

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

ORIGINAL

Appeal from Laurens County

Donald B. Hocker, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

ARTHUR JASON BOWERS,

APPELLANT

APPELLATE CASE NO. 2018-000868

RECORD ON APPEAL

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State of South Carolina
County of Laurens

Court of General Sessions

State of South Carolina	)	
	)	
	)	Transcript of Record
v.	)	2017-GS-30-00520
	)	2017-GS-30-01570
Arthur Jason Bowers	)	2018-GS-30-00612
	)	
<u>Defendant.</u>	)	

April 23-26, 2018
Laurens, South Carolina

B E F O R E:

The Honorable Donald Hocker, Judge; and a jury.

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

O. Warren Mowry Jr., Deputy Solicitor
Attorney for the State

Jay Anderson, Esquire
Attorney for the Defendant

Lisa Scott
Circuit Court Reporter

1 to you, and I have instructed you on the law
2 applicable to this case, and then I tell you to
3 begin your deliberations. But until that time
4 happens, it's very important that you keep an open
5 mind.

6 All right. State have any objection to the
7 Court's preliminary charge?

8 MR. MOWRY: No, sir, Your Honor.

9 THE COURT: And the defense?

10 MR. ANDERSON: None from the defense.

11 THE COURT: All right. Thank you very much.

12 All right. The lawyers will make their opening
13 arguments to you. It's not evidence. It's just
14 their statement of what they believe this case is
15 about and what they believe the evidence will show
16 or not show. The State goes first.

17 Solicitor.

18 MR. MOWRY: Thank you very much, Your Honor.

19 Madam forelady, ladies and gentlemen, let me
20 introduce my -- reintroduce myself. My name is
21 Warren Mowry. I'm the Deputy Solicitor for Laurens
22 County.

23 As I said earlier, David Stumbo is your elected
24 Circuit Solicitor. He prosecutes all the cases in
25 Abbeville, Greenwood, Newberry, and in Laurens. And

1 he has deputies that are assistants like Mr. Todd
2 that help him out with that -- with that caseload.

3 I am the Deputy Solicitor over Laurens County,
4 and I represent the State. Every single case, every
5 criminal case that's brought in the state of South
6 Carolina, is brought in the name of the people, of
7 the State. And that's why every criminal case is
8 entitled the *State v. whomever*. In this case, it is
9 the *State v. Arthur Jason Bowers*.

10 Now, ladies and gentlemen, you heard earlier
11 today that this case stems from an event on
12 September 26, 2003, 14-and-a-half years ago. And
13 you'll be told why this case is as old as it is.
14 You'll hear evidence of that.

15 The passage of time, ladies and gentlemen, is
16 never kind to the prosecution of the case, evidence
17 might be lost. Witnesses might move away or their
18 memories might dim. Witnesses may die. And it has
19 not been kind to this case.

20 But evidence still remains, ladies and
21 gentlemen, that will convince you beyond a
22 reasonable doubt that Arthur Jason Bowers on
23 September 26, 2003, was at the VFW hall. And
24 because of his actions and other people perhaps that
25 were with him, Mr. James Bolt who ran the VFW hall

1 was beaten to death and left in a pool of blood on
2 the floor of the VFW.

3 Now, his Honor is correct, the State does have
4 the burden of proving this case. And we have to do
5 it beyond a reasonable doubt.

6 Now, what is a reasonable doubt? My mother was
7 an English teacher. She would probably not be
8 pleased that I use the term to define the term, but
9 a reasonable doubt is simply a doubt for which there
10 can be given a reason. It's not some whimsical
11 doubt. It's not some fanciful doubt. If a case is
12 proved to you beyond a reasonable doubt, it would
13 leave you firmly convinced about the truth of that
14 proposition.

15 I've never been to Russia. I studied European
16 history. I know it's on all the maps. We have all
17 kinds of geopolitical turmoil with Russia today, but
18 I've never been there. I don't know for 100 percent
19 certainty that it exists, but any doubt that I have
20 about that is whimsical. It's fanciful. It's
21 fairly ridiculous. I am firmly convinced Russia
22 exists, and I submit to you, ladies and gentlemen,
23 that you're going to be firmly convinced of the
24 guilt of Author Jason Bowers when this case
25 concludes.

1 Now, his Honor, read to you the indictments
2 against Mr. Bowers. Let's talk about that a little
3 bit. Mr. Bowers is charged with murder. What is
4 the elements of murder? It's an unlawful killing.
5 It's an unlawful killing.

6 Ladies and gentlemen, there are some killings
7 of one human being by another that the law permits.
8 There are some killings that are called "justified."
9 Self-defense. If somebody comes shrieking at you
10 brandishing a knife saying, "I'm going to kill you,
11 I'm going to kill you," you are permitted to defend
12 yourself, even to use deadly force to oppose deadly
13 force. So self-defense is a form of justification.

14 There are some killings of one human being by
15 another that are simply tragic accidents. If
16 someone is driving on a February night, very, very
17 cold, and you hit a patch of ice that you just
18 didn't know were there -- was there. You were
19 obeying the speed laws. You were obeying all of the
20 traffic laws, but you hit that patch of ice and lose
21 control of your car and perhaps hit a pedestrian.

22 It's a terrible, terrible event, but the driver
23 of that car would not be charged with a criminal
24 offense. The driver of that car was excused. That
25 is an excusable homicide when it's just purely

1 accidental.

2 But then you have killings of one human being
3 by another that are neither justified nor excused.
4 Those are criminal homicides, and that's what we're
5 dealing with here.

6 So an unlawful killing, a criminal homicide of
7 a human being with malice. What is malice? Malice
8 is meanness. It is wickedness. Courts have defined
9 it as a heart bent fatally on mischief. That sounds
10 almost trite under these circumstances, but it is
11 acting with evil intent. That's what malice is.

12 What the State will prove, ladies and
13 gentlemen, is that Mr. Bolt, you will find out that
14 he was a 76-year old man, was bludgeoned to death.
15 He was beaten with a blunt object. Police believe
16 it to be a hammer. Beaten to death. There was no
17 justification. There was no excuse. It was murder
18 with malice aforethought.

19 Now, a lot of times when you think of
20 premeditated murder, you think of something that's
21 been plotted out well in advance. Planned out to a
22 great degree. That's not required with murder. You
23 don't need to show that.

24 You do need to show that malice existed before
25 the fatal blow was struck. You do need to show

1 that, but it doesn't have to be for any appreciable
2 length of time. If it's that much, that's enough.

3 There's express or implied. We can't prove
4 expressed malice here, ladies and gentlemen, because
5 expressed malice is somebody saying, "I'm going to
6 kill you," an expression of malice. We can't prove
7 that.

8 Mr. Bolt is not here to tell you what happened
9 to him, to tell you what was said, but we can infer
10 malice. We can imply it from the circumstances.
11 Beating a 76-year old man to death with a hammer,
12 there can't help but be malice in someone's heart.

13 That's murder, ladies and gentlemen. We
14 believe that this murder was committed during the
15 course of an armed robbery. There's several pieces
16 of evidence that you will find during the course of
17 this trial that will lead you to that belief, I
18 submit.

19 There's a cash register in the VFW hall. There
20 was money in the cash register, but not when police
21 got there after a frantic call from the person that
22 found Mr. Bolt's bludgeoned body.

23 The cash register was empty. Coins were
24 scattered on the ground. The tape -- the register
25 tape was drawn from the place where the cash

1 register had been set several feet away to where it
2 was found empty.

3 Mr. Bolt was found curled up in the fetal
4 position on his right side. His pockets pulled out.
5 Change on the floor around him. I will submit to
6 you, ladies and gentlemen, that there won't be any
7 doubt in your mind, any reasonable doubt that there
8 was a robbery.

9 What the State has to prove is that there was a
10 carrying away of the personal property of another
11 against that person's will with the intent to steal
12 it, and that person was armed with a deadly weapon.

13 I don't believe you'll have any reasonable
14 doubt in your mind that an armed robbery took place.
15 I don't believe you'll have any reasonable doubt
16 that Arthur Jason Bowers was the one who committed
17 it.

18 Now, ladies and gentlemen, Mr. Bowers is also
19 charged with conspiracy. Just like it takes two to
20 tango, you've got to have at least two involved with
21 a conspiracy. You will hear a statement from
22 Mr. Bowers that he gave to police officers in which
23 he lists the people who were involved with him in
24 this endeavor.

25 You will hear his statement that their purpose

1 in going to the VFW was to rob it. You will find
2 that they had a meeting of the minds before they
3 went down there and, in fact, carried out the crime.

4 Now, ladies and gentlemen, we don't know if
5 A.J. Bowers was the one that swung the hammer, and I
6 submit to you it doesn't matter. He went there for
7 the purpose of robbing Mr. Bolt, of robbing the VFW.

8 There is concept called "felony murder" in
9 South Carolina. If two or more people combine
10 together to commit an unlawful act, and one of those
11 people during the commission of that act ends up
12 causing a homicide, then both of them or all of them
13 are responsible.

14 Let me give you an example. Let's say there's
15 a bank robbery. You got three guys. One goes
16 there, sticks up the clerks, the tellers. One guy
17 is outside. He's the getaway driver. Never even
18 goes inside. The other guy goes behind the counter
19 to all the teller windows and starts scooping the
20 cash into the bag to make their getaway. And the
21 fellow with the gun squeezes off a round and kills
22 somebody there.

23 The one shooter obviously is guilty of murder.
24 Legally, ladies and gentlemen, so are the other two
25 robbers, the getaway driver and the fellow that was

1 scooping the money. And here's why, because
2 criminals generally are not going to operate
3 separately. But when they get together like this,
4 when they get together like a pact, bad things
5 happen. And that's what happened here.

6 Was it reasonable and foreseeable when someone
7 is armed with a deadly weapon that it's going to be
8 used during the commission of an armed robbery?
9 Yes. And that's what happened here. Everybody
10 participating in that unlawful act are guilty just
11 as if they had committed the homicide themselves.
12 We will prove that to you, ladies and gentlemen.

13 There is also something that his Honor will
14 instruct you called "the hand of one is the hand of
15 all." Again, when two or more persons are involved
16 in the commission of a crime, one actually commits
17 the act. The others are present aiding, abetting,
18 assisting in the commission of the crime, all of
19 them are as guilty as the actual perpetrator.

20 You may have seen the movie *The Accused* with
21 Jodi Foster. She's a rape victim. She was
22 brutalized in the back of a bar. Several people
23 actually assaulted her, but there were others that
24 were standing around cheering them on. They are as
25 guilty as the people who actually raped her. And

1 the reason being, the likelihood of their carrying
2 out the acts by themselves is very slim, but when
3 they gather together in a pack, bad things happen.

4 Now, ladies and gentlemen, there are three
5 things I'd like to ask you to do during the course
6 of this trial, and they're all equally important.

7 The first one is to listen very carefully to
8 the testimony that comes off this witness stand,
9 because it is that testimony and whatever exhibits
10 might be admitted into evidence during the course of
11 the trial. Only from that that you are to make your
12 decision to render your verdict. You never know
13 when that important piece is going to come.
14 Something that might finally drop that last piece of
15 the puzzle into place, so listen carefully to
16 everything.

17 I ask you to continue to listen carefully at
18 the close of the trial, when his Honor is going to
19 instruct you on the law of this case. Now, it may
20 not be the law as you thought it was. May not even
21 be the law as you think it ought to be, but it's the
22 law that you must accept that you take back with you
23 to the jury room and the law that you consider in
24 determining this defendant's guilt.

25 Then I ask you to do one last thing. Y'all

1 went through a process this morning to be selected
2 for this jury. All of y'all come from different
3 parts of the county, different jobs, different
4 interests, but each and every one of y'all has at
5 least one thing in common and that's common sense.
6 We ask that you use your common sense when you're
7 considering the testimony and the evidence.

8 Use your common sense when you're applying the
9 law that his Honor gives you to the facts as you
10 determine them to be. You are the fact finders in
11 this case, so it's up to you to make that
12 determination, but use your common sense to do that.

13 And if you do those three things, ladies and
14 gentlemen, you're going come back with a just, a
15 fair, and a true verdict. That's all we ask. Thank
16 y'all very much.

17 THE COURT: Thank you, Solicitor.
18 Mr. Anderson, are you ready, sir?

19 MR. ANDERSON: We are, Your Honor.

20 The murder and the death of Mr. Henry Bolt is
21 terrible. From everything that I've learned about
22 Mr. Bolt in representing my client, he was an
23 endearing old -- older man. He was amazing.
24 Well-loved. And I'll tell you this, no one other
25 than my client, Jason Bowers, wants to have the

1 murderer caught, tried, and convicted of that
2 murder.

3 As I told y'all this morning, my name is Jay
4 Anderson. I'm an attorney in Georgetown County. I
5 live in Murrells Inlet, South Carolina.

6 My friend and neighbor, Mr. Arthur Jason
7 Bowers, lives in Murrells Inlet, as well. He lives
8 with an extended family in Georgetown County. His
9 father is here today. We have other family members
10 that will be here later in the week. It is a
11 five-hour drive, but they will be here later. He
12 lives down there with his aunt and uncle. He has
13 cousins. His grandmother lived there up until she
14 passed away two years ago.

15 The court rules allow for me to sit there with
16 Mr. Bowers while the State puts on their case. I
17 don't have to raise my hand. I don't have to say or
18 do anything while they try to prove to you all
19 Mr. Bowers' guilt.

20 I'm no -- I'm under no obligation, but I can't
21 just sit there and listen to that without addressing
22 y'all at this early stage because like I said, my
23 client who's been trying for over half of his life,
24 had this investigation go the right way, he wants to
25 tell you, they got the wrong man for this.

1 In September of 2003, my client was 17 years
2 old. He was a high school dropout. He was living
3 in Georgetown. At the time he got up with some
4 people that traveled and did a carnival show.

5 He came to Laurens County. He was an outsider
6 who was arrested for murder at -- at the age of 17.
7 He was in jail for 23 months, until he was able to
8 be released on bond wearing an ankle bracelet.

9 Almost two full years he was in jail on this charge.
10 which didn't come to trial back in 2003 or -4 or -5.

11 He wore an ankle bracelet for six more months
12 until the State said, somebody in Mr. Mowry's
13 office, the Solicitor said, "I guess we don't have
14 enough proof to take this to trial. We'll drop the
15 charges."

16 The charges were dropped in 2006. Think about
17 that. The statement Mr. Mowry explained to you --
18 told you and said what evidence he was going to have
19 in 2003, in 2006 they said, "We don't think that's
20 enough proof to go to trial to put in front of a
21 jury. We're going to drop the charges."

22 In 2015, almost ten full years later,
23 Mr. Bowers living at home with his family, with his
24 father, his aunt, uncle, and cousins, working
25 publicly. Working himself out. Not hiding in

1 Georgetown County. He was arrested again for this
2 murder because there was still no resolution up here
3 in Laurens County, again for this murder of
4 Mr. Bolt.

5 A.J. was working at a cafe in Murrells Inlet
6 right down the street from my office, and I take
7 this very personally because he was ---

8 MR. MOWRY: Your Honor, I have to object to
9 that part, the part about taking it personally.

10 THE COURT: Right. I agree.

11 MR. ANDERSON: Thank you.

12 THE COURT: Don't interject any personal
13 feelings into this.

14 MR. ANDERSON: Ladies and gentlemen, the State
15 is going to reference -- there are statements. They
16 are going to reference what we feel are coerced
17 statements of my client. These statements were
18 taken again 15 years ago in 2003, yet they didn't
19 bring him to trial in 2003, or -4, or -5, or even
20 '06 until they had actually dropped the charges.

21 Why did the State not bring this to trial
22 earlier? Because they know the statements are
23 internally inconsistent. And when you hear them,
24 you will understand that.

25 My client at the time in 2003 was 17 years old.

1 He was alone. He was away from his family and
2 friends. He was without any kind of representation
3 during the interrogation which led to these
4 statements. He did not fully understand what was
5 being told to him, what he was even looking at, and
6 what they were telling him.

7 The statements that they will present to you do
8 not fit the other evidence, if you will, in the
9 case, hard evidence. Therefore, we believe the
10 statements then be excluded and allow y'all to look
11 at the real evidence. They contradict -- actually
12 these statements actually contradict other facts
13 that will come in, which you will see that.

14 To put it mildly, the State is looking at the
15 wrong man, Mr. Bowers. I don't like to call people
16 liars, but there are people that lie. We know that.
17 Some people are good at lying; some people are bad
18 at lying. Some people might be considered
19 professional liars. You are going to hear people
20 from this stand, I submit, tell lies.

21 They might justify it as, well, it's half true
22 so it's not really a lie. It's not my intention to
23 call them out as lying, a liar. It may just be
24 their recollection. Again, we're talking 15 years
25 ago and maybe they forgot.

1 There may be attacks on certain witness's
2 motivation to lie. Why would they lie? You will be
3 able to recognize when you hear the testimony from
4 the witness, the liars from the truth, I submit to
5 you. Fourteen years have gone by. Again, people's
6 recollections, they slip, they miss.

7 Remember a few minutes ago I said that my
8 client wants to have the actual murderer found and
9 convicted in this matter. The State, Mr. Mowry's
10 office, law enforcement will tell you, they want --
11 that they want that done, as well.

12 But remember, they have mishandled -- when you
13 see the evidence, they've mishandled the
14 investigation initially in 2003. Almost 15 years
15 have gone by. They have not convicted anyone of the
16 murder. They are under a tremendous amount of
17 pressure. They're putting -- they are transferring
18 that pressure to y'all.

19 Mr. Mowry is under a lot of pressure. Law
20 enforcement is under pressure because they had this
21 open case in Laurens County for almost 15 years.
22 They are asking you to solve this mystery, this
23 murder mystery, so they are trying to transfer some
24 of the pressure to y'all so, "Maybe we should go
25 ahead and find somebody guilty of this murder."

1 I know based on our short time this morning and
2 I know that once you hear the witnesses and see the
3 evidence, that y'all will be able to watch and to
4 listen and to recognize the parts of the
5 investigation that are messed up. There will be
6 unasked and unanswered questions.

7 I'm sure that many, if not all of y'all have
8 watched TV. As I mentioned this morning, my wife is
9 my law partner. She's here with me today. She
10 loves watching -- she loves real crime stories and
11 mystery stories, that sort of thing, *CSI*, *Law and*
12 *Order*.

13 She becomes quite frustrated in this line
14 watching these types of shows because she can't
15 personally ask questions and get answers for things
16 that she feels should've been asked. So I believe
17 that y'all will feel some of that after this week,
18 you will feel some of that where y'all are sitting.
19 You may experience that to the extent that I can
20 help you fill in some of those gaps. My intent is
21 certainly to do that because we believe that
22 Mr. Mowry is not going to give you the full story
23 and that there will be gaps in the story. But as
24 y'all investigate and hear the testimony from the
25 witnesses and, again, and as y'all listen and

1 understand what the truth is, you will get it.

2 There have been over the course of the
3 investigation, over the course of the last 14, 15
4 years, I believe it's over 100 separate statements
5 taken in the investigation of this murder. Some of
6 those statements have been later taken back. "Oh, I
7 didn't mean that" or they've ben changed.

8 It's our position that the State has a
9 tremendous problem with proof. Mr. Mowry has
10 mentioned the scene where the murder took place.
11 The individual, again, a terrible brutal murder
12 which no one should go through such a thing.

13 There's no fingerprints of my client's at the
14 scene. There are no witnesses of my client at the
15 scene. DNA was taken by SLED at the scene of my
16 client. There's no DNA matches for all of the
17 opportunity.

18 Ladies and gentlemen, Mr. Mowry talked about
19 the blunt instrument. How it was -- see what the
20 blunt instrument is. Y'all will say, "Where's the
21 blunt instrument?" There simply is no proof.

22 You will be able to see, again, from the
23 testimony from the evidence that's presented, how
24 messed up the investigation has been over a matter
25 of years. And I believe that once y'all listen to

1 the testimony, that y'all will be able to make the
2 correct finding and find Mr. Arthur Jason Bowers not
3 guilty on these charges and allow him to go home to
4 Murrells Inlet. Thank y'all very much.

5 THE COURT: Thank you, Mr. Anderson.

6 All right. Ladies and gentlemen, we're going
7 to take about a ten-minute afternoon break, so if
8 you'll go back to the jury room. And, again, remind
9 you no discussion about this case. And we'll get
10 you back out shortly.

11 (At 3:35 p.m., jury left the courtroom.)

12 THE COURT: All right. We'll be in recess
13 about 10 minutes.

14 MR. MOWRY: Thank you, Your Honor.

15 (From 3:35 to 3:56 p.m., a recess was taken.)

16 MR. MOWRY: Your Honor, I have something to
17 bring up before we bring the jury back in.

18 I know there was a motion pretrial that we not
19 bring up Brenda Roberts or the trial that we had of
20 Brenda Roberts, but there were three things that
21 Mr. Anderson said during his opening statement that
22 I submit leaves us with that -- with not a great
23 deal of choice but to bring up Brenda Roberts.

24 He first of all said nobody's been tried in
25 15 years. Brenda Roberts has been tried and is

1 Solicitor, do you want to call your first
2 witness?

3 MR. TODD: Judge, the State calls Dwight Craft
4 to the stand.

5 THE COURT: Okay.

6 THE WITNESS: (Approached.)

7 THE CLERK: Do you solemnly swear or affirm
8 that the testimony you're about to give in this case
9 be the truth, the whole truth, and nothing but the
10 truth so help you God?

11 THE WITNESS: I do.

12 DWIGHT CRAFT,
13 having been produced and first duly sworn as a
14 witness on behalf of the State, testified as
15 follows:

16 DIRECT EXAMINATION

17 BY MR. TODD:

18 Q. Mr. Craft, where are you employed?

19 A. Currently, I'm employed at Woodruff Chevrolet
20 in Woodruff, South Carolina.

21 Q. Okay. And give me some of your background.
22 Where have you been employed before you were at
23 Chevrolet?

24 A. From 2000 to 2014, I was employed with the
25 Laurens City Police Department.

1 Q. Okay. And what was your position at the
2 Laurens City Police Department?

3 A. I was a master patrolman, and I was assigned to
4 road division.

5 Q. Okay. And some of those duties on the road
6 division, what -- what did all that include?

7 A. Just general law enforcement, checking
8 property, answering calls that would come up.

9 Q. Okay. So you were employed on September 26,
10 2003?

11 A. Yes, sir.

12 Q. Okay. And did you have the opportunity to
13 respond to a call at the VFW?

14 A. Yes, sir, I did.

15 Q. And where is that located?

16 A. That is located on East Main Street.

17 Q. Is that -- is that the city of Laurens?

18 A. Yes, sir. 763 East Main Street in the city of
19 Laurens.

20 Q. Okay. And the county of Laurens; is that
21 correct?

22 A. Yes, sir.

23 Q. Okay. And do you recall what the time came in
24 on responding to that?

25 A. It was 20:26 was when it was dispatched, and we

1 arrived on scene at 20:33.

2 Q. Okay. And what was the nature of that call?

3 A. It was a person that had been injured and
4 possibly a robbery.

5 Q. Okay. At the VFW?

6 A. At the VFW. Yes, sir.

7 Q. Okay. When you arrived on scene, who was
8 there?

9 A. The complainant was there, Sandra Alexander.

10 Q. Okay. And who was -- where is Sandra Alexander
11 today? Do you know?

12 A. To my knowledge, she is in a nursing home as a
13 result of a stroke.

14 Q. So she's incapacitated in other words?

15 A. Yes, sir. Yes, sir.

16 Q. Who else was there?

17 A. Myself and Chief Morse arrived approximately at
18 the same time, and James Bolt was there.

19 Q. Okay. I'm going to show you some pictures here
20 that's been premarked as State's Exhibit Nos. 1, 2,
21 3, 4, 5, and 6. I'm going to have you look through
22 these and tell me what they depict.

23 A. The first one is the front of the VFW building.

24 The second one is like one of the side views of
25 the VFW building.

1 Third looks like a rear photo of the VFW
2 building.

3 Fourth is a another side photo.

4 And the next one is a rear view.

5 And the last one looks like another side view
6 of the VFW.

7 Q. Okay. And do those fairly and accurately
8 describe and depict the VFW as you remember it on
9 September 26, 2003?

10 A. Yes, sir.

11 MR. TODD: Judge, at this point I'd like to
12 enter Exhibits 1 through 5 into evidence.

13 THE COURT: What says the defense?

14 MR. ANDERSON: Without objection, Your Honor.

15 THE COURT: All right. Without objection, one
16 through five into evidence for the State.

17 (State's Exhibit Nos. 1 through 5 were received
18 into evidence.)

19 MR. TODD: All right. Dwight, I'm going to get
20 Walter to pull those up.

21 MR. ANDERSON: Is that five or six?

22 MR. TODD: That's going to be one through six.

23 THE COURT: Six?

24 MR. TODD: I apologize. They're out of order
25 here. This is one, two, three, four, five and six.

1 THE COURT: All right. One through six into
2 evidence for the State.

3 (State's Exhibit Nos. 1 through 6 were received
4 into evidence.)

5 BY MR. TODD:

6 Q. Okay. Dwight, just to give the jury an idea of
7 the location you responded to on September 26, 2003.
8 Exhibit No. 1, where -- what is this?

9 A. That is the front of the VFW building.

10 Q. Okay. And this photo?

11 A. I believe that's going to be a side view of the
12 VFW building.

13 Q. Number two. Okay. And State's No. 3?

14 A. I think that's -- actually, I was thinking it
15 was the back, but I think it's still the side, just
16 further back on the side.

17 Q. State's 4?

18 A. This is a side view, as well.

19 Q. State's 5?

20 A. And this is the back view of the building.

21 Q. Okay. State's 6. So you responded to this
22 scene on the 26th of September, 2003. Chief Morse,
23 you mentioned, what was his position in 2003 at this
24 time?

25 A. He was the Chief of Police for the City of

1 Laurens at the time.

2 Q. Okay. And who else was there?

3 A. Sandra Alexander and then James Bolt was there.

4 Q. Okay. And what was Ms. Alexander's demeanor?

5 Did you get a chance to observe her demeanor that

6 night?

7 A. I did see her when we entered the building.

8 She appeared to be upset. Was kind of in a state of

9 shock when we walked in.

10 Q. Okay. And describe the scene when you walked

11 in. Where was Mr. Bolt and what was the condition

12 of inside the VFW?

13 A. You could see the cash register when you walked

14 in. And went around to the left, and you could see

15 Mr. Bolt in the bathroom area on the -- on the

16 floor.

17 Q. I'm going to hand you what's been marked as

18 State's Exhibit No. 8. Would you take a look at

19 that for me?

20 A. (Complying.)

21 Q. Do you recognize that photo?

22 A. Yes, sir. That's going to be the cash

23 register.

24 Q. And does that fairly and accurately depict the

25 way you found it that night?

1 A. Yes, sir.

2 MR. TODD: At this point, Your Honor, we'd like
3 to introduce State's No. 8.

4 MR. ANDERSON: Without objection, Your Honor.

5 THE COURT: Without objection, Number 8 into
6 evidence for the State.

7 (State's Exhibit No. 8 was received into
8 evidence.)

9 THE COURT: What is -- what is eight?

10 MR. TODD: This is going to be the cash
11 register.

12 THE COURT: Okay.

13 BY MR. TODD:

14 Q. And where is this cash register located in
15 reference to the front door?

16 A. It's going to be to the right of the front
17 door.

18 Q. (Indicating.)

19 A. Yes, sir. That's -- you come through that door
20 in through the next door, and it would've been to
21 your right there.

22 Q. Okay. I'm going to show you a diagram that has
23 been prepared, State's Exhibit No. 31 for
24 identification. Do you recognize this?

25 A. Yes, sir.

1 Q. Okay. What does that detail?

2 A. Details the diagram of the VFW.

3 Q. Inside of the VFW?

4 A. Yes, sir. Inside of the VFW.

5 Q. Okay. Would this fairly and accurately depict
6 the layout of the VFW?

7 A. Yes, sir.

8 Q. As you found it on the 26th of September?

9 A. Uh-huh.

10 MR. TODD: Judge, State would like introduce
11 Number 31 into evidence.

12 MR. ANDERSON: Without objection, Your Honor.

13 THE COURT: Without objection, 31 into evidence
14 for the State.

15 (State's Exhibit No. 31 was received into
16 evidence.)

17 MR. ANDERSON: Your Honor, I would rise to
18 object to the display of all of the pictures while
19 we locate the correct one. There will be 19
20 pictures up there, and we're going for one.

21 THE COURT: Mr. Bentley, I know you're
22 operating it. Just ---

23 MR. TODD: He -- he can't see it otherwise,
24 Your Honor. We're trying to keep them in as much
25 order as we can. Obviously, this was later marked

1 from the pictures that we -- we're pretty much going
2 in order on. I doubt there will be much jumping
3 around outside of what's required.

4 THE COURT: Okay. Well, if there's any -- any
5 photograph in a group that's on the screen when
6 they're trying to find a particular photograph or
7 piece of evidence, you can't consider it unless it
8 comes into evidence. If you say -- or if you hear
9 me say, "Number such-in-such is into evidence for
10 the State," then that -- you can consider that. But
11 if there's something you see that's not into
12 evidence, then you can't consider that.

13 MR. ANDERSON: Thank you, Judge.

14 MR. TODD: Okay. Mr. Craft, going back to the
15 diagram here. What would be the easiest to...

16 THE COURT: He could come down to the screen,
17 so long as he speaks up loud enough since he's away
18 from the microphone, or you could have him testify
19 from ---

20 MR. TODD: Dwight, would you mind coming down
21 briefly just to give a little bit more testimony on
22 the layout here?

23 THE WITNESS: (Complying.)

24 THE COURT: Just be sure to speak up loud
25 enough, sir.

1 THE WITNESS: Yes, sir.

2 BY MR. TODD:

3 Q. All right. Mr. Craft, would you point out
4 where the front door is?

5 A. The front door is going to be right there
6 (indicating) at the top.

7 Q. Is that where you entered that night?

8 A. Yes, sir. That's where we entered that night.

9 Q. Okay. Where was Ms. Alexander?

10 A. She was over in this area (indicating) whenever
11 we come in.

12 Q. Okay. Where was the cash register?

13 A. The cash register is going to be right here
14 (indicating) just inside the second door. There's a
15 breezeway here (indicating).

16 Q. Okay. And where was Mr. Bolt?

17 A. Mr. Bolt was going to be around to the left,
18 near the bathroom area here (indicating).

19 MR. TODD: Okay. You can go back now.

20 THE WITNESS: (Complying.)

21 BY MR. TODD:

22 Q. You mentioned you found Mr. Bolt. What did
23 you -- what condition was Mr. Bolt in?

24 A. He was laying on the floor, just a lot of -- a
25 lot of blood and just very badly beaten.

1 Q. Was there any lifesaving treatment you tried to
2 perform?

3 A. No, sir. No, sir.

4 Q. Okay. Was he in your estimation deceased?

5 A. Yes, sir. There were no signs -- no signs of
6 life.

7 Q. No signs of life?

8 A. Huh-uh.

9 Q. You say his body was found near the restroom
10 over here (indicating)?

11 A. Yes, sir.

12 Q. Okay. I'm going to show you a couple more
13 photos, State's No. 7 and 9. State's No. 7.

14 A. Yes, sir.

15 Q. State's No. 9?

16 A. Yes, sir.

17 Q. Do you recognize that?

18 A. Yes, sir.

19 Q. And what does that depict?

20 A. Both are pictures of the interior of the VFW.
21 One looks like the bar area and the cash register,
22 and one of the pool table.

23 Q. Okay. And do those fairly and accurately
24 depict the scene from September 26, 2003?

25 A. Yes, sir.

1 MR. TODD: Okay. State would like to move
2 Number 7 and 9 into evidence, Your Honor.

3 MR. ANDERSON: Without objection, Your Honor.

4 THE COURT: Without objection, 7 and 9 into
5 evidence for the State.

6 (State's Exhibit Nos. 7 and 9 was received into
7 evidence.)

8 BY MR. TODD:

9 Q. Where would this viewpoint be from the picture?

10 A. That would be from the front of the building
11 looking back into the building.

12 Q. Coming through the front door?

13 A. Uh-huh.

14 Q. Okay. To the left would be the restrooms?

15 A. Yes, sir.

16 Q. Okay. And this is another angle depicting
17 what?

18 A. This would be inside the building looking back
19 towards the front door and the bar area.

20 MR. TODD: Please answer any questions that
21 Mr. Anderson may have for you.

22 THE COURT: Cross-examination?

23 CROSS-EXAMINATION

24 BY MR. ANDERSON:

25 Q. Mr. Craft, you said that y'all responded. When

1 you responded, you were the first one on the scene
2 at about 20:33?

3 A. Yes, sir.

4 Q. And that's military time, so that's about 8:33
5 in the evening?

6 A. Yes, sir.

7 Q. Now, the photos that we've seen, one through
8 nine or however many it is, the actual individual
9 photos, who took these pictures, any of these?

10 A. I do not know who took the pictures.

11 Q. Okay. But you personally did not take the
12 pictures?

13 A. Correct.

14 Q. But you looked at them and you told us here
15 today that this generally represented what it looked
16 like that night?

17 A. Yes, sir.

18 Q. Especially with regard, you said, the outside
19 of the building, with regard to the layout inside,
20 and I don't see the other ones.

21 As to the general appearance on the inside as
22 to where the bar was, where the pool table was, and
23 all that, again, when you came in, that's how it
24 looked?

25 A. Yes, sir.

1 Q. And when you came in, Chief Morse was there and
2 Ms. Alexander was there?

3 A. Yes, sir.

4 Q. And describe for me -- and I'm just going to
5 use this chart. Generally, where did you say
6 Ms. Alexander -- I'll put it over here closer to
7 you. Can you just point where Ms. Alexander
8 would've been when you came in through the -- this
9 being the front door?

10 A. Yes, sir. That's the front door. Over in this
11 (indicating) area out in front of the bar.

12 Q. In front of the bar. And as well with the
13 photos, did you make this sketch?

14 A. No, sir. I did not.

15 Q. But as far as, again, the layout, there's
16 tables, there's a bar, there's what appears to be a
17 pool table in the sketch. Those things are how it
18 looked that night when you got there?

19 A. Yes, sir.

20 Q. I believe -- well, let me ask you this, over
21 here on the margin, are there -- is there what's
22 referenced as a legend?

23 A. Yes, sir. There's a legend.

24 Q. And what is under the legend? What are the
25 items?

1 A. Notepad, beer bottle, carafe, cash register,
2 ashtray, top of register, and glasses.

3 Q. And next to each item on the legend, is there a
4 letter denoting where that might be found on the
5 sketch?

6 A. Yes, sir.

7 Q. So just pick something random here. "C"
8 carafe, is that basically on the bar?

9 A. Yes, sir.

10 Q. Okay. Notepad which is "A," that's up here.
11 That would be by the door?

12 A. Yes, sir.

13 Q. Top of the register. I can't see what that --
14 what letter does that say? Is that an "F"?

15 A. Looks like "F." Yes, sir.

16 Q. So we would say that the register was over here
17 (indicating)?

18 A. The top of the register.

19 Q. Okay. This one would be -- that was "F." This
20 is "G." It says glasses?

21 A. Yes, sir.

22 Q. And that looks to be -- is this -- this would
23 be in the restroom?

24 A. Yes, sir.

25 Q. Okay. And on this diagram, does it show the

1 phone, the telephone?

2 A. I do not see it.

3 Q. Okay. I wanted to make sure I wasn't missing
4 it either.

5 Now, you mentioned that y'all had -- the call
6 from Ms. Alexander, the call was placed
7 approximately 20:26. And she was the only one
8 inside the VFW building; is that correct?

9 A. Umm ---

10 Q. With -- with the exception of Morse ---

11 A. Yes.

12 Q. --- Chief Morse who got approximately the same
13 time you did?

14 A. Yes, sir.

15 Q. Had she used that phone at the VFW to call the
16 police, you believe?

17 A. I do not know.

18 Q. Okay. And, again, you were first with the
19 chief, so you secured the crime scene?

20 A. Yes, sir.

21 Q. And who else showed up and came into the VFW
22 after you secured the crime scene?

23 A. There was a crime-scene log. I'm not familiar
24 with everyone.

25 Q. Who would normally show up at this type of a

1 scene?

2 A. You'll have your deputies from the police
3 department, and of course investigators and all
4 that.

5 Q. Is it fair to say EMS maybe?

6 A. Yes, sir.

7 Q. Coroner?

8 A. Uh-huh.

9 Q. And SLED I believe ultimately?

10 A. Yes. SLED ultimately arrived on scene.

11 MR. ANDERSON: No further questions. Thank
12 you.

13 THE COURT: Redirect?

14 MR. TODD: Briefly.

15 REDIRECT EXAMINATION

16 BY MR. TODD:

17 Q. When you secured the crime scene, do you
18 usually turn it over to an investigator in Laurens
19 or whatever department?

20 A. Yes, sir.

21 Q. Okay. And your job is essentially done once
22 that crime scene has been secured?

23 A. That's correct.

24 Q. Okay. One more thing. When you spoke with
25 Ms. Alexander, what did you do with her? Where did

1 she go at that point? Did she leave?

2 A. No. She -- I can't recall exactly where she
3 went, but she didn't leave immediately.

4 Q. Okay. But you were able to secure the crime
5 scene and speak with her?

6 A. Yes.

7 MR. TODD: Okay. Thank you.

8 MR. ANDERSON: Nothing further, Your Honor.

9 THE COURT: Okay. You can step down, sir.
10 Thank you.

11 THE WITNESS: (Complying.)

12 MR. MOWRY: Call Eugene Yeargin.

13 THE WITNESS: (Approaching.)

14 THE CLERK: Do you solemnly swear or affirm
15 that the testimony you're about to give in this case
16 is the truth, the whole truth, and nothing but the
17 truth so help you God?

18 THE WITNESS: I do.

19 EUGENE YEARGIN,
20 having been produced and first duly sworn as a
21 witness on behalf of the State, testified as
22 follows:

23 DIRECT EXAMINATION

24 BY MR. MOWRY:

25 Q. You are Eugene Yeargin?

1 A. Yes, I am.

2 Q. Mr. Yeargin, what kind of work do you do?

3 A. I'm retired. I do grass cutting.

4 Q. Okay. And you've been doing that for quite a
5 while, haven't you?

6 A. Yes, sir.

7 Q. Were you doing that back in 2003?

8 A. Yes, I was.

9 Q. And was one of your clients the VFW?

10 A. Yes, it was.

11 Q. You cut the grass around there; is that
12 correct?

13 A. That's right.

14 Q. Did you know the victim in this case, Mr. Jim
15 Bolt?

16 A. Not personally. I seen him many, many years
17 ago. And then Wayne, he introduced me to him the
18 night at the VFW.

19 Q. Okay. So you spoke with him that evening; is
20 that right?

21 A. Yes, sir.

22 Q. Back on September 26th of 2003?

23 A. Yes, I did.

24 Q. About what time, just roughly, did you arrive
25 at the VFW?

1 A. It had to be around 5:00.

2 Q. Okay. How much of a job was it to cut the
3 grass around the VFW? Was it pretty good sized?

4 A. It was pretty good sized.

5 Q. Okay. How long would it normally take you?

6 A. Normally, it would take -- if I had my help
7 with me, it would take me about an hour. At that
8 particular time, it took a little longer.

9 Q. Okay. What kind of machinery have you got to
10 cut the grass?

11 A. I got a zero turn.

12 Q. Okay. That's a pretty high-tech machine?

13 A. Yes, sir. It's a commercial zero turn.

14 Q. You said you saw Mr. Bolt there that night.
15 Can you tell us when that was?

16 A. When I first got through with the front, I
17 think, if I'm not mistaken, his name was Wayne. He
18 called me over and introduced me to him. You know,
19 I just finished the front and I was getting ready to
20 go to the back.

21 Q. Okay. And did you speak with them for a few
22 minutes then?

23 A. Yeah, I spoke to him a few minutes there. He
24 introduced me and there was another fellow with him.
25 He talked a few minutes, and I told him I had to

1 leave because it was getting dark soon so I had to
2 leave.

3 Q. Okay. What kind of health was Mr. Bolt in when
4 you left?

5 A. He was looking good, looking real good. He
6 talked real good because, like I said, I have been
7 seeing him a few years, but I had never talked to
8 him.

9 Q. Okay. Did you then go around to the back?

10 A. Yes, sir. Went to the back and started
11 cutting.

12 Q. Did you see anything out of the ordinary when
13 you got back to the back while you were cutting the
14 grass back there?

15 A. Not really. After I went to go cut the back, a
16 fellow came out -- came through a brick way, and he
17 was standing. I just -- I just glanced at him. He
18 came out to use the bathroom. It happens every now
19 and then, someone comes around and they go to the
20 side of the building and urinate and go back up.

21 Q. Okay.

22 A. But I didn't get to see his face. He just came
23 out, and I went by real fast.

24 Q. Okay. You say it's not an unusual occurrence;
25 is that right?

1 A. Uh-huh.

2 Q. You say you weren't able to see his face. Were
3 you able to see anything about him? Were you able
4 to see if he was young or old?

5 A. Barely got -- barely seen him. He seemed to be
6 a young fellow.

7 Q. Okay. Do you know black? white?

8 A. He was white.

9 Q. Okay. Let me show you a few pictures that have
10 been marked already and admitted as State's Exhibits
11 2, 4 -- well, 1 through 4, and ask you if you can
12 identify those.

13 A. Yes. I know this one. Yes. This is in front
14 of the building.

15 Q. Okay. Let's -- let's start with that one
16 first, the front of the building. So that's State's
17 Exhibit No. 1. That shows the -- you said the front
18 of the building in front of the VFW?

19 A. Yes, sir.

20 Q. Okay. Is that it right there?

21 A. That's it.

22 Q. Is that the area that you were talking with --
23 with Mr. Bolt?

24 A. It was right there in the front door.

25 Q. Okay.

- 1 A. Open the door and came out.
- 2 Q. All right. And then how about these other
- 3 pictures? Let's take a look at those, as well.
- 4 A. This one here.
- 5 Q. Do you recognize that?
- 6 A. Yes, sir.
- 7 Q. That's Number 2. What's special about that
- 8 picture?
- 9 A. That's -- that's the opening where they come in
- 10 at.
- 11 Q. Okay. Talking about the railing right here
- 12 (indicating)?
- 13 A. They come -- they come in to that little
- 14 railing area there. They don't come all the way
- 15 out. Sometimes they come right to that little area.
- 16 Q. Right down here (indicating), looking up here
- 17 on this board; is that right?
- 18 A. Yes, sir.
- 19 Q. Okay. And that's where you saw the young white
- 20 male?
- 21 A. Yes, sir.
- 22 Q. Okay. Did you really pay much attention to
- 23 him? You said this was not an unusual occurrence.
- 24 Did you pay any attention to him?
- 25 A. No, not really. Like I said, the zero turn

1 usually runs real fast. I went by. It was just a
2 flash. And I look forward because the turn mower
3 runs over everything.

4 Q. How much attention have you got to pay to the
5 grass and where -- and the route you're going on a
6 zero turn?

7 A. Well, you got to keep you eyes on what you're
8 doing. The VFW got a lot of rocks and stuff, so I
9 pay more attention to the grass than people.

10 Q. All right. About how long did it take you to
11 do the back?

12 A. Roughly, probably about 30, 40 minutes because
13 it was about six o'clock when I finished it.

14 Q. Okay. Could it have been later? Were you
15 paying attention to the time?

16 A. Not really. It had gotten dark. It might've
17 been 6:30, maybe 6:00.

18 Q. Okay. At any rate, once you got done, did you
19 encounter anybody else at the VFW?

20 A. No. It was kind of dark. Wasn't nobody there.
21 Then as I was getting ready to leave, this guy rode
22 up and asked me if I'd seen Mr. Bolt. I said, "No.
23 I haven't seen anybody." You know, I kept loading
24 stuff up and I left.

25 Q. Okay. Did you notice whether Mr. Bolt's

1 vehicle was still there?

2 A. I didn't pay attention, but I think it was.

3 Q. Okay. But the door was closed; is that right?

4 A. The front door was closed.

5 MR. MOWRY: Thank you, Mr. Yeargin. If you'd
6 answer any of the questions the defense might have.

7 THE COURT: Cross-examination?

8 CROSS-EXAMINATION

9 BY MR. ANDERSON:

10 Q. Thank you. Good afternoon, Mr. Yeargin. My
11 name is Jay Anderson. I believe your testimony was
12 when you arrived at the VFW, you said it had to be
13 about 5:00 and that kind of stuff. Why did it have
14 to be about five o'clock? Did you come from another
15 job?

16 A. Yeah, I just left my job.

17 Q. Okay.

18 A. My stuff is loaded up in the cab, and it takes
19 about 20, 30 minutes to get to the VFW.

20 Q. Yes, sir. And you said that you had been
21 cutting the grass at the VFW, did you tell me, for a
22 number of years?

23 A. A couple of years.

24 Q. Couple of years. But you had never met
25 Mr. Bolt before that night?

1 A. Huh-uh.

2 Q. And you finished up. You did the front and
3 then you finished up in the back, and you think it
4 was probably about six o'clock?

5 A. It could've been a little like maybe 6:30 or
6 something like that.

7 Q. Okay. And you say it was getting dark?

8 A. Yes, sir. It was getting dark.

9 Q. Do you happen to recall what the weather was
10 like? Was it going to start raining, or was it
11 clear?

12 A. It was nice and clear. It was September. It
13 gets dark early in September.

14 Q. You got any idea what the sunset was in late
15 September of '03?

16 A. (Nonverbal response.)

17 Q. With regard to your meeting Mr. Bolt for the
18 first time that night. You said -- who did you tell
19 me introduced you to Mr. Bolt?

20 A. If I'm not mistaken, his name is Mr. Wayne.

21 THE COURT: You need to sit closer to the
22 microphone and speak up, please. I'm having a hard
23 time hearing you.

24 THE WITNESS: I believe his name was Wayne. He
25 used work for the telephone company. He's the one

1 that introduced me. Matter of fact, he's the one
2 that got me the job.

3 BY MR. ANDERSON:

4 Q. And Wayne was somebody that you knew prior to
5 that night?

6 A. Uh-huh.

7 Q. Okay. And had Mr. Bolt just arrived or did he
8 come outside or why -- why did he take that occasion
9 to introduce you -- Wayne to introduce you to
10 Mr. Bolt?

11 A. I have no idea, but he -- they came outside.
12 They was standing in the doorway. There were three
13 people there. And he said, "Gene, come over here a
14 minute. I want to introduce you to Mr. Bolt." I
15 said, okay.

16 Q. Okay. And there were three people there.
17 There was Mr. Bolt, Wayne, and ---

18 A. Another fellow. I don't know his name.

19 MR. ANDERSON: Somebody else. All right.

20 Thank you very much, Mr. Yeargin. I appreciate
21 your time.

22 THE COURT: Any redirect?

23 MR. MOWRY: No, sir, Your Honor.

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

25 THE WITNESS: (Complying.)

1 THE COURT: Okay. Gentlemen, anything we need
2 to put on the record before we bring the jury out?

3 MR. ANDERSON: Nothing from the defendant.

4 THE COURT: Okay.

5 MR. MOWRY: No, sir.

6 THE COURT: Mr. Bolt, bring the jury out,
7 please, sir.

8 THE BAILIFF: (Complying.)

9 (At 10:09 a.m., jury entered the courtroom.)

10 THE BAILIFF: All jurors are present, Your
11 Honor.

12 THE COURT: Okay. Thank you, Mr. Bolt. Good
13 morning, ladies and gentlemen.

14 THE JURORS: (Collectively:) Good morning.

15 THE COURT: State ready to call its next
16 witness?

17 MR. TODD: Your Honor, the State calls
18 Dr. Yacoub, Inas Yacoub.

19 THE WITNESS: (Approaching.)

20 THE CLERK: Do you solemnly swear or affirm
21 that the testimony you're about to give in this case
22 will be the truth, the whole truth, and nothing but
23 the truth so help you God?

24 THE WITNESS: I do.

25 DR. INAS YACCOUB,

1 having been produced and first duly sworn as a
2 witness on behalf of the State, then testified as
3 follows:

4 DIRECT EXAMINATION

5 BY MR. TODD:

6 Q. Good morning, Doctor.

7 A. Good morning.

8 Q. You are a pathologist; is that correct?

9 A. That's correct.

10 Q. Describe for this jury what a pathologist is.

11 A. I am a pathologist and forensic pathologist. A
12 pathologist is a medical doctor that studies disease
13 and how it affects the body, whether it's affecting
14 the tissues or the body fluids. And he performs
15 certain tasks to help the condition with the results
16 of those tasks. Plus, it's a mission to determine
17 what disease that person has and help him tailor the
18 treatment.

19 For example, if the father gets a sample of
20 tissue that has cancer, the pathologist examines the
21 tissue to determine if he has the tissue that's
22 supposed to be coming out. It does have cancer. It
23 doesn't have cancer. The cancer is completely
24 removed or not. So the general pathologist deals
25 with body fluids and tissues mainly.

1 A forensic pathologist on the other hand, deals
2 with decedents. The person has already passed away
3 and his experience is not only with natural disease
4 and how treatment is going to help that person, but
5 his work entails a decedent's body to determine if
6 he had passed from natural disease or from trauma.

7 And if it is trauma, what kind of trauma, what
8 the trauma is, what significance of this trauma is,
9 if it's just minor or major. So when he does the
10 examination, he's focused on why this person died,
11 which is cause of death, and how did this death come
12 about. Did it happen from natural conditions or is
13 it self-inflicted, like suicide or indicated at the
14 hands of another, accidentally or intentionally,
15 like a homicide.

16 So a forensic pathologist basically examines
17 the decedents to determine why this person died,
18 which is the cause of death, and how did this come
19 about, which is the manner of death.

20 Q. Thank you. And what kind of education do you
21 have to be a pathologist or you need to be a
22 pathologist, specifically you?

23 A. Well, you have to be a medical doctor first, so
24 I did that. I went to medical school. And I'm
25 originally from Egypt, so our training has seven

1 year medical-school curriculums, so I went through
2 that.

3 And then I came to the United States. You have
4 to have equivalency exams, which I've done.

5 And then I trained in the field of pathology,
6 anthropology, and clinical pathology for five years
7 at the University of Birmingham in the United States
8 of Alabama.

9 In those five years, we were exposed and
10 trained in different types of diseases and how to
11 diagnose them and how to help the clinician with the
12 management of his patient.

13 I also did a whole year of forensic pathology
14 fellowship after those five years of pathology
15 training. The forensic pathology training
16 fellowship exposed me and trained me in the
17 different types of injuries, whether it's firearm
18 injury, it's sharp-force injury, stabbing or
19 cutting, blunt-force injury, or from impacting --
20 the body impacting something or something impacting
21 the body, be it a beating or collisions, what have
22 you, but other injury like fire deaths, for example,
23 environmental deaths. So you were -- I was exposed
24 to what does the injury look like, the different
25 types of it, and how to -- how to work a case.

1 Like starting from the history, just like any
2 physician. Before you go there, you need to find
3 out why you're going there -- so the history. And
4 the history is a little bit different from our
5 colleagues because the decedent is not telling us
6 the story, but the story comes from any witnesses or
7 law enforcement or other entities other than the
8 decedent. So history, number one.

9 Number two, doing the examination of the
10 decedent. I was trained in how to do an external
11 examination from head to toe. Examine the head,
12 neck, chest, abdomen, lower extremities, upper
13 extremities, systematically.

14 And the purpose of the examination is to
15 document if there is trauma or there is no trauma.
16 If there is natural disease, what kind of natural
17 disease. And then document as I'm going -- my
18 observations, my diagrams, my photographs, my notes.
19 So I was trained in how to do an exam externally and
20 internally.

21 I was trained in the different types of
22 evidence, like what -- what is evidence and how it's
23 collected and how it's preserved and how to maintain
24 the chain-of-custody of what I have. I can pass it
25 on to law enforcement in a way it can tell if

1 nothing happened in between me and them receiving
2 it.

3 How to do a report. How to prepare a report of
4 a forensic case. How to document the findings in a
5 report in a way that it is systematic, as complete
6 as possible, and easy to understand for people who
7 are not particular with the type of work that I'm
8 doing, so it's not -- it's not medical big terms
9 that are difficult to understand. So how to prepare
10 a report was part of the training in the forensic
11 pathology fellowship.

12 After doing those studies and training, there
13 is something that we called of the words, which is
14 an exam that once you completed what you need to
15 study, you sit for it. And I passed that in
16 anthropology, clinical pathology, and forensic
17 pathology.

18 And then I have been working in the field of
19 forensic pathology and anthropology for 9 and 14,
20 that would be, what, 23 years now. Nine years after
21 I finished my fellowship in the state of South
22 Carolina and 14 years in the state of Oklahoma.

23 Q. Thank you, Doctor. And what is your current
24 position in Oklahoma now?

25 A. I'm a resident pathologist at the Office of the

1 Chief Medical Examiner in Oklahoma.

2 Q. Okay. And you mentioned South Carolina. You
3 obviously worked in South Carolina as a forensic
4 pathologist?

5 A. Yes, sir, I have. Actually, we had -- I worked
6 in Newberry Pathology Associates under Dr. Joel
7 Saxton in that Newberry Pathology Associates. Took
8 care of the hospital lab, surgical pathology at that
9 hospital, as well as the clinical lab.

10 And we would get cases referred to our office
11 from the different coroners in the state of South
12 Carolina. So if they felt -- if the coroner felt
13 that this case needed a postmortem examination, he
14 would send it to Newberry Pathology Associates for
15 us to perform the exam.

16 Q. Okay. And have you testified in court before
17 in this state and others?

18 A. Yes. I have testified several times in the
19 state of Oklahoma and state of South Carolina. I've
20 testified in Georgia one time. I've testified in
21 Kansas. I've testified in Oklahoma numerous times.
22 I believe one time in Texas.

23 That's to the best of my recollection. Some of
24 them were in Federal court too. Some of them were
25 in the Army.

1 MR. TODD: Okay. Judge, at this point we'd
2 like to declare Dr. Yacoub an expert in pathology
3 and forensic pathology.

4 THE COURT: Mr. Anderson, any ---

5 MR. ANDERSON: No objection.

6 THE COURT: What objection, this doctor is
7 found to be an expert in the area of pathology and
8 forensic pathology.

9 Ladies and gentlemen of the jury, let me
10 explain to you. When the Court declares someone an
11 expert in a particular field, it is due to their
12 education and experience, expertise, and the like.

13 And, normally, witnesses who testify in cases
14 are not allowed to give opinions. They can only
15 testify as to what they have heard or seen or sensed
16 in some way.

17 However, there's an exception to that rule when
18 a witness is declared to be an expert as I've done
19 here, then this witness will be allowed to offer
20 opinions and the basis for that -- basis for those
21 opinions.

22 Now, just because a witness is declared an
23 expert, it's still up to you whether or not to
24 consider the testimony. And you give it whatever
25 weight that you feel like her testimony deserves and

1 you evaluate the credibility of this witness as you
2 would with any other witness:

3 You may proceed, Solicitor.

4 BY MR. TODD:

5 Q. Doctor, were you employed in South Carolina in
6 2003?

7 A. Yes, sir.

8 Q. Okay. And, specifically, September 26, 2003.
9 How did you become involved in this case?

10 A. Like I said before, Newberry Pathology
11 Associates get cases that are referred from coroners
12 for postmortem examination. This case was referred
13 to us from Laurens County coroner for a postmortem
14 examination.

15 Q. Okay. So you received the body, in other
16 words, from the Laurens County coroner. Did you
17 create a report? Obviously, you performed an
18 autopsy?

19 A. Yes, sir.

20 Q. Okay. Do you have that report with you?

21 A. Yes, sir.

22 Q. Okay. And do you recall what day and time you
23 performed that autopsy?

24 A. May I refer to my report?

25 Q. Sure.

1 A. We're talking about Mr. James Bolt's case?

2 Q. That's correct.

3 A. The examination I performed was on
4 September 27th of 2003, 8:30 in the morning and...

5 Q. Okay. And did you -- did you create any charts
6 that may assist you in analyzing and describing that
7 autopsy?

8 A. Yes, sir.

9 Q. Do you have those with you?

10 A. Yes.

11 Q. Okay. I'm going to hand up that exact copy
12 that's been premarked State's No. 30. Take a look
13 at those and identify that -- those charts. Are
14 those the charts you prepared for this autopsy?

15 A. These are copies of the charts that I did the
16 autopsy. Yes, sir.

17 Q. And that's your handwriting on those?

18 A. Yes, sir.

19 MR. TODD: Judge, at this point, the State
20 would like to move in State's No. 30 into evidence.

21 MR. ANDERSON: Without objection.

22 THE COURT: Without objection, No. 30 into
23 evidence for the State.

24 (State's Exhibit No. 30 received into
25 evidence.)

1 MR. TODD: And, Doctor, I think it would be a
2 little bit easier if we'd allow her to step down and
3 go over some of the injuries that she found in her
4 autopsy.

5 THE COURT: Doctor, you'll be permitted to go
6 down to the screen. Since you're away from the
7 microphone, make sure you speak up loud enough so we
8 can all hear you, ma'am.

9 THE WITNESS: Yes, sir.

10 BY MR. TODD:

11 Q. Okay. This is that report you created after
12 the autopsy of Mr. Bolt?

13 A. Right. During the examination, like I said
14 before, the body is examined systematically from
15 head to toe, front and back.

16 This is a diagram of the body, a male body
17 diagram. And it shows the body in the standard
18 anatomic position with the palms of the hands
19 pointing forward.

20 On the right side of the screen is the front of
21 the body. On the left side of the screen is the
22 back of the body.

23 So in examining the head, there was a number of
24 injuries that I couldn't fit in that small area, so
25 I had a separate body diagram for it. Separate by

1 them for the head only for the injuries of the head.

2 Just some -- three injuries on the back on this
3 diagram only just for the -- not having enough space
4 to fit in all those injuries in that little space.
5 So that's going to be separate.

6 On external examination, I did observe that he
7 had blood on his face and on his head.

8 He had upper and lower dentures. The upper
9 denture was broken, and the frenulum or the tissue
10 that attaches the lip to the gum was torn or
11 lacerated.

12 He had laceration contusions of the lip, just
13 briefly in the head examination.

14 Nothing on the neck.

15 On the front of the torso, chest and abdomen,
16 he had an appendectomy scar. He had an appendix
17 removed.

18 Had a small contusion or bruise on the right
19 lower quadrant of the abdomen.

20 On the lower extremities, he had a contusion or
21 a bruise on the upper-outer aspect of his right
22 thigh.

23 He had a contusion or a bruise on the
24 upper-outer aspect of the right leg.

25 He had, on the upper extremities, a contusion

1 on the ulnar. Ulnar is the side where the fifth
2 finger is. He had an injury on the ulnar aspect of
3 the right forearm.

4 He had an abrasion, right abrasion, on the back
5 of the left elbow.

6 And when I received the body, he was clothed
7 with -- they still had his clothes on. No evidence
8 of medical intervention. And the hands were secured
9 by brown paper bags. And the purpose of the bags is
10 just to protect any evidence from the hands from
11 being lost or any -- anything from the outside being
12 laid on the hands and contaminating them.

13 So the hands were bagged, but when -- when I
14 started removing the bags, securing the hands to
15 examine them, there was a laceration or a tear in
16 the left-hand index finger, a tear with a fracture
17 of the left-index finger. There was no bandage.
18 There was no gauze or anything. It -- it looked
19 fresh. It looked very acute and bleeding.

20 Q. And, Doctor, is that -- not to stop you in your
21 tracks here, but is that something that would pique
22 your interest, that injury there?

23 A. We -- like we always look at the upper
24 extremities for anything that may be consistent with
25 defense-type wounds. Which in forensic pathology, a

1 defense-type wound would translate into somebody who
2 could sense that something is coming at them and
3 they're trying to protect the vital areas of the
4 body, like the head, neck, chest.

5 So seeing a defense-type wound or an injury
6 consistent with it is, in my mind as a forensic
7 pathologist, some -- this person could sense that
8 something was coming at him. He was not unconscious
9 when he was acquiring injuries. He could sense that
10 something was coming at him.

11 Q. In other words, consistent with blocking or
12 shielding yourself?

13 A. Right. He could sense and he's trying to
14 protect vital areas of his body.

15 Q. Okay. And would these two that you just
16 mentioned, abrasions, also be categorized as defense
17 wounds?

18 A. Right. He had -- he had a contusion or a
19 bruise on the ulnar aspect of his right forearm,
20 like you're trying to put your forearm up, you can
21 get a injury in that location, and also the back of
22 his left elbow.

23 On the back of the body, I did observe that he
24 had a red abrasion or a scrape on the back of the
25 left shoulder. So this is briefly what I observed

1 on external examination.

2 He did have some hair loss on the legs, which
3 on internal examination I could see that he had
4 hardening of his vessels, so he had some
5 atherosclerosis or hardening of the vessels that he
6 had from before.

7 Q. Doctor, did you make note of how many total
8 injuries there were?

9 A. On the head, I had a list on my report. I had
10 a list of the number of injuries on the head. I
11 counted 19. That's not counting the injuries that I
12 mentioned here, which are less severe and they would
13 not be fatal.

14 The bruise on the right-lower quadrant of his
15 abdomen, on his right thigh, on his right leg, and
16 on his right forearm, back of left elbow, and left
17 index finger, and left back.

18 Q. So 19 total injuries?

19 A. Nineteen on the head, not counting the others
20 that were nonfatal.

21 Q. Okay. And in your report, you referenced a
22 patterned set of injuries on the back of the head.
23 Will you describe that for us and point that out?

24 A. A pattern injury is an injury that happens from
25 an object. And when we say -- when we -- when the

1 forensic pathology -- pathologist mentions pattern,
2 it means that this is something that may be down the
3 line helpful in comparing that pattern with an
4 instrument that caused it.

5 So when you see a pattern injury, we take
6 photographs and document it by diagrams and maybe
7 ask the investigator or law enforcement what
8 instrument was used in order to compare what we're
9 seeing on the body to what was used. So you
10 could -- could this instrument have caused this
11 pattern or not?

12 I observed three areas on the back of his head
13 that appeared patterned, injuries like round or oval
14 shaped. They're not just indistinct. They had an
15 appearance to them. They had a pattern to them.

16 Q. Okay. You mentioned that the injuries, 19
17 total toward -- to the head. Would you kind of give
18 a breakdown specifically on this diagram those
19 injuries you described again, just on a more
20 up-close level?

21 A. Right. On this diagram, you can see the -- on
22 the right side of the screen, the front of the face
23 and below the back of the head and neck area.

24 On the left side of the screen, you can see the
25 left side of the face. And below it, you can see

1 the right side of the face.

2 So I counted 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11,
3 12, 13, 14, 15, 16, 17, 18, 19 areas of wounding.
4 All of these are blunt-force injuries. It's just
5 one type of trauma. Blunt force meaning that the
6 body impacted something or something impacted the
7 body.

8 When this happens, several things can happen.
9 One thing is, if the impact happens, I may see
10 nothing. So the body is not showing me anything.

11 Another thing that can happen is, the impact
12 can cause a scrape or an abrasion when the skin is
13 scraped. If the impact is hard enough, a bruise can
14 happen, which the force is enough to not only scrape
15 skin, but the blood inside, the blood vessels under
16 the skin can get damaged and blood comes out to
17 cause a bruise.

18 The fourth thing that can happen is, a
19 laceration or a tear. When the force is happening
20 severe enough that the tissues could not accommodate
21 that pressure, that impact, and it tears.

22 And the fifth thing that can happen is, a
23 fracture of a bone. So nothing, abrasion,
24 contusion, laceration, fracture of bone.

25 So the areas that I have seen and documented,

1 those 19 areas, these are visible evidence of
2 blunt-force trauma. I could see those areas and I
3 could document them.

4 I measured each one of them. Some of them were
5 just like a -- like a contusion or a bruise. And
6 some of them were tears, like a laceration. That
7 impact was hard enough to tear tissues. And some of
8 them had underlying brokenness in the facial bone or
9 in his upper denture, or on internal examination
10 base of the skull fractures. So these are the 19
11 areas of injury that I documented from blunt-force
12 injury.

13 Three of them on the back of the head had
14 patterns like I mentioned on the other diagram.
15 Some of them were linear in a way and undermined,
16 like the impact was in a direction that would tear
17 the tissue in a certain direction. And with those,
18 there was bleeding from the nose and mouth and into
19 the airways.

20 Q. So these lacerations here, would any of the
21 impacts back here be able to cause lacerations on
22 the face?

23 A. They could if -- if the impact happened and the
24 head was against a surface, against a wall or on the
25 ground for example, then the impact on the head can

1 cause lacerations on the front of the face.

2 On the other hand, I'm not an eyewitness of
3 what happened exactly, but these injuries like the
4 bruise up here on the right cheek, it could be from
5 a direct impact to that location, not necessarily
6 from the back of the head.

7 So as a forensic pathologist, I -- I have not
8 seen what happened exactly, but I'm just describing
9 what the body is showing.

10 Q. Okay. So your -- your testimony is that
11 potentially, he could be face down and the impacts
12 on the back of the head would tear the skin pushed
13 against something ---

14 A. That's ---

15 Q. --- consistent with the floor?

16 A. That's possible or it could be against ---

17 Q. Sure.

18 A. --- something ---

19 Q. Sure.

20 A. --- like a wall for example. I -- I can't
21 really definitely say what the face was against.

22 Q. Okay. And you mentioned blunt-force trauma on
23 the head. Do you have a medical opinion, in your
24 opinion, as to the manner of death in this case?

25 A. In this case. Okay. As a forensic

1 pathologist, I have five manners of death to pick
2 from. The manner of death is how -- how did this
3 death come about? Did it happen -- is it a natural
4 manner of death? You know, somebody had a heart
5 attack and he just collapsed and died, which is not
6 this case.

7 If the manner of death is self-inflicted, like
8 somebody injured themselves on purpose, which is
9 not -- you can -- this is not consistent with this
10 scenario.

11 Accident, like somebody had fallen or collapsed
12 and hit his head. The multiplicity of those
13 injuries and their location are not consistent with
14 just somebody collapsing and hitting their head
15 going down because of the number and the location
16 and the pattern and the severity of those injuries.

17 Undetermined, when I really cannot tell. I'm
18 not sure. The body is so decomposed or I'm not
19 clear as to the circumstances of evidence, which is
20 not this case.

21 And homicide, which is death at the hand of
22 another. And the multiplicity of injuries in this
23 case, how many there are, how severe they are, the
24 damage that was caused internally from them is not
25 an accident. This is a homicide. This is death at

1 the hand of another from inflicted trauma in my
2 opinion.

3 Q. Okay. Just a couple more things. You
4 mentioned aspiration in this -- in Mr. Bolt when you
5 did your autopsy. Would you explain that a little
6 bit more in detail?

7 A. Normally, if we're conscious, then what is
8 coming into our airway is just air. If we are
9 drinking a fluid or eating something and that fluid
10 or food is trying to get into our airway, then we
11 have impact reflexes to cough this out.

12 If for some reason that reflux is lost because
13 somebody is under the influence of something or he
14 had head trauma or what have you, if that reflux is
15 not there, then fluid can get into the airway and
16 that person is not able to cough it out.

17 If that fluid comes in, it's like drowning,
18 like you -- you should be having air to come in to
19 get oxygen and air come out to give off the carbon
20 dioxide.

21 If you have something else in there, then that
22 process is going to be impaired. And when you have
23 blood inside the airway, it means that not only air
24 was not able to come in because there is blood, that
25 blood is getting into the angular spaces and the

1 exchange of oxygen and carbon dioxide is not going
2 to happen.

3 So that is a problem, aspirating blood into the
4 airway. And it takes a few moments at least for the
5 blood to get into the airway. It's not -- he had --
6 he had some time for blood to get into the airway.

7 Q. So your testimony is that he more or less
8 drowned in his blood?

9 A. There is evidence of that. Air into the airway
10 and into the lungs. The lungs were heavy, as well.

11 MR. TODD: Okay. You can get back on the
12 stand, Dr. Yacoub. I appreciate you coming down.

13 THE WITNESS: (Complying.)

14 BY MR. TODD:

15 Q. A couple more things, Dr. Yacoub. You
16 mentioned the patterned blows, the blunt-force
17 trauma, and the back of Mr. Bolt's head. Within a
18 reasonable degree of medical certainty, would that
19 be consistent with an object such as ball hammer?

20 A. A ball hammer can cause the injuries on the
21 back of the head.

22 Q. Consistent with what Mr. Bolt had?

23 A. Correct.

24 Q. And one last thing, you detailed in your
25 description of Mr. Bolt's -- I guess you itemized

1 his clothing and descriptions and contents. Did
2 anything of note stand out to you about his
3 clothing?

4 A. One thing is he was clothed, meaning that there
5 was no evidence of medical personnel getting to him
6 and putting monitor pads or cutting off his clothes
7 to try to resuscitate him. He was just as he was --
8 having clothes on is equal to there was -- there was
9 no evidence of medical intervention on him.

10 Second thing, there was blood on his clothes,
11 so he had time for blood to get on his clothes.

12 Third thing is, he did have on his pants. They
13 were buttoned and zipped and he had a belt that was
14 buckled, but the left pocket of the pants was pulled
15 out and that pocket was empty.

16 Compared to the right-side pocket, that pocket
17 had cash in it and it had keys and other items. So
18 I'm not sure why that left pocket was pulled out and
19 empty.

20 And he did have the socks and shoes and
21 undergarment.

22 MR. TODD: Thank you, Doctor. Please answer
23 any questions Mr. Anderson has.

24 THE COURT: Cross-examination?

25 MR. ANDERSON: Thank you, Your Honor.

1

CROSS-EXAMINATION

2

BY MR. ANDERSON:

3

Q. Ma'am, just a couple of things that I wanted to ask you.

4

5

You mentioned the autopsy took place, I believe from your notes, on 9/27 at 8:30 in the morning, correct?

6

7

A. That's correct.

8

Q. And where did that autopsy take place?

9

A. That was in Newberry hospital morgue.

10

Q. So they had transported the body to where you were?

11

12

A. That's correct.

13

Q. Okay. Had you been at the scene at all at the VFW in Laurens?

14

15

A. No, sir.

16

Q. So you did not see the body in its state when it was found, but it was transported to you in Newberry?

17

18

19

A. That's correct.

20

Q. And that was 8:30 the following morning?

21

A. That's correct.

22

Q. And you had mentioned that you get a lot of your initial information, I believe you had said, from I guess whoever delivers the body and from law

23

24

25

1 enforcement as far as what circumstances surround
2 maybe to get you started on the course or...

3 A. Right. The history, like why are we -- what is
4 it we're looking for in this case?

5 Q. Sure.

6 A. Is it the time of death or sudden expected
7 death, so there's a brief history that generally
8 comes from the coroner sending us the case or law
9 enforcement who may be coming with the case.

10 Q. On your diagram -- and let me just be clear as
11 far as what we looked at on the diagram. You are
12 using a pre-made diagram and drawing on it. In
13 other words, the head wasn't bald?

14 A. No.

15 Q. In other words, on the diagram it doesn't look
16 like he has any hair?

17 A. Right.

18 Q. Was there hair on the head?

19 A. Yes.

20 Q. And you mentioned on the dia -- on this first
21 page of the diagram of the full body, you mentioned
22 specific like an appendectomy scar and I believe
23 other wounds in various places on the body.

24 Could you tell, were they consistent with --
25 were they fresh versus could they have been older

1 contusions, judging when the body, and again, just
2 separating what you had said about the face and the
3 head.

4 A. Which wounds are you referring to, sir, that
5 you're asking about fresh?

6 Q. Yes, ma'am. Not on the hands, but on the --
7 like you specifically referred to -- and I
8 apologize. I don't -- I can't see what you had your
9 notes on there, but as to the leg specifically. You
10 had said there were some marks or contusions or
11 abrasions?

12 A. On the lower extremities, on the right thigh
13 and on the right leg, there -- there was a bruise.
14 I couldn't tell within a reasonable degree of
15 medical certainty if those bruises occurred at the
16 same time the injuries to the head that were still
17 open and bleeding happened.

18 Q. Thank you. Yeah, that's what I was talking
19 about.

20 A. Yeah, but there was one laceration on the -- on
21 the left index finger that was open and did not have
22 evidence of medical treatment.

23 Q. You mentioned, as well, that the body as it was
24 delivered to you in Newberry, the hands had
25 plastic -- or excuse me -- plastic or paper bags

1 were on the hands?

2 A. Paper bags.

3 Q. And it was in that condition as it arrived to
4 you; is that correct?

5 A. That's correct.

6 Q. So you did not see whomever put the bags on the
7 hands?

8 A. That's correct.

9 Q. With regard to your testimony as to the
10 blunt-force trauma, I believe you specifically said
11 to the back of the head, and you characterized it as
12 a pattern injury?

13 A. That's correct.

14 Q. Then -- and you said it was consistent with
15 certain things. Were you able to use the actual
16 wounds versus some type of weapon? Did you have any
17 weapon that you could match it to?

18 A. No. I was not provided with an instrument to
19 compare it to the pattern.

20 Q. And with regard to the hands -- and, again,
21 just the paper bags were on when you saw the body
22 the first time. What is the purpose of covering the
23 hands?

24 A. Two things. Protect what's on the hands so it
25 could not be lost if there was any trace evidence or

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1 fibers or hair or foreign material that would be
2 protected and not be lost in transport.

3 And the other thing is to protect anything from
4 the outsides to be deposited on the hands that was
5 not related to the incident itself.

6 MR. ANDERSON: Thank you very much. No further
7 questions.

8 THE COURT: Any redirect?

9 MR. TODD: Briefly.

10 REDIRECT EXAMINATION

11 BY MR. TODD:

12 Q. Who usually puts the paper bags on the hands?
13 Is that the coroner?

14 A. That question, I don't know the answer to.
15 I -- I assume that would be the person responsible
16 for the body.

17 Q. But that's common practice to put the paper
18 bags or some type of protective ---

19 A. Right.

20 Q. Okay. And were there any evidentiary items you
21 found on the hands?

22 A. Just the wound on the back of the hand -- of
23 the left hand.

24 Q. And there were no other -- was there any trace
25 evidence?

1 A. I did not observe any.

2 MR. TODD: Okay. No further questions, Your
3 Honor.

4 THE COURT: Okay. You can step down, ma'am.

5 THE WITNESS: (Complying.)

6 THE COURT: I assume you want permission for
7 this witness to be excused?

8 MR. MOWRY: Yes, sir.

9 MR. TODD: Yes, Your Honor.

10 MR. ANDERSON: No objection.

11 THE COURT: Okay. Ma'am, you're free to leave
12 the courthouse, but you're welcome to remain with
13 us, as well.

14 MR. MOWRY: We call Rod Green.

15 THE COURT: Okay.

16 THE WITNESS: (Approaching.)

17 THE CLERK: Do you solemnly swear or affirm
18 that the testimony you're about to give in this case
19 be the truth, the whole truth, and nothing but the
20 truth so help you God?

21 THE WITNESS: Yes.

22 ROD GREEN,
23 having been produced and first duly sworn as a
24 witness on behalf of the State, then testified as
25 follows:

1 DIRECT EXAMINATION

2 BY MR. MOWRY:

3 Q. You are Rod Green?

4 A. Yes, sir.

5 Q. Mr. Green, by whom are you employed?

6 A. I'm employed at South Carolina Law Enforcement
7 Division. Most people call it SLED.

8 Q. Okay. How long have you been with SLED?

9 A. I've been with SLED 18-and-a-half years now.

10 Q. Okay. So since before the turn of the century;
11 is that right?

12 A. Yes, sir.

13 Q. What is your current capacity with SLED?

14 A. Currently, I'm a lieutenant in the narcotics
15 division. I supervise 15 of the 46 counties, the
16 narcotics agency that works those areas.17 Q. Okay. And have you always done that in your
18 18-and-a-half years with SLED?19 A. No. I started in 2000 working in the crime
20 scene unit.21 Q. Okay. And were you working there back in
22 September of 2003?

23 A. Yes.

24 Q. When you talk about the crime scene unit, what
25 is that? What -- what did you do? What was your

1 purpose with your -- your task?

2 A. SLED is an assisting agency, meaning that we
3 don't -- we don't, like, actively patrol areas and
4 stuff. We -- we -- we are designed to assist the
5 sheriff's office and the police departments with
6 manpower and expertise.

7 So the crime scene unit is called whenever,
8 say, a local agency have a -- a crime scene and they
9 need help processing that scene. So we train
10 with -- on processing crime scenes, and we -- we're
11 on-call status. So whenever -- you're on call 24/7.
12 And whenever a call comes in, we respond.

13 Q. Almost invariably on the police TV shows, they
14 have a -- a -- an inhouse crime scene unit. Is that
15 the norm in South Carolina or is that the exception?

16 A. That -- that's the exception. We -- we're --
17 we're stationed in Columbia, and we respond to all
18 46 counties, so...

19 Q. And you say you were employed in that capacity
20 back in September of 2003?

21 A. Yes.

22 Q. What sort of education and training do you have
23 in order to perform that task?

24 A. I have a bachelors of science degree from
25 Furman University in geology. I was hired in 2000,

1 like I said, by SLED. And so the first couple of
2 months I spent time in a criminal -- criminal
3 justice academy becoming a Class 1 Officer.

4 Once I finished the training at the justice
5 academy, I started at SLED. And so to become a
6 crime scene agent, there's like a two to three-year
7 period in which you train first. So you spend the
8 first two to three years training under other court
9 qualified experts in crime scene. So you -- so you
10 travel. You -- you run crime scenes with them and
11 see the process.

12 During that time, there are required readings.
13 There are hands-on training. And once you get to a
14 certain point, you're given a proficiency test on
15 processing of crime scenes.

16 Once you pass that test and you've signed off
17 on all the training that training officer gives you,
18 you're then able to run your own crime scenes.

19 Q. And when were you signed off on that? When did
20 you pass all those proficiency tests and become
21 qualified to run your own crime scenes?

22 A. I believe in 2002.

23 Q. Okay. So you'd been, what, a year and a half
24 thereabouts ---

25 A. Yes.

1 Q. --- before the date of this incident?

2 A. Yes.

3 Q. You had been qualified. Have you been -- have
4 you testified in -- in courts as far as crime scene
5 examination is concerned?

6 A. Yes. I've -- I've testified somewhere on the
7 scale, I'd say, 15 to 20 something times in State
8 court as an expert in crime scenes, and also at
9 least twice in Federal court, I testified as an
10 expert in crime scenes.

11 Q. And you were declared an expert in each of
12 those cases?

13 A. Yes.

14 MR. MOWRY: Your Honor, I would offer him as an
15 expert in crime scene examination and crime scene
16 investigation.

17 MR. ANDERSON: If I may, Your Honor, just a
18 couple of questions.

19 THE COURT: Sure.

20 VOIR DIRE EXAMINATION

21 BY MR. ANDERSON:

22 Q. Were those before or after 2003, the -- the
23 opportunity to testify as a crime scene expert?

24 A. After.

25 Q. And I believe that it was said that you had

1 been maybe 18 months, 2 years you were certified
2 prior to 2003?

3 A. Certified as a Class 1 Officer.

4 MR. ANDERSON: Okay. Thank you, Your Honor.
5 No objection.

6 THE COURT: Okay. Without objection, Agent
7 Green is found to be an expert in the area of crime
8 scene analysis and investigation.

9 BY MR. MOWRY:

10 Q. Now, Agent Green, and it's lieutenant now; is
11 that right?

12 A. Yes.

13 Q. Lieutenant Green, did the crime scene
14 investigators, do they work separately, do they work
15 independently, or were they a team?

16 A. We -- we go out in teams of at least two
17 people.

18 Q. Okay. And who was the other individual that
19 you were with that -- that -- that day on -- on
20 September 26th?

21 A. The -- the other agent was Phillip Coonfield.

22 Q. Is he still with SLED?

23 A. No. Coonfield got a job at the FBI now.

24 Q. And do you know where he is stationed at this
25 time?

1 A. He's currently in Iraq.

2 Q. So a little bit beyond coming back to court; is
3 that right?

4 A. Correct.

5 Q. But you were a team. Did y'all do everything
6 together?

7 A. Pretty much. We -- we -- we work as a team.
8 Sometimes we divide a few of the things up, but
9 mainly as a team.

10 Q. For example, one would photograph and one would
11 sketch, that sort of thing?

12 A. Yes.

13 Q. And was that the process that you used on
14 September 26th going into the 27th?

15 A. Yes.

16 Q. How did you get word to come to Laurens County
17 that night?

18 A. Like I said earlier, we were on 24/7 calls. So
19 this call -- we received the call some time that
20 night. I think it was 8:00 something that night.

21 Usually, the call came from SLED. We had an
22 officer that manned the phones 24 hours. They gave
23 us a call and let us know that there was a scene to
24 respond to in Laurens County.

25 Q. About what time did you arrive? Do you recall?

1 A. We -- we arrived some time after 10:00 p.m.

2 Q. Okay. Describe the scene as you remember it
3 when you arrived. What did you see?

4 A. We got there and as usual, I think the coroner
5 was out there, the chief -- chief of police was out
6 there. And we arrived at the VFW. And as normal,
7 somebody sort of briefed us on -- on what we had,
8 what we understood was a male that was deceased
9 inside of the VFW.

10 Q. Okay. What did you do after you had gotten
11 that information?

12 A. Once we got that information, we -- we then --
13 we'll -- we'll walk through the scene.

14 To start, we always check as initially going in
15 for footwear just to make sure you don't step over
16 any evidence.

17 Once you clear the area for footwear, we then
18 look at the entire scene.

19 Once -- once we've seen the scene, we then
20 document the scene, and that's through photography
21 and also sketches.

22 Q. Okay. And did you take the pictures that
23 night?

24 A. Yes. I took the pictures.

25 Q. I'm going to hand you what have been marked as

1 State's Exhibits, I believe it's, 1 through 9. Just
2 make sure.

3 A. Yes.

4 THE COURT: One through six has already --
5 well, one through six, they're all into evidence.

6 MR. MOWRY: Yes, sir.

7 THE COURT: One through nine.

8 MR. MOWRY: One through nine. Yes, sir.

9 BY MR. MOWRY:

10 Q. Just going to hand you those pictures. If you
11 would look through them and tell me whether or not
12 those are pictures you took.

13 A. Yes. These are pictures that I took.

14 Q. Okay. This is, I believe, Number 1; is that
15 right? I believe that's Number 1; is that correct?
16 State's Number 1?

17 A. Yes.

18 Q. What does that illustrate?

19 A. This is a picture of the front of the VFW.

20 Q. And it looks almost like a dot matrix down here
21 at the bottom. What is this right here
22 (indicating), this code ---

23 A. Yes.

24 Q. --- down at the bottom?

25 A. So we were taking photographs then in 35

1 millimeter. So once the film are developed, it's
2 then stamped with our lab number, which is unique to
3 that case. So in this -- so that's SLED and LO3,
4 which sort of represents the year. And then it's
5 1049, and that's the 10,499th case SLED received
6 that year.

7 Q. Okay. But all of those photographs will be
8 stamped with that; is that correct?

9 A. Yes.

10 Q. And that was the scene that you saw when you
11 pulled up; is that correct?

12 A. Correct.

13 Q. Let me show you some other pictures. I'm going
14 to hand you a series of pictures. I had these in
15 order a little while ago. Sorry. Just make sure.

16 And these would be 10 through 21 and then 24,
17 25, and 27, and would ask you to look at those
18 separately if you would and tell me if you recognize
19 those.

20 A. Yes. These are photographs that I took.

21 Q. All right. And also if you would take a look
22 at 24, 25, and 27.

23 A. Yes. These are photographs that I took also.

24 MR. MOWRY: Okay. All right. I would offer
25 these items into evidence at this time, Your Honor.

1 THE COURT: What says the defense?

2 MR. ANDERSON: No objection, Your Honor.

3 THE COURT: All right. Without objection, 10
4 through 21 and 24, 25, and 27 are into evidence for
5 the State.

6 (State's Exhibit Nos. 10 through 21 and 24, 25,
7 and 27 were received into evidence.)

8 BY MR. MOWRY:

9 Q. What did you see when you got into the VFW
10 hall?

11 A. We examined the scene. Of course, we -- we --
12 we saw some evidence that I would say of a robbery
13 due to the cash register being strewn onto the
14 ground and the victim. There was a victim,
15 Mr. Bolt, laying in the door of the bathroom.

16 Q. Okay. Describe the cash register if you would.

17 A. The cash register was -- well, you would -- you
18 would -- you would imagine it being sitting up on
19 the bar or counter somewhere, but it was on the
20 floor.

21 There was paper -- some of that cash register
22 paper that usually, you know, that rings people up,
23 it was strung about from the bar, down to the floor
24 where the -- where the cash register laid.

25 Q. Okay. Let me show you a couple different

1 pictures. This -- these are State's 9 and 8. What
2 do those illustrate?

3 A. These are two pictures of the cash register on
4 the floor.

5 Q. And is that the state that you saw it in when
6 you got there?

7 A. Yes.

8 Q. Is there a drawer right here (indicating) at
9 the bottom of this picture?

10 A. Yes.

11 Q. What was in that drawer? Any cash or change or
12 anything like that in there?

13 A. No. The drawer -- the drawers were open and no
14 cash was inside.

15 Q. All right. What else did you see that gave you
16 the impression that there had been a robbery?

17 A. The victim was laying on his right side, and
18 the pockets that were exposed were pulled out.

19 Q. So would've been his left-hand pockets?

20 A. Left -- yeah, right. His left-hand pockets
21 were pulled out and emptied.

22 Q. All right. Let me show you State's Exhibit ---

23 A. No signs of a wallet.

24 Q. No signs of a wallet. Let me show you State's
25 Exhibits -- State's Exhibit 27 and ask you if you

1 can identify that.

2 A. Yes. This is a picture of the victim, and he's
3 laying on his right side and that left-rear pocket
4 is pulled out.

5 Q. Was the front pocket pulled out, as well?

6 A. Yes. The front-left pocket is pulled out.

7 Q. What other steps did you take to determine
8 where his wallet was? Did you look in his vehicle,
9 for example?

10 A. Yes. We searched -- we searched the VFW and
11 also his vehicle outside.

12 Q. All right. Did you ever find a wallet?

13 A. No.

14 Q. Did -- what did you find in his vehicle of
15 interest? You have your report. If you'd like to
16 refer to it, that would be fine.

17 A. I'm looking at Agent Coonfield's report from
18 that night. I don't see what was recovered from the
19 victim.

20 Q. Was there a notation in there that there was a
21 checkbook, cash, and other things found in the
22 center console?

23 A. Yeah, you're correct. Hang on.

24 Q. If you look on what's labelled page 13.

25 A. Okay. I see it. Yes. There's a notation that

1 cash, a checkbook, and various change was observed
2 in the center console.

3 Q. But no wallet?

4 A. Negative.

5 Q. No wallet was ever found; is that right?

6 A. Not -- not to my knowledge.

7 Q. All right. By you at any rate, there was no
8 wallet found?

9 A. Correct.

10 Q. What else did you observe about the interior of
11 the VFW?

12 A. The -- the victim was found in the doorway of
13 the male bathroom. The bathroom was very bloody.
14 There was a little blood on the victim's -- the
15 bottom of his shoes, and there was -- there was just
16 blood throughout the bathroom, along with blood
17 spatter along the walls, some as far as the ceiling.

18 Q. What did the spatter indicate to you given your
19 experience and expertise as a crime scene
20 investigator?

21 A. The -- the spatter just indicated -- it showed
22 the struggle or it showed -- it showed force being
23 applied to the victim.

24 Q. Okay.

25 A. I would say the force consistent with a

1 beating.

2 Q. Okay. With blunt-force trauma?

3 A. Blunt-force trauma.

4 Q. You said there were -- was blood on the soles
5 of the victim's shoes?

6 A. Yes.

7 Q. What did that indicate to you?

8 A. His -- his shoes were still on, so it just
9 indicated that he might've been upright at some
10 point during the -- after the beating started. So
11 he was beaten, started bleeding, and some blood was
12 able to -- was able to get onto the floor and he
13 stepped in it at some point.

14 Q. How would you characterize the quantity of
15 blood that you saw at the scene?

16 A. It was a -- it was a -- a very -- it was a lot
17 of blood.

18 Q. Okay. And where was the blood?

19 A. The blood was -- was -- there were pools of
20 blood on the floor and then there was blood spatter
21 along the walls, which like I said, indicate some
22 force being applied and going up the walls and some
23 on the ceiling.

24 Q. Okay. You and Agent Coonfield collaborated in
25 the preparation of a chart of the scene; is that

1 right?

2 A. Correct.

3 Q. And State's Exhibit No. 31, is that the chart
4 that was drawn?

5 A. Yes.

6 Q. All right. Where did y'all come in? Where is
7 the entrance?

8 A. The entrance is -- yeah.

9 THE COURT: You can step down to the diagram.

10 MR. MOWRY: If you'd like, that would be fine.
11 I'll swap places with you.

12 THE COURT: Just be sure to speak up loud
13 because you're away from the microphone, sir.

14 THE WITNESS: Yes, sir. This is the entrance
15 to the VFW about here (indicating).

16 BY MR. MOWRY:

17 Q. Okay. And where was Mr. Bolt found?

18 A. Mr. Bolt was found in the door of the male
19 bathroom. This (indicating) is Mr. Bolt laying on
20 his right side.

21 Q. Okay. And the ladies restroom is right next
22 door to it, is that right, down there in the corner?

23 A. Yes.

24 Q. Okay. What does that rectangle on the
25 left-hand side indicate?

1 A. A pool table.

2 Q. Okay. And these circles all along the -- well,
3 from the center over to the right?

4 A. It's tables and chairs.

5 Q. Okay. And the bar is where?

6 A. Here's the bar (indicating).

7 Q. All right. And the cash register was found
8 where?

9 A. The cash register was -- I think it was right
10 here (indicating).

11 Q. Okay.

12 A. Next -- right here (indicating).

13 Q. Right inside the door?

14 A. Right inside the door.

15 MR. MOWRY: Okay. Thank you, sir. Would you
16 go ahead and resume the stand, please.

17 THE WITNESS: (Complying.)

18 BY MR. MOWRY:

19 Q. Once you had made all those observations --
20 once you had made all those observations ---

21 THE COURT: Solicitor, are you offering 31 into
22 evidence?

23 MR. MOWRY: I believe it already is in
24 evidence, Your Honor, unless I'm mistaken.

25 THE COURT: It was not yesterday.

1 MR. MOWRY: It was not. Well, then I offer it
2 into evidence. I'm sorry, sir.

3 THE COURT: Without objection?

4 MR. ANDERSON: No objection.

5 THE COURT: Without objection, 31 into evidence
6 for the State.

7 (State's Exhibit No. 31 is received into
8 evidence.)

9 BY MR. MOWRY:

10 Q. Once you had made these visual observations and
11 photographed, what did y'all do then?

12 A. We -- we found -- we collected some items
13 that -- that could've been of some evidence.

14 Q. What did you collect?

15 A. You want the evidence?

16 Q. Just -- just talk -- talk some about it.

17 A. There was -- there was also a notepad at the
18 entrance of the -- of the VFW. So once you came
19 into the entrance, there was a table there and a
20 notepad. The -- one of the pages had been ripped
21 out of there, so we -- we collected that notepad.

22 Q. What date was the -- I believe it was a sign-in
23 sheet; is that right?

24 A. Correct. The VFW, if it's like most clubs,
25 it's a private club. So there's a sign-in process

1 for members and nonmembers in order to get in.

2 Q. And what date was missing?

3 A. The -- the date was -- the date that was
4 missing was that the night of -- the day of the
5 26th.

6 Q. Okay. What did y'all do to try -- why did
7 you -- did you collect the pad?

8 A. Yes. We collected the pad.

9 MR. MOWRY: Okay. I'm going to...

10 We would like to have this marked, Your Honor,
11 for identification, 39 and 40.

12 (State's Exhibit Nos. 39 and 40 were marked for
13 identification.)

14 BY MR. MOWRY:

15 Q. Before I go into this, there were some other
16 items you collected like cigarette butts and things
17 like that; is that right?

18 A. Correct.

19 Q. What was the purpose in collecting all those
20 things?

21 A. We -- we collected items that just showed
22 that -- that we thought maybe to lead to someone's
23 identity. So we collected cigarette butts. We
24 collected, I know, at least one beer bottle.
25 Just -- just -- just things we thought that showed

1 someone had come into contact with it.

2 It's a public place, but, you know, obviously
3 whoever -- whoever committed this was inside that
4 place, so we collected items that looked like they
5 had been disturbed.

6 Q. And why was it important to get those early on?

7 A. Well, because early on that's your -- I mean,
8 you're there soon after it -- it happened, so that's
9 your chance to -- to document and to gather those
10 things before they're disturbed by anyone.

11 Q. So better -- better to collect it and not need
12 it, than need it and not collect it; is that right?

13 A. Correct.

14 Q. Did you check for fingerprints in the place?

15 A. Yes.

16 Q. How many places would you say you dusted for
17 fingerprints?

18 A. I'm not sure how many places. The area we -- I
19 would say we processed, say, the common areas that
20 we knew that -- that something happened. So around
21 the bar, around the entrance, the bathroom, those
22 places.

23 Q. Okay. Again, going back to the TV cop shows.
24 It seems like they always find fingerprints. Is
25 that the reality of it?

1 A. No. Not -- you don't always find them. Just
2 depending on the condition of the room or the
3 condition of the person's hand, you may or may not.

4 Q. Can you instruct the jury a little bit on some
5 of the mechanics of how fingerprints are left?

6 A. On the -- on the tips of your fingers and, you
7 know, your palms and everything, you have -- you
8 have raised ridges which are your fingerprints.

9 One way to -- to leave prints, say, of course,
10 is if your -- your fingers are -- you have to have
11 some kind of moisture on your hands.

12 And then once you touch an object, that
13 moisture transfers to that area. And we're able
14 to -- once we come in, we look for those areas that
15 have your fingerprints left on that area.

16 Q. Does everybody leave fingerprints?

17 A. No.

18 Q. And what are those fingerprints called, the
19 ones that get left behind? What are those called?

20 A. The ones that get left behind are the latent
21 prints. We call them hidden. That's another word
22 for hidden prints, so you have to process the area,
23 in other words, to find them.

24 Q. Do all people leave latent prints on things
25 they touch?

1 A. No. You don't always -- you don't always leave
2 them. Just depending on the condition of your hands
3 and the condition of the surface. You may not have
4 enough oil or moisture on your hand or where the
5 surface just might not be conducive to -- to those
6 prints staying there.

7 Q. And sometimes the item itself is not conducive
8 to receiving a print; is that right?

9 A. Correct.

10 Q. And sometimes if you touch something and
11 slide -- what does -- slide your hand across it,
12 what does that do?

13 A. So when you come in contact with the -- with
14 the surface, you can leave your prints, but of
15 course it's very fragile so any kind of movement can
16 destroy it.

17 Q. What does cleaning do, a cleaning product,
18 spraying with Formula 409 or Top Job or something
19 like that? What -- what does that do to the latent
20 print?

21 A. Well, so -- so you're leaving -- when you leave
22 these latent print fingerprints, they are -- they
23 are in some type of moisture or oil. So any type of
24 spray, anything that comes in contact can destroy
25 the fingerprints.

1 Q. Did you find anything of evidentiary value as
2 far as fingerprints is concerned in the VFW that
3 night?

4 A. No. We -- we collected -- we collected some of
5 the items and processed them later, but I don't --
6 by reading the report, I don't -- there -- there
7 wasn't any kind of evidentiary value that we found.

8 Q. All right. Now, I want to present to you
9 State's Exhibits 39 and 40. Let's talk about 39
10 first. Unwrap this and show you the item inside.
11 Do you recognize that?

12 A. Yes.

13 Q. What is that please, sir?

14 A. This is the notepad that was at the entrance of
15 the VFW ---

16 Q. Okay.

17 A. --- or the sign-in sheet.

18 Q. And just a moment. I'm going to hand you
19 State's Exhibit No. 18. Is that the location of
20 the -- or does that illustrate the sign-in sheet?

21 A. Yes.

22 Q. And referring -- this is it right here; is that
23 right?

24 A. That's correct.

25 Q. And it's directly inside the front door. Is

1 that the front door right there?

2 A. Yes.

3 Q. Going back to the chart, State's Exhibit No. 31
4 I believe. Can you just describe where that pad is
5 in relation to this chart?

6 A. So when you go through the entrance of the
7 VFW ---

8 Q. Down here at the bottom?

9 A. Yes. You go through that -- that area, then
10 you go through the second door, and right there to
11 the left.

12 Q. Right here (indicating) where my finger's
13 pointing?

14 A. Yes.

15 Q. That would be it?

16 A. Yes. That's the notepad sitting right there.

17 Q. Okay. So you had collected all these items; is
18 that right?

19 A. Yes.

20 Q. How long were you at the scene? What time did
21 you leave?

22 A. I think we left -- let's see. I'd have to
23 refer to my notes. We departed about 8:30 a.m.

24 Q. And where did you go after you left the VFW?

25 A. We left the VFW -- the VFW and went to the

1 Newberry morgue where the autopsy was going to be
2 performed.

3 Q. And did you attend the autopsy?

4 A. We -- we got there about 9:30, so we were there
5 for part of the autopsy.

6 Q. Okay. Were you asked to come back to
7 Laurens ---

8 A. Yes.

9 Q. --- after that? What was the purpose in your
10 coming back to Laurens?

11 A. The purpose was they had developed a suspect,
12 so we wanted to get major case prints, fingerprints
13 and palm prints, and also get handwriting samples.

14 Q. Okay. And what was the purpose in getting
15 handwriting samples?

16 A. The pad that was at the entrance of the VFW is
17 used as a sign-in sheet, and so -- so people making
18 entrance into the club usually have to sign that
19 sheet -- sign that pad. Well, one of the -- which
20 was like maybe the last -- one of the last pages was
21 torn out.

22 Q. The page for September 26th?

23 A. Right. The page for September 26th wasn't
24 present. It was torn out.

25 So part of the SLED is divided into -- the lab

1 is divided into different areas. One is questioned
2 documents. And part of our training is -- is
3 collecting those type of items, because even though
4 that paper was torn out, questioned documents is
5 able to process the pad. You -- and you can
6 sometimes bring up the writing that may have been on
7 top of the pad.

8 Q. Okay. So you could process the indentation
9 from the -- from the sheet on top; is that right?

10 A. That's right.

11 Q. And who at SLED was responsible for that kind
12 of examination in 2003?

13 A. We had -- there were questioned document
14 examiners, and Lieutenant Gayle Heath I know was
15 there.

16 Q. And is she still there?

17 A. Yes.

18 Q. All right. Let me hand you State's Exhibits 14
19 and 16 and ask you if you can identify those.

20 A. Yes. These are photographs I took of the
21 suspect.

22 Q. All right. Do you see him in the courtroom
23 today?

24 A. Yes.

25 Q. Where is he, please, sir?

1 A. Seated at defense table.

2 Q. Would you describe what he is wearing?

3 A. A dark suit, white or gray shirt, blue
4 multi-color tie.

5 MR. MOWRY: Your Honor, I would ask that the
6 record reflect that he has pointed out the
7 defendant.

8 THE COURT: So reflected.

9 BY MR. MOWRY:

10 Q. Is this how he looked that evening depicted in
11 State's Exhibit No. 14?

12 A. Yes.

13 Q. State's Exhibit No. 16, what -- what does that
14 show?

15 A. Some kind of bruise or abrasion on his left
16 arm.

17 Q. And given the character of what you had seen at
18 the VFW, was that of interest to you?

19 A. Yes.

20 Q. All right. I'm going to hand you also this
21 packet that is paper clipped. It's State's Exhibit
22 No. 40 for identification. Do you recognize that?

23 A. Yes. These are the handwriting samples that
24 the suspect provided.

25 Q. Describe how those were obtained.

1 A. We got consent from the suspect to get
2 fingerprints and also handwriting samples. The
3 process of getting the samples were basically tore
4 sheets of paper.

5 We -- we handed the suspect one piece of paper
6 at a time, asked him to write his name.

7 Once he wrote his name, we took it away from
8 him, flipped it over, and gave him a clean sheet of
9 paper. Asked him to write it again. And that went
10 on for 20 or 30 times.

11 Q. And is this part of your experience and
12 training on how to get these handwriting exemplar --
13 exemplars?

14 A. Yes.

15 MR. MOWRY: Your Honor, I would like to offer
16 this for identification purposes as soon as the
17 clerk gets a moment or the court reporter. I'm
18 sorry.

19 (State's Exhibit Nos. 16 and 40 were marked for
20 identification.)

21 BY MR. MOWRY:

22 Q. Let me hand you what's been marked for
23 identification as State's Exhibit No. 41. Do you
24 recognize that?

25 A. Yes.

1 Q. What is that, please, sir?

2 A. This is the form we use at -- to get consent
3 from the subject, so that we take -- could take his
4 fingerprints and also handwriting samples.

5 Q. Okay. And that's -- this is the consent that
6 you got prior to taking his prints and prior to
7 getting these handwriting exemplars; is that right?

8 A. Correct.

9 Q. And that's your signature down there at the
10 bottom?

11 A. Yes.

12 Q. Mr. Bowers' signature over here (indicating)?

13 A. Yes.

14 Q. And Phillip Coonfield's up here (indicating)?

15 A. Yes. That's Coonfield.

16 Q. Was there any kind of threat made to the
17 defendant?

18 A. Negative.

19 Q. Any kind of promises or hope of reward or
20 anything like that?

21 A. No.

22 Q. Anything to induce his cooperation?

23 A. No.

24 Q. How would you describe his demeanor?

25 A. He was -- he was cooperating. I remember that

1 much.

2 MR. MOWRY: Okay. Very good. Your Honor, I
3 would offer this as a State's Exhibit at this time.

4 THE COURT: Okay. And what says the defense?

5 MR. ANDERSON: No objection, Your Honor.

6 THE COURT: Without objection, 41 into evidence
7 for the State.

8 (State's Exhibit No. 41 received into
9 evidence.)

10 THE COURT: Solicitor, does 39 and 40 remain
11 for identification only at this time?

12 MR. MOWRY: For identification only at this
13 time, Your Honor. I'll get those in through
14 Ms. Heath. Thank you.

15 Mr. Green, thank you very much. If you'd
16 answer any questions that Mr. Anderson might have.

17 THE COURT: Let's -- before we start
18 cross-examination, let's take a morning break.

19 MR. ANDERSON: Certainly.

20 THE COURT: Madam forelady and ladies and
21 gentlemen of the jury, we're going to take a morning
22 break for 10 or 15 minutes. Then we'll start back
23 with cross-examination of Lieutenant Green.

24 Just go back in the jury room and take a break
25 and remind you not to begin any discussions about

1 this case. We'll get you back out shortly.

2 (At 11:34 a.m., jury left the courtroom.)

3 THE COURT: All right. We'll be in recess 10
4 or 15 minutes.

5 (From 11:35 to 11:58 a.m., a recess was taken.)

6 MR. MOWRY: Your Honor, before the -- before
7 the jury comes back in, I just wanted to let Your
8 Honor know Mr. Anderson and I were discussing
9 logistics during the break, and I would make this
10 recommendation if you -- if you would wish to
11 consider it.

12 Mr. Green's cross-examination, Mr. Anderson
13 anticipates around 20 minutes. I'm not holding him
14 to that obviously, but we have one other witness
15 that I don't think is going to take very long after
16 that. The others are going to be lengthy.

17 THE COURT: All right.

18 MR. MOWRY: And so once we complete Ms. Case's
19 testimony, I would say that would be a good time to
20 break.

21 THE COURT: Okay.

22 MR. ANDERSON: That's perfectly fine with us,
23 Your Honor.

24 THE COURT: All right. I think we can
25 hopefully make that work.

1 All right. Let's bring the jury out, please.

2 THE BAILIFF: (Complying.)

3 (At 12:00 p.m., jury entered the courtroom.)

4 THE BAILIFF: All jurors present, Your Honor.

5 THE COURT: All right. Thank you, Mr. Bolt.

6 State ready to proceed -- oh, we've got
7 cross-examination. Excuse me, Mr. Anderson.

8 MR. ANDERSON: Thank you, Your Honor. May it
9 please the Court?

10 CROSS-EXAMINATION

11 BY MR. ANDERSON:

12 Q. Special Agent Green -- and you'll remain under
13 oath. You mentioned about normal procedures at a
14 VFW. Have you ever been -- are you a member of the
15 VFW?

16 A. Negative.

17 Q. Have you ever been to a VFW before that night,
18 that investigation?

19 A. No.

20 Q. All right. But you specifically mentioned
21 normal procedures to have a sign-in sheet.

22 A. Yes.

23 Q. You were told that, or how would you know that?
24 I'm just asking.

25 A. Well, that night I was told that, but in my --

1 since 2006, I've been in the narcotics unit, and we
2 also work with the alcohol unit, so part of my
3 duties are alcohol enforcement. And one of the
4 things we go out and look for is making sure that
5 private clubs have their sign-in sheets that they're
6 filled out properly.

7 Q. Going back to that notepad and some comments
8 that you gave us. Does this appear to be the
9 notepad that you saw that night?

10 A. I believe it's -- I don't know if that's ---

11 Q. It's the one that was marked and it was
12 just ---

13 A. If it was marked, then I'm not sure. Only
14 pulled the other forms off the top, this item
15 number.

16 Q. It's been marked as 39.

17 A. Okay.

18 Q. Plaintiff's 39.

19 A. Yes. I can identify it.

20 Q. Can you show me on the sign-in page where's the
21 date of the sign-in?

22 A. I don't see a date.

23 Q. Okay. You said just a few minutes ago the
24 date -- the page for the 26th was missing. How do
25 you know that?

1 A. It was in -- it was in my notes that -- well,
2 it was in Agent Coonfield's notes that one of the
3 employees had said that that was the page that was
4 missing.

5 Q. But looking at the notepad, you don't see a
6 date? You just said you looked at it and you don't
7 see a date on the sign-in sheet; is that correct?

8 A. Right. It's just a -- as the pages were
9 written on, you could see the last page. Well,
10 after the page that was written on was missing.

11 Q. Okay. But as to the notepad, there's no date
12 on the sign-in sheet that says the -- that says the
13 25th?

14 A. That -- that's correct. I don't see it.

15 Q. Okay. And you mentioned Agent Coonfield and
16 y'all worked as a group as a team you said?

17 A. Yes.

18 Q. So his report, your report, would've been how
19 y'all set up together and worked through the night
20 together; is that right?

21 A. Yes.

22 Q. You were primarily taking photos?

23 A. Yes. And helping with whatever he needed.

24 Q. I mean, you -- the photos that have been
25 identified, you were the photographer?

1 A. Yes, I was.

2 Q. Looking at the photos. I want to show you
3 three. This was marked as State's 9. I believe
4 that's 9 on the back, 8, and it's going to be 24.
5 What is consistent in all three of those pictures?

6 A. The cash register is on the floor and the paper
7 is strewn from the bar area towards the cash
8 register.

9 Q. Okay. Would you say that's somewhat in
10 disarray for the cash register?

11 A. Yes.

12 Q. I believe you had even stated the cash register
13 probably was on the bar, and I recognize you weren't
14 there to see where it normally was. You said it
15 normally wouldn't be on the floor?

16 A. Correct.

17 Q. Thank you. I'm going to show you State's 18
18 and State's 15. And what would you say those are
19 photos of at the VFW?

20 A. This is a photograph of the sign-in sheet near
21 the entrance.

22 Q. Both photos reflect the notepad?

23 A. Yes.

24 Q. Is the notepad on the table?

25 A. It's on the table.

1 Q. Is it squarely on the table? Would you
2 describe it as disarray?

3 A. It's just panning to the side a little.

4 Q. But these photos of the notepad on the table
5 and y'all saw on the screen earlier, does that look
6 to be in disarray compared to the case register
7 paper which was strewn about here on the floor?

8 A. It -- well, it isn't normal because it's -- it
9 was candid and it's also what appeared to be -- from
10 memory, there appeared to be a blood stain on it.

11 Q. Can you see the blood stain on this photo?

12 A. Not this photo. This -- this just pans to the
13 side.

14 Q. Like the sign-in sheet right there?

15 A. Yes.

16 Q. Like if I came up and signed it, it might be
17 right there?

18 A. Yes, sir.

19 Q. But it's, again, not in disarray on the table?

20 A. Well, I mean, it's panning to the side with a
21 blood stain on it. That ain't normal.

22 Q. I'm not sure the direction of these two photos,
23 but I am going to ask you about them anyway. Eleven
24 and 12 previously marked. What does that appear to
25 look like, the first one on the wall?

1 A. On the wall, they had a shelf with the
2 cigarettes stacked on it.

3 Q. Probably for sell?

4 A. Yes.

5 Q. And the other photo, what is that?

6 A. One of the cigarette packs on the floor.

7 Q. One or how many do you see?

8 A. At least two.

9 Q. At least two on the floor?

10 A. Yeah.

11 Q. And some photographs of the cigarettes in the
12 middle of floor?

13 A. Yes.

14 Q. So the cigarettes were in disarray. The cash
15 register is on the floor. The cash register tape is
16 in disarray, but the sign-in sheet is neatly on the
17 table at the entrance.

18 I'm also going to ask you, you left Laurens
19 after being in town from about 10:30, I believe your
20 testimony was, overnight until approximately what
21 time did you leave Laurens?

22 A. I think it was about 8:30.

23 Q. And you went from Laurens to Newberry?

24 A. To Newberry.

25 Q. For the autopsy, correct?

1 A. Correct.

2 Q. Or to be present for the autopsy. You were not
3 doing it. You then were summoned back to
4 Laurens ---

5 A. Yes.

6 Q. --- later that same morning?

7 A. Yes.

8 Q. And under -- why were you summoned back to
9 Laurens? I believe you testified to that, just a
10 refresher.

11 A. We were summoned, according to the notes,
12 because they had developed a suspect and he was
13 cooperating.

14 Q. So it might or might not be normal procedure
15 for you to return to Laurens, but you were
16 specifically called back?

17 A. Yes.

18 Q. Because they had a suspect in custody?

19 A. It was -- yeah, someone was at the police
20 department.

21 Q. And they wanted you to do fingerprints? You
22 said -- I forget the word you used, but it was for
23 when you're taking fingerprints.

24 A. We call them major case prints.

25 Q. Yes. Major case fingerprints. And you took

1 some photos when you came back to Laurens?

2 A. Yes.

3 Q. And, again, just looking at these photos in
4 regards to -- I didn't mess this up -- the imprint
5 on the bottom of the photo doesn't show you a date
6 or time. It says SLED and a case jacket; is that
7 right?

8 A. Yes.

9 Q. And so these two photos, were those of the
10 suspect that they had at that time?

11 A. Yes.

12 Q. And do you know when those photos might've been
13 taken? What time of day that was?

14 A. So it was after the autopsy. So some time, I
15 would guess, late that morning, the 27th.

16 Q. Late in the morning?

17 A. That's my -- yeah.

18 Q. Okay. Do you -- do you recall from your notes
19 or just from your memory was this particular suspect
20 the only one you took photos of?

21 A. I don't recall.

22 Q. Okay. And was it -- did they tell you whether
23 or not he was in custody or under arrest at that
24 time from you memory or from your notes?

25 A. No.

1 Q. Okay. And you mentioned specifically the photo
2 of it appears to be a left arm?

3 A. Yes.

4 Q. And underneath, there's some scrapes?

5 A. Yes.

6 Q. As a matter of fact, I think you called them
7 abrasions?

8 A. Yes.

9 Q. Were you present in the courtroom for the
10 doctor's testimony?

11 A. Yes, I was.

12 Q. And she described certain identifying marks on
13 a body where forensics would identify them as
14 various things. Do you remember her description of
15 an abrasion ---

16 A. No. I don't remember what she said.

17 Q. --- or versus contusion?

18 A. I -- I don't think, I mean ---

19 Q. I know it was her testimony. I'm just asking.

20 A. No. I mean, I've got my own -- what I think of
21 an abrasion is or -- but I'm not sure what her --
22 what the medical definition is.

23 Q. So scrapes underneath the left arm, that could
24 be consistent with a lot of things. Yes?

25 A. Yes.

1 Q. And that could be consistent, say, if a person
2 had been riding a dirt bike and fell off the dirt
3 bike in gravel and dirt, they could've scraped up
4 their arm and leg?

5 A. Yes. That's possible.

6 Q. Does everyone have fingerprints?

7 A. Yes.

8 Q. At some point in their life, they have
9 fingerprints? We've all seen the movies where
10 masterminds have theirs burned off.

11 A. Unless it's destroyed. Unless you go so deep
12 in the skin, they'll -- they'll grow back.

13 Q. You mentioned looking for fingerprints or
14 taking the fingerprints at the scene. Is that what
15 you call "dusting for fingerprints"?

16 A. Yes.

17 Q. And you -- you -- you said it has to do with
18 maybe the moisture or the oil from your hand or your
19 fingers, and that's kind of what you're looking for.
20 Is that where the dusting comes from? You put some
21 sort of dust on it, that procedure?

22 A. Yes.

23 Q. And then you're able to take it off? But you,
24 again, either from your notes or from your memory,
25 you don't recall there being any -- again, just to

1 use your words.

2 There was nothing of evidentiary value as far
3 as fingerprints that you recall from this crime
4 scene?

5 A. Well, there were some items that we took to be
6 processed later in the lab, but -- and there were --
7 we lifted some prints, but at that time, they're
8 unknown as the -- the source, who they -- who they
9 may have come from.

10 Q. You mentioned items being collected at the
11 crime scene. Is there an inventory in your notes
12 with regard to what was collected?

13 A. I've got a -- I can look for the -- the file
14 and there's an inventory that the lab produces.

15 Q. Okay. Well, I don't need that. I don't need
16 the lab report, but from your normal procedure,
17 would you have made an inventory of what you took
18 from a scene to take back for it to be processed?
19 Normally, you would take an inventory?

20 A. Right. Well, and the inventory is filled out
21 on a lab request form. If that makes sense. So --
22 so you inventory and you -- you write out the items
23 that you have with you on a -- on a request form.

24 Q. Thank you. I'm going to refer you back to
25 State's Number 31, the sketch. Who actually drew

1 this sketch?

2 A. Phillip Coonfield.

3 Q. Okay. Your partner who you worked -- who you
4 actually worked with that night?

5 A. Yes.

6 Q. And, again, several of the photos take various
7 angles, but this is a depiction of the room at the
8 VFW?

9 A. It's -- yes. It's a depiction, you know,
10 looking ---

11 Q. Sure.

12 A. --- down.

13 Q. I'm going to bring you over closer to one of
14 the -- as I face it, the left-hand side or the
15 right-hand side of the photo. What does that
16 propose to be, the listing there? Is that a legend?

17 A. Right here?

18 Q. The words over here on the column.

19 A. Oh, okay.

20 Q. Is that a legend?

21 A. Yes.

22 Q. Okay. And it has various items listed. Can
23 you read the items that are listed there?

24 A. Notepad. Beer bottle. I'm not sure what that
25 is, "car-a-fe."

1 Q. "Cu-raff"?

2 A. I'm not sure of that. Cash register. Ashtray.
3 Top of register. Glasses.

4 Q. Okay. And are they indicated by letter next to
5 each of those items?

6 A. Yes.

7 Q. And then in the actual sketch, there are places
8 with letters. For instance, "A" by which you've
9 already identified as entrance door, there's a
10 notepad. Would that be correct?

11 A. Yes.

12 Q. "D" which is on the other side of the entrance
13 door, and that "D" is what?

14 A. Cash register.

15 Q. Okay. And you've identified this "S" for the
16 diagram. This is the victim laying in the doorway
17 of the men's restroom, correct?

18 A. Yes.

19 Q. Okay. And there's no letter next to him. And
20 then there's a letter also on the floor of the men's
21 room.

22 A. Yes.

23 Q. And what is that letter?

24 A. It's a letter "G."

25 Q. And what does "G" correspond to over here?

1 A. Glasses.

2 Q. Okay. So there were glasses on the men's room
3 floor near the body you would say, near the victim's
4 body?

5 A. They were -- they were in the bathroom. I
6 guess it is what you call near. They were so many
7 feet away. I'm not sure how many feet.

8 Q. They were significant enough to make it to the
9 sketch that was done that night?

10 A. Yes.

11 Q. Thank you. I'm going to show you photos that
12 were taken and ask you, I don't have the originals,
13 but these are photocopies. Does this look like, and
14 again, the markings on the photos that you may've
15 taken that night, as well?

16 A. Yes. I see the stamp.

17 Q. Sure. And this one photo, does it appear to
18 have the glasses in there, as well?

19 A. Yes.

20 Q. And what would you say all this other stuff is
21 in the pictures?

22 A. It's blood stains that are on the floor in the
23 bathroom.

24 Q. So in close enough proximity to the glasses was
25 the blood splatter on the floor, and is this all?

1 A. Yes.

2 Q. And does that appear to be blood splatter as
3 well on the wall?

4 A. Well, yes. You got blood on the wall.

5 MR. ANDERSON: And this has been marked as
6 Defendant's 13 that y'all provided to us.

7 We would offer to introduce the photo of the
8 restroom marked, again, previously as Defendant's
9 13.

10 THE COURT: And what says the State?

11 MR. MOWRY: Your Honor, could we approach for
12 just a second? I just wanted to...

13 THE COURT: Sure.

14 (Sidebar discussion.)

15 THE COURT: All right. Number 13 will be into
16 evidence for the defense.

17 (Defendant's Exhibit No. 13 was received into
18 evidence.)

19 MR. MOWRY: And that's Defendant's 1, Your
20 Honor.

21 THE COURT: That's Defendant's 13.

22 MR. MOWRY: Thirteen. I'm sorry.

23 MR. ANDERSON: Thank you, Agent Green. Answer
24 any questions that the State may have.

25 THE COURT: Any redirect?

1 MR. MOWRY: Just a couple of questions, Your
2 Honor.

3 REDIRECT EXAMINATION

4 BY MR. MOWRY:

5 Q. I'm going to find State's Exhibit 15, a
6 photograph. Mr. Anderson had asked you about some
7 of the -- yeah; there we go -- disarray in the
8 building. I'm going to hand you what's been marked
9 as State's Exhibit No. 15.

10 You talked, I believe, about the state of the
11 pad. Is there anything in that picture that you
12 would say is in disarray?

13 A. Well, there's a -- there's blood on the desk
14 next to the pad. There's a little blood on the pad
15 itself.

16 Q. Okay. Anything else in that picture? I'm
17 looking particularly in the lower left-hand corner
18 as I'm looking at this picture on the -- on the big
19 board.

20 A. Just some type of flyers were also on the
21 ground.

22 Q. | Yep.

23 A. Yes.

24 Q. Right there (indicating)?

25 A. Yes.

- 1 Q. Does that appear to be in disarray?
- 2 A. Yes.
- 3 Q. That's not the normal position for those; is
- 4 that right?
- 5 A. I wouldn't think so.
- 6 Q. Also, I meant to ask you this earlier. The
- 7 pathologist, when she was testifying, testified
- 8 about bags on the victim's hands, paper bags on the
- 9 victim's hands.
- 10 A. Yes.
- 11 Q. Did you -- did y'all do that?
- 12 A. Yes.
- 13 Q. What was the purpose of that?
- 14 A. To protect the hands. Basically, any evidence
- 15 that may be on the hands and to make sure that they
- 16 weren't in transport, they weren't contaminated with
- 17 anything else.
- 18 Q. Okay. But that's standard procedure ---
- 19 A. Yes.
- 20 Q. --- is that right?
- 21 A. Yes.
- 22 Q. And last of all, the prints you collected, you
- 23 said that they were unknown prints; is that right?
- 24 A. Yes.
- 25 Q. This was a public area ---

1 A. Correct.

2 Q. --- is that right?

3 A. Correct.

4 Q. Does it surprise you that you found
5 fingerprints in there?

6 A. No. Any time you -- you look for fingerprints,
7 especially latent prints, like I said, those are the
8 ones that are generated by the oils and the sweat on
9 your hands, and those can last for years.

10 So it -- it could be from somebody with that --
11 that area -- that table hadn't been wiped, it could
12 stay on there for years or it could have been
13 recent. You can't time that print -- that type of
14 print.

15 MR. MOWRY: Okay. I believe that's all I have.
16 Thank you, sir.

17 THE COURT: Any recross?

18 MR. ANDERSON: No, sir.

19 THE COURT: Okay. You can step down, sir.

20 THE WITNESS: (Complying.)

21 THE COURT: Any objection to Lieutenant Green
22 being excused?

23 MR. MOWRY: None from the State, Your Honor.

24 MR. ANDERSON: I don't believe so, Your Honor.

25 THE COURT: All right. You're free to leave

1 the courthouse, but you're more than welcome to
2 remain with us.

3 MR. MOWRY: State would call Shawn Case to the
4 stand.

5 THE COURT: Okay.

6 THE WITNESS: (Approaching.)

7 THE CLERK: Do you solemnly swear or affirm
8 that the testimony you're about to give in this case
9 will be the truth, the whole truth, and nothing but
10 the truth so help you God?

11 THE WITNESS: I do.

12 VIOLA SHAWN CASE,
13 having been produced and first duly sworn as a
14 witness on behalf of the State, then testified as
15 follows:

16 DIRECT EXAMINATION

17 BY MR. MOWRY:

18 Q. You are Shawn Case?

19 A. Yes, sir.

20 Q. And, Shawn, I want to -- without intending to
21 embarrass you, but I want to ask you about your
22 criminal history. You've got one, don't you?

23 A. Quite some.

24 Q. You -- you've got forgery convictions from back
25 in 1995, and you've got drug convictions from 1999;

1 is that right?

2 A. Yes, sir.

3 Q. And you've got another drug conviction from
4 2004?

5 A. (No response.)

6 THE COURT: You have to answer the question,
7 ma'am.

8 THE WITNESS: Yes, sir.

9 BY MR. MOWRY:

10 Q. And you've got a shoplifting from 2012; is that
11 right?

12 A. Yes, sir.

13 Q. Shawn, how old are you now?

14 A. Forty.

15 Q. Where do you live?

16 A. [REDACTED] Road in Laurens.

17 Q. Whereabouts do you work?

18 A. Quality Inn.

19 Q. Okay. Have you met the defendant in this case,

20 A.J. Bowers before?

21 A. Not -- not before this?

22 Q. Have you met him before today?

23 A. No -- yes -- yes, sir.

24 Q. Okay. Where did you meet him?

25 A. At my Aunt Brenda's house.

1 Q. And your Aunt Brenda, is that Brenda Roberts?

2 A. Yes, sir.

3 Q. Do you remember the address that she lived at?

4 A. [REDACTED] Street.

5 Q. Okay. And this was -- when did you meet him?

6 A. It was the week of the fair.

7 Q. Okay. Week of the fair?

8 A. The day -- the day before the fair.

9 Q. All right. Let me show you what's been marked
10 as State's Exhibit No. 22. Do you recognize that?

11 A. That's my aunt's old house.

12 Q. Okay. That's [REDACTED] Street?

13 A. Yes, sir.

14 MR. MOWRY: Your Honor, I've shown that to the
15 defense. I would offer it as a State's Exhibit at
16 this time.

17 MR. ANDERSON: Without objection, Your Honor.

18 THE COURT: Without objection, 22 into evidence
19 for the State.

20 (State's Exhibit No. 22 was received into
21 evidence.)

22 BY MR. MOWRY:

23 Q. You say you met A.J. Bowers the day before the
24 murder, which murder are you talking about?

25 A. Mr. Bolt.

1 Q. At the VFW?

2 A. Yes, sir.

3 Q. So that would've been on Thursday; is that
4 right?

5 A. Yes, sir.

6 Q. You met him where?

7 A. At my aunt's house. My cousin **R. G.** had
8 thrown -- I guess he was bringing him home from the
9 fair.

10 Q. Okay. What did you find out about A.J. Bowers
11 that night and what happened?

12 A. Not too much. I was in and out of the house.

13 Q. Okay. How did he -- what was his connection
14 with the fair?

15 A. He worked on a ride there, I think.

16 Q. Okay. So he was working with the fair; is that
17 right?

18 A. Yes, sir.

19 Q. And your cousin **R. G.**, what's his last name?

20 A. **R. G.**

21 Q. Brought him home?

22 A. Yes, sir.

23 Q. Okay. Did you have any conversation with A.J.
24 Bowers that night?

25 A. Not really. We was back and forth, you know,

- 1 drinking and doing other things ---
- 2 Q. Okay.
- 3 A. --- so I was in and out.
- 4 Q. Any -- any other connection with him that night
- 5 at all?
- 6 A. No, sir.
- 7 Q. Okay. I want you to think about the next day,
- 8 Friday, September 26th. Where did you go that
- 9 night?
- 10 A. I was at a concert.
- 11 Q. Where was it?
- 12 A. In Greenville.
- 13 Q. Who was playing?
- 14 A. Matchbox Twenty, I think it was.
- 15 Q. Okay. About what time did that thing end? Do
- 16 you -- do you -- do you recall?
- 17 A. Probably about 11:00 or so. I got home between
- 18 12:30 -- 12:00, 12:30, I think it was.
- 19 Q. Where were you staying at that time?
- 20 A. [REDACTED] Street.
- 21 Q. You were staying at Round Street?
- 22 A. Yes, sir.
- 23 Q. Did you go back there?
- 24 A. I did.
- 25 Q. And did you go anywhere after that?

1 A. I did.

2 Q. Where did you go?

3 A. I went to the Travel Lodge. It's called the
4 Magnolia Inn now.

5 Q. Okay. And where is that located?

6 A. Across from Baldwin dealer parts.

7 Q. Okay. On North Harper Street?

8 A. Yes.

9 Q. Okay. What was your purpose in going there?

10 A. I went there to get high.

11 Q. What -- what was your drug of choice at that
12 time?

13 A. Crack cocaine.

14 Q. Okay. Did you see A.J. Bowers at any time that
15 night?

16 A. I did.

17 Q. Where did you see him?

18 A. He came to my motel room.

19 Q. Came to your room?

20 A. He came to my motel room.

21 Q. Okay. Was there anything unusual about him
22 when you saw him?

23 A. Yeah, he was kind of dirty looking. He had
24 blood on him.

25 Q. Blood on him? What was he wearing? Do you

1 recall?

2 A. A light -- light colored t-shirt, shorts, light
3 colors.

4 Q. Okay. And where did he have blood?

5 A. On his shirt and pants.

6 Q. Okay. Was it just a little bit or was it a
7 good bit?

8 A. It was a pretty good bit.

9 Q. All right.

10 A. You can tell what dried blood looks like.

11 Q. All right. And let me show you State's Exhibit
12 No. 14. Is that what he was wearing?

13 A. No, sir.

14 Q. Okay. Different clothing?

15 A. Yes, sir.

16 Q. What did A.J. Bowers want you to do?

17 A. He wanted to buy crack from me.

18 Q. Okay. What did he offer you?

19 A. Money.

20 Q. Did you notice anything about the money?

21 A. It had blood on it.

22 Q. There was blood on the money? Did you take it?

23 A. No. I wouldn't. That's why.

24 Q. Okay. So you refused to sell him anything; is
25 that right?

1 A. Yes, sir.

2 Q. At some time later that morning -- well, let me
3 ask you this first. Do you know Detective Tony
4 Lynch?

5 A. I do.

6 Q. And Tony would you stand up for a second. Is
7 that he?

8 A. Yes, sir.

9 Q. Some time later that morning, did you see
10 Detective Lynch?

11 A. I did.

12 Q. Describe those circumstances if you would for
13 me? What had happened?

14 A. I had actually went outside my room to get some
15 air because I was -- there was a lot going on in my
16 room. And he was like walking up and down the
17 motel, like, knocking on doors and looking for
18 people from the carnival.

19 Q. Were people from the fair staying there?

20 A. Oh, yeah, there was bunch of them there.

21 Q. Okay.

22 A. And he asked me if I had seen him. And I was
23 like, "Well, you might want to check my house."

24 Q. Okay. Did you know anything about the VFW ---

25 A. No. I hadn't heard anything.

1 Q. --- a murder at that point or a killing of
2 Mr. Bolt?

3 A. No.

4 Q. What did you mean when you said, "You might
5 want to check out my house"?

6 A. It kind of, like, clicked on me that he might
7 be -- I mean, they was looking for somebody for an
8 investigation or something, you know, but I didn't
9 know anything about a murder.

10 Q. But you said you might know somebody at your
11 house, what were you referring to?

12 A. A.J.

13 Q. Okay. And where?

14 A. Yeah.

15 Q. A.J. where?

16 A. At [REDACTED] Street.

17 Q. Okay. And did you offer anything to Detective
18 Lynch at that time?

19 A. He asked me if I could show him where my aunt
20 lived.

21 Q. Okay. And did you do that?

22 A. Yes, sir.

23 Q. How did you do that?

24 A. I got in the car and he took me there, and I
25 pointed it out. And I went back home and continued

1 doing what I was doing.

2 Q. Okay. So you went with him to the -- to your
3 aunt's house, referring to State's Exhibit 22. You
4 went to the house, you pointed it out, and then you
5 went back to the Magnolia -- well, to the Travel
6 Inn; is that right?

7 A. Yes, sir.

8 Q. And Detective Lynch dropped you off?

9 A. Yes, sir.

10 Q. Did you have any other connection with this
11 case?

12 A. No, sir.

13 Q. You ever been to the VFW?

14 A. No.

15 MR. MOWRY: Thank you, Shawn. Answer any of
16 the questions that Mr. Anderson may have.

17 THE COURT: Cross-examination?

18 CROSS-EXAMINATION

19 BY MR. ANDERSON:

20 Q. Ms. Case, you mentioned you got -- when you
21 mentioned you were at the Travel Lodge, Detective
22 Lynch was knocking on doors, I believe. You talked
23 to Detective Lynch. You got in the car with
24 Detective Lynch to take you to your aunt's house?

25 A. Yes, sir.

1 Q. And did you say you had been doing drugs most
2 of the morning?

3 A. Yeah, I was.

4 Q. -- (cross-talking) --

5 A. Crack cocaine don't make you unaware of things.
6 You know what's going on around you.

7 Q. So you felt comfortable getting into a police
8 officer's car having done crack cocaine?

9 A. Yes, sir.

10 Q. Were you -- you were -- were you selling the
11 crack cocaine at the Travel Lodge?

12 A. No. I was doing it.

13 Q. Okay. But when A.J. was at the Travel Lodge,
14 did you say he was trying to buy it?

15 A. A lot of people come to me to get drugs. Yes,
16 sir.

17 Q. When you said Detective Lynch then returned you
18 to the Travel Lodge, you continued doing what you
19 were doing. You were continuing to do the crack
20 cocaine?

21 A. Yes, sir.

22 Q. How many children do you have, Ms. Case?

23 A. I have four.

24 Q. What are their ages today?

25 A. 22, 14, 11, and 8.

1 Q. In 2003, how many children did you have?

2 A. Two.

3 Q. And were you working in 2003, September of
4 2003?

5 A. No, sir.

6 Q. Were you making money selling crack?

7 A. Yes, sir.

8 Q. When you went to the concert -- no. I withdraw
9 that.

10 In September of 2003, you would say that you
11 were -- I think you said people come to you, so
12 people knew you -- that you were -- you might have
13 crack to sell?

14 A. Yeah.

15 Q. Okay. And you had seen A.J. the night before
16 or I guess Thursday?

17 A. That day too.

18 Q. Okay. And you said that when you first met
19 him, he was actually at your Aunt Brenda Robert's
20 house?

21 A. Yes, sir.

22 Q. At Round Street. And you said cousin R. G.
23 brought him home. How old is -- was R. G.
24 at that time?

25 A. He was like 14, 15. He was young. I think

1 what was -- come about is A.J. was supposed to hook
2 up with R. G.'s sister, my cousin Amanda.

3 Q. And would she have been at Round Street, as
4 well?

5 A. Yes, sir.

6 Q. So cousin R. G. is maybe 15 years old. A.J. is
7 17 years old. They might've become -- I don't want
8 to say friends -- but they met each other at the
9 fair you're saying -- you're presuming?

10 A. Yes, sir.

11 Q. And that's when you first met him was --
12 would've been Thursday night?

13 A. Yeah -- yes, sir.

14 Q. And you knew him by A.J.?

15 A. Yes, sir.

16 Q. And then on Saturday morning when you saw
17 Detective Lynch, you said, "Check my house for A.J."

18 A. I didn't say "Check my house." I said, "You
19 might want to look for some carneys at my house."

20 Q. And then, again, getting back to you were
21 selling crack. I mean, you weren't working, but you
22 did sell crack and you did -- people knew that, but
23 you wouldn't take A.J.'s money?

24 A. No. I wouldn't take the money.

25 MR. ANDERSON: Okay. No further questions,

1 Your Honor.

2 THE COURT: Any redirect?

3 MR. MOWRY: Yes, sir. Just a few.

4 REDIRECT EXAMINATION

5 BY MR. MOWRY:

6 Q. You were selling drugs; you were doing drugs.

7 And A.J. Bowers came to you to buy drugs?

8 A. Yes, sir.

9 Q. And he offered you money, and you turned it
10 down. Why?

11 A. Because it had blood on it.

12 MR. MOWRY: No further questions.

13 MR. ANDERSON: One other thing if I may, Your
14 Honor. Just to follow-up on that.

15 RECROSS EXAMINATION

16 BY MR. ANDERSON:

17 Q. Was A.J. alone when he tried to buy the drugs
18 from you?

19 A. No.

20 Q. Okay. Who else might've been with him?

21 A. My cousin Doyle Wayne Roberts, also known as
22 Wanda Wayne.

23 Q. Okay. And, I mean, is it possible they shared
24 money or exchanged money?

25 A. I'm not sure.

1 MR. ANDERSON: Okay. So somebody had money out
2 and you said, "I'm not taking it." Thank you.

3 FURTHER DIRECT EXAMINATION

4 BY MR. MOWRY:

5 Q. Since we brought that up, Your Honor, Doyle
6 Wayne Roberts, also known as Wanda Wayne, did you
7 notice any blood on him?

8 A. No.

9 Q. But you did notice blood on A.J. Bowers; is
10 that right?

11 A. Yes, sir.

12 MR. MOWRY: Thank you, ma'am.

13 THE COURT: Okay. You can step down, ma'am.

14 THE WITNESS: (Complying.)

15 THE COURT: Any objections to this witness
16 being excused?

17 MR. MOWRY: No, sir.

18 MR. ANDERSON: None, Your Honor.

19 THE COURT: Okay. You're free to leave the
20 courthouse, ma'am.

21 THE WITNESS: Thank you, sir.

22 THE COURT: Or you're welcome to remain with
23 us.

24 Okay. Madam Forelady and ladies and gentlemen
25 of the jury, I think this is a good time for us to

1 THE BAILIFF: All jurors are present, Your
2 Honor.

3 THE COURT: Ladies and gentlemen, we'll get
4 started in just a second. Solicitor Mowry is making
5 me a copy of something, so it'll be just a second
6 and we'll get started.

7 (Brief recess.)

8 THE COURT: All right. Solicitor, call your
9 next witness.

10 MR. MOWRY: Yes, sir, Your Honor. We call
11 Walter Bentley.

12 THE WITNESS: (Approaching.)

13 THE CLERK: Do you solemnly swear or affirm
14 that the testimony you're about to give in this
15 case, be the truth, the whole truth, and nothing but
16 the truth so help you God?

17 THE WITNESS: Yes, ma'am.

18 INVESTIGATOR WALTER BENTLEY,
19 having been produced and first duly sworn as a
20 witness on behalf of the State, testified as
21 follows:

22 DIRECT EXAMINATION

23 BY MR. MOWRY:

24 Q. You are Walter Bentley?

25 A. Yes, sir.

1 Q. And I believe -- well, tell me who you're
2 employed by currently.

3 A. Currently, I'm an investigator with the Eighth
4 Circuit Solicitor's Office, which encompasses
5 Laurens, Newberry, Abbeville, and Greenwood
6 Counties. My primary responsibility is in Laurens
7 and Newberry County though.

8 Q. Okay. And what do you do as an investigator
9 with the Solicitor's Office?

10 A. I assist the Solicitor's Office in getting
11 cases ready for trial. I interview witnesses; track
12 down witnesses. I go through the case file to make
13 sure there's something that needs -- wasn't done
14 that needs to be done, that kind of thing.

15 Q. Okay. How long have you been employed in that
16 capacity?

17 A. May will be five years.

18 Q. Okay. So almost five years?

19 A. Correct.

20 Q. Prior to that -- that would take you back to
21 2013. Prior to that, where were you -- where were
22 you employed?

23 A. From 1996 to 2000, I was employed by the
24 Laurens County Sheriff's Office. I began as a
25 patrolman there, and in 1998 was promoted to

1 investigations there.

2 Around the year 2000, I went to work for the
3 Laurens Police Department where I served as a
4 detective.

5 Q. All right. So you were a detective starting in
6 2000?

7 A. Basically, yes. I did some other jobs there
8 too, but mostly investigations.

9 Q. Okay. And were you there all that time up
10 until starting work at the Solicitor's Office?

11 A. Yes. From 2013, I was at Laurens Police
12 Department.

13 Q. So you were at work as an investigator at the
14 Laurens City Police Department back on the 26th of
15 September of 2003?

16 A. Yes, I was.

17 Q. When did your day start?

18 A. We typically begin work at 8:00 a.m. in the
19 morning. I remember this being a Friday, and we
20 typically would get off around 4:00, sometimes 5:00,
21 just depending on what's going on.

22 Q. Being that law enforcement is 24/7, did you
23 have anybody that was on-call?

24 A. We did have on-call investigators.

25 Q. And who was the on-call investigator on the

1 26th of September of 2003?

2 A. It would've either been me or Detective Lynch.
3 I thought it was me. I actually looked back at my
4 notes and it was actually Detective Lynch. I looked
5 back at my notes and reviewed them this morning.

6 Q. Well, how many investigators did the city
7 police have at that time?

8 A. We only had two.

9 Q. So either you or he; is that right?

10 A. Yeah, if it was a major case like a murder or
11 something, we were both going to get called out.

12 Q. So all hands on deck?

13 A. Correct.

14 Q. What time did your day end?

15 A. Typically, either four or five o'clock, just
16 depending on how busy we were. This was a Friday,
17 so we probably worked till 4:00.

18 Q. All right. And were you looking forward to
19 enjoying a weekend?

20 A. I was.

21 Q. Were you able to do that?

22 A. No, sir.

23 Q. What happened?

24 A. Got home. Actually, went out to eat. There
25 used to be a Ryan's Steakhouse in Laurens, and I

1 actually remember going there to eat, going home,
2 and then my phone rang to come back to work because
3 there had been a homicide at the VFW in Laurens
4 which is on East Main Street in the city limits of
5 Laurens.

6 Q. Okay. Do you recall about what time you got
7 that call?

8 A. I didn't -- I don't recall exactly. I looked
9 back at the incident report and heard Sergeant
10 Craft's testimony yesterday. It would've been
11 around eight o'clock according to the incident
12 report.

13 Q. Okay. Around that time then, what did you do?

14 A. I proceeded directly to the VFW.

15 Q. All right. What did you find when you got
16 there?

17 A. When I got there, I met with Chief Morse.
18 Dwight Craft was there. They filled me in on what
19 was going on. Took a quick look at what we had and
20 began interviewing different individuals.

21 Q. Did you talk to Sandra Alexander?

22 A. I did.

23 Q. Without going into what she said, did you get
24 some background on what -- what she knew?

25 A. Yes, I did.

1 Q. All right. What was her demeanor? What was
2 her mindset at that point?

3 A. She was distraught. She was very upset and
4 crying at that point.

5 Q. All right. And who was Ms. Alexander, just
6 to ---

7 A. She -- she was a friend of Mr. Bolt's, a friend
8 of the VFW, so-to-say. She would check on him and
9 go by the VFW in the evening sometimes.

10 Q. Okay. Who was Jim Bolt?

11 A. Mr. Bolt was an individual that lived here in
12 Laurens. He ran the -- he helped run the VFW with
13 Mr. Kirab (phonetic) and some other people.
14 Typically, he would work in the evenings.

15 Q. Okay. How old was he?

16 A. I -- without looking at the file, I can't
17 remember.

18 Q. Just approximately?

19 A. I want to say 71. And that's without looking
20 at the file.

21 Q. All right. What kind of facility was the VFW?

22 A. It's a Veteran's of Foreign Wars Hall. They
23 had a bar that had beer. They had some pool tables.
24 They could do dances there. I think there was a
25 dance coming up because they had moved some -- some

1 tables around for that.

2 Q. Okay. And was the beer and stuff at the bar
3 free?

4 A. No. You had to pay for it.

5 Q. All right. Was there a cash register there?

6 A. There was.

7 Q. Did you see the cash register?

8 A. I did.

9 Q. Did you examine the cash register?

10 A. I took a look at it. Yes.

11 Q. What did you find with the cash register?

12 A. I found that it was open and it was in the
13 floor. There was register tape that trailed from
14 the cash register back to the bar area.

15 Q. I'm going to hand you this photograph, State's
16 Exhibit No. 8, and ask you if you can recognize that
17 photograph.

18 A. Yes, sir.

19 Q. What does that show?

20 A. This is a picture of -- there's two doors at
21 the VFW. You can see both of those doors. There's
22 a glass door which is a main entrance door. And
23 then the second door, which is a secondary door.

24 Behind the door is a cash register for the VFW.
25 You can see the register tape just trailed off it

1 back toward the bar area. You can also see the
2 register till is open, and there's no currency in
3 the till.

4 Q. So the till was empty?

5 A. Correct.

6 Q. Did you find Mr. Bolt?

7 A. I did.

8 Q. Where was he?

9 A. He was -- if you come into the door -- two
10 doors. You come through the glass door, and then
11 you'll come through the red door at the VFW, he
12 would've been to the left, partially into the men's
13 restroom.

14 Q. I'm going show you this photograph and ask you
15 if you recognize that.

16 A. I do. I think that's State's 27.

17 Q. Okay. What is that?

18 A. That's a picture of the back -- would be the
19 back-left pocket of Mr. Bolt's pants has been pulled
20 out.

21 Q. Okay. Was there anything in that pocket?

22 A. No.

23 Q. The front pocket, what about that?

24 A. It was -- it's not depicted in that photo, but
25 it was also pulled out. The front-left pocket, not

1 the front-back pocket.

2 Q. Was that also empty?

3 A. There was some change laying on the ground.

4 Q. Given the condition of the cash register, given
5 the condition of Mr. Bolt's pockets, what did it
6 appear to you had happened?

7 A. Appeared to me that there had been a murder and
8 armed robbery at the VFW.

9 Q. What did you do with response to the -- or in
10 response to the call?

11 A. We'd already called -- Chief Morse is the Chief
12 of Police at the Laurens Police Department, and he's
13 currently the Chief in Clinton. He'd already asked
14 for SLED to assist since they were a crime scene
15 unit that specializes in working crime scenes.

16 And that frees -- having them come, frees us up
17 to go out and start interviewing people and talking
18 to witnesses and actually investigate the case.

19 Q. And did Mr. Coonfield and Mr. Green arrive ---

20 A. They did.

21 Q. --- and process the scene?

22 A. Yes, sir.

23 Q. What did you do in the meantime?

24 A. I spoke to Ms. Alexander. I also spoke to
25 Eugene Yeargin. We also ran down some other

1 individuals who -- who had been there that night and
2 talked to them, just to see what time they were
3 opened and what was going on when they were there.

4 Q. What did you find out about Mr. Yeargin? And
5 that's the gentleman that cut the grass that
6 testified yesterday; is that right?

7 A. Yes, sir. We hadn't been -- I don't recall
8 exactly what time. We hadn't been there too
9 terribly long when we learned that Mr. Yeargin had
10 been cutting grass that night.

11 Q. And did you know if he had anything to add?

12 A. Not at that time. No.

13 Q. Okay. How did you get in contact with him?

14 A. He actually wasn't -- also besides owning a
15 grass cutting business on the side, he also was an
16 employee at the City of Laurens. He worked in the
17 maintenance department or sanitation department, one
18 of the two.

19 And so we were able to get in touch with his
20 supervisor who got in touch with him, and he came up
21 too and talked to us.

22 Q. Okay. What information did you get from him
23 that you thought might be useful in the future?

24 A. The most useful thing he told me, besides to
25 kind of give us some time frames which he testified

1 to yesterday, was the fact that there was a -- he
2 saw a young individual urinating in the proximity of
3 that wall at the VFW building.

4 Q. Okay. Did that information ever become public?

5 A. No, it did not.

6 Q. At that time?

7 A. Not at that time.

8 Q. Where else did your investigation take you at
9 that stage?

10 A. We talked to some other individuals that had
11 been there that evening and had been there that
12 afternoon. There were a few leads that I remember
13 talking to. Ray McCort was one individual we talked
14 to later on that had been there. We just basically
15 continued the investigation.

16 We checked in with the SLED crime scene, and
17 they walked us through what they had found. And
18 that took us -- kind of took us up into the early
19 morning hours.

20 Q. Now, Dwight Craft talked yesterday about
21 Ms. Sandra Alexander's current condition. Did you,
22 in preparation for this trial, try to find Ray
23 McCort?

24 A. I did. He's moved out of state.

25 Q. Okay. Do you know where?

1 A. Ohio was the last -- last time I spoke to him.

2 Q. What about Mr. Healey?

3 A. I'm not sure of Mr. Healey's whereabouts. He
4 was in bad medical condition the last time I
5 attempted to locate him.

6 Q. Okay. What else did you do? Where did it go
7 from there?

8 A. Once SLED got through processing, we went back
9 through the scene with them. Walked through the
10 things that they had found. Also took another --
11 another good look for ourselves.

12 At that point, we kind of thought, okay, let's
13 regroup. Myself, Chief Morse and the SLED agents,
14 we ran down to Whiteford's to get a -- get an early
15 morning breakfast and kind of recharge and carry on
16 with the investigation.

17 Q. So you had gotten called out at eight o'clock
18 the night before; is that right?

19 A. Yes, sir.

20 Q. That's after working a full day?

21 A. Yes, sir.

22 Q. So now we're talking what time?

23 A. It was early morning hours, around daybreak or
24 shortly after that.

25 Q. Okay. 6:00 or 7:00; is that right?

1 A. Yes, sir.

2 Q. So you had been up and about for 24 straight
3 hours; is that right?

4 A. Yes, sir.

5 Q. At that stage? Was Detective Lynch there, as
6 well?

7 A. He did not accompany us to Whiteford's. He --
8 he decided to go and check on some other things.
9 He -- he worked a lot of narcotics investigations,
10 and I -- I didn't do much of that, so he had a lot
11 more -- he had informants around and people that he
12 knew that he would talk to. So I think he was going
13 around to some of the motels and see those people to
14 try to see if he could get some information.

15 Q. Okay. You were in here for Ms. Case's
16 testimony; is that right?

17 A. I was.

18 Q. Is that someone that Mr. -- or Detective Lynch
19 had dealings with professionally?

20 A. Yes. He was familiar with Ms. Case. I was
21 also.

22 Q. Okay. Did you speak with Detective Lynch?

23 A. Yes. We -- we regrouped. I can't remember if
24 he called and say, "Hey, we need to talk. I got
25 some information."

1 We ended up regrouping. He explained to us
2 what Ms. Case had told him. Based on that, we
3 decided that we needed to go to [REDACTED] Street and
4 speak to A.J. Bowers.

5 Q. Okay. And I'm handing you State's Exhibit No.

6 22. What does that depict?

7 A. This is a depiction of [REDACTED] Street. It's
8 a -- just a Google earth image.

9 Q. Okay. Who was the resident at [REDACTED]
10 Street?

11 A. Brenda -- Brenda Roberts.

12 Q. Okay. Did you encounter Mr. Bowers?

13 A. When we got to [REDACTED] Street, I did
14 encounter him.

15 Q. Explain how that went down. What -- what was
16 the procedure?

17 A. We just went over. Knocked on the door.
18 Explained we wanted to talk to Mr. Bowers. He came
19 to us. We were, you know, in plain clothes. None
20 of us had weapons drawn or anything. It wasn't any
21 kind of aggressive police action. It was just a
22 knock on the door and said, "Hey, is A.J. Bowers
23 here? We want to talk to him."

24 After meeting him and seeing who A.J. was, we
25 said, "Hey, we got some questions. Do you mind

1 accompanying us to the police department and
2 talking?" He said voluntarily said, "Okay. I'll do
3 that."

4 He got into our unmarked vehicle. I can't
5 remember if we had the same type of vehicle. I
6 can't remember if it was mine or Detective Lynch's
7 we were in that day. Probably Detective Lynch's.
8 He liked to drive, but we took Mr. Bowers to the
9 police department. He went voluntarily.

10 Q. Okay. Let me ask you this, we've got a picture
11 of the house here. Was Mr. Bowers in the house?

12 A. Back then there was this -- it's not depicted
13 in that picture because that's a newer image. There
14 was a trailer -- a single wide-type trailer that was
15 actually beside the wood house.

16 Some of the individuals stayed out in the
17 trailer. I think Ms. Roberts and her husband at the
18 time stayed in the house.

19 Q. Okay.

20 A. He was actually in the trailer if I remember
21 correctly.

22 Q. All right. Is that where you encountered him?

23 A. He walked up to us. He walked out of the
24 trailer and up to us.

25 Q. Handing you this photograph, State's Exhibit.

1 No. 14. Does that show how he was dressed?

2 A. Yes, sir.

3 Q. That morning?

4 A. That's how he was dressed that morning. The
5 photo was taken in my office.

6 Q. Okay. So how did you approach Mr. Bowers?
7 What did you say to him?

8 A. I just told him who I was. I told him I wanted
9 to talk to him about a situation and asked if he
10 would go with us to Laurens Police Department. He
11 said, "Yeah, no problem. I'll go with you."

12 And like I said, he rode in our vehicle with
13 us. He wasn't handcuffed. He wasn't detained or
14 anything to that effect.

15 Q. Did you know whether or not he had any
16 connection to the VFW case?

17 A. Other than the information from Shawn Case at
18 that time, that's the only information I had that he
19 might be a person we wanted to talk to.

20 Q. Okay. When y'all got to the police department,
21 what happened then?

22 A. We got to the police department. We have
23 what's called a Miranda rights form. And meanwhile,
24 me and Mr. Bowers went to my office. Detective
25 Lynch went to do some other investigation to talk to

1 some other people.

2 We went into my office. I read him the Miranda
3 rights form. I went over it with him, and he waived
4 his rights after going over that form.

5 Q. Okay. Let me show you what's been marked as
6 State's Exhibit No. 32. Do you recognize that form?

7 A. I do. It's the Miranda rights form of A.J.
8 Bowers from September 27th of 2003.

9 Q. Okay. And whose handwriting is on this at the
10 top?

11 A. The top is my handwriting.

12 Q. Okay. And whose initials are these right here?

13 A. The initials are A.J. Bowers' initials.

14 Q. Whose signature is this on the left-hand side
15 of the page?

16 A. On the left-hand side where the word "witness"
17 is my signature.

18 Q. And over on the right?

19 A. It's signed and it's got Mr. Bowers' signature.

20 MR. MOWRY: Your Honor, I would offer this as a
21 State's exhibit.

22 MR. ANDERSON: No objection.

23 THE COURT: All right. Without objection, 32
24 for the State into evidence.

25 (State's Exhibit No. 32 was received into

1 evidence.)

2 BY MR. MOWRY:

3 Q. Tell us about the Miranda warnings. What's --
4 what's that all about?

5 A. Well, it's just what you see on TV on every --
6 every cop show that you watch. It's the "you have
7 the right to remain silent."

8 I always tend to read them for a person before
9 I interview them. Even if it's not a person of
10 interest or a person I feel like has to be read
11 their rights, I still like to read them just in case
12 that person does give me information that
13 incriminates themselves, I want them to know what
14 their rights are.

15 In this case, like I said, the only information
16 I had on Mr. Bowers was what was coming from Shawn
17 Case, but I still felt the need to give him his
18 Miranda rights.

19 Q. Okay. And what are those rights, please, sir?

20 A. On the form, this is the form used by Lauren --
21 at the time used by Laurens Police Department.

22 At the top it says Laurens City Police
23 Department. And it's got the person's
24 information -- name, address, social security
25 number, date of birth, et cetera.

1 The name on here is Arthur Jason Bowers. He
2 indicates his address, his social security number,
3 date of birth. It's got the date of the interview,
4 which was 9/27/03. I also put the time, which at
5 the time is notated as 10:18 a.m. Then it's got his
6 height and weight and color of hair.

7 Up under that, there's a section that says
8 "your rights." And your rights, there's six
9 individual rights. They're numbered one through
10 six. My common practice at that time and still to
11 this day is when I do one of these, I'll put the
12 form down where the other person can see it, just so
13 he -- in case they want to read along, and I read
14 each question out loud to them.

15 I would read each question individually. And
16 once they said they understood that right, I would
17 ask them to initial it that I read it to them. So
18 that one through six are initialled A.J. beside each
19 one of them.

20 Q. All right. What was your tone during this
21 time?

22 A. Just like we're talking today.

23 Q. Okay. Did you ever raise your voice?

24 A. No. I found over the years that you can see
25 that yelling and screaming interrogations on TV.

1 I've learned over the years that kind of stuff
2 doesn't work. You catch more flies with honey is
3 what my -- my theory on this is, so that's the
4 approach I tend to use.

5 Q. And did you take that approach with Mr. Bowers?

6 A. I did.

7 Q. How old was he at that time?

8 A. He was 17 years old at that time.

9 Q. Was there any concern when you were speaking
10 with him about his -- his intellect?

11 A. No. We talked. I've talked to a lot of people
12 over the years and didn't find any issues with his
13 intellect. I thought he understood what was going
14 on, what we were talking about.

15 I didn't -- I didn't see that he was under the
16 influence at that time. I felt like he could
17 voluntarily talk to me.

18 Q. And go ahead and give us those rights. What
19 were they?

20 A. They're numbered one through six at a set.

21 Number one is: "Before asking any questions,
22 you must understand your rights," which he initialed
23 beside.

24 "You have the right to remain silent and not
25 make any statements," is number two. Also

1 initialled.

2 Item No. 3 is, "Anything you say can and will
3 be used against you in court." Also initialled
4 "A.J."

5 Number four is, "You have the right to --
6 excuse me. Number four is, "You have the right to
7 talk to a lawyer for advice before being questioned
8 and have him or her with you during questioning."
9 Also initialled "A.J."

10 Number five is, "If you cannot afford a lawyer,
11 one will be appointed for you by the Court before
12 any questions if you wish." Initialled "A.J."

13 Number six is, "If you decide to answer
14 questions now without a lawyer present, you still
15 have to stop -- the right to stop answering at any
16 time. You also have the right to stop answering at
17 any time until you talk to a lawyer." And that's
18 also initialled "A.J."

19 Q. Okay. What was purpose of the initials?

20 A. Just that he understood each one of those
21 rights. Since they're individual rights, I want to
22 make sure that we were comprehending, and I wanted
23 him to indicate that I told him of those, also.

24 Q. And you had advised him of those rights; is
25 that right?

1 A. Correct.

2 Q. And you're saying that the initials indicate
3 that he under -- that he's indicating that he
4 understood those rights?

5 A. Indicating he understood.. Indicating that I
6 read them to him.

7 Q. In your opinion, did he understand those
8 rights?

9 A. I feel that he did.

10 Q. After you had completed that process, what came
11 next?

12 A. Under there is two more questions, number one
13 and number two.

14 Number one is, "Do you understand the rights as
15 I have read them to you?" You can initial yes or
16 no. He initialled in the affirmative, yes, that he
17 understood.

18 Number two is, "Are you willing to talk to me
19 now without a lawyer present?" He also indicated
20 with his initials, yes.

21 Under that is a -- what is called a waiver of
22 rights, and I initially read this to him.

23 "I have read or had read to me this statement
24 of my rights. I understand what my rights are. I'm
25 willing to make a statement and answer questions --

1 answer any questions" -- I'm sorry -- "and I do not
2 want a lawyer at this time. I understand and know
3 what I'm doing. No promises or threats have been
4 made against me by anyone."

5 It's been signed by myself and by Mr. Bowers,
6 and it's dated on 9/27/03.

7 Q. Okay. Did he ask you to write the statement
8 for him?

9 A. He did.

10 Q. Why was that?

11 A. He -- he had indicated to me that he had fallen
12 on a dirt bike. He had some abrasions to his lower
13 leg. And he said he hurt his hand. His hand did
14 appear to me to have some swelling. I didn't see
15 any abrasions on there or anything, so he had
16 actually asked me to write the statement, which is
17 the first sentence of the statement. I put, "He's
18 asking me at his request because of an injury."

19 Q. When did he indicate that the dirt bike injury
20 had taken place?

21 A. I think it was earlier on Friday.

22 Q. Okay. So, basically, within the last 24 hours?

23 A. Yes.

24 Q. Did you at that time go ahead and take a
25 statement from him?

1 A. I did.

2 Q. Let me show you what's been marked as State's
3 Exhibit No. 33 and ask you if you can identify that.

4 A. Yes. This is the statement I took from
5 Mr. Bowers on September 27th of 2003.

6 Q. Is that the form that you used?

7 A. That is. Yes.

8 Q. Or a copy of it?

9 A. Yes.

10 MR. MOWRY: Your Honor, I would offer both 32
11 and 33 into evidence at this time.

12 THE COURT: Okay. Subject to matters already
13 on the record, any other objections?

14 MR. ANDERSON: No objection.

15 THE COURT: All right. Thirty-two and 33 into
16 evidence for the State.

17 (State's Exhibit No. 32 and 33 were receive
18 into evidence.)

19 BY MR. MOWRY:

20 Q. Tell me about this statement. The heading is
21 "voluntary statement"; is that right?

22 A. That's correct.

23 Q. Was this statement voluntary?

24 A. It was.

25 Q. You had advised him of his rights?

1 A. I did.

2 Q. He indicated he understood them?

3 A. Correct.

4 Q. How was it voluntary?

5 A. He just -- I advised him of his rights and
6 said, "Hey, tell me -- tell me what happened. Tell
7 me what happened that night at the VFW," and he
8 started just telling me. As he told me, I was
9 writing what he said.

10 Q. And at any time during this process, did you
11 make any threats to him?

12 A. No.

13 Q. Did you make him any promises?

14 A. I did not.

15 Q. Tell me -- tell me the information, and I'll
16 make sure "X" will happen?

17 A. No. I did not do that.

18 Q. Did you hold out any hope of a reward?

19 A. No.

20 Q. Did you do anything that induced him to make
21 this statement?

22 A. No.

23 Q. All right. Tell us about the statement.

24 A. Well, it starts with the person's personal
25 information. Once again, much like a Miranda form,

1 it has another line that says they've been advised,
2 and I put my name on there, W.L. Bentley, my
3 initials, a person who identifies himself as a
4 detective with the police department.

5 And then it has another rendition of the
6 Miranda rights I just read. Just another -- another
7 version. It has them written again.

8 After those, is actually where the statement
9 starts. What I typically do with the statement is,
10 I have the person initial at the beginning and at
11 the end. I say, "Now, we can do that before or
12 after," and those initials are present there.

13 And then the statement. And then I write the
14 statement as the person tells me. He asked -- like
15 I said, he asked me to write it.

16 Also, I always tend to ask what their education
17 level is. And Mr. Bowers had advised me he had a
18 tenth-grade education level.

19 Q. Okay.

20 A. You want me to read the statement into
21 evidence?

22 Q. Would you go ahead and publish it.

23 A. It begins with, "W.L. Bentley is writing this
24 statement at my request. I also want W.L. Bentley
25 to write this statement because I hurt my right hand

1 and I'm having trouble writing. I also wish to give
2 the statement without a lawyer."

3 And then it says, "I was in a car with Wanda
4 Wayne who is he/she, and another guy who I did not
5 know."

6 Q. Stop right there if you would. We've heard
7 testimony about Wanda Wayne. Do you know an
8 individual that goes by that nickname?

9 A. Yes. Doyle Wayne Roberts Jr. is referred to as
10 Wanda Wayne. It's been in this case testified
11 about.

12 Q. Testified to -- about by Shawn Case?

13 A. Yes.

14 Q. Who is Doyle Wayne Roberts?

15 A. Doyle Wayne Roberts is Brenda Roberts' son.

16 Q. Okay. And at that time, where did he live?

17 A. He lived at [REDACTED] Street at that time.

18 Q. At Brenda Roberts' address?

19 A. Yes, sir.

20 Q. All right. Go ahead.

21 A. I have to find where I was.

22 Q. I'm sorry.

23 A. Then it says, "They drove behind the VFW. I
24 got out of the car and took a piss. Wanda and the
25 guy left in the car. I buzzed the door and went

1 inside."

2 Q. Let -- let me -- let me stop you again. I hate
3 to do this, but when Mr. Bowers mentioned relieving
4 himself, what went off in your mind?

5 A. Well, the light bulb went off in my head. It's
6 kind of like a cartoon and the light bulb went off
7 because that was something no one knew. The only
8 people that knew that Mr. Yeargin had seen someone
9 urinating behind that building were Detective Lynch,
10 myself, Chief Morse, and maybe the SLED officers.

11 This information wasn't out in the media. This
12 investigation was somewhere around 16 hours old at
13 that point, so this wasn't information that was
14 available to the public.

15 Q. Okay. Go ahead.

16 A. The statement continues, "Ray-Ray and the old
17 man were the only ones in there. I did not sign the
18 sign-in sheet. I talked to Ray-Ray and asked him,
19 'What's up?'

20 "I saw the old man walk into the bathroom.
21 Ray-Ray followed him in. He had his hand in front
22 of him as he walked into the bathroom. I heard a
23 noise and I walked into the bathroom to see what --
24 see what it was, and I saw the old man in the floor
25 and blood everywhere. I ran out the front door, and

1 I didn't see where Ray-Ray went, and went to R. G.'s
2 house when I left.

3 "I didn't get any money and I haven't talked to
4 Ray-Ray since it happened. I can't remember what
5 time it was, but it was starting to get dark
6 outside. I had been taking pills all day and was
7 messed up."

8 And then that's has initials, and then I wrote
9 his statement after that.

10 Q. Okay. And you said that's his signature at the
11 bottom?

12 A. That's his signature and my signature as a
13 witness, and it was completed at 11:48 a.m. on the
14 27th.

15 Q. And the Miranda process that we had talked
16 about with State's 32 had started at what time?

17 A. The Miranda process started at 10:18.

18 Q. So we're talking an hour and a half; is that
19 right?

20 A. Correct.

21 Q. Okay. Now, let me ask you, there have been
22 several names that were mentioned in here. One of
23 these is Ray-Ray.

24 Now, on this statement, are you testifying that
25 Mr. Bowers had accused Ray-Ray of committing the

1 assault ---

2 A. Yes.

3 Q. --- and homicide?

4 A. That's what he did in that statement. Ray-Ray
5 was an employee of the fair who's named Danny
6 McDaniel.

7 We actually -- this one -- after this
8 statement, I actually called Detective Lynch and
9 said, "Hey, go to the fair and pick up Ray-Ray. We
10 need to talk to him based on Mr. Bowers' statement."

11 After picking him up, we actually went out to
12 the fair and Ray-Ray denied any involvement
13 initially. We went out to the fair, did a search of
14 Mr. Bowers' property with his consent. He consented
15 to it and Ray-Ray.

16 And we also talked to numerous individuals at
17 the fair who said that Ray-Ray couldn't have left,
18 that the ride he was working was working all night
19 and operable. If he would've left, everyone
20 would've known because the ride was a very popular
21 ride that he worked on. So numerous people were
22 able to alibi Ray-Ray as never leaving the fair.

23 Q. Okay. The fact that he had given you this name
24 that your investigation determined to be false as
25 far as a perpetrator was concerned, and the fact

1 that he indicated that he had urinated behind the
2 building, what did you -- what were your thoughts at
3 that point?

4 A. Well, my thoughts at that point were there was
5 another thing with the statement too that caused a
6 light bulb moment. He made the comment also that
7 this all occurred in the restroom. Well, no one
8 else knew that except, once again, the people who
9 were there, myself, Detective Lynch, Chief Morse,
10 and the SLED agency.

11 So it was another thing that no one knew. It
12 was a fact that was not out in the media and only
13 16 hours after the incident had occurred, so that
14 was another part of the statement that gave me pause
15 to think, that along with the urination, that
16 Mr. Bowers was present when this incident occurred.

17 Q. And based on those circumstances, what was
18 done?

19 A. Had a consultation with Chief Morse and
20 Detective Lynch. And at that point, we decided to
21 formally charge Mr. Bowers.

22 Q. All right. That was after the statement was
23 taken; is that right?

24 A. Yes, sir. After the statement.

25 Q. What did you charge him with?

1 A. He was charged with murder and armed robbery.

2 Q. What was done with him?

3 A. He was placed in the Laurens City Jail.

4 Q. All right. Where did your investigation take
5 you then?

6 A. We continued to investigate Ray-Ray. Like I
7 said, we checked him out at the fair and he had a
8 very solid airtight alibi. There was no way he had
9 left. We continued to investigate and talk -- talk
10 to numerous people.

11 A couple of days later on that Monday -- well,
12 let me back up. I'm sorry. That evening we had
13 been going at it all day. We were, you know, to the
14 point of exhaustion. What we find, this is -- this
15 was on Saturday evening.

16 What we tend to find is, once it gets to that
17 point, you're not going to get anymore return for
18 standing there and working when you can't even --
19 can't even stay awake. So we decided to call it a
20 night and get a night's sleep and get back on it
21 Monday morning, unless something came up. Then we'd
22 come back.

23 On Monday morning, we came back to work. I
24 typically get there at eight o'clock.

25 Q. Let me stop you there. You had already been up

1 36 straight hours; is that right?

2 A. Yes.

3 Q. Okay. Go ahead.

4 A. I typically get to work at eight o'clock.

5 Detective Lynch is an early bird. He gets there
6 before I do. When I arrived, Detective Lynch had
7 already gotten A.J. out of his cell and was in the
8 process of talking to him.

9 Q. What was the purpose of that?

10 A. Since we knew the first statement was -- was
11 incorrect and Ray-Ray wasn't involved, and we wanted
12 to see what he was saying the second time to see if
13 he wanted to clarify his first statement.

14 Q. Okay. Were you present for any Miranda
15 warnings on this second statement that Monday
16 morning?

17 A. I was not. When I arrived, Detective Lynch had
18 already read the Miranda. I did take a look at the
19 Miranda when I got there to make sure it was read
20 and done correctly, and then I became an active part
21 of the interview.

22 Q. Okay. And was a statement taken from
23 Mr. Bowers at that time?

24 A. There was.

25 Q. Okay. I'm going to hand you what has been

1 marked as State's Exhibit No. 35. Can you ident --
2 can you identify that?

3 A. I can. It's the second statement that was
4 taken.

5 Q. Okay. When was that taken?

6 A. It was taken September 29th at 9:45 a.m.

7 Q. Okay. And this is four pages long; is that
8 right?

9 A. It is.

10 Q. I'm not going to ask you to publish it at this
11 time, but is that your signature down at the bottom?

12 A. It's my signature as a witness and Detective
13 Lynch's signature.

14 Q. Okay. Whose signature is above yours?

15 A. Under the line signature of person giving the
16 voluntary statement is Mr. Bowers' signature.

17 Q. Let me just ask you this, Mr. Bentley, what was
18 the tone of this interview?

19 A. The same as the first one, just as we're
20 talking now.

21 Q. Okay. Were there any kind of threats that you
22 heard?

23 A. No.

24 Q. Any yelling?

25 A. No.

1 Q. Any promises?

2 A. No.

3 Q. Did anybody hold out any hope of a reward for
4 inducing this statement?

5 A. No.

6 Q. Do you have an opinion as to whether or not
7 this statement was voluntary?

8 A. It was voluntary.

9 MR. MOWRY: Your Honor, that's all I have of
10 Mr. Bentley for this purpose. As we've discussed, I
11 will recall him after a little while. But for this
12 purpose, I am -- I am complete.

13 THE COURT: All right. Very good.

14 Cross-examination?

15 MR. ANDERSON: Thank you, Your Honor.

16 CROSS-EXAMINATION

17 BY MR. ANDERSON:

18 Q. You mentioned Mr. Yeargin's testimony with
19 regard to somebody urine -- urinating out back of
20 the VFW. Do you recall what he said about that,
21 that he had seen someone; is that correct?

22 A. That's correct.

23 Q. And he said it was common practice?

24 A. I don't know if he said it was common practice.
25 He said he had noticed that before in the past.

1 Q. You mentioned others that had been at the VFW.
2 I believe you stated McCort and Healey?

3 A. That was two of the names that I remember.
4 Yes.

5 Q. How did you determine that they had been at the
6 VFW earlier that day?

7 A. Initially, we learned of Ray McCort just --
8 just being a person that frequented there.

9 Later on, and I might be getting too far into
10 the case, but there was a print lifted off a beer
11 bottle that also came back to Mr. McCort. We had
12 already talked to him at that point, but we knew him
13 to be there, because of that and we'd already talked
14 to him at that point and we'd already been able to
15 alibi him.

16 Q. And with regard to the encounter with A.J. at
17 Round Street, how many officers were present when
18 y'all knocked on the door?

19 A. Myself, Detective Lynch, and I think Chief
20 Morse may have been there, but I can't ---

21 Q. Any other uniformed officers that you recall?

22 A. I don't recall. I know a SLED agent was with
23 us also.

24 Q. Any other police cruisers might've had lights
25 on or anything like that?

1 A. I don't recall any. That doesn't mean there
2 wasn't. I don't recall.

3 Q. You're -- so with regard to that, you're just
4 basically going from your memory, not from notes?

5 A. I'm going from my memory. We wouldn't have
6 pulled up with blue lights on at a house. That
7 wouldn't have been anything we would've done.

8 Q. And with regard to the house at Round Street,
9 you said A.J. walked up from a trailer that was on
10 that same property?

11 A. Yes, sir.

12 Q. And when you approached him, did you know that
13 was A.J. when you approached him?

14 A. I think someone told me that it was A.J. I
15 think someone said, "That's A.J. down there," but I
16 can't remember who it was that said that.

17 Q. Would it have been another law enforcement or
18 somebody at Round Street?

19 A. I think it someone at Round Street.

20 Q. Do you know who I should talk to at Round
21 Street?

22 A. There were numerous people there. Angie
23 Richardson was there. Angie -- she was Angie
24 Gambrell then. That's Brenda Roberts' daughter.
25 Wanda Wayne. Doyle Roberts was there. And there

1 were some others. There were numerous individuals
2 there. **R. G.** was also there.

3 Q. And you took -- when you asked A.J. to come
4 with you for questioning, he agreed, you said, I
5 believe something along those lines?

6 A. Yes, sir.

7 Q. Okay. So you didn't take him into custody per
8 say?

9 A. No.

10 Q. Was he handcuffed when he was in the car?

11 A. No. He was not.

12 Q. And you talked about the rights, the Miranda
13 rights, and I believe that's with regard to Number
14 32?

15 A. If I can see it.

16 Q. Sure. And I want to -- I just want to ask you
17 with regard to each of the statements that you read
18 earlier.

19 A. Yes, sir.

20 Q. You said your initials are next to it?

21 A. They are. Yes.

22 Q. And my client, Arthur Jason Bowers, how did he
23 initial?

24 A. He initialed with the letters "A" and "J."

25 Q. What we've been calling him, A.J.?

1 A. Yes.

2 Q. But not A.B.? Not Arthur Bowers?

3 A. No.

4 Q. Did you put anything in front of him and say,
5 "Mr. Bowers, would you read this out loud"?

6 A. I did not. I've done that before, but I don't
7 recall doing it in this case.

8 Q. So you pointed at the rights and said -- and
9 you read them you said?

10 A. I read them out loud.

11 Q. You read them ---

12 A. My common practice, Mr. Anderson, is to put the
13 form down beside the person I'm talking to. So if
14 they do want to follow along or read along, they can
15 while I read it. That's my common practice.

16 Q. So that they can follow along and read it, but
17 could you determine whether he could read or not?

18 A. I do not know if he could read them. I was
19 reading the form to him though, instead of him
20 reading it.

21 Q. And at the bottom under the side line, what
22 does that indicate?

23 A. Under the side line, it says A.J. Bowers.

24 Q. And is that in cursive or his signature? Is it
25 printed? How is that written?

1 A. This seems to be print, but some of the
2 words -- some of the letters are kind of cursive,
3 but it seems to be printed.

4 Q. You were asked how old was Mr. Bowers at that
5 time, and you said he was 17?

6 A. Yes, sir.

7 Q. How did you determine his age? Did he have an
8 ID on him?

9 A. I don't recall. I know he gave his date of
10 birth, but I don't recall.

11 Q. He gave his date of birth, but he didn't have a
12 driver's license or some of kind of ID?

13 A. I don't recall seeing one.

14 Q. And, again, you indicated or you -- you stated
15 that the initials indicate that he understood each
16 of the rights as they were -- as you read them to
17 him, but how do you know that he understood it if he
18 couldn't read it himself?

19 A. I was reading it to him. If he couldn't read
20 them, that's he couldn't read them, but I was
21 reading the rights to him. If there's any point in
22 time that he didn't understand, he could've stopped
23 me and said, "Hey, I don't understand. Hey, what's
24 that mean? What does that word mean," but that
25 point never occurred.

1 Q. Could have, and yet he was at your office at
2 the police station, correct?

3 A. We were in my office. Yes.

4 Q. Did you -- did you ask A.J., "Have you ever
5 been to the VFW"?

6 A. I know it came up in the second statement. In
7 the first statement, he only indicated he went on
8 that Friday. In the second statement, he talked
9 about being there. And it hasn't been published
10 yet, but it's ---

11 Q. But it happened yet.

12 A. He talks about being there on Sunday.

13 Q. But if you had said, "Have you been to the
14 VFW?" he might've said yes?

15 A. He might've. I don't know. You're asking me
16 to answer something that was in his mind, and I
17 can't really do that.

18 Q. Absolutely. And he had been there the Sunday
19 before, which he later told you?

20 A. I don't know that he had been. He said he had
21 been. And that was later on. That wasn't on --
22 when we were -- when we were there on September 27th
23 when we were talking, I had no clue that he had
24 possibly been there on Sunday.

25 Q. And on ---

1 A. Well, let me finish. I'm trying to respond.

2 On September -- when that statement on
3 September 22nd was taken, I had no clue that he had
4 possibly been there on Sunday. That wasn't until
5 two days later when he said, "Hey, I was there
6 Sunday too."

7 So I wouldn't have been asking him about
8 Sunday. I was -- on September 27th, I was talking
9 to him about September 26th, the night before.

10 Q. Sure. Sure. And if you had just said, "Have
11 you been to the VFW?" he might've thought, well,
12 I've been to the VFW.

13 A. I can't tell you what's in his mind.

14 Q. Exactly. With regard then to the statement he
15 references somebody he was with, Ray-Ray and
16 somebody else, and you've read all that, and you
17 said that that statement then was incorrect. You
18 determined through investigation Ray-Ray had an
19 alibi?

20 A. I determine Ray-Ray was not involved.

21 Q. So the first statement was incorrect. And then
22 you continued then on Monday morning, you testified
23 I believe that you came to the police station and
24 Officer Lynch had already begun the Miranda with
25 Mr. Bowers?

1 A. Yes. But go back. I was going to continue
2 some responses to the first part of that question.

3 Yes. The part about Ray-Ray was incorrect, but
4 there were two parts to that statement. There was
5 only a few people who knew, us and the people who
6 committed the crime, that was the urination and was
7 the fact that the assault occurred in that restroom.

8 Q. And on Monday morning, what time did you say
9 you got there?

10 A. I got there at 8:00 a.m.

11 Q. 8:00. And Detective Lynch had already gone
12 through the Miranda with him?

13 A. Yes. He had -- he had already gone over
14 Miranda.

15 MR. ANDERSON: Nothing further with regard to
16 this statement at this time.

17 THE COURT: Okay. Anything on redirect,
18 Solicitor?

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

20 THE COURT: Sure. Take your time.

21 MR. MOWRY: Nothing on redirect, Your Honor.

22 THE COURT: Okay. You can step down,
23 Mr. Bentley.

24 THE WITNESS: (Complying.)

25 MR. MOWRY: We call Tony Lynch to the stand.

1 THE WITNESS: (Approaching.)

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

6 THE WITNESS: I do.

7 DETECTIVE TONY LYNCH,
8 having been produced and first duly sworn as a
9 witness on behalf of the State, then testified as
10 follows:

11 DIRECT EXAMINATION

12 BY MR. MOWRY:

13 Q. You are Tony Lynch?

14 A. Yes, sir.

15 Q. And, Mr. Lynch, what is your current
16 occupation, I guess?

17 A. Retired.

18 Q. Retired?

19 A. Yes, sir.

20 Q. When did you retire?

21 A. At the end of 2015.

22 Q. And where did you retire from?

23 A. The Laurens City Police Department.

24 Q. What was your position with the Laurens City
25 Police Department?

1 A. I was an investigator.

2 Q. Did you work with Walter Bentley?

3 A. I did.

4 Q. Were you employed at -- in -- in that position
5 back in September of 2003?

6 A. I was.

7 Q. Were you involved in the investigation of the
8 murder of Mr. Jim Bolt at the VFW?

9 A. I was.

10 Q. How did you become involved in the case?

11 A. One of the dispatchers called me at home that
12 Friday afternoon, and I think I was on-call. Both
13 of us came, and I drove to the VFW.

14 Q. Okay. You've heard Mr. Bentley's testimony
15 about what was going on at the scene. Is that your
16 recollection or anything to amend or add?

17 A. No, sir. That's pretty much it.

18 Q. Okay. SLED arrived?

19 A. Yes, sir.

20 Q. The investigation proceeded. You talked to a
21 lot of people.

22 Early the next morning, you -- you heard
23 Mr. Bentley talking about going to Whiteford's
24 and -- and having a little counsel there. Did you
25 join them at Whiteford's?

1 A. No, sir. I continued working on the case.

2 Q. Okay. Where -- what -- what was your plan?

3 Where -- where did you go? What did you do?

4 A. Being that it was that early in the morning
5 around 6:30, seven o'clock, people begin to get up
6 and get to roaming the streets. And I started
7 looking for some of my informants to talk to.

8 Q. And what was one of your responsibilities?

9 What kind of crime did you have a responsibility
10 over?

11 A. Narcotics. Yes, sir.

12 Q. All right. And how did you develop informants
13 for narcotics investigations?

14 A. Making arrests throughout the years and talking
15 with individuals and learned who was doing drugs and
16 this, that, and the other.

17 Q. Okay. And what -- what did you do to try and
18 find some of your informants?

19 A. I started riding and looking where I knew they
20 frequent and, like, the motels, you know, the two
21 motels.

22 Q. Okay.

23 A. And ---

24 Q. Go ahead. I'm sorry.

25 A. --- and ended up at the Travelers Inn on North

1 Harper Street.

2 Q. All right. Were you looking for anybody else
3 or any other type of person besides one of your
4 informants?

5 A. The carneys that worked with the fair was
6 staying at the Travelers Inn and I knew that.

7 Q. How long had the fair been in town?

8 A. Well, they came that Sunday before. They
9 started that Friday. I think they started on Monday
10 or Tuesday, but they came in on Sunday night.

11 Q. Okay. So the people that worked at the fair
12 were there on Sunday setting up; is that right?

13 A. That's correct.

14 Q. And the carnival began or the fair began
15 earlier that week?

16 A. That's correct.

17 Q. So it had been there for several days, is that
18 what you're saying?

19 A. Yes, sir.

20 Q. All right. How did you go about trying to find
21 some of the carneys?

22 A. I think I went and talked to the manager at the
23 motel and asked her which rooms they were staying
24 in, and then started knocking on some doors.

25 Q. Did you see anybody there that you knew?

1 A. I did.

2 Q. Who did you see?

3 A. Shawn Case.

4 Q. Where did you see her?

5 A. She was out back in the breezeway. I think she
6 was getting ready to go up the steps on the
7 stairway.

8 Q. What did you do when you saw her?

9 A. Asked her to come to the car. I needed to
10 talk to her just a minute.

11 Q. All right. What did you say to her?

12 A. I told her we had an incident that happened at
13 the VFW, and we was investigating it. And asked her
14 about her family and was any of them down at the
15 motel. Just regular conversation.

16 Q. Okay. Why were you looking for carneys in
17 particular?

18 A. Because we had had information through our
19 investigation that they may be involved.

20 Q. Okay. Were you also concerned that they might
21 leave town?

22 A. Yes, sir.

23 Q. What, if anything, did you ask Ms. Case to help
24 you with?

25 A. Did she know any -- well, I knew she sold drugs

1 and was involved -- was involved in drugs and on
2 drugs. And I just had a conversation about anybody
3 she might've seen that night and talked to.

4 Q. Okay. Did you ask her about carneys, as well,
5 the people that work for the fair?

6 A. In fact, she brought it up.

7 Q. Okay. What did she tell you?

8 A. She -- she -- I told her we was investigating
9 something that happened at the VFW. She told me
10 that we might want to talk to one of the carneys.

11 Q. Did you tell her what kind of crime it was?

12 A. Not at that time I didn't.

13 Q. Okay. Where did she tell you this carney was?

14 A. She told me that they was at her aunt's house
15 at [REDACTED] Street.

16 Q. Okay. And is that the house depicted in
17 State's Exhibit No. 22?

18 A. It is. Yes, sir.

19 Q. When she told you that, what did you do?

20 A. Asked her to go with me and show me where [REDACTED]
21 [REDACTED] Street was, and she got in the vehicle and we
22 rode to [REDACTED] Street.

23 Q. Were you familiar with it before that?

24 A. I was. Yes, sir.

25 Q. Okay. Did you do anything at the scene when

1 she pointed it out to you this time?

2 A. No, sir. We just drove by.

3 Q. All right. What did you do with Ms. Case?

4 A. Took her back to the Travelers Inn.

5 Q. All right. Dropped her off?

6 A. Dropped her off.

7 Q. Where did you go after that?

8 A. I believe I called Officer Bentley and met him
9 back at the police department and talked about the
10 information that I had received.

11 Q. All right. What did y'all decided to do at
12 that stage?

13 A. We decided to ride over to [REDACTED] Street.

14 Q. All right. Now, the SLED agents had already
15 departed; is that right, the SLED crime scene
16 investigators?

17 A. Yes, sir.

18 Q. They had already gone to the autopsy; is that
19 right?

20 A. No. No. That were still there. I think they
21 were still there in the process of leaving to go to
22 the autopsy.

23 Q. Okay. I gotcha. So what did y'all do?

24 A. We went to [REDACTED] Street.

25 Q. Who all went? Do you recall?

1 A. Myself, Officer Bentley, and I think Eric Smith
2 with SLED, and maybe Chief Morse may have rode in
3 another vehicle.

4 Q. Okay. So four of y'all?

5 A. I think so.

6 Q. Any blue lights?

7 A. No, sir.

8 Q. Sirens?

9 A. No, sir.

10 Q. Did you announce your presence in any
11 spectacular way like that?

12 A. Not anything more than just going to the door
13 and knocking on the residence.

14 Q. Okay. But no lights or siren or anything like
15 that?

16 A. No, sir.

17 Q. Any guns drawn?

18 A. No, sir.

19 Q. Okay. Would you call it peaceful?

20 A. Yes, sir.

21 Q. All right.

22 A. I grew up with the family. I knew -- I know
23 most all the family.

24 Q. Most all the Roberts' family?

25 A. Yes, sir. I sure do.

1 Q. What did you ask them?

2 A. Knocked on the door. Brenda Roberts came to
3 the door. And I told her why we were there, you
4 know, we'd like speak to A.J., the little boy that
5 worked at the carnival. She said he was in the
6 mobile home down there.

7 Q. Okay.

8 A. So one of us went down and knocked on the door,
9 and he came up there. And we told him what we
10 wanted and what we was there for.

11 Q. Can you see the defendant over at the table?

12 A. That's him. Yes, sir.

13 Q. All right.

14 A. And we asked him to go to the police department
15 with us. He voluntarily got in the car and rode
16 with us over to the police department.

17 Q. At that stage, was he a suspect?

18 A. Not at that stage.

19 Q. Okay.

20 A. He was a person of interest.

21 Q. And that was because of what Shawn Case had
22 told you?

23 A. Exactly.

24 Q. All right. What was -- you -- did -- were you
25 in the car with him on the way over?

1 A. Yes, sir.

2 Q. Who else was in the car with you?

3 A. I want to say Officer Bentley was in there.
4 Maybe one more, but I'm not sure.

5 Q. Okay. But you and Walter Bentley and the
6 defendant?

7 A. Yes, sir.

8 Q. How was the atmosphere in the car? What was it
9 like?

10 A. It was just regular. I mean, we really wasn't
11 asking any questions on the way to the police
12 department.

13 Q. Okay.

14 A. We might've talked about the fair and what he
15 did out there or something.

16 Q. Gotcha. Was there any kind of threat or
17 intimidation while you were in the car?

18 A. No, sir.

19 Q. Or after?

20 A. No, sir.

21 Q. Okay. When you got to the police department,
22 what did you do?

23 A. Got out of the vehicle. Went inside up to
24 Officer Bentley's office. And Officer Bentley was
25 in there with him, and I left at that time. I think

1 Agent Smith and went -- I think we went to the
2 carnival.

3 Q. Okay. Were you talking with people out there?

4 A. We were. Yes, sir.

5 Q. All right. So you were continuing with that
6 part of the investigation while Investigator Bentley
7 was with the defendant; is that right?

8 A. That's right.

9 Q. Okay. Were you present for any of the
10 statement, the initial statement from the defendant?

11 A. No, sir.

12 Q. Okay. Were you involved in the investigation
13 of the allegations made in the statement, State's
14 Exhibit No. 33?

15 A. That was the first statement?

16 Q. Yes, sir.

17 A. Yes, sir.

18 Q. Mr. Bentley testified as to discrepancies in
19 that statement. What did you determine to do to try
20 to clear up those discrepancies, particularly with
21 Ray-Ray and other allegations like that?

22 A. We talked to them and talked to other people to
23 accounted for where Ray-Ray was on that night.

24 Q. Okay. Did you eliminate Ray-Ray as a suspect?

25 A. We did.

1 Q. Okay. Now, Mr. Bentley talked about taking a
2 break on Sunday. Is that your recollection, as
3 well?

4 A. We did.

5 Q. Come Monday morning, what did -- what did you
6 determine to do?

7 A. I went -- I went to the office and got there
8 early as usual, ahead of Walter. And I got him out
9 and started talking to him again.

10 Q. Okay. Prior to talking to him, did you advise
11 him of his rights?

12 A. I did. Yes, sir.

13 Q. All right. Let me hand you what's been marked
14 as State's Exhibit No. 34. Do you recognize that?

15 A. I do.

16 Q. What is that, please, sir?

17 A. It's the Miranda warnings and his rights.

18 Q. Okay. You were in for Mr. Bentley's testimony;
19 is that right?

20 A. Yes, sir.

21 Q. Is that the same form -- same kind of form as
22 he testified to?

23 A. Yes, sir.

24 Q. Talk about the process that you went through on
25 this with regard to Mr. Bowers' rights, please, sir?

1 A. I got -- I got his full name, where he lived,
2 and he was from Murrells Inlet.

3 Social security number and date of birth.

4 And where we were at, Laurens Police
5 Department.

6 And that was on the 29th of September, and it's
7 7:45 a.m. in the morning.

8 And his height and weight. Color of his hair
9 and his eyes.

10 Q. Okay.

11 A. And I read him his rights.

12 Q. All right. Are those the same rights that
13 Mr. Bentley recited?

14 A. They are.

15 Q. Same rights that you hear on every cop show; is
16 that right?

17 A. Well, I don't know if it's the same reading,
18 but it's like the form we use.

19 Q. Yes, sir. Yes, sir. Well, go ahead. Go ahead
20 and go through those rights again.

21 A. It says, "Before we ask you any questions, you
22 must understand your rights.

23 "You have the right to remain silent and not
24 make any statement. Anything you say can and will
25 be used against you in court.

1 "You have a right to talk to a lawyer for
2 advice before asking any questions and have him or
3 her with you during questioning.

4 "If you cannot afford a lawyer, one will be
5 appointed to you by the Court before any questions
6 is asked.

7 "If you decide to answer questions now with no
8 lawyer present, you still have the right to stop
9 answering questions and give you time to talk to a
10 lawyer."

11 Q. Okay. And what did Mr. Bowers indicate to you?
12 Did he indicate that he wished to talk with you?

13 A. He did.

14 Q. How did he do that?

15 A. He -- he signed this about his rights. I
16 signed it with him.

17 Q. All right. So you read him his rights. He
18 checked "yes" that he understood. He checked "yes"
19 that he was willing to talk; is that right?

20 A. Yes, sir, I did.

21 Q. And then he signed the waiver?

22 A. Yes, sir, he did.

23 MR. MOWRY: Your Honor, I would admit this or
24 offer this for admission into evidence at this
25 point.

1 MR. ANDERSON: It's fine.

2 THE COURT: Okay. Without objection, 34 into
3 evidence for the State.

4 (State's Exhibit No. 34 was received into
5 evidence.)

6 BY MR. MOWRY:

7 Q. Mr. Lynch, by the time you got done with that,
8 had Mr. Bentley arrived?

9 A. Yes, sir, he did. Shortly after I started,
10 he -- he had arrived. Yes, sir.

11 Q. Okay. Was there any kind of threat or force or
12 intimidation used in order to induce Mr. Bowers'
13 waiver?

14 A. No, sir.

15 Q. What was the atmosphere in the room?

16 A. Just normal conversation, just what we're
17 having now.

18 Q. Okay. Did Mr. Bowers have any hesitation about
19 talking to you?

20 A. No, sir.

21 Q. Let me hand you State's Exhibit No. 35 and ask
22 you if you recognize that.

23 A. I do.

24 Q. What is that, please, sir?

25 A. That's his statement that day.

1 Q. Okay.

2 A. On the 29th of September, 9:45 a.m. when we
3 started.

4 Q. All right. Let me just ask you, what time is
5 shown on the waiver form?

6 A. 7:45.

7 Q. Okay. So 7:45 in the morning is when you
8 started?

9 A. That's right.

10 Q. What time do you -- does it indicate that you
11 completed it?

12 A. Yes, sir, at 9:45.

13 Q. So about two hours later?

14 A. Yes, sir.

15 Q. So that included getting the rights, receiving
16 the waiver, talking with Mr. Bowers, and recording a
17 four-page statement all in those two hours; is that
18 right?

19 A. That's right.

20 Q. Any kind of force? Once again, no threats? no
21 promises? no nothing; is that right?

22 A. That's right.

23 Q. How did you go about writing the statement for
24 him?

25 A. He would tell me -- he would tell me what to

1 write and I'd write just what he told me.

2 Q. Okay. Do you have or did you at that time have
3 any facilities for videotaping a statement?

4 A. We did not. No, sir.

5 Q. Or audio taping a statement?

6 A. We didn't at that time.

7 Q. Okay. So describe once again the process for
8 taking that statement.

9 A. After I read him his rights on that paper, I
10 read him -- again, this is basically the same rights
11 that I read to him on that paper on this paper.

12 Q. That's on the top of that second form; is that
13 right?

14 A. Yes, sir, it is. And he started giving his
15 statement.

16 Q. All right. And as he told you, what would you
17 do?

18 A. I'd write -- write it down.

19 Q. All right. And is this what you recorded him
20 saying, this four-page statement?

21 A. It is.

22 MR. MOWRY: And, Your Honor, I would offer it
23 as a State's exhibit at this time.

24 MR. ANDERSON: Without objection.

25 THE COURT: Okay. Without objection, other

1 than what has already been placed on the record,
2 Number 30 -- 35 ---

3 MR. MOWRY: Thirty-five. Yes, sir.

4 THE COURT: --- 35 is into evidence for the
5 State.

6 (State's Exhibit No. 35 was received into
7 evidence.)

8 MR. MOWRY: And, Your Honor, if it pleases the
9 Court, I'd like to publish it at this time.

10 THE COURT: I tell you what, let's take a --
11 let's take a short break because I imagine you'll
12 still continue to have some more direct and
13 Mr. Anderson probably will have some cross.

14 So, madam forelady, ladies and gentleman of the
15 jury, let's take a 10, 15-minute break. And remind
16 you once again as I have been throughout this trial,
17 no discussion again between yourselves, and we'll
18 get you back out here shortly.

19 (At 3:13 p.m., jury left the courtroom.)

20 THE COURT: All right. We'll be in recess
21 about 10 minutes.

22 (From 3:13 to 3:28 p.m., recess was taken.)

23 MR. MOWRY: Your Honor, Detective Lynch had
24 asked me prior to this if I would publish the
25 statement. Is that all right ---

1 THE COURT: Sure.

2 MR. MOWRY: --- with the Court?

3 THE COURT: Sure. I have no problem with that.

4 All right. Mr. Bolt, if you'll bring the jury
5 out, please.

6 THE BAILIFF: (Complying.)

7 (At 3:30 p.m., jury entered the courtroom.)

8 THE BAILIFF: We have them accounted, Your
9 Honor.

10 THE COURT: Okay. All right. Thank you.
11 Solicitor, you may proceed.

12 MR. MOWRY: Thank you, Your Honor. I would
13 like to publish the statement, the contents of
14 State's Exhibit 35 at this time, Your Honor.

15 THE COURT: Okay.

16 MR. MOWRY: This is a statement of Arthur Jason
17 Bowers.

18 "On Sunday night, I came to Laurens with the
19 fair. We came to Laurens from Lenora, North
20 Carolina, where we'd been set up working.

21 "I think that it was around 5:01 p.m. when we
22 pulled into the fairgrounds gate because the first
23 thing I did was went to the bathroom. I rode to
24 Laurens with Larry in a red old model Pontiac car.
25 Larry works with the fair too.

1 "A short time later, I walked -- I'm sorry --
2 to the Exxon store and bought a pack of cigs and a
3 Mountain Dew. And I walked over to the Family
4 Dollar and bought some things like shampoo, towels,
5 et cetera.

6 "I walked back to the fair, and after awhile I
7 was with Frost. And this time we walked back to the
8 Exxon store and back to the Family Dollar and Frost
9 bought some things.

10 "When we left there, we went back to the fair.
11 And after we got dressed, we all went back to the
12 VFW. There was me, Frosty, Boo, Ray-Ray, Darby,
13 Bones, and Larry.

14 "While we were there, a guy came inside and
15 bought a six-pack. This guy may have been Buck, a
16 guy that I met later at the fair. We stayed there
17 that Sunday night until 10:00 p.m., and we all left
18 after we had bought some Crown Royal.

19 "When we left, we went back to Walmart and
20 bought some drinks, and Frost bought a DVD player
21 and I bought another pack of cigs.

22 "We then went back to the fairgrounds and drank
23 the Crown Royal, played cards, listened to music and
24 had fun playing dice. They stayed up that night,
25 but I got sick and I went to my bunk and went to

1 bed.

2 "I got up around 12:00 p.m. that Monday and set
3 up the fair with everyone. I think that it was
4 around Wednesday afternoon that I met Stan, question
5 mark, who started working for Bones, and I met Buck,
6 question mark, later on Wednesday night.

7 "Buck had been working for Carrie, but he got
8 fired for coming to work drunk. Buck kept hanging
9 around Wednesday night and left around 9:00 p.m.

10 "I also met R. G., question mark, who is
11 Angela's son."

12 Just for clarification, who is R. G.?

13 A. R. G.

14 Q. Okay.

15 A. That's Angie's -- Angie Richardson's son.

16 Q. And what relation is he to Brenda Roberts,

17 R. G.?

18 A. Grandson.

19 Q. Okay. "We closed around 10:00 p.m. Wednesday
20 night, and Buck and R. G.'s grandfather" --- who was
21 that?

22 A. Doyle Wayne Roberts.

23 Q. --- came to pick up Amanda, Angela's daughter,
24 and they were in a minivan.

25 "When they left, Amanda and Courtney was with

1 them, and I walked with R. G. to his house.

2 "R. G. and I stopped by Chelsea's house at some
3 apartments. Chelsea came outside and we walked over
4 to the playground at the apartment. R. G. told me
5 to walk away. And when I got back, they were
6 finishing what they were doing.

7 "R. G. and I started walking. And when we got
8 to the church and the gas station, some Mexican
9 pulled up and wanted to buy some marijuana. And
10 they pulled out a gun on us and we both ran.

11 "We went on over to R. G.'s house and slept
12 there till about 12:00 p.m. that Thursday. We hung
13 out with Amanda, Courtney, Buck, Angela, and her
14 mother and father until around 4:00 p.m. Then me,
15 Amanda, Courtney, R. G., Angela, the blonde-haired
16 girl with her eight-year old son, went with Angie's
17 dad who was driving the white minivan.

18 "Went to the fair. This was around 5:00 p.m.
19 I went to work around 6:00 p.m. that day after they
20 left that Thursday night.

21 "After I got off work, Amanda, Courtney, R. G.,
22 and me went over to R. G.'s house with a guy named
23 James or John who works with me at the fair in his
24 brown Ford F150 truck. I stayed with them that
25 night. And when I got up around 11:00 p.m. Friday

1 -- 11:00 a.m. -- 11:00 a.m." -- I'm sorry -- "Friday
2 morning, I decided that I was not going to work
3 because they didn't pay me enough.

4 "We all hung out together at the house that
5 afternoon, and I rode a dirt bike and fell off and
6 hurt my left arm. I think that it was around
7 5:00 p.m. Friday afternoon when Buck, the dude in
8 the green car, and I left R. G.'s house.

9 "We were getting in the dude's car to go to the
10 store, Buck said, 'No. Let's go to the VFW.' When
11 we pulled up to the VFW, me and Buck got out of the
12 car. Buck went in first and I went in behind him.
13 When we got to the second door, the red door, it was
14 shut and Buck buzzed the door and the old man let us
15 inside.

16 "When he -- when we got inside, Buck walked to
17 the right and set down near the phone. The phone is
18 at the end of the bar. It's a regular phone that
19 sets on the bar, but you have to put a quarter in it
20 to use it.

21 "When I came in, I walked to the right just
22 behind the red door, and I asked the old man for a
23 six-pack of Bud Light, and the old man asked for my
24 ID. I told him I didn't have one. When we first
25 got there, I saw two or three more people in there.

1 There was no one setting at the bar but Buck -- but
2 Buck. I think there was some tables set up and some
3 that was not.

4 "The old man would not sell me the beer, so I
5 walked outside and left. Buck stayed inside. Buck
6 was setting near the phone when I walked out -- when
7 I walked out of the VFW and left in the green car
8 with the dude.

9 "When the dude and I left the VFW, we went back
10 to **R. G.**'s house."

11 Again, is that up on Round Street?

12 A. That's right.

13 Q. "I think that it was around 6:00 p.m. I went
14 with Angie, her father, Wanda Wayne, the baby, and
15 we went to pick up Angie's boyfriend John. It took
16 us around one hour to go get him because it was
17 around 8:30 to 9:00 p.m. when we got back to the
18 house.

19 "I walked down to Wanda Wayne's house. Angie,
20 John, and there was Wanda Wayne and started
21 drinking. I didn't see Buck until 10:00 p.m. when
22 he got a beer, then he left. We went back to the
23 VFW that afternoon -- or when we went to the VFW
24 that afternoon, Buck was wearing blue jeans and a
25 white shirt with some kind of design on it.

1 "When Buck came to Wanda Wayne's house, he had
2 on shorts and kind of a t-shirt on. I didn't see
3 Buck until around 12:30 a.m. when he came back to
4 Angie's house and showed me a piece of crack that he
5 had in his mouth. It looked like about \$150 worth
6 of crack.

7 "I asked Buck where he got it from. Buck told
8 me that he had made some money and bought the crack.
9 Buck told me that at time that he had whacked the
10 old man and took his money. Buck told me that he
11 had left the old man in the bathroom. And Buck left
12 with **R. G.** and the dude driving the green car.

13 "I didn't see Buck until that Saturday morning
14 when the police was at **R. G.**'s house."

15 And the statement concludes. Is that the
16 substance of the statement?

17 A. It is. Yes, sir.

18 Q. Okay. Did y'all's investigation continue?

19 A. It did. Yes, sir.

20 Q. Still tracking down leads?

21 A. Yes, sir.

22 Q. Still talking to people?

23 A. Yes, sir.

24 Q. Several days later -- several days later on
25 October the 9th of 2003, did you get a phone call?

1 A. I did.

2 Q. Late aft -- late afternoon?

3 A. Yes, sir.

4 Q. About what time was that phone call?

5 A. Had to be around 5:00 or 5:30 I think.

6 Q. Okay. Who was the phone call from?

7 A. Dispatch had called us.

8 Q. Okay. What was the substance of the phone
9 call? What was the message they had for you?

10 A. They relayed to me that Mr. Bowers wanted to
11 talk to me again.

12 Q. All right. Where was the police department at
13 that time?

14 A. 250 West Laurens Street.

15 Q. Okay. And where was the city detention at that
16 time?

17 A. Same address.

18 Q. Same building. So your office and Mr. Bowers
19 were in the same building; is that right?

20 A. That's correct.

21 Q. What did you do once you had gotten that phone
22 call that he wanted to talk with you?

23 A. I came to the office, got out the car, and went
24 inside. Walked directly to the jail part and I had
25 a brief conversation with Mr. Bowers who was wanting

1 to talk before I read him his rights. So we had to
2 go back and get the key and get Mr. Bowers out and
3 bring him to my office.

4 Q. Now, we had talked earlier about whether or not
5 y'all had any facilities for recording statements,
6 and you had said that you did not. Did you have a
7 recording device with you at that time?

8 A. I did that day. Yes, sir.

9 Q. Why did you have it with you?

10 A. Because I had been working on some drug buys,
11 and I had had it in my pocket and I just happened to
12 turn it on.

13 Q. Okay. And did you, in fact, record the
14 conversation with Mr. Bowers?

15 A. I did.

16 Q. What is the quality of the recording?

17 A. It's not too good, but you can understand if
18 you listen to it maybe a couple of times.

19 Q. Let me hand you what's been marked as State's
20 Exhibit No. 38. Is that the disk of the recording?

21 A. Yes, sir.

22 MR. MOWRY: Okay. Your Honor, I would offer it
23 into evidence at this time.

24 MR. ANDERSON: It's a disk marked as he said.
25 I guess without us listening to it, no objection,

1 Your Honor.

2 THE COURT: Okay. All right. I'm sure you
3 have had it.

4 MR. ANDERSON: I have a disk and I presume that
5 to be the same and the copy is the same.

6 THE COURT: Solicitor, are you representing to
7 the Court and to Mr. Anderson that what you're
8 offering into evidence is the identical replica
9 copy ---

10 MR. MOWRY: Yes, sir.

11 THE COURT: --- of what was provided in
12 discovery?

13 MR. MOWRY: That's correct.

14 THE COURT: Okay.

15 MR. ANDERSON: Thank you.

16 THE COURT: All right. Thank you. Without
17 objection, 38 into evidence for the State.

18 (State's Exhibit No. 38 is received in
19 evidence.)

20 BY MR. MOWRY:

21 Q. When you walked up to -- I think you had
22 started talking about this. When you walked up to
23 the detention area, what did Mr. Bowers do?

24 A. He started talking about what had happened at
25 the VFW.

1 Q. And what did you do when he did that?

2 A. I cut him off until I could get him up front to
3 read him his rights.

4 Q. Okay. Where did you go? Where did you take
5 him?

6 A. To my office which was right up the hall from
7 where he was kept.

8 Q. All right. So you open the cell he was in,
9 took him out, and walked him to your office. What
10 was the atmosphere between you and him?

11 A. Just normal conversation.

12 Q. Okay. Did you ever raise your voice with
13 him ---

14 A. No, sir.

15 Q. --- this time or any other time?

16 A. No, sir, I didn't.

17 Q. Did you ever threaten him this time or any
18 other time?

19 A. No, sir.

20 Q. Did you ever make any promises to him this time
21 or any other time?

22 A. No, sir, I didn't.

23 Q. What process did you go through before you
24 began talking with Mr. Bowers about the information
25 he wanted to provide?

1 A. Again, I read him his rights which was on that
2 standard form that I had awhile ago.

3 Q. Okay. Let me hand you State's Exhibit No. 36
4 and ask you if you can identify that.

5 A. Yes, sir.

6 Q. What is that, please, sir?

7 A. That's his waiver of rights from that day.

8 Q. Okay. And you described the process that you
9 went through the last time. Did you go through the
10 same process here?

11 A. Same thing. Yes, sir.

12 Q. You read him his rights?

13 A. I did.

14 Q. Down here where it says, "Do you understand
15 your rights?"

16 A. I checked and he initialed.

17 Q. All right. So there's a checkmark on the
18 "yes"; is that right?

19 A. I did that. Yes, sir.

20 Q. And there -- there is some writing there. What
21 is that?

22 A. That's his initials, A.J.

23 Q. Who put that there?

24 A. A.J.

25 Q. Okay. And down below, what does it say, number

1 two?

2 A. It says, "Are you willing to talk to me now
3 without a lawyer present?" And I checked "yes"
4 because he indicated he did, and he initialled it.

5 Q. And, again, whose signature is this down at the
6 bottom?

7 A. A.J. Bowers.

8 Q. Signed A.J. Bowers?

9 A. Yes.

10 Q. Whose signature is that over there?

11 A. I witnessed it.

12 MR. MOWRY: Okay. Your Honor, I offer State's
13 Exhibit No. 36 into evidence at this time.

14 MR. ANDERSON: No objection.

15 THE COURT: All right. Without objection,
16 other than what's been noted on the record, 36 into
17 evidence for the State.

18 (State's Exhibit No. 36 was received into
19 evidence.)

20 BY MR. MOWRY:

21 Q. Let me hand you 36 again, Mr. Lynch. What time
22 did this process begin?

23 A. 5:50 p.m.

24 Q. Okay. How did you go about taking down
25 Mr. Bowers' statement?

1 A. He was telling me what to write, and I wrote
2 it.

3 Q. Okay. Now, let me hand you State's Exhibit
4 No. 37 and ask you if you can identify that.

5 A. Yes, sir. That's his statement.

6 Q. Okay. Your handwriting?

7 A. Yes, sir, it is.

8 Q. Whose signature is there at the end?

9 A. Mr. Bowers.

10 Q. Whose -- whose witness is underneath it?

11 A. My signature.

12 Q. Does it indicate on there what time this was
13 concluded?

14 A. Yes, sir. In his handwriting, signed A.J.
15 Bowers on the 10th -- on the 9th of October 2003 at
16 6:15 p.m.

17 Q. Okay. So we're talking 25 minutes from start
18 to finish ---

19 A. Yes, sir.

20 Q. --- is that about right?

21 A. Yes, sir.

22 Q. And this is that statement; is that right?

23 A. That's correct.

24 MR. MOWRY: Your Honor, I would offer State's
25 Exhibit No. 37 into evidence at this time.

1 MR. ANDERSON: No further objection, Your
2 Honor.

3 THE COURT: Okay. Without objection, other
4 than what's been noted on the record, 37 into
5 evidence for the State.

6 (State's Exhibit No. 37 was received into
7 evidence.)

8 BY MR. MOWRY:

9 Q. Was there any kind of threat, promise, anything
10 made to induce this statement?

11 A. No, sir.

12 MR. MOWRY: Your Honor, I would like publish
13 the statement at this time.

14 THE COURT: Okay. All right.. You may proceed.

15 BY MR. MOWRY:

16 Q. Oh, before I do that, there's a different form
17 for the other statements because this statement
18 looks different from the other. You've got a
19 standard form here, right?

20 A. Yes, sir.

21 Q. What have you got here?

22 A. That's just a note -- a yellow notebook pad
23 that I -- I used instead of that one because it
24 wasn't handy.

25 Q. Okay. You couldn't get it at that time ---

1 A. That's right.

2 Q. --- or didn't have it with you at that time, so
3 you just wrote it down?

4 A. And I didn't want him to stop talking, so I put
5 it on there.

6 Q. Gotcha. "That Friday night we were all
7 talking. It was around 4:00 p.m. that day or 4:30.
8 I was talking with little Robin" --- who is little
9 Robin?

10 A. Little Robin, he's a -- he's a member of the
11 family too.

12 Q. Okay. The Roberts family?

13 A. Yes, sir.

14 Q. --- "Wayne Newbanks, Buck Miller. Robin and
15 Wayne was talking making some money that night. And
16 they wanted to make some money and rob somebody.

17 "They called me over there to where they were
18 standing near the old trailer. Robin and Wayne
19 asked me if I wanted to make some money. At first,
20 I said no. Then they said that they would split the
21 money with me.

22 "I asked them where they were going to make
23 some money -- going to -- yeah, going to make some
24 money, and Wayne said that they were going to the
25 VFW.

1 "When we left there, we were in an old brownish
2 gray-looking car, and R. G. knows what car it was."
3 And, again, is that R. G. he was referring
4 to?

5 A. It is.

6 Q: "We pulled up to the VFW, and I went to take a
7 leak. And I ran to go up front, and they were
8 already inside. There was Wayne, little Robin, and
9 me.

10 "Me and Wayne was standing by the bar, and I
11 said, 'What do you want me to do?' And said, 'Just
12 stand by the door.'

13 "They pulled the old man in the bathroom, and
14 three or four minutes later they said, 'Run,' and we
15 all three ran to the car.

16 "I sat in the car, and either Wayne or little
17 Robin went back inside. And after three or four
18 minutes, we left. He got in the car, and we left,
19 and they dropped me off at the house at [REDACTED]
20 Street." And what time again was that completed?

21 A. 6:15 p.m.

22 Q. All right. Is there an addendum to it?

23 A. Yes, sir.

24 Q. What does that say?

25 A. That says, "R. G. was with us, but he stayed in

1 the car and never got out." And he initialed it at
2 the start and at the end.

3 Q. Okay.

4 A. And signed it.

5 MR. MOWRY: Thank you, sir. That's all I have
6 for this purpose. Answer any of Mr. Anderson's
7 questions, please.

8 THE COURT: Cross-examination?

9 MR. ANDERSON: Thank you, Your Honor.

10 CROSS-EXAMINATION

11 BY MR. ANDERSON:

12 Q. Mr. Lynch, this afternoon are you testifying
13 from your notes or from your memory mostly?

14 A. Both.

15 Q. So you have some notes?

16 A. No. Those -- those statements.

17 Q. Other than that, other than the statements,
18 from your memory?

19 A. Yes, sir.

20 Q. When you began your investigation on -- on
21 Friday night's activities Saturday morning, you said
22 the others went to Whiteford's and you went driving
23 around and you went to the local motel, correct ---

24 A. That's correct. Yes, sir.

25 Q. --- knocking on doors. I believe you mentioned

364

1 you had talked to the manager of the hotel -- motel.

2 A. I believe I did. Yes, sir.

3 Q. Asked if any of the carnival folks were staying
4 there?

5 A. Yes, sir.

6 Q. And did you happen to come across any other
7 carnival folks staying at the Travel Lodge?

8 A. I did later, but not -- not before I met Shawn
9 out back.

10 Q. And then you saw Shawn, you had said, in the
11 courtyard out back or whatever?

12 A. Yes, sir.

13 Q. And you asked her if her family had any
14 involvement? Is that what I ---

15 A. No.

16 Q. --- understood you to say?

17 A. No. I told her we had an incident happen at
18 the VFW and would she happen to know anything about
19 it, something to that.

20 And she brought up the carney and the name --
21 the initials that she had met and said I might want
22 to talk to him.

23 Q. Okay. And you just said the incident at the
24 VFW. You didn't say what had happened?

25 A. No, sir.

1 Q. You mentioned that you took her in the car to
2 show you the Round Street house?

3 A. I did.

4 Q. And yet then you testified that you knew Round
5 Street. Why did you have to take her with you?

6 A. I wanted her to show me exactly where he was
7 at.

8 Q. And when you -- okay. You identified the
9 house, and then you went and got the others or
10 informed the others ---

11 A. Exactly.

12 Q. --- is that correct? And then you took her
13 back to the Travel Lodge?

14 A. Took her back before I got them. Yes, sir.

15 Q. Then y'all went back to Round Street and you
16 mentioned several folks. How many vehicles do you
17 think?

18 A. Three at the most.

19 Q. You mentioned there was a SLED agent, as well?

20 A. I think Eric was with us. Yes, sir.

21 Q. Okay. You said Eric Smith with SLED?

22 A. Yes, sir.

23 Q. Yourself?

24 A. Yes, sir.

25 Q. Whom else?

- 1 A. Officer Bentley.
- 2 Q. Bentley and the Chief?
- 3 A. Yes, sir.
- 4 Q. And the Chief rode separate probably ---
- 5 A. Yes, sir.
- 6 Q. --- in his own vehicle?
- 7 A. Yes, sir..
- 8 Q. No other uniformed police officers that you
- 9 recall?
- 10 A. Not that I recall. No, sir.
- 11 Q. And you're familiar with the Roberts family?
- 12 A. Yes, sir.
- 13 Q. And many of them are -- or have been mentioned
- 14 in your testimony already, and I believe you stated
- 15 that some were related. Some of the folks mentioned
- 16 in the testimony, they were related?
- 17 A. Yes, sir.
- 18 Q. And then someone went and knocked on the door.
- 19 Was that you?
- 20 A. I did. Yes, sir.
- 21 Q. All right. I believe -- were you -- you were
- 22 in the room when Officer Bentley testified earlier?
- 23 A. Yes, sir.
- 24 Q. And if I'm not mistaken, I believe that he had
- 25 said that he had knocked on the door, but, however,

1 was the -- was A.J. in the house or where was A.J.?

2 A. No. He was in the trailer.

3 Q. Okay. And did he come out of the trailer
4 because somebody knocked on the door, or was walking
5 up across the yard?

6 A. He -- no. He was in the trailer and somebody
7 knocked on the door. And he had put his clothes on,
8 I think, and walked on up there to where we were.

9 Q. When A.J. saw either yourself or Officer
10 Bentley, Chief, and the SLED agent, several vehicles
11 out front, did he run saying, "There's law
12 enforcement. I gotta get out of here"?

13 A. No, sir.

14 Q. Okay. So he walked towards you all?

15 A. Oh, yes, sir. He came up across the yard.
16 Yes, sir.

17 Q. And y'all put him in a car and said, "Let's go.
18 We want to talk to you"?

19 A. We didn't put him in the car. We asked him to
20 come and go with us to the police department.

21 Q. And in the vehicle on the drive to the -- to
22 the police station or wherever it was at the time,
23 it was yourself and I believe you said Officer
24 Bentley was with you?

25 A. Yes, sir.

1 Q. And -- and A.J., did he make any comments in
2 the vehicle?

3 A. He might've said -- asked what we wanted to
4 talk to him about, and I think we told him to wait
5 until we get to the police department.

6 Q. And you -- you then testified that after you
7 returned to the police station, you had A.J. and
8 Officer Bentley, and he took over dealing with A.J.,
9 is that correct, and you went onto investigate other
10 things?

11 A. He took his statement at that time, and we left
12 there to go to the fair.

13 Q. So you had his first statement that he had
14 given Mr. Bentley, and then you took -- or at some
15 point the second statement was made. Why get a
16 second statement if there was already the first
17 statement?

18 A. There was some discrepancies in the story
19 because we were still investigating. We was
20 learning more and more as we're going through it.

21 Q. On the Miranda sheets, did you ever have A.J.
22 read them specifically, or did you read that to him?

23 A. I read them to him.

24 Q. And then just point and say initial here?

25 A. No, sir. When I got through reading the whole

1 waiver form, I asked him if he understood his
2 rights, and he indicated he did.

3 Q. Gotcha. Yours is slightly different than the
4 way Officer Bentley did it. He had A.J. initial
5 next to each of the numbered statements, but you did
6 not; is that correct?

7 A. On that one, I know I didn't.

8 Q. You -- you didn't have him initial next each of
9 the statements, correct?

10 A. I didn't on that form.

11 Q. Did not. Correct.

12 A. That was the second statement?

13 Q. Well, this is State's 34. And on State's 38,
14 which I guess was the third statement similarly.

15 THE COURT: Thirty-four relates to the second
16 statement.

17 THE WITNESS: Okay. Yes, sir. He initialled
18 that one.

19 BY MR. ANDERSON:

20 Q. And then 38 relates to the third statement?

21 A. Yes, sir.

22 Q. But, again, he initialed at the bottom, but not
23 next to the statement? That's what I was just
24 talking about.

25 A. He initialed the checkmarks where he understood

1 his rights.

2 Q. But, again, he didn't read out loud the
3 individual ones?

4 A. He did himself.

5 Q. He did not. How many years have you been
6 working this investigation, Officer?

7 A. This particular one in this case?

8 Q. Yes, sir.

9 A. We never stopped until...

10 Q. From '03 and you mentioned you retired in what
11 year?

12 A. The end of 2015, December 31st.

13 Q. So you worked on it at least 12 years. Why did
14 you retire at that time? Was there a mandatory
15 retirement or what?

16 A. No. I just decided to retire.

17 Q. I'm going to ask you to look at this sketch,
18 and you were that VFW on Friday night?

19 A. Yes, sir.

20 Q. And does this, as far as your recollection
21 goes, and I know you didn't make this sketch, but
22 you've seen the sketch in the courtroom and you've
23 heard testimony about this sketch. Does it
24 accurately represent what was in -- basically in the
25 VFW that night?

1 A. Pretty much. Yes, sir.

2 Q. Okay. And we've looked at the legend and where
3 things are marked. And you would agree -- I'll hold
4 it closer.

5 You would agree that the general location of
6 what's indicated as the victim, particular items
7 that are mentioned in the legend?

8 A. Yes, sir. That's where the items were.

9 Q. The recording that was made that you have
10 mentioned is of not great quality.

11 A. Yes, sir.

12 Q. And when the jury gets an opportunity to listen
13 to this because it's in evidence, who are the voices
14 that are heard on this recording? Whose are the
15 voices I should say.

16 A. Mine and Mr. Bowers mostly.

17 Q. Anybody else on that?

18 A. Not that I can tell.

19 Q. You mentioned that, I believe if I'm correct in
20 your testimony, you had it in your pocket because
21 you were working other cases is why you had it?

22 A. Yes, sir.

23 Q. And whatever reason made you turn it on while
24 it was in your pocket?

25 A. I just flipped in on before I went in -- in the

1 jail that day to talk to him.

2 Q. Okay. And did he know you were recording?

3 A. No, sir. I don't think so, unless -- unless he
4 saw it laying on the desk when I laid it on the
5 desk.

6 Q. Over the course of the 14 years, we've looked
7 at three statements of Mr. Bowers dated 9/27, 9/29,
8 and October 9th of '03. Do you have any -- and,
9 again, you said you've worked on this case about
10 12 years?

11 A. Yes, sir.

12 Q. Any further statements of Mr. Bowers?

13 A. No, sir.

14 Q. Any other statements that -- well, let me take
15 that back. No other statements from Mr. Bowers in
16 12 years, correct?

17 A. That's right.

18 Q. What other evidence was developed in the
19 12 years of that investigation?

20 A. As far as?

21 Q. That you personally worked on or had ---

22 A. Statements -- statements.

23 Q. Statements? Polygraphs?

24 A. Yes, sir. Polygraphs. Statements.

25 Q. That implicates Mr. Bowers?

1 A. Statements mostly.

2 Q. Okay. From?

3 A. Different individuals.

4 Q. Okay. Any of those statements ever retracted
5 or changed?

6 A. There were some. I don't recall which ones,
7 but they did try to retract some.

8 Q. Okay. And -- and we were dealing with an
9 extended family with relations and whatnot at Round
10 Street. Were some of those statements from those
11 people as you recall, but ---

12 A. I'm sure. Yes, sir.

13 Q. No other statements that were of value that
14 I -- I mean, they're not in evidence so I presume
15 none of these other statements were of terrible
16 value?

17 A. Not as much. No, sir.

18 MR. ANDERSON: Okay. No further questions,
19 Your Honor.

20 THE COURT: Redirect?

21 MR. MOWRY: Just a few.

22 REDIRECT EXAMINATION

23 BY MR. MOWRY:

24 Q. Mr. Lynch, in either case with the second or
25 the third statement, what is your opinion about A.J.

1 Bowers understanding of his rights?

2 A. He understood his rights.

3 Q. In either of those cases, what is your opinion
4 as to the voluntariness of the waiver of his rights?

5 A. He understood them and voluntarily made the
6 statement.

7 Q. What is your opinion as to the voluntariness of
8 his statements?

9 A. True mostly.

10 Q. Were they voluntary?

11 A. Yes, sir.

12 MR. MOWRY: Thank you, sir.

13 RECROSS-EXAMINATION

14 BY MR. ANDERSON:

15 Q. And I would just like to point out he said,
16 "True mostly." They -- they changed from one to the
17 next, correct?

18 A. All three statements?

19 MR. ANDERSON: Yes, sir. Thank you.

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

21 THE WITNESS: (Complying.)

22 MR. MOWRY: Recall Walter Bentley.

23 THE WITNESS: (Approaching.)

24 THE COURT: Okay. All right. Mr. Bentley, I
25 remind you, sir, that you're still under oath.

REDIRECT EXAMINATION

BY MR. MOWRY:

Q. Mr. Bentley, I wanted to bring you back to talk about the continued conduct of the investigation in this case. Were you involved with the taking of the statement on October 9th?

A. I was not. My son was born October 8th, so I was at the hospital on October 9th.

Q. Had some other things on your mind at that point; is that right?

A. Yes, sir.

Q. Did you continue to be involved after that time?

A. I did.

Q. Describe the conduct of the investigation. What went on?

A. We continued to interview people, continued to try to develop information, leads. We talked to numerous people. We collected a lot of blood and later on buccal swabs or saliva.

First get into the investigation, the SLED agent let me know DNA later, they could use saliva. So anyone that we thought could potentially be a suspect or may be associated with some suspects, we would attempt to get some type of sample or standard

1 or from them.

2 Q. Did you conduct an investigation on the people
3 that Mr. Bowers mentioned in the October 9th
4 statement?

5 A. We did.

6 Q. What was done with that -- those individuals?

7 A. Basically, our investigation and other -- other
8 information we found, some of those individuals were
9 charged in this case. A couple who we're actually
10 still investigating weren't charged -- were not
11 charged at that time. We were still trying to
12 corroborate some information on a couple of others.

13 Q. Okay. Who all got charged?

14 A. Off the top of my head, Doyle Wayne Roberts who
15 has been referred to as Wanda Wayne in court.
16 Angela Richardson is what she goes by now. She was
17 Angela Gambrell or Angela Smith back then. Those
18 are Brenda Roberts' children. That's her
19 daughter -- her daughter and her son. A lady by the
20 name of Melissa Mill who's the family friend was
21 charged. Robin Epping was charged also. And Robin
22 Epping's girlfriend at the time was charged as an
23 accessory.

24 Q. How about R. G. [REDACTED] ?

25 A. He was a juvenile at the time. He was charged

1 with -- a charged called misprision of a felony,
2 which is a fancy way of saying lying to the police;
3 thereby, a felony.

4 Q. Okay. Who was Solicitor at the time?

5 A. Jerry Peace was Solicitor at this time. Well,
6 let me go back. When it originally occurred, Townes
7 Jones was Solicitor. Shortly after, Jerry Peace
8 became the Solicitor, and he was Solicitor during
9 the bulk of the investigation.

10 Q. Okay. Did you consult with him during that
11 time?

12 A. We did.

13 Q. What else happened with the case?

14 A. We continued investigating it. At a certain
15 point, I believe in 2006, Solicitor Peace indicated
16 to us that he did not want to go trial on the case,
17 and he was going to dismiss all charges on all
18 individuals, so what's called "leave to reindict,"
19 which means we can continue to investigate and bring
20 charges later if evidence sees fit.

21 Q. Did you agree with that decision?

22 A. Absolutely not. I questioned that decision
23 greatly. I actually went over several pieces of
24 evidence in this case. And in my opinion, he was
25 unaware of some of the main evidence that we had.

1 He basically told me that if I wanted to
2 prosecute the case, go to law school, get a law
3 degree, and come back.

4 Q. Okay. Did you stop investigating the case?

5 A. We never stopped. Matter of fact, when I came
6 to work with the Solicitor's Office, Detective
7 Honeycutt actually took my place at the Laurens
8 Police Department and Detective Pittman. I was
9 still -- even while working here, I was still
10 accompanying them when I could on the case.

11 Q. What changed in November of 2012?

12 A. November of 2012, we actually were able to
13 bring charges against Brenda Roberts for accessory
14 after the fact to murder.

15 Q. Was there a new Solicitor, as well?

16 A. Yes. David Stumbo was the new Solicitor and
17 he -- we staffed the case and we talked to him and
18 he agreed to let -- let us keep looking at this
19 thing with a fresh set of eyes, and that led to
20 charges on Ms. Roberts.

21 Q. What was the basis for the charge against
22 Ms. Roberts?

23 A. Information had been developed over the years
24 that she had washed some bloody clothes belonging to
25 A.J. Bowers and to R. G. [REDACTED], who was her

1 grandson at the time of the murder, so that was the
2 basis of the charge.

3 Q. Okay. And was trial held on Ms. Roberts?

4 A. It was.

5 Q. All right. So there has been a trial with
6 somebody involved in this case; is that right?

7 A. Yes. It was actually this time last year
8 actually.

9 Q. Mr. Bentley, were you present in court when
10 Ms. Roberts was tried?

11 A. Yes, I was.

12 Q. Do you recall when that was?

13 A. It was this time last year. I think the
14 verdict was, you know, going off memory, it was
15 April 27th of last year. Almost a year ago to the
16 day.

17 Q. What was the charge against her?

18 A. She was charged with accessory after the fact
19 of murder.

20 Q. Let me hand you what has been marked as State's
21 Exhibit No. 38. Do you recognize that?

22 A. Yes. Thirty-eight is the indictment charging
23 Ms. Roberts with accessory after the fact of a
24 felony, and also a copy of the verdict form signed
25 by the jury -- jury foreman.

1 Q. What was the verdict in that case?

2 A. The verdict was guilty.

3 Q. Who was she an accessory to?

4 A. She was an accessory to A.J. Bowers. It states
5 on the indictment, if you want my publish the
6 indictment.

7 Q. Yes, sir.

8 A. "That Brenda L. Roberts did on or about
9 September 26, 2003, in Laurens County, knowingly,
10 willfully, and unlawfully harbor and/or assist
11 Arthur Jason Bowers, et al., et cetera al, with
12 knowledge that the said Arthur Jason Bowers had
13 completed the act of murder and armed robbery in
14 violation of the laws of South Carolina, Section
15 Code 16-1-55 of 1976 amended.

16 Q. Thank you, sir. Mr. Bentley, I want you to
17 continue talking about the investigation into this
18 case. Did you ever discover a murder weapon?

19 A. No. We made numerous efforts to do so. One of
20 the very extreme efforts we made was developing --
21 we developed information there was a well on the
22 property at [REDACTED] Street, Ms. Roberts'
23 residence, and also the residence where Mr. Bowers
24 was picked up the first time.

25 We developed information that there may be a

1 hammer in that well through some witnesses and
2 family members. We went to the residence.
3 Ms. Roberts actually didn't live there anymore. She
4 had moved over to Forest Drive in Clinton which is
5 over off East Church Road.

6 Q. And that's out in the county; is that right?

7 A. Yes, sir. It's about five or six miles from
8 Round Street.

9 We went over to the house. It was October of
10 2011 that we went over there. We had first went
11 over with a person that works here in Laurens had a
12 camera that was waterproof. It had a monitor where
13 you could see what the camera was seeing.

14 They dropped the camera down in the well for
15 us. I saw an object on the monitor that looked like
16 it may have been a hammer to me.

17 Did the same thing with Detective Lynch, asked
18 him to look at the monitor. He looked at the
19 monitor and said, hey, it's the same conclusion that
20 I had. That really made us a little more -- a
21 little more interested in the well.

22 We then got some high-powered magnets that we
23 were able to borrow from the commission from the
24 special projects people at the city. We began to
25 drop those in with ropes in an attempt to see if we

1 could pick up anything metallic.

2 We ran into a problem there. That well was not
3 drilled straight down like most wells were. They
4 actually drilled it slightly angled. So when we
5 dropped the magnet in, we couldn't get it up in the
6 corner very well, so that was kind of not working.

7 Then we had the bright idea to put a diver in
8 the well. I, myself, am a scuba diver, but
9 chickened out. We called an expert in confined
10 space diving, so we got Greenville County to send
11 one of their confined space divers -- the divers
12 down. We actually were going to attempt to put him
13 down the well head first.

14 Q. Did he volunteer to do that?

15 A. He volunteered to do that. He was more brave
16 than me. OSHA has to permit these type of -- these
17 type of activities.

18 Q. Occupational Safety and Heath Administration?

19 A. Yeah, so we had to get OSHA to permit this.
20 OSHA would not permit him to go head first. The
21 well was approximately 65 feet and about 15 foot of
22 standing water.

23 They would permit him to go down feet first, so
24 we put him down feet first. The problem with that
25 was that he had -- was basically having to use his

1 feet as hands to feel. The bottom of the well is
2 real soot and silt. His feet were actually sinking
3 while he was doing it.

4 He stayed down there a little while. The
5 oxygen levels -- the oxygen levels got unsafe and we
6 had to pull him out. We were unsuccessful in
7 finding anything.

8 The next day, we actually -- we kept an officer
9 there overnight and he stayed with the scene. We
10 actually tried to pump the well out the next day,
11 but we we're still unsuccessful at getting the
12 hammer out.

13 Q. Okay. Did anybody happen by while you were at
14 the scene?

15 A. Yes. That Thursday, the first thing we were
16 there, Ms. Roberts drove by. Now, Round Street is
17 off Conway Avenue, but it's kind off the beaten path
18 of Conway Avenue. It's a very small road. You can
19 barely fit two cars down it.

20 I happened to look up at one point in time, and
21 I saw Ms. Roberts drive by in a minivan looking in
22 our direction.

23 Q. What else did your investigation do?

24 A. We just continued investigating, continued
25 following leads, developing any information. We had

1 some crime stoppers information out there trying to
2 gather information that way. We kept talking to
3 people.

4 We had people come to us with information, so
5 we had to look at that and see if it was credible or
6 not, but we never, never stopped talking to people
7 and trying to develop information.

8 Q. Ultimately, was the information that had been
9 accumulated over those years presented to the
10 Solicitor's Office?

11 A. It was.

12 Q. And what was the result of that presentation?

13 A. The results were the indictment of Ms. Roberts
14 and the re-indictment of Mr. Bowers.

15 Q. Was an investigation conducted on the people
16 that were mentioned in each of these statements?

17 A. There was.

18 Q. Were some of them cleared?

19 A. Some were. Some were -- we were still
20 investigating.

21 MR. MOWRY: Okay. Beg the Court's indulgence.

22 THE COURT: Sure.

23 MR. MOWRY: Your Honor, I would like show
24 Mr. Bentley State's Exhibit No -- I think I said 42.

25 BY MR. MOWRY:

1 Q. Do you recognize this, Mr. Bentley?

2 A. I do.

3 Q. What is that, please, sir?

4 A. It's a Bush beer clock we found at the scene
5 hanging in the VFW hall in Laurens.

6 Q. Did you see it when you investigated on
7 September 26, 2003?

8 A. I did.

9 Q. And what -- what -- what time did it show?

10 A. It showed approximately 6:25.

11 Q. Is that the time that's showing on there now?

12 A. It is.

13 Q. What kind of clock is it?

14 A. It had a -- it doesn't have it now. At the
15 time it had a power cord attached to it. It's not
16 attached now. The VFW -- the people from the VFW
17 kind -- kind of turned it into a shrine for
18 Mr. Bolt, so they cut the cord off.

19 On September 26th it had a cord. When we were
20 investigating the scene, the cord was actually
21 unplugged. The specific area of the cord for the
22 cash register.

23 Q. Okay. And where was that? And I'm referring
24 to State's Exhibit No. 31.

25 A. It was in the -- in this (indicating) area of

1 the bar.

2 Q. So the clock was up here (indicating)?

3 A. Yes, sir. It was up high.

4 Q. And it was unplugged?

5 A. Yes.

6 Q. And it was stopped at 6:25; is that right?

7 A. It was.

8 MR. MOWRY: Your Honor, I would offer this as a
9 State's Exhibit at this time.

10 THE COURT: Okay. What says the defense?

11 MR. ANDERSON: Without objection, Your Honor.

12 THE COURT: Without objection, 42 into evidence
13 for the State.

14 (State's Exhibit No. 42 was received into
15 evidence.)

16 MR. MOWRY: Thank you, Mr. Bentley. I believe
17 that's all I have. Answer any of Mr. Anderson's
18 questions, please, sir.

19 THE COURT: Cross-examination?

20 MR. ANDERSON: Thank you, Your Honor.

21 RECROSS-EXAMINATION

22 BY MR. ANDERSON:

23 Q. Mr. Bentley, you mentioned moments ago you were
24 at the Brenda Roberts trial over a year ago?

25 A. Yes, sir, I was.

1 Q. And you testified at that trial?

2 A. I did, sir.

3 Q. Was my client, Mr. Arthur Jason Bowers, present
4 at that trial?

5 A. He was not.

6 Q. Was he represented in any capacity at that
7 trial?

8 A. I don't recall you being here, so I don't think
9 he was.

10 Q. Was he on trial under the indictment that you
11 read?

12 A. He was not. Ms. Roberts was on trial.

13 Q. Was Arthur Jason Bowers, did he testify at the
14 trial -- at the trial of Brenda Roberts?

15 A. He did not.

16 Q. With regard to your efforts at the well on
17 Round Street, you had cameras or a camera, a diver
18 or divers, you attempted to pump out the well; is
19 that correct?

20 A. That's correct.

21 Q. And at one point you said -- you specifically
22 said that Ms. Roberts actually drove by or down
23 Round Street?

24 A. On that Thursday. We were there on Thursday
25 and Friday.

1 Q. Isn't that convenient she would drive by and
2 you recognized her?

3 A. I recognized her. Yes, I know her.

4 Q. How many days did you mess with the well?

5 A. We were there for two days. We were there
6 Thursday and we were there on Friday.

7 Q. And you felt like you were that close to
8 getting some evidence in this matter?

9 A. We felt like we were close to recovering an
10 item down that well, yeah.

11 Q. Okay. And you tried the camera and you tried a
12 diver and you tried pumping it out. Did y'all try
13 excavating it? How deep was the well?

14 A. The well was about 65 feet and about 15 of that
15 65 feet was standing water. And to answer your
16 question, we actually were going to ex -- we were
17 going to do an excavation, but the homeowner at the
18 time, it was not Ms. Roberts. It was someone else.
19 When we got to that point, they were not really
20 inclined to do it. We did look back into doing that
21 later on and were unable to because of the cost.

22 Q. Okay. But even if the property owner had said,
23 "I don't want you digging up my well," the City of
24 Laurens under -- or the county even under the
25 auspices of a murder investigation probably could've

1 gotten an order allowing them to do so?

2 A. It's -- it's possible. They could say we could
3 not do it.

4 Q. During those couple of days that you were out
5 there on Round Street messing with the well, how
6 many vehicles do you think drove by?

7 A. Not very many. It's not a very well-travelled
8 road. There's very few houses there. It's off the
9 beaten path so to say. It's an offshoot to Conway
10 Avenue. It doesn't go -- it doesn't go out to any
11 main thoroughfares. It just goes actually to Conway
12 Avenue, so I couldn't be able to tell you a number,
13 but it wasn't ---

14 Q. Was that an interesting process that y'all had
15 going on as far as having a diver from Greenville
16 County in town to go -- might've generate interest
17 in the community?

18 A. If the community found out about it, it could
19 have.

20 Q. It was during daylight hours and public?

21 A. It was. Yes.

22 Q. Looking back and I -- the fact that Mr. Mowry
23 even noticed. Could you indicate where this clock
24 was located on there to me?

25 A. I can show you approximately on this diagram,

1 but it was approximately in this (indicating) area.
2 It was up high on the wall.

3 Q. This would be above the bar area?

4 A. Yes, sir. Over the -- the drinks and stuff
5 would be stored. Not the part of the bar where you
6 would sit and have a drink.

7 Q. Is the clock indicated on this diagram?

8 A. It is not.

9 Q. So at the time that the officer from SLED was
10 making this diagram, did he not take notice of the
11 clock or why do you think he didn't include it?

12 A. I can't answer for him.

13 Q. Okay. The items that are mentioned, do you
14 think that those were relevant to the investigation
15 of the crime by the SLED agent?

16 A. I think he noted items that he felt were
17 noticed.

18 Q. Do you know who -- who might have collected
19 those items? Was it -- would it have been the City
20 of Laurens the county of Laurens, SLED working on it
21 that day?

22 A. The items here for the most part -- I was
23 trying to look back as you mentioned the glasses
24 earlier to see who collected those and I wasn't able
25 to see, but I know the notepad, the beer bottle.

1 I'm not sure about the cash register. That was
2 collected by SLED.

3 Q. The glasses, you just said you're looking back
4 at your notes, didn't indicate you might've
5 collected those?

6 A. It does note Mr. Bolt's glasses from my
7 understanding, but I could not find the notation.
8 When you asked that question earlier, I was looking
9 through my notes and through the SLED stuff trying
10 to see who collected them.

11 Q. It was determined that they were Mr. Bolt's
12 glasses?

13 A. They were Jim Bolt's glasses. That was our
14 indication.

15 Q. Do you recall a phone conversation with regard
16 to the glasses trying to track them -- track down
17 what may've happened to them, phone calls, or
18 anything in 2011?

19 A. With who -- who was the phone call between?

20 Q. Well, there was several phone calls, but with
21 regard to what may have happened with the glasses.

22 A. I don't recall that phone conversation, but you
23 can refresh my memory. I might remember.

24 Q. Well, let me ask this: If they were Mr. Bolt's
25 glasses, were they given to the family to be placed

1 with the casket or given to the funeral home, or you
2 don't know what happened to them?

3 A. I don't know what happened to them. I was
4 trying to get an answer for your question, but I
5 didn't have enough time to locate it in the file.

6 Q. This is a notice in the file from November of
7 '11, and I just ask if you'll take a look at this
8 and if you can identify. If you can't, then tell
9 me.

10 A. I note Elizabeth Corley, as she was the author
11 of these notes, but I've never seen these notes
12 until now.

13 Q. I'm just -- who is Officer Corley?

14 A. She's a SLED agent that was assisting us later
15 on in the investigation. She came in to kind of
16 take a fresh look at it. She's a SLED agent. She's
17 actually a lieutenant in the Greenville office.

18 Q. And this appears to be references to the
19 glasses indicating that they were not involved in
20 any of the places they should've been. With regard
21 to the funeral home, is there any reference to the
22 glasses?

23 A. Show me.

24 Q. References in the middle where it references
25 the funeral home with Mr. Bolt's items and

1 belongings.

2 A. There is a reference in here.

3 Q. And what does it say about the glasses?

4 A. "He assumed they were Bolt's glasses." I don't
5 know who she's saying he is.

6 Q. Okay. And then it goes on to say?

7 A. "He left them on the bar for a couple of days
8 and said, 'Take them to Kennedy Funeral Home and put
9 them with Bolt's belongings." I don't know who the
10 he is in that statement, but that's what it says.

11 Q. The statement that you're referring. "He,"
12 whoever he is, "heard back from the funeral home.
13 He said they told him ---

14 MR. MOWRY: Your Honor, I don't mean to
15 interrupt, but we're -- we're talking about somebody
16 else's report and some lack of clarity in that
17 report. And I would submit that Mr. Bentley is not
18 really able to testify based on somebody else's
19 report, especially a report that he's never seen.

20 THE COURT: Mr. Anderson.

21 MR. ANDERSON: Your Honor, I was showing him
22 the report to try to refresh Mr. Bentley's
23 recollection as to the glasses of the entire
24 incident because there were several pages of notes
25 in the file. He has identified who Agent Corley is

1 and I thought perhaps this would help him remember.

2 THE COURT: Does it help you remember,
3 Mr. Bentley?

4 THE WITNESS: I never spoke with Ms. Corley
5 about the glasses, you know, and honestly I never
6 read this document until today.

7 MR. ANDERSON: Thank you, Your Honor. Nothing
8 further, Your Honor.

9 THE COURT: Okay. Redirect?

10 MR. MOWRY: Yes, sir.

11 FURTHER REDIRECT EXAMINATION

12 BY MR. MOWRY:

13 Q. Mr. Bentley, let me hand you what has been
14 marked for identification. I believe it's State's
15 Exhibit 23 and ask you if you recognize that.

16 A. I do. I created this document.

17 Q. What is that, please, sir?

18 A. It's a Google earth pro image that I made where
19 I labelled them travelling in, which is where
20 Ms. Case was.

21 The location of the VFW, I indicated with a
22 green pen traveling, I indicated with a blue pen.

23 And also with a red sharp pen, I indicated
24 where [REDACTED] Street is. Kind of looking like a
25 satellite overview. I did that to show the

1 proximity and to show the closeness of the ---

2 Q. Was that at my request?

3 A. It was.

4 Q. All right, sir. And this is the -- this is a
5 fair and accurate depiction?

6 A. It is.

7 MR. MOWRY: Your Honor, I would offer State's
8 Exhibit No. 23 into evidence at this time.

9 MR. ANDERSON: Without objection. If we need
10 to cross-examine, I will let you.

11 THE COURT: Yes. If you need to cross-examine,
12 I'll let you recross.

13 FURTHER RECROSS EXAMINATION

14 BY MR. ANDERSON:

15 Q. I just -- Officer Bentley, if you could point
16 out where the fairgrounds are in relation to the
17 locations you've identified?

18 A. They're over here. Take me a second to find
19 them. They are approximately right up here
20 (indicating). Right up in this (indicating) area up
21 here.

22 Q. Sort of in conjunction of maybe Exchange Street
23 and Dunway Avenue? I'm looking at sort of this ---

24 A. That's Conway. They're further. This is
25 Conway Avenue.

1 Q. Oh, Conway Avenue.

2 A. You're more back. This is the VFW. They're
3 more back in this area right here (indicating).

4 Q. Maybe if you squint?

5 A. Yeah, maybe it's more -- a little more. Almost
6 to a point of something there, but it's right in
7 this (indicating) area.

8 Q. And approximately when was this -- I don't know
9 if it's dated or not, but this ---

10 A. I didn't look at the -- I didn't look at the
11 image on the data.

12 MR. ANDERSON: Thank you. Your Honor, without
13 objection.

14 THE COURT: You can step down, Mr. Bentley.

15 THE WITNESS: (Complying.)

16 MR. MOWRY: Your Honor, this might be a good
17 time to take our evening break.

18 THE COURT: All right, madam forelady, ladies
19 and gentlemen of the jury, I understand from the
20 Solicitor that they will finish their case tomorrow,
21 probably tomorrow morning. Of course things could
22 always change, but the plan is right now to finish
23 their case in the morning.

24 So we're going to go ahead and break for this
25 evening and caution you once again about

1 THE WITNESS: (Approaching.)

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

6 THE WITNESS: I do.

7 GAYLE HEATH,
8 having been produced and first duly sworn as a
9 witness on behalf of the State, testified as
10 follows:

11 DIRECT EXAMINATION

12 BY MR. TODD:

13 Q. Good morning, Ms. Heath.

14 A. Good morning.

15 Q. What is your -- where do you work?

16 A. I work at the South Carolina Law Enforcement
17 Division, commonly known as SLED.

18 Q. And what is your position there?

19 A. I am a forensic scientist in the questioned
20 document department.

21 Q. Okay. What kind of education and training do
22 you have to have to do that?

23 A. Well, I have two undergraduate degrees from the
24 University of South Carolina, which don't have
25 anything to do with my document examination

1 training.

2 I completed a two-year internship at the SLED
3 forensic laboratory. I have attended courses by the
4 United States Secret Service and by the Federal
5 Bureau of Investigation.

6 And over the last 33 years, I have attended
7 annual training conferences in my line of work.

8 Q. Explain to this jury what exactly a forensic
9 questioned document examiner does.

10 A. A forensic document examiner looks at items,
11 written communication. Can be handwriting. It can
12 be hand printing. It can be numerals. I look at
13 fraudulent checks. I look at fraudulent contracts.
14 I look at signatures. I look at lottery tickets
15 that have been altered. I look at bomb threat
16 notes. I look at bank robbery notes. I look at
17 suicide notes.

18 So any form of written communication that's
19 authenticity or genuineness has been called into
20 question, I look at them to try to determine if I
21 can -- or try to determine if I can figure out who
22 actually wrote the item that is in question.

23 Q. In other words, you look at handwriting and
24 determine if that person, indeed, wrote whatever it
25 is you're examining?

1 A. That is correct. Yes, sir.

2 Q. Have you ever testified in State court?

3 A. Yes, sir, I have.

4 Q. And how many times have you done that?

5 A. Approximately, 193 times.

6 Q. Okay. And have you been qualified as an expert
7 in those times?

8 A. Yes, sir, I have.

9 Q. How many times?

10 A. Approximately, 193.

11 MR. TODD: Judge, at this point, the State
12 would like to offer Ms. Gayle Heath as an expert in
13 forensic questioned document examination.

14 MR. ANDERSON: Without objection, Your Honor.

15 THE COURT: Okay. Without objection, Ms. Heath
16 is found to be an expert in that area. You may
17 proceed.

18 MR. TODD: Thank you, Your Honor.

19 BY MR. TODD:

20 Q. Ms. Heath, I'm going to hand you what's been
21 marked for identification purposes as State's No.
22 39. Would you take a look at that?

23 A. Okay.

24 Q. Do you recognize those?

25 A. Yes, sir, I do. They contain my item number,

1 my initials, and the case number.

2 Q. Okay. I'm going to give you what's been marked
3 as State's No. 40 for identification purposes and
4 see if you recognize those.

5 A. Yes, sir. Again, they contain my case number,
6 my item number, and my initials.

7 Q. Okay. And how did you come into possession of
8 those at one time?

9 A. These items of evidence were given to me by
10 Phillip Coonfield, an agent with our latent print
11 crime scene department at that time.

12 Q. Okay. And it's been testified earlier in trial
13 that Phillip Coonfield's partner was Rod Green in
14 that collection. Now, could you identify exactly
15 what they are?

16 A. Certainly.

17 Q. Start with Number 39.

18 A. Okay. Which is actually my Item 19. And this
19 was a notebook that was sent to me as a question.
20 It had sheets of paper in it and there were blank
21 sheets of paperer in it. And I was told that this
22 was the questioned document.

23 And then my Item 28, and I forgot your -- your
24 Item 40 ---

25 Q. Forty.

1 A. --- and my Item 28 was given to me as known
2 handwriting of Arthur Jason Bowers. And I was asked
3 to compare or look for -- I was looking for some
4 indented writing on this pad and paper. And then I
5 later received these as known standards.

6 Q. Okay. So the notepad, Number 39, you received
7 from the crime scene, and 40 from the agents?

8 A. Yes. From the agents, yes, sir.

9 MR. TODD: Okay. And, Judge, I'd like to go
10 ahead and enter these into evidence, Number 39 and
11 40.

12 THE COURT: Okay. What says the defense?

13 MR. ANDERSON: Without objection, Your Honor.

14 THE COURT: All right. Without objection, 39
15 and 40 into evidence for the State.

16 (State's Exhibit Nos. 39 and 40 received into
17 evidence.)

18 BY MR. TODD:

19 Q. Ms. Heath, what -- what were you asked to do
20 with the notepad and the known samples?

21 A. Okay. The first thing I did was, I was looking
22 for indented impressions, so I actually had to
23 remove the staple from the top part of the notepad.

24 There were nine pieces of paper that had
25 previously been torn out of the notebook, so I have

1 the -- the remnants of the top of the page.

2 And then there were approximately -- I believe
3 there were -- there were 11 sheets that appear to be
4 some sort of sign-in sheet for members and
5 nonmembers.

6 Q. Okay. And just for clarification, the
7 signature of Arthur Jason Bowers you were asked to
8 compare, was -- was not actually on the notepad in
9 ink, was it?

10 A. That is correct. It was an indented impression
11 on the next sheet of paper down, which would've been
12 Number 12 down.

13 And I ran that on -- I've got a machine called
14 the electrostatic detection apparatus that allows me
15 to bring up indented impression. And through the
16 process and all, I have a piece of imaging film that
17 goes on top of that, the document, that preserves
18 the document.

19 And then I cascade glass beads with toner
20 particles on, kind of like off of a pencil. And
21 then those particles adhere to the indented
22 impression in the paper. And then those impressions
23 become visible, and I can actually see what was
24 written on the sheet of paper above it.

25 Q. Okay. So, basically, you're looking for the

1 indentation of something that was written on the
2 page before?

3 A. That's correct.

4 Q. In this case?

5 A. Yes, sir.

6 Q. Okay. And how did you go about doing that?

7 A. Well, as I said, I processed the sheets of
8 notebook paper on the ESDA and all.

9 And at the point when the image is processed
10 onto the imaging film, I have a sheet of kind of
11 hard sticky sided Mylar film, which is clear
12 plastic.

13 I place that down on the image, and that
14 preserves the image and allows me to lift the image
15 and all so that the -- the document still looks
16 like -- like it was. You can't tell that I -- I --
17 I poured anything over it and all.

18 There's no toner on it or anything, but the
19 images that appear on there are now fixed on this
20 sheet. And I can actually see them, and it looks
21 somewhat -- I have a photocopy of it. So this is
22 what the -- off of that blank sheet of paper, these
23 are the -- the names and images that appeared and
24 all.

25 Q. So taking the known sample, Number 40, of

1 Arthur Jason Bowers' signature and using your method
2 on the impressions, were you able to come up with a
3 conclusion as to whether or not Arthur Jason Bowers
4 had signed that notepad?

5 A. Yes, sir, I did.

6 Q. Okay. And what was that finding?

7 A. My finding was that there was a strong
8 probability that Arthur Jason Bowers had written the
9 "A," and I could not see what the next letter was,
10 and then the last name Bowers on that document.

11 Q. Is there a hierarchy of certainty when it comes
12 to giving a grade more or less on these?

13 A. Yes, sir. We -- we have opinions and all that
14 we give, and they're kind of nationally recognized
15 opinions that the FBI and all of the document --
16 certified laboratories use.

17 We start off with an identification, which
18 means that everything was visible and everything
19 agreed with the signature and with the known samples
20 you got.

21 The next level down is a strong probability,
22 which this was. And that may -- may mean that a
23 feature or two was not available or not represented
24 in the samples that I received.

25 And then we go down to probable which would

1 mean fewer similarities. Indications, a little bit
2 less similarities.

3 A no -- a no conclusion, which in my mind even
4 though you don't work on percentages, I have like an
5 invisible scale. And a no conclusion is at 50
6 percent.

7 And then I go out to indications did,
8 indications did not, probable did, probable did not,
9 strong probability wrote, strong probability did not
10 write, an identification or an elimination.

11 So the indication is in the middle, and then I
12 have four conclusions on either side of it.

13 Q. Just a couple of questions. You mentioned
14 things that you look for. For the jury's
15 edification, could you tell me what it is you look
16 for to ensure that it's a person's signature?

17 A. We look at placement on the line. We look at
18 how a letter is actually formed and constructed. We
19 look at beginning and ending strokes. We look at
20 height ratios.

21 And this is kind of a printed version of a
22 signature. This gentleman prints his -- his -- his
23 signature. And so -- but there are variations
24 and -- and -- and identifying features within this
25 same printed signature. And I compared that to the

1 set of known standards that I received.

2 Q. Okay. And you said that this was second from
3 the highest in your level of probability. Does that
4 have anything to do with the fact there was an
5 impression and not an actual ink signature?

6 A. Yes, sir. It was not an ink signature, so I
7 had -- I had an impression to look at. And so there
8 was -- there was some of the fine detail that was
9 missing.

10 Q. In your opinion, had this been an actual ink
11 signature, using the same process you did, would the
12 second from the highest probably move up to the
13 first in probability that Mr. Bowers did sign that
14 paperwork?

15 A. Yes, sir. Most likely. Yes, sir.

16 MR. TODD: Beg the Court's indulgence.

17 BY MR. TODD:

18 Q. At any location on the pad, did you find the
19 written name of Arthur Jason Bowers?

20 A. I don't believe I did.

21 Q. Okay.

22 A. It might've been on previous pages, but not
23 on...

24 Q. Okay. But you did find a strong probability
25 that the indications of indenting, I guess you could

1 say, of the handwriting was Arthur Jason Bowers?

2 A. That is correct.

3 MR. TODD: Okay. Please answer any questions
4 Mr. Anderson has for you.

5 THE COURT: Cross-examination?

6 MR. ANDERSON: Thank you, Your Honor.

7 CROSS-EXAMINATION

8 BY MR. ANDERSON:

9 Q. Ms. Heath, can I see the page that you held up
10 that showed or indicated -- that indicated the
11 signatures?

12 A. (Complying.)

13 Q. And could you point out to me on this page
14 where Bowers is?

15 A. Right above my finger.

16 Q. Am I close to where with my finger?

17 A. Right there (indicating).

18 Q. And there are names above it?

19 A. That is correct and below it.

20 Q. And there are names below it, so it's
21 approximately in the middle ---

22 A. Right.

23 Q. --- of the first column of two columns of
24 names?

25 A. I believe it's on line 12. Yes, sir.

1 Q. Okay. Can you determine because there are
2 other names on here, how many pages ahead of the
3 signature page the indentation may have gone
4 through?

5 A. No. It can go through several sheets and
6 there's no way to determine scientifically how many
7 sheets or what level that was.

8 Q. So if I sign my name here on a pad of similar
9 paper, legal pad, like that, my indentation may be
10 on the next sheet? It may be on the second sheet?
11 It may be on the third sheet?

12 A. That's -- that is correct.

13 Q. That's possible?

14 A. Yes, sir.

15 Q. And did you -- were you asked to look for any
16 other names on the sign-in sheet?

17 A. I believe the name of Ray McDaniel, Danny Ray
18 McDaniel. That was another suspect I had, so...

19 And there was a name Ray. And I could not --
20 and I could see the "M" initial, but I could not see
21 the rest of that name.

22 Q. And may I approach. I just want to hold it at
23 the name.

24 Let me ask you. I believe you testified to
25 this. Could you tell how many pages from the total

1 pad had been removed?

2 A. Yes, sir. I believe nine -- nine prior had
3 been removed and then there were ---

4 Q. And that's indicated by these strips ---

5 A. That's correct.

6 Q. --- that were under the staple?

7 A. That's correct. Yes, sir.

8 Q. And, lastly, would you look at the individual
9 pages, and can you tell me where the date is
10 indicated at the top of the page?

11 A. None of the pages have a date.

12 Q. Thank you very much. And this page with the
13 signature in the middle, I don't believe is part of
14 the evidence, is it?

15 A. It came off of ---

16 Q. This is off of your notes; is that correct?

17 A. That's correct.

18 MR. ANDERSON: Thank you so much.

19 THE WITNESS: Uh-huh.

20 THE COURT: Redirect?

21 MR. TODD: Briefly.

22 REDIRECT EXAMINATION

23 BY MR. TODD:

24 Q. Ms. Heath, did you make a conclusion on the Ray
25 person that Mr. Anderson was talking about?

1 A. No, I did not.

2 Q. Okay. So it was a no conclusion?

3 A. That is correct.

4 Q. And that's the lowest on the standard of ---

5 A. Yeah, it's kind of middle ground.

6 Q. Okay. And what would -- what would happen with

7 the impression if there were other signatures on top

8 of that page? Could it blank out or blot out?

9 A. If it would, it would interfere with some of

10 the penned entries of -- of that impression. Yes.

11 Q. Okay. And do you have an opinion as if may be

12 that was the last sheet that he had signed based on

13 that?

14 A. I can't -- I didn't -- it was visible enough

15 that I could see the name and could examine it.

16 Q. Okay. And do you believe that possibly if

17 there had been multiple pages of that indentation

18 over that, that it would not have been able to make

19 this conclusion?

20 A. It would not have been as clear. Yes, sir.

21 MR. TODD: Okay. No further questions.

22 THE COURT: Recross, Mr. Anderson?

23 MR. ANDERSON: Nothing else, Your Honor. Thank

24 you.

25 THE COURT: Okay. You can step down, ma'am.

1 way.

2 THE COURT: Okay.

3 MR. MOWRY: We would recall Walter Bentley to
4 the stand ---

5 THE COURT: Okay.

6 MR. MOWRY: --- for just one -- just a few
7 questions.

8 THE WITNESS: (Approaching.)

9 THE COURT: All right. Different -- different
10 day. We'll have him be sworn.

11 THE CLERK: Okay. Do you solemnly swear or
12 affirm that the testimony you're about to give in
13 this case will be the truth, the whole truth, and
14 nothing but the truth so help you God?

15 THE WITNESS: Yes, ma'am.

16 INVESTIGATOR WALTER BENTLEY,
17 having been produced and first duly sworn as a
18 witness on behalf of the State, then testified as
19 follows:

20 CONTINUED DIRECT EXAMINATION

21 BY MR. MOWRY:

22 Q. Mr. Bentley, is that about the best that audio
23 can be?

24 A. Yes. I messed with the equalizer on it, and we
25 actually came over here on Sunday and tried several

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1 different ways of playing it through the board,
2 through my computer, and that was the easiest way to
3 hear it loud listening to it.

4 Q. Even if large parts of it are not clear, what
5 does the audio demonstrate?

6 A. It demonstrates that the interview was just
7 testified -- like I testified earlier. It's just as
8 we were -- we are talking and questioning him in the
9 same way, and it shows his voluntariness to speak.

10 Q. Okay. When Ms. Heath was testifying,
11 Mr. Anderson asked about other names that appeared
12 on the sign-in sheet. You were aware of Ms. Heath's
13 findings; is that right?

14 A. I was. Yes.

15 Q. You -- in fact, you received a copy of the --
16 the impression that she raised; is that right?

17 A. That's correct.

18 Q. Were you able to investigate the names that
19 were on that sheet?

20 A. The ones that I could tell who they were, you
21 know, I was able to look and see who they were, find
22 out, you know, if they were there, where they were
23 around the time of the VFW case.

24 Q. Were you able to eliminate these people as
25 suspects?

1 A. Yes.

2 Q. Danny Ray McDaniel, have we heard his name or a
3 nickname of him during this trial?

4 A. Yes. He's the person referred to as Ray-Ray in
5 the first statement Mr. Bowers gave to myself.

6 Q. Okay. Who's the one person in that impression
7 you were not able to eliminate as a suspect?

8 A. Mr. Bowers.

9 Q. Were you able to determine -- one last
10 question -- what time -- oh, wait a minute. Let me
11 ask you this: How many times was Ray McCort signed
12 in on that pad? Were you able to look through there
13 and calculate?

14 A. I looked through it again while we were
15 listening to the audio a minute ago at the pages
16 that were up under the page she lifted the
17 impression of, and I saw approximately four or five
18 times that Mr. McCort had been to the VFW, you know,
19 over the period of time the notepad was in play.

20 Q. Okay. Were you able to determine what time
21 sundown was? I believe you were able to pull that
22 up from the National Weather Service; is that right?

23 A. I was. I referred to the National Weather
24 Service and also the Farmers' Almanac, and I believe
25 it said 7:19 was the sunset.

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1 Q. 7:19 p.m., does that sound ---

2 A. Yes, sir.

3 MR. MOWRY: Thank you, sir. That's all I have.

4 THE COURT: Any cross-examination,

5 Mr. Anderson?

6 MR. ANDERSON: Just a few, Your Honor. Thank
7 you.

8 CONTINUED CROSS-EXAMINATION

9 BY MR. ANDERSON:

10 Q. With regard to the audio which we've just
11 listened to for however long it was, were you
12 present while that audio was being recorded?

13 A. No. As I testified yesterday, I was not
14 present ---

15 Q. So that was ---

16 A. --- when that was recorded.

17 Q. So that was Detective Lynch doing the recording
18 of an interview with just -- I think he even
19 testified it was just he and Bowers?

20 A. He did. It was just him and Mr. Bowers.

21 Q. With regard to other names that you may have
22 saw on the list, and you said you recognized
23 McCort's name several times, were you able to ID --
24 were there any names you didn't know on the list
25 that you were able later to ID from information from

1 Ms. Heath?

2 A. From Ms. Heath, no. The impressions were, as
3 you are well aware of, are pretty hard to read. I
4 could read some of them. Some of them reoccur later
5 on in the thing. I didn't find any additional
6 suspects in those impressions that I couldn't verify
7 their whereabouts.

8 MR. ANDERSON: Thank you. Nothing further.

9 THE COURT: Redirect?

10 MR. MOWRY: No, sir.

11 THE COURT: You can step down, sir.

12 THE WITNESS: (Complying.)

13 MR. MOWRY: Your Honor, that is the State's
14 case and we would rest.

15 THE COURT: Okay. Thank you, Solicitor.

16 All right. Madam forelady and ladies and
17 gentlemen of the jury, this will be a good time to
18 take a morning break, so I'll ask that you go back
19 to the jury room.

20 Again, remind you, no discussion about this
21 case among yourselves, and we'll get you back out
22 here shortly.

23 (At 11:05 a.m., jury left the courtroom.)

24 THE COURT: Defense have any motions they would
25 like to make at this time?

1 MR. ANDERSON: We do, Your Honor.

2 At this time the defendant would move for a
3 directed verdict in his favor. We do not believe
4 that the State was able to prove this case beyond a
5 reasonable doubt.

6 Beyond the three inconsistent statements which
7 are submitted over our objection, there's been no
8 proof beyond a reasonable doubt. There's no
9 fingerprint that would place my client at the VFW on
10 Friday night, Your Honor, and we would move for a
11 directed verdict.

12 THE COURT: Okay. All right. Thank you very
13 much.

14 Viewing the evidence in the light most
15 favorable to the State, of course the Court is not
16 concerned with the weight of the evidence presented
17 during the State's case-in-chief, but just the
18 existence of any direct or substantial
19 circumstantial evidence recognizing that this is
20 primarily a circumstantial case, but I do find that
21 there would be sufficient direct and/or substantial
22 circumstantial evidence.

23 And I'm going to go ahead and put on the record
24 what I believe would support my denial of the
25 motion.

1 As it relates to the murder case, the
2 pathologist testified that there was a homicide.
3 Blunt-force trauma was used consistent with a ball
4 hammer.

5 The -- as it relates to the notebook, the --
6 somebody quoted the -- an employee which said that
7 the page that was ripped out was the page for the
8 26th.

9 And based upon Agent Heath's testimony
10 concerning comparison of known handwriting samples
11 and the defendant's signature on the questioned
12 document, I find that to be certainly important as
13 it relates to this motion for directed verdict.

14 There's blood on the notebook. And the
15 defendant even said that he was familiar with the
16 notebook in that he did not sign the notebook.

17 Later on that Friday night, early Saturday
18 morning, the defendant was found to have blood on --
19 on himself and blood on his money that he attempted
20 to use to buy drugs. All of this taking place at
21 the local motel.

22 The fact that Brenda Roberts was convicted of
23 an accessory after the fact of murder as it relates
24 to the defendant.

25 His first statement acknowledging that he

1 urinated outside the VFW, and that Mr. Bolt had been
2 assaulted in the bathroom. According to
3 Mr. Bentley's testimony, neither of that was made
4 known to the public prior to that first statement
5 being given.

6 He admits to being at the VFW in all three of
7 his statements. He admits to being at the VFW at
8 the approximate time as Mr. Yeargin sees a young
9 white male urinating outside of the VFW, which that
10 particular act was admitted to by the defendant.

11 And the clock stops at an approximate time as
12 the time suspected of the -- or the time frame of
13 the alleged murder.

14 As it relates to the armed robbery, all of the
15 above findings. In addition, the cash register was
16 on the floor open and empty. Mr. Bolt's pockets
17 were pulled out on the front and back-left side of
18 his pants.

19 According to the defendant's third statement,
20 there was an agreement with other folks to make some
21 money. And, again, the defendant had money with
22 blood on it.

23 As it relates to conspiracy, all of the above.
24 And in addition, he admits to being at the VFW with
25 others and that being found in all three of his

1 statements and that there was a certain agreement
2 made between the defendant and other individuals as
3 it relates to conducting something unlawful or
4 illegal.

5 So with all of those, I find that there is the
6 existence of direct and substantial circumstantial
7 evidence and the motion is respectfully denied.

8 MR. ANDERSON: Thank you, Your Honor.

9 THE COURT: I'm going to pull up the script,
10 Mr. Anderson, as it relates to my advising the
11 defendant of his right to testify or not testify.
12 So if you've not already forewarned him of what I'm
13 about to do, if you'll do that while I pull this up.

14 MR. ANDERSON: Yes, sir.

15 (Brief recess.)

16 THE COURT: Okay. Mr. Bowers, if you would
17 please stand.

18 THE DEFENDANT: (Complying.)

19 THE COURT: And, madam clerk, would you swear
20 him in, please?

21 THE CLERK: Yes, sir. Raise your right hand.

22 THE DEFENDANT: (Complying.)

23 THE CLERK: Do you solemnly swear or affirm
24 that the answers to the questions posed by the Court
25 will be truthful and complete?

1 THE COURT: Okay. You may proceed.

2 MR. ANDERSON: Thank you, Your Honor. May it
3 please the Court? We call Holly Manning.

4 THE COURT: Okay.

5 THE WITNESS: (Approaching.)

6 THE CLERK: D.

7 Do you solemnly swear or affirm that the
8 testimony you're about to give in this case be the
9 truth, the whole truth, and nothing but the truth so
10 help you God?

11 THE WITNESS: Yes.

12 HOLLY MANNING,
13 having been produced and first duly sworn as a
14 witness on behalf of the Defendant, testified as
15 follows:

16 DIRECT EXAMINATION

17 BY MR. ANDERSON:

18 Q. Ms. Manning, will you state your full name,
19 please?

20 A. Holly Rashoff Manning.

21 Q. And are you currently employed?

22 A. Yes.

23 Q. Where?

24 A. Pinellas County Schools in Florida.

25 Q. And what is your position with Pinellas County

1 Schools?

2 A. I'm the supervisor for records management.

3 Q. How long have you been supervisor for the
4 records management?

5 A. Three years.

6 Q. And prior to being the supervisor for records
7 management, how long have you been with Pinellas
8 County Schools?

9 A. Prior to that time, 30 years.

10 Q. And in what capacity have you been, other than
11 supervisor?

12 A. I started as a data management tech, which is
13 the person that puts information in the computer.

14 I worked in the risk management department
15 billing insurance to employees.

16 And then I worked 25 years with our vocational
17 schools -- we have two of them -- in records.

18 Q. And are you considered in the administration of
19 Pinellas County Schools?

20 A. It's called technical area, but, yes, it is
21 part administration.

22 Q. Have you ever been a school teacher?

23 A. No.

24 Q. And your position as supervisor, how you become
25 that person? How did you become supervisor?

1 A. I interviewed for the position. I was promoted
2 to it.

3 Q. And who appointed you that?

4 A. Well, my immediate supervisor is the director
5 of information technology, but I've been appointed
6 as the records management liaison officer for our
7 school district to the State of Florida by our
8 superintendant.

9 Q. By the -- okay. Excuse me. In your position
10 where you are now as supervisor of records
11 management, are there other supervisors of records
12 management in Pinellas County?

13 A. No.

14 Q. So you are the top of that pyramid?

15 A. Yes.

16 Q. When a person -- well, let me ask you, have you
17 ever testified in court before as this position?
18 Have you given depositions?

19 A. I have given depositions outside of court.

20 Q. So when a person is seeking a school transcript
21 from Pinellas County, Florida, who do they contact?

22 A. My office.

23 Q. And you provide a certified, if necessary,
24 school transcript?

25 A. Yes.

1 Q. Did you have occasion to receive a request for
2 a certified school or a school transcript for Arthur
3 Jason Bowers recently?

4 A. Yes.

5 Q. And I say recently. Was it within the last
6 year?

7 A. Yes.

8 Q. Was it within the last six months even?

9 A. November.

10 Q. November. And did you -- were you able to
11 comply with that request?

12 A. Yes.

13 Q. You sent Arthur Jason Bowers a copy of the
14 transcript and was there a follow-up to that?

15 A. Yes.

16 Q. And what was that follow-up?

17 A. The letter that came to me was asking questions
18 about things that are listed on the transcript that
19 he did not know or understand.

20 And I complied by responding to his request for
21 that information and gave him details as to what the
22 codes and specific questions that he had, what they
23 meant.

24 Q. And did he, as well, ask for his school file
25 from Pinellas County?

1 A. Yes.

2 Q. The entire file, and what was your response to
3 that?

4 A. We could not give him the entire file. The
5 demographic and transcript information is kept for
6 99 years, or we consider forever. And all the rest
7 of the information that's in the student's file,
8 besides that, is only kept for five years after the
9 student leaves us.

10 And the Florida Department State gives us
11 recommendations on how long things need to be kept,
12 and five years after the student leaves us is the
13 length of time they recommend us keep that
14 information.

15 Q. Okay. I'm about to hand you what's previously
16 been marked as Defendant's No. 1 and ask you if you
17 can identify what that document is.

18 A. Yes? It's the school transcript for Arthur J.
19 Bowers.

20 Q. That would be the transcript that was -- or a
21 copy of that would have been the transcript provided
22 to Arthur at his first request back in November?

23 A. Yes. Well, it actually says October 30, 2017.

24 Q. Okay. And have you personally had an
25 opportunity to review that transcript that's in

1 front of you right now?

2 A. Yes.

3 Q. And actually getting back to -- we had the
4 initial request for the transcript, then you had
5 follow-up requests for explanation, did you say?

6 A. Yes.

7 Q. And you provided that. Was there anything that
8 you thought unusual with regard to the follow-up
9 request for explanation with regard to the written
10 request?

11 A. Well, the follow-up request was written by
12 someone else. They had written their name at the
13 bottom of the letter saying that they were writing
14 it for him.

15 Q. So it was written on behalf of Arthur
16 Bowers ---

17 A. Yes.

18 Q. --- and somebody else put on the bottom, "This
19 letter was written by," and I think you may have a
20 copy of that or I do.

21 A. I do. It says, "Written by Jeff McCarthy."

22 Q. And right above where it says, "This letter was
23 written by Jeff McCarthy," where does it say Arthur
24 J. Bowers is residing?

25 A. It says, "Arthur J. Bowers, Laurens County

1 Detention Center, Post Office Box 229, Laurens,
2 South Carolina."

3 Q. So he had some assistance writing that letter I
4 presume?

5 A. Yes. I would make that assumption.

6 Q. Having had an opportunity to review the
7 transcript of Mr. Bowers' records, can you tell us
8 the years that he attended school in Pinellas
9 County, Florida?

10 A. Yes. It's in chronological order. And on page
11 one, it starts with year '91, '92.

12 Q. And that would be grade what?

13 A. Well, it says grade level "NA," but the next
14 year says '92, '93, grade level one.

15 Q. Okay. So this was either a pre-1 or preschool?

16 A. Pre-first grade.

17 Q. Pre-first grade. And the transcript goes on
18 and cont -- is continuous until what year?

19 A. Page five says it was 2001, 2002, grade level
20 ten.

21 Q. Thank you. And I believe that we have -- and
22 I'm going to ask you -- I believe that you're
23 familiar with using this. You can look at the
24 document as you're talking about it.

25 A. Sure.

1 Q. Now, that is not on the transcript that you're
2 looking at. Can we get to the first page?

3 A. I hope so.

4 Q. Okay. So this is the document that you're
5 actually holding in your hand and that we're looking
6 at, correct?

7 A. Yes. That's correct.

8 Q. And this would be a cover page indicating --
9 what does the seal over here look like?

10 A. Well, I could -- first of all, this shows that
11 it's page six, but we -- sorry.

12 Q. If it helps ---

13 A. I'm trying not to touch.

14 Q. Stand a little bit back.

15 A. It does say page six at the top, and we pull
16 that page to the front of the transcript so that the
17 person that's pulling it out of the envelope can see
18 that it is a certified copy by someone in our
19 department and they have put our school board seal
20 on it.

21 So this, although it says page six, would be
22 the top page that would be in the envelope.

23 Q. Okay. And from that top page, is there
24 anything of note or of interest? You mentioned the
25 date on that when it was certified.

1 A. Yes.

2 Q. And that was October of 2017?

3 A. October 30, 2017, was the same date it was
4 printed on the computer.

5 Q. Okay. And the next page is?

6 A. The next page is page one. It does show the
7 demographic information for the student -- his name,
8 social security number, ethnic category, sex, that
9 type of thing.

10 It also shows what immunizations he received
11 before he started school and how many of them.

12 Then it starts the course information, which
13 starts with in chronological order with the year
14 '91, '92. One thing to note is not only does it
15 show what courses he took and what grades he
16 received, which would be common to any transcript,
17 but it also shows the course numbers, and that is a
18 designation to me to continue looking into this
19 record.

20 These course numbers -- sorry. For elementary
21 school, start with 7-7, which means it's an
22 elementary school record. And seven, the first
23 digit, means that it's a special education course.
24 So it would be a student that has some type of
25 difficulty, and they're in this special course

1 number.

2 This information on year '92, '93, shows that
3 he attended two different elementary schools in
4 first grade. One was Sawgrass Lake Elementary, the
5 other is Skyview Elementary.

6 The reason that's important is because both of
7 those schools are schools that have regular
8 education students in them. They are pre-K through
9 fifth grade. And this designation of the seven for
10 the course number tells me that this person was in a
11 course self-contained.

12 In other words, it doesn't have any regular
13 education students in it, only students that had
14 special difficulties that needed a specialized
15 teacher and teacher aids in the room.

16 And he continues -- where the paperwork
17 continues in this fashion through elementary,
18 middle, and high school.

19 Q. So it's basically a continuous document, so you
20 could go up to the next page ---

21 A. Yes.

22 Q. --- and it would show the school year being ---

23 A. It shows Blanton Elementary for grades three
24 and four, but it still, again, shows all of the
25 academic classes as having a seven in the front

1 which tells me that it's a course that is special to
2 students with a dis -- disabilities.

3 Q. And then continuing on after the next ---

4 A. Yep. This is fifth, sixth, and seventh. And
5 seventh -- and sixth grade, because it's changing to
6 middle school, those course numbers go from 7-7 to
7 7-8. And in high school, they'll go to 7-9.

8 Q. And is there any change in the school itself?

9 A. Yes. Here we're at Skyview Elementary which
10 is, as I said before, pre-K to five grade level at a
11 very average-type school. Has all kinds of students
12 in it.

13 And when he goes to sixth grade, this school,
14 Richard L. Sanders School, is a school for students
15 specifically with disabilities. They can be all
16 kinds of emotional behavioral disabilities in that
17 school.

18 We have other schools that have teachers
19 trained for children in wheelchairs, children with
20 cerebral palsy, that type of thing. Those are
21 separate classes than this particular school has.

22 Q. And the Richard Sanders School, what grades
23 does that cover?

24 A. It covers kindergarten through 12th.

25 Q. And the prior schools was not Richard Sanders,

1 and that would've been for what reason that he was
2 not already at Richards Sanders?

3 A. Well, one of the testing criteria is that the
4 people that do the testing for the students use the
5 least restrictive environment, so they start out
6 with classes that are least restrictive.

7 They don't have any particular designation to
8 them. You know, they would have a teacher and a
9 teacher's aid, but nothing that would say, you know,
10 this is a special education class.

11 When you get to Richard L. Sanders School and
12 Hamilton Disston School, those are schools that
13 would have all one entrance and one exit. They
14 would have -- well, Richard Sanders School has a
15 12 -- 10-foot chain link fence around it so that
16 they don't have to worry about students trying to
17 get out of school without going through the proper
18 channels, but it also has all classes and all staff
19 that handles students with disabilities, all kinds
20 of emotional and behavior disabilities.

21 Q. At -- so Richard Sanders, as opposed to being
22 in a mainstream school with one particular class and
23 then one teacher in a classroom, the entire Richard
24 Sanders School is basically composed of that; is
25 that correct?

1 A. Yes.

2 Q. And what year does it look like he went into
3 Richard Sanders?

4 A. '97, '98, sixth grade.

5 Q. And if you can, can we go back to the first
6 page of the grade transcript where you have the
7 first grade and where you were pointing out the
8 grade levels at "NA," did that already have a
9 designation as to what school he may be attending?

10 A. Well, it does have the school number 3231 which
11 does match the school number for Richard Sanders,
12 but the computer didn't print that on the page.

13 Q. Okay. So he was eligible or perceived to have
14 the deficiency, even pre-first grade? Is that what
15 that shows? Is that what that tells us?

16 A. That's what it would tell you. Yes.

17 Q. Okay. Then going back, if he went to other
18 schools which you've already testified and at, you
19 said that he went in '98, was it, to Richard Sanders
20 then?

21 A. The '97, '98 school year.

22 Q. '97, '98 school year. And then the next school
23 year he was where?

24 A. Seventh grade is Hamilton Disston and also a
25 center school like Richard Sanders is.

1 Q. Again, students that have a special needs or a
2 special learning disability perhaps?

3 A. They could have a learning disability, but most
4 of them are there for emotional and behavioral
5 difficulties.

6 Q. And then the next page what looks like '98,
7 '99. It says grade level seven. It appears he's
8 back at Richard Sanders; is that correct?

9 A. Yes.

10 Q. And what does the next school year show?

11 A. Eighth grade, '99, 2000, and it also shows
12 Richard Sanders School.

13 Q. And that's grade level eight?

14 A. That's the eighth.

15 Q. And can I interrupt you from going school year
16 to school year? What happens in the eighth grade as
17 far as testing in Florida?

18 A. Oh, the -- the students take a series of
19 standardized tests. They're called the Florida
20 Comprehensive Assessment Test. And they're taken in
21 third grade, eighth grade, and tenth grade.

22 And the scores that he has are listed on this
23 page, the test information. It shows that he only
24 took tests in the eighth grade. He took a writing
25 test, February 15th of 2000, and then the Florida

1 Comprehensive Assessment Test on February 16th and
2 March 6th of 2000.

3 Q. And are there scores associated with those
4 tests that you just referenced?

5 A. Yes. The ones that I could find information
6 on, I did try and contact the Florida Department of
7 Education for booklets back this far. Was only able
8 to get information about reading and math. And the
9 reading scale scores, what it's called, is 178. And
10 I have information.

11 MR. MOWRY: I would object to any
12 interpretation of it.

13 THE COURT: Right. Right. All -- all we
14 decided that she can do is -- is -- is define what
15 the codes were, but now test scores, she cannot --

16 MR. ANDERSON: Yes, sir.

17 THE COURT: --- get into that.

18 MR. ANDERSON: Yes, sir. And I apologize. At
19 this point, you're just reading what the test score
20 is and showing it is what we're trying to get at.
21 We'll proceed on that.

22 THE WITNESS: Okay.

23 BY MR. ANDERSON:

24 Q. But that does show under the test information;
25 is that correct ---

1 A. Yes.

2 Q. --- 178?

3 A. Yes.

4 Q. And is there a score for the third test?

5 A. The third test is comprehension; problem
6 solving. And there are scores on there, but I don't
7 have that information.

8 Q. Okay. On that same page, under the heading
9 "exceptional student information," what does that
10 tell you?

11 A. The student plan date, this is the date that
12 the parents and the teachers got together that
13 school year, 12/3 of '01, to decide what the student
14 was going to be enrolled in courses based on his
15 exceptionality of severely emotionally disturbed.

16 Q. And is that represented by "Q" there?

17 A. Yes.

18 Q. And I believe that this is attached to mine.
19 Is this page on the transcript that we have here?

20 A. Yes.

21 Q. Okay. And what does that page indicate? What
22 are -- what is it called at the top?

23 A. Well, it's from the Florida Department of
24 Education. It's from the Department of Education
25 information database requirements.

1 These are the data elements that are appearing
2 on our computer system and on the transcripts that
3 show if there's a code listed, what that code stands
4 for. And it identifies the primary exceptionality
5 for any child.

6 Q. And according to, again, back on the other
7 page, the test page -- test results page, it showed
8 a code of "Q"?

9 A. Yes, it did.

10 Q. And that is associated with -- what's the
11 description?

12 A. Severely emotionally disturbed. Here's the "Q"
13 and the title.

14 Q. You can have a seat, please, Ms. Manning.

15 A. (Complying.)

16 Q. With regard to the transcript that you have and
17 I believe you've already said this, but it goes --
18 we stopped at the eighth grade and looked at the
19 test scores. Does the transcript continue on beyond
20 the eighth grade?

21 A. Yes. It shows ninth grade and tenth grade both
22 at Richard Sanders School.

23 Q. And on the tenth grade, does it indicate how
24 long he was at the school in that grade?

25 A. It shows that he was present for 62 days and

1 absent for 37.

2 Q. And is that a semester or half semester? What
3 is that?

4 A. Ninety days would be the semester, so it's just
5 a little more than a semester.

6 Q. Is there anything else on the transcript that
7 requires an explanation as to codes or anything else
8 that I haven't mentioned yet?

9 A. (No response.)

10 Q. I believe the rest is fairly self-explanatory.

11 A. I agree.

12 MR. ANDERSON: Your Honor, at this time we
13 would move Defendant's Exhibit 1 into evidence as
14 far as the transcript.

15 MR. MOWRY: I thought it was already in
16 evidence, Your Honor. Sorry. No objection.

17 THE COURT: Okay. All right. Be Number 1 into
18 evidence for the defendant.

19 (Defendant's No. 1 was received into evidence.)

20 BY MR. ANDERSON:

21 Q. The severely emotionally disturbed
22 qualification, again, on the transcript indicated by
23 the "Q" code, where does that come from? What is
24 the criteria for that?

25 MR. MOWRY: And I have to object again, Your

1 Honor, because we're talking about interpretation
2 here. This is beyond codes.

3 THE COURT: Well, I think she may refer to
4 where she obtained the source to tell her what code
5 "Q" stands for. So if that is her intent, would
6 that -- is that the intent?

7 MR. ANDERSON: That's the intention of the
8 question, Your Honor.

9 THE COURT: Okay. She can -- she can answer
10 that.

11 BY MR. ANDERSON:

12 Q. Where do those words come from?

13 A. They come from the Florida Department of
14 Education.

15 Q. Okay. And is that by statute?

16 A. Yes. By Florida Statute and Florida
17 Administrative Code.

18 Q. And do you have in front of you in your notes
19 perhaps a copy of the statute where that could be
20 found?

21 MR. MOWRY: And, Your Honor, we're getting way
22 into weeds on that -- on this one.

23 THE COURT: Yeah, I'm not going to allow
24 that -- that document in. If it was the intent to
25 either testify from it or put it into evidence.

1 She's already indicated that the definition for code
2 "Q" comes from Florida law.

3 MR. ANDERSON: Perfect, Your Honor. We wanted
4 it to be clear where that came from ---

5 THE COURT: Right.

6 MR. ANDERSON: --- and that it wasn't just out
7 there.

8 BY MR. ANDERSON:

9 Q. With regard to your position in Pinellas
10 County, approximately how many schools are you
11 supervisor of records for?

12 A. 135.

13 Q. And do you have in front of you a student
14 population for the years '99, 2000, basically the
15 last years Mr. Bowers was at school?

16 A. Yes, sir.

17 Q. And what does your -- what do your statistics
18 show?

19 A. The profiles from Florida districts from the
20 state of Florida show that the Pinellas County had a
21 total of 111,822 students enrolled.

22 Q. And of those 111,822 students, do you have a
23 statistic with regard to how many were deemed
24 severely emotionally disturbed?

25 MR. MOWRY: Irrelevant, Your Honor.

1 THE COURT: Okay. Sustained.

2 MR. MOWRY: This has absolutely nothing to do
3 with the defendant.

4 THE COURT: Sustained.

5 BY MR. ANDERSON:

6 Q. There is a percentage of students that has
7 severely emotionally disturbed?

8 MR. MOWRY: Also irrelevant, Your Honor.

9 THE COURT: Sustained.

10 MR. ANDERSON: Your Honor, at this point ---
11 with regard to Richard Sanders School and you did
12 give us a brief description so we're good on that.
13 Your Honor, I have no further questions at this
14 point.

15 THE COURT: Okay. Cross-examination?

16 CROSS-EXAMINATION

17 BY MR. MOWRY:

18 Q. Ms. Manning, first of all, welcome to South
19 Carolina.

20 A. Thank you.

21 Q. You said you are not a teacher?

22 A. No.

23 Q. You're not a guidance counselor?

24 A. No, sir.

25 Q. You're -- you're the custodian of records; is

1 that right?

2 A. Yes.

3 Q. Okay. And that is your purpose today is to
4 just bring us this transcript?

5 A. Yes, sir.

6 Q. A long -- long away from Pinellas County?

7 A. Yes, sir.

8 Q. Are you being compensated for your trip up
9 here?

10 A. Well, my comp -- my comp -- my school system is
11 paying my salary.

12 Q. Okay. Is the defense paying you anything for
13 this trip or ---

14 A. Not that I know of.

15 Q. Okay. You've never met Arthur Jason Bowers
16 before, have you?

17 A. No.

18 Q. You wouldn't have known him at all before you
19 walked in the door; is that right?

20 A. No.

21 Q. But you say that he's severely emotionally
22 disturbed according to the records?

23 A. According to the records.

24 Q. Okay. Let me ask you this: We've talked a
25 little bit about his transcript and Mr. Anderson was

1 going year by year. Let me ask you if you would
2 flip to his -- looks like grade level three at
3 Blanton Elementary School.

4 A. Yes.

5 Q. And it looks like he was getting "B's" and
6 "C's" that year; is that right?

7 A. That's what this states. Yes.

8 Q. Okay. And y'all have 180-day school year; is
9 that right?

10 A. Yes.

11 Q. Same as South Carolina. How many days was
12 Mr. Bowers present that year according to the
13 records?

14 A. 172.

15 Q. How many days was he absent?

16 A. Eight.

17 Q. Let's go to grade four then. And it looks like
18 he's getting "B's" and "C's" again; is that right?
19 Would you agree with me?

20 A. Yes.

21 Q. There are a couple where he gets an "S." What
22 does that mean?

23 A. Satisfactory.

24 Q. Okay. And for PE he gets an "L." What is --
25 what is "L"?

1 A. I don't know.

2 Q. Okay. Not significant. But are the -- is the
3 grading system, the alphabetic grading system, the
4 same in Florida as it is here? "A" is -- is
5 excellent, "B" is good, "C" is fair, "D" is I guess
6 unsatisfactory, and "F" is failing?

7 A. Yes.

8 Q. Well, he's getting "B's" and "C's" that year,
9 would you agree, in grade four?

10 A. That's what it shows. Yes.

11 Q. And does it show how many days he was present
12 out of the 180-day school year?

13 A. 172.

14 Q. And how many was he absent?

15 A. Eighteen.

16 Q. Okay. Let's go to grade five. And where was
17 he then? What school did -- was he going to?

18 A. Skyview Elementary school.

19 Q. Did you say that -- I might be misusing the
20 term "mainstreaming," but is that a school where
21 you -- you describe it as -- as one that it was in
22 the least restrictive environment; is that right?

23 A. Least restrictive environment. Yes. It's an
24 average elementary school.

25 Q. Okay. And how are his grades?

1 A. "B's, "C's," and "S's."

2 Q. Okay. He got one "C," looks like four "B's,"
3 and two "S's"; is that right?

4 A. Yes.

5 Q. Pretty decent grades, wouldn't you -- wouldn't
6 you characterize it that way?

7 A. Yes.

8 Q. And how many days was he present?

9 A. 175.

10 Q. Okay. And how many days was he absent?

11 A. Five.

12 Q. All right. In the Richard Sanders School,
13 you -- you said had the ten-foot chain link fence,
14 only one way in and one way out. That's where he
15 went the following year; is that right?

16 A. Yes.

17 Q. What were his grades there?

18 A. "D's" and "F's".

19 Q. Looks like one, two, three, four, five "D's"
20 and four "F's"; is that right?

21 A. Yes.

22 Q. What was his attendance there? How many days
23 present?

24 A. 148 present.

25 Q. Okay. And 27 absent; isn't that right?

1 A. Yes.

2 Q. Okay. Let's flip over to grade -- I'm just
3 looking for the number -- sorry -- grade eight and
4 that would've been in the 1999, 2000 school year; is
5 that right?

6 A. Yes. Correct.

7 Q. How many days was he present that year?

8 A. 154.

9 Q. And how many absent?

10 A. 26.

11 Q. What were his grades?

12 A. Well, the only two grades that are showing on
13 here are an "A" for PE and "D" for visual arts.

14 Q. Okay. And the -- a lot of "NC's" in there.
15 What does "NC" stand for?

16 A. Well, that's a class that does not receive any
17 credit.

18 Q. Okay.

19 A. No credit.

20 Q. Okay. Oh, okay. I gotcha. And then let's go
21 to grade nine. What are his grades? He's still at
22 Sanders, right?

23 A. Yes.

24 Q. The one with the ten-foot chain link fence.
25 What are his grades?

1 A. He has two "C's" in agriculture education, a
2 "D" in introduction to music performance, and the
3 rest of the grades are "F's."

4 Q. Okay. And how many days was he present?

5 A. 129.

6 Q. And absent?

7 A. Fifty-one.

8 Q. Okay. And lastly, ma'am, let's look at grade
9 ten. That was the 2001, 2002 school year. That
10 would've begun, what, in August of 2001?

11 A. Yes.

12 Q. And would've ended in May or June of 2002?

13 A. Yes.

14 Q. Okay. What are his grades that year?

15 A. They're all "F's."

16 Q. Okay. How many days was he present?

17 A. Sixty-two.

18 Q. How many days was he absent?

19 A. Thirty-seven.

20 Q. All right. That adds up to 99 if my -- if my
21 arithmetic is correct and I have no guarantees on
22 that, but that's a lot less than 180. What would
23 that indicate to you?

24 A. That he was just there first semester.

25 Q. Okay. So he did not come back in January of

1 2002. Would that -- would that be fair to say?

2 A. Well, he didn't stay enough days to be -- for
3 the courses to be reported on the transcript, so
4 there were only nine days that he was there the
5 second semester.

6 Q. I see. I see. So very -- very, very briefly
7 in January then?

8 A. Correct.

9 Q. And did not complete the year. So we're
10 talking January of 2002. Do you have any knowledge
11 based on your records as to what he do -- what he
12 was doing from that point forward?

13 A. No.

14 Q. Specifically, you don't have any knowledge from
15 your records as to what he was doing on
16 September 26th of 2003?

17 A. No.

18 Q. Okay. Ma'am, I asked you this question
19 earlier, and I'm not necessarily asking you as -- as
20 somebody involved in the education system. Just
21 using your common sense, would you correlate school
22 attendance with success in school?

23 A. I do for my children. Yes.

24 MR. MOWRY: Thank you, ma'am.

25 REDIRECT EXAMINATION

1 BY MR. ANDERSON:

2 Q. Ms. Manning, getting back to the actual grades
3 assigned on the transcript -- A, B, C, D, F. Again,
4 you mentioned this early on, but tell me about the
5 course codes that you looked at on the transcripts,
6 the course number.

7 A. The -- well, the majority of the numbers are
8 our special education classes.

9 Q. And that's indicated by?

10 A. By the seven that starts the course number.

11 Q. The seven before the course number. So taking
12 one such as language arts, Course No. 7810010, if I
13 were not in the special needs class, it would be
14 810010?

15 A. It would probably have a one in the front
16 instead of a seven.

17 Q. A one instead of a seven. Okay. The seven is
18 fairly consistent throughout the transcript ---

19 A. Yes.

20 Q. --- in front of his courses?

21 A. Yes, sir.

22 Q. So an "A" in a seven class or a "B" or a "C" or
23 a "D" in a, quote/unquote, special class, does not
24 necessarily correlate to an "A" or "B" or "C" or "D"
25 in what we would consider an average school ---

1 A. Correct.

2 Q. --- average school class? Does the transcript
3 show when he was initially determined to be, again,
4 using the "Q" code, severely emotionally disturbed?

5 A. Yes. On page nine it shows that the referral
6 was done. In other words, a parent or a teacher has
7 noticed that there's something of difficulty, and
8 they put in a referral for additional testing. And
9 that referral for severely emotionally disturbed was
10 done on February 2, 2 -- 1997.

11 Q. Okay. And you're looking at the middle of the
12 page. And I believe that's -- that's the one that's
13 still up here. And it has columns of dates ---

14 A. Yes.

15 Q. --- referral date; is that correct?

16 A. Yes, sir.

17 Q. And an evaluation complete date?

18 A. Yes.

19 Q. And "L" for the -- "ELGB" the term date?

20 MR. MOWRY: Your Honor, I don't mean to --
21 sorry to object, but this is way beyond the scope of
22 my cross-examination.

23 MR. ANDERSON: Just getting to the ---

24 THE COURT: It probably is. I'm going to go
25 ahead and allow it. It's in the records.

1 BY MR. ANDERSON:

2 Q. Getting into just the last column, Your Honor,
3 what is the last column?

4 A. Dismissal date.

5 Q. And is there a dismissal date for what you just
6 referred to ---

7 A. No.

8 Q. --- as severely -- severely emotion -- severely
9 emotionally disturbed?

10 A. No.

11 Q. The dismissal date represents what?

12 A. The date the student was removed from that
13 program.

14 Q. Okay. So as far as Pinellas County schools,
15 he's not been removed from that?

16 A. No.

17 MR. ANDERSON: Thank you, Your Honor. No
18 further questions.

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

21 THE WITNESS: (Complying.)

22 THE COURT: You're free to leave the courthouse
23 or you're more than welcome to stay with us if you
24 like.

25 MR. ANDERSON: Your Honor, at this time we

1 would call Mr. Nelson, Mr. Scott Nelson, Danny Scott
2 Nelson.

3 THE COURT: Come around, please.

4 THE WITNESS: (Approaching.)

5 THE CLERK: Do you solemnly swear or affirm
6 that the testimony you're about to give in this case
7 be the truth, the whole truth, and nothing but the
8 truth so help you God?

9 THE WITNESS: I do.

10 OFFICER DANNY NELSON,
11 having been produced and first duly sworn as a
12 witness on behalf of the Defendant, then testified
13 as follows:

14 DIRECT EXAMINATION

15 BY MR. ANDERSON:

16 Q. Officer Nelson, you are wearing a shirt which
17 appears to have a law enforcement emblem on that.
18 What is the emblem you are wearing today?

19 A. Fountain Inn Police Department.

20 Q. Are you full-time with Fountain Inn right now?

21 A. No. I'm a reserve officer.

22 Q. Thank you. And were you previously employed in
23 Laurens County as a law enforcement officer?

24 A. Laurens City and Laurens County.

25 Q. Within Laurens County though for the city, and

1 what years approximately were you working for the
2 city?

3 A. It was a nine-year span. I don't recall the
4 exact dates.

5 Q. In 2003, would you have been with the City of
6 Laurens?

7 A. Yes, sir.

8 Q. And your position with the City of Laurens law
9 enforcement was what?

10 A. At that time, sergeant.

11 Q. In 2003, where was the detention center, jail
12 facility, police station located?

13 A. The detention center is where it's located now,
14 which is out near the hospital. The jail -- the
15 city jail was located here in the city.

16 Q. And the city jail was next to the police
17 department?

18 A. The city jail was within the police department.

19 Q. People going in and out of the police
20 department, would they be able to hear what's going
21 on in the jail and vice versa if there was talk in
22 the hallways?

23 A. If there was talk in the hallways? Yes.

24 Q. You could be in the jail and be within hearing
25 distance in the police station?

1 A. Depending on if the doors were open or closed.

2 Q. Are the -- well -- there wasn't any rule with
3 regard to mandatory silence, say, in the police
4 station or in the jails?

5 A. No.

6 Q. Do you recall the events of September 26, 2003?

7 A. Some -- some of them.

8 Q. Okay. You were working for the City of Laurens
9 when Mr. Bolt was murdered?

10 A. Yes, I was.

11 Q. Okay. And you became aware of that that night
12 or the next day or when?

13 A. The next morning.

14 Q. In the course of the investigation, Mr. Arthur
15 Jason Bowers was taken into custody, interrogated,
16 and arrested. Are you familiar with that?

17 A. Yes, sir.

18 Q. And he gave various statements, and I would ask
19 you to look at this document which is in evidence.
20 If you can identify at the top what it purports to
21 be?

22 A. A voluntary statement.

23 Q. By whom?

24 A. Arthur Jason Bowers.

25 Q. And is there a date?

1 A. There is a date on here.

2 Q. And what is that date?

3 A. It's going to be the 29th of September 2003.

4 Q. This is -- and I would just show you. This is
5 a four-page statement. Does that look correct?

6 A. Yes, sir.

7 Q. Were you present for the interrogation which
8 led to this statement?

9 A. Yes, sir.

10 Q. You were in the room during the interrogation?

11 A. Yes, sir. In and out.

12 Q. On the fourth page at the bottom ---

13 THE COURT: Do you -- designate the exhibit
14 number of the statement, that you're dealing with?

15 MR. ANDERSON: Certainly, Your Honor. It's
16 State's No. 35.

17 THE COURT: Okay. Thank you.

18 MR. ANDERSON: I take that back.

19 THE COURT: I think it's 37.

20 MR. ANDERSON: Yes, sir. I apologize. It's
21 37.

22 THE COURT: It's all right.

23 BY MR. ANDERSON:

24 Q. On the bottom of page one, is there a signature
25 on it?

1 A. Yes, sir. There is.

2 Q. And who signed it?

3 A. Arthur Jason Bowers.

4 Q. Does it look like a signature or a printed
5 name?

6 A. It's a printed name.

7 Q. And below that, are there witnesses?

8 A. Yes, there is.

9 Q. And what are the witness names?

10 A. W.L Bentley and Tony Lynch.

11 Q. And above where Arthur Jason Bowers' name is
12 printed, is there a date and a time?

13 A. Yes. It's -- there is.

14 Q. And what is the time on that?

15 A. 9:45 a.m.

16 Q. On what day?

17 A. The 29th.

18 Q. Of?

19 A. September.

20 Q. And 2003?

21 A. That's correct.

22 Q. And in the lower left-hand corner, what is
23 that?

24 A. That's the sworn statement.

25 Q. Would that be sometimes referred to as a notary

1 block?

2 A. Yes, it would.

3 Q. And are you the notary on this document?

4 A. Yes, I am.

5 Q. That's your signature? What is the date on the
6 notary block?

7 A. The 29th of August 2003.

8 Q. Was this document notarized in advance of this
9 interrogation?

10 A. No.

11 Q. And, Officer, I'm going to show you another
12 what looks to be a form. Can you identify it? I
13 believe it's at the top of that.

14 A. It's a chain-of-custody form.

15 Q. And are their names on that form?

16 A. Yes, there is.

17 Q. Do you see a line with your name on it?

18 A. Yes, I do.

19 Q. And what does that read across from your name?

20 A. Evidence locker refrigerator.

21 Q. Okay. And does it say what is contained in
22 that?

23 A. This right here, it just says evidence locker.
24 And it was -- up at the top it says, "Blood taken
25 from A.J. Bowers for DNA."

1 Q. So there was blood drawn for DNA verification
2 purposes according to what that says?

3 A. There -- it was just blood -- blood that was
4 taken from A.J. Bowers for DNA.

5 Q. Okay. And you at some point had that in your
6 custody?

7 A. That's correct.

8 MR. ANDERSON: Thank you. Nothing else, Your
9 Honor.

10 THE COURT: Cross-examination?

11 MR. MOWRY: Thank you, Your Honor.

12 CROSS-EXAMINATION

13 BY MR. MOWRY:

14 Q. Scott, did you write the wrong month?

15 A. Possibility.

16 Q. Probability, isn't it?

17 A. Yes, sir.

18 Q. Did it happen in August?

19 A. No, sir.

20 Q. Did it happen in September?

21 A. Yes, sir.

22 Q. Did you have an opportunity during that time to
23 speak with A.J. Bowers?

24 A. Yes, sir.

25 Q. And hear him speak?

1 A. Yes, sir.

2 Q. How was he able to communicate?

3 A. Just as normal as you and I are now here in
4 this -- this courtroom.

5 Q. Did he have any trouble understanding anything
6 at the time that you were with him?

7 A. No, sir.

8 MR. ANDERSON: Your Honor, I would object to
9 that because he didn't take the statement. He's
10 merely notarized the signatures.

11 MR. MOWRY: He brought it up, Your Honor.

12 THE COURT: Well, did he not testify that he
13 was present?

14 MR. ANDERSON: He was present. Yes, sir.

15 THE COURT: Okay. Well, if he's present during
16 the questioning, then I think he can answer that
17 question.

18 BY MR. MOWRY:

19 Q. Did he have any trouble communicating?

20 A. No, sir.

21 Q. Did he have any trouble understanding, that you
22 could tell?

23 A. No, sir.

24 Q. Did either Investigator Bentley or Tony Lynch
25 have to repeat things over and over again to him?

1 A. No, sir.

2 Q. What was the atmosphere in the room when you
3 were there? How was -- how was -- was it -- was it
4 cordial? Was it calm? Describe how it was.

5 A. It was just -- just the same as we are talking
6 here in this courtroom, normal. Nothing out of the
7 way. It was just normal people talking and being
8 asked questions, same as I am here in this courtroom
9 today.

10 Q. And how was the statement taken? What was
11 the -- what was the process? Did they ask
12 questions, Mr. Bowers answered, and they wrote it
13 down or what?

14 A. Yes, sir. Yes, sir. Things was asked and they
15 would document.

16 Q. Okay. Document, not make up; is that right?

17 A. Yes, sir.

18 Q. They would write down what Mr. Bowers said?

19 A. Yes, sir.

20 MR. MOWRY: Thank you, sir. I believe that's
21 all I have.

22 THE COURT: Anything on redirect?

23 REDIRECT EXAMINATION

24 BY MR. ANDERSON:

25 Q. And to be clear, you were present at the

1 beginning of the interrogation of Mr. Bowers?

2 A. Yes, I was.

3 Q. Were you there for the Miranda rights, as well?

4 A. I don't recall on Miranda.

5 Q. And was there anyone else in the office besides
6 yourself, Mr. Lynch, Mr. Bentley, and Arthur Jason
7 Bowers?

8 A. There was others present.

9 Q. There were others present?

10 A. Yes, sir.

11 MR. ANDERSON: Thank you. No further
12 questions.

13 THE COURT: Let me see counsel ---

14 MR. MOWRY: I have one question, Your Honor.

15 THE COURT: Okay.

16 RE-CROSS-EXAMINATION

17 BY MR. MOWRY:

18 Q. You -- your purpose was just to notarize A.J.
19 Bowers' signature; is that right?

20 A. Yes, sir.

21 Q. You were in and out and you were able to hear
22 some of the -- some of what went on, but your
23 purpose there was to notarize that that was his
24 signature, correct?

25 A. Yes, sir.

1 MR. MOWRY: Thank you, sir.

2 THE COURT: You can step down now, sir.

3 THE WITNESS: (Complying.)

4 THE COURT: You're free to leave the courthouse
5 or you're welcome to remain with us.

6 MR. ANDERSON: Your Honor, a matter of law.

7 THE COURT: Okay. All right. Ladies and
8 gentlemen, we've got a legal issue that I need to
9 deal with with the lawyers, so if you will go back
10 to the jury room. Hopefully, it won't be too long.
11 We'll get you back out and we'll proceed forward.

12 (At 3:02 p.m., jury left the courtroom.)

13 THE COURT: Okay. Have a seat. Mr. Anderson,
14 I'll be glad to hear from you.

15 MR. ANDERSON: Thank you, Your Honor. I have
16 another witness that has been subpoenaed that I
17 don't know if he is present yet.

18 THE COURT: Okay.

19 MR. ANDERSON: I have not seen him. I wonder
20 if maybe a deputy or someone could call for John C.
21 Barron.

22 THE COURT: Give me the name again.

23 MR. ANDERSON: John C. Barron, B-a-r-r-o-n.

24 THE COURT: Okay. All right. Mr. Hare, if you
25 would sound the name of John C. Barron three times

1 back in the jury room when there's a need for it,
2 and so I appreciate your patience and understanding.

3 What Mr. Anderson intends to publish to you, at
4 least portions, there is a SLED report that was
5 prepared by a potential witness for the defense,
6 John Barron, but it's been stipulated to or agreed
7 that that document would come into evidence without
8 having the SLED agent, Mr. Barron, present to -- to
9 confirm that. And I think Mr. Anderson wants to
10 publish portions of that SLED report.

11 So, Mr. Anderson, I will turn it over to you,
12 sir.

13 MR. ANDERSON: Thank you, Your Honor. If it
14 please the Court.

15 Ladies and gentlemen, this is, as Your Honor
16 has described, a State Law Enforcement Division
17 forensic analysis by -- and signed by John Barron
18 who was a forensic -- a special agent forensic
19 analyst at the time.

20 The date on the report is June 28, 2004.
21 There -- the first page, and you will have this in
22 evidence -- describes where blood was drawn from or
23 where samples were taken from.

24 And then the second page shows what it was
25 compared to. In other words, there were swabs from

1 the cash register; swabs from cigarette packs; swabs
2 from the bathroom. They are all given numbers.

3 Then the analysis involves the blood from the
4 victim from various individuals, including Arthur
5 Jason Bowers. They are all given numbers, as well.

6 The next page has examination and results, and
7 it has various paragraphs. And, specifically, it
8 has again referenced by numbers to the blood that
9 was drawn, to what it was matched or attempted to be
10 matched to.

11 And in particular, the final paragraph of the
12 report states a partial DNA profile developed from
13 Items 15.4.1, 15.5.1, and 19.1 is a mixture. The
14 major contributor is an unknown female. The major
15 contributor is inconsistent with having come from
16 various individuals for Arthur Bowers.

17 Above that, there is a male DNA profile.
18 Again, reading from the report, developed from Item
19 27.1 does not match the victim, other individuals,
20 or Arthur Bowers as specifically stated in this
21 report.

22 Above that paragraph is another one referencing
23 the male DNA profile developed from Item 13.2 does
24 not match the victim, other individuals, or Arthur
25 Bowers.

1 That is what it is contained in this report.
2 And, again, the agent is not present, but it is
3 signed by John Barron on the next to the last page
4 of the exhibit. He has dated it July 12, 2004,
5 although, on the front page it does say June 28,
6 2004. And, again, he is a forensic analyst with
7 South Carolina Law Enforcement Division.

8 As well, there is attached to this a cons --
9 what is captioned a consent -- or excuse me -- an
10 order allowing law enforcement to take the blood
11 sample from my client, Mr. Arthur Jason Bowers.
12 That was consented to by Mr. Bowers' attorney at the
13 time. Signed off on by the Chief Administrative
14 Judge at the time in March of 2004. And we refer to
15 the blood that had been drawn for DNA purposes
16 earlier with an earlier witness.

17 And, folks, I'm just going to enter this as
18 evidence that y'all will have access to, the SLED
19 report with DNA profiles.

20 THE COURT: All right. Thank you. Any
21 further -- anything further, Mr. Anderson, in the
22 defense case-in-chief?

23 MR. ANDERSON: Nothing else at this time.

24 THE COURT: Okay. All right. Defense rests?

25 MR. ANDERSON: Defense rests.

1 through is just right there, you know, a couple
2 steps and you're right in the jury room, but in
3 Laurens you get a chance to get a little -- a little
4 exercise.

5 Solicitor?

6 MR. MOWRY: Thank you, Your Honor. Call --
7 recall Walter Bentley, briefly, Your Honor.

8 THE COURT: Okay.

9 THE WITNESS: (Approaching.)

10 THE COURT: Yeah, you were sworn in today.
11 You're still under oath, Mr. Bentley.

12 REBUTTAL EXAMINATION

13 BY MR. MOWRY:

14 Q. Mr. Bentley, as part of your duties as an
15 investigator for the Solicitor's Office, do you
16 monitor what we call commonly call "jail calls?"

17 A. I do.

18 Q. Describe what those are, please, sir?

19 A. The detention center has a recording apparatus
20 through a company called SECURUS. SECURUS gives me
21 an access code to get into their system, and I can
22 monitor inmates or a person in the jails phone call.

23 Q. And did you do that in the case of Arthur Jason
24 Bowers?

25 A. I did. I monitored several phone calls. When

1 a phone call is made, there's a prompting also that
2 the call's being recorded and monitored by law
3 enforcement.

4 Q. And what was your purpose in monitoring those
5 calls?

6 A. To see if there are any items of evidentiary
7 value he could be talking about.

8 Q. Have you done that over the last couple of
9 weeks for his calls?

10 A. I have.

11 Q. And let me hand you what has been marked as
12 State's Exhibit No. 44, that disk. Do you recognize
13 that?

14 A. This is a disk I made. An edited down version
15 of three calls. They were quite lengthy, but I just
16 took relevant portions of the calls.

17 Q. And just for the jury's benefit, are they of
18 better quality than the recording we had this
19 morning?

20 A. Much better.

21 MR. MOWRY: Thank you. Your Honor, I would
22 offer this into evidence at this time.

23 MR. ANDERSON: No objection. If we can have
24 the dates of the calls, and I don't know if that is
25 intended to be. Thank you, Your Honor.

1 MR. MOWRY: At this endeavor, we publish those
2 as he talks about each phone call.

3 THE COURT: Okay. All right. Very good. The
4 State intends to publish just portions of these jail
5 calls and not the entire?

6 MR. MOWRY: This is the edited version, Your
7 Honor, and we will -- yes, sir. We will publish
8 those clips right now.

9 THE COURT: Okay. Very good. Without
10 objection, 44 into evidence.

11 (State's Exhibit No. 44 was received into
12 evidence.)

13 BY MR. MOWRY:

14 Q. Mr. Bentley, I believe you did one that was on
15 April the 20th of 2018; is that right?

16 A. That's correct.

17 (State's Exhibit No. 44, jail calls, was
18 published to the jury.)

19 BY MR. MOWRY:

20 Q. And just to emphasize, he said he was reading a
21 book on faith; is that right?

22 A. That's correct.

23 Q. Mr. Bentley, in addition to hearing the
24 identification of the voice on there, is there
25 another way that you were able to tell that was

1 Arthur Jason Bowers?

2 A. Yes. Besides the fact, I've heard him speak
3 back in 2003.

4 I also -- SECURUS uses a PIN system. And to
5 use the phone system, you have a PIN number that you
6 use. On this call and the next call we're going to
7 listen to, it was used with Arthur Jason Bowers' PIN
8 number.

9 Q. Okay. Do you recall the second one?

10 A. The second call is dated on 4/15 of this year.

11 (Playing the jail call.)

12 BY MR. MOWRY:

13 Q. And give us a little description of what the
14 third call is.

15 A. The third call is a little different. It was
16 not made from Mr. Bowers' PIN. I had received a
17 little information through some other jail calls
18 that he was also using another individual's PIN
19 number to make some calls.

20 What the SECURUS jail system allows us to do
21 is, they have a search field and you can put in
22 phone numbers that you know a person routinely
23 calls.

24 I know Mr. Bowers to call his father a lot, and
25 I know the number that he attempts to call him on is

1 (843)222-5577. So I searched for that number, and I
2 found a call from another individual inmate's PIN
3 number. When I listened to the call, it was
4 Mr. Bowers calling on that inmate's account.

5 Q. And what was the date on that?

6 A. This call was on 4/1 of '18.

7 THE COURT: What was the date?

8 THE WITNESS: 4/1, Judge.

9 (Playing the phone call.)

10 BY MR. MOWRY:

11 Q. So to summarize, Mr. Bentley, he's talking
12 about there about reading a book, he's talking about
13 writing letters, and he's talking about going to
14 community college or culinary school; is that right?

15 A. That's correct.

16 MR. MOWRY: Thank you, sir. That's all I have.

17 THE COURT: Any cross-examination,

18 Mr. Anderson?

19 MR. ANDERSON: None, Your Honor.

20 THE COURT: Okay. You can step down, sir.

21 THE WITNESS: (Complying.)

22 THE COURT: Anything further in the State's
23 rebuttal case?

24 MR. MOWRY: Nothing in rebuttal, Your Honor.

25 That is all we have to present.

1 information.

2 MR. ANDERSON: Thank you, sir.

3 THE COURT: Okay. Mr. Bolt, bring the jury
4 out, please, sir.

5 THE BAILIFF: (Complying.)

6 (At 9:58 a.m., jurors entered the courtroom.)

7 THE BAILIFF: All jurors present, Your Honor.

8 THE COURT: All right. Thank you, Mr. Bolt.

9 Good morning, ladies and gentlemen.

10 THE JURORS: (Collectively:) Good morning.

11 THE COURT: As I informed you yesterday, what
12 we have left to do in this case is, the lawyers will
13 make their closing arguments to you. More than
14 likely, I'll take a little break, and then I will
15 instruct you on the law applicable to this case.
16 This is the last opportunity these lawyers have to
17 advocate for their respective sides, so please give
18 them your undivided attention.

19 Solicitor, are you ready?

20 MR. MOWRY: Yes, sir, Your Honor. Thank you.

21 Madam foreman [sic], ladies and gentlemen, at
22 6:25 p.m., on September 26, 2003, an evil chain of
23 events collided at the VFW hall in Laurens.

24 Because of the actions of Arthur Jason Bowers
25 and the other conspirators who were with him, time

1 stopped for Jim Bolt. His attackers beat him
2 mercilessly and relentlessly.

3 They rifled his pockets. They took whatever
4 was in the cash register, unplugging it and this
5 clock in the process. They fled the scene fully
6 believing they had gotten away with it. Yes. Time
7 stopped for Jim Bolt, but time has gone on for the
8 Bolt family. Nearly 15 years have passed since that
9 horrific evening.

10 Now, ladies and gentlemen, it's said that
11 justice delayed is justice denied, but, ladies and
12 gentlemen, it is always the right time to do what is
13 right. And doing right in this case means coming
14 back with guilty verdicts against Arthur Jason
15 Bowers for murder, for armed robbery, and for
16 conspiracy.

17 Now, what I'd like you to do, ladies and
18 gentlemen, is to consider along with me the facts
19 regarding each crime that makes Arthur Jason Bowers
20 guilty.

21 Murder. Ladies and gentlemen, I don't believe
22 even the defense will contest that a murder took
23 place that day.

24 Let's look at the facts. The multitude of
25 injuries. Nineteen separate injuries just to his

1 head from blunt-force trauma, according to
2 Dr. Yacoub. And then more injuries to Jim Bolt's
3 hands, defensive wounds as she characterized it,
4 trying to ward off the blows from his attackers.

5 And then to his lower body. You can envision
6 his murderers, ladies and gentlemen, literally
7 kicking him while he was down to cause the bruises
8 and the contusions that Dr. Yacoub described on his
9 torso.

10 This was a savage, vicious attack. And it was
11 made with the use of some blunt instrument
12 consistent with a hammer. There we go. Ladies and
13 gentlemen, this was not, as I described to you
14 earlier, an act with justification or excuse. There
15 is zero evidence that this was an accident. There
16 is zero evidence that this was self-defense.

17 This was a criminal homicide, and it was done
18 with malice aforethought. This was an attack that
19 was planned; discussed; organized. This was a
20 felony, an armed robbery, but the killing of
21 Mr. Bolt, ladies and gentlemen, was a murder. There
22 can be no reasonable doubt of that.

23 Now, consider if you will, who did it. Let's
24 consider how Arthur Jason Bowers is guilty of
25 this -- these crimes.

1 First of all, let's consider the testimony of
2 Mr. Eugene Yeargin. He told you that he was mowing
3 the grass at the VFW hall that Friday evening. He
4 wasn't sure about the time. He knew it was late
5 afternoon according to the clock, but he can tell
6 you it took over an hour to cut the grass and that
7 he got there in the late afternoon. He told you
8 when he finished, it was getting dark. We found out
9 from records, ladies and gentlemen, that sundown
10 that day was 7:19.

11 And we know from Mr. Yeargin's testimony that a
12 young white male came to the back of the VFW hall
13 where Mr. Yeargin was mowing and then relieved
14 himself against the back of the building.
15 Mr. Yeargin couldn't be any more specific about the
16 description of the man because as he told you, he
17 had to pay attention to where his machinery was
18 going or he might run over a rock or a stump, but he
19 was able to provide that much information.

20 And then, ladies and gentlemen, what does A.J.
21 Bowers tell us in his statements? He tells us that
22 he went to the back of the hall to urinate just
23 before he committed the crimes.

24 Now, how would A.J. Bowers have known about the
25 person going to the back to relieve himself unless

1 he had been the one. Gene Yeargin had been
2 contacted by law enforcement in the early morning
3 hours of September 27th. A.J. Bowers was picked up
4 by law enforcement to talk with him midmorning.

5 This information about the person in the back
6 of the VFW hall was not public knowledge. This was
7 known only to a few select law enforcement officers,
8 but A.J. Bowers knew about that person Mr. Yeargin
9 had seen because he had been that person. He was
10 that person.

11 This clock, ladies and gentlemen, stopped at
12 6:25. Why? Because the clock became unplugged from
13 behind the bar in the VFW hall. It became unplugged
14 along with the cash register at the time of the
15 murder and the robbery inside the hall. This clock
16 forever memorializes the time of Jim Bolt's death.

17 And it fits with the events that Eugene Yeargin
18 told us, a young white male needed to go back behind
19 the building probably from the nervous pressures
20 from -- that he felt from contemplating the robbery
21 he and his accomplices were about to commit.

22 Then he came to the back of the building where
23 Gene Yeargin saw him, and then back into the
24 building to do the robbery, the robbery that
25 culminated in Mr. Bolt's death.

1 Now, what other information did A.J. Bowers
2 provide us in his first statement that was not
3 public knowledge? Walter Bentley testified to this.
4 He told you in his first statement, A.J. Bowers told
5 you that the bludgeoning of Mr. Bolt had taken place
6 in the bathroom. And it had, ladies and gentlemen.
7 That's where the attack occurred. There was a
8 tremendous amount of blood in that little room.
9 That's what law enforcement officers had found just
10 a few hours before they talked with A.J. Bowers.

11 Mr. Bolt's body lying on its right side, his
12 head crushed and his body abused, lying partly in
13 the bathroom. How would A.J. Bowers have known
14 that? Because he was there. Because he
15 participated in the robbery and the murder.

16 And how else do we know he was there? The
17 handwriting impression that Gayle Heath told you
18 about yesterday. Gayle Heath told us that the
19 handwriting impression she raised off the sign-in
20 pad for the -- from the VFW, the pad from which she
21 told us some nine pages had been torn, the most
22 recent entries.

23 She told you she was still able to raise A.J.
24 Bowers' name from the impression on the next sheet.
25 Now, why would anyone have taken those sheets,

1 unless he was trying to cover his tracks, unless he
2 was trying to hide his involvement in Mr. Bolt's
3 robbery and murder.

4 And remember, ladies and gentlemen, you'll have
5 these statements back there with you, no doubt, but
6 consider his first statement. What does he say in
7 his first statement? Just hours after the murder,
8 what does A.J. Bowers tell us?

9 "I buzzed the door and went inside. Ray-Ray
10 and the old man were the only ones there. I did not
11 sign the notepad." Why would he think that would
12 make any difference? Guilty knowledge is why,
13 because he thought he had destroyed the evidence.

14 And what else do we know, ladies and gentlemen?
15 We know that Arthur Jason Bowers by his own
16 admission had decided to quit working as a carney
17 with the fair because as he said, "They didn't pay
18 me enough." But that night wearing bloody clothes
19 that Shawn Case saw him in at the motel on North
20 Harper, oh, he was flushed with cash. He was trying
21 to buy crack cocaine from her.

22 She saw Bowers there with her cousin, Doyle
23 Wayne Roberts Jr., also known as Wanda Wayne. Shawn
24 saw no blood on Wanda Wayne Roberts, and she refused
25 to sell them anything. Not because as she fully

1 admitted, ladies and gentlemen, she has any
2 aversions to selling drugs. No compunction about
3 that. No. Rather she refused to say that -- to
4 sell it because the money that A.J. Bowers had
5 offered her had blood on it.

6 Ladies and gentlemen, I submit there's no
7 reasonable doubt that that blood was Jim Bolt's
8 blood and no reasonable doubt that the money he had
9 was robbed from the VFW during Mr. Bolt's savage
10 murder.

11 Now, what kind of clothing did Shawn Case see
12 A.J. Bowers in? What was he wearing that night? Do
13 you remember her description? She said he was
14 wearing a dirty t-shirt with blood on it and shorts
15 with blood on it some time after midnight.

16 What was he wearing when law enforcement came
17 to [REDACTED] Street, Brenda Roberts' address, to
18 pick up A.J. Bowers? This oversized orange shirt
19 and this pair of white pants. Not what he had the
20 night before, nothing like it. Clearly, A.J. Bowers
21 needed to change clothes to get out of the bloody
22 ones that he was wearing.

23 And Brenda Roberts washed the clothes. Brenda
24 Roberts, the matriarch of that clan at [REDACTED]
25 Street, washed the clothes for him. Destroyed the

1 DNA evidence against A.J. Bowers, but also
2 protecting the people that he implicated in his
3 third statement, her brother, her nephew, her
4 grandson among others.

5 Remember, ladies and gentlemen, despite what
6 Mr. Anderson told you in his opening statement,
7 there has been a trial stemming from this case. In
8 fact, it was almost exactly a year ago that that
9 trial was held in this very courtroom.

10 Based on this very indictment, Brenda Roberts
11 herself was convicted, ladies and gentlemen, of
12 accessory after the fact of a felony. What was her
13 act? Washing the clothes of the VFW robbers and
14 murderers to destroy blood evidence.

15 And, quite possibly, according to Walter
16 Bentley, disposing of the murder weapon in the well,
17 evidence that might definitively have solved this
18 case in 2003. Who's the principal felon of this
19 indictment? Arthur Jason Bowers. And you'll have
20 this back there with you. You can take a look at
21 it. What were the felonies that Brenda Roberts was
22 an accessory to? Murder and armed robbery.

23 Now, ladies and gentlemen, we concede.
24 Mr. Anderson is right. There hasn't been any DNA
25 evidence to link A.J. Bowers to the scene. Brenda

1 Roberts made sure of that. Don't now reward A.J.
2 Bowers for Brenda Roberts' crimes.

3 Armed robbery. Was there an armed robbery at
4 the VFW hall on September 26, 2003? Think about the
5 elements in here.

6 Where was the cash register? You'll have the
7 photos back there with you. Here is the bar. Back
8 here is where the cash register was. Here is where
9 it was found with the long streaming -- streamer of
10 the receipt ribbon trailing behind, dragged to the
11 floor, nearly to the entry door, unplugged, the
12 drawer opened, the drawer empty, Jim Bolt's body.

13 What about Jim Bolt? And what about his body?
14 Remember where he was lying and how he was lying.
15 He's lying on his right side. His left side is
16 accessible. Both the front and back pockets on
17 Mr. Bowers' trousers were pulled out. They were
18 empty. Keys and change scattered about his body.
19 No wallet. Why was that? Someone had rifled his
20 pockets, and whatever was in his left-pant pockets
21 was not found. His wallet was not found, in spite
22 of a diligent search that the officers described.

23 A.J. Bowers' own words. Now, how did we know
24 that A.J. Bowers was involved? He told us so. In
25 the statement to Tony Lynch. Ladies and gentlemen,

1 I wish that that recording, the audio recording, had
2 been of better quality. I'm sorry it wasn't.
3 Wishing ain't going to make it so. But as Tony
4 Lynch told you, he got a call that Bowers wanted to
5 talk to him to give what would be not his first, not
6 his second, but his third statement to law
7 enforcement.

8 Now, Mr. Anderson has tried over and over to
9 make it seem that Bowers was this poor, depressed
10 teenager who fell victim to police who came on like
11 an army, guns drawn and lights flashing. And after
12 hours and hours of brutal interrogation, they drag
13 these statements from the overwhelmed target.
14 Where, aside from Mr. Anderson, do we have a shred,
15 an iota of such evidence? There is none.

16 All the officers who were involved in the
17 interview have been forthright and candid with you,
18 ladies and gentlemen. Walter Bentley, Tony Lynch,
19 Scott Nelson who testified yesterday that his only
20 involvement really in the case was notarizing one of
21 the statements that he was able to observe some of
22 the process.

23 All of them say the processes were calm, they
24 were measured, but the atmosphere in those interview
25 rooms was not hostile, that the officers took care

1 to protect Bowers' rights.

2 Three separate Miranda forms, ladies and
3 gentlemen. They told you that Bowers was alert,
4 that his responses were appropriate, that they were
5 coherent. And if you look at the time that's listed
6 on those documents, the longest one is about two
7 hours. There's one about 90 minutes.

8 And then the third one, ladies and gentlemen,
9 the third one which probably comes as close as A.J.
10 Bowers came to giving us the truth. Well, that
11 audio is about 37 minutes long. You heard nearly
12 all of it yesterday. And that includes the time
13 that Tony Lynch was walking from his office to the
14 detention area where the city police department
15 detention used to be, getting Bowers out of his
16 cell, walking him back to the Detective Lynch's
17 office, giving Bowers his rights, writing down what
18 he was told, and then returning him to his cell.

19 Now, I know that audio was terrible. I'm sorry
20 for inflicting that on you. It's very hard to hear
21 anything plainly, but I played it for you for a
22 reason. There are certain snatches that are
23 audible. And perhaps you could hear at the very
24 start how A.J. Bowers begins reciting his list of
25 his accomplices before or just as Tony Lynch is

1 approaching before Tony Lynch has said a word.

2 And you can hear Tony Lynch say, "Whoa, got to
3 give you your rights first before you talk." You
4 can also hear at one point Detective Lynch say, "I'm
5 only concerned about what you know" and "All right.
6 What happened?"

7 In any event, ladies and gentlemen, you can
8 hear the tone of that conversation. Does anybody
9 raise their voice? Do you hear any threats? Do you
10 hear anything that would be intimidating? Tony
11 Lynch trying to put words in Bowers' mouth? No.
12 This statement as, with all others, ladies and
13 gentlemen, allowed him to paint the picture himself
14 with the officers just questioning him on details.

15 And what does Bowers say? He talks about
16 conspiracy, ladies and gentlemen. He gives us
17 evidence of that. He tells us how he Robing Epping,
18 Brenda Roberts nephew, Buck Miller, brother Brenda
19 Roberts' brother, **R. G.**, Brenda Roberts'
20 grandson, went to the VFW after a conversation about
21 making some money.

22 It wasn't about going out, finding a job,
23 earning it. We're going to rob it from somebody
24 else. They were going to make some money by robbing
25 someone.

1 But there are two of the elements, more than
2 one person with a meeting of the minds. They
3 conspired together. They created this common
4 scheme, this common plan at [REDACTED] Street. This
5 place.

6 Bowers was asked to go along according to his
7 own statement. And he said he was not going to go.
8 Well, until they offered to split the money with
9 him. So were they having a meeting of the minds
10 about the commission of a criminal act? Yes, they
11 sure were. Only then did he agree to enjoin them in
12 the commission of their crime.

13 They drove there. Bowers said he went to take
14 a leak. Clearly, this is when he was seen by Gene
15 Yeargin. Then went inside to join the others.
16 Again, you'll have this statement back there with
17 you. Take a look at it.

18 Now, Bowers tells us, ladies and gentlemen,
19 that his assignment was to watch the door, watch the
20 entrance door right here. Be a lookout essentially.
21 And that's when the others pulled Mr. Bolt into the
22 bathroom. That's where the beating, the savage
23 bludgeoning of Jim Bolt occurred. Then after a
24 time, they emerged and they ran. Bowers says he was
25 returned to [REDACTED] Street.

1 Now, Mr. Anderson has gone to pains to try to
2 gin up sympathy for A.J. Bowers. Oh, he can't read,
3 but yet he tells you in of one of those jail calls
4 we played yesterday, he's reading a book. Tells us
5 all about the book he's reading.

6 Oh, he can't write, but he tells you about
7 writing letters in at least two of the calls.

8 Oh, but that's now. He was only 17 then.
9 Ladies and gentlemen, he dropped out of school at
10 either the end of 2001 or the beginning of 2002.
11 This crime occurred in September of 2003. So he'd
12 been pretty much on his own apparently for about
13 21 months. He'd been living the transient life of a
14 carney traveling with the fair from one town to the
15 next.

16 He tells you about all the things he had
17 done -- the smoking, the drinking, the pill use, you
18 learn that he was buying crack. That doesn't sound
19 like an innocent teenager, ladies and gentlemen. He
20 may have been 17 chronologically, but he's 17 going
21 on 40.

22 That sounds like someone who made a whole raft
23 of bad life choices. And when you couple those
24 dangerous choices with his extreme emotional
25 disturbance, that information was brought out by the

1 defense witness remember, well then, ladies and
2 gentlemen, you got a recipe for disaster, for armed
3 robbery, for murder.

4 There's one other thing I want you to remember,
5 in every single one of his statements what does A.J.
6 Bowers do? He tries to minimize his own
7 involvement. Even in the third one, he tries to
8 push the blame onto somebody else. In his first
9 statement, he blames Danny Ray McDaniel, Ray-Ray.
10 Remember him?

11 Bowers admits that he was at the VFW. Golly, I
12 didn't do it. I just happened to be there with
13 Ray-Ray, and he started doing it and I had no idea
14 what was happening. Well, that didn't work.

15 So what happened? Walter Bentley went out,
16 found Ray-Ray, got his story, found the witnesses
17 that could put Ray-Ray at the fair, found the
18 records that showed that he was running a very
19 popular ride all night. He couldn't have been
20 anywhere but at the fair. He would have been
21 conspicuous in his absence.

22 So roughly 48 hours later, Bowers makes a
23 second statement in which he said, "Well, I was at
24 the VFW, but I left before anything that happened."
25 Well, that wasn't holding any water either because

1 Gene Yeargin had already put him on the scene right
2 at the time of the murder.

3 So finally, ladies and gentlemen, on October
4 the 9th, about ten days after his second statement,
5 we get statement number three, the one to Tony
6 Lynch.

7 It is a statement that generally fits the facts
8 as we know them to be, except it does not explain,
9 ladies and gentlemen, how if the beating took place
10 in here and A.J. is standing up here near the
11 entrance door, that's what he tells you his
12 assignment was, how did he get blood on his clothes?
13 Not just a little. It was a considerable amount.
14 Blood that Shawn Case saw on him later that night
15 when he attempted with bloody money to buy crack
16 from her. How? Unless his participation in the
17 bludgeoning murder and robbery of Mr. Bolt was to a
18 far greater degree than he's willing to admit.

19 Ladies and gentlemen, Mr. Anderson told you at
20 the outset that the prosecution had pressure on us
21 with this case. I submit to you the only pressure
22 on us is to bring justice in this case to the
23 citizens of Laurens County and of South Carolina.
24 And by doing that, bring justice for Jim Bolt's
25 family.

1 Ladies and gentlemen, I told you at the start
2 of the trial that I wanted you to do three things.
3 You've already done one of them. Listened very
4 carefully to the testimony that's come off this
5 witness stand, and I ask you to consider that back
6 there in the jury room in a little bit.

7 I ask you to continue to listen carefully when
8 his Honor instructs you on the law in the case.
9 That will happen when we finally stop talking and
10 sit down.

11 But then I ask you to do that third thing,
12 ladies and gentlemen, use your common sense. Use
13 your common sense when you're figuring out and
14 determining what the truth is in this case, what the
15 facts are. That's your promise. You decide that.

16 And then when you apply the law that his Honor
17 gives you to the facts as you determine them to be,
18 if you do all of those three things, ladies and
19 gentlemen, I submit to you you're going to be firmly
20 convinced that Arthur Jason Bowers is a murderer.
21 He is a robber. And by his own admission, he
22 conspired with others to commit those crimes.

23 I submit to you the State has proved its case.
24 We have proven him guilty beyond a reasonable doubt,
25 and you would be more than justified in bringing

1 back verdicts to reflect that. Thank you very much.

2 THE COURT: Mr. Anderson, you ready, sir?

3 MR. ANDERSON: Ready, Your Honor. May it
4 please the Court?

5 Ladies and gentlemen of the jury, thank you
6 very much for your service this week. Good morning
7 again. I feel very confident that y'all have paid
8 attention this week and you have listened to the
9 testimony.

10 Some of the evidence has been presented very
11 methodically, some of it may be out of order, but
12 ultimately you received sufficient evidence of a
13 reasonable doubt. Let's review some of the
14 testimony.

15 On Monday, we heard from Dwight Craft.
16 Mr. Craft was the patrolman for Laurens City Police.
17 He received a call of an incident at the VFW. He
18 said he arrived about 8:30. The lady that placed
19 the call was at the VFW. He was the first one on
20 the scene.

21 Later we heard from Mr. Eugene Yeargin. He cut
22 the grass at the VFW, and he said he had been
23 cutting the grass there for years. Fifteen years
24 ago he was using what he described as a zero-degree
25 turn machine that he had to pay attention to, yet he

1 witnessed, he said, somebody going around the back
2 of the building. He couldn't really identify the
3 person, but anyway, he -- he witnessed a person come
4 out and use the back of the building as a urinal,
5 but also said he met several other people that
6 night.

7 For the first time after years he'd been
8 cutting grass at the VFW, he met Mr. Bolt. Wayne, I
9 believe it was, he said, introduced him.
10 Mr. Yeargin, after he was done cutting the grass,
11 left the VFW at some point, 6:00, 6:30. Sunset
12 wasn't till 7:20. Was it getting dark? Maybe his
13 memory after 15 years is not 100 percent.

14 But where did he go afterwards? Did he talk to
15 anybody after he left the VFW while it was 6:00 or
16 6:30 or 7:30? Did he say, "Oh, I finally met
17 Mr. Bolt tonight. Isn't that nice?" He's been out
18 there at the VFW for years. "Yeah, I was cutting
19 the grass. There was some guy behind the -- behind
20 the building, but, yeah, they were relieving
21 themselves like I've seen them do a 100 times
22 before." Who did he talk to? Was that a secret?
23 Maybe, maybe not.

24 He didn't identify Arthur Jason Bowers at the
25 scene. He couldn't identify Arthur Jason Bowers at

1 the scene. Arthur Jason Bowers was not at the VFW.

2 On Tuesday this week we met Dr. Yacoub, the
3 pathologist who performed the autopsy. When she
4 first saw the body of Mr. Bolt in Newberry, it was a
5 little bit before the autopsy. She said the hands
6 were covered with brown paper bags. They had been
7 secured. She testified they were secured for a
8 purpose that was to preserve any evidence that may
9 be on the hands, as well as to protect them from any
10 contaminants from moving the body from the crime
11 scene to the pathology lab.

12 Did we ever hear anything about any evidence
13 from the hands, any evidence that she found? She
14 said there were scratches on the hands, maybe
15 defensive wounds, the Solicitor suggested. We
16 didn't hear any DNA -- DNA evidence from the State
17 because there was no match of DNA evidence from the
18 hands.

19 You'll remember and you'll have with you,
20 Mr. Barron, Agent Barron of the South Carolina Law
21 Enforcement Division, he analyzed blood drawn from
22 Mr. Arthur Jason Bowers, analyzed it against blood
23 from the victim, from the right-hand fingernails,
24 left-hand fingernails. It's all listed here.

25 Swabs taken from the cash register at the

1 scene. His lab report from June of 2004 states
2 unequivocally, "This is not a match to Arthur Jason
3 Bowers. None of this was a match to DNA of
4 Mr. Arthur Jason Bowers. As a matter of fact, he
5 says that it excluded Mr. Arthur Jason Bowers from
6 the identifying marks of the DNA.

7 Dr. Yacoub also referenced the wounds to
8 Mr. Bolt's face and head. She said it matched an
9 instrument comparable to whatever the weapon is that
10 she suggested. The prosecution has produced no
11 weapon because there is no weapon to produce to show
12 you. They don't have anything. She couldn't
13 compare any weapon to the wounds. She suggested it
14 might be something, but there is no evidence.

15 On Tuesday as well, we were introduced to
16 another SLED agent, Lieutenant Rod Green. He was
17 with the first team of SLED agents on the scene at
18 the VFW. He was the photographer with his partner,
19 and he took pictures of the VFW from many different
20 angles. Again, you will have various pictures
21 inside the VFW hall.

22 He also helped with this sketch here. Items of
23 interest that were made that night -- notepad, beer
24 bottle, carafe, cash register, glasses. They are
25 listed on the sketch made that night of items of

1 interest.

2 Lieutenant Green also suggested that he dusted
3 for fingerprints. He testified everybody has
4 fingerprints. He then later testified he found
5 nothing of evidentiary value at the scene. Nothing
6 of evidentiary value at the scene -- dusting for
7 fingerprints, items of note on the sketch, DNA lab
8 from SLED, no matches to Mr. Arthur Jason Bowers --
9 and yet, there's nothing of evidentiary value at the
10 scene. No evidence linking Mr. Arthur Jason Bowers
11 to the scene at the VFW.

12 Later that Saturday morning, Agent Green
13 returned to Laurens and took some pictures of who
14 they're calling the person a suspect is Arthur Jason
15 Bowers. He was in custody. They took pictures of
16 him at the police station. Held his arm up. There
17 were some abrasions on his forearm. You'll have the
18 pictures.

19 Agent Green even testified this could be
20 scrapes from falling off a dirt bike. Might be
21 scraped if anyone one of us tripped and fell or
22 scraped themselves.

23 Then there's the notepad, the sign-in notepad.
24 Again, the picture identified the notepad on the
25 table next to the door. Other items at the VFW in

1 disarray -- the cash register on the floor, the cash
2 register tape, other things at the door. You have
3 the notepad squarely on the table at the sign-in
4 location where someone could sign-in.

5 Lieutenant Green talked about the notepad. He
6 said he was told the top page was taken or the last
7 page was taken. The September 26th page was taken.
8 Ladies and gentlemen, you will have the notepad to
9 look through. And you heard testimony, there are no
10 dates on the pages. Were pages taken? Were they
11 removed? Were they not removed? None of the
12 sign-in sheets have dates.

13 Shawn Case. Shawn Case had admitted --
14 admitted to being a crack addict at the time in
15 2003. A crack cocaine dealer, if you will. Said
16 she had been that Friday night to a concert in
17 Greenville. Had returned to Laurens with friends to
18 the Travel Lodge or Travel Inn motel. She said
19 "doing bad things" were her words, doing bad things,
20 using drugs, in a motel room with others. Who else
21 was there with her? Who met up with her later?

22 She says Arthur Bowers showed up to try to buy
23 some crack in the middle of the morning, 2:00 or
24 3:00, some time after she had been to Greenville the
25 night before. She had been drinking and using crack

1 that night. And a crack dealer that would not
2 accept money for her wares. She had crack on her.
3 She testified she had crack on her. Somebody tried
4 to buy crack and she said no.

5 She said there was blood on the money. Where
6 is the bloody money? Where -- where -- where is
7 this money? We don't hear from anybody else that
8 anybody saw any money with blood, but 15 years later
9 this guy showed up with blood -- dried blood on his
10 clothes at three o'clock in the morning wanting to
11 buy crack from me, a drug dealer, a crack dealer,
12 but let me inspect your money first...

13 Who else had she been with that night that told
14 her about anything? Small towns. Small town of
15 Laurens, South Carolina. There's a murder at the
16 VFW. You don't think word spread Friday night and
17 Saturday morning hours later?

18 When Tony Lynch came to the Travel Inn where
19 Shawn Case was knocking on doors, as he said,
20 looking for informants, looking for carneys, trying
21 to get some information, wouldn't she have been
22 drinking and doing drugs all night? Take some of
23 the focus off of her and say, "Ah, yeah, there was
24 this guy. This guy showed up. You might want to
25 check over at Round Street. He had -- he had dried

1 blood on him. Yeah, he tried to buy. I wouldn't
2 sell him -- sell him any drugs."

3 Taking the focus off herself in her condition
4 to the investigators. Is Shawn Case the best
5 witness here? I don't believe she is. There's just
6 enough proof of Arthur Jason Bowers buying the crack
7 or attempting to.

8 Investigator Walter Bentley sitting at the
9 Solicitor's table. He's been on the VFW case from
10 the first night. He testified he came to the scene.
11 He also testified that he and Detective Lynch were
12 the only two investigators with the City of Laurens
13 at the time.

14 How full was their plate? They had a murder
15 that night. They had worked that night -- all
16 day -- excuse me -- and then they had the murder at
17 night. They were exhausted, distracted, anxious to
18 find something because that's what you do on a
19 murder investigation, right? They did part of this
20 investigation. They did some investigation. They
21 made some arrests.

22 And then in 2006, after investigating for '04
23 and '05, they drop the charges against Arthur Jason
24 Bowers. They didn't take him to trial. Did they
25 have all the proof they needed? Apparently not.

1 Up until this week, Mr. Bentley testified he
2 was still trolling phone calls from the jailhouse
3 looking for something to use at this trial this
4 week. You've got it. We heard it yesterday.

5 Mr. Bentley also testified the VFW was the
6 scene of a robbery. Well, in a robbery something is
7 missing. What was missing? Was anything stolen?
8 This was Friday night. Presumably, Mr. Bolt was the
9 only one at the VFW and was closing up for the night
10 we were told. Maybe he'd already put the money out
11 of the cash register into the safe. Was there any
12 testimony regarding the safe where they kept the
13 money for the night? What was actually stolen from
14 the VFW?

15 We don't know what the sales were on Friday.
16 Again, if Mr. Bolt was closing up and putting the
17 money away out of the cash register, maybe that's
18 why it was on the ground, but again, what was
19 stolen? Where is the accounting of what was robbed?
20 There's no proof of anything missing.

21 Mr. Bentley went on and with Detective Lynch,
22 they -- Detective Lynch got his lead, go to Round
23 Street Saturday morning, maybe 12, 13, 14 hours
24 after the -- after the homicide at the VFW. They
25 met. They had a planned concession at Whiteford's,

1 so they got the chief of police, they got a SLED
2 agent with them, as well.

3 They all drove over to Round Street. None of
4 them were sure how many officers were there -- were
5 with them, but we knew it was Lynch, Bentley, Chief
6 Morse, the SLED agent, and at least three vehicles.
7 Could've been more, but nobody really recollected
8 after 15 years.

9 They come up to this residence. I believe
10 their testimony, they knock cordially on the door
11 and say, "Excuse me. We have a person of interest
12 at this house. Let me see Mr. Bowers."

13 Their person of interest is a 17-year old. No
14 matter how you characterize it, a high school
15 dropout. He was in a different town. He was
16 spending the night at a house of family members
17 known to law enforcement. That had been testified
18 to. They knew the house... They knew the family
19 tree.

20 Yet when they asked for Mr. Bowers, he comes
21 walking up, and says, oh, look. Law enforcement's
22 here. "Yes, sir. What can I do for you?"

23 "Well, we'd like to ask you some questions."

24 "Yes, sir. How can I help?"

25 "We need you to come down to the police

1 station."

2 "Yes, sir. Let me come down to the police
3 station."

4 Did he turn and run when he saw the police
5 cars? No. So he goes to the police station. They
6 ask him some questions. Okay. Do you honestly
7 think that Mr. Bowers, again, staying at this house
8 of folks, law enforcement's here at the time.
9 Here's law enforcement. I don't have to go with
10 them. Well, they're asking me to come down and
11 answer some questions. I don't have to go with
12 them.

13 Do you think he understood his Constitutional
14 right that he didn't have to do that? I would
15 suggest that perhaps he did not know his rights that
16 he was a 17-year old, alone and afraid. And when a
17 police officer says, "Get in the car," he's going to
18 get in the car.

19 Mr. Bentley further testified with regard to
20 taking a voluntary statement after he begins taking
21 the statement, he read Mr. Arthur Jason Bowers his
22 rights. He has the form. We have three forms. The
23 rights are spelled out. He said -- Bentley said, "I
24 read him his rights. He signed at the bottom." He
25 initialed at the bottom. He printed his name at the

1 bottom. Whatever. "I read him his rights. He
2 indicated he understood them."

3 Did Arthur Jason Bowers read the rights? Did
4 he, in fact, understand them? Fifteen years ago, as
5 we heard from the school records superintendant, and
6 you will have the transcript back there with you, he
7 had difficulty comprehending certain things. Again,
8 he was young.

9 MR. MOWRY: Your Honor, I have to object to
10 that characterization. That is not what we had
11 evidence of. He is now -- his closing argument is
12 now outside the evidence.

13 THE COURT: The -- the jury certainly will
14 remember what the evidence presented. And if
15 conflicts with what either lawyer says, then that's
16 for their determination.

17 MR. MOWRY: Thank you, Your Honor.

18 THE COURT: Thank you. You may proceed,
19 Mr. Anderson.

20 MR. ANDERSON: Thank you, Your Honor.

21 He was 17 years old, which I submit was young.
22 Mr. Bentley took the statement from him. And the
23 first statement -- or excuse me -- Mr. Bentley's
24 testimony was nobody else knew certain facts or
25 certain items that were in the statement.

1 Again, this was the next day after the murder
2 in a small town. People have been to the VFW.
3 People have been away from the VFW and spent some
4 time away. Who knew who talked to whom about what?
5 At a minimum, we got Ms. Yeargin and the lady who
6 made the call, plus law enforcement.

7 Mr. Arthur Jason Bowers was being questioned at
8 the police station next to the jail where you could
9 hear conversations down the hall. Sergeant Nelson
10 testified to that, you could hear people talk from
11 one to the other. Who knew what Mr. Bowers was
12 hearing among the police officers, you know, among
13 other inmates, among people passing through?

14 And there's Detective Tony Lynch. He is now
15 retired, and yet he is desperate to finally resolve
16 this matter. And it's been referenced this morning,
17 remember the high quality audio that we had of the
18 third interrogation, the third statement. Could you
19 really hear anything on that?

20 Next, Gayle Heath testified. She's qualified
21 as a handwriting analyst for SLED. She referenced
22 the notepad. She did whatever analysis she did on
23 the paper to determine indentations from a blank
24 sheet of paper of somebody who may have signed in
25 earlier. She also testified it could've gone

1 through one, two, three pages. I asked her. And
2 she said she couldn't determine how many pages it
3 had gone through.

4 Was Mr. Bowers there Friday night? Was he
5 there Sunday night? She could not say with any
6 degree of certainty how or when he had signed in. I
7 held the sheet up. I had her show me where his name
8 was on the legal pad. It had two columns of names.
9 It was in the first column about halfway down.
10 There were names above it; names below it. When was
11 his added? She found his name, but she was looking
12 for Mr. Bowers' name on there. Again, halfway down.
13 That does not prove that Mr. Bowers was at the VFW
14 Friday night.

15 Yesterday we did hear from Ms. Holly Manning,
16 the supervisor of records of Pinellas County
17 Schools, Mr. Bowers attended school in Pinellas
18 County from approximately 1992 to 2002. Based on
19 his official transcript Ms. Manning showed us,
20 Mr. Bowers was identified as a special education
21 since first grade, specifically -- and I had her
22 show on the chart -- the "Q" code. The "Q" code
23 said severely emotionally disturbed. That's in the
24 transcript. You can see that. From first grade or
25 pre-first grade on through elementary school through

1 junior high through a brief period in high school
2 through 2002.

3 Remember also, Ms. Manning testified that the
4 course code started with a seven indicating the
5 special education. Based on his special education
6 classes, and the grades he received or didn't
7 receive, the transcript shows whatever else, but
8 that he struggled academically. And now aren't we
9 grateful he can read a book 15 years later, and he
10 can write a letter to his mom and to his dad.

11 Ladies and gentlemen, there is no proof that
12 Mr. Arthur Jason Bowers was at the VFW on the
13 evening of September 26, 2003. Local law
14 enforcement was there. SLED was there. There are
15 no fingerprints, latent or otherwise.

16 There's no DNA evidence. No DNA match. You
17 got the SLED report. You heard the testimony.
18 There was blood drawn for the purpose of matching
19 DNA. There's not even an eyewitness that Mr. Bowers
20 was at the VFW.

21 There's simply no proof that Mr. Bowers had
22 anything to do with the murder of Mr. Bolt. And
23 there's certainly no proof -- there's no proof that
24 Mr. Bowers took anything from the VFW or from
25 Mr. Bolt on Friday night. And there's certainly no

1 proof that he worked in concert or in conjunction
2 with anyone else at the VFW to kill Mr. Bolt or to
3 take anything from the VFW. There is no proof.

4 Therefore, ladies and gentlemen, we ask that
5 you return a verdict, and you return the verdict of
6 all three charges of not guilty of Mr. Arthur Jason
7 Bowers. Thank you very much.

8 THE COURT: Thank you, Mr. Anderson.

9 Solicitor, you have any rebuttal argument as it
10 relates to any new matters raised by defense?

11 MR. MOWRY: Yes, sir.

12 THE COURT: Okay. You may proceed.

13 MR. MOWRY: No proof? No eyewitness? We've
14 told you about the proof, ladies and gentlemen.
15 We've told you about Gene Yeargin and what he told
16 you. You've heard from him. You heard from Gayle
17 Heath.

18 But, yes, there is an eyewitness that you've
19 heard from, and his name is Arthur Jason Bowers. Do
20 you honestly believe that Walter Bentley and Tony
21 Lynch would have gone forward and taken a statement
22 from somebody that they did not believe was
23 voluntarily given? They didn't know A.J. Bowers was
24 a perpetrator of the crime. What they knew was that
25 someone like him had been seen at the scene by Mr.

1 Yeargin relieving himself behind the building.

2 And when they brought him in to talk to him
3 after having been alerted by Shawn Case that he had
4 shown up at her hotel room with bloody clothes and
5 bloody money, they wanted to talk to him. Did he
6 know something?

7 Oh, my goodness, yes, he knew something. He
8 testified or he said in his statement that he had
9 gone behind the building and done what he did. And
10 that Ray-Ray had committed the homicide and left
11 Mr. Bolt lying across the threshold of the bathroom.

12 That clicked. You heard it from Walter
13 Bentley. That clicked. And now all of a sudden,
14 A.J. Bowers is not just a potential witness, he's a
15 potential suspect.

16 Now, I know Laurens is not a big town, but does
17 Mr. Anderson honestly believe that an observation
18 that Eugene Yeargin made in the evening of the 26th
19 is honestly going to be communicated to A.J. Bowers
20 12 hours later? That's ludicrous.

21 And does he honestly believe that Shawn Case,
22 who had been at a concert in Greenville and
23 according to her testimony got back around midnight,
24 is going to be up on all of the goings-on in Laurens
25 six hours later when Tony Lynch saw her? That's not

1 reasonable. That's not credible, ladies and
2 gentlemen.

3 Now, I concede, ladies and gentlemen, you'll
4 have this SLED report back there with you, and there
5 is no DNA evidence linking A.J. Bowers to the scene.
6 None. He didn't leave any blood behind. Oh, you'll
7 find plenty of matches of blood. You'll find plenty
8 of connections by DNA to blood found at the scene,
9 but all of it came from Jim Bolt.

10 Why didn't we find any from A.J. Bowers?
11 Brenda Roberts made sure that was going to happen.
12 The State was deprived of that information. That
13 information, that evidence was destroyed. And
14 Brenda Roberts is paying the consequences for her
15 crimes.

16 Does Mr. Anderson reasonably believe that there
17 was not a robbery at the VFW? There's a cash
18 register certainly out of place on the floor. The
19 spool -- the ribbon spool pulled out all along!
20 There's Jim Bolt's body with pockets pulled out,
21 with change and keys on the floor. Is he honestly
22 trying to convince you there was no robbery?

23 And, yes, there is an eyewitness, A.J. Bowers.
24 Mr. Anderson says, "How do we know it wasn't -- the
25 money wasn't in the safe?" Was there ever testimony

1 that there was a safe? Mr. Anderson is entitled to
2 his own opinion, ladies and gentlemen, but he's not
3 entitled to his own set of facts. Have you heard
4 one piece of evidence about a safe? There wasn't
5 one.

6 Was there sign of a struggle? Jim Bolt's body.
7 Was the pad off the -- off the table? The sign-in
8 sheet? Maybe not, but take a close look. You'll
9 see those cards. Clearly, they were on the table.
10 And in the assailant's haste to get out of there, to
11 rip the sheets out and leave the pad behind, he
12 apparently knocked those off. So is there a sign of
13 disturbance? Yes.

14 He brought up the fact that charges were
15 dismissed. They were. That was Solicitor Peace's
16 decision. Walter Bentley told you about that. He
17 told you that police vehemently disagreed with that
18 decision. You've heard Solicitor Peace's response.

19 The investigation continued because there
20 hadn't been a conviction. The perpetrators had not
21 been brought to justice, but when Solicitor Stumbo
22 took office, the case was re-examined. It was
23 determined that there was evidence. New indictments
24 were sought.

25 Brenda Roberts has had her day in court. A.J.

1 Bowers is having his now. Brenda Roberts was
2 convicted of being an accessory after the fact to
3 the murder and robbery that A.J. Bowers committed.
4 Now is the time, ladies and gentlemen, to convict
5 the man who committed those horrible crimes. Thank
6 you.

7 THE COURT: Ladies and gentlemen, we're going
8 take a short break before I bring you back out and
9 give you the Court's charge on the law. Again,
10 don't have any discussions yet, and we'll get you
11 back out shortly after having a morning break.

12 (At 11:09 a.m., jury left the courtroom.)

13 THE COURT: All right. We'll be in recess
14 about ten minutes.

15 MR. MOWRY: Thank you, Your Honor.

16 (From 11:09 to 11:30 a.m., recess was taken.)

17 THE COURT: All right. Mr. Bolt, let's bring
18 the jury out, please, sir.

19 THE BAILIFF: (Complying.)

20 (At 11:32 a.m., jury entered the courtroom.)

21 THE BAILIFF: All jurors present, Your Honor.

22 THE COURT: All right. Thank you, Mr. Bolt.

23 Madam forelady, ladies and gentlemen of the
24 jury, I now will charge you on the law applicable to
25 this case. You must consider the charge as a whole

1 and not focus on some portions to the exclusion of
2 other portions.

3 The indictments charge the defendant with
4 murder, armed robbery, and criminal conspiracy. I
5 remind you once again, that the fact the defendant
6 has been arrested, charged, and indicted in this
7 case is not evidence in this case and cannot be
8 considered by you as evidence of guilt in this case,
9 nor does it create any presumption or inference of
10 guilt. These documents are simply the formal
11 written instruments which contain the charges made
12 against the defendant. They are the formal
13 documents by which this case is brought into this
14 court.

15 The indictments in this case allege three
16 different offenses against the defendant. Each
17 indictment charges a separate and distinct offense.
18 You must decide each indictment separately on the
19 evidence and the law applicable to it uninfluenced
20 by your decision as to any other indictment.

21 The defendant may be convicted or acquitted on
22 any or all of the offenses charged. And you'll be
23 asked to write a separate verdict of guilty or not
24 guilty for each indictment. I have a verdict form
25 that I will explain to you at the conclusion of this

1 charge, madam forelady.

2 The defendant has pled not guilty to these
3 indictments, and that plea of not guilty puts the
4 burden on the State to prove the defendant guilty.

5 A person charged with committing a criminal
6 offense in South Carolina is never required to prove
7 himself innocent. I charge you that it is an
8 important rule of the law that the defendant in a
9 criminal trial, no matter what the seriousness of
10 the charge or charges may be, will always be
11 presumed to be innocent of a crime for which the
12 indictment was issued, unless guilt has been proven
13 by evidence satisfying you of that guilt beyond a
14 reasonable doubt.

15 This presumption of innocence does not end when
16 you begin your deliberations, but it accompanies the
17 defendant throughout the entire trial, unless you
18 reach a verdict of guilt based on that -- based on
19 the evidence satisfying you of that guilt beyond a
20 reasonable doubt.

21 The presumption of innocence is like a robe of
22 righteousness placed about the shoulders of the
23 defendant, which remains with the defendant unless
24 it has been stripped of the defendant by evidence
25 satisfying you of the defendant's guilt beyond a

1 reasonable doubt.

2 Now, this presumption of innocence, madam
3 forelady and ladies and gentlemen of this jury, is
4 not mere legal theory. It's not just a legal phrase
5 that we use. It is a substantial right to which
6 every defendant is entitled, unless you the jury are
7 satisfied from the evidence of the defendant's guilt
8 beyond a reasonable doubt.

9 Now, concerning reasonable doubt, some of you
10 may have served as jurors in civil cases where you
11 were told that it is only necessary to prove that a
12 fact is more likely true than not true, such as by
13 the greater weight or preponderance of the evidence.

14 However, in criminal cases, the State's proof
15 must be more powerful than that. It must be beyond
16 a reasonable doubt. Proof beyond a reasonable doubt
17 is proof that leaves you firmly convinced of the
18 defendant's guilt.

19 Now, there are very few things in this world
20 that we know with absolute certainty. In a criminal
21 case, the law does not require proof that overcomes
22 every possible doubt. If, based on your
23 consideration of the evidence, you are firmly
24 convinced that the defendant is guilty of the crimes
25 charged, you must find the defendant guilty.

1 If on the other hand, you think there's a real
2 possibility that the defendant is not guilty, you
3 must give the defendant the benefit of the doubt and
4 find him not guilty.

5 Now, I remind you once again that during this
6 trial, madam forelady and ladies and gentlemen of
7 this jury, that you and I had certain duties to
8 perform. As the trial judge, it's been my
9 responsibility to preside over the trial of this
10 case and also have the duty to rule on the
11 admissibility of the evidence offered during this
12 trial..

13 You are to consider only the competent evidence
14 before you. If there was any testimony ordered
15 stricken from the record in this case during this
16 trial, I don't believe that there was, but if there
17 was, you must disregard that testimony.

18 You are to consider only the testimony which
19 has been presented from the witness stand, any
20 exhibits which have been made a part of the record
21 in this case, and any stipulations of counsel.

22 I have the additional duty to charge you the
23 law applicable to this case. As the preside -- as
24 the presiding judge, I am the sole judge of the law
25 of this case. And it is your duty as jurors to

1 accept and to apply the law as I now state it to
2 you.

3 If you already have any idea as to what the law
4 is or what the law ought to be and it does not agree
5 with what I now tell you the law is, you must
6 abandon your idea because you are sworn to accept
7 the law and apply the law exactly as I state it to
8 you.

9 As I've told you and I'll tell you again, in
10 every case tried in this courtroom before a jury,
11 the jury becomes the sole and exclusive judge of the
12 facts in the case. A trial judge cannot intimate,
13 state, comment on, or make any statement to a trial
14 jury about the facts of the case.

15 Since you the jury are the sole judge of the
16 facts in this case, you are not to infer from what I
17 have said during the progress of this trial in
18 ruling upon the admissibility of evidence or
19 otherwise or anything that I say now during the
20 course of this instruction to you that I have any
21 opinion about the facts in this case.

22 The law does not allow me to have an opinion
23 about the facts in this case. This is a matter
24 solely for you, the jury, to determine. As jurors,
25 it is your duty to determine the effect, value, and

1 weight of the evidence presented during this trial.

2 Now, madam forelady and ladies and gentlemen of
3 this jury, there are two types of evidence which are
4 generally presented during the trial -- that being
5 direct evidence and that being circumstantial
6 evidence.

7 Direct evidence directly proves the existence
8 of a fact and does not require deduction.

9 Circumstantial evidence is proof of a chain of
10 facts and circumstances indicating the existence of
11 a fact.

12 Crimes may be proven by circumstantial
13 evidence. The law makes no distinction between the
14 weight or value to be given to either direct or
15 circumstantial evidence.

16 However, to the extent the State relies on
17 circumstantial evidence, all of the circumstances
18 must be consistent with each other, and when taken
19 together point conclusively to the guilt of the
20 accused beyond a reasonable doubt. If these
21 circumstances merely portray the defendant's
22 behavior as suspicious, the proof has failed.

23 Th State, once again, has the burden of proving
24 the defendant guilty beyond a reasonable doubt, and
25 this burden rests with the State regardless of

1 whether the State relies on direct evidence,
2 circumstantial evidence, or some combination of the
3 two.

4 Necessarily, ladies and gentlemen, you must
5 determine the credibility of witnesses who have
6 testified in this case and the evidence presented.
7 Credibility simply means believability. It becomes
8 your duty as jurors to analyze and to evaluate the
9 witnesses and the evidence and determine the
10 credibility of the witnesses and the evidence.

11 In determining the credibility of the witnesses
12 who have testified in this case, you may believe one
13 witness over several witnesses or several witnesses
14 over one witness. You may believe a part of the
15 testimony of a witness and reject the remaining part
16 of the testimony of that same witness.

17 You may believe the testimony of a witness in
18 its entirety or reject testimony of a witness in its
19 entirety. You may consider whether any witness has
20 exhibited to you any interest, bias, prejudice, or
21 other motive in this case. You may also consider
22 the appearance and manner of a witness while on the
23 witness stand.

24 Now, ladies and gentlemen, in order to
25 establish criminal liability, criminal intent is

1 required. For example, the mental state required to
2 be proven by the State for a particular crime might
3 be purpose, intent, knowledge, recklessness, or
4 criminal negligence. Criminal intent must be proven
5 by the State beyond a reasonable doubt. Criminal
6 intent is always a matter that must be determined by
7 the jury from the circumstances surrounding the
8 situation.

9 Now, there's no way to prove intent to a
10 mathematical certainty. There's no way that science
11 can dissect a person's brain and determine what the
12 person had in mind, so the law says that criminal
13 intent may be inferred from the circumstances shown
14 to have existed. This is how you make a
15 determination of whether or not the element
16 requiring intent was present.

17 It's not necessary to establish intent by
18 direct and positive evidence, but intent may be
19 established by inference in the same way as any
20 other fact by taking into consideration the acts of
21 the parties and all the facts and circumstances of
22 the case.

23 Criminal intent is a mental state and conscious
24 wrongdoing. It's up to you to determine what the
25 defendant intended to do based on the circumstances

1 shown to have existed. Criminal intent can arise
2 from action or a failure to act.

3 Now, statements alleged to have been made by
4 the defendant have been admitted into evidence in
5 this case. While the Court has determined that the
6 statements are admissible, I instruct you that you
7 make the ultimate decision of whether or not the
8 defendant made each statement.

9 If the defendant did make such a statement, you
10 must then determine whether each statement was made
11 by the defendant voluntarily and of his own free
12 will. This means that the statement was not caused
13 by pressure, force, fear, threats, coercion, or
14 intimidation or by hope or a promise of leniency or
15 a reward of any kind.

16 In determining whether the statement was
17 voluntary, you should consider both the
18 circumstances of the defendant and the details of
19 the question.

20 Some of the factors that you can consider are
21 the age of the defendant; the defendant's education
22 or lack of education; the defendant's mental ability
23 and capacity; the defendant's I.Q. or intelligence;
24 the defendant's background and environment; the
25 place and length of detention; the nature of the

1 questioning; and the advice, or lack thereof, the
2 defendant of his Constitutional rights including,
3 but not limited to, the right to remain silent; that
4 and any statement could be used against him in court
5 of law; the right to have a lawyer present; that if
6 he could not afford a lawyer, a lawyer would be
7 appointed to represent him without any cost; and
8 that he could stop making a statement at any time.
9 You must carefully consider all of the surrounding
10 circumstances before you give any weight to the
11 statements.

12 The State, once again, has the burden of proof
13 beyond a reasonable doubt that the alleged
14 statements were voluntary. If you determine each
15 one was, you may give the statement any further
16 consideration that you deem proper. You must decide
17 what weight, if any, should be given to each alleged
18 statement. If you determine the alleged statement
19 as to each was not a free and voluntary statement of
20 the defendant, you should not consider the statement
21 at all.

22 Now, as I explained to you some time during
23 this week, the rules of evidence ordinarily do not
24 permit witnesses to testify to opinions or
25 conclusions. An exception to this rule exists for

1 witnesses we call "expert witnesses." A witness who
2 by education and experience has become an expert in
3 some art, science, profession, or calling, they
4 state their opinion as relevant and material matters
5 for which the witness claims to be an expert and
6 they also state the reasons for the opinion.

7 You should consider any expert opinion received
8 into evidence in this case, and like any other
9 evidence, give it the weight you think it deserves.
10 If you decide that the opinion of an expert witness
11 is not based on sufficient education and experience,
12 or if you conclude that the reasons given in support
13 of the opinion are not sound, or that the opinion is
14 outweighed by other evidence, you may disregard the
15 opinion entirely.

16 An expert witness's testimony is to be given no
17 greater weight than that of any other witnesses
18 simply because the witness is an expert. Further,
19 you're not required to accept an expert's opinion,
20 even though it is not contradicted.

21 Madam forelady and ladies and gentlemen of the
22 jury, I instruct you and emphasize that the fact
23 that the defendant did not testify is not a factor
24 to be considered by you in any way during
25 deliberations and in your consideration on the

1 question of the guilt or innocence of the defendant.
2 It must not be considered by you in any manner
3 whatsoever.

4 A defendant has the Constitutional right to
5 remain silent, and the assertion of this right must
6 not be considered by you in your deliberations.
7 Madam forelady, ladies and gentlemen of the jury, I
8 repeat, under the oath that you took, you are to
9 draw no conclusion whatsoever from the fact that the
10 defendant elected in this case to not testify.

11 The fact that this defendant did not testify
12 should not even be discussed in the jury room. The
13 burden of proof, as I have stated to you, is on the
14 State. The defendant is not required to prove his
15 innocence. The burden of proof remains on the State
16 to prove guilt beyond a reasonable doubt.

17 Now, let me explain to you the concept of hand
18 of one. If a crime is committed by two or more
19 people who are acting together in committing a
20 crime, the act is one. The act of one is the act of
21 all. A person who joins with another to commit an
22 unlawful act is criminally responsible for
23 everything done by the other person which happens as
24 a probable or natural consequence of the acts done
25 in carrying out the common plan and purpose.

1 If two of more people are together, acting
2 together, assisting each other in committing the
3 offense, the act of one is the act of all, or as it
4 is sometimes said, the hand of one is the hand of
5 all.

6 Prior knowledge that a crime was going to be
7 committed without more, is not sufficient to make a
8 person guilty of that crime. Mere knowledge that
9 another person is going to commit a crime, even if
10 the defendant is present when the crime is
11 committed, is not sufficient to convict the
12 defendant as a principal. Guilt as a principal is
13 shown by actual or constructive presence at the
14 scene as a result of a prior arrangement.
15 Therefore, a finding of prior arranged plan or
16 common scheme is necessary for a finding of guilt as
17 a principal.

18 The State must prove beyond a reasonable doubt
19 by competent evidence the theory of the hand of one
20 is the hand of all. A principal in a crime is one
21 that either actually commits the crime or who is
22 present aiding, abetting, or assisting in committing
23 the crime.

24 When a person does not act in the presence of
25 and with assistance of another, the act is done by

1 both. Where two or more, acting with a common plan
2 or intent, are present at the commission of a crime,
3 it does not matter who actually commits the crime.
4 All are guilty. The hand of one is the hand of all.
5 Present at the commission of a crime means to be
6 sufficiently near to aid and abet and assist in the
7 commission of a crime. However, mere presence at
8 the scene of a crime is not sufficient to convict
9 one as the principal on the theory of aiding and
10 abetting.

11 Intent is also a necessary element, for there
12 must have been a common design or intent to commit
13 the crime and the crime must have been committed
14 pursuant thereto with the person aiding and abetting
15 by some overt act. Intent means intending the
16 result which actually occurs, not accidentally or
17 involuntarily. Intent may be shown by acts and
18 conduct of the defendant and other circumstances
19 from which you may naturally and reasonably infer
20 intent. The State must prove these elements beyond
21 a reasonable doubt.

22 The defendant has been charged with murder.
23 The State must prove beyond a reasonable doubt that
24 the defendant killed another person with malice
25 aforethought. Malice is hatred, ill will, or

1 hostility towards another person. It is the
2 intentional doing of a wrongful act without just
3 cause or excuse and with the intent to inflict an
4 injury or other circumstances that the law will
5 infer an evil intent.

6 Malice aforethought does not require to have
7 malice exist for any particular time before the act
8 is committed, but malice must exist in the mind of
9 the defendant just before and at the time of the act
10 when the act is committed. Therefore, there must be
11 a combination of the previous evil intent and the
12 act.

13 Malice aforethought may be expressed or
14 inferred. These terms "express" and "inferred" do
15 not mean different kinds of malice, but merely the
16 manner in which malice may be shown to exist. That
17 is either by direct evidence or by an inference of
18 the facts and circumstances which are proven.

19 Express malice is shown when a person speaks
20 words which express hatred or ill will for another
21 or when the person prepared beforehand to do the act
22 which was later accomplished; for example, lying in
23 wait for a person or any other acts or preparation
24 going to show that the deed was within the
25 defendant's mind would be expressed malice.

1 Malice may be inferred from conduct showing a
2 total disregard for human life. Inferred malice may
3 also arise when the deed is done with a deadly
4 weapon. A deadly weapon is any article, instrument,
5 or substance which is likely to cause death or great
6 bodily harm. Whether an instrument has been used as
7 a deadly weapon depends on the facts and
8 circumstances of each case. Ordinary objects may
9 become deadly weapons where the facts show that it
10 has been used to inflict serious bodily harm or
11 death.

12 If one intentionally kills another during the
13 commission of a felony, the inference of malice may
14 arise. If facts are proved beyond a reasonable
15 doubt sufficient to raise an inference of malice to
16 your satisfaction, this inference would simply be an
17 evidentiary fact to be taken into consideration by
18 you, along with all other evidence in this case.
19 You may give it the weight that you decide it should
20 receive.

21 Now, the defendant has also been charged with
22 armed robbery. In order to prove this offense, the
23 State must first prove beyond a reasonable doubt
24 that the defendant took personal property from a
25 person or presence of another person.

1 Property is in the presence of a person if it
2 is within the person's reach, inspection,
3 observation, or control so that the person could, if
4 not overcome with violence or prevented by fear,
5 keep possession of the property.

6 The State must also prove beyond a reasonable
7 doubt that the defendant carried the property away
8 intending to permanently deprive the owner of the
9 property and to keep the property for the
10 defendant's own use. The slightest removal of the
11 property or the complete possession of the property,
12 even for an instant, by the defendant is sufficient
13 to show a taking and carrying away of the property.
14 The taking and carrying away of property must have
15 been done with violence or by putting the owner or
16 the property in fear of violence.

17 Finally, the State must prove beyond a
18 reasonable doubt that the defendant was armed with a
19 deadly weapon during the robbery. A deadly weapon
20 is any article, instrument, or substance which is
21 likely to cause death or great bodily harm. Whether
22 an instrument has been used as a deadly weapon
23 depends on the facts and circumstances of each case.

24 Once again, ordinary objects may become deadly
25 weapons when the facts show that they have been used

1 to inflict serious bodily harm or death.

2 And lastly, ladies and gentlemen, the defendant
3 has been charged with conspiracy. The State must
4 prove beyond a reasonable doubt that the defendant
5 combined with one or more persons for the purpose of
6 committing an unlawful act or of committing a lawful
7 act by unlawful means.

8 There must be a mutual understanding,
9 agreement, or common intention and plan. Mere
10 passive knowledge of or consent to the criminal
11 conduct of another is not enough to make a person a
12 conspirator. There must be guilty knowledge and
13 participation.

14 The mere fact that the defendant may have
15 associated with another person or met with another
16 person and discussed common aims and interests does
17 not necessarily establish proof of the existence of
18 a conspiracy or that the defendant was involved in a
19 conspiracy.

20 On the other hand, it is not necessary that the
21 agreement be a formal one, that it be in writing,
22 and that the persons hold a meeting and expressly
23 state the terms of the common plan, or that the
24 agreement be stated in words between them. The
25 agreement of a criminal conspiracy may come into

1 being through an implied mutual understanding. The
2 willful, intentional, and knowing adoption by two or
3 more persons of a common plan is sufficient.

4 No overt acts needs to be shown to establish a
5 conspiracy. A conspiracy may be shown by
6 circumstantial evidence and the conflict of the
7 parties.

8 In order to convict the defendant of
9 conspiracy, the State must prove beyond a reasonable
10 doubt not only that the defendant knew of the
11 unlawful conduct, but that the defendant agreed to
12 combine with the other persons for the purpose of
13 accomplishing unlawful conduct.

14 Now, ladies and gentlemen, there are two
15 possible verdicts for each charge, that being guilty
16 and not guilty. And your verdict must be unanimous
17 among the 12 of you as to each charge.

18 I'm going to come down and show you the verdict
19 form, madam forelady. It's very easy to read. And,
20 in addition, I realize it's been 25 minutes and I've
21 read a lot to you. I'm going to give you a copy of
22 what I've read to you for your use in whatever
23 manner that you want to use that charge. I realize
24 I had one little mistake in it, and I need to
25 reprint a page so I'll do that, but let me come

1 down.

2 This is the verdict form and it just has the
3 caption of the case, *state of South Carolina v.*
4 *Arthur Jason Bowers*. It has the three indictment
5 numbers.

6 And the first question as to indictment number,
7 which is the murder indictment, "We the jury find
8 the defendant," and you will put your initials on
9 either the guilty line or the not guilty line as to
10 what your verdict is as to that charge. And the
11 same is done as to the armed robbery charge and the
12 criminal conspiracy charge.

13 There is no significance to the order that
14 guilty and not guilty has been put on this form.
15 One has to go before the other. There's no
16 significance that the word "guilty" is above "not
17 guilty." Okay. And once you have put your initials
18 as to each three charges, you will sign it. It has
19 already been dated.

20 Okay. Now, what I need for you to do, I need
21 for all 15 of you to go back to the jury room. Do
22 not start your deliberations yet. I need to make
23 that one correction in the written charge. I need
24 to ask the lawyers to make sure that they don't have
25 any additions or corrections to the charge. And if

1 there are not, then when Mr. Bolt brings you all of
2 the exhibits, the verdict form, the copy of my
3 charge, that will be your cue for three things --
4 two things to happen.

5 First, I'll need the three alternates to exit
6 the jury room and come back into the courtroom for
7 further instructions.

8 Second, after you begin your deliberations,
9 when you have reached a unanimous verdict as to each
10 of the three charges, just knock on the door and let
11 the bailiffs know you've reached a verdict and we'll
12 bring you back in order to receive it.

13 Don't start your deliberations yet. Go back to
14 the jury room, please.

15 (At 11:57 a.m., jury left the courtroom.)

16 THE COURT: Just a couple of lines I wanted to
17 take out.

18 Gentlemen, on page ten, the last paragraph
19 under intent, I usually take -- I try to take that
20 out and I didn't do it this time. Criminal intent
21 can arise from action or failure to act. I did
22 charge that, but then the next three-and-a-half
23 lines, "it may arise from negligence, recklessness,"
24 I'm going take those lines out.

25 So do I have any objections to that or any

1 other objections or additions to the Court's charge
2 from the State?

3 MR. MOWRY: No, sir.

4 THE COURT: From the defense?

5 MR. ANDERSON: None, Your Honor.

6 THE COURT: Okay. Thank you very much.

7 (From 12:03 to 12:55 p.m., jury deliberated.)

8 THE COURT: The jury provided the Court with
9 the question, "We want copy of sign-in sheet that
10 was analyzed."

11 The lawyers have acknowledged that it was not
12 put into evidence in either the State's
13 case-in-chief or the defense's case-in-chief.
14 However, the lawyers on both sides have agreed that
15 the photocopy that was discussed with Agent Heath
16 would go back to the jury, and it will be marked as
17 the next State's exhibit, whatever the number is.

18 MR. MOWRY: I think it's 45 if I'm not
19 mistaken.

20 (From 12:56 to 2:50 p.m., jury continued
21 deliberating.)

22 THE COURT: Okay. Gentlemen, it's my
23 understanding that the jury has reached a verdict.
24 And as the note indicates, they had a preference on
25 how the -- in which order the verdict would be read

1 as it relates to the charges. They want it go in
2 the order of conspiracy, the rob -- armed robbery
3 charge, and the murder charge, which is -- which is
4 fine with the Court. And that's how the clerk has
5 been instructed to publish the verdict.

6 Let me -- let me, before we bring the jury out,
7 commend the lawyers for an excellent trial. You
8 were extremely courteous and cordial to each other,
9 and that always makes it a little easier for the
10 Court, so I do appreciate that. I appreciate your
11 fine and hard work.

12 And let me just caution those that are in the
13 courtroom. Certainly, this -- there's a lot of
14 emotion attached to this case. I understand that.
15 But I can't have any outward signs of emotion
16 displayed when the verdict is published. So if you
17 feel like you may have a hard time containing your
18 emotions, then I would very much appreciate you
19 exiting the courtroom at this time.

20 Mr. Bolt, if you'll bring the jury out, please,
21 sir.

22 THE BAILIFF: (Complying.)

23 (At 2:53 p.m., jury entered the courtroom.)

24 THE BAILIFF: All jurors present, Your Honor.

25 THE COURT: All right. Thank you, Mr. Bolt.

1 Madam forelady, your last request will be
2 honored as far as the order in which the verdict is
3 published. It's my understanding, without telling
4 me what the verdict is, you have reached a verdict
5 in this case?

6 THE FORELADY: Yes, sir.

7 THE COURT: And as to all three charges, is the
8 verdict unanimous among the 12 of you?

9 THE FORELADY: Yes, sir.

10 THE COURT: Thank you. If you'd hand the
11 verdict form to Mr. Bolt, he'll hand it to me.

12 THE FORELADY: (Complying.)

13 THE COURT: Okay. Madam clerk, if you'll
14 publish the verdict.

15 Mr. Bowers, if you'll please stand, sir.

16 THE DEFENDANT: (Complying.)

17 THE CLERK: Your Honor, in the case of the
18 *State of South Carolina v. Arthur Jason Bowers*, Case
19 No. 2018-GS-30-612, 2017-GS-30-1570, and
20 2007-GS-30-520, as to Indictment 2017-GS-30-520,
21 which charges the defendant with criminal
22 conspiracy, we the jury find the defendant guilty.

23 As to Indictment 2017-GS-30-1570, which charges
24 the defendant with armed robbery, we the jury find
25 the defendant guilty.

1 As to Indictment No. 2018-GS-30-612, which
2 charges the defendant with murder, we the jury find
3 the defendant guilty. Signed by the forelady,
4 Sandra Humphrey, on April 26, 2018.

5 Ladies and gentlemen, if that be your verdict,
6 please indicate by raising your right hands.

7 THE JURORS: (Complying.)

8 THE CLERK: Thank you.

9 THE COURT: Let the record reflect that all 12
10 hands were raised.

11 Mr. Anderson, do you want individual polling of
12 this jury?

13 MR. ANDERSON: I do not, Your Honor.

14 THE COURT: Okay. All right. Thank you.
15 Y'all can have a seat.

16 Madam forelady and ladies and gentlemen of the
17 jury, let me thank you for your jury service. The
18 verdict that you reached in this case does not
19 matter to the Court. What matters to the Court is
20 that the jury -- you the jury perform your duties
21 conscientiously, diligently, and efficiently, and
22 I'm confident that you have done that.

23 Serving on a jury is difficult. This was a
24 difficult case, but I hope that you have found this
25 to be a worthwhile experience, an experience that

1 don't have to stay for that, but you're more than
2 welcome to, and I'm giving that opportunity to you.

3 So with that said, I'm going to shake your
4 hands, and if you would just exit out of that door
5 that you came in and out of quite -- quite
6 frequently.

7 (At 2:57 p.m., the jury was excused.)

8 THE COURT: All right. We'll be in recess
9 about 10 or 15 minutes and allow everyone to collect
10 their thoughts and then continue to the sentencing
11 phase.

12 (From 2:59 to 3:18 p.m., recess was taken.)

13 THE COURT: Okay. Would the State come up,
14 and, Mr. Anderson, you and your client come up and
15 stand over there, please, sir.

16 THE DEFENDANT: (Complying.)

17 MR. MOWRY: Your Honor, the entire Bolt family
18 is here on the front, would like to come up, but
19 Liddy Burrows will be their spokesman.

20 THE COURT: Okay. Very good.

21 All right. We're on the record in the
22 sentencing phase of the *State of South Carolina v.*
23 *Arthur Jason Bowers*.

24 Mr. Bowers having been found guilty by a jury
25 of the following offenses: Murder, armed robbery,

1 and criminal conspiracy. I will allow -- as it
2 relates to sentencing, I will allow the State to go
3 first and then let the defense follow-up.

4 Solicitor Mowry.

5 MR. MOWRY: Your Honor, if it please the Court?
6 Mr. Bowers has pending drug charges in the state of
7 Florida according to our records. We understood
8 that -- that they were seeking extradition on him.
9 Obviously, that will not be happening any time soon,
10 but for three counts of distribution of cocaine and
11 three counts of possession of cocaine in Pinellas
12 Park, Florida.

13 Additionally, Your Honor, Mr. Bowers has a 2006
14 distribution of cocaine in the proximity of a
15 school. That was in Horry County in November of
16 2006.

17 He has a second conviction for a like offense
18 in 2010.

19 And then was convicted a third time in 2014 for
20 distribution of heroin.

21 And when Your Honor deems it appropriate,
22 Ms. Bowers would like -- Ms. Burroughs -- pardon
23 me -- Ms. Burroughs would like to address the Court.

24 THE COURT: Okay. Mr. Burroughs, I'll be glad
25 to hear from you.

1 You need to first be sworn in, ma'am.

2 THE CLERK: Raise your right hand, please.

3 MS. BURROUGHS: (Complying.)

4 THE CLERK: Do you solemnly swear or affirm
5 that the information you're about to provide the
6 Court will be truthful?

7 MS. BURROUGHS: (Nonverbal response.)

8 THE COURT: Yes, ma'am. I'll be glad to hear
9 from you.

10 THE REPORTER: You have to say it out loud.

11 MS. BURROUGHS: Oh, yes.

12 THE COURT: I'll be glad to hear from you.

13 MS. BURROUGHS: If -- if you will just grant me
14 just a few moments, please.

15 THE COURT: Sure. Sure. Take -- take all the
16 time that you need.

17 MS. BURROUGHS: First of all, I just want to
18 thank Your Honor for presiding over this court. I
19 believe that you have interpreted the law to its
20 fullest.

21 I want to thank all those that have made this
22 their life work, those that have started from day
23 one on the case to now.

24 Over 4,000 years ago, judges and lawmen were
25 placed here to help rule the ungodly land that we

1 live in. They were instituted to be put in place to
2 help. I think you have done a wonderful job in
3 upholding that institution.

4 I saw lawmen and attorneys and detectives
5 and -- and all those that fall under that heading of
6 "lawmen" be hope in action. I saw them give
7 tireless paid and unpaid hours of work.

8 They have kept us in the loop. We have known
9 everything as much as possible that they could
10 disclose to us, so I just thank them for the
11 tireless -- and, again, for -- for seeing their
12 action and trying and getting ready for this day.

13 I've often wondered why so long, but it's clear
14 to me that on this day, this judge, this solicitor,
15 these men and women of the jury, all those involved
16 knew to be here at the exact -- this place in time.

17 I had hopes for this young man, A.J. Bowers. I
18 knew he was a young man when the crime was
19 committed, but I had hopes that he would be found
20 guilty of the charges and would have time to think
21 about the consequences and possibly a chance to turn
22 his life around because he was a young man at the
23 time.

24 I've kept up with him through the Solicitor's
25 Office because we have been very involved in this

1 ongoing case. Never a cold case. Never put on the
2 back burner.

3 I've heard of his other incidents. I -- I'm
4 just really disappointed that he didn't make that
5 turnaround with his life. Perhaps now, he will have
6 that opportunity away from others that he can hurt
7 or influence or harm to think about his actions.

8 I've seen no remorse. I see defiance. I've
9 heard his comments in other probation hearings and
10 other courtrooms in front of other judges. Clearly
11 denying. Well, I -- I think now he'll have some
12 time to think about that.

13 You know, and when I say "I," I'm speaking on
14 behalf of the -- the whole family here.

15 Our dad raised us right from wrong, and I'm
16 sure he defended that night the wrong that he
17 perhaps felt that was coming.

18 My dad loved life. He always had a whistle and
19 a song on his lips. He loved to have a good time.
20 He loved to sit around and talk about the old days.

21 He was a great help to me, I remember, with --
22 with the grandchildren. He -- he loved them. He
23 loved the being involved in their lives and the --
24 the time there at the VFW. He -- he was there to --
25 to listen.

1 Many people have come up to me afterwards and
2 said, "I thought so much of your dad because he
3 treated me like a son." He would've done that for
4 Mr. Bowers in a different time and situation.

5 I remember one young man came to me or I saw
6 him at the receiving friends and family, and he
7 threw himself on my dad's casket and cried. And he
8 told me later how special my dad had made him feel,
9 how he was involved. And he'd gotten a new
10 motorcycle and he was proud of it, and my dad was
11 proud for him.

12 I've watched A.J.'s father this week hug him
13 and support him, and knowing that he took the life
14 of our dad and father that supported us in
15 everything that we did.

16 My mom used to say, "Ask your daddy to help you
17 do that. He'll do anything you tell him to do."

18 I guess at this point I just have to say, God
19 have mercy on his soul, Mr. Bowers.

20 THE COURT: Thank you, ma'am.

21 MR. MOWRY: Your Honor, if I could just add,
22 Mr. Bolt had a friend from the VFW that had moved to
23 Indiana that drove down here specifically for this
24 trial. And I -- I had not met him before, but he
25 spoke with if me and told me what a great help

1 Mr. -- Mr. Bolt had been for years.

2 And he came down on his own accord at his own
3 expense to be here to support the family. That's
4 how much Jim Bolt meant to him, and that is the kind
5 of person that A.J. Bowers has taken away from this
6 community.

7 THE COURT: Thank you, Solicitor.

8 Mr. Anderson, I'll be glad to hear from you, sir.

9 MR. ANDERSON: Your Honor, I know that you're
10 going to impose sentence as you see fit. Mr. Bowers
11 has served a number of years already in this matter,
12 and I know that he would get credit for time served,
13 but we would ask for the range.

14 THE COURT: Do you have that?

15 MR. MOWRY: I can get it by the -- by the --
16 within the hour, Your Honor. I do not have it.

17 THE COURT: Okay. All right. Would you have
18 it, Mr. Anderson?

19 MR. ANDERSON: I would not have it.

20 MR. MOWRY: I can get that from the detention
21 center, Your Honor.

22 THE COURT: Okay. That's fine. We'll -- we'll
23 get that credit before you leave the courthouse, so
24 you will know what that credit is and then you can
25 have a chance to acquiesce on that number.

1 MR. MOWRY: And, Your Honor, as we discussed in
2 chambers, I understand based on the U.S. Supreme
3 Court case given Mr. Bowers age at the time of this
4 event, he is not eligible for life without parole;
5 however, we would request that Your Honor sentence
6 him to a substantial number of years that would
7 achieve the same effect.

8 THE COURT: You may proceed, Mr. Anderson.

9 MR. ANDERSON: Your Honor, with regard to that,
10 we are asking that it not be the maximum amount of
11 years available, but, again, I understand that you
12 will be charging -- or excuse me -- you will be
13 sentencing on three different verdicts. And we are,
14 again, just asking that the full time for credit be
15 allocated, as well for the term of the sentence.

16 THE COURT: Thank you very much. Everybody be
17 at ease for just a moment.

18 (Brief recess.)

19 THE COURT: Well, I think it goes without
20 saying that this certainly is a, as so many of these
21 cases are, just complete tragedies all the way
22 around. Certainly, tragedies for the Bolt family
23 and what you've had to endure over these -- which
24 I'm sure is often excruciating over these last
25 15 years you've had to deal with, and my heart goes

1 out to all of you in the Bolt family.

2 But it's a tragedy for Mr. Bowers and his
3 family. You're a young -- reasonably young fellow
4 now. Very young at the time of the commission of
5 the crime. And now your life has been taken away
6 because of your actions, so that certainly is a --
7 is a tragedy and certainly one your family will have
8 to endure.

9 Certainly, it would be -- if the Court had
10 within its power to wind the clock back and have
11 Mr. Bolt here, Mr. Bowers would be doing something
12 other than standing before a judge fixing to be
13 sentenced to a significant period of time. It would
14 be nice to have that power, but of course, you know,
15 I don't.

16 This was a pretty gruesome and heinous crime
17 that was committed, and there must be punishment for
18 it, Mr. Bowers. The sentences on these three
19 charges will run concurrent, and you will be given
20 appropriate credit.

21 And, again, Mr. Anderson, if you'll just hang
22 around with us if you don't mind.

23 MR. ANDERSON: Yes, sir.

24 THE COURT: So I get that number of days from
25 the Solicitor, and you can make sure you're

1 satisfied with it. So there will be appropriate
2 credit on all three sentences and they will run
3 concurrent.

4 On the conspiracy, it will be a 5-year
5 sentence; on the armed robbery, it would be a
6 30-year sentence; and on the murder, it will be a
7 50-year sentence. Good luck to you.

8 MR. MOWRY: Thank you, Your Honor.

9 (The proceedings concluded at 3:35 p.m.)

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WITNESSES

Jarred Hunnicutt

Laurens Police Department

THE STATE OF SOUTH CAROLINA

COUNTY OF LAURENS

COURT OF GENERAL SESSIONS

March Term, 2017

Indictment # 17GS30-0520

WARRANT NUMBER

2017D3000100041

THE STATE

vs.

Arthur Jason Bowers

*T. Rene Bill**Richard Patterson*

Foreman of the Grand Jury

Date: *3/24/2017***INDICTMENT FOR****Criminal Conspiracy**
§16-17-0410

CDR: 0049

VERDICT*Guilty**Sandra Humphrey*Foreman *4/26/18*

THE STATE OF SOUTH CAROLINA

COUNTY OF LAURENS

INDICTMENT FOR

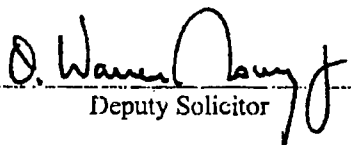
Criminal Conspiracy

§16-17-0410

At a Court of General Sessions, convened on the 24th day of March, 2017, the Grand Jurors of Laurens County present upon their oath:

That Arthur Jason Bowers did, on or about September 26, 2003, in Laurens County, along with another person or persons, willfully and unlawfully unite, combine, conspire, confederate, agree between and among themselves and have tacit understanding with each other or with other persons whose names are unknown to the Grand Jurors, for the purpose of committing the act of Murder and Armed Robbery, and in escaping detection therefrom, in violation of Section 16-17-410 of the South Carolina Code of Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such cases made and provided.


Deputy Solicitor

COUNTY OF LAURENS
STATE VS.ARTHUR JASON BOWERS

AKA: _____

Race: WhiteSex: MAge: 32

DOB: _____

SS#: _____

Address: _____

City, State, Zip: Murrells Inlet, SC 29576

DL# _____

SID# _____

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

☒ CONVICTED OF or☐ PLEADSTO: Criminal ConspiracyIn violation of § 16-17-0410 of the S.C. Code of Laws, bearing CDR Code # 0049☒ NON-VIOLENT☐ VIOLENT☐ SERIOUS☐ MOST SERIOUS☐ Mandatory GPS☐ §17-25-45(CSC w/minor 1st or Lewd Act)

The charge is:

☒ As indicted,☐ Lesser Included Offense,☐ Defendant Waives Presentment to Grand Jury.

(def.'s initials)

The plea is:

☐ Without Negotiations or Recommendation,☐ Negotiated Sentence,☐ Recommendation by the State.

ATTEST:

O. Warren Mowry, Jr.

4124

O. Warren Mowry, Jr., Deputy Solicitor General

SC Bar #

Defendant

Attorney for Defendant

14295

SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center, for a determinate term of 5 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$_____; provided that upon the service of _____ days/months/years and or payment of \$_____; plus costs and assessments as applicable*; the balance is suspended with probation for _____ months/years and subject to South Carolina Department of Probation, Parole and Pardon Service standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: 18-65-30-612☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections.☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION:☐ Deferred☐ Def. Waives Hearing☐ Ordered

PTUP

Total: \$_____ plus 20% fee: \$_____

_____ days/hours Public Service Employment

Payment Terms: _____

Obtain GED ☐☐ Set by SCDPPPS

Attend Voc. Rehab. Or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☐Random Drug/Alcohol Testing ☐

Fine may be pd. in equal consecutive weekly/monthly

pmts. of \$_____ Beginning _____

\$_____ Paid to Public Defender Fund

Other: _____

Recipient: _____

*Fine: _____

\$_____

§14-1-206 (Assessments 107.5%)

\$_____

§14-1-211 (A)(1)(Conv. Surcharge)

\$100

\$_____

§14-1-211 (A)(2)(DUI Surcharge)

\$100

\$_____

§56-5-2995 (DUI Assessment)

\$12

\$_____

§56-1-286 (DUI Breath Test)

\$25

\$_____

Proviso 61.6 (Public Def/Prob)

\$500

\$_____

§14-1-212 (Law Enforce. Funding)

\$25

\$_____

§14-1-213 (Drug Court Surcharge)

\$150

\$_____

§50-21-114 (BUI Breath Test Fee)

\$50

\$_____

§56-5-2942(J) (Vehicle Assessment)

\$40/ea

\$_____

3% to County (if paid in installments)

\$

\$_____

TOTAL

\$_____

\$128.75

Clerk of Court/Deputy Clerk: Lynn W LancasterCourt Reporter: Lisa Scott

SCCA/217 (07/2016)

Presiding Judge: UllJudge Bar ID: 2535Judge Code: 2167Sentence Date: 4/26/18

WITNESSES

Jared Hunnicutt
Laurens Police Department

WARRANT NUMBER

Direct Indictment

True bill

Richard Patten

Foreman of the Grand Jury

Date: 9/15/2017

VERDICT

Guilty

Sandra H. Humphrey
Foreman 4/26/18

THE STATE OF SOUTH CAROLINA

COUNTY OF LAURENS

COURT OF GENERAL SESSIONS

September Term, 2017

Indictment # 17GS30-1570

THE STATE

vs.

ARTHUR JASON BOWERS

INDICTMENT FOR

Armed Robbery
§16-11-0330(A)

CDR: 0139

I hereby waive presentment to the Grand Jury.

Defendant

Witness:

THE STATE OF SOUTH CAROLINA

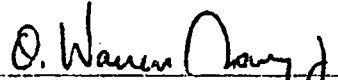
COUNTY OF LAURENS

INDICTMENT FOR**Armed Robbery
§16-11-0330(A)**

At a Court of General Sessions, convened on the 15th day of September, 2017, the Grand Jurors of Laurens County present upon their oath:

The defendant, Arthur Jason Bowers, on or about September 26, 2003, in Laurens County, South Carolina, while acting in concert with one or more confederates, was armed with a deadly weapon, or was acting in concert with confederates who were armed with a deadly weapon, and did take by means of force, threats, or intimidation, goods or monies described as United States currency, in cash or in coin, from the person or presence of James Bolt. All of these actions were in violation of 16-11-0330(A) of the South Carolina Code of Laws (1976, as amended).

Against the peace and dignity of the State, and contrary to the statute in such cases made and provided.



O. Warren Mowry, Jr.
Deputy Solicitor

COUNTY OF LAURENS

STATE VS.

ARTHUR JASON BOWERS

AKA:

Race: White Sex: M Age: 32

DOB: SS#:

Address:

City, State, Zip: Murrells Inlet, SC 29576

DL# SID#

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

☒ CONVICTED OF or☐ PLEADSTO: Armed RobberyIn violation of § 16-11-0330(A) of the S.C. Code of Laws, bearing CDR Code # 0139INDICTMENT/CASE#: 17GS30-1570A/W: Direct IndictmentDate of Offense: 09/26/2003S.C. Code §: 16-11-0330(A)CDR Code #: 0139

SENTENCE SHEET

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45(CSC w/minor 1st or Lewd Act)The charge is: ☒ As indicted, ☐ Lesser Included Offense,☐ Defendant Waives Presentment to Grand Jury. (def.'s initials)The plea is: ☐ Without Negotiations or Recommendation,☐ Negotiated Sentence,☐ Recommendation by the State.

ATTEST:

O. Warren Mowry, Jr. 4124
O. Warren Mowry, Jr., Deputy Solicitor SC Bar #

Defendant

14295
Attorney for Defendant SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center, for a determinate term of 30 X X X days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and or payment of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____ months/years and subject to South Carolina Department of Probation, Parole and Pardon Service standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: 18-65-30-0612☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections.☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing☐ Ordered PTUP

Total: \$ _____ plus 20% fee: \$ _____

_____ days/hours Public Service Employment

Payment Terms: _____

Obtain GED ☐☐ Set by SCDPPPS

Attend Voc. Rehab. Or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☐Random Drug/Alcohol Testing ☐

Fine may be pd. in equal consecutive weekly/monthly

pmts. of \$ _____ Beginning _____

\$ _____ Paid to Public Defender Fund

Other: _____

Recipient: _____

*Fine: \$ _____

§14-1-206 (Assessments 107.5%) \$ _____

§14-1-211 (A)(1)(Conv. Surcharge) \$100 \$ 100

§14-1-211 (A)(2)(DUI Surcharge) \$100 \$ _____

§56-5-2995 (DUI Assessment) \$12 \$ _____

§56-1-286 (DUI Breath Test) \$25 \$ _____

Proviso 61.6 (Public Def/Prob) \$500 \$ _____

§14-1-212 (Law Enforce. Funding) \$25 \$ 25

§14-1-213 (Drug Court Surcharge) \$150 \$ _____

§50-21-114 (BUI Breath Test Fee) \$50 \$ _____

§56-5-2942(J) (Vehicle Assessment) \$40/ea \$ _____

3% to County (if paid in installments) \$ \$ 3.75TOTAL \$ 128.75Clerk of Court/Deputy Clerk: Lynn W. LancasterCourt Reporter: Lisa Scott

SCCA/217 (07/2016)

Presiding Judge: [Signature]Judge Bar ID: 2535Sentence Date: 4/26/18Judge Code: 2167

THE STATE OF SOUTH CAROLINA

COUNTY OF LAURENS

COURT OF GENERAL SESSIONS

April Term, 2018

Indictment # 18GS30-0612

WITNESSES

Jarred Hunnicutt

Laurens Police Department

WARRANT NUMBER

Direct Indictment

June Bill

Cynthia Swanson
Foreman of the Grand Jury

Date: 4-20-18

THE STATE

vs.

ARTHUR JASON BOWERS

INDICTMENT FOR

Murder

SC Code: § 16-03-0010

CDR: 0116

VERDICT

Guilty

Sandra Humphrey
Foreman
4/26/18

I hereby waive presentment to the Grand Jury.

Defendant

Witness:

THE STATE OF SOUTH CAROLINA

COUNTY OF LAURENS

INDICTMENT FOR**Murder**
§16-03-0010

At a Court of General Sessions, convened on the 20th day of April, 2018, the Grand Jurors of Laurens County present upon their oath:

That Arthur Jason Bowers did, in Laurens County, on or about September 26, 2003, willfully, feloniously, and with malice aforethought, during the commission of a felony, to wit: Armed Robbery, perpetrate an assault and battery by blunt force trauma that proximately caused the death of James Bolt, or was present, aiding, abetting, and assisting in the same acts, all in violation of Section 16-3-10 of the Code of Laws of South Carolina, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such cases made and provided.



O. Warren Mowry, Jr.
Deputy Solicitor

COUNTY OF LAURENS

STATE VS.

ARTHUR JASON BOWERS

AKA: _____

Race: White Sex: M Age: 32

DOB: _____ SS#: _____

Address: _____

City, State, Zip: Murrells Inlet, SC 29576

DL# _____ SID# _____

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

☒ CONVICTED OF or☐ PLEADSTO: MurderIn violation of § 16-03-0010 of the S.C. Code of Laws, bearing CDR Code # 0116INDICTMENT/CASE#: 18GS30-0612A/W: Direct IndictmentDate of Offense: 09/26/2003S.C. Code §: 16-03-0010CDR Code #: 0116

SENTENCE SHEET

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45(CSC w/minor 1st or Lowd Act)The charge is: ☒ As indicted, ☐ Lesser Included Offense,☐ Defendant Waives Presentment to Grand Jury.

(def.'s initials)

The plea is: ☐ Without Negotiations or Recommendation,☐ Negotiated Sentence,☐ Recommendation by the State.

ATTEST:

O. Warren Mowry, Jr. • 4124
O. Warren Mowry, Jr., Deputy Solicitor SC Bar #

Defendant

14295
Attorney for Defendant SC Bar #WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center,for a determinate term of 50 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years

and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and or payment of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Service standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections. CREDIT 1,618 days☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION:☐ Deferred☐ Def. Waives Hearing☐ Ordered

PTUP

Total: \$ _____ plus 20% fee: _____ \$ _____

_____ days/hours Public Service Employment

Payment Terms: _____

Obtain GED ☐☐ Set by SCDPPPS _____

Attend Voc. Rehab. Or Job Corp. _____

Recipient: _____

May serve W/E beginning _____

*Fine: _____ \$ _____

Substance Abuse Counseling ☐

§14-1-206 (Assessments 107.5%) \$ _____

Random Drug/Alcohol Testing ☐§14-1-211 (A)(1)(Conv. Surcharge) \$100 \$ 100

Fine may be pd. in equal consecutive weekly/monthly

§14-1-211 (A)(2)(DUI Surcharge) \$100 \$ _____

pmts. of \$ _____ Beginning _____

§56-5-2995 (DUI Assessment) \$12 \$ _____

\$ _____ Paid to Public Defender Fund

§56-1-286 (DUI Breath Test) \$25 \$ _____

Other: _____

Proviso 61.6 (Public Def/Prob) \$500 \$ _____

§14-1-212 (Law Enforce. Funding) \$25 \$ 25

§14-1-213 (Drug Court Surcharge) \$150 \$ _____

§50-21-114 (BUI Breath Test Fee) \$50 \$ _____

§56-5-2942(J) (Vehicle Assessment) \$40/ea \$ _____

3% to County (if paid in installments) \$ \$ 3.75TOTAL \$ 128.75☐ Appointed PD or appointed other counsel,

Proviso §61.6 requires \$500 be paid to Clerk

during probation and shall be collected before

any other fees.

Clerk of Court/Deputy Clerk: Lynne W. LancasterCourt Reporter: Lisa Scott

SCCA/217 (07/2016)

Presiding Judge: 2535Judge Bar ID: 2167Sentence Date: 4/26/18

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,



Susan B. Hackett
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT

This 11th day of June, 2019.

RECEIVED
JUN 11 2019
SC Court of Appeals