 MR. RICHARDSON: Okay, sir.

2 Q. And after he -- what did he tell you after he hid
3 out in the woods, where did he go?

4 A. He got a ride to my home.

5 Q. Okay. Thank you.

6 A. You're welcome.

7 Q. That's all the questions I have. Please answer any
8 questions Mr. Alexander has for you.

9 MR. ALEXANDER: Please the court, Your Honor.

10 THE COURT: Yes, sir, you may cross examine the
11 witness, Mr. Alexander.

12 MR. ALEXANDER: Thank you.

13 CROSS EXAMINATION

14 BY MR. ALEXANDER:

15 Q. Mr. Kelley, we've talked on the phone at least one
16 time, I guess; right?

17 A. Briefly, yes, sir.

18 Q. Yes, sir. Now, is it true that -- let's think
19 about Saturday that the accident happened, that your
20 brother came to your home; okay, I want you to think
21 about that day. Did you -- were you -- you were gone the
22 early part of the day; is that correct?

23 A. Yes, sir.

24 Q. You were not at your house?

25 A. No, sir.

1 Q. You arrived back home sometime in the evening; is
2 that correct?

3 A. Yes, sir.

4 Q. Sometime around seven o'clock?

5 A. Well, I always try to be back home before dark
6 because my mom's scared of the dark.

7 Q. Okay. So you think you got home somewhere around
8 dark?

9 A. Around seven, eightish, yeah.

10 Q. Okay. And this was December, so it gets dark five-
11 thirty, six o'clock. So would that be about when you got
12 back?

13 A. About, yeah.

14 Q. Okay. And -- okay. Is it true that you never saw
15 -- well, your nephew is Justin Raiden; is that right?

16 A. Yes, sir.

17 Q. Is it true that you never saw Justin Raiden at your
18 house that night ---

19 A. No, sir.

20 Q. --- or that day at all?

21 A. No, sir.

22 Q. Okay. Other than what you've testified that Rufus
23 told you, did you know anything about this accident?

24 A. No, sir.

25 Q. Okay. And at that time when Rufus was at your

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1 house, you didn't know the police were looking for him;

2 did you?

3 A. No, sir.

4 Q. And then Sunday night -- well, let's back up a
5 minute. Sunday morning Rufus left your house; is that
6 right?

7 A. I guess. I was in the bed asleep when he left.

8 Q. When you woke up, he was gone Sunday when you woke
9 up?

10 A. When I woke up, he was gone, yeah.

11 Q. Okay. And then Sunday night you saw on the news
12 that the police were looking for Rufus; is that right?

13 A. Yes, sir.

14 Q. When you got -- Saturday night when you got home
15 that night -- when you got home -- it was you and your
16 wife were out together; is that right?

17 A. Yes, sir.

18 Q. So y'all got home. Was it your mom, your dad and
19 Rufus; was that the people in the house? Do you
20 remember?

21 A. When we got home?

22 Q. On Saturday night when you got home, the day that
23 the accident happened, Rufus was already at your house;
24 is that right?

25 A. I don't think he was.

1 Q. Okay. Well, when you got home that Saturday night,
2 what did you do?

3 A. I watched TV.

4 Q. All right.

5 A. I took my medicine about nine, nine-thirty and went
6 to bed.

7 Q. Okay. But you never saw Justin Raiden that night?

8 A. No, sir.

9 Q. Okay.

10 A. That day or that night.

11 Q. That day or night. Okay.

12 MR. ALEXANDER: One moment, Your Honor.

13 That's all the questions I have for Mr. Kelley, Your
14 Honor.

15 THE COURT: Any redirect?

16 MR. RICHARDSON: Just briefly.

17 **REDIRECT EXAMINATION**

18 **BY MR. RICHARDSON:**

19 Q. And sir, counsel asked you something regarding
20 whether you knew if the police were after the defendant.

21 Do you remember that question?

22 A. Yes, sir.

23 Q. Okay. And were you with Rufus when he went to get
24 a rental car?

25 A. Yes, sir.

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1 Q. Okay. Where did you go try to get a rental car?

2 A. The airport.

3 Q. Okay. And who was with you when you went and tried
4 to get this rental car?

5 A. My wife and me.

6 Q. Okay. And what happened at the airport in trying
7 to get the rental car?

8 A. They denied him access to a rental car.

9 Q. And do you know why?

10 A. Because he didn't have insurance in his name.

11 Q. Okay, sir. And he was -- was he going to get the
12 rental car to get out of town?

13 A. I have no idea, to be honest with you.

14 Q. Okay, sir.

15 A. I can't remember.

16 Q. All right. Thank you. That's all the questions I
17 have.

18 A. You're welcome.

19 THE COURT: Thank you, sir. You may step down,
20 Mr. Kelley.

21 THE WITNESS: Thank you, sir.

22 MR. ALEXANDER: No objection to the witness
23 being excused.

24 THE COURT: Okay. Without objection the
25 witness may be excused.

1 You may call your next witness, Solicitor.

2 MR. RICHARDSON: State calls Bernice Raiden.

3 THE CLERK: Place your left hand on the bible
4 and raise your right.

5 Do you solemnly swear or affirm that the testimony
6 you're about to give in this case will be the truth, the
7 whole truth and nothing but the truth, so help you God?

8 THE WITNESS: Yes, sir, I do.

9 THE CLERK: Thank you. If you would have a
10 seat and state your name for the record, please.

11 State your name, please, for the record.

12 THE WITNESS: Bernice A. Raiden.

13 **BERNICE A. RAIDEN,**

14 **HAVING BEEN DULY SWORN, TESTIFIED AS FOLLOWS:**

15 **DIRECT EXAMINATION**

16 **BY MR. RICHARDSON:**

17 Q. Okay, Ms. Raiden, would you do me a favor? If you
18 would pull up close to that microphone. It's very
19 difficult to hear in this courtroom.

20 A. Bernice A. Raiden.

21 Q. Okay. And Ms. Raiden, where do you presently live?

22 A. Sir?

23 Q. Where do you live?

24 A. I live at [REDACTED]t, Judson, in Greenville,
25 South Carolina ---

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1 Q. Okay, ma'am.

2 A. --- 29611.

3 Q. Okay. Is that where you lived back on December
4 10th of 2011?

5 A. Yes, sir, it was.

6 Q. Okay. And you are the defendant's mother; is that
7 correct?

8 A. Yes, sir, I am.

9 Q. And today you're here under my subpoena; is that
10 right?

11 A. Yes, sir, I am.

12 Q. Okay. Now, you have, you have been charged with a
13 crime; have you not?

14 A. Yes, sir, I have.

15 Q. And you've been charged with accessory after the
16 fact; is that right?

17 A. Yes, sir, I have.

18 Q. And that's dealing with this case that we're here
19 today about; is that right?

20 A. Yes, sir, it is.

21 Q. And right now your charges are still pending; is
22 that right?

23 A. Yes, sir.

24 Q. Okay. Now, let me ask you, what kind of truck did
25 the defendant drive?

1 A. I want to say it was a -- it was a green truck, but
2 I don't know exactly what color -- model or nothing it
3 was.

4 Q. Let me show you what's been marked State's Exhibit
5 Number 2, if you would, ma'am. Is that the truck that
6 the defendant drove?

7 A. Yes, sir, it is.

8 Q. Now, I want to take your memory back to December
9 the 10th of 2011. Did you receive a telephone call from
10 the defendant?

11 A. Yes, sir, I did.

12 Q. Okay. And what did he say?

13 A. He called me and he says, mother, I need for you to
14 come and pick me up at my house.

15 Q. And what did you say?

16 A. I said, yes, sir, I'll be there to pick you up.

17 Q. Did you ask him why he needed to be picked up?

18 A. No, sir, I did not.

19 Q. Okay. Did you go pick him up?

20 A. No, sir, I did not.

21 Q. Okay. And about what time was this conversation
22 taking place?

23 A. I want to say about around maybe two thirty, three
24 o'clock.

25 Q. On Saturday? On Saturday, December 10th?

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1 A. Yes, sir.

2 Q. Now, why did you not go pick him up?

3 A. Because I had his daughter in my care at that time.

4 Q. Okay. And did you get somebody to go pick him up?

5 A. I was going to ask my daughter-in-law to go pick

6 him up and my grandson, Justin Raiden, drove up, and I

7 asked my grandson if he would go pick my son up. And he

8 said, yes, ma'am.

9 Q. All right. So you asked Justin to go pick the
10 defendant up?

11 A. Yes, sir, I did.

12 Q. And where was he, the defendant, to be picked up
13 from?

14 A. At his home on Watson Road.

15 Q. On Watson Road, okay. At some point in time did he
16 come to your house? The defendant?

17 A. Yes, sir, he did.

18 Q. Okay. And did Justin bring him to your house?

19 A. Yes, sir, he did.

20 Q. Okay. And at that point in time, did you have a
21 conversation with him about a wreck he had been in?

22 A. Yes, sir, I sure did.

23 Q. Okay. And what did he tell you?

24 A. I asked, I asked him what was wrong, and he said,
25 mother, I have been involved in an accident.

1 Q. Okay. And did he tell you what he was going to do
2 because he had been involved with this accident?

3 A. No, sir, he did not.

4 Q. At some point in time did he talk to you about
5 running away?

6 A. Well, I do know that he had planned to go to
7 California to be with his lady friend through Christmas
8 before this accident happened.

9 Q. Okay, 'ma'am. That's not my question. Do you
10 recall giving a statement to the South Carolina Highway
11 Patrol?

12 A. Yes, sir.

13 Q. Okay. And that statement -- I gave you a copy of
14 that statement. Do you remember me giving you that at
15 your attorney's office?

16 A. Yes, sir.

17 Q. Okay. And in that statement didn't you say ---

18 MR. ALEXANDER: Objection, Your Honor.

19 Leading. I mean, if -- she's trying to answer the
20 question.

21 MR. RICHARDSON: Judge, I've got a hostile
22 witness.

23 THE COURT: Just a minute. Ask your question,
24 Mr. Richardson.

25 Q. Didn't you tell the officers that he said, I'm

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1 going to run anyway?

2 MR. ALEXANDER: Your Honor, I'm ---

3 THE COURT: Wait, wait, just a minute. Yes,
4 sir, what's your objection?

5 MR. ALEXANDER: He's leading. I mean, I don't
6 think she's answered every question that he's asked her.
7 I don't believe she's hostile in anyway yet. Maybe he
8 just needs to rephrase the question.

9 THE COURT: I'll allow the question as asked.

10 Q. Ma'am, I'm asking from what you told the police,
11 did you not say that?

12 A. Yes, sir. He told me, he says, I'm just going to
13 California. And I asked him why. He said, because he
14 didn't want to go back to jail.

15 Q. Okay, ma'am. After that conversation did you
16 attempt or know of him attempting to get a rental car?

17 A. At that time, yes, my husband and my daughter-in-
18 law took him to see about a rental car. But they could
19 not get one because the insurance -- they could not get
20 it insured because he didn't have no license.

21 Q. Okay. And after that happened, did a highway
22 patrolman come to your house and talk to you?

23 A. Yes, sir, he did.

24 Q. Okay. And where did you talk to him?

25 A. He was on my front porch.

1 Q. Okay. And when you were talking to that officer,
2 what was -- where was he defendant?

3 A. My son was in the house.

4 Q. And did you tell them he was in the house?

5 A. No, sir, I did not.

6 Q. Did he come out of the house?

7 A. No, sir, he did not.

8 Q. Why did you not tell them he was in the house when
9 you ---

10 A. Because I had his daughter there with me, his daddy
11 was dying with cancer, and his daddy just didn't want him
12 to go back to jail knowing that he was dying from cancer.
13 He was pert-near on his death bed then.

14 Q. And he -- unfortunately, he's since passed; right?

15 A. Yes, sir.

16 Q. Okay. When you were unable to get a rental car,
17 what did he decide to do at that point in time?

18 A. Well, my husband told him ---

19 MR. ALEXANDER: Objection, Your Honor.

20 Hearsay.

21 THE COURT: Sustained.

22 Q. Don't tell me anything your husband said. Just
23 tell me, at that point in time, what did the defendant
24 want to do?

25 A. He wanted, he wanted to go to Columbia to catch a

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1 bus.

2 Q. Okay. And did you take him to Columbia?

3 A. Me and my husband did.

4 Q. Okay. And on the trip down there did you try to
5 get him to turn himself in?

6 A. I told him, I said, son, you should turn yourself
7 in.

8 Q. Okay.

9 A. He says, mother, says, I cannot go back to jail
10 because of my daughter and my daddy is dying.

11 Q. Okay. So eventually did you, did you take him to
12 the Columbia bus station?

13 A. Yes, sir, me and my husband did.

14 Q. Okay. And did y'all -- did you get him a bus
15 ticket?

16 A. My husband purchased the bus ticket.

17 Q. I'm sorry. Your husband bought the bus ticket?

18 A. Bought the bus ticket. But he already had ---

19 Q. Excuse me. Don't -- I didn't ask a question. Just
20 respond to my questions. I'd appreciate it.

21 A. Sorry.

22 Q. That's okay. Thank you, ma'am. That's all the
23 questions I have for you. Please answer any questions
24 Mr. Alexander has for you.

25 MR. ALEXANDER: Please the court, Your Honor.

1 THE COURT: Yes, sir.

2 CROSS EXAMINATION

3 BY MR. ALEXANDER:

4 Q. Ms. Raiden, now we've talked a couple of times on
5 the phone; right?

6 A. Yes, sir.

7 Q. I don't want to rehash everything that Mr.
8 Richardson asked you, but as far as the time line of from
9 the accident and your involvement in it, you got a call
10 early afternoon from Rufus that he needed a ride to your
11 house?

12 A. Yes, sir.

13 Q. And that's not unusual for him to call and say,
14 hey, can you give me a ride somewhere; is that true?

15 A. Well, he would usually call us when he needed a
16 ride.

17 Q. But he didn't have a driver's license; is that
18 right?

19 A. Yes, sir. That's why we always gave him a ride.

20 Q. So if he was wanting to come and visit you or
21 something y'all would usually go get him?

22 A. Yes, sir, we sure would.

23 Q. In this case you learned that his truck had been
24 involved in a wreck; right? Or the truck was wrecked?

25 A. Yes, sir.

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1 Q. Now, when got to you -- or you send your nephew
2 Justin -- I'm sorry, your grandson, Rufus's nephew, to go
3 pick him up; is that right?

4 A. Yes, sir, I did.

5 Q. And so Justin and Rufus get back to your house; is
6 that right?

7 A. Yes, sir.

8 Q. Still in the afternoon sometime?

9 A. Yes, sir.

10 Q. And you said that you and Rufus talked about what
11 happened. Is that -- did that -- is that the
12 conversation -- did that take place in a bedroom in the
13 house?

14 A. Yes, sir, it sure did.

15 Q. Did you ever talk about the accident and what
16 happened in front of Justin; that you remember?

17 A. Not that I can remember, no, sir.

18 Q. And in the bedroom, was it just you and Rufus or
19 was your husband there, too?

20 A. It was me and my son.

21 Q. Okay. Now, when you're in there and he said that
22 he had been in a wreck, what's the first question you
23 asked him?

24 A. The first question I asked him, I said, son, was
25 you driving?

1 Q. What did he say?

2 A. He said, no, ma'am, I wasn't.

3 Q. Okay. Did he say if he knew who was driving or if
4 he was there or what?

5 A. He said there was one other person in the truck
6 with him and I seem to think that he told me his name was
7 Josh.

8 Q. Okay. But he didn't, he didn't really know who
9 this person was; did he?

10 A. No, sir.

11 Q. Okay. He had met him that night; is that correct?

12 A. Yes, sir.

13 Q. And then y'all talked about him going ahead to
14 California; right?

15 A. Yes, sir.

16 Q. Now, just to be candid, it's not like he had this
17 bus ticket or this trip planned that he was leaving that
18 day or that next day anyway; is that true?

19 A. He had talked about going out there before the
20 accident happened.

21 Q. All right. And the bus in Columbia, that's where
22 Rufus said he could get a bus to California?

23 A. Yes, sir.

24 Q. Okay. And is that something he regularly did at
25 Christmastime, visit this lady friend in California?

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1 A. Yes, sir. He usually would go out there through
2 Christmas to visit her.

3 Q. Okay. Now, prior to Rufus coming to your house,
4 had you had any contact with the highway patrol or law
5 enforcement?

6 A. They came to my house that night and asked me if he
7 was there. And I told them no.

8 Q. But Rufus was already there then; right?

9 A. Uh-huh (affirmative).

10 Q. You lied to the highway patrol; is that right?

11 A. Yes, sir, I did.

12 Q. Do you remember if it was Corporal Mayfield or not?

13 A. It was Mr. Mayfield.

14 Q. Okay. And you admit that you lied to him? You
15 covered for ---

16 A. Yes, sir, I did.

17 Q. Or said that he wasn't there?

18 A. Yes, sir, I did.

19 Q. And then so the next morning, sometime Sunday
20 morning is when y'all left, you and your husband and
21 Rufus left headed toward Columbia; is that right?

22 A. Yes, sir, I did.

23 Q. So you dropped Rufus off and your husband bought
24 his bus ticket; is that right?

25 A. Yes, sir.

1 Q. Did y'all come back home?

2 A. Yes, sir.

3 Q. And when you get back home, was the highway patrol
4 already there or did they get there shortly after you got
5 back?

6 A. They got there shortly after we got back.

7 Q. Okay. And did you -- they told you that they were
8 looking for Rufus; is that right?

9 A. Yes, sir, they did.

10 Q. Did you immediately tell them where he was at?

11 A. No, sir, I didn't, until they told me that they had
12 been ---

13 MR. RICHARDSON: Your Honor, objection.

14 THE COURT: Wait, wait just a minute, ma'am.

15 Yes, sir.

16 MR. RICHARDSON: Hearsay.

17 MR. ALEXANDER: Don't tell me what the trooper
18 said. Just ---

19 THE COURT: Sustained.

20 Q. Why didn't -- when did you tell them where he was?
21 I'll phrase it like that.

22 A. I told them that he was in Columbia. And I said,
23 if y'all will radio down there, y'all will pick him up
24 before he puts foot on bus.

25 Q. You told them fairly quickly from the time that

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1 they got there? It wasn't like an hour later or anything
2 like that?

3 A. No, sir.

4 Q. Okay. And that's how they knew he was in Columbia;
5 is that right?

6 A. Yes, sir. Sure was.

7 Q. Now, let's go back to when y'all -- when you had
8 that conversation with Rufus in the bedroom. Did you
9 take any pictures of Rufus?

10 A. Yes, I sure did.

11 Q. Why did you, why did you take pictures of him?

12 A. Because I figured -- I wanted them for my personal
13 use and if this ever came out in court that I could prove
14 that my son didn't have no bruises, scratches or whatever
15 on him.

16 Q. Now, at that point you didn't know how severe the
17 wreck was; did you?

18 A. No, sir, I sure did not.

19 Q. You weren't aware that Mr. Crain had died or was
20 even severely injured in it; did you?

21 A. No, sir.

22 Q. Okay. Do you recognize these photos?

23 A. Yes, sir.

24 Q. What are they of? Look at all -- there's five in
25 there, so look at all five of them and make sure you

1 recognize them.

2 A. These are pictures of my son that ---

3 Q. Hang on. So did you take those pictures?

4 A. Yes, sir, I sure did.

5 Q. And they were taken in your bedroom in your house?

6 A. Yes, sir, they sure are.

7 Q. And are they -- do they accurately depict what you
8 photographed that day?

9 A. Yes, sir, they sure are.

10 Q. You took these on December the 10th, 2011?

11 A. Yes, sir.

12 MR. ALEXANDER: Your Honor, I'd offer these as
13 Defendant's Exhibits 1 through 5 at this time.

14 MR. RICHARDSON: Without objection.

15 THE COURT: Without objection, Exhibits 1
16 through 5 are admitted and may be published to the jury.

17 (WHEREUPON, Defendant Exhibit Numbers 1 through 5
18 were admitted into evidence.)

19 Q. I'm going to show you, Ms. Raiden, this is
20 Defendant's Exhibit 1. Is that your son?

21 A. Yes, sir, it sure is.

22 Q. And that's in your house?

23 A. Yes, sir, it sure is.

24 Q. Now, did Rufus ask you to take these pictures?

25 A. No, sir, he did not.

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1 Q. That's also a closer-up of your son?

2 A. Yes, sir, it sure is.

3 Q. And did you ask him to look at his chest and back
4 and stuff like that?

5 A. I asked him.

6 Q. Okay. Is that a photo of Rufus's chest or upper
7 chest and lower abdomen?

8 A. Yes, sir, that's him.

9 Q. Now, did you also -- did you see his entire chest
10 up to his shoulders?

11 A. Yes, sir, I did.

12 Q. Did you see any injuries on him at all?

13 A. No, sir, I sure did not.

14 Q. When he got to your house, did he complain of any
15 injuries or being hurt or anything like that?

16 A. No, sir, he sure did not.

17 Q. Is that a photo of your son's back?

18 A. Yes, sir, it sure is.

19 Q. Is that a photo of his face?

20 A. Yes, sir, it sure is.

21 Q. Did you see any scratches or anything on his face?

22 A. He had one little scratch, I think, right here.

23 And he said it came from a briar that he ran into.

24 Q. Okay. When he was ---

25 A. A briar scratch.

- 1 Q. When he was running through the woods?
- 2 A. Yes, sir.
- 3 Q. Do you -- when Justin got back with Rufus, Paul and
4 Jennifer were not at home; is that correct?
- 5 A. Yes, sir. They had gone to a friend's.
- 6 Q. Okay. And had -- is it true that Justin had left
7 by the time Jennifer and Paul got back; is that right?
- 8 A. Yes, sir. They -- that's true.
- 9 Q. Now, Mr. Richardson asked you, you've been charged
10 with an offense related to this; right?
- 11 A. Yes, sir.
- 12 Q. Now, when were you -- you were arrested -- let me
13 rephrase it. Rufus was arrested on December 12th, 2011;
14 is that right?
- 15 A. Yes, sir.
- 16 Q. And you were arrested two or three days after that?
- 17 A. I was arrested the day after that.
- 18 Q. All right. So on the 13th or 14th?
- 19 A. Yes, sir.
- 20 Q. Did you tell -- did you speak to Justin at all
21 about -- did he know that you were arrested, to your
22 knowledge?
- 23 A. Not to my knowledge.
- 24 Q. Okay. Justin's father is your other son; is that
25 right, Duane Raiden?

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1 A. Yes, sir, he is.

2 Q. Did Duane know that you had been arrested?

3 A. No, sir, I don't think so.

4 Q. You didn't tell him you had been arrested?

5 A. I don't think so.

6 Q. They found out at some point you had been arrested;
7 right?

8 A. I think my husband may have called and told them.

9 Q. Okay. But you're not sure when?

10 A. I didn't have time to call nobody or tell nobody
11 nothing.

12 Q. Well, let me rephrase it. In the -- so you were
13 arrested -- how many days did you spend in jail?

14 A. I was in jail a night and a day.

15 Q. Okay. You got bonded out; is that right?

16 A. Got bonded out, yes, sir.

17 Q. So in the week or so after that, during that period
18 of time, do you know whether or not your family,
19 including your grandson and your other son Duane, did
20 they know that you had been arrested?

21 A. Yes, sir, they did.

22 Q. Okay.

23 MR. ALEXANDER: One moment, Your Honor.

24 That's all the questions I have for Ms. Raiden, Your
25 Honor.

1 THE COURT: Any redirect?

2 MR. RICHARDSON: Nothing on redirect, Your
3 Honor.

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

6 THE WITNESS: Thank you, sir.

7 THE COURT: You may call your next witness.

8 MR. RICHARDSON: Thank you, Your Honor. State
9 would call Justin Raiden.

10 THE CLERK: Place your left hand on the bible
11 and raise your right.

12 Do you solemnly swear or affirm that the testimony
13 you're about to give in this case will be the truth, the
14 whole truth and nothing but the truth, so help you God?

15 THE WITNESS: Yes, sir.

16 THE CLERK: Thank you, sir. If you would have
17 a seat and state your name for the record, please.

18 JUSTIN RAIDEN,

19 HAVING BEEN DULY SWORN, TESTIFIED AS FOLLOWS:

20 DIRECT EXAMINATION

21 BY MR. RICHARDSON:

22 Q. State your name.

23 A. Justin Raiden.

24 Q. Mr. Raiden, how old are you?

25 A. Twenty-three.

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1 Q. Okay. Will you do me a favor? I need you to pull
2 up a little bit closer to that mike and speak up so
3 everybody can hear you. It's hard to hear in this
4 courtroom. I'm sorry. How old are you?

5 A. Twenty-three.

6 Q. Okay. And where do you presently live?

7 A. In Piedmont.

8 Q. Okay. Are you employed?

9 A. Yes, sir.

10 Q. Where are you employed?

11 A. At Bigham Cable Construction.

12 Q. Okay, sir. How long have you been employed there?

13 A. About six months.

14 Q. And are you married?

15 A. I'm fixing to be married.

16 Q. Okay. Do you have any children?

17 A. Yes, sir.

18 Q. How many?

19 A. I have one and one on the way.

20 Q. Okay. How old is the one you have?

21 A. She's sixteen months.

22 Q. Where did you go to school?

23 A. I went to Wren.

24 Q. Okay. Did you graduate?

25 A. Yes, sir.

1 Q. Did you have any further education after Wren?

2 A. No, sir.

3 Q. Let me take your memory back to December 10th,
4 2011. Did you, did you have a conversation with your
5 grandmother, Bernice Raiden, on that day?

6 A. (No verbal response.)

7 Q. Did you have any conversations with anybody about
8 picking up the defendant?

9 A. Yes, sir.

10 Q. Okay. Who was that with?

11 A. My grandma.

12 Q. Okay. Did she ask you to go pick him up?

13 A. Yes, sir.

14 Q. All right. And did you ask her anything?

15 A. Yes, sir.

16 Q. What did you ask her?

17 A. I asked her was there anything I needed to know.

18 And she told me that she couldn't tell me. So I went to
19 go pick him up.

20 Q. Okay. And where were you when you had that
21 conversation?

22 A. I was in the front yard.

23 Q. The front yard of her house?

24 A. Yes, sir.

25 Q. Okay. So did you go pick him up?

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1 A. Yes sir, I did.

2 Q. All right. Do you recall about what time this was?

3 A. I would say it was around lunch time.

4 Q. Okay. And it was on Saturday, December the 10th?

5 A. Yes, sir.

6 Q. Okay. Where did you go pick him up?

7 A. I picked him up at his house.

8 Q. Okay. And did you -- did he have anything with him

9 when you picked him up?

10 A. No, sir.

11 Q. Were there any vehicles in his driveway when you

12 picked him up?

13 A. No, sir.

14 Q. Do you know what kind of vehicle he drives?

15 A. Yes, sir.

16 Q. What kind of vehicle does he drive?

17 A. He drove the green Chevrolet.

18 Q. Okay. Let me show you what's been marked State's

19 Exhibit 2. Do you recognize that?

20 A. Yes, sir.

21 Q. And what is that?

22 A. That's the green Chevrolet.

23 Q. Is that the green Chevrolet that the defendant

24 drove?

25 A. Yes, sir.

1 Q. Okay. And did he drive that vehicle on a regular
2 basis?

3 A. Yes, sir.

4 Q. Okay. Now, when you picked him up -- when you
5 picked the defendant up, did you have a conversation with
6 him in your vehicle?

7 A. Yes, sir.

8 Q. And what was that?

9 A. He just told me that somebody had stole his truck
10 and stole his phone. And that's all he said.

11 Q. Okay. At that time did he say anything about him
12 being in a wreck?

13 A. No, sir.

14 Q. Did y'all have any other further conversation other
15 than that?

16 A. No, sir.

17 Q. Where did you take him?

18 A. I took him to my grandmother's house.

19 Q. Okay. And when you got to your grandmother's
20 house, where did he go?

21 A. He sat in the living room.

22 Q. And did you stay at your grandmother's house?

23 A. Yes, sir.

24 Q. Okay. And where did you go?

25 A. I stayed in the living room, as well.

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1 Q. All right. Was your grandmother there?

2 A. Yes, sir.

3 Q. And so we're clear, your grandmother is Bernice

4 Raiden; is that right?

5 A. Yes, sir.

6 Q. Did the defendant and Bernice Raiden, did they have
7 a conversation?

8 A. Yes, sir.

9 Q. Okay. Where was that conversation?

10 A. It was right there in the living room.

11 Q. Okay. And what was said at that time?

12 A. She said that she had gotten a call that he was
13 involved in an accident.

14 Q. And did they say anything else? I'm sorry. Did
15 they say anything else?

16 A. He said that it wasn't him.

17 Q. And did you question him at that time about the
18 wreck or did they just have the conversation?

19 A. They just had the conversation.

20 Q. I see. What did they do then?

21 A. They went into the kitchen and I didn't hear what
22 was going on. And then they came back into the living
23 room.

24 Q. Okay. And when they came back in the living room,
25 did they speak to you at all or were they speaking?

1 A. It was just them speaking.

2 Q. Okay. And what were they saying at that time?

3 A. They were just ---

4 MR. ALEXANDER: Your Honor, I'm going to
5 object. I believe he can testify as to what my client
6 said, but I believe anything his grandmother said is
7 hearsay. He said, they said. He needs to clarify who's
8 saying what, Your Honor.

9 THE COURT: All right. If you would just
10 rephrase your question, Mr. Richardson, as far as that.

11 MR. RICHARDSON: Yes, sir.

12 Q. Mr. Raiden, what, if anything, did the defendant
13 say at that time when they came back out?

14 A. My uncle said that it wasn't him driving.

15 Q. Okay. And did you, at some point in time -- well,
16 did they ever go into the bedroom?

17 A. Yes, sir, they did.

18 Q. And could you hear the conversation at that point
19 in time?

20 A. No, sir.

21 Q. All right. At some point in time were you -- did
22 you leave?

23 A. Yes, sir.

24 Q. And when you left, did the defendant leave with
25 you?

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1 A. No, sir.

2 Q. And did you have a conversation with the defendant
3 at the house?

4 A. Yes, sir. When I got ready to leave.

5 Q. When you got ready to leave?

6 A. Yes, sir.

7 Q. Okay. And can you tell the jury what that
8 conversation ---

9 A. He looked me in the eyes and he said, do you know
10 what I've done? I said, no, sir, what did you do? And
11 he said, I killed a boy.

12 Q. And after he said, I killed a boy, did you respond
13 to him?

14 A. No, sir.

15 Q. And what did you do?

16 A. I left.

17 Q. And the highway patrol came and spoke to you?

18 A. Yes, sir.

19 Q. And you gave, you gave a statement at that time?

20 A. Yes, sir.

21 Q. Okay. And that was your first statement?

22 A. Yes, sir.

23 Q. In the first statement you didn't tell the highway
24 patrol that?

25 A. Yes, sir.

1 MR. ALEXANDER: Your Honor, I object. Leading.

2 THE COURT: Rephrase your question, if you
3 would.

4 Q. In the first statement that you gave the highway
5 patrol, was there anything that you stated about whether
6 he had told you he had killed somebody?

7 MR. ALEXANDER: Your Honor, objection. Still
8 leading.

9 THE COURT: Rephrase your question. I sustain
10 the objection as the question is asked.

11 MR. RICHARDSON: I'll move on from that.

12 THE COURT: Okay, sir.

13 Q. You gave two statements to the highway patrol?

14 A. Yes, sir.

15 Q. Okay. The second statement is different than the
16 first statement?

17 MR. ALEXANDER: Objection. Leading, Your
18 Honor.

19 THE COURT: Ask it in a question -- rephrase
20 your question. I sustain the objection.

21 Q. You had two conversations with the highway patrol?

22 A. Yes, sir.

23 Q. Okay. Now, at some point in time you met with the
24 highway patrol a second time?

25 A. Yes, sir.

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1 Q. Okay. And you gave a second -- did you give a
2 second statement at that time to the highway patrol?

3 A. Yes, sir.

4 Q. Okay. When you gave the second statement to the
5 highway patrol, why did you do that?

6 A. Because ---

7 Q. You need to speak up for me.

8 A. The first time I was scared and I wanted to come
9 clean with everything. And in the second statement I
10 told everything.

11 Q. Okay. And when you told everything in the second
12 statement, who was with you?

13 A. My parents and my preacher.

14 Q. Okay. And had you had a conversation with your
15 preacher prior to that?

16 A. Yes, sir.

17 Q. Thank you. That's all the questions I have.
18 Please answer any questions Mr. Alexander has for you.

19 A. Yes, sir.

20 THE COURT: You may cross examine the witness.

21 CROSS EXAMINATION

22 BY MR. ALEXANDER:

23 Q. You actually gave more than two statements;
24 correct?

25 A. Yes, sir.

1 Q. You talked with someone from the highway patrol on
2 five different occasions; correct?

3 A. Yes, sir.

4 Q. The first being the morning -- the Sunday morning,
5 December 11th in the a.m. hours; right?

6 A. Yes, sir.

7 Q. Corporal Mayfield, I believe, came to your house?

8 A. Yes, sir.

9 Q. And you lived with your ---

10 A. My parents.

11 Q. --- parents? And he asked you, did you give your
12 Uncle Rufus Raiden a ride to your grandparents' house;
13 right?

14 A. Yes, sir.

15 Q. And he also asked you had you seen your uncle; is
16 that correct?

17 A. Yes, sir.

18 Q. And you told him no?

19 A. Yes, sir.

20 Q. You lied to him; correct?

21 A. I lied to him, yes, sir.

22 Q. And then your second statement -- well, in the
23 morning you just gave a verbal statement; right?

24 A. Yes, sir.

25 Q. Not a written statement. Okay. So that afternoon

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1 after -- you went to church, I guess; right?

2 A. Yes, sir.

3 Q. You decided that you needed to, so-called, come
4 clean about it; is that right?

5 A. Yes, sir.

6 Q. So did -- y'all contacted the highway patrol
7 somehow?

8 A. Yes, sir, I did.

9 Q. And you met, I think it was Trooper McMahan on the
10 side of the road somewhere; correct?

11 A. Yes, sir.

12 Q. And is that the statement you're saying that you
13 told him everything in?

14 A. Yes, sir.

15 Q. Okay. So you didn't leave anything out of that
16 statement?

17 A. No, sir.

18 Q. So the fact that you didn't tell Trooper McMahan
19 this conversation you had with Rufus, does that mean it
20 never happened?

21 A. It did happen. I didn't mention that in that
22 statement.

23 Q. Okay. All right. So what you said earlier was
24 wrong then?

25 A. Yes, sir.

1 Q: In that second statement you did not tell Trooper
2 McMahan that your uncle supposedly told you, I killed a
3 man or I killed a boy; is that right?

4 A. Yes, sir.

5 Q. You left that out; is that correct?

6 A. I did mention it to him.

7 Q. Sorry?

8 A. I mentioned that.

9 Q. You're saying you did mention it?

10 A. Yes, sir.

11 Q. Okay. But in that statement you didn't say
12 anything to him about your uncle saying something to you
13 on the ride ---

14 A. Yes, sir, I did mention that.

15 Q. You did mention that?

16 A. Yes, sir.

17 Q. Okay. But you're saying you did tell him that --
18 I'm sorry. You're saying that Rufus did tell you -- I'm
19 sorry; that's a bad question. You're saying that you
20 told Trooper McMahan that your uncle did tell you, I
21 killed a man or I killed a boy?

22 A. Yes, sir.

23 Q. Now, also during that conversation with Trooper
24 McMahan, you and your parents and Trooper McMahan
25 discussed what could happen to you as a result of lying

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1 to Corporal Mayfield earlier?

2 A. Yes, sir.

3 Q. And is it true that Trooper McMahan said that he
4 would put in a good word for you. Do you remember that?

5 A. Yes, sir.

6 Q. But that ultimately he had supervisors and it was
7 really out of his hands?

8 A. Yes, sir.

9 Q. And that you could be charged with false
10 information to police?

11 A. Yes, sir.

12 Q. That you could be charged with accessory after the
13 fact?

14 A. Yes, sir.

15 Q. But you were, in fact, never charged with any of
16 those things; were you?

17 A. No, sir.

18 Q. You told him you were worried about losing your
19 job?

20 A. Yes, sir.

21 Q. And at the time your girlfriend was pregnant;
22 right?

23 A. Yes, sir.

24 Q. You were worried about going to jail and missing
25 the birth of your child?

1 A. Yes, sir.

2 Q. All right. So that day, that afternoon, Sunday
3 afternoon, you didn't give a written statement; did you?

4 A. No, sir.

5 Q. So the next day you met with, it looks like, Lance
6 Corporal Barton of the highway patrol, and you gave a
7 written statement; correct?

8 A. Yes, sir.

9 Q. So surely you put everything in this statement?

10 A. Yes, sir.

11 Q. Okay. I want you to -- so you gave this statement
12 on December the 12th; is that right?

13 A. Yes, sir.

14 Q. Where was that at? Did you meet them somewhere or
15 ---

16 A. If I'm not mistaken, I met at the Spinx.

17 Q. Okay. All right. I'm going to show you this
18 statement. Just read over it to yourself. First of all,
19 is that the statement that you wrote to Lance Corporal
20 Barton?

21 A. Yes, sir.

22 Q. Okay. So that is your statement?

23 A. Yes, sir.

24 Q. Now, did you read all of it?

25 A. Yes, sir.

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1 Q. Nowhere in there do you mention the fact that
2 you're saying that Rufus told you, quote, I killed a man;
3 did you?

4 A. No, sir.

5 Q. It's not in here; is it?

6 A. No, sir.

7 Q. So in fact, your earlier testimony was again wrong;
8 you didn't -- you're saying you didn't put everything in
9 here ---

10 A. No, sir.

11 Q. --- as to what you say happened; right?

12 A. Yes, sir.

13 Q. All right. And you give -- you gave a second
14 written statement; correct?

15 A. Yes, sir.

16 Q. All right. So December 12th you give your first
17 written statement and you became aware that your
18 grandmother had been arrested in connection with whatever
19 they said she helped your uncle with; right?

20 A. Yes, sir.

21 Q. And you were aware she got arrested for some
22 charge; ---

23 A. Yes, sir.

24 Q. --- accessory or aiding and abetting or something?

25 And she was taken to jail?

1 A. Yes, sir.

2 Q. And at this point you were still worried about
3 going to jail yourself; weren't you?

4 A. Yes, sir.

5 Q. So you decided to give a second written statement;
6 correct?

7 A. Yes, sir.

8 Q. And that was done on December 19th, 2011?

9 A. Yes, sir.

10 Q. And it's in this statement where it first appears
11 where you say that Rufus told you, I killed a man?

12 A. Yes, sir.

13 Q. That's the first time you mentioned it to anybody;
14 is that correct?

15 A. Yes, sir.

16 Q. All right. And then you also gave -- your fifth
17 contact, you had a telephone interview with -- I forget
18 his name -- but with the highway patrol around January
19 the 4th, 2012; is that right?

20 A. Yes, sir.

21 Q. And in that statement you repeated basically what
22 you put in your second written statement; correct?

23 A. Yes, sir.

24 Q. All right. So -- and also, in the second written
25 statement, that's the first time it comes up about you

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1 saying that Rufus told you on the ride to your Nanny or
2 your grandparents, that somebody stole his truck?

3 A. Yes, sir.

4 Q. That's the first time you mention that, as well;
5 right?

6 A. Yes, sir.

7 Q. You saw what your uncle was wearing that day when
8 you picked him up?

9 A. Yes, sir.

10 Q. Is that what he was wearing?

11 A. Yes, sir.

12 Q. And when you picked him up, he didn't complain of
13 any injuries or anything; did he?

14 A. No, sir.

15 Q. And you saw -- I think you told the highway patrol
16 that all you saw is he had a few briar scratches on his
17 face?

18 A. Yes, sir.

19 Q. So you lied to the police your first contact; is
20 that true?

21 A. Yes, sir.

22 Q. And then you decide to try to come clean, but you
23 don't tell them everything during that second contact; do
24 you?

25 A. No, sir.

1 Q. You leave out this stuff about, I killed a man; is
2 that true?

3 A. Yes, sir.

4 Q. And you leave out the stuff about that someone
5 stole his truck and phone; right?

6 A. Yes, sir.

7 Q. And then you give a written statement, and it's
8 also not in there. And then you find -- is that true?

9 A. Yes, sir.

10 Q. Then you find out that your grandmother has
11 actually been charged and arrested for helping ---

12 MR. RICHARDSON: Your Honor, I'm going to
13 object. This is asked and answered. This is about the
14 third time he's been over the same thing.

15 THE COURT: Overrule your objection.

16 Q. Then you find out your grandmother has been charged
17 and arrested?

18 A. Yes, sir.

19 Q. And you were worried about going to jail, being
20 charged and arrested; right?

21 A. Yes, sir.

22 Q. And that's when you decide to give them this
23 statement about, he told me, I killed a man; is that
24 right?

25 A. Yes, sir.

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1 Q. You wanted to make sure that they needed you to
2 testify in this matter?

3 MR. RICHARDSON: Objection. That's
4 argumentative.

5 THE COURT: I sustain the objection to that
6 question. You may rephrase your question, Mr. Alexander.

7 MR. ALEXANDER: I withdraw the question, Your
8 Honor. One moment, Your Honor.

9 That's all the questions I have, Your Honor.

10 THE COURT: Anything in redirect?

11 MR. RICHARDSON: Yes, sir.

12 **REDIRECT EXAMINATION**

13 **BY MR. RICHARDSON:**

14 Q. Mr. Raiden, you understand you're under oath today?

15 A. Yes, sir.

16 Q. And you understand by being under oath that you're
17 subject to the penalties of perjury if you lie in this
18 courtroom?

19 A. Yes, sir.

20 Q. Okay. Today, what you have told this jury, is that
21 the truth?

22 A. Yes, sir.

23 Q. Thank you.

24 THE COURT: Thank you, sir. You may step down.

25 MR. RICHARDSON: Your Honor, can he be excused?

1 MR. ALEXANDER: No objection.

2 THE COURT: Without objection he may be
3 excused.

4 Can I see the attorneys here just for a moment?

5 (WHEREUPON, Messrs. Alexander and Richardson
6 approached the bar.)

7 THE COURT: All right. Call your next witness.

8 MR. RICHARDSON: State calls Scott McMahan.

9 THE CLERK: Raise your right hand.

10 Do you solemnly swear or affirm that the testimony
11 you're about to give in this case will be the truth, the
12 whole truth and nothing but the truth, so help you God?

13 THE WITNESS: Yes, sir, I do.

14 THE CLERK: Thank you, sir. If you would have
15 a seat and state your name for the record, please.

16 THE WITNESS: My name is Scott McMahan. I'm a
17 Lance Corporal with the highway patrol.

18 SCOTT MCMAHAN,

19 HAVING BEEN DULY SWORN, TESTIFIED AS FOLLOWS:

20 DIRECT EXAMINATION

21 BY MR. RICHARDSON:

22 Q. Sir, how long have you been at the highway patrol?

23 A. Approximately twenty-seven years.

24 Q. So you were employed, certainly, with the highway
25 patrol back in December of 2011?

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1 A. Yes, sir, I was.

2 Q. And did you have an occasion to become involved
3 with the wreck that happened down on Highway 8 on
4 December the 10th?

5 A. Yes, sir, I did. I was actually the day shift
6 supervisor, day shift corporal. I've since retired. But
7 I was the day shift corporal and spoke with Corporal
8 Mayfield who worked the night before and had give me the
9 information and what he wanted me to do as far as follow-
10 up.

11 Q. Okay. I'm going to ask you to speak up just a
12 little bit.

13 A. Yes, sir. I'm sorry.

14 Q. Speak into that mike.

15 A. Yes, sir.

16 Q. And did you actually go to the defendant's house?

17 A. I did. I went to the defendant's house. I knocked
18 on the door. I checked around the house. Was unable to
19 get anyone to the door. I actually set up on the house
20 to watch it to see if anyone would show up or anyone was
21 there that would come out and never saw anyone.

22 Q. Okay. And do you recall about what time that was?

23 A. I want to -- I don't recall the exact time, but I
24 want to say it was the morning to mid-morning.

25 Q. Okay, sir. And were there any other vehicles in

1 the driveway when you set up on that house?

2 A. I don't recall any. I don't recall.

3 Q. Okay, sir. That's all the questions I have.

4 Please answer any questions the defense counsel may have.

5 MR. ALEXANDER: Please the court, Your Honor.

6 **CROSS EXAMINATION**

7 **BY MR. ALEXANDER:**

8 Q. Is it Lance Corporal?

9 A. I am -- I retired and they hired me back, yes, sir.

10 Q. All right. So you met with -- are you the trooper
11 that met with Justin Raiden on the side of the road ---

12 A. Yes, sir, I am.

13 Q. --- Sunday afternoon or something?

14 A. Myself and McDowell, Trooper McDowell, yes, sir.

15 Q. All right. You took his verbal statement at that
16 time?

17 A. I spoke with him, yes, sir.

18 Q. Okay. Did you tell him -- or is it fair to say
19 that him and his parents expressed worry about what might
20 happen with him?

21 MR. RICHARDSON: Objection, Your Honor.

22 Hearsay.

23 MR. ALEXANDER: I didn't ask -- I'll rephrase
24 it.

25 THE COURT: Rephrase it, if you would.

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1 Q. Based on your observations, did Mr. Raiden seem
2 concerned about he might be charged with something for
3 lying to the highway patrol earlier that day?

4 A. I don't think that he seems overly concerned. He
5 was worried. He was sorry. I believe his words to me,
6 I'm sorry I didn't tell the truth to start with. And his
7 mother -- I believe it was his mother asked me, and I
8 told them that I did not think that they had an issue
9 with that since he had told the truth.

10 Q. Didn't you tell him -- I don't know the exact words
11 -- but something to the effect that you would put a good
12 word in for him?

13 A. I told him -- yes, sir, I did. He was coming
14 forward, it was forthwith with information, and I said,
15 you know, I will tell them that you've come forth and
16 told the truth, yes, sir.

17 Q. But you also told him that you had supervisors that
18 you answer to ---

19 A. Yes, sir, I did.

20 Q. --- and it was somewhat out of your hands?

21 A. Yes, sir.

22 Q. And then at some point you were asked -- or at some
23 point you told them that he could be charged with
24 anything from false information to police to accessory
25 after the fact?

1 A. I might have said that, yes, sir.

2 Q. All right. But he did -- and he did apologize for
3 lying earlier, I guess, you said; right?

4 A. I don't remember exact words, but it was something
5 to that effect. Yes, sir.

6 Q. Now, did you -- you took a written statement from
7 Tara Henderson; is that correct? Young black lady?

8 A. I don't recall taking -- I could have. I don't
9 recall.

10 Q. Okay.

11 MR. ALEXANDER: One moment, Your Honor, while I
12 get the statement. I'm just going to show it to him.

13 Q. Let me show you this statement. Does it look like
14 you took that statement from that witness?

15 A. I am one of the witnesses, yes, sir.

16 Q. Okay. Do you remember talking with Tara Henderson
17 at all? Does that refresh your recollection at all?

18 A. I think we -- yeah, I see it now, yes. I vaguely
19 remember talking to her. I think it was AT&T place or
20 something ---

21 Q. Sprint maybe?

22 A. Maybe, yes, sir.

23 Q. Okay. Do you remember discussing with her about
24 that whoever was driving this truck that y'all were
25 looking for had to have been injured?

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Scott McMahan - Redirect Examination by Mr. Richardson

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1 A. I don't remember the entire conversation. I don't,
2 sir.

3 MR. ALEXANDER: That's all the questions I
4 have, Your Honor.

5 THE COURT: Any redirect?

6 **REDIRECT EXAMINATION**

7 **BY MR. RICHARDSON:**

8 Q. And so when you were set up on the defendant's
9 house, about how long were you there?

10 A. I'd say an hour or more.

11 Q. Okay. And at that point, after you left, did
12 anybody -- any other patrol car come and take your place?

13 A. I don't recall anyone coming out. No, sir, I
14 don't.

15 MR. RICHARDSON: That's all the questions I
16 have. Thank you.

17 THE COURT: Thank you. You may step down,
18 officer.

19 THE WITNESS: Thank you, sir.

20 MR. ALEXANDER: No objection to him being
21 excused.

22 THE COURT: Without objection, the witness may
23 be excused.

24 THE WITNESS: Thank you, sir.

25 THE COURT: Mr. Foreman, ladies and gentlemen,

1 this might be a good time for us to take a lunch break.

2 I'm going to let you go to lunch. If you will be back at
3 two o'clock, we'll be ready to proceed with further
4 testimony. Let me remind you again not to discuss it
5 with anyone. Don't let anyone discuss it with you. If
6 you're out in a restaurant and other people involved in
7 the case are at a table near you and discussing it, you
8 take the initiative and move to another booth. Remember
9 the commitment you've made to these parties to be fair
10 and impartial throughout the trial. And again, we want
11 to maintain the purity of the process we're in and not
12 have any extraneous information coming your way. I don't
13 suspect anyone would purposefully contact you. If that
14 happens, please let me know, as I told you yesterday.

15 Have a good lunch, ladies and gentlemen. We'll be
16 back at two o'clock.

17 Everyone else, please remain seated while the jury
18 departs.

19 (WHEREUPON, the jury exited the open court at
20 approximately 12:49 p.m.)

21 THE COURT: All right. We'll be ready to start
22 back at two.

23 (WHEREUPON, the court stood at recess for a lunch
24 break.)

25 (WHEREUPON, State Exhibit Numbers 22 through 27 were

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1 marked for identification.)

2 THE COURT: All right. Ready to proceed?

3 MR. RICHARDSON: State's ready, Your Honor.

4 MR. ALEXANDER: Defense is ready, Your Honor.

5 THE COURT: All right. Let's have our jury

6 come in if they're ready.

7 (WHEREUPON, the jury entered the open court at

8 approximately 2:10 p.m.)

9 THE COURT: Mr. Foreman, ladies and gentlemen,
10 for your benefit, I understand the county administration
11 is keeping an eye out for weather conditions, so they'll
12 hopefully let us know if we need to depart. Otherwise,
13 we'll continue working.

14 Mr. Richardson, you can call your next witness,
15 please.

16 MR. RICHARDSON: Thank you, Your Honor. Please
17 the court. The state would call Tommy Brooks.

18 THE CLERK: Raise your right hand.

19 Do you solemnly swear or affirm that the testimony
20 you're about to give in this case will be the truth, the
21 whole truth and nothing but the truth, so help you God?

22 THE WITNESS: Yes, sir.

23 THE CLERK: Thank you, sir. If you would have
24 a seat and state your name for the record, please.

25 THE WITNESS: My name is Tommy James Brooks.

1 **TOMMY JAMES BROOKS,**

2 **HAVING BEEN DULY SWORN, TESTIFIED AS FOLLOWS:**

3 **DIRECT EXAMINATION**

4 **BY MR. RICHARDSON:**

5 Q. Mr. Brooks, you work for the South Carolina Highway
6 Patrol; is that correct?

7 A. Yes, sir, I do.

8 Q. Okay. And what's your rank?

9 A. I'm a corporal.

10 Q. And how long have you been with the South Carolina
11 Highway Patrol?

12 A. Since 1996. I'm in my eighteenth years.

13 Q. And today what duties do you have as part of the
14 South Carolina Highway Patrol?

15 A. Right now, I'm assigned to the Multi-disciplinary
16 Accident Investigation Team. It's a team that's designed
17 to work complex motor vehicle collisions. We can do
18 train wrecks, plane crashes, wrecks on the lake with
19 boats. We go in and we take the facts as we find them.
20 And we're able to reconstruction and do scale diagrams
21 and in some cases we do animations, 3D animations.

22 Q. So basically is it an accident reconstruction team?

23 A. Yes, sir, it is.

24 Q. Okay, sir. Now, in order to become a member of
25 this team, do you have to have some specialized training

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1 and education?

2 A. Yes, sir, you do.

3 Q. Okay. Have you gone through training and
4 education?

5 A. Yes, sir, I have.

6 Q. Can you tell the jury what that is?

7 A. Yes, sir. I actually have a thousand -- well,
8 actually I have a total of a thousand forty-eight hours
9 of advanced accident reconstruction training. And it
10 started actually in 1999 and went all the way up -- of
11 course, we're continually training. We train all the
12 time.

13 Q. Okay, sir. And did you take any specialized
14 courses in regards to the accident reconstruction?

15 A. Yes, sir, I did. And all these tied together are
16 the core courses that we take when we first come over to
17 the team or if you have prior to coming to the team, if
18 you worked as a MAIT associate on the road, it's an at-
19 scene traffic collision investigation course, an advanced
20 collision investigation course, a traffic collision
21 reconstruction, forensic mapping technology course,
22 collision forensic investigative techniques, basic
23 detective DNA training, human factors occupant
24 kinematics, and the list just goes on and on.

25 Q. Okay, sir. And how long have you been with the

1 MAIT part of the South Carolina Highway Patrol?

2 A. Since 2008 as a permanent member. Prior to that I
3 was a MAIT associate, which I had the same four core
4 courses to get you started with reconstruction, and I
5 would go out and assist the MAIT team when they had
6 collisions to investigate.

7 Q. And in so assisting, were you basically being
8 trained to do the job you're doing today?

9 A. Yes, sir.

10 Q. And have you ever -- can you tell the jury how many
11 accidents you've reconstructed in your time?

12 A. It's in the hundreds. I couldn't give you a
13 specific number.

14 Q. Okay. But have you ever been qualified as an
15 expert in accident reconstruction in the state of South
16 Carolina?

17 A. Yes, sir, I have.

18 Q. Okay. And how many times have you been so
19 qualified?

20 A. Once in Pickens County and once in Spartanburg
21 County.

22 Q. Okay.

23 MR. RICHARDSON: Your Honor, at this time I'd
24 offer Trooper Brooks as an expert in accident
25 reconstruction?

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1 THE COURT: Is there any objection or any voir
2 dire of this witness?

3 MR. ALEXANDER: No voir dire, Your Honor. I'll
4 leave it to Your Honor's discretion as to qualifications.
5 I would object to this line of questioning at this time
6 based on relevance and previous matters stated on the
7 record, Your Honor.

8 THE COURT: All right. Your objection is noted
9 on those matters of relevancy. The witness is qualified
10 as an expert.

11 Ladies and gentlemen, let me just explain a little
12 bit to you about an expert witness. Normally when a
13 person comes and testifies in court, they can talk about
14 what they've seen or heard or sensed by one of their
15 senses, a smell or a taste or whatever. But there is an
16 exception when a person is qualified because of training
17 or expertise in some field, they're permitted to give an
18 opinion and also the basis of that opinion.

19 The fact that this witness has been qualified as an
20 expert in accident reconstruction does not mean that you
21 must accept that opinion. It's testimony, just as any
22 other testimony, and you use it the way that you see fit.

23 You may continue, Solicitor.

24 MR. RICHARDSON: Thank you, Your Honor.

25 Q. Corporal, were you called to investigate a wreck

1 scene on Highway 8 back on December the 10th of 2011?

2 A. Yes, sir, I was.

3 Q. Okay. And who makes that request to you?

4 A. Typically what happens, when the road trooper
5 arrives on the scene -- in this case it was Corporal
6 Mayfield -- they see a need to call the MAIT team. If
7 it's a leaving the scene, if they have somebody that's
8 severely injured and the other driver is not there, they
9 call us. And sometimes it's solely at the District
10 Captain's discretion. In this case a call was made by
11 Corporal Mayfield to a lieutenant. That lieutenant
12 called Columbia and spoke with Captain Lee, which is a
13 commander for the MAIT team, who in turn called Sergeant
14 Brock, and then Sergeant Brock called me and let me know
15 that they had an active collision scene in Pickens
16 County. Corporal Mayfield is the supervisor and the
17 investigating officer, to give him a call, find out
18 exactly where it was, and head that way.

19 Q. Okay, sir. And at this juncture, were you a
20 supervisor?

21 A. Yes, sir.

22 Q. And did you, in fact, go to the scene of this
23 wreck?

24 A. Yes, sir, I did.

25 Q. Okay. When you, when you enter a scene -- well,

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1 let me ask you this. Did you have other members of your
2 team with you?

3 A. Well, typically what happens, when they call,
4 normally I take one other -- I have two other guys on my
5 team. I will take one person. In this case I telephoned
6 Lance Corporal Andis and I had him en route. He lived in
7 Greenville. I arrived on the scene on Highway 8 around
8 four fifteen hours in the morning. And typically what
9 happens when I arrive on the scene is I actually start by
10 speaking with Corporal Mayfield, let him give me a walk-
11 through and tell me what is there, what's going on. And
12 then once he tells me all this, once my other
13 investigator gets on the scene, then I start tasking out
14 different jobs.

15 Q. Okay, sir. And the other trooper that you
16 mentioned, he was there assisting you?

17 A. Yes, sir.

18 Q. Okay. And is part of your duties in collecting of
19 evidence is to take pictures ---

20 A. Yes, sir, it is.

21 Q. --- of the scene? And were pictures taken December
22 the 10th of this wreck scene?

23 A. Yes, sir. What happened, once we arrived on the
24 scene, I spoke with Corporal Mayfield, and once Lance
25 Corporal Andis arrived, I tasked Lance Corporal Andis

1 with taking digital photographs. Typically what we do
2 when we do stuff at night, we photograph not with camera
3 flash, but what we call painting the light. We set the
4 camera up on a tripod. We adjust the settings on the
5 camera so that it just opens the shutter. And then we
6 actually take a flashlight and we actually -- it looks
7 like you're painting because you're moving the flashlight
8 around to light up the scene. It absorbs more light and
9 you get almost like a daytime photo of the evidence that
10 you're looking at.

11 Q. Okay, sir. Let me hand you what's been marked.
12 State's Exhibit 8 through 16. If you'll take a look at
13 those for me.

14 A. All right, sir.

15 Q. Yes, sir. Now, were those pictures taken by your
16 MAIT unit at the scene on the night of December the 10th?

17 A. Yes, sir.

18 Q. Excuse me. In the morning hours of December the
19 10th?

20 A. Yes, sir.

21 Q. Okay. And do those photos accurately depict the
22 scene as you saw it that evening?

23 A. Yes, sir, they do.

24 Q. All right.

25 MR. ALEXANDER: No objection.

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1 THE COURT: All right. Without objection,
2 Exhibits 8 through 16 are admitted into evidence and may
3 be published to the jury.

4 (WHEREUPON, State Exhibit Numbers 8 through 16 were
5 admitted into evidence.)

6 Q. One of the things that you -- one of the purposes
7 of you being out there is to collect evidence, but also
8 to try to ascertain fault; is that correct?

9 A. Yes, sir. Typically what we do is once we arrive
10 on the scene, we start to gather the evidence; if it's
11 marks in the roadway, if it's gouges in the roadway, if
12 it's tire marks, hair, tissue, blood, whatever the
13 evidence is, when we start collecting our evidence, we
14 use that when we get -- when we start putting all the
15 pieces of the puzzle back together. Evidence in the
16 roadway, we begin by mapping that and putting it together
17 with that also.

18 Q. Okay, sir. And in this particular wreck scene, did
19 you observe gouge marks and skid marks?

20 A. Yes, sir, I did.

21 Q. And were those -- were photos taken of those?

22 A. Yes, sir.

23 Q. Okay. Let me show you what's been marked State's
24 Exhibit 9. You have that -- there should be a pointer up
25 there.

1 A. Yes, sir.

2 Q. In this picture, what is some of the things that
3 you're looking at in determining the fault of the
4 accident?

5 A. Well, typically what we look for, obviously we look
6 at final rest of the vehicles to see where they ended up
7 after the collision. Because these things, as dynamic as
8 they are, car parts fly everywhere, so you have to be
9 able to track those parts down and figure out where they
10 came from and what actually caused it. In this case,
11 evidence that's circled in right there is actually gouge
12 marks in the pavement. And gouge marks come when cars
13 collide and they hit at their maximum engagement, which
14 means all the forces are coming together, they're loading
15 up on it and it's jamming -- the metal parts are hitting
16 the ground, suspension parts, anything; shock parts,
17 broken metal parts or whatever. But once the cars begin
18 to rotate or they begin to disengage and they lift up
19 from maximum engagement, then they slide out or they move
20 out to their final rest. With that there's also a tire
21 mark right here. That goes -- it actually started over
22 near the fog line. And the way this road is set up here,
23 this is Highway 8. Sheriff Mill Road is actually back
24 behind us, back this direction. This the lane going to
25 Anderson County. This is the lane coming into Easley.

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1 This tire mark actually started over near the fog line,
2 which would have been the incoming lane toward Easley.
3 But basically what you have with that mark right there,
4 what caused it is the area of collision on this truck --
5 everything has a center of mass. There's a center to
6 everything that you have. That's how a basketball player
7 can spin a basketball on his finger, because he's got the
8 center of mass. Same thing if I use this bible right
9 here, it's got a center of mass. When cars hit and they
10 -- pending on where they're lining up on the center of
11 mass, it makes it do certain things. In this case, it's
12 not -- what we would call an offset head-on, so what I'm
13 saying is that it's not really a dead center hit on the
14 center where the center of mass would be acted upon.
15 This is actually -- sort of a -- would be more on the
16 lines of a glancing blow, like what I said is considered
17 an offset head-on. And basically what happened is when
18 this truck and the car impacted one another, the car was
19 actually rotated back off the roadway onto the
20 embankment. This car actually -- well, the truck started
21 rotating what would be clockwise for the truck. What
22 happened in that case that made the tire mark is once the
23 vehicle started sliding sideways, all the weight loaded
24 up on that one side. You get one tire mark that leads to
25 the driver's rear, and it not only started over here, but

1 led up underneath and actually stopped up underneath the
2 driver's rear tire. There's also a mark on the side of
3 the tire where it got over-deflected. What I mean by
4 that is, you know, a tire is designed to ride, it's
5 designed to flex to give you a comfortable ride. So once
6 it starts sliding sideways and a vehicle starts loading
7 its weight up on that side, it gets up on the shoulder of
8 the tire and actually scrubs that rubber off. And you
9 can see that in some of the evidence also. But what the
10 evidence I found out here told me is that the collision
11 actually occurred in this lane. That this truck was
12 actually, for whatever reason, was left of center and
13 upon impact this truck just rotated to its final rest and
14 it actually knocked the car back up on the embankment.

15 Q. Okay, sir. So when you say knocked the car back,
16 I'm going to refer to State's 7.

17 A. Yes, sir.

18 Q. To that position?

19 A. Right. These gouge marks that you see are post-
20 impact movement for the car where it spun around and slid
21 back up on the embankment.

22 Q. Okay, sir. And this -- I'm referring now to
23 State's 8. Is that a little better picture of the ---

24 A. Yes, sir. And that is it right there. It's almost
25 like you use a squeegee or a mop to mop up water,

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1 especially with it sliding sideways. Because what's
2 happening, it's taking the debris that's on the roadway,
3 rocks and gravel, and it's grinding it into the pavement
4 and slightly pushing it, too. So actually that's where
5 you get that mark. There's actually rubber in there,
6 too. You can see the black right there where the oils in
7 the rubber are heating it up and it's leaving a transfer
8 on the ground.

9 Q. Okay, sir. And the collision point between the
10 vehicle -- I'll show you what's been marked State's
11 Exhibit 1. Now, do you recognize this vehicle?

12 A. Yes, sir, I do.

13 Q. What is that?

14 A. That's the victim's Chevrolet.

15 Q. Okay. The collision point on the victim's
16 Chevrolet is where?

17 A. The impact, again, is not in line with its center
18 of mass. It's more along the lines of almost this
19 headlight right here.

20 Q. Okay, sir. And when you take these markings and
21 the gouge marks and make that determination, do y'all map
22 -- do a mapping of the scene?

23 A. Yes, sir, we do. And actually what we do, it's
24 almost like a surveyor. We've got a transit; it's a
25 laser that shoots out. What it's doing is measuring

1 distances from the station as it's set up. It's
2 measuring the height of whatever that you have out there.
3 And typically what happens is one team member will set
4 the station up; he'll actually work the station and the
5 data collector. And the guy who's down the road with the
6 prism pole or with the cones, whatever he's telling the
7 guy to log into the data collector, the other trooper is
8 actually drawing a picture, so we call him the architect,
9 because he's the one that's actually architecting the
10 scene. And in this case I was the architect.

11 Q. Okay, sir. And in doing so, are you -- is part of
12 your duties to ascertain the speed of the vehicles or
13 attempt to ascertain the speed of the vehicles?

14 A. We do. In this case, it looks really, really bad
15 as far as the damage, but as far as the car goes,
16 actually the impact occurred in the car -- in the area of
17 the car that's really soft metal. And speed in this case
18 wasn't really a factor. It was more along the lines of a
19 bigger vehicle hitting a smaller vehicle. Kind of like a
20 football player, a linebacker running over the top of
21 somebody, basically is what you got.

22 Q. Okay. Do you know -- you said the bigger vehicle
23 and the smaller vehicle. Do you know the differential on
24 weight between those two?

25 A. I could -- it's in the, it's in the documents in

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1 the case file. I could look that up. Typically what
2 happens, once we arrive on the scene, too, is we check
3 and see if either one of the cars have airbags, for
4 starters. If a car has an airbag, we go to our computer
5 file and see if that vehicle is downloadable. In this
6 case, a speed was calculated. What we used for a speed
7 on the calculation for the victim's car is from his
8 airbag download. The airbag control module actually
9 tracks data. The newer the car, the more information you
10 get. In this case, five seconds prior to the deployment
11 of the airbags -- because really the airbag control
12 module doesn't know that there's a wreck. It just knows
13 it controls airbags. If there's a change of velocity
14 that's fast enough or great enough to cause airbags to
15 blow, it begins to document and it's in milliseconds.
16 It's extremely quick. It goes back five seconds from
17 impact. The speed that we calculated, actually, part of
18 it came from this car which was going, I believe it was
19 twenty-four miles an hour one second before impact.

20 Q. Okay. And this was an older vehicle that hit this
21 -- the truck was an older vehicle?

22 A. Yes, sir. It was an older Chevrolet truck.

23 Q. And from that -- from what you gathered evidence at
24 the scene, you go back to the mapping part of it, you
25 actually map it into your computer; is that right?

1 A. Yes, sir, we do. And like I said, as I go along,
2 as I see gouge marks or tire marks in the pavement, I'm
3 actually telling him, I want you to start this as a gouge
4 mark and he'll map the beginning and how many points I
5 have in the gouge and that gives us a scale to use in the
6 drawing. It actually puts it exactly like it is on the
7 ground. And that's how we come up with a scaled diagram;
8 just like drawing an architectural picture, but just for
9 car wrecks.

10 Q. Okay. Let me hand you what's been marked State's
11 Exhibit 17, 18, 19 and 20. Do you recognize that?

12 A. Yes, sir, I do.

13 Q. Okay. And are those actually the mapping that was
14 taken from the evidence at the scene?

15 A. Yes, sir.

16 MR. ALEXANDER: No objection.

17 THE COURT: Without objection, 17 through 20
18 are admitted ---

19 MR. ALEXANDER: Prior objection only, Your
20 Honor.

21 THE COURT: Yeah. Your prior objection is
22 noted.

23 Q. Okay, sir. Let me show you first -- I'm just going
24 to go through these one by one. State's Exhibit 17, what
25 exactly are you showing here?

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1 A. What we're showing here is actually the road by
2 itself without any evidence on it; without any tire marks
3 on it. Typically what we do once we map this, once we
4 put it in the computer for our diagramming, we will
5 actually layer the different layers. And the different
6 layers are right here in red. It starts out with a
7 roadway layer. The second layer is an impact layer. The
8 third layer is evidence and final rest layer. And the
9 fourth layer of it is a sequence of events. But in this
10 particular case, this shows Highway 8. This is Sheriff
11 Mill Road. The north area -- this is actually a magnetic
12 north; that's where north really is. But on even number
13 highways, they're all running east/west, as far as the
14 highway department goes. And the odd number roads, of
15 course, run north/south. It's for highway purposes.

16 Q. Okay, sir. Let me show you what's marked State's
17 Exhibit 18. What are you showing in that one?

18 A. This is actually the impact layers. And typically
19 with two cars you'll only have one impact layers. If
20 you've got multiple vehicles, you may have two or more.
21 In this case, the cars were placed on this diagram by the
22 evidence that was left on the roadway, the gouge marks,
23 the beginning of the tire mark for the truck. And in
24 this case, this is the lanes, again, going in towards
25 Easley and these are the lanes going towards Anderson

1 County.

2 Q. Can you identify which is the truck and which is
3 the ---

4 A. Yes, sir, this is the victim's, the silver car, and
5 this green truck is the one that drove left of center.

6 Q. And let me show you what's been marked now State's
7 Exhibit 19. And what are you showing on this one?

8 A. This is what is known as the evidence and final
9 rest layer. Again, this is a one-inch equals thirty feet
10 scale, so it's hard to see just by looking at it. Right
11 here you have the gouge marks that we saw in the
12 photographs. That's the tire mark that I told you about
13 that started and led up underneath and stopped under this
14 tire. And of course, there will be a gouge mark right
15 here, and then the final rest of the car.

16 Q. And State's Exhibit 20?

17 A. Again, this is actually a sequence of events layer.
18 With the two-car wreck that we have, sometimes it looks a
19 little busy because we've got cars that are stacked on
20 top of each other. But it's just showing the truck
21 coming from Easley -- or the car going towards Easley
22 and, like I said, for whatever reason, the vehicle drives
23 left of center and that's the impact lawyer turn on,
24 along with the evidence, and this is the final rest of
25 the cars.

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1 Q. And based upon what you found evidence-wise at the
2 scene, and of course, you've mapped it out, do you have
3 a, do you have an opinion as to which vehicle caused the
4 accident?

5 A. Yes, sir, I do.

6 Q. What is that opinion?

7 A. The green truck actually drove left of center,
8 drove across the double yellow line into the lanes that
9 was designed for traffic going inbound toward Easley and
10 struck the silver car at an offset head-on.

11 Q. And do you have an opinion as to how far left of
12 center the green truck was?

13 A. Well, yes, sir, ---

14 Q. At the time of the collision?

15 A. As you can see by the diagram, he's totally within
16 the silver car's lane. And again, the truck was placed
17 on there by the tire mark that it left post-impact. So
18 we actually lined that right back up on top of the tire
19 mark and were able to rotate it to its final rest.

20 Q. Okay. And does that correspond with where the last
21 resting place of the vehicle was?

22 A. Yes, sir.

23 Q. Okay, sir. Now, in addition to mapping the scene
24 and getting evidence, gouge marks and things of that
25 nature, do you also attempt to gather evidence from

1 within the evidence?

2 A. Yes, sir, we do, especially on one where we have a
3 driver that has fled the scene.

4 Q. Okay, sir. And in doing so, do you also -- you
5 take pictures of those?

6 A. Yes, sir, we do.

7 Q. And in fact, did you take any pictures or photos of
8 the green pickup truck?

9 A. Lance Corporate Andis took the photos. And
10 actually I followed behind him with a digital video
11 camera, but he did take photographs of the truck.

12 Q. Okay, sir. And I'm going to show you State's
13 Exhibit 13. This is State's Exhibit 13. What is that a
14 photo of?

15 A. This is actually the interior of the driver's side
16 door. This is your door handle right here where you put
17 your fingers in to close your door. This is the carpet
18 that's directly underneath that where the door handle is
19 up right here. And that right there is actually a fresh
20 spot of blood.

21 Q. Okay, sir. And can you show where that is in that
22 picture?

23 A. Right there.

24 Q. Once you find something of that nature, what's your
25 procedure?

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1 A. Well, typically on blood like that, we have a
2 forensic kit for DNA gathering. I actually went back to
3 my vehicle and got my kit out. What happens, inside that
4 kit you've got a sealed and sterile -- and actually what
5 it ends up being is a long Q-tip is what it is. I don't
6 want to be fancy with the names, but it's just a Q-tip.
7 We have individual packs of distilled water. Once you
8 get to a scene where you need to get a sample, we take
9 the cap off that and it's sealed up from the factor,
10 nobody can open it. It's one use and we throw it away.
11 We wet the tip of that Q-tip, get the cotton wet, and
12 actually we'll roll it in that blood. And once we get it
13 rolled in that blood, we've got an individual carton that
14 we label where we took the blood from, what time we took
15 it and we actually slide it up in the cardboard. That
16 cardboard is sealed up and then placed into the evidence.
17 Q. And did you do that in this case?
18 A. Yes, sir, I did.
19 Q. And let me ask you, Trooper, did you note any --
20 did you note the consistency of the blood?
21 A. Yes, sir. I noted that it was a pretty good drop.
22 It was still wet. It had actually began to -- it was
23 drying at the top, but the drop had actually started to
24 run down a little bit on there, so it was still fairly
25 fresh.

1 Q. Okay. And once you incorporate the blood into the
2 -- into, I believe you said a box; ---

3 A. Yes, sir.

4 Q. --- is that correct, sir? At that point in time do
5 you develop a chain of custody?

6 A. Yes, sir, we do.

7 Q. And the purpose of which is to show the blood as it
8 goes down through the line?

9 A. Yes, sir.

10 Q. And what are you doing with the blood? What's your
11 plans with the blood?

12 A. Well, since we didn't have a driver at this time or
13 a suspected driver, what we do, we took the blood. The
14 blood was placed in that box I told you about, the
15 container. It was sealed up with the date and time,
16 where the swab was taken from, and it was actually
17 transported to our evidence. We've got an evidence
18 holding room at the MAIT office. We did at the time.
19 Now it goes under the Greenville trooper's office. It's
20 placed in there until the trooper takes it to SLED. And
21 it's removed to take to SLED.

22 Q. Let me hand you what's been marked State's Exhibit
23 22. Do you recognize that?

24 A. Yes, sir, I do.

25 Q. Okay. What is that?

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1 A. That's the chain of custody for the swab of blood.

2 MR. ALEXANDER: No objection.

3 MR. RICHARDSON: Your Honor, at this time I
4 move State's Exhibit 22 into evidence.

5 THE COURT: Is Exhibit 13 admitted into
6 evidence? Is it already in?

7 MADAM COURT REPORTER: 13?

8 THE COURT: 13.

9 MR. ALEXANDER: That was entered as part of the
10 group earlier, if I'm not mistaken.

11 THE COURT: The last picture shown, I didn't
12 know if it was admitted into evidence or not, the one
13 that you just -- this one and the one before, are they
14 into evidence?

15 MR. RICHARDSON: Yes, sir, I thought I admitted
16 it.

17 THE COURT: Okay.

18 MR. RICHARDSON: Well, at this time just so I
19 make sure ---

20 THE COURT: Did you have them ---

21 COURT REPORTER: I did not have them admitted.

22 THE COURT: Okay. There's no objection to the
23 chain of custody. That's Exhibit 22; is that right?

24 MR. RICHARDSON: That's correct, Your Honor.

25 THE COURT: And then the other -- are there

1 other pictures that you're ---

2 MR. RICHARDSON: Yes, Your Honor, I would move
3 at this time that Exhibits 10, 11, 12, 13, 14 and 15 be
4 admitted into evidence.

5 THE COURT: Is there an objection?

6 MR. RICHARDSON: And 16.

7 THE COURT: And 16?

8 MR. ALEXANDER: No objection, Your Honor.

9 THE COURT: All right. Without objection
10 Exhibit 10 through 16 and Exhibit 22 are admitted into
11 evidence.

12 (WHEREUPON, State Exhibit Number 22 was admitted
13 into evidence.)

14 Q. Trooper, on this evidence, referring to State's
15 Exhibit 22, is your name on there?

16 A. Yes, sir, it is. It is right here.

17 Q. Okay. And are those your initials?

18 A. Yes, sir, they are.

19 Q. Okay. And what does that indicate you did with
20 this particular blood sample?

21 A. That indicates that I took the blood from the
22 scene, logged it into the evidence locker. The location
23 was at the Piedmont MAIT office. That's where the
24 evidence locker was housed. The reason for my moving it
25 was to secure it into evidence.

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1 Q. And that's a secure area?

2 A. Yes, sir, it is.

3 Q. Now, Trooper, let me ask you, did you look
4 throughout the cab of the vehicle?

5 A. Yes, sir.

6 Q. Okay. And did you see any other blood in the
7 vehicle that you could take a sample from?

8 A. No, sir, I didn't note any. Typically when one
9 that we have that is a lead where someone's not in the
10 car, there's certain things that we look for, along with
11 evidence, DNA evidence, that may be hair on the
12 windshield, hair here, blood here, saliva on airbags.
13 You'll get that a lot. We also look at the dynamics that
14 went on inside the vehicle itself. Things that we would
15 expect to see from multiple occupants or a single
16 occupant. What things -- dynamics of the body inside the
17 car. What damages could be done to different parts of
18 the inside of the car.

19 Q. Okay, sir. And you did -- did you do that in this
20 particular case?

21 A. Yes, sir.

22 Q. Now, let me show you what's been marked State's
23 Exhibit 11. Did you also look in the backseat of the
24 vehicle?

25 A. Yes, sir.

1 Q. Do you recognize that?

2 A. Yes, sir. That's the driver's side backseat of the
3 Chevrolet pickup truck.

4 Q. Okay. And what was in the backseat?

5 A. I had a binder, some books. Of course, there was a
6 soccer ball in the floor. But the books and paperwork
7 were all the way across the backseat.

8 Q. Okay, sir. And let me show you what's been marked
9 State's Exhibit 15. What is that, sir?

10 A. That's a photograph of the driver's side.
11 Typically with these vehicles right here, we're
12 documenting that there's actually not another door right
13 there. The older Chevrolet trucks, along with the new
14 ones now, the actual door will open up in this direction.
15 This particular truck didn't do that. And we actually --
16 this photograph shows that the seat is still upright in
17 its back position. Typically what you see for multiple
18 occupants or somebody that may be in the back, an
19 unrestrained anything, any type of weight whatsoever,
20 will actually hit the back of these seats, and those
21 things are not -- they're not very secure as far as for
22 pushing forward. It'll actually break the latches on the
23 seat, push the seat forward. It'll damage the back of
24 the seats. And in this case, neither the driver or the
25 passenger seat was broken forward.

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1 Q. Okay. And there's a, there's a handle down below
2 the seat?

3 A. Yes, sir. There's a handle -- this particular
4 handle right here is what you would pull to let the seat
5 go forward.

6 Q. Okay, sir. And in that particular vehicle when you
7 pull that handle and let the seat go forward, does it
8 stay forward?

9 A. It will stay forward, yes, sir.

10 Q. Okay, sir. On the opposite side of the vehicle is
11 there a back door?

12 A. No, sir. It's just the passenger door over here on
13 this side. It doesn't have an opening door.

14 Q. Okay. And in your opinion was there any evidence
15 that showed that there was anybody in the backseat of
16 that vehicle at the time of the wreck?

17 A. No. The backseat of the vehicle, due to the amount
18 of books and paperwork that was back there, and no damage
19 to the back of the seats, I determined there was nobody
20 in the back. The seatbelts are in the back of these
21 things. None of the seatbelts in the truck appeared to
22 be stretched or pulled in anyway. The driver's seatbelt
23 has a little bit of slack in it. But I have an older
24 Chevrolet truck myself, and as you use them, if you
25 really use them, you know, you'll get dirt down in the

1 seatbelt return. There's a spring in there and it won't
2 pull it all the way back tight. In this case it was a
3 little loose, but it wasn't stretched, because if you
4 have a wreck and you've got a seatbelt on, it'll actually
5 stretch the fibers and it'll all be -- the seatbelt will
6 be distorted. The seatbelt on the passenger side -- I
7 think there's a photograph in there also of that -- was
8 in its upright position. It wasn't stretched or locked
9 into place. There's no damage to the passenger side,
10 windshield, dash area or the knee bolster; the knee
11 bolster being the area right in front of your knees if
12 you slid forward. There's some stuff to absorb impact
13 there also.

14 Q. Okay, sir. You referred to that seatbelt, so let
15 me show you State's Exhibit 16. Is that the passenger
16 side of that ---

17 A. Yes, sir, it is. And that's the seatbelt and it's
18 fully in recoil position.

19 Q. Okay, sir. And is there any -- on the passenger
20 side, is there any damage to the console or anything like
21 -- of that nature?

22 A. No, sir.

23 Q. And was the windshield cracked on the passenger
24 side?

25 A. No, sir.

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1 Q. In your opinion is there any evidence that shows
2 that -- that establishes that anybody was a passenger in
3 that vehicle ---

4 A. No, sir.

5 Q. --- at the time of the wreck?

6 A. No, sir.

7 Q. And you stated that this was a heavier vehicle than
8 the Chevrolet Cavalier?

9 A. Yes, sir.

10 Q. And is it fair to say it was much heavier?

11 A. It was a good bit heavier, yes, sir.

12 Q. Okay, sir. And you've been -- you've investigated
13 accidents. Were you on the road patrol before that?

14 A. Yes, sir. I stayed on the road from '96 until
15 2008.

16 Q. Okay. And is there anyway to tell -- could you
17 tell the jury how many accidents that you witnessed or
18 went to the scene of?

19 A. No, sir, I couldn't put a number on it.

20 Q. Did you see accidents of this magnitude?

21 A. Yes, sir.

22 Q. And did you see accidents of this magnitude where
23 the people in a vehicle were not injured?

24 A. Yes, sir.

25 MR. ALEXANDER: I'm going to object to that

1 question.

2 THE COURT: Overruled.

3 Q. I'm sorry, you ---

4 A. Yes, sir, I have.

5 Q. So it's possible a person could be in an accident
6 of this magnitude and not have any injuries?

7 A. Yes, sir.

8 Q. Thank you. That's all the questions I have.

9 Please answer any questions that defense counsel has.

10 MR. ALEXANDER: Please the court, Your Honor.

11 THE COURT: Yes, sir. You may cross examine,
12 Mr. Alexander.

13 **CROSS EXAMINATION**

14 **BY MR. ALEXANDER:**

15 Q. It's corporal; right?

16 A. Yes, sir, it is.

17 Q. Corporal Brooks, you did, for lack of a better
18 words, TV ignorance here, but you did the forensics, so
19 to speak, on the vehicle?

20 A. Yes, sir.

21 Q. That's what you said was blood on the door ---

22 A. Yes, sir.

23 Q. --- and stuff like that. Okay. So did you -- what
24 about fingerprints, did you do anything to test for any
25 fingerprints or anything on the steering wheel or

1 anything like that?

2 A. No, sir. Typically, as far as SLED goes and with
3 their DNA department, touch DNA on a steering wheel is
4 not reliable -- is not as reliable as blood. In this
5 case what one would have had to do to get any type of
6 results is saw the steering wheel off and send it down.
7 And then everybody that's touched the steering wheel, if
8 they held onto it and gripped it enough to get dead skin
9 cells off, from the owner to whoever -- whatever, there
10 would be a little something on it. Yeah.

11 Q. Okay. But you can't -- I mean, the steering wheel,
12 the window glass, anything like that, did you look to see
13 if there was any evidence of fingerprints so they could
14 test for them?

15 A. We don't typically -- the MAIT team doesn't
16 typically fingerprint. If I've got blood. If I didn't
17 have blood, we may look back at a different avenue. But
18 in this case, where blood is as fresh as it is, then we
19 would take the blood and go with it, because it doesn't
20 get any better than that.

21 Q. Isn't it true -- I understand your testimony about
22 what you're saying about no passenger. But certainly,
23 you would agree, if there's more than one people -- more
24 than one person in the car, either one of them could have
25 left the blood on that door; isn't that true?

1 A. If there were more than one person in the car, the
2 blood could be deposited by someone else. Yeah.

3 Q. Okay. And you would agree that, in this photo here
4 that's State's Exhibit 16, this is the passenger door on
5 the truck?

6 A. Yes, sir, it is.

7 Q. That was not able to be opened after the collision;
8 is that correct?

9 A. That's correct.

10 Q. Okay. So the only exit from this vehicle was the
11 driver's door?

12 A. Yes, sir.

13 Q. Okay. No back window or anything like that that
14 anybody ---

15 A. No, sir.

16 Q. --- could have crawled out of? Okay. Now, you
17 mentioned that it was -- you know, it wasn't a full head-
18 on collision. More of a glancing blow, but it was -- I
19 guess it depends on what you define as glancing. You're
20 not saying they side-swiped each other or anything?

21 A. No, sir. What I said was actually it was an offset
22 head-on. The reason it's offset is because the centers
23 of mass are offset from each other.

24 Q. Yes, sir. Okay. Well, your testimony about the
25 backseat, and you're saying that the -- that it's likely

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1 that if someone was in the backseat, that if they hit
2 either the driver's seat or the passenger seat, that the
3 seat could have been broken and would not be sitting
4 upright, basically?

5 A. Yes, sir. That gets broken, the little padding on
6 the back, the plastic pieces that are inside the car on
7 the back, are typically damaged by the way ---

8 Q. Did you test it out there as to whether the seat
9 was broken or not?

10 A. The seat wasn't broken. We pulled on it to see if
11 it would pull forward. It wasn't broken. No, sir.

12 Q. But it's possible somebody in the backseat -- well,
13 let me back up. You also said that if someone's in the
14 backseat of this type of vehicle -- let's look at State's
15 Exhibit 11 where there's no back side door?

16 A. Yes, sir.

17 Q. There was only the one front door; right?

18 A. Yes, sir.

19 Q. And I think you said some vehicles you can pull out
20 that side door ---

21 A. Yes, some vehicles you can. In this particular
22 case, this type Chevrolet, it doesn't have an opening, so
23 you either have to exit through the passenger side.
24 These particular trucks, some of them, once you lift the
25 seat up, it'll actually slide forward enough to allow

1 exit from the vehicle.

2 Q. State's Exhibit 15. So to get out of the backseat
3 -- typically to get out of the backseat, someone would
4 pop this lever, the seat would go forward and you would
5 crawl out?

6 A. Yes, sir. Actually on the driver's side, the seat
7 will only go forward. This particular -- the driver side
8 seats typically do not slide forward. The passenger seat
9 will actually slide forward almost to the dash to allow
10 exit from the vehicle. Give you a good bit of room.

11 Q. But if you were getting out on the driver's side,
12 just the back part of the seat goes forward.---

13 A. Yes, sir.

14 Q. --- and you could kind of step out?

15 A. Yes, sir, you would go between where the seat comes
16 forward and the ---

17 Q. And I'm not trying to put words in your mouth, but
18 I think you said that if -- in this case if someone was
19 getting out, they could have reaches forward, popped that
20 lever and gotten out and they would have had to push the
21 seat back to get it back in that position; correct?

22 A. Yeah, if somebody came out that -- and typically
23 you don't see that if somebody's getting out of a car and
24 taking off. It's going to be all the way forward.
25 You're not going to take the time to push it back.

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1 Q. But it's certainly possible that they could have --
2 this was a bucket seat truck, I guess?

3 A. Yes, sir. Captain seats I think Chevrolet calls
4 it. Yes, sir.

5 Q. So there was an opening between the driver's and
6 passenger seat ---

7 A. Yes, sir.

8 Q. --- backs; right?

9 A. Yes, sir.

10 MR. ALEXANDER: Just one moment, Your Honor.

11 Q. State's Exhibit 16. You can kind of see the
12 opening there?

13 A. Yes, sir.

14 Q. Is that correct?

15 A. Yes, sir.

16 Q. It's certainly possible that someone crawled in
17 between those seats and didn't try to move either one of
18 the seats to get out; correct?

19 A. A person in a vehicle could crawl between that. In
20 this case, nobody crawled through there.

21 Q. You don't know whether somebody crawled through or
22 not; do you?

23 A. Yes, sir.

24 Q. You can say with a hundred percent certainty that
25 nobody crawled out from the back of that vehicle?

1 A. Before the wreck or after the wreck?

2 Q. After the wreck?

3 A. There's no evidence of another person being inside
4 the vehicle other than the driver. I can say that with a
5 hundred percent certainty.

6 Q. A hundred percent certainty?

7 A. Yes, sir.

8 Q. Okay. It's not possible that someone -- you
9 mentioned the books in the backseat?

10 A. Yes, sir.

11 Q. There's debris, for back of a better word, debris,
12 stuff spread ---

13 A. Everywhere.

14 Q. --- all over in that vehicle; wasn't there?

15 A. Yes, sir.

16 Q. It was strewn everywhere ---

17 A. Yes, sir.

18 Q. --- after the collision. So you don't know where
19 those books were sitting when the collision happened; do
20 you?

21 A. Well, the only problem with that is if someone had
22 been in the back, the place where they were seated or
23 lying or whatever wouldn't have books on it, because the
24 books would have landed on the body, in the lap, so there
25 would have been an opening in the seat. In this case

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1 there wasn't anything but a seat covered with books.

2 Q. You could say a typical person in a normal
3 situation may not be laying on some books or something in
4 the back seat; right?

5 A. I don't know anybody that would want to ride in a
6 truck sitting on books.

7 Q. Okay. But you don't know where the books were, is
8 my point?

9 A. The books were scattered across the back seat.
10 It's all, it's all post-collision when I get there. I
11 can only testify to what was there when I got there.

12 Q. I understand that. So the books could have been on
13 one side of the vehicle, is my point. They were not
14 necessarily strewn across the backseat prior to the
15 collision; is that a fair statement?

16 A. That's a -- what I'm saying is if someone had been
17 -- where I'm sitting right now, if I had a stack of books
18 right there and we had a wreck and they all slid towards
19 me, if I jumped out of the car, the books will not
20 continue to slide underneath me. There's no way --
21 unless someone was sitting on a book, there wasn't nobody
22 in the backseat. They typically stop where your body is.

23 Q. So if someone was sitting on a book then that's
24 where they would have been?

25 A. If they were sitting on a book. I don't know who

1 would want to sit on a book.

2 Q. You said something about the seatbelts weren't
3 stretched or something like that?

4 A. Yes, sir.

5 Q. And that's why you don't think someone was in the
6 passenger seat or the backseat?

7 A. Well, if someone was in the passenger seat -- and
8 if you'll look right here, it's actually in its return
9 position.

10 Q. Right.

11 A. There's no slack in it. And you'll see that a lot
12 of trucks that people use that don't typically ride a lot
13 of passengers in. Dirt gets in the driver's side and
14 doesn't recoil like it normally would. In this case
15 there's no stretching in the seatbelt. This particular
16 truck, there's nothing between the seat and the dash.
17 It's one of those trucks that's got a smaller dash. So
18 on impact whoever -- if someone were sitting in that
19 seat, would be right into the windshield.

20 Q. But that's evidence that nobody used the seatbelt,
21 also; correct?

22 A. That's right. What I'm saying is there's no busted
23 windshield. During my training, it would lead me to
24 believe there was nobody in that seat.

25 Q. Yeah. So the front passenger seat, if they weren't

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- 1 wearing their seatbelt, more than likely ---
- 2 A. Would be into the windshield.
- 3 Q. --- would be into the windshield?
- 4 A. Yes, sir.
- 5 Q. Okay. But in the backseat, the same thing, those
- 6 seatbelts, no evidence they were ever used?
- 7 A. No evidence that the seatbelts in the back had been
- 8 used.
- 9 Q. Okay. All right. And the truck, there was no
- 10 airbag in that truck; correct?
- 11 A. No, sir.
- 12 Q. So you took the blood sample the night of the
- 13 accident?
- 14 A. Yes, sir.
- 15 Q. December 10th?
- 16 A. Yes, sir.
- 17 Q. Any reason you hung onto it for two days before
- 18 logging it into evidence?
- 19 A. It was secured in my vehicle. And typically
- 20 marijuana, drugs, guns, go in the safe when it has to be
- 21 in evidence within seventy-two hours. Evidence from a
- 22 hit and run, we can generally -- we generally keep from
- 23 seventy-two hours on.
- 24 Q. Okay.
- 25 A. But next available date we got back to the office,

1 that's when it went into the safe.

2 Q. Secured in the dash or something?

3 A. No, in the trunk. Yes, sir.

4 Q. In the trunk? Okay.

5 MR. ALEXANDER: One moment, Your Honor.

6 Q. Let me ask you this, Corporal. Was -- maybe I
7 missed it in your testimony. Was there -- are you -- was
8 there evidence that the driver's seatbelt had been used?

9 A. The driver's seatbelt had slack in it, but it
10 wasn't stretched. Slack being where it doesn't fully
11 return, and that's what I was explaining, that dirt gets
12 down in it and sometimes you have to pull it several
13 times. I've got an old Chevrolet truck like that. You
14 have to pull it a couple of times to get it to fully
15 retract.

16 Q. So do you -- so is it your testimony you do not
17 believe the driver's seatbelt was used during the
18 collision?

19 A. No, sir, I don't think it was.

20 Q. And isn't it likely that the driver would have
21 collided with the steering wheel?

22 A. Well, there's actually a photograph in there of the
23 steering wheel and the knee bolster underneath the dash,
24 I would like to reference to when we talk about that.

25 Q. Here's Defendant's Exhibit 6, a close-up of the

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1 steering wheel and driver's seat area.

2 A. Okay. This particular Chevrolet -- could you slide
3 it down just a tad, sir? Thank you so much.

4 Q. Slide it where?

5 A. Just down a little bit so we can see the top of the
6 steering wheel. Yes, sir, that's fine. Thank you so
7 much. There we go.

8 Q. Okay.

9 A. Thank you. I appreciate it. This particular
10 steering wheel, it's kind of the older Chevrolet spire
11 pattern. Does not have an airbag in it, so really the
12 steering wheel supports are four pieces of metal that
13 come out from the steering column itself. In this case,
14 this type of damage that you see here where it's not
15 impacted directly inside is what -- from my experience
16 it's from bracing. It's from somebody who's driving, see
17 something happening, they stiffen their arms up and they
18 brace. The fact that they were unrestrained, the driver,
19 is why there's damage to the knee bolster right there.
20 That's actually break-away plastic. It's really designed
21 to do that. There are sharp metal parts underneath
22 there. And that's designed to break away if something
23 hits it. Typically with this type of collision, an
24 unrestrained occupant would go straight forward and up
25 underneath the steering wheel, submarining is what some

1 people call that. But the damage to the steering wheel
2 is actually done from bracing for impact.

3 Q. You're saying it's more likely that they would go
4 underneath the steering wheel as opposed to over the
5 steering wheel?

6 A. Yes, sir. This particular type of collision with a
7 bigger vehicle, you can see the direction that the
8 steering wheel is actually pushed right there.

9 Q. Right.

10 A. You can line that up with the damage of the truck
11 with the angles that the cars hit. And everything is
12 actually going that direction right to the front of the
13 truck where the impact occurred. And that's typically
14 where someone that's driving the car, someone that sees
15 the car, will actually go the direction of the impact.

16 Q. Okay. I understand that. But regardless whether
17 they're being flung forward and underneath the steering
18 wheel; ---

19 A. Yes, sir, in this case ---

20 Q. --- correct?

21 A. --- that's what happened because the windshield is
22 not damaged at all.

23 Q. And so they're colliding -- body parts are
24 colliding with the steering wheel and then the stuff
25 underneath the steering wheel?

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1 A. Well, the body parts I don't -- in this case I
2 think that the -- this is due to a driver bracing his
3 arms for impact.

4 Q. Okay.

5 A. You can actually -- if you sit down in one of those
6 trucks, you can pull back hard enough and you can feel
7 the metal giving. It's designed to do that. If
8 everything was stiff and wouldn't bend, everybody would
9 get killed. But that's what that thing did. It's
10 designed to do that. There's no evidence right here of a
11 chest hitting the steering column. It's just all damages
12 to the outer portions of the steering well.

13 Q. You don't know -- there's no blood or anything like
14 that. Is that what you mean ---

15 A. Yes, sir.

16 Q. --- by no evidence?

17 A. Yes, sir.

18 Q. But it doesn't mean that there wasn't a collision
19 with the steering wheel?

20 A. No, sir.

21 Q. It doesn't mean that?

22 A. No, it -- what I'm saying is that whoever was
23 driving this car was bracing for impact. That's why the
24 steering wheel was folded back.

25 Q. All right. Thank you.

1 MR. ALEXANDER: That's all the questions I
2 have, Your Honor.

3 THE COURT: Any redirect?

4 MR. RICHARDSON: Nothing further, Your Honor.

5 THE COURT: Thank you, sir. You may step down.
6 You may call your next witness, Solicitor.

7 MR. RICHARDSON: Thank you, Your Honor. The
8 state calls John Craig to the stand.

9 THE CLERK: If you would, place your left hand
10 on the bible and raise your right.

11 Do you solemnly swear or affirm that the testimony
12 you're about to give in this case will be the truth, the
13 whole truth and nothing but the truth, so help you God?

14 THE WITNESS: Yes, sir.

15 THE CLERK: Thank you, sir. If you would have
16 a seat and state your name for the record, please.

17 THE WITNESS: My name is Jonathan Lee Craig.

18 JONATHAN LEE CRAIG,

19 HAVING BEEN DULY SWORN, TESTIFIED AS FOLLOWS:

20 DIRECT EXAMINATION

21 BY MR. RICHARDSON:

22 Q. Where are you employed?

23 A. Sir?

24 Q. Where are you employed?

25 A. South Carolina Highway Patrol MAIT unit.

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Jonathan Lee Craig - Direct Examination by Mr. Richardson

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1 Q. Okay. If you'll do me a favor, scoot up a little
2 bit toward that microphone. It's difficult to hear in
3 this courtroom. Did you say you're with the MAIT unit?

4 A. Yes, sir.

5 Q. Okay, sir. And how long have you been with the
6 highway patrol?

7 A. Twenty-one years.

8 Q. Okay, sir. And how long have you been actually
9 with that -- the MAIT team?

10 A. About four years and four and a half months.

11 Q. Okay. So you were with MAIT back on December the
12 10th of 2011?

13 A. Yes, sir.

14 Q. And at that particular time, did you -- were you
15 asked to get a buccal swab from the defendant?

16 A. Yes, sir, I was.

17 Q. Can you just explain briefly, when I say buccal
18 swab, what that -- explain that to the jury, please, sir?

19 A. Basically the appearance of it is like a long Q-
20 tip, but we use it as a way to get a standard from a
21 defendant. We can either -- sometimes at the scene you
22 can dip it in blood, but you can also get it from a
23 defendant by rubbing it on the inside cheek inside the
24 mouth.

25 Q. Okay. For the purposes of DNA testing?

1 A. Yes, sir.

2 Q. And let me hand you what's been marked State's
3 Exhibit 23. Do you recognize that?

4 A. Yes, sir.

5 Q. Okay. And what is that?

6 A. It's a chain of custody for the buccal swab for Mr.
7 Raiden.

8 Q. All right, sir. And do you recall the date that
9 you took the buccal swab from the defendant?

10 A. I couldn't see on there. Yes, sir, I didn't look
11 at that.

12 Q. Does this refresh your memory?

13 A. December the 12th, 2011.

14 Q. Okay, sir. And when you took this buccal swab, how
15 did you do it?

16 A. Well, we were at the Pickens County LEC. I took
17 the buccal swab out and Mr. Raiden opened his mouth, I
18 rubbed it to the inside of his cheek on both sides of his
19 mouth. And then I placed it into a container that's
20 specifically designed for the buccal swabs and secured it
21 that way.

22 Q. Okay, sir. And at that point in time, did you --
23 was it kept in your security until you took it to another
24 place?

25 A. No, sir. At that point I then pass it along to

1 Sergeant Brock of the MAIT unit. I was off the next day.

2 This was late in the afternoon when it took place.

3 Sergeant Brock was going to be working the next day. So

4 I put it in his -- gave it over to him, which we fill out

5 for the chain of custody and he took possession at that

6 time.

7 Q. Okay. And do you also give it a case number?

8 A. Well, we have our case number, PL-178-11.

9 Q. Okay. And is there another number reflected on
10 there?

11 A. Yes, sir, there is. Which would be -- I'm assuming

12 this is their CAD number for the troopers; would be 11-

13 AN-069368.

14 Q. Okay. And those numbers will follow the sample

15 wherever it goes down the line, down the chain?

16 A. Yes, sir, that's correct.

17 Q. And once you put it into the hands of the other

18 trooper, you documented everything on that evidence bag?

19 A. Yes, sir. At that time, my name is here and I

20 initiated that it was signed over to B.S. Brock, who is

21 Sergeant Brock that I was referring to earlier, on the

22 same date.

23 Q. Okay, sir. That's all the questions I have.

24 Please answer any questions defense counsel may have for

25 you.

1 THE COURT: Any questions?

2 MR. ALEXANDER: Yes, Your Honor. Just briefly.

3 CROSS EXAMINATION

4 BY MR. ALEXANDER:

5 Q. Trooper Craig, when you met with Mr. Raiden to
6 obtain the sample from him, did you have the opportunity
7 to view his chest or body area?

8 A. Yes, sir. He actually -- we had some time there in
9 the room together while we were getting the paperwork
10 together.

11 Q. Yeah, just -- well, did you see his chest?

12 A. Yes, sir. He raised his shirt to show me his
13 chest.

14 Q. And you didn't see any injuries on him or anything?

15 A. Nothing that I could make note of. No, sir.

16 MR. ALEXANDER: That's all I have, Your Honor.

17 THE COURT: Thank you, sir. You may step down.

18 MR. RICHARDSON: Pleases the court, may this
19 witness be excused?

20 MR. ALEXANDER: No objection.

21 THE COURT: Without objection, he may be.

22 MR. RICHARDSON: Thank you. State calls Bruce
23 Brock to the stand.

24 THE CLERK: Place your left hand on the bible
25 and raise your right.

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Bruce Brock - Direct Examination by Mr. Richardson

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1 Do you solemnly swear or affirm that the testimony
2 you're about to give in this case will be the truth, the
3 whole truth and nothing but the truth, so help you God?

4 THE WITNESS: Yes, sir.

5 THE CLERK: Thank you, sir. If you would have
6 a seat and state your name for the record, please.

7 THE WITNESS: Bruce Brock.

8 **BRUCE BROCK,**

9 **HAVING BEEN DULY SWORN, TESTIFIED AS FOLLOWS:**

10 **DIRECT EXAMINATION**

11 **BY MR. RICHARDSON:**

12 Q. You're employed with the South Carolina Highway
13 Patrol?

14 A. Yes, sir.

15 Q. Okay, sir. How long have you been so?

16 A. Almost twenty-three years.

17 Q. Okay. And so were you employed -- were you working
18 and employed actually back in December of 2011?

19 A. Yes, sir.

20 Q. Okay. And did you have an occasion to receive a
21 buccal swab from another trooper?

22 A. I did; Lance Corporal Craig.

23 Q. Okay. I'm going to hand you what's been marked
24 State's Exhibit 23. Do you recognize that?

25 A. Yes, sir, this is chain of custody, DPS chain of

1 custody showing that I received the swab from Lance
2 Corporal Craig to myself.

3 Q. Okay. And when you received that swab was it
4 secure?

5 A. Yes, sir.

6 Q. And intact?

7 A. Yes, sir.

8 Q. Okay. And what did you do with that swab?

9 A. I had it in my possession and I signed it over to
10 the evidence storage at the Piedmont MAIT office later.

11 Q. Okay. And when you signed it into evidence there,
12 is that a secure evidence room?

13 A. Yes, sir.

14 Q. Did you, did you later have any contact with that
15 particular sample?

16 A. No, sir. Once it left my possession, went to the
17 evidence closet, that's where it was.

18 Q. Okay, sir. Thank you. That's all the questions I
19 have. Please answer any questions that defendant counsel
20 may have for you.

21 MR. ALEXANDER: Briefly, Your Honor.

22 **CROSS EXAMINATION**

23 **BY MR. ALEXANDER:**

24 Q. Officer Brock, you were present when Corporal Craig
25 or Trooper Craig took the sample; is that correct?

State of South Carolina -vs- Rufus Raiden, III (2012-GS-39-0107)
Bruce Brock - Cross Examination by Mr. Alexander

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1 A. When he took the samples?

2 Q. Yes, sir?

3 A. Yes, sir.

4 Q. Okay. And you saw Mr. Raiden pull up his shirt and
5 saw his chest area?

6 A. That's correct.

7 Q. And you didn't see any injuries on him?

8 A. No, sir.

9 Q. Okay.

10 MR. ALEXANDER: That's all I have, Your Honor.

11 MR. RICHARDSON: Nothing further.

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

13 MR. RICHARDSON: Your Honor, may this trooper
14 be excused?

15 MR. ALEXANDER: No objection.

16 THE COURT: Without objection, you may be
17 excused. Thank you very much for being here.

18 MR. RICHARDSON: Your Honor, state calls Neal
19 Nimmons to the stand.

20 THE CLERK: Raise your right hand.

21 Do you solemnly swear or affirm that the testimony
22 you're about to give in this case will be the truth, the
23 whole truth and nothing but the truth, so help you God?

24 THE WITNESS: I do.

25 THE CLERK: Thank you, sir. If you would have

1 a seat and state your name for the record, please.

2 THE WITNESS: Neal Nimmons.

3 NEAL NIMMONS,

4 HAVING BEEN DULY SWORN, TESTIFIED AS FOLLOWS:

5 DIRECT EXAMINATION

6 BY MR. RICHARDSON:

7 Q. Trooper Nimmons, you're employed with the South
8 Carolina Highway Patrol?

9 A. Yes, sir, I am.

10 Q. Okay. Are you also on the MAIT team?

11 A. At the time of this crash I was.

12 Q. Okay. You're now back on road duty?

13 A. Post-duty, yes, sir.

14 Q. Okay, sir. And is part of your duties when you
15 were with MAIT to receive evidence out of the evidence
16 locker room and transport it to the State Law Enforcement
17 Division?

18 A. Yes, sir.

19 Q. Okay. And on the case that we're here about today,
20 did you have an occasion to do that with a buccal swab
21 and also a blood sample?

22 A. Yes, sir.

23 Q. Let me hand you what's been marked State's Exhibit
24 22. Do you recognize that, sir?

25 A. Yes, sir.

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Neal Nimmons - Direct Examination by Mr. Richardson

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1 Q. And what is that?

2 A. It's a chain of custody showing the movement of
3 this particular evidence here.*

4 Q. Okay, sir.

5 MR. RICHARDSON: Your Honor, at this time the
6 state would offer State's Exhibit 22 into evidence.

7 MR. ALEXANDER: No objection.

8 THE COURT: Without objection, Exhibit 22 is
9 admitted and may be published.

10 (WHEREUPON, State Exhibit Number 22 was previously
11 admitted into evidence.)

12 Q. Sir, I am referring to State's 22. There should be
13 a thing up there that you can ... Yes. Where exactly is
14 your name published on this document?

15 A. Right there, sir. There and there. Those two
16 spots.

17 Q. Okay. And where does it show or does it show where
18 you received the evidence from?

19 A. Okay. The first line, it's got Trooper Brooks'
20 name on there, or Corporal Brooks. That's where he
21 secured it into evidence at the office, the Piedmont MAIT
22 office. On the second line is where it was taken out of
23 the evidence locker. That's the second line there. I
24 shake real bad. I'm sorry. But the second line there is
25 where it was taken out of the evidence locker by myself

1 and -- to be taken to SLED. And then the next -- the
2 third line there is where it was taken from me or I
3 physically gave it to SLED at that point, so it came from
4 me to SLED. And that was in Columbia for their testing.

5 Q. So in essence you were documenting each step as you
6 ---

7 A. Correct.

8 Q. --- moved the evidence?

9 A. Correct.

10 Q. Did you also -- I think you may have answered this.
11 Did you also do the same with a buccal swab?

12 A. Yes, sir.

13 Q. Let me hand you what's been marked State's Exhibit
14 23. What is that?

15 A. That's a chain. The same thing as that one except
16 for this one is for the buccal swab.

17 Q. Okay. And is that for the defendant?

18 A. Same form. Correct.

19 MR. RICHARDSON: Your Honor, at this time the
20 state would move State's Exhibit 23 into evidence.

21 MR. ALEXANDER: No objection.

22 THE COURT: Without objection, Exhibit 23 is
23 admitted and may be published.

24 (WHEREUPON, State Exhibit Number 23 was admitted
25 into evidence.)

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Neal Nimmons - Direct Examination by Mr. Richardson

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1 Q. Sir, if you would, can you show -- just explain to
2 the jury briefly the chain on this particular form?

3 A. Okay. Again, in this same area, this section right
4 here, Trooper Craig was the one that took the actual
5 swab. Gave it to Sergeant Brock there to be secured into
6 evidence. Then the second line showing where Sergeant
7 Brock placed it into evidence there at the Piedmont MAIT.
8 Then I took it out of evidence storage and got moved to
9 myself there. And then taken to SLED. And then from
10 myself to SLED. In the same order as the other one.

11 Q. Okay. Thank you. And you say the date that you
12 handed it over to SLED was December the 16th?

13 A. December the 16th, yes, sir.

14 Q. Of 2011?

15 A. Yes, sir.

16 Q. Okay, sir. And you transported both the blood and
17 the buccal swab?

18 A. Correct.

19 Q. At the same time; is that correct?

20 A. Yes, sir.

21 Q. Were they kept separate and distinct?

22 A. Yes, sir. They -- when the first piece was put in
23 -- piece of evidence was put in, that's in a separate bag
24 and separate box and everything, secured up separately
25 from that. Both of them are individually labeled and

1 secured in different bags. They're never in contact with
2 each other.

3 Q. Okay. And what kind of bags are they secured in?

4 A. They would be secured in an evidence bag. We use
5 paper bags, is what we use, for most of the evidence.

6 And then once they get to SLED, SLED has it put in their
7 bag and then we sign off on that bag where they secure it
8 in a plastic bag.

9 Q. Okay. And in doing so, do they, do they provide a
10 packing slip that you must sign?

11 A. Yes.

12 Q. Okay. Let me hand you what's been marked State's
13 Exhibit 24. What does that say?

14 A. This is where they took, took the evidence and
15 logged it into their database.

16 Q. Okay. And is that your signature on that?

17 A. Correct. This is my signature.

18 MR. RICHARDSON: Your Honor, at this time,
19 State would move State's Exhibit 24 into evidence.

20 MR. ALEXANDER: No objection.

21 THE COURT: Without objection, Exhibit 24 is
22 admitted and may be published.

23 (WHEREUPON, State Exhibit Number 24 was admitted
24 into evidence.)

25 Q. And this is actually -- is this a form that is --

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Neal Nimmons - Direct Examination by Mr. Richardson

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1 is this y'all's MAIT highway patrol form or is that a
2 SLED form?

3 A. That's a SLED form. That's generated by SLED.

4 Q. And with your signature on it?

5 A. Yes, sir, at the bottom.

6 Q. And then to the right it's just your name printed?

7 A. Printed, correct.

8 Q. And you did all that?

9 A. Yes, sir.

10 Q. Okay. And at that point do they sign -- they sign
11 a number to them?

12 A. Yes, sir.

13 Q. And is that the number, if you could point and show
14 the jury that number?

15 A. The number at the top, this number here, ---

16 Q. Yes, sir.

17 A. --- that's -- there's system that we log into
18 through SLED and that evidence is submitted -- it's
19 called basically just doing a pre-order on it. And what
20 we're do is they'll do that and then the -- we'll put it
21 into the system where we're going to take it, pre-log it
22 in and then it generates -- it gives us that number that
23 we put on the evidence. And that's just a tracking
24 number that's generated by SLED when we pre-log it.

25 Q. And that follows the evidence?

1 A. Correct.

2 MR. RICHARDSON: Beg the court's indulgence?

3 THE COURT: Yes, sir.

4 Q. And once you relinquish control of those items to
5 SLED, is that the last of your dealings with this
6 particular evidence?

7 A. Yes, sir.

8 Q. That's all the questions I have. Please answer any
9 questions Mr. Alexander may have for you.

10 MR. ALEXANDER: No questions, Your Honor.

11 THE COURT: Thank you, sir. You may step down.

12 MR. ALEXANDER: No objection to him being
13 excused.

14 THE COURT: Without objection the witness may
15 be excused.

16 We've been going awhile, Mr. Foreman, ladies and
17 gentlemen. Let's take a short break. We'll check on
18 things with the county administration and see where we
19 are weather-wise. Don't discuss the case while you're
20 out in your jury room. We'll call you back in ten or
21 fifteen minutes. Take a short break.

22 Everyone else, please remain seated.

23 (WHEREUPON, the jury exited the open court at
24 approximately 3:21 p.m.)

25 THE COURT: All right. Let's take a short

State of South Carolina -vs- Rufus Raiden, III (2012-GS-39-0107)
Neal Nimmons - Direct Examination by Mr. Richardson

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1 break. Let me see the lawyers a minute about the
2 scheduling just a moment, if I could, just a moment and
3 see where we stand.

4 (WHEREUPON, the court stood at recess for a short
5 break.)

6 THE COURT: Everybody ready to proceed?

7 MR. ALEXANDER: Yes, sir.

8 MR. RICHARDSON: Just one matter. In talking
9 with the court reporter, there were several exhibits that
10 she does not have into evidence. At this time I want to
11 move to put them into evidence.

12 THE COURT: Okay.

13 MR. RICHARDSON: That would be State's Exhibits
14 17, 18, 19, 20 and State's Exhibits 8 and 9. And Judge,
15 when I say that I'm not sure I'm the one ---

16 MR. ALEXANDER: I didn't object.

17 THE COURT: Y'all thought they were in already,
18 I guess.

19 MR. ALEXANDER: I thought they were already in.

20 THE COURT: Everybody -- but Ms. Hanks is the
21 one that knows whether they're in. So without objection
22 then, Exhibits 17 through 20 and 8 and 9 are admitted
23 into evidence.

24 (WHEREUPON, State Exhibit Numbers 17 through 20
25 were admitted into evidence.)

1 MR. RICHARDSON: Thank you, Judge.

2 THE COURT: All right. Have our jury come in
3 if they're ready.

4 We do know -- I will probably tell them they're
5 coming in later tomorrow because of witnesses aren't
6 available. We don't know what's going to happen here
7 yet.

8 MR. RICHARDSON: Yes, sir.

9 THE COURT: I'll just tell them they couldn't
10 be here.

11 (WHEREUPON, the jury entered the open court at
12 approximately 3:49 p.m.)

13 THE COURT: Solicitor, you may call your next
14 witness.

15 MR. RICHARDSON: Thank you, Your Honor. The
16 state calls Lisa Holliday to the stand.

17 THE CLERK: If you would place your left hand
18 on the bible and raise your right.

19 Do you solemnly swear or affirm that the testimony
20 you're about to give in this case will be the truth, the
21 whole truth and nothing but the truth, so help you God?

22 THE WITNESS: I do.

23 THE CLERK: If you would have a seat and state
24 your name for the record, please.

25 THE WITNESS: My name is Lisa Holliday.

1

LISA HOLLIDAY,

2

HAVING BEEN DULY SWORN, TESTIFIED AS FOLLOWS:

3

DIRECT EXAMINATION

4

BY MR. RICHARDSON:

5

Q. Ma'am, if you would scoot up to that microphone and

6

speak into that. It's real hard to hear ---

7

A. Okay.

8

Q. --- in this courtroom. Could you repeat your name,

9

please?

10

A. I'm Lisa Holliday.

11

Q. Okay, ma'am. And are you married?

12

A. Yes.

13

Q. Okay. And do you have any children?

14

A. Yes, sir.

15

Q. How many?

16

A. One son, nineteen.

17

Q. And where do you live?

18

A. [REDACTED].

19

Q. And is that in Pickens County or Anderson County?

20

A. Anderson County.

21

Q. And do you know the defendant?

22

A. I do.

23

Q. Okay. How do you know him?

24

A. Just as a neighbor across the street.

25

Q. Okay. Is his house directly across the street from

1 your house?

2 A. Directly across the street.

3 Q. Okay. And do you know how long he's lived there?

4 A. We built our house in 1997, so we've been there a
5 number of years. I would say ten years.

6 Q. Okay. Now, I want to take your memory back to
7 December the 10th, 2011. Did you -- on that day did you
8 notice any activity over across the street at the
9 defendant's residence?

10 A. Yes.

11 Q. What was that?

12 A. When I woke up that morning around seven thirty or
13 eight a.m., I noticed the state troopers' cars in the
14 driveway. And of course, that got my attention.

15 Q. Sure. And at that point in time, did you do
16 anything at that point in time or did you just look at
17 them and ---

18 A. Got my husband out of bed.

19 Q. All right. And did you show him?

20 A. Yes.

21 Q. Okay. Now, of course, that peaked your interest.

22 At some point in time did you notice if those patrol cars
23 left?

24 A. Eventually they did leave.

25 Q. Okay. And did you ever see the defendant?

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Lisa Holliday - Direct Examination by Mr. Richardson

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1 A. Yes, I did. After the patrolmen left, I saw him
2 basically behind his shrubbery trying to go from door to
3 window to door to window trying to get into his home.

4 Q. Okay. And when you saw him doing that, did you
5 watch the entire time? Did you see him get in the house?
6 How did that happen?

7 A. I do not recall seeing him get in the -- go into
8 the house.

9 Q. Okay. And do you know where -- after the patrol
10 left, do you know where he came from?

11 A. I did not see him, but I -- I do not know where he
12 came from.

13 Q. Okay. And were there any vehicles in his yard or
14 in his driveway?

15 A. No.

16 Q. Okay. Do you know what kind of vehicle the
17 defendant drives?

18 A. A two-tone colored truck.

19 Q. Okay. And would you see him driving this car?

20 A. Daily.

21 Q. He would drive it daily?

22 A. Daily.

23 Q. Okay. And was he driving it daily up until the
24 time of this accident?

25 A. Yes, sir.

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Lisa Holliday - Cross Examination by Mr. Alexander

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1 Q. Up until the time of December the 10th?

2 A. Yes, sir.

3 Q. Let me show you what's been marked State's Exhibit

4 9. Do you recognize that?

5 A. Yes, sir.

6 Q. What is that?

7 A. That is Rufus Raiden's truck.

8 Q. The one that he drives?

9 A. Yes.

10 Q. Thank you. That's all the questions I have.

11 Please answer any questions the defense counsel may have
12 for you.

13 MR. ALEXANDER: Briefly, Your Honor.

14 **CROSS EXAMINATION**

15 **BY MR. ALEXANDER:**

16 Q. Ms. Holliday, did Mr. Raiden have a garage at his
17 house?

18 A. Yes.

19 Q. Was it closed or open that morning that you saw him
20 out there?

21 A. Closed.

22 Q. It was closed? And that was about eight o'clock in
23 the morning that you saw him ---

24 A. Between seven thirty and eight.

25 MR. ALEXANDER: That's all the questions I

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Greg Holliday - Direct Examination by Mr. Richardson

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1 have, Your Honor.

2 MR. RICHARDSON: Nothing further, Your Honor.

3 THE COURT: All right. Thank you. You may
4 step down.

5 MR. RICHARDSON: Please the court, may this
6 witness be excused?

7 MR. ALEXANDER: No objection.

8 THE COURT: Without objection, you may be
9 excused.

10 MR. RICHARDSON: State calls Greg Holliday to
11 the stand.

12 THE CLERK: If you would place your left hand
13 on the bible and raise your right.

14 Do you solemnly swear or affirm that the testimony
15 you're about to give in this case will be the truth, the
16 whole truth and nothing but the truth, so help you God?

17 THE WITNESS: I do.

18 THE CLERK: Thank you, sir. If you would have
19 a seat and state your name for the record, please.

20 THE WITNESS: Greg Holliday.

21 **GREG HOLLIDAY,**

22 **HAVING BEEN DULY SWORN, TESTIFIED AS FOLLOWS:**

23 **DIRECT EXAMINATION**

24 **BY MR. RICHARDSON:**

25 Q. Mr. Holliday, if you could scoot up just a little

1 closer to that microphone and speak into it, I would.

2 appreciate it. Mr. Holliday, are you employed?

3 A. Yes, I am.

4 Q. And where are you employed?

5 A. I am employed with AssetPoint, which is a software
6 development company in Greenville.

7 Q. Okay. And you are married to Lisa Holliday?

8 A. Yes.

9 Q. So I assume y'all are still together and you live
10 in the house ---

11 A. Yes.

12 Q. --- across the street from the defendant?

13 A. Yes.

14 Q. Okay. Do you remember back December the 10th of
15 2011 any unusual activity at the defendant's house?

16 A. Yes. I remember I had gotten up -- we have a dog
17 that lives inside. I had gotten up around four o'clock
18 that morning to let the dog out. And while I was
19 waiting, looking out the door waiting for the dog to come
20 back, I noticed a patrol car and then another car pull
21 into the driveway. The patrolman and the driver of the
22 other car got out. They were there maybe five minutes or
23 so. Got back in their cars and left. Then ---

24 Q. Excuse me. Let me stop you right there. I
25 apologize. The other car that you're referring to, was

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Greg Holliday - Direct Examination by Mr. Richardson

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1 that a civilian vehicle?

2 A. Yes, it was. I don't remember, but I think it was
3 white.

4 Q. Okay.

5 A. A white car. And then later that morning, around
6 eight or so, we were up having coffee, breakfast, sitting
7 on the couch watching TV. There were three or four
8 patrol cars across the street. And then they were there
9 probably thirty, forty-five minutes. At least they were
10 there thirty, forty-five minutes after we had been up.
11 So somewhere around a quarter till nine, something like
12 that, they left. And then it wasn't long after that,
13 probably ten, fifteen, twenty minutes, something like
14 that, I was still sitting on the couch and happened to
15 notice something and looked out and I saw Rufus coming
16 from the back of his house. He walked along the side of
17 his house and then he went in the side door.

18 Q. Okay. And does his house back up to other houses
19 or is there woods or ---

20 A. There's woods behind his house.

21 Q. Okay. And did you see where he came from?

22 A. Just from the back sort -- I mean, from the
23 direction fo the woods, so ...

24 Q. And you said that was about how long after the
25 highway patrol had left?

1 A. Twenty minutes at the most.

2 Q. Okay. And did you ever -- did you notice anything?

3 Did you ever see him go into the house or anything of
4 that nature?

5 A. Yes.

6 Q. And where did he go in?

7 A. In the side door there at the garage.

8 Q. Thank you. That's all the questions I have.

9 Please answer any questions that defense counsel has for
10 you.

11 MR. ALEXANDER: Briefly, Your Honor.

12 **CROSS EXAMINATION**

13 **BY MR. ALEXANDER:**

14 Q. Mr. Holliday, did Mr. Raiden appear to get a key
15 from somewhere out there at the side door or ---

16 A. I couldn't -- I mean, I couldn't tell. Where I
17 first noticed him at was right at the side door, some
18 shrubs right there, so ...

19 Q. The driver of the white car, the civilian car, were
20 you able to see that driver?

21 A. Not very good. I mean, I could make out because, I
22 mean, it was dark, the street light, I could make out
23 kind of what was going on.

24 Q. Okay. That was the four a.m. car?

25 A. Yes.

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Greg Holliday - Cross Examination by Mr. Alexander

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1 Q. Could you tell, was it a woman or a man?

2 A. I think it was a woman.

3 Q. Could you tell if it was a white or black woman?

4 A. I couldn't tell.

5 Q. All right.

6 MR. ALEXANDER: That's all I have, Your Honor.

7 THE COURT: Thank you, sir.

8 MR. RICHARDSON: Thank you, sir.

9 THE COURT: You may step down. Without
10 objection, this witness may be excused.

11 MR. RICHARDSON: Thank you, sir.

12 THE COURT: If I could see the attorneys here
13 just for a minute?

14 (WHEREUPON, Messrs. Alexander and Richardson
15 approached the bar.)

16 THE COURT: You may call your next witness.

17 MR. RICHARDSON: State calls Matt Parris to the
18 stand.

19 THE CLERK: If you would place your left hand
20 on the bible. Raise your right.

21 Do you solemnly swear or affirm that the testimony
22 you're about to give in this case will be the truth, the
23 whole truth and nothing but the truth, so help you God?

24 THE WITNESS: I do.

25 THE CLERK: Thank you, sir. If you would have

1 a seat and state your name for the record, please.

2 THE WITNESS: Matthew Parris.

3 MATTHEW PARRIS,

4 HAVING BEEN DULY SWORN, TESTIFIED AS FOLLOWS:

5 DIRECT EXAMINATION

6 BY MR. RICHARDSON:

7 Q. Sir, how old are you?

8 A. I am twenty-five.

9 Q. And are you employed?

10 A. I am.

11 Q. And where is that?

12 A. I'm employed at Sub Station II.

13 Q. All right. Now, did you know Ryan?

14 A. Yes, very well.

15 Q. How long had you known Ryan?

16 A. Since I moved here from Greenville in about
17 probably sixth grade is when I first met him. I've known
18 him ever since then.

19 Q. Okay. Now, the night of December the 10th, were
20 you supposed to meet Ryan?

21 A. Yes.

22 Q. Okay. Where were you supposed to meet Ryan?

23 A. At the Dodge's gas station in Easley.

24 Q. Okay. And is that on -- the Dodge's on Highway 8?

25 A. Yeah, the one right there where the old Walmart

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1 used to be. Yeah.

2 Q. Okay. And why were you meeting Ryan there?

3 A. I actually owed him some money. He had lent me
4 some money and I owed him a bit of money. And I told him
5 it could wait, but I was already headed out that way, so
6 we just decided to go ahead and meet up.

7 Q. Okay. And approximately how long did you wait for
8 Ryan?

9 A. Probably about thirty minutes, maybe a little bit
10 longer.

11 Q. Now, from where Ryan lived, which way would he be
12 coming to meet you?

13 A. He would have come the way that I went. Like he
14 would have been coming up Highway 8 from Anderson
15 direction.

16 Q. Okay. After a period of time, did you go look for
17 him?

18 A. Yeah. He wouldn't answer his calls. He wouldn't
19 answer -- he wouldn't text me back, so I tried to call
20 him. He wouldn't answer his phone. So I waited a little
21 while longer, because I thought, you know, well, if he
22 hadn't answered his phone either he would have already
23 had time to go back to the house to get his phone because
24 he had forgotten it or he would have already been there
25 by now.

1 Q. Okay. So did you -- ultimately did you drive up on
2 the wreck scene?

3 A. Yes. Yeah, I did.

4 Q. And at some point in time at the wreck scene, did
5 another friend of his drive up?

6 A. Yes.

7 Q. Okay. And what did y'all do out there?

8 A. I wanted to look at the car, but one of the
9 officers actually suggested that I look for the dog.
10 Because Ryan had the dog Hotchie in the car. But Hotchie
11 was, I guess from the -- I don't know how the dog got out
12 of the car, but the dog wasn't in the car anymore. The
13 dog was somewhere else. So we went and looked for the
14 dog, pretty much the whole time.

15 Q. And this dog lived with him at his residence?

16 A. Yes.

17 Q. Okay. That's all the questions I have. Please
18 answer any questions the defense counsel has for you.

19 MR. ALEXANDER: Just briefly, Your Honor.

20 THE COURT: Yes, sir.

21 **CROSS EXAMINATION**

22 **BY MR. ALEXANDER:**

23 Q. Mr. Parris, is that ---

24 A. Parris.

25 Q. Why were y'all meeting so late? I'm just curious?

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1 A. Just I'd owed him the money for quite some time and
2 I'd finally got it, so I wanted to go ahead and get it
3 back to him. I lived in Taylors at the time. So it was
4 a long drive for me to meet him.

5 Q. Were you working late that night or something?

6 A. To be honest, I don't recall.

7 Q. Just to be clear, Mr. Richardson said you were
8 meeting the night of December 10th. I guess it was
9 actually the night of December 9th into the a.m. hours of
10 December 10th; does that sound correct?

11 A. I took his statement to mean the night of the
12 wreck. That's the night ---

13 Q. I got you. I got you. That makes sense. Do you
14 know what time you got to Dodge's store?

15 A. Not specifically. I mean, this has been a while
16 ago. But approximately, I would guess, anywhere between
17 maybe twelve thirty, one o'clock. Or maybe twelve, one
18 o'clock; somewhere around there.

19 Q. Okay. And you waited about thirty minutes?

20 A. Yes, sir.

21 MR. ALEXANDER: All right. That's all the
22 questions I have.

23 THE COURT: Anything in redirect?

24 MR. RICHARDSON: Nothing further, Your Honor.

25 THE COURT: All right. Thank you, sir. You

1 may step down.

2 MR. RICHARDSON: Your Honor, may we approach?

3 THE COURT: Yes, sir. You may be excused, sir,
4 without objection.

5 MR. ALEXANDER: Without objection, yes, sir.

6 (WHEREUPON, Messes. Alexander and Richardson
7 approached the bar.)

8 THE COURT: You may call your next witness.

9 MR. RICHARDSON: Thank you. The state calls
10 Glenn Holliday.

11 THE CLERK: Place your left hand on the bible
12 and raise your right.

13 Do you solemnly swear or affirm that the testimony
14 you're about to give in this case will be the truth, the
15 whole truth and nothing but the truth, so help you God?

16 THE WITNESS: I do.

17 THE CLERK: Thank you, sir. If you would have
18 a seat and state your name for the record, please.

19 THE WITNESS: I'm Glenn Holliday.

20 **GLENN HOLLIDAY,**

21 **HAVING BEEN DULY SWORN, TESTIFIED AS FOLLOWS:**

22 **DIRECT EXAMINATION**

23 **BY MR. RICHARDSON:**

24 Q. Mr. Holliday, I need you to scoot up just a little
25 bit towards that microphone. It's kind of hard to hear

1 you. Mr. Holliday, where do you reside?

2 A. [REDACTED] in Easley.

3 Q. Okay. Is that in close proximity to the

4 defendant's house?

5 A. Yes.

6 Q. Okay. Do you live actually next door to Lisa and

7 Greg Holliday?

8 A. Yes.

9 Q. Okay. Is Greg your son?

10 A. Yes.

11 Q. Okay. Let me take your memory back to December the

12 10th. Did you have contact with the defendant on that

13 day?

14 A. Yes.

15 Q. Can you tell the jury what happened?

16 A. Must have been about eleven thirty. I was taking
17 my grandchildren home. They had spent the night with me.

18 I was taking them home. As I stepped out on the carport,

19 Mr. Raiden was coming up -- walking up my driveway. And

20 he said that he had taken his land line out of his house

21 and he was using a cell phone and he had lost his cell

22 phone and asked if he could use my telephone.

23 Q. Okay. And did you let him use your telephone?

24 A. I had it actually on my belt and I took it off and

25 he used my telephone.

1 Q. And did you overhear any of the conversation?

2 A. Yes, sir. Mr. Raiden didn't make any attempt to
3 walk away when I handed him my telephone, so yes, I did.

4 Q. And what did he say?

5 A. He said, come and get me. And there was a pause
6 and then he said, now. And to my knowledge, if he said
7 anything else, I've lost it in my mind or else, but I
8 distinctly remember that.

9 Q. Okay. And did he then -- did he give you your
10 telephone back?

11 A. Yes, sir.

12 Q. Okay. And did he ever say anything to you about
13 being in a wreck?

14 A. No, sir.

15 Q. Thank you. That's all the questions I have.
16 Please answer any questions that the defense counsel has.

17 MR. ALEXANDER: Briefly, Your Honor.

18 THE COURT: Yes, sir.

19 **CROSS EXAMINATION**

20 **BY MR. ALEXANDER:**

21 Q. Mr. Holliday, did you -- the night before that, did
22 you see any patrol officers or anything like that in your
23 neighborhood or at Mr. Raiden's house?

24 A. Not the night before.

25 Q. Okay. You saw -- after he used your phone, you saw

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1 them at his house?

2 A. Yes. Yes.

3 Q. Did you see anybody at Mr. Raiden's house the night
4 before he borrowed your phone?

5 A. No, sir.

6 Q. Okay.

7 MR. ALEXANDER: That's all I have, Your Honor.

8 MR. RICHARDSON: Nothing further, Your Honor.

9 THE COURT: Thank you. You may step down, sir.
10 Without objection, this witness may be excused.

11 Mr. Foreman, ladies and gentlemen, I've just gotten
12 word that the county is going to be shutting down its
13 offices now, so we're going to break for the day. We
14 don't know what tomorrow may hold. Let me just remind
15 you again that the trial is still going on. You
16 shouldn't be discussing the case with anyone. You should
17 not let anyone discuss the case with you. You should not
18 try to do any kind of independent research.

19 We have witnesses who, I understand, are going to be
20 coming from Columbia, and Columbia may be having worse
21 weather than us, so we tried to anticipate and call and
22 find out what the weather conditions are. We're not
23 going to start back tomorrow until one o'clock. So you
24 don't need to be back here until one o'clock. In fact,
25 the same procedure before.

1 That one o'clock has an asterisk by it. You need to
2 stay alert to Channel 4, Channel 7, Greenville News.
3 There will be a message for closings. We're going to
4 follow the plan that Pickens County employees follow. So
5 if the employees come to work at ten o'clock, we're still
6 going to come at one. But if the employees are not to
7 come until two o'clock or any time after one o'clock, you
8 obey that instruction. If they say that all offices in
9 Pickens County are closed for the day, then you continue
10 to follow that instruction and we'll be back on Thursday
11 morning. So we're going to be here at one o'clock
12 tomorrow if the courthouse is open and employees are
13 working. If not, you follow that guideline and we'll be
14 back then.

15 I don't know the conditions at your homes. Some of
16 you may have steep drives. You may have icy conditions,
17 even at one o'clock. If any of you have any concerns
18 about driving, please call the sheriff's office. Mr.
19 Welborn is going to be in contact with them to let them
20 know -- you just let them know you're a juror and are
21 supposed to be here at one o'clock. We'll have some
22 transportation provided for you. I don't want any of you
23 to risk injury in trying to be here for jury service.
24 But you just call and arrangements can be made and they
25 can get your name and number and Mr. Welborn can call and

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1 we'll make sure that you're here in a safe manner.

2 So does everybody -- the message on the answering
3 machine for the full jury panel, the numbers being given
4 will not apply to you now. I don't know what may be said
5 there, but that'll be for the other jurors that were with
6 you yesterday; not to you.

7 Your instructions are to be here at one o'clock
8 tomorrow unless there's a delay for county employees on
9 some of the news media, then you come at that time,
10 whenever it says. So if the county comes to work at nine
11 o'clock in the morning, you don't have to be here.
12 You're welcome to come then, but we need you at one
13 o'clock. Okay?

14 Have a good evening, ladies and gentlemen. I'll see
15 you back tomorrow. Any of you who might be having a
16 birthday today, I wish you a happy birthday.

17 (WHEREUPON, the jury exited the open court at
18 approximately 4:12 p.m.)

19 THE COURT: All right. The instructions that I
20 gave to the jury will apply to us, too. I understand
21 from the state you've got three more witnesses?

22 MR. RICHARDSON: That's correct, Your Honor.

23 THE COURT: Is that right? If it's more, we'll
24 certainly ---

25 MR. RICHARDSON: I was a little confused

1 earlier. I think it's three.

2 THE COURT: That's okay. We'll be -- I don't
3 know what the road conditions will be tomorrow, but I
4 hope those fourteen people understood what I had to say
5 and maybe the two lawyers did. See you tomorrow. Y'all
6 drive safely tonight.

7 (WHEREUPON, the court stood at recess for the day.)

8 **January 29, 2014 - NO COURT SCHEDULED**

9 **January 30, 2014**

10 (WHEREUPON, Court convened with all parties present
11 and the following proceedings were had.)

12 THE COURT: All right. Solicitor, you ready to
13 proceed?

14 MR. RICHARDSON: State's ready, Your Honor.

15 THE COURT: Defense ready?

16 MR. ALEXANDER: Yes, sir, Your Honor.

17 THE COURT: All right. Let's have our jury
18 come in if they're ready.

19 (WHEREUPON, the jury entered the open court at
20 approximately 9:39 a.m.)

21 THE COURT: Good morning, ladies and gentlemen.
22 We're now ready to proceed with the trial of the case.

23 Solicitor, you may call your next witness.

24 MR. RICHARDSON: Thank you, Your Honor. Please
25 the court. Call Kevin Rhinehart.

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1 THE CLERK: Place your left hand on the bible
2 and raise your right.

3 Do you solemnly swear or affirm that the testimony
4 you're about to give in this case will be the truth, the
5 whole truth and nothing but the truth, so help you God?

6 THE WITNESS: I do.

7 THE CLERK: Thank you, sir. If you would have
8 a seat and state your name for the record, please.

9 THE WITNESS: My name is Kevin Rhinehart. I
10 work with the City of Columbia Police Department.

11 KEVIN RHINEHART,

12 HAVING BEEN DULY SWORN, TESTIFIED AS FOLLOWS:

13 DIRECT EXAMINATION

14 BY MR. RICHARDSON:

15 Q. Okay, sir. How long have you been employed with
16 Columbia Police Department?

17 A. Approximately four and a half years.

18 Q. Are you on road patrol, so to speak, there?

19 A. Yes. I'm a patrol officer in our metro region.

20 Q. Okay, sir. And were you working back December the
21 12th of last -- excuse me, December the 12th of 2011?

22 A. Yes, I was.

23 Q. Okay. And did you have occasion to be dispatched
24 to the Columbia bus station?

25 A. Yes. I was dispatched to the Greyhound Bus Station

1 at 2015 Gervais Street.

2 Q. Okay. And why?

3 A. The call received from dispatch was that the
4 highway patrol was looking for a Rufus Raiden suspect
5 that had an active warrant out for a hit and run
6 fatality. We went out there. They gave us a description
7 of a white male. We went out trying to locate him.

8 Q. Okay, sir. And did you, in fact, locate the
9 defendant at the bus station?

10 A. Yes, we did.

11 Q. Where was he? Tell the jury what happened when you
12 located him?

13 A. Yes. I came -- they gave us a description of a
14 white male, no age or any other information about that,
15 just the name and the description of a white male. There
16 were about twenty, twenty-five people inside the bus
17 station, inside and out. We only saw and observed about
18 three white males at the time, so we went and contacted
19 the first one we came to, which was standing outside the
20 bus station, trying to get the information on who he was.
21 While we were identifying him, we noticed somebody else
22 try to walk out the door and try to walk past us. We, of
23 course, stopped him so that he couldn't walk away. And
24 were able to identify him as Rufus Raiden. As soon as we
25 stopped him and asked him for his name, he said, you've

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Kevin Rhinehart - Cross Examination by Mr. Alexander

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1 got me, indicating that's the person that we were looking
2 for.

3 Q. Okay. And then after he said, you've got me, did
4 you at that point put him under arrest?

5 A. Yes. We detained him and placed him into handcuffs
6 and then were able to, while we searched him, we located
7 in his wallet his ID, which did identify him as Rufus
8 Raiden.

9 Q. Okay, sir. And what did he -- did he have anything
10 in his possession?

11 A. If I remember correctly, he did have two large
12 black sort of duffle bags that had bus tags attached to
13 them that they commonly use for their luggage to identify
14 which one belongs to who and where to place them on the
15 bus.

16 Q. Okay, sir. And at that point in time did you
17 relinquish control -- or at some point in time did you
18 relinquish control of the defendant?

19 A. Within about an hour, highway patrol came out and
20 took control of the defendant.

21 Q. Thank you. That's all the questions I have.
22 Please answer any questions Mr. Alexander may have for
23 you.

24 **CROSS EXAMINATION**

25 **BY MR. ALEXANDER:**

1 Q. Officer Rhinehart, y'all did take him back to

2 Richland County Detention; is that correct?

3 A. I did not. We waited for highway patrol. Highway
4 patrol came out and took possession of him. I'm not sure
5 where he went from there.

6 Q. All right. Were you able to observe Mr. Raiden's
7 chest or body areas?

8 A. No, I didn't. We just did a search of him to make
9 sure he didn't have any weapons on him.

10 Q. Okay. Did you pat him down?

11 A. Patted him down, did a search, went in his pockets.

12 Q. And he didn't appear to be injured in anyway?

13 A. I'm not sure. He didn't complain of any injuries
14 at the time.

15 MR. ALEXANDER: One minute, Your Honor.

16 Q. While you were still with Mr. Raiden did you or
17 anybody else, any other officers present, get a call from
18 Greenville County or Pickens County?

19 A. Not to my recollection. I'm not sure. I did not
20 personally.

21 MR. ALEXANDER: That's all the questions I
22 have.

23 MR. RICHARDSON: Nothing further from the
24 state, Your Honor.

25 THE COURT: All right. Thank you. You may

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1 step down. Without objection, this witness may be
2 excused?

3 MR. RICHARDSON: Thank you, Your Honor.

4 MR. ALEXANDER: No objection.

5 THE WITNESS: Thank you, Your Honor.

6 THE COURT: You may call your next witness.

7 MR. RICHARDSON: Thank you, Your Honor. Please
8 the court. Call Rhonda Fields to the stand.

9 THE CLERK: Place your left hand on the bible
10 and raise your right.

11 Do you solemnly swear or affirm that the testimony
12 you're about to give in this case will be the truth, the
13 whole truth and nothing but the truth, so help you God?

14 THE WITNESS: I do.

15 THE CLERK: If you would have a seat and state
16 your name for the record, please.

17 THE WITNESS: It's Rhonda Fields.

18 **RHONDA FIELDS,**

19 **HAVING BEEN DULY SWORN, TESTIFIED AS FOLLOWS:**

20 **DIRECT EXAMINATION**

21 **BY MR. RICHARDSON:**

22 Q. Ms. Fields, where are you employed?

23 A. South Carolina Law Enforcement Division. It's
24 commonly known as SLED.

25 Q. Okay. And do you hold a rank with them?

1 A. I'm the lieutenant of the DNA Database Department.

2 Q. Okay. And so with SLED what are your duties?

3 A. Well, currently I supervise the DNA Database Unit.

4 At the time I worked this case, however, I was assigned
5 to the DNA Database Unit, but I also worked DNA cases for
6 overtime.

7 Q. Okay. And as part of working DNA cases, do you
8 have any type of education or background to do that?

9 A. I do. I received my bachelor of science degree
10 from Clemson University in 1998. I also received
11 extensive in-house training by a qualified DNA analyst at
12 SLED and assigned to go DNA case work department. And I
13 also attend regular workshops and conferences to keep us
14 up to date on DNA technology.

15 Q. Okay. So y'all have a continuing education type of
16 program?

17 A. We do.

18 Q. Okay. And have you -- are you up to date on all
19 your continuing education and training?

20 A. I am, yes, sir.

21 Q. Okay. And have you, in fact, in your position,
22 done DNA analysis before?

23 A. I have, yes.

24 Q. Okay. And have you done it specifically on buccal
25 swabs and blood samples?

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1 A. I have, yes.

2 Q. Okay. And can you -- do you know how many times
3 you have done that in the past?

4 A. I've probably worked approximately two hundred
5 cases. I've analyzed thousands of -- tens of thousands,
6 basically, of samples.

7 Q. Okay. And have you testified in courts of the
8 state of South Carolina before?

9 A. I have, yes.

10 Q. And have you been qualified as an expert in
11 forensic DNA analysis before?

12 A. I have, yes.

13 Q. Okay. How many times have you done that?

14 A. Approximately twenty.

15 MR. RICHARDSON: Your Honor, at this time we
16 would offer Ms. Fields as an expert in forensic science,
17 particularly in the analysis of DNA.

18 THE COURT: Is there any voir dire of this
19 witness or any objections to her qualifications?

20 MR. ALEXANDER: No voir dire, Your Honor, and
21 leave it to the court's discretion on qualifications.

22 THE COURT: Okay. The witness will be
23 considered an expert in forensic DNA analysis. You may
24 proceed.

25 Q. Now, when the State Law Enforcement Division

1 receives samples in to be tested, does the officer -- or
2 does somebody in your office take control of those
3 samples and then note it in some form or fashion?

4 A. The submitting officer, typically, will come into
5 the evidence control department at SLED and there is an
6 evidence control technician there that receives the
7 evidence and documents it in our laboratory information
8 management system. And they will also containerize the
9 submitted items in such a manner that it's basically
10 sample-proof or there's usually evidence if there's any
11 tampering involved with that item of evidence.

12 Q. And did you in fact receive into your custody at
13 SLED a known blood sample form -- a known blood sample in
14 this case?

15 A. Well, it wasn't -- it was an item of evidence ---

16 Q. Excuse me. I misspoke. Did you receive a blood
17 sample?

18 A. There was an item of evidence, I did test it for
19 blood, but it was blood indicated. We don't really do a
20 confirmation test for blood in our laboratory, so ...

21 Q. And did you receive a buccal swab ---

22 A. I did.

23 Q. --- also in this case?

24 A. I did.

25 Q. I'm going to hand you what's been marked State's

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1 Exhibit 26. Do you recognize that?

2 A. I do.

3 Q. And what is that?

4 A. It's a chain of custody generated by our laboratory
5 information management system.

6 Q. Okay. And what is that particular chain of custody
7 for?

8 A. It tracks the items of evidence submitted in a
9 particular case from the moment it's entered into the
10 laboratory until it exits the laboratory.

11 Q. Okay. Have you reviewed that chain of custody?

12 A. I have, yes.

13 Q. And is it complete as to the chain to these two
14 items?

15 A. It is, yes.

16 Q. Okay. And is that a document that y'all keep
17 internally within State Law Enforcement Division?

18 A. It is.

19 Q. And it's typically in your department?

20 A. It is.

21 MR. RICHARDSON: Your Honor, at this time State
22 offers State's Exhibit 26 into evidence.

23 THE COURT: Any objection?

24 MR. ALEXANDER: No objection, Your Honor.

25 THE COURT: Without objection, Exhibit 26 is

1 admitted and may be published.

2 (WHEREUPON, State Exhibit Number 26 was admitted
3 into evidence.)

4 Q. Now, once you received the samples in this case,
5 what is your procedure in testing them?

6 A. Once we receive it, we will put the item of
7 evidence, which is -- do you mind if I refer to my case
8 jacket?

9 Q. Sure.

10 A. Item one, which is a swab from the driver's side
11 door panel. It had a stain that appeared to be blood.
12 We do basically a presumptive test to see if it is blood.
13 It's basically a chemical reaction. And if there's an
14 indication of blood there, it'll turn pink. There was
15 that color change present in item one, so it tells me
16 that blood is indicated. Actually we don't do a
17 confirmation test for that. We then -- once we see that
18 there is biological fluid there that could result in a
19 DNA profile, we then take it on to DNA testing. And with
20 this particular item, I would have -- the first step in
21 the DNA process is to isolate the DNA from other cellular
22 debris. And so it's called an extraction step. So we
23 would have isolated the DNA from the other cellular
24 debris. We have to target a certain concentration of
25 DNA, so there's -- so we have to quantitate the DNA after

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1 we isolate it to see how much is there. And then we take
2 it through a process that's the equivalent of like a
3 genetic copying machine. It make a billion copies,
4 basically, of targeted sequences of DNA. And then we
5 visualize these DNA strands on a genetic analyzer. And
6 if we get a DNA profile from the evidence item and then
7 we generate -- we take the standard submitted in the
8 case, and in this case it was a swab from Rufus Raiden,
9 we take it through the same process. We develop a DNA
10 profile for Rufus Raiden, compare that DNA profile
11 developed from his standard to the item of evidence. And
12 that's basically the process we take, both the evidence
13 and the standard through.

14 Q. Okay. And so when you say the standard, is that
15 the buccal swab ---

16 A. Right.

17 Q. --- that was provided to you?

18 A. Right. It's DNA from a known source. And in this
19 case the known source was Rufus Raiden, III.

20 Q. Okay. And did these items come to you sealed?

21 A. They do.

22 Q. If they were not sealed, would you test them?

23 A. No.

24 Q. Are they in separate and distinct bags or sealed
25 bags?

1 A. They are. The standards are separated from items
2 of evidence to prevent cross-contamination.

3 Q. Okay. And in fact, what day did you test the blood
4 sample?

5 A. Again, do you mind if I look at ---

6 Q. That's fine.

7 A. Evidence sample was tested on September 16th of
8 2012. That was when the analysis started.

9 Q. Okay. And when was the buccal swab analyzed?

10 A. October 2nd of 2012.

11 Q. Okay. So they were done on separate days?

12 A. Right. The tests were started on separate days.

13 Q. Okay. And did you, upon your analysis of those two
14 items, did you come to a conclusion?

15 A. I did.

16 Q. And what is that conclusion?

17 A. That the DNA profile developed from the item of
18 evidence matched Rufus Raiden, III. And the probability
19 of randomly selecting an unrelated individual having this
20 DNA profile is approximately one in twenty-eight
21 quintillion.

22 Q. Okay. And one in twenty-eight quintillion. Do you
23 know how many people are in the world?

24 A. There's approximately six to seven billion,
25 somewhere ...

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1 Q. And so do you have an expert opinion as to whether
2 the known sample and the sample that was given to you
3 from the vehicle, do you have an expert opinion as to
4 whether those -- that that known sample from the vehicle
5 is the defendant?

6 A. In my opinion, it would have -- barring an
7 identical twin, because identical twins do have the same
8 DNA profile, so barring an identical twin, it's my
9 opinion that it would have originated from Rufus Raiden,
10 III.

11 Q. And did you develop that into a report?

12 A. I did, yes.

13 Q. Let me hand you what's been marked State's Exhibit
14 27. Do you recognize that?

15 A. I do.

16 Q. And is that the report in which you developed your
17 analysis and opinion?

18 A. It is.

19 MR. ALEXANDER: No objection, Your Honor.

20 MR. RICHARDSON: Your Honor, I move State's
21 Exhibit 27 into evidence.

22 THE COURT: Without objection it may be
23 admitted and published to the jury.

24 (WHEREUPON, State Exhibit Number 27 was admitted
25 into evidence.)

1 MR. RICHARDSON: Thank you, ma'am. Please
2 answer any questions defense counsel may have for you.

3 MR. ALEXANDER: Please the court, Your Honor.

4 **CROSS EXAMINATION**

5 **BY MR. ALEXANDER:**

6 Q. You said it was Lieutenant Fields?

7 A. Yes, sir.

8 Q. When you're dealing with -- do you go out into the
9 field at all?

10 A. I don't.

11 Q. Did you ever have any training regarding collection
12 of forensic evidence, anything of that nature?

13 A. I actually have. I don't currently go out in the
14 field, but I was a trainee in crime scene for
15 approximately a year and a half. I was never signed off.
16 But I have been exposed to some crime scene training.

17 Q. And are you able to -- do you know, as far as
18 something that appears to be blood at a crime scene, is
19 it true that it takes less than an hour for blood to dry
20 on a surface?

21 A. I've never been involved in any studies related to
22 that, so I honestly couldn't say.

23 Q. You're not able to render an opinion one way or the
24 other about that?

25 A. No, sir. No, sir.

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1 MR. ALEXANDER: That's all I have, Your Honor.

2 MR. RICHARDSON: Nothing further from the
3 state, Your Honor.

4 THE COURT: All right. Thank you. You may be
5 -- may step down. Any objection to this witness being
6 excused?

7 MR. ALEXANDER: No, Your Honor.

8 THE COURT: All right. Thank you, ma'am. You
9 may step down.

10 MR. RICHARDSON: State calls Dr. James Fulcher.

11 THE CLERK: Place your left hand on the bible
12 and raise your right.

13 Do you solemnly swear or affirm that the testimony
14 you're about to give in this case will be the truth, the
15 whole truth and nothing but the truth, so help you God?

16 THE WITNESS: I do.

17 THE CLERK: Thank you, sir. If you would have
18 a seat and state your name for the record, please.

19 THE WITNESS: Dr. James William Fulcher.

20 JAMES W. FULCHER, M.D.,

21 HAVING BEEN DULY SWORN, TESTIFIED AS FOLLOWS:

22 DIRECT EXAMINATION

23 BY MR. RICHARDSON:

24 Q. Doctor, where are you employed?

25 A. Pathology Associates of Greenville, South Carolina.

1 Q. Okay. And what do you do for that organization?

2 A. I'm a forensic pathologist. I do approximately two
3 hundred and fifty to three hundred autopsies on people
4 that die in Greenville and Pickens County each year.

5 Q. Okay. And how long have you been employed there?

6 A. Five years.

7 Q. And as a forensic pathologist, can you tell the
8 jury what your educational background is?

9 A. Sure. I'm originally from Virginia. I went to
10 college at the University of Virginia. I went to medical
11 school at the Medical College of Virginia in Richmond,
12 Virginia. Completed a four-year residency in anatomic
13 and clinical pathology. Did an additional one-year
14 fellowship in forensic pathology in Richmond, Virginia.

15 Q. Okay, sir. In addition to that -- your educational
16 background, do you have any personalized training in
17 forensic pathology?

18 A. I do. That one-year fellowship is exclusive for --
19 exclusively forensic pathology. And I'm also board
20 certified by the American College of Pathologists in
21 anatomic, clinical and forensic pathology.

22 Q. Okay, sir. And I believe you testified you do --
23 how many autopsies do you do ---

24 A. I've done in my career approximately fifteen
25 hundred. But I usually do between two hundred fifty to

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1 three hundred a year.

2 Q. Okay, sir. And have you ever testified in the
3 courts of the state of South Carolina?

4 A. I have.

5 Q. Have you ever been qualified as an expert in
6 forensic pathology in the state courts of South Carolina?

7 A. Yes, I have.

8 Q. Do you know how many times?

9 A. Approximately ten.

10 MR. RICHARDSON: Your Honor, at this time I
11 would offer Dr. Fulcher as an expert in forensic
12 pathology.

13 THE COURT: Any voir dire or any objection?

14 MR. ALEXANDER: None, Your Honor.

15 THE COURT: Without objection, he may be
16 qualified as an expert.

17 Q. Sir, did you perform an autopsy on a Jeremy Ryan
18 Crain?

19 A. I did.

20 Q. Yes, sir. And in performing an autopsy, can you
21 briefly tell the jury what you do and what you're looking
22 for?

23 A. Sure. I examine the external body, document
24 injuries, and then I take the scalpel and dissect the
25 body, removing all internal organs checking for damage to

1 ascertain a cause of death. That is why the person died,
2 and a manner. That is a legal definition of how they
3 died, whether it be a homicide, accident, suicide,
4 natural.

5 Q. Okay, sir. And in this particular case, in doing
6 the autopsy, do you have an opinion how Mr. Crain died?

7 A. Yes. Upon opening Mr. Crain's chest, I found quite
8 a bit of blood loose in his chest cavity. The large
9 vessel coming for his heart, the aorta, had actually torn
10 in half, completely in half, during the accident,
11 resulting in fatal internal bleeding. . .

12 Q. Okay, sir. And was the cause of death from the
13 accident, from the car accident?

14 A. Absolutely.

15 Q. Thank you. That's all the questions I have.
16 Please answer any questions defense counsel has for you.

17 **CROSS EXAMINATION**

18 **BY MR. ALEXANDER:**

19 Q. Doctor, I'm assuming that you're giving that
20 opinion based within a reasonable degree of medical
21 certain; is that correct?

22 A. Absolutely.

23 Q. Which is the standard you go by when you testify?

24 A. It is.

25 Q. Okay. You may have said this, but it was blunt

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1 force trauma from a -- severe blunt force trauma to the
2 chest from a sudden deceleration?

3 A. That's correct.

4 Q. Were you -- did you review any other medical
5 records or anything prior to doing your autopsy?

6 A. I sometimes do. In this case I actually just went
7 on the coroner's report, which is a very simple report
8 saying that the decedent was involved in a motor vehicle
9 accident.

10 Q. Do you know whether or not he was a restrained or
11 unrestrained driver?

12 A. I do not have an opinion on that.

13 Q. Okay.

14 MR. ALEXANDER: That's all the questions I
15 have, Your Honor.

16 THE COURT: Any redirect?

17 MR. RICHARDSON: Nothing further from the
18 state, Your Honor.

19 THE COURT: Thank you, doctor, you may step
20 down and without objection you may be excused.

21 MR. ALEXANDER: No objection, Your Honor.

22 THE WITNESS: Thank you.

23 THE COURT: The state may call its next
24 witness.

25 MR. RICHARDSON: That is the case for the

1 state, Your Honor.

2 THE COURT: All right. Ladies and gentlemen,
3 I'm going to ask you if you would go back to your jury
4 room. Don't discuss the case. We have some legal
5 matters we need to take care of. We'll call you back in
6 just a few moment. Probably fifteen, twenty minutes.

7 Everyone else, please remain seated while the jury
8 departs.

9 (WHEREUPON, the jury exited the open court at
10 approximately 10:04 a.m.)

11 THE COURT: All right. Are there any legal
12 matters we need to take care of before we settle the
13 record and I talk with the defendant about his right to
14 testify? Anything from the defense?

15 MR. ALEXANDER: Yes, Your Honor, we would move
16 for a directed verdict. I don't believe the state has
17 met -- viewing the evidence in the light most favorable
18 to the state, that they have met their elements enough to
19 send the matter to the jury.

20 There's a case where the court -- it was ruled the
21 court should have granted a directed verdict when
22 evidence merely raises a suspicion the accused is guilty.
23 They declined to hold that flight alone is substantial
24 circumstantial evidence and is guilt. That was *State v.*
25 *Odoms*, 395 SC 582. I don't believe the state has met

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1 their -- no eyewitness. The inferences that can be made
2 by evidence of flight are not sufficient to justify that
3 this matter be submitted to the jury, Your Honor.

4 THE COURT: All right. I'll be glad to hear
5 from the state on the motion.

6 MR. RICHARDSON: Thank you, Your Honor. In the
7 light most favorable to the state, I'm not going to
8 rehash all the testimony, but we do have testimony that
9 this is his vehicle that he drove. We have DNA blood
10 analysis from that vehicle from the driver's side. Based
11 upon that and his statements subsequent to the incident
12 and also his actions subsequent to the incident, I
13 certainly think there's enough evidence to go forward at
14 this point in time, including our expert testimony.

15 THE COURT: How about on the driving under
16 suspension? I presume the motion is that it's for both
17 cases?

18 MR. ALEXANDER: Yes, sir, I ---

19 THE COURT: The officer testified he was under
20 suspension?

21 MR. RICHARDSON: He testified he checked his
22 driving record and he was under suspension.

23 THE COURT: Okay.

24 MR. ALEXANDER: I would also move on that as
25 well.

1 THE COURT: Where's the evidence in the record
2 that, even circumstantially, that Mr. Raiden had
3 knowledge of his suspension?

4 MR. RICHARDSON: Your Honor, the knowledge ---

5 THE COURT: Is that a requirement, or not?

6 MR. RICHARDSON: It's not a requirement
7 anymore. I think at one time there was, there had to be
8 a notice element out there. But at this point in time I
9 think that the state's requirement is that we prove at
10 the time that he is under suspension, at the time that
11 he's driving. The notice requirement, I remember that
12 being a requirement years ago, but I think that
13 requirement is gone. I think it's almost an imputed
14 knowledge now.

15 THE COURT: Okay. Well, maybe ---

16 MR. ALEXANDER: I didn't have that statute in
17 front of me, Your Honor.

18 THE COURT: --- we can look at that over the
19 break.

20 Well, I believe that weighing all the evidence in
21 the light most favorable to the state, as I must at this
22 stage, on the charge of leaving the scene, I believe
23 there is sufficient direct evidence and substantial
24 circumstantial evidence. It's certainly not a case where
25 there's a total failure of competent evidence. And I

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1 think the evidence is there, even discounting flight
2 evidence that the jury should make a decision on that.

3 I'll take under advisement -- we'll take a break and
4 maybe y'all can each check that on the DUS.

5 MR. ALEXANDER: I do have two other motions.

6 THE COURT: All right, sir.

7 MR. ALEXANDER: One is that we had discussed
8 off the record about my client was told by one of the
9 witnesses, Tara Henderson, I don't know whether Ms.
10 Raiden was out there or not, but that Pickens County
11 deputy, Jeff Bolde, after his testimony, exited the
12 courtroom -- and this is, of course, coming from my
13 client, who heard it from Tara Henderson, so I have not
14 discussed it directly with her. But something to the
15 effect that he said, I've got it done; he's guilty. Two
16 witnesses that were sequestered and yet to testimony,
17 Your Honor. So Ms. Henderson, and I'm sure if we need
18 to, she's not here, she told my client that it kind of
19 took the wind out of her. I don't know how it affected
20 the other witnesses, but my client is asking me to
21 request a mistrial based on that, that it's a violation
22 as to -- not a comment on the facts of the case, clearly,
23 but an inappropriate comment coming from a witness that
24 had already testified. So we would move for a mistrial
25 on that basis.

1 THE COURT: All right. Solicitor?

2 MR. RICHARDSON: Your Honor, I believe that
3 there would need to be some kind of -- it sounds to me
4 that what he did, he just came out and was said in just
5 an almost kidding way, based upon he didn't have much to
6 add to the case. And I don't think that that -- he's not
7 talking about what somebody said on the stand. He's not
8 telling the witnesses what he said on the stand. These
9 type things are the things -- the purposes of
10 sequestration. So Your Honor, I'd ask that you deny that
11 motion.

12 THE COURT: Do you have any testimony or
13 anything to offer, Mr. Alexander?

14 MR. ALEXANDER: No, Your Honor. I just asked
15 Ms. Raiden if she heard him say that and she said she
16 didn't. She don't think she was sitting out there when
17 he came out, I guess. No, other than what's been relayed
18 to us, I don't have a witness to offer. I believe what I
19 had stated to the court is all they would say about the
20 matter anyway, so ...

21 Other than to note there was several at least --
22 there was multiple witnesses. I don't know who was out
23 there, obviously, but at different times during the case
24 there was multiple highway patrolmen out there who had
25 yet to testify, so ...

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1 THE COURT: Well, even if it were said, I don't
2 see that as -- you know, sequestration always gets to be
3 problems sometimes. Well, that's inconsistent.
4 Sometimes gets to be problems. But the court has to
5 depend upon the attorneys to guide their witnesses and
6 inform them of what is proper to say and what's not
7 proper to say.

8 I agree with the solicitor that even if the comment
9 was made, it would not go toward the testimony that was
10 being offered or future testimony of any witnesses. I
11 don't believe the comment that was made, while it may be
12 braggadocios, I'm not sure that it would be intimidation
13 without more evidence. So I deny that motion, Mr.
14 Alexander.

15 MR. ALEXANDER: Thank you, Your Honor.

16 And only other, and I don't know if this is the best
17 time for it, but since it's the state's conclusion, I
18 renew all my objections that are on the record. But
19 specifically I renew my objections to Corporal Brooks'
20 testimony about causation. And I understand Your Honor's
21 ruling on that. But I would also object and ask that the
22 court strike his testimony about -- specifically about
23 passengers in the vehicle and things of that nature. I
24 don't believe he was properly qualified as an expert and
25 did not render -- well, any of his opinions within -- did

1 not state to what degree he was giving any of his
2 opinions other than to say he was a hundred percent
3 certain about something, as a doctor or engineer or any
4 other expert would do within a reasonable degree of
5 whatever certainty. None of that was submitted, Your
6 Honor. And I would move to strike his entire testimony
7 on that basis, but at least his testimony regarding -- I
8 forget how he phrased it, but who was in the vehicle,
9 movement in the vehicle after the collision, things of
10 that nature.

11 THE COURT: All right, sir. Your objection is
12 noted. For the record, I'll deny the motion to strike
13 all the testimony at this time.

14 MR. ALEXANDER: Thank you, Your Honor.

15 THE COURT: Any other matters?

16 MR. ALEXANDER: No, not from the defense.

17 MR. RICHARDSON: Nothing from the state, Your
18 Honor.

19 THE COURT: All right. Mr. Alexander, if you
20 would come forward with your client. I need to explain
21 to him his rights as to testifying.

22 (WHEREUPON, Mr. Alexander and the defendant
23 approached the bar.)

24 THE COURT: Mr. Raiden, if you would, please
25 raise your right hand.

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1 Do you swear or affirm the testimony you're about to
2 give the court will be the truth, the whole truth,
3 nothing but the truth, so help you God?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: We've reached the stage in the
6 trial where I need to explain to you certain rights that
7 you enjoy under the law of South Carolina, the law of the
8 United States. I'm sure you've had a chance to talk with
9 your attorney about this already. I need to be satisfied
10 in my own mind that you understand these rights.

11 The constitution of South Carolina, the constitution
12 of the United States of America says that in a criminal
13 trial, no person can be compelled or required to be a
14 witness against himself. That means you can't be forced
15 to testify, required to testify. You have a right to
16 testify in your own behalf, but nobody can make you
17 testify. This is a personal right that you enjoy.
18 Nobody can waive this right except you. You may decide
19 to testify, and if you do, you'll be governed to the same
20 -- governed by the same rules that affect any other
21 witness. You can be examined and cross-examined on any
22 relevant issue in the case. If you have any prior
23 convictions involving dishonesty or false statements or
24 crimes punishable by imprisonment for more than one year
25 and the court determines that the probative value of

1 admitting this evidence outweighs any prejudicial effect
2 to you, then the solicitor will be allowed to introduce
3 your criminal record to attack your credibility.

4 The decision to testify on your part must be made
5 voluntarily and knowingly, freely, with the knowledge of
6 the protections you have under our constitutions, and
7 also the knowledge of the consequences of your decision
8 to testify. You may choose not to testify. If you make
9 that choice, then I'll instruct the jury that they can't
10 give the fact that you exercise your right to not testify
11 any consideration whatsoever. There's to be no prejudice
12 to you because you chose to not testify. Whether to
13 testify or not is left entirely up to you. You can
14 discuss it with your attorney, with family, with friends,
15 but ultimately that's a decision that you and you alone
16 will have to make.

17 Do you understand what I've explained to you?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: Do you have any questions of me?

20 THE DEFENDANT: No, sir.

21 THE COURT: All right. You may return to your
22 seat with your attorney.

23 MR. ALEXANDER: Your Honor, may I inquire
24 whether the state, if he were to testify, ---

25 THE COURT: I was about to ask that.

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1 MR. ALEXANDER: Okay.

2 THE COURT: Are there any impeachable offenses
3 to which the state intends to use if Mr. Raiden
4 testifies?

5 MR. RICHARDSON: No, Your Honor.

6 THE COURT: All right. So there's no
7 impeachable offenses that will be used.

8 MR. RICHARDSON: That's correct.

9 THE COURT: All right. Let's take a short
10 break. I'll look at this DUS statute and issue a ruling
11 on that and we'll be ready to proceed with our closing --
12 with the defense case if they wish to put anything
13 additional up.

14 MR. ALEXANDER: Your Honor, I did locate the
15 Grays and they are local and they're supposed to be on
16 their way here. So I ---

17 THE COURT: All right. Keep me posted on that
18 and we'll see if we can -- so they're coming ---

19 MR. ALEXANDER: They live in Easley, Your
20 Honor.

21 THE COURT: And they've been -- they have a
22 subpoena or they're just coming?

23 MR. ALEXANDER: They're supposed to be coming.
24 I've talked to them a couple of times.

25 THE COURT: All right. If you need any

1 assistance in getting them here, let us know.

2 MR. ALEXANDER: Yes, sir.

3 THE COURT: All right. Let's take a short
4 break and you can talk further with your client.

5 (WHEREUPON, the court stood at recess for a short
6 break.)

7 THE COURT: Did you hear from your witnesses?

8 MR. ALEXANDER: Yes, sir, they're here.

9 THE COURT: You ready to proceed?

10 MR. ALEXANDER: Yes, sir.

11 THE COURT: Okay. Did either of you do any --
12 take a look at the ---

13 MR. RICHARDSON: I have somebody ---

14 THE COURT: --- DUS statute?

15 MR. RICHARDSON: I have somebody researching it,
16 as we speak.

17 MR. ALEXANDER: I did not, Your Honor. I
18 didn't have a change, Your Honor.

19 THE COURT: We'll wait on that then. I still
20 believe that notice has to be given. And I -- but we'll
21 decide that before my charge to the jury.

22 MR. RICHARDSON: Yes, sir.

23 THE COURT: Okay. If our jury is ready have
24 them come in.

25 (WHEREUPON, the jury entered the open court at

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1 approximately 10:56 a.m.)

2 THE COURT: All right. Mr. Alexander, you may
3 call your first witness.

4 MR. ALEXANDER: Your Honor, the defense calls
5 Voyce Ann Gray.

6 THE CLERK: Place your left hand on the bible
7 and raise your right.

8 Do you solemnly swear or affirm that the testimony
9 you're about to give in this case will be the truth, the
10 whole truth and nothing but the truth, so help you God?

11 THE WITNESS: Yes, I do.

12 THE CLERK: If you would have a seat and state
13 your name for the record, please. Do you need any help?

14 THE WITNESS: No, I don't think so. My name is
15 Voyce Ann Gray.

16 VOYCE ANN GRAY,

17 HAVING BEEN DULY SWORN, TESTIFIED AS FOLLOWS:

18 DIRECT EXAMINATION

19 BY MR. ALEXANDER:

20 Q. All right. Ms. Gray, how do you spell your first
21 name?

22 A. V-o-y-c-e.

23 Q. Okay. Now, make sure you -- and you're doing a
24 good job so far, but make sure you kind of speak up and
25 into that microphone; okay, so everybody in the back can

1 hear us.

2 A. Okay.

3 Q. All right. Ms. Gray, where do you live at?

4 A. I can't read or write, so I don't exactly know.

5 Q. Okay. Do you live at [REDACTED] in

6 Easley?

7 A. Yeah. Easley.

8 Q. Does that sound correct?

9 A. Yeah.

10 Q. That's near Sheriff Mill Road?

11 A. Sheriff Mill Road, yeah.

12 Q. Okay. Now, did you live there in December of 2011,
13 just over two years ago?

14 A. Yeah.

15 Q. Okay. And do you remember an accident that
16 happened near your house on the early morning hours of
17 December 10th, 2011?

18 A. Yes, I do.

19 Q. Okay. First I want to show you an aerial photo.
20 Does this -- do you recognize that photo of a road --
21 well, you said you can't read and write. Do you
22 recognize any landmarks on there or anything?

23 A. Not really. I can't read and write.

24 Q. Okay. That's okay. Now, did you -- well, just
25 tell the jury what you remember about that night, about

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1 the accident?

2 A. Well, I didn't know nothing about the accident, but
3 I went out to throw out some water and there was a guy
4 running across the yard. And he had on a striped shirt
5 that was white and kind of like brown, tanned colored,
6 stripes.

7 Q. All right.

8 A. And he was tall and he had curly brown hair and he
9 had freckles on his face.

10 Q. Okay.

11 A. And then right after that somebody come hunting a
12 little dog.

13 Q. Okay. Now, let's back up a little bit. What time
14 was this that you were out throwing this water out?

15 A. I imagine it was real early in the morning, but I
16 don't remember exactly what time it was.

17 Q. Was it after midnight sometime?

18 A. Yeah.

19 Q. And did you have -- how close did this guy get to
20 you?

21 A. He got as far as you and me.

22 Q. All right.

23 A. As close.

24 Q. All right. You said he was tall?

25 A. He was tall.

- 1 Q. How tall do you think he was? Do you remember?
- 2 A. He was probably about as tall as you.
- 3 Q. Okay.
- 4 A. But he was skinnier than you.
- 5 Q. Okay. Skinnier than me?
- 6 A. Yeah.
- 7 Q. That's easier to do than it used to be.
- 8 A. Yeah.
- 9 Q. Do you remember his eye color or anything like
- 10 that?
- 11 A. I think they was blue.
- 12 Q. All right. Now, what did this guy do, this man
- 13 that you saw in your yard?
- 14 A. He stopped for a second and looked at me. And then
- 15 he took off back running and he run behind the tree.
- 16 Q. Okay.
- 17 A. And he had a cellular phone in his hand.
- 18 Q. Do you know whether he used it or not?
- 19 A. I don't know. I figured he was talking on it.
- 20 Q. All right. You say he got behind a tree. What did
- 21 he do then?
- 22 A. I watched him, but I went back in my house and
- 23 watched him out the back door. A maroon colored van came
- 24 and picked him up.
- 25 Q. Okay. And he got in the van?

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1 A. He got in the van.

2 Q. Okay. And all this happened fairly quickly?

3 A. Yeah, pretty quick. Yeah.

4 Q. Okay.

5 A. I figured he was out there to either take some
6 chickens or something at that time or come out of that
7 house, you know, that old abandoned house.

8 Q. You had chickens?

9 A. I've got chickens.

10 Q. Okay. You thought he was there to steal your
11 chickens?

12 A. Steal some of them, yeah, that's what I thought.

13 Q. All right. And there's an abandoned house next to
14 your -- next to you?

15 A. Yeah, they are.

16 MR. ALEXANDER: One moment, Your Honor.

17 That's all the questions I have, Your Honor.

18 THE WITNESS: Okay.

19 THE COURT: If you would, hang on just a
20 moment, ma'am. The other lawyer may have some questions
21 for you. If he does, he can ask you a few of those.

22 MR. RICHARDSON: I won't hold you up too long,
23 ma'am.

24 CROSS EXAMINATION

25 BY MR. RICHARDSON:

1 Q. About how far from the wreck site -- do you know
2 where the wreck happened?

3 A. Yeah. I seen that truck after it happened.
4 Because it wasn't but a few minutes that people come up
5 telling me about it..

6 Q. People were telling you about it?

7 A. Yeah.

8 Q. And your house is right on Highway 8; is that
9 right?

10 A. Right there at the wreck site, yeah.

11 Q. You didn't hear the wreck; did you?

12 A. I didn't hear it, no.

13 Q. So you don't know when the wreck happened; do you?

14 A. Well, it wasn't long till people come. I don't
15 know -- I didn't look at my clock.

16 Q. I'm sorry. I didn't mean to interrupt you. You
17 didn't see the wreck happen; did you?

18 A. No, I didn't see it happen.

19 Q. And you didn't hear it happen; did you?

20 A. No, I didn't.

21 Q. Okay. And there were a lot of people coming up
22 through your yard; wasn't there?

23 A. Yes, they was.

24 Q. And people looking for a dog, for instances, were

25 ---

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1 A. A dog, yeah.

2 Q. --- coming up ... Okay. And you said you never
3 saw anybody coming from the vehicles; did you?

4 A. No, I didn't.

5 Q. It was just everybody you saw was in your yard.

6 How many people do you think you saw in your yard?

7 A. Four or five I guess, after the -- I saw the man
8 first running, you know.

9 Q. And a bunch after?

10 A. And a bunch after.

11 Q. Okay. And were they all there -- they were all
12 there about the same time; weren't they?

13 A. Pretty close, yes, they was.

14 Q. Thank you. That's all the questions I have. Thank
15 you, ma'am.

16 MR. ALEXANDER: No redirect, Your Honor.

17 THE COURT: All right. Thank you, ma'am. You
18 can step down.

19 You may call your next witness, Mr. Alexander.

20 MR. ALEXANDER: Call Richard Gray, Your Honor.

21 Richard Gray.

22 THE CLERK: Place your left hand on the bible
23 and raise your right.

24 Do you solemnly swear or affirm that the testimony
25 you're about to give in this case will be the truth, the

1 whole truth and nothing but the truth, so help you God?

2 THE WITNESS: Yes, sir.

3 THE CLERK: Thank you, sir. If you would have
4 a seat up here and state your name for the record,
5 please.

6 THE WITNESS: My name is Richard Howard Gray.

7 RICHARD HOWARD GRAY,

8 HAVING BEEN DULY SWORN, TESTIFIED AS FOLLOWS:

9 DIRECT EXAMINATION

10 BY MR. ALEXANDER:

11 Q. Mr. Gray, now you're married to Voyce Gray?

12 A. Yes, sir.

13 Q. That's your wife?

14 A. Yes, sir.

15 Q. And you live at [REDACTED] in Easley?

16 A. Yes, sir.

17 Q. It's also known as Highway 8?

18 A. Yes.

19 Q. Did you live there in December of 2011?

20 A. Yes, sir.

21 Q. Okay. I'll show you a photograph. Do you
22 recognize the area in that photograph?

23 A. Yes, sir, I do.

24 Q. What is that an aerial photo of?

25 A. It's an aerial photo of the school and of our home,

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1 our house.

2 Q. Okay. Well, let's -- all right. And is it -- does
3 it appear to accurately depict an aerial photo of the
4 area where you live at?

5 A. Yes, sir.

6 MR. ALEXANDER: Your Honor, I'd like to enter
7 this as Defendant's Exhibit 7, I think.

8 MR. RICHARDSON: I don't have any objection.

9 THE COURT: All right. Without objection,
10 Defendant's Exhibit Number 7 is admitted and may be
11 published to the jury.

12 (WHEREUPON, Defendant Exhibit Number 7 was marked
13 and admitted into evidence.)

14 Q. All right. Mr. Gray, I'll put it up on the screen.
15 Okay. So now this intersection right here -- you see
16 where I'm pointing?

17 A. Yes, sir.

18 Q. Is that the intersection of Pelzer Highway and
19 Sheriff Mill Road?

20 A. Yes, sir.

21 Q. Okay. Where do you live in relation to that?

22 A. There's a light right there and we live, we live
23 ...

24 Q. Let's see if this pointer works for you. Mash that
25 red button there; you see the laser?

- 1 A. Yes.
- 2 Q. You can kind of point to it like that. You've got
- 3 to hold the button down; okay?
- 4 A. All right.
- 5 Q. Point on that where your house is at. You see the
- 6 red button at the bottom? There you go.
- 7 A. All right. Right there where that road comes out,
- 8 straight across the road is where we live.
- 9 Q. Okay. And now, this white house, white looking
- 10 roofed house ---
- 11 A. That's abandoned.
- 12 Q. That's an abandoned house?
- 13 A. Yes, sir.
- 14 Q. All right, sir. And is this a plant of some
- 15 nature?
- 16 A. Yes, sir, that's Comatrol.
- 17 Q. All right. You mentioned the school, Easley High
- 18 School, was a little further down the road from you?
- 19 A. Yes, sir. I didn't see that that wasn't the
- 20 school. I wasn't thinking about ---
- 21 Q. That's okay.
- 22 A. It used to be called Danfoss.
- 23 Q. Danfoss?
- 24 A. Yes.
- 25 Q. Okay. Now, let's think back -- I want you to think

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1 back to December -- early morning hours of December 10th,
2 2011.

3 A. Yes.

4 Q. Do you remember an accident taking place near your
5 house?

6 A. Yes, sir.

7 Q. All right. What do you remember -- well, do you
8 remember the accident happening itself? Did you see it
9 or anything?

10 A. No, sir, we didn't see it.

11 Q. Okay.

12 A. We heard a racket, but, but due to the fact that
13 there's often big trucks that go through there and
14 they'll hit a bump and it'll rattle their truck, we
15 didn't pay it much mind until we saw blue lights
16 flashing.

17 Q. Well, what did you see -- before the blue lights
18 started flashing did you see any -- excuse me, I'm
19 turning away from you -- did you see anything before you
20 saw any blue lights?

21 A. (No verbal response.)

22 Q. And I only want you to tell me what you saw, not
23 what your wife saw or what your wife told you she saw;
24 just what you saw?

25 A. Now, I was looking through the window across over

1 in the direction of the blue flashing lights. Before
2 that I seen a person come up. I believe he had on a
3 toboggan.

4 Q. He had on a what?

5 A. Toboggan.

6 Q. Toboggan, okay.

7 A. Anyway, ...

8 Q. Did you see -- I mean, did you see more than one
9 person?

10 A. Yes, sir. There was another person that come
11 through just like you walk past our house, and our yard
12 still runs a little ways, come across that area.

13 Q. Okay. Now, let's talk about at least these two
14 people individually. What -- did they come through
15 together? I mean, explain ---

16 A. No, sir.

17 Q. --- how you saw them?

18 A. No, sir. I'd say one was three or four minutes
19 earlier than the other. Now, the one, now the one that I
20 saw had on the toboggan, I just immediately got up. I
21 mean, I was laying there across the bed. I immediately
22 got up because my wife is kind of crippled up and I
23 immediately got up and went outside because she was out
24 there. I immediately got up. She said that she saw
25 somebody ---

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1 MR. RICHARDSON: Objection.

2 THE COURT: Yeah. I sustain the objection.

3 Q. Don't tell me what your wife said. Do you remember
4 giving a written statement to a highway patrol about what
5 you saw?

6 A. Yes, sir.

7 Q. All right. Let me show you -- if you were to look
8 at this statement, do you think that would refresh your
9 memory a little bit about what you saw?

10 A. Yes, sir, it probably would because that's been a
11 while back.

12 Q. Well, I understand. Is this -- just ignore the --
13 I think I highlighted, so just ignore that part of it.
14 But is that your statement that you gave to the highway
15 patrol, first of all?

16 A. Yes, sir.

17 Q. It is your statement?

18 A. I think that, I think that pretty much ---

19 Q. Well, first of all, I need you to tell me whether
20 that's your statement or not? Did you write that
21 statement? Is that your signature at the bottom there?

22 A. Yes, sir.

23 Q. Okay. And you read the statement?

24 A. Yes, sir.

25 Q. Does that help you recall anything that you told

1 the highway patrol that night?

2 A. Yes, sir.

3 Q. It does help you?

4 A. Yes, sir.

5 Q. Okay. So for example, how many men did you tell
6 the highway patrol that you saw?

7 A. Two.

8 Q. Okay. And did you describe them to the highway
9 patrol?

10 A. Yes, sir, as best I could.

11 Q. Okay. And what did you describe them as having?

12 A. I said one had black hair. I described it as black
13 hair. But still that could have been -- I believe it was
14 a toboggan on his head..

15 Q. Now, let me ask you this. Where did these men go?
16 Once they got in your yard, what did they do?

17 A. They come across the yard. And one went up the
18 hill and one went straight past our house down a little
19 dirt road.

20 Q. Okay. Now, the one that went up the hill, what did
21 he do?

22 A. Well, actually that is a hill right there after you
23 cross our yard, it starts a hill. My wife said he ---

24 Q. Don't tell -- let's not say what your wife said.

25 Did you see what the man did when he ---

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1 A. No, sir.

2 Q. --- went up the hill?

3 A. No, sir. I just, I just seen him come across the
4 road, I mean, briefly.

5 Q. Did you see any vehicles or anything pull up near
6 your house?

7 A. Yes, sir.

8 Q. What did you see?

9 A. There was a -- now some people call it maroon and
10 some people call it burgundy -- van.

11 Q. What do you call it?

12 A. I would say it was a burgundy van. I would say it
13 was, yeah, burgundy.

14 Q. So you saw a burgundy van?

15 A. Yes, sir. And it went up that way.

16 Q. But you didn't see whether or not the man got in it
17 or not?

18 A. I didn't, no, sir.

19 Q. Okay.

20 MR. ALEXANDER: One moment, Your Honor.

21 Q. After you saw these two men, did you see some other
22 men looking for some dogs or something?

23 A. Yes, sir. There was a, there was a -- I believe it
24 was a man that come up and asked about a little dog that
25 was in the car that was wrecked.

1 Q. Okay. All right.

2 MR. ALEXANDER: One moment, Your Honor.

3 Thank you, Mr. Gray. That's all the questions that
4 I have. Please answer any questions Mr. Richardson has;
5 okay?

6 CROSS EXAMINATION

7 BY MR. RICHARDSON:

8 Q. Mr. Gray, sir ...

9 THE COURT: Sir, sir, if you would just remain
10 seated just a moment.

11 THE WITNESS: Yes, sir.

12 THE COURT: This other gentleman has a few
13 questions to ask you; all right, sir?

14 THE WITNESS: Oh, all right. Yes, sir.

15 Q. I told you wife, I won't keep you too long; okay?
16 About how far from the wreck scene do you live, would you
17 say?

18 A. Oh, I'd say the back wall over there would
19 approximate the distance.

20 Q. Okay, sir. And from your house can you see the
21 wreck scene?

22 A. Yes, sir.

23 Q. Okay. And you never saw anybody coming from the
24 wreck scene; did you?

25 A. Actually I couldn't say it was from that wreck

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1 scene, no, sir.

2 Q. And in fact that night there were a lot of people
3 in your yard; weren't they?

4 A. Yes, sir, back and forth. Yes, sir.

5 Q. All right. And the family that came looking for
6 the dog, they came right about the same time as those two
7 men; didn't they?

8 A. I can't remember. I just can't remember.

9 Q. Well, there was a lot of people coming through your
10 yard at a lot of different times; was there not?

11 A. Yes, sir.

12 Q. Okay. That's all the questions I have. Thank you,
13 sir.

14 THE COURT: Any redirect?

15 MR. ALEXANDER: No redirect, Your Honor.

16 THE COURT: All right. Now, sir, you may step
17 down. Thank you very much.

18 MR. ALEXANDER: I object -- would ask that the
19 Grays be excused, Your Honor.

20 THE COURT: Without objection they may be
21 excused and they're free to go.

22 You may call your next witness.

23 MR. ALEXANDER: I call Rufus Raiden, III, Your
24 Honor.

25 THE CLERK: Place your left hand on the bible

1 and raise your right.

2 Do you solemnly swear or affirm that the testimony
3 you're about to give in this case will be the truth, the
4 whole truth and nothing but the truth, so help you God?

5 THE WITNESS: Yes, sir.

6 THE CLERK: Thank you, sir. If you would have
7 a seat and state your name for the record, please.

8 THE WITNESS: My name is Rufus Raiden, III.

9 RUFUS RAIDEN, III,

10 HAVING BEEN DULY SWORN, TESTIFIED AS FOLLOWS:

11 DIRECT EXAMINATION

12 BY MR. ALEXANDER:

13 Q. Rufus, where do you live at?

14 A. I live at [REDACTED], Anderson, South
15 Carolina.

16 Q. Okay. Is that Anderson County? Is it still an
17 Easley address?

18 A. Easley address, but Anderson County. Yes, sir.

19 Q. I guess this photo is still up here, Defendant's
20 Exhibit 7. From Sheriff Mill Road, if you're coming in a
21 southerly direction, is that the way you go to your
22 house?

23 A. That's correct. Yes, sir.

24 Q. How far is your house from that intersection?

25 A. I would say approximately four or five miles.

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1 Q. All right. Where are you originally from, Rufus?

2 A. I was raised in Greenville. I graduated high
3 school in 1992 and moved to Easley out near the Wren
4 area.

5 Q. And how long have you lived at the Watson Road
6 address?

7 A. Built the house in 2001, so I've been there -- I
8 was there at least eight years, nine years.

9 Q. Okay. And you said you built this. So do you own
10 it?

11 A. Yes, sir, that's correct.

12 Q. A montage on it, I assume?

13 A. Yes, sir.

14 Q. What did you do for a living?

15 A. I first was in the trucking business and I owned my
16 own business. I had three trucks moving around. The
17 economy kind of fell out and I had to go back into manual
18 work and ended up getting a little contract under houses
19 that were government funded and was paid by the
20 government. And we would go in and winterize them, put
21 new doors in, windows, insulation, things like that, to
22 cut down on the heat and air conditioning.

23 Q. Now, were you primarily a manager type position?

24 A. More of a manage type position, but had to do
25 hands-on two or three days a week.

- 1 Q. All right. Are you married?
- 2 A. No, I'm not.
- 3 Q. Divorced?
- 4 A. Yes, sir.
- 5 Q. Do you have children?
- 6 A. Yes, sir.
- 7 Q. How many children do you have?
- 8 A. I have one.
- 9 Q. How old is ---
- 10 A. She is eleven.
- 11 Q. Okay. All right. Now, let's go back to December
- 12 9th and December 10th, 2011; okay?
- 13 A. Okay.
- 14 Q. First of all, let's just get clear here. The truck
- 15 in that photo, State's Exhibit Number 2, is that your
- 16 truck?
- 17 A. Yes, sir. That's a 1993 Chevrolet that I bought
- 18 brand new in '93.
- 19 Q. Okay. Now there's been testimony it was titled in
- 20 Tara Henderson's name?
- 21 A. Correct.
- 22 Q. Can you explain that?
- 23 A. Just for a title loan purposes only for money to
- 24 help keep the business going at that time.
- 25 Q. All right. And as of December 2011, did you have a

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1 driver's license?

2 A. No, sir.

3 Q. And is that why the title loan had to be in her

4 name?

5 A. Yes, sir.

6 Q. Now, December 9th and December 10th, prior to this

7 accident, was the truck in your possession the days

8 preceding that?

9 A. Yes, sir. The truck was at my house.

10 Q. All right. So let's start with December 9th. Did

11 you work that day? What did you do that day?

12 A. Yeah. Just worked -- one particular house, had to

13 go out and do some things to it. Nothing real major.

14 Came back home and, you know, just trying to figure out

15 what I was going to do that particular night. I had my

16 little girl with my -- my mother was picking her up, so

17 at that time I was just trying to figure out what to do

18 that night.

19 Q. Now, you said you went out. You didn't have a

20 driver's license. Did your employees give you a ride or

21 how did you get around?

22 A. Sometimes they would come to the house and drive

23 the truck, the green truck, from the house and I would go

24 along with them and they would bring me back, or I'd ride

25 just with them in their vehicles.

1 Q. Okay. So what did you end up deciding to do that
2 night?

3 A. Well, I guess it was around seven or seven thirty,
4 I needed some supplies, some things for the house;
5 washing powders, you know, just some odd and ends stuff,
6 so I needed to go to the store to get that. But I drove
7 to Piedmont, South Carolina, which is still in Anderson
8 County, and went to Joe Schmo's to get something to eat
9 that night.

10 Q. All right. What is Joe Schmo's?

11 A. It's a bar and grill type place you can go in and
12 eat and have drinks, also.

13 Q. Now a bar and grill, I think of Applebee's. Is it
14 ---

15 A. Something, yeah, along those lines. It's got a
16 bar, but it's got tables you can sit at to eat at, also.

17 Q. Okay. What time did you get at Joe Schmo's?

18 A. It was approximately seven thirty, eight o'clock,
19 somewhere around in there, eight fifteen maybe.

20 Q. So you admit that drove from your house to Joe
21 Schmo's?

22 A. Yes, sir, I did.

23 Q. Without a licence?

24 A. Yes, sir, I did.

25 Q. Okay. As far as you know, is all that in Anderson

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1 County?

2 A. Yes, sir, far as I know.

3 Q. All right. What did you do when you got to Joe

4 Schmo's?

5 A. I went in and ordered some wings and fries and I

6 had a beer also while I was there.

7 Q. Were you planning on meeting anybody there or just

8 -- what were you planning on doing?

9 A. No. I had no plans to meet anybody there. I just,
10 you know, went there on my own to get a bite to eat.

11 Q. Okay. So did you end up meeting anybody there?

12 A. I did. I met a guy named Josh there. He was
13 there. He had told me that his girlfriend had dropped
14 him off.

15 Q. What was your understanding of -- well, okay. So
16 you met Josh?

17 A. Yes, sir.

18 Q. So how did the night proceed from there?

19 A. Well, we just struck up a conversation. Had a lot
20 in common. You know, he had some things going on --
21 excuse me -- that I had been through and things that he
22 had been through. And we just had -- we kind of struck
23 it off good as liking each other.

24 Q. Okay. All right. Things like family issues and
25 stuff like that?

1 A. Family issues, girl issues, things along those
2 lines. Money issues.

3 Q. Okay. All right. So from there so what did y'all
4 do when you were there that night?

5 A. Well, we sat there for, I don't know, maybe two
6 hours, two hours and a half, till, I don't know, about
7 ten o'clock or so. Just having conversation. Had a few
8 drinks. At this point I felt like that I had probably
9 done had too much to drink to be driving, so I was going
10 to call a friend ---

11 Q. Okay.

12 A. --- and see, you know, if she could come pick us up
13 and carry us to our house or whatnot. But he said then,
14 he said he could drive, but he needed to go through
15 Easley to check to see if his girlfriend -- his
16 girlfriend was having a girl's night out and he wanted to
17 go through Easley ---

18 MR.. RICHARDSON: Your Honor, I'm going to
19 object to anything that he said.

20 THE COURT: All right.

21 Q. Don't say what Josh said.

22 A. Okay.

23 Q. So was it, was it Tara Henderson, is that who you
24 had planned on calling to come get you?

25 A. Yes, sir. That's who I had planned on calling.

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1 Q. Has she given you rides in the past to various
2 places ---

3 A. Yes, sir, she has.

4 Q. --- when you needed a ride?

5 A. Yes, sir, she has.

6 Q. Because you didn't have a driver's license?

7 A. That's correct, yes, sir.

8 Q. All right. So about ten o'clock. So where did you
9 and Josh go from there?

10 A. Well, I guess it was getting close to ten thirty,
11 ten forty-five and we decided for him to -- he was going
12 to drive us and we was going to go to my house, but he
13 wanted to go through Easley.

14 MR. RICHARDSON: Objection to hearsay.

15 Q. Don't say what he said.

16 A. Okay.

17 Q. Who did you go looking for in Easley?

18 A. We went through Easley looking for his girlfriend
19 on her girls' night out.

20 Q. Okay. Where did you go to?

21 A. Went to Steady's Bar & Grill.

22 Q. Okay. Where is that at in Easley?

23 A. It's in Easley near the Harbor Inn, I believe.

24 Q. Okay.

25 A. In that area.

1 Q. Off 123?

2 A. Yes, sir.

3 Q. Is it Silver Bay, is that what it is?

4 A. It might be Silver Bay, yes, sir.

5 Q. All right. So what time did you get there?

6 A. It was eleven, I think, a little after eleven,
7 somewhere along in there, eleven fifteen, eleven twenty,
8 approximately.

9 Q. Okay. So what happened when you got there?

10 A. When we got there, we walked in for a few minutes.
11 I had told him on the way that I really didn't want to
12 spend no time there, that I was kind of ready to get on
13 home. And I had done -- I had also got onto him a little
14 bit about texting and driving, so I was getting a little
15 frustrated with him at this point.

16 Q. Okay.

17 A. But he said that he wanted ---

18 MR. RICHARDSON: Objection to what he said.

19 THE COURT: Objection sustained.

20 Q. Don't say what he said.

21 A. We sat down for a few minutes and he looked for his
22 girlfriend, which she wasn't there. And I had told him
23 then I was ready to go, but he wanted to stay a little
24 bit ---

25 MR. RICHARDSON: Objection to what he said.

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1 THE COURT: I sustain the objection.

2 Q. All right. So you were ready to go?

3 A. Yes, sir, I was ready to go, but he wanted to stay

4 a ---

5 MR. RICHARDSON: Objection to what he said,

6 Your Honor.

7 THE COURT: I think he said he wanted to stay.

8 I overrule your objection.

9 Q. So what -- since he wanted to stay, what did you do
10 at that point?

11 A. I walked outside to call Tara again, and I could
12 not get her on the phone, but I did leave her a message.

13 Q. All right. And is that -- you were in the
14 courtroom when she testified. Is that the voicemail that
15 she was referring to in her testimony?

16 A. Yes, sir, it was.

17 Q. Okay. Did you feel -- at that point if Josh was
18 not going to drive you, what were you going to do at that
19 point?

20 A. I was going to wait on Tara to respond to pick me
21 up.

22 Q. So what ended up happening?

23 A. She didn't pick up and me and him had a
24 conversation ---

25 Q. Don't say what he said. What did y'all do at that

1 point?

2 A. I said me and him had a conversation.

3 Q. Okay.

4 A. And I told him if he wanted to drive on to my
5 house, we could go now and go on. If not, I was going to
6 wait on Tara to come and get me.

7 Q. So what did you end up doing?

8 A. He drove us to my house.

9 Q. Okay. So y'all -- and did y'all make it to your
10 house?

11 A. Yes, sir, we left there right around eleven thirty
12 and made it to my house.

13 Q. All right. So when you got to your house, what did
14 you do?

15 A. I have a pool table and some games, like a fun room
16 upstairs, so me and him shot a couple games of pool and
17 just hung out and had a beer or two there at the house.

18 Q. Okay. Did y'all leave the house?

19 A. Later in the day, yes, sir, we did. Or the night,
20 we did leave the house.

21 Q. Where did y'all go? What was the purpose for y'all
22 leaving, I guess?

23 A. There was some text messaging back and forth and
24 seemed to be a little bit aggravated about the girls'
25 night out or something along those lines. And he was

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1 talking to her about coming to my house ---

2 MR. RICHARDSON: Objection, Your Honor, to what
3 he said.

4 THE COURT: I sustain the objection.

5 Q. Don't say what he said.

6 A. Okay.

7 Q. Where did you -- let do it this way. When y'all
8 left the house, where were y'all going?

9 A. We were going to meet her because she could not
10 find my house.

11 Q. Okay. And did you meet up with her?

12 A. Yes, sir, we did, at the old Walmart in Easley,
13 behind the Dodge store.

14 Q. In the parking lot there?

15 A. Yes, sir.

16 Q. Now, from the ride from your house to the Walmart,
17 who drove?

18 A. Josh drove.

19 Q. Why did he drive from there?

20 A. Because I still refused to drive the truck because
21 I had been -- I had had a few drinks.

22 Q. Okay. All right. Now, at the Walmart, did you --
23 where were you riding in the truck?

24 A. When we left the house, at first I was just going
25 to let him drive the truck to go meet her. But I

1 thought, well, the truck's not in my name, so I need to
2 be with the truck. And I told him that I would -- at
3 first I told him to get the keys and go on, but I decided
4 I would ride with him to meet her. But I was just going
5 to lay down in the backseat because I was pretty much
6 spent for the day, you know. I had worked the day and
7 done had some drinks and I was ready to turn in for the
8 night.

9 Q. What time is this, approximately?

10 A. It's roughly maybe twelve forty-five, somewhere in
11 that range.

12 Q. All right.

13 A. One o'clock at the latest.

14 Q. So you rode in the backseat from your house to the
15 old Walmart parking lot?

16 A. Yes, sir. I laid down in the backseat and just
17 kind of kicked back and relaxed, dosed off maybe some.

18 Q. All right. Now, what was back there? There's been
19 some testimony about a bunch of books and papers and
20 stuff strewn there. When you got in the car, do you
21 remember what was in the truck?

22 A. Yes, sir, I do.

23 Q. What was in there?

24 A. That notebook was in the truck, but it was up
25 behind the seat of the truck and down -- at the top of

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1 it, shoved down in the top of it. So it was the only
2 book in the truck, and maybe some extra work clothes and
3 things like that back there, which I pushed up and laid
4 my head on.

5 Q. Okay. All right. So you get to the Walmart -- old
6 Walmart parking lot. Did you actually see the girl, the
7 girlfriend?

8 A. I did. They pulled driver door to driver door and
9 was having a conversation and I raised up. And Josh
10 introduced me to his girlfriend, Amanda. And my name is
11 Ru, that's what I go by is Ru, and we both said hi and
12 spoke to each other. They were in some small SUV,
13 Explorer, maybe van, burgundy red car, at that time.

14 Q. All right. Was she with anybody else?

15 A. Yes. She had a girlfriend with her.

16 Q. All right. Now, earlier in the night did you
17 become aware that she was out with some girlfriends?

18 A. I did. And he -- we had talked about me maybe
19 being able to hook up with one of his girlfriends.

20 Q. Is that one of the reasons you kind of hung out
21 with him the rest of the night?

22 A. Yes, sir, it is.

23 Q. All right. So what did y'all do from there? You
24 met in the parking lot. What happened after that?

25 A. We met in the parking lot and I told Josh at that

1 time, let's get moving, let's go on back to my house.

2 But we were out of drinks and we needed some. And he
3 stated they had already got them. So I'm assuming that
4 the girlfriend had got those.

5 Q. All right. So what did y'all do?

6 A. We left there going to my house.

7 Q. Okay. Who drove there?

8 A. Josh was driving.

9 Q. Where were you at?

10 A. I was still in the backseat.

11 Q. Okay. How were you positioned?

12 A. My feet was towards the driver's side, my head
13 towards the passenger side, laying down.

14 Q. Okay. All right. So now is that when the accident
15 happened?

16 A. Yeah, shortly after that the accident happened.

17 Yes, sir.

18 Q. What do you remember about that?

19 A. I remember we was driving along. You know, you can
20 feel the car moving and I'm dozing back off a little bit.

21 And the next thing I remember is coming out of the
22 floorboard and I see some kind of bright light. And at
23 that time he says to me, run, Ru. And I'm assuming at
24 this point the accident has happened. I didn't know what
25 we had hit, if we had hit anything, or why we were

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1 running, because I was coming out of a daze pretty much.

2 Q. Did you feel the collision?

3 A. Didn't really feel the collision until I realized I
4 was in the floorboard and I knew we had been in some kind
5 of wreck.

6 Q. Okay. You said he called you Ru. Is that how you
7 had introduced yourself to him?

8 A. Yes, sir, it is.

9 Q. Is that what you pretty much go by with friends?

10 A. Yes, sir. My name is Rufus, but most people call
11 me Ru. My family calls me Rudy, but ...

12 Q. All right. So what happened then? Did -- what did
13 this Josh do?

14 A. He opened the door and was running at this point,
15 because he told me to run. I'm still getting my bearings
16 together and coming from the back through the two bucket
17 seats, coming between them. And the started or the
18 engine, one, was hung up and I reached and cut the switch
19 off to the truck, because I didn't know if it was going
20 to catch on fire before I got out or not. So I cut the
21 switch off and I started in the same direction that he
22 was running.

23 Q. How did you get out of the car, though?

24 A. I crawled from the back and went out the driver's
25 door.

1 Q. Okay. Did you even try to open the passenger door
2 or anything?

3 A. No, sir, I did not.

4 Q. Now, there was some testimony that some of your
5 blood was found on the door somewhere, let's see, did you
6 -- there was some testimony that you had a cut or a
7 scratch on your face. Do you remember bleeding at all
8 during that time?

9 A. I don't remember bleeding, but I did have the
10 scratch on my face.

11 Q. Okay. State's Exhibit 14, so this doorway,
12 driver's door, is that how you exited?

13 A. Yes, sir, that is.

14 Q. Did you see any -- later on in the night, did you
15 assess yourself or anything?

16 A. Yes, sir, I did. I hadn't -- I wasn't bleeding
17 anywhere far as I know, other than I had the scratch on
18 my face.

19 Q. Okay. But regardless, you acknowledge you was in
20 the car anyway?

21 A. Yes, sir, I was in the car.

22 Q. All right. So you got out of the truck. Now, when
23 you got out of the truck, what did you see at that point?

24 A. I really didn't know what we had hit or wrecked or
25 if we had hit a car, a tree, a building or whatever. I

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1 come out of the truck and I didn't really look around.

2 He was thirty, maybe forty yards ahead of me running.

3 And I just started in the same direction that he was

4 running in.

5 Q. Okay. Did you see what ended up happening to him

6 or where he went or ...

7 A. Yes, sir, I did. He ---

8 Q. What did you see?

9 A. He ended up running to a car and getting in it and

10 going down Sheriff Mill Road. So when I got to Sheriff

11 Mill Road all I could see was tail lights.

12 Q. Okay. What did you do at that point?

13 A. At that point I'm trying to figure out exactly

14 where I'm at. I spun around in the road just trying to

15 get my bearings and to figure out what I needed to do,

16 because I had been -- had some drinks in me and I really

17 didn't want, you know, this pinned on me in some way with

18 me not driving the truck. So I ran off in the woods.

19 Q. What were you feeling at that point? I mean, tell

20 the jury why you ran, left the scene of this accident?

21 A. I left the scene of the accident because I wasn't

22 driving the truck. And the man that was driving the

23 truck got in the car and left. And with alcohol in my

24 system, I felt like it would be pinned on me. And I

25 failed to get the man's last name throughout the night.

1 It was just struck of the moment type thing and we got
2 together. I'm sure I programmed his number in my phone,
3 but with no last name. So I just -- I ran because I was
4 scared. I panicked.

5 Q. Okay. And you never had found your phone again;
6 did you?

7 A. No, sir, I have not.

8 Q. All right. So you leave the scene. So what did
9 you do? Just where did you go?

10 A. I just made my way through the woods throughout the
11 next thirty or forty-five minutes, maybe an hour, and I
12 came to a road, but I didn't know what road it was or
13 what direction to go. So I wanted for daylight to break
14 to figure out what direction I needed to make my way
15 home.

16 Q. Now, let's back up a little bit. You said the car
17 went down Sheriff Mill Road. At the time of the
18 accident, did you know you were sitting at the
19 intersection of Pelzer Highway and Sheriff Mill Road?

20 A. No, sir, I didn't.

21 Q. You learned the name later?

22 A. Yes, sir.

23 Q. Okay. So now there's some testimony that you made
24 it to your house at eight a.m. or something like that.

25 What did you do between one a.m. and eight a.m.?

1 A. I just stayed out in the woods and eventually when
2 daybreak came, I made my way to my house.

3 Q. Did you know where you were during the night?

4 A. Not during the night I did not, no, sir. I was
5 just bunkered down in the woods.

6 Q. If you had been able to get your bearings, would
7 you have made your way home during the night sometime?

8 A. Yes, sir, I would have.

9 Q. All right. So you got to your house eight, nine
10 o'clock in the morning?

11 A. Yes, sir.

12 Q. Okay. What did you do then?

13 A. Well, I went in -- I came around, there's a small
14 patch of woods, maybe twenty foot wide. I come up
15 between those woods and went to the back of my house and
16 got the key that I keep at the house.

17 Q. Now the Hollidays testified. Is generally what
18 they described, is that accurate?

19 A. Yes, sir, it is.

20 Q. All right. So what did you do when you got home,
21 when you got inside your house?

22 A. When I got in my house, I just took me a shower,
23 tried to settle myself down and maybe lay down for a
24 couple of hours and try to get up and figure out what I
25 needed to do.

1 Q. Did you have a phone at your house?

2 A. No, sir, I did not.

3 Q. No land line?

4 A. No, sir, I did not.

5 Q. Any other cell phone or anything?

6 A. No, sir.

7 Q. So what did you do next?

8 A. Well, slept till maybe eleven o'clock, somewhere
9 round about. And I got up, put some clothes on and I
10 walked over and used Glen Holliday's phone to phone my
11 mother.

12 Q. What were you thinking at this point now? You knew
13 you had been in some type of accident at that point. Is
14 that fair to say?

15 A. Yes, sir.

16 Q. Did you, did you know what the truck had hit or
17 anything at that point?

18 A. No, sir. I did not know what the truck had hit.

19 Q. Okay. So you used Mr. Holliday's phone. What did
20 you do -- who did you call?

21 A. I called my mother and I asked her to come and get
22 me. And she said, when? And I said, now.

23 Q. Okay.

24 A. At my house.

25 Q. Is that unusual for you to ask your parents for a

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1 ride or family for a ride?

2 A. No, sir. They help me throughout, you know, the
3 week and prior to this coming and picking me up, carrying
4 me to the grocery store, to pay my bills or whatever I
5 needed to do.

6 Q. Now, let's be honest here. You already admitted
7 driving from your house to Joe Schmo's; right?

8 A. Yes, sir.

9 Q. At times you drove without a license other than
10 that instance?

11 A. Yes, sir.

12 Q. Okay. But when you could get a ride, would you?

13 A. Yes, sir, I would.

14 Q. Okay. So who came and got you?

15 A. My nephew, Justin Raiden, come and picked me up.

16 Q. All right. Any idea what time that was?

17 A. I'm going to say maybe twelve o'clock or a little
18 after, maybe twelve thirty at the latest.

19 Q. Okay. Did you take anything with you from your
20 house at that point?

21 A. No, sir, I did not.

22 Q. All right. When you got in Justin's car or truck,
23 did you talk about anything?

24 A. Just casual talking. He had just had a knee
25 surgery, he was having a baby on the way, what they may

1 name it and stuff to that nature.

2 Q. Okay. Did you say anything about your cell phone?

3 A. If I did -- he may have asked me about the cell
4 phone and I said I either lost it or it got stolen or
5 something along those lines.

6 Q. Okay. Did you say anything about your truck?

7 A. No, sir, I did not.

8 Q. All right. How long -- your mom lives where?

9 A. She lives in Greenville.

10 Q. In the Judson Community?

11 A. Yeah, the Judson Community. Yes, sir.

12 Q. That's 123 into Greenville before you get to
13 downtown; right?

14 A. Yes, sir, that's correct.

15 Q. So how long did it take you to get to your mom's?

16 A. Probably approximately twenty minutes, twenty-five
17 tops.

18 Q. What did you do at your mother's house?

19 A. We went in and my little girl was there, so we made
20 some small talk in the living room; just what they had
21 been doing and the kind of condition my dad was. He was
22 dying of cancer. Just made small talk basically in the
23 living room with everybody.

24 Q. All right. What did you do next?

25 A. Me and my mother and my daddy went into the bedroom

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1 and had a conversation of what may have happened the
2 night before.

3 Q. All right. It was you, your mom and your dad?

4 A. That's correct.

5 Q. Okay. So you -- now your mom said it was just you
6 and her. But you think that your dad was there, too?

7 A. Well, we talked in the kitchen and the living room

8 ---

9 Q. I'm sorry. The kitchen.

10 A. Yeah. We may have -- you know, dad may not have
11 been in one of the spots or the other.

12 Q. Okay. You eventually went in the bedroom?

13 A. That's correct.

14 Q. So who was in the bedroom?

15 A. Me and my mother.

16 Q. Okay. I apologize. What did you talk about in the
17 kitchen? What did you say? Can't -- don't say what your
18 parents said. But what did you say?

19 A. Just talked about the accident and was there an
20 accident and who was driving. And I told my mother I
21 wasn't driving, but I didn't know the dude's last name
22 that was driving. And I don't, I don't know if I really
23 had it programmed in my phone or not. But I could not
24 find my phone to tell that.

25 Q. All right. And then what did you talk to your

1 mother about in the bedroom?

2 A. We went in there and still kind of had the same
3 conversation. And that's when she wanted to take
4 pictures of me to show that I had no injuries on me at
5 that time.

6 Q. Okay. Were you hurt? You said a little bit about
7 a cut. Were you hurt at all?

8 A. No. I had like a finger scratch or something along
9 my face here, but that was it. No injuries nowhere.

10 Q. Were you hurting anywhere, sore, anything like
11 that?

12 A. No, sir, I was not.

13 Q. And this is less than twelve hours after the
14 accident?

15 A. Yeah, approximately. Yes, sir.

16 Q. Okay. Now, in the bedroom did going to California
17 come up?

18 A. Yes, sir, it did. We -- my mother and I was
19 talking and I told her I thought I'd just go on and spend
20 the time that I normally spend -- holiday time with a
21 friend in California.

22 Q. All right. Let's go back. So you've left the
23 scene of the accident; right?

24 A. Yes, sir, I did.

25 Q. What type of decision do you -- now that you can

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1 reflect back on it, what type of decision was that that
2 you made?

3 A. It's a very poor decision that I made. I mean, I'm
4 a business man and I make decisions and I made a very
5 poor decision to leave that scene that night.

6 Q. Okay. So what -- now you've had ten hours, you
7 know, to continue to think about it after the accident.
8 I mean, what was your thought process of, all right, I
9 need to get to California sooner rather than later?

10 A. Well, I thought if I could get out there, there's a
11 real good friend, she's education, and we could talk and
12 get my bearings straightened out, get my -- get
13 everything straightened out and see if I could somehow
14 dig up, dig up Josh in some kind of way. And you know,
15 just get my thoughts together.

16 Q. Were you planning on staying out there?

17 A. No, sir, I was not. I had a home that I had to
18 come back to. Dog was still in the yard.

19 Q. All right. Well, let's go back -- we'll come back
20 to that. So you're in the bedroom and you talked about
21 going to California. So what did you do after that?

22 A. We had talked about going to California, or I did.
23 And my mother had took the pictures of me. And then we
24 had talked about maybe getting a rental car, me trying to
25 get a rental car, but I wasn't able to do that because I

1 didn't have a license or insurance.

2 Q. Okay. Now, did you have a specific conversation
3 with your nephew Justin at your mom's house?

4 A. No, sir, I did not.

5 Q. Now, you heard his testimony that he says that you
6 told him something to the effect of, you know what I did;
7 right? And he said, no, what, uncle Bobbie, and you told
8 him that you killed a man or killed a boy? I forget
9 which way he said it.

10 A. Yes, sir. I did not, I did not have that
11 conversation with him.

12 Q. All right. So you did not tell him that I killed a
13 man?

14 A. No, sir, I did not.

15 Q. Now, at your mom's house, did you call anyone?

16 A. I did. After me and my mom discussed what we was
17 going to do, the pictures and everything, I called Tara
18 from my mother's home phone.

19 Q. Now, at this point you had -- did you have the
20 conversation with your mom in the bedroom before you
21 called Tara?

22 A. Yes, I did.

23 Q. Okay. So you called Tara. And don't tell me what
24 she said. But what did you tell her?

25 A. I called Tara and she was in a panic kind of mode,

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1 telling me that ---

2 MR. RICHARDSON: Objection.

3 MR. ALEXANDER: Don't say what she said.

4 THE COURT: Sustained.

5 Q. Based on what you heard, did she seem upset with
6 you?

7 A. Yeah, she seemed very upset with me.

8 Q. Okay. Is her -- well, you heard her testimony.
9 She described -- I think she said she was going off on
10 you. Is that a fair description?

11 A. That's a fair description, yes, sir. She did.

12 Q. All right. Now she says that you told her that you
13 were not in the car at all?

14 A. Yes, sir, I did, just to get her to calm down to
15 listen to what I had to say and, you know, go from there.
16 But she was just so irate at that time. I guess the
17 officer had called her two or three times and then, you
18 know, then she got the call from me.

19 Q. So you didn't tell her the truth about being in the
20 car at that point?

21 A. No, sir, I did not.

22 Q. Okay. But you had already told you mother you were
23 there?

24 A. Yes, sir, I did.

25 Q. Just not driving?

1 A. That's correct.

2 Q. Okay. All right. So at what point did you learn
3 that somebody had died as a result of this accident?

4 A. When me and Tara spoke on the phone.

5 Q. Okay. I mean, how did that impact you ---

6 A. It impacted me ---

7 Q. --- knowing that somebody had died in this
8 accident?

9 A. It stunned me. It really -- at this point I didn't
10 even know we had hit a car. I didn't know what we had
11 hit. And you know, it shocked me. I didn't have a clue
12 that someone had passed away from an accident that I was
13 involved in with just being the passenger.

14 Q. Did that send you into any other -- any further
15 panic or make it better or worse, or what?

16 A. It did. It sent me in the panic of how am I going
17 to handle this? What is my move? Do I turn myself in or
18 do I go talk to the police or -- because I'm not hurt.
19 And you know, I was riding in the backseat. You know, it
20 sent me into more of a panic mode. So, yeah.

21 Q. Well, why -- here's a good point. At that point
22 why didn't you just turn yourself in? You heard the
23 testimony your mother said your dad tried to talk you
24 into turning yourself in. Why didn't you just follow
25 their advice?

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1 A. I was scared. I mean, you know, jail is no fun
2 place to be. And if they would lock me up for being the
3 passenger in a car and running off. I was just scared
4 and just didn't know what to do. Didn't know how to
5 handle the situation. Never been in that kind of trouble
6 or anything of this nature in my life.

7 Q. Did you know at that point that a passenger leaving
8 is different than a driving leaving?

9 A. I did not know that.

10 Q. All right. So you're still at your mom's house.
11 You've talked with Tara. Was it after that that night
12 did y'all try to rent a car?

13 A. That's correct. Later after the phone call we had
14 tried to rent the car.

15 Q. Okay. Now, there was some testimony that I think
16 -- I think it was Trooper Mayfield came by and spoke to
17 your mother while you were at home?

18 A. Yes, sir, I think so.

19 Q. And you were aware of that, that he stopped by
20 there then?

21 A. Yes, sir, I -- yes, sir, I was.

22 Q. All right. So when was it -- how did you end up at
23 the Columbia bus station?

24 A. The next morning my mother, my father and myself
25 went by my house, got some clothes, and they took me to

1 Columbia.

2 Q. Okay. Well, why Columbia, I guess is my question?

3 Why didn't you just go to the Greenville bus station?

4 A. It had a bus leaving that night to start the trip
5 to California.

6 Q. Okay. All right. So you acknowledge that it was
7 the earliest bus you could find?

8 A. Yes, sir, it was.

9 Q. Okay. Now, you had talked a little bit awhile ago
10 about what you were leaving behind. I mean, what were
11 you -- if you had gone out to California, what reason
12 would you have to come back, you know?

13 A. I mean, I still had my business. My daughter was
14 here. My house that I had built. My dog was still in
15 the yard. My house was still fully furnished and
16 everything was in there. I had two small travel bags.

17 Q. And when the -- what happened in Columbia when you
18 got detained by the officers?

19 A. I had -- my dad had bought the ticket for me and I
20 had went in and sat down. And shortly after they had
21 left or at some point there, I seen three or four police
22 cars pulled in. And I had figured they was probably
23 there for me, so I walked out to them.

24 Q. Did you cooperate with them?

25 A. Yes, sir, I did.

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1 Q. Now, Tara had mentioned that you called her from a
2 blocked number, I think. Whose phone did you use to call
3 her?

4 A. I used my mom's home phone. It may be a private
5 line or something that she has on her phone to cause that
6 or something. I don't know why it would show up blocked
7 or private or whatever.

8 Q. Okay. Now you -- and your brother Paul testified,
9 James Paul Kelly. Is that his name?

10 A. Yes, sir, it is.

11 Q. And you had a discussion with him that night to
12 some extent?

13 A. Yes, sir, we did.

14 Q. Okay. And you admitted to him having too much to
15 drink that night?

16 A. I did. I mentioned to him that I had had too much
17 to drink the night of the -- before that. Yes, sir.

18 Q. So just to be clear, State's Exhibit 2, at the time
19 that this collision occurred between your truck and Mr.
20 Crain's vehicle, were you driving?

21 A. No, sir, I was not.

22 Q. Okay.

23 MR. ALEXANDER: One moment, Your Honor.

24 Please answer any questions Mr. Richardson has.

25 THE WITNESS: Okay.

1 THE COURT: You may cross examine the witness.

2 MR. RICHARDSON: Thank you, Your Honor. Please
3 the court.

4 CROSS EXAMINATION

5 BY MR. RICHARDSON:

6 Q. Hey, Mr. Raiden. That night you get in your
7 vehicle -- you've testified that you get in that vehicle
8 and you go to the bar -- what's it called? Joe Schmo's?

9 A. That's correct.

10 Q. Okay. All right. And you actually had visitation
11 of your daughter that night; didn't you?

12 A. Yes, sir. But she always stayed with my mother on
13 visitation.

14 Q. Okay. And so you didn't, you didn't have your
15 daughter with you in your possession at that time; right?

16 A. No, sir, it was court ordered she go to my
17 mother's.

18 Q. Okay. It was court ordered that she goes to your
19 mother's?

20 A. Well, on the first night, yes, sir.

21 Q. I'm sorry. I didn't mean to interrupt. Did you
22 take your daughter to your mother's house?

23 A. No, sir, I did not.

24 Q. Okay. Now, you go to Joe Schmo's and you say you
25 get there at about seven thirty or so; is that correct?

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1 A. Seven thirty, eight o'clock, somewhere along in
2 there.

3 Q. Okay. And are you sitting up there at the bar? Is
4 that where you're sitting when you come in?

5 A. Yes, sir.

6 Q. Okay. And there's four or five, six stools up
7 there? It's not a real big bar; is it?

8 A. No, sir. If I remember correctly, it is not.

9 Q. Okay. And at some point in time, according to your
10 testimony, you're sitting there drinking and you have a
11 conversation with this other fellow; is that right?

12 A. That's correct.

13 Q. Okay. And he's -- is he up at the bar also?

14 A. Yes, sir.

15 Q. Are y'all sitting there on stools next to each
16 other?

17 A. Not right beside each other, but, you know, within
18 a bar stool or two.

19 Q. Okay. And who was there first; you or him?

20 A. He was in the bar, but he wasn't sitting at the bar
21 area. I think then it was made that the bar was on the
22 right-hand side when you go in.

23 Q. Okay. So, but my question is, is when you got
24 there was this fellow already there?

25 A. Yes, sir, he was.

1 Q. And he already -- what was he drinking?

2 A. I really don't -- I don't know what he was
3 drinking.

4 Q. Well, you spent two hours talking to him; didn't
5 you?

6 A. Yes, sir.

7 Q. Okay. You can't tell this jury what he was
8 drinking?

9 A. Well, I mean, he was having a draft beer. I can
10 tell the jury ---

11 Q. All right. So he was drinking beer?

12 A. Yes, sir.

13 Q. And you were drinking beer?

14 A. Yes, sir, that's correct.

15 Q. And for two hours y'all are drinking together?

16 A. Yes, sir.

17 Q. And according to your testimony during this whole
18 time, I mean, you become intoxicated?

19 A. I become over the limit to drive. Yes, sir, I feel
20 like I was.

21 Q. Okay. Well, you had a buzz?

22 A. Yes, sir, correct.

23 Q. And this fellow that you had sitting next to you
24 that you're telling this jury you had sitting next to you
25 is drinking the whole time with you; right?

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1 A. I don't know that he matched me beer for beer, sir.

2 Q. Okay. But he was drinking with you; is that right?

3 A. He had -- yeah, he did have a couple of beer. Yes,
4 sir.

5 Q. And he was drinking for two hours with you; was he
6 not?

7 A. He was there. Yes, sir, he was.

8 Q. Okay. And you, at this point in time, decide you
9 can't drive, but you're going to let this fellow drive;
10 is that right?

11 A. That's why I made the phone call, was -- told him
12 that I was going to make a phone call for somebody to
13 come get us.

14 Q. Well, ultimately, according to your testimony,
15 you're sitting there at that bar drinking with a fellow
16 for two and a half hours and you let him drive your
17 vehicle?

18 A. I did, yes, sir.

19 Q. Because you were bust?

20 A. Because he said he was okay to drive.

21 Q. Not my question. You gave the keys to your vehicle
22 to somebody that you sat there and drank for two hours
23 with; that's your testimony today?

24 A. I did, yes, sir.

25 Q. And you thought that was a good idea?

1 A. No, I did not.

2 Q. Okay. And this is a fellow -- I mean, you don't
3 know him; right?

4 A. That's correct. Other than what ---

5 Q. Did he know the people in the bar?

6 A. I couldn't say.

7 Q. Was there other people in the bar?

8 A. Yeah, there were.

9 Q. Was anybody else talking to you?

10 A. No, sir.

11 Q. It was just you and him?

12 A. Just casual people saying hi, hello, things like
13 that.

14 Q. Okay. So after you and this fellow you've been
15 drinking with for two and a half hours, for two, two and
16 a half hours, get in your car, at this point in time you
17 get in the passenger seat; don't you?

18 A. That's correct.

19 Q. Okay. And y'all go to -- according to your
20 testimony you go to Steady's; is that right?

21 A. That's correct.

22 Q. Well, let me ask you, how many beers did you have
23 at -- that's what you were drinking, beer; right?

24 A. Yes, sir.

25 Q. How many beers did you have at the first place?

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1 A. I couldn't rightly say. I don't know.

2 Q. So you put -- you give this guy who you've been
3 drinking with the keys and y'all go to Steady's. And
4 Steady's is a bar?

5 A. That's correct.

6 Q. And y'all continue to drinking some more?

7 A. No, sir, not there.

8 Q. You never drank one bit of alcohol while you were
9 at Steady's?

10 A. No, sir, I did not.

11 Q. You stated that you were sitting at Steady's
12 waiting and you called Tara; right?

13 A. Yeah. This all happened within ten minutes of us
14 ---

15 Q. Okay. You made a phone call at Steady's for Tara?

16 A. That's correct.

17 Q. Sitting in that bar?

18 A. I walked outside.

19 Q. And the reason why you were calling Tara is because
20 you wanted her to come pick you up?

21 A. That's correct.

22 Q. So you are -- at that point in time you're too
23 drunk to drive?

24 A. Yeah. At this point I'm not going to drive.

25 Q. And you have the plan to have somebody come pick

1 you up?

2 A. That's correct.

3 Q. And you are telling this jury that you sat in that
4 bar, after you sat in another bar for two and a half
5 hours, you went to this bar and didn't have one bit of
6 alcohol while you were trying to get Tara to come meet
7 you?

8 A. I did not.

9 Q. How about the other fellow; did he sit down and
10 drink a beer?

11 A. I don't think he did, sir. He was there looking
12 for his girlfriend.

13 Q. Well, you weren't finished drinking; were you?

14 A. No, sir. When we went home I had a -- I had
15 another beer at my house. I was in for the night.

16 Q. And he wasn't finished drinking; was he?

17 A. I -- he did not have a beer at my house.

18 Q. Well, you stated that y'all went there to drink;
19 did you not?

20 A. I did not say that, I don't think.

21 Q. You didn't testify that y'all went there to drink
22 and play pool?

23 A. We went there to play pool and hang out.

24 Q. But y'all weren't going to drink anymore?

25 A. Yes, sir, I had a beer there, but I cannot recall

1 him having a beer there.

2 Q. Okay. And this -- at your house, the third place
3 that y'all -- you're telling this jury you've gone to,
4 this is after midnight?

5 A. Yes, sir. We get there at eleven forty-five maybe,
6 somewhere around that time.

7 Q. And then you decide that you're going to hook up
8 with some girls; was that your testimony?

9 A. His girlfriend was coming over and had a friend,
10 yes, sir.

11 Q. Okay. And they're coming to your house, and your
12 house is on Watson Road, which is right off Highway --
13 it's actually Highway 86; is it not?

14 A. That's correct.

15 Q. Okay. Because Highway 8 coming from Easley turns
16 into Highway 86 down there around Anderson; does it not?

17 A. Yeah. I think there's a four-way stop there, where
18 it turns.

19 Q. Okay. So you're going to hook up with these two
20 girls. Anybody else live with you?

21 A. No, sir.

22 Q. So you live alone in this house?

23 A. That's correct.

24 Q. So it's just you and him at this house?

25 A. Yes, sir.

1 Q. According to your testimony?

2 A. That's correct.

3 Q. All right. The girls don't come to your house; do
4 they?

5 A. No. We have to go meet them.

6 Q. Okay. And when you get to -- so your decision is
7 that you're going to get back in the car and get back out
8 on the roads and let this guy drive to go meet these
9 girls?

10 A. It wasn't my first decision to let that -- I was
11 going to let him go by his self and then I decided to
12 ride along with him.

13 Q. Okay. All right. So you decide to ride along with
14 him. Are you in the passenger seat?

15 A. No, sir. I'm in the back.

16 Q. Okay. Well, according to your testimony, you went
17 to Steady's and you didn't have anymore beer there and
18 then you went to your house and you only had one beer;
19 right?

20 A. That's correct.

21 Q. And then you decide when y'all leave your house
22 that you're going to lay down in the backseat?

23 A. Yes, sir.

24 Q. Okay. But when you leave Steady's, you're in the
25 passenger seat?

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Rufus Raiden, III - Cross Examination by Mr. Richardson

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1 A. That's correct. I was showing him the way to my
2 house.

3 Q. Now, according to you, I mean, you stopped drinking
4 and you only had one more beer and you feel so tired that
5 you feel the necessity to lay down in the backseat of
6 that truck; that's your testimony?

7 A. Yes, sir. I'm at that point I'm tired.

8 Q. And you're, of course, -- we've seen some pictures.
9 And, of course, you're laying on top of those binders?

10 A. There was only one binder in the truck and it
11 wasn't there before the accident. It was up behind the
12 seat.

13 Q. Now, you meet these girls, and what are they
14 driving?

15 A. They're driving some small SUV, red, burgundy, type
16 van, something along those lines. I really couldn't tell
17 what the car was.

18 Q. Well, was it -- I think your testimony was it was a
19 small SUV?

20 A. Yeah, that's correct.

21 Q. Okay. And you meet these girls and you had a
22 conversation, but you just leave at that point in time?

23 A. Yeah. They follow us; that's correct.

24 Q. They're following you?

25 A. Yes, sir.

1 Q. Okay. I see. I see. So how do you know they're
2 behind you?

3 A. The plan was when we spoke to them, he was going to
4 meet them and they was going to follow us back to the
5 house.

6 Q. All right. So under that -- based upon that
7 testimony, the girls are behind you?

8 A. That's correct, yes, sir.

9 Q. So based upon that testimony, the girls are behind
10 you when the wreck happens?

11 A. Not when the wrecks happens. They had got caught
12 at the light right there ---

13 Q. How do you know that?

14 A. --- at the West End School.

15 Q. How do you know that?

16 A. Just him mumbling up front, well, they got caught
17 at the light.

18 Q. You base that on -- them getting caught at the
19 light based upon him mumbling in the front seat?

20 A. Well, just him in his driving what he did, he said,
21 well, they're at the light, but we're going on. They'll
22 catch up.

23 Q. Really?

24 A. Yes, sir.

25 Q. Oh, okay.

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Rufus Raiden, III - Cross Examination by Mr. Richardson

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1 A. And I was just, you know, I was in and out of
2 sleeping, nodding, it really didn't -- I didn't think it
3 was that big of a deal. Put them a little bit farther
4 behind us.

5 Q. The girls -- the reason why you went to Walmart to
6 meet them was because the girls didn't know where you
7 lived; right?

8 A. That's correct.

9 Q. So if they get caught at the light, why is Josh
10 still driving?

11 A. Well, he's not like speeding up and getting away
12 from them a mile or two. You know, he's just ---

13 Q. You don't know whether they were behind you or not;
14 do you?

15 A. Yes, I do. Well, when we left Walmart they was
16 supposed to been following us.

17 Q. All right. I'll move on from that. Regardless,
18 when the, when the accident happens, there is a car
19 that's following y'all, whether they're right behind you
20 or they're stopped at some light a little ways back,
21 there is a car with people that he knows behind you;
22 right?

23 A. That's correct, yes, sir.

24 Q. Based upon your testimony when the wreck happens,
25 he says, run, and y'all run off into the woods; is that

1 right?

2 A. He's ahead of me.

3 Q. He's ahead of you?

4 A. Yes, sir.

5 Q. And when he ran, did he run across the road and up
6 the hill and through the woods?

7 A. No, sir, I don't believe he did. I seen him when I
8 was cutting the switch off to go in front of the truck
9 and that's the way I went.

10 Q. Okay. You went in front of the truck. You came
11 out of the ---

12 A. Driver's side.

13 Q. --- driver's side?

14 A. Yes, sir.

15 Q. And you went around the truck and went up the hill?

16 A. Not up the hill immediately, no, sir.

17 Q. Did you go into the woods?

18 A. I did eventually go into the woods.

19 Q. So you crossed the road and went into the woods?

20 A. Not at that time. I followed him in his -- pursuit
21 of him.

22 Q. Okay. So when you left -- let me show you what's
23 State's -- been marked State's Exhibit 2. According to
24 your testimony you come out, and your blood is on that
25 side, so you come out of the driver's side door; right?

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Rufus Raiden, III - Cross Examination by Mr. Richardson

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1 A. That's correct.

2 Q. So you come out of the door here; is that right?

3 A. I came out -- yeah, that's the driver's side, sir.

4 Q. And Josh came out -- according to your testimony
5 this fellow came out of the driver's side, also, there?

6 A. That's correct.

7 Q. And where did Josh run? He ran up here, according
8 to your testimony; right?

9 A. No, sir, I did not say that.

10 Q. Well, where did he run?

11 A. I didn't say he run up the hill. I said he was
12 running in front of the truck.

13 Q. He was running in front of the truck?

14 A. Yes, sir.

15 Q. Tell me where he ran?

16 A. I really don't know where he was running to.

17 Q. So you don't know?

18 A. I was just in his pursuit.

19 Q. But you were following him?

20 A. Yes, sir, I was.

21 Q. Okay. You come out of that truck, too; right,
22 following him?

23 A. Yes, sir.

24 Q. And your testimony is, is you didn't know what
25 happened? You didn't know you hit anybody?

1 A. No, sir.

2 Q. Your testimony to this jury is that you came out of
3 that truck as it's sitting right there and you did not
4 see that vehicle sitting right there?

5 A. I did not pan around and see anything.

6 Q. You come straight -- the vehicle is straight
7 outside the driver's door. Do you not see that?

8 A. I did not see the vehicle there, sir. I'm sorry.

9 Q. What you do is -- your car is involved in a wreck,
10 a serious wreck. Do you agree with that? Can we agree
11 on that?

12 A. Yes, sir.

13 Q. That this is a serious wreck. And what you do,
14 according to your testimony, is you immediately listen to
15 a fellow that you have been drinking with that you don't
16 know and just automatically run? That's your testimony?

17 A. Yes, sir, I did.

18 Q. You do not get out and look at the damage to your
19 car? You do not get out and look at what you hit? You
20 didn't do any of that?

21 A. No, sir, I did not.

22 Q. You just had a wreck and ran off?

23 A. There was a wreck and I ran off from it.

24 Q. And in doing so, you never, never saw that car ---

25 A. No, sir, I did not.

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Rufus Raiden, III - Cross Examination by Mr. Richardson

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1 Q. --- on that embankment?

2 A. No, sir, I did not.

3 Q. But the fact of the matter is you ran?

4 A. I did run.

5 Q. And when you ran did you ever see the girls' car?

6 A. No, sir, I did not till we -- till I could
7 acknowledge him getting in a car or a car going off. At
8 that time I didn't know it was Sheriff Mill Road.

9 Q. So after you have this idea to run into the woods,
10 you testified you stay in the woods and is that the way
11 you got home, you went down in through the woods to get
12 home?

13 A. No, sir, I did not. I didn't say that. I said I
14 made my way to the road, but I didn't know what road it
15 was and I stayed there till daybreak to figure out where
16 I was.

17 Q. And as you're on this road walking down -- were you
18 walking down the road?

19 A. Yes, sir, I was.

20 Q. And did you pass houses?

21 A. Yes, sir, I did.

22 Q. All right. Did you pass a bunch of houses?

23 A. I don't think there's a lot of houses in that area,
24 but I did pass ---

25 Q. Well, did you pass some houses?

1 A. I did.

2 Q. Did you ever go up there and ask them, tell them,
3 look, I've been in an accident, I need to call the
4 police?

5 A. No, sir, I did not. I was still scared and
6 panicking.

7 Q. Well, you were running, you were running from the
8 police; weren't you?

9 A. I was running from the accident.

10 Q. You're running from the accident? You were running
11 from the police?

12 A. I ran from the accident.

13 Q. You did not -- you ran because you did not want to
14 have to confront the police at that accident?

15 A. I had been drinking. And he ran -- the driver was
16 running. I followed in suit.

17 Q. So you're not driving -- you're claiming you're not
18 driving to this jury and you're innocent and you think
19 it's a good idea to run off?

20 A. I don't think it was a good idea. If -- now, I
21 know it wasn't a good idea.

22 Q. Well, that night you thought it was a good idea;
23 didn't you?

24 A. Well, it was the only thing I could figure out to
25 do.

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Rufus Raiden, III - Cross Examination by Mr. Richardson

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1 Q. And you left behind that kid in that car; didn't
2 you?

3 A. Now that I know that, yes, sir, I did.

4 Q. You may could have helped him; couldn't you?

5 A. I don't know. I'm not a paramedic.

6 Q. Well, you didn't try; did you?

7 A. I never saw the car, sir.

8 Q. Oh, that's right. You didn't see that car. I'm
9 sorry. And so you're walking through the woods and
10 you're getting home that way and going through -- going
11 down the road, but this alleged Josh and his girlfriends,
12 you don't go and get in their car; do you?

13 A. They had done left by the time I caught up with
14 them.

15 Q. Your testimony was that you were following him, you
16 were running right behind him?

17 A. Not right behind him. I said thirty or forty yards
18 he was in front of me.

19 Q. Okay. And you get to your house and I think you
20 testified that you -- did you come out of the woods to
21 get to your house? Or did you walk down Watson Road?

22 A. As I was coming down Watson Road, there's a small
23 patch of woods on each side of my house, maybe twenty
24 foot wide, so I cut through them to the backyard.

25 Q. And you went inside your house?

1 A. That's correct.

2 Q. And at some point in time, you go to the Hollidays.

3 And you heard Lisa Holliday testify that you drive that
4 truck all the time. You agree with that; don't you?

5 A. I agree I have drove the truck prior to that. Yes,
6 sir. Not all the time.

7 Q. Okay. And you get, I think it was, Glenn
8 Holliday's telephone and you don't tell Glenn Holliday
9 about an accident or a wreck or anything; do you?

10 A. He did not ask me and I didn't offer the
11 information.

12 Q. He didn't ask you?

13 A. No, sir.

14 Q. Is that your testimony?

15 A. That's what I just said.

16 Q. Okay.

17 A. He just let me use his phone.

18 Q. I'm sorry?

19 A. He just let me use his phone. I asked for his
20 phone and he gave it to me.

21 Q. And the purpose of using that phone is to get
22 somebody to come to your house and pick you up?

23 A. That's correct.

24 Q. Come get you, as Mr. Holliday said, come get you
25 right now; is that right?

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Rufus Raiden, III - Cross Examination by Mr. Richardson

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1 A. My mother asked when, I said right now. Or now.

2 Q. And so -- and that's when Justin came and picked
3 you up?

4 A. That's correct.

5 Q. And Justin is -- he's coming, he's helping you out.
6 He's coming to pick you up; right?

7 A. Yes, sir, he is.

8 Q. And he took you and got you away from your home.
9 And the reason you wanted to get away from your home is
10 because the cops had been there; right?

11 A. At that time I didn't know they had been there.

12 Q. Well, did you figure they were going to come to
13 your house at some point in time?

14 A. I really didn't know.

15 Q. So your reason for leaving the house is not to get
16 away from the police?

17 A. Not at that time, no, sir.

18 Q. Well, you testified that you were scared and you
19 didn't want to -- and that's why you ran from this wreck,
20 you didn't want to deal with the police then; right?

21 A. I didn't say I didn't want to deal with the police.
22 I ran from the wreck.

23 Q. Okay. And then you ran from your house to your
24 mother's. After that, how long were you at your mother's
25 house?

- 1 A. Until the next day.
- 2 Q. And so the next day is Sunday?
- 3 A. Yes, sir, that's correct.
- 4 Q. And after you run to your mother's house, at some
- 5 point in time a highway patrolman comes to her house and
- 6 questions her; right?
- 7 A. That's correct.
- 8 Q. And you knew that; didn't you?
- 9 A. Yes, sir, I was there.
- 10 Q. Okay. And you never came out to talk to that
- 11 highway patrolman?
- 12 A. I did not.
- 13 Q. And at this point in time, do you know that Ryan
- 14 has been killed?
- 15 A. Not until I spoke with Tara on the phone, that
- 16 someone had. I did not know it was Ryan.
- 17 Q. Okay. But at some point in time, you found out
- 18 that Ryan had died?
- 19 A. That's correct.
- 20 Q. And when you -- after you find out Ryan had died,
- 21 then you decide, I need to go get a rental car?
- 22 A. No, sir, I decided that before I even knew Ryan had
- 23 passed away or anyone was hurt in the accident.
- 24 Q. Okay. So you're going to go get your rental car
- 25 after you got to your mother's, but before you knew

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Rufus Raiden, III - Cross Examination by Mr. Richardson

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1 somebody had died?

2 A. That's correct.

3 Q. Okay. And you're going to California; is that
4 right?

5 A. Yes, sir.

6 Q. So your plan is to get this rental car and drive
7 all the way to California in a rental car? That's the
8 reason you're going to get the rental car?

9 A. First off, yes, sir, it was.

10 Q. Okay. All right. Because you had to get out of
11 Dodge?

12 A. I was panicking. I was scared.

13 Q. You had to get out of Dodge? You had to get out of
14 the city; didn't you?

15 A. I was scared. Yes, sir, I was scared.

16 Q. That's the reason why you had your mother take you
17 to the bus station in Columbia and not Greenville; right?

18 A. No, sir, it was just the first ticket I could get
19 that was leaving. The earliest ticket.

20 Q. It was the earliest ticket?

21 A. That's correct.

22 Q. Okay. So you're so desperate to get out that you
23 go all the way to Columbia to get the first bus to get
24 out; right?

25 A. Yes, sir.

1 Q. It's fair to say the Greenville police or Pickens
2 police or this area police, they may be at the bus
3 station in Greenville; right?

4 A. Yes, sir.

5 Q. They may be looking for you?

6 A. They may have.

7 Q. So you get -- you decide -- your car is banged up
8 on the road, it's been in a terrible accident, you decide
9 it's a good idea to get all your stuff together and go
10 take a vacation in California?

11 A. It was a very poor decision on my part.

12 Q. That's not my question. That was your -- what you
13 said -- did? You decide that your car has been in a
14 wreck, it's been in a bad accident, you decide you're
15 going to go to California?

16 A. That was a very poor decision on my part. Yes,
17 sir.

18 Q. And at some point in time you did find out that
19 Ryan had died in the wreck; right?

20 A. Correct.

21 Q. And you still proceeded to go to that bus station?

22 A. Yes, sir. It was a poor decision. Yes, sir.

23 Q. When you were at the bus station, you knew that
24 somebody had died in that wreck?

25 A. It was a poor decision I made to go to the bus

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Rufus Raiden, III - Redirect Examination by Mr. Alexander

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1 station to go to California.

2 Q. And you're taking pictures of your body trying to
3 get -- thinking about yourself and getting evidence for
4 yourself; aren't you?

5 A. Well, there wasn't nobody else thinking about me,
6 because Josh had run off and I had to cover my own ---

7 Q. Well, you were doing all that, but you weren't
8 thinking about Ryan; were you?

9 A. At that time, no, sir, I was not. I regret that
10 decision.

11 Q. That's all the questions I have.

12 THE COURT: Any redirect?

13 MR. ALEXANDER: Just briefly, Your Honor.

14 **REDIRECT EXAMINATION**

15 **BY MR. ALEXANDER:**

16 Q. Rufus, Josh said he was okay to drive?

17 A. That's correct.

18 Q. That's one of the reasons you let him drive?

19 A. Yes, sir, I did.

20 Q. And your plan, beginning at Joe Schmo's, you knew
21 his girlfriend was with another girl?

22 A. That's correct, yes, sir.

23 Q. Okay. So those hours you were with him at Joe
24 Schmo's, you talked about, oh, maybe you could hook up
25 with her girlfriend?

1 A. Yes, sir.

2 Q. Is that another reason why you continued to hang
3 out with him and let him drive?

4 A. Yes, sir, it was.

5 Q. Not a very good reason?

6 A. No.

7 Q. But a reason?

8 A. But it was a reason.

9 Q. Now, after you met them at the Walmart, the Walmart
10 parking lot, there's several red lights between there and
11 your house or between there and your accident scene; I
12 guess I should say?

13 A. Yes, sir, they are.

14 Q. Okay. So it's fair to say they may or may not have
15 been right behind you?

16 A. That's correct.

17 Q. But you don't really know how close they were
18 behind you?

19 A. I do not know how close they were.

20 Q. But from Walmart until you get to 86, it's a
21 straight shot down Highway 8 anyway; right?

22 A. That's correct, yes, sir.

23 Q. So it would be easy for them to catch up?

24 A. Yes, sir.

25 Q. Now, when you got out of the truck at the driver's

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1 side door here, if I understand your testimony right,

2 you're not really sure which direction Josh ran?

3 A. That's correct.

4 Q. You just know you followed after him?

5 A. That's correct.

6 Q. He was thirty, forty yards ahead of you?

7 A. Yes, sir.

8 Q. A little less than half a football field?

9 A. Little less than half, yeah.

10 Q. And your ultimate -- so you left the vehicle and

11 followed Josh, but you hadn't left the scene, so to

12 speak, yet; right?

13 A. That's correct. Yes, sir.

14 Q. All right. And after Josh took off in this car, is

15 that when you decided, I need to get out of here, too?

16 A. Yes, sir, I did.

17 MR. ALEXANDER: That's all the questions I

18 have, Your Honor.

19 THE COURT: All right. Thank you, sir. You

20 may step down.

21 MR. ALEXANDER: That's the defense case, Your

22 Honor.

23 THE COURT: Anything in reply from the State?

24 MR. RICHARDSON: Nothing further from the

25 state, Your Honor.

1 THE COURT: Mr. Foreman, ladies and gentlemen,
2 you've heard all the testimony in the case. You haven't
3 heard my instruction on the law. You haven't heard the
4 closing statement of the attorneys. We're going to take
5 a lunch break now. We've got some legal matters we need
6 to take care of. It'll take us a little while. If
7 you'll be back at one forty-five, I believe we'll be
8 ready to start then. That'll give you a little more than
9 an hour for your lunch.

10 Let me remind you again, you shouldn't be discussing
11 the case with anyone. Don't let anyone discuss the case
12 with you. We'll look forward to having you back here at
13 one forty-five and be ready to proceed.

14 Everyone else, please remain seated while the jury
15 departs.

16 (WHEREUPON, the jury exited the open court at
17 approximately 12:30 p.m.)

18 THE COURT: All right. Are there any matters
19 we need to take care of, particularly in the way of
20 charges and ---

21 MR. RICHARDSON: Your Honor, first on the -- I
22 would address the ---

23 THE COURT: Let me see the attorneys just a
24 minute first before we start into that as to whether or
25 not we need to take a break first.

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1 (WHEREUPON, Messrs. Alexander and Richardson
2 approached the bar.)

3 THE COURT: All right. We were about to --
4 first of all, let the record reflect that at the bench we
5 had an opportunity to go over the verdict form, with the
6 amendment, the verdict form -- I'll show it to you again
7 before the jury arguments, see that it's in proper form.

8 We had talked earlier about the driving under
9 suspension charge. And I've looked during our break.
10 Solicitor, did you find any information?

11 MR. RICHARDSON: It appears from the case law
12 that I have had my staff research that there is a notice
13 requirement to the extent that it has to be -- a notice
14 has to be sent out. That was not established by the
15 state. Based upon that, we would concede DUS not going
16 to the jury.

17 THE COURT: All right. I believe that's in
18 Section 56-1-465, maybe, that ---

19 MR. RICHARDSON: Yes, sir, I don't have the
20 exact law.

21 THE COURT: --- notice goes out. All right.
22 So I'll direct a verdict based on the evidence that I
23 heard -- well, even all the evidence now, but certainly
24 under the state's case that there was no proof of notice
25 being mailed. So I will grant the motion for a directed

1 verdict as to the driving under suspension.

2 We talked briefly about instructions. I will charge
3 the circumstantial evidence as requested by the defendant
4 charge. If there are any other specific charges that
5 either of you have, just get them to my law clerk during
6 the lunch break.

7 All right. We'll be back at a quarter till ready to
8 go.

9 (WHEREUPON, the court stood at recess for a lunch
10 break.)

11 THE COURT: Please take your seats, ladies and
12 gentlemen. Do y'all want to look over the verdict form?
13 That's the way we had talked about earlier; verdict form.

14 MR. ALEXANDER: No objection to the form.

15 THE COURT: No objection to the form. Any
16 other matters we need to take care of before -- I'll
17 explain to the jury why they're not going to have --
18 that's been resolved or taken care of by me on the
19 driving under suspension, that all they have before them
20 is the leaving the scene.

21 MR. ALEXANDER: Just we would ask you to charge
22 on Lyle, that charge.

23 THE COURT: Okay. I'll charge that.

24 Okay. Anything from the state?

25 MR. RICHARDSON: Nothing from the state, Your

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1 Honor.

2 THE COURT: All right. If the jury's ready you
3 can have them come in.

4 (WHEREUPON, the jury entered the open court at
5 approximately 1:54 p.m.)

6 THE COURT: Mr. Foreman, ladies and gentlemen,
7 we're now ready to proceed with the closing statements of
8 the attorneys. Let me, beforehand, explain to you that
9 this case started out with two charges against the
10 defendant, Mr. Raiden. One matter has been disposed of.
11 I've taken care of that matter of law. So you'll only
12 have the leaving the scene of the accident, will be the
13 matter you'll be deciding what the facts are about that.

14 I'll explain the law to you after the closing
15 statements of the attorneys. I told you on Monday that
16 what these attorneys have to say to you is not evidence,
17 but still I urge you to listen as they each address you.
18 I'm certain that each of these attorneys can give you
19 valuable insight to perhaps help you as you start your
20 deliberations soon after I give you the instructions on
21 the law.

22 Mr. Alexander, you may address the jury in your
23 closing.

24 MR. ALEXANDER: Thank you, Your Honor. Mr.
25 Richardson, ladies and gentlemen.

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1 no distinction as far as weight or anything like that.
2 And in this case I would submit to you there's simply no
3 direct evidence of Mr. Raiden's guilt in this case.
4 There's no eye -- direct evidence would be an eyewitness
5 that saw Mr. Raiden. I saw him driving that truck, climb
6 out of that truck. That's direct evidence. We don't
7 have anything close to that. This is a circumstantial
8 evidence case.

9 Now, the Judge will, as I said, give you the law on
10 that. But part of that is when the state is relying on
11 the circumstantial evidence, it's basically a chain of
12 events. Just links in a chain. And those events have to
13 link together to form a conclusion. And they have to be
14 consistent with each other. So you have to have
15 consistent links of the chain. And when you take all the
16 parts together, they have to conclusively point to the
17 guilt of the accused beyond a reasonable doubt.
18 Conclusively point to.

19 If the circumstances merely portray somebody's
20 behavior, in this case Mr. Raiden's behavior, as merely
21 suspicious, they haven't met their burden. They've
22 failed in meeting their burden. The judge will instruct
23 you on the law on that. But I just wanted to touch on
24 that, because that's what I believe is what type of
25 evidence that you've heard here during the last couple of

1 days.

2 Now, the elements of -- what Mr. Raiden is charged
3 with is -- let me get this; I don't want to get this
4 wrong -- part of the statute, which is the law, and again
5 the judge will read this to you and instruct you on it.
6 The driver of a vehicle involved in an accident resulting
7 in an injury to or the death of a person, it goes on,
8 shall immediately stop. Basically remain at the scene,
9 identify themselves, provide reasonable assistance. So
10 the elements of what the state has to prove here -- I'm
11 sure Mr. Richardson will go over this with you, too --
12 they have to prove beyond a reasonable doubt that there
13 was a wreck. Obviously there was a wreck. So checkmark
14 on that. That there was an injury or death. Mr. Crain
15 died as a result of this wreck. So that's a check.
16 That's the driver of a vehicle in the wreck left without
17 identifying himself and providing reasonable assistance.
18 We would agree that that's been proven. Whoever was
19 driving that truck didn't stick around to talk to the
20 police, identify himself and provide Mr. Crain reasonable
21 assistance. The last element is they have to prove that
22 Mr. Raiden, the defendant in this case, was that driver;
23 that he was the driver of that truck.

24 Now, you heard Mr. Raiden's testimony. He's saying
25 this person named Josh was driving. Now, keep in mind,

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1 Mr. Raiden doesn't have to prove anything. He doesn't
2 have to convince y'all to any burden that it was, that it
3 was Josh driving this vehicle. That's his testimony.
4 The state has the sole burden to prove Mr. Raiden was
5 driving. So his testimony is one fact to consider in all
6 that. So we don't have to produce Josh, I guess is what
7 I'm saying, say, okay, here he is; he was the one
8 driving. Mr. Raiden is the one on trial here today. So
9 the question is, was he driving that truck?

10 Now, you heard some testimony from Corporal Brooks
11 about the causation of the accident, which car was at
12 fault. I'm not going to discuss that a whole lot,
13 because in this context that this charge, it simply
14 doesn't matter which vehicle was at fault. Obviously
15 there's some systems, a civil trial, something just
16 generally morally wanting to know, it does matter who was
17 involved. In those contexts it matters. But as far as
18 the state proving this case, this charge, driver leaving
19 the scene of an accident, it simply doesn't matter which
20 vehicle was involved.

21 You can have a non-at-fault driver be guilty of hit
22 and run, leaving the scene of an accident. If I'm
23 driving down the road, I come from the bar, wherever,
24 just driving down the road, somebody crosses the center
25 line and hits me head-on and it's clearly their fault.

1 Nobody disputes it. Later on that's what everybody says.
2 But I've had a drink or two at the bar. I panic and I
3 take off. And that person is injured or dies. Well, I'm
4 guilty of hit and run, leaving the scene of the accident.
5 It doesn't matter that I left. I only say that to
6 illustrate that, that's not a -- in fact, you don't have
7 to determine, I guess is what I'm saying, you don't have
8 to say, okay, we've got to decide who was at fault. You
9 don't have to decide that. You heard the testimony.
10 That's not an element that the state has to prove.

11 Now, I believe the state will argue that who was at
12 fault does matter in the context that it is a motive for
13 why somebody might flee the scene of an accident. And,
14 you know, that's certainly a possibility. But it may not
15 be the only motive. So, clearly, Mr. Raiden testified,
16 yes, I was there, I was a passenger in the vehicle and I
17 left the scene. I did. I did not stay around to
18 identify myself. He says he -- he said, I wasn't aware
19 of the other vehicle, so obviously he didn't stay and
20 provide reasonable assistance.

21 But if he's only the passenger, it doesn't matter.
22 He has to be the driver. It doesn't matter in this
23 charge anyway. Morally is that right? No. It's not
24 morally right. Ethically? No. It's not the right thing
25 to do for a fellow human being. But that doesn't make --

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1 that passenger doesn't make Mr. Raiden guilty of this
2 charge. He'll have to answer perhaps to a higher power
3 for that one day. But it doesn't not make him guilty,
4 because he has to be the driver. And that's what you
5 have to determine.

6 And, you know, Mr. Crain, he passed; he died as a
7 result of this. We're not trying to disparage anything
8 about him, about trying to say, well, it was really his
9 fault. Not anywhere close to that. I don't want you to
10 even think that; that that's what we're saying. We're
11 simply saying that that fault is not the only motive that
12 somebody would have for leaving the scene of an accident.
13 Could it be a motive? Sure. But you've got to take the
14 totality of the facts. You've got to look at the whole
15 case.

16 What other motive could Mr. Raiden have? You heard
17 his testimony, just based on that, and you know, he
18 admits he had been drinking. He didn't have a driver's
19 license. You know, that alone, been drinking, didn't
20 have a driver's license. He said he wasn't sure what
21 they hit until the next day he found out. So he panics.
22 You know, Josh, the driver, says run, you know. So he
23 tries to follow him. And then he sees him get in a car
24 and drive off. He's left by myself. And he knows he
25 wasn't driving, that this other guy took off and left him

1 there. And he knows that he had been drinking. The
2 reason he had Josh drive him is because he didn't want to
3 drive and he knew he shouldn't be driving. And on top of
4 that, he didn't have a driver's license. So even if he
5 hadn't been drinking, he shouldn't have been driving. So
6 that alone is motive. It's just as much an inference,
7 making -- drawing that conclusion just as likely as the
8 state arguing, well, he knew it was his -- that it was
9 their vehicle's fault and that's why he ran. But they've
10 offered no evidence that he knew that, by the way. All
11 you have -- really all you have on that point is Rufus
12 saying, I didn't know what we hit. I knew we hit
13 something.

14 So let's look at what has -- what evidence has the
15 state presented for you to consider? And I'm not going
16 to rehash every testimony. Y'all heard it all and I know
17 y'all were paying attention. I just want to hit what I
18 think are some of the highlights, some of the main points
19 that -- of what the state has offered as far as what I
20 believe is circumstantial evidence.

21 First, we'll just talk about the fact that he left
22 the scene of the accident. On top of that, that he was
23 arrested in Columbia with a bus ticket to California.
24 You know, obviously that doesn't look good. He said so
25 himself. That was a poor decision. I'll go a step

1 further. It was stupid. It was a stupid decision. But
2 he did it. That's what happened.

3 Now, the state is going to argue, well, that fact
4 alone, you can infer that he has a guilty conscience, or
5 something of that nature. An innocent man doesn't run,
6 stuff like that. Which is -- you know, can be true in
7 certain circumstances. But the opposite is true, too.
8 Someone can be running from this for other reasons. And
9 Rufus told you what was going on, that he fled from the
10 scene. I won't rehash that. But that he panicked, got
11 scared, the guy took off and that's why he left the
12 scene. He didn't want to get caught there by the police.
13 And frankly, under those circumstances, you know, it's
14 not a good, wise decision, but it makes sense if you take
15 it in the context while he's sitting there.

16 So then you have this stuff about California. And
17 you heard the testimony about that. He had a lady friend
18 out there and regularly he went out there. And clearly
19 it's not -- he didn't have pre-arranged traveling plans
20 or anything like that. But at the time that he planned
21 to do that, he still hadn't learned about Mr. Crain's
22 death or that there was even anybody injured. Now, he
23 learned about it before he went down there. He still
24 planned to carry it out. But he was planning on going
25 there when he thought it was just some type of accident

1 that he had been in; and that was it. Because he knew
2 that, you know, they were -- at that point he knew
3 sometime that evening after he decided to do this,
4 because Mr. Mayfield -- I think it was Mr. Mayfield --
5 had come by the house and he knew that they were at least
6 looking for him at that point. So he still planned to
7 carry out that plan to go to California.

8 But my point on that is, that alone is not enough.
9 All right? You know, you can draw whatever inferences
10 that you decide on that. But the fact that, you know,
11 his evidence of flight, you know, from the scene, to
12 California, whatever, that alone is not enough to put him
13 behind the wheel. It may be some evidence that he was
14 feeling bad about something. He was trying to run from
15 something, but from what? It's very likely -- just
16 easily he's trying to -- you know, so they don't confront
17 him about, you know, that they think he was the one
18 driving, he had been drinking, in this accident. He
19 didn't even know that anybody was injured. Because he
20 didn't know who this Josh guy was. He couldn't even
21 point them in their direction. He couldn't find his
22 phone that he had the guy's number -- that he put the
23 guy's number in.

24 So next, evidence about the blood. You know, they
25 had blood on the scene, a drop of blood on there. Here's

1 a wide shot of it. That's State's Exhibit 14. Door
2 handle. I mean, he admits he was there. So in the end,
3 what does the blood show? It just confirms what Rufus
4 has said on the stand himself; that he was in the car
5 when it happened. It does not put him behind the wheel
6 driving. You heard the state's own witnesses say, yes,
7 this driver's door was the only way out of the vehicle.
8 The other door was not open. There's no back window for
9 him to crawl through. So the driver -- if there was a
10 passenger, if there was somebody in the backseat, the
11 only way they were getting out of that vehicle was to
12 crawl over and out that door, exit, get out through that
13 door. His paper's in the truck. It was his truck. So
14 none of that is surprising. He said, you know, he -- I
15 think he said he doesn't really -- he doesn't remember
16 bleeding or anything like that, but he did have a cut on
17 his face. But that just puts him there. And he says he
18 was there.

19 All right. Next you have Corporal Brooks'
20 testimony. He was the highway patrolman from the MAIT
21 team, M-A-I-T, that testified about reconstructing this
22 accident. And the court qualified him as an expert.
23 What does that mean? And the judge will, I think,
24 explain this. He explained it a little bit when he
25 testified. What does that mean that he's an expert?

1 Now, most of the witnesses that you heard from are what
2 we call lay witnesses, an eyewitness or something.
3 Somebody that saw something or knew something or did
4 something connected to the case. And they're simply
5 testifying from their personal knowledge; this is what I
6 saw, this is what I did.

7 An expert has no direct connection to the case other
8 than, all right, I looked at these things. I went to the
9 scene and I do this, I talked to these people, I reviewed
10 these records. And because of some training or
11 experience, they're allowed to give an opinion. Not a
12 fact. That's what your job is. You're determining what
13 the fact is. They simply give their opinion as to what
14 they think might have happened.

15 And experts, because they're not eyewitnesses, they
16 didn't observe anything for themselves, they're giving an
17 opinion that's based on probabilities. And you heard Dr.
18 Fulcher -- I think I'm pronouncing that right -- testify
19 to his opinion about that -- the cause of death and all
20 that; that it was within a reasonable degree of medical
21 certainty. You know, he didn't say I'm a hundred percent
22 sure this is how he died. He's saying that in a
23 reasonable degree of medical certainty, you know, he
24 believed it was the aorta tear. I'm not disputing that.
25 Mr. Crain clearly passed away as a result of injuries

1 from this accident.

2 But I only mention that as an illustration, that
3 that's what a typical expert does. You know, they don't
4 know for sure what happened and didn't happen. They're
5 allowed to give you -- as the Judge said, one reason is
6 some issue or fact in question may need some assistance
7 in deciding that fact. Doesn't mean you do need that
8 assistance, but the state, if they qualify them properly,
9 they can offer opinion evidence. And that's what they've
10 done here. You still have to determine the facts for
11 yourself. The expert -- the fact he's an expert makes
12 him no more or less credible than all the other
13 witnesses. And you still determine whether you believe
14 all, part or none of that expert witness's testimony.
15 Just like you do on every single witness. You can
16 believe all of what they said, part of what they said or
17 none of what they said. You alone are able to determine
18 that. And so it's just one piece of evidence; your
19 decision of what the facts are.

20 So what did Corporal Brooks say? He didn't say,
21 well, based on my training and experience and what I saw
22 at the scene, I don't believe anybody else was in that
23 truck. You know, it's possible, but I think it's
24 unlikely. That's not what he said. He said, I am one
25 hundred percent certain that only the driver was in that

1 vehicle. That, ladies and gentlemen, is what -- that
2 statement is what makes his testimony not credible.
3 Nobody, short of being an eyewitness, people in the car
4 or God himself, can know with one hundred percent
5 certainty whether or not there was more than one person
6 in that truck. It's just simply not possible.

7 Now, he can get up there and say that, that it's
8 based on all these things, but in the end he doesn't
9 know. There are just too many factors and too many
10 variables for anybody to get up there and say they're a
11 hundred percent certain about something that they don't
12 have personal knowledge of. And that's why these experts
13 deal in probabilities. They say, you know, I think it's
14 very likely, you know, within this reasonable degree of
15 whatever certainty. For doctors it's medical certainty.
16 There's -- the same standard applies for different
17 professions out there. That's what doesn't make him
18 credible. And you can accept or reject, you know, parts
19 of his testimony just like you can any witness's? And
20 that's what I will ask you to do in that case. And I'll
21 go over what I think what he said you should consider
22 about the inside of that vehicle. But you've got to
23 decide that fact, whether there was anybody -- whether
24 there was two people in that car. You can consider his
25 testimony or not consider it.

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1 So what did he say? He talked about, well, the
2 seatbelts were not being worn at the time of the
3 collision. He said nobody was in the passenger seat
4 because the seatbelt wasn't stretched and this and that,
5 and there was no broken windshield if they weren't
6 wearing a seatbelt and so on. And Rufus says he wasn't
7 in the passenger seat anyway, that nobody was there. So
8 that winds up. And he says the same thing for the
9 backseat, the seatbelts did not appear to be used. Rufus
10 says he was laying down, he wasn't using a seatbelt. But
11 he also said, the driver wasn't wearing a seatbelt
12 either. So it's all three. Nobody -- none of the seats
13 appeared to be wearing a seatbelt. So you have the
14 steering wheel damage. And just the overall damage to
15 the vehicle itself, but specifically you have this in
16 Defendant's Exhibit 6, a closeup of the inside of the
17 vehicle steering wheel. And you know, I asked Corporal
18 Brooks about this and he said, you know, this is from the
19 steering wheel being bent. It's evidence of bracing and
20 things of that nature. But, I mean, the center of that
21 steering wheel, somehow that got torn up, you know. I
22 mean, that's not how a steering wheel looks when you're
23 normally driving down the road. And he talked about how
24 the driver may have been submarined and that's where this
25 damage down here came from. Something of that nature.

1 Regardless, you had a slightly offset head-on
2 collision. You're not wearing a seatbelt, you're getting
3 thrown forward some way, some manner; right? And the
4 driver, you know, braced to some -- you know, bent the
5 steering wheel. But you're still getting thrown forward.
6 He said there's no evidence that anybody hit the steering
7 wheel. Well, I mean, you know, look at the damage to the
8 steering wheel. But you're getting thrown forward. I
9 mean, we don't know whether the driver really hit the
10 steering wheel or not, or whether they were injured or
11 not.

12 But you can use your everyday experiences, your
13 common sense, reasonableness, to know that it is
14 certainly possible that -- you're getting thrown forward
15 and you don't have a seatbelt, you're going to hit
16 something that's in front of you. And, well, he didn't
17 leave any evidence that he hit it. You know, no blood,
18 no fibers on there. Well, that doesn't mean they didn't
19 hit it, but also how would he know? Because he didn't
20 test for it. He said, oh, we would have had to cut the
21 whole steering wheel off and send it off and test it for
22 this and test it for that. We don't do that. He didn't
23 do any of that stuff. He didn't test anything for
24 fingerprints, you know. I realize this is not CSI and
25 all that stuff, but you've got the glass window. You've

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1 got different surfaces. I mean, he wouldn't know whether
2 there was fingerprint there or not, because they didn't
3 even bother to test for it.

4 So then he said that, well, there was nobody in the
5 backseat because, one, there was -- the seat backs
6 weren't broken. That these captain seats, bucket seats,
7 weren't broken. Well, that's assuming that whoever was
8 in the backseat flew forward hard enough to do that. You
9 heard Rufus's testimony that he was laying down in the
10 backseat, that his head was on this side of the vehicle
11 and his feet were towards the driver's side. And that
12 all he remembers is getting thrown forward and going into
13 the floorboard. He was laying down. He gets thrown into
14 the floorboard. And there's a console right here between
15 the seats, as well.

16 Well, then Corporal Brooks said, well, there was
17 books scattered all over the backseat and they wouldn't
18 have been scattered if somebody was back there or they
19 would have been laying on top of them. Well, look at
20 this picture in State's Exhibit 12. I mean, this is the
21 backseat. I don't see any books back there strewn over
22 that side of the backseat. All right. State's Exhibit
23 11; there's the notebook. So there was a notebook back
24 there, which -- and Rufus says, yes, there was a notebook
25 back there. That it was -- when he got in there it was

1 on the other end where his head was and he had his coat
2 and some clothes back there. Well, what's that? That's
3 the coat right there. Still at the scene. That he
4 propped his head up and laid down. So he gets thrown
5 forward when the wreck happens. What happens to the
6 notebook? Well, it slides to that side of the car.
7 Makes perfect sense to me. But the photos don't play out
8 like Corporal Brooks said, where he made it sound like
9 there was this bunch of books back there that he had to
10 been laying on. You know, he would have had to been an
11 idiot for sitting in the backseat. So you've got to
12 consider that.

13 And then about how he would have exited the vehicle,
14 and I won't harp on that. But you know, Rufus said that
15 he -- you know, well, Corporal Brooks said, well, no one
16 leaned forward the driver's seat, that normally you get
17 out the passenger side, which is true. You know, that
18 seat goes forward. But, you know, in this case Rufus
19 didn't even try, but you couldn't have went out that way
20 anyway. But what Rufus said, the engine was caught or
21 going, which certainly happens when you've had a wreck of
22 some nature. So he reaches through the seat, turns the
23 engine off, and climbs out the only door he had, the
24 driver's side door, which explains why the blood is
25 there.

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1 So last on Corporal Brooks and I'll move on. That
2 part of his testimony is just simply not credible. I
3 mean, there's too many factors that play, but just simply
4 no one can be a hundred percent certain. It's just
5 arrogant to think that someone in that position can get
6 in there and say, I'm a hundred percent certain that it
7 happened this way. There's no way that I could be wrong.
8 I'm not in error. That is basically -- you know, we're
9 all humans. We're all subject to making mistakes. He's
10 saying, there's no way I made a mistake.

11 Okay. Next you have Justin Raiden's testimony.
12 Now, you heard his testimony that he says that Rufus told
13 him that -- when he got to his grandmother's house, when
14 he was getting ready to leave, that he said, you know
15 what I did; right? No, Uncle Bobbie, what did you do? I
16 killed a boy or I killed a man. That's what he said at
17 least. Well, first of all, of course, Rufus denies
18 saying that. But in the event that you believe Justin
19 Raiden, which I would submit that that's not credible,
20 but that's for you to decide if you decide that you
21 believe him. That statement is not an admission that he
22 was driving the car -- truck. It would have taken place
23 at his grandmother's house shortly after he found out
24 that someone had died in this accident. At best that is
25 a statement of feeling responsible. He let somebody else

1 drive his truck that he didn't know that resulted in an
2 accident where somebody died. That's the best case
3 scenario for that statement. But I submit it's not
4 believable that that statement was made. Just simply
5 didn't take place. And you just look at Justin Raiden's
6 statements that he made in chronological order and I, of
7 course, questioned him on it, so I won't repeat all of it
8 -- or I'll try not to. Statement one, Corporal Mayfield
9 goes to his house Sunday morning. No sir, I did not give
10 Rufus a ride. No, I didn't pick him up. I haven't seen
11 him. He lied. Statement two that afternoon, meets with
12 Trooper McMahan on the side of the road after going to
13 church. Says, I need to come clean about everything. So
14 he tells him, yes, I picked him up. Yes, I took him to
15 nanny's house. That's where I left him. Last saw him
16 there Saturday evening. That's pretty much what he says.

17 But also in that conversation, him and his parents,
18 asked about, well, what's going to happen to Justin,
19 what's going to happen to me? Well, you could be charged
20 with false information, with accessory after the fact.
21 I'm going to put a good word in for you. Don't worry
22 about that. It's good you came forward. But I've got
23 supervisors; it's out of my hands. This is what you can
24 be charged with. He admitted, well, I was scared of
25 going to jail. My girlfriend's pregnant. Didn't want to

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1 lose my job. All reasonable things to be scared of, by
2 the way.

3 So, you know, maybe -- let's look at it this way.
4 Maybe he wanted to come clean but he was just too worked
5 up, too upset, to really tell everything he needed on the
6 side of the road. You know, even though it was a lengthy
7 conversation, you know, that he just left out this, I
8 killed a boy statement; which is the first thing that a
9 reasonable person would say when they're coming clean
10 about what they knew. Oh, by the way, he told me he
11 killed a man. That's the first thing that they would
12 want to know. You know, perhaps the first thing after
13 finding him. Admittedly, they're still looking for him.
14 But regardless, it would have taken place during that
15 conversation. But maybe he's just too upset. Okay. So
16 surely the next day when he's had time to calm down and
17 think about it and he's given a written statement, he's
18 able to put everything in that statement that he knows;
19 right? Well, he says virtually the same thing he told
20 them on the side of the road. Nothing about, he told me
21 I killed a boy or killed a man. Nothing about, he told
22 me my truck was stolen -- his truck was stolen, his cell
23 phone was stolen. None of that is in there.

24 Well, what happened next? He finds out that his
25 grandmother has actually been arrested, charged and

1 jailed for aiding, abetting, accessory, or something, for
2 giving Rufus a ride to Columbia. So he's still worried.
3 He admitted it on the stand. I was still worried. I
4 found out about that. He knew about it. I was still
5 worried about going to jail. So what does he do? Not on
6 the -- I think it was the 19th, nine days after the
7 accident, eight days after his first contact with the
8 highway patrol, voila, in his statement suddenly he says,
9 oh, he told me this, he told me I killed a boy. He
10 needed something to, you know, hope that they wouldn't
11 charge him with something; that they needed his testimony
12 to help prosecute this case. You know, at this point
13 Rufus had been arrested. He wanted to make sure, at
14 least in his eyes, that they needed him to give them
15 something where maybe they won't charge me with false
16 information, with aiding and abetting. He's a young man.
17 He said he didn't know how the criminal system worked.
18 You know, so he embellishes what happened. He tells them
19 this. It's just simply not credible, ladies and
20 gentlemen. He left that out, he left, you know, a couple
21 of other things out that he puts in this last statement,
22 you know. Just not believable that that statement was
23 made. I'm going to ask you to disregard his testimony.
24 Now, next you have Tara Henderson's testimony. And
25 kind of a key part of her testimony was that Rufus told

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1 her, well, I wasn't even in the car. I was asleep at
2 home on my couch. I let this guy Josh borrow it and his
3 girlfriend. So, now, you heard from Tara the
4 circumstances of her phone call. She had just got off
5 with the highway patrol. They're accusing her of
6 basically hiding Rufus out; you know, which would have
7 been a crime if that had happened. Because she knew at
8 that point that they were looking for him. And she's, in
9 her words, going off on him on the phone. So Rufus just
10 tells her something to get her to shut up, to get her to
11 be quiet. I wasn't even there. I was at home on the
12 couch. Now, and this is after he had already told his
13 mother that he was there. So it doesn't make sense that
14 he's trying to set -- lay the groundwork for some story
15 that, well, I wasn't there. He's just telling her
16 something in the heat of the moment. That's what -- you
17 know, that's reasonable, if you look at the whole
18 context, the phone call and what's leading up to it and
19 all that. It's inconsistent, but in the context of
20 everything, the tone of the conversation, it's not
21 unreasonable under those circumstances.

22 Now, you've heard various testimony and my questions
23 about whether or not whoever was driving was injured or
24 not. Now, you know, you heard the trooper's testimony.
25 Certainly there are bad accidents where people are not

1 injured, not severely, not killed, where they probably
2 should have been. But you've got to look at the totality
3 of this case. You have Mr. Crain who died as a result of
4 this. His injuries were so severe that he passed -- that
5 he died. Now, you heard testimony, you know, his car was
6 smaller, the truck was bigger, so perhaps the impact
7 threw him around or something of that nature. But
8 regardless, I mean, you've seen the photos of the truck.
9 There's stuff strewn everywhere, regardless of it being a
10 bigger vehicle, stuff was thrown everywhere.

11 So you have Corporal Brooks saying, well, he didn't
12 hit the steering wheel. There's no evidence he hit the
13 steering wheel, so he wasn't injured. Well, that's not
14 what the other highway patrol thought at the time of this
15 collision. You heard Tara Henderson's testimony that
16 they told her, look, he's injured. We're looking for
17 him. We need to find him because we want to find him to
18 find out what happened, but also he's probably hurt.
19 Don't you want your friend to get the proper medical
20 attention? She had two -- at least two different
21 troopers tell her that. So they can't have it both ways.
22 They can't say at the beginning, well, we believe he was
23 hurt. We believe the driver of this vehicle was injured
24 and then when it turns out he's not and they're trying to
25 say he is the driver, oh, well, maybe he wasn't. You

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1 know, they simply can't have it both ways.

2 So, you know, and just the overall damage of that.

3 I mean, you saw State's 2; you can see the impact of both
4 of them. You've seen the inside of the truck. And you
5 heard the testimony that Rufus had no injuries short of a
6 little cut on his face, which he doesn't remember when he
7 got it, but he says he did have it.

8 So I'll wrap this up and I'll sit down. But I
9 believe these are important things for you to consider.
10 So what evidence -- now, Rufus, of course, didn't have to
11 testify, but he did. And he told you what happened. But
12 who else testified on the state's side? They have the
13 Hollidays that saw Rufus at the house. And we have these
14 other witnesses, all establishing that this is Rufus's
15 truck. He had possession of it; therefore, he has to
16 have been the driver, that he ran from the scene, he must
17 be the driver.

18 Well, who did the state not call? They didn't call
19 Mr. and Mrs. Gray, even though they had -- the highway
20 patrol had written statements from them. You have Mrs.
21 Gray's testimony that saw one man that does not fit the
22 description of Rufus Raiden, that saw that man run in her
23 yard, they made eye contact and he got into a -- what she
24 believed was a van, red -- I think she said maroon van,
25 but a van. Well, the state didn't call her, because they

1 didn't want you to know that there might have been
2 another man. But you may think, okay, well, maybe that
3 was Rufus anyway, maybe she just misidentified him, and
4 he got in the van. Well, but then you have her husband.
5 And his statement blatantly says, I saw two men, one went
6 over the hill. He said, and you heard him, he said he
7 saw the van. He didn't see the guy get in the car, but
8 he saw the van come down the street, and that the other
9 man went off in a different direction. And then after
10 that is when they saw these people come look for the
11 dogs. So it's two men coming from the wreck. It would
12 have to be the biggest coincidence in history that at one
13 a.m. on Highway 8, that there happened to be two other
14 men run through their yard right at the scene of this
15 accident, where there's no evidence that anybody else was
16 there. It's just not plausibly. The only reasonable
17 conclusion is that these two men came from the wreck.
18 The only other person at the wreck was Mr. Crain. We
19 know he had to be extricated from the vehicle, so he
20 wasn't in shape to be moving around.

21 And then you heard it was Matt -- Mr. Parris -- I
22 think I'm missing his first name, but he mentioned
23 something about going looking for a dog. So those were
24 the people they saw later going looking for the dog. You
25 heard their testimony. We don't really know the time or

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1 how long it was. But that's what they saw. That
2 corroborates directly what Rufus said; what he says
3 happened.

4 But you have other things that corroborate that
5 testimony. You have the voicemail to Tara Henderson that
6 he left. She says, I got a voicemail from him and he was
7 asking for help. He was asking where are we at? That's
8 the voicemail he left when he was at Steady's saying he
9 needed a ride. He thought that Josh was basically going
10 to either stay there, wait up for his girlfriend. He
11 didn't want to drive. He needed somebody to come get
12 him. And the Grays -- you may think that that piece
13 alone doesn't really help Rufus out because you may
14 think, okay, well, let's say he met Josh and went to
15 Steady's. We don't know that he left Steady's. He could
16 have decided, oh, this is only six miles from home, I'm
17 just going to risk it and drive home. But then you have
18 the Grays' testimony that saw the two men. So you've got
19 to look at it together.

20 You have that Rufus wasn't injured. He simply
21 didn't have any injuries. You've got the photos that his
22 mother took. He's arrested less than forty-eight hours
23 after it. If he was the driver, even if he wasn't
24 injured, he's going to have some type of bruise or
25 something from getting thrown forward into that steering

1 wheel. Had nothing on him. But you heard Rufus's
2 testimony. I mean, he -- you decide yourselves, of
3 course, his credibility, but I would submit to you, you
4 know, he didn't hold anything back. You know, he
5 admitted, look, I don't have a driver's license. And
6 I've driven at times when I wasn't supposed to. I've had
7 -- I had too much to drink that night. You know, he
8 could have said -- unless he got up there and said it,
9 you know, there's no other evidence that he had too much
10 to drink that night. Trooper Mayfield said he listened
11 to the voicemail and that he sounded intoxicated. You
12 don't really know, unless somebody laid eyes on him. So
13 he admits that, that he had too much to drink and that he
14 wasn't going to drive when he left there.

15 And it makes sense, you say, okay, he was at the
16 bar; he shouldn't have been drinking that much. Well, he
17 met up with Josh, hey, man, I'm waiting for my girlfriend
18 and she's got a girl with her, you know. We'll hang out,
19 you know, maybe you'll get lucky with her, you know. Not
20 very good reason, not moral, but it happens. Everybody
21 knows people, and that is certainly a reasonable evening
22 at a bar. So you heard his testimony and, you know, you
23 can decide for yourselves on that.

24 I'm going to wrap this up. What I would ask you to
25 do, and Mr. Raiden, is that you look at this evidence,

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1 which I submit that it's all circumstantial evidence.
2 You have to find that these chain of events are
3 connected. You have to find that each -- that the state
4 has proven each thing by beyond a reasonable doubt. I
5 submit to you that they simply haven't done that. They
6 can't connect these chains. You know, some of the things
7 they may be able to prove, but they can't put it all
8 together. They cannot put him behind the wheel. There
9 is simply no eyewitnesses. All we have are a bunch of
10 inferences, a bunch of chain of events that they're
11 trying to link together to say, look, he had to be
12 driving this car. That's not enough, ladies and
13 gentlemen. Merely being suspicious that he might have
14 been driving this car is not enough to find him guilty of
15 a driver leaving the scene of an accident.

16 And because of that, ladies and gentlemen, we would
17 ask you to return a verdict of not guilty. Thank you.

18 THE COURT: Mr. Richardson, you may address the
19 jury in your closing?

20 MR. RICHARDSON: Could we give the jury a
21 break? He went about an hour, and I need five minutes
22 myself.

23 THE COURT: Do you need a break or are you
24 ready to proceed? You ready to roll? They're ready.

25 You need to take a short break?

1 MR. RICHARDSON: Yes, sir.

2 THE COURT: All right. Just go back, take a
3 five minute break. We'll call you back in just a moment;
4 okay? Don't discuss the case while you're out.

5 (WHEREUPON, the jury exited the open court at
6 approximately 2:45 p.m.)

7 (WHEREUPON, the court stood at recess for a short
8 break.)

9 (WHEREUPON, the jury entered the open court at
10 approximately 2:51 p.m.)

11 THE COURT: Solicitor, you may address the jury
12 in your closing.

13 MR. RICHARDSON: Thank you, Your Honor. Please
14 the court. Mr. Alexander.

15 **CLOSING ARGUMENT**

16 **BY MR. RICHARDSON:**

17 Ladies and gentlemen, it's now incumbent upon me as
18 the prosecutor in this case to kind of pull this case
19 together and explain our pieces of the puzzle and how our
20 pieces of the puzzle establish the guilt of the defendant
21 in this case.

22 Now, it's been mentioned that we have to prove our
23 case beyond a reasonable doubt. And Mr. Alexander has
24 gone into that a little bit. And he's gone into certain
25 other things about our proof. The judge is going to tell

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1 you what reasonable doubt is. And as I told you in the
2 beginning of this case, that does not mean that I have to
3 prove everything beyond all doubt. There's always some
4 doubt. We're humans. There's always going to be doubt
5 somewhere.

6 Now, really, ladies and gentlemen, the way I like to
7 explain reasonable doubt is really what it boils down to
8 is common sense. And as I stated in my opening
9 statement, y'all were selected and brought in and become
10 jurors in this case, from all walks of life. Y'all are
11 here to use your common sense in listening to everything
12 as to what happened. Y'all are the triers of fact.
13 You're the judges of fact to ascertain what happened.

14 Now, ladies and gentlemen, I say reasonable doubt is
15 common sense. I like to illustrate that in a certain
16 way. I'm not a hunter, but I think if you look at it in
17 the sense that there's -- one morning I'm out on a field
18 and I'm out with Mr. Alexander, another defense attorney.
19 It's early morning hours and off in the distance there's
20 a deer. And I have a rifle and I say, wow, there's a
21 deer. I'm going to shoot that deer. And I pull up that
22 rifle and I put it to my shoulder and I pull the trigger
23 and that rifle goes off and you hear a bang. And then
24 moments later the deer falls. Well, ladies and
25 gentlemen, what does your common sense tell you happened?

1 Defense counsel or other defense attorney will get up
2 here and say, wait a second, that deer -- you can't prove
3 that that deer died beyond a reasonable doubt because we
4 didn't see the bullet go in it. It's too far away. That
5 deer could have had a heart attack and died. But ladies
6 and gentlemen, when I pulled it up and put it on my
7 shoulder and I pull that trigger and that goes off and
8 that deer falls, your common sense tells you the deer
9 died from the rifle and the gunshot. And that's what I'm
10 asking that y'all use today, is your common sense, in
11 this case.

12 We have heard a defense, ladies and gentlemen. It's
13 a very convenient defense. The way it works is that when
14 a case comes up to the solicitor's office, I get the
15 evidence in. When I get the evidence in, it is
16 documented by the highway patrol. It's documented by
17 witnesses and witness statements. And I get all this
18 evidence in. And under the rules, under the law, I give
19 all that, all those statements, every single solitary
20 thing I've got to the defense.

21 Ladies and gentlemen, they've had, it's been two
22 years now, to look at that. And what has developed is a
23 convenient story. And ladies and gentlemen, starting
24 with the phantom Josh. Where is Josh? We keep hearing
25 about Josh. That is a convenient story. It starts out

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1 -- it's something that the defendant can give as an
2 excuse. So ladies and gentlemen, starting with the
3 phantom Josh, where is any evidence that was established
4 that Josh was in the vehicle? We have people stating
5 that they found blood in the vehicle. The blood that was
6 found in the vehicle is the defendant's blood and it's on
7 the driver's side. But by the defendant's own testimony,
8 he says he's in the backseat. Well, ladies and
9 gentlemen, if he's in the backseat of the vehicle, where
10 is his blood? There's no blood in the backseat. You
11 heard everybody talk about how there's no other blood in
12 the car. For that matter, where is Josh's blood?
13 There's no blood in the car except for the defendant's
14 and it's on the driver's side. I submit to you that if
15 the defendant's bleeding, he's going to leave -- and he
16 admitted there were cuts on his face, that he would have
17 bled in the backseat and we would have had blood in the
18 backseat.

19 Now, ladies and gentlemen, this is kind of a spit
20 ball defense because they want you to look at things any
21 which way. They're trying to knock holes and blow smoke
22 up and do smoke screens so you don't see the entire case.
23 For instance -- I'll give you a for instance on that.
24 They want you to have -- they say that we want to have it
25 both ways. Well, they want to have it both ways.

1 They're saying that the defendant couldn't have been
2 driving; he wasn't hurt. Now, you heard the expert
3 witness get up here and he's testified many times and
4 he's got twenty-three years experience. And he said that
5 the steering wheel in the case gives. And that steering
6 wheel is meant to give to prevent injury and to prevent
7 death. But once again, phantom Josh, let's put phantom
8 Josh in here. They're saying, look my client -- the
9 defendant says, no way I could have been driving; I
10 wasn't injured. But what's the defendant's story? And
11 I'll get more to his story later on. But for the
12 purposes of right now, what's his story? That Josh,
13 phantom Josh, gets out of the car and runs and he's
14 running down the road. So evidently Josh isn't injured.
15 So phantom Josh isn't injured. They're trying to give
16 you these two stories, well, my client wasn't driving
17 because he wasn't injured. But then Josh wasn't either.

18 So I'm going to regress a little bit and go back to
19 how all this started. Ladies and gentlemen, we had a
20 scenario when we had a wreck out on Highway 8. And in
21 that wreck there is the defendant driving. There is
22 testimony from the Grays that the defense tries to bring
23 up. And ladies and gentlemen, once again, the Grays
24 didn't add anything. They said people -- they told me
25 this before this case started. They said we had a bunch

1 of people in our yard and I saw these two vehicles.
2 There were lots of people in the yard. There was a lot
3 of people coming through their yard. There was people
4 looking for that dog. The kid I put up -- I can't
5 remember his name right now. He got up, he said we were
6 out -- we had a bunch of people out there looking for the
7 dog. Ms. Gray said there were four or five people in my
8 yard. And it was the same time as those two other
9 individuals or one other individual. And they changed
10 their story a little bit. I mean, I think the husband
11 said two and then she said one, and then there was four
12 or five people out there.

13 Ladies and gentlemen, once this accident happens,
14 the defendant then proceeds to leave the scene. And his
15 testimony -- and once again, you're the triers of fact
16 and you heard his testimony, it's very convenient, it's
17 very convenient, I'll give you, to the facts that I've
18 got, because he's got to explain the evidence that I've
19 got that no one is in the passenger seat. Of course,
20 what he says is that, well, he was riding around in the
21 passenger seat with Josh because it just so happened
22 they're going to go meet two girls. So they're going to
23 go meet two girls that these two are going to, I think he
24 said, hook up with. And they're going to meet these two
25 girls and he's going to go there and present himself to

1 hook up with this woman and he lays down in the backseat
2 of the truck. Does that make sense? Does his testimony
3 make sense in that sense? No, it doesn't make sense. He
4 says he's drinking for two and a half hours with phantom
5 Josh. And they're sitting there in a bar drinking and he
6 says he's intoxicated. Now, keep in mind there's other
7 testimony and there's other evidence out there that he
8 had been drinking and he was intoxicated, so he's going
9 to come in and admit certain things. He says he's
10 intoxicated and he's drinking at this bar to the extent
11 they're drinking together for two and a half hours and
12 then this stranger that he doesn't know, phantom Josh, he
13 decides to give his vehicle to him. At that point in
14 time he could have called Tara to come pick him up. He
15 -- ultimately that's what he said he did at Steady's. So
16 why didn't he do it at the first bar he's at? And so
17 they get drunk together and they go to Steady's, where he
18 testifies, I think unbelievably, they did not drink
19 anything. They don't have anything to drink. Only
20 phantom Josh, maybe phantom Josh had one. But he didn't
21 have anything. But now he's out drinking. He's out
22 drinking. He's going back to his house to drink and play
23 pool and hook up with women, but yet he goes to Steady's
24 and doesn't have a thing. The testimony doesn't make
25 sense. It's no believable.

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1 Ladies and gentlemen, then him and phantom Josh go
2 back to his house. Okay? He decides at that time
3 they're going to go hook up with these girls. Now, the
4 interesting thing about his testimony is that these girls
5 follow him and Josh back to his house. So they're behind
6 phantom Josh and the defendant. If you go by his
7 testimony, they're behind. Maybe they got stopped at a
8 light. How you're laying down in the back of the truck
9 and you know that they were stopped at a light, once
10 again, convenient testimony. It's a spit ball defense.
11 They're trying to throw things against the wall and see
12 what sticks. But when I questioned him about it on cross
13 examination, he gets stuck a little bit. Oh, wait,
14 didn't think about that car behind me, because that's
15 their ride, that's their ride. That's how they get away
16 from the scene. Right? The car's coming up. He says
17 that Josh says run. So phantom Josh gets out and he
18 comes in behind him and they run together. He says he
19 was following him. Don't you just jump in that car? I
20 think the Grays -- that's part of the Grays' testimony.
21 They were saying people were running up, running up in
22 the woods around their house and all through their wooded
23 area. Don't you go back to the car and get in the car
24 and turn around with those girls and take off?

25 And why didn't he stay at the scene? He wasn't

1 driving. He wasn't guilty of driving. He stays at the
2 scene -- and he says to the -- he gets the police or he
3 gets an ambulance there and he stays there to tell them,
4 look, I was just with phantom Josh and phantom Josh and
5 these two girls, and this is their description, they're
6 driving an SUV. I think he described it a small SUV.
7 I'm sure he could have given them the paint and -- some
8 of the details of it. I assume that he wasn't laying in
9 the backseat of his car when they got up and met with the
10 girls; right? So he could give this evidence to the
11 police. What does he do? He runs. He just, boom, he's
12 gone, just because Josh says run.

13 And the most incredible thing about that testimony
14 is that he says -- he testifies that he is in this wreck,
15 his vehicle in this serious wreck, he is knocked to the
16 floor and what he does is he just gets out, immediately
17 out of that car, doesn't look to see what he's hit.
18 Doesn't check the damage to his vehicle. Does not even
19 consider any of that. But his first thing is to
20 automatically just run. Yet he's not driving. That's
21 his testimony; he's not driving. Just run. Don't look
22 around. And most amazingly is that he says he did not
23 see that vehicle. I don't know what the distance is
24 there, ladies and gentlemen. The door is facing right
25 towards it. That's the first thing you would see.

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1 That's the first thing you would see. You would come
2 right out and see that. Is that believable? Is his
3 testimony credible?

4 He also stated that he had the jacket -- his
5 attorney mentioned this in closing statement; that his
6 jacket's there. Right here. The defendant's jacket.
7 Where is it? It's in the front seat, in the driver's
8 seat. Not in the backseat, not in the passenger seat,
9 it's in the front seat.

10 So, ladies and gentlemen, then -- and I ask that you
11 look at his testimony very critically. He then leaves
12 and he doesn't -- he goes to the woods, is what he
13 testified to. He had to testify that way, because he
14 told his brother he hid out in the woods. We knew that.
15 We had that. I was going to have his testify. So he's
16 got to be in the woods. So he goes to the woods. Why is
17 he not in the vehicle? Why does he not go with phantom
18 Josh and the girls? Why is he getting on foot and then
19 going through the woods and hiding from the police that
20 way? Why not just get in that vehicle that's right
21 behind you. I don't care if there was a stop light. At
22 some point in time they would have come up on that wreck.
23 And they knew that car was behind them. But nobody gets
24 in that car, because there was no car and there is no
25 Josh. The defendant was driving that vehicle.

1 And I apologize because I'm not smart enough to
2 remember everything going on in a trial. That's why we
3 have twelve people to go back there and put your heads
4 together and remember everything.

5 They talk about him running. And they make their
6 reasoning, and they knew I was going to talk about this
7 and have people in here. So they've got to make their
8 reason why he -- well, he decides he's just got to go to
9 California at this particular time. And his truck is out
10 there banged up on the highway, been in a serious
11 accident. And he knows somebody has died because he has
12 told Justin that somebody had died. Remember, he's been
13 in his house that morning after he got back through the
14 woods, so he's seen the news, he's seen something. He
15 knows somebody's died. That's why he told Justin. I'm
16 going to get to Justin in just a minute. But ladies and
17 gentlemen, running, that is a guilty mind, a guilty
18 conscience. He not only ran from the scene, he ran to
19 his house. He knows everybody is going to be looking for
20 him. So now he has to get a telephone from Mr. Holliday
21 and come get me, come get me now. So he's going to run
22 again from his house to his mother's. He's getting
23 further and further away. Now, he gets over there to his
24 mother's house. Now he's got people he thinks he can
25 trust; he's got his family members there. And he tells

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1 them he's been in a wreck. They give statements that
2 come to me. They're stuck with that story. He's stuck
3 with that story. Now he has to say he's in the vehicle,
4 not to mention that I have the blood. But bottom line
5 is, he goes to his family's house and he decides that
6 he's going to go to California. At first he's going to
7 rent a car. And they go try to do that. Now, he's
8 telling you he wasn't driving, but yet he's trying to get
9 away as fast as he can.

10 Keep in mind, ladies and gentlemen, when he's caught
11 it's not much more -- it's about twenty-four hours later,
12 I believe. Y'all know the times. Y'all will be able to
13 get the times better than I can. But it's about twenty-
14 four hours. So he's in the mode. He's in the, let's get
15 out of here mode. I've got to go get -- while the heat's
16 on. That's why he went to Columbia and not Greenville,
17 because the police are going to be looking for him in
18 Greenville.

19 But what did his mother say? His mother said when I
20 asked her why he's running, she said why he's running,
21 quote, I just don't want to go back to jail. Now, does
22 that sound like an innocent person? That's the reason
23 why he's running, because he knows he's guilty. He was
24 driving that vehicle and he knows he is going to jail if
25 he gets caught. That's the reason he's running and

1 that's what his own mother said.

2 And by the way, when he's talking -- when his
3 brother Paul got up there and said that he hid out in the
4 woods, told him he had been in a wreck and all that,
5 what's the one thing he didn't tell his brother about?
6 He never mentioned anything about phantom Josh. He never
7 mentioned anything at all about phantom Josh.

8 Ladies and gentlemen, the totality of the evidence,
9 including the testimony that he himself gave on that
10 stand, is it all just a coincidence? Is it a coincidence
11 that this is his vehicle? And is it a coincidence that
12 the blood is on the driver's side of the vehicle? Is it
13 a coincidence there's no other blood in the vehicle? Is
14 it a coincidence that there's no blood in the backseat
15 from the defendant himself? He's bleeding and telling
16 you that he's trying to get out of the backseat of the
17 car and there's no blood back there? Is it a coincidence
18 that the defendant's own coat is in the front seat, front
19 driver's seat? Is all this just a coincidence?

20 And ladies and gentlemen, another aspect of it is
21 that the blood that's on there, it's on the door handle
22 of the door. Okay? And once again, I'm asking you to
23 use your common sense. He's driving the vehicle. The
24 vehicle gives -- that thing, the steering wheel,
25 according to our expert gives. Bang, there's a crash.

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1 Somehow or another he may bump his head, bump his nose,
2 something like that. Something causes him to bleed. So
3 he reaches -- he knows, boom, I'm drunk. I'm driving
4 under suspension. I don't know -- it doesn't matter why
5 he ran. I don't have to prove why he ran. You've heard
6 a lot of testimony. You can surmise why he ran. I've
7 got to get out of here. And immediately he opens that
8 door and that blood drops down on that door.

9 What if phantom Josh is driving? If phantom Josh is
10 driving, according to the defendant's own testimony,
11 phantom Josh comes out of the driver's side and he
12 leaves. Right? The defendant, supposedly, is following
13 phantom Josh. The door is open. All he has to do is
14 jump out and run. Now I find it much more likely that
15 you're going to get blood on the driver's side from
16 reaching down and grabbing that door and opening it, than
17 if the door is already wide open that phantom Josh has
18 done, and you get out and run. The blood was found right
19 near where you open the door, the door handle.

20 Ladies and gentlemen, Justin, he's a young kid and
21 he messed up. But why does Justin have any reason to lie
22 in this case? Justin went and picked up his uncle. He
23 was helping his uncle. What have we heard, testimony or
24 anything else, that says that Justin and the defendant
25 have any bad relations or anything like that? Why would

1 he come in and lie on his own uncle under oath? Why
2 would he do that? The defendant told them he killed
3 somebody. Once again, is this a coincidence, all the
4 evidence we have here, and plus his statements to his
5 family that he was in a wreck. And that he was -- he
6 never talked about phantom Josh to either Justin or his
7 brother Paul. He never talked about phantom Josh to
8 them. Is it a coincidence that Justin comes in and says,
9 look, this is what happened. He messed up. He went and
10 talked to his preacher. He had his preacher at the scene
11 when they took his statement. And he comes in and he
12 gives everything he knows, ladies and gentlemen. And the
13 defendant initially told him that the truck was stolen.
14 Justin has no reason to lie. There is no reason that the
15 nephew, the defendant's brother's son, is going to come
16 in here and lie about his own uncle. And there has been
17 no reason to establish that. He told Justin he had
18 killed somebody. He knew it because he had seen it,
19 either on the news or TV or something of that nature.
20 And after he told Justin he killed somebody, he was
21 getting with Bernice Raiden, his mother, to get out of
22 town.

23 Ladies and gentlemen, what happened is -- I agree
24 with some of the defendant's testimony. He was out
25 drinking. He had to admit that. But there's no Josh.

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1 He was going around to the bars drinking. He was going
2 home, late at night, and you heard the expert testimony
3 of the officer get up and testify that that truck was all
4 the way over on the far fog line. And he hit Ryan. It
5 was an offset. Unfortunately Ryan was in a smaller car
6 with a softer exterior, a newer model, and unfortunately
7 that collision killed him.

8 Here's the thing, we don't know when that collision
9 happened. We do not have any idea how long Ryan sat in
10 that car dying. We do know that Ryan was still alive
11 when EMS got there. That he was talking. While Ryan was
12 in that car before EMS got there, we don't know how long;
13 and where was the defendant? He was hiding in the woods.
14 By his testimony and by his statement from his brother.
15 He was hiding in the woods while that twenty-four year
16 old kid was dying in that vehicle. And that's the reason
17 for the law, because if you call, you stay, you render
18 aid, you help people, maybe somebody's life is saved.
19 And maybe Ryan's life would have been saved. And maybe
20 those two parents today would have their kid sitting in
21 their house eating dinner.

22 The last thing, the last thing this man saw, and he
23 can say what he wants on the stand, is he left that car
24 and he saw that and he did absolutely nothing about it.
25 He never went to the police. He never went to EMS. He

10 Ladies and gentlemen, I'd ask that you come back
11 with the only possible verdict in this case, a verdict of
12 guilty. I appreciate your time and attention throughout
13 this trial. Thank you.

14	CHARGE

15 BY THE COURT:

16 Mr. Foreman, ladies and gentlemen, it is now my
17 responsibility to instruct you on the law of the case.
18 Let me remind you that the indictment that we have that I
19 read to you at the start of this case on Monday, the fact
20 that that indictment accuses the defendant of leaving the
21 scene of an accident, that's not evidence. The fact that
22 he's arrested and charged and indicted, can't be
23 considered by you as any evidence of guilt. It doesn't
24 present any presumption of guilt. The indictment that we
25 have is simply the charging paper by which the case is

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1 brought before this court for disposition.

2 Now, the defendant has entered a plea of not guilty
3 to the charge and that plea places the burden on the
4 state to prove his guilt beyond a reasonable doubt. A
5 person charged with committing a criminal offense in
6 South Carolina is never required to prove himself
7 innocent. It's an important rule of law, that no matter
8 how serious a charge may be, that person charged will
9 always be presumed innocent of the crime for which that
10 indictment was issued unless guilt has been proven by
11 evidence satisfying you of that guilt beyond a reasonable
12 doubt.

13 Presumption of innocence doesn't end when you begin
14 your deliberations. It accompanies a defendant
15 throughout the trial until you reach a verdict of guilt
16 based on evidence satisfying you of that guilt beyond a
17 reasonable doubt. Presumption of innocence has often
18 been described as a robe of righteousness that's placed
19 about the shoulders of a defendant and remains with him
20 until it's been stripped from him by evidence satisfying
21 you of that guilt beyond a reasonable doubt. Presumption
22 of innocence isn't a mere legal theory. It's not just a
23 legal phrase that's tossed about. It is a substantial
24 right to which every defendant is entitled, unless you,
25 the jury, are satisfied from the evidence of his guilt

1 beyond a reasonable doubt.

2 Now, you may ask yourself, what is a reasonable
3 doubt in the law? A reasonable doubt is the kind of
4 doubt that would cause a reasonable person to hesitate to
5 act. Some of you in the past may have had an opportunity
6 to serve on a jury in a civil case in which the judge or
7 the magistrate told you that it was only necessary to
8 prove that a fact was more likely true than not true by a
9 standard of proof called the preponderance of the
10 evidence or the greater weight of the evidence. In
11 criminal cases, the state's proof is more powerful than
12 that. It must be proved beyond a reasonable doubt. That
13 would be proof that leaves you firmly convinced of the
14 defendant's guilt.

15 Now, ladies and gentlemen, there are very few things
16 in this world that we know with absolute certainty. And
17 in criminal cases the law doesn't require proof that
18 overcomes every possible doubt. If, based upon your
19 consideration of the evidence, you are firmly convinced
20 of the defendant's guilt of the crime charged, then you
21 must find the defendant guilty. If, on the other hand,
22 you think there's a real possibility that the defendant
23 is not guilty, you must give the defendant the benefit of
24 that doubt and find him not guilty.

25 Now, let me remind you that during the course of

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1 this trial you and I have had certain duties to perform.
2 As the trial judge, it's been my responsibility to
3 preside over the trial and to rule on the admissibility
4 of evidence that's been offered during the course of the
5 trial. You're to consider only the competent evidence
6 before you, the testimony from the witness stand, the
7 exhibits that have been made a part of the record, and
8 that alone.

9 My job also is to instruct you on the law of the
10 case. As the presiding judge, I'm the sole judge of the
11 law. It's your duty as jurors to accept the law and
12 apply the law just as I state it to you now. Some of you
13 may already have an idea of what the law is or even a
14 notion of what the law ought to be in a case such as
15 this. If you have such an idea and it's in conflict with
16 what I now tell you the law is, then you must abandon
17 such a notion because under your oath you've sworn to
18 accept the law and apply the law just as I state it to
19 you now.

20 Every case that's tried in this courtroom before a
21 jury, that jury becomes the sole, exclusive judge of the
22 facts in a case. A trial judge can't intimate or state
23 or comment on or make any statement whatsoever to a trial
24 jury about the facts in a case. Since you, ladies and
25 gentlemen, are the sole judge of the facts in this case,

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1 you're not to infer from what I've said during the course
2 of the trial, any ruling I've made on the admissibility
3 of evidence or otherwise, anything I say to you now in
4 the -- this instruction to you that I have an opinion
5 about the facts. I don't have an opinion about the
6 facts. Our constitution in South Carolina even addresses
7 that and indicates that a judge is not to have an opinion
8 about the facts in a case. That's a matter solely for
9 you, the jury, to determine. You decide the effect, the
10 value, the weight and the truth of the evidence that's
11 been presented during the trial.

12 Normally there are two types of evidence that are
13 generally presented in a trial. There's what's called
14 direct evidence and circumstantial evidence. Direct
15 evidence directly proves the existence of a fact and does
16 not require a deduction. Circumstantial evidence is
17 proof of a chain of facts and circumstances that would
18 indicate the existence of a fact. Crimes may be proven
19 by circumstantial evidence. The law makes no distinction
20 between the weight or the value to be given either to
21 direct evidence or circumstantial evidence. However, to
22 the extent the state relies on circumstantial evidence,
23 all the circumstances must be consistent with each other
24 and when taken together point conclusively to the guilt
25 of the accused beyond a reasonable doubt. If these

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1 circumstances merely portray the defendant's behavior as
2 suspicious, the proof would have failed. The state has
3 the burden of proving the defendant guilty beyond a
4 reasonable doubt. This burden rests with the state
5 regardless of whether the state relies on direct
6 evidence, circumstantial evidence, or some combination of
7 the two. You should weigh all the evidence in the case,
8 and after weighing that evidence, if you're not convinced
9 beyond a reasonable doubt of the defendant's guilt, you
10 must find the defendant not guilty.

11 Now, ladies and gentlemen, of necessity you must
12 determine the credibility of the witnesses who testified
13 in the case. Credibility simply means believability. It
14 becomes your duty as jurors to analyze and evaluate the
15 evidence; determine which evidence convinces you of its
16 truth. In determining the believability of witnesses who
17 have testified in the case, you can believe one witness
18 over several witnesses. You can believe several
19 witnesses over one witness. In your discretion, you can
20 believe part of the testimony of a witness, reject the
21 remaining part of the testimony of that very same
22 witness. You can believe the testimony of a witness in
23 its entirety. You can reject the testimony of a witness
24 in its entirety. You can consider whether any witness
25 has exhibited to you any interest or bias or prejudice or

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1 other motive in the case. You can consider the
2 appearance, the demeanor, the manner of the witness while
3 on the witness stand. Was that witness straightforward
4 or hesitant in answering? Was the testimony consistent
5 or inconsistent? How did the witness come to know the
6 facts that he or she testified to and the ability to know
7 those facts? Was the testimony of the witness
8 strengthened or weakened by other testimony or other
9 evidence. Ladies and gentlemen, it's totally your
10 prerogative to decide the credibility of the witnesses
11 who have testified.

12 Now, I mentioned briefly earlier, but the rules of
13 evidence ordinarily do not permit a witness to testify to
14 opinions or conclusions. There is an exception to this
15 rule for witnesses we call expert witnesses. And a
16 witness, who by education and experience, has become an
17 expert in some art or science or field, that witness can
18 give an opinion to relevant and material matters which
19 that witness claims to be an expert in and can also state
20 the reasons for that opinion. Now, you should consider
21 any expert opinion received into evidence in this case,
22 and like other evidence, give it the weight that you
23 think it deserves. If you decide the opinion of an
24 expert is not based on sufficient education and
25 experience or you conclude that the reasons given in

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1 support of that opinion are not sound or that the opinion
2 is outweighed by other evidence, you can disregard that
3 opinion entirely. An expert witness testimony is to be
4 given no greater weight than that of any other witness
5 simply because that witness is an expert. Furthermore,
6 you're not required to accept an expert's opinion, even
7 though it may be uncontradicted.

8 Now, in order to establish criminal liability,
9 criminal intent is required and must be proven by the
10 state beyond a reasonable doubt. Criminal intent is
11 always a matter that must be determined by a jury from
12 the circumstances surrounding the situation. There's no
13 way to prove intent to a mathematical certainty. There's
14 no way medical science has devised that we can dissect a
15 person's brain and determine what the person had in mind,
16 so the law says that criminal intent may be inferred from
17 the circumstances shown to have existed. It's not
18 necessary to establish intent by direct and positive
19 evidence, but may be -- it may be established by
20 inference in the same way as any other fact, taking into
21 consider the acts of the parties and all the facts and
22 circumstances of the case. Criminal intent is a mental
23 state. It's a conscious wrongdoing. It's up to you to
24 determine what the defendant intended to do based upon
25 the circumstances shown to have existed.

1 During the course of the trial, you've heard
2 evidence that the defendant committed an act in the past
3 other than the one for which the defendant is now on
4 trial. This testimony, if you conclude it to be true,
5 may only be considered by you on the question of intent
6 or motive, for no other reason and no other purpose. You
7 may give this evidence the weight and value, if any,
8 which you find it should have on that sole issue of
9 intent or motive. You must not consider evidence of
10 commission of any other bad act or offense as proof that
11 the defendant is guilty of the charge that we're trying
12 today.

13 This is a case in which the defendant is charged
14 with leaving the scene of an accident with death. The
15 state must prove beyond a reasonable doubt several
16 matters. First of all, they must prove that the
17 defendant was driving a motor vehicle. That the vehicle
18 was involved in an accident. That the accident resulted
19 in death of another person. The defendant did not stop
20 or failed to render -- remain at the scene. The
21 defendant failed to give his name, address and vehicle
22 registration number, and if asked, failed to show his
23 driver's license. And that the defendant failed to give
24 reasonable assistance to the injured person.

25 Now, reasonable assistance includes taking the

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1 person to the doctor or hospital or making arrangements
2 to have the person taken if it is apparent that treatment
3 is needed or if the injured person asks for treatment.

4 The state must also prove beyond a reasonable doubt
5 that the defendant knew or should have known that the
6 accident happened. This may be shown by evidence of
7 circumstances and conditions which would cause an
8 ordinary, reasonable person to believe that the vehicle
9 had been involved in an accident resulting in injury to
10 or death of another person.

11 Now, ladies and gentlemen, and Mr. Foreman,
12 particularly I've prepared a verdict form. I believe
13 it'll be self-explanatory. It lists the charge for which
14 this trial is about. It has a blank for not guilty and a
15 blank for guilty. There's no significance at all the way
16 they're listed. One simply has to be listed before the
17 other one. If you find the state has met its burden of
18 proof beyond a reasonable doubt, then of course, your
19 verdict would be guilty. If in anyway, the state has
20 failed to meet that burden of proof, then the verdict
21 would be not guilty. You check the appropriate block,
22 sign your name as foreperson, date it, and we'll receive
23 your verdict back here in the jury room.

24 Your verdict must be a unanimous one. All twelve of
25 you must agree upon that verdict. It can't be based upon

1 sympathy or passion or prejudice or emotion or any other
2 consideration not in evidence in the case.

3 Now, let me remind you that while you're free to ask
4 me any question regarding the law that I've given you in
5 this case, it's impermissible for me to answer any
6 questions you have regarding the facts in the case.
7 That's your duty as the sole fact finders.

8 At this time I'm going to ask if you would to retire
9 to your jury room. Again, I'm going to ask you not to
10 start discussing the case just yet. There's a final
11 matter of law that I need to discuss with the attorneys.
12 Hopefully in a few moments we'll have the verdict form
13 back and the exhibits back for you with instructions to
14 begin your deliberations. But for right now, do not
15 start your deliberations.

16 If you will retire to your jury room. Everyone
17 else, please remain seated.

18 (WHEREUPON, the jury exited the open court at
19 approximately 3:33 p.m.)

20 THE COURT: Any exceptions to the charge, from
21 the state?

22 MR. RICHARDSON: Nothing from the state, Your
23 Honor.

24 THE COURT: From the defense?

25 MR. ALEXANDER: Did you charge the Lyle?

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1 THE COURT: I did.

2 MR. ALEXANDER: Okay. I just wanted to make
3 sure. I thought I heard that part of it.

4 THE COURT: Okay. If y'all will make sure all
5 the exhibits are in order. Here's the verdict form, Mr.
6 Clerk, we'll let the jury start their deliberations.

7 (WHEREUPON, all admitted exhibits and the verdict
8 form were presented to the jury and deliberations
9 began at approximately 3:37 p.m.)

10 THE COURT: Have the two alternates come out,
11 please. All right. We'll be at ease until we hear from
12 our jury.

13 (WHEREUPON, the alternates were dismissed at
14 approximately 3:38 p.m.)

15 (WHEREUPON, the court stood at recess awaiting the
16 verdict of the jury.)

17 THE COURT: All right. I understand the jury
18 has reached its verdict. Is there any matters we need to
19 take care of before the jury is called back in? From the
20 state?

21 MR. RICHARDSON: Nothing from the state, Your
22 Honor.

23 THE COURT: From the defense?

24 MR. ALEXANDER: No, Your Honor.

25 THE COURT: Obviously a case of this nature

1 brings a lot of emotion. I'm certainly understanding of
2 the emotion that both sides would have. I want to make
3 sure -- this jury has been a very conscientious group.
4 They've worked hard. They've paid attention. I want to
5 make sure that everyone in the courtroom knows we're
6 going to respect the verdict, whatever it may be. If
7 there's anyone -- some will obviously be elated and some
8 may be disappointed. If anyone in the courtroom,
9 lawyers, parties, anyone else feel like they just can't
10 control their emotion once the verdict is announced, this
11 would be a good time to just excuse yourself temporarily.
12 You'll be able to come back in and know it immediately,
13 but I want to make sure that the decorum of the courtroom
14 stays intact and this jury does not in anyway feel that
15 they have not done their job. So this is the opportunity
16 for anyone to leave that feels like they need to leave.
17 Otherwise, I'll expect your emotions to be held in check
18 until the jury is released.

19 Okay. If our jury is ready, you can have them come
20 in, if they're ready.

21 (WHEREUPON, the jury entered the open court at
22 approximately 4:10 p.m.)

23 THE COURT: Mr. Foreman, I understand the jury
24 has reached a verdict. Is that correct?

25 MR. FOREMAN: We have, Your Honor.

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1 THE COURT: Is it a unanimous verdict?

2 MR. FOREMAN: Yes, sir, it is.

3 THE COURT: If you would, please hand the
4 verdict form to the bailiff.

5 Mr. Clerk, you may publish the verdict.

6 THE CLERK: This is case number 2012-GS-39-
7 0107, State of South Carolina versus Rufus Raiden, III.
8 It says, we the jury unanimous find the defendant, Rufus
9 Raiden, III, guilty.

10 Is this your verdict and still your verdict, so say
11 you all by raising your right hand?

12 (WHEREUPON, all jurors' right hands were raised.)

13 THE CLERK: Thank you very much.

14 THE COURT: Any other matters we need to take
15 care of from the jury before they're discharged in this
16 case?

17 MR. RICHARDSON: Nothing from the state, Your
18 Honor.

19 MR. ALEXANDER: Nothing from the defense, Your
20 Honor.

21 THE COURT: Ladies and gentlemen, thank you
22 very much for your service in this case. We've had a
23 sputtering week, to say the least, because of the
24 weather. You've been a very conscientious group. I've
25 observed you paying close attention. You've done a good

1 job as a juror. I am grateful to have had the
2 opportunity -- it's been a treat for me to get to work
3 with fellow judges such as you judging the facts.

4 You may remember from the qualification on Monday
5 that one of the exemptions that a couple of jurors
6 claimed was that they had served on a jury in the last
7 couple of years. And the law says you don't have to do
8 that, if you've served in the last two years. Of course,
9 you've now served in 2014. I hope that if you get a
10 summons next year or the year after, that you'll not
11 claim that exception, that you'll want to serve. I'm
12 sure one of these days you find yourself sitting at one
13 of those tables, rather than in that box, you're going to
14 want good sound jurors such as yourselves to decide what
15 the facts are of the case that you may have, a contract
16 dispute or whatever it may be.

17 Jury service is a high calling in my judgment, and
18 you've performed well. You've directly participated in
19 your government. We have three branches of government,
20 as you've learned. We have the legislative branch and we
21 elect folks to go pass laws, even as we did for
22 qualifications for a jury. Unless you're fortunate
23 enough to get elected to the senate or the house or local
24 city council, you can't pass laws. We can certainly
25 petition. We can send letters to our representatives and

1 senators, ask them about repealing a law or voting for a
2 law, but we can't directly pass the laws. And the same
3 with the executive branch. We have governors and
4 presidents in place, mayors of our cities, and they
5 execute those laws and we can't do that. We can, again,
6 petition them to do it.

7 But the judicial branch of government, you've
8 directly participated in. You've been a judge this week
9 and you've performed a high calling and a task that I
10 believe, as I told you Monday, that we have in America
11 and South Carolina, that not all countries in our world
12 have that system whereby citizens get to participate.
13 They just have a dictator in place or anarchy in place.
14 And while our system has its flaws, I believe it's the
15 best that mankind has ever devised, primarily because we
16 have jurors such as you who are participating in our
17 government.

18 Thank you for your service, ladies and gentlemen.
19 You're free to go at this time. Some of you may need
20 statements for your employer. If that's the case, if
21 you'll stop by the clerk's office, they'll have a
22 statement for you. I do need the foreman; if you'll just
23 remain in the hallway a moment or two. I've got another
24 piece of paper you need to sign, the clerk will have for
25 you.

1 Thank you very much, ladies and gentlemen, for your
2 service. You're dismissed at this time.

3 (WHEREUPON, the jury exited the open court at
4 approximately 4:16 p.m.)

5 THE COURT: All right. Is there any matters we
6 need to take care of before sentencing is imposed?

7 MR. ALEXANDER: I renew my directed verdict
8 motion and ask for judgment notwithstanding verdict. I
9 renew my motion for a mistrial.

10 THE COURT: I respectfully deny your motions.

11 All right. If you would come forward, Mr. Raiden.

12 Solicitor, is there anything from the state before I
13 hear from Mr. Alexander and his client?

14 MR. RICHARDSON: Yes, Your Honor. And I
15 believe at the appropriate time, the victims would like
16 to address the court.

17 As far as my position at this time, Your Honor,
18 first of all, he has two prior driving under influences.
19 One was in 2006; one was in 2009. He also has two prior
20 driving under suspensions. The second offense was 2009.
21 I'm not sure exactly when the first offense was.

22 Your Honor, as to sentencing, there's the felony
23 DUI, the guy who goes out and drinks, hits somebody and
24 kills them. I certainly think that's what happened in
25 this case. Your Honor, this is a different scenario

State of South Carolina -vs- Rufus Raiden, III (2012-GS-39-0107)
Verdict and Sentencing

485

1 completely. In this scenario we have somebody who has
2 hit somebody, rendered them -- and you've seen the photos
3 of the accident or wreck -- rendered them into that
4 position and does not help one iota. And I meant it when
5 I told the jury that we don't when the accident took
6 place. That kid could have been out there for ten
7 minutes, and we don't know what kind of effect a simple
8 him staying at the scene and getting help there as quick
9 as possible, which is the purpose of the law. Under
10 these circumstances -- and then intentionally going
11 further and running further from that point on, I believe
12 a substantial sentence -- and this carries twenty-five
13 years, and I believe, although his prior record is
14 minimal as far as felonies are concerned, his actions in
15 this case are something worse than if I had proved just a
16 felony DUI where somebody had been man enough to stay at
17 the scene. Your Honor, we would ask for the maximum
18 sentence possible. Thank you.

19 THE COURT: All right. I'll be glad to hear
20 from anyone else before I let the defense speak. Is
21 there anyone who wants to speak? If you would, state
22 your name for the record, please.

23 MISTY Crain: I am Misty Crain. I am Ryan's
24 mother.

25 THE COURT: Yes, ma'am.

1 MISTY Crain: I have a picture if you would
2 like to see it.

3 MR. RICHARDSON: Your Honor, she has a picture
4 she would like to ---

5 THE COURT: All right. I'll be glad to look at
6 anything the state wants to present. If you would, just
7 make sure the defense sees it first, please.

8 MISTY CRAIN: I do want to thank the --
9 everyone who was involved here, Doug and his team and the
10 jury, and all who testified on Ryan's behalf. I just
11 thank you for your honesty and confidence. Since nobody
12 here -- most of you here had not met my son Ryan, I want
13 to tell you just a little bit about him. Ryan was a
14 beautiful, intelligent, warm and caring young man. He
15 was the affectionate huggy bear in our family. He was
16 the one with a big smile, beautiful blue eyes. He was
17 the one who loved to make people laugh wherever he went.
18 He always went the extra mile to help anyone who needed
19 it. Many of his friends at his funeral services
20 testified to things that he had done for them when they
21 had needs for even food or when they had a death in their
22 family. He always went. And I didn't even know some of
23 these things until they told us at that time. But that's
24 the kind of person that he was.

25 I know of at least five people who claimed him as

1 their best friend. And that just testifies to the kind
2 of person that has been taken out of our lives. He was
3 the one who hugged me every day without fail. Our lives
4 will never be the same again. And even today, as we've
5 been here, and we had a daughter who couldn't be here
6 today, but as I've called her in between sessions to tell
7 her the progress, I wanted to call Ryan and tell him.
8 I'm sorry. But there's just always going to be an empty
9 place and a darkness in our lives because he's gone. And
10 even though we have grandchildren -- we have two
11 grandchildren that we love dearly and we try to go about
12 and find joy in life, but it's just not complete.
13 There's just no complete joy anymore. The only thing
14 that gets me through from day to day is knowing that Ryan
15 is with God in heaven. He was a Christian, as I am, and
16 I'm glad that I'll get to be with him again one day.
17 That's all that keeps me going.

18 Because of this and because of Mr. Raiden's prior
19 record, because of his obvious disregard for the law, for
20 human life -- he didn't even try to help my son -- we
21 would ask that you give the maximum sentence of twenty-
22 five years. That's all I have.

23 THE COURT: Thank you, Ms. Crain. Anyone else
24 like to speak?

25 TROY CRAIN: I'd like to speak.

1 THE COURT: Yes, sir, if you would state your
2 name, please.

3 TROY Crain: I'm Troy Crain. I'm his dad.

4 THE COURT: Yes, sir.

5 TROY CRAIN: And I can't really add a lot to
6 what my wife has already said, except that I know twenty-
7 five years seems like a long time, but we've been
8 sentenced for the rest of our lives. And our son
9 received the death penalty without a judge or a jury and
10 he had an immediate sentence. And he had to suffer a lot
11 longer than a lot of people do when they actually get the
12 death penalty. He didn't die a beautiful death by any
13 means. And we've been suffering since that day. He was
14 born on December the 6th. He died on December the 10th.
15 So you can imagine what Christmas was like for me and
16 her. I believe in mercy, but I believe mercy follows
17 honesty, confession. And I don't think that's what -- I
18 think Mr. Raiden has been running all of his life from
19 the truth, what he is and what kind of person he is. The
20 fact that he dodges the law, not just that time, but most
21 people you see with prior records, they're running around
22 on mopeds. If he had been on a moped that night, my son
23 would be alive. But he was driving when he didn't need
24 to be driving. He was driving under the influence yet
25 again. And that total disregard for the law and life, it

1 needs to have a severe sentence.

2 And honestly, we need more severe laws to stop
3 people before it gets to this point. And that's my
4 heartfelt belief. We need that people when they do it
5 the first time, they get a year or two or something, to
6 stop them and make them think about what they're doing to
7 other people's lives. Because that car or that truck is
8 no different than a pistol or anything other than that
9 when it's in the hands of a drunk driver. And I just
10 plead with you to consider all the facts of the whole
11 history of his life. And honestly, it'll be better for
12 society and it'll be better for him if he's not out any
13 time soon.

14 THE COURT: All right. Thank you, Mr. Crain.

15 Anything else from the state?

16 MR. RICHARDSON: Nothing further from the
17 state, Your Honor.

18 THE COURT: All right. Mr. Alexander, I'll be
19 glad to hear from you and your client and anyone else
20 that would like to address me.

21 MR. ALEXANDER: Thank you, Your Honor. I'll be
22 brief. Mr. Raiden does, I believe, want to address the
23 court and the Crains if you deem that appropriate.

24 You heard his background and his testimony. I won't
25 repeat any of that, but he's still somewhat a young man,

1 Your Honor, and obviously there's no way around it, you
2 know, whatever -- the jury has spoken and we accept that
3 verdict. We may not agree with it, but we accept it,
4 Your Honor. And it's a tragedy anyway you look at it. I
5 can't imagine what the Crains have been through, Your
6 Honor.

7 But we would ask for some sentence, Your Honor, that
8 -- he does have the prior record, as has been stated.
9 It's obviously just driving offenses, which is what this
10 is. So we would ask for some appropriate sentence that
11 leaves something for him to get back out and perhaps
12 contribute to society in a positive way as opposed to a
13 negative manner. Mr. Raiden, you want to speak?

14 THE COURT: Yes, sir, I'll be glad to hear from
15 you.

16 THE DEFENDANT: Yes, sir, the same thing. I
17 accept the verdict. I don't have to agree with it. I'd
18 just like to say to the parents that I'm truly sorry I
19 left the scene that night. I'm sorry that your son lost
20 his life. I am, with all my heart. That's all.

21 MR. ALEXANDER: And his family is here. I
22 don't think they want to speak. Obviously they testified
23 and they've been in support of him. Whatever Your
24 Honor's sentence is they'll continue to support him.

25 And he had -- I think Your Honor is aware of this,

1 since his arrest he never bonded out. He's been in jail.
2 Never had a bond. Tried to bond out. So he's served
3 over two years already on this charge awaiting trial.

4 THE COURT: Our legislature obviously passes
5 the laws, as I've just explained to the jury, and they've
6 seen fit to give a range for a sentence that gives some
7 discretion to the judge, a wide range of what a sentence
8 can be. I assume that that range they give is for
9 consideration to be made of mitigating circumstances and
10 events that can justify the event happening and perhaps
11 the action or reaction taken.

12 I've tried to listen carefully to the testimony and
13 the evidence that was presented. I've tried to factor in
14 the extenuation that may be there, if any, because I
15 believe that's why we've given the range to look at.
16 This is obviously a tragic event for two families. I
17 have the greatest sympathy for the Crains. I can't
18 imagine the loss that they may feel for the son in his
19 prime of life and the ripple effect that has for the
20 grandchildren that don't have an opportunity for a
21 favorite uncle. And by the same token, we've got a great
22 tragedy on the Raiden side, too, because of the loss of
23 decisions made for your family that obviously loves you
24 very much. They've been here supporting you. And
25 hopefully in time the resolution in your own mind for

1 what was going on in your life at this particular time.

2 We have a lot of good programs in the Department of
3 Corrections that can help you fulfil the opportunity that
4 you have to become the person that you need to become.

5 This is case 2012-GS-39-0107. The sentence of the
6 court is the defendant be committed to the State
7 Department of Corrections for a period of twenty-five
8 years and pay a fine of fifteen thousand dollars, but
9 give him credit for his time served.

10 Wish you the best. And I certainly wish the victims
11 my best.

12 All right. Court's adjourned.

13

14 [END OF REQUESTED TRANSCRIPT OF RECORD]

1 CERTIFICATE OF REPORTER

2

3 I, the undersigned Danette P. Hanks, Official Court
4 Reporter for the Thirteenth Judicial Circuit of the State
5 of South Carolina, do hereby certify that the foregoing
6 is a true, accurate, and complete transcript of record of
7 all the proceedings had and evidence introduced in the
8 trial/hearing of the captioned case, relative to appeal,
9 in the Circuit Court for Pickens County, South Carolina,
10 on the 27th day of January, 2014.

11 This transcript may contain quoted material. Such
12 material is reproduced as read by the speaker.

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

15 April 15, 2014

16

17

18

19



Circuit Court Reporter

STATE OF SOUTH CAROLINA)
)
COUNTY OF PICKENS)

INDICTMENT FOR
LEAVING THE SCENE OF AN ACCIDENT WITH DEATH

At a Court of General Sessions, convened on

JAN 24 2012

the Grand Jurors of Pickens

County present upon their oath:

That RUFUS RAIDEN III did in Pickens County, on or about the 10th day of December, 2011, while operating a motor vehicle on SC Hwy. 8/Pelzer Highway, in Easley, South Carolina, strike another vehicle belonging to JEREMY RYAN CRAIN, inflicting bodily injury, and ultimately death, and then fleeing the scene of the accident without either properly identifying himself or providing any assistance to the victim(s). This is in violation of §56-5-1210 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.


SOLICITOR

WITNESSES

W. Mayfield

45 Highway Patrol

2/12/2011

ARREST WARRANT NUMBER
M521626

ACTION OF GRAND JURY

TRUE BILL

JAN 24 2012

Foreperson of Grand Jury

Sam Ball-Hughes

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2012-GS-39-0107
WDR
The State of South Carolina
County of Pickens

COURT OF GENERAL SESSIONS

JAN 24 2012 TERM 2012

THE STATE

vs.

RUFUS RAIDEN III

SCHP

Indictment for

2463

LEAVING THE SCENE OF AN ACCIDENT WITH
DEATH

VIOLATION § 56-05-1210(A)(3)

INDICTED

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF
STATE

Pickens

VS.

Rufus Raiden III

AKA:

Race: WHITE Sex: M Age: 41

DOB: [REDACTED] SS#: [REDACTED]

Address: [REDACTED]

City, State, Zip: Easley, SC 29642-8795

DL#: [REDACTED] 2 SID#: [REDACTED]

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
TO: Traffic / Hit and run, duties of driver involved in accident with death

INDICTMENT/CASE#: 2012GS3900107

A/W#: M521626

Date of Offense: 12/10/2011

S.C. Code § : 56-05-1210(A)(3)

CDR Code #: 2463

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS

in violation of § 56-05-1210(A)(3) of the S.C. Code of Laws, bearing CDR Code # 2463

☐ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation, ☒ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Richardson, Doug

66112
SC Bar#

Defendant

Attorney for Defendant

71164
SC Bar#WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 25 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ 15,000; provided that upon the service of _____ days/months/years and/or payment
of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.☐ CONCURRENT or ☐ CONSECUTIVE to sentence on:☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
by the State Department of Corrections.☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal
Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____

☐ Set by SCDPPPS _____

Recipient: _____

*Fine:		\$	15,000.00
§ 14-1-206 (Assessments 107.5 %)		\$	16,125.00
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$	100.00
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$	
§ 56-5-2995 (DUI Assessment)	\$12	\$	
§ 56-1-286 (DUI Breath Test)	\$25	\$	
Proviso 47.9 (Public Def/Prob)	\$500	\$	
§ 14-1-212 (Law Enforce. Funding)	\$25	\$	25.00
§ 14-1-213 (Drug Court Surcharge)	\$150	\$	
§ 50-21-114(BUI Breath Test Fee)	\$50	\$	
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$	
Proviso 90.5 (SCCJA Surcharge)	\$5	\$	5.00
3% to County (if paid in installments)		\$	937.65
TOTAL		\$	32192.65

PTUP

_____ days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund

Other: _____

☐ Appointed PD or appointed other counsel,
§ 47.12 requires \$500 be paid to Clerk
during probation.

Presiding Judge

Judge Code: 2 1 3 7

Sentence Date: 1/30/2014

Clerk of Court/ Deputy Clerk

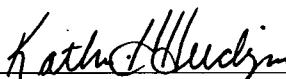
Court Reporter: Dorette Hank

SCCA/217 (03/2011)

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."

October 20, 2014


Kathrine H. Hudgins
Appellate Defender

RECEIVED

OCT 20 2014

SC Court of Appeals

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

ATTORNEY FOR APPELLANT