

THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

Clifton Newman, Circuit Court Judge

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SEP 04 2013

S.C. SUPREME COURT

Opinion No. 5666 (S.C. Ct. App. filed July 17, 2019)

Ex parte: The Travelers Home and Marine Insurance Company Petitioner,

In Re: William Gresham as Personal Representative of the Estate
of John Corey Stringfellow, ... Respondent,

v.
Cameron Thomas Stringfellow, ... Defendant.

APPENDIX I

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INDEX

Record on Appeal, Volume I.....	1
Record on Appeal, Volume II.....	325
Supplemental Record on Appeal.....	611
Final Brief of Appellant.....	629
Final Brief of Respondent.....	660
Final Reply Brief of Appellant.....	677
Opinion No. 5666 (Filed July 17, 2019).....	698
Petition for Rehearing.....	704
Memorandum in Support of Petition for Rehearing.....	706
Court of Appeals Order Denying Petition for Rehearing.....	714

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

Clifton Newman, Circuit Court Judge

RECEIVED

FEB 28 2018

SC Court of Appeals

Appellate Case No.: 2017-001083
Case No. 2015-CP-40-07181

Ex parte: The Travelers Home and Marine Insurance Company Appellant,

In Re: William Gresham as Personal Representative of the Estate
of John Corey Stringfellow, ... Respondent,

v.

Cameron Thomas Stringfellow, ...Defendant.

RECORD ON APPEAL
Volume I of II

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INDEX

<u>VOLUME I</u>	<u>PAGE</u>
Form 4 Judgment in a Civil Case dated January 12, 2017	3
Order dated April 20, 2017	4
Verdict Form	12
Complaint	14
Answer	18
Plaintiff's Motions for Judgment Not Withstanding the Verdict or in the Alternative for a New Trial	23
The Travelers Home and Marine Insurance Company's Response to Plaintiff's Post-Trial Motions	33
Trial Transcript	
Pretrial Matters	43
Opening Arguments	57
Testimony of Matthew B. Coffin	
Direct by Mr. Griffin	82
Cross by Mr. Lanford	96
Testimony of Cameron Bohannon	
Direct by Mr. Griffin	97
Cross by Ms. O'Brien	102
Testimony of Dillon Wood	
Direct by Mr. Griffin	107
Cross by Ms. O'Brien	111
Testimony of Cameron Stringfellow	
Direct by Mr. Griffin	117
Cross by Mr. Lanford	149
Redirect by Mr. Griffin	183
Recross by Mr. Lanford	194
Testimony of Wesley Thompson	
Direct by Mr. Griffin	196
Cross by Ms. O'Brien	212

Testimony of William Gresham	
Direct by Mr. Griffin	226
Cross by Mr. Lanford	233
Testimony of Jenny Savitz-Smith	
Cross by Mr. Lanford	247
Testimony of Tommy Stringfellow	
Direct by Mr. Griffin	254
Cross by Ms. O'Brien	286
Redirect by Mr. Griffin	320
Recross by Ms. O'Brien	322

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NUMBER: 2015-CP-40-7181

William Graham, et al.Cameron Thomas Stringfellow

PLAINTIFF(S)

DEFENDANT(S)

Submitted by: _____

Attorney for: ☐ Plaintiff ☐ Defendant or ☐ Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- ☒ JURY VERDICT. This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- ☐ DECISION BY THE COURT. This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ☐ ACTION DISMISSED (CHECK REASON): ☐ Rule 12(b), SCRCP; ☐ Rule 41(a), SCRCP (Vol. Nonsuit); ☐ Rule 43(k), SCRCP (Settled); ☐ Other _____
- ☐ ACTION STRICKEN (CHECK REASON): ☐ Rule 40(j), SCRCP; ☐ Bankruptcy; ☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other: _____
- ☐ DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX): ☐ Affirmed; ☐ Reversed; ☐ Remanded; ☐ Other _____

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: ☐ See attached order (formal order to follow) ☐ Statement of Judgment by the Court:

ORDER INFORMATION

This order ☐ ends ☒ does not end the case.

Additional Information for the Clerk: Matter under advisement

INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled
		\$
		\$
		\$
If applicable, describe the property, including tax map information and address, referenced in the order:		

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details.

Circuit Court Judge G. W. SmithJudge Code 2127Date Jan 12, 2016

For Clerk of Court Office Use Only

This judgment was entered on the 18 day of Jan, 20 16 and a copy mailed first class or placed in the appropriate attorney's box on this 18 day of Jan, 20 16 to attorneys of record or to parties (when appearing pro se) as follows:

James M. Griffin; David Ansell
ATTORNEY(S) FOR THE PLAINTIFF(S)

Bradley Lanford; Carrie O'Brien
ATTORNEY(S) FOR THE DEFENDANT(S)

Court Reporter Debbie McIndyClerk of Court Jeanette W. McBride

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

) IN THE COURT OF COMMON PLEAS
) FIFTH JUDICIAL CIRCUIT
)

) William Gresham as Personal
) Representative of the Estate of
) John Corey Stringfellow,
)

) Civil Case Nos.: 2015-CP-40-07180
) 2015-CP-40-07181 ✓
)

) Plaintiff,
)

ORDER

) v.
)

) Cameron Thomas Stringfellow,
)

) Defendant.
)

2017 APR 28 PM 1:46
CLERK OF COURT
COURT REPORTER

INTRODUCTION

This matter comes before the Court on post-trial Motions made by Plaintiff, William Gresham, as Personal Representative of the Estate of John Corey Stringfellow, following the jury's verdict for the Defendant in these consolidated wrongful death and survival actions. Specifically, Plaintiff moved for judgment notwithstanding the verdict ("JNOV") on the issue of liability pursuant to Rule 50(b), SCRPC or in the alternative, for a new trial pursuant to Rule 59, SCRPC under the "thirteenth juror" doctrine in both actions. For the reasons stated below, the Court grants a new trial in the wrongful death action (Civil Action No. 2015-CP-40-7181). Plaintiff's remaining motions are denied and the judgment for the Defendant in the survival action (Civil Action No. 2015-CP-40-7180) is affirmed.

FACTUAL SUMMARY

Decedent, John Corey Stringfellow, died as a result of fatal injuries suffered in an automobile accident that occurred at approximately 2:00 a.m. on May 24, 2013. The Decedent was riding as a passenger in the driver's side back seat of the automobile, which the Defendant was driving. The Defendant was traveling over 90 mph in the Wildewood subdivision, where the speed

limit is 25 mph and struck a parked car. The Defendant lost control of the vehicle, causing the vehicle to travel up an embankment which launched the vehicle into the air, struck two trees, and crashed to the ground.

The evidence presented at trial established that the Defendant, his friend, Wesley Thompson (hereafter Thompson), and the Decedent were returning home from an acquaintance's house, where they had gone to buy \$20.00 worth of marijuana sometime after 1:00 a.m. The individuals traveled approximately ten minutes to the acquaintance's house to buy marijuana, stayed about twenty minutes at the house, and then returned to the Stringfellow residence. Once at the Stringfellow residence, the Defendant decided to drive fast, passed the Stringfellow residence, and drove around the block. The Defendant testified that he did not announce his intentions to anyone in the vehicle.¹

Thompson testified that he was unsure why they passed the Stringfellow residence and that he did not recall the Defendant expressing any intention of driving fast. Thompson also testified that the Defendant's driving to and from the acquaintance's residence was not reckless, and that he was not concerned about the manner in which the Defendant was driving. Thompson further testified that he was never scared, until the moment of the collision, and that nothing about the Defendant's driving alarmed him.

The Defendant likewise testified that he had no problems driving to and from the acquaintance's residence, that he was very careful, and that he did not speed. Defendant testified that once in his neighborhood, he alone, acting on an urge, decided to take a "victory lap."

¹ On cross examination, Defendant was asked about his prior deposition testimony, where he testified that he could not remember whether he had told his passengers why he went by his house.

After the accident, the Defendant was arrested and submitted a blood sample for drug and alcohol testing. The toxicology report provided that the Defendant had a BAC of .186 and a THC level of 4. The Decedent's blood was also tested in which it was provided that he did not have any alcohol in his system at the time but did have a THC level of 6.5. There was no expert testimony presented at the trial as to what THC levels of 4.0 and 6.5 meant. The Defendant testified that he did not recall smoking marijuana any time prior to the accident; however, there was testimony presented that earlier that day, approximately five (5) hours prior to the accident, the Decedent had smoked marijuana.

The evidence was undisputed that the Decedent was not present when Defendant and Thompson consumed alcohol both at the Stringfellow residence and while attending a local movie. The Defendant denied taking any directions from the Decedent as to the manner in which he was driving. Defendant testified that he alone made the decision to drive as fast as he could. Additionally, evidence was presented that the Decedent warned the Defendant about the parked car while the Defendant was traveling 60 mph above the speed limit at the time of the accident.

After the accident, the Defendant pled guilty to involuntary manslaughter and DUI. As a result of the plea and Defendant's testimony at trial, this Court granted a directed verdict on Plaintiff's claim that the Defendant was reckless and that his recklessness proximately caused the death of the Decedent. Additionally, defense counsel conceded that the Plaintiff was entitled to a directed verdict as to the recklessness of the Defendant's conduct.

As a result of the directed verdict, the factual issues presented to the jury were limited to whether the Decedent was negligent, and if so, whether such negligence proximately caused his death. The jury was also asked to apportion fault, if they found that the Decedent was negligent and his negligence proximately caused his death. If the jury found the Decedent's portion of fault

was 50% or less, then the jury was instructed to award compensable damages and may also award punitive damages.

After a few hours of deliberation, the jury sent a note asking if the jury could award zero damages or must the jury award compensatory damages. The Court instructed the jury that, depending on their answers to the questions presented on the verdict form, they could not award zero damages and must award compensatory damages. Subsequently, the jury returned a verdict for the Defendant, finding the Decedent was 51% at fault and the Defendant was 49% at fault. The jury also found that the Decedent did not suffer any conscious pain or suffering and therefore was not entitled to any damages in the survival action.

After the jury returned the verdict, but in the presence of the jury, the Court requested counsel to make post-trial motions. Plaintiff's counsel then made an oral motion for JNOV or in the alternative for a new trial under the thirteenth juror doctrine. The Court thereafter requested briefing on these motions and granted counsel's request for leave to file formal motions and briefs within ten (10) days. Thereafter, Plaintiff filed and served formal motions for JNOV or in the alternative for a new trial, within ten (10) days after the verdict.

ANALYSIS

The Defendant raises procedural objections to Plaintiff's post-trial motions. First, the defense argues that Plaintiff's motion for JNOV is procedurally barred because Plaintiff failed to move for a direct verdict on the defense of comparative negligence. The Court agrees and therefore, denies Plaintiff's alternative motion for JNOV on procedural grounds. The defense also argues that the motions for new trial were not made promptly after the jury was discharged as required by Rule 59(b), S.C. Rules Civ. P. The Court disagrees. Rule 59(b), SCRCF, provides that a motion for a new trial shall be made promptly after the jury is discharged or in the discretion of

the Court not later than ten (10) days thereafter. The Plaintiff's post-trial motions were promptly made after the jury returned its verdict, their service had been concluded, and upon direction by the Court. Furthermore, the Court requested additional briefing and Plaintiff's counsel requested ten (10) days leave to file formal motions and briefs, which the Court granted. Therefore, the Court concludes that the defense' challenge to the timeliness of the motion for new trial under the thirteenth juror doctrine is without merit.

Plaintiff moved for a new trial pursuant to the thirteenth juror doctrine. South Carolina's thirteenth juror doctrine is well established as the standard for granting a new trial in state-law actions. *Norton v. Norfolk S. Ry. Co.*, 567 S.E.2d 851, 854 (S.C. 2002); *Folkens v. Hunt*, 387 S.E.2d 265, 267 (S.C. 1990); *Sorin Equip. Co., Inc. v. The Firm, Inc.*, 474 S.E.2d 819, 822 (S.C. Ct. App. 1996). South Carolina's thirteenth juror doctrine is so named because it entitles the trial judge to sit, in essence, as the thirteenth juror when he finds "the evidence does not justify the verdict," and then to grant a new trial based solely "upon the facts." *Norton*, 567 S.E.2d at 854 (quoting *Folkens v. Hunt*, 387 S.E.2d at 267). As the "thirteenth juror," the trial judge can hang the jury by refusing to agree to the jury's otherwise unanimous verdict. *Id.*

The Supreme Court explained in *Folkens*,

The effect is the same as if the jury failed to reach a verdict. The judge as the thirteenth juror "hangs" the jury. When a jury fails to reach a verdict, a new trial is ordered. Neither judge nor the jury is required to give reasons for this outcome. Similarly, because the result of the "thirteenth juror" vote by the judge is a new trial rather than an adjustment to the verdict, no purpose would be served by requiring the trial judge to make factual findings.

Folkens v. Hunt, 387 S.E.2d at 254.

Where the verdict is contrary to the fair preponderance of the evidence, the trial judge not only has the discretion but also has the duty to grant a new trial. *Jessup v. Hansen*, 344 S.E.2d 618, 620 (S.C. App. 1986).

In this case, the jury's finding that the Decedent was fifty-one percent (51%) at fault and the Defendant was forty-nine percent (49%) at fault is not supported by the evidence. The Defendant admitted that he was reckless and that his recklessness caused the accident. The Defendant had previously pled guilty to involuntary manslaughter, which is defined as the unintentional killing of another without malice while engaged in a lawful act with reckless disregard for the safety of others. S.C. Code Ann. § 16-3-60 (2003). Recklessness by definition is a higher degree of culpability and responsibility than negligence. Negligence is the failure to use due care, carelessness, and the failure by omission or commission to exercise due care as a person of ordinary reason and prudence would exercise in the same circumstances. Recklessness is the knowing failure to exercise reasonable care under all of the surrounding circumstances, an awareness of wrongful conduct and a continuation to act regardless of consequences, and the conscious indifference or lack of concern for the rights of others. Reckless conduct is a form of negligence and a jury is permitted to compare fault involving all forms of negligence, including comparing negligent conduct with a Defendant's reckless conduct.

The jury's finding that the negligence of the Decedent exceeded that of the Defendant, whom admitted and was found to be reckless, on the basis that the Decedent contributed to his death by a riding as a passenger in the vehicle is clearly against the fair preponderance of the evidence. The Court therefore concludes that a new trial in the wrongful death action should be granted pursuant to the thirteenth juror doctrine.

As to the survival action, the jury explicitly found that the Decedent did not experience conscious pain and suffering, and therefore, the Court refuses to exercise its veto power pursuant to the thirteenth juror doctrine as to this claim.

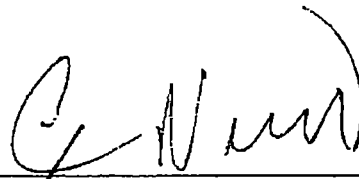
CONCLUSION

Based upon the foregoing reasons, the motions for a new trial pursuant to the JNOV is denied as to both actions and, the motion for a new trial pursuant to the thirteenth doctrine is granted as to the wrongful death action and denied as to the survival action.

IT IS, THEREFORE, ORDERED that the motion for JNOV filed by the Plaintiff is denied.

IT IS FURTHERED ORDERED that the motion for a new trial pursuant to the thirteenth juror doctrine is granted as to the wrongful death action and denied as to the survival action.

AND IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read 'Clifton Newman', is written over a horizontal line.

Clifton Newman
Presiding Judge

April 10, 2017

Columbia, S.C.

FORM 4

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NUMBER: **2015CP4007181**

William Gresham

Cameron Thomas Stringfellow

John Corey Stringfellow

Travelers Home & Marine Insurance Company

PLAINTIFF(S)

DEFENDANT(S)

Submitted by: _____

Attorney for : ☐ Plaintiff ☐ Defendant or ☐ Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- ☐ **JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- ☐ **DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ☐ **ACTION DISMISSED (CHECK REASON):** ☐ Rule 12(b), SCRPC; ☐ Rule 41(a), SCRPC (Vol. Dismissal);
☐ Rule 43(k), SCRPC (Settled); ☐ Other _____
- ☐ **ACTION STRICKEN (CHECK REASON):** ☐ Rule 40(j), SCRPC; ☐ Bankruptcy;
☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award: ☐ Other _____
- ☐ **STAYED DUE TO BANKRUPTCY**

☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**☐ Affirmed; ☐ Reversed; ☐ Remanded; ☐ Other _____

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: ☐ See attached order (formal order to follow) ☐ Statement of Judgment by the Court:

ORDER INFORMATION

This order ☐ ends ☐ does not end the case. Additional information for the Clerk: _____

INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled
		\$
		\$
		\$
If applicable, describe the property, including tax map information and address, referenced in the order:		

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details.

Circuit Court Judge _____

Judge Code _____

Date _____

For Clerk of Court Office Use Only

This judgment was entered on the _____ day of _____, 20____ and a copy mailed first class or placed in the appropriate attorney's box on this 1st day of May, 2017 to attorneys of record or to parties (when appearing pro se) as follows:

James Mixon Griffin

Bradley Lewis Lanford
Carrie H. O'Brien

Karl Stephen Brehmer

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Court Reporter _____

Clerk of Court _____



SCRPC Form 4C (10/2011)

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

William Gresham, as Personal
Representative of the Estate of John
Corey Stringfellow,

Plaintiff,

v.

Cameron Thomas Stringfellow,

Defendant.

IN THE COURT OF COMMON PLEAS

C/A NO. 2015-CP-40-07181

**VERDICT FORM
WRONGFUL DEATH**

1. The Defendant has admitted that he was negligent and reckless and that his negligence was the proximate cause of Decedent John Corey Stringfellow's death. Do you, the jury, find by a preponderance of the evidence that the Decedent John Corey Stringfellow was also negligent and that his negligence was a proximate cause of his death?

☒ Yes. If your answer is yes, GO TO QUESTION 2.

☐ No. If your answer is no, GO TO QUESTION 3.

2. Taking the combined negligence as one hundred percent (100%), what percentage of negligence is attributable to the Defendant and what percentage is attributable to the Decedent John Corey Stringfellow?

(The percentage must add up to 100%)

Decedent John Corey Stringfellow 51 %

Defendant Cameron Thomas Stringfellow 49 %

TOTAL 100%

If the Decedent John Corey Stringfellow's percentage of the combined negligence is greater than 50%, STOP AND DELIBERATE NO FURTHER.

If the Decedent's percentage of the combined negligence is 50% OR LESS, GO TO QUESTION 3.

3. Please state the total amount of damages sustained by the beneficiaries of the Estate of John Corey Stringfellow, Patricia and Thomas Stringfellow, for the wrongful death of John Corey Stringfellow:

\$ _____ actual damages

NOTE: Do not reduce the damages above by the percentage of negligence attributed to the Decedent John Corey Stringfellow in your answer to Question Number 2.

4. As to the Plaintiff's claim against Defendant for punitive damages, we, the jury, find for the Estate of John Corey Stringfellow, in the amount, if any, of:

\$ _____ punitive damages.


Foreperson

Columbia, South Carolina
January 12, 2017

STATE OF SOUTH CAROLINA,
COUNTY OF RICHLAND
William Gresham as Personal
Representative of the Estate of John Corey
Stringfellow

Plaintiff,

vs.

Cameron Thomas Stringfellow

Defendant.

IN THE COURT OF COMMON PLEAS

SUMMONS

FILE NO.

WRONGFUL DEATH

RICHLAND COUNTY
FILED
2015 DEC -1 PM 3:36
JEANETTE W. MCBRIDE
C.P. & G.S.

TO THE DEFENDANT ABOVE-NAMED:

YOU ARE HEREBY SUMMONED and required to answer the complaint herein, a copy of which is herewith served upon you, and to serve a copy of your answer to this complaint upon the subscriber, at the address shown below, within thirty (30) days after service hereof, exclusive of the day of such service, and if you fail to answer the complaint, judgment by default will be rendered against you for the relief demanded in the complaint.

Columbia, South Carolina

Dated: December 1, 2015

Address: James M. Griffin
GRIFFIN DAVIS, LLC
P.O. Box 999
Columbia, SC 29202

Plaintiff/Attorney for Plaintiff

SCCA 401 (5/02)

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

IN THE COURT OF COMMON PLEAS

William Gresham as Personal)
Representative of the Estate of)
John Corey Stringfellow,)

COMPLAINT
(SURVIVAL ACTION)

Plaintiff,

v.

Cameron Thomas Stringfellow,

Defendant.

RICHLAND COUNTY
FILED
2015 DEC - 1 PM 3:36
JEANNETTE W. HOBBS
C.C.P. & G.S.

The Plaintiff, above-named, complaining of the Defendant, above-named, alleges as follows:

1. Plaintiff is the duly appointed personal representative of the Estate of John Corey Stringfellow, ("the Estate"), having been appointed by the Richland County Probate Court on April 28, 2015.
2. Plaintiff brings this action pursuant to the provisions of the South Carolina Survival Statute, S.C. Code §15-5-90.
3. Defendant Cameron Thomas Stringfellow is a citizen and resident of Richland County, South Carolina.
4. The parties and the subject matter of this action are within the jurisdiction of this Court.
5. On or about May 24, 2013, Plaintiff's decedent John Corey Stringfellow was a 16-year-old minor riding as a passenger in an automobile driven by the Defendant.

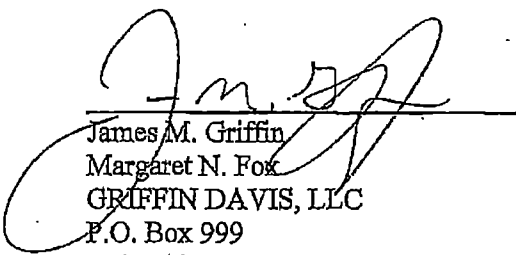
6. Defendant was driving an automobile on Shallow Brook Drive, in the Wildewood neighborhood in Richland County, lost control of his vehicle, hit a parked vehicle and then collided with a tree.
7. At the time of the collision, Defendant was under the influence of alcohol and drugs to the degree that Defendant's judgment was impaired. As a result, the South Carolina statutory cap on non-economic damages and punitive damages does not apply.
8. Defendant was also driving in excess of 90 miles an hour at the time of the collision.
9. The speed limit on Shallow Brook Drive is 25 miles per hour.
10. As a result of the collision, Plaintiff's decedent sustained fatal injuries to his head, neck and torso and subsequently died.
11. Defendant was arrested and criminally charged with felony DUI.
12. Defendant had a blood alcohol content of .186 in his blood stream at the time Defendant's blood was drawn shortly after the collision.
13. The airbag control module in the vehicle driven by the Defendant recorded an impact speed of 94.4 m.p.h.
14. On February 26, 2015, Defendant pled guilty to Involuntary Manslaughter and Driving Under the Influence in the Richland County Court of General Sessions.
15. Defendant was negligent, grossly negligent and reckless in the operation of the motor vehicle in one or more of the following particulars:
 - i. Driving too fast for conditions;

- ii. Failing to keep a proper lookout;
- iii. Failing to keep control of his vehicle;
- iv. Driving under the influence of alcohol and unlawful drugs to the degree that the Defendant's judgment was impaired; and
- v. Speeding.

16. As a proximate result of Defendant's negligent, reckless and grossly negligent conduct, Plaintiff's decedent experienced conscious pain and suffering.

17. Defendant is therefore liable to the Estate for actual damages and punitive damages in an amount to be determined.

WHEREFORE, the Plaintiff prays for judgment against the Defendant by way of damages as alleged above; for actual and punitive damages in an amount to be determined; for the costs and disbursements of this action; and for such other and further relief as the Court may deem just and proper.



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December 1, 2015

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

William Gresham as Personal
Representative of the Estate of John Corey
Stringfellow,

Plaintiff,

vs.

Cameron Thomas Stringfellow,

Defendant.

IN THE COURT OF COMMON PLEAS

C/A NO.: 2015-CP-40-07181

ANSWER
(Jury Trial Demanded)

The undersigned counsel for The Travelers Home & Marine Insurance Company (hereinafter "Company"), a purported underinsured motorist insurance carrier for the plaintiff, appearing on behalf of defendant pursuant to rights granted under S.C. Code Ann. § 38-77-160, as amended, while specifically reserving and not waiving any rights pursuant to any policy of insurance, including the right to deny the availability of underinsured motorist coverage under said policy, hereby answers plaintiff's complaint as follows:

FOR A FIRST DEFENSE

1. Denies each and every allegation of the complaint not hereinafter specifically admitted, qualified or explained.
2. Is without sufficient information to admit or deny the allegations of paragraph one (1) of the complaint and would crave reference to the probate court records.
3. Paragraph two (2) of the complaint calls for a legal conclusion and therefore requires no response.
4. Upon information and belief, Company admits the allegations of paragraph three

(3) of the complaint.

5. Admits the allegations of paragraph four (4) of the complaint, upon information and belief.

6. Admits the allegations of paragraph five (5) of the complaint, upon information and belief.

7. Answering paragraph six (6) of the complaint, Company admits only that an accident occurred involving the defendant and the decedent as a passenger in the defendant's vehicle. The remaining allegations are denied.

8. Admits that the defendant was impaired at the time of the accident but denies the remaining allegations of paragraph seven (7) of the complaint.

9. Is without sufficient information to admit or deny the allegations of paragraph eight (8) of the complaint and, therefore, denies same.

10. Is without sufficient information to admit or deny the allegations of paragraph nine (9) of the complaint and, therefore, denies same.

11. Admits the allegations of paragraph ten (10) of the complaint.

12. Admits the allegations of paragraph eleven (11) of the complaint.

13. Answering paragraph twelve (12) of the complaint and without waiving any objection to the reliability or admissibility of same, Company would crave reference to the results of any tests that were performed after the accident.

14. Answering paragraph thirteen (13) of the complaint and without waiving any objection to the reliability of admissibility of same, Company would crave reference to any reports generated based on the information downloaded from the airbag control module.

15. Admits the allegations of paragraph fourteen (14) of the complaint.

16. Admits that the defendant was impaired at the time of the accident and traveling in excess of the posted speed limit. The remaining allegations of paragraph fifteen (15) of the complaint, including all subparts, are denied.

17. Denies the allegations of paragraphs sixteen (16), seventeen (17), eighteen (18) and nineteen (19) of the complaint.

FOR A SECOND DEFENSE

18. Plaintiff's claim for punitive damages violates the federal doctrine of separation of powers and Article I, Section 8 of the South Carolina Constitution for the reason that punitive damages are a creation of the judicial branch of government which invades the province of the legislative branch of government.

FOR A THIRD DEFENSE

19. The plaintiff's claim for punitive damages violates both the Fourteenth Amendment of the United States Constitution and Article 1, Section 3 of the South Carolina Constitution in that the jury's unfettered power to award punitive damages in any amount it chooses is wholly devoid of a meaningful standard and is inconsistent with due process guarantees.

FOR A FOURTH DEFENSE

20. That plaintiff's claim for punitive damages violates the Fifth, Sixth and Fourteenth Amendment of the United States Constitution and Article 1, Section 3 of the South Carolina Constitution for even if it could be argued that a standard governing the imposition of punitive damages exists, this standard is void for vagueness.

FOR A FIFTH DEFENSE

21. That the plaintiff's claim for punitive damages violates the equal protection clause

of the Fourteenth Amendment of the United States Constitution and Article 1, Section 3 of the South Carolina Constitution in that the amount of punitive damages is based upon the wealth of the Company.

FOR A SIXTH DEFENSE

22. The negligence, recklessness, willfulness and wantonness of the decedent, combining and concurring with the defendant, if any, and the same is denied, was a direct and proximate cause of the decedent's injuries and damages and without which the same would not have occurred, and was greater in proportion to that of the defendant, if any, and same is denied, and, therefore, the plaintiff may not recover from the defendant for any of his alleged injuries or damages complained of in the complaint. Company, therefore, expressly pleads the contributory and comparative negligence, recklessness, willfulness and wantonness of the decedent as a bar to any recovery against the defendant.

As an alternative, Company is entitled to a reduction of damages based upon the percentage of the decedent's negligence, recklessness, willfulness and wantonness.

FOR A SEVENTH DEFENSE

23. Company pleads the law and doctrine of assumption of the risk as a complete defense to this action and/or a reduction in the Estate's damages.

FOR A EIGHTH DEFENSE

24. Plaintiff's decedent had a common purpose with the defendant, and had an equal right to control the direction and management of the vehicle; therefore, the decedent was involved in a joint venture with the defendant and the negligence of the defendant, if any, should be imputed to the decedent.

FOR A NINTH DEFENSE

25. The plaintiff is not the real party in interest in this case.

WHEREFORE, having fully answered the complaint, Company prays for the dismissal of same, for costs, for a trial by jury, and for such other and further relief that the Court deems just and proper.


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January 11, 2016

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

)
)
)

IN THE COURT OF COMMON PLEAS
FIFTH JUDICIAL CIRCUIT

William Gresham as Personal
Representative of the Estate of
John Corey Stringfellow,
Plaintiff,

v.

Cameron Thomas Stringfellow,
Defendant.

Civil Case Nos. 2015-CP-40-07180
2015-CP-40-07181

**PLAINTIFF'S MOTION¹ FOR
JUDGMENT NOTWITHSTANDING
THE VERDICT OR IN THE
ALTERNATIVE FOR A NEW TRIAL**

Plaintiff William Gresham, on behalf of the Estate of John Corey Stringfellow, hereby moves for judgment notwithstanding the verdict on the issue of liability pursuant to Rule 50(b), SCRPC or in the alternative, for a new trial pursuant to Rule 59, SCRPC under the "thirteenth juror" doctrine and on the grounds that there is no evidence to support the jury's finding that the negligence of Corey Stringfellow ("Corey" or "Decedent"), who was riding as a passenger in an automobile driven by Defendant, exceeded the admitted recklessness of Defendant, who pled guilty to involuntary manslaughter.

INTRODUCTION

This Court should enter judgment in favor of the Plaintiff as a matter of law pursuant to Rule 50(b) because no reasonable jury could determine from the evidence presented that the Decedent's alleged negligence resulting from his decision to ride in an automobile driven by Defendant proximately caused his death and exceeded the admitted recklessness of the Defendant. Specifically, counsel's sole jury argument as to proximate cause was that if Corey had not chosen to ride as a passenger in the car, he would be alive today. However, there was no

¹ Plaintiff previously made an oral motion for jnov and for a new trial immediately following the jury's verdict. The Court thereafter invited the parties to brief these motions within ten (10) days of the verdict.

evidence from which a reasonable jury could conclude that Decedent did anything to cause the accident to occur; that Decedent was aware that Defendant was going to drive reckless; or even that it was foreseeable Defendant would drive over 90 mph in a quiet suburban neighborhood. In fact, there was absolutely no evidence presented that Decedent was aware of how much alcohol Defendant had consumed or other drugs Defendant may have taken. Nor was there any evidence presented that Defendant exhibited signs of impairment in the presence of Decedent and what role, if any, Defendant's impairment affected his ability to operate a motor vehicle safely. Thus, there was no evidence presented to support the jury's finding of any negligence on behalf of Decedent, much less negligence that proximately caused the accident and his resulting death that exceeded the admitted recklessness of the Defendant. Therefore, judgment should be entered in favor of Plaintiff, and a re-trial be conducted on damages alone, allowing the jury to apportion liability, capping the Decedent's percentage at fifty percent (50%).

Alternatively, the Court should grant a new trial under Rule 59, SCRPC because the jury's verdict is obviously the result of confusion and lacks any evidentiary support. Furthermore, under the "thirteenth juror" doctrine, this Court is duty bound to grant a new trial because the jury's verdict is against the "fair preponderance of the evidence." *Jessup v. Hansen*, 344 S.E.2d 618, 620 (S.C. Ct. App. 1986) (citations omitted).

FACTS

Decedent Corey Stringfellow died as a result of fatal injuries suffered in an automobile accident that occurred at approximately 2 a.m. on May 24, 2013. Corey was riding as a passenger in the driver's side back seat of the automobile. The Defendant was traveling over 90 mph in the Wildwood subdivision, where the speed limit is 25 mph, and struck a parked car, lost control of

the vehicle, went up an embankment that launched the vehicle into the air, struck two trees, and crashed to the ground.

The evidence presented at trial established that Defendant, his friend Wesley Thompson, and Corey were returning home from an acquaintance's house, where they had gone to buy \$20 worth of marijuana. They left their residence sometime after 1 a.m., traveled ten minutes or so to the acquaintance's house to buy marijuana, stayed about twenty minutes at the house, and then returned to the Stringfellow residence. However, once at the Stringfellow residence, Defendant decided without any prompting by anyone else in the vehicle, to drive fast. So, Defendant passed the Stringfellow residence and drove around the block. Defendant testified that he did not announce his intentions to anyone in the vehicle.²

Wesley Thompson testified that he was unsure why they passed the Stringfellow residence and that he did not recall Defendant expressing any intention of driving fast. Thompson also testified that Defendant's driving to and from the acquaintance's residence was not reckless, that Thompson was not concerned about the manner in which Defendant was driving, that he was never scared until the moment of the collision, and that nothing about Defendant's driving alarmed him. Thompson is currently senior at Dartmouth College.

Defendant likewise testified that he had no problems driving to and from the acquaintance's residence, that he was very careful, and that he did not speed. Defendant testified that once in his neighborhood, he alone, acting on an urge, decided to take a "victory lap."

After the accident, Defendant was arrested and his blood was tested. The toxicology report for Defendant reflected he had a BAC of .186 and a THC level of 4. Corey did not have

² On cross examination, Defendant was asked about his prior deposition testimony, where he testified that he could not remember whether he had told his passengers why he went by his house.

any alcohol in his blood and had a THC level of 6.5. There was no expert testimony presented as to what THC levels of 4.0 and 6.5 mean. Defendant testified that he did not recall smoking marijuana any time prior to the accident. There was testimony presented that Decedent smoked marijuana around 9 pm on May 23, 2013, about five (5) hours before the accident.

The evidence was undisputed that Decedent did not have any knowledge of how much alcohol Defendant consumed the night of the accident. Corey was not present when Defendant and Thompson drank alcohol at the Stringfellow residence prior to the attending a movie nor was Corey present at the movie when Defendant and Thompson drank bourbon. There is no evidence that Corey knew that Defendant had consumed any marijuana.

Furthermore, despite promising the jury that the defense would present testimony that Defendant was obviously drunk, and stumbling at the acquaintance's residence, and that three people warned Corey that Defendant should not drive, the defense did not offer any such evidence at trial. Rather, there was absolutely no evidence presented of Defendant's behavior and whether he appeared as intoxicated as his blood level would suggest. In fact, the defense did not offer any evidence from a toxicologist as to the effects of a BAC of .186 or the effects of TCH of 4.0.³

Lastly, Defendant denied taking any directions from Corey as to the manner in which he was driving. Defendant testified that he alone made the decision to drive as fast as he could. Furthermore, the undisputed evidence established that Corey warned Defendant about the parked car. Nevertheless, Defendant who was traveling 60 mph above the speed limit and was not keeping a proper lookout, struck the vehicle that Corey warned him about.

³ In fact, defense counsel's toxicology expert testified in his deposition that the THC threshold for impaired driving in States that have legalized marijuana is 5.0

After the accident, Defendant pled guilty to involuntary manslaughter and DUI. As a result of the plea and Defendant's testimony at trial, this Court granted a directed verdict on Plaintiff's claim that Defendant was reckless and that this recklessness proximately caused the death of Corey. Defense counsel likewise conceded that Plaintiff was entitled to a directed verdict on recklessness.

As a result of the directed verdict ruling, the factual issues presented to the jury were limited to whether Corey was negligent, and if so, whether such negligence proximately caused his death. The jury was asked to apportion fault, if they found that Corey was negligent and his negligence proximately caused his death. If Corey's portion of fault was 50% or less, then the jury was instructed to award compensable damages and that it may also award punitive damages.

After a few hours of deliberation, the jury sent a note asking if the jury could award zero damages or must the jury award compensatory damages. The Court instructed the jury that, depending on their answers to the questions presented on the verdict form, they could not award zero damages and must award compensatory damages. Then, after a few more hours, the jury returned a verdict finding that Corey was 51% at fault and Defendant was 49% at fault.

ARGUMENT

I. BECAUSE THE VERDICT IS NOT SUPPORTED BY "THE FAIR PREPONDERANCE OF THE EVIDENCE," THE COURT SHOULD GRANT A NEW TRIAL UNDER THE "THIRTEENTH JUROR" DOCTRINE

South Carolina's "thirteenth juror" doctrine is well established as the standard for granting a new trial in state-law actions. *Norton v. Norfolk S. Ry. Co.*, 567 S.E.2d 851, 854 (S.C. 2002); *Folkens v. Hunt*, 387 S.E.2d 265, 267 (S.C. 1990); *Sorin Equip. Co., Inc. v. The Firm, Inc.*, 474 S.E.2d 819, 822 (S.C. Ct. App. 1996). "South Carolina's thirteenth juror doctrine is so

named because it entitles the trial judge to sit, in essence, as the thirteenth juror when he finds 'the evidence does not justify the verdict,' and then to grant a new trial based solely 'upon the facts.'" *Norton*, 567 S.E.2d at 854 (quoting *Folkens*, 387 S.E.2d at 267). As the "thirteenth juror," the trial judge can hang the jury by refusing to agree to the jury's otherwise unanimous verdict. *Id.*

The Supreme Court explained in *Folkens*,

The effect is the same as if the jury failed to reach a verdict.... When a jury fails to reach a verdict, a new trial is ordered. Neither judge nor the jury is required to give reasons for this outcome. Similarly, because the result of the 'thirteenth juror' vote by the judge is a new trial rather than an adjustment to the verdict, no purpose would be served by requiring the trial judge to make factual findings.

387 S.E.2d at 267 (citing *South Carolina State Highway Dep't v. Townsend*, 217 S.E.2d 778, 781 (S.C. 1975)).

Where the verdict is contrary to the fair preponderance of the evidence, the trial judge not only has the discretion but also has the duty to grant a new trial. *Jessup v. Hansen*, 344 S.E.2d 618, 620 (S.C. App. 1986). Here, the jury's finding that Corey's negligence was greater than Defendant's recklessness is wholly unsupported by the evidence.

Recklessness by definition is a higher degree of culpability and responsibility than negligence. Negligence is the failure to use due care. Negligence is carelessness. Negligence is failure by omission or commission to exercise due care as a person of ordinary reason and prudence would exercise in the same circumstances. Recklessness signifies a conscious failure to exercise due care. Recklessness is a conscious indifference to the rights of the plaintiff, or a reckless disregard of the rights of the plaintiff. Recklessness is an awareness of wrongful conduct and a continuation to act regardless of consequences. Recklessness implies the doing of a negligent act knowingly. *See generally, Marcum v. Bowden*, 643 S.E.2d 85 (2007); *Taylor v.*

Medenica, 479 S.E.2d 35 (1996); *McGee v. Bruce Hosp. Sys.*, 468 S.E.2d 633 (1996) (conscious failure to exercise due care constitutes willfulness); *McCourt v. Abernathy*, 457 S.E.2d 603 (1995); *Scott v. Fruehauf Corp.*, 396 S.E.2d 354 (1990); *DeLee v. Knight*, 221 S.E.2d 844 (1975); *Martin v. Martin*, 203 S.E.2d 385 (1974); *Powell v. Simons*, 188 S.E.2d 386 (1972); *Turner v. Sinclair Refining Co.*, 173 S.E.2d 356 (1970) (“willfulness” is conscious failure to use due care); *Yaun v. Baldridge*, 134 S.E.2d 248 (1964); *Jeffers v. Hardeman*, 99 S.E.2d 402 (1957); *Cummings v. Tweed*, 10 S.E.2d 322 (1940) (wantonness is properly defined as conscious failure to observe due care, an intentional doing of unlawful act knowing such act to be unlawful, and recklessness is equivalent to willfulness or intentional wrong); *Austin v. Special Transp. Servs., Inc.*, 594 S.E.2d 867 (S.C. Ct. App. 2004) (“Violation of a statute does not constitute recklessness, willfulness, and wantonness per se, but is some evidence the defendant acted recklessly, willfully and wantonly.”); *Welch v. Epstein*, 536 S.E.2d 408 (S.C. Ct. App. 2000); *Hawkins v. Pathology Assocs.*, 498 S.E.2d 395 (S.C. Ct. App. 1998).

The jury’s finding that Corey’s alleged negligence contributed to his death in a greater percentage than Defendant’s admitted recklessness must have been the result of confusion resulting from counsel’s argument that Corey could have simply prevented his death by staying at home. There is nothing to suggest that had Corey stayed home, this accident would never have occurred. Furthermore, there is nothing to suggest that Corey had any reason to expect that his brother would drive in excess of 60 mph above the speed limit once they returned to their neighborhood. In fact, one has the right to assume that others will proceed with due care and in accordance with law. *Wilson v. Marshall*, 195 S.E.2d 610, 612 (S.C. 1973). Therefore, at a minimum, the Court should order a new trial under the thirteenth juror doctrine.

II. THE COURT SHOULD GRANT JUDGMENT NOTWITHSTANDING THE VERDICT BECAUSE NO REASONABLE JURY COULD FIND THAT DECEDENT'S ALLEGED NEGLIGENCE EXCEEDED THE FAULT OF DEFENDANT'S ADMITTED RECKLESSNESS OR THAT DECEDENT'S DECISION TO RIDE ALONG WITH DEFENDANT PROXIMATELY CAUSED HIS DEATH.

A motion for JNOV should be granted if no reasonable jury could have reached the challenged verdict. *Gastineau v. Murphy*, 503 S.E.2d 712, 713 (S.C. 1998) (quoting *Crossley v. State Farm Mutual Auto. Ins.*, 415 S.E.2d 393, 395 (S.C. 1992)). “In deciding a motion for JNOV, the evidence and all reasonable inferences must be viewed in the light most favorable to the nonmoving party; if more than one inference can be drawn, the case must be submitted to the jury.” *Id.* In a comparative negligence case, the trial court should direct a verdict if the sole reasonable inference from the evidence is that the non-moving party's negligence exceeded fifty percent.” *Fairchild v. S.C. Dep't of Transp.*, 385 S.C. 344, 362, 683 S.E.2d 818, 828 (Ct. App. 2009), aff'd, 398 S.C. 90, 727 S.E.2d 407 (2012); *Edwards v. Jordan*, No. 2013-UP-449, 2013 WL 8541596, at *1 (S.C. Ct. App. Dec. 11, 2013) (“In a comparative negligence case, the trial court should grant a motion for [a] directed verdict if the sole reasonable inference from the evidence is that the non-moving party's negligence exceeded fifty percent.” (citing *Hurd v. Williamsburg Cnty.*, 363 S.C. 421, 429, 611 S.E.2d 488, 492 (2005))).

For the reasons stated above, no reasonable jury could find that the level of Decedent's alleged negligence exceeded the level of admitted recklessness by Defendant. The case of *Merritt v. Grant*, 328 S.E.2d 346, 349 (S.C. App. 1985) is instructive. There, the Court ruled as a matter of law that the passenger was not grossly negligent when he was riding in a vehicle driven by his friend, where both had been drinking until the early morning hours. The Court explained,

Grant argues that the evidence shows Merritt was guilty of gross contributory negligence as a matter of law in voluntarily riding with Grant and in falling asleep

because Merritt knew or should have known Grant was intoxicated and suffering from fatigue at the time. Grant points to evidence indicating Merritt knew Grant had consumed several beers while he was with Merritt and was aware Grant had worked all day Friday.

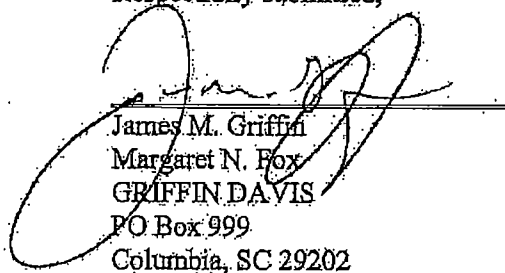
Grant overlooks, however, evidence favorable to Merritt. Merritt testified that as they rode over to the Sportsman Club Grant's driving was "perfect" and "just fine." He also testified Grant "looked fine" and was "wide awake" when Merritt later got the keys from him. The evidence is uncontroverted that Grant did not have anything to drink other than coffee after he and Merritt reached the Sportsman Club. Grant's own testimony is that he was sober when they arrived at the Sportsman Club and that his drinking did not affect his driving ability that night. The investigating officer could not say whether Grant's consumption of alcohol impaired Grant's ability to operate a motor vehicle. There is no evidence Grant appeared fatigued to Merritt.

Id. at 349. Therefore, Plaintiff is entitled to judgment notwithstanding the verdict under Rule 50. The Court should therefore order a new trial on damages only. In the alternative, the Court should grant a new trial under Rule 59 because the verdict is not supported by the facts and is obviously a product of confusion or prejudice.

CONCLUSION

Plaintiff requests this Court either enter judgment notwithstanding the verdict on the issue of liability or in the alternative to grant a new trial.

Respectfully submitted,



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Attorney for Plaintiffs

January 20, 2017

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

William Gresham as Personal
Representative of the Estate of John Corey
Stringfellow,

Plaintiff,

vs.

Cameron Thomas Stringfellow,

Defendant.

IN THE COURT OF COMMON PLEAS

C/A NO.: 2015-CP-40-07181

**THE TRAVELERS HOME AND
MARINE INSURANCE COMPANY'S
RESPONSE TO PLAINTIFF'S POST-
TRIAL MOTIONS**

RICHLAND COUNTY
FILED
2017 JAN 23 PM 3:12
CLERK OF COURT
C.C.P. & G.S.

These consolidated cases were tried to a jury verdict the week of January 9, 2017. The Travelers Home and Marine Insurance Company ("Travelers"), appearing and defending in the name of the Defendant Cameron Stringfellow¹, admitted the Defendant was negligent and reckless but that Decedent Corey Stringfellow's (hereinafter "Decedent") own negligence, recklessness, willfulness and wantonness were greater than the Defendant's, and therefore the Estate was barred from recovery. After hearing all of the evidence, the Court submitted the issue of comparative negligence between the Defendant and the Decedent to the jury. The jury ultimately found that the Decedent was 51% negligent and therefore the Estate was entitled to no recovery in either the Wrongful Death or Survival action.² After the verdict was read and the

¹ The Estate had settled its claim with Travelers as the liability carrier for \$295,000 in exchange for a Covenant Not to Execute in favor of the Defendant. The Estate also received \$5,000 in medical payments coverage from the Travelers policy for a total recovery of \$300,000. The Estate then substituted Patricia Stringfellow for William Gresham as the Personal Representative for purposes of filing this lawsuit seeking underinsured motorist coverage under the same Travelers policy. The Defendant was present at trial but sat with the Plaintiff and his parents, the beneficiaries of the lawsuits, during the trial. The Defendant was also called as a friendly witness for the Plaintiff.

² The jury also found that the Decedent had not suffered any conscious pain and suffering. Therefore, regardless of how the Court rules on the Plaintiff's post-trial motions, the jury's verdict on the Survival action should not be disturbed and the Plaintiff made no motion with regard to this finding.

jury was still present, the Plaintiff orally moved for judgment notwithstanding the verdict on the ground that the Decedent's own negligence could not have exceeded 50% when the Court had directed a verdict that the Defendant was reckless. The Plaintiff also moved at the same time for a new trial pursuant to the "thirteenth juror" doctrine. For the reasons set forth below, those motions should be denied and the jury's verdict should not be disturbed.

FACTS

These cases arise from a motor vehicle accident that occurred early in the morning of May 24, 2013, which resulted in the Decedent's death shortly after the accident.. On May 23, 2013, Patricia and Thomas Stringfellow left their home in the Wildewood neighborhood of Columbia to go to Pawleys Island for the weekend with their daughter Caroline, leaving home alone their teenage sons Cameron, 18, the Defendant, and Corey, 16, the Decedent. Defendant and Decedent were planning to join their family at the beach the following day when Decedent got out of school. When the Stringfellows left, Defendant and his friend Wesley Thompson (hereinafter "Wesley") began drinking alcohol, some of which was wine kept in the Stringfellows' house, and smoking marijuana. Defendant and Wesley also consumed a portion of a Xanax laced "sweet tart".

Defendant and Wesley later went to a movie at approximately 9:50 pm and continued to drink alcohol during the movie. There was testimony that Decedent had been at soccer tryouts and then went home with two friends and smoked marijuana with them before driving one of them back home. Defendant and Wesley arrived back at the Stringfellow residence around midnight and hung out with Decedent, who had arrived home at some point while they were at the movie. At approximately 1:30 a.m., the three boys decided to leave to purchase more marijuana. The cell phone records introduced at trial showed that Decedent was making calls to

find someone to sell the marijuana and the address where they were going to make the purchase was texted to Decedent's phone. The Stringfellows did not deny that Decedent had been told by several people that he needed to drive the vehicle home from the house where they had purchased the marijuana.

Defendant admitted that he had no recollection of portions of the evening, including the drive to purchase the marijuana, and he further admitted to the alcohol and drug use and that he was more than two times the legal limit when he was tested later that night. Defendant admitted that THC was the active ingredient in marijuana and that he tested positive for THC after the accident. Defendant, testifying on behalf of the Plaintiff after sitting with the Plaintiff during the trial over Travelers' objection, agreed that he was severely intoxicated and impaired that night.

Defendant testified that he did not remember either way, contradicting his deposition testimony, but he admitted that it was possible he, Wesley, and Decedent were all smoking marijuana together prior to leaving the house to purchase more marijuana. Wesley testified that he smoked marijuana at the house where they were had gone to purchase marijuana, and that he did not know if Defendant or Decedent smoked marijuana because he was not with them the entire time. All three boys, after purchasing marijuana, proceeded to get into the BMW to drive back to the Stringfellow home to smoke more marijuana. Defendant then drove the BMW over 90 miles per hour before hitting a parked car and ultimately a tree. When asked in his deposition whether he announced to Decedent and Wesley his intention to drive the BMW fast, Defendant testified "I thought I did, but honestly, I'm not sure if I did or not" but testified at trial that he did not remember. There was no testimony or evidence that any of the occupants of the vehicle objected to Defendant driving the vehicle at a high rate of speed.

The Plaintiff did not dispute at trial that Decedent had been using marijuana at some

point that night and even presented witnesses, in their case in chief, to establish the drug use. Decedent's THC levels were higher than Defendant's based on the toxicology reports admitted into evidence. There was substantial evidence in the record that Decedent had smoked marijuana and drank alcohol in the past and that his parents, Patricia and Thomas Stringfellow, were aware of the drug and alcohol use, despite previous denials of such knowledge in their sworn deposition testimony. There is no question that Defendant, Decedent and Wesley were safe at the Stringfellows' house before leaving to purchase more marijuana.

I. Judgment Notwithstanding the Verdict (JNOV)

Travelers notes at the outset that the Plaintiff's post-trial motions were not properly made and should therefore not be considered. The motions were orally made by the Plaintiff prior to the discharge of the jury and no motions were made after the jury was discharged and therefore the motions were premature and untimely and should not be considered. See Rule 59(b), SCRPC; Boone v. Goodwin, 314 S.C. 374, 444 S.E.2d 524 (1994) ("a party must make a motion for a new trial promptly after the jury is discharged or request ten days within which to make the motion".) The Plaintiff made no motions after the jury was discharged and did not request ten days to make motions at that time. Under the plain language of Rule 59(b) the motions were not properly made.

Further, Plaintiff's motion for JNOV is not preserved because the Plaintiff never moved for a directed verdict on the issue of the Decedent's own recklessness, willfulness or wantonness. The Plaintiff is now asking the Court to direct a verdict that the Decedent's negligence could not have exceeded the Defendant's negligence as a matter of law when that request was never made in the form of a motion for a directed verdict at the close of the evidence. Since a motion for JNOV is the renewal of a directed verdict motion, this motion is not preserved and is not

properly before the Court. See Wright v. Craft, 371 S.C. 1, 640 S.E.2d 486 (Ct. App. 2006). Nevertheless, even assuming the motion was properly made and preserved, which it was not, the motion for JNOV should be denied on the merits.

Plaintiff's argument for JNOV is that because the Court directed a verdict that the Defendant was reckless, then the jury could not have found that the Decedent's simple negligence exceeded the Defendant's recklessness as a matter of law. However, what the Plaintiff ignores is that the jury could have also found that the Decedent was reckless, willful and wanton, in addition to being simply negligent, and that the Decedent's negligence exceeded the Defendant's. It was not disputed that the Decedent was safe at home and made a decision to leave the house and get in the car two times with his brother driving who was severely intoxicated. There was evidence that the Decedent instigated the middle of the night trip to purchase the marijuana and that he was the one who was actively searching for a seller, and that the Decedent had consciously disregarded his own safety and this conscious disregard was the proximate cause of his death. Finally, there was evidence presented that the Decedent and Defendant were on a joint enterprise and thus the Defendant's negligence would have been imputed to the Decedent which would have factored in to the jury's determination on the parties' relative degrees of negligence. But ultimately it was up to the jury to make that determination. See Hurd v. Williamsburg County, 363 S.C. 421, 611 S.E.2d 488 (2005) ("[t]he determination of respective degrees of negligence attributable to the plaintiff and the defendant presents a question of fact for the jury, at least where conflicting inferences may be drawn.")

Even assuming that the Decedent was only simply negligent, which the Plaintiff appears to be asserting and is against the weight of the evidence presented, the jury is still allowed to compare the Decedent's simple negligence with the recklessness of the Defendant. In Berberich

v. Jack, 392 S.C. 278, 709 S.E.2d 607 (2011), where the plaintiff was found to have been 75% negligent despite the defendant's admitted recklessness, the Supreme Court held that a plaintiff's ordinary negligence may be compared to a defendant's recklessness and that the trial court should instruct the jury on the various forms of negligence when requested by the parties. The Court in Berberich pointed out the prior rule that a defendant whose conduct was reckless, willful or wanton could not assert contributory negligence as a defense, that the plaintiff's conduct also had to be reckless, willful or wanton in order to bar recovery. Id. 392 S.C. at 286, 709 S.E.2d at 611. This rule was in place "to ameliorate the harsh results that could under under [the general contributory negligence] rule." Id. The Court ultimately held:

We hold that, under our comparative negligence system, all forms of conduct amounting to negligence in any form, including, but not limited to, ordinary negligence, gross negligence, and reckless, willful, or wanton conduct, may be compared to and offset by any conduct that falls short of conduct intended to cause injury or damage.³ By this method, each party's relative fault in causing the plaintiff's injury will be given due consideration. A trial court should instruct the jury *294 on the definitions of these various terms, in addition to ordinary negligence, when so requested by a party,

Id., 392 S.C. at 293–94, 709 S.E.2d at 615.

In this case, the jury was instructed on the definitions of the various forms of negligence and could have concluded that the Decedent's conduct rose to levels above simple negligence and that his negligence exceeded the Defendant's. Even if the jury found the Decedent only to be simply negligent, the jury could still find, as the Berberich court made clear, that this negligence exceeded the Defendant's admitted recklessness. The degrees of negligence attributed to the Defendant and the Decedent were questions of fact for the jury that were fully supported by the evidence and the Court has no reason to disturb that finding.

Plaintiff further cites Merritt v. Grant, 285 S.C. 150, 328 S.E.2d 346 (Ct. App. 1985) in

support of his position that JNOV is warranted. However, Merritt, in addition to being factually dissimilar to this case³, is inapplicable because it was decided under the old contributory negligence rules referenced in Berberich where the Plaintiff had to be more than simply negligent in order to be barred from recovery. In Merritt, the jury found that the Defendant's conduct rose above ordinary negligence and thus the Defendant would have been required to prove that the Plaintiff's conduct also rose to the level of gross negligence. Id. S.C. 285 at 155, S.B.2d at 349. The only similarity between Merritt and this case is that the Defendant failed to move for a directed verdict on the issue of the Plaintiff's gross contributory negligence and therefore the issue was not preserved, just like in this case where the Plaintiff is raising this argument for the first time in post-trial motions.

The Plaintiff is essentially asking the Court, for the first time, to rule as a matter of law that the Decedent could not have been more than 50% at fault and for a new trial only on damages. The Plaintiff cites no legal authority for this proposition, the motion is not properly before the Court, and the Plaintiff's motion for JNOV should be denied.

II. Motion for New Trial – Thirteenth Juror

The Plaintiff also moved for a new trial based on the "thirteenth juror" doctrine. Generally, "the 'thirteenth juror' doctrine is a vehicle by which the trial court may grant a new trial absolute when he finds the evidence does not justify the verdict." Bailey v. Peacock, 318 S.C. 13, 455 S.E.2d 690 (1995). The effect of the doctrine is the same as if the jury failed to reach a verdict. Folkens v. Hunt, 300 S.C. 251, 387 S.E.2d 265 (1990). However, "[d]espite the discretion given a judge by the thirteenth juror doctrine when a party moves for a new trial, it

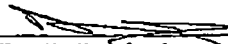
³ It was "uncontroverted" that the Defendant had consumed only coffee after 2:00 a.m. when the accident occurred at 5:40 a.m., the Defendant testified that he was sober when arriving to the Sportsman Club around 2:00 a.m., and the Investigating officer found no evidence that alcohol affected the Defendant's ability to operate the vehicle. Id. S.C. 285 at 155, S.B.2d at 349.

does not allow the court to overstep the boundaries of the doctrine in toto.” Youmans ex rel. Elmore v. S.C. Dep’t of Transp., 380 S.C. 263, 670 S.E.2d 1 (Ct. App. 2008).

The Court should not substitute its own view of the facts for those of the twelve impartial Richland County jurors who reached a unanimous verdict finding that the Decedent’s negligence slightly exceeded the Defendant’s negligence. The Plaintiff’s argument that there was insufficient evidence from which the jury could have concluded that the Decedent was negligent completely ignores the wealth of evidence and focuses only on the self-serving testimony of his clients and the Defendant who was clearly not testifying as a typical defendant but in the interest of trying to get a verdict for his parents who would receive insurance money that he would also likely benefit from. The weight and credibility of that testimony was for the jury to consider in their deliberations. The rest of the evidence was that the Decedent left the safety of his home to get in the car with his severely intoxicated brother so that he could purchase drugs. His brother, the Defendant, made a reckless decision while driving the vehicle because he was intoxicated and a tragic accident was the result, an unfortunate and imminently foreseeable result. The Court found there was evidence of and that it was proper to charge the jury on comparative negligence, assumption of the risk⁴, and joint enterprise, all three defenses that would go to the jury’s analysis and consideration on comparative negligence. It would be an error of law to simply find now that although it was proper for the jury to consider whether, and to what extent, the Decedent was negligent but only up to a certain percentage. See Youmans, supra (the issue of whether the decedent was comparatively negligent was a jury question and it was improper for the court to grant a new trial under the thirteenth jury doctrine because the jury deliberations were brief).

⁴ Both parties submitted proposed charges for assumption of the risk but neither of the charges were included in the jury instructions. Counsel for the defense requested that the jury be brought back in and given the assumption of the risk charge which the Court declined to do.

This was not simply a case where a passenger chose to get in a vehicle with someone who was severely intoxicated - the evidence showed: the Decedent had also been impaired and driving earlier that night; the Decedent was safely home and never had to enter the vehicle at all the night he passed, was with the Defendant for a significant period of time prior to leaving to purchase the marijuana, and may have been smoking marijuana with him; the Decedent had driven the vehicle before and had just as much of an equal right to be driving it as the Defendant and had a driver's license; the Decedent initiated the trip to purchase the drugs and was instrumental in finding the seller; the Decedent chose not to drive despite being advised to do so by several people; and the Decedent raised no objection when the Defendant announced to the passengers of the vehicle that he was going to drive it fast. The jury, weighing all of this evidence against the self-serving testimony of the Defendant, found that the Decedent was slightly more negligent than the Defendant. To disturb that finding not because the Court disagrees with whether the Decedent was negligent⁵ but the degree of that negligence in relation to the Defendant, would be improper. For all of the above reasons, the Plaintiff's motions should be denied.


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⁵ If the court had found no evidence of negligence on the part of the Decedent then a directed verdict on that defense should have been granted and, in fact, such a motion was not even made by the Plaintiff. Further, the Plaintiff did not raise that issue in his post-trial motions so the question of whether it was proper to charge comparative negligence as a defense has been waived.

and

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Insurance Company*

January 23, 2017

1	STATE OF SOUTH CAROLINA	}	COURT OF COMMON PLEAS 2015-CP-40-07180 2015-CP-40-07181
2	<u>COUNTY OF RICHLAND</u>		
3			
4	William Gresham as Personal	}	TRANSCRIPT OF RECORD
5	Representative of the Estate		
6	of John Corey Stringfellow,		
7	Plaintiff,		
8	vs.		
9	Cameron Thomas Stringfellow,		
10	<u>Defendant.</u>		
11			January 9-12, 2017 Columbia, South Carolina
12			
13	B E F O R E:		
14	THE HONORABLE CLIFTON B. NEWMAN, JUDGE; and a jury.		
15			
16			
17	A P P E A R A N C E S:		
18	JAMES M. GRIFFIN, ESQ.		
19	DAVID W. FARRELL, ESQ.		
20	Attorneys for the Plaintiff		
21	BRADLEY L. LANFORD, ESQ.		
22	CARRIE H. O'BRIEN, ESQ.		
23	Attorneys for the Defendant		
24			
25	DEBORAH M. McCURDY, RPR Official Court Reporter		

1	INDEX OF WITNESSES	
2	MATTHEW B. COFFIN	
3	Direct By Mr. Griffin	.114
4	Cross By Mr. Lanford	.128
5	ANDREW FOWLER	
6	Direct By Mr. Griffin	.134
7	Cross By Mr. Lanford	.148
8	CAMERON BOHANNON	
9	Direct By Mr. Griffin	.153
10	Cross By Ms. O'Brien	.157
11	DILLON WOOD	
12	Direct By Mr. Griffin	.163
13	Cross By Ms. O'Brien	.166
14	CAMERON STRINGFELLOW	
15	Direct By Mr. Griffin	.172
16	Cross By Mr. Lanford	.204
17	Redirect By Mr. Griffin	.238
18	Recross By Mr. Lanford	.249
19	WESLEY THOMPSON	
20	Direct By Mr. Griffin	.251
21	Cross By Ms. O'Brien	.267
22	WILLIAM GRESHAM	
23	Direct By Mr. Griffin	.281
24	Cross By Mr. Lanford	.288
25	JENNIFER SAVITZ-SMITH	

1	Direct By Mr. Griffin	.302
2	Cross By Mr. Lanford	.315
3	DAVID KENGA	
4	Direct By Mr. Griffin	.325
5	TOMMY STRINGFELLOW	
6	Direct By Mr. Griffin	.334
7	Cross By Ms. O'Brien	.365
8	Redirect By Mr. Griffin	.399
9	Recross By Ms. O'Brien	.401
10	SCOTT SAWYER	
11	Direct By Mr. Griffin	.403
12	PATTI STRINGFELLOW	
13	Direct By Mr. Griffin	.415
14	Cross By Ms. O'Brien	.433
15	Redirect By Mr. Griffin	.439
16	» > o < «	
17	Opening Statement by Mr. Griffin	91
18	Opening Statement by Ms. O'Brien	.102
19	Closing Argument by Mr. Griffin	.525
20	Closing Argument by Ms. O'Brien	.551
21	Closing Argument by Mr. Griffin	.563
22	Jury Charge	.568
23	Verdict	.605
24		
25		

1	PLAINTIFF EXHIBITS			
2	<u>NO</u>	<u>DESCRIPTION</u>	<u>ID</u>	<u>EV</u>
3	1	MAIT Report	117	117
4	2 - 4	Crash Data Reports	124	124
5	5 - 16	Photographs	118	118
6	17	MAIT Video	126	126
7	18	Run Report	136	136
8	19 - 20	Convictions and Sentence	202	202
9	21	Photograph	155	155
10	22	Photograph	353	353
11	23	Photograph	354	354
12	24 - 27	Photographs	354	354
13	29 - 30	Photographs	357	357
14	34	Photograph	357	357
15	40	Photograph	333	333
16				
17				
18				
19				
20				
21				
22				
23				
24				
25				

1	DEFENDANT EXHIBITS			
2	<u>NO</u>	<u>DESCRIPTION</u>	<u>ID</u>	<u>EV</u>
3	1	Message from Ms. Toni	296	296
4	9	Text Message	402	402
5	10	Text Message	368	368
6	39	Picture in Phone	386	386
7	40	Photograph	388	388
8	42	Photo From Phone	388	388
9	43	Photo From Phone	389	389
10	44	Photo From Phone	389	389
11	45	Photo From Phone	390	390
12	47	Photo From Phone	392	392
13	50	Text Message	371	371
14	78	Photograph	131	131
15	90	Google Map	226	226
16	91	Google Map	227	227
17	100 - 101	Call Lists	268	268
18	104	Toxicology Reports	466	466
19				
20				
21				
22				
23				
24				
25				

1
2
3
4
5
6
7
8
9
10
11
12
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16
17
18
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20
21
22
23
24
25

COURT EXHIBITS

<u>NO</u>	<u>DESCRIPTION</u>	<u>ID</u>	<u>EV</u>
1	Cam's School Schedule	324	
2	Defendant's Request to Charge	597	
3	Jury Question	601	
4 - 5	Jury Notes	601	

JANUARY 9, 2017

(WHEREUPON, the proceedings began at
12:12 p.m.)

MR. GRIFFIN: We have proposed voir dire.

MR. LANFORD: We have several objections. We
have voir dire as well.

THE COURT: Which ones are you objecting to?

MR. LANFORD: Your Honor, it was Numbers 7, 8,
and 9, which have a question about insurance.

THE COURT: All right, 7, 8, and 9.

MR. LANFORD: And then 11, the way that is
worded, it appears there is a claim for personal
injury, and we would object to that, but I think
our proposed voir dire covers that.

THE COURT: All right, maybe we will just get
everyone to introduce themselves so I will be sure
that I know who everyone is.

I am Clifton Newman. My law clerk here is
Jazmon.

MR. GRIFFIN: Good morning, Your Honor.

THE COURT: Good morning.

MR. GRIFFIN: My name is Jim Griffin, and I am
here representing the estate of John Corey
Stringfellow, Plaintiff. William Gresham, sitting
at the end, is the personal representative of the

1 estate. And David Farrell is with me, and he will
2 be trying the case with me.

3 THE COURT: All right. Yes, sir?

4 MR. LANFORD: Good afternoon, Your Honor.
5 Brad Lanford, here on behalf of the Defendant.

6 MS. O'BRIEN: Good morning, Your Honor.
7 Carrie O'Brien, here representing the Defendant.
8 Thank you.

9 THE COURT: Carrie O?

10 MS. O'BRIEN: O'Brien, O-B-R-I-E-N.

11 THE COURT: All right.

12 MS. O'BRIEN: Thank you.

13 THE COURT: Very good. And the folks on the
14 front row are?

15 MR. GRIFFIN: Yes, Your Honor. This is
16 Ms. Toni Gresham, and she is Mr. Gresham's wife.
17 This is Patti Stringfellow, the mother of the
18 Decedent, and also the mother of the Defendant,
19 named Defendant. This is Cam Stringfellow, the
20 named Defendant. And this is Tommy Stringfellow,
21 father of the Decedent and the father of the
22 nominal Defendant.

23 THE COURT: All right. Very good.

24 All right. I have been assigned this case to
25 try, and I look forward to working with everyone

1 MR. GRIFFIN: Okay. Thank you.

2 MR. LANFORD: And, Your Honor, before we bring
3 the panel in, if we could have the parties at their
4 respective places. Mr. Stringfellow is the named
5 Defendant that is in this lawsuit. He is sitting
6 with basically the Plaintiffs in the case. Of
7 course, they are all family members. We would
8 ask --

9 THE COURT: Well, the jury is going to take up
10 all these seats when they come in.

11 MR. LANFORD: If we would seat
12 Mr. Stringfellow at the table right there.

13 THE COURT: All right. Mr. Griffin?

14 MR. GRIFFIN: Well, Your Honor, I don't
15 represent Mr. Stringfellow. And, frankly, as a
16 matter of law, they don't represent
17 Mr. Stringfellow either. They don't have an
18 attorney-client relationship with him. But if the
19 Court -- I thought Mr. Stringfellow's lawyer was
20 going to be here today to address, you know,
21 whether he is required to sit at counsel table
22 during the course of this trial, but I don't have a
23 dog in the fight, I don't represent
24 Mr. Stringfellow, and I don't think they do either.

25 MR. LANFORD: And, Your Honor, he's correct

1 about that, we do not have an attorney-client
2 relationship with him. We are allowed to appear
3 and defend, step into the shoes of the named
4 Defendant.

5 THE COURT: Where do you want him to sit?
6 With you all?

7 MR. LANFORD: Yes, Your Honor.

8 THE COURT: And he doesn't want to sit there
9 or?

10 MR. LANFORD: I don't know, Your Honor. He is
11 sitting there right now, certainly.

12 MR. GRIFFIN: I don't think anyone has ever
13 had this issue come up. I have never heard of this
14 type situation, Your Honor, but we will --

15 THE COURT: Well, that is what -- you know, I
16 guess the whole nature of your case is explaining
17 it all to the jury -- the nature of everyone's role
18 in the case. You know, it is not going to be
19 outcome determinative, I doubt, based on where
20 someone sits.

21 MR. GRIFFIN: That's right.

22 THE COURT: Otherwise, we can shorten this
23 quite a bit. But the jury is going to take up all
24 these seats in jury selection, so you all need to
25 come inside the rail. I'm not going to direct any

1 party to sit any particular place.

2 MR. GRIFFIN: Thank you.

3 THE COURT: Of course, I know the Plaintiffs
4 can't sit with the Defendant.

5 MR. GRIFFIN: Right.

6 MR. LANFORD: And that was our point, Your
7 Honor, the Defendant, he is the named Defendant in
8 the lawsuit. He is here under subpoena to be here
9 at the trial.

10 THE COURT: I mean, he has to be here if he is
11 under subpoena, but if he doesn't want to sit with
12 you, you can't make him sit with you. He can
13 sit -- but he has to be here. And, you know, that
14 can be part of your argument, your questions, or
15 whatever. That is what the whole case is all
16 about. It is one way or the other. Other than me
17 directing someone to sit someplace.

18 MR. GRIFFIN: Thank you, Your Honor.

19 THE COURT: All right. If y'all will come on
20 in somewhere.

21 MR. LANFORD: Your Honor?

22 THE COURT: And we have our Rule 4, Ms. Margie
23 Stoddard Salters, if you will sit over there for
24 the time being.

25 Yes, sir?

1 MR. LANFORD: I just want to note my objection
2 for the record.

3 THE COURT: Yes, sir. Well, I think that
4 objections are already -- any time the judge
5 disagrees, that is a matter of record.

6 MR. LANFORD: Just making sure.

7 THE COURT: Whether it is noted or not, it is
8 in the record.

9 MR. LANFORD: Thank you.

10 THE COURT: Let's bring the jury.

11 (WHEREUPON, the jury came into open
12 court at 12:32 p.m.)

13 THE BAILIFF: The jury panel is all present,
14 Your Honor.

15 THE COURT: All right. Good morning. I am
16 Clifton Newman, and my law clerk next to me is
17 Jazmon Kearse, and we will be presiding in this
18 courtroom.

19 I understand that you all were in this
20 courtroom earlier for jury qualifications, and you
21 have been qualified to serve on jury duty this
22 week.

23 You are now in this courtroom for jury
24 selection in the trial of the case that we are
25 about to do. And we'll have the lawyers introduce

1 themselves and anyone else they want to introduce,
2 and then I'll tell you a little bit about the case
3 that you will be considered for selection on.

4 First, from the Plaintiffs.

5 MR. GRIFFIN: Thank you, Your Honor.

6 Good morning -- well, afternoon. My name is
7 Jim Griffin. I practice law here in Columbia at
8 the law firm of Griffin and Davis. There are three
9 of us total. We have Maggie Fox and Clarence
10 Davis. You may see them, you may not during the
11 trial.

12 With me trying the case is David Farrell.
13 David also practices law here in Columbia.

14 And seated at the end of the table is William
15 Gresham. He is the personal representative of the
16 estate of John Corey Stringfellow.

17 Mr. and Ms. Stringfellow are seated here on
18 the front row, Tommy Stringfellow and Patti
19 Stringfellow.

20 And their son Cam Stringfellow is sitting next
21 to them.

22 This is Toni Gresham, Mr. Gresham's wife.

23 THE COURT: All right. If you all would stand
24 so that you can face the jury panel.

25 (Stand.)

1 THE COURT: All right, thank you.

2 (Seated.)

3 THE COURT: And for the Defense?

4 MR. LANFORD: Good afternoon. My name is Brad
5 Lanford. I practice here in Columbia in a law firm
6 of Baker, Ravenel & Bender. This is my co-counsel.

7 MS. O'BRIEN: Good afternoon. Carrie O'Brien.
8 I'm with the law firm of Willson Jones Parker &
9 Baxley, that is right down the street in Columbia.

10 MR. LANFORD: And we are on behalf of the
11 Defendant, Cameron Stringfellow, that is seated
12 right there.

13 THE COURT: All right, ladies and gentlemen of
14 the jury, this case comes into court as a result of
15 a lawsuit that was filed by William Gresham, as
16 personal representative of the estate of John Corey
17 Stringfellow, v. Cameron Thomas Stringfellow.

18 The case -- the lawsuit alleges that a traffic
19 accident occurred in the Wildewood section,
20 Wildewood subdivision in Richland County in May of
21 2013; that as a result of the accident, John Corey
22 Stringfellow died.

23 The personal representative has filed a
24 wrongful death and a survival action on behalf of
25 the estate of John Corey Stringfellow and the

1 MR. GRIFFIN: Yes. We have people out there.

2 THE COURT: All right.

3 MS. O'BRIEN: Your Honor, how long? Five
4 minutes, ten minutes to run to the restroom?

5 THE COURT: Yes, we will take ten minutes, and
6 then we will get started.

7 (WHEREUPON, a break was taken at 3:13
8 p.m.)

9 (WHEREUPON, the proceedings resumed at
10 3:26 p.m.)

11 THE COURT: Are you ready for the jury?

12 MR. GRIFFIN: Yes, Your Honor.

13 THE COURT: Let's bring them on.

14 (WHEREUPON, the jury came into open
15 court at 3:28 p.m.)

16 THE BAILIFF: The jury is present, Your Honor.

17 THE COURT: Welcome back. Ladies and
18 gentlemen, if you all will stand now to be sworn.

19 (Jurors comply.)

20 THE CLERK: Please raise your right hand.

21 (Jurors comply.)

22 THE CLERK: At the end of the statement that I
23 am about to give, please respond by saying, I do.

24 Do you swear or affirm that you shall well and
25 truly try the issues joined in this case and a true

1 verdict give according to the law and the evidence,
2 so help you God?

3 THE JURY: I do.

4 THE CLERK: You may be seated.

5 (Jurors comply.)

6 THE COURT: Now, ladies and gentlemen, you
7 have now been sworn to be the jury in the trial of
8 this case. And I will make a few introductory
9 remarks, and then you will hear opening statements,
10 and we will then hear from the witnesses.

11 These remarks are not intended to -- it is
12 simply to introduce you to the case, and I'll give
13 you a much more thorough explanation of things at
14 the end of the trial.

15 Now, you have been selected as fair and
16 impartial jurors by the parties, and your duty will
17 be to determine the facts of this case based on the
18 evidence presented during the course of the trial.

19 Under your oath, you are to decide the case
20 solely based on the testimony of the sworn
21 witnesses and the exhibits that are made a part of
22 the record, along with any stipulations by counsel.
23 You are not to consider anything that you may hear
24 or be exposed to outside of the courtroom.

25 Now, you play a very important role because,

1 as jurors, only you can determine the facts of this
2 case. There is a dispute between the parties and
3 you have been selected to resolve the dispute and
4 to decide the facts of this case.

5 Now, just as only you can decide the facts of
6 this case, I want to equally emphasize that I am
7 the sole judge of the law of this case, and you
8 must accept as correct the law as I state it to you
9 at this time, during the trial, and in greater
10 detail at the end of the trial.

11 So the way it all works is that you decide the
12 facts and then you apply the law that I give you,
13 and you will then reach a decision, known as a
14 verdict.

15 Until you are informed or instructed that you
16 can begin deliberations, you are not to discuss the
17 case with anyone, including your fellow jurors, any
18 family members or friends, and you are not to seek
19 any social media sites, news media accounts, or any
20 other sources to gather information about the case,
21 because you are to decide it based on what is
22 presented in the courtroom.

23 Now, after the case is submitted to you, you
24 must discuss it only with your fellow jurors in the
25 jury room, and no one else. You are certainly not

1 to be influenced or have any communication with any
2 of the witnesses, lawyers, or anyone else not on
3 the jury.

4 Now, in just a moment the lawyers will make an
5 opening statement in which they will outline to you
6 what they consider to be important about the case
7 and what they think you should consider and be on
8 the lookout for during the course of the testimony.
9 They will give an opening statement, each one.

10 After that, we will hear testimony. During
11 the course of the testimony, there may be times
12 when we have to exclude you from the courtroom as
13 we discuss matters of law with the lawyers.

14 Ultimately, it will be your responsibility to
15 evaluate the credibility of the witnesses and the
16 credibility of the evidence presented during the
17 trial.

18 I look forward to working with you on this
19 case. Later in the process I will appoint one of
20 you to serve as the foreperson of the jury. That
21 person will have the responsibility of presiding
22 over the jury deliberations, acting as a
23 spokesperson for the jury, and completing the
24 verdict form representing the unanimous verdict of
25 the jury.

1 Now, being on a jury is hard work because you
2 are called upon, quite often, to do something that
3 you are not accustomed to doing, that is, just
4 sitting there. Sitting. Sitting. Sitting.
5 Sitting and trying to stay awake and trying to stay
6 alert and trying to pay attention to what is going
7 on, to the lawyers and the witnesses. I certainly
8 want to keep you alert and fresh, and so if at any
9 point in time you need a break, if you get my
10 attention we will take a break. We hopefully will
11 take breaks frequently enough so that you can
12 remain alert and focused, because this is an
13 important matter. Each party is entitled to
14 justice in this case. And whether or not they get
15 justice will be at your hands. So please stay
16 focused so that you will be able to participate in
17 jury deliberations and reach a verdict in this
18 case.

19 Opening statements now, from the Plaintiff.

20 MR. GRIFFIN: May it please the Court, Your
21 Honor?

22 THE COURT: Yes, sir.

23 OPENING STATEMENT

24 MR. GRIFFIN: Good afternoon. Acting on an
25 urge, a fine young man threw caution to the wind.

1 And he decided to take his mom's BMW luxury car and
2 drive it as fast as he could in the quiet
3 neighborhood of Wildewood on the midnight, early
4 morning hours of May 24th, 2013.

5 He violated just about every safety rule of
6 the road that you could imagine. He got up to
7 approximately 90 miles an hour in a 25-mile-an-hour
8 speed zone. He collided with and demolished a
9 parked car. And the BMW careened and went further
10 than the length of a football field, up the road,
11 through someone's driveway, up an embankment,
12 airborne, hit one tree, rolled, hit another tree.

13 The carnage that was left from his urge to go
14 fast was the ultimate death of his younger brother,
15 16-year-old brother, Corey Stringfellow. And he
16 left his parents grief-stricken, heartbroken, lives
17 were shattered.

18 That fine young man is Cam Stringfellow. And
19 he has accepted responsibility for his actions that
20 night. About a year ago, a little less than a year
21 ago, he stood in this courthouse, this very
22 courtroom, in front of a judge and pled guilty to
23 criminal charges, pled guilty to involuntary
24 manslaughter, and he pled guilty to driving under
25 the influence of alcohol. And the specific driving

1 under the influence of alcohol charge that he pled
2 guilty to was having a blood alcohol level in
3 excess of 16, .16. That was more than twice the
4 legal limit.

5 And the criminal justice system has been
6 completed and criminal justice has been served. We
7 are here for civil justice. And like the criminal
8 case, Cam Stringfellow accepts full responsibility
9 for what he did.

10 In a deposition in this case he blames no one
11 but himself. He doesn't shift fault to anybody.
12 It was his decision, his decision alone, to go as
13 fast as he could without warning to anyone else in
14 the car. He'll tell you that. We expect that he
15 will testify to the same thing that he did in the
16 deposition: This accident was no one's fault but
17 his, and that he readily accepts any verdict that
18 fully compensates his parents for the grief and
19 suffering that they have endured.

20 Cam's parents -- their names are Tommy and
21 Patti Stringfellow -- they love Cam. They support
22 Cam. And they have forgiven Cam. But they also
23 support this lawsuit, which is brought by their
24 friend at their request on behalf of the estate of
25 Corey Stringfellow. So the named Plaintiff is

1 William Gresham, who I will introduce to you in a
2 minute, and William accepted this request and was
3 appointed by the Probate Court to prosecute this
4 lawsuit. And he did it because no parent should
5 ever be forced to sue their child.

6 Now, this is Cam. This is Cam over here
7 sitting beside his mother. This is Patti
8 Stringfellow, and then Tommy Stringfellow. We are
9 fortunate to have this family in this community.
10 Tommy Stringfellow was a -- he's been in the
11 attractions industry. He is from Rock Hill. He
12 went to Winthrop University. Got his first job at
13 Carowinds. And then he went to work for the Six
14 Flags industry, the Six Flags company, and managed
15 a number of attractions.

16 And then about 2000 he took a job with
17 Riverbanks Zoo as a marketing director. And now he
18 is the first ever -- and has been for quite some
19 time -- the chief operating officer of Riverbanks
20 Zoo.

21 Patti, who was an Air Force brat, grew up in
22 Minnesota, but graduated from the University of
23 South Carolina. And she met Tommy working here
24 after college.

25 They had -- when this awful accident happened,

1 she was working for a company called Cisco Systems,
2 had a very good job. She has since had to take
3 disability twice because of mental anguish and
4 grief that she is undergoing. And then she
5 recently decided to hang it up, so she is not
6 working.

7 They had the perfect life. They had three
8 children: Cam, who is now 21; Corey, who was 16,
9 he would have been 19 today if he was still alive;
10 and then their daughter Caroline, who is -- just
11 turned 15 yesterday.

12 And this is William Gresham. He is a
13 neighbor. His son Cooper was best friends with
14 Corey. And he has agreed to accept this task of
15 representing Corey's estate.

16 There are actually two lawsuits that have been
17 filed. One is called a wrongful death lawsuit, and
18 one is called a survival lawsuit. And the judge at
19 the end of the case will give you a lot more
20 instructions about the two different claims, but at
21 the end of the day the beneficiaries of those
22 lawsuits are Tommy and Patti Stringfellow. And the
23 purpose of the lawsuit, the damages that can be
24 awarded under the wrongful death lawsuit is to
25 compensate them for their grief, suffering that

1 they have experienced.

2 Now, we live in a world where it costs \$60,000
3 to buy a pickup truck, you can spend \$100,000 on a
4 luxury automobile, \$500,000 for a nice house, a
5 million dollars for a really nice house, around
6 Columbia. Down on the coast, \$3 million,
7 \$5 million. But there is no market for grief.
8 There is no way to look up what the value of grief
9 is. And, frankly, that is why we are here.

10 Tommy and Patti, William, and me, and
11 everybody on behalf of the Stringfellows are
12 putting our faith in the system where 12 jurors
13 will decide what the value of this enormous grief
14 this family is going through is.

15 Now, in my opening statement, one of the
16 things that I like to do is just sort of give you
17 an idea of what to expect. If nothing worse, there
18 is -- I have been doing this a long time, and I
19 have always said, if I can improve upon the system,
20 one thing that I think should be done is to allow
21 jurors to ask questions, because we have to
22 anticipate questions that y'all might want to ask,
23 but I always know that you want to know how long it
24 is going to take and what to expect next. So I'm
25 going to tell you from our perspective what we plan

1 to do this week.

2 First, we are going to call witnesses from the
3 First Responders and introduce and show you
4 photographs of this horrendous accident.

5 And then after that we are going to call some
6 friends who were with Corey hours before the
7 accident. And they are going to explain to you
8 that Corey had a soccer tryout for a club team
9 starting in the summer.

10 Now, this so happened, May 23rd, May 24th,
11 2013, was the weekend before Memorial Day. It also
12 so happened it was the weekend before the following
13 week that Cam Stringfellow was graduating from high
14 school. He was a senior. Cam was through with
15 classes. All he had left was graduation. Corey
16 was not through with classes. He had soccer
17 tryouts and he had a test the next morning.

18 The family, to celebrate Memorial Day weekend
19 and Cam's graduation, had rented a house down at
20 the beach. And Patti and Tommy Stringfellow and
21 their daughter Caroline, they left about 7:00 or
22 8:00 that night on May 23rd to go to the beach to
23 get there and get the house opened that they rented
24 to get settled in so that they could wake up with
25 their daughter at the beach in the morning.

1 They left Cam, who was 18, and Corey, who was
2 16, at home. Now, Cam had an exam the next morning
3 and he had soccer tryouts. He was a gifted soccer
4 player and he was playing -- trying out for a club
5 team. So two of his buddies, after soccer, went
6 with him, and they stopped and got some
7 Chick-fil-A, they went to the Stringfellow house,
8 they hung out very briefly. One friend, Dillon
9 Wood, who you will hear from, drove home. And then
10 Corey took his other friend, whose name was Cam
11 Bohannon, to his house. And then by then it is
12 10:00 or 11:00 o'clock. And then Corey goes back
13 home, texts his mother, and his parents think Corey
14 is in for the night.

15 What was Cam doing? Well, he will tell you
16 that he and his friend, Wesley Thompson, after his
17 parents had left for the beach, they started
18 drinking alcohol in celebration of graduation.
19 They went to a movie at Sandhills. The movie they
20 saw was, I want to say Bachelor, but Hangover 2.
21 That was the movie. And they took some alcohol
22 into the movie, some bourbon, and drank it at the
23 movie. And then they came home.

24 And then during the midnight hours they
25 decided that they wanted to go buy some marijuana,

1 and they get Corey to ride along with them. And
2 they go to a house. This was arranged by Wesley.
3 And apparently they bought some marijuana.

4 And then on the way home, Cam drives by his
5 house without stopping, and then goes around the
6 neighborhood -- there is a circular pathway, a
7 roadway, and that is when he decides, he says he
8 got the urge to go as fast as he could.

9 And those are the facts.

10 Now, so in addition to Wesley -- excuse me,
11 Cam Bohannon and Dillon Wood we are going to call
12 today hopefully, and the First Responders today
13 hopefully, Wesley Thompson will be here in the
14 morning. He is now a student at Dartmouth, and he
15 will be flying in tonight. He will testify in the
16 morning about what I just told you. And we expect
17 Cam will testify. And then we also have other
18 folks that we are going to offer up to testify. Of
19 course, you are going to hear from Tommy
20 Stringfellow and Patti Stringfellow tomorrow
21 hopefully. Jenny Smith, who is a licensed
22 therapist who has been treating Patti for grief and
23 severe depression since September or October of
24 2013, she will testify. We are going to have Coach
25 David Kenga, who is Corey's soccer coach, who was

1 there the night for soccer tryouts, and he will
2 testify. And then we'll have a family friend,
3 Scott Sawyer, who was not only a good friend of Ms.
4 Stringfellow and Mr. Stringfellow, but he worked
5 with Ms. Stringfellow, and he will tell you how
6 difficult things have been for them and her, for
7 her ability to continue to work.

8 And then at the end of the case I'll be back
9 up here and I'll be able to review the evidence
10 that has been presented. And I'm not exactly sure
11 what the lawyers on the other side are going to
12 present, but I anticipate that they are going to
13 want you to blame Corey, the 16-year-old younger
14 brother, for getting in the car with his older
15 brother Cam.

16 But I think the evidence -- and you will hear
17 that Cam made adult decisions, took a minor in a
18 place he shouldn't have, and all the things that
19 happened to this family.

20 Now, when I come back up at the end of the
21 case, I will be able to talk to you about what the
22 value and the loss is, how to put that in dollars.
23 An almost impossible conversation to have. But
24 we'll have that conversation.

25 Then there is another piece of this case that

1 is equally important to the participants, and that
2 is, whenever someone engages in reckless, grossly
3 negligent conduct, willful disregard to the safety
4 of others, fail to exercise the slightest bit of
5 care, that the law empowers you jurors to award
6 something that is called punitive damages.

7 Now, punitive damages are not designed to
8 compensate the family for their grief. It has been
9 called -- it is designed to vindicate a private
10 right and but, most importantly, it is to deter the
11 future conduct of the Defendant and others -- and
12 others.

13 Now, you will have the power at the end of
14 this case to send a loud message to all the high
15 school kids, college kids, young adults, who think
16 that they are immune from the consequences of bad
17 decisions. You'll have the power through a
18 punitive damages award, if it is large enough to
19 get noticed, to deter students at USC, Benedict
20 Allen, and all the high schools in the midlands,
21 colleges in the upstate, high schools in the
22 upstate -- Clemson, Furman, Winthrop, Wofford --
23 you will have that power.

24 At the end of this trial I am going to ask you
25 to exercise the power that you will be given so

1 that perhaps through our efforts that some other
2 family will be spared from having to live through
3 the hell that Tommy and Patti Stringfellow are
4 living.

5 Thank you.

6 THE COURT: For the Defense?

7 MS. O'BRIEN: Yes, sir. Thank you, Your
8 Honor. May it please the Court?

9 THE COURT: Ms. O'Brien.

10 OPENING STATEMENT

11 MS. O'BRIEN: Good afternoon, ladies and
12 gentlemen. You will absolutely, one hundred
13 percent, hear throughout the course of this trial
14 that what happened that night was horrific and
15 tragic. You are going to hear that there is not
16 one person sitting in this courtroom that would
17 ever wish on their worst enemy to go through what
18 anyone in this family has gone through.

19 But you are also going to hear leading up to
20 February 23rd/24th that while this case was going
21 on, that we specifically asked questions of
22 Ms. Stringfellow like this, the mother of the
23 Decedent:

24 Did you have any idea whatsoever, any clue,
25 any knowledge that your son Corey, the Decedent in

1 this case, was smoking marijuana before the night
2 he passed away?

3 And she testified under oath that she had
4 absolutely no knowledge, no clue, and had no reason
5 to believe that Corey had ever smoked marijuana,
6 ever.

7 We also asked her if she had any indication
8 before February 23rd if she had any idea, any clue,
9 any knowledge that her son Corey had ever done
10 anything like drink underage.

11 She testified no.

12 We asked her if her son Cam, the person who
13 actually killed his brother, if he had ever had any
14 issues with marijuana before.

15 And she said no.

16 We asked if there had been any issues with him
17 drinking under age.

18 And she testified no.

19 We asked Mr. Stringfellow the same exact
20 questions. Mr. Stringfellow said they had no
21 issues with either Cam or Corey whatsoever before
22 that night drinking under age or doing any type of
23 illegal drugs.

24 When we got the texts of the Decedent --
25 because everybody knows that is what all the kids

1 do this date and time is text -- we have text
2 messages where Ms. Stringfellow was texting her son
3 that passed away within a few months before this
4 accident asking him this question:

5 What is that sweet smelling herb that I smell
6 from upstairs?

7 He didn't respond to her text. This is in
8 their home after midnight where she asked him that
9 question.

10 She then responds and says:

11 I'm going to lock the doors. You and none of
12 your friends are going to leave. And if anybody
13 tries to leave, I'm going to call their parents.

14 She didn't call any parents that night.

15 We then found out through text messages that,
16 in fact, six weeks before Corey passed away, that
17 Corey had been at a farm and had gone with
18 Mr. Gresham -- well, with the Gresham family -- and
19 that Ms. Gresham, who is sitting to the far left,
20 knew that all of the boys had brought beer to the
21 farm and that they were drinking under age.

22 Ms. Gresham then sent a text to Corey, the
23 Decedent in this case, and said: Be careful.
24 Cover your tracks. LOL -- for laughing outloud.

25 She notified Ms. Stringfellow that Corey had

1 brought beer to the farm and that they had all been
2 drinking.

3 Ms. Stringfellow was very aware prior to
4 leaving both of her children on May 23rd that they
5 both were drinking under age and that they both
6 were smoking pot on a consistent basis.

7 There will be numerous texts that we will show
8 you where Ms. Stringfellow communicated with Corey
9 saying:

10 You better not be smoking. You better not be
11 drinking. And if you are with anybody that is
12 smoking or drinking, you better make sure that you
13 let me know so that I can come get you. Don't get
14 in the car. Don't ride with people or you don't
15 drive.

16 So, ladies and gentlemen, the testimony that
17 they had no idea what was going on is simply not
18 true.

19 On May 23rd, Mr. and Ms. Stringfellow decided
20 to go to the beach with their youngest daughter and
21 leave both of their high schoolers at home
22 unsupervised. You will hear testimony that the
23 alcohol that was drank by Cam, some of it came from
24 the Stringfellow home. They got wine from Mr. and
25 Ms. Stringfellow's house, the house that they lived

1 in.

2 You will hear testimony that after Cam was
3 drinking and smoking pot, that he and Corey and
4 their friend Wesley decided to go purchase more
5 marijuana.

6 Now, ladies and gentlemen, there will be text
7 messages that will show that Corey got the text
8 message and that he was calling about where to
9 purchase the pot that night.

10 He then got a text message at 1:31 in the
11 morning that gave him the address of where they
12 needed to go to purchase a gram of marijuana.

13 All three boys got in the car of
14 Ms. Stringfellow's 7 Series BMW and drove to the
15 house where they were going to purchase pot.

16 You will hear testimony that Corey was home,
17 Cam was home, and Wesley was home. No one made
18 Corey get in that car to go purchase pot. No one
19 made Corey pick up the phone to find out where the
20 pot was. And no one made Corey do anything that
21 night. Corey chose to find out where to purchase
22 the pot. He chose to make the phone call. He
23 chose to find out what the address was of where
24 they needed to go. And then he chose to get in the
25 car. They got in the car. They drove to the

1 Ballard home, Savannah Ballard, who you will hear
2 from. Savannah Ballard was having a get-together
3 that night, a little party. And while they were
4 there they in fact purchased a gram of marijuana.

5 You will hear testimony from Morgan, who was
6 at the party, that she recognized that Cam was
7 in -- and her testimony is he was inebriated, he
8 was visibly drunk, and he was, quote, fucked up.

9 You will then also hear testimony from Morgan
10 that Cam and Wesley were visibly drunk and had red
11 Solo cups in their hand when they arrived at the
12 party. They all three purchased the marijuana.

13 Two of the girls, Morgan and Meredith, looked
14 at Corey, the Decedent, and said, Don't let your
15 brother drive, he is too messed up. He is drunk,
16 don't let him drive.

17 And then they left the get-together after they
18 purchased the marijuana. They got -- all three
19 boys -- in the car. Cam was driving, Corey was in
20 the back seat behind Cam, and Wesley was in the
21 passenger seat.

22 They drove home after purchasing the
23 marijuana, and on the way home they got involved in
24 an automobile accident. As a result of that
25 automobile accident, Corey died.

1 Cam was immediately arrested on a felony DUI
2 as a result of his brother's death. Mr. and
3 Ms. Stringfellow, the people that are coming today
4 asking you for money, immediately hired the best
5 criminal attorney they could in Columbia, South
6 Carolina, to make sure that their son didn't go to
7 jail.

8 At the same time that they hired the best
9 criminal defense attorney they could, they also
10 hired Mr. Griffin. And when they hired
11 Mr. Griffin, they hired Mr. Griffin for the purpose
12 of suing their son and coming here today and asking
13 you for money. That is what this case is about.

14 Absolutely, ladies and gentlemen, this case is
15 about a horrific, horrific, horrific scenario.
16 None of us -- no one in this courtroom would ever
17 wish what happened. But there were two children
18 that actively engaged that night in getting in the
19 car to go purchase marijuana. There were two
20 children that actively engaged that night in buying
21 the marijuana. There were two children that
22 actively engaged that night in freely and willingly
23 participating in all of these acts.

24 Simply because Cam is 18 years old, he was
25 still in high school. There will be zero testimony

1 that Cam forced his brother in that car, that Cam
2 was hiding from his brother that he was drinking
3 that night. There will be testimony that everyone
4 that was there knew from taking one look at Cam
5 that he was drunk, and from taking one look at
6 Wesley that they knew he was drunk.

7 And so it is our position that on the night of
8 this incident Corey did freely choose to get in the
9 car and go purchase marijuana. He chose to get in
10 the car after they had purchased and drive home
11 with his brother. Those were all active choices.

12 And you heard Mr. Griffin say that they were
13 coming in and they are going to ask you for two
14 things. They are asking you to compensate Mr. and
15 Ms. Stringfellow for the grief of losing their son.
16 And that compensation is coming from Cam, their
17 other son. They are also asking you to punish and
18 to deter anyone, particularly their son, or college
19 students from ever drinking, smoking marijuana, and
20 driving. But at the same time that they come and
21 ask all of you for a deterrent and for money, at
22 the same exact time they were begging the judge and
23 writing a letter for leniency on Cam. They wanted
24 leniency. And, guess what? He got leniency. He
25 got three years' probation, and that probation was

1 terminated early. That termination of the
2 probation was terminated early because they hired
3 the best lawyer they could for their son to get him
4 out of these charges.

5 So we are here today and we are here this week
6 because they are asking the 12 of you to award very
7 large sums of money, not to Mr. Gresham.

8 Mr. Gresham will never see a penny, because he is
9 just here as a favor to the Stringfellows. The
10 money, if any is awarded, will be 100 percent given
11 to Mr. and Ms. Stringfellow.

12 We ask that this week that you listen to all
13 of the evidence. And before you decide this case,
14 more importantly, that you listen to the law and
15 what Your Honor is going to tell you as to
16 negligence, who is at fault, as to comparative
17 negligence, whether Corey contributed and was also
18 negligent in this case, and when and how you can
19 award money.

20 So if you will please listen to everything
21 that is said. Listen carefully to what happened in
22 the months leading up to this incident. Listen
23 carefully to what happened on the day of that
24 incident. And then listen carefully to what you
25 are really being asked to do, what you are really

1 here for, and what the Stringfellows really didn't
2 want to happen. Because if they want punitives, if
3 they want punishment and to teach a lesson, why did
4 they fight so hard to make sure their son wasn't
5 punished?

6 Thank you.

7 THE COURT: Ladies and gentlemen, I'll give
8 you a few minutes before we call the first witness.
9 Please go to the jury room. Please do not discuss
10 the case.

11 (WHEREUPON, the jury retires to the jury
12 room at 4:05 p.m.)

13 THE COURT: We will take a few minutes.

14 (WHEREUPON, a break was taken at 4:05
15 p.m.)

16 (WHEREUPON, the proceedings resumed at
17 4:15 p.m.)

18 THE COURT: Okay, you can bring the jury.

19 MR. GRIFFIN: I just want to put on the
20 record, in Ms. O'Brien's opening statement she
21 said, The money is coming from Cam. It is not
22 coming from Cam. We know it is not coming from
23 Cam. It is coming from underinsurance.

24 And by saying that, making that
25 representation, I believe she has opened the door

1 (Witness seated.)

2 THE WITNESS: Matthew B. Coffin, Sergeant
3 Coffin.

4 MATTHEW B. COFFIN,
5 after being duly sworn, testified as follows:

6 DIRECT EXAMINATION

7 BY MR. GRIFFIN:

8 Q Is it Sergeant Coffin?

9 A That's correct.

10 Q Sergeant Coffin, who do you work for?

11 A South Carolina Highway Patrol, a division of the
12 South Carolina Department of Public Safety.

13 Q And how long have you worked with the Highway
14 Patrol?

15 A Since 1994.

16 Q And what is your current position with the Highway
17 Patrol?

18 A I am a sergeant over the MAIT Unit, which is the
19 accident reconstruction unit in the midlands, and
20 it covers 14 counties through the middle and upper
21 part of the state.

22 Q You said MAIT Unit, M-A-I-T?

23 A That's correct.

24 Q What does MAIT stand for?

25 A It stands for Multidisciplinary Accident

1 Investigation Team.

2 Q And are you the regional director?

3 A Correct.

4 Q And what does the MAIT Team do?

5 A Basically, we are a support unit for the field
6 troops or the local troopers. We become involved
7 when it becomes more of a complex motor collision,
8 basically any felony charges or things that need to
9 be a little more in-depth than a local trooper can
10 handle.

11 Q And did your team investigate this accident
12 involving Cam Stringfellow the early morning hours
13 of May 24th, 2013?

14 A Correct, we did.

15 Q And you supervised that investigation?

16 A Correct.

17 Q And under your authority? Under your team?

18 A Correct.

19 Q Now, are you -- does your team do accident
20 reconstruction?

21 A That's correct.

22 Q And will you tell -- if you'll just walk through
23 with the jury sort of what a typical accident
24 reconstruction that is done by your team, what does
25 it entail?

1 A It varies. But in a case such as this, or a high
2 level case, we are dispatched to the scene, do
3 immediate response, go out and document the scene
4 or take pictures, video, map the scene,
5 forensically map the scene, interview.

6 We will take everything that we have garnered
7 from the scene and take it back to the office and
8 put it in computer programs to try and regenerate
9 this collision, the dynamics of the collision.
10 Maybe we can garner a speed from it, maybe we
11 can't. Sometimes we can, sometimes we can't.

12 The main purpose of this just is for court
13 presentation so in case it does eventually come to
14 court, that the troopers have a solid case to
15 present with documentation in reconstruction.

16 Q And was there a reconstruction done by your team of
17 this accident?

18 A That's correct.

19 Q And was there report prepared?

20 A There was.

21 Q I am going to show you what we have marked as
22 Plaintiff's Exhibit Number 1 and ask you to
23 identify this document.

24 A This looks like what we would call the paper copy
25 of the MAIT report.

1 Q Okay. And was that document prepared as a result
2 of your team's investigation of this accident?

3 A That's correct.

4 MR. GRIFFIN: And, Your Honor, at this time I
5 would like to introduce into evidence Plaintiff's
6 Exhibit Number 1.

7 MR. LANFORD: No objection.

8 THE COURT: It is so admitted.

9 (WHEREUPON, Plaintiff's Exhibit No. 1
10 was marked for identification and
11 received into evidence.)

12 BY MR. GRIFFIN:

13 Q I'm going to pull it up here. Sergeant Coffin, can
14 you -- let me go ahead and knock this out of the
15 way. I have what I marked as Exhibits 5, 6, 7, 8,
16 9, 10, 11, 12, 13, 14, 15, and 16, for the record,
17 Your Honor, and I am going to ask if you can
18 recognize these as photographs that were taken as
19 part of your investigation?

20 A Yes, sir, these are photos of the scene
21 documentation.

22 MR. GRIFFIN: Your Honor, at this time I would
23 like to introduce into evidence Exhibits 5 through
24 16, I think without objection?

25 MR. LANFORD: Without objection.

1 THE COURT: They are so admitted.

2 (WHEREUPON, Plaintiff's Exhibit Nos. 5 -
3 16 were marked for identification and
4 received into evidence.)

5 MR. GRIFFIN: Your Honor, I have enlargements
6 of these same photographs that I'm going to show
7 the jury.

8 THE COURT: All right.

9 BY MR. GRIFFIN:

10 Q Sergeant Coffin, I believe this is Exhibit 5? If
11 you'll just confirm what I'm looking at.

12 A That appears to be correct.

13 Q Okay. And is this an enlargement of Exhibit 5?
14 And from your investigation, can you tell us about
15 this white car from your reconstruction?

16 A That car was parked on the shoulder unattended on
17 Shallow Brook Drive. I believe it was parked in
18 front of a house there where an individual was most
19 likely in that house, but he was parked on the
20 curb, and initially it was struck by
21 Mr. Stringfellow.

22 Q And then Exhibit 6, that is another picture of the
23 car; is it not?

24 A Correct.

25 Q And then Exhibit 7 is a close-up picture of the

1 car; is that right?

2 A Correct.

3 Q Now, in your accident reconstruction, as indicated
4 on Plaintiff's Exhibit Number 1, did you do a
5 calculation of speed at the time of that impact?

6 A Correct. This was a multi -- what we call a multi-
7 surface or multi-dimensional speed loss. You have
8 to take several factors into effect.

9 On this particular vehicle, simply the amount
10 of energy it would have taken to move that car the
11 amount of distance that it traveled from where it
12 was when it started, a pretty simple calculation.

13 Q And what would that speed calculation be?

14 A I don't have it in front of me, but --

15 Q Do you have got Exhibit 1 up there?

16 A The report? It has a total speed, it is not going
17 to break -- maybe it does -- it doesn't break the
18 segments down. I need the notes for that.

19 Q So what is the total speed calculated in Exhibit 1?

20 A The initial speed when it -- not to move that car,
21 now. Make sure you understand that. That,
22 combined with the other segments, was 82 miles an
23 hour minimum as a conservative estimate.

24 Q 82 miles an hour at the point of the collision?

25 A Correct.

1 Q And the car didn't -- the BMW didn't stop there;
2 correct?

3 A No.

4 Q It traveled on up the road? And I think this was
5 Exhibit 7, if you will. Is that Exhibit 7? 6, I
6 think?

7 A To answer your previous question, if memory strikes
8 me correctly, somewhere in the neighborhood of
9 26 miles an hour to move that car. The amount of
10 energy it would have taken. It would have taken
11 that amount of energy to move that car that
12 distance. I could be wrong.

13 Q Okay. And then --

14 A Actually, 21 miles per hour. I'm looking at a copy
15 of the report now. It has a combined speed in the
16 report. 21 on the first segment, the amount of
17 energy it took to move that car.

18 Q The 21 miles an hour is a minimum amount of speed
19 to move that car?

20 A That distance, correct.

21 Q And then, but the BMW continued traveling up a
22 hill?

23 A It still had energy left. After it expended
24 21 miles an hour, it expended that amount of
25 energy.

1 Q And then, so then you follow the path of the BMW,
2 and this is a blow-up of one of the photos there?
3 Can you see that?

4 A Correct. Yes.

5 Q And is this the path of the BMW, it went through
6 this driveway and up an embankment there?

7 A Yes.

8 Q Can you see that?

9 A Yes.

10 Q And as part of the investigation you calculated how
11 much energy that took?

12 A How much energy the car expended from the first
13 strike to the next segment, what I believe is the
14 vault segment when it goes airborne.

15 Q And then it is another similar photo showing --
16 that one is kind of hard to see. All right, this
17 is -- for the record, I think this is Exhibit
18 Number 15. And, again, that is kind of hard to
19 see. Do you see the BMW up in the trees there?

20 A Yes, sir.

21 Q And then Exhibit 16 is another picture of the BMW.
22 And then the last photo is a closer shot of the
23 BMW; is that right?

24 A That would be the BMW at final rest.

25 Q The final resting spot?

1 A Yes, sir.

2 Q And so the calculation -- 82 miles an hour minimum
3 speed represents what?

4 A It represents the amount of energy from the first
5 strike to the striking of the tree, which would
6 kind of account for the striking of the tree, the
7 energy it took to exact the amount of damage. But
8 if you look at the second distance, the second
9 distance is from the strike of the car to where it
10 actually goes airborne, and that is a speed loss
11 equivalent across that distance, speed loss
12 equivalent across that distance, 73 miles an hour.
13 And then you go through a vault, which sends them
14 up into the tree, and that was measured at 32 miles
15 an hour. When you combine these three speed
16 losses, it comes up with a minimum speed of
17 82.42 miles an hour, which is a conservative speed
18 estimate because it only accounts for some things
19 in that estimate.

20 Q Now, does the -- are there computer modules on I
21 guess most vehicles nowadays?

22 A Most vehicles, yes, sir. Newer cars, most of the
23 newer cars.

24 Q Excuse me?

25 A Yes, you are correct, most all cars.

1 Q And the 2013, this model BMW, were there airbag
2 control modules that kept the speed calculations?

3 A Speed distance, yes, there was.

4 Q And as part of your team's investigation, were you
5 able to obtain the information off of an onboard
6 computer of that car?

7 A We were.

8 Q And did it confirm your estimate?

9 A It confirmed that our estimate was conservative
10 because the actual speed of the car was higher than
11 our estimate.

12 Q Do you recall what the speed on the onboard
13 computer was?

14 A It was 157 kilometers per hour, which equates to
15 94 miles per hour.

16 MR. GRIFFIN: Your Honor, I would offer in
17 Exhibits 2, 3, and 4, which are the three crash
18 data reports off of the BMW. I don't think there
19 is any objection.

20 MR. LANFORD: No objections.

21 THE COURT: They will be admitted without
22 objection.

23 MR. GRIFFIN: Thank you.

24 (WHEREUPON, Plaintiff's Exhibit Nos. 2 -
25 4 were marked for identification and

1 received into evidence.)

2 BY MR. GRIFFIN:

3 Q If you look at Exhibit 4, Trooper Coffin, and then
4 Exhibit -- so on the front page of Exhibit 4, down
5 the middle there is a representation of crash info
6 of cars; is that correct?

7 A Correct.

8 Q And what is the speed there?

9 A 152 kilometers per hour. I think I misspoke
10 earlier. I said 157.

11 Q All right. And Exhibit 3 I think is -- excuse me,
12 Exhibit 2 is Crash Set -- is that Crash Set Data
13 Number 3?

14 A It is.

15 Q All right. And Exhibit 2 is Crash Set Data Number
16 1, I believe; is that correct?

17 A Correct.

18 Q And is that the same speed?

19 A It is.

20 Q 152 kilometers per hour?

21 A That's correct.

22 Q And then Exhibit 3, Crash Set Number 2; is that
23 right?

24 A Yes.

25 Q And 152 kilometers per hour?

1 A Yes.

2 Q Now, that is a measurement when the airbags go off
3 at that collision with the white car; correct?

4 A That algorithm enabled, which is when the airbags
5 are told to deploy.

6 Q And 152 kilometers per hour translates to what
7 miles per hour roughly?

8 A 94.4 miles per hour.

9 Q Thank you. Now, as part of the investigation, did
10 your team also videotape the accident scene?

11 A Correct. It is our standard protocol before we
12 document the scenes to -- with a video and digital
13 pictures.

14 Q And last week did I come out to your office and
15 show you a copy of the video?

16 A You did.

17 Q And you signed, put your initials on a DVD that
18 indicated that it was an accurate copy of what was
19 in your file?

20 A Correct.

21 MR. GRIFFIN: And I have shared that with
22 counsel, Your Honor, and they have been able to
23 review that. And at this point in time I would
24 like to introduce Exhibit 17 into evidence, which
25 is the MAIT video of the scene.

1 MR. LANFORD: No objection.

2 THE COURT: It is admitted without objection.

3 (WHEREUPON, Plaintiff's Exhibit No. 17

4 was marked for identification and

5 received into evidence.)

6 MR. GRIFFIN: Your Honor, I would like to play

7 this at this point in time.

8 THE COURT: All right. It is in evidence.

9 MR. GRIFFIN: If technology allows me.

10 (WHEREUPON, Plaintiff's Exhibit 17 was

11 played in open court.)

12 BY MR. GRIFFIN:

13 Q Who is S.L. Farmer?

14 A At that time she was one of my corporals or scene
15 supervisors.

16 Q At this time we are coming up to a white car that
17 was parked in the roadway?

18 A It is a little hard to see, but it appears to be.

19 Q And, Sergeant Coffin, what is the significance of
20 the road markings, gouge marks like that?

21 A It appears that is where the white vehicle
22 initially was parked where the start of the initial
23 impact was.

24 Q Sergeant Coffin, I don't know if you can see your
25 notes up there, but do you recall what the distance

1 is between the point of the strike of the white
2 Cobalt and the resting place of the BMW?

3 A Not without looking at notes. I can't see them
4 right now.

5 MR. GRIFFIN: Fast-forward a little bit.

6 (Pause.)

7 BY MR. GRIFFIN:

8 Q From your reconstruction, does this appear to be
9 following the path of the BMW?

10 A Yes.

11 Q That higher car mark on that tree, do you know what
12 that was?

13 A I would assume the car was doing a football type
14 roll. That is part of where the car struck the
15 tree. I would assume.

16 Q And did you do a drive-through also as part of the
17 investigation?

18 A It is general practice to do a drive-through of
19 what the --

20 MR. GRIFFIN: Fast-forward to the
21 drive-through.

22 A -- the route the subject's vehicle took.

23 Q All right. Is that the intersection of Harwell and
24 Shallow Brook?

25 I thought we were at the drive-through. I

1 think this is the drive-through.

2 Do you recall what the speed limit is through
3 here, Sergeant Coffin?

4 A I believe it is 30.

5 MR. GRIFFIN: I think that is all I plan to
6 play.

7 Thank you. Turn the lights up.

8 (Pause.)

9 A It is actually 25 miles per hour now that I can see
10 it in the daylight.

11 Q It is 25 miles per hour through there? And do you
12 have in your records the distance from the first
13 impact to the resting place? Do you know if that
14 is in that report?

15 A It would be in the case notes, which I don't have a
16 copy of those in front of me.

17 Q Okay. That's fine.

18 Sergeant Coffin, please answer any questions
19 opposing counsel may have.

20 Thank you.

21 CROSS-EXAMINATION

22 BY MR. LANFORD:

23 Q Good afternoon, Sergeant Coffin.

24 A Yes, sir.

25 Q I have just a couple of questions for you. In the

1 A No, sir.

2 Q I appreciate your answers to my questions.

3 A Thank you, sir.

4 MR. GRIFFIN: I have nothing further.

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

6 MR. GRIFFIN: May he be excused?

7 THE COURT: Yes, sir.

8 (Witness steps down and is excused.)

9 THE COURT: Do you have another witness?

10 MR. GRIFFIN: Yes, Your Honor. Cam Bohannon.

11 (Witness approaches.)

12 THE BAILIFF: Place your left hand on the
13 Bible, and raise your right hand, please.

14 (Witness complies.)

15 THE CLERK: Do you solemnly swear or affirm
16 the testimony you give in this case will be the
17 truth, the whole truth, and nothing but the truth,
18 so help you God?

19 THE WITNESS: I do.

20 THE CLERK: Please have a seat. State your
21 full name for the record.

22 (Witness seated.)

23 THE WITNESS: Cameron Bohannon.

24 CAMERON BOHANNON,
25 after being duly sworn, testified as follows:

DIRECT EXAMINATION

- 1
2 BY MR. GRIFFIN:
3 Q Good afternoon.
4 A Good afternoon.
5 Q You are going to have to speak up and answer
6 verbally my questions, Cam.
7 How old are you?
8 A Sir?
9 Q How old are you?
10 A Nineteen.
11 Q Where do you live?
12 A I live in Elgin, South Carolina.
13 Q And what do you do?
14 A Go to school, and I work at Smoothie King.
15 Q Smoothie King?
16 A Yes, sir.
17 Q What is that?
18 A Well, we have smoothies, as well as protein or meal
19 replacement-oriented.
20 Q Okay. Where do you go to school?
21 A Midlands Tech right now.
22 Q Did you know Corey Stringfellow?
23 A Yes, sir.
24 Q How did you know Corey?
25 A We went to middle school together and just grew up

- 1 together.
- 2 Q Did you live close by Corey?
- 3 A Yes, we lived in Wildewood as well, Belleclave.
- 4 Q Did you play soccer with Corey?
- 5 A Yeah, we played middle school soccer together and
- 6 played club soccer a little bit.
- 7 Q When you say club soccer, what is that?
- 8 A Like travel. South Carolina United FC, which is
- 9 travel soccer. We had practice two times a week,
- 10 games on the weekend. We went out of town
- 11 sometimes for tournaments.
- 12 Q Would the games be limited to the Columbia area or
- 13 South Carolina or out of state?
- 14 A It depends on the league. With us I think it was
- 15 just South Carolina, unless we had a tournament.
- 16 Q And who was your coach?
- 17 A Well, Corey and me were on separate teams. His
- 18 coach was Coach Kenga, but then my coach was --
- 19 well, we played -- Coach Eudy, that was our main
- 20 coach. We played together on that team.
- 21 Q Okay.
- 22 A Yes.
- 23 Q And you mentioned Coach Kenga. Who is Coach Kenga?
- 24 A David Kenga was Corey's last coach.
- 25 Q And I want to show you what is marked as

1 Plaintiff's Exhibit 21 and ask if you -- who is
2 that, Corey? Is that a picture of Corey?

3 A Yes, sir.

4 MR. GRIFFIN: Your Honor, I would like to move
5 21 into evidence.

6 THE COURT: Any objection?

7 MS. O'BRIEN: Well, Your Honor, if he took the
8 picture --

9 THE COURT: Objection is overruled. Admitted
10 into evidence. He identified the picture.

11 MR. GRIFFIN: Correct.

12 (WHEREUPON, Plaintiff's Exhibit No. 21
13 was marked for identification and
14 received into evidence.)

15 BY MR. GRIFFIN:

16 Q Again, I'm going to try to pull this picture up.
17 Bear with me just one second.

18 What Exhibit Number is that?

19 A 21.

20 Q Thank you.

21 (Pause.)

22 Q So this is Corey; correct?

23 A Yes, sir.

24 Q And he played on the -- played soccer on Spring
25 Valley High School team?

1 A Correct.

2 Q And did you visit with him at his house as well?

3 A Yes, sir.

4 MR. GRIFFIN: Your Honor, I just wanted to
5 show the picture. Thank you so much.

6 BY MR. GRIFFIN:

7 Q Do you remember May 23rd of 2013?

8 A Vaguely, I do, sort of.

9 Q Do you remember the night Corey got killed?

10 A Yes, sir.

11 Q Do you remember what y'all were doing before then?

12 A I do.

13 Q What were you doing?

14 A We had soccer tryouts that evening. It was, I
15 guess May, so we had soccer tryouts. We did that.
16 Came back home. We rode with our buddy Dillon and
17 got Chick-fil-A on the way home and got back to
18 Corey's house and then Dillon went home and then
19 Corey took me to my house. And that is the last
20 time I saw him that night or --

21 Q Did y'all have school the next day?

22 A Yes.

23 Q Did you, Dillon, and Corey do anything you weren't
24 supposed to be doing that night?

25 A I don't -- we did.

- 1 Q Okay. And what was that?
- 2 A We smoked.
- 3 Q How much?
- 4 A How much?
- 5 Q Yes?
- 6 A Maybe -- I don't know, not much.
- 7 Q Okay. And then you went home?
- 8 A (Nods affirmatively.) Correct.
- 9 Q And what condition were you in when you went home?
- 10 A I felt fine.
- 11 Q And that was the last time you saw Corey?
- 12 A Correct.
- 13 Q Thank you. That's all the questions I have.

14 MS. O'BRIEN: Thank you, Your Honor.

15 CROSS-EXAMINATION

16 BY MS. O'BRIEN:

- 17 Q Cam, Carrie O'Brien. Let me ask you a few
- 18 questions. What time was soccer tryout over that
- 19 night?
- 20 A 8:30.
- 21 Q Okay. And you were with Corey after 8:30 until the
- 22 time he took you home; correct?
- 23 A Correct.
- 24 Q Okay. After 8:30 did y'all get in the car
- 25 together?

- 1 A Correct.
- 2 Q Okay. And how long did it take you to get from
3 soccer tryouts to Corey's house?
- 4 A Forty-five minutes, thirty minutes.
- 5 Q Okay.
- 6 A We went by Chick-fil-A in Harbison.
- 7 Q Okay. Can you explain to me why, if you were in
8 the car with Corey that night, Corey would have
9 missed a call from you shortly after 9:00 p.m. on
10 May 23rd?
- 11 A He may have lost his phone and we were trying to
12 find it.
- 13 Q Is that speculation or do you remember that?
- 14 A I don't remember.
- 15 Q Okay. So y'all leave soccer tryouts at 8:30, you
16 are in the car with him until 9:15, and at
17 9:03 p.m. you call his cell phone and he has a
18 missed call from you. And you think the reason why
19 he missed the telephone call from you while you
20 were sitting in the car with him was because he
21 lost his phone?
- 22 A I don't remember.
- 23 Q Okay. And then you said that y'all got back to
24 Corey's house; correct?
- 25 A Correct.

- 1 Q Is that -- okay. And when y'all got back to
2 Corey's house, who had the marijuana?
- 3 A I don't remember.
- 4 Q You don't remember who had the pot?
- 5 A I do not.
- 6 Q Okay. You just know that you and Corey smoked
7 together; is that correct?
- 8 A That is correct.
- 9 Q And did you go and get the pot? Or did Corey go
10 get the pot?
- 11 A I do not recall.
- 12 Q Okay. And you said that y'all didn't smoke much;
13 is that correct?
- 14 A That is what I said, but, honestly, I do not really
15 remember.
- 16 Q Okay. And why do you not remember how much y'all
17 smoked that night?
- 18 A Because it was three years ago.
- 19 Q Okay. Had you smoked with Corey before May 23rd?
- 20 A We have.
- 21 Q Had you smoked with Corey -- smoked pot with Corey
22 frequently between before May 23rd?
- 23 A Not frequently, no.
- 24 Q Okay. How many times would you say you and Corey
25 had smoked pot before May 23rd?

- 1 A Three, five maybe, tops.
- 2 Q Three to five times?
- 3 A (Nods affirmatively.)
- 4 Q And when y'all smoked pot the three to five times
- 5 before May 23rd, would y'all smoke it, would
- 6 y'all -- what would you do? How would you smoke?
- 7 A Maybe a joint.
- 8 Q Any other way?
- 9 A A bowl maybe.
- 10 Q Okay. Corey had his own bowl, didn't he?
- 11 A I do not recall.
- 12 Q Did you have your own bowl?
- 13 A I do not recall.
- 14 Q And I'm talking about prior to May 23rd, 2013, you
- 15 don't recall?
- 16 A (Nods negatively.) Nope.
- 17 Q Okay. And then you said after y'all smoked pot,
- 18 you don't know how much you smoked, but that then
- 19 Corey got in the car and Corey took you to your
- 20 house?
- 21 A That is correct.
- 22 Q Okay. So Corey was driving on May 23rd after he
- 23 had smoked pot; correct?
- 24 A I mean, yes, that is correct. Probably 30 minutes
- 25 after, 45 minutes, I don't know. I mean, it is a

- 1 Long time ago. I don't remember.
- 2 Q Okay. Why does it matter whether he was driving 30
- 3 or 45 minutes after y'all smoked pot together?
- 4 A It does not.
- 5 Q Is that the first time you and Corey had ever
- 6 smoked pot together and then Corey had driven?
- 7 A I do not recall.
- 8 Q Had you ever had a conversation with Corey where he
- 9 told you that his mom had busted him smoking pot?
- 10 A I do not recall.
- 11 Q Were you with him the night whenever his mom texted
- 12 him and said that she smelled a sweet herb smell
- 13 coming from upstairs?
- 14 A No, ma'am.
- 15 Q Anything else that you and Corey did that night
- 16 other than smoke pot together?
- 17 A Listened to music.
- 18 Q Okay. Anything else other than smoke pot and
- 19 listen to music?
- 20 A No, ma'am.
- 21 Q Would y'all -- well, let me ask you, how would
- 22 y'all transport the pot? Did y'all transport it in
- 23 a FIFA container, FIFA container, whatever the
- 24 soccer video is -- soccer game?
- 25 A No.

1 Q You never did that with him?

2 A I don't recall doing that, no.

3 Q Okay. That is all the questions I have. Thank
4 you.

5 MR. GRIFFIN: I have nothing further, Your
6 Honor. Thank you.

7 THE COURT: All right, thank you. You may
8 step down.

9 (Witness steps down.)

10 THE COURT: Anything else today?

11 MR. GRIFFIN: I have one more witness, Your
12 Honor.

13 THE COURT: Oh, okay.

14 MR. GRIFFIN: Dillon Wood.

15 (Witness approaches.)

16 THE BAILIFF: Place your left hand on the
17 Bible, and raise your right hand, please.

18 (Witness complies.)

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

23 THE WITNESS: I do.

24 THE CLERK: Please have a seat, and state your
25 full name for the record.

1 (Witness seated.)

2 THE WITNESS: Dillon Wood.

3 DILLON WOOD,
4 after being duly sworn, testified as follows:

5 DIRECT EXAMINATION

6 BY MR. GRIFFIN:

7 Q Dillon, where are you from?

8 A Originally I'm from Hickory, North Carolina. I
9 grew up in Columbia, and in Boone, North Carolina,
10 for school.

11 Q Where are you in school in Boone?

12 A Appalachian State.

13 Q How old are you?

14 A I'm 20.

15 Q Did you know Corey Stringfellow?

16 A I did.

17 Q How did you know him?

18 A From -- I originally met him from soccer. He was a
19 popular person. Everybody loved Corey. So, I
20 mean, I heard the name before, and then we met at
21 soccer, and it was on from there.

22 Q Did you go to the same school with Corey?

23 A No, sir.

24 Q Just through soccer?

25 A Yes.

- 1 Q Through club soccer? Do you play soccer in
2 college?
- 3 A No, sir.
- 4 Q And were you on the same team as Corey?
- 5 A Just club soccer. Pretty much every year for club
6 soccer, yes, sir.
- 7 Q Going back how long?
- 8 A I want to say U12 maybe, 11, somewhere in there.
- 9 Q And how would you describe Corey?
- 10 A One of the most outgoing, smiling, most loved
11 people I ever knew, and I'm not exaggerating at
12 all.
- 13 Q What kind of things did he like to do?
- 14 A Surf, be at the beach, be outside, skate, hang out
15 with people, anything that was social and outdoors.
- 16 Q And did you spend time over at his home?
- 17 A Yes.
- 18 Q With Mr. and Ms. Stringfellow there?
- 19 A That's correct.
- 20 Q Did they permit, in your presence, any illegal
21 activities?
- 22 A No, sir.
- 23 Q Did they allow Corey to smoke marijuana or --
- 24 A No, sir.
- 25 Q -- drink alcohol?

- 1 A No, sir.
- 2 Q In the home?
- 3 A Not that I was ever present for, no.
- 4 Q Or anywhere to your knowledge?
- 5 A No. No, never.
- 6 Q Do you remember the night Corey died?
- 7 A Yes.
- 8 Q What had y'all been doing? Or had you been with
- 9 him earlier in the day?
- 10 A We usually carpooled to practice together, so when
- 11 tryouts came around we obviously planned to carpool
- 12 for that. We talked earlier in the day, kind of
- 13 devising a plan on who was going to drive, and
- 14 whatnot. We got to his house. We had chosen I
- 15 would drive, so we got in my car and we went to
- 16 tryouts. After tryouts we went to Chick-fil-A.
- 17 After that we drove back to Corey's house. And
- 18 Corey had told me that they were all at the beach
- 19 and he invited me to come along, but I was going to
- 20 have to skip school the next day. As y'all all
- 21 know, we had school going on. My mom said no, so I
- 22 left pretty much right after that and went back to
- 23 my house.
- 24 Q Did you do anything you shouldn't have been doing
- 25 with Corey that night?

1 A I smoked with the two of them.

2 Q How much?

3 A Not a lot. I really can't remember either, but it
4 wasn't a lot because I knew I was probably going to
5 have to leave because I knew my mom wouldn't let me
6 skip school.

7 Q And were you able to drive home?

8 A Yes. Like Cam said, it was probably 45 minutes
9 later. And then I pretty much just left right
10 after that.

11 Q And that was the last time you saw Corey?

12 A Correct.

13 Q Thank you. That is all I have.

14 CROSS-EXAMINATION

15 BY MS. O'BRIEN:

16 Q Mr. Wood, do you agree with the testimony that
17 y'all were in the car together from 8:30 to 9:15?

18 A Yes, ma'am.

19 Q Okay. Any recollection of Corey losing his phone
20 and that is why Cam could have been calling him at
21 9:03?

22 A I remember that he had lost his keys earlier that
23 day, so he could have lost his keys with his phone.
24 I mean, we tend to do that a lot when someone loses
25 their phone, the first suggestion is I call. So

- 1 that definitely could have happened.
- 2 Q Okay. Not could it have happened, did it happen?
- 3 A As far as my recollection goes, no. I can't sit
- 4 here and say yes.
- 5 Q Okay. And you know it is illegal to smoke pot?
- 6 A Yes, ma'am.
- 7 Q And you know it is illegal to ever be under any
- 8 mind-altering substance and then get in the car and
- 9 drive?
- 10 A Yes, ma'am.
- 11 Q So you are not trying to tell this jury that you
- 12 were okay to drive home, you just happened to make
- 13 it home safely that night; wouldn't you agree with
- 14 me?
- 15 A Yes, ma'am.
- 16 Q And you drove home that night after smoking pot;
- 17 correct?
- 18 A Yes, ma'am.
- 19 Q And then you heard testimony that Corey took Cam
- 20 home after he had smoked pot?
- 21 A I'm sorry, what was the question?
- 22 Q Did you hear Cam testify that Corey took him home
- 23 after they had smoked pot?
- 24 A Oh, yes, ma'am. Yes, ma'am.
- 25 Q Had you smoked pot with Corey before May 23rd?

- 1 A As far as my recollection goes, I honestly don't
2 know. Like I said, we were soccer buddies, so most
3 of the time when we hung out it was on the way to
4 practice or on the way home or like a beach trip,
5 or something like that. It was never just
6 religiously. We didn't do that. He lived too far
7 away.
- 8 Q Okay. And where did the pot come from that night?
- 9 A I honestly don't know.
- 10 Q Did you have it in your car?
- 11 A No. I didn't bring it, I know that.
- 12 Q Was it in the car from Cam?
- 13 A I don't remember. I really don't. I have no
14 recollection of whose it was or what we even smoked
15 out of, to be honest with you.
- 16 Q Okay. So do you recall going into the house to
17 smoke?
- 18 A No.
- 19 Q Where did y'all smoke?
- 20 A Outside of Corey's house, so it was near his house,
21 but not in his house.
- 22 Q Okay. And --
- 23 A But that's just because we -- that is where our --
24 that is where we went back to. I mean, we couldn't
25 do it on the way home, so, I mean, it was -- when

- 1 we got home we smoked. I don't know whose it was.
- 2 Q You smoked outside of Corey's house?
- 3 A Yes, ma'am.
- 4 Q Did y'all stop and smoke in the car?
- 5 A No.
- 6 Q Or did y'all actually wait until you got to Corey's
- 7 house?
- 8 A We waited until we were at the house.
- 9 Q Okay. And why did you wait until you got to
- 10 Corey's house to smoke?
- 11 A It hadn't even been brought up. No one had even
- 12 mentioned smoking.
- 13 Q So who brought it up?
- 14 A I cannot recall. I really can't recall such a
- 15 minor detail. I don't remember.
- 16 Q And you said that you had never smoked with Corey
- 17 before or you can't remember?
- 18 A I may have, but I don't have any recollection other
- 19 than that one night just because that night stands
- 20 out in my mind, so, no, I had never smoked with
- 21 Corey before that.
- 22 Q Corey smoked a lot, didn't he?
- 23 A No. Not that I know of, no.
- 24 Q And how do you know that --
- 25 A Because --

1 Q -- if y'all didn't hang out all the time?

2 A He wasn't that kind of person. He didn't act like
3 a pothead. He wasn't the lay-around type. Corey
4 loved to go out and do things. So, I mean, the
5 idea of him being a regular smoker was never in my
6 mind.

7 Q Okay. So he was a motivated smoker?

8 A He wasn't a smoker. He was a motivated person.

9 Q Okay. How do you know he wasn't a smoker if you
10 didn't hang around with him frequently?

11 A Because I was his good friend. I feel like he
12 would have confided in me at some point that, Hey,
13 man, do you really want to smoke with me? It was a
14 real thing. I mean, if that was a thing that he
15 did a lot, he would have mentioned it to his
16 friends. He didn't just talk about it all the
17 time.

18 Q Okay. Well, let me ask you this. Did he maybe not
19 talk about it but still do it a lot?

20 A I can't answer that question.

21 Q That's all the questions I have. Thank you.

22 MR. GRIFFIN: I have nothing, Your Honor.

23 THE COURT: All right, thank you.

24 (Witness steps down.)

25 THE COURT: All right, ladies and gentlemen,

1 that ends this day for us. We are going to start
2 back at 9:30 tomorrow morning. Have a good
3 evening. Please do not discuss the case.

4 (WHEREUPON, the jury was excused at 5:36
5 p.m.)

6 THE COURT: All right. Anything else we need
7 to talk about?

8 MR. GRIFFIN: Not from the Plaintiff, Your
9 Honor.

10 MR. LANFORD: No, Your Honor.

11 THE COURT: All right. We will be in recess
12 until 9:30 tomorrow morning.

13 (WHEREUPON, the proceedings adjourned at
14 5:37 p.m.)

15 JANUARY 10, 2017

16 (WHEREUPON, the proceedings began at
17 9:34 a.m.)

18 THE COURT: Anything before the jury comes in?
19 All right. Let's bring them in.

20 (WHEREUPON, the jury came into open
21 court at 9:35 a.m.)

22 THE BAILIFF: The jury is present, Your Honor.

23 THE COURT: Thank you.

24 Good morning.

25 THE JURY: Good morning.

1 THE COURT: Day two. Next witness.

2 MR. GRIFFIN: Thank you, Your Honor. We call
3 Cameron Stringfellow.

4 (Witness approaches.)

5 THE BAILIFF: Place your left hand on the
6 Bible, and raise your right hand, please.

7 (Witness complies.)

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

12 THE WITNESS: I do.

13 THE CLERK: Please have a seat, and state your
14 full name for the record.

15 (Witness seated.)

16 THE WITNESS: Cameron Stringfellow.

17 CAMERON STRINGFELLOW,
18 after being duly sworn, testified as follows:

19 DIRECT EXAMINATION

20 BY MR. GRIFFIN:

21 Q Good morning, Cam. Please be sure and speak up so
22 the jury can hear you.

23 A Okay.

24 Q How old are you, Cam?

25 A Twenty-two.

- 1 Q And what do you do?
- 2 A I'm at school at USC. I'm a computer science
- 3 major.
- 4 Q And what year are you there?
- 5 A Senior.
- 6 Q You'll be graduating in May?
- 7 A No, I'll be taking another year, so I'll be
- 8 graduating next May.
- 9 Q Where did you grow up?
- 10 A In Columbia, Spring Valley High School.
- 11 Q And where did y'all live?
- 12 A Cowdray Park in Wildewood.
- 13 Q And is your mom and dad Tommy and Patti
- 14 Stringfellow?
- 15 A Yes.
- 16 Q And you have a sister?
- 17 A Yes, sir.
- 18 Q What's her name?
- 19 A Caroline.
- 20 Q How old is she?
- 21 A She's 16 -- or 15 now, just turned 15.
- 22 Q And Corey was your brother?
- 23 A Yes, sir.
- 24 Q And how old was Corey when he was killed?
- 25 A He was 16.

- 1 Q Do you currently live on campus or in-campus
2 housing?
- 3 A Yes, sir, right by campus in off-campus housing.
- 4 Q Is your permanent address still with your parents?
- 5 A No, sir, it's 2223 Lee Street.
- 6 Q Do your mom and dad support you?
- 7 A Yes. Yes, sir.
- 8 Q They pay for your tuition?
- 9 A Yes, sir.
- 10 Q Pay for your housing?
- 11 A Yes, sir.
- 12 Q Pay for your car?
- 13 A Yes, sir.
- 14 Q Do you know William Gresham?
- 15 A Yes, sir.
- 16 Q How do you know Mr. Gresham?
- 17 A He's a very good family friend. I've known him for
18 a while.
- 19 Q What are his sons' name?
- 20 A Cooper and Will.
- 21 Q Was Cooper friends with Corey?
- 22 A Yes, sir, they were best friends. Lived right
23 across the street.
- 24 Q Where did they live?
- 25 A Right across the street from us.

1 Q Now, you understand you're the named Defendant in
2 this lawsuit; right?

3 A Yes, sir.

4 Q And you know this lawsuit is being brought by
5 Mr. Gresham on behalf of the estate of your
6 brother, Corey Stringfellow?

7 A Yes, sir.

8 Q And that the only thing the jury can award in this
9 lawsuit is money, you understand that?

10 A Yes, sir.

11 Q Were you served or provided a copy of this lawsuit
12 when it was filed?

13 A No.

14 Q Was it given to your --

15 A Oh, yes. Yes, it was given to me.

16 Q And who are your lawyers?

17 A Greg --

18 MR. LANFORD: Objection. Your Honor, may we
19 approach?

20 THE COURT: Yes, sir.

21 (WHEREUPON, a bench conference was held
22 in the presence of the jury but out of
23 the hearing of the jury.)

24 BY MR. GRIFFIN:

25 Q Mr. Stringfellow, did you ultimately get a copy of

1 the -- two complaints, actually -- two separate
2 lawsuits that were filed?

3 A No. No, sir.

4 Q Have you had a chance to review the complaint?

5 A Yes, right before this.

6 Q Before trial today you had a chance to review the
7 complaint?

8 A Or, yeah, yesterday.

9 Q I'm going to hand you a copy of -- a file copy of
10 the complaint in what we call the wrongful death
11 action, okay?

12 MR. GRIFFIN: Your Honor, this is a public
13 record. I'm giving him a copy of it, and I'm going
14 to ask him some questions about it.

15 THE COURT: All right.

16 MS. O'BRIEN: Mr. Griffin, are you marking it
17 as an exhibit?

18 MR. GRIFFIN: I'll be happy to. I'm not
19 planning on it. I'm not going to introduce it into
20 evidence.

21 MS. O'BRIEN: Okay.

22 BY MR. GRIFFIN:

23 Q Cameron, Paragraph 5 of this complaint alleges that
24 on or about May 24, 2013, that Corey Stringfellow
25 was a 16-year-old minor riding as a passenger in an

1 automobile driven by you. That's true, is it not?

2 A Yes, sir.

3 Q And Paragraph 6 of the complaint alleges that you
4 were driving this automobile on Shallow Brook Drive
5 in the Wildewood neighborhood in Richland County,
6 you lost control of the vehicle, you hit a parked
7 car, and then collided with a tree. Is this true?

8 A Yes, sir.

9 Q Paragraph 7 of the complaint alleges at the time of
10 the collision you were under the influence of
11 alcohol and drugs to the degree that your judgment
12 was impaired. Is this a true statement?

13 A Yes, sir.

14 Q Paragraph 8 of the complaint alleges that you were
15 driving in excess of 90 miles an hour at the time
16 of the collision. Is this true?

17 A Yes, sir.

18 Q Paragraph 9 of the complaint alleges that the speed
19 limit on Shallow Brook Drive is 25 miles per hour.
20 That's correct, isn't it?

21 A Yes, sir.

22 Q And you knew that on the night of May -- or early
23 morning hours of May 24th; correct?

24 A Yes, sir.

25 Q Paragraph 14 of the complaint alleges that on

1 February 26th, 2015, you pled guilty to involuntary
2 manslaughter and driving under the influence of
3 alcohol in Richland County Court of General
4 Sessions. That's true, is it not?

5 A Yes, sir.

6 Q Paragraph 15 of the complaint alleges that you were
7 driving too fast for conditions. That's true,
8 isn't it?

9 A Yes, sir.

10 Q Paragraph 15 alleges that you failed to keep a
11 proper lookout. That is true, isn't it?

12 A Yes, sir.

13 Q Paragraph 15 also alleges that you failed to keep
14 control of the vehicle. Isn't that true?

15 A Yes, sir.

16 Q Paragraph 15 further alleges that you drove under
17 the influence of alcohol and drugs to the degree
18 that your judgment was impaired. And that's true?

19 A Yes, sir.

20 Q And you were also speeding, were you not?

21 A Yes, sir.

22 Q Paragraph 16 of the complaint alleges that as a
23 proximate result of your negligent, reckless, and
24 grossly negligent conduct, your brother died.
25 Isn't that true?

1 A Yes, sir.

2 Q Paragraph 17 alleges that you are liable to the
3 estate of Corey Stringfellow for actual damages,
4 including but not limited to the past, present, and
5 future mental shock and suffering, grief, sorrow
6 endured and to be endured by your parents, Tommy
7 and Patti Stringfellow. Do you agree you are
8 liable for that conduct?

9 A Yes, sir.

10 Q Paragraph 18 alleges that you are liable also to
11 the estate for punitive damages in an amount to be
12 determined by the jury. Do you agree you are
13 liable for that?

14 A Absolutely.

15 Q Now, in addition to the complaint, there's also
16 answers that were filed on your behalf -- that been
17 filed in the record. Have you had a chance to
18 review the answers?

19 A I saw them yesterday.

20 MR. LANFORD: Objection, Your Honor. May we
21 approach?

22 THE COURT: Yes, sir.

23 (WHEREUPON, a bench conference was held
24 in the presence of the jury but out of
25 the hearing of the jury.)

1 BY MR. GRIFFIN:

2 Q Mr. Stringfellow, one of the defenses that have
3 been raised on your behalf is that your brother,
4 Corey, assumed the risk of the injuries from this
5 accident. Are you aware of that?

6 MR. LANFORD: Objection, Your Honor.
7 Relevance. Again, what we discussed at Your
8 Honor's --

9 THE COURT: The question is, Are you aware of
10 that. The objection is overruled.

11 Yes or no?

12 THE WITNESS: Yes.

13 BY MR. GRIFFIN:

14 Q Cam, did you tell Corey that you planned to drive
15 more than 90 miles an hour in your neighborhood?

16 A No.

17 Q Did you announce to anyone in the automobile that
18 you were planning on driving as fast as you could
19 in the neighborhood?

20 A No, sir.

21 Q Had you been speeding or driving recklessly up to
22 the point that you passed your house in the
23 neighborhood?

24 A No, sir.

25 Q Was there any way from your perspective for Corey

1 to know that you were going to floor it once you
2 got to your neighborhood?

3 MR. LANFORD: Objection, Your Honor. That's
4 speculation, what Corey knew.

5 THE COURT: Objection is overruled.

6 BY MR. GRIFFIN:

7 Q Was there any way from your perspective from what
8 you did, the conduct that you exhibited, that Corey
9 knew that you were going to floor it when you got
10 to the neighborhood?

11 A No, sir.

12 MR. LANFORD: Same objection, Your Honor.

13 THE COURT: Overruled.

14 BY MR. GRIFFIN:

15 Q Did Corey assume the risk of his injuries?

16 MR. LANFORD: Objection, Your Honor. That's a
17 question for the jury.

18 THE COURT: Sustained.

19 BY MR. GRIFFIN:

20 Q The answer also alleges that Corey had an equal
21 right to control and manage the vehicle. Are you
22 aware of that?

23 A (WHEREUPON, there was no response.)

24 Q Did he?

25 A No.

- 1 Q Who was driving?
- 2 A I was.
- 3 Q Who was the older brother?
- 4 A I was.
- 5 Q Who was in charge?
- 6 A Me.
- 7 Q Who had the car keys?
- 8 A I did.
- 9 Q Was Corey telling you how to drive?
- 10 A No, sir.
- 11 Q Did Corey tell you to floor it?
- 12 A No, sir.
- 13 Q Did he ever direct you in any way how to drive on
- 14 the early morning hours of May 24th?
- 15 A No. Or before.
- 16 Q Or before?
- 17 A No.
- 18 Q Were you usually the driver?
- 19 A Yes, sir, I always drove.
- 20 Q You always drove?
- 21 A Most of the time, sir.
- 22 Q Now, Cam, I want to talk to you about your driving.
- 23 When did you first learn to drive?
- 24 A I was fifteen and a half.
- 25 Q And what type of driver's training did you receive?

- 1 A A-1 Driving.
- 2 Q And were you also -- attend any other -- did you
- 3 have to attend any awareness classes?
- 4 A Yes, sir, a lab of 25 classes.
- 5 Q And what is that?
- 6 A It's things like you take three classes and it just
- 7 teaches you about drinking and driving and texting
- 8 and driving and all that.
- 9 Q And didn't you also do a school project, prepare a
- 10 video of about the hazards of drinking, under the
- 11 influence?
- 12 A Yes.
- 13 Q And you actually produced a video of that; right?
- 14 A Yes, sir, for a high school project in sophomore
- 15 year.
- 16 Q And in that high school project, did you get graded
- 17 on it?
- 18 A Yes, sir.
- 19 Q Did you get a good grade?
- 20 A Yes, sir.
- 21 Q Did you get good grades in school generally?
- 22 A Yes, sir, A's and B's.
- 23 Q This video, I believe -- I mean, you actually
- 24 re-enacted an arrest, did you not?
- 25 A Yes.

1 Q With the school resource officer?

2 A Yes, sir.

3 Q Of what would happen if driving under the
4 influence?

5 A Yes, sir. Took us down to the county jail and
6 fingerprinted us, and all that.

7 THE COURT: Move closer to the mic and raise
8 it up a little bit, talk a little louder.

9 BY MR. GRIFFIN:

10 Q Cam, you learned through your driver's education
11 and other training you received that there are
12 speed limits in place for a reason; right?

13 A Yes, sir.

14 Q And speed limits are there for the safety of
15 everybody using the road; right?

16 A Yes, sir.

17 MR. LANFORD: Objection, Your Honor.
18 Relevance.

19 THE COURT: Objection overruled.

20 BY MR. GRIFFIN:

21 Q And you knew that when you disregard speed limits
22 that you're putting many lives at risk; correct?

23 MR. LANFORD: Objection, Your Honor. It's not
24 relevant. Mr. Griffin can certainly ask
25 Mr. Stringfellow if he violated the safety statute

1 that night, but as it relates to others, that has
2 no relevance in this lawsuit.

3 THE COURT: Objection is overruled.

4 THE WITNESS: Yes.

5 BY MR. GRIFFIN:

6 Q And when you speed, you're not just putting the
7 life or lives of your passenger at risk, but other
8 people using the roadways; correct?

9 A Yes, sir.

10 MR. LANFORD: Same objection, Your Honor.
11 This is not relevant to any issue in this case.
12 Mr. Griffin established that Mr. Stringfellow was
13 driving in excess of the speed limit, that it
14 caused an accident, that is caused the death of his
15 brother. The rest of these questions are
16 completely irrelevant to the issue in this case.

17 THE COURT: I want to call the parties'
18 attention to Rule 43(i) of the Rules of Civil
19 Procedure, which says that: No argument shall be
20 made on any objection to admissibility of evidence
21 or conduct of trial unless specifically requested
22 by the Court. So when there's an objection, state
23 your legal basis, not an argument.

24 The objection is overruled.

25 BY MR. GRIFFIN:

1 Q Is that correct?

2 A Yes, sir.

3 Q And you certainly were aware and you understand
4 that speed kills; correct?

5 MR. LANFORD: Objection. Relevance. More
6 prejudicial than probative.

7 THE COURT: The objection is overruled.

8 BY MR. GRIFFIN:

9 Q And, Cam, on the night of May 24th, early morning
10 hours of May 24th, you also knew that a safe speed
11 in a neighborhood is different from a safe speed on
12 the highway; right?

13 A Yes, sir.

14 Q And the reasons for lower speed limits in a
15 neighborhood is because there are houses and
16 families living feet from the street?

17 A Yes, sir.

18 MR. LANFORD: Objection. Relevance. More
19 prejudicial than probative.

20 THE COURT: The objection is sustained as to
21 houses and whatever else you said.

22 BY MR. GRIFFIN:

23 Q Cam, you also knew on May 24th that it was
24 dangerous to drink and drive; right?

25 A Yes, sir.

1 Q And you made an adult decision to disregard many of
2 the many safety rules?

3 A Yes, sir.

4 Q And putting your brother in danger; right?

5 A Yes, sir.

6 Q Wesley Thompson, your best friend, in danger;
7 right?

8 A Yes, sir.

9 Q And after drinking alcohol and drugs, you got
10 behind the wheel of a car and drove with your
11 judgment impaired; correct?

12 A Yes, sir.

13 Q And when you got back to the house, you decided to
14 do, I guess, a victory lap, did you not?

15 A Yes, sir.

16 Q In the neighborhood at Wildewood?

17 A Yes, sir.

18 Q And you went in excess of 60 miles over the speed
19 limit, did you not?

20 A Yes, sir.

21 Q And as a result of your conduct, you pled guilty to
22 some criminal charges; correct?

23 A Yes, sir.

24 Q You pled guilty to involuntary manslaughter?

25 A Yes, sir.

1 Q And driving under the influence?

2 A Yes, sir.

3 MR. LANFORD: Objection, Your Honor. I think
4 this has already been asked and answered.

5 THE COURT: It's been asked and answered, yes.

6 MR. GRIFFIN: Yes, sir.

7 BY MR. GRIFFIN:

8 Q You also violated some very important rules that
9 your parents and you had agreed upon about using
10 the automobile, didn't you?

11 A Yes, sir.

12 Q In fact, your parents had a written contract with
13 you about conditions of you driving a car; correct?

14 A Yes, sir.

15 Q And the contract required that you not drink and
16 drive, didn't it?

17 A Yes, sir.

18 Q The contract required that you not violate any
19 safety rules of the road; right?

20 A Yes, sir.

21 Q And because you violated those safety rules of the
22 road, your agreement with your parents, a terrible,
23 terrible accident happened, did it not?

24 A Yes, sir.

25 Q You don't hold anybody else responsible but

1 yourself; correct?

2 A No. No, sir.

3 MR. LANFORD: Objection. Relevance. Invades
4 the province of the jury.

5 THE COURT: The objection is overruled.

6 BY MR. GRIFFIN:

7 Q In addition to Corey dying that night, your best
8 friend, Wesley Thompson, had some serious injuries,
9 didn't he?

10 A Yes, sir.

11 Q And then you demolished this car, did you not?

12 A Yes, sir.

13 Q Thankfully, there was no one in this car?

14 MR. LANFORD: Objection. Relevance.

15 THE COURT: Objection is overruled.

16 THE WITNESS: Yes, sir, absolutely.

17 BY MR. GRIFFIN:

18 Q And you -- after you struck the white Cobalt, you
19 lost complete control of the BMW; correct?

20 A Yes, sir.

21 Q And you ended up going up into this neighbor's yard
22 and crashing in the front yard; correct?

23 A Yes.

24 Q Thankfully, there was no one in the front yard?

25 A Yes, sir.

1 MR. LANFORD: Objection. Relevance.

2 THE COURT: The objection is overruled.

3 BY MR. GRIFFIN:

4 Q Now, Cam, after you hit the first car and lost
5 control of the BMW or went the distance till the
6 BMW came to rest, that took a matter of seconds,
7 did it not?

8 A Yes, sir.

9 Q Did it seem like a long, long time?

10 A I just -- when I became conscious, I was in the
11 tree.

12 Q Now, Cam, again, everybody who knows you -- and no
13 one is suggesting otherwise -- that if you had to
14 make the decisions or could have a do-over of this
15 night, you would absolutely do something completely
16 different than you did; right?

17 A Of course. Yes.

18 Q And through all this your parents have continued to
19 express their love and support for you?

20 A Yes, sir.

21 Q And they've expressed their forgiveness of you?

22 A Absolutely.

23 Q But they have also suffered tremendously, have they
24 not?

25 A They have.

1 Q Now, Cam, I want to back up and talk to you about
2 the events that happened starting on May 23rd,
3 okay? On May 23rd, were you a senior?

4 A Yes, sir.

5 Q Had you finished all your classes?

6 A Yes, sir.

7 Q Were you -- had you been accepted to college?

8 A Yes, I just got accepted actually.

9 Q The college of your choice?

10 A No. Actually, to Midlands, but I was planning to
11 transfer --

12 THE COURT REPORTER: I'm sorry, could you
13 speak up?

14 THE WITNESS: Yes. I was accepted to
15 Midlands, but I was planning on transferring over
16 to USC that following semester, so, yes.

17 BY MR. GRIFFIN:

18 Q And it was -- when was graduation scheduled, the
19 actual formal ceremony, the following week?

20 A Yes, sir. Yes.

21 Q And it was also Memorial Day weekend; correct?

22 A Yes, sir.

23 Q And your parents had rented a place down at the
24 beach for the weekend?

25 A Yes, sir.

1 Q And they left Thursday evening to go check into the
2 place that they had rented?

3 A Yes, sir.

4 Q And they left with your sister?

5 A Uh-huh. Yes, sir.

6 Q And they left you and Corey at home; right?

7 A Yes, sir.

8 Q And you were 18?

9 A Yes, sir.

10 Q Corey was 16?

11 A Yes, sir.

12 Q Had y'all ever been left home alone before that
13 time?

14 A Not to my knowledge. During the day or at school,
15 obviously, but not like a big trip.

16 Q This was the first time that you and your brother
17 had been left home alone and both parents out of
18 town; is that right?

19 A Yes, sir.

20 MR. LANFORD: Objection, Your Honor.

21 Mr. Griffin is leading Mr. Stringfellow. He's
22 called him as his witness. I think the leading is
23 improper.

24 THE COURT: Don't lead the witness.

25 MR. GRIFFIN: Excuse me?

1 THE COURT: Don't lead the witness.

2 MR. GRIFFIN: Yes, sir.

3 BY MR. GRIFFIN:

4 Q Had you given -- up until May 23rd, had you given
5 your parents any reason to suspect that you
6 wouldn't be responsible that night?

7 A No, sir.

8 Q Had you ever been arrested?

9 A No, sir.

10 Q Had you ever been caught with drugs?

11 A No, sir.

12 Q You had good grades?

13 A Yes, sir.

14 Q And you did volunteer work, did you not?

15 A Yes, sir.

16 MR. LANFORD: Objection, Your Honor. It is
17 still leading.

18 THE COURT: Don't lead the witness.

19 BY MR. GRIFFIN:

20 Q Were you engaged in the community doing civic
21 volunteer work?

22 A Yes, sir, I --

23 MR. LANFORD: Objection. Leading.

24 THE COURT: Overruled.

25 THE WITNESS: Yes, sir, I'm a counselor at

1 Camp Chemo. I've been -- it's actually my second
2 year I've been doing Camp Chemo.

3 BY MR. GRIFFIN:

4 Q And what is Camp Chemo?

5 A It's a camp where we -- pretty much kids that have
6 cancer over at Palmetto Hospital come and just be a
7 normal kid for a week.

8 Q What -- do you remember what time of day your
9 parents left?

10 A It was in the evening around 7:00 or so.

11 Q Up until the time your parents left, what had you
12 been doing?

13 A I had just gotten back from school and hanging out
14 at the house. I had gone and picked my friend,
15 Wesley, up from school as well.

16 Q Was Wesley hanging out at the house with you?

17 A Yes, sir.

18 Q And were y'all doing anything you weren't supposed
19 to be doing?

20 A No, sir.

21 Q And what was Corey's plans for that evening?

22 A He had soccer tryouts, that was it. I think he had
23 a test or something the next morning.

24 Q Was Corey hanging out with you and Wesley in the
25 afternoon?

1 A Yes, sir, for a little bit, but then he -- I mean,
2 he went and hung out with his friends, then off to
3 soccer practice for tryouts.

4 Q And then after your parents left, what did you and
5 Wesley do?

6 A We played some video games and then started
7 drinking.

8 Q What were you drinking?

9 A Wine, I believe.

10 Q And where did you get the wine?

11 A Out of the garage, some boxed wine in our garage.

12 Q Did you have permission from your parents to get
13 the wine?

14 A No, sir. They lock up the liquor before they
15 leave.

16 Q I'm sorry, what did you say?

17 A They lock up the liquor before they leave.

18 Q Did they allow you to drink in the house?

19 A No, sir.

20 Q Do you remember how much wine you drank?

21 A Maybe one or two bottles, bottle and a half.

22 MS. O'BRIEN: Your Honor, I'm having a hard
23 time understanding. I apologize.

24 THE WITNESS: Sorry, yes. A bottle, bottle
25 and a half.

1 BY MR. GRIFFIN:

2 Q And did you do anything else?

3 A Yes, sir.

4 Q What did you do?

5 A We went to see a movie, and we also poured another

6 thing of -- flask full of Evan Williams.

7 Q Evan Williams? What's that?

8 A Liquor.

9 Q Is it bourbon?

10 A Yes, sir.

11 Q And where was the movie?

12 A It was in Sandhills.

13 Q And how far away is your parents' home from the

14 Sandhills movie theater?

15 A About 10 minutes, 15 minutes.

16 Q And what was your path of travel to the movie?

17 A Clemson Road.

18 Q So you left Wildewood?

19 A Yes, sir, left Wildewood, down Sparkleberry, left

20 on Clemson, all the way down, and that leads you

21 straight into Sandhills.

22 Q What car did you drive?

23 A My mom's BMW.

24 Q Did you have her permission?

25 A No, sir.

1 Q Had you had a discussion with her about driving her
2 car before she left?

3 A I mean, I just had general conversations before
4 with her about not -- I mean, I had my own car for
5 my own stuff and she has her car, so I don't -- I
6 never really was able to drive it unless I had
7 explicit permission from her.

8 Q On the way to the movie, how was your driving?

9 A Fine. Perfect.

10 Q And then what time did you go to the movie? What
11 time was the movie?

12 A It was a 10:00 o'clock movie, so it was later.

13 Q And did -- you said you had this Evan Williams.
14 Did you take it into the movie?

15 A Yes, sir.

16 Q Did you drink it in the movie?

17 A I'm actually not clear if we did or not. I don't
18 really -- it started getting hazy, but I assume we
19 did. I don't know why else we would bring it if we
20 didn't drink it.

21 MS. O'BRIEN: Your Honor, I'm having a hard
22 time understanding him. I apologize.

23 THE WITNESS: Yes, we did. I brought it into
24 the movie theater, but I'm not sure if we drank it,
25 but I assume we did because I don't know why we

1 would pour it and bring it if we weren't going to
2 drink it.

3 BY MR. GRIFFIN:

4 Q You just don't remember?

5 A No, sir.

6 Q Did you get back -- what did you do after you left
7 the movie?

8 A Went back to our house.

9 Q Who drove?

10 A I did.

11 Q How was your driving?

12 A It was fine.

13 Q What did you do when you got back home?

14 A Hung out there for a little while, played some more
15 video games, I believe.

16 Q At some point in time -- well, do you recall
17 whether Corey was there when you got home or came
18 after you got home?

19 A I'm not sure. I believe he was already home, or if
20 he hadn't, he had just recently came home, like
21 right as we had gotten home. I believe he was
22 already there, though. I'm not sure.

23 Q And did you stay there at the house after the
24 movie?

25 A No, sir.

- 1 Q What did you do?
- 2 A We went back out to buy some weed, marijuana.
- 3 Q When you say we, who are you talking about?
- 4 A Wesley, Corey, and I.
- 5 Q And where did you go?
- 6 A This girl's house named Savannah Ballard.
- 7 Q Did you know her?
- 8 A I knew of her through high school, mutual friends,
- 9 but I never really hung out with her in general.
- 10 Q How did you know to go there to buy weed?
- 11 A I'm not sure. Somebody got her number somehow and
- 12 said that she had some, so that's where we went.
- 13 Q It wasn't you?
- 14 A I don't believe so, no, sir.
- 15 Q And do you remember roughly where she lived?
- 16 A Across Sparkleberry and over kind of near the
- 17 Spring Valley area.
- 18 Q And did you drive?
- 19 A Yes, sir, I did.
- 20 Q And how was your driving?
- 21 A It was fine.
- 22 Q Were you speeding?
- 23 A No, sir.
- 24 Q Were you swerving?
- 25 A No, sir. Not to my knowledge.

- 1 Q How long did you stay at Savannah Ballard's house?
- 2 A Not long, maybe 10 minutes tops.
- 3 Q And then what happened?
- 4 A Then we drove home.
- 5 Q You say "we" drove. Who was driving?
- 6 A I was.
- 7 Q Who else was in the car with you?
- 8 A Corey and Wesley.
- 9 Q And where was Wesley sitting?
- 10 A He was in the shotgun and Corey was in the back
- 11 seat.
- 12 Q What part of the back seat was Corey sitting?
- 13 A Right behind me.
- 14 Q And did you make it back to your house?
- 15 A Well, yes, sir. I drove us -- we were pulling in
- 16 my neighborhood and as I was driving by our house,
- 17 I suddenly got this urge to go fast, for whatever
- 18 reason. I knew there was a straight-away in the
- 19 back of our neighborhood, so I just kept going
- 20 through and went back there and then just gunned it
- 21 back in the neighborhood.
- 22 Q Let me -- up to the point you got to your house,
- 23 were you speeding?
- 24 A No, sir.
- 25 Q To your knowledge, were you swerving?

1 A No, sir.

2 Q Was anyone complaining about your driving?

3 A No, sir.

4 Q And then you said you went past your house, but you
5 had an urge to go fast?

6 A Yes, sir.

7 Q Did you announce to anyone in the car what your
8 intentions were?

9 A No, sir.

10 Q And when you got to the back straight-away, what
11 did you do?

12 A I went fast, gunned it.

13 Q And according to the records you got up to over
14 90 miles an hour?

15 A Yes, sir.

16 MR. LANFORD: Objection. Asked and answered.

17 THE COURT: Sustained.

18 BY MR. GRIFFIN:

19 Q Do you recall hitting the white car?

20 A Vaguely.

21 Q Did anyone warn you about the white car?

22 A I heard my brother yell out, Watch out for that
23 car.

24 Q And what happened after that?

25 A Then the next thing I remember was waking up in the

1 car crashed into the tree.

2 Q And what did you do once you woke up after crashing
3 into the tree?

4 A I got out and I looked at Wesley and he was
5 conscious. I looked at Corey and he was
6 unconscious. I started yelling and ran up to the
7 door of the person's yard we were in and banged on
8 it and asked -- yelled for them to call 9-1-1. And
9 I went and sat back in the BMW and held Corey's
10 hand until the paramedics got there.

11 MR. GRIFFIN: Your Honor, I have previously
12 marked Plaintiff's Exhibits 19 and 20, which are
13 certified copies from Richland County of
14 Mr. Cameron Stringfellow's conviction and sentence
15 for involuntary manslaughter and driving under the
16 influence first offense. And I'd like to introduce
17 them into evidence without objection.

18 MR. LANFORD: No objection.

19 THE COURT: Admitted without objection.

20 (WHEREUPON, Plaintiff's Exhibit Nos. 19
21 - 20 were marked for identification and
22 received into evidence.)

23 BY MR. GRIFFIN:

24 Q Cam, you understand this is a civil case, not a
25 criminal case?

1 A Yes, sir.

2 Q You previously accepted your responsibility in the
3 criminal case?

4 A Yes, sir.

5 Q And you are here to accept responsibility in this
6 civil case?

7 MR. LANFORD: Objection. Leading.

8 THE COURT: Don't lead the witness.

9 BY MR. GRIFFIN:

10 Q Are you accepting responsibility in this civil
11 case?

12 A Yes, sir.

13 Q Cam, is \$2.5 million a sufficient amount of money
14 to compensate the Plaintiffs --

15 MR. LANFORD: Objection.

16 Q -- for the pain and suffering and grief --

17 MR. LANFORD: Invades the province of the
18 jury.

19 Q -- that you have put them through?

20 THE COURT: The objection is sustained.

21 MR. GRIFFIN: I have no further questions,
22 Your Honor.

23 THE COURT: Cross-examination?

24 MR. LANFORD: Yes, Your Honor. Permission to
25 treat Mr. Stringfellow as a hostile witness?

1 THE COURT: That's not necessary. You can
2 cross-examine him.

3 MR. LANFORD: Thank you, Your Honor.

4 CROSS-EXAMINATION

5 BY MR. LANFORD:

6 Q Cam, good morning.

7 A Good morning.

8 Q How are you?

9 A All right.

10 Q You don't remember everything about that night, do
11 you?

12 A No, sir.

13 Q As I understood from your deposition testimony, you
14 don't remember anything after leaving your house to
15 go to Savannah Ballard's and when you arrived back
16 in your neighborhood; is that correct?

17 A Well, bits and pieces, but for the most part, yes,
18 it is very hazy.

19 Q In your deposition you testified you did not have
20 any memory of that time?

21 A I think I said I had one glimpse of driving down
22 Sparkleberry, but. That's the only memory I have
23 is driving down Sparkleberry Road towards --

24 Q Mr. Stringfellow, I'm going to hand you your
25 original deposition.

1 MR. LANFORD: May I approach, Your Honor?

2 THE COURT: Yes, sir.

3 Ladies and gentlemen, a deposition is a sworn
4 statement taken outside of court before -- the same
5 manner as the court reporter is taking testimony
6 here today. And it can be used during trial for
7 certain purposes, including examination and
8 cross-examination.

9 MR. LANFORD: Thank you, Your Honor.

10 THE COURT: And this is the deposition of
11 Cameron Stringfellow, which was taken October 25th,
12 2016.

13 MR. LANFORD: May I approach the witness?

14 THE COURT: Yes, sir.

15 BY MR. LANFORD:

16 Q Have you ever seen a copy of that deposition
17 before?

18 A Yes, sir, I have.

19 Q Did you review it after it was taken?

20 A Yes, sir.

21 Q Can I direct your attention to Page 20 of your
22 deposition?

23 A Yes.

24 Q Can you read beginning with Line 5 to Line 9?

25 A Yes. Okay. Just so we're clear, you remember

1 after leaving your house to go to Savannah's, but
2 then you don't remember anything until you were
3 back in your neighborhood passing your house?

4 Correct.

5 Q Correct was your answer?

6 A Yes, sir.

7 Q Are you correcting that testimony today, you do
8 have bits and pieces of memory from that night?

9 A I mean, bits and --

10 Q From that period of time?

11 A Yeah, I do. I have bits and piece scattered all
12 over. It was a pretty traumatic night.

13 Q But at the time when your deposition was taken, you
14 didn't have any memory of that period of time;
15 correct?

16 A I guess not.

17 Q But you do remember that you drank alcohol that
18 night; correct?

19 A Yes, sir.

20 Q You drank alcohol from wine that was in a box in
21 your parents' garage; correct?

22 A Correct.

23 Q You were also drinking bourbon; correct?

24 A Correct.

25 Q You stated that was -- testified that was Evan

- 1 Williams?
- 2 A Yes, sir.
- 3 Q Was that from -- did you obtain that from your
- 4 parents' liquor cabinet or did you get it somewhere
- 5 else?
- 6 A No, sir, I got that somewhere else.
- 7 Q Where did you get it?
- 8 A The BP off of Spears Creek Road.
- 9 Q They sell to underage students?
- 10 A Apparently, yes.
- 11 Q You had your own flask as well; is that correct?
- 12 A Yes, sir.
- 13 Q You had purchased that some months before this
- 14 accident; correct?
- 15 A Yes, sir.
- 16 Q Where did you buy it?
- 17 A Wal-Mart.
- 18 Q And that's the flask you used to take the bourbon
- 19 into the movie theater; correct?
- 20 A Correct.
- 21 Q Your parents, they had a -- did they have a liquor
- 22 cabinet that held liquor and other alcohol?
- 23 A Just underneath the sink, they had a couple of
- 24 liquor bottles. They called it a liquor cabinet,
- 25 but it's really just a under-the-sink cabinet.

- 1 Q They kept that locked, you said?
- 2 A Yes, sir.
- 3 Q Was it locked all the time or just before they were
- 4 leaving you at home?
- 5 A Just whenever -- well, when they were leaving us at
- 6 home. Like, if they weren't there during the day
- 7 for long periods of time or at night when we had a
- 8 bunch of friends over.
- 9 Q Because they would leave it unlocked unless you
- 10 were there alone with your friends, is that your
- 11 testimony?
- 12 A They locked it for certain occasions, yes.
- 13 Q And those certain occasions would be when you were
- 14 in the home alone?
- 15 A Yes.
- 16 Q And was this a combination lock or a key lock?
- 17 A It was just a little sliding lock that was on the
- 18 little door, whatever.
- 19 Q Did you know how to open that?
- 20 A No, they had a key.
- 21 Q There were times when that was open, but they would
- 22 lock it whenever you were home; correct?
- 23 A Yes.
- 24 Q Or whenever you were home alone; correct?
- 25 A Yes.

1 Q Now, when you were deposed, I also asked you if you
2 had smoked marijuana that night. And you
3 testified, Not that I remember?

4 A Correct.

5 Q What's your testimony today, did you smoke
6 marijuana that night?

7 A I'm still not sure. I don't --

8 Q You don't remember?

9 A I know we went to buy marijuana, but I'm not sure
10 if I smoked it.

11 Q Have you every reviewed the toxicology reports?

12 A Yes -- or I was -- yes. Yes, I did.

13 Q Are you aware of what your toxicology report
14 showed?

15 A Yes, that I had marijuana in my system as well as
16 alcohol.

17 Q Specifically, it showed THC and THC metabolites.
18 Do you know what those are?

19 A Assuming one means it was recently digested in your
20 system, or something along those lines.

21 Q That's the active ingredient in marijuana; correct?

22 A Yes, I guess.

23 Q Have you ever reviewed Corey's toxicology report?

24 A No. I've heard about it, yeah.

25 Q Were you aware that he also had THC and THC

- 1 metabolites in his system?
- 2 A Yes, I heard that.
- 3 Q Were you aware that the levels in his system were
- 4 actually higher than yours?
- 5 A No, sir.
- 6 Q You weren't aware of that?
- 7 A No, sir.
- 8 Q So as we're here today, you don't know one way or
- 9 the another whether you smoked marijuana that
- 10 night; correct?
- 11 A No, sir.
- 12 Q So it's certainly possible that you did smoke
- 13 marijuana with both Corey and Wesley that night,
- 14 isn't it?
- 15 A Sure. Yes.
- 16 Q Because you and Corey had smoked marijuana together
- 17 before, hadn't you?
- 18 A Yes.
- 19 Q Y'all had drank alcohol together before, hadn't
- 20 you?
- 21 A No, I don't believe we drank together before.
- 22 Maybe, but I'm not sure. We ran with different
- 23 groups. He was a lot younger -- or two years
- 24 younger, so we had a different set of friend
- 25 groups, didn't really...

- 1 Q If you can go to Page 10 of your deposition. Just
2 let me know when you're there.
- 3 A Uh-huh.
- 4 Q Line 7 -- excuse me, Line 9, I asked you had Corey
5 ever smoked marijuana before that night. What was
6 your answer?
- 7 A Yes, sir, I believe he had.
- 8 Q Had the two of you ever smoked marijuana together?
- 9 A Yes.
- 10 Q Had you all ever drank together?
- 11 A Yes.
- 12 Q So when I deposed you, your answer to that question
13 whether y'all had drank alcohol together before was
14 yes; correct?
- 15 A Yes.
- 16 Q Now, as I understand it, before you and Wesley went
17 to the movie -- and as I understand it from
18 Wesley's testimony, the movie started at 9:50, does
19 that sound right?
- 20 A Yes, a 10 o'clock movie, 9:50.
- 21 Q So a 9:50 movie at Sandhills, what is that, five
22 minutes from your house?
- 23 A Yes. 10, five, 10 minutes.
- 24 Q Depending on traffic?
- 25 A Yes, sir.

1 Q So you and Wesley were at your house drinking,
2 possibly smoking marijuana until -- from the time
3 your parents left until roughly whenever you left
4 to go to the movie; correct?

5 A Drinking, yes.

6 Q So a couple of hours?

7 A Yes.

8 Q The marijuana, you don't remember?

9 A No, we didn't -- I mean, we didn't have any -- I
10 don't think we had marijuana before. That's why we
11 went to go buy it after the movie.

12 Q Okay. So you may have smoked marijuana, because
13 you -- you obviously did smoke marijuana you
14 purchased at Savannah's house; correct?

15 A I assume so, I don't know.

16 Q You had marijuana in your system?

17 A Yes, sir.

18 Q So you smoked at some point on that night?

19 A Yes, sir, I guess so.

20 Q So if you didn't smoke it -- what you're telling me
21 now is you didn't smoke it between the time your
22 parents left and you went to the movie, between
23 roughly 8:00 and 10:00, then you would have smoked
24 marijuana after you got back from the movie;
25 correct?

1 A I'm saying yes, I don't know. I assume so.

2 Q And that would have been with Wesley and Corey?

3 A I guess, yes.

4 Q Before you left for the movie, some other people
5 came over to your house, didn't they?

6 A Uh --

7 Q Didn't your girlfriend, Laurel, come over?

8 A Yes, she did, she did stop by.

9 Q She drank some of the wine too, didn't she?

10 A I don't believe so. I don't know.

11 Q What about your friend, T.J. Teagle, did he come
12 over?

13 A I don't think T.J. came over.

14 Q All right. Now, getting back to when you and Corey
15 had smoked marijuana together. I believe you
16 testified it was one to two times; correct?

17 A Yes.

18 Q Did Corey keep marijuana in his room?

19 A No, sir.

20 MR. LANFORD: May I approach, Your Honor?

21 THE COURT: Yes.

22 BY MR. LANFORD:

23 Q I'm handing you what has been premarked as
24 Exhibit -- Defendant's Exhibit 45. Is that Corey's
25 room?

1 A I don't think so.

2 Q I'll represent to you this is a picture taken from
3 his phone produced in discovery in this case.

4 A I mean, he doesn't have a paper towel roll and
5 candles in his room.

6 Q Tell me what -- you know what Ozium is?

7 A No, sir.

8 Q Can you identify what's in that picture?

9 A A lighter.

10 Q Does there appear to be two rolled joints?

11 MR. GRIFFIN: Objection, Your Honor. He --
12 this witness has no personal knowledge about this
13 picture.

14 MR. LANFORD: That's what I'm trying to get
15 to, Your Honor. He's identifying one thing that's
16 in there and there's multiple things in the
17 picture.

18 THE COURT: Trying to get to what? You want
19 him to tell you what's in those pictures?

20 MR. LANFORD: Yes, Your Honor.

21 THE COURT: And what's the objection?

22 MR. GRIFFIN: That he hasn't authenticated
23 where the picture came from and this witness
24 doesn't know anything about the picture. He might
25 as well be asking me what's in that picture.

1 THE COURT: What's the next question?

2 BY MR. LANFORD:

3 Q What else is in the picture?

4 MR. GRIFFIN: Objection, Your Honor.

5 THE COURT: Okay. Do you know where the
6 picture was -- what is that -- do you know what
7 that is a picture of?

8 THE WITNESS: It looks like a counter table.
9 I don't know. I've never seen this picture in my
10 life. This is the first time I've seen it.

11 THE COURT: The objection is sustained.

12 BY MR. LANFORD:

13 Q When you and Corey had smoked marijuana together
14 before, what did you use to smoke it with?

15 A I believe a G.

16 Q You talking --

17 A A G. A gravity bong.

18 Q A gravity bong?

19 A Uh-huh.

20 Q Who had that?

21 A Made it out of an Gatorade bottle.

22 Q You said you made it?

23 A Yeah.

24 Q Did Corey have any type of paraphernalia for
25 smoking marijuana?

- 1 A I don't think so. Not to my knowledge, no.
- 2 Q Where did you keep your gravity bong?
- 3 A I made it one time and threw it away. I never kept
- 4 them.
- 5 Q Now, at the time of this accident, you owned your
- 6 own vehicle; correct?
- 7 A Yes.
- 8 Q And that was a Chevy Tahoe?
- 9 A Yes, sir.
- 10 Q Since that time you have sold the Tahoe and got
- 11 another one; correct?
- 12 A Yes.
- 13 Q Your parents bought that for you?
- 14 A Yes, sir.
- 15 Q So the night of this accident you had your own
- 16 vehicle to drive; correct?
- 17 A Yes, sir.
- 18 Q And that was your vehicle?
- 19 A Yes, sir.
- 20 Q But even though you had your own vehicle to drive,
- 21 you drove your mother's BMW 7 Series; correct?
- 22 A Yes, sir.
- 23 Q As I understand, when this accident happened, that
- 24 car was about a year old, little over a year?
- 25 A Pretty -- yes. I'm not sure what year the car was,

1 but.

2 Q It was a pretty nice car, wasn't it?

3 A Yes.

4 Q Was it nicer than your Tahoe?

5 A Yeah.

6 Q Something an 18-year-old looked pretty good driving
7 around in? Would you agree with that?

8 A Yes.

9 Q Your mom was pretty proud of that car, wasn't she?

10 A Yes. She worked hard for it.

11 Q I believe you testified in your deposition you were
12 only allowed to drive it on special occasions?

13 A Yes, sir, if she gave me explicit permission.

14 Q But you had driven it before; correct?

15 A Yes, sir.

16 Q There was a key to the car in the house, wasn't
17 there?

18 A Yes.

19 Q Where was that key?

20 A Hidden in one of the cabinets.

21 Q Your mom testified that it was kept in a bowl?

22 MR. GRIFFIN: Objection.

23 MR. LANFORD: I'll rephrase.

24 THE COURT: All right.

25 BY MR. LANFORD:

- 1 Q Your sworn testimony here today and in your
2 deposition was that this key was hidden away in a
3 cabinet; correct?
- 4 A Yes, a cabinet, a bowl on the back of a cabinet.
5 It was just right there in the cabinet space in the
6 kitchen.
- 7 Q You say it was hidden away. Was it locked or kept
8 from you?
- 9 A No, it was just like hidden behind a door to the
10 cabinet, or in a drawer and kept it on three
11 spaces.
- 12 MS. O'BRIEN: Your Honor, I can't understand
13 him. I apologize.
- 14 THE WITNESS: Yes, it was always in the
15 kitchen.
- 16 MS. O'BRIEN: In what?
- 17 THE WITNESS: The kitchen. Our kitchen.
- 18 BY MR. LANFORD:
- 19 Q Is it fair to say you don't know whose idea it was
20 to purchase -- to go purchase the marijuana that
21 night; is that correct?
- 22 A No, I believe it was my idea.
- 23 Q You believe it was your idea?
- 24 A Uh-huh.
- 25 Q But you don't even remember smoking marijuana that

1 night; correct?

2 A No.

3 Q But as we stand here today, sit here today, you
4 have a specific recollection you were the one who
5 wanted to purchase it, is that what you're saying?

6 A Yes, sir, I remember wanting to go smoke weed, so I
7 assume it was probably my idea.

8 Q And everyone agreed with it, didn't they?

9 A I assume so.

10 Q If y'all had succeeded in purchasing the marijuana
11 and getting back home, y'all were all going to
12 smoke it; right?

13 A All this was, I mean, was before. This was when
14 Wesley and I were talking about it. And then we
15 got Corey to come with us.

16 Q Corey was there; right?

17 A Yes. And we made him come with us to go get the
18 marijuana.

19 Q So who were you actually purchasing the marijuana
20 from?

21 A I believe it -- I know it was -- I assume it was
22 Savannah Ballard's house, but I'm not sure who it
23 was actually purchased from.

24 Q Who -- were you purchasing it from Meredith French
25 or Morgan Vegdani?

1 A I assume so. It was probably one of them were
2 there.

3 Q And the address you were going to was 141 Orchard
4 Road; correct?

5 A I guess, yes.

6 Q That's also the address that was texted to Corey's
7 phone at 1:22 in the morning. Were you aware of
8 that?

9 A Yes.

10 Q So it's certainly possible that Corey was making
11 the calls to see where y'all could get the
12 marijuana, isn't it?

13 A Yes. We asked him to get us some, find us some
14 because I wanted some, so I made him find me some.

15 Q Okay. So you asked your brother to go call some
16 people to find some marijuana?

17 A Yes, sir.

18 Q And he knew who to call?

19 A He called some friends who probably called some
20 friends. Everybody knows somebody.

21 Q How much were y'all going to buy?

22 A I don't remember. A gram.

23 Q A gram.

24 A Just a little bit. That much.

25 Q How much were you paying for it?

- 1 A I don't know, \$20 maybe.
- 2 Q Do you recall giving Morgan Vegdani \$40 for it?
- 3 A No, I don't. I don't remember any of that.
- 4 Q And her trying to give you back \$20?
- 5 A No, sir, I don't remember that.
- 6 Q Don't remember that. So even though you're
- 7 testifying today that it was your idea to get the
- 8 marijuana, Corey was going along with the idea and
- 9 he was helping you find it; correct?
- 10 A Because I asked him to.
- 11 Q He could have said no; right?
- 12 A I mean, his brother asked him to, he did it.
- 13 Q He probably wanted to do it too, didn't he?
- 14 A I don't know. You'd have to ask him.
- 15 Q You smoked earlier that day; right?
- 16 A I don't know.
- 17 Q You were here yesterday?
- 18 A Yes.
- 19 Q Were you listening to the testimony?
- 20 A Yes, I was.
- 21 Q And you heard Cam Bohannon and Dillon Wood both
- 22 testify that they smoked --
- 23 A Yes.
- 24 Q -- pot with Corey that day; correct?
- 25 A If they say so.

1 Q And you got home from the movie around midnight;
2 correct?

3 A I believe so.

4 Q Corey was already there?

5 A Yes, I believe so.

6 Q You continued to drink alcohol from the time you
7 got home until y'all left for Savannah Ballard's;
8 correct?

9 A Yes, sir, I believe so.

10 Q Wesley was drinking too?

11 A I believe so.

12 Q The three of you -- you, Wesley, and Corey -- were
13 all hanging out together; correct?

14 A Yes. It was just Wesley and I first, and then
15 eventually we woke Corey up, got him up. He came
16 and hung out then, yes.

17 Q So it's your testimony he was asleep?

18 A No, I don't remember. I'm saying we were home and
19 then it was Wesley -- I know Wesley and I were
20 hanging out, it was just us two. And then Corey
21 eventually came and hung out with us.

22 Q That's your testimony today?

23 A Yes, that Wesley and I were hanging out alone at
24 first, and then Corey was with us in the house
25 together.

- 1 Q Or you don't remember?
- 2 A I mean, a lot of it was hazy, yes, but I know that
- 3 Wesley and I were together at one point and then
- 4 Corey -- we got Corey in the picture. So then,
- 5 yes, all three of us would have been together.
- 6 Q And y'all left about 1:30 to go to Savannah's
- 7 house; correct?
- 8 A I guess so.
- 9 Q Does that sound right?
- 10 A Yes, that sounds right.
- 11 Q It's about 10 minutes there roughly?
- 12 A I assume so. I'm not even exactly sure where the
- 13 house is, but I know it wasn't far, so.
- 14 Q It's across from Sparkleberry; right?
- 15 A Yes. I know it's across the railroad tracks.
- 16 Q So if it's about 10 minutes there and 10 minutes
- 17 back, the accident happened at 2:10 in the morning;
- 18 correct?
- 19 A Yes.
- 20 Q Is that your understanding?
- 21 A Yes.
- 22 Q You left at 1:30, would have spent, what, 10, 20
- 23 minutes at Savannah's house?
- 24 A Yes, sir.
- 25 Q But you don't have any memory of that?

- 1 A No, sir.
- 2 Q Now, Corey had his own vehicle at the time of this
- 3 accident; correct? Jeep Wrangler?
- 4 A Yes. Yes, sir, he did.
- 5 Q That was his?
- 6 A Yes.
- 7 Q And he was driving it earlier that day; correct?
- 8 A Yes, sir.
- 9 Q You heard that testimony yesterday?
- 10 A Yes, sir.
- 11 Q Corey had smoked pot with his friends and then
- 12 drove one of the friends home?
- 13 A Yes, that's what was said.
- 14 Q Now, so you're leaving Savannah's -- again, you
- 15 don't remember that; right?
- 16 A No, sir.
- 17 Q From that address, you would go straight down
- 18 Sparkleberry from, I believe that would be Two
- 19 Notch Road?
- 20 A Yes, sir.
- 21 Q Spring Valley neighborhood was across from it;
- 22 right?
- 23 A Yes, sir.
- 24 Q Then you would have taken a right on Mallet Hill;
- 25 correct?

1 A Yes, sir.

2 Q Then you turn right onto Oak Brook, which gets you
3 into Wildewood, which is your neighborhood;
4 correct?

5 A Left on Oak Brook, but, yes, sir.

6 Q You said a left on Oak Brook?

7 A Yes.

8 Q Okay. Your street is Cowdray Park?

9 A Yes, sir.

10 Q And your house is what, four or fifth on the right?

11 A Yes, sir.

12 MR. LANFORD: May I approach, Your Honor?

13 THE COURT: Yes, sir.

14 BY MR. LANFORD:

15 Q Cam, I'm going to hand you what's premarked as
16 Defendant's Exhibit 90. Can you identify this
17 document?

18 A Looks like Google Maps.

19 Q Okay. Are those directions to -- from 141 Windmill
20 Orchard Road to 83 Cowdray Park, your house?

21 A That's what it looks like, yes.

22 Q And the route you just described, is that the route
23 you would have taken? That's there in blue?

24 A Yes.

25 Q So down Sparkleberry, left on Mallet Hill. Now, is

1 that a right or a --

2 A Yes, a right. Yeah, right.

3 Q Then made a right on --

4 A Cowdray Park.

5 Q Right. Okay.

6 MR. LANFORD: Your Honor, we'd move to admit
7 that exhibit into evidence.

8 MR. GRIFFIN: No objection.

9 (WHEREUPON, Defendant's Exhibit No. 90
10 was marked for identification and
11 received into evidence.)

12 MR. LANFORD: May I approach the witness, Your
13 Honor?

14 THE COURT: You don't need my permission to
15 approach any witness.

16 MR. LANFORD: Thank you.

17 BY MR. LANFORD:

18 Q Cameron, I'm going to hand you what's marked as --
19 premarked as Defendant's Exhibit 91. Does this
20 appear to be a map of your neighborhood?

21 A Yes, sir.

22 Q And is your house there at the bottom, 83 Cowdray
23 Park, is that it?

24 A Yes, sir.

25 Q So you're about the fourth or fifth house on the

1 right on that street; correct?

2 A Yes, sir.

3 MR. LANFORD: Your Honor, permission to hand
4 these exhibits to the jurors?

5 THE COURT: Are they in evidence?

6 MR. LANFORD: Pardon me. I move to admit
7 Exhibit 91 into evidence.

8 MR. GRIFFIN: No objection.

9 THE COURT: They're admitted.

10 (WHEREUPON, Defendant's Exhibit No. 91
11 was marked for identification and
12 received into evidence.)

13 THE COURT: You can show the jury anything
14 that's in evidence.

15 MR. LANFORD: Thank you, Your Honor.

16 (Exhibits published to jury.)

17 THE COURT: Any further questions?

18 MR. LANFORD: Yes, Your Honor. I was just
19 waiting for the --

20 THE COURT: You can show it to them, but you
21 can't stop and let them look at it. You've got to
22 keep going.

23 MR. LANFORD: Thank you, Your Honor.

24 BY MR. LANFORD:

25 Q So Exhibit 91, that's your house at the bottom;

- 1 correct?
- 2 A Yes. Yes, sir.
- 3 Q So you drove -- that night you drove past your
- 4 house, which is on the right, which ends at Harwell
- 5 Drive; correct?
- 6 A Yes. Yes, sir.
- 7 Q Then did you take a right onto Harwell Drive?
- 8 A Yes, sir.
- 9 Q Then Harwell Drive ends at Shallow Brook; correct?
- 10 A Yes, sir.
- 11 Q And then you took a right onto Shallow Brook?
- 12 A No, sir, a left.
- 13 Q You took a left onto Shallow Brook?
- 14 A Right.
- 15 Q Is that when you started speeding up?
- 16 A Yes, sir.
- 17 Q Can you mark on the exhibit with my pen where you
- 18 would have started your speeding up?
- 19 A (Witness complies.)
- 20 Q Do you have an understanding of where the accident
- 21 happened, where the first impact with the parked
- 22 car was?
- 23 A Yes, sir.
- 24 Q Can you mark that as well?
- 25 A (Witness complies.)

1 Q Thank you. All right. So you passed your house,
2 went all the way to the end of Cowdray Park, turned
3 right on Harwell, went all the way to the end of
4 Harwell and then took a left; correct?

5 A Yes, sir.

6 Q Okay. And nobody in the vehicle at that time said
7 one word to you about where you were going or what
8 you were doing; correct?

9 A Not to my knowledge.

10 Q You had testified when Mr. Griffin asked you if
11 anyone complained about your driving, you said no;
12 correct?

13 A (Nods affirmatively.)

14 Q But Wesley had been drinking with you?

15 A Yes.

16 Q He had been smoking pot with you?

17 A Right.

18 Q You also said in your deposition you had taken a
19 quarter of a Sweet Tart?

20 A Yes.

21 Q Can you explain to the jury what that is?

22 A It's a little candy, I guess, with Xanax in it,
23 pretty much.

24 Q All right. You had taken a quarter of one of
25 those; correct?

1 A Correct.

2 Q Wesley took the other quarter?

3 A Yes, sir.

4 Q And your brother, Corey, had been smoking pot that
5 day; correct?

6 A I assume so.

7 Q They weren't complaining because they were
8 inebriated and impaired as well; is that not
9 correct?

10 MR. GRIFFIN: Objection, Your Honor.

11 THE COURT: Objection sustained.

12 BY MR. LANFORD:

13 Q And you don't remember anybody saying anything in
14 the car until Corey yelled out, Watch out for the
15 white car; correct? Watch out for the car?

16 A Yes, sir, I believe so.

17 Q That would have been just right before the impact;
18 correct?

19 A Yes, sir.

20 Q So from the time you started driving fast until you
21 struck the parked car, which you marked on Exhibit
22 91, no one in the car protested, complained, said a
23 word until Corey realized you were about to hit a
24 car that was on the street; correct?

25 A No, I don't believe so. It was a pretty crazy

- 1 night, so I don't believe anybody said anything.
- 2 Q Crazy night, you said?
- 3 A Yes.
- 4 Q Now, you -- I believe your testimony was this was
- 5 the first time that you and Corey had stayed alone
- 6 with friends overnight?
- 7 A Yeah, like stayed at our house while our parents
- 8 weren't there, yes.
- 9 Q Was that the first time?
- 10 A Yes.
- 11 Q But you testified there were prior occasions where
- 12 they had -- your parents had left you and your
- 13 brother there where they had locked the liquor
- 14 cabinet; correct?
- 15 A Yes, during the day. My mom goes on business trips
- 16 and stuff.
- 17 Q Now, your parents paid for your criminal lawyers;
- 18 correct?
- 19 A Yes.
- 20 Q Do you know how much they paid them?
- 21 A No, sir.
- 22 Q Do you know if it was \$100,000?
- 23 A I don't know how much.
- 24 Q And who did they get?
- 25 A Johnny Gasser.

- 1 Q Is he here today?
- 2 A Yes, sir.
- 3 Q Is that him in the courtroom?
- 4 A Yes, sir.
- 5 Q Your mom and your criminal lawyers tried to blame
- 6 BMW for this accident, didn't they?
- 7 A Yes. I did as well. A lot of it was my fault.
- 8 Q You said a lot of it was your fault?
- 9 A It was all my fault, yes.
- 10 Q So do you blame BMW as well partly?
- 11 A I mean, not really. It was ultimately my fault.
- 12 Everything that happened that night was all my
- 13 fault. I was the one driving, so.
- 14 Q So your parents were doing everything they could to
- 15 get you the best deal you could get in your
- 16 criminal charges, would you agree with that?
- 17 A Yes.
- 18 Q Including paying lots and lots of money for the
- 19 best lawyer?
- 20 A Yes, I assume so.
- 21 Q And as a result of that, you didn't get any jail
- 22 time; correct?
- 23 A No, sir.
- 24 Q Did you spend any time in jail?
- 25 A Yes.

1 Q How many times -- how many days?

2 A I had to go back -- or go twice. One for the
3 involuntary manslaughter and one for the DUI. I
4 stayed there for, I believe a total of 12 to 15
5 hours or so.

6 Q Your parents wrote a letter to your sentencing
7 judge begging him to have mercy on you. Were you
8 aware of that?

9 A Yes.

10 Q You've seen that letter?

11 A Yes, sir.

12 Q And your mom told you that she forgave you;
13 correct?

14 A Yes. They had just lost one son, why would they
15 want to lose another one?

16 Q Mr. Griffin asked you some questions about a
17 driving contract that you signed. Did your parents
18 draft that up?

19 A Yes, sir.

20 Q You knew you weren't supposed to drive after
21 drinking, doing drugs, being impaired; correct?

22 A Yes, sir.

23 Q Was that the first time you had done it?

24 A Yes, sir.

25 Q Okay. And in addition to that, you knew that you

1 should never get in the car with someone who had
2 been drinking; correct?

3 A Yes, sir.

4 Q And those same rules were handed down to Corey;
5 correct?

6 A Yes, sir. Yes, sir.

7 Q Corey knew that he shouldn't drive drunk or
8 impaired; correct?

9 A Yes, sir.

10 MR. GRIFFIN: Objection, Your Honor.

11 BY MR. LANFORD:

12 Q Based on the rules that were handed down to you,
13 were those same rules passed along to Corey to your
14 knowledge?

15 A I assume so.

16 Q I mean, your parents would have told him not to get
17 in the car with somebody who was drinking; right?

18 A I assume so.

19 Q They would have told him not to drive after he had
20 been drinking; correct?

21 A Yes, sir.

22 Q They would have told him not to drive after he had
23 been smoking marijuana; correct?

24 A (Nods affirmatively.) Yes.

25 Q Y'all knew those rules; correct?

1 A Yes.

2 MR. LANFORD: Beg the Court's indulgence for
3 one --

4 THE COURT: Yes, sir.

5 (Pause.)

6 BY MR. LANFORD:

7 Q Cam, you didn't make Corey get in the car with you,
8 did you?

9 A I told him to get in the car with us, come with us.

10 Q You didn't make him get in the car?

11 A I did not force him to.

12 Q You said you made an adult decision to smoke that
13 night, to drink that night?

14 A I did?

15 Q Right.

16 A Yes.

17 Q You made an adult decision to drive?

18 A Yes.

19 Q Corey made an adult decision to do the same things,
20 didn't he?

21 A I told him to come with us.

22 Q So it's your testimony here he had no choice?

23 A I didn't physically force him, but I told him to
24 come on with us, and he did.

25 Q Because he was the one who arranged the deal?

- 1 A I told him to find it, so.
- 2 Q So it made sense?
- 3 A Yes.
- 4 Q He could have driven his car? You could have
- 5 driven your car? You didn't have to drive the BMW;
- 6 correct?
- 7 A Yes, I could have driven a lot of different cars.
- 8 Q Corey could have driven his Jeep over there,
- 9 couldn't he?
- 10 A I guess.
- 11 Q I mean, he had driven earlier that day after --
- 12 A Yes.
- 13 Q -- smoking marijuana; correct?
- 14 A He did.
- 15 Q Corey made the same decisions -- same adult
- 16 decisions that you made, didn't he?
- 17 A Not really.
- 18 Q Smoked pot? Get in the car with somebody who was
- 19 inebriated? Didn't he make that decision?
- 20 A I guess so.
- 21 Q Even though several people at Savannah's house told
- 22 him that you -- that he should probably drive, you
- 23 aware of that?
- 24 A No, I'm not. He always followed my lead anyway.
- 25 Q I'm sorry?

- 1 A He followed my lead. I mean, he was my little
2 brother. If I --
- 3 Q He always followed your lead?
- 4 A For the most part, yes.
- 5 Q He did everything you told him to do, no questions
6 asked?
- 7 A Most of the time, yeah.
- 8 Q All the time?
- 9 A Most of the time.
- 10 Q Most of the time. Cameron, looking back at your
11 deposition, Page 15 -- do you still have it up
12 there?
- 13 A Yes.
- 14 Q I've been questioning you about your intentions
15 after passing your house, which was to drive the
16 car fast; correct?
- 17 A Yes.
- 18 Q See what mom's BMW would do; correct?
- 19 A Yes.
- 20 Q And I asked you, Page 15, Line 6: And did you
21 announce to them in the car that that was your
22 intention? What was your answer?
- 23 A I thought I did, but, honestly, I'm not sure if I
24 did or not.
- 25 Q So it's possible you did? It's possible you did

1 and nobody complained because they wanted to see
2 how fast it would go too? Isn't that true?
3 A I guess, but I'm not sure. I really don't think I
4 did.

5 Q But you said right there, I thought I did?

6 A I said, I'm not sure if I did or not.

7 Q So it's possible?

8 A I remember passing the house.

9 MR. LANFORD: Thank you for answering my
10 questions, Cameron. No further questions.

11 THE COURT: Any redirect?

12 REDIRECT EXAMINATION

13 BY MR. GRIFFIN:

14 Q Cam, how old was Corey on May 23rd, 2013?

15 A Sixteen.

16 Q When was his birthday?

17 A December 27th, 1996.

18 Q And so would he have turned 16 in December of 2012?

19 A Yes, sir.

20 Q You were asked questions about some Xanax. What
21 time of day did you recall consuming one quarter of
22 a Xanax?

23 A Earlier, I believe before we went to the movie.

24 Q And did you have -- still have any feelings or
25 effects from that Xanax, best you could tell?

1 A I don't think so. It was a tiny amount.

2 Q Excuse me?

3 A It was a pretty small amount, so I don't believe
4 so.

5 Q Now, you were asked questions about what you recall
6 after you came home from the movie. Do you recall
7 smoking marijuana with anyone when you got home
8 from the movie?

9 A No.

10 Q One way or the other?

11 A No, sir.

12 Q And you were just asked questions about expressing
13 your intentions on your way home. In your
14 deposition, there was -- you described in your
15 deposition there was a car behind you; correct?

16 A Yes.

17 Q And there was a car behind you?

18 A Uh-huh.

19 Q You recall that?

20 A Yes.

21 Q And you went by your house and --

22 MR. LANFORD: Objection. Leading.

23 BY MR. GRIFFIN:

24 Q So when the car is behind you, you passed your
25 house; correct?

1 A Yes, sir.

2 MR. LANFORD: Objection, Your Honor. Going
3 beyond the scope of redirect.

4 MR. GRIFFIN: Your Honor, I'm addressing what
5 he attempted to impeach him on, and I'm going to do
6 the rest of the question which wasn't asked on
7 impeachment.

8 THE COURT: The objection is overruled.
9 Stand for a moment, ladies and gentlemen.
10 (Pause.)

11 THE BAILIFF: Bathroom break.

12 THE COURT: All right, we'll take a break.
13 Please do not discuss the case. We'll take about
14 ten minutes. Leave all exhibits in the courtroom.

15 (WHEREUPON, the jury retires to the jury
16 room at 10:59 a.m.)

17 THE COURT: Let's take about ten minutes.
18 (WHEREUPON, a break was taken at 10:59
19 a.m.)

20 THE COURT: How many times are we going to
21 replot these facts?

22 MR. GRIFFIN: We're done with this witness.
23 I'm not going to ask him any more questions.

24 THE COURT: All right.

25 MR. GRIFFIN: But I do have a request that his

1 lawyer, Mr. Gasser, has requested that I ask the
2 Court, that he be released from the subpoena after
3 he testifies. It's their subpoena, not mine. I
4 got your memo yesterday saying witnesses are
5 released once, you know, they testify, we don't
6 have to ask the Court, and I won't do that any
7 more, but since he's not only a party --

8 THE COURT: You said he's through testifying?

9 MR. GRIFFIN: -- but a possible witness.

10 THE COURT: All right, what is the other
11 side's position?

12 MR. LANFORD: Your Honor, he is not a nominal
13 party. He is the named Defendant. We sent a
14 subpoena for him to be here the entire week. I
15 think we're clearly within our rules to do that.
16 We had a status conference with Judge Benjamin, she
17 made it very clear --

18 THE COURT: Judge Benjamin, she doesn't make
19 rulings for me.

20 MR. LANFORD: I understand that, Your Honor.
21 That was discussed at the status conference for
22 this case. We sent a subpoena. We asked him to be
23 at trial the entire week and --

24 THE COURT: What's the point?

25 MR. LANFORD: He's a named Defendant, Your

1 Honor. We have the right --

2 THE COURT: So what's the point? You have
3 absent chairs all the time. What is the point?
4 Why do you want him here, punitively or what is --
5 why do want him here is the question?

6 MR. LANFORD: He is the named Defendant.

7 THE COURT: I understand that.

8 MR. LANFORD: He's not a nominal Defendant.

9 THE COURT: I understand that.

10 MR. LANFORD: He is the only Defendant in this
11 case.

12 THE COURT: It's not a criminal case.

13 MR. LANFORD: It is not a criminal case.

14 THE COURT: So --

15 MR. LANFORD: Your Honor, I'm allowed --

16 THE COURT: Tell me the -- let me hear you,
17 then you hear me. Go ahead.

18 MR. LANFORD: You're asking me for a reason.
19 I don't think I'm required to give that reason. I
20 think under Rule 45 I'm allowed to send a subpoena
21 and have him here and I'm allowed to decide when
22 he's released from that subpoena.

23 THE COURT: No.

24 MR. LANFORD: He is here. He is a named
25 Defendant.

1 THE COURT: No, that's not how subpoenas work.
2 You can't -- you know, people do it all the time,
3 including Solicitors, just I want to subpoena
4 someone and make them sit around the courthouse
5 just because it's my desire to have them sit around
6 the courthouse. They're required to -- you know, a
7 subpoena requires someone to appear when they're
8 testifying, not just to sit around and be at
9 your -- unless you have a legitimate reason.
10 That's why I don't -- I don't ask lawyers whether
11 they agree for someone to be released on subpoena.
12 They're automatically released upon they are
13 finished testifying. If you expect him to testify,
14 then that gives you a different reason because
15 that's what the subpoena requires of him, but just
16 to say I just want you to be here so I can --

17 MR. LANFORD: May I --

18 THE COURT: I don't know the point, that's
19 my -- you know, the jury -- the testimony -- the
20 jury can see that he -- who he identifies with.
21 You've cross-examined him and you've asked for him
22 to be declared hostile, though the rule doesn't
23 require that anymore, and it's specifically deleted
24 from the rules. So go ahead. What's the point?

25 MR. LANFORD: My two reasons are as follows:

1 First, it would be highly prejudicial to the
2 Defense if Mr. Stringfellow is allowed to leave and
3 not be a part of the trial.

4 THE COURT: In what way?

5 MR. LANFORD: Because he is a named Defendant,
6 Your Honor. He's here.

7 THE COURT: You keep coming back to that same
8 point. It doesn't matter. You know, you want --
9 unless the lawyer won't be able to get up and say,
10 Well, he has no -- he has such a lack of concern
11 that he didn't even show up for his trial. That's
12 usually what the lawyers argue with an empty chair.
13 And, obviously, they won't be able to do that in
14 this case because they're requesting that he not be
15 here.

16 MR. LANFORD: Outside of the jury's presence.
17 And, Your Honor, I have no attorney-client
18 relationship with Mr. Stringfellow. He's a named
19 Defendant. I cannot ask him to be here. The only
20 tool I have is Rule 45, which is a subpoena, which
21 requires him to be in this courtroom. That's why I
22 sent him --

23 THE COURT: Unless excused by the Court. And
24 that's what we're talking about now.

25 MR. LANFORD: Your Honor, those are the two

1 reasons. I may have to call him in recross,
2 rebuttal in my case. Technically --

3 THE COURT: Well, if you need him, then he
4 would have to be here. That's what a subpoena
5 says.

6 MS. O'BRIEN: We might need him.

7 THE COURT: All right. I've heard your point.
8 What's the other side of the story, if there
9 is one?

10 MR. GRIFFIN: I really don't have anything
11 more to add, Your Honor, other than I'll be happy
12 to request in front of the jury that he be excused
13 from the subpoena and be on standby so he can
14 attend classes, and so the jury will know that
15 we're asking for it.

16 THE COURT: Why does he want to be excused?

17 MR. GRIFFIN: He has classes.

18 MR. GASSER: Yes, Your Honor, he's a computer
19 science major at USC, which is difficult enough as
20 it is a major to miss five days of school. That's
21 the reason why.

22 MR. LANFORD: May I briefly address that, Your
23 Honor?

24 THE COURT: Yes, sir.

25 MR. LANFORD: I know you don't want to hear

1 about the status conference with Judge Benjamin,
2 but that was my point, let's not have this trial in
3 January because Mr. Stringfellow is in school and I
4 was trying to accommodate him. And Mr. Griffin
5 assured us that he would be available the entire
6 week, that he could miss classes that week because
7 it was the first week of class and he could miss
8 that. That was why we chose this week. And now
9 they're taking the opposite position, Well, he has
10 to -- he can't be here, he has to go to class.

11 THE COURT: Well, there's no rule that
12 mandates that a party in a civil trial be in court
13 during the entire trial. There's no rule.

14 MR. LANFORD: There's Rule 45 that allows me
15 to put him under subpoena as an officer of the
16 court. And I'm allowed to release him from that
17 subpoena when I am finished with --

18 THE COURT: Well, we disagree with the
19 interpretation of that rule. I think it's within
20 the discretion of the Court as to enforcement of
21 subpoenas. It doesn't give lawyers the authority
22 to compel people to sit around the courthouse. It
23 doesn't do that.

24 MR. LANFORD: Well, Your Honor, if I have a
25 witness that is -- that I need to testify in my

1 trial and they're testifying at 4:00 o'clock and I
2 tell them to be here at 9:00, they sit around until
3 I ask them to testify, until I tell them that I'm
4 finished with them.

5 THE COURT: I disagree. I fight Solicitors on
6 that all the time. They try to get bench warrants
7 for people. I told them to be here at 9:00 o'clock
8 and he's not here. Well, why do you want him to be
9 here? I just want him to be here. Basically, so
10 far, that's what you're giving me. I mean, you
11 believe that it's prejudicial for a party who is
12 being sued to not be present?

13 MR. LANFORD: I think there's two reasons.
14 One, we are defending this case under 38-77-160,
15 which allows us to appear and defend, stepping in
16 the shoes of the named Defendant. As Your Honor
17 knows, we have no attorney-client relationship with
18 him, but we are allowed to appear and defend in his
19 name. So how we can have him here at the trial as
20 a named Defendant is by a subpoena.

21 And I have done this in numerous, numerous
22 cases just like this where there's a claim --
23 they're still making an insurance claim, but we
24 still have to sue the named Defendant to do it. We
25 have no attorney-client relationship to enforce

1 that, so we have them there at trial. Now, there's
2 an empty chair sometimes because the person is just
3 gone, you can't find them. We know where Cameron
4 is. We picked this week because he said it was
5 fine through Mr. Griffin, which was interesting,
6 but that's the whole reason we picked this week.

7 THE COURT: All right. Anything else on this
8 point?

9 MR. GRIFFIN: No, Your Honor.

10 THE COURT: He can be released to go to class.
11 And then he must be here if he's not in class.
12 That's the order of the Court.

13 MS. O'BRIEN: Can we find out his schedule,
14 please?

15 THE COURT: All right. You find out his
16 schedule.

17 You bring the jury.

18 MR. GRIFFIN: Your Honor, you want him on the
19 stand so I can say no further questions?

20 THE COURT: Yes. That's where he was when the
21 jury went out.

22 (Witness returns to witness stand.)

23 (WHEREUPON, the jury came into open
24 court at 11:23 a.m.)

25 THE BAILIFF: The jury is present, Your Honor.

1 THE COURT: Yes, sir.

2 MR. GRIFFIN: Your Honor, we have no further
3 questions of Mr. Stringfellow.

4 MR. LANFORD: I'd have brief recross, Your
5 Honor.

6 THE COURT: Did you ask him some questions?

7 MS. O'BRIEN: Yes.

8 THE COURT: A brief recross limited to the
9 brief redirect.

10 MR. LANFORD: Thank you, Your Honor.

11 RECROSS-EXAMINATION

12 BY MR. LANFORD:

13 Q Mr. Griffin asked you about the Xanax you had taken
14 earlier that day. Do you recall those questions?

15 A Yes. Yes, sir.

16 Q You had taken Xanax, you had taken -- you had drank
17 alcohol that gave you a 1.86 BAC after the
18 accident, you were smoking marijuana. You had done
19 all that throughout the day; correct?

20 A Yes.

21 Q You don't remember what happened that night, do
22 you, after all that?

23 A Bits and pieces.

24 MR. GRIFFIN: Objection. That is beyond my
25 redirect.

1 THE COURT: Objection sustained as to whether
2 he remembers what happened that night.

3 BY MR. LANFORD:

4 Q You were the ring leader that night, is that your
5 testimony?

6 A Yes.

7 Q You made Corey get in the car?

8 MR. GRIFFIN: Same objection.

9 Q You made him purchase the marijuana?

10 THE COURT: Objection is sustained. Beyond
11 the scope of redirect.

12 MR. LANFORD: Thank you.

13 THE COURT: You may step down.

14 (Witness steps down.)

15 THE COURT: Your next witness?

16 MR. GRIFFIN: Your Honor, we call Wesley
17 Thompson to the stand.

18 (Witness approaches.)

19 THE BAILIFF: Place your left hand on the
20 Bible, and raise your right hand, please.

21 (Witness complies.)

22 THE COURT: Do you solemnly swear or affirm
23 that the testimony you give in this case will be
24 the truth, the whole truth, and nothing but the
25 truth, so help you God.

1 THE WITNESS: Yes, sir.

2 THE COURT: All right.

3 (Witness seated.)

4 MR. LANFORD: Your Honor, briefly, did you
5 release Mr. Stringfellow?

6 THE COURT: Yes.

7 MR. LANFORD: Please note my objection for the
8 record.

9 THE COURT: It is not noted for the record.
10 We have. Gone through that before.

11 WESLEY THOMPSON,
12 after being duly sworn, testified as follows:

13 DIRECT EXAMINATION

14 BY MR. GRIFFIN:

15 Q Good morning.

16 A Good morning.

17 Q Can you tell the jury your name, please?

18 A Wesley Thompson.

19 Q Wesley, where are you from?

20 A I was born in Atlanta, Georgia, moved to
21 Greenville, but now I live in Columbia, South
22 Carolina.

23 Q How long have you lived in Columbia?

24 A Probably about eight years.

25 Q Eight years?

- 1 A Yes, sir.
- 2 Q And do you know the Stringfellows?
- 3 A Yes, sir.
- 4 Q How do you know them?
- 5 A Cam's parents and second family for me.
- 6 Q What do you mean by that?
- 7 A I mean they always made me feel like I had a place
- 8 in their home, and that means a lot to me.
- 9 Q Were you -- are you friends with Cameron?
- 10 A Yes, sir.
- 11 Q How long have y'all been friends?
- 12 A Since sixth grade.
- 13 Q And did y'all go to school together?
- 14 A Yes, sir.
- 15 Q And did you graduate from high school together?
- 16 A Yes, sir.
- 17 Q And what are you currently doing?
- 18 A I go to college in New Hampshire and I'm studying
- 19 neuroscience and computer science.
- 20 Q Where in New Hampshire are you going?
- 21 A Dartmouth College.
- 22 Q What year are you at Dartmouth?
- 23 A A senior.
- 24 Q Where did you graduate from high school?
- 25 A Spring Valley High School.

- 1 Q Can you -- I guess you knew Corey as well?
- 2 A Yes, sir.
- 3 Q Can you tell the jury a little bit about the
- 4 relationship between Cam and Corey?
- 5 A They were practically best friends. I mean, Corey
- 6 always tried to emulate the core qualities of Cam,
- 7 his friendliness, his warmth, his generosity. He
- 8 was definitely the little brother, but always --
- 9 you know, we always tried to be role models from
- 10 that perspective.
- 11 Q Corey looked up to Cam?
- 12 A Yes, sir.
- 13 Q Were there times when you -- let me ask you, would
- 14 you ride in the car with Cam on occasion -- or how
- 15 occasionally would you ride in the car with Cam?
- 16 A Yeah, frequently, he would give me rides to places.
- 17 Q Did you have a car in high school?
- 18 A No, sir.
- 19 Q And would Corey ever drive you around?
- 20 A A few times, not frequently, though. It was just
- 21 maybe five to ten times I got in the car with Corey
- 22 over the course of seven years.
- 23 Q Between the two, who was the leader?
- 24 A Cam.
- 25 MR. LANFORD: Object to the form of the

1 question. Objection, Your Honor. Relevance.

2 THE COURT: Objection is overruled.

3 BY MR. GRIFFIN:

4 Q Up until the time of this accident, had you ever
5 had any concerns about Cam's driving?

6 A No, he always drove in a safe fashion. Nothing
7 that ever sparked alarm in my eyes.

8 Q Did -- was he often the designated driver for a
9 group when you would go out?

10 A Yes, sir. He was very generous. He was always
11 willing to drive us.

12 Q Okay. And it was -- so there would be more people
13 than just you and Cam in the car?

14 A Sometimes, yes.

15 Q Okay. Up until the time of the accident, can you
16 ever recall Cam driving recklessly?

17 A No, sir.

18 Q Up until the time of the accident, did you ever
19 recall being afraid to ride in the car with Cam?

20 A No, sir.

21 MR. LANFORD: Objection. Relevance.

22 THE COURT: I didn't hear the complete
23 question.

24 BY MR. GRIFFIN:

25 Q Up until the time of the accident, had you ever

1 been afraid to ride in the car with Cam?

2 MR. LANFORD: Objection. Relevance. Goes
3 beyond the scope.

4 THE COURT: Objection is overruled.

5 THE WITNESS: No, sir.

6 BY MR. GRIFFIN:

7 Q I want to ask you, Wesley, about May 23rd, the
8 evening before the accident. Do you remember that
9 day?

10 A I remember the majority of the day. However,
11 towards the end of the night, things get a little
12 fuzzy or just little details of the matter, but the
13 overall scope, I remember.

14 Q Well, let me ask, were you injured in the accident,
15 also?

16 A Yes.

17 Q What were your injuries?

18 A I had a fractured vertebra in my lower lumbar
19 region, I believe.

20 MR. LANFORD: Objection, Your Honor. This
21 isn't relevant.

22 THE COURT: The objection is overruled.

23 BY MR. GRIFFIN:

24 Q Were you at any point in time unconscious following
25 the accident?

- 1 A I think briefly after the impact I was probably
2 unconscious because I remember coming to.
- 3 Q Okay. So from that point -- then let's work
4 backwards. On the 23rd, do you remember what you
5 and -- you did -- well, when did you first see Cam
6 on the 23rd?
- 7 A I believe we had left school together that day.
- 8 Q Was it towards the end of school?
- 9 A Yes, sir. And we were finishing up classes,
10 graduating the next week.
- 11 Q And what did y'all do after leaving school?
- 12 A I believe we went and hung out at Cam's house.
- 13 Q And what did y'all do at Cam's?
- 14 A Played video games, watched TV.
- 15 Q Were his parents there?
- 16 A Yes, sir, for a little bit.
- 17 Q And is that something that you had done frequently,
18 hung out at Cam's?
- 19 A Yes, sir.
- 20 Q With his parents there and not there?
- 21 A Usually we would hang out with his parents there.
22 They didn't like people being over at the house
23 when they weren't there.
- 24 Q Would his parents permit any underaged drinking?
- 25 A No, sir, absolutely not.

1 Q Parents permit any use of marijuana?

2 A No, sir.

3 MR. LANFORD: Objection. Calls for
4 speculation.

5 BY MR. GRIFFIN:

6 Q In your presence?

7 THE COURT: If you know, sir.

8 BY MR. GRIFFIN:

9 Q If you know.

10 A No, I have never seen them do that.

11 Q Right. Have you ever seen anyone do marijuana in
12 front of Mr. and Mrs. Stringfellow?

13 A Never occurred.

14 Q Do you recall whether Mr. and Mrs. Stringfellow and
15 Caroline left that night?

16 A Yes, they left to go to the beach.

17 Q And what did you do, you and Cam?

18 A We just continued hanging out after they left.

19 Q And did y'all start drinking?

20 A Yes, sir.

21 Q Do you recall what you drank?

22 A I believe me and Cam started drinking a bottle of
23 wine first.

24 Q Was Corey with you when you started drinking the
25 bottle of wine?

- 1 A No, sir.
- 2 Q Do you recall where Corey was?
- 3 A I think Corey was at soccer tryouts or possibly
4 hanging out with his friends. I didn't know his
5 exact location.
- 6 Q Did people come over?
- 7 A Laurel came over at some point and I believe our
8 friend, T J. Teagle, may have stopped by for a
9 brief period of time.
- 10 Q And what movie did you go see?
- 11 A Hangover Three.
- 12 Q And who drove?
- 13 A Cam did.
- 14 Q And what car did he drive?
- 15 A To the movie, I think we took -- I'm not a
16 hundred percent sure which car we actually took to
17 the movie theater.
- 18 Q Okay. How was his driving to the movie theater?
- 19 A Nothing that alarmed me while I was in the car in
20 the passenger seat.
- 21 Q Did you take alcohol into the movie?
- 22 A Not to my knowledge.
- 23 Q And then on the way -- what did you do after the
24 movie?
- 25 A We left and went back to Cam's house.

- 1 Q And who drove?
- 2 A Cam did.
- 3 Q And how was his driving?
- 4 A To me, it seemed fine.
- 5 Q And what did you do when you got back to Cam's
- 6 house?
- 7 A We continued drinking.
- 8 Q Do you remember whether Corey was there when you
- 9 got back or showed up sometime?
- 10 A I believe Corey showed up at some point in time
- 11 after we had gotten back, just because I -- I think
- 12 I briefly remember opening the door for him to get
- 13 in the house.
- 14 Q Was Corey drinking with you?
- 15 A Absolutely not, no, sir. He was -- he had just
- 16 gotten back from soccer tryouts. He was tired and
- 17 exhausted from that.
- 18 Q Did -- do you recall whether you smoked marijuana
- 19 over at the Stringfellow house after the movie?
- 20 A I think Cameron and I -- no, we didn't have any pot
- 21 to smoke, so we were looking to find some. But I
- 22 don't think we smoked in the Stringfellow's house .
- 23 after the movie.
- 24 Q Do you recall where you went looking for pot?
- 25 A I think I contacted a friend of mine, Morgan

1 Vegdani, and she knew of a person who was selling.
2 And so we arranged a connect to go meet with her at
3 her house, I believe, or whatever house they were
4 at.

5 Q And did you do that?

6 A Yes, sir.

7 Q When you were making arrangements with Morgan
8 Vegdani, do you recall whether or not you used
9 Corey's cell phone?

10 A I was -- I think that possibly could have occurred
11 because I think my phone might have died.

12 MR. LANFORD: Objection, Your Honor. Calls
13 for speculation. He can't say for sure. He's
14 saying it's possible.

15 THE WITNESS: I do remember my phone dying.

16 THE COURT: He can't say whether or not what
17 is possible or not possible. What was the
18 question?

19 MR. GRIFFIN: The question is, does he recall
20 using Corey Stringfellow's cell phone when he was
21 communicating with Morgan Vegdani to make
22 arrangements to buy marijuana.

23 THE WITNESS: And I guess --

24 THE COURT: Hold on a second.

25 The objection is overruled. It doesn't call

1 for a question that is speculating about
2 possibilities.

3 You may answer the question.

4 THE WITNESS: So I do recall it being my
5 intention to locate the marijuana. So I recall my
6 phone dying, and if it was my intention beforehand
7 to get the marijuana and I was the one who got the
8 number, then I think it was me who used the phone
9 to actually do the deal because she was my friend.

10 BY MR. GRIFFIN:

11 Q And who went over to the house where Morgan Vegdani
12 was?

13 A Cam, Corey, and I.

14 Q And do you know how Corey came about riding along
15 with you?

16 A We asked him if he wanted to ride with us -- or
17 he -- like we were all going, and then he just got
18 in the car with us.

19 Q And who drove over to the house where Morgan was?

20 A Cam did.

21 Q Do you recall how his driving was on the way to
22 Morgan's?

23 A I didn't see him as driving reckless. He seemed
24 fine.

25 Q Excuse me?

- 1 A He seemed fine.
- 2 Q And how long were you there at Morgan's or where
- 3 Morgan was?
- 4 A I don't think we were there for more than 20
- 5 minutes.
- 6 Q And what did you do after that?
- 7 A We left and went back to Cam's house.
- 8 Q And up until the point you get on to Cowdray, how
- 9 was Cam's driving?
- 10 A I didn't see any alarm -- or I was not alarmed by
- 11 his driving.
- 12 Q And did Cam pull into the house, his house?
- 13 A No, sir, I believe he drove by it.
- 14 Q And what were you thinking when he drove by his
- 15 house?
- 16 A I was thinking we should just turn around and go
- 17 back. I'm not sure like why he passed it. I
- 18 wasn't a hundred percent like aware of the
- 19 situation myself. I was just kind of sitting
- 20 passenger, like not really paying attention to
- 21 where he was driving. So I wasn't even aware that
- 22 we had passed the house until a few -- like a
- 23 minute after we had passed and gotten to the end of
- 24 the street.
- 25 Q Was there a car behind you?

1 A I don't recall.

2 Q Do you recall what happened next?

3 A I remember going into a cul-de-sac to turn around
4 and then, you know, just out of like wanting to get
5 home quickly because we -- frustrated we passed the
6 house, we, you know, sped down the road to get back
7 to Cam's house.

8 Q Did Cam express his intention to drive fast?

9 A No, he -- I don't recall him announcing to the car
10 that he was going to speed recklessly down the
11 road.

12 Q Do you recall colliding into a car parked on the
13 side of the road?

14 A Yes, sir.

15 Q Did you hear anybody say anything before colliding
16 into the car?

17 A I was not really paying attention to the road in
18 front of us, but I do recall Corey shouting, Cam,
19 watch out, there's a white car.

20 Q Do you remember anything after that?

21 A I do remember things after that. I just know like
22 immediately after that, I think I was kind of dazed
23 and may have hit my head and then came to and
24 crawled out of the vehicle.

25 Q Do you have a memory of the car careening past the

1 white car?

2 A Yes, sir.

3 Q And were you frightened?

4 A I was scared, but I think it was -- it all happened
5 so fast that as that was setting in, we hit the
6 tree, and I think that briefly may have knocked me
7 unconscious. So I think I went back into like an
8 idle mode.

9 Q And what happened -- what did you do next after you
10 came to?

11 A I was in a state of shock and worry. I crawled out
12 the car from Cam's side because I couldn't get out
13 of my side, the door was shut. And then I realized
14 Corey was still in the back of the car, so I
15 crawled back into the driver's seat and was holding
16 his hand.

17 Q And was Corey alive when you were holding his hand?

18 MS. O'BRIEN: Objection. Calls for medical
19 testimony.

20 THE WITNESS: Yes, he was alive.

21 THE COURT: Who is cross-examining the
22 witness?

23 MS. O'BRIEN: I am.

24 THE COURT: So all of the previous objections
25 that Mr. Lanford made are being disregarded by the

1 Court.

2 MS. O'BRIEN: Your Honor, I don't think --

3 THE COURT: The lawyer who is examining is the
4 lawyer who will make objections.

5 MS. O'BRIEN: Yes, sir, but I don't think
6 Mr. Lanford has made any objections with respect to
7 this witness.

8 THE COURT: I just heard one about what's
9 the -- an objection based on possibilities or
10 impossibilities about a minute ago.

11 MS. O'BRIEN: Your Honor, you're right, I
12 apologize. Thank you.

13 THE COURT: All right. Now, what's this
14 objection? Tell me again.

15 MR. GRIFFIN: Your Honor, my question to this
16 witness who said he held Corey's hand, the question
17 is was he alive.

18 THE COURT: And the objection again was?

19 MS. O'BRIEN: The objection was it calls for
20 medical testimony. There has already been a
21 witness who says he was unconscious.

22 THE COURT: The objection is overruled.
23 You may tell us if you know.

24 THE WITNESS: To the best of my knowledge --

25 THE COURT: It doesn't take an expert to say

1 if someone's alive or not, depending if they know
2 whether or not they're alive or not.

3 THE WITNESS: To the best of my knowledge,
4 based on the fact that I could hear faint breaths,
5 I believed him to be alive.

6 BY MR. GRIFFIN:

7 Q Was he coughing up -- was he coughing?

8 MS. O'BRIEN: Objection. Leading.

9 THE COURT: And the basis for the objection?

10 MS. O'BRIEN: Leading.

11 THE COURT: Was he coughing?

12 MR. GRIFFIN: Was he coughing.

13 MS. O'BRIEN: No, he said was he coughing up
14 blood.

15 THE COURT: Restate the question.

16 BY MR. GRIFFIN:

17 Q Was he coughing?

18 A Yes, he was coughing, and I believe he was even
19 coughing up blood.

20 Q And you said you held his hand?

21 A Yes, sir.

22 Q Do you recall whether you got a response from him
23 while you were holding his hand?

24 A I don't recall if he said anything, but I just
25 remember squeezing his hand.

1 Q Do you recall how long it took for EMS personnel to
2 arrive?

3 A No, sir.

4 Q Were you -- were you transported to the hospital?

5 A Yes, sir.

6 Q Were you in a separate ambulance?

7 A I was in the same ambulance as Cam.

8 Q As Cam?

9 A Yes, sir.

10 MR. GRIFFIN: That's all the questions I have.

11 THE COURT: All right. Cross-examination?

12 MS. O'BRIEN: Thank you, Your Honor.

13 CROSS-EXAMINATION

14 BY MS. O'BRIEN:

15 Q Wesley, how are you?

16 A Great.

17 Q Good. You testified that the reason why there
18 would have been a text with where to go get the pot
19 to Corey was because your cell phone died; correct?

20 A I do believe at some point in the night my phone
21 had died.

22 Q Okay. Cam had his phone with him; correct?

23 A That is possible, yes.

24 Q You and Cam are friends; correct?

25 A We are.

1 Q You and Cam are better friends than you and Corey
2 were friends; correct?

3 A I would -- I mean, I have two brothers. I would
4 consider both of them my brother. I wouldn't like
5 to even use the word friend when I think about
6 them. And so I love my brothers equally. I love
7 Cam and Corey equally.

8 Q Okay. But at the time of this accident, you and
9 Cam were better friends? Y'all hung out more,
10 y'all spent more time together; correct?

11 A Yes. We were the same age.

12 Q And so let me show you what I am going to mark --
13 let me show you what I'm going to mark as
14 Defendant's Exhibit Number 100 and 101.

15 MS. O'BRIEN: I think, Mr. Griffin, there's no
16 objection to these being admitted; correct?

17 MR. GRIFFIN: No objection.

18 THE COURT: Admitted without objection.

19 (WHEREUPON, Defendant's Exhibit Nos. 100
20 - 101 were marked for identification and
21 received into evidence.)

22 BY MS. O'BRIEN:

23 Q Do you recognize the phone number in that picture?

24 A No, I do not.

25 Q Okay. You don't recognize that phone?

1 A This one?

2 Q Correct.

3 A I do recognize the phone itself because it was a
4 part -- Cam used it at some point, I think, Corey
5 used it at some point, even possibly Ms. Patti, so.

6 Q Okay. At the time of the accident, you would agree
7 with me that this was the phone that Cam was using;
8 correct?

9 A No. I mean, not to my knowledge. Cam got a new
10 phone every month, so I don't recall which phone
11 exactly he was using it.

12 Q Well, I'll stipulate to you that this was produced
13 through the MAIT record and that this is Cam's
14 phone that he was using that night. Any reason --

15 MR. GRIFFIN: Objection, Your Honor.

16 BY MS. O'BRIEN:

17 Q -- to disagree with that?

18 MR. GRIFFIN: Objection.

19 THE COURT: The objection is sustained.

20 MS. O'BRIEN: Okay.

21 BY MS. GRIFFIN:

22 Q So you don't recognize the number (803)665-3093?

23 A No, that's Cam's number.

24 Q That's Cam's number?

25 A Yes.

1 Q Okay. So then tell me what number is in Exhibit
2 100. Top of the page.

3 A Yes. Okay, okay. So, yes, this was Cam's phone at
4 the time, yes.

5 Q And then it is a Blackberry; is that correct?

6 A Uh-huh.

7 Q All right. Let me show you what has been marked as
8 Exhibit 101. Same Blackberry; correct?

9 A Yes, sir.

10 Q All right. And then the reason why you don't
11 recognize that number at the top of that page --
12 well, how about tell the jury what that number is?

13 A I believe --

14 Q Just read it to them.

15 A (803)463-2537.

16 Q Right. And you don't recognize that number, do
17 you?

18 A No, ma'am.

19 Q Okay. And what's the address that is --

20 A 141 Windmill Orchard Road. But I believe this was
21 us trying to get the address of the house. But it
22 was my intention of buying which sparked the search
23 for the address, if that makes sense.

24 Q So that's Cam's phone and the address came into
25 Cam's phone; correct?

- 1 A Uh-huh.
- 2 Q Where you were going to go buy the pot?
- 3 A Yes.
- 4 Q Now, let me show you -- which is actually the phone
5 of Corey?
- 6 A Okay. And so Corey texted the address to Cam.
- 7 Q No.
- 8 A Or the other way around.
- 9 Q The number is (803)463-2537?
- 10 A Uh-huh.
- 11 Q Same number that Cam received the text from;
12 correct?
- 13 A Okay.
- 14 Q Correct?
- 15 A Yes.
- 16 Q Okay. So both Cam and Corey received a text that
17 night at 1:22 a.m. to tell them where to go to get
18 the marijuana; correct?
- 19 A I believe -- yes. Based on these texts, yes.
- 20 Q And the reason why you didn't get that text, even
21 though you were the one that was making everybody
22 go get the marijuana, is because your cell phone
23 had died?
- 24 A Well, did you -- can I see that other picture,
25 please?

- 1 Q Sure.
- 2 A No, the piece of paper.
- 3 Q Absolutely. Exhibit 100?
- 4 A Yes. So I believe -- okay. What was your
- 5 question?
- 6 Q I didn't have one. You asked to see the picture.
- 7 A Oh, yes, sorry, I was trying to get back -- I just
- 8 wanted to see the picture again.
- 9 Q So we're clear and so the jury understands, Cam
- 10 received the text at 1:22 a.m. telling y'all where
- 11 to go buy the pot; correct?
- 12 A Yes, but -- yeah, he did.
- 13 Q Corey received a text at 1:22 a.m. telling y'all
- 14 where to go buy the pot; correct?
- 15 A Yes, but there was no text -- in both of these
- 16 pictures, you can see that there's no response --
- 17 or there's no -- there's no contacting them and
- 18 saying, Hey, can you send me your address? Or do
- 19 you have an image of that?
- 20 Q Sure. Let me help you with that. Corey's phone;
- 21 correct? We've agreed on that; correct?
- 22 A Yes.
- 23 Q Let me show you on February -- excuse me, on May
- 24 24th, 2013, where there is a phone call to Meredith
- 25 French; correct?

- 1 A Yes.
- 2 Q And then there's a phone call to (803)463-2537;
- 3 correct?
- 4 A Yes.
- 5 Q And that phone call was made by Corey; correct?
- 6 A With Corey's phone.
- 7 Q Correct.
- 8 A Yes.
- 9 Q And it was made to the same exact number that
- 10 y'all -- that then Corey and Cam received a text
- 11 with the address; correct?
- 12 A Yes.
- 13 Q Okay. So, Corey, off of his phone, is calling
- 14 getting the marijuana; correct?
- 15 A No, he was getting the address.
- 16 Q Okay. And he was getting the address for what,
- 17 Wesley?
- 18 A I was the one who knew that they were selling
- 19 marijuana because I believe I had a conversation
- 20 with Morgan Vegdani, and so we were trying to
- 21 figure out how to get to their place, and that's
- 22 why we contacted Meredith French.
- 23 Q Okay.
- 24 A And it was based on me and Cam's intention to smoke
- 25 pot that night that we even asked Corey to go about

1 locating where Meredith French lived because we
2 didn't know where she lived.

3 Q Okay. So you were contacting Morgan and Corey was
4 contacting Meredith?

5 A Morgan and Meredith were together, I believe.

6 Q Correct. They're best friends; correct? They were
7 at the time?

8 A I'm not a hundred percent sure of their friendship.

9 Q Okay. And they were the ones selling the pot;
10 correct?

11 A Yes.

12 Q Okay. And so your testimony in your deposition
13 before today was that's Corey was completely sober;
14 isn't that correct?

15 A I do not remember Corey drinking anything --

16 Q Okay.

17 A -- throughout the night.

18 Q Your testimony was that Corey was completely sober
19 that night; isn't that correct?

20 A To the best of my knowledge.

21 Q Okay. Correct. You weren't with him the entire
22 time, were you?

23 A No, I was not.

24 Q You have no idea what he did when he got home from
25 soccer practice, do you?

1 A Well, briefly, when I hung out with him.

2 Q Okay. What time did he get home from soccer

3 practice?

4 A I believe they got back to the house -- it could

5 have been before we left to go to the movie, and

6 then we let him in.

7 Q You let who in?

8 A Corey.

9 Q Who else?

10 A No one else.

11 Q No one else?

12 A That's right.

13 Q So then you missed the testimony yesterday where

14 Cam Bohannon said that he came in from soccer

15 practice and smoked with him and Dillon Wood?

16 MR. GRIFFIN: Objection, Your Honor.

17 THE COURT: The objection is sustained.

18 BY MS. O'BRIEN:

19 Q Were you aware of that?

20 A No, I was not aware of that.

21 Q Okay. So the truth of the matter is, Wesley, you

22 have no idea what Corey was doing that night other

23 than the time when you were with him; isn't that

24 correct?

25 A Yes. Yes.

1 Q Okay.

2 A I was more saying that I recall Corey coming back
3 to the house at some point. So events could have
4 occurred before that, but I'm trying to think -- I
5 remember him coming inside. And so I'm trying to
6 see if this was before or after we left to go to
7 the movie, but I'm thinking now it was after the
8 movie when I interacted with Corey.

9 Q Okay.

10 A Because I do not, like you said, recall being with
11 Cam Bohannon or any of those people.

12 Q And the truth of the matter is is the reason why
13 you don't recall that night is because you were
14 taking Xanax; correct?

15 A Was that on the toxicology?

16 Q Well, your friend just testified that you took
17 Xanax that night. You heard his testimony, didn't
18 you?

19 MR. GRIFFIN: Objection, Your Honor.

20 THE COURT: The objection is sustained.

21 THE WITNESS: But whether or not we were under
22 the influence --

23 THE COURT: The objection is sustained. Next
24 question.

25 BY MS. O'BRIEN:

1 Q Did you take Xanax?

2 A I don't know if we took Xanax itself. It could
3 have been a fake pill, because we were not actually
4 under the euphoria of the drug.

5 Q You attempted to take Xanax that night?

6 A Yes.

7 Q You were drunk?

8 A Yes.

9 Q You were stoned?

10 A Yes.

11 Q And the reason why you don't remember the entire
12 night is because you were drunk and stoned;
13 correct?

14 A Yes. I've admitted -- I started saying there are
15 certain parts of the night that are completely
16 fuzzy for me, but there are certain details I do,
17 in fact, recall.

18 Q Okay. And what are the details you do, in fact,
19 recall?

20 A Could you be more specific?

21 Q Tell me what details you recall from February [sic]
22 23rd into February [sic] 24th?

23 A I remember going -- I remember hanging out with
24 Laurel and T.J. I remember drinking wine and Evan
25 Williams. I remember going to the movie. I

1 remember leaving the movie. I remember interacting
2 with Corey and Cam at Cam's house. I remember us
3 talking about -- or me wanting to smoke and Cam and
4 us trying to figure out a way to get ahold of pot
5 at some point. And, based on what you've shown me,
6 I'm assuming we used Corey and Corey's phone to
7 contact these people to go meet and buy marijuana.
8 And then we drove there and then returned back to
9 that neighborhood -- or the Wildewood neighborhood
10 where the accident occurred.

11 Q So why did Corey go with y'all?

12 A I think it was just we were all hanging out
13 together.

14 Q Smoking together?

15 A I don't believe Corey had smoked before we got in
16 the car to -- or to my knowledge, I didn't know if
17 he smoked --

18 Q Right.

19 A -- to get in the car to go there -- or go to
20 Meredith's.

21 Q Okay. And the reason why this is fuzzy is because
22 you were inebriated?

23 A I think we've established that.

24 Q Okay. And so sitting here today, you can't say one
25 way or another what Corey did and did not do;

1 correct?

2 A Well, if you ask me a specific question about what
3 he did, you know, in the moments up to the crash
4 where I specifically remember him yelling, Watch
5 out, there's a car, he must have been cognizant
6 enough to be aware of the car when the other two
7 people in the car weren't. So, yes, there are
8 certain things I do recall about Corey and that
9 night, but there -- if you can ask me a specific
10 question, I'll try to answer it.

11 Q Did he smoke with Savannah Ballard?

12 A So I do not -- I know I took a hit of their bong.
13 I do not remember seeing Corey smoke there. But --

14 Q But could he have?

15 A He could have, but I don't -- I didn't see it
16 happen. So based on my knowledge, I would say he
17 didn't because I did not see it.

18 Q Okay. And the three of y'all went to go get pot
19 because it was y'all's intention to go back to the
20 Stringfellows --

21 A It was me and Cam's intention to go back and smoke.

22 Q It wasn't Corey's?

23 A I mean, Corey was not the one who instigated the --
24 you know, the passion to go get the pot, that was
25 me, and then that propagated Cam, but that was not

1 anything like -- he was just, you know, tagging
2 along.

3 Q All right, so let me make sure I understand your
4 testimony. It was your and Cam's intention to go
5 buy the pot. You were the one that figured out
6 where to get the pot from. Your phone died, and
7 that's why none of the texts came to your phone,
8 and that's why they came to Cam and Corey's phones.
9 And then Corey had no intentions of smoking when
10 y'all got back to the house?

11 A Corey -- yes, he was exhausted and tired and just
12 rode along with us to go.

13 MS. O'BRIEN: Nothing further. Thank you.

14 THE COURT: Any further questions?

15 MR. GRIFFIN: No, Your Honor.

16 THE COURT: Thank you, sir.

17 (Witness steps down.)

18 THE COURT: Next witness.

19 MR. GRIFFIN: Your Honor, we call William
20 Gresham.

21 THE COURT: Mr. Gresham.

22 (Witness approaches.)

23 THE BAILIFF: Place your left hand on the
24 Bible, and raise your right hand, please.

25 (Witness complies.)

1 THE CLERK: Do you solemnly swear or affirm
2 that the testimony you give in this case will be
3 the truth, the whole truth, and nothing but the
4 truth, so help you God?

5 THE WITNESS: Absolutely.

6 THE CLERK: Please have a seat, and state your
7 full name for the record.

8 (Witness seated.)

9 MR. GRIFFIN: You introduced --

10 MS. O'BRIEN: No objection to it being
11 admitted.

12 WILLIAM GRESHAM,
13 after being duly sworn, testified as follows:

14 DIRECT EXAMINATION

15 BY MR. GRIFFIN:

16 Q Good afternoon -- morning. What's your name?

17 A William Gresham.

18 Q Mr. Gresham, tell the jury a little bit about
19 yourself, where you live, what you do.

20 A Currently, I live in Elgin. Prior to that, I lived
21 on 86 Cowdray Park, which is the opposite side of
22 the street of the Stringfellows, but very close. I
23 work for a company called McWaters. It's an office
24 furniture/flooring company here in Columbia. I've
25 worked there since 1993. And we attend the same

1 church as the Stringfellows, Northeast Presbyterian
2 on Polo Road.

3 Q And you had lived across the street from the
4 Stringfellows?

5 A Yes. We lived there -- I think 15 years, we lived
6 in that house. I think the Stringfellows were
7 there probably at least 10 years.

8 Q Do you have children?

9 A Yes.

10 Q What are the ages of your children?

11 A Twenty-four, and my youngest son just turned 20,
12 who was Corey's best friend.

13 Q What was your youngest son's name?

14 A Cooper Gresham.

15 Q Yes, sir. And what is Cooper doing now?

16 A He is a sophomore at USC, Darla Moore School of
17 Business.

18 Q And can you tell the jury a little bit about Corey?
19 Was he a good kid?

20 A He's one of the most natural athletes I've ever
21 seen in my life. I always said to my wife, I said,
22 Who's been born with a six pack of abs, you know,
23 you never have to work out with. And that's the
24 way Corey was. I mean, he was just a natural
25 athlete. A good boy. Cooper and him, I just was

1 glad when we got through the skateboarding days
2 because they kept skateboard ramps at my house, and
3 they were just -- they were really good. They
4 played soccer together early on. They've been best
5 friends -- I'd have to ask my wife and Patti, but I
6 know since at least third grade. Before they moved
7 into our neighborhood they met. And then,
8 ironically, the Stringfellows moved in a year, two
9 years later, and they moved across the street from
10 us.

11 And -- but it was Corey that was the bond
12 between myself and the Stringfellows. I really do
13 not know Cam that well. I knew his car, I saw him,
14 but there's an age difference there. But Cooper
15 and Corey were pretty much hanging out at our
16 house, so it was like the -- we had a garage
17 refrigerator that my wife kept soft drinks, and
18 things like that in. And we wanted to be the house
19 that you come hang out with, you know where your
20 kids are. And we had this room over the garage.
21 And so they could come in, get drinks, fix a
22 sandwich if they wanted to. There was no knocking
23 on the door, let's put it that way. It was that
24 type of relationship.

25 Q Have you been appointed to serve as the personal

1 representative of Corey's estate?

2 A Yes, I did that, but I did that with the counsel of
3 my 20-year-old son, who was Corey's best friend.
4 And I said, You know, this is a big responsibility.
5 Cooper, do you think I should do this? And he
6 said, Dad, Corey would want you to do this. And
7 that's why I did it.

8 And, yes, I know Patti and Tommy and Cam. And
9 I talked to my wife extensively about this. And,
10 believe me, this has not been an easy thing for me.
11 It has been really a rough, rough road. This has
12 been going on four years. December 27th was
13 Corey's 20th birthday. My son's 20th birthday was
14 November.

15 If you ask me why I wanted to do this, I'm
16 going to just tell you. I've carried this every
17 time we've had something. This is my son right
18 here, and that's Corey right there in third grade.
19 And that's the reason I became the personal
20 representative. It's been that long. And my son
21 has changed every friend he ever had from the
22 relationship -- part of it started when he stopped
23 playing soccer and became the kicker -- or played
24 football for Spring Valley. He was the kicker for
25 four years and punter. And so it's a different

1 group --

2 MR. LANFORD: Objection, Your Honor, to the
3 relevance of the testimony.

4 THE COURT: Objection overruled.

5 THE WITNESS: Part of that was because he
6 didn't hang with the soccer folks, he hung out with
7 a lot of the football folks. That was the year
8 Spring Valley went all the way to the state
9 championship.

10 And -- but after the passing of Corey, he cut
11 every tie with those. He went through like a month
12 long where he didn't talk. I mean -- and I will
13 never forget the morning I had to tell Cooper at
14 6:00 o'clock in the morning that his best friend
15 had passed in an accident. It is just like, What?

16 BY MR. GRIFFIN:

17 Q How did Corey's passing affect -- did it have an
18 impact on the kids in the community, the church?

19 A Oh, my goodness.

20 MR. LANFORD: Objection, Your Honor. That's
21 not the issue in this case. Relevance.

22 THE COURT: All right. Your response?

23 MR. GRIFFIN: I mean, it's not directly
24 relevant to what the parents are suffering, Your
25 Honor, but it goes to the character of the

1 Decedent.

2 THE COURT: The objection is sustained.

3 BY MR. GRIFFIN:

4 Q Have you and your wife been around Patti and
5 Tommy -- well, immediately after Corey's death?

6 A My wife. Patti and my wife were very, very close.
7 I'm one of these guys that has to do sales all day,
8 and I tend to be a hermit, as my wife says, when I
9 come home. I'm not the kind of guy that wants to
10 go out and do a lot of things. I'm a home body.
11 But at the same time, I didn't know -- what do you
12 say? I mean, I remember going over there and just,
13 you know -- Patti's mother was dying of cancer,
14 lung cancer, at the time of this, and living with
15 them. And there is just so many variables that
16 were going on that I -- I don't know if I answered
17 your question.

18 Q Now, from your perspective, how has Corey's death
19 affected Patti?

20 A Tragically. Depression. There's days that she
21 would not even get out of her bed and the curtains
22 closed. Tommy -- I know Tommy and I talked and he
23 was really, really worried about her and --

24 MR. LANFORD: Objection. Hearsay.

25 MR. GRIFFIN: I'm just asking from your

1 perspective. You can't say what someone else tells
2 you.

3 THE WITNESS: All right. My perspective is
4 that, yes, it was -- you don't get over the loss of
5 a child, especially a 16-year-old.

6 BY MR. GRIFFIN:

7 Q And from your perspective, how has it affected
8 Tommy?

9 A Tommy looks tired. Tommy doesn't have the same
10 gleam in his eyes that he had. Tommy is going
11 through the motions, in my perspective, to take
12 care of his family and be the leader of the family
13 and to try to provide for them. Tommy internalizes
14 things incredibly for the sake of his family.

15 Q Now, Mr. Gresham, are you serving in this capacity
16 for any expectations of personal financial gain?

17 A I'm serving for one reason: That. I get no
18 financial gain. In fact, it's a financial loss. I
19 have not been to work -- and I own a small
20 business. And I've done depositions. I've done
21 many, many meetings at your office.

22 MR. LANFORD: Objection, Your Honor.
23 Relevance.

24 THE COURT: The objection is overruled.

25 THE WITNESS: So the sacrifice has been on my

1 part, not the financial gain.

2 BY MR. GRIFFIN:

3 Q Who are the beneficiaries of this lawsuit?

4 A It would be Mr. and Mrs. Stringfellow.

5 MR. GRIFFIN: Thank you. Please answer any
6 questions opposing counsel may have.

7 THE COURT: Cross-examination.

8 MR. LANFORD: Thank you, Your Honor.

9 CROSS-EXAMINATION

10 BY MR. LANFORD:

11 Q Mr. Gresham, you said you owned a small business;
12 correct?

13 A Yes, I do.

14 Q That's McWaters, Incorporated?

15 A Yes.

16 Q Right there off of Shop Road?

17 A Yes.

18 Q How many locations are there?

19 A Three locations.

20 Q You're the majority shareholder; correct?

21 A Correct.

22 Q You said you missed time for depositions?

23 A Uh-huh.

24 Q How many -- how many depositions did you attend?

25 A I did yours.

- 1 Q So one?
- 2 A But I've been -- we've had legal meetings as well.
- 3 Q So meetings with Mr. Griffin, you're counting that?
- 4 A Right. I never met your co-counsel until
- 5 yesterday.
- 6 Q Okay. All right. In fact, when I deposed you, you
- 7 hadn't read any depositions, had you?
- 8 A Had I read my deposition?
- 9 Q Any of the depositions in the case?
- 10 A Oh, I did afterwards, yes.
- 11 Q But not --
- 12 A Not at the time.
- 13 Q I think that was in October of last year when I
- 14 deposed you?
- 15 A May have been.
- 16 Q So at that point, the lawsuit had been filed about
- 17 10 months and you hadn't read any of the discovery
- 18 that had been exchanged, seen any of the documents
- 19 that had been exchanged, read any depositions that
- 20 had been taken?
- 21 A You got to realize this has been going on four
- 22 years. And it just kept dragging out, dragging
- 23 out, dragging out for a long time. And the lawsuit
- 24 that you guys are involved in has dragged on and on
- 25 and on. And for me to go through every minutia,

1 every step of the way as -- you know, it's like
2 studying for an exam. You wait -- you watch
3 everything that happens along the way or do you
4 wait and go through it all and make sure that you
5 have a full balanced understanding of it? That was
6 my approach to it.

7 Q You testified you were the decider in the lawsuit;
8 correct?

9 A Absolutely.

10 Q Now, you said this has dragged on. It was filed, I
11 believe, in December of last year; correct?

12 A Yes.

13 Jim, is that correct? I have no idea.

14 Q You can't ask him. Do you know?

15 A Around that time. I don't know the date. I don't
16 know the time.

17 Q So it's been pending for about a year; correct?

18 A Which in my world, that's a long time.

19 Q Okay. Prior to that -- you said that the case was
20 dragging on. It was dragging on because the family
21 was looking at suing BMW for the car being
22 defective, isn't that true?

23 A I don't think -- I think that was a separate issue
24 all together. I don't think that had anything to
25 do with this, with the two of you guys.

1 Q When were you appointed as the PR, do you know
2 that?

3 A Last year.

4 Q Would it have been around April 2015? Does that
5 sound about right?

6 A We talked about it prior to that, but I think that
7 would probably be -- actually did the filing, that
8 might be right. I mean, I can't tell you the day.

9 Q So Patti resigned as the PR and you accepted the
10 appointment as the PR so you could file this
11 lawsuit; correct?

12 A Well, it was two things. That is correct, but
13 Patti was in no condition to want to deal with
14 this.

15 Q I understand. But you were asked by Tommy to be
16 the personal representative for the purpose of
17 bringing this lawsuit against Cameron; correct?

18 A Yes, but I also had consulted with my wife and my
19 son, Cooper, that was Corey's best friend, when I
20 accepted it.

21 Q I understand. All I asked you is if that's what --

22 A Yes.

23 Q -- Tommy asked?

24 A I just wanted to clarify.

25 Q That's fine. You spent, I believe your testimony

- 1 in your deposition, you spent about a day thinking
2 it over; is that correct?
- 3 A I don't recall.
- 4 Q You dispute that's what you said in your
5 deposition?
- 6 A No, I just don't recall. I'm sure that's accurate.
- 7 Q So the --
- 8 A I'm speculating.
- 9 Q So the lawsuit was filed in April of -- or, excuse
10 me, you were appointed in April of 2015 and the
11 lawsuit was filed in December 2015; correct?
- 12 A Yes.
- 13 Q Is that correct? What is your title with McWaters?
14 You're the owner; correct?
- 15 A Yes -- well, the bank owns it. I just pay the
16 bills.
- 17 Q You're the 90 percent majority shareholder?
- 18 A Yes, that's correct.
- 19 Q President?
- 20 A That's my title, yes.
- 21 Q And you all provide furniture to Riverbanks;
22 correct?
- 23 A Never have.
- 24 Q That's your testimony today?
- 25 A I'm not aware of us ever selling any furniture to

- 1 Riverbanks.
- 2 Q Riverbanks is where Tommy works; correct?
- 3 A That is correct.
- 4 Q He's the chief operating officer?
- 5 A Yeah, but we do have a state contract where --
- 6 we're on the state contract for South Carolina
- 7 where we -- any state or locally-owned municipality
- 8 can purchase from us for the same price as they can
- 9 purchase from anybody else. But I'm not in the
- 10 sales capacity anymore, but I'm not aware of us
- 11 ever selling anything to Riverbanks.
- 12 Q Okay. Now, your wife is Toni Gresham; correct?
- 13 A That is correct.
- 14 Q She's here?
- 15 A She is sitting right by Patti.
- 16 Q What is her mobile number?
- 17 A 603-8526. Is that right? I got it right, so I get
- 18 a thumb's up.
- 19 Q I'll give you a thumb's up there.
- 20 A All right.
- 21 Q I'm going to hand you Corey's phone.
- 22 A Okay.
- 23 Q Can you identify for the jury --
- 24 A It says Ms. Tony.
- 25 Q Toni misspelled?

1 A Yes, with a Y instead of an I. That's not the
2 first time that's happened.

3 Q That's your wife; correct?

4 A Yes, it is.

5 Q So Ms. Toni in Corey's phone is your wife --

6 A Uh-huh.

7 Q -- Toni Gresham. Were you ever made aware of an
8 incident where Toni caught Corey and some other
9 boys drinking beer out at the farm?

10 A That's funny you say that because Ms. O'Brien
11 mentioned yesterday that I was at the farm when
12 this happened. And I corrected her with a head
13 nod. No, that is not correct. And it's not really
14 a farm. It's 58 acres of inherited land that my
15 grandparents had. And we have a golf cart and a
16 barn there.

17 And you're right, we did not take -- and she
18 inferred in her opening argument that we brought
19 the beer for them. We did not. There was three
20 boys there. They were there three days. And you
21 know how many beer cans they found? Six. At 16, I
22 promise you --

23 Q You would have more than that?

24 A I probably would have.

25 Q Okay.

1 A And -- but let me tell you this. They weren't very
2 good at hiding and concealing things, that's for
3 sure.

4 Q You anticipated my next question. I show you what
5 has been marked as Defendant's Exhibit 1, which is
6 a text from the phone I just showed you, Corey's
7 phone. Does that appear to be a text exchange with
8 Ms. Toni?

9 A Uh-huh.

10 Q Is that a yes?

11 A Yes, it is.

12 Q And that's your wife; correct?

13 A Yes.

14 Q Can you read to the jury what Corey said on
15 April 26th, 2013, at 7:33 p.m.?

16 A Hey, Ms. Toni. I wanted to say I'm sorry for
17 bringing beer to the farm. I thought we would be
18 smart enough to throw it away. It won't happen
19 again.

20 No worries. Hope you didn't get in trouble.
21 I only want your mom -- I only told your mom
22 because I thought it was funny that y'all threw
23 cans in the woods by the barn where they were so
24 easy to find. Got to learn to cover your tracks.
25 LOL.

1 Ha-ha. Yes, ma'am. Corey.

2 Q Was that a text exchange between --

3 A Corey and my wife. But I would say this --

4 Q And that's just what I asked you.

5 A Yeah, okay.

6 MR. LANFORD: We would move to admit Exhibit 1
7 into evidence.

8 MR. GRIFFIN: No objection.

9 (WHEREUPON, Defendant's Exhibit No. 1
10 was marked for identification and
11 received into evidence.)

12 BY MR. LANFORD:

13 Q And did Toni tell -- Ms. Toni tell Patti about that
14 incident?

15 A Yes, she did.

16 Q Because Patti was aware that Corey -- and you said
17 two other boys?

18 A Yes.

19 Q Was Cooper one of them?

20 A Cooper was one, and another one that does not live
21 in Columbia anymore.

22 Q Okay. So in April -- on April 26th, 2013, Patti
23 was aware of Corey doing some underage drinking at
24 your farm; is that correct?

25 A I'd have to ask my wife.

1 Toni?

2 Q You can't ask her. To your knowledge, did she tell
3 Patti about that incident?

4 A I assume she did.

5 Q They're best friends; right?

6 A Yes. She's going to be up. I think she's on the
7 list to testify, so you can ask her.

8 Q We will. You said you were sort of a hermit, so
9 you knew Corey better than you knew Patti or Tommy
10 or Cam, for that matter, is that fair to say?

11 A Oh, yeah, Corey, yes. Yeah, we were to the point
12 where we would give each other a hard time, you
13 know. He'd pick on me, I'd pick on him. It was
14 that type of relationship. Just like I pick on my
15 son that was 16 at the same time.

16 Q Did Toni have the same type of relationship with
17 Corey?

18 A She's more a disciplinarian where I'm the joker. I
19 like to make jokes, kind of dry wit sense of humor
20 guy, but you can't tell today, but normally, I am.
21 And --

22 Q You said Toni was the disciplinarian?

23 A Yeah, she is always the bad guy.

24 Q Okay.

25 A I'm not very good at that.

1 Q Was she the bad guy in that text?

2 A You know, you can take a snapshot of anything that
3 you can say at some point in time in life and make
4 it look like a lot of different things in a lot of
5 different ways. And I think you have children and
6 you understand that it's no easy road getting them
7 up through college and out the door. And so, you
8 know, maybe -- my opinion, it was not the best
9 advice --

10 Q To cover your tracks?

11 A Yeah. I mean, do you remember when we did our
12 deposition and I told you that if my son was doing
13 something, I probably knew about it because he was
14 the worst at covering his tracks, the wall story.
15 And kids -- these kids -- I mean, when I was that
16 age, I was a lot smarter about how I handled things
17 than they were.

18 Q You were better at covering your tracks?

19 A Yeah, I was a hell of a lot better. And I can tell
20 you this, that the one thing I've learned about
21 Cooper and Corey is if they're doing it, they
22 weren't very good at being sly about it.

23 Q At least on this particular occasion?

24 A No, any -- you know -- yeah, you're right.

25 Q Yeah. Tommy and Patti, they certainly weren't

1 aware that he was smoking pot at 9:15 the night he
2 died?

3 A I don't know. You'd have to ask them. I think
4 you've already talked to them.

5 Q Okay.

6 A I don't think that's a fair question for me.

7 Q Did you read the report that the engineer that was
8 hired by Mr. Griffin, the report that was generated
9 about the BMW, whether anything was wrong with it?

10 A Yes, I did read that. And the technology at that
11 time has changed since then and it was my
12 understanding on how they could read a lot of
13 things, like there was no black box easy that you
14 could get -- you'd have to send it to Germany to
15 have them read it. It wasn't like you just plug it
16 in and go to your BMW dealership and it tells you
17 everything it did. I think some of the technology
18 has changed since 2012 or '13.

19 Q But you said you did read the report?

20 A I read most of the report.

21 Q Okay.

22 A That I recall reading.

23 Q Okay.

24 A I mean, I'm not going to sit here and tell you I'm
25 reading an encyclopedia of something I don't

1 understand half the technological side.

2 Q I understand. The report actually said that if the
3 BMW had functioned properly, then they would have
4 hit the tree. Didn't the report say that?

5 A I think they were more concerned about why the
6 airbags went off and the car -- and they were
7 worried that it was still accelerating, not
8 decelerating, but I don't know. I'm not a BMW --
9 kind of like the first witness you had yesterday,
10 I'm more of an American car guy than I am a foreign
11 car guy, and I don't recall all those details. If
12 I did, it was a long time ago, so.

13 Q Okay. But, nevertheless, they decided not to
14 pursue that case, but filed this lawsuit with you
15 --

16 A That was --

17 Q -- as the PR; correct?

18 A That was something that was not a part of this suit
19 with me.

20 Q That was all done before --

21 A Yes.

22 Q -- beforehand?

23 A So you're asking me some things that are
24 hypothetical and hearsay.

25 Q That's part of the reason we're here four years

1 later and not one year later, isn't it?

2 A You're the lawyer.

3 Q Do you know one way or the other?

4 A No, I don't.

5 Q Okay.

6 MR. LANFORD: Thank you, Mr. Gresham. I
7 appreciate you answering my questions.

8 THE WITNESS: You're welcome.

9 THE COURT: Anything further?

10 MR. GRIFFIN: No, Your Honor.

11 THE COURT: Thank you. You may step down.

12 (Witness steps down.)

13 THE COURT: Next witness.

14 MR. GRIFFIN: Your Honor, we call Jenny
15 Savitz-Smith to the stand.

16 (Witness approaches.)

17 THE BAILIFF: Place your left hand on the
18 Bible, and raise your right hand, please.

19 (Witness complies.)

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

24 THE WITNESS: Yes, ma'am.

25 THE CLERK: Please have a seat, and state your

1 say for sure what is going to happen, but she is
2 not -- she has deteriorated more recently. And so
3 I think we're going to have to -- you know,
4 especially with, you know, this court proceeding,
5 which I think will set her back more. And so my
6 hope is that it will be good, but at this point
7 it's guarded.

8 Q Thank you.

9 MR. GRIFFIN: That's all the questions I have,
10 Your Honor.

11 THE COURT: Cross-examination.

12 MR. LANFORD: Thank you, Your Honor.

13 CROSS-EXAMINATION

14 BY MR. LANFORD:

15 Q Good afternoon, Dr. Savitz-Smith.

16 A Good afternoon.

17 Q A few questions. You testified that this court
18 proceeding will set her back?

19 A Yes. Correct.

20 Q This court proceeding that she initiated?

21 A That's my understanding, yes.

22 Q Okay. Because this was a lawsuit that was filed at
23 her request and will be for her benefit; correct?

24 A That's my understanding.

25 Q Okay. And is it your understanding that she and

1 Cam have never had discussions, had real
2 discussions about what happened that night, what
3 happened in the accident because of the court cases
4 that have been pending? Is that your
5 understanding?

6 A My understanding is it has been limited to what
7 they can talk about. There was a first court
8 hearing and then some discussion, and then it has
9 been limited at this point as well.

10 Q Okay. So when Cam's criminal case was pending, his
11 attorneys that she hired recommended that they not
12 talk about the accident, is that your
13 understanding?

14 A That's my understanding.

15 Q Then when this proceeding was initiated, it was
16 recommended by her current attorneys not to talk to
17 Cam about the accident because it could have a
18 negative effect on this lawsuit; correct?

19 A She has not specifically discussed who told her not
20 to talk about it, but --

21 Q But they haven't talked about it?

22 A But they have not talked about it.

23 Q Is that significant -- well, let me ask you this.
24 Part of the healing process is talking about what
25 happened, isn't it?

1 A It definitely is.

2 Q She has really not been able to do that because she
3 filed this lawsuit; correct? And she was
4 instructed by someone not to talk to her son about
5 what happened?

6 A That is correct.

7 Q And, again, this is a lawsuit that she filed to
8 benefit personally and financially; correct?

9 MR. GRIFFIN: Objection. Asked and answered.

10 BY MR. LANFORD:

11 Q You agree with that? That's correct?

12 A (Nods affirmatively.)

13 Q In some ways, she's putting her own financial gain
14 ahead of her healing process, would you agree with
15 that?

16 A I really don't agree with that because there are
17 other reasons that this is important to her. And
18 so it has not been that she and I have discussed
19 about the financial gain at all, but it's about
20 what's right and what's --

21 Q Okay. You answered me. Thank you.

22 A Okay.

23 Q Has Patti been completely honest with you in
24 y'all's therapy sessions?

25 A I couldn't answer that question. I mean, to my

1 knowledge, yes.

2 Q When I took your deposition recently, you were not
3 aware that Corey had tested positive for marijuana
4 after the accident; correct?

5 A That's correct.

6 Q That's not something she had shared with you in
7 the -- how many sessions have y'all had, roughly?

8 A I would have to count.

9 Q A lot; right?

10 A A lot, yes.

11 Q And A lot of them don't have records attached to
12 them, they are just visits that were billed; right?

13 A Right.

14 Q In none of those visits did she ever mention that;
15 correct?

16 A Correct.

17 Q She also never told you some of the alcohol that --
18 at least, some of the alcohol -- that was consumed
19 that night was from their house?

20 A She did not.

21 Q Now, you were aware of a period of time where Tommy
22 and Patti were contemplating a lawsuit against BMW,
23 is that fair to say?

24 A That is fair to say.

25 Q You had a note in your file where Cam's criminal

1 attorney had told Patti that he thought BMW was to
2 blame for the accident, that they were hiding data,
3 protecting data. Was that in your records?

4 A That he thought they were to blame? I don't
5 remember -- I don't recall the piece about hiding
6 data. I don't know if that was the exact wording.

7 Q Said they were protecting their own data?

8 A Okay.

9 Q Do you dispute that?

10 A No, I don't dispute that.

11 Q Okay. Now, Patti lost her mom -- I believe she was
12 already sick when this tragic accident happened;
13 correct?

14 A That is correct.

15 Q And she lost her later that year?

16 A She lost her in November of 2013; correct.

17 Q So that was right before you started treating her?

18 A She lost her right after I started treating her.

19 Q I'm sorry; right after. To your knowledge, are
20 Patti and Tommy engaging in any marriage
21 counseling?

22 A Currently? Is that --

23 Q Yes.

24 A I'm not sure if they are currently.

25 Q Have they ever?

- 1 A Yes.
- 2 Q How many sessions?
- 3 A I do not know that. It wasn't with me.
- 4 Q Okay. You did one session with the two of them;
- 5 correct?
- 6 A I did.
- 7 Q I think Tommy was having concerns about medication
- 8 she was taking?
- 9 A About medication and her grief and her functioning;
- 10 correct.
- 11 Q That's the only joint session y'all had; correct?
- 12 A That is correct.
- 13 Q What do you normally charge for a session?
- 14 A A session? Currently it is \$175 per hour.
- 15 Q \$175? Okay. What are you being paid today to
- 16 testify in court?
- 17 A At \$350 an hour.
- 18 Q And how much -- have you already received that?
- 19 A I received a check, although I'm not sure if it's
- 20 going to end up having been longer than that. And
- 21 I think that was for -- it was for \$1750.
- 22 Q One thousand seven hundred and fifty dollars?
- 23 A That's correct.
- 24 Q That's what you're charging to testify in this
- 25 case?

1 A To testify in this case, as well as to prepare for
2 the case, yes.

3 MR. LANFORD: Thank you.

4 THE COURT: Any redirect?

5 MR. GRIFFIN: I have nothing further.

6 THE COURT: Thank you. You may step down.

7 (Witness steps down.)

8 THE COURT: Ladies and gentlemen, we are going
9 to break for lunch. We are going to start back at
10 2:00 o'clock. We ordered lunch for you. You do
11 not have to stay in the jury room, but you cannot
12 mill around outside or near this courtroom.

13 We'll meet you back at 2:00 o'clock.

14 (WHEREUPON, the jury retires to the jury
15 room at 12:49 p.m.)

16 THE COURT: Whatever those papers are, if they
17 are related to this case, the court reporter needs
18 to have them.

19 All right, we'll be in recess.

20 MR. GRIFFIN: Thank you, Your Honor.

21 THE COURT: 2:00 o'clock.

22 (WHEREUPON, a lunch break was taken at
23 12:50 p.m.)

24 THE COURT: Anything before the jury comes?

25 MR. GRIFFIN: Yes, Your Honor. This morning

1 whether there are damages available to the
2 beneficiaries of the estate.

3 THE COURT: The issues were made relevant
4 through the cross-examination. I overrule the
5 objection.

6 MR. GRIFFIN: Thank you.

7 (WHEREUPON, Plaintiff's Exhibit No. 40
8 was marked for identification and
9 received into evidence.)

10 MR. GRIFFIN: Your Honor, may I continue but
11 allow the jury to pass the photograph?

12 THE COURT: It is in evidence.

13 MR. GRIFFIN: Thank you.

14 (Pause.)

15 MR. GRIFFIN: Coach Kenga, please answer any
16 questions that opposing counsel may have for you.

17 MR. LANFORD: I do not have any questions.
18 Thank you, Coach.

19 THE COURT: Thank you, sir. You may step
20 down.

21 (Witness steps down.)

22 THE COURT: Next witness.

23 MR. GRIFFIN: Your Honor, the next witness we
24 call is Tommy Stringfellow.

25 (Witness approaches.)

1 THE BAILIFF: Place your left hand on the
2 Bible, and raise your right hand, please.

3 (Witness complies.)

4 THE CLERK: Do you solemnly swear or affirm
5 that the testimony you give in this case will be
6 the truth, the whole truth, and nothing but the
7 truth, so help you God?

8 THE WITNESS: I do.

9 THE CLERK: Have a seat, and state your full
10 name for the record.

11 (Witness seated.)

12 THE WITNESS: My name is Tommy Stringfellow.

13 TOMMY STRINGFELLOW,
14 after being duly sworn, testified as follows:

15 DIRECT EXAMINATION

16 BY MR. GRIFFIN:

17 Q Tommy, you have been here the entire trial?

18 A Yes, I have.

19 Q And were you here for the opening statement that --

20 A Yes, I was.

21 Q -- Ms. O'Brien gave?

22 A Yes, I was.

23 Q And do you recall her accusing your wife of lying
24 in the deposition?

25 A Yes, I did.

1 Q I want to ask you, do you recall what occurred on
2 the evening of or early morning of January 6th,
3 2013, when Corey had some friends over at the house
4 and was there a smell, a sweet aroma coming from
5 his bedroom?

6 A Yes. My wife woke me up -- I'm usually early to
7 bed and she stays up late -- woke me up and said
8 she smelled some sweet aroma coming from upstairs.
9 So I said I'd go check it out. As I walked up the
10 steps, I immediately knew it was Clove cigarettes
11 because my friends who live down the road from us
12 smoke those pretty often.

13 And Corey was kind of walking out. I said,
14 Corey, could you please step out of the room? And
15 he came out. And I said, Corey, what are you
16 doing?

17 And he said, I don't know, Dad, I'm just -- I
18 just was smoking a Clove cigarette with my friends.

19 And I said, Son, you shouldn't do that. I
20 said, You know, your grandmother is downstairs sick
21 with lung cancer. Why would you do that?

22 He said, I don't know. He said, I'm sorry.

23 And I said, Well, do you have any more?

24 And he said, No, sir.

25 And I said, Well, we'll have further

1 discussion about that tomorrow, because I was
2 tired, and I went on back downstairs.

3 Q Was he smoking marijuana in your house?

4 A No, sir, absolutely not.

5 Q Did you or Patti permit your children to smoke
6 marijuana, period?

7 A No, sir, absolutely not.

8 Q Did you and Patti permit your children to drink
9 alcohol underage?

10 A No, we did not.

11 Q Tommy, up until the night of May 23rd, 2013, had
12 you ever had any behavioral problems with Cam?

13 A No.

14 Q What kind of kid was Cam?

15 A Cam was, obviously, our first born. He was very
16 polite, yes-sir/no-sir, always wanted to please us,
17 wanted to please mom more than anything. A good
18 student. You know, he liked hanging out with his
19 friends. He liked bringing them over to the house.
20 And always respectful. He liked going to church
21 with his family and getting involved in youth
22 activities.

23 Q There was testimony earlier about his involvement
24 with Camp Chemo. What was that about?

25 A Yes, he's a counselor on Camp Chemo staff. And he

1 lost one of his best friends when he was around 10
2 to cancer. It is one of our neighbors, same age as
3 him. And after he lost his friend and saw him go
4 through a battle with cancer, he vowed to want to
5 do something more for other kids or others
6 suffering.

7 So I said, As soon as you turn 16, you can
8 apply to be a camp counselor, which he did. He was
9 accepted. So for two years prior to the accident,
10 he would give up a week of his summer to spend at
11 the camp with terminally ill kids, and found a
12 passion for it, and he still loves doing it.

13 Q Before the night of May 23rd, had Cam entered into
14 a written agreement with you and Patti on rules of
15 using a car?

16 A Yes. I learned this from, I think it was my dental
17 hygienist. She was talking about her kids, who
18 were a couple years older than mine, growing up
19 going to Spring Valley. And I was telling her that
20 soon Cam was getting ready to get his driver's
21 license. And she told me about how she put
22 together an agreement to -- for her kids to sign
23 that stated that any violations, moving violations,
24 alcohol, drugs, anything like that, whether they
25 found a beer tab or top or bottle in their car, it

1 would mean immediate loss of the privilege. I
2 thought that was a great idea, so Patti and I
3 drafted one up and had Cam sign one.

4 Q And were you aware before May 23rd, 2013, about Cam
5 producing an awareness video?

6 A He did.

7 Q On alcohol?

8 A He has a passion for doing videos and videography
9 and he's really good with computers. That's why
10 he's majoring in computer science. And he had --
11 he and his friend Cole had some project he had to
12 put together, and he and Cole felt like they could
13 produce a video to show the impact of what happens
14 when you drink and drive or when you text and
15 drive. And they spent several months getting
16 people to act in it. He and Cole acted in it, even
17 to the point they called a resource officer at
18 Richland County to participate.

19 And, ironically, he had -- he shot the video
20 at a point where he was pretending to drink and
21 drive and then the police car pulled him over and
22 they handcuffed them, put him in the back seat and
23 took him down to Richland County Detention Center.
24 And then they videoed him getting fingerprinted and
25 locked behind jail. And, anyway, they did that and

1 they did some of the other video of texting and
2 driving, including showing a mock collision.

3 So he did that and showed it to the class and
4 the teacher graded it. And we were really happy
5 that he would take it that serious to do something
6 like that and hopefully avoid any DUI, drinking and
7 driving deaths.

8 Q When a group of kids would go out, how frequently
9 would Cam be the driver of the group?

10 A He was always asked. He had a car. He did -- and
11 he worked part-time. He started his own little
12 video production company. He promised when he got
13 a car that he would help, you know, pay some of it.
14 And so he was fortunate to have a car and all his
15 friends -- Wesley did not, he didn't have a
16 driver's license. So Cam was always the one that
17 drove. And a lot of the parents felt like if Cam
18 was driving, it was safe for the kids to go --

19 MS. O'BRIEN: Objection as to what the other
20 parents would have felt.

21 THE WITNESS: Actually --

22 BY MR. GRIFFIN:

23 Q You can't talk about other --

24 A Okay.

25 Q -- parents and their perspective, but --

1 A Yes.

2 Q -- was he often selected to drive kids around?

3 A Yes. I have names of parents who I can tell, if
4 you like that, said he's a safe driver and felt he
5 was responsible. He also -- before we let him get
6 his license, we had him attend the A1A Driving
7 School, which was a class that I highly endorsed
8 that would help be a responsible driver. Then also
9 at Spring Valley went through the Alive at 25
10 driving class that allows you to bring a car to
11 school.

12 Q Was there anything you can think of, 20/20 is
13 hindsight, but anything that you can think of that
14 would have alerted you that Cam would have done the
15 things he did on the night of the 23rd after y'all
16 left to go to the beach?

17 A No, not at all. That's what makes it so hard is,
18 you know, he, to me, was so perfect with all that.
19 And if he was doing all that, it was -- we didn't
20 know anything about it. He had earned I thought
21 the right for us to go for a weekend and go down
22 the night before because he was 18. He had shown a
23 lot of responsibility. He and Corey both.
24 Obviously, it was my decision to leave that night.
25 I wish I hadn't made it, but I did, and I did it

1 based on his responsibility around the house and
2 how he has always acted.

3 Q Tommy, after the horrific events of the night of
4 May 23rd, 2013, did Cam get criminally charged?

5 A Yes, he did. Yes.

6 Q And were they serious charges?

7 A Yes, they were serious charges.

8 Q And what did you do?

9 A Say that again?

10 Q What did you do for him regarding those charges?

11 A I don't understand.

12 Q Did you hire a lawyer?

13 A I had -- well, that night that it happened, you
14 know, I knew he was in an accident, and I had no
15 clue that it was drinking, I had no clue that it
16 involved pot or anything, we just got a call from a
17 neighbor that we needed to come home immediately
18 because Cam was in an automobile wreck.

19 And so we jumped in the car, and at that time
20 we didn't know Corey was with them, we thought he
21 was at home. And, of course, when we got to the
22 hospital, we still didn't know anything about the
23 accident other than we found out about halfway
24 through the drive that Corey didn't make it and Cam
25 was hurt but could speak.

1 And I just remember walking in and I saw a
2 highway patrolmen standing there outside of Cam's
3 room, and I just assumed, you know, it was some
4 kind of a wreck and that he had to be there.

5 Then a friend of mine told me, Tommy, you're
6 going to need a lawyer.

7 And I said, Why?

8 He said, Because I think there was some
9 alcohol involved and drugs involved.

10 And I said, I don't think I know any lawyer,
11 so he suggested --

12 MS. O'BRIEN: Objection to anything anyone
13 else would have said.

14 THE COURT: Objection overruled.

15 THE WITNESS: He said, I can give you a name
16 if you would like to call him. I said, Would you
17 just please call him for me because I don't know
18 what's going on. But if he's going to go directly
19 to jail out of the hospital, then I'd like to have
20 somebody arrange getting a lawyer there to help us
21 out.

22 BY MR. GRIFFIN:

23 Q And did you pay for Cam's legal defense?

24 A Yes, we did.

25 Q And did you write a letter to the judge asking for

1 leniency?

2 A Patti drafted a letter and I edited it and read it
3 and we did, we asked the judge that -- from what I
4 was reading and looking at that he was looking at
5 prison time, not juvenile delinquency, but it would
6 be prison time and -- because he was 18. And I
7 asked -- we asked the judge to please -- we have
8 already lost one son, please don't take him away
9 from us too. I don't think we could have made it
10 with him gone too. So we were willing to accept
11 any other punishment that they could give him, but
12 just please don't put him in prison.

13 Q And were you grateful that Cam was not sentenced to
14 prison?

15 A I was very grateful that he is not in prison
16 because I just don't if we would -- I don't know
17 how we would have dealt with it.

18 Q Another point I want to address on the front end,
19 there has been suggestions about investigating
20 potential issues with the BMW and hiring me. Do
21 you remember those suggestions?

22 A I do. You know, being a parent, you want to blame
23 anybody but your own kids for things that happen.
24 And we asked a lot about the accident. And there
25 were -- I've never been to the accident scene, but

1 those that went there said they just couldn't
2 imagine that that car could actually hit a parked
3 car and still travel as far as it did and still go
4 airborne. And they all had opinions that -- I
5 think they called them yaw marks in the road, which
6 I later learned means that the car accelerated, yaw
7 marks means acceleration. So after hitting the
8 parked car that would make the airbags go off. And
9 I know that that particular car, when airbags go
10 off, the system shuts down, so it shouldn't
11 accelerate. So there was some speculation that
12 maybe something was wrong with the car. And so we
13 hired Jim to -- you know, we heard he had been
14 involved with some automobile litigation before.

15 Q You are talking about me now?

16 A I'm talking about this, yes. Hired you to take a
17 look at the situation and see what you could find.
18 And so you immediately brought some experts in to
19 take a look at the sensors on the BMW. And one of
20 the initial readings when it hit the white car
21 showed that the car was going less than 50 miles an
22 hour, and that was different than what the MAIT
23 Team said, that they thought he was doing 85 or so.
24 And we felt it was important to follow up with that
25 to see what the discrepancy was. The car was in

1 such bad shape, they had to rebuild the wiring in
2 order to get the rest of the sensors out to
3 function.

4 And after they -- that took six to eight
5 months. You know, I probably would say I probably
6 would sue BMW if the car had a faulty switch or
7 assisted in the wreck. I'm sure I said that. But,
8 anyway, when the reports came back, when they
9 finally got all the sensors together, there wasn't
10 enough evidence to substantiate that the BMW had
11 faults.

12 Q And you recall your airbag control download data
13 that's been in evidence that Sergeant Coffin
14 testified actually showed 94 miles an hour?

15 A Yes, it did. It did show when the airbags were
16 deployed, the car was going a little bit faster
17 than what the MAIT Team said, which is like 94.

18 Q And was that the end of the BMW investigation?

19 A Yes, it was.

20 Q Tommy, where did you meet Patti?

21 A I was living in Columbia and working in Sumter. I
22 worked at Motorola. I sold 2-way radios at that
23 particular time and Patti was selling cell phones
24 back when. Cell phones started getting popular
25 with BellSouth Mobility and they assigned her to

1 the Sumter market. And she and I were probably
2 passing each other going to and from Sumter every
3 day. And she was coming to -- because we started
4 selling cell phones at that particular retail
5 location that I worked at, and they assigned her to
6 come teach us how to sell phone stock and work on
7 cell phones.

8 And she came and I opened the door to let her
9 in, but my timing was a little bit off and I
10 knocked her off the sidewalk and into the mud. It
11 wasn't something I was too proud of, but that's how
12 we met.

13 Q And you ultimately got married?

14 A We did.

15 Q I don't want to put you on spot, but just give us
16 an estimate of the year?

17 A We got married in '92 and had Cam in '94. I, at
18 that time, had gone back to work in the theme park
19 industry. And we moved around the country, upstate
20 New York a little bit, and then Atlanta and then
21 left --

22 THE COURT REPORTER: I'm sorry, I couldn't
23 hear you.

24 THE WITNESS: So went to Six Flags in New York
25 and then to Atlanta and then to Riverbanks Zoo in

1 Columbia.

2 BY MR. GRIFFIN:

3 Q Are you originally from South Carolina?

4 A I'm from Rock Hill, yes.

5 Q And where did you graduate from college?

6 A Winthrop.

7 Q Where did you get your first exposure in working in
8 the attractions industry?

9 A Everybody in Rock Hill, in the Charlotte area, it's
10 almost a prerequisite to work at Carowinds, you
11 know, it was your first summer job. So, you know,
12 I think I was 15 or 16 when I worked there
13 operating a ride, parking cars. And they had a
14 marketing firm that I was fascinated with at the
15 theme park, and I got into the business.

16 Q And you and Patti moved back to South Carolina in
17 2002?

18 A Right. 2002, left Atlanta. We started having kids
19 then and my --

20 Q Who do you have in 2002, Cam and Corey?

21 A Let's see, in '90 -- yes, Cam and Corey. We
22 actually had Caroline in 2002 when we lived in
23 Atlanta. We moved about six months after she was
24 born to Columbia. We were wanting to be near
25 our -- Patti's mom, who was here in Columbia, and

1 my mom, who was up in Rock Hill. And so we wanted
2 to move back home so that they could get to see the
3 grandkids.

4 Q And you took an initial job with Riverbanks?

5 A Riverbanks, right, as the marketing director.

6 Q And have you been employed with Riverbanks ever
7 since?

8 A I sure have.

9 Q And what is your current title?

10 A Current title is chief operating officer. It's
11 kind of a fancy title for I guess experience and
12 making sure exhibits and the growth of the park is
13 successful.

14 Q And when you moved back here, did Patti continue to
15 work?

16 A She did. She had a career track that was
17 respectable. She always seemed to do well with
18 whatever she touched, but every time she started,
19 you know, gaining momentum, climbing the corporate
20 ladder, I'd say, Hey, I got an opportunity at Six
21 Flags to go to another park. And so she'd always
22 have to start over wherever we moved to. And she
23 was always willing to do that. And, you know,
24 whenever I was ready to move again, she was doing
25 well again. So when we gave up in Atlanta -- when

1 we moved from Atlanta here, she had to change jobs
2 yet again. And came to Columbia and started
3 working at Cisco, which she recently left.

4 Q And what was her job -- she's going to testify, but
5 what was her job at Cisco?

6 A She was account manager, but she's done everything
7 from being the district manager or vice-president
8 of sales down to -- she had selected accounts with
9 Cisco that she sold communications equipment, Cisco
10 Electronics, with the company.

11 Q The jury has heard about your house at 83 Cowdray?

12 A Cowdray.

13 Q Cowdray. C-O-W-A-R-Y?

14 A Correct.

15 Q D-R-A-Y?

16 A D-R-A-Y.

17 Q And where is that house located?

18 A It's in the Wildewood Subdivision, Subdivision 5.

19 Q And how long had you lived at that house before
20 May 23rd?

21 A Well, we originally moved to a house on Running Fox
22 on that side of Wildewood near Polo Road in 2002,
23 and then sold that house and moved to where we are
24 now in 2006.

25 Q So when you moved, Mr. Gresham, his family, they

1 lived across the street?

2 A Right across the street, right. We had already
3 known them through Cooper, who was in the same
4 elementary school as Corey.

5 Q What schools did Cam and Corey and Caroline go to?

6 A Let's see, Cam, when we moved, started Windsor
7 Elementary, but then went to E.L. Wright, and then
8 Spring Valley. And Corey ended up in the
9 elementary school on Polo Road, so he went to Polo
10 Road, and then E.L. Wright and Spring Valley. And
11 then Caroline at Polo Road, E.L. Wright. She just
12 started Spring Valley this year.

13 Q What was life like in the Stringfellow home when
14 you had two teenage boys and a little girl leading
15 up to May of 2013, Tommy?

16 A It was good. It was good. They were always
17 social. And our house was pretty centrally located
18 to Spring Valley and it seemed like we always had a
19 revolving door of kids coming and going, which we
20 absolutely love. We love for anybody to come. And
21 we'd rather our kids stay at our house under our
22 supervision with all of the friends coming. And,
23 you know, I think as Wesley testified, we
24 practically raised him. And so we always had
25 something in the house going on. We always enjoyed

1 having kids around.

2 Patti's mother moved in with us. She was in
3 real estate. The market started crashing pretty
4 quick, and so we thought we would help her out.
5 She moved in and then contracted cancer, so we
6 cared for her. And she loved having kids around,
7 always cooked dinner for them. We bragged about
8 how she cooked all the time. And so they loved to
9 eat at our house and they were very generous, you
10 know, always having them. So, it was good.

11 Q Tell the jury about Corey. How would you describe
12 his personality?

13 A Corey was the giving one. He would do anything for
14 anybody. He always never met a stranger and
15 somehow his smile just seemed to be a magnet. I
16 just remember at his funeral that I said, One day
17 I'll pass away and I'd love to think I have as many
18 people in my funeral. I don't know how and where
19 he met all these people, but between soccer and
20 church and other schools, he knew more people than
21 I could ever imagine. And people still today tell
22 us stories of where they met him and how they met
23 him and how he changed their life because he seemed
24 to have a knack for listening a lot. He liked to
25 listen to people's stories and he loved music. You

1 heard he liked playing soccer. He worked hard at
2 that. And just never had a bad day in his life.

3 Q And what type of things did you like to do with
4 Corey?

5 A We played soccer together. I didn't play -- I
6 didn't have soccer when I was in high school. So I
7 had to learn the game and try to get out and play
8 and teach him, push him as hard as he pushed me.
9 We would go on a lot of trips together with the
10 family. Corey liked skateboarding. I thought I'd
11 try to build a skateboard ramp with him, so we
12 spent a lot of time doing those activities
13 together.

14 And then once a month, on his birthday, the
15 27th of every month, that was like kind of a date
16 night, we would get together, go to dinner, go hang
17 out or do stuff. So every month on the 27th. We
18 did that for all the kids, but Corey really looked
19 forward to it because it was always something
20 different and a special treat.

21 Q And whose idea was it to set aside one day a month
22 with Corey?

23 A I think I had read that somewhere. I thought that
24 was a pretty cool idea. And the premise was, you
25 know, as you get older and they start getting more

1 attached to their friends, it's hard to find time
2 to hang out with them because you're not as cool as
3 when they're little. And so I started that when
4 they were little in hopes that when they got in
5 high school, they would, you know, at least once a
6 month find that quality day. But he always found
7 time. He loved being at the house and just
8 chilling out.

9 Q Tommy, I want to show you some photographs and I
10 want to get you to identify them for me. Exhibit
11 22, do you recognize that photograph?

12 A A picture of my family with Patti's mom the last
13 Christmas together.

14 MR. GRIFFIN: Your Honor, I'd like to
15 introduce Exhibit 22 in evidence.

16 MS. O'BRIEN: No objection.

17 THE COURT: So admitted.

18 (WHEREUPON, Plaintiff's Exhibit No. 22
19 was marked for identification and
20 received into evidence.)

21 BY MR. GRIFFIN:

22 Q And then Exhibit 23, can you tell us what that
23 photograph is, please?

24 A Yes. Another picture of our family. We're all
25 dressed up. We were -- I'm trying to remember

1 where we were going that night. Oh, our daughter
2 Caroline was asked to be a Junior Miss something in
3 the South Carolina Pageant and -- I can't remember
4 what they call it, but we were getting ready to go
5 introduce her to her escort.

6 MR. GRIFFIN: Your Honor, I'd move Exhibit 23
7 in evidence.

8 MS. O'BRIEN: No objection, Your Honor.

9 THE COURT: Admitted.

10 (WHEREUPON, Plaintiff's Exhibit No. 23
11 was marked for identification and
12 received into evidence.)

13 MR. GRIFFIN: Do you object to any of these?

14 MS. O'BRIEN: I don't.

15 MR. GRIFFIN: So, Your Honor, without
16 objection, I'm going to, for time sake, move into
17 evidence Exhibit 24, 25, 26, and 27.

18 THE COURT: They're admitted.

19 (WHEREUPON, Plaintiff's Exhibit Nos. 24
20 - 27 were marked for identification and
21 received into evidence.)

22 MR. GRIFFIN: And I want to show them on the
23 projector.

24 (Pause.)

25 BY MR. GRIFFIN:

- 1 Q Tommy, which photograph is this?
- 2 A This is of our last Christmas together with Patti's
- 3 mom in the red hat in the middle of us.
- 4 Q And the girl in the front is who?
- 5 A That's Caroline. And then Corey is in the white
- 6 shirt and bow-tie. And Cam is behind Patti's mom,
- 7 and Patti on the right.
- 8 Q Okay. Now, which picture is this?
- 9 A I'm sure Patti will correct me. I think this is
- 10 the night that we were taking Caroline to the Miss
- 11 South Carolina, I think it was pre-pageant. She
- 12 was asked to participate by one of the contestants
- 13 as a Little Miss.
- 14 Q And that was Exhibit 23?
- 15 A Right.
- 16 Q I show you Exhibit 24. What is Exhibit 24?
- 17 A We got to go to a baseball game. My mom's --
- 18 that's my mother beside me on my right. She's 92.
- 19 And then Corey and then Cam. We took her for one
- 20 of her birthdays to one of the baseball games,
- 21 South Carolina baseball games.
- 22 Q And this is Corey in the -- second from the end?
- 23 A Right. He's sitting next to my mother and then Cam
- 24 with the sunglasses on.
- 25 Q Exhibit 25. What is this?

1 A When we went to the beach, there was a dock that we
2 used to go crabbing on with friends of ours. And
3 that was one of our beach trips. And we just liked
4 that marsh area. And we got a picture of Patti and
5 Corey together. I'm going to say that's the summer
6 before the accident.

7 Q The summer before?

8 A Yes.

9 Q And then Exhibit 26 is?

10 A The same dock with his sister Caroline. He and her
11 were pretty close too.

12 Q And how far apart in age were they?

13 A Five years apart.

14 Q Okay. What type of brother was he to Caroline?

15 A She looked up to him because they were a little
16 closer in age than Cam was, and she adored Corey
17 because Corey's smile always seemed to attract
18 people. And she kind of followed his lead and
19 always wanted to hang out with him and he always
20 allowed her. I had a sister that I didn't want to
21 hang out with me a whole lot, but he was different,
22 he loved it.

23 Q Okay. And who is this?

24 A That's at my mom's house in Rock Hill. She was 93
25 at that point. She bought a convertible, which we

1 were kind of shocked. And Corey loved
2 convertibles, so he wanted a picture in his Mama
3 Sara's car. And she let him drive around with the
4 convertible.

5 Q Your mother bought a convertible at the age of 93?

6 A Yes.

7 (Pause.)

8 MS. O'BRIEN: Your Honor, we stipulate to
9 Exhibit 29. No objection to Exhibit 30.

10 THE COURT: Admitted without objection.

11 MR. GRIFFIN: Thank you. And 34?

12 MS. O'BRIEN: No objection to Exhibit 34.

13 THE COURT: Admitted without objection.

14 MR. GRIFFIN: Your Honor, I move 29, 30, and
15 34.

16 (WHEREUPON, Plaintiff's Exhibit Nos. 29
17 - 30 were marked for identification and
18 received into evidence.)

19 (WHEREUPON, Plaintiff's Exhibit No. 34
20 was marked for identification and
21 received into evidence.)

22 BY MR. GRIFFIN:

23 Q Tommy, I want to show you these exhibits so you can
24 tell the jury what they are. Do you recognize this
25 photograph?

1 A I do. That was prom night. Although he was a
2 sophomore, he got asked to go by a junior to
3 Lexington High School. I'm trying to remember
4 where he met -- they dated a little bit. As he
5 said, they would see each other. And she invited
6 him to go to the Lexington High School prom and
7 that was a picture I took at prom night.

8 Q So this wasn't even the Spring Valley prom?

9 A No, he would have been going his next year, his
10 junior year.

11 Q And then Exhibit 30, what is Exhibit 30? Can you
12 see that?

13 A Yes. That's Corey in the red shirt with some of
14 his friends that he played soccer with and hung out
15 with, and it looks like Wesley, and I'm going to
16 say Cam's in there somewhere. And that could have
17 been a typical dinner at our house or lunch at our
18 house. I don't think it was a particular gathering
19 for a birthday party or anything. It just seemed
20 we always had lots of friends over like that.

21 MR. GRIFFIN: Your Honor, that's all the
22 exhibits I'm going to go over with
23 Mr. Stringfellow. Turn the lights on.

24 (Pause.)

25 BY MR. GRIFFIN:

1 Q So, Tommy, what has life been like after Corey's
2 death?

3 A As you can imagine, nothing seems the same, always
4 one empty chair at the table or in church. Visits
5 to the gravesite a lot. And watching Cam as close
6 as we can as he goes through school to try to stay
7 focused. Caroline, we try to focus a lot more on
8 now because, you know, at the time Cam was going to
9 go off to school, we thought we had Corey for two
10 more years in high school, and she -- and Caroline
11 stayed upstairs in a room. And after the accident,
12 the house got empty quick and our daughter wanted
13 to stay downstairs with us because she, I think,
14 was expecting Corey to be there to help her through
15 the rest of elementary school and middle school.

16 You know, we try to smile and laugh like we
17 used to. It's a little bit harder, but we do get
18 together as often as we can just to hang onto each
19 other and can get through it. But we miss him.

20 Q How has Corey's death affected Patti?

21 A As you heard in the testimony of Dr. Savitz that
22 she struggles. You know, she used to be full of
23 energy and always the ring leader in our family to
24 take trips and get things going and would usually
25 make them happen. She would come up with a vision

1 to do stuff. And it's been hard to watch her try
2 to get up in the mornings and try to make as normal
3 of a day as we can.

4 You know, you heard me say any time we moved
5 somewhere, she would do really well in her jobs and
6 they would keep promoting her and moving her up and
7 asking her to take on more and more. And Cisco was
8 kind enough to give her a lot of time off during
9 the accident. But their demands are great, they
10 expect great things. And you can see the loss of
11 energy. It's knocked out of you.

12 And the accident was one thing and -- but, you
13 know, six months later she lost her mom, and then a
14 year later she lost her best friend on top of that,
15 so it seems like one thing after the other. But
16 the fact that an older son is the one that caused
17 the accident, he did wrong and made a bad mistake.
18 You want to be mad at him, but you also want to
19 protect him as a parent. It just twists you up.
20 It's hard.

21 Q What kind of things have you and Patti done to
22 honor Corey's life after the death?

23 A After a while, after we started looking at what
24 things we could do, we had lots of people approach
25 us to do some get-togethers just to celebrate

1 Corey's life. We established a memorial fund for
2 him --

3 MS. O'BRIEN: Your Honor, I object to
4 relevancy.

5 THE COURT: Overruled.

6 THE WITNESS: We established a memorial fund
7 in his name, the John Corey Stringfellow Memorial
8 Foundation, and did a couple of little fund raisers
9 and put in some of our own money to award
10 scholarships to kids that played soccer. We did
11 for the varsity team and for the JV team, a
12 thousand dollars each. And then he also liked
13 writing and art, and we established an art
14 scholarship too. So every year at Spring Valley,
15 kids apply for it and the teachers nominate and
16 Patti and I make the choice.

17 We also did the same thing for Cardinal Newman
18 soccer because Corey's team -- and he played on a
19 travel league and he played during the summer.
20 Most of those kids went to Cardinal Newman and he
21 got to know them so well. And Cardinal Newman, we
22 always laughed that he was being recruited by
23 Cardinal Newman, but he decided to stay at Spring
24 Valley. He had a lot of friends there. And we
25 felt that starting a scholarship fund for two

1 players over there. And we have done that since
2 the accident in 2013. One year we couldn't
3 decide -- Cardinal Newman, because there was so
4 many of those kids that we ended up giving 10
5 scholarships at Cardinal Newman because they were
6 all special and used to hang out at our house. And
7 then so, you know, every year, we still go through
8 the process of evaluating that. Also had a tree
9 dedicated to him at Spring Valley in front of the
10 school and we used his foundation to pay for it.

11 Q Do you still celebrate his birthday with his
12 friends?

13 A Yes. We just a couple of weeks ago had friends
14 over, a big group of Cam's friends since they were
15 close to Corey too, as well as Corey's friends.
16 I'm still pretty excited about the number that come
17 because as they get older, you know, they have
18 other things to move on to. And then, of course,
19 on the 27th, whereas I -- we'd always go to dinner
20 with him, we usually go to the cemetery to
21 celebrate.

22 Q Thank you.

23 MS. O'BRIEN: Your Honor, may I beg the
24 Court's indulgence for a brief break?

25 THE COURT: All right. Ladies and gentlemen,

1 we will go to the jury room, if you will, for a
2 break for about five minutes or so, five to ten
3 minutes.

4 (WHEREUPON, the jury retires to the jury
5 room at 3:11 p.m.)

6 THE COURT: One of the jurors, I believe it is
7 Juror Number 2, says that he or she worked at the
8 University of South Carolina where two of the
9 children on trial attend. Would this be a conflict
10 of interest? I don't think it would sway my
11 judgment, but I just had to ask.

12 That's a note from that juror, it says Number
13 2, I guess it Juror Number 2 on the jury list.

14 Do we have a Number 2 as a juror?

15 THE CLERK: Yes, sir.

16 THE COURT: Juror Number 2 is the one that
17 sent the note.

18 MR. LANFORD: Juror Number 2 on the strike
19 sheet?

20 THE COURT: Juror Number 2. Which one is it?

21 MR. LANFORD: Tangi Ali.

22 THE COURT: Tangi Ali, yes. So wants us to
23 know that, and I'm bringing it to your attention.
24 If you have any comments regarding it?

25 MR. LANFORD: She said she worked at USC?

1 THE COURT: She works at USC where two of the
2 children on trial attend. And she poses a
3 question, would this be a conflict of interest?
4 She says -- then says, writes: I don't think it
5 would sway my judgment, but I just had to ask.

6 So you all can chew on that if you want to.

7 MR. GRIFFIN: And, Your Honor, I'm trying to
8 find my notes, but I'm pretty sure we were aware of
9 that. I don't think it does sway.

10 THE COURT: Well, I guess you would know where
11 folks work from the jury qualifications. Shuttle
12 service.

13 MR. GRIFFIN: Right. And she did announce
14 that she works for the shuttle service at USC, so
15 it's something we all knew.

16 THE COURT: Okay. She's not a professor that
17 teaches any of them.

18 MR. GRIFFIN: Right.

19 THE COURT: We'll take ten minutes.

20 And, Mr. Stringfellow, you cannot discuss your
21 testimony during the break with anyone.

22 THE WITNESS: Thank you.

23 (REPORTER'S NOTE: Jury note was marked
24 as a Court Exhibit on Page 601.)

25 (WHEREUPON, a break was taken at 3:14

1 p.m.)
2 THE COURT: Are you ready?
3 MS. O'BRIEN: Yes, Your Honor.
4 THE COURT: Bring the jury.
5 (WHEREUPON, the jury came into open
6 court at 3:30 p.m.)
7 THE BAILIFF: The jury is present, Your Honor.
8 THE COURT: Okay. Very good.
9 Cross-examination?
10 MS. O'BRIEN: Yes, sir, Your Honor. Thank
11 you.

12 CROSS-EXAMINATION

13 BY MS. O'BRIEN:
14 Q Mr. Stringfellow, how are you?
15 A (Nods affirmatively.)
16 Q Let me start by saying as a mom that, honestly, I
17 am sorry for your loss. And I mean that with every
18 fiber of my being. You understand that I have a
19 job to do; correct?
20 A Yes.
21 Q So let me start by asking you, your testimony is
22 that on January the 6th when your wife texted Corey
23 at 12:50 in the morning and said, So what is that
24 sweet herb smell upstairs, that she then woke you
25 up; is that correct?

1 A Yes.

2 Q And after she woke you up, did you immediately go
3 upstairs, did you wait a few minutes? What did you
4 do?

5 A I went straight upstairs.

6 Q Okay. And when you went straight upstairs, your
7 testimony is that Corey was coming out of the
8 bedroom; is that correct?

9 A He was standing next to the bedroom and the
10 bathroom is right there, so.

11 Q Okay. And who was there upstairs with him?

12 A I don't know. They were back in the back of the
13 room. They always had so many friends over, I --
14 four years ago, I couldn't tell you.

15 Q And you asked Corey what the smell was?

16 A Well, I knew what it was, but I asked him, I said,
17 What are you doing?

18 And he said, I'm smoking Clove cigarettes,
19 Dad.

20 Q Okay. And then what happened after that?

21 A I fussed at him for doing that in the house because
22 he knows we don't allow smoking at all in the
23 house. Plus, that, and because you do it with his
24 grandmother downstairs being as sick as she is.
25 Very disappointed. I fussed at him like I always

1 do when he would do something wrong and told him
2 that he disappointed both mom and I.

3 Q Okay. And then did you go back downstairs?

4 A I did.

5 Q And did you and your wife have a conversation about
6 the fact that he was upstairs smoking Clove
7 cigarettes?

8 A We did.

9 Q Okay. Was your wife upset?

10 A Yes, she was upset. She does not take things like
11 that lightly.

12 Q Little bit upset, very upset?

13 A Highly upset with her mom having cancer and knowing
14 Corey, he's an athlete, that, you know, smoking or
15 anything like that would definitely affect how he
16 performed. Very upset.

17 Q And then about 24 minutes after she sent Corey the
18 text, she then replied back to a text -- well, let
19 me rephrase that. She then sent another text and
20 said, And the doors are locked, okay? If you guys
21 want food, that's fine, but no one leaves at this
22 hour unless I call their mom.

23 And his response was, Yes, ma'am. Correct?

24 A Correct.

25 Q And then the next day, he sent his mom a text;

1 correct?

2 A Right.

3 Q And let me show you what I am -- have marked as
4 Defendant's Exhibit Number 10.

5 MS. O'BRIEN: Any objection since this has
6 been introduced through the --

7 MR. GRIFFIN: No objection.

8 BY MS. O'BRIEN:

9 Q Let me show you what I have marked as Exhibit
10 Number 10.

11 MS. O'BRIEN: Your Honor, we move to have that
12 admitted into evidence.

13 MR. GRIFFIN: No objection.

14 THE COURT: Admitted without objection.

15 (WHEREUPON, Defendant's Exhibit No. 10
16 was marked for identification and
17 received into evidence.)

18 BY MS. O'BRIEN:

19 Q And, Mr. Stringfellow, he replied to his mom the
20 next day and said, Hey, I just want you to know
21 that I'm extremely sorry for what I did. I realize
22 it was a huge mistake and I made you feel bad. I
23 just want you to know that you don't have anything
24 to worry about me doing anything behind your back
25 again. I'm officially focusing on school work and

1 channeling all of this bad, confusing energy into
2 basketball and soccer conditioning. And, again,
3 I'm really sorry. I'll pay for the subs completely
4 and all of the Christmas and birthday presents and
5 I'm incredibly grateful for you. You're a great
6 mother. Is that correct?

7 A Yes, it is.

8 Q So because he was upstairs smoking Clove
9 cigarettes, your wife threatened to make him
10 reimburse her for the Christmas presents, for his
11 birthday presents, and for the subs that she had
12 bought them that night; correct?

13 A His birthday was on the 27th. If I remember right,
14 this was January 7th. He had gotten a subwoofer
15 for his Jeep that we gave him, a radio. Because he
16 loved music, so we, for his birthday, got him a
17 stereo for the Jeep and a subwoofer. So he knew
18 any time we were upset with him, he always felt
19 like he wanted to give something back. And so
20 assuming here, he felt like, well, if we're upset
21 with him for breaking any rules, then he should go
22 back and pay for anything that we bought him.

23 In addition, the focusing, I remember he had
24 just broken up with one of his girlfriends, which
25 he kind of used as an excuse for being all confused

1 at that time. So I'm guessing that's where the
2 confusing energy, wanted to get back on track with
3 us. He did not like to disappoint us.

4 Q So he was willing to pay back you and your wife for
5 the Christmas presents and the birthday presents
6 y'all had bought him because he had smoked a
7 cigarette in your house?

8 A Yes, apparently.

9 Q And your testimony has been adamant throughout this
10 entire case that you had absolutely no indication
11 to believe that Corey had ever drank underage;
12 isn't that correct?

13 A That's correct. I'm not naive to believe that kids
14 don't do stuff out there, but we preached to them
15 please don't do that.

16 Q Did your wife discuss with you when they were at
17 the farm and got busted, Corey got busted bringing
18 alcohol to the farm?

19 A No, she did not.

20 Q All right. And she never discussed with you that
21 her and Corey had talked about that; is that
22 correct?

23 A Correct.

24 Q And your wife never discussed with you that her and
25 Ms. Gresham had discussed that; correct?

1 A Correct. I believe.

2 Q Why, if y'all had absolutely no clue that your kids
3 were drinking underage, would you lock the liquor
4 cabinet every time you left the house?

5 A I'd say protocol as responsible adults. I think
6 it's what you should do as an adult.

7 Q Okay. And no indication whatsoever from Corey
8 before this incident that he was drinking?

9 A No.

10 Q To your knowledge?

11 A To my knowledge, no.

12 Q Okay. Let me show you what I've marked as
13 Defendant's Exhibit Number 50 that was produced in
14 evidence.

15 MS. O'BRIEN: Any objection to Defendant's
16 Exhibit Number 50 being admitted?

17 MR. GRIFFIN: No objection.

18 THE COURT: Admitted without objection.

19 (WHEREUPON, Defendant's Exhibit No. 50
20 was marked for identification and
21 received into evidence.)

22 BY MS. O'BRIEN:

23 Q This is Corey texting you on December 28th, 2012;
24 correct?

25 A Correct.

- 1 Q 10:27 p.m.; correct?
- 2 A I'm looking for the phone number on this. I don't
- 3 see one.
- 4 Q Well, I'm happy to get the phone and pull it up if
- 5 you don't trust --
- 6 A This is on Corey's phone?
- 7 Q Correct. Would you like for me to do that, Mr.
- 8 Stringfellow?
- 9 A No. It has dad on it, so I'm assuming that's me.
- 10 Q All right. And this is from Corey?
- 11 A Right.
- 12 Q To you?
- 13 A Right.
- 14 Q Can I have a cold beer?
- 15 A Correct.
- 16 Q And your response is what?
- 17 A No.
- 18 Q Not, No way, son; correct?
- 19 A No.
- 20 Q Not, That's not funny, son?
- 21 A No.
- 22 Q Just no?
- 23 A We had conversations about drinking and any other
- 24 activities, and he understands where we stood on
- 25 that. At least we tried as best as parents to not

1 drink and not do illegal things. So no was a
2 pretty easy answer.

3 Q Where did y'all stand on drinking underage?

4 A Not to drink underage.

5 Q Okay. And what was your stance on smoking pot?

6 A To not smoke pot.

7 Q So what did your wife do whenever she found out
8 that Corey was drinking underage?

9 A I don't believe he was drinking. Where did that
10 come from? Vicky said that they brought beer to
11 the farm, but didn't say he drank.

12 Q Okay.

13 A There was beer there, but nobody saw him -- you
14 know, nobody testified he drank beer.

15 Q Okay. So you think that your son brought beer to
16 the farm, but he didn't actually consume it and
17 that the beer cans were left there?

18 A Maybe so. I don't know.

19 Q Okay.

20 A He was always willing to please other people.

21 Q Who's always willing to please other people?

22 A My son, he loved to please other people.

23 Q You're talking about Corey?

24 A Corey.

25 Q Okay. And do you believe that the reason why he

1 was smoking pot on May 23rd, 2013, is because he
2 was trying to please Cam Bohannon?

3 A I don't know.

4 Q Do you believe the reason why your son was smoking
5 pot on May 23rd, 2013, was because he was trying to
6 please Dillon Wood?

7 A Couldn't tell you.

8 Q Okay. Do you believe that the reason why your son
9 got in the car to go buy more marijuana was because
10 he was trying to please his older brother?

11 A Possibly.

12 Q Do you think Corey has any responsibility in any of
13 his behavior on May 23rd or May 24th?

14 A Absolutely. He's an individual that should know
15 better.

16 Q Okay. And he was an individual that you claim you
17 and your wife taught better; correct?

18 A We tried our best, yes.

19 Q Had your wife known that Corey was upstairs smoking
20 marijuana in the house with other kids, do you
21 think she should have let the other parents know
22 that?

23 A Absolutely.

24 Q Well, when she found out that Corey was taking beer
25 to the farm, did she bother to let you know that?

1 A No, she -- I don't know if she told me or not, but
2 I'm sure she handled it then. We were good with
3 that. As long as one or two of us discipline --

4 Q And --

5 A And she had more impact on Corey --

6 THE COURT REPORTER: I'm sorry, you need to
7 speak up.

8 THE WITNESS: Patti had much more impact
9 because he was very affectionate towards his mom
10 and did not want to disappoint, so I'm sure she
11 handled it well.

12 BY MS. O'BRIEN::

13 Q And you were present for your wife's deposition in
14 this case; correct?

15 A I was.

16 Q And you heard your wife testify that she had no
17 reason to suspect that Corey had ever drank
18 underage; isn't that correct?

19 A Correct.

20 Q That's not true, is it?

21 A It's been a long time.

22 Q What's been a long time?

23 A Three and a half years ago, I don't know if you
24 remember all the details of your life, but it is
25 true, she said that, that Corey didn't -- don't

1 know if Corey drank. So I don't know what you're
2 getting at. He bought beer and I wouldn't have had
3 it been me, but I don't -- you know, she said he
4 didn't drink the beer and we didn't see him drink
5 the beer. He bought a case of beer or bought
6 whatever, a six-pack I think is what I heard. I
7 don't know a whole lot about it. I don't know who
8 drank it.

9 Q Do you believe he was smoking pot on May 23rd,
10 2013?

11 A If the boys testified, then I guess it's true.

12 Q My question is do you believe that your son was
13 smoking pot on May 23rd, 2013?

14 A What I believe? I don't know what to believe.

15 Q And you've seen the SLED report, the toxicology
16 report?

17 A Yes.

18 Q Correct?

19 A (Nods affirmatively.)

20 Q And the toxicology report indicates that Corey had
21 marijuana in his system; correct?

22 A Correct.

23 Q And the toxicology report indicates that the
24 marijuana in his system was at a higher level than
25 your son, Cam; correct?

1 A I don't know if I saw the comparison, but I think I
2 heard that.

3 Q Okay. When you filed this lawsuit initially many
4 years ago and when you hired Mr. Griffin many years
5 ago, it was for the purpose of going after BMW,
6 wasn't it?

7 A It was for the purpose for investigating what
8 happened that night because some of the facts
9 differed than what the MAIT team had. And if --
10 yes.

11 Q And you and your wife blamed BMW as a result of
12 this accident initially; isn't that true?

13 A We would like to blame any and everybody, including
14 ourselves.

15 Q And you testified here today that your wife worked
16 at Cisco; correct?

17 A Yes.

18 Q And you heard your wife testify in her deposition
19 testimony that she actually had an account with BMW
20 when she worked at Cisco; isn't that correct?

21 A You'll probably need to ask her that because I know
22 that was one of her accounts, but I think it was in
23 the foreign division, Germany, whatever, based out
24 of there. It had nothing to do with here, I don't
25 think.

1 Q And your wife testified that she had discussed
2 suing BMW with her boss and her boss thought that
3 was a conflict of interest, isn't that what she
4 testified to?

5 A I don't know what her conversation was with her
6 boss on that.

7 Q Do you recall her testimony? You were present;
8 correct?

9 A I don't -- did you say the word sue? If there was
10 reason to or probable cause, yes, we would sue.

11 Q My question is, did you hear your wife's testimony
12 where she testified that she had a conversation
13 with her boss about pursuing the claim against BMW
14 and her boss told her that would be a conflict of
15 interest since they had an account with BMW?

16 A That was a lot of questions. I don't know if I
17 remember that one specifically.

18 Q All right. Was my question too wordy, is that what
19 you're saying right now, or you don't remember all
20 the questions she was asked?

21 A I don't remember. There were a lot of questions
22 that they asked her.

23 Q Okay.

24 A I don't know if I specifically remember that one.

25 Q Well, let me ask you this. When you and your wife

1 were going after BMW initially, did y'all have a
2 conversation about the fact that there was a
3 conflict of interest because she had an account
4 with BMW?

5 A We weren't going after BMW because we didn't have
6 any facts. We just were told that the facts were
7 varying. We told them what the MAIT team came up
8 with. And there's a lot of calculations and not
9 actualities. And when we saw the original report
10 of that sensor that said it hit the white car at
11 54 miles an hour, we had believed that there was
12 something different between the two reports. So
13 that's when we hired Jim to help us figure out
14 would that -- when the airbags went off, could it
15 possibly have been -- since it has a knee airbag
16 that pushed Cam's foot down on the accelerator to
17 make it accelerate or did some sensor get stuck
18 that, you know, injected it to make it go faster to
19 go up that hill.

20 So we were being told by many people that
21 something wasn't right with that car accelerating
22 based on the distance. We were getting all kind of
23 facts and we were just doing due diligence to find
24 out if there was possibly something else that made
25 that car shoot up the hill, hoping maybe at initial

1 impact it would come to a stop and not go up 100
2 something yards airborne.

3 Q Well, y'all didn't just talk about the facts and
4 hire Mr. Griffin, y'all actually hired an expert to
5 investigate pursuing your claim against BMW; isn't
6 that correct?

7 A Absolutely. We wanted to make sure we got all of
8 our facts straight before we did anything.

9 Q So my question is, after you hired an expert to
10 investigate the claim against BMW, did you and your
11 wife ever have a conversation where your wife
12 acknowledged that her boss believed it would be a
13 conflict to sue BMW when she had an account?

14 A No, I think she and I talked about how it was a BMW
15 car and that was one of her accounts and it
16 probably would be a conflict of interest if
17 something proceeded from there.

18 Q And, Mr. Stringfellow, in the months leading up to
19 this accident, have you read the texts between your
20 wife and Corey?

21 A All of them?

22 Q Yes, sir.

23 A No. That probably goes back years.

24 Q It doesn't. There's not one text before January
25 the 6th of 2013. Are you aware of that?

1 A He had different phones and I think maybe even
2 different phone numbers. As you heard them say,
3 Cam likes different phones, and he would trade
4 phones with us, with Patti. So I don't know.

5 Q And I'm sorry if I misspoke. My question was, have
6 you read the texts between your wife and Corey?

7 A I've read some of the texts, yes.

8 Q Okay. Have you read the texts going back from
9 January the 6th of 2013 until the day of this
10 accident?

11 A Not all of them, no.

12 Q And did you and your wife discuss prior to
13 May 23rd, 2013, that she was concerned that Corey
14 was getting into trouble?

15 A No.

16 Q Have you and your wife prior to May 23rd, 2013,
17 discussed that Corey was not where he was supposed
18 to be and where he told y'all he would be?

19 A Say that again?

20 Q Sure. Prior to May 23rd of 2013, had you and your
21 wife ever had a conversation about how she would
22 text Corey and he wouldn't be where he was supposed
23 to be?

24 A It's hard to answer. Yeah, there was times he
25 would go to the grocery store for us and we'd ask

1 him where he was and he had stopped at McDonald's.

2 Q All right. What about at 1:00 o'clock, 2:00
3 o'clock, 3:00 o'clock in the morning on the
4 weekends?

5 A If he was spending the night with somebody, we
6 expected him to be there. There were times he came
7 home because he wasn't big on spending the night
8 and he would show up at our doorstep and we would
9 let him in.

10 Q Were there times where you and wife were texting
11 him because he would say he was going to be at a
12 friend's house when he was actually at a different
13 friend's house?

14 A I don't recall.

15 Q Do you recall putting a latitude device on his
16 vehicle so that you would be able to monitor where
17 he was?

18 A We talked about all the phones that we gave to do
19 the tracker device. I don't know if we ever -- we
20 did Cam for a while, may have done Corey, but not
21 consistently, no.

22 Q Isn't it true that after he was upstairs and your
23 wife smelled the sweet herb smell, that two weeks
24 later she put a tracking device on his whereabouts?

25 A I don't know.

1 Q Isn't it true that your wife was texting your son
2 in the months leading up to this accident telling
3 him that he should not be smoking and drinking?

4 A Are you asking if I read that?

5 Q Sure.

6 A I don't remember reading that, no.

7 Q Did you and your wife ever discuss her concerns
8 about him smoking and drinking?

9 A If we did, it was with Corey. We didn't talk to
10 each other. If we had concerns, we'd sit down with
11 Corey and have conversations with him.

12 Q So were y'all doing that?

13 A Oh, we did it with all of our kids, like a
14 responsible parent should do.

15 Q My question is, in the months leading up to this
16 accident, were you sitting down with Corey
17 discussing that he was not where he was supposed to
18 be, that he wasn't supposed to be smoking and
19 drinking, that he wasn't supposed to be riding in
20 the car with people who were smoking and drinking,
21 and he wasn't supposed be drinking and driving?

22 A I don't remember that specific conversation with
23 all that. Bits and pieces maybe here or there,
24 but, no.

25 Q And whenever your wife would text and say, I don't

1 want you smoking or drinking, do you think she was
2 meaning Kool-Aid and sweet tea, or do you think she
3 was meaning alcohol?

4 A It could have been cigarettes, but I would assume
5 that if we are saying smoking and drinking, we
6 didn't want him involved in any of that.

7 Q Okay. My question was, when she said drinking, do
8 you think she was talking about Kool-Aid and sweet
9 tea, or do you think she was talking about alcohol?

10 A I would think alcohol.

11 Q And it's your testimony that even though you and
12 your wife would sit down with Corey to discuss
13 these things, you testified in your deposition you
14 had no indication whatsoever that Cam or Corey were
15 ever involved in any underage drinking or any
16 illegal activity; isn't that correct?

17 A Correct.

18 Q So your testimony where you testified under oath
19 that you had no indication isn't true, is it?

20 A What are you referring to?

21 Q You recall testifying --

22 A Correct.

23 Q -- correct?

24 A Correct.

25 Q And you've admitted that you testified that you had

1 no indication that there was any problems with Cam
2 or Corey drinking or smoking; correct?

3 A Right. Right.

4 Q And that's not true, is it?

5 A We don't know that they did any of that. I wasn't
6 aware of that, but we always preached to them
7 please do not do that.

8 Q Okay. And on May 23rd, you decided, and your wife
9 decided, to leave Cam and Corey unsupervised at
10 your home; correct?

11 A Yes.

12 Q And prior to leaving, you or your wife locked the
13 liquor cabinet? That's what your testimony is;
14 correct?

15 A Correct.

16 Q You left alcohol out; correct?

17 A I heard that Cam testified that he found a bottle
18 of wine in the garage. That's full of junk, so I
19 don't know what that was that he got.

20 Q Okay.

21 A If it was out there, we didn't know it was out
22 there.

23 Q Since this lawsuit has began, have you bothered or
24 had an opportunity to look at any of the pictures
25 that your attorney, Mr. Griffin, provided to us

1 that were found on Cam's phone?

2 MR. GRIFFIN: Cam's phone?

3 MS. O'BRIEN: I'm sorry, thank you. Corey's
4 phone.

5 THE WITNESS: Pictures?

6 BY MS. O'BRIEN:

7 Q Correct.

8 A I haven't seen Corey's phone since it was
9 confiscated. I'm trying to get through this, and
10 maybe one day I can.

11 Q Let me show you what I've marked as Defendant's
12 Exhibit Number 39.

13 MS. O'BRIEN: Any objection?

14 MR. GRIFFIN: No objection.

15 THE COURT: Admitted without objection.

16 MS. O'BRIEN: Thank you.

17 (WHEREUPON, Defendant's Exhibit No. 39
18 was marked for identification and
19 received into evidence.)

20 BY MS. O'BRIEN:

21 Q Defendant's Exhibit 39 --

22 MS. O'BRIEN: And, Your Honor, I understand I
23 don't need permission to publish to the jury;
24 correct?

25 THE COURT: You have the correct

1 understanding.

2 MS. O'BRIEN: Thank you.

3 (Pause.)

4 BY MS. O'BRIEN:

5 Q Defendant's Exhibit Number 39 is a picture that was
6 found in Corey's phone about, Roll up that purple
7 ya, bisch. And it is a guy smoking marijuana;
8 correct?

9 A If you want to assume that's not a cigarette.

10 Q Is that what cigarettes look like to you?

11 A You can roll cigarettes. I've seen them in my
12 time. Whatever you --

13 Q Is that what the cigarette looked like that Corey
14 was smoking that night that you went into his room?

15 A He was done with it.

16 Q Okay.

17 A That's a song, from what I understand. He loved
18 his music.

19 Q Let me show you what's been marked as Defendant's
20 Exhibit Number 58.

21 MS. O'BRIEN: Any objection -- excuse me, 40,
22 Defendant's Exhibit Number 40.

23 MR. GRIFFIN: No objection.

24 (WHEREUPON, Defendant's Exhibit No. 40
25 was marked for identification and

1 received into evidence.)

2 BY MS. O'BRIEN:

3 Q Do you know what Defendant's Exhibit Number 40 is?

4 A No.

5 Q Can you read it?

6 A Not really.

7 Q All right. We'll get back to that. Let me show
8 you what's been marked as Defendant's Exhibit
9 Number 42.

10 MS. O'BRIEN: Any objection?

11 MR. GRIFFIN: No objection.

12 (WHEREUPON, Defendant's Exhibit No. 42
13 was marked for identification and
14 received into evidence.)

15 BY MS. O'BRIEN:

16 Q Another song that Corey had in his phone and the
17 title is, Smoke Weed and Fuck; is that correct?

18 A That's what it says. Do you have any pictures of
19 the Christian ones he has on his phone too?

20 Q Actually, the Christian ones weren't provided to me
21 by your attorney.

22 A I'm sure there are more of those.

23 Q Let me show you what's been marked as Defendant's
24 Exhibit Number 43.

25 MS. O'BRIEN: Any objection, Mr. Griffin?

1 MR. GRIFFIN: No objection.

2 (WHEREUPON, Defendant's Exhibit No. 43
3 was marked for identification and
4 received into evidence.)

5 BY MS. O'BRIEN:

6 Q Defendant's Exhibit Number 43, do you see the
7 lighter on the far right side of the picture?

8 A Yes. I see these pictures, yes.

9 Q And you see the bong on the lighter?

10 A I see three lighters. Is that a picture of a bong?
11 Let me --

12 Q Correct. And Corey is an artist; correct?

13 A Correct.

14 Q Is that his art?

15 A I've never seen that.

16 Q Let me show you what has been marked as Defendant's
17 Exhibit Number 44.

18 MS. O'BRIEN: Any objection?

19 MR. GRIFFIN: No objection.

20 (WHEREUPON, Defendant's Exhibit No. 44
21 was marked for identification and
22 received into evidence.)

23 BY MS. O'BRIEN:

24 Q And Defendant's Exhibit Number 44, another picture
25 that was found on Corey's phone, does that look

1 like a cigarette to you also?

2 A It looks like an incense stick, but I guess it's
3 some kind of a -- something -- something was smoked
4 for sure.

5 Q Okay. So in Defendant's Exhibit Number 44, you
6 think what is in the male's hand or the person's
7 hand is an incense stick?

8 A It's something burning for sure.

9 Q Let me show you what has been marked as Defendant's
10 Exhibit Number 45, additionally a picture that was
11 found on Corey's phone.

12 MS. O'BRIEN: Any objection, Mr. Griffin?

13 MR. GRIFFIN: No objection.

14 (WHEREUPON, Defendant's Exhibit No. 45
15 was marked for identification and
16 received into evidence.)

17 BY MS. O'BRIEN:

18 Q In Defendant's Exhibit Number 45, there is what
19 appears to be, I guess according to you, some more
20 cigarettes?

21 A That's your assumption. It looks like -- that
22 could probably pass for pot -- cigarettes, pot.

23 Q Okay. And if you look at Defendant's Exhibit
24 Number 43, the three lighters that we just
25 discussed, is the lighter that's on the far right

1 the same lighter that appears to be -- or similar
2 art as in Defendant's Exhibit Number 45?

3 A Not alike, but somewhat similar.

4 Q And marijuana is in Defendant's Exhibit Number 45,
5 or what appears to be marijuana?

6 A I don't know what that is.

7 Q And then there is a can of Ozium spray?

8 A It says Ozium.

9 Q Do you know what Ozium spray is for?

10 A No, ma'am, I do not.

11 Q And then if you'll go back and take a look at
12 Defendant's Exhibit Number 40. Defendant's Exhibit
13 Number 40 appears to be the reverse of the Ozium
14 can spray about hiding odors?

15 A I can't -- that's hard to read.

16 Q And in Defendant's Exhibit Number 55, there is a
17 Complete Encyclopedia of Cocktails?

18 A Are you asking?

19 Q Yes, sir.

20 A Yes, I see that.

21 Q Have you ever seen the book Complete Encyclopedia
22 of Cocktails in Corey's room?

23 A Nope.

24 Q Any idea why Corey would have these pictures on his
25 phone?

1 A Friends probably pass them around, pictures in
2 their phone.

3 Q All right. Let me show you what's been marked as
4 Defendant's Exhibit Number 47.

5 MS. O'BRIEN: Mr. Griffin, any objection to
6 Defendant's Exhibit Number 47?

7 MR. GRIFFIN: No objection.

8 (WHEREUPON, Defendant's Exhibit No. 47
9 was marked for identification and
10 received into evidence.)

11 BY MS. O'BRIEN:

12 Q And in Defendant's Exhibit Number 47, does that
13 appear to you to be someone else smoking a
14 cigarette?

15 A That's your call. It could be a cigarette, could
16 be pot, could be, you know, cigar. I'm sure they
17 are portraying it as smoking pot.

18 MS. O'BRIEN: Your Honor, I believe
19 Defendant's Exhibit Number 50, the text, was
20 admitted? 50?

21 MR. GRIFFIN: Yes.

22 MS. O'BRIEN: Your Honor, I believe there's no
23 objection to 50?

24 MR. GRIFFIN: No objection.

25 THE COURT: All of the exhibits that were not

1 objected to are admitted.

2 MS. O'BRIEN: Thank you, Your Honor.

3 BY MS. O'BRIEN:

4 Q Mr. Stringfellow, you, again, were present for your
5 wife's deposition; correct?

6 A Yes, I was.

7 Q Do you recall your wife testifying that she counted
8 beers and checked the liquor all the time?

9 A Yes.

10 Q Why would you be counting beers or why would your
11 wife be counting beers and checking liquor all the
12 time if there was no concern that the kids were
13 drinking underage?

14 A We have a lot of people over to the house and we
15 were just trying to be responsible.

16 Q And you knew she was doing that?

17 A We both did.

18 Q Since the day of this accident, how often have you
19 spoken to Wesley?

20 A He was headed off to school, to Dartmouth, and we
21 lost touch with him. Maybe a couple of times over
22 the last few years.

23 Q Okay. Did you and Mrs. Stringfellow pay to have
24 him flown in from Dartmouth to testify at this
25 trial?

1 A I don't -- she and I directly did not write a check
2 to have him flown in.

3 Q Did your attorney?

4 A I don't know. I didn't ask.

5 Q So what do you mean by you and your wife did not
6 directly pay to have him flown in?

7 A Well, I know we wanted Wesley to come testify, and
8 I would have if he had asked me to get him down
9 here, but probably said that he had found a way and
10 he could get here. He just went back to college,
11 and we had to get him back down here. He wanted to
12 be down here.

13 Q Since the date of this accident, you and your wife
14 paid to ensure that Cam did not spend any time in
15 jail; correct?

16 A We paid an attorney to keep him out of prison
17 because we didn't want to lose him too.

18 Q And it's my understanding that at the same time
19 that you were paying for an attorney to keep Cam
20 out of jail you were attempting to pursue a claim
21 against BMW; correct?

22 A Looking at the facts. We didn't --

23 Q And you were also pursuing a claim against Corey;
24 correct?

25 A We knew that would come after the legal case was

1 over.

2 Q Excuse me, a claim against Cam; correct?

3 A Correct.

4 Q Cam has since joined a fraternity that you and your
5 wife supported him joining; correct?

6 A Yes, the same fraternity my brother was in.

7 Q And y'all pay for all his fraternity fees; correct?

8 A He pays for his own fraternity fees. We pay his
9 tuition and board.

10 Q He pays for his tuition and board?

11 A We pay for his tuition and board. He pays for the
12 fraternity.

13 Q And you give him an allowance every single month;
14 correct?

15 A We give him an allowance for food.

16 Q How much?

17 A I think the meal plans averaged about \$450 a month,
18 so we pay him \$500 for meals.

19 Q And I believe it's been your testimony that since
20 this accident that you and Cam have shared beers
21 together; isn't that correct?

22 A When he turned 21, yes, we have.

23 Q Mr. Stringfellow, you were also instructed by your
24 attorney, Mr. Griffin in this case, to not have any
25 conversations with Cam about what happened on

1 May 23rd and May 24th; isn't that correct?

2 A I could be confused on that one, but I don't think
3 that was Jim Griffin. I think that was our -- the
4 legal attorney saying until we get through the
5 legal case, it's best not to discuss it.

6 Q Do you recall your wife testifying that she was
7 told by Mr. Griffin in her -- let me back up. Do
8 you recall in your wife's deposition her testifying
9 she was told by Mr. Griffin not to ever have a
10 conversation about what happened on May 23rd and
11 May 24th because it could impact this lawsuit?

12 A I remember her saying that, yes.

13 Q And you heard her counselor sit here today and say
14 the best way that a family can heal over a
15 situation like this is communication; isn't that
16 correct?

17 A That's one of the ways, for sure.

18 Q And because y'all filed this lawsuit, you've never
19 had a conversation, never talked to Cam, never
20 discussed what happened on May 23rd and May 24th;
21 isn't that correct?

22 A After the legal case, we have.

23 Q You did?

24 A Yes.

25 Q After the criminal case y'all had a conversation?

1 A Right.

2 Q With him?

3 A Criminal case; correct. I just asked questions
4 about the event.

5 Q All right. Even though your attorney told you not
6 to do that, you did that?

7 A I don't think he told me that. I think that was
8 the criminal attorney, not Jim Griffin.

9 Q But you heard your wife testify that Mr. Griffin
10 told her not to have a conversation with Cam. And,
11 in fact, she testified she hasn't; isn't that
12 correct?

13 A You know, during the deposition she had a lot of
14 pressure on her and she probably thought they were
15 talking about the criminal attorneys; so maybe she
16 misspoke on that. It's 20 pages of questions in
17 deposition, and she probably was just mistaken.

18 Q And you heard the counselor testify that the
19 lawsuit has caused an impact upon your wife;
20 correct?

21 A It's for one more step that we have to find our way
22 through, yes.

23 Q And do you believe that money will help you heal?

24 A There's not enough money in the world to help heal,
25 but I think it will send a signal to all those that

1 are thinking about doing what Cam did, that maybe
2 they'll reconsider, some hope, yes, that it will be
3 a large and loud statement to others that this is
4 the kind of things that happen when you drink and
5 drive.

6 Q Don't you think a louder statement would be losing
7 your freedom?

8 A Putting him in jail when we already lost one other
9 son? No.

10 Q But your --

11 A He has to live every day of his life seeing his
12 brother, one less seat, every day he wakes up. He
13 still has nightmares about that accident. He's
14 living in internal hell the rest of his life
15 because of what he did. I think that's punishment
16 enough.

17 Q But you want to send a message to everybody else,
18 is what your testimony --

19 A I don't want other parents to go through what we
20 went through and are going through, and I think
21 this is excellent way to do it.

22 Q But your testimony is you want to send a message to
23 everybody else; correct?

24 A I would love to think that people will learn from
25 this if there is damages awarded and they can see

1 that this is not something that you want to go
2 through.

3 Q And don't you think the message to send to
4 18-year-olds, 19-year-olds, 20-year-olds or anybody
5 that gets in a car is that, You do this, and you
6 lose your freedom?

7 A This situation, I wouldn't want to lose my other
8 son too.

9 MS. O'BRIEN: That's all the questions I have.
10 Thank you.

11 THE COURT: Any redirect?

12 MR. GRIFFIN: Very briefly, Your Honor.

13 REDIRECT EXAMINATION

14 BY MR. GRIFFIN:

15 Q You mentioned Corey likes music?

16 A Loves music -- loved music.

17 Q Did he play in a band?

18 A He had a set of drum upstairs, and he and I played
19 some, attempted to play some.

20 Q And you were shown a number of exhibits. Do you
21 keep up with what kids are listening to?

22 A I do, because I wanted to be involved. And
23 although some of the styles are not my music, I did
24 listen to it.

25 Q So, for example, 42, there's an artist, I don't

1 know if it says Clarity, Feet or Foxes, but then it
2 says something acoustic and Zedd. Do you know who
3 Zedd is?

4 A I'm not sure I know who Zedd is.

5 Q And 47 is T-Mass, Beauty in Thirds. Do you know
6 who T-Mass is?

7 A I do.

8 Q Who is T-Mass?

9 A It's a group that -- they actually play a little
10 bit of reggae with a little bit of rock combined.

11 Q And then I've got 43 here. No one I've heard of,
12 Wiz Khalifa, I think. You heard of Wiz Khalifa?

13 A I have not.

14 Q Chiddy Bang, have you heard of Chiddy Bang?

15 A I've heard of Chiddy Bang, but I don't know what
16 they play.

17 Q And Big Sean, have you heard of Big Sean?

18 A No.

19 Q And then 39, Beedie, Purp, For the First Time. Do
20 you know -- have you ever heard of an artist
21 Beedie?

22 A No, sir.

23 Q Okay. And have you ever looked through Corey's
24 phone?

25 A We didn't get it back after the accident. Prior to

1 that, he and I would share music. We did Spotify
2 together and we listened to some of the same music
3 and -- every now and again.

4 MR. GRIFFIN: Okay. Thank you. That's all
5 the questions I have.

6 RECROSS-EXAMINATION

7 BY MS. O'BRIEN:

8 Q Mr. Stringfellow, what do you mean you didn't get
9 the phone back until after the accident?

10 A After the accident, the phone was kept for the
11 criminal case, I guess.

12 Q Corey's phone?

13 A Corey's phone.

14 Q You know Mr. Griffin has been in possession of
15 Corey's phone the entire time?

16 A Not the entire time. He got it after I think the
17 legal case or criminal case was over and then he
18 got it.

19 Q Okay. And have you looked at it since it's been in
20 Mr. Griffin's possession?

21 A Like I said, I'm just not sure we're ready to look
22 through all that.

23 Q Thank you.

24 MS. O'BRIEN: Your Honor, for housekeeping
25 matters, I'd like to make sure that the Defendants

1 admitted into evidence Defendant's Exhibit Number
2 9, Number 10, 39, 40, 42, 43, 44, 45, and 47.

3 (WHEREUPON, Defendant's Exhibit No. 9
4 was marked for identification and
5 received into evidence.)

6 THE COURT: You may step down, sir.

7 (Witness steps down.)

8 THE COURT: Next witness.

9 MR. GRIFFIN: Your Honor, we call Scott Sawyer
10 to the stand.

11 (Witness approaches.)

12 THE BAILIFF: Place your left hand on the
13 Bible, and raise your right hand, please.

14 (Witness complies.)

15 THE CLERK: Do you solemnly swear or affirm
16 that the testimony you give in this case will be
17 the truth, the whole truth, and nothing but the
18 truth, so help you God?

19 THE WITNESS: Yes, I do.

20 THE CLERK: Have a seat, and state your full
21 name for the record.

22 (Witness seated.)

23 SCOTT SAWYER,
24 after being duly sworn, testified as follows:

25 DIRECT EXAMINATION

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

RECEIVED

FEB 28 2018

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

SC Court of Appeals

Clifton Newman, Circuit Court Judge

Appellate Case No.: 2017-001083
Case No. 2015-CP-40-07181

Ex parte: The Travelers Home and Marine Insurance Company Appellant,

In Re: William Gresham as Personal Representative of the Estate
of John Corey Stringfellow, ...Respondent,

v.

Cameron Thomas Stringfellow, ...Defendant.

RECORD ON APPEAL
Volume II of II

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INDEX

<u>VOLUME II</u>	<u>PAGE</u>
Trial Transcript	
Testimony of Patti Stringfellow	
Direct by Mr. Griffin	327
Cross by Ms. O'Brien	345
Redirect by Mr. Griffin	351
Conference between Counsel and Trial Judge	353
Defendant's Case	356
Directed Verdict Motions and Verdict Form/Jury Charge Objections	357
Closing Arguments	414
Jury Charge	486
Jury Verdict	495
Post-Trial Motions	498
Jury Discharged	502
Post-Trial Motions Hearing Transcript	505
Plaintiff's Exhibits	
1	545
2	557
3	561
4	565
5	569
6	570
7	571
8	572
9	573

10	574
11	575
12	576
13	577
14	578
15	579
16	580
18	581
19	584
20	585

Defendant's Exhibits

1	586
9	587
10	588
39	589
40	590
42	591
43	592
44	593
45	594
47	595
50	596
90	597
104	598

Trial Court's Exhibits

2	605
3	606
Certificate of Counsel	607

1 THE COURT: All right. Next witness.

2 MR. GRIFFIN: We call Patti Stringfellow.

3 (Witness approaches.)

4 THE BAILIFF: Place your left hand on the
5 Bible, and raise your right hand, please.

6 (Witness complies.)

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

11 THE WITNESS: Yes, I do.

12 THE CLERK: Please have a seat, and state your
13 full name for the record.

14 (Witness seated.)

15 PATTI STRINGFELLOW,
16 after being duly sworn, testified as follows:

17 DIRECT EXAMINATION

18 BY MR. GRIFFIN:

19 Q Good afternoon, Patti.

20 A Good afternoon.

21 Q I know you know you're going to have to speak up
22 louder than that.

23 A I will.

24 Q Okay, thank you. Let's start with something easy.
25 On the early morning hours of January 6th, 2013,

1 did you send Corey a text that says, What is that
2 sweet herb smell upstairs?

3 A Yes, I did.

4 Q And what was that sweet herb smell upstairs?

5 A It was a Clove cigarette.

6 Q Tell the jury what happened that night.

7 A They were smoking a Clove cigarette and I could
8 smell the fumes through the bathroom vents
9 downstairs. And I immediately woke Tommy. And he
10 went upstairs, and I did as well. And I talked to
11 Corey for about 20 minutes away from his friends
12 and told him how deeply disappointed I was at him,
13 because my mother had been living with us for about
14 four years and she was diagnosed with terminal lung
15 cancer and a brain tumor from that lung cancer.
16 She started smoking when she was 15 and she didn't
17 make it to 70. She was 20 years older than I am.
18 And I turned 53 in March.

19 Q You were very upset?

20 A I was very upset. It was more upset than anything
21 that an athlete of his stature and determination
22 and will to be the best athlete that he could be
23 would put anything into his lungs to make him less
24 than that. And to do it in a form of a cigarette
25 or Clove cigarette, a form that my mother had

1 completely done away with the minute she got the
2 first cancer diagnosis.

3 Q Now, about 10:20, four minutes later, did you send
4 a text saying: And doors are locked. Okay. You
5 guys want food, that's fine, but no one leaves at
6 this hour unless I call their mom. Did you send
7 that text?

8 A Absolutely, I did.

9 Q And when you say doors are locked, what doors are
10 you talking about?

11 A Well, the and was the end of my dissertation to him
12 about how disappointed I was.

13 Q Right.

14 A So I was reminding him that the doors were now
15 locked. If they wanted food, that was fine, but
16 there was no one leaving unless I knew about it and
17 I called their mom.

18 Q Why were you concerned about anyone leaving?

19 A There was a previous incident a couple of months
20 earlier, a different -- totally different group of
21 kids, they met on the basketball team. I knew them
22 from -- I knew them from Club Soccer and I knew
23 them from the church basketball. But they never
24 spent the night, these particular kids. There was
25 five of them. At around 2:00 in the morning, three

1 of them slipped out. And no one was drinking. No
2 one was smoking. The police caught them less than
3 half a mile from my house heading towards the
4 Waffle House. Picked them up, called their
5 parents, and their parents came and got them.
6 Again, there wasn't anything wrong with them, but
7 they had left my house.

8 And so he knew from that point forward that
9 that would be handled in a very strong manner
10 because -- and he didn't even know they went out.
11 He was sound asleep when they left. When I woke
12 him up at 5:30, 6:00, I think it was, he said, I
13 guess they already got picked up. I don't know
14 where they are. He had already fallen asleep. He
15 didn't know they left.

16 Q And so this text when you say, And the doors are
17 locked, and one other thing, are you in your mind
18 --

19 A I was saying and one other thing --

20 Q -- referring back to that --

21 A Exactly. Don't ever let this happen again. I am
22 very disappointed that this would happen at all and
23 how upset that I was. And I kind of ended my
24 conversation with that text letting him know that
25 the doors are locked, no one is allowed to leave,

1 and if they did I would call their mom.

2 Q And your reference to food, is that referring back
3 to the kids wanting --

4 A It's just -- yeah. I wasn't locking them in the
5 room. I was telling them that if they wanted
6 something to eat, they could go down to the
7 kitchen, not to Waffle House. And it wasn't --
8 that was two different situations, Jim. The Waffle
9 House situation was the kids that left. When I
10 said you're welcome to get something to eat, I
11 meant you can come down to the kitchen and get
12 something to eat.

13 Q Now, the next day -- it's already been in evidence,
14 I believe, a text he sent to you about he would pay
15 for the subs. Was he talking about Subway
16 sandwiches?

17 A No, he was talking about the subwoofers. So with
18 Christmas on the 25th and his birthday on the 27th,
19 it tends to come in an abundance. And part of my
20 lecture to him that night was, You've had a very
21 good Christmas, you've had a very good birthday.
22 We even got the subwoofers that you asked for. How
23 could you do this to me after we just did that for
24 you? How could you upset me like this after what
25 you just were blessed with? And that was what I

1 was talking about.

2 And for Corey, he's the type of person that
3 would say, I need to pay for it. I need to pay for
4 this. I need to fix it. I need to pay for it so
5 that I can make it right with my mom. I never
6 asked him to pay for it. I never told him he had
7 to pay for it. That was his offering to me to make
8 the peace, to forgive him for what he did. And
9 what he did was have a Clove cigarette. It was not
10 marijuana.

11 Q Before that lawyer over there stood up here and
12 accused you of lying about --

13 MS. O'BRIEN: Objection, Your Honor.

14 Q -- this text, have you ever spoken with her?

15 MS. O'BRIEN: Your Honor, I would object to
16 that.

17 THE WITNESS: No, I have not.

18 THE COURT: Just a moment.

19 The objection is overruled.

20 THE WITNESS: I have not.

21 BY MR. GRIFFIN:

22 Q Has anyone ever asked you about these texts before
23 she got up there and accused you of lying in front
24 of this jury?

25 A No, she has not. No one has, no.

1 Q Did you lie in your deposition when you said you
2 had never caught Corey smoking marijuana?

3 A No, I did not. That's the absolute truth.

4 Q You never -- had you ever caught him smoking
5 marijuana?

6 A No. Never even -- never even worried about it,
7 never even thought about it. That was not who he
8 was.

9 Q Were there times, Patti, when you were worried that
10 he was staying over at a house and maybe folks'
11 parents weren't there?

12 A I would always check with a parent where he was
13 going. It was a way of saying, Hey, thanks for
14 having Corey over tonight. And if they said, Am I
15 having Corey over tonight, then it got circled back
16 and he didn't go wherever it was he was trying to
17 go. That happened very seldom. Usually the mom
18 said, No problem, so happy to have him. You know,
19 he's such a great boy. But I always checked up on
20 where he was going.

21 Q Do you recall the time of when you received a call
22 from Ms. Gresham after the boys had spent a couple
23 of days at a farm?

24 A Yes, I do. I know that they were at the farm. She
25 said that she had found six beer cans against the

1 farm back wall. She said that she had no idea who
2 was drinking the beer. She didn't see anybody
3 drink the beer.

4 And when I asked Corey, Were you one of the
5 kids bringing the beer, he said, no, he was not.
6 There was three boys there. And I think she found
7 six cans of beer that were empty cans crushed
8 against the wall.

9 It would be Corey's nature to take on the
10 ownership of, We've got to fix this. Just like he
11 wanted to pay me back for the presents. He wanted
12 to fix this. Ms. Toni, I want you to know I love
13 you. And I want you to love me back. I want to
14 fix this. And he would say, I'm sorry that we
15 brought it, even if it wasn't him that brought it,
16 and even if it wasn't him that drank it, because he
17 did not, and I believe it. I believe that.

18 Q He denied drinking it?

19 A He told me to my face and he did not lie.

20 Q Which gets me to the bigger point, do you and Tommy
21 just allow drugs and alcohol in your house, kids
22 coming over and partying?

23 A Absolutely not. And, as a matter of fact, if you
24 were to ask the kids, they would tell you our house
25 is the most strict house about drinking or drugs or

1 anything illegal. I don't even like cigarettes in
2 my house. I mean, it's a known fact.

3 Q Why would you lock the liquor cabinet?

4 A Periodically we have people come pet sit for us.
5 And they are teenagers from school, my next-door
6 neighbor, or anybody. And I don't want anything --
7 any access to be left open accidentally for someone
8 to take advantage of.

9 In many neighborhoods, people have beer in
10 their refrigerators and kids go through and raid
11 those refrigerators, and it's not even their kids,
12 it's other kids. Nobody knows who it is. We keep
13 certain things in the refrigerator, we keep it
14 locked up. We keep certain things in another
15 cabinet, liquor, we keep that locked up. And the
16 wine that was talked about earlier was a closed box
17 of wine that I had forgotten we even had.

18 Q And where was it?

19 A It was somewhere in the garage. It wasn't in my
20 wine cellar -- I mean, my wine cooler. It wasn't
21 in the refrigerator.

22 Q Right.

23 A It wasn't even cold.

24 Q Okay. Do you recall wanting to investigate whether
25 there was something wrong with the BMW that

1 possibly contributed to this accident?

2 A Absolutely. I just left the hospital and saw my
3 son Corey passed. I had to say goodbye to him.
4 And my son Cam -- and I kept asking anybody and
5 everybody, what do you think happened? Could
6 something have malfunctioned? And I had a lot of
7 people that race cars, own fast cars. I've never
8 owned a fast car in my life. My first car was a
9 Chevette. And this was -- I had it for a year and
10 it was more of a -- and I don't even know why, but
11 I never drove it fast. I didn't buy it to drive it
12 fast. I bought it for the ability to sit in a
13 little bit more luxurious seat driving up and down
14 the highway to do my job.

15 When I heard that the first impact -- you
16 imagine -- the hill starts up here. It's a
17 football field down to the bottom and then a
18 football field up to the top where it rested. When
19 it hit that first car, I heard it was 55 miles an
20 hour. That was the first reading off of whatever
21 buffer that they had. And I'm not a physicist, but
22 when I did the math, there's no way it could keep
23 going unless there was additional acceleration.
24 It's mathematically not possible.

25 And I fought that and fought that with the

1 lawyers to look into it, see what we can find.
2 Let's get BMW and read the box, whatever we need to
3 do. Because I was convinced because the BMW is the
4 safest car in my driveway. It has more airbags
5 than any car in my driveway. And it also has one
6 just below the steering wheel. And I'm envisioning
7 the airbags go off, his feet are slammed against
8 the accelerator, and the wheels spin off as they
9 did on the driveway. I'm convinced that that's
10 what happened. And that's why we asked to look
11 into that further.

12 Q Right. And had that happened, that would have also
13 helped Cam, the legal problems he was facing too,
14 wouldn't it?

15 A Absolutely. And at that point I didn't know any
16 specifics of what had led up to that ride down
17 Shallow Brook.

18 Q Right. And did we hire experts and rewire the car
19 and get someone from BMW in?

20 A We did. A number of things happened. About a
21 month later, evidently, while they were rewiring
22 the car, a phone call went to BMW to tell them that
23 my car was in an accident. So a month later, I get
24 a phone call and a voicemail saying,
25 Ms. Stringfellow, your car has been in an accident

1 today.

2 MS. O'BRIEN: Objection as to what the
3 voicemail would have said.

4 MR. GRIFFIN: Your Honor, she's talking about
5 the investigation into the BMW. And they asked
6 her -- they're the ones that brought it up, Your
7 Honor.

8 MS. O'BRIEN: Your Honor?

9 THE COURT: Yes?

10 MS. O'BRIEN: It is a conversation that she
11 had with someone else that is outside of the scope
12 of what has been discussed. I have not brought up
13 anything that anyone from BMW called and talked to
14 her about, and it's not admissible because it is
15 hearsay.

16 THE COURT: The test is whether it's hearsay,
17 and whether or not a matter is hearsay is whether
18 or not it is offered to prove the truth of
19 something being asserted.

20 MR. GRIFFIN: Right. And it's not.

21 THE COURT: I overrule the objection on that
22 basis.

23 THE WITNESS: My point was that when they were
24 doing the inspection of the car, it triggered a
25 call from BMW, which triggered a call to me to ask

1 me if there had been an accident.

2 On that same day, BMW called the police
3 department and sent a local police officer to our
4 house where Cam was at the house with my mom. And
5 he answered the doorbell and he said, Do you own --
6 is there a 750 BMW that's owned here? He said, It
7 was -- my mom had one. He said, Well, did it just
8 get in an accident?

9 MS. O'BRIEN: Same objection, Your Honor.

10 THE WITNESS: He said, No.

11 THE COURT: Clearly it had been in an
12 accident.

13 MR. GRIFFIN: Correct. Correct.

14 THE COURT: You may proceed.

15 BY MR. GRIFFIN:

16 Q And did that make you want to investigate further?

17 A Absolutely.

18 Q And did it take quite some time to get to the
19 bottom of the speed of the BMW at the time of
20 collision?

21 A Yes, it did. Yes, it did.

22 Q And you were here when Sergeant Coffin
23 introduced -- well, the speed data from the airbag
24 control modules was introduced and showed speeds in
25 excess of 90 miles an hour?

1 A Right. And, like I said, it's a math problem. And
2 if you start at 55, it can't happen. If you start
3 at 92, it can.

4 Q And you didn't want to think that Cam was going 94
5 at the time of the accident?

6 A No, not at all.

7 Q But now we know he was?

8 A (Nods affirmatively.)

9 Q No reason to pursue BMW anymore; right?

10 A That's correct.

11 Q Did you write a letter to Judge Hood in advance of
12 Cam's sentencing?

13 A I did. I did. I just lost Corey and I knew my
14 mom's cancer was terminal. And I don't remember
15 the timeline, if it was after she died or before,
16 but I was planning another funeral one way or the
17 other. And I could not bear the thought of my
18 10-year-old daughter losing both of her brothers at
19 the same time and Cam going to jail for 30 years,
20 or however long it would have been, and not being
21 there for her to help her after this tragedy. I
22 couldn't bear the thought of him being in jail and
23 knowing what might happen to him there. And I
24 begged the judge for his leniency, not because I
25 didn't want him punished, but because I couldn't

1 lose him. I could not lose another thing, another
2 person that meant so very much to me.

3 Q Have you and Tommy continued to love and support
4 Cam?

5 A Yes, absolutely. But I did not pay -- I do not pay
6 for his fraternity, any of it.

7 Q Will you tell the jury a little bit about Corey?
8 What did he like to do?

9 A Corey loved the beach. He loved to go surfing. He
10 loved to go skateboarding. My husband was telling
11 you that he literally built a skate ramp in our
12 garage so that they could practice in there and
13 then go to the Plex later and master that skill.
14 He was always, always, always ready to go do
15 something. It wasn't -- FIFA games and sitting
16 around computer games, that wasn't him.

17 He was loved by everybody he knew. He -- when
18 he walked in the room, his smile was everywhere. I
19 had people telling me that I didn't even know and
20 nor did he that at some point he would come down
21 and see somebody upset sitting on the curb at
22 school, normal teenage drama, and he would sit down
23 next to her and say, What's wrong? And the
24 conversation was, you know, whatever was happening
25 in her family, divorce, I don't even remember what

1 it was, Corey said, Here's what -- you know, I'm
2 Corey. She introduced herself. I want you to meet
3 me every day right here at this time until the end
4 of school because I just want to check on you.

5 He was the kind of kid that when they were
6 coming home from soccer games, the girls' bus and
7 boys' bus would come and stop at a gas station. I
8 think the boys had won, but the girls had lost.
9 And one of his best friends, Kathryn O'Nate, comes
10 out and he sees that she's crying and instead of
11 going in to get a snack or getting something to
12 drink, he goes running over to her to comfort her.
13 Not that she called him over. He saw that she was
14 upset and he went over there. He would give you
15 the shirt off his back. He'd give you every dime
16 he had. He was very trusting. And he also -- he
17 lived life to the fullest.

18 When I say he did art, he made a Kool-Aid jug
19 out of clay, Mr. Kool-Aid man. That was an art
20 project. I still have it in my kitchen. But I
21 never knew he made it. He was on his way home from
22 school and a counselor saw him and just fell in
23 love with it and said -- he goes, Well, you can
24 have it. And she said, No, it's for your mom. He
25 goes, I'll make her another one. I never even knew

1 about the Kool-Aid jug until after -- until after
2 he passed and she brought it to my house.

3 There was an essay he wrote in the ninth grade
4 about living life to the fullest, about not sitting
5 around on a sofa, not wasting any moment that God
6 has given you to be on this earth, but to enjoy it
7 and to make somebody else see God through you.
8 That's the kind of person he was.

9 He went to Young Life. He went to -- I don't
10 even remember the names of the other retreats
11 through the church. He asked me many times when we
12 were going to go on a mission trip. It was a plan
13 of ours to go with Coach Kenga to Kenya. And I
14 still plan to do that in his honor next year. But
15 he wanted to help anybody and everybody.

16 And you see those pictures on his phone,
17 that's not even a glimpse of who he is. He loved
18 all kinds of music. He didn't have any bigotry or
19 anything against anybody. He accepted everybody
20 for who they were and everybody accepted him. He
21 had good grades. He believed in working hard on
22 his sport. He was playing basketball or soccer
23 every minute of the day if he wasn't at school.

24 Q What was the house -- home like when he was around?

25 A Full of laughter and fun. The house got so eerily

1 quiet after he passed. And my mom -- none of us
2 wanted to be there. It was so full of life, every
3 room was full of life and laughter and kids coming
4 and going and pizza and sodas or whatever,
5 Kool-Aid. I mean, it wasn't about, Let's see how
6 many people we can cram in a room and watch
7 somebody play FIFA. It was, Y'all want to go make
8 a slip and slide in the backyard? And he'd come to
9 me, Mom, can I go buy this much plastic and a big
10 thing of soap? I'd say, What are you doing? He
11 goes, We're going to make a slip and slide in the
12 backyard, right at the edge of the yard. It had a
13 little bit of a slope. And the next thing you
14 know, they'd go off to Wal-Mart, they get what they
15 need and they come back and have an absolute blast.

16 Q Patti, has it been -- I fear I'm asking a really
17 stupid question. How hard has it been to go
18 forward?

19 A It's unimaginable. It's unimaginable. I would
20 never want my worst enemy to walk in my shoes and
21 have to go through what I have had to go through.
22 I would never wish that on anyone. I've had many
23 people say I don't even know -- what would they
24 say? They would say, I can't imagine how you feel.
25 And I would say, I don't want you to imagine it. I

1 don't want you to get even close to how I feel.

2 Nowhere close.

3 MR. GRIFFIN: Thank you. That's all the
4 questions I have.

5 THE COURT: Cross-examination?

6 MS. O'BRIEN: Yes, sir. Thank you.

7 CROSS-EXAMINATION

8 BY MS. O'BRIEN:

9 Q Ms. Stringfellow, I will tell you what I said to
10 your husband, and I mean it. I'm sorry. I'm sorry
11 for your loss and I'm sorry for what happened that
12 night. I think we all can agree, you would not
13 wish this on your worst enemy. And I'm sorry.

14 You admit in your deposition that you
15 testified that you had no reason to believe that
16 Corey ever participated or was engaged in any
17 underage drinking; isn't that correct?

18 A That is correct.

19 Q And you got a text from -- or, excuse me, you had
20 at some point, whether it was a text or a personal
21 conversation, with Toni that discussed that Corey
22 had brought beer to the farm; isn't that correct?

23 A No, that's not correct.

24 Q Okay.

25 A The discussion we had was that somebody brought

1 beer to the farm and Corey was a part of that
2 crowd. She didn't know who and she didn't -- and I
3 didn't know who.

4 Q Did she ever tell you she received a text from
5 Corey admitting that he was the one that brought
6 beer to the farm?

7 A He did not admit that he brought it to the farm.
8 He said, I'm sorry that we brought it to the farm.

9 Q You've seen this text; correct?

10 A Uh-huh.

11 Q Hey, Ms. Toni. I wanted to say I'm sorry for
12 bringing beer to the farm. I thought we would be
13 smart enough to throw it away. It won't happen
14 again.

15 A The text that I saw earlier said we.

16 Q All right. Well, you agree with me this text where
17 he admits and says, I'm sorry for bringing beer to
18 the farm?

19 A And I feel very sure that he was talking not for
20 just himself, but for all three boys.

21 Q And then she responds, No worries. Hope you don't
22 get into trouble. I only told your mom because I
23 thought it was funny that y'all threw the cans in
24 the woods by the barn where they are so easy to
25 find. Smiley face. Got to learn to cover your

1 tracks. LOL.

2 A When he and I talked about it later when he got
3 home, I asked him if he drank any beer at the farm,
4 and he said no, and I believe him. He had a soccer
5 match the next day.

6 Q Why would you have texted him after that saying, No
7 smoking or drinking?

8 A Because that was a constant thing that I said to
9 every one of my children as they left the house
10 because teenagers are constantly being -- I can't
11 think of the word, being coerced, being tested by
12 their friends constantly. And so I always said
13 that to them.

14 Q All right. So you admit texting saying, No smoking
15 or drinking; right?

16 A Yes.

17 Q You admit texting and saying, Corey, Jay and the
18 family aren't even home, they're in D.C., call me
19 right now?

20 A Yes. Again, I followed up when he said he was
21 staying the night at Jay's house. And the mother
22 called me back and said, No, they're in D.C. He
23 called me and he came home.

24 Q You admit sending Corey a text saying, Even if
25 she's home, please don't do anything you shouldn't

1 be. You did that time here when I was home, so I'm
2 just trying to make sure you think about it.

3 A The Clove cigarettes.

4 Q Okay. So this is on February 23rd, 2013, where you
5 are texting him saying, Don't do anything wrong,
6 because you didn't want him to be smoking Clove
7 cigarettes at someone else's house?

8 A Right.

9 Q When he went to the beach in March, who did he go
10 with?

11 A Which beach?

12 Q I don't know. March 9th, March 10th, and March
13 11th, he went to the beach. Did he go to the beach
14 with a parent that supervised?

15 A I don't recall.

16 Q Whenever he was at the farm, was the farm
17 supervised?

18 A Yes, it was.

19 Q By whom?

20 A Toni or --

21 Q Do you recall sending him a text on March 10th,
22 2013, telling him he needed to get back home
23 because he couldn't skip school tomorrow?

24 A Yes.

25 Q You recall texting him again in March saying,

- 1 Corey, where are you? Ms. Rita wasn't even home
2 last night. Did y'all have a party at Cam B's?
- 3 A Yes.
- 4 Q And Cam B's is Bonahan?
- 5 A Bohannon.
- 6 Q Bohannon, excuse me. And are you really at John's?
7 I need your address and your latitude up to date.
- 8 A Yes, because I checked on him constantly, just as I
9 do Cam. And as I will my daughter.
- 10 Q And he didn't respond to you; correct?
- 11 A No, he did respond to me. If it's not on the text,
12 then it means he called me or called me
13 from someone else's phone.
- 14 Q Well, why would you have responded to him the next
15 morning and said, Corey, question mark, did you go
16 to the party at Cam's?
- 17 A I don't -- I don't remember that. And I don't know
18 what chronological order all of these are in.
- 19 Q Do you recall texting him on May 4th saying, What's
20 up? Who's driving? And if Cooper, Mr. Gresham's
21 son, has had anything to drink, I'll come get you?
- 22 A I'm sure I did say that.
- 23 Q Do you recall seeing a tweet on his phone that he
24 was looking up ghetto translations for, Nigga, I'm
25 around the way, we're about to spark, which meant

1 fellow friend, I'm in your district, do you want to
2 inhale marijuana?

3 A I have no idea what you're talking about.

4 Q Ms. Stringfellow, did anyone force Corey on May the
5 23rd, 2013, to smoke pot?

6 A I have no idea. I was not there.

7 Q Did anyone force Corey to get into the car and
8 drive Cam home on May 23rd, 2013, after smoking
9 pot?

10 A I have no idea. I was not there.

11 Q Did anyone force Corey to get into the car that
12 night to go buy more pot?

13 A I have no idea. No, I was not there.

14 Q Did anyone force Corey to get back into the car
15 where there has been testimony that they were
16 coming home to smoke more pot?

17 A I have no idea.

18 Q And you testified in your deposition that Corey
19 didn't have pot in his system when he died;
20 correct?

21 A I -- that's what I was told, that he did not.

22 Q That's not true, is it?

23 A Not according to the medical records, but that's
24 not what I was told.

25 Q Ms. Stringfellow, did Corey believe that he was

1 above the law?

2 A No, absolutely not.

3 Q Did Corey believe that because he was white and
4 privileged that he couldn't commit a crime?

5 A Absolutely not.

6 Q Did you see the text on Corey's phone and the
7 picture on his phone that said, I'm not racist.
8 Racism is a crime and crime is only for blacks?

9 A I have no idea what you're talking about. Corey
10 was not a racist. Corey -- he gravitated to
11 everyone. There was no blinders on his eyes.
12 There was no color. There was no filter. He
13 gravitated to everyone.

14 MS. O'BRIEN: That's all the questions I have.
15 Thank you.

16 THE COURT: Any redirect?

17 REDIRECT EXAMINATION

18 BY MR. GRIFFIN:

19 Q Ms. Stringfellow?

20 A Yes.

21 Q You've been in the technology cell phone business
22 over the years?

23 A Yes, for many years.

24 Q And people -- you can send a text to another person
25 with a picture and it ends up on your phone; is

1 that right?

2 A That's right.

3 Q Did Corey have a racist bone in his body?

4 A Not at all. Not at all.

5 Q Corey loved everybody?

6 A He did. He did. 1,500 people showed up at his
7 funeral, people from schools from all over
8 Columbia, from Club Soccer, from out of state. He
9 had friends of every walk. And he never ever held
10 himself above the law or above anyone else for that
11 matter.

12 Q And have you seen people from all walks of life
13 around Columbia wearing a Stringfellow Strong
14 bracelet?

15 A Yes. One of his -- one of the guys he played
16 soccer with, Caleb, did those without even telling
17 us. Purple was a favorite color of Corey's, and he
18 had Stringfellow Strong written on the bracelets,
19 and they're all over Columbia. And somebody else
20 did a bumper sticker that says Stringfellow Strong.
21 And many of those are seen around Columbia.

22 Q Cars of people from all walks of life?

23 A I had a friend walk up to a car and say, Do you
24 know the Stringfellows, because I know them? You
25 must know them because you have a sticker. And the

1 gentleman said, No, I don't. My daughter just
2 said, You have to put this on the car, dad. You
3 have to. I know who he was, but we weren't close,
4 but you have to put this on the car.

5 MR. GRIFFIN: Thank you. That's all I have,
6 Your Honor.

7 THE COURT: Anything further?

8 MS. O'BRIEN: Nothing further, Your Honor.
9 Thank you.

10 THE COURT: Thank you. You may step down.
11 (Witness steps down.)

12 THE COURT: Next witness.

13 MR. GRIFFIN: Your Honor, the Plaintiff rests.

14 THE COURT: All right, ladies and gentlemen,
15 that is the Plaintiff's case. I ask you all to
16 step to the jury room. I think we're about
17 through, but I need to address one matter with the
18 lawyers before we leave. So if you'll go to the
19 jury room for a few minutes. Do not discuss the
20 case.

21 (WHEREUPON, the jury retires to the jury
22 room at 5:30 p.m.)

23 THE COURT: All right. Concerning the note
24 from Juror Number 45: Scott Sawyer, the previous
25 witness, is my friend's uncle. Don't know if it

1 MS. O'BRIEN: I think we should be okay.

2 THE COURT: Well, with regard to requested
3 charges and the verdict form, you all need to
4 confer, narrow your differences. Maybe y'all can
5 agree. You're claiming comparative, so I don't
6 know if you can agree that it's a comparative
7 issue.

8 One of the issues we have tomorrow at the
9 Supreme Court, it's the very same thing, but it's a
10 products liability and strict liability case and
11 the issue is a certified federal question as to
12 whether comparative negligence can be raised as a
13 defense in a strict liability and breach of
14 warranty case. And that hasn't been determined in
15 South Carolina yet. But as it relates to
16 non-strict liability and a non-breach of warranty
17 case, it is a defense.

18 MR. GRIFFIN: Your Honor, there is -- when I
19 first started practicing law, there was a case I
20 was involved in that was contributory negligence
21 and strict liability. I forgot the name of the
22 case. I forgot how it turned out.

23 THE COURT: Yeah. Well, that's a big issue
24 now because all of the cases cited are cases while
25 we had contributory versus comparative, that's the

1 dividing line, so.

2 MR. GRIFFIN: Right.

3 THE COURT: But, you know, I need to know what
4 requested charges and the verdict form because if
5 it is a comparative verdict form, it is obviously
6 different than other types and we need to see
7 where --

8 MR. GRIFFIN: Your Honor, I think there are
9 some issues that we will alert your law clerk and
10 we'll have to address is they have raised an
11 affirmative offense of joint enterprise. And so at
12 the appropriate time, when they rest, I'll be
13 raising directed verdict on that issue.

14 THE COURT: Well, then that's the issue that
15 we have tomorrow is with imputed negligence. The
16 same type scenario, it's whether or not negligence
17 of a passenger can be imputed to the driver. And
18 you call it assumption of risk. It is basically
19 the same issue and under those circumstances.

20 MR. GRIFFIN: Then, Your Honor, we have a
21 collateral estoppel issue as well with regard to
22 the guilty plea on recklessness and punitive
23 damages. And I don't think in South Carolina the
24 case law -- even if there's comparative fault, it
25 doesn't reduce punitive damages.

1 this case. Okay?

2 JUROR SHINE: Yes, sir.

3 THE COURT: Very good.

4 Now, you've heard the Plaintiff's case. It is
5 now the Defense's turn.

6 Your first witness.

7 MR. LANFORD: Thank you, Your Honor. At this
8 time we would move to admit into evidence a
9 certified copy of the toxicology reports of John
10 Corey Stringfellow and Cameron Stringfellow.

11 MR. GRIFFIN: No objection.

12 THE COURT: It is admitted without objection.

13 THE COURT REPORTER: What numbers?

14 MR. LANFORD: Number 104.

15 (WHEREUPON, Defendant's Exhibit No. 104
16 was marked for identification and
17 received into evidence.)

18 MR. LANFORD: And, Your Honor, the Defense
19 rests.

20 THE COURT: Ladies and gentlemen, that is the
21 Defense's case.

22 Any reply?

23 MR. GRIFFIN: No, Your Honor.

24 THE COURT: All right. That means you have
25 heard all the evidence in the case.

1 Any additional matters of law?

2 MR. GRIFFIN: Yes, sir.

3 THE COURT: All right. I need to have you go
4 back to the jury room then as we discuss some
5 matters of law. If you'll leave the exhibits in
6 the courtroom. At the end of the trial, all
7 exhibits that are admitted in evidence will go to
8 the jury room, so you'll get a chance to see any
9 and everything that has been admitted into
10 evidence.

11 So please go to the jury room and leave those
12 here. And we'll have you come back soon,
13 hopefully.

14 THE JUROR: Okay.

15 (WHEREUPON, the jury retires to the jury
16 room at 2:39 p.m.)

17 THE COURT: Before we get to any additional
18 matters of law, did the Defense prepare a proposed
19 verdict form?

20 MR. LANFORD: We did, Your Honor. I believe
21 we have one that's been agreed upon by both
22 parties. Is that right?

23 MR. GRIFFIN: Well, we're not in full
24 agreement, Your Honor, but we're pretty close.

25 THE COURT: Let me see what you have. Let me

1 know what you disagree on and all that.

2 MR. LANFORD: We did a separate form for the
3 wrongful death and the survival.

4 THE COURT: Okay. What do you disagree with,
5 Mr. Griffin?

6 MR. GRIFFIN: Your Honor, I have no objection
7 to the layout with how they allocate fault. The
8 language used in Question Number 1 says, The
9 Defendant has admitted that he was negligent and
10 that his negligence was a proximate cause of the
11 death.

12 And part of my motion for directed verdict at
13 the conclusion of the case is that based upon the
14 Defendant's guilty plea to involuntary manslaughter
15 that the issue of recklessness has also been
16 determined as a matter of law and they can't
17 contest that.

18 As Doe v. Doe, 515 S.E.2d 257, says, Once a
19 person has been criminally convicted, he's bound by
20 that adjudication in the subsequent civil
21 proceeding based on the same facts underlying the
22 criminal conviction.

23 And so what I would add to the verdict form is
24 the Defendant has admitted he was negligent and
25 reckless as a result of the involuntary

1 manslaughter. Your Honor, an element that is
2 required is the doing of a lawful act with reckless
3 disregard for the safety of others.

4 THE COURT: We understand all that. Have you
5 discussed that with the other side?

6 MR. GRIFFIN: I just raised it briefly and --
7 but --

8 THE COURT: Is that a yes or a no or?

9 MR. GRIFFIN: I did, but when -- we were doing
10 that when Your Honor came on the bench.

11 THE COURT: Okay.

12 And what is your position regarding that?

13 MR. LANFORD: I think that is certainly -- a
14 guilty plea is certainly evidence of recklessness.
15 You're not collaterally estopped from -- I think
16 you're collaterally estopped from challenging
17 something that if you were guilty of something in
18 the criminal trial and you're being charged or
19 litigating that same issue in the civil trial.

20 THE COURT: Well, the law is pretty clear.
21 The question is he wants to add that to the form,
22 that he's admitted that he was negligent and
23 reckless --

24 Is that the word?

25 MR. GRIFFIN: Yes, sir.

1 THE COURT: Negligent and reckless, and that
2 his negligence and recklessness --

3 MR. GRIFFIN: Conduct.

4 THE COURT: -- was the proximate cause of his
5 brother's death, so.

6 MR. GRIFFIN: Right.

7 THE COURT: So we want to get the form
8 straight because we have to prepare the form, so I
9 need to know. If you agree, then fine. If you
10 disagree, then --

11 MR. LANFORD: I don't agree, Your Honor. And
12 the reason is --

13 THE COURT: So you disagree?

14 MR. LANFORD: I do disagree. You're allowed
15 to -- under the Jack v. Berberich case, you're
16 allowed to compare ordinary negligence with
17 negligence, recklessness, willfulness, gross
18 negligence. And all those terms are going to be
19 defined by Your Honor in the jury charge and that
20 question will be asked in the portion -- the
21 question on punitive damages, was the Defendant
22 willful, wanton, or reckless? Was such conduct
23 proximately a cause of the Plaintiff's damages?
24 And then that will give them an opportunity if they
25 want to award punitive damages. So I don't think

1 that's the proper place in the form.

2 Certainly, the jury is aware of the
3 allegations have been made. They've heard the
4 evidence. They will be charged on the definitions
5 of negligence, gross negligence, recklessness. I
6 think putting it in the form that the Defendant has
7 admitted that he was negligent and reckless, I
8 think that's confusing. I don't think that's the
9 law.

10 THE COURT: Well, hasn't he admitted all that?
11 Everything you said that the jury should decide
12 regarding punitive, hasn't he -- didn't he just say
13 yesterday that he admits that he was reckless,
14 willful, wanton, and that that recklessness caused
15 his brother's death?

16 MR. LANFORD: Certainly, that's evidence that
17 the jury can consider. I don't think we're
18 foreclosed from --

19 THE COURT: Well, you have to determine these
20 things as a matter of law, so whether you concede
21 or agree to it, or whatever, I have to make a
22 decision. So when it's time to present the
23 Defendant's case, you have put in a toxicology
24 report, and that's it. So is that any evidence
25 that contradicts the confession by Corey -- I'm

1 sorry, Cameron?

2 MR. GRIFFIN: Yes, sir.

3 MR. LANFORD: Again, we are just talking about
4 the verdict form, what -- in comparative
5 negligence, comparing the Decedent's negligence to
6 the Defendant.

7 MS. O'BRIEN: Your Honor, may I?

8 THE COURT: Yes.

9 MS. O'BRIEN: Here's the difference for me.
10 Absolutely Number 1 is correct. I think why --

11 THE COURT: It is correct in adding his word
12 reckless?

13 MS. O'BRIEN: No, sir. I don't think that you
14 ever need to add gross or reckless. And the case
15 law specifically says, the reason why you don't
16 need to add that and the reason why you don't get a
17 different, you know, question as to that is because
18 the judge specifically will define all of those
19 things. And when the judge defines all of those
20 things, you're comparing negligence to anything
21 else. So it doesn't need to be added in to say
22 someone was grossly negligent or someone was
23 regularly negligent.

24 THE COURT: You know what I hate about this
25 case? The fact that you -- as I said, we started

1 the case, there was nothing in the file but a
2 complaint and an answer. On Monday, or whenever we
3 started, I requested that you all provide me with
4 something -- your arguments, your cases, your
5 proposed orders, your proposed instructions. Then
6 you raised the issue last night. I said, well, my
7 clerk will be working overnight, and I'm thankful
8 that she did. You all provided nothing.

9 Then the Defense says, Well, we're going to
10 have six witnesses, three will be short. Well, the
11 jury will get the case about noon Thursday. Then
12 you came in and introduced the document and rested.
13 And now we're arguing these issues that can be
14 complicated legal issues. They're not simple. I
15 mean, Mr. Griffin is arguing his position. You
16 don't really know. You're arguing your position
17 and you really don't know. You haven't given me
18 anything for me to really know.

19 MS. O'BRIEN: Your Honor, may we --

20 THE COURT: But, nevertheless, I'm to then
21 give this to the jury and based on the results of
22 the case you all will be -- somebody will be down
23 at the Supreme Court saying the judge made an error
24 in this or that when the judge is being asked to
25 shoot from the hip and make a decision. And that's

1 unfair to the process. And that's what I don't
2 like about this case.

3 MR. GRIFFIN: And, Your Honor, I'm caught by
4 surprise. I had thought we were going to have a
5 charge conference this evening and address some of
6 these issues in the morning. And there are a
7 number of other legal issues that are at play on
8 the directed verdict relating to the effect of the
9 collateral estoppel issue on the guilty plea, the
10 joint enterprise defense.

11 And I agree that they can compare simple
12 negligence against gross negligence or
13 recklessness. I think the law allows a jury to
14 make that adjustment, but we've proven up here the
15 gross negligence and recklessness and he's admitted
16 to it criminally, and so they're bound by that.

17 And then there's -- so, Your Honor, in my
18 charges, and my motion is on a directed verdict is
19 for a finding of that based on the plea. And so
20 that if the jury finds actual damages, then there's
21 really nothing more for them to decide on
22 recklessness or clear and convincing evidence and
23 punitive damages. It's just -- I mean, if we get
24 an actual damages award, we're entitled to punitive
25 damages based on the record in this case and the

1 issue --

2 THE COURT: The law is that if the jury --
3 punitive damages are not discretionary.

4 MR. GRIFFIN: Correct.

5 THE COURT: Where the jury finds evidence of
6 recklessness, willfulness, and wantonness, the
7 statute says the jury must award punitive damages.

8 MR. GRIFFIN: Right.

9 THE COURT: The question is how much. So --
10 but it appears --

11 MR. GRIFFIN: I guess my request, Your Honor,
12 is there are issues -- I can give a closing
13 argument on the fly, do it all the time, but there
14 are issues that I think we all want to get right so
15 we don't have to do this again. I would suggest we
16 send the jury home and come back in the morning.

17 MS. O'BRIEN: Judge, let me just say, if we do
18 that, I have a daughter who has a birthday
19 tomorrow. I would request that I be allowed to
20 celebrate my daughter's birthday in the morning
21 before she goes to school, and that if we intend to
22 come back that we take a break.

23 THE COURT: Take a break?

24 MS. O'BRIEN: So I can celebrate her birthday
25 in the morning. That being said --

1 THE COURT: What time, at 8:00 o'clock
2 tomorrow morning, 7:30? What time does she go to
3 school?

4 MS. O'BRIEN: She goes to school at 7:30, so I
5 can be back.

6 THE COURT: Oh, yes. We're not going to be
7 here at 7:30.

8 MS. O'BRIEN: Your Honor, but this is my
9 position. We have been discussing the entire time
10 since we started this case and before joint
11 venture. We discussed joint venture last night
12 before we left with Mr. Griffin in between
13 Mr. Lanford and myself. He knew exactly what he
14 was going to argue about joint venture because, in
15 fact, he told me that he had case law on it. So
16 I'm surprised that he's not available to argue
17 about joint venture.

18 The only other issue we are talking about is
19 whether we are going to include the word gross
20 negligence or reckless in Question Number 1 and
21 then whether we are going to discuss it in
22 punitives, which I think we all agree --

23 THE COURT: Well, that's not all we're talking
24 about. You know, typically I prepare my charge, I
25 give the jury a copy of the charge, and the jury --

1 and they don't run back and forth between the jury
2 room and the courtroom asking me to redefine this
3 and redefine that because they have a written copy
4 of the charge in the jury room.

5 You know, I'd love to get this case over with
6 and have the jury decide the case, I'm sure
7 everyone would. So it appears, however -- I mean,
8 we started asking about the verdict form to see
9 whether you all were -- had an agreement on that.
10 I didn't think -- and, of course, your disagreement
11 is with one word that the other side sort of agreed
12 to.

13 MS. O'BRIEN: I think the only disagreement is
14 whether it's appropriate to put it in Question
15 Number 1 or whether the appropriate place is under
16 punitives.

17 THE COURT: Yes, well -- and, of course, I
18 haven't heard his motion for directed verdict. I
19 just started with the verdict form.

20 MS. O'BRIEN: I understand, Your Honor.

21 THE COURT: And you have answered the
22 question, there is a disagreement. You've given me
23 a copy for me to look at. I had Mr. Griffin's
24 yesterday. His was based pretty much on simple
25 negligence, which is -- so you all have the right

1 form, his on the wrong form. So you get one up on
2 that one.

3 MS. O'BRIEN: So can we talk about Number 1?

4 THE COURT: Well, that's what we're doing.
5 But rather than -- you know, I don't want to be
6 part of the 3-party debate. I just see where you
7 all agree and where you disagree. That's why you
8 have a judge, and the judge rules, and then you
9 move on to the next issue. But you all were
10 talking you may agree, you may not agree. I don't
11 know if you do or don't. But I need to hear his
12 directed verdict motion to the extent there are
13 disagreements.

14 MS. O'BRIEN: Okay.

15 MR. GRIFFIN: Yes, sir. At this point in time
16 --

17 THE COURT: I'm going to give y'all about --
18 since we're putting everything in fast-forward,
19 we'll take about five minutes.

20 MR. GRIFFIN: Yes, sir.

21 THE COURT: And let you all digest where we
22 are.

23 MR. GRIFFIN: Thank you.

24 THE COURT: And then we will come back.

25 MS. O'BRIEN: Your Honor, may we hand up --

1 and we've given it to opposing counsel -- the
2 Berberich v. Jack case?

3 THE COURT: Sure.

4 MS. O'BRIEN: Thank you, Your Honor. May I
5 approach?

6 THE COURT: Do you have proposed jury charges
7 as well?

8 MS. O'BRIEN: Yes, sir.

9 MR. GRIFFIN: Yes.

10 THE COURT: All right. You can hand those to
11 me too.

12 (Complies.)

13 MR. LANFORD: I think we have a general
14 agreement on the jury charges.

15 MS. O'BRIEN: Other than one.

16 THE COURT: Oh, good. Other than what?

17 MS. O'BRIEN: Other than, I think, one.

18 THE COURT: Other than one?

19 MS. O'BRIEN: Correct.

20 THE COURT: Which one is that?

21 MS. O'BRIEN: It's the collateral estoppel
22 that is his motion for a directed verdict.

23 THE COURT: Collateral estoppel, okay, so I
24 have to hear his motion.

25 MR. GRIFFIN: Yes, sir.

1 THE COURT: She's been trying to hand you some
2 papers, so that's why I'm taking a break.

3 MR. GRIFFIN: Thank you, Your Honor.

4 THE COURT: All right.

5 (WHEREUPON, a break was taken at 2:55
6 p.m.)

7 (WHEREUPON, the proceedings resumed at
8 3:16 p.m.)

9 THE COURT: I'm ready for you all right now.
10 Mr. Griffin, let me hear you.

11 MR. GRIFFIN: Yes, Your Honor. At this time,
12 I move for a directed verdict on the Plaintiff's
13 claims in the negligence cause -- in the wrongful
14 death action and survival action, that as a result
15 of the Defendant's guilty plea to involuntary
16 manslaughter, that the Defense is collaterally
17 estopped from litigating whether the Defendant was
18 reckless. Reckless is a higher degree of fault
19 than negligence, so anything below that is
20 encompassed within the plea.

21 The Plaintiff's claim --

22 THE COURT: Well, he's admitted all that.

23 MR. GRIFFIN: Right.

24 MS. O'BRIEN: To make it easier, we stipulated
25 to that.

1 THE COURT: Okay.

2 MR. GRIFFIN: Also, move for a directed
3 verdict on liability because there's no evidence in
4 the record from which a jury could find any fault
5 on behalf of the Decedent, Corey Stringfellow, or
6 that the Decedent, Corey Stringfellow, assumed the
7 risk of what -- of the nature of the act.

8 THE COURT: All right.

9 MR. GRIFFIN: And then lastly, Your Honor, we
10 move for a directed verdict on the defense of joint
11 venture, joint enterprise. And here, Your Honor, I
12 hand up a couple of cases.

13 THE COURT: Well, nobody is asking for me to
14 say, because I don't know, I didn't look at you
15 all's requests to charge. Is that in a request to
16 charge somewhere?

17 MR. GRIFFIN: Yes, the joint enterprise
18 defense.

19 THE COURT: Is that in here?

20 MR. GRIFFIN: Yes, it's in the Defendant's.

21 And, Your Honor, the case -- and I'll hand you
22 this. There are many cases on this point --

23 (Cases handed up.)

24 MR. GRIFFIN: -- but the one I'm handing up is
25 Pruitt v. Bowers, 330 S.C. 483, and the issue is a

1 2-part test of joint enterprise. The first part is
2 whether they had -- the people in the car had a
3 common purpose, but the more significant issue is
4 was there an equal right to control the operation
5 and management of the vehicle.

6 In the Pruitt v. Bowers case, Your Honor, a
7 case not unlike the factual scenario here, the
8 driver and the passenger, traveling together, they
9 were smoking marijuana together, the passenger was
10 helping pay for the fuel, et cetera. But the Court
11 found as a matter of law there was insufficient
12 evidence to find that the passenger had equal right
13 to control the management and operation of the
14 vehicle. And the witness -- the Defendant
15 testified during his trial just to -- to just that,
16 that he alone had the right to control the
17 operation of the vehicle. So we would move --

18 THE COURT: Well, let's look at this 1936
19 case. I gave a speech just last week about giving
20 me cases from the 1930s. But the case that they
21 handed up, it cites Funderburk v. Powell from 1936.
22 Of course, back then we had guest passenger law.
23 We had all kind of different laws --

24 MR. GRIFFIN: Yes, sir.

25 THE COURT: -- on the books. We had the

1 family purpose doctrine, all kinds of things.

2 MR. GRIFFIN: Well, the more recent case --

3 THE COURT: What year was that from?

4 MR. GRIFFIN: 1999.

5 THE COURT: All right. Good. At least you're
6 in the ballpark.

7 MR. GRIFFIN: Then there's a -- I've got some
8 earlier cases, Spradley v. Houser was a 1966 case,
9 and then Bolt v. Gibson is a 1954 case.

10 THE COURT: I need you to start right around
11 the time I went to law school, which was '73.

12 MR. GRIFFIN: It doesn't come up much, but
13 I'll hand these up.

14 (Cases handed up.)

15 THE COURT: All right. What else do you have
16 over there?

17 MR. GRIFFIN: Your Honor, I think that's it.

18 THE COURT: All right. I will hear from the
19 other side.

20 MS. O'BRIEN: Thank you, Your Honor. With
21 respect to joint enterprise, first of all, the good
22 news is in 1999, we know that joint enterprise
23 still exists. The difference --

24 THE COURT: How do we know that?

25 MS. O'BRIEN: Because in this case they

1 specifically talk about why joint -- when joint
2 enterprise is allowed and the factors for
3 determining it in South Carolina. And they lay out
4 those factors in 1999.

5 THE COURT: Just reiterate because I'm
6 listening and I can't listen and read it.

7 MS. O'BRIEN: The factors for joint enterprise
8 are that both parties have to be on a same mission,
9 same enterprise, going to the same place to kind of
10 do the same thing. In this case at hand, we have
11 testimony that all three boys got into the car for
12 the sole purpose of going to buy marijuana. So we
13 also have to have that the Decedent had the same
14 opportunity or had the same ability to control the
15 --

16 THE COURT: It says the right to -- this word
17 says equal right to control.

18 MS. O'BRIEN: Yes, sir, that is correct.

19 THE COURT: Not equal opportunity.

20 MS. O'BRIEN: That's correct, equal right.
21 And then in the 1999 case, the part where
22 Mr. Griffin said, And so and so and so and so, this
23 is what he left out. In that case, the passenger
24 told the driver to pull over and the driver
25 absolutely refused to. Then the passenger did not

1 have a license and was not -- didn't have the
2 ability and was not supposed to be driving a
3 vehicle.

4 Then, in that case, the Court held that
5 because he didn't have the opportunity, he didn't
6 have the equal ability to drive the vehicle based
7 upon the fact that he says pull over, the driver
8 doesn't pull over, he can't control it, he doesn't
9 have a driver's license. The Court said and the
10 Court held in '99, no.

11 In this case at hand, we know that, in fact,
12 the Decedent had already driven a vehicle earlier
13 that night. We know that he had a driver's
14 license. We know that he had the ability to drive
15 the vehicle. And we know that there is absolutely
16 no testimony whatsoever that anyone told him he
17 couldn't drive. There was no testimony that
18 anybody told the driver to pull over and that the
19 driver refused.

20 So it's our position that we have met both
21 elements in this case, and in light most favorable
22 to the Defendant in this case, both elements stand
23 and it is a jury question to decide whether factors
24 Number 1 and factors Number 2 exist.

25 And, Your Honor, let me know when you're ready

1 for the next issue.

2 THE COURT: All right. I'm ready for the next
3 issue.

4 MS. O'BRIEN: With respect to punitive
5 damages, the Plaintiff's attorney is attempting to
6 argue that if the jury or if the judge says in this
7 case that there is willful and wantonness and there
8 is recklessness, which we've now stipulated to,
9 that a jury must award punitive damages.

10 I would like for Your Honor to specifically
11 look at Section 15-32-520, which is the section
12 dealing with punitive damages specifically --

13 THE COURT: Section 15?

14 MS. O'BRIEN: 32-520.

15 THE COURT: Yeah, that's the --

16 MS. O'BRIEN: That's the statute --

17 THE COURT: -- joint and several liability
18 law, isn't it?

19 MS. O'BRIEN: No, sir. That's Article 5. It
20 starts with 15-32-510, which starts with punitive
21 damages, and it was the statute that you cited
22 earlier this week as to the factors.

23 THE COURT: I'm sorry, I meant to say
24 bifurcated trial statute. Go ahead.

25 MS. O'BRIEN: Okay. So, well, Your Honor,

1 we've been talking about 15-32-520 and when and how
2 you can argue punitive damages and specifically
3 about whether they can go beyond arguing just
4 punishing the person, but punishing others.

5 And (d) specifically says: Punitive damages
6 may -- not must -- may be awarded only if the
7 Plaintiff proves by clear and convincing evidence
8 that his harm was the result of the Defendant's
9 willful, wanton, or reckless conduct.

10 The statute -- I also would cite to you the
11 bill that was specifically enacted in this case --
12 enacted in the State of South Carolina, which is a
13 bill from 15-34-30. It is a 1996 bill in South
14 Carolina that specifically says that punitive
15 damages may be awarded numerous times throughout
16 that statute when dealing with willful, wanton,
17 dealing with reckless behavior. There is
18 absolutely -- and the case that the Plaintiff's
19 attorney has handed up to you is a --

20 MR. GRIFFIN: I haven't handed up the punitive
21 case.

22 MS. O'BRIEN: I'm sorry. It is a -- well,
23 there's a case that he handed to us. It is a 1996
24 case. And the statute that was enacted -- '86
25 case, I apologize, Your Honor -- the statute that

1 was enacted was enacted in 2012. And the statute
2 that you have been referencing this entire case is
3 the 2012 statute that says numerous times punitive
4 damages may be awarded. There is no *must* as to
5 awarding punitive damages in the State of South
6 Carolina.

7 THE COURT: You're saying the statute is
8 amended or didn't exist or?

9 MS. O'BRIEN: No, sir. The statute was --
10 this statute that I am referencing was specifically
11 enacted in 2012. There are prior statutes that
12 were brought before -- the bill that was brought
13 before the House. And that bill -- give me just
14 one second, Your Honor.

15 Your Honor, I've got it right here. That bill
16 was 15-34-10. And it specifically says in 15-34-40
17 that punitive damages may be awarded only if the
18 claimant proves the Defendant is liable for
19 compensatory damages with aggravating factors, such
20 as fraud, malice, willful, wanton, or reckless, and
21 that the claimant proves the existence of an
22 aggravating factor by clear and convincing
23 evidence.

24 And, Your Honor, that bill was -- took effect
25 July 1st of 1996. And it specifically says it

1 applies to claims arising on or after that date.

2 THE COURT: As to what date?

3 MS. O'BRIEN: 1996. And then the prior
4 statute that we have been discussing was enacted in
5 2012. And, of course, our case took place in May
6 of 2013. So the 2012 statute would be applicable
7 to this case.

8 THE COURT: You said a lot. I don't know that
9 I agree with your interpretation of all that you
10 said. It's kind of difficult to digest on the fly
11 all that you said.

12 But I'll hear Mr. Griffin's response.

13 MR. GRIFFIN: Your Honor, the charges that
14 I've submitted on punitive damages is straight from
15 the Second Edition of the Anderson Requests to
16 Charge, which was issued 2016. And the cases cited
17 in the charge book, the case that's relied upon for
18 this proposition, is Broome v. Southeastern Highway
19 Contracting Company, 291 S.C. 93. And says, In
20 South Carolina, unlike most jurisdictions, award of
21 punitive damages does not rest in the discretion of
22 the jury, but is recoverable as a matter of right.
23 And that's what --

24 THE COURT: Does it cite the statute?

25 MR. GRIFFIN: It doesn't cite the statute,

1 Your Honor, in that case, but the charge does
2 cite -- well, I'm not sure if the charge does cite
3 the statute in the notes. But we have all the
4 notes here.

5 MS. O'BRIEN: And, Your Honor, I'm pretty sure
6 that when you read Ralph King Anderson's book, it
7 specifically says that it's not the law.

8 THE COURT: Well, I don't follow -- I don't
9 use his charge book. It's too wordy, so I never
10 bring that up. He's a great jurist, but I just
11 don't follow his book.

12 MR. GRIFFIN: Yes, sir.

13 THE COURT: What else you got?

14 MR. GRIFFIN: Your Honor, those are the
15 issues. Another point I would want to put on the
16 record on the joint enterprise issue, not only did
17 the Defendant testify that he alone controlled the
18 vehicle and that he -- that Corey had no control
19 over the vehicle, I believe that was the testimony,
20 but he also testified -- if you want to talk about,
21 you know, a common purpose, the common purpose
22 ended when he drove by the house and that he alone
23 chose to take a victory lap. And that that wasn't
24 part of this joint enterprise, if you will. They
25 were going to buy marijuana. They made it back to

1 the house and then Cameron Stringfellow on his own
2 set about to speed around the neighborhood.

3 MS. O'BRIEN: And, Your Honor, our response
4 would be to that that's why we specifically asked
5 him in his deposition and brought out on the
6 witness stand that he has testified under oath that
7 he thought he announced to the vehicle and to the
8 persons in the vehicle that he, in fact, was going
9 to take this victory lap. Again, in the light most
10 favorable to the Defendant, we believe that this is
11 a charge that should be presented to the jury.

12 MR. GRIFFIN: Your Honor, that was not his
13 testimony. They tried to impeach him from his
14 deposition testimony, where in his deposition, he
15 says, I thought I did, but I don't know. On the
16 stand he clearly said, I didn't say anything to
17 anyone.

18 MS. O'BRIEN: Thus, his testimony conflicts.
19 Thus, in the light most favorable to the Defendant,
20 it goes to the jury.

21 Your Honor, Page 15 of Cam Stringfellow's
22 deposition, Question: And did you -- Page 15, Line
23 6 -- Question: And did you announce to them in the
24 car that that was your intention? Referring to
25 driving around or gunning it. Answer: Um, I

1 thought I did, but, honestly, I'm not sure if I did
2 or did not.

3 THE COURT: Now, on this issue of punitive
4 damages, I had the same issue in a case in Horry
5 County, which was Magnolia North Property v.
6 Heritage, which was affirmed on appeal in 2012.
7 And in the case I had the same issue whether -- on
8 punitive damages. And in that case, the Court
9 says -- well, I charged the jury, If you should
10 find that the Plaintiff is entitled to recover
11 punitive damages in addition to actual damages, it
12 would be your duty to include such damages in your
13 verdict and award such an amount as you deem
14 reasonable and proper in light of the facts and
15 circumstances.

16 And the Court of Appeals says in there that:
17 The Court has previously held that in South
18 Carolina the award of punitive damages does not
19 rest in the jury's discretion, but is recoverable
20 as a matter of right. And they cited the case
21 Mr. Griffin just cited, Broome v. South Carolina
22 Highway Contracting Company and some other cases.
23 And cited also a Sample case v. Gulf, which is an
24 old case. It says in Sample, our Supreme Court
25 held there was no error in charging the jury that

1 it would have a duty to award punitive damages if
2 it finds that the Plaintiff's rights had been
3 consciously, willfully, and recklessly violated.
4 They cite a 1930 -- Sample is from 1937. But
5 that's the Supreme Court.

6 Under the subtle rule prevailing in this
7 state, punitive damages are awarded not only as
8 punishment for a wrong, but also a vindication of a
9 private right. And when under proper allegations
10 the Plaintiff proves a willful, wanton, and
11 reckless and malicious violation of his rights, it
12 is not only the right, but the duty of the jury to
13 award punitive damages.

14 So the statutes and things that you're reading
15 about what a jury may do, the law says that the
16 jury must award punitive damages where there's a
17 finding of recklessness and willfulness, as any
18 case where the Plaintiff has proven it, it's not
19 only the right, but the duty of the jury.

20 So now you were citing these legislative
21 things and amendments to this and that. And tell
22 me where that is no longer the law based on
23 whatever you just told me.

24 MS. O'BRIEN: Well, we've had the punitive
25 damages statute that has been amended. And, Your

1 Honor, I think in addition in 2012 and 2011 you
2 could award as much money as you wanted to for
3 punitive damages. In 2012 the law was changed.

4 THE COURT: This case is 2013 that I'm just
5 quoting.

6 MS. O'BRIEN: I thought you said we got it as
7 a 2012 case, Your Honor.

8 THE COURT: What year? What you got? Yes,
9 February 2012, you're right.

10 MS. O'BRIEN: Yes, sir. So the statute that I
11 am citing changed -- the cap on punitive damages,
12 it changed. And, you know, our position would
13 be --

14 THE COURT: You're saying 15-32-520, is that
15 what you're telling me?

16 MS. O'BRIEN: That's correct, 15-32-520, Your
17 Honor. Starts with 15-32-510. It's the statute
18 that you've been citing the entire trial.

19 (Pause.)

20 THE COURT: You know, among everything else,
21 we bring the jury in here at 2:30 and send them
22 right back there to sit for how long now? Let's
23 see, 15-32-520.

24 MS. O'BRIEN: Your Honor, do you mind
25 providing me the cite of the case that you're

1 citing, please?

2 THE COURT: Magnolia v. Heritage?

3 MS. O'BRIEN: Thank you.

4 THE COURT: Magnolia North Property Owners
5 Association v. Heritage Properties.

6 MS. O'BRIEN: Thank you.

7 THE COURT: Tell me where to start. Where in
8 15-32-520 -- is that the one you're banking on?

9 MS. O'BRIEN: Yes, sir.

10 THE COURT: The purpose of that was to set
11 forth when the right of a Defendant or whomever to
12 bifurcate a trial, which you all upon request have
13 had here. It's a bifurcated trial, clear and
14 convincing standard, factors for liability
15 determination.

16 MS. O'BRIEN: I'm actually starting from the
17 very beginning of that statute, Your Honor, that
18 sets forth the --

19 THE COURT: What statute?

20 MS. O'BRIEN: 15-32-510 starts the statute and
21 it --

22 THE COURT: 510?

23 MS. O'BRIEN: -- discusses the entire article
24 on punitive damages.

25 THE COURT: Claim for punitive damages must be

1 prayed for in a complaint. Amounts shall not be
2 specifically pled. The claim for punitive damages
3 must be pled, so not including the amount. That's
4 510. Well, read again what you think is the
5 importance of what you just said.

6 MS. O'BRIEN: (c) Punitive damages may be
7 considered -- may be considered -- if compensatory
8 or nominal damages have been awarded in the first
9 stage of the trial. (d) Punitive damages may be
10 awarded only if the Plaintiff proves by clear and
11 convincing evidence that his harm was the result of
12 the Defendant's willful, wanton, or reckless
13 conduct.

14 THE COURT: And you believe that that
15 conflicts with the Appellate Court finding I just
16 indicated to you that says that punitive -- that
17 the jury has a duty to award punitive damages if it
18 finds that the rights have been consciously,
19 willfully, and recklessly violated. You believe
20 that?

21 MS. O'BRIEN: Yes, sir. And I would akin it
22 to the case law that we handed up that specifically
23 said that you cannot go beyond punishing a person,
24 and they said take out all this or stuff. And then
25 you cited the same statute and said, Well, the

1 statute specifically says --

2 THE COURT: *Or others.*

3 MS. O'BRIEN: -- *or others.*

4 THE COURT: It's in the statute, right.

5 MS. O'BRIEN: Right. And so our position is
6 the statute says *may*. And under --

7 THE COURT: You through?

8 MS. O'BRIEN: Under everything I learned in
9 law school -- and I know Mr. Griffin doesn't think
10 I'm licensed in South Carolina, but I actually went
11 to the University of South Carolina. I learned
12 that when a statute says *may*, it's an option, and
13 when it says *shall*, it's a must. And under the
14 statute, it says *may*. Therefore, it is a factor to
15 be determined by the jury.

16 MR. GRIFFIN: Your Honor, the *may* language
17 there, I don't think that -- (c) changed the law of
18 South Carolina when they enacted the statute. But
19 what it's addressing is the standard of proof
20 that's required to get punitive damages here.
21 That's what is being addressed. It's only upon
22 clear and convincing evidence and not any lower
23 threshold test.

24 THE COURT: Later in the same case they go to
25 Campbell v. U.S., and that's the State Farm case

1 where the Supreme Court dealt with excessive
2 punitive damages and they even talked about
3 Mitchell, a certiorari case. And then they said
4 that: In other words, only after the jury has
5 evaluated the evidence and concluded the Plaintiff
6 is entitled to punitive damages that it becomes the
7 jury's duty to impose such damage on the Defendant.
8 This is precisely what the trial court in the
9 present case instructed. Because if you should
10 find the Plaintiff is entitled to recover punitive
11 damages in addition to actual damages, it will be
12 your duty to include such damages in your verdict.
13 And this instruction communicated to the jury that
14 it had discretion to determine the POA's
15 entitlement to punitive damages, and if entitlement
16 was so determined, the duty to award punitive
17 damages. So, and the appellant argues something
18 else, but.

19 And, you know, the legislature, they're down
20 there meeting for a day or two and they pass a lot
21 of laws and they create a lot of confusion for the
22 trial courts in some of the laws that they pass.
23 And the question is whether or not this use of this
24 word in passing a law that says rather than having
25 the jury be forced to decide actual and punitive in

1 one trial, any party or defense can request a
2 bifurcated trial and these are things that the jury
3 may consider in awarding punitive damages.

4 It's sort of whether or not that is
5 intentional reversal of everything that had been
6 clearly the law up to this point, or whether or not
7 it's just an inadvertent use of the word *may* and
8 whether the law still is that if the jury -- that
9 punitive damages are not discretionary once the
10 jury determines that the Plaintiff is entitled to
11 it. So if the jury says, Yes, you're entitled to
12 punitive damages, but, no, I'm not going to give
13 you any because we're not duty-bound under the law
14 to award punitive damages even if we find that the
15 Plaintiff is entitled to punitive damages.

16 MS. O'BRIEN: Your Honor, here would be my
17 thought process. If the jury finds that there's
18 reckless and wanton, or they stipulate to that --

19 THE COURT: I'm going -- the Court is going to
20 be finding that --

21 MS. O'BRIEN: Right.

22 THE COURT: -- because it has been admitted in
23 the testimony.

24 MS. O'BRIEN: Okay. So then the logic from
25 what you just said is, is that you have to tell the

1 jury that they have to award punitive damages.

2 THE COURT: Yes.

3 MS. O'BRIEN: Okay. So then why do we have
4 factors? Why do we have factors of the punitive
5 damages? And why does the case you cited say still
6 in there, *may* be awarded?

7 I also would like to just put in the record,
8 Your Honor, the Supreme Court case of Mellen v.
9 Lane, it is 377 S.C. 261, that addresses that
10 punitive damages may be awarded. I also would like
11 to put into the record --

12 THE COURT: I have no doubt that punitive
13 damages may be awarded. But once the jury
14 determines reckless, willful, and wanton conduct,
15 then whether it becomes a duty at that point to
16 impose it. You know, no one is required to find
17 anything in any case, but once the jury finds an
18 entitlement, then do they have a discretion to not
19 award it? Or if the Court directs the jury that --
20 on the issue of recklessness and willfulness and
21 wantonness, then -- and it becomes a jury duty to
22 determine the amount of punitive damages, not
23 whether or not there is entitlement to it. That's
24 why -- you know, that's why these things are not
25 sprung at the 11th hour. Everyone gets a more

1 measured opportunity to evaluate things.

2 MS. O'BRIEN: Your Honor, punitive damages has
3 been pled from Day One in this case and we've
4 denied that we owed punitive damages from Day One.

5 THE COURT: All right. Well, we made it to
6 3:50 at this point. We also have a law that jurors
7 are not to be instructed after 4:00 o'clock. So
8 we've about run out of this day anyway.

9 So I'm going to bring them in and let them go,
10 and we can continue talking. And we'll bring them
11 in at 9:30 in the morning to do closing arguments.
12 And we'll meet at 9:00 o'clock or 9:15 to announce
13 whatever.

14 Let's bring them in.

15 (WHEREUPON, the jury came into open
16 court at 3:51 p.m.)

17 THE BAILIFF: The jury is present, Your Honor.

18 THE COURT: All right. Well, ladies and
19 gentlemen, when you came today, we expected that we
20 -- or did not realize that we would have to review
21 some things outside of your presence before
22 proceeding with closing arguments. I guess that
23 the good thing in the case is that we started off
24 thinking it would be taking up the entire week, and
25 that we're now ready for closing arguments. But we

1 still have to discuss some other matters, and I
2 hate for you all to have to wait as we talk and
3 talk and talk. And there's an unwritten -- or
4 there's really an order from -- a suggestion from
5 the courts that we not give cases to juries after
6 4:00 clock. So if you were to hear an hour-long
7 closing arguments, have a jury charge, and all
8 that, you'd get the case about 5:30 or so, and that
9 would push us too deep into the evening.

10 So I'm going to let you all just leave and
11 come back in the morning, and we'll stay here and
12 continue to talk.

13 Oh, I thought you were in the foreperson's
14 seat, but that was that seat, huh? I'm sorry. I
15 usually look at that Number One seat. Okay, that's
16 the foreperson's seat. It moves around in
17 depending on what courtroom you're in.

18 By the way, Madam Forelady, how's the jury
19 doing?

20 THE FORELADY: Just fine.

21 THE COURT: Oh, great. I like to hear the
22 foreperson's voice as the spokesperson for the
23 jury. Good.

24 So we'll start at 9:30 in the morning rather
25 than holding you all any longer. We look forward

1 to your coming in and hearing closing arguments,
2 jury charge, and deliberating on this case
3 tomorrow.

4 So thank you very much. Have a good evening.
5 See y'all tomorrow morning at what time?

6 THE JURY: 9:15.

7 (WHEREUPON, the jury retires to the jury
8 room at 3:54 p.m.)

9 THE COURT: It appears -- it seems to me that
10 based on the evidence and admission that a directed
11 verdict can be made on the issue of recklessness as
12 requested. And I'm directing a verdict against
13 the -- in favor of the Plaintiff on the issue of
14 negligence and recklessness.

15 The comparative negligence still exists on the
16 issue of negligence because the jury could
17 nevertheless conclude that the passenger's
18 liability equals -- or passenger's negligence
19 equals the driver. I don't know how they possibly
20 can, but they possibly can. So that, therefore,
21 means that it appears that this joint enterprise
22 law exists such that it should be an issue for the
23 jury's determination.

24 With regard to -- the question remains open as
25 in finding that the Defendant was reckless, whether

1 or not the jury must award punitive damages or may
2 award punitive damages, we'll have to leave that to
3 determine in the morning.

4 On this verdict form, I am going to include
5 the word reckless as requested by Mr. Griffin. And
6 on Page 2 of it, of course the jury can still find
7 that Corey was more than 50 -- or 50 percent or
8 more. And in that event, my current thinking is
9 that the jury still determines the punitive damages
10 issue, but rather than saying, Does the jury find
11 by clear and convincing evidence that the Plaintiff
12 is willful and all that, I had already declared
13 that he is reckless and the proximate cause just --
14 but the first -- Number 4 would be, If the jury has
15 awarded actual damages, how much punitive damages
16 do you award? It can be zero or it can be a
17 million dollars. That will be up to the jury. I
18 need to view all of this, the law and all these
19 things that Mr. Lanford and Ms. O'Brien have passed
20 up and see how all that fits. I think it's kind of
21 academic. You have to convince them anyway, one
22 way or another, regardless of the form that I give
23 it to them on.

24 MR. GRIFFIN: Yes, sir.

25 THE COURT: I agree with the law as I was

1 affirmed in the Court of Appeals. In that case,
2 you know, that's a construction defect and they
3 admitted to building a shabby building and I -- and
4 that they were reckless, willful, and wanton. And
5 I gave them the law that it was the jury's duty to
6 award punitive damages because they found --
7 because it was initial recklessness and all that.
8 So whether or not this amended statute changes
9 things, we'll see. I mean, I've instructed juries
10 since that time in the same fashion and it hasn't
11 come back on any appeal. But it still -- the jury
12 would still have the -- even under that scenario,
13 they could still say zero. Well, technically, they
14 can't say zero.

15 MS. O'BRIEN: Correct.

16 THE COURT: They must say something.

17 MS. O'BRIEN: Right.

18 THE COURT: But we'll shake that out
19 overnight.

20 MR. GRIFFIN: Your Honor, just on the
21 verbiage. Again, there's some other issues that I
22 have.

23 THE COURT: Okay.

24 MR. GRIFFIN: And if you'll -- I'm looking at
25 the one that's 7180 civil action number. And on

1 the second page, Number 3, it says: Please state
2 the total amount of damages, if any, sustained by
3 the beneficiaries of the estate, Patricia and
4 Thomas Stringfellow, for the wrongful death of John
5 Corey Stringfellow.

6 And, Your Honor, they pick it up again in
7 Number -- down at the bottom in Number 5, they're
8 inserting the parents into this verdict form. And
9 the charge explains who the beneficiaries are. And
10 my request would be just state: Please state the
11 total amount of actual damages, instead of going on
12 further to --

13 THE COURT: You think the language should read
14 how?

15 MR. GRIFFIN: Just please state the total
16 amount of actual damages. Because on the prior
17 page, it says -- go to Question 3, If the
18 Decedent's percentage of the combined negligence is
19 50 percent or less, go to Question 3. Question 3
20 is: Please state the total amount of actual
21 damages.

22 THE COURT: So you would take out the names?

23 MR. GRIFFIN: Yes, sir. I don't really have
24 that much of a concern putting the names in
25 Number 3, but I do in Number 5. I think Number 5,

1 it should be -- is the punitive damages. I object
2 for them inserting the parents into this question
3 about punitive damages, amount of punitive damages.

4 THE COURT: You're absolutely right.

5 I mean, well, I guess I should hear from the
6 other side before saying you're absolutely right.

7 MS. O'BRIEN: We object.

8 THE COURT: Well, the purpose of punitive
9 damages is not to reward anyone, but to punish the
10 wrongdoer. So you would typically just say as
11 to -- If you have awarded punitive damage -- I
12 mean, actual damages, as I said, I would -- I'm
13 inclined to say: As to punitive damages we award
14 blank amount, without putting names in and all
15 that.

16 MR. GRIFFIN: Yes, sir.

17 MS. O'BRIEN: Your Honor, in every verdict
18 form I've ever seen, the Plaintiff and the
19 Defendant's name is listed out. And I have never
20 had anybody object other than this case where they
21 are trying to pull a fast one on the entire system.

22 THE COURT: Well, that sounds like your
23 closing argument, if you're going to give it.

24 MS. O'BRIEN: Well, our position is this, the
25 names need to be in there. If you want to take out

1 Patricia and Tommy Stringfellow, but the Estate of
2 John Corey Stringfellow are the people that are
3 seeking money and that is -- the jury needs to
4 understand that --

5 THE COURT: You can explain it to them if they
6 need to understand it.

7 MS. O'BRIEN: Okay.

8 THE COURT: You know, the verdict form is not
9 the forum for explaining things.

10 MS. O'BRIEN: So why do we put the word
11 Plaintiff and the Defendant in there?

12 THE COURT: Pardon?

13 MS. O'BRIEN: So then why do we have the word
14 Plaintiff and Defendant in the verdict forms?

15 THE COURT: So they'll know who the Plaintiff
16 is and the Defense is, as a reminder.

17 MS. O'BRIEN: And our position would be that
18 Number 3 and Number 4 --

19 THE COURT: I understand your position.

20 MS. O'BRIEN: -- and Number 5.

21 THE COURT: I understand your position. But
22 that's why I will determine the verdict form, and
23 the record will speak for itself beyond that.

24 MR. GRIFFIN: Your Honor, with the Court's
25 permission, I'll draft something working off their

1 document and circulate if it helps the Court.

2 THE COURT: All right. Yes, sir, please do
3 that.

4 MR. GRIFFIN: Okay. Thank you.

5 THE COURT: Submit it the way you think it
6 should be.

7 MR. GRIFFIN: Thank you.

8 THE COURT: And they will object and can
9 submit it the way they think it should be. And
10 then in the end I'll give it to them the way that I
11 think it should be.

12 MR. GRIFFIN: Yes, sir. I'll have that done
13 before 5:00 o'clock.

14 THE COURT: All right.

15 So what else do we need to talk about?

16 (Colloquy held off record.)

17 THE COURT: These are interesting issues,
18 interesting questions. You know, the use of every
19 word in a statute and every word in a case is so
20 important, so everyone has very legitimate concerns
21 and questions.

22 And, by the way, with regard to the case that
23 Ms. O'Brien wanted to be sure made a part of the
24 record, this Berberich v. Jack case, the contractor
25 brings a negligence action against a homeowner

1 after the contractor slipped and fell on a wet
2 ladder while working at the homeowner's home. So
3 the contractor sues the homeowner. And before the
4 case goes to the jury, the homeowner withdraws the
5 punitive damages claim, but still wants the judge,
6 Judge Russo, to explain to the jury the meaning of
7 recklessness, willfulness, and wantonness. And he
8 says, Well, no, I don't need to explain it since
9 you're not seeking punitive damages. And so the
10 Appellate Court reversed the Supreme Court right
11 here. Yes, Supreme Court. Case of first
12 impression.

13 And they had the question, Well, do we need to
14 explain all of these things if that's not -- if
15 they're not seeking punitive damages. Did the
16 judge error in not explaining the meaning of the
17 terms ordinary, negligence, gross negligence,
18 reckless negligence and wantonness? Since they're
19 claiming that the homeowner was reckless in leaving
20 a wet ladder on the sprinkler system and all that.
21 And so they reversed the judge for not giving those
22 definitions of those terms and says the trial court
23 should instruct the jury on the definition of these
24 various forms of negligence whenever requested by a
25 party. Because the jury instructions in this case

1 has the potential to confuse the jury, we reverse
2 and remand.

3 So it doesn't settle anything that much as
4 related to this case because in that case they
5 weren't seeking punitives. They withdrew it.

6 MS. O'BRIEN: Your Honor, I didn't hand that
7 case up for punitive damages, I handed that case up
8 with respect to not being -- that there's no reason
9 to add the word recklessness because the Court of
10 Appeals and the Supreme Court has held that the
11 judge will give instructions as to those
12 definitions.

13 THE COURT: Upon request in a case, the judge
14 should give those definitions. In this particular
15 case, anyway, because of the way the case was, they
16 basically wanted the -- the contractor lost the
17 case and they're saying, We lost because the
18 contractor may have been negligent and contributed
19 to falling from the ladder. The homeowner was
20 more -- was reckless, willful, and wanton and so
21 the jury should have compared the two things. And
22 the judge didn't give them that information.

23 So, you know, all these -- you know, this is
24 a -- once again, this is a first impression case.
25 So we'll get to the end of this case, and who knows

1 where we go from there.

2 MR. GRIFFIN: Thank you.

3 THE COURT: All right. We'll see you all in
4 the morning at 9:15. Going to let -- for me to
5 tell you all what I've decided on everything that
6 you've sent overnight and things that we've
7 pondered and researched and answering that
8 perplexing question that Ms. O'Brien has thrown at
9 us about whether a jury may or whether a jury must.
10 Yes, that's the question. That's interesting.

11 MR. GRIFFIN: Thank you.

12 THE COURT: All right.

13 (WHEREUPON, the proceedings were
14 concluded at 4:09 p.m.)

15 JANUARY 12, 2017

16 (WHEREUPON, the proceedings began at
17 9:50 a.m.)

18 THE COURT: Good morning.

19 MR. GRIFFIN: Good morning, Your Honor.

20 MR. LANFORD: Good morning.

21 THE COURT: Mr. Griffin, what's on your mind?

22 MR. GRIFFIN: Ready to go. I submitted our
23 proposed verdict form. I made a change to it this
24 morning, and I think you got that.

25 THE COURT: And Mr. Lanford tweaked it by

1 saying it came. I mean, that's the essence of what
2 you changed?

3 MR. LANFORD: I think there were a couple of
4 other changes. Mr. Griffin asked to compare fault
5 rather than negligence, change the verdict form to
6 say that.

7 THE COURT: To use the word fault instead of
8 negligence?

9 MR. LANFORD: It's confusing. It's not what's
10 charged. The definitions of negligence and all the
11 forms of negligence charged, that should be --
12 that's what we have in our proposed form.

13 MR. GRIFFIN: Well, I do think it's confusing
14 to limit it just to negligence. And the law is you
15 can compare, you know, all forms of fault, gross
16 negligence, recklessness, and negligence. And so
17 it's a comparative fault analysis. And here we
18 have a directed verdict on recklessness. Your
19 Honor, I would not want the jury to be confused
20 from this verdict form that they are limited to
21 comparing the lower level or least egregious level
22 of conduct involving Cam Stringfellow to comparing
23 Cam's negligence to Corey's negligence if they find
24 it. That's the concern.

25 MR. LANFORD: Your Honor, your charge should

1 say these all constitute negligence. That's what
2 the case law says. Reckless, willful, or wanton
3 conduct constitute merely a higher level of
4 negligence, and although the concepts are
5 technically distinct, they can be thought of as
6 extensions of the law. Your charge will define
7 these forms of negligence. It's all negligence,
8 and that's what should be in the verdict form.
9 Comparing negligence not fault.

10 In fact, there's a direct quote from Prosser
11 and Keeton in the Berberich case, Prosser and
12 Keeton noted the use of the terms negligence and
13 fault can cause confusion. We have a comparative
14 negligence system where the jury will be defined --
15 will be charged with the various terms that
16 constitute negligence. And then they will be asked
17 to compare the negligence of the Defendant and the
18 Decedent. So we object to Mr. Griffin's
19 substitution of the word fault for negligence.

20 THE COURT: This comparative negligence
21 verdict form is a standard form and uses the word
22 negligence, not fault. So his form is the better
23 form.

24 MR. GRIFFIN: Okay. Sure.

25 MR. LANFORD: And -- may I briefly?

1 THE COURT: Yes, sir -- Well, what else have
2 you got over there?

3 MR. GRIFFIN: That was the only issue.

4 THE COURT: So in relation to your -- in the
5 end, if any, that he had it, I'll go with that, not
6 the -- it's not mandatory that they award punitive.
7 It's going to be ultimately for the jury. I think
8 that the -- I don't think I should instruct the
9 jury that they must award punitive damages.

10 MR. GRIFFIN: Well, Your Honor, I think upon
11 the finding of a directed verdict on recklessness,
12 and that is the standard, then what's the jury
13 going to -- and then the charge is if there's a
14 finding of recklessness, you have a duty to award
15 punitive damages.

16 THE COURT: And I think that's probably --
17 probably the problem that was created because
18 the -- you know, I went back to determine the
19 origin of the charges I gave in the Magnolia North
20 case, and it wasn't based on statute, it was based
21 on case law and the case precedent, including all
22 the cases that you cited. So I think the structure
23 of that statute when they amended it creates enough
24 of a confusion. I think the best thing is not to
25 mandate that, but tell the jury that they may. I

1 don't think it will make a difference. I mean,
2 maybe it does, but I'm not going to tell them that
3 they must find punitive damages.

4 MR. GRIFFIN: Yes, sir.

5 THE COURT: It's going to be their finding.

6 MR. LANFORD: Your Honor, the only last
7 housekeeping matter, for the record, we need to
8 renew our motion for a directed verdict on the
9 conscious pain and suffering cause of action.

10 THE COURT: Okay. Well, you just made it.

11 MR. LANFORD: Yes, sir.

12 THE COURT: Okay. Well, I deny it again.

13 MR. LANFORD: Right.

14 MR. GRIFFIN: And, Your Honor, I -- we haven't
15 seen your jury charge, but their joint enterprise
16 charge was -- it left out the second component of
17 the test of joint enterprise about there has to be
18 equal right to control the operation and management
19 of the vehicle. So I e-mailed --

20 MR. LANFORD: We're fine with their charge,
21 Your Honor.

22 THE COURT: You're fine with their charge.
23 That's good.

24 MR. LANFORD: It wasn't in the e-mail.

25 THE COURT: Okay.

1 MR. GRIFFIN: Making progress.

2 THE COURT: Once there's an agreement, I'm
3 good. We nailed that part of it down. We'll use
4 what you said on joint enterprise. When did you
5 send it?

6 MR. GRIFFIN: I sent it -- Maggie Fox sent it
7 late yesterday evening.

8 THE COURT: We have it. All right.

9 MS. O'BRIEN: We just request it be shortened
10 a little bit because it is out of the Ralph King
11 Anderson with lots and lots of language.

12 THE COURT: You agree, but then you want me to
13 shorten it?

14 MS. O'BRIEN: Well, we agree with its general
15 terms, but I think it's very long.

16 THE COURT: That's why I don't use his charge
17 book because it just -- like he was -- as I recall,
18 he was kind of --

19 MR. GRIFFIN: Verbose.

20 THE COURT: Yeah, just goes on and on and on
21 about everything. You know, I don't like to give a
22 lot of examples, and it's just like this and this.
23 I agree with that, some of the -- in other words
24 this, in other words that. You know, I think it
25 ends up -- I don't like to give long charges, and

1 that would be one of the longest charges with
2 everything else. And you probably wouldn't want it
3 emphasized either by being so long.

4 MR. GRIFFIN: So, Your Honor, the test --
5 well, the most important point for us is that a
6 passenger must have equal right to control the
7 direction and management of the vehicle. And that
8 falls within the *in other words* section.

9 THE COURT: And I delete that *in other words*
10 paragraph?

11 MR. GRIFFIN: Well, that's my concern, the
12 first line, I'm fine, the second line, up until the
13 passenger.

14 THE COURT: You want that?

15 MR. GRIFFIN: Yes, sir.

16 MS. O'BRIEN: And, Your Honor, the Pruitt case
17 that Mr. Griffin handed up yesterday, I actually
18 think says it concisely and exactly what needs to
19 be said. To establish joint venture enterprise,
20 liability between driver and passenger in an auto
21 accident case, there must be a common purpose or
22 community of interest and a passenger must have
23 equal right to control direction and management of
24 vehicle.

25 THE COURT: So you no longer agree with the

1 charge?

2 MS. O'BRIEN: I don't. That's too long.

3 THE COURT: Mr. Lanford does and you --

4 MS. O'BRIEN: Well, we'd like to retract that
5 because it's too long and it's too confusing.

6 THE COURT: All right.

7 MS. O'BRIEN: Your Honor, may I also request,
8 if the verdict forms have been finalized, if I
9 could please get a copy of each verdict form,
10 please?

11 THE COURT: Yes.

12 MS. O'BRIEN: Thank you.

13 THE COURT: At what point in time?

14 MS. O'BRIEN: Prior to closing statements.

15 THE COURT: Prior to your closing statement,
16 you'll have it. I mean, we don't have an
17 instant -- we're sitting here. Where am I going to
18 get it from to give to you?

19 MS. O'BRIEN: We can take --

20 THE COURT: He just e-mailed it maybe five
21 minutes ago and now you want me to give you a copy
22 of it. I understand you wanting to have it, but.

23 MS. O'BRIEN: Your Honor, we actually e-mailed
24 it last night, but after talking to Mr. Griffin
25 this morning, we tweaked it a little bit. But,

1 Your Honor, I am happy to see if I can get someone
2 to print it and bring it to me.

3 THE COURT: Okay, great.

4 MS. O'BRIEN: Okay.

5 THE COURT: I'll give you a copy before we get
6 started.

7 MS. O'BRIEN: Okay. Thank you.

8 MR. GRIFFIN: Your Honor, there's a sentence
9 in the charge we submitted that is in the case
10 law -- and I believe it was in their proposed
11 charge, but says -- it does not follow it, because
12 several persons are occupants of the same vehicle,
13 they are necessarily engaged in a joint venture
14 within the rule.

15 THE COURT: Just a moment.

16 So you want me to give you -- I adopted your
17 co-counsel's verdict form; right?

18 MS. O'BRIEN: Yes, sir.

19 THE COURT: That you want me to give you a
20 copy of?

21 MS. O'BRIEN: Well, Your Honor, we have
22 numerous verdict forms. We have --

23 THE COURT: Well, why don't you get it from
24 your co-counsel? He sent it to me and he's sitting
25 next to you, and you want me to give you a copy of

1 it.

2 MS. O'BRIEN: Because, Your Honor, we weren't
3 sure if you were going to adopt that form, so we
4 have --

5 THE COURT: Go ahead. I'm sorry.

6 MS. O'BRIEN: We have numerous different
7 printed forms and now that you have verified that
8 that is the form that you intend to use, I would
9 like a clean finalized version, please.

10 THE COURT: Can you e-mail it to her? You're
11 sitting -- you both have computers. She's right
12 next to you.

13 MS. O'BRIEN: No, Your Honor, I have it. I
14 would like a hard copy. I have it on my computer.

15 THE COURT: I see. Well, it's not the duty of
16 the Court to become --

17 MS. O'BRIEN: I understand.

18 THE COURT: -- printers, in effect. If you
19 have it --

20 MS. O'BRIEN: I would respectfully request a
21 hard copy, Your Honor.

22 THE COURT: Okay. Thank you. We e-mailed
23 someone to bring us a hard copy. It just struck me
24 that you're asking me for something that I just got
25 from you.

1 MR. LANFORD: And, Your Honor, we were trying
2 to agree with Mr. -- we were trying to combine the
3 two and come to an agreement, and that's what I was
4 doing this morning.

5 THE COURT: All right. Someone else was
6 saying something.

7 MR. GRIFFIN: Your Honor, do you have a charge
8 book that I could use other than Judge Anderson's
9 book?

10 THE COURT: No. Well, you know, I use for the
11 most part our standard charges that are on the
12 internet.

13 MR. GRIFFIN: From the Supreme Court?

14 THE COURT: The Supreme Court's approved. Of
15 course, they approved it, then reversed a case
16 based on it being used just last week.

17 MR. GRIFFIN: Right. I understand.

18 THE COURT: I think in this case, it's just
19 there's not a standard template because of the
20 wrongful death and survival action contributory
21 negligence. And the Court -- and the negligence of
22 Cameron is admitted and his recklessness and he's
23 admitted that he caused his brother's death. Then
24 their defense, which is not his defense, the
25 Defense's position is that Corey was wrongfully

1 negligence and his own negligence contributed to
2 his own death. And so the jury then evaluates the
3 comparative negligence and they make a
4 determination.

5 MR. GRIFFIN: Right.

6 THE COURT: That's going to be the essence of
7 all the words I give them. So we'll take two
8 minutes and I'll get a hard copy for Ms. O'Brien
9 and everyone else. And what else?

10 MR. GRIFFIN: So, Your Honor, on the jury
11 charge on punitive damages, I take it you're not
12 going to charge if you find that by clear and
13 convincing evidence, then it shall be your duty to
14 award -- you're not charging that?

15 THE COURT: Let's see what it says. If you
16 find the Defendant's conduct was willful, wanton,
17 or reckless, you *may* award punitive damages. It
18 doesn't say you must.

19 MR. GRIFFIN: Yes, sir.

20 MR. LANFORD: And, Your Honor, will you be
21 providing counsel with a copy of your final charge?

22 THE COURT: It doesn't appear because it's
23 being changed up to the last minute, so I may not
24 have a final copy until it's time for me to charge
25 the jury.

1 MS. O'BRIEN: Your Honor, we would request a
2 copy so that if there are any objections to what's
3 being charged, we can note it.

4 THE COURT: Well, that request is denied. I'm
5 not going to let him sit around and debate papers
6 all day long.

7 We're going to take five minutes and we're
8 going to start with the jury.

9 MR. GRIFFIN: Thank you, Your Honor.

10 (WHEREUPON, a break was taken at 10:05
11 a.m.)

12 (WHEREUPON, the proceedings resumed at
13 10:15 a.m.)

14 THE COURT: Anything else before the jury
15 comes?

16 MR. GRIFFIN: Nothing from the Plaintiff.

17 MR. LANFORD: Nothing from the Defendant.

18 THE COURT: All right, bring them on.

19 (WHEREUPON, the jury came into open
20 court at 10:18 a.m.)

21 THE BAILIFF: The jury is seated, Your Honor.

22 THE COURT: Good morning.

23 THE JURY: Good morning.

24 THE COURT: Ladies and gentlemen, you have
25 heard all the evidence. It's now time for closing

1 arguments.

2 Closing by the Plaintiff.

3 MR. GRIFFIN: May it please the Court?
4 Counsel?

5 THE COURT: Yes, sir.

6 CLOSING ARGUMENT

7 MR. GRIFFIN: Madam Forelady, and ladies and
8 gentlemen of the jury, good morning.

9 The evidence is in now. And I have the
10 opportunity to review with you the law and the
11 facts that were presented in this case and discuss
12 with you how they fit together, the evidence that
13 you heard and the law that the judge will charge.
14 There are two very important components of any
15 case, the law and the facts.

16 Judge Newman is the judge of the law. The law
17 gives him the authority to tell all of us in the
18 courtroom what the rules are. And he will, at the
19 end of the lawyers presenting our respective
20 summations to you, give you what's called a charge
21 on the law.

22 I'll go over a little bit of what we expect
23 the law is and his charges will be, and then I want
24 to then discuss the facts that are in dispute for
25 you to decide, because you, ladies and gentlemen

1 are the judges of the facts.

2 Our forefathers set up this system of justice
3 that we have where whenever there's a factual
4 dispute, it's not decided by any one person, but a
5 group of peers in the community. And so we will be
6 asking you to evaluate the evidence as presented
7 and come to certain factual conclusions.

8 You will do that after Judge Newman has given
9 you the charge on the law and you've heard the
10 summations from the lawyers. And you will go back
11 to your jury room. And you'll be given exhibits.
12 And then you'll begin your deliberations. And I
13 encourage each of you -- each of you -- to
14 participate in the discussions during the
15 deliberations because it's very important. Very
16 important that every voice be heard.

17 And only after you have thoroughly discussed
18 the case, the evidence, that then you knock on the
19 door, tell the bailiff you have a verdict. Then
20 you'll be summoned back in here. We will all be in
21 here. And then we will -- your verdict will be
22 announced.

23 It's important for you to remember, though,
24 that you have to decide the facts of this case
25 based solely on what evidence was presented during

1 the trial. And it would be improper for anybody to
2 insert in your deliberations facts or assertions of
3 facts that you didn't hear in this courtroom.
4 That's one of the laws that we have. So that your
5 verdict, your verdict that you render will be based
6 solely on the evidence presented and the law as the
7 judge provides to you.

8 There is one set of facts that are not in
9 dispute. And this is, was Cam Stringfellow
10 reckless and negligent on the night of May 23rd,
11 early morning hours of May 24th, and as a result of
12 his recklessness and negligence, Corey was killed
13 and his parents have suffered tremendous damages
14 and grief as a result.

15 No one's disputing that now. That issue has
16 been decided. Cam Stringfellow has admitted his
17 negligence. He's admitted his recklessness. He
18 had pled guilty to involuntary manslaughter and he
19 pled guilty to DUI. And he admitted on the stand
20 that he was reckless that night. So that won't be
21 any decision that you'll have to decide.

22 But what will you be asked to decide? Well,
23 there will be simply four questions. One was, was
24 Corey's death his own fault? Was Corey -- did
25 Corey contribute to his death through his own

1 negligence? And, if so, how does Corey's fault
2 compare to Cam's admitted recklessness?

3 Now, one of the laws that Judge Newman will
4 charge you is, is the concept of comparative
5 negligence. And you will be given the opportunity,
6 if you were to find that Corey somehow contributed
7 to his own death, to weigh his negligence against
8 Cam's admitted recklessness, and you can apportion
9 fault. And that will be discussed with you by
10 Judge Newman, I suspect Defense counsel will do the
11 same, and I will discuss it again a little bit
12 later.

13 In addition to deciding was Corey's death his
14 own fault and if you thought he contributed in any
15 way, what percentage of fault was it, you'll also
16 be asked to determine what the amount of damages
17 are and what amount of exemplary or punitive
18 damages you wish to impose. So those essentially
19 are the four questions that you will be asked to
20 decide in this case.

21 Before I get there, I want to say a little bit
22 more about the law. We live in a country that's
23 governed by laws, not men. Laws apply equally to
24 everyone. You've heard the phrase, and it's not
25 something to be taken lightly, equal rights under

1 the law.

2 There are two laws that we're here about.
3 These laws create, one, a cause of action for
4 wrongful death; and the other, a cause of action
5 for survival, for the injuries of the person who
6 died. Their conscious pain and suffering can be
7 awarded to their estate after their death.

8 Judge Newman will charge you on the law on
9 wrongful death and survival. What's important for
10 you to understand is that the wrongful death
11 statute does not prohibit the personal
12 representative of an estate from suing family
13 members. Instead, the estate has the legal right
14 to sue a family member and the claim is equal under
15 the law as any other claim that may be brought
16 under the wrongful death statute against a complete
17 stranger.

18 Likewise, a survival statute doesn't have a
19 cart out for claims brought by the estate of the
20 deceased. Instead, the estate has a right and that
21 claim is equal under the law as to any claim that
22 the estate may have against a stranger.

23 Now, we are here pursuing the legal rights
24 granted under the law to the estate of Corey
25 Stringfellow. We certainly would have preferred

1 not to be here. But as you've heard, the
2 Stringfellows are strong and are standing up for
3 the rights granted to Corey, his estate, and them
4 under the laws of South Carolina.

5 We all knew it would be a very difficult and
6 emotional week for Tommy and Patti. But we didn't
7 expect that we would begin this trial with an
8 all-out assault accusing Patti of lying in the
9 opening statement from Defense counsel. Falsely
10 lying -- falsely accusing her of lying. And we
11 didn't expect opposing counsel to spend so much
12 time and effort trying to put Tommy and Patti on
13 trial.

14 Understand this, when the judge charges you
15 the law, you're given the rules, you will not be
16 asked to decide what, if any, Tommy and Patti did
17 that contributed to the death of their son. You
18 will only be asked to consider whether they have
19 suffered as a result of his death.

20 Whether Tommy and Patti should have or should
21 not have left an 18-year-old and a 16-year-old home
22 when they went to the beach is not an issue that's
23 relevant to liability and damages.

24 And whether Tommy and Patti knew that Corey
25 experimented with pot, which they did not, is not

1 an issue in this case. And who amongst us would
2 think that a parent grieves less over the death of
3 a child who experiments with marijuana than one who
4 does not?

5 What kind of music Corey listens to and what
6 pictures are in his phone are not issues that are
7 relevant to anything in this case. And who amongst
8 us would really think that a parent grieves less
9 over the death of a child because a child listens
10 to rap music, alternative music, than one who does
11 not?

12 These personal attacks on Tommy and Patti and
13 on the character of Corey are meant to distract you
14 from focusing on the law that applies equally to
15 them and to seek to persuade you to decide this
16 case on something other than the law. You will be
17 duty-bound to follow the law, and I know you will.

18 I want to talk about the survival claim. The
19 survival statute allows, as I mentioned earlier,
20 when someone is injured in an accident and they
21 pass away as a result of the injuries, the personal
22 representative of the estate may sue to recover the
23 conscious pain and suffering that the Decedent
24 endured before his death. But it has to be proof
25 of conscious pain and suffering. And on this

1 point, we bear the burden of proof. And it's the
2 burden that we bear that is beyond a preponderance
3 of the evidence.

4 Now, many of you have heard criminal cases and
5 you've heard beyond a reasonable doubt. This is a
6 much lower standard than that. This is beyond the
7 preponderance of the evidence. And imagine, if you
8 would, a stack -- two stacks of paper, 100 pages on
9 each side. One stack is my stack, one stack is the
10 Defense stack. If I take one piece of paper from
11 the Defense stack, put it on my side so that I have
12 101 pieces of paper, that is all the proof that's
13 needed to establish the burden of proof of
14 preponderance of the evidence, as opposed to a
15 criminal case where it has to be beyond a
16 reasonable doubt.

17 I'm going to review with you briefly what the
18 evidence was on conscious pain and suffering. It
19 is that there were multiple collisions on the night
20 of, early morning hours of May 24th. There was a
21 collision with the Cobalt, the white car. The car
22 then -- the BMW then careened up the hill further
23 than a football field. There was a collision with
24 a light pole. The car goes airborne. There's a
25 collision with not one tree, but two trees, and the

1 car rolls over, and Corey is in the back seat. And
2 on the second tree, he's crushed, but he didn't die
3 instantly. Corey suffered grievous fatal injuries,
4 but as you heard from Wesley Thompson, he's sitting
5 there holding Corey's hand as he's coughing up
6 blood. He's alive and he's suffering. Now, Corey
7 isn't here to tell us how bad it hurt, and no one
8 can tell us how bad it hurt.

9 We also presented evidence of the EMS
10 technician who said -- and that record is in
11 evidence. And one of the important things for you
12 to consider when you review that is the time. As
13 EMS Technician Andrew testified, Richland County
14 EMS received a call at 2:39. They got on the road
15 at 2:39. They got at the scene at 2:50. Corey is
16 alive. They leave the scene at 2:57. When they
17 put him in the back of the ambulance, that's when
18 his heart stopped. So according to this record,
19 from 2:39 to 2:57, Corey is alive, almost 20
20 minutes. And we don't know how long it took before
21 EMS received the dispatch. We do know Wesley was
22 holding his hand, coughing up blood, and then Cam
23 got back in the car and held his hand.

24 The other cause of action is for wrongful
25 death. Now, that's actually two separate lawsuits.

1 So you're going to get a verdict form for the
2 survival lawsuit and you're going to get a verdict
3 form for the wrongful death lawsuit. And as you
4 heard in the opening, the wrongful death lawsuit
5 is -- the damages there are the -- is the grief,
6 mental anguish and unending suffering experienced
7 by the parents of the loss of a child. Those are
8 the damages that are to be awarded under the
9 wrongful death claim. And there's no factual
10 dispute over Cam Stringfellow, through his
11 recklessness, caused the death of Corey
12 Stringfellow and Patti and Tommy's suffering.
13 There's no factual question about that at all.

14 So I get to this issue of comparative fault
15 where the Defense is blaming Corey for his own
16 death. And it arises in three different
17 categories. One category is this defense that
18 Corey was somehow controlling, had equal right to
19 control the car at the time of the accident. And
20 so it wasn't just Cam driving, it was Corey and Cam
21 driving, although Corey didn't have his hands on
22 the steering wheel, but yet he's equally
23 responsible for the operation of that vehicle.
24 That's called the joint enterprise defense, and
25 Judge Newman will give you the charge on that.

1 But you'll remember when Cam testified, the
2 first thing I did is get the pleadings out in this
3 case. The complaint, we went through it. He
4 admitted to being reckless. He admitted to what he
5 did. And then I got the answer out, and I went
6 through the defenses. And I said, Cam, did Corey
7 have equal right to control the operation of this
8 car? He said, No. He said, He was my little
9 brother and he tagged along with Wesley and me. I
10 was in charge. I had the keys. And I was driving
11 the car. And he wasn't telling me what to do, and
12 he didn't have a right to tell me what to do.
13 Corey is a 16-year-old kid. Cam's an 18-year-old.
14 Corey's a minor. Cam's an adult. Corey hadn't
15 been with him all day. You learned about Corey's
16 whereabouts. So there's really no evidence to
17 support any claim that Corey, who was in the back
18 seat of the car, was directing or had an equal
19 right to direct the operation of the car.

20 And another issue on this joint enterprise
21 that there's no proof of is that the occupants --
22 members of this enterprise have to be going about
23 doing something where they have a common purpose.

24 Now, you heard the testimony that the purpose
25 of the trip was to go see Morgan Vegdani to buy

1 some marijuana and return home to the Stringfellow
2 residence and smoke some weed.

3 Well, they made it back home to the
4 Stringfellow residence. And then Cam, on his own,
5 acting on an urge, decided he wanted to drive fast
6 and take a victory lap.

7 So whatever joint enterprise, joint activity
8 they were undertaking, it should have ended. The
9 plan was for it to end when they got back to the
10 house. Corey didn't have a right to control the
11 car. Corey didn't control the car. Although what
12 Corey did was, he watched out and he said, Watch
13 out for that white car. He was going too fast.

14 The other defense is that Corey was negligent
15 and that he -- it's a combination, but it's
16 negligence and that he assumed the risk because he
17 knew or should have known that Cam was too drunk to
18 drive.

19 Now, one of the things that's pretty clear and
20 you should understand is that lawyers' arguments
21 are not evidence. When Ms. O'Brien stood up here
22 in her opening argument and she said that she will
23 prove that Corey was told not once, not twice, but
24 three times, Don't let Cam drive, she promised you
25 that she was going to present you evidence. And

1 what did she leave you with? Nothing but broken
2 promises. False allegations of lying against Patti
3 and broken promises to you. Because when it's
4 their time to put up or shut up, they shut up.

5 Well, they have for you a SLED toxicology
6 report. That's their evidence of their case. Now,
7 what does this mean? They're numbers on a paper.
8 But what -- and you'll see in here, there's a test
9 for Corey. And the registration level for test for
10 Corey for alcohol is .010. Not .10, it's .01.
11 It's not .08, it's .01. Ethanol? Corey has zero.
12 Zero.

13 Now, on this report, there's also a report
14 that Corey has THC in his blood system. The result
15 says 6.5 UGL, and the threshold is 2.0. What does
16 all that mean? We don't know. There's no evidence
17 about what all that means.

18 We presented evidence that Corey and his
19 buddies, Cam Bohannon and Dillon Wood, experimented
20 with weed about 9:00 o'clock, five hours or more
21 before this accident. That's all the evidence
22 there is in the record.

23 What does it say about Cam? It says Cam's got
24 some marijuana in his system, but it's less than
25 Corey's. And we heard that more than once. So

1 he's got a 4.1, and the threshold is 2. No one
2 knows what that means. It doesn't say when Cam
3 smoked. Cam testified he didn't smoke that day,
4 and no one has said that he did.

5 Now, Cam does have an alcohol level of .186,
6 which is too much alcohol to be drinking and
7 driving.

8 But what's the evidence on how well he was
9 driving? The evidence on how well he was driving
10 is that he drove to the movie theater in Sandhills
11 safely without any accidents and without concerns
12 to Wesley Thompson, his best friend and passenger.
13 Returned home safely without any accident or
14 without any concerns to his passenger, Wesley
15 Thompson. And then they leave and they go to this
16 residence on Windmill Orchard. The evidence is
17 drove safely there. No problems, no concerns to
18 the passenger, Wesley Thompson, who's a smart kid.
19 He's at Dartmouth. Nothing alarmed him to want to
20 get out of the car. And then they all get back in
21 the car and drive to 83 Cowdray Park in Wildewood.
22 And they make it back. They made it back without
23 any problems.

24 And then apparently Cam felt safe that he made
25 it home and he decided he was going to take a

1 victory lap. And up until that point -- he acted
2 on spur of the moment. He had not been driving
3 recklessly. He had not made anybody afraid. And
4 then unannounced to anyone, he floors it. Acting
5 on an urge, throwing caution to the wind.

6 Now, no one in that car assumed the risk that
7 Cam was going to take a victory lap and go up to
8 90 miles an hour in a 25-mile-an-hour speed zone.
9 There was no race. There was no drag racing. It
10 would be a whole different story if this was a drag
11 race and they pile in the car for a drag race.
12 It's not what the facts are in this case. They
13 made it home safely. Then Cam, on his own, decides
14 to take a victory lap.

15 You're going to ask -- if you find that Corey
16 contributed to his own death, that he was somehow
17 at fault, that he was negligent, you're going to
18 ask -- you're going to have to compare that
19 negligence to Cam's recklessness, which he's been
20 adjudicated of. And the judge has directed a
21 verdict in this case that Cam was reckless.

22 So what's the difference between negligence
23 and recklessness? Judge Newman, again, will charge
24 you on that, but negligence is carelessness.
25 Negligence is failure by omission or commission to

1 exercise due care as a person of ordinary reason
2 and prudence would exercise in the same or similar
3 circumstances. Negligence is carelessness.

4 What is recklessness? It's a form of
5 negligence, but it's a much higher degree of
6 negligence. It's the highest degree of negligence.
7 And it implies that doing a negligent act
8 knowingly, signifies a conscious failure to
9 exercise due care, conscious indifference to the
10 rights of the Plaintiff, reckless disregard for the
11 rights of the Plaintiff, awareness of wrongful
12 conduct, continuation of an act regardless of the
13 consequences.

14 The best way I know to try to help you folks
15 and me visualize this is a game that my 12-year-old
16 son and I play, and I played with my 26-year-old
17 daughter and my 24-year-old daughter and my
18 20-year-old daughter. I'm not good at card games.
19 And the only card game I play with them is Battle
20 where -- I don't know if you're familiar with it,
21 but you split the deck of cards in half and you lay
22 the cards down and whoever has the highest number
23 picks up the other's card. And then if you end up
24 putting the same cards down, then you pick three or
25 four or five more cards and then you pick the

1 highest card.

2 Now, the reason I'm saying that is because you
3 envision this concept of negligence and
4 recklessness. In a deck of cards, recklessness is
5 the ace of spades. There's no stronger card in the
6 deck. Negligence can come from one to ten. And so
7 if you're asked to compare negligence with
8 recklessness, you're comparing cards, ten or less,
9 with the ace of spades.

10 Now, on the jury instructions and the verdict
11 form, you'll see, you'll be asked if you find Corey
12 is at fault, and we don't believe the evidence
13 supports that finding, but you'll be asked to
14 allocate percentage of fault. And you should know
15 this, if you determine that Corey in the back seat
16 was more than 51 percent at fault, that he had an
17 ace or some card higher -- well, an ace would be
18 50 percent at fault. If Corey had an ace and Cam
19 had an ace, 50 percent, that's two recklessness.
20 But if you were to find that Corey was 51 percent
21 at fault, then you would have to find for the
22 Defense. The evidence does not support that in any
23 stretch of the imagination, but I suspect you'll
24 hear arguments for that.

25 One factor you also -- the law also considers

1 is -- when determining whether someone is negligent
2 is, are they an adult or are they a minor? And
3 you're entitled, the law provides, to consider the
4 fact that one is a minor and that their conduct may
5 or may not be judged as an adult. That's for you
6 to decide.

7 What did we hear in this case, is that Corey
8 looked up to Cam, followed Cam, followed Cam's
9 lead. Cam led Corey out that night. Big brother
10 wanted to be -- little brother wanted to be with
11 big brother. Who can fault him for that?

12 Now, as you work through this verdict form
13 that I mentioned, there's -- And, Madam Forelady,
14 you will have it, obviously you will be required to
15 fill it out. And what it says is, the Defendant
16 has admitted his negligence -- and this is the
17 wrongful death one -- and that his negligence was a
18 proximate cause of Corey Stringfellow's death. But
19 then there's a question. Do you find by a
20 preponderance of the evidence that the Defendant,
21 John Corey Stringfellow, was also negligent and his
22 negligence was a proximate cause of his death? So
23 it sort of flips. The first question you're going
24 to ask is not whether the Defendant was responsible
25 for this accident, so that's admitted. The

1 question you're going to ask is did Corey -- was he
2 also responsible for his death? And then you have
3 a yes or no. The evidence, I submit to you, is,
4 no, he was not responsible in any form or fashion
5 for his own death.

6 So then if the answer is no, then you go to
7 Question 3, which is a discussion about fill in the
8 amount of damages. And you go to Question 4 and
9 you fill in the amount of punitive damages.

10 The survival lawsuit has one extra question.
11 It's laid out the same way. Your answer should be
12 the same as to whether there is fault on behalf of
13 Corey. I submit there's no evidence of fault on
14 behalf of Corey and that Corey caused his own
15 death. And that you would say no and you would go
16 to the third question. But if you were to
17 determine there's some amount of fault, it would
18 apply equally to both. Five percent. I hate to
19 suggest it because there's no evidence to support
20 any fault on behalf of Corey. That is a lawyer
21 making promises that were empty and broken is what
22 you got from the Defense.

23 And you would then go to damages. And now
24 we're talking money. We're talking money because
25 there's no magic. Is anyone so callous to believe

1 that if the jury could wave a magic wand to return
2 Corey to his mom and dad we would be in here
3 talking about money? No. What you would witness
4 is this couple emerge immediately from the depths
5 of their despair to the heights of happiness and
6 leave this courtroom bound together as the family
7 that they once were. But there is no magic,
8 there's only despair. There's no magic, there's
9 only reality. Since there's no magic in our
10 justice system, we have to speak of money.

11 Now, opposing counsel will warn you against
12 sympathy, and we agree. We do not want sympathy,
13 because sympathy is demeaning. Sympathy is like
14 charity. It is demeaning. And, believe me, Tommy
15 and Patti have received sympathy. They received
16 sympathy at Corey's funeral from over 1600 people.
17 They received sympathy when they went back to work
18 and shed tears with their co-workers. And they
19 received sympathy when they went back to church and
20 hugged their pastor and all their church members.
21 They have received enough sympathy to last 10
22 lifetimes. We are not here for sympathy. We are
23 not here for sympathy. We're here for justice.
24 We're here for justice for Corey and we're here for
25 justice for Patti and Tommy.

1 Now, I want to talk about justice for Corey
2 and the pain and suffering and damages that he
3 experienced. I talked about the fatal injuries
4 that he had, the time period, and that Corey did
5 not live to tell us the pain that he endured. And
6 there is no mathematical formula for the measure of
7 pain and suffering that Corey endured. And he
8 can't provide us the answer to the question. But
9 you will in your verdict.

10 Verdict is from the Latin phrase veredict^o.
11 It means to speak the truth. And so you in your
12 verdict will determine what a just award is for
13 Corey's pain and suffering that he experienced 20
14 minutes or more before he died as he's careening up
15 the road, hitting the lamppost, tree, tree, and
16 encroached in the back seat, coughing up blood and
17 holding the hand of Wesley, and then his brother.

18 Now, the wrongful death damages. In
19 evaluating the wrongful death damages, I ask you
20 don't look at the life that was lost. Instead,
21 look at the life that will never be since there's
22 no magic. Examine closely the reality, the reality
23 of Corey's loss of society, participating in Tommy
24 and Patti's -- every phase of their lives. The
25 reality of the loss of Corey's companionship and

1 the reality of experiencing mental anguish every
2 day of their lives. The reality by which you must
3 measure with money in this case because there is no
4 magic, as parents never again will share the daily
5 joys, fears, hopes, and tears of Corey. This gift
6 of God for this fine couple. The reality is Tommy
7 and Patti waking each day of their lives with the
8 realization that Corey is gone forever. Reality is
9 watching their friends' children, Corey's friends
10 is a constant source of devastating, devastating
11 mental anguish to this couple, who lay awake at
12 night and think of the life that Corey will never
13 have. The reality is they will never know if Corey
14 would have fallen in his father's footsteps, if he
15 would work at San Diego zoo or any attraction. Or
16 would he have followed in his mother's footsteps?
17 Or, more likely, would he join the Peace Corp and
18 try to make things right? They will never know.

19 The way he lit up their lives in the short
20 time he was here on earth is the reality. And the
21 reality is Patti will never hear again the four
22 most beautiful words in the world: I love you,
23 Mama. The reality is that Tommy and Patti will
24 never hear Corey say, Mom and dad, this is the girl
25 I'm going to marry. The reality is that Tommy will

1 never get a call from Corey saying,
2 Congratulations, Granddad, it's a boy or a girl.
3 The days of joy, birthday, Mother's Day, Father's
4 Day, Christmas, Thanksgiving are all now days of
5 mourning and pain for Tommy and Patti.

6 We speak of money because there is no magic,
7 only reality. And when speaking of money, I ask is
8 two and a half million dollars enough? Counsel
9 will say that two and a half millions is too much.
10 Ladies and gentlemen of the jury, we live in a
11 society where paint on a canvas sold for
12 106 million dollars. Why? Because it was the work
13 of a master, Pablo Picasso. If this were a lawsuit
14 for the negligent destruction of that Picasso and
15 the jury only awarded 53 million dollars, that
16 would not be justice. That would be half justice.
17 And a half justice is injustice.

18 What we've lost here is a creation from God,
19 our Father, the greatest Master of all, a human
20 child. Is a human child worth at least two and a
21 half million dollars? The answer is priceless. He
22 is priceless. We cannot replace him, but we have
23 to talk about money because there is no magic.
24 Counsel says two and a half million dollars is too
25 much to replace the loss of a priceless child. In

1 a society where two men just recently, Floyd
2 Mayweather and Manny Pacquiao, split a 200 million
3 dollar purse for a twelve bout prize fight, which
4 they were slugging each other for less time it's
5 going to take than for us to do these closing
6 arguments. That's the type of society we live in.
7 Is two and a half million dollars adequate
8 compensation for the loss of a child?

9 If this lawsuit were not over the death of a
10 child, but the death of a magnificent race horse,
11 American Pharoah, the last one to win the Triple
12 Crown, the owners would be able to come in and
13 prove that that horse is worth at least
14 \$100 million. If a jury only awarded \$50 million
15 for that horse, that would be half justice, not
16 justice. And half justice is injustice.

17 But we're not here about paintings and race
18 horses and boxers, we're here about the world's
19 most precious commodity, the life of a child. And
20 what is the loss of the life of a child and the
21 parents suffering over it? In this case, full
22 justice demands two and a half million dollars in
23 actual damages. Full justice, not half justice,
24 not injustice.

25 You'll also be given the opportunity to award

1 punitive damages, sometimes called exemplary
2 damages. And one -- and I mentioned in my opening
3 statement to you, one component of punitive
4 damages, exemplary damages, you make an example out
5 of the Defendant for his reckless conduct, which
6 has been admitted in this case, so that others
7 learn from it and not engage in the same behavior,
8 to serve as a deterrent. And I do not want for one
9 second to suggest to you that Cam Stringfellow
10 hasn't learned his lesson, but punitive damages are
11 not just for Cam. It's to make an example of Cam
12 to deter others, who hopefully won't make the same
13 tragic mistake. And you now have the power to
14 enter an award of punitive damages that will be a
15 deterrent.

16 As jurors you serve the conscious of this
17 community and you can send to choose a message, a
18 message that is heard in this courtroom. You could
19 send a message loud enough to be heard in the legal
20 circles of people who follow what goes on in
21 courtrooms. Or you can send a message that's loud
22 enough to ensure that teenagers and college kids
23 throughout this state will hear about this case,
24 will learn of this tragedy and will think twice
25 before acting on an urge to go fast after drinking

1 and driving. You have the power to make an example
2 of Cam so that perhaps others will not have to live
3 the hell on earth that Patti and Tommy Stringfellow
4 are going through.

5 To make that example loud enough to be heard
6 in this day and age, it has to be seven figures.
7 And I would suggest that that example, which has to
8 be seven figures, is at least three times the
9 actual damages you decide on Corey's survival claim
10 and three times the actual damages that you decide
11 on the wrongful death claim.

12 Now, I appreciate you listening to me. You
13 will be -- after I sit down, Ms. O'Brien will get
14 up, I believe, and present the Defense summation.
15 As you've kept an open mind while I'm talking, I
16 will request you keep an open mind while she's
17 talking. And then I will have one last opportunity
18 to come up and reply to what she -- the points that
19 she has made. Thank you for your attention.

20 THE COURT: Ladies and gentlemen, we'll take a
21 few minutes before proceeding. Please go to the
22 jury room. Please do not discuss the case.

23 (WHEREUPON, the jury retires to the jury
24 room at 11:00 a.m.)

25 THE COURT: We'll take five minutes or so.

1 (WHEREUPON, a break was taken.)

2 THE COURT: Bring the jury.

3 (WHEREUPON, the jury came into open
4 court at 11:12 a.m.)

5 THE BAILIFF: The jury is seated, Your Honor.

6 THE COURT: By the Defense.

7 MS. O'BRIEN: May it please the Court, Your
8 Honor?

9 THE COURT: Yes.

10 CLOSING ARGUMENT

11 MS. O'BRIEN: Ladies and gentlemen of the
12 jury, every single person in the box and every
13 single person in this room will agree this was
14 absolutely a tragic and horrific accident. Not one
15 mother, not one father should ever have to go
16 through what these parents have gone through. We
17 all can agree on that. I can promise you, you will
18 not ever, ever hear me say that anybody deserved
19 this or that anybody is not in pain. It is
20 absolutely tragic.

21 But the judge is going to tell you, you cannot
22 make a verdict, you cannot render a verdict based
23 upon sympathy. You have to -- when you walk out of
24 that room, you have to leave your sympathy right
25 where you are sitting. Because the law says you

1 can't return a verdict based upon the fact that you
2 feel sorry for someone or if you were in their
3 shoes that you would feel bad. You have to return
4 a verdict based upon the evidence and what the law
5 says. So let's talk about the evidence.

6 The Plaintiff's attorney keeps saying, That
7 attorney over there, me, called the mom a liar. I
8 did not call Ms. Stringfellow a liar. What I did
9 say is that Ms. Stringfellow and Mr. Stringfellow
10 testified under oath that they had zero clue that
11 their child, Corey or Cam, had ever drank underage.
12 They testified under oath that they had zero clue
13 that their son, Cam or Corey, had ever engaged in
14 smoking pot or in illegal drugs. And what I am
15 convinced of and what I am confident you are
16 convinced of is that was not a true statement.

17 The facts of this case show that within less
18 than one month of Corey Stringfellow dying, that he
19 sent a text to Ms. Toni and said, Ms. Toni, I
20 wanted to say I am sorry. I'm sorry for bringing
21 beer to the farm. I thought we would be smart
22 enough to throw it away. It won't happen again.

23 And then Ms. Toni texted him back and says, No
24 worries. Hope you don't get in trouble. I only
25 told your mom because I thought it was funny that

1 y'all threw the cans in the woods by the barn where
2 they were so easy to find. Smiley face. Got to
3 learn to cover your tracks. LOL. Which means
4 laughing out loud.

5 Ms. Stringfellow knew that her son was
6 drinking underage. But what did she tell you?
7 What did she tell you on the witness stand? No, it
8 wasn't I, it wasn't Corey, it was we. No, it says,
9 I'm sorry for bringing the beer to the farm. Well,
10 we don't know if he was drinking it. Okay. So you
11 bring beer to the farm and you throw the cans in
12 the woods, but you don't drink them.

13 And then what did Mr. Stringfellow tell you?
14 Well, there's no video of him drinking. No, there
15 is no video of him drinking. But if you get a call
16 from a parent that says, Hey, your kid brought beer
17 to the farm and I found the beer cans next to the
18 barn, that's a pretty good indication that your kid
19 is drinking underage.

20 Then, there's a text between her and Corey
21 where she says, I smell a sweet herb smell. What's
22 the explanation for the sweet herb smell? It was
23 Clove cigarettes. You are going to lock the doors
24 and you are going to tell the kids they can't leave
25 and you are going to let the kids know that they

1 can order food? But it's just Clove cigarettes.

2 Then the next day there's a text. I'm so
3 sorry for what I did. Please forgive me.

4 Then about two weeks later there's a text
5 where she says, Don't do what you did that night.
6 Don't do that again with another -- at another
7 parent's house.

8 Then we have her texting Corey: No smoking
9 and no driving. She didn't mean no smoking Clove
10 cigarettes. She didn't mean no drinking Kool-Aid
11 and sweet tea. She meant no smoking and no
12 drinking.

13 Then there are texts about no drinking and
14 driving. There are texts about no smoking.

15 Then we know that her and her husband
16 testified that they locked the liquor cabinet every
17 single time they left the house. Why did they lock
18 the liquor cabinet? Not because Cam was drinking,
19 not because Corey was drinking, it was because the
20 pet sitter was drinking. It was because the
21 babysitter was drinking. Both parents testified
22 that they counted the beers constantly. Not
23 because Cam was drinking the beer, not because
24 Corey was drinking the beer, it's because the pet
25 sitter and the babysitter were drinking the beer.

1 Then when the kids snuck out in the middle of
2 the night and the police had to bring them home --
3 that's why she was locking the doors that night,
4 remember? -- it's because everybody else snuck out.
5 When Corey woke up at 5:30 or 6:00 that morning, he
6 looked around and said, Where are my friends? He
7 thought they had already left and gone home.

8 Ladies and gentlemen, the texts, the pictures,
9 the pictures in the phone of marijuana, of bongs,
10 of joints, according to Mr. Stringfellow, that's
11 not pot, that's incense. They were lighting
12 incense. It's not believable. They were aware
13 that their children were drinking underage and were
14 smoking pot.

15 Whenever Corey sent his dad a text right after
16 his 16th birthday, Can I have a cold beer? The
17 response was, No. Not, No, son, you can't drink,
18 you're not legal. Not, Ha-ha, that's funny, but
19 no, you're not drinking. Just a simple, No, not
20 tonight.

21 Ladies and gentlemen, they knew. When I asked
22 Ms. Stringfellow was Corey sober the night of this
23 incident, did he have drugs in his system, had he
24 been drinking? Under oath, No, ma'am. He was
25 sober.

1 The toxicology report is in black and white.
2 The toxicology report shows that Corey had a level
3 of 6.5 in his system. They measured a threshold of
4 2.0. He had more than three times in his system
5 than what was measured. His brother, who we know
6 was drunk, and who we know was stoned, had in his
7 system 4.1. Corey had more marijuana in his system
8 that night than his brother, but according to
9 Mr. and Ms. Stringfellow, he was sober.

10 Ladies and gentlemen, the facts show in this
11 case that Corey chose to smoke marijuana that
12 night. The facts show that after he smoked
13 marijuana, he got in the car and he drove his
14 friend Cam home.

15 The Plaintiff's attorney, if you have not
16 noticed, says every time everybody drove that
17 night, stoned and drunk, they did it safely, until
18 the last 30 seconds before someone died. Corey
19 drove his friend, even though he was stoned, he
20 drove him safely. Then he drove back to the house,
21 and he did that safely. Then when Corey got back
22 to the house, he hangs out with Wesley and with
23 Cam, who are drunk and who are stoned. They are
24 drinking Evan Williams. They are drinking wine out
25 of mama and daddy's garage. While they're there,

1 Wes and Cam decide they're going to go to the
2 movies. But Cam drives to the movies drunk and
3 stoned safely.

4 Cam and Wesley testified that while they're at
5 the movies, their memory is fuzzy. They don't
6 really remember much after the movies. Now, we
7 know the movie started at 9:50, so at some point
8 during that movie, they lose recollection
9 because -- not because they forget, because they're
10 drunk and stoned, and when you're drunk and stoned,
11 you can't remember what you did.

12 So then what do they do after the movies?
13 They drive home safely like they're on a Sunday
14 stroll, according to the Plaintiff's attorney.
15 They did that safely. Then when they get home,
16 safely, they're drinking, they're smoking. Corey
17 is there with them. Remember, Wesley testified
18 they're all hanging out together.

19 Then Corey starts calling from his phone the
20 people that can hook him up with some more pot.
21 Corey gets a text at 1:31 in the morning with the
22 address of where to go find more pot. Then Corey
23 willingly gets in the car. He is home safely. He
24 willingly gets in the car to go on a little
25 adventure to go buy more pot.

1 When they get to Savannah Ballard's house,
2 Wesley smokes some more. He doesn't know if
3 anybody else smoked more because he didn't see it
4 and he can't remember.

5 Then they leave. And when they leave the
6 house after buying a gram of pot, according to the
7 Plaintiff's attorney, they drive home safely. And
8 then, boom, all of a sudden, somebody starts
9 driving erratic and unsafely.

10 Ladies and gentlemen, everybody that drove
11 that night and got behind the wheel of a car did so
12 knowing that they could have endangered their own
13 lives and somebody else's life.

14 You are going to be asked on the verdict form,
15 Number 1: Do you, the jury, find that John Corey
16 Stringfellow was negligent? The answer to that
17 question is yes. When he decided that he was going
18 to smoke pot, no one made him do that. No one was
19 even there. Big brother wasn't there making him do
20 that. When he decided to get behind the wheel of a
21 car and take his friend home, big brother wasn't
22 there making him do that. Big brother wasn't there
23 encouraging him to do that. He chose to do that on
24 his own. When he got back and hung out with his
25 brother, no one made him do that. When he decided