

ORIGINAL

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM SUMTER COUNTY

George C. James, Jr., Circuit Court Judge

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SC Court of Appeals

THE STATE,

RESPONDENT,

V.

TIMOTHY D. DINGLE,

APPELLANT

APPELLATE CASE NO. 2013-001785

RECORD ON APPEAL

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INDEX

INDEX	i
TRIAL TRANSCRIPT - VOLUME 1 (AUGUST 12, 2013)	1
OPENING STATEMENTS BY MR. FINNEY	53
OPENING STATEMENTS BY MR. MURPHY	59
TESTIMONY	
LYLE WESCOTT	62
CHRISTOPHER A. GEDDINGS	86
SHAUNTE WILLIAMS	106
TRIAL TRANSCRIPT – VOLUME 2 (AUGUST 13, 2014).....	142
TESTIMONY	
STERLING SEALS.....	146
ANASTASIA YOUNG.....	204
DYSHUNN HUNTER.....	234
TRYMAINE YOUNG	265
DR. JANICE EDWARDS ROSS	282
TRIAL TRANSCRIPT – VOLUME 3 (AUGUST 14, 2013).....	299
TESTIMONY	
NICOLE LEE.....	303
ELIZABETH YOUNG	318
NATALIE KELLY	348
DARNELL GETTER.....	356

HENRY DINGLE	374
TAKEYA BURROUGHS	389
BETTY SMALLS	411
ROSA KELLEY	416
CLOSING ARGUMENT BY MR. MEADORS	428
CLOSING ARGUMENT BY MR. MURPHY	439
CLOSING ARGUMENT BY MR. FINNEY	451
CHARGE ON THE LAW	457
VERDICT	483
SENTENCING	491
INDICTMENT	497
CERTIFICATE OF COUNSEL	498

STATE OF SOUTH CAROLINA)
)
COUNTY OF SUMTER) COURT OF GENERAL SESSIONS
) .2012-GS-43-00773

STATE OF SOUTH CAROLINA)
)
) vs.)
) TRANSCRIPT OF RECORD
TIMOTHY D. DINGLE) VOLUME 1
) DEFENDANT)

August 12, 2013
Sumter, South Carolina

B E F O R E:

HON. GEORGE C. JAMES, JR., Judge and a jury.

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

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I N D E X

OPENING STATEMENTS:	PAGE
Mr. Finney	53
Mr. Murphy	59
WITNESSES:	
LYLE WESCOTT:	
Direct Examination by Mr. Meadors	62
Cross Examination by Mr. Murphy	84
CHRISTOPHER GEDDINGS:	
Direct Examination by Mr. Brown	86
Cross Examination by Mr. Murphy	98
SHAUNTE WILLIAMS:	
In Camera Direct Examination by Mr. Meadors	106
In Camera Cross Examination by Mr. Murphy	111
In Camera Redirect Examination by Mr. Meadors	116
SHAUNTE WILLIAMS:	
Direct Examination by Mr. Meadors	124
Cross Examination by Mr. Murphy	135

EXHIBITS

State's Exhibits

		ID	EVD
Exh.- 1	Photograph	45	76
Exh.- 2	Photograph	45	76
Exh.- 3	Photograph	45	76
Exh.- 4	Photograph	45	76
Exh.- 5	Photograph	45	76
Exh.- 6	Photograph	45	76
Exh.- 7	Photograph	45	76
Exh.- 8	Photograph	45	76
Exh.- 9	Photograph	45	76
Exh.-10	Photograph	45	76
Exh.-11	Photograph	45	76
Exh.-12	Photograph	45	76
Exh.-13	Photograph	45	76
Exh.-14	Photograph	45	76
Exh.-15	Photograph	45	76
Exh.-16	Photograph	45	76
Exh.-17	Photograph	45	76
Exh.-18	Photograph	45	76
Exh.-19	Photograph	45	76
Exh.-20	Photograph	45	76

EXHIBITS

State's Exhibits

		ID	EVD
Exh.-21	Photograph	45	76
Exh.-22	Photograph	45	76
Exh.-23	Photograph	45	76

1 THE COURT: All right. Mr. Finney, Mr. Meadors.

2 MR. FINNEY: If it please the Court, Your Honor.

3 THE COURT: Yes, sir.

4 MR. FINNEY: The State of South Carolina would
5 call Indictment No. 2012-GS-43-07739, the State versus
6 Timothy Donald Dingle, indictment for arson, 1st degree,
7 two counts and murder, two counts.

8 THE COURT: Okay.

9 MR. FINNEY: The indictment copy has been handed
10 up to you, Your Honor, with a note.

11 THE COURT: I've got it.

12 All right. Ladies and gentlemen of the jury
13 panel, I guess everyone's seated to my left. I'm going to
14 be asking a series of questions that are designed to make
15 sure we impanel a jury that will be fair and impartial in
16 this case, so listen carefully. You are under oath to
17 answer all questions truthfully.

18 If I do ask a question that applies to you, the
19 first thing I would like for you to do is stand. If you
20 raise your hand I might not be able to see you, so if I do
21 ask a question and it applies, I'd like for you to stand.

22 More than likely I'll ask you to come up here
23 and give me certain information privately, but what I do
24 not want you to do is to stand up and just start talking.
25 So please listen carefully to all the questions and all

1 the comments that I do make.

2 The case we're selecting a jury in is the State
3 of South Carolina versus Timothy D. Dingle.

4 I will tell you that the fact that a person is
5 arrested or charged or indicted is not evidence of
6 anything. The indictment referenced by the Solicitor and
7 the indictment that I will reference in just a moment is
8 simply a charging document. The case has to get into the
9 court system somehow, and in this state, we use the
10 indictment process.

11 The defendant has been charged with certain
12 criminal offenses. He has entered pleas of not guilty to
13 these offenses. He does not have the burden of proving or
14 disproving anything, and the burden of proof is on the
15 State to prove the elements of the crimes charged beyond a
16 reasonable doubt. The fact that I refer now to the
17 indictment is not intended to be a comment by me on the
18 facts; I simply have to review what the charges are so
19 that you'll be able to tell me if you know anything about
20 the case. So please listen carefully.

21 The defendant is charged with arson in the 1st
22 degree, two counts of that, and the indictment alleges
23 that on or about March 27, 2012, the defendant did
24 willfully and maliciously cause an explosion or set fire
25 to or cause to be burned [REDACTED]

1 [REDACTED] It's also called [REDACTED], formerly
2 known as [REDACTED] and the indictment alleges
3 that it resulted in the death of -- is it Aliyah?

4 MR. FINNEY: Aliyah.

5 THE COURT: Aliyah J.

6 Count two is also a charge of arson in the 1st
7 degree, and the indictment alleges that on that same date,
8 the defendant did commit the offense of arson, the same
9 apartment number at the same location, resulting in the
10 death of Robert J.

11 Count three alleges that on or about the same
12 date, the defendant did with malice aforethought
13 feloniously and intentionally kill Aliyah J.
14 either -- by means of either smoke inhalation or thermal
15 injury, or both.

16 Count four alleges that on or about the same
17 date, the defendant did with malice aforethought
18 feloniously and intentionally kill Robert J. by
19 reason or by means of smoke inhalation and/or thermal
20 injury.

21 Those are the allegations, ladies and gentlemen.
22 And the first question is this: Is there anyone on this
23 jury panel who knows anything about this case other than
24 what I just referenced from the indictment, whether it
25 ranges from general conversation to reading anything about

1 it, listening to anything about it, or watching anything
2 about it, does anyone on this panel have any knowledge at
3 all, however slight, other than what I just referenced
4 from the indictment, anything about this case?

5 All right. If you two folks could get in line
6 in the center, please.

7 Your name for the record?

8 PROSPECTIVE JUROR: Richard Hampton.

9 THE COURT: Mr. Hampton is No. 67.

10 Yes, sir.

11 PROSPECTIVE JUROR: The company that I work for
12 managed this property, and I'm the maintenance custodian
13 at this property at the alleged time this incident
14 happened, and I'm aware of the tenant that lived there and
15 the two kids.

16 THE COURT: Okay. If you were on this jury,
17 could you be fair and impartial?

18 PROSPECTIVE JUROR: No.

19 THE COURT: Here's what I'd like for you to do.
20 You can have a seat for right now. Don't mention any of
21 this to your fellow jurors, okay?

22 Thank you, Mr. Hampton.

23 All right.

24 THE CLERK: Your Honor, No. 167 -- 166.

25 THE COURT: 166, Ms. Wactor, come on up, please,

1. ma'am.

2. Yes, ma'am.

3. PROSPECTIVE JUROR: I know the family.

4. THE COURT: For how long have you known them?

5. PROSPECTIVE JUROR: I've known them for a good
6. while, but one of the family is my cousin.

7. THE COURT: You talking about the J.
8. family?

9. PROSPECTIVE JUROR: Yes.

10. THE COURT: And they're related to you?

11. PROSPECTIVE JUROR: Yes.

12. THE COURT: Do you know anything about this
13. case?

14. PROSPECTIVE JUROR: I know the family, yes, sir.

15. THE COURT: Okay. If you're on this jury, could
16. you set all of that aside and be fair to both sides?

17. PROSPECTIVE JUROR: I don't think so. I know
18. the family.

19. THE COURT: What I'd like for you to do is have
20. a seat. You don't have to stand anymore on this case,
21. okay?

22. PROSPECTIVE JUROR: Okay.

23. THE COURT: Thank you.

24. PROSPECTIVE JUROR: You mean sit down?

25. THE COURT: Just for now, yes, ma'am.

1 All right. The defendant in the case is Timothy
2 Donald Dingle.

3 Mr. Dingle, if you could please stand and face
4 the jury panel back to your right, please, sir.

5 Thank you, Mr. Dingle. You can have a seat.

6 The defendant is Timothy Donald Dingle. And if
7 I use the term "immediate family member," what I mean by
8 that is your father, mother, brother, sister, child or
9 anyone else that you consider to be a close family member.

10 Is there anyone on this jury panel, or to your
11 knowledge anyone in your immediate family, who, first of
12 all, might be related by blood or marriage -- that means
13 kin to -- Mr. Dingle?

14 (No response.)

15 THE COURT: Is there anyone on the jury panel,
16 or to your knowledge is there anyone in your immediate
17 family, who has any type of connection or acquaintance or
18 association with Mr. Dingle -- of course, that would be
19 now or in the past -- that it could be that you went to
20 school with him or a family member did or you know him
21 casually, went to church with him, worked with him in the
22 past, is there anyone who has any type of connection with
23 Mr. Dingle at all?

24 No one?

25 Your name, sir?

1 PROSPECTIVE JUROR: Reggie Vaughn.

2 THE COURT: All right. Mr. Vaughn, come up,
3 please, 'sir.

4 Mr. Vaughn is 164. Yes, sir.

5 PROSPECTIVE JUROR: I know him, you know,
6 because I grew up around him or whatnot.

7 THE COURT: Okay. So you've known him a good
8 bit of your life?

9 PROSPECTIVE JUROR: Yes, sir.

10 THE COURT: And did you know him from school,
11 just the neighborhood or what?

12 PROSPECTIVE JUROR: The neighborhood.

13 THE COURT: Okay. If you were on this jury,
14 could you set aside the fact that you know him and be
15 completely fair to both sides?

16 PROSPECTIVE JUROR: Yes, sir.

17 THE COURT: And could you set aside that
18 relationship and base your verdict on the evidence and the
19 law on this case?

20 PROSPECTIVE JUROR: Yes, sir.

21 THE COURT: Do you still see him from time to
22 time?

23 PROSPECTIVE JUROR: No, sir.

24 THE COURT: Do you know anything about this
25 particular case?

1 PROSPECTIVE JUROR: Somewhat, but not --

2 THE COURT: What do you know or what have you
3 heard?

4 PROSPECTIVE JUROR: I heard that he was the one
5 that set fire to a complex in [REDACTED] but I didn't know
6 any --

7 THE COURT: Okay. Does that have any impact on
8 your ability to be fair?

9 PROSPECTIVE JUROR: No, sir.

10 THE COURT: Do you go into the case with any
11 preconceived notion of what you think happened?

12 PROSPECTIVE JUROR: No, sir.

13 THE COURT: All right. Thank you.

14 You can have a seat. Thank you, sir.

15 PROSPECTIVE JUROR: Thank you.

16 (A bench conference was held with the judge and
17 attorneys in the presence of the jury but out of the
18 hearing of the jury.)

19 THE COURT: All right. I'm going to call out
20 now the names of potential witnesses and other people who
21 may or may not be involved in the presentation of the
22 case. And if they're present, if you'd please stand and
23 face the jury panel.

24 First of all, I did call out the names in the
25 indictment of Aliyah J. and Robert J. Both --

1 they were the children of Ms. Elizabeth Young.

2 Is that right, Mr. Finney?

3 MR. FINNEY: That's correct, Your Honor.

4 THE COURT: All right. Robert J. and

5 Aliyah J. the children of Elizabeth Young, is

6 Ms. Young in the courtroom? If she could please stand and

7 face the jury panel.

8 Thank you, ma'am.

9 Is there anyone on the panel, or to your
10 knowledge anyone in your immediate family, who, first of

11 all, might be kin to Ms. Young or her children, Robert

12 J. and Aliyah J. Anyone on the jury panel, or

13 to your knowledge anyone in your family, who has or had

14 any type of connection or association or acquaintance with

15 either Elizabeth Young or Robert J. or Aliyah

16 J.

17 MR. MEADORS: I apologize. Could we approach?

18 THE COURT: Yes.

19 (A bench conference was held with the judge and
20 attorneys in the presence of the jury but out of the
21 hearing of the jury.)

22 THE COURT: All right. Come on up, please, Mr.
23 Vaughn.

24 And while Mr. Vaughn's coming up, also the

25 father of Robert J. and Aliyah J. Mr. Robert

1 Jackson, if you'd stand and face the jury panel, please,
2 too, sir.

3 And the question is the same: Anyone on the
4 panel or anyone in your immediate family either related to
5 him or have any connection or acquaintance with him now or
6 in the past?

7 Thank you, Mr. Jackson.

8 Yes, sir.

9 PROSPECTIVE JUROR: I know her because her kids
10 -- well, I knew her from going to school with her.

11 THE COURT: Okay.

12 PROSPECTIVE JUROR: And her kids -- well, one of
13 her sons used to be with my nephew.

14 THE COURT: Okay. Do you know which son?

15 PROSPECTIVE JUROR: Sitting beside of her.

16 THE COURT: Okay. What I'm going to do, Mr.
17 Vaughn, in this case you don't have to answer any more
18 questions.

19 PROSPECTIVE JUROR: Okay.

20 THE COURT: So at least while we're going
21 through this selection you don't have to do anything else.

22 PROSPECTIVE JUROR: Okay.

23 THE COURT: Okay. Thank you.

24 All right. Additional witnesses, ladies and
25 gentlemen -- and, again, if they're here, please stand --

1 these are potential or prospective -- in other words, they
2 may be called, they might not be -- James Allsbrook,
3 Sumter Police Department; Brian Christmas, Battalion Chief
4 with the Sumter Fire Department, over to my right, your
5 left, ladies and gentlemen; Sergeant Irene Cullick of the
6 Sumter Police Department; Dr. Janice Ross, medical doctor,
7 she is a pathologist; Master Fireman Lyle Wescott of the
8 Sumter Fire Department; Engineer Christopher Geddings of
9 the Sumter Fire Department; Special Agent Sterling Seal of
10 SLED, that's an acronym for State Law Enforcement
11 Division.

12 MR. MEADORS: And, Your Honor, I apologize.
13 That might be Seals, and I'm sorry.

14 THE COURT: Seals.

15 Special Agent Lillie Gallman with SLED; Amy
16 Stephens with SLED; Robert Richburg; Officer Tyschica
17 Gayle of the Sumter Police Department; Detective Natalie
18 Kelley of the Sumter Police Department; Detective
19 Colclough of the Sumter Police Department; Kyle Sanders
20 and Glen Crosby of Emergency Medical Services; Shaunte
21 Williams in the back of the courtroom, ladies and
22 gentlemen, behind you to your left; Anastasia Young;
23 Trymaine Young; Elizabeth Young has already stood; Dyshunn
24 Hunter; Nicole Latoya Lee; Takeya Burroughs; Henry Dingle;
25 Shirlene Skipper, a 911 dispatcher; Darnell Getter; Donald

1 Robinson; Officer Christian Jones of the Sumter Police
2 Department; sergeant Dean Plute of the police department;
3 Betty Small; Rosa Kelly; and Glenn Harrell of Glenn
4 Harrell Investigative Services. Those are the potential
5 witnesses in the case.

6 And again, is there anyone on the panel, or
7 anyone in your immediate family, to your knowledge either
8 related to any of these possible witnesses or do you have
9 any type of connection or acquaintance or association with
10 them of any kind under the sun?

11 All right. Your name in the back, please,
12 ma'am?

13 PROSPECTIVE JUROR: Heather Grossman.

14 THE COURT: I'm sorry, your last name?

15 PROSPECTIVE JUROR: Grossman.

16 THE COURT: All right. Ms. Grossman is No. 63.

17 First of all, just the name, which witness or
18 witnesses?

19 PROSPECTIVE JUROR: Well --

20 THE COURT: Just the name.

21 PROSPECTIVE JUROR: I'm not really sure of the
22 name.

23 THE COURT: Okay.

24 PROSPECTIVE JUROR: My old manager's brother is
25 -- does that count?

1 THE COURT: And your name, sir?

2 PROSPECTIVE JUROR: Kameron Mooneyham.

3 THE COURT: Mr. Mooneyham is No. 124.

4 Which witness or witnesses?

5 PROSPECTIVE JUROR: Brian Christmas.

6 THE COURT: All right. How do you know him?

7 PROSPECTIVE JUROR: I'm a volunteer firefighter
8 with him.

9 THE COURT: For how long?

10 PROSPECTIVE JUROR: Probably about seven or
11 eight years.

12 THE COURT: And when did that end?

13 PROSPECTIVE JUROR: Probably about four years
14 ago.

15 THE COURT: Okay. And this is just a yes or no
16 answer here. Would that have any impact on your ability
17 to be completely fair and impartial to both sides?

18 PROSPECTIVE JUROR: No, sir, I do not think so.

19 THE COURT: Could you set that aside and base
20 your verdict in this case solely on the evidence and the
21 law in this case?

22 PROSPECTIVE JUROR: Yes, sir.

23 THE COURT: Thank you. Ms. Grossman, why don't
24 you come on up?

25 Yes, ma'am.

1 PROSPECTIVE JUROR: I don't know if this -- I've
2 never done this before, but my old store manager's boss is
3 one of the firefighters. I mean, I know who he is, but --

4 THE COURT: Is he one of the ones who stood up?

5 PROSPECTIVE JUROR: I'm sorry?

6 THE COURT: Is he one of the ones who stood up?

7 PROSPECTIVE JUROR: Uh-huh.

8 THE COURT: Was it Mr. Christmas or Mr. --

9 PROSPECTIVE JUROR: Mr. Geddings.

10 THE COURT: And explain that to me again?

11 PROSPECTIVE JUROR: My old boss, it's his
12 brother, and he shops at my store.

13 THE COURT: Okay. And which one is that?

14 PROSPECTIVE JUROR: The Food Lion on Highway 15.

15 THE COURT: Would -- does he come in there
16 often?

17 PROSPECTIVE JUROR: Not that often.

18 THE COURT: His brother was your old boss?

19 PROSPECTIVE JUROR: Uh-huh.

20 THE COURT: If that's the case, could you still
21 be fair in this case?

22 PROSPECTIVE JUROR: Uh-huh.

23 THE COURT: Could you base your verdict on the
24 evidence and the law?

25 PROSPECTIVE JUROR: Uh-huh.

1 THE COURT: That's a yes?

2 PROSPECTIVE JUROR: Yes.

3 THE COURT: Because that microphone's taking
4 down what you say.

5 Thank you, ma'am.

6 PROSPECTIVE JUROR: Thank you.

7 THE COURT: All right. The State of South
8 Carolina in this case is represented by Ernest Finney,
9 III, Chip Finney, and also John Meadors of the Third
10 Circuit Solicitor's office.

11 Is Mr. Brown participating, too?

12 MR. BROWN: Yes, Your Honor.

13 THE COURT: Tyler Brown also of the Third
14 Circuit Solicitor's office.

15 The defendant is represented by Tim Murphy of
16 the Sumter County Public Defender's office and also the
17 firm of Kolb and Murphy which is on Main Street.

18 Is there anyone on this jury panel, or anyone in
19 your immediate family, who is related by blood or marriage
20 to any of these lawyers or, to your knowledge, anyone who
21 works in their offices?

22 (No response.)

23 THE COURT: Is there anyone on the panel, or to
24 your knowledge anyone in your immediate family, who has
25 any type of connection or acquaintance, association, past

1 or present, with these lawyers or their offices? And that
2 includes but is not limited to you or any family member
3 having been represented by these lawyers or anyone in
4 their offices?

5 Your name, sir, in the white shirt?

6 PROSPECTIVE JUROR: Ellison McBride.

7 THE COURT: Mr. McBride is 111.

8 Which attorney or attorneys?

9 PROSPECTIVE JUROR: Solicitor Finney.

10 THE COURT: Okay. And your name, please?

11 PROSPECTIVE JUROR: Regina Gerald.

12 THE COURT: Regina Gerald, No. 130?

13 PROSPECTIVE JUROR: Yes.

14 THE COURT: And which attorney or attorneys?

15 PROSPECTIVE JUROR: The Public Defender's
16 office.

17 THE COURT: Okay. Why don't you all get in line
18 in the center and come on up.

19 All right. Mr. McBride?

20 PROSPECTIVE JUROR: My brother's married to
21 David Weeks' -- Representative Weeks' -- and I attend
22 Jehovah Baptist Church, and I've seen the Solicitor
23 numerous times.

24 THE COURT: Okay. But you're not related to
25 him?

1 PROSPECTIVE JUROR: Not really, but my brother
2 married David Weeks' --

3 THE COURT: Would any of that have any impact on
4 your ability to be fair and impartial to the State and to
5 the defendant?

6 PROSPECTIVE JUROR: No.

7 THE COURT: Could you set aside that
8 circumstance and base your verdict on the evidence in this
9 case and the law in the case and not on who the lawyers
10 are?

11 PROSPECTIVE JUROR: No, sir.

12 THE COURT: You could do that?

13 PROSPECTIVE JUROR: I could do that.

14 THE COURT: All right. Thank you, sir.

15 All right. Ms. Gerald.

16 Yes, ma'am.

17 PROSPECTIVE JUROR: My brother's right now going
18 through a case. I know he's with the Public Defender's
19 office, but it's a different lawyer.

20 THE COURT: Okay.

21 PROSPECTIVE JUROR: And the Solicitor just
22 picked up his case because the lady's leaving.

23 THE COURT: Okay. What's your brother's name?

24 PROSPECTIVE JUROR: Dean Perkins.

25 THE COURT: Dean Perkins?

1 PROSPECTIVE JUROR: Uh-huh.

2 THE COURT: Do you know what he was charged
3 with?

4 PROSPECTIVE JUROR: Not criminal -- child abuse.

5 THE COURT: Okay. If you were on this jury,
6 could you completely set that aside and be fair to both
7 sides?

8 PROSPECTIVE JUROR: Yes.

9 THE COURT: And base your verdict on what the
10 evidence and law is in this case?

11 PROSPECTIVE JUROR: Yes.

12 THE COURT: Thank you, ma'am.

13 PROSPECTIVE JUROR: Thank you.

14 THE COURT: Ladies and gentlemen, the
15 legislature kind of has a list that sets forth certain
16 crimes that are classified as violent and non-violent.
17 The question is this: Is there anyone on this jury panel,
18 or to your knowledge is there anyone in your immediate
19 family, who has ever been charged with or accused of or
20 the victim of a violent crime? And these includes but are
21 certainly not limited to things such as murder, sexual
22 assault, armed robbery, burglary, attempted murder, and
23 things of that nature. And again, the question: Is there
24 anyone on the panel, or anyone in your immediate family,
25 who has ever been the victim of or accused of committing

1 such a crime? If so, please stand.

2 You all go ahead and get in line. While you're
3 getting in line, I may ask a follow-up question.

4 Is there anyone on the panel, or anyone -- is
5 there anyone on this panel who is a member of or a
6 contributor to any organization that has as its primary
7 focus the promotion of law enforcement or the enforcement
8 of victims' rights, and those groups include but are not
9 limited to Students Against Drunk Driving, Mothers Against
10 Drunk Driving, Citizens Against Violent Crime, State
11 Troopers Association, South Carolina Law Enforcement
12 Officers Association, or any other similar type
13 organizations? And again the question is, member of or a
14 contributor to.

15 All right. No one stood.

16 Okay.

17 THE CLERK: Your Honor, 101.

18 THE COURT: Mr. Lee, come on around.

19 Yes, sir.

20 PROSPECTIVE JUROR: My nephew was murdered in
21 2006.

22 THE COURT: And where was that?

23 PROSPECTIVE JUROR: Lynchburg.

24 THE COURT: Okay. And was that prosecuted in
25 Sumter County or Lee County?

1 PROSPECTIVE JUROR: Lee County.

2 THE COURT: What was his name?

3 PROSPECTIVE JUROR: Josh Lee.

4 THE COURT: Okay. And who was the person who
5 was arrested?

6 PROSPECTIVE JUROR: I forgot the boy's name. He
7 still in jail, though.

8 THE COURT: Okay. Did he go to trial?

9 PROSPECTIVE JUROR: Yes.

10 THE COURT: And did he get convicted?

11 PROSPECTIVE JUROR: Yes.

12 THE COURT: All right. If you were on this jury
13 in this case, could you set aside those circumstances and
14 be completely fair to both sides?

15 PROSPECTIVE JUROR: I can try hard.

16 THE COURT: Okay. Could you be positively fair
17 and impartial or is there some question in your mind?

18 PROSPECTIVE JUROR: It's still fresh in my mind,
19 so...

20 THE COURT: Then, Mr. Lee, I'm going to stand
21 you aside in this case. You do not have to stand up any
22 more in this case.

23 PROSPECTIVE JUROR: Okay.

24 THE COURT: And, by the way, don't mention
25 anything to your fellow jurors about what we talked about.

1 Thank you.

2 THE CLERK: Your Honor, 124, Mr. Mooneyham.

3 THE COURT: Yes, sir, Mr. Mooneyham.

4 PROSPECTIVE JUROR: My stepfather's garage was
5 broken into about two years ago and they stole a go-cart
6 and a bunch of other stuff, about 10- to \$12,000 worth.

7 THE COURT: Of course, that was a burglary case?

8 PROSPECTIVE JUROR: Yeah.

9 THE COURT: If you were on this jury, could you
10 set aside those circumstances and be fair to both sides?

11 PROSPECTIVE JUROR: Yes, sir.

12 THE COURT: And base your verdict on the
13 evidence in this case and set aside your circumstance?

14 PROSPECTIVE JUROR: Yes, sir.

15 THE COURT: Thank you, Mr. Mooneyham.

16 All right.

17 THE CLERK: Your Honor, No. 122.

18 THE COURT: Mr. Mitzenheim.

19 PROSPECTIVE JUROR: Yes, several years ago I was
20 robbed by a bunch of kids and they tried to throw me off a
21 bridge.

22 THE COURT: Was that in Sumter?

23 PROSPECTIVE JUROR: Yes.

24 THE COURT: Was anybody ever caught?

25 PROSPECTIVE JUROR: Yes.

1 THE COURT: And were they prosecuted in General
2 Sessions court or Family Court?

3 PROSPECTIVE JUROR: Yes, General.

4 THE COURT: And were they convicted?

5 PROSPECTIVE JUROR: Yes.

6 THE COURT: Do you remember their names or who
7 prosecuted the case?

8 PROSPECTIVE JUROR: No.

9 THE COURT: How long ago was it?

10 PROSPECTIVE JUROR: It was about four or five
11 years ago.

12 THE COURT: Do you remember who their lawyers
13 were?

14 PROSPECTIVE JUROR: No.

15 THE COURT: Okay. And what bridge was that?

16 PROSPECTIVE JUROR: It was on Miller Road.

17 THE COURT: That one by the YMCA?

18 PROSPECTIVE JUROR: Yes.

19 THE COURT: That's the only bridge I know of on
20 Miller Road.

21 All right. And they tried to throw you off the
22 bridge?

23 PROSPECTIVE JUROR: Yes, but there was an
24 off-duty police officer that saw what they were trying to
25 do, and he came to help me, and that's how he got them.

1 THE COURT: All right. Now, Mr. Mitzenheim, if
2 you were on this jury, could you set aside in your mind
3 what happened with you completely and be completely fair
4 and impartial?

5 PROSPECTIVE JUROR: I think so, yes.

6 THE COURT: And when you say "I think so," that
7 means different things to different people.

8 PROSPECTIVE JUROR: Okay.

9 THE COURT: You know so or you --

10 PROSPECTIVE JUROR: I know so.

11 THE COURT: All right. Could you base your
12 verdict on the evidence and the law and not on anything
13 that happened to you?

14 PROSPECTIVE JUROR: Yes.

15 THE COURT: Thank you. You can have a seat.

16 All right.

17 THE CLERK: Your Honor, No. 45, Ms. Duffie.

18 THE COURT: Ms. Duffie.

19 PROSPECTIVE JUROR: I've been involved in
20 several -- like been the victim of several robberies of
21 homes.

22 THE COURT: When you say "robbery," that's
23 typically defined as they walk right up to you and do
24 that.

25 PROSPECTIVE JUROR: Home invasion.

1 THE COURT: Were you there?

2 PROSPECTIVE JUROR: No, I was -- the first one
3 is when I was a little kid and they were still there when
4 my parents got home and were fleeing the scene.

5 THE COURT: Were you there, too? Do you
6 remember it?

7 PROSPECTIVE JUROR: Yes.

8 THE COURT: How old were you?

9 PROSPECTIVE JUROR: Six.

10 THE COURT: Okay. And how about the next one?

11 PROSPECTIVE JUROR: Just various things that
12 have disappeared off of property throughout my teens and
13 twenties.

14 THE COURT: And where do you live?

15 PROSPECTIVE JUROR: In Sumter.

16 THE COURT: I know, but where has this happened?

17 PROSPECTIVE JUROR: When I was in Chicago.

18 THE COURT: Anything in South Carolina?

19 PROSPECTIVE JUROR: No, not yet.

20 THE COURT: Now, you've heard the allegations in
21 this case. If you were on this jury, could you be
22 completely fair and impartial?

23 PROSPECTIVE JUROR: Yes.

24 THE COURT: And could you base your verdict on
25 the evidence and the law on this case and not based on

1 anything that ever happened with you and your family?

2 PROSPECTIVE JUROR: Yes.

3 THE COURT: Thank you.

4 THE CLERK: Your Honor, No. 8, Mr. Barwick.

5 THE COURT: All right. Mr. Barwick.

6 PROSPECTIVE JUROR: All right. I have a nephew,
7 he's a two-time sex offender, but he's in prison now. I
8 don't think that would have any bearing on this case.

9 THE COURT: Could you be fair and impartial?

10 PROSPECTIVE JUROR: Yes, sir.

11 THE COURT: And base your verdict on the
12 evidence in this case?

13 PROSPECTIVE JUROR: Uh-huh.

14 THE COURT: Anything else?

15 PROSPECTIVE JUROR: That's it.

16 THE COURT: What's your nephew's name?

17 PROSPECTIVE JUROR: Brandon Boward.

18 THE COURT: How long ago?

19 PROSPECTIVE JUROR: He's been in -- let's see.
20 His first offense, he was in there five years. This is
21 his second. He's been in there about four years now.

22 THE COURT: Was he prosecuted here?

23 PROSPECTIVE JUROR: Yes, sir.

24 THE COURT: Thank you.

25 THE CLERK: Your Honor, No. 185.

1 THE COURT: Ms. Mccauley.

2 PROSPECTIVE JUROR: My son is with the Sumter
3 County Sheriff's Department.

4 THE COURT: Okay. What's his name?

5 PROSPECTIVE JUROR: Mike Mccauley.

6 THE COURT: All right. How long has he been
7 with the sheriff's office?

8 PROSPECTIVE JUROR: Eight years.

9 THE COURT: And I don't -- any sheriff's
10 deputies in this case?

11 MR. FINNEY: This is a city case.

12 THE COURT: Keeping in mind that he is law
13 enforcement, there may be law enforcement officers who
14 testify. Could you set aside your son's employment
15 situation and base your verdict on the evidence in this
16 case?

17 PROSPECTIVE JUROR: Yes.

18 THE COURT: Could you be completely fair and
19 impartial and not have a predisposition with regard to any
20 law enforcement testimony?

21 PROSPECTIVE JUROR: Yes.

22 THE COURT: Thank you, ma'am. All right.

23 THE CLERK: Your Honor, No. 152, Mr. Springs.

24 THE COURT: Yes, sir, Mr. Springs.

25 PROSPECTIVE JUROR: My family contributes to the

1 State Troopers Association.

2 THE COURT: Okay. How long has that been the
3 case, do you know?

4 PROSPECTIVE JUROR: About seven years now.

5 THE COURT: Obviously I didn't call out the name
6 of any troopers, but it is one of the groups I called out.
7 If that is the case with you and your family, could you be
8 fair and impartial in this particular case?

9 PROSPECTIVE JUROR: Yes.

10 THE COURT: And base your verdict on the
11 evidence and the law?

12 PROSPECTIVE JUROR: Yes.

13 THE COURT: Thank you.

14 (A bench conference was held with the judge and
15 attorneys in the presence of the jury but out of the
16 hearing of the jury.)

17 THE COURT: Is there anyone on the panel who is
18 aware of any bias or prejudice that you might have for or
19 against the State or the defendant, any of the witnesses
20 or any of the attorneys? Anyone know of any bias or
21 prejudice that you have for or against any of those folks?

22 (No response.)

23 THE COURT: Is there anyone on the panel who
24 knows of any reason why you should not serve as a juror
25 during the trial of this case?

1 (No response.)

2 THE COURT: Does anyone know of any reason why
3 you could not be fair and impartial as a juror in this
4 case?

5 (No response.)

6 THE COURT: Any additional questions from the
7 State?

8 MR. FINNEY: No, Your Honor.

9 THE COURT: Any from the defendant?

10 MR. MURPHY: No, Your Honor.

11 THE COURT: Okay. And would both sides agree on
12 two alternates?

13 MR. FINNEY: Yes, Your Honor.

14 MR. MURPHY: Yes, sir.

15 THE COURT: All right. So we'll go five and ten
16 and one and two per alternate.

17 All right. Mr. Bradley.

18 THE CLERK: May it please the Court, Your Honor.

19 THE COURT: Yes, sir.

20 THE CLERK: Ladies and gentlemen of the jury,
21 when your name is called, please come forward, stand here
22 in front of the middle of the courtroom, face the back in
23 front of the podium, please, and bring with you your
24 personal belongings that you may have.

25 Juror 147, Darryl Simmons, (Black male).

1 What sayeth the State?

2 MR. FINNEY: Please swear the juror.

3 THE CLERK: What sayeth the defendant?

4 MR. MURPHY: Please seat this juror.

5 THE CLERK: Have a seat in the jury box, please,
6 sir, right over this way.

7 Juror No. 130, Regina Gerald, (Black Female).

8 What sayeth the State?

9 MR. FINNEY: Please excuse the juror from this
10 trial.

11 THE CLERK: Have a seat back with the panel.
12 You've been excused from this trial, please, ma'am.

13 Juror No. 19, Deno Brown, (Black Male).

14 What sayeth the State?

15 MR. FINNEY: Please excuse the juror from this
16 trial.

17 THE CLERK: Have a seat back with the panel.
18 You've been excused from this trial, please, sir.

19 Juror No. 167, Shanashia Walcott, (Black
20 Female).

21 What sayeth the State?

22 MR. FINNEY: Please present the juror.

23 THE CLERK: What sayeth the defendant?

24 MR. MURPHY: Please seat this juror.

25 THE CLERK: Have a seat in the jury box, please,

1 ma'am.

2 Juror No. 1, Markita Adeboyeku, (Black Female).

3 What sayeth the State?

4 MR. FINNEY: Please excuse the juror from this
5 trial.

6 THE CLERK: Have a seat back in the panel.

7 You've been excused from this trial, please, ma'am.

8 Juror No. 99, Thelma Laborn, (Black Female).

9 What sayeth the State?

10 MR. FINNEY: Please present the juror.

11 THE CLERK: What sayeth the defendant?

12 MR. MURPHY: Please excuse this juror.

13 THE CLERK: Have a seat back in the panel.

14 You've been excused from this trial, please, ma'am.

15 Juror No. 22, Linda Bubacz, (White Female.)

16 What sayeth the State?

17 MR. FINNEY: Please present the juror.

18 THE CLERK: What sayeth the defendant?

19 MR. MURPHY: Please seat this juror.

20 THE CLERK: Have a seat in the jury box, please,
21 ma'am. Ma'am, this way.

22 Juror No. 152, Cecil Springs, Jr., (White Male).

23 What sayeth the State?

24 MR. FINNEY: Please present the juror.

25 THE CLERK: What sayeth the defendant?

1 MR. MURPHY: Please seat this juror.

2 THE CLERK: Have a seat in the jury box, please,
3 sir.

4 Juror No. 18, Kristen Bradley, (Black Female).
5 What sayeth the State?

6 MR. FINNEY: Please present the juror.

7 THE CLERK: What sayeth the defendant?

8 MR. MURPHY: Please seat this juror.

9 THE CLERK: Have a seat in the jury box, please,
10 ma'am.

11 Juror No. 2, Phillip Adkins, Jr., (White Male).
12 What sayeth the State?

13 MR. FINNEY: Present the juror.

14 THE CLERK: What sayeth the defendant?

15 MR. MURPHY: Please excuse this juror.

16 THE CLERK: Have a seat back with the panel.

17 You've been excused from this trial, please, sir.

18 Juror No. 34, Mark Cox, (White Male).

19 What sayeth the State?

20 MR. FINNEY: Please present the juror.

21 THE CLERK: What sayeth the defendant?

22 MR. MURPHY: Please seat this juror.

23 THE COURT: Have a seat in the jury box, please,
24 sir.

25 Juror No. 88, Latasha Jenkins, (Black Female).

1 What sayeth the State?

2 MR. FINNEY: Please present the juror.

3 THE CLERK: What sayeth the defendant?

4 MR. MURPHY: Please seat this juror.

5 THE CLERK: Have a seat in the jury box, please,
6 ma'am.

7 Juror No. 87, Byron Jamison, (White Male).

8 What sayeth the State?

9 MR. FINNEY: Please present the juror.

10 THE CLERK: What sayeth the defendant?

11 MR. MURPHY: Please excuse this juror.

12 THE CLERK: Have a seat back with the panel.

13 You've been excused from this trial, please, sir.

14 Juror No. 111, Ellison McBride, (Black Male).

15 What sayeth the State?

16 MR. FINNEY: Please present the juror.

17 THE CLERK: What sayeth the defendant?

18 MR. MURPHY: Please excuse this juror.

19 THE CLERK: Have a seat back with the panel.

20 You have been excused from this trial, please, sir.

21 Juror No. 134, Darrell Price, (White Male).

22 What sayeth the State?

23 MR. FINNEY: Please swear the juror -- please
24 present the juror.

25 THE CLERK: What sayeth the defendant?

1 MR. MURPHY: Please seat the juror.

2 THE CLERK: Have a seat in the jury box, please,
3 sir.

4 Juror No. 122, Robert Mitzenheim, (White Male).
5 What sayeth the State?

6 MR. FINNEY: Please present the juror.

7 THE CLERK: What sayeth the defendant?

8 MR. MURPHY: Please excuse this juror.

9 THE CLERK: Have a seat back with the panel.
10 You've been excused from this trial, please, sir.

11 Juror No. 8, Joseph Barwick, (White Male).

12 What sayeth the State?

13 MR. FINNEY: Please excuse the juror from this
14 trial.

15 THE CLERK: Have a seat back with the panel.
16 You've been excused from this trial, please, sir.

17 Juror No. 63, Heather Grossman, (White female).

18 What sayeth the State?

19 MR. FINNEY: Please present the juror.

20 THE CLERK: What sayeth the defendant?

21 MR. MURPHY: Please excuse this juror.

22 THE CLERK: Have a seat back with the panel.
23 You've been excused from this trial, please, ma'am.

24 Juror No. 45, Erin Duffie, (White Female).

25 What sayeth the State?

1 MR. FINNEY: Please present the juror.

2 THE CLERK: What sayeth the defendant?

3 MR. MURPHY: Please seat this juror.

4 THE CLERK: Have a seat in the jury box, please,
5 ma'am.

6 THE COURT: May I see the lawyers up here just a
7 moment?

8 (A bench conference was held with the judge and
9 attorneys in the presence of the jury but out of the
10 hearing of the jury.)

11 THE CLERK: Juror No. 126, Kemi Odom, (Black
12 Male).

13 What sayeth the State?

14 MR. FINNEY: Please present the juror.

15 THE CLERK: What sayeth the defendant?

16 MR. MURPHY: Please seat the juror.

17 THE CLERK: Have a seat in the jury box, please,
18 sir.

19 Juror No. 100, Caroline Laing, (Black Female).

20 What sayeth the State?

21 MR. FINNEY: Please present the juror.

22 THE CLERK: What sayeth the defendant?

23 MR. MURPHY: Please seat the juror.

24 THE CLERK: Have a seat in the jury box, please,
25 ma'am.

1 Juror No. 82, Christopher Isaac, (Black Male.)

2 What sayeth the State?

3 MR. FINNEY: Present the juror.

4 THE CLERK: What sayeth the defendant?

5 MR. MURPHY: Please seat the juror.

6 THE CLERK: Have a seat in the jury box, please,
7 sir.

8 THE COURT: Two alternates.

9 THE CLERK: Alternate juror, Juror No. 124,
10 Kameron Mooneyham, (White Male).

11 What sayeth the State?

12 MR. FINNEY: Please present the juror.

13 THE CLERK: What sayeth the defendant?

14 MR. MURPHY: Please excuse this juror.

15 THE CLERK: Have a seat back in the panel.

16 You've been excused from this trial, please, sir.

17 Juror No. 84, John James, III, (White Male).

18 What sayeth the State?

19 MR. FINNEY: Please present the juror.

20 THE CLERK: What sayeth the defendant?

21 MR. MURPHY: Please seat the juror.

22 THE CLERK: Have a seat in the jury box, please,
23 sir.

24 Juror No. 119, Vernice Meade, Jr., (White Male).

25 What sayeth the State?

1 MR. FINNEY: Please present the juror.

2 THE CLERK: What sayeth the defendant?

3 MR. MURPHY: Please seat the juror.

4 THE CLERK: Have a seat in the jury box, please,
5 sir.

6 THE COURT: All right. Either from the State or
7 the defendant, any motions or other matters pertaining to
8 jury selection?

9 MR. FINNEY: None from the State.

10 MR. MURPHY: No, Your Honor.

11 (The jury is impaneled at 12:27 p.m.)

12 THE COURT: Okay. Can I see the lawyers up here
13 one more time with Mr. Kelly?

14 (A bench conference was held with the judge and
15 attorneys in the presence of the jury but out of the
16 hearing of the jury.)

17 THE COURT: Ladies and gentlemen who were
18 selected as jurors for the trial of this case, we're going
19 to start the trial at 2 o'clock. I'm going to allow you
20 go to ahead and go to lunch now, but a few instructions
21 before you do leave.

22 First of all, you have been selected as jurors
23 in this case. It would be very inappropriate for you, of
24 course, to have any contact with anybody involved in the
25 case. For example, you saw a lot of people stand up and

1 you've seen the lawyers and you know who they are. You're
2 going to go to your jury room now. Mr. Jones is going to
3 show you where that is. The courthouse is still obviously
4 brand new. I have no idea how you're supposed to get
5 there after lunch, but he can tell you that. You'll be in
6 a room right outside of this door.

7 During the trial, and that includes from now
8 until I tell you that you can, you're not permitted to
9 discuss this case with anyone at all. That includes
10 amongst yourselves. For example, you may go down the same
11 elevator or set of stairs when you go to lunch in just a
12 minute but you cannot talk about this case. You cannot
13 talk about what you might see or hear. Likewise, during
14 the course of the trial you're not going to be permitted
15 to discuss the case amongst yourselves or anyone else in
16 the world until I tell you that you can.

17 You can go to work, go home, wherever you might
18 go during this lunch hour. Somebody you know may know
19 you're on jury duty. They may ask you, well, did you get
20 picked on anything? Only thing you can say is yes. Don't
21 tell them anything about the case, don't tell them
22 anything about what the allegations are or any of the
23 people who are involved because that person may say
24 something that may impact your decisions in the case, and
25 the parties are all counting on you to be completely fair

1 and impartial, and that includes not getting any outside
2 information about the case, not discussing it with anyone.

3 As I will also tell you in a more detailed way
4 later, you're not permitted to read anything about this
5 case, listen to anything about it, watch anything about
6 it. You can't do any research about it. You can't sit
7 down with your smart phone or your computer look up
8 anything. That would be terribly inappropriate. And this
9 is an instruction we give in every case, whether it's a
10 case A to Z. It doesn't really matter. You can't do any
11 of that type of thing. So please make sure that you
12 follow all those instructions.

13 I'll see you back at 2 o'clock. And thank you
14 for patience this morning.

15 (The jury left open court at approximately 12:30
16 p.m.)

17 THE COURT: Ladies and gentlemen who were not
18 selected as jurors in this case, Judge Cothran will be
19 selecting a jury next door. We're going to refine this
20 process as we go. This is the first time we've had court
21 or jury trials going on in two courtrooms. In the future
22 we'll be sending you right next door, but this time
23 because the Clerk of Court's waiting on you, you have to
24 go back downstairs to the jury assembly room. If your
25 name is on the list to be called, you'll come right back

1 upstairs but you'll be in Courtroom 3A.

2 So, again, please accept my thanks for your
3 patience, but you can follow the bailiffs and they'll get
4 you back downstairs.

5 Thank you very much

6 (The remaining jury panel was excused from open
7 court at approximately 12:31 p.m.)

8 THE COURT: Mr. Finney, on my copy you indicated
9 that the Count 4 would be amended to reference the correct
10 first name of Robert; is that correct?

11 MR. FINNEY: That's correct, Your Honor.

12 THE COURT: Any objection to that?

13 MR. MURPHY: No, Your Honor.

14 THE COURT: All right. That amendment is made
15 by consent.

16 Just to put on the record, Mr. Meadors and Mr.
17 Finney, you agreed with the sequestering of all non-law
18 enforcement, non-technical witnesses we'll call it?

19 MR. FINNEY: Yes, sir.

20 THE COURT: Except for Mrs. Young. And you may
21 want to also talk about the other two members of that
22 family. Is there anything you want to put on the record
23 now about that?

24 MR. MEADORS: Yes, sir.

25 Mr. Murphy just approached me a little while ago

1 after Your Honor -- we had a conference in chambers and
2 said he didn't have a problem with the family staying
3 today when it was just the non-lay witnesses, if you will.

4 THE COURT: Okay.

5 MR. MEADORS: If that's okay. We'll certainly
6 make sure they're sequestered when there's a lay witness.

7 THE COURT: All right. And also Mr. Murphy's
8 prospective witnesses, Betty Small, Rosa Kelly, and Glenn
9 Harrell, I would typically allow an investigator for
10 either side to stay in the courtroom, but you agree with
11 all yours being sequestered, Mr. Murphy?

12 MR. MURPHY: Yes, sir, Your Honor.

13 THE COURT: All right. Will there be anything
14 that you think we need to discuss before you begin your
15 opening statements?

16 You mentioned a possible Lyle issue. That will
17 be later on?

18 MR. MEADORS: Yes, sir.

19 MR. MURPHY: Yes, sir.

20 THE COURT: Okay. And Mr. Dingle is in custody,
21 right?

22 MR. MURPHY: Yes, sir.

23 THE COURT: Okay. Well, if you all will make
24 sure you have him dressed out and in the courtroom a
25 little bit before 2 and I guess we'll -- I'll be back in

1 the courtroom shortly before 2.

2 MR. MURPHY: Yes, sir.

3 THE COURT: Thank you.

4 (A lunch recess was taken.)

5 (WHEREUPON, STATE'S Exhibits Nos. 1-23 were
6 marked for identification only.)

7 THE COURT: Mr. Finney, are you ready?

8 MR. FINNEY: Yes, sir, I am.

9 THE COURT: Mr. Murphy?

10 MR. MURPHY: Yes, sir.

11 THE COURT: Okay. You can bring in the jury.

12 (The jury came into open court at approximately
13 2:07 p.m.)

14 THE CLERK: Your Honor, all jurors are present
15 in the courtroom.

16 THE COURT: Thank you, Mr. Bradley.

17 Ladies and gentlemen of the jury, we're going to
18 now begin the trial of this case. The first order of
19 business will be for you to be sworn.

20 Mr. Bradley, you can administer the oath.

21 THE CLERK: Yes, sir, Your Honor.

22 Ladies and gentlemen of the jury, please stand
23 and raise your right hand to be sworn.

24 (WHEREUPON, the jury was sworn at 2:08 p.m.)

25 THE CLERK: You may be seated.

1 THE COURT: All right. Ladies and gentlemen,
2 I'm going to talk to you for just a few minutes about what
3 your responsibilities will be and how the case will
4 generally proceed. And certainly don't take from anything
5 that I say over the next few minutes to be a comment by me
6 on the facts because what has just happened is you've been
7 sworn in as jurors in this case. What that means is you
8 are the only people in the world who will ultimately be
9 able to reach a verdict in this case based on the evidence
10 and the law. No one else in the world can do that, and
11 you have been sworn to undertake a very solemn
12 responsibility.

13 Under our system of laws, the jury is the sole
14 judge of the facts. In other words, you and you alone
15 determine what the facts are in any given case in which
16 you sit as a jury.

17 I'm the judge of the law, and I'll explain to
18 you in more detail what that means in a moment, but
19 primarily your responsibility, ladies and gentlemen, is to
20 pay very close attention to all of the evidence that is
21 introduced and to use your good common sense. So that
22 ought to make you feel somewhat comfortable. You don't
23 have to come into this courtroom with any legal expertise.
24 You come into this case with your common sense and your
25 daily and life experiences, and that will make -- I'm sure

1 that will ensure that we reach a fair and impartial
2 verdict at the end of this case.

3 In this particular case, Timothy Donald Dingle
4 has been charged with criminal offenses. You've heard
5 those referenced earlier today. He's charged with two
6 counts of arson in the 1st degree. He's also charged with
7 two counts of murder.

8 Now, he has entered pleas of not guilty to all
9 of those charges. He does not have to prove anything. He
10 does not have to disprove everything -- anything, and
11 under our system of laws, the State will have to proof the
12 elements of the crime charged beyond a reasonable doubt.
13 And briefly, what that means is that the State will have
14 to present proof that leaves you firmly convinced that the
15 defendant is guilty before you can find him guilty.
16 Again, I'll instruct you very, very specifically at the
17 end of the case about what that means.

18 Now, ladies and gentlemen, again, under our
19 system of laws, I'm not permitted to have any type of view
20 on the facts. That is your job and your job alone. Facts
21 come into a case or facts are introduced into a case by
22 what we call evidence. Evidence comes into the courtroom
23 in different ways. It will come in by way of witness
24 testimony. When a witness testifies, the witness will be
25 sworn, sit in this chair, and will testify. In other

1 words, the lawyers will ask questions and then the
2 defendant -- or excuse me -- the witness will answer those
3 questions.

4 It's your responsibility to determine the
5 witnesses' believability; in other words, do you find that
6 witness credible. You can believe every single word of
7 what a witness has to say or you can disbelieve every word
8 or can you believe parts and disbelieve the rest. There's
9 no magic formula. There's no book that I go to that says
10 the jury is to determine believability by these things.
11 But you can take into account certain things, such as what
12 was the witness' appearance or demeanor on the stand? Was
13 the witness hesitant or straightforward when answering
14 questions? You can take into account things such as what
15 that was witness' ability to know what he or she claims to
16 know. In other words, does it make sense that they would
17 know what they claim to know. Also, was that witness'
18 testimony strengthened or weakened by other evidence that
19 is in the record, whether or not the witness may have said
20 something different or the same on a prior occasion, and
21 whether or not that witness may have a reason to give
22 testimony that helps or hurts one side or the other; in
23 other words, does that witness have a bias or a prejudice
24 for or against one particular result.

25 Now, that's your responsibility. I have no role

1 in determining whether or not I believe a witness. You
2 may see me taking notes during the course of witness
3 examination. That's not that I'm writing what that
4 witness said because I think it's important. Typically,
5 what I do is I'm writing down the time a witness takes the
6 stand, when direct starts, when cross-examination starts,
7 when a particular exhibit might be introduced, so that's
8 typically what you'll see me writing. The reason I say
9 that is I had a juror ask me one time why was I writing so
10 many things down. That's why.

11 Another way that evidence comes in other than
12 testimony is by way of exhibit. An exhibit could be a
13 photograph, it could be a piece of paper, it could be an
14 automobile transmission, it could be a shoe. There's many
15 things that can come in. Typically those are things that
16 you can see or touch. That's an exhibit.

17 Now, testimony and exhibits. If the testimony
18 comes in, or the exhibit comes in, you can consider it.
19 Sometimes, as I'll touch on more specifically in a minute,
20 there may be an objection to testimony or to an exhibit.
21 If I tell you to disregard something you have just seen or
22 heard, under your oath you just taken to try the case
23 according to the evidence and the law, you would have to
24 disregard what I tell you to disregard.

25 Now, another way evidence might come is by way

1 of a stipulation. That's when the parties would agree
2 that a certain fact or perhaps a certain set of facts is
3 true. They might agree that a particular date is when
4 something happened. In many trials there are no
5 stipulations, but sometimes there are. If there is a
6 stipuation, either one of the lawyers or I will read it to
7 you so you'll know what it is.

8 Now, again, if evidence comes in, you can
9 consider it. And those are the three ways evidence
10 usually comes in.

11 Now, you may hear from time to time during the
12 course of an opening statement or an argument or a
13 question-and-answer exchange between a lawyer and a
14 witness, you may hear one of the other lawyers stand up
15 and object. That is one of the areas where I come in.
16 Since an objection is a point of law, and I'm the judge of
17 the law, I make rulings on objections. Please don't keep
18 score on how I rule because my rulings are based on the
19 rules of evidence in this book, sometimes on the rules of
20 procedure in this book, and I certainly don't tailor my
21 rulings according to who I think should prevail in the
22 case. My rulings are guided according to the law.

23 If a lawyer objects, that doesn't mean he's
24 trying to hide something from you. If a lawyer asks a
25 question or makes a comment that's objected to, that

1 doesn't mean that that particular lawyer is trying to slip
2 something in that you ought not see or hear. These
3 lawyers are all very highly trained. They're very capable
4 and experienced, but even capable and experienced lawyers
5 have differences of opinion as to whether or not something
6 is proper under the Rules of Procedure or the Rules of
7 Evidence. So sometimes I may send you out of the
8 courtroom to rule. That's usually because I may not know
9 what they want to tell me, and they do have a right under
10 our rules to make sure that they put their positions on
11 the record.

12 Now, until I tell you that you can, you may not
13 discuss this case amongst yourselves at all. You've heard
14 me say that, you're going to get tired of me telling you
15 that, but I will probably between now and the end of this
16 trial tell you that a dozen times. You can't talk about
17 it, you cannot read anything about it, research anything
18 about it. I know that some people are very talented with
19 these things we all carry around in our pockets now, these
20 smart phones. You can't use those to gather any
21 information or so forth about anything involving this
22 particular case.

23 Don't look up anything on the Internet, don't
24 watch TV, don't read the papers. You can read the papers,
25 just don't read anything about this case or anything else

1 that might be going on up here in this particular week.

2 Now, the case itself will be tried in stages.

3 In a minute, the State through one of its attorneys will
4 stand up and give an opening statement. That is the
5 opportunity that the lawyer has to explain to you what he
6 believes the evidence will or will not establish. What
7 they say is not evidence. They may tell what they believe
8 the evidence is going to be, but what the lawyers say
9 themselves is not evidence.

10 After the State gives an opening statement, the
11 defendant, through counsel, may also give an opening
12 statement, and again, that's his opportunity to explain to
13 you what he believes the evidence will or will not
14 establish. If the defendant makes an opening statement,
15 that does not mean he's assumed any burden of proving
16 anything, however.

17 Now, after the opening statements, the State
18 will begin presenting evidence in what is called its
19 case-in-chief, and the State will do that by calling
20 witnesses, introducing exhibits, and putting in the
21 evidence that it believes will promote its cause.

22 After the State rests, the defendant, if he
23 chooses, will present evidence. He does not have to. He
24 does not have to present anything, but he can if he wants
25 to.

1 After the evidence, any evidence is presented by
2 the defendant, the State can, under the rules, present
3 what is called reply or rebuttal evidence.

4 After all the evidence is, in the lawyers will
5 give a closing argument and then I will give you a charge
6 on the law, and it will not be until then that you can
7 talk about the case with anyone at all, of course,
8 including amongst yourselves.

9 All right. Any objections to those comments,
10 Mr. Finney?

11 MR. FINNEY: No, Your Honor.

12 THE COURT: Mr. Murphy?

13 MR. MURPHY: No, Your Honor.

14 THE COURT: All right. Mr. Finney.

15 MR. FINNEY: May it please the Court, Your
16 Honor.

17 THE COURT: Yes, sir.

18 MR. FINNEY: Good afternoon, ladies and
19 gentlemen. My name is Ernest Finney. I have had the
20 honor of practicing law in this community for over 30
21 years. I also honor the fact that I came from kind of a
22 legal family. My father was a lawyer before I was, and I
23 have a brother who is eight years my junior who practices
24 law in Columbia. We take this very seriously what we do,
25 and we hope that we do a good job for our community,

1 especially in the office of the solicitor, because we are
2 charged with looking at the cases that are brought to us
3 by law enforcement, we are getting cases ready daily and
4 we are bringing them to courtrooms for juries like
5 yourself to hear.

6 We are in the process of presenting to you today
7 what we consider one of the most serious cases that we've
8 had the opportunity to present in court in quite some
9 time.

10 You, probably like other Americans, have looked
11 at TV and seen a bunch of lawyer shows on TV and within
12 the course of an hour, they can take you all the way
13 through a case and find the person and send them off.

14 This is going to be a little bit different.
15 This is going to require that you keep your mind open,
16 it's going to require that you use your common sense.
17 It's going to require that you listen to the law that the
18 Judge is going to give you and you listen to the evidence
19 and the witnesses that we're going to present.

20 As the Judge has said to you, we, the State, are
21 going to have to present this case. We're going to have
22 to convince you beyond a reasonable doubt that Mr. Timothy
23 Dingle committed the acts that we've charged him with back
24 in 2012. We accept that burden, and you see here we're
25 ready today to present the case.

1 On March 27th, 2012, there was a fire in
2 [REDACTED] of at [REDACTED] As a result of
3 that fire, two little children, Robert, age 11, and
4 Aliyah, age 10, lost their lives. They were in bed
5 asleep. The evidence we think will show that they went to
6 bed about 9 or 9:30 that night just as they always did
7 because it was a school night. It was a Tuesday. They
8 had nothing to do with their loss of life. The loss of
9 their life we think firmly and we think the evidence will
10 convince you came because that man over there could not
11 control his conduct, could not control his temper, could
12 not conform his actions to law.

13 The law in South Carolina is pretty simple:
14 When you charge somebody with arson -- and I hope you can
15 see that on the screen, there may be screens in front of
16 you -- arson is a willful and malicious -- that means it's
17 an intentional act. And once you set a fire, if that fire
18 causes damage to a dwelling house or building or other
19 structure which resulted either directly or indirectly in
20 the death of a person, that person will be found or should
21 be found guilty of a felony. That felony is called arson
22 in the 1st degree.

23 The State of South Carolina has charged
24 Mr. Dingle two counts because he led to the death -- we
25 think his actions led to the death of both Robert and

1 Aliyah. We also charged him with murder.

2 Arson is a property crime unless it's a 1st
3 degree arson that results -- the property damage results
4 in death. The murder, as you will see here under Section
5 16-3-10, requires that there be a killing with malice
6 aforethought, either express or implied.

7 Now, the Judge will tell you what that means
8 later on. Express malice is basically what you just --
9 what you believe it to be. It's at the discretion of a
10 person. I don't like you, I'm going to harm you, I'm
11 going to kill you. Implied malice is something that a
12 person sets in action. He doesn't say anything. He lays
13 in wait. He takes some other steps that are not open and
14 express, but implied malice is also against the law and it
15 also will require proof from the Solicitor's office of the
16 level that convinces you firmly that this man did this act
17 and that he did it was malice in his heart.

18 As I said, we are going to be listening to
19 evidence from the witness stand, we're going to producing
20 testimony and evidence, exhibits. We want you to listen
21 to everything. We want you to know a little bit about the
22 people you're going to hear about. John Meadors is the
23 Deputy Solicitor that works with our office here in
24 Sumter. Tyler Brown is also here to help us put the case
25 together. There are a lot of pieces, a lot of parts of

1 this case that have to come together for us to present the
2 case to you. I want to thank them for their work because
3 we've working on this case for quite sometime.

4 On the first row, you will see members of law
5 enforcement and fire department staff. You see people
6 like Battalion Chief Christmas, you see Chris Geddings,
7 Donald Robinson, Aaron Green, and Lyle Wescott. These are
8 people who also need our thanks because they risk their
9 lives every day to help us in our community keep peace and
10 keep order. You'll be hearing from them a little bit
11 later.

12 The investigator from our office, Tom Miller and
13 Detective Irene Cullick finish out that front row. These
14 are professionals that help us put the cases together so
15 that we can present them to you.

16 I also want to give thanks to the members on
17 that first row back there, those faces that you see back
18 there belonging to the mother of Robert and Aliyah, her
19 name is Liz, you'll be hearing from her. Her children,
20 her older children are seated there with her also. Robert
21 and Aliyah's father is there. Other family members are
22 here this afternoon to watch this case unfold and to give
23 their account of what they heard that night and what they
24 saw that night.

25 One of the things that you're going to have to

1 understand is that evidence comes to you from the witness
2 stand, it comes to you from exhibits, but it also can be
3 made in two parts. Some evidence is direct evidence, what
4 a person saw, what they heard, what they smelled, that's
5 direct evidence. Circumstantial evidence also exists in
6 this case.

7 Unfortunately, ladies and gentlemen, we can tell
8 you right now, we do not have a videotape of this man
9 setting the fire in that apartment that night. We do not
10 have a closed circuit camera watching the front door of
11 Liz's apartment showing him going in and going out. That
12 would be direct evidence. But when you hear the evidence
13 that we have, when you hear the testimony from the family
14 members and from the members of the community, the
15 circumstantial evidence, the time line that will be
16 presented, we don't believe that you will have any problem
17 showing that the guilt of this defendant has been
18 established by this office and that he should be punished
19 for his actions.

20 Now, there's going to have a lot of emotion in
21 this case with the family members. This has been a very
22 tough time for them to lose two family members like this.
23 We apologize for that, we apologize to them for that, but
24 in order for us to present this case further, we're going
25 to have to go back through the details of that night in

1 Sumter County when that family had this horrific event
2 happen to them. Please listen to the evidence, please
3 follow the instructions of the Judge, and please know that
4 we are very thankful for your service because without you,
5 we would not be able to move cases like this through our
6 system. It is because of your involvement in our
7 community, and because of your involvement in working
8 together and listening to the evidence, arriving at a
9 decision, that we can get justice for Mr. Dingle and we
10 can get justice for Liz Young and her family.

11 Thank you very much.

12 THE COURT: Thank you, Mr. Finney.

13 Mr. Murphy.

14 MR. MURPHY: Thank you, Your Honor.

15 Good afternoon. My name is Tim Murphy, and I
16 represent Mr. Timothy Dingle.

17 I want to start at the beginning and really
18 start the focus of what each one of you we submit should
19 be thinking at this point, and that is, that Timothy
20 Dingle is an innocent man. He is not guilty of these
21 crimes.

22 Now, that's just not my opinion, that's what the
23 law requires at this point. Even after you've heard what
24 Mr. Finney said about what they expect to show or what
25 they expect to prove, it's important that you walk into

1 this process with no preconceptions and understanding that
2 Mr. Dingle has a presumption of innocence throughout this
3 trial, from the very beginning to the last witness to the
4 last attorney utters his last word and really until the
5 Judge tells you what the law is. Until you go back there
6 and begin your deliberations, he's entitled to that
7 presumption. Mr. Dingle is entitled to that as an
8 American, and we request that from you. He's only
9 requesting what he's entitled to. That is the starting
10 point.

11 Now, Mr. Finney mentioned very briefly that this
12 is going to be and can be an emotional trial. Obviously.
13 Obviously. When two children are killed, there's a lot of
14 emotion. Just hearing that, it brings emotion, especially
15 for parents or whoever. You can only imagine what those
16 poor parents are going through. But I would caution you,
17 don't let emotion rule your analysis. It's important that
18 you focus on the facts. Focus on the testimony and the
19 items that are going to be brought before you. And to the
20 extent possible, keep emotion out of it. It's important.
21 It's important for a fair hearing of this case. It's what
22 Mr. Dingle entitled to, it's what we're requesting, all
23 that we're requesting that we believe he's entitled to.

24 Now, Mr. Finney mentioned that this case, parts
25 of it, are circumstantial, and it's true. There is no

1 direct evidence tieing Mr. Dingle to this arson and to
2 this crime. None. All right?

3 Now, the significance of that is up for you to
4 decide, but it's important to remember that. Much of the
5 State's case is based on what certain witnesses heard him
6 say or heard from others what he said. Focus on what is
7 the facts, what are the facts, and some of these
8 witnesses -- some of them, not all of them -- some of them
9 have motives to misrepresent. Some of them do. And
10 you'll -- and we're going to bring that type of
11 information out. So listen to the facts, listen to the
12 very specific testimony of these witnesses. Don't jump to
13 any conclusions based solely on the nature of this case.

14 There's a difference between truth and rumor and
15 fact and innuendo. And I will submit to you that some of
16 these witnesses, not all of them but some of them, are not
17 telling the truth. Every discrepancy, every
18 contradiction, every doubt my client is entitled to.
19 Every one. Again, he asks only that which he is entitled
20 to as an American.

21 Hold the State to their burden. Hold them to
22 their burden. Mr. Finney's talked about the process they
23 go through in preparing a case, that they accept that
24 burden. Well, hold them to it. And if you do that, my
25 client is confident that he will have his day in court and

1 that your verdict will be not guilty.

2 Thank you.

3 THE COURT: Thank you, Mr. Murphy.

4 First witness for the State.

5 MR. MEADORS: May it please the Court.

6 THE COURT: Yes, sir.

7 MR. MEADORS: Lyle Wescott.

8 LYLE WESCOTT, after being duly sworn, testified
9 as follows:

10 THE CLERK: Please state your full name and
11 spell your last name for the record.

12 THE WITNESS: Herman Lyle Wescott,
13 W-E-S-C-O-T-T.

14 DIRECT EXAMINATION

15 BY MR. MEADORS:

16 Q Good afternoon. Are you a master fireman?

17 A Yes, sir.

18 Q What does that mean?

19 A I'm a senior fireman that rides on the back of the
20 truck and also relief driver.

21 Q Tell these folks, the ladies and gentlemen of this
22 jury, a little bit about Master Fireman Lyle Wescott.

23 Where were you born?

24 A Sumter.

25 Q Your background, your education, and your training,

1 specifically in the fire department, please. Take your
2 time, too.

3 A I was born in Sumter, South -- right here in Sumter.
4 I graduated from Wilson Hall. I spent a year at Francis
5 Marion College, came home, went to school at Central
6 Carolina and got hired with the fire department in '05.

7 Q And what type of training have you had with the fire
8 department?

9 A When I got hired with the fire department, I went
10 through the South Carolina Fire Academy, which is nine --
11 six weeks -- 1152, 1153, 1154, which is National
12 Firefighter 2. Also got numerous other classes throughout
13 the years in leaderships, decision making, and --

14 Q Do you go through continue training, like CLEs?

15 A Yes. We're constantly training. Every day we're on
16 shift, we're constantly trained.

17 Q And so you have been at this since 2005?

18 A Yes, sir.

19 Q And about how many fires scenes have you responded
20 to?

21 A A good number. I couldn't tell you right offhand.

22 Q And when you work, you work shifts?

23 A Yes.

24 Q And what are the shifts that you work?

25 A Work 24-hour shifts, which is we come in at 7:45 in

1 the morning and get off at 8 o'clock the following
2 morning.

3 Q And you stay at the firehouse?

4 A Yes.

5 Q And where are you stationed? Which one is --

6 A I'm stationed at the headquarter station which is on
7 Hampton Street.

8 Q Now, let me take you back in time to March 27th,
9 2012. Were you on the day shift then?

10 A Yes.

11 Q What time did you come on?

12 A I came on at 7:45 that morning.

13 Q And do you have a certain engine you're assigned to,
14 fire truck?

15 A I was assigned to rescue one.

16 Q At approximately 1:30 on March 27, 2012, did you and
17 your fellow firemen respond to a fire at 861 Carolina
18 Avenue, also known as [REDACTED]

19 A Yes.

20 Q And specifically [REDACTED]?

21 A Yes, sir.

22 Q All right. Tell us what happened. Now, when you're
23 at the fire station, how does the alarm -- what happens
24 when you get a call to respond?

25 A When we get a call to respond, the call comes into

1 dispatch, our central dispatch center. Then they, in
2 turn, put the call in and turn us out.

3 When they turn us out, it goes across the radios
4 and pagers and it sets off an alarm in the station, and we
5 hear it, and we listen to the call and then we go to the
6 truck and respond to it.

7 Q And you said they turn you out?

8 A Yes, sir.

9 Q What does that mean?

10 A They drop a tone over the radio system that -- they
11 drop a tone over the radio system that alerts different
12 pagers. Each station has a different tone so that way
13 you're not constantly listening to everybody.

14 Q And you all are number one, rescue one?

15 A Yes, sir.

16 Q What's your position on the truck? I mean, were you
17 driving?

18 A I was riding officer that day.

19 Q All right. What does that mean?

20 A I was riding in the passenger seat in charge of the
21 truck for that shift.

22 Q How many other firemen were on rescue one?

23 A There was one other fireman.

24 Q Who was that?

25 A Firefighter Lamonte.

1 Q Are there other trucks besides yours responding to

2 [REDACTED], [REDACTED]

3 A Yes, sir.

4 Q How long does it take you to get from the fire
5 station to Lantana?

6 A Probably less than five minutes.

7 Q Tell this jury as you're approaching [REDACTED]

8 [REDACTED] what do you observe?

9 A When I'm approaching [REDACTED] on Poulos
10 Street, I observed heavy smoke coming from the structure,
11 thick black smoke.

12 Q And what do you do -- had you been there before? Had
13 you been to [REDACTED]?

14 A I had been by it, yeah.

15 Q You're familiar with it, then?

16 A Yes.

17 Q And as you were approaching [REDACTED], you said they
18 toned you all out, did you know -- I mean, did they let
19 you know in advance what to expect?

20 A Yes, sir. They toned us out. When they toned us
21 out, they also said we have a structure fire at [REDACTED]
22 [REDACTED] and [REDACTED] also.

23 Q Used to be [REDACTED]

24 A Used to be [REDACTED] Said we had an
25 apartment fire with confirmed entrapment.

1 Q Apartment fire with confirmed entrapment. Now, I
2 think we all know what that means, but what does
3 "confirmed entrapment" mean?

4 A "Confirmed entrapment" is when we -- when they
5 knowingly know that there's people still inside.

6 Q So as you're heading toward [REDACTED] you know there's
7 a fire and you know that somebody's in there?

8 A Yes.

9 Q So this is real?

10 A Yes, sir.

11 Q All right. You get to [REDACTED] what do you do?

12 A When I get to [REDACTED] I tell my driver to park, to
13 stage the truck out on Poulos Street, and as we get --

14 Q What does that mean, to stage the truck?

15 A Stage it, put it out the way to where we can still
16 respond if we have to, because at that time that left
17 rescue one as the only rescue truck in service for the
18 entire county.

19 Q Okay.

20 A So I staged him out the way. I got off the truck and
21 report to the incident commander.

22 Q Who was that?

23 A Captain Barry Pritchard.

24 As I was walking up to him, he called for me and
25 told me he needed me right away, that he needed me to go

1 inside and do a search. And he directed me -- he told me,
2 he said, I want you to go in the second story window, and
3 he pointed straight at the window he wanted me to go in,
4 and they were already deploying the ladder. He wanted me
5 to enter through the ladder and go in and search.

6 Q So this wasn't your truck, this was a ladder on
7 another truck?

8 A Yes, sir.

9 Q So you get there, commander says I need you now?

10 A Yes, sir.

11 Q And what did you do?

12 A I listened to the report he gave me, told me that
13 there was two children inside in a specific window, he
14 pointed at the window and told me that's where he wanted
15 me to go, and he was sending two other fellows with me.

16 Q So what did you do?

17 A I went up the ladder and went into the window, the
18 room where the children were supposed to be at.

19 Q And when you got to the top of the ladder -- and I'm
20 going to show you pictures in a little bit --

21 A Okay.

22 Q Did you know what room the children were in?

23 A Yes, sir. There was witnesses outside that came to
24 the commander and said --

25 Q That's okay. Don't say what they said.

1 You knew what room they were in?

2 A Yes. There was a --

3 Q So what happened when -- were you the first one up
4 the ladder?

5 A Yes, sir.

6 Q Okay. You're up the ladder. Describe what you saw,
7 felt, smell, heard, tasted, whatever when you got to the
8 top of the ladder.

9 A Saw heavy black smoke coming out the window, lots of
10 heat. Couldn't really -- once I got in the window, I
11 couldn't see anything.

12 Q I mean, you literally could not see?

13 A I could not see my hand.

14 Q Is there anything that you are provided by your
15 department, the county or whoever, some type of device to
16 help you see when you have trouble seeing either because
17 of smoke or anything else?

18 A Yes, sir.

19 Q What is that?

20 A A thermal imaging camera.

21 Q Thermal imaging camera?

22 A Which we also call as a TIC.

23 Q TIC. Did you also have a TIC on?

24 A Yes, sir.

25 Q And did that help you?

1 A No, sir.

2 Q So was that because of the smoke?

3 A It was because of the heat in the room.

4 Q Explain that.

5 A What a TIC does is it picks up any thermal heating in
6 the room. We use it a lot to find fires that are hidden
7 behind walls. I searched part of the room with it and it
8 was really -- it was starting to whiteout as we say.

9 Q What does that mean?

10 A Where it's just too hot to see. And so, therefore, I
11 reverted back to training of using my senses.

12 Q By hand?

13 A Hands, hearing, sight.

14 Q And then how did you use your senses? Did you start
15 feeling around?

16 A Yes, sir.

17 Q Now, did anybody else join you in this search?

18 A Yes, sir.

19 Q You said two other folks came along?

20 A Yes, two.

21 Q Was one of those Chris Geddings?

22 A Yes, sir.

23 Q Back here?

24 MR. MEADORS: Raise your hand, please, sir.

25 THE WITNESS: Yes, sir.

1 BY MR. MEADORS:

2 Q So you're at the top of the stairs. I mean, how hot
3 is it?

4 A It's pretty warm.

5 Q What were you equipped with on your body? What were
6 you wearing?

7 A I had all my structural firefighting gear on, SCVA.

8 Q What is that?

9 A Self-contained breathing apparatus.

10 Q And the TIC wouldn't help you so you started feeling
11 around. Was the -- Engineer Geddings, was he feeling
12 around also?

13 A Yes, sir.

14 Q And what room are you in in [REDACTED], [REDACTED], [REDACTED]
15 [REDACTED]?

16 A I'm in the back -- I'm in the room on the Bravo
17 Charlie corner upstairs.

18 Q All right. The front of it. You're saying Bravo
19 Charlie. The front of the residence you call what?

20 A Alpha.

21 Q So that would be A?

22 A Yes, sir.

23 Q The side of the residence you call what?

24 A Bravo.

25 Q B.

1 A B.

2 Q And the back would be Charlie?

3 A Charlie, yes, sir.

4 Q So you describe a house as A, front; side, B; back,
5 C?

6 A And then the far side would be D.

7 Q Tell the ladies and gentlemen of this jury, please,
8 what, if anything, you did. Your TIC wasn't working,
9 you're using your senses now. What happened? What did
10 you do?

11 A I was searching with my hands and eyes and listening
12 also, and next thing I knew, Engineer Geddings called me
13 and said, I've got something, and I went back and helped
14 him.

15 Q Okay. What did he have?

16 A He found a little boy on the top bunk.

17 Q Could you see the bunk at this point?

18 A Very vaguely.

19 Q So what happened with the young man, Robert?

20 A We removed him from the top bunk and went to carry
21 him out, but he was wrapped up in blankets trying to
22 protect himself and Engineer Geddings and I removed him
23 from the bed and Engineer Geddings picked him up and we
24 took him down the interior stairwell.

25 Q And it's a crazy question, but you didn't go down --

1 would it have been easier to go down the ladder?

2 A No, sir.

3 Q Why not?

4 A Because the window was too small and it's easier to
5 carry someone unconscious inside instead of trying to hand
6 him off.

7 Q So your opinion and your observations were that
8 Robert J. was unconscious at that point?

9 A Yes, sir.

10 Q What did you and Engineer Geddings do specifically
11 with the body of Robert J.

12 A We carried him outside using the interior stairwell
13 to the A side of the structure and turned him over to EMS.

14 Q And the A side would be the front?

15 A Yes.

16 Q Come in the back and went out the front?

17 A Yes, sir.

18 Q What did you do after that?

19 A I returned back inside to search for the second
20 victim, the little girl, upstairs.

21 Q And what did you do when you got upstairs?

22 A I went straight back to the bunk beds that we had
23 found him on and searched, finished searching the top bunk
24 and searched the bottom bunk also and found her in the
25 bottom bunk curled up under blankets.

1 Q And was that just kind of common sense, you found him
2 on the top and thought maybe you should feel on the
3 bottom?

4 A Yes, sir.

5 Q So did you actually feel her and grab her and pick
6 her up?

7 A Yes, sir.

8 Q And what did you do?

9 A Carried her down the interior stairwell and turned
10 her over to EMS also.

11 Q Tell the ladies and gentlemen of the jury, please,
12 Mr. Fireman, when you had the body of Aliyah J. in
13 your arms as you were taking her down the steps, what kind
14 of condition was she in based on your training and
15 experience and your eyes?

16 A Unconscious, limp.

17 Q And what did you do with her?

18 A Turned her over to EMS.

19 Q Then what did you do?

20 A Re-entered the structure one more time to continue
21 our search of the top floor.

22 Q Why did you do that?

23 A Because we went in on a primary search, which is a
24 quick methodical search, to make sure everyone is out.

25 Q Nobody else was in there?

1 A No, sir.

2 Q Describe the -- when you first went in there, I'm not
3 a fireman, were there flames still when you first got to
4 the apartment? I know you described smoke.

5 A Yes.

6 Q By the time you had taken the second child out,
7 Aliyah, were there still flames?

8 A I'm not sure.

9 Q Okay. Had some other firemen from another fire truck
10 come to put out the fire?

11 A Yes, sir.

12 Q And had they -- in relation to when you got there,
13 when did they get there?

14 A Same time.

15 Q But your mission or your job was to what?

16 A Search and rescue.

17 Q Not to put out the fire?

18 A No, sir.

19 MR. MEADORS: Your Honor, we have State's 1
20 through State's 23. Mr. Murphy has looked at them and
21 without objection.

22 THE COURT: Is that correct, Mr. Murphy?

23 MR. MURPHY: Yes, Your Honor.

24 THE COURT: All right. If you'd just call them
25 by number when you get to them, Mr. Meadors. Thank you.

1 MR. MEADORS: Thank you, sir.

2 (WHEREUPON, STATE'S Exhibits Nos. 1-23 were
3 admitted into evidence.)

4 BY MR. MEADORS:

5 Q What is this?

6 A That's the alpha side of the apartment.

7 Q You say "alpha," the front side of the apartment?

8 A Yes, sir.

9 Q That's [REDACTED]?

10 A Yes, sir.

11 Q [REDACTED]

12 A Yes, sir.

13 Q Is that in Sumter County?

14 A Yes, sir.

15 Q This is State's No. 6. What is that?

16 A That is the Bravo Charlie corner.

17 Q And it may be obvious, but Bravo Charlie corner,
18 right?

19 A Yes, sir.

20 Q Okay. State's 2, is this the back of the apartment
21 also?

22 A Yes, sir.

23 Q Over here?

24 A Yes, sir.

25 Q And where was your fire truck?

1 A My fire truck was out on the Alpha side.

2 Q What is this right here where my finger's pointing?

3 A That's the Bravo Charlie corner.

4 Q Is there a fire truck back there also?

5 A Yes, sir.

6 Q And whose was that?

7 A That was Alice Drive's Ladder 212.

8 Q Is that the one you used to go up?

9 A We used the ladder off of it, yes, sir.

10 Q This is State's 7. Is that a close-up view of the
11 Charlie side?

12 A Yes, sir.

13 Q And is that the window you went in?

14 A Yes, sir.

15 Q Now, is this a ladder you just lean up against the
16 back or was it from the fire truck?

17 A A 24-foot extension ladder.

18 Q So that's the window you went in?

19 A Yes, sir.

20 Q Along with the other firefighters, correct?

21 A Yes, sir.

22 Q Now, this is State's 8. Do you recognize this?

23 A Yes, sir.

24 Q What is that?

25 A That is the fire room which is next to the room that

1 we went in.

2 Q What pattern is this in right here? You say the fire
3 room?

4 A Yes, sir. That's a V pattern.

5 Q What does that mean?

6 A How the fire burns.

7 Q And what does that tell you as a firefighter, as a
8 master fireman?

9 A That fire was in that room.

10 Q So the fire, just based on you being there, was not
11 in the room where the children were found?

12 A No, sir.

13 MR. MEADORS: Beg the Court's indulgence.

14 (Pause.)

15 BY MR. MEADORS:

16 Q This is State's 9, Master Fireman. Can you tell us
17 what that is?

18 A That is the room that the children were in.

19 Q And 10?

20 A That is also the room showing the bunk beds from the
21 hallway that they were in.

22 Q And, again, you can see these, but when you and
23 Engineer Geddings were in there, you couldn't see?

24 A No, sir.

25 Q You were just feeling?

1 A Yes, sir.

2 Q State's 11?

3 A That's the bunk bed, the top bunk where Robert was
4 found.

5 Q The top bunk.

6 State's 12?

7 A That's the bottom bunk where Aliyah was found.

8 Q Now, when you went back in after taking the bodies of
9 the two children out, did you also go around and have
10 visual observation of the rest of [REDACTED]?

11 A Somewhat, yes, sir.

12 Q I'm going to show you what's marked as State's 13.
13 Can you recognize that?

14 A That is the fire room.

15 Q The fire room. Do you know what this is? Could you
16 tell by your own eyes?

17 A A bed.

18 Q Could you tell if that was a single or a bunk bed?

19 A Not from that angle.

20 Q State's 14?

21 A That would be what appears to be a bunk bed that has
22 been burnt.

23 Q That is a closer up picture of State's 13, isn't it?

24 A Yes, sir.

25 Q State's 16, is that the same bedroom?

1 A Yes, sir.

2 Q And just describe the left side. You said it appears
3 to be a bunk bed in the fire room. What is this on this
4 side?

5 A That is a wall. I don't know what else was there,
6 but the wall is what butts up to where the children's bed
7 was.

8 Q So the children's bed would have been on the other
9 side of this wall?

10 A Yes, sir.

11 Q Was the door to the children's room open or shut?

12 A If I recall correctly, it was shut.

13 Q This is State's 17. Do you recognize that?

14 A I think that is the hallway of the upstairs.

15 Q State's 19?

16 A That's the fire room looking outside the window.

17 Q Would that be looking out the back?

18 A Yes, sir.

19 Q Just a couple more. State's 20?

20 A That appears to be the fire room again.

21 Q This is State's 21.

22 A That would be the bedroom on the Alpha side.

23 Q Bedroom on the front side?

24 A Upstairs, yes, sir.

25 Q Appear to have fire damage in there?

- 1 A Yes.
- 2 Q What is this?
- 3 A It looks like a mattress.
- 4 Q State's 22?
- 5 A The front bedroom upstairs again.
- 6 Q And again, these -- you observed these later,
- 7 correct?
- 8 A Yes.
- 9 Q But your function in this fire was what?
- 10 A Search and rescue.
- 11 Q And as far as you know, was somebody else coming to
- 12 determine, if they could, the origin and cause of this
- 13 fire?
- 14 A Yes.
- 15 Q That wasn't you?
- 16 A No, sir.
- 17 Q Now, State's 3, you said you all brought the young
- 18 children out Alpha side. Is that depicted here?
- 19 A Yes, sir.
- 20 Q And is that the front door?
- 21 A Yes, sir.
- 22 Q To [REDACTED]
- 23 A Yes, sir.
- 24 Q It may just be a closer up version of No. 4, [REDACTED]
- 25 [REDACTED]?

1 A Yes, sir.

2 Q Front door?

3 A Yes, sir.

4 Q State's 5, what is that?

5 A The interior stairwell.

6 Q You all got the young children back to EMS, you went
7 back in and searched for anything else. What did you do
8 after that?

9 A I reported back to staging.

10 Q Reported back to who?

11 A Staging.

12 Q Staging. What does that mean?

13 A Where all the personnel that are not being used as a
14 direct assignment stage until given an assignment.

15 Q And when you had the children out and you'd gone back
16 and searched -- and the fire was out at this time -- when
17 you're doing your final search, was the fire out?

18 A Pretty much, yes, sir.

19 Q And you said "pretty much." When I use the term
20 "smoldering," was it still smoking or smoldering a little
21 bit?

22 A Yes, sir.

23 Q All right. And as a part of your job, you go and
24 make a statement of what you did?

25 A I reported back to staging. Then someone come up and

1 said there might be possibly a third victim inside to
2 myself and Lieutenant Hines, went back in and searched the
3 first floor and cleared it, nothing was found. I reported
4 back to staging. Later on I was asked to go get the
5 occupant and owner information, and I stayed in staging
6 until I was released to go back to the station.

7 MR. MEADORS: May I approach, Your Honor?

8 THE COURT: Yes, sir.

9 BY MR. MEADORS:

10 Q At some point did you just make a statement for the
11 investigative file of what you did? Did you give a
12 statement?

13 A Yes, sir.

14 Q And that was on April 1, correct?

15 A Yes, sir.

16 Q All right. Documenting what you had done at the
17 fire?

18 A Yes, sir.

19 MR. MEADORS: Beg the Court's indulgence.

20 (Pause.)

21 BY MR. MEADORS:

22 Q When you get up to the window on the Charlie side,
23 you're the first one up there, right?

24 A Yes, sir.

25 Q Was that window broken or open, or do you know?

1 A I'm not sure if the ladder broke it or if it was
2 already broken.

3 Q So when you got up there it was broken?

4 A Yes.

5 MR. MEADORS: Thank you. That's all we have.

6 THE COURT: Mr. Murphy.

7 MR. MURPHY: Thank you, Your Honor.

8 CROSS-EXAMINATION

9 BY MR. MURPHY:

10 Q In regard to when you first entered the room and were
11 up there on the top floor, your observations were that the
12 fire was coming from what you called the fire room,
13 correct?

14 A Yes, sir.

15 Q Did you see fire coming from anywhere else?

16 A No, sir.

17 Q And then when you took the children -- you took the
18 second child out, came back, you said the fire was pretty
19 much done by then?

20 A Yes, sir.

21 Q Did you walk that when you walked around in the
22 various rooms to check?

23 A I was searching various rooms, yes.

24 Q So you actually walked into the various bedrooms and
25 the hallway and everything?

1 A Yes.

2 Q Didn't see any fires there?

3 A Not that I detected at the time because it was still
4 smoky.

5 Q Okay. How many firemen were up on the second floor
6 fighting the fire itself? I mean, I assume some were
7 outside, some were inside?

8 A I'm pretty sure two went in on the attack run.

9 Q So that would be the ones that actually opened the
10 door and went after the fire?

11 A Yes, sir.

12 Q And you got the report that there had been a fire
13 what time, about 11:30?

14 A Yes, sir.

15 Q What time were you released?

16 A I'm not sure.

17 MR. MURPHY: Thank you. No further questions.

18 THE COURT: Any redirect?

19 MR. MEADORS: No, sir. Thank you, Judge.

20 THE COURT: Thank you, Mr. Wescott. You can
21 step down.

22 Everybody on the jury okay? Anybody need to
23 take a break?

24 (No response.)

25 THE COURT: All right. Next witness.

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

2 THE COURT: Yes, sir.

3 MR. BROWN: We would call Christopher Geddings
4 of the Sumter Fire Department.

5 CHRISTOPHER GEDDINGS, after being duly sworn,
6 testified as follows:

7 THE CLERK: Thank you. Have a seat.

8 State your full name and spell your last name
9 for the record.

10 THE WITNESS: Christopher A. Geddings,
11 G-E-D-D-I-N-G-S.

12 DIRECT EXAMINATION

13 BY MR. BROWN:

14 Q That's Engineer Christopher Geddings?

15 A Yes, sir.

16 Q You're with the Sumter Fire Department?

17 A Yes, sir.

18 Q For the ladies and gentlemen of the jury here, would
19 you please tell us a little bit about yourself, how long
20 you've been with the fire department? Just give us your
21 history.

22 A Born and raised here in Sumter. I graduated from
23 Furman High School back in '96. I went to USC Sumter here
24 about three years for college and for some reason I
25 decided to start volunteering as a fireman, and after two

1 years of volunteering I decided I wanted to become full
2 time, and I was actually hired on in 1999 as a full-time
3 fireman, and I've been with the Sumter Fire Department
4 almost 14 years now.

5 And I've got close to 50 classes with the Sumter
6 Fire Department ranging from national certification
7 Firefighter 1 and 2, I'm an instructor. I have fire
8 officer classes. I have different other leadership
9 classes. I have high-angle, low-angle rescue. I'm dive
10 certified. I just -- ever since I got into firefighting
11 I've just -- I've always taken classes every year to know
12 my job better.

13 Q It's the department?

14 A Yes, sir.

15 Q This is what you do?

16 A Yes, sir, this is what I do.

17 Q Over the years you've responded to a lot of fires?

18 A Yes, sir, many.

19 Q Where are you currently stationed?

20 A Alice Drive, the fire station on Alice Drive.

21 Q That's part of the Sumter Fire Department?

22 A Yes, sir.

23 Q Tell me about your shifts, when you work, and I guess
24 how you're assigned when you're supposed to be on the job.

25 A We work -- like Master Fireman Lyle stated, we work

1 24-hour shifts. We come in at 7:45, we get off the next
2 day at 8 o'clock in the morning. Pretty much it's our
3 home away from home. We have everything at the station
4 that we need to stay there for 24 hours. We work 24 on
5 and 48 off. So we work one shift and we have two days off
6 before we come back.

7 Q Were you working on March 27, 2012?

8 A Yes, sir.

9 Q What shift were you working then?

10 A A shift.

11 Q On that day, did you receive a phone call around
12 11:30 about an apartment fire?

13 A Yes, sir. Actually, I can't -- I don't think we was
14 asleep yet that night, but we was standing around talking
15 when the call come in. It's not actually a phone call,
16 it's our pager system that goes off at our station that
17 allows us to hear the tones when they come in and let's us
18 know we have a fire call.

19 Q And did you respond to that?

20 A Yes, sir.

21 Q Where was the fire reported to be?

22 A [REDACTED]

23 Q Right here in Sumter, South Carolina?

24 A Yes, sir.

25 Q And did they give you an apartment number of where to

1 go?

2 A Yes, sir, [REDACTED].

3 Q Did you respond?

4 A Yes, sir.

5 Q About what time did you get this call?

6 A It's between 11:30, 11:45.

7 Q And about how long did it take for you all to get out
8 there?

9 A At the most, maybe three minutes to get there. It
10 didn't take long to get there.

11 Q What engine were you assigned to?

12 A I was on the ladder company from Alice Drive, Ladder
13 212.

14 Q And that's the same one we just now heard your
15 partner, Mr. Wescott, talk about going up on that ladder?

16 A That's right, that was our truck that was actually
17 positioned on the corner, yes.

18 Q So when you got there, tell me as you're pulling up
19 to the [REDACTED] tell me about what you saw,
20 what you observed. What was going on?

21 A When we arrived to the scene, they'd already come
22 across the radio and let us know that there were people
23 inside, so we already knew there was somebody inside.
24 Pulling up, I noticed that the trucks from headquarters
25 were coming down the road, so we was going to be -- I

1 pretty much told my crew that we was going to be
2 considered rescue mode. I told my driver to position the
3 truck off the B/C corner because they already confirmed
4 that law enforcement on the scene said that's where the
5 kids' window was on the C side of the structure, so that's
6 where I wanted to position our truck, close to that
7 corner.

8 Q Now, as the engineer, what position does that put you
9 on the truck? Were you the person driving or were you the
10 person sitting --

11 A I was actually riding officer that night. My captain
12 at the station was off that day, and when an officer takes
13 off, the engineer steps up to ride officer for that shift.

14 Q You said you all struck up underneath the window?

15 A No, sir, we did not set that actual truck up. We
16 used the 24-foot extension ladder off the truck.

17 Q But you all set a ladder up underneath there?

18 A Yes, there was a 24-foot extension ladder.

19 Q Tell me about what happened next.

20 A When I arrived, I told my firemen on my truck to go
21 ahead and ladder the building because law enforcement
22 already confirmed everything that we had heard on the
23 radio. Master Fireman Wescott -- as in the process, I was
24 trying to -- I was telling Captain Pritchard, Barry
25 Pritchard, he was in charge of the scene, he -- I was

1 trying to let him know what was going on, let him know we
2 was laddering the building to go through the second floor
3 window, and then at that point in time Master Fireman Lyle
4 had already gone up the ladder with the camera, the TIC we
5 call it --

6 Q All right. Let me hold you up a second.

7 I'm showing you, by the way, what's been marked
8 as State's Exhibit No. 6.

9 A Yes, sir.

10 Q This is a picture of the apartment complex you pulled
11 up to?

12 A That's right, yes, sir.

13 Q And showing you what's been marked as State's Exhibit
14 No. 7. Is this the window that you all set up underneath?

15 A That's right, yes, sir, that's the window. The one
16 next to it had heavy fire load coming out of it when I
17 arrived on scene and the one we actually went in had heavy
18 black smoke coming out of it.

19 Q So you all go up into this particular window?

20 A That's right, that particular window there, yes.

21 Q Do you know whether or not the window was already
22 broken by the time you all got there?

23 A I'm pretty sure the window was open already because
24 when we raised the ladder, I don't remember breaking glass
25 or anything, so I'm pretty sure the window was already

1 open.

2 Q You went up into the building?

3 A Yes, sir, I was the third one on the ladder that went
4 through into --

5 Q And take your time because our court reporter is
6 taking all this down. I talk very fast, and she gets on
7 to me for that, but just take your time as we go through
8 this.

9 Tell me what happened when you walked into that
10 building, what you observed and what you saw.

11 A When we laddered the building, Master Fireman Wescott
12 had gone to the top with the camera, scanned the room and
13 realized that the camera wasn't going to work very well
14 because the fire was so close to the room that we was
15 going in, the heat was so hot that we caught what's called
16 a whiteout.

17 Q That's the TIC camera?

18 A Yes. And the camera actually goes white and you
19 can't see anything on it. So -- and when he went through
20 the window, I hollered at the other fireman that was with
21 me, Aaron Green, and told him to start a right-hand search
22 and I was going to do a left-hand search.

23 Q Tell me what that means.

24 A Right-hand or left-hand search means if I tell my
25 fireman to do a right-hand search, he stays on the

1 right-hand wall and keeps his right hand touching that
2 wall or close to that wall where he doesn't lose contact
3 with that wall and he searches out. That way, eventually,
4 he'll make a circle of that whole upstairs.

5 Q You're checking the whole perimeter?

6 A Yes, sir.

7 Q And you were doing the left-hand search?

8 A Yes, sir. The plan was, he go right, I go left, and
9 we'll meet in the middle.

10 Q I'm sorry?

11 A To cut the search down.

12 Q Did one of you locate something?

13 A Yes, sir, I did. When I -- when I went through the
14 window, as I was coming down I felt the bunk beds with my
15 left hand.

16 Q I'm going to show you what's been marked as State's
17 No. 11. Is this the bunk bed that you first made contact
18 with?

19 A Yes, that's the bunk bed I made contact with, yes,
20 sir.

21 Q And tell me what happened once you made contact with
22 this bunk bed.

23 A When I found the bunk bed, I knew then that if there
24 was somebody there, that's where they was going to be at.

25 Q Okay. What did you -- did you know notify your

1 co-workers, your fellow firefighters?

2 A Not yet, no, sir, because I hadn't found anybody at
3 that time.

4 Q Okay.

5 A When I found the bed, I stood back up and reached on
6 top, and that's when I found Robert on the top bunk.

7 Q You felt him?

8 A I felt him on top. He was actually tucked against
9 the firewall, the wall, kind of in between the mattress
10 and the wall.

11 Q Okay. So at that time did you notify your fellow
12 firefighters?

13 A Yes, sir. At that time I asked Master Fireman Lyle
14 Wescott to come help me get him off the top bunk, and we
15 got him down, I picked him up, and at that time we knew
16 there was a second child in there also. Aaron, the other
17 fireman with me help me escort him -- well, he helped me
18 down the stairs.

19 We had the ladder set up at the window, but I
20 had two firemen in between me and the window, and I looked
21 to my right and the firemen was coming up the stairs, so
22 as the quicker means of access, I chose to go down the
23 stairs instead of going out the window.

24 Q Tell me at that point what your observations were --
25 this was Robert J.

1 A Yes. At that point in time I couldn't see him
2 because it was -- the smoke, the soot was so bad up there
3 I couldn't really see him, but I knew I had a child and
4 just trying to get him out.

5 Q And you carried him out?

6 A Yes, sir.

7 Q Tell me what happened when you got outside.

8 A When I got to the bottom of the stairs, the stretcher
9 was at the bottom of the stairs from EMS, and I laid him
10 on the stretcher for EMS and turned around and went right
11 back inside.

12 Q Did you get a chance to observe him before you went
13 back inside?

14 A I knew he was unconscious, yes, sir.

15 Q You went back in?

16 A Yes, sir, I did.

17 Q Tell me what happened next.

18 A When I got back to the second floor, Aaron and
19 Mr. Wescott was upstairs searching the same room and they
20 found Aliyah at that time.

21 Q I'm going to show you what's marked State's
22 Exhibit 11. Is that the bottom bunk bed where Aliyah was
23 found?

24 A Yes, sir.

25 Q And who carried Aliyah out?

1 A I believe it was Mr. Wescott, Master Fireman Wescott.

2 Q Did you get a chance to observe her as well?

3 A I did not, no, sir.

4 Q Following --

5 A Go ahead. I'm sorry.

6 Q I'm sorry. Following you all taking the two children
7 out, tell me about just what happened next as part of this
8 fire.

9 A At that point in time, Engineer Tanner, he come from
10 headquarters. He was on the ladder outside the window. I
11 stated there might be a third person inside. So as
12 Engineer Wescott was taking Aliyah down, I stayed to
13 continue searching that second floor to make sure to clear
14 that second floor and make sure nobody else was up there.

15 Q Did you all find anybody else?

16 A I did not, no, sir.

17 Q And eventually was the fire put out?

18 A Yes, sir. The fire was -- I want to say the fire was
19 pretty much contained when we found Aliyah and got her
20 out.

21 Q At any point did you all find a third person in the
22 house?

23 A No, sir, we never found a third person.

24 Q At some point following this fire did you prepare a
25 report or a statement for law enforcement's purposes?

1 A Yes, sir, I did. I did that night. I started it
2 that night.

3 Q And you provided this to law enforcement?

4 A Yes, sir.

5 MR. BROWN: Court's indulgence.

6 (Pause.)

7 BY MR. BROWN:

8 Q Just a couple of more quick questions.

9 When you all got to the apartment and as you all
10 were going in to the apartment to look for Robert and
11 Aliyah, at that time was water applied to the building?

12 A At that point in time I do not believe we was -- when
13 we was going through the window, I think they might have
14 what we call reset the fire, just because the smoke
15 emissions were so bad on the outside that the officer in
16 charge felt like it needed to be reset just to keep it
17 from hurting us in the process of finding the children.

18 Q What does that mean? I'm sorry.

19 A Reset the fire, in other words, it knocks down the
20 fire real quick, it blackens it out a little bit to where
21 we don't have to worry about what we call a flashover or
22 back draft or something to happen on us.

23 Q How is that done? I'm just curious.

24 A Just you take -- they actually use the hand line off
25 of our fire truck and just hit it from the window real

1 quick, from the outside, just to hit the fire, just to
2 knock it down a little bit.

3 Q Okay. I understand.

4 Now, when you all also were searching this
5 apartment, I know you said you were doing the left-hand,
6 right-hand technique to search the perimeter.

7 A That's correct.

8 Q Were you all also using flashlights?

9 A We had flashlights, but they don't do good when it's
10 that smoke-filled condition. It's hard to see with
11 flashlights in that type of condition.

12 Q With the smoke --

13 A That's right, with the smoke --

14 Q -- you couldn't see in front of yourself?

15 A That's right.

16 MR. BROWN: No further questions. Thank you.

17 THE COURT: Mr. Murphy.

18 MR. MURPHY: Thank you, Your Honor.

19 CROSS-EXAMINATION

20 BY MR. MURPHY:

21 Q Were there some of your comrades fighting the fire
22 when you were taking the child out?

23 A Yes, sir.

24 Q Were they inside or were they outside?

25 A There was -- the truck from -- the engine from

1 headquarters actually had a line going through the front
2 door on the A side to fight the fire with.

3 Q Okay.

4 A The line on the back of the house was pretty much
5 there just to reset the fire right before we went in to
6 kind of knock it down to where it would make the
7 conditions safer for us as firemen to go in.

8 Q By "line," what do you mean by "line"?

9 A A hand line, fire hose.

10 Q And that's where the water --

11 A That's right, that's where the water comes from.

12 Q That's what you use, water?

13 A Yes, sir, water.

14 Q How many firemen were on the inside line?

15 A The one coming through the front door I want to say
16 was Lieutenant Hines and Firefighter Donald Robinson was
17 on the hand line coming up and then we had three on the
18 search crew.

19 Q Okay.

20 A So we had five people inside.

21 Q Five people while you were getting to look for the
22 children?

23 A Yes, sir.

24 Q And you got there at what time?

25 A It was -- I know the call come in between 11:30 and

1 11:45, and we was there less than five minutes.

2 Q All right. Was the efforts to contain the fire
3 limited to the -- I guess what your colleagues has called
4 the fire room? Was there any effort on any of the other
5 rooms?

6 A The fire had actually spread a little bit into the
7 hallway in between the two bedrooms.

8 Q Okay.

9 A And the pictures, the second shows there's a little
10 bit of fire damage in that -- there was actually some fire
11 damage in the other bedroom also.

12 Q Now, by the two bedrooms, do you mean the --
13 obviously the fire room?

14 A The fire room and the child's -- the bedroom they
15 were in, and that hallway leading in between there, you
16 could see the fire damage in the hallway and then actually
17 the bedroom on the A side also.

18 Q When you went to leave the room that the children
19 were in, was the door opened or closed?

20 A The door was closed when I went to leave.
21 Firefighter Donald Robinson actually opened the door, come
22 through the door when I was going out with him.

23 Q On the other side?

24 A Yes, sir.

25 Q Okay. Did you observe -- obviously the fire room

1 door was probably closed, correct, or was it open by then?

2 A Which door now? I'm sorry.

3 Q When you went out, was the fire room door open, were
4 they fighting it?

5 A It was opened, yes, sir.

6 Q Okay. What about the other bedroom in the front of
7 the house?

8 A I didn't notice that one.

9 Q Okay. What time were you relieved?

10 A I have no -- I don't recollect what time, sir.

11 Q Okay.

12 A We was there all night.

13 Q Okay. A couple of hours anyway?

14 A Yes. We was there quite a few hours, yes, sir.

15 MR. MURPHY: All right. Thank you. I have no
16 further questions.

17 THE COURT: Redirect?

18 MR. BROWN: No further questions, Your Honor.

19 THE COURT: May I see the lawyers up here?

20 You can step down. Thank you, sir.

21 (A bench conference was held with the judge and
22 attorneys in the presence of the jury but out of the
23 hearing of the jury.)

24 THE COURT: All right. Ladies and gentlemen,
25 we've been in the courtroom for about an hour and 15

1 minutes. We'll take a break now for about 15 minutes. Of
2 course, you may not discuss the case.

3 There should be -- I believe Mr. Bradley can
4 confirm it -- some soft drinks in the refrigerator. In
5 the old courthouse I'd have let you bring them in the
6 courtroom because the carpet wasn't so nice, but I'm not
7 going to let you bring them in here. But again, do not
8 discuss the case.

9 Ms. Laing, I'm going to appoint you as
10 foreperson of this jury. I'll talk to you later about
11 what your responsibilities are, but Mr. Bradley or the
12 other bailiffs may want you to sit in a certain spot. It
13 suits me fine if you sit right there, but sometimes they
14 like to have you where they want you, and that's fine,
15 too.

16 We'll get back together in about 15 minutes.

17 (The jury left open court at approximately 3:19
18 p.m.)

19 THE COURT: Okay. If you all will have
20 Mr. Dingle back in the courtroom in about 15 minutes.
21 We'll take a break for about that long.

22 (A break was taken.)

23 THE COURT: Did you have all the time you
24 needed, Mr. Murphy?

25 MR. MURPHY: I'm ready, Your Honor.

1 MR. MEADORS: Judge, our next witness,
2 Ms. Shaunte Williams, sees Ms. Liz Young approximately
3 11:30-ish, just for the sake of argument now, 11:30,
4 11:35.

5 THE COURT: And this is PM we're talking about?

6 MR. FINNEY: Yes, sir.

7 MR. MEADORS: It would still be on March 27th,
8 2012. Ms. Williams is -- Ms. Young is going from [REDACTED]
9 to 144 Carolina, maybe less than a half mile. You know
10 where it is better than I do.

11 THE COURT: I know where it is.

12 MR. MEADORS: When Ms. -- and, actually,
13 Ms. Young is bringing back Ms. Williams' child who she's
14 babysat all that day. So she's bringing her back. And
15 when they get there, when Ms. Young gets to Ms. Williams'
16 house, Ms. Young tells Ms. Williams that she's basically
17 been arguing with Mr. Dingle and that Mr. Dingle has
18 threatened her, and actually said -- Ms. Young tells Ms.
19 Williams that the defendant said he was going to burn the
20 house down.

21 THE COURT: During the exchange earlier that
22 night?

23 MR. MEADORS: Yes, sir.

24 THE COURT: Okay.

25 MR. MEADORS: Shortly there beforehand I think

1 we'll be able to show by the time line, just very shortly
2 beforehand. So she comes down and they're making chicken
3 and Ms. Williams offers Ms. Young some chicken, she wants
4 to stay, but basically to sum it up, I think, she says,
5 well, he's threatened me, threatened to burn the house
6 down, and it's shortly after that they hear sirens and go
7 back.

8 Mr. Murphy and I have always played straight up
9 with each other. I initially told the witness that we may
10 not be able to get into the specific threat, but that she
11 had been threatened. I mentioned that to Mr. Murphy and
12 we just want to put this on the record and perhaps get
13 some guidance before we do anything Your Honor may think
14 is improper.

15 I guess I would argue that it might be an
16 excited utterance from Ms. Young that Ms. Williams is
17 repeating, but I just want some guidance, or Mr. Murphy
18 does, we both do on --

19 MR. MURPHY: Well, I would object to any
20 statement that she relays that Ms. Young told her. I
21 mean, I don't have a problem with her saying she appeared
22 upset, crying, but as far as her saying Mr. Dingle said X,
23 in my mind that's hearsay at this point. Ms. Young has
24 not been called as a witness and her credibility hasn't
25 been attacked by me at all. So there may come a point

1 where that testimony may be relevant, but it's not. And I
2 would submit as far as excited utterance goes --

3 THE COURT: I wouldn't be able to tell that
4 until I heard a proffer.

5 MR. MURPHY: Right. And I'm rather --

6 MR. MEADORS: Ms. Young is going testify without
7 question.

8 MR. MURPHY: You know, there's a burden with an
9 excited utterance. I think a ten-minute walk to cool down
10 and going from one house to another -- and they'd been
11 fighting all evening. Again, I'm not sure that's an
12 excited utterance. I think that there's an immediacy in
13 an excited utterance.

14 THE COURT: And that's what I would have to hear
15 evidence about.

16 MR. MEADORS: And the other thing, I'm not
17 really offering it for the truth of the matter asserted.

18 MR. MURPHY: Well, then it's too prejudicial. I
19 would argue it's too prejudicial.

20 MR. MEADORS: Ms. Young stated basically, I
21 can't stay because I've got to head back because there's
22 been threats.

23 THE COURT: Well, I guess if there's marked
24 disagreement like there apparently is, then I'll need to
25 hear the testimony from the witness from 141 Carolina

1 Avenue to get an idea of what the time frame is and
2 whether or not 803(2) applies.

3 MR. MURPHY: Can we have a second, Your Honor?

4 THE COURT: Yes, sir.

5 (Pause.)

6 MR. MEADORS: Shaunte Williams.

7 THE COURT: Okay. Ms. Williams.

8 SHAUNTE WILLIAMS, after being duly sworn,
9 testified as follows:

10 THE CLERK: Please state your full name and
11 spell your last name for the record.

12 THE WITNESS: My name is Shaunte Williams,
13 W-I-L-L-I-A-M-S.

14 THE COURT: Could you also spell your first
15 name, please?

16 THE WITNESS: S-H-A-U-N-T-E.

17 IN CAMERA DIRECT EXAMINATION

18 BY MR. MEADORS:

19 Q Shaunte Williams?

20 A Yes, sir.

21 Q Shaunte, I'm not going to ask you about your
22 background right now, the jury's not here, okay? I'm
23 going to go straight to when you had the opportunity to
24 see Ms. Liz Young on the evening of March 27, 2012. Do
25 you understand?

1 A Yes, sir.

2 Q And about what time did you see Ms. Liz Young on the
3 evening of March 27, 2012?

4 A When I first saw her at 1:30 p.m. when she brought my
5 three-year-old to my home to take her to my mother house
6 because --

7 Q Okay.

8 A -- because my 11-month-old had an appointment that
9 next morning in Columbia.

10 Q Yes, ma'am.

11 And did you see her later on that evening when
12 she brought your other child back?

13 A Yes, sir, I did.

14 Q Tell the Judge about what time that was.

15 A That was around 11:35-ish.

16 Q Okay.

17 A And it was -- I heard a knock at my door, that was
18 around that same time --

19 THE COURT: You said 11:35-ish?

20 THE WITNESS: Yes, sir.

21 BY MR. MEADORS:

22 Q Where were you living? What's your address?

23 A I was staying on [REDACTED] at that time.

24 Q Did you know that Ms. Young was coming to bring your
25 child back?

1 A Yes, sir. I saw -- I know that -- well, she didn't
2 told me per se with the time I missed the two phone calls,
3 so I called her back and she told me that she and her
4 daughter and the baby daddy was bringing my daughter back
5 home, Na-Kyah Commander.

6 Q So she had called prior to 11:35-ish?

7 A Uh-huh.

8 Q And you knew she was coming sometime?

9 A Yes, so I could be ready ahead of time.

10 Q Okay. And when she got to your house, who was she
11 with?

12 A She was with my sister Anastasia and the baby daddy,
13 I don't know his name.

14 Q Dyshunn Hunter, would you disagree with me?

15 A Yes, that's his name.

16 Q And was your child there?

17 A Yes, my daughter -- Dyshunn, as a matter of fact, was
18 holding her at the door.

19 Q Tell the judge, did you let them come in your house?

20 A I opened the door, and when I opened the door I saw
21 Momma Liz, and I let them in. Momma had asked to use the
22 restroom. I let her use the restroom.

23 Q And you say "momma," you're referring --

24 A Momma Liz, Ms. Young.

25 Q Okay.

1 A And she had tears in her eyes walking to the
2 restroom. So she used the restroom and I was waiting on
3 her to come out.

4 Q All right. And when she came out, did you have a
5 chance to talk to her and did she tell you what had been
6 going on at her place?

7 A Well, I know that she was upset so I had asked her to
8 sit down and talk to me.

9 Q Okay.

10 A Didn't even get to sit down that long.

11 Q All right. And did she tell you why she was upset?
12 And you can say it all now. The jury's not here.

13 A She said her and -- I know him by Julio.

14 Q You know him by Julio?

15 A That what they call him in the streets. I guess
16 that's the street name for him.

17 Q Okay. But do you know him also as Timothy Dingle?

18 A I heard them call him Mr. Dingle, but I didn't know
19 that his name was Timothy.

20 Q All right.

21 A But that they was arguing and he made a threat.

22 Q Okay. And did she tell you what the threat was?

23 A That he threatened to burn the house down.

24 Q And what was her condition when she was telling you
25 this?

1 A She was in tears, she was shaking, and she was trying
2 to hurry to get home.

3 Q And I know it's 11:30 at night, but were you cooking
4 or was your boyfriend cooking?

5 A My fiancée -- well, my was supposed to be husband, my
6 ex-fiancée was cooking at the time, he was cooking some
7 chicken because I had cooked rice. She asked for a piece
8 and wasn't able to get that piece of chicken, heard the
9 siren and she left out the house. And my sister Anna was
10 right behind her and the baby daddy was behind, and they
11 went. I waited about five minutes before I called or
12 moved anywhere to go get down to the area of the scene at
13 the time. My sister Anna answered the phone and said that
14 the apartment was on fire. I got on my bicycle, rode down
15 to [REDACTED] -- it's [REDACTED] but known as
16 [REDACTED] -- and I saw the apartment on fire. Trying to
17 calm Momma down. It was hard.

18 Q How long was Momma, Ms. Young, at your house?

19 A No more than about ten to fifteen minutes. Not even
20 though long because she was shaking and tearful and I
21 didn't want her to stay that long after I heard what she
22 told me.

23 MR. MEADORS: Beg the Court's indulgence.

24 THE COURT: Okay.

25 (Pause.)

1 BY MR. MEADORS:

2 Q Your child Na-Kyah --

3 A Na-Kyah.

4 Q Sorry. I'll try not to do that again.

5 A That's all right.

6 Q Your child Na-Kyah was left there? I mean, Ms. Young
7 brought the child and left Na-Kyah --

8 A Left at my house.

9 Q Okay. So it's Ms. Young, her daughter Anna, Anna's
10 baby's father Dyshunn?

11 A Uh-huh. Plus my daughter.

12 Q Plus your daughter.

13 A But she normally gets my -- she normally gets my --
14 she was three years old at the time, but she's four years
15 old now. Her name is Nevaeh. She normally gets Nevaeh
16 and Na-Kyah every Friday the weekends that she off.

17 Q But they had already been back --

18 A She came back that morning, earlier that morning, but
19 she normally get them every weekend, Na-Kyah and the baby.

20 Q And Na-Kyah came back at 11:35?

21 A 11:35, yes, sir.

22 MR. MEADORS: All right. That's all.

23 THE COURT: Mr. Murphy.

24 MR. MURPHY: Thank you, Your Honor.

25 IN CAMERA CROSS-EXAMINATION

1 BY MR. MURPHY:

2 Q Ms. Williams, you said you do know my client Mr.
3 Dingle or not? Have you had any interactions with the
4 person you called Julio?

5 A No, I didn't have no interactions with him. When I
6 walked -- normally when I go visit Momma, I speak to
7 whoever in the house, but that's the only interaction is
8 speaking, that's it.

9 Q Okay. How long does it take from -- to walk from
10 your house to your mother's house?

11 A Where I stayed, I stayed in the middle of Carolina.
12 I'd say no more than about -- it all depends on the
13 walker, the person that walking. With me, it don't take
14 me that long. Me, it's not going to take me anymore than
15 about 4 to 3 minutes, but toting a child --

16 THE COURT: Forty-three or 4 to 3?

17 THE WITNESS: 4 to 3.

18 THE COURT: 3 to 4?

19 THE WITNESS: Yes, sir.

20 THE COURT: Okay.

21 THE WITNESS: And when you toting a child,
22 toting a kid, it would take me no more than about five.

23 BY MR. MURPHY:

24 Q About five minutes?

25 A Five, six minutes.

1 Q So for you it's about five, six minutes?

2 A Yes, sir.

3 Q Now, have you ever -- has your -- she's your mother,
4 right?

5 A She's my godmother, but I call her my mother.

6 Q Your godmother, okay.

7 A Yes, sir.

8 Q Has your godmother ever confided in you before about
9 fights she may have had with Julio?

10 A Oh, no, sir.

11 Q So this is the only time?

12 A Uh-huh.

13 Q Okay. And she used the restroom when she first came
14 in?

15 A Yes, sir.

16 Q And you talked to her after she used the restroom?

17 A Yes, sir.

18 Q Then she asked for chicken. Is that before or after
19 you talked to her?

20 A Well, that was after, and she didn't get it.

21 Q Okay. And how long -- so from the time she came into
22 the house, she used the restroom, and then you sat down,
23 about how long --

24 A No more than about five or ten minutes.

25 Q About five or ten minutes?

1 A Yes, sir.

2 THE COURT: Mr. Murphy, was your question --
3 what was the question that prompted that five or
4 ten-minute response?

5 MR. MURPHY: A question about from the time she
6 entered the house until the time she was finished using
7 the restroom.

8 THE COURT: Okay.

9 BY MR. MURPHY:

10 Q Now, you said she had tears in her eyes?

11 A Yes, sir, she did.

12 Q Was she sobbing or anything like that?

13 A Was she --

14 Q She had tears in her eyes. Was there any outward
15 signs of like sobbing or did you see tears coming down her
16 face?

17 A I really wasn't paying that close attention. I just
18 saw tears in her eyes.

19 Q You just saw tears -- she was tearing up?

20 A Uh-huh.

21 Q So obviously she was upset?

22 A Yes, sir.

23 Q Have you seen her upset before?

24 A The only time she gets upset, yes, but that's the
25 only time she tears is she's upset, somebody said

1 something to put her in the mood to where she's --

2 Q She's been upset before?

3 A Uh-huh.

4 Q I mean, everybody gets upset?

5 A Uh-huh.

6 Q You get upset?

7 A Yes, sir.

8 Q About how long did it take her to calm down?

9 A Well, she wasn't calm --

10 Q Was she pretty calm before you heard the sirens?

11 A She wasn't that -- that calm, but the sirens made her
12 like more worser. I wouldn't say -- well, her calmness,
13 about a nine and a half to -- eight to nine and a half,
14 but me seeing her than night was a nine and a half.

15 Q Nine on a scale --

16 A Yes, sir, on the scale.

17 Q All right.

18 A That night seeing her was nine and a half.

19 Q All right. Did she calm down when she asked for the
20 chicken?

21 A Unh-unh.

22 THE COURT: You need to say yes or no.

23 THE WITNESS: I mean no, sir.

24 BY MR. MURPHY:

25 Q And she hadn't calmed down yet when she heard the

1 sirens?

2 A No, sir.

3 MR. MURPHY: All right. No further questions.

4 THE COURT: Redirect?

5 IN CAMERA REDIRECT EXAMINATION

6 BY MR. MEADORS:

7 Q She was crying?

8 A She was --

9 Q She had tears?

10 A She had tears. She wasn't crying.

11 Q She went to the bathroom and she tells you that

12 Timothy Dingle threatened to burn her house down?

13 A Uh-huh.

14 Q Say yes or no, please, ma'am.

15 A Yes, sir.

16 Q Did she say -- he didn't even want her to leave the
17 house, did he?

18 A No.

19 MR. MURPHY: Objection. How does she know?

20 THE COURT: Well, it's a proffer, but that's
21 sustained.

22 BY MR. MEADORS:

23 Q Did you put it in your statement? The jury's not
24 here.

25 A Yes, I put it in my statement that he -- the argument

1 was he didn't want her to leave home.

2 Q He didn't want her to leave home.?

3 A No, sir, he didn't.

4 Q And she was upset?

5 A Yes, sir.

6 Q And she told you he threatened to burn the house
7 down?

8 A Yes, sir.

9 Q Did she appear upset to you? She appeared upset to
10 you?

11 A Well, she didn't appear upset. The watering in her
12 eyes, the water in her eyes to where I -- I knew she was
13 upset.

14 Q You knew she was upset?

15 A Yes, sir.

16 Q That's what I --

17 A Oh, okay.

18 THE COURT: Anything else, Mr. Murphy?

19 MR. MURPHY: No, Your Honor.

20 THE COURT: You can step down. Thank you,
21 ma'am.

22 You're offering this under 803(2)?

23 MR. MEADORS: Yes, sir.

24 THE COURT: What are the points on that you want
25 to make?

1 MR. MEADORS: Judge, my understanding, she gets
2 there, she sees tears, she sees she's upset, appears she's
3 upset, she goes to the bathroom. I did not ask a
4 follow-up question, I don't know how long she was in the
5 bathroom, but she said she wasn't -- total might have been
6 five or ten minutes I thought I heard total, so I don't
7 know how long she was in the bathroom. She comes back,
8 she's still upset. She says that Timothy Dingle
9 threatened, threatened to burn the house down, and then
10 just now she said he didn't even want her to come up
11 there. But, Your Honor, we think, first of all, it's an
12 excited utterance.

13 Second of all, I'm not offering it for the truth
14 of the matter asserted. I'm offering it for the fact that
15 she didn't think she could stay there long because she was
16 threatened and had to get back. She brought her baby back
17 to see her. She comes back bringing the baby back saying
18 she's upset, she's got tears and "I've got to get back, I
19 can't even stay long enough to eat the chicken." Then she
20 hears a siren at some point in this and that's when they
21 all start running back to [REDACTED]

22 THE COURT: Okay. Mr. Murphy, first of all, the
23 hearsay part, the 803(2) part?

24 MR. MURPHY: Well, it is hearsay because I would
25 contend it is being offered for the truth of the matter.

1 Otherwise, what relevance does it have? I mean the
2 statement is "I'm going to burn your house down," this is
3 an arson case, obviously it's being offered for the truth.
4 So to say it's not being offered for the truth -- if it's
5 not being offered for the truth, then what relevance does
6 it have? And it's clearly prejudicial given the nature of
7 this case. So in regard to that -- that's in regard to
8 the hearsay. I would submit it's clearly hearsay.

9 THE COURT: Okay.

10 MR. MURPHY: In regard to the exception, first
11 of all, the excited utterance has to be in response to a
12 startling event, which I would submit -- or a condition
13 made while the declarant's under stress. Stress alone
14 isn't enough. It has to be in response to a startling
15 event. I would submit that perhaps a threat is not a --
16 an argument is not a startling threat.

17 Second of all, there is a level of stress that
18 they have to be under at the time. According to the
19 testimony of the witness, there is a five- to eight-minute
20 time frame that's the walk from one place to another.

21 THE COURT: Well, five to six. Nobody said
22 eight.

23 MR. MURPHY: Five to six, and then another five
24 minutes, let's say, she said, you know --

25 THE COURT: Is there any evidence when he made

1 the statement to her that "I'm going to burn your house
2 down"?

3 MR. MURPHY: Not any evidence at this point, no.

4 THE COURT: Okay.

5 MR. MEADORS: Judge, of course, now we haven't
6 called the witnesses yet.

7 THE COURT: Well, I'm talking about, this
8 witness didn't testify that she said he told me right when
9 I was leaving the house five minutes ago that he was going
10 to burn the house down.

11 MR. MEADORS: No. With this witness -- we have
12 a series of witnesses who hear him say or threaten to burn
13 the house down, one being a few minutes before they get to
14 this house that she hears it, just like moments before.

15 THE COURT: So there's another witness who will
16 testify to this type of exchange?

17 MR. MEADORS: Three maybe.

18 THE COURT: Three that would say Ms. Young
19 said --

20 MR. MEADORS: No, sir, three that hear
21 Mr. Dingle say it.

22 THE COURT: Oh, they actually hear him say it?

23 MR. MEADORS: Now, she actually hears him say
24 it -- there's a street between [REDACTED] and [REDACTED]
25 called, I think, Short Street. It's a cut street that

1 dead ends. We have a witness in one of those corner
2 houses that hears him make the threat.

3 THE COURT: And they're going to testify?

4 MR. MEADORS: Oh, yes, sir. And then we have a
5 threat -- he makes a threat again that Anna, Dyshunn, and
6 Ms. Young here as they're walking up to Carolina and
7 that's when she's crying, according to this witness, and
8 she says he just threatened to burn the house down. So
9 it's a series of those. Obviously, maybe I perhaps should
10 have -- I was going to regroup tonight in the order we
11 call these, but I was trying not to set a scene -- we're
12 going a little out of order with not finishing the arson
13 and stuff anyway, but there are several other witnesses
14 that are going to testify Mr. Dingle said that.

15 THE COURT: Okay. And I interrupted you,
16 Mr. Murphy. You can pick up wherever you'd like.

17 MR. MURPHY: Well, I would just contend, Your
18 Honor, that the level of stress or the level of excitement
19 is insufficient here. We're talking about a ten-minute
20 gap, best case scenario, when she hears this threat and
21 when she leaves -- or when she arrives at this home. And
22 whether she's under excitement or not, or the stress of
23 the situation, I will leave that up to the Court, but I
24 would contend it's an insufficient basis for the
25 exception.

1 THE COURT: Well, I agree with you that if it's
2 not offered for the truth of the matter asserted under 403
3 where any probative value would be substantially
4 outweighed by the danger of unfair prejudice, so I'll just
5 let my ruling dwell on hearsay.

6 Anything else that you'd like to add,
7 Mr. Meadors?

8 MR. MEADORS: No.

9 THE COURT: Anything else, Mr. Murphy?

10 MR. MURPHY: No, Your Honor.

11 THE COURT: All right. Well, I'm going to allow
12 the statement in. There is a case -- I'm looking for it
13 now -- I think it's called State versus Whisonet -- I
14 don't know how to spell that -- but it talks about the
15 lapse of time. It doesn't have to be immediately after
16 the statement was made.

17 Okay. Here it is. 1999 Court of Appeals: The
18 rationale behind the rule or the excited utterance
19 exception is that the startling event suspends the
20 declarant's process of reflective thought and consequently
21 reduces the likelihood of fabrication. The mere fact that
22 a statement was made sometime after the incident occurred
23 does not mean it cannot qualify as an excited utterance,
24 provided all the circumstances surrounding the statement
25 indicate its reliability.

1 I'm required to examine all of the facts or all
2 of the circumstances surrounding the situation, and I
3 believe at least based on the proffer that I've heard that
4 the statement did relate to a startling event, that being
5 a threat that a home was going to be burned. She was
6 satisfactorily under the stress of that event, and that
7 the stress was caused, of course, by the threat. Of
8 course, the jury can believe the witness or not. I just
9 want to make sure I've covered all the factors required
10 under that particular rule. I think I've covered all
11 that.

12 So I know that we've heard the proffer. There
13 won't be any other hearsay components to any of her
14 testimony, will there?

15 MR. MEADORS: No, Your Honor.

16 THE COURT: All right. Mr. Murphy, of course
17 you know the rule is you have to object, but maybe not if
18 the witness is called immediately after. I certainly
19 wouldn't take offense if you went ahead and objected if
20 you thought it was appropriate in order to protect the
21 record.

22 MR. MURPHY: Thank you, Your Honor.

23 THE COURT: Okay.

24 All right. Are you ready, Mr. Meadors?

25 MR. MEADORS: Yes, sir.

1 THE COURT: Mr. Murphy?

2 MR. MURPHY: Yes, Your Honor.

3 THE COURT: Okay. You can bring the jury in.

4 (The jury came into open court at approximately
5 4:04 p.m.)

6 THE CLERK: Your Honor, all the jurors and
7 alternates are present in the courtroom.

8 THE COURT: Thank you, Mr. Bradley.

9 Ladies and gentlemen, we're ready to move
10 forward. The State can call its next witness.

11 MR. MEADORS: Your Honor, the State of South
12 Carolina would call Ms. Shaunte Williams.

13 SHAUNTE WILLIAMS, after being duly sworn,
14 testified as follows:

15 THE CLERK: Have a seat up here, please. State
16 your full name and spell your last name for the record.

17 THE WITNESS: Shaunte Williams, W-I-L-L-I-A-M-S.

18 DIRECT EXAMINATION

19 BY MR. MEADORS:

20 Q Good afternoon, Ms. Williams.

21 A Good afternoon.

22 Q I want you to tell the ladies and gentlemen of this
23 jury about Shaunte Williams, where you were born, where
24 you were raised, where you went to school, and where you
25 are in life right now, please, ma'am.

1 Where were you born?

2 A I was born in Sumter, South Carolina, raised here.

3 Q Where did you go to school?

4 A I went to Sumter High Lakewood and Chestnut Oaks
5 Middle.

6 Q And when did you get out of Sumter High School?

7 A Well, the highest grade I completed was 11th grade.

8 Q Okay. What did you do after that?

9 A I started raising my kids, like a mother's supposed
10 to..

11 Q When did you get out of Sumter High School? You said
12 11th grade. What year was that?

13 A 2010. 2009-2010, when I dropped out.

14 Q You say you started raising your kids. How many --

15 A I had one at the time, and she was one. Her name is
16 Nevaeh Williams.

17 Q Her name is what?

18 A Nevaeh Williams.

19 Q And did you have other children after that?

20 A I got two more after her. I got a two-year-old, her
21 name is Na-Kyah Commander, and I have a four-month-old,
22 her name is Tamara Holmes.

23 Q Now, back in March -- or back on March 27, 2012,
24 where were you living?

25 A I was staying on [REDACTED].

1 Q Who were you staying there with?

2 A It was me, my three girls, and my ex-friend.

3 Q Okay. So your three girls are what again?

4 A Nevaeh, she's four now; Na-Kyah Commander, she's two;
5 and my four-month-old, Tamara Holmes.

6 Q So obviously back when this happened --

7 A It was just two.

8 Q You didn't have the third child?

9 A I was pregnant with that one.

10 Q Now, do you know Ms. Elizabeth Young and did you know
11 her in March of 2012?

12 A Yes, sir.

13 Q Okay. Tell the folks, ladies and gentlemen of this
14 jury -- and where is Ms. Liz?

15 MR. MEADORS: Put your hand up please, Ms. Liz.

16 BY MR. MEADORS:

17 Q Is this the lady you know?

18 A Yes, sir.

19 Q All right. Tell the ladies and gentlemen how you
20 know her.

21 A Well, I know Liz because she's my godmother, and she
22 raised me since I was little, and I grew up and I'm still
23 growing up around her.

24 Q So you are like family?

25 A Yes, sir.

1 Q You are family?

2 A Yes, sir.

3 Q Now -- and you know her children?

4 A Robert -- well, my brother Robert, my sister Aliyah,
5 and my other brother Trymaine Young and Anastasia Young.

6 Q And in March of 2012, Ms. Liz lived -- where did she
7 live?

8 A [REDACTED] Well, it was known as [REDACTED] but it's
9 [REDACTED] now.

10 Q Is that on Carolina, too?

11 A Yeah. You get to her apartment from different
12 orientations. There's another little side road and
13 there's Carolina, and then you come to the apartment there
14 behind McLaughlin Ford. And that's the road McLaughlin
15 Ford is on also.

16 Q So part of [REDACTED] faces [REDACTED]?

17 A Yes, sir.

18 Q And your house at that time was 144 Carolina?

19 A Yes, sir.

20 Q How far was it from your house to Ms. Liz's [REDACTED]
21 [REDACTED], approximately?

22 A No more than about --

23 Q How long did it take you to walk there?

24 A It takes me no more than about three to four minutes.

25 Q Now, I want to go back in time to March 27, 2012.

1 Would Ms. Liz help you with your children, and by "help" I
2 mean would she help take care of your kids?

3 A Well, on weekends -- well, on the weekends that she's
4 off on Friday, she come get them. Well, that day she had
5 them from that Friday to that Tuesday.

6 Q So this was a Tuesday when this happened?

7 A Yes, sir. So she had them that Friday to that
8 Tuesday. She brought my oldest home around 1:30.

9 Q That's Nevaeh?

10 A Nevaeh Williams. Took her to my mom's. Got back
11 home around -- I don't know what time I got back home, but
12 I know I had two miss calls from mother. She still had
13 Na-Kyah at the time.

14 Q You had two missed calls from Ms. Liz?

15 A Ms. Liz, Ms. Young.

16 Q All right.

17 A And I returned the phone calls. She was letting me
18 know she was going to wash the baby. When she woked up
19 she was going to feed her and bring her home.

20 Q And afternoon turns into evening?

21 A It turns into evening and turned into later that
22 night. Well, when I called ma, she tell me that it's her
23 bringing my baby back home along with Dyshunn, the baby
24 daddy, my sister Anastasia Young baby daddy.

25 Q Now, let's stop just a minute.

1 Momma Liz, Ms. Young, had your child?

2 A Na-Kyah Commander.

3 Q Had Na-Kyah and had already brought Nevaeh back?

4 A Yes, sir.

5 Q You saw some missed calls?

6 A Two.

7 Q Okay. And then she calls later and says I'm bringing
8 her back?

9 A Yes, sir.

10 Q And you mentioned some names now. Anna, who is Anna?

11 A Anastasia Young is my sister and Dyshunn is the baby
12 daddy.

13 Q And when you say your sister, and I don't mean this
14 in any disrespect --

15 A My godsister.

16 Q Okay. Your godsister. And Dyshunn, is that Dyshunn
17 Hunter?

18 A Yes, sir.

19 Q And he would be the father of Anna's child?

20 A Yes, sir.

21 Q So who was coming with Ms. Young back to your house
22 to bring your baby?

23 A It was Ms. Young, Anastasia, my godsister, and
24 Mr. Dyshunn Hunter -- well, Mr. Hunter.

25 Q And did you see them late evening March 27, 2012?

1 A Yes, sir.

2 Q And did you know they were coming?

3 A Yes, sir.

4 Q And about what time did those folks get there,
5 Ms. Young, Dyshunn, Anna --

6 A Well, 11:35.

7 Q -- and your child?

8 THE COURT: One at a time.

9 The question was, what time did they arrive.

10 THE WITNESS: 11:35-ish.

11 BY MR. MEADORS:

12 Q And how did you know they were there?

13 A I heard them knock on the door. But they walked to
14 my house, and I head a knock at my door.

15 Q So they didn't arrive in a car?

16 A No, sir, they was on feet.

17 Q They knock at the door. What does Ms. Young do?

18 A Well, she knocked, I opened the door, and
19 Ms. Young -- I invite them in, all three. I invite
20 Ms. Young, Anastasia Young and Mr. Hunter in with my
21 daughter also, Na-Kyah Commander. They came in.
22 Ms. Young asked to use the restroom. I let her use the
23 restroom, and I wait for her to come out the restroom.

24 Q Can you describe her condition?

25 A She had tears in her eyes and she looked -- and she

1 was upset. She didn't look upset. I knew she was upset.

2 Q Could you see the tears?

3 A Yes, sir, I could see the water, but I didn't see no
4 tears roll down her face.

5 Q You saw the water in her eyes?

6 A Yes, sir.

7 Q She went to the bathroom?

8 A Yes, sir.

9 Q When she came back out, what did she say to you?

10 MR. MURPHY: Objection as previously noted.

11 THE COURT: All right. Overruled.

12 THE WITNESS: Well, when -- when she came out, I
13 asked her what's wrong, sat down. I said, sit down, you
14 want to talk about it? She sat down and talked to me.
15 She said she was arguing and the argument let to a threat
16 of the apartment being set on fire. Mr. Julio had
17 threatened to set the apartment on fire.

18 BY MR. MEADORS:

19 Q When you say "Julio," who is Julio?

20 A Mr. Dingle, Timothy Dingle.

21 Q And that's why she said she was upset?

22 A Yes, sir.

23 Q She appeared upset to you?

24 A Yes, sir.

25 Q You saw tears? You saw water in her eyes?

1 A Yes, sir.

2 Q And she said that Julio said what?

3 MR. MURPHY: Objection. It's already been
4 testified to.

5 THE COURT: All right. One more time.

6 MR. MURPHY: That still would be --

7 THE COURT: That's right. Go ahead. Overruled.

8 THE WITNESS: He threatened to set the apartment
9 on fire.

10 BY MR. MEADORS:

11 Q Were you cooking anything that night?

12 A My fiancée was cooking some fried chicken at the
13 time, and she smelled it and she asked for a piece, but
14 she never got that piece of chicken. That was after our
15 conversation and sitting down and she telling me what was
16 going on.

17 Q What happened next?

18 A Heard a siren. The next thing she went out the door,
19 then Anastasia Young followed behind and Mr. Hunter
20 followed right behind her.

21 Q And what happened? You had your other child then?

22 A I had -- I had Na-Kyah with me at the time. I waited
23 about five minutes until after they -- until after they
24 left the house, left my baby there with the fiancée and
25 I -- after I called, my sister Anastasia Young answered

1 the phone and she was like the apartment was on fire. So
2 what I did was after that I got on my bike and I rode down
3 to [REDACTED] It was hard for me to calm her
4 down. At the -- well, I heard that the kids was out. I
5 left and went home --

6 MR. MURPHY: Objection.

7 THE COURT: Let's get to another question. I
8 think -- you're not doing anything wrong, it's just a
9 narrative answer, Mr. Meadors. You can go to the next
10 question.

11 BY MR. MEADORS:

12 Q How long were Momma Liz, Ms. Young, Dyshunn and Anna
13 at your house?

14 A No more than about five to ten minutes.

15 Q Five to ten minutes?

16 A Yes, sir.

17 Q And who was carrying your youngest child at the time
18 when they knocked on the door?

19 A Mr. Hunter had her in his arms.

20 Q Now, how long had -- and you said Julio. Is Julio in
21 the courtroom?

22 A That young man sitting back there.

23 Q And next to Mr. Murphy?

24 A Yes, next to the man -- well, he got some good curly
25 hair.

1 Q The gentleman to the left of Mr. Murphy?

2 A Yes, sir.

3 Q And how long had -- and you now know that's
4 Mr. Dingle, right?

5 A Uh-huh.

6 Q You know him as Julio?

7 A Yes, sir.

8 Q How long had Mr. Dingle been friends with Ms. Young?

9 A Probably two months.

10 Q I'm sorry?

11 A Two months.

12 Q So in that two-month period prior to that, you had
13 seen him with Ms. Young?

14 A My first time seeing him was the day before the
15 incident happened, or that Monday, I saw him that Monday.

16 Q But Ms. Young took care of your kids whenever she was
17 off work?

18 A Yes, sir.

19 Q And when you left, I think you left [REDACTED] and
20 you went down to Lantana?

21 [REDACTED] Yes, sir, I went down to [REDACTED]

22 Q Could you see the fire?

23 A Yes, sir, I did.

24 Q You actually saw flames or smoke?

25 A Well, I just saw the smoke. I saw a little bit of

1 fire, but it wasn't that much at the time. I think they
2 was already outing it at the time, starting to try to
3 outing it. But I did see smoke, and there was a good bit
4 of smoke, and I smelled it before I even get to the
5 apartments. But I really wasn't that concerned about the
6 fire, I was concerned about Robert and Aliyah and my mom,
7 Ms. Young.

8 MR. MEADORS: Beg the Court's indulgence.

9 (Pause.)

10 BY MR. MEADORS:

11 Q Was Ms. Young, when she would -- would others come
12 with her to bring things back to you a lot? Would there
13 be a group usually?

14 A It normally be the same two. It normally be
15 Anastasia Young and Mr. Hunter. I know it be them.

16 Q And would you sometimes go get your babies, too?

17 A Oh, yes, sir.

18 MR. MEADORS: Your Honor, thank you. That's all
19 we have.

20 THE COURT: Mr. Murphy.

21 MR. MURPHY: Thank you, Your Honor.

22 CROSS-EXAMINATION

23 BY MR. MURPHY:

24 Q Ms. Williams, you obviously -- you know Ms. Young as
25 your mom, correct?

1 A Yes, sir.

2 Q I mean you have a lot of love for her, right?

3 A Just the fact that she's my godmom, yes, sir.

4 Q And you view Dyshunn and Anastasia as family members,
5 too, right?

6 A Anastasia, yes sir.

7 Q Okay. Well, Anastasia. In fact, you refer to her as
8 a sister?

9 A Yes, sir.

10 Q Now, I would assume you were there for them after
11 this incident and going through this horrible event,
12 you're there listening to them talk; is that correct?

13 After this incident was over, I mean, you talked to
14 Ms. Young after that and tried to console her, didn't you?

15 A No, I didn't talk -- I went to visit my sister Aliyah
16 and I went to visit Robert. I went to see them.

17 Q Okay. So you went and saw them and you talked about
18 this incident, right?

19 A Momma didn't talk about the incident.

20 Q Well, you talked about what happened, though, didn't
21 you?

22 A Well, after the incident I didn't talk about it.

23 Q You didn't talk about this incident --

24 MR. MEADORS: Your Honor, if I can just -- I
25 think she's referring to that night. Maybe clarify it in

1 her mind.

2 THE COURT: He can clarify.

3 BY MR. MURPHY:

4 Q You didn't talk about the fact that her children were
5 in this fire and what happened, you didn't talk about that
6 at all?

7 A Yeah, I did because at the time -- she had my
8 11-month-old, she was 11 months old at the time, and she
9 was at her apartment.

10 Q Okay.

11 A And she did bring my baby back home, but I wish that
12 in the mix of it I wish that they had walked with her.
13 That's the only thing I said, I wished that she had waked
14 them up and bring them with her.

15 Q All right. So since this incident you've talked to
16 Ms. Liz and your sister. And what about other people in
17 the neighborhood?

18 A No.

19 Q No, not at all?

20 A Unh-unh. They asked me about it and I'm like I don't
21 want to talk about it.

22 Q Did you talk to Ms. Liz and Anastasia -- do you
23 recall giving a statement to law enforcement after this
24 incident?

25 A Yes, sir.

1 Q Okay. April 10th, does that sound about right?

2 A Yes, sir.

3 Q About ten days or so after the incident?

4 A Yes, sir.

5 Q You talk to Ms. Liz before you gave that statement?

6 A Yes, sir.

7 MR. MURPHY: I have no further questions.

8 THE COURT: Redirect?

9 MR. MEADORS: No, sir, that's all. Thank you.

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

12 Ladies and gentlemen, you've been here a long
13 time today. Obviously some of you since a little bit
14 before 9:30. We're going to break for the day and get
15 back together tomorrow morning, let's say 9:45. If you
16 would be back in your jury room then.

17 You know what my next comment's going to be.
18 You cannot talk about this case with anybody in the whole
19 wide world. You can't read anything about it, listen to
20 anything about it, do any type of research about any of
21 the issues or people involved in this case.

22 We'll see you back tomorrow morning at 9:45.
23 Thank you.

24

25

1 (The jury left open court at approximately 4:22
2 p.m.)

3 THE COURT: Anything before you break from the
4 State?

5 MR. FINNEY: No, Your Honor.

6 THE COURT: From the defense?

7 MR. MURPHY: No, Your Honor.

8 THE COURT: Okay. Tomorrow, Mr. Finney,
9 Mr. Meadors, Mr. Brown, how many witnesses you think we'll
10 get through? Do you think we'll be finished by tomorrow
11 or we'll go into Wednesday?

12 MR. MEADORS: We're going to start with a SLED
13 agent first thing in the morning and then just roll with
14 some lay witnesses. It depends on how long you give us
15 for lunch. I think -- I know from conversation that we
16 will finish Wednesday, my guess is by lunch.

17 THE COURT: Okay.

18 MR. MEADORS: Because I think there's some DNA
19 and all that we've agreed to, so we won't have to call
20 those witnesses.

21 THE COURT: All right. I'll see you back
22 tomorrow morning between 9:30 and 9:45. If you do have
23 anything significant to go over like perhaps any other
24 proffers, just let me know in the morning sometime.

25 Thank you.

1 (The proceedings were concluded for the day, to
2 be reconvened on August 13, 2013.)

3 *** END OF REQUESTED TRANSCRIPT OF RECORD ***

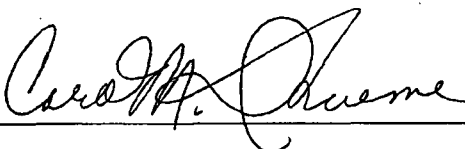
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1 CERTIFICATE OF REPORTER
2
34 STATE OF SOUTH CAROLINA)
5)6 COUNTY OF SUMTER)
7

8 I, CAROL M. THUEME, RPR, Official Court Reporter for
9 the 11th Judicial Circuit of the State of South Carolina,
10 do hereby certify that the foregoing is a true, accurate
11 and complete Transcript of Record of the proceedings had
12 and evidence introduced in the trial of the captioned
13 case, relative to appeal, in the Court of General Sessions
14 for Sumter County, South Carolina, on the 12th day of
15 August, 2013.

16 I do further certify that I am neither of kin,
17 counsel nor interest to any party hereto.
18

19
20 January 4, 2014

21 
22

23 CAROL M. THUEME, RPR
24 Circuit Court Reporter
25

STATE OF SOUTH CAROLINA)
COUNTY OF SUMTER)

COURT OF GENERAL SESSIONS
2012-GS-43-00773

STATE OF SOUTH CAROLINA)

vs.)

TRANSCRIPT OF RECORD
VOLUME 2

TIMOTHY D. DINGLE)
DEFENDANT)

August 13, 2013
Sumter, South Carolina

B E F O R E:

HON. GEORGE C. JAMES, JR., Judge and a jury.

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

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JOHN P. MEADORS, ASSISTANT SOLICITOR
TYLER B. BROWN, ASSISTANT SOLICITOR
Attorneys for the STATE

TIMOTHY W. MURPHY, PUBLIC DEFENDER
Attorney for the DEFENDANT

CAROL M. THUEME, RPR
Official Court Reporter

I N D E X

WITNESSES:

STERLING SEALS:

Direct Examination by Mr. Finney 146

In Camera Direct by Mr. Finney 188

In Camera Cross Examination by Mr. Murphy 190

Continued Direct Examination by Mr. Finney 194

Cross Examination by Mr. Murphy 197

ANASTASIA YOUNG:

Direct Examination by Mr. Meadors 204

Cross Examination by Mr. Murphy 224

Redirect Examination by Mr. Meadors 231

DYSHUNN HUNTER:

Direct Examination by Mr. Meadors 234

Cross Examination by Mr. Murphy 257

Redirect Examination by Mr. Meadors 264

TRYMAINE YOUNG:

Direct Examination by Mr. Meadors 265

Cross Examination by Mr. Murphy 275

Redirect Examination by Mr. Meadors 279

DR. JANICE ROSS:

Direct Examination by Mr. Meadors 282

EXHIBITS

State's Exhibits

			ID	EVD
4	Exh.-24	Aerial map	145	222
5	Exh.-25	CD	145	156
6	Exh.-26	Chair	165	165
7	Exh.-27	Knife	175	177
8	Exh.-28	Cigarette butts	175	177
9	Exh.-29	Arson can & contents	175	177
10	Exh.-30	Sketch	177	178

1 (WHEREUPON, STATE'S Exhibits Nos. 24-25 were
2 marked for identification only.)

3 THE COURT: Are you ready for the jury, Mr.
4 Finney?

5 MR. FINNEY: Yes, sir.

6 THE COURT: Mr. Murphy?

7 MR. MURPHY: Yes, sir.

8 THE COURT: All right. Bring the jury in.

9 (The jury came into open court at approximately
10 9:54 a.m.)

11 THE CLERK: Your Honor, all the jurors and
12 alternates are present in the courtroom.

13 THE COURT: Thank you, sir.

14 All right. Ladies and gentlemen, we're ready to
15 move forward. The State can call its next witness.

16 MR. FINNEY: If it please the Court, Your Honor,
17 we'd call Special Agent Sterling Seals.

18 THE CLERK: Place your left hand on the Bible
19 and raise your right hand.

20 STERLING SEALS, after being duly sworn,
21 testified as follows:

22 THE CLERK: Have a seat up here, please.

23 Please state your full name and spell your last
24 name for the record.

25 THE WITNESS: Sterling Seals. The last name is

1 S-E-A-L-S.

2 DIRECT EXAMINATION

3 BY MR. FINNEY:

4 Q Good morning, Special Agent.

5 A Good morning, sir.

6 Q Tell us a little bit about your background. Where
7 are you currently employed?

8 A I'm currently employed with the South Carolina Law
9 Enforcement Division and I'm a member of the arson bomb
10 unit with SLED.

11 Q And the South Carolina Law Enforcement Division is
12 commonly called SLED?

13 A That's correct.

14 Q Are you based out of Columbia?

15 A Yes, sir.

16 Q How long have you been a special agent with SLED?

17 A I've been employed there since August of 2006, just
18 over seven years.

19 Q All right. And before that were you in law
20 enforcement?

21 A I've been in law enforcement for over 21 years. I
22 started out as a police cadet when I was 16 years old and
23 I've been in law enforcement ever since.

24 Q All right. Tell us a little bit about what duty
25 you're assigned to now with SLED.

1 A I'm primarily assigned to the arson bomb unit, and in
2 that unit, my primary mission is to conduct origin and
3 cause investigations for fire scenes to determine if
4 they're incendiary or what the actual cause of the fire
5 is.

6 Q All right. Origin and cause investigation?

7 A That's correct.

8 Q All right. So the origin, would you tell the ladies
9 and gentlemen of the jury a little bit about the
10 background of origin, what you're looking for when you
11 talk about origin and also cause.

12 A Any time I do a fire scene, the first thing I have to
13 determine is where did the fire begin, where did it start,
14 and then after that point, then I look at the different
15 factors to determine the cause. The area of origin always
16 has to be determined first before you determine a cause.

17 Q Now, Agent, have you been qualified specially in this
18 field as far as your training, experience, and duty
19 assignment?

20 A Yes, I have.

21 Q All right. And tell the ladies and gentlemen a
22 little bit about your training background.

23 A Since I've been employed with SLED, I have attended
24 the South Carolina Fire Academy and attended the two-week
25 arson investigator's school. I've also attended other

1 regular training that the academy offers such as juvenile
2 fire setter, intervention programs. I'm a member of the
3 South Carolina chapter of the International Association of
4 Arson Investigators. That chapter in South Carolina
5 provides quarterly training at the fire academy. I attend
6 that quarterly training regularly, receive certificates
7 for that training.

8 I also routinely participate in what is called
9 certified fire investigator training, models that are
10 provided to arson investigators or fire investigators. I
11 participate in those testing programs and completed over
12 87 hours in CFI training programs.

13 I'm also a member of the National Association of
14 Fire Investigators and have received a certification as a
15 fire and explosion investigator.

16 Q Special Agent Seals, do you have to take training on
17 a quarterly or annual basis to keep your certifications in
18 effect?

19 A I do have to remain in good standing with NAFI as
20 it's referred to, National Association of Fire
21 Investigators, and I have to routinely keep up with the
22 quarterly training as well as publications that NAFI
23 produces. That way if there are any changes within the
24 field, any changes with the laws, that I stay up-to-date
25 with that information.

1 Q Would you tell the ladies and gentlemen of the jury
2 how many agents at SLED in South Carolina are assigned to
3 investigate fire cause and origin?

4 A We have ten members of the arson bomb unit. Eight of
5 those agents are what we called field agents that do what
6 I do, which is determine origin and cause. We have two
7 additional agents, but their primary purpose is to work
8 accelerant protection canines. And we also have one
9 lieutenant that oversees the entire unit.

10 Q All right. Have you previously been testifying in
11 cases across South Carolina?

12 A I have.

13 Q How many fire investigations would you say you've
14 participated in?

15 A Since 2006, I have participated in over 120 fire
16 investigations, 81 of those I have been the lead
17 investigator, and in over 40 of them I have been the
18 assisting special agent doing origin and cause
19 investigation.

20 Q Have you previously been qualified as an expert in
21 General Sessions courts in South Carolina?

22 A Yes, I have.

23 MR. FINNEY: Your Honor, at this time I would
24 offer Special Agent Sterling Seals as an expert in the
25 field of fire origin and cause.

1 THE COURT: All right. Mr. Murphy, any
2 questions?

3 MR. MURPHY: No, Your Honor. And no objection.

4 THE COURT: All right. Ladies and gentlemen,
5 let me have your attention for just a minute.

6 The Rules of Evidence that I mentioned yesterday
7 typically do not permit a witness who testifies to give an
8 opinion. For witnesses that we call lay witnesses, those
9 witnesses can only testify to things within their direct
10 observation, like seeing something or hearing something,
11 things of that nature.

12 There is an exception in the rules for expert
13 witnesses, and I will instruct you more definitively at
14 the end of the case on this point, but if a witness is
15 qualified by education, training or experience in a
16 particular field, that witness can give opinions in that
17 field and can also give the reasons for those opinions.
18 Now, that does not mean that you are bound by an expert's
19 testimony just because it comes from someone who is
20 qualified as an expert. In other words, you weigh the
21 evidence in your mind and give it the weight that you
22 believe it deserves.

23 But the witness is qualified as an expert in the
24 field of origin or for fire origin and cause
25 investigation.

1 Mr. Finney.

2 MR. FINNEY: Thank you, Your Honor.

3 BY MR. FINNEY:

4 Q Special Agent, would you tell the ladies and
5 gentlemen of the jury a little bit about the incident that
6 brought you to Sumter on March 28th, 2012.

7 A On March 27, 2012, there was a fire at [REDACTED]
8 [REDACTED] in [REDACTED]. The Sumter Fire Department
9 contacted the South Carolina Law Enforcement Division
10 which in turn contacted my lieutenant at the time and then
11 they contacted me and informed me of the information
12 available. I responded on the morning of March 28, 2012,
13 and arrived just after 6:20 a.m. to determine the origin
14 and cause of the fire in [REDACTED].

15 Q Tell the ladies and gentlemen what your procedure is
16 when you arrived at the [REDACTED] that morning.

17 A When I arrived that morning, I conducted the scene
18 processing the same way that I always do, which is working
19 from the outside in a clockwise direction, looking at the
20 least amount of damage to the most notable damage.

21 Upon completion of that, then I would move to
22 the interior structure of the dwelling and then look at
23 the least amount of damage compared to the most notable
24 damage inside the structure, trying also to move in a
25 clockwise direction but being sometimes limited by the

1 layout of the residence.

2 Q All right. As you were doing your clockwise
3 investigation of the exterior, what did you note that was
4 tied into the -- relevant to the investigation you
5 conducted?

6 A When I first arrived on scene, I did note that the
7 scene was secured by the Sumter Fire Department personnel,
8 and it also had crime scene tape and there was no
9 unauthorized personnel inside of that crime scene tape. I
10 first observed what has been referred to already in the
11 court as the A side or the front side looking at the
12 structure and then moving to the left, which would be the
13 B side, and then to the rear, the C. The D side, which
14 would be your far right, was at the opposite end of the
15 apartment building. It was a long rectangular two-story
16 apartment building.

17 What I noted about the front of the structure
18 was there was no fire damage visible from the outside.
19 Moving to the left side of the structure, there was no
20 windows, there was no doors, there was no damage
21 observable on the left side.

22 Moving to the rear of the structure, there was
23 two windows that were associated with the structure on the
24 second floor, one of them was in an open position. The
25 second one further to the left had a notable V pattern, as

1 it's referred into in fire investigation, with heavy
2 charring around that window.

3 Q I want to show you what's been marked as State's
4 Exhibit No. 8, a color photograph. Can you tell the
5 ladies and gentlemen, is that the same building that
6 you're referring to in your testimony?

7 A Yes, it is.

8 Q All right. Could you just show the ladies and
9 gentlemen the photograph and try to describe what you saw
10 or what you saw that morning?

11 A This photograph was taken from standing behind the
12 building looking back at the rear of it on the second
13 floor. This was the far left window. This is the right
14 bedroom which was identified as the juveniles' room.

15 This pattern right here, the V pattern, showed
16 that there was fire that came out of that room and
17 extended up toward the roof line and damaged the actual
18 roof line itself.

19 Q Once you did the exterior investigation, did you look
20 for causes and origins on the ground floor on the exterior
21 of the building?

22 A I did as well. I looked at the meter base which was
23 at the rear of the structure. I examined that and looked
24 at it. I determined there was no -- there was no
25 electrical activity, there was no fire cause that I could

1 determine from that meter base, but I did observe it, did
2 examine it, and continued on with my scene processing.

3 Q All right. After the exterior was examined, did you
4 then go inside the apartment?

5 A Yes, I did.

6 Q What did you note when you walked in the front door?

7 A The front door was in an open position when I went
8 through the threshold, but I learned from talking to the
9 authorities that one of the first arriving officers had
10 kicked the door in without checking to see if it was
11 locked.

12 Upon entering the threshold, I observed what I
13 refer to as the living room. I could see the eat-in
14 kitchen area. There was just a moderate to just small
15 amount of smoke and soot on the walls, but there appeared
16 to be no visible fire damage in the living room or eat-in
17 kitchen.

18 Q And do you check things when you go into the interior
19 of the apartment to see if there's any cause or origin on
20 the ground floor?

21 A I do. And when I went in to the first floor, I
22 looked at all the areas of the first floor, if anything is
23 plugged in, if anything could create electrical activity
24 such as appliances or television sets, wall outlets, light
25 fixtures, ceiling fans, anything of that nature. All of

1 these were examined. I did exam it in this particular
2 case. I did not see anything in the living room that was
3 an area of origin or possibly a fire cause.

4 Going into the eat-in kitchen area, I also did
5 not see anything where there was an area of origin for
6 fire. And I was also looking at the kitchen because once
7 I went through the eat-in kitchen area I turned back to my
8 right and I could see the kitchen, the usual kitchen
9 appliances, oven, microwave, there was a water heater.
10 All of those items were examined by myself and none of
11 them were determined by me to be an area of origin or fire
12 cause. And that was complete at that point on the first
13 floor.

14 Q During the process of your investigation, did you
15 take pictures of the apartment?

16 A I did. I took pictures when I began the outside
17 scene processing, doing my walk-around. Once I entered
18 the structure on the first floor and once I eventually
19 made my way to the second floor, there was photographs
20 taken throughout that process.

21 Q All right. Did you bring to court today a CD disc
22 with those photographs on it?

23 A Yes, I did.

24 Q Does that appear to be the disc?

25 A Yes.

1 MR. FINNEY: If Your Honor please, this would be
2 State's Exhibit 25, color photographs, to be put into
3 evidence.

4 MR. MURPHY: No objection.

5 THE COURT: All right. 25 is in.

6 How about 24? What is 24?

7 MR. FINNEY: The map.

8 THE COURT: Haven't mentioned that one yet?

9 MR. FINNEY: Yes.

10 THE COURT: So 1 through 23 and 25 are in
11 without objection. Okay?

12 MR. FINNEY: Yes, sir.

13 (WHEREUPON, State's Exhibit No. 25 was admitted
14 into evidence.)

15 BY MR. FINNEY:

16 Q Special Agent, if the judge doesn't mind, we would
17 like you to come to the computer so that you can view the
18 pictures as the jury is looking at them.

19 THE COURT: Okay. He can just testify from that
20 microphone.

21 MR. FINNEY: Yes, sir.

22 THE COURT: Everybody's monitor okay in the jury
23 box? All right.

24 BY MR. FINNEY:

25 Q Special Agent, can you tell us what the first picture

1 is there?

2 A This picture right here is actually facing the front
3 of the apartment extending from [REDACTED] The
4 residence that we're referring to is [REDACTED], and it's the far
5 left unit, it's the last unit that you can see in this
6 picture.

7 Q The far left?

8 A Yes, sir.

9 Q It has a white door?

10 A Yes, sir. The door that's partially open, yes, sir.

11 Q And can you show us the next picture, please?

12 A (Witness complying.)

13 Q All right. What do you note here? We heard
14 testimony about a B/C corner. Is that the B/C corner of
15 the building?

16 A The side of the building that has no windows, no
17 doors, that's referred to as the B side, and the C side is
18 the part that you can see here with the V pattern
19 observable on the second floor window.

20 Q All right. Next picture, please. What do we see in
21 that picture?

22 A The metal meter base labeled [REDACTED], that is the meter
23 base that went to [REDACTED], and that was the meter
24 base examined by myself and ruled out as a potential cause
25 of the fire at this structure.

1 Q All right. Next picture. What do we see in this
2 picture?

3 A If you look at the far left of the photograph, you
4 can actually see that is the entranceway into the
5 structure. That would be on the A side or facing Carolina
6 Avenue. I had walked through the living room back to the
7 eat-in kitchen area, now I've turned around and taken a
8 photograph back toward the front of the apartment on the
9 first floor.

10 Q All right, sir. And did you notice any smoke damage
11 or fire damage, burning so to speak, on that level?

12 A No, I did not.

13 Q All right, sir. Next picture, please.

14 A This photograph right here, when I took the previous
15 photograph, this is just me turning left about a 45-degree
16 angle and now looking at the kitchen. You can see as
17 mentioned before the normal items you would find in a
18 kitchen. You have the stove, the oven, the water heater,
19 there was a washer and dryer, and none of these -- all of
20 these items were determined not to be the cause or
21 ignition source for this fire.

22 Q All right, sir. Next picture.

23 A This photograph right here, same location as the two
24 previous photographs, again just moving at a 45-degree
25 angle to my left.

1 This is the main breaker panel for the
2 structure. It was also examined. There was no unusual
3 electrical activity observed around that panel, no fire
4 damage observed on the walls or the framing materials
5 around that electrical panel, and it was ruled out as a
6 possible ignition source.

7 Q Very good.

8 A This photograph right here, if you remember a few
9 photographs prior, you could see the actual front doorway.
10 If you were standing in this doorway, immediately to your
11 right were the steps that went to the second floor, and
12 this is looking up toward the top of the stairs of the
13 second floor. And what I could observe, there was fire
14 damage on the rear-facing wall and you could see where the
15 fire had banked down, and there is a clear line of
16 demarcation that went down to about two feet above the
17 floor.

18 Q All right, sir.

19 A This photograph, I've already come to the top of the
20 stairs, gone down the hallway. It was a short hallway.
21 There is two rooms located on the right. So when you come
22 to the top of the steps, you immediately turn left and
23 there's two rooms on the right. You have a bedroom on the
24 right here, and you can clearly see more fire damage at
25 the upper portions of the wall, significant fire damage

1 into that first room on the right, and again the clear
2 line of demarcation observable down to two feet above the
3 floor.

4 Q All right, sir. And what is the information you
5 learned from seeing that demarcation? You say there's a
6 gap of about two feet from the floor up the wall. Tell us
7 about that.

8 A When I see patterns such as this, what that tells me
9 is this fire has been burning, it has reached beyond what
10 we call flashover, which is pretty much everything has
11 reached its ignition temperature and everything is on fire
12 and now it's damaging the drywall, it's damaging the
13 actual building materials, the wood framing materials, and
14 so much smoke and soot, which is the incomplete process of
15 combustion, has began to billow and collect, and as more
16 items are burning and more and more combustion is
17 occurring, that soot will collect and build down further
18 down the wall, and so seeing this shows me there was a lot
19 of fire here, a lot of damage and a lot of smoke and soot
20 beginning to go almost down to the floor.

21 Q All right, sir. Next picture.

22 A This photograph is taken in the same location as the
23 previous photograph only turning about 45 degrees to my
24 left, and this is now looking at the bedroom where the two
25 juvenile victims were located.

1 Q All right, sir.

2 A This photograph was taken just inside the threshold
3 of that door looking at the bunk beds that were located on
4 the right wall. There was smoke and soot damage on the
5 walls and there was a little bit of blistering. Just as
6 you came inside that door and turned around, there is a
7 little bit of blistering at the approaching door, but it
8 was my determination there was no origin for fire in that
9 room and no cause could be identified in that room as to
10 where the fire originated.

11 This photograph was taken from where the
12 previous photograph was taken, I turned around 180 degrees
13 facing straight back. This is looking down the hallway
14 into what is identified as the master bedroom. And what I
15 can see here is that you've got some smoke and soot on the
16 upper levels of the walls in the hallway, but there is no
17 fire down low, there is no fire that has reached into the
18 master bedroom, but there is fire damage observable on the
19 mattress and the box springs located just inside the room
20 on the right.

21 This photograph, I have now entered the master
22 bedroom and now I'm facing the foot of the bed that was
23 located in that room. There was no actual bed frame, just
24 the box springs were directly on the floor and the
25 mattress on top of that with various bedding materials.

1 Q What is the next photograph?

2 A What I observed about this is an irregular burn
3 pattern on the actual mattress itself as well as the box
4 springs that stretched down to where the carpet met the
5 box springs on the floor, and there was no extension
6 between the fire that was observed and the hallway and
7 this front right room. When I came up the stairs, there
8 is no connection, there is no fire that has come down the
9 hallway and come into the room and contacted, made contact
10 with this mattress and box springs.

11 Q So how many feet would you estimate between the
12 mattress and box springs we see in the picture here and
13 the bedrooms where you saw other fire damage?

14 A I would say about ten feet, sir.

15 Q All right. And your estimation is in that ten feet
16 there is no trail of fire that would cause this to be
17 connected to the fire in the other bedrooms?

18 A That's correct, there was no cause that I could see
19 or any connection, any fire connection between the room
20 that was heavily damaged with fire, the front right room,
21 and the master bedroom.

22 Q This picture in the master bedroom shows smoke and
23 soot on the walls?

24 A It does.

25 Q Does that smoke and soot come from the fire that was

1 set on the mattress?

2 A This smoke and soot in this room would have been
3 smoke and soot that also came from the front right room
4 because that rises and it goes throughout and then it
5 begins to build down as it hits the walls and has nowhere
6 to go, but this fire would have also contributed to the
7 smoke and soot in this room. You could see on the back
8 wall it kind of looks like paint dripping down. What that
9 is is where the fire department hit it real quick with the
10 water, and that is basically the water washing off the
11 soot on the walls. That's what creates that pattern
12 you're seeing there.

13 Q All right. Next picture.

14 A This photograph was taken also of the master bedroom,
15 but now I'm standing where you're looking at that pattern,
16 that burn pattern on the mattress and box springs. I'm
17 standing at this location and now turning back and looking
18 at the wall that was behind me.

19 If you look left of the photograph, you can
20 actually see the bedroom when I came up the stairs, the
21 front right bedroom with the most damage, you can see it
22 through there and you can get an idea that there is about
23 ten feet from that location where I'm standing, which is
24 at the mattress and springs, to the other room in there.

25 You can also notice there is a plastic trash can

1 up against that wall just inside the hallway there, and
2 any fire that would have traveled that hallway would have
3 very quickly melted and caused deformity with that trash
4 can being plastic.

5 Q All right. You have a picture here with items in the
6 bedroom, in the master bedroom. What was the significance
7 of the metal chair with the fabric on it?

8 A There is a lot of items in that bedroom, but I
9 thoroughly went through and looked at every outlet,
10 anything that had possible electrical activity. This
11 folding-type chair in the rear of the photograph here with
12 the red clothing item there, I discovered there was a burn
13 pattern on the seat of the chair but no damage below the
14 chair, so there was no fire that come across the floor and
15 come up, the fire was on top of the chair. I looked on
16 the top and the bottom with the different materials, and
17 it appeared that in my determination that there was a fire
18 origin in that location on the top level, top seat of that
19 chair.

20 Q All right, sir. Did you take that chair into
21 evidence to take back to the laboratory?

22 A It was taken into evidence, yes, sir.

23 Q All right. Could you look at this item and tell us
24 if this is the same item that you have got depicted in the
25 photograph?

1 A Yes, it is.

2 (WHEREUPON, State's Exhibit No. 26 was marked
3 for identification only.)

4 THE COURT: Could you read the number off?

5 THE WITNESS: Twenty-six.

6 MR. FINNEY: We move this into evidence.

7 MR. MURPHY: No objection.

8 THE COURT: Twenty-six is in.

9 (WHEREUPON, State's Exhibit No. 26 was admitted
10 into evidence.)

11 BY MR. FINNEY:

12 Q Does that metal chair we now moved into evidence as
13 26, was that taken out of the corner of the master
14 bedroom?

15 A That's correct.

16 Q And from your observation, it had a fire origin in
17 that top of the chair and some items that were in the
18 chair?

19 A Yes, sir. The chair itself because of the materials
20 and the clothing items, those were referred to as
21 combustible items. If fire is applied to them, they will
22 burn, and it was determined by myself that that chair and
23 those items were an area of fire origin.

24 Q All right. Do you have another photograph? Tell us
25 what you see in this picture.

1 A There was various bedding materials on top of the
2 mattress, and I observed this pillow if you were standing
3 at the foot of the bed, the top left corner or back where
4 the headboard would be, there was a pillow, and under the
5 pillow there was an ashtray and some cigarette butts.

6 Q All right, sir. This is the master bedroom?

7 A This is the master bedroom.

8 Q This is the bed and box springs on the floor?

9 A Yes, sir.

10 Q All right, sir.

11 A In this photograph I have removed the pillow that was
12 on top of the ashtray. This is just a better photograph
13 showing the ashtray and the cigarette butts that were in
14 and around the ashtray.

15 Q So some of the cigarette butts were in an ashtray and
16 some were laying around as if they had fallen out?

17 A Yes, sir.

18 Q All right. Did you collect the cigarette butts?

19 A Yes, sir, collected all the cigarette butts.

20 Q Can you find any evidence that led you to believe
21 that the cigarette butts may have been the cause of any
22 fire in the apartment that evening?

23 A No, I did not.

24 Q All right.

25 A This is just a better photograph showing there was no

1 fire damage to the pillow that was laying on top of that
2 ashtray.

3 Q Tell the ladies and gentlemen of the jury how far the
4 fire on the mattress would have been from the pillow?

5 A It was just over about two feet.

6 Q Two feet that way?

7 A Yes.

8 Q Would you just give us a description of how big the
9 burn damage was on the mattress? I mean was it extensive
10 damage to the mattress or just a small spot?

11 A The mattress was, in my estimation, a full size
12 mattress and the fire damage was on the vertical side, not
13 the top and not the side, not the right side, the front
14 side, and there is a burn pattern approximately about this
15 distance, probably a little over two feet on the mattress,
16 and then a little to the left and down on the box spring,
17 that area, about two feet. Both those fire patterns were
18 observed on the vertical side. And both of those fire
19 patterns, they were one on top of the other. You've got
20 your box springs, you've got your mattress, but that
21 ashtray from where it was located was two feet on top of
22 the mattress away from the actual box springs and
23 mattress.

24 Q I want to show you this color photograph, State's
25 Exhibit No. 22, and ask if you could show that to that --

1 with the permission of the Court, to show that to the
2 jury. Does that adequately describe what you're
3 testifying about?

4 A Yes, sir, it does. This photograph here is a good
5 representation of the fire damage here. You can see this
6 is the damage that I said was about two feet on the box
7 springs and directly above that a little to the right you
8 have the irregular burn pattern on the mattress and the
9 ashtray was located -- you can see it here, a couple of
10 the cigarette butts, and that is a pillow that I picked up
11 and took the picture. As you see, there was no actual
12 damage. That was about two feet from here. There is no
13 extension. You can see the pattern here stretching from
14 left to right, left to right. There is no extension of
15 that burn pattern connected to the ashtray.

16 Q Special Agent, could you tell the ladies and
17 gentlemen of the jury a little bit about fabric and why
18 some fabric might burn quickly and some fabric might not
19 burn at all.

20 A Well, what -- obviously, with people smoking in bed,
21 there's tragedies every year from that. Manufacturers
22 that make mattresses and box springs obviously design
23 their products so they don't readily burn because, if
24 anything, in the last years it's been redesigned because
25 of that, and what the mattress -- with this it's not --

1 even if you apply a direct flame to that it's not going to
2 burn readily unless you have other factors that contribute
3 to the acceleration.

4 Q All right. Do you have another photograph?

5 A This photograph here is a different angle. If you
6 look at the top of the photograph you can actually see the
7 ashtray. And, again, it's a good photograph that shows
8 there is no extension between the fire damage on the
9 mattress and the box springs and the ashtray itself. So
10 that ashtray, the long and short of it, was ruled out as a
11 possible cause of why that fire damage is there.

12 Q All right, sir.

13 A When I was looking at the fire damage, and I looked
14 at it very, very closely, I noticed that it was -- another
15 agent assisting me noticed a bulge in the carpet, and when
16 we pulled the carpet back, we observed this kitchen knife
17 under the carpet. We folded the carpet back, took a
18 photograph exactly where the knife laid. And you can
19 actually see under the blade and the handle, you can see
20 what we call a protected area, and that shows that that
21 knife has been there before the fire because you can see
22 that just underneath that protected area because the fire
23 and soot could not collect under there, so that shows you
24 that knife has been there before the fire.

25 Q Was that knife taken into evidence?

1 A It was.

2 Q All right, sir.

3 A In this photograph, I have already exited the master
4 bedroom. As I mentioned in the very beginning, when I
5 look at fire damage, whether on the outside or the inside,
6 it's the least to the most. Now I have completed the
7 second floor examination and now go on to the area of the
8 most notable fire damage, which was this room on the front
9 right, right when you came in the hallway. This is the
10 bunk bed that when you came in the room was on the --
11 against the right wall and also butted up against the wall
12 where there was a window located.

13 Q All right, sir. The window would be in the far --

14 A This window here actually I showed you, one of the
15 original photographs, you can see that clear V pattern on
16 the outside of the house. This is where that damage came
17 from was this room. So the most damage that you saw on
18 the outside was that room, that window that went to that
19 room, and now you can see this photograph shows the most
20 significant damage on the second floor was also this room.

21 Q In this photograph there's a lot of what appears to
22 be ash or trash on the floor. Tell the ladies and
23 gentlemen why that is and where it came from.

24 A This room went beyond flashover, everything ignited,
25 so you had full room involvement. At that point

1 everything is beginning to be heavily damaged by the fire.
2 This discoloration on the drywall, drywall is designed to
3 keep the fire from reaching the building materials. It's
4 to keep it -- because once it gets in there, that's really
5 when you can lose the structure, but it can only last so
6 long. And this discoloration shows how much damage. You
7 can see the wood framing material at the base of the
8 window, it's heavily damaged. Some of these items have a
9 pinkish appearance throughout. What that is is fall-down,
10 the fire has gone up the walls, reached the ceiling, the
11 ceiling has been destroyed and now the insulation has now
12 fallen in. That is now mixed in with the contents of the
13 room prior to the fire.

14 Q Did you have occasion to remove the ashes and debris
15 that were on the floor in this bedroom?

16 A Yes.

17 Q And why did you do that?

18 A Once -- anytime a fire investigator, including
19 myself, you determine what you think is an area of origin,
20 you always want to get the lowest level because not only
21 do you have fire patterns that you can observe on the
22 walls and the ceiling, but there also can be fire patterns
23 that are very important in an investigation on the floor,
24 and this debris is removed layer by layer very
25 systematically, and I did do that in this case as well so

1 that we could observe the floor.

2 Q After you've removed it and you have gotten down to
3 the floor, I want to show you State's Exhibit No. 18 and
4 ask you, does that look like the room after you made some
5 removal?

6 A Yes, it does.

7 Q All right. And tell us what you're looking for once
8 you made the removal and get down to the floor.

9 A This photograph was taken a couple more steps
10 actually into the room. What I noted was the floor, what
11 the condition was, what the baseboards were, and what the
12 level of char and the degree of fire damage on the wood
13 frame bed itself. And what I noted here that was
14 important in my investigation was, as you can see, there
15 is char, which is just the burning of wood, but the longer
16 it burns the more heavily it is, to the point that it's
17 just consumed. But right here along this portion of the
18 bed, the char is so severe that you almost see that the
19 width of the board has actually shrunk because it's not
20 far away from just being consumed. That means that it's
21 exposed to the fire for the longest amount of time. And
22 so in my determination, this room -- was that the area of
23 the fire origin was in around the location of the bed and,
24 in particular, this area right here, and this level of
25 char and the degree of destruction of this wood is one of

1 the indicators that shows me that.

2 Q Special Agent, once you've determined that you have
3 an origin or point of origin, are you looking then to find
4 out what may have caused the fire?

5 A That's correct.

6 Q All right. Did you check to see whether any
7 accelerant or chemical agent was used to start the fire?

8 A I did do that. Prior to that, you know, this room
9 had electrical outlets, those were examined, overhead
10 light fixtures, those were ruled out by myself as possible
11 causes, anything that was electrically charged and
12 electrical wiring.

13 Once the floor was cleared, then we brought
14 in -- we had an ACS certified accelerant detection canine.
15 These canines, the only thing they do is to look for
16 possible accelerants. They're highly trained animals,
17 they're rewarded by food, that's the only time they get
18 fed is when they're actually alert to a possible accelerant.
19 And in this particular case we did run the dog through
20 this room once that debris was cleared.

21 Q And was there any indication that an accelerant was
22 used?

23 A The dog, the canine did not alert.

24 Q All right. Are there any more photographs that we
25 can talk about?

1 Which room would this be?

2 A These photographs are still in that -- the same room
3 we're talking about. If you look, it's a little hard to
4 tell to the layman, it probably looks the same, but on the
5 left side of this photograph you can actually see a wall
6 outlet. It's a -- if you look, there's a little dark area
7 and you can see the wiring that's plugged into that
8 outlet. This is the rail for the bed. This is a
9 two-socket electrical outlet on the left wall, and then
10 you can see the wiring coming down. And in this location
11 here -- it's hard to see -- but there was an electrical
12 iron in that location.

13 Q A clothes iron?

14 A Yes, sir.

15 Q And it was plugged into the wall?

16 A Yes, sir.

17 Q Did you check it to see if that could have caused the
18 fire?

19 A Yes, sir.

20 Q All right.. What was your opinion as to that?

21 A This photograph is a better picture of the same iron.
22 You can actually see where the plug comes into the
23 internal components of the iron. The iron exteriorly
24 depicted damage because it was in a fire like everything
25 else, but the internal components are in good condition.

1 I determined by looking at the outlet and by
2 looking at the actual cord and looking at the internal
3 components of the iron that it was not a cause of the fire
4 in the room.

5 Q Could you tell whether the iron was on the floor at
6 the time of the fire or whether it fell off something and
7 became lodged on the floor?

8 A I could not tell if it fell off anything. I only
9 observed what I had at the time, and it appeared that it
10 was on the floor amongst other items.

11 Q All right. And was that iron taken into evidence?

12 A Yes, sir.

13 Q Special Agent, do you have any other photographs that
14 we need to talk about before you move onto the sketch?

15 THE COURT: You want to mark that box first?

16 MR. FINNEY: Okay.

17 (WHEREUPON, State's Exhibits Nos. 27, 28, 29
18 were marked for identification only.)

19 THE COURT: Twenty-seven is a rectangular box.

20 MR. FINNEY: Twenty-eight is a plastic bag with
21 metal canisters.

22 BY MR. FINNEY:

23 Q Special Agent, let me ask you to identify, if you
24 can, the contents of State's Exhibit No. 27.

25 A Yes, sir. This is the knife that I recovered from

1 the fire scene.

2 Q This was the knife shown in the photograph to the
3 jury a few minutes ago?

4 A Yes, sir.

5 Q And this is in which bedroom?

6 A The master bedroom on the floor.

7 Q On the floor. All right.

8 State's Exhibit No. 28, metal canisters in a
9 plastic bag from SLED?

10 A Yes, sir.

11 Q Tell us what they are and what do they contain.

12 A Each of these canisters contain one of the cigarette
13 butts. Each of the cigarette butts were photographed,
14 they were marked with an evidence marker and they were
15 individually collected in each of these metal cans.

16 Q What was the reason for determining or taking these
17 into evidence?

18 A To be submitted for DNA testing.

19 Q All right. And were they subsequently tested for DNA
20 on DNA analysis?

21 A Yes, sir.

22 Q And that was also done at SLED?

23 A Yes, sir.

24 Q There are nine?

25 A Yes, sir.

1 Q Nine canisters, each contains a cigarette butt?

2 A Yes, sir.

3 Q State's Exhibit No. 29, can you identify the contents
4 of this box?

5 A This is the can that the iron was placed into.

6 Q The clothes iron that was seen on the floor?

7 A Yes, sir.

8 Q Is there any reason why you put it in a can?

9 A To protect the item.

10 Q All right, sir. Does that appear to be the iron that
11 you collected?

12 A Yes, sir.

13 Q All right.

14 THE COURT: Any objection to 29, Mr. Murphy?

15 MR. MURPHY: No, Your Honor.

16 THE COURT: Twenty-eight?

17 MR. MURPHY: No objection to any of those.

18 (WHEREUPON, State's Exhibits Nos. 27, 28, 29
19 were admitted into evidence.)

20 (WHEREUPON, State's Exhibit No. 30 was marked
21 for identification only.)

22 BY MR. FINNEY:

23 Q Special Agent, did you also draw a sketch of the
24 apartment?

25 A Yes, I did.

1 Q And did you prepare that and bring it to court today
2 for your analysis of where things were up there that day?

3 A Yes, sir.

4 Q I want to show you what's been marked State's
5 Exhibit 30. Can you identify that for the judge?

6 A This is scene sketch that I completed on March 28
7 while I was at [REDACTED], and the sketch
8 represents [REDACTED].

9 Q And did you do that on scene that morning?

10 A Yes, sir.

11 Q And did you do it by hand yourself?

12 A Yes, sir.

13 MR. FINNEY: Your Honor, we'd move State's
14 Exhibit 30, handmade sketch, into evidence.

15 MR. MURPHY: No objection.

16 THE COURT: All right. That's in.

17 (WHEREUPON, State's Exhibit No. 30 was admitted
18 into evidence.)

19 BY MR. FINNEY:

20 Q Could you tell the ladies and gentlemen -- maybe you
21 can do it right there -- what is seen on the left side of
22 the screen on State's Exhibit 30?

23 A This sketch right here --

24 Q Yes, sir.

25 A -- where the pointer is is standing on Carolina

1 Avenue and facing the front of the structure. So this
2 would be the A side, B side, C side, and the D.

3 This particular diagram or sketch right here is
4 the first floor and this one right here would be the
5 second floor.

6 Q All right, sir. And based on your investigation, did
7 you find any origin or cause of fire in [REDACTED] on
8 the first floor?

9 A No, I did not.

10 Q All right. On the second floor as you went up the
11 stairwell, would you show us the stairwell that takes you
12 upstairs?

13 A Right here.

14 Q And when you arrive at the top of the stairwell,
15 where is the room that had the most fire damage?

16 A It would be this -- when you come to the top of the
17 stairs, it would be the first room on your right.

18 Q And where is the window that showed all of the V
19 smoke on the back of that room?

20 A It would be at the tip of the red pointer.

21 Q All right, sir. And there was a bed in that room at
22 the top of the stairs, straight right there, there was a
23 bed there that sustained major damage?

24 A Yes, sir.

25 Q All right, sir. Was there any other point of origin?

1 I notice you noted on the sketch that there was a point of
2 origin on or near that bed.

3 A Yes. This horseshoe-shaped here with the horizontal
4 lines here, that is indicating an area of origin on that
5 bed.

6 Q And do you have an opinion as to whether an
7 incendiary open flame fire started that fire to cause that
8 damage in that room?

9 A It is my opinion that that room was an area of
10 origin; in particular, the bed. I believe that the
11 available materials, the combustible materials, materials
12 that can be set ablaze with open flame were
13 intentionally --

14 MR. MURPHY: Objection, based on the ultimate
15 issue. He's testifying as to the ultimate issue regarding
16 intent.

17 THE COURT: All right. Come up, please.

18 (A bench conference was held with the judge and
19 attorneys in the presence of the jury but out of the
20 hearing of the jury.)

21 THE COURT: All right. You can lay a
22 foundation, Mr. Finney. At this point the objection is
23 sustained, but you can lay a foundation, Mr. Finney.

24 MR. FINNEY: All right, sir.

25 BY MR. FINNEY:

1 Q Based on your observation of the second floor of the
2 apartment, did you find what you believed to be points of
3 origin in different places?

4 A Yes, sir.

5 Q How many points of origin?

6 A Three total.

7 Q Would you show the jury the three points that you
8 believe?

9 A One point would be the bedroom at the top of the
10 stairs, the front right bedroom around this bed. The
11 second point would be in the master bedroom. This is
12 again on the second floor. This is the mattress and box
13 springs. This oval area that I have drawn on the diagram
14 is the second area of origin. The third area of origin
15 would be the folding-type chair that's already been
16 admitted into court located in the corner of the room,
17 that's the third location, area of origin of fire on the
18 second floor.

19 Q All right. Do you believe that any of those three
20 areas of origin are connected?

21 A No, I do not.

22 Q All right. And do you believe that any of them were
23 started with an accelerant?

24 A No, I do not.

25 Q All right. Now, based on your experience and your

1 observation of the scene, do you have an opinion as to
2 what type of fire this was in [REDACTED]?

3 A In my field, one of the determinations is incendiary.
4 An incendiary fire is an intentionally set fire.

5 Q What do you base that opinion on?

6 A Based on what I determined, there was no accidental
7 causes in each of these three areas of origin of fire.
8 All other possible ignition sources were ruled out by
9 myself. I believe that available combustible materials
10 were set on fire in each of those locations with an open
11 flame.

12 Q Tell the jury what you mean by "available combustible
13 materials."

14 A Available materials is when you look at those
15 photographs, you walk in there and see any items that you
16 would have in your home. What is available? What is
17 available to be set ablaze, catch fire? That's what
18 available materials is.

19 Q All right. Based on the location of the origin
20 points that you've noted, did the fire that was in
21 [REDACTED] have enough available material to become a
22 full blown fire as you see in that back bedroom where the
23 window had a V-shaped pattern?

24 A Yes, I do.

25 Q You noted on the sketch on the right side the

1 location of, I believe, nine or ten cigarette butts.

2 A Yes. If you look right here, you'll see the little
3 ovals, and inside each of those ovals is a number, and
4 those numbers correspond to each of the cigarette butts
5 that were collected. And the photograph that you saw
6 earlier of all the evidence placards, that's the location
7 that they were.

8 Q All right. Did you note any damage caused by the
9 cigarettes that would correlate with an area of origin on
10 the master bedroom mattress and box spring?

11 A No, I did not.

12 Q All right. Did you notice any -- as far as the
13 master bedroom, the folding chair we have in evidence, did
14 you notice any damage to the chair that would have been
15 caused by the fire that was burning on the mattress in the
16 master bedroom?

17 A No, I did not.

18 Q All right. You testified earlier that there was a
19 landing at the top of the stairs. Is that the only point
20 of access for people who would have been upstairs or
21 occupants in the apartment to get down, to go downstairs
22 would have been that one stairwell?

23 A Yes, sir. The one set of stairs is the only way to
24 get down.

25 Q If the fire from the mattress had gotten bigger than

1 it was and if the fire from the chair had gotten bigger
2 than it was, would anybody have been able to leave the
3 bedrooms on the back of the apartment to get down the
4 stairs?

5 A No. This fire had the potential to destroy the
6 entire unit.

7 Q I didn't ask you, but were you able to determine
8 whether the fire in the chair in the master bedroom got
9 big enough to reach the walls or the ceiling or --

10 A No, I believe that the chair self-extinguished, which
11 means the fire basically played itself out.

12 Q Would the fabric or the available combustible
13 material have had something to do with that?

14 A Yes. Everything has an ignition temperature. If an
15 open flame is applied to an item such as this the ignition
16 temperature can be reached, but then without the constant
17 application of the flame, then the materials and their
18 composition can now result in the fire self-extinguishing.

19 Q All right. In conclusion, did you draw an opinion as
20 to whether or not this fire was started, so to speak, or
21 originated in three separate points?

22 A My determination of this fire is that there was three
23 separate locations of area of origin of the fire, one in
24 the bedroom when you come up the stairs on the right side,
25 immediately to your right, and then two other areas of

1 origin in the master bedroom, one at the foot of the bed,
2 the mattress and box springs, and the third was the
3 folding-type chair that was also located in the master
4 bedroom. My opinion was that those three areas of origin
5 were all incendiary.

6 Q All right. And when you say "incendiary," does that
7 mean that your opinion is that accidental ignition sources
8 were eliminated?

9 A Incendiary, the actual definition in fire
10 investigation is a fire that is intentionally set and the
11 person who set it knowing that it should not be set.

12 Q All right. What would be the usual and ordinary
13 mechanism for having an incendiary fire? What would you
14 have to have?

15 A You would have to have an ignition source, an open
16 flame which can be several forms: It can be a match, it
17 can be a lighter, it can be a candle, and then you have to
18 have materials that can be ignited.

19 Q So you have to have an open flame and you have to
20 have available combustible materials?

21 A Yes.

22 Q And they come together to do an incendiary fire?

23 A Yes.

24 Q All right. Would a cigarette lighter have been
25 enough of an open flame to cause the damage that was done

1 to the mattress, the chair, and to the bed in the back
2 room?

3 A Yes, sir.

4 Q All right. Special Agent, if you'll take the stand
5 for a moment.

6 MR. FINNEY: Beg the Court's indulgence.

7 THE COURT: Yes, sir.

8 (Pause.)

9 BY MR. FINNEY:

10 Q Special Agent Seals, one of the areas on the second
11 floor was a bedroom that was adjacent to where you saw all
12 the damage.

13 A That's right.

14 Q This area here was a bedroom that you determined from
15 your investigation that the two juveniles were located in?

16 A Yes, sir.

17 Q Would you tell the jury a little bit about the
18 condition of that room and how the fire in the adjacent
19 room affected their safety.

20 A It was my determination based upon the condition of
21 that room in relation to the other rooms, that that room,
22 there was no area of origin for fire inside that room.
23 The room had smoke and soot and it had blistering just
24 inside the threshold of the door. I think due to the
25 proximity of the room that was so heavily damaged, that

1 that room was experiencing tremendous -- well, a high
2 degree of Fahrenheit beginning to build in that room as a
3 result of the fire adjacent.

4 Q Based upon your investigation and examination of the
5 room that had the fire, heaviest fire damage --

6 A Yes, sir.

7 Q -- how hot would you have estimated the fire or the
8 temperature to be in that room next to where the children
9 were?

10 MR. MURPHY: Your Honor, I'm going to object to
11 that. It's outside the scope of the expert's opinion as
12 well. He's here for point of origin. There's been no
13 foundation laid. He wasn't there, number one, and number
14 two, as far as how hot or any of those factors, that's
15 outside the scope of his --

16 THE COURT: All right. Ladies and gentlemen,
17 step to your jury room for just a moment. Of course you
18 may not discuss the case. We'll have you back out in just
19 a moment.

20 (The jury left open court at approximately 10:49
21 a.m.)

22 THE COURT: Before we move to that, let's put on
23 the record what we discussed up here.

24 Of course, Mr. Murphy, you objected because his
25 testimony that it was intentionally set was an opinion on

1 the ultimate issue. Of course, I think Rule 704 would
2 permit that type of testimony. When we were up here, I
3 indicated that my understanding of fires was the wording
4 of "incendiary" meant the same thing as intentionally set,
5 and I think Mr. Finney covered that when he went back and
6 laid that foundation.

7 You have any other objections that you need to
8 put on the record about what we discussed up here?

9 MR. MURPHY: No, Your Honor.

10 THE COURT: Okay. All right.

11 MR. MURPHY: I would also state for the record
12 I'm satisfied that the foundation was laid.

13 THE COURT: Okay. All right. So that takes
14 care of that.

15 So your question to the witness, Mr. Finney, was
16 how hot did it get in the room, the un-fire-damaged
17 bedroom?

18 MR. FINNEY: Well, I started with the fire
19 damaged bedroom and then I was going to the --

20 THE COURT: Go ahead and ask the question and
21 then we'll see, okay?

22 IN CAMERA DIRECT EXAMINATION

23 BY MR. FINNEY:

24 Q Special Agent, regarding the room to the right where
25 the fire damage was extensive, do you have an opinion

1 based on your observation and experience as to what type
2 of temperature that room might have reached during the
3 course of this fire?

4 A There are guides -- when we look at the damage in a
5 room, that are certain numbers that we can refer to
6 basically when something melts or something is heavily
7 damaged or consumed. For example, aluminum is a little
8 over 1200 hundred degrees Fahrenheit. So if you notice in
9 that room that that window frame is gone and heavily
10 damaged, so that lets me know that the temperature was
11 roughly around 1200 degrees Fahrenheit..

12 Q All right, sir.

13 A That would be the most heavily damaged room, that
14 this room --

15 Q This is State's Exhibit No. 8. Is that the exterior
16 picture of the room with the heaviest damage from fire and
17 smoke?

18 A Yes, sir. And you can see on either side you have an
19 aluminum frame for the windows and here it's been
20 consumed. That lets me know that roughly you're talking
21 about 1200 degrees Fahrenheit.

22 Q All right, sir. And can you -- in your experience
23 and based on your observation, can you make an observation
24 or estimation of the temperature that the room where the
25 juveniles would have been in, as to how hot it would have

1 gotten during the course of the fire?

2 A In my opinion, because there was nothing in there
3 that had melted or had been destroyed, that it would be
4 approaching 800-plus degrees, but that is just, you know,
5 based on my experience, but there's nothing to go by as a
6 guide in that particular room like I could observe in the
7 most heavily damaged room.

8 Q All right, sir. Were you able to review the
9 coroner's report on the condition of the babies' bodies?

10 A I do know that they sustained smoke inhalation,
11 carbon toxicity and thermal injury.

12 Q The fact that they had thermal injuries on their
13 bodies, would that support your conclusion that that room
14 reached temperatures in excess of 500 degrees?

15 A Yes, sir.

16 MR. FINNEY: Nothing further.

17 THE COURT: All right. Mr. Murphy, first of
18 all, do you have any questions along these lines that you
19 would like to ask before we get to your objection?

20 IN CAMERA CROSS-EXAMINATION

21 BY MR. MURPHY:

22 Q The only question I would ask is, your opinion about
23 the children's bedroom is based then primarily on not so
24 much what you observed in the room but on your review of
25 the autopsy reports?

1 A No, not the review of the autopsy reports. Based on
2 what I observed in the actual area, the fire origin in
3 that room, the most heavily damaged room.

4 Q I'm not talking about the most heavily damaged room.
5 What data in the children's bedroom leads you to conclude
6 that the temperatures were approaching 500 degrees?

7 A Based on the proximity and the condition of the
8 structure.

9 MR. MURPHY: All right. I have no further
10 questions.

11 THE COURT: Any objection -- oh, any redirect?

12 MR. FINNEY: No, Your Honor.

13 THE COURT: Mr. Murphy, your objection?

14 MR. MURPHY: Well, first of all, again, I'd just
15 renew the objection, that it's speculation. It's not
16 based on any data that he could find within the room
17 itself, this proximity.

18 THE WITNESS: Well, I think --

19 THE COURT: Well, you can't talk right now.

20 MR. MURPHY: Well, if he wants to clarify, I
21 mean that's fine, but I haven't heard any data within that
22 room that -- and this is -- he's here as an expert on
23 point of origin and point of origin based on data
24 collected.

25 THE COURT: And cause.

1 MR. MURPHY: And cause and not supposition. And
2 it's speculative to assess a range of temperatures within
3 the room that was next to it.

4 THE COURT: All right. Mr. Finney, you can ask
5 the witness whether or not he has an opinion to a
6 reasonable degree of certainty in his field of expertise
7 as to what the temperature, range of temperatures were in
8 the children's room.

9 BY MR. FINNEY:

10 Q Mr. Seals, do you have an opinion to a reasonable
11 degree of certainty based on your experience and your
12 observation as to what the temperature range would have
13 been in the children's bedroom that evening?

14 A I would say about 500 degrees Fahrenheit.

15 MR. FINNEY: All right, sir.

16 THE COURT: Anything else, Mr. Murphy?

17 MR. MURPHY: No, Your Honor.

18 THE COURT: All right. The heat range I do not
19 think is outside the scope of his expertise. An
20 origin-and-cause expert would necessarily have to take
21 things like that into account, at least in my view, in
22 reaching certain opinions, which he did of course rule out
23 the children's room as an area of origin and there was no
24 cause indicated in that room either.

25 I think under the circumstances, Mr. Murphy,

1 I'll overrule your objection. Of course, in front of the
2 jury you can cross-examine him on that. It may be a
3 little bit beside the point later on when the
4 pathologist's testimony is entered into the record, but I
5 will overrule your objection.

6 Okay. Are you about finished with direct?

7 MR. FINNEY: Yes.

8 THE COURT: Would you like to break now,
9 Mr. Murphy? In other words, the jury is taking a break.
10 I don't know if you wanted to take a break before you
11 started your cross. If you did, we can take our morning
12 break now.

13 MR. MURPHY: That would be fine, Your Honor.

14 THE COURT: Agent Seals, you can step down, but
15 you're not permitted to talk to anyone at all about your
16 testimony, okay?

17 All right. We'll take a break for about ten
18 minutes.

19 THE WITNESS: Thank you, sir.

20 THE COURT: Mr. Murphy, could I see all of you
21 all up here for just a minute.

22 And I just want to state for record, Mr. Dingle,
23 nothing happened outside your presence. I just walked in
24 before you did.

25 (A bench conference was held with the judge

1 and attorneys.)

2 THE COURT: All right. If you're going to
3 follow up this line of questioning in front of the jury,
4 Mr. Murphy, in your judgment, you can object again if you
5 want. Any other objections that you think appropriate,
6 certainly you can make those.

7 Are you ready for the jury, Mr. Finney?

8 MR. FINNEY: Yes, sir.

9 THE COURT: Mr. Murphy?

10 MR. MURPHY: Yes, sir.

11 THE COURT: Okay.

12 MR. MEADORS: Your Honor, and I'll go ahead and
13 instruct -- the next witness will be a lay witness, so I'm
14 going to instruct everybody after this witness, that all
15 other witnesses have to leave. I'll make sure they know
16 that.

17 THE COURT: Okay.

18 (The jury came into open court at approximately
19 11:13 a.m.)

20 THE COURT: We're ready to continue, Mr. Finney.

21 MR. FINNEY: May it please the Court.

22 THE COURT: Yes, sir.

23 CONTINUED DIRECT EXAMINATION

24 BY MR. FINNEY:

25 Q Special Agent, we were talking about the fire damage

1 in the right bedroom on the rear of the apartment and I
2 was asking based on your experience and the observations
3 you made in that area, did you have an opinion as to what
4 the temperature range would have been during the course of
5 the height of the fire in that room?

6 A I would say at least 500 degrees Fahrenheit in the
7 room where the juveniles were located.

8 Q Okay. And that room is next to the room which
9 sustained the most damage; is that correct, the room that
10 I'm pointing to now on Exhibit 30?

11 A That is correct.

12 Q What would you say the temperature was in that room
13 where most of the damage was found?

14 A In my opinion, I would say in excess of 1200 degrees
15 Fahrenheit.

16 Q And what do you base that on?

17 A The room had an aluminum-framed window frame.

18 Q Yes, sir.

19 A And it was consumed considerably. The center
20 portions of that frame were completely consumed by fire.
21 Aluminum has roughly a melting point of about 1200 degrees
22 Fahrenheit.

23 Q I show you State's Exhibit No. 15. Can you point out
24 the damage you're referring to on that window frame?

25 A You can actually see over here on the right a little

1 bit of the aluminum frame, but above that it is gone and
2 obviously there's no center portion. That lets me know
3 that the temperatures were roughly in the area of 1200
4 degrees Fahrenheit, in excess, because of that much damage
5 on that type of material.

6 Q I want to show you State's Exhibit 9, which is the
7 window in the adjoining room where the juveniles were.

8 A Yes.

9 Q And can you see damage to the wall or frame area of
10 the window in that picture?

11 A No, I do not.

12 Q All right. And based on your observation, your
13 experience and your training, what would you say that the
14 maximum or the range of the temperature was in the
15 juveniles' bedroom at the height of the fire?

16 A In my opinion, I would say at least 500 degrees
17 Fahrenheit, and in excess.

18 Q Were you aware, sir, of the findings of the coroner
19 at the time of the autopsies on Robert and Aliyah?

20 A Yes, sir.

21 Q And did you understand that report to show that there
22 were thermal burns on the bodies?

23 A Yes, sir.

24 Q And did that have an effect on your opinion as to how
25 hot the temperature got in that room that night?

1 A Yes, sir, it confirmed my opinion. It did not
2 contradict what my findings were at the scene.

3 MR. FINNEY: Special Agent, answer any questions
4 the defense may have.

5 THE WITNESS: Yes, sir.

6 CROSS-EXAMINATION

7 BY MR. MURPHY:

8 Q Good morning, Special Agent Seals. How are you?

9 A Good morning, sir.

10 Q You talked a little bit about the iron that was in
11 the room, the one bedroom that was post-flashover. Could
12 you tell whether or not the iron had been turned on or
13 off?

14 A No, I couldn't tell the condition of the on or off.

15 Q You also talked that there was a ten-foot gap, I
16 guess approximately a ten-foot gap between what you
17 observed to be the two fires in the master bedroom, two
18 points of origin in the master bedroom versus the one with
19 flashover?

20 A Yes, sir.

21 Q So said you analyzed the floor. Was there any
22 analysis done like underneath the floor, between the floor
23 boards or anything? Did you lift up the mattress or
24 anything like that?

25 A I observed around the mattress in the master bedroom.

1 I did not lift it up, actually physically lift up the
2 mattress, but I thoroughly examined it.

3 If you look in one of the pictures, you can
4 actually see through the mattress. I could see the
5 flooring through the mattress, through the box springs,
6 I'm sorry, because it was so heavily damaged, so there was
7 no need for me to actually lift it up. You could see the
8 condition of the floor through that hole.

9 Q So you didn't lift it up?

10 A No, sir, I did not need to lift it up.

11 Q Or examine in between the floor boards?

12 A No, sir.

13 Q All right. What time did you arrive at the scene?

14 A Just after 6:27 a.m.

15 Q All right. And I believe you testified that you
16 wanted to ensure that the scene was secure?

17 A Yes.

18 Q So security is important for a fire analyst because
19 you don't want the crime scene compromised in any way; is
20 that correct?

21 A That's correct.

22 Q So who was there when you arrived?

23 A Captain Brian Christmas and Captain Brian Horton with
24 the Sumter Fire Department.

25 Q So are you aware whether or not they had been there

1 since the fire? Because the fire was the day before
2 really about midnight, right?

3 A The fire was called in right before midnight. The
4 fire department responded, as well as law enforcement. It
5 was my understanding in speaking with Brian Christmas that
6 he had been called to the scene after the first
7 responders.

8 Q All right. And the level of security involved tape
9 around the area? I believe that's observed on one of
10 the --

11 A Yes, sir.

12 Q Now, the doors themselves were open, though, correct;
13 one door, the front door?

14 A The front door was in the open position when I
15 arrived.

16 Q All right. Was there anybody else besides Chief
17 Christmas there?

18 A Brian Horton, Captain Brian Horton, and as well as
19 the special agent that assisting me.

20 Q He arrived with you?

21 A We arrived roughly the same time.

22 Q So that's about six and a half hours after the fire
23 was called in?

24 A Yes.

25 Q Now, when you come to your conclusions concerning

1 causes of fires, you examine all the circumstances that
2 you observed, but you also consider other information
3 that's been told to you about what might have occurred or
4 the investigation or anything like that?

5 A Yes.

6 Q And, in fact, you were told a little bit about what
7 was suspected before you began your investigation,
8 correct?

9 A Yes, sir.

10 Q All right. You were told that there was an
11 individual in custody, correct?

12 A Yes, sir.

13 Q You were told that there had been an argument in
14 which this individual allegedly made threats to burn the
15 place down, correct?

16 A Yes.

17 Q You were also told there was some concern about the
18 neighborhood and crowd control around that area, too,
19 correct?

20 A Yes, sir.

21 Q And that was important because the scene has to be
22 secure?

23 A Yes.

24 Q To your knowledge, no one was given access to the
25 place during that six-hour period of time between the

1 fire, nobody but fire officials?

2 A Yes, sir.

3 Q All right. Now, you're familiar with NFPA921?

4 A That's correct.

5 Q What is that? Why don't you explain that for the
6 jury?

7 A NFPA921 is published by the National Fire Protection
8 Association. NFPA has manuals on all sorts of things,
9 everything from overhead dropdown doors, their fire
10 ratings, sprinkler systems, and there's a volume number
11 corresponding to that particular area that they're
12 covering. 921 is the volume that NFPA has that deals
13 specifically with fire and explosion investigation.

14 Q And, in general, I understand it's not a regulation
15 or anything, but in general, you try to conform with the
16 standards that are set out with NFPA?

17 A NFPA921 lays out a basic guide for fire investigators
18 to follow. Not every portion of the guide has to be
19 followed. It even specifically states that there are
20 circumstances that are not going to be applicable for the
21 investigator to follow each particular area that they're
22 covering or maybe how they describe that something should
23 be done.

24 Q Now, NFPA921 states that opinions are to be based
25 primarily on the data that's collected at the scene,

1 correct?

2 A Well, I cannot cite you the actual reference word by
3 word, but it is NFPA's recommendation that the
4 investigator use a scientific method --

5 Q Right.

6 A -- that you recognize the need, which is there's been
7 a fire, define the problem, which is where is the origin
8 of the fire, collect data, test data, create a hypothesis,
9 test the hypothesis, and then you have to come to a
10 conclusion after you test that hypothesis and reach a
11 determination.

12 Q And that's focused on the data you collected and the
13 observations, for example, that you did by walking through
14 the scene, correct?

15 A Yes, sir.

16 Q Now, you indicated in your testimony that the -- I
17 will call it the fire room, that's what's been testified
18 to -- the one bedroom that was basically consumed was
19 post-flashover. Could you explain a little bit more what
20 "flashover" means?

21 A Once you have a fire in a room, once that fire begins
22 to grow, the temperature in the room will begin to rise
23 either through direct contact or either through the
24 elevation in the room of the temperature. Everything in
25 the room has a particular ignition temperature and almost

1 simultaneously everything in the room will ignite, and
2 that's called flashover. Once that has occurred and the
3 fire continues to grow, then you have post-flashover.
4 Post-flashover is also referred to as full room
5 involvement.

6 Q Now, are you familiar with any studies by the ATF or
7 the Oklahoma City Fire Department concerning point of
8 origin, post-flashover point of origin studies? Are you
9 familiar with that?

10 A Not -- you'd have to be more specific. No, sir.

11 Q All right. Let me ask you this. Isn't it true that
12 in a post-flashover analysis, conclusions concerning point
13 of origin are only accurate about 25 percent of the time?

14 A I could not answer that question yes or no.

15 MR. MURPHY: All right. I have no further
16 questions.

17 THE COURT: Redirect?

18 MR. FINNEY: No, Your Honor.

19 THE COURT: All right. Thank you, Mr. Seals.
20 You may step down.

21 MR. FINNEY: May the agent be excused?

22 THE COURT: Any objection, Mr. Murphy?

23 MR. MURPHY: No, Your Honor.

24 THE COURT: You can leave if you would like or
25 you can stay, whichever you want.

1 THE WITNESS: Thank you, sir.

2 THE COURT: All right. Next witness.

3 MR. MEADORS: Beg the Court's indulgence.

4 THE COURT: Okay.

5 (Pause.)

6 MR. MEADORS: Thank you, Your Honor.

7 The State of South Carolina will now call

8 Anastasia Young.

9 ANASTASIA YOUNG, after being duly sworn,
10 testified as follows:

11 THE CLERK: Have a seat up here, please.

12 Please state your full name. Spell your first
13 and last name for the record, please.

14 THE WITNESS: Anastasia Young.

15 THE CLERK: Spell your name, please, ma'am.

16 THE WITNESS: A-N-A-S-T-A-S-I-A Y-O-U-N-G.

17 THE COURT: Make sure you keep your voice up,
18 okay?

19 All right. Mr. Meadors.

20 MR. MEADORS: May it please the Court.

21 DIRECT EXAMINATION

22 BY MR. MEADORS:

23 Q You are Anastasia Young?

24 A Yes, sir.

25 Q Do you go by another name?

1 A Anna.

2 Q Anna?

3 A Anna.

4 Q And, Anna, if I can call you that, make sure and
5 speak in here so His Honor can hear you, this court
6 reporter and these ladies and gentlemen, please.

7 THE COURT: Mr. Murphy, can you and Mr. Dingle
8 hear?

9 MR. MURPHY: Yes, sir.

10 THE COURT: If you can't, Mr. Murphy, you can
11 get to where you need to be. All right.

12 BY MR. MEADORS:

13 Q Anna, tell these people about yourself. Where were
14 you born?

15 A Sumter, South Carolina.

16 Q Were you raised here?

17 A Yes, sir.

18 Q Where did you go to school?

19 A Sumter High -- I mean, I went to Lamar Elementary
20 School and middle school I went to Chestnut, and high
21 school I went to Sumter High and Lakewood.

22 Q Sumter High to Lakewood. How far did you go in high
23 school?

24 A The whole -- to the twelfth.

25 Q When did you get out of high school?

- 1 A 2010.
- 2 Q And what did you do after that?
- 3 A Adult Ed.
- 4 Q Adult Ed. And what were you studying?
- 5 A We did reading and math.
- 6 Q And were you working any?
- 7 A No.
- 8 Q I got something down here about the Youth Bill.
- 9 What's that about?
- 10 A That's what I'm about to do.
- 11 Q You're going to start doing that?
- 12 A Yes.
- 13 Q And I've got something here, The Resource Center.
- 14 What's that about?
- 15 A That's the same thing as the Youth Bill.
- 16 Q So you got out of school in 2010, went to adult
- 17 education?
- 18 A Uh-huh.
- 19 Q And you hope to start working on the -- under the
- 20 Youth Bill, right?
- 21 A Yeah.
- 22 Q What have you been doing since you got out of high
- 23 school?
- 24 A I went to Adult Ed.
- 25 Q Okay. And tell the ladies and gentlemen a little bit

1 about -- do you have any children?

2 A Yes, sir.

3 Q Tell them how old they are.

4 A Nevaeh is 13 months and the other baby is a month.

5 Q Is a month?

6 A Uh-huh.

7 Q And what's the other baby's name?

8 A Dynasia.

9 Q Now, who is your mother?

10 A Elizabeth Young.

11 Q Ms. Young back here on the first row?

12 Raise your hand again, Ms. Young.

13 That's your momma?

14 A Yes, sir.

15 Q Have you got any brothers and sisters?

16 A Yes, sir.

17 Q Tell the folks who they are.

18 A Trymaine Young, Aliyah J. and Robert J.

19 Q And the first one's Trymaine?

20 A (Witness nodding.)

21 Q And you had to step out a minute ago because of the
22 rules of the Court, but he's been here most of the time,
23 right?

24 A Yes.

25 Q And your other ones are Robert and Aliyah?

1 A Yes, sir.

2 Q And that's why we're here today. And I'm sorry about
3 your loss.

4 Let me go back to March 27th, 2012, Ms. Young.
5 Where were you living?

6 A On Porter Street.

7 Q Porter Street? And who were you living with there?

8 A Dyshunn and his mom.

9 Q Dyshunn and his mom. What's Dyshunn's last name?

10 A Hunter.

11 Q And what's his mother's name?

12 A Shaunte Hunter.

13 Q So you were staying on Porter Street with Dyshunn and
14 his momma?

15 A Yes, sir.

16 Q All right. And what is Dyshunn to you, Dyshunn
17 Hunter is what?

18 A My baby daddy.

19 Q Your baby's father?

20 A Uh-huh.

21 Q So in March, specifically March 27, 2012, that is
22 where you were staying, correct?

23 A (Witness nodding.)

24 Q Where was your mother staying on March 27, 2012?

25 A [REDACTED]

1 Q [REDACTED] Was it Number [REDACTED]?

2 A Yes, sir.

3 Q All right. Who was staying at [REDACTED] with your
4 mother, Ms. Young?

5 A It was her, my brother Trymaine, and Julio, my
6 brother Robert and Aliyah.

7 Q Okay. And you said Julio. Who is Julio?

8 A The man that used to talk to my mom.

9 Q Okay. Is Julio in the courtroom?

10 A Yes, sir.

11 Q Would you point him out for the ladies and gentlemen.

12 Sitting by Mr. Murphy with the glasses on his
13 forehead?

14 A Uh-huh.

15 Q Did you also know him as Mr. Timothy Dingle or you
16 know him as Julio?

17 A Julio.

18 Q Okay. And how long had he been friends with your
19 mother in March of 2012? How long had they been talking
20 or having a relationship?

21 A Two months, I guess.

22 Q Okay. And to your knowledge, was Julio staying with
23 your mother and Trymaine and Robert and Aliyah as [REDACTED]

24 [REDACTED]?

25 A Yes, sir.

1 Q Was he spending the night there?

2 A Yes, sir.

3 Q Had you known or seen Julio prior to him having a
4 relationship with your mom?

5 A No, sir.

6 Q And during this two-month time period, would you see
7 him either at the apartment or other places, around the
8 four lanes or anywhere?

9 A He came to my mother and them house with her one
10 time.

11 Q Okay. So you'd see him other places beside [REDACTED]

12 [REDACTED]

13 A Yes.

14 Q Is it fair to say you recognize him by name and sight
15 as Julio when you see him, right?

16 A Yes.

17 Q Okay. It sounds crazy, but had you seen him enough
18 to know who he was when you saw him? You know what I'm
19 saying?

20 A Uh-huh.

21 Q You see him, you say that's Julio, right?

22 A Yes, sir.

23 Q Okay. Now I want to take you back in time to March
24 27th of 2012, why we're all here today, Anna, okay? Do
25 you understand?

1 A Yes, sir.

2 Q Do you remember what you did that day?

3 Let me ask you this much. You said you were
4 staying with Dyshunn on Porter Street?

5 A Yeah, I was staying with Dyshunn and his mother on
6 Porter Street. And that day, him and his mother got into
7 it.

8 Q So Dyshunn and his mother got into an argument?

9 A Yes.

10 Q As a result of that, what happened?

11 A He went on the four lanes -- I mean to [REDACTED]
12 [REDACTED] to my mother, then they came back over to get
13 his clothes.

14 Q Let me slow you down.

15 As a result of Dyshunn and his mother getting in
16 an argument, where was Dyshunn going to stay that night?

17 A [REDACTED].

18 Q Your mom's place?

19 A Yes.

20 Q And I'm going to show you a map in a little bit, I
21 hope. Porter Street, how do you get to Porter Street from
22 Lantana?

23 A [REDACTED] come out the back door and then walk across the
24 basketball field and then cut by the dumpsters, then you
25 turn left -- no, then you turn right and then walk up and

1 it faces the highway right there and then you walk across.

2 Q Do you actually walk across the four lanes?

3 A No, you wait.

4 Q You wait until traffic's not coming?

5 A Yes.

6 Q But you cross the four lanes to get to Porter?

7 A (Witness nodding.)

8 Q Is there a Ford dealership kind of near there, a car
9 dealership?

10 A Yes, sir.

11 Q Okay. So on March, --

12 THE COURT: They're having trouble hearing her.

13 THE CLERK: It's on, but she's just got to talk
14 up.

15 MR. BROWN: Just say "testing."

16 THE COURT: Let's let Mr. Meadors do it.

17 MR. BROWN: Okay. I'm sorry, Your Honor.

18 THE COURT: Go ahead, Mr. Meadors.

19 MR. MEADORS: Say "testing."

20 THE WITNESS: Testing.

21 MR. MEADORS: Thank you.

22 THE COURT: Okay.

23 BY MR. MEADORS:

24 Q Did you or Dyshunn or your momma or Julio have an
25 occasion to go to Porter Street on March 27, 2012, to get

1 Dyshunn's clothes?

2 A Yes, sir.

3 Q So who went over there?

4 A It was my momma, Robert, Aliyah, and the baby,
5 Shaunte's baby.

6 Q What was Shaunte's baby's name?

7 A Na-Kyah.

8 Q And did you all go to Porter Street to get Dyshunn's
9 clothes?

10 A Yes, sir.

11 Q Okay. And when you came back, where did you go?

12 A Take Robert and Aliyah to the store.

13 Q Do you remember what store you went to?

14 A Tobacco store.

15 Q And what, if anything, did you get Robert or Aliyah?

16 A Candy.

17 Q Who was at that store, Ms. Young? Who went to the
18 store with Robert and Aliyah?

19 A It was me.

20 Q Just you?

21 A Yes.

22 Q And where did everybody else go?

23 A To the house.

24 Q After you'd gotten candy for Robert and Aliyah, what
25 did you do with them?

1 A We came back out the store and then we seen Dyshunn
2 little brother and his friend, and they were riding their
3 bikes.

4 Q Riding their bikes?

5 A Yes. So they came across and four lanes and they
6 followed us back to the house.

7 Q And did you all know or did they have permission --
8 this would be Dyshunn's brother or sister, did they have
9 permission to come back across the four lanes?

10 A No, sir.

11 Q Okay. So they just kind of followed you?

12 A Yes, sir.

13 Q What happened with them? Did they go back across the
14 four lane back to Porter?

15 A My momma took them, took them and Julio.

16 Q Julio and your mom took them back across?

17 A Yes.

18 Q What did you do?

19 A Stay to the house.

20 Q Where were you and/or Dyshunn going to stay in [REDACTED]?
21 You didn't usually stay there, right?

22 A No, sir.

23 Q So where were you going to stay this night, March 27?

24 A At [REDACTED]

25 Q Okay. And that was a poorly -- my fault asking the

1 question.

2 Where in the apartment were you all going --
3 what room, let me say it that way?

4 A In my brother's room, Trymaine.

5 Q Okay. What did you do with Robert and Aliyah as far
6 as feeding them or putting them to bed that night? Did
7 you have anything to do with that, with your brother and
8 sister?

9 A Feeding them and putting them to bed?

10 Q Yes, ma'am. Did you do that?

11 A Yes.

12 Q Do you remember what time you did that?

13 A Like around 9.

14 Q And was this a school night for them?

15 A Yes, sir.

16 Q So they were going to go to school the next day?

17 A Yes.

18 Q How did they get to school, do you know?

19 A The bus.

20 Q Did they go every day?

21 A Yes, sir.

22 Q So you fed them and put them to bed?

23 A Yes.

24 Q Tell the jury what kind of room, what kind of bed did
25 they live in -- did they sleep on, I'm sorry?

- 1 A Bunk beds.
- 2 Q Bunk beds. After you put Robert and Aliyah to bed,
3 what did you do?
- 4 A Went downstairs and watch TV.
- 5 Q I'm sorry, ma'am, if you'd speak up.
- 6 A I went back downstairs and watched TV.
- 7 Q And who else was there at this point?
- 8 A Dyshunn.
- 9 Q Dyshunn. Just you and Dyshunn?
- 10 A Uh-huh.
- 11 Q And you have to say yes or no, please, ma'am.
- 12 A Yes.
- 13 Q Did anybody else come back to [REDACTED] after that?
- 14 A My brother and Julio after they take Joevantay home.
- 15 Q All right. Did your mom and Julio come back from the
16 four lanes?
- 17 A Yes, sir.
- 18 Q Can you describe their interaction when they came
19 back?
- 20 A They was arguing.
- 21 Q They were arguing?
- 22 A Yes, sir.
- 23 Q Do you know what they were arguing about?
- 24 A No, sir.
- 25 Q Could you hear them arguing?

- 1 A Yes, sir.
- 2 Q Could you see them arguing?
- 3 A Yes, sir.
- 4 Q Did you hear Julio say anything?
- 5 A He said -- he was cussing. He said, "F you."
- 6 Q All right. When you're at the house before you go up
7 to Shaunte's house, you said they'd come back, they were
8 arguing. Did he say anything then?
- 9 A He said he was going to burn the house down.
- 10 Q And when did he say that, do you remember?
- 11 A They was outside.
- 12 Q Okay. Prior to outside, prior to outside, Ms. Young,
13 when you were inside and they'd come back from the four
14 lanes, okay?
- 15 A Yes.
- 16 Q It's you and Dyshunn. Was Trymaine there then?
- 17 A No, sir.
- 18 Q Did Julio threaten you or your mom or anybody else
19 prior to you all taking Shaunte's youngest child back,
20 back to 144 Carolina? Did he make a threat inside the
21 house?
- 22 A Yes, sir.
- 23 Q All right. What did he say?
- 24 A He said he'd kill all of us.
- 25 Q He'll kill all of you?

1 A Yes.

2 Q And did you hear that?

3 A Yes, sir.

4 Q Was there any doubt in your mind when he -- those are
5 the words he said?

6 A Yes, sir.

7 Q There's not any doubt, that's what he said?

8 A Yes, he said it.

9 Q Now, during this time with the arguing at the house,
10 did the kids wake up?

11 A No, sir.

12 Q Did they ever wake up to your knowledge?

13 A No.

14 Q Now, you mentioned something about taking the baby
15 back. Tell us about that.

16 A My mother was like, we going to take the baby back,
17 she wanted me and Dyshunn to walk with her so we went --

18 Q Slow down a little bit, please, ma'am.

19 A So we went out the door. He followed us. And then
20 Dyshunn stayed back with him. And then me and my mother
21 walked and then she stopped and came back for Dyshunn.

22 And then Julio, he followed us. And then we got up the
23 road near the path and Carolina, he was like, he said,

24 "Fuck you all, Fuck you," and he'd burn the house down.

25 And then he stayed back, and then I guess he went through

1 the path.

2 Q "Fuck you all, fuck you, I'll burn the house down?"

3 A Yes, sir.

4 Q When you first went up to Carolina to Shaunte's
5 house, you said it was just you and your momma?

6 A Uh-huh.

7 Q And was the baby with you?

8 A Yes, sir.

9 Q And then you said your momma went back to check on
10 Dyshunn or see about Dyshunn?

11 A Yes, sir, getting him.

12 Q Then after that, is that when Julio and Dyshunn --
13 Dyshunn and Julio came back after him?

14 A Yes.

15 Q Best you can tell, how far is it from your momma's
16 place to where Ms. Shaunte lives?

17 A Not that long.

18 Q Okay. And you said Julio caught up with you all?

19 A Yes.

20 Q As you're heading to Shaunte's?

21 A Yes, sir.

22 Q And about where was this when he caught up with you
23 all? Where were you located?

24 A Like between the path.

25 Q Is there a cut street there?

1 A Yes.

2 Q Is that about where he caught up with you all?

3 A Yes.

4 Q Is that a through street or a dead end street, that
5 little cut?

6 A Dead end.

7 Q And was Julio angry?

8 A Yes, sir.

9 Q And he was cussing?

10 A Yes, sir.

11 Q After he said those words and -- what did you all do
12 next, you, Dyshunn and your mother, Ms. Young, and the
13 baby, Na-Kyah?

14 A Take the baby to her momma, Shaunte.

15 Q And what happened when you got to Shaunte's? So this
16 was right after the threat, right after you heard him
17 cussing at you all and threaten to burn the house down you
18 go to Shaunte's?

19 A Yes, sir.

20 Q And what happens at Shaunte's?

21 A We went to take the baby there and we sat down.

22 Q Slow down, please, ma'am, I'm sorry.

23 A We sat down and then my mother wanted a piece of
24 chicken, so we wait, and then we heard an ambulance and
25 stuff.

1 Q But you didn't get chicken?

2 A No, sir.

3 Q And what did you all do when you heard the ambulance?

4 A Dyshunn went running back down the road to see what
5 apartment was burning, and then my momma ran behind him,
6 and then I was walking.

7 Q Why were you walking?

8 A Because I was pregnant, six months pregnant.

9 Q When you got back to [REDACTED] also known as -- people
10 used to call it [REDACTED]

11 A Yes, sir.

12 Q When you got back down to [REDACTED] to your momma's
13 place, tell the ladies and gentlemen of this jury what you
14 saw. What did your eyes tell you?

15 A There was the house and I seen a lot of people
16 outside and the ambulance and stuff.

17 Q Did you see the fire?

18 A No, sir.

19 Q We're not allowed in this proceeding to offer victim
20 impact evidence, but did you later go visit?

21 A The hospital? I went to see my brother and sister at
22 the hospital.

23 MR. MEADORS: Beg the Court's indulgence.

24 (Pause.)

25 MR. MEADORS: Your Honor, this is State's 24

1 without objection. Mr. Murphy's previously seen it.

2 THE COURT: Twenty-four is in.

3 (WHEREUPON, STATE'S Exhibit No. 24 was admitted
4 into evidence.)

5 BY MR. MEADORS:

6 Q I'm showing you what's been marked State's 24, okay?
7 Do you recognize this as an aerial photo of [REDACTED] and
8 Carolina?

9 MR. MEADORS: Judge, can I ask her to step down?

10 THE COURT: All right, you can step down.

11 Ma'am, make sure you keep your voice way up
12 high, okay?

13 BY MR. MEADORS:

14 Q Talk loud enough so she can hear and the ladies and
15 gentlemen and Your Honor can hear you, okay?

16 Do you recognize this as an aerial photo of
17 [REDACTED]

18 A Yes.

19 Q [REDACTED]?

20 A Yes.

21 Q What are these up here?

22 A Just the four lane.

23 Q That's the four lane, okay.

24 THE COURT: All right. Keep your voice up,
25 okay? Talk like you're kind of hollering at somebody.

1 BY MR. MEADORS:

2 Q What are these apartments?

3 A [REDACTED]

4 Q Where does your momma live? Was she [REDACTED]?

5 A Yes.

6 Q That's fine. When you all left, you say you went on
7 [REDACTED] right?

8 A Yes, sir.

9 Q Can you point out which way you all walked? Use your
10 pointer here if you want to.

11 If this is your apartment, is [REDACTED]
12 this way or is it this way?

13 A This way.

14 Q You do it. That way, right?

15 A Yes.

16 Q And you were walking toward Shaunte's house.

17 Were you walking toward Shaunte's house?

18 A Yes, sir.

19 Q And prior to Shaunte's house you said you got to a
20 dead end street, right?

21 A Yes.

22 Q All right. And you said that is where the defendant
23 yelled that stuff to you, right?

24 A Yes, sir.

25 Q And for the record, for this jury, the person that

1 yelled "fuck you, fuck you all, I'll burn this house
2 down," is he in the courtroom?

3 A Yes, sir.

4 Q Point him out to the judge and the jury.

5 With the glasses on his forehead?

6 A Yes, sir.

7 MR. MEADORS: We'd like the record to so
8 reflect.

9 You can have a seat now.

10 MR. MEADORS: I just have one more question.

11 THE COURT: Okay.

12 (Pause.)

13 MR. MEADORS: That's all I have, Ms. Young.

14 Please answer any questions the defense may have. Thank
15 you.

16 THE COURT: Mr. Murphy.

17 MR. MURPHY: Thank you, Your Honor.

18 CROSS-EXAMINATION

19 BY MR. MURPHY:

20 Q Good morning, Ms. Young.

21 You indicated that the person you knew as Julio
22 would stay at your mother's apartment, correct?

23 A Yes, sir.

24 Q All right. Isn't it true, though, that he didn't
25 spend every night there during this two-month period? He

1 would spend some nights, but some nights he wasn't there,
2 correct?

3 A I really don't know because I don't be staying over
4 there.

5 Q Because you didn't live there?

6 A No.

7 Q Okay. Now, what time -- do you recall what time it
8 was that you and -- you said you came back from his house
9 and there were these kids there that didn't have
10 permission to follow you, correct?

11 A Yes, sir.

12 Q What time did Mr. Dingle and your mother take off to
13 return those children to their home? Do you remember what
14 time that was?

15 A No, sir.

16 Q I'm sorry?

17 A No, sir.

18 Q You don't remember what time it was?

19 Well, let me ask you this. You said you took --
20 you put the children to bed at 9 o'clock?

21 A Yes, sir.

22 Q How long before 9 o'clock did they take off?

23 A They left about like eight something.

24 Q Eight something? So at least between -- within an
25 hour before they took off?

1 A Yes.

2 Q And they didn't arrive back until after the children
3 were in bed, correct?

4 A Yes, sir.

5 Q To your knowledge, you don't know whether or not
6 Julio spent the day at that apartment, at your mother's
7 apartment or not, do you?

8 A No, sir.

9 Q So you don't know. So the first time you saw him was
10 when these kids were following you and you show up there,
11 right?

12 A Yes.

13 Q All right. At what time did they get back from
14 returning those children to that other place? After you'd
15 put your brother and sister to bed, what time did they
16 come back after that?

17 A Like about ten minutes.

18 Q Ten? Okay. So about an hour after the children were
19 in bed?

20 A Yes, sir.

21 Q And at no point after that did either of the
22 children, your brother or sister, get up or make their
23 presence known in that house, correct?

24 A Yes, sir.

25 Q All right. Now, you said they were arguing, that

1 your mother and Mr. Dingle were arguing, correct?

2 A Yes, sir.

3 Q All right. And your testimony was he's making all
4 sorts of threats, right?

5 A Yes, sir.

6 Q Anybody call the police?

7 A No, sir.

8 Q You didn't call the police?

9 A No, sir.

10 Q Did your mother call the police?

11 A No, sir.

12 Q Did the father of your child call the police?

13 A No, sir.

14 Q Nobody called the police?

15 A No, sir.

16 Q All right. How long did this argument go on?

17 A For a few hours.

18 Q I'm sorry?

19 A For like a few hours.

20 Q Three hours? That was a long time?

21 A Yes, sir.

22 Q So they got back by 10. So what time did you
23 leave -- do you know what time you left?

24 MR. MEADORS: Your Honor, I thought she said a
25 few hours, not three hours.

1 THE COURT: She said a few.

2 MR. MURPHY: I apologize.

3 THE COURT: It could have been heard either way.

4 BY MR. MURPHY:

5 Q A few hours then, okay.

6 What time, then, did you leave for -- to return
7 the baby to the other home, to Ms. Williams' home?

8 A About -- I don't know the time.

9 Q You don't know the time?

10 A Unh-unh.

11 Q And the individuals left were you, correct?

12 A Yes.

13 Q Your mom, right?

14 A Yes.

15 Q Okay. Now, you said your brother Trymaine, is that
16 his name? He had -- where was he?

17 A He was with a friend.

18 Q I'm sorry?

19 A With a friend.

20 Q I'm sorry?

21 A He was with a friend.

22 Q Okay. He was with a friend. Was he with you, too?

23 A No, sir.

24 Q Where was he, do you know?

25 A At Walmart.

1 Q Okay. So he had left at some point?

2 A Yes, sir.

3 Q How long before you all left did he leave, do you
4 know?

5 A No, sir.

6 Q He had left?

7 A Yes, sir.

8 Q So he wasn't there anymore, he had gone to Wal-Mart
9 with a friend?

10 A Yes.

11 Q So you, your boyfriend -- I call him boyfriend, the
12 father of your child, right, he's your boyfriend at that
13 time?

14 A Yes, sir.

15 Q And your mother are going to this other house,
16 correct?

17 A Yes, sir.

18 Q And then my client follows you, correct?

19 A Yes, sir.

20 Q Now, was there anybody else around the house at that
21 time?

22 A No, sir.

23 Q All right. So nobody is in the house at that point
24 that you're aware of while you're walking down towards
25 Ms. Williams' home?

1 A Well, my little brother and sister were in the house.

2 Q Who?

3 A Little brother and sister.

4 Q Right. Well, they were in the home, right, but
5 nobody was watching them or anything, correct?

6 A No, sir.

7 Q And then your testimony is that Mr. Dingle makes a
8 threat at this side road, he caught up with you at some
9 point, correct?

10 A Yes, sir.

11 Q Because he still wanted to talk to your mother?

12 A Yes, sir.

13 Q All right. Now let's talk a little bit about that
14 side road, okay? That's a pathway to the -- to Miller
15 Road, isn't it?

16 A Yes, sir.

17 Q And people use that all the time to go to Miller
18 Road, correct?

19 A Yes, sir.

20 Q So when he gets done yelling, you didn't see where he
21 went, did you?

22 A No, sir.

23 Q Okay. How long did it take you to get to
24 Ms. Williams' home, do you know?

25 A Not very long.

1 Q Not that long. If I told you between five and six
2 minutes, would that sound about right?

3 A Yes, sir.

4 Q And after this threat nobody returned to your
5 mother's home to check on the children after that threat
6 was uttered, correct?

7 A No, sir. Yes, sir.

8 Q I'm sorry?

9 A Yes, sir.

10 Q I mean, immediately after this supposed threat that
11 my client made, nobody went back to your mother's home,
12 correct? You all continued down to Ms. Williams' place?

13 A Yes, sir.

14 Q You all continued down to Ms. Williams' place?

15 A Yes, sir.

16 MR. MURPHY: I have no further questions.

17 THE COURT: Redirect, Mr. Meadors?

18 REDIRECT EXAMINATION

19 BY MR. MEADORS:

20 Q Did Dyshunn stay back to start with, at the
21 apartment?

22 A Yes, sir.

23 Q And then went up later?

24 A Yes, sir.

25 Q And it was after that -- Julio came after him?

1 A Yes, sir.

2 Q Is this cut Mr. Murphy asked you about, the street
3 you cut through, is that about halfway between the
4 apartment and Shaunte Williams'?

5 A Yes, about.

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

7 THE COURT: Mr. Murphy?

8 MR. MURPHY: No questions.

9 THE COURT: Okay. Could you all come up for
10 just a moment.

11 (A bench conference was held with the judge and
12 attorneys in the presence of the jury but out of the
13 hearing of the jury.)

14 THE COURT: You can step down, ma'am.

15 Ladies and gentlemen, we're going to break for
16 lunch. We're going to get back together at 1:15, so
17 please be in your jury room at 1:15 and we'll get started
18 promptly at that time. Thank you very much.

19 Of course during your lunch break you may not
20 discuss the case, can't read anything about it, discuss
21 anything about it, gather any knowledge about it
22 whatsoever. You also have heard some geographic points.
23 Please don't go by or to any of those places at all. All
24 right?

25 See you back at 1:15.

1 (The jury left open court at approximately
2 12:02 p.m.)

3 THE COURT: We'll be back together shortly
4 before 1:15 in case we need to go over anything, okay?

5 MR. FINNEY: Yes, sir.

6 MR. MURPHY: Yes, sir.

7 THE COURT: Thank you.

8 (Lunch recess.)

9 THE COURT: State ready for the jury?

10 MR. FINNEY: Yes, sir.

11 THE COURT: Is the defendant ready for the jury?

12 MR. MURPHY: Yes, sir.

13 THE COURT: All right. You can bring in the
14 jury.

15 (The jury came into open court at approximately
16 1:16 p.m.)

17 THE CLERK: Your Honor, all the jurors are
18 present in the courtroom.

19 THE COURT: All right. Mr. Finney, Mr. Meadors,
20 Mr. Brown, you can call your next witness.

21 MR. MEADORS: May it please the Court:

22 The State of South Carolina would call one
23 Dyshunn Hunter.

24 DYSHUNN HUNTER, after being duly sworn,
25 testified as follows:

1 THE CLERK: State your full name and spell your
2 last name for the record.

3 THE WITNESS: Dyshunn Hunter. Last name,
4 H-U-N-T-E-R.

5 THE COURT: How do you spell your first name?

6 THE WITNESS: D-Y-S-H-U-N-N.

7 THE COURT: D-Y-S-H-U-N-N?

8 THE WITNESS: Yes, sir.

9 THE COURT: All right. Mr. Meadors.

10 MR. MEADORS: Thank you. May it please the
11 Court.

12 DIRECT EXAMINATION

13 BY MR. MEADORS:

14 Q And you pronounce that Dyshunn?

15 A Yes, sir.

16 Q Good afternoon, Mr. Hunter.

17 A Good afternoon.

18 Q I want you to tell these ladies and gentlemen about
19 you, Dyshunn Hunter, where you were born, where you were
20 raised, where you went to school, and what you did after
21 that. Where are you from?

22 A Well, I'm actually are here, South Carolina. I was
23 born here, but I was raised in Richmond, Virginia and
24 Connecticut, you know, the north part, like Harvard,
25 Connecticut; Richmond, Virginia. I went to school in

1 Richmond, Virginia. I went to school here. I attended
2 two different high schools, Camden High and Sumter High
3 here in South Carolina.

4 Q And when did you get out of high school?

5 A 2010.

6 Q What did you do after high school?

7 A Just being a normal teenager. I didn't really, like,
8 have any job options or anything like that. I was just
9 being a normal teenager after school, just being normal.

10 Q Where were you living?

11 A I was living here in South Carolina when I stopped
12 going to high school, or whatever, I was living here.

13 Q And how did you get to know the Young family,
14 Ms. Young and her children? How did you become a part of
15 that family, if you will?

16 A Me and Trymaine Young, the brother, me and him was
17 friends in high school before I met the rest of the
18 family. And I moved, I think -- I don't know her real
19 name very well, but we call her Minnie, I knew Minnie from
20 one of my recent addresses I used to stay at and I knew
21 her, but that's -- those are the only ones I knew. Then I
22 met Anastasia when she came to visit during the summer or
23 whatnot, and me and her became very close and had two kids
24 together, and that's how I learned about the rest of the
25 family.

1 Q That is Anastasia Young?

2 A Yes, sir.

3 Q And the person you're calling Minnie, who is that?

4 A I don't know her first name by heart, but I could
5 point her out.

6 Q Is she in here?

7 A Yes, sir.

8 Q Who is Minnie?

9 A Right there.

10 Q Thank you, Minnie.

11 So when did you meet Anna Young?

12 A I think that was 2012.

13 Q And as a result of that you all started talking, had
14 a relationship?

15 A Yes, sir.

16 Q And out of that relationship, two children?

17 A Yes, sir.

18 Q And how old are they?

19 A One and three months.

20 Q One and three months?

21 A Yes, sir.

22 Q Now, let's go back to March of 2012. Where were you
23 living?

24 A On Porter Street.

25 Q And who were you living with?

1 A My mom.

2 Q Okay. Was anybody else living with you?

3 A Yeah, just my little brothers, my mom and her
4 boyfriend. That was it.

5 Q Did Anna stay over there some?

6 A Yeah, she did.

7 Q And back in March of 2012, how many children did you
8 have?

9 A Two. Because I have an oldest little girl, too,
10 she's four.

11 Q Okay.

12 A She lives in Conway, and Anastasia just had the baby,
13 she's one.

14 Q And so I'm sorry about the question. As far as in
15 March of 2012, how many children did you and Anna have?

16 A Oh, just one, yes, sir.

17 Q And tell us about your family. How many brothers and
18 sisters do you have?

19 A Just two. Inya and Joe-Joe, my mom. My dad, I know
20 him, but he wasn't there all my life and stuff like that,
21 so...

22 Q Are they from Sumter?

23 A No, sir. My mom is from Hartford, Connecticut, and
24 so is my father. My little brother Inya, he's from
25 Richmond, Virginia, and Joevantay was born here in

1 Hartsville, South Carolina.

2 Q Okay. I want to ask you to please go back in your
3 mind to March 27 of 2012. That's why we're all here
4 today.

5 A Yes, sir.

6 Q Do you remember that day?

7 A Yes, sir, very well.

8 Q And can you tell the ladies and gentlemen of this
9 jury, where were you going to spend that night, the night
10 of March 27th when this all happened?

11 A Me and my mom got into an argument and she -- well, I
12 decided on my own that I was going to leave, and I came
13 prior to Momma Liz and she told me that I could stay with
14 her and find a job. So that was the plan, you know. So
15 later on that day, you know, they was drinking and
16 whatnot, but I wasn't around when they was drinking in the
17 beginning of the day.

18 Q When you say "they," who are you referring to?

19 A Momma Liz and Julio.

20 Q And Julio, you're referring to Timothy Dingle?

21 A Yes, sir.

22 Q Did you know him as Julio?

23 A Yes, sir.

24 Q Okay.

25 A And they was drinking. And when I came across the

1 four lane, we call it the four lane because it's like a
2 four-lane highway, South Pike and all that stuff, so I
3 crossed the highway -- even though you're not supposed to,
4 I still crossed it, and I guess Robert and Aliyah were
5 left over there so they went over there to go get them and
6 bring them back, and then Timothy also went back to the
7 store, also known as Julio, he went back to the store,
8 came back with a case of beer and whatnot and he was
9 drinking heavily and they was on bad terms, I guess, and,
10 you know --

11 Q Again, you say "they," you're referring to Momma Liz
12 and Julio?

13 A Timothy, sorry about that. Yeah, they was on bad
14 terms. They started arguing a little bit, you know,
15 things got out of hand, and to make a long story short --

16 Q Let me stop you there. Had you already gotten your
17 clothes from across the four way?

18 A Yeah, yeah.

19 Q Who went with you to get your clothes across the four
20 way?

21 A Just me, Liz -- because it was a while back. It's
22 kind of hard to remember who all was with me. I know it
23 was me, Trymaine, and Liz, and I think Anastasia's mom
24 went with us, too, but I'm not sure. I think she did, but
25 I don't know. I'm not sure.

1 Q So you think Ms. Liz may have gone, too?

2 A Yes.

3 Q What time did you all get back from your place on
4 Porter?

5 A To her house?

6 Q Yes.

7 A It was afternoon, afternoon time, like when the kids
8 got out of school.

9 Q And is that when you're talking about that Julio's
10 purchasing beer?

11 A That was later on that day.

12 Q So when were they arguing, that afternoon?

13 A Like -- see, at that time it got dark kind of early,
14 so around like when it got dark, around like if you're
15 want a specific time, maybe 6 or 7.

16 Q So where were you at 6 or 7 on March 27?

17 A I was there.

18 Q "There" is where?

19 A At Momma Liz house.

20 Q At [REDACTED] [REDACTED]?

21 A Yes, sir.

22 Q Who else was there around 6 o'clock on March 27th?

23 A Me, Anastasia Young, Liz Young, Timothy Dingle,
24 Robert and Aliyah, and Eugene Martin.

25 Q And does he have a nickname, Eugene Martin?

1 A Yeah, Wiz.

2 Q And he was a friend of -- who was he a friend of?

3 A All of us.

4 Q Now, how long did you stay there before you went to
5 Shaunte's house later on that evening?

6 A We stayed there for probably about a good hour, hour
7 and a half maybe, maybe one, two hours before we actually
8 left.

9 Q And was Julio drinking?

10 A Yeah.

11 Q Ms. Young, Momma Liz drinking?

12 A Yeah, but not as hard as he was.

13 Q Were you drinking?

14 A No, sir.

15 Q Was anybody else there drinking?

16 A No, sir.

17 Q Was there any arguing between Momma Liz and Julio?

18 A Yes, sir.

19 Q At [REDACTED]

20 A Yes, sir.

21 Q Do you know what they're arguing about?

22 A I'm not sure. I don't remember.

23 Q Do you remember anything that Julio said at [REDACTED]
24 prior to going to Shaunte's --

25 A Yes, sir.

1 Q -- while this argument was going on?

2 A I can use the exact words?

3 Q If he said something to you, you can use them.

4 A Excuse my language, but he was like -- Momma Liz
5 wanted to go to Shaunte's house and bring her her kids,
6 she was baby-sitting for her, and on our way going there
7 Timothy was walking with us, Julio. And he was like he
8 wanted to talk to Liz, he wanted to talk to Liz, and Liz
9 didn't want to talk so we told him not to follow us, she
10 told him not to follow us, so he insisted on following us
11 anyway. And it's a little path in our neighborhood that
12 everybody takes, you know, and he was following us. He
13 was like, "Fuck you bitch, fuck you bitch, I'm going to
14 burn this mother-fucker up, fuck you bitch." That's what
15 he kept staying to her. And we didn't pay it no attention
16 because, you know, he was kind of drinking, he was
17 drinking, he was under the influence, you know, and we
18 didn't pay it no attention, you know, we thought he was
19 just running his mouth, but he was serious that night,
20 sir.

21 Q "Fuck you, bitch, fuck you, bitch, I'm going to burn
22 this mother-fucker up?"

23 A Yes, sir. That was his exact words.

24 Q Prior to that had he said anything else to you or
25 Momma Liz in the house in a threatening nature?

1 A Yes, sir. "You keep fucking with Julio, I'm going to
2 burn this bitch up. You all see. You all see. Keep
3 fucking with Julio." That stuff that he says when he's
4 angry and he's intoxicated, those are his choice of words..

5 Q And were those his choice of words at the house prior
6 to going to Shaunte's?

7 A Yes, sir.

8 Q And you said when you got near the cut, he said those
9 other expletives?

10 A Uh-huh.

11 Q Any doubt in your mind he said that?

12 A No, no doubt in my mind. I'm definitely sure.

13 Q So you're at the cut, and I will get you to show us
14 in a minute.

15 A Yes, sir.

16 Q After he says those words, does he leave?

17 A Yeah, he left. We all turned around and went walking
18 towards Shaunte's house, and by the time we looked back,
19 it wasn't even -- it wasn't even five minutes time frame
20 and when we looked back, he was completely gone.

21 Q So take us from the cut to Shaunte's. Who's taking
22 that walk now?

23 A Me, Anastasia, Shaunte's kids and Ms. Liz.

24 Q Okay.

25 A And Trymaine.

1 Q Who's holding Shaunte's kid?

2 A Liz.

3 Q Did you ever hold it?

4 A One time just coming down the stairs and brought her
5 outside.. That was it. And Liz had her the rest of the
6 way.

7 Q What happened when you got to Shaunte's?

8 A We got there, spoke to Shaunte's, greeted her. We
9 all sat down on the couch for a while. They was talking.
10 Shaunte's cooking at the time. We was just sitting there
11 waiting on her to finish with the chicken because all of
12 us was going to get a piece of chicken and just go back
13 home.

14 Q And were you able to get a piece of chicken?

15 A No, sir.

16 Q What happened?

17 A Because the ambulance and the fire department and
18 stuff come flying down [REDACTED] and went to the
19 apartments to extinguish the flame.

20 Q And how long had it been since you left -- how long
21 was it after you got to Shaunte's until you heard the
22 sirens and ambulances and everything?

23 A About a good -- it happened like 30 minutes later, a
24 good 30 minutes later, about that long, 30, 45 minutes.

25 Q When you get back down there, what happens to

1 [REDACTED] What do you see?

2 A Well, they sent me personally myself and I went
3 running down there. When I seen smoke in the sky I
4 necessarily didn't see what building was on fire at that
5 point. I seen smoke in the sky, so I kept running and ran
6 and I got closer and I could see that our apartment
7 building was on fire, which is Momma Liz apartment. Yeah,
8 it was on fire. It was fire coming from the room that I
9 sleep in, and it was a lot of smoke coming out around the
10 living room.

11 MR. MEADORS: Your Honor, can I ask the witness
12 to step down if he will speak up?

13 THE COURT: Yes, sir. Keep your voice up, okay?

14 THE WITNESS: Yes, sir.

15 BY MR. MEADORS:

16 Q Can you turn around, please, sir, so the court
17 reporter can hear you? Turn around and face the jury and
18 court reporter and speak up.

19 This is State's 24, I think. State's 24. Do
20 you recognize this as an aerial photo of [REDACTED]

21 [REDACTED]?

22 A Yes, sir.

23 Q Can you point out [REDACTED]

24 A Yes, sir, this area here.

25 Q And can you show on there where Momma Liz, Ms. Liz's

1 house is?

2 A Right here.

3 Q Could it be here where it says [REDACTED] Was it Number [REDACTED]?

4 A Yeah, it was this one, sorry.

5 Q [REDACTED] here?

6 A Yes, sir.

7 Q Now, do you see [REDACTED] on there?

8 A Yes, sir. It runs from here all the way through
9 here.

10 Q Speak up, please.

11 A Runs all the way through here.

12 Q And I believe your testimony was when your mother and
13 Anna left to go down to Shaunte's, you didn't go to start
14 out with?

15 A Well, not all in the beginning. Like, they left a
16 little bit ahead of me and I was talking to Timothy. Him.
17 I was talking to Julio. And I told him that he couldn't
18 go. So I caught up with them a little bit later on and
19 they got like right here, when he got about right here in
20 this area right here on Carolina, that's when I stopped
21 talking to him and Anastasia Young and her mother was like
22 about up here, and that's when I caught up with them and
23 we continued to go the rest of the way.

24 Q So you stayed back to start and then went up with
25 Ms. Young later?

1 A Uh-huh.

2 Q And where did Timothy, or Julio as you call him, did
3 he come after that?

4 A Well, no, he went through the path.

5 Q But did he join you after you went up to meet Ms.
6 Young, did he come up later?

7 A No.

8 Q From here, I mean, not from here, did he come from
9 here to the path?

10 A Well, yeah.

11 Q That's what I'm asking about.

12 A Sorry, I got confused.

13 Q Did Timothy, Julio, come from [REDACTED] and catch up with
14 you at the path?

15 A Yes. That's the furthest he went.

16 Q You don't know where he went after that, I understand
17 that, but can you point out where the path is on State's
18 24?

19 A Right here, Short Street, right off of Carolina
20 Avenue.

21 Q Is that through and through or is it a dead end?

22 A It's a dead end, but it goes through the apartments.
23 It's actually a path.

24 Q That is my next question. Can you walk through
25 there?

1 A Yes, sir.

2 Q Is there a pole or is the fence pulled apart so you
3 can walk by there?

4 A Yeah, the fence is pulled apart. You can just walk
5 through.

6 Q And is that what a lot of people do?

7 A Yeah, everybody goes through there. The whole
8 community.

9 Q It's a cut, a cut-through?

10 A Yes.

11 Q Now when Timothy Dingle, also known as Julio, met you
12 all at the cut, what happened there?

13 A Well, he started -- he wanted to follow the rest of
14 us to the destination that we were going, but he couldn't
15 go because we told him he couldn't because he was
16 drinking, he was out of control, we didn't want him to
17 follow us. So he got mad, he got angry about that, and he
18 was all -- I'm going to use his exact words again, "fuck
19 you, bitch, fuck you, bitch, I'm going to burn this bitch
20 up." And then we heard him or whatever the case may be,
21 but we didn't really pay no attention because we thought,
22 you know, because he always --

23 MR. MURPHY: Objection about what his reaction
24 is. It's already been testified to.

25 THE COURT: Sustained.

1 BY MR. MEADORS:

2 Q So after that, which way did he go?

3 A Through that path.

4 Q And which way did you all go?

5 A To Shaunte's house.

6 Q And that's marked there with the box. Is that 144
7 Carolina?

8 A Yes, sir, 144 Carolina.

9 Q You said Trymaine already. Trymaine wasn't with you
10 all day, was he?

11 A No, Trymaine -- during that time right there,
12 Trymaine had left and went to Walmart.

13 Q And who did he go with?

14 A His best friend, Wiz.

15 Q And that's what you said earlier, that fellow named
16 Eugene something, that's Wiz?

17 A Yes.

18 Q And he and Trymaine were probably pretty good
19 friends?

20 A Yes, sir.

21 Q After you had gotten -- and keep speaking up, thank
22 you for that, sir -- can you show the jury where you went
23 after you left Shaunte's house when you heard the sirens?
24 Can you show them on State's 24?

25 A Uh-huh.

1 Q Say yes or no. It's not just for me, it's for the
2 court reporter, please, sir?

3 A Yes, sir. And I went from [REDACTED], I ran all
4 wait down Carolina and kept running, kept running. It
5 doesn't take that long. And when I got down there, I was
6 about right here in this parking lot, 220, right here in
7 this parking lot and I seen smoke coming from the sky, so
8 I ran from the parking lot to that parking lot and that's
9 when I noticed it was coming from our apartment and the
10 fire department was out there trying to put the fire out.

11 Q Did you see any of these officers back there? You
12 didn't know who they were?

13 A I -- yeah --

14 Q That's all. Were there a lot of police officers,
15 firemen there?

16 A Yeah, they were there. They had uniforms on. It's
17 hard to tell who was who.

18 Q And I'm standing you up there, keeping you up there a
19 few more minutes if you don't mind. Keep your voice up,
20 and thank you.

21 Show the ladies and gentlemen of the jury how
22 you would get to Porter Street.

23 A How would I get to Porter Street?

24 Q From [REDACTED].

25 A Okay. It's two different ways. I can go -- as you

1 see this wooded area here?

2 Q Yes, sir.

3 A There's a path that runs through this, that goes to
4 this motel right here called Carolina Inn, and then across
5 the highway to go home or I can take this road right here
6 and get directly on the highway and cross over and go
7 home. That's how I get home.

8 Q You had done that earlier in the day?

9 A Yes, sir.

10 Q Now, was Angel's in there somewhere, the Mexican
11 restaurant?

12 A Yes. This is the beauty college, Good Dragon, and
13 Angel's is right there, Angel's, the Mexican restaurant?

14 Q Yes, sir.

15 A Yes, sir.

16 Q All right. You're at the scene. Do you actually see
17 flames, Mr. Hunter?

18 A Yes, sir.

19 Q Smoke?

20 A Yes, sir.

21 Q What do you all do? When I say you all, you and your
22 family. Because at some point -- we can't bring out
23 victim impact evidence, but you can bring out fact
24 evidence. Did you know that Robert and Aliyah's bodies
25 were taken out? You knew they were inside, right?

1 A Yes.

2 Q And a matter of fact, when you left [REDACTED], they were
3 inside the bedroom, weren't they?

4 A Uh-huh.

5 Q And yes or no just for the record?

6 A Yes. Sorry about that.

7 Q So they were inside the house when you left [REDACTED]
8 go to Shaunte's Williams?

9 A Yes, sir.

10 Q Were you aware that they were taken out of the house
11 later?

12 A Yes.

13 Q And they went to the hospital?

14 A Yeah.

15 Q And, again, yes for the court reporter -- I'm
16 sorry -- just so she can type it down, please.

17 A Yes, sir.

18 Q After -- were you all going to go to the hospital?

19 A Excuse me?

20 Q Were you going to go to the hospital to see your
21 brother and sister?

22 A Yes.

23 Q And how were you going to get there?

24 A By car.

25 Q Okay. Can you show the ladies and gentlemen

1 specifically which way you were going to go to the
2 hospital?

3 A Well, we was going this way, up [REDACTED]
4 towards Broad Street. And we couldn't go this way because
5 it was blocked off by the fire trucks and stuff.

6 Q Did you go straight to the hospital?

7 A No, sir.

8 Q All right. As you're going down [REDACTED]
9 what, if anything, happened?

10 A Excuse me? Can you repeat that again?

11 Q You say you're going down [REDACTED] to go to
12 the hospital.

13 A Yes, sir.

14 Q Did you see anything or anybody that caused you to
15 stop?

16 A Oh, yeah. On our way going to the hospital, one of
17 the family members in the car pointed and said they
18 seen --

19 MR. MURPHY: Objection, hearsay.

20 BY MR. MEADORS:

21 Q What did you do as a result of those persons pointing
22 and saying they saw something?

23 A Well, I got out of the car and I ran to go catch
24 Julio because we seen him standing at this path right
25 here.

1 Q Was that the same path that you had last encountered
2 him?

3 A Uh-huh.

4 Q Say yes, please, sir. I'm sorry.

5 A Yes, sir.

6 Q Thank you, sir.

7 And that's that path with the dead end?

8 A Yes, sir.

9 Q All right. You saw Julio, and what did you do?

10 A I immediately jumped out the car and ran towards him
11 and took him down. I just took him down. And I was
12 dragging him towards law enforcement and my best friend,
13 which is the brother of Anastasia Young, was hitting him.

14 Q Is that Trymaine?

15 A Yeah, was hitting him saying "You want to burn people
16 up? You want to burn people up?"

17 MR. MURPHY: Objection, hearsay.

18 THE COURT: Overruled. It's not offered to
19 prove the truth of the matter asserted.

20 BY MR. MEADORS:

21 Q So you were dragging Julio?

22 A Yes, sir.

23 Q Trymaine was hitting him?

24 A Yes, sir.

25 Q And what did you do with him?

1 A I dragged him to the police officers.. I was calling
2 the cops and stuff, and they came and got him.

3 Q So you called the police and said, "I have Julio"?

4 A Yes, sir, I was yelling it out loud.

5 Q Were you angry?

6 A Yes, sir.

7 Q Were you mad?

8 A Yes, sir.

9 Q And did the police take custody of Julio then?

10 A Yes, sir.

11 Q Have a seat then. Thank you, sir.

12 THE COURT: Mr. Murphy, would you like that to
13 stay up?

14 MR. MURPHY: If it could be around.

15 THE COURT: All right.

16 MR. MEADORS: Beg the Court's indulgence.

17 THE COURT: Okay.

18 (Pause.)

19 BY MR. MEADORS:

20 Q Just a couple more questions, please, sir.

21 A Yes, sir.

22 Q When you I think you used the word "took him down" or
23 tackled him, did you hear something break?

24 A Yes, sir, it was a beer bottle in his back pocket.

25 Q How long had you known Mr. Timothy Dingle, Julio?

1 A Not that long. I only knew him for like probably a
2 month or two, two or three months.

3 Q And was he staying with Ms. Liz for those two months
4 that you know of?

5 A Sort of kind of temporary like. It was off and on.

6 Q Did he smoke? Did Julio smoke?

7 A Yes, sir.

8 Q Did he have a lighter?

9 A Yes, sir.

10 Q Do you smoke?

11 A Yes, sir.

12 Q Momma Liz smoke?

13 A Yes, sir.

14 Q Anybody else smoke in that house that you know of?

15 A Just Trymaine. That was it.

16 Q Just one more question if you'll listen, please, sir,
17 and tell me if you can answer this. Is the person in the
18 room that before you went down to Shaunte Williams who
19 said that "you all keep messing with Julio, you all keep
20 messing with Julio, I'll kill you, I'll burn this shit up
21 or bitch up," or whatever?

22 A Uh-huh.

23 Q And is the person in the room that you said you
24 encountered at the cut on the way to Shaunte's who said,
25 "fuck you, fuck you, Liz, I'll burn -- I'm going to burn

1 this mother-fucker up"?

2 A Yes, sir.

3 Q Excuse my language. Is that person in this
4 courtroom?

5 A Yes, sir.

6 Q Will you point him out, please, for the ladies and
7 gentlemen and the judge?

8 A Right there.

9 Q The gentleman with the glasses on his head, Mr.
10 Dingle?

11 A Yes, sir.

12 MR. MEADORS: Thank you, sir. Please answer any
13 questions Mr. Murphy has.

14 THE WITNESS: Yes, sir.

15 CROSS-EXAMINATION

16 BY MR. MURPHY:

17 Q Good afternoon, Mr. Hunter. How are you?

18 A I'm doing fine.

19 Q Good.

20 You indicated that it was about dark, 6 or 7
21 o'clock when you arrived at the [REDACTED]
22 correct?

23 A No, not arrived at. It was daytime when I got into
24 the argument with my mom and then I arrived there.

25 Q Okay. So it was not dark when you got to [REDACTED]

1 A No.

2 Q All right. What time did you get to [REDACTED]

3 A It was afternoon time, like around when kids get out
4 of school, around 3 or 4.

5 Q Right. Was there a time where Julio and Ms. Liz took
6 some children, returned them back to the house that you
7 had come from?

8 A Can you repeat that again?

9 Q Was there a time when Julio and Liz were away from
10 the house that you stayed at the house?

11 A Was there a time?

12 Q Yeah. Was there any time where they had walked some
13 children back to another part of the neighborhood and you
14 stayed at the house?

15 A Sir, you want to give me a specific time?

16 Q No, no. Do you remember that happening?

17 A Yes, sir.

18 Q So they did that at some point?

19 A Yes, sir.

20 Q Do you remember what time that was?

21 A It was like towards -- it was towards getting dark.
22 It was time for them to come home.

23 Q Okay. Do you remember anybody putting the two
24 children to bed?

25 A Yeah.

1 Q Okay. And isn't it true that that was done when
2 Julio and Ms. Liz were on this trip away from the house?

3 A Yeah, they was going to the store.

4 Q So they were gone from the house when that happened,
5 correct?

6 A Yeah.

7 Q Now, they had been drinking before that?

8 A Well, yeah.

9 Q Okay. And then when they came back they were
10 arguing? They were arguing?

11 A Yes.

12 Q And they were both intoxicated?

13 A Yes.

14 Q Do you recall at all -- I mean, do you know what time
15 it was that they got back?

16 A It was dark.

17 Q Okay.

18 A It was just getting dark.

19 Q But you don't have a specific time?

20 A No, I don't have a specific time. It was so long ago
21 I can't remember.

22 Q And you said this argument went on in the [REDACTED]
23 [REDACTED] for how long?

24 A Roughly a good two, three hours.

25 Q Two, three hours?

1 A Yeah. They was arguing for a little while.

2 Q Did anybody call the police?

3 A No.

4 Q Was the argument downstairs, upstairs, both?

5 A Both.

6 Q You said at one point you took Julio outside to try
7 and calm him down?

8 A Yes, sir.

9 Q Did you guys go out the back door or the front door?

10 A Both, front and back.

11 Q Front and back?

12 A Yes.

13 Q Was he yelling outside, both?

14 A Yeah.

15 Q So he was yelling out the back door, too?

16 A Yeah.

17 Q All right. Now, Trymaine left at some point,
18 correct?

19 A Yes, sir.

20 Q I mean, earlier you had mistakenly said he went with
21 you to Shaunte's house, but he had actually left at some
22 point, correct?

23 A Yeah, he did, he left.

24 Q Him and Wiz?

25 A Yes.

1 Q Where did they go, do you know?

2 A Wal-Mart.

3 Q How long before you all took off to Shaunte's house
4 did they leave?

5 A Who?

6 Q Did Trymaine and Wiz leave to go to Wal-Mart?

7 A They left actually before like me, me and Anastasia
8 even got to Shaunte's house, like they left --

9 Q Okay. So --

10 A -- and we all went together, but they branched off
11 and went their own separate way.

12 Q Was Trymaine and Wiz around when all this arguing was
13 going on in the house?

14 A Yeah, part of it.

15 Q Part of it?

16 A Yes, sir.

17 Q At some point they just took off?

18 A Yes.

19 Q All right. This is the exhibit you pointed to
20 before, 25, right?

21 A Yes.

22 Q Come on down here again, if you would, please.

23 Now, could you show where the cutoff is again?

24 A Right here.

25 Q And that cutoff, even though there's a dead end

1 there, goes all the way through?

2 A Yes, sir.

3 Q What's this over here?

4 A The apartments, Arms --

5 Q Miller Arms Apartments. People use this cutoff to go
6 to Miller Arms?

7 A Yes.

8 Q I believe you testified that you told -- you told
9 Julio to stop right around here where this cutoff is,
10 right, when he was following you all?

11 A Yeah. We told him -- we didn't tell him to stop
12 right here, but we told him he couldn't follow us. But
13 that's where he stopped.

14 Q So he stopped and went through there?

15 A Yes.

16 Q Towards the Miller Arms Apartments?

17 A Yes, sir.

18 Q And after the fire was over, where did you see him
19 when you jumped out of the car and tackled him?

20 A Right.

21 Q Right where you had seen him before?

22 A Yes, sir.

23 Q And the fire was up here, right?

24 A Right. Yes, sir.

25 Q And I'm pointing to 621 -- or 321, right?

1 A Right.

2 Q Thank you. Have a seat.

3 How long were you at Shaunte's house before you
4 heard the fire, the fire sirens?

5 A For a good 30, 35, 40 minutes.

6 Q Forty minutes?

7 A Probably a good 30 to 45 minutes. I'm not exactly
8 which one, but it was about 30 to 45 minutes.

9 Q That's fine. Whatever you say.

10 What was going on then?

11 A Shaunte's was cooking chicken.

12 Q Did you have any chicken?

13 A No.

14 Q Did anybody have any chicken?

15 A No.

16 Q So they were starting to cook?

17 A Yeah.

18 Q So when you and Anna and Liz and Julio left [REDACTED]

19 [REDACTED], the only two individuals left in the [REDACTED]

20 [REDACTED] were the two children, correct?

21 A Yes, sir.

22 Q There was -- nobody else was there?

23 A No, sir.

24 Q All right. At the time you were at the [REDACTED]

25 [REDACTED] from the time those children were put to bed by

1 Anna, I think she's the one who put them to bed?

2 A Yes, sir.

3 Q The children never got up or anything while you were
4 there?

5 A No.

6 Q And no one was there except those two children when
7 you all left?

8 A Yeah.

9 Q And nobody called the police after all of these
10 threats that Julio supposedly made?

11 A No.

12 Q All right. And after he made that threat and walked
13 away from the [REDACTED] nobody called the police
14 or nobody went back to [REDACTED]

15 A No.

16 MR. MURPHY: I have no further questions.

17 THE COURT: Redirect.

18 MR. MEADORS: Very briefly.

19 REDIRECT EXAMINATION

20 BY MR. MEADORS:

21 Q Let me ask you about the chicken. Is it fair to say
22 that the chicken wasn't ready by the time you all had to
23 go back, you heard the sirens?

24 A Excuse me?

25 Q The chicken wasn't ready by the time you all had to

1 go back, you heard the sirens, right?

2 A No.

3 MR. MEADORS: Thank you. That's all.

4 THE COURT: Anything else, Mr. Murphy?

5 MR. MURPHY: No, Your Honor.

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

7 MR. MEADORS: Trymaine Young.

8 TRYMAINE YOUNG, after being duly sworn,

9 testified as follows:

10 THE CLERK: Thank you, sir. Have a seat up
11 here, please.

12 Please state your full name and spell your first
13 and last name for the record.

14 THE WITNESS: Trymaine Young.

15 Spell the first and last?

16 THE CLERK: Spell your first and last name,
17 please, sir.

18 THE WITNESS: T-R-Y-M-A-I-N-E Y-O-U-N-G.

19 DIRECT EXAMINATION

20 BY MR. MEADORS:

21 Q Good afternoon, Mr. Young. Make sure you speak in
22 here, please, sir, so everybody can hear you.

23 A All right.

24 Q Mr. Young, tell the ladies and gentlemen of this jury
25 about Trymaine Young. Where were you born?

- 1 A Right here in Sumter, South Carolina.
- 2 Q Raised here?
- 3 A Yeah.
- 4 Q Where did you go to elementary school?
- 5 A Lamar.
- 6 Q Middle school?
- 7 A Alice Drive.
- 8 Q High school?
- 9 A Sumter High.
- 10 Q And how far did you go in Sumter High?
- 11 A Eleventh grade..
- 12 Q What did you do after that?
- 13 A Cut grass, stuff like that.
- 14 Q How about farming?
- 15 A Yeah.
- 16 Q Who did you do some farming with?
- 17 A Someone named Donald Johnson.
- 18 Q Did you help him with the farm and grow vegetables?
- 19 A Yeah.
- 20 Q And did do some other odd jobs?
- 21 A No.
- 22 Q Have you ever begin in roofing, done any roofing
- 23 work?
- 24 A Yeah, once, yeah.
- 25 Q And you living here in Sumter now?

1 A Uh-huh.

2 Q And if you would, just say yes or no for the record,
3 please.

4 A Okay.

5 Q Is Ms. Elizabeth Young your mother?

6 A Yes, sir.

7 Q Tell the ladies and gentlemen, who are your other
8 brother and sisters, please.

9 A Robert and Aliyah J. and Anastasia Young.

10 Q And on March 27, 2012, where you living?

11 A [REDACTED].

12 Q Also known as?

13 A [REDACTED]

14 Q Formerly known as?

15 A [REDACTED]

16 Q Here in Sumter?

17 A Yes.

18 Q The jury's seen pictures of it. Where was your room?

19 A As soon as you -- the first room to your right as
20 soon as you go up the stairs.

21 Q You'd be on the back side?

22 A Yes.

23 Q And where were Robert and Aliyah's room?

24 A Next to mine.

25 Q Back side?

- 1 A Yeah.
- 2 Q And your momma's room?
- 3 A Across from my little brother and sister's room.
- 4 Q Now, do you know Timothy Dingle?
- 5 A Yes.
- 6 Q Do you know him by a nickname?
- 7 A Julio.
- 8 Q When did you first meet Timothy Dingle?
- 9 A I can't remember.
- 10 Q Okay. Well, in relation to when this fire was, how
- 11 long had you known him prior to that?
- 12 A Month and a half.
- 13 Q Okay. And did he start living with all of you?
- 14 A Yes.
- 15 Q Where would he stay in the apartment?
- 16 A In the room with my mom.
- 17 Q Across the hall from you, kind of?
- 18 A Yeah.
- 19 Q You remember this day we're all here about, March
- 20 27th, when this happened?
- 21 A Yes, sir.
- 22 Q You weren't in school?
- 23 A No.
- 24 Q And do you remember seeing Julio that day?
- 25 A Yes.

- 1 Q Where did you see him?
- 2 A In the house.
- 3 Q Do you remember whether or not he and your mother got
- 4 into an argument?
- 5 A Yes.
- 6 Q Do you remember what -- as best can you -- about what
- 7 time that was?
- 8 A About 10:30.
- 9 Q All right. And do you remember what they were
- 10 arguing about?
- 11 A Because she didn't want to move with him.
- 12 Q She didn't want to what?
- 13 A Move with him.
- 14 Q Was anybody drinking beer?
- 15 A Yes.
- 16 Q Who was drinking?
- 17 A Both.
- 18 Q Your momma and Julio?
- 19 A Yeah.
- 20 Q Do you remember what they were drinking?
- 21 A 12-ounce, but I don't know what it was.
- 22 Q It was beer?
- 23 A Yeah.
- 24 Q How -- they arguing pretty loud?
- 25 A No, it wasn't that loud.

- 1 Q But you could hear them argue?
- 2 A Yes.
- 3 Q How long did they argue?
- 4 A I would say about an hour.
- 5 Q How long?
- 6 A An hour almost.
- 7 Q Where were they arguing in the apartment?
- 8 A Upstairs, downstairs.
- 9 Q Arguing and drinking?
- 10 A Yeah.
- 11 Q Were you drinking?
- 12 A No.
- 13 Q Anybody else drinking?
- 14 A No.
- 15 Q How heated did the argument get?
- 16 A I can't remember.
- 17 Q Did you go upstairs and hear them arguing?
- 18 A Yes, sir.
- 19 Q Did you see them arguing?
- 20 A Yes.
- 21 Q Did you try to break it up?
- 22 A Yes.
- 23 Q How did you do that?
- 24 A Just pulled them apart.
- 25 Q You did that yourself?

1 A Yes.

2 Q Did you end up going somewhere else?

3 A Yes.

4 Q Tell them about that. Where did you go?

5 A I went to -- me and one of my friends went to Walmart
6 and decided that we was going to go to Stokers and play
7 some pool. We stayed there until about 12:30, and then I
8 got a phone call that said that Julio had burned the
9 house.

10 Q Who was your friend that went with you to Walmart?

11 A Wiz.

12 Q Do you know Wiz's real name?

13 A Eugene.

14 Q So you all left and went to Walmart.

15 A Uh-huh.

16 Q You get a call that said the place has been burned.
17 What do you do?

18 A I started running home.

19 Q So you had actually walked to Walmart?

20 A Uh-huh.

21 Q And what's your relationship besides a customer --
22 it's a crazy question, but had you worked at Walmart or
23 had your friend?

24 A Yeah, my friend did.

25 Q Okay. Wiz had worked at -- was working at Walmart?

1 A Yeah.

2 Q Tell the ladies and gentlemen of the jury, you get
3 back to [REDACTED] what do you see, what do you observe?

4 A A lot of people outside, cops, firemen, and I walked
5 to the back of the apartment and I see that the window is
6 burnt. The whole back side of the house was burnt.

7 Q And that window that was burnt, whose room was that?

8 A Mine.

9 Q Yours?

10 A Uh-huh.

11 Q What did you do after that?

12 A I went to talk to my uncle.

13 Q Who is your uncle?

14 A Maxwell Lucas.

15 Q I'm sorry, sir, you're going to have to speak up.

16 A Maxwell Lucas.

17 Q And were you going to go see your brother and sister?

18 A Yes, sir.

19 Q And at some point did you go see them in the
20 hospital?

21 A After they shipped them.

22 Q After they what?

23 A Shipped them.

24 Q Were you going to go and try and see them that night
25 or early the next morning of -- shortly after this thing

1 happened, were you going to go see them at the hospital?

2 A Yes.

3 Q And did you -- did you do that?

4 A No.

5 Q Were you attempting to do that on the way?

6 A Yes.

7 Q What, if anything, happened?

8 A I don't know.

9 Q Did you see Mr. Dingle that night?

10 A Yes, I did.

11 Q Can you tell the ladies and gentlemen of the jury
12 where you saw him?

13 A Coming through the path by -- between Miller Arms and
14 Poplar Square.

15 Q Okay. And was this after the fire?

16 A Yes.

17 Q What, if anything, did you and/or Dyshunn do?

18 A We jumped out the van and then started yelling to the
19 police.

20 Q You jumped out the van and what?

21 A Started yelling to the police.

22 Q Did you all -- you were angry, weren't you?

23 A Yes, sir.

24 Q You were mad?

25 A Yes.

1 Q Did you hold Mr. Dingle until the police got there?

2 A Yes.

3 Q Did you hit him?

4 A Yes.

5 Q Did he say anything?

6 A Sorry.

7 Q Sorry?

8 A Sorry.

9 Q When did he say that?

10 A While we was -- was fighting.

11 Q You gave a statement about this later on, right?

12 A Yes.

13 Q Did you put in that statement that he had said

14 "sorry"?

15 A Not at that point because I wasn't -- at that point
16 while we was fighting him I wasn't worried about what he
17 was saying.

18 Q Did anybody ask you if he said anything?

19 A No.

20 MR. MEADORS: Beg the Court's indulgence.

21 THE COURT: All right.

22 (Pause.)

23 BY MR. MEADORS:

24 Q The person that was arguing with your mom and you
25 said you stepped in between them sometime before the

1 fire --

2 A Yes.

3 Q -- and the person that said "sorry" to you, is he in
4 the courtroom?

5 A Yes.

6 Q Would you please point him out for the judge and the
7 jury?

8 A (Witness complies.)

9 Q Sitting next to Mr. Murphy?

10 A Yes, sir.

11 MR. MEADORS: We'd like the record to reflect
12 he's pointing to the defendant.

13 That's all. Thank you, Judge.

14 THE COURT: Okay. Mr. Murphy.

15 MR. MURPHY: Thank you, Your Honor.

16 CROSS-EXAMINATION

17 BY MR. MURPHY:

18 Q Mr. Young, I believe you testified that the argument
19 was about whether or not your mother was going to move
20 away with Mr. Dingle; is that correct?

21 A Yes.

22 Q And it's true, is it not, that Julio actually wanted
23 your mother and Robert and Aliyah to move with him into a
24 house, correct?

25 A Yes.

1 Q Isn't that true?

2 A Yes.

3 Q But he didn't want you to come along; isn't that also
4 true?

5 A Yes.

6 Q And that was really the conflict that was going on
7 between them, correct? It was about you, correct?

8 A Yes.

9 Q Now, you left the home that night to go to Walmart at
10 what time?

11 A 10 -- no, it was 11.

12 Q About 11 o'clock? How long did you stay at Walmart?

13 A Not that long, probably until about 11:15.

14 Q And then you went to the pool hall and shot some
15 pool?

16 A Yes.

17 Q So you didn't hear from -- who called you?

18 A My brother Dyshunn.

19 Q Dyshunn called you. And he called you around what
20 time?

21 A 12:30.

22 Q 12:30. All right.

23 Now, when you arrived at the home there were a
24 lot of people there?

25 A Yes.

1 Q I was told that there was a lot of excitement going
2 on, lots of people talking about what's going on?

3 A Yes.

4 Q Obviously you -- based on what Dyshunn told you, you
5 assumed Mr. Dingle was responsible, correct?

6 A Yes.

7 Q And, I mean, it's understandable, but that's why you
8 jumped out of the car and grabbed the guy, right?

9 A Yeah.

10 Q You had been told he was responsible for this fire,
11 correct?

12 A Yes.

13 Q Nobody told you that he was last seen walking away
14 from the scene, did they?

15 A Unh-unh.

16 Q All right. So you hold this man responsible, but you
17 don't put in your statement anything about him saying "I'm
18 sorry"? You didn't say anything about that in this
19 statement, did you?

20 A No.

21 Q What, did you remember that as you were preparing for
22 this trial?

23 A Yes.

24 Q All right. And you were being interviewed by Mr.
25 Meadors or some of the other individuals in preparation

1 for this trial?

2 A Yeah.

3 Q Just last the couple of months?

4 A Yes.

5 Q Last couple of weeks?

6 A Yes.

7 Q Now, it's true that Julio didn't stay at the [REDACTED]

8 [REDACTED] all the time; isn't that true?

9 A No.

10 Q During that two-month period he didn't live there, it
11 was off and on; isn't that true?

12 A Well, yes.

13 Q Off and on?

14 A Yes.

15 Q In fact, he didn't even have a key, did he?

16 A No.

17 Q He did not have a key, correct?

18 A No.

19 Q Were you at the apartment when Robert and Aliyah were
20 put to bed?

21 A Yes.

22 Q Timothy wasn't there, was he?

23 A No.

24 MR. MEADORS: Could you repeat that question?

25 I'm sorry.

1 BY MR. MURPHY:

2 Q Were you at the apartment when Robert and Aliyah were
3 put to bed?

4 A Yes.

5 Q And Timothy was not there, was he?

6 A Yes, he was.

7 Q Oh, he was there?

8 A Yes.

9 Q And was Liz there, too?

10 A Yes.

11 MR. MURPHY: I have no further questions. Thank
12 you.

13 THE COURT: Redirect.

14 REDIRECT EXAMINATION

15 BY MR. MEADORS:

16 Q Were Robert and Aliyah in school?

17 A Yes, they were.

18 Q Was this a Tuesday night?

19 A Yes.

20 Q Did they go to bed earlier because of school?

21 A Yes.

22 Q And Julio had been staying at that house for a month,
23 month and a half?

24 A Yes.

25 Q And those kids would spend the night there every

1 night and go to school the next morning?

2 A Yes.

3 MR. MEADORS: Thank you.

4 THE COURT: Anything else, Mr. Murphy?

5 MR. MURPHY: No, Your Honor.

6 THE COURT: All right. Thank you, sir. You can
7 step down.

8 MR. MEADORS: Your Honor, this might be a time
9 to break.

10 THE COURT: Okay. Ladies and gentlemen, we're
11 going to break for a few minutes. It won't be a terribly
12 long break, but if you'd like a soft drink, just get it
13 out of the refrigerator. Of course, you may not discuss
14 the case. We'll have you back out in just a few minutes.
15 Thank you.

16 (The jury left open court at approximately 2:10
17 p.m.)

18 THE COURT: All right. Anything before we
19 break?

20 MR. MEADORS: No, sir. Dr. Ross should be here
21 any minute.

22 THE COURT: Okay.

23 MR. MEADORS: Then I think we both want to just
24 chat with her for a minute.

25 THE COURT: All right. Yes, sir?

1 MR. FINNEY: I thought we might -- that would be
2 our last witness for the day if that suits the Court.

3 THE COURT: Okay. That's fine. She knows where
4 the new building is?

5 MR. MEADORS: She's been around, but I --

6 THE COURT: She might be in the haunted house
7 across the street.

8 MR. MEADORS: She's here.

9 THE COURT: All right. Just let me know when
10 you're ready. Somebody let one of the bailiffs know when
11 you're ready.

12 MR. MEADORS: Thank you, sir.

13 (A break was taken.)

14 THE COURT: Ready for the jury?

15 MR. FINNEY: Yes.

16 MR. MURPHY: Yes, sir.

17 THE COURT: You can bring the jury in.

18 (The jury came into open court at approximately
19 2:35 p.m.)

20 THE CLERK: All jurors are present in the
21 courtroom.

22 THE COURT: Thank you, Mr. Bradley.

23 Okay, Mr. Meadors.

24 MR. MEADORS: May it please the Court.

25 Your Honor, the State would now call Dr. Janice

1 Ross.

2 DR. JANICE ROSS, after being duly sworn,
3 testified as follows:

4 THE CLERK: Thank you, ma'am. Have a seat up
5 here, please.

6 State your full name and spell your last name
7 for the record.

8 THE WITNESS: Janice Edwards Ross, R-O-S-S.

9 DIRECT EXAMINATION

10 BY MR. MEADORS:

11 Q Good afternoon, Dr. Ross.

12 A Good afternoon.

13 Q Please tell the ladies and gentlemen about Dr. Janice
14 Ross, where you're from and your background, your
15 training, your education, and in particular your education
16 in the field of expertise I've asked you to testify about
17 today, please.

18 A Yes, sir. I went to the University of South Carolina
19 where I received my bachelor's degree and I started
20 medical school in Charleston and ended up in the Upstate
21 Medical Center in Syracuse, New York, where I received my
22 M.D.

23 I did further training in the study of
24 pathology, which is the study of disease. As a
25 pathologist in the hospital, we learned how to look at

1 tissue from surgery from you to identify and diagnose
2 different cancers, leukemias, et cetera, and we look at
3 blood work to help diagnose what disease you have.

4 I did further training and also trained in how
5 to do an autopsy.

6 I did further training in forensic pathology,
7 which the word "forensic" means legal, so we do autopsies
8 to identify patterns of injury and document appropriate
9 things for the court of law in such cases as homicides,
10 suicides and accidents.

11 I'm from Newberry Pathology Associates. We do
12 autopsies at Newberry County Memorial Hospital.

13 Q How many days a week are you doing autopsies?

14 A Presently seven.

15 Q And you pretty much do them every afternoon when
16 there's a body to be viewed?

17 A Yes.

18 Q Where is your office?

19 A Our office is in Newberry. The morgue is in the
20 hospital.

21 Q So you actually do the autopsies in the morgue in the
22 hospital in Newberry?

23 A Correct.

24 Q You're board certified in forensic pathology?

25 A Yes.

1 Q Pathology's basically examining and -- for diseases
2 and forensic pathology goes beyond that?

3 A Forensic pathology deals with legal matters, so we
4 are further trained in looking at patterns of injury and
5 making sure we collect correct specimens and document
6 toxicology and other things for court of law.

7 Q And look for cause of death?

8 A Correct.

9 Q And how many autopsies have you performed?

10 A Over five thousand.

11 Q And have you been offered and accepted as an expert
12 in the courts of records of this state in the field of
13 forensic pathology?

14 A Yes, sir.

15 Q How many times?

16 A Over 80.

17 MR. MEADORS: Your Honor, at this time we would
18 offer Dr. Janice Ross as an expert in the field of
19 forensic pathology.

20 MR. MURPHY: No objection.

21 THE COURT: Okay. Ladies and gentlemen, the
22 witness is qualified as an expert in the field of forensic
23 pathology. The instruction I gave you earlier applies
24 with Dr. Ross as well. If a person is qualified by
25 education, training or experience, that person can give

1 opinions and the reasons for those opinions, and you're to
2 give the testimony the weight that you think it deserves.

3 Mr. Meadors.

4 MR. MEADORS: May it please the Court.

5 And, Your Honor, Dr. Ross, excuse me for moving
6 around. I don't know where to stand in the new courthouse
7 yet.

8 BY MR. MEADORS:

9 Q Did you have an occasion to examine the bodies of
10 Robert J. and Aliyah J. at the request of the
11 Sumter County coroner?

12 A Yes.

13 Q In an ideal world, Doctor, how would you like to get
14 the body? When would you like to see the body in an ideal
15 world to do an autopsy?

16 A You like to see a body as close to the time of injury
17 as possible.

18 Q And if you could, you'd like to be there on the scene
19 to examine right afterwards if somebody unfortunately was
20 dead, correct?

21 A Yes.

22 Q And that's not really reality, is it, that the bodies
23 get sent to you at Newberry for you to examine in the
24 morning; is that correct?

25 A That's right.

1 Q And tell the ladies and gentlemen of the jury what
2 you do, and specifically, what do you do when a body comes
3 in as far as examining, what's the first thing you do?

4 A The body comes to us in a body bag. We open the body
5 bag, we take photographs and write down the items of
6 clothing, take the clothing off and then we do further
7 photographs of the body front and back. We may do X-rays
8 depending on the case, and then we proceed to the autopsy.

9 Q So is it fair to say you take a picture of the body
10 as is and then you start dissecting and looking inside?

11 A Correct.

12 Q For cause of death?

13 A Yes.

14 Q Could we, if you don't mind, start with the body of
15 Robert J.

16 A Yes.

17 Q And when did you examine young Robert J. body?

18 A On April 2, 2012.

19 Q Can you take us through what you did, specifically
20 your findings as you were examining Robert?

21 A Yes. Externally he had some thermal injury. He had
22 been in the hospital for a couple of days and so they had
23 treated him, so part of his injuries were wrapped in
24 gauze, and we took that off. He had a lot of injury,
25 thermal burning of the face, the arms and the legs, and a

1 few spots on the stomach.

2 In talking about thermal injuries, we give it
3 first, second, third, fourth degrees. First degree is
4 just the surface of the skin. Second degree goes through
5 the skin's thickness. Third degree goes into the
6 subcutaneous tissue. And fourth degree goes all the way
7 through the wall of the soft tissue.

8 This gentleman had about 30 percent second and
9 third degree thermal injuries.

10 Q And 30 percent, that's 30 percent of what?

11 A 30 percent of the surface of the body.

12 Q So 30 percent of his body was second and third
13 degree?

14 A Correct.

15 Q And describe second degree again?

16 A It goes through the skin and into the subcutaneous
17 tissue.

18 Q And you're able to observe this with your eyes, the
19 injury, correct?

20 A Yes.

21 Q Where on his body did he receive these injuries?

22 A On the face, the arms and the legs, a few small spots
23 on the stomach.

24 Q Did you notice anything else about -- helping you
25 reach your conclusion as to cause of death after examining.

1 Mr. J. body?

2 A The history of being in a house fire.

3 Q And what does smoke do to you?

4 A When you're in a fire, especially if it's smoky,
5 you're breathing in smoke which has carbon monoxide in it.
6 So the smoke, the soot itself will burn and irritate the
7 airways. The carbon monoxide causes displacement, it
8 replaces the oxygen that's going around your blood system
9 trying to give oxygen to the body organs. So the carbon
10 monoxide kicks out the oxygen so that the body doesn't get
11 oxygenation, and especially organs like the brain and
12 heart are very sensitive to that. And in this case, it's
13 my understanding when the emergency personnel got there,
14 they were already without a heartbeat and unconscious, so
15 the carbon monoxide had already damaged the brain, for
16 instance.

17 Q And I guess just to try to put it in simple terms,
18 that would be like choking to death?

19 A Well, it's a form of asphyxia, so it's just like
20 cutting off your airway, yes.

21 Q And so that will cease brain activity?

22 A Yes.

23 Q And after reviewing the medical records and the EMS
24 records and the hospital records, you think that's what
25 happened Mr. J.

1 A Yes, and with resuscitation they were able to get a
2 heartbeat back, but the brain was too far gone.

3 Q As far as the second and third-degree burns, which
4 would occur first, I mean the lack of oxygen to the
5 brain -- I guess what I'm trying to say, how long would
6 you expect them to be conscious, assuming a room full of
7 smoke and heat approximately 500 degrees?

8 A They in general succumb, they go unconscious due to
9 the smoke inhalation within minutes, within a minute
10 probably, depending on the amount of smoke and the amount
11 of carbon monoxide in the room, and then they're
12 permanently brain dead within four or five minutes if
13 they're consistently in that environment.

14 Q But before they went brain dead, do you think the
15 body would be able to stand up and move around?

16 A Within for -- depending on the age of the person and
17 how physically able they are, but a young person like this
18 could maybe move around 30 seconds or so, which -- up to a
19 minute, which is a long -- you can do a lot in that time.

20 Q And until you completely go out, would it be
21 consistent, would you be disoriented before that?

22 A Could, yes.

23 Q So it's possible it may be a blessing that they were
24 out before the burn injuries?

25 A Yes.

1 Q And as far as Robert J. do you have an opinion
2 to a reasonable degree of medical certainty as to the
3 cause of his death?

4 A Yes.

5 Q What is that, Doctor?

6 A Smoke inhalation and the thermal injury due to the
7 house fire.

8 Q And, Doctor, you may have stated earlier, this
9 incident happened on March 27th. He actually died on
10 March 31st of 2012. Are you aware of that?

11 A Correct.

12 Q And can you explain that to the jury?

13 A I'm sorry?

14 Q Was he taken off life support at that point by the
15 family?

16 A It's my understanding he was, yes.

17 Q And based on your review of the medical records,
18 Mr. J. never regained consciousness?

19 A Correct.

20 Q If we could go now to the body of Aliyah J.
21 Please tell the -- did you do one right after the other?
22 Did they come in together?

23 A Yes, they did.

24 Q And was this also at the morgue at Newberry Hospital?

25 A Correct.

1 Q Can you please tell the ladies and gentlemen about
2 your examination of Aliyah's body?

3 A She had a smaller amount of actual injuries, burn
4 injuries. She only had about ten percent, a little bit on
5 the left upper arm and some on the upper right leg and
6 buttock, but she did have some thick mucous remaining in
7 her lungs and her airways with soot here and there, so she
8 had definite evidence of smoke inhalation.

9 Q And you said ten percent of her body?

10 A Yes.

11 Q Had what degree burns?

12 A Probably first and second degree.

13 Q Where were those burns on her body, Doctor?

14 A The right upper arm and the right upper -- the back
15 of the right upper leg and the right buttock.

16 Q And as far as the pain and injury that she would have
17 suffered, describe that.

18 A Well, she would have succumbed or gone unconscious
19 from the smoke inhalation before she felt the thermal
20 injury.

21 Q Doctor, do you have an opinion to a reasonable degree
22 of medical certainty as to the cause of death of Aliyah

23 J. after examining her body?

24 A Yes.

25 Q What is that, please?

1 A It's smoke and heat inhalation due to the house fire.

2 Q And again, she basically would have been out within
3 the first minute or so?

4 A Correct.

5 Q And your second history of being in a house fire, ten
6 percent thermal, areas of black mucous in her airways,
7 what's number two?

8 A Anoxic encephalopathy. That just means -- anoxic
9 means without oxygen. Encephalopathy means brain injury
10 basically. So it's brain injury due to the lack of
11 oxygen.

12 Q Lack of oxygen, no -- brain injury, smoke inhalation?

13 A Correct.

14 MR. MEADORS: Beg the Court's indulgence.

15 THE COURT: All right.

16 MR. MEADORS: That's all.

17 MR. MURPHY: I have no questions.

18 THE COURT: Thank you, Dr. Ross. You may step
19 down.

20 MR. FINNEY: May the Doctor be excused?

21 THE COURT: Any objection?

22 MR. MURPHY: No, Your Honor.

23 THE COURT: Thank you, Dr. Ross. You may leave
24 or stay, whichever you'd like.

25 MR. FINNEY: May it please the Court.

1 We'd ask for a stipulation as has been agreed
2 upon by the parties to be made a part of the record at
3 this time.

4 THE COURT: All right. Ladies and gentlemen, as
5 I mentioned to you at the beginning of the trial, evidence
6 comes in before a jury in different ways, testimony,
7 exhibits and also reference to a stipulation. What I'm
8 going to do now is read to you a stipulation that's been
9 entered into by the State and by the defendant. It's been
10 signed by Mr. Finney and Mr. Murphy. I'm going to read it
11 word for word and I'll read it slowly so that you can hear
12 it, obviously, and understand it.

13 And again, this is entitled Joint Stipulation of
14 Fact, and I will begin.

15 Certain items of evidence were removed from
16 [REDACTED] of [REDACTED] following the fire upon
17 which this trial is based. These items were nine
18 cigarettes butts and a DNA swab from a knife handle.
19 These items were sent to the South Carolina Law
20 Enforcement Division, SLED, and tested against the DNA
21 standards of Robert J. Aliyah J. Timothy
22 Dingle, and Elizabeth Young.

23 The DNA swab from the knife matched the DNA
24 profile of Timothy Dingle. Timothy Dingle could not be
25 excluded as a major contributor to the DNA obtained from

1 the first cigarette butt, whereas Robert J. Aliyah
2 J. and Elizabeth Young could be excluded.

3 Timothy Dingle could be excluded as a major
4 contributor to the DNA obtained from the second cigarette
5 butt, whereas no conclusive statement could be made
6 regarding the inclusion or exclusion of Robert J.
7 Aliyah J. and Elizabeth Young.

8 Timothy Dingle was found to be a major
9 contributor to the DNA obtained from the third cigarette
10 butt, whereas the partial DNA could not be established as
11 to the minor contributor.

12 Elizabeth Young was found to be the major
13 contributor to the DNA obtained from the fourth and fifth
14 cigarette butts, whereas Robert J. Aliyah J.
15 and Timothy Dingle could be excluded.

16 The DNA obtained from the sixth cigarette butt
17 is a mixture of at least two unidentified individuals.

18 Timothy Dingle is found to be the major
19 contributor to the DNA obtained from the seventh cigarette
20 butt, whereas Elizabeth Young is found to be the minor
21 contributor.

22 Elizabeth Young is found to be the major
23 contributor to the DNA obtained from the eighth cigarette
24 butt, whereas no conclusive statement could be made
25 regarding the exclusion or in exclusion of Robert J.

1 Aliyah J. and Timothy Dingle as the minor
2 contributor.

3 Elizabeth Young, Aliyah J. and Robert
4 J. cannot be excluded as contributors to the ninth
5 cigarette butt. Timothy Dingle is excluded as a
6 contributor.

7 And it ends by saying we so stipulate, signed by
8 Mr. Finney and Mr. Murphy.

9 Did I read that correctly, Mr. Finney?

10 MR. FINNEY: Yes, sir.

11 THE COURT: Mr. Murphy?

12 MR. MURPHY: Yes, sir.

13 THE COURT: Okay. All right.

14 MR. FINNEY: Your Honor, based on some
15 scheduling issues, we would like to take a recess for the
16 rest of the day and start back in the morning.

17 THE COURT: All right. Any objection to that,
18 Mr. Murphy?

19 MR. MURPHY: No, Your Honor.

20 THE COURT: Ladies and gentlemen, we're going to
21 break obviously early for the day. We'll begin tomorrow
22 morning at 9:30. If you would please be here promptly at
23 that time we'll be ready to move forward.

24 As you know, you may not discuss the case
25 amongst yourselves or with anyone else in the world. Do

1 not read anything about this case, do not listen or watch
2 anything about it. Don't undertake to do any type of
3 research on your own. Do not go to any geographical
4 points that are referenced in the testimony or in the
5 other evidence. In short, just don't undertake to do
6 anything involving any of the issues or the people
7 involved in this case.

8 I'll see you back tomorrow morning at 9:30.
9 Thank you for your time today.

10 (The jury left open court at approximately 2:55
11 p.m.)

12 THE COURT: Mr. Finney, since you're sitting on
13 the outside I'll ask you, I'm not going to hold you to it
14 because I know that things are pretty fluid, but if you
15 start presentation of witnesses tomorrow morning at 9:30,
16 what's a guesstimate of when you might be finished?

17 MR. FINNEY: We expect four or five more
18 witnesses, Your Honor, and we expect that we'll be
19 finished by 12, 12:30, if there's not a lot of
20 cross-examination.

21 THE COURT: All right. Mr. Murphy, again not to
22 hold you to it either, if you put up witnesses, of course
23 you gave me the names of those witnesses and I voir dired
24 the jury on that, if you do put up all of those witnesses
25 and if we started your case after lunch tomorrow, would

1 you be finished tomorrow do you think?

2 MR. MURPHY: Yes, sir.

3 THE COURT: Okay. If you would, over the next
4 few minutes, take some time with your client to explain to
5 him at least preliminarily that of course I'll be
6 discussing with him about his Fifth Amendment rights.

7 MR. MURPHY: Yes, sir.

8 THE COURT: And also, if you would all start
9 giving thought to any written jury charges you want to
10 hand up, and that would include but certainly not limited
11 to any thoughts about lesser included, what your idea of
12 the verdict form might be and things of that nature. I
13 know you've all been down this road before, so just start
14 giving that some thought.

15 All right. Thank you. And I'll see you
16 tomorrow morning about 20 minutes after 9.

17 Thank you.

18 (The proceedings were concluded for the day, to
19 be reconvened on August 14, 2013.)

20 *** END OF REQUESTED TRANSCRIPT OF RECORD ***

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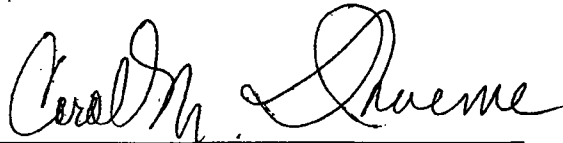
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COUNTY OF SUMTER)

I, CAROL M. THUEME, RPR, Official Court Reporter for the 11th Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Court of General Sessions for Sumter County, South Carolina, on the 13th day of August, 2013.

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

January 7, 2014



CAROL M. THUEME, RPR
Circuit Court Reporter

STATE OF SOUTH CAROLINA)
)
COUNTY OF SUMTER)
) COURT OF GENERAL SESSIONS
) 2012-GS-43-00773

STATE OF SOUTH CAROLINA)
)
) TRANSCRIPT OF RECORD
) VOLUME 3
)
TIMOTHY D. DINGLE)
) DEFENDANT
)

August 14, 2013
Sumter, South Carolina

B E F O R E:

HON. GEORGE C. JAMES, JR., Judge and a jury.

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

ERNEST E. FINNEY, III, SOLICITOR
JOHN P. MEADORS, ASSISTANT SOLICITOR
TYLER B. BROWN, ASSISTANT SOLICITOR
Attorneys for the STATE

TIMOTHY W. MURPHY, PUBLIC DEFENDER
Attorney for the DEFENDANT

CAROL M. THUEME, RPR
Official Court Reporter

I N D E X

PAGE

WITNESSES:

NICOLE LEE:

Direct Examination by Mr. Finney 303

Cross Examination by Mr. Murphy 314

Redirect Examination by Mr. Finney 316

ELIZABETH YOUNG:

Direct Examination by Mr. Finney 318

Cross Examination by Mr. Murphy 341

Redirect Examination by Mr. Finney 346

NATALIE KELLY:

Direct Examination by Mr. Brown 348

Cross Examination by Mr. Murphy 353

DARNELL GETTER:

Direct Examination by Mr. Finney 356

Cross Examination by Mr. Murphy 371

HENRY DINGLE:

Direct Examination by Mr. Meadors 374

Cross Examination by Mr. Murphy 383

Redirect Examination by Mr. Meadors 387

TAKEYA BURROUGHS:

Direct Examination by Mr. Meadors 389

Cross Examination by Mr. Murphy 400

Redirect Examination by Mr. Meadors 401

WITNESSES:	PAGE
BETTY SMALLS:	
Direct Examination by Mr. Murphy	411
Cross Examination by Mr. Finney	414
ROSA KELLEY:	
Direct Examination by Mr. Murphy	416
Cross Examination by Mr. Finney	418
CLOSING ARGUMENTS:	
Mr. Meadors	428
Mr. Murphy	439
Mr. Finney	451
Charge of the Court	457
Verdict of the Jury	483
Sentence of the Court	491
Certificate of Reporter	494

EXHIBITS

State's Exhibits

		ID	EVD
Exh.-31	911 CD	302	397
Exh.-32	Personal effects	302	397

Court's Exhibits

Exh.- 1	Stipulation	487	
Exh.- 2	Jury note	487	
Exh.- 3	Jury note	487	

1 (WHEREUPON, STATE'S Exhibits Nos. 31-32 were
2 marked for identification only.)

3 THE COURT: Okay. Mr. Finney, ready?

4 MR. FINNEY: Yes, sir.

5 THE COURT: Mr. Murphy?

6 MR. MURPHY: Yes, sir.

7 THE COURT: Okay. You can bring in the jury.

8 (The jury came into open court at approximately
9 9:49 a.m.)

10 THE CLERK: Your Honor, all jurors are present
11 in the courtroom.

12 THE COURT: Thank you, Mr. Bradley.

13 All right. We're ready to go forward, ladies
14 and gentlemen.

15 The State can call its next witness.

16 MR. FINNEY: Thank you, Your Honor.

17 The State calls Nicole Lee.

18 NICOLE LEE, after being duly sworn, testified as
19 follows:

20 THE CLERK: Have a seat up here, please.

21 Please state your full name and spell your first
22 and last name for the record.

23 THE WITNESS: Nicole LaToya Lee, N-I-C-O-L-E.

24 DIRECT EXAMINATION

25 BY MR. FINNEY:

- 1 Q How do you spell your last name?
- 2 A L-E-E.
- 3 Q Where do you live, Ms. Lee?
- 4 A I stay on Harry Avenue now.
- 5 Q Is that off Broad Street?
- 6 A Yes.
- 7 Q In Sumter?
- 8 A Yes.
- 9 Q And have you lived here all your life?
- 10 A About ten years.
- 11 Q All right. What do you do for living?
- 12 A I'm unemployed now.
- 13 Q All right. Back in March of 2012, were you a
- 14 resident of what was then either [REDACTED] or [REDACTED]
- 15 [REDACTED]
- 16 A Yes, I was.
- 17 Q And what apartment number did you live in?
- 18 A Fifty-nine.
- 19 Q All right. Did you happen to know Liz Young?
- 20 A Yes, I did.
- 21 Q And how did you know -- how well did you know her?
- 22 A I know her about three years, a good bit.
- 23 Q How long did you live at [REDACTED]
- 24 A About two years.
- 25 Q All right. And was she already a resident there when

1 you moved in?

2 A Yes.

3 Q And did you all talk to each other regularly?

4 A Yes.

5 Q Did you know Robert and Aliyah?

6 A Yes, I did.

7 Q And at the time did you know her kids because you had
8 kids?

9 A Yes.

10 Q How old were your kids back in 2012?

11 A '12?

12 Q Back last year?

13 A Seven. They're eight now.

14 Q It's twins?

15 A Twins.

16 Q You have twins?

17 A Uh-huh.

18 Q Boys or girls?

19 A Girls.

20 Q Two girls. And did your girls play with Robert and
21 Aliyah?

22 A Yes, all the time.

23 Q They have social interaction, they eat pizza
24 together, things like that?

25 A Yeah, uh-huh.

1 Q Where in relationship to Ms. Young's apartment was
2 your apartment?

3 A Our apartment was like -- she was in one building, I
4 was in the next building.

5 Q If you could use these items here as an example, her
6 apartment would have been ■, if that was ■, where would
7 your apartment have been?

8 A On this side, because she on this side, I was on the
9 right.

10 Q Now, where is the street that runs in front of the
11 apartment if your apartment is here?

12 A Right there.

13 Q The street's on this side?

14 A Uh-huh.

15 Q So the front door of her apartment would be --

16 A At the street.

17 Q -- at the street. And if you went out her front
18 door, would you turn left or right to get to your place?

19 A Right.

20 Q Turn right?

21 A Yes.

22 Q So your place would be the next building down?

23 A Yes.

24 Q All right. Now, taking you to March 27th, the night
25 of the fire, were you in your apartment that night?

1 A I was in my friend's apartment at the time.

2 Q So you were visiting?

3 A Yeah.

4 Q Now, tell the ladies and gentlemen of the jury what
5 apartment that was.

6 A Thirty-four.

7 Q And Apartment 34, where is it in relationship to
8 Ms. Liz's apartment?

9 A It's behind her apartment.

10 Q All right.

11 A But you could see each other's back door.

12 Q So the back doors would be almost facing each other?

13 A Uh-huh.

14 Q Very close?

15 A Yes.

16 Q All right. How long had you been in your friend's
17 apartment? What did you say, it was 39 or 34?

18 A Thirty-four.

19 Q How long had you been there that evening when you
20 first heard anything relevant to this case?

21 A I just got off work.

22 Q All right. What time did you get off work?

23 A About 9:30.

24 Q About 9:30?

25 A Yeah.

1 Q So you drove home or walked home?

2 A I had a ride home.

3 Q Caught a ride home. Did you go to your place first
4 or did you go straight to your friend's?

5 A No, I went straight over there because she kept my
6 kids for me.

7 Q So your kids are waiting for you in Apartment 34?

8 A Uh-huh.

9 Q You would say you got there about what time?

10 A It took about five minutes to get there from Central
11 Carolina.

12 Q So you caught a ride from Central Carolina over to
13 Apartment 34?

14 A Uh-huh.

15 Q What time of the evening would you say you arrived
16 there?

17 A 9:36, something like that. It only take me about
18 five minutes to get home.

19 Q So shortly after 9:30?

20 A Yes.

21 Q Did you sit down and play with the kids, talk with
22 your friend?

23 A Yes.

24 Q What was the first time -- let me ask you this: Do
25 you know Mr. Timothy Dingle?

1 A I know him from being at Ms. Ann's house.

2 Q And you've seen him in the apartment complex before?

3 A Yeah.

4 Q Do you know what he looks like?

5 A Uh-huh.

6 Q Do you see him in court today?

7 A Yeah.

8 Q All right. Can you point him out, tell us what he --
9 is that the gentleman sitting over there with the glasses
10 on?

11 A Over there, uh-huh.

12 Q All right. Did you see him that night after you got
13 to your kids in Apartment 34?

14 A Yeah, I did.

15 Q Was he by himself when you first saw him?

16 A Uh-huh.

17 Q What was he doing?

18 A He was on a cell phone. I don't know who he was
19 talking to.

20 Q All right.

21 A But it brought to my attention that he was saying to
22 someone to get they ass home before he burn the house
23 down, but I didn't know who he was talking to.

24 Q All right. And when you heard him say this on the
25 cell phone, were you walking by him or were you standing

1 there talking to him? How did that happen?

2 A , Yeah, I was walking by.

3 Q Were you alone or did you have your kids?

4 A It was by myself.

5 Q And where were you going?

6 A Check my mailbox.

7 Q All right. Where was he standing?

8 A He was like over there by the office, somewhere over
9 that way.

10 Q The office in [REDACTED]

11 A Yeah.

12 Q Okay. Now, was it dark?

13 A Yeah, it was dark.

14 Q Was he by himself?

15 A Uh-huh.

16 Q And he was talking on the cell phone?

17 A Uh-huh.

18 Q And the comment that you heard him say was what?

19 A "You're going to get your ass home, I'm going to burn
20 the house down."

21 Q All right. Now, did you do anything or say anything
22 to him at that time?

23 A No. At that point I didn't figure it didn't mean
24 anything because, you know, him and Ann always had their
25 ups and downs, but I didn't figure he would have...

1 Q You heard them arguing before?

2 A Yeah.

3 Q All right. After you heard this comment by him, you
4 went on to your mailbox?

5 A Yeah, I went to my mail box and then back to 34.

6 Q Back to 34? Your kids were still there?

7 A Yes.

8 Q All right. Did something happen later on in the
9 evening that is relevant to this case?

10 A No, not really. Just that we got a knock on the door
11 from our next-door neighbor, Wanie, that the apartment was
12 on fire.

13 Q All right. You say you got a knock on the door. You
14 were still at 34?

15 A Uh-huh.

16 Q Wanie is a child?

17 A Yes.

18 Q And does she live next door to 34?

19 A Uh-huh.

20 Q You know her?

21 A Uh-huh.

22 Q She came and knocked on the door and said what?

23 A "Did you all know the house was on fire?"

24 Q All right. Did you step out to see what she was
25 talking about?

- 1 A Soon as you open the door you could see it.
- 2 Q All right. How far was it from the door where you
- 3 were at 34 to where you saw the fire?
- 4 A It was not that far.
- 5 Q To where you saw the fire?
- 6 A Yeah.
- 7 Q I was going to ask you, as far as this room, if you
- 8 were at the back door of 34, how far is it to where you
- 9 saw the fire?
- 10 A About right there to that desk.
- 11 Q Where the desk is?
- 12 A Uh-huh.
- 13 Q Did you actually see flames?
- 14 A Yes.
- 15 Q All right. Were there people around outside?
- 16 A The two cops came, was out there when I went outside,
- 17 but the apartment where the kids was at, the room was on
- 18 fire, that's the only room that I saw that was on fire.
- 19 Q All right. And did you know which apartment that
- 20 was?
- 21 A Uh-huh.
- 22 Q No question in your mind?
- 23 A No.
- 24 Q Who's apartment was it?
- 25 A Ms. Ann's apartment.

1 Q All right. I'm going to show you a map that has been
2 put into evidence. It is State's Exhibit No. 24.

3 MR. FINNEY: May I ask the witness to step down,
4 Your Honor?

5 THE COURT: Yes.

6 Keep your voice up, okay?

7 THE WITNESS: Okay.

8 BY MR. FINNEY:

9 Q Can you look at this map and get an orientation as to
10 what you see on it?

11 THE COURT: Have her stand to the side if you
12 don't mind, Mr. Finney.

13 THE WITNESS: Okay. This is the apartments.

14 THE COURT: Ms. Lee, make sure you speak so this
15 lady down here can hear and also the jury.

16 BY MR. FINNEY:

17 Q Let's stand over here, Ms. Lee. If you will hold
18 that.

19 Can you look at that and see where -- for
20 example, do you see [REDACTED]

21 A Yeah, right there.

22 Q All right. And do you see [REDACTED] run into
23 Poulos Street?

24 A Right there.

25 Q All right. Can you point out where Ms. Liz's

1 apartment, [REDACTED], is?

2 A Right there.

3 Q It's hard to see up there. Right there?

4 A Uh-huh.

5 Q All right. And can you point out where you were in
6 Apartment 34?

7 A Right there.

8 Q Thirty-four is right there, [REDACTED] is right here?

9 A Uh-huh.

10 Q All right. And when you came out of the back door,
11 your back door on 34 faces her back door on [REDACTED]?

12 A Uh-huh.

13 Q All right. Can you tell us where the landlord office
14 is that you say you saw Mr. Dingle talking on the cell
15 phone nearby, where would that have been?

16 A I'm not really familiar with the map.

17 Q Very good. Let me ask you this. These two buildings
18 over here, are these just apartment buildings also or is
19 that an office or a laundromat or something over that?

20 A No, those -- those are vacant buildings.

21 Q All right. Now, after you saw Mr. Dingle on the
22 phone, you went to the mail box. Is the mailbox located
23 in the front area of the apartment or is it near where you
24 were on 34?

25 A It's right over there.

1 Q Very good. Let me get you to go back on the stand.

2 Did you call 911 that night?

3 A No, I didn't.

4 Q Why not?

5 A Because there was two officers already on the scene
6 when I got outside.

7 Q All right. Did you happen to see Mr. Dingle again
8 that night?

9 A No, I didn't see him anymore that night.

10 Q Did you see Ms. Liz that night?

11 A Yeah, I did.

12 Q Did you have any words with her?

13 A No. At the time she was taking it kind of hard.

14 MR. FINNEY: All right. Answer any questions
15 the defense may have for you.

16 THE WITNESS: Okay.

17 THE COURT: Mr. Murphy.

18 MR. MURPHY: Thank you, Your Honor.

19 CROSS-EXAMINATION

20 BY MR. MURPHY:

21 Q How far away were you from Mr. Dingle when you say
22 you heard him talking on the cell phone?

23 A I don't know. I was not that far away from him.

24 Q From like where we are or longer or closer? We're
25 probably, what, about ten feet?

1 A Probably where Ms. Cullick at.

2 Q Okay. Ms. Cullick's back there, so we're talking
3 probably about what, like 20 feet?

4 A Yeah.

5 Q And you were walking towards him or away from him or
6 by him?

7 A I was walking by going to my mailbox.

8 Q And this was what time?

9 A This was like a little before 10.

10 Q A little before 10 o'clock?

11 A After I got off work, yeah.

12 Q Now, how many conversations have you had -- have you
13 ever had a direct conversation with my client at all?

14 A No.

15 Q Have you had the opportunity to speak to the Youngs
16 since this happen, Ms. Liz?

17 A Uh-huh.

18 Q How long after this event did you talk them about
19 what you observed?

20 A It's been awhile.

21 Q I would imagine that this was a -- probably had a big
22 impact on the community there?

23 A Yes, it did.

24 Q Lots of people talking about it?

25 A Yes.

1 Q Lots of people saying what they've heard?

2 A I don't know what other people are saying, but I know
3 what I heard..

4 Q Okay. But I mean people told you things, you know,
5 about what they heard other people say, so lots of rumors
6 going on?

7 A Yeah.

8 Q Okay. And I would imagine everybody wants to be
9 helpful to the family?

10 A Uh-huh.

11 Q You do, too?

12 A Yeah, uh-huh.

13 Q You spoken to all of the Youngs?

14 A No.

15 Q Just Ms. Liz?

16 A Yes.

17 MR. MURPHY: Thank you. I have no further
18 questions.

19 THE COURT: Redirect.

20 MR. FINNEY: May it please the Court.

21 REDIRECT EXAMINATION

22 BY MR. FINNEY:

23 Q Ms. Lee, did you talk to a police officer about what
24 you had heard?

25 A Yes, the next day.

1 Q The next day which would have been the 28th?

2 A Yes.

3 Q And did you give a full statement of what you told
4 the jury this morning?

5 A Yes, I did.

6 Q That was March 28, 2012?

7 A Uh-huh.

8 Q Did you sign the statement?

9 A Yes, I did.

10 Q And an officer took it down?

11 A Uh-huh.

12 Q All right. And so you reported it to the officers
13 right away?

14 A Yes.

15 Q Did you make the call to the officers?

16 A No, I didn't. They was out on the scene.

17 Q They were talking to all the neighbors?

18 A Everybody, yeah.

19 Q And you told them what you remember?

20 A Uh-huh.

21 MR. FINNEY: Thank you, ma'am.

22 THE COURT: Anything else, Mr. Murphy?

23 MR. MURPHY: No, sir.

24 THE COURT: Thank you, Ms. Lee. You can step
25 down.

1 MR. FINNEY: We'd call Ms. Liz Young.

2 ELIZABETH YOUNG, after being duly sworn,
3 testified as follows:

4 THE CLERK: Thank you. Have a seat up here,
5 please.

6 Please state your full name and spell your first
7 and last name for the record, please.

8 THE WITNESS: Elizabeth Young, E-L-I-Z-A-B-E-T-H
9 Y-O-U-N-G.

10 DIRECT EXAMINATION

11 BY MR. FINNEY:

12 Q Good morning, Ms. Young.

13 A Good morning.

14 Q Tell us where you live.

15 A Where I live now?

16 Q Yes.

17 A 209 Clement Road.

18 Q All right. And do you live with your daughter and
19 son that testified earlier in this case?

20 A Yes.

21 Q All right. And what are you doing now? Are you
22 employed now?

23 A Yes, I am.

24 Q What do you do?

25 A I work at Palmetto Pidgeon Plant.

- 1 Q All right. Have you worked there for sometime?
- 2 A Yes.
- 3 Q Years?
- 4 A Yes.
- 5 Q All right. So you were working there last year when
- 6 this event occurred in March of 2012?
- 7 A Yes.
- 8 Q Did you own a car then?
- 9 A No, sir.
- 10 Q So you had to walk to work?
- 11 A Yes.
- 12 Q And you have -- we have already met your older
- 13 children. You had two young children, Robert and Aliyah?
- 14 A Yes.
- 15 Q And they were born about a year apart?
- 16 A Yes.
- 17 Q Where were they in school?
- 18 A Alice Drive Elementary.
- 19 Q And had they been going to Alice Drive for quite some
- 20 time?
- 21 A Yes.
- 22 Q What grade was Robert in last year?
- 23 A Fifth.
- 24 Q And what grade was Aliyah?
- 25 A Second.

1 Q All right. Were they good students?

2 A Yes.

3 Q Now, you had been a resident of [REDACTED]
4 for some time?

5 A Yes.

6 Q Years?

7 A Yes.

8 Q And was the lease there in your name?

9 A Yes, it was.

10 Q And was anybody else on the lease?

11 A No.

12 Q And did anybody else have a key to your apartment?

13 A No.

14 Q When you met Mr. Timothy Dingle, what circumstances
15 caused you to meet him? Did you all work together, live
16 together, go to church together, how did you meet him?

17 A No. I ran into -- me and one of my co-workers, which
18 I call Mom, we walked from work. We was on our way to her
19 house and ran into his brother and he asked her whether
20 she was coming around his house, so we went around there
21 for a while.

22 Q All right. So kind of a casual meeting?

23 A Yes.

24 Q And one thing led to another?

25 A Yes.

1 Q Now, in March of 2012 you all suffered this fire.
2 Before that, how long had you all been kind of dating, Mr.
3 Dingle and you?

4 A What you mean?

5 Q Before March when the fire happened, did you all date
6 for a year or just a few months or a week? How long had
7 Mr. Dingle been in your life?

8 A About a month.

9 Q A month? All right. And was it agreed upon between
10 the two of you that you all would live together, that you
11 all would get together and live together, or what -- tell
12 the jury what was the arrangement that you and Mr. Dingle
13 had?

14 A Well, he supposed to move in with me.

15 Q And had he moved his furniture, clothes, toaster,
16 microwave, had he brought that stuff to your place?

17 A He had moved a dresser and some of his clothes, yes.

18 Q All right. How was the atmosphere in the house once
19 he moved in between you and him and between your kids and
20 him?

21 A Oh, at first it was fine.

22 Q All right. And did it change?

23 A Yes, it did.

24 Q How did it change?

25 A Basically, when he started drinking more than usual.

1 Q All right. How much would he drink when he drank
2 more than usual?

3 A Sometimes he would come in already intoxicated and
4 start drinking more.

5 Q All right. In the period of time shortly before
6 March 27th, was Mr. Dingle working, to your knowledge?

7 A No.

8 Q Were you working?

9 A Yes, I was.

10 Q And were you working five days a week?

11 A No, sir.

12 Q How often would you go to work?

13 A Two to three days.

14 Q And tell the ladies and gentlemen a little bit about
15 how your shift works.

16 A One week we'd work two days and the following week
17 we'd work three days, from 8:30 until whatever time we
18 finish.

19 Q All right. And you were working in production at the
20 pidgeon plant, you'd be cleaning birds and getting them
21 ready for shipment?

22 A Yes, sir, evisceration.

23 Q You had been there for years?

24 A Yes.

25 Q All right. Now, let me take you to March 27th. It

1 was a Tuesday, I believe. Did you have the kids getting
2 up at a certain time every morning to go to school?

3 A They get up at 6:30.

4 Q All right. And what time -- how would they get to
5 school?

6 A Bus.

7 Q And where would the bus pick them up at?

8 A On the opposite side by the nursing home.

9 Q All right. Have you looked at this map?

10 A No, I'm not good with maps.

11 Q State's Exhibit No. 24. Could you stand up for a
12 minute? If this is Carolina right here and these are the
13 apartments that you lived in in this area here, can you
14 point out the nursing home? You say there's a nursing
15 home across the street?

16 A Yeah, just before you get to it.

17 THE COURT: Make sure you keep your voice up,
18 okay?

19 BY MR. FINNEY:

20 Q All right. The Sumter Beauty College?

21 A Yes.

22 Q Is that a next-door business?

23 A Yes.

24 Q And would this be the nursing home in this location
25 if this is where [REDACTED] are here?

- 1 A Yeah, it looks like it.
- 2 Q And the bus would come and pick them up?
- 3 A Yes.
- 4 Q Would you be at the bus stop when they'd leave?
- 5 A Sometimes I'd be with them and sometimes they'd go
- 6 out with their friends.
- 7 Q And how would they come home in the afternoon?
- 8 A On the bus.
- 9 Q And would the bus drop them in the same place?
- 10 A Yes.
- 11 Q All right. Now, if this was [REDACTED] and
- 12 this was [REDACTED] the front of your apartment looked
- 13 out on Poulos Street?
- 14 A On Carolina.
- 15 Q Carolina turns into Poulos down here, but you call it
- 16 Carolina -- there's a street in front of your apartment?
- 17 In front of your apartment there's a street, Carolina?
- 18 A You look out my front door, that's Carolina.
- 19 Q All right. And then the back of your house looks out
- 20 on -- you just have an open space?
- 21 A Yes, sir.
- 22 Q All right. You had a relationship with a young lady
- 23 who testified, I think her name was Shaunte?
- 24 A Yes.
- 25 Q And Shaunte lived where?

1 A Shaunte lives on Circle Lane.

2 Q All right. Did you have a young lady baby-sitting --
3 you were baby-sitting her child?

4 A Shaunte, Shaunte Williams.

5 Q Shaunte Williams. Did she live on Carolina?

6 A Yes.

7 Q And so for you to leave your house and walk to
8 Shaunte's house, you would just walk out your front door
9 down Carolina to her house?

10 A Yes.

11 Q And had you done that often?

12 A Yes.

13 Q Was it a long walk?

14 A No.

15 Q All right. And how often -- you can go ahead and sit
16 down. I'm sorry.

17 How often would you baby-sit her child?

18 A Every weekend I'm off.

19 Q And you say you have -- you say the weekend you're
20 off?

21 A Uh-huh.

22 Q You don't work at the pigeon plant on the weekend, do
23 you?

24 A No, sir.

25 Q So every other weekend you would take her children?

1 A Yes.

2 Q There were two?

3 A Yes.

4 Q So you had her two babies every other weekend, you
5 had Robert and Aliyah, and then you had the big kids there
6 most of the time?

7 A Yes.

8 Q After you got the kids off to school that day on the
9 27th of March, did you go to the pidgeon plant to work?

10 A Yes.

11 Q You walked?

12 A Yes, sir.

13 Q All right. And you got off what time do you think?

14 A About 4, 4:30, 5 o'clock.

15 Q So you walked back home?

16 A Yes.

17 Q Are the kids home by that time?

18 A Yes.

19 Q And who's watching them?

20 A They usually come up to my job and let me know
21 they're already home or they'll go and play with a friend.

22 Q All right. And so that evening, was there anything
23 unusual about that evening when you got off work and you
24 got the kids home and you all started preparing the meal
25 for the evening, was there anything unusual about the

1 house or the people in the house that evening?

2 A Not at that time, no.

3 Q All right. Did you have occasion to have to go and
4 help Dyshunn move some clothes to your house?

5 A Yes.

6 Q Did you have a conversation with him that day about
7 allowing him to stay there?

8 A Yes.

9 Q All right. He and Anna, who is your daughter, had a
10 child or a child was on the way? She was pregnant at that
11 time?

12 A Yes, sir.

13 Q Why is it that you would allow Dyshunn to come into
14 your house at that time?

15 A He said that he and his mother had got into it.

16 Q Did you know his mother?

17 A Yes.

18 Q Did you think it would be all right with her for him
19 to come stay with you?

20 A Yes.

21 Q Did you intend that to be a permanent situation or
22 did you all talk about it? Was a temporary situation?

23 A Temporary.

24 Q All right. You went to Dyshunn's house to help him
25 move his stuff?

- 1 A Yes.
- 2 Q Did you walk?
- 3 A Yes.
- 4 Q Did you have to walk across the four lane?
- 5 A Yes.
- 6 Q Who went with you?
- 7 A Me and -- just me, actually, but Julio followed me.
- 8 Q Did you have a conversation with Dyshunn's mom when
- 9 you got there?
- 10 A No, I just told her that I came to get Dyshunn's
- 11 things.
- 12 Q So was she upset?
- 13 A No.
- 14 Q Okay. You got a few things?
- 15 A Uh-huh.
- 16 Q Did Julio help you carry anything away from Dyshunn's
- 17 house?
- 18 A No.
- 19 Q Was Dyshunn with you?
- 20 A No.
- 21 Q Anna?
- 22 A No.
- 23 Q Okay. So you got the items and walked back across
- 24 the four lane to your apartment?
- 25 A Yes.

1 Q And Julio was following you?

2 A Yes, sir.

3 Q He didn't help you carry anything?

4 A No.

5 Q All right. What was his attitude at that time? Were
6 you talking with him, was he communicating with you? What
7 was the conversation as you walked to Dyshunn's mom's
8 house?

9 A I wasn't actually paying him any attention.

10 Q Can you tell the jury, was he pleasant, was he quiet,
11 was he upset, was he cursing? Tell us what was going on.

12 A He was fussing, but like I said, I was just walking
13 ahead of him, trying to block him out.

14 Q When you got back to your house, was Mr. Dingle
15 inside with you?

16 A Yes, he came in.

17 Q All right. At some point that evening did he leave
18 to go to the store?

19 A Yes.

20 Q And did he buy beer?

21 A Yes, sir.

22 Q A box of beer?

23 A Yes, sir.

24 Q All right. And where were you when he came back with
25 the beer?

1 A I was upstairs in my room.

2 Q Can you tell us about what time of day or night that
3 was?

4 A That was daytime.

5 Q Still light outside?

6 A I would say about 4, 4:30.

7 Q All right. Did you have the babies from Shaunte?

8 A Yes.

9 Q All right. So let me go back and clarify. Did you
10 in fact work that day or did you baby-sit that day?

11 A That day?

12 Q That day, which is the day of the fire, the 27th.

13 A No, that day I didn't.

14 Q So you would have put the kids on the bus to school?

15 A Yes.

16 Q Did you have to go to Shaunte's to pick up her babies
17 or did she bring them to you?

18 A She brought them to me.

19 Q And you had both the babies all day?

20 A Yes.

21 Q All right. Was Mr. Dingle around you all day?

22 A No, sir.

23 Q All right. Once Mr. Dingle came back that afternoon
24 with the beer, you said about 4:30 --

25 A Yes.

1 Q -- Robert and Aliyah were home and Shaunte's two
2 children were there with you?

3 A Yes.

4 Q What was Mr. Dingle's attitude when he came back from
5 the store with the beer? Was there anything different
6 about him, was he calmed down, was he upset, what was
7 going on?

8 A Well, he seemed upset.

9 Q All right. And what time had you planned on taking
10 Shaunte's babies back to her?

11 A I was actually going to take them back at least about
12 9 or before Robert and Aliyah, I'm putting them to bed.

13 Q All right.

14 A But when I called Shaunte to see whether she was
15 home, she wasn't home.

16 Q All right. When you took your children and got them
17 ready for -- Robert and Aliyah for bed, what time was
18 that?

19 A They go to bed between 9, 9:30.

20 Q Had you been anywhere? Were you home when they went
21 to bed that night or were you out?

22 A I was home.

23 Q And you saw them go upstairs?

24 A Yes.

25 Q And go to sleep?

1 A Yes, sir.

2 Q All right. They had school the next day?

3 A Yes.

4 Q Would you have to have worked the next day, which was
5 Wednesday? Were you planning on working? Were you on
6 schedule to work the next day?

7 A Yes.

8 Q All right. What time would you normally go to bed if
9 you have to work the next day?

10 A Well, I'll go to bed anywhere between 10 and 11.

11 Q All right. Now, when Mr. Dingle got home with the
12 beer, were the kids, Robert and Aliyah, already upstairs
13 or were they still up?

14 A They were already upstairs.

15 Q All right. And so was there any further argument or
16 fussing that night after Mr. Dingle got home with the
17 beer?

18 A When I got ready to take Shaunte's babies, yes.

19 Q All right. The baby that you were going to take back
20 to Shaunte's house, how old was that child?

21 A I think she was about two at that time.

22 Q Was she a walking baby?

23 A No, she wasn't really walking.

24 Q She was still an arm baby?

25 A Yeah.

1 Q All right. And was it your plan to take the baby to
2 Shaunte's house by yourself or you were going to ask
3 somebody?

4 A I was going to go by myself, but then being that it
5 was dark and had gotten kind of late, I asked my daughter
6 and my son-in-law to walk with me.

7 Q So that would have been Ann who was going to walk
8 with you?

9 A Anna and Dyshunn.

10 Q And Dyshunn?

11 A Uh-huh.

12 Q And who was going to stay at the house with Robert
13 and Aliyah?

14 A Well, I was trying to leave him at the house, because
15 I just basically went --

16 Q Who?

17 A Julio.

18 Q Okay. And did that work out?

19 A No.

20 Q Why did it not work out?

21 A Because he wanted to follow me.

22 Q All right. There was testimony in this case that
23 Julio was on a cell phone talking to somebody. Did you
24 receive a phone call from Julio that evening?

25 A No, I did not.

1 Q Did you have a cell phone?

2 A I had one, but I didn't have it on me.

3 Q All right. Where was your cell phone?

4 A At home in my room.

5 Q All right. And if you left the house to go to
6 Shaunte's house, would you have taken your cell phone?

7 A I didn't take it with me.

8 Q All right. When you left to go to Shaunte's house
9 with her baby, Anna and Dyshunn were with you?

10 A Yes.

11 Q You were expecting Julio to stay at the house?

12 A Yes.

13 Q Why is that?

14 A To watch the kids.

15 Q Robert and Aliyah?

16 A Yes, sir.

17 Q But he didn't do that?

18 A No.

19 Q When you left the house, did you walk down Carolina
20 Avenue?

21 A Yes.

22 Q All right. How long did you plan to stay when you
23 went down [REDACTED] to Shaunte's house?

24 A Actually, I just went to drop the baby off and went
25 right back.

1 Q All right. How -- tell the ladies and gentlemen of
2 the jury what you and Mr. Dingle did after you left the
3 house on your way down that avenue, [REDACTED] What
4 was Mr. Dingle doing, what were you doing?

5 A I was walking up Carolina to go take my goddaughter
6 her baby. He comes out the door yelling, cursing,
7 screaming, hollering, calling me bitch this, bitch that,
8 he's going to burn this mother down. I continued to walk.
9 Dyshunn stays back and tried to calm him down so I can go
10 and get away from him and calm myself down. But he still
11 wants to yell, holler, scream, argue, he's going to burn
12 this mother down. And he follows us on up the road, cuts
13 off through the little dead end road and goes through the
14 path, through Miller Arms.

15 Q Once he cuts off from you, do you continue down to
16 Shaunte's house?

17 A Yes, sir.

18 Q How were you feeling at this time?

19 A I felt -- I just thought it was the alcohol.

20 Q All right. Can you give us an idea of how many
21 drinks he had had in your presence that evening?

22 A I'm not sure.

23 Q Okay. When you got to Shaunte's house, she invited
24 you in?

25 A Yes.

1 Q Anna and Dyshunn were with you?

2 A Yes.

3 Q All right. Do you have an idea about what time this
4 is?

5 A I didn't really look at the time.

6 Q All right. And once you dropped the baby off, did
7 you sit down there, did you stay there several minutes?

8 A Maybe about five, five minutes.

9 Q All right. Did you have your cell phone?

10 A No, not at that time.

11 Q Did you see Mr. Dingle after he left you out on
12 [REDACTED] and went down the short street, did you
13 see Mr. Dingle any more that evening?

14 A Yes, when he came back to the incident.

15 Q All right. So he didn't come down Shaunte's house
16 even though he knew you were there?

17 A No, he didn't come down there.

18 Q And once you left Shaunte's house, what caused you to
19 leave Shaunte's house?

20 A I kind of got a -- well, I had already sent Dyshunn
21 ahead of me to go back and check on the kids.

22 Q All right.

23 A So he was like maybe about five minutes ahead of me.

24 Q All right.

25 A And when I came -- when I walked out of the house, I

1 heard sirens, police cars, fire trucks, whatnot, whatever,
2 going up toward the apartments, so I just took out running
3 because my concern basically was my kids.

4 Q All right. Anna was with you or she was behind you?

5 A I left her behind. She was walking.

6 Q All right. And Anna was pregnant at this time?

7 A Yes, she was.

8 Q Once you got back to [REDACTED], were there emergency
9 people there already?

10 A Yes.

11 Q All right. And what did you see?

12 A A lot of smoke and my apartment on fire.

13 Q All right. And obviously they didn't let you go near
14 the apartment because they were working on the apartment?

15 A Yes, sir.

16 Q How long would you say from the time you left
17 Shaunte's house and got back to [REDACTED], how long did you stay
18 at [REDACTED] before you got in a car to go to the hospital?

19 A It wasn't long.

20 Q Okay. So who was driving the car that was going to
21 take you to the hospital?

22 A My sister.

23 Q She doesn't live at Lantana?

24 A [REDACTED]

25 Q She had gotten the word?

1 A Yes.

2 Q All right. So she drove over to [REDACTED] got you all
3 together, you were on your way to the hospital?

4 A Yes, sir.

5 Q Is that -- when did you next see -- you stood there
6 at [REDACTED] for a while?

7 A Yes.

8 Q A few minutes?

9 A Yes, sir.

10 Q Did you see Mr. Dingle during that time?

11 A Yes.

12 Q Where?

13 A Coming back up Carolina to the incident.

14 Q All right. And when you saw him, were you in the car
15 or were you still waiting?

16 A I was out of the car.

17 Q All right. Did he say anything or do anything? Did
18 he come over and put his arm around you, anything like
19 that?

20 A No, sir.

21 Q All right. What did he do?

22 A He was walking up, and next thing I know, my son
23 Trymaine and his friend walked up and started hitting,
24 beating on him.

25 Q All right. Did you ever get in the car with your

1 sister to go to the hospital?

2 A Yes.

3 Q That was after Dyshunn and Trymaine got Mr. Dingle
4 and were having a fight with him?

5 A Yes.

6 Q That's when you -- after that you got in the car?

7 A Yes, sir.

8 Q Did you have plans -- let me ask you this way: Had
9 you ever had a conversation with Mr. Dingle about moving
10 out of [REDACTED] and moving in with him at a house?

11 A No, sir.

12 Q Did he have the wherewith-all, to your knowledge, to
13 get a house for you?

14 A No, sir.

15 Q And you never had that conversation with him?

16 A No, sir, I haven't.

17 Q Did you have a situation where Mr. Dingle and you
18 argued regularly about issues in the house?

19 A Sometimes, yes.

20 Q Did it get better as you stayed together or did it
21 get worse?

22 A It seems like it got worse.

23 Q Had you ever heard him say anything about burning the
24 house down before March 27th? Did he ever make threats
25 about burning before March 27th?

1 A He said it once, but no one really paid it any
2 attention.

3 Q And that evening you didn't pay any attention as you
4 were walking down Carolina because you thought it was the
5 alcohol?

6 A Yes, sir.

7 Q After you got to the hospital, did you learn that
8 your children were going to be taken somewhere else?

9 A Yes, sir.

10 Q Where did Robert go?

11 A Robert went to Augusta.

12 Q Augusta, Georgia?

13 A Yes.

14 Q And where did Aliyah go?

15 A Richland.

16 Q In Columbia, Richland Memorial?

17 A Yes.

18 MR. FINNEY: Beg the Court's indulgence.

19 (Pause.)

20 BY MR. FINNEY:

21 Q After they -- Aliyah got to the hospital in Columbia,
22 where did you spend most of your time?

23 A At the hospitals.

24 Q With one, both of them?

25 A Both of them.

1 Q So did you have to go back and forth?

2 A Yes, sir.

3 Q And during the three or four days they were in the
4 hospital, they were on life support machines?

5 A Yes, sir.

6 Q And at some point, around the 31st of March, the
7 decision was made -- did you help make that decision about
8 turning off the machines?

9 A Yes, sir.

10 Q And that was based on the fact that doctors told you
11 there was no brain function?

12 A Yes, sir.

13 MR. FINNEY: Thank you for answering my
14 questions. Answer any questions the defense lawyer has
15 for you.

16 MR. MURPHY: Thank you, Your Honor.

17 CROSS-EXAMINATION

18 BY MR. MURPHY:

19 Q Good morning, Ms. Young.

20 A Good morning.

21 Q You indicated you got off work at 4:30?

22 A Yes.

23 Q Are you sure that you were working during that time?

24 A Yes.

25 Q You weren't laid off?

1 A No.

2 Q Not during that time?

3 A No, sir.

4 Q I mean, there was a period where you were laid off,
5 though, from the pidgeon plant, correct?

6 A It may have been, yes.

7 Q And you said you got off work at 4:30?

8 A Yes, sir.

9 Q Now, I may have been confused, but I believe you also
10 said that Mr. Dingle returned to the home around 4:30 with
11 the beer. Was it actually sometime after that? Do you
12 recall when he returned with the beer?

13 A It could have been a little later than that.

14 Q Okay. Isn't it true that you've actually known Mr.
15 Dingle longer than three and a half months? You've known
16 him, who he was anyway --

17 A I known him for a long time.

18 Q About 20 years?

19 A Since about '90.

20 Q In that '90s, right?

21 A Yes.

22 Q So you were in -- as far as a couple, so to speak,
23 it's only recently, correct?

24 A Uh-huh.

25 Q Now, you're aware Mr. Dingle received Social Security

1 Disability, correct?

2 A Uh-huh.

3 Q And he paid the rent or helped pay the rent with the
4 proceeds from the Social Security Disability?

5 A He wasn't there long enough to pay any rent.

6 Q So he never paid -- your testimony is he never helped
7 pay the rent?

8 A No.

9 Q He signed over, though, to you the authority to help
10 cash his checks, correct?

11 A Yes.

12 Q So you were aware he was bringing some income in,
13 correct?

14 A Yes.

15 Q And he did that because -- and that was -- he signed
16 it to you from his brother?

17 A Uh-huh.

18 Q Right.

19 Were you drinking that night?

20 A Yes, I was.

21 Q Were you intoxicated?

22 A No, I wasn't.

23 Q How much did you have to drink?

24 A Maybe a 40 or two 40s.

25 Q And your testimony is you were home when the children

1 went to bed?

2 A Yes.

3 Q Your testimony also is that you expected Mr. Dingle
4 to stay around the house and watch the children when you
5 returned your goddaughter?

6 A Yes.

7 Q Was there any specific conversation with Mr. Dingle,
8 I want you to stay here and watch the kids?

9 A No, not necessarily.

10 Q And obviously he was following you, correct?

11 A Yes.

12 Q So at that point it was clear he wasn't at home
13 watching the kids, correct?

14 A Right.

15 Q And then he took off towards the Miller Arms
16 Apartments, correct?

17 A Yes.

18 Q And the next time you saw him he was coming up from
19 the Miller Arms Apartments up Carolina, correct?

20 A Yes.

21 Q You were at Ms. Williams' house you say for five
22 minutes?

23 A No longer than five minutes.

24 Q No longer than five minutes before you started
25 hearing the sirens?

1 A Yes.

2 Q Not 30 or 45?

3 A No.

4 Q Do you recall what time you got to the house?

5 A No, I don't recall.

6 Q Prior to this incident, Mr. Dingle and your two
7 deceased children, he got along with them, didn't he?

8 A Well, they didn't even hang around him that much.

9 Q Well, he took them to his sister's house four times,
10 four or five times, didn't he?

11 A No. It was only one time.

12 Q He took them and bought them candy sometimes, didn't
13 he?

14 A He'd bring them candy.

15 Q Okay. He was never cruel to them, was he?

16 A Not in front of me, no.

17 Q They ever complain about him to you?

18 A Not necessarily, no.

19 Q So he was -- had a positive relationship with the
20 children, correct?

21 A You could say that.

22 Q You would agree with that?

23 A Yeah, I guess.

24 Q So your testimony is that you and Mr. Dingle never
25 had a conversation about moving in together with the

1 children?

2 A No.

3 Q With your two younger children?

4 A No.

5 Q And that the reason for the fight -- the reason for
6 the fight had nothing to do with him not wanting Trymaine
7 to move in with you?

8 A No.

9 MR. MURPHY: I have no further questions. Thank
10 you, ma'am.

11 THE COURT: Redirect?

12 MR. FINNEY: May it please the Court.

13 REDIRECT EXAMINATION

14 BY MR. FINNEY:

15 Q Ms. Young, do you have a watch on today?

16 A No, sir.

17 Q Do you wear a watch?

18 A No, sir.

19 Q Did you have one last March 27th?

20 A No.

21 Q Were you paying attention to the time?

22 A No.

23 Q Would you agree with me that it would take several
24 minutes for you to leave [REDACTED] and walk down to [REDACTED]
25 [REDACTED], to Shaunte's house?

1 A Yes.

2 Q Were you carrying the baby?

3 A I carried.

4 Q You carried the baby. So you can't walk as fast with
5 the baby, can you?

6 A No, not that fast.

7 Q And then once you got there, you stayed there several
8 minutes?

9 A No later than five.

10 Q Five minutes. And then you say you heard sirens so
11 you had to walk back quickly?

12 A I actually ran back.

13 Q So it took you a few minutes -- I mean it took awhile
14 to run back to ■?

15 A I would say about five, ten minutes.

16 Q You think it took you five or ten minutes just to run
17 back?

18 A To run back, yeah.

19 Q So it took you five or ten minutes to get down there
20 in the first place?

21 A Yeah, with the baby.

22 Q And were you walking the whole time or did you have
23 to stop and fuss with Julio on the way down there?

24 A I didn't stop and fuss with him. I was trying to get
25 away from him.

1 MR. FINNEY: Thank you, ma'am. Nothing further.

2 THE COURT: Any else, Mr. Murphy?

3 MR. MURPHY: No, Your Honor.

4 THE COURT: Thank you, ma'am. You can step
5 down.

6 MR. BROWN: May it please the Court, Your Honor.

7 THE COURT: Yes, sir.

8 MR. BROWN: At this time we'd call Detective
9 Natalie Kelley of the Sumter Police Department.

10 NATALIE KELLY, after being duly sworn, testified
11 as follows:

12 THE CLERK: Have a seat, please.

13 Please state your full name and spell your first
14 and last name for the record.

15 THE WITNESS: Natalie Kelly, N-A-T-A-L-I-E
16 K-E-L-L-Y.

17 DIRECT EXAMINATION

18 BY MR. BROWN:

19 Q It's Detective Kelly, correct?

20 A Yes, sir, that's correct.

21 Q And where are you employed?

22 A Sumter City Police Department.

23 Q For the ladies and gentlemen of the jury, would you
24 please tell them just a little bit about yourself, where
25 you're from, how long you've been with the police

1 department and what your rank is, what you do with your
2 rank.

3 A I'm Detective Natalie Kelly. I've been employed with
4 Sumter City Police Department for approximately seven
5 years. I'm from Sumter area. I'm in charge of
6 investigating violent crimes. Those crimes consist of
7 like kidnapping, robbery, homicide and also child abuse.

8 Q On the night of March 27th, the morning of March
9 28th, were you called out to the [REDACTED] here
10 in Sumter, South Carolina?

11 A Yes, I was.

12 Q And what were you called out in regards to?

13 A It was in regards to a fire that had happened and two
14 kids were actually injured in that fire.

15 Q When you -- what time did you arrive at the apartment
16 complex?

17 A It was approximately maybe around 12:30.

18 Q And once you arrived at the apartment complex, at
19 some point thereafter, did you have the occasion to come
20 in contact with the defendant, Timothy Dingle?

21 A Yes.

22 Q Can you please tell us about those circumstances and
23 about what time that happened?

24 A Well, he was detained on scene. He was essentially
25 transported to the law enforcement center, which was

1 around 12:53 a.m.

2 Q Following that, did you all take him to the
3 Sumter-Lee Regional Detention Center?

4 A Yes, we did.

5 Q Did you all book him in?

6 A Yes, we did.

7 Q As a regular part of booking someone in, do you all
8 search the defendant and take personal items away from
9 him?

10 A Yes, we do.

11 MR. BROWN: Your Honor, permission to approach
12 the witness? And I've already shown these to Mr. Murphy.

13 THE COURT: Okay. It's got a number on it?

14 MR. BROWN: It does, Your Honor. 32, for the
15 Court's records.

16 BY MR. BROWN:

17 Q Can you please open that box and tell me if you
18 recognize those items?

19 A Yes, sir, I do. These are the items that were taken
20 away Mr. Dingle at the law enforcement -- at the jail.

21 Q And you were present at the jail that night?

22 A Yes, I was.

23 Q And you took those items from Mr. Dingle that
24 particular night and turned them into evidence with the
25 Sumter City Police Department?

1 A That's correct.

2 MR. BROWN: At this time I'd offer State's
3 Exhibit No. 32 into evidence, Your Honor.

4 THE COURT: Any objection?

5 MR. MURPHY: No objection.

6 THE COURT: All right. Thirty-two is in.

7 (WHEREUPON, STATE'S Exhibit No. 32, having been
8 previously marked, was received into evidence.)

9 BY MR. BROWN:

10 Q I'm just going to individually pull these items out
11 and ask you to identify them and whether or not they were
12 what came out of Mr. Dingle's pocket.

13 Do you recognize this item?

14 A Yes.

15 Q And what is this item?

16 A A red Afro comb.

17 Q And was this from Mr. Dingle's person?

18 A Yes, it was.

19 Q Do you recognize this item right here?

20 A Yes, I do.

21 Q And what is this item?

22 A Brown wallet.

23 Q Did this have some identifying information in there
24 belonging to Mr. Dingle?

25 A Yes, it does.

1 Q And that was turned over to the City?

2 A That's correct.

3 Q Do you recognize this item right here?

4 A Yes, I do.

5 Q And will you please identify that for the ladies and
6 gentlemen of the jury?

7 A It's a cellular phone that was also taken off of Mr.
8 Dingle.

9 Q And, finally, do you recognize this item right here?

10 A Yes, I do.

11 Q What was this?

12 A It's a green-color lighter.

13 Q And this was removed from his person?

14 A Yes, it was.

15 Q Can you please look at that and tell me whether it
16 has lighter fluid in it?

17 A Yes, it does.

18 Q Okay. You turned all of these items into the Sumter
19 City Police Department?

20 A Yes.

21 Q Into the evidence custodian?

22 A I did.

23 Q And Mr. Albroke has brought these over here today?

24 A Yes.

25 MR. BROWN: Thank you. No further questions at

1 this time.

2 THE COURT: Mr. Murphy.

3 CROSS-EXAMINATION

4 BY MR. MURPHY:

5 Q How are you today?

6 A I'm good.

7 Q Good. I'm going to show you the wallet real quick.

8 A Okay.

9 Q Can you identify this card that's in the wallet?

10 A Yes. It says Timothy Donald Dingle. It's a South
11 Carolina identification card.

12 Q That's not a license?

13 A No, it's not.

14 Q Can you read the address on it, please?

15 A Sure. It says Number 16, Brunhill Street, Sumter,
16 South Carolina 29150.

17 Q Thank you.

18 To your knowledge, was any testing done on the
19 cell phone to see what calls could or could not have been
20 made from this phone?

21 A No, sir.

22 Q To your knowledge?

23 A No, sir, not to my knowledge.

24 Q Don't know even know if there were any minutes on
25 this phone, right?

1 A No, sir.

2 MR. MURPHY: I have no further questions. Thank
3 you.

4 THE COURT: Redirect.

5 MR. BROWN: Nothing from the State, Your Honor.

6 MR. MEADORS: May we approach, Your Honor?

7 THE COURT: Yes, sir.

8 You can step down. Thank you.

9 (A bench conference was held with the judge and
10 attorneys in the presence of the jury but out of the
11 hearing of the jury.)

12 THE COURT: Ladies and gentlemen, we're going to
13 take a break right now. It will probably be about 15
14 minutes. And I hope it's right at that. Sometimes these
15 are hard things to predict. But please go to your jury
16 room. You may not discuss the case. We'll have you back
17 out as soon as possible.

18 If there's something you'd like to drink that's
19 not in the jury room, maybe tap on the door and let the
20 bailiff know, and if it's in the courthouse, they'll
21 certainly try to get it for you.

22 Thank you.

23 (The jury left open court at approximately
24 10:43 a.m.)

25 THE COURT: So there's nothing we need to go

1 over about Mr. Getter's record right now? You all are
2 going to talk about that right now?

3 MR. MURPHY: Yes, sir.

4 THE COURT: Okay. We'll take a break for a few
5 minutes.

6 (A break was taken.)

7 THE COURT: Are there any issues we need to go
8 over about his record or have you all resolved that?

9 MR. FINNEY: We've resolved it.

10 MR. MURPHY: We've resolved that, Your Honor.

11 THE COURT: Ma'am or sir, would it be possible
12 for his wrist chains to be taken off if he has to point to
13 a map? All right.

14 Okay. Mr. Finney, you ready for the jury?

15 MR. FINNEY: I am, Your Honor.

16 THE COURT: Defendant ready, Mr. Murphy?

17 MR. MURPHY: I am, Your Honor.

18 THE COURT: All right. You can bring in the
19 jury.

20 (The jury came into open court at approximately
21 11:05 a.m.)

22 THE CLERK: Your Honor, all the jurors are
23 present and in the courtroom.

24 THE COURT: Thank you, Mr. Bradley.

25 Okay. Mr. Finney.

1 MR. FINNEY: Thank you, Your Honor.

2 If it please the Court, we'd call Mr. Darnell
3 Getter.

4 THE COURT: Come around this way, Mr. Getter.

5 DARNELL GETTER, after being duly sworn,
6 testified as follows:

7 THE CLERK: Have a seat up here, please.

8 Please state your full name. Spell your first
9 and last name for the record, please.

10 THE WITNESS: Darnell Getter, D-A-R-N-E-L-L
11 G-E-T-T-E-R.

12 DIRECT EXAMINATION

13 BY MR. FINNEY:

14 Q Good morning, sir?

15 A Good morning.

16 Q Mr. Getter, tell the ladies and gentlemen of the jury
17 where you're from.

18 A I'm originally from North New Jersey.

19 Q What brought you to South Carolina?

20 A My mother.

21 Q And is she a resident of Sumter?

22 A Yes.

23 Q And did you reside in Sumter with her?

24 A Yes.

25 Q All right. You are currently incarcerated at Wateree

1 Prison?

2 A Yes.

3 Q And when did you get sentenced there?

4 A February of this year -- last -- this year.

5 Q February of 2013?

6 A Yes.

7 Q And what are you serving time for?

8 A Receiving stolen property.

9 Q All right. And are you expected to be released?

10 A Yes.

11 Q When?

12 A December 7th.

13 Q Of this year?

14 A Yes.

15 Q Now, do you also have other charges that have been
16 placed on your record over the past five, ten years where
17 you have been sentenced by a judge and convicted of
18 certain crimes?

19 A Yes.

20 Q Can you tell the jury some of those things that
21 you've been convicted of?

22 A 3rd degree burglary, breaking in an auto, and
23 forgery.

24 Q All right. And have you been given a sentence for
25 those?

1 A Yes.

2 Q And some of those sentences you've completed?

3 A Yes. All of them are completed.

4 Q Tell us a little bit about yourself. Did you
5 graduate high school?

6 A Yes, I graduated high school. I have a year and a
7 half of college, military.

8 Q What branch?

9 A Army.

10 Q Were you enlisted?

11 A Yes.

12 Q Did a two-year hitch?

13 A Four.

14 Q Four-year hitch?

15 A Yes.

16 Q Honorable discharge?

17 A Yes.

18 Q Your mother still resides here.

19 A Yes.

20 Q And when you are released from prison, will you be
21 residing with her here?

22 A Yes.

23 Q All right. I want to take you back to the events
24 that brought us here today, back in March of 2007. I'm
25 going to kind of bounce a little bit, so you stay with me.

1 Did you have an occasion to see and be a witness
2 to a fire at [REDACTED] on March 27th into the
3 early hours of March 28th, 2012?

4 A Yes.

5 Q What brought you down to that location?

6 A I was sitting on a friend of mine's porch waiting for
7 him to come back from the store and I heard a young lady
8 and a man arguing right in front of the house.

9 Q In front of the house you -- it wasn't your house?

10 A No.

11 Q Can you give me the address of the house you were at?

12 A I think it's 172 or 120, something like that. I'm
13 not sure of the address.

14 Q And this was a friend's house?

15 A Yes.

16 Q You were waiting for him?

17 A Yes.

18 Q Had you driven to this house or walked there?

19 A I had walked to the house.

20 Q Were you by yourself?

21 A Yes.

22 Q And were you inside the house or outside the house?

23 A I was sitting on the porch.

24 Q All right. And you heard a conversation or an
25 argument between a man and a woman?

1 A Yes.

2 Q What street were you on?

3 A On Carolina.

4 Q And if I show you State's Exhibit No. 24, can you
5 stand up, please, sir? If I tell you that this is the
6 [REDACTED] complex, Poulos Street is out here on
7 the front and this is Carolina, can you tell me where the
8 house is that you were sitting on the porch of?

9 A Right here.

10 Q All right. And what's beside that house?

11 A It's a little street that goes -- a little dead end
12 street.

13 Q Is it paved?

14 A Yes.

15 Q All right. But cars can't go all the way down
16 because it's blocked --

17 A No, there's a fence that blocks it.

18 Q All right. And you were sitting on this. What time
19 of evening or day was it when you heard this argument?

20 A This was about 10, 10:30, 11 o'clock, somewhere up in
21 there.

22 Q All right. And what did you actually hear -- go
23 ahead and sit back down. What did you actually hear
24 between this man and this woman?

25 A Oh, first, when they came down they was arguing.

1 It's like the guy was telling her that she couldn't go to
2 the club or something. They was arguing about that. And
3 then, you know, they was going back and forth, M-F this,
4 M-F that. And then, you know, she waved him off and he
5 was like, well, if you go, I'm going to kill you and them
6 F'ing kids and burn the house down.

7 Q All right. Now, when you heard that, did you know
8 who was speaking those words?

9 A Yes.

10 Q All right. What was your opportunity to see that
11 person?

12 A Excuse me?

13 Q How far away were you?

14 A I would say about from where I'm sitting now to like
15 the bench right there.

16 Q The bench where the lawyers are sitting?

17 A Yes.

18 Q All right. And would you estimate that as 25,
19 30 feet?

20 A Yes.

21 Q Was there any light on at the time?

22 A Just the street light.

23 Q All right. Who did you hear say those words to that
24 lady that night?

25 A Timothy Dingle.

1 Q And how long had you known Mr. Timothy Dingle?

2 A For about five or six years, somewhere up in there.

3 Q And where did you know him from?

4 A I first met him at Kershaw.

5 MR. MEADORS: Can we approach?

6 THE COURT: Yes, sir.

7 (A bench conference was held with the judge and
8 attorneys in the presence of the jury but out of the
9 hearing of the jury.)

10 THE COURT: Thank you, Mr. Meadors.

11 Mr. Finney.

12 MR. FINNEY: Thank you, Your Honor.

13 BY MR. FINNEY:

14 Q Mr. Getter, the man that you said spoke those words
15 to the lady that night, is he in the courtroom today?

16 A Yes.

17 Q All right. Would you point him out for the jury?

18 A Right there.

19 Q Is he sitting with his lawyer at the counsel table?

20 A Yes.

21 Q All right. And how do you know -- first of all, you
22 know his name as Timothy Dingle?

23 A Yes.

24 Q Do you have another name that you know him by?

25 A Yes, Julio.

1 Q All right. And have you called him both names?

2 A Yes.

3 Q All right. You say you've know him three or four
4 years. All of that would have been South Carolina, you
5 know him from South Carolina?

6 A Yes.

7 Q All right. When you saw Mr. Dingle that night, did
8 he see you?

9 A No, I don't believe so.

10 Q Did you say anything to him?

11 A No.

12 Q All right. How long would he and this lady have been
13 in your ear shot that evening on Carolina?

14 A I'd say between three to six minutes.

15 Q All right. Were they walking steadily or were they
16 talking and fussing? Tell the jury what was going on.

17 A They were walking at first. It's like her -- it was
18 her, another woman and another guy, they was walking, and
19 Timothy was like right behind them, following them.

20 Q All right. And would you say that the tone between
21 them was conversational like we're doing now?

22 A No.

23 Q Tell us what the tone was.

24 A It was more like a violent tone.

25 Q All right. Was the lady speaking loud as well?

1 A Yes.

2 Q Did you know the lady at that time when you first --

3 A No.

4 Q After you heard this remark from Mr. Dingle, did he
5 continue on down Carolina with the lady and the other two
6 people?

7 A No.

8 Q All right. Which way was the lady and the other two
9 people walking on Carolina?

10 A They were going towards Broad.

11 Q Towards Broad Street?

12 A Yes.

13 Q From where you were sitting on the porch, would that
14 have been to your right or to your left?

15 A That's to my right.

16 Q To your right, toward Broad Street?

17 A Yes.

18 Q And after a few minutes of fussing and arguing, they
19 walked on down?

20 A Yes.

21 Q What did you see Mr. Dingle do?

22 A Go back towards [REDACTED]

23 Q And which way would that have been from where you
24 were seated?

25 A To my left.

1 Q To your left. Did you see him go all the way to

2 [REDACTED] Did you watch him?

3 A No, I didn't watch him.

4 Q Tell us what transpired later on.

5 A I was sitting on the porch and smelled something
6 burning. At first I just thought it was somebody burning
7 wood at their house or something, but then it got real
8 smoky. Then the guy at the house that lived next to where
9 I'm sitting, he came out and we was talking. And then,
10 you know, we just thought it was somebody burning
11 something so we started looking down the street. And then
12 we seen the police car come in and block the street off,
13 and the fire truck, so we walked down that way. The next
14 thing I know, the house was on fire.

15 Q All right. And when you say the house --

16 A The apartment.

17 Q It was in the [REDACTED] in the [REDACTED]

18 A Yes.

19 Q Did you actually go over there to where the fire was?

20 A Yes.

21 Q All right. By that time police had blocked off the
22 streets?

23 A Yes.

24 Q Did you stand in front of the house that was on fire,
25 beside it, behind it, where?

1 A No, I went in the back.

2 Q All right. And what could you see from the back?

3 A Just the house was on fire and, you know, the police
4 was blocking people off, and the fire department putting
5 it out.

6 Q All right. From the time that you smelled the smoke
7 until the time that you went back to the back of the
8 apartment which was on fire, did you see Timothy Dingle?

9 A No.

10 Q Did you see anybody else that you had seen earlier
11 that evening?

12 A No, besides -- after I was out there for a while, I
13 seen the mother come back.

14 Q All right. The mother that you saw come back, how
15 did you know she was connected to the fire?

16 A Because I had just seen her out there arguing with
17 the guy.

18 Q Did you know her when you first saw her out there
19 arguing?

20 A No.

21 Q Did you know that she -- you saw her and Timothy
22 Dingle?

23 A Yes.

24 Q But you didn't know her?

25 A No.

1 Q You knew Mr. Dingle?

2 A Yes.

3 Q And the next time you saw her was when you saw her
4 coming back to check on the apartment?

5 A Yes.

6 Q How much time would you say went by from the time you
7 heard the argument until the time you saw her running back
8 to where you were behind the apartment?

9 A I would say in between five or ten minutes. It was
10 in between there.

11 Q All right. Now, did you stay there at the apartments
12 the whole night?

13 A Yes.

14 Q All right. And so you -- when was the first time you
15 told law enforcement about what you had heard?

16 A I told them when I first -- when I seen her and she
17 was hysterical and stuff, then that's when I noticed who
18 it was, and then I went and found the officer and told the
19 officer what I had just heard.

20 Q All right. So you found an officer at the scene --

21 A Yes.

22 Q -- while the fire was still going, so to speak, or
23 shortly after --

24 A Yes.

25 Q -- and told them --

1 A Yes.

2 Q -- what you'd heard?

3 A It was still burning.

4 Q Did they take you away from there to the law
5 enforcement center?

6 A No.

7 Q Tell us what happened.

8 A I sat out there and, you know, watched them -- after
9 I told the officer, I sat out there and I watched them,
10 you know, put the fire out. And then I'd say about 20
11 minutes, 20 to 25 minutes later, I seen Mr. Dingle come
12 back down Carolina, and he got beer in his hand and stuff.
13 And then the next thing you know, it was some little young
14 guys out there and they seen them jump on him and they
15 started beating him.

16 Q You saw all that?

17 A Yes.

18 Q All right. Had you already reported to law
19 enforcement what you had heard Mr. Dingle say?

20 A Yes.

21 Q By the time you saw Mr. Dingle get in a fight?

22 A Yes.

23 Q All right. Did you see Mr. Dingle leave the place
24 that night? Did he leave by police escort or anything
25 like that?

1 A After they beat him, yeah, the police had took him.

2 Q So he got in a police car?

3 A Yes.

4 Q All right. Did you go home?

5 A Yes.

6 Q The police had your name, address, phone number?

7 A Yes.

8 Q The next morning, at 5:23 in the morning, which was
9 the 28th of March, did you have a police officer come and
10 talk to you?

11 A Yes, they came and picked me up.

12 Q From your house?

13 A Yes.

14 Q Where you told them you lived?

15 A Yes.

16 Q And took you to the law enforcement center?

17 A Yes.

18 Q And did you give a statement to the officer?

19 A Yes.

20 Q So this was five or six hours after the fire had
21 started you were in the law enforcement center talking to
22 officers?

23 A Yes.

24 Q And you gave them a statement?

25 A Yes.

1 Q And you told them you had heard Timothy Dingle make
2 threats to this woman?

3 A Yes.

4 Q And a few minutes later you told the officers you
5 smelled smoke and saw the apartment on fire?

6 A Yes.

7 Q Is that statement that you gave then to the officers
8 true?

9 A Yes.

10 Q Is your testimony that you're telling this jury this
11 morning true?

12 A Yes.

13 MR. FINNEY: Beg the Court's indulgence.

14 THE COURT: Yes, sir.

15 (Pause.)

16 BY MR. FINNEY:

17 Q When you gave the statement to the officers at their
18 office the next morning, did you have any pending charges
19 in the court in Sumter County?

20 A No.

21 Q You were charged after that?

22 A Yes.

23 Q And as a result of that charge you went to court and
24 pled guilty?

25 A Yes.

1 Q And received a sentence?

2 A Yes.

3 Q All right. The man that you heard make the threat
4 that evening about burning the house down and killing
5 people, is he in court?

6 A Yes.

7 Q Point him out, please.

8 A (Witness complies.)

9 Q And how do you know him?

10 A I know him from meeting him --

11 Q I'm saying how do you know him -- do you know his
12 name?

13 A Yes.

14 Q What is his name?

15 A Timothy Dingle.

16 Q Are you sure?

17 A Yes.

18 MR. FINNEY: Nothing further.

19 THE COURT: All right. Mr. Murphy.

20 CROSS-EXAMINATION

21 BY MR. MURPHY:

22 Q Mr. Getter, the pathway that you described earlier
23 that's a pathway, it's a road that's blocked, that's to
24 your left also?

25 A Yes.

1 Q And you saw Timothy Dingle walking -- when you say
2 back towards the [REDACTED] that he was walking
3 to your left?

4 A Yes.

5 Q And then that road is also to your left, correct?

6 A Yes.

7 Q You didn't watch him continually walk down there?

8 A No.

9 Q Were there a lot of people out watching the fire that
10 night?

11 A Yes.

12 Q All right. And did you hear a lot of different
13 rumors and everything that different people were saying at
14 that time and afterwards?

15 A No.

16 Q What had happened?

17 You didn't -- do you live in that neighborhood?

18 A I used to live in that neighborhood.

19 Q At that time you weren't living in that neighborhood?

20 A No.

21 Q Isn't it true that Timothy Dingle reported you for
22 one of the convictions you received, a B&E auto?

23 A Yes.

24 Q And you served about four years for that?

25 A Yes.

1 Q So that's one of the reasons you know him, correct?

2 A Yes.

3 Q He was willing to testify against you?

4 A Yes.

5 MR. MURPHY: All right. No further questions.

6 Thank you.

7 THE COURT: Redirect?

8 MR. FINNEY: No, Your Honor.

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

10 Can the witness be excused?

11 MR. FINNEY: No objection, Your Honor.

12 THE COURT: Mr. Murphy?

13 MR. MURPHY: No objection.

14 THE COURT: All right. Thank you, sir. You all
15 can go ahead and go if you'd like. Thank you.

16 Yes, sir.

17 MR. MEADORS: May it please the Court.

18 THE COURT: Yes, sir.

19 MR. MEADORS: The State of South Carolina would
20 call Henry Dingle.

21 HENRY DINGLE, after being duly sworn, testified
22 as follows:

23 THE CLERK: Have a seat up here, please.

24 Please state your full name. Spell your first
25 and last name for the record.

1 THE WITNESS: Henry O'Neal Dingle, H-E-N-R-Y O.
2 D-I-N-G-L-E.

3 DIRECT EXAMINATION

4 BY MR. MEADORS:

5 Q Good morning, Mr. Dingle.

6 A How you doing?

7 Q Mr. Dingle, will you tell these folks where you're
8 from?

9 A Sumter, South Carolina.

10 Q Born and raised here?

11 A Born and raised across the street.

12 Q Did you go to school here?

13 A As far as the ninth grade and then graduated from
14 high school in Kentucky.

15 Q What did you do after that, Mr. Dingle?

16 A I joined the Job Corps and then I went into the Peace
17 Corps and then I went into the United States Marine Corps.

18 Q How long were you in the Marines?

19 A Two and a half years.

20 Q And what did you do after that, sir?

21 A Worked at Western Sizzlin Steakhouse for about 15
22 years. Went to California and worked for the V.A. for
23 about two years and then went back to school, and then
24 eventually came back to South Carolina.

25 Q And when you got back to South Carolina, what did you

1 do?

2 A Went to work for Hayco Tree Service for about two or
3 three years and then my health started bothering me and I
4 stopped working and went self-employed for a long period
5 of time.

6 Q And, Mr. Dingle, your self-employment consisted of
7 what? I know you're a working man.

8 A Landscaping and tree service and cement work.

9 Q And do you have any brothers or sisters?

10 A At the present moment, I have three brothers and four
11 sisters.

12 Q And is Mr. Timothy Dingle one of your brothers?

13 A Yes, he's my second youngest brother.

14 Q Now, Mr. Dingle, do you live on Brunhill?

15 A At the present moment I'm living in Lexington.

16 Q And I meant to say back in March of 2012, where did
17 you live?

18 A At 16 Brunhill and 6 Brunhill.

19 Q And were both of those residences yours?

20 A The one at 16 Brunhill was mine and the one at 6
21 Brunhill was Timothy Dingle, Henry Dingle, and Henry
22 Dingle, Jr.'s home.

23 Q Okay. Do you go by Neal, too, sometimes?

24 A Yes, sir.

25 Q Okay. Did Mr. Timothy Dingle live with you for a

1 period of time in relationship to what we're here about?

2 Had he lived with you prior to March of 2012?

3 A I lived with him.

4 Q With him? And where was that?

5 A At 6 Brunhill.

6 Q And did you know Ms. Liz Young?

7 A Very well.

8 Q And had your brother Timothy Dingle started or
9 established or was he having a relationship with Ms. Young
10 back in 2012?

11 A It was going on for -- off and on for over ten years.

12 Q So they had had a relationship off and on for ten
13 years?

14 A Yes, and engaged to get married.

15 Q And did Liz ever stay on Brunhill with -- Liz Young,
16 excuse me, stay on Brunhill with Mr. Timothy Dingle?

17 A She had lived -- they be in and out of both houses.

18 Q And at some point in March of 2012, did your brother
19 Timothy Dingle go and live with Ms. Liz Young?

20 A He would run back and forth, back and forth, but he
21 spent a lot of time -- he spent enough time in the

22 [REDACTED] with Ms. Young to be common law
23 married.

24 Q So that would be -- would that be in the first part
25 of 2012?

1 A Yes, sir.

2 Q Approximately. I'm not trying to pin you down, but
3 the first part of 2012 until March, was he staying more at
4 [REDACTED] with Liz than he had before?

5 A Much more.

6 Q Would you still see him, though?

7 A Every five minutes.

8 Q And as a matter of fact, would he and Liz ever argue?

9 A Every other day.

10 Q And when they would argue, would he ever come back
11 and see you?

12 A It was his house, couldn't keep him out. He had his
13 own key. He'd come in and out when he get ready.

14 Q And after a day or so, would he then go back to Liz?

15 A That's how it always happened.

16 Q I would like to get right to March 27, 2012, a
17 Tuesday, Mr. Dingle. Had you worked that day?

18 A Yes, sir.

19 Q And what type of work had you done?

20 A I worked for Great Mount Pisgah Baptist Church
21 cleaning the fence yard.

22 Q And was your brother Timothy Dingle doing any yard
23 work that same day?

24 A Yes. I hired him to help me and we worked for about
25 seven or eight hours and we both split. And he went to

1 work for the deacon of the church and I went to work for
2 Williams Funeral Home. And we had to all come back
3 together to get paid at a certain time. And when I got
4 paid, and I hired him, so it's my responsibility to pay
5 him, and I caught up with him roughly about 5:30 to 6
6 o'clock, and we divided the money. And he stick around
7 for a while and drank a few beers, and then eventually he
8 went back home to [REDACTED] with Liz Young.

9 Q And where did you all meet afterwards and you paid
10 him for the work he'd done, where with you? Was that on
11 Brunhill?

12 A Yes, sir, at 6 Brunhill. We split up the money in
13 that area.

14 Q And had a couple of beers?

15 A Yes, sir.

16 Q So after that you say he went back to Liz's house?

17 A Yes, he did.

18 Q And this is still March 27th, 2012, right?

19 A Yes, sir.

20 Q Did you see your brother later on that night around
21 midnight the beginning of March 28th, 2012?

22 A He came to me maybe around about 11:45 that night.

23 Q And where were you?

24 A At 6 Brunhill Street.

25 Q Can you describe how he looked to the ladies and

1 gentlemen of the jury?

2 A When he approached me, he was very nervous, shaking,
3 stuttering, and he told me that he was in trouble and that
4 he had been shot in the leg and that he had done something
5 real bad. And I asked him what did he do, and he said,
6 I'm going to go to jail for a long period of time. I
7 said, Julio, what have you done?

8 And he told me, he said, Can't you hear them? I
9 said, Hear what? He said, Don't you hear the fire trucks
10 and ambulance? I said, I hear them now. And he said, I
11 just burn Liz's house down with all the children in it and
12 I know I killed at least two or three of them B's. And I
13 said, Man, are you sure? Are you sure, man? I said, I
14 know you done something, man. I said, Tell the truth now.
15 He said, I did it, man.

16 And I reached -- I opened the door and reached
17 up by the microwave and unplugged my son's phone out of
18 the charger and I called my sister. She answered the
19 phone. My sister's name is Alma Mack, and I told her what
20 he said he had done. And she asked to talk to him. He
21 wouldn't talk to her, and I said, Well, I can't control
22 him, I can't make him come to the phone, I can't make him
23 do nothing. I said he said he don't want to talk.

24 He asked me to go to the store and get beer, and
25 I explained to him that I couldn't go in that store until

1 the shift changed. And the shift changed and both of us
2 went to the store. And I went in and got the beer and he
3 stayed outside the store. He was on the camera. While he
4 was out there, I went in and got the beer and we stood
5 there.

6 And I didn't come back through the field because
7 a tree had fell across the pass and I had second-degree
8 burns on my right leg and sides and stuff and I couldn't
9 get across that, so I went around the road. He came back
10 through the woods. And I saw the police officers down to
11 my other house, which would have been 16 Brunhill.

12 And I came to him and I told him, I said, Julio,
13 the police already at the other house. I said they'll be
14 here in a minute. I said, Man next door died. I stepped
15 across the fence and sat on his porch until the police
16 come and tell me what they want and then you'll be safe
17 and then you can go after they talk to me wherever you
18 want to go. He told me, he said, I'm going to go back to
19 the scene of the crime, which would be back at Liz's
20 house.

21 And I went and I tried to call my sister again
22 on the phone, and he disappeared. And I went looking for
23 him toward Miller Road and the church and I couldn't find
24 him.

25 And then I went back in the house and two police

1 officers, a male and a female, came and knocked on the
2 door. And I couldn't get to the door fast enough for them
3 so I blinked the lights on and off letting them know that
4 I was in the house and I was coming out. And I talked to
5 them through the door and told them to come around to the
6 side with the screen porch and I let them in. And they
7 asked me did I see Timothy and how long it had been since
8 I seen him, and I told them I saw him within the amount of
9 time --

10 MR. MURPHY: Your Honor, I'm going to -- this is
11 getting to the point where he's basically just --

12 THE COURT: Yes, can you break it up into
13 questions? He said the police came. Let's go from there.

14 BY MR. MEADORS:

15 Q What happened after the police came?

16 A Police came and asked me where was my brother. I
17 said he was outside, somewhere out there, and they looked
18 for him and he had disappeared. And they said did your
19 brother explain to you what he did? I said, yes, sir. He
20 said, What did he say he do? I said he said he burned the
21 house down and killed everybody on in it.

22 Q And you told the police that morning -- a few hours
23 or shortly after your brother had told you what he'd done,
24 you told the police?

25 A Within fifteen minutes after he told me that the

1 police arrived and they took me downtown to the
2 interrogation room and I made the statement.

3 Q And I'm just going to show you this statement.

4 MR. MEADORS: Can I approach, Your Honor?

5 THE COURT: Yes, sir.

6 BY MR. MEADORS:

7 Q Mr. Henry Dingle, is that your name?

8 A Yes, sir.

9 Q Is that your signature down there?

10 A Yes, sir.

11 Q Is that the statement you gave the police?

12 A Yes, sir.

13 Q And you're a former Marine?

14 A Yes, sir.

15 Q You knew you had to tell what happened, didn't you?

16 A Sir?

17 Q You knew you had to tell what your brother told you,
18 didn't you?

19 A Yes, sir. I'm on the side of God.

20 Q Is your brother in the courtroom?

21 A Yes, sir.

22 Q And that's the man that told you he had burned Liz's
23 house and those B's that were in it?

24 A Yes, sir.

25 MR. MEADORS: I'd like the record to reflect

1 that.

2 Thank you, Mr. Dingle..

3 THE COURT: Mr. Murphy.

4 MR. MURPHY: Thank you, Your Honor.

5 CROSS-EXAMINATION

6 BY MR. MURPHY:

7 Q Good morning, Mr. Dingle.

8 A How you doing, sir?

9 Q Good.

10 When your brother came up to you, had you been
11 drinking?

12 A No, sir. I was in the bed. I was in the yard with
13 second-degree burns on medication and I wasn't drinking.

14 Q So you were on what kind of medication?

15 A Well, I take high blood pressure pills and insulin
16 tablet and I had medicine for my second-degree burns on my
17 right side and leg.

18 Q So you deny that you were drinking at all?

19 A Prior, from the time we left work, from around 4
20 o'clock until 6 o'clock in the evening we drank about two
21 beers a piece and I didn't have any more beer until he
22 came in the yard and asked me to buy some.

23 Q All right. Did you tell -- do you have a brother
24 that lives in California?

25 A Yes, sir.

1 Q Did you ever tell him you were drinking during this
2 incident?

3 A No, sir.

4 Q Now, are you aware or -- are you aware that -- what
5 do you call your brother, Julio or Don or --

6 A Don.

7 Q Were you aware that Don wanted to move Elizabeth and
8 the younger children into that home that you had talked
9 about? Are you aware of that?

10 A The agreement was Julio was getting a Social Security
11 check. I was his payee. The Social Security office
12 require me to provide a place for him to stay, the light
13 bill, the water bill. Telephone and cable wasn't
14 necessary. The home was provided. I paid for it.

15 He went behind my back, got the money back, went
16 to a motel room, got high as a kite and spent it all up.

17 I went back to the home, cleaned the home up.
18 And the landlord came and asked me who give me permission
19 to come on the property, to clean the property, and they
20 told me he had gotten the money back, and then that was on
21 631 Miller Road.

22 And then I got the second house at 6 Brunhill,
23 and my son paid one third of the rent and I paid one third
24 and he paid one third. And he wanted to move Liz in
25 there, and they argue and fight like cats and dogs, and we

1 said no.

2 Q So he did have plans to move Liz and the children in
3 there?

4 A He wanted to, but we said no.

5 Q Thank you.

6 And at some point he took you off the Social
7 Security check and gave it to Liz, correct?

8 A He took me off the Social Security check because I
9 won't obey his rules and regulations.

10 Q All right. So the answer to that question is yes?

11 A The answer to that question very truthfully, yes.

12 Q And he signed that responsibility over to Liz?

13 A Yes, he did.

14 Q Okay. Now, is it fair to say that you and your
15 brother have had a contentious relationship? You guys
16 don't really get along; is that fair?

17 A No, it's not.

18 Q It's not fair? Well, isn't it true that you've
19 thrown him out of that house about shortly -- about 2011,
20 you threw him out of the house, threw his stuff on the
21 road and burned it?

22 A No, it's not true.

23 Q So you deny that you threw his personal items out on
24 the lawn and set fire to his clothes?

25 A I've never thrown anything of his out of the house.

1 He's my brother, and we get along very well together.

2 Q You never tried to drown him in a pool?

3 A No, sir.

4 Q You've never bullied him?

5 A The pool? No, sir.

6 Q Never bullied him?

7 A Bully him for what? No, sir.

8 Q So your answer is no, you've never bullied him?

9 A No. The answer is no.

10 Q You were upset that he transferred responsibility for
11 those checks to Liz, weren't you?

12 A No, sir. It was a pleasure that he did it.

13 Q And so you deny that you're the -- that you took the
14 money from his Social Security?

15 A I have never -- I had a receipt and I turned
16 everything in to Social Security company amounting to
17 every dime.

18 His problem is he couldn't convince me to pay
19 his drug bills. He would crave drugs from everybody over
20 the street, wake me up 24 hours a day, banging on the door
21 for me to buy him drugs. He would crave drugs from all
22 the guys in the block. They would want to come and beat
23 me up because I wouldn't pay them because I was supposed
24 to give a receipt to the Social Security office for all
25 the money and the drug dealers won't give me a receipt

1 saying they sold him cocaine or powder or marijuana, they
2 wouldn't give me a receipt, so I wouldn't pay them.

3 Q And you guys get along really good, right?

4 A Very good. We get along very good, but I ain't got
5 to break the law to please him.

6 MR. MURPHY: I have no further questions.

7 THE COURT: Redirect?

8 MR. MEADORS: Briefly.

9 REDIRECT EXAMINATION

10 BY MR. MEADORS:

11 Q The burns you said you had you were taking your
12 medicine for, was that from a barbecue accident in your
13 backyard?

14 A I was in the yard trying -- we were going to cook a
15 pig in the backyard and a deer shoulder, and I don't
16 smoke, and I put the fuel and everything on the fire and
17 then I realized I didn't have a lighter to light it. I
18 went to the store to get the lighter and then I forgot to
19 get the lighter. My cousin give me a ride back and I
20 turned my back to the pit and was standing there and
21 flames from the night before, the fuel hit it, and it
22 jumped out on me and I got second-degree burns.

23 Q And when was that?

24 A Sometime in October.

25 Q And you had seen your brother and had a pop with

1 him -- or I call it pop -- had a beer with him at 6
2 o'clock that day, drinking a beer with your brother six
3 hours before he came back and told you what he'd done,
4 didn't you?

5 A Yes, sir.

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

7 THE COURT: Anything else, Mr. Murphy?

8 MR. MURPHY: No, Your Honor.

9 THE COURT: Thank you, Mr. Dingle. You can step
10 down.

11 All right, Mr. Meadors.

12 MR. MEADORS: May it please the Court.

13 THE COURT: Can the witness be excused?

14 MR. FINNEY: No objection.

15 THE COURT: Mr. Murphy?

16 MR. MURPHY: No objection.

17 THE COURT: Mr. Dingle, you can stay if you'd
18 like or you can leave, whichever you want.

19 MR. MEADORS: Your Honor, the State of South
20 Carolina would call Ms. Takeya Burroughs.

21 TAKEYA BURROUGHS, after being duly sworn,
22 testified as follows:

23 THE CLERK: Have a seat up here, please.

24 Please state your full name. Spell your first
25 and last name for the record.

1 THE WITNESS: Takeya Burroughs. T-A-K-E-Y-A
2 B-U-R-R-O-U-G-H-S.

3 DIRECT EXAMINATION

4 BY MR. MEADORS:

5 Q Good morning, Ms. Burroughs.

6 A Good morning.

7 Q Tell these folks, the ladies and gentlemen of this
8 jury, about yourself, where you were born, where you're
9 from, where you went to school.

10 A I went to school at Bishopville at Lee Central High
11 School. I'm originally from Lynchburg, but I've lived in
12 Sumter now for about seven years.

13 Q And when did you get out of high school?

14 A In 2006.

15 Q And what did you do after high school, Ms. Burroughs?

16 A I really stayed at home, thought about what I wanted
17 to go to school for.

18 Q What did you want to go to school for?

19 A Associate's in medical assisting.

20 Q And did you do any further training?

21 A Yes, I'm attending school now.

22 Q Where are you attending school?

23 A At Central Carolina Technical College.

24 Q And with the hopes of getting a degree in what?

25 A Medical assistant.

1 Q And tell me about your family situation. Do you have
2 any children?

3 A No.

4 Q And how old are you?

5 A Twenty-five.

6 Q I want to take you back to March of 2012. Can you
7 tell these ladies and gentlemen where you were living?

8 A [REDACTED] [REDACTED]

9 Q [REDACTED]

10 A Yes, sir.

11 Q And how long had you been there?

12 A For about five years.

13 Q And who were you staying with?

14 A My mother.

15 Q Just the two of you?

16 A And my brother was there as well.

17 Q You're in [REDACTED]?

18 A Yes, sir.

19 Q And did you know Ms. Liz Young?

20 Ms. Liz, raise your hand, please.

21 Did you know Ms. Young?

22 A Yes.

23 Q And do you know how long she had been out there at
24 [REDACTED] or [REDACTED] excuse me?

25 A Around the same time I was.

- 1 Q So would you see her on a daily basis?
- 2 A Yes, sir.
- 3 Q Do you know whether or not she had any children?
- 4 A Yes.
- 5 Q And did you ever see them?
- 6 A Yes.
- 7 Q Where would you see them?
- 8 A When they was getting off the bus from school,
- 9 running around out there playing. They used to play with
- 10 my nieces and my nephews as well.
- 11 Q And do you know their names?
- 12 A Robert, Aliyah, Trymaine, and Anastasia.
- 13 Q And in your place it was you, your mom, and your
- 14 brother?
- 15 A Yes, sir.
- 16 Q Now, you're in 64?
- 17 A Yes.
- 18 Q Were they in [REDACTED]?
- 19 A Yes.
- 20 Q So was there a unit in between you all?
- 21 A Yes.
- 22 Q Was anybody living in that unit in March of 2012?
- 23 A No, sir.
- 24 Q So it was vacant?
- 25 A Yes.

1 Q And what were you doing in March of 2004?

2 March 27th of 2009? I did it again.

3 March 27th of 2012? I don't know what's wrong
4 with me. What were you doing then in life?

5 A I was at home upstairs watching TV on the computer
6 that day.

7 Q Now, do you know the defendant in this case, Timothy
8 Dingle?

9 A I've seen him around.

10 Q Do you know him by another name?

11 A Julio.

12 Q Okay. And you say you've seen him around. Where
13 have you seen him around?

14 A Outside the apartment complex with Liz, and he used
15 to talk to my brother when we used to be all outside.

16 Q When you would see him around, would you hear him
17 talk?

18 A Yes, sir.

19 Q And would you talk with him?

20 A No, I never really had a conversation with him.

21 Q You know him by name and sight?

22 A Uh-huh.

23 Q But you've heard him talk?

24 A Yes.

25 Q And do you know his voice when he talks?

1 A Yes.

2 Q Do you know what I'm saying?

3 A Uh-huh.

4 Q You've been around him enough that when he talks, you
5 recognize it was him?

6 A Yes.

7 Q Any doubt about that?

8 A No doubt.

9 Q And how long was he staying there with Ms. Liz?

10 A Probably about three months.

11 Q Now, I would like to go straight to March 27th of
12 2012, okay? Were you at your apartment that day?

13 A Yes, sir.

14 Q Now, at some point that evening did you hear anything
15 coming from [REDACTED]?

16 A Yes, I heard them arguing.

17 Q And who did you hear arguing?

18 A Liz and Julio.

19 Q And based on the time you've spent there at your
20 house outside with both of them, are you sure it was Julio
21 and Liz arguing?

22 A Yes, sir.

23 Q No doubt in your mind?

24 A No doubt.

25 Q Could you tell what they were arguing about?

- 1 A I couldn't even tell what they were arguing about.
- 2 Q But you know what an argument is when you hear it?
- 3 A Yes.
- 4 Q Okay. Was it an argument?
- 5 A Yes.
- 6 Q Had you heard them argue before?
- 7 A Yeah, once or twice.
- 8 Q And how long did that last?
- 9 A Not long.
- 10 Q After that, did you hear something else coming from
- 11 Unit [REDACTED]?
- 12 A Yes.
- 13 Q What did you hear?
- 14 A Not too long after that I heard --
- 15 Q And, ma'am, if you'll please just speak up here a
- 16 little bit. Okay.
- 17 A After I didn't hear any more argument, I heard foot
- 18 steps coming down the stairs and I heard the door slam and
- 19 it sounded like Julio's voice said, "Fuck you, fuck all
- 20 you all."
- 21 Q "Fuck you, fuck all you all?"
- 22 A Yes, sir.
- 23 Q So, you could hear those words?
- 24 A Yes.
- 25 Q And it sounded like whose voice?

1 A Julio's.

2 Q Did you hear any other voices?

3 A No.

4 Q Did you hear Liz's voice?

5 A No.

6 Q And do you know what approximately what time that
7 was?

8 A Probably around about 11:30, somewhere in that time
9 period.

10 Q So you heard Liz and Julio arguing?

11 A Uh-huh.

12 Q A short while later you just hear Julio?

13 A Yes.

14 Q And you said you heard what slam?

15 A The back door.

16 Q After that, what, if anything, did you hear or feel
17 or see?

18 A I heard like glass shattering and so I thought he was
19 busting out windows and when I looked --

20 MR. MURPHY: Objection, speculation.

21 THE COURT: Overruled.

22 Well, what was that -- the answer was she
23 thought he had --

24 MR. MURPHY: I have an objection to the glass
25 shattering. I have an objection to what she thought.

1 THE COURT: Sustained.

2 BY MR. MEADORS:

3 Q What did you see, hear or feel?

4 A I heard glass shattering in the sidewalks outside.

5 And when I looked out the window I seen the fire in the
6 top of my window, so I ran downstairs and I looked out the
7 door and seen an actual fire in the upstairs bedroom.

8 Q And how long after you had heard Julio say "fuck you
9 all, fuck this," did you hear the glass shattering?

10 A Probably about five minutes.

11 Q When you came outside -- well, what were you feeling
12 like?

13 A Nervous, scared.

14 Q And you come outside and what are your observations?
15 What do you see?

16 A Fire.

17 Q You saw the fire?

18 A Yes.

19 Q Where was it coming from?

20 A The top bedroom window.

21 Q You're excited?

22 A Huh?

23 Q Are you nervous, you're excited, you're scared?

24 A Nervous, scared.

25 Q What did do you?

1 A I ran back in the house and grabbed my mom's cell
2 phone and called --

3 Q We'll take a break while we're doing this, but did
4 you call 911?

5 A Yes, sir.

6 Q And have you listened to that 911 tape with Mr. Tom
7 Miller back there?

8 A Yes, sir.

9 Q Is that your voice on that?

10 A Yes, sir.

11 Q Is that the 911 call?

12 A Yes, sir.

13 MR. MEADORS: Your Honor, at this time we'd
14 offer State's 31, the 911 phone call without objection.

15 THE COURT: Is that right, Mr. Murphy?

16 MR. MURPHY: Yes.

17 THE COURT: All right. Exhibit 31 is in.

18 (WHEREUPON, STATE'S Exhibit No. 31 was admitted
19 into evidence.)

20 MR. MEADORS: Permission to publish?

21 THE COURT: All right.

22 (WHEREUPON, an audio tape was played but not
23 transcribed into the record.)

24 BY MR. MEADORS:

25 Q Are you okay?

1 After the first 911 phone call, and that was you
2 on the first 911?

3 A Yes, sir.

4 Q You called back, right?

5 A Yes, sir.

6 Q And in between that time, had you seen Robert in the
7 window?

8 A Yes, my brother knocked on the door.

9 Q And did you actually see Robert in the upstairs
10 window?

11 A I actually saw him in the upstairs window.

12 Q And were you all screaming for him to come out?

13 A Yes.

14 Q And he didn't, did he?

15 A (Witness shaking head.)

16 Q Now, just a few more questions. I'm about through.

17 The siren -- you stayed there until the police
18 get there, the firemen get there, and do you tell the
19 police what you saw?

20 A Yes, sir.

21 Q And, in fact, did you give them a statement?

22 MR. MEADORS: If I can approach, briefly?

23 THE COURT: Yes, sir.

24 BY MR. MEADORS:

25 Q Without reading or going into it, is that your

1 signature on this statement, Ms. Takeya Burroughs?

2 A Yes, sir.

3 Q And it's got March 28th at 10:55 a.m. So you gave --
4 did you give them a statement just later on that day, that
5 morning?

6 A Uh-huh.

7 Q Was that yes?

8 A Yes, sir.

9 Q Okay. And did you see them bring Robert and Aliyah
10 out?

11 A Yes, sir.

12 Q And, finally, Ms. Burroughs, listen to me, please
13 ma'am. Please, ma'am.

14 Is the individual that you heard arguing with
15 Liz, you don't know what they were arguing about, is that
16 person and the individual that shortly thereafter and
17 shortly before the fire started you heard yell "fuck you
18 and fuck all you all," is that person in the courtroom?

19 A Yes, sir.

20 Q Would you point him out for the judge and the ladies
21 and gentlemen of this jury?

22 A (Witness complies.)

23 Q Pointing to Mr. Dingle with the glasses on his
24 forehead, next to Mr. Murphy?

25 A Yes.

1 MR. MEADORS: We'd like the record to reflect
2 that, please, sir. And that's all we have. Thank you,
3 Judge.

4 THE COURT: Mr. Murphy.

5 MR. MURPHY: Thank you, Your Honor.

6 CROSS-EXAMINATION

7 Q Good morning, Ms. Burroughs.

8 A Good morning.

9 Q So you never actually saw Mr. Dingle that day, you
10 just heard his voice?

11 A Yes, sir.

12 Q All right. And again, let's go through this time.
13 You heard an argument. About what time was that?

14 A Around about 11. I'm not exactly sure of the time.
15 It's probably about 11:30.

16 Q So you're not exactly sure about the times? They all
17 kind of blend together, it's been a while?

18 You heard an argument and then at some point you
19 heard -- now the voice was coming from where, the front
20 yard or the backyard?

21 A The argument was coming from the front yard.

22 Q Okay. And when you heard the voice say "F-U," that
23 was the front yard or the backyard?

24 A Backyard.

25 Q So at some point you heard that in the backyard?

1 A Yes, sir.

2 Q All right. And that has shortly after you had heard
3 the argument?

4 A Yes, sir.

5 Q Is that correct?

6 A Yes, sir.

7 Q And then at some point after that you actually saw
8 the fire?

9 A Yes, sir.

10 Q You didn't say anything in your statement hearing the
11 steps inside the house, did you?

12 A No.

13 MR. MURPHY: I have no further questions. Thank
14 you.

15 THE COURT: Redirect?

16 REDIRECT EXAMINATION

17 BY MR. MEADORS:

18 Q Just in direct response, he asked you where they --
19 where were you in your apartment when you heard this?
20 Where is your bedroom?

21 A From the back upstairs.

22 Q Upstairs?

23 A Yes, sir.

24 MR. MEADORS: Thank you. That's all.

25 THE COURT: Anything else, Mr. Murphy?

1 MR. MURPHY: No, Your Honor.

2 THE COURT: Thank you, ma'am. You can step
3 down.

4 MR. MEADORS: Beg the Court's indulgence.

5 THE COURT: All right.

6 (Pause.)

7 MR. FINNEY: The State of South Carolina rests,
8 Your Honor.

9 THE COURT: All right. Can I see the lawyers up
10 here for just a minute?

11 (A bench conference was held with the judge and
12 attorneys in the presence of the jury but out of the
13 hearing of the jury.)

14 THE COURT: Ladies and gentlemen, of course the
15 State, as you've heard, has rested its case, which means
16 the State has presented all of the evidence it's going to
17 present in its case-in-chief. The rules that we operate
18 under require a recess at this point anyway, but it is
19 also 12 o'clock, or shortly after that, so we're going to
20 break for lunch.

21 It's going to be a little bit longer lunch than
22 we would normally take. It's going to be until 1:45. So
23 please be back in your jury room at 1:45.

24 You know, of course, that you may not discuss
25 the case, may not do any research about it, read, listen

1 or gather any information about it at all.

2 We'll see you back at 1:45.

3 Thank you.

4 (The jury left open court at approximately 12:06
5 p.m.)

6 THE COURT: First of all, Mr. Murphy, do you
7 have any motions at this time?

8 MR. MURPHY: Your Honor, I would move for a
9 directed verdict. I believe that the evidence does not
10 establish my client's presence at the crime scene. I also
11 would submit that there's insufficient evidence on the
12 element of the finding of malice.

13 THE COURT: All right. I'm going to
14 respectfully deny your motions. I think enough
15 information has been presented at this point to allow the
16 case to go to the jury.

17 Could you and your client come around, please?
18 And you can swear him in, Mr. Bradley.

19 THE CLERK: Yes, sir, Judge.

20 TIMOTHY DINGLE, after being duly sworn,
21 testified as follows:

22 THE COURT: All right. Mr. Dingle, you are
23 Timothy Donald Dingle?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: We've reached the stage of the trial

1 now, or we will after we reconvene after lunch, we will
2 have reached the stage of the trial where you can present
3 your own defense. Included within that is your right to
4 testify.

5 What I'm going to talk to you about now is
6 certain rights that you have under the Fifth Amendment to
7 the United State's Constitution, and the pertinent part I
8 want to talk to you about is the part that says no person
9 in any criminal case can be compelled to be a witness
10 against himself. What that means is, is that no one can
11 force you to testify.

12 You've seen witnesses during the trial who have
13 testified. Some of those, of course, have come willingly.
14 Some others can be subpoenaed. What the Constitution
15 means is that no one can make you take that witness stand
16 against your will. The State certainly cannot, your
17 lawyers can't even call you to the stand without your
18 consent, I can't do it; in other words, no one else in the
19 world can make the decision about whether or not you will
20 or will not testify other than you.

21 Do you understand that?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: Now, of course, as we go through
24 this exchange over the next few minutes, if you don't
25 understand something, just let me know and I'll stop and

1 try to explain it to you.

2 If you decide to testify, you'll be subject to
3 the same general rules that govern the direct examination
4 and the cross-examination of any other witness. Is that
5 clear?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: Also, if you have any convictions
8 for criminal offenses involving dishonesty or false
9 statement, depending upon when the conviction occurred or
10 when you were released from confinement, those convictions
11 can be introduced to the jury for the purpose of attacking
12 your believability.

13 Do you understand that?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: In addition, if you have any
16 convictions for crimes that involved the possibility of
17 imprisonment for more than one year and if I determine the
18 probative value of admitting that conviction outweighs any
19 prejudicial effect to you, that type of conviction can
20 also come in to impact or attack your credibility.

21 Do you understand that?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: Now, if you decide to testify, that
24 decision on your part has to be made freely and
25 voluntarily and with full knowledge of your rights under

1 the Fifth Amendment and with full knowledge of the
2 consequences of your decision to testify.

3 If you decide not to testify, I will instruct
4 the jury -- as a matter of fact, I will emphasize to the
5 jury that the fact that you did not testify cannot be
6 given any consideration by them in any manner whatsoever,
7 and what I tell them is that they cannot think about that,
8 they cannot talk about it, and the fact that you did not
9 testify is to result in absolutely no prejudice to you.

10 Do you understand that?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: In the end, this decision is yours
13 and yours alone. Of course, you can talk to your lawyer,
14 family members or anyone else who you think is
15 appropriate, but in the end, the final decision is yours.

16 Is all that clear to you?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: Do you understand or have you
19 understood everything I've explained to you?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: Do you have any questions at all?

22 THE DEFENDANT: No, sir.

23 THE COURT: What we'll do is we'll get back
24 together between 1:30 and 1:45 and you can let me know
25 what your decision is. It will not be a final decision

1 until your lawyer stands up and tells me that the defense
2 rests. After that, it will be too late for you to change
3 you mind should you decide not to testify.

4 Of course, I encourage you to talk to your
5 lawyer about it and be prepared to let me know in the 1:30
6 time range what your decision is.

7 Do you understand that?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: Mr. Murphy, have I covered
10 everything to your satisfaction?

11 MR. MURPHY: Yes, Your Honor.

12 THE COURT: Mr. Meadors and Mr. Finney?

13 MR. FINNEY: Yes, sir.

14 THE COURT: Okay. We'll recess now. It's about
15 12 after 12. We'll get back together, I know, about 1:30,
16 1:45, somewhere in that time frame.

17 Thank you.

18 (Lunch break was taken.)

19 THE COURT: All right. Mr. Murphy, of course
20 you've been through this with me before. I want to make
21 sure before we start, you indicated back in chambers you
22 may call two witnesses; is that correct?

23 MR. MURPHY: Yes, Your Honor.

24 THE COURT: Are they present?

25 MR. MURPHY: Yes, sir, they're in the waiting

1 room back there.

2 THE COURT: All right. And, Mr. Dingle, if you
3 could stand up. You can stay right there. You're still
4 under oath, though.

5 Do you understand that if Mr. Murphy does call
6 those witnesses, you can wait until the tail end of their
7 testimony to make your decision about whether or not you
8 will or will not testify?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: Whatever decision you have made, I
11 want put it on the record now, but if you change your
12 mind, all you have to do is let your lawyer know.

13 Do you understand that?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: Now, before lunch we went over in
16 great detail your Fifth Amendment rights, specifically,
17 the fact that it's your decision and your decision alone
18 as to whether or not you will testify. Do you still
19 understand everything we talked about?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: Have you made your decision?

22 THE DEFENDANT: Yes.

23 THE COURT: What is that decision?

24 THE DEFENDANT: I've decided not to testify.

25 THE COURT: Okay. Have you made that decision

1 of your own free will?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: Has anyone forced you to make that
4 decision?

5 THE DEFENDANT: No.

6 THE COURT: All right. And again, if you change
7 your mind about testifying, please let Mr. Murphy know
8 because he will tailor his efforts after witnesses finish
9 testifying based on what you tell him. Do you understand
10 that?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: Okay. Is that clear, Mr. Murphy?

13 MR. MURPHY: Yes, sir.

14 THE COURT: So after your last witness finishes,
15 you don't need to make a show of it in front of the jury,
16 but I need you to make sure that Mr. Dingle has made his
17 final decision and then you can either rest or call him as
18 a witness.

19 MR. MURPHY: Yes, sir.

20 THE COURT: All right. Yes, sir, Mr. Finney.

21 MR. FINNEY: For the record, Your Honor, I have
22 been informed that the Solicitor's office may not have
23 spelled Ms. Aliyah J. 's name correctly in the
24 indictment, and for the record, I would like to formally
25 move the amendment of her name and spelling. The correct

1 spelling is A-A-L-Y-I-A-H, Aalyiah.

2 THE COURT: Okay. Does that suit you,
3 Mr. Murphy?

4 MR. MURPHY: That's fine, Your Honor.

5 THE COURT: All right. So the indictment or the
6 correct spelling of Aalyiah's name, A-A-L-Y-I-A-H.

7 MR. FINNEY: Correct, Your Honor.

8 THE COURT: Okay. Otherwise, are we ready for
9 the jury?

10 MR. FINNEY: Yes, sir.

11 THE COURT: Mr. Murphy?

12 MR. MURPHY: Yes, sir.

13 THE COURT: Okay. You can bring in the jury.

14 (The jury came into open court at approximately
15 1:56 p.m.)

16 THE CLERK: Your Honor, all the jurors are
17 present in the courtroom.

18 THE COURT: All right. Thank you, Mr. Bradley.

19 We're ready to continue. As you heard, ladies
20 and gentlemen, the State has rested.

21 Mr. Murphy, do you have any witnesses?

22 MR. MURPHY: Yes, Your Honor.

23 The defense would call Betty Smalls.

24 BETTY SMALLS, after being duly sworn, testified
25 as follows:

1 THE CLERK: State your full name and spell your
2 last name for the record.

3 THE WITNESS: My name is Betty Smalls,
4 S-M-A-L-L-S. Betty Smalls.

5 DIRECT EXAMINATION

6 BY MR. MURPHY:

7 Q Good afternoon, Ms. Smalls.

8 A Hello.

9 Q Where are you from, Ms. Smalls?

10 A I'm from Sumter, South Carolina.

11 Q And how long have you lived here?

12 A I've lived in Sumter all my life.

13 Q Now, do you know Timothy Dingle, my client?

14 A Yes, that's my brother.

15 Q That's your brother. And you also know Henry Dingle,
16 correct?

17 A Yes, that's my brother also.

18 Q Where do you all fit into the -- how many Dingle
19 children were there?

20 A Children that my mom gave birth to were ten and one
21 adopted.

22 Q And where do you fit in between Henry and Timothy?

23 A Henry is older than me and I'm older than Timothy.

24 Q All right. And I take it you have known them pretty
25 much your whole life, correct?

1 A Yes.

2 Q Tell me a little bit about yourself, what have you
3 done and about your family and other things.

4 A I attend school in District 17. I am a graduate from
5 Columbia International Bible Seminary. I've worked at
6 Clemson Extension as a program assistant. I've also
7 worked as a work coordinator for Kershaw Disability and
8 Special Needs. I taught preschool at Grace Baptist
9 Church, and now I'm retired because of a spinal cord cyst.

10 Q Do you have any children?

11 A I have two children.

12 Q And what do they do?

13 A Our daughter, Kristen, she's retired because of an
14 illness. She was a guidance counselor for Hilton Head
15 High School in Hilton Head, South Carolina. I have a son.
16 He teaches special education in Atlanta, Georgia.

17 Q But your daughter has been in court most of the week,
18 correct?

19 A Yes.

20 Q Did you know Aalyiah and Robert?

21 A Yes, I met them, yes.

22 Q How many times did you interact with them?

23 A I know they have been to my house at least four
24 times.

25 Q And who brought them over to your house?

1 A My brother Timothy.

2 Q Did you have occasion to observe his interaction with
3 Robert and Aalyiah?

4 A Yes.

5 Q And what was your perception of that interaction?

6 A They had a good relationship. He act more like he
7 was their father. They came to my house a couple of times
8 and I spoke and he didn't hear them speak and he said, did
9 you all speak.

10 Q Don't say anything he may have said.

11 A Okay.

12 Q But it was a positive interaction?

13 A Yes.

14 Q And did they reciprocate that?

15 A Yes.

16 Q You took them to school a couple of times?

17 A I took them to school at least twice.

18 Q They were good kids?

19 A Very good kids.

20 Q I mention before you know Timothy and Henry?

21 A Yes.

22 Q Do they get along?

23 A No.

24 Q Now, I'm going to ask you a very specific question
25 and ask for a very specific response, okay?

1 A Yes.

2 Q Do you have an opinion about Henry's truthfulness?

3 A I do.

4 Q And what is that opinion?

5 A He is a telepathical liar.

6 MR. MURPHY: That's all I have. Thank you very
7 much.

8 THE WITNESS: You're welcome.

9 THE COURT: These other lawyers might ask you
10 some questions, okay?

11 Mr. Meadors, Mr. Finney, or Mr. Brown?

12 MR. FINNEY: Thank you, Your Honor. May it
13 please the Court.

14 CROSS-EXAMINATION

15 BY MR. FINNEY:

16 Q Ms. Smalls?

17 A Yes.

18 Q You are the older sister of Timothy?

19 A Yes.

20 Q Is there a sister older than you?

21 A Yes, I have three sisters older than me.

22 Q Do they live in Sumter?

23 A Two of them do. One live in Georgia.

24 Q The two that live in Sumter, are they here today?

25 A One of them is.

1 Q Okay. And Henry O'Neal is your older brother?

2 A Yes.

3 Q He lives in Sumter?

4 A Yes, he does.

5 Q All right. And you said that he is telepathical
6 liar?

7 A Yes, he is.

8 MR. FINNEY: Thank you, ma'am. Nothing further.

9 MR. MURPHY: No further questions.

10 THE COURT: Thank you, ma'am. You can step
11 down.

12 Mr. Murphy.

13 MR. MURPHY: The defense would call Ms. Rosa
14 Kelley.

15 THE COURT: Okay. And she's out in the --

16 MR. MURPHY: And, Your Honor, I ask that the
17 witness be permitted to stay in the courtroom as she's
18 being released.

19 MR. MEADORS: No objection.

20 THE COURT: All right. She can stay.

21 ROSA KELLEY, after being duly sworn, testified
22 as follows:

23 THE CLERK: Thank you, ma'am. Have a seat up
24 here, please.

25 State your full name and spell your last name

1 for the record, please.

2 THE WITNESS: My full name is Rosa Mae Kelley,
3 K-E-L-L-E-Y.

4 DIRECT EXAMINATION

5 BY MR. MURPHY:

6 Q Good afternoon, Ms. Kelley.

7 A Good afternoon.

8 Q How are you today?

9 A Okay. And you?

10 Q Good.

11 A Good.

12 Q Where do you live, Ms. Kelley?

13 A I live in Wedgefield.

14 Q Okay. And how long have you lived there?

15 A About 25 years.

16 Q Okay. You grew up in Sumter County?

17 A Yes.

18 Q Do you know my client, Timothy Dingle?

19 A I do.

20 Q How do you know him?

21 A We are cousins and classmates. We graduated together
22 from high school.

23 Q So you kind of grew up with him, right?

24 A I did.

25 Q You've known him all your life?

1 A All my life, yes.

2 Q What do you do? What's your -- do you work or what
3 do you do?

4 A I do. I'm a mortgage processor with Santee Lynches
5 Affordable Housing and CDC.

6 Q How long have you been doing that?

7 A About two years doing that.

8 Q Do you have any children?

9 A I do.

10 Q How many children?

11 A I have two sons.

12 Q What do they do?

13 A My oldest son is a mobile vendor; he has a hot dog
14 business. My other son, he's employed with the Target
15 Distribution Center and Sumter Gun and Pawn.

16 Q One of your son's is here in the courtroom today?

17 A Uh-huh.

18 Q Now, you also know Henry Dingle?

19 A Yes.

20 Q Okay. And I'm going to ask you some very specific
21 questions about Henry and I request specific responses.

22 A Okay.

23 Q Henry is Timothy's older brother, correct?

24 A Correct.

25 Q Do you have an opinion concerning Henry's character

1 for truthfulness? Do you have an opinion?

2 A I do have an opinion.

3 Q And what is that opinion?

4 A I consider him to be a habitual liar.

5 MR. MURPHY: Thank you. Please answer any
6 questions that the prosecution might have.

7 THE WITNESS: Okay.

8 MR. FINNEY: May it please the Court.

9 THE COURT: Yes, sir.

10 CROSS-EXAMINATION

11 BY MR. FINNEY:

12 Q Good afternoon, Ms. Kelley.

13 A Good afternoon.

14 Q If you are the cousin and classmate of Timothy, that
15 means you're also the cousin of Henry?

16 A Correct.

17 Q And Henry would be older than you?

18 A He is.

19 Q Do you know how old? How much older?

20 A I'm thinking about seven years.

21 Q Do you know when his birthday is?

22 A No.

23 Q When was the last time you talked to him outside this
24 court case?

25 A Last week I saw him.

1 Q You saw him? Do you know his sister Alma?

2 A Yes.

3 Q Is she your cousin?

4 A Of course, yes.

5 Q Okay. And do you know whether or not he, Henry,
6 talks to Alma regularly?

7 A I don't know.

8 Q Okay. Did he call you, did Henry or Timothy call you
9 the night of the fire?

10 A No.

11 Q Do you know if Henry called Alma?

12 A No, I don't know that.

13 Q Is Alma in the courtroom?

14 A No, I don't see her.

15 MR. FINNEY: Nothing further.

16 THE COURT: Redirect?

17 MR. MURPHY: No questions.

18 THE COURT: Thank you, Ms. Kelley. You may step
19 down.

20 May I see the lawyers up here for just a minute.

21 MR. MURPHY: Your Honor, I would ask that she be
22 released and be permitted to stay in the courtroom.

23 MR. FINNEY: No objection.

24 THE COURT: Okay. Fine.

25

1 (A bench conference was held with the judge and
2 attorneys in the presence of the jury but out of the
3 hearing of the jury.)

4 THE COURT: All right. Any additional
5 witnesses, Mr. Murphy?

6 MR. MURPHY: No, Your Honor. The defense rests.

7 THE COURT: All right. I'll note all -- any and
8 all motions have been made at this point.

9 Will the State have any reply?

10 MR. FINNEY: No, Your Honor.

11 THE COURT: Okay. All right. Ladies and
12 gentlemen, the State has rested, the defense has rested.
13 That means that all the evidence that is going to be
14 presented in this case has been presented.

15 The rules that we operate under require me to
16 take a recess at this time. And that may appear a bit odd
17 to you because we just came back from lunch, but the rules
18 that we have, we do follow those, so what we have to do is
19 take a recess at this point.

20 I'm required by law to go over with the
21 attorneys the charge that I'm going to give you on the
22 law. I've got it right here, anticipating that at some
23 point today or tomorrow we would be engaging in a jury
24 charge. They may know basically what it is, but I'm
25 required under the rules to go over it with them. So that

1 will take some time, and we're going to do that now.

2 Probably, I would say, 20 minutes or so. I apologize for
3 that, but the time for your deliberations will be coming
4 soon.

5 You may not begin discussing the case yet. You
6 may think that, well, all the evidence is in, let's just
7 go back there and talk about it. You can't. The reason
8 for that is, number one, the law doesn't permit it; and
9 the second thing is, the lawyers will be giving arguments
10 to you and I'll be giving you a charge on the law and it
11 would be inappropriate under the law to begin discussing
12 the case yet.

13 So please go to your jury room. Again, do not
14 discuss anything about this case at all, and we'll have
15 you back out as soon as possible.

16 (The jury left open court at approximately 2:10
17 p.m.)

18 THE COURT: Okay. Mr. Murphy, any motions?

19 MR. MURPHY: Your Honor, we would renew our
20 motions and all our objections from before. We'd also ask
21 once again for a dismissal of the charge based on the
22 reason articulated at the end of the State's case.

23 THE COURT: All right. That's respectfully
24 denied.

25 Okay... I know that you folks want to take a

1 break to get your thoughts together about your argument,
2 but can I go ahead and give you a summary of what I will
3 be charging the jury.

4 As you know, in the criminal arena, inconsistent
5 verdicts are not prohibited, shall we say. After I've
6 talked to the jury about what their responsibilities are
7 and what my responsibility is, I do have a typical charge
8 I give about multiple counts, and that is that they can
9 find the defendant guilty on all, not guilty on all, or
10 not guilty on some and guilty on others. In other words,
11 their verdict on one count does not control their verdict
12 on the other. As a practical matter, that makes no sense,
13 but that's what the law is.

14 Does anybody disagree with that?

15 MR. MURPHY: No, Your Honor.

16 MR. FINNEY: No, Your Honor.

17 THE COURT: All right. Credibility of
18 witnesses, I do have a charge about the prior record of a
19 witness. We have had one witness who testified, I'll tell
20 the jury that the fact that a witness does have a record
21 does not mean he's unable to testify. It may be
22 considered, if at all, in determining whether or not -- or
23 determining his believability.

24 Direct and circumstantial evidence, I typically
25 do not give an example of direct evidence. I will tell

1 the jury, of course, that circumstantial evidence -- or,
2 excuse me -- the law makes no distinction between the
3 weight or value that a jury is to give to either direct or
4 circumstantial evidence, nor is a greater degree of
5 certainty required of one over the other.

6 I have an expert witness charge, the presumption
7 of innocence, reasonable doubt.

8 Are you familiar with my standard one that I
9 give? You all familiar with that?

10 MR. MURPHY: Yes, sir.

11 MR. FINNEY: Yes, sir.

12 THE COURT: The defendant not testifying I will
13 also discuss with the jury.

14 Murder will be the first -- well, I will go
15 through the arson first before I get into the murder
16 charge, 1st degree arson. And you are certainly welcome
17 to look at these if you like.

18 The State must prove beyond a reasonable doubt
19 that the defendant willfully and maliciously caused an
20 explosion or set fire to, or burned or caused to be
21 burned, or aided, counseled or procured the burning that
22 resulted in damage to a dwelling house, building
23 structure, and I will define "willfully" and "maliciously"
24 again. I'll define what a dwelling is. And I will define
25 "burning." And the State must prove beyond a reasonable

1 doubt that the property which was burned resulted in the
2 death of a person, either directly or indirectly.

3 The jury charge on murder, the State must prove
4 beyond a reasonable doubt that the defendant killed
5 another person with malice aforethought. I will define
6 malice as you are all very familiar with. The express and
7 inferred malice, malice may be inferred from conduct
8 showing a total disregard for human life. It may also
9 arise when the act is done with a deadly weapon. I
10 typically do not like to use examples of deadly weapons
11 because sometimes if I mention one that is involved in the
12 case, the defense doesn't like. If I don't mention one
13 that's involved in the case, the State doesn't like it.
14 So, for example, a boxers, his hands can be a deadly
15 weapon; a gun, sling shot, Molotov cocktail, gasoline,
16 lighter fluid, knives, and so forth.

17 Does either side want me to give a list of
18 examples?

19 MR. MEADORS: Yes, sir.

20 MR. MURPHY: No, Your Honor.

21 THE COURT: You do?

22 MR. MEADORS: Yes, sir.

23 THE COURT: Okay. Mr. Murphy?

24 It does not include a lighter.

25 MR. MEADORS: I thought Your Honor just read

1 a -- after Molotov cocktail you said a --

2 THE COURT: Here's the list according to what
3 the case law says: Pistol, shotgun, rifle, dagger, knife,
4 sling shot, brass knuckles, razor, gasoline, fire bomb or
5 Molotov cocktail, and lighter fluid. Of course, that's an
6 issue. And then it goes on to say, which is irrelevant
7 here, a gun may be a deadly weapon even if not operating.
8 Ordinary objects can be deadly weapons depending upon the
9 circumstances.

10 So does anybody have a problem with any of that?
11 Mr. Murphy?

12 MR. MURPHY: I don't have anything.

13 MR. MEADORS: Your Honor, I tell you, we've gone
14 back, and we'll be fine without the list.

15 THE COURT: Without the list?

16 MR. MURPHY: Without the list is fine with me.

17 MR. MEADORS: And, Your Honor, I'm allowed to
18 argue that a fire and a lighter with fire would be a
19 deadly weapon?

20 THE COURT: Certainly. I certainly think that
21 fits within the facts that you could argue to the jury.

22 The felony murder inference, you have a copy of
23 that. I have handwritten a last sentence to that. Arson
24 in the 1st degree is a felony.

25 And the criminal intent charge. And, of course,

1 I'll tell the jury the verdict has to be unanimous, and
2 that would conclude the charge.

3 Anything additional that the State would like?

4 MR. BROWN: No, Your Honor.

5 MR. MEADORS: Judge, could I have a copy of your
6 reasonable doubt, just to look at it?

7 THE COURT: Yes, sir.

8 Mr. Murphy, do you have anything else that you'd
9 like for me to charge?

10 MR. MURPHY: No, Your Honor.

11 THE COURT: All right. We'll recess for a
12 period of time so you can get your thoughts together.

13 (A break was taken.)

14 THE COURT: State ready?

15 MR. FINNEY: Yes, Your Honor.

16 THE COURT: Defense ready?

17 MR. MURPHY: Yes, sir.

18 THE COURT: Anything we need to cover at all
19 before we begin?

20 Depending on how long the arguments take, I may
21 take another short recess. It will be real brief. And
22 I'm going to leave that up to the jury.

23 Both of you got a copy of my reasonable doubt
24 charge and you're satisfied with it?

25 MR. MURPHY: Yes, sir. Thank you.

1 MR. MEADORS: Yes, sir.

2 THE COURT: You got the word not to put it up on
3 the projector?

4 MR. MEADORS: I won't put anything up, I
5 promise.

6 THE COURT: Thank you. You can bring in the
7 jury.

8 (The jury came into open court at approximately
9 2:41 p.m.)

10 THE CLERK: Your Honor, all jurors are present
11 in the courtroom.

12 THE COURT: Thank you, Mr. Bradley.

13 All right. Ladies and gentlemen, we're ready to
14 move forward now.

15 The rules that we operate under call for the
16 attorneys for the two sides to be given the opportunity to
17 give what is called a closing argument. I will remind
18 what I said earlier in the trial, what the lawyers say to
19 you is not evidence. During the course of the arguments
20 they're certainly entitled to refer to evidence that has
21 come in and they're permitted to argue the conclusions
22 that they believe you should or should not draw from the
23 evidence or, in their view, the lack of evidence. If they
24 refer to some evidence that does not correspond with your
25 collective memory of what the evidence actually was, you

1 go with your memory. They're not going to purposely
2 misquote or mischaracterize anything, but you go with what
3 you remember the evidence to be. By the same token, they
4 are permitted to include within their arguments the law
5 that I'm going to charge to you after they finish. If
6 they refer to a point of law that does not correspond with
7 the law as I give it to you, you go with the law as I give
8 it to you and not how the lawyers give it to you.

9 Under the rules, the order will be this: The
10 State will present the first argument. Then the defendant
11 will present argument. And then the State will have the
12 last argument.

13 Mr. Meadors, you'll proceed first?

14 MR. MEADORS: Yes, sir. May it please the
15 Court.

16 THE COURT: Yes, sir.

17 MR. MEADORS: Mr. Finney, Mr. Brown, Mr. Murphy.

18 Ladies and gentlemen of the jury, good
19 afternoon. First and foremost, I haven't been able to
20 introduce myself to you personally, so my name is John
21 Meadors. I'm an assistant solicitor and I work for the
22 Honorable Ernest Chip Finney, III, your elected solicitor.

23 I want to start off by thanking you for being
24 here this week. And I mean that, thank you for being
25 here, thank you for your attention on behalf of the Sumter

1 Fire Department and the Sumter Police Department and the
2 family of Robert Jackson and Elizabeth Young. Thank you
3 for your attention that you've given.

4 Ladies and gentlemen, I want to start with the
5 burden of proof on the State in this case is the same as
6 it is on every other case that's on the State that's being
7 tried in this state, this country, across this great land.
8 And this is as important a case that's going to be tried
9 in this state, in this country this week, important to the
10 defendant, important to the victims' family. So thank you
11 for being here, thank you for your attention.

12 You all could tell me what it is. What's the
13 burden on the State? We can't have an interaction. It's
14 called a closing argument. I've always thought it's a
15 terrible name because we can't interact back and forth,
16 but this gives us a chance to tell you what we think the
17 evidence is and the reasonable inferences are.

18 I'm going to briefly talk about the law and give
19 some examples. Mr. Murphy's going to come up and give his
20 argument and then the Solicitor will close out the final
21 argument.

22 Beyond a reasonable doubt. Beyond a reasonable
23 doubt. Beyond a doubt that would cause reasonable folks
24 to hesitate to act. It's not beyond all doubt, and the
25 State doesn't have to prove something beyond every

1 possible doubt. If that was the burden, we shouldn't have
2 built this courthouse because that's impossible. And
3 that's not the burden. The burden on the State is proof
4 beyond a reasonable doubt. If it leaves you firmly
5 convinced of the defendant's guilt, that means there is no
6 reasonable doubt. Are you firmly convinced? Do you
7 believe it? Do you know it happened? Beyond a reasonable
8 doubt.

9 Ladies and gentlemen, I'm going to talk at the
10 end about your role, but you're basically lady justice.
11 And don't take offense at that. That's a beautiful thing.
12 You see lady justice up there with the scales and then her
13 eyes covered. That's what you are. You're lady justice.

14 We all have roles. His Honor is the judge of
15 the law. He is the law in this courtroom. No question
16 about it. We have our roles. But you are also judges,
17 you're judges of the facts. And like lady justice, you've
18 sat here, you've listened, you've listened to the
19 witnesses, and I'm going to talk about credibility at the
20 end. You've listened to it. You've pulled down and
21 looked and seen what images look like, and you are the
22 judges of the facts and you will make the decision on
23 what's credible.

24 How do you do that? You didn't go to school
25 when you got in here this week, but you have been in

1 school your whole life. It's the school of common sense.
2 It's your interaction with other people, your dealings
3 with other people, your experiences you've had your whole
4 life. You bring those into this jury room and you listen
5 and you decide what's truthful, what's believable.

6 And all you can decide it from is what came from
7 this seat, the witness seat and from the evidence and
8 stipulation that came in, that's what you decide is true,
9 what are the facts that are true in this case. The judge
10 will give you the law, you'll apply those facts to the law
11 and you'll come up with a verdict. It's a beautiful
12 system. I love it. That's what it's about when peers and
13 folks in the community can come and decide what the truth
14 is, what happened beyond a reasonable doubt.

15 We don't have a video out there of what
16 happened. If we did, I'm sure somebody would question
17 whether the video was doctored, messed with. But we don't
18 have to. We have to prove the defendant's guilt beyond a
19 reasonable doubt.

20 What's he charged with? You all know this, too.
21 It's common sense. Murder. What's murder? Murder is the
22 killing of another living human being, in this case two
23 children, with malice aforethought. Murder of another
24 individual with malice aforethought.

25 What's arson in the 1st degree? Arson is a

1 willful -- and that just means intentional -- a willful
2 and malicious intentional burning -- in this case of a
3 dwelling -- and a death results. No, two deaths results.
4 Willful, malicious setting of a fire to a dwelling and an
5 individual died. We've got two counts of murder, two
6 counts of arson in the 1st degree.

7 Let's go to murder. Well, we can actually talk
8 about both of them at the same time because this involves
9 malice and maliciousness in both of them. First of all is
10 intent. The judge is going to talk to you all about
11 intent. You cannot -- it's impossible to open our brains
12 and look inside of the brain and see what somebody's
13 actually thinking. And the law doesn't require that
14 because you couldn't do it. So we can decide what one's
15 intents are by their actions, by their words, what they do
16 before, what they do after a crime. You are allowed to
17 consider all of that in to what an individual's intents
18 were, in this case, the defendant's intent to set fire to
19 that [REDACTED] regardless of who was in there.

20 Malice. What's the judge going to tell you, I
21 believe, that there are ways for you to find malice.
22 Malice can be express. That's what the law says. And
23 that's the -- is there any better way to show malice?
24 Express. "I'm going to kill you. I'm going to kill you.
25 Fuck you. I'm going to burn that place down. I'm going

1 to burn that apartment down and all those B's in there."
2 That's an example of express malice. And I'm sorry to
3 cuss. I really don't cuss that much usually, but I'm
4 allowed in this case, and those are his words, not my
5 words. But this is an example of express malice. And the
6 Solicitor will go over with you later and talk about it.
7 Express malice.

8 Who've you got it from? Express malice from
9 Anna, "I'll kill you, F you." Express malice from Dyshunn
10 Hunter, "You all keep on, you all keep on messing with
11 Julio. I'll burn this F'er up. I'll burn this fucker
12 up." That's malice. Express malice. Show his intent by
13 his words.

14 Liz Young, you heard from her, the fighting and
15 arguing. Was he mad? Yeah. Did he want to own a house
16 with her? I don't know. The Solicitor will talk about
17 that. He was angry. He was going to get what he wanted.

18 Nicole Lee, "If you don't get your ass back here
19 I'm going to burn this shit up." Now, that's not a family
20 member. That's somebody else out there who happened to
21 hear it. Here he is threatening somebody else in the
22 neighborhood.

23 And the fact that we don't have some phone
24 records showing a call from that, that's not a reasonable
25 doubt. He may argue it. That's not a reasonable doubt.

1 Sometimes in my career -- and I don't know when it was,
2 I'm getting old -- I realize sometimes questions are just
3 questions. And the law doesn't require you to answer
4 every question. That's not what the law is. And I submit
5 to you every question that isn't answered doesn't make it
6 a reasonable doubt. Some attorneys may try to make it.

7 Another example of malice, express malice,
8 Nicole Lee's here. Henry. The Solicitor's going to talk
9 about him. He tells Henry again to the intent, "I set the
10 house on fire. I killed at least three of those B's."
11 Does that show his intent?

12 Henry who, by the way, who did he keep his money
13 with and share with? Henry, not his other two sisters,
14 respectfully.

15 Darnell Getter. Darnell Getter just happens to
16 be sitting at that corner there, Short Street and
17 Carolina. And he hears the threat. And again it's
18 express malice. "I'm going to kill you, kill them kids,
19 burn the house down." Is there any other way to show
20 express malice but the words of the defendant? Darnell
21 Getter.

22 Takeya Burroughs. Takeya is the neighbor in 64
23 to [REDACTED], hears an argument before between Julio and Liz
24 arguing, and then later she just hears Liz express -- she
25 just hears whoever, "Fuck you, fuck you all." Express

1 malice. And after that, after that, minutes after that
2 she hears the popping. Express malice. That's all,
3 express malice, we have in this case, ladies and
4 gentlemen. I don't know how else you can show it. /

5 But the law says not only that, you can infer
6 malice in certain situations. You're allowed to infer
7 malice. If someone is committing a felony, intentionally
8 committing an arson or a felony, intentionally committing
9 a felony and somebody dies as a result, what the judge is
10 going to tell you, arson's a felony. Setting a fire to
11 the place, somebody dies, you can infer malice from that.
12 We've got plenty of malice here, but take it all in.

13 How else can you infer malice? You can infer
14 malice from the use of a deadly weapon. Fire is a deadly
15 weapon. The law allows you to infer it.

16 And finally, with malice, and this is huge, and
17 please listen. The law allows you to infer malice in
18 another situation. Malice does not necessarily -- listen
19 to this -- does not necessarily require ill will towards a
20 person. It doesn't. Malice does not necessarily require
21 ill will towards the person injured, but signifies a
22 general malignant recklessness of the lives and safety of
23 others, a condition of the mind that shows a heart,
24 regardless of social duty, and fatally bent on mischief.
25 Setting a house, apartment on fire, two kids in there,

1 that's malicious. Listen to the judge as he charges that.
2 He doesn't care whose in there. Doesn't matter. He's
3 mad. That's another example of inferred malice.

4 And, ladies and gentlemen, the Solicitor and I
5 and Mr. Brown ask you to infer, infer malice from that,
6 from the arson, from the murder, express inferred malice.

7 Just closing on the law, and let me go on to the
8 other things the judge will talk to you about, the types
9 of evidence in this case: Direct and circumstantial.
10 It's already been talked about briefly, but direct
11 evidence is evidence of a -- it's what someone gathers
12 with their sense, they see it, they smell it, they hear
13 it, they touch it, and they go tell somebody, they tell
14 you all this is what I heard, this is what I felt, I this
15 is what I touched. I heard Henry Dingle making these
16 threats -- excuse me -- I heard Timothy Dingle making
17 these threats. I heard Henry (sic) Dingle next door. I
18 saw Henry (sic) Dingle angry, I saw him made. Saw it, one
19 of the senses told you that. Heard it, yeah, I hear -- I
20 know what he sounds like. I hear his voice. That was him
21 threatening. That was him cussing right before the fire.
22 That's direct evidence.

23 Circumstantial evidence is evidence of a fact,
24 and another fact which indicates the existence of another
25 fact. Well, the law makes no distinction between direct

1 and circumstantial evidence, and a greater degree of
2 certainty's not required. This case has direct evidence
3 and circumstantial evidence. And circumstantial evidence,
4 I guess, common sense says you can't make it up, you can't
5 make it up. Circumstantial evidence is proof of a fact
6 here, proof of a fact here. It's almost like a chain.
7 And this case is almost like a chain. It starts at ■ on
8 Carolina and coming back around with bits and pieces of
9 folks that hear, literally hear the defendant threatening
10 to burn the place down all the way back to Nicole Lee to
11 Takeya Burroughs. Takeya Burroughs doesn't know Darnell
12 Getter. There's no way this would have been made up. But
13 there's circumstantial evidence and you can take all those
14 and put them together and it shows one change that he
15 threatened to burn the house, and he did. And that
16 evidence can be taken together through the final issue
17 that he committed murder and arson, and the law allows you
18 to do this. Take what Nicole said, take what Takeya
19 Burroughs heard beforehand, didn't hear just one argument
20 and then moments later after she said she just heard the
21 defendant say "F you, F you all," the windows pop. That's
22 great circumstantial evidence.

23 I'm about through. I've never talked this short
24 in my life.

25 The final thing I'm going to talk to you about

1 is, your role as jurors is to evaluate the credibility,
2 the believability of the witnesses. That's what it
3 comes -- that's just the bottom line of every case, what's
4 the truth, what's the truth. And you sat there and
5 watched them and evaluated them. What's the truth? Who's
6 telling the truth? Is there any doubt in this case? I
7 submit we've gone beyond all that. It's not our burden.
8 There's no reasonable doubt in this case. The Solicitor
9 will tell you, he was angry. You've got witnesses showing
10 his anger, threatening to burn.

11 You evaluated their demeanor up there. Nicole
12 Lee, she didn't have a dog in this fight. Takeya
13 Burroughs just now tells you what she hears and sees. All
14 these other witnesses are telling -- yes, they didn't call
15 the police. Well, no, that kind of lends credibility.
16 He's over there just yelling. Has he done it before?
17 Yeah. Did he threaten to burn? Yeah. Getting angry?
18 Yes. And then Nicole hears, "Get your ass back here, I'm
19 going to -- you better get back."

20 And Darnell Getter. Maybe -- he said, You know
21 him before? Yeah, I know him before. He was there.
22 Credibility, believability. A man who's been in trouble
23 with the law, he goes directly to the law minutes after it
24 happened when he sees it. Documented that day. Credible?
25 I'm glad he's got a record. I'm glad he -- it makes him

1 more credible. He's going to the police. He saw her, saw
2 Liz, saw her crying. Yeah, maybe it's a chance for him,
3 too, to get him back. But guess what? He was in the
4 right place at the right time and he told what he saw. He
5 went straight there. Yes, sir. Doesn't it kind of say he
6 did know? And he's sitting there. Is there any way he
7 can know they'd be walking up that street that night and
8 Nicole would see him later and Takeya? No, you can't make
9 that up, and that's circumstantial evidence.

10 Ladies and gentlemen, thank you for being here.
11 Thank you for your attention. And I mean that, thank you.
12 All we can ask is for you to listen to Mr. Murphy, he's a
13 fine man and a fine attorney. Listen to the Solicitor.
14 And when you have finished and the judge has charged the
15 law, we respectfully, respectfully, ask you to come back
16 with a verdict that says Timothy Dingle basically put
17 those kids in an oven that night because he was mad, he
18 was angry, and he didn't care what happened to them, and
19 we're going to find him guilty.

20 Thank you.

21 THE COURT: Mr. Meadors.

22 Mr. Murphy.

23 MR. MURPHY: May it please the Court.

24 THE COURT: Yes, sir.

25 MR. MURPHY: Good afternoon.

1 When we began this a couple of days ago, I made
2 the statement that my client is innocent. And even now
3 after three days -- which on behalf of my client I also
4 want to thank you for your patience and attentiveness --
5 even now after you're heard all the witnesses, even now
6 after you've listened to Mr. Meadors, all the way through
7 to the point you get and start talking about it, my client
8 is still innocent. My client is entitled to that
9 presumption.

10 What I'm going to do is I'm going to talk a
11 little bit about presumption of innocence, about
12 reasonable doubt and some concepts, and talk and try to
13 apply some of that to the facts as I go through the facts
14 and our evaluation of them, okay?

15 Presumption of innocence. What does that really
16 mean? Well, the judge will tell you it's a substantial
17 right that we're all entitled to. The judge will tell you
18 that it's not some political slogan. It's a right. It's
19 what separates our system from every other system in the
20 world. I mean, even -- I mean, to be frank with you, we
21 could have sat over there these last three days and not
22 asked a single question, done absolutely nothing, twiddled
23 our thumbs, and that presumption in and of itself could be
24 sufficient for reasonable doubt. That's how important
25 that presumption is. And it's important to remember that

1 as you begin your deliberations. Every doubt, every piece
2 of evidence, take that into consideration that presumption
3 that he's innocent.

4 The flip side of that presumption, it's kind of
5 like a two-sided coin, is reasonable doubt.

6 Now, it is accurate, there is no such thing as
7 all doubt. I mean it's rare. There probably are
8 situations where you have no doubt something occurred, but
9 the law doesn't require it. The standard for reasonable
10 doubt is the highest standard known to the law. The
11 highest standard known to the law.

12 You know, you could be sitting there thinking to
13 yourselves, you know what, I really think that Mr. Dingle
14 might have done it. I really think so. It's plausible.
15 That's not enough. That's not enough.

16 You could think, you know, he could have done
17 it. He could have done it. I mean, you know, some of the
18 witnesses, you know, their variations on times are off,
19 but, you know, he could have done it. That's not enough
20 to meet that standard.

21 Ladies and gentlemen, you can conclude in your
22 minds and in your hearts he probably did it, he probably
23 did it, but that's not enough. You have to be firmly
24 convinced beyond a reasonable doubt.

25 Now that is a standard. That isn't saying all

1 doubt is reasonable doubt. That's the legal standard that
2 by your oath you took three days ago you're required to
3 follow. And as I stated then and as I'll state again,
4 that's all that Mr. Dingle requests is his rights as an
5 American and your attentiveness and the correct
6 application of those standards.

7 Every discrepancy, every contradiction, every
8 doubt. My client is entitled to the benefit of the doubt.

9 Now, let's talk a little bit about the evidence.

10 Obviously there was a fire. Obviously it caused
11 those children's death. The issue, and I would submit
12 what this case is about, is whether Timothy Dingle caused
13 that fire.

14 Now, I want to focus on some evidence and talk a
15 little bit about reasonable doubt.

16 The first thing I want to talk a little bit
17 about is malice and motive. And you've heard some
18 testimony about Mr. Dingle's relationship with the family.
19 You heard some testimony about Mr. Dingle's relationship
20 with the children. Even Elizabeth Young -- and look, I
21 don't begrudge her her reaction -- even she stated in
22 response to my questions, she admitted that his
23 interaction with the children was positive. His sister
24 described the relationship with the children as loving,
25 almost father-like, I believe that's the phrase she used.

1 That in and of itself we would submit should cause you to
2 think and ponder about a motive, about a level of
3 maliciousness, and about whether this individual committed
4 this crime. And if that gives you pause, and if that
5 causes you to hesitate and think, then that is reasonable
6 doubt. That is reasonable doubt.

7 Look, there are gaps. There are gaps in this
8 case. There's no question about that. And I think
9 Mr. Meadors tried to address some of them, all right?

10 In his opening, Mr. Meadors talked about the
11 time line witnesses. Time lines was rather confusing. I
12 mean, everybody has a different recollection and, look,
13 that's just the way life is sometimes. But there are
14 differences, in some instances dramatic differences
15 between how people remembered what, and I will get into
16 that in a little bit.

17 But that's not -- it's not our job to clear that
18 up. I mean, we were the ones asking the questions about
19 time. But that's a factor here that makes fog.

20 There is a lack of physical evidence, actual
21 physical evidence tying my client to this particular arson
22 and murder. That's just the way it is, okay? The DNA
23 samples on the cigarettes and everything, quite frankly,
24 that's irrelevant. I mean, the expert said it had
25 absolutely nothing to do with this fire. I mean, we

1 concede he was there and staying there off and on.

2 So this cell phone, you know, we heard about
3 today, I mean I guess there could have been some work done
4 on that, but there wasn't. All right? Again, there was a
5 lighter. He smokes, okay? But there's no real physical
6 evidence. Now, that's the reality, that's their case.

7 There's no real eye witness that he's in that
8 particular apartment around the time of the crime. The
9 closest they get to it, and Mr. Meadors referenced it, was
10 Ms. Burroughs. But if you listen to Ms. Burroughs, I
11 think it's significant that she's confused about the time,
12 too. And her recollection of events about what she heard,
13 the voice -- and, hey, I'm not going to see her making
14 stuff up. I mean, what she heard Mr. Dingle say also
15 corresponds with what Mr. Hunter said, when Mr. Dingle was
16 outside in the back trying to calm down and yelling. So
17 it also corresponds with that.

18 And again, to the extent the conflicting
19 evidence doesn't correspond or goes to our benefit, I
20 would submit that you should conclude that she's just
21 confused about the timing of everything, that you can't
22 come to any firm conclusion.

23 But what is interesting is what she says she
24 heard my client say. She doesn't say anything about him
25 saying "I'm burning this place down." She doesn't say

1 that. But I would submit there are no eye witnesses that
2 place him in that area at that time. Now, those are the
3 facts. The time line witnesses, and what I'm talking
4 about particularly, I'm going to divide them up a little
5 bit, we'll call them the family witnesses and then talk
6 about Mr. Getters and Mr. Dingle separately.

7 Mr. Hunter, Anastasia Young, Elizabeth Young,
8 and Treshawn (sic) Young, again, they're all over the
9 place when it comes to time. But generally speaking, they
10 all correspond in a couple of areas. They all correspond
11 that there was an argument. They are all correspond with
12 that. Three of the four, Ms. Elizabeth's the only one who
13 says that she was in the home when those children went to
14 bed around 9 o'clock. Three of the four say that my
15 client and Ms. Elizabeth were on their way -- they were
16 out of the house returning some children who had followed
17 them home.

18 There are discrepancies. Mr. Young describes
19 the fight as between primarily two intoxicated people.
20 Ms. Young says, no, I wasn't drinking or I wasn't
21 intoxicated. All right.

22 So let's talk a little bit about this argument.
23 Let's talk about this argument that really the State's
24 relying on to demonstrate malice. I mean, you just heard
25 Mr. Meadors go on and on about F bombs being dropped and

1 threats to burn houses being done, on and on. And if you
2 take what they say as the gospel truth, my client is a
3 maniac running around, threatening to burn people's --
4 this house down, F you, F this, F that all over the place.

5 All right. Now, look, there was an argument.
6 But I would submit to you that the actions of these family
7 witnesses tell you a little something about what actually
8 had to have occurred. No one called the police. How
9 serious could this have been? Not only did nobody in the
10 house call the police, some of the neighbors who heard the
11 arguments, nobody was called. Now that's a fact. That's
12 a fact. You had this altercation -- I apologize -- you
13 had this altercation that occurs at the cusp in the road
14 where my client -- after they've left their house and
15 they're wandering away with their two children back at the
16 house by themselves and my client is supposedly walking
17 down the street after them, swearing and threatening to
18 burn the house down and yelling, what do they do? What
19 are their actions? What did the facts show that they
20 actually did? They continue to walk towards the other
21 way.

22 Now, I would submit to you that their actions
23 demonstrate either a gross lack of comprehension, or --
24 and I would submit to you that -- he never threatened --
25 the threat was not made to burn the house down. It's one

1 or the other. Who walks the other way if somebody is
2 threatening to burn their house down? Who does that? If
3 that gives you some pause and if that causes you to
4 hesitate and think, then that is reasonable doubt. That
5 is reasonable doubt.

6 More significant than that, though, I would
7 submit is what they say he actually -- my client actually
8 did do after this argument at the split. And we concede
9 there was an argument. There may have been some F bombs
10 dropped, okay? Ms. Burroughs heard some foul language.
11 Ms. Elizabeth Young and Mr. Dyshunn Hunter and it's not
12 contradicted by Mr. Getters, both say that where this
13 split is, right around in here, in this area, my client
14 heads this way towards these apartments over here.

15 Remember, I had him point, I had Mr. Hunter
16 point, what are these apartments and where was he headed?
17 They both say he's heading this way, not back to the scene
18 of the crime. Both. Both individuals had him walking
19 away from the scene of the crime. Those aren't our
20 witnesses. They weren't defense witnesses. Those were
21 the State's witnesses. The burden is on them. He's
22 walking away from the scene of the crime. If that gives
23 you pause, if that causes to you hesitate, that's
24 reasonable doubt. That's reasonable doubt.

25 Mr. Getters. Mr. Getters in regard to that fact

1 does not contradict either Elizabeth Young or Mr. Hunter.
2 He said he didn't see exactly where he went. And his
3 house and the cut were both in the same area. So he
4 doesn't contradict that at all.

5 Mr. Getters, look, testified that my client was
6 willing to testify against him four years ago. And he was
7 sentenced to four years in prison for that. Pay back?
8 You think? Lots of people were up at that scene talking
9 about what happened. Obviously the family concluded Mr.
10 Dingle -- I mean he became suspect number one, all right?
11 Probably because he's a jerk, maybe because some people in
12 that family didn't like him, because there was a fight
13 right before. I would submit not because of any threats
14 he made, but people were talking, people were up there.
15 You've got two kids jumping out of a car beating my client
16 up as he's walking back up towards the scene to see what's
17 going on. Pay back? You think Mr. Getters had some pay
18 back? Yeah, I think so. Reasonable doubt on his
19 credibility?

20 Mr. Dingle, Henry Dingle. Look -- look, the guy
21 was bursting at the seams to say something bad about my
22 client. I mean it was obvious. It was absolutely obvious
23 that he dislikes his brother. I asked him a question and
24 he just went on. He went on about all sorts of stuff.
25 He's out to get him, okay? Cane and Able. I mean, I

1 don't know what it is, but obviously he was loaded for
2 bear. Now, who knows him better than his family members?
3 Who knows him better than his sister? And, look, they
4 came in -- those ladies are -- they don't have any ax to
5 grind against Henry, but they gave you their honest
6 opinion about his credibility. And I would submit to you
7 that Mr. Dingle's performance on the stand combined with
8 that testimony makes his credibility suspect at best,
9 suspect at best.

10 Mr. Meadors said that sometimes questions are
11 just questions. Well, I disagree to some degree because I
12 would submit to you in court too many questions cause
13 reasonable doubt. It really depends on what the question
14 is. It really depends on what the question is. Why is it
15 that a person who has been described as border on a raving
16 lunatic, threatening to burn a person's house down, why is
17 it that those individuals would walk the other way while
18 the house and two unsupervised children are left behind
19 and allow that to happen? Well, I would submit to you
20 that nobody would, that that threat wasn't made. Why is
21 it that a person who is walking the other way -- and I
22 guess the time -- I mean, look, I mean I could have
23 crafted some sort of bizarre time frame that would have
24 had Mr. Dingle standing in the middle because those
25 witnesses were all -- those time line witnesses were all

1 other the place. But the reality is, he's walking the
2 other way shortly before this fire's being set. How is it
3 that that individual committed this crime? Legitimate
4 question? That's a question. Ladies and gentlemen,
5 there's just too many. Those two questions are two too
6 many in this case.

7 It's difficult, it's difficult to think that two
8 individuals, two children who will never live, it's
9 difficult to think that the person that they jumped to
10 conclusions about after going through this process, you
11 realize you know what? There isn't enough. That's a
12 difficult decision to come to, but that is the just
13 decision.

14 My client is not guilty of this crime. The
15 evidence isn't there. That's the reality. And it's hard,
16 but that's the way it is.

17 On behalf of my client, I'm requesting that you
18 find the just verdict, and that just verdict in this case
19 on these facts is not guilty.

20 Thank you.

21 THE COURT: Mr. Murphy.

22 Mr. Finney.

23 MR. FINNEY: May it please the Court, Your
24 Honor.

25 THE COURT: Yes, sir.

1 MR. FINNEY: On Monday, I told you that I really
2 appreciated the efforts that you all were making to be
3 here with us this week, because it is a tremendous
4 sacrifice, unless you're a lawyer, to come to court every
5 day, be here, to leave your family, to leave your work,
6 your friends, whatever you normally would have been doing
7 this week.

8 I hope that you all have seen over the last
9 three days how much of a tremendous sacrifice has been put
10 on by the people who sit behind us. It was not apparent
11 to me until the music is actually played how much work and
12 effort went into putting this case together by law
13 enforcement, by the firemen, the investigators, family
14 members, friends of -- that lived across the parking lot.
15 And I want to thank you all. It makes our job very easy
16 when we have good people to bring us the pieces of the
17 puzzle. John Meadors, Tyler Brown and Chip Finney put the
18 pieces together.

19 With all due respect to my colleague, Mr.
20 Murphy, this is not a hard case. This is probably one of
21 the clearest cases of murder and arson that has ever been
22 brought in a court in Sumter County or South Carolina, and
23 it is certainly clear who did the crime.

24 Ladies and gentlemen, what lawyers say is not
25 evidence. I want you to believe John, I want you to Tim,

1 I want you to believe we all are doing our job. Take us
2 out of the picture. Listen to the evidence that came from
3 the witness stand. John has gone over the law, Tim Murphy
4 has gone over the reasonable doubt. The Judge is about to
5 give you the law. And if you plug in the law and apply it
6 to the situation, the evidence, and the testimony, it
7 should be clear as -- like in the Bible, it says it is
8 better to light a candle than to curse the darkness.

9 They want you to believe the killer of Robert
10 and Aalyiah is still in the community walking around.
11 What else would they say to you?

12 He's the one that was heard by witness after
13 witness after witness cursing and threatening the lives of
14 those family members. It has been clear from the
15 beginning of this case that those people who testified, to
16 some extent most of them don't know each other. They had
17 no way of knowing that threats were made at 4 o'clock or 5
18 o'clock. That threats were made -- the people at 5
19 o'clock that heard them, didn't know the people at 9 or 10
20 or 11 were hearing threats. All day long he made threats,
21 and then he carried them out.

22 You would have to believe from their theory that
23 we have not proved that Timothy Dingle lit his cigarette
24 lighter three times in the upstairs bedroom of [REDACTED]
25 [REDACTED]. And that, in fact, while he was out probably getting

1 a beer, running around in the streets doing something
2 else, which we don't know what he was doing, somebody else
3 went to ■ somebody else went up those stairs and
4 somebody else lit three points of origin in the upstairs
5 bedrooms. No, no. The malice was there from early in the
6 day.

7 Let's start with the State's last -- the
8 defense's last witnesses, the cousin and the sister. He's
9 a pathological liar, he's a habitual liar. Who called him
10 that day and said we've got work to do? Where did he go
11 to work? Who did Timothy Dingle work with that morning
12 for seven or eight hours? Henry O'Neal, his brother, who
13 had been his payee, who had been his roommate. Did any of
14 those witnesses tell you that Julio had ever lived with
15 them? No. Julio ever work with them? No evidence of
16 that. Whatever the family problems are, they are. We
17 don't need to get into that. Because those ladies weren't
18 around on the night of the 27th. Nobody was trying to
19 calm Julio down from the family that night.

20 Liz did the best she could. Liz Young is the
21 kind of lady who's got children, making sure they get into
22 bed, making sure they're at Alice Drive every morning on
23 the bus, making sure that they are meeting their
24 requirements, and she's trying to help some young lady
25 down the street who's got work and family problems raise

1 her two children. Liz takes her days off to babysit
2 somebody else.

3 Julio doesn't even have a job outside of working
4 with his brother to make a move to another house. Where
5 does he want to move? We heard later on he wants to move
6 back to his brother's house, which not even -- he doesn't
7 even own it. They own it jointly. And the brother says,
8 no, I don't want Julio living in here with another woman
9 and her kids. No.

10 Does it seem to you that you hear the theme
11 that's winding through all these witnesses, that Julio
12 likes to have his way? Julio wants it his way, and if he
13 doesn't get it his way, you better look out. And Lord
14 help us all if he starts drinking beer about 4 or 5 in the
15 afternoon. By the time he's had two or three or four or
16 five, it gets bad.

17 Ladies and gentlemen, the evidence is there from
18 witness after witness. I don't want to take your time to
19 go through the details again. It has been spoken clearly.
20 Witness after witness that evening heard him threaten.

21 Now, the lawyer's saying there really wasn't a
22 threat because the cops weren't call. Ladies and
23 gentlemen, I can -- I don't want the cops coming to my
24 house. If me and my wife disagree, we're going to
25 disagree. The cops don't need to be called at all times.

1 But then again, he hadn't necessarily let us know until
2 this night that he had reached his end. He didn't let us
3 know that night that he was going to change the way things
4 were going on. He was going to move, they were going to
5 pay, something was going to happen that night. That's not
6 speculation.

7 The fact of the matter is, he did go back to the
8 house that night because the young lady from 64 heard him.
9 After the argument, she heard him slam the back door and
10 say some bad words, I'll get them, I'll burn this whatever
11 down. Not five minutes later the popping sound started.
12 A few seconds later she ran down from the back where she
13 was in the back of her apartment downstairs to see the
14 flames. She's the one that's on the 911 call. She told
15 you in the 911 call.

16 Ladies and gentlemen, listen to this. If you
17 don't believe anything else I say today, the statements
18 that you heard from people today, all of those statements
19 were taken back in March of 2012 by police officers, by
20 investigators. We had them, Mr. Murphy had them. These
21 are not people that we just rounded up this week and
22 brought in here. They all said consistently what had been
23 told to the police a year ago. Of course the time line is
24 different. If I put a glass on this table right now and
25 fill it half full, some of you will say it's half full,

1 some of you may say it's half empty. It's the same glass.
2 Perception. People see some things differently.

3 People who lived with Julio certainly don't
4 worry about him and call the police every time he gets
5 drunk and gets mad. They've seen it night after night.
6 That's their perception. Thank God those kids go to bed
7 at 9 o'clock so they don't have to deal with all that
8 foolishness.

9 And that's another point. Julio wants you to
10 believe that he was at the house night after night. Well,
11 he saw those kids go to bed. He knows what time they go
12 to bed and what time they get up. They want to have you
13 believe that he didn't know that they were in the bed at 9
14 o'clock? Yes, that's part of the malice. He knew they
15 were in the bed. He wanted to send Liz a message. He lit
16 the three fires in three different points of the upstairs
17 bedrooms.

18 Three. The expert, Mr. Seals, from SLED said
19 those three fires, if they'd all come out like they was
20 intended to would have cut off the access to anybody
21 upstairs. They had no way out. He lit the fires. He
22 wanted them to have no way out. That's why the charge is
23 murder. Using fire as a deadly weapon, that's why the
24 charge is arson.

25 Ladies and gentlemen, it's time. Liz has been

1 waiting since April when she buried her children, 2012, to
2 have this day in court. The family members have been
3 waiting since April of 2012. The police officers, the
4 fire department, the lawyers on the State side have been
5 waiting. It's your turn now. You've heard the evidence.
6 There is no more evidence. We didn't leave anything out.

7 Listen to the law that the Judge will provide to
8 you. Consider your -- each other's opinions. The
9 forelady has the burden of signing her name to the form,
10 but you each should be convinced that you could sign your
11 name to the verdict form and that you could go home
12 tonight, get in your bed and put the cover over you
13 knowing that you did the right thing, not because Liz
14 needs it, not because Chip Finney needs it, but because
15 the law that says you have been given the evidence and the
16 evidence covers that man, Timothy Dingle, from head to
17 toe, that he's guilty, that he set the fire that caused
18 the loss of life, and the verdict is guilty on all counts.

19 Thank you.

20 THE COURT: Is there anyone on the jury that
21 would like to take a break? If you would, we can
22 certainly do that. The next thing I'm going to go over is
23 the charge on the law. Everybody okay?

24 (No response.)

25 THE COURT: Ladies and gentlemen, I do need your

1 full and undivided attention over the next 15 or 20
2 minutes because this is a very important part of the
3 trial, just as anything else has been since Monday and you
4 were selected to be jurors in this case.

5 Obviously, you and I know that we've had certain
6 duties to perform throughout the trial. You'll notice
7 that when all the witnesses testified, they testified to
8 you. The evidence that was presented was presented to
9 you, and the lawyers have been directing their statements
10 and arguments to you, not to me. The reason all that is
11 important is because you're the only ones that matter
12 insofar as what the verdict is going to be. I'm not
13 permitted under the law to reach a verdict in this case.
14 Only you can do that.

15 Now, over the next few minutes I'll be going
16 over many, many different legal principles, and this is
17 not a time I'd like for you to try to memorize everything
18 I'm saying. What I want you to do is to rely on a couple
19 of things: One is your good common sense, and your view
20 of the evidence. You take those two things, put those
21 together with the law as I charge it to you, and you'll
22 reach verdicts which speak the truth.

23 I'll be talking to you about, again, many legal
24 principles, and these will include but they're not limited
25 to things such as reasonable doubt, credibility of

1 witnesses, direct and circumstantial evidence, the
2 presumption of innocence, the elements of the crime of
3 arson in the 1st degree, the elements of the crime of
4 murder, and I will guarantee you that at some point during
5 this charge I will repeat myself fairly frequently. That
6 is because some of the legal principles that I will talk
7 to you about do intertwine with one another. For example,
8 and this is just an example only, I may talk to you about
9 reasonable doubt and tell you what that is and I'll
10 mention that during the course of the charge on the
11 specific elements of the crimes charged. Don't take from
12 anything that I say during the course of the charge that I
13 am emphasizing one point over another. It's simply that
14 under the law I am required to give you a full charge and
15 a complete charge, and I apologize in advance for
16 repeating myself.

17 Now, you have the authority to take into account
18 in your deliberations anything or any evidence that has
19 been introduced. As I told you, evidence comes in by way
20 of testimony, exhibits, and sometimes by way of
21 stipulation. If evidence has come in, you can consider
22 it. If during the course of the trial I've told you to
23 disregard something that's come in, under your duty you
24 have to do that.

25 Now, I will tell you this: No additional

1 evidence will be introduced. Nothing new will be given to
2 you in your jury room. If during the course of your
3 deliberations you want to hear something played back, that
4 can be done, but nothing new is going to be introduced to
5 you. So the testimony that is going to be introduced,
6 you've heard it, you've seen it. The same thing with the
7 exhibits, you will have the exhibits in the jury room with
8 you.

9 Now, you may come into the case with a
10 preconceived notion of what you think the law is or
11 sometimes what you think it ought to be, but for today's
12 purposes, you have to accept the law exactly as I give it
13 to you, even if you disagree with it. For example, you
14 may have an idea of what reasonable doubt means or you may
15 have an idea of what the definition of murder or arson is
16 or what you think it ought to be. You have to accept the
17 law exactly as I give it to you.

18 As I mentioned a moment ago, do not take from
19 anything I've said or done during the course of the trial
20 that I favor one particular result over the other. My
21 rulings and my actions in the courtroom are guided solely
22 by the rules of procedure and the rules of evidence. So
23 please don't take from anything that I've done or said
24 that I favor one result over the other.

25 The verdict is a matter solely for you. Your

1 verdict is your verdict and your verdict alone. And you
2 reach a verdict based on evidence or lack of evidence.
3 And in weighing evidence that's come in before you, you
4 give it the weight and the value and the effect that you
5 believe that it deserves.

6 Now, ladies and gentlemen, the defendant has --
7 or the indictment has four different offenses alleged in
8 it. I will go over those in detail later, but they are
9 two counts of arson in the 1st degree and two counts of
10 murder. Under the law, each count constitutes a separate
11 and distinct offense. You decide each count or each
12 charge separately. Your verdict on one does not control
13 your verdict on the other. In other words, you can find
14 the defendant guilty of all four, not guilty of all four,
15 or guilty of some and not guilty of the rest. That's
16 entirely up to you, and it's based on what your view of
17 the evidence is accordance with the law.

18 And on the verdict form, Madame Forelady, there
19 are separate inquiries; they're one, two, three and four.
20 I'll go over that with you at the end, but your verdict on
21 one count does not control your verdict on the other.

22 As I mentioned to you at the beginning of the
23 trial, necessarily you have to determine the believability
24 or credibility of witnesses who've testified. How do you
25 do that? You use your good common sense. You can take

1 into account anything that you think is appropriate. And
2 as I mentioned to you Monday, you can take into account
3 the witness's demeanor, how did he or she appear on the
4 stand, were they hesitant or straightforward. You can
5 take into account what was that witness's ability to know
6 what he or she claimed to know, was the testimony
7 strengthened or weakened by other evidence that's in the
8 record, did that witness have a bias or prejudice for or
9 against one particular side over the other, and again,
10 anything else that you think is appropriate.

11 I also charge you, ladies and gentlemen, that a
12 person who has a criminal record is competent or able and
13 permitted to testify during a trial. A criminal record
14 does not affect the right or ability of that person to
15 testify, and the criminal record may be considered by you
16 only, if at all, in determining whether or not you believe
17 that witness.

18 Now, ladies and gentlemen, you can believe one
19 witness over several, several over one. That's entirely
20 up to you. Also, you can believe every word of what a
21 witness says, disbelieve every word, or believe parts and
22 reject the rest.

23 Now, you also heard me mention the other day
24 that the types of evidence that come in during a trial are
25 direct and circumstantial evidence. Direct evidence is

1 evidence that immediately establishes the main fact to be
2 proved. It's -- an example is testimony of a person who
3 claims to have actual knowledge of a fact. If you believe
4 what the witness says, you can accept that witness's
5 testimony on that point as direct evidence.

6 Now, circumstantial evidence is proof of a chain
7 of facts or circumstances that indicate the existence of a
8 fact. It's evidence that immediately establishes
9 collateral facts from which the main fact may be inferred.
10 So it's based on inference. It is not based on personal
11 knowledge or observation.

12 Now, under the law, there is absolutely no
13 distinction between the weight or value that you are to
14 give to either direct or circumstantial evidence, nor is a
15 greater degree of certainty required of circumstantial
16 evidence than of direct evidence. In other words, whether
17 direct or circumstantial, you weigh all the evidence.
18 After weighing that evidence, if you are not convinced of
19 the defendant's guilt beyond a reasonable doubt, you must
20 find him not guilty as to the particular charge you're
21 considering at that time. After you weigh all the
22 evidence, if you are convinced of the defendant's guilt
23 beyond a reasonable doubt on the particular offense you're
24 considering, you must find him guilty.

25 Now, I mentioned to you also, ladies and

1 gentlemen, that the Rules of Evidence ordinarily don't
2 permit witnesses to give opinions. There's an exception
3 for experts, and those are people who are qualified by
4 education, training or experience in a particular field,
5 they're allowed to give opinions and also the reasons for
6 those opinions. If you decide that the expert's opinion
7 was not based on sufficient education, training or
8 experience, or if you decide that his or her opinions were
9 not sound, you can have give those opinions no weight
10 whatsoever. And you're not required to accept the opinion
11 of an expert just because it comes from an expert, even
12 though the opinion might be uncontradicted.

13 Now, the defendant -- and you'll notice as I go
14 through this charge I'll get more and more specific.

15 The defendant in this case has entered pleas of
16 not guilty to all four counts. The plea of not guilty
17 puts the burden on the State to prove the defendant
18 guilty. And a person who is charged with committing a
19 criminal offense is never required to prove himself
20 innocent, never required to prove himself not guilty.
21 It's an extremely important rule of law, it's a very
22 important legal principle that no matter what the
23 charge -- we have an alphabet A to Z -- the defendant is
24 always presumed innocent of the crime for which the
25 indictment is issued unless guilt has been proven by

1 evidence satisfying you of guilt beyond a reasonable
2 doubt. And the presumption of innocence does not end when
3 in a few minutes you stand up and go to your jury room
4 and begin your deliberations, but the presumption of
5 innocence remains with the defendant throughout the trial
6 and throughout your deliberations unless and until you
7 reach a verdict of guilt based on evidence satisfying you
8 of guilt beyond a reasonable doubt.

9 Now, in closing on that point, the presumption
10 of innocence is not a mere legal theory, it's not a phrase
11 that we casually toss around. The presumption of
12 innocence is a substantial right to which every defendant
13 is entitled unless a jury is satisfied from the evidence
14 of the defendant's guilt beyond a reasonable doubt.

15 Now, as you know, I've probably used the words
16 reasonable doubt 20 times so far. I'm going to talk to
17 you about that now.

18 A reasonable doubt in the law is the kind of
19 doubt that would cause a reasonable person to hesitate to
20 act. The State does have the burden of proving the
21 defendant guilty beyond a reasonable doubt. Some of you
22 may have been on a jury in a civil case and you heard the
23 judge say, well, imagine a set of scales that are
24 perfectly even. In a civil case, the person having the
25 burden of proof has the burden of proving something by the

1 greater weight of the evidence. In other words, that
2 person has to tip those imaginary scales ever so slightly.
3 That's enough in civil law typically.

4 In criminal cases, the State's proof must be
5 more powerful than that. The State must present proof
6 beyond a reasonable doubt. Proof beyond a reasonable
7 doubt is proof that leaves you firmly convinced of the
8 defendant's guilt. There are few things on earth that we
9 know with absolute certainty, and the law does not require
10 the State to present proof that overcomes every possible
11 doubt, but it does require the State to present proof that
12 overcomes reasonable doubt. If based on your view of the
13 evidence you are firmly convinced that the defendant is
14 guilty of the offense you're considering at that time, you
15 will find him guilty. If, on the other hand, you think
16 there is a real possibility that the defendant is not
17 guilty, you must give him the benefit of the doubt and
18 find him not guilty.

19 Now, if I further charge you, ladies and
20 gentlemen, that the fact that the defendant has presented
21 testimony from witnesses or may have presented other
22 evidence does not mean that the defendant has taken on or
23 assumed the burden of proving anything.

24 I further charge you, ladies and gentlemen, and
25 I emphasize to you, that the fact that the defendant did

1 not testify in this case is not a factor to be considered
2 by you in any way in your deliberation and in your
3 consideration on the question of the guilt or non-guilt of
4 the defendant. The fact that the defendant did not
5 testify is not something that you're permitted to discuss
6 or think about and it cannot enter into your decisions
7 whatsoever. And I repeat, under the oath that you've
8 taken, you're to draw no conclusions whatsoever from the
9 fact that the defendant did not testify. And that is
10 because the defendant is not required to prove anything
11 and the burden of proof remains on the State to prove
12 guilt beyond a reasonable doubt.

13 Now I will get into the specifics of the counts
14 in the indictment. I'm first going to talk to you about
15 the two counts of arson.

16 In order to prove arson in the 1st degree, it's
17 also called 1st degree arson, the State must prove beyond
18 a reasonable doubt that the defendant willfully and
19 maliciously caused an explosion or set fire to or burned
20 or caused to be burned or aided, counseled or procured the
21 burning that resulted in damage to a dwelling house,
22 building, structure or any other property, whether the
23 property of himself or the property of another.

24 Now the word "willfully" means that it was not
25 done by accident but it was done knowingly or

1 intentionally. It must be shown that the burning was by
2 the willful act and not as a direct -- and not as a result
3 of a natural or accidental cause.

4 Now the word "maliciously" means with hatred,
5 ill will or hostility towards another person. A person
6 who intentionally does a wrongful act without legal
7 justification or excuse does the act maliciously. A
8 malicious burning is an act done with a condition of mind
9 which shows a heart bent on mischief, showing a design to
10 do an intentional wrong act towards another or towards the
11 public without any legal justification or excuse. The
12 malice in this context need not be express but it may be
13 inferred.

14 I further charge you, ladies and gentlemen, that
15 a dwelling house is defined as a building in which a
16 person ordinarily sleeps. The word "burning" means actual
17 combustion of some portion of a piece of property. It is
18 not necessary that the property be totally consumed or
19 destroyed. Charring of the material of which the property
20 is constructed or a change in the fibre or composition of
21 the structure is required for there to have been a
22 burning. Singeing, smoking, blistering, scorching, or
23 discoloring by the heat, however, is not enough to
24 constitute burning.

25 Now, also within the count of arson in the 1st

1 degree, the State must prove beyond a reasonable doubt
2 that the property which was burned resulted in the death
3 of a person either directly or indirectly.

4 Now, ladies and gentlemen, I will now discuss
5 with you the counts of murder.

6 The defendant is charged with two counts of
7 murder. With regard to a count of murder, the State must
8 prove beyond a reasonable doubt that the defendant killed
9 another person with malice aforethought. Malice is
10 hatred, ill will or hostility towards another person.
11 It's the intentional doing of a wrongful act without just
12 cause or excuse and with an intent to inflict an injury or
13 under circumstances that the law will infer an evil
14 intent.

15 Now, the two words "malice aforethought" does
16 not require that malice exist for any particular time
17 before the act is committed, but malice must exist in the
18 mind of the defendant just before and at the time the act
19 is committed. So there has to be a combination of the
20 evil intent and the act.

21 Now, ladies and gentlemen, malice aforethought
22 may be express or it may be inferred. Those two terms
23 "express" and "inferred" don't mean different kinds of
24 malice but simply the manner in which malice may be shown
25 or proven to exist. And again, malice may be shown to

1 exist by either direct evidence or from circumstantial
2 evidence.

3 Express malice is shown when a person speaks
4 words which express hatred or ill will for another or when
5 the person prepared beforehand to do the act which was
6 later accomplished. Malice may be inferred from conduct
7 showing a total disregard for human life, and inferred
8 malice may also arise when the deed is done with a deadly
9 weapon. A deadly weapon is any article, instrument or
10 substance which is likely to cause death or great bodily
11 harm. And whether an instrument has been used as a deadly
12 weapon depends on the facts and circumstances of the case.

13 Now, ladies and gentlemen, I further charge you
14 if a person intentionally kills another during the
15 commission of a felony, the inference of malice may arise.
16 If facts are proved beyond a reasonable doubt sufficient
17 to raise an inference of malice to your satisfaction, that
18 inference is simply an evidentiary fact that you may take
19 into account, if at all, along with other evidence in the
20 case and you may give it the weight you believe it should
21 receive.

22 I further charge you, ladies and gentlemen, that
23 arson in the first degree is a felony.

24 All right. Ladies and gentlemen, in order to
25 establish criminal liability, in order to establish guilt

1 of a defendant, the State must prove beyond a reasonable
2 doubt the element of criminal intent. Now, ladies and
3 gentlemen, criminal intent is always a matter that must be
4 determined by a jury from circumstances surrounding the
5 situation. So it can be established by circumstantial
6 evidence. There is no way to prove criminal intent by
7 adding up numbers and doing a mathematical equation.
8 Likewise, there's no way that scientists can look into a
9 person's brain and say that's what that person intended to
10 do. So the law says that criminal intent need not be
11 established by direct evidence, but it may be established
12 by circumstantial evidence, in the same way as any other
13 fact, by taking into consideration the actions of the
14 parties and all of the facts and circumstances of the
15 case.

16 Criminal intent is a mental state, it's a
17 conscious wrongdoing. And it's up to you to determine
18 what, if anything, the defendant intended to do based on
19 the circumstances shown to have existed.

20 Now, ladies and gentlemen, you will have back in
21 your jury room several different things. Primarily and
22 most valuably, you'll have your good common sense. You'll
23 also have with you your collective memory of the witness
24 testimony. You'll also have with you the actual exhibits
25 that have been introduced. I will ask you that if some

1 exhibits are enclosed in plastic bags sealed with tape,
2 please get my permission before you open those bags.

3 I believe all of the photographs are in hard
4 copy, too; is that right?

5 MR. FINNEY: All except the agent^v from SLED, and
6 his are on a disc, and the disc is in evidence.

7 THE COURT: Is that right, Mr. Murphy?

8 MR. MURPHY: Yes, sir.

9 THE COURT: If you want to look at those photos
10 on the disc, I'm sure that there will be some mechanism
11 that we can get back to you in the jury room so you can
12 look at those photographs. I don't think the jury room is
13 actually equipped with a laptop that will allow you to
14 project those onto a screen. If you want to look at
15 those, all you have to do, Madame Forelady, is just let me
16 know.

17 The 911 tape, similarly, it's in the form of a
18 disc. If you want to listen to that, arrangements can
19 certainly be made for that.

20 Now, I will tell you this. Your verdicts in
21 this case must be unanimous. That means all of you have
22 to agree. This is not going to be a majority vote. It's
23 can't even be 11 to 1, 10 to 2, 9 to 3. Whatever your
24 verdicts are, your verdicts must be absolutely unanimous.
25 And, Madame Forelady, you don't have any greater authority

1 in the jury room. It's simply your responsibility to make
2 sure that the issues are given the full consideration that
3 they deserve, and it's your responsibility to make sure
4 that the verdicts are unanimous.

5 If you have any questions during the course of
6 your deliberations, there will be a notepad. You can just
7 write the question down, sign it, and if you would go
8 ahead and date it also, tap on the door and let the
9 bailiff know that you have a question. The law will
10 dictate if I can respond and how I can respond, but I
11 certainly will address your questions even though the law
12 governs how I can respond.

13 Once you have reached verdicts, you sign the
14 verdict form, date it, and tap on the door and let the
15 bailiff know that you've reached a verdict. And these are
16 in no particular order, but by number one, it says, "As to
17 the charge of arson, 1st degree, as to Robert J. we,
18 the jury, unanimously find the defendant," there are two
19 choices, "not guilty, guilty." Whatever your unanimous
20 decision is, you check or X the appropriate space. Number
21 two is self-explanatory as is number three and as is
22 number four.

23 Once you have reached verdicts, again, you
24 correctly record those, sign the form, date the form, and
25 tap on the door and let us know that you've reached a

1 verdict.

2 You can take all the time that you need. If
3 someone does have to leave the jury room for any reason,
4 first of all, you'll have to get my permission. If
5 someone does leave, please wait until the person gets back
6 before you resume your discussions. Likewise, I know
7 there are restrooms that are off the jury room. If
8 someone does excuse himself or herself to use the
9 restroom, please wait for that person to come back before
10 you continue to talk.

11 What I'm going to ask you to do now is to go to
12 your jury room. Before I do that, the case is going to be
13 in your hands in just a few minutes. The State of South
14 Carolina and the defendant are both entitled to, and they
15 both certainly expect, a fair and impartial verdict at
16 your hand. The only way that you can give them what you
17 have sworn to do is to give all the issues in this case
18 the serious discussion that they deserve. I want to make
19 sure that you understand that your job is really just
20 beginning.

21 I'm going to ask you now to go to your jury
22 room. You may not begin discussing the case yet because
23 the rules that we operate under require me to inquire of
24 the lawyers if I've left anything out or whether or not I
25 may have said something incorrectly. So please go to your

1 jury room. And when Mr. Bradley or Mr. Jones comes to the
2 door with the exhibits and the verdict form and tells you
3 that you can begin, then you can begin your deliberations.

4 And Mr. James and Mr. Meade, if you all could
5 remain behind for just a few minutes. I believe you're
6 the two alternates. Okay.

7 (The jury left open court at approximately 3:59
8 p.m.)

9 THE COURT: All right. Gentleman, only 12
10 people can deliberate, so under the rules you can't go
11 back in there. Do you have anything in the jury room?

12 THE JUROR: No.

13 (A discussion was held off the record.)

14 THE COURT: So you don't need to call back.
15 Just be back in that jury assembly room tomorrow morning
16 at 9:30.

17 The last instruction that I'll give you is
18 please don't discuss this case. You can talk about it
19 between the two of yourselves, but don't discuss the case
20 with anyone else until you're sure that this jury has
21 reached a verdict, okay?

22 Any questions about tomorrow?

23 (No response.)

24 THE COURT: Thank you for your time and your
25 patience.

1 Mr. Finney, Mr. Meadors, Mr. Brown, any
2 objections to additions to the charge?

3 MR. FINNEY: No, Your Honor.

4 THE COURT: Mr. Murphy?

5 MR. MURPHY: No, Your Honor.

6 THE COURT: Okay. If you all would get with the
7 court reporter and make sure all the exhibits are in
8 order.

9 (WHEREUPON, the jury began deliberations at
10 approximately 4:02 p.m.)

11 (A break was taken.)

12 THE COURT: Okay. The jury does have a question
13 and it reads as follows -- got a date on it -- says, "Can
14 we have" and then in parentheses "see," "the witnesses'
15 statements," signed by the foreperson.

16 Mr. Finney, Mr. Meadors, Mr. Brown?

17 MR. FINNEY: Your Honor, we understand that
18 you've already given them that instruction and we would
19 ask you to just reinstruct them on that point.

20 THE COURT: Mr. Murphy?

21 MR. MURPHY: I would agree with that, Your
22 Honor.

23 THE COURT: I'll tell them that again all
24 evidence is in, nothing else is going to be given to them
25 that they have not already been provided, and that the

1 short answer to the question will be no, okay?

2 MR. MEADORS: Are you going to write that or
3 bring them back out?

4 THE COURT: I'm going to bring them back out.

5 (The jury came into open court at approximately
6 4:34 p.m.)

7 THE CLERK: Your Honor, all the jurors are
8 present.

9 THE COURT: Thank you, Mr. Bradley.

10 Ladies and gentlemen, I do have your question
11 that says: "Can we have (see) the witnesses' statements,"
12 signed by your forelady.

13 As I mentioned to you earlier, no additional
14 material or information is going to be given to you. All
15 of the evidence by way of testimony and exhibits has been
16 introduced. So the short answer to the question is no,
17 you will not have the witness statements with you in the
18 jury room.

19 All right. If you have anything else, you can
20 certainly ask me and, again, the law dictates how I can
21 respond.

22 Thank you.

23 (The jury left open court and deliberations
24 resumed at approximately 4:36 p.m.)

25 THE COURT: All right. Any objection from the

1 State?

2 MR. MEADORS: Your Honor, I just thought about
3 it here. I can't remember if you instructed them before,
4 of course, if they wanted to rehear any testimony.

5 THE COURT: I did. I told them during the
6 charge that I'd accommodate that.

7 Mr. Murphy, any objection?

8 MR. MURPHY: No, Your Honor.

9 THE COURT: Okay. And I think that their
10 specific question was can we have (see) the witness
11 statements. The answer to that is obviously no. I didn't
12 think it would be appropriate for me to say "But if you
13 want to hear any of these witnesses' testimony over again,
14 we can do that." I'll let them ask that question.

15 MR. MEADORS: And under the rules we can't put
16 in the witnesses' statements.

17 THE COURT: Well, I know. I was telling
18 Mr. Bradley, that's the cumbersome thing about the Rules
19 of Evidence is that a lot of people say, well, just put it
20 in. Well, sometimes you can't. It's prohibited. I go
21 try cases in some places and they just come in all over
22 the place, and they're totally inadmissible, but people
23 just put them in by agreement. Even though the witness
24 testified for an hour, they stick in the statement, too.
25 It's not the way it works. But I think that's an

1 appropriate response.

2 Thank you.

3 MR. MEADORS: Thank you, Your Honor.

4 (A break was taken.)

5 THE COURT: Okay. You've got the -- you've read
6 the note?

7 MR. MURPHY: Yes, sir.

8 THE COURT: Oh, I thought Mr. Brown might have
9 told you. It says, "We would like to listen to the 911
10 call, please, without coming into the courtroom."

11 I assume that they want to listen to it and talk
12 about it at the same time. We don't have a bare laptop to
13 send back there, but they don't want to listen to it with
14 everybody in here. I don't know how else to do it. I
15 know that flat screen that you used to have across the
16 street had some type of mechanism on it that you could
17 play a 911 tape, but I think their request is reasonable.

18 Yes, sir.

19 UNIDENTIFIED SPEAKER: Jamie Campbell had a CD
20 player at one time in his office. I don't know if he's
21 still here, but it's a possibility.

22 THE COURT: But sometimes the CD players don't
23 play something that's not but a certain type of recording.

24 But other than that, who wants to volunteer
25 their laptop to go back into the jury room? I can give

1 them instructions to play it and not do anything else with
2 the laptop and I think they would honor that.

3 MR. BROWN: I'd be fine with my laptop going
4 back there. Of course, it's got stuff from this case on
5 it. For instance, I have crime scene photos, things of
6 that nature that were not put into evidence. But if Mr.
7 Murphy doesn't have any objections to that, I'm fine with
8 it.

9 MR. MURPHY: I don't have any objection to that.

10 THE COURT: Okay. Do you -- and I say this from
11 ignorance. If you gave it to me, I wouldn't know how to
12 play it. Do you think they know how to play it?

13 MR. BROWN: I'm hoping somebody back there - I
14 mean, you just put it into the CD drive and it will
15 usually have a pop up menu that says play audio CD.

16 THE COURT: Mr. Murphy, would you object if I
17 had the Forelady come out here so I could give her those
18 instructions, that we'll give them the -- they've got the
19 CD, but give them the laptop, insert it, and just play
20 that?

21 MR. MURPHY: I don't have any objection to that.
22 In fact, I don't have any objection to Tyler going back
23 and setting it up and showing them how to press it. I
24 mean, I don't have any objection to that.

25 THE COURT: Okay. Why don't you ask the

1 Forelady to step out here and I'll just give her a brief
2 instruction on that.

3 MR. BROWN: In the interim, Your Honor, I'm
4 going to clean off some stuff on my computer.

5 THE COURT: So when you put a disc into a
6 laptop, the thing slides outside and you push it in,
7 something happens and you learn how to play it?

8 MR. BROWN: Once you insert the disc, what will
9 happen is you'll have a pop up menu that gives a number of
10 options including play audio disc.

11 (WHEREUPON, jury deliberations were paused and
12 the Forelady came into open court at approximately
13 5:07 p.m.)

14 THE COURT: Ms. Laing, we're going to send a
15 laptop back there. Mr. Brown is going to come back there
16 and show you in case nobody knows, and I would be in that
17 group, how to put it in and play it. Please make sure
18 that that is the only thing that you folks do on that
19 laptop. But once he does that and shows you what button
20 to push for it to come on, he can also show you how to
21 stop it. Is it called rewind or start over? But once it
22 ends and you are finished with it, please don't do
23 anything else with that laptop. It's just an office
24 laptop. Okay? Is that clear?

25 THE FORELADY: Yes, sir.

1 THE COURT: All right. Go ahead, Mr. Brown.

2 MR. BROWN: Yes, Your Honor.

3 THE COURT: And, Mr. Murphy, you can go to the
4 door, too, if you want.

5 (WHEREUPON, jury deliberations resumed at
6 approximately 5:08 p.m.)

7 THE COURT: Mr. Bradley, you've indicated the
8 jury has a verdict?

9 THE CLERK: Yes, sir, Your Honor.

10 THE COURT: Is the State ready?

11 MR. FINNEY: Yes, sir, the State is ready.

12 THE COURT: Is the defendant ready?

13 MR. MURPHY: Yes, sir.

14 THE COURT: All right. I realize this is a
15 sensitive situation. I certainly understand that. I just
16 would certainly appreciate it if everyone could refrain
17 from any response that anyone could hear or see. I
18 certainly understand the circumstances, though.

19 Okay. Mr. Bradley, you can bring in the jury.

20 (The jury came into open court at approximately
21 5:38 p.m.)

22 THE CLERK: Your Honor, all jurors are present
23 in the courtroom.

24 THE COURT: Madame Forelady, has the jury
25 reached a verdict?

1 THE FORELADY: Yes, sir.

2 THE COURT: And are they unanimous?

3 THE FORELADY: Yes, sir.

4 THE COURT: You can hand the form to
5 Mr. Bradley.

6 All right. You can publish the verdict,
7 Mr. Bradley.

8 Mr. Dingle, if you'd please stand and face the
9 jury.

10 THE CLERK: For the State of South Carolina,
11 County of Sumter, in the Court of General Sessions,
12 Document No. 2012-GS-43-773, State of South Carolina,
13 plaintiff, versus Timothy Dingle, defendant.

14 Verdict: No. 1: As to the charge of Arson, 1st
15 degree, as to Robert J. we, the jury, unanimously
16 find the defendant guilty.

17 As to the charge of Arson, 1st degree, as to
18 Aalyiah J. we, the jury, unanimously find the
19 defendant guilty.

20 As the charge of murder as to Robert J.
21 we, the jury, unanimously find the defendant guilty.

22 No. 4: As to the charge of murder as to Aalyiah
23 J. we, the jury, unanimously find the defendant
24 guilty.

25 Signed Caroline Laing, Foreperson, dated

1 August 14th, 2013.

2 Ladies and gentlemen of the jury, if this is
3 your verdict, so say you all by raising your right hand,
4 please.

5 Thank you.

6 THE COURT: All right. The record will show
7 that all the members of the jury did raise their right
8 hands.

9 You can have a seat, Mr. Dingle. Thank you.

10 Mr. Finney, anything before the jury is
11 released?

12 MR. FINNEY: We appreciate the service of the
13 jury, Your Honor, and thank them for their time this week.

14 THE COURT: Mr. Murphy, anything before I
15 release this jury?

16 MR. MURPHY: No, Your Honor.

17 THE COURT: All right. Let me see Mr. Finney
18 and Mr. Murphy up here for just a moment for scheduling
19 purposes.

20 (A bench conference was held with the judge and
21 attorneys in the presence of the jury but out of the
22 hearing of the jury.)

23 THE COURT: Ladies and gentlemen, that does
24 conclude your service in this particular case. The rest
25 of the jury panel is coming back tomorrow morning at 9:30.

1 I understand that Judge Cothran may be selecting a jury at
2 that time. I may be also selecting one. I don't know
3 what the schedule holds right now. But now one final
4 instruction in this case.

5 Certainly no one can quarrel with your verdict
6 in this case, and they should not do that with you. You
7 can talk about this case now all that you want, except
8 that I would like for you to wait until your service is
9 over for the week before you do discuss it with anyone.
10 After that, you can talk about it all you want. If you
11 don't want to talk about it, you don't have to. Someone
12 may see you and ask you about the case and ask you what
13 you thought about such and such. You can talk to them if
14 you want after this week. If you do not want to, tell
15 them that. If they persist, just get the person's name,
16 contact Mr. Campbell's office, he's the Clerk of Court,
17 he'll contact me and I will deal with that issue very
18 quickly.

19 You are free to go this evening, but if you
20 would be back in the jury assembly room tomorrow morning
21 at 9:30.

22 We're going to go now into sentencing.

23 Does that suit you, Mr. Finney?

24 MR. FINNEY: Yes, sir.

25 THE COURT: Mr. Murphy?

1 MR. MURPHY: Yes, sir.

2 THE COURT: You are certainly welcome to stay
3 for that. I'll leave that up to you. If you would like
4 to go ahead and go, that will certainly be fine with me.
5 You can stay in the jury box if you want or you can go to
6 the back door of the courtroom. One of the bailiffs can
7 show you how to get around that way and you have a seat in
8 a gallery if you'd like. But if you would like to go home
9 or wherever else now, you're free to go.

10 Thank you. See you tomorrow morning.

11 (The jury left open court at approximately 5:43
12 p.m. and the following proceedings were held:)

13 MR. FINNEY: May we approach?

14 THE COURT: Yes, sir.

15 (A bench conference was held with the judge and
16 attorneys.)

17 THE COURT: All right. Mr. Murphy, do you have
18 any motions that you would like to make?

19 MR. MURPHY: Your Honor, I would renew all my
20 previous motions and notwithstanding the jury's verdict
21 for the reasons articulated in those motions, I would move
22 for dismissal of the charges.

23 THE COURT: All right. Those motions are
24 respectfully denied. I believe that the jury certainly
25 had within its province and within the evidence the

1 wherewith-all to reach the verdicts that it reached. I'll
2 respectfully deny your motions.

3 Mr. Brown is preparing sentencing sheets?

4 MR. FINNEY: Yes, Your Honor.

5 THE COURT: Okay. We'll take a very brief
6 recess. Lots of times I say five minutes and it turns
7 into ten, but we'll do this as soon as possible. I'll be
8 back in in five minutes. If he's not quite ready, I'll
9 just stay up here.

10 (A break was taken.)

11 (WHEREUPON, The Court's Exhibits Nos. 1, 2, 3
12 were marked for purposes of the record.)

13 THE COURT: Mr. Finney.

14 MR. FINNEY: If it please the Court, Your Honor.

15 THE COURT: Yes, sir.

16 MR. FINNEY: If I could have Ms. Liz Young to
17 come up, Mr. Robert Jackson.

18 MS. YOUNG: My name is Elizabeth Young, and I'm
19 the mother of Robert and Aalyiah J. And I miss them
20 very much. And for their lives being taken, I would like
21 for Mr. Dingle to be sentenced to life in prison.

22 MR. FINNEY: This is Mr. Robert Jackson.

23 THE COURT: Yes, sir.

24 MR. JACKSON: My name is Mr. Robert Jackson.

25 I'm the father of Aalyiah and Robert J. And I would

1 like for him to be punished for his crimes as the law fits
2 because I believe he took my kids life, somebody should
3 take his life, too. And I know the law is looking out,
4 but, I mean, I have great sympathy for my kids. I loved
5 my kids. I never did want nothing to happen to them. I
6 would rather live and then see them die before me. And
7 all I want to do is to have him punished to the fullest
8 extent of the law, by the law.

9 Thank you, sir.

10 THE COURT: Yes, sir.

11 MR. FINNEY: If Your Honor please, obviously
12 we're very glad for the verdict. We're glad that the jury
13 deliberations ended in a verdict on all counts of guilty.

14 I will tell the Court that I attended the
15 funeral of Robert and Aalyiah on April 5th, and it was
16 about three months into my first year, first quarter as
17 Solicitor. I have never been in a place where there was
18 so much emotion and so much conflict because everyone
19 there was under the impression that a man who had spent
20 the night there, who had taken care of the kids caused
21 their death. It was probably one of the first times that
22 I felt like being the Solicitor was going to be a good,
23 positive important thing because I was going to be able to
24 help people even though for 30 years I thought being a
25 defense lawyer I was helping people.

1 So I'm glad to have been given the opportunity
2 to be part of this case. I'm glad for result that the
3 jury brought back today. I very much appreciate all the
4 efforts of law enforcement and the fire department and the
5 other investigators that helped.

6 And I do think that based on the record that you
7 will hear from Mr. Meadors, based on the facts that have
8 been proved in the courtroom, that the maximum punishment
9 under the law should be given on each and every count of
10 the indictment.

11 THE COURT: Mr. Meadors.

12 MR. MEADORS: I, too, want to thank the jury for
13 their verdict and all the officers and all the departments
14 who helped.

15 Judge, it goes back to the '70s, larcenies,
16 interfering with a police officer; '80s, receiving stolen
17 goods, grand larceny, shoplifting; '83, housebreaking and
18 larceny; '92, grand larceny, forgery; '97, two counts of
19 burglary 2nd, two forgeries; '97, property 3rd or
20 subsequent offense; '98, burglary 2nd; 2000, along with a
21 forgery, shoplifting 3rd and above; 2001, another
22 shoplifting; 2002, forgery; 2002, breaking into autos;
23 2004, grand larceny; 2004, burglary 3rd; 2005, another
24 breaking and entering auto and contributing to the
25 delinquency of a minor; 2005, burglary 2nd; 2009, burglary

1 3rd; 2009, received an eight-year sentence on those;
2 breaking and entering, 2009; and the most recent offense
3 was a receiving stolen goods, February. That's it.

4 THE COURT: Anything else, Mr. Meadors?

5 MR. MEADORS: Your Honor, I strike that. That
6 last one was not his. I had the wrong -- that was not his
7 rap sheet on the receiving and the breaking and entering
8 and the burglary in 2009, and the breaking and entering in
9 2004. All the rest of them were his, and I'll hand that
10 up to the Court if you'd like to see it.

11 THE COURT: That's okay.

12 Anything else, Mr. Meadors?

13 MR. MEADORS: No, sir. Thank you.

14 THE COURT: Anything else from the State, law
15 enforcement, Mr. Finney?

16 MR. FINNEY: No, Your Honor.

17 THE COURT: Mr. Murphy.

18 MR. MURPHY: Your Honor, obviously we're
19 disappointed with the verdict but we respect it, and we
20 have nothing to offer, nothing further.

21 THE COURT: Okay. I believe the statute on
22 Arson 1st degree is a maximum 30 years; is that correct?

23 Let me look it up.

24 16-11-110, I've got it right here, Arson, 1st
25 degree --

1 MR. BROWN: Your Honor, 16-11-110(a) --

2 THE COURT: Not less than 30 years.

3 MR. BROWN: Not less than 30.

4 THE COURT: Right.

5 Anything else?

6 MR. MURPHY: No, Your Honor.

7 THE COURT: How old is Mr. Dingle, 53?

8 MR. MURPHY: Fifty-three, Your Honor.

9 THE COURT: All right. Mr. Dingle, a jury of
10 your peers has found you guilty of all four of these
11 counts. Obviously, they concluded that the State has
12 established your guilt beyond a reasonable doubt. I
13 certainly can't quarrel with the verdict. I wasn't part
14 of the jury, but it was certainly within their province to
15 find you guilty.

16 On the counts of murder, those are counts three
17 and four, you're committed to the South Carolina
18 Department of Corrections for the balance of your natural
19 life. Those two will be concurrent with one another.
20 Consecutive to that, on the two arson counts, you're
21 committed to the Department of Corrections for a period of
22 30 years.

23 The life sentence and the 30-year sentence,
24 30-year sentence will be consecutive to your life
25 sentence. The two life sentences will be concurrent with

1 one another and the two arson sentences will be concurrent
2 with one another.

3 I can't imagine the pain that the parents go
4 through, have gone through, and will go through because
5 you couldn't control not having control. Lawyers on both
6 sides see it all too often that somebody who's fueled by
7 alcohol just has a fit, temper tantrum, and does something
8 take probably for that instant in time makes them feel
9 pretty doggone good, but what happens is that you leave a
10 trail of disaster and heartache. And I think these
11 sentences won't come close to making the parents or family
12 members feel any better, but I think that it does give
13 some semblance of justice. And I certainly wish the
14 family well.

15 The officers from the fire department, certainly
16 they go into houses and they don't even know these folks
17 and they risk their lives to try to rectify something,
18 what they can rectify from the situation you caused.

19 Anything else from the State?

20 MR. FINNEY: Nothing from the State, Your Honor.

21 THE COURT: I do want to thank the lawyers for
22 the extremely professional manner in which you tried the
23 case. It's always a pleasure to see and watch lawyers who
24 kind of put the case on auto pilot and don't even need a
25 judge. I appreciate that, for the way you conducted

1 yourselves, Mr. Finney, Mr. Brown, Mr. Meadors, and Mr.
2 Murphy. It was a pleasure.

3 I will -- I guess the jail folks are here. You
4 all are going to take him out to the jail.

5 We're adjourned.

6 MR. FINNEY: Thank you, Your Honor.

7 THE COURT: Thank you.

8 (The proceedings were concluded.)

9 *** END OF REQUESTED TRANSCRIPT OF RECORD ***

10 VOLUME 3 OF 3

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1 CERTIFICATE OF REPORTER
2
34 STATE OF SOUTH CAROLINA)
5 COUNTY OF SUMTER)
6
78 I, CAROL M. THUEME, RPR, Official Court Reporter for
9 the 11th Judicial Circuit of the State of South Carolina,
10 do hereby certify that the foregoing is a true, accurate
11 and complete Transcript of Record of the proceedings had
12 and evidence introduced in the trial of the captioned
13 case, relative to appeal, in the Court of General Sessions
14 for Sumter County, South Carolina, on the 14th day of
15 August, 2013.16 I do further certify that I am neither of kin,
17 counsel nor interest to any party hereto.
18
1920 January 15, 2014
2122 
2324 CAROL M. THUEME, RPR
25 Circuit Court Reporter

WITNESSES

Irene Culick
Dept.

Sumter Police

ARREST WARRANT NUMBER

M936064

M936065

M936075

M936076

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury

Date: 01/17/12

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2012-GS-43-0773

The State of South Carolina

County of SUMTER

COURT OF GENERAL SESSIONS

May TERM 2012

THE STATE

vs.

TIMOTHY DONALD DINGLE

Indictment for

Arson - First degree (2 counts)

Murder - (2 counts)

Ernest A. Finney III

ERNEST A. FINNEY, III, SOLICITOR

STATE OF SOUTH CAROLINA)

INDICTMENT FOR

COUNTY OF SUMTER)

Arson - First degree (2 counts)
Murder (2 counts)

At a Court of General Sessions, convened on May 17, 2012 the Grand Jurors of
SUMTER County present upon their oath:

COUNT ONE - ARSON FIRST DEGREE

That Timothy Donald Dingle did in Sumter County on or about March 27, 2012, willfully and maliciously cause an explosion, set fire to, burn, cause to be burned, or aided, counseled or procured the burning of [REDACTED] resulting in the death of Aalyah J. a minor in violation of Section 16-11-0110(A), S. C. Code of Laws, 1976, as amended.

*Amended by
consent
8/14/12
(df)*

COUNT TWO- ARSON FIRST DEGREE

That Timothy Donald Dingle did in Sumter County on or about March 27, 2012, willfully and maliciously cause an explosion, set fire to, burn, cause to be burned, or aided, counseled or procured the burning [REDACTED], resulting in the death of Robert J. a minor in violation of Section 16-11-0110(A), S. C. Code of Laws, 1976, as amended.

COUNT THREE - MURDER

That Timothy Donald Dingle did in Sumter County, on or about March 27, 2012, willfully, feloniously, and intentionally kill the victim Aalyah J. with malice aforethought, either express or implied, by means of result of smoke inhalation and thermal injury, and the victim did die as a proximate result thereof on or about March 31, 2012 in Sumter County, in violation of Section 16-03-0010, S. C. Code of Laws, 1976, as amended.

*8/14/12
Amended by consent (df)*

COUNT FOUR - MURDER

That Timothy Donald Dingle did in Sumter County, on or about March 27, 2012, willfully, feloniously, and intentionally kill the victim, Aalyah J. with malice aforethought, either express or implied, by means of result of smoke inhalation and thermal injury, and the victim did die as a proximate result thereof on or about March 31, 2012 in Sumter County, in violation of Section 16-03-0010, S. C. Code of Laws, 1976, as amended.

*8/14/12
Amended by consent to
correct name to "Robert"
(df)*

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

Solicitor

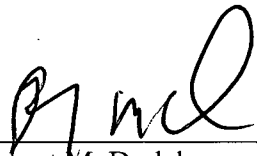
Edward A. Fanning III

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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 22nd, 2014.



Robert M. Dudek
Chief Appellate Defender

RECEIVED

OCT 22 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