

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

ORIGINAL

Appeal from Berkeley County

Kristi Lea Harrington, Circuit Court Judge

THE STATE,

RESPONDENT,

RECEIVED

SEP 11 2019

SC Court of Appeals

V.

EDWARD ISIAH NELSON,

APPELLANT

APPELLATE CASE NO. 2018-000980

RECORD ON APPEAL

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THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:

STATE'S EXHIBITS #61, 62, 63, 88, 89, 90 (PHOTOGRAPHS);

STATE'S EXHIBIT #71 (VIDEO);

STATE'S EXHIBIT #92 (DIAGRAM);

STATE'S EXHIBIT #93 (DIAGRAM); and

COURT'S EXHIBITS #2-#55 (PHOTOGRAPHS)

1 STATE OF SOUTH CAROLINA) GENERAL SESSIONS COURT
2 COUNTY OF BERKELEY) CASE NO. 2016-GS-08-02777

3
4 STATE OF SOUTH)
CAROLINA,)
5 Plaintiff,) Transcript of Record
6 vs.)
7 EDWARD ISIAAH NELSON,) Date: May 14, 2018
8 Defendant.) May 16, 2018

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11 B E F O R E:

12 The Honorable Kristi Harrington

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20 Denise J. Lauder, RPR

21 Ninth Judicial Circuit

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2

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1 State's 94 through 99, which are all
2 photographs. I'm sorry, Your Honor, I went out of
3 order on something. Let me backtrack for a minute.

4 State's 73 through 83 are all in
5 without objection. And those are physical pieces
6 of evidence, and I can go through each one and tell
7 you what they are if you like.

8 THE COURT: No objection?

9 MS. SHIVERS: No objection.

10 THE COURT: 73 through 83 without
11 objection?

12 MS. SHIVERS: Yes, Your Honor.

13 (STATE'S EXH. 73 - 83 in evidence.)

14 MS. WILLIAMS: And then State's 94
15 through 99 are in without objection.

16 THE COURT: And those are photographs?

17 MS. WILLIAMS: Yes, Your Honor.

18 THE COURT: No objection?

19 MS. SHIVERS: No

20 objection.

21 (STATE'S EXH. 94 - 99 in evidence.)

22 THE COURT: And do we need to place on
23 the record we had an in-chambers conference last
24 evening regarding the photos? Do we need to place
25 any of that on the record?

1 MS. WILLIAMS: State is offering photos
2 61 through 63, which is Court's Exhibits 1 through
3 3 and --

4 THE COURT: Hold on one second. Is
5 that correct, Madame Court Reporter? Do you intend
6 to introduce the ones that you've marked Court's 1,
7 2, 3, 10, 11, 12?

8 MS. WILLIAMS: Correct.

9 THE COURT: So then those need to be
10 marked as State's exhibits because the Court's
11 exhibits do not go in.

12 MS. WILLIAMS: They are marked as
13 State's exhibits, Your Honor. We have another copy
14 of those and those are marked as State's 61, 62,
15 and 63. And that would be what was previously
16 marked as 1, 2, and 3.

17 THE COURT: 61, 62, and 63 are the
18 colored photographs?

19 MS. WILLIAMS: And then 88, 89, and 90
20 are the black and white, and that was 10, 11 and
21 12.

22 THE COURT: Then you also handed during
23 the chambers conference a stack of photographs that
24 were marked Court's 7, 8, 9, 4, 5 and 6; is that
25 correct?

1 MS. WILLIAMS: I think they were, yes,
2 Your Honor. I think we also had 2 through 55,
3 Court's Exhibits 2 through 55.

4 THE COURT: Those are the ones that --
5 those are the ones that you did not intend but you
6 had --

7 MS. WILLIAMS: Right. So those are.

8 THE COURT: -- that I could do a
9 cumulative view of the photographs related to this
10 case, those photographs you did not intend to
11 introduce, is that correct?

12 MS. WILLIAMS: Correct. We wanted to
13 show the Court just the breadth of the photos and
14 that we were selecting just very specific photos to
15 show each injury so that the pathologist could
16 describe that.

17 THE COURT: Those photographs will be
18 marked only as Court's exhibits for the record and
19 they will remain in that manilla envelope, Madame
20 Court Reporter.

21 THE COURT REPORTER: Thank you, Judge.

22 THE COURT: So the question before the
23 Court is as to the photographs of the autopsy as to
24 their admissibility, is there anything that you
25 wish to place on the record concerning those

1 photographs?

2 MS. SHIVERS: Yes, Your Honor. We
3 would strenuously object to those photographs being
4 entered. First, we feel that there -- they are
5 more prejudicial than they are probative.

6 The only issue that is going to be
7 before this jury is the intent behind the crime,
8 the manner in which the victim died, and the
9 perpetrator of the crimes are not in question;
10 therefore, the photographs are solely going to be
11 introduced to inflame the emotions of the jury.

12 We would argue that under United States
13 Constitution, the Fifth and Fourteenth Amendment,
14 as well as the South Carolina Constitution, Article
15 I, Section 3, if these were to be permitted, my
16 client would not receive a fair trial based on the
17 issue that is before the jury.

18 We also submit that the photographs
19 would likely mislead the jury and confuse the
20 issues that are before them. Given that the manner
21 of death is not in question, providing these
22 photographs that highlight that aspect of the case
23 is likely to confuse the issues that are before the
24 jury.

25 Having photographs will not assist the

1 jury in determining whether or not what the intent
2 was at the time of the actual killing.

3 Additionally, the photographs would be
4 a waste of time and a needless accumulative
5 evidence under Rule 403. The medical examiner, the
6 emergency medical technicians, and the responding
7 law enforcement will be testifying to the manner of
8 death and extent of the injuries that the victim
9 received, so these photographs are prejudicial and
10 unnecessary.

11 In addition, given that the manner of
12 death is not in question and since the main issue
13 is intent, the defendant would submit that the
14 photographs of the deceased victim are not
15 relevant. Seeing the photographs will not assist
16 the -- will not have the tendency to assist the
17 jury in finding something -- or the intent more
18 probable -- or less probable than they would if
19 they did not have the photographs. The question
20 would be the same.

21 Under State v. Johnson, photographs
22 calculated to arouse sympathy or prejudice of the
23 jury should be excluded if they are irrelevant or
24 unnecessary to the issues at trial. And given that
25 the only issue that is going to before the jury at

1 this trial is the intent at the time of the
2 killing, we submit that these are not relevant.

3 MS. WILLIAMS: Your Honor, last time I
4 checked, the State still has the burden of proof,
5 and just because Ms. Shivers gets up and argues to
6 the jury that she is presenting a defense of
7 voluntary rather than murder, we still have to
8 prove an intentional killing with malice. And
9 these photographs illustrate malice very, very
10 vividly.

11 Additionally, a knife was never found
12 in this case and they show the manner of death and
13 the way that the defendant killed the victim. We
14 have a right to present evidence so that the jury
15 understands exactly what happened so that they can
16 consider all of the issues and weigh all of the
17 evidence.

18 As Your Honor knows, the materiality
19 admissibility of photographs is soundly in the
20 discretion of the trial court. I think a case that
21 is soundly on point is State v. Collins, a case
22 where a young boy was mauled by some dogs, and in
23 that case, the pictures were very gruesome; and the
24 Court found that they were relevant and it was not
25 an abuse of discretion for the Court to admit the

1 photographs.

2 Specifically, they talked about the
3 fact that the photographs showed the extent of the
4 victim's injuries and they also talked about the
5 fact that these types of injuries would be outside
6 the knowledge of an ordinary juror, what they would
7 be familiar with. We have been very careful to
8 chose very few photos. These photos are horrific,
9 but this crime was horrific.

10 And so we would respectfully ask the
11 Court to admit the few photographs that we have
12 presented and that we're offering -- three of which
13 we have reprinted in black and white so that we can
14 present our case and meet our burden.

15 THE COURT: Any response?

16 MS. SHIVERS: I would reiterate the
17 manner of death is not in question, and the fact
18 that the injuries are so gruesome, it does not show
19 malice which would be the intent in my client's
20 head at the time. It shows the gruesome nature of
21 the injuries and we're not disputing that fact.

22 So for those reasons, we would
23 reiterate that they are not relevant and we just
24 don't believe that they would assist the jury in
25 determining the intent of the killing at the time

1 it was done.

2 THE COURT: In chambers the State
3 presented the entire photo array. Based upon the
4 presentation here today, the State has selected six
5 photographs -- three color, three black and white
6 -- to show the extent of the injuries. Based on
7 the State's argument and my review of the case law,
8 I find that the photographs are necessary to
9 substantiate material facts regarding the nature of
10 the crime and show evidence of malice.

11 I do find the photos contained
12 information that make them more probative than
13 prejudicial. I do not find that the photographs
14 will inflame the emotions of the jury to draw
15 sympathy of the jury, to draw sympathy for the
16 victim's manner of death.

17 State's 61, 62, 63, 88, 89, and 90 will
18 be admitted noting your exception.

19 (STATE'S EXH. 61 - 63, 88 - 90 in
20 evidence.)

21 THE COURT: Anything further before we
22 begin?

23 MS. WILLIAMS: The only thing is a
24 scheduling matter, Your Honor. Ms. Shivers wants
25 to put up another witness with regard to 404(b),

OPENING STATEMENT BY MCNEELY

1 the witness acts on the witness stand.

2 You have a right to consider anything
3 in the record that will help you evaluate the
4 testimony of the witnesses. That means it is your
5 duty to pay close attention to the witnesses. Do
6 not let your thoughts wander so at the end of the
7 trial, after you have heard closing arguments on
8 behalf of counsel, and I have charged you on the
9 law applicable to this case, you will be in a
10 position to determine what the facts are and apply
11 the law to those facts in rendering a verdict.

12 Madame Foreperson, it is your
13 responsibility to write the verdict in this case,
14 but I will give you further instructions when I
15 instruct you on the law applicable to the case.

16 Please give your strict attention.

17 Mr. McNeely.

18 MR. MCNEELY: Thank you, Your Honor.

19 Good afternoon, ladies and gentlemen.

20 My name is Wilton McNeely. Along with Anne
21 Williams, we represent the State of South Carolina
22 on behalf of the Ninth Circuit Solicitor's Office
23 on behalf of the elected solicitor, Scarlett
24 Wilson.

25 As you have been told, the case you're

OPENING STATEMENT BY MCNEELY

1 here today about is State v Edward Nelson on the
2 charge of murder. At the end of the trial, as the
3 judge stated, she will explain the law. She is the
4 judge of the law and you are the judge of the
5 facts.

6 Your job is to listen to the facts as
7 they are presented from the witness stand and the
8 evidence you see and apply the law as read to you
9 by the judge to those facts and render your
10 verdict.

11 In an effort to give you a little
12 roadmap of what we're talking about when we're
13 talking about murder throughout this trial, I want
14 to explain what the statutes say.

15 The charge of murder is outlined in
16 South Carolina Code 16310. It has two elements:
17 The killing of any person -- pretty
18 self-explanatory, one human being kills another
19 human being -- with malice aforethought, either
20 express or implied.

21 Malice is defined as hatred, ill will,
22 or hostility towards another person. It indicates
23 a wicked or depraved spirit intent on doing wrong.
24 It is the intentional doing of a wrongful act. It
25 is the intentional killing of another human being.

OPENING STATEMENT BY MCNEELY

1 Malice does not require that it exists
2 at any particular time or for any appreciable
3 length of time before the act is committed. It
4 may be conceived at the very moment that the act
5 occurs.

6 This is an important distinction in the
7 law of South Carolina from other states. You may
8 have seen on TV that other states have first
9 degree, second degree, on down the line. South
10 Carolina has no degrees of murder. They have one
11 charge of murder.

12 It does require malice aforethought and
13 malice has to be present at the time of the
14 killing, but it does not have to be premeditated.
15 It could be conceived right before it occurs. It
16 certainly can include premeditated murder, but it
17 does not have to be premeditated for any extent of
18 time before it happens. It can occur when it
19 happens.

20 It can be either express or implied.
21 Express meaning words; I'm going to kill you. Or
22 express meaning a deliberate intention to
23 unlawfully injure or take the life of another
24 person. An act which of itself is an express
25 intent on killing someone. Shooting someone in the

OPENING STATEMENT BY MCNEELY

1 head, plunging a knife into someone's head. You
2 know when you commit that act that you are going to
3 kill them or most probably will kill them. That's
4 express.

5 Implied malice arises when
6 circumstances demonstrate a wanton or reckless
7 disregard for human life or what a reasonably
8 prudent person would have known that according to
9 common experience there was a plain and strong
10 likelihood that death would flow from the act.

11 This occurs when someone shoots into a
12 crowd. They are not pointing at any particular
13 person, but they know there is a strong likelihood
14 that someone could die as a result.

15 What we are talking about in this case,
16 ladies and gentlemen, is express malice that was
17 conceived prior to Edward Nelson killing the
18 victim, Shonda Davis, on October 16, 2016.

19 The story doesn't start there, ladies
20 and gentlemen. I'm not going to sugar coat it for
21 you. The evidence that you will hear in this case
22 is maybe the vicious and most savage killing that's
23 ever taken place in this county.

24 It is the story of a defendant who had
25 to have control over the victim, and when he didn't

OPENING STATEMENT BY MCNEELY

1 have it, he decided then and there that she
2 couldn't go on living and he was going to kill her.
3 It was his way or the highway and she was going to
4 die.

5 The story starts a little earlier in
6 2016 when Shonda Davis had the great misfortune of
7 meeting the defendant. She lived here in Moncks
8 Corner, but she worked at the library in North
9 Charleston and he started coming in. They
10 developed a relationship, she wanted to help him,
11 and it become on some level romantic.

12 There was one major problem for this
13 defendant. Ms. Davis had a beautiful little boy
14 named Madden, who was one and a half years old, and
15 she had that son with a man named Roger Brown.
16 They still had a congenial relationship. They were
17 involved with coparenting this little boy, but it
18 wasn't something that this defendant could handle.

19 The relationship never took off and the
20 victim decided in October 2016 that she'd had
21 enough of it. She started withdrawing. She quit
22 answering his phone calls. She retreated to her
23 friends, and it all came to a head on Saturday,
24 October 15, 2016.

25 The defendant texted and attempted to

OPENING STATEMENT BY MCNEELY

1 contact the victim all day. She responded
2 initially, but in the afternoon she'd had enough
3 and started ignoring the calls. She went about her
4 business. She went to dinner with some friends in
5 Charleston around 8:00.

6 They finished and she drove home to her
7 apartment in Moncks Corner. If you're familiar
8 with 52 and Old 52, it's right off of Old 52 behind
9 the Big Lots. She pulled up and she's on the
10 phone. What she didn't know is that prior to her
11 arriving home, this defendant had gone to the
12 apartments. He had armed himself with a large
13 butcher knife, and he was waiting on her to get
14 there so he could kill her and exact his revenge on
15 her for ignoring his phone calls. For ignoring the
16 phone calls.

17 She gets out of her car and she walks
18 to the front door, and this defendant appears and
19 begins plunging a knife into her head and face so
20 many times that she's not just cut, her skull is
21 crushed in. Her brain matter is exposed to the
22 naked eye. You can see it without having any
23 medical expertise.

24 She dropped the phone on the front
25 steps and tried to run from him to the front yard.

OPENING STATEMENT BY MCNEELY

1 And you will see pictures. She tried to defend
2 herself, and he stabbed her so many times and so
3 hard that her fingers were severed from her hand.
4 She had cuts on her arm to the bone.

5 She made it to the front yard where she
6 collapsed and she laid in a pool of blood ever
7 growing, and he continued to stab her in the head
8 and face while she's on the ground. He only
9 stopped because other people in the apartments see
10 what's going on and start approaching. And he runs
11 away when he realizes that.

12 First responders arrive and try to help
13 her. They load her in the ambulance and they drive
14 her to Trident in North Charleston, but she never
15 makes it. She dies on the way. Investigators
16 quickly identified this defendant and set up a
17 manhunt, and they were able to capture him the next
18 morning here in Moncks Corner.

19 The evidence that is going to be
20 presented to you, ladies and gentlemen, are
21 witnesses. You will hear from neighbors and
22 eyewitnesses to the incident who knew the victim.
23 You will hear from law enforcement, first
24 responders, and medical personnel who responded.
25 You will see photos of the crime scene and limited

OPENING STATEMENT BY MCNEELY

1 photos of the victim because, as I said, it's not
2 something you want to see more than you have to.

3 You will see physical evidence selected
4 from the scene and you will hear scientific and
5 medical testimony from people with SLED, South
6 Carolina Law Enforcement Division, and the Medical
7 University of South Carolina.

8 The defense in this case is going to
9 get up here and tell you about heat of passion and
10 provocation. That this murder occurred -- or
11 excuse me, they're going to call it a killing --
12 this killing occurred in a sudden heat of passion
13 after he was provoked.

14 Look at the evidence. The evidence
15 will be plain as day, clear as crystal. This was
16 no sudden heat of passion killing. This is a
17 murder and a vicious and savage attack on the
18 victim because she didn't answer his phone calls.
19 She didn't answer his phone calls, so she had to
20 die the most savage death anyone could die.

21 After you hear all of the evidence from
22 the witness stand and see all the evidence
23 presented, you will be firmly convinced that this
24 defendant is guilty of murder, and I'll ask you to
25 return a verdict of guilty on the charge of murder.

OPENING STATEMENT BY MS. SHIVERS

1 Thank you.

2 THE COURT: Ms. Shivers.

3 MS. SHIVERS: Thank you, Your Honor.

4 May it please the Court.

5 She didn't deserve it. Shonda didn't
6 deserve it. I just let my anger get the best of
7 me. I let jealousy get the best of me.

8 Those are the words you're going to
9 hear from my client the day after this crime took
10 place. It's not often that I get to stand before a
11 jury and tell you that my client is guilty. What
12 he's not guilty of is murder.

13 The solicitor stood up here and told
14 you how South Carolina is different from other
15 states. We only have one charge of murder, and
16 while that's true, we have two different types of
17 intentional killings. Two. That means neither one
18 is justified, and the death of Shonda Davis in this
19 case is not justified. She did not deserve to die.
20 She died at the hands of Edward Nelson, my client,
21 but it was not murder.

22 You're going to hear about the
23 relationship. You are going to see evidence of a
24 24-year-old man who fell in love and had a
25 relationship with a 38-year-old woman. They had a

OPENING STATEMENT BY MS. SHIVERS

1 relationship going on for close to a year. And on
2 the day of this incident, you're going to see that
3 they were messaging back and forth about her
4 potentially bringing him food and taking him to
5 Lowe's or the bank, and you're going to see a
6 normal conversation back and forth between the two
7 of them.

8 At some point in the day, Shonda went
9 out with her friends to have dinner. She stopped
10 answering Mr. Nelson's calls. He repeatedly called
11 her over and over and over again, and she didn't
12 answer it. So he goes to her house.

13 And then when she arrived at the house,
14 she was in the car, she got out of the vehicle, he
15 walked up to her, and as he's walking up to her the
16 evidence is going to show you that she was on the
17 phone with another man, Roger Brown, the father of
18 her children.

19 And the evidence is going to show you
20 that the discussion they had was inviting him over
21 that night. And in that moment he lost it. And he
22 savagely and brutally killed her, but it was not
23 murder. You're going to see that the -- I tried --
24 I have tried to cause you not to look at the
25 pictures that you're going to have to see because

OPENING STATEMENT BY MS. SHIVERS

1 the manner of her death we do not question.

2 She was stabbed multiple times in the
3 face, in the top of her skull, and she has injuries
4 to her arms and they are gruesome. The photos are
5 probably the worse that I think that I have ever
6 seen, but it doesn't change the intent at the time
7 of the killing.

8 When the solicitor puts those pictures
9 up, you're going to see rage and passion on
10 Shonda's face and head. That's what you're going
11 to see. It's going to show you the heat of
12 passion. I wish you did not have to see these
13 pictures. They are awful. You will never forget
14 them. I certainly will never forget them, but it
15 does not make the case murder.

16 I would ask on behalf of my client that
17 you listen very carefully to all of the evidence.
18 For an intentional killing under a heat of passion
19 it requires that there be some provocation, and we
20 would assert that the evidence is going to show you
21 that the provocation is the not answering of the
22 phone calls and immediately thereafter her inviting
23 another man to the house and the effect that that
24 had on him in that moment, this young 24-year-old
25 man with his 38-year-old girlfriend. And he lost

OPENING STATEMENT BY MS. SHIVERS

1 -- he just lost it.

2 He was not insane. We are not
3 asserting that this is a justified killing. He was
4 not insane at the time he killed her. He
5 intentionally killed her, but it was done under a
6 heat of passion. And that heat of passion based on
7 provocation directly negates malice. You're going
8 to hear that.

9 The solicitor is going to try and
10 indicate that the fact that she was killed that
11 shows malice, but it does not. Because if you find
12 factually that there was a heat of passion, which
13 means that in an ordinary person you -- it would
14 arise in an ordinary person a sudden emotion of
15 anger or rage and the wanting to do a violence.

16 If you find that there's a heat of
17 passion followed by an overt act by the victim, and
18 I would submit the overt act is inviting the other
19 man over, the not answering phone calls, if you
20 find that provocation, that negates malice. If you
21 find no malice, there is no murder.

22 And we would ask that you pay very
23 close attention and look for those things. We
24 selected you specifically because we felt that you
25 would not be drawn in based on the emotional aspect

OPENING STATEMENT BY MS. SHIVERS

1 of this case. It's going to be awful for
2 everybody, but you cannot be swayed by the
3 emotions.

4 The fact -- I'm sure you're going to
5 hear testimony about her being left -- with her son
6 being left motherless. This is absolutely true.
7 It's horrific. Nobody deserves what happened to
8 her, but you cannot base your verdict on emotion.
9 Like it has to be focused on the intent at the time
10 of the killing.

11 That is the only issue that you are
12 going to have to decide. I'm giving you the
13 easiest case because I'm telling you that it's not
14 a who-done-it; we know who did it. Mr. Nelson did
15 the killing. It just was not a murder, and that's
16 the only thing you need to be focused on.

17 So when the solicitor continually
18 places the pictures to try to draw your emotions,
19 you need to set aside -- we selected you because we
20 believe that you will be able to set those emotions
21 aside and understand that you have to follow the
22 law. And if you find those things at the end of
23 the case, you're going to realize that this is not
24 a murder. That it will be a voluntary manslaughter
25 and we will be asking for that verdict at the end.

MORRIS, HOWARD - DIRECT EXAM BY MS. WILLIAMS

1 Thank you.

2 THE COURT: Solicitor, call your first
3 witness.

4 MS. WILLIAMS: State calls Howard
5 Morris.

6 HOWARD MORRIS,
7 being first duly sworn, testified as follows:

8 THE CLERK: Please state your full name
9 and spell your last.

10 THE WITNESS: Howard Morris,
11 M-O-R-R-I-S.

12 THE COURT: Sir, pull the microphone
13 closer to you. Thank you.

14 DIRECT EXAMINATION

15 BY MS. WILLIAMS:

16 Q. Afternoon, Mr. Morris.

17 A. Hey.

18 Q. Where do you live?

19 A. Summerville, South Carolina.

20 Q. And where do you work?

21 A. Capstone Paper Mill.

22 Q. What do you do?

23 A. I'm a security guard there.

24 Q. And did you know Shonda Davis?

25 A. Yes.

MORRIS, HOWARD - DIRECT EXAM BY MS. WILLIAMS

1 Q. And how long had you known her for?

2 A. Since 2005, 2006. Somewhere around
3 there.

4 Q. And where was Shonda -- let me
5 backtrack a second. Did you ever come in contact
6 with the defendant, Edward Nelson?

7 A. No.

8 Q. Did you know she was in a relationship
9 with him?

10 A. Yes.

11 Q. And how long were they in a
12 relationship for?

13 A. Maybe six months.

14 Q. And did he ever try to contact you?

15 A. No. Just to confirm a request on
16 Facebook.

17 Q. Was that a frequent thing?

18 A. It happened more than once, yes.

19 Q. Where he would try to contact her
20 friends?

21 A. Uh-huh.

22 Q. And what was he trying to do; do you
23 know?

24 A. From what I gather --

25 MS. SHIVERS: Objection, Your Honor;

MORRIS, HOWARD - DIRECT EXAM BY MS. WILLIAMS

1 speculation.

2 THE COURT: If he knows, he may answer.

3 THE WITNESS: From what I gathered from
4 other friends, he would just ask questions --

5 MS. SHIVERS: Objection, Your Honor;
6 hearsay.

7 THE COURT: Is there an exception?

8 MS. WILLIAMS: No, Your Honor.

9 BY MS. WILLIAMS:

10 Q. If you could just say what you know.
11 Was he trying to -- what was he trying to do?

12 A. Just ask questions about her
13 whereabouts.

14 Q. When was the last time you saw Shonda
15 Davis?

16 A. The night that she was murdered.

17 Q. And where were you?

18 A. Well, she came to my house at first and
19 then we went to a friend's and we went to dinner
20 after that.

21 Q. Okay. And where did you go eat?

22 A. S&S Cafeteria.

23 Q. Where is that?

24 A. In West Ashley.

25 Q. And does Ms. Davis -- did she have any

MORRIS, HOWARD - DIRECT EXAM BY MS. WILLIAMS

1 children?

2 A. Yes.

3 Q. And who was that?

4 A. Madden.

5 Q. And how old was he at the time?

6 A. Well, he was turning two.

7 Q. What date was he turning two?

8 A. October 16th.

9 Q. Okay. And when was the date that you
10 are speaking of, the date she was murdered?

11 A. The 15th.

12 Q. And where was Madden that night, if you
13 know?

14 A. With his aunt in Myrtle Beach.

15 Q. Okay. And why was that? What were
16 they doing?

17 A. Celebrating his birthday, I believe.

18 Q. And why was Shonda not there?

19 A. She had to work. I know that.

20 Q. Okay. And what was the plan for her
21 for the rest of that evening or the next day, if
22 you know?

23 A. Well, we talked about cooking dinner at
24 her house, got a birthday cake for Madden, and
25 before we started that night, she sent me a list of

MORRIS, HOWARD - DIRECT EXAM BY MS. WILLIAMS

1 things to grab from the grocery store.

2 Q. Was she, if you know, supposed to go to
3 Myrtle Beach or what was going to happen next?

4 A. No, she wasn't supposed to go to Myrtle
5 Beach. I think once she got Madden back that
6 Sunday, we were all supposed to meet back at her
7 house.

8 Q. Okay. So this was what day of the week
9 that you're talking about?

10 A. Saturday. Saturday.

11 Q. And she was supposed to get Madden
12 Sunday?

13 A. Sunday.

14 Q. What time did you part ways with
15 Shonda?

16 A. Between 8:20 and 8:30.

17 Q. And where was that?

18 A. On Dorchester Road. The Reserves
19 Apartment complex.

20 Q. And did you drop her off at her car?

21 A. Yes.

22 Q. What kind of car did she drive?

23 A. White Toyota Camry.

24 Q. When did you find out that she was
25 murdered?

MORRIS, HOWARD - CROSS EXAM BY MS. SHIVERS

1 A. Sunday after 1:00 p.m.

2 MS. WILLIAMS: Court's indulgence?

3 THE COURT: Take your time.

4 MS. WILLIAMS: Please answer any
5 questions from the defense.

6 THE COURT: Ms. Shivers.

7 CROSS-EXAMINATION

8 BY MS. SHIVERS:

9 Q. So, Mr. Morris, you indicated that you
10 had known Shonda since 2005?

11 A. Uh-huh.

12 Q. She would ordinarily come and bring you
13 food and stuff like that to your house?

14 A. Yes. Well, she spent many nights at my
15 house, yes, ma'am.

16 Q. And you knew that she was in a
17 relationship with my client?

18 A. Yes.

19 Q. And he, at times, was in the vehicle
20 when she would bring food to your house?

21 A. Yes.

22 Q. But you never interacted with him
23 personally?

24 A. No.

25 Q. And when -- you indicated that you were

MORRIS, HOWARD - CROSS EXAM BY MS. SHIVERS

1 with Shonda just prior to her being killed?

2 A. Yes.

3 Q. And you were having dinner?

4 A. Yes.

5 Q. And at that time you found out that she
6 wanted to end the relationship?

7 A. She talked about an insurance policy
8 that entire day, and we sort of laughed it off. I
9 said you're not going anywhere, and we laughed it
10 off.

11 Q. So she told you at dinner that she
12 wanted to break things off with Mr. Nelson?

13 A. Yes.

14 Q. And you weren't present at her house
15 when this occurred?

16 A. No.

17 Q. And she had never indicated to you that
18 there was any abuse going on in the relationship,
19 did she?

20 A. No. She just said he was possessive.

21 Q. But never abusive?

22 A. No.

23 MS. SHIVERS: That's all the questions
24 I have.

25 THE COURT: Redirect?

MORRIS, HOWARD - REDIRECT/RE CROSS EXAM BY MS. WILLIAMS/SHIVERS

1 REDIRECT EXAMINATION

2 BY MS. WILLIAMS:

3 Q. You were talking about an insurance
4 policy?

5 A. Yes, ma'am.

6 Q. Tell us about that.

7 A. When she came in, she seemed like she
8 had a lot on her mind, or whatever. And she said
9 she was going to take an insurance policy out to
10 make sure that her son was secure in case something
11 happened to her.

12 And I just kept asking her, why you
13 keep talking about it. And she was just like, it's
14 been on my mind and I want to make sure that
15 everything is going to be okay.

16 MS. WILLIAMS: Thank you. No further
17 questions.

18 THE COURT: Any recross?

19 MS. SHIVERS: Just one question.

20 RECROSS-EXAMINATION

21 BY MS. SHIVERS:

22 Q. She never indicated that Mr. Nelson was
23 ever abusive to her?

24 A. No.

25 MS. SHIVERS: No other questions.

JOHNSON, JESSICA - DIRECT EXAM BY MS. WILLIAMS

1 THE COURT: Sir, you may step down.
2 You're free to stay with us, but you're also free
3 to leave.

4 THE WITNESS: All right.

5 THE COURT: Call your next witness.

6 MS. WILLIAMS: State would call Jessica
7 Johnson.

8 THE COURT: Right up here to the lady
9 in pink.

10 JESSICA JOHNSON,

11 being first duly sworn, testified as follows:

12 THE CLERK: Please be seated. State
13 your full name, spelling your first and last name
14 for the record.

15 THE WITNESS: My name is Jessica
16 Johnson. Last name is J-O-H-N-S-O-N.

17 DIRECT EXAMINATION

18 BY MS. WILLIAMS:

19 Q. Afternoon, Ms. Johnson. Where do you
20 live?

21 A. I stay in Francis Villas.

22 Q. Okay. And what are those -- is there a
23 name for those apartments?

24 A. Well, they call it the projects.

25 Q. Okay. Is it also called St. Francis?

JOHNSON, JESSICA - DIRECT EXAM BY MS. WILLIAMS

1 A. Uh-huh.

2 THE COURT: Is that a yes?

3 THE WITNESS: Yes.

4 THE COURT: I need you to answer out
5 loud. This is my court reporter. She can only
6 take down words.

7 THE WITNESS: Oh, okay.

8 BY MS. WILLIAMS:

9 Q. Are you a little nervous?

10 A. I am.

11 Q. That's okay. So do you know the
12 address of those apartments? I guess they're all
13 different, but what's your address?

14 A. [REDACTED].

15 Q. And what's the street?

16 A. [REDACTED].

17 Q. Okay. And do you have any children?

18 A. Uh-huh. Yes.

19 Q. And who are they?

20 A. D'Antreal Jones and Keyiante. They're
21 half Johnson.

22 Q. D'Antreal and Keyiante?

23 A. Uh-huh.

24 Q. How old are they?

25 A. Eight and nine.

JOHNSON, JESSICA - DIRECT EXAM BY MS. WILLIAMS

1 Q. And did you-all live at your apartment
2 at St. Francis on October 15, 2016?

3 A. Yes.

4 Q. And did you live near a person named
5 Shonda Davis?

6 A. Yes.

7 Q. How far away was her apartment from
8 your apartment?

9 A. Right across the street.

10 Q. So from -- would it be as far as you
11 are to me?

12 A. A little further.

13 Q. A little bit further. Like maybe about
14 right here? (Indicating)

15 A. I stay right here and she stayed that
16 way. (Indicating)

17 Q. So maybe as far as the police officer
18 that is sitting right there?

19 A. Uh-huh.

20 Q. And did you ever interact with her?

21 A. No.

22 Q. Why is that?

23 A. She always stayed to herself.

24 Q. Was she a peaceful person?

25 A. Uh-huh.

JOHNSON, JESSICA - DIRECT EXAM BY MS. WILLIAMS

1 MS. SHIVERS: Objection, Your Honor.

2 Lack of personal knowledge. She said she didn't
3 interact with her.

4 THE COURT: Sustained.

5 BY MS. WILLIAMS:

6 Q. How often would you see Shonda Davis?

7 A. I seen her every day.

8 Q. Do you feel like you observed her very
9 much?

10 A. Yes.

11 Q. What kind of person was she in terms of
12 her demeanor?

13 MS. SHIVERS: Objection, Your Honor.

14 Lack of personal knowledge.

15 THE COURT: Overruled.

16 MS. WILLIAMS: You can answer.

17 THE WITNESS: She was a sweet person as
18 far as I know.

19 BY MS. WILLIAMS:

20 Q. And was she quiet?

21 A. Yes.

22 Q. And was she peaceful?

23 MS. SHIVERS: Objection; leading.

24 THE COURT: Sustained as to leading.

25 BY MS. WILLIAMS:

JOHNSON, JESSICA - DIRECT EXAM BY MS. WILLIAMS

1 Q. Do you remember the night that she
2 died?

3 A. I don't remember the date, but I
4 remember that night.

5 Q. Okay. And did you see anyone around
6 Shonda Davis's apartment before she arrived home
7 that night?

8 A. Yes.

9 Q. Who was it?

10 A. (Indicating) I don't know the name.

11 Q. Okay. Do you recognize the person that
12 you saw around the apartment in the courtroom?

13 A. Yes.

14 Q. Can you please point him out to us?

15 A. (Pointing)

16 Q. What is he wearing?

17 A. I think it was --

18 Q. What is he wearing today?

19 A. Blue.

20 MS. WILLIAMS: Your Honor, please let
21 the record reflect that the witness has identified
22 the defendant Mr. Edward Nelson.

23 THE COURT: Ms. Shivers, any objection?

24 MS. SHIVERS: No, Your Honor.

25 THE COURT: It will reflect.

JOHNSON, JESSICA - DIRECT EXAM BY MS. WILLIAMS

1 BY MS. WILLIAMS:

2 Q. So when you say you saw him around her
3 apartment before she got home, where was he?

4 A. Well, when I seen him, he was on the
5 side of the house.

6 Q. The side of her house?

7 A. Uh-huh.

8 Q. What time was that about?

9 A. Well, I got off at -- it was around
10 6:00.

11 Q. Okay. What was he doing?

12 A. Just standing.

13 Q. Was he standing in one place?

14 A. From the back to the side.

15 Q. Okay. And when you say from the back
16 to the side, can you describe what you saw him
17 doing?

18 A. Standing around the house, from the
19 back of the house to the side of it.

20 Q. So walking around it?

21 A. Uh-huh.

22 Q. And did you eventually see the victim
23 Shonda Davis arrive home?

24 A. No.

25 Q. Did you ever hear her?

JOHNSON, JESSICA - DIRECT EXAM BY MS. WILLIAMS

1 A. I did.

2 Q. Okay. And what was the tone of her
3 voice when you heard her?

4 A. She was scared.

5 Q. Was she screaming?

6 A. Uh-huh.

7 Q. What was she saying?

8 A. Help, he's killing me.

9 Q. At that point, did you -- did you do
10 anything at that point?

11 A. No.

12 Q. Did you --

13 A. Well, I called 911.

14 Q. Okay. But after you heard that, did
15 you ever put eyes on Shonda Davis?

16 A. I did.

17 Q. What did you see?

18 A. When I walked up to her, I just saw her
19 -- nothing but blood.

20 Q. Okay. Did you see the defendant doing
21 anything to her?

22 A. Stabbing her.

23 Q. Okay. And where was he stabbing her?

24 A. The face.

25 Q. And was she -- can you describe what

JOHNSON, JESSICA - DIRECT EXAM BY MS. WILLIAMS

1 her position was when he was stabbing her?

2 A. She was just laying there.

3 Q. Was he stabbing her while she was
4 laying down?

5 A. Uh-huh.

6 Q. Who else in your family -- without
7 telling us what anyone said, who else in your
8 family saw that?

9 MS. SHIVERS: Objection, Your Honor;
10 hearsay.

11 THE COURT: Overruled.

12 THE WITNESS: My two kids and my
13 boyfriend.

14 BY MS. WILLIAMS:

15 Q. When you say your two kids saw this
16 stabbing, you're talking about D'Antreal, who is
17 eight now?

18 A. He is nine now.

19 Q. And Keyiante who is?

20 A. Eight.

21 Q. How old were they then?

22 A. They were seven and eight.

23 Q. And when you -- did you leave your
24 apartment at some point?

25 A. No.

JOHNSON, JESSICA - DIRECT EXAM BY MS. WILLIAMS

1 Q. Did you ever go up to Shonda?

2 A. Yes.

3 Q. And at that time where was the
4 defendant?

5 A. Gone.

6 Q. Did you see him leave?

7 A. Took off running.

8 Q. Did he do anything around her body
9 before he left that you saw?

10 A. No.

11 Q. Did you see where he ran to?

12 A. The woods.

13 Q. Okay. And what did you see when you
14 got up to Shonda?

15 A. I seen she was laying there breathing
16 hard.

17 Q. Okay. Was she still alive?

18 A. Uh-huh.

19 Q. What happened next?

20 A. After that, she just stopped breathing.

21 MS. WILLIAMS: Okay. Your Honor, I'm
22 going to show this witness what's been previously
23 marked as State's Exhibits 1, 2, and 5.

24 May I approach?

25 THE COURT: You may.

JOHNSON, JESSICA - DIRECT EXAM BY MS. WILLIAMS

1 BY MS. WILLIAMS:

2 Q. Ms. Johnson, I'm going to show you some
3 pictures and then we're going to put them up here
4 for you to look at. Do you recognize the pictures
5 and what they would be off?

6 A. Uh-huh.

7 Q. We're going to have you explain those
8 from here. Okay? So if you want to turn around,
9 I'll give you a pointer.

10 MS. WILLIAMS: Permission to publish
11 State's Exhibit 1, Your Honor?

12 THE COURT: You may.

13 MS. WILLIAMS: May I approach the
14 witness again?

15 THE COURT: You have continuing
16 permission.

17 BY MS. WILLIAMS:

18 Q. Ms. Johnson, this is a pointer. If you
19 could just push this red thing and then as I ask
20 you questions, if you could -- show us where Shonda
21 Davis's apartment is -- or was.

22 A. (Indicating)

23 Q. Okay. And so is this about how far
24 your apartment was from her?

25 A. My apartment was like right across

JOHNSON, JESSICA - DIRECT EXAM BY MS. WILLIAMS

1 street. Right there. (Indicating)

2 MS. WILLIAMS: If you could put up

3 State's Exhibit 2.

4 BY MS. WILLIAMS:

5 Q. And show us again where her apartment
6 was.

7 A. Right there. (Indicating)

8 Q. Okay. And where did you see Mr. Nelson
9 lurking?

10 MS. SHIVERS: Objection, Your Honor.

11 THE COURT: What's the basis?

12 MS. SHIVERS: She did not testify to
13 that.

14 THE COURT: Rephrase.

15 BY MS. WILLIAMS:

16 Q. Where did you see Mr. Nelson?

17 A. Like on the -- well, the pole was in
18 the way, but on the side.

19 Q. Okay. And where did Ms. Davis wind up?
20 Where did you see her body?

21 A. Right up in there. (Indicating)

22 MS. WILLIAMS: Okay. You can take that
23 down. Beg the Court's indulgence just a moment.

24 BY MS. WILLIAMS:

25 Q. So when you saw Mr. Nelson at

JOHNSON, JESSICA - CROSS EXAM BY MS. SHIVERS

1 6:00 p.m., it was around her apartment. Not your
2 apartment?

3 A. Yeah, her apartment.

4 Q. And you're saying he was walking back
5 and forth?

6 A. Uh-huh.

7 MS. WILLIAMS: Okay. No further
8 questions, Your Honor.

9 THE COURT: Ms. Shivers.

10 CROSS-EXAMINATION

11 BY MS. SHIVERS:

12 Q. Hi, Ms. Johnson. You indicated that
13 Shonda was sweet?

14 A. Uh-huh.

15 Q. And do you remember talking to the
16 police on October 15th --

17 A. Uh-huh.

18 Q. -- 2016?

19 A. Yes.

20 Q. And you called 911 to help her?

21 A. Uh-huh.

22 Q. And when the police arrived you wanted
23 to give them all the information you could to help
24 her?

25 A. Yes.

JOHNSON, JESSICA - REDIRECT EXAM BY MS. WILLIAMS

1 Q. And for them to find the person that
2 killed her?

3 A. Yes.

4 Q. Do you remember sitting down with
5 officers and making a written statement?

6 A. Yes.

7 Q. And you didn't indicate anything in the
8 written statement about seeing Mr. Nelson around
9 6:00 p.m., did you?

10 A. No.

11 MS. SHIVERS: No other questions, Your
12 Honor.

13 THE COURT: Any redirect?

14 REDIRECT EXAMINATION

15 BY MS. WILLIAMS:

16 Q. Ms. Johnson, you gave a very short
17 statement to police that night, didn't you?

18 A. Uh-huh.

19 Q. And were you pretty shaken up?

20 A. I was.

21 Q. So you didn't put everything in your
22 statement?

23 A. Yes.

24 MS. WILLIAMS: No further questions.

25 THE COURT: Any re-cross?

SPURGEON, ASHLEY - DIRECT EXAM BY MR. MCNEELY

1 MS. SHIVERS: No, Your Honor.

2 THE COURT: Ma'am, you are free to
3 leave and you are free to stay with us. You may
4 step down.

5 Call your next witness.

6 MR. MCNEELY: State calls Officer
7 Ashley Spurgeon.

8 THE COURT: Ma'am, come forward to be
9 sworn.

10 ASHLEY SPURGEON,

11 being first duly sworn, testified as follows:

12 THE CLERK: Please be seated. State
13 your full name, spelling your first and last name
14 for the record.

15 THE WITNESS: Ashley Spurgeon,
16 S-P-U-R-G-E-O-N.

17 DIRECT EXAMINATION

18 BY MR. MCNEELY:

19 Q. Good afternoon, Officer Spurgeon.
20 Where are you currently employed?

21 A. Moncks Corner Police Department.

22 Q. What is your position?

23 A. Investigator.

24 Q. How long have you been an investigator?

25 A. September of 2017.

SPURGEON, ASHLEY - DIRECT EXAM BY MR. MCNEELY

1 Q. Were you employed with Moncks Corner
2 during October of 2016?

3 A. Yes.

4 Q. What was your position at that time and
5 how long had you worked in that capacity?

6 A. Patrol officer; I got hired December
7 10, 2014.

8 Q. Can you describe your education,
9 training, and experience?

10 A. I'm certified through the South
11 Carolina Criminal Justice Academy.

12 Q. Have you worked any other law
13 enforcement jobs other than with Moncks Corner
14 Police Department?

15 A. I worked at Hill-Finklea Detention
16 Center with Berkeley County Sheriff's Office.

17 Q. How long did you do that?

18 A. A year.

19 Q. What were the duties of your position
20 as a patrol officer in October of 2016?

21 A. Routine patrol, traffic duties, and the
22 first responder for emergency calls.

23 Q. Were you on duty working as a patrol
24 officer at approximately 9:00 p.m. on October 15,
25 2016?

SPURGEON, ASHLEY - DIRECT EXAM BY MR. MCNEELY

1 A. Yes, sir, I was a patrol officer then.

2 Q. Do you recall where you were

3 approximately at 9:00 that night?

4 A. The Moncks Corner Police Department
5 getting ready to start a police report.

6 Q. So you were at the station?

7 A. Yes.

8 Q. And during that time, were you

9 dispatched to an incident with the St. Francis
10 Villa Apartments in Moncks Corner, South Carolina?

11 A. Yes.

12 Q. Do you recall what time that call went
13 out?

14 A. Just after 9:00.

15 Q. Did you respond to that location?

16 A. I did.

17 Q. Is that location in Berkeley County?

18 A. It is.

19 Q. And what time did you arrive at
20 St. Francis Villas Apartments?

21 A. Approximately four minutes later.

22 Q. What were the lighting conditions
23 outside at that time?

24 A. It was dark, clear, no rain.

25 Q. It was after 9:00, correct?

SPURGEON, ASHLEY - DIRECT EXAM BY MR. MCNEELY

1 A. Right.

2 Q. For someone not familiar with Moncks
3 Corner, can you explain where the apartments are in
4 town?

5 A. Yes, sir. It's off of Old 52 behind
6 Big Lots. It's right near the part where Old 52
7 and new 52 meet.

8 Q. What did you do when you first arrived
9 at the St. Francis Villas that night?

10 A. I located the -- a group of people that
11 were near [REDACTED], which is the office.
12 When we initially got the call, it went to [REDACTED]
13 because the caller didn't give an apartment complex
14 -- apartment number. So it automatically defaults
15 to the office.

16 I noticed a large group there. I got
17 out with them and there was nothing going on there.
18 So I decided to go ahead and canvas the area.

19 Q. Are the apartments sort of divided?

20 A. It is; there is a front and a back.

21 Q. Okay. And so where is 179?

22 A. It's in the front.

23 Q. Okay. And where is [REDACTED]?

24 A. In the back.

25 Q. Okay. Were any other officers with you

SPURGEON, ASHLEY - DIRECT EXAM BY MR. MCNEELY

1 when you arrived at that apartment complex?

2 A. There was. It was my supervisor
3 Officer Thomas.

4 Q. Okay. Were you riding together or was
5 he in a separate vehicle?

6 A. He was in a separate vehicle.

7 Q. Were you two the first two on scene?

8 A. We were.

9 Q. I want to show you what's been
10 previously admitted by agreement State's 57 through
11 59.

12 MR. MCNEELY: Permission to approach?

13 THE COURT: You may.

14 BY MR. MCNEELY:

15 Q. Please look at these and tell me if you
16 recognize what is depicted.

17 A. It's an aerial shot of St. Francis
18 Villas and Shannonwood and part of Old 52. Some
19 shots are further away and other shots are closer
20 in.

21 Q. Okay. Are those a fair and accurate
22 depiction of the area as it appeared October 15,
23 2016?

24 A. It is.

25 MR. MCNEELY: Permission to publish at

SPURGEON, ASHLEY - DIRECT EXAM BY MR. MCNEELY

1. this time?

2. THE COURT: You may.

3. BY MR. MCNEELY:

4. Q. Officer Spurgeon, there's a pointer
5. right there in front of you. It's the top red
6. button. Please look at State's 57. Can you sort
7. of explain to the jury what we're looking at here?

8. A. So this is going to be the new -- or
9. the front area of Bradley Road, and this is going
10. to be the back of Bradley road. Right here is 
11. --

12. Q. Sorry about that.

13. A. This is . This is the office for
14. the St. Francis Villas. If you come back this way,
15. right there is .

16. Q. Do you see that road running along the
17. top of the photo?

18. A. This one? (Indicating)

19. Q. Yes. What road is that?

20. A. Old Highway 52.

21. Q. And that large building on the bottom
22. right?

23. A. This one?

24. Q. Yes, ma'am.

25. A. Big Lots.

SPURGEON, ASHLEY - DIRECT EXAM BY MR. MCNEELY

1 Q. Okay. And what is that trailer park at
2 the top?

3 A. Shannonwood.

4 Q. Okay. If depicted, please point out
5 where you initially responded at the office?

6 A. (Indicating) Right here. The group
7 was on the grassy area.

8 Q. And I think you explained this, but if
9 you get a generic call -- or if you get a call from
10 the apartment complex and the caller said something
11 is going on at the apartment complex, but they
12 didn't give you a specific address, where would you
13 respond to?

14 A. The office. They give us the address,

15 

16 Q. Is that what happened in this case?

17 A. Yes.

18 Q. What did you see when you first got
19 there?

20 A. A large group of people just standing
21 there.

22 Q. What did you do?

23 A. I got out with them and I asked if
24 there had been assault, if everything was okay.
25 And they said everything was fine. No one appeared

SPURGEON, ASHLEY - DIRECT EXAM BY MR. MCNEELY

1 to be hurt and didn't seem to have any idea as to
2 why I was out with them.

3 Q. So what did you do at that time?

4 A. I decided to canvas the rest of the
5 area, go towards the back of the apartment complex.

6 Q. What did you see when you arrived in
7 the rear part of the apartment complex?

8 A. Another much larger group. As soon as
9 you go to the back, you saw the group right here.
10 (Indicating)

11 Q. Okay.

12 A. And so I went to that group.

13 Q. What did you do when you arrived at
14 that location?

15 A. I exited my patrol vehicle and there
16 was somebody yelling that she needed EMS.

17 Q. What did you do?

18 A. I approached the victim that was laying
19 on the ground. It was a female. She was laying on
20 her back.

21 Q. And can you point out on State's 57
22 where the female was lying?

23 A. Right there. (Indicating)

24 Q. Okay.

25 A. It was at the corner of the driveway

SPURGEON, ASHLEY - DIRECT EXAM BY MR. MCNEELY

1 from the front of her complex and the sidewalk.

2 She was on the grass.

3 Q. Describe how the victim appeared when
4 you first saw her.

5 A. She was laying on her back, her head
6 was closest to the road, her feet were facing the
7 apartment complex. She was profusely bleeding from
8 many lacerations to her face.

9 Q. Were you able to make contact with her?

10 A. I attempted to talk to her. She
11 moaned, she moved her arm, but she wasn't able to
12 make any words.

13 Q. So what did you do at that time?

14 A. I stayed with the victim. I kept
15 talking to her. I notified EMS to step it up
16 because she needed immediate assistance.

17 Q. What happened after that?

18 A. I was advised of her name for -- they
19 called her New York. I continued to talk to her
20 until EMS showed up and they took over care for
21 her. I assisted whatever -- the first ambulance
22 showed up, I shined my light for them.

23 Q. What happened after EMS arrived and you
24 took over her care?

25 A. The first ambulance or the second?

SPURGEON, ASHLEY - DIRECT EXAM BY MR. MCNEELY

1 Q. The first and then the second.

2 A. Okay. The first ambulance, I stepped
3 back and let them take care of her. I just shined
4 my light on her for their assistance. When the
5 second ambulance arrived, they had lights.

6 They took over care for her and that's
7 when we made the decision to force entry into her
8 home and clear the apartment, because we were
9 notified by a bystander that she had a child. We
10 were not sure if the child or suspect was still
11 inside the apartment.

12 Q. Okay. Backing up a little bit. So
13 between when the first and second ambulance
14 arrived, had any other officers arrived on scene?

15 A. They did. Officers Bailey and Sergeant
16 Auclair.

17 Q. Okay. And you mentioned about getting
18 information regarding the possible presence of a
19 child?

20 A. Yes, sir.

21 Q. Who did you get that information?

22 A. It was somebody in the crowd. There
23 was a lot of people there.

24 Q. So based on that, what did you do next?

25 A. The decision was made by one of the

SPURGEON, ASHLEY - DIRECT EXAM BY MR. MCNEELY

1 supervisors -- I can't remember if it was Thomas or
2 Auclair -- to clear the residence.

3 Q. At that time, had a perpetrator been
4 located?

5 A. Had not.

6 Q. So when you say, forced entry and clear
7 the residence, what exactly did you do?

8 A. The doors were locked, there was no
9 lights on inside. So one of the officers kicked
10 the door in.

11 Q. And backing up a little bit. You said
12 the doors to her apartment were locked?

13 A. Yes.

14 Q. Did those apartments have both a front
15 and back door?

16 A. They do.

17 Q. Were both of her doors locked?

18 A. Yes, sir.

19 Q. Were any lights on that you observed?

20 A. No, sir.

21 Q. So based on that, an officer kicked the
22 door in; is that correct?

23 A. Yes, sir.

24 Q. Did you enter the apartment at that
25 time?

SPURGEON, ASHLEY - DIRECT EXAM BY MR. MCNEELY

1 A. I did.

2 Q. Can you please describe the interior of
3 the apartment?

4 A. It was neat. There was no lights on
5 inside. It looked like it hadn't had anybody in it
6 for at least a few hours.

7 Q. And did you locate anyone in the
8 apartment?

9 A. We did not.

10 Q. So what did you do after clearing the
11 residence?

12 A. The decision was made to have me follow
13 the ambulance.

14 Q. Please look at State's Exhibit 59. Can
15 you tell us what we're looking at there?

16 A. It's -- you have St. Francis Villas at
17 the bottom, we've got Shannonwood, you've got parts
18 of Old 52 and new 52.

19 Q. Which road is new 52?

20 A. This one. (Indicating)

21 Q. So you said the decision was made to
22 have you follow the ambulance?

23 A. Yes.

24 Q. What did you do at that time?

25 A. I got into my patrol vehicle; I was

SPURGEON, ASHLEY - DIRECT EXAM BY MR. MCNEELY

1 behind the ambulance. We went out onto Old 52.
2 There's a red light here. (Indicating) We went
3 left on new 52 towards Trident in North Charleston.

4 Q. You can take that down. So what
5 happened after you started following the ambulance
6 on new 52?

7 A. I noticed once we got to Goose Creek
8 you could see in the back of the window, I noticed
9 the EMTs had started CPR.

10 Q. Back up a little bit. Where were you
11 in your vehicle in relation to the ambulance?

12 A. Behind it.

13 Q. And I believe we established it was
14 dark outside?

15 A. Yes.

16 Q. Were there lights on inside the
17 ambulance?

18 A. There was.

19 Q. And were there windows in the back of
20 the ambulance?

21 A. Yes.

22 Q. And could you see into the windows?

23 A. Yes.

24 Q. What did you observe through the
25 windows?

SPURGEON, ASHLEY - DIRECT EXAM BY MR. MCNEELY

1 A. I saw there was two EMTs, the victim
2 was on a stretcher. And once we got to -- it was
3 Goose Creek, St. James and Red Bank area, they
4 started CPR on her.

5 Q. Okay. And did you know that just by
6 observing what was going on?

7 A. Yes, sir.

8 Q. What happened after that?

9 A. We arrived at the hospital. As soon as
10 we arrived at the hospital, they unloaded the
11 victim and took her to the trauma room.

12 Q. What did you do at that time?

13 A. I stood outside the door.

14 Q. How long were they in the trauma room
15 with the victim?

16 A. Approximately 20 minutes.

17 Q. Okay. What happened after that?

18 A. The doctor came out and advised that
19 she didn't make it.

20 Q. Did she ask you to do anything?

21 A. He asked me where the death occurred --
22 or where the assault occurred. And I advised him
23 it was Berkeley County, that he would have to
24 advise Berkeley County Coroner.

25 Q. Because at that point, you're at

SPURGEON, ASHLEY - DIRECT EXAM BY MR. MCNEELY

1 Trident in North Charleston, correct?

2 A. Yes, sir.

3 Q. What did you do at that time?

4 A. I was allowed to view the injuries.

5 Q. Did you do so?

6 A. Yes, sir.

7 Q. Was anyone with you at that time?

8 A. It was a nurse.

9 Q. Okay. Can you describe the injuries
10 you observed?

11 A. It was numerous deep lacerations to her
12 face, her head and her arms and her hands. It was
13 exposing bone. Some of the fingers -- one of the
14 fingers was missing.

15 Q. Had you ever seen anyone injured that
16 bad in your experience as an officer?

17 A. No, sir.

18 Q. What did you do after observing the
19 victim?

20 A. The coroner arrived on scene. He was
21 allowed to view the victim, and that was when the
22 decision to have an autopsy scheduled was made.

23 Q. Did you take any photographs at that
24 time?

25 A. I did.

SPURGEON, ASHLEY - DIRECT EXAM BY MR. MCNEELY

1 Q. What happened after you concluded at
2 the hospital with the -- with the coroner?

3 A. I was asked to assist in the
4 notification to the family of her passing in which
5 I did.

6 Q. What did you do after that?

7 A. I collected their information, the
8 family information, and then I left the hospital
9 and came back to Moncks Corner.

10 Q. What did you do after returning to
11 Moncks Corner?

12 A. I contacted my supervisor, Officer
13 Thomas, to ask him where I needed to be. He
14 advised that there was a track that was in the area
15 of Huger Street. He told me to meet them on Huger.

16 MR. MCNEELY: Dee, could you please put
17 up State's 58?

18 BY MR. MCNEELY:

19 Q. While we're talking about that, you
20 said a track?

21 A. Yes, sir.

22 Q. What do you mean by a track?

23 A. The K9. They used Berkeley County K9.
24 He was able to run a track for the suspect or
25 followed a scent that was believed to be the

SPURGEON, ASHLEY - DIRECT EXAM BY MR. MCNEELY

1 suspect.

2 Q. So in layman's terms could you describe
3 that as utilizing a dog to try to track where
4 someone ran?

5 A. Yes, sir.

6 Q. Where did you go after you spoke with
7 Corporal Thomas?

8 A. To Huger Street.

9 Q. Okay. I want you to turn around and
10 look at State's 58. Can you tell us what we're
11 looking at again?

12 A. It's going to be Francis Villas.

13 Q. Can you use the laser pointer, please?

14 A. Yes. St. Francis Villas on Old 52.

15 Q. Can you grab 58 in front of you,
16 Officer Spurgeon, and hold it up. Position
17 yourself so the jury can see it. Describe what
18 you're looking at.

19 A. So St. Francis Villas is here, you have
20 Old 52; and you have Shannonwood. Here's Limerick
21 Woods and right here is Huger Street. (Indicating)

22 Q. Okay. So in relation to where this
23 crime occurred, where is Huger Street?

24 A. Huger Street is right here.

25 (Indicating)

SPURGEON, ASHLEY - DIRECT EXAM BY MR. MCNEELY

1 Q. Okay. And Shannonwood is where?

2 A. Right here. (Indicating)

3 Q. And St. Francis Villas is where?

4 A. Right here. (Indicating)

5 Q. What's the big, long road running
6 between them?

7 A. New 52.

8 Q. Okay. So it's directly across 52 from
9 Shannonwood?

10 A. Yes, sir.

11 Q. What happened when you arrived at Huger
12 Street?

13 A. The track was lost. The K9 officer was
14 coming out of the woods.

15 Q. Did they apprehend the suspect at that
16 time?

17 A. They did not.

18 Q. What did you do at that time?

19 A. I went back to the police department to
20 start this report.

21 Q. Okay. Did you complete your report
22 that night?

23 A. I did.

24 Q. What did you do after completing the
25 report?

SPURGEON, ASHLEY - DIRECT EXAM BY MR. MCNEELY

1 A. I was done with my shift. It was right
2 at the end of my shift.

3 Q. What time was it?

4 A. Four. A little after 4:00 in the
5 morning.

6 Q. And after that, did you have any
7 further involvement in this case?

8 A. I did not.

9 Q. Do you know if there's a way to get
10 from Shannonwood to Huger Street which is across 52
11 without walking across 52?

12 A. There is.

13 Q. Can you describe that for us?

14 A. There's a --

15 MR. MCNEELY: Can you put up 58, Dee?

16 THE WITNESS: There is a tunnel that
17 goes -- there's multiple tracks. If you -- there's
18 railroad tracks that run under the viaduct here,
19 and there's multiple trails that run in the woods
20 that will get you out to the railroad tracks right
21 onto this area.

22 BY MR. MCNEELY:

23 Q. Okay. When you say tunnel, what do you
24 mean by tunnel?

25 A. It's a cement tunnel.

SPURGEON, ASHLEY - DIRECT EXAM BY MR. MCNEELY

1 Q. Is it made for foot traffic or cars or
2 water drainage?

3 A. Water drainage.

4 Q. But you can walk through it?

5 A. You can.

6 MR. MCNEELY: One moment, Your Honor.

7 BY MR. MCNEELY:

8 Q. Let me back up a little bit, Officer.
9 When you made contact with the victim laying in the
10 front yard of the residence, was she holding
11 anything or did she have anything on her arm?

12 A. She had a purse on her right arm.

13 Q. Was she able to lift her arms?

14 A. She was. Her right -- her right arm
15 was moving, but her wrist was completely limp.

16 Q. Did you see her hands at that time?

17 A. I did.

18 Q. Did she have any injuries to the hands?

19 A. I noticed injuries. I didn't notice
20 how bad they were at the time. They were just kind
21 of hanging there.

22 MR. MCNEELY: No further questions from
23 the State at this time.

24 THE COURT: Ms. Shivers.

25 MS. SHIVERS: No questions, Your Honor.

DORMAN, BRADLEY -- DIRECT EXAM BY MR. MCNEELY

1 Call your next witness.

2 MR. MCNEELY: The State calls Bradley
3 Dorman.

4 BRADLEY DORMAN,
5 being first duly sworn, testified as follows:

6 THE CLERK: Please be seated. State
7 your full name, spelling your first and last name
8 for the record.

9 THE WITNESS: My name is Bradley
10 Dorman, D-O-R-M-A-N.

11 DIRECT EXAMINATION

12 BY MR. MCNEELY:

13 Q. Mr. Dorman, where are you currently
14 employed?

15 A. I'm Berkeley County EMS.

16 Q. What is your position and how long have
17 you been employed there?

18 A. I am a paramedic, I am a lieutenant and
19 field training officer, and I've been there since
20 August of 2008.

21 Q. Okay. Please describe a little bit
22 about your education and training.

23 A. Initial EMT training was in 2008. It
24 was a five-month course through Trident at
25 continuing education. Paramedic school is another

DORMAN, BRADLEY - DIRECT EXAM BY MR. MCNEELY

1 15 months -- 14 months through a private
2 organization that trains paramedic. I'm critically
3 care certified through Trident Technical School and
4 the University of Iowa. I also hold specialty
5 credentials in trauma, cardiac arrest and
6 pediatrics.

7 Q. That was my next question; do you hold
8 any certifications?

9 A. I do. Advanced cardiac life support,
10 pediatric advanced life support, and international
11 trauma life support during the events of this case,
12 but now prehospital trauma life support.

13 Q. What are the duties of your position as
14 a paramedic?

15 A. Operating on a -- operating on an
16 ambulance and 911 service; responding to all calls
17 that are given to us, everything from cardiac
18 arrest, traumatic injuries, to sick grandparents.

19 Q. What is the difference, if any, between
20 an EMT and paramedic?

21 A. About a year-plus of training.

22 Q. Okay. And what's the --

23 A. Use of medications, the decision-making
24 skills, and advanced life support training, such as
25 placement of endotracheal tubes, intubating

DORMAN, BRADLEY - DIRECT EXAM BY MR. MCNEELY

1 patients, starting IV, starting IOs, interosseous
2 as opposed to intravenous.

3 Q. So a paramedic has more extensive
4 training than an EMT?

5 A. Yes.

6 Q. Were you employed in Berkeley County as
7 a paramedic in October of 2016?

8 A. Yes.

9 Q. Were you working on the evening of
10 October 15, 2016?

11 A. Yes.

12 Q. During that time, were you dispatched
13 to an incident at the St. Francis Villas in Moncks
14 Corner, South Carolina?

15 A. Yes.

16 Q. Is that in Berkeley County?

17 A. It is.

18 Q. Okay. Why were you dispatched to that
19 location?

20 A. Initially, we were told it was for cuts
21 and bruises related to an assault.

22 Q. Was that the case?

23 A. Very miss -- misunderstanding of how
24 that came about.

25 Q. What time were you dispatched to that

DORMAN, BRADLEY - DIRECT EXAM BY MR. MCNEELY

1 location?

2 A. I'm not sure. If I had a copy of my
3 report would be --

4 Q. Would that refresh your memory to see a
5 copy of your report?

6 A. It would.

7 MR. MCNEELY: Permission to approach
8 the witness, Your Honor?

9 THE COURT: You may..

10 THE WITNESS: Thank you, sir.

11 Per my report, we were en route at
12 9:14 p.m. arriving on scene about six minutes
13 later.

14 BY MR. MCNEELY:

15 Q. Where were you dispatched from?

16 A. At our station in Moncks Corner behind
17 the sheriff's department.

18 Q. Not too far away?

19 A. No, sir.

20 Q. Did you go by yourself or was another
21 EMT or paramedic with you? :

22 A. Another EMT, my partner at the time,
23 Emily Schlepenbock.

24 Q. Do you always work with partners?

25 A. Yes, sir.

DORMAN, BRADLEY - DIRECT EXAM BY MR. MCNEELY

1 Q. What time did you say you arrived on
2 scene?

3 A. We arrived on scene at 21:20 p.m. or
4 2120.

5 Q. For lay people --

6 A. I'm sorry, 9:20 p.m.

7 Q. Okay. Who else was on scene when you
8 arrived?

9 A. When we arrived on scene, Moncks Corner
10 Police Department were already on scene and
11 bystanders.

12 Q. What did you do when you first arrived?

13 A. First arrived on scene we approached
14 the patient. She was laying in the front yard of
15 her home -- of the residence we were called to,
16 kind of began our assessments, speak with the
17 police department at the same time and called for
18 support from the fire department.

19 Q. Okay. Please describe the condition of
20 the victim and how she appeared when you first
21 arrived.

22 A. Patient was laying down in the yard,
23 she had multiple wounds covering head, face, arms.
24 She was breathing on her own in a shallow manner.
25 Her mental status allowed for -- she was not able

DORMAN, BRADLEY - DIRECT EXAM BY MR. MCNEELY

1 to answer questions appropriately or at all. Never
2 during our care did she answer or give any response
3 to verbal stimuli. She would moan occasionally,
4 but never showed any sign of intelligent --

5 Q. So you never heard her say a word?

6 A. No. That's true.

7 Q. What did you do after initially viewing
8 the victim?

9 A. After calling for fire department, we
10 moved the patient to a long spine board and secured
11 her best as possible and loaded her into the
12 ambulance.

13 Q. Let's back up a little bit. You said
14 you called for fire department?

15 A. Yes.

16 Q. Why did you call for the fire
17 department?

18 A. We needed assistance lifting the
19 patient and we also needed assistance getting to
20 the hospital. At the time the fire department
21 drove our ambulance as far as emergency situation.

22 Q. Explain why you needed assistance.

23 A. I needed my partner in the back with
24 me, and that's not the usual routine. So we needed
25 somebody to drive the ambulance for us because the

DORMAN, BRADLEY - DIRECT EXAM BY MR. MCNEELY

1 patient's condition demanded it. The patient,
2 although she was breathing on her own, it was very
3 obvious that was not going to last very long.

4 Q. So you wanted a second EMT in the back
5 with you and you needed somebody else to drive?

6 A. Correct.

7 Q. When you first arrived after initially
8 viewing the victim, did you assess her injuries?

9 A. As best that we can. In traumatic
10 injuries like this, we tend to move as fast as
11 possible. We do -- we do an assessment looking for
12 gross bleeding, spurting arterial blood, and stop
13 that bleeding.

14 All of the injuries were significant;
15 however, it did not appear there was any spurting
16 arterial blood that we could identify immediately.

17 Q. What was your initial assessment of her
18 injuries?

19 A. Peri-arrest. She was not in cardiac
20 arrest, but she was close to it.

21 Q. Okay. And can you describe her -- the
22 injuries?

23 A. Her injuries -- let me pull up my
24 wording specifically. Sorry. Lacerations to the
25 head and face too numerous to count and too

DORMAN, BRADLEY - DIRECT EXAM BY MR. MCNEELY

1 overlapped to guess sizes, exposure of skull and
2 possible brain matter found in opening above her
3 right eye, smaller lacerations noted to the lips, a
4 large laceration was noted under right eye
5 approximately three inches, base of throat, sternal
6 notch and chest had a laceration --

7 MS. SHIVERS: Objection, Your Honor.

8 THE COURT: What's the basis?

9 MS. SHIVERS: May we approach?

10 THE COURT: You may.

11 (Bench conference)

12 BY MR. MCNEELY:

13 Q. You were describing the injuries you
14 observed during assessment?

15 A. Yes.

16 Q. Would you please pick up where you left
17 off?

18 A. Small lacerations noted to the lips,
19 large lacerations noted under the right eye
20 approximately three inches. Base of throat --
21 there was a sternal -- at the sternal notch, the
22 chest had a laceration approximately two inches
23 with fat exposure. No injuries noted otherwise to
24 the chest or abdomen.

25 The pelvis was stable with no

DORMAN, BRADLEY - DIRECT EXAM BY MR. MCNEELY

1 deformity. No injuries noted to the lower
2 extremities. Left arm had a large laceration to
3 the wrist and partial amputation of the index
4 finger, ring finger, and pinkie finger.

5 Right arm was found -- large laceration
6 to the right wrist about approximately three inches
7 and right forearm approximately three inches.

8 Q. Let's back up a little bit. The first
9 thing you mentioned, I believe, was deep
10 lacerations to the head and face too numerous too
11 count and too overlapping to guess size?

12 A. Correct.

13 Q. What does that mean in layman's terms?

14 A. That means that -- exactly what it
15 sounds. We try to give an estimate of the number
16 of cuts when we're calling for the hospital, and it
17 was impossible in this situation.

18 Q. There were so many to count --

19 A. There were so many to the face we
20 couldn't count at the time.

21 Q. Were skull and brain matter visible?

22 A. Skull was visible, brain matter
23 appeared to be visible based on my prior experience
24 with brain matter.

25 Q. Okay. You mentioned lacerations to her

DORMAN, BRADLEY - DIRECT EXAM BY MR. MCNEELY

1 hand and fingers?

2 A. Yes.

3 Q. Okay. And then you said partial
4 amputation?

5 A. Amputation or partial amputation to
6 three fingers on the right hand, I believe.

7 Q. So more than one of her fingers was
8 either cut off completely or partially cut off?

9 A. That's the left arm, I'm sorry. On the
10 left arm or left hand there was -- the index, ring,
11 and pinkie finger were either cut off or partially
12 cut off.

13 Q. What did you do after making your
14 initial assessment of her injuries?

15 A. Packaged the patient for transport to
16 the hospital.

17 Q. And how did you do that?

18 A. Placed her on a long spine board.
19 Generally, for injuries like this we place them in
20 a cervical collar, but due to the extent of her
21 injuries that had to be foregone.

22 We placed her on a long spine board and
23 loaded her up in the ambulance and -- with the idea
24 of leaving for the hospital immediately.

25 Q. Okay. What hospital were you going to?

DORMAN, BRADLEY - DIRECT EXAM BY MR. MCNEELY

1 A. I believe we -- sorry, Trident
2 Hospital.

3 Q. Where is Trident?

4 A. In North Charleston on University
5 Boulevard, I believe.

6 Q. Okay.

7 A. It's the closest trauma center.

8 Q. Closest trauma center to Moncks Corner?

9 A. Yes.

10 Q. What happened after you loaded her into
11 the ambulance?

12 A. We began a more detailed assessment, an
13 EKG, tried to establish an IV, which was
14 unsuccessful. We had to establish an IO, and then
15 soon after the patient stopped breathing on her
16 own; she had to be ventilated. And soon after
17 that, she stopped perfusing, her heart stopped, and
18 we had to start compressions, CPR.

19 Q. You mentioned that she had to be
20 ventilated?

21 A. Yes.

22 Q. What does that mean?

23 A. That means we had to breathe for her
24 using a specialty device.

25 Q. Can you describe how you did that?

DORMAN, BRADLEY - DIRECT EXAM BY MR. MCNEELY

1 A. Using a device called a bag valve mask,
2 you literally squeeze and it forces air into her
3 lungs, oxygen. We use medical oxygen.

4 Q. Just so myself and the jury are clear,
5 did you perform like a tracheotomy on her --

6 A. No, sir.

7 Q. You just covered her mouth --

8 A. At the time we just covered her mouth.

9 Q. Did you ever perform a tracheotomy on
10 her?

11 A. No, sir. We -- just using a mask that
12 fits around, we were able to provide ventilations
13 for her and suctioning occasionally during
14 transport.

15 Q. And why did you use that mask?

16 A. Because she could not breathe on her
17 own.

18 Q. She had stopped breathing on her own?

19 A. Correct.

20 Q. Did you place an IV?

21 A. I attempted unsuccessfully, and in this
22 situation we move on to something different.

23 Q. Okay. What was that something
24 different?

25 A. IO, interosseous needle. Instead of

DORMAN, BRADLEY - DIRECT EXAM BY MR. MCNEELY

1 going into the vein as an IV does, it goes into a
2 bone.

3 Q. And where was that placed?

4 A. Into the left tibia, so bone in your
5 lower leg.

6 Q. How long in into the trip were you
7 before you had to start breathing for her?

8 A. We left the scene at 9:20 p.m. and we
9 began breathing for her at 9:38. So 18 minutes.

10 Q. At what point in time did her heart
11 stop beating?

12 A. CPR was started at 9:45.

13 Q. Okay.

14 A. P.m.

15 Q. That's prior to you making it to the
16 hospital?

17 A. Correct.

18 Q. Okay. Did she ever -- was she ever
19 able to breathe on her own or was her heart ever
20 able to beat on its own, to your knowledge, prior
21 to you making it to the hospital again?

22 A. Again? No, sir.

23 Q. Okay. In other words --

24 A. She was still in cardiac arrest at our
25 arrival to the hospital at 10:00 p.m.

DORMAN, BRADLEY - CROSS EXAM BY MS. SHIVERS

1 Q. What did you do after you arrived at
2 the hospital?

3 A. Patient unloaded from the back of our
4 ambulance, carried into their trauma bay special
5 area for calls like this. The nursing staff takes
6 over CPR and ventilations, and we give turnover to
7 the nursing staff and the doctors on hand.

8 MR. MCNEELY: I don't believe I have
9 any further questions for you, Mr. Dorman.

10 THE COURT: Ms. Shivers.

11 CROSS-EXAMINATION

12 BY MS. SHIVERS:

13 Q. You authored the report that you're
14 holding, correct?

15 A. Yes, ma'am.

16 Q. And under initial assessment, you
17 indicated that there were no neck abnormalities; is
18 that correct?

19 A. Yes. Neck abnormalities per this
20 reporting software has to do with a tracheal
21 deviation or jugular vein distension.

22 MS. SHIVERS: Okay. Thank you.

23 REDIRECT EXAMINATION

24 BY MR. MCNEELY:

25 Q. You mentioned a laceration to her

DORMAN, BRADLEY - REDIRECT EXAM BY MR. MCNEELY

1 throat?

2 A. It's a sternal notch. It would be the
3 upper chest, bottom of the throat. It's the area
4 right here. (Indicating) If you press, you can
5 feel there's an indentation.

6 Q. Was that there when you first arrived?

7 A. Yes.

8 MR. MCNEELY: Nothing further from the
9 State.

10 THE COURT: Any recross?

11 MS. SHIVERS: No, Your Honor.

12 THE COURT: Okay. Sir, you may step
13 down. Feel free to stay with us, but you're free
14 to go.

15 THE WITNESS: I'm relieved from my
16 subpoena?

17 THE COURT: You are.

18 Call your next witness.

19 MR. MCNEELY: The State calls Robert
20 Thomas.

21 ROBERT THOMAS,

22 being first duly sworn, testified as follows:

23 THE CLERK: Please be seated. State
24 your full name, spelling your first and last name
25 for the record.

THOMAS, ROBERT - DIRECT EXAM BY MR. MCNEELY

1 THE WITNESS: Robert Thomas,
2 T-H-O-M-A-S.

3 DIRECT EXAMINATION

4 BY MR. MCNEELY:

5 Q. Officer Thomas, where are you currently
6 employed?

7 A. Moncks Corner Police Department.

8 Q. What is your position there?

9 A. Uniform patrol division.

10 Q. How long have you worked in that
11 capacity?

12 A. For the last two years.

13 Q. Were you employed in that capacity
14 during October of 2016?

15 A. Yes.

16 Q. Where were you employed prior to the
17 Moncks Corner Police Department?

18 A. Berkeley County Sheriff's Office.

19 Q. What was your position there?

20 A. Uniform patrol division.

21 Q. How long have you been in law
22 enforcement?

23 A. Right at 17 years.

24 Q. Are you certified through the South
25 Carolina Law Enforcement Academy?

THOMAS, ROBERT - DIRECT EXAM BY MR. MCNEELY

1 A. Yes, sir.

2 Q. Do you hold any other certifications?

3 A. No, sir.

4 Q. What were your duties in the position
5 of a patrol supervisor during October 2016?

6 A. To ensure we were patrolling our areas,
7 make sure officers are being safe as well as doing
8 normal duties as a patrol officer.

9 Q. Were you a first responder for
10 emergency calls?

11 A. Yes.

12 Q. Were you working at approximately
13 9:00 p.m. on October 15, 2016?

14 A. Yes, sir.

15 Q. Were you working that evening in your
16 capacity as a patrol supervisor?

17 A. Yes, sir.

18 Q. During that time, were you dispatched
19 to an incident at the St. Francis Villas apartments
20 in Moncks Corner?

21 A. Yes, sir.

22 Q. Do you recall what time you were
23 dispatched?

24 A. Around 9:00.

25 Q. Did you respond to that location?

THOMAS, ROBERT - DIRECT EXAM BY MR. MCNEELY

1 A. Yes, sir, I did.

2 Q. Were you in a marked patrol vehicle?

3 A. Yes, sir, I was..

4 Q. During your response, did you receive
5 word about what you were responding to?

6 A. Yes, sir. We were initially responding
7 to an assault possibly in progress and we were en
8 route to the address at [REDACTED]. We were
9 advised it was possibly a female on the ground at
10 the time.

11 Q. Okay. Was anyone in your vehicle with
12 you?

13 A. No, sir.

14 Q. Was there another officer that
15 responded along with you?

16 A. Yes, sir, Officer Spurgeon.

17 Q. Did you respond to [REDACTED]?

18 A. Yes, sir, we did.

19 Q. Is that in Berkeley County?

20 A. Yes, sir.

21 Q. What were the lighting conditions
22 outside that night?

23 A. It was dark.

24 Q. Was it raining?

25 A. No, sir.

THOMAS, ROBERT - DIRECT EXAM BY MR. MCNEELY

1 Q. What time, approximately, did you
2 arrive at the St. Francis Villas that night?

3 A. Around 9:04.

4 Q. Was Officer Spurgeon with you when you
5 arrived?

6 A. Yes, sir; we arrived about the same
7 time.

8 Q. What did you do when you first arrived?

9 A. There was a crowd standing on the
10 sidewalk in front of 166. We got to where they
11 were. Officer Spurgeon started speaking with the
12 victim, and I moved the bystanders back to get them
13 out of what we initially thought was a crime scene.

14 Q. I want to show you what's been marked
15 as -- or admitted into evidence as State's 57.

16 MR. MCNEELY: Permission to approach?

17 THE COURT: You may.

18 BY MR. MCNEELY:

19 Q. Do you recognize that photo?

20 A. Yes, sir.

21 Q. What is depicted there?

22 A. That is an aerial view of St. Francis
23 Villas.

24 MR. MCNEELY: Permission to publish?

25 THE COURT: You may.

THOMAS, ROBERT - DIRECT EXAM BY MR. MCNEELY

1 BY MR. MCNEELY:

2 Q. If you will turn around, there's a
3 laser pointer in front of you. Can you point out
4 where you responded to in the St. Francis Villas
5 apartments?

6 A. About right there. (Indicating)

7 Q. Okay. And is that in your recollection
8 [REDACTED]?

9 A. Yes, sir.

10 Q. And when you initially arrived and
11 exited your patrol vehicle, what did you do?

12 A. I got the crowd -- the crowd that was
13 there, got them back as Officer Spurgeon was trying
14 to speak with the victim. Once I got those back, I
15 notified Detective Auclair, who was our forensics
16 corporal at the time, and Detective Lewis for
17 investigation purposes.

18 Q. Okay. And backing up a little bit, did
19 you observe the victim when you first arrived?

20 A. Yes, sir.

21 Q. How did she appear?

22 A. She was laying on her back, head
23 towards the street or sidewalk, still had her purse
24 on her shoulder. She had multiple cuts on her
25 arms, face and head, some deep enough that you

THOMAS, ROBERT - DIRECT EXAM BY MR. MCNEELY

1 could see bone. Lots of -- there was a large pool
2 of blood around the victim.

3 Q. To your knowledge, was EMS alerted to
4 respond?

5 A. Yes, sir.

6 Q. Did you arrive prior to EMS's arrival?

7 A. Yes, sir.

8 Q. I believe you stated after you
9 initially observed the victim that you contacted
10 investigators Auclair and Lewis to respond?

11 A. Yes, sir.

12 Q. Why did you do that?

13 A. Detective Auclair at the time, he was
14 detective at the time, and he was responsible for
15 our forensic unit. Detective Lewis was the on-call
16 detective at the time for investigation.

17 Q. Why did you determine the need to call
18 them?

19 A. Well, when a scene is that bad, they
20 needed to be out for investigations, and there was
21 a lot of forensics that needed to be done.

22 Q. Okay. In other words, it was something
23 that required more support than just a responding
24 officer?

25 A. It was more than what we were going to

THOMAS, ROBERT - DIRECT EXAM BY MR. MCNEELY

1 do on our own.

2 Q. Okay. What happened after you
3 contacted them to respond?

4 A. They were -- they advised they were en
5 route, EMS was en route, and Officer Spurgeon was
6 speaking with the victim. She advised the central
7 dispatch to step -- to have EMS step up their
8 response because of the severity of the situation.

9 Q. Okay. What happened after that?

10 A. Once Detective Auclair arrived on
11 scene, Officer Bailey and Officer Edens arrived on
12 scene. Officers Bailey and Edens secured the crime
13 scene and made sure everybody was out of the scene.

14 We understood there was a child of the
15 victim. We were not aware where the child was; we
16 had no idea where the suspect was. We went to the
17 doors, checked the doors on the residence. The
18 residence was locked, no lights were on on the
19 inside.

20 The decision was made to force entry
21 into the residence to make sure the child wasn't
22 inside or the suspect.

23 Q. What happened at that time?

24 A. We entered the residence, there were no
25 lights on in the residence. It was fairly neat and

THOMAS, ROBERT - DIRECT EXAM BY MR. MCNEELY

1 clean on the inside. There was no -- we didn't
2 turn on any lights. We used flashlights throughout
3 the house.

4 Q. You mentioned that the doors were
5 locked and the entry was forced?

6 A. Yes, sir.

7 Q. How was entry forced?

8 A. Doors kicked in.

9 Q. By yourself or someone else?

10 A. Officer Bailey.

11 Q. Okay. Did you clear the residence?

12 A. Yes, sir, we did.

13 Q. Was anyone located inside of the
14 residence?

15 A. No, sir.

16 Q. Did it appear to you that anyone had
17 been in the residence in the hours immediately
18 prior?

19 A. No, sir.

20 Q. What happened after you cleared the
21 residence?

22 A. Around that time, Deputy Dwyer arrived.
23 We called for K9 because someone had said that
24 someone dressed in black fled to the wood line. We
25 notified the sheriff's office and got K9 en route

THOMAS, ROBERT - DIRECT EXAM BY MR. MCNEELY

1 and Deputy Dwyer arrived. Myself and Officer
2 Bailey went with Deputy Dwyer to run the track with
3 the dog.

4 Q. Prior to running the track, were you
5 able to determine the location of the child?

6 A. Yes, sir. The child was in Myrtle
7 Beach, I believe it was.

8 Q. Okay. I want to show you what was
9 marked as State's Exhibit 58.

10 MR. MCNEELY: Permission to approach,
11 Your Honor?

12 THE COURT: You may.

13 BY MR. MCNEELY:

14 Q. Do you recognize what is depicted
15 there?

16 A. Yes, sir.

17 MR. MCNEELY: Permission to publish,
18 Your Honor?

19 THE COURT: You may.

20 BY MR. MCNEELY:

21 Q. Please turn around if you would,
22 Officer Thomas. Point out what is depicted there
23 for us.

24 A. That's an aerial view of -- aerial view
25 of -- this is St. Francis Villas, Bradley Road area

THOMAS, ROBERT - DIRECT EXAM BY MR. MCNEELY

1 and this Shannonwood mobile home park.

2 Q. Where is the crime scene, if pictured?

3 A. Right here. (Indicating)

4 Q. And you had received word that the
5 perpetrator fled into the woods?

6 A. Yes, sir.

7 Q. Did you have a direction of travel?

8 A. Towards the park which is located right
9 here. There's a trail that runs down behind the
10 park into the wood line. (Indicating)

11 Q. And what is that area where the trailer
12 is?

13 A. Right in here? (Indicating)

14 Q. Yes.

15 A. That's Shannonwood mobile home park.

16 Q. Can you walk from St. Francis Villas to
17 Shannonwood through the woods?

18 A. Yes, sir.

19 Q. Is there a trail?

20 A. Yes, sir. Right about in here where
21 the park is. It runs straight down through here.
22 (Indicating)

23 Q. Okay. And you were advised that the
24 suspect fled in that direction?

25 A. Yes, sir.

THOMAS, ROBERT - DIRECT EXAM BY MR. MCNEELY

1 Q. So what did you do after being advised
2 of that information?

3 A. Once Officer -- once Deputy Dwyer
4 arrived, we started out at the crime scene and
5 worked our way down to Shannonwood, which is the
6 Shannonwood Drive going in.

7 Q. Who is Officer Dwyer or Deputy Dwyer?

8 A. He's a K9 officer with the Berkeley
9 County Sheriff's Office.

10 Q. And why was he called?

11 A. To -- to assist in tracking, try to
12 attempt to track the suspect.

13 Q. Does Moncks Corner Police Department
14 have a K9?

15 A. No, sir.

16 Q. So if you need a K9, you call the
17 sheriff's office?

18 A. Yes, sir.

19 Q. And that's what happened here?

20 A. Yes, sir.

21 Q. So once Deputy Dwyer arrived, where did
22 you meet him?

23 A. At the crime scene.

24 Q. What did you-all do after that?

25 A. We picked up -- we decided that myself

THOMAS, ROBERT - DIRECT EXAM BY MR. MCNEELY

1 and Officer Bailey would assist with the track so
2 that Deputy Dwyer wasn't by himself.

3 Q. And where did you-all go if pictured?

4 A. We entered here at the wood line behind
5 the park and tracked down behind the houses here
6 and ended up on Shannonwood Drive here.

7 Q. Is Shannonwood Drive the main road that
8 comes in off of Old 52?

9 A. Yes, sir.

10 Q. What happened once you arrived at the
11 road?

12 A. We encountered a gentleman who stated
13 he was in there looking for someone who had been
14 assaulted and was hiding in the trailer park.

15 Q. When you say you encountered, was the
16 person walking or --

17 A. No, sir. He was in a vehicle in the
18 area of the mobile home park.

19 Q. Did he approach you or did you-all
20 approach him?

21 A. He actually asked us about -- if we
22 were there for an assault.

23 Q. Can you describe that person?

24 A. I never talked with him. I didn't
25 speak with him.

THOMAS, ROBERT - DIRECT EXAM BY MR. MCNEELY

1 Q. Do you know if it was a male or female?

2 A. I know it was a male.

3 Q. Do you know what his race was?

4 A. I believe it was a black male.

5 Q. What did you do after others spoke with
6 that individual?

7 A. Detective Lewis came up and spoke and
8 carried on a conversation with him, and myself and
9 Dwyer and Officer Bailey continued on with the
10 track.

11 Q. If possible, on the photograph, can you
12 show where you continued the track?

13 A. We tracked down this, which is Birch
14 Wood, I believe. And right here it goes down into
15 a culvert and comes out over in this other
16 neighborhood over here. The track actually led us
17 up behind these houses here, up to the highway and
18 up to the viaduct here. (Indicating)

19 Q. When you say there's a culvert in that
20 location, what do you mean by that?

21 A. It's a large tunnel that you can run
22 through.

23 Q. Can you get from Shannonwood through
24 that neighborhood on the other side of 52 through
25 there?

THOMAS, ROBERT - DIRECT EXAM BY MR. MCNEELY

1 A. Yes, sir.

2 Q. Is there water in it?

3 A. Yes, sir.

4 Q. So if you ran through that tunnel,
5 would you get wet?

6 A. Yes, sir.

7 Q. Did you go through that tunnel that
8 night?

9 A. No, sir, we did not.

10 Q. What did you do?

11 A. Up the wood line parallel to Highway
12 52, came across 52 and lost the track up around the
13 viaduct.

14 Q. What did you do after losing the track
15 in that location?

16 A. We decided to go back to our vehicles
17 at the original location. While we were en route
18 to the crime scene, we got a call from central
19 dispatch from -- it was a resident in Limerick
20 Woods, [REDACTED], I believe it was, that
21 there was a black male banging on the back door.

22 Q. Can you look at the photograph and if
23 possible point out the area where that call came
24 from?

25 A. It would have been down in this area

THOMAS, ROBERT - DIRECT EXAM BY MR. MCNEELY

1 right in here. (Indicating)

2 Q. And that's Huger Street right there?

3 A. Yes, sir.

4 Q. What did you do after receiving that
5 information?

6 A. We went to our vehicles, we went around
7 to Limerick Woods and got down to the end of Huger
8 Street. We were going to check [REDACTED]. Myself and
9 Officer Bailey exited our vehicles.

10 As we were approaching [REDACTED]
11 [REDACTED], we heard someone take off running. We
12 could hear them running in the wood line. Myself
13 and Officer Bailey started a chase, and Deputy
14 Dwyer at that point yelled, dog loose. And we
15 stopped in our tracks.

16 Q. Okay. If possible, look at the photo.
17 Where is that wood line that you're describing?

18 A. Back in here. (Indicating)

19 Q. Okay. And you were -- as you were
20 running in that direction, what did you say you
21 heard?

22 A. It sounded like someone running through
23 the wood line.

24 Q. And then you said Deputy Dwyer yelled,
25 dog loose?

THOMAS, ROBERT - DIRECT EXAM BY MR. MCNEELY

1 A. Yes, sir.

2 Q. What does that mean?

3 A. That means he has taken his dog off of
4 the leash and it's running loose.

5 Q. What did you do?

6 A. I froze at that time.

7 Q. Okay. What happened after that?

8 A. The dog entered the wood line where we
9 initially heard the sound. By that time it was
10 hours later and the dog was tired. He came back to
11 Deputy Dwyer.

12 Q. Okay. And so, to your knowledge, the
13 dog was not able to apprehend the suspect at that
14 time?

15 A. No, sir.

16 Q. What happened after that?

17 A. Lieutenant Pitman, and I'm not sure of
18 the other deputy's name, the other K9 officer,
19 Davidson, I believe it was, brought their dogs out
20 and attempted to continue to track.

21 Q. Were they able to do that?

22 A. No, sir.

23 Q. What did you do after that?

24 A. We went back to the -- I actually met
25 back at the office and the decision was made to go

THOMAS, ROBERT - DIRECT EXAM BY MR. MCNEELY

1 back to Bradley Road to the original crime scene
2 area and go door to door and recanvas the
3 neighborhood.

4 Q. Did you do that?

5 A. Yes, sir, we did.

6 Q. What did you do at that time
7 specifically?

8 A. We spoke with anyone who was willing to
9 talk to us and say what they say. Several people
10 said they heard screams and heard the assault going
11 on. There were a few people that said they
12 witnessed part of it.

13 Q. Did you search during any of this time
14 for a weapon used?

15 A. Yes, sir.

16 Q. Were you able to locate one?

17 A. No, sir.

18 Q. If possible, on the photograph, show
19 where you searched.

20 A. We searched extensively behind the park
21 in the wood line where he initially ran. There's
22 another ditch line that runs here. (Indicating) We
23 walked that ditch line to make sure there wasn't
24 any water anywhere, but we were unable to find
25 anything.

THOMAS, ROBERT - DIRECT EXAM BY MR. MCNEELY

1 Q. Okay. What did you do after
2 recanvassing the neighborhood that night?

3 A. I went back to the office and typed up
4 my report.

5 Q. And following that, did you have any
6 further involvement in this incident?

7 A. No, sir.

8 MR. MCNEELY: Okay. One moment, Your
9 Honor.

10 No further questions from the State at
11 this time.

12 MS. SHIVERS: If I may have just a
13 moment.

14 THE COURT: Take your time.

15 MS. SHIVERS: No questions.

16 THE COURT: You may step down. Feel
17 free to stay with us, but feel free to go.

18 Call your next witness.

19 MR. MCNEELY: State calls Robert Dwyer.

20 ROBERT DWYER,

21 being first duly sworn, testified as follows:

22 THE CLERK: Please be seated. State
23 your full name, spelling your first and last name
24 for the record.

25 THE WITNESS: Robert Dwyer, D-W-Y-E-R.

DWYER, ROBERT - DIRECT EXAM BY MR. MCNEELY

1 MR. MCNEELY: Thank you, Your Honor.

2 DIRECT EXAMINATION

3 BY MR. MCNEELY:

4 Q. Afternoon, Deputy Dwyer. Where are you
5 currently employed?

6 A. With the Berkeley County Sheriff's
7 Office.

8 Q. What is your position there?

9 A. I'm a K9 handler attached to uniform
10 patrol division.

11 Q. Were you employed in that capacity
12 October 2016?

13 A. Yes.

14 Q. And at that time how long had you been
15 working as a K9 handler?

16 A. About half a year.

17 Q. Please tell the jury a little bit about
18 your education, training and experience.

19 A. High school education, some college,
20 about five classes shy of finishing my bachelor's
21 degree in nuclear engineering, long naval
22 educational, then locally the criminal justice
23 academy certification as LE1 officer as well as
24 certified K9 handler and all the training required
25 for that.

DWYER, ROBERT - DIRECT EXAM BY MR. MCNEELY

1 Q. Please explain a little bit about your
2 K9 certification process.

3 A. Well, initially, you get given a dog,
4 you bond with the dog a little bit and you start
5 training. You train in obedience, narcotics
6 detection. For narcotics detection it's broken up
7 into three different categories; vehicles, outdoor
8 narcotics, and indoor narcotics.

9 We train -- you imprint the dog and
10 train him how to locate all those narcotics,
11 tracking, article location, and open area search
12 for people as well as building search for people.
13 So it's a long process, and then you certify in
14 each one of those categories.

15 Q. Do you yourself have to get certified?

16 A. When you certify, you certify as a
17 team. The handler for the dog gets certified with
18 that dog. So I couldn't take another dog and do
19 anything with that dog in a law enforcement
20 capacity. So you get certified together as a team.

21 Q. And, likewise, can Cero go with anyone
22 else?

23 A. No. My dog could not go with anybody
24 else.

25 Q. And I apologize for that. What is your

DWYER, ROBERT - DIRECT EXAM BY MR. MCNEELY

1 dog's name?

2 A. Cero.

3 Q. Is this a one-time training and
4 certification process, or do you have to repeat it?

5 A. We recertify every year, once a year.
6 Basically on the anniversary of your certification
7 you have to renew it. As far as training goes, we
8 train every week, a minimum of ten hours. We
9 specifically do it on Tuesdays.

10 We spend all day Tuesday training just
11 to keep the dog fresh and you're constantly
12 learning things about the dog. You can't talk to
13 one another so you really have to spend a lot of
14 time learning basically body language and the way
15 your dog reacts to different situations and how to
16 read that and understand what's going on in the
17 environment.

18 Q. And what specific certifications do you
19 and Cero hold?

20 A. So like all of the categories I
21 mentioned before, obedience, area search for a
22 person, tracking, narcotics detection inside of a
23 vehicle, buildings, outdoor narcotics, article
24 searches for any inanimate object.

25 Q. During October 2016, how many times had

DWYER, ROBERT - DIRECT EXAM BY MR. MCNEELY

1 you and Cero worked in the field for human tracking
2 purposes?

3 A. Probably close to 100.

4 Q. Were you working with Cero on the
5 evening of October 15th, 2016, at approximately
6 10:00 p.m.?

7 A. Yes.

8 Q. When you go on patrol, do you ever go
9 without our dog?

10 A. No, never.

11 Q. During the late evening hours of
12 October 15, 2016, were you dispatched to an
13 incident at the St. Francis Villas apartments in
14 Moncks Corner?

15 A. Yes, about 10:15 p.m.

16 Q. Okay. And what was the purpose of your
17 being dispatched to that location?

18 A. At the time, all I knew was to assist
19 Moncks Corner Police Department.

20 Q. Okay. Did you respond to that
21 location?

22 A. Yes, sir, I did.

23 Q. And is that in Berkeley County?

24 A. Yes, sir, it is located in Berkeley
25 County.

DWYER, ROBERT - DIRECT EXAM BY MR. MCNEELY

1 Q. What were the lighting conditions
2 outside at that time?

3 A. It was -- by the time I got there, it
4 was close to 10:30, it was dark with the exception
5 of any street lighting.

6 Q. Was it raining that night?

7 A. No. I believe the weather was clear,
8 just typical night.

9 Q. What did you do when you arrived?

10 A. Well, at first, I didn't really know
11 why I was there. So I approached the officers on
12 scene from Moncks Corner. I believe it was Officer
13 Bailey and Officer Thomas from Moncks Corner PD.

14 I approached them and basically asked
15 what was going on. They explained to me there had
16 been a bad assault and that the subject was seen
17 leaving the scene on foot running. So they had
18 asked me to perform a track in order to locate the
19 subject.

20 Q. Okay. What did you do at that time?

21 A. Got my K9 Cero, put his harness on
22 him -- he wears a full-body harness when we're
23 tracking as well as a long lead -- and I put him in
24 his harness, got his lead on him, and I began to
25 track.

DWYER, ROBERT - DIRECT EXAM BY MR. MCNEELY

1 Q. How do you begin a track?

2 A. Generally, I call him to my side. I
3 lay him down. The idea of that is it gets his nose
4 close to the ground, and that's where I want him
5 smelling is on the ground. And then I give him his
6 command to track. And he'll go out when I tell him
7 to do that and he'll run a pattern.

8 It's basically been imprinted in him to
9 run back and forth in a pattern until he can locate
10 an odor, and at that point in time, he will follow
11 that odor and I will proceed behind him. And
12 that's what we refer to as a track.

13 Q. What odor is he looking for?

14 A. A lot of different odors. Naturally
15 when somebody is running, walking, whatever, when
16 you're traveling from one place to another, you
17 have skin cells that fall off of your body, you're
18 sweating. Everybody has an odor that they produce.

19 So he's looking for a human odor as
20 well as odor that is natural to grass and stuff.
21 That odor changes when somebody steps on a blade of
22 grass and bends it and breaks it. The odor of that
23 blade of grass actually changes because it's
24 chemically now -- that section of grass that got
25 bent is actually already dying the instant somebody

DWYER, ROBERT - DIRECT EXAM BY MR. MCNEELY

1 steps on it and it just changes the chemical
2 process. The dog is able to smell that.

3 So he's really picking up two different
4 odors. You have human odors and you have natural
5 odors that are caused by somebody having walked
6 through that area.

7 Q. I want you to look at State's Exhibit
8 58 that was admitted into evidence. Do you
9 recognize what's depicted there?

10 A. Trying to find the landmarks so that I
11 can -- yes, I did.

12 Q. What is depicted in that photo?

13 A. We have Bradley Road going into
14 St. Francis Villas, which runs off of Shannonwood
15 Drive off of Old 52 Highway in Moncks Corner.

16 Q. Is the area you assisted Moncks Corner
17 by tracking that evening depicted in that
18 photograph?

19 A. Yes, it is.

20 MR. MCNEELY: Permission to publish at
21 this time?

22 THE COURT: You may.

23 BY MR. MCNEELY:

24 Q. If you'll grab the laser pointer and
25 turn around. Can you indicate where you began or

DWYER, ROBERT - DIRECT EXAM BY MR. MCNEELY

1 where you initially went and began tracking that
2 evening?

3 A. Yes, I can. The incident occurred
4 right about here. There was several police cars,
5 so when I came on scene I was back here. And when
6 I spoke with the Moncks Corner officers, it was
7 right here.

8 And then this little field here, I'll
9 refer to it as a playground, it was some sort of
10 sporting area, outdoor area where kids play. This
11 is where I started my track. A witness had
12 reported that the suspect had been seen running
13 across this area. (Indicating)

14 Q. Okay. Is there a trail leading into
15 the woods right there?

16 A. It's a walking trail. It's not a cut
17 trail. It's just where people had been through
18 there, kind of a beat down path, yes.

19 Q. Did you track down that path?

20 A. I did.

21 Q. Okay. And what -- you can turn around.
22 Where did that track take you at that time?

23 A. We cut across that playground-type area
24 I referred to into a little trail, and there's a
25 ditch that runs through that little branch of wood

DWYER, ROBERT - DIRECT EXAM BY MR. MCNEELY

1 line. You can kind of see it right there. That's
2 a ditch that comes out to the road.

3 We crossed over that ditch. And then
4 as soon as we had made it across the ditch, we
5 turned right into the woods and came out at Bradley
6 Road right here in this area. (Indicating)

7 Q. Okay.

8 A. At which point in time we made a left
9 going down Bradley Road. We traveled a short
10 distance in the grass area that runs alongside the
11 road to right about here, closer to the residence,
12 at which point in time, we made another left-hand
13 turn and we tracked behind the residences all the
14 way out to Shannonwood Drive. Which is right about
15 there. (Indicating)

16 Q. What happened at that time?

17 A. Well, initially, we made a left-hand
18 turn onto Shannonwood Drive and we stopped right
19 about in that bend. There was a large brush pile
20 that we were making sure that nobody was hiding
21 inside of or making sure there was no weapons
22 possibly located.

23 When we stopped to check the brush
24 pile, I noticed that there was a vehicle driving
25 very slowly down the road, down Shannonwood towards

DWYER, ROBERT - DIRECT EXAM BY MR. MCNEELY

1 where I was currently located. It was a little bit
2 unusual, especially considering the fact there was
3 so much law enforcement presence in the area.

4 So after clearing the brush pile I
5 waited for the vehicle to approach. And when it
6 did, I kind of flagged the gentleman down and I
7 asked him what he was doing.

8 Q. Okay. You saw a vehicle driving into
9 the mobile home park?

10 A. Yes.

11 Q. And what happened when you flagged the
12 driver down?

13 A. He stopped, I asked him what he was
14 doing. He told me that --

15 MS. SHIVERS: Objection; hearsay.

16 THE COURT: Is there an exception?

17 MR. MCNEELY: It goes to show what
18 Officer -- Deputy Dwyer did next, not the truth of
19 the matter asserted.

20 THE COURT: Rephrase your question.

21 BY MR. MCNEELY:

22 Q. Did you communicate with him at that
23 time?

24 A. Yes.

25 Q. And what was your understanding of his

DWYER, ROBERT - DIRECT EXAM BY MR. MCNEELY

1 purpose in the neighborhood?

2 A. That he was there looking for a friend
3 which was in trouble and had called him asking for
4 help.

5 Q. Okay. Can you describe that person by
6 gender and ethnicity?

7 A. He was a African-American male.

8 Q. Was there anyone else in the car at
9 that time?

10 A. No, there was not.

11 Q. It was dark outside?

12 A. It was dark outside, yes, sir.

13 Q. What did do you after speaking to the
14 man in the vehicle?

15 A. As soon as I had the understanding that
16 he was looking for somebody, and we were also in
17 the area looking for somebody, I had reason to
18 believe that he might be looking for the same
19 person I was looking for.

20 I immediately contacted central
21 dispatch and asked for Moncks Corner units to come
22 meet with me, as it was their investigation, and
23 they came, they met with me. I didn't have any
24 other interaction with them except just telling
25 Moncks Corner Police Department units that I had

DWYER, ROBERT - DIRECT EXAM BY MR. MCNEELY

1 made contact and they needed to speak with him.

2 Q. And at that time when you were
3 tracking, there were two patrol officers with you;
4 is that correct?

5 A. Yes, sir.

6 Q. And so when you called dispatch, were
7 you calling for the investigators?

8 A. Yes. Because they were going to
9 continue with me.

10 Q. Okay. And what did you do after
11 communicating with the driver of the vehicle?

12 A. I continued with my track.

13 Q. If possible, on Exhibit 58, can you
14 show where you continued the track?

15 A. This is Shannonwood Drive; this is
16 where we left off. I continued to track to the
17 next road where I made a right-hand turn, and I
18 tracked all the way down to the end of that road in
19 this bend, and then in that corner there's another
20 walking trail.

21 We tracked down the walking trail
22 there, and there's a large drainage culvert-type
23 area that's almost a small retention pond has
24 formed underneath it. It was a very watery area
25 with a large drainage pipe. We tracked to that

DWYER, ROBERT - DIRECT EXAM BY MR. MCNEELY

1 drainage pipe, which actually goes underneath all
2 the way under Highway 52.

3 I know a lot of kids and stuff in the
4 neighborhood use it to get across Highway 52. It's
5 actually big enough to walk through.

6 Q. Can you show where you would come out
7 if you went through that?

8 A. If you went through the drainage pipe,
9 you would come out somewhere about there.

10 (Indicating)

11 Q. Is that another neighborhood over
12 there?

13 A. It is.

14 Q. Would you get wet if you went through
15 that drainage pipe?

16 A. You would.

17 Q. What happened after you were -- tracked
18 to the front of that drainage pipe?

19 A. I wasn't going to take my dog through
20 the drainage pipe. So I backed off the drainage
21 and I did what we call casting where, basically, I
22 started to track over again. I wanted to see if
23 the track actually led to the drainage pipe or past
24 the drainage pipe.

25 He did pick up another odor and

DWYER, ROBERT - DIRECT EXAM BY MR. MCNEELY

1 continued tracking. So we went up over the
2 embankment where the drainage pipe goes through
3 that area and onto Highway 52. We tracked across
4 Highway 52, both northbound and southbound and into
5 the wooded area where you had mentioned that that
6 drainage pipe does come out.

7 Q. And what happened at that time?

8 A. Once we got into the woods, on this
9 side of Highway 52, my dog displayed a significant
10 change in behavior. Normally, when we're tracking,
11 he keeps his head to the ground. He's smelling the
12 ground, he's trying to pick up the odor of the
13 grass and everything like that and the human odor,
14 as I explained before.

15 So when we got to the wooded area, he
16 changed his behavior and lifted his head up and
17 began smelling the air. We call it air scenting.
18 So he was no longer attempting to track. At that
19 point in time, I thought that we had lost the track
20 possibly because of the drainage culvert.

21 I later found out I was wrong, and he
22 was just air scenting trying to locate a person
23 because we were close to them.

24 Q. So what did you do after you thought he
25 lost the trail?

DWYER, ROBERT - DIRECT EXAM BY MR. MCNEELY

1 A. Once I thought I was off track, we
2 returned, made the hike back towards our vehicles
3 and loaded back up in our vehicles.

4 Q. What happened at that time?

5 A. Actually, a little bit before I was
6 able to get back to my vehicle, we had a report
7 from the area of Huger Street. Somebody reporting
8 that there was a black male at their back porch
9 knocking and banging on the door and possibly
10 trying to gain entry into their home.

11 Q. What time of night was this?

12 A. Had to be 11:30, 11:45 p.m. at this
13 point in time.

14 Q. Is Huger Street depicted on the photo
15 there?

16 A. It is.

17 Q. Can you point it out for us?

18 A. I can. Huger Street is right there and
19 ends in that culvert. (Indicating)

20 Q. So it's immediately off of 52; is that
21 correct?

22 A. That's correct. Exactly where I had
23 abandoned the track.

24 Q. So what did you do at that time when
25 you got the call?

DWYER, ROBERT - DIRECT EXAM BY MR. MCNEELY

1 A. Myself and a couple of Moncks Corner
2 Police Department officers, we all got in our
3 vehicles and responded to that incident location --
4 which I believe it was [REDACTED] -- as fast
5 we could.

6 Q. What happened when you got over there?

7 A. When we got over there, I was not the
8 lead car coming in. Moncks Corner Police
9 Department had two units ahead of me, so I was
10 behind them. They got out of their vehicles very
11 fast, started yelling and chasing somebody into the
12 woods. I was the third person back behind them.

13 I jumped out, I let my dog loose
14 immediately. I yelled to the other officers that
15 were running in front of me I had a loose dog so
16 they would stop running to prevent them from
17 getting bit.

18 Q. Did your K9 have a command at that
19 point?

20 A. He did.

21 Q. What was his command?

22 A. To apprehend somebody.

23 Q. Okay. What happened after that?

24 A. He -- my K9 ran into the wood line. He
25 spent maybe 15, 20 seconds inside of the woods at

DWYER, ROBERT - DIRECT EXAM BY MR. MCNEELY

1 which point he came out to me.

2 Q. Was he able to apprehend the subject?

3 A. He was not. He failed to engage.

4 Q. What happened after that?

5 A. At that point, we went immediately back
6 into an area search in an attempt to locate the
7 subject. Usually when a dog fails to engage, they
8 don't have target acquisition. So he either never
9 sees what he's supposed to engage or whatever he
10 was trying to engage stopped and hid and he just
11 ran past him.

12 So we began an area search of that same
13 block of woods where I had abandoned my track
14 previously in an attempt to locate whoever had run
15 from us.

16 Q. Were you able to locate anyone at that
17 time?

18 A. We were not.

19 Q. What happened after that?

20 A. After that, we conducted another short
21 track to the area of the railroad tracks right
22 there on the picture. While we were on that track
23 a train came through, and because of all of the
24 wind and all the different odors created by the
25 train, we were no longer able to track.

GILLIARD, TARONDA - DIRECT EXAM BY MS. WILLIAMS

1 Q. So at that point did you -- did that
2 complete the evening?

3 A. Not necessarily my evening, but my
4 involvement in this incident.

5 MR. MCNEELY: Okay. Nothing further
6 from the State at this time.

7 MS. SHIVERS: No questions, Your Honor.

8 THE COURT: Sir, you may step down.
9 Feel free to stay with us, but you're also free to
10 go.

11 MS. WILLIAMS: The State calls Taronda
12 Gilliard.

13 TARONDA GILLIARD,
14 being first duly sworn, testified as follows:

15 THE CLERK: Please take your seat,
16 spelling your first and last name for the record.

17 THE WITNESS: Taronda Gilliard,
18 G-I-L-L-I-A-R-D.

19 DIRECT EXAMINATION

20 BY MS. WILLIAMS:

21 Q. Ms. Gilliard, who is Shonda Davis to
22 you?

23 A. My baby sister.

24 Q. And how many children did she have?

25 A. One.

GILLIARD, TARONDA - DIRECT EXAM BY MS. WILLIAMS

1 Q. And who is raising that child now?

2 A. I am.

3 Q. And what is his name?

4 A. Prince Madden Julius D. .

5 Q. Do you have children of your own?

6 A. I do.

7 Q. And what are their names?

8 A. Andre and Toran.

9 Q. And how old is Madden now?

10 A. He's three.

11 Q. And how old are your children?

12 A. They're 12.

13 Q. And who is Madden's father?

14 A. Roger Brown.

15 Q. Does he have another name that he goes
16 by?

17 A. (Inaudible)

18 THE COURT REPORTER: Say again.

19 THE WITNESS: Mont.

20 BY MS. WILLIAMS:

21 Q. Can you spell that, please?

22 A. M-O-N-T.

23 Q. And is he involved in Madden's life?

24 A. Very much so.

25 Q. And he sees him regularly?

GILLIARD, TARONDA - DIRECT EXAM BY MS. WILLIAMS

1 A. Every other weekend.

2 Q. When Shonda was alive, did she and
3 Roger share custody?

4 A. Yes.

5 Q. What was that relationship like?

6 A. They had a good relationship as far as
7 dealing with their son.

8 Q. And how many siblings do you have?

9 A. Three.

10 Q. And where was Shonda in the order?

11 A. She was the baby.

12 Q. And where are you?

13 A. I'm next to the baby.

14 Q. What did Shonda do for a living?

15 A. She was an assistant manager. She had
16 just started a new job at a Check Into Cash. She
17 was assistant manager.

18 Q. Where did she work before that?

19 A. Prior to that she worked at the
20 library.

21 Q. And did you ever know that she was
22 dating someone named Edward Nelson?

23 A. Yes.

24 Q. And where did she meet him?

25 A. At the library.

GILLIARD, TARONDA - DIRECT EXAM BY MS. WILLIAMS

1 Q. If you know, how long did they date
2 for?

3 A. She met him, like, in April of 2016.

4 Q. Okay. So just a few months?

5 A. Just a few months.

6 Q. And did you ever, during the course of
7 their relationship, have any contact with him?

8 A. I did. There were but a few times, but
9 I did.

10 Q. And how would that occur?

11 A. The first time Shonda brought him to my
12 house, they didn't stay very long.

13 Q. And did he ever call you?

14 A. Yes.

15 Q. When he would call, what was the
16 purpose?

17 A. Well, he called me on two occasions.
18 One occasion was back in July of 2016, and --

19 Q. Without saying what he said, why was he
20 contacting family members? If you --

21 MS. SHIVERS: Objection, Your Honor;
22 speculation.

23 THE COURT: If she knows.

24 THE WITNESS: He was calling -- he was
25 tracking my sister.

GILLIARD, TARONDA - DIRECT EXAM BY MS. WILLIAMS

1 BY MS. WILLIAMS:

2 Q. And where was Madden the night that
3 Shonda passed away?

4 A. He were in Myrtle Beach.

5 Q. And why was that?

6 A. We were -- my children's birthday is
7 October 12th and Madden's is October 16th. So
8 every year we take the children on a trip for their
9 birthday and we took Madden with us. This was his
10 first getaway with us, and we were going to
11 celebrate the birthdays.

12 Q. How old was Madden turning?

13 A. Two.

14 Q. And what was the plan -- did you learn
15 of a plan that Shonda and Roger had --

16 MS. SHIVERS: Objection; leading.

17 THE COURT: Overruled.

18 THE WITNESS: Yes, I did. I later
19 found out Madden was going with us to Myrtle Beach
20 and his godfather, Marti, had a cake made for him.
21 Shonda was supposed to send the cake.

22 On the way to Myrtle Beach she was
23 like, I didn't send the cake, I forgot. We'll have
24 it when you come back, not knowing that she was
25 going to surprise us on Sunday. Her and Roger was

GILLIARD, TARONDA - DIRECT EXAM BY MS. WILLIAMS

1 coming to Myrtle Beach to help celebrate Madden's
2 birthday.

3 Q. When did you learn of your sister's
4 death?

5 A. 10:46 p.m. on the 15th I got the call
6 from Detective Lewis.

7 Q. And after you got that call, did you
8 make contact with the defendant?

9 A. I did.

10 Q. And tell us about that.

11 A. I called his number, which is
12 programmed in my phone. And I said, what did you
13 do to my sister? And he said, I'm in my bed. And
14 I said, you're lying. And he said, what happened
15 to Shonda? I said, you killed my sister.

16 Q. And what did he say?

17 A. He was home in the bed.

18 Q. Did your sister wear glasses?

19 A. Yes.

20 Q. And would you recognize the glasses if
21 you saw them?

22 A. Most definitely.

23 Q. I'm going to show what was previously
24 marked and admitted as State's Exhibit 19.

25 MS. WILLIAMS: May I approach?

GILLIARD, TARONDA - DIRECT EXAM BY MS. WILLIAMS

1 THE COURT: You may.

2 BY MS. WILLIAMS:

3 Q. Do you recognize this picture, what's
4 in that picture?

5 A. Those are Shonda's glasses.

6 MS. WILLIAMS: Can you put State's 19
7 up?

8 Permission to publish, Your Honor?

9 THE COURT: You may.

10 BY MS. WILLIAMS:

11 Q. If you could turn around and just
12 identify where you see the glasses in that picture.

13 A. Right there. (Indicating) Next to the
14 grass on the cement.

15 MS. WILLIAMS: I'm going to show
16 opposing counsel what was previously marked and
17 admitted as State's Exhibit 94.

18 May I approach?

19 THE COURT: You may.

20 BY MS. WILLIAMS:

21 Q. If you can look at this picture and
22 tell us, take your time and look at it, if you
23 recognize what that is.

24 A. My sister.

25 MS. WILLIAMS: Permission to publish?

GILLIARD, TARONDA - DIRECT EXAM BY MS. WILLIAMS

1 THE COURT: You may.

2 MS. WILLIAMS: If you could put 94 up.

3 THE WITNESS: I might need my glasses.

4 MS. WILLIAMS: Court's indulgence. May
5 we get her glasses?

6 THE WITNESS: They're down in the
7 purse. They're out of the case.

8 BY MS. WILLIAMS:

9 Q. And so what is this actually a picture
10 of? Is that your sister's phone?

11 A. That picture is off of her page.

12 Q. Can you look at Facebook sometimes on
13 your phone?

14 A. Yes.

15 Q. And so what is that posting about?

16 A. That posting was actually about -- it
17 was originally a post that she made when she had
18 Madden. Just thanking God, you know, for blessing
19 her with Madden.

20 Q. What does it say?

21 A. Thanking God for allowing me to see
22 another day. Today is the day I've been waiting
23 seems like forever. Asking God to cover me and my
24 baby, the doctors and nurse who will work with me.
25 I pray that the meds -- and then it cuts off.

GILLIARD, TARONDA - DIRECT EXAM BY MS. WILLIAMS

1 Q. And did she repost that sometimes on
2 his birthday?

3 A. She did. She reposted it that week
4 prior to his birthday.

5 Q. What does it say right under there?
6 Looks like she missed a call?

7 A. Missed a call -- missed a video chat.

8 Q. With who?

9 A. Edward.

10 Q. Edward who?

11 A. Nelson.

12 MS. WILLIAMS: Okay. Thank you.

13 Please answer any questions from the defense.

14 MS. SHIVERS: I have no questions, Your
15 Honor.

16 THE COURT: You may step down.

17 MS. WILLIAMS: May we approach, Your
18 Honor?

19 THE COURT: You may.

20 (Bench conference.)

21 THE COURT: All right. Ladies and
22 gentlemen, I told you I would try to stop as close
23 to 5:00 as possible and try to get witness on the
24 stand the testimony done before we stopped.

25 Please remember all of my admonitions

SKINER, DUFFY - DIRECT EXAM BY MR. MCNEELY

1 THE COURT: Thank you. All 15 jurors
2 indicated they complied with the Court's
3 instructions over the evening hour.

4 Please call your next witness.

5 MR. MCNEELY: The State calls Duffy
6 Skiner.

7 THE COURT: Mr. Skiner, please come
8 forward and be sworn.

9 DUFFY SKINER,
10 being first duly sworn, testified as follows:

11 THE CLERK: Please take your seat,
12 spelling your first and last name for the record.

13 THE WITNESS: Duffy Skiner,
14 S-K-I-N-E-R.

15 DIRECT EXAMINATION

16 BY MR. MCNEELY:

17 Q. Morning, Mr. Skiner.

18 A. Morning.

19 Q. How old are you?

20 A. 43.

21 Q. Are you married?

22 A. I am.

23 Q. Where do you live?

24 A. I live in -- out in Cross, South
25 Carolina.

SKINER, DUFFY - DIRECT EXAM BY MR. MCNEELY

1 Q. Where are you currently employed?

2 A. Berkeley -- (inaudible)

3 THE COURT REPORTER: Say again.

4 THE WITNESS: Berkeley Ford.

5 BY MR. MCNEELY:

6 Q. What do you do at Berkeley Ford?

7 A. Internet salesman.

8 Q. Where did you live in October of 2016?

9 A. In North Charleston, 2721 --

10 (inaudible)

11 THE COURT: Mr. Skinner, could you slow
12 down just a little bit? I think my court reporter
13 is having a hard time.

14 THE WITNESS: Sorry.

15 THE COURT: I know that you're probably
16 very nervous. Slow down just a little bit so she
17 can take down everything that you're saying.

18 BY MR. MCNEELY:

19 Q. Where did you work during October of
20 2016?

21 A. I was at Summerville Ford.

22 Q. And what did you do there at that time?

23 A. Same, sales, lease.

24 Q. Let's talk about your past. When you
25 were a younger man, did you have a few run-ins with

SKINER, DUFFY - DIRECT EXAM BY MR. MCNEELY

1 the law?

2 A. Oh, yeah.

3 Q. What were those?

4 A. I mean, at that time, those years back,
5 I was heavy into my drug usage. So a run-in with
6 the law was kind of standard.

7 Q. Do you have a few drug charges?

8 A. Just a couple.

9 Q. Few petty larceny charges?

10 A. Some like.

11 Q. Did you address your drug problem?

12 A. Absolutely. I went through my own
13 tragic experience in New York where I lived, and --
14 back in 2009, and that was a change in my life, you
15 know. So I've been clean and sober since
16 February 26th, 2009.

17 Q. Did you utilize any organizations or
18 groups in addressing the drug problems?

19 A. Absolutely. After I came out of my
20 drug treatment facility for 35 days, I immediately
21 involved myself in Narcotics Anonymous and AA and
22 that was my new journey.

23 Q. Are you still involved with that to
24 this day?

25 A. Absolutely, yes, sir.

SKINER, DUFFY - DIRECT EXAM BY MR. MCNEELY

1 Q. Were you working with them in October
2 of 2016?

3 A. Yes, sir.

4 Q. Do you know the defendant in this case,
5 Edward Nelson?

6 A. I do.

7 Q. How did you meet Edward Nelson?

8 A. I met him the day -- I was asked by
9 another associate that's in the program to pick up
10 some of the guys at the recovery house that wanted
11 to come to a big convention we had in Hilton Head
12 that didn't have transportation.

13 Q. When was that?

14 A. It was like in July or something of '16
15 I think. Something like that.

16 Q. Was it a little over a year before this
17 happened?

18 A. Yes, sir.

19 Q. This incident? Did you get to know him
20 during that time?

21 A. Well, that was the first time we had
22 met. I kind of liked him. He was a weird, cool
23 young kid, you know. He was a nice kid though.
24 Him and another guy that lived at his house, we had
25 got cool so they tried to help him out. And he

SKINER, DUFFY - DIRECT EXAM BY MR. MCNEELY

1 asked me to sponsor him and I tried to put him
2 under my wing.

3 Q. So your connection with the defendant
4 was through Narcotics Anonymous?

5 A. Yes.

6 Q. During the fall of 2015 and 2016, did
7 you have regular contact with the defendant?

8 A. Somewhat. I mean, he kind of distanced
9 himself a little bit sometimes, and at times it was
10 a lot more communication. Like, I would still try
11 to take him to meetings and things like that.

12 Q. Did you ever meet the victim in this --

13 A. No, sir. I knew of her from what he
14 told me about her. I kind of just saw her car one
15 day. He was getting out of her car one day and
16 getting into mine and going to a meeting. I never
17 physically met her.

18 Q. You saw her once?

19 A. Not completely. Kind of, like, maybe
20 saw the side of her body with him getting out of
21 the car, but I never saw her physically.

22 Q. Where was that?

23 A. That was at the home he lived at on
24 Dorchester Road up there behind the gas station.

25 Q. Did you ever go to her apartment in

SKINER, DUFFY - DIRECT EXAM BY MR. MCNEELY

1 Moncks Corner?

2 A. Not directly to her apartment, but I
3 did pick him up from over there. One day I asked
4 him to ride with me out to Bennettsville to pick up
5 my kids from my grandmother's house.

6 Q. So you picked him up at that location?

7 A. Yes, sir.

8 Q. Do you know when their relationship
9 began?

10 A. Not exactly. I got kind of a slight
11 idea. You know, it wasn't -- he was probably at
12 that house for maybe a couple of months. And he
13 used to go to the library, and I believe he met her
14 there. She was a security guard there or something
15 like that.

16 Q. At any time prior to this incident
17 occurring but during their relationship, did the
18 defendant speak with you about their relationship?

19 A. Yeah, he spoke. When I did speak to
20 him, he was pretty happy. I mean, she was picking
21 him up and taking him to work. I think he was
22 working at like the shipyard. You know, the last I
23 knew they was doing pretty good.

24 Q. Did you ever have any unpleasant
25 conversations about their relationship with him?

SKINER, DUFFY - DIRECT EXAM BY MR. MCNEELY

1 A. Yeah.

2 Q. When was that?

3 A. That was somewhere around maybe August
4 or something, '16.

5 Q. What was the context of that
6 conversation?

7 A. Well, he just called me sporadically
8 one night at one something in the morning, you
9 know, telling me that he was kind of all in his bad
10 space, saying I feel like killing her and killing
11 myself and I'm tired of all this and I'm stressed
12 out. And I was like, whoa.

13 Q. And so in August of 2016 he called you
14 at 1:00 a.m.; is that correct?

15 A. Yes.

16 Q. And he told you during that time that
17 he was thinking about killing his girlfriend?

18 A. Yes, sir.

19 Q. How did you respond to that
20 conversation on the phone?

21 A. Well, first off, I'm like, it's not
22 that serious. Whatever you're going through, stop
23 talking crazy, calm down, relax. You-all work it
24 out, you-all figure it out. You know, give her
25 some space, whatever the case may be.

SKINER, DUFFY - DIRECT EXAM BY MR. MCNEELY

1 Kind of pulled him off the ledge, you
2 know. He was all right after I got off the phone.
3 You know, I talked to him a little bit.

4 Q. After that night, did you speak with
5 him again before the night of this incident?

6 A. No, sir, I actually hadn't heard from
7 him.

8 Q. Moving forward a little bit, do you
9 recall where you were and what you were doing
10 around 9:00 p.m. on Saturday, October 15, 2016?

11 A. Yes, sir. I was at Summerville Ford,
12 and I had two sets of the customers in front of me
13 showing them a vehicle when I got -- I think he
14 tried to text me first and I didn't answer and he
15 called me. And I said, I have to call you back.
16 And that was it, that was the first time.

17 Q. Okay. Subsequent to the first time,
18 did you receive another call from the defendant?

19 A. Yeah. He called me back and told me
20 that he was in a bad space. He was with some guys
21 or whatever the case may be, and they shot him up
22 with some bad drugs or something and he was unable
23 to walk. He was stuck beside a trailer someplace.

24 Q. What did you do at that time?

25 A. I told him to just hang tight. I'm

SKINER, DUFFY - DIRECT EXAM BY MR. MCNEELY

1 leaving work in a minute, I will come get you and
2 get you to some help. Whatever the case may be.

3 Q. And that was on the telephone?

4 A. Yes.

5 Q. And what did you do after that call was
6 completed?

7 A. After that I picked up my fiancée,
8 because in Narcotics Anonymous if we get somebody
9 who mentions that they're out on a drug mission of
10 any sort, we take somebody with us, you know, as
11 support for everybody. So I picked her up and we
12 headed out that way.

13 Q. Okay. So that's an NA protocol that
14 you always take someone with you?

15 A. We call it a 12-step call.

16 Q. Where did you go pick up your fiancée?

17 A. My mom's house, Pepper Ridge, North
18 Charleston.

19 Q. What happened after you picked her up?

20 A. After I told her what he told me, he
21 called me back again and we were speaking. By that
22 time we were already en route headed to Rivers
23 Avenue, and he was telling me again the same story.
24 You know, these guys they was with, you know, shot
25 him up with some drugs, he never did it before, and

SKINER, DUFFY - DIRECT EXAM BY MR. MCNEELY

1 they got into some silly argument or whatever the
2 case may be, he needed some help, he was stuck out
3 there.

4 He told me the same thing, and my
5 fiancée overheard that conversation as well.

6 Q. Was it on speakerphone?

7 A. Yeah, I put him on speaker. She wanted
8 to hear it.

9 Q. Where did he tell you he was?

10 A. He first told me he was laying on the
11 side of a trailer and he couldn't walk, you know.
12 So I was driving pretty fast to get up there.
13 That's what he first told me. When he called me
14 back, he said he was on the side of Big Lots, you
15 know.

16 Q. Here in Moncks Corner?

17 A. In Moncks Corner, yes, sir.

18 Q. How did you respond to him telling you
19 that location?

20 A. I said, well, how you get over here?
21 He said, I'm over here, my phone is dying. I tried
22 to get over here, but you go pick me up by the
23 trailer.

24 And I said, I will call you when I get
25 closer, but your phone is dying. So just let me

SKINER, DUFFY - DIRECT EXAM BY MR. MCNEELY

1 know where you're at.

2 Q. Did you know that that location was
3 near the victim's apartment?

4 A. Absolutely. When he mentioned where he
5 was, I said, wait, don't your girlfriend live out
6 here? Why didn't you call her? She lives right
7 there.

8 Q. How did he respond to you suggesting
9 that he contact his girlfriend?

10 A. He was like, no, I hadn't talked to her
11 in a few months.

12 Q. Where were you by the time this second
13 call concluded?

14 A. At that point, we was already passing,
15 like, Best Buy on Rivers Avenue and Petco. That
16 whole group of buildings.

17 Q. What happened next?

18 A. I didn't speak to him until I got up on
19 Old 52 passing, I think, that Strawberry Station up
20 there.

21 Q. What happened at that time?

22 A. Then he was directing me to tell me how
23 to come into the trailer park where he was.

24 Q. When you say come into the trailer
25 park, did he direct you to come into the trailer

SKINER, DUFFY - DIRECT EXAM BY MR. MCNEELY

1 park in Shannonwood or to the apartments at
2 St. Francis Villas?

3 A. No, sir, to the trailer park. He told
4 me, you know, when I turned in where to turn when I
5 got to the stop sign in there.

6 Q. So what happened after you pulled in?

7 A. As soon as we pulled in, ironically
8 there were two officers right at the beginning of
9 the entrance with dogs out. And so I asked them
10 for some help because I've got a friend that just
11 called me and said he was in trouble and needed
12 some help to get out of there.

13 Q. You stopped your vehicle and spoke to
14 the officers?

15 A. I spoke to them. At that point, it was
16 a whole different situation.

17 Q. Did you tell him you were looking for
18 someone that needed help?

19 A. That's exactly what I told him, and
20 they just kind of went crazy. Where's he at? What
21 does he look like? And then he called me and I
22 said, where you at? I said the police are out
23 here. They can probably help you. He said, you
24 brought the cops with you. His tone completely
25 changed.

SKINER, DUFFY - DIRECT EXAM BY MR. MCNEELY

1 Q. And at that point you didn't know what
2 was going on?

3 A. I had no clue.

4 Q. What happened after you spoke to the
5 cops?

6 A. After that, he had -- I tried to call
7 him back and he answered and he called me back.
8 And he's like, you brought the cops with you? I
9 said don't bring anybody with you. I didn't bring
10 anybody with me besides my girl. You know, they
11 were already out here.

12 At that point, the phone kind of just
13 died.

14 Q. Okay. What happened after that?

15 A. We pulled up around the curve where he
16 said he was going to be at the trailer. Detective
17 Lewis, she came up in her Charger and she was
18 like -- she was like, do you know where he is? Do
19 you know what he did? And I was like, no. What
20 happened? He just murdered his girlfriend. And I
21 was like, what? We were in shock at that point.

22 Q. Okay. What did you do after that?

23 A. She instructed us to follow her over to
24 where Ms. Shonda's apartment was and everything was
25 at.

SKINER, DUFFY - DIRECT EXAM BY MR. MCNEELY

1 Q. Okay. What happened there?

2 A. We kind of sort of seen the crime, and
3 she was wanting me to keep calling him to see if he
4 would still, you know, let me pick him up, whatever
5 the case may be. We tried that for a while, you
6 know, while the officers were doing their
7 searching.

8 And he had called me back and told me
9 this time to come back in the trailer park, but
10 this time just open my trunk and he'll just jump in
11 the trunk.

12 Q. Okay. What did you do at that time?

13 A. I wasn't that familiar with the area,
14 so there was another young lady that lived in the
15 apartment complex. She kind of guided us to go
16 back into where he said he would be.

17 Q. Into the trailer park?

18 A. Into the trailer park. And then he
19 told me a different story after that. Then he
20 said, no, just go back out to 52 and drive slow and
21 you will see me and I'll jump in the trunk from
22 there.

23 Q. What happened after that?

24 A. After that I tried to phone him, he
25 said, you came back with the cops. And that was

SKINER, DUFFY - DIRECT EXAM BY MR. MCNEELY

1 the last time I heard from him. I assume his phone
2 died at that point.

3 Q. What did you do next?

4 A. Detective Lewis told us to stay in the
5 area, just still keep my phone on just in case he
6 tried to call back. So we just kind of -- after we
7 had did the ride down 52 and we didn't see him, we
8 came back out and we just kind of like parked at 52
9 Gas Station and waited for Detective Lewis to call
10 and see what she wanted us to do. We sat out there
11 some hours just waiting to see.

12 Q. And at this point is it fairly late in
13 the evening?

14 A. Yeah. It was about 1:30 in the morning
15 at that point.

16 Q. Did you ever make contact with the
17 defendant again that night?

18 A. Not that night.

19 Q. What did you do after that?

20 A. She told us to go home. I was going to
21 need to come back in the morning to write a
22 statement, you know, at the department.

23 Q. Okay. So you went back home to North
24 Charleston?

25 A. I went back to North Charleston, and I

SKINER, DUFFY - DIRECT EXAM BY MR. MCNEELY

1 was driving my one car that night. So I figured I
2 would drive my truck the next morning. I headed
3 out to go up there, and my fiancée was with me, and
4 we got the call from Detective Lewis saying that
5 they had just gotten a ping on his phone and found
6 out he was in the neighborhood trying to get
7 somebody to charge his phone, something like that.

8 She said to try to call him to see if
9 he would still let you pick him up.

10 Q. And at this point it's the next
11 morning?

12 A. Yes.

13 Q. About what time?

14 A. I know it was after 10:00. Maybe
15 11:00.

16 Q. And on your way to Moncks Corner, I
17 believe you said you spoke to Detective Lewis
18 again?

19 A. Yes, sir.

20 Q. Okay. And did you call the defendant
21 back at that time?

22 A. Yes, I did. And he actually answered
23 and told me that he needs me to come pick him up.

24 Q. Where did he tell you to come pick him
25 up?

SKINER, DUFFY - DIRECT EXAM BY MR. MCNEELY

1 A. The same place he originally asked me
2 to come and pick him up at the trailer park.

3 Q. Shannonwood?

4 A. Yes.

5 Q. What happened at that time?

6 A. Well, it was suggested that I didn't
7 have my fiancée in the car with me. So I took her
8 to the station and she stayed with the detectives,
9 and I proceeded to go and pick him up.

10 Q. Let me get this straight. After you
11 spoke with the defendant about picking him up, you
12 went to the Moncks Corner Police Station to drop
13 your fiancée?

14 A. Yeah. She said it's not -- it wasn't
15 smart to have us both in the car because they were
16 going to apprehend him.

17 Q. What did you do after dropping her off?

18 A. Headed back out. I called him and he
19 told me exactly where he was at. And I went back
20 into the trailer park and there he was. He just
21 jumped right in the truck.

22 Q. Where did he get into your vehicle?

23 A. Passenger side.

24 Q. Do you recall what he was wearing at
25 that time?

SKINER, DUFFY - DIRECT EXAM BY MR. MCNEELY

1 A. I think it was like a black shirt maybe
2 with some kind of work-looking pants, dark-looking
3 pants.

4 Q. What did you do after he got in the
5 vehicle?

6 A. I just, like, man, you were out here
7 all night? Just kind of shooting the bull to him
8 and trying to see if he would say anything at all.
9 He was just kind of like super calm, relaxed, like
10 nothing ever happened. He said it was a bad night.

11 Q. Did you ask him specifically what
12 happened?

13 A. I kept asking him what happened. And
14 he just kind of like reverted from saying what
15 actually happened. He was like, well, I got into
16 it with these dudes and, you know, I mean, and kind
17 of -- we was cool at first and then they tried to
18 flip on me.

19 And I was like, did you hurt one of
20 these dudes, or something? I was trying to find
21 out anything. And he said, nah. And then he kind
22 of turned at me with this stone look and said,
23 like, I killed my girlfriend. And I was like,
24 what? I'm stopping right now and putting you out
25 of the truck.

SKINER, DUFFY - DIRECT EXAM BY MR. MCNEELY

1 And he said, no, no, I'm just playing.

2 Q. Just so I'm clear, he specifically told
3 you that he killed his girlfriend?

4 A. He did.

5 Q. And then he played it off like it
6 didn't happen?

7 A. He, like, played it off like it didn't
8 happen because, you know, that was -- that was a
9 wrap after that.

10 Q. And was that in response to you after
11 acting like you were going to put him out of the
12 truck?

13 A. Yes.

14 Q. What happened after that?

15 A. I had -- they -- I was told to kind of
16 stay on the road where they could just, you know,
17 stop my vehicle. And -- and I kind of didn't want
18 to do it like that, it made me uncomfortable. So
19 what I ended up doing is I kind of went up 52 and
20 went to the gas station.

21 And I was like, let me get some gas in
22 the truck. I said, do you want something out of
23 the store? So I went and got something out of the
24 gas station.

25 All of this time I knew the detectives

SKINER, DUFFY - DIRECT EXAM BY MR. MCNEELY

1 were behind me, so I figured -- I said, listen, I'm
2 just going to stay in town. Detective Lewis, she
3 had called me again and my fiancée was with her.
4 She was like, well, kind of stay close if you need
5 to because they're watching you. And so when you
6 -- you know, once you make your next stop, we'll
7 figure out what to do from there.

8 So I decided to go to the Waffle House.
9 You know, I asked him, do you want something to
10 eat? And -- because I was telling him I was taking
11 him to North Charleston to hang out at my house, so
12 he was pretty relaxed.

13 Q. Did he know you were in contact with
14 the authorities at that time?

15 A. I seriously doubt it.

16 Q. Okay. What did you do after getting
17 gas?

18 A. We went -- we came out and I came back
19 out; I came back in towards Moncks Corner, that
20 way. And I ended up going to the Waffle House.
21 And my fiancée, she told me -- I told her, baby,
22 I'm going to get something to eat. You want
23 something to eat? You know, tell me what you want.

24 And then she got the phone -- Detective
25 Lewis got the phone and she said, just stay going

SKINER, DUFFY - DIRECT EXAM BY MR. MCNEELY

1 in the direction you're going in, you know. So I
2 said, you know, I'm hungry. Let's go get something
3 to eat at the Waffle House, and asking what you
4 want to eat.

5 So that's the move I made. I kind of
6 made it seem like she wanted something to eat and
7 that's where I wanted to go.

8 Q. So you were actually talking to
9 Detective Lewis, but acting like you were talking
10 to your girl --

11 A. Yes.

12 Q. Did you go to Waffle House?

13 A. Yeah. I just pulled up into the Waffle
14 House, backed my truck up there, you know, put the
15 windows down.

16 Q. Are you talking about the Waffle House
17 here in Moncks Corner?

18 A. Yes, sir. I left my windows down and
19 asked him what he wanted to eat. I got the order,
20 whatever he wanted, and by the time I went into
21 Waffle House, I kind of like went into the bathroom
22 and told her, listen, I'm at the Waffle House.

23 And she was like, come back out. You
24 know, she said come back out. When you come back
25 out, then we'll probably stop you, but then she

SKINER, DUFFY - DIRECT EXAM BY MR. MCNEELY

1 called me back and said, no, don't come back out.

2 We're going to take him right here.

3 Q. Did the defendant go into the Waffle

4 House with you?

5 A. No; he sat in the truck.

6 Q. Okay. So what happened while you were

7 in the Waffle House?

8 A. I looked -- when I came back out of the

9 bathroom, I looked and they was already

10 apprehending him. I came out and they were already

11 pulling him out of my truck.

12 Q. Was that in the parking lot of the

13 Waffle House?

14 A. Yes.

15 Q. What happened after that?

16 A. That was it. I mean, that was it.

17 After that, she called me back and told me that I

18 needed to go do my statement. And that's when I

19 went to the police station.

20 Q. Did you do an oral statement or a

21 written?

22 A. A written statement.

23 Q. Okay. And that was that morning?

24 A. Yes.

25 Q. Okay. Following that execution of the

SKINER, DUFFY - CROSS EXAM BY MS. SHIVERS

1 written statement, did you have any further
2 involvement in this matter?

3 A. No.

4 MR. MCNEELY: One moment, Your Honor?

5 THE COURT: Take your time.

6 MR. MCNEELY: No further questions from
7 the State.

8 THE COURT: Ms. Shivers.

9 CROSS-EXAMINATION

10 BY MS. SHIVERS:

11 Q. Hi, Mr. Skiner.

12 A. Hello.

13 Q. As you testified earlier, you were sort
14 of a mentor to Mr. Nelson?

15 A. Yes.

16 Q. And you met him at Narcotics Anonymous?

17 A. Yes.

18 Q. And what is the purpose of having a
19 sponsor? That's to help somebody that's newly in
20 the program?

21 A. Just to help somebody. Not even so
22 much you don't have to be new. I mean, it could be
23 people with a lot more years that still get a
24 sponsor.

25 You just need somebody to kind of help

SKINER, DUFFY - CROSS EXAM BY MS. SHIVERS

1 you kind of guide your way through, go over some of
2 the literature and share what the literature is and
3 show you how it applies to your life, and if you do
4 apply these certain steps and principles, how it
5 can affect your life for a new change.

6 Q. The people that are starting out in
7 Narcotics Anonymous, they are coming off of drugs?

8 A. Yes, ma'am. Some are coming right out
9 of prison, some are coming right out of a treatment
10 facility, some are coming off of the street.

11 Q. And so when they're in the program,
12 they're not using drugs?

13 A. We hope not.

14 Q. And I know it's maybe a silly question,
15 but, you know, some people use drugs and alcohol to
16 fill some kind of void that they may have in their
17 life?

18 A. Absolutely.

19 Q. So when they come in to Narcotics
20 Anonymous and they have stopped using drugs, there
21 is still that void left that they have to learn how
22 to deal with?

23 A. Absolutely. That's the purpose of
24 sponsorship and fellowship. That's the purpose of
25 our meetings. You can listen to somebody say

SKINER, DUFFY - CROSS EXAM BY MS. SHIVERS

1 something ten times, but actually seeing people
2 actually doing it, it has more effect.

3 Q. And just so the jury is aware in case
4 they don't know, way that Narcotics Anonymous is,
5 it's everybody that attends has some kind of
6 alcohol or drug history?

7 A. Yes.

8 Q. And so when somebody goes in there,
9 there are different ranges of sobriety among the
10 participants?

11 A. Yes.

12 Q. And I would presume that the sponsors
13 would likely have more sobriety time than the
14 people that they sponsor?

15 A. Yes, ma'am. It's suggested in the
16 program that when you chose a sponsor, it's
17 suggested that they have a year or more of clean
18 time and working knowledge of the 12 steps.

19 Q. And you can attend Narcotics Anonymous
20 for any length of time that you need to?

21 A. The rest of your life.

22 Q. And the sponsor -- when you sponsor
23 somebody you're kind of the go-to person?

24 A. Yes, ma'am.

25 Q. So when they're going through emotional

SKINER, DUFFY - CROSS EXAM BY MS. SHIVERS

1 issues or personal issues, they would contact you?

2 A. Right. I mean, not just only your
3 sponsor. That's why we have a network. You know,
4 the sponsor is the person that you know you should
5 directly communicate with.

6 In some situations, like myself, I
7 don't share with my sponsor. I talk to other
8 people in the network. It's that connection.

9 Q. And in the meetings, people tend to get
10 really personal --

11 A. Oh, yeah.

12 Q. -- about their life?

13 A. Yes.

14 Q. And things that they have gone through?

15 A. Yes.

16 Q. And when somebody may have a negative
17 urge to use drugs, they would likely call their
18 sponsor?

19 A. We always suggest they do if they can.

20 Q. Or if they have the desire to do
21 anything else in their life that may not be good
22 for them, they would call their sponsor?

23 A. Same situation. Any of our meetings we
24 say, anybody have a burning desire? You know, a
25 burning desire you want to hurt somebody, yourself,

SKINER, DUFFY - CROSS EXAM BY MS. SHIVERS

1 or anything like that. Or if you feel like using,
2 it's your time to speak. It's the same process.

3 Q. So it wouldn't be irregular for
4 somebody to call and tell you they may be suicidal?

5 A. No. We've all been through that.

6 Q. In those -- since you were Mr. Nelson's
7 sponsor, you know that he's 25 years old?

8 A. Yes.

9 Q. And you are aware that his father was
10 deceased when he was a young child?

11 A. Yes.

12 Q. And that his mother was a drug addict?

13 A. Yes.

14 Q. And she didn't raise him?

15 A. Right.

16 Q. And he was raised between his aunt and
17 his grandmother --

18 MR. MCNEELY: I object to this line of
19 questioning.

20 THE COURT: What's the basis?

21 MR. MCNEELY: Relevance.

22 MS. SHIVERS: It's certainly relevant
23 to my client and his circumstances.

24 THE COURT: It may be relevant to the
25 client, but is it relevant to the case?

SKINER, DUFFY - CROSS EXAM BY MS. SHIVERS

1 MS. SHIVERS: I believe so.

2 THE COURT: Come up.

3 (Bench conference.)

4 MS. SHIVERS: Is he able to answer?

5 THE COURT: I'm going to sustain that
6 objection.

7 BY MS. SHIVERS:

8 Q. Do you remember speaking with my
9 investigator?

10 A. Yes, ma'am.

11 Q. And you talked about the phone call
12 that you testified to that the solicitor asked you
13 about?

14 A. Yes.

15 Q. About two months prior to this
16 incident?

17 A. Yes, ma'am.

18 Q. And do you remember telling him that
19 you didn't really take it very seriously?

20 A. Right.

21 Q. You didn't think that he was actually
22 going to hurt anybody?

23 A. I didn't believe so, because we all
24 been through some crazy moments and just like --
25 (indicating)

SKINER, DUFFY - CROSS EXAM BY MS. SHIVERS

1 Q. And that's not abnormal for people who
2 have been using drugs?

3 A. No, not abnormal for anybody. Anybody
4 going through something.

5 Q. You didn't call the police?

6 A. No.

7 Q. Because you didn't believe that he was
8 a threat at that time?

9 A. Well, two different reasons. Not only
10 I didn't feel that it was actually a threat, but he
11 contacted me in confidence, you know. And I didn't
12 want to, you know, kind of put him out there like
13 that. I just tried to talk him off the ledge.

14 Q. And that's what you guys talk about in
15 NA, is to be able to reach out when you're in those
16 weak moments and you're the trusted people that
17 they turn to when they need help?

18 A. Yes, ma'am.

19 Q. And that's what you did?

20 A. Yes.

21 Q. Because you were his mentor?

22 A. Yes.

23 MS. SHIVERS: If I could have one
24 moment?

25 THE COURT: Take all the time you need.

SKINER, DUFFY - REDIRECT EXAM BY MR. MCNEELY

1 MS. SHIVERS: No further questions,
2 Your Honor.

3 THE COURT: Redirect?

4 REDIRECT EXAMINATION

5 BY MR. MCNEELY:

6 Q. Mr. Skiner, I'm assuming during your
7 time in NA you have worked with more people than
8 just this defendant?

9 A. Yes.

10 Q. And you've had a lot of conversations?

11 A. Yes.

12 Q. Have you ever had any other person in
13 NA call you and tell you they were thinking about
14 killing their girlfriend?

15 A. No.

16 Q. Just this one?

17 A. Just this one.

18 MR. MCNEELY: Thank you.

19 THE COURT: Any re-cross?

20 MS. SHIVERS: No, Your Honor.

21 THE COURT: Mr. Skiner, you may step
22 down. Feel free to stay with us.

23 MS. WILLIAMS: The State calls April
24 Jenkins.

25 THE COURT: Ms. Jenkins, come forward

JENKINS, APRIL - DIRECT EXAM BY MS. WILLIAMS

1 and be sworn.

2 APRIL JENKINS,

3 being first duly sworn, testified as follows:

4 THE CLERK: Please take your seat,
5 spelling your first and last name for the record.

6 THE WITNESS: April Jenkins,
7 J-E-N-K-I-N-S.

8 THE COURT: Ms. Williams.

9 MS. WILLIAMS: Thank you, Your Honor.

10 DIRECT EXAMINATION

11 BY MS. WILLIAMS:

12 Q. Ms. Jenkins, where do you live?

13 A. 

14 Q. And what are those apartments called?

15 A. St. Francis Villas.

16 Q. Did you live there July 17th of 2016?

17 A. Yes.

18 Q. Did you live near a person named Shonda
19 Davis?

20 A. Yes.

21 Q. And I'm going to show you a couple of
22 pictures previously marked and admitted as State's
23 Exhibits 1 and 2.

24 MS. WILLIAMS: May I approach the
25 witness, Your Honor?

JENKINS, APRIL - DIRECT EXAM BY MS. WILLIAMS

1 THE COURT: You may.

2 BY MS. WILLIAMS:

3 Q. Ms. Jenkins, can you tell us if you
4 recognize these pictures?

5 A. Yes.

6 Q. Okay. If you could please --

7 MS. WILLIAMS: Permission to publish
8 State's Exhibit 1.

9 THE COURT: You may.

10 MS. WILLIAMS: Could you put up State's
11 Exhibit 1?

12 BY MS. WILLIAMS:

13 Q. If you can turn around and just use
14 this pointer right here and show us if you see
15 Shonda Davis's apartment in that picture.

16 A. Right there. (Indicating)

17 Q. Okay. And where was your apartment?

18 A. Right here. (Indicating)

19 Q. Okay. And just a little bit clearer
20 State's Exhibit 2. We have one more view. If you
21 could show us, where did she live?

22 A. Right here. (Indicating)

23 Q. And where did you live?

24 A. Right there. (Indicating)

25 Q. Okay. Thank you. Did you interact

JENKINS, APRIL - DIRECT EXAM BY MS. WILLIAMS

1 with Shonda Davis much?

2 A. No, ma'am, she stayed to herself.

3 Q. And do you remember calling the police
4 regarding an incident between -- an incident in
5 July of 2016?

6 A. Yes, ma'am.

7 Q. And that incident involved who?

8 A. Shonda Davis and this young man over
9 here.

10 Q. When you say this young man over here,
11 are you pointing to the Defendant Edward Nelson?

12 A. Yes.

13 MS. SHIVERS: Objection; leading.

14 THE COURT: Overruled.

15 BY MS. WILLIAMS:

16 Q. Can you just tell us what he's wearing
17 for the record?

18 A. A dress shirt, blue, light blue,
19 button-up.

20 MS. WILLIAMS: Okay. Please let the
21 record reflect that she has identified -- the
22 witness has identified Edward Nelson, the
23 defendant.

24 BY MS. WILLIAMS:

25 Q. What happened -- what did you witness

JENKINS, APRIL - DIRECT EXAM BY MS. WILLIAMS

1 that made you call the police?

2 A. Okay. Me and my sister and my
3 neighbor's boyfriend was sitting on my porch. And
4 I know Shonda and him were outside, and I noticed
5 that he had a butcher knife after her. She was
6 doing like this and she was holding her hand up and
7 backing away. (Indicating)

8 And I said something and he then put
9 the knife to the side. And he was standing where
10 her screen door was at, and the screen door was
11 open, so I can't really see what was going on. I
12 called the police shortly after that -- well,
13 before I called the police he said when he got to
14 the car I needed to mind my mother F'ing business.

15 So me and him got into a confrontation,
16 and the guy, Richie, said something to him. And
17 him and Shonda got in the car, and I let Richie
18 took my car to follow them so when the police came
19 I could tell them his exact location.

20 Q. Did you provide information to the
21 police after they came?

22 A. Yes.

23 Q. And what information if you remember
24 did you provide?

25 A. I told the police that my neighbor

JENKINS, APRIL - DIRECT EXAM BY MS. WILLIAMS

1 Shonda Davis and a guy that be at her house on the
2 weekends had a butcher knife after her.

3 Q. Do you remember what Shonda's address
4 was at that time?

5 A. Her address?

6 Q. Yes.

7 A. [REDACTED].

8 Q. Okay. And that is what road?

9 A. [REDACTED].

10 Q. And did you provide any information
11 that will help them try to find her?

12 A. I told him that she was driving a white
13 Camry. I can't remember the tag number, but I
14 tried to see it.

15 Q. Did you try to give him the tag number?

16 A. Yes, I tried to.

17 Q. Okay. And do you still live at this
18 apartment complex?

19 A. Yes, ma'am, I do.

20 Q. Were you there the night that Shonda
21 Davis was murdered?

22 A. No, ma'am, because shortly after I had
23 called the cops, like, I think I want to say a
24 month or two months after that, I was at work and
25 my apartment had burned down. It was an electrical

JENKINS, APRIL - CROSS EXAM BY MS. SHIVERS

1 fire.

2 So the landlord put me up in a hotel
3 for like two months, so I wasn't there that night.

4 Q. But you have since returned?

5 A. Uh-huh.

6 MS. WILLIAMS: Beg the Court's
7 indulgence.

8 BY MS. WILLIAMS:

9 Q. That day did you have further contact
10 with Shonda?

11 A. Yes. Later on when she had returned, I
12 asked her if she was okay. And she told me she was
13 fine.

14 MS. WILLIAMS: Thank you. Please
15 answer any questions from the defense.

16 THE COURT: Ms. Shivers.

17 MS. SHIVERS: Thank you.

18 CROSS-EXAMINATION

19 BY MS. SHIVERS:

20 Q. Hi, Ms. Jenkins.

21 A. Hello.

22 Q. So you remember calling 911?

23 A. Yes, ma'am.

24 Q. And Officer Mason responded?

25 A. Yes.

JENKINS, APRIL - CROSS EXAM BY MS. SHIVERS

1 Q. And the reason you called 911 is
2 because you were fearful for your neighbor?

3 A. Yes.

4 Q. And so you gave all the information
5 that you could to Officer Mason?

6 A. Yes.

7 Q. To try to help her?

8 A. Yes.

9 Q. And to try to get him to be able to
10 locate her?

11 A. Yes, ma'am.

12 Q. To make sure that she was okay.

13 Do you remember testifying here

14 yesterday? Monday? I'm sorry, Monday?

15 A. Yes.

16 Q. And you took an oath to tell the truth?

17 A. Yes.

18 Q. And you sat right there in that chair?

19 A. Yes.

20 Q. And you were questioned by the
21 solicitor?

22 A. Yes.

23 Q. And then you were questioned by me?

24 A. Yes.

25 Q. About the same incident?

JENKINS, APRIL - CROSS EXAM BY MS. SHIVERS

1 A. Yes.

2 Q. Do you remember me asking you whether
3 or not you gave Officer Mason the license plate
4 number?

5 A. Yes. And I remember I told you I can't
6 remember if I did or didn't.

7 Q. You told me, no, I did not.

8 A. Well, I don't recall that, but -- okay.
9 Whatever.

10 Q. And, today, now you remember that you
11 -- you tried to give him a license plate?

12 A. Okay. I mean, it really don't matter.
13 It did happen. I did talk to my sister and she
14 wanted to know if she could have came in and
15 testified because she saw it and so did Richie.

16 Q. You never followed up with the Moncks
17 Corner Police Department --

18 A. No, because Shonda told me she was all
19 right and told me not to do it. So I didn't.

20 Q. And when -- you've never called back to
21 the Moncks Corner Police Department to identify the
22 person that you saw that day?

23 A. How you mean I didn't identify him?

24 Q. You never called the Moncks Corner
25 Police Department to identify the person related to

JENKINS, APRIL - CROSS EXAM BY MS. SHIVERS

1 this incident?

2 A. Well, when I made the report, I called
3 them and I told Officer Mason that I didn't know
4 his name and I told him about Shonda.

5 Q. But you never called back --

6 A. I called back when Shonda told me that
7 she was all right. Officer Mason told me to let
8 him know when she returned. And I called them back
9 and said she was okay.

10 Q. But you never called to identify the
11 suspect --

12 A. No, I didn't.

13 Q. And in October of 2016, when Shonda was
14 killed, you never called the Moncks Corner Police
15 Department to identify any person in relation to
16 this incident?

17 A. No, I didn't.

18 Q. And you never made any identification
19 of any suspect until Monday when you sat in that
20 witness stand?

21 A. Yes, because I didn't witness the
22 murder situation.

23 Q. But you never prior to Monday have
24 called Moncks Corner and made an identification of
25 the suspect --

JENKINS, APRIL - REDIRECT EXAM BY MS. WILLIAMS

1 A. No.

2 Q. -- involved in this July incident?

3 A. No, I didn't.

4 Q. And prior to your testimony, you met
5 with the solicitor's office to prepare, correct?

6 A. I met with them Monday morning when I
7 came here.

8 MS. SHIVERS: Your Honor, if I may have
9 a moment?

10 THE COURT: Take all the time that you
11 need.

12 MS. SHIVERS: No other questions, Your
13 Honor.

14 MS. WILLIAMS: Just briefly, Your
15 Honor.

16 REDIRECT EXAMINATION

17 BY MS. WILLIAMS:

18 Q. April, you were just challenged about
19 testifying right now that you gave the tag number
20 and that that's not what you said Monday. Would it
21 refresh your memory to look at the report that
22 shows you gave the tag number?

23 MS. SHIVERS: Objection, Your Honor.

24 THE COURT: What's the basis?

25 MS. SHIVERS: May we approach?

JENKINS, APRIL - REDIRECT EXAM BY MS. WILLIAMS

1 THE COURT: You may.

2 (Bench conference.)

3 THE COURT: Sustained.

4 BY MS. WILLIAMS:

5 Q. April, you were asked about why you
6 didn't call the police in October after Shonda was
7 murdered. Did you even live there in October?

8 A. I was staying at a hotel when she got
9 murdered. I wasn't there.

10 MS. WILLIAMS: Thank you.

11 THE COURT: Re-cross.

12 MS. SHIVERS: No, Your Honor.

13 THE COURT: You may step down. Feel
14 free to stay with us, but you are free to leave.

15 THE WITNESS: Thank you.

16 MS. WILLIAMS: The State would call
17 Officer Gary Mason.

18 GARY MASON,
19 being first duly sworn, testified as follows:

20 THE CLERK: Please take your seat,
21 spelling your first and last name for the record.

22 THE COURT: My name is Gary Ray Mason,
23 last name is M-A-S-O-N.

24 THE COURT: Ms. Williams.

25 THE WITNESS: Good morning.

MASON, GARY - DIRECT EXAM BY MS. WILLIAMS

1 DIRECT EXAMINATION

2 BY MS. WILLIAMS:

3 Q. Good morning. Officer Mason, where do
4 you work?

5 A. I'm a patrol officer with the town of
6 Moncks Corner.

7 Q. And were you working in that capacity
8 in July of 2016?

9 A. Yes, ma'am.

10 Q. And did you respond to a call to the
11 St. Francis apartments?

12 A. Yes, ma'am, I did.

13 Q. And was that on July 17, 2016?

14 A. Yes, ma'am.

15 Q. And do you remember the specific
16 address that you responded to where the incident
17 occurred?

18 A. The call was dispatched to [REDACTED]
19 [REDACTED].

20 Q. And what was the call regarding?

21 A. The complainant, a Ms. April Jenkins,
22 stated that a black female had come running out of
23 the apartment and a man had come out of the
24 apartment. And they were yelling at each other
25 back and forth, and the man had a knife, a butcher

MASON, GARY - DIRECT EXAM BY MS. WILLIAMS

1 knife is what she explained then.

2 Q. And were the two -- were the victim and
3 the defendant at the scene when you arrived?

4 A. No, ma'am.

5 Q. And did the complainant, Ms. Jenkins,
6 give you a plate number?

7 A. Yes, ma'am, she did.

8 Q. Do you remember what the plate number
9 was?

10 A. The plate number was KJA 600.

11 Q. And did you try to run the plate
12 number?

13 A. Yes, ma'am, we did. And it came back
14 to a Ford Ranger, which was not the vehicle that we
15 were told they left in.

16 Q. What was the vehicle you were told they
17 left in?

18 A. The vehicle we were told they left the
19 scene in was a white in color Toyota Camry.

20 Q. And at that time did you have any idea
21 that the person that lived at [REDACTED] was
22 Shonda Davis?

23 A. No, ma'am.

24 Q. And at that time did you know what her
25 license plate number was?

MASON, GARY - CROSS EXAM BY MS. SHIVERS

1 A. No, ma'am.

2 Q. Did you follow up in any way with the
3 situation?

4 A. Well, at that time, we patrolled the
5 area all the way down Cypress Garden Road looking
6 for that particular vehicle and we had negative
7 contact with it. The next day I went by the
8 apartment, and the female wouldn't tell me her
9 name. Said she didn't want any police involvement
10 and closed the door.

11 MS. WILLIAMS: Okay. Thank you. No
12 further questions.

13 THE COURT: Ms. Shivers?

14 MS. SHIVERS: Yes, ma'am.

15 CROSS-EXAMINATION

16 BY MS. SHIVERS:

17 Q. Officer Mason, you were the responding
18 officer back in July of 2016?

19 A. Yes.

20 Q. And you responded and spoke with
21 Ms. April Jenkins?

22 A. Yes.

23 Q. And at the time that you spoke with
24 her, she did not know the identity of the parties
25 involved?

MASON, GARY - CROSS EXAM BY MS. SHIVERS

1 A. That's what she said.

2 Q. And she simply described it as a black
3 female and a black male?

4 A. Yes.

5 Q. And so when you were writing the report
6 you indicated unknown for both victim --

7 A. Yes.

8 Q. -- as well as suspect?

9 A. Yes.

10 Q. And in the report she indicated that --
11 in her recitation to you, she indicated that the
12 black female -- she asked the black female whether
13 or not she wanted her to call the police and she
14 said no?

15 A. Yes.

16 Q. And then at some point, the black male
17 put the knife into his pants?

18 A. Yes.

19 Q. And they left together in the white
20 Camry?

21 A. Yes.

22 Q. And she never indicated that the female
23 left unwillingly?

24 A. No.

25 Q. And she didn't tell you about any

MASON, GARY - CROSS EXAM BY MS. SHIVERS

1 verbal altercation that she had with the suspect?

2 A. Ms. Jenkins?

3 Q. Yes, sir.

4 A. No, ma'am. She didn't tell me anything
5 about that.

6 Q. And she didn't tell you about any
7 altercation between any male, the male suspect?

8 A. No.

9 Q. Because if she had, it would be in your
10 report?

11 A. Certainly.

12 Q. And then you indicated that you went
13 back the next day?

14 A. Uh-huh.

15 Q. And you knocked on the door to 166?

16 A. Yes, ma'am.

17 Q. And the female answered?

18 A. Uh-huh.

19 Q. She did not want to speak with you?

20 A. That's correct.

21 Q. And she slammed the door in your face?

22 A. Politely slammed.

23 Q. Do you know all of the residents of [REDACTED]

24 [REDACTED]

25 A. No.

MASON, GARY - CROSS EXAM BY MS. SHIVERS

1 THE COURT: I need you to answer out
2 loud.

3 THE WITNESS: I said, no, ma'am. I'm
4 not aware of who lived at that address.

5 BY MS. SHIVERS:

6 Q. So you're not aware of more than one
7 black female that lived there?

8 A. I have no idea.

9 Q. And you're not aware of -- to this date
10 you've never identified a suspect in relation to
11 this incident?

12 A. No.

13 Q. And you have had no follow-up calls
14 indicating that a suspect was identified?

15 A. No. I have had no follow-up there that
16 I'm aware of.

17 Q. And nobody has been charged in relation
18 to this incident?

19 A. No.

20 MS. SHIVERS: No other questions.

21 MS. WILLIAMS: Nothing further, Your
22 Honor.

23 THE COURT: Sir, you may step down.
24 Feel free to stay with us, but you are free to
25 leave.

1 Anything before we take our comfort
2 break?

3 MS. WILLIAMS: Not from the State.

4 MS. SHIVERS: No, Your Honor.

5 THE COURT: And your next witness is?

6 MS. WILLIAMS: The State recalls
7 Taronda Davis very briefly and then Officer Michael
8 Auclair. Or Taronda Gilliard, I'm sorry.

9 THE COURT: Okay.

10 (A recess transpired.)

11 MS. WILLIAMS: Ms. Gilliard is our next
12 witness, and it's my understanding that she is in
13 the restroom. She will be here in just seconds.

14 THE COURT: Please bring in the jury.

15 (Jury in, 11:26 a.m.)

16 THE COURT: Thank you. Please be
17 seated.

18 Call your next witness.

19 MS. WILLIAMS: State would recall
20 Taronda Gilliard.

21 TARONDA GILLIARD,

22 being first duly sworn, testified as follows:

23 THE CLERK: Please take your seat,
24 spelling your first and last name for the record.

25 THE WITNESS: Taronda Gilliard,

GILLIARD, TARONDA - DIRECT EXAM BY MS. WILLIAMS

1 G-I-L-L-I-A-R-D.

2 DIRECT EXAMINATION

3 BY MS. WILLIAMS:

4 Q. Ms. Gilliard, you testified yesterday
5 that Shonda Davis is your sister?

6 A. Yes.

7 Q. And did she live at [REDACTED] ?

8 A. Yes.

9 Q. Is that St. Francis apartments?

10 A. Yes.

11 Q. What kind of car did she drive?

12 A. A white Toyota Camry, 2008.

13 Q. Do you know her license plate number?

14 A. Yes, ma'am.

15 Q. What is it?

16 A. KAJ 600.

17 Q. How do you know that?

18 A. I had her insurance on the car on my
19 insurance, and I bought the car for her. I took
20 care of everything with the car.

21 Q. Okay. And did you ever have an
22 occasion to photograph that license plate?

23 A. Yes, ma'am.

24 MS. WILLIAMS: Your Honor, I'm going to
25 show what was previously marked and admitted as

GILLIARD, TARONDA - DIRECT EXAM BY MS. WILLIAMS

1 State's 99. May I approach?

2 THE COURT: You may.

3 BY MS. WILLIAMS:

4 Q. Tell us what that's a photograph of.

5 A. Shonda's license tag.

6 Q. And is that the license tag behind you?

7 A. Yes, ma'am.

8 Q. Do you still have it?

9 A. I do.

10 Q. Why is that?

11 A. When I changed -- when I went through
12 probate and I had to change everything over, I took
13 it to the highway department. And they informed me
14 that I could keep it, so I have it.

15 MS. WILLIAMS: Thank you. No further
16 questions.

17 MS. SHIVERS: No questions, Your Honor.

18 THE COURT: You may step down. Thank
19 you.

20 THE WITNESS: Thank you.

21 MS. WILLIAMS: State calls Michael
22 Auclair.

23 MICHAEL AUCLAIR,

24 being first duly sworn, testified as follows:

25 THE CLERK: Please take your seat,

AUCLAIR, MICHAEL - DIRECT EXAM BY MS. WILLIAMS

1 spelling your first and last name for the record.

2 THE WITNESS: Sergeant Michael Auclair,
3 last name is A-U-C-L-A-I-R.

4 DIRECT EXAMINATION

5 BY MS. WILLIAMS:

6 Q. Detective Auclair, what is your rank?

7 A. Sergeant.

8 Q. And how long -- where do you work?

9 A. Moncks Corner Police Department.

10 Q. And how long have you been there?

11 A. Be eight years this year.

12 Q. Did you work anywhere before that?

13 A. Yes.

14 Q. Where was that?

15 A. I worked at Folly Beach as a State
16 Constable for SLED.

17 Q. And how long were you there?

18 A. About a year.

19 Q. Okay. And what are your present
20 duties?

21 A. I oversee the forensics unit, the
22 investigations and evidence.

23 Q. And were you working in that capacity
24 on October 15th of 2016?

25 A. Yes, except for investigations. That's

AUCLAIR, MICHAEL - DIRECT EXAM BY MS. WILLIAMS

1 just been recently done.

2 Q. Okay. And so back then you were
3 working in forensics?

4 A. Yes.

5 Q. And did you respond to a crime scene at
6 St. Francis apartments, [REDACTED] in
7 Moncks Corner?

8 A. Yes, I did.

9 Q. Who was at the scene when you arrived?

10 A. Our officers -- Bailey, Edens,
11 Spurgeon, Thomas -- Fire and EMS.

12 Q. Was there a victim at a scene when you
13 arrived?

14 A. Yes.

15 Q. And where was she -- or who was it if
16 you know?

17 A. At the time I didn't know the name, but
18 the victim was laying in the front yard.

19 Q. Okay. And was it a female victim?

20 A. At the time, I didn't know.

21 Q. You didn't know. Okay. And was she
22 transported at some point?

23 A. Yes, she was.

24 Q. And where was she transported to?

25 A. Trident main.

AUCLAIR, MICHAEL - DIRECT EXAM BY MS. WILLIAMS

1 Q. Did anyone from Moncks Corner Police
2 Department escort that transport?

3 A. Yes.

4 Q. Who was that?

5 A. That would be Officer Ashley Spurgeon.

6 Q. Okay. And where -- if you know, where
7 -- or did you learn where the victim's home was in
8 relation to where her body was found?

9 A. Sometime at the scene we learned she
10 was right in the front yard of her house.

11 Q. Okay. And did you learn who else she
12 lived with at that residence?

13 A. She had a young child.

14 Q. And was the child there?

15 A. No, ma'am.

16 Q. Okay. And as part of your duties that
17 night, did you collect items of evidence?

18 A. Yes, we did.

19 Q. And do you know what items of evidence
20 you collected?

21 A. There was a couple of bags, a blue bag,
22 black bag; there was a black shoe; there was a
23 child's shoe; I believe there was a bottle of
24 water, toothbrush, a holder; there was a straw;
25 there was a couple of pieces of hair; and we also

AUCLAIR, MICHAEL - DIRECT EXAM BY MS. WILLIAMS

1 swabbed a foot print.

2 Q. Did you photograph the scene?

3 A. Yes.

4 MS. WILLIAMS: Okay. Your Honor, I'm
5 going to hand defense counsel what has been marked
6 and admitted as State's Exhibits 1 through 33. And
7 we would like permission to publish these one at a
8 time.

9 THE COURT: Okay.

10 MS. WILLIAMS: Ms. Brown, if you would
11 put up State's Exhibit 2?

12 BY MS. WILLIAMS:

13 Q. Detective Auclair, there is a pointer
14 right there, if you could just turn in your seat,
15 and I'm going to ask you some questions about the
16 photographs.

17 Please describe what this is.

18 A. This is the scene, this is her house,
19 this is where she was laying, and this is the
20 sidewalk walking into her house. (Indicating)

21 Q. Did you recover items of evidence any
22 place other than where the body was found?

23 A. I don't understand.

24 Q. Did you recover a phone?

25 A. Yes.

AUCLAIR, MICHAEL - DIRECT EXAM BY MS. WILLIAMS

1 Q. Okay. Where was that found?

2 A. The phone was laying up here by the
3 door step on the porch.

4 Q. Okay. And were there any blood drops
5 that -- that you observed when you were processing
6 the scene?

7 A. Yes.

8 Q. Okay. And if you could just kind of
9 give us an overview.. We're going to go into those
10 in more detail, but if you could just give us an
11 overview of where the blood drops were.

12 A. Okay. We found some blood drops right
13 here by the porch and we found some down here, and
14 then there was blood right here. (Indicating)

15 Q. Okay.

16 A. There was some blood out here on the
17 sidewalk.

18 Q. Okay. So based on your training and
19 experience, did it appear to you that -- that you
20 saw a trail of where the victim was?

21 MS. SHIVERS: Objection; leading.

22 THE COURT: Overruled.

23 THE WITNESS: Yes, ma'am.

24 BY MS. WILLIAMS:

25 Q. Can you sort of explain where that

AUCLAIR, MICHAEL - DIRECT EXAM BY MS. WILLIAMS

1 trail would be, like where she might have started
2 and ended up?

3 A. It appeared that it started right here,
4 a couple of drops here, and then down here, and
5 then it kind of led out this way. This was the
6 final resting place where the most blood was.

7 (Indicating)

8 Q. And where was the majority of the
9 blood?

10 A. Right -- see this dark spot right here.
11 This is where the majority of it was found.

12 (Indicating)

13 MS. WILLIAMS: Okay. Could you publish
14 State's 6?

15 BY MS. WILLIAMS:

16 Q. And what is that?

17 A. That's the cell phone that we
18 collected.

19 Q. And where was that?

20 A. This was the doormat leading into her
21 front door.

22 Q. Okay. State's Exhibit 8. What is that
23 by the doormat?

24 A. Drop of blood, another drop, another
25 drop.

AUCLAIR, MICHAEL - DIRECT EXAM BY MS. WILLIAMS

1 Q. Okay. State's 10. And what is that?

2 A. Here or -- water bottle, this is a
3 toothbrush holder, and this is another -- some more
4 drops of blood.

5 Q. So where did those items appear to come
6 from, if you know?

7 A. I don't know.

8 Q. Okay.. Was there a bag or anything
9 close by those? Where were her belongings in
10 relation to this picture? Even if you have to
11 point off the picture, where was her resting place
12 in relation to this picture?

13 A. It would be -- I would have to see the
14 other picture if I could.

15 MS. WILLIAMS: Can you put up State's
16 11?

17 BY MS. WILLIAMS:

18 Q. I think this one might help you. Do
19 you see the water bottle there?

20 A. There's the water bottle and this is
21 one bag right here. I don't know which...

22 THE COURT REPORTER: I can't hear you,
23 sir.

24 THE WITNESS: I said, this is the water
25 bottle and this is the bag.

AUCLAIR, MICHAEL - DIRECT EXAM BY MS. WILLIAMS

1 BY MS. WILLIAMS:

2 Q. Okay. And can you see what is in the
3 forefront of that picture? Can you tell what that
4 is?

5 A. Down here? (Indicating)

6 Q. Yeah.

7 A. This was the -- I believe this is the
8 victim's shoe.

9 Q. Okay. State's Exhibit 12. Is this
10 just a different angle of that? Is that that bag?

11 A. It is.

12 Q. And where is the front door in relation
13 to the picture that we're seeing?

14 A. It's off the screen, but right about in
15 here. (Indicating)

16 Q. Okay. State's Exhibit 16, what is
17 that?

18 A. Pair of glasses.

19 Q. And where in relation to the glasses
20 was the victim laying?

21 A. The victim was laying over here. This
22 would have been about where her head was laying.
23 (Indicating)

24 Q. State's Exhibit 20, please explain to
25 us what that is.

AUCLAIR, MICHAEL - DIRECT EXAM BY MS. WILLIAMS

1 A. This is a fingerprint on the sidewalk.
2 It appeared to be a bloody fingerprint.

3 Q. And when you told us before that you
4 swabbed a footprint, is that the footprint that you
5 swabbed?

6 A. Yes.

7 Q. State's Exhibit 21, tell us what that
8 is.

9 A. That's a blue -- just a blue bag.

10 Q. And did you have an opportunity to look
11 inside that bag after you collected that item of
12 evidence?

13 A. Yes.

14 Q. And what was in that bag?

15 A. There was some children's shoes and
16 clothes and overnight stuff.

17 Q. Okay. So you said you collected two
18 bags at the scene. Was this one of them?

19 A. Yes, ma'am.

20 Q. Okay. State's Exhibit 22, please tell
21 us what is in the forefront of that picture?

22 A. This is the shoe -- victim's shoe,
23 that's the blue bag. (Indicating)

24 Q. And can you tell what is off to the
25 right of the blue bag? Can you tell from that

AUCLAIR, MICHAEL - DIRECT EXAM BY MS. WILLIAMS

1 picture?

2 A. That one?

3 Q. Uh-huh.

4 A. It looks like a child -- maybe the
5 child's shoe. I can't tell from here.

6 Q. State's Exhibit 26, what is that?

7 A. That will be the victim's purse.

8 Q. Okay. So the other bag?

9 A. Yes.

10 Q. And what is contained in that purse, if
11 you can tell?

12 A. Just personal stuff.

13 Q. What is all over that purse?

14 A. Blood.

15 Q. And State's Exhibit 27, please. What
16 is that?

17 A. This is the victim's shoe and this is
18 the child's shoe.

19 Q. Okay. And State's 28, please. What is
20 that?

21 A. Set of keys, and not sure without a
22 close-up. It looks like a hair.

23 Q. Okay. Now, after you processed the
24 scene -- well, let me backtrack. Before you
25 processed the scene, tell us what you do to protect

AUCLAIR, MICHAEL - DIRECT EXAM BY MS. WILLIAMS

1 the integrity of the evidence that's contained in
2 the scene.

3 A. We tape off the scene and we don't let
4 anybody in the scene. Before we start processing,
5 we photograph it. We put on gloves, foot
6 protection. That's how we protect it.

7 Q. When you collect evidence, what is the
8 protocol that Moncks Corner uses to protect each
9 piece of evidence from contamination?

10 A. Everything is bagged and labeled
11 separately. It's sealed; it's initialed before
12 it's placed into evidence.

13 MS. WILLIAMS: Your Honor, may I
14 approach? I need to get something.

15 THE COURT: You may.

16 BY MS. WILLIAMS:

17 Q. Do you put certain markings on the --
18 on the packaging for each piece of evidence so that
19 you know what it is?

20 A. Yes, ma'am.

21 MS. WILLIAMS: Okay. I'm going to show
22 this witness what's been previously marked as
23 State's 79. May I approach, Your Honor?

24 THE COURT: You may.

25 BY MS. WILLIAMS:

AUCLAIR, MICHAEL - DIRECT EXAM BY MS. WILLIAMS

1 Q. What is this?

2 A. Pair of glasses.

3 Q. And these were found at the scene?

4 A. Yes.

5 Q. And these are the glasses that you
6 collected right by where Shonda Davis's head
7 rested?

8 A. Yes.

9 Q. How do you know that those are the
10 glasses that you collected?

11 A. The bag has -- there's an evidence
12 number on the back of the bag.

13 Q. Okay. Now since I did it, you don't
14 need the gloves.

15 A. You're all right.

16 Q. That's the evidence number that you put
17 on there?

18 A. Yes.

19 Q. Okay. And is that what you do with
20 each piece of evidence that you collect?

21 A. Yes.

22 Q. And are those items of evidence stored
23 in a separate place from other pieces of evidence
24 that are all in a separate packaging?

25 A. Correct.

AUCLAIR, MICHAEL - DIRECT EXAM BY MS. WILLIAMS

1 Q. When you take those items for testing
2 up to SLED, how is that process handled? So how do
3 you bring things up to SLED? Do you bring them up
4 in the packaging, and then how is that logged in?

5 A. The packaging goes to SLED as we
6 complete the packaging. The whole thing goes to
7 SLED.

8 Q. And then do you keep --

9 A. And it has my date and initials on it
10 before it goes up.

11 Q. Do you keep track of something called a
12 chain of evidence or a log --

13 A. Chain of custody.

14 Q. Okay. After you processed this scene
15 and collected this evidence, did you have further
16 involvement in this case?

17 A. Yes.

18 Q. Did you do anything else after --

19 A. I transported the evidence to SLED.

20 Q. And did you have any involvement the
21 next day in the apprehension of the defendant?

22 A. Yes, I did.

23 Q. And where did that take place?

24 A. At the Waffle House in Moncks Corner.

25 Q. And were you with any other officer at

AUCLAIR, MICHAEL - DIRECT EXAM BY MS. WILLIAMS

1 that time when that was taking place?

2 A. Yes.

3 Q. Who were you with?

4 A. Sergeant Thelma Lewis, road officers
5 that were on duty at the time.

6 Q. Okay. And where were you when the
7 defendant was at the Waffle House? Explain what
8 your role was and what location you were in.

9 A. Mr. Duffy had made contact with us, and
10 an arrangement was set for the next day to pick up
11 Mr. Nelson. He did so. He was followed in -- I
12 was driving an unmarked blue Suburban and he was
13 followed.

14 Q. Okay. So your sedan was following
15 them?

16 A. Yes.

17 Q. And you were with Detective Lewis?

18 A. I was with Detective Lewis.

19 Q. Just to backtrack just a little bit,
20 did you do something called a TLO the night before?

21 A. Yes.

22 Q. Tell us what that is.

23 A. TLO is a database that you can go into
24 -- I can type in a name in TLO, or a part of a
25 name, and we can find people's residence,

AUCLAIR, MICHAEL - DIRECT EXAM BY MS. WILLIAMS

1 relatives, their residences.

2 Q. Okay.

3 A. It's information.

4 Q. So is it fair to say that it's a tool
5 that you use to find people?

6 A. Yes.

7 Q. And did you get Edward Nelson's name
8 the night before he was apprehended in order to use
9 a TLO?

10 A. Yes.

11 Q. Do you know how you got his name?

12 A. Neighbors.

13 Q. Pardon?

14 A. The neighbors.

15 Q. Okay. And was that -- that was the
16 night that Shonda Davis was killed?

17 A. Yes.

18 THE COURT: Can you speak more loudly
19 and into the microphone?

20 THE WITNESS: Yes, ma'am.

21 THE COURT: Thank you.

22 BY MS. WILLIAMS:

23 Q. And that night, in addition to the TLO,
24 did you and other officers take other steps to try
25 to find Mr. Nelson?

AUCLAIR, MICHAEL - DIRECT EXAM BY MS. WILLIAMS

1 A. Yes, there was other steps taken.

2 Q. Did you yourself go to any places to
3 look for him?

4 A. Yes, we did.

5 Q. Where did you go?

6 A. That night we went to the grandma's
7 house.

8 Q. And were you successful in locating
9 him?

10 A. No, ma'am.

11 Q. So after he was apprehended at the
12 Waffle House, did you come into contact with
13 Mr. Nelson again?

14 A. At the Waffle House, yes.

15 Q. And after that did you collect any
16 items of evidence from Mr. Nelson?

17 A. Yes.

18 Q. What were they?

19 A. I collected a cell phone, charger, a
20 box cutter. We also got swabs from Mr. Nelson as
21 well.

22 Q. Can you explain what those swabs are
23 called?

24 A. One was a buccal swab and one was just
25 DNA swabs.

AUCLAIR, MICHAEL₁ - DIRECT EXAM BY MS. WILLIAMS

1 Q. Tell us what a buccal swab is.

2 A. A buccal swab is a test mandated by
3 SLED to collect a person's DNA. All it is is a
4 giant Q-tip that you swab around in their mouth.

5 Q. And what do you do with that?

6 A. It gets sealed in a package. There's
7 actually several seals that go in place. Once the
8 package is sealed, it's labeled and sent to SLED.

9 Q. And when you say, other swabs, what
10 other parts of his body did you swab, if any?

11 A. We swabbed his ears and we swabbed the
12 palms of his hand.

13 Q. And did you put eyes on him? You were
14 pretty close to him the day after Shonda was killed
15 when you were collecting all of this stuff? I'm
16 assuming you were pretty close to him?

17 A. Yes, ma'am.

18 Q. Did he appear to have any visible
19 injuries on his face, on his arms?

20 A. He had a cut on his hand, he had a mark
21 on his ear that I believe it looked like blood.
22 That's why it was swabbed.

23 Q. Any other injuries that you noted?

24 A. I didn't see any, no.

25 Q. I'm going to show you what's been

AUCLAIR, MICHAEL - DIRECT EXAM BY MS. WILLIAMS

1 previously marked as State's Exhibit 33. If you
2 could look at this behind you. Is that the injury
3 that you noted to his hand?

4 A. Yes.

5 Q. Any other injuries on his body that
6 would look anything like defensive wounds?

7 A. I did not see any.

8 Q. Do you know what items of evidence were
9 transported to SLED -- let me backtrack a little.
10 I withdraw that question.

11 Did you at some point have an
12 opportunity to collect the defendant's clothing?

13 A. Yes.

14 Q. And do you remember what items of
15 clothing those were?

16 A. It was the other shoe, it was her
17 clothing, I believe there was some jewelry --

18 Q. What about from the defendant?

19 A. From the defendant, we collected his
20 clothes.

21 Q. Do you remember what items of clothing
22 those were?

23 A. A shirt, pants, boots, and a belt, I
24 think.

25 MS. WILLIAMS: Your Honor, I'm going to

AUCLAIR, MICHAEL - DIRECT EXAM BY MS. WILLIAMS

1 show defense counsel what was previously marked as
2 State's Exhibits 81 and 82.

3 May I approach?

4 THE COURT: You may.

5 BY MS. WILLIAMS:

6 Q. Can you tell us what is in this bag?
7 You may want to put on your -- what item is this?

8 A. It would be the right boot.

9 Q. Okay. And what about this item?

10 A. Left boot.

11 Q. And these are the boots that you took
12 off of the defendant?

13 A. Yes, ma'am.

14 Q. And were these items submitted to SLED?

15 A. Yes, they were.

16 Q. And, to your knowledge, were they
17 tested?

18 A. Yes, they were.

19 MS. WILLIAMS: I'm going to show
20 defense counsel what's been marked as State's
21 Exhibit 80.

22 May I approach?

23 THE COURT: You may.

24 BY MS. WILLIAMS:

25 Q. What is this?

AUCLAIR, MICHAEL - DIRECT EXAM BY MS. WILLIAMS

1 A. The suspect's shirt.

2 Q. And that's the shirt he was wearing
3 when he was apprehended?

4 A. Yes.

5 Q. And was this item taken to SLED?

6 A. Yes, it was.

7 Q. And, to your knowledge, was it tested?

8 A. Yes, it was.

9 Q. Okay. And the buccal swab that you
10 collected from the defendant, you also transported
11 that to SLED?

12 A. Yes.

13 Q. In the same type of packaging with your
14 initials and logged in to SLED?

15 A. Yes.

16 Q. Now, at some point did you have an
17 opportunity to examine a telephone that was
18 identified as the victim's telephone?

19 A. Yes.

20 Q. And did you go through that telephone
21 and look at the calls, the text messages, and the
22 identities of the people as identified in her
23 phone?

24 A. Yes, I did.

25 Q. And did you see any text messages

AUCLAIR, MICHAEL - DIRECT EXAM BY MS. WILLIAMS

1 between the defendant and Shonda Davis?

2 A. Yes, I did.

3 Q. And did you see any telephone calls
4 between them?

5 A. Yes.

6 Q. And did you see any missed calls from
7 Edward Nelson or missed video chats?

8 A. Video chats, yes, I did.

9 Q. And how were you able to identify the
10 missed calls as being Mr. Nelson?

11 A. On the -- on a phone, if -- well, if
12 there's a missed call, it has a little like an
13 arrow that shows the call was missed.

14 Q. How do you know it was Mr. Nelson?

15 A. His name, his picture, they were both
16 there. The phone number that was used is the same
17 phone number that was given to us during the
18 processing by Mr. Nelson.

19 Q. Okay. And how many missed calls or
20 video chats were there from Mr. Nelson to Shonda
21 Davis the night she was killed?

22 A. There was eight missed video chats.

23 Q. And do you recall the last time he
24 actually had a call with Shonda Davis, or do you
25 have some notes that would refresh your memory?

AUCLAIR, MICHAEL - DIRECT EXAM BY MS. WILLIAMS

1 A. It's not written on here. I believe it
2 was 7:53.

3 Q. Okay. And you know that by looking at
4 the phone?

5 A. Yes.

6 Q. Were there any text messages sent after
7 that last call at 7:53 from Edward Nelson?

8 A. There were four of them.

9 Q. And did they indicate anything about
10 her blocking him or --

11 A. Yes, ma'am. I believe one text was why
12 did you block me. And I believe there was another
13 text that he needed to talk to her ASAP, it was
14 important...

15 Q. Okay. And do you know the time of the
16 last text?

17 A. No, ma'am.

18 Q. And do you know the time that the first
19 call to 911 went out?

20 A. (No response)

21 Q. Is it fair to say that it was around
22 9:00?

23 A. Yes.

24 Q. Do you know what time you got to the
25 scene about?

AUCLAIR, MICHAEL. - DIRECT EXAM BY MS. WILLIAMS

1 A. No, ma'am.

2 Q. And did you notice any calls from a
3 person named R. Monte Brown?

4 A. Yes, I did.

5 Q. Did you ever identify who that was?

6 A. No, ma'am.

7 Q. And do you know what time R. Monte
8 Brown spoke with Shonda Davis?

9 A. The call started at about 8:06 p.m.

10 Q. And how long was the call?

11 A. 57 minutes and 25 seconds.

12 Q. You talked briefly about collecting
13 some items of evidence from the victim, some
14 jewelry and clothing from her, and a DNA buccal
15 swab from the victim. That was delivered to SLED?

16 A. Correct.

17 Q. Where did you get these items of
18 evidence?

19 A. From MUSC pathology.

20 Q. And did you attend the autopsy?

21 A. Yes, I did.

22 Q. And I'm going to just show you a couple
23 of more pictures. Could you please publish State's
24 29?

25 Just for clarification, where was

AUCLAIR, MICHAEL - CROSS EXAM BY MS. SHIVERS

1 Shonda Davis's final resting place?

2 A. Right here. (Indicating)

3 Q. And could you please show State's
4 Exhibit 30. Where was it in that picture?

5 A. This would have been about where her
6 head was laying. (Indicating)

7 Q. And are those her glasses right there?

8 A. Yes, ma'am.

9 Q. And what is that in the forefront right
10 there? Is that the shoe?

11 A. Yes.

12 MS. WILLIAMS: Thank you. Please
13 answer any questions from the defense.

14 THE COURT: Ms. Shivers.

15 CROSS-EXAMINATION

16 BY MS. SHIVERS:

17 Q. When you indicated you collected pants
18 from Mr. Nelson, those were jeans, correct?

19 A. That's correct.

20 MS. SHIVERS: No other questions.

21 THE COURT: Redirect.

22 MS. WILLIAMS: No, Your Honor.

23 THE COURT: You may step down.

24 THE WITNESS: Thank you.

25 THE COURT: Call your next witness.

THOMPSON, COURTNEY - DIRECT EXAM BY MS. WILLIAMS

1 MS. WILLIAMS: State calls Courtney
2 Thompson.

3 COURTNEY THOMPSON,

4 being first duly sworn, testified as follows:

5 THE CLERK: Please take your seat,
6 spelling your first and last name for the record.

7 THE WITNESS: My name is Courtney
8 Thompson, T-H-O-M-P-S-O-N.

9 DIRECT EXAMINATION

10 BY MS. WILLIAMS:

11 Q. Ms. Thompson, where do you work?

12 A. I work at the South Carolina Law
13 Enforcement Division, also referred to as SLED.

14 Q. And how long have you been employed at
15 SLED?

16 A. I've been at SLED about five and a half
17 years.

18 Q. And what is your background and
19 education?

20 A. I have a Bachelor's of Science in
21 Forensic Science from Southern Wesleyan University,
22 and I was trained at SLED under a DNA analyst in
23 all types of testing that I -- encompasses my job
24 duties, evidence handling, understanding the chain
25 of custody, report writing, and learning how to

THOMPSON, COURTNEY - DIRECT EXAM BY MS. WILLIAMS

1 testify in court.

2 And I had to pass a series of tests in
3 order to be deemed competent to touch casework on
4 my own, and after I passed all of those tests, I
5 was able to handle cases independently.

6 Q. And what are your duties at SLED?

7 A. My duties at SLED involve taking items
8 of evidence and screening them for bodily fluids.
9 As I am a forensic serologist in the DNA casework
10 department, my -- specifically what I'm looking to
11 do is examine items of evidence for body fluids
12 that are good sources of DNA, and then isolate
13 those areas of potential DNA, and then prep them
14 for the DNA analyst so that they're working with an
15 appropriate sample size.

16 And I can also process larger items of
17 evidence for different types of DNA, such as who
18 wore a specific item or who handled a specific item
19 as well as, like I said, also doing body fluid
20 screening on those items. And then I prepare them
21 for DNA analysis; I then issue reports and testify
22 in court when necessary.

23 Q. And roughly, how many times or how many
24 cases have you worked on serology for SLED?

25 A. I don't have an exact count, but it

THOMPSON, COURTNEY - DIRECT EXAM BY MS. WILLIAMS

1 would probably be upwards of, I would say at least,
2 500.

3 Q. And have you testified as an expert in
4 the field of forensic serology before?

5 A. Yes, I have.

6 Q. And, roughly, how many times?

7 A. Approximately, 15 times.

8 MS. WILLIAMS: Your Honor, at this time
9 the State would offer Ms. Thompson to be qualified
10 as an expert in the field of forensic serology.

11 MS. SHIVERS: No objection, Your Honor.

12 THE COURT: Ladies and gentlemen,
13 normally a person cannot give opinion testimony.
14 Typically, a person has to testify to either what
15 they've heard or saw or sense by smell or something
16 of that nature.

17 There is an exception in our law when
18 someone is qualified because of their education or
19 experience they are permitted to give their opinion
20 in certain areas if the Court qualifies them as an
21 expert. Ms. Thompson will be qualified in the area
22 of forensic serology to give opinion testimony in
23 that area.

24 Ladies and gentlemen, that does not
25 mean that you must accept her opinion. It is

THOMPSON, COURTNEY - DIRECT EXAM BY MS. WILLIAMS

1 simply evidence for you to use in any way that you
2 see fit and to give it the weight and credibility
3 you think it deserves.

4 Ms. Williams.

5 MS. WILLIAMS: Thank you, Your Honor.

6 BY MS. WILLIAMS:

7 Q. In the course of work as a forensic
8 scientist did you receive items of evidence in this
9 case?

10 A. Yes, I did.

11 Q. And when you received them had they
12 been unsealed or tampered with in any way?

13 A. No, they were not. And if they had
14 been, I would not have been able to proceed with
15 testing.

16 Q. What items of evidence did you receive?

17 A. In this case, I received Item 2, which
18 is a box cutter; Item 9, a pair of underwear; Item
19 10, a T-shirt; Item 11, left boot; Item 12, pants;
20 and Item 13, a right boot.

21 Q. And what, if anything, did you do to
22 these items to prepare them for testing?

23 A. These items were all screened for the
24 presence of possible blood. The way that I do
25 that, I do a visual examination of the items and

THOMPSON, COURTNEY - DIRECT EXAM BY MS. WILLIAMS

1 try to identify areas of interest, and then I
2 perform a test on those items by either swabbing or
3 cutting the area of interest.

4 If the testing that I use is positive,
5 then I will swab or cut out the area that tested
6 positive and then forwarded that on for the DNA
7 analyst.

8 Q. So what exactly did you swab in this
9 case?

10 A. For the box cutter, I tested for any
11 potential stains on that item. The box cutter was
12 negative for the possible presence of blood. And
13 so I then just swabbed the handle for what is known
14 as touch DNA. So it's essentially a DNA that might
15 be present on the handle based off of who has
16 handled the item.

17 The T-shirt, I screened it for the
18 presence of blood as well; and then I took two
19 cuttings from the T-shirt, one from the exterior
20 right sleeve and then one from the collar area.
21 Both of those tested presumptively positive for the
22 presence of blood, and they were also forwarded on
23 for further analysis.

24 The left boot, I took a swab from the
25 outward facing heel area of that boot, and it

THOMPSON, COURTNEY - DIRECT EXAM BY MS. WILLIAMS

1 tested positive for the presence of blood. So that
2 got forwarded on for DNA analysis. And then the
3 right boot, a swab from the outward facing ankle
4 area was collected and was also positive for the
5 presumptive presence of blood, and it was forwarded
6 on for further analysis.

7 The pants and underwear, that I -- it
8 appears that I did not perform an examination on
9 those.

10 MS. WILLIAMS: May I approach?

11 THE COURT: You may.

12 MS. WILLIAMS: I am going to show her
13 what's been marked as State's 81 and 82.

14 BY MS. WILLIAMS:

15 Q. Can you identify any markings on here
16 that would indicate to you that this is one of the
17 boots that you tested?

18 A. Yes. I can identify this because the
19 outer packaging I actually wrapped the shoe in
20 myself. Once I was finished processing the item
21 and it has the SLED lab number that is associated
22 with this case, the item that was given to this
23 particular shoe, my initials and then the date that
24 I examined the item, and then there are additional
25 markings on the item that I made myself, as well as

THOMPSON, COURTNEY - DIRECT EXAM BY MS. WILLIAMS

1 just circling areas of the issue that were tested.

2 Q. So these circled items, are these where
3 you swabbed and tested them for blood?

4 A. Yes.

5 Q. And when it says plus and P-H-E-N, what
6 does that mean?

7 A. A plus indicates a positive result.
8 That is just the symbol that I use. And it is used
9 throughout SLED actually. And then P-H-E-N is an
10 approved abbreviation for the test that we use that
11 is forwarded for blood testing, it is known as
12 Phenolphthalein.

13 It is a very quick chemical test that
14 it just involves swabbing the stain, and then you
15 drop two different types of chemicals on there, and
16 it interacts with components that are found in
17 blood.

18 A white pink color will appear on the
19 swab if those components are found on the
20 particular stain of interest. That indicates that
21 blood might be present and that further testing
22 needs to happen.

23 Q. And so you -- you only swabbed the
24 areas that are marked on the boot?

25 A. Yes.

THOMPSON, COURTNEY - DIRECT EXAM BY MS. WILLIAMS

1 Q. And if you could, just tell us if you
2 identified this marking as another item that you
3 tested?

4 A. Yes. This is the other boot, Item 13.
5 And I can identify it from the same way that I
6 identified Item 11, with markings and my initials
7 and the SLED lab number that is assigned to the
8 case.

9 Q. And hold that up and show the jury
10 where on that boot blood was found.

11 A. There are two spots right here
12 (indicating) that I tested. And the one that
13 actually has a number right next to it is the one
14 that I swabbed and forwarded on for further
15 analysis.

16 Q. And is that just sort of randomly done
17 or do you -- what makes you choose those spots to
18 swab?

19 A. So I do a visual examination of the
20 item and try to identify areas that would be of
21 interest to test. And then after I have tested
22 those areas, I will typically choose, you know,
23 one. That's the normal way that we go about
24 testing the item. And we'll swab or cut that out
25 and then send it up for further analysis.

THOMPSON, COURTNEY - DIRECT EXAM BY MS. WILLIAMS

1 MS. WILLIAMS: Your Honor, I'm going to
2 show her what's been previously marked and admitted
3 as State's 80.

4 BY MS. WILLIAMS:

5 Q. Can you tell us if this is an item that
6 you tested?

7 A. Yes. This is Item 10, which was a
8 T-shirt, and I can identify it from the items --
9 the item number and the SLED lab number on the
10 packaging, and then the item itself is also just
11 labeled in the back with the lab number and item --
12 my item number and my initials.

13 And then I have written on here just
14 kind of where there was a cutting taken here from
15 the collar and then here from the sleeve of the
16 shirt. And they are marked with their -- with a
17 positive result, and also the corresponding item
18 number that I created once I cut the item out, as
19 well as just another area or two I believe that I
20 didn't cut, but were also tested positive.

21 Q. Can you kind of hold that up and show
22 us where on the T-shirt the cuttings that tested
23 positive for blood came from?

24 A. Yes. So this one right here is the one
25 from the collar that you can see is missing, and

THOMPSON, COURTNEY - DIRECT EXAM BY MS. WILLIAMS

1 then this one it's a little bit harder to see, but
2 it's kind of cut out of the sleeve. (Indicating)

3 Q. Okay. And I'm going to approach with
4 State's 78 -- 76 -- 75 through 78. If you could
5 just take those out of the package and tell us if
6 you recognize those.

7 A. Yes. These are the cuttings that I
8 took off of the shirt, and then the swabs that I
9 collected from the left boot and right boot, which
10 are Items 10, 11, and 13.

11 Q. And what, if anything, did you do with
12 those items after you were -- finished testing
13 them?

14 A. After I finished testing them, they are
15 packaged in these envelopes and given their
16 identifying information so that the DNA analyst
17 will know where -- what item number it is and where
18 they were taken from. And then the envelope is
19 sealed up with my initials and the date of
20 collection. And then they are placed into what we
21 call a heat-sealed pouch.

22 The SLED lab number is identified on
23 it, and I fill out everything so that the date of
24 collection is known. I seal it up and then over
25 here (indicating) I will initial and date it to

THOMPSON, COURTNEY - DIRECT EXAM BY MS. WILLIAMS

1 show I was the person who handled it and that the
2 seal is in tact.

3 After it has been completed, it will go
4 back to our evidence control area, which is our
5 secure storage area of evidence, and it waits until
6 an analyst is ready to pick it up to begin
7 examination or analysis.

8 Q. Okay. After you forwarded those items
9 of evidence on to the DNA area, did you do anything
10 else with this case?

11 A. No. That completes my involvement with
12 this case.

13 THE COURT: Okay. Thank you. Please
14 answer any questions from the defense.

15 MS. SHIVERS: No questions, Your Honor.

16 THE COURT: You may step down. Feel
17 free to stay with us, but you're also free to
18 leave.

19 Call your next witness.

20 MS. WILLIAMS: State would call
21 Stephanie Stanley.

22 STEPHANIE STANLEY,

23 being first duly sworn, testified as follows:

24 THE CLERK: Please take your seat,
25 spelling your first and last name for the record.

STANLEY, STEPHANIE - DIRECT EXAM BY MS. WILLIAMS

1 THE WITNESS: Stephanie Stanley,
2 S-T-A-N-L-E-Y.

3 DIRECT EXAMINATION

4 BY MS. WILLIAMS:

5 Q. Ms. Stanley, where do you work?

6 A. I'm employed by the South Carolina Law
7 Enforcement Division commonly referred to as SLED.

8 Q. And how long have you worked there?

9 A. A little over 13 years.

10 Q. And what do you do there?

11 A. I'm a forensic scientist or a DNA
12 analyst assigned to the DNA casework department.

13 Q. And what kind of background and
14 educational -- what is your educational background?

15 A. I have a Bachelor's of Science degree
16 in biological sciences from Clemson University.

17 Q. What kind of training and experience do
18 you have?

19 A. I was trained under the supervision of
20 a DNA analyst in the areas of serology, evidence
21 handling, DNA analysis techniques, courtroom
22 training, statistics as it relates to DNA analysis
23 by an analyst at SLED.

24 I was also trained by National Forensic
25 Science Technology Center for serology analysis and

STANLEY, STEPHANIE - DIRECT EXAM BY MS. WILLIAMS

1 Marshall University and the maker of our equipment
2 which was Applied Bio Systems.

3 Q. And how many cases would you estimate
4 that you have worked on for SLED as a forensic
5 analyst?

6 A. That number we don't have a way of
7 keeping track, but it's easily several hundred, if
8 not a thousand something.

9 Q. And have you testified as an expert in
10 the field of forensic science DNA analysis before?

11 A. Yes, ma'am, I have.

12 Q. Do you know how many times?

13 A. Approximately, 30 or so.

14 MS. WILLIAMS: Your Honor, at this time
15 we would offer Ms. Stanley as an expert in the
16 field of forensic science DNA analysis.

17 THE COURT: Any objection?

18 MS. SHIVERS: No, Your Honor.

19 THE COURT: She will be so qualified.

20 BY MS. WILLIAMS:

21 Q. Ms. Stanley, did you have an
22 opportunity to exam items of evidence in this case?

23 A. Yes, I did.

24 Q. And what items of evidence did you
25 examine?

STANLEY, STEPHANIE - DIRECT EXAM BY MS. WILLIAMS

1 A. I received several different items of
2 evidence, one was a buccal swab from Shonda
3 Davis -- and a buccal swab is a known standard that
4 I would use for comparison. I know that it came
5 from an individual -- swabs from the handle of a
6 box cutter, buccal swabs from Edward Nelson --
7 again, just a known sample that came from an
8 individual -- and swabs from the left ear of
9 Nelson, the right palm of Nelson, the right ear of
10 Nelson, shoe print on the sidewalk, swabs from the
11 left palm of Nelson, a cutting from the exterior
12 right sleeve of a T-shirt, a cutting from the
13 exterior collar of a T-shirt, a swab from the
14 outward facing heel area of a left boot and a swab
15 from outward facing ankle area of a right boot.

16 Q. And what, if anything, did you find on
17 the box cutter?

18 A. No analysis was performed on the box
19 cutter.

20 Q. What, if anything, did you find on the
21 swabs from Edward Nelson's ear and palm?

22 A. The swabs from the right ear of Nelson,
23 my presumptive testing for blood was positive, and
24 I performed DNA analysis. The swabs from the left
25 palm of Nelson, my presumptive testing was

STANLEY, STEPHANIE - DIRECT EXAM BY MS. WILLIAMS

1 positive, and I also performed DNA analysis.

2 Q. And whose blood was it?

3 A. The DNA profile developed from my Items
4 6 and 8, which was the right ear of Nelson and the
5 left palm of Nelson were attributable to Edward
6 Nelson.

7 Q. So his own blood?

8 A. The DNA profile, yes, matched him.

9 Q. And what, if anything, was found on the
10 swabs from Edward Nelson's boots?

11 A. The swab from the outward facing heel
12 area of the left boot and outward facing ankle area
13 of the right boot, I performed DNA analysis on
14 them, and the DNA profile developed from those
15 items matches the DNA profile of Shonda Davis.

16 Q. So Shonda Davis on Edward Nelson's
17 boots, her blood?

18 A. Yes.

19 Q. What, if anything, did you find on
20 Edward Nelson's T-shirt after testing?

21 A. The cuttings from the exterior right
22 sleeve of the T-shirt, I performed DNA analysis,
23 and the DNA profiles -- my Item 10.1 matches the
24 DNA profile of Shonda Davis.

25 Q. So Shonda Davis's blood on Edward

STANLEY, STEPHANIE - DIRECT EXAM BY MS. WILLIAMS

1 Nelson's T-shirt?

2 A. Yes. That was her DNA profile on that
3 item.

4 Q. And when you do analysis, are there any
5 statistical models that you use to determine just
6 how certain you are about the results of your
7 testing?

8 A. Yes.

9 Q. Can you explain that to us?

10 A. When a DNA profile matches an
11 individual, we typically try to give it weight.
12 What -- how strong of a match are we dealing with?

13 Q. And so when you say Shonda Davis's DNA
14 profile, what do you extract her profile from?

15 A. From those actual swabs or cuttings, I
16 removed the DNA from the actual swab or from the
17 cuttings and see whose DNA is on that actual item.
18 In this case it matched Shonda Davis, and I was
19 able to calculate that statistic.

20 Q. So you extracted her DNA from her oral
21 swab, is that fair to say?

22 A. Yes, ma'am.

23 Q. And his DNA from his oral swab?

24 A. Yes.

25 Q. And then you compared them to the DNA

STANLEY, STEPHANIE - DIRECT EXAM BY MS. WILLIAMS

1 profile found on these items of evidence?

2 A. Yes, ma'am.

3 Q. That were already determined to be
4 blood?

5 A. Yes, ma'am. I believe they were tested
6 and presumptive. Courtney Thompson would have done
7 some of that testing.

8 Q. Is there a chart that helps you sort of
9 figure out or illustrate the different DNA markers
10 and show us how -- would be able to show us how you
11 determine whether something is what you call a
12 match?

13 A. Yes.

14 Q. Can you please put up State's 68?

15 There is a pointer in front of you. If you could
16 just turn around and sort of explain to the jury
17 what this chart illustrates.

18 A. Okay. This is a chart of my DNA
19 testing results. So what you are looking at down
20 the left side here are the items of evidence and --
21 I'm sorry, the text is a little bit small. Those
22 are the actual items of evidence that I tested.
23 And across the top are the locations on the DNA
24 that were tested. And then each individual square
25 is the DNA result.

STANLEY, STEPHANIE - DIRECT EXAM BY MS. WILLIAMS

1 Q. And so at the conclusion of your
2 testing and your comparison, what number did you
3 come up with in terms of the probability of
4 randomly selecting anyone else that this is Shonda
5 Davis's blood on the items that belonged to Edward
6 Nelson?

7 A. The probability of randomly selecting
8 an unrelated individual having the DNA profile that
9 matched those items is 1 in 5.16 trillion.

10 MS. WILLIAMS: Thank you. No further
11 questions.

12 THE COURT: Ms. Shivers.

13 MS. SHIVERS: No questions, Your Honor.

14 THE COURT: You may step down. Please
15 feel free to stay with us, but feel free to leave.

16 Call your next witness.

17 MS. WILLIAMS: Your Honor, the State
18 calls Chief Rick Ollic.

19 RICK OLLIC,
20 being first duly sworn, testified as follows:

21 THE CLERK: Please take your seat,
22 spelling your first and last name for the record.

23 THE WITNESS: First name is Rick, last
24 name is Ollic, O-L-L-I-C.

25 DIRECT EXAMINATION

1 you to stay in your jury room.

2 Please rise for the jury.

3 Chief, stay seated.

4 (Jury out, 12:35 p.m.)

5 THE COURT: Thank you. Please be
6 seated. Chief, please do not discuss your
7 testimony with anyone. I will need you back in
8 that chair at 1:00 p.m. You may step down.

9 Anything before we take a break?

10 MS. WILLIAMS: Nothing from the State.

11 MS. SHIVERS: Nothing, Your Honor.

12 THE COURT: Be back at 1:00.

13 (A luncheon recess transpired.)

14 THE COURT: Are you ready to bring the
15 jury in?

16 Anything before we bring in the jury?
17 From the State?

18 MS. WILLIAMS: One thing, Your Honor.

19 After Chief Ollic testifies, we will have the
20 pathologist. We would just ask for a tiny break
21 for the members of the family who do not want to
22 hear that testimony, for them to be able to exit
23 the courtroom without causing a commotion.

24 THE COURT: Anything before we bring in
25 the jury?

OLLIC, RICK -- DIRECT EXAM BY MS. WILLIAMS

1 (Jury in, 1:13 p.m.)\

2 THE COURT: Thank you. Please be
3 seated. And so I'm sure you realized we had a
4 little different lunch plan. So I hope everyone
5 enjoyed your lunch and we'll get back.

6 Chief, if you will state your name and
7 spell your last name. I know you've already been
8 sworn in.

9 THE WITNESS: Rick Ollic, O-L-L-I-C.

10 BY MS. WILLIAMS

11 Q. Chief Ollic, where are you employed?

12 A. I'm currently employed as the chief of
13 the Moncks Corner Police Department.

14 Q. And were you employed in that capacity
15 on October 15th of 2016?

16 A. Yes, I was.

17 Q. And when did you become the Moncks
18 Corner Police Department chief?

19 A. January of 2016.

20 Q. And where did you work prior to that?

21 A. I spent 29 years at the Berkeley County
22 Sheriff's Office.

23 Q. And what different positions did you
24 hold at the Berkeley County Sheriff's Office?

25 A. I held -- the highest rank I held was

OLLIC, RICK -- DIRECT EXAM BY MS. WILLIAMS

1 chief deputy which is the under sheriff of the
2 agency. Most of my law enforcement career I was
3 the criminal investigation division commander.

4 Q. And when did you become aware of the
5 incident for which we're here today for?

6 A. I was notified. I was out of town at a
7 conference in Myrtle Beach on Saturday evening, and
8 I was notified that there was an assault and death
9 in the town of Moncks Corner.

10 Q. What did you do after being notified?

11 A. I got up very early the next morning,
12 and I came back to Moncks Corner to participate in
13 the investigation of the death of Shonda Davis.

14 Q. And if you remember, what day of the
15 week was that?

16 A. That would have been Sunday morning
17 when I returned, early that morning.

18 Q. Okay. And were you present when the
19 defendant was apprehended?

20 A. I was.

21 Q. As the case agent, did you review the
22 investigative file?

23 A. I did.

24 Q. And was the victim's cell phone
25 collected in the case?

OLLIC, RICK -- DIRECT EXAM BY MS. WILLIAMS

1 A. It was.

2 Q. And were there text messages between
3 the defendant and victim on the phone?

4 A. There was.

5 Q. And were photographs taken of those
6 text messages?

7 A. Yes, there was.

8 MS. WILLIAMS: Your Honor, at this time
9 the State would ask permission to publish State's
10 34 through 56. These have been previously admitted
11 under agreement.

12 THE COURT: You may.

13 BY MS. WILLIAMS:

14 Q. And, Chief Ollic, if you could just
15 read these text messages to the jury as they
16 appear. Do you have a copy with you right there?

17 A. I do. If I turn around, I don't know
18 if you will hear it. Can I read off my copy?

19 Q. Certainly.

20 First of all, tell us what we're
21 looking at here. Is this a picture of her phone?

22 A. Yes. These will be the text messages
23 that we have taken and photographed off of the
24 victim Shonda Davis's telephone.

25 Q. Does it show Edward Nelson in one color

OLLIC, RICK -- DIRECT EXAM BY MS. WILLIAMS

1 and Shonda Davis in another?

2 A. It does. Ed will be -- in this
3 photograph, the top left where it says, morning,
4 that would be Edward, and in the blue color would
5 be the victim Shonda Davis.

6 Q. And what date do the messages begin?

7 A. On Friday, October 14, 2016.

8 Q. If you would just read sequentially all
9 of the messages from October 14th, and then when we
10 get to October 15th, if you would let us know.

11 A. It says, morning, which would be Edward
12 speaking to the victim. Good morning. Can you
13 talk? Yes. You asked if I could talk. Never
14 mind. I'll hit you back later. Okay.

15 Q. And when -- I'm so sorry to interrupt
16 you. When you're saying, never mind, I'll hit you
17 back later, that's in the blue so that's Shonda
18 Davis?

19 A. That's correct. Never mind. I'll hit
20 you back later. That will be the victim, Ms.
21 Davis.

22 The response. Okay. You at work? She
23 says yes. Have a great day and be safe. Same to
24 you.

25 New quote, I love you. You, Edward

OLLIC, RICK -- DIRECT EXAM BY MS. WILLIAMS

1 Isaiah Nelson, but, babe, you have to do better.

2 Me: I will Shonda Shaneek Davis. I kept my other
3 promise. I'll make this up to you. And there's
4 some signs behind that too.

5 Boy, you better 'cause I'm leaving if
6 you don't. Me: You can only insure so much is
7 enough. I love you and I'm here for you. For you
8 and afraid, and refuse to lose you so I'll tighten
9 up. Okay...

10 TTYL, I'm very busy today. If you want
11 to go get food, I can take you, but I have to get
12 my son first. My budget is tight, so you will need
13 to put some gas in my car.

14 It says, I will call you when I'm on my
15 way. Be ready. You don't have to do that. I'll
16 hit you up when I'm on my way. Okay.

17 You getting off early? No. Okay. I
18 will treat you like there is no one else because
19 there isn't or never was or never will be. Are you
20 still at work? Getting Madden. Okay.

21 And that would be the end of the text
22 messages for that particular day, Friday, the 14th.

23 Q. Okay.

24 A. And then the phone then gave us
25 information beginning on Saturday, October 15th,

OLLIC, RICK -- DIRECT EXAM BY MS. WILLIAMS

1 2016.

2 Good morning, Shonda. GM. On my way
3 to work and crying. You think it is easy for me.
4 I'm tired of hurting. I will call you later
5 because I may have to come out after I get home to
6 wash my clothes, so I might as well as cook your
7 food and bring it to you. I understand that I'm
8 cooking this because I'm human and would never
9 intentionally try to be nasty to anyone, but after
10 this week you are on your own. I need to focus on
11 myself and getting my life back together and take
12 care of my business and my son.

13 Q. And just to interrupt you, that is
14 Shonda Davis?

15 A. This is Shonda Davis speaking to
16 Mr. Nelson.

17 Q. Okay. Thank you.

18 A. I've always put your needs first and
19 maybe I was wrong for that, but I thought I was
20 being a good partner. I won't let you hurt no
21 more. Please understand me. Please. You did
22 everything right. God have me give you, but I
23 became blind to how true your love was and I want
24 to love you how a man should, and it hurts so bad
25 seeing your words.

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1 I'm burning inside and I don't want to
2 hurt you no more. I too love you how a man should
3 and it hurts so bad seeing your words. I'm burning
4 inside and I want to hurt you no more. I want you
5 to be my partner.

6 I for now -- I shall treat you like the
7 queen that you are, so please just think about
8 this. And I know you probably have people in your
9 ear telling you to talk -- to walk away, but I know
10 this is hard for you.

11 But my words are true and I mean that.
12 Don't want you to be my possession. And it hurts
13 that God had me a woman too good just for it to be
14 taken away in the blink of an eye forever because I
15 was so -- I will say the words -- fucking stupid
16 and selfish.

17 But I tell you, Shonda Davis, I won't
18 be like that no more. I want you to be my life
19 partner even if I have to give you a pass.

20 Q. Does it say space?

21 A. Space, I'm sorry. I had flipped to the
22 next page. I apologize.

23 My life partner even if I have to give
24 you space. With everything that I have left in me,
25 I mean this because I'm tired of myself and I'm

OLLIC, RICK -- DIRECT EXAM BY MS. WILLIAMS

1 tired of hurting you. Have a good day at work and
2 be safe.

3 Stop calling me. I'm at work. Can't
4 talk. Okay. Sorry. Did you get my message? I
5 meant did you read it? The pain is tremendous.
6 I'm so sorry and thank you for everything you've
7 done, especially being a great partner. I truly
8 thank you. I feel so physical and I haven't been
9 touched. My heart, my chest is, like, I feel what
10 you feel. Maybe I don't know.

11 Your sister makes good spaghetti.
12 Sorry for bothering you at work. How is your day?
13 Can you take me to Lowe's when you get off? They
14 have a single piece I need. I was borrowing
15 someone else's tool because they're not here, but
16 my supervisor talking about have it tomorrow or
17 don't come back to work. And so Lowe's and Home
18 Depot the only one that sells single pieces, so
19 that's why I ask you.

20 The next is a photograph of a piece of
21 a tool that he was looking for.

22 Is that it? No, I need 7/8th. I will
23 hit you up later because they don't have it here.
24 You need to take a picture of the part you need so
25 I will have it. It looks the same, just longer.

OLLIC, RICK -- DIRECT EXAM BY MS. WILLIAMS

1 I'm calling you. I left the store.

2 Call me. I need you to take me to get that. I
3 can't lose my job and I have to go to the bank. I
4 didn't say you could. Fine.

5 You need to call and see what store has
6 it 'cuz I'm not about to be going all over. You
7 texted the wrong words. And find out what time the
8 store closes. Can you take me to the bank and
9 Lowe's?

10 I got Lowe's is open.

11 Q. Yes.

12 A. Lowe's is open. I said, find out what
13 time they close and if they have it. Lowe's don't
14 close until after they have it. They close at
15 nine. Can you take me to the bank? Can you take
16 me to the bank? Can I get the TV from you? Why
17 you block me? Can we please talk, please? Please
18 call me. It's very important, please.

19 Q. In that last text message, it's very
20 important please, is there any punctuation?

21 A. There is three exclamation points
22 following the word, please.

23 Q. And what time is that last text?

24 A. 8:28 p.m.

25 Q. And that's on the night that Shonda

OLLIC, RICK -- DIRECT EXAM BY MS. WILLIAMS

1 Davis was killed?

2 A. That was Saturday night, the night that
3 she was killed.

4 Q. Subsequent to his arrest, did the
5 defendant have a bond hearing?

6 A. He did.

7 Q. And were you present at the hearing?

8 A. I was.

9 Q. When was it, if you remember?

10 A. It was Sunday night, the 16th, at the
11 Hill-Finklea Detention Center bond court.

12 Q. And were you present for the entire
13 hearing?

14 A. I was.

15 Q. And during the bond hearing, did the
16 defendant make any statements?

17 A. He did.

18 Q. And was it video recorded, to your
19 knowledge?

20 A. It was.

21 MS. WILLIAMS: Your Honor, at this time
22 the State would like to publish State's Exhibit 71,
23 which is a composite of the defendant's statements
24 of the bond hearing that have been agreed upon by
25 the State and the defense.

1 THE COURT: All right. You may
2 publish.

3 (Video clips played in open court.)

4 MS. WILLIAMS: Beg the Court's
5 indulgence.

6 THE COURT: Take your time.

7 MS. WILLIAMS: No further questions.

8 Please answer any questions from the defense.

9 MS. SHIVERS: No questions, Your Honor.

10 THE COURT: You may step down.

11 Call your next witness.

12 MS. WILLIAMS: Your Honor, may we
13 approach?

14 (Bench conference.)

15 THE COURT: Ladies and gentlemen, there
16 is a matter I must take up outside of your
17 presence. It will be just a short moment, but go
18 ahead and take any comfort break you need and then
19 we will bring you back in.

20 Take your notepads with you. Please
21 remember all of my admonitions. If there is any
22 left-overs, help yourselves.

23 (Jury out, 1:30 p.m.)

24 THE COURT: Thank you. Be seated.

25 MR. MCNEELY: Everyone is going to

1 stay.

2 THE COURT: I'm sorry?

3 MS. WILLIAMS: Now they're going to
4 stay.

5 THE COURT: All right. I'm not sure
6 what's going on. I'm happy to accommodate, it's a
7 public courtroom, but I thought that we were
8 concerned because there may be some outbursts at
9 the conversations.

10 I understand this is a very delicate
11 situation so now is the time -- if there's going to
12 be any potential outbursts, I suggest, Mr. McNeely
13 and Ms. Williams to take a moment and discuss what
14 potentially could happen.

15 I understand you're still having
16 witness problems?

17 MS. SHIVERS: Yes. It's my
18 understanding that the solicitor's investigator
19 called as well and now his phone is going straight
20 to voicemail.

21 THE COURT: All right. So the Subpoena
22 was issued lawfully. Are you requesting a deputy
23 to go pick that witness up?

24 MS. SHIVERS: Yes, please.

25 THE COURT: Could you be of assistance?

1 I need a deputy to pick up the
2 witness.

3 (Off-the-record conference.)

4 THE COURT: Mr. McNeely, everybody that
5 is remaining is okay to remain?

6 MR. MCNEELY: Yes; and they have an
7 understanding of what is about to take place and
8 that they cannot have an emotional reaction.

9 THE COURT: All right. So Lieutenant
10 Hamilton, you have the issue with the Subpoena
11 under control for the Court?

12 LIEUTENANT HAMILTON: Yes, ma'am.

13 THE COURT: All right. Thank you.

14 Ms. Williams, for the record, if you
15 would give the instructions to the witness.

16 THE DEPUTY: Order.

17 MS. WILLIAMS: Yes, Your Honor. What I
18 have told -- asked Dr. Riemer if she would be
19 comfortable at the appropriate time, when we're
20 showing the pictures, if she could leave the
21 witness chair and stand in front of the jury and
22 just show the individual pictures rather than us
23 projecting them onto the large screen behind her.

24 I discussed this with defense counsel
25 before and she does not have a problem. And we

1 also discussed maybe Ms. Shivers being able to come
2 up and view the pictures as she is explaining them
3 if she would like.

4 THE COURT: Any objection to having
5 Dr. Riemer show the pictures?

6 MS. SHIVERS: Yes. I would object to
7 the pictures at all, but notwithstanding that, no,
8 I don't have any issue with her holding whatever is
9 allowed in.

10 THE COURT: And I'm told from the Court
11 of Appeals and Supreme Court, you must object.
12 That me telling you, you have a continuing
13 objection is not sufficient.

14 MS. SHIVERS: Yes, ma'am.

15 THE COURT: So I understand you are
16 objecting to the photographs, so you will need to
17 do a contemporaneous objection to any objectionable
18 evidence that is being shown. All right.

19 MS. SHIVERS: Yes, Your Honor.

20 THE COURT: Dr. Riemer, that does not
21 mean that you're being objectionable. It is that I
22 have allowed testimony and evidence in that the
23 defendant is objecting to, so she is going to be
24 making objections.

25 Please understand she's not being rude

1 to you or trying to disrupt your testimony. It's
2 just that she has to protect the record.

3 THE WITNESS: That's fine.

4 THE COURT: And so we understand that
5 you will step down. My court reporter has to hear
6 you and so if she cannot hear you, I'm going to ask
7 you one time to speak up. If we can't do that,
8 then that's not The procedure we can follow.

9 THE WITNESS: I will do the best I can
10 to speak loudly.

11 THE COURT: Thank you. I have a
12 horrible sore throat, it's hard for me, and I'm not
13 sure -- I think sometimes it's difficult to speak
14 loudly, but that's the admonitions. Happy to
15 accommodate in any way that we can, but those will
16 be the rules.

17 MS. WILLIAMS: Thank you.

18 THE COURT: Last chance for any member
19 of the victim's family to leave the courtroom.

20 MS. WILLIAMS: And for the record, Your
21 Honor, the only pictures that I will hand to
22 Dr. Riemer to authenticate are 61, 62, 63, and 88,
23 89 and 90. Those are the only photographs out of
24 the stack that we gave you that the Court is
25 allowing us to authenticate through her.

RIEMER, M.D., ELLEN - DIRECT EXAM BY MS. WILLIAMS

1 THE COURT: Dr. Riemer, you may remain
2 seated to be sworn in. We need to swear you in.

3 THE WITNESS: Of course.

4 THE COURT: Bring in the jury.

5 (Jury in, 1:27 p.m.)

6 THE COURT: Thank you. Please be
7 seated.

8 ELLEN RIEMER, M.D.,

9 being first duly sworn, testified as follows:

10 THE CLERK: Please take your seat,
11 spelling your first and last name for the record.

12 THE WITNESS: My name is Dr. Ellen
13 Riemer, last name is R-I-E-M-E-R.

14 DIRECT EXAMINATION

15 BY MS. WILLIAMS:

16 Q. Good afternoon, Dr. Riemer. Can you
17 tell us where you work?

18 A. I work at the Medical University of
19 South Carolina.

20 Q. And are you a licensed physician?

21 A. Yes.

22 Q. And in what states?

23 A. Well, actively licensed in South
24 Carolina, and I have inactive licenses in North
25 Carolina and New York.

RIEMER, M.D., ELLEN - DIRECT EXAM BY MS. WILLIAMS

1 Q. And how long have you been licensed in
2 your profession?

3 A. Since 1997; so 21 years.

4 Q. And do you specialize in a particular
5 field of medicine?

6 A. Yes. I'm a specialist in forensic
7 pathology in which field I'm also board certified.

8 Q. And where did you receive your
9 training?

10 A. I received my training at Columbia
11 Presbyterian Medical Center in New York City in
12 general pathology followed by a fellowship -- a
13 year of fellowship training in forensic pathology
14 at the office of the chief medical examiner in the
15 state of Maryland; and also an additional
16 fellowship year in cardiovascular and pulmonary and
17 heart and lung pathology at Johns Hopkins Hospital.

18 Q. And what does the field of forensic
19 pathology involve?

20 A. Okay. So forensic pathology is the
21 subspecialty of the practice of medicine that
22 involves in performing autopsies on deceased
23 individuals in order to determine the cause and
24 manner of death.

25 Q. And where are you currently employed?

RIEMER, M.D., ELLEN - DIRECT EXAM BY MS. WILLIAMS

1 A. I'm currently employed at the Medical
2 University of South Carolina in the division of
3 forensic pathology.

4 Q. And how long have you been at the
5 Medical University?

6 A. A little bit more than nine years.

7 Q. Does that work involve performing
8 autopsies?

9 A. Yes. That's -- that's the work that I
10 do. I perform autopsies and then interpret
11 findings at autopsies and produce autopsy reports
12 as well.

13 Q. Are you a member of any specialized
14 groups or associations?

15 A. Yes. I'm a member of the American
16 Academy of Forensic Scientists and the American and
17 Canadian Society of Pathology.

18 Q. And are special examinations required
19 for those certifications?

20 A. Yes. So after completing training in
21 pathology and forensic pathology, there is an
22 organization called the American Board of Pathology
23 which oversees certifications of people who wish to
24 practice different -- practice forensic pathology
25 and pathology. And there are long exams, over a

RIEMER, M.D., ELLEN - DIRECT EXAM BY MS. WILLIAMS

1 period of three days, that you need to take and
2 pass and then you become board certified.

3 So I'm board certified in pathology and
4 forensic pathology. Any time that you go to a
5 doctor, you would want to make sure that they are
6 board certified in their field.

7 Q. And that's in addition to your license
8 to practice medicine?

9 A. Yes, that's correct.

10 Q. And, approximately, how many autopsies
11 would you say you've performed in your career?

12 A. Well, I have not kept exact track of
13 it, but I'm around 4200 at the moment.

14 MS. WILLIAMS: Your Honor, at this time
15 the State would move to have Dr. Riemer qualified
16 as an expert in the field of pathology.

17 MS. SHIVERS: No objection.

18 THE COURT: She will be so qualified.

19 BY MS. WILLIAMS:

20 Q. Dr. Riemer, where were you working
21 October 16, 2016?

22 A. I was working at the Medical University
23 of South Carolina.

24 Q. And at that time did you participate in
25 an autopsy of Shonda Davis?

RIEMER, M.D., ELLEN - DIRECT EXAM BY MS. WILLIAMS

1 A. It was actually October 17th is when I
2 began the autopsy.

3 Q. Okay. Thank you.

4 A. And I performed the autopsy of Shonda
5 Davis, yes.

6 Q. And based on that particular autopsy
7 and to a reasonable degree of medical certainty,
8 have you formed an expert opinion as to the cause
9 of death?

10 A. Yes.

11 Q. What is that?

12 A. Multiple sharp-force injuries.

13 Q. And to a reasonable degree of medical
14 certainty, have you formed an expert opinion
15 concerning the manner of death?

16 A. Yes. The manner of death is homicide.

17 Q. And did you prepare a forensic autopsy
18 report in this case?

19 A. Yes.

20 Q. Did you document the injuries?

21 A. Yes, I did.

22 Q. And when you say multiple sharp-force
23 injuries, do you mean like from a stabbing?

24 A. Well, it's not specifically a stabbing.
25 Actually, most of the sharp-force injuries were

RIEMER, M.D., ELLEN - DIRECT EXAM BY MS. WILLIAMS

1 like cuts or chops. A stab is actually defined in
2 forensic pathology as deeper than it is long. So
3 these were really all longer than they were deep.

4 They were just multiple -- we're
5 talking about dozens of sharp-force injuries
6 overlapping on each other. There was actually one
7 stab wound in there, but most of them were incised
8 or chopping-type wounds.

9 Q. So you're saying that the rest of us in
10 -- just non-medical people, when we say stabbing,
11 that you have a clinical term and stabbing is a
12 deeper wound?

13 A. Yes. Stabbing means deeper than wide.
14 So these were actually -- covered large area on the
15 skin and they were deep enough to kill her, but
16 they were -- they weren't deeper than wide.

17 Q. So chopping and cutting rather than
18 stabbing?

19 A. Right. So I didn't specify whether
20 they were cuts or stabs or chops. I just said
21 multiple sharp-force injuries to cover everything
22 because there were many sharp-force injuries on
23 her.

24 Q. Is it routine to do a toxicology on
25 victims when you do an autopsy?

RIEMER, M.D., ELLEN - DIRECT EXAM BY MS. WILLIAMS

1 A. Yes. It's always done.

2 Q. And was there one done on Shonda Davis?

3 A. Yes.

4 Q. What were the results of that
5 toxicology?

6 A. So she had in her system caffeine and
7 nicotine and cotinine. So nicotine is from
8 cigarettes and cotinine is a metabolite of
9 nicotine.

10 Q. So after nicotine starts to break down,
11 it becomes cotinine. So those are the only
12 substances she had in her blood.

13 Q. Nicotine and caffeine?

14 A. Yes, nicotine and caffeine.

15 Q. Okay. And did she have any health
16 issues? Was she a healthy person?

17 A. Yes. Other than obesity, she was
18 healthy.

19 Q. And now I would like to go through each
20 of the injuries to Shonda Davis one by one. I am
21 going to bring you what's been marked as State's
22 61, 62, 63, 88, 89 and 90.

23 MS. SHIVERS: Objection, Your Honor.

24 THE COURT: Note your objection to the
25 exhibits.

RIEMER, M.D., ELLEN - DIRECT EXAM BY MS. WILLIAMS

1 MS. WILLIAMS: May I approach, Your
2 Honor?

3 THE COURT: You may.

4 BY MS. WILLIAMS:

5 Q. If you can look at these pictures and
6 tell me if they accurately depict the injuries on
7 Shonda Davis as you saw them the day you did the
8 autopsy.

9 A. Yes.

10 MS. WILLIAMS: Your Honor, at this time
11 we would offer into evidence State's Exhibits 61,
12 62 and 63, and State's Exhibits 88, 89 and 90.

13 MS. SHIVERS: Objection, Your Honor.

14 THE COURT: Noting your exception they
15 will be admitted into evidence.

16 BY MS. WILLIAMS:

17 Q. Dr. Riemer, would it assist you in
18 explaining the injuries if you could use these
19 photographs to demonstrate to the jury what you saw
20 and --

21 A. Yes.

22 Q. If you wouldn't mind coming down and
23 just showing them one by one.

24 A. Okay. I'm going to bring this report
25 with me in case I need to refer to it.

RIEMER, M.D., ELLEN - DIRECT EXAM BY MS. WILLIAMS

1 Q. Okay.

2 A. Okay. So I took photographs of --

3 THE COURT: We need you to speak
4 loudly.

5 THE WITNESS: Okay. In addition to
6 producing an autopsy report, which describes the
7 injuries, photographs are very -- picture is worth
8 a thousand words. So I took multiple photographs
9 of the injuries that Shonda Davis received and
10 these are some of them.

11 Okay. So what we're seeing here, we'll
12 start with this first picture. This is her arm,
13 her right arm, and you can see that there is
14 multiple cuts from a sharp force instrument on her
15 arm.

16 Okay. That goes through the skin and
17 the subcutaneous tissue or the fatty tissue on her
18 arm.

19 BY MS. WILLIAMS:

20 Q. If I could just ask you a question
21 about that picture, Dr. Riemer. Is that -- what
22 part of her arm -- what position would her arm have
23 to be in for those cuts to be made?

24 A. Yeah. So -- well, it's not possible
25 really for me to say, but I will be able to

RIEMER, M.D., ELLEN - DIRECT EXAM BY MS. WILLIAMS

1 elaborate going on to the pictures of the hand.

2 Q. Certainly.

3 A. Okay. So these pictures are of her
4 right hand. Okay. And you can see that there is
5 practically fingers that have been amputated from
6 this -- I mean, not an exaggeration to say this
7 very forceful sharp-force injuries. Can you see
8 how much damage there is to her fingers?

9 So, generally, when people are -- when
10 she was aware that the sharp force object, this
11 knife, was coming at her, it's most likely that she
12 held the hand up to her head to try to protect
13 herself from the impact.

14 And so these are -- they're basically
15 types of injuries sustained while she was trying to
16 defend herself.

17 And the injuries to her arm may have
18 been sustained in a similar manner while she had
19 her arm up. But these kinds of injuries to the
20 hand, she had -- we'll move on so you get a general
21 idea of the severity and extent of these injuries.
22 Okay.

23 This is a picture -- a photograph of
24 her face. And it's almost unrecognizable as a face
25 because there are so many intersecting cuts on it.

RIEMER, M.D., ELLEN - DIRECT EXAM BY MS. WILLIAMS

1 Okay. So you can imagine if her hand --

2 THE COURT: Dr. Riemer, we have an
3 unusual set-up. We have more jurors than space in
4 the box and so our Forewoman is in this special
5 chair outside of the box. I don't want you to
6 exclude her, and then all the way down.

7 THE WITNESS: Okay. I will walk
8 around.

9 This is the hand. Okay. It's almost
10 hard to look at them actually. As many autopsies
11 as I have ever done, this is extreme. So this is
12 her face, and it's a black and white photo. The
13 actual photo that I took was in color, but I guess
14 this is to make it less offensive.

15 But it's -- you can see all the -- the
16 sharp-force injuries --

17 THE COURT: Ms. Williams, I'm going to
18 need you to follow the proper -- ask questions and
19 not so much a narrative.

20 BY MS. WILLIAMS:

21 Q. If you can just use this photograph to
22 describe the injuries to Ms. Davis.

23 A. There are multiple sharp-force
24 injuries, cuts, all over her face. On her
25 forehead, her nose, her cheeks, which actually went

RIEMER, M.D., ELLEN - DIRECT EXAM BY MS. WILLIAMS

1 through into the sinus of the face. So they were
2 very deep and damaged structures of the face.

3 And her right eye was also collapsed
4 and you can't actually appreciate it in that
5 photograph.

6 Q. Okay.

7 A. And here's another photo of her face
8 taken from above on the right side. So you can see
9 this is the forehead. This is her nose and this is
10 -- it's -- it's just -- it speaks for itself.

11 Q. And does this depict the injuries to
12 the top of the head as well?

13 A. Yes. We can see her hair is basically
14 disruptive by -- by cuts, and they were very deep.
15 They weren't just to her hair. They actually went
16 through the scalp and skull in order to cause brain
17 matter to be exposed.

18 Q. And is there a last picture?

19 A. Yes. And this is another picture, and
20 this is to -- a picture of the top of her head. So
21 we can see there's a bunch of intersecting
22 sharp-force injuries as well. So there wasn't just
23 one location, but they were kind of all over the
24 top of the head, they were on the face and a little
25 bit more on the right side.

RIEMER, M.D., ELLEN - DIRECT EXAM BY MS. WILLIAMS

1 And her hand are -- her right hand is
2 basically cut to pieces which she sustained while
3 she was trying to defend herself against these --
4 this knife.

5 Q. If you could take your seat again,
6 Dr. Riemer. Thank you.

7 (Witness resumed witness stand.)

8 BY MS. WILLIAMS:

9 Q. And you were talking about her right
10 hand. Can you just review your report and make
11 sure that that's the correct hand you were
12 discussing?

13 A. Okay. So there were actually right and
14 left hands -- the amputation of second through
15 fifth fingers of the left hand, I'm sorry. And
16 then -- but she also had wounds of the right hand
17 as well.

18 So both hands were involved, you know,
19 somewhat similarly. The left hand had more fingers
20 amputated than the right hand of the dorsum, the
21 actual outer hand.

22 Q. What was the cause of her death? Like
23 what was the injury that caused her death?

24 A. Okay. So, as I mentioned already, this
25 knife caused multiple fractures of her skull and

RIEMER, M.D., ELLEN - DIRECT EXAM BY MS. WILLIAMS

1 injury to the brain. So the skull is basically
2 falling to pieces; there was many chips in it, and
3 there is bleeding in the brain and on the surface
4 of the brain, and there's a contusion of the brain
5 from the actual huge, large impact. So there's
6 just -- the injury to the brain is what caused her
7 death.

8 Q. Would it assist you in explaining that
9 injury if you had some demonstrative aid?

10 A. Sure. Yes.

11 Q. So we are now publishing with the
12 Court's permission State's Exhibit 92 as agreed
13 upon by defense counsel.

14 There is going to be a projection of a
15 demonstrative aid behind you, and that tool in
16 front of you has a red laser pointer.

17 A. Okay. All right. So this is a diagram
18 of like -- so you can see the skull at the top.

19 Q. It's a little red button.

20 A. Okay. The skull at the top -- it keeps
21 coming up like that for some reason.

22 Well, if we actually imagined a segment
23 of the skull and the underlying brain tissue, this
24 whole diagram is actually of the -- of the head.
25 This is really kind of --

RIEMER, M.D., ELLEN - DIRECT EXAM BY MS. WILLIAMS

1 Q. It's not you. It's us.

2 A. Okay. So there are -- there are
3 several layers of the brain. What we're looking at
4 is the outer layer, the skull. You can see the
5 skull. And then beneath the skull, you don't have
6 the brain immediately right away.

7 There's a periosteal layer and meningeal
8 layer, and there -- there's areas of space between
9 the dura and the -- the dura matter is like an
10 envelope that covers the brain, and then the
11 arachnoid membrane is like a little piece of tissue
12 that also covers the brain.

13 So we have many layers between that --
14 the anatomy of the brain and the skull is made up
15 of. And she had bleeding into the subdural space
16 and the subarachnoid space, and disruption of the
17 brain tissue itself.

18 So, you know, there was exposure of the
19 -- normally, you don't see the brain. Right? The
20 skull is there to protect it. But the skull was
21 basically chipped and cut with exposure of the
22 underlying brain, as hard as that is to believe,
23 with abundant bleeding on the surface of the brain.

24 Q. This is State's 93. This is one more
25 demonstrative aid.

RIEMER, M.D., ELLEN - DIRECT EXAM BY MS. WILLIAMS

1 A. Okay. This is just more of the same
2 kind of diagram that shows the different layers of
3 the head. This one is starting with the scalp. So
4 the pink layer is the skin of scalp, and then we
5 have bone of skull.

6 So the scalp was more cut through and
7 the bone of the skull was actually cut through as
8 well, and pieces of it were just, like, breaking
9 off.

10 It was really -- that's -- I mean, I
11 can't describe it any more than just it was
12 multiple fractures of the skull with exposure of
13 the brain tissue beneath the skull and damage and
14 bleeding to the actual brain tissue.

15 Q. Thank you. Could Shonda Davis have
16 survived this attack if she was closer to the
17 hospital?

18 A. Absolutely not. These were fatal,
19 non-survivable injuries.

20 Q. And have you had autopsies before that
21 involved cutting, stabbing-type wounds?

22 MS. SHIVERS: Objection; relevance.

23 THE COURT: Overruled.

24 THE WITNESS: Yes. I've done many
25 cases where victims have died of sharp-force

RIEMER, M.D., ELLEN - DIRECT EXAM BY MS. WILLIAMS

1 injuries.

2 BY MS. WILLIAMS:

3 Q. Have you ever had a case of this
4 magnitude before?

5 MS. SHIVERS: Objection, Your Honor;
6 relevance.

7 THE COURT: Sustained.

8 THE WITNESS: Okay. I think that --

9 MS. WILLIAMS: No.

10 THE COURT: You can't answer that.

11 THE WITNESS: Oh, I can't answer that.

12 MS. WILLIAMS: You can't answer that.

13 Nothing further. Please answer any
14 questions from the defense.

15 THE COURT: Ms. Shivers.

16 MS. SHIVERS: I have no questions, Your
17 Honor.

18 THE COURT: You may step down. Thank
19 you.

20 You are free to stay with us, but you
21 are free to go.

22 Call your next witness.

23 MS. WILLIAMS: Your Honor, at this time
24 the State would rest.

25 THE COURT: Ladies and gentlemen, we

BROWN, ROGER - DIRECT EXAM BY MS. SHIVERS

1 Ms. Shivers, call your first witness.

2 MS. SHIVERS: The defense calls Roger

3 Brown.

4 ROGER BROWN,

5 being first duly sworn, testified as follows:

6 THE CLERK: Please take your seat,
7 spelling your first and last name for the record.

8 THE COURT: Roger Brown, B-R-O-W-N.

9 DIRECT EXAMINATION

10 BY MS SHIVERS:

11 Q. Hi, Mr. Brown. What is your nickname?

12 A. Monte.

13 Q. Monte? Is that M-O-N-T-E?

14 THE COURT: Mr. Brown, I need you to
15 speak loudly.

16 THE WITNESS: M-O-N-T-E.

17 BY MS. SHIVERS:

18 Q. Okay. And how are you familiar with
19 Shonda Davis?

20 A. I'm the father of Madden Davis, her
21 son.

22 Q. And do you recall October 15th of 2016?

23 A. Yes.

24 Q. And did you talk to Shonda that day?

25 A. Yes.

BROWN, ROGER - DIRECT EXAM BY MS. SHIVERS

1 Q. Did you talk -- what time of day did
2 you speak with her?

3 A. Throughout the day.

4 Q. Do you recall the last conversation you
5 had with her?

6 A. Yes.

7 Q. What time was that about?

8 A. We was on the phone for probably the
9 last hour, hour and a half.

10 Q. And how did that phone call end?

11 A. I disconnected.

12 Q. Could you elaborate on that?

13 A. I just hung up.

14 Q. Would it help refresh if I show you the
15 statement that you gave to the police?

16 A. Uh-huh.

17 MS. SHIVERS: May I approach the
18 witness, Your Honor?

19 THE COURT: You may.

20 BY MS. SHIVERS:

21 Q. Does that help refresh your memory?

22 A. Yes.

23 Q. So do you recall now how the call
24 ended?

25 A. Could you be more specific?

BROWN, ROGER - DIRECT EXAM BY MS. SHIVERS

1 Q. What led up to the call disconnecting?

2 A. It just disconnected. Shortly after
3 that, that's when I guess from the detective --

4 MS. WILLIAMS: Objection; speculative.

5 THE COURT: Overruled.

6 BY MS. SHIVERS:

7 Q. Did you hear her say anything to
8 anybody other than you prior to the disconnecting
9 of the phone call?

10 A. Yes.

11 Q. Do you know who she was speaking to?

12 A. One of her neighbors.

13 Q. How did her voice sound when you heard
14 her?

15 A. She just paused like a shock was in her
16 voice.

17 Q. So she was shocked?

18 A. Before the phone disconnected.

19 Q. Was that right before?

20 A. Yes.

21 Q. And what were the two of your plans for
22 that evening?

23 A. Going to Myrtle Beach to meet with my
24 son.

25 Q. Were you supposed to go over there that

BROWN, ROGER - DIRECT EXAM BY MS. SHIVERS

1 night?

2 A. Yes.

3 Q. To keep her company?

4 A. Yes. To leave from there to go to
5 Myrtle Beach.

6 Q. Do you know where Shonda was whenever
7 you first started talking to her that evening?

8 A. No.

9 Q. Do you know if she was at home?

10 MS. WILLIAMS: Objection; asked and
11 answered.

12 THE COURT: Overruled.

13 THE WITNESS: I know she wasn't at
14 home.

15 BY MS. SHIVERS:

16 Q. What was she doing while she was
17 talking to you?

18 A. Driving.

19 Q. She was driving. Did she ever arrive
20 anywhere?

21 A. At her house.

22 Q. How do you know that she arrived at her
23 house?

24 A. Because she was sitting inside her car,
25 and her neighbor -- she was talking to one of the

BROWN, ROGER - DIRECT EXAM BY MS. SHIVERS

1 female neighbors of hers.

2 Q. Did she ever get out of the vehicle?

3 A. Yes.

4 Q. And when you indicated prior that you
5 heard a shock in her voice and then the phone
6 disconnected, was that before or after she got out
7 of the vehicle?

8 A. That was after she got out of the
9 vehicle.

10 Q. And then did you ever talk to her after
11 that?

12 A. No.

13 MS. SHIVERS: No other questions, Your
14 Honor.

15 THE COURT: Ms. Williams.

16 MS. WILLIAMS: No questions.

17 THE COURT: You may step down. You are
18 free to stay, but you are free to go also.

19 THE COURT: Ms. Shivers.

20 MS. SHIVERS: The defense would rest at
21 this time, Your Honor.

22 THE COURT: Reserving all motions or
23 matters, any rebuttal?

24 MS. WILLIAMS: No, Your Honor. Nothing
25 from the State.

1 THE COURT: Ladies and gentlemen, you
2 have now heard all of the testimony you will hear
3 in this case and received into evidence all of the
4 exhibits that will be made a part of the record of
5 this case.

6 There is a matter of law that I must
7 take up outside of your presence. Please take our
8 notepads with you. We will receive you back into
9 the courtroom momentarily.

10 Please rise for the jury.

11 (Jury out, 2:34 p.m.)

12 THE COURT: Thank you. Please be
13 seated.

14 Any motions or matters?

15 MS. SHIVERS: Yes, Your Honor. I would
16 renew all of my prior motions and renew my motion
17 for a directed verdict incorporating all previous
18 arguments.

19 THE COURT: And what did I hear from
20 the last witness that would change my ruling as to
21 motion of a directed verdict?

22 MS. SHIVERS: That the testimony was
23 that they were on the phone, and they were making
24 plans for him to come over there that evening.

25 THE COURT: Ms. Williams.

1 THE COURT: Ready?

2 MS. WILLIAMS: State is ready, Your
3 Honor.

4 THE COURT: We had a charge conference
5 -- I need to rule on whether or not the lesser
6 included will be included. A lesser included
7 offense instruction is required by due process only
8 when the evidence warrants such an instruction.
9 Where there is no evidence to support a finding
10 that the defendant was guilty of a lesser offense,
11 the Court is not required to charge the lesser
12 offense.

13 After reviewing Gadsden and other cited
14 cases, murder may be reduced to manslaughter if the
15 defendant can show that the act was committed in
16 the heat of passion upon sufficient legal
17 provocation.

18 Adultery or infidelity may in some
19 cases serve as legal provocation; however, adultery
20 in South Carolina is not a license to kill. Where
21 the defendant suspecting the spouse or the person
22 with whom he's in relationship is in lay in wait
23 or searches for -- the crime of murder will not be
24 reduced to voluntary manslaughter.

25 Under very similar facts Mr. Gadsden,

1 the defendant here has failed to put forth any
2 facts that would reduce murder to manslaughter. As
3 noted by South Carolina law in State v. Lowery
4 where death is caused by the use of a deadly
5 weapon, words alone, however harsh, are not
6 sufficient to be legal provocation to reduce
7 killing to voluntary manslaughter.

8 When death is caused by the use of a
9 deadly weapon, words must be accompanied by
10 appearance of an assault, some overt threatening
11 act which could have produced the heat of passion.
12 The testimony presented is that the victim suffered
13 defensive wounds prior to her death, and there was
14 no testimony that the defendant had any defensive
15 wounds. There were no weapons found at the scene.

16 The defense has not proven legal
17 provocation under State v. Lowery standards. I
18 deny the request to charge voluntary manslaughter
19 as the lesser included of murder.

20 Anything before we bring in the jury?

21 MS. WILLIAMS: Nothing from the State.

22 MS. SHIVERS: Nothing from the defense,
23 Your Honor.

24 THE COURT: Thank you.

25 And under Beatty, State will open in

1 full, the defense will open in -- open their
2 closing in full, the defense will do their closing
3 argument, and the State is limited to only rebuttal
4 of the defense's argument.

5 (Jury in, 3:40 p.m.)

6 THE COURT: Thank you. Please be
7 seated. Ladies and gentlemen of the jury, we have
8 reached the stage of the trial where you will hear
9 closing arguments on behalf of the counsel. Just
10 as I indicated to you what was contained in opening
11 statements is not evidence, neither is what is
12 contained in closing argument. It is merely the
13 parties' contention as to what the evidence has
14 shown you.

15 In this case, the State will open their
16 closing argument, the defense will then open with
17 their closing argument, and the State will have an
18 opportunity for brief rebuttal closing argument.
19 After that, I will instruct you on the law
20 applicable to this case, and then you will retire
21 to consider your verdict. Please give your
22 attention.

23 Ms. Williams.

24 MS. WILLIAMS: Thank you, Your Honor.

25 May it please the Court? Ms. Shivers.

CLOSING ARGUMENT BY MS. WILLIAMS

1 If she had just answered the phone. If
2 she had just taken his calls. She just wanted to
3 go out with her friends. Shonda Davis lost her
4 life because she didn't take his calls. He
5 slaughtered her brutally because she didn't take
6 his calls, because he was angry that she didn't
7 take his call.

8 What did she do the last day of her
9 life? She planned for her son's second birthday
10 party. She spent a good bit of time going to
11 Lowe's looking for some part for Mr. Nelson,
12 brought him some dinner, some spaghetti; and
13 because she didn't answer the phone, he thought he
14 could slaughter her. He butchered her.

15 She was a mother. She was a sister.
16 She was a friend. And she loved her life. Because
17 she didn't answer the phone -- let that sink in.

18 I want to talk a little bit about the
19 evidence that you saw, and I also want to apologize
20 that we had to show you some of that evidence. It
21 was shocking and it's terrible, but what this man
22 did to Shonda Davis is shocking and terrible. And
23 I don't know how to sugarcoat it. So I apologize
24 that you had to see that.

25 And I would like you to review some of

CLOSING ARGUMENT BY MS. WILLIAMS

1 the evidence with me briefly because we have the
2 burden of proof. And we are prepared to meet that
3 burden. And I would like you to consider all the
4 evidence that you heard.

5 To begin with, murder is defined as the
6 killing of any person with malice aforethought,
7 either express or implied. Let's see how the law
8 defines malice. Malice is hatred, ill will,
9 hostility toward another person. It indicates a
10 wicked or depraved spirit intent on doing wrong.
11 It is the intentional doing of a wrongful act.

12 Now I ask you, was malice exhibited the
13 first time he stabbed her in the face? The second
14 time? The tenth time?

15 Malice can be -- this is an important
16 point, and Mr. McNeely brought this up during
17 opening. A lot of us watch TV and we see these
18 crime shows and everybody talks about premeditated
19 murder. And regardless of whether we think the
20 evidence shows that Mr. Nelson waited at her house
21 for her and planned to kill her, we don't have to
22 prove that.

23 We have to prove malice, not
24 premeditation. Malice aforethought does not
25 require that it exists for any particular time for

CLOSING ARGUMENT BY MS. WILLIAMS

1 for any appreciable length of time before the act
2 is committed.

3 It may be conceived at the very moment
4 the act occurs. So all he has to have is malice
5 right before he plunges the knife the first time.

6 Malice can be either expressed or
7 implied. What does that mean? Express malice is a
8 deliberate intention to unlawfully injure or take
9 the life of another. Think about what he did, and
10 ask yourself the question of whether that fits the
11 bill of a deliberate intention to unlawfully injure
12 or take the life of another.

13 Implied malice, on the other hand,
14 arises when circumstances demonstrate a wanton or
15 reckless disregard for human life or when a
16 reasonably prudent person would have known that
17 according to common experience there was a plain
18 and strong likelihood that death would follow from
19 the act.

20 Now, when he is plunging the knife into
21 Shonda Davis's head and face and cutting off her
22 fingers, I would argue that it would be a
23 reasonable conclusion that death would follow that
24 act. So in this case, we have Edward Nelson
25 fitting the bill for express and implied malice.

CLOSING ARGUMENT BY MS. WILLIAMS

1 Reasonable doubt: As lawyers, we like
2 to get up here and tell you what reasonable doubt
3 is. We all do it. If I tell you anything
4 different than what the judge tells you in her
5 instructions, please defer to the judge.

6 I suspect that she will tell you when
7 she defines reasonable doubt that you have to be
8 firmly convinced of Mr. Nelson's guilt. She will
9 also tell you that it is not beyond all doubt.
10 There are very few things in life that we know with
11 absolute certainty.

12 And when she reads that definition,
13 listen to those words because we don't have to
14 remove all doubt. You just have to be firmly
15 convinced.

16 I wanted to go through some of the
17 witnesses that you heard because it seems even
18 though it was just a couple of days ago, it seems
19 like a long time ago when we heard from our first
20 witness Howard Morris.

21 What does he tell you? He kind of
22 establishes the timeline. He has dinner with
23 Shonda and leaves her at her car at 8:30. He knows
24 that she wanted to break things off with
25 Mr. Nelson. He also told you that Mr. Nelson was

CLOSING ARGUMENT BY MS. WILLIAMS

1 very possessive.

2 And, strangely, when Ms. Shivers asked
3 him a question, he said that she was talking about
4 getting an insurance policy. I'm not really sure
5 why Shonda would be talking about getting an
6 insurance policy, but you can just take that
7 evidence for what it's worth.

8 Jessica Jones. Jessica is the second
9 witness who took the stand, and she lived across
10 the road from her. And she and her seven- and
11 either-year-old children watched Edward Nelson
12 butcher Shonda Davis. She saw him stabbing her
13 after she heard Shonda Davis say, help me, he's
14 killing me.

15 And one of the more shocking things in
16 this case is that he was still stabbing her while
17 she was on the ground.

18 Taronda Gilliard is the sister, Shonda
19 Davis is her baby sister, and she took the stand.
20 She had a conversation with Mr. Nelson after he
21 murdered Shonda Davis. What does he tell her? He
22 says, I was in bed. I don't know what you're
23 talking about. What happened to Shonda?

24 She also identifies the license plate
25 of her sister, which is important, because April

CLOSING ARGUMENT BY MS. WILLIAMS

1 Jenkins tells you about a previous incident where
2 Mr. Nelson was holding a knife on Shonda Davis, and
3 there was some testimony about the fact that she
4 didn't get the right number.

5 If you look at the license plate number
6 that we have in evidence, it's just one digit off.
7 April Jenkins just got one letter wrong and that's
8 why they couldn't locate Shonda Davis that night.

9 Officer Spurgeon. One of the more
10 chilling things that she tells you is sort of a
11 subtle fact that after she found Shonda Davis's
12 body, she still had her purse on her arm. She
13 never had a chance. She never had a chance. She
14 didn't have time to get her purse off of her arm.

15 She also tells you that the house is
16 neat, the lights are off, and that the doors are
17 locked. So he didn't get the knife from inside
18 Shonda's house. He brought the knife with him.

19 Bradley Dorman, the EMT, he gives you a
20 description of horrific injuries. He says there
21 were deep lacerations to the head and face too
22 numerous to count and too overlapping to guess the
23 size.

24 Duffy Skinner, who is actually a friend
25 of the defendant, tells you that two months ago the

CLOSING ARGUMENT BY MS. WILLIAMS

1 defendant said -- that he called him and said he
2 wanted to kill his girlfriend. So that speaks to
3 his intent. He also told him the night of the
4 murder, I killed my girlfriend. And Duffy Skinner
5 says, what? And he says, no, no, no. I'm just
6 playing. I'm just playing, which is telling.

7 DNA: Shonda Davis's blood is on the
8 defendant's boots. I think you will see in the
9 photograph there is a bloody boot print which is
10 exactly the same kind of impression that the
11 defendant has on his boot. Her blood is on his
12 shirt which should leave no doubt in your mind that
13 he was at the crime scene.

14 Dr. Riemer: I know that this was very
15 hard for you-all. What she told you is that these
16 were nonsurvivable injuries. Nonsurvivable
17 injuries. There was no way that Shonda Davis could
18 have survived the attack. She said it was one of
19 the worst cases that she had ever seen.

20 You saw the statement that he gave at
21 the bond hearing: Cold, chilling, no emotion.

22 Let's contrast his face with Shonda
23 Davis. Any wounds on him? Nope. Clear. She
24 never even scratched him. She just never had a
25 chance to react. The only thing they found on him

CLOSING ARGUMENT BY MS. WILLIAMS

1 was a small cut on his hand.

2 Again, if I had just heard from her.

3 If she had just answered the phone. She just
4 wanted to go out with her friends. And when
5 Mr. McNeely told you that this was a case about
6 controlling, it's what it is. He couldn't control
7 Shonda Davis.

8 You saw the text messages. You can
9 kind of see it building and building. They were
10 going back and forth and she finally says, I'm
11 done. You know, I'll bring you dinner. I'll help
12 get you to Lowe's, but I'm done. And he's texting
13 and he's texting and she says, stop calling me at
14 work. And pretty soon she stops answering his
15 text.

16 And at I think it's -- Detective
17 Auclair testified the last call from Edward Nelson
18 came at 8:06. There is a text sometime before that
19 where he says, this is important, three exclamation
20 points. She's done. She's not answering him
21 anymore. He's such a coward. He can't take it.

22 He cannot take the rejection. What is
23 his reaction? He goes to her house with a knife
24 and he waits for her. She gets out of her car with
25 her baby's clothing in the bag, talking to the

CLOSING ARGUMENT BY MS. SHIVERS

1 father of her child, who is a decent person who
2 stays involved with his child.

3 They have a good relationship; they are
4 going to go down for the child's second birthday.
5 And she's chatting on the phone as she walks to her
6 apartment, he strikes her down again and again and
7 again.

8 It is time for you to think about what
9 you saw, to consider all of the evidence. It is
10 time for you to think about it and compare the
11 facts to the law. Time for justice.

12 And I'm asking you to go back there and
13 have the courage of your convictions. He's guilty,
14 he slaughtered that woman, and it is time for
15 justice.

16 THE COURT: Ms. Shivers.

17 MS. SHIVERS: May it please the Court?

18 THE COURT: Yes.

19 MS. SHIVERS: I want to apologize, I'm
20 eating a mint; my voice is a little crackly. I'm
21 sorry about that.

22 I'm in a unique position to be able to
23 represent Mr. Nelson. The State is the one who
24 chooses to bring charges. Police arrest people and
25 the State indicts people and they prosecute based

CLOSING ARGUMENT BY MS. SHIVERS

1 on the evidence. They have the power to control
2 what charges go before the grand jury and what
3 charges are brought before trial.

4 The State is the one that made that
5 determination in this case, and that's why we're
6 here. As I told you in the beginning, this is not
7 about whether or not he killed her. It's about
8 whether or not he killed her with malice.

9 I told you at the beginning that there
10 were two different types of killings in South
11 Carolina. The State has chosen to go forward and
12 leave you with the decision of only one. And that
13 is murder.

14 I told you at the beginning we believed
15 this was a case of manslaughter; arises out of heat
16 of passion based on legal provocation. They were
17 in a relationship. It's very clear on the text
18 messages and based on what his friend testified to
19 as well, he loved her. He was 24 years old; she
20 was 38 years old. He was in love, and they had
21 this relationship.

22 And the State has provided two
23 instances they want you to consider as part of some
24 grand intent scheme. I guess she's trying to say
25 he must have been planning this thing for two

CLOSING ARGUMENT BY MS. SHIVERS

1 months by providing this incident that April
2 Jenkins testified to back in July. That incident,
3 when you listen to the officer testify, they have
4 no idea who the parties were.

5 She actually came into court and she
6 pointed at him. And it's real easy to do that
7 after somebody has been arrested for killing
8 somebody to come in here and say, oh, yeah, that's
9 the same guy. From October forward she never
10 contacted anybody to say there was a prior
11 incident.

12 Even if it was a prior incident, the
13 fact that you have a domestic violence relationship
14 does not mean that you are a murderer at heart.
15 Domestic violence is an epidemic in our country.
16 And there are a lot of people who have
17 relationships that are tumultuous and that involve
18 violence.

19 It's inexcusable. Absolutely
20 inexcusable. Nobody should have to suffer through
21 domestic violence, but just because somebody abuses
22 somebody they're in a relationship with does not
23 equal murder.

24 If the intent, as the State would have
25 you believe, started in July of 2016, then she

CLOSING ARGUMENT BY MS. SHIVERS

1 would not have been around in October of 2016. She
2 seems to want you to believe that he had this grand
3 plan from then, and calling Duffy Skinner, his
4 mentor, and making a statement two months before
5 the incident, hey, I'm going to -- I feel like I'm
6 going to kill myself and I'm going kill my
7 girlfriend.

8 Well, he told you that they were in NA
9 together. He was new to NA. He was his sponsor.
10 He was going through getting off of drugs. It was
11 a large emotional time. Duffy told you that it was
12 not -- it's not difficult for somebody to have
13 those statements.

14 Obviously, he said nobody had ever
15 called him personally and said they were going to
16 kill somebody, but it's not infrequent that people
17 have emotional issues that they're dealing with
18 when they're going through those withdrawals.

19 If his intent back in July or August
20 was to kill her, he would not have called Duffy
21 Skinner and talked to him and reached out to him as
22 his sponsor and his confidant to tell him that he
23 was suicidal or homicidal. He was struggling and
24 he talked to Duffy and he was able to reach his
25 sponsor and was able to actually get together with

CLOSING ARGUMENT BY MS. SHIVERS

1 his feelings, and that was the end of that
2 situation.

3 And then we hear nothing until the
4 October time frame and they were still together.
5 And we heard testimony that she may have wanted to
6 end a relationship, and this was a day when all of
7 these things adding up led to this unfortunate
8 incident.

9 I love my job as a defense attorney.
10 It's a hard job because I have to stand here and
11 defend indefensible things at times, but I'm in a
12 unique position because I get to make sure that the
13 government and the State doesn't abuse our system
14 and doesn't abuse my client's rights. And that's
15 why I do what I do.

16 It's awful for me. I hate to have to
17 stand up here when I feel terrible for what
18 happened to Ms. Davis. I feel absolutely terrible
19 for her family about what happened. I can't -- I
20 cannot imagine the pain of her child. I have two
21 children. I cannot even imagine if they had to
22 grow up without me.

23 That's not what this case is about.
24 It's solely about what his intent was on that
25 night. I am not defending Mr. Nelson's actions.

CLOSING ARGUMENT BY MS. SHIVERS

1 He brutally and savagely killed Shonda Davis. It
2 was an intentional killing. I'm not trying to
3 justify the killing.

4 There is no justification for the
5 killing, but what I am saying is that it arose out
6 of the heat of passion based on the provocation.
7 She went out to dinner with her friends. He was
8 calling her; she was supposed to take him to the
9 bank and to Lowe's. And at some point during the
10 day, she stopped responding to him. And it was
11 call after call after call that she chose to not
12 answer.

13 He goes to her house, and as you heard,
14 Roger Brown testified he was on the phone with her.
15 That's Monte you will see on the call logs and the
16 pictures. It he was listed as R. Monte Brown. She
17 was on the phone with him. They had been on the
18 phone for a significant amount of time.

19 He heard her get to her house, get out
20 of the vehicle, and then she stops, and then he
21 says that she paused with a shocked sound in her
22 voice, and the phone went dead.

23 Well, what did he tell you? They were
24 planning on him coming over that night. Their
25 child wasn't there. Their child was in Myrtle

CLOSING ARGUMENT BY MS. SHIVERS

1 Beach. And so here you have the 24-year-old
2 boyfriend coming over trying to talk out the issues
3 that they had, trying to understand why she was not
4 answering his calls that he had been making
5 continuously throughout the day. Why have you not
6 answered me?

7 And then he walks up and hears her
8 inviting another guy over to her house to spend
9 time with her and keep her company, and he couldn't
10 handle it and he lost it and he did this. It is
11 not my job to prove the elements of these offenses.
12 It's the State's.

13 If you believe that there is a
14 reasonable chance that this was done in a heat of
15 passion based on provocation, that directly negates
16 malice. And your job is to follow the law. The
17 State chose to go forward on murder. If you find
18 that malice is not present, you cannot convict on
19 murder.

20 Reasonable doubt is a doubt that leaves
21 an ordinary person -- causes an ordinary person to
22 hesitate to act. If you find there is a real
23 chance this arose out of a heat of passion after
24 provocation, then you have to give the benefit to
25 Mr. Nelson and you must find him not guilty.

CLOSING ARGUMENT BY MS. WILLIAMS

1 I did not choose what charges to bring
2 before you. It is not my burden, not my choice
3 what charges you have to chose from. The State
4 chose murder or not guilty. So if you do not find
5 that there is malice, and heat of passion based on
6 provocation negates the element of malice.

7 That's why there are two different
8 killings. It doesn't mean it's not intentional.
9 It doesn't mean that he didn't do it purposefully.
10 It just means that it wasn't done with malice if it
11 was done in a heat of passion.

12 And so after looking at all of the
13 evidence, we are asking from you to come back with
14 a verdict of not guilty on the charge of murder.

15 THE COURT: Thank you.

16 MS. WILLIAMS: Well, the audacity of
17 Shonda Davis not to answer her phone because
18 apparently that counts as provocation. Not
19 answering your phone and taking him to Lowe's and
20 to the bank means you have provoked him and he gets
21 to kill her. Talking on the phone with the father
22 of her child walking into our own darned apartment
23 apparently is provocation. That is the most
24 ridiculous thing I have ever heard.

25 If this isn't malice, I don't know what

JURY CHARGE

1 is. You listen to the definition of malice and you
2 consider the evidence that you've seen and you tell
3 me if this doesn't fit malice. She said he loved
4 her. He loved her. Is that love? You saw those
5 pictures. Did that look like love to you?

6 I will agree with something that
7 Ms. Shivers just told you whole-heartedly.
8 Domestic violence in a relationship does not mean
9 someone is a murderer. Whether or not you believe
10 this was domestic violence, put that aside.

11 What makes him a murderer is an
12 eyewitness seeing him plunge a knife over and over
13 again into this woman's head and face. And while
14 she was doing this (indicating) trying to cover her
15 face, he cuts off her fingers. She had cuts to the
16 bone. That's what makes him a murderer.

17 THE COURT: Ladies and gentlemen, I
18 remind that you during the trial you and I have
19 certain duties to perform. As a trial judge, it is
20 my responsibility to preside over the trial of this
21 case, and I have the duty to rule on the
22 admissibility of the evidence offered during this
23 trial.

24 You are to consider only the competent
25 evidence before you. You are to consider only the

JURY CHARGE

1 testimony that has been presented from the witness
2 stand, any exhibits that have been made part of the
3 record of this case, as well as the stipulations of
4 counsel.

5 I have the additional duty to charge
6 you the law applicable to the case. As the
7 presiding judge, I am the sole judge of the law of
8 this case, and it is your duty as jurors to accept
9 it and apply the law as I state it to you now.

10 If you already have any idea as to what
11 the law is or what the law ought to be and it does
12 not agree with what I'm about to tell you, you must
13 abandon your own idea because you are sworn to
14 accept the law and apply the law exactly as I state
15 it to you now.

16 In every case tried in this case before
17 a jury, the jury becomes the sole and exclusive
18 judges of the facts. A trial judge may never make
19 any comment to a jury trial about the facts of the
20 case. You, the jury, are the sole judges of the
21 facts in this case.

22 You are not to infer from anything that
23 I have said or done throughout the progress of this
24 trial that I have any opinion about the facts in
25 this case. The law does not allow me to have an

JURY CHARGE

1 opinion about the facts in this case.

2 Ladies and gentlemen, that is a matter
3 solely for you to determine. As jurors, it is your
4 duty to determine the effect, value, and weight of
5 the evidence presented during this trial.

6 The indictment charges the defendant
7 with murder. I remind you, the fact that the
8 defendant was arrested, charged, and indicted in
9 this case is not evidence in this case and cannot
10 be considered by you as evidence of guilt in this
11 case, nor does it create any presumption or
12 inference of guilt.

13 This document is simply the formal
14 written instrument which contains the charge made
15 against the defendant. It is the formal document
16 by which this case is brought into court.

17 Just as the indictment in this case is
18 not evidence, any terminology or labels used to
19 refer to the individuals involved in this case is
20 not evidence. For example, the use of the words
21 defendant and victim are merely formal labels and
22 may not be considered by you as evidence.

23 The defendant has pled not guilty to
24 the indictment. A person charged with committing a
25 criminal offense in South Carolina is never

JURY CHARGE

1 required to prove himself innocent. I charge you
2 it is an important rule of law that the defendant
3 in a criminal trial, no matter what the seriousness
4 of the charge may be, will always be presumed to be
5 innocent of the crime for which the indictment was
6 issued unless guilt has been proven by evidence
7 satisfying you of that guilt beyond a reasonable
8 doubt.

9 This presumption of innocence does not
10 end when you begin your deliberations, but
11 accompanies the defendant throughout the trial
12 until you reach a verdict of guilt based upon
13 evidence satisfying you of that guilt beyond a
14 reasonable doubt.

15 The State has the burden of proving the
16 defendant guilty beyond a reasonable doubt. Some
17 of you may have served as jurors before in civil
18 cases where you were told it was only necessary to
19 prove that a fact is more likely true than not true
20 such as by a greater weight or preponderance of the
21 evidence.

22 In criminal cases the State's proof
23 must be more powerful than that. It must be beyond
24 a reasonable doubt. Proof beyond a reasonable
25 doubt is proof that leaves you firmly convinced of

JURY CHARGE

1 the defendant's guilt. There are very few things
2 in this world that we know with absolute certainty.
3 In criminal cases, the law does not require proof
4 that overcomes every possible doubt.

5 If based upon your consideration of the
6 evidence you are firmly convinced that the
7 defendant is guilty of the crime charged, you must
8 find the defendant guilty. If on the other hand,
9 you think there is a real possibility that the
10 defendant is not guilty, you must give the
11 defendant the benefit of the doubt and find him not
12 guilty.

13 There are two types of evidence which
14 are generally presented in a trial: Direct
15 evidence and circumstantial evidence. The direct
16 evidence directly proves the existence of a fact
17 and does not require deduction. Circumstantial
18 evidence is proof of a chain of facts and
19 circumstances indicating the existence of a fact.

20 Crimes may be proven by circumstantial
21 evidence. The law makes no distinction between the
22 weight or value to be given either direct or
23 circumstantial evidence; however, to the extent
24 that the State relies on circumstantial evidence,
25 all of the circumstances must be consistent with

JURY CHARGE

1 each other and, when taken together, point
2 conclusively to the guilt of the defendant beyond a
3 reasonable doubt.

4 If these circumstances merely portray
5 the defendant's behavior as suspicion, the proof
6 has failed.

7 The State has the burden of proving the
8 defendant guilty beyond a reasonable doubt. This
9 burden rests with the State regardless of whether
10 the State relies on direct evidence or
11 circumstantial evidence or a combination of the
12 two. Necessarily, you must determine the
13 credibility of the witnesses who have testified.
14 Credibility simply means believability.

15 It becomes your duty as jurors to
16 analyze the evidence and determine which evidence
17 convinces you. In determining the believability of
18 the witnesses who have testified in this case, you
19 may believe one witness over several witnesses or
20 several witnesses over one witness.

21 You may believe a part of the testimony
22 of a witness and reject the remaining part of the
23 testimony of that same witness. You may believe
24 the testimony of a witness in its entirety or
25 reject the testimony of a witness in its entirety.

JURY CHARGE

1 You may consider whether any witness
2 has exhibited to you any interest, bias, prejudice,
3 or any other motive in this case. You may also
4 consider the appearance and manner of a witness
5 while on the witness stand.

6 The rules of evidence ordinarily do not
7 permit witnesses to testify to opinions or to
8 conclusions. An exception to this rule is for the
9 witnesses we call expert witnesses. A witness who
10 by education and experience has become expert in
11 some art, science, profession, or calling may state
12 an opinion as to the relevant and material matter
13 in which the witness claims to be an expert and may
14 also state the reasons for that opinion.

15 You should consider any expert opinions
16 received in this case, and like any other evidence,
17 give it the weight you think it deserves. If you
18 decide that the opinion of a witness expert is not
19 based upon sufficient education or experience, or
20 if you conclude the reasons given in support of the
21 opinion are not sound, or that the opinion is
22 outweighed by other evidence, you may disregard the
23 opinion entirely.

24 An expert witness's testimony is to be
25 given no greater weight than that of other

JURY CHARGE

1 witnesses simply because the witness is an expert.
2 Further, you are not required to accept an expert's
3 opinion even though it was not contradicted.

4 A person who has a past from a record
5 is competent to testify during the trial. A past
6 record does not affect the ability of that witness
7 to testify. The past record may only be considered
8 by you, if at all, in determining the witness's
9 believability.

10 You are the sole judges of the facts in
11 this case and the believability of any and all of
12 the witnesses.

13 You have heard evidence that the
14 defendant committed a bad act not the subject of a
15 conviction other than the one for which the
16 defendant is now on trial. This testimony, if you
17 conclude is true, may only be considered by you on
18 the question of intent, motive, or common scheme or
19 plan and for no other reason or purpose.

20 You may give this evidence the weight
21 and value, if any, which you find it should have on
22 the sole issues of intent, motive, and common
23 scheme or plan. You must not consider evidence of
24 this commission of a bad act not the subject of a
25 conviction as proof of the defendant's guilt of the

JURY CHARGE

1 charge we are trying to do.

2 In order to establish criminal
3 liability, criminal intent is required. For
4 example, the mental state required to be proven by
5 the State for a particular crime may be purpose,
6 intent, knowledge, recklessness, or criminal
7 negligence.

8 Criminal intent must be proven by the
9 State beyond a reasonable doubt. Criminal intent
10 is always a matter that must be determined by the
11 jury from the circumstances surrounding the
12 situation. There is no way to prove intent to a
13 mathematical certainty. There is no way that
14 science can determine what the person had in mind,
15 so the law says that criminal intent may be
16 inferred from the circumstances shown to have
17 existed.

18 This is how you make a determination of
19 whether or not the element requiring intent was
20 present. It is not necessary to establish intent
21 by direct or positive evidence, but intent may be
22 established by inference in the same way as any
23 other fact by taking into consideration the act of
24 the parties and all of the facts and circumstances
25 in this case.

JURY CHARGE

1 Criminal intent is a mental state. It
2 is a conscious wrongdoing. It is up to you to
3 determine what the defendant intended to do based
4 upon the circumstances shown to have existed.
5 Criminal intent can arise from actions or a failure
6 to act. It may arise from negligence, recklessness
7 or an indifference to duty or to consequences which
8 is considered by law to be the equivalent of
9 criminal intent.

10 The defendant is charged with murder.
11 The State must prove beyond a reasonable doubt that
12 the defendant killed another person with malice
13 aforethought. Malice is hatred, ill will, or
14 hostility toward another person. It is the
15 intentional doing of a wrongful act without just
16 cause or excuse and with an intent to inflict an
17 injury or under circumstances that the law would
18 infer evil intent.

19 Malice aforethought does not require
20 that malice exists for any particular time before
21 the act is committed, but malice must exist in the
22 mind of the defendant just before and at the time
23 the act is committed; therefore, there must be a
24 combination of the previous evil intent and the
25 act.

JURY CHARGE

1 Malice aforethought may be express or
2 inferred. These terms, express and inferred, do
3 not mean different kinds of malice. It means the
4 manner in which the malice may be shown to exist.
5 This is either by direct evidence or by inference
6 from the facts and circumstances which are proved.

7 Express malice is shown when a person
8 speaks words which express hatred or ill will for
9 another, or when the person prepared beforehand to
10 do the act which is later accomplished. Malice may
11 be inferred from conduct showing a total disregard
12 for human life. Inferred malice may also arise
13 when the deed is done with a deadly weapon.

14 A deadly weapon is any article,
15 instrument or substance which is likely to cause
16 death or great bodily harm. Whether an instrument
17 has been used as a deadly weapon depends upon the
18 facts and circumstances of each case.

19 The following are examples of
20 instruments which may be deadly weapons: A pistol,
21 shock, rifle, dirk, dagger, knife, slingshot, or
22 lighter fluid. A fact to prove beyond a reasonable
23 doubt sufficient to raise an inference of malice to
24 your satisfaction, this inference would simply be
25 an evidentiary fact to be considered by you along

JURY CHARGE

1 with the other evidence in this case, and you may
2 give it the weight you decide it should receive.

3 I instruct you and emphasize the fact
4 that the defendant did not testify is not a factor
5 to be considered by you in any way in your
6 deliberation and in your consideration on the
7 question of the guilt or innocence of the
8 defendant. It must not be discussed or considered
9 by you in any manner whatsoever.

10 A defendant has the constitutional
11 right to remain silent and the assertion of this
12 right must not be considered by you in your
13 deliberations. I repeat, under your oath you are
14 to draw no conclusion whatsoever from the fact that
15 the defendant in this case did not testify.

16 Madame Foreperson, the fact that the
17 defendant did not testify in this case cannot be
18 considered or discussed at all in your jury room.

19 Ladies and gentlemen, the burden of
20 proof, as I have stated to you, is on the State.
21 The defendant is not required to prove his
22 innocence. The burden of proof remains on the
23 State to prove guilt beyond a reasonable doubt.

24 Ladies and gentlemen, I'm now going to
25 go over the verdict form with you. There is

JURY CHARGE

1 absolutely no significance in the way things appear
2 on the paper. It's simply that I have to put
3 something first.

4 In the Court of General Sessions, the
5 Ninth Judicial Circuit, 2016-GS-08-2777, State of
6 South Carolina, County of Berkeley County v Edward
7 Isaiah Nelson; We, the jury, find the Defendant
8 Edward Isaiah Nelson not guilty; or, we, the jury,
9 find the Defendant Edward Isaiah Nelson guilty of
10 the murder of Shonda Davis.

11 Madame Foreperson, once all 12 of you
12 have reached a unanimous verdict, all 12 of you
13 have to agree to the verdict, you will sign the
14 verdict form and date it. Once you have done that,
15 you will knock on the jury room door indicating
16 that you have completed your deliberations.

17 Ladies and gentlemen, is there any
18 member of my first 12 who for whatever reason feels
19 that you would be unable to begin and complete your
20 deliberations?

21 If so, please stand.

22 Thank you. The first 12 have indicated
23 they are able to complete -- or to begin and to
24 complete deliberations.

25 To my three alternates, this concludes

JURY CHARGE

1 your service to the case at this time, but to all
2 of you, this is the last time I will say this to
3 you. Do not begin your deliberations. Do not
4 begin discussing this case amongst yourselves.

5 We will gather the evidence for you and
6 send in the verdict form. At that time, the
7 bailiff will instruct you when you may begin your
8 deliberations.

9 We will hold the alternates separately
10 from the first 12, and I will come in personally to
11 release you at the appropriate time.

12 Ladies and gentlemen, please rise and
13 take all of your belongings.

14 (Jury out, 4:18 p.m.)

15 THE COURT: Thank you. Please be
16 seated.

17 Any objection or correction to the
18 charges as read from the State?

19 MS. WILLIAMS: The only thing that
20 we're looking up, Your Honor, and this is my own
21 ignorance, I apologize, under Belcher is it that
22 we're not supposed to charge that they can infer
23 malice from a deadly weapon only if there is
24 self-defense?

25 THE COURT: Correct. I would not have

1 included it had I included voluntary.

2 MS. WILLIAMS: Thank you, Your Honor.

3 Other than that, we have no issue.

4 THE COURT: You believe the charge is
5 correct as read?

6 MS. WILLIAMS: Yes, Your Honor.

7 MS. SHIVERS: Your Honor, I would just
8 note my previous objection to the exclusion of
9 voluntary manslaughter.

10 THE COURT: And have we made sure
11 everything that is going back is ready to go back?

12 Madame Court Reporter, we need to
13 address those six photographs; is that correct?

14 THE COURT REPORTER: Yes.

15 THE COURT: Ms. Williams, and, Ms.
16 Shivers, you had given me photographs -- the State
17 gave me photographs when we had the in-chambers
18 review of which ones were going to be admitted, and
19 the State had provided color photographs and black
20 and white photographs.

21 Ultimately, the six that were admitted
22 in a manilla folder, I referred to those -- and I
23 believe, Ms. Williams, you must have marked these
24 as Court's Exhibits. And so that was -- we already
25 had Court's Exhibits marked, so I need to mark this

1 folder. And so I'm just going to mark the entirety
2 of this manilla folder as Court's 57 for the
3 record.

4 (COURT'S EXH. 57, Manilla folder, was
5 marked for identification.)

6 THE COURT: So what it contains is the
7 three colored photographs and three black and white
8 photographs, which ultimately became State's 61,
9 62, 63, State's 88, 89, and 90. And then there was
10 a group of photos, black and white and color, that
11 were not marked at all, but there was a sticky
12 note, not to be introduced.

13 And I don't know if I -- my clerk did
14 that, you did that, but out of an abundance of
15 caution, this entire folder will be marked as
16 Court's 57.

17 Any objection to handling it that way?

18 MS. WILLIAMS: No, Your Honor.

19 MS. SHIVERS: No, Your Honor.

20 THE COURT: All right. Thank you.

21 With that, let me hear any closes --
22 any renewal of any motions?

23 MS. SHIVERS: Yes, Your Honor. At this
24 time, I would renew all of my previous motions.

25 THE COURT: All right. And at this

VERDICT

1 THE COURT: Bring in the jury.

2 (Jury in, 4:46 p.m.)

3 THE COURT: Please be seated.

4 Madame Foreperson, I understand that
5 you have reached a verdict. Will you please hand
6 the form to the bailiff?

7 MADAME FOREPERSON: Yes, ma'am.

8 THE COURT: Clerk.

9 THE CLERK: State of South Carolina,
10 County of Berkeley v Edward Isaiah Nelson,
11 Indictment 2016-GS-08-2777; We, the jury, find the
12 Defendant Edward Isaiah Nelson guilty of murder of
13 Shonda Davis.

14 Signed by the Foreperson.

15 THE COURT: Ladies and gentlemen of the
16 jury, if this is your verdict, please signify by
17 raising your right hands.

18 THE JURY: (Raised hands.)

19 THE CLERK: Thank you.

20 THE COURT: Thank you. Anything
21 further required of the jury from the defendant?

22 MS. SHIVERS: Poll the jury please,
23 Your Honor.

24 THE COURT: Please have a seat.

25 Ladies and gentlemen, this is very

VERDICT

1 customary. It's called polling the jury. The
2 clerk is going to ask you two questions, she's
3 going to call you by your juror number. Simply, is
4 this your verdict? And is this still your verdict?

5 Madame Clerk?

6 THE CLERK: Juror No. 61, is this your
7 verdict?

8 JUROR: Yes, ma'am.

9 THE CLERK: Is it still your verdict?

10 JUROR: Yes, ma'am.

11 THE CLERK: Juror No. 89, is this your
12 verdict?

13 JUROR: Yes, it is.

14 THE CLERK: Is it still your verdict?

15 JUROR: Yes, it is.

16 THE CLERK: Juror No. 19, is this your
17 verdict?

18 JUROR: Yes, ma'am.

19 THE CLERK: Is it still your verdict?

20 JUROR: Yes, ma'am.

21 THE CLERK: Juror No. 142, is this your
22 verdict?

23 JUROR: Yes, ma'am.

24 THE CLERK: Is this still your verdict?

25 JUROR: Yes, ma'am.

VERDICT

1 THE CLERK: Juror No. 145, is this your
2 verdict?

3 JUROR: Yes, ma'am.

4 THE CLERK: Is it still your verdict?

5 JUROR: Yes, ma'am.

6 THE CLERK: Juror No. 164, is this your
7 verdict?

8 JUROR: Yes, ma'am.

9 THE CLERK: Is this still your verdict?

10 JUROR: Yes, ma'am.

11 THE CLERK: Juror No. 95, is this your
12 verdict?

13 JUROR: Yes, ma'am.

14 THE CLERK: Is this still your verdict?

15 JUROR: Yes, ma'am.

16 THE CLERK: Juror No. 97, is this your
17 verdict?

18 JUROR: Yes, ma'am.

19 THE CLERK: Is this still your verdict?

20 JUROR: Yes, ma'am.

21 THE CLERK: Juror No. 40, is this your
22 verdict?

23 JUROR: Yes, ma'am.

24 THE CLERK: Is this still your verdict?

25 JUROR: Yes, ma'am.

VERDICT

1 THE CLERK: Juror No. 39, is this still
2 your verdict?

3 JUROR: Yes, ma'am.

4 THE CLERK: Is this still your verdict?

5 JUROR: Yes, ma'am.

6 THE CLERK: Juror No. 17, is this your
7 verdict?

8 JUROR: Yes, ma'am.

9 THE CLERK: Is it still your verdict?

10 JUROR: Yes, ma'am.

11 THE CLERK: Juror No. 62, is this your
12 verdict?

13 JUROR: Yes, ma'am.

14 THE CLERK: Is it still your verdict?

15 JUROR: Yes, ma'am.

16 THE CLERK: Judge, the jury has been
17 polled and the verdict stands.

18 THE COURT: Thank you.

19 Anything further required of the jury?

20 MS. SHIVERS: No, Your Honor

21 THE COURT: From the State?

22 MS. WILLIAMS: Not from the State, Your
23 Honor.

24 THE COURT: Ladies and gentlemen, this
25 completes your service to this case and it

1 MS. SHIVERS: Thank you, Your Honor.
2 Edward is 25 years old. He'll be 26 years old in
3 July. He went to the tenth grade and then he did
4 obtain his GED in 2012 while he was in prison. He
5 went to prison on the strong-armed robbery that you
6 heard about from the State, fairly young, and he
7 spent some time in SCDC.

8 I pulled all of his records -- I've
9 been representing him since the beginning of his
10 case. I pulled the records from SCDC so I could
11 see whether or not there was any sort of issues
12 that would have arisen during that time.

13 In reading the records, he continually
14 sought out mental health treatment at SCDC, and he
15 was sent out on parole with no after services.
16 That does not excuse his behavior on October 15th,
17 but I just wanted you to be aware.

18 He grew up without a mother or a
19 father. His father was deceased when he was a
20 young baby. His mother was a drug addict when she
21 was pregnant with him and she was never involved in
22 his life. As a matter of fact, he met her for the
23 very first time in 2016. He was raised by his aunt
24 until he was the age of seven when she said that
25 she no longer wanted to care for him, and then sent

1 to live with his grandmother who was elderly.

2 His grandmother is 86 years old now,
3 and he lived there and went to school prior to
4 going into prison shortly after he turned 17 or
5 18 years old.

6 He's been extremely remorseful since
7 the day that I met him. He has cried on several
8 occasions, and he has talked with me about this
9 case. He has never once denied that he killed
10 Shonda. He has always felt extremely bad about the
11 decision that he made that day.

12 I think it's also relevant to his
13 remorse as well, he attempted to commit suicide two
14 times. The first -- at the bond hearing the family
15 requested that he kill himself and save them the
16 trouble and repeated that over and over again. And
17 he actually did attempt suicide two times at the
18 jail.

19 I spoke to Officer Ravenell at the jail
20 last Friday, and he indicated to me -- I was aware
21 that he had attempted two times, but I did not
22 understand the lengths to which he actually went.
23 He actually had hung himself, and Officer Ravenell
24 walked into the cell and had to cut him down while
25 he was gagging on the hanging material that he used

1 to attempt suicide.

2 He also attempted suicide again. He
3 was giving away all of his belongings and has been
4 continuously on suicide watch at my request because
5 I'm concerned about his safety and harming himself
6 after -- regardless -- just based on what happened.

7 It's not about the time that he's
8 facing. It's about the remorse that he feels for
9 what he did to Shonda. Shonda was his first love.
10 He never had a relationship that he was able to
11 look up to where he could see how adults carry on
12 in an adult relationship. He did not have that as
13 a role model, and so when he got in this
14 relationship with her, he didn't know how to
15 respond appropriately.

16 He had emotional issues from his youth
17 and growing up, and he was in this relationship
18 with her where there was abuse going on and there
19 was possessiveness, there was jealousy, and he just
20 did not know how to conduct himself in the proper
21 way.

22 It obviously doesn't excuse what he did
23 to her, but I just wanted you to understand what he
24 was going through during all this time.

25 He was addicted to cocaine, powder

1 cocaine. And upon his release from prison which
2 was about nine or ten months before this incident
3 occurred, he got himself into NA, as you heard from
4 Duffy Skinner. He was trying to change his life.
5 He had been working. He got a job at Dentyen
6 Shipyard. He was working full time at Dentyen
7 Shipyard until the day of his arrest.

8 I actually arranged from Dentyen to get
9 his paychecks brought to him, the final paychecks
10 for him. So he was working. He was doing
11 everything that he could to try to turn his life
12 around.

13 As I said, he didn't have any basis for
14 how to act and communicate in an adult relationship
15 that was healthy. He was trying to do the best
16 that he could. He was in love. He never really
17 had any family, and so he was trying to hold on to
18 this relationship the best he could so he wouldn't
19 be alone.

20 He did not handle the rejection well
21 based on the previous life experiences that he had,
22 and he made the worst decision that he ever had in
23 his entire life that day. He couldn't handle the
24 thought of the relationship ending or her being
25 with another man.

1 And in that moment, a combination of
2 everything else that had happened that day, he lost
3 it. Not to the point where he was legally insane
4 or not accountable for his actions -- I mean, I had
5 him evaluated by Dr. Knight in this case and
6 certainly he is competent. He knows what he's
7 doing.

8 He was forthright in our evaluation
9 about everything. He's always taken responsibility
10 for killing her.

11 He has admitted this to Duffy Skiner
12 when he picked him up the morning of the killing;
13 he admitted this to the police; he made a very
14 detailed confession to the police and pretty much
15 everybody else that talked to him. Obviously that
16 was not put forth in front of the jury, but he had
17 a confession the day after the killing.

18 He made a confession at the bond court.
19 After our office went and talked to him for over an
20 hour before his bond hearing to not say a word, and
21 he still indicated to the family that he was sorry
22 and he took responsibility at the bond court
23 hearing for his action.

24 He has indicated that as much to the
25 family at the bond hearing as well to me every

1 single time we've talked about this case. This
2 case was never about trying to get away with
3 murder. This case was about trying to resolve it
4 in what we thought was a voluntary manslaughter
5 charge.

6 The State has never offered him any
7 plea offer, and they offered him and indicated that
8 he could plead to life and that was his option.
9 And that was the reason why we're here, the reason
10 why we were going to trial, because that was the
11 only way we could assert the defense that we
12 thought we had. And I don't think he should be
13 going for going to trial and asserting his rights
14 to be able to do that under the Constitution.

15 We understand the gravity of what he
16 did. He savagely and brutally murdered -- I'm
17 sorry, killed Shonda. I don't think that I will
18 ever forget the images. He's certainly not.

19 And I will tell you this, it wasn't
20 until Friday -- this past Friday, and I actually
21 forced him to look at the pictures of Shonda,
22 because I did not want the first time that he saw
23 what he did to be here in the courtroom. And he
24 couldn't even make it through the photographs that
25 we were forcing him to look at without tearing up

1 and turning away. And that's the remorse that he
2 has.

3 He understands that he will be punished
4 and he's going to be punished severely. Murder
5 carries day-for-day sentencing; he understands
6 that. And he understands that he's going to do a
7 minimum of 30 years.

8 We're asking that given his age and
9 upbringing and everything else that you have heard
10 surrounding the circumstances of the killing, that
11 he be sentenced somewhere in the range of 30 to 40
12 years so that he may one day be able to get out.

13 He understands he's going to be -- I
14 can't really say old man the closer I'm getting to
15 50s and 60s, but he'll be significantly older than
16 he is. He will have to grow up in prison. He will
17 have to have a new reality, a new life, and we just
18 -- we're just asking Your Honor to consider a time
19 where he may some day be able to get out at some
20 point. He has been searching since October 16,
21 2016, which by my count is 578 days.

22 And we would ask that he be given
23 credit for that amount of time. And he does wish
24 to address Your Honor.

25 THE COURT: Mr. Nelson.

1 THE DEFENDANT: Thank you, Your Honor.

2 THE COURT: Sir, I remind you before --
3 you do not have to address me. I do not hold that
4 against you if you choose not to. I'm sure your
5 attorney has advised you of your appellate rights.

6 Ms. Shivers, have you advised your
7 client, first of all, this is considered a violent
8 and most serious offense and the consequences to
9 him?

10 MS. SHIVERS: Yes, Your Honor.

11 THE COURT: And that he has the right
12 to appeal this conviction within ten days?

13 MS. SHIVERS: Yes, Your Honor. We will
14 be doing that on his behalf.

15 THE COURT: Mr. Nelson, I'm happy to
16 hear from you.

17 THE DEFENDANT: Thank you, Your Honor.

18 Your Honor, I haven't -- you know, I
19 haven't cried much throughout the trial, and I want
20 you to understand that I'm very remorseful for what
21 happened. And, you know, God has helped me make it
22 through this, and I refuse to let, you know, this
23 steal away from health and steal life away from me.

24 And, Your Honor, I've been called all
25 kinds of names such as a monster, an animal, a

1 savage beast, but, Your Honor, it's just under the
2 right circumstances, Your Honor, I snapped. I lost
3 it. In this event, I went too far, Your Honor, and
4 I feel as though that anybody under the right
5 circumstances could, you know, snap. It's just,
6 you know, how far we go.

7 And for the family, Your Honor, I want
8 to -- you know, for what it's worth, I'm truly
9 sorry for what happened, I'm remorseful, and I just
10 hope that they can find it in their heart to
11 forgive me for my actions. You know, it might not
12 be today or tomorrow, but someday in this life I
13 hope that they forgive me, Your Honor.

14 And, you know, I have forgiven myself
15 and made peace with God. So no matter what happens
16 today, even if I get a life sentence, Your Honor, I
17 won't let that steal away from who I truly am as a
18 person. And I feel like, you know, I am a good
19 person, Your Honor.

20 Like I said, under the circumstances, I
21 snapped and went too far so now is the time that I
22 pay for that.

23 Thank you, Your Honor.

24 THE COURT: Anything further?

25 MS. SHIVERS: No.

SENTENCING

1 THE COURT: Mr. Schwacke?

2 MS. SHIVERS: I'm sorry, I just wanted
3 to say in all of my times dealing with him, he's
4 been very pleasant. We have a kind of unique
5 position, and I know people don't necessarily, you
6 know, like defense attorneys because we do have to
7 stand here and defend these types of things.

8 But he's always been forthright with
9 me, and it was a great pleasure that I was able to
10 see a different side of him than just what he did
11 to Shonda.

12 And I do think there is something to be
13 salvaged there, and we would just ask you Your
14 Honor to consider that and sentence him to where he
15 one day may be able to be out in society again.

16 THE COURT: Mr. Shivers, and,
17 Mr. Schwacke, you did an excellent job zealously
18 representing and protecting Mr. Nelson's
19 constitutional rights.

20 You know that I do not penalize
21 defendants for taking -- for availing themselves of
22 their constitutional rights.

23 Mr. Nelson, the fact that you had a
24 trial, I do not hold that against you at all.

25 It is the order of the Court on

SENTENCING

1 2016-GS-08-2777, that you be committed to the State
2 Department of Corrections for a term of life. You
3 will be given credit for time that you have served
4 if such ever should become applicable.

5 Good luck to you, sir.

6 THE DEFENDANT: Thank you, Your Honor.

7 (These proceedings were concluded at
8 5:30 p.m.)

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AMW/0322549

WITNESSES *SLIC Road*

Moncks Corner Police Department

AGENCY CASE NUMBER

2016-2301

ARREST WARRANT NUMBER

2016A0820500216

DATE OF ARREST

10/17/2016

ACTION OF GRAND JURY

True Bill

St. Augustine Hawley
Foreperson of Grand Jury

12/13/16
Date:

VERDICT

Guilty

Lisa Smith
Foreperson of Petit Jury

5/16/18
Date:

DOCKET NO. 2016-GS-08-02777

The State of South Carolina

County of Berkeley

COURT OF GENERAL SESSIONS

DECEMBER TERM 2016

THE STATE

VS.

EDWARD ISAIAH NELSON

B/M DOB: [REDACTED]

Indictment for

MURDER

SC Code: § 16-03-0010

CDR Code: 0116

MAURY P. GROWN
CLERK OF COURT
BERKELEY COUNTY, S.C.

16 DEC 13 PM 2:04

JH
FILED

JH

STATE OF SOUTH CAROLINA

COUNTY OF BERKELEY

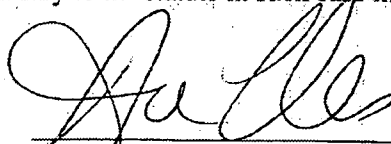
INDICTMENT

At a Court of General Sessions, convened December 2016, the Grand Jurors of Berkeley County present upon their oath:

MURDER

That in Berkeley County, South Carolina on or about October 15, 2016, the defendant, Edward Isaiah Nelson, with malice aforethought, did kill and murder Shonda Davis by means of stabbing her with a knife, and Shonda Davis did die in Berkeley County as a proximate result thereof on or about Oct 15, 2016; in violation of §16-3-10 of the South Carolina Code of Laws (1976) as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



ANNE M. WILLIAMS
SENIOR ASSISTANT SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF BERKELEY

STATE VS.

EDWARD ISAIAH NELSON

AKA:

Race: Black/African AmericanSex: MDOB: [REDACTED]SS#: [REDACTED]Address: [REDACTED]City, State, Zip: North Charleston, SC 29406DL# [REDACTED]SID# [REDACTED]*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

TO: MURDERIn violation of § 16-03-0010 of the S.C. Code of Laws, bearing CDR Code # 0116☐ NON-VIOLENT☒ VIOLENT☐ SERIOUS☒ MOST SERIOUS☐ Mandatory GPS☐ §17-25-45(CSC w/minor 1st or CSC w/minor 3rd)

The charge is:

☒ As indicted,☐ Lesser Included Offense,☐ Defendant Waives Presentment to Grand Jury.

(def.'s initials)

The plea is:

☐ Without Negotiations or Recommendation,☐ Negotiated Sentence,☐ Recommendation by the State.

ATTEST:


 Anne M. Williams, Senior Assistant Solicitor SC Bar # 76463

Defendant

Attorney for Defendant

100403
 SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center, for a determinate term of life days/months/years or ☐ under the Youthful Offender Act not to exceed years and/or to pay a fine of \$; provided that upon the service of days/months/years and or payment of \$; plus costs and assessments as applicable*, the balance is suspended with probation for months/years and subject to South Carolina Department of Probation, Parole and Pardon Service standard conditions of probation, which are incorporated by reference.

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on:☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections. 578 days☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION:☐ Deferred☐ Def. Waives Hearing☐ Ordered

PTUP

Total: \$ plus 20% fee: \$ days/hours Public Service EmploymentPayment Terms: Obtain GED ☐☐ Set by SCDPPPS: Attend Voc. Rehab. Or Job Corp. May serve W/E beginning Substance Abuse Counseling ☐Random Drug/Alcohol Testing ☐

Fine may be pd. in equal consecutive weekly/monthly

pmts. of \$ Beginning \$ Paid to Public Defender FundOther: Recipient:

*Fine:

§14-1-206 (Assessments 107.5%) \$ §14-1-211 (A)(1)(Conv. Surcharge) \$100 \$ 100.00§14-1-211 (A)(2)(DUI Surcharge) \$100 \$ §56-5-2995 (DUI Assessment) \$12 \$ §56-1-286 (DUI Breath Test) \$25 \$ Proviso (Public Def/Probation) \$500 \$ §14-1-212 (Law Enforce. Funding) \$25 \$ 25.00§14-1-213 (Drug Court Surcharge) \$150 \$ §50-21-114 (BUI Breath Test Fee) \$50 \$ §56-5-2942(J) (Vehicle Assessment) \$40/ea \$ 3% to County (if paid in installments) \$

TOTAL

\$ 128.25Clerk of Court/Deputy Clerk: A. HowellCourt Reporter: Denise CarterPresiding Judge: [Signature]Judge Code: Sentence Date: 5/16/18

IN THE COURT OF GENERAL SESSIONS

307

INDICTMENT/CASE#: 2016-GS-08-02777A/W: 2016A0820500216Date of Offense: 10/15/2016S.C. Code §: 16-03-0010CDR Code #: 0116

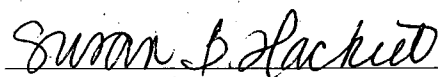
SENTENCE SHEET

☒ CONVICTED OF or☐ PLEADS

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,



Susan B. Hackett
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT

This 11th day of September, 2019.

RECEIVED
SFP 11 2019
SC Court of Appeals