

VOLUME I OF III

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Orangeburg County

Honorable R. Knox McMahon, Circuit Court Judge

RECEIVED
OCT 10 2018
SC Court of Appeals

THE STATE,

RESPONDENT,

V.

COURTNEY LEOLA PRICE,

APPELLANT

APPELLATE CASE NO. 2016-000528

RECORD ON APPEAL

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**THE FOLLOWING EXHIBIT IS ON FILE WITH THIS COURT:
STATE'S EXHIBIT #73 (CD OF DEFENDANT'S STATEMENTS)**

1 State of South Carolina)

2 County of Aiken)

In the Court
Of General Sessions

3
4 Indictment No.: 2014-GS-38-1443

5
6 State of South Carolina,)
Plaintiff.)

7
8 vs.)

Transcript of Record

9
10 Courtney Price,)
Defendant.)

11
12 February 22-26, 2016
13 Orangeburg, South Carolina

14
15 B E F O R E:

16 The Honorable R. Knox McMahon, Judge, and a jury.
17

18
19 A P P E A R A N C E S:

20 Ashley Cornwell, Assistant Solicitor
Attorney for the State

21 Carl B. Grant, Esquire
22 Attorney for the Defendant

23
24 Brenda J. Sigwald, Circuit Court Reporter
To The Honorable R. Knox McMahon
25 P.O. Box 206, Jackson, South Carolina 29831

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MONDAY, FEBRUARY 22, 2016

(State's Exhibits Numbers 1 through 67 were marked for identification prior to the start of pretrial.)

MS. CORNWELL: Your Honor, may it please the Court?

THE COURT: Yes, ma'am.

MS. CORNWELL: At this time, the State would call the case of State versus Courtney Price. Ms. Price is charged under Indictment 2014-GS-38-1443. That is a true-billed indictment for murder. The State is prepared to call that case for trial this week. I believe the jury is coming in tomorrow at 2:30 -- I'm sorry, at 9:30.

At this time, I believe the defense has some motions they would like to present to Your Honor.

THE COURT: All right. Thank you.

And Mr. Grant, you represent Courtney Leola Price.

MR. GRANT: Yes, I do.

THE COURT: Did I pronounce that correctly?

MR. GRANT: Courtney Leola Price; that is correct, Judge.

THE COURT: And is she present in the courtroom?

MR. GRANT: Your Honor, she's sitting right here to my left.

THE COURT: And ready for trial?

MR. GRANT: Ready for this motion hearing, Your Honor.

1 THE COURT: All right.

2 MR. GRANT: Hopefully there won't be a need for
3 trial. We're ready for this motion hearing.

4 THE COURT: Thank you, thank you very much,
5 Mr. Grant.

6 MR. GRANT: Yes, sir.

7 THE COURT: What motions do you have?

8 PRETRIAL MOTIONS

9 MR. GRANT: Yes, Your Honor, may it please the
10 Court. Your Honor, we filed a Notice of Motion and Motion
11 for Castle Doctrine Immunity that stem to the Protection of
12 Persons and Property Act as codified. And we ask the Court
13 to, of course, take judicial notice of that act.

14 And it's our position that on the day in question,
15 September 27th, 2014, that Courtney Price would be entitled
16 to a presumption since she was at her own home at the time
17 of the alleged event, involving the alleged stabbing and
18 killing of one victim, Samuel Simmons. And she was at her
19 home at the time that this occurred and so she's entitled
20 to immunity under the statute.

21 We filed a motion. I think the Court should have a
22 copy of the motion.

23 THE COURT: I do not.

24 MR. GRANT: If you do not, Your Honor, I've got a
25 copy for you --

1 THE COURT: All right. Yes, sir.

2 MR. GRANT: -- with all of the exhibits that were
3 attached to it.

4 May I approach, Your Honor?

5 THE COURT: Yes, sir.

6 MR. GRANT: Thank you, Judge.

7 THE COURT: All right. You may continue,
8 Mr. Grant.

9 MR. GRANT: Thank you, Your Honor. And as
10 indicated in the motion, even at the moment Courtney was
11 arrested, she indicated that the victim was actually
12 choking her in her own home at the time that the incident
13 occurred. So, again, that's why we filed this motion under
14 the Duncan and Curry cases. Naturally, we ask for an
15 evidentiary hearing and we're ready to proceed to present
16 evidence on the motion.

17 Now, there are other motions that we agreed --
18 Counsel agreed that we would turn this into a global
19 hearing instead of having the redundancy of having one
20 hearing and then call the people back, with the Court's
21 permission.

22 The other motion is a Jackson v Denno hearing, a
23 motion to suppress statements that Courtney made to the
24 police, recorded statements on September 27th. That would
25 be two different recorded statements and we filed that

1 motion on the basis that she did not knowingly,
2 intelligently, and voluntarily waive her rights to counsel
3 and agree to give the statements. So we need to have an
4 evidentiary hearing on that.

5 And the third motion, Judge, is a motion in limine
6 that involves several things that Counsel and I were pretty
7 much agreeable on; I met with Ms. Cornwell at her office.

8 One of them being victim impact evidence. She's
9 indicated she has absolutely no desire to try to introduce
10 victim impact at any stage of the trial, unless, of course,
11 it becomes relevant if the case goes to trial and she is
12 convicted. Then, of course, it, obviously, becomes
13 relevant.

14 The other portion of the motion in limine, Judge,
15 involves something that I think is very important. I think
16 in talking to her that we part legal company on this
17 concept. My motion says that the prosecution should not be
18 allowed to make an argument or intimate or argue to the
19 jury that Courtney Price should have retreated at any time
20 in this case. And the reason why is because the case law
21 and, really the public policy in South Carolina is that if
22 you're in your own home, this basic self-defense, there's
23 no duty to retreat if you're in your own home. So she
24 should not be allowed to argue to the jury that if Sam was
25 doing all these things in her own home, why didn't she

1 , retreat. Why didn't she run out of her own home.

2 And to further that motion and to amend it, we
3 would also argue that because the law says that one can
4 stand his or her ground and meet force with force, she
5 should also not be allowed to argue that Courtney should
6 have called the police if indeed he was choking her or
7 doing the things to her that she has alleged as part of her
8 defense.

9 So since she legally is not required to retreat
10 from her own home and legally can stand her own ground,
11 especially in her own home and there's no requirement that
12 you call the police first, I would ask the Court to order
13 that the prosecution is not allowed to make those arguments
14 before the jury.

15 Other than that, Judge, we're ready to proceed with
16 the hearing.

17 THE COURT: All right. State ready, Solicitor?

18 MS. CORNWELL: We are, Your Honor.

19 THE COURT: All right. Mr. Grant?

20 MR. GRANT: Yes, Your Honor, at this time we call
21 Courtney Price to the stand.

22 THE COURT: All right. Ms. Price if you would come
23 around and be sworn for us, please.

24 COURTNEY PRICE,

25 having been duly sworn, testified as follows:

1 THE CLERK: Please state your name again for the
2 record.

3 THE WITNESS: Courtney Leola Price.

4 THE CLERK: Thank you.

5 THE COURT: Make sure you speak up for me, Ms.
6 Price.

7 THE WITNESS: Okay.

8 THE COURT: Thank you.

9 MR. GRANT: If you need to pull the mic to you,
10 they can do that, Courtney.

11 Judge, just administratively, all witnesses are in
12 the courtroom. I don't know if you wanted to sequester
13 them for this hearing or not. I didn't hear a motion, but
14 I'm just asking the Court whether or not there's any desire
15 to sequester them?

16 THE COURT: Not on my part. However, if it's on
17 the part of either you or the Solicitor, I will certainly
18 consider it.

19 MS. CORNWELL: I'm okay with them staying in the
20 courtroom if the defense is.

21 MR. GRANT: Okay, Judge.

22 THE COURT: All right.

23 MR. GRANT: All right. I just wanted to make sure
24 we didn't have an issue. Okay, Judge, I'm ready to
25 proceed.

Courtney L. Price - Direct Examination In-Camera by Mr. Grant

1 THE COURT: All right. Thank you, Mr. Grant.

2 MR. GRANT: Yes, sir.

3 DIRECT EXAMINATION IN-CAMERA

4 BY MR. GRANT:

5 Q State your full name for the record please.

6 A Courtney Leola Price.

7 Q All right. Ms. Price, I'm going to need you to
8 kind of speak up so that I can hear you. Can you kind of
9 pull the chair closer, Ms. Price, to the microphone.

10 Your name is Courtney Leola Price; is that correct?

11 A Yes.

12 Q All right. Ms. Price, how old are you?

13 A 24.

14 Q And where do you live?

15 A At my mother's residence in Orangeburg, South
16 Carolina.

17 Q And who lives there with you and your mother?

18 A Me and my mother, my sister, and my two-year-old
19 son.

20 Q What's your two-year-old son's name?

21 A C.D.S. [REDACTED].

22 Q And is Orangeburg your home?

23 A Yes.

24 Q Where did you go to high school?

25 A At Orangeburg-Wilkinson.

Courtney L. Price - Direct Examination In-Camera by Mr. Grant

- 1 Q And did you attend college?
- 2 A Yes.
- 3 Q Where did you go to college?
- 4 A South Carolina State University.
- 5 Q South Carolina State University?
- 6 A Yes.
- 7 Q Did you get a degree from State?
- 8 A I did; a bachelors.
- 9 Q A bachelor's degree in what field?
- 10 A Agribusiness.
- 11 Q Agribusiness. And, Ms. Price, did you have an
- 12 opportunity in your life, in your early life, to meet a
- 13 young man by the name of Samuel Simmons?
- 14 A Yes.
- 15 Q Tell the Judge, if you will, how it is that you met
- 16 Samuel Simmons?
- 17 A We had a class together in high school, a World
- 18 History class.
- 19 Q In high school?
- 20 A Uh-huh.
- 21 Q And you all began to date?
- 22 A Yes.
- 23 Q And did you all become boyfriend and girlfriend?
- 24 A About 6 months later, yes.
- 25 Q And when you met Sam, how old were you at the time

Courtney L. Price - Direct Examination In-Camera by Mr. Grant

1 that you met him?

2 A 16 or 17.

3 Q 16 or 17 years old?

4 A Uh-huh.

5 Q And what year did you say that was approximately?

6 A 2008.

7 Q All right. And after meeting him in 2008 at 16 or
8 17 years old, did you eventually go on to become a freshman
9 at South Carolina State?

10 A Yes.

11 Q And let me turn your attention to August 2009. Was
12 that when you would have been a freshman at South Carolina
13 State?

14 A Uh-huh.

15 THE COURT REPORTER: You need to say yes or no.

16 THE WITNESS: Yes.

17 BY MR. GRANT:

18 Q Did you have an occasion in August 2009 to have an
19 encounter with Samuel Simmons that was not too pleasant?

20 A Yes.

21 Q Tell the Judge about that please.

22 A He was visiting me on campus and his phone kept
23 ringing and he answered the phone and I could tell it was
24 another female. So I just asked him about it. I said if
25 you need to leave; then leave. Then he said he wasn't

Courtney L. Price - Direct Examination In-Camera by Mr. Grant

1 going anywhere and he shoved me aside and told me to mind
2 my business and don't worry about what's in his phone.

3 Q So he pushed you at that time?

4 A Yes.

5 Q Was anyone else around to witness him pushing you
6 at that time?

7 A My roommate.

8 Q And what was your roommate's name?

9 A Breanna Tilley.

10 Q Did he say anything to you that was unpleasant?

11 A He told me to shut up and mind my business.

12 Q Told you to shut up and mind your business?

13 A Yes.

14 Q Okay. All right. Now, was that the first time in
15 your dating relationship that Sam put his hands on you?

16 A Yes.

17 Q All right. Let me turn your attention now to
18 November 2009, approximately two months later. Did you
19 have an occasion on that day --

20 A Yes.

21 Q -- did you have any experience with Sam that you
22 felt was unpleasant?

23 A Yes.

24 Q Please tell the Judge about that.

25 A He got dropped off on campus to my suite. And some

Courtney L. Price - Direct Examination In-Camera by Mr. Grant

1 of my friends from Orangeburg, we were all in our suite
2 rooms together, and somehow an argument escalated and he
3 slapped me and I told him to leave. I went in my room and
4 I cried and I told my suite mate to take him home, but she
5 didn't want to take him so another local friend from
6 Orangeburg volunteered to take him home because I didn't
7 want to leave that late to go that far to his parents house
8 up on North Road; and I didn't want to be by myself taking
9 him, so my friend took him home.

10 Q And you say that he actually slapped you?

11 A Uh-huh.

12 Q Was anyone around when he slapped you?

13 A Yes.

14 Q Who was around to witness him slapping you?

15 A My suite mate Breanna Tilley, Jamal Curry Scott and
16 some of the other suite mates from across the hall.

17 Q And who was it that took Sam home after that?

18 A Jamal.

19 Q Jamal?

20 A Uh-huh.

21 Q Scott?

22 A Uh-huh.

23 Q Okay. And did you continue to date Sam even after
24 these two incidents you referred to?

25 A Yes.

Courtney L. Price - Direct Examination In-Camera by Mr. Grant

1 Q Did you tell your mother or any family members
2 about what happened in November 2009?

3 A I told my sister.

4 Q You told your sister?

5 A Uh-huh.

6 Q And what's your sister's name?

7 A Dominique Price.

8 Q Dominique?

9 A Uh-huh.

10 Q Did you tell your mother?

11 A No.

12 Q Okay. And why didn't you tell your mother?

13 A Because she wouldn't understand and -- you know, I
14 just felt closer to my sister. By her being younger, we
15 were closer. So it was easier to talk to her.

16 Q All right. And let me turn your attention now to
17 the period between January and May 2010. During that
18 period, did you have any experiences with Sam that you
19 remember that were not too pleasant?

20 A Yeah.

21 Q And can you tell the Court about that please.

22 A I wrecked my car and I was out of a car for a while
23 and he volunteered to let me drive his car back and forth
24 to work. And over time, we were actually doing better but
25 then a few months later, bike week was coming up and I told

Courtney L. Price - Direct Examination In-Camera by Mr. Grant

1 him me and some friends from school were planning to ride
2 and he didn't see why I wanted to go to bike week. And I'm
3 like, Well you're going, why can't I go.

4 So we were in route to his aunt's house on Sprinkle
5 and we were arguing and I said, Well, you can just get out.
6 So he slowed my car down as if he was about to stop and
7 pull over to the side, but the minute I opened the door and
8 put my right foot out, he drove off and my foot scraped the
9 pavement.

10 Q This was in January or May of 2010?

11 A Uh-huh. May.

12 Q And when your foot scraped the pavement, was your
13 foot damaged?

14 A Yes.

15 Q And you have, did you have to get medical care for
16 the foot?

17 A I did.

18 Q And it's my understanding that you have a boot --

19 A Uh-huh.

20 Q -- that you still have as a result of that medical
21 condition?

22 A I do. Uh-huh.

23 Q All right. And we'll go back to that later on, but
24 the boot is in the car; is that correct?

25 A It is.

Courtney L. Price - Direct Examination In-Camera by Mr. Grant

1 Q Okay.

2 MR. GRANT: Your Honor, I would ask leave to get
3 the boot out the car at the appropriate time.

4 THE COURT: All right. Yes, sir.

5 MR. GRANT: Since she left it in the car.

6 THE COURT: Certainly.

7 MR. GRANT: Okay. Yes, sir. All right.

8 BY MR. GRANT:

9 Q And was there any incident between that period
10 where Sam went to jail for trespassing?

11 A He did. He got dropped off on campus because he
12 didn't want to go through the security checkpoint. So he
13 had a friend drop him off at a side gate and he walked on
14 campus to my room, but on his way walking, he got stopped
15 by security and they arrested him for trespassing. So his
16 brother and I went to the Orangeburg County Complex and got
17 him out the next day and as soon as he got in the car, he
18 slapped me because he blamed me for not picking him up at
19 the security checkpoint and making him walk.

20 Q So he blamed you that he got arrested?

21 A Uh-huh.

22 Q And he slapped you?

23 A Right.

24 Q Was this -- so this is a second time now that
25 you're telling the Court about where he slapped you?

Courtney L. Price - Direct Examination In-Camera by Mr. Grant

1 A Right.

2 Q And how did you react when he slapped you?

3 A I cried and I was in shock like...

4 Q All right. And was anybody around to witness you
5 getting slapped that second time by Sam?

6 A No.

7 Q Did you tell anybody about it?

8 A My sister and some of my friends.

9 Q Your sister and your friends?

10 A Uh-huh.

11 Q Okay. All right. Ms. Price, I'd like to turn your
12 attention now to October 2010. Was there an occasion where
13 you saw Sam at your house where you were living at that
14 time?

15 A Yes.

16 Q Take your time and explain to the judge please what
17 happened?

18 A I was home the whole day waiting on him. We had
19 plans to go out to eat to Columbia, but he was riding with
20 his brother the whole time. So one of my friends and a
21 family friend from Atlanta came up and we were going on our
22 way to the gas station to get some ice. And on our way to
23 the gas station, Sam was driving down the road in his dad's
24 truck with his brother, and when he saw my car leaving, he
25 immediately made a big u-turn and he began bumping the back

Courtney L. Price - Direct Examination In-Camera by Mr. Grant

1 of my car. And he chased me all the way down 301 and back
2 up into my mother's yard.

3 And as we're going around the house, he hits the
4 light pole, bends the pole, the pole goes out and once that
5 stops his truck, I kept going to get away from him, but I
6 never returned back to the house that night.

7 Q All right. Now, let me ask you some specific
8 questions about this. You mentioned his brother. What's
9 his brother's name?

10 A Jamil Dante Garvin.

11 Q Mr. Jamil --

12 A Dante Garvin.

13 Q Mr. Jamil Garvin?

14 A Uh-huh.

15 Q And you say he was in the truck with Sam?

16 A He was.

17 Q Now, is that gentleman in the court today or not?

18 A Yes.

19 Q You do see him in the court today?

20 A Uh-huh.

21 Q Can you point to him and tell us what he's wearing
22 and call his name?

23 A A kaki shirt with a chain around his neck.

24 Q The gentleman with the braids?

25 A Yes.

Courtney L. Price - Direct Examination In-Camera by Mr. Grant

1 Q So he was actually in the truck with Sam when Sam
2 was ramming his truck in the back of your car?

3 A Yes.

4 Q How fast were you going when Sam was ramming the
5 truck in the back of your car?

6 A About 65, 70 miles.

7 Q And how many times would you say that he hit your
8 vehicle with his car, with his truck?

9 A About 10, 15. We were way down the highway, back
10 up, turned around, came back down my road to my house. It
11 was about 15 times.

12 Q Were you scared during this process?

13 A Of course. My car was swerving off the road.

14 Q Was anybody in the vehicle with you?

15 A Yes.

16 Q And who was that person?

17 A Octavius Mitchell and his cousin from Atlanta.

18 Q And did you -- I think you said you came back to
19 the house?

20 A Uh-huh.

21 Q As he was chasing you?

22 A Right.

23 Q And describe to the judge what you did when you got
24 back to your mother's yard?

25 A I remember being in the yard and I saw my sister

Courtney L. Price - Direct Examination In-Camera by Mr. Grant

1 coming outside to see what was going on. And I figured if
2 I'm in the yard, he'll slow down so I could slow down, but
3 he continued to bump into my car. So I drove around the
4 house and him not knowing -- it's a pole on the side, he
5 hit the pole and once he hit the pole, that stopped his
6 truck. So I kept going just to get away.

7 Q He hit a utility pole in your mother's yard?

8 A Yes.

9 Q Was there any damage to that pole?

10 A It was. It was bent and the lights went out.

11 Q And was that pole eventually repaired?

12 A It was.

13 Q Who repaired that pole?

14 A My Uncle Rogers and some people from DPU, some
15 workers, his co-workers.

16 Q Did you call the police about this occasion?

17 A No.

18 Q Tell the judge, if you will, why is it that you've
19 never called the police on Sam about him slapping you and
20 chasing you with a truck and slamming into your vehicle.
21 Why did you never call the police?

22 A Because it was embarrassing and I work with
23 prominent people on campus and prominent people in the
24 community. You know, so they looked at me as being well
25 together, you know. People judge you and you in different

Courtney L. Price - Direct Examination In-Camera by Mr. Grant

1 situations, it's not something you can just easily talk
2 about; and you don't want everybody in your business,
3 especially if you're going to eventually talk back to that
4 person.

5 Q And you said Dominique, your sister, came outside
6 your mother's house?

7 A Uh-huh.

8 Q And once you left and then you eventually came
9 back, did you have an occasion to talk to Dominique?

10 A Yes.

11 Q And did Dominique share with you what, whether Sam
12 got out of his vehicle?

13 A He did because the bumper came off his dad's truck
14 and I remember she said that he had Bud Lite or liquor or
15 something and he was going on how he should have pistol
16 whipped me and this and that.

17 Q But he was threatening to pistol whip you?

18 A Uh-huh.

19 Q How did that make you feel?

20 A Afraid because I hadn't done anything wrong, so why
21 are you chasing me and upset at me and threatening to
22 pistol whip me.

23 Q Did you love Sam?

24 A Yes.

25 Q Were you afraid of him?

Courtney L. Price - Direct Examination In-Camera by Mr. Grant

1 A I was.

2 Q All right. I want to turn your attention now to
3 the period between March and April of 2011. Did you ever
4 confront Sam about anything pertaining to his brother
5 having federal drug charges?

6 A Yes.

7 Q And how did Sam react to that?

8 A He was upset. You know he felt like the need to
9 lie for his family through thick and thin no matter what;
10 and he was out in the streets with his brother at the time
11 and I remember his brother telling me about a situation
12 where they were at a drug house and someone knocked on the
13 door --

14 MS. CORNWELL: Your Honor, I object to this.

15 THE WITNESS: -- thinking that it was Sam.

16 MR. GRANT: Excuse me a moment. Wait a minute.

17 THE COURT: All right. And what's the basis of
18 your objection, Solicitor?

19 MS. CORNWELL: The brother's charges are irrelevant
20 in this matter.

21 THE COURT: All right. Mr. Grant?

22 MS. CORNWELL: If she didn't witness them --

23 MR. GRANT: I'm just getting to how Sam reacted
24 when she confronted him about the drug charges. That's
25 all. I don't need to know about the drug charges results.

Courtney L. Price - Direct Examination In-Camera by Mr. Grant

1 She was obviously on a little more --

2 THE COURT: All right. Well, then you can move on
3 from what you've already done --

4 MR. GRANT: Yes, sir.

5 THE COURT: -- as far as the drug charges.

6 MR. GRANT: Right.

7 THE COURT: And the interaction between her and --

8 MR. GRANT: Sam, yes, sir.

9 BY MR. GRANT:

10 Q And again, I want to make sure we're clear. How
11 did this -- how did Sam react? Don't get into the story
12 about the drug charges.

13 A Right.

14 Q How did Sam react?

15 A He was angry.

16 Q And how did he show and manifest his anger to you;
17 what did he do?

18 A He shoved me aside and I got in my car and left.

19 Q He shoved you again?

20 A Uh-huh.

21 Q All right. Now, I want to turn your attention now
22 to January 2012. Did you have to go to the detention
23 center in January 2012 to pick Sam up?

24 A Yes.

25 Q And when you go to the detention center what did

Courtney L. Price - Direct Examination In-Camera by Mr. Grant

1 you see or notice as far as who else was there?

2 A It was, he got locked up that Saturday night so he
3 called me to come to the bond hearing that Sunday morning.
4 So when I got to the bond hearing, there was another female
5 in there and as all the other guys were going up for bond,
6 I noticed she was still sitting there. So I asked him, I
7 said is she for here for you and he said no and then when
8 she saw him say no, she got up and walked out. So once his
9 bond was approved and he was able to go home, I had took
10 him home because his car got towed that night when he got
11 stopped. And in the car, you know, he was slapping me and
12 asking me, you know, why I'm always asking females about
13 him and this and that.

14 So once we got to his parents house, I was ready to
15 go and he got my phone and he threw my phone on the
16 concrete and then when I asked why he threw my phone and
17 broke it, he drug me into his parents yard and his dad came
18 out and gave me his cell phone and the police were called.

19 Q And now I want you to explain to the judge the
20 manner in which Sam drug you in his own parents yard; how
21 did he do that?

22 A By my neck.

23 Q Grabbed you by your neck?

24 A Once he threw my phone, I got out the car to get my
25 phone and he drug my by my neck.

Courtney L. Price - Direct Examination In-Camera by Mr. Grant

1 Q At his parents house?

2 A Yes.

3 Q And how did you react to him dragging you by your
4 neck; how did that make you feel?

5 A I was terrified. His dad came out and his dad gave
6 me his phone to call the police because my phone was
7 cracked.

8 Q So his own dad gave you his phone to call the
9 police on his own son because of what he saw?

10 A Yes.

11 Q And did you call the police?

12 A I did.

13 Q And is Sam's dad in the courtroom today?

14 A Yes.

15 Q And do you see that gentleman in the courtroom or
16 could you please point to him and call his name after you
17 describe what he's wearing?

18 A Mr. Sam Wilson with the red shirt sitting on the
19 second row in the second seat.

20 Q Okay.

21 MR. GRANT: And by the way, Your Honor, we would
22 ask the Court to let the record reflect now that Ms. Price
23 has identified Mr. Simmons' father and brother in the
24 courtroom.

25 THE COURT: All right. Yes, sir. Thank you.

Courtney L. Price - Direct Examination In-Camera by Mr. Grant

1 BY MR. GRANT:

2 Q And did the police show up?

3 A Yes.

4 Q And which deputy showed up if you can remember?

5 A K. Mack, Deputy K. Mack with the Sheriff's
6 Department.

7 Q Deputy Mack showed up?

8 A Uh-huh.

9 Q And did Deputy Mack do an incident report?

10 A Yes.

11 Q And you told him what happened?

12 A I did.

13 Q And were you injured in any kind of way, any marks,
14 bruises or scratches?

15 A My neck was scratched really bad.

16 Q From him dragging you across his own father's yard?

17 A Right.

18 Q And did you decide to prosecute Sam for that?

19 A No.

20 Q And explain to the judge why you decided not to
21 prosecute Sam?

22 A Because I loved him and I didn't want any CDV's or
23 anything going on his record hindering him from a job or
24 anything in the future, you know. I figured we could
25 always reconcile like we always did.

Courtney L. Price - Direct Examination In-Camera by Mr. Grant

1 Q And when you were being approached by Deputy Mack
2 on the issue of whether you wanted to prosecute Sam, who
3 was standing right beside you?

4 A His mother.

5 Q His mother?

6 A Uh-huh.

7 Q And what was she doing at the time when it comes to
8 you?

9 A She had her arm around me hugging me.

10 Q She was consoling you?

11 A Uh-huh.

12 Q Do you know whether she saw what her son did also?

13 A She didn't. When she came the police was already
14 there.

15 Q Okay. But she was consoling you?

16 A Uh-huh.

17 Q And when the deputy was asking you whether you
18 wanted to prosecute her son standing right beside you, what
19 did you tell the police?

20 A No.

21 Q And did you sign a form indicating you wanted to
22 not prosecute Sam?

23 A I think I did.

24 Q Okay. All right. Now, Ms. Price, let me go back
25 just a little bit. You and Sam obviously have a child; is

Courtney L. Price - Direct Examination In-Camera by Mr. Grant

1 that correct?

2 A Yes.

3 Q And that child's name is C.D.S. ?

4 A Uh-huh.

5 Q And when was C.D.S. born?

6 A [REDACTED], 2013.

7 Q [REDACTED], 2013?

8 A Uh-huh.

9 Q And were you pregnant in college?

10 A Yes.

11 Q Was it your senior year?

12 A Yes.

13 Q And C.D.S. was born how soon after you graduated?

14 A Two weeks.

15 Q Two weeks after you graduated?

16 A Uh-huh.

17 Q And did you and C.D.S. get an apartment --

18 A Yes.

19 Q -- at some point; huh?

20 A Yes.

21 Q And where did y'all stay?

22 A In Dogwood Crossing Town Homes.

23 Q Okay. And before I get to that, let me back myself
24 up just a little bit. Let me turn your attention to
25 September 2012 Labor Day. I think this was the incident

Courtney L. Price - Direct Examination In-Camera by Mr. Grant

1 about Myrtle Beach and you indicated that he choked you?

2 A That was Labor Day weekend. No, we were actually
3 supposed to go to Summerville on Labor Day.

4 Q And did you have an occasion with Sam that was
5 unpleasant on that day?

6 A Yes.

7 Q And tell the judge about it please.

8 A He was calling me the whole night while I was
9 already asleep. It was late so the next day, that Monday,
10 we were supposed to go to Summerville and I was calling
11 him, you know, to see were we still going and what time to
12 have me and C.D.S. ready and he never responded. So we
13 ended up getting into a big fight and I told him, it's
14 okay, you know, we're not making it, you know, like this;
15 we can co-parent.

16 You know, there was always an argument, it's always
17 a fight about on time with whatever C.D.S. needed. So I
18 was -- I went to the courthouse that Tuesday to file for
19 child support so we could co-parent through the court
20 system and have everything documented and he didn't want
21 that and he became very upset and we got into an
22 altercation over that and then a few weeks later, once he
23 got the subpoena in the mail with the court hearing, he
24 came to my house and you know, he saw some pictures of he
25 and C.D.S. in my phone and he began selecting each picture

Courtney L. Price - Direct Examination In-Camera by Mr. Grant

1 one by one and I thought, Oh, well maybe he's about to send
2 these pictures to his phone, but instead he presses delete
3 and delete all the pictures of him and C.D.S. out of my
4 phone.

5 Q He deleted the pictures of you and your baby boy
6 out of your phone?

7 A And with him in them as well; uh-huh.

8 Q Okay.

9 A So once he did that, I asked him why would you do
10 that; what's the purpose of deleting pictures, pictures are
11 sentimental and he mushed me and by that time --

12 Q And when you say mushed me, I mean, explain that to
13 me; what does that mean?

14 A Well, he just mushed my head into the couch on the
15 sofa.

16 Q So he put his hands on you again?

17 A Uh-huh.

18 Q All right. Then what happened?

19 A Then my mom was walking in the den and she saw
20 where I mushed him back and at that point, he wasn't about
21 to hit me in front of my mom; so he drug me outside through
22 our side door where we fought and he punched me in my eye.
23 My eye began to swell and I called the police and he left
24 before the police arrived.

25 Q All right. I want to make sure I'm straight on

Courtney L. Price - Direct Examination In-Camera by Mr. Grant

1 this. You're telling the Court that Sam actually fought
2 you, punched you in your eye at your own mama's house; is
3 that correct?

4 A Yes.

5 Q And you're telling the Court that Sam actually drug
6 you by your neck at his parents' house; is that correct?

7 A Right.

8 Q All right. Now, let me back you up just a little
9 bit about your pregnancy. Did you -- did you carry **C.D.S.**
10 pretty much to term?

11 A To 37 weeks.

12 Q All right. And did anything particular happen when
13 you were five months pregnant with **C.D.S.**

14 A Yes.

15 Q Tell the judge about that?

16 A His brother had called his phone. We were on our
17 way to Myrtle Beach for my birthday and he told me his
18 brother wanted to speak to me. So he gave me his phone so
19 I could speak to his brother and while I was talking to his
20 brother, a female was calling. So well I'm looking like,
21 Well who is this; and then he snatched the phone and like
22 mushed my head into my car door while we're driving on our
23 way to Myrtle Beach and he said that I wasn't about to ruin
24 a weekend that he planned for my birthday. So --

25 Q And you were pregnant at the time?

Courtney L. Price - Direct Examination In-Camera by Mr. Grant

1 A Uh-huh.

2 Q All right. Now May 2014, is that when you moved
3 into the Dogwood Crossing Apartment?

4 A Yes.

5 Q And your apartment number was number [REDACTED]

6 A Uh-huh.

7 Q Is that correct?

8 A Yes.

9 Q All right.

10 MR. GRANT: Please mark this.

11 (Defendant's Exhibit Number 1 was marked for
12 identification.)

13 MR. GRANT: Your Honor, may I approach the witness?

14 THE COURT: Yes, sir.

15 MR. GRANT: Thank you.

16 BY MR. GRANT:

17 Q Ms. Price, I'm showing you what has been marked as
18 Defendant's Exhibit Number 1. Take a look at that exhibit
19 for me please.

20 What is Defendant's Exhibit Number 1 that you have
21 in your hands?

22 A My Lease Agreement.

23 Q Your Lease Agreement?

24 A Uh-huh.

25 Q And would you please flip through the document and

Courtney L. Price - Direct Examination In-Camera by Mr. Grant

1 Look at the last page and whose name is signed as the
2 tenant --

3 A My name.

4 Q -- for that apartment?

5 A Courtney Price.

6 Q Is that -- is your name the only name on that
7 lease?

8 A Yes.

9 Q And who lived there with you after you signed that
10 lease?

11 A My son, C.D.S.

12 Q You and your son C.D.S. ?

13 A Uh-huh.

14 Q Sam Simmons' name or Samuel Simmons' name is not on
15 the lease; is that correct?

16 A Correct.

17 Q All right. Thank you.

18 MR. GRANT: Your Honor, I'd offer this Exhibit as
19 Number 1 for the defense.

20 THE COURT: All right. Solicitor?

21 MS. CORNWELL: No objection, Your Honor.

22 THE COURT: Defense 1 is in evidence for the
23 purpose of this hearing.

24 MR. GRANT: Thank you, Judge.

25 THE COURT: Without objection.

Courtney L. Price - Direct Examination In-Camera by Mr. Grant

1 (Defendant's Exhibit Number 1 was entered into
2 evidence for the pretrial hearing.)

3 BY MR. GRANT:

4 Q Now, at some point, you actually gave Sam a key to
5 that apartment; is that correct?

6 A Yes.

7 Q Tell the judge why you decided to do that?

8 A Because he was doing better for about two months
9 straight since our son's birthday in May and you know,
10 things were looking good. We were on better terms. So for
11 his birthday in July, I gave him a key.

12 Q All right. July of 2014?

13 A Uh-huh.

14 Q Okay. All right. Now, I want to turn you to
15 September 2014, but not quite September 27th; we'll get to
16 that.

17 A Uh-huh.

18 Q Did anything happen in the early part of September
19 2014?

20 A Yeah, more like the end of August.

21 Q Okay. Tell the judge what happened.

22 A We took turns paying for C.D.S.'s daycare. I will
23 pay one week; he will pay the next week; but about the
24 second week of August, he got behind with daycare and I was
25 picking up his weeks plus my weeks, plus my rent and my

Courtney L. Price - Direct Examination In-Camera by Mr. Grant

1 bills at home. And I asked him, you know, like, What's the
2 problem, why are you slacking with daycare. Do I need to
3 go back and you know, file the child support and you know,
4 go through with it this time. And you know, he said, no,
5 he didn't want to be on child support and you know, that he
6 would catch up, but four weeks went by and he didn't catch
7 up and I was still paying for his weeks as well.

8 So that's when I requested my key be returned
9 because I just knew at that point it wasn't going anywhere.

10 Q And you specifically asked Sam to return your key?

11 A Uh-huh.

12 Q And did he ever return the key?

13 A No.

14 Q And did you send him any text messages asking him
15 to return the key?

16 A I did.

17 Q Did you ever speak to any member of his family to
18 tell them to communicate to him to return your key?

19 A I asked his mother.

20 Q His mother?

21 A Uh-huh.

22 Q And is his mother sitting in the courtroom with us
23 today?

24 A Yes.

25 Q And could you please point to his mother and tell

Courtney L. Price - Direct Examination In-Camera by Mr. Grant

1 us what she's wearing and call her name?

2 A Tammy Simmons and she's wearing black with her hair
3 down.

4 Q Black with her hair down?

5 A Uh-huh.

6 Q And is she sitting by his brother?

7 A Yes.

8 Q All right.

9 MR. GRANT: Your Honor, let the record reflect that
10 Ms. Price has also identified Mr. Simmons' mother in the
11 courtroom.

12 THE COURT: All right. So reflected.

13 MR. GRANT: All right. Thank you, Judge.

14 BY MR. GRANT:

15 Q Now, Ms. Price, I'd like to take the time and turn
16 your attention to September 27th, 2014. Do you remember
17 that day?

18 A I do.

19 Q All right. Tell the judge, if you will, what time
20 you would have gone to bed presumably on September 26th,
21 the night of September 26th, 2014?

22 A Between 10 and 10:30.

23 Q Between 10 and 10:30. And was anybody in the house
24 with you between 10 and 10:30 when you went to bed?

25 A Just me and C.D.S.

Courtney L. Price - Direct Examination In-Camera by Mr. Grant

1 Q You and C.D.S.

2 A Uh-huh.

3 Q And when you went to bed at around 10 or 10:30 that
4 night, what plans did you and C.D.S. have the very next
5 day?

6 A He was invited to a birthday party that I was going
7 to take him to.

8 Q So that very next day, that Saturday, you were
9 going to go to a birthday party?

10 A Uh-huh.

11 Q Were you expecting Sam to show up at your house at
12 all?

13 A No, I knew it was a possibility, but we hadn't been
14 on the best of terms. So --

15 Q But you were not expecting him to show up?

16 A Right.

17 Q All right. Were you expecting him to call?

18 A No.

19 Q All right. And in fact, I think you indicated you
20 had already asked for your key back?

21 A Uh-huh.

22 Q Now, in the early morning hours on September 27th,
23 2014, did you receive a phone call to your cell phone?

24 A I did.

25 Q At around what time of the morning would that have

Courtney L. Price - Direct Examination In-Camera by Mr. Grant

1 been?

2 A About three.

3 Q About three o'clock a.m.?

4 A Uh-huh.

5 Q And when you see that phone call, did you answer
6 the phone?

7 A I did.

8 Q How did you know your phone was ringing; was it on
9 ring or vibrate?

10 A It was on vibrate right next to my pillow.

11 Q On vibrate?

12 A Uh-huh.

13 Q So the vibration woke you up?

14 A Right.

15 Q And when you answered, was there anybody else on
16 the other end of the line?

17 A Yes.

18 Q Who was on the other end of the line?

19 A It was Sam's number, but I couldn't hear anything.
20 It sound like someone was laughing and hanging up. So I
21 was calling back to see.

22 Q You called back after the person called and the
23 number hung up?

24 A Right.

25 Q Did you get a connection with the person then?

Courtney L. Price - Direct Examination In-Camera by Mr. Grant

1 A No.

2 Q How many times was there back and forth; you
3 calling and the person calling before you all actually
4 spoke to each other?

5 A About 30 minutes. It was called for like 30
6 minutes straight.

7 Q And when you finally spoke to Sam, what did he say
8 his intentions were?

9 A He said open the door.

10 Q Open the door?

11 A Uh-huh.

12 Q And what did you say; how did you respond to that
13 request?

14 A I said, Okay. Is everything okay? And he said
15 yeah. So I went downstairs.

16 Q And before you opened the door, did you call
17 anybody in his family out of concern about these back and
18 forth calls?

19 A Yeah, I called his sister.

20 Q You called his sister?

21 A Uh-huh.

22 Q And what did you explain to his sister?

23 A I asked her if she had spoken to him because he had
24 started calling my phone and every time I answer, it sound
25 like someone was on the other end hanging up, you know,

Courtney L. Price - Direct Examination In-Camera by Mr. Grant

1 being malicious, you know, trying to be funny, you know.

2 Q And do you see Sam's sister in the courtroom today?

3 A Yeah.

4 Q Okay. And would you please describe what she's
5 wearing?

6 A A green shirt --

7 Q A green shirt?

8 A -- with glasses sitting next to his father.

9 Q Sitting to the right of his father?

10 A Uh-huh.

11 Q And what is Sam's sister's name?

12 A Shavita Garvin.

13 Q Ms. Garvin?

14 A Uh-huh.

15 Q Okay.

16 MR. GRANT: Your Honor, let the record reflect, the
17 defendant has also identified Mr. Simmons' sister.

18 THE COURT: So reflected.

19 MR. GRANT: Thank you, Judge.

20 BY MR. GRANT:

21 Q And when Sam asked you to open the door and you
22 said okay; what happened next?

23 A I went downstairs and I noticed he still wasn't out
24 there because he had a tendency of saying open the door
25 when he would be about five minutes away. So before I

Courtney L. Price - Direct Examination In-Camera by Mr. Grant

1 opened the door, I looked outside to see if he was out
2 there yet, but he wasn't.

3 Q Now where was C.D.S. at this time?

4 A Still upstairs asleep.

5 Q So the bedroom was upstairs?

6 A Uh-huh.

7 Q And you went downstairs to wait for Sam?

8 A Right.

9 Q And did Sam eventually arrive to your home?

10 A Yeah, about 30 minutes later.

11 Q And what was your apartment number?

12 A [REDACTED]

13 Q [REDACTED]

14 A Uh-huh.

15 Q And when Sam arrived, can you tell the judge what
16 he looked like when he arrived. Describe his demeanor.

17 A He was drinking. His eyes were, I could tell he
18 was drinking. He had a case of beer, some liquor and then
19 he went back out to the car and got a box of diapers.

20 Q Did you smell anything on him?

21 A Yeah, I could smell his Hennessy; he had the cup in
22 his hand.

23 Q You could smell alcohol on his person?

24 A Uh-huh.

25 MR. GRANT: Your Honor, the prosecution has agreed

Courtney L. Price - Direct Examination In-Camera by Mr. Grant

1 this would be marked as Defendant's Exhibit Number 2.

2 (Defendant's Exhibit Number 2 was marked for
3 identification.)

4 Your Honor, may I approach the witness?

5 THE COURT: Yes, sir.

6 MR. GRANT: You want me to ask you that every time?

7 THE COURT: No, sir. It's a global approach.

8 MR. GRANT: Yes, sir. All right.

9 BY MR. GRANT:

10 Q Ms. Price, I'm showing you what's marked as Defense
11 Exhibit Number 2. What does that picture show?

12 A His bottle of Hennessy and the Bud Lite margaritas
13 he brought in.

14 Q Now that bottle of Hennessy -- Hennessy is it brown
15 liquor?

16 A It is.

17 Q Okay. And is that the brown bottle of liquor that
18 Sam had in his hand when he came into your apartment that
19 evening?

20 A It is.

21 Q And that -- do you see anything else in the picture
22 besides alcohol?

23 A Yeah, the Bud Lites, the 12 pack.

24 Q What's the name of that, is it Bud Lite or --

25 A Bud Lite Raspberitta's.

Courtney L. Price - Direct Examination In-Camera by Mr. Grant

1 Q Raspberitta beer?

2 A Uh-huh.

3 Q Okay. And did Sam bring that beer into your
4 apartment too?

5 A Yes.

6 Q Did you have any of that alcohol in your apartment
7 before Sam showed up with it?

8 A No.

9 MR. GRANT: Your Honor, I'd offer this document
10 into evidence as Defense Exhibit Number 2?

11 THE COURT: All right. Solicitor?

12 MS. CORNWELL: No objection, Your Honor.

13 THE COURT: Defense 2 is in evidence for purposes
14 of this hearing without objection.

15 (Defendant's Exhibit Number 2 was entered into
16 evidence for the pretrial hearing.)

17 BY MR. GRANT:

18 Q Now, Ms. Price, when Sam came in, tell the judge
19 what part of the apartment were you and him when he first
20 came in the house.

21 A Downstairs in the living room.

22 Q And what did you all do downstairs in the living
23 room after he first got there?

24 A We watched TV.

25 Q You watched TV?

Courtney L. Price - Direct Examination In-Camera by Mr. Grant

- 1 A Uh-huh.
- 2 Q And did the topic of child support ever come up
3 again?
- 4 A It did.
- 5 Q And how long was it after he arrived before you
6 once again brought up the issue of child support?
- 7 A Like a minute or two.
- 8 Q And why did you bring it up; was Sam paying any
9 child support to you like he should have?
- 10 A No. We had a mutual agreement that we would split
11 daycare every other week, but he wasn't paying his half
12 lately the past four weeks. I was paying.
- 13 Q And did that put you in any type of financial
14 difficulty?
- 15 A It did.
- 16 Q Did you ever have to borrow any money to pay the
17 share that Sam wasn't paying?
- 18 A I borrowed money from my mom.
- 19 Q You borrowed money from your mother?
- 20 A Uh-huh.
- 21 Q And when you brought up the topic of daycare,
22 did -- how did Sam respond to the fact that you brought
23 this up again about him not paying?
- 24 A He was angry. He said I just bought our son a box
25 of diapers and talking about child support.

Courtney L. Price - Direct Examination In-Camera by Mr. Grant

1 Q A box of diapers; you're familiar with these
2 diapers, are you not?

3 A I am.

4 Q How much would you estimate, since you're familiar
5 with them and know what those diapers cost?

6 A About 24 or \$25.

7 Q 24 or \$25. And approximately how long would that
8 24 or \$25 pack of diapers last your son back then?

9 A At that time, maybe a five day week.

10 Q And so that was his response. How else did he
11 react to you bringing that up?

12 A He began choking me. We were on the couch and he
13 said that he was not going on child support and I wasn't
14 going to petition it again and if I did that I'll drop it
15 like I did the first time.

16 Q And when he choked you, how did you respond to
17 that, Ms. Price?

18 A I cried and I told him to leave.

19 Q You told him to leave your home?

20 A I did.

21 Q And when you told him to leave your home, what did
22 he say to you and how did he respond?

23 A He said he didn't have to leave.

24 Q So he refused to leave your home. All right.

25 Now, but the morning hours continued to go by; is

Courtney L. Price - Direct Examination In-Camera by Mr. Grant

1 that correct?

2 A Uh-huh.

3 Q Am I right?

4 A Right.

5 Q You all continued to talk; is that correct?

6 A Uh-huh.

7 Q And eventually that argument to some extent became
8 diffused; is that correct?

9 A Right.

10 Q In fact, the beer in question, you had a few of
11 those yourself; is that correct?

12 A Yes.

13 Q Approximately how many did you have?

14 A Four.

15 Q About four of those beers?

16 A Uh-huh.

17 Q All right. And you were in your own home; is that
18 correct?

19 A Yes.

20 Q All right. Now was there a time after the argument
21 had diffused and you drank some of the beer yourself, that
22 you went upstairs?

23 A I did. I went upstairs to use the restroom.

24 Q And approximately what time would that have been in
25 the morning?

Courtney L. Price - Direct Examination In-Camera by Mr. Grant

1 A Maybe around five or six.

2 Q Five or six?

3 A Uh-huh.

4 Q And when you went upstairs to use the restroom,
5 when you came out of the restroom, tell the judge what you
6 noticed?

7 A Sam had came upstairs and he was sitting on the
8 foot of the bed.

9 Q Did you invite him to come upstairs?

10 A No.

11 Q Did you expect him to come upstairs?

12 A No.

13 Q And when he was sitting on the bed, tell the judge
14 how he was dressed?

15 A He had already taken his shoes, his shirt and he
16 was in his boxers and a beater, I think, or a t-shirt.

17 Q And when you came out the restroom, what happened
18 next?

19 A He stood up and he pulled me and we started
20 kissing.

21 Q He started kissing you?

22 A Uh-huh.

23 Q Did he do anything else to you of a sexual nature?

24 A Yeah, he was kissing me on my neck and we
25 eventually had sex.

Courtney L. Price - Direct Examination In-Camera by Mr. Grant

1 Q And y'all had sex?

2 A Uh-huh.

3 Q Okay. And after you all had sex, did the topic of
4 child support come up once again?

5 A It did.

6 Q Tell the judge why is it that even after you had a
7 few beers with him and even after you had sex with him, you
8 still kept bringing up this issue of child support?

9 A Because it still didn't change the fact that he was
10 behind and I didn't want him to think just because we
11 reconciled, you know that everything was okay because our
12 son still needed to go to daycare and he still had to -- a
13 responsibility to pay his share.

14 Q And now when you brought up this issue of child
15 support again, especially after y'all had sex, tell the
16 judge how he reacted that time?

17 A He shoved me, he pushed me and --

18 Q And did he do anything else?

19 A And he choked me again.

20 Q He choked you again?

21 A Uh-huh.

22 Q In your own home?

23 A Yes.

24 Q And when he choked you that second time and pushed
25 you, did you say anything to him again about leaving?

Courtney L. Price - Direct Examination In-Camera by Mr. Grant

1 A I told him to leave.

2 Q And how did he react when you told him to leave
3 that time; what did he say?

4 A He said it was late and he wasn't going anywhere.

5 Q And what did he tell you to do?

6 A He told me to get out his way; he shoved me.

7 Q And he pushed you?

8 A Uh-huh.

9 Q All right. How did you react to that, Ms. Price?

10 A I cried and went downstairs. It was the same thing
11 over and over.

12 Q And when you cried and went downstairs, what was
13 the purpose of going downstairs?

14 A To get away from him and go ahead and fix C.D.S. a
15 bottle because it was about six o'clock in the morning. At
16 that time, he would still wake up early for a bottle.

17 Q And when you went downstairs, did you notice
18 anything about his phone downstairs?

19 A Yes.

20 Q And tell the judge what you noticed?

21 A It was lighting up as if a message or a call was
22 coming through.

23 Q And were you concerned that this message or call
24 was coming through at that this hour?

25 A Yeah, I didn't know if there was an emergency; it

Courtney L. Price - Direct Examination In-Camera by Mr. Grant

1 was about five, six, seven o'clock in the morning, you
2 know, so I told him.

3 Q And you looked at the phone?

4 A Uh-huh.

5 Q Okay. And when you looked at the phone, what did
6 you notice?

7 A I noticed it was another female on talking about a
8 daycare deposit for a child.

9 Q For a child?

10 A Uh-huh.

11 Q And what did you conclude when you saw that?

12 A That he had another child.

13 Q And obviously another female?

14 A Uh-huh.

15 Q Okay. And did you -- once you noticed that, did
16 you say anything to Sam or communicate with him in any way
17 from downstairs?

18 A Yeah, I called him.

19 Q You called him?

20 A Uh-huh.

21 Q And why don't you demonstrate for the judge how is
22 it that you yelled; I know your voice is light, but
23 demonstrate what you said?

24 A I said, Sam.

25 Q And what did Sam say?

Courtney L. Price - Direct Examination In-Camera by Mr. Grant

- 1 A He said what.
- 2 Q He said what?
- 3 A Uh-huh.
- 4 Q So Sam was awake and he said what?
- 5 A Uh-huh.
- 6 Q Okay. And how much time existed between you
- 7 saying -- calling Sam and him saying what, before you ended
- 8 up back upstairs? And I'll get to what you got before you
- 9 went back upstairs. How much time?
- 10 A Less than a minute.
- 11 Q Less than a minute?
- 12 A Uh-huh.
- 13 Q After you saw what you saw on his phone and you
- 14 called him and he said what, what did you decide to do and
- 15 why did you decide to do it?
- 16 A I got a knife out the cabinet.
- 17 Q And why did you get the knife?
- 18 A Because I was going to confront him about daycare
- 19 expenses for another child when we just had two arguments.
- 20 and he violently choked me in my house over the same topic
- 21 for our child.
- 22 Q So did -- what -- again -- and when you got the
- 23 knife, what was your intentions in getting the knife?
- 24 A To approach him and ask him about it.
- 25 Q And why did you feel you needed the knife?

Courtney L. Price - Direct Examination In-Camera by Mr. Grant

1 A Because he had already choked and shoved me twice
2 that night over the same subject.

3 Q So you got it in case you needed to defend
4 yourself?

5 A Uh-huh.

6 Q Okay. Now when you went upstairs to confront Sam
7 about this woman that you didn't know about, this child
8 that you apparently did not know about, where were you,
9 where were you hiding the knife on your person?

10 A I had it on my side.

11 Q You had it on your side?

12 A Uh-huh.

13 Q And if -- when you got upstairs by the way, was Sam
14 asleep or awake?

15 A He was awake sitting on the foot of the bed.

16 Q Awake sitting on the foot of the bed?

17 A Uh-huh.

18 Q And when you approached him about the child support
19 and the child, with the knife on your side, if Sam would
20 have merely talked to you about what happened, what would
21 you have done?

22 A Went back downstairs and put the knife up.

23 Q Put the knife up. But instead of him talking to
24 you about it and about what happened, tell the judge how he
25 reacted when you approached him and confronted him about

Courtney L. Price - Direct Examination In-Camera by Mr. Grant

1 this child, the baby that you didn't know about?

2 A He jumped up and said WTF.

3 MR. GRANT: Your Honor, I'm trying to keep the
4 record clean, but I guess, for the record, f means F-U-C-K
5 and what the --

6 THE COURT: Whiskey, Tango, Foxtrot?

7 MR. GRANT: Yeah, yes, sir.

8 THE COURT: I understand. I understand, Mr. Grant.

9 MR. GRANT: Yes, sir. Okay. All right.

10 BY MR. GRANT:

11 Q So he said --

12 MR. GRANT: Can I just use WTF if that's okay?
13 Madam Prosecutor, you agree that WTF stands for?

14 MS. CORNWELL: I'll agree to that, Mr. Grant.

15 MR. GRANT: Okay. Thank you.

16 BY MR. GRANT:

17 Q So he said WTF?

18 A Uh-huh.

19 Q And what did he do after saying WTF?

20 A He pulled my hair and he was choking me.

21 Q He was choking you?

22 A Uh-huh.

23 Q And when he came towards you and choked you, what
24 did you do at the same time?

25 A I grabbed the knife and I stabbed him.

Courtney L. Price - Direct Examination In-Camera by Mr. Grant

1 Q You stabbed him?

2 A Uh-huh.

3 Q And when you stabbed him, was there any struggle
4 between the two of y'all after that?

5 A Yeah, because he was -- he continued to choke me.

6 Q He continued to choke you?

7 A Uh-huh.

8 Q And when he choked you -- put your hands around
9 your neck the way that he had them around yours?

10 A Like this.

11 Q Okay. And even after you stabbed him, was he still
12 holding on to you?

13 A Yeah, I remember he was pulling, holding on to my
14 hair.

15 Q And was he also still choking you?

16 A Yes.

17 Q And you said he was holding on to your hair?

18 A Uh-huh.

19 Q Was he pulling your hair?

20 A Yes.

21 Q All right.

22 MR. GRANT: Mark these next in order please, ma'am.

23 THE COURT REPORTER: Three?

24 MR. GRANT: Yes, ma'am.

25 (Defendant's Exhibits Number 3, Number 4, and

Courtney L. Price - Direct Examination In-Camera by Mr. Grant

1 Number 5 were marked for identification.)

2 BY MR. GRANT:

3 Q All right. Ms. Price?

4 MR. GRANT: Judge and the prosecutor these were
5 marked as Defendant's Exhibits 3, 4 and 5.

6 BY MR. GRANT:

7 Q Ms. Price, I'm showing you what has been marked as
8 Defense Exhibits 3, 4 and 5. Take a look at those exhibits
9 for me please.

10 You see Defense Exhibits 3, 4 and 5?

11 A Uh-huh.

12 Q And Ms. Price, let me have them back please, ma'am.
13 We'll start one at a time.

14 Take a look at Defendant's Exhibit Number 3. Do
15 you see your neck in Defendant's Exhibit Number 3?

16 A Yes.

17 Q And what do you notice on your neck in Defendant's
18 Exhibit Number 3?

19 A His blood.

20 Q And how did his blood get around your neck in
21 Defendant's Exhibit Number 3?

22 A From while he was choking me.

23 Q And let me show you Defendant's Exhibit Number 4.
24 What do you notice in Defendant's Exhibit Number 4?

25 A It's on the other side of my neck and face and some

Courtney L. Price - Direct Examination In-Camera by Mr. Grant

1 in my scalp.

2 Q And how, and what is that on your face and neck?

3 A His blood.

4 Q And how did his blood get on your face and neck in
5 Defense Exhibit Number 4?

6 A From his hands choking me.

7 Q And I'm showing you now Defendant's Exhibit Number
8 5. What do you notice in Defendant's Exhibit Number 5?

9 A His blood on my neck still.

10 Q And what side of your neck?

11 A The right.

12 Q The right side of your neck?

13 A Uh-huh.

14 Q Okay. Thank you.

15 MR. GRANT: Your Honor, I'd offer these exhibits
16 into evidence as Defense, Defendant's Exhibits 3, 4 and 5.

17 THE COURT: Solicitor?

18 MS. CORNWELL: No objection, Your Honor.

19 THE COURT: 3, 4 -- Defense 3, 4 and 5 is in
20 evidence for purposes of this hearing without objection.

21 (Defendant's Exhibits Number 3, Number 4, and
22 Number 5 were entered into evidence for the pretrial
23 hearing.)

24 BY MR. GRANT:

25 Q And, Ms. Price, as far as the area of the room

Courtney L. Price - Direct Examination In-Camera by Mr. Grant

1 where the stabbing occurred and where the altercation
2 occurred or physical struggle between the two of you, where
3 did that take place in relations to the bed?

4 A Between the bed and the dresser.

5 Q And what about the bed itself, what part of the
6 bed?

7 A On the foot of the bed.

8 Q Near the foot of the bed?

9 A Uh-huh.

10 Q Okay. And were there any, say for instance, if
11 this is the head of the bed this way and the foot is here
12 and I'm standing here facing the foot. To the right of
13 that bed are there any blinds over there?

14 A Yes.

15 Q Okay. So the foot of the bed is here and there are
16 blinds over here?

17 A Uh-huh.

18 Q Okay. All right. Now, Ms. Price, after Sam was
19 stabbed and after you finally go away from him, what did
20 you do at that time?

21 A I grabbed my phone and I grabbed C.D.S. off the
22 bed.

23 Q And where did you go?

24 A Outside.

25 Q And what did you do when you got outside?

Courtney L. Price - Direct Examination In-Camera by Mr. Grant

1 A I called 9-1-1.

2 Q And why did you call 9-1-1?

3 A Because he was still bleeding and he fell.

4 Q And any other reason as to why you called 9-1-1;
5 were you concerned about anything else?

6 A In case he got back up and came downstairs.

7 Q So you thought he was still alive and could
8 possibly come and attack you?

9 A Right.

10 Q Did the police eventually show up?

11 A Yes.

12 Q Did EMS eventually show up?

13 A Yes.

14 Q And do you remember any of the deputies talking to
15 you?

16 A No.

17 Q You don't really remember. And what about the
18 police; do you remember talking to them about any detailed
19 discussions?

20 A I just remember one of them taking C.D.S. from me.

21 Q Taking C.D.S. from you. And why did the officer
22 take C.D.S. from you?

23 A They said I was about to drop him.

24 Q You were about to drop him. Now let's talk about
25 that for a second. Do you have any type of chronic medical

Courtney L. Price - Direct Examination In-Camera by Mr. Grant

1 condition?

2 A Uh-huh.

3 Q And what is that condition?

4 A Diabetes.

5 Q And some people have diabetes to different levels;
6 what is the extent of your diabetes?

7 A I'm a juvenile diabetic so I'm insulin based.

8 Q And when were you first diagnosed with diabetes?

9 A June 1st, 2014.

10 Q June 1st, 2014; how old were you then?

11 A No, 2004.

12 Q Yeah, you got me asking the same question. And how
13 old were you in 2004?

14 A 15.

15 Q 15 years old when you first got diagnosed?

16 A Uh-huh.

17 Q And is this a genetic condition? Anybody else have
18 it?

19 A My daddy had it.

20 Q Your dad had it?

21 A Uh-huh.

22 Q And what happened to your dad?

23 A He passed away.

24 Q As a result of it?

25 A Uh-huh.

Courtney L. Price - Direct Examination In-Camera by Mr. Grant

1 Q Okay. And speaking of about to drop the baby and
2 your diabetic condition, when was the last time you had
3 anything to eat before Sam showed up to your house?

4 A About seven that night.

5 Q About seven that night?

6 A Uh-huh.

7 Q And the police arrived to your home around what
8 time?

9 A About seven that morning.

10 Q So about a twelve-hour period when you didn't have
11 anything to eat?

12 A Uh-huh.

13 Q How were you feeling?

14 A I was out of it.

15 Q You were out of it; what does that mean; explain
16 that to the judge?

17 A I was just weak. You know, I -- I couldn't believe
18 what had just happened, you know.

19 Q And how were --

20 A I was shaking.

21 Q You were shaking?

22 A I couldn't hold C.D.S.

23 Q You think that was related to your diabetes or the
24 stress of the moment or both?

25 A Both.

Courtney L. Price - Direct Examination In-Camera by Mr. Grant

1 Q Both. And we'll get to the statements in a moment,
2 but before we do, at some point, the officers told you that
3 Sam had actually passed away; is that correct?

4 A (The witnesses nodded her head.)

5 Q Tell the judge, if you will, how did you react
6 physically, what you actually did physically when you got
7 that news?

8 A I fell.

9 Q You fell. Where did you fall to?

10 A I think in the den, between the den and the
11 kitchen.

12 Q You actually fell. And why did you fall, Ms.
13 Price?

14 A I couldn't believe it.

15 Q And, Ms. Price, you were 23 years old at the time?

16 A Uh-huh.

17 Q You had no previous criminal record; is that right?

18 A That's correct.

19 Q Had never been arrested before?

20 A No.

21 Q Never been to jail before?

22 A No.

23 Q And was a working employee of South Carolina State
24 with a college degree and now at this moment, you find out
25 that your boyfriend, your child's father, is actually dead;

Courtney L. Price - Direct Examination In-Camera by Mr. Grant

1 is that correct?

2 A (The witness nodded her head.)

3 Q And you collapsed; is that right?

4 A Yes.

5 THE COURT: Answer out loud for us.

6 THE WITNESS: Yes, sir.

7 THE COURT: Thank you.

8 MR. GRANT: Sir?

9 THE COURT: I told her to answer out loud.

10 MR. GRANT: Oh yeah, you got to answer out loud.

11 Okay.

12 BY MR. GRANT:

13 Q Okay. And, Ms. Price, the officers took some
14 recorded statements from you; is that correct?

15 A Yes.

16 Q How were you feeling during those recordings?

17 A I was loopy; I was out of it. I barely remember
18 them.

19 Q Did you have any blood on your person?

20 A Uh-huh.

21 Q Did you -- was there any blood on C.D.S.

22 A Yes.

23 Q How did that feel that you're all bloody and your
24 child is bloody as well from his dad's own blood? I'm
25 sorry.

Courtney L. Price - Direct Examination In-Camera by Mr. Grant

1 A It hurt.

2 Q It hurt. Okay. All right. Ms. Price, these
3 officers maintain that they read you your rights and that
4 you understood your rights and that you knowingly waived
5 your rights and signed a form. And I'm asking you now, do
6 you agree with them or you disagree and if you do disagree,
7 tell the judge why?

8 A I disagree because I wasn't in my right mind state.
9 My blood sugar was at a level where I could have been in a
10 coma. Like my emotions are everywhere. I could still
11 smell blood on my face and on my hands.

12 Q Were you able to clean up or change clothes before
13 they took the recording from you or you were still dressed
14 in those clothing?

15 A I don't remember.

16 Q You don't remember. Okay.

17 MR. GRANT: And let me mark this next exhibit.

18 (Defendant's Exhibit Number 6 was marked for
19 identification.)

20 BY MR. GRANT:

21 Q Now, Ms. Price, you've been a diabetic since, I
22 think you said 14 or 15?

23 A Uh-huh.

24 Q Is it fair to say you know a lot about diabetes; is
25 that correct?

Courtney L. Price - Direct Examination In-Camera by Mr. Grant

1 A Uh-huh.

2 Q What's normal -- what's normal blood sugar level?

3 A Between 80 and 110.

4 Q 80 and 110. And when you were booked into the
5 detention center, they did a medical staff screening of
6 you; is that correct? Excuse me, did a medical screening
7 of you; is that correct?

8 A I think so.

9 Q Okay. And they took your blood sugar level; you
10 remember I showed you that document?

11 A Uh-huh.

12 Q Okay. I show you now what is marked as Defendant's
13 Exhibit Number 6. You see Defendant's Exhibit Number 6;
14 you see this says medical staff receiving screening form?

15 A Uh-huh.

16 Q All right. And you see your signature right there;
17 do you see that?

18 A Uh-huh.

19 Q And you see where it says blood sugar 461?

20 A Uh-huh.

21 Q Was that your blood sugar level on September 27th,
22 2014? And it looks like the time that they wrote this
23 thing is 9:50 a.m.?

24 A It is.

25 Q Is that right?

Courtney L. Price - Direct Examination In-Camera by Mr. Grant

1 A Uh-huh.

2 Q So that's approximately two hours or less from the
3 time the tragic incident happened between you and Sam?

4 A Uh-huh.

5 Q So you had a 461 level blood sugar; is that
6 correct?

7 A Yes.

8 MR. GRANT: I'd offer this exhibit as Defense
9 Exhibit Number 6 into evidence for purposes of this
10 hearing.

11 MS. CORNWELL: No objection.

12 THE COURT: Defense 6 in evidence without objection
13 for the purposes of this hearing.

14 (Defendant's Exhibit Number 6 was entered into
15 evidence for the pretrial hearing.)

16 BY MR. GRANT:

17 Q When you approached Sam about this other child, did
18 you use any profanity towards him or anything?

19 A No.

20 Q Did -- describe the manner and tone in which you
21 asked him the question?

22 A I said, So you have another child you're taking
23 care of?

24 Q And it was in that same tone and manner?

25 A Uh-huh.

Courtney L. Price - Direct Examination In-Camera by Mr. Grant

1 Q Okay. Now in a statement that I heard, and of
2 course, it's part of my duty in preparing your case, you
3 may have said something to the police about being pissed.
4 If you were indeed pissed and if you remember that, what
5 would you have been pissed about?

6 A I was pissed at myself.

7 Q And why yourself?

8 A Because it was the same thing over and over and
9 over again. Like I thought we had just reconciled that
10 same night and less than 30 minutes later, it's even worse,
11 you know.

12 Q Were you afraid of Sam during this relationship?

13 A When he was violent, yes.

14 Q And tell me why is it that you decided to have sex
15 with Sam when he wanted to?

16 A Because I always wanted to give him what he wanted
17 and he was the only person I was sexually active with and I
18 didn't want to cause any friction by saying no.

19 Q And why did you open the door to let him in?
20 Explain that to the Court.

21 A Because I was scared of what would happen if I
22 didn't let him in.

23 Q If you didn't let him in. Are you sorry that he's
24 dead?

25 A I am.

Courtney L. Price - Cross-Examination In Camera by Ms. Cornwell

1 Q If Sam would have merely talked to you as opposed
2 to lunging at you and choking you, would you have stabbed
3 him?

4 A No.

5 Q And if Sam would have merely left your home when
6 you asked him more than once to do so, would you have any
7 reason to stab him?

8 A No.

9 MR. GRANT: Thank you, Your Honor. No further
10 questions.

11 THE COURT: Thank you. Thank you, Mr. Grant.
12 Solicitor?

13 CROSS-EXAMINATION IN CAMERA

14 BY MS. CORNWELL:

15 Q Ms. Price, I'm going to try to go through, you've
16 been up there quite a while. Are you okay? Do you need a
17 break? You need water or anything?

18 A (The witness shook her head.)

19 Q Going through some of the incidents that you
20 discussed, I guess between August of 2009 and the date of
21 this incident, the only time you called police was in 2012
22 and 2013?

23 A It was 2000 -- it was two incidents.

24 Q Those would have been in 2012 and 2013, correct?

25 A Uh-huh.

Courtney L. Price - Cross-Examination In Camera by Ms. Cornwell

1 Q All right. So all these other incidents that
2 you've talked about, you never called law enforcement,
3 there's no report of it, you never went to the hospital for
4 anything, there's no record of any of that, correct?

5 A I got blood work for the foot incident at the
6 hospital.

7 Q Okay. And that was in 2011?

8 A Or '12.

9 Q I believe you said it was sometime between January
10 and May of 2010?

11 A It was 2012, May, towards bike week.

12 Q And which medical facility did you go to after that
13 incident?

14 A Fisher Foot Clinic.

15 Q And did you go that day?

16 A I don't remember, but it was in the afternoon and
17 it was a Friday, so I don't remember if they were already
18 closed, but I did go.

19 Q Okay. The foot clinic is a pretty specialty place,
20 so if it happened on a Friday and you didn't go that
21 Friday, it would have been what, Monday before you could
22 have gone?

23 A Probably.

24 Q And you talked about an incident where you called
25 police and you decided not to prosecute on what happened at

Courtney L. Price - Cross-Examination In Camera by Ms. Cornwell

1 his parents house, correct?

2 A Uh-huh.

3 Q Where you had picked him up in your car and driven
4 to his house?

5 A Uh-huh.

6 Q And you called law enforcement there. You declined
7 to press charges, correct?

8 A Yes.

9 Q Okay. And in that report to that officer, you
10 basically said that he put you in a headlock and threw you
11 on the ground and then he walked away?

12 A He walked up the street.

13 Q Okay. But you testified today that he grabbed you
14 by your neck; dragged you all the way across the yard; his
15 father witnessed it; had to get a phone and then he walked
16 away. It was a little more detailed today than what you --

17 A Right.

18 Q -- gave back in 2012?

19 Okay. And then the other incident that you
20 discussed was in 2013, I believe, at your house, correct?

21 A Uh-huh.

22 Q And your mom witnessed that?

23 A She witnessed part of it.

24 Q And in that incident, your mom gave a statement to
25 police, didn't she?

Courtney L. Price - Cross-Examination In Camera by Ms. Cornwell

1 A Yes.

2 Q And in that statement she said that you were the
3 primary aggressor, that you struck him first in the face
4 was with a closed fist, correct?

5 A I guess.

6 Q And the judge in that case determined that there
7 was no probable cause because of the fact that you were the
8 primary aggressor in that, not Sam?

9 A No.

10 Q You went forward with charges? The judge charged
11 him in that?

12 A No, my mom gave a statement because she didn't see
13 the beginning of the altercation.

14 Q That's not my question. The question is, there was
15 no prosecution of that because the judge determined that
16 you were the primary aggressor, so he did not issue a
17 warrant, correct?

18 A I don't remember it going before a judge.

19 Q All right. Well, let's go ahead and move on to the
20 night of September 27th or the morning of September 27th of
21 2014. You've given several statements in this case,
22 haven't you?

23 A That's what I'm told.

24 Q You don't remember giving statements?

25 A No.

Courtney L. Price - Cross-Examination In Camera by Ms. Cornwell

1 Q You don't remember that when law enforcement first
2 came up, you had talked about that you were tired, you had
3 had enough, you were tired of his shit, that he called you
4 at three o'clock in the morning, wished you hadn't answered
5 the phone. You don't remember saying any of that?

6 A I probably did.

7 Q Okay. And then you also told officers that you saw
8 his phone while he was asleep and saw that he is messing
9 with a bitch and had another child so I cut him. I was
10 just standing up for myself; those were your words?

11 A Those are not my exact words.

12 Q Those are not your exact words?

13 A No.

14 Q You agree that you looked at his phone and saw that
15 he had another child and it made you angry; is that
16 correct?

17 A It made me angry for allowing it.

18 Q All right. And so you got a knife and you went
19 upstairs?

20 A Uh-huh.

21 Q And you also remember telling officers that you had
22 decided to fight back, you were tired of it, and that you
23 weren't this person; do you remember saying all that?

24 A I probably did.

25 Q Okay. And during that time, you had your child in

Courtney L. Price - Cross-Examination In Camera by Ms. Cornwell

1 your hands. At one point during that conversation, the
2 officer actually helped you upstairs and let you get your
3 insulin; let you treat yourself; got milk for the baby and
4 all that, correct?

5 A Probably.

6 Q All right. And at no point during that
7 conversation with the officer that first arrived on the
8 scene, did you ever mention you asking Sam to leave?

9 A No.

10 Q Did you ever mention really anything of any
11 violence --

12 A I really don't remember.

13 Q You would agree that you had conversations with the
14 officer when she came on the scene?

15 A Probably so because they took C.D.S. so...

16 Q And you remember calling 9-1-1?

17 A Yeah, I remember them arriving.

18 Q So -- and you remember saying that you had to go
19 outside so you could call 9-1-1?

20 A Uh-huh.

21 Q You remember all of that?

22 A Uh-huh.

23 Q But now you don't remember what you said?

24 A Right, I don't remember my exact words.

25 Q Okay. All right. But you did talk to officers.

Courtney L. Price - Cross-Examination In Camera by Ms. Cornwell

1 And eventually officers came and took you down to the
2 police station; do you remember that?

3 A I guess.

4 Q And obviously you went to the police station,
5 correct?

6 A I guess I was probably at the complex, but --

7 Q And that would be, the complex would be right over
8 here on -- what is that road -- on Ellis. You met with
9 Detective Walker at the police -- or at her office,
10 basically?

11 A Uh-huh.

12 Q And I'm going to show you --

13 MS. CORNWELL: If I can have this marked?

14 (State's Exhibit Number 68 was marked for
15 identification.)

16 MS. CORNWELL: Your Honor, we premarked some
17 exhibits for the State earlier. This is actually going to
18 be State's 68.

19 MR. GRANT: No objection.

20 THE COURT: All right. State's 68 is in evidence
21 for purposes of this hearing without objection.

22 (State's Exhibit Number 68 was entered into
23 evidence for the pretrial hearing.)

24 MS. CROMWELL: May I approach, Your Honor?

25 THE COURT: Yes.

Courtney L. Price - Cross-Examination In Camera by Ms. Cornwell

1 BY MS. CROMWELL:

2 Q I show you what's been marked as State's 68. That
3 signature at the bottom, is that yours?

4 A Yes.

5 Q And at the very bottom of this page, is that also
6 yours?

7 A Yes.

8 Q Okay. And can you tell the Court what those, what
9 that page says?

10 A A waiver of rights.

11 Q And this was given to you, I believe, and I'm going
12 to stand here and read it with you, at the Orangeburg
13 Department of Public Safety 9/27/14 at 8:55 in the morning;
14 you would agree with that, correct?

15 A Uh-huh.

16 Q And it says, before we ask you any questions, you
17 must understand your rights.

18 You have the right to remain silent, anything you
19 say can be used against you in court.

20 You have the right to talk to a lawyer for advice
21 before we ask you any questions and have him with you
22 during questioning. So if you cannot afford a lawyer, one
23 will be appointed to you before any questioning if you
24 wish. If you decide to answer questions now without a
25 lawyer present, you will still have the right to stop

Courtney L. Price - Cross-Examination In-Camera by Ms. Cornwell

1 answering at any time. You also have the right to stop
2 answering at any time until you talk to a lawyer.

3 And then right here it says I understand my rights.

4 And is that your signature beside that?

5 A It is.

6 Q So you signed stating that you understood your
7 rights?

8 A Uh-huh.

9 Q And then below that, there's a waiver of rights and
10 it says I have read the statement of my rights and I
11 understand what my rights are. I am willing to make a
12 statement and answer questions. I do not want a lawyer at
13 this time. I understand and know what I am doing. No
14 promises or threats have been made to me and no pressure or
15 coercion of any kind has been used against me.

16 And is that your signature again?

17 A It is.

18 Q Okay. And that was witnessed by Sergeant Shuler
19 and Sergeant Walker that day, correct?

20 A Uh-huh.

21 Q So you signed that you understood your rights and
22 that you were willing to waive your right to speak to law
23 enforcement at that time. And then did you give a
24 statement to police at that time?

25 A Yes.

Courtney L. Price - Cross-Examination In Camera by Ms. Cornwell

- 1 Q And that statement was recorded, correct?
- 2 A Yes.
- 3 Q And in that statement, you were given your Miranda
- 4 Warning, you discussed how you and your child went to sleep
- 5 around ten o'clock, correct?
- 6 A Uh-huh.
- 7 Q I think you told us again that the phone rang
- 8 around 3 a.m. and there was no one there?
- 9 A Uh-huh.
- 10 Q You thought someone was playing on your phone?
- 11 A Uh-huh.
- 12 Q So that irritated you, didn't it; anybody would be
- 13 irritated if somebody's playing on the phone, correct?
- 14 A No, it worried me.
- 15 Q It worried you?
- 16 A Yes.
- 17 Q So you called over and over and over again for
- 18 about 30 minutes?
- 19 A Uh-huh.
- 20 Q Okay. And you sent him a text too, didn't you?
- 21 A I probably did.
- 22 Q Asked him who was playing on his phone?
- 23 A Uh-huh.
- 24 Q But you're saying you weren't angry; you were
- 25 concerned; you were worried?

Courtney L. Price - Cross-Examination In Camera by Ms. Cornwell

1 A I was.

2 Q And that's why you texted his sister at three
3 o'clock in the morning?

4 A I called her.

5 Q Okay. And you told her to tell Sam to stop playing
6 on your phone?

7 A Right.

8 Q Okay. So if you were concerned; wouldn't it be
9 what's going on with Sam's phone, not --

10 A Because after 30 minutes, I was -- I should know
11 something by now. It's three o'clock in the morning.

12 Q So you were angry at that point?

13 A So he could have sent the text. No, I said at this
14 point, it's early, like it's late in the morning. If
15 everything's okay, then let it be, but don't be calling my
16 phone hanging up.

17 Q So you were a little annoyed?

18 A No.

19 Q Okay. You sound annoyed, that's why I'm asking?

20 A I wasn't.

21 Q Okay. And then he told you, open the door?

22 A Yes.

23 Q And so you went downstairs and you opened the door,
24 correct?

25 A No, I looked out the window and he still wasn't

Courtney L. Price - Cross-Examination In Camera by Ms. Cornwell

1 outside.

2 Q He came about 30 minutes later?

3 A Uh-huh.

4 Q Did that upset you that you had to wait 30 minutes
5 for him to come and --

6 A No, because I was watching TV.

7 Q Okay. So he comes. Does he knock on the door; how
8 do you know he's at the door?

9 A I saw the lights.

10 Q You saw the lights --

11 A And then he told me to open the door because his
12 hands were full.

13 Q Okay. And so he yelled out at you?

14 A No.

15 Q How did you hear? I mean his hands were full. Was
16 he calling you?

17 A He called.

18 Q Okay. So you go to the door and you open the door
19 and you let him in?

20 A No, the door was unlocked.

21 Q Well, you just said his hands were full so he said
22 told you to come open the door?

23 A He had his liquor in one hand and he had the beer
24 in the other hand. He was able to open the door because it
25 was already unlocked. I didn't have to get up and open the

Courtney L. Price - Cross-Examination In Camera by Ms. Cornwell

1 door.

2 Q Okay.

3 A It was unlocked for him to open it.

4 Q But no doubt you allowed him to come in your house;
5 it's not like --

6 A I did.

7 Q -- he broke into your house?

8 A Yes.

9 Q And the beer that he was carrying, that Raspberitta
10 that was in that photograph, he brought that for you,
11 correct?

12 A He drank some too, but he know that's what I like.

13 Q And you admit y'all drank some that night?

14 A Uh-huh.

15 Q Had a good time.

16 Said that you got in an argument over child support
17 and at some point the baby woke up, correct?

18 A Uh-huh.

19 Q And y'all brought the baby downstairs with you?

20 A For a little while.

21 Q Okay. And eventually y'all took the baby back
22 upstairs to go to sleep and you end up having sex upstairs?

23 A No, we went back downstairs for a while.

24 Q Okay. And ultimately the baby woke up and y'all
25 took him upstairs to put him to bed, correct?

Courtney L. Price - Cross-Examination In Camera by Ms. Cornwell

1 A Uh-huh.

2 Q And while Sam is putting the baby to bed, you went
3 downstairs to get the baby some milk in case he woke up
4 later, correct?

5 A No, we went back downstairs together for a while to
6 watch TV some more.

7 Q Okay. So y'all left the baby upstairs asleep?

8 A Uh-huh.

9 Q Okay. So y'all watched TV some more. Eventually
10 you told officers that the baby woke up and that Sam went
11 upstairs and laid down with the baby to rock him to sleep?

12 A I don't remember that.

13 Q So now that's not true; that's not what happened?

14 A I don't remember.

15 Q Okay. And you stated -- and this is what you
16 stated to law enforcement at the time, that you went
17 downstairs to get milk for the baby and while you were
18 downstairs, woman's intuition took over; and you decided to
19 look in his phone and that's when you saw that there was a
20 text from another girl about daycare and it made you mad.

21 So you went and got a knife and went upstairs and
22 you hid the knife when you went upstairs; you hid the knife
23 when you went upstairs, you didn't want him to see that you
24 had a knife?

25 A Right. Because I figured if he answered like a

Courtney L. Price - Cross-Examination In Camera by Ms. Cornwell

1 normal person, I could just take it back downstairs.

2 Q Okay. So you were just going to go up and hide the
3 knife and say, Oh, okay, never mind and back slowly out so
4 no one ever saw you had a knife?

5 A Right.

6 Q Got it. All right.

7 So now today you stated that he was standing up
8 face to face when you stabbed him?

9 A Uh-huh.

10 Q He was choking you when you stabbed him?

11 A He was.

12 Q How was he choking you when he, when you stabbed
13 him?

14 A He had his hands up here on my neck.

15 Q Well see, was his arms outstretched, were you real
16 close; how were you?

17 A They were outstretched.

18 Q They were outstretched?

19 A Uh-huh.

20 Q And so -- and Sam's what about 5'8"? He's got a
21 pretty good wing span, right?

22 A I guess so.

23 Q How tall are you?

24 A About 5'2".

25 Q Okay. So your arms aren't nearly as long as Sam's,

Courtney L. Price - Cross-Examination In Camera by Ms. Cornwell

1 correct?

2 A Huh-uh.

3 Q Okay. So y'all are arguing. He's choking you.

4 And at that point -- if you don't mind standing up and
5 showing me how you ended up stabbing him?

6 A His hands are around my neck, I had the knife in my
7 left hand and I stabbed him.

8 Q So you came up like that and stabbed him?

9 A Uh-huh.

10 Q Okay. And what happened when you did that?

11 A He continued to choke me and pull my hair. And he
12 shook me and said WTF until he fell.

13 Q So he was able to, after you have stabbed him
14 upward, he was able to continue choking you --

15 A Uh-huh.

16 Q -- hold on to you, to fight with you, to pull your
17 hair until he fell down?

18 A Yeah.

19 Q Where did he fall down?

20 A Between the bed and the dresser.

21 Q Okay. And that's what you told officers in the
22 first statement; is that correct? Well, I guess it would
23 be the second statement. That's the first statement at
24 headquarters; is that correct?

25 A Probably so.

Courtney L. Price - Cross-Examination In Camera by Ms. Cornwell

1 Q Okay. And basically you said that he was just
2 constantly lying. That he was lying, lying, lying. He
3 couldn't see the knife behind your back and at that point,
4 you got upset with him, you hit him and you stabbed him?

5 A I don't remember hitting him.

6 Q Okay. But you would admit that you never told
7 officers about him continuing to choke you, him pulling you
8 down, him pulling your hair. You stated and I'm actually
9 going to play it for you because I know you said you don't
10 remember it, so I want you to hear what you said?

11 A They didn't ask me either.

12 Q They didn't what?

13 A They didn't ask.

14 Q They didn't ask you, but they were supposed to ask
15 you if he was choking you before you stabbed him?

16 A They should have asked me more in details.

17 MS. CORNWELL: Your Honor, if I could have a
18 moment, I think we are going to go ahead and play that
19 audio.

20 THE COURT: Yes, ma'am.

21 MS. CORNWELL: And it's about a 16-minute-long
22 audio.

23 (The audio statement was played for the Court.)

24 BY MS. CROMWELL:

25 Q That was the first statement you did, correct?

Courtney L. Price - Cross-Examination In Camera by Ms. Cornwell

1 A Correct.

2 Q And you agree that in that statement, you stated
3 that you found out he had another baby, it wasn't fair so
4 you confronted him about it and you argued. He then put
5 his hands around your neck for a couple of seconds, it
6 ticked you off; so you went downstairs and got a knife and
7 came back upstairs; and that's when he was lying, lying,
8 lying, so you hit him and stabbed him, correct?

9 A Uh-huh.

10 Q You claimed that he was standing up face-to-face
11 when you stabbed him. And after that interview concluded,
12 you were taken to the jail where you were cleaned up and
13 given a -- a jumpsuit, correct?

14 A Uh-huh.

15 Q And a little bit later that morning, the officers
16 came back and spoke to you a second time, correct?

17 A Uh-huh.

18 Q And they had been by the scene and just wanted to
19 clear up some things with you, do you remember that?

20 A I guess.

21 Q Okay. And reminded you of your Miranda Rights
22 again and you still agreed to speak with them, agreed?

23 A Uh-huh.

24 MS. CORNWELL: And, Your Honor, at this time, we'd
25 like to play the second audio?

Courtney L. Price - Cross-Examination In Camera by Ms. Cornwell

1 THE COURT: You may do so.

2 MS. CORNWELL: Thank you.

3 (The audio statement was played for the Court.)

4 BY MS. CROMWELL:

5 Q Ms. Price, that's the second statement you gave,
6 correct?

7 A Uh-huh.

8 Q And we just heard that that was at one o'clock, so
9 that would have been well after the 9 a.m. with your blood
10 sugar and you would have already gotten medical treatment
11 for all that, correct?

12 A It was high that whole day.

13 Q Okay. Again, you had your rights, you acknowledged
14 your rights and you agreed to waive your rights for that
15 statement?

16 A Uh-huh.

17 Q Okay. And you would agree with me that neither in
18 the first statement that you did with Detective Walker or
19 the second statement you gave Detective Walker, or even the
20 statement you gave to Office Bellinger, you never mentioned
21 that you ever asked Sam to leave, correct?

22 A Correct.

23 Q Okay. So this is the first time we're ever hearing
24 of you asking Sam to leave?

25 A I told it to my lawyer and my doctor.

Courtney L. Price - Cross-Examination In Camera by Ms. Cornwell

1 Q And in the second statement, you completely changed
2 your story from your first statement and even from what
3 you've given today, correct?

4 A Correct.

5 Q And in that statement, he wasn't standing up, he
6 wasn't choking you; he was laying in the bed next to your
7 baby, rocking your baby to sleep when you climbed on top of
8 him and stabbed him, correct?

9 A That's what the statement said.

10 Q And that's what happened, isn't it?

11 A No.

12 Q So why would you tell the police that's what
13 happened?

14 A I guess he wasn't drinking either -- I guess he
15 wasn't drinking either; I didn't mention that in the
16 statement, but the report did show that we were drinking.

17 Q Okay.

18 A Okay.

19 Q So y'all were drinking. He was in bed next to the
20 baby and you got on top of him and stabbed him.

21 A No.

22 Q No?

23 A No.

24 Q So why would you tell police that you got on top of
25 him and stabbed him in the bed if you didn't?

Courtney L. Price - Cross-Examination In Camera by Ms. Cornwell

1 A If I was thinking coherently, I wouldn't have.

2 Q Okay. And you've admitted in both statements that
3 you were angry when you stabbed him, correct?

4 A Angry at myself.

5 Q You weren't angry at him that he had another child?

6 A No.

7 Q You weren't angry at him that he was possibly
8 cheating on you?'

9 A No, I was hurt, but I was angry at myself.

10 Q That's pretty big of you. I would be pretty angry
11 if somebody cheated on me.

12 MR. GRANT: Objection to the personal conversation
13 of the prosecutor.

14 THE COURT: I would agree, Solicitor.

15 MS. CORNWELL: Yes, sir.

16 THE COURT: I would agree with Mr. Grant.

17 MS. CORNWELL: Thank you, Your Honor.

18 BY MS. CROMWELL:

19 Q All right. So we've established that you were, the
20 baby was upstairs asleep; that y'all had argued upstairs;
21 you were ticked off; you went downstairs to go get milk and
22 you looked in the phone; and that's when you got the knife
23 and went upstairs and at some point, you stabbed him and he
24 died?

25 A (The witness nodded her head.)

Courtney L. Price - Cross-Examination In Camera by Ms. Cornwell

1 Q All right. That you hid the knife from him when
2 you went upstairs so he couldn't see the knife?

3 A Yes.

4 Q And after you stabbed him, you picked the baby up
5 and y'all went downstairs?

6 A Uh-huh.

7 Q Did y'all ever fight downstairs?

8 A When he first got there we did.

9 Q Okay. I'm going to show you pictures. These are
10 State's 2 through 4.

11 BY MS. CROMWELL:

12 Q Do you recognize those photographs?

13 A Yes.

14 Q What is that?

15 A That's the downstairs area.

16 Q And you were a pretty clean housekeeper, right,
17 it's pretty clean in there?

18 A Uh-huh.

19 Q Do you agree that there's no -- nothing knocked
20 over, nothing out of place, nothing to indicate anything?

21 A Uh-huh.

22 Q Okay. And at the time that all this is occurring
23 and you had let him in the house and you were angry when
24 you went downstairs, you claimed that some violent action
25 had happened upstairs, correct?

Courtney L. Price - Cross-Examination In Camera by Ms. Cornwell

1 A Uh-huh.

2 THE COURT REPORTER: You need to speak out.

3 THE WITNESS: Yes.

4 BY MS. CROMWELL:

5 Q So you were downstairs. The baby and Sam were
6 upstairs. You trusted Sam with your baby, right? He was
7 good to the baby wasn't he?

8 A For the most part.

9 Q Cared for C.D.S. he loved him?

10 A For the most part.

11 Q You're not going to disagree with that, correct?

12 A Correct.

13 Q Okay. So C.D.S. would have been safe with Sam; you
14 weren't afraid to leave C.D.S. alone with Sam?

15 A Not if he wasn't drinking.

16 Q Okay. Well, you said on this night he was, so were
17 you afraid to leave your son with him?

18 A By that point, I had already had a few drinks
19 myself. So I'm not thinking coherently as if I wasn't
20 drinking.

21 Q Okay. So you felt safe enough though to leave your
22 son upstairs with his father?

23 A Yes.

24 Q And you went downstairs, you had both phones.
25 You've got access to the door, you could have left at any

Courtney L. Price - Cross-Examination In Camera by Ms. Cornwell

1 time and gotten help if you needed it, correct?

2 A Correct.

3 Q You've got two phones; you could have called 9-1-1,
4 there was nothing to force you to go back upstairs,
5 correct?

6 A Correct.

7 Q And Sam was upstairs and he was asleep?

8 A No, he was not.

9 Q Okay. I'm sorry. You've given a couple of
10 different statements. In some statements he was asleep and
11 in some statements he wasn't, but he was upstairs?

12 A Yes.

13 Q Okay. He never came downstairs while you were
14 looking through the phone or anything, correct?

15 A No, I wasn't downstairs long enough for him to
16 come.

17 Q Okay. All right. Did you ever try to contact the
18 other woman from his phone?

19 A No.

20 Q Okay. So you were afraid enough you needed to grab
21 a knife to protect yourself to go upstairs, but you weren't
22 so afraid that you didn't decide to call 9-1-1 or go to a
23 safe place; you decided to go back upstairs anyway and have
24 another confrontation with him?

25 A I decided to ask him.

Courtney L. Price - Cross-Examination In Camera by Ms. Cornwell

1 Q Okay. Despite the fact that you've testified that
2 you were afraid and fearful and all that, you still thought
3 it was a good idea for you to go up and confront him about
4 things?

5 A There's nothing wrong with asking a person a
6 question.

7 Q Okay. All right. And your statement today is that
8 he was standing up choking you when you stabbed him?

9 A Yes.

10 Q And that he was standing towards the foot of the
11 bed choking you and you stabbed him under his arms at an
12 upward angle and he fell between the bed and the dresser?

13 A I just remember stabbing him. Which angle, I don't
14 remember, but we were standing up and his hands were around
15 my neck.

16 Q But you demonstrated for us --

17 A Right.

18 Q -- and that's how you remembered doing it.

19 A I didn't say it was a upward, it could have been a
20 straight angle, but either way we were standing up.

21 Q But it would have had to be underneath his arms,
22 right?

23 A I guess.

24 MS. CORNWELL: Nothing further, Your Honor. Thank
25 you.

Courtney L. Price - Redirect Examination In Camera by Mr. Grant

1 THE COURT: Redirect.

2 MR. GRANT: Yes, Your Honor.

3 THE COURT: All right. How long you going to be,
4 Mr. Grant?

5 MR. GRANT: Very brief.

6 THE COURT: All right.

7 MR. GRANT: Yes, sir.

8 REDIRECT EXAMINATION IN CAMERA

9 BY MR. GRANT:

10 Q Ms. Price, you were asked some questions about your
11 size and Sam's size and I just want to make sure to
12 straighten this up.

13 On September 27th, 2014, you haven't grown since
14 then I take it, have you?

15 A No.

16 Q All right. How tall were you on that day?

17 A About 5'2".

18 Q And how tall are you now?

19 A About 5'2".

20 Q And how much did you weigh approximately on
21 September 27th, 2014?

22 A About 125.

23 Q And how much did Sam weigh approximately on
24 September 27th, 2014?

25 A About 175, 180.

Courtney L. Price - Redirect Examination In Camera by Mr. Grant

- 1 Q About 180. And how tall was Sam?
- 2 A He was about 5'7", 5'8" maybe.
- 3 Q When it comes to physical strength, did you ever
- 4 have any impressions as to how strong he was?
- 5 A Yeah.
- 6 Q What were your impressions?
- 7 A He was stronger than me.
- 8 Q Okay. And what type of work did he do?
- 9 A I know he worked for a beer company where they
- 10 would load beer cases in different stores.
- 11 Q Okay. Now you have now listened to the recorded
- 12 statements given to Sergeant Walker and I think on direct
- 13 examination, you indicated that you were not into it; is
- 14 that correct?
- 15 A Uh-huh.
- 16 Q Because of your medical condition and emotional
- 17 stress that you were under; is that correct?
- 18 A Correct.
- 19 Q But now you have heard now item-by-item,
- 20 question-by-question, the statements played to you by the
- 21 prosecutor; is that correct?
- 22 A Correct.
- 23 Q And now here's the question. From what you heard
- 24 with those statements and remembering what you just heard,
- 25 did Sergeant Walker ever ask you in any of those statements

Courtney L. Price - Redirect Examination In Camera by Mr. Grant

1 whether you asked Sam to leave that night before this
2 incident occurred?

3 A No.

4 Q And I asked you that in this courtroom; is that
5 correct?

6 A Correct.

7 Q But the investigator never asked you that; is that
8 correct?

9 A Correct.

10 Q And she never asked you whether you asked him to
11 leave? She obviously did not ask you how you responded
12 to -- how he responded to you asking him to leave; is that
13 correct?

14 A Correct.

15 Q All right. Now the rights warning waiver form.
16 I'm showing you what has been marked as Defendant's, excuse
17 me, State's Exhibit Number 68. Take a look at State's
18 Number 68.

19 A Uh-huh.

20 Q Do you see the time that you signed that statement?

21 A Uh-huh.

22 Q What time was it?

23 A 8:55 a.m.

24 Q 8:55 a.m.; is that correct?

25 A Uh-huh.

Courtney L. Price - Redirect Examination In Camera by Mr. Grant

1 Q I want you to take a look at Defendant's Exhibit
2 Number 6. What is the time that they filled out this form
3 after testing your blood; what's the time on that?

4 A 9:50 A.M.

5 Q 9:50 A.M. So 8:55 is when you signed the rights
6 warning waiver certificate and 9:50, less than an hour,
7 your blood sugar level is 461; is that correct?

8 A Uh-huh.

9 Q And also I think you said you had consumed four
10 beers; is that correct?

11 A Yes.

12 MR. GRANT: That's all I have, Your Honor.

13 THE COURT: Recross, Solicitor?

14 MS. CORNWELL: No, Your Honor.

15 THE COURT: Thank you, thank you very much. Thank
16 you, Ms. Price, you may step down.

17 All right. Mr. Grant.

18 MR. GRANT: Yes, sir?

19 THE COURT: How many more witnesses you going to
20 have?

21 MR. GRANT: Your Honor, I notified the prosecutor
22 of 32 witnesses.

23 THE COURT: All right.

24 MR. GRANT: But we have many more to call.

25 THE COURT: All right. Thank you. Thank you very

1 much.

2 MR. GRANT: Yes, sir.

3 THE COURT: Why don't we take our luncheon recess.
4 Perhaps now would be a good time.

5 MR. GRANT: Yes, sir.

6 THE COURT: Say 2:15.

7 MR. GRANT: Yes, sir.

8 THE COURT: Court will be in recess until 2:15.

9 MR. GRANT: Yes, sir.

10 (A lunch recess was observed.)

11 MS. CORNWELL: Your Honor -- I apologize.

12 THE COURT: Just one moment. Sheriff, I have
13 noticed lot of movement in and out of the courthouse; or in
14 and out of the courtroom.

15 THE OFFICER: Yes, sir.

16 THE COURT: While a witness is on the stand. I
17 don't know if it's a distraction to the attorneys and their
18 staff, but it's a distraction to me. I would like the
19 individuals in the gallery to have no movement in and out
20 of the courtroom unless it's an emergency while a witness
21 is on the witness stand.

22 THE OFFICER: Yes, sir.

23 THE COURT: If Mr. Grant finishes with a witness,
24 before the solicitor begins they can go in and out.

25 THE OFFICER: Yes, sir.

1 THE COURT: And of course, at the end of that
2 witness, they can go in and out.

3 THE OFFICER: Yes, sir.

4 THE COURT: But it's very distracting and this is a
5 very important case.

6 THE OFFICER: Yes, sir.

7 THE COURT: The stakes are high and I want to be
8 able to focus my attention.

9 All right. With that being said -- thank you,
10 thank you very much, Sheriff.

11 THE OFFICER: Yes, sir.

12 THE COURT: All right. Solicitor?

13 MS. CORNWELL: Yes, Your Honor, before Mr. Grant
14 calls his next witness, I did want to put -- we forgot to
15 move the tape into the record and it's State's 73. And
16 that's just the two oral statements that we introduced into
17 the record.

18 THE COURT: Any objections for purposes of this
19 motion, Mr. Grant?

20 MR. GRANT: For purposes of this hearing, Your
21 Honor, no objections. Without waiving any argument on my
22 motion.

23 THE COURT: Of course.

24 MR. GRANT: Yes, sir.

25 THE COURT: All right. State's 73 is in

1 evidence --

2 MS. CORNWELL: Thank you, Your Honor.

3 THE COURT: -- for purposes of this hearing,
4 subject to Jackson versus Denno.

5 (State's Exhibit Number 73 was entered into
6 evidence.)

7 THE COURT: All right. Anything further before he
8 calls his next witness.

9 MS. CORNWELL: No, Your Honor. Thank you.

10 THE COURT: All right. Mr. Grant.

11 MR. GRANT: Yes, sir, before we begin, when
12 Ms. Price testified, she made reference to a medical boot
13 as a result of the injury she suffered from her testimony
14 of Sam running over her foot, causing injury to her foot.
15 And I have that medical boot. We talked about that.

16 THE COURT: All right. Any objection?

17 MS. CORNWELL: No, Your Honor.

18 MR. GRANT: I'd like it marked as the next defense
19 exhibit and move it into evidence, Your Honor.

20 THE COURT: Tell me what it is Madam Court
21 Reporter, 8?

22 THE COURT REPORTER: 7.

23 THE COURT: There was 4, 5, 6 and no 7.

24 MR. GRANT: Did you say 10 or 7.

25 THE COURT REPORTER: I have 7.

Corretta McMillan - Direct Examination In Camera by Mr. Grant

1 MR. GRANT: 7, okay. Very good.

2 THE COURT: Thank you. Thank you, Madam Court
3 Reporter.

4 Just mark the bag, Mr. Grant.

5 MR. GRANT: Please, yes.

6 (Defendant's Exhibit Number 7 was marked and
7 entered into evidence for the purposes of pretrial
8 hearing.)

9 THE COURT REPORTER: Thank you, Your Honor.

10 THE COURT: All right. You may call your next
11 witness.

12 MR. GRANT: Thank you, Your Honor, at this time we
13 call Ms. Corretta McMillan to the stand.

14 THE COURT: All right. Ms. McMillan, if you'd come
15 around and join us, please.

16 CORRETTA MCMILLAN,
17 having been duly sworn, testified as follows:

18 THE CLERK: Thank you. You may have a seat.
19 Please speak into the mic and state your name again for the
20 record.

21 THE WITNESS: Corretta McMillan.

22 THE CLERK: Thank you.

23 **DIRECT EXAMINATION IN CAMERA**

24 BY MR. GRANT:

25 Q Spell your first name.

Corretta McMillan - Direct Examination In Camera by Mr. Grant

- 1 A C-O-R-R-E-T-T-A.
- 2 Q Spell your last name.
- 3 A M-C-M-I-L-L-A-N.
- 4 Q Thank you, Ms. McMillan.
- 5 A Uh-huh.
- 6 Q Ms. McMillan, where do you live?
- 7 A I live here in Orangeburg.
- 8 Q And how long have you lived in Orangeburg?
- 9 A I've been here now for seven years.
- 10 Q And do you know Courtney Price?
- 11 A I do.
- 12 Q And can you please point to her and call her name
- 13 and describe what she looks like.
- 14 A Yes. Courtney Price, light-skinned lady with the
- 15 blonde hair.
- 16 Q With the blonde hair.
- 17 A Uh-huh.
- 18 Q And how long have you known Courtney Price?
- 19 A I've known Courtney probably about two years.
- 20 Q About two years?
- 21 A Uh-huh.
- 22 Q And in what capacities have you known Courtney
- 23 Price?
- 24 A My first encounter with her was when she worked at
- 25 Walgreens. She was a cashier. And then we hired her to

Corretta McMillan - Direct Examination In Camera by Mr. Grant

1 work at CPN Federal Credit Union and I was her manager
2 there.

3 Q So you knew her at Walgreens and CPN Federal Credit
4 Union?

5 A I met her at Walgreens. I was a customer.

6 Q Okay. You were a customer?

7 A She worked there, yes.

8 Q All right. And did you have regular interaction
9 with her as a customer?

10 A Uh-huh.

11 Q Did you kind of get to know her as a customer?

12 A Yeah, on a customer level, yes.

13 Q And when she worked with you and you were her
14 manager, did that give you an opportunity to get to know
15 her better?

16 A Yes.

17 Q All right.

18 A Uh-huh.

19 Q And did you ever have any occasions to observe
20 Courtney Price's physical conditions that made you somewhat
21 concerned?

22 A There were days that she came in and my concern
23 when she -- her eyes we are real, real puffy, she was not
24 herself. She's always a very bubbly person, a very lovable
25 person. And those days that I did notice those times, I

Corretta McMillan - Direct Examination In Camera by Mr. Grant

1 would ask her to come in the office and ask her if she was
2 okay and, you know, she never went into detail, but I was
3 always assuring that, you know, anything's -- whatever
4 you're going through, it's going to be okay. Didn't know
5 to any extent or anything what was going on, but I knew
6 something was bothering her.

7 Q Did you ever notice anything on her face?

8 A Her eyes always would be real puffy.

9 Q Real puffy?

10 A Yeah. I'm assuming from -- well, I'm thinking
11 crying and things like that, but -- throughout the day it
12 would be like that until she, you know, continued to work
13 through the day and I guess got, you know --

14 Q Well, let me turn you to this issue: In the time
15 that you've been knowing Courtney and the number of -- and
16 type of interactions you had with her --

17 A Uh-huh.

18 Q -- do you think that you have had an adequate
19 opportunity to accomplish an opinion as to her
20 truthfulness?

21 A I can, yes.

22 Q All right. And tell the judge, what is that
23 opinion?

24 A I think she's a very trust worthy person. I've
25 never had any problems with her. I always had compliments

Corretta McMillan - Direct Examination In Camera by Mr. Grant

1 from my customers on her. No disciplinary actions on her.
2 She came to work on time. I know she loved her son. She
3 talked about him quite a bit throughout the day while we
4 were at work. Her work ethic was wonderful. I never -- as
5 a person outside of work, we went to, like, birthday
6 parties for some of the co-worker's children and I never
7 had anything negative that I could say about her. She's
8 always been a very upbeat person.

9 Q Okay. And in the time that you've been knowing her
10 in those types of interactions that you just described --

11 A Uh-huh.

12 Q -- do you think you've had an adequate opportunity
13 to establish an opinion as to her law-abidingness and
14 peacefulness?

15 A I think I do.

16 Q Okay. And what is that opinion?

17 A I just -- personally, I just can't imagine -- I've
18 never seen her angry, so I can't imagine her, you know,
19 bursting out in anger, because even at work, if she was
20 upset, she was more of an emotional person, you know.
21 Didn't want things to be wrong, wanting to make it right.
22 So, you know -- but that's just my, you know, personal
23 opinion.

24 Q Thank you, ma'am.

25 MR. GRANT: No further questions for the witness.

Corretta McMillan - Cross-Examination In Camera by Ms. Cornwell

1 THE COURT: All right. Solicitor?

2 CROSS-EXAMINATION IN CAMERA

3 BY MS. CORNWELL:

4 Q I've just got one or two questions, Ms. McMillan.
5 Other than seeing her puffy eyes where you assumed she was
6 crying, you never saw her come to work with any bruises,
7 black eyes, busted lip, nose, anything like that, correct?

8 A I can't recollect that I have.

9 MS. CORNWELL: That would be all the questions I
10 have, Your Honor.

11 THE COURT: Redirect, Mr. Grant?

12 MR. GRANT: None, Your Honor.

13 THE COURT: Thank you. Thank you so much, Ms.
14 McMillan, for being with us this afternoon. You may step
15 down.

16 All right.

17 MR. GRANT: We would call Breanna Tilley to the
18 stand, please.

19 THE COURT: All right. If you'd come around and
20 join us, please.

21 BREANNA TILLEY,

22 having been duly sworn, testified as follows:

23 THE CLERK: Thank you, you may have a seat. Please
24 state your name again for the record.

25 THE WITNESS: Breanna Tilley.

Breanna Tilley - Direct Examination In Camera by Mr. Grant

1 THE CLERK: Thank you.

2 DIRECT EXAMINATION IN CAMERA

3 BY MR. GRANT:

4 Q Ms. Tilley, please spell your first name.

5 A B-R-E-A-N-N-A.

6 Q And spell your last name, please.

7 A T-I-L-L-E-Y.

8 Q And Ms. Tilley, where do you live now?

9 A In Orangeburg.

10 Q And how long have you been living in Orangeburg?

11 A All my life.

12 Q This is where you're from?

13 A Yes.

14 Q Long time?

15 A Yes.

16 Q All right. And where did you go the high school?

17 A Orangeburg-Wilkinson High.

18 Q And where did you go to -- way back preschool?

19 A Trinity.

20 Q Trinity.

21 A Yes.

22 Q And did you know somebody named Courtney Price ever
23 since you were in preschool?

24 A Yes.

25 Q And is Courtney Price in the courtroom with us

Breanna Tilley - Direct Examination In Camera by Mr. Grant

1 today?

2 A Yes, she is.

3 Q Please point to her, call her name and describe
4 what she has on and what she looks like.

5 A Courtney Price, the blonde hair, light skin, blue
6 suit.

7 Q Okay. And, Ms. Tilley, you say you've been knowing
8 Courtney when you all were in college also?

9 A Yes.

10 Q And in what capacity did you know Courtney when you
11 were in college?

12 A We were roommates.

13 Q Roommates. At good ole SC State?

14 A Yes, sir.

15 Q What dorm did you live in?

16 A New Guinea Suites.

17 Q All right. That's one of the new dorms?

18 A Uh-huh.

19 Q All right. And now, when you say roommates, were
20 you actually in the same room or in the same suite?

21 A Well, suite mates.

22 Q Suite mates.

23 A Uh-huh.

24 Q All right. Did you have regular interaction with
25 Courtney?

Breanna Tilley - Direct Examination In Camera by Mr. Grant

1 A Yes.

2 Q Did you know that Courtney had a boyfriend at the
3 time named Sam?

4 A Yes.

5 Q Did you ever get a chance to meet him?

6 A Yes.

7 Q And when you got a chance to meet Sam and knowing
8 Courtney as you did, did you have any concerns about what
9 you know through personal knowledge was going on with that
10 relationship?

11 A Yes, I did have some concerns.

12 Q Tell the judge what it was.

13 A I always heard arguments. It was becoming a
14 ritual. I always heard verbal altercations.

15 Q And when it comes to Courtney, have you ever seen
16 anything on her that made you concerned?

17 A I saw bruises on her arm.

18 Q You saw bruises on her arm. Did you ever pull her
19 to the side as a girlfriend and a roommate or suite mate
20 and say, Girl, tell me what's going on. Did you do that?

21 A I did not.

22 Q You did not. And did Courtney ever come forth to
23 you and tell you what was going on?

24 A She did not.

25 Q She did not. All right.

Breanna Tilley - Direct Examination In Camera by Mr. Grant

1 Now, was there ever an occasion where you actually
2 witnessed Sam and Courtney fighting and you had to separate
3 them?

4 A Yes, it was one occasion.

5 Q Tell the judge about that, please.

6 A I heard them arguing, getting louder; and then I
7 heard some noise going on, I don't know to what capacity
8 what was hitting what, but I heard noise going on and then
9 I heard her actually calling my name. That's when I opened
10 my door and I saw him dragging her by her hair and I got in
11 between them.

12 Q So if she called your name, did you feel that she
13 was calling you to get help?

14 A Yes.

15 Q And when you went in there to help her, you saw him
16 dragging her by the hair?

17 A Yes.

18 Q What did you do then?

19 A I separated the two. First I was pulling her legs
20 to stop him from dragging her and then I pushed him off of
21 her.

22 Q And from what you observed other than dragging her
23 by her hair, what else did you see him do?

24 A That's all I saw him do.

25 Q Could you hear him say anything to her? Any kind

Breanna Tilley - Cross-Examination In Camera by Ms. Cornwell

1 of words while he was dragging her?

2 A No.

3 Q What was Courtney doing while he was dragging her?

4 A Kicking, trying to get him to stop from dragging
5 her..

6 Q How did you feel about what you saw that day, your
7 suite mate, roommate, being dragged by her boyfriend?

8 A I just felt it was a very sad situation.

9 Q Thank you ma'am.

10 MR. GRANT: No further questions of this witness.

11 THE COURT: All right. Solicitor?

12 **CROSS-EXAMINATION IN CAMERA**

13 BY MS. CORNWELL:

14 Q Breanna, when you saw this incident, dragging by
15 the hair, separating them, did you contact law enforcement?

16 A I did not.

17 Q Did you contact a counselor?

18 A I did not.

19 Q Did you contact the suite -- I guess the dorm
20 mother or whatever they're called nowadays?

21 A Huh-huh.

22 MS. CORNWELL: Nothing further, Your Honor.

23 THE COURT: Redirect?

24 MR. GRANT: No redirect, Your Honor.

25 THE COURT: Thank you. Thank you Ms. Tilley, you

Jamal Curry Scott - Direct Examination In Camera by Mr. Grant

1 may step down.

2 MR. GRANT: Your Honor, at this time we call
3 Mr. Jamal Curry Scott.

4 THE COURT: Come around and join us, please.

5 JAMAL CURRY SCOTT,
6 having been duly sworn, testified as follows:

7 THE CLERK: Thank you. Please have a seat. Please
8 state your name for the record.

9 THE WITNESS: Jamal Curry Scott.

10 DIRECT EXAMINATION IN CAMERA

11 BY MR. GRANT:

12 Q Mr. Scott, would you please spell your first name.

13 A J-A-M-A-L.

14 Q All right. And spell your last name.

15 A Scott, S-C-O-T-T.

16 Q All right, sir, you a little nervous?

17 A Yeah, just a little bit.

18 Q All right. Just relax. Okay? The only thing we
19 want you to do is talk to us and tell us the truth.

20 A Okay.

21 Q Can you do that for me, sir?

22 A Yes, sir.

23 Q All right. Good man. How old are you?

24 A I'm 24.

25 Q And where do you live now?

Jamaal Curry Scott - Direct Examination In Camera by Mr. Grant

- 1 A In Charlotte, North Carolina.
- 2 Q And what -- are you working in Charlotte?
- 3 A I work and go to school in Charlotte.
- 4 Q And what type of work do you do?
- 5 A I work as a server at a bar.
- 6 Q Okay. And you said you go to school also?
- 7 A Yes, sir.
- 8 Q Where do you go to school?
- 9 A University of North Carolina, Charlotte.
- 10 Q Great. What are you studying?
- 11 A Sociology and psychology and a minor in criminal
- 12 justice.
- 13 Q All right, sir. Now, are you working on a master's
- 14 degree?
- 15 A I'm working on just double majors for a bachelors
- 16 degree.
- 17 Q Okay. All right. All right, sir. Now, Mr. Scott,
- 18 do you know Courtney Price?
- 19 A I do know Courtney Price, yes, sir.
- 20 Q And could you please point to her, describe what
- 21 she looks like, what she's wearing, and call her name.
- 22 A That's Courtney Price, light skinned, blonde hair.
- 23 Q All right. What does she have on?
- 24 A She has on a blue suit.
- 25 Q All right. Thank you, sir.

Jamal Curry Scott - Direct Examination In Camera by Mr. Grant

1 All right. And Mr. Scott, tell us, how is it that
2 you know Courtney Price?

3 A We met when we were young and went to school at the
4 summer program at the elementary schools here in
5 Orangeburg.

6 Q Did you have an opportunity to meet a fellow by the
7 name of Sam, Courtney's boyfriend?

8 A I did.

9 Q And tell the judge, if you will, how is it that you
10 met Sam?

11 A We all went to school together. I met Sam in
12 middle school. He was friends with my friends.

13 Q Did you go to OW?

14 A Yes, sir.

15 Q Was Sam a friend of yours to?

16 A We knew each other, we spoke on several occasions.

17 Q Were you and Courtney classmates?

18 A Yes.

19 Q Y'all were?

20 A Right.

21 Q Okay. And did you ever have any occasions to
22 witness Courtney and Sam in any type of physical
23 altercations?

24 A Not so much physical, a lot more verbal.

25 Q A lot more verbal?

Jamal Curry Scott - Direct Examination In Camera by Mr. Grant

- 1 A Yeah.
- 2 Q Did you ever see Sam push her in any way?
- 3 A Push her, yes.
- 4 Q Okay. So that's physical?
- 5 A Well, yeah, but not like hitting or things like
- 6 that.
- 7 Q Okay. I understand. But you saw him push her?
- 8 A Uh-huh.
- 9 Q Did he push her against her will?
- 10 A Of course, yeah. They were arguing and he kind of
- 11 pushed her hard away from him.
- 12 Q Okay. And when you saw him push her, where did
- 13 this take place?
- 14 A In the dorm.
- 15 Q In a dormitory?
- 16 A In a dormitory.
- 17 Q And when he pushed her, what happened to Courtney's
- 18 body? Where did she go or where did she land?
- 19 A Up against the wall, hard. She, like -- he kind of
- 20 pushed her in the chair or up against the wall or wherever
- 21 they were standing.
- 22 Q All right. And have you ever seen Courtney with
- 23 any bruises or scratches on her face or on her body?
- 24 A Yes.
- 25 Q Tell the judge how many times you saw that.

Jamal Curry Scott - Direct Examination In Camera by Mr. Grant

1 Approximately.

2 A I guess often.

3 Q Often?

4 A Yeah.

5 Q And did you ever ask Courtney how did that happen
6 or where did it come from?

7 A I never did.

8 Q Did you ever approach Sam about that and say, Hey
9 man, you putting your hands on that girl?

10 A I never approached him, no.

11 Q All right. Now, have you ever observed Sam after
12 he consumed alcohol?

13 A Yes.

14 Q Tell the judge how he would normally get after he
15 consumed alcohol.

16 A A bit aggressive. I mean, he was -- I would say
17 highly aggressive. He knew us so he wasn't being like
18 defensive or anything, but mildly aggressive, I would say.

19 Q Mildly aggressive?

20 A Yes.

21 Q Okay. Thank you, sir.

22 MR. GRANT: No further questions of the witness.

23 THE COURT: All right. Solicitor?

24 MS. CORNWELL: I have no questions for this
25 witness, Your Honor.

Latoya Felder James - Direct Examination In Camera by Mr. Grant

1 THE COURT: Thank you. Thank you very much,
2 Mr. Scott, for being with us. You may step down.

3 MR. GRANT: Is Shane Smith in the courtroom?

4 (There was a pause in the proceedings.)

5 MR. GRANT: Is Latoya Felder James in the
6 courtroom?

7 LATOYA FELDER JAMES,
8 having been duly sworn, testified as follows:

9 THE CLERK: Thank you, you may have a seat. Please
10 state your name for the record and spell your first and
11 last name.

12 THE WITNESS: Latoya Felder James. Latoya,
13 L-A-T-O-Y-A, James, J-A-M-E-S.

14 DIRECT EXAMINATION IN CAMERA

15 BY MR. GRANT:

16 Q Thank you, Ms. James. Ms. James, how old are you?

17 A 29.

18 Q Okay. I know a gentleman doesn't ask that, but I'm
19 sorry. You're 29 years old?

20 A Yes.

21 Q And where did you go to school?

22 A Orangeburg-Wilkinson.

23 Q Orangeburg-Wilkinson High?

24 A Yes.

25 Q And where do you live?

Latoya Felder James - Direct Examination In Camera by Mr. Grant

1 A South Orangeburg.

2 Q Orangeburg resident? Have you been an Orangeburg
3 resident pretty much all of your life?

4 A Well, I stayed in Columbia about two years.

5 Q And do you know Courtney Price?

6 A Yes.

7 Q How well do you know Courtney Price?

8 A Well, I became acquainted with her when her son
9 started the daycare center.

10 Q And did you all get to know each other?

11 A Yes.

12 Q And in the process of getting to know Courtney, did
13 you ever have any occasion to witness Courtney having
14 bruises on her body?

15 A I have.

16 Q And please tell us what you may have noticed about
17 the first incident?

18 A Well, first there were about four incidents, I
19 can't --

20 Q Let's talk about them one at a time.

21 A Okay. The first incident -- I can't tell you a
22 date -- but I can tell you how the weather was because it
23 was kind of ironic that she had on a coat. It was hot that
24 day.

25 Q So it was hot outside, yet she was wearing a coat?

Latoya Felder James - Direct Examination In Camera by Mr. Grant

1 A Yes.

2 Q So that struck you as being peculiar?

3 A It did.

4 Q Okay. And what -- go on, tell us what happened?

5 A Well, she came to pick her son up and I noticed the
6 coat and it was actually -- this was actually two incidents
7 in one.

8 Q Okay.

9 A I noticed the coat and she was on the phone. She
10 was like not talking much, but I could hear the person in
11 the phone yelling and kind of being really nasty. So when
12 she got her child, she bent down to pick her son up and as
13 she was pulling him up her jacket kind of came off so she
14 quickly pulled it up, but I noticed a bruise on her arm.

15 Q There was a bruise on her arm?

16 A Yes.

17 Q And she pulled it up real quick?

18 A She moved her jacket like -- she was picking her
19 child up and it pushed her jacket off a little so she
20 pulled her jacket up quickly like she didn't want us do
21 notice that.

22 Q So you felt she was trying to hide the bruise?

23 A Yes. And she was on the phone at the time as well,
24 so...

25 Q Could you hear the voice on the other line even

Latoya Felder James - Direct Examination In Camera by Mr. Grant

1 though she was on the phone?

2 A I could.

3 Q And what did you hear the person saying?

4 A He was saying hurry and get your A home.

5 Q And by A, you mean A-S-S?

6 A Yes.

7 Q Just for the record. Okay.

8 A He didn't care and she just kept saying okay. And
9 was like I'm tired of this and he was just really being
10 nasty with her. Of course, I was trying to get her son's
11 bag ready and trying to act like I wasn't interfering in
12 her personal business.

13 Q Did you ever ask Courtney -- and again, I'm just
14 focussing on this one occasion -- did you ask Courtney, who
15 was that on the phone talking to you that way?

16 A No, actually I heard her say the name. She said,
17 Okay, Sam. Okay. And she kind of hung up the phone as her
18 son and herself was walking out, she was like, C.D.S.
19 daddy is making me mad.

20 Q All right. And that was the first incident?

21 A Yes.

22 Q And again, did you talk to her about that at all?

23 A I didn't. I was concerned about her son.

24 Q All right. Let me turn your attention to the
25 second incident of the four that you've talked about.

Latoya Felder James - Direct Examination In Camera by Mr. Grant

1 A Well, that was --

2 Q That was two of one, you said?

3 A The next incident, it was still warm outside and
4 she had on -- she did have her shorts on and like a regular
5 top and I just seen a bruise on her leg and I didn't -- she
6 looked like she may have been crying; but, again, this time
7 I did ask her if she was okay and she was like, yes.

8 Q And did you ask her where that bruise came from?

9 A No, sir.

10 Q And any other incidents?

11 A And the other incident, I noticed her, she came to
12 the center and it was cold and I don't -- the sun wasn't
13 like shining to where she should have had shades on and I
14 noticed she had shades on; but I could still see a black
15 eye.

16 Q You could literally see the black eye?

17 A I seen it.

18 Q Behind the shades?

19 A Yes. The shades didn't cover much of her eye.

20 Q And did you talk to her about where that black eye
21 came from?

22 A I didn't. My concern was always about her child.
23 If I noticed anything wrong with him, I would have
24 mentioned it, but...

25 Q Did she ever tell you that Sam punched her in the

Latoya Felder James - Cross-Examination In Camera by Ms. Cornwell

1 eye?

2 A She didn't.

3 Q She didn't. Okay. Thank you, ma'am.

4 MR. GRANT: No further questions of this witness.

5 THE COURT: All right. Solicitor?

6 CROSS-EXAMINATION IN CAMERA

7 BY MS. CORNWELL:

8 Q Hey, Ms. James. So you keep **C.D.S.** through
9 daycare?

10 A Yes.

11 Q Is that Monday through Friday?

12 A It is.

13 Q Okay. You don't keep him on the weekends?

14 A No, ma'am.

15 Q And you never reported any of these injuries or
16 concerns that you saw to law enforcement?

17 A Not with her. My concern was always with the
18 child. It was never with the parents. So I never
19 interfered with their personal life. I just noticed, you
20 know...

21 MS. CORNWELL: That's all the questions I have,
22 Your Honor.

23 THE COURT: Redirect, Mr. Grant?

24 MR. GRANT: No redirect, Your Honor.

25 THE COURT: Thank you. Thank you very much for

Deneishia Brown - Direct Examination In Camera by Mr. Grant

1 being with us, Ms. James; you may step down.

2 MR. GRANT: Your Honor, the next witness we'll call
3 will be Deneishia Brown.

4 THE COURT: All right. Ms. Brown if you would come
5 around, please.

6 DANEISHIA BROWN,
7 having been duly sworn, testified as follows:

8 THE CLERK: Thank you. You may have a seat.
9 Please state your name for the record and spell your first
10 and last name.

11 THE WITNESS: Deneishia Brown. Deneishia,
12 D-E-N-E-I-S-H-I-A, Brown, B-R-O-W-N.

13 **DIRECT EXAMINATION IN CAMERA**

14 BY MR. GRANT:

15 Q Ms. Brown, where do you live?

16 A I'm in Columbia, South Carolina.

17 Q And where are you from?

18 A Columbia, South Carolina.

19 Q And did you go to South Carolina State?

20 A I went to Claflin.

21 Q Claflin. Do you know Courtney Price?

22 A I do.

23 Q Please point to her, describe what she's wearing
24 and call her name.

25 A Courtney Price, light skin, blonde hair, blue suit.

Deneishia Brown - Direct Examination In Camera by Mr. Grant

1 Q Okay. And Ms. Brown, tell the judge how it is that
2 you got to know Courtney Price.

3 A I met Courtney -- we both were pregnant at the same
4 time. She worked at Walgreens with my son's father. We
5 met like that.

6 Q That's how y'all met?

7 A Uh-huh, through him.

8 Q Okay. And in the process of getting to know
9 Courtney, did you also get to know her boyfriend or the
10 name of her boyfriend?

11 A I never met him.

12 Q You never actually met him?

13 A No.

14 Q Okay. And did Courtney ever talk to you about her
15 and Sam's relationship?

16 A Yes.

17 Q And what did she tell you about the relationship?

18 A It was --

19 MS. CORNWELL: Objection, Your Honor.

20 THE COURT: Yes, ma'am?

21 MS. CORNWELL: Hearsay.

22 THE COURT: Mr. Grant?

23 MR. GRANT: Your Honor, for purposes of this
24 hearing and the essence of the battered persons syndrome
25 defense, which we've served notice on. It's the historical

Deneishia Brown - Direct Examination In Camera by Mr. Grant

1 context of the battering, anything that's been said, or
2 experienced, or witnessed, I think is relevant for the
3 Court, particularly for this hearing.

4 THE COURT: All right. Solicitor?

5 MS. CORNWELL: I would argue that it's still
6 self-serving hearsay. She can testify as to what she saw
7 herself and what she heard, but anything else, Ms. Price
8 has had the opportunity to speak on herself. The witness
9 is not unavailable so it would still be self-serving.

10 THE COURT: I think -- I think she can testify to
11 it because it's not being offered for the truth of the
12 matter asserted. It's being offered for her on the issue
13 of her intent in my opinion and not being offered for the
14 truth of the matter asserted. All right.

15 MR. GRANT: Thank you, sir.

16 THE COURT: You may answer the question, Ms. Brown.

17 BY MR. GRANT:

18 Q And again, the question was, did Courtney ever talk
19 to you about her relationship with Sam?

20 A She did.

21 Q And what type of stuff did she tell you?

22 A Just stuff about, you know, daycare, because me and
23 her were going through the same issues with, you know, my
24 son's father not paying for daycare, so that was, you know
25 kind of -- that was the main topic when we got together.

Deneishia Brown - Direct Examination In Camera by Mr. Grant

1 Q And you ever heard Courtney talking on the phone ,
2 talking to Sam about daycare?

3 A Yes.

4 Q And could you hear what was being said by Sam even
5 though she was on the phone with him?

6 A I couldn't hear what he was saying, but I could
7 hear him.

8 Q You could hear him.

9 A Uh-huh.

10 Q And what could you hear as far as context of what
11 was being said?

12 A I couldn't hear what he was saying, but because he
13 was so loud, I could just hear the mumble coming from the
14 phone.

15 Q You could hear the mumble coming from the phone.
16 Did you hear any cursing or anything like that at all?

17 A No. I couldn't pick out any cuss words.

18 Q Okay. Did you ever see any marks on Courtney's
19 body that gave you some concern?

20 A I saw marks one time on her neck.

21 Q And what color was the mark?

22 A It was a red mark on her neck.

23 Q So you actually saw a red mark on her neck?

24 A Uh-huh.

25 Q Did you ever approach Courtney about it?

Kelvin Mack - Direct Examination In Camera by Mr. Grant

1 A No.

2 Q Okay. Thank you?

3 MR. GRANT: No further questions of this witness,
4 Your Honor.

5 THE COURT: Thank you, Mr. Grant.
6 Solicitor?

7 MS. CORNWELL: I don't have any questions for this
8 witness, Your Honor.

9 THE COURT: Thank you. Thank you very much for
10 being with us, Ms. Brown. You may step down.

11 MR. GRANT: Your Honor, we'd call Officer Kelvin
12 Mack, if he's here. There he is.

13 KELVIN MACK,
14 having been duly sworn, testified as follows:

15 THE CLERK: Thank you, you may have a seat. Please
16 state your name again, for the record.

17 THE WITNESS: My name is Officer Kelvin Mack.

18 THE CLERK: Thank you.

19 DIRECT EXAMINATION IN CAMERA

20 BY MR. GRANT:

21 Q Officer Mack, where do you work now, sir?

22 A I work at Holly Hill Police Department.

23 Q Holly Hill Police Department?

24 A Yes, sir.

25 Q How long have you been working at Holly Hill Police

Kelvin Mack - Direct Examination In Camera by Mr. Grant

1 Department?

2 A For approximately seven months.

3 Q And where did you work before that?

4 A Orangeburg County Sheriff's Office.

5 Q And how long did you work at the Orangeburg County
6 Sheriff's Office?

7 A Six years.

8 Q All right, sir. And what were your duties and
9 responsibilities when you worked at Orangeburg County
10 Sheriff's Office?

11 A My responsibilities and duties were I was a patrol
12 officer taking all calls for domestic alarm calls.

13 Q Okay.

14 MR. GRANT: Let me have this marked, please.

15 THE COURT REPORTER: It's Number 8, Your Honor.

16 (Defendant's Exhibit Number 8 was marked for
17 identification.)

18 THE COURT: Thank you.

19 BY MR. GRANT:

20 Q Officer Mack, I'm going to ask you about an
21 incident, the incident date being January 22, 2012. The
22 report says: Victim's Name, Courtney Price. Do you
23 remember that incident? Because if you don't, then I can
24 refresh your memory by giving you your copy of the incident
25 report.

Kelvin Mack - Direct Examination In Camera by Mr. Grant

- 1 A I vaguely remember it, sir.
- 2 Q Do you need your memory refreshed by reading this
- 3 report before I ask you any questions?
- 4 A Yes, please.
- 5 MR. GRANT: May I do that, Your Honor?
- 6 THE COURT: Yes, sir.
- 7 BY MR. GRANT:
- 8 Q Take a look at those documents, sir. Take your
- 9 time and let me know when you're ready for me to ask you
- 10 some questions.
- 11 A (Reading.) All right.
- 12 Q You ready?
- 13 A Yeah.
- 14 Q Hang onto that. And now again, what was the date
- 15 of the incident?
- 16 A The date of the incident was January 22nd, 2012.
- 17 Q And what was your title on that date?
- 18 A I was a deputy.
- 19 Q You were a deputy?
- 20 A Yes.
- 21 Q And where were you called to go on that particular
- 22 day as a deputy?
- 23 A I was called to [REDACTED] Rio Drive.
- 24 Q [REDACTED] Rio Drive?
- 25 A Yes.

Kelvin Mack - Direct Examination In Camera by Mr. Grant

1 Q And did you go to that address in response to the
2 call?

3 A Yes, I did.

4 Q And when you went to that address who did you see
5 there?

6 A Ms. Courtney Price.

7 Q And is Courtney Price in the courtroom today?

8 A Yes, she is.

9 Q Would you please point to her and describe her and
10 what she's wearing?

11 A Ms. Courtney Price is sitting right there, blonde
12 hair, light skin, and blue suit.

13 Q Okay. And did you see anybody else there when you
14 got there that day?

15 A I saw a young lady that was kind of hugging her.

16 Q Kind of hugging her?

17 A Yes.

18 Q Did it appear that the lady was consoling her?

19 A Yes.

20 Q All right. And when you saw Courtney, did you have
21 a chance to talk to Courtney as part of your investigation?

22 A Yes, I did.

23 Q And as a result of your investigation, what did you
24 determine happened?

25 A She explained to me that basically she picked her

Kelvin Mack - Direct Examination In Camera by Mr. Grant

1 boyfriend up from court and she took him home and in the
2 process of them getting home, he picked up her phone, and
3 once he got out of the car, he threw it on the ground and
4 broke it. And which -- that's when the altercation
5 occurred after she got out of the car and confronted him
6 about her phone.

7 Q And did you notice any bruises or marks on
8 Courtney's body?

9 A She had a small abrasion on her neck.

10 Q On her neck?

11 A Yes.

12 Q Did she tell you where that abrasion came from?

13 A She started, but she kind of backed off of it
14 because she said she didn't want to get anybody in trouble.

15 Q Well, did she tell you who threw the phone down?

16 A Yes, she did.

17 Q Who did she tell you threw the phone down? /

18 A Her boyfriend, Sam.

19 Q Her boyfriend, Sam?

20 A Yes.

21 Q And did she lead you to believe that Sam caused the
22 scratch on her neck?

23 A Basically from my observation and my -- my being in
24 law enforcement for a while, yes.

25 Q Okay. And who was it that called the police? Can

Kelvin Mack - Direct Examination In Camera by Mr. Grant

1 you tell from the report who called?

2 A Ms. Courtney called.

3 Q Courtney Price herself called?

4 A Yes.

5 Q And when you got there and investigated and saw the
6 scratch on her neck, talked to her, where was Sam?

7 A He wasn't there.

8 Q He had already left?

9 A Yes.

10 Q Who was the person consoling her?

11 A I think -- I believe it was -- I don't know who the
12 young lady was. I really didn't ask her.

13 Q Okay.

14 A But -- so I couldn't really testify on who was
15 there.

16 Q But even though you saw the scratch on Courtney's
17 neck and even though she told you that Sam is the one who
18 caused it, what did Courtney decide to do on the issue of
19 whether she wanted to prosecute or not?

20 A She denied prosecution. She said that she did not
21 want to get anybody in trouble and -- the only thing she
22 wanted was her phone back.

23 Q And you have a copy of the form that she signed
24 saying that?

25 A Yes, yes, sir.

Kelvin Mack - Direct Examination In Camera by Mr. Grant

1 Q What's that form called sir?

2 A This form right here is Consent to Disregard
3 Prosecution.

4 Q Consent to Disregard Prosecution?

5 A Yes, sir.

6 Q And is that Courtney's signature on that?

7 A Yes, it is.

8 Q And do you remember having her sign that?

9 A Yes, sir.

10 Q Okay. And if she wanted to prosecute, would you
11 have arrested Sam, or taken it to the judge to seek a
12 warrant?

13 A Yes.

14 Q Because she had physical damage to her body; is
15 that correct?

16 A Correct.

17 MR. GRANT: Your Honor, I'm offering these for the
18 purposes of this hearing, even though the officer's
19 testified as Defendant's Exhibits 8 and 9.

20 MS. CORNWELL: I don't object for the purposes of
21 this hearing.

22 THE COURT: Defendant's 8 and 9 is in evidence
23 simply for the purposes of this motion hearing.

24 (Defendant's Exhibit Number 8 and Number 9 were
25 entered into evidence for the purpose of pretrial hearing.)

Dominique Price - Direct Examination In Camera by Mr. Grant

1 MR. GRANT: That's all the questions I have of
2 officer Mack right now, Your Honor.

3 MS. CORNWELL: Court's indulgence.

4 (There was a pause in the proceedings.)

5 MS. CORNWELL: Actually Investigator, I don't have
6 any questions for you at this time.

7 THE COURT: All right. Thank you. Thank you very
8 much, Officer.

9 All right. You may call your next witness.

10 MR. GRANT: Yes, sir.

11 Your Honor, at this time we call Ms. Dominique
12 Price to the stand.

13 DOMINIQUE PRICE,

14 having been duly sworn, testified as follows:

15 THE CLERK: Thank you. You may have a seat.

16 Please state your first and last name and spell it for the
17 record.

18 THE WITNESS: My name is Dominique Price.

19 THE CLERK: How do you spell your first name.

20 THE WITNESS: D-O-M-I-N-I-Q-U-E, Price, P-R-I-C-E.

21 THE CLERK: Thank you.

22 **DIRECT EXAMINATION IN CAMERA**

23 BY MR. GRANT:

24 Q Ms. Price where do you live, ma'am?

25 A Currently I'm at [REDACTED] Jernigan Street, Orangeburg,

Dominique Price - Direct Examination In Camera by Mr. Grant

1 South Carolina.

2 Q And, Ms. Price are you employed right now?

3 A Yes.

4 Q Where do you work?

5 A Pretty Girl Salon.

6 Q Pretty Girl Salon?

7 A Yeah.

8 Q Okay. Yes, ma'am, how long you been working there?

9 A I just started, about a month.

10 Q Just started. Certainly you know Courtney Price?

11 A Yes, that my sister.

12 Q And are you just the only two girls in the family?

13 A (Witness nodded head.)

14 Q And she's your younger sister?

15 A Yes.

16 Q All right. Now, Ms. Price, I'm going to ask you,
17 do you also or did you know a fellow by the name of Sam?

18 A Uh-huh.

19 Q Samuel Simmons?

20 A Yes.

21 Q And who was Samuel Simmons to Courtney Price?

22 A Her boyfriend.

23 Q Her boyfriend. And did Courtney ever confide in
24 you about what was going on between her and Sam with
25 regards to issues of domestic violence or fights or

Dominique Price - Direct Examination In Camera by Mr. Grant

1 arguments or anything like that?

2 A Yes.

3 Q And tell the judge about that, please.

4 A She told me about certain altercations where, you
5 know, he put his hands on her and it was an altercation
6 where I witnessed myself that happened at my mom's house.

7 Q Well, let's turn immediately to that experience.
8 You remember that evening don't you?

9 A Yeah.

10 Q Okay. Well, describe for the judge -- and take
11 your time. Tell the judge exactly what happened and what
12 you saw. Tell the story.

13 A Okay. It was a Saturday night. At that time I was
14 currently working at Regis Salon in the mall -- Prince of
15 Orange Mall, so I would get off normally between --
16 anywhere between seven and nine, so it was already dark
17 when I got home. So when I got to the house, my mom wasn't
18 there or whatever and I just remember seeing them.

19 He was chasing her in his father's pick-up truck,
20 along with his brother and she was driving her white Honda
21 sedan at the time. And so I like -- it sounded like a
22 roller derby going on in our yard, so I was like, what is
23 going on, whatever, like that. And by that time, he done
24 ran and hit the light pole at my mom's house that was on
25 the side of the house.

Dominique Price - Direct Examination In Camera by Mr. Grant

1 So she was able to get away. Being that he
2 wrecked, that stopped him. So once he wrecked his father's
3 truck, he backed up and then runs into the car that was
4 parked in our yard, which was a black Challenger. And I'm
5 just like what is wrong with you. Why would you do that,
6 da da da da da and he was like, I'm going to kill that
7 B-I-T-C-H and I was like, no the F you're not, or whatever.

8 So then him and his brother, there out there, they
9 had -- they was drinking. It's Saturday or whatever, so I
10 could tell he was angry or whatever. And by that time, I
11 think my mom had came home. My mom was like what's going
12 on because the light pole was damaged and him and his
13 brother was still there and then, you know, a female called
14 and then that's when they left.

15 Q Well, let me ask you some specific questions. When
16 you noticed the pick-up truck following the car --

17 A Uh-huh.

18 Q -- did it appear to you that the pick-up truck was
19 chasing the car?

20 A Yeah. Because it was speeding.

21 Q Okay. And who was driving the car?

22 A Sam was driving and his brother was in the
23 passenger side.

24 Q Well, who was in the car that was being chased?

25 A My sister was in the car that was being chased.

Dominique Price - Direct Examination In Camera by Mr. Grant

1 Q And was anybody in that vehicle with her?

2 A Yeah, our friend of the family --

3 Q All right.

4 A -- from Virginia.

5 Q Now, after Sam slammed into the utility pole, were
6 you outside to see him get out of the vehicle?

7 A He didn't get out. When he -- he backed up.

8 Q And then he hit the other vehicle?

9 A Yeah, and then he ran -- when he came in the front
10 yard, he hit the other vehicle that was parked.

11 Q Were you able to see whether or not -- see what
12 they may or may not have had in the truck?

13 A Yeah, they had -- I remember seeing a pint of gin
14 and a 12-pack of Bud Lite.

15 Q You saw a pint of gin and a 12-pack of Bud Lite, in
16 the truck while he was driving, chasing your sister?

17 A Well, they got -- when they got out of the truck,
18 they had it in their hand. So that's how I know it was
19 inside the truck.

20 Q And you said his brother was in the vehicle with
21 him?

22 A Yeah.

23 Q Do you see his brother sitting in the courtroom?

24 A Yeah, right there with the braids and the beige
25 shirt.

Dominique Price - Direct Examination In Camera by Mr. Grant

1 Q The gentleman with his arms folded with the beige
2 top on and the dread locks?

3 A Yeah. Well, braids.

4 Q Do you know his brother's name?

5 A Yeah. Donte Garvin.

6 Q Okay. And that's the man that was in the truck
7 with Sam?

8 A Uh-huh.

9 Q Now, when Sam did get out and Courtney was able to
10 get away, did he tell you what he wanted to do with her?

11 A He said, I was going to pistol whip that B-I-T-C-H.

12 Q Told you he was going to pistol whip her. Did you
13 tell your sister that he said that?

14 A Yeah.

15 Q Do you think your sister, knowing her the way that
16 you do and the way she confided in you, do you think she
17 was afraid of Sam?

18 A It's what I understand it, yeah.

19 Q Do you think she loved him.

20 A I know she loved him.

21 Q Okay. Thank you.

22 MR. GRANT: No further questions of this witness,
23 Your Honor.

24 THE COURT: All right. Solicitor.

25 MS. CORNWELL: I have no questions for Ms. Price,

Donald Girndt - Direct Examination by Mr. Grant

1 Your Honor.

2 THE COURT: Thank you. Thank you very much,
3 Ms. Price, you may step down.

4 THE WITNESS: Okay.

5 MR. GRANT: Mr. Marvin Reed. We'd call Mr. Marvin
6 read to the stand. He's not here.

7 Your Honor, at this time, we call Mr. Donald Girndt
8 to the stand.

9 DONALD C. GIRNDT,
10 having been duly sworn, testified as follows:

11 THE CLERK: Thank you. You may have a seat.
12 Please state your name for the record, spelling your last
13 name.

14 THE WITNESS: Donald C. Girndt; last name is
15 spelled G-I-R-N-D-T.

16 DIRECT EXAMINATION IN CAMERA

17 BY MR. GRANT:

18 Q Mr. Girndt, tell me a little bit about your
19 background, sir; where were you educated?

20 A University of South Carolina.

21 Q And what type of degree do you have from the
22 University of South Carolina?

23 A A bachelor's degree.

24 Q And what about your professional title right now;
25 what do you do for a living?

Donald Girndt - Direct Examination by Mr. Grant

1 A Currently I'm a forensic consultant and I consult
2 primarily in areas of crime scene reconstruction,
3 blood-stain-pattern interpretation, fingerprint
4 identification, footwear identification. And I'm also
5 employed part-time with the University of South Carolina as
6 their fingerprint examiner and their AFIS operator.

7 Q Have you ever worked in law enforcement?

8 A Oh, yes.

9 Q And tell me, sir, where did you work and how long
10 did you work at it?

11 A I started with SLED in 1974 and stayed there until
12 '77; and went to Lexington County Sheriff's Department as a
13 deputy. I went to Richland County Sheriff's Department in
14 1979 as sergeant in charge of the warrant division and
15 stayed there until 1985; 1985 I went back to SLED and
16 worked in the crime scene unit for approximately 9 years;
17 cumulatively that with some Marine Corp time, I ended up
18 with 25 years in the system and I retired.

19 Q Are you retired from SLED?

20 A That was the last place I worked, yes.

21 Q All right.

22 MS. CORNWELL: Your Honor, just for purposes of
23 this hearing, the Court is well aware of Mr. Girndt and all
24 of his qualifications and stuff. We're not going to object
25 if he wants to offer him as an expert just to kind of speed

Donald Girndt - Direct Examination by Mr. Grant

1 matters along.

2 MR. GRANT: Well, I kind of thought that, but --

3 THE COURT: What -- in what particular --

4 MR. GRANT: I'm offering him as an expert, Your
5 Honor, in crime scene analysis and blood stain
6 interpretation.

7 THE COURT: Crime scene analysis --

8 MR. GRANT: Yes, sir.

9 THE COURT: -- and blood stain --

10 MR. GRANT: Interpretation.

11 THE COURT: -- interpretation. All right. Thank
12 you.

13 And you have no objection to that, Solicitor?

14 MS. CROMWELL: No, Your Honor, I'll let -- if it
15 goes past today, I'll let Mr. Grant do the song and dance
16 in front of the jury, but for the purposes of this hearing,
17 we're satisfied.

18 THE COURT: All right. Thank you very much.

19 All right. Mr. Grant.

20 MR. GRANT: Yes, Your Honor. One second, Your
21 Honor.

22 (There was a pause in the proceedings.)

23 BY MR. GRANT:

24 Q Mr. Girndt, you have now been offered and accepted
25 as an expert in crime scene analysis and blood stain

Donald Girndt - Direct Examination by Mr. Grant

1 interpretation. Did my office call upon you to serve in
2 that capacity for this case?

3 A Yes.

4 Q All right, sir. I'm going to hand you various
5 photographs that you have had an opportunity to review that
6 were taken by the police officers in this case, commonly
7 referred to as crime-scene photographs.

8 MR. GRANT: And I'd like for these to be marked,
9 Madam Court Reporter, one at a time next in order.

10 (Defendant's Exhibit Numbers 10 through 24 were
11 marked for identification.)

12 THE COURT REPORTER: Your Honor, these are 10
13 through 24.

14 THE COURT: Okay. Any objections, Solicitor?

15 MS. CROMWELL: Probably not, Your Honor, I just
16 need to see them.

17 (There was a pause in the proceedings.)

18 MS. CORNWELL: I'm just going to get his little
19 notes off and then I have no objection.

20 BY MR. GRANT:

21 Q All right. Mr. Girndt, I'm going to show you the
22 photographs and the first thing I want you to take a look
23 at -- we'll do them one at a time -- is Defendant's Exhibit
24 Number 10.

25 What does Defendant's Exhibit Number 10 show?

Donald Girndt - Direct Examination by Mr. Grant

1 A This depicts the left hand of the -- of the victim
2 in this case, the deceased and it shows that the hand, in
3 the palm area in particular, is covered with blood,
4 saturated with blood.

5 Q All right, sir. And I want you to take a look at
6 Defendant's Exhibit Number 11; what does Defendant's
7 Exhibit Number 11 show?

8 A This would be the defendant -- the victim's right
9 hand also --

10 Q The victim?

11 A -- also covered, saturated with blood.

12 Q Saturated with blood. Okay. Hold those for a
13 second.

14 I'm showing you what has already been identified as
15 Defendant's Exhibit Number 3, 4, and 5. Take a look at
16 those exhibits for me, please.

17 Is there any blood on the neck or face of Courtney
18 Price in those exhibits?

19 A Yes, sir. It appears to be what I refer to as
20 transfer blood on her neck area and on Defendant's Exhibit
21 Number 3 would be on her right cheek.

22 Q Okay. And do any of those pictures and blood
23 stains on those pictures -- do any of them seem to be
24 consistent with fingerprints?

25 A Well, the pattern present in 3 and 5, which 5 is

Donald Girndt - Direct Examination by Mr. Grant

1 just a closer up, would appear to be that it's consistent
2 with an individual finger or thumb print.

3 Q Okay. Thank you, sir.

4 A Something in this manner. (Indicating).

5 Q All right. Let the record -- I want you to
6 describe what you just did with your hand.

7 A Say I'm touching my face with my right hand with my
8 thumb as it would appear on the right side of my cheek like
9 this with my hand on the lower part of the neck.

10 Q Okay. Thank you, sir.

11 Now, let me pick up where we left off. I'll put
12 these back since they're admitted.

13 Now, I want you to take a look at this Exhibit
14 Number 12. What does Defendant's Exhibit Number 12 show?

15 A This -- this picture is particularly interesting.
16 It shows the saturation of the blood into the carpet, but
17 it's also the only photograph we have that shows the bottom
18 of the -- Mr. Simmons' feet.

19 Q Explain to the judge the significance of the bottom
20 of Mr. Simmons feet?

21 A The portions that are apparent in the photograph
22 show that they have blood on the bottom of them, which
23 would indicate to me that he's up and moving around during
24 the time of the bloodletting.

25 Q Okay. All right. And in your professional

Donald Girndt - Direct Examination by Mr. Grant

1 opinion, could the blood have gotten on his feet if he was
2 indeed lying on the back in the bed and stayed in the bed
3 the entire time?

4 A I would not think so, no. I think this is what we
5 normally see. We encourage officers to take pictures of
6 the feet of victims at crime scenes and just for this
7 particular purpose. There's only one photograph like this
8 in the series that I saw, but you can also see the
9 saturation in the carpet, which is, I'm sure where that
10 came from.

11 Q Now -- okay. Thank you, sir.

12 Take a look at Defendant's Exhibit Number 13
13 please. What does that indicate to you in your
14 professional opinion?

15 A Well, this photograph, Number 13, cumulatively I
16 think there aren't any real overall photographs -- this
17 individual photograph shows me that what I believe to be
18 from looking at the other pictures, this appeared to be
19 right outside the bedroom door in the -- in the hallway
20 area and there's a lot of, there's some transfer blood
21 going on here where someone has been up against the wall.
22 And there's also some dripped blood in a pattern at the
23 base of the doorway and there's also what appears to be
24 some projected blood on the wall.

25 So what it shows me, the blood on the wall shows a

Donald Girndt - Direct Examination by Mr. Grant

1 great deal of activity and the blood that's dripped in kind
2 of a line here that shows little or no movement for the
3 person. You could have the -- so the activity is taking
4 place in that particular area right beside the door, but
5 there's activity going on with the wall. So you have a --
6 a -- a flow of blood down and then you have all this
7 activity that's going on the wall, say like brushing up
8 against the wall and transferring blood and that sort of
9 thing and then you see the blood running down the wall.

10 Q All right, Mr. Girndt, what do you see in
11 Defendant's Exhibit Number 14, are there clothing on the
12 floor?

13 A There are clothing on the floor. This is just a
14 shot that's in conjunction with the last photograph that we
15 had. This shows going inside the door with clothing on the
16 floor and it's also showing the area of the blinds.

17 Now there is a closer up photograph of the -- of
18 the blinds that also shows some staining.

19 Q And what part of the bed do you see in that photo?

20 A It appears to be the foot of the bed.

21 Q So in that photo, does it show that the clothes are
22 close to the foot of the bed?

23 A Yes, the clothing's on the floor and the foot of
24 the bed, yes, sir.

25 Q All right. Now you mentioned a closer up shot of

Donald Girndt - Direct Examination by Mr. Grant

1 the blinds. Take a look at Defendant's Number 15.

2 A Okay.

3 Q Is that a close-up picture of the blinds?

4 A Yes, it is.

5 Q And what do you see on Defendant's Exhibit Number
6 15?

7 A Okay. Once again there is -- there is staining.
8 There's some transfer stain on the blinds and there's also
9 what's referred to as medium velocity blood, impact blood.
10 And medium velocity would normally come from -- as a result
11 of say like a beating. And I imagine in this particular
12 instance there was some fighting going on from what I see
13 here. And there's also some transfer stain on the, at the
14 base of the window and we also see the foot of the bed in
15 this particular -- in this particular shot.

16 Now normally when -- when we're taking blood stain
17 pattern photographs, we put some kind of scale in there,
18 say like a -- a ruler or something which would show us what
19 size stain we're dealing with. But in this particular
20 instance, what you can do is just use -- these appear to be
21 one inch blinds and there are 25.4 millimeters to an inch
22 and these stains are normally of medium velocity are like 3
23 to 4 millimeters in diameter, which would be consistent
24 with what I see on these one inch blinds. So these are,
25 this particular type of stain is consistent with -- with

Donald Girndt - Direct Examination by Mr. Grant

1 medium velocity impact.

2 Q Now, I want you to hold those and put them right
3 there in front of you please, sir, and take a look -- I'll
4 give you a better, I guess vantage point at Defendant's
5 Exhibit Number 19, particularly when you look at
6 Defendant's Exhibit Number 14 and the foot of the bed?

7 A Yes, Defendant's 19 appears to be a closer up
8 photograph of the foot of the bed which is shown in
9 Defendant's 14. What's depicted in 19 is apparently the
10 comforter on the bed that's a zebra striped comforter,
11 which appears to be covered with blood or saturated with
12 blood.

13 Q And how close is that comforter to the foot of the
14 bed?

15 A It's -- it looks like it's pushed down to the foot
16 of the bed. It is at the foot of the bed.

17 Q It is at the foot of the bed. What -- considering
18 the amount of blood that you see on the comforter;
19 considering the blood on the blinds near the foot of the
20 bed; let me see the other one please; and considering what
21 you see here with the clothing and the blood on the bed;
22 what professional opinions or assessments can you come to
23 as to the kind of activity that's going on near the foot of
24 the bed?

25 A Oh, there's a great deal of activity going on. You

Donald Girndt - Direct Examination by Mr. Grant

1 can see there's some saturation into the carpet at the foot
2 of the bed and also there's what appears to be like a
3 little pool of blood right here on the, on the comforter
4 and it's all at the foot of the bed. So it appears that
5 the activity was around the foot of the bed and around that
6 window. As far as I'm aware of, there aren't any
7 photographs of the wall adjacent to the bed so I can't say
8 if, how much of the activity took place right in that area
9 on the bed.

10 Q In your profession, is there a term called
11 cast-off, when it comes to blood analysis and blood stain
12 analysis?

13 A There is a terminology, yes, sir.

14 Q Can you explain to us what that is and --

15 A Cast-off is when, it's normally associated with a
16 weapon and can be associated with an arm or when a weapon
17 becomes saturated with blood and it's drawn back to --
18 to -- to reload so to speak, to strike again. Blood is
19 cast-off of the particular instrument, and a lot of times
20 it will go just like an 8-foot ceiling, it will go to the
21 ceiling and you can follow the arc and it'll come back
22 behind you on the wall if there's a wall back there.

23 Q Can cast-off occur if someone's hands are saturated
24 with blood and they're swinging back to continue to fight
25 the person in front of them?

Donald Girndt - Direct Examination by Mr. Grant

1 A Yes, definitely.

2 Q All right, sir. I want to show you what is marked
3 as Defendant's Exhibit Number 20, does that -- take a look
4 at that for me please. What do you see?

5 A This -- this is not part of the blood stain pattern
6 now. This just shows some type of liquor bottle and a box
7 of beer I guess.

8 Q And is that the same thing in 21?

9 A Yes, it shows a kitchen area.

10 Q Also in 22?

11 A Yes. Yes.

12 Q And pretty much the same thing in 23; is that
13 correct?

14 A Yes, these are all pictures of a kitchen area.

15 Q All right. And 24 is, you looked at that as part
16 of the evidence, could you come to any conclusions on that
17 at all without some other picture; what did that seem to be
18 to you? It's hard to say?

19 A I -- I went back through these photographs and at
20 this black mark down here in the bottom corner appears to
21 be top of a dresser and there are some other, this appears
22 to be medium velocity spatter on the wall next to the
23 dresser, but I'm not sure. I can't say that for certain,
24 because there's no really identifying marks on here.

25 Q Okay.

Donald Girndt - Direct Examination by Mr. Grant

1 A And there are no overall photographs of that.

2 Q Yes, sir, Mr. Girndt, take a look at Defendant's
3 Exhibit Number 16, what conclusions and opinions did you
4 come to about what you saw in that picture?

5 A Well 16 is just a different shot of the area at the
6 foot of the bed where the blinds are. This is just some --
7 some saturated blood in the carpet and some drip blood in
8 the carpet, which once again just reinforces the -- my
9 opinion that a lot of activity took place at the foot of
10 the bed and near the blinds.

11 Q Now, I'm showing you Defendant's Exhibit Number 18.
12 What is depicted in Defendant's Exhibit Number 18?

13 A This is a photograph of the front of Ms. Price
14 wearing, I guess, her pajama bottom and top and you can see
15 that they are totally saturated -- saturated in blood. A
16 lot of this is transfer and a lot of it is where the
17 material had just soaked up -- just soaked up the blood and
18 she also shows a lot of transfer marks on her arms and her
19 legs also.

20 Q And that's showing the front part of her body?

21 A Yes.

22 Q Okay. Take a look please at Defendant's Exhibit
23 Number 17. What conclusions did you, first what does that
24 show?

25 A Well, this just shows that she was obviously in

Donald Girndt - Direct Examination by Mr. Grant

1 contact with the source of the blood and the source in this
2 particular instance would be, I guess, Mr. Simmons because
3 he's -- from my understanding, he's the only one who has
4 one at this particular point.

5 Q Is there any significance about the fact that
6 there's some stains that appear to be heavier than others?

7 A Well, this means that she was, I think, in contact
8 with probably with that actual area or those -- came in
9 contact with the actual area that was bleeding the
10 heaviest, you know, the actual wound itself probably.

11 Q And take a look, if you will, at the previous
12 exhibit. And that is the back of Ms. Price; is that
13 correct?

14 A Yes, this is the back of Ms. Price, Defendant's 17,
15 and it shows her long hair braids and it also shows
16 saturation to the back of her shirt and it also shows where
17 or what appear to be marks that would be consistent with
18 maybe fingerprints or handprints on the back of her shirt.

19 Q What color does the hair seem to be in that picture
20 to you?

21 A Blonde.

22 Q And going back to Number 12 please, the nude
23 picture of Sam and tell us in your professional opinion,
24 does it have any significance about the amount of blood
25 that you've seen in those pictures of the fact that Sam was

Donald Girndt - Direct Examination by Mr. Grant

1 indeed nude as opposed to wearing clothes?

2 A Yes, because he has an artery that's cut, which is
3 flowing freely. If he'd been wearing clothes, then a lot
4 of his clothes would have -- would have soaked up a lot of
5 that blood, but in this particular instance, there's
6 nothing to soak up the blood so it's flowing freely. So
7 I'm sure that's where Ms. Price is there -- you see Ms.
8 Price's clothes are soaking up the blood where it comes in
9 contact, but he doesn't have any clothes on for that to
10 happen. So that allows for free transfer of the blood from
11 the wound, you know, to her clothing. So she's acting like
12 a sponge, basically.

13 MR. GRANT: Your Honor, I offer these exhibits into
14 evidence as next in order.

15 THE COURT: All right. Solicitor?

16 MS. CROMWELL: No objection, Your Honor.

17 THE COURT: All right. That's 9 through 24?

18 MR. GRANT: Yes, sir.

19 THE COURT REPORTER: 10 through -- 10 through 24.

20 THE COURT: 10 through 24. Defendant's 10 through
21 24 is in evidence for purposes of this motion without
22 objection.

23 (Defendant's Exhibit Number 10, Number 11, Number
24 12, Number 13, Number 14, Number 15, Number 16, Number 17,
25 Number 18, Number 19, Number 20, Number 21, Number 22,

Donald Girndt - Cross-Examination In Camera by Ms. Cornwell

1 Number 23, Number 24 were entered into evidence for the
2 purpose of pretrial motions.)

3 MR. GRANT: May I have one minute, Your Honor?

4 THE COURT: Yes, sir.

5 (There was a pause in the proceedings.)

6 MR. GRANT: No further questions of the witness,
7 Your Honor.

8 THE COURT: Solicitor.

9 MS. CROMWELL: Thank you, Your Honor.

10 CROSS-EXAMINATION IN CAMERA

11 BY MS. CORNWELL:

12 Q Mr. Girndt, how are you today?

13 A Good.

14 Q I've just got a few questions for you. When Mr.
15 Grant's office contacted you about reviewing this case, did
16 they send you any documentation other than those
17 photographs?

18 A Well, the statement, I usually ask for the
19 statement, the autopsy report, the incident report and any
20 laboratory reports.

21 Q Okay. So you did get her statements --

22 A I did.

23 Q -- and the autopsy report as well as the incident
24 reports?

25 A I did.

Donald Girndt - Cross-Examination In Camera by Ms. Cornwell

1 Q Okay. So you saw in her first statement she gives
2 to the first officer on the scene that he was asleep when
3 she saw, when she cut him?

4 A She said he was on the bed; she didn't believe he
5 was asleep because he'd only been up there for a few
6 minutes, but he was on the bed from what I understand.

7 Q Okay. And did she admit that -- I think she said
8 that in the third statement she gave that she actually
9 climbed on top of him, confronted him, he pushed her off,
10 she climbed back on top of him in the bed and that's when
11 she stabbed him; do you recall seeing that in the reports
12 and the statements?

13 A I do.

14 Q And in going through the photographs that Mr. Grant
15 showed you -- if I can grab those. I'll try to go through
16 them about the same. In looking at State's 3, 4 and 5, you
17 discussed the transfer blood that was on Ms. Price, on her
18 neck and on her cheek?

19 A Right.

20 Q And you said that that's transfer blood. Are you
21 aware through looking at the statements and the photographs
22 that there was a child that was in bed that was also
23 covered with blood?

24 A Yes.

25 Q And isn't it possible that that transfer on her is

Donald Girndt - Cross-Examination In Camera by Ms. Cornwell

1 transfer from the child being soaked in blood to where she
2 was holding the child?

3 A Yes.

4 Q Looking at, let's see, Defense Exhibits 10 and 11,
5 and I believe you had discussed how there's blood on his
6 hands --

7 A Yes.

8 Q -- and those are the left and right arm?

9 A Right.

10 Q You would also agree that there's no scratch marks
11 on his arms, no cuts on his arms, or anything to indicate
12 any injuries on his arms, correct?

13 A I -- I can't tell because I can't tell if these are
14 tattoos or dried blood, I can't tell what that is, but it
15 is very dark so it would be difficult to see any bruises.

16 Q Let me see if I can help you out with that. I show
17 you what's been marked as State's Exhibits 58 and 59?

18 MR. GRANT: No objection, Your Honor.

19 BY MS. CROMWELL:

20 Q And just to give you a little clarification because
21 we haven't laid a foundation, but I believe these are
22 pictures taken from the autopsy?

23 A Yes.

24 Q It would also be the left and right arm?

25 A I've seen those.

Donald Girndt - Cross-Examination In Camera by Ms. Cornwell

1 Q Okay. And those are a little bit more cleaned up,
2 a little clearer. You would admit that there's no
3 scratches, cut marks, or anything on his arms, correct?

4 A Well, there appears to be something on this one,
5 I'm not sure what that is.

6 Q Okay.

7 A There's one on this one. I'm not sure what that
8 is.

9 Q That's possible. That's blood, I believe there's
10 blood in the -- it would be possible that that's blood
11 based on the blood that's on the sheets as well?

12 A I mean it's on his arm. I can't say what it is.

13 Q But it's possible?

14 A It's possible.

15 Q We'd move State's 59 and 58 into evidence, Your
16 Honor?

17 THE COURT: Without objection, correct.

18 MR. GRANT: Without objection, Your Honor.

19 THE COURT: 58 and 59 is in evidence without
20 objection.

21 (State's Exhibits 58 and 59 were entered into
22 evidence for the purpose of pretrial motions.)

23 BY MS. CROMWELL:

24 Q And I'm going through the photographs of the
25 comforter, the wall outside, and the blinds. You would

Donald Girndt - Cross-Examination In Camera by Ms. Cornwell

1 agree that there's a large amount of blood on that
2 comforter at the foot of the bed? Did you see all the
3 other photographs of the sheets and bed where there was a
4 large amount of blood found inside of the bed and saturated
5 in the sheets?

6 A I don't know. I'd be glad to look at them if you
7 have them.

8 Q Absolutely. This is going to be State's Exhibit
9 28. Looking at State's Exhibit 28, they are black sheets
10 so it's a little bit hard to tell, but you can see that
11 there's also blood in the sheets of the bed as well,
12 correct?

13 A It appears to be. I just want to say that -- I
14 mean this is not one of the photographs that Mr. Grant
15 provided us prior.

16 Q So you have never seen that photograph before?

17 A No, but I do agree there's blood on the bed.

18 Q There's blood all over the bed. So it is quite
19 possible and probably probable that some activity happened
20 in the bed to get that amount of blood?

21 A I'm sure. I mean the question to me was, I mean,
22 it's obvious he wasn't stabbed in the bed and rolled out of
23 the bed onto the floor and left in the state there. I
24 mean, what appears to me is that if he was stabbed in the
25 bed then immediately put in everybody into a fighting mode

Donald Girndt - Cross-Examination In Camera by Ms. Cornwell

1 and I don't think that's why we see all the blood that's
2 around there, but no, I haven't seen this photo.

3 Q Okay. But -- and just to reiterate, you agree that
4 in all likelihood he was stabbed in this bed?

5 A Blood transferred to the bed, I mean, I can't say
6 from those photographs that he was stabbed in the bed. I
7 mean all I have to do is go by the, by the statement.

8 Q Okay. And in at least one of her statements, she
9 admits that he was stabbed in the bed?

10 A Yes.

11 Q Okay. And then in looking at this pooling here at
12 the foot of the bed and the transfer you talk about on the
13 blinds, you state that this is medium velocity transfer?

14 A Well, the stain to your left, this would be
15 transfer.

16 Q Okay.

17 A And this would be medium velocity impact stain
18 here, which is the round drops.

19 Q Sure.

20 A Some of those are at 90 degrees, which indicates
21 that you come out from the blinds 90 degrees and that's
22 approximately where the area would be where that --

23 Q Okay.

24 A -- where that took place.

25 Q And you saw in the autopsy report where the

Donald Girndt - Cross-Examination In Camera by Ms. Cornwell

1 pulmonary artery was nixed during this?

2 A Right.

3 Q So isn't it possible that medium velocity is coming
4 out of his wound from where the blood is pumping?

5 A I didn't see any arterial spurting here. Normally,
6 when we have arterial spurting it's -- you can see it like
7 from the neck. Each time the heart pumps, you'll see a
8 spurt. In this particular case, I'm -- that's what I
9 discussed with Mr. Grant first before I saw the
10 photographs. I expected to see arterial spurting, but I
11 don't see any in this particular incident. I think
12 that's -- medium velocity is normally associated with a
13 beating type injury.

14 Q Okay. And then looking at State's Exhibits 19 and
15 20. Have you had an opportunity to see these photographs?

16 A I don't know that I have.

17 Q Would you agree that those could probably be
18 arterial spray?

19 A No.

20 Q What are those?

21 A These are more consistent with, around the light
22 switch is more consistent with what's referred to as
23 expired blood. It's when blood is, you have an injury
24 like the lung, which he had here and you actually get blood
25 in your mouth and you actually expire it through

Donald Girndt - Cross-Examination In Camera by Ms. Cornwell

1 coughing.

2 Q Okay.

3 A That appears to be what that is along with some, it
4 appears to have some dilution in it. What happens is like
5 the saliva will dilute the blood.

6 Q Okay.

7 A And then once again there's -- no, I don't believe
8 I've seen -- you must have some photographs we don't have.
9 So --

10 Q Okay. I will tell you that I've given all
11 photographs to Mr. Grant. So...

12 A I haven't seen these.

13 Q Okay. All right. But you state that it's probably
14 not arterial; it's more from a beating?

15 A No, arterial is very -- I mean you can really tell
16 it's just a -- it'll be a pump and a spurt and then each
17 time the heart pumps, you can actually follow somebody
18 around a room if it's against a wall.

19 Q Okay. And looking at State's 40, this is a
20 photograph that was taken after the incident. You're in
21 agreement she has no injuries on her as far as bloody nose,
22 bloody lip, anything coming out of her to show that she
23 would have been beaten in any way, correct?

24 A No, she doesn't appear to be, no.

25 Q Okay. So any beating that happened that would have

Donald Girndt - Cross-Examination In Camera by Ms. Cornwell

1 caused this blood to go off is likely beating on him
2 causing that blood?

3 A No, I mean it could be either one of them. Their
4 arms are saturated. I mean just flailing around like that
5 would be the same thing.

6 Q Okay. So not necessarily a beating then?

7 A It's normally associated with that.

8 Q Okay. Okay. But nothing to indicate that she had
9 been beaten, correct?

10 A I mean, when I say normally associated with,
11 there's low velocity, which is drip blood and medium
12 velocity, which is 2, 3, 4 millimeter and then there's high
13 speed, which is normally associated with gunshots and/or
14 the expired blood. So...

15 Q And in looking at State's 16, this blood here in
16 the corner, that's --

17 A Some drip blood.

18 Q Okay. And that would actually be coming out of the
19 woman, correct?

20 A Probably not because that's on his chest. It's
21 probably dripping off of somebody's hand or arms because
22 you see right here, you have a transfer on the blind.

23 Q Sure.

24 A And it's -- it's -- and then there's another
25 transfer right here on the -- on the window sill.

Donald Girndt - Cross-Examination In Camera by Ms. Cornwell

1 Q Okay.

2 A I couldn't think of that word earlier, window sill.
3 And then you have all this that's on the blind, which are
4 these individual drops and some of them are at 90
5 degrees --

6 Q Okay.

7 A -- coming straight across so that indicates to me
8 that, what you do is you come out -- come out 90 degrees
9 from the blinds and then come down to where the blood is
10 saturated on the floor and then you could put somebody
11 within plus or minus 5 degrees to where that, that's
12 happening.

13 Q Okay.

14 A I mean it's kind of a small room.

15 Q Okay. Well, let me float this theory by you. Is
16 it possible that he got stabbed in the bed and then when he
17 realized he couldn't get out of the bed to the left because
18 the child and possibly Ms. Price was in there, he came to
19 the foot of the bed and crawled over the foot of the bed
20 and that's how, when he bent over, that's where a lot of
21 the saturation got in the foot of the bed?

22 A I'd say that's possible.

23 Q Okay. And that some of this injury here is him
24 again getting out of the bed and trying to walk and that's
25 where --

Donald Girndt - Cross-Examination In Camera by Ms. Cornwell

1 A No, I think that's, I think the majority of this
2 blood that's on the walls and things like that is a result
3 of some kind of struggle.

4 Q Okay. But no doubt that even if there is a
5 struggle, it's clearly after he's been stabbed?

6 A Oh, yeah.

7 Q And again in looking at the photograph of outside
8 of the hallway, this would be State's Exhibit Number 21,
9 there's transfer blood you said and there's also drip
10 blood?

11 A There is transfer and that's what I would expect to
12 see. I mean if someone had blood saturated in their
13 clothing or on the skin and was pushed up against the wall
14 or rubbed up against the wall, that sort of thing. There's
15 just a lot of -- a lot of blood here.

16 Q Okay. And I'm looking at State's 26, the top of
17 the dresser. That would be a lot of the blood that, I
18 would assume that would come from the injury, the pooling
19 of the blood?

20 A Yes.

21 Q Probably indicating where he's bent over --

22 A He may have -- he may have leaned over on that.

23 Q -- the dresser?

24 A Uh-huh.

25 Q And then you would agree he falls; I believe we saw

Donald Girndt - Cross-Examination In Camera by Ms. Cornwell

1 the picture where he ultimately ends up falling between the
2 dresser and the bed?

3 A Uh-huh, yes.

4 Q So no question, at some point, he was at the foot
5 of the bed up against the blinds, came out into the hall
6 and then ultimately succumbed between the dresser and the
7 bed?

8 A That's what it appears.

9 Q And no question that there's no physical injuries
10 that you can see on the Defendant in these photographs?

11 A Well, I mean they're not great photographs, but I
12 don't see anything apparent.

13 Q Okay. And in looking at Ms. Price. This is
14 State's 44, the blood running down her legs, correct?

15 A Uh-huh, yes.

16 Q Does that give you any indication that she's on her
17 knees and that's how the blood ends up dripping down her
18 legs possibly in the bed?

19 A On her knees?

20 Q From where the blood is running down from her knees
21 here and here?

22 A No, I mean if she were on the bed straddling him as
23 she described, then from her knees down to her feet would
24 be protected by the bed. She wouldn't have any blood on
25 there at all. This is just coming from transfer from being

Donald Girndt - Cross-Examination In Camera by Ms. Cornwell

1 in close contact with him. Because you can see that it's
2 flowing down off her knees down across onto her feet.

3 Q But I mean if she's in the bed as well, when she
4 climbs off on that comforter or anywhere else where all
5 that blood is, that's another way she could have gotten
6 soaked in that blood, correct?

7 A Not at that time. I mean it may have been after
8 the fact.

9 Q In looking at State's 50 again, these are Ms.
10 Price's nails. They're not broken or chipped; she doesn't
11 have any injuries on her, correct?

12 A They don't appear to be, no.

13 Q Okay. Let me show you photographs 52, 53, 54 and
14 55; have you seen these photographs?

15 A Yes.

16 Q And those are photographs of --

17 A Well, I've seen them, probably.

18 Q Those are photographs of the child?

19 A Yes.

20 Q And he's also got blood over him, correct?

21 A Yes.

22 Q And we talk about the blood on him, it's quite
23 possible it's the transfer on her -- parts of her neck --
24 parts of her face could have come from the child as she's
25 holding him and he's got his arms around her and he's

Donald Girndt - Cross-Examination In Camera by Ms. Cornwell

1 touching her face?

2 A Or it could be a combination, yes.

3 Q Okay. All right. And looking at State's Exhibit
4 57, that would be the victim; do you notice any other
5 injuries, cuts, abrasions, on his -- in that picture other
6 than the stab wound?

7 A It's not really apparent, no.

8 Q Okay. And it appears to be a clean, one-shot
9 wound, correct; there's no hesitation marks around it,
10 there's no other injuries?

11 A That would be for the pathologist to answer, but it
12 does to appear just one wound.

13 Q Okay. And again, no scratch marks on him, no
14 defensive wounds on him?

15 A I don't see any apparent in that picture.

16 Q Okay. And you've also testified that you were an
17 expert in crime scene, crime scene reconstruction?

18 A Analysis.

19 Q Analysis. Okay. In looking at when you were an
20 investigator and coming into domestic situations or
21 situations of extreme physical violence and stuff,
22 generally when you go into a scene, isn't it -- there's
23 obvious signs of struggles and things like that; things are
24 knocked over, you can see where, you know, people have
25 pushed things around and things like that normally,

Donald Girndt - Cross-Examination In Camera by Ms. Cornwell

1 correct?

2 A It depends on the scene.

3 Q And looking at State's 2, 3, and 4, as well as 9,
4 have you had an opportunity to see those photographs?

5 A I've seen 4. I have not seen 2, 3, and 9.

6 Q Okay. And looking at it now, would you agree it's
7 a very neat house; there's nothing out of place, nothing
8 knocked over or turned over, nothing that would indicate a
9 physical struggle occurred downstairs?

10 A Not downstairs, no.

11 Q Okay. All right. And even in looking at State's
12 25, and that's upstairs in the bedroom, on the dresser,
13 none of those things are really knocked over, out of place,
14 pretty normal dresser, correct?

15 A Depending on where you live, I guess.

16 Q But nothing to indicate that there was any kind of
17 violence or struggle on that dresser?

18 A This is the same photo you showed me that the top's
19 saturated in blood, so I can say yeah, there is indication
20 there was a struggle.

21 Q Okay. All right. But you've already said that
22 that appears to be blood pouring out from the victim's
23 wound.

24 A Right. Well, what I'm saying is if he bent over
25 onto that dresser top, that would explain a lot of that

Donald Girndt - Cross-Examination In Camera by Ms. Cornwell

1 bloodletting.

2 Q Sure, but there's nothing knocked over, nothing
3 strewn about to indicate anybody was thrown up against that
4 dresser or knocked into that dresser because if so, things
5 would have been knocked over, wouldn't they?

6 A It's saturated in blood. I mean what part of not
7 normal does that mean.

8 Q All I'm asking, are the things on the dresser
9 knocked over?

10 A They're not knocked over. I mean they appear to be
11 shoved around a little bit.

12 Q Okay. Thank you. So no signs of a struggle
13 downstairs and on the dresser there's some signs of a
14 struggle because the defendant is bleeding profusely on the
15 dresser from where he's been stabbed?

16 A As you pointed out, yes.

17 Q Thank you. And no signs of injury on either the
18 victim or the defendant other than the stab wound on the
19 victim?

20 A Well, there are no apparent signs, but I mean it's
21 obviously apparent there was a tremendous struggle going on
22 in that room and the hallway.

23 Q And you would agree that when somebody gets stabbed
24 in the chest, they're going to struggle and bumble around;
25 I mean that's a pretty significant injury to go through?

Donald Girndt - Redirect Examination by Mr. Grant

1 A That's something the pathologist, I mean, you know,
2 I read the pathology report said that he would have lived
3 minutes.

4 Q And evidence he went from the front of the bed into
5 the hall over to the dresser where he eventually succumbed?
6 You can't say for certain based on --

7 A I don't know how he got there. I mean from what I
8 read it says it sounds like it started at the bed and he
9 ended up between the bed and the dresser and then all the
10 blood in between. So what transpired in between --

11 Q You can't say?

12 A -- I can't say exactly, but I mean it has all the
13 hallmarks of a struggle.

14 Q That someone was struggling?

15 A There were only two people present in that home. I
16 don't think that's the result of one person flopping
17 around.

18 Q Okay.

19 MS. CORNWELL: I don't think I have anything
20 further, Your Honor.

21 THE COURT: Thank you, Solicitor.

22 Redirect, Mr. Grant?

23 MR. GRANT: Yes, Your Honor.

24 REDIRECT EXAMINATION IN CAMERA

25 BY MR. GRANT:

Donald Girndt - Redirect Examination by Mr. Grant

1 Q You were asked whether or not there was any
2 indication that Courtney's hands, that her nails are broken
3 off or anything like that. In your review of the reports
4 and everything, did you see anything in there indicating
5 that Courtney may have said that she scratched Sam at any
6 time?

7 A No, I didn't.

8 Q So you would not have expected to see any broken
9 fingernails; is that correct?

10 A I didn't see that and the photographs don't show
11 that, but those appear to be the glue on type nails. So I
12 don't -- I'm not real familiar with those.

13 Q But you didn't see anything in the report that
14 indicated that she said she scratched her during this
15 scuffle, did you?

16 A No.

17 Q All right. Regarding the -- the blood around the
18 neck, the Prosecutor asked you whether or not it could have
19 been transfer blood from the child, maybe even touching his
20 mom's neck. Did you see anything in the report that you
21 read that said the child touched his mom around the neck at
22 any time?

23 A No, I didn't.

24 Q Did you see anything in the report where a witness
25 wrote saying that the child had the mom around the neck at

Donald Girndt - Redirect Examination by Mr. Grant

1 anytime?

2 A No.

3 Q Do you see anything in the report where Courtney
4 says Sam choked her?

5 A I think there was some indication of that.

6 Q That he choked her?

7 A (The witness nodded his head.)

8 Q And you saw the bloody hands of Sam; is that
9 correct, in the pictures that you saw?

10 A Yes.

11 Q And if he did indeed choke her as she said, would
12 the bloody -- blood around the neck, could it be
13 consistent, is it more likely consistent with the fact that
14 he did choke her compared to nothing in the record at all
15 about a child touching her around the neck?

16 A It's consistent with transfer from a -- from a
17 hand.

18 Q Okay. All right. Now, you were asked a lot of
19 questions about the blood on the -- on the bedding or the
20 sheeting or whatever. Isn't it a fact -- and well, I don't
21 want to ask it that way. Based on the pictures that you
22 have reviewed, is there any way for you to tell whether or
23 not when Sam was stabbed he was first laying in the bed, or
24 whether or not he was at the foot of the bed, based upon
25 the pictures that you saw?

Donald Girndt - Redirect Examination by Mr. Grant

1 A Not based upon the photographs.

2 Q And based upon your professional assessment, can
3 any competent crime scene analyst blood stain pattern
4 expert give that kind of testimony?

5 A Not with the photographs that I saw, no.

6 Q Okay. All right. And with regards to the blood
7 that was on the bed, were you aware that when -- before
8 Courtney left the room, she retrieved C.D.S. from the top
9 edge of the bed to get the baby to leave the room; are you
10 aware of that?

11 A I'm aware she took the child downstairs. I'm not
12 sure where he came from.

13 Q All right. Assuming the baby was at the top of the
14 bed and Courtney is now covered in blood because of the
15 struggle with Sam, the blood that you saw on the sheet,
16 could that also be consistent with coming from Courtney
17 when she reached to get the baby from the bed?

18 A I'm sure it could transfer, yes.

19 Q Okay. And could it also be consistent with Sam
20 after being stabbed falling back on the bed before
21 ultimately ending up between the bed and the dresser?

22 A Yes, I couldn't rule that out.

23 Q Okay. And you were asked continuously about
24 fighting and beating up -- -if somebody got beat up, are
25 you aware of any other wound to Sam than the one stab wound

Donald Girndt - Redirect Examination by Mr. Grant

1 to his chest?

2 A Not that I'm aware of, no.

3 Q And -- and you can't see any other wounds based
4 upon the pictures that you have reviewed; is that correct?

5 A No.

6 Q All right. But one thing is certain, based upon
7 your review of the photographs, there was a lot of activity
8 at the foot of that bed; is that correct?

9 A At the foot of the bed and at the -- the entrance
10 of the doorway to the hall and that particular area.

11 Q And the foot of the bed where you clearly have the
12 most blood on that bed sheet or that spread I should say or
13 the comforter?

14 A It's most readily apparent because like I said, the
15 sheets are black, so it's difficult to tell how much blood
16 is actually on the black portion, but you can actually see
17 a pooling on the zebra striped comforter.

18 Q And based on what you saw with your natural eyes,
19 that's where you see the most blood; is that correct?

20 A That's where I saw the most blood pooling. Now,
21 there is blood also on the carpet that's been soaked into
22 the --

23 Q I understand. When I say most blood, I mean most
24 blood on the part of the bed --

25 A On the part of the bed.

Donald Girndt - Recross-Examination by Ms. Cornwell

1 Q -- Is near the foot of the bed on the comforter; is
2 that correct?

3 A Yes, based on the photographs, yes.

4 Q Okay. Thank you, sir.

5 MR. GRANT: I have no further questions.

6 THE COURT: Recross, Solicitor?

7 MS. CORNWELL: Just briefly.

8 **RECROSS-EXAMINATION IN CAMERA**

9 BY MS. CORNWELL:

10 Q All of that blood pooling between the dresser and
11 the bed, if he's -- if the victim is on the floor rolling
12 around, a lot of that probably came just from his wound
13 where he was laying in the floor, correct?

14 A Probably.

15 Q Okay. And in the statements that you heard from
16 Ms. Price; she never talks about him choking her after she
17 stabs him, correct; every time she talks about him choking
18 her is before she stabbed him; would you agree with that?

19 A I can't recall exactly what -- what the context
20 was.

21 Q Okay. That's fine.

22 MS. CORNWELL: That's really all the questions I
23 have, Your Honor.

24 THE COURT: Thank you. Thank you very much.

25 MR. GRANT: Just one in light of what she asked him

Donald Girndt - Redirect Examination by Mr. Grant

1 about the body?

2 THE COURT: Typically, I wouldn't do that, but
3 being this is a motion hearing...

4 MR. GRANT: Yes, sir. Thank you, Judge.

5 THE COURT: It's not in the presence of the jury.

6 MR. GRANT: This will be very brief.

7 REDIRECT EXAMINATION IN CAMERA

8 BY MR. GRANT:

9 Q Mr. Girndt, do you remember reviewing these
10 photographs? Did you notice at one point it appeared that
11 Sam's body was lying on his side up against the dresser?

12 A Yes.

13 Q Do you remember that?

14 A Yes.

15 Q And then eventually, you remember noticing that he
16 apparently was lying on his back after he was dead?

17 A Yes.

18 Q Okay. So what does that lead you to believe?

19 A I -- I assumed EMS may have rolled him over to --

20 Q Somebody rolled him over?

21 A Somebody rolled him over to check on him.

22 Q Okay. All right. Thank you.

23 MR. GRANT: That's all I have, Judge.

24 THE COURT: You want another crack, Solicitor?

25 MS. CROMWELL: No, sir.

Jerry N. Govan, Jr. - Direct Examination In Camera by Mr. Grant

1 THE COURT: Thank you very much. Thank you, Mr.
2 Girndt, thank you for being with us today.

3 THE WITNESS: Yes, sir.

4 THE COURT: All right. Why don't we take about a
5 10 minute recess.

6 MR. GRANT: Yes, sir.

7 THE COURT: Thank you. Thank you very much.

8 (A brief recess was observed.)

9 THE COURT: All right.

10 MR. GRANT: Yes, Your Honor, we'd call at this time
11 Representative Jerry Govan to the stand.

12 THE COURT: All right. If you'd come around, Mr.
13 Govan and be sworn for us, please.

14 JERRY GOVAN,
15 having been duly sworn, testified as follows:

16 THE CLERK: Thank you. You may have a seat and
17 please state your name again for the record.

18 THE WITNESS: Jerry N. Govan, Jr.

19 THE CLERK: Thank you.

20 DIRECT EXAMINATION IN CAMERA

21 BY MR. GRANT:

22 Q Mr. Govan, Your Honorable, what is your title, sir?

23 A I am a State representative in South Carolina House
24 and also a minister.

25 Q And how long have you been a State representative?

Jerry N. Govan, Jr. - Direct Examination In Camera by Mr. Grant

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1 A I've served in the house of representatives for 24
2 years.

3 Q And you say you're also a minister?

4 A Yes, I am.

5 Q Okay. Where did you go to school?

6 A I went to high school at Orangeburg-Wilkinson and
7 to college at South Carolina State University.

8 Q Is Orangeburg your hometown?

9 A Yes, it is.

10 Q And you've pretty much been here all your life?

11 A With the exception of brief periods to find work.

12 Q Okay. And Representative Govan, where do you
13 attend church?

14 A Olive Grove Missionary Baptist Church.

15 Q Do you know my client Courtney Price?

16 A Yes, I do.

17 Q Tell the judge, if you will, how is it that you
18 know Courtney Price?

19 A I know Courtney Price, first of all as a member of
20 Olive Grove Missionary Baptist Church where she attends.
21 And I've known the Price family for many, many years as a
22 result of being affiliated through high school and growing
23 up here in the community.

24 Q Did Courtney ever serve in any capacity, choirs,
25 missionary, anything like that at your church?

Jerry N. Govan, Jr. - Direct Examination In Camera by Mr. Grant

1 A As I recall, she did serve in various capacities,
2 specifically which ones, I can't recall specifically which
3 ones, but I know she's active at the church, along with my
4 children who were also members there at the time.

5 Q And is Courtney Price in the courtroom today?

6 A Yes, she is.

7 Q Can you please point to her, describe what she's
8 wearing and call her name?

9 A She is the young lady, blonde, and wearing the
10 beautiful suit there, sitting at the table next to you.

11 Q All right, sir. Representative Govan in the time
12 that you've been knowing Courtney Price, do you think that
13 you have had an adequate opportunity to establish an
14 opinion as to her character for truthfulness?

15 A An opinion, yes, sir.

16 Q Okay. And what is that opinion?

17 A In my opinion, based on the years that I've known
18 her, she is a truthful person and has a nice disposition.

19 Q Has she ever told you anything that you found to be
20 untrue?

21 A No, sir.

22 Q And do you think you've had an adequate opportunity
23 to establish an opportunity as to her peacefulness and law
24 abidingness?

25 A An opinion, sir.

Stacy Matthew - Direct Examination In Camera by Mr. Grant

1 Q And sir, what is that opinion?

2 A My opinion, based on the observation of her at
3 church and in terms of my contact with her in the community
4 is that she is a peaceful, law-abiding citizen.

5 Q Thank you, sir.

6 MR. GRANT: No further questions of this witness,
7 Your Honor.

8 THE COURT: All right. Solicitor?

9 MS. CORNWELL: Nothing from the State, Your Honor.

10 THE COURT: Thank you. Thank you very much for
11 being with us Representative.

12 THE WITNESS: Very good seeing you, sir.

13 MR. GRANT: Your Honor, at this time we'd call
14 Stacy Matthew from SLED.

15 THE COURT: Last name.

16 MR. GRANT: Matthew -- Stacy Matthew, yes, sir.

17 STACY MATTHEW,

18 having been duly sworn, testified as follows:

19 THE CLERK: Please have a seat. Thank you. Please
20 state your name again for the record.

21 THE WITNESS: Stacy Matthew.

22 DIRECT EXAMINATION IN CAMERA

23 BY MR. GRANT:

24 Q All right. Ms. Matthew, what is your professional
25 title?

Stacy Matthew - Direct Examination In Camera by Mr. Grant

1 A I'm a forensic toxicologist.

2 MS. CORNWELL: And Your Honor, to save the Court's
3 time, we'll go ahead and stipulate to the expertise of Ms.
4 Matthew.

5 MR. GRANT: And I would offer her, Your Honor, as a
6 forensic toxicologist, capable of diagnosing blood samples
7 for alcohol content.

8 THE COURT: All right. She's so qualified.

9 MR. GRANT: Thank you, Judge.

10 THE COURT: Thank you very much.

11 BY MR. GRANT:

12 Q All right. And where did you go to school, again?

13 A I went to the University of New Haven in
14 Connecticut.

15 Q And how long have you worked as a SLED
16 toxicologist?

17 A Three years.

18 Q Three years. Where did you work before then?

19 A I graduated school and started working at SLED.

20 Q All right. And in your capacity as a forensic
21 toxicologist at SLED, did you have an opportunity in this
22 case and a professional responsibility to examine the blood
23 alcohol content for ethenol of a person by a name -- and
24 the body by the name of Samuel D. Simmons?

25 A I did.

Stacy Matthew - Direct Examination In Camera by Mr. Grant

1 MR. GRANT: I'll have this marked as the next
2 defense exhibit in order.

3 THE COURT REPORTER: 25.

4 MR. GRANT: All right.

5 (Defendant's Exhibit Number 25 was marked for
6 identification.)

7 BY

8 Q All right. Do you have your own copy? Don't worry
9 about it. We'll bring you a copy.

10 Take a look, if you will at Defense Exhibit Number
11 25.

12 A Okay.

13 Q What is Defendant's Exhibit 25?

14 A It appears to be a copy of the toxicology report I
15 issued.

16 Q And you issued that report on ethenol content for
17 whom?

18 A For a Samuel D. Simmons.

19 Q Samuel D. Simmons. And what was the amount of
20 ethenol in the blood that you tested for Samuel D. Simmons?

21 A The result was .187.

22 Q .187?

23 A Uh-huh.

24 Q And what was the date of that testing?

25 A The date -- the exact date of the testing is --

Stacy Matthew - Direct Examination In Camera by Mr. Grant

1 Q What's the date of the report, I should say?

2 A November 24, 2014.

3 Q Okay. And does that report have your signature on
4 the back?

5 A Yes, it does.

6 Q And you are the one who performed that test?

7 A I am.

8 Q Okay. Now as a forensic toxicologist for SLED.187,
9 are you familiar at all with what is known as the
10 presumptive level for being under the influence of alcohol
11 in the State of South Carolina?

12 A I do.

13 Q And what is that?

14 A An .08.

15 Q .08?

16 A Uh-huh.

17 Q So .187 is more than twice that limit?

18 A That's correct.

19 Q Okay. Thank you. I offer this into evidence as
20 Defense Exhibit Number 25?

21 THE COURT: Any objections?

22 MS. CORNWELL: No, Your Honor.

23 THE COURT: Defendant's 25 is in evidence without
24 objection.

25 (Defendant's Exhibit Number 25 was entered into

Stacy Matthew - Cross-Examination by Ms. Cornwell

1 evidence for the purposes of pretrial hearing.)

2 CROSS-EXAMINATION IN CAMERA

3 BY MS. CORNWELL:

4 Q Ms. Matthews, I'm going to go on a little bit -- is
5 it Matthew oar Matthews?

6 A Matthew.

7 Q I apologize.

8 A That's okay.

9 Q Going through this toxicologist report, tell us a
10 little bit alcohol and how it affects the system. Alcohol
11 is a depressant; is it not?

12 A That's correct, it is a general central nervous
13 system depressant.

14 Q And a lot of times when people drink heavily and
15 have this much alcohol in their system, is it going to slow
16 down their reaction time and slow down what they're going
17 to be doing?

18 A Yes, a depressant will slow down a person. It
19 affects the brain, so it will slow down persons.

20 Q Okay. And at this level, if somebody's laying down
21 in a bed, is it likely that they are probably going to
22 sleep or passed out at this point?

23 A It's possible.

24 Q Okay. All right. And at this amount of blood
25 alcohol, if somebody were to be asleep in this state, would

Stacy Matthew - Cross-Examination by Ms. Cornwell

1 it be a pretty deep sleep at that point?

2 A I can't. --

3 MR. GRANT: Objection, Your Honor, she's not
4 offered as a SLED analyst. She's a Forensic serologist.

5 THE COURT: Well, she's -- I don't predict
6 anything, particularly the future, but I believe she was
7 just fixing to say I don't know, but I'll allow her to
8 answer it. Go right ahead.

9 THE WITNESS: Yeah, I can't go with that.

10 BY MS. CORNWELL:

11 Q Okay. But at .187, that would slow the system down
12 considerably?

13 A Yes.

14 MS. CORNWELL: Nothing further, Your Honor.

15 THE COURT: Redirect?

16 MR. GRANT: Yes, Your Honor.

17 **REDIRECT EXAMINATION IN CAMERA**

18 BY MR. GRANT:

19 Q Since you've been asked about the effects of
20 alcohol, I've got a few questions for you.

21 A Okay.

22 Q In your professional experience and in your regular
23 experiences in life, can people sometime become more
24 violent when they're drunk?

25 A Since ethenol is a central nervous system

Stacy Matthew - Cross-Examination by Ms. Cornwell

1 depressant, it causes people to have slow reactions to
2 their judgment and their inhibitions would become lowered.
3 Ethanol does not directly cause someone to become
4 aggressive.

5 Q But have you seen that not to be the seemingly
6 effect that when someone's gotten drunk and the next thing
7 you know they want to fight?

8 A Due to their lowered inhibitions, their lowered
9 ability to process a situation, their judgement is
10 impaired, then based on the situation, they may become
11 aggressive.

12 Q And with impaired judgment, if a drunk man is
13 choking a person, is it possible they could literally choke
14 the person harder than they normally would if the person
15 was indeed sober, because if you're drunk your inhibitions,
16 as you put it, have been impaired?

17 A Due to your lowered inhibitions and your ability to
18 process your judgment correctly, then, they probably may or
19 may not know what they're actually doing.

20 Q Okay. Thank you.

21 MR. GRANT: No further questions.

22 THE COURT: Recross examination, Solicitor?

23 MS. CORNWELL: No, Your Honor, thank you.

24 THE COURT: Thank you. Thank you for being with us
25 this afternoon.

Lois Veronen - Direct Examination In Camera by Mr. Grant

1 THE WITNESS: Thank you.

2 THE COURT: You may step down.

3 MR. GRANT: Your Honor, at this time we'd all Lois
4 Veronen to the stand.

5 THE COURT: All right. If you'd come around and be
6 sworn for us, please.

7 LOIS VERONEN,

8 having been duly sworn, testified as follows:

9 THE CLERK: Thank you, you may have a seat. Please
10 state your name for the record, spelling your last name and
11 first name. Thank you.

12 THE WITNESS: My name is Lois J. Veronen, spelled V
13 as in victor, E-R-O-N-E-N.

14 THE CLERK: Thank you.

15 DIRECT EXAMINATION IN CAMERA

16 BY MR. GRANT:

17 Q Dr. Veronen, what is your professional title?

18 A I am a clinical psychologist.

19 Q Clinical psychologist. And where do you reside
20 now?

21 A I reside in Rock Hill, South Carolina.

22 Q And what is your occupation now?

23 A I am a clinical psychologist in private practice
24 and part time professor at Winthrop University in the
25 Department of Psychology.

Lois Veronen - Direct Examination In Camera by Mr. Grant

1 Q What positions do you currently hold?

2 A Well, I hold the position of part-time profession
3 nor in psychology and have a full-time practice of
4 psychology, self-employed.

5 Q Where did you receive your training?

6 A I received my training -- my bachelors degree was
7 from Market University in Milwaukee, Wisconsin, my masters
8 and PhD were from North Texas University in Denton, Texas.

9 Q How long have you been a licensed clinical
10 psychologist?

11 A In the State of South Carolina I've been a licensed
12 psychologist since 1978.

13 MS. CORNWELL: And, again, Your Honor, we have her
14 CV. We're familiar with Ms. Veronen so if Mr. Grant would
15 like to offer her as an expert for purposes of this hearing
16 in clinical psychology, we would not object.

17 THE COURT: Is that the field, Mr. Grant?

18 MR. GRANT: Yes, sir, for the purposes of diagnoses
19 battered person's syndrome, post-traumatic stress disorder,
20 anxiety and depression.

21 THE COURT: Any objections to that, Solicitor?

22 MS. CORNWELL: No, Your Honor.

23 THE COURT: All right. Thank you. She's so
24 qualified and so accepted.

25 MR. GRANT: Thank you, Your Honor.

Lois Veronen - Direct Examination In Camera by Mr. Grant

1 THE COURT: Yes, sir.

2 BY MR. GRANT:

3 Q You have now been offered and accepted as an expert
4 in these fields, so we will kind of shortcut our
5 questioning of you, but this is a matter of terminology and
6 explain certain things to the Court. First of all what is
7 battered person's syndrome?

8 A Battered person's syndrome is actually a legal
9 term. And the legal term has been existent in the legal
10 journals since the early 1970's and basically it came about
11 as a result of trying to expand the understanding for
12 persons who have been the recipients of repeated physical,
13 sometimes sexual, sometimes emotional abuse to understand
14 what their perception of threat is and so it is actually in
15 the legal term -- in the psychological terms, we talk about
16 it as a victim of violence, the area of domestic violence
17 and the area of sociology. But it is much more a legal
18 term than it is in fact a psychological term.

19 Q When did you first perform an evaluation of a woman
20 with a history of violence at the hands of her boyfriend or
21 spouse who used the defense of being a battered woman or
22 battered person?

23 A I first was a participant in that kind of defense
24 in 1978, shortly after I received my licensure.

25 Q 1978?

Lois Veronen - Direct Examination In Camera by Mr. Grant

1 A 1978, yes.

2 Q Okay. All right.

3 A The State versus Cindy Hutto.

4 Q And what other --

5 THE COURT: What was that name again?

6 THE WITNESS: Cynthia Hutto, State versus Cynthia
7 Hutto.

8 THE COURT: All right. Thank you.

9 THE WITNESS: It's a Charleston --

10 THE COURT: Ma'am?

11 THE WITNESS: It was a Charleston case.

12 THE COURT: All right. Thank you.

13 BY MR. GRANT:

14 Q And did you testify in that case?

15 A I did.

16 Q Were you offered as an expert in that case?

17 A I was.

18 Q And accepted as an expert?

19 A I was.

20 Q Okay. What other terms are used to do identify
21 individuals who have experiences of being struck, hit or
22 abused by a boyfriend or intimate partner?

23 A Well, the other terms are sort of intimate partner
24 violence, domestic violence, battered woman, abused woman,
25 all of those are commonly terms.

Lois Veronen - Direct Examination In Camera by Mr. Grant

1 Q And is the use of violence the only way a woman is
2 battered?

3 A No, not at all. Sometimes it is through various
4 kinds of economic control; sometimes it is verbal control.
5 Once the violence has occurred within the relationship, the
6 anticipation or trying to avoid a fuss or trying to avoid
7 becoming public with a violence leads a woman to just be
8 under control for -- you know, for some women, they would
9 learn the pattern of their abusive person and, you know,
10 immediately conform or try to conform to that behavior
11 because they knew violence was going to be resultant if
12 they did not.

13 Q And exactly how are domestic violence calls handled
14 in South Carolina?

15 A Well, they're handled in a variety of ways. In
16 some places the term -- the police are instructed they may
17 arrest, but in some places because of what they view as an
18 effort to really deal with domestic violence from more a
19 treatment capacity, law enforcement conforms much more to a
20 shell arrest and so sometimes in some jurisdictions -- in
21 fact, both people are taken if there's marks on one or the
22 police cannot determine who's involved; and some people
23 are, in fact -- some jurisdictions have extensive treatment
24 programs requiring a criminal domestic violence -- one to
25 have to serve like for a year's period of time of -- you

Lois Veronen - Direct Examination In Camera by Mr. Grant

1 know in a batterer's group and sometimes the victims
2 themselves too are ordered into treatment.

3 Q Okay.

4 A So it varies across the state.

5 Q Now, Doctor you have explained and defined for us
6 the term battered person, spouse, girlfriend syndrome, and
7 what that means. Can you please define post-traumatic
8 stress disorder is a psychological disorder, listed in the
9 diagnostic and statistical manual which first made its
10 appearance in 1980 as that particular diagnosis. And as
11 such, it is a reexperiencing of aspects of violence that
12 have occurred in the past but then tend to be
13 reexperienced. And for some individuals, it creates
14 cognitive changes. For some individuals it creates
15 emotional changes. But post-traumatic stress disorder is a
16 serious mental disorder that often persons who have been in
17 combat or subjected to life threatening situations
18 experience.

19 As we know right now, we have many people from
20 Afghanistan and Iraq who are coming back and the military
21 now is kind of trying to change the words so that it's not
22 necessarily called a disorder because veterans who have
23 served are sensitive to that and would rather be identified
24 as having sustained an injury as opposed to a psychological
25 disorder.

Lois Veronen - Direct Examination In Camera by Mr. Grant

1 Q And --

2 A Sometimes we use the word to explain to people that
3 they might be having a normal reaction to a very abnormal
4 set of circumstances that occurred in there life.

5 Q How does post-traumatic stress disorder relate to a
6 battered person?

7 A Well, it relates to a battered person because
8 persons who are experiencing -- have experienced a life
9 threatening situation, a trauma, hold that traumatic event
10 and so sometimes it alters the perception of when violence
11 is imminent or when violence is likely; and so with that
12 perception, it could be, in fact a misperception. You
13 know, we know in fact that people become sensitized to
14 situations of potential violence and, you know, in the case
15 of people coming back from Iraq and Afghanistan, some of
16 them have been subjected to situations in which things seem
17 to tremble like some of the explosions that they were there
18 and they find themselves reexperiencing sort of their same
19 fear reaction.

20 In the case of a battered woman, it might be a
21 particular behavior on the part of their loved one or
22 intimate, that the person behaves in and they have a
23 reaction of fear, terror, or sometimes disassociation and
24 response to that.

25 Q Could being choked by a loved one trigger

Lois Veronen - Direct Examination In Camera by Mr. Grant

1 post-traumatic stress disorder?

2 A Certainly.

3 Q Could being drug across the yard by the hair
4 trigger post-traumatic stress disorder?

5 A Certainly.

6 Q Could being slapped also trigger post-traumatic
7 stress disorder?

8 A Correct. Although, those things in the context, we
9 tend to think that that person is like -- likely to do more
10 to them and, you know, the life threat, you know, I'm going
11 the pistol whip you if you don't stop that. I'm going to
12 take your life. You'll regret the day you ever did that.

13 Q And what about a woman who is being chased by her
14 boyfriend, child's father in a pick-up truck and slammed
15 into the rear at about 60, 65 miles per hour? Could that
16 be a matter that could also trigger post-traumatic stress
17 disorder.

18 A Certainly. The idea that this could potentially be
19 the end of my life. You know, what we find is high
20 emotional arousal and what we call a survival response sets
21 in. You know, the person is set to try to preserve their
22 own life. But anything that's present at the time of that
23 survival response or that intense fear response may
24 subsequently have the capacity to trigger for them, you
25 know, the same reaction, that fear that they experienced at

Lois Veronen - Direct Examination In Camera by Mr. Grant

1 the first trauma.

2 Q Doctor, you've explained battered person's
3 syndrome, you've explained post-traumatic stress disorder.
4 Now, from a clinically science psychologist standpoint,
5 explain to us what anxiety is.

6 A Well anxiety is the overall pervasive feeling of
7 concern, terror, fear, when there is really sort of -- no
8 apparent reason for that. Anxiety, we think of as -- not
9 as specific as like post-traumatic stress disorder or a
10 fear response, but it -- a generalized anxiety disorder
11 would be a concern and overall vigilance concern about
12 one's -- typically with anxiety, we get rapid heartbeat, we
13 get maybe panic attacks, we have a variety of logical
14 things and then there can be accompanied the cognitive
15 worry, like something bad is going to happen, I'm going to
16 lose my job, somebody's going to find out about this, my
17 child will not be well cared for in the future, generalized
18 anxiety.

19 Q And what is the clinical psychological definition
20 of depression?

21 A Depression? There's volumes written on depression,
22 but basically we talk about the expression of depression in
23 the form of a depressed mood, sadness that is sustained
24 over a period of time, feelings of hopelessness that the
25 person's future is not going to be -- it's not going to be

Lois Veronen - Direct Examination In Camera by Mr. Grant

1 a good future. We can also have times in which the
2 depression or mood can get so bad that the person does not
3 want to leave, so suicidal ideation may come with that.

4 Some aspects of depression, there's actually a
5 physiological subduing, you know, the person doesn't eat
6 properly, they don't bathe properly, they don't take care
7 of themselves. So depression is sort of generalized
8 sadness, changes in body functioning, and certainly a
9 forboding feeling about the future.

10 Q Have all the definitions that you have given me so
11 far all been to a reasonable degree of psychological --
12 clinical psychological certainty?

13 A Correct.

14 Q Okay. Now, did you have an opportunity in this
15 case to meet a young lady by the name of Courtney Price?

16 A I did indeed.

17 Q Do you see Courtney in the courtroom and could you
18 please point to her and call her name and describe what
19 she's wearing?

20 A Yes. Courtney is sitting at the table there.

21 Q Okay.

22 A And, yes.

23 Q All right. Doctor, please tell us how did you
24 first become involved in the case?

25 A I received a call from your office in writing about

Lois Veronen - Direct Examination In Camera by Mr. Grant

1 the battered woman's syndrome and the work that I'd done in
2 the past and then I spoke with you briefly on the phone and
3 you had made the request that I would conduct an evaluation
4 of Courtney Price.

5 Q And we told you we wanted you to evaluate her?

6 A Yes.

7 Q And did you evaluate her?

8 A I did indeed.

9 Q What procedures did you use in evaluating Courtney
10 Price?

11 A Well, I subjected her to lengthy interviews. I
12 reviewed the records of discovery that were available. I
13 conducted some psychological tests on her and had her
14 complete the detailed assessment of post-traumatic stress
15 which is about 105 items and it examines for many stressors
16 that people may have experienced and then I also conducted
17 personality assessment inventory, which assessed ten areas
18 of clinical functioning. And I also did what we call a
19 clinical history about, any psychological difficulty's
20 she'd had, general levels of adjustment, educational
21 attainment --

22 Q And --

23 A -- social histories, statement of relationship
24 functionings.

25 Q And were the procedures that you used, are they

Lois Veronen - Direct Examination In Camera by Mr. Grant

1 acceptable in your profession and in your field for testing
2 someone?

3 A Yes. Yes.

4 Q Okay. And what findings or conclusions did you
5 come to in your professional opinion as to whether or not
6 Courtney Price is suffering from battered person's syndrome
7 on September 27, 2014?

8 A Well, in my opinion, she was indeed suffering from
9 battered woman's syndrome. She had some impairments in
10 terms of her cognition, her perceptions of fear and
11 dangerousness of Sam Simmons were heightened. So in my
12 opinion she did, in fact, suffer from battered woman's
13 syndrome.

14 Q And what were your opinions as to whether or not
15 Courtney Price was suffering on September 27, 2014, from
16 post-traumatic stress disorder?

17 A Yes, indeed. That is consistent with her history
18 of violence, but also the incident itself may have
19 retraumatized her, so we cannot deny that the event itself
20 was extremely traumatic for her, that whole sequence, her
21 perception of fear, her discovering that there was another
22 child, all of that would relate -- and her, you know, use
23 of the knife to -- that she believed to conduct a
24 conversation with him around his behaviors, all of that and
25 her stabbing him, all of that is traumatic as well.

Lois Veronen - Direct Examination In Camera by Mr. Grant

1 Q And what conclusions did you come to, Doctor as to
2 whether on September 27, 2014, Courtney Price was suffering
3 from depression?

4 A I -- I'm less able to answer that because I don't
5 have the same kind of assessment about depression on that
6 date. Okay. But, I do know at the time that I interviewed
7 her and saw her, she was depressed and she had had a
8 hospitalization in August of 2015, just a few weeks before
9 I saw her and she was admitted to the hospital for a
10 weekend of observation and diagnosed with depression and
11 post-traumatic stress disorder.

12 Q And did she also have suicidal ideations?

13 A At that time she did.

14 Q All right. What are the reactions of women who
15 have been subjected to physical and emotional abuse at the
16 hands of their intimate partner?

17 A Well, again, there's -- we could go on for a long
18 time, but basically in terms of what is relevant to the
19 Court, you know, there certainly can be a myriad of
20 reactions that occur when one -- you know, a relationship
21 that's supposed to be loving and caring is violent. For
22 Courtney, who's a highly responsible person -- I mean we
23 heard testimony that she felt like ashamed and she didn't
24 want to talk about it, she didn't want to seek help, she
25 wanted those incidents where she aligned with him and

Lois Veronen - Direct Examination In Camera by Mr. Grant

1 wanted to protect him so, you know, that he wouldn't have a
2 record, so there were -- that kind of behavior is very
3 typical of women who are being in a violent relationship
4 with an intimate partner.

5 Q Uh-huh.

6 A Also, as the love is there, there's also the fear.
7 They become much more capable of detecting when a situation
8 is likely to get violent and on this particular occasion,
9 she predicted very well -- I mean she had been concerned
10 about the money for the daycare and she had repeatedly, you
11 know, requested, you know, that he in fact, you know, pay
12 the equitable share. She was at the point of being highly
13 ambivalent about whether this relationship could sustain
14 and continue. She asked for her key back repeatedly and so
15 we have, again, this feelings of both lover and fear.

16 She -- and on that particular occasion, that early
17 morning when she went upstairs with the knife, she intended
18 and wanted to talk with him and she knew because of her
19 previous history that whenever she brought up the topic of,
20 you know, him paying his fair share, or whenever she talked
21 about another woman, and she had ample evidence that -- he
22 in fact, had another child and a woman and so on that
23 particular occasion -- she felt if she was going to have a
24 conversation with him it was going to result in violence,
25 and it, in fact, did.

Lois Veronen - Direct Examination In Camera by Mr. Grant

1 Q I understand. Doctor, I want you to assume the
2 five point -- or 5-foot 1-inch woman, weighed about 110
3 pounds, a man who's about 5'7, 5'8, weighing about 180
4 pounds. Assume the woman meets the man and they're both
5 teenagers and they begin a romantic relationship. And as
6 they go through that relationship, the various things you
7 talked about, the beating, the fighting, the choking, the
8 pulling by the hair, the black eyes, assuming all those
9 things occur, what psychological impact would that have
10 upon Courtney Price's perceptions on September 14 --
11 September 27, 2014, in dealing with Sam.

12 A Well, she would view that if she was going to talk
13 about certain things it was imminently dangerous for her.
14 She would be in great fear, she would fear that violence
15 was going to result.

16 Q And in your opinion did Courtney Price fear Sam
17 Simmons?

18 A On that particular occasion she feared him very
19 much.

20 Q And did she also love Sam Simmons?

21 A She indeed did.

22 Q Can --

23 A She still loves him.

24 Q Can love and fear co-exist?

25 A They certainly do. I mean, if you look at the

Lois Veronen - Direct Examination In Camera by Mr. Grant

1 relationship we have with God, we both love and fear.

2 Q Okay. And why would Courtney take a knife with her
3 to go upstairs to talk with him?

4 A Because she knew that if she was going to bring up
5 the topic of another woman, she'd have occasions in which,
6 you know, he took the phone, dragged her by the hair, you
7 know, it was going to be -- you know, she was imminently
8 going to be -- it's a very dangerous situation for her.
9 She was going to talk about, you know, the idea of
10 co-parenting or getting an equitable treatment regarding
11 money. It was going to be a dangerous situation.

12 Q And in --

13 A She's got plenty of history with that.

14 Q Yes, ma'am. And in your professional opinion, was
15 that a reasonable response for a woman with her history of
16 violence at his hands?

17 A It's a very reasonable response for a woman with
18 her history of violence with Sam Simmons, yes.

19 Q Based on your expertise and evaluations, what is
20 the psychological state of a woman who has been previously
21 hit, struck and abused?

22 A Well, that hit, struck and abused, it can result
23 in, you know, incredible fear; incredible fear.

24 Q Have you cooperated with requests for documents,
25 notes, testing information requested by the solicitor's

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1 office?

2 A I have indeed.

3 Q They sent you a subpoena?

4 A No, you sent me the subpoena, but they sent me an a
5 request for -- yes, they did send me a subpoena for
6 records.

7 Q That's right. And you responded to them by sending
8 those to Ms. Cornwell?

9 A Yes, I did.

10 Q And have all of your opinions that you've given me
11 today been to a reasonable degree of clinical psychological
12 certainty?

13 A Yes, they have.

14 Q Thank you, ma'am.

15 MR. GRANT: No further questions of the witness.

16 THE COURT: Thank you, Mr. Grant.

17 Solicitor?

18 CROSS-EXAMINATION IN CAMERA

19 BY MS. CORNWELL:

20 Q Dr. Veronen, in your experience with battered
21 woman's syndrome, I believe you had stated that women were
22 able to tell what their loved ones, what their actions are
23 going to be, based on prior experiences of these things?

24 A That's what -- yeah, the research suggests, you
25 know, in terms of dangerous likelihood or likelihood of

Lois Veronen - Cross-Examination by Ms. Cornwell

1 danger, the woman becomes a very good predictor perceiver
2 of violence.

3 Q Okay. And you would say that Courtney knew that
4 this conversation she was going to have was going to be
5 imminently violent, that on that occasion she was extremely
6 afraid of the victim; is that correct?

7 A Correct.

8 Q So let me ask you this: If she's in her home by
9 herself with her child and she knows that there's going to
10 be an extremely violent confrontation if she confronts him
11 again about a situation, why would she then go ahead and
12 confront him when she's by herself in her home as opposed
13 to waiting to where she's somewhere safe, waiting until
14 people are around her?

15 A Because she's had no help from anybody in the past.
16 I mean, police have, in fact, you know, they come out to
17 investigate, she's pleaded with members of his family, I
18 want the keys back, please talk to him. Let him tell me
19 that, you know, this is it, or it's over. She's appealed
20 to other sources but she feels at that point, you know, she
21 has to get answers for herself.

22 Q What about her family in she couldn't have gone to
23 her family, and, you know, had this conversation? Because
24 they're involve in C.D.S.'s life, they're involved in --

25 A And her family had, in fact, assisted her at

Lois Veronen - Cross-Examination by Ms. Cornwell

1 various times. Her mother gave her the money to go and
2 obtain the paperwork to put Sam on required payment for
3 C.D.S.'s care, but, in fact, what happened is Sam came and
4 pleaded with her, please don't do this; and, in fact, the
5 family sort of threw a big shower for C.D.S. at that point
6 and, you know, what happened is that, in fact, Courtney
7 became known as, you know, having C.D.S.'s (sic) child.
8 And so this was sort of a public announcement and
9 acknowledgment of the child and so Courtney being the very
10 responsible person that she is trying to, you know, sort of
11 control Sam's behavior and make sure that Sam would have
12 the very best options available for all kind of things, did
13 not follow through with the paperwork. So for Courtney,
14 there were aspects of shame on her part that she, you know,
15 had gone to her family and they had supported her in what
16 they thought was a right thing to do and she hadn't
17 followed through and this is part of sort of the love and
18 fear that coexist.

19 Q But, I mean, if you can say that her family was
20 very supportive, so if she wanted to have this conversation
21 about daycare -- again, her parents, her mom had helped her
22 file for child support before, she could have had this
23 conversation around them in a kind of safety in numbers as
24 opposed to waiting when she's at this house by herself at
25 the point of --

Lois Veronen - Cross-Examination by Ms. Cornwell

1 A It's also --

2 Q -- going upstairs --

3 A Three o'clock in the morning. You know, she's
4 not -- she's somewhat sleep deprived perhaps and, you know,
5 her impairment with that of shame and you know, combination
6 of shame and fear, yes, you know, perhaps in the light of
7 this day would make a different decision. And, you know,
8 every -- I mean, she was beginning to say those same things
9 when she was, I can't believe that it's come to this. I
10 can't believe it's come to this. The one time I try to
11 defend myself against him, you know, this happens.

12 Q And she was probably very angry that night too,
13 correct? She had just found out there was another child
14 involved, somebody was getting paid money that she wasn't
15 getting paid. There was obviously an allegation of
16 cheating and those are all things that would have angered
17 her, correct?

18 A Anger and fear -- fear that her child is never
19 going to be taken care of properly.

20 Q But clearly anger as well?

21 A Sure -- perhaps. High emotional arousal.

22 Q Okay. And you would --

23 A And the idea of defending yourself, you know, she
24 had been taking care of him throughout all of this and
25 taking care of their child. He heard about her level of

Lois Veronen - Cross-Examination by Ms. Cornwell

1 responsibility.

2 Q Of course. And you had also stated earlier that
3 some typical reactions of women with battered spouse
4 syndrome or battered person's syndrome is often to avoid
5 the confrontations and avoid these things that are going to
6 cause these violent reactions. So again, Courtney does the
7 opposite of what we typically see in a battered woman by
8 going towards this confrontation and creating this
9 confrontation over and over and over again, you know, in
10 your opinion knowing that it was going to cause violence.
11 That kind of goes against what you were saying.

12 A But the idea that on this particular occasion she
13 needed additional answers for these particular
14 circumstances that, you know, three o'clock in the morning,
15 she wanted additional answers. And, yes, she didn't avoid
16 it on this occasion. She wanted him to talk with her about
17 what was going on.

18 Q She said she needed answers right then?

19 A Correct.

20 Q Thank you, Dr. Veronen, no further questions.

21 THE COURT: Redirect, Mr. Grant?

22 MR. GRANT: Yes, Your Honor.

23 REDIRECT EXAMINATION IN CAMERA

24 BY MR. GRANT:

25 Q How does Battered Women's Syndrome -- since you

Lois Veronen - Cross-Examination by Ms. Cornwell

1 were asked about the circumstances of this -- how did
2 Battered Women's Syndrome relate to the victim not actually
3 assaulting the woman at the time he's being killed?

4 A Say that again?

5 Q Yes, ma'am, let me make sure I clear that up a
6 little bit. Sometimes when the -- a woman who is the
7 victim of an abuser --

8 A Correct.

9 Q -- sometimes the abuser is not actually attacking
10 the woman at the time he's killed.

11 A Right.

12 Q How does that relate from a clinical psychological
13 standpoint?

14 A From a clinical psychological standpoint, it's the
15 whole notion of what is sort of imminent. What is likely
16 to occur. And, you know, in some of the cases that we've
17 had, the person has been completely asleep and that is, you
18 know, in the record and nobody argues with that. But, you
19 know, at the time he was getting up, he had -- he told the
20 woman that she was -- he was going to finish the job, he
21 was going to put her in an underground chamber, you know,
22 he was going to beat her, so the perception of what
23 imminent danger is based on that history with that
24 particular individual is what the battered woman's syndrome
25 is.

Lois Veronen - Cross-Examination by Ms. Cornwell

1 And imminent danger, you know, can be because of
2 her knowledge and history and association; she used
3 imminent danger very differently than, you know, a rational
4 person would, you know, because she's got a different
5 association and history with him.

6 Q So in your professional opinion, does it make any
7 difference at all, clinically when it comes to the
8 diagnosis of battered woman's syndrome whether the victim
9 was actually asleep -- actually asleep at the time of the
10 killing as opposed to being awake?

11 A No, it doesn't. What matters is what kind of
12 history and what words have been used and what's been the
13 pattern of abuse that has preceded that. She knew what
14 imminent danger was.

15 Q And in your professional experiences, have you ever
16 had or have you ever opinion involved or professionally
17 aware of battered person or battered woman's syndrome being
18 asserted and accepted by the Court even when the victim was
19 asleep?

20 A Yes, the very first case I was involved with in
21 1978, you know, that is the testimony that that was there.
22 Cynthia Hutto versus the State of South Carolina and she
23 was acquitted on the basis of self-defense. As we've moved
24 on, you know, the Courts have become to recognize that this
25 whole idea of, you know, a woman's right to defend herself

Lois Veronen - Cross-Examination by Ms. Cornwell

1 in various circumstances has -- has put this into a hearing
2 as opposed to like a week long trial.

3 Q Does battered woman's syndrome then make a woman
4 feel like she has a continuous type of assault going on,
5 even though she's got being assaulted at the time of the
6 strike and the fatal blow?

7 A Correct. There can be the feeling that at any
8 moment, any second, or at the particular set -- situation,
9 it's going to change.

10 Q Okay. Thank you for your testimony, Dr. Veronen?

11 THE COURT: Solicitor?

12 MS. CORNWELL: Nothing, further, Your Honor.

13 THE COURT: All right. Thank you. Thank you very
14 much, Doctor. Thank you for being with us this afternoon.

15 MR. GRANT: I have one more short witness, Judge.

16 I say that now, but of course --

17 THE COURT: All right. Yes, sir, you may call your
18 next witness.

19 MR. GRANT: Thank you, Your Honor. We would call
20 Sharee Scott.

21 WITNESS NAME,

22 having been duly sworn, testified as follows:

23 THE CLERK: Thank you. You may have a seat. And
24 please state your name again for the record and please
25 spell your first and last name.

Lois Veronen - Cross-Examination by Ms. Cornwell

1 THE WITNESS: Sharee Scott, S-H-A-R-E-E, Scott,
2 S-C-O-T-T.

3 THE CLERK: Thank you.

4 DIRECT EXAMINATION IN CAMERA

5 BY MR. GRANT:

6 Q Ms. Scott, you came here pursuant to subpoena; is
7 that correct?

8 A Uh-huh.

9 Q And you live in Charleston, of course?

10 A Uh-huh.

11 Q And how old --

12 THE COURT: Would you say yes or no for me.

13 THE WITNESS: Oh.

14 THE COURT: For our court reporter. Thank you
15 thank you so much.

16 MR. GRANT: Thank you.

17 THE COURT: It's all right. Mr. Grant, I know it's
18 not your fault.

19 MR. GRANT: Yes, sir.

20 BY MR. GRANT:

21 Q How old are you now, Ms. Scott?

22 A 23.

23 Q 23 years young. Do you have a child?

24 A Yes.

25 Q And what is --

Lois Veronen - Cross-Examination by Ms. Cornwell

- 1 A I have two.
- 2 Q Two children. And is any of your children fathered
- 3 by Samuel Simmons.
- 4 A Yes.
- 5 Q And what's the name of that child.
- 6 A C.S. [REDACTED].
- 7 Q C.S. [REDACTED]?
- 8 A Uh-huh.
- 9 Q How old is that child?
- 10 A Three.
- 11 Q And what's that child's birth date?
- 12 A [REDACTED].
- 13 Q Okay. One second?
- 14 (There was a pause in the proceedings.)
- 15 BY MR. GRANT:
- 16 Q 2012?
- 17 A Uh-huh.
- 18 Q And was Samuel Simmons providing support through
- 19 the Court for your child?
- 20 A No.
- 21 Q And why not?
- 22 A Because he wasn't.
- 23 Q You didn't seek child support from the Court?
- 24 A No.
- 25 Q Okay. Now, you heard about, obviously, what

Lois Veronen - Cross-Examination by Ms. Cornwell

1 happened to Sam since he's the father of one your children;
2 is that correct?

3 A Yes.

4 Q All right. And you heard of course that Courtney
5 was the one who's been charged with stabbing him and
6 killing him; is that correct?

7 A Yes.

8 Q And when you found out about this incident, had you
9 heard of Courtney before?

10 A When my son was like, I'd say a couple of months.

11 Q A couple of months?

12 A Uh-huh.

13 Q All right. But when you heard about the fact that
14 this incident happened between him and Courtney, what were
15 your impression as to whether or not Courtney was still in
16 his life?

17 A Well, I just -- I just ain't know about her. Like
18 when he was a couple of months and he was like we had just
19 broken up. Like we was going together for 7 months and we
20 just breaking up. I never heard nothing else.

21 Q Did you think Courtney was already out of his life?

22 A I mean, I never asked.

23 Q Did he ever tell you that he was no longer seeing
24 Courtney?

25 A I never asked.

Lois Veronen - Cross-Examination by Ms. Cornwell

1 Q You never asked?

2 A No.

3 Q Okay. All right. Was he paying any daycare for
4 your child? Expenses or anything?

5 A If I call and ask -- well, if I call and say she
6 need this, yeah.

7 Q Okay. This incident happened on September 27,
8 2014. Think back if you can and if you will, when's the
9 last time you saw Samuel Simmons prior to that date?

10 A I can't really say. I can say the last time we
11 text was on the 22nd of September.

12 Q You don't remember the last time you saw him before
13 that?

14 A No.

15 Q You think it might have been more than a year?

16 A No.

17 Q Well it couldn't have been more than a year, you
18 said the child was a couple of months.

19 A I mean, like, I know it was around Christmas time
20 because he drop her Christmas stuff off.

21 Q Christmas time, so from Christmas, that would be
22 December, to September, you didn't see him?

23 A Huh-huh.

24 Q Is that correct?

25 A Uh-huh.

Lois Veronen - Cross-Examination by Ms. Cornwell

1 Q Which means your child didn't see him?

2 A Pretty much.

3 Q Okay. Did you text Sam on September 27th around
4 about five o'clock or the early morning hours that morning
5 to talk about anything pertaining to daycare?

6 A No, I never text him on that day.

7 Q You didn't text him at all that day?

8 A No, I got a call from him that day.

9 Q You got a call from him that day?

10 A Yes.

11 Q But you're saying you don't remember texting him?

12 A I never text him that day.

13 Q You never texted him that day?

14 A Huh-huh.

15 Q Okay. Thank you?

16 MR. GRANT: No further questions.

17 THE COURT: Solicitor?

18 **CROSS-EXAMINATION IN CAMERA**

19 **BY MS. CORNWELL:**

20 Q Ms. Scott, I think there was a little bit of
21 confusion there. You were saying that Sam, when your son
22 was a couple of months, that's when you heard about
23 Courtney. How old is your son?

24 A My son is 5.

25 Q So your son is older than your daughter then?

Lois Veronen - Cross-Examination by Ms. Cornwell

1 A Yes.

2 Q So when you're saying you knew about Courtney when
3 your son was a couple of months old, that was about 5 years
4 ago, correct?

5 A Yes.

6 Q And your child was born [REDACTED], 2012, with Sam?

7 A Yes.

8 Q So you would have conceived that child back in
9 2011?

10 A Yes.

11 Q All right. And your relationship with Mr. Simmons,
12 how long did you know him?

13 A Since I was 17.

14 Q Okay. So that would have been about six, seven,
15 years?

16 A Yeah.

17 Q And in the time that you knew him, tell me about
18 your relationship. Was it a good relationship?

19 A Yes.

20 Q Was Mr. Simmons ever violent with you?

21 A No.

22 Q Did he ever strike you?

23 A No.

24 Q Choke you?

25 A No.

Lois Veronen - Cross-Examination by Ms. Cornwell

1 Q Ever pull you by your hair?

2 A No.

3 Q If you ever got into an argument with Mr. Simmons
4 about financial issues or anything like that, what was his
5 response to your argument?

6 A He would walk away or he would hang up the phone.

7 Q Okay. But he never got aggressive or abusive in
8 your seven year relationship?

9 A No.

10 Q At this time that this incident occurred, September
11 27th, 2014, were you still involved with Sam sexually?

12 A No.

13 Q So the only reason that you would be in contact
14 with Sam would be --

15 A My daughter.

16 Q -- the co-parenting of your daughter, correct?

17 A Yes.

18 MS. CORNWELL: Nothing, further, Your Honor.

19 THE COURT: Redirect, Mr. Grant.

20 MR. GRANT: Very briefly, Your Honor.

21 REDIRECT EXAMINATION IN CAMERA

22 BY MR. GRANT:

23 Q I think you said that you were talking about
24 support, he would hang up; is that correct?

25 A No, like if I be like she need this and she need

Lois Veronen - Cross-Examination by Ms. Cornwell

1 that he, Oh, I'll do it and he'll take like a couple of
2 days or a week to do it and I be like, well, when you going
3 to do it and he get mad and he hang up.

4 Q So he didn't like anybody talking to him about no
5 child support; is that correct?

6 A No.

7 Q Thank you.

8 MR. GRANT: Nothing further.

9 THE COURT: Recross, solicitor?

10 **RECROSS EXAMINATION IN CAMERA**

11 BY MS. CORNWELL:

12 Q But he never got violent with you in those
13 arguments?

14 A No.

15 MS. CORNWELL: That's all, Your Honor.

16 THE COURT: Thank you. Thank you very much,
17 Ms. Scott, for being with us this afternoon. You may step
18 down.

19 MR. GRANT: You're, I've got -- if you don't
20 mind --

21 THE COURT: No.

22 MR. GRANT: Okay, thank you.

23 THE COURT: I volunteered for this Mr. Grant.

24 MR. GRANT: Okay. Debbie Byrd to the stand, Your
25 Honor.

Debbie Byrd - Direct Examination In Camera by Mr. Grant

1 DEBBIE BYRD,

2 having been duly sworn, testified as follows:

3 THE CLERK: Thank you. You may have a seat.

4 Please state your name for the record, and spell your last
5 name.

6 THE WITNESS: My name the Deborah Byrd; last name
7 is B-Y-R-D.

8 THE CLERK: Thank you.

9 DIRECT EXAMINATION IN CAMERA

10 BY MR. GRANT:

11 Q Ms. Byrd, where are you employed?

12 A Orangeburg Department of Public Safety.

13 Q And how long have you been employed there?

14 A Eleven years.

15 Q And how long have you been in law enforcement?

16 A Sixteen years.

17 Q And what is your official title with the Orangeburg
18 Department of Public Safety?

19 A Evidence custodian.

20 Q And you're responsibility is to keep the evidence
21 secure?

22 A It is, sir.

23 Q Is that correct?

24 A Yes, sir.

25 Q And did you collect any evidence in this particular

Debbie Byrd - Direct Examination In Camera by Mr. Grant

1 case, State versus Courtney Price.

2 A I didn't collect it.

3 Q You received it?

4 A It was turned in, yes, sir, I received it.

5 Q Okay. And it's been in the evidence -- in the
6 evidence custody room ever since?

7 A Yes, sir.

8 Q Do you remember when I came by maybe a few days or
9 less than a week ago to the evidence custody room to talk
10 to you?

11 A Yes, I do.

12 Q And I told you about an item I saw in the
13 discovery, in the reports about the hair that was retrieved
14 from the right hand of Samuel Simmons.

15 A Yes, sir.

16 Q You remember I told you that?

17 A Yes, sir.

18 Q And I told you I wanted to see it because the hair
19 that was in Samuel Simmons hands, for whatever reason, was
20 submitted to SLED but it was not tested for DNA, correct?

21 A Correct.

22 Q And I also informed you that since I -- the report
23 doesn't say what color the hair was and I knew Sam had
24 black dreads and Courtney had blonde hair, I needed you to
25 let me see that hair, am I correct.

Debbie Byrd - Direct Examination In Camera by Mr. Grant

- 1 A Yes, sir.
- 2 Q And what did you do when I asked you to do that?
- 3 A I opened it up and let you view it.
- 4 Q Yes, ma'am. And we looked at it kind of together;
- 5 is that correct?
- 6 A Yes, sir.
- 7 Q And is that the item right there that I had you
- 8 look at that day?
- 9 A Yes, sir.
- 10 Q And without having to open it up again and you're
- 11 under oath, can you represent to the Court what you saw in
- 12 that container after you opened it up?
- 13 A Yes, sir, it was, I'd say a rather short, probably
- 14 3 to 4 inch blondish colored hair.
- 15 Q Blondish colored hair?
- 16 A Straight sort of.
- 17 Q And does your documents indicate where that hair
- 18 came from? In other words, the people collected it got it
- 19 from somewhere and they gave it to you?
- 20 A Yes, sir.
- 21 Q Where does it indicate that that blonde hair came
- 22 from?
- 23 A From the right hand of the victim.
- 24 Q From the right hand of the victim?
- 25 A Yes, sir.

Debbie Byrd - Direct Examination In Camera by Mr. Grant

1 Q And is that the item right here?

2 A It is, sir. This one right here.

3 Q And you represent to the Court that -- 'I'm sorry,
4 this is the one?

5 A Yes, sir.

6 Q Okay. Which container? I see two of them?

7 A This one. Let me hold it --

8 Q Yeah, let me let you do that?

9 A Okay.

10 Q All right. So you represent to the Court that you
11 have opened this and you've looked at it and there is a
12 blonde hair in the envelope?

13 A Yes, sir.

14 Q Okay.

15 MR. GRANT: Your Honor, I'd like to have it marked
16 as the next defendant's exhibit in order.

17 THE COURT: Where we at Madam Reporter? 25?

18 THE COURT REPORTER: 25, yes, sir.

19 THE COURT: Any objection, Solicitor?

20 MS. CORNWELL: No, Your Honor.

21 THE COURT: Defendant's 25 is in evidence.

22 MR. GRANT: I offer it in evidence Your Honor as
23 Number 25.

24 (Defendant's Exhibit Number 25 was entered into
25 evidence for the pretrial motions.)

Ray Robinson - Direct Examination In Camera by Mr. Grant

1 BY MR. GRANT:

2 Q And again, there was no report from SLED where they
3 kind of check there a DNA analysis indicating whose hair
4 that was; is that correct?

5 A No, sir.

6 Q Do you know whether one was asked to be tested?

7 A No, sir.

8 Q Okay. Thank you, ma'am.

9 THE COURT: No, sir, meaning you don't know?

10 THE WITNESS: I do not know.

11 THE COURT: All right.

12 MR. GRANT: No further questions of this witness,

13 Your Honor.

14 THE COURT: Thank you, Mr. Grant.

15 Solicitor?

16 MS. CORNWELL: Your Honor, I don't have anything.

17 THE COURT: Thank you. Thank you very much Officer

18 Byrd for being with us today.

19 MR. GRANT: At this time we'd call Dr. -- I'm

20 sorry. Ray Robinson, please.

21 Is the reverend in here? Oh, there he is.

22 RAY ROBINSON,

23 having affirmed, testified as follows:

24 THE CLERK: Thank you, you may have a seat.

25 DIRECT EXAMINATION IN CAMERA

Ray Robinson - Direct Examination In Camera by Mr. Grant

1 BY MR. GRANT:

2 Q Reverend, state your full name, please, sir --
3 state your full name, please reverend.

4 A Jesse J-E-S-S-E, Ray R-A-Y, Robinson,
5 R-O-B-I-N-S-O-N.

6 Q All right. And you're a reverend; is that correct?

7 A That's correct.

8 Q All right. Reverend Robinson, where are you from?
9 Are you from Orangeburg?

10 A I'm not originally from Orangeburg.

11 Q Do you live here now?

12 A I live here now. I'm originally a North
13 Carolinian.

14 Q How long have you been living in Orangeburg?

15 A Since 1981.

16 Q And do you pastor a church or are you a former
17 pastor of a church?

18 A I'm a former pastor of Olive Grove Missionary
19 Baptist Church.

20 Q And do you know my client, Courtney Price?

21 A Yes, I know Courtney Price.

22 Q Yes, sir. Please tell Your Honor how it is that
23 you know Courtney Price?

24 A This is going to sound somewhat heterodoxical
25 because I know Courtney Price the very opposite of why

Ray Robinson - Direct Examination In Camera by Mr. Grant

1 we're here. I know Courtney Price as about a four-year-old
2 who wanted to help line other children for the children's
3 sermonette. She wasn't interested in being in the front.
4 She wasn't interested in being in the back. She -- her
5 interest was in the middle to have children at the alter
6 for a sermonette prior to the regular sermon.

7 I know Courtney Price as the little lady whom I
8 call little Ms. Price because she was eager to help find
9 eggs -- I hope I'm right on this -- at the age of 86,
10 sometimes my mind might want to trick on me.

11 Q Take your time reverend.

12 A But Courtney Price was one who wanted everyone to
13 have eggs. Courtney Price was the one who didn't want to
14 see anyone defeated and she had this attitude, habitually,
15 because we would play out in the afternoon roughly once a
16 year, sports, and her mother, who was the church clerk, ran
17 faster than I did and that just tickled everyone, including
18 Courtney Price.

19 But I gave her the name little Ms. Price because
20 she reminded me of a petite grandmother who wanted all the
21 children to be happy and all the children exposed to the
22 same thing.

23 Q And is that -- do you see Courtney Price in the
24 courtroom right now?

25 A I have severe visual defect in my left eye -- yes,

Ray Robinson - Direct Examination In Camera by Mr. Grant

1 I see her she's sitting on that first pew with someone
2 sitting on it.

3 Q Yes, sir. Okay. All right.

4 A That is she.

5 Q Yes, sir. All right. Now, Reverend let me ask you
6 this: In the time and the opportunities that you have
7 gotten to know Courtney Price, do you believe that you have
8 had an adequate opportunity to establish an opinion as to
9 whether Courtney Price is an honest person?

10 A Most definitely.

11 Q And what is your opinion?

12 A My opinion is she is honest and she's geared toward
13 telling the truth regardless whom it affects. Now, this is
14 the Courtney I know.

15 Q Yes, sir. And in your time in knowing Courtney the
16 way that you know her, do you believe that you have had an
17 adequate opportunity to establish an opinion as to whether
18 Courtney Price is a law-abiding person and a nonviolent
19 person?

20 A Yes, sir.

21 Q And what is that opinion?

22 A I think she is law-abiding and nonviolent for two
23 specific reasons: She is from a praying family. Her
24 grandmother is the mother of Olive Grove; her mother was
25 the former church clerk; and she abided by their rule; and

Ray Robinson - Direct Examination In Camera by Mr. Grant

1 their grandfather who passed, was the chairman of the
2 deacon board. So she was surrounded by prayer, righteous
3 living, God-fearing people.

4 Q Does the Courtney Price that you know -- that you
5 know and know as well as you know, does that seem like the
6 person -- that you know now -- who would stab somebody
7 while they're sleeping in the bed?

8 A No, sir.

9 Q Thank you, Reverend. Thank you Reverend?

10 MR. GRANT: That's all the questions I have of the
11 reverend, Your Honor.

12 THE COURT: Solicitor?

13 MS. CORNWELL: Nothing from the State, Your Honor.

14 THE COURT: Thank you for being with us this
15 afternoon, Reverend. You may step down.

16 THE WITNESS: Thank you.

17 MR. GRANT: Thank you, Reverend.

18 THE WITNESS: You're welcome, sir.

19 MR. GRANT: The defense would call Dr. Glover to
20 the stand.

21 SANDRA GLOVER,

22 having been duly sworn, testified as follows:

23 THE CLERK: Thank you, you may be seated. Please
24 state your name again for the record.

25 THE WITNESS: My name is Sandra Burgess Glover.

Sandra Glover - Direct Examination In Camera by Mr. Grant

1 THE CLERK: Thank you.

2 DIRECT EXAMINATION IN CAMERA

3 BY MR. GRANT:

4 Q Ms. Glover, what is your professional title?

5 A I'm a principal.

6 Q And what is your degree?

7 A A doctorate of education.

8 Q And where did you get that degree?

9 A Cambridge College.

10 Q And where are you the principal right now? What
11 school?

12 A Bamberg-Erhardt Middle School.

13 Q Middle school. And how long have you been the
14 principal there?

15 A There, this is my first year there.

16 Q Your first year there? Where did you work prior to
17 that?

18 A Bamberg High School and -- for five years and I was
19 principal prior to that at Orangeburg Consolidated 5 School
20 District Technology Center for ten years.

21 Q Where did you get your undergraduate degree?

22 A South Carolina State University.

23 Q And you're masters?

24 A Webster University.

25 Q And the PhD from?

Sandra Glover - Direct Examination In Camera by Mr. Grant

1 A Cambridge --

2 Q Cambridge?

3 A -- College.

4 Q All right. Are you from Orangeburg, South
5 Carolina?

6 A No.

7 Q Where are you from originally?

8 A Athens, Georgia.

9 Q How long have you lived in Orangeburg County?

10 A Four years from 1981 to 1985 as a student, moved
11 back here 26 years ago, 1989, as a permanent resident.

12 Q In the time that you've been living in Orangeburg
13 County, have you come to know one, Courtney Leola Price?

14 A Yes.

15 Q And is she sitting in the courtroom today?

16 A Yes.

17 Q Would you please point to her and call her name and
18 describe what she's wearing.

19 A Courtney is wearing a navy suit with a white
20 blouse.

21 Q Okay. And what color is her hair?

22 A Blonde.

23 Q All right. Now, tell the jury if you will how is
24 it that you got to know Courtney Price?

25 A I was a computer technology instructor at the

Sandra Glover - Direct Examination In Camera by Mr. Grant

1 Orangeburg Consolidated 5 School District Technology
2 Center. Courtney was a student there, a very excellent
3 student. I do recall her getting ready to go to college
4 and I was trying to basically encourage all my students to
5 get a degree in information technology, of course, because
6 I was trying to gear young ladies into the engineering and
7 the computer science field.

8 And Courtney -- my husband is a computer engineer
9 and he was actually doing a speech at South Carolina State
10 University and he -- she said, Well, I don't want to go. I
11 said, Well, Courtney go, I think maybe you can get a
12 scholarship. She went and fell in love with the field.
13 She felt agribusiness was a field that she could only do
14 agriculture. She learned that she can do so many different
15 aspects of what she wanted to do, which was business
16 administration and Courtney was fortunate enough to get a
17 full scholarship to South Carolina State University under
18 one of my former mentors and professors as well.

19 She got a laptop, a printer, she got a stipend.
20 She was able to go to every conference from, I guess from
21 New York to Atlanta. She did extremely well. Every summer
22 she worked. She was employed by the school, just the
23 epitome of the type of student that we try to gear our
24 students to be all the time.

25 One of the things I can say about Courtney is that

Sandra Glover - Direct Examination In Camera by Mr. Grant

1 I -- being an educator for 27 years, I have three children
2 of my own, my oldest being a freshman -- first year of law
3 school. I don't allow students around my children.

4 Courtney was so wonderful, she's a sweetheart. She's a
5 doll. She's an angel. She was one of the few people at
6 Orangeburg Consolidated School District 5 that I would let
7 hang with my daughters. In fact, she mentored my
8 daughters. She's like a big sister to my children.

9 She's come to my house many times. I would trust
10 her with my children's lives as well as my own.

11 Q Considering then the substantial opportunities that
12 you have had to observe and to watch Courtney, do you think
13 you've had an adequate opportunity to establish an opinion
14 as to her truthfulness?

15 A Absolutely.

16 Q And what is that opinion?

17 A I think she is very -- one of the most honest young
18 people I've ever met in my entire life.

19 Q And do you think you've had an adequate opportunity
20 to establish an opinion as to her law-abidingness and her
21 character for nonviolence?

22 A Absolutely.

23 Q And what are those opinions?

24 A I don't think Courtney is violent at all. I don't
25 think Courtney could feel -- I really don't think she could

Sandra Glover - Direct Examination In Camera by Mr. Grant

1 kill a bug without feeling remorseful. I don't think she
2 would break the law in any sense of the word.

3 Q The Courtney Price that you know, is that the type
4 of person that could stab someone while they're sleeping in
5 bed?

6 A Absolutely not --

7 Q Thank you, Doctor.

8 A -- in my opinion.

9 Q Yes, ma'am, thank you, ma'am, Doctor.

10 MR. GRANT: I have no further questions of the
11 witness, Your Honor.

12 THE COURT: Thank you, Mr. Grant.

13 Solicitor?

14 MS. CORNWELL: Nothing from the State.

15 THE COURT: Thank you, Doctor, for being with us
16 this afternoon. You may step down.

17 MR. GRANT: Your Honor at this time we call Public
18 Safety Officer Tanesha Bellinger.

19 TANESHA BELLINGER,

20 having been duly sworn, testified as follows:

21 THE CLERK: Thank you. You may have a seat.

22 Please state your name for the record and please spell your
23 name for the record.

24 THE WITNESS: Tanesha Bellinger, T-A-N-E-S-H-A,
25 Bellinger, B-E-L-L-I-N-G-E-R.

Tanesha Bellinger - Direct Examination In Camera by Mr. Grant

1 THE CLERK: Thank you.

2 DIRECT EXAMINATION IN CAMERA

3 BY MR. GRANT:

4 Q Officer Bellinger, where do you work, ma'am?

5 A Orangeburg Public Safety.

6 Q And how long have you been working there?

7 A Two years.

8 Q How long have you been a police officer?

9 A For a year.

10 Q Four years, where did you work before that?

11 A For a year.

12 Q Oh, I'm sorry, for a year?

13 A Yes, sir.

14 Q So you worked your first year, but you were not a
15 police officer?

16 A No, sir.

17 Q What did you do in your first year?

18 A Fire fighting.

19 Q Oh. Okay. Orangeburg also?

20 A Yes.

21 Q All right. Very good. Are you from Orangeburg?

22 A No.

23 Q Where are you from?

24 A Hampton County.

25 Q Hampton County, South Carolina. And were you

Tanesha Bellinger - Direct Examination In Camera by Mr. Grant

1 working as a police officer or a firefighter with
2 Orangeburg County or the City of Orangeburg on September 27
3 of 2014?

4 A Yes.

5 Q And what was your job at that particular time?

6 A I was a PSO officer.

7 Q Public Safety Officer?

8 A Yes.

9 Q With the City of Orangeburg?

10 A Yes.

11 Q And did you have an occasion that required that you
12 go to the home or the apartment of Courtney Price?

13 A Yes.

14 Q And did you go there?

15 A Yes.

16 Q And did you see Courtney Price?

17 A Yes.

18 Q And did you have a chance to talk to her?

19 A Yes.

20 Q And did you make an incident report about what you
21 observed and the experiences of talking with her at the
22 scene?

23 A Yes.

24 Q Take an opportunity if you need to, to review your
25 report before I ask you the next questions.

Tanesha Bellinger - Direct Examination In Camera by Mr. Grant

1 A (Reading.)

2 Q Particularly, I'm looking for words that you used
3 in your report describing, as you called, excited
4 utterances of Courtney Price and the things that you say
5 that she said. You see those?

6 A Yes.

7 Q Tell us, if you will, what's the first thing you
8 wrote on your report that Courtney said as an excited
9 utterance?

10 A I'm tired, I had enough, I am not this person. I'm
11 educated. It's not fair.

12 Q Okay. What else?

13 A It feels like a dream. It's not real. The one
14 time I fought back.

15 Q She said the one time I fought back; is that
16 correct?

17 A Yes.

18 Q Okay. Now, let's just talk about the way that
19 people speak. When she says the one time I fought back, is
20 it your impression logically that there must have been
21 other times to say the one time I fought back?

22 A Before this incident or --

23 Q Just the way that's spoken. The one time I fought
24 back, does that give you an impression that there must have
25 been previous times where she didn't fight back?

Tanesha Bellinger - Direct Examination In Camera by Mr. Grant

1 A Yes.

2 Q Okay. Look further in your report, please and see
3 what else you say she wrote -- excuse me, said as an
4 excited utterance that you thought was important enough to
5 put no your official report.

6 A I know how this is going to look in the T and D
7 Newspaper.

8 Q Anything else she wrote -- I mean said and you
9 wrote?

10 A I'm not that person.

11 Q Anything else?

12 A I'm educated and work for SC State in accounting.

13 Q Okay. Is there anything else?

14 A I am not this person.

15 Q Any others?

16 A I go to church and pray. I'm not this person.

17 Q That's what she said. Now, have you come to all of
18 them that you put in as excited utterances? I want to make
19 sure we get them all. Has she said anything in there about
20 him choking her?

21 A Yes..

22 Q Okay. Tell me about that, please. What did you
23 write?

24 A After she -- after Sergeant Shuler stated that he
25 was deceased, Ms. Price fell onto the floor crying, Oh, my

Tanesha Bellinger - Cross-Examination In Camera by Ms. Cornwell

1 God; an excited utterance stated that; This is not real,
2 I'm just standing up for myself. He was choking me.

3 Q I was just standing up for myself and he was
4 choking me. That's what she said, right?

5 A Yes.

6 Q There was no lawyer present at that time, was
7 there?

8 A No.

9 Q No parent present to offer any kind of support,
10 correct?

11 A Correct.

12 Q She's right amongst all of the police officers,
13 cops firefighters, EMS, whomever and this is what she told
14 you; is that correct?

15 A Correct.

16 Q Thank you, ma'am.

17 MR. GRANT: Nothing further of this witness.

18 THE COURT: Solicitor?

19 CROSS-EXAMINATION IN CAMERA

20 BY MS. CORNWELL:

21 Q Officer Bellinger, you have your statement there
22 with you, correct?

23 A Yes, ma'am.

24 Q She actually said a lot more to you that you put in
25 your report didn't she?

Tanesha Bellinger - Cross-Examination In Camera by Ms. Cornwell

1 A Yes, ma'am.

2 Q In fact, she told you, I was tired, I had enough.
3 I am tired of his shit. He called me at 3 a.m. and I wish
4 I didn't answer the phone. You remember her saying that to
5 you.

6 A Yes, ma'am, that's in my report.

7 Q And it says, I am tired of his shit. I saw the
8 phone while he was asleep and saw that he is messing with a
9 bitch and had another child. I cut him. I was just
10 standing up for myself. Those are the words that came out
11 of her mouth that night?

12 A Yes, ma'am.

13 Q Was she under arrest when she made those statements
14 to you?

15 A No.

16 Q Was she making those statements to you in response
17 to any questions that you were asking her at the time?

18 A No.

19 Q So those questions were made freely and
20 voluntarily, just telling you those statements?

21 A Yes.

22 Q And the part that you talked about as far as the
23 choking and all that, she didn't tell you any of that until
24 after she found out the victim was dead, correct?

25 A Correct.

Tanesha Bellinger - Redirect Examination In Camera by Mr. Grant

1 Q Okay. And then this abuse that you reference in
2 your report that she was talking about. What type of abuse
3 did you think that she was talking about in that?

4 A Emotional.

5 Q In reference to him cheating?

6 A Correct.

7 MS. CORNWELL: Nothing, further, Your Honor.

8 THE COURT: Redirect?

9 MR. GRANT: Yes, Your Honor.

10 REDIRECT EXAMINATION IN CAMERA

11 BY MR. GRANT:

12 Q She didn't say anything about it being emotional
13 abuse, did she? She just said abuse; is that correct?

14 A She didn't say she was being abused.

15 Q , I thought you just said on cross the question was
16 when she was talking about abuse, you thought she was
17 talking about emotional abuse.

18 A She said did I reference -- did I pick that up.

19 Q Okay. All right. Well, here's the question: You
20 said on cross-examination that Courtney was making these
21 exciting utterances and I think you said that on direct
22 examination, correct?

23 A Correct.

24 Q When you were speaking to Courtney Price had you
25 already learned that there was a man dead in her apartment

Tanesha Bellinger - Redirect Examination In Camera by Mr. Grant

1 before you started talking to her?

2 A No.

3 Q You did not know that yourself?

4 A Before I spoke to her?

5 Q Yes.

6 A No --

7 Q Okay. Were you the first person to arrive?

8 A -- being that he was not dead when we arrived.

9 Q Oh, he was alive?

10 A Correct.

11 Q Well, did somebody take him to the -- to the -- to
12 the hospital? You know, the -- the ambulance to try to the
13 see whether they could save him?

14 A EMS was on scene.

15 Q Did they take him to the hospital?

16 A No.

17 Q They didn't take the man to the hospital even
18 though he was alive when y'all got there; is that correct?

19 A It took EMS 15 minutes to arrive.

20 Q But he was alive when they got there. That's what
21 you just said, right?

22 A Correct.

23 Q So they didn't take the opportunity to possibly
24 save him because they didn't take him to the hospital?

25 A I can't testify to that.

Tanesha Bellinger - Redirect Examination In Camera by Mr. Grant

1 Q Okay. All right. But he died while there, even
2 though he was alive when they got there; is that correct?

3 A From my knowledge, yes.

4 Q Okay. Now, you talked about that she made excited
5 utterances. Well, let me ask you this: If Courtney Price
6 said to you in that home before you started talking to
7 her -- I think you were the one standing in front of while
8 she was sitting in the chair; is that correct?

9 A Correct.

10 Q All right. If Courtney Price said to you at that
11 moment, You know what, I'm ready to go to my mother's house
12 and I'm leaving. I'm out of here. Would she have been
13 allowed to do so?

14 A No.

15 Q Because she was technically in your custody and you
16 would have used your police authority to make sure that
17 didn't happen; is that correct?

18 A That's not correct.

19 Q That's not correct? So why would she -- okay. You
20 said she would not be allowed to go. Why would she not be
21 allowed to go?

22 A Because when we come on scene, we secure the scene,
23 witnesses, suspects, victims have to remain on scene until
24 we finish.

25 Q But she was not free to leave, was she?

Tanesha Bellinger - Redirect Examination In Camera by Mr. Grant

1 A Nobody was free to leave.

2 Q Courtney Price was not free to leave at that point?

3 A She at the time was the complainant.

4 Q The complainant?

5 A Correct.

6 Q Because she called 9-1-1?

7 A Correct.

8 Q Okay.

9 MR. GRANT: I'm finished with this witness. No
10 further questions, Your Honor.

11 THE COURT: Solicitor, recross examination?

12 MS. CORNWELL: No, Your Honor, thank you.

13 THE COURT: Thank you, thank you very much Officer
14 Bellinger. You may step down.

15 MR. GRANT: Your Honor, may we have a 5 minute
16 recess, please.

17 THE COURT: Yes, sir. We'll take about 5. Yes,
18 sir.

19 MR. GRANT: Thank you.

20 (A brief recess was observed.)

21 MR. GRANT: Your Honor at this time we'd call
22 Officer Kuck, Deputy Kuck.

23 THE COURT: All right. If you'd come around and be
24 sworn for us, please.

25 STEVEN KUCK,

Steven Kuck - Direct Examination In Camera by Mr. Grant

1 having been duly sworn, testified as follows:

2 THE CLERK: Thank you. You may have a seat. State
3 your name again for the record.

4 THE WITNESS: Steven Kuck with the Orangeburg
5 County Sheriff's Office. S-T-E-V-E-N, K-U-C-K.

6 THE CLERK: Thank you.

7 DIRECT EXAMINATION IN CAMERA

8 BY MR. GRANT:

9 Q All right. Deputy Kuck -- am I pronouncing it
10 correctly is it Cook or Kuck?

11 A It's Cook just spelled differently.

12 Q It's spelled K-U-C-K, but pronounced C-O-O-K?

13 A Yes, sir.

14 Q Okay. All right. Deputy Kuck, you work with the
15 sheriff's department now?

16 A Yes, sir.

17 Q But on September 27, 2014, where were you working?

18 A I was a shift corporal with Orangeburg Department
19 of Public Safety.

20 Q And how long were you working with them
21 approximately at that time?

22 A 15 years.

23 Q Fifteen years, at that time.

24 A I'm sorry that was two -- I'm sorry, 14 years.

25 Q Fourteen years. And on September 27, 2014, did you

Steven Kuck - Direct Examination In Camera by Mr. Grant

1 have an occasion to go to the apartment/residence of
2 Courtney Price?

3 A Yes, sir.

4 Q And did you go there in reference to a 9-1-1 call?

5 A Yes, sir.

6 Q And dispatch told you all to report there?

7 A Yes, sir.

8 Q And they told you that there was a stabbing victim
9 located at that scene?

10 A Yes, sir.

11 Q And when you got to the scene, did you enter the
12 apartment yourself?

13 A Yeah, myself along with I think two or three other
14 officers.

15 Q Okay. And when you -- did you go upstairs?

16 A Yes, sir.

17 Q And what did you see when you went upstairs?

18 A. As I entered the residence, I saw the female --
19 initially we pulled up -- holding the child, she told us
20 his name was Sam is all she told us. So we hollered out to
21 make sure -- we didn't know at this time if he's a suspect,
22 victim, what was going on at the time. Nobody answered.

23 We proceeded up the stairway. We noticed blood on
24 the walls and when we went to the bedroom at the top of the
25 stairs. When we entered the room, I noticed a black male

Steven Kuck - Direct Examination In Camera by Mr. Grant

1 totally nude, laying on the floor in between the bed and
2 the dresser.

3 Q Did you see or hear the black male, the nude black
4 male make any sounds or movement?

5 A If I remember vaguely, by looking at my --

6 Q Take a look at your report. No rush. Before you
7 answer, if you need to refresh your memory?

8 A Yeah, it's been a while.

9 Q Take your time, I understand.

10 A (Reading.) I don't see where I wrote in here he
11 was making any noises. I know he had shallow breathing.

12 Q He had shallow breathing?

13 A Yes, sir.

14 Q But you don't know of him making any noises or
15 movement?

16 A He was kind of rolling around.

17 Q Kind of rolling around?

18 A Yes, sir.

19 Q You remember that now?

20 A I do remember that now.

21 Q Okay. Now, the logical question is if he's rolling
22 around and he has shallow breathing, did anybody call 9-1-1
23 to get the ambulance people there, emergency services?

24 A What we got -- while we were en route, the EMS was
25 also en route. They were dispatched the same time we

Steven Kuck - Direct Examination In Camera by Mr. Grant

1 were --

2 Q And --

3 A -- but we have to secure the scene before they will
4 come in.

5 Q And approximately how long did it take you all to
6 get there from the time of the call?

7 A Oh, we was there within probably a couple of
8 minutes.

9 Q A couple of --

10 A Yeah, we was there fairly quickly, yes, sir.

11 Q Okay. So you were there in a couple of minutes?

12 A Yes, sir.

13 Q Did it appear to you from what you observed that
14 the man had just gotten stabbed?

15 A Had just gotten stabbed?

16 Q Yeah, within like a few minutes.

17 A I'm -- I'm not --

18 Q Well, he's still moving around?

19 A He wasn't like flopping around. He was moving,
20 barely moving.

21 Q Still alive?

22 A Yeah, yes, sir.

23 Q Okay.

24 A Barely. He was barely -- in my opinion, I'm not a
25 medical professional.

Steven Kuck - Direct Examination In Camera by Mr. Grant

1 Q I understand. All right. But you got there within
2 minutes of the call?

3 A Yes, sir. I'm not sure what -- what time --

4 Q Does your report indicate the dispatch time? It
5 may or may not?

6 A Says we were dispatched at 70 -- 7:15 in the
7 morning; but I don't have an arrival time here for me.

8 Q No arrival time?

9 A No, sir.

10 Q Okay. And did you call out to him at all?

11 A When I went -- when I initially went in I was
12 trying to call his name, but I got no response.

13 Q All right. Now, going back to EMS, how long did it
14 take the paramedics, the medical team to get there after
15 you arrived?

16 A I hollered out to one of the other officers
17 downstairs to make sure they were coming in. I couldn't
18 tell you how long it took them.

19 Q Were you there when they arrived?

20 A Yes, sir, I was still upstairs.

21 Q Do you remember how long it was?

22 A No, I -- it felt like an eternity, but I'm not
23 sure.

24 Q Felt like an eternity. Okay. Thank you, sir.

25 A I mean, there was so much that was going on.

Steven Kuck - Cross-Examination In Camera by Ms. Cornwell

1 Q I understand?

2 A So, I'm not sure.

3 Q Thank you, sir.

4 MR. GRANT: That's all the questions I have of this
5 witness.

6 MS. CORNWELL: Thank you, Your Honor.

7 CROSS-EXAMINATION IN CAMERA

8 BY MS. CORNWELL:

9 Q Officer Kuck, when you arrived on scene and entered
10 the residence, did you clear the residence when you went
11 in? You cleared the residence and secured the scene?

12 A Yes, ma'am.

13 Q And when you cleared that residence and looked
14 downstairs, did you see any signs of a physical struggle
15 downstairs?

16 A Once -- no, not, no, ma'am I sure didn't.

17 Q Nothing knocked over, nothing out of place, nothing
18 like that?

19 A No, ma'am.

20 Q Okay. And when you went upstairs, you said that
21 you noticed the black male lying on the floor?

22 A Yeah.

23 Q Describe that scene upstairs for me.

24 A Describe the scene?

25 Q Uh-huh.

Steven Kuck - Cross-Examination In Camera by Ms. Cornwell

1 A It was blood everywhere, all over the bed, on the
2 walls. There was a dresser, there was some on the dresser;
3 and like I said where he was laying in the floor, it was
4 completely saturated or bloodstained.

5 Q And you noticed that dresser as well, correct?

6 A Yes, ma'am.

7 Q Do you recall if anything was knocked over on the
8 dresser, or out of place to indicate that there had been a
9 struggle up there other than the stabbing?

10 A I couldn't recall, no, ma'am.

11 Q Let me show you a photograph and see if that will
12 help you out. Looking at State's 25, is that how you saw
13 the dresser when you came in?

14 A Yes, ma'am.

15 Q Does it appear that anything -- any signs of
16 struggle or anything?

17 A No, ma'am.

18 Q Okay. And when you first approached, you saw the
19 victim -- or the defendant, standing outside?

20 A Yes, ma'am.

21 Q And did you see any injuries on her?

22 A To be honest with you, I didn't -- I just noticed
23 she was covered in blood and holding the child?

24 Q Okay.

25 A I didn't look at her. We went straight in to

Steven Kuck - Cross-Examination In Camera by Ms. Cornwell

1 get --

2 Q But you took photographs, correct?

3 A Yes, ma'am.

4 Q And you took photographs of the defendant?

5 A Yes.

6 Q Okay. And I'll show you this photograph here.

7 Looking at State's 40, you took that photograph of the
8 defendant?

9 A Yeah, I believe I took this one.

10 Q Okay. And if you didn't take -- you did take
11 photographs of the defendant?

12 A Yeah, I'm not sure 100 percent this came from me.

13 Q Are there any physical injuries that you can see on
14 her? Any black eyes, bloody nose, busted lip?

15 A No, ma'am, not from what I can tell from these
16 photos, no, ma'am.

17 Q Okay. And you also had a chance to photograph her
18 hands, correct?

19 A Yes.

20 Q Okay. And looking at State's 50, any broken nails
21 or anything of that nature?

22 A No, ma'am.

23 Q Okay. And then I believe you also took
24 photographs, didn't you, of the victim, after EMS had a
25 chance to attempt to render aid to him?

Steven Kuck - Cross-Examination In Camera by Ms. Cornwell

1 A Yes, ma'am.

2 Q And in taking photographs of the victim, did you
3 notice any other injuries other than the stab wound on him
4 or any scratches on his arms, any cuts --

5 A The only thing I remember is the -- the wound to
6 the chest is the only thing I remember.

7 Q Okay. But you didn't see any cuts or any other
8 stab wounds on him other than the one to the chest?

9 A That's the only one I saw, yes, ma'am.

10 MS. CORNWELL: State has nothing further at this
11 time, Your Honor.

12 THE COURT: Mr. Grant?

13 REDIRECT EXAMINATION IN CAMERA

14 BY MR. GRANT:

15 Q As far as you know in your roll in investigating
16 the case, and the pictures that you took, did Courtney
17 Price tell you or anybody else that she was punched in the
18 eye by Sam?

19 A I never spoke to her, no, sir.

20 Q Okay. And did anybody give you any information
21 that she scratched Sam, and therefore, may have broken her
22 nails?

23 A No, sir.

24 Q Okay. Thank you.

25 MR. GRANT: Nothing further.

Steven Kuck - Cross-Examination In Camera by Ms. Cornwell

1 THE COURT: Recross, solicitor?

2 MS. CORNWELL: No, Your Honor, thank you.

3 THE COURT: Thank you. Thank you very much,
4 Deputy. You may step down.

5 MR. GRANT: That's the defense's case on the
6 motions, Your Honor.

7 THE COURT: All right. Thank you, thank you very
8 much.

9 Solicitor, is the State going to have any
10 witnesses?

11 MS. CORNWELL: Your Honor, the only witness that
12 the State would have just briefly for reiteration of Denno
13 is the investigator, Detective Walker. I don't think she's
14 going to take very long, but, I mean, I'm at the discretion
15 of your Court, Your Honor.

16 THE COURT: What time is the jury coming?

17 MS. CORNWELL: They come at 9:30, Your Honor.

18 THE COURT: Well, call your witness.

19 MS. CORNWELL: Thank you, Your Honor.

20 State would call Investigator Bell -- I'm sorry.
21 Investigator Walker.

22 LATISHA WALKER,
23 having been duly sworn, testified as follows:

24 THE CLERK: Thank you. You may have a seat.
25 Please state your name again for the record.

Latisha Walker - Direct Examination by Ms. Cornwell

1 THE WITNESS: My name the Latisha Walker.

2 L-A-T-I-S-H-A, W-A-L-K-E-R.

3 THE CLERK: Thank you.

4 DIRECT EXAMINATION IN CAMERA

5 BY MS. CORNWELL:

6 Q Investigator Walker, for purposes of this hearing,
7 I'm going to kind of jump pretty quickly forward with this?

8 A All right.

9 Q Where do you currently work?

10 A I'm an investigator with a South Carolina Law
11 Enforcement Division.

12 Q Okay. And prior to that, on September 27, 2014,
13 where did you work?

14 A The Orangeburg Department of Public Safety.

15 Q And do you recall being called out to [REDACTED] Crossing
16 Creek Circle.

17 A Yes.

18 Q And what was that in reference to?

19 A In reference to a homicide.

20 Q Okay. When you arrived on scene had other officers
21 already arrived at that time?

22 A Yes.

23 Q Was the defendant still on the scene when you
24 arrived?

25 A Yes.

Latisha Walker - Direct Examination by Ms. Cornwell

1 Q And what did you do once you arrived on the scene?

2 A Once I arrived on scene, I spoke with officers who
3 were outside and had informed me that the defendant had
4 basically killed her baby daddy because she found out he
5 was cheating on her.

6 Q Okay. And once you went inside, did you take
7 notice of the apartment?

8 A Yes.

9 Q Did you notice anything out of place, anything
10 knocked over that would indicate that a struggle had
11 occurred?

12 A No.

13 Q Did you encounter the defendant when you walked
14 inside the residence?

15 A Yes.

16 Q And did you have an opportunity to look at her?

17 A Yes.

18 Q And were you able to see any manifestations of
19 physical injury, bruises, busted lip, busted nose, anything
20 of that nature?

21 A No.

22 Q Okay. Did you have an opportunity to go upstairs?

23 A Yes.

24 Q And did you see the victim when you went upstairs?

25 A Yes.

Latisha Walker - Direct Examination by Ms. Cornwell

1 Q And were you able to see any injuries on him other
2 than the stab wound?

3 A None at all.

4 Q All right. When you went back downstairs were
5 y'all able to immediately take Ms. Price into custody?

6 A Well, we were waiting for her mother to come and
7 pick up the infant child.

8 Q Okay. And did her mother arrive?

9 A Yes.

10 Q Did the mother say anything when she arrived on
11 scene?

12 A Yes, ma'am. When she got out of the car she was
13 yelling --

14 MR. GRANT: Objection to the hearsay of what the
15 mother may have said.

16 MS. CORNWELL: I think this would fall under the
17 excited utterance exception.

18 THE COURT: All right. I'll allow it. I would
19 allow it.

20 You may continue with your answer.

21 THE WITNESS: When she got out of the car, she was
22 yelling; and she said I know that Courtney did not kill
23 that boy after all he does for that baby.

24 BY MS. CORNWELL:

25 Q And that was the statement she made as soon as she

Latisha Walker - Direct Examination by Ms. Cornwell

1 got out of the car?

2 A Yes.

3 Q Was that prompted by any questioning from you or
4 anything?

5 A No.

6 Q After she was able to take custody of the child,
7 did y'all take the defendant into custody at this time?

8 A No, she was -- well, she was transported to the
9 Orangeburg Department of Public Safety interview room to be
10 interviewed.

11 Q Okay. But she was not under arrest at that time?

12 A No, she was not.

13 Q And once you interviewed her in that interview
14 room, did you advise the defendant of her rights?

15 A Yes, I did.

16 Q And how did you advise her of those rights?

17 A We have a Miranda form. I read the form to her,
18 well read it along with her and to her and she acknowledged
19 by signing it.

20 Q And is that defense -- I'm sorry, State's Exhibit
21 68?

22 A Yes.

23 Q And is that your signature --

24 A Yes.

25 Q -- on that statement?

Latisha Walker - Direct Examination by Ms. Cornwell

1 A Yes.

2 Q And that's Courtney Price's signature?

3 A Yes.

4 Q And that's where she stated that she understood her
5 rights and wished to waive them at that time?

6 A Yes, and signed indicating that she did.

7 Q And, Investigator Walker, you've been in here for
8 this entire hearing, correct?

9 A Yes.

10 Q And you heard the recordings that we played earlier
11 today?

12 A Yes.

13 Q And those are true and accurate --

14 A Yes.

15 Q -- copies of those records?

16 A Yes.

17 Q And I believe we heard -- in this first recording,
18 you were giving her -- reading over that line by line. You
19 asked her after each line did she understand, correct?

20 A Yes.

21 Q And it was hard to hear on that because she was
22 speaking softly, but did she indicate in the affirmative
23 after each one?

24 A Yes, she did.

25 Q And in the first statement you got from her, what

Latisha Walker - Direct Examination by Ms. Cornwell

1 did she say?

2 A The first statement, she was upset about the
3 daycare. She said -- there were a total of seven different
4 stories she gave me. The first time she said they argued.
5 She had his hands around her neck for a couple of seconds,
6 but it just teed her off. She said she went downstairs
7 and she guessed he figured it was nothing so she got the
8 knife, they argued, she hit him, I stabbed him.

9 Q And she indicated to you in that statement she was
10 hiding the knife when she went upstairs?

11 A Yes. And she showed me how she hid it.

12 Q And how did she show you?

13 A She said that she went upstairs with the knife down
14 beside her leg. She said she hid the knife and did not see
15 it and she didn't make any hand gestures or anything to
16 indicate that she had the knife.

17 Q Okay. And after getting that statement from her,
18 that first statement, what did you do?

19 A I had her transported back to the jail.

20 Q Okay.

21 A To get her cleaned up and to also go back to the
22 crime scene.

23 Q And why did you want to go back to the crime scene
24 at that point?

25 A Because, the tale of events didn't make sense and I

Latisha Walker - Direct Examination by Ms. Cornwell

1 wanted to basically make sure that I crossed all T's and
2 dotted all I's and if she was not guilty and she was indeed
3 a victim of domestic violence and had been assaulted in her
4 home that she was not going to be prosecuted for that.

5 Q Okay. And after you met with forensics and went
6 over the scene again and went over the evidence, at this
7 point, did you bring Ms. Price back over to speak with you
8 a second time?

9 A Yes.

10 Q And why was that?

11 A Because after going to the crime scene, and dealing
12 with crime scene personnel and also listening to her
13 initial interview, it just did not make sense. She
14 basically lied to me.

15 Q Okay. And so when the second interview occurred,
16 did you reiterate your Miranda, her Miranda Rights at that
17 time?

18 A Yes, I did.

19 Q And did she indicate she still wished to waive
20 those rights and continue speaking with you?

21 A Yes.

22 Q And in that second statement that she gave, did she
23 indicate -- did she change her story on where the victim
24 was when she stabbed him?

25 A She changed it in a matter of sentences. First she

Latisha Walker - Direct Examination by Ms. Cornwell

1 said he was standing up over her. Then she said they were
2 arguing face to face. So it just varied and changed.

3 Q And that was the first statement, correct?

4 A Yes.

5 Q And in the second statement, where did she say she
6 stabbed him?

7 A She said he was laying down by C.D.S. and she had
8 gotten on top of him and he pushed her -- when he went to
9 push her off, she stuck him.

10 Q Okay. So she said that she had actually climbed on
11 top of him before she confronted him in any way?

12 A Yes.

13 Q So she was in an offensive position when she makes
14 this confrontation?

15 A Yeah, and I asked her specifically, did you ask him
16 and then get on top of him or did you get on top of him and
17 then ask him and she said I got on top of him and asked
18 him.

19 Q Okay. And at that point, that is when she stabbed
20 him?

21 A Yes.

22 Q Did she indicate to you at any time that, after she
23 stabbed him that he was still choking her or pulling her
24 hair or dragging her to the ground or any of that?

25 A Never. That -- the actually assaulting never came

Latisha Walker - Cross-Examination In Camera by Mr. Grant

1 up until I think it was the fourth version maybe when she
2 said he assaulted her.

3 MS. CORNWELL: That would be all the questions I
4 have, Your Honor.

5 THE COURT: Thank you, Solicitor.

6 Mr. Grant.

7 CROSS-EXAMINATION IN CAMERA

8 BY MR. GRANT:

9 Q I'm just curious, Sergeant, right?

10 A Special Agent.

11 Q Special Agent. She gave two statements but you
12 claim she gave seven versions of the story?

13 A Yes, sir. If you read the statement, there are
14 different versions seen that statement.

15 Q Okay. Well, now, let's see, I took the time to
16 have a court reporter literally transcribe --

17 MR. GRANT: Let's mark this for identification,
18 please. These statements, both of them.

19 THE COURT REPORTER: Defendant's 26, Your Honor.

20 BY MR. GRANT:

21 Q Instead of us relying upon memory of that
22 recording, I'd like for you, if you can, to look at that
23 transcript and it's of both statements --

24 A Uh-huh.

25 Q And tell me where do you see in that transcript

Latisha Walker - Cross-Examination In Camera by Mr. Grant

1 anywhere where you asked Courtney whether or not she ever
2 asked Sam to leave?

3 A No, I did not ask her that.

4 Q Okay. You didn't ask her that. In either
5 statement; is that correct?

6 A In either statement. What I did ask her was, if
7 she was that fearful then why she let him in.

8 Q No. But that wasn't the question before you. You
9 didn't ask what I just asked you?

10 A No, there was no need to ask it.

11 Q But I didn't ask if there was a need and I think
12 you've already answered the question. You did not ask her
13 whether she asked him to leave?

14 A No, I did not.

15 Q Okay. All right. Now, when you had Courtney sign
16 the rights warning, waiver of certificate, State's Exhibit
17 Number 68, did you ask Courtney if she had any kind of
18 medical issues or concerns that might make her unable to
19 understand her rights?

20 A I did not. She appeared to be very alert when we
21 were talking at the house and also in the interview room.
22 And in the process of being read the Miranda Warning, it
23 indicated that she understood so there was no need to ask
24 about medical attention.

25 Q You were sitting right here through the whole

Latisha Walker - Cross-Examination In Camera by Mr. Grant

1 testimony, right?

2 A I was.

3 Q And you're aware now that less than an hour after
4 she signed this rights warning, waiver certificate, her
5 blood sugar tested at 461 at the detention center?

6 A Well, I'm not a medical personnel, so I don't know
7 how long it would take for the blood sugar to fluctuate,
8 but I know when she was in my custody and in my presence,
9 she was alert at this time.

10 Q Did you notice the beer cans in the house?

11 A I noticed Margarita, Raspberitta or something like
12 that.

13 Q Isn't that beer?

14 A It can be --

15 Q It's an alcoholic beverage; is that right?

16 A Yes.

17 Q Did you ask her whether or not she consumed any of
18 that beer?

19 A No, I didn't.

20 Q Are you aware now that she actually had four beers
21 before you actually questioned her?

22 A Yes.

23 Q So she has four containers of beer, alcohol, she is
24 a diabetic, chronic diabetic insulin pump and presumably,
25 her blood sugar level maybe somewhere around 461, based

Latisha Walker - Cross-Examination In Camera by Mr. Grant

1 upon what I just showed you; is that right?

2 A But that's probably because she drank the beer.

3 Q I'm asking --

4 A You're asking hypothetically --

5 Q I'm not asking how or why --

6 A Uh-huh.

7 Q -- I'm saying those are the facts that have been
8 presented today?

9 A Yes, that she drank the beer and her blood sugar
10 level was high, yes.

11 Q If a person is -- well, now, do you -- in your
12 career have you ever arrested anybody for DUI?

13 A Yes.

14 Q And sometimes a DUI, they'll say I've only had two
15 beers?

16 A It depends on the body and the weight of the
17 individual.

18 Q Okay. Body and the weight, 5 foot 1, 5 foot 2 --

19 A And it also --

20 Q Let me ask you a question about that.

21 A -- depends on the --

22 THE COURT: Wait, wait just a minute. My court
23 reporter, as good as she is, she can't get two people
24 talking the same time.

25 MR. GRANT: I was asking the question and the

Latisha Walker - Cross-Examination In Camera by Mr. Grant

1 witness just jumped in.

2 THE WITNESS: But you're asking me and not --

3 THE COURT: I'm directing my comments --

4 THE WITNESS: -- letting me finish.

5 THE COURT: -- to both you and the agent.

6 MR. GRANT: Okay. May I proceed, Judge?

7 THE COURT: Yes, sir, ask your next question,
8 please.

9 MR. GRANT: Thank you, Judge.

10 BY MR. GRANT:

11 Q All right. I'm going to until you answer and I'm
12 going to ask you to wait until I ask.

13 A Certainly.

14 Q All right. Now, you said it depends upon the
15 weight of the person when it comes to how much alcohol, the
16 amount that might influence whether they're under the
17 influence?

18 A That's one of the factors.

19 Q Okay. And in this case, we're talking about
20 something like it was approximately 5 foot 1 or 2 and
21 weighed approximately somewhere around 120, 125 pounds?

22 A Okay.

23 Q And admittedly consumed four beers; is that
24 correct?

25 A Yes.

Latisha Walker - Cross-Examination In Camera by Mr. Grant

1 Q You think that might have had some kind of
2 ability -- impair her ability in some capacity to
3 understand her rights?

4 A No.

5 Q No? And tell me why you say that.

6 A Because it also depends on whether or not she
7 drinks a lot. I mean her tolerance level may be high and
8 she may be able to hold four beers. I mean there are
9 people walking around the streets every day with the blood
10 alcohol content which indicates that they should be dead,
11 but they're still walking and functioning.

12 Q But you know nothing about the drinking habits of
13 Courtney Price when you talked to her that night, did you?

14 A No. I learned that today.

15 Q All right. And there was liquor in the house too,
16 correct?

17 A Yes, there was a small amount in the bottle.

18 Q Did you -- did you notice that before questioning
19 her as well?

20 A Yes.

21 Q Did you ask her whether or not she had any of that,
22 what it was called, Hennessy -- you ask her if she had any
23 Hennessy before you questioned her?

24 A Well, no, I didn't because I'm in someone's home
25 and if you come into my home, you may find Hennessy as

Latisha Walker - Redirect Examination by Ms. Cornwell

1 well, so I'm not going to go to someone's home and say have
2 you been drinking or where this comes from. My purpose of
3 being there was to focus on the facts as to what happened.

4 When I made contact with Ms. Price, she did not
5 seem as if she were under the influence or had any medical
6 issues going on. She seemed like she was very alert and
7 knew what we were talking about.

8 Q Okay. Thank you.

9 MR. GRANT: No further questions of this witness.

10 THE COURT: Redirect, Solicitor?

11 MS. CORNWELL: Very briefly, Your Honor.

12 REDIRECT EXAMINATION IN CAMERA

13 BY MS. CORNWELL:

14 Q In giving her the Miranda, again, we listened to it
15 on the tapes, did the defendant appear to be slurring her
16 words?

17 A No, ma'am.

18 Q Did she appear to be intoxicated in any way in?

19 A No, ma'am.

20 Q Had she appeared to be intoxicated, would you have
21 gone forward?

22 A No, I would not.

23 Q And Mr. Grant asked you about asking the defendant
24 if she'd ever asked the defendant to leave. Did the
25 defendant at any time indicate that she'd asked the

1 defendant to leave at any time during that night?

2 A No.

3 Q Did she address to you how the victim actually got
4 in her house?

5 A Yes.

6 Q And how did she tell you he got in her house?

7 A She let him in. She even waited 30 minutes for him
8 to come so that she could let him in.

9 Q She wanted him to come inside that house?

10 A Yes.

11 Q She invited him in?

12 A Yes.

13 MS. CORNWELL: Nothing further, Your Honor.

14 THE COURT: Mr. Grant.

15 MR. GRANT: No further questions, Your Honor.

16 THE COURT: Thank you, thank you very much, Agent
17 Walker.

18 THE COURT REPORTER: I need that exhibit.

19 MR. GRANT: Yes.

20 MS. CORNWELL: That would be all the witnesses for
21 the State, Your Honor.

22 THE COURT: Any evidence or testimony in reply,
23 Mr. Grant?

24 MR. GRANT: No, Your Honor.

25 THE COURT: All right. Besides Duncan, Curry, and

1 Butler, Ivy and Dickie are there other cases that you would
2 like me to look at tonight, Mr. Grant?

3 MR. GRANT: Yes, Your Honor. I would ask the Court
4 to look at -- let's see -- State v. Martin.

5 THE COURT: What's that cite?

6 MR. GRANT: 147 SE 2d 606.

7 MS. CORNWELL: Could you repeat that, I'm sorry.

8 MR. GRANT: I'm sorry. State v Martin, 147 SE 2d
9 606.

10 THE COURT: What year is that?

11 MR. GRANT: 1929 case, Your Honor, that's still
12 good law.

13 THE COURT: All right. Thank you.

14 MR. GRANT: I would also ask the Court to look
15 at -- you already said State v Curry, is that correct?

16 THE COURT: I stated Curry and what was the other
17 one you just said Mr. Grant.

18 MR. GRANT: I mentioned State -- well, we've got
19 State versus Duncan, of course, but you mentioned State
20 versus Curry.

21 THE COURT: Yes, sir.

22 MR. GRANT: All right. Now, State versus Bradley.

23 THE COURT: What's that cite.

24 MR. GRANT: 120 SE, 240.

25 THE COURT: And what year is that?

1 MR. GRANT: That case is actually a 1923 case.

2 THE COURT: Okay.

3 MR. GRANT: Now, those cases are still good law
4 because they are quoted in the legal principal for which
5 they stand quoted in State versus Bryant. State versus
6 Bryant --

7 THE COURT: Which Bryant is that?

8 MR. GRANT: Thomas T. Bryant.

9 THE COURT: Thomas Bryant?

10 THE COURT: Is that a Richland County case?

11 MR. GRANT: Actually, that is a Richland County
12 case. Court of appeals case, Your Honor.

13 THE COURT: Yes, sir. What's that cite.

14 MR. GRANT: I printed it but it doesn't have --

15 THE COURT: Do you have a copy of it.

16 MR. GRANT: Yes, sir, I'm going to hand it up to
17 you.

18 THE COURT: If you have a copy of Curry, I'd like
19 that too.

20 MR. GRANT: Heard November 3rd, 2010, filed
21 December 15, 2010 and they quote those two landmark cases
22 and the legal principals which we stand.

23 THE COURT: All right. Solicitor, any others you
24 would like for me to look at.

25 MS. CORNWELL: Your Honor, the one I'm going to

1 reference I think you're very familiar with and that's the
2 State v Butler case that you decided and the Supreme Court
3 upheld your decision in 2014.

4 THE COURT: All right. Well, I take it in the
5 morning y'all want to qualify the jury and if you want to
6 make an argument in the morning after we qualify the jury,
7 I'd be delighted to hear it.

8 MR. GRANT: Your Honor, certainly we're willing to
9 do whatever the Court instructs or desires, but I was
10 hoping that the Court would take some time to think about
11 this matter.

12 THE COURT: Well, that's what I'm going to do.

13 MR. GRANT: Yes, sir. But I was talking about even
14 more time than it takes for tomorrow. This is a very
15 important matter to everybody. To this young lady and to
16 this community and I was -- I mean after ruling -- we're
17 ready to move whenever the Court's ready to move, but I
18 would hope that this jury -- could excuse this jury and
19 take as many days as the Court deems necessary to make this
20 very important decision considering the overwhelming
21 evidence that I believe we put on this witness stand.

22 THE COURT: Thank you. Thank you, Mr. Grant.
23 Solicitor?

24 MS. CORNWELL: Your Honor, the State's ready to go
25 forward with the case. Mr. Grant's has been aware that

1 this case was going to be called for a sufficient amount of
2 time for him to prepare arguments. I believe that Your
3 Honor is versed in the law well enough and understands the
4 gravity of this case to where you can give it its due
5 consideration as well as the arguments and the evidence
6 presented to make your decision and allow the State to go
7 forward with the trial this week. That's what the State
8 has planned on. We've got witnesses, including witnesses
9 that have come from out of State preparing for this,
10 members of the victim's family that have come from out of
11 State so we would ask that for judicial economy that we go
12 ahead and move forward.

13 Obviously, we can give arguments tonight or in the
14 morning whichever Your Honor prefers and then trust you
15 make the right decision in a timely fashion.

16 THE COURT: All right. Thank you. Thank you very
17 much, Solicitor.

18 Well, my preference is to hear any arguments we do
19 in the morning. As you both know, the hour is getting
20 late. It's an important case for the State of South
21 Carolina and it's an important case to Ms. Price. So with
22 that, we'll be in recess until 9:30 in the morning.

23 Thank you, thank you very much.

24 MR. GRANT: Yes, sir.

25 MS. CORNWELL: Thank you, Your Honor.

1 (A recess was observed for the evening.)

2 TUESDAY, FEBRUARY 23, 2016

3 THE COURT: I have a proposed potential witness
4 list from the State.

5 Mr. Grant.

6 MR. GRANT: Yes, sir.

7 THE COURT: Do you have a proposed witness list?

8 MR. GRANT: Just one second, Your Honor. Beg the
9 Court's indulgence.

10 THE COURT: Yes, of course.

11 (There was a brief pause in the proceedings.)

12 MR. GRANT: May I approach, Your Honor?

13 THE COURT: Certainly.

14 All right. Solicitor, you may call your first case
15 for trial.

16 MS. CORNWELL: Thank you, Your Honor. The State
17 would call State versus Courtney Price, Indictment
18 2014-GS-38-1143. That is an indictment charging Ms. Price
19 with murder under South Carolina Code 16-3-10.

20 THE COURT: Thank you. Thank you very much.

21 **JURY VOIR DIRE**

22 THE COURT: Mr. Grant, you represent Ms. Price?

23 MR. GRANT: Yes, I do, Your Honor.

24 THE COURT: And Ms. Price is in the courtroom?

25 MR. GRANT: Yes, she is, Your Honor.

1 THE COURT: And ready for trial?

2 MR. GRANT: She is, Your Honor.

3 THE COURT: Thank you, thank you very much.

4 Ladies and gentlemen of the jury panel, if you
5 would please give me your complete and undivided attention.
6 As you know, you have been qualified, generally, to serve
7 as members of a jury panel this week. The State has now
8 called it's first case for trial and we're going to go
9 through a procedure whereby we select a trial jury for the
10 trial of this specific case. And our goal in this
11 procedure is to select a jury panel, a trial jury panel
12 that would be fair and impartial in the trial of this case
13 for both Ms. Price, the defendant, and the State of South
14 Carolina.

15 To reach that goal, I will ask you certain
16 questions to determine your eligibility and your
17 qualifications to serve as members of this specific trial.

18 First I will publish or read to you the indictment
19 in the case. Ladies and gentlemen, the indictment is not
20 evidence. The indictment is a formal charging document by
21 which an individual is placed on notice of the charges that
22 have been brought against her or him. It contains mere
23 allegations and it is in no way evidence of the allegations
24 contained therein. Again, I will read this indictment
25 because of certain questions I will have to ask you

1 concerning perhaps any knowledge and such that you may have
2 about the alleged incident in the indictment.

3 Indictment Number 2014-GS-38-1443, the State of
4 South Carolina versus Courtney Leola Price reads that in
5 Orangeburg County, on or about September 27, 2014, with
6 malice aforethought, the defendant, Courtney Leola Price,
7 did kill one, Samuel Simmons by means of stabbing the
8 victim in the chest with a knife. The victim did die as a
9 proximate result thereof; this offense being in violation
10 of the common law in section 16-3-10 of the South Carolina
11 Code of Laws, 1976 as amended. That is an indictment for
12 murder.

13 The State is represented by Assistant Solicitor
14 Cornwell.

15 If you would please stand, introduce yourself to
16 the jury panel and any other member of the solicitor's
17 staff that may be assisting you during the trial of this
18 case.

19 MS. CORNWELL: Good morning. My name is Ashley
20 Cornwell. I'm an assistant solicitor for the First
21 Judicial Circuit. The elected solicitor of the First
22 Judicial Circuit is David Pascoe. The First Judicial
23 Circuit encompasses Dorchester, Orangeburg, and Calhoun
24 Counties. In my office are Assistant Solicitor Sara Ford
25 and Joshua Edwards, Senior Solicitor Harrison Bell, Deputy

1 Solicitor, Thomas Scott.

2 Also seated at my table is our victim's advocate,
3 Tammy Craven. And seated at the table is Investigator
4 Latisha Walker.

5 THE COURT: Thank you. Thank you very much,
6 Solicitor.

7 Ms. Price is represented by Mr. Grant.

8 Mr. Grant, if you'd please stand, introduce
9 yourself, your client and any members of your staff that
10 may assist you in the defense of this case.

11 MR. GRANT: Thank you, Your Honor.

12 Good morning, ladies and gentlemen of the jury
13 panel. I am Carl B. Grant and I practice law here in
14 Orangeburg. I also practice in Columbia, South Carolina.
15 My client today --

16 Courtney, would you please stand.

17 -- is Courtney Price. And I'm being assisted
18 administratively by my office manager Jenae Hodges and also
19 one of my assistants you may see back and forth out of the
20 Court, Ms. Mulligan Green.

21 THE COURT: Thank you. Thank you very much,
22 Mr. Grant.

23 Is any member of the jury panel related by blood or
24 marriage, or close personal friends, have any social,
25 personal, business, or professional relationship with any

1 of the attorneys in this matter, Assistant Solicitor
2 Cornwell or Mr. Grant? If so, please stand.

3 (A juror stood.)

4 THE COURT: Yes, sir, your number and name, please.

5 THE JUROR: 94 --

6 THE COURT: I'm sorry. I can't quite hear. Step
7 up here for me, please.

8 (The juror approached for a bench conference out of
9 the hearing of the jury venire.)

10 THE COURT: And tell me your number again.

11 THE JUROR: Number 24.

12 THE COURT: All right. And tell me your response
13 to that question.

14 THE JUROR: My response is I'm in school with the
15 aunt and the uncle and I graduated with the aunt. My wife
16 graduated with the mother and they all members of the same
17 church.

18 THE COURT: I haven't gotten to that question yet.

19 THE JUROR: Oh.

20 THE COURT: The question I'm asking is about the
21 attorneys in the case. But let me step down there. Okay.

22 THE JUROR: I'm sorry.

23 THE COURT: That's quite all right.

24 All right. Tell me again.

25 THE JUROR: We are close family friends.

1 THE COURT: What family you talking about?

2 THE JUROR: I mean we're close friends. We went to
3 school together with the mother.

4 THE COURT: The mother of who?

5 THE JUROR: Courtney.

6 THE COURT: Okay. All right.

7 THE JUROR: And the mother graduated with my wife.
8 They're also members of the same church. I graduated with
9 the aunt and went to school with the uncle and then the
10 older sister live down the street from me. I don't think I
11 could be bias here.

12 THE COURT: You don't think you could be what?

13 THE JUROR: Be a member of that jury.

14 THE COURT: But based on the --

15 THE JUROR: Based on the relationship and church
16 and everything.

17 THE COURT: You feel like you could not be a fair
18 and impartial --

19 THE JUROR: Not really.

20 THE COURT: All right. Let me get my question in
21 the record, okay? You do not feel like you could be a fair
22 and impartial juror --

23 THE JUROR: Yeah.

24 THE COURT: -- in the trial of this case.

25 THE JUROR: Yes, sir.

1 THE COURT: -- for both Ms. Price and the State.

2 THE JUROR: Yes.

3 THE COURT: -- based on those relationships?

4 THE JUROR: Yes, yes, it's too close.

5 THE COURT: Well, I'll set you aside for the trial
6 of this case. You're Number 24?

7 THE JUROR: Yeah, number 24.

8 THE COURT: All right. Do not say anything to your
9 fellow jurors.

10 THE JUROR: Okay.

11 THE COURT: All right. Thank you. You may return
12 to your seat.

13 Number 24 is set aside.

14 All right. Again focussing on the attorneys, has
15 any member of the jury panel ever been a party to a lawsuit
16 or involved in a civil or criminal case in which Mr. Grant
17 represented you or represented an opposing party, or the
18 solicitor's office represented perhaps your interest or
19 represented an opposing party? If so, please stand.

20 (No one stood.)

21 THE COURT: Thank you.

22 Is any member of the jury panel related by blood or
23 marriage, close personal friends, have any social,
24 business, professional relationship with Courtney Leola
25 Price, who was introduced to you and is the named

1 defendant? If so, please stand.

2 (A juror stood.)

3 THE COURT: Number and name, please?

4 THE JUROR: 99 Kayla Judy.

5 THE COURT: All right. Would you step up here for
6 me, please.

7 (The juror approached for a bench conference out of
8 the hearing of the jury venire.)

9 THE COURT: Good morning.

10 THE JUROR: Good morning.

11 THE COURT: Tell me your name again.

12 THE JUROR: Kayla Judy.

13 THE COURT: All right. And tell me your --

14 THE JUROR: I used to work with Courtney at
15 Walgreens.

16 THE COURT: All right. And tell me that time
17 frame.

18 THE JUROR: It was probably around 2014, 2013.

19 THE COURT: All right. '13 or '14?

20 THE JUROR: Uh-huh.

21 THE COURT: Do you have any knowledge about this
22 case?

23 THE JUROR: Not beside it was in the newspapers.

24 THE COURT: All right. So you read things in the
25 newspapers.

1 THE JUROR: (Juror nodded head.)

2 THE COURT: Is that yes?

3 THE JUROR: That's a yes.

4 THE COURT: I'm trying to get it for my court
5 reporter.

6 And can you tell me what you read.

7 THE JUROR: I mean, just like what was found and
8 everything, you know, just brief.

9 THE COURT: Has anyone talked with you about the
10 case, hearsay, any other source.

11 THE JUROR: No, sir.

12 THE COURT: All right. Well -- and you and
13 Ms. Price worked together a year, year and a half; is that
14 correct.

15 THE JUROR: Somewhere in that -- somewhere in that.

16 THE COURT: Well, first, given that co-worker
17 relationship, can you be a fair and impartial juror in the
18 trial of this case for both the State and Ms. Price.

19 THE JUROR: No, sir.

20 THE COURT: You do not feel like you could?

21 THE JUROR: No, sir.

22 THE COURT: You have any questions you would like
23 to ask, Mr. Grant?

24 MR. GRANT: In the context of would she be able to
25 put all of that information aside and be able to decide the

1 case on the evidence, I think she's already answered that.

2 THE COURT: You know, I didn't even take that next
3 step to having read --

4 Tell me why -- tell me why that's your opinion.
5 And your opinion is not right or wrong, it's an opinion.
6 Well, your opinion that you could not be fair and
7 impartial, tell me why you say that.

8 THE JUROR: Huh?

9 THE COURT: Tell me why you say that.

10 THE JUROR: Because I used to work with her. We
11 had a friendship while we were working together.

12 THE COURT: All right. And you think it's because
13 of your friendship and your working relationship with her
14 you could not be fair and impartial.

15 THE JUROR: Yes, sir.

16 THE COURT: I'm going to set her aside for the
17 trial of this case.

18 THE JUROR: Yes, sir.

19 THE COURT: Thank you. Please do not say anything
20 to your fellow jurors.

21 THE JUROR: Yes, sir may I leave now.

22 THE COURT: No, ma'am, if you would return to your
23 seat, please.

24 99 is set aside for the trial of this case.

25 The indictment alleges an incident that occurred in

1 Orangeburg County on September 27, 2014, of a murder, an
2 alleged murder and homicide, the victim being Samuel
3 Simmons. Is any member of the jury panel related by blood
4 or marriage, close personal friends, have any social,
5 personal, business relationship with the alleged victim in
6 the matter Samuel Simmons? If so, please stand.

7 (A juror stood.)

8 THE COURT: Number and name, please.

9 THE JUROR: 164 Dennis Simmons.

10 THE COURT: Step up here for me, please.

11 (The juror approached for a bench conference out of
12 the hearing of the jury venire.)

13 THE COURT: Good morning.

14 THE JUROR: Good morning, sir.

15 THE COURT: And your number again?

16 THE JUROR: 164.

17 THE COURT: All right. And tell me -- I know the
18 deceased family. I went to school with all of them and
19 back in the day, I dated one of their sisters. I don't
20 think I could be you know --

21 Speak up just a bit for me.

22 THE JUROR: I don't think I could give my honest
23 opinion, you know, having dealing with the family back in
24 the days. I went to school with all of them.

25 THE COURT: All of them, the Simmons?

1 THE JUROR: Yes. His mother.

2 THE COURT: His mother?

3 THE JUROR: Yes, sir.

4 THE COURT: And you dated one of his mother's
5 sisters.

6 THE JUROR: Back in the day, yes, sir.

7 THE COURT: I remember the day. So you think based
8 on knowing the Simmons --

9 THE JUROR: Right.

10 THE COURT: -- and those relationships --

11 THE JUROR: Yes, sir.

12 THE COURT: -- you could not be a fair and
13 impartial juror to both the State and Ms. Price?

14 THE JUROR: Yes, sir, that's right. Yes, sir.

15 THE COURT: Any questions, Solicitor, Mr. Grant?

16 MR. GRANT: No, Your Honor.

17 THE COURT: I'm going to set you aside for the
18 trial of this case, please do not say anything to your
19 colleagues.

20 THE JUROR: Yes, sir. No problem, sir.

21 THE COURT: All right. Thank you. Thank you very
22 much.

23 THE JUROR: Yes, sir.

24 THE COURT: 164 is set aside.

25 Again, as I said, the indictment alleges an

1 incident that occurred in Orangeburg County, September
2 27th, 2014. The named defendant being Courtney Price, the
3 alleged victim being Samuel Simmons.

4 Does any member of the jury panel have any
5 knowledge about the case from any source whatsoever? If
6 so, please stand.

7 (Several jurors stood.)

8 THE COURT: All right. If y'all would lineup in
9 the center aisle on the sheriff for me, please.

10 THE OFFICER: Single file, please.

11 (A juror approached for a bench conference out of
12 the hearing of the jury venire.)

13 THE COURT: Good morning.

14 THE JUROR: Good morning.

15 THE COURT: And tell me your number, please.

16 THE JUROR: 145.

17 THE COURT: 145. And tell me your name. Vanessa
18 Polite.

19 And tell me your response to my question.

20 THE JUROR: I just read it in the newspaper.

21 THE COURT: All right. Tell me what you remember.

22 THE JUROR: About the stabbing. Just what you
23 said, just what you read. That's what I know about.

24 THE COURT: Just what I read?

25 THE JUROR: Uh-huh.

1 THE COURT: Well, let me start off asking you --
2 you believe everything you read in the newspaper?

3 THE WITNESS: No, you can't believe everything in
4 there.

5 THE COURT: You understand --

6 THE JUROR: I understand what I read.

7 THE COURT: You understand that if you were
8 selected as a member of the trial jury, the jury would be
9 the judge of the facts in the case and I'm the judge of the
10 law.

11 THE JUROR: Uh-huh.

12 THE COURT: And they would decide the facts based
13 on the evidence and the testimony they hear from the
14 witnesses under oath from the witness stand. Any physical
15 items of evidence and the law as I tell them it is.

16 If you were selected as a member of the jury, can
17 you set aside what you read in the newspaper and base your
18 decision on what you hear in the courtroom and the law as I
19 tell you the law is? Could you do that?

20 THE JUROR: I sure could.

21 THE COURT: Uninfluenced by whatever you may have
22 read in the newspaper; is that correct.

23 THE JUROR: Yes, sir.

24 THE COURT: You can set that aside --

25 THE JUROR: Uh-huh.

1 THE COURT: -- and listen to the evidence --

2 THE JUROR: Yeah.

3 THE COURT: -- and make a decision based on that
4 evidence, your determination of the facts with other
5 members of the jury and the law as I tell you the law is?

6 THE JUROR: Yes.

7 THE COURT: Standing here right now, have you
8 formed or expressed any opinion about the guilt of
9 Ms. Price or innocence of Ms. Price? Do you have any
10 opinion right now?

11 THE JUROR: No.

12 THE COURT: You haven't heard anything.

13 THE JUROR: Huh-huh.

14 THE COURT: Based on what you hear.

15 THE JUROR: Based on what I hear, sir.

16 THE COURT: And the law as I tell you the law is.

17 THE JUROR: Based on the law.

18 THE COURT: So you can be a fair and impartial
19 juror for both Mr. Price and the State; is that correct?

20 THE JUROR: Yes.

21 THE COURT: Any other questions, Solicitor,
22 Mr. Grant?

23 MR. GRANT: No, Your Honor.

24 THE COURT: I believe you can stay with us. Do not
25 say anything to your fellow jurors. Thank you, thank you.

1 very much.

2 All right. Yes, ma'am?

3 (A juror approached for a bench conference out of
4 the hearing of the jury venire.)

5 THE COURT: Good morning. And tell me your number.

6 THE JUROR: 155, Robinson.

7 THE COURT: 155. And tell me your response to my
8 question.

9 THE JUROR: Just that I'm friends with family --

10 THE COURT: Can you speak up a little bit for me.

11 THE JUROR: My uncle was her bondsman.

12 THE COURT: Her bondsman is your uncle.

13 THE JUROR: I'm sorry. And we sold her a vehicle
14 as a favor for him.

15 THE COURT: So hearsay and your uncle being her
16 bondsman.

17 THE JUROR: Uh-huh.

18 THE COURT: Is that correct?

19 THE JUROR: Uh-huh.

20 THE COURT: That's a yes?

21 THE JUROR: Yes. I just have to get that for the
22 record.

23 THE COURT: And tell me what the hearsay was.

24 THE JUROR: Just I mean -- just some papers about
25 the lady.

1 THE COURT: So you read the papers too.

2 THE JUROR: Uh-huh.

3 THE COURT: You believe everything you read in the
4 newspaper?

5 THE JUROR: No.

6 THE COURT: Now, if you were selected as a member
7 of this jury, the jury would have the responsibility of
8 deciding what the facts are in the case. You understand?

9 THE JUROR: Yes, sir.

10 THE COURT: And they would determine the facts
11 based on the evidence presented from the witness stand from
12 the witnesses testifying under oath, the law as I tell them
13 the law is. You understand?

14 THE JUROR: Yes.

15 THE COURT: Can you sit aside whatever you heard or
16 read and make your decision based on what you hear in this
17 courtroom?

18 THE JUROR: Yes, sir.

19 THE COURT: And based on the law as I tell you the
20 law is?

21 THE JUROR: Yes, sir.

22 THE COURT: Standing here right now, have you
23 formed an opinion as to the guilt or the innocence of
24 Ms. Price?

25 THE JUROR: No.

1 THE COURT: You can follow the law?

2 THE JUROR: Yes, sir.

3 THE COURT: Can you be a fair and impartial juror
4 in the trial of this case for both Ms. Price and the State?

5 THE JUROR: Yes, sir.

6 THE COURT: Know of any reason whatsoever why you
7 couldn't?

8 THE JUROR: No.

9 THE COURT: Any questions, Solicitor, Mr. Grant?

10 MS. CORNWELL: No.

11 MR. GRANT: No, Your Honor.

12 THE COURT: I believe you can stay with us. Do not
13 say anything to your fellow jurors.

14 THE JUROR: Yes, sir.

15 THE COURT: Thank you.

16 (A juror approached for a bench conference out of
17 the hearing of the jury venire.)

18 THE COURT: Yes, sir, good morning.

19 THE JUROR: Good morning.

20 THE COURT: Your number?

21 THE JUROR: 190.

22 THE COURT: And tell me your response to my
23 question.

24 THE JUROR: I read about it in the paper. And I
25 know the sister of the girl.

1 THE COURT: You read about it in the paper and you
2 know the sister of?
3 THE JUROR: Ms. Price.
4 THE COURT: Ms. Price's sister?
5 THE JUROR: Yeah.
6 THE COURT: And what's her sister's name?
7 THE JUROR: Dominique. Dominique.
8 THE COURT: Dominique, okay.
9 Well, let me ask you first, how long have you known
10 Dominique?
11 THE JUROR: Since October of '99.
12 THE COURT: And how do you know her?
13 THE JUROR: We went to school together.
14 THE COURT: Y'all were in school together. When
15 was the last time you saw her?
16 THE JUROR: It's been a while.
17 THE COURT: It's been a while?
18 THE JUROR: Been a while.
19 THE COURT: What's -- give me a range of a while.
20 Years, months.
21 THE JUROR: Yeah.
22 THE COURT: Years?
23 THE JUROR: Yeah.
24 THE COURT: So you don't see her regularly?
25 THE JUROR: No.

1 THE COURT: And you read something?

2 THE JUROR: Yes, sir.

3 THE COURT: Given the fact that you've known her
4 that number of years, but you don't see her regular, just
5 that fact alone could you be a fair and impartial juror in
6 the trial of this case for both Ms. Price and the State?

7 THE JUROR: I don't think so.

8 THE COURT: And tell me -- explain that response --
9 nothing wrong with that response, I don't mean that, but
10 explain it to me.

11 THE JUROR: Just because we were kind of close in
12 the school and I read in the paper just from prior
13 knowledge knowing her and it's just --

14 THE COURT: So you do not think you could be fair
15 and impartial in the trial of this case for both the
16 parties, the State and Ms. Price?

17 THE JUROR: No, sir.

18 THE COURT: All right. Any questions Mr. Grant?

19 MR. GRANT: No.

20 THE COURT: Ms. -- Madam Solicitor?

21 MS. CORNWELL: No, Your Honor.

22 THE COURT: This is 190?

23 MS. CORNWELL: Yes, Your Honor.

24 THE COURT: I'm going to set you aside for the
25 trial of this case. Do not say anything to your fellow

1 jurors.

2 THE JUROR: Okay.

3 THE COURT: Thank you, thank you very much.

4 (A juror approached for a bench conference out of
5 the hearing of the jury venire.)

6 Good morning. Tell me your number, please.

7 THE JUROR: Number 5, Teresa Aiken.

8 THE COURT: All right. And tell me your response.

9 THE JUROR: I just vaguely heard it on --

10 THE COURT: Ma'am?

11 THE JUROR: I just heard it on social media.

12 THE COURT: Okay.

13 THE JUROR: But I don't know any --

14 THE COURT: Explain to me what social media.

15 THE JUROR: Oh, I'm sorry. I think it's on

16 Facebook.

17 THE COURT: Facebook?

18 THE JUROR: My daughter --

19 THE COURT: I'm faceless. I don't -- I'm not into

20 Facebook.

21 THE JUROR: I'm sorry.

22 THE COURT: You're sorry? (Laugh) Can you tell me
23 what you --

24 THE JUROR: Other than the summation of what you
25 read, based on the knowledge of what I know.

1 THE COURT: You understand if you're selected as a
2 member of the jury, you would have to -- you'd be one of
3 the judges of the facts of the case and you would apply the
4 law as I tell you the law is?

5 THE JUROR: Yes.

6 THE COURT: And you determine the facts from the
7 witnesses testifying under oath and any physical items of
8 evidence that may be introduced. Can you set aside
9 whatever you might have read on social media --

10 THE JUROR: Yes.

11 THE COURT: -- and make your decision based on the
12 evidence and the testimony presented in this courtroom?

13 THE JUROR: Yes.

14 THE COURT: You don't have any problem with that?

15 THE JUROR: Wouldn't have any problem.

16 THE COURT: And standing here right now, have you
17 formed or expressed any opinion as to the guilt or
18 innocence of Ms. Price?

19 THE JUROR: No. I have not.

20 THE COURT: Any reason in your mind that you feel
21 like you could not be a fair and impartial juror in the
22 trial of this case for both Ms. Price and the State?

23 THE JUROR: I have none.

24 THE COURT: All right. Thank you. Thank you very
25 much. I believe you'll stay with us. Please be seated.

1 Number 5 is staying with us.

2 (A juror approached for a bench conference out of
3 the hearing of the jury venire.)

4 Good morning. Tell me your number and name.

5 THE JUROR: (Whispering.)

6 THE COURT: And tell me, please, your response to
7 my question.

8 THE JUROR: I read about it in the -- seen it in
9 the newspaper.

10 THE COURT: In the newspaper?

11 THE JUROR: Yes, sir.

12 THE COURT: You recall what you read?

13 THE JUROR: Just what you read.

14 THE COURT: Just what I repeated?

15 THE JUROR: Yes, sir.

16 THE COURT: You believe everything you read in the
17 paper.

18 THE JUROR: No, sir.

19 THE COURT: Given the fact that you -- well, if
20 you're selected as a member of the jury panel, you make
21 your decision, you understand, not on what you read in that
22 newspaper, but on the evidence presented in the courtroom
23 from the witness stand. You understand that?

24 THE JUROR: Yes, sir.

25 THE COURT: Can you set aside what you read in the

1 newspaper if you're a member of this jury and base your
2 decision on the evidence and testimony presented in the
3 courtroom with the witnesses testifying under oath.

4 THE JUROR: Yes, sir.

5 THE COURT: Have any problem doing that?

6 THE JUROR: No, sir.

7 THE COURT: You'd be a fair and impartial for
8 Ms. Price and the State?

9 THE JUROR: Yes, sir.

10 THE COURT: You know any reason you could not?

11 THE JUROR: No, sir.

12 THE COURT: Standing here right now have you formed
13 any -- expressed any opinion about the guilt or innocence
14 of Ms. Price?

15 THE JUROR: No, sir.

16 THE COURT: And you wouldn't do that until you've
17 heard all the evidence and the testimony and the law as I
18 tell you the law is and deliberating with your fellow
19 jurors; is that correct.

20 THE JUROR: Yes, sir.

21 THE COURT: Thank you. Solicitor? Mr. Grant?

22 I believe you can stay with us. Thank you very
23 much. Don't say anything to your fellow jurors.

24 (A juror approached for a bench conference out of
25 the hearing of the jury venire.)

1 THE COURT: Good morning.

2 THE JUROR: Good morning.

3 THE COURT: Your number and name.

4 THE JUROR: It's 178.

5 THE COURT: And your response to my question.

6 THE JUROR: TV and my children talked about it.

7 THE COURT: And talking about it, having seen it on
8 TV also -- they don't have any independent knowledge who
9 was --

10 THE JUROR: No, they're both in North Carolina.

11 THE COURT: Okay. All right. Do you recall what
12 you saw on TV..

13 THE JUROR: Just that the incident had occurred and
14 who it was.

15 THE COURT: All right. Given that fact, can you
16 set aside whatever you saw on TV and base your decision on
17 the evidence and the testimony presented in the courtroom?

18 THE JUROR: Yes, sir.

19 THE COURT: You know of any reason why you could
20 not be a fair and impartial juror in the trial of this case
21 for both the State and Ms. Price?

22 THE JUROR: No reason.

23 THE COURT: Can you be a fair and impartial juror
24 for both Ms. Price and the State?

25 THE JUROR: Uh-huh.

1 THE COURT: Solicitor? Mr. Grant?

2 MS. CORNWELL: Nothing.

3 MR. GRANT: No.

4 THE COURT: Thank you. Thank you very much, I
5 believe you can stay with us.

6 Any others?

7 (No one stood.)

8 THE COURT: Thank you.

9 I have published the indictment to the panel. I've
10 read it to you and you've been introduced to the parties,
11 the State and Ms. Price. Does any member of the jury panel
12 have any bias or prejudice towards the parties or the
13 subject matter involved in the case? If so, please stand.

14 (No one stood.)

15 THE COURT: Is any member of the jury panel or any
16 member of your immediate family employed now or ever been
17 employed with the Orangeburg County Sheriff's Department,
18 Orangeburg Department of Public Safety or the State Law
19 Enforcement Division? If so, please stand.

20 (Several jurors stood.)

21 THE COURT: Number and name?

22 THE JUROR: 9, James Axson.

23 THE COURT: And what agency?

24 THE JUROR: The sheriff's department.

25 THE COURT: You or a member of your family?

1 THE JUROR: My cousin.

2 THE COURT: Your cousin?

3 THE JUROR: Yes, sir.

4 THE COURT: First cousin, second?

5 THE JUROR: Second.

6 THE COURT: Second cousin.

7 THE JUROR: It's been a long time so it's probably
8 not related.

9 THE COURT: What -- give me a period of time.

10 THE JUROR: He was only here probably under
11 Jackson. How long has that been? Ten years.

12 THE COURT: Ten years? And he was a deputy
13 sheriff?

14 THE JUROR: Yes, sir.

15 THE COURT: Given the fact that you have a second
16 cousin that was a deputy sheriff for Orangeburg County, can
17 you be a fair and impartial in the trial of this case for
18 both Ms. Price and the State?

19 THE JUROR: Yes, sir.

20 THE COURT: Thank you. I believe you can stay with
21 us. Thank you thank you very much.

22 Yes, ma'am, your number and name?

23 THE JUROR: I'm Teresa Williams, Number 194.

24 My brother-in-law was a City of Orangeburg Police
25 Officer.

1 THE COURT: Time frame?

2 THE JUROR: He just got out within the last year.

3 THE COURT: All right. And what's his name?

4 THE JUROR: Michael Cooper.

5 THE COURT: Michael cooper. And how long was
6 Mr. Cooper employed with Orangeburg.

7 THE JUROR: Probably about seven years.

8 THE COURT: Seven years. Given that fact can you
9 be a fair and impartial juror for the trial of this case
10 for both Ms. Price and the State?

11 THE JUROR: Yes, sir.

12 THE COURT: Thank you, I believe you can stay with
13 us. Thank you.

14 Any others?

15 (No one stood.)

16 THE COURT: Circling back just a moment, ladies and
17 gentlemen, does any member of the jury panel have any
18 social, business, professional relationship in any way with
19 Solicitor Pascoe, Assistant Solicitor's Joshua Edwards,
20 Harrison Bell, Don Sorenson, Tommy Scott, or any other
21 member of the Orangeburg County Solicitor's Office? If so,
22 please stand.

23 (No one stood.)

24 THE COURT: Is any member of the jury panel a
25 member of any group or organization that has as its

1 principal purpose of supporting law enforcement and/or
2 victim's rights? For example, MADD, SADD, the Paternal
3 Order of Police or any other type of similar organization?
4 If so, please stand.

5 (No one stood.)

6 THE COURT: Has any member of the jury panel or any
7 member of your immediate family ever been a victim of or
8 investigated or charged with committing a crime of personal
9 violence against another person? If so, please stand.

10 Either a victim of a crime of personal violence or
11 ever been charged with a crime of personal violence.

12 (Several jurors stood.)

13 THE COURT: All right, sir. If y'all would lineup
14 on our sheriff, please.

15 (A juror approached for a bench conference out of
16 the hearing of the jury venire.)

17 THE COURT: Good afternoon. Tell me your number,
18 please.

19 THE JUROR: 67.

20 THE COURT: And your name?

21 THE JUROR: Robert Glover.

22 THE COURT: All right. And tell me your response
23 to my question.

24 THE JUROR: I have a domestic violence charge.

25 THE COURT: You have what?

1 THE JUROR: A domestic violence charge. It was a
2 long time ago.

3 THE COURT: And you were charged with it.

4 THE JUROR: Yeah, I had to go to anger management.

5 THE COURT: You went to what?

6 THE JUROR: To the classes.

7 THE COURT: And when you say a long time ago, give
8 me that time frame.

9 THE JUROR: 2008.

10 THE COURT: Okay. Given that fact can you be a
11 fair and impartial juror in the trial of this case for both
12 the State and Ms. Price?

13 THE JUROR: I don't think so.

14 THE COURT: And tell me why that's your response.

15 THE JUROR: Sir?

16 THE COURT: Why is that your response? Explain
17 that to me.

18 THE JUROR: Because I thought I couldn't do it
19 because I had charges. But having domestic violence charge
20 I thought I couldn't be on the trial.

21 THE COURT: In other words, you think you can't do
22 it just because you have the charge.

23 THE JUROR: Yeah, that's what I thought.

24 THE COURT: Not because you think you would be
25 unfair?

1 THE JUROR: No.

2 THE COURT: I want to make sure we're playing on
3 the same sheet of music.

4 THE JUROR: Yeah. I thought because I had the
5 charge --

6 THE COURT: -- you couldn't be a juror?

7 THE JUROR: A juror, yeah.

8 THE COURT: Right now, standing here right now, you
9 got an opinion about whether Ms. Price is guilty or
10 innocent?

11 THE JUROR: I don't have no opinion.

12 THE COURT: You haven't heard nothing, is that
13 right?

14 THE JUROR: Yeah I don't know anything.

15 THE COURT: You think you could be fair and
16 impartial to Ms. Price.

17 THE JUROR: Yes, sir.

18 THE COURT: You think you can be fair and impartial
19 to the State?

20 THE JUROR: Yes, sir.

21 THE COURT: You have any questions, Solicitor?

22 MS. CORNWELL: No, Your Honor.

23 THE COURT: Mr. Grant?

24 MR. GRANT: No, Your Honor.

25 THE COURT: And make sure I understand. You're --

1 you said when you first said you didn't think you could be
2 fair and impartial is because you thought it was because of
3 the charges you had you couldn't serve.

4 THE JUROR: Right.

5 THE COURT: Not because you thought that you would
6 be unfair?

7 THE JUROR: Oh, no.

8 MR. GRANT: Can we go over when that was.

9 THE COURT: What year was it?

10 THE JUROR: 2008.

11 MS. CORNWELL: It's not a felony, it's 2009, but
12 it's --

13 THE JUROR: Oh, 2009?

14 THE COURT: Thank you. I believe you can stay with
15 us. Thank you for that.

16 (A juror approached for a bench conference out of
17 the hearing of the jury venire.)

18 THE COURT: Yes, ma'am? Let's see what number --
19 tell me your number again.

20 THE JUROR: I'm 55.

21 THE COURT: I think I've seen you before, haven't
22 I?

23 THE JUROR: Yes, sir.

24 THE COURT: Tell me your situation.

25 THE JUROR: My brother was recently charged with

1 shooting a federal officer.

2 THE COURT: All right. So your brother was charged
3 with an offense of personal violence.

4 THE JUROR: Yes, sir.

5 THE COURT: Given that fact can you be fair and
6 impartial to both the State and to Ms. Price.

7 THE JUROR: I think so.

8 THE COURT: Explain that to me. When you say think
9 so, it's -- how -- would that affect your decision in this
10 case?

11 THE JUROR: No, sir.

12 THE COURT: But explain that to me if you would. I
13 see some hesitancy.

14 THE JUROR: It's just the judicial system, I guess
15 what all went on. I mean it's just recent so -- but I mean
16 it has nothing to do with this case, I guess.

17 THE COURT: So you were -- explain what you mean
18 just the judicial system.

19 THE JUROR: I think he was convicted -- he
20 pleaded -- almost got out of going to jail because of the
21 charges and that's not -- they -- they came to search his
22 room and broke into his home and that type of thing.

23 THE COURT: You think you can set that aside and
24 make your decision if you're selected as a member of the
25 jury on what you hear in this courtroom in this case?

1 THE JUROR: Yes, sir.

2 THE COURT: Uninfluenced by whatever may have
3 happened in your brother's case?

4 THE JUROR: Yes.

5 THE COURT: Do you have a negative opinion -- and
6 there's nothing wrong, positive or negative -- we all have
7 positive and negative feelings about a lot of things; but
8 do you have a negative opinion about the judicial system
9 based on the way your brother's case was resolved.

10 THE JUROR: I do.

11 THE COURT: All right. Given that -- there's
12 nothing wrong with that. Our opinion is our beliefs. But
13 given that, do you have such a negative opinion you think
14 it would affect your decision in this case?

15 THE JUROR: No.

16 MS. CORNWELL: I'm satisfied that she can be
17 impartial --

18 THE COURT: Say again?

19 MS. CORNWELL: I'm satisfied that she can listen to
20 the evidence and make her decision.

21 THE COURT: Did you listen to that.

22 THE JUROR: Yes.

23 THE COURT: And base your decision based on the
24 evidence that you determine the facts to be and the law as
25 I tell you the law is.

1 THE JUROR: Yes, sir.

2 THE COURT: All right. Mr. Grant?

3 MR. GRANT: No questions, Your Honor.

4 THE COURT: Thank you. Thank you very much, I
5 believe you can stay with us.

6 (A juror approached for a bench conference out of
7 the hearing of the jury venire.)

8 THE COURT: And let's see, I've seen this young
9 man, he's a frequent flier. Hang on. What's your number
10 again?

11 THE JUROR: 15.

12 THE COURT: 15. And tell me what your response is.

13 THE JUROR: When you said victim --

14 THE COURT: Either a victim of -- you, a family
15 member, close personal friend, either a victim of a crime
16 of personal violence or charged or investigated for a crime
17 of personal violence.

18 THE JUROR: My uncle was murdered last year.

19 THE COURT: All right. And tell me that time
20 frame. Do you know?

21 THE JUROR: August 11th.

22 THE COURT: August of '11?

23 THE JUROR: 2015.

24 THE COURT: Did that happen here?

25 THE JUROR: No, sir.

1 THE COURT: Tell me where --

2 THE JUROR: In Lexington County.

3 THE COURT: All right. Given that fact that you
4 have a family member, an uncle that was a victim of a
5 homicide, can you be a fair and impartial juror in the
6 trial of this case for both the State and Ms. Price.

7 THE JUROR: Yes, sir.

8 THE COURT: Would what happened to your uncle
9 affect your decision in this case or would you base your
10 decision based on the evidence and the testimony presented
11 in this courtroom in this case?

12 THE JUROR: Based on the evidence.

13 THE COURT: Any doubt in your mind?

14 THE JUROR: No, sir.

15 THE COURT: You could be fair and impartial to both
16 the State and Ms. Price.

17 THE JUROR: Yes, sir.

18 THE COURT: Thank you. I believe you can stay with
19 us. Thank you, thank you very much.

20 (A juror approached for a bench conference out of
21 the hearing of the jury venire.)

22 THE COURT: Good afternoon. Your name and number,
23 please.

24 THE JUROR: 115 Cheryl Mason.

25 THE COURT: All right. And tell me your response.

1 to my last question.

2 THE JUROR: My daughter was charged with assaulting
3 a police officer when they were arresting her for her
4 drugs. So that's a crime -- that's the situation she's in.

5 THE COURT: And where?

6 THE JUROR: Oklahoma.

7 THE COURT: Oklahoma? All right. Given that fact,
8 could you be a fair and impartial juror for the trial of
9 this case for both Ms. Price and the State?

10 THE WITNESS: Yes, I think I can.

11 THE COURT: You could set aside that and decide the
12 case based on the evidence and the testimony you hear from
13 the witnesses in this courtroom?

14 THE JUROR: Yes, sir.

15 THE COURT: All right. I believe you can stay with
16 us. Thank you.

17 (A juror approached for a bench conference out of
18 the hearing of the jury venire.)

19 THE COURT: Good morning. Your number and name,
20 please.

21 THE JUROR: 50, Michael Fennessy.

22 THE COURT: Tell me your response.

23 THE JUROR: My wife's uncle was murdered about
24 three to five years ago, I guess.

25 THE COURT: And where?

1 THE JUROR: It was at Edisto Beach.

2 THE COURT: All right. Given that fact, can you
3 set that aside and be a fair and impartial in this case?

4 THE JUROR: Yes, sir.

5 THE COURT: And if selected, would you base your
6 decision based on the evidence and the testimony you hear
7 from the witnesses in this courtroom in this case?

8 THE JUROR: Yes, sir.

9 THE COURT: I believe you can stay with us. Thank
10 you. Thank you very much.

11 (A juror approached for a bench conference out of
12 the hearing of the jury venire.)

13 THE COURT: Yes, sir, number please.

14 THE JUROR: 158.

15 THE COURT: And tell me your response.

16 THE JUROR: My wife worked in a bank and a guy came
17 in the bank and she was attacked and was held at knife
18 point. Fortunately she was not hurt and they were able to
19 apprehend him.

20 THE COURT: And give me the time frame.

21 THE JUROR: I think it was 2010, 2011, January.

22 THE COURT: All right. Given that fact what
23 happened to your wife, can you be -- can you set that aside
24 and be a fair and impartial juror in the trial of this case
25 for both Ms. Price and the State.

1 THE JUROR: Yes, I can.

2 THE COURT: Where did that happen? In Orangeburg
3 County?

4 THE JUROR: Yes, sir.

5 THE COURT: Was it prosecuted.

6 THE JUROR: It was a case where it was mental.

7 THE COURT: It was a mental case.

8 THE JUROR: I believe he was not able to stand
9 trial.

10 THE COURT: Okay. Any other questions, Mr. Grant?

11 MR. GRANT: No, sir.

12 THE COURT: Thank you. Thank you very much, I
13 believe you can stay with us.

14 Is that line getting longer, Sheriff?

15 (A juror approached for a bench conference out of
16 the hearing of the jury venire.)

17 THE COURT: Yes, ma'am, your number, please.

18 THE JUROR: 18.

19 THE COURT: And tell me your response.

20 THE WITNESS: I was a victim of criminal domestic
21 violence about 20 years ago.

22 THE COURT: 20 years ago?

23 THE JUROR: Uh-huh.

24 THE COURT: All right. Of course, if you're
25 selected as a member of the jury panel, you, along with

1 your fellow jurors would have the responsibility to
2 determine what the facts are in this case.

3 THE JUROR: Yes, sir.

4 THE COURT: And then determine those facts and then
5 follow the law as I tell you the law is.

6 THE JUROR: Yes, sir.

7 THE COURT: Could you -- could you set aside the
8 fact that you were a victim of criminal domestic violence
9 20 years ago and decide the facts and reach a fair and
10 impartial verdict in this case based on the evidence and
11 the testimony you hear in this courtroom from the witnesses
12 testifying.

13 THE JUROR: Yes, sir. I believe I could.

14 THE COURT: Any doubt in your mind?

15 THE JUROR: No, sir.

16 THE COURT: And you can be fair and impartial for
17 both the State and Ms. Price.

18 Any other questions, Solicitor, Mr. Grant?

19 MS. CORNWELL: No, sir.,

20 MR. GRANT: No, sir.

21 THE COURT: Thank you, I believe you can stay with
22 us.

23 (A juror approached for a bench conference out of
24 the hearing of the jury venire.)

25 THE COURT: Your number, please.

1 THE JUROR: 27.

2 THE COURT: 27?

3 THE JUROR: Yeah.

4 THE COURT: Tell me our response.

5 THE JUROR: I have a cousin that was paralyzed from
6 a fight in a club and another cousin who was convicted of
7 kidnapping and robbery.

8 THE COURT: And the first cousin, the first one you
9 mentioned, that was fighting in a club.

10 THE JUROR: He got jumped in a club.

11 THE COURT: He got beat up? Anybody get charged.

12 THE JUROR: I think there were multiple people, I
13 think like so far three or four.

14 THE COURT: And where did that happen?

15 THE JUROR: Orangeburg.

16 THE COURT: And give me -- can you give me a time
17 frame?

18 THE JUROR: About six, seven years ago.

19 THE COURT: Okay. And then the second one,
20 that's --

21 THE JUROR: That's about 15, 16 years ago.

22 THE COURT: And he got charged with?

23 THE JUROR: Kidnapping and robbery.

24 THE COURT: And was that in --

25 THE JUROR: That was in Columbia.

1 THE COURT: In Columbia.

2 All right. Given those facts can you be a fair and
3 impartial juror in the trial of this case for both
4 Ms. Price and the State.

5 THE JUROR: Yeah.

6 THE COURT: And you would base your verdict on the
7 evidence and testimony you hear in this courtroom.

8 THE JUROR: Yes.

9 THE COURT: Uninfluenced by what may have happened
10 to one cousin and with what the other cousin may have
11 committed?

12 THE JUROR: Yes, yes, sir the name of the cousin
13 that was paralyzed is Jarrell Brown.

14 THE COURT: Jarrell Brown?

15 THE JUROR: Yes.

16 THE COURT: All right. Thank you. Any other
17 questions, Solicitor, Mr. Grant?

18 MS. CORNWELL: No, Your Honor.

19 THE COURT: All right. Thank you. Thank you very
20 much.

21 (There was a bench conference out of the hearing of
22 the jury.)

23 MR. GRANT: I'm going to move challenge him for
24 cause. Here's the reason why: The victim Jarrell Brown, I
25 represented him and he was accused of attacking him that

1 caused him to be paralyzed and that fellow is now in prison
2 right now in prison. It's Lexington County he's in.

3 MS. CORNWELL: He didn't say anything about that.

4 THE COURT: So you represented the man who
5 victimized his cousin?

6 MR. GRANT: Yes that caused his cousin to be
7 paralyzed from the neck down.

8 THE COURT: Well, he probably don't know it. 20
9 something years ago.

10 MR. GRANT: My name is still in the case.

11 THE COURT: Well, if I ask him now, he's going to
12 know it.

13 MS. CORNWELL: I believe, Your Honor also --

14 THE COURT: Say again?

15 MS. CORNWELL: I believe Your Honor is going to
16 instruct that he's not going to do any research, not to
17 read anything about the case, including the attorneys.
18 So --

19 MR. GRANT: I mean, if you tell that's on his mind
20 about his cousin and I represented the man and he's in
21 prison. He pled guilty to the assault.

22 MS. CORNWELL: It was 20 years ago.

23 MR. GRANT: It wasn't 20 years ago. It was 7 years
24 ago.

25 MS. CORNWELL: I thought it was 20.

1 MR. GRANT: He's still in prison, so I would move
2 to challenge him for cause.

3 THE COURT: Well, we'll see if he pops out of the
4 box and I'll just leave it there and perhaps might have him
5 some more.

6 (A juror approached for a bench conference out of
7 the hearing of the jury venire.)

8 THE COURT: Yes, ma'am, I'm sorry I halted you like
9 I did. Your number? Please.

10 THE JUROR: 194, sir.

11 THE COURT: All right. And tell me your response,
12 please.

13 THE JUROR: My uncle was killed back in 2014.

14 THE COURT: Where did that happen?

15 THE WITNESS: Orangeburg County.

16 THE COURT: Is it still pending?

17 THE JUROR: No, the man was convicted.

18 THE COURT: Given the fact that your uncle was a
19 victim, can you be a fair and impartial juror in the trial
20 of this case?

21 THE JUROR: Yes, sir.

22 THE COURT: For both the State and Ms. Price.

23 THE JUROR: Yes, sir.

24 THE COURT: Any doubt in your mind.

25 THE JUROR: No, sir.

1 THE COURT: All right. Thank you. I believe you
2 can stay us.

3 Good afternoon. Your number and name, please.

4 THE JUROR: 193 (sic) Diane Wade.

5 THE COURT: All right. And tell me your response.

6 THE JUROR: I was just -- I'm related by marriage
7 to -- that's been introduced as a heart of his staff.

8 THE COURT: All right. And what's your
9 relationship? How are you related by marriage?

10 THE JUROR: My cousin on my husband's side.

11 THE COURT: Cousin on your husband's side?

12 THE JUROR: Uh-huh.

13 THE COURT: What degree of cousin? First? Second?

14 THE JUROR: Might be third. We all grew up
15 together and we went to school together and my kids and all
16 went to school with her.

17 THE COURT: Given the fact that you're related by
18 marriage to a member of Mr. Grant's staff, can you be a
19 fair and impartial juror in the trial of this case for both
20 Ms. Price and the State?

21 THE JUROR: Yes.

22 THE COURT: Any doubt in your mind about that.

23 THE JUROR: I don't think so.

24 THE COURT: Thank you. Thank you for that.

25 MS. CORNWELL: What was her number?

1 THE JUROR: 193.

2 THE CLERK: 183.

3 THE COURT: 183.

4 MS. CORNWELL: Yes, Your Honor.

5 THE COURT: Thank you. I thought she said 193.

6 MS. CORNWELL: She did.

7 THE CLERK: She did.

8 THE COURT: I was just testing you.

9 (The Court returned to the bench.)

10 THE COURT: I'm going to call a rather lengthy list
11 of names of potential witnesses in the trial of this case.
12 I will call those names in groups of five. I would ask if
13 any of the names that are called in the gallery, if you're
14 present when your name the called, if you would please
15 stand and face the jury panel.

16 I would advise the jury panel that the witnesses do
17 not have to be present during this proceeding; therefore,
18 many names may be called and no one stand.

19 The question, of course, is similar to the question
20 I have asked about the attorneys and Ms. Price and
21 Mr. Simmons, is whether any member of the jury panel is
22 related by blood or marriage, close personal friends, have
23 any social, business, or professional relationship with any
24 of these parties who either stand before you and/or whose
25 names are called.

1 If I know their occupation, I will, of course,
2 identify their occupation.

3 The first five names are all employees of the
4 Orangeburg Department of Public Safety: Tanesha Bellinger.
5 I have not seen Officer Bellinger today. Jason Sturkie;
6 Seth Wolf; Steven Kuck; Hall Fisher.

7 The next five names all employed with the
8 Orangeburg Department of Public Safety: Jordan Hawkins,
9 William Griffith, Carl Shultz, Kevin Dukes, Latisha Walker.

10 Ms. Walker, I believe the solicitor introduced her
11 previously. Look. What an entrance, now with the State
12 Law Enforcement Division.

13 The next two names are also with the Orangeburg
14 Department of Public Safety: Debbie Byrd; Kenny Kinsey.
15 Doctor Janice Ross is a forensic pathologist in Newberry
16 County, LaHassanda Brown and Shavita Simmons. This is
17 Ms. Simmons --

18 MS. CORNWELL: Your Honor, I believe that's my
19 mistake, it should be Garvin.

20 THE COURT: Oh, I apologize, Shavita Garvin. This
21 is Ms. Garvin to my front right in the back of the
22 courtroom. Thank you, thank you Ms. Garvin.

23 Again, ladies and gentlemen the question, any
24 member of the jury panel related by blood or marriage,
25 close personal friends, have any social, business,

1 professional relationship with any of the parties I now
2 call.

3 The first five Dominique Price. This is Ms. Price
4 also to my front right.

5 Thank you, Ms. Price.

6 Beverly Price. This is Ms. Price also to my front
7 right. Beverly Price.

8 Thank you, Ms. Price.

9 Samuel Simmons, Sr. Mr. Simmons, Sr. To my front
10 right in the back of the courtroom.

11 Thank you Mr. Simmons.

12 Donte Garvin, Jamal Curry Scott.

13 The next five names: Latoya Felder James,
14 Ms. James to my front right.

15 Were you able to see Ms. James with this pole?

16 (Several jurors stood.)

17 THE COURT: All right. Your number and name,
18 please.

19 THE JUROR: 181, Linda Tucker.

20 THE COURT: All right. Step up here for me,
21 please. And also this other young lady if you'll step to
22 the center.

23 (A juror approached for a bench conference out of
24 the hearing of the jury venire.)

25 THE COURT: Good afternoon.

1 THE JUROR: Hi.

2 THE COURT: Tell me your number and name, please.

3 THE JUROR: 181.

4 THE COURT: And what name were you responding to?

5 THE JUROR: Ms. James.

6 THE COURT: Ms. James.

7 THE JUROR: Yes, sir.

8 THE COURT: And how do you know Ms. James?

9 THE JUROR: I teach her child in school.

10 THE COURT: You teach her child?

11 THE JUROR: Yes, sir.

12 THE COURT: You have any other relationship or --

13 THE JUROR: Only teacher/student,
14 parent/relationship, that's it.

15 THE COURT: Given that fact can you be a fair and
16 impartial -- if she were to testify, given the fact that
17 you know her as a teacher both her child, would that affect
18 your ability to be a fair and impartial juror in the trial
19 of this case for Beth the State and Ms. Price?

20 THE JUROR: No, sir.

21 THE COURT: I think you can stay with us. Thank
22 you. Thank you very much.

23 (A juror approached for a bench conference out of
24 the hearing of the jury venire.)

25 THE COURT: Yes, ma'am? Good afternoon? Your

1 number again.

2 THE JUROR: 114.

3 THE COURT: All right. And you know someone?

4 THE JUROR: I know Latoya. She's married to my
5 nephew.

6 THE COURT: Latoya --

7 THE JUROR: Felder.

8 THE COURT: Felder, Ms. James?

9 THE JUROR: Yes, sir.

10 THE COURT: So she's married to your nephew.

11 THE JUROR: Right.

12 THE COURT: Given the fact that she's married to
13 your nephew, can you still be a fair and impartial juror in
14 the trial of this case for both the State and the defense.

15 THE JUROR: Yes, sir.

16 THE COURT: Would that affect your decision in any
17 way that she's married to your nephew.

18 THE JUROR: No, sir.

19 THE COURT: Any other questions, Solicitor,
20 Mr. Grant?

21 MS. CORNWELL: No, sir.

22 MR. GRANT: No.

23 THE COURT: Thank you. I believe you can stay with
24 us.

25 (A juror approached for a bench conference out of

1 the hearing of the jury venire.)

2 THE COURT: Yes, sir?

3 THE JUROR: How are you?

4 THE COURT: I'm doing good. And your number again?

5 THE JUROR: Number 9, sir. I know Mr. Shultz. He
6 was on the first list that you called. I work personally
7 with his father every day.

8 THE COURT: With his father?

9 THE JUROR: Yes, sir; and he's worked part time
10 with us as well, I think.

11 THE COURT: All right. Given those facts, can you
12 be a fair and impartial in the trial of this case for both
13 the State and the defense?

14 THE JUROR: Yes, sir.

15 THE COURT: Any question if your mind about that?

16 THE JUROR: No, sir.

17 THE COURT: All right. Thank you. I believe you
18 can stay with us. Thank you very much.

19 (A juror approached for a bench conference out of
20 the hearing of the jury venire.)

21 THE COURT: Good afternoon your number and name,
22 please.

23 THE JUROR: 189 Jill Wiles.

24 THE COURT: All right. And who do you know?

25 THE JUROR: William Griffith.

1 THE COURT: And how do you know Mr. Griffith?

2 THE JUROR: Just friends. Our children go to
3 school together.

4 THE COURT: If he were to testify in the trial of
5 this case, would it affect your ability to be a fair and
6 impartial juror for both the State and the defense?

7 THE JUROR: No.

8 THE COURT: Any doubt in your mind.

9 THE JUROR: No, sir.

10 THE COURT: Thank you. I believe you can stay with
11 us.

12 (A juror approached for a bench conference out of
13 the hearing of the jury venire.)

14 THE COURT: Yes, sir?

15 THE JUROR: Number 41, Ryan Etridge. I got my CWP
16 from Kenny Kinsey.

17 THE COURT: All right.

18 THE JUROR: And I went to school with Jordan
19 Hawkins; he was a few grades under me.

20 THE COURT: Given those facts if they were to
21 testify, would that affect your ability to be a fair and
22 impartial juror in the trial of this case for both
23 Ms. Price and the State.

24 THE JUROR: No, sir.

25 THE COURT: I'm glad to see that wasn't a Clemson

1 shirt.

2 THE JUROR: You're Carolina?

3 THE COURT: You know I am. I'm from the Midlands.

4 THE BAILIFF: One of the jurors stepped out of the
5 courtroom.

6 THE COURT: All right. Give me a nod.

7 THE BAILIFF: Beg the Court's indulgence Your
8 Honor.

9 THE COURT: Ma'am?

10 THE BAILIFF: Give the juror a few more minutes.

11 THE COURT: Yes, ma'am.

12 (There was a pause in the proceedings.)

13 THE COURT: All right. The next five names
14 Deneishia Brown, Shane Smith, Marvin Reed, Coretta
15 McMillan, Brittany Dickson-Outen.

16 The next five names: Jeffrey Digs, Breanna Tilley,
17 Sharee Scott; Donald Girndt, Doctor Lois Veronen.

18 The next five names: Nurse M. Albert, Orangeburg
19 County Detention Center, Dr. Sandra Glover, Debbie Byrd --
20 I may have already called her. Yes I did. Orangeburg
21 County Department of Public Safety.

22 Reverend Dr. Jesse Ray Robinson, this is Reverend
23 Robinson to my front right. Is he blocked by the pole?
24 Good afternoon, Reverend you don't have to come up here but
25 thank you for stepping out.

1 He may be seated, Sheriff, thank you.
2 Representative Jerry Govan.
3 All right. Yes, ma'am, your number and name?
4 THE JUROR: Sandra Harelson.
5 THE COURT: All right. Step up here for me,
6 please.
7 (Several jurors stood.)
8 (A juror approached for a bench conference out of
9 the hearing of the jury venire.)
10 THE COURT: Good afternoon.
11 THE JUROR: Good morning -- or afternoon.
12 THE COURT: Yeah, well, I've been working y'all
13 all morning and so I'm starting on your afternoon.
14 Tell me your number and name.
15 THE JUROR: 75, Sandra Harris. And I know Jerry
16 Govan. His daughter and my daughter were both in child
17 care together. She's 26 now.
18 THE COURT: The fact that you know Reverend (sic)
19 Govan, if he were to testify --
20 THE JUROR: Reverend or Representative?
21 THE COURT: Representative.
22 MR. GRANT: He's actually both.
23 THE COURT: Given that fact, can you still be a
24 fair and impartial juror both to the State and Ms. Price?
25 THE JUROR: Yeah, I think to.

1 THE COURT: Thank you. Thank you very much. I
2 believe you can stay with us.

3 (A juror approached for a bench conference out of
4 the hearing of the jury venire.)

5 THE COURT: I'm forgetting my numbers but I've seen
6 you recently.

7 THE JUROR: 194.

8 THE COURT: All right. 194.

9 THE JUROR: I'm just going to say the
10 Representative -- the gentleman that was standing in there
11 he was a patient of mine.

12 THE COURT: Reverend Robinson.

13 Given the fact that he was a patient can you still
14 be a fair and impartial juror in the trial of this case?

15 THE JUROR: Yes, sir. And some of those other
16 names, I -- I remember a couple of the names, but I don't
17 really know them. Right off my head.

18 THE COURT: Well, given the fact that some of the
19 others may have been in your clinic, can you be a fair and
20 impartial juror in the trial of this case for both parties.

21 THE JUROR: Yes, sir.

22 THE COURT: Thank you.

23 THE JUROR: Thank you.

24 (A juror approached for a bench conference out of
25 the hearing of the jury venire.)

1 THE COURT: Good afternoon.

2 THE JUROR: Hi.

3 THE COURT: Number and name?

4 THE JUROR: 70 William Gramlin. I know Jerry Govan
5 casually. He employed my wife to fill a school board
6 thing. But that's the -- you know, it's casual.

7 THE COURT: Given those facts, can you still be a
8 fair and impartial juror in the trial of this case for both
9 parties?

10 THE JUROR: Yes, sir.

11 THE COURT: All right. Thank you sir.

12 (A juror approached for a bench conference out of
13 the hearing of the jury venire.)

14 THE COURT: Repeat your number for us, please.

15 THE JUROR: Yes, it's 115.

16 THE WITNESS: And I just know Representative Govan
17 real good. With the relationships we have with him at the
18 hospital.

19 THE COURT: Given that fact can you be a fair and
20 impartial juror for both parties.

21 THE JUROR: Yes, sir.

22 THE COURT: Thank you. Thank you.

23 Any others.

24 I believe, Solicitor and Mr. Grant I have already
25 called numbers 24 through 31 on the potential witness list.

1 You agree with that Mr. Grant, Solicitor?

2 MS. CORNWELL: I believe you're correct, Your
3 Honor.

4 THE COURT: All right. It appears to be --

5 MS. CORNWELL: Law enforcement.

6 THE COURT: Orangeburg Department of Public Safety
7 and Dr. Ross and --

8 MS. CORNWELL: Yes, Your Honor.

9 THE COURT: All right. The next few names: Stacy
10 Matthew, she is a forensic toxicologist with SLED, Jessica
11 H-E-R-R-O-N-E, also with SLED serologist; also Kelvin Mack,
12 Holly Hill Police Department; also Tommy Simmons.

13 MR. GRANT: Your Honor, I think you're referring to
14 Tammy Simmons.

15 THE COURT: I'm sorry. Tammy Simmons.

16 Thank you, Ms. Simmons, I apologize.

17 Tammy Simmons to my front right.

18 Shakera Towns, Ms. Towns also to my front right.

19 Thank you Ms. Towns.

20 All right. So I would repeat again the question as
21 to all the names I've called of the potential witnesses in
22 the trial of the case, is any member of the jury panel
23 related -- who has not previously stood, related by blood
24 or marriage, close personal friends, any social, business,
25 professional relationship with any of the witnesses that

1 names I called? If so, please stand.

2 (No one stood.)

3 THE COURT: Thank you.

4 Any additional requested voir dire from the State,
5 solicitor?

6 MS. CORNWELL: Nothing from the State, Your Honor.

7 THE COURT: Mr. Grant? And I have another final
8 question, of course, but specific voir dire, anything
9 additional from the defense, Mr. Grant?

10 MR. GRANT: No, Your Honor.

11 THE COURT: Finally, ladies and gentlemen, going
12 back to the purpose of this procedure is to select a jury,
13 a trial jury that will be fair and impartial to both
14 Ms. Price and the State. The indictment's been published;
15 you've been introduced to the attorneys; you've been
16 introduced to the defendant; you've been given -- asked a
17 series of questions concerning your knowledge of the facts
18 or any bias or prejudice; many of the potential witnesses
19 were present, you've seen them. You've heard names of
20 others that were not present.

21 You know yourself best. Does any member of the
22 jury panel know any reason whatsoever why you feel like you
23 could not be a fair and impartial juror in the trial of
24 this case for both Ms. Price and the State? If so, please
25 stand.

1 If it concerns you, it concerns me. I want to know
2 it now before you're sitting over here in this jury box.

3 No one stands.

4 I find our panel is qualified.

5 Strikes, Solicitor.

6 MS. CORNWELL: Your Honor, I believe the State gets
7 five and the defense gets ten.

8 THE COURT: Do you agree, Mr. Grant?

9 MR. GRANT: I do, Your Honor.

10 THE COURT: And I agree. Strikes are ten for the
11 defense, five for the State.

12 Do y'all have the jurors come forward, Madam Clerk?
13 Is that what you do?

14 THE CLERK: Yes, sir.

15 THE COURT: All right. If you would give us a jury
16 panel and instruct the jurors, the potential jurors,
17 please.

18 **JURY SELECTION**

19 THE OFFICER: Jurors, when your name is called, you
20 come and face the panel, just as I am now. Bring your
21 belongings with you.

22 THE COURT: Thank you, Sheriff.

23 THE OFFICER: Yes, sir.

24 (The clerk is printing out the jury strike sheet.)

25 THE CLERK: Juror Number 189, Jill Wiles. (White

1 Female)

2 What says the State?

3 MS. CORNWELL: Please seat Ms. Wiles.

4 THE CLERK: What says the defense?

5 MR. GRANT: Please strike Ms. Wiles.

6 THE CLERK: You may return to your seat.

7 Juror Number 155 Jade Robinson. (Black Female)

8 What says the State?

9 MS. CORNWELL: Please excuse Ms. Robinson.

10 THE CLERK: You may return to your seat.

11 Juror Number 50, Michael Fennessy. (White Male)

12 What says the State?

13 MS. CORNWELL: Please seat Mr. Fennessy.

14 THE CLERK: What says the defense?

15 MR. GRANT: Please excuse Mr. Fennessy.

16 THE CLERK: You may return to your seat.

17 Juror Number 114, Sharon Manigault. (Black Female)

18 What says the State?

19 MS. CORNWELL: Please excuse Ms. Manigault.

20 THE CLERK: You may return to your seat.

21 Juror Number 41 Henry Dyson. (Black Male)

22 What says the State?

23 MS. CORNWELL: Please seat Mr. Dyson.

24 THE CLERK: What says the defense?

25 MR. GRANT: Please seat Mr. Dyson.

1 THE CLERK: You may have a seat in the jury box.
2 Juror Number 183, Diane Wade. (Black Female)
3 What says the State?
4 MS. CORNWELL: Please excuse Ms. Wade.
5 THE CLERK: You may return to your seat.
6 Juror Number 136 Charles Nightingale. (White Male)
7 What says the State?
8 MS. CORNWELL: Please seat Mr. Nightingale.
9 THE CLERK: What says the defense?
10 MR. GRANT: Please seat Mr. Nightingale.
11 THE CLERK: You may have a seat. Thank you.
12 Juror Number 15, Zhaquarie Baxter. (Black Male)
13 What says the State?
14 MS. CORNWELL: Please seat Mr. Baxter.
15 THE CLERK: What says the defense?
16 MR. GRANT: What did you say his number was?
17 THE CLERK: 15.
18 MR. GRANT: Yes, ma'am, please excuse Mr. Baxter.
19 THE CLERK: You may return to your seat.
20 Juror No. 158, Henry G. Rutland. (White Male)
21 What says the State?
22 MS. CORNWELL: Please seat Mr. Rutland.
23 THE CLERK: What says the defense?
24 MR. GRANT: Please excuse Mr. Rutland.
25 THE CLERK: You may return to your seat,

1 Mr. Rutland.

2 Juror Number 70, C. William Gramling. (White Male)

3 What says the defense? I'm sorry.

4 What says the State? I'm sorry.

5 MS. CORNWELL: That's okay. Please seat

6 Mr. Gramling.

7 THE CLERK: What says the defense?

8 MR. GRANT: Please seat Mr. Gramling.

9 THE CLERK: Juror Number 154 Benjamin Robinson

10 (White Male)

11 What says the State?

12 MS. CORNWELL: Please seat Mr. Robinson.

13 THE CLERK: What says the defense?

14 MR. GRANT: Please excuse Mr. Robinson.

15 THE CLERK: You may return to your seat, sir.

16 Juror Number 109 Aaron Lockard. (Black Male)

17 What says the State?

18 MS. CORNWELL: Please seat Mr. Lockard.

19 THE CLERK: What says the defense?

20 MR. GRANT: One second, Madam Clerk.

21 (There was a pause in the proceedings.)

22 MR. GRANT: Please seat Mr. Lockard.

23 THE CLERK: Juror Number 47 Twila Evans. (Black

24 Female)

25 What says the State?

1 MS. CORNWELL: Please excuse Ms. Evans.
2 THE CLERK: You may return to your seat.
3 Juror Number 176, John Summers. (Black Male)
4 What says the State?
5 MS. CORNWELL: Please seat Mr. Summers.
6 THE CLERK: What says the defense?
7 MR. GRANT: Please seat Mr. Summers.
8 THE CLERK: Juror Number 64 Brenda Gavin. (Black
9 Female)
10 MS. CORNWELL: Your Honor, I'm showing she was
11 excused.
12 THE COURT: She was excused? Is that correct?
13 That's what you have, Solicitor?
14 MS. CORNWELL: Yes, Your Honor.
15 THE CLERK: Juror Number 36 Kathryn Creech. (White
16 Female)
17 What says the State?
18 MS. CORNWELL: Please seat Ms. Creech.
19 THE CLERK: What says the defense?
20 MR. GRANT: Please seat Ms. Creech.
21 THE CLERK: Juror Number 75, Sandra Harris. (Black
22 Female)
23 What says the State?
24 MS. CORNWELL: Please seat Ms. Harris.
25 THE CLERK: What says the defense?

1 MR. GRANT: Please seat Ms. Harris.

2 THE CLERK: Juror Number 129, Crystal Murphy.

3 (White Female)

4 What says the State?

5 MS. CORNWELL: Please seat Ms. Murphy.

6 THE CLERK: What says the defense?

7 MR. GRANT: Please seat Ms. Murphy.

8 THE CLERK: Juror Number 9, James Malcolm Axson.

9 (White Male)

10 What says the State?

11 MS. CORNWELL: Please seat Mr. Axson.

12 THE CLERK: What says the defense?

13 MR. GRANT: Please excuse this juror.

14 THE CLERK: You may return to your seat.

15 Juror Number 10, Shawndrae Baker. (Black Male)

16 What says the State?

17 MS. CORNWELL: Please seat Mr. Baker.

18 THE CLERK: What says the defense?

19 MR. GRANT: Please excuse Mr. Baker.

20 THE CLERK: You may return to your seat.

21 Juror Number 46 Ryan Etheridge. (White Male)

22 What says the State?

23 MS. CORNWELL: Please seat Mr. Etheridge.

24 THE CLERK: What says the defense?

25 MR. GRANT: Give me that number again, Madam Clerk.

1 THE CLERK: 46.

2 MR. GRANT: 46. Oh yes, please excuse this juror.

3 THE CLERK: Okay. Juror Number 79 Dayora Haynes.

4 (Black Female)

5 What says the State?

6 MS. CORNWELL: Please seat Ms. Haynes.

7 THE CLERK: What says the defense?

8 MR. GRANT: Please seat Ms. Haynes.

9 THE CLERK: Juror Number 67 Robert Glover. (Black
10 Male)

11 What says the State?

12 MS. CORNWELL: Please seat Mr. Glover.

13 THE CLERK: What says the defense?

14 MR. GRANT: Please excuse this juror.

15 THE COURT: What are the strikes now, Madame Clerk?

16 THE CLERK: Excuse me?

17 THE COURT: What are the strikes?

18 THE CLERK: Nine and four.

19 THE COURT: Thank you.

20 THE CLERK: Juror Number 97, Freddie Johnson.

21 (Black Male)

22 What says the State?

23 MS. CORNWELL: Please seat Mr. Johnson.

24 THE CLERK: What says the defense?

25 MR. GRANT: Please seat Mr. Johnson.

1 THE CLERK: Juror Number 90, Tracy Isaac. (White
2 Female)

3 What says the State?

4 MS. CORNWELL: Please seat Ms. Isaac.

5 THE CLERK: What says the defense?

6 MR. GRANT: Please seat the juror.

7 THE CLERK: Juror Number 27, Jermaine Brown.
8 (Black Male)

9 MR. GRANT: Your Honor, may we approach?

10 THE COURT: I'll step down.

11 MR. GRANT: Yes, sir.

12 (There was a bench conference out of the hearing of
13 the jury and the Court Reporter.)

14 THE COURT: Sheriff, he can step up here.

15 THE OFFICER: Yes, sir.

16 (A juror approached for a bench conference out of
17 the hearing of the jury venire.)

18 THE COURT: Let me ask you a few questions. The
19 incident, I believe with your cousin.

20 THE JUROR: Uh-huh.

21 THE COURT: That I understand, he's now paralyzed.

22 THE JUROR: Uh-huh.

23 THE COURT: And tell me again, your cousin's name.

24 THE JUROR: Jarrell Brown.

25 THE COURT: Okay. And tell me about when that

1 happened.

2 THE JUROR: About -- it's been a while, about
3 seven, six years or something like that.

4 THE COURT: Do you know where the incident
5 occurred?

6 THE JUROR: It was at a club. I don't know what
7 club. I know it was a at the Ridge, sir.

8 THE COURT: Part of Lexington County? Or general
9 area of Lexington County?

10 THE JUROR: Uh-huh.

11 THE COURT: You know any details, perhaps, you
12 heard anything about what happened.

13 THE JUROR: Just some of the people that was
14 involved. I don't know why it happened.

15 THE COURT: Do you know who the peoples names were
16 that were charged.

17 THE JUROR: I know two of them.

18 THE COURT: All right. Tell me those names.

19 THE JUROR: One was Maxie Brown and Chavis Shivers.

20 THE COURT: Brown and Shivers.

21 THE JUROR: Shivers.

22 MS. CORNWELL: Shivers?

23 THE JUROR: Yes.

24 THE COURT: Do you know who their lawyers were?

25 THE JUROR: No.

1 THE COURT: You don't know the third party that was
2 charged, his name or --

3 THE JUROR: No.

4 THE COURT: You just know two of them.

5 THE JUROR: Uh-huh.

6 THE COURT: Did you ever go to any court
7 appearances.

8 THE JUROR: No, sir.

9 THE COURT: Did you know who the prosecutors were?

10 THE JUROR: No.

11 THE COURT: Tell me what else you might know about
12 the case.

13 THE JUROR: Well, like I say, my dad went to the
14 trial, but I didn't go to the trial.

15 THE COURT: And they had a trial or did they plead
16 guilty or -- or.

17 THE JUROR: -- I think one went to trial. I don't
18 know if the other pled guilty or not.

19 THE COURT: Your dad did? Your dad went to the
20 trial? Have you talked with your dad about it.

21 THE JUROR: He talked a little bit about it, who
22 was there, but he didn't say what happened in the
23 courtroom.

24 THE COURT: Okay. And when you say who was there,
25 do you know who was there as far as prosecutors.

1 THE JUROR: He probably did. I don't know.

2 THE COURT: Did he tell you?

3 THE JUROR: No, he didn't tell me.

4 THE COURT: Did he tell you who went to trial and
5 who his lawyer was? Which one of them went to trial and
6 who his lawyer was?

7 THE JUROR: No, nothing like that. He told me
8 which one went to trial, but he didn't tell me who his
9 lawyer was.

10 THE COURT: Okay. And he told you which one pled
11 guilty? The other one.

12 THE JUROR: Yeah.

13 THE COURT: You figured it was the other one.

14 THE JUROR: Yeah.

15 THE COURT: Did he tell you who was at fault?

16 THE JUROR: No, no.

17 THE COURT: So you don't know anything about people
18 that were involved in the process.

19 THE JUROR: As far as lawyers? No, sir.

20 THE COURT: Did the Lexington Solicitor's Office
21 prosecute the case?

22 THE JUROR: I couldn't tell you.

23 THE COURT: You don't know?

24 THE JUROR: No.

25 THE COURT: Would you mind stepping back just back

1 to the rail just a moment with the sheriff's department,
2 please.

3 (There was a bench conference out of the hearing of
4 the jury and the Court Reporter.)

5 THE COURT: Step back up here for me, please.

6 Tell me the degree of kinship between you and
7 Mr. Brown. Are y'all first cousins.

8 THE JUROR: First cousins.

9 THE COURT: Okay. And tell me how y'all are first
10 cousins.

11 THE JUROR: His dad and my dad are brothers.

12 THE COURT: Okay. Your dad -- your father and his
13 father are brothers?

14 THE JUROR: Yeah.

15 THE COURT: And how old are you?

16 THE JUROR: 33.

17 THE COURT: 33. And how old is your cousin.

18 THE JUROR: He's about two years younger than me.

19 THE COURT: Okay. So he's about 31 or something
20 like that?

21 THE JUROR: Yes, sir.

22 THE COURT: Okay. All right. Ask you again to
23 step back.

24 (There was a bench conference out of the hearing of
25 the jury and the Court Reporter.)

1 THE COURT: I find that he's qualified. Thank you.

2 THE CLERK: What says the State?

3 MS. CORNWELL: Please seat Mr. Brown.

4 THE CLERK: What says the defense?

5 MR. GRANT: Please excuse Mr. Brown.

6 THE CLERK: You may return to your seat.

7 THE COURT: Thank you for your patience, Mr. Brown.

8 THE CLERK: Juror Number 115, Cheryl Mason. (White
9 Female)

10 What says the State?

11 MS. CORNWELL: Please seat Ms. Mason.

12 THE CLERK: What says the defense?

13 MR. GRANT: Please seat Ms. Mason.

14 THE COURT: Is that 12, Madam Clerk?

15 THE CLERK: Yes, sir.

16 THE COURT: All right. Two alternates. Strikes
17 are one for the State, two for the defense, noncumulative.

18 THE CLERK: 181, Linda Tucker. (Black Female)

19 What says the State?

20 MS. CORNWELL: Please seat Ms. Tucker.

21 THE CLERK: What says the defense?

22 MR. GRANT: Please seat Ms. Tucker.

23 THE CLERK: Juror Number 5, Teresa Aiken. (Black
24 Female)

25 What says the State?

1 MS. CORNWELL: Please seat Ms. Aiken.

2 THE CLERK: What says the defense?

3 MR. GRANT: Please seat Ms. Aiken.

4 THE COURT: Any motions regarding the jury
5 selection process from the State?

6 MS. CORNWELL: None from the State, Your Honor.

7 THE COURT: Defense.

8 MR. GRANT: None, Your Honor.

9 THE COURT: Thank you. Thank you very much.

10 Mr. Dyson, you're retired?

11 THE JUROR: Yes, sir.

12 THE COURT: And where are you retired from.

13 THE JUROR: A real estate broker.

14 THE COURT: Great. I couldn't read my writing. I
15 wrote it down, but...

16 Mr. Lockard, what's your occupation?

17 THE JUROR: Sanitation.

18 THE COURT: Sir?

19 THE JUROR: Sanitation.

20 THE COURT: Thank you.

21 All right. Ladies and gentlemen of the jury panel,
22 momentarily, we'll take our luncheon recess. I must give
23 you certain instructions prior to us taking this recess and
24 these instructions will be in place throughout the trial of
25 the case.

1 During the trial of this case, you shall not
2 discuss the case with others, that includes your fellow
3 jurors, lunch mates, family, friends, or anyone else. If
4 anyone else should approach any of you and attempt to talk
5 with you about the case, please let me know immediately.
6 You should not read, watch, or listen to any news reports
7 about with case. You may not use a computer, cellular
8 phone or any other electronic device with communication
9 capabilities while in attendance at trial or during
10 deliberations. These devices, of course, may be used,
11 during luncheon recesses, but may not be used to obtain or
12 disclose information which is prohibited.

13 Information which is prohibited includes, but is
14 not limited to the following: Information about a party, a
15 witness, an attorney or a court officer, news accounts of
16 the case, past or present; information collected through
17 juror research on any topics raised or testimony offered by
18 any witness or information collected through juror research
19 on any other topic the juror might think would be helpful
20 in determining the fact and the verdict in this case.

21 You would base your verdict, you being the jurors
22 of the facts -- or the judges of the facts of the case, on
23 the testimony of the witnesses testifying before you under
24 oath from this witness stand, any items of physical
25 evidence and any reasonable inferences you think may

1 properly be drawn from the evidence and then applying the
2 facts as you find them to be by applying those facts to the
3 law as I tell you the law is and reach a fair and just
4 verdict.

5 I'm going to excuse you for your luncheon recess.
6 I have a pretrial matter to take up outside of your
7 presence, which is not unusual in this or any other type of
8 case generally in general sessions court. Rather than have
9 you back early and hold you captive in your new temporary
10 home, your jury room, I would ask you to please return at
11 2:45, a quarter to three. If you would please return.

12 Any questions?

13 You may now go with your bailiff who will show you
14 to your jury room, show you how to exit the courtroom and
15 how to come back in upon your return. Thank you, thank you
16 very much.

17 (The jury left the courtroom at 1:05 p.m.)

18 (The balance of the panel was dismissed for the
19 week.)

20 THE COURT: All right. Solicitor. How long do you
21 think this will take as far as the closing statement you
22 want to make as far as the resolution of the motions
23 concerning the trial?

24 MS. CORNWELL: Your Honor, the State has some brief
25 comments, but I don't anticipate taking more than five or

1 ten minutes at the most.

2 THE COURT: Mr. Grant? How long.

3 MR. GRANT: I anticipate maybe thirty minutes, Your
4 Honor.

5 THE COURT: All right. As far as the motions
6 concerned then, we'll be in recess until 1:45.

7 MR. GRANT: Yes, sir.

8 THE COURT: All right. Thank you. Thank you very
9 much.

10 (A recess for lunch was observed.)

11 PRETRIAL MOTIONS

12 THE COURT: All right. Mr. Grant, it's your
13 motion.

14 MR. GRANT: Yes, it is, Your Honor.

15 THE COURT: I'd be delighted to hear from you.

16 MR. GRANT: Yes, Your Honor.

17 THE COURT: Thank you.

18 MR. GRANT: May it please the Court.

19 THE COURT: Yes, sir.

20 MR. GRANT: Your Honor, of course, this motion was
21 filed Castle Doctrine/Stand Your Ground Immunity pursuant
22 to the protection of persons and property act that's
23 codified in the South Carolina code. But let me say first,
24 may it please the Court, because that's the way an argument
25 should always start.

1 THE COURT: Yes, sir.

2 MR. GRANT: Let me start by giving you a brief
3 summary of what the evidentiary record is that's before you
4 based upon the testimony that came from that witness stand,
5 Judge, and based upon the physical evidence that's been
6 admitted before this Court.

7 The record before the Court is what the Court has
8 to make it's decision on in this case. And, of course, the
9 standard at this proceeding is this: Preponderance of the
10 evidence. The question is not whether or not there's some
11 evidence, the question is not whether there is any
12 evidence. The question is, is there a preponderance of the
13 evidence that establishes, based upon the law, based upon
14 the evidence presented, that Courtney Price should be
15 declared immune from prosecution under the Castle Doctrine
16 Statute.

17 And it is our humble position and I will get into
18 the details, that if ever -- ever there was a case where a
19 defendant should be declared immune from prosecution as a
20 matter of law, this is that particular case. Let me first,
21 Judge, address the testimonial evidence.

22 Courtney Price, her unrefuted and undisputed
23 statement that she asked Samuel Simmons to leave her home
24 and he replied that he was not leaving in response to her
25 request to leave shortly before he was stabbed. And let's

1 not forget she'd also asked him to leave a first time
2 downstairs and he did not leave, where he choked her
3 earlier. Courtney was never asked by anyone from the
4 prosecution, not anyone, during their investigation of this
5 case, whether she ever asked Sam to leave before the
6 stabbing occurred.

7 If you'll remember the SLED agent testified and I
8 told her I have a transcript of all of the statements that
9 Courtney gave, a verbatim transcript. I hired a court
10 reporter and I presented her with that transcript. And I
11 told her, can you show me anything in this transcript where
12 you asked Courtney whether or not she asked Sam to leave.
13 And she said I didn't ask that question. She admitted she
14 never asked that question. That question was never asked.
15 And since it was never asked, there's nothing that
16 contradicts her testimony that says she did ask him. So
17 that's a very important part of this argument.

18 The testimony is undisputed and it is the very
19 essence of the Castle Doctrine Immunity Law that I am going
20 to address later.

21 Additional evidence: Courtney's sad story about
22 being abused by Sam for years before this tragic incident
23 occurred. He slapped her. He beat her. She was in
24 college, he slapped her again, beat her and choked her at
25 his own mother's house. He beat her and choked her and

1 dragged her by the hair at his mother's house. And, in
2 fact, he beat her at his mama's house and her mama's house.
3 He caused marks and bruises on her body.

4 Judge, the evidence before you is that he even gave
5 her a black eye while punching her and she tried to hide
6 it -- hide it, I should say with dark shades. And let's
7 not forget about the horrifying incident corroborated and
8 testified to by her sister where he was chasing her in his
9 father's pick-up truck while driving drunk and repeatedly
10 slammed his vehicle into the rear of her car while she was
11 driving 60 to 65 miles per hour.

12 Courtney said he hit her car -- I think she said
13 over 15 times. Each time he hit her with that truck --
14 each time, under the criminal law of South Carolina, that
15 would be a separate offense of assault and battery of a
16 high and aggravated nature and arguably assault and battery
17 with intent to kill considering how fast she was going..

18 That horrific incident ended with him being told --
19 and I should say with him being bold, B-O-L-D, bold enough
20 to tell her sister -- and I'll just quote this because this
21 is what her sister said, I was going to pistol whip that
22 bitch. That's vicious. That is absolutely vicious.

23 And then there's a incident of him running over her
24 foot with the car after making her get out of the car and
25 seriously injuring her foot requiring her to need medical

1 attention that necessitated her getting this boot. Let's
2 not forget that Courtney is an insulin diabetic. She had
3 to get this boot to walk around in -- an insulin dependent
4 diabetic. An insulin dependent diabetic with a serious
5 injury to her foot would certainly lead to issues,
6 problems, et cetera, because of the diabetes,
7 complications. The young lady could have ended up losing
8 her foot. Let's not forget about that.

9 And, Judge, please, let's not forget that Sam was
10 an unrepentant choker -- unrepentant choker. Sometime
11 around February of 2013, the record of this hearing in the
12 case that when Courtney was five months pregnant with the
13 man's own child, he choked her then, too. He didn't have
14 respect for her life and arguably didn't have the respect
15 for the child inside of her that he knew belonged to him.

16 The factual witness -- factual witnesses who
17 corroborated Courtney's testimony that spoke so
18 convincingly about Courtney's sad story about being
19 physically abused by Samuel Simmons, Breanna Tilley, the
20 college roommate about witnessing Sam slap and beat and all
21 the other witnesses -- the witnesses that say they saw
22 Courtney with bruises to her body. The witnesses who say
23 that they saw her put a jacket on outside when it's warm,
24 the typical things an abused woman does when they're trying
25 to hide the abuse. Saw her with dark shades. Saw her with

1 a swollen eye. The bruises, asked her about it. The
2 sadness, the swollen eyes, looking like she's crying.
3 Years and years of abuse. Years and years of abuse.

4 And it takes a bold man, a bold man, to fight his
5 woman at her mother's house. And let's not forget when he
6 fought her and got her up, drug her by her hair across the
7 yard at his father's house, it was his own father who
8 pulled him off of her. It was his own father who gave her
9 a phone to call the police. His own father.

10 And on another occasion, after he beat her up, she
11 was consoled, she testified, by his own mother. And let's
12 not forget that when Courtney testified about the incident
13 with the truck slamming up to her car, he was riding and
14 his brother was riding with him. His own brother was
15 riding with him with alcohol, open containers of liquor in
16 the car.

17 Now, please people were sitting in this courtroom,
18 a few rows -- probably where they're sitting right now. If
19 any of this was untrue, if any of this can be refuted or
20 could have been refuted, well did it happen, they could
21 have taken the witness stand and countered it.

22 I think it's compelling that they didn't get on the
23 witness stand to deny it. Because they know, Judge, that
24 it is true. The compelling character witnesses that
25 Courtney called to testify on her behalf. You know, I've

1 always said you can always tell the quality of life that a
2 person has when they're in trouble. Whether it's
3 justifiable trouble or unjustifiable trouble, you can
4 always tell the quality of life that the person has lived
5 based upon who's willing to come to court and speak on
6 their behalf.

7 Now, let's talk about the quality of people who
8 came to this witness stand, came to this witness stand and
9 testified before you to tell you about this young lady I'm
10 representing, Courtney Price. No previous criminal record;
11 told you about her going to South Carolina State off a
12 four-year scholarship; who had never seen the inside of a
13 jail cell until this tragic -- the day of this tragic
14 morning. Never been arrested for anything; active in the
15 church. You heard the elderly preacher testify in here,
16 the 86-year-old gentleman, a classic man, very classic man.
17 A compelling man, who told you how he knows this young lady
18 and been knowing her ever since she was a child and she was
19 not the kind of person based upon his personal knowledge of
20 her who would commit the kind of crimes that she is accused
21 of committing.

22 You heard the testimony, Judge of Dr. Sandra
23 Glover, PhD, the principal at the middle school. And you
24 also heard the compelling testimony of representative Jerry
25 Govan. These people would not come to court and put their

1 reputations on the line in this community for this type of
2 case if they didn't think that this young lady is worth
3 doing it for.

4 And I think that's compelling. I really, really,
5 really, really do. The fact that she was able to get those
6 kinds of witnesses to testify on her behalf. Many of these
7 witnesses, Judge, are community leaders.

8 And before I get to the law, let's not also forget
9 about some more of the evidence. The record for this
10 hearing -- the record before this hearing -- and the Court
11 has to decide the motion -- involves an exhibit that has
12 been admitted that establishes that Samuel Simmons on the
13 morning in question, Judge, the night, wee hours, whatever,
14 was 0.187 blood alcohol content. More than twice the legal
15 limit.

16 He came to her house with liquor in his hand. He
17 came to her house with fear in his hands. He came to his
18 house -- to her house, and I may say his house -- her
19 house, came to her house with liquor in his hand, came to
20 her house with liquor in his hand, beer in his hand and he
21 came to her house already drunk.

22 This young lady was in her house bothering nobody.
23 In her bed asleep with her child. She testified that when
24 she woke up the next morning, her plans were to go to a
25 birthday party with her baby. With her baby. Had no

1 intentions of harming anybody. Didn't even expect Sam to
2 show up. He brought his mess to her house. Brought it to
3 her house. Knocked on her door, called her cell phone,
4 brought his drunkenness, his abuse, his choking, to her
5 house. Woke her up out of her sleep. That's what he did.

6 Courtney, 5 foot 1, 5 foot 2, maybe, 120 pounds,
7 somebody who's been insulin dependent ever since she was
8 17 -- 14 years old. I can't remember the specifics. Since
9 a teenager. Her poor father died of diabetes, a genetic
10 kind of condition, been fighting diabetes all her life.
11 And when she got checked into the jail, less than one hour
12 after she signed the statement supposedly waiving her
13 rights, the record shows that her blood sugar level was
14 461. Sam knew she was a diabetic. Sam knew her health
15 conditions. Sam knew that she was smaller than him. He's
16 5' 7", 180 pounds, lifts beer cases all day long and
17 working for the company that he worked for. Sam knew all
18 this, but Sam didn't care because Sam had no respect for
19 Courtney.

20 But what Sam didn't realize, yeah, you choked her
21 at her mother's house; yeah, you choked her at your
22 mother's house; you did all this stuff in the street; but
23 there's a different standard when you come to somebody's
24 home. You see because under South Carolina law, a man or
25 woman's home is their castle and you can't just come to,

1 somebody's house and run them out of their own home. You
2 can't come to somebody's house and choke them in their own
3 home. You can't come to somebody's house and when they ask
4 you to leave you tell them, No, you leave; and run at them
5 and choke them. A man's house or a woman's house is her
6 castle. That is the public policy of the State of South
7 Carolina. That's who we are.

8 That's what our State legislature said. That's who
9 we are. What we are trying to do with the Protection of
10 Persons and Property Act, we're trying to codify what the
11 common law already is. What it already is. And now, I
12 want to turn the Court's attention, talking about the law
13 that applies to this motion.

14 First, I ask the Court to take judicial notice of
15 the Protection of Persons and Property Act, codified in
16 Section 16-11-410 through 16-11-460 of the South Carolina
17 code. And let me take a moment to discuss the pertinent
18 portions of that statute, that directly apply to the record
19 before this Court.

20 Section 16-11-420(A) reads intent and findings of
21 the General Assembly: It is the intent of the General
22 Assembly to codify the common law Castle Doctrine which
23 recognizes that a person's home is his castle; and it goes
24 onto talk about extending it to automobiles. But that's
25 the intent, 420(A).

1 Section 16-11-432, 432 reads great bodily injury.
2 What's the definition of great bodily injury? Well, it
3 means injury which creates a substantial risk of death or
4 which causes serious permanent disfigurement, or protracted
5 loss of impairment of the function of a bodily member or
6 organ.

7 My goodness, when you choke for 4 minutes they can
8 die; 3 minutes they can have a stroke. Choking, clearly,
9 Judge, clearly is a risk of great bodily injury under the
10 statute. Section 16-11-440(A)1 and 2 and it reads -- and
11 this is really an important part, I'd ask the Court to
12 focus on: Presumption of reasonable fear of imminent peril
13 when using deadly force against another unlawfully entering
14 a residence, occupied vehicle, or place of business. A
15 person is presumed -- so there's a presumption on our side
16 here -- is presumed to have a reasonable fear of imminent
17 peril of death or great bodily injury to herself -- and I
18 will make it feminine because we're talking about a
19 woman -- or another person when using deadly force that is
20 intended or likely to cause death or great bodily injury to
21 another person if the person against whom the deadly force
22 is used is in the process of unlawfully and forcefully
23 entering -- okay. We may not have that problem -- or has
24 unlawfully and forcibly entered a dwelling, residence, or
25 occupied vehicle -- we may not have that problem, but

1 here's the key part -- or if he removes or is attempting to
2 remove another person against her will from her dwelling or
3 residence.

4 So if there's a risk of somebody attacking you in
5 your own home and you could have great bodily injury, you
6 are presumed, presumed to have a reasonable fear of
7 imminent peril. And I think the statute is clearly on our
8 side in that regard.

9 Now, somebody might say what about 16-11-440(B)1,
10 Mr. Grant? Well, here's my response to that, Judge:
11 16-11-440(B)1, which talks about the presumption provided
12 in (A) does not apply against -- does not apply against
13 whom the deadly force is used has the right to be in the
14 lawful residence or the dwelling -- well, here's the
15 part -- once you're asked to leave, you no longer have a
16 right to be there. Yes, I might have invited you; yes, you
17 might have showed up at three o'clock in the morning; yes,
18 we might have had sex; but the moment I asked you to leave,
19 you're no longer invited to be there. Your invitation has
20 been cancelled and you have to leave upon my demand.

21 So the point I'm making is that argument that it
22 doesn't apply does not apply to this particular factual
23 scenario. I say again, they didn't ask the question and
24 put up no evidence to refute her testimony.

25 And that's why Courtney Price as a matter of law,

1 fundamental fairness, and justice, and the statute itself
2 is truly immune to prosecution in this particular case.

3 Now, I'd like to talk a little bit about the case
4 law. Yesterday, when we closed court, Your Honor asked for
5 Counsel to give you the cases that you're relying upon and
6 what your position was on those cases.

7 Well, let me talk about that for a minute. I'll
8 take about the cases that apply to this record and impute
9 judicial interpretation to the statute. First of all, Your
10 Honor, the prosecution mentioned at the close of court
11 yesterday that they are relying upon the case of State
12 versus Butler cited at 407 SC 376. That is a 2014 case for
13 the Supreme Court. They cite that case as authority for
14 their position; a case where Your Honor might have even
15 been either the trial judge or the prosecutor. I'm not
16 sure, but Your Honor has some relation to that particular
17 case.

18 THE COURT: That's right. I was the trial judge.

19 MR. GRANT: The trial judge, yes, sir.

20 And the Supreme Court affirmed your decision to not
21 grant defendant's motion for a directed verdict on
22 self-defense at the end of the trial. It is our respectful
23 position that the State versus Butler case does not apply
24 to the issue of whether the defendant is entitled to
25 immunity from prosecution on the facts and law that apply

1 to this case, and to this motion, I should say.

2 In fact, the Butler case expressly states that the
3 Court was considering two issues, written in the opinion
4 itself, expressly states, The issues that were entered for
5 the case were number one, whether the trial judge erred in
6 refusing to apply the standard requiring the State to
7 disprove self-defense beyond a reasonable doubt at the
8 directed verdict of the stage.

9 Counsel obviously argued that that's what the State
10 should have done and the Supreme Court denied that. Didn't
11 have to disprove beyond a reasonable doubt at the directed
12 verdict stage. That's what the Court said. That was the
13 one issue.

14 And the second issue was whether the Court of
15 Appeals erred in affirming the denial of the petition of
16 the motion or directed verdict on self-defense. The legal
17 analysis that applied in the Butler case, Judge, is totally
18 different than the legal analysis that applies to this
19 case.

20 Now, let me tell you why. Here's my academic
21 assessment of it, okay? In a directed verdict stage, the
22 question is whether or not there is any evidence to support
23 the elements of the charge. Any evidence. In this
24 particular motion by statute, by case law, the question is
25 not is there a question of fact for the jury of any

1 evidence. The legal question is: Has the defendant,
2 through counsel, proved his or her position on the motion
3 by a preponderance of the evidence. In other words, is it
4 more likely than not -- the criminal law drew and pulled in
5 a standard for the civil law, is it more likely than not
6 that the defendant was indeed fearing for her life in her
7 own home, the things that fall into the statutory elements
8 that established the immunity. Is it more likely than not?

9 That's what the Butler case teaches. That the
10 motion for directed verdict -- that it's okay for it to be
11 denied because the question was whether or not there was
12 any evidence. But that is not the standard here. In fact,
13 preponderance of the evidence by definition, by definition,
14 means that there are questions of fact and the reason why
15 is because it requires the Court to balance and weigh all
16 the evidence -- weigh the evidence -- and once you weigh
17 the evidence, if the scales of justice, as Your Honor
18 knows, if it tilts in the slightest amount in our favor, as
19 a matter of law, we win the motion and the defendant is to
20 be declared immune as a matter of law.

21 So to argue that Butler is controlling for this
22 particular hearing, I think, respectfully is a misread of
23 the Butler case. It doesn't even really apply. And if we
24 use a football analogy, if the evidence that we have put on
25 in this case, State representative Jerry Govan, Dr. Glover,

1 Courtney talking about all the beatings she took, the
2 witnesses talking about all the beatings he gave, if that
3 doesn't slightly tilt the scales as a mere preponderance,
4 what does? What does?

5 This -- it is not controlling that Courtney gave
6 two different statements. Some may be consistent or
7 inconsistent with others, that is really not controlling.
8 What is unrefuted is what I've already said, they've never
9 asked her, did you ask him to leave. They didn't refute
10 that at all. You can't refute these statements she took.
11 You're the ones doing the questioning. You're the one
12 asking the questions. She answered the questions that you
13 asked her.

14 So Butler, arguably, Judge, does not even apply as
15 controlling this case because again, the standard is
16 preponderance of the evidence at this proceeding. Butler
17 directed verdict stage is there any evidence, competent
18 evidence to go before the jury. That's a totally different
19 standard, a totally, totally different legal issue.

20 Now, let's talk about the cases that I submitted,
21 that I offered to the Court, that I believe are absolutely
22 controlling and are directly on point with the factual
23 pattern before the Court; and that really serve as the
24 foundation, if you will, these landmark cases, that serve
25 as the foundation for the castle doctrine statute, the

1 Protection of Person's and Property Statute. And those
2 cases are State versus Bradley, cited at 120 SE 240 South
3 Carolina Supreme Court, 1923. And the Bradley Court wrote
4 as follows: If a man attempts to force himself --

5 THE COURT: What -- where are you reading from in
6 the --

7 MR. GRANT: State versus Bradley, Judge.

8 THE COURT: Yes, sir.

9 MR. GRANT: 120 SE 240.

10 THE COURT: What page are you reading?

11 MR. GRANT: Oh, I've just got it highlighted in
12 my --

13 THE COURT: That's all right. Go right ahead.

14 MR. GRANT: Hold on a second, Judge.

15 THE COURT: I don't want to break your stride.

16 MR. GRANT: That's all right. Here you go, Judge.
17 State versus Bradley -- and I think I might have
18 highlighted that copy, Judge.

19 THE COURT: All right.

20 MR. GRANT: Yes, sir. And it says a man who
21 attempts to force himself into another's dwelling or who
22 being in the dwelling -- these are keywords, now, Judge --
23 by invitation or license refuses to leave when the owner
24 makes the demand is the trespasser and the law permits the
25 owner to use as much force even to the taking of his life

1 as may be reasonably necessary to prevent the intrusion or
2 to accomplish the exposure. Six years later, the Supreme
3 Court confirmed their earlier opinion, landmark decisions.
4 1929.

5 State versus Martin, it's a little more even
6 descriptive. I mean it's almost identical: If a person
7 comes to your home -- the Martin code, 147 SE 606, South
8 Carolina Supreme Court 1929 case -- if a person comes to
9 your home, he may come by your invitation. If you don't
10 want him there -- this is important for the case -- you can
11 tell him to leave and if he doesn't leave, you have the
12 right to use force enough to eject -- and that's what we're
13 talking about, the ejectment defense -- to eject him from
14 your premises, that is from your home or curtilage.

15 You have the right to use force enough, even to
16 taking a life in order to eject him from your home because
17 what a man's home is his castle. He can keep anybody from
18 coming in his home if he doesn't want them to be there.
19 And if a person comes there and commits a trespass, you can
20 order him off and you can force him off even to the extent
21 of taking his life. That's the law in South Carolina.

22 When one becomes a trespasser, the law permits the
23 owner of the home to employ such force even to the taking
24 of the life of the trespasser as may be reasonably
25 necessary to accomplish the expulsion. That's stated in

1 State versus Sparks, 179, SC 135, 1936 case. So in other
2 words, the epistle of law that we're relying upon, it just
3 travels through the years, travels through the years until
4 we get to State versus Bryant, 2010 case, South Carolina
5 Court of Appeals case.

6 And in the State versus Bryant case, it actually
7 quoted the principals -- and let me get the -- it actually
8 quoted the principles mentioned in Bradley and also in
9 Martin, citing of course, those same cases, that same
10 language to reconfirm to any reading, to any person in case
11 there's any question, yes those cases are good law, and
12 that is still the law in South Carolina.

13 Now, what I think and also really compelling about
14 the State versus Martin case, Judge, is State versus Martin
15 was decided in 2010. I believe the effective date of the
16 Stand Your Ground Castle Doctrine Statute, again,
17 Protection of Persons and Property Act, I think the
18 effective date of that was 2006. So the Bryant case is
19 really a current interpretation of the Protection of
20 Persons and Property Act.

21 On that basis, on those arguments, on those
22 rock-solid principles of law, those things that are
23 directly embraced by the testimony from this witness stand
24 by Courtney Price, by her witnesses, clearly, clearly,
25 Judge, we have met the burden of establishing her immunity

1 under the law by a mere preponderance of the evidence.

2 In fact, we both have prosecutorial backgrounds, I
3 used to be a jag prosecutor. I would argue that we proved
4 beyond a reasonable doubt and we don't have to go that far.
5 Clearly, we've met the preponderance of the evidence
6 standard. This is not a question of whether or not her
7 credibility -- well, you know, there's a question of fact
8 on credibility. She said one thing and she said that's not
9 the standard. The standard is have we established it by a
10 preponderance of the evidence.

11 And that is why as a matter of knowing the issues
12 of the statements that may seem inconsistent -- that's why
13 I brought in people to have before you to talk about her
14 credibility so you won't have any concern that -- to
15 reassure you on that. That's why I brought in the
16 representative, the doctor and the preacher, the character
17 witnesses.

18 Counsel asked me why I have all these character
19 witnesses, that's the reason why. I knew that might come
20 up as an issue in this particular hearing. That is the
21 reason why.

22 Now, I'll turn the page. There's other parts of my
23 pretrial motions that we have not argued yet; but let me
24 say first and foremost that if the Court rules in my favor
25 as I really believe the Court should do, then all these

1 other motions become moot. But, of course, I've got to
2 make the argument and I'm going to do so. They will not be
3 as lengthy with those arguments because I think those
4 arguments become null and void if the Court grants the
5 motion of immunity, the case is gone.

6 And let me say a little bit more. Judge, I am
7 keenly aware of the power that you have sitting there
8 today. Keenly aware. I am astute to the fact that if you
9 rule in our favor, or if you rule in their favor and deny
10 the motion, I am so knowledgeable of the fact that the only
11 way you're going to get overturned is that a Supreme Court
12 or Appellate Court will one day say, Well, no, we think
13 Judge McMahon abused his discretion. And I know that
14 that's a very high standard. I know that you have the
15 power through your baritone voice and the stroke of your
16 pen to end this injustice for that young lady right now.
17 And with the record that I have created, there's absolutely
18 no way that any lawyer from the Attorney General's Office
19 can make any argument of this record that you abuse your
20 discretion in dismissing this case.

21 Courtney has been going through -- this has been
22 tough. Electronic monitoring and dealing with this -- this
23 traumatic experience, of the stress of it all. And as she
24 said on the witness stand, she didn't want Sam to die. She
25 was just trying to keep him off of her one more time.

1 That's all she was trying to do. Because if he was trying
2 to kill him, why would she go outside and call 9-1-1 so
3 fast to try to get them there to help him? They arrived in
4 minutes. The man was still alive when they got there. You
5 know how fast it had to be that she called them.

6 You have the power to do it. I know you do and I'm
7 asking on her behalf that you do it. This family is
8 asking -- this community -- and I know everybody doesn't
9 speak for the community, but I've got a good representative
10 statement that's asking you to make the ruling, dismiss
11 these charges and find that she is immune from prosecution
12 as a matter of law.

13 Now, let me talk about the other evidentiary
14 matters. Preferably we won't need to, but I've got to do
15 my due diligence as her lawyer. The motions in limine,
16 Counsel has said they would have no intentions of bringing
17 up anything about victim impact evidence. Well that's
18 smart and that's good.

19 Counsel and I talked in her office -- and I'm
20 talking about Ms. Cornwell -- and I think we were maybe
21 parting company on the part of our motion that says, well,
22 she should not be able to argue that -- or even imply to
23 the jury that Courtney should have retreated. And my
24 motion, of course in limine is that the prosecution should
25 not be allowed to argue that the defendant should have

1 retreated because the defendant was in her own home and it
2 is axiomatic under South Carolina law that if you're in
3 your own home or in your own business, you don't have to
4 retreat.

5 So clearly, how can the prosecution be allowed to
6 make an argument that is repugnant to the law?

7 Secondly, the issue of whether or not Courtney
8 should have used one of those cell phones and called the
9 police when Sam was doing what he was doing and choking her
10 and all of that. Well, the stand your ground law, the
11 castle doctrine law does not say in the statute or anywhere
12 else that you must call the police first. In fact, the
13 language of the statute that I just asked you to take
14 judicial notice of has the exact language that you have the
15 right to do what? Meet force with force. That's what it
16 says.

17 You don't forfeit the immunity under the statute
18 just because you didn't call the police first. And in this
19 case, when the actual incident happened, remember her
20 testimony, Judge, she didn't go up there to kill him. She
21 went up there to ask him, so, you have another child, huh?
22 That's what she said. She had the knife behind her leg and
23 I said well, what would you have done if he had merely
24 talked to you. Well, I would have just eased on, went back
25 down and put the knife away.

1 The only reason she did what she did was once again
2 to protect herself and she thought that he might kill her
3 because there's nobody there, not his daddy, to pull him
4 off of her, not his mama to console her, not her mama to
5 possibly conceal her, but she was there alone with this
6 drunk angry man who just got caught of having another child
7 and another woman.

8 Judge, I've said a lot because I felt I needed to
9 say a lot. This is very, very serious. Very, very serious
10 and I know that it's an unusual -- it's an unusual thing to
11 grant the immunity all across this state. It's an unusual
12 thing. But it's the right thing. God knows it's the right
13 thing. Yeah, it's the right thing. It's the right thing
14 in this particular case and I call upon you judge to use
15 the power and the authority that you have to not do what
16 might be diplomatically expedient, but to do what is
17 morally and legally correct under these circumstances.

18 Don't put this young lady through the hell of a
19 murder trial when the evidence supports the argument and
20 the motion that it's not the legal thing to do and it's not
21 the right thing to do. And I call upon you to rule in our
22 favor.

23 Thank you for your time, Judge.

24 THE COURT: Thank you, thank you very much,
25 Mr. Grant.

1 Solicitor?

2 MS. CORNWELL: Thank you, Your Honor. May it
3 please the Court.

4 As to the testimonial evidence that Mr. Grant has
5 referenced, I think the first point he made was that
6 Courtney testified she asked Sam to leave the home and
7 there was nothing to contradict that. I would point out to
8 Your Honor that Ms. Price gave three different statements
9 to police when they first arrived on scene as well as two
10 statements to Investigator Walker.

11 The questions asked by Investigator Walker were
12 what happened. And at no point did he ever mention that he
13 had asked Sam to leave.

14 As far as the rest of the evidence that was
15 presented, I believe Your Honor also heard the testimony or
16 the statements of Ms. Price that were made to law
17 enforcement that night, the first one being that he was
18 asleep when she went downstairs to look through his phones,
19 that when she saw that he was, in her words messing with
20 another bitch, that's when she got the knife and went
21 upstairs.

22 You've also heard her statement. The changing --
23 and her stories changed quite substantially to the second
24 statement showing that she actually climbed on top of him
25 with a knife before making any confrontations with him.

1 That's when she stabbed him when he was laying in the bed
2 next to their son and she climbed on top of him.

3 You've heard evidence from officers that there was
4 no evidence of a disturbance in the home that night, no
5 evidence of any physical altercation there were no bruises
6 or defensive wounds on either to defendant or the victim to
7 show that any physical confrontation had occurred that
8 night. You've heard testimony from Ms. Price that she let
9 him into her home, that he was welcome in her home to the
10 point that they even had sexual relations that night.

11 I believe that the controlling law in this case is
12 actually the Curry case, Your Honor and that is a case
13 where the victim was a social guest and rightfully in the
14 residence and State v. Curry said that based on that that
15 subsection A of the Person and Property Act was not
16 applicable.

17 There is -- in fact the facts in that case, there
18 was uninvited guests in the residence. Those -- that guest
19 got into an argument with the homeowner, I believe. A
20 fight ensued.

21 THE COURT: I think another guest. I think Curry
22 was the son of the homeowner. I think it was his mother.

23 MS. CORNWELL: You are correct, Your Honor. I --

24 THE COURT: I think that's correct.

25 MS. CORNWELL: -- apologize. But they basically

1 say that a valid case of self-defense must exist in that
2 case, save the duty to retreat. And the Court upheld -- or
3 what the Court decided in that case, were given the facts
4 as presented, they could conclude that there was evidence
5 to support the Court's denial of immunity under the act
6 because of the appellant's claim of self-defense presented
7 a quintessential question which most assuredly is not a
8 situation warranting immunity from prosecution. And that
9 was, again, the Supreme Court case of 2000 -- decided in
10 2013, Your Honor, so that would be obviously more recent
11 than State v. Bryant case.

12 The castle doctrine in State v. Grantham, the Court
13 decided the castle doctrine was for defensive purposes not
14 offensive purposes. And obviously, the State would argue
15 in this case that when Ms. Price took the knife from the
16 kitchen, went back upstairs to confront the victim, she was
17 acting in offensive purposes.

18 The only case that I could find that was
19 contradicting the State's position that immunity should not
20 apply was State versus Douglas and that was a case that was
21 decided in December of 2014. I can say that this case is
22 very distinguished from Douglas. In Douglas, the homeowner
23 of that residence had invited a friend in, there was an
24 altercation that ensued and the Court found that several
25 times that the defendant did ask the defendant to leave.

1 The defendant was assaulting him multiple times. He had
2 black eyes, bloody nose, there were substantial injuries to
3 that defendant that showed that he was attacked in his
4 home. Things were knocked over. I believe that he ran
5 next door and got his father, who was a law enforcement
6 officer, involved; brought him back over, there was blood
7 spatter evidence that was presented that it was a
8 close-range wound that was through the force of attack.

9 That case is distinguishable from this case, Your
10 Honor, because in this case, there is no physical
11 altercation that occurred in the house. There are no
12 wounds on either the victim or the defendant, save for the
13 victim's stab wound. Blood spatter and the victim's
14 testimony -- I'm sorry, the defendant's testimony indicate
15 that the victim was lying in bed when he was assaulted.

16 And for those reasons, I think this is a case more
17 similar to Curry. The Butler case, as Your Honor knows,
18 that was not an immunity hearing, it was a trial, but very
19 similar situation where the defendant in that case was
20 claiming to be attacked in her home. She ultimately
21 stabbed the victim, killing the victim. And, Your Honor
22 ruled that the self-defense was present in that case which
23 deserved to go to a jury, which, again, is confirmed by
24 Curry.

25 Based on that evidence and looking simply at the

1 incident at hand, which occurred on September 27th, we do
2 not feel that she meets the standard under the Persons and
3 Property Act to be qualified for immunity; and we would
4 respectfully request that you deny that motion.

5 In response to Mr. Grant's argument that the State
6 not be allowed to argue that the defendant should have
7 retreated, obviously, the defense in this case is going to
8 be a case of self-defense. In self-defense, the State has
9 to disprove the four elements of self-defense: That is
10 defendant was not at fault in bringing on the difficult;
11 that the defendant had to be reasonably in imminent fear of
12 danger, serious bodily injury or death; that a reasonably
13 prudent person of ordinary firmness and courage would have
14 the same belief as the defendant did at the time that the
15 incident occurred; and that the defendant had no other
16 probable means other than the way she reacted in avoiding
17 the danger.

18 Based on these elements of self-defense, I think
19 it's proper that the State should be allowed to argue that
20 there were other alternatives that she had other than
21 taking a knife and going upstairs and confronting a man who
22 was laying in bed with their son. So we would respectfully
23 ask that you deny that motion as well.

24 Finally, Your Honor, as far as the Denno goes, I
25 believe that's the State's motion to put her statements

1 into evidence. I believe that you have heard testimony the
2 State put in evidence where a Miranda form was given. It
3 was signed, acknowledged, and her rights were waived. She
4 was also reminded of those rights the second time she was
5 interviewed and you heard on that tape that she also agreed
6 to waive those rights. Her voice is not slurred, she's not
7 under -- appearing to be under the influence of any sort of
8 drugs or alcohol that would have impaired her in knowing
9 what she was doing at the time.

10 The statements made to law enforcement on the
11 scene, clearly were not while she was in any sort of
12 custody or arrest, they were voluntarily made; pretty much
13 were excited utterances when she first -- when the officers
14 first arrived on scene. So based on that evidence, the
15 evidence that she was aware of her rights, she knew her
16 rights and she waived her rights, we would ask that all of
17 her statements also be admitted, Your Honor.

18 THE COURT: Thank you.

19 Anything in reply?

20 MR. GRANT: Just briefly, Your Honor.

21 I stand on my argument and the record before the
22 Court for purposes of this motion. There's one other thing
23 that did come up during the hearing and that, Judge, was
24 the statement that the prosecution is trying to impute to
25 Beverly Price, the mother of Courtney, they claim that

1 Beverly Price came up to the scene after the incident and
2 they claim that Beverly Price said something to the effect
3 of, I don't know why Courtney -- or I can't believe
4 Courtney killed that boy, in light of what -- all he did
5 for that kid or something to that effect.

6 Okay. I represent to the Court that I've spoken to
7 Ms. Price, she denies that, first of all, but second of
8 all, let's talk about the legal principal of the evidence
9 itself. Number one, that evidence is just rank hearsay.
10 That's what it is. There's no excited utterance. Beverly
11 Price -- that's hearsay. It's an out-of-court statement
12 offered by the declarant and clearly you're offering it for
13 the truth of the matter asserted; otherwise, why you trying
14 to use it?

15 To try to say, number one, how did Beverly Price
16 even now whether she killed him or not or the circumstances
17 of the killing. And to say that after all he did for
18 that -- he was doing for the child -- but that's totally
19 inconsistent with what Courtney knows. Because, in fact,
20 Courtney says that she had to borrow money from Beverly
21 Price to pay the daycare and to pay the child support. So,
22 again, it's hearsay.

23 Here's the other thing under Rule 403 of the rules
24 of evidence, it's certainly much more prejudicial,
25 substantially more prejudicial and even confusing for that

1 matter, than it is probative under issues before the Court.
2 So when you hear the evidence as to whether or not it has
3 logical relevance and then you look at 403 as to whether or
4 not it's legally relevant, I think the Court would have to
5 say that is not even legally relevant. And it's not
6 legally relevant under the rule and keep that out.

7 But I say again, the fact that I'm making these
8 arguments, only because I'm obligated to do so. My stand
9 is upon -- talking about standing your ground -- I'm
10 standing my ground on what I've already argued to this
11 Court that this case should be dismissed and this client
12 should get the benefit of the law and a record that says
13 she should be declared immune as a matter of law from
14 prosecution by this particular judge.

15 Thank you, Judge.

16 THE COURT: Thank you. Thank you, Mr. Grant.

17 All right. As to the three pretrial matters, first
18 focussing my attention on, obviously, the motion under the
19 castle doctrine and a review of the evidence that has been
20 presented before me in the record.

21 (There was a pause in the proceedings.)

22 THE COURT: I would have already had this before
23 me, but I did not want to interrupt Mr. Grant's or the
24 Solicitor Cornwell's presentation. I carry several, but
25 two minor quotes on the back of my notebooks, one by

1 President Reagan and the other by Justice Sonia Sotomayor,
2 perhaps y'all did not think I would quote Justice
3 Sotomayor, but she says, Reaching a conclusion has to start
4 with what the parties are arguing, but examining in all
5 situations carefully the facts as they prove them or not
6 prove them; the record as they create it; and then making a
7 decision that is limited to what the law says on the facts
8 before a judge. So I would agree.

9 And I think trial judges do this every day in trial
10 courts throughout South Carolina and perhaps the country on
11 motions. Jackson versus Denno motions, the State, of
12 course, has the burden on the preponderance of the evidence
13 to prove compliance with Miranda, voluntariness, freely and
14 voluntarily and what our legislature has done is taken the
15 castle doctrine motion and just moved that same
16 preponderance of the evidence, that same standard to the
17 defendant.

18 That's -- so we are the finders of the facts in so
19 many motions as I say Jackson versus Denno and now, of
20 course, the castle doctrine.

21 The first witness that was called, of course, was
22 Ms. Price. And besides her impressive background, which
23 was the first part that was presented and how well she has
24 done in her professional life and background; then it went
25 into history of various forms of abuse according to her

1 testimony.

2 And I reviewed all that back from '09 when she was
3 a student at South Carolina State University, a phone
4 call -- he received a phone call from another female and
5 she was shoved. Another note of November of '09, slapped
6 her. She indicated she told her sister. Her sister
7 testified as to corroboration.

8 Jamal Scott also testified.

9 Sometime between January and May of 2010 was the
10 foot injury and the boot where he drove off. Also in that
11 same time frame was the arrest for trespassing. She had
12 been slapped. The sister corroborated Ms. Price.

13 October 10 was the car chase, so to speak, one
14 fleeing, one chasing. That was also corroborated by
15 Ms. Price's sister, the other Ms. Price. Of course that's
16 the pistol whipping statement and Ms. Courtney Price, of
17 course, testified that she loved Sam, but she was afraid of
18 him.

19 January 12 was the first incident report that I'm
20 aware of where the police was called and that was officer
21 Kelvin Mack that responded where her phone was broken and
22 that is where Mr. Simmons, Sr., I take it, gave Ms. Price
23 the telephone to call the police. She was terrified.
24 Then, of course, Officer Mack also testified that he saw a
25 small, as he described it, abrasion on Ms. Price's neck.

1 There was some testimony about September 12 where
2 Mr. Simmons alledgedly -- he mushed her. I believe you
3 spell that M-U-S-H-E-D -- and drug her and pushed her.
4 That was not -- that was not corroborated.

5 And then, of course, we get to Dogwood Crossing
6 Apartments where she moves in in May 2014. Now, there's no
7 question that she is the lawful owner and resident, -- not
8 owner -- that she leases that apartment. And that is
9 whether you lease it or rent it, it's her castle, no
10 question whatsoever. She's the only person on the lease.
11 And of course, she gave him a key. And asked for it back.
12 She asked for it back.

13 And then, of course, we come to 9/27/14 or the
14 night of 9/26, early morning hours of 9/27, where she and
15 C.D.S. their child, Ms. Price and Mr. Simmons', Ms. Price
16 and her child, C.D.S. are there, home and that whole
17 surrounding events of the three o'clock phone call or
18 thereabouts where she first hears someone laughing and
19 hanging up and it's his -- he's calling. And ultimately
20 she calls back.

21 Now, this will circle back around and I may or may
22 not -- it may not reach the same conclusions to me. It may
23 be different inferences that I draw. She made a phone call
24 to his sister, as I recall that was her testimony. But she
25 and -- with no disrespect in intended, if you don't -- I

1 don't offend anyone by calling Mr. Simmons Sam as he was
2 referred to, and I will do that; and I will call her
3 Courtney without offense to anyone.

4 He calls and says open the door. And, of course,
5 she said that was practice and may be a while before he
6 would get there. She goes downstairs and opened the door.
7 He invited himself and he became a social guest an invitee
8 into her home. And the testimony was when he finally got
9 there -- and the time is -- well, the time moves, but it's
10 kind of a moving target sometimes with the testimony in
11 court; and she had already -- she had gone downstairs and
12 unlocked the door, was watching TV.

13 And he arrived with some, some kind of beer with
14 the 'rita name in it and Hennessy liquor. And they stayed
15 downstairs and watched TV. They were both drinking. She
16 said she smelled alcohol on him when he arrived. He also
17 brought about \$25 worth of diapers, I believe is the
18 testimony.

19 They remain downstairs and the issue of the child
20 care, the payment for child care, for daycare every other
21 week came up and that created an argument. And her
22 testimony is that he began choking her and she told him to
23 leave. And his response was, according to her testimony,
24 Courtney's testimony, he said he didn't have to. Well,
25 they remain there for a period of time. She was drinking,

1 he was drinking and she goes upstairs to the restroom.

2 Now, later on after the police are called, there's
3 no evidence of any physical confrontation between Courtney
4 and Sam downstairs. There's photographs to corroborate
5 that. There's no disarray, none whatsoever.

6 And when she comes out of the restroom upstairs, as
7 I recall the testimony, Sam is on the foot of the bed and
8 has disrobed to his boxer shorts, I believe and his
9 t-shirt. Inference, of course, Sam's not up there to
10 discuss child support or child care. And they begin
11 embracing what have you, which eventually leads to them
12 having intimate relations. Whether or not she had told him
13 and I accept -- let's say I accept that she did absolutely
14 tell him that downstairs to leave, leave, and he doesn't,
15 she goes upstairs and they engage in that conduct -- I'm
16 not saying anything bad about the conduct whatsoever;
17 however, I think that directive to leave is now moot
18 because I think they made up.

19 Now, upstairs, I understand that -- I take it after
20 the intimate conduct, child support comes up again or child
21 care -- still about the daycare and there's testimony from
22 Courtney that he shoved, pushed, and choked her and told
23 him to leave. He said, I'm not going anywhere. She goes
24 downstairs.

25 I'm going to come back to that downstairs in just a

1 moment.

2 She goes downstairs and there's testimony that
3 she's downstairs -- I believe her testimony was to get a
4 bottle for the baby, for C.D.S. And then the issue with
5 the phones, I think, both phones, her's and Sam's were
6 downstairs. The phone lights up -- his phone. And she
7 indicates a text message, When are you going to -- Are you
8 going to help me with the deposit for child care. And
9 that's when she finds out about Ms. Scott, the other woman.
10 I don't know that she knows that it's Ms. Scott, but that
11 he has a child by another woman that was born during the
12 course of her and Sam's relationship.

13 And then her testimony is she gets a knife from the
14 kitchen cabinet and hides it behind her legs and goes
15 upstairs. Step-by-step-by-step-by-step with a deadly
16 weapon. She gets upstairs --

17 And I go back to that phone call and this text
18 message, there's no corroboration whatsoever that either
19 one of them have, Ms. Scott, the other lady testified. To
20 me her testimony was a little hard to track, but there's
21 not a -- there's no -- she said I didn't text Sam that day.
22 She said, I didn't call him. Her testimony at one point,
23 they hadn't seen each other in months. The last time -- at
24 one point she said the last time I saw him was Christmas,
25 which would have been ten months earlier, he'd dropped some

1 presents off for the baby.

2 At one point she said, well, I did call him that
3 day. Well, is she talking about that day being the 27th,
4 it would have been midnight and before 7:15 in the morning
5 because 7:15 in the morning, law enforcement was called.
6 But there's no corroboration and, in fact, you can look at
7 that as impeachment.

8 And my take on it and seeing photographs of Sam on
9 the floor between the foot of the bed and the dresser, is
10 that when she returned upstairs, Sam was asleep, passed
11 out, both -- probably from both the ingestion of alcohol
12 testing .187 and inferentially not long after they had the
13 intimate relationship, he went to sleep.

14 So she goes back upstairs with the knife. And she
15 testifies that she says something to him -- she does go
16 back upstairs for him to leave. There's no testimony that
17 that was her intent at that point, to tell Sam to leave.
18 She goes back upstairs and talks again -- wants to talk to
19 him. She don't want him to leave. She wants to talk to
20 him about his phone. And she says he jumps up and says
21 WTF, the words themselves and begins choking her and then
22 she stabs him. And he continued to choke him -- choke her
23 and had his hands around her neck.

24 The forensic evidence of the blood is very
25 difficult to interpret. There is a great deal of blood,

1 look at the photographs. I looked at them on the break --
2 on the bed itself. There's testimony of blood on the bed
3 comforter was pooled. It takes some time -- more time for
4 blood to pool than just drip. After Courtney stabs Sam,
5 she says she got the baby, got her phone, went outside and
6 called 9-1-1.

7 Now, there's testimony from Officer Bellinger
8 concerning the statements made by Courtney when the officer
9 arrived she said she was, Scared if I didn't let him in,
10 give him what he wanted. She testified to that. Of
11 course, no one's ever explained to me what the locking
12 system was on the door, if that single key you could gain
13 entry into and if that was true, while there was a pre-call
14 of his arrival, he would have had access to the apartment
15 any way.

16 And then she says she didn't remember giving
17 statements to Agent Walker and her other statements about
18 him messing with the other woman and such like that. She
19 further testified on cross-examination by the solicitor
20 various verbal statements that were made pre-arrest and she
21 said she didn't remember the statements to Walker -- excuse
22 me Agent Walker because it could be various factors, she
23 hadn't eaten, she's diabetic. Somewhere it's suggested
24 she's sleep deprived.

25 But one statement she gives, the second statement,

1 she said she remembered giving that statement and that Sam
2 was laying in the bed with his head up. And she asked
3 about it and she was on the bed on her knees and one time
4 she said she got on top of him. And asked him and he
5 pushed her and that both were on the bed when she stabbed
6 him.

7 I considered some testimony of all of the
8 witnesses, the truthful -- I call them witnesses --
9 truthful in the sense that they were testifying to their
10 belief on her honesty and trustworthiness of truthfulness.
11 Ms. McMillan: Puffy eyes and such; Ms. Tilley: She'd seen
12 some conduct; Mr. Scott: Conduct; Ms. James, the lady at
13 the daycare; Mr. Brown; her sister, Ms. Price who had some
14 significant knowledge; considered Mr. Girndt's testimony;
15 Mr. Govan as far as truthfulness and peacefulness;
16 Ms. Matthew's testimony, toxicology; Dr. Veronen's
17 testimony concerning battered person's syndrome, PTSD,
18 anxiety depression ; of course, Ms. Scott I've already
19 mentioned. That would be the young lady with his child.
20 Ms. Byrd's concerning the blonde hair that was in Sam's
21 hand; Reverend Jesse Jay Robinson; Dr. Glover, Officer
22 Bellinger, Officer Kuck, as far as the defense.

23 When I look at State versus Curry -- and I've
24 looked at it and highlighted each and every case that's
25 been brought to my attention. Curry was -- Curry was --

1 went from Rock Hill to Lancaster to celebrate New Year's
2 Eve, had a .22 caliber with him and he and his, I believe
3 he and his girlfriend and a friend and his girlfriend ended
4 up socializing, they ended up all over at Mr. Curry's
5 mother's apartment and they were all social guests.

6 Collins was the name of the victim and the
7 testimony's undisputed that Collins was unarmed. Sometime
8 they had gotten in an argument, I think early concerning
9 Mr. Curry saying something to Mr. Collins' fiance and they
10 were soon separated, but soon hooked back up and soon
11 re-separated and Collins was asked to leave, I believe.

12 But at any rate, there was a dispute about when
13 Curry became re-armed. Allegedly, he put the gun upstairs
14 under his mother's mattress and didn't have it. He
15 retrieved it earlier in the evening to shoot it off at
16 twelve o'clock because he didn't have any firecrackers. At
17 any rate Justice Kittredge wrote the main thrust of the
18 Protection of Property and People Act provides the
19 presumption of reasonable fear of imminent peril of death
20 or great bodily injury to a person who uses deadly force if
21 he is attacked by or attempting to remove another from a
22 dwelling residence or occupied vehicle.

23 There is no testimony in this record that when she
24 went back upstairs with that knife that she was attempting
25 to remove another from her residence. She went upstairs

1 with that knife for defensive purposes, her testimony. A
2 statement doesn't mean she's not entitled to self-defense,
3 it just means if you look at the wording of the act, she
4 was not going upstairs to eject a trespasser. She is going
5 upstairs to confront the father of her baby once again
6 about the child support.

7 Justice Kittredge says if she's not immune under A,
8 then you go to the subsection C by default. And that's the
9 unlawful activity and such and the cases, the older cases,
10 Martin and Bradley, which are still good law -- and if you
11 granted the protection of immunity that has to be
12 consistent with the common law castle doctrine and the
13 tests of the act in a valid case of self-defense must exist
14 and that the trial court must necessarily consider the
15 elements of self-defense in determining a defendant's
16 entitled to immunity. This includes all the elements of
17 self-defense, save the duty to retreat.

18 The castle doctrine rule is predicated on the
19 absence of aggression or fault on the defendant's part in
20 bringing on the difficulty. The castle doctrine is for
21 defensive, not offensive purposes. Such immunity the
22 predicated on the accused demonstrating the element of
23 self-defense to the satisfaction of the trial court by a
24 preponderance of the evidence.

25 Now, I also found in Curry if one of his grounds

1 for appeal that he argued is that act construed to require
2 a trial court to accept the accused versions of the
3 underlying fact. The Supreme Court found the general
4 assembly did not intend such an application. Although --
5 well, as the fact finder, I have a right to weigh the
6 credibility of the witness. I can believe all of what a
7 witness says, part of what a witness says, none of what a
8 witness says.

9 I do find much of her testimony being very credible
10 and corroborated concerning various instances of abuse.
11 The inquiry doesn't end there. I find other parts of her
12 testimony, Courtney, I'm referring to, of course, less
13 credible. The -- and not corroborated.

14 Based on my review of what is in the record I would
15 find that the defendant has not met the burden or the
16 preponderance of the evidence, and therefore, would not be
17 entitled to immunity from prosecution under the act under
18 either 440(A) or 440(C).

19 As to Jackson versus Denno motion, I look at the
20 totality of the circumstances. The State has the burden of
21 proving that by a preponderance of the evidence to me as
22 the gate keeper.

23 I look at many factors: Time of detention, length
24 of detention, whether or not they've been given Miranda,
25 her age, her intelligence, her demeanor, if she's denied

1 any water denied an attorney if she asks for one, made any
2 promises, threatened, coerced in any way. And, of course,
3 there's testimony she had four beers to drink and had a
4 blood sugar level of 461. And her testimony was that
5 normal -- her having knowledge of a diabetic disorder it
6 should be between 9 and 10. I don't know what effect that
7 has on mentality or awareness, but I'm sure it may have
8 some and it may be significant.

9 I look to State versus White, 428 SE 2d 740,
10 Mr. White was arrested for felony DUI back in 1993, excuse
11 me, 1990 on I-95, Florence County, taken to the hospital.
12 He was in a four point restraint. He'd been given sodium
13 pentothal. He argued that the statement was not the -- the
14 confession was not admissible unless it was voluntary. The
15 determination of whether a confession was given voluntarily
16 requires an examination of the totality of the facts.

17 Looking at that case, looking at State versus
18 Rodney Parker, I look at the totality of the circumstances
19 that she was given Miranda and based on listening also to
20 the tapes themselves of the conversations, I would find
21 that her statements to Agent Walker are admissible, both
22 first and second one. And her noncustodial statements that
23 was overheard by Officer Bellinger are also admitted.

24 Now, when I circle back to the motion in limine
25 that Mr. Grant argued, I do not think the fourth element of

1 self-defense is an element that Ms. Price would have to
2 meet. She had no duty to retreat. No one has a duty to
3 retreat in their home. If that's a duty, why do any of us
4 have homes? We may as well move out. I mean that is not
5 an element.

6 The State only has to disprove one element of the
7 four elements of self-defense. The State would have to
8 disprove one element now other than the three elements.
9 She doesn't have to prove she retreated and the State
10 cannot prove she didn't retreat. It's not relevant
11 anymore. It's not relevant.

12 Given that, I don't know -- I don't know that if an
13 altercation -- an altercation occurs in one's home one has
14 a duty to call the police or call the ambulance or call
15 anyone else. So A, I don't think that's an argument the
16 State can make; and B, she called 9-1-1. She called 9-1-1
17 when she went downstairs with her baby.

18 So she's not entitled to immunity hadn't met that
19 burden. Not because it wasn't a valiant effort to do so.

20 The statements are admissible. They complied with
21 Jackson versus Denno.

22 She had no duty to retreat. She can meet force
23 with force and no duty to call the police. That's not
24 relevant.

25 All right. Anything further before we'll take a

1 brief recess and we should be ready for openings; is that
2 correct? Mr. Grant?

3 MR. GRANT: That is correct, Your Honor.

4 THE COURT: Solicitor?

5 MR. GRANT: The State's prepared, Your Honor.

6 THE COURT: Ma'am?

7 MS. CORNWELL: Yes, we're prepared.

8 THE COURT: How long do y'all -- I tried cases
9 against Mr. Grant as opposing attorney in the past and how
10 long y'all usually take for openings?

11 MS. CORNWELL: The State would be limited --

12 THE COURT: Ma'am?

13 MS. CORNWELL: I think the State would take no more
14 than 20 to 30 minutes at most.

15 MR. GRANT: Certainly no more than that, Judge.

16 THE COURT: All right. And y'all want to try to
17 get some witnesses up this afternoon?

18 MS. CORNWELL: The State can call a couple of
19 really quick witnesses and see where we are.

20 THE COURT: All right. Well, let's take us about a
21 10 minute recess and we'll be ready to go. Thank you,
22 Thank you very much.

23 All right. Court will be in recess 10 minutes.

24 (A short recess was observed.)

25 THE COURT: Anything -- Solicitor, will you move

1 that until I --

2 MS. CORNWELL: Yes, I'm sorry, Your Honor.

3 MR. GRANT: May I see what those are before they're
4 presented before the jury?

5 THE COURT: Of course, yes, sir.

6 MR. GRANT: Judge, this one has a number four on
7 it. I thought you'd already ruled that number four --

8 MS. CORNWELL: Are you going to include in your
9 opening statement? That's just the statutory language of
10 self-defense. I think that you can -- I mean, I don't --

11 THE COURT: Well, that's -- number 4 is not
12 relevant in this case.

13 MR. GRANT: I object to that one being used unless
14 number four is removed.

15 THE COURT: All right. You want a minute to have
16 somebody --

17 MS. CORNWELL: No, Your Honor, I just -- and I'll
18 just -- I'll try to make that note mentally. When giving
19 the statute, I've always given the statutory language in
20 its entirety. I mean the charges are the statutory
21 language in its entirety. I did not realize earlier --

22 THE COURT: Is self-defense a statute?

23 MS. CORNWELL: It's --

24 THE COURT: I thought A, it was case law and
25 there's no --

1 MS. CORNWELL: I apologize, Your Honor.

2 THE COURT: When I read State versus Davis and then
3 read State versus Curry, under Immunity, it tells me --
4 Curry tells me that four doesn't -- it's not relevant in
5 this case as to Ms. Price.

6 MS. CORNWELL: And I guess my understanding of the
7 case law was that when you read the statute, you would read
8 the self-defense statute but then you would also read the
9 Persons and Property Act stating it included self-defense,
10 save the duty to retreat, that that would be the language
11 that would be given based on just the prior case law that
12 you would charge self-defense under the Persons and
13 Property Act, which states it must meet self-defense, under
14 these four elements, save the duty to retreat, and that was
15 generally the instruction.

16 THE COURT: I guess my thoughts on it -- my
17 thoughts were I wouldn't charge that at all.

18 MS. CORNWELL: You're not going to charge
19 self-defense at all?

20 THE COURT: No, no, no, no.

21 MS. CORNWELL: Okay.

22 THE COURT: Four, the duty to retreat.

23 MS. CORNWELL: Okay. I've never had it done that
24 way, but I mean I can definitely try to make a mental note
25 not to say the fourth element.

1 THE COURT: Anything else before we bring in our
2 jury, Solicitor?

3 MS. CORNWELL: No, Your Honor.

4 THE COURT: Mr. Grant?

5 MR. GRANT: Oh, I'm sorry?

6 THE COURT: Anything further before we bring in --

7 MR. GRANT: I'm sorry, Your Honor. Nothing
8 further, Your Honor, we're ready.

9 (The jury entered the courtroom at 3:56.)

10 THE COURT: Madam Clerk, will you please swear our
11 jury.

12 (The jury was sworn at 3:56 p.m.)

13 **OPENING REMARKS BY THE COURT**

14 THE COURT: Ladies and gentlemen of the jury panel.
15 I apologize for the delay. I assure you it is not the
16 fault of either of the parties. They were not on time --
17 they weren't on time, but were early. They have been
18 working very diligently to conclude the pretrial motions so
19 that perhaps we can all more efficiently use your time,
20 which is very important to the Court and to all the parties
21 involved.

22 The case we are about to try is the case of the
23 State versus Courtney Leola Price, that is seated to my
24 front right next to her attorney, Mr. Grant.

25 What I will now say is intended to serve as an

1 introduction to the trial of this case, these remarks are
2 not an instruction on the law in this case. I will
3 instruct you on the law applicable to the case at the end
4 of the trial before you retire to consider your verdict.
5 This is merely an explanation of the procedure that we will
6 follow in this trial so you may better understand what may
7 be happening.

8 The defendant, as you know, is charged by an
9 indictment filed in this court for the crime of murder, the
10 elements of which will be explained to you later. The
11 indictment again, ladies and gentlemen, is simply a formal
12 charging document by which the case is brought into this
13 court and it is not in any sense evidence of the
14 allegations that it pertains.

15 The defendant has pled not guilty to the
16 indictment. The State, the party to my front left,
17 therefore, has the burden of proving each of the elements
18 of the indictment beyond a reasonable doubt; and it will be
19 your duty, ladies and gentlemen to decide whether the State
20 has met that burden. Your purpose as jurors is to find and
21 determine the facts.

22 You are the sole judge of the facts. If at any
23 time I make any comments regarding the facts, you must
24 disregard it. You are to determine the facts from the
25 testimony you hear and any other evidence introduced in the

1 Court. It is up to you to determine the inferences which
2 you feel may properly be drawn from the evidence. It is
3 especially important that you perform your duty of
4 determining the facts diligently and conscientiously
5 because ordinarily there is no way to correct an erroneous
6 determination of the facts by a jury.

7 On the other hand, and with equal emphasis, the
8 same law which makes you the judges of the facts, makes me
9 the judge of the law. The law as given by the Court is the
10 only law you may consider. You must accept and follow it,
11 even though you disagree with it. I cannot tell you what
12 the facts are and you cannot disagree with me about what
13 the law is or what the law should be. Your job is to take
14 the law as I give it to you and apply it to the facts as
15 you find them from the testimony of the witnesses and any
16 other evidence that is introduced. After doing that, you
17 will render your verdict, a true and just verdict, under
18 the solemn oath that you have just taken as jurors.

19 Until I advise you to begin your deliberations, you
20 must not discuss the case with anyone. That includes your
21 fellow jurors, friends, family members, or anyone else.
22 After the case is submitted to you, you must discuss it
23 only in the jury room with your fellow jurors.

24 During the trial, do not read, listen to, or watch
25 any news reports about the case. This includes anything

1 that may be in the newspapers or on the internet, radio, or
2 television. You may not consider anything you may have
3 read or heard about the case outside of this courtroom
4 whether before or during the trial. It is important that
5 you keep an open mind and not decide any issue in the case
6 until all of the evidence has been presented, the parties
7 have made their closing arguments, and I have instructed
8 you on the law in this case.

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

14 Now, in just a moment, the solicitor will make what
15 is called an opening statement in which the solicitor will
16 explain to you the issues in this case, or at least what
17 the solicitor thinks the issues are in this case.

18 Mr. Grant, the attorney for Ms. Price, may also
19 make an opening statement, although he is not required to
20 do so. A criminal defendant in South Carolina is always
21 presumed to be innocent, regardless of the seriousness of
22 whatever the charge may be, and has no burden of proving
23 herself or himself innocent.

24 Ladies and gentlemen, what the attorneys tell you
25 during their opening statement is not evidence in the case.

1 It is only their contention as to what the issues are.
2 What the attorneys may tell you in their closing arguments
3 is not evidence in the case. Again, it's only their
4 contention, their arguments concerning the facts and how
5 they may play into the law. The questioning by the
6 attorneys is not evidence in the case. It's the framework
7 by which the responses, the evidence, is extracted from the
8 witnesses that are sworn to testify before you.

9 The evidence in this case will be presented by that
10 testimony of those sworn witnesses and by any exhibits that
11 may be introduced into evidence. From time to time during
12 the trial you may hear one of the attorneys say something
13 like, Judge, I believe we have a question or a matter of
14 law to discuss with you; or, Your Honor, may we approach
15 the bench; or sometime, I myself might find it necessary to
16 excuse you from the courtroom for a short while so the
17 attorneys and I can discuss a matter of law. That's not to
18 hide anything from you. The reason for this is because you
19 are the judges of the facts in the case and times when I am
20 discussing matters of law with the attorneys, it may be
21 necessary for me to make some comment as to the facts in
22 connection with ruling whether or not a particular law
23 applies. I am not supposed to tell you and will not tell
24 you what I think the facts are, so I will excuse you from
25 the courtroom while these discussions take place so that in

1 no way will you be influenced by anything that I might say
2 or do in connection with the facts.

3 In determining what the true facts are and using
4 your good judgment and your common sense, you must decide
5 whether or not the testimony of the witnesses is
6 believable. I will be responsible to rule as a matter of
7 law as to whether certain testimony is admissible at all or
8 not; in other words, whether you get to hear it or not.
9 But, once the testimony is admitted before you, whether or
10 not you believe it is solely for you, the jury, to
11 determine.

12 In deciding whether to believe a witness, you have
13 a right to consider the interest of any witness, the bias
14 of any witness, the prejudice of any witness, the
15 opportunity for the witness to have seen the matters and
16 things about which the witness may testify and the manner,
17 the demeanor, the way the witness acts on the witness
18 stand.

19 You have a right to consider anything that's in the
20 record that will help you evaluate the testimony of the
21 witnesses. That means it will be your duty to pay close
22 attention to these witnesses, to observe the witnesses, to
23 listen to them, and to pay close attention to the attorneys
24 and to the Court. Don't let your thoughts wander, but give
25 strict attention to the testimony in this case so that at

1 the end of all of the testimony, after the closing
2 arguments by the attorneys, and the instruction on the law
3 by the Court, you will then be in that position to
4 determine what the true facts are and to apply the law to
5 those facts and thus render a true and just verdict.

6 A few housekeeping matters, ladies and gentlemen,
7 if you cannot hear a witness or see a particular witness in
8 some manner, please get my attention, the attention of one
9 of the fine bailiffs or the clerk and we will certainly
10 have that witness stand up or sit or speak up.

11 During the course of the trial, documents,
12 photographs, and the like, may be introduced. I don't
13 know. Many times they will be handed to whoever I appoint
14 to be foreperson and then passed among members of the jury
15 while you're out here in the courtroom in your jury box.
16 If I allow items into evidence, you will have those items
17 with you in your jury room at the time of your
18 deliberations.

19 You may look at any items or photographs as long as
20 you would like in this courtroom in your jury box, keeping
21 in mind you would also have the opportunity to view them at
22 a later time when they are submitted to you for your
23 deliberations.

24 Once you -- once I appoint a foreperson, the
25 foreman would sit in this first seat closest to the bench

1 where this gentleman is seated now and our two alternates
2 will always maintain those seats. The others, in other
3 words besides the foreperson and the two alternates, others
4 may sit anywhere you would like in this jury box as far as
5 the front two rows. I have found and I have observed over
6 the years that many jurors are very territorial. They like
7 to sit in the same seat and have the same view of the
8 witness stand each and every time. I like it. So if you
9 want to sit in the same seat each and every time, you may
10 certainly do so, keeping in mind I need to keep up with
11 the foreperson and the alternates and a total of 14 jurors.

12 Ladies and gentlemen from time to time, you may see
13 me on my computer, I don't tweet, I don't repeat, I don't
14 know what dash rag is or snap fingers or anything like
15 that. I stay focused. These are very good trial lawyers.
16 If I see what I perceive to be a legal issue perhaps
17 lurking up that dusty trail, I'll do some research on my
18 computer. I stay focused on the trial of the case at all
19 times. If it's heavy lifting as far as the legal research,
20 that's what Mr. Lyle does, the heavy research. If me being
21 on the computer annoys you in any manner, please let me
22 know and I'll have Mr. Lyle do all of the research. I do
23 not want to divert your attention in any manner.

24 Ladies and gentlemen, again, I apologize for the
25 time in getting you out here today. It's very difficult to

1 estimate how much time a legal matter may take to resolve.
2 Sometimes that can become chronic. I will try to
3 efficiently use your time. You'll find that about all --
4 most circuit court judges in South Carolina when you leave
5 you'll probably decide that 30 minutes is an hour, 15
6 minutes is 30 minutes, such like that; and very few of them
7 have personalities. You can make your decision at the end
8 of the trial if I am in that very large group of circuit
9 court judges who have no personalities. But if you ever
10 meet another one, just don't tell them I said that.

11 So ultimately what am I in charge of? I'm in
12 charge of taking breaks. That's what I'm in charge of.
13 And I have a real simple rule. When I want to take a
14 break; we take a break. It works out great.

15 Ladies and gentlemen, this is an important case.
16 This is important to Ms. Price; this is important to the
17 State of South Carolina. It's an important case. Any time
18 you sit out here too long, your thoughts start to wander,
19 this isn't some type of judicial marathon, please raise
20 your hand. Y'all will take y'all's break and we will take
21 our break. Please, please, do that.

22 All right. Any objections to anything I've told
23 the jury from the State, Solicitor?

24 MS. CORNWELL: Nothing from the State, Your Honor.

25 THE COURT: Defense.

1 MR. GRANT: No, Your Honor.

2 THE COURT: Thank you.

3 Madam Solicitor, you may address the jury.

4 MS. CORNWELL: Thank you, Your Honor, may it please
5 the Court.

6 THE COURT: Yes, ma'am.

7 **OPENING STATEMENTS**

8 MS. CORNWELL: Counsel.

9 Hell hath no fury like a woman scorned. Ladies and
10 gentlemen, on September 27th, of 2014, that defendant,
11 Courtney Price, was a woman scorned. Because as she is
12 downstairs looking through phones, she finds out that the
13 father of her child, Samuel Simmons, has another child from
14 another woman and it makes her angry. And in that fit of
15 rage, she goes into the kitchen, she gets a knife and she
16 goes upstairs to where the victim in this case, Samuel
17 Simmons, was lying in bed with the couple's one-year-old
18 child.

19 And she goes upstairs with a knife, she gets on the
20 bed, and you're going to hear that in a fit of rage, she
21 stabs him in the chest with one fatal blow, killing him
22 within minutes of the attack.

23 Now, in the State of South Carolina, you're going
24 to hear that murder is the unlawful killing of another
25 person with malice aforethought. Premeditation is not a

1 requirement in South Carolina for a finding of murder. It
2 is the State's burden to prove this case beyond a
3 reasonable doubt. And you're going to hear testimony and
4 you're going to see evidence in this case that will do just
5 that. It will prove to you beyond a reasonable doubt that
6 that defendant, Courtney Price, maliciously and unlawfully
7 killed the father of her child.

8 You're going to hear testimony that the defendant
9 tells law enforcement in her own words that when she was
10 downstairs, she was looking through the phone, and she saw,
11 in her words, that Mr. Simmons was messing with another
12 bitch and had a child, so she cut him. She was tired of
13 his shit. Those are her words.

14 You'll hear how she grabs the knife, how she goes
15 up the stairs while hiding the knife behind her leg and as
16 Mr. Simmons is laying in bed, she crawls on the bed and she
17 stabs him in the chest.

18 Now, the defendant gives several different versions
19 of what happened that night and you'll hear each of those
20 versions. But no matter how many times she tries to
21 justify what she did, in each of those statements, you're
22 going to hear the coldhearted facts of this case, that she
23 found out he had another child, that she was angry that he
24 was lying to her and so she stabs him. There's no denying
25 that. Those are the things that are in each and every one

1 of those statements.

2 Now, in addition to proving the defendant murdered
3 the father of her child, the State also has to disprove
4 that this is a case of self-defense. Generally in criminal
5 cases, you've got two questions that you've got to answer
6 as a jury: One, who committed the crime; and two, why was
7 the crime committed? Well, in this case, there's no doubt
8 who committed the crime. Courtney Price killed Samuel
9 Simmons and you're not going to hear any argument in this
10 court that anybody else did this crime. Courtney Price
11 killed Samuel Simmons. So as a jury, you now have to look
12 at why and that's where self-defense will come in.

13 Self-defense in South Carolina has several
14 elements. In order to prove that the defendant acted in
15 self-defense, you as a jury must believe that she one, did
16 not bring the danger or the difficult onto herself. You
17 have to then think, two, the defendant herself was in
18 imminent reasonable fear of serious bodily injury or death.

19 You also have to find, third, that a reasonable
20 prudent person, of ordinary firmness and courage would have
21 acted in the same way and the same manner that defendant
22 did at the time that she committed the murder, the killing.

23 If the State disproves even one of these three
24 elements, then you must find that the killing is unlawful.
25 During the course of this trial, you're going to hear

1 testimony and you're going to see evidence, again, that
2 shows the defendant was downstairs by herself, not in any
3 danger with both her cell phone and the victim's cell
4 phone; then going through the victim's cell phone, she
5 finds out about this other person and she takes a knife and
6 she goes upstairs to confront him about it.

7 Those facts right there, which will be undisputed
8 automatically disprove the first element of self-defense
9 because she's not allowed to bring the difficulty on
10 herself. And by taking that knife upstairs, she brought
11 the difficulty on herself. Therefore, the defense of
12 self-defense is disproven and you must find that this is an
13 unlawful killing.

14 And based on that evidence and all the other
15 testimony that you're going to hear and the evidence that
16 you're going to see in this case, I am quite certain that
17 you are going to find at the end of this case that Courtney
18 Price murdered Samuel Simmons.

19 THE COURT: Thank you. Thank you, Solicitor.
20 Mr. Grant.

21 MR. GRANT: Please the Court, Your Honor?

22 THE COURT: Yes, sir.

23 MR. GRANT: Counselor.

24 Ladies and gentlemen of the jury, just because a
25 man has been killed does not mean that he's been murdered.

1 First and foremost, let me talk to you about what murder is
2 under to law. Murder is the unlawful killing of another
3 with malice aforethought; the unlawful killing of another
4 with malice aforethought.

5 First of all, if indeed the killing is lawful, then
6 you're killing in self-defense. If it's done without
7 malice, in other words, you did it because you were
8 defending yourself. Malice is a malicious, evil heart,
9 depraved of any reason, mitigation, or excuse for killing
10 someone else; or if at the moment you struck the fatal blow
11 because the man that you stabbed has proven through the
12 years to be an unrepentant abuser and choker, then the
13 question is have you defended yourself legitimately and
14 that's why you all are here.

15 In case you are wondering what brought you to
16 Orangeburg County court to serve as a juror in this case,
17 let me tell you the very sad story of Courtney Price and
18 Samuel Simmons.

19 Courtney Price met Samuel Simmons when she was just
20 a teenager. Just a teenager. She went to
21 Orangeburg-Wilkinson High School and then she went onto
22 South Carolina State. Smart young lady. Went to State on
23 a four-year scholarship. Got a degree in Agricultural
24 Business and Sam was her boyfriend and it actually all
25 began there.

1 We will call Courtney's freshman roommate to tell
2 you that's when Sam started slapping her, beating her and
3 marking her up, even when she was in college. We will call
4 many witnesses to tell you about the different instances
5 where Sam choked Courtney over and over again, abused her
6 through the years. Courtney got pregnant her senior year
7 of college.

8 You're going to hear a story in this case that even
9 while Courtney was five months pregnant, Samuel Simmons,
10 the victim in this case actually choked her while she was
11 five months pregnant with his own child. You will hear
12 witnesses take that stand to tell you that. You will hear
13 evidence telling you that Samuel Simmons beat Courtney and
14 drug her across his father's -- his parents' yard at his
15 parents' house and his own father came out and pulled him
16 off of her and gave him -- gave her his phone to call the
17 police.

18 You will hear stories in this case and evidence in
19 this case about how Samuel Simmons drug this little 5 foot
20 1, 5 foot 2, 120 pound lady, girlfriend of his, and she got
21 out of the car after some kind of argument with him and he
22 ran over her foot and injured it. The problem with that is
23 Courtney Price is a chronic diabetic. Insulin dependent
24 diabetic; and been so since the age -- her teenage years.
25 She had to go to the doctor to get medical treatment for

1 her foot and still the possibility of losing her foot.

2 You will hear many different stories about how
3 Courtney Price wore shades, a typical thing that most women
4 abused are trying to hide and they slipped down and
5 somebody saw the black eye. You will hear stories about
6 how the jacket she's wearing in the summer when it's warm
7 and you shouldn't have on a jacket, but she was trying to
8 cover it up. And people saw the bruises. You will hear
9 all of those stories about the unrepentant abuser and
10 choker, Samuel Simmons.

11 And then you will hear the story of the night in
12 question, September 27th, 2014. Courtney, single mom,
13 living in her own apartment, just got the apartment a few
14 months earlier. She's at home, went to bed about ten
15 o'clock, they were in the bed early. She's all asleep and
16 it was a Friday night, going into September 27th, that
17 Saturday morning; and it's now three o'clock in the
18 morning. She did not expect any company, and that's when
19 company calls. The next thing you know, her phone starts
20 vibrating, so she wakes up. She notices it's actually Sam
21 calling, somebody's calling, but they kept hanging up and
22 giggling and laughing on the phone.

23 So she calls his sister, says what's going on,
24 somebody's calling my phone, what's going on. Sam is
25 calling and somebody keeps calling my phone. Well, her

1 (sic) sister, I don't really know what's going on. But Sam
2 keeps calling back. Again, now, she's home in her own
3 house, not bothering anybody. In fact, we expect the
4 evidence to show that on that Saturday morning, Courtney
5 Price, college graduate, a person who works at South
6 Carolina State, being a responsible parent, she was going
7 to go out to a birthday party for her son.

8 But then Samuel Simmons shows up. He shows up at
9 her door with a liquor bottle, smelling of liquor. He's
10 got beer in his hand. He's drunk and as he comes in the
11 house, they sit down on the couch, watching television and
12 then the issue of child support comes up.

13 Ole Sam did not like to discuss child support. And
14 when she brought up the issue of child support, the
15 evidence will establish that Sam choked her downstairs.
16 She asked him to leave. There was no fighting or struggle
17 or anything like that or knocking over furniture, but he
18 choked her while on the couch downstairs. She asked him to
19 leave. He said, No, I'm not going to leave.

20 And they had their discussions like -- listen,
21 you're going to see that the evidence was that he was
22 smooth. Because he sweet talked her into having beer with
23 him and then actually, eventually having sex. For
24 Courtney, that didn't pay the bills. We still got the
25 daycare payment. That didn't pay the bills. Decided it

1 was all over. She brought up the issue of child support
2 and daycare again. Brought it up again. And what did he
3 do, the unrepentant choker? He choked her a second time
4 while upstairs.

5 And she was crying and she asked him to leave and
6 he said, No, I'm not going to leave. And she went
7 downstairs to get away from him and to get the baby's
8 bottle because the baby was upstairs in the bed asleep. As
9 she went downstairs, it's the wee hours of the morning, she
10 notices the light coming on, on his phone because he left
11 his phone downstairs. It's the early morning hours, she's
12 thinking, Who's calling this early morning hour. Let me
13 see what's going on, it could be an emergency. I need to
14 look at it and see what's going on.

15 So she looks at his phone and when she looks at it,
16 lo and behold, there's a message from another woman talking
17 about the deposit for daycare for Sam's child. Wait a
18 minute. We've been together this long, all those years.
19 I've taken all your abuse, the beatings, the choking, and
20 maybe I'll have a life with you. You just choked me
21 upstairs and downstairs and now I find out that you've got
22 another child and another woman.

23 So she knew based upon the previous choking
24 downstairs; based upon the slaps upside the head and the
25 punches in the eyes, based upon the fact that he fought her

1 at her mother's house; fought her at his mother's house;
2 based on the fact that there's going to be testimony that
3 he actually got in a truck, his daddy's truck while drunk
4 and she was trying to get away from him and rammed the
5 truck -- rammed the front of the truck, BAM, BAM, BAM, BAM,
6 with his brother in the car, came around chasing her around
7 her own mama's house, slammed into a light pole. He got
8 out of the car and told her sister in his drunken state,
9 quote, I was going to pistol whip that bitch.

10 So she knew she was dealing with a dangerous man.
11 So when she saw that, she thought to herself, I'm going to
12 confront him. I'm going to ask him. I've got to ask him
13 about this child. He's not taking care of my child and not
14 being responsible. He's not helping. I even had to borrow
15 money from my own mother to pay the daycare. I've got to
16 ask him about this. But I know his daddy's not here to
17 pull him off of me. My mother's not here to help me out.
18 Nobody's here to help me out. He's 5'7", 180 pounds,
19 strong young man, I'm only 5'1", 120. I've got to balance
20 the scale when I confront him to some extent. I'll get the
21 knife in case he comes after me and tries to harm me, at
22 least I have a way to protect myself.

23 So she gets the knife, she goes upstairs and she
24 asks Sam -- Sam is actually sitting at the foot of the bed.
25 He's not lying in the bed all of that stuff. He's sitting

1 on the foot of the bed. How do we know he's awake, because
2 when Courtney saw the message, Courtney yells at him, Sam.
3 He said, What. And less than a minute later Courtney's
4 upstairs talking to him, So you have another child? Sam's
5 eyes get big, he goes into immediate rage and he comes
6 after Courtney again. Again the unrepentant choker. Puts
7 his hand around her neck to choke her and she takes the
8 knife and she stabs him one time to get him off of her
9 because she thought he was going to kill her.

10 Nobody there to pull him off of her that time.
11 When she stabbed him, he grabbed onto her. You'll see the
12 evidence, the bloody clothes; and he's naked at this point.
13 Blood's all over her clothing. They're struggling. He's
14 pulling on her hair. You see it, there's evidence of
15 Courtney's blonde hair in his hand. She reaches and grabs
16 her child and she gets out of there and goes downstairs and
17 she takes the phone and she calls 9-1-1 and she reports to
18 9-1-1 about a stabbing victim.

19 She was trying to do two things. The evidence will
20 show that she was trying to get them to get there to help
21 him and also to protect her in case he decided to come
22 downstairs; and when Courtney found out that he was, in
23 fact, dead, she collapsed to the floor in shock and
24 sadness.

25 The judge told you this is an important case. This

1 is really an important case. The prosecution has the
2 burden of proof in this case. Under the criminal system,
3 not just in South Carolina, but anywhere in American, the
4 burden of proof always rests with the prosecution. It
5 rests right at this table. Not just the burden of proof,
6 but the burden of persuasion. They have the obligation to
7 persuade you that evidence is what they claim it to be
8 beyond a reasonable doubt. And Your Honor will tell you at
9 the end of this case that beyond a reasonable doubt is the
10 highest standard in the American judicial system.

11 And at the end of this case if you have a reason to
12 hesitate when it comes to convicting Courtney Price, just a
13 reason to hesitate, then you have a reasonable doubt and
14 under the law, you will be required to find her not guilty.

15 Courtney Price was in her own home. She had no
16 duty to retreat, none whatsoever. Because in South
17 Carolina, your home is indeed your castle. She's talking
18 about a woman scorned? No. This ain't about a woman being
19 scorned, this is about a whom being choked that's what this
20 is about.

21 THE COURT: Thank you. Thank you, Mr. Grant.
22 Solicitor, you may call your first witness.

23 MS. CORNWELL: Thank you, Your Honor. The State
24 would call Shavita Garvin.

25 THE COURT: All right. If you would come around,

Shavita Garvin - Direct Examination by Ms. Cornwell

1 please, Ms. Garvin and be sworn.

2 SHAVITA GARVIN,

3 having been duly sworn, testified as follows:

4 THE CLERK: Thank you. You may have a seat.

5 Please state your name again for the record.

6 THE WITNESS: Shavita Garvin.

7 DIRECT EXAMINATION

8 BY MS. CORNWELL:

9 Q Ms. Garvin, will you tell this jury where you work?

10 A Myrtle Beach Police Department.

11 Q And what do you do for the Myrtle Beach Police
12 Department?

13 A I'm an undercover officer.

14 Q Okay. And do you know the victim in this case,
15 Samuel Simmons?

16 A Yes, ma'am, that's my brother.

17 Q He's your brother?

18 A Yes, ma'am.

19 Q And do you know the defendant in this case,
20 Courtney Price?

21 A Yes, ma'am.

22 Q And how do you know Courtney?

23 A Her and my brother dated in high school for a
24 little while.

25 Q Okay. And in 2014 at the time of this incident,

Shavita Garvin - Direct Examination by Ms. Cornwell

1 where did Samuel Simmons live?

2 A Samuel -- and I'm going to try to call him Sam,
3 but if you hear me call him Denzel, that's what we call him
4 as family. He lived with me at that time for approximately
5 three years.

6 Q And when you say lived with you, is that -- where
7 was that?

8 A In Myrtle Beach.

9 Q So from about 2000 -- late 2010, to 2011, to 2014?

10 A Uh-huh.

11 Q He lived with you?

12 A Denzel came down maybe the end of 2011, maybe 2012,
13 beginning of 2012, somewhere around there.

14 Q And prior to living with you, who did he live with?

15 A My parents.

16 Q Okay.

17 A Which lived in Orangeburg.

18 Q At any time, did he live with the defendant?

19 A No, ma'am, never.

20 Q Okay. And -- but eventually, he had a child with
21 the defendant, correct?

22 A Yes, ma'am.

23 Q Okay. And how did he feel about that child?

24 A Loved him to death.

25 Q Did he provide financially for the child?

Shavita Garvin - Direct Examination by Ms. Cornwell

1 A Always.

2 Q Can you give some instances of how he provided
3 financially for the child?

4 A Well, he would send -- not only was he buying
5 Pampers every other week, we would go shopping together and
6 that was one of the things that he normally did, as was
7 stated before, they went -- I guess every other week on the
8 daycare and so on and so forth, taking up time with him.
9 When he would come down to Myrtle Beach, they would go out
10 to Ripley's Museum or to the park, on the beach, he spent a
11 lot of quality time, not just, you know, did things
12 financially for him, he spent a lot of quality time with
13 his son.

14 Q Okay. And did he buy his clothes, shoes, things of
15 that nature?

16 MR. GRANT: Objection to the leading nature of that
17 question.

18 THE COURT: All right. Rephrase the question,
19 Solicitor.

20 BY MS. CORNWELL:

21 Q Did he provide any other type of food, clothing,
22 shelter, or anything of that nature?

23 A Yes, ma'am. Not only did he buy clothes and shoes,
24 Denzel also provided, for instance, just before he died, he
25 got with me and we collaborated on what type of bed that he

Shavita Garvin - Direct Examination by Ms. Cornwell

1 was going to order C.D.S. And so he pretty much deposited
2 the money in my account, once we came to a decision which
3 bed to get. So for instance that -- we went to the store
4 to pick out the bedspreads for the bed. Like I say, he
5 spent a lot of quality time with him also, not just
6 financial. He took time with his son. And his son was
7 very attached to him.

8 Q Okay. And what kind of job or jobs did Sam have?

9 A My brother worked two jobs actually. He would go
10 to Auto Stars in Myrtle Beach in the mornings and in the
11 afternoon, he worked at the Yanis Beer Company.

12 Q Okay. And what was his typical work schedule?

13 A He would go to Auto Stars, maybe 8:30, nine o'clock
14 in the morning and from there it -- his time varied.
15 Sometimes he got off at five, sometimes he got off at six,
16 but a lot of times it depend on what kind of schedule they
17 had for his second job.

18 Q Okay.

19 A So sometimes it would be five, sometimes it would
20 be four.

21 Q And were these generally five-day workweek jobs,
22 seven-day workweek jobs, how many days a week did he work?

23 A Auto Stars was six days a week, Monday through
24 Saturday; and from my understanding Yanis was anywhere from
25 Monday to Friday or either Monday to Thursday and then

Shavita Garvin - Direct Examination by Ms. Cornwell

1 sometimes the schedule would switch. It depends on how
2 much they had to take out of the warehouse.

3 Q Okay. And so how often was Sam able to get back to
4 Orangeburg?

5 A Sometimes, he would -- if he did not go home with
6 me on the weekends because of work, sometimes he may ride
7 down one day. Sometimes he could not make it down.

8 Q Okay.

9 A But at least once a month, he would try to come
10 home.

11 Q Okay.

12 A At least.

13 Q All right. And he would come home with the purpose
14 of what?

15 A See family, his son.

16 Q You described his relationship as dating Courtney
17 in high school. Was he still involved with her during this
18 time that he lived with you?

19 A Yes, ma'am.

20 Q Okay.

21 A Yes, ma'am.

22 Q Was it an exclusive relationship to your knowledge?

23 A To my knowledge, they were not in a relationship
24 anymore.

25 Q Okay. So to your knowledge what type of

Shavita Garvin - Cross-Examination by Mr. Grant

1 relationship did they have?

2 A Pretty much they have a son together, so
3 co-parenting and doing what's best for C.D.S. I guess.

4 Q Thank you, Ms. Garvin. Answer any questions
5 defense counsel may have.

6 A Okay.

7 THE COURT: Thank you, Solicitor.

8 Mr. Grant.

9 MR. GRANT: May it please, Your Honor.

10 CROSS-EXAMINATION

11 BY MR. GRANT:

12 Q Ms. Garvin, was Sam on child support through the
13 court with Courtney?

14 A Not that I know of.

15 Q So he wasn't on child support and I think the
16 extent of providing for the child -- and Courtney was the
17 custodial parent; is that correct?

18 A Yes.

19 Q All right. The extent of buying for the child, did
20 you describe as buying a box of Pampers every two weeks.

21 A He bought more than a box of Pampers. Like I said,
22 we were ordering him a bed. C.D.S. has never wanted for
23 anything. Neither have my other nephews. So if there was
24 something that he needed if Denzel can't provide it, we
25 have family that's very supportive also.

Shavita Garvin - Cross-Examination by Mr. Grant

1 Q Okay. But it wasn't --

2 A But he --

3 Q -- it wasn't family responsibilities, correct?

4 A He did buy Pampers; he did buy wipes; he did buy
5 clothes; he did buy shoes; he did take him on different
6 outings; so he did more than just buy Pampers.

7 Q How much money do you know for a fact that he gave
8 Courtney Price a month? And do you have any checks,
9 cancelled checks that establish that?

10 A No, I wouldn't have that. I'm not a part of their
11 co-parenting, but I do know my brother took care of his
12 kid.

13 Q You do know he took care of the kid?

14 A I sure do, yes, sir.

15 Q Okay. Do you know if he had another child with a
16 lady named Sharee Scott?

17 A Did I know that?

18 Q Yes, ma'am.

19 A Or do I know that?

20 Q You just found that out?

21 A Yes.

22 Q Okay. So you just found that out. And when did
23 you find that out?

24 A When I -- when she -- when it was alleged that she
25 killed my brother.

Shavita Garvin - Cross-Examination by Mr. Grant

1 Q All right. And so, wait a minute now, Sam has
2 another child with another woman and he didn't even tell
3 his sister; is that correct?

4 A I didn't know anything about it.

5 Q And you just found that out?

6 A Sure did.

7 Q Okay. So the close relationship that you think you
8 had with him, yet he didn't even tell you he had another
9 child with a woman in Charleston?

10 A Me and my brother are very close.

11 Q But he didn't tell you about this other woman in
12 Charleston?

13 A I did not know about a child.

14 Q He didn't tell you about your -- I think -- is it a
15 daughter or a son?

16 A It's a daughter.

17 Q A daughter. You didn't know about your niece?

18 A I did not know.

19 Q Because your brother didn't tell you; is that
20 correct?

21 A That is correct.

22 Q All right. Hold on a second.

23 (There was a pause in the proceedings.)

24 BY MR. GRANT:

25 Q You know whether he was providing for that child?

Shavita Garvin - Redirect Examination by Ms. Cornwell

1 A I don't know anything about that child.

2 Q Okay. Thank you.

3 MR. GRANT: No further questions of this witness.

4 THE COURT: Redirect, Solicitor?

5 MS. CORNWELL: Just briefly, Your Honor.

6 **REDIRECT EXAMINATION**

7 BY MS. CORNWELL:

8 Q I believe that you just said that your family also
9 provided if **C.D.S.** needed anything?

10 A Absolutely, yes, ma'am.

11 Q Did your family assist in daycare, picking up,
12 dropping off?

13 A Yes, ma'am, from my understanding, if the defendant
14 was working late or something like that, my dad or either
15 my mom would pick him up on Fridays.

16 Q Okay. And does your family have a good
17 relationship with the defendant's family as far as the
18 shared custody of the child goes?

19 A Yes, ma'am.

20 Q Okay. Thank you.

21 THE COURT: Recross examination, Mr. Grant?

22 MR. GRANT: No, Your Honor.

23 THE COURT: All right. Thank you, thank you very
24 much.

25 Thank you Ms. Garvin, you may step down.

LaHassanda Brown - Direct Examination by Ms. Cornwell

1 THE WITNESS: Thank you.

2 THE COURT: Solicitor, you may call your next
3 witness.

4 MS. CORNWELL: Thank you, Your Honor. The State
5 would call LaHassanda Brown.

6 THE COURT: All right. Ms. Brown, if you would
7 come around and be sworn for us, please.

8 LAHASSANDA BROWN,
9 having been duly sworn, testified as follows:

10 THE CLERK: You may have a seat and state your
11 name for the record and I'm going to need you to spell your
12 first and last name, please.

13 THE WITNESS: LaHassanda Brown.

14 **DIRECT EXAMINATION**

15 BY MS. CORNWELL:

16 Q Ms. Brown, could you spell your first name for the
17 record?

18 A L-A-H-A-S-S-A-N-D-A.

19 Q Ms. Brown, where do you work?

20 A Orangeburg County EMS.

21 Q And how long have you worked for Orangeburg EMS?

22 A I've worked with Orangeburg EMS for ten years now.

23 Q Okay. And in addition to working with Orangeburg
24 EMS, do you also assist with 9-1-1?

25 A Yes, I do.

LaHassanda Brown - Direct Examination by Ms. Cornwell

1 Q And how long have you assisted with 9-1-1?

2 A Eight years.

3 Q And approximately -- in that eight years,
4 approximately how many 9-1-1 calls would you say you've
5 assisted with?

6 A Many. Thousands.

7 Q Okay. And were you working with 9-1-1 dispatch on
8 the morning of September 27th, 2014?

9 A Yes.

10 Q Do you recall getting a call from the defendant
11 Courtney Price regarding her boyfriend Samuel Simmons?

12 A Yes.

13 Q And what did the defendant call in reference to?

14 A She called in reference to a stabbing.

15 Q Okay. I'm going to show you what's been marked as
16 State's Exhibit 72. Do you recognize that?

17 A Yes, I do.

18 Q What is that?

19 A That is a recording of the 9-1-1 call.

20 Q Okay. And have you had an opportunity to listen to
21 that?

22 A Yes, I have.

23 Q And how do you know that that 's what that document
24 is?

25 A It has my initials on it.

LaHassanda Brown - Direct Examination by Ms. Cornwell

1 Q Okay. And when you listened to this, is that a
2 true and accurate depiction of the call as it happened that
3 morning?

4 A Yes.

5 MS. CORNWELL: Your Honor, at this time, the State
6 would move State's 72 into evidence and ask to publish it
7 to the jury.

8 THE COURT: Mr. Grant?

9 MR. GRANT: No objection, Your Honor.

10 THE COURT: State's 72 is in evidence without
11 objection. You may publish it.

12 (State's Exhibit Number 72 was entered into
13 evidence.)

14 MS. CORNWELL: Thank you, Your Honor. Give me just
15 a moment.

16 (The CD of the 9-1-1 call was being played for the
17 jury.)

18 MS. CORNWELL: Your Honor, that's a duplicate of
19 the next one -- of the same call that we just heard.

20 BY MS. CORNWELL:

21 Q Ms. Brown, is that the way you remember that call
22 occurring that night?

23 A Yes.

24 Q Thank you.

25 MS. CORNWELL: No further questions, Your Honor.

LaHassanda Brown - Direct Examination by Ms. Cornwell

1 THE COURT: Mr. Grant.

2 MR. GRANT: No questions, Your Honor.

3 THE COURT: Thank you. Thank you very much,
4 Ms. Brown, for being with us this afternoon. You may step
5 down.

6 All right, Solicitor?

7 MS. CORNWELL: Thank you, Your Honor. The State
8 would call Officer Tanesha Bellinger.

9 MS. CORNWELL: Your Honor, may we approach?

10 THE COURT: Yes, ma'am.

11 (There was a bench conference out of the hearing of
12 the jury and the Court Reporter.)

13 THE COURT: All right. Ladies and gentlemen, step
14 in your jury room for about five minutes. Do not discuss
15 the case during this brief recess. Thank you. Thank you
16 very much.

17 (The jury left the courtroom at 4:47 p.m.)

18 THE COURT: Court will be in recess for five
19 minutes.

20 (A brief recess was observed.)

21 THE COURT: All right. Solicitor, you ready?

22 MS. CORNWELL: Yes, Your Honor.

23 (The jury entered the courtroom at 4:53 p.m.)

24 THE COURT: All right. Solicitor, you may call
25 your next witness.

Tanesha Bellinger - Direct Examination by Ms. Cornwell

1 MS. CORNWELL: Thank you, Your Honor. The State
2 calls Tanesha Bellinger.

3 THE COURT: All right. Officer Bellinger, if you'd
4 come around and be sworn for us, please.

5 TANESHA BELLINGER,
6 having been duly sworn, testified as follows:

7 THE CLERK: Thank you. You may have a seat.
8 Please state your name for the record and would you please
9 spell your first and last name.

10 THE WITNESS: Tanesha Bellinger. T-A-N-E-S-H-A,
11 Bellinger, B-E-L-L-I-N-G-E-R.

12 THE CLERK: Thank you.

13 DIRECT EXAMINATION

14 BY MS. CORNWELL:

15 Q Officer Bellinger, where do you work?

16 A Orangeburg Public Safety.

17 Q How long have you worked in law enforcement?

18 A Over a year.

19 Q Okay. What is your position and rank?

20 A Currently I'm a crime prevention officer.

21 Q Okay. And prior to working as a crime prevention
22 officer, what were you working as?

23 A A regular P S O officer.

24 Q And when you say P S O, what do you mean?

25 A Public Safety Officer.

Tanesha Bellinger - Direct Examination by Ms. Cornwell

1 Q Okay. And were you working in the capacity of a
2 Public Safety officer on September 27th of 2014?

3 A Yes.

4 Q Do you recall being dispatched to [REDACTED] Crossing
5 Circle that night?

6 A Yes..

7 Q What County is that in?

8 A Orangeburg.

9 Q And what were you dispatched there in reference to?

10 A A stabbing.

11 Q Do you recall what time you were dispatched to the
12 scene?

13 A May I refer to my report?

14 Q Of course.

15 A 7:10 a.m.

16 Q Okay. That's what time you were dispatched?

17 A 7:15, correction.

18 Q Okay. And what time did you arrive on scene?

19 A 7:15. We were in the area.

20 Q Were you the first officer to arrive on scene?

21 A Yes. Along with other officers.

22 Q And who were those other officers?

23 A Kuck, Sturkie, Hawkins, and Wolf.

24 Q And were any of those officers actually riding in
25 the car with you?

Tanesha Bellinger - Direct Examination by Ms. Cornwell

- 1 A Kuck was.
- 2 Q Okay. When you arrived on scene, what did you
3 observe?
- 4 A There was a female standing outside a residence
5 carrying -- holding a baby in her pajamas covered in blood.
- 6 Q Okay. How did the baby look?
- 7 A The baby was covered in blood.
- 8 Q Okay. And how did the defendant appear when you
9 arrived on scene?
- 10 A She was distraught but not upset, she was crying,
11 but she wasn't at that time.
- 12 Q Okay. So she was not crying when you arrived on
13 scene?
- 14 A No.
- 15 Q And once you approached the defendant outside the
16 house, did you or any other officers go inside the house?
- 17 A Sturkie, Kuck and Wolf and Hawkins went in before I
18 did.
- 19 Q Okay. And while they went inside the house, what
20 did you do?
- 21 A I grabbed the baby because she almost dropped the
22 baby.
- 23 Q Okay. And at some point, did you go inside the
24 residence with the defendant?
- 25 A Yes.

Tanesha Bellinger - Direct Examination by Ms. Cornwell

1 Q Okay. And when you went inside, what did you do
2 with the baby?

3 A I -- we went to the kitchen area, we -- the
4 defendant and I -- she helped me fix a bottle for the baby.

5 Q Okay. Did you also change his diaper?

6 A Not at that time, no.

7 Q Did you change the baby's clothes?

8 A A little bit later on, but not at that moment, no.

9 Q Okay. All right. And you said the baby was
10 covered with blood?

11 A Yes.

12 Q Okay. When you were holding the baby, what
13 happened to your clothes?

14 A My clothes became saturated with blood too.

15 Q And that was from?

16 A From the defendant and the baby. Mainly the baby.

17 Q Okay. And while you were inside the defendant's
18 house, where were you and the defendant inside the house?

19 A We were from the kitchen area to the dining room
20 area and we also went into the living room area.

21 Q And did you speak with the defendant?

22 A Yes.

23 Q Okay. While you were speaking with her, was she
24 under arrest?

25 A No.

Tanesha Bellinger - Direct Examination by Ms. Cornwell

1 Q Did she have handcuffs on her?

2 A No.

3 Q While y'all were speaking, was it conversation that
4 she was having with you or was she just answering questions
5 that you were asking her?

6 A I wasn't answering -- asking any questions other
7 than something pertaining to the baby.

8 Q Did she discuss with you how the victim got inside
9 of her residence that night?

10 MR. GRANT: Your Honor, I object pursuant to our
11 earlier pretrial motion.

12 THE COURT: This is statements of the defendant?
13 Of Ms. Price?

14 MR. GRANT: Yes, sir.

15 MS. CORNWELL: Yes, sir.

16 THE COURT: All right. I would overrule that
17 objection. Of course, you're protected on the record,
18 Mr. Grant.

19 MR. GRANT: Thank you, Your Honor.

20 BY MS. CORNWELL:

21 Q Did the defendant indicate to you how the victim
22 got inside her residence?

23 A Yes.

24 Q And how is that?

25 A She stated that he called her and she let him in

Tanesha Bellinger - Direct Examination by Ms. Cornwell

1 the residence.

2 Q Okay. And did she indicate what they were doing
3 inside the her house after she let him in?

4 A She stated to me they had sex and was drinking.

5 Q Okay. Did she indicate that they were drunk?

6 A She told me they were -- that she wasn't drunk.

7 Q Okay. Did she tell you that he wasn't drunk?

8 A She just said we were drinking, but we were not
9 drunk.

10 Q She said we weren't drunk?

11 A Yeah.

12 Q And what else did she say that they did?

13 A That's just about it. That they had sex and they
14 were drinking.

15 Q All right. Did she tell you what happened after
16 she and the victim had sex?

17 A He went to sleep, she went downstairs.

18 Q Okay. And when she went downstairs, what did she
19 do?

20 A She told me when he went downstairs--- when she
21 went downstairs, she went to get a bottle for the baby or
22 something.

23 Q Okay. And while she was down there, what did she
24 do?

25 A She looked through his cell phone.

Tanesha Bellinger - Direct Examination by Ms. Cornwell

1 Q Okay. And when she looked through his cell phone,
2 what did she tell you that she saw?

3 A Can I refer to the report to quote it?

4 Q Yes.

5 A She quoted to me, he called me at 3 a.m., I wish I
6 didn't answer the phone. I'm tired of his shit. I saw the
7 phone while he was asleep; saw that he was messing with a
8 bitch; and he had another child; and I cut him.

9 Q Okay. While she was talking to you, did she ever
10 state that she asked the victim to leave her house?

11 A No.

12 Q Were you able to see any signs of struggle or any
13 visible injuries on the defendant that indicated that there
14 was ever a physical altercation, confrontation which would
15 have prompted this stabbing?

16 A No.

17 Q Were there any bruises or cuts on her neck, arms,
18 or wrists?

19 A No, not visible to me.

20 Q Did the defendant have any black eyes, or busted
21 lip or nose?

22 A No.

23 Q Was her hair pulled out of place?

24 A No.

25 Q Were any of her nails broken?

Tanesha Bellinger - Direct Examination by Ms. Cornwell

1 A No.

2 Q When you went inside the house, were there any
3 lamps or chairs knocked over?

4 A No.

5 Q Were there any drinks that had been spilled or
6 anything knocked onto the floor?

7 A No.

8 Q Was there anything at all that you could see that
9 would indicate that there had been any kind of physical
10 altercation that night?

11 A No.

12 Q And I'm going to show you --

13 (Showing to the defense counsel.)

14 BY MS. CORNWELL:

15 Q -- photographs --

16 MS. CORNWELL: And Your Honor, these would be
17 State's Exhibits -- the totality of is 1 through 67. I
18 believe Mr. Grant has gone through them and I do not
19 believe he has an objection to any of the photographs, so
20 at this time, the State would just summarily move all
21 photographs into evidence.

22 MR. GRANT: May I just flip through them again,
23 Your Honor? Real quickly.

24 (There was a pause in the proceedings.)

25 MS. CORNWELL: And I believe they're without

Tanesha Bellinger - Direct Examination by Ms. Cornwell

1 objection, Your Honor.

2 MR. GRANT: They are.

3 THE COURT: Thank you. State's 1 through 67 is in
4 evidence without objection.

5 MS. CORNWELL: Thank you.

6 (State's Exhibit Numbers 1 through 67 were entered
7 into evidence without objection.)

8 BY MS. CORNWELL:

9 Q Officer Bellinger, I'm going to show you now what's
10 been marked as State's 1 through 6, if you'll just look
11 through those photographs and let me know if that's the way
12 you remember the scene that night.

13 A (Looking.)

14 Q That's State's 9.

15 A Yes. It is.

16 Q And I'm just going to go through these
17 individually. State's 1, what is that?

18 A The outside of the residence we responded to.

19 Q And in looking at State's 2, is that the view from
20 the door?

21 A That's standing from her front area, the front
22 door.

23 Q And again, is this how the scene was when you
24 arrived on scene?

25 A Yes.

Tanesha Bellinger - Direct Examination by Ms. Cornwell

1 Q Did you notice any sign of a struggle when you
2 first walked in the door?

3 A No.

4 Q And in looking at State's 3.

5 A That's the living room area. It's standing back
6 looking toward the front door.

7 Q Again, any signs of struggle?

8 A No.

9 Q Okay. And looking at State's Exhibit 4.

10 A That's the hallway area from the living room
11 looking down all the way to the dining room area.

12 Q Okay. And when you arrived on scene everything was
13 sitting upright like that? Not even cans had been knocked
14 over?

15 A Correct.

16 Q And let's see, State's 5 -- 5 and 6?

17 A That's the kitchen area.

18 Q Okay. And again when you went in the kitchen,
19 anything knocked over or out of place?

20 A No.

21 Q And lastly looking at State's -- State's 9. What
22 is that?

23 A That's the dining room area.

24 Q And this is -- well that's on the dining room
25 table, was that already there or did --

Tanesha Bellinger - Direct Examination by Ms. Cornwell

- 1 A That's the blanket we had wrapped around Courtney.
- 2 Q Okay.
- 3 A The defendant.
- 4 Q Okay. And those chairs were upright when you
- 5 arrived?
- 6 A Yes.
- 7 Q Nothing had been knocked over?
- 8 A No.
- 9 Q So just once again, anything that would have
- 10 indicated that there had been any physical altercation that
- 11 night?
- 12 A No, not from where I was at.
- 13 Q And again, looking at the victim -- I'm sorry, the
- 14 defendant, no bruises or injuries on her?
- 15 A Not visible to me, no.
- 16 Q Okay. Anything on her neck, on her throat?
- 17 A She had blood around her neck and throat area.
- 18 Q Okay. Was that blood coming from any injury of
- 19 hers?
- 20 A No.
- 21 Q Okay. Once the child was taken care of at the
- 22 scene, what happened?
- 23 A Once we released the child to the grandmother?
- 24 Q Yes.
- 25 A We escorted Ms. Price to our headquarters.

Tanesha Bellinger - Direct Examination by Ms. Cornwell

1 Q Okay. And where are your headquarters located?

2 A On Middleton Street.

3 Q And who rode with the defendant back to
4 headquarters?

5 A I rode in the back seat with her.

6 Q Okay. Did you Mirandize her at that time?

7 A No.

8 Q Was she under arrest at that time?

9 A No.

10 Q Okay. Did the defendant make any additional
11 statements to you during the car ride back the
12 headquarters?

13 A No.

14 Q Okay. And once you got back to headquarters with
15 the defendant, what happened?

16 A She was released to Sergeant Shuler and Sergeant
17 Walker.

18 Q Okay. And were you present in the room when
19 Sergeant Walker and Sergeant Shuler came in?

20 A I was.

21 Q And did you hear them tell her anything when they
22 came in the room?

23 A We was transferring handcuffs and they was starting
24 the process of giving her Miranda.

25 Q Okay. And did you hear Sergeant Walker read her

Tanesha Bellinger - Direct Examination by Ms. Cornwell

- 1 her Miranda Rights at that time?
- 2 A I did hear it from where I was at.
- 3 Q Okay. And from where you were at, did the
- 4 defendant appear to understand those rights as they were
- 5 being given to her?
- 6 A I was in a doorway, hallway area, so I was leaving
- 7 out.
- 8 Q Did she appear to understand those rights?
- 9 A Yes, ma'am.
- 10 Q And what happened after the defendant was read her
- 11 rights?
- 12 A I wasn't present at the end of it, everything that
- 13 they did. I left.
- 14 Q Okay. Did you switch out anything?
- 15 A Everything was done at that time.
- 16 Q The handcuffs were switched out and everything?
- 17 A (Witness nodded head.)
- 18 Q And that was just so you could get your handcuffs
- 19 back?
- 20 A Yes, ma'am.
- 21 Q And once you got your handcuffs back and left the
- 22 room, did you have any further involvement in this case?
- 23 A No.
- 24 Q Thank you, Officer Bellinger, please answer any
- 25 questions defense counsel may have for you.

Tanesha Bellinger - Cross-Examination by Mr. Grant

1 A Okay.

2 THE COURT: Mr. Grant?

3 CROSS-EXAMINATION

4 BY MR. GRANT:

5 Q Officer Bellinger, I have the option as the defense
6 attorney do decide, if I wanted to, to not ask you anymore
7 questions, just let you just proceed from there, do you
8 understand that?

9 A Yes, sir.

10 Q I'm not obligated to ask you any questions because
11 Ms. Price does not have the burden of proof. Do you
12 understand that?

13 A Yes.

14 Q Would you agree with me that if I didn't ask you
15 anymore questions right now, the only thing this jury would
16 know is what you've already said?

17 A Right.

18 Q Okay. Well, I've got some questions for you.

19 Take another look, if you will, at your report that
20 you referred to. Okay?

21 A All right.

22 Q I want to ask you about some things that you did
23 not talk about in direct examination.

24 You're pretty familiar with this report; is that
25 correct?

Tanesha Bellinger - Cross-Examination by Mr. Grant

- 1 A Somewhat, yes.
- 2 Q Well, it's your report, isn't it?
- 3 A Yes.
- 4 Q You need to look at it and read it to get more
- 5 familiar before I ask you any questions? Because if so,
- 6 take your time and let me know when you're ready.
- 7 A I'm ready.
- 8 Q All right. Now, first of all, look at the first
- 9 part of it where it says EMS was dispatched in the middle
- 10 of the first paragraph and arrived on the scene
- 11 approximately 15 minutes later; is that correct?
- 12 A Correct.
- 13 Q So that's 15 minutes after you got there; correct.
- 14 A Correct.
- 15 Q So is it fair to say that Courtney called EMS at
- 16 least 15 minutes before you got there?
- 17 A I can't answer that.
- 18 Q You can't answer that?
- 19 A I can't answer when she called EMS. I know I was
- 20 dispatched.
- 21 Q Oh -- well, she called 9-1-1; isn't that correct?
- 22 A Correct.
- 23 Q And wouldn't 9-1-1 then call EMS?
- 24 A I can't answer what 9 -- what dispatch does.
- 25 Q Fair enough. Let's move onto the next part though.

Tanesha Bellinger - Cross-Examination by Mr. Grant

1 Again, same paragraph, where we talk about excited
2 utterances. That's what you described, right?

3 A Correct.

4 Q In other words, you're saying it was excited,
5 meaning that she just blurted this out; is that correct?

6 A Correct.

7 Q All right. Look at the first excited utterance
8 that you mention in this report --

9 MS. CORNWELL: Your Honor, at this time I'm going
10 to renew my objection to self-serving hearsay.

11 MR. GRANT: You've already ruled on that too.

12 THE COURT: I'm not tracking, Solicitor. That's --

13 MR. GRANT: This is something you've already ruled
14 on and she's just preserving the record.

15 MS. CORNWELL: This is the self-serving hearsay
16 that we had in the -- had yesterday regarding the
17 self-serving statements that she made about herself.

18 MR. GRANT: She asked about statements the client
19 said on direct. I can ask her about the same statements,
20 same report on cross.

21 THE COURT: Go ahead, Mr. Grant.

22 MR. GRANT: Thank you, Your Honor.

23 BY MR. GRANT:

24 Q All right. Let's look at, as you're saying, she
25 stated in excited utterance, quote, I am tired. I had

Tanesha Bellinger - Cross-Examination by Mr. Grant

1 enough, I'm not this person. Is that what she said?

2 A Correct.

3 Q And she said, I am educated. It's not fair. It
4 feels like a dream. It's not real; is that what she said?

5 A Correct.

6 Q Read to the jury what she said next. Those words.
7 What did she say?

8 A The one time I fought back.

9 Q The one time I fought back. Fought back; is that
10 what she said?

11 A Yes.

12 Q Now, talk to me logically. Does the term fought
13 back meaning, the one time I fought back, is that, in your
14 impression means that there had to be another time where I
15 didn't fight back?

16 A I would say so, I guess so.

17 Q Okay. And then I walked her into the kitchen to
18 fix the small child a bottle and she stated, I know how
19 this is going to look in the T and D newspaper. I am not
20 that person. I am educated and I work for SC State in
21 accounting; is that what she said?

22 A Correct.

23 Q She also told you, I am not this person. I go to
24 church and pray, I am not this person. Is that what she
25 said?

Tanesha Bellinger - Cross-Examination by Mr. Grant

1 A Correct.

2 Q Look at the next portion where you refer to her
3 excited utterance. Quote, and you tell me -- you read it.
4 What did she say starting with the words, I was tired.
5 Read that sentence, please.

6 A I was tired. I had enough of his abuse. The one
7 time I decided to fight back, this happens.

8 Q I was tired. I had enough of his abuse and the one
9 time I fight back, this happens. Is that what she said?

10 A Yes.

11 Q Okay. All right. Let me look to the second page,
12 please, ma'am.

13 See the part where you're talking about he said --
14 she said he was messing with another woman or whatever, had
15 another child. You see that? It said I cut him? You see
16 that?

17 A Yes.

18 Q I don't think you said on direct examination the
19 next sentence, so why don't we get an opportunity to tell
20 the jury what she said next. What did she say?

21 A You talking about after I cut him?

22 Q After the word him, yes, ma'am. Tell the jury what
23 she said that's in your report that you didn't say on
24 direct.

25 A I was just standing up for myself.

Tanesha Bellinger - Cross-Examination by Mr. Grant

1 Q I was just standing up for myself. And look,
2 please, if you will in the middle of that final paragraph,
3 starting in quotations, where she said I am not this
4 person. You see that?

5 A Yes.

6 Q Okay. Would you please read to the jury those next
7 two sentences ending with the words fair. Starting with
8 the records, I am not.

9 A I am not this person. I'm tired of his shit. You
10 talking about referring to that?

11 Q Yes, ma'am, read on.

12 A Sergeant Shuler then came into the dining room and
13 Ms. Price asked if he was okay.

14 Q Uh-huh.

15 A And Sergeant Shuler stated that he was deceased.

16 Q And what did Ms. Price do according to your report?

17 A Fell on the floor crying, Oh my God.

18 Q And then after she cried Oh my God, once again, you
19 described excited utterance and read what you said in your
20 report, an excited utterance stated, what did she say
21 again?

22 A This is not real. I was just standing up for
23 myself.

24 Q Hold up. I was just standing up for myself. And
25 please tell the jury now what's in your official report

Tanesha Bellinger - Cross-Examination by Mr. Grant

1 that you submitted that you did not tell the jury on direct
2 examination. What did she say after those next words?

3 A He was choking me.

4 Q He was choking me. Now, that's what she told you
5 when you all talked to her, you being the first officer to
6 arrive; is that correct?

7 A Correct.

8 Q And then she finishes, as far as the quotes that
9 you give her as excited utterance, what else does she say?
10 Read on for me. What does she say?

11 A The one time I stood up, this happens. It's not
12 fair.

13 Q The one time I stood up, this happens. It's not
14 fair. Is there any reason why you didn't tell the jury
15 that on direct examination so they can know the whole
16 flavor of the statement?

17 A I answered the questions that were asked of me.

18 Q So you didn't tell them that because this
19 prosecutor didn't ask you that to let the jury know; is
20 that correct?

21 A I answered the questions.

22 Q I understand.

23 MR. GRANT: No further questions of this witness.

24 THE COURT: Redirect, Solicitor?

25 MS. CORNWELL: Yes, Your Honor.

Tanesha Bellinger - Redirect Examination by Ms. Cornwell

REDIRECT EXAMINATION

1
2 BY MS. CORNWELL:

3 Q Officer Bellinger, when the defendant was making
4 these self-serving statements --

5 MR. GRANT: Objection to the characterization of
6 self-serving statements, Your Honor, that's argumentative.

7 THE COURT: Rephrase your question, Solicitor.

8 BY MS. CORNWELL:

9 Q When the defendant was making these statements to
10 you and she was talking about this abuse and standing up
11 for herself, through your conversation with her, what was
12 your impression that she was referring to?

13 A I assumed she was referring to emotional abuse.

14 MR. GRANT: Objection, calls for speculation, first
15 of all.

16 THE COURT: I think she can put it in context.

17 If you can answer that question, Officer, you may
18 do so.,

19 THE WITNESS: What I mean, how I think she was
20 referring to emotional abuse was, because she was referring
21 more to him cheating on her and mistreating her verbally.

22 BY MS. CORNWELL:

23 Q And the statement that she made about he was
24 choking me, that was made after she found out he was
25 deceased?

Tanesha Bellinger - Recross-Examination by Mr. Grant

1 A Correct.

2 Q So could the victim have disputed that in any way
3 if he was deceased?

4 A No.

5 Q And again, when you observed Ms. Price, how close
6 were y'all when y'all were speaking with each other?

7 A We was within two or three feet of each other.

8 Q Did you see any bruising, red marks or any
9 indication around her neck that would have indicated that
10 she was choked that evening?

11 A No.

12 MS. CORNWELL: Thank you, Your Honor.

13 THE COURT: Recross examination?

14 MR. GRANT: Yes, Your Honor.

15 **RECROSS EXAMINATION**

16 BY MR. GRANT:

17 Q All right. Well, let's talk about this. Let's
18 talk about after she found out he was dead, you said that
19 she mentioned that he was choking her. Well, before she
20 found out he was dead, go back to your first page of your
21 statement again. Doesn't she say the one time I fought
22 back? Didn't she say that?

23 A Yes, sir.

24 Q And didn't she say that several times to you before
25 she said that he was choking her?

Tanesha Bellinger - Recross-Examination by Mr. Grant

1 A Yes.

2 Q Okay. And she also said she was tired of his
3 abuse; is that correct?

4 A Correct.

5 Q And be honest with the jury, now, when you tell the
6 jury that you think it's emotional abuse, isn't that just
7 speculation on your part?

8 A She never said it was physical.

9 Q But she said she was being choked. Is choking not
10 physical?

11 A She said that after she found out he was deceased.

12 Q But she said she was being choked and she talked
13 about fighting back. Doesn't that denote to you that it's
14 something physical that's being -- that's occurring to this
15 young lady?

16 A In the context of she said I was fighting back, she
17 was referring to -- the conversation she was having was
18 when she found out he was cheating and had another baby.

19 Q So you think fighting back she was just arguing?
20 That's what you think?

21 A I don't know what she was -- that's how I received
22 it.

23 Q Now, but she did say, I'm tired of his abuse and
24 fought back. I just want to make sure I got that clear.

25 A She said I'm tired of his shit.

Tanesha Bellinger - Recross-Examination by Mr. Grant

1 Q And also his abuse; is that right? Is that
2 correct, ma'am? Yes or no?

3 A Correct.

4 Q Okay. Now, you were telling the jury, I think you
5 said something about blood around her neck; is that right?

6 A Correct.

7 Q Okay.

8 MR. GRANT: Your Honor if I can just show these to
9 the jury. Blood around her neck?

10 (Showing photographs to the jury.)

11 BY MR. GRANT:

12 Q Okay. Now, I've got a question for you. The only
13 blood, as far as you know that was in that apartment
14 stemming from in incident was indeed the blood of Samuel
15 Simmons; is that correct?

16 A Yes.

17 Q Do you know whether or not the body inspected by
18 Samuel Simmons -- the body of Samuel Simmons, I should say,
19 had bloody hands?

20 A I do not know that.

21 Q You do not know that. But if indeed his hands were
22 bloody, and if indeed he was choking her throughout the
23 encounter, would that be an explanation as to how blood
24 from his hands had gotten on her neck?

25 A Or the blood could have come from the baby she was

Tanesha Bellinger - Recross-Examination by Mr. Grant

1 holding that was covered in blood.

2 Q But she didn't tell you that the baby put his hands
3 around her neck, did she?

4 A She was holding the baby when I came on scene.

5 Q But she didn't tell you the baby put his hands
6 around her neck, did she?

7 A She was holding -- the baby -- a baby that age
8 touch -- because he touched my neck, I had blood on me.

9 Q Well, ma'am, I'm not asking you what a baby
10 normally does, Officer. I'm asking what you saw and what
11 you observed. And in fact, you cannot swear to this jury
12 you saw that baby's hands around his mama's neck with blood
13 on them, can you?

14 A No.

15 Q Okay, then. Let me show you what we have agreed to
16 admit into evidence as Defendant's Exhibit 11 and
17 Defendant's Exhibit Number 10?

18 MS. CORNWELL: Your Honor, I'm going to object to
19 these. Officer Bellinger has no knowledge of these
20 photographs. I don't believe she ever had contact with the
21 victim.

22 MR. GRANT: We're talking about the source of blood
23 around my client's neck. It's relevant. We've already
24 agreed that they would be admitted without objection.

25 MS. CORNWELL: I have no objection to the

Tanesha Bellinger - Recross-Examination by Mr. Grant

1 photographs, I just don't believe she has the knowledge to
2 testify to those photographs.

3 MR. GRANT: Well, then she can say that, but if
4 it's evidence that's already agreed to be admitted...

5 THE COURT: The witness has to have personal
6 knowledge to answer the question. You can certainly ask
7 the question and she can either answer it or her answer can
8 be I don't know.

9 BY MR. GRANT:

10 Q If his hands are bloody like I'm showing on these
11 photographs and he's choking her with bloody hands during
12 the altercation, logically would that not be a source of
13 the blood around her neck from his hands? Yes or no?

14 THE COURT: Well, you're going to have to show them
15 to her.

16 MR. GRANT: Oh, I thought she saw them.

17 THE COURT: I don't think she ever saw them.

18 MR. GRANT: Well, I'm showing them to her, Judge.

19 THE WITNESS: I can't, no, sir.

20 BY MR. GRANT:

21 Q Okay. Thank you. And as far as you being able to
22 see marks around Courtney's neck, whether or not you can
23 see anything representing her being choked, isn't there a
24 lot of blood around her neck from the pictures that you
25 pointed to earlier?

Tanesha Bellinger - Recross-Examination by Mr. Grant

1 A Yes.

2 Q Okay. And if there is any kind of marks, as subtle
3 as it may or may not be, could it be that you really
4 couldn't see it anyway because the blood is around her
5 neck?

6 A She didn't complain of any injury.

7 Q I'm just asking you what you can see, ma'am, that's
8 the question.

9 A No.

10 Q Okay. Thank you.

11 MR. GRANT: No further questions.

12 THE COURT: Thank you. Thank you very much,
13 Officer. You may step down.

14 All right. You may call your next witness,
15 Solicitor.

16 MS. CORNWELL: Thank you, Your Honor. The State
17 would call Steven Kuck.

18 THE COURT: All right. And this will be our last
19 witness of the day.

20 STEVEN KUCK,

21 having been duly sworn, testified as follows:

22 THE CLERK: Thank you, you may have a seat and
23 please state your name again for the record.

24 THE WITNESS: Steven Kuck.

25 THE CLERK: Thank you.

Steven Kuck - Direct Examination by Ms. Cornwell

DIRECT EXAMINATION

1
2 BY MS. CORNWELL:

3 Q And, Officer Kuck, just for purposes of the record,
4 would you spell your first and last name?

5 A S-T-E-V-E-N; last name is spelled, K-U-C-K.

6 Q Officer Kuck, where do you currently work?

7 A I currently work for Orangeburg County Sheriff's
8 Office.

9 Q And what is your official position and rank with
10 the Orangeburg Sheriff's Office?

11 A Field deputy, patrol deputy.

12 Q And how long have you been with the Orangeburg
13 County Sheriff's Office?

14 A Five months now.

15 Q Prior to working there, where did you work?

16 A Orangeburg Department of Public Safety.

17 Q And in total, what is your total number of
18 experience -- law enforcement experience?

19 A Sixteen years.

20 Q When you were working with the Department of Public
21 Safety, what was your position there?

22 A I was a patrol -- shift patrol in the rank of
23 corporal and FTO officer.

24 Q And tell the jury what an FTO officer means?

25 A Basically I'm a field training officer for new

Steven Kuck - Direct Examination by Ms. Cornwell

1 officers that come to the department; for example, from the
2 police academy. I train them on the policies and
3 procedures of the department.

4 Q And were you working in that capacity on September
5 27th, of 2014?

6 A Yes.

7 Q Do you recall being dispatched to [REDACTED] Crossing
8 Circle that night?

9 A That morning, yes, ma'am.

10 Q I'm sorry, that morning, correct.

11 A Yes, ma'am.

12 Q What were you dispatched there in reference to?

13 A To a stabbing incident.

14 Q Okay. And how long did it take for y'all to
15 respond to the scene?

16 A I'm not sure, but we was there fairly quickly.

17 Q Were you the first officer to arrive on scene?

18 A I believe myself and Officer Bellinger were the
19 first two there. Two cars got there about the same time.

20 Q Okay. And who were the other two officers in the
21 other car?

22 A Corporal Sturkie and I think PSO Wolf was the other
23 two.

24 Q Great. And when you arrived on scene, what did you
25 observe?

Steven Kuck - Direct Examination by Ms. Cornwell

1 A I observed a black female standing outside in front
2 of the door -- I mean on the front of the -- I guess that
3 would be like a parking lot, like a curb area, sidewalk --
4 holding a small child.

5 Q Okay. And what was the appearance of the defendant
6 and the child?

7 A She was -- her and the child -- well, she was
8 covered in blood.

9 Q And was the child also covered in blood?

10 A Yes, ma'am.

11 Q Okay. And once you approached the defendant
12 outside of the house, did you or any other officers go
13 inside of the house?

14 A Myself, along with -- I know Corporal Sturkie went
15 in with me, Officer Wolf, and I want to say there was one
16 more. I can't remember or recall who else went in.

17 Q Would it be possibly Officer Hawkins?

18 A That's possible, yes, ma'am.

19 Q And when y'all went inside, what was the purpose of
20 going inside the house?

21 A At the time, we didn't know what we had, if she was
22 the victim, the suspect inside, or vice versa; and the only
23 thing she told us was we asked her what the person's name
24 was and we hollered from the doorway, we hollered, Sam,
25 Sam, Sam, and then she said he's upstairs. So we went

Steven Kuck - Direct Examination by Ms. Cornwell

1 straight up the stairwell.

2 Q Okay. And where did you find the victim?

3 A He was in -- at the top of the stairs in a bedroom.
4 He was inside the bedroom on the floor in between the bed
5 and the dresser.

6 Q Was the victim alive when you found him?

7 A He was moving around very slightly and he was like,
8 gurgling. You know, he wasn't like talking or anything.

9 Q Okay. So was he able to make any statements to you
10 regarding what happened that night?

11 A No, no, ma'am.

12 Q Okay. When you were looking at the victim, were
13 you able to see any visible injuries on him?

14 A I saw what appeared to be a stab wound or a
15 puncture wound in the middle of his chest right here.

16 Q And after locating the victim, what did you do?

17 A I asked one of the other officers outside with me
18 to go ahead and notify the emergency medical services to
19 come on in to see if they could -- to render aid to him.

20 Q And when they rendered aid to him, were they able
21 the find any heart activity?

22 A No, there -- they advised us there was no
23 activity -- heart activity like that.

24 Q So at that point what -- how was he pronounced?

25 A He was pronounced deceased.

Steven Kuck - Direct Examination by Ms. Cornwell

1 Q Okay. Once the victim was pronounced deceased,
2 what did you do?

3 A I went and got my department-issued camera and I
4 started taking photographs of what I could.

5 Q Okay. And did you take photographs of everywhere,
6 downstairs, upstairs?

7 A I know -- yes, ma'am, I did take basic photographs,
8 quick photographs until our investigation unit and crime
9 scene unit got there.

10 Q Okay. And I'm going to show you now some
11 photographs that have been marked State's Exhibits 1
12 through 67 and we'll just go through them as quickly as we
13 can.

14 You've had a chance to look through these
15 photographs?

16 A Yes, it's been a while.

17 Q Okay. So when you walked into the residence and
18 while you were taking photographs, were you able to see any
19 signs of a struggle or physical confrontation that could
20 have taken place inside that residence?

21 A From what I noticed, there was no sign of any
22 struggle. Nothing was knocked over or anything of that
23 nature.

24 Q Okay. And I believe that's evident in State's 2,
25 3, 4, 5, and 6 that we just looked at; is that correct?

Steven Kuck - Direct Examination by Ms. Cornwell

- 1 A Yes, ma'am.
- 2 Q I'm sorry, I'll show them to you first.
- 3 A (Looking.) Yes, ma'am, that's correct.
- 4 Q And then in looking at State's 12, what is that a
- 5 photograph of?
- 6 A That's a photograph leading into -- from the, I
- 7 guess that would be the top of the stairway to the -- going
- 8 towards the bedroom.
- 9 Q Okay. And is that how the scene appeared --
- 10 A That's how it appeared to us, yes, ma'am.
- 11 Q -- when you approached?
- 12 A Yes, ma'am.
- 13 Q And can you describe the scene when you were
- 14 upstairs?
- 15 A It was -- there was blood everywhere. I mean it
- 16 was on the walls, on the floor, on some of the bedding, and
- 17 on some of the blinds at the window.
- 18 Q And I'm going to show you what's been marked as
- 19 State's 13 through 21.
- 20 A (Looking.) Yes, ma'am, that's how it was when I was
- 21 there.
- 22 Q Okay. And that's the blood that was in the bedroom
- 23 when you arrived?
- 24 A Yes.
- 25 Q And I'm looking at State's 21, is that directly

Steven Kuck - Direct Examination by Ms. Cornwell

1 outside the doorway?

2 A Yes, ma'am, that's right in the hallway.

3 Q And I believe you stated that this was the bed in
4 State's 13?

5 A Yeah, that would be the foot of the bed area.

6 Q Okay. And I believe that there's a can in the
7 window sill, was that sitting upright when you took that
8 picture?

9 A Yes, ma'am, just like that.

10 Q And then 14, 16, 17, and 18. Are those the blinds
11 next to the bed?

12 A Yes, ma'am.

13 Q Now, I want to direct your attention -- I believe
14 that most of these are the scene as you described. State's
15 Exhibit 25, what is that?

16 A That's the dresser that was in the bedroom.

17 Q And is this the dresser that the victim was
18 between, the dresser and the bed, where you stated that he
19 had fallen?

20 A Yes, ma'am. He was in between that dresser and the
21 bed, on the floor.

22 Q Okay. And in looking at that dresser, where he had
23 fallen, is there anything knocked over on that dresser or
24 anything to indicate that a struggle occurred in that
25 bedroom other than the obvious blood that we saw?

Steven Kuck - Direct Examination by Ms. Cornwell

1 A No, ma'am.

2 Q And again, I believe is this is a close up of the
3 top of that dresser?

4 A Yes, ma'am.

5 Q State's 26?

6 A Yes, ma'am.

7 Q There's clearly --

8 A Yes, ma'am, I took a picture because I saw the
9 blood right there.

10 Q Okay. And even with that are any of the items
11 knocked over?

12 A No.

13 Q Did you set any of those upright or anything or is
14 that how you found it?

15 A That's how it was when I took the picture.

16 Q This is State's Exhibit 28. Is that how the bed
17 was when you found it?

18 A I believe so. I'm not 100 percent sure. I'm
19 pretty sure.

20 Q And when you saw the bed when you went upstairs,
21 what was the condition of the bed?

22 A What do you mean?

23 Q Did it have anything on it? Any evidentiary
24 evidence on it?

25 A I'm not sure.

Steven Kuck - Direct Examination by Ms. Cornwell

1 Q Were there any bodily fluids, any blood, any
2 other --

3 A Oh, yeah --

4 MR. GRANT: He already answered, I'm not sure.

5 BY MS. CORNWELL:

6 Q Was there anything on the bed?

7 A Yes.

8 Q What was on the bed?

9 A There was a bloodstain on the bed.

10 Q And is that indicated in this photograph?

11 A Yes, ma'am.

12 Q Was the blood on both the sheets and the comforter?

13 A I noticed it on the comforter. I'm not sure about
14 the sheets.

15 Q And what about the ceiling and the fan? Did you
16 notice anything on the ceiling or the fan?

17 A There was some blood spatter on the top of the
18 ceiling.

19 Q And is that indicated in State's 30 through 33?

20 A (Looking.) Yes, ma'am.

21 Q So, Officer Kuck, basically what you're saying is
22 when you came in the room, there was blood everywhere?

23 A Yes, ma'am.

24 Q And in looking at State's Exhibit 34, is that how
25 you found the victim?

Steven Kuck - Direct Examination by Ms. Cornwell

1 A Yes. He wasn't facing the dresser.

2 Q Okay. And was he clothed or unclothed --

3 A He was completely nude.

4 Q Okay.

5 MR. GRANT: What exhibit is that, Madam Prosecutor?

6 MS. CORNWELL: 34.

7 BY MS. CORNWELL:

8 Q And when you found him in the scene, were there any
9 physical injuries on his body? Any cuts, scratches,
10 defensive wounds of any type?

11 A Not that I could tell.

12 Q And looking at State's 35, is that once he was
13 rolled over?

14 A Yes, we did that. That's -- when EMS arrived, they
15 rolled him over to try to perform CPR.

16 Q And there's obviously blood here, but were there
17 any physical injuries that you could see on him other than
18 the stab wound in this photograph?

19 A Only one I noticed was the stab wound to the chest.

20 Q And now, in looking at State's 36 and 37, what are
21 these photographs of?

22 A It's photographs of the victim's arm.

23 Q Okay. And in looking at those, are there any
24 scratch marks, cuts, or lacerations or anything? Any
25 defensive wounds on his arms?

Steven Kuck - Direct Examination by Ms. Cornwell

1 A Not that I can tell, no.

2 Q While you were upstairs, were you able to locate
3 the murder weapon?

4 A Yes, ma'am.

5 Q And where were you able to locate that?

6 A It was in a corner behind -- I believe it was a
7 diaper box, a box of diapers.

8 Q And in looking at State's 27, would that show --

9 A Yes, that's the corner. It's behind this box right
10 here.

11 Q And what type of weapon was it?

12 A It appeared to be a steak knife or something of
13 that sort.

14 Q Okay. I want to show you State's 38.

15 A Yes, ma'am, that's the one.

16 Q After you photographed the upstairs area and the
17 victim, did you also have occasion to photograph the
18 defendant in this case?

19 A Yes, I did.

20 Q And in looking at State's 40, 41, 42, and 43, is
21 that how you -- how the victim appeared -- I'm sorry, how
22 the defendant appeared?

23 A (Looking.) Yeah, that's the condition she was in
24 when we were there.

25 Q Okay. And I'm going to show you 50 and 51. Are

Steven Kuck - Direct Examination by Ms. Cornwell

- 1 those how her hands appeared?
- 2 A Yes.
- 3 Q Were any of her nails broken?
- 4 A Not to my knowledge, no -- not to my -- no.
- 5 Q And the blood that's found on the defendant, did it
- 6 appear to be coming out of any injuries from her?
- 7 A It didn't appear to be, no, ma'am.
- 8 Q And I believe you said that when she -- when you
- 9 drove up on scene she was holding the baby?
- 10 A Yeah, she was holding the small -- I guess it would
- 11 be a toddler -- a small child.
- 12 Q How was she holding that child? Was it on her hip?
- 13 Was she holding it down?
- 14 A I'm not 100 percent sure on that.
- 15 Q All right. Did the child also have blood on him.
- 16 A Yes.
- 17 Q And when you took these photographs of the
- 18 defendant, were you able to see any physical injuries on
- 19 her whatsoever?
- 20 A I didn't see any, no.
- 21 Q Okay. And did you observe any bruising around her
- 22 neck? Any cut? Any redness? Or anything other than the
- 23 bloodstains that were on her?
- 24 A No, I don't recall seeing anything like that.
- 25 Q Okay. And Officer Kuck did you take photographs of

Steven Kuck - Direct Examination by Ms. Cornwell

1 the baby or was that another officer?

2 A I'm not sure if I took them of the baby or not.

3 Q Okay. Do you recall seeing the baby?

4 A I remember seeing the child. I don't --

5 Q Okay. And looking at the State's photographs 52
6 through 55. Is that how the child appeared when you
7 arrived on scene?

8 A (Looking.) Yes.

9 Q And, Officer Kuck, after you took the photographs,
10 what did you do?

11 A After I took the photographs?

12 Q Yes.

13 A We -- I went outside and called for the on-call
14 investigations and crime scene unit.

15 Q Okay. And did they arrive on scene?

16 A Yes, ma'am.

17 Q And once they arrived on scene, what did you do?

18 A I left the scene.

19 Q Okay. And after you left the scene that night, did
20 you have any further involvement in this case?

21 A No, ma'am.

22 Q Thank you. If you would please answer any
23 questions the defense counsel may have for you.

24 THE COURT: Thank you, Solicitor.

25 Mr. Grant.

Steven Kuck - Cross-Examination by Mr. Grant

1 MR. GRANT: Yes, Your Honor.

2 CROSS-EXAMINATION

3 BY MR. GRANT:

4 Q Officer Kuck, I now have several questions about
5 pretty much the same photographs, sir.

6 Let me ask you about State's Exhibits 46 and 45,
7 first and foremost. Take a look at those for me, please.

8 A (Looking.)

9 Q Do you see the blood around Courtney's neck in
10 those exhibits?

11 A Yes, sir.

12 Q And are you the one, sir, who took those pictures?

13 A Yes, sir.

14 Q All right. And take a look if you will at
15 Defendant's Exhibit Number 11 and Defendant's Exhibit
16 Number 10. Did you take those pictures as well?

17 A I believe so, yes, sir.

18 Q Okay. And what does Defendant's Exhibit Number 10
19 and 11 show?

20 A Blood on his hands.

21 Q It shows blood on the hands of Samuel?

22 A Yes, sir.

23 Q Okay. Let me have those, please, sir. And if you
24 look at the blood around the neck of Courtney that I just
25 showed you and the blood on the hands of Samuel, both hands

Steven Kuck - Cross-Examination by Mr. Grant

1 that I just showed you and I'm showing the jury, is it
2 reasonably consistent that the blood around her neck could
3 have come from his hands?

4 A It's possible.

5 Q Okay. All right. And with regards to evidence of
6 struggle and all of that and whether or not the kitchen
7 table was turned over, did Courtney ever tell anybody that
8 she and Sam were fighting in the kitchen, as far as you
9 know?

10 A I never spoke with Ms. Price.

11 Q As far as your involvement in this investigation
12 have you come up with any information that Courtney and Sam
13 were struggling or fighting in the kitchen?

14 A Not while I was out there.

15 Q And as a result of your investigation, have you
16 come up with any information through your discussions about
17 this case with your colleagues and others that Sam and
18 Courtney was fighting in the dining room?

19 A No, sir.

20 Q Sam, according to Courtney, would you say only
21 choked her in the living room on the couch downstairs; is
22 that correct?

23 MS. CORNWELL: I'm going to object. He's already
24 said that he doesn't know any statements.

25 THE WITNESS: I don't know any of it. I don't

Steven Kuck - Cross-Examination by Mr. Grant

1 know.

2 BY MR. GRANT:

3 Q You don't know?

4 A I don't know.

5 Q Okay. Now, you saw the pictures that we talked
6 about Sam's hands. Did you collect any evidence or that
7 was left up to the crime scene people?

8 A That was left up to the crime scene unit.

9 Q And this is a picture of -- is that his right hand?

10 A Yes, sir, I believe it is.

11 Q When you took that picture, did you notice anything
12 in his right hand that might be of evidentiary value?

13 A No, sir.

14 Q You didn't notice anything?

15 A I don't notice anything, no.

16 Q Are you aware of anything being collected out of
17 his right hand that might be of evidentiary value?

18 A I'm not aware of anything, no, sir.

19 Q Not aware. Okay. All right. Right hand, okay.
20 Is that right?

21 A (Witness nodded head.)

22 Q Okay. And with regards to the dresser upstairs,
23 again, you've not talked to Courtney so you don't know
24 whether she said or said not -- or make any statement or
25 not that Sam slammed her into a dresser; is that correct?

Steven Kuck - Cross-Examination by Mr. Grant

1 A That's correct.

2 Q All right. If somebody told you that she did, that
3 would be the first time you heard that; isn't that true?

4 A Sir?

5 Q If somebody told you that she said Sam slammed her
6 into a dresser that would be the first time you heard that
7 in this case, wouldn't it?

8 A Yes, sir.

9 Q Now, I want to compare, if you will, a picture that
10 you took of C.D.S. The little baby boy's hands, take a
11 look at that. You see C.D.S.'s hands?

12 A Yes, sir.

13 Q And you see the pictures I've shown you of Sam's
14 hand?

15 A Yes, sir.

16 Q Okay. And the other hand; is that right?

17 A Yes, sir.

18 Q Would you agree with me that there's certainly a
19 much more definable and noticeable amount of blood on Sam's
20 hands than there are on C.D.S.'s

21 A According to the photographs, yes, sir.

22 Q Yes, sir. And you took the photographs?

23 A Yes.

24 Q Okay. And the camera took what it saw did it not?

25 A Yes, sir, it did.

Steven Kuck - Cross-Examination by Mr. Grant

1 Q Okay. All right. In fact, if you look at the
2 photograph of C.D.S.'s hand; is it fair to say that the
3 left hand of C.D.S. which is revealed really only has a
4 little blood in the palm area right here where the thumb
5 where I'm touching, compared to the rest of the hand?

6 A Yes, sir.

7 Q Okay. And you really can't see any blood on the
8 other hand because it's turned a way that we can't see it,
9 correct?

10 A Correct.

11 Q Okay. But that's not true with photographs of
12 Sam's hands; am I correct? You can clearly see the blood
13 on his hands?

14 A Yes, sir.

15 Q All right. And when you're looking at Courtney's
16 hair in this photograph, Number 48, what color or tone does
17 it appear that her hair is in that photograph?

18 A Well, this is -- in this picture it looks a little
19 reddish to me.

20 Q Reddish?

21 A Yeah, because -- in this picture here.

22 Q When you saw her that night, did it look blonde
23 too?

24 A Yes, sir.

25 Q Okay. All right. So the picture might have got it

Steven Kuck - Cross-Examination by Mr. Grant

1 a little red, but no doubt it was blonde?

2 A Yeah, light blonde little braids, I guess you would
3 call it.

4 Q All right, sir. The prosecutor asked you whether
5 or not there was any indication of any other blood from any
6 other source other than Courtney. In fact, that was within
7 of her questions. You remember that? I mean other than
8 Sam; is that correct? As far as all the blood we saw, you
9 see blood all over the place. As far as you know the blood
10 was from Sam and only Sam; is that right?

11 A That's correct.

12 Q Now, with all that blood that's on the carpet that
13 you saw, is there any reason -- and maybe you're not the
14 crime scene guy, but as far as you know, I'll ask you this,
15 was there any portion of it cut out to take back to the DNA
16 lab to examine the scene, whose blood it may be here, whose
17 it may be there, whose it may be there? Anybody do any
18 swabs to check?

19 A Not while I was there, no, sir.

20 Q So as far as you know, everybody just assumed all
21 the blood was from Sam; is that right?

22 A I mean -- I mean like I said, once they got there,
23 I left. I don't know what they did after I left.

24 Q And as far as injuries to Sam's body that you
25 observed, is it true that the only injury that you observed

Steven Kuck - Cross-Examination by Mr. Grant

1 was this one puncture wound to the chest.

2 A That's the only one I was alerted to, yes.

3 Q And Sam was nude; is that correct?

4 A Yes, sir.

5 Q So therefore, there were no clothes on his body to
6 soak up the blood as he bled; is that correct?

7 A That would be correct.

8 Q And as he bled and as he -- when you got there, was
9 he still moving? When you got there?

10 A He was kind of rocking -- he wasn't like flailing
11 around, but...

12 Q So if he was kind of rocking, can we assume his
13 heart is still pumping?

14 A You could say so. I'm not a medical professional,
15 but, yes.

16 Q Okay. So his heart is still pumping. He's got a
17 puncture wound to the chest and he's bleeding and he's
18 nude; is that right?

19 A Yes.

20 Q Okay. Now in photograph number -- State's Exhibit
21 Number 13 -- would you please take a look at State's
22 Exhibit Number 13 for me, please. What does that
23 photograph show?

24 A It's a picture of the comforter on the bed.

25 Q And is that comforter near the foot of the bed?

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1 A Yes, that's near the foot of the bed, yes, sir.

2 Q And take a look at this picture, that would be
3 State's Exhibit Number 14. Is that also a picture of the
4 comforter?

5 A Yes.

6 Q That's a closer up picture of the comforter than in
7 13?

8 A Yes, 14 is a closer up.

9 Q And based upon the pictures that you took of the
10 area is that where most of the blood was as far as the bed
11 area, near the foot of the bed?

12 A From what I saw, yes, sir.

13 Q Okay. And again, from you what you and what the
14 pictures show that you took?

15 A Yes, yes.

16 Q All right. So as far as the blood and the location
17 of the bleeding and the activity of it all -- before I go
18 to that question, near the foot of the bed, there's also,
19 Number 15. Is that also near the foot of the bed?

20 A Yes. That's the -- I guess that would be the foot
21 board.

22 Q Okay. And there's a blind to the right of where
23 that comforter is; is that correct?

24 A That's correct.

25 Q All right. So we have Number 13 showing heavy

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1 blood, the most blood you said in the room. And Number 15
2 showing the comforter, all near the foot of the bed; is
3 that correct?

4 A Yes.

5 Q All right. And if that's where most of the blood
6 is, is it logical to think that's where most of the
7 activity occurred based upon what you know in obviously
8 investigating this case?

9 A It could be that, yes, sir.

10 Q Okay. And as far as -- you've been to the police
11 academy; have you not?

12 A Yes, sir.

13 Q I know you're not a bloodstain --

14 A Expert.

15 Q Expert. Okay. But you've had some training on
16 that; am I right?

17 A A little bit, yes, sir.

18 Q Okay. You know what transfer blood is, like if I'm
19 bloody and I hug you, I'm going to put blood on you?

20 A Yeah, from one source to another.

21 Q From one source to another?

22 A Yes, sir.

23 Q And the blood that's on C.D.S. the baby boy, did
24 that essentially come from his mother holding him in her
25 arms with these bloody clothes on?

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1 A I guess it's possible.

2 Q Okay. All right. And she had a lot of blood on
3 her; is that correct?

4 A Yes, sir, she did.

5 Q All right, sir. Now, let's see if I can get these
6 pictures -- and, in fact, as far as activity going on near
7 the foot of the bed, you see State's Exhibit Number 22?

8 A Yes, sir.

9 Q And you see the clothing in State's Exhibit Number
10 22?

11 A Yes, sir.

12 Q That's near the foot of the bed?

13 A Yes, sir.

14 Q All right. And if the clothing are there, can we
15 assume that somebody took their clothes off near the foot
16 of the bed?

17 A Yes, sir.

18 Q Okay. And again, I show you this -- I guess this
19 is a baby chair where the child sits to eat. Is that what
20 I see in State's Exhibit Number 4?

21 A That's correct.

22 Q And as far as you know -- and that's in this
23 hallway?

24 A Yes, sir, it appears to be the hallway.

25 Q And as far as you know through your involvement in

Steven Kuck - Cross-Examination by Mr. Grant

1 this case, has Courtney Price, as far as you know ever made
2 any statement that Sam was fighting her in the hallway?

3 A No.

4 Q And therefore, there would be no opportunity to
5 knock this over; is that correct?

6 A I guess not.

7 Q If someone calls -- someone calls, just
8 logically -- if someone calls 9-1-1 and trying to get EMS
9 out to help, in your mind are they trying to save
10 somebody's life?

11 A Usually that's the case, yes, sir.

12 Q Okay. And if you -- let's just hypothetically --
13 shot somebody and wanted them to die, you just have to just
14 let them die; is that correct?

15 A You don't --

16 Q You don't have to call 9-1-1?

17 A You don't have to, but...

18 Q Okay. I'm just about finished with you, Officer.

19 Yes, one more thing. That would be State's Exhibit 34.

20 Let me find State's Exhibit Number 34?

21 MR. GRANT: This is a lot of exhibits, Judge,
22 please bear with me.

23 THE COURT: Yes, sir.

24 MR. GRANT: Thank you, Judge.

25 (There was a pause in the proceedings.)

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1 BY MR. GRANT:

2 Q Here we go. State's Exhibit Number 34. All right,
3 sir. Take a look at State's Exhibit Number 34. Is that
4 the body of Samuel Simmons lying up against the dresser.

5 A Yes, it is.

6 Q Study that picture a little more carefully for me,
7 please. I'd like for you to take a look at the bottom of
8 Sam's feet in that photograph. Tell the jury what you see
9 on the bottom of Sam's feet in that photograph?

10 A It appears to be blood on the bottom of his feet.

11 Q On the bottom of his feet. And he's naked; is that
12 correct?

13 A Yes, sir.

14 Q All right. Can a naked man get blood on the bottom
15 of his feet without standing up?

16 A I think it's kind of impossible.

17 Q Kind of impossible?

18 A I would think so.

19 Q Okay. Thank you, sir.

20 MR. GRANT: No further questions of this witness.

21 THE COURT: Redirect, Solicitor?

22 MS. CORNWELL: Brief follow up.

23 REDIRECT EXAMINATION

24 BY MS. CORNWELL:

25 Q Officer Kuck, you were kind of asked to speculate

1 on the comforter being at the foot of the bed and if, you
2 know, that would indicate that things happened at the foot
3 of the bed. When people sleep, where do they usually have
4 the covers?

5 A I mean people sleep all kind of ways, but most
6 people have it up towards the top, over the top of the
7 body.

8 Q Okay. And then once they get out of bed, what
9 happens to the covers?

10 A They throw them off.

11 Q Or they can get pushed down to the foot of the bed?

12 A Yes.

13 Q Okay. And you would agree that there was a large
14 amount of blood on the covers?

15 A Oh, yes, ma'am.

16 Q Okay.

17 MS. CORNWELL: Actually, Your Honor, that's going
18 to be all the questions that I have.

19 THE COURT: Thank you, Solicitor.

20 Recross examination, Mr. Grant?

21 MR. GRANT: None, Your Honor.

22 THE COURT: Thank you. Thank you very much.

23 THE WITNESS: Thank you, sir.

24 THE COURT: Ladies and gentlemen of the jury panel,
25 I think now would be a good time to take our evening

1 recess. I must remind you that during this evening recess,
2 you may not discuss this case with others. That includes
3 your fellow jurors, family, friends or anyone else. Do not
4 read, watch, or listen to any news reports about the case.
5 You may not use your computer, cellular phone, or any other
6 electronic device with communication capabilities, or any
7 other method to obtain or disclose information about the
8 case when you're not in the courtroom.

9 Information which is prohibited includes, but it is
10 not limited to the following: Information about a witness,
11 an attorney, a party or a court officer; news accounts
12 about the case, past or present; information collected
13 through juror research on any topics raised or testimony
14 offered by any witness; or information collected through
15 juror research on any other topic that the juror might
16 think would be helpful in deciding the case. Remember, you
17 decide the case based on the evidence and the testimony of
18 the witnesses testifying under oath before you in this
19 courtroom and any physical items of evidence that may be
20 presented.

21 With that being said, you're now excused for the
22 evening. I'd ask you to please be back promptly at 9:30 in
23 the morning. Promptly at 9:30 in the morning.

24 Any questions?

25 (No response.)

1 THE COURT: Thank you very much, I hope y'all have
2 a pleasant evening.

3 (The jury left the courtroom at 6:08 p.m.)

4 THE COURT: All right. Anything further from the
5 State, Solicitor?

6 MS. CORNWELL: Your Honor, there's only one other
7 matter that the State would like to bring up. Because now
8 immunity has been denied, a jury has been sworn, testimony
9 has been given, the State feels that the obligations of
10 bond have been met and we would request that the defendant
11 be taken into custody until the disposition of the case.

12 THE COURT: Do you have a copy of her bond? Do you
13 have it Madam Clerk?

14 MS. CORNWELL: I've got it downstairs, but if you
15 have it...

16 THE COURT: Thank you. I have it, Solicitor.

17 MS. CORNWELL: Thank you.

18 THE COURT: All right. Anything further,
19 Solicitor?

20 MS. CORNWELL: Nothing from the State, Your Honor.

21 THE COURT: Mr. Grant.

22 MR. GRANT: Yes, sir. Your Honor, with your
23 permission --

24 Courtney, just --

25 I want her to show you her monitoring bracelet.

1 Just stand out there, Courtney, so the Court can
2 see that you are indeed on electronic monitoring.

3 She has her monitor on her ankle even as we speak,
4 Judge. And of course, based upon the preliminary testimony
5 that you have already heard, we're talking about somebody
6 who has a reputation for nonviolence other than this one
7 allegation. She lives with her mother, she's on electronic
8 monitoring. She has no previous criminal record, criminal
9 activity; has never been arrested for anything at all. She
10 is an insulin dependent diabetic. Her family has been
11 checking on her constantly throughout this trial and are
12 obviously concerned about her health and her eating.

13 And I can tell, you see how tearful she's been.
14 She's lost her appetite and she's under a whole lot of
15 stress and they, naturally would like for her to come home,
16 just like she's been doing, where they can monitor her
17 health. She can have an insulin pump. They can check her
18 insulin throughout the night and make sure that she's safe
19 and make sure that she gets the medication that she needs.
20 She's not going anywhere. She has no desire to run. She
21 intends to stay to fight this case and to see it to the
22 end.

23 So I would ask the Court to please consider that.
24 I mean, not every case does this solicitor's office move
25 for bond to be revoked in a murder trial. Not every case,