

VOLUME I of II

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Marion County

Honorable Michael G. Nettles, Circuit Court Judge

EDWARD W. STACKHOUSE JR.,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO 2018-002169

APPENDIX

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STATE OF SOUTH CAROLINA)
COUNTY OF MARION } GENERAL SESSIONS COURT

STATE OF SOUTH CAROLINA)
STATE,)

v.)

TRANSCRIPT OF RECORD
11-GS-33-0061

EDWARD STACKHOUSE, JR.,)

DEFENDANT.)

May 15, 2012
Marion, South Carolina

BEFORE :

THE HONORABLE WILLIAM H. SEALS, JR., JUDGE;
AND JURY

APPEARANCES:

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EXHIBITS

STATE:

No.	Description	I.D./EVD.
1	Knife	35/109
2	Defendant's shoes	35/129
3	Defendant's T-shirt	35/129
4	Blue jean shorts	35/127
5	Photo of cell phone	35/99
6	Photo of apartment sign	35/99
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11	Photo of breezeway	35/228
12	Photo of apartment door	35/99
13	Photo of den/kitchen	35/228
14	Photo of beers on floor	35/228
15	Photo of chair and items on floor	35/228
16	Photo of ID	35/228
17	Photo of cell phone	35/228
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19	Photo of victim on bed	35/162
20	Photo of victim on bed	35/162
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27	Photo of cell phone	35/228
28	Photo of back side of victim's body	35
29	Photo of wound	35/162
30	Photo of hands handcuffed	35/216
31	Photo of hands	35/216
32	Photo of arm	35/216
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No.	Description	I.D./EVD.
1	Note from jury	429

1 MR. CLEMENTS: May it please the Court,
2 Your Honor, we call indictment 2011-GS-3361, the
3 State of South Carolina versus Edward Stackhouse,
4 Jr.

5 THE COURT: Members of the jury panel,
6 we're getting ready to select a jury for a
7 particular case; and in that regard, I need to make
8 sure you are qualified to serve as jurors on that
9 case. And again, I need to ask another series of
10 questions; and if any of these questions apply to
11 you, please stand. And remember, you're under oath.
12 In this particular case the State alleges that on or
13 about September 17th, 2010, in Marion County, South
14 Carolina, the defendant Edward W. Stackhouse, Jr.
15 did stab and kill his wife Sharon Stackhouse and did
16 further stab and wound his stepchild Daquan [REDACTED] [REDACTED]
17 as well. Thus, the defendant Edward W. Stackhouse,
18 Jr., is charged with murder, attempted murder, and
19 possession of a weapon during the commission of a
20 violent crime. To these charges the defendant has
21 pled not guilty and requested a trial.

22 Now in this regard, has anybody heard
23 anything about this case, read anything about this
24 case, seen anything on the news about this case, if
25 you have any knowledge whatsoever no matter how

1 minor about this case, please stand.

2 All right, if you would line up right
3 there at that rail.

4 (WHEREUPON, potential juror approached the
5 Bench for an on-the-record discussion.)

6 THE COURT: Your name?

7 POTENTIAL JUROR: James Legette.

8 THE COURT: Your juror number?

9 POTENTIAL JUROR: 109.

10 THE COURT: 109. Tell me what you heard.

11 POTENTIAL JUROR: Nothing, just on the
12 newspaper, in the paper this morning, I read it.

13 THE COURT: I see. All right, taking that
14 into account could you just set that information
15 aside, —

16 POTENTIAL JUROR: Right.

17 THE COURT: —put it out of your mind,
18 and if you were selected to serve on a jury in this
19 case, be fair and impartial and not only to the
20 State but the Defendant as well?

21 THE POTENTIAL JUROR: Yes, sir.

22 THE COURT: If you were selected to serve
23 as a juror could you be fair and impartial to both
24 sides in this case?

25 POTENTIAL JUROR: Yes, sir.

1 THE COURT: Thank you very much. You may
2 have a seat.

3 (Potential juror approached the Bench for an
4 on-the-record discussion.)

5 THE COURT: How are you doing?

6 THE POTENTIAL JUROR: Good.

7 THE COURT: Give me your name and juror
8 number.

9 THE POTENTIAL JUROR: James Roland. I
10 think it's 147.

11 THE COURT: 147. All right, what have you
12 heard?

13 THE POTENTIAL JUROR: Just seen a little
14 bit on the news here and there. That's it really.

15 THE COURT: All right. Taking that into
16 account, could you just set that out of your mind
17 and if you were selected to serve on a jury in this
18 case be fair and impartial to the State and the
19 Defendant?

20 THE POTENTIAL JUROR: Yeah.

21 THE COURT: If you were selected to serve
22 on the jury could you be fair and impartial to both
23 sides in this case?

24 POTENTIAL JUROR: Yeah.

25 THE COURT: Is that a yes?

1 THE POTENTIAL JUROR: Yes, sir.

2 THE COURT: Thank you very much. You may
3 have a seat. Appreciate you coming forward.

4 (Potential juror approached the Bench for an
5 on-the-record discussion.)

6 THE COURT: Lasonya Bethea.

7 THE POTENTIAL JUROR: Lasonya Bethea. I
8 don't remember the number.

9 THE COURT: 15. How does that apply to
10 you?

11 POTENTIAL JUROR: I heard about this on
12 the news.

13 THE COURT: Heard about it in the news.
14 Taking that into account, if you were selected to
15 serve on the jury in this case could you set that
16 information aside, put it out of your mind and be
17 fair not only to the State of South Carolina but the
18 Defendant as well?

19 THE POTENTIAL JUROR: Uh-huh.

20 THE COURT: Is that a yes?

21 THE POTENTIAL JUROR: Yes.

22 THE COURT: If you were selected on this
23 jury could you be fair to both sides in this case?

24 THE POTENTIAL JUROR: Yes.

25 THE COURT: Thank you very much.

1 (Potential juror approached the Bench for an
2 on-the-record discussion.)

3 THE BAILIFF: Ms. Livingston, she's number
4 113.

5 THE COURT: Thank you.

6 How are you doing? What have you heard?

7 THE POTENTIAL JUROR: I saw it on the
8 news. I stay around the corner from his father.

9 THE COURT: You stay with whose father?

10 THE POTENTIAL JUROR: Around the corner
11 from his father.

12 THE COURT: All right. Taking that into
13 account, if you were selected to serve on a jury in
14 this case could you set all that out of your mind
15 and make a decision —

16 THE POTENTIAL JUROR: Yes, sir.

17 THE COURT: —based on the facts you hear
18 in this courtroom?

19 THE POTENTIAL JUROR: Yes, sir.

20 THE COURT: You'd be fair and impartial
21 not only to the State but the Defendant as well?

22 THE POTENTIAL JUROR: Yes.

23 THE COURT: Would you be fair and
24 impartial to both sides if you were selected to
25 serve on this jury?

1 THE POTENTIAL JUROR: Yes, sir.

2 THE COURT: Thank you very much. You may
3 have a seat.

4 (Potential juror approached the Bench for an
5 on-the-record discussion.)

6 THE COURT: Elissa Smith McEachern. All
7 right, and what do you know?

8 THE POTENTIAL JUROR: News. I just seen
9 it on the news, that's it.

10 THE COURT: You know your juror number by
11 chance?

12 THE POTENTIAL JUROR: I think it's 157.

13 THE COURT: 157. All right, taking that
14 into account, if you were selected to serve on the
15 jury in this case could you be fair and impartial to
16 the State and the Defendant?

17 THE POTENTIAL JUROR: Yes.

18 THE COURT: If you were selected to serve
19 on a jury in this case could you be fair and
20 impartial to both sides in this case?

21 THE POTENTIAL JUROR: Yes.

22 THE COURT: Thank you very much. You can
23 have a seat.

24 THE BAILIFF: This is Stephen Smith.
25 Stephen Smith, 159.

1 THE COURT: Thank you.

2 (Potential juror approached the Bench for an
3 on-the-record discussion.)

4 THE COURT: How are you doing, Mr. Smith?
5 What have you heard?

6 THE POTENTIAL JUROR: Well, I know what's
7 been reported on the SC Now.com website. Also
8 remember the case taking place. My business sells
9 maintenance supplies to the apartment complex where
10 this occurred so I do remember some conversation
11 about it from 2010 when it first happened.

12 THE COURT: Taking that into account, if
13 you were selected to serve on a jury in this case
14 could you be fair and impartial to the State and the
15 Defendant, just set all that outside out of your
16 mind?

17 THE POTENTIAL JUROR: I feel like that I
18 could.

19 THE COURT: Yes or no?

20 THE POTENTIAL JUROR: Yes, I do.

21 THE COURT: If you were selected to serve
22 on a jury in this case could you be fair and
23 impartial to both sides and call it based on what
24 you hear and see in this courtroom?

25 THE POTENTIAL JUROR: Yes, sir.

1 THE COURT: Based on the evidence?

2 THE POTENTIAL JUROR: Yes, sir.

3 THE COURT: Thank you very much. You may
4 have a seat. I appreciate it.

5 THE BAILIFF: Nadra Graham, 76.

6 (Potential juror approached the Bench for an
7 on-the-record discussion.)

8 THE COURT: How are you doing?

9 THE POTENTIAL JUROR: Fine.

10 THE COURT: What have you heard?

11 THE POTENTIAL JUROR: Well, I was in the
12 apartment complex that day. I went out to the
13 apartment complex that day when it happened, uh-huh.

14 THE COURT: All right, you related to the
15 family?

16 THE POTENTIAL JUROR: No, sir.

17 THE COURT: Close friends with anybody?

18 THE POTENTIAL JUROR: No, sir.

19 THE COURT: All right. Taking that into
20 account, if you were selected to serve on a jury in
21 this case could you be fair and impartial to the
22 State and the Defendant?

23 THE POTENTIAL JUROR: Yes, sir.

24 THE COURT: If you were selected to serve
25 on a jury could you be fair and impartial to both

1 sides?

2 THE POTENTIAL JUROR: Yes, sir.

3 THE COURT: Thank you very much. You can
4 a seat.

5 THE BAILIFF: Number 41.

6 (Potential juror approached the Bench for an
7 on-the-record discussion.)

8 THE COURT: How are you doing, Ms. Cribb?
9 What do you know? How do you know about it?

10 POTENTIAL JUROR: I heard about it on TV.
11 I read it on the newspaper and on the internet.

12 THE COURT: All right. Taking that into
13 account, can you set that out of your mind, set it
14 aside, and if you were selected to serve on a jury
15 in this case be fair and impartial to the State and
16 the Defendant?

17 THE POTENTIAL JUROR: No.

18 THE COURT: Have you made up your mind?

19 POTENTIAL JUROR: Yeah.

20 THE COURT: How have you made up your
21 mind?

22 THE POTENTIAL JUROR: I mean, the child
23 was involved too. I don't think so.

24 THE COURT: Do you know him?

25 THE POTENTIAL JUROR: No, sir. They're

1 from Mullins, but I don't know them personally.

2 THE COURT: All right. And what are you
3 thinking, guilty or not guilty, or just don't know?

4 THE POTENTIAL JUROR: I think he's guilty.

5 THE COURT: Based on just the news?

6 THE POTENTIAL JUROR: Yeah.

7 THE COURT: All right. Well, I'll excuse
8 you for the purposes of this trial.

9 THE POTENTIAL JUROR: Thank you.

10 THE BAILIFF: 69, Mark Gerald.

11 (Potential juror approached the Bench for an
12 on-the-record discussion.)

13 THE COURT: How are you doing? How do you
14 know, what do you know?

15 THE POTENTIAL JUROR: I was -- I think the
16 lady that was killed, her son was a student at my
17 school, Mullins High School, and when that happened.

18 THE COURT: Taking that into account, if
19 you were selected to serve on a jury trial in this
20 case could you be fair and impartial to the State
21 and the Defendant?

22 THE POTENTIAL JUROR: I don't think so.

23 THE COURT: Why not?

24 THE POTENTIAL JUROR: Because, you know, I
25 work with the young man and I just feel I don't

1 think —

2 THE COURT: You're talking about one of
3 the victims?

4 POTENTIAL JUROR: Yeah, student.

5 THE COURT: I'm going to excuse you from
6 this trial. If you'd just have a seat right there.
7 I appreciate it.

8 THE BAILIFF: 169, Charles Wiegert.

9 (Potential juror approached the Bench for an
10 on-the-record discussion.)

11 THE COURT: How are you doing?

12 THE POTENTIAL JUROR: Good.

13 THE COURT: What do you think? How do you
14 know about it?

15 THE POTENTIAL JUROR: Heard it on the
16 news. And my wife is a schoolteacher; we were
17 talking about it. She just said tell me about it.

18 THE COURT: All right. Taking that into
19 account, can you set that out of your mind and just
20 set it aside, if you were selected to serve on a
21 jury in this case and be fair and impartial to the
22 State and the Defendant?

23 THE POTENTIAL JUROR: Yes, sir, I could.

24 THE COURT: If you were selected to serve
25 on this jury could you be fair and impartial to both

1 sides?

2 THE POTENTIAL JUROR: Yes, I could.

3 THE COURT: Thank you very much. You may
4 have a seat.

5 Solicitor, if you would have the victims
6 Daquan [REDACTED] William [REDACTED] Sandra Robinson please
7 stand and face the jury panel.

8 MR. CLEMENTS: This is Sandra Robinson,
9 William [REDACTED] and Daquan [REDACTED]

10 THE COURT: Thank you, you may be seated.

11 Is any member of the jury panel related by
12 blood or marriage or has a close personal or social
13 relationship with any of these individuals, if so,
14 please stand.

15 (There was no response.)

16 THE COURT: All right, no one stood.
17 Would the defendant please stand, turn and face the
18 jury panel. Mr. Edward Stackhouse. You may be
19 seated.

20 Is there any member of the jury panel
21 related by blood or marriage or has a close personal
22 or social relationship with the defendant
23 Mr. Stackhouse in this case, if so, please stand.

24 And your name and your number?

25 THE POTENTIAL JUROR: Anthony Jones, 101.

1 THE COURT: And how do you know the
2 defendant?

3 THE POTENTIAL JUROR: I socialize with his
4 baby momma.

5 THE COURT: With the baby — his baby's
6 momma?

7 THE POTENTIAL JUROR: Yes, sir.

8 THE COURT: Taking that into account, if
9 you were selected to serve on a jury in this case
10 could you be fair and impartial not only to the
11 Defendant but the State as well?

12 THE POTENTIAL JUROR: Yes, sir.

13 THE COURT: All right. If you were
14 selected to serve on a jury in this case could you
15 be fair and impartial to both sides?

16 THE POTENTIAL JUROR: Yes, sir.

17 THE COURT: All right, thank you. You may
18 be seated. He's already been excused anyway.

19 Anybody else?

20 (There was no response.)

21 THE COURT: Solicitor, if you'd stand and
22 introduce yourself and any members of your staff.

23 MR. CLEMENTS: Thank you, Your Honor, if
24 it please the Court. Good morning, ladies and
25 gentlemen of the jury, my name is Ed Clements. I am

1 the Solicitor for the 12th Judicial Circuit which is
2 Florence County and Marion County. Seated here at
3 the table with me is Deputy Solicitor Todd Tucker.
4 He works with me in both Florence and Marion. My
5 other attorneys here that you've probably seen and
6 out of the courtroom are Fitzlee McEachin who works
7 with the Solicitor's Office just in Marion County.
8 Mat Ozment works both counties and John Jepertinger
9 works in both counties. That's all of us; isn't it,
10 Todd?

11 THE COURT: Thank you very much.

12 MR. CLEMENTS: Thank you, Your Honor.

13 THE COURT: Is any member of the jury
14 panel related by blood or marriage or has a close
15 personal or social relationship with the solicitor
16 or any member of his staff or has been represented
17 by any of those attorneys at any point in time, if
18 so, please stand.

19 (There was no response.)

20 THE COURT: No one stood.

21 Mr. Floyd, if you'd stand introduce,
22 yourself and the members of your staff.

23 MR. FLOYD: Thank you, Your Honor. I'm
24 Scott Floyd. I represent Edward Stackhouse. Also
25 Vick Meetze is here who stands right here with me.

1 He lives here in Marion and he works in our office
2 and Hank Anderson also works in our office and
3 you've probably seen him in and out of the
4 courtroom. I think he's' back behind that door
5 right now. Thank you.

6 THE COURT: Thank you. Is any member of
7 the jury panel related by blood or marriage or has
8 the a close personal or social relationship with or
9 has been represented by Mr. Floyd or any member of
10 his staff, if so, please stand.

11 (There was no response.)

12 THE COURT: All right, no one stood.

13 The witnesses in this case for the State
14 will be a Daquan [REDACTED] William [REDACTED] Sandra
15 Robinson, Kenneth Davis, Kim Collins, Doctor Ellen
16 Riemer, Paul Larosa, Kim Dinh, Mary Ann Boehm,
17 Scott Hardee, Jimmy Collins, Shawn Harrellson, Eric
18 Lindeman, Adam Rogers, Sergeant Nicole Gasque, Chief
19 Michael Bethea, Kenneth Alford, Betty Rowell, Keely
20 Hucks, Andre Garvin, Greg Pike, and Mark Collins.
21 Thank you. Is any member of the jury panel related
22 by blood or marriage or has a close personal or
23 social relationship with any of these witnesses, if
24 so, please stand.

25 All right, your name and your number.

1 THE POTENTIAL JUROR: Number 30, Judy
2 Caulder. Adam Rogers is my son-in-law.

3 THE COURT: All right. I'm gonna excuse
4 you for purposes of this trial since there's a
5 relation.

6 Anybody else?

7 (There was no response.)

8 THE COURT: All right, thank you. Is any
9 member of the jury panel related by blood or
10 marriage to any law enforcement officer, if so,
11 please stand.

12 (There was no response.)

13 THE COURT: That could be a deputy
14 sheriff, a police officer, a game warden, anything?

15 Yes, sir.

16 THE POTENTIAL JUROR: My juror number is
17 25. Mark Richardson is my brother-in-law. He's the
18 sheriff.

19 THE COURT: Taking that into account, if
20 you were selected to serve on a jury in the case
21 could you be fair and impartial not only to the
22 State but the Defendant as well?

23 THE POTENTIAL JUROR: Yes, sir.

24 THE COURT: All right, thank you very
25 much. You may be seated.

1 Anybody else?

2 THE POTENTIAL JUROR: My son is a
3 probation officer in Marion.

4 THE COURT: And your name and your number?

5 THE POTENTIAL JUROR: 163.

6 THE COURT: Taking that into account, if
7 you were selected to serve on a jury in this case
8 could you be fair and impartial not only to the
9 State but the Defendant as well?

10 THE POTENTIAL JUROR: I will try.

11 THE COURT: I need to know if you can or
12 cannot.

13 THE POTENTIAL JUROR: Yes.

14 THE COURT: You say yes?

15 POTENTIAL JUROR: Yes.

16 THE COURT: If you were selected to serve
17 on a jury in the case would you be fair and
18 impartial to both sides in this case?

19 POTENTIAL JUROR: Yes.

20 THE COURT: Thank you, you may be seated.

21 Anybody else?

22 (There was no response.)

23 THE COURT: Is there any member of the
24 jury panel aware of, or conscious of, any bias or
25 prejudice for or against the State of South Carolina

1 in this case, if so, please stand.

2 (There was no response.)

3 THE COURT: No one stood. Has any member
4 of the jury panel formed an opinion as to the guilt
5 or innocence of the defendant Mr. Edward Stackhouse,
6 Jr., in this case, if so, please stand.

7 (There was no response.)

8 THE COURT: No one stood. Is there any
9 member of the jury panel a member of or contributor
10 to any group which has as its primary concern the
11 promotion of law enforcement or victim's rights?
12 These groups would include but certainly not be
13 limited to MADD, SADD, CAVE, Citizens Against
14 Violent Crime, if so, please stand.

15 (There was no response.)

16 THE COURT: No one stood. Has any member
17 of the jury panel or any member of your family,
18 immediate family, ever been involved in a crime of
19 personal violence. Crimes of personal violence
20 could mean many things including but not limited to
21 criminal sexual conduct, assault and battery of a
22 high and aggravated nature, assault and battery with
23 intent to kill, murder, manslaughter, kidnapping,
24 armed robbery, etc. With that I think you get a
25 good idea as to what I'm talking. Now if you or any

1 member of your immediate family has ever been a
2 victim or a defendant in a crime such as these just
3 mentioned or anything similar to that, please stand.

4 All right, if you will form a line right
5 here I'll talk to you up here.

6 THE BAILIFF: 17, Jimmy Boggs.

7 THE COURT: Thank you.

8 (Potential juror approached the Bench for an
9 on-the-record discussion.)

10 THE COURT: How are you doing?

11 THE POTENTIAL JUROR: Pretty good, and
12 you?

13 THE COURT: Good. How does that apply to
14 you?

15 THE POTENTIAL JUROR: I know at one time
16 when I was young, around five years old, I was -- my
17 uncle sexually assaulted me and stuff.

18 THE COURT: All right.

19 THE POTENTIAL JUROR: And as far as
20 anything else I believe my brother, he hadn't faced
21 it yet but it's like a child neglect or something or
22 another.

23 THE COURT: All right. Taking that into
24 account, if you were selected on a jury in this case
25 would you be fair and impartial not only to the

1 State but the Defendant as well —

2 THE POTENTIAL JUROR: Yes, sir.

3 THE COURT: Just set all that stuff aside

4 —

5 THE POTENTIAL JUROR: Yes, sir.

6 THE COURT: —put it out of your mind,
7 call it like you see it —

8 THE POTENTIAL JUROR: It has nothing to do
9 with this.

10 THE COURT: Good job. All right, thank
11 you very much. We'll keep you.

12 THE BAILIFF: 157, Flissa Smith.

13 (Potential juror approached the Bench for an
14 on-the-record discussion.)

15 THE COURT: All right, Ms. McEachern,
16 you'll just keep coming back; aren't you?

17 THE POTENTIAL JUROR: I just — my husband
18 is Fred McEachern.

19 THE COURT: Y'all know who she's talking
20 about?

21 MR. FLOYD: Yes, sir.

22 THE COURT: Taking that into account, if
23 you were selected on a jury in this case could you
24 set all that aside —

25 THE POTENTIAL JUROR: I can.

1 THE COURT: —be fair and impartial to
2 the State and the Defendant?

3 THE POTENTIAL JUROR: I can.

4 THE COURT: Would you be fair and
5 impartial to both sides?

6 THE POTENTIAL JUROR: I would.

7 THE COURT: Thank you, good answers.

8 THE BAILIFF: 43, Jacqueline Curry.

9 (Potential juror approached the Bench for an on-the-
10 discussion.)

11 THE COURT: How are you doing, Ms. Curry?

12 POTENTIAL JUROR: Good.

13 THE COURT: How does that apply to you?

14 THE POTENTIAL JUROR: My brother was
15 charged with assault and battery high and aggravated
16 nature.

17 THE COURT: Where was that done?

18 THE POTENTIAL JUROR: That was in
19 Florence.

20 THE COURT: All right. Taking that into
21 account, if you were selected to serve on a jury in
22 this case could you still be fair and impartial to
23 the State and the Defendant?

24 THE POTENTIAL JUROR: Uh-huh.

25 THE COURT: Could you set that aside and

1 make a decision based on the evidence you see and
2 hear in this courtroom?

3 THE POTENTIAL JUROR: Yes.

4 THE COURT: If you were selected to serve
5 on a jury in this case would you be fair and
6 impartial to both sides?

7 THE POTENTIAL JUROR: Yes.

8 THE COURT: And that wouldn't influence
9 you in any way?

10 THE POTENTIAL JUROR: No.

11 THE COURT: Good job. Thank you.

12 MR. CLEMENTS: Did she say she was a
13 victim, or her brother was charged with ABHAN in
14 Florence?

15 THE COURT: All right, that's it.

16 MR. CLEMENTS: Judge, we would ask you
17 maybe ask this question if you're not finished with
18 your voir dire. We would ask that you ask if anyone
19 has had a close family member prosecuted by the
20 Twelfth Circuit circuit solicitor.

21 THE COURT: If I don't just remind me.
22 Is.

23 Is there any member of the jury panel who
24 knows of any reason whatsoever why they could not
25 give the parties in this case a fair and impartial

1 trial, if so, please stand.

2 (There was no response.)

3 THE COURT: All right, no one stood. Has
4 any member of the jury panel or any member of your
5 family ever been prosecuted by this solicitor or any
6 member of his staff regardless of whether the case
7 was dismissed or not, if so, please stand.

8 All right, if you would come on up.

9 THE BAILIFF: 168, Cleveland White.

10 THE COURT: Come on up, Mr. White.

11 (Potential juror approached the Bench for an
12 on-the-record discussion.)

13 THE COURT: How are you doing?

14 THE POTENTIAL JUROR: All right.

15 THE COURT: How does that question apply
16 to you?

17 THE POTENTIAL JUROR: My son was involved
18 in I guess a car theft about 15 years ago.

19 THE COURT: Whose son about 15 years ago?

20 THE POTENTIAL JUROR: My son.

21 THE COURT: Mr. Clements prosecuted his
22 case?

23 THE POTENTIAL JUROR: Yes, Mr. Clements
24 prosecuted.

25 THE COURT: All right. Taking that into

1. account, if you were selected to serve on the jury
2 in this case could you be fair and impartial not
3 only to the solicitor but the defendant as well?

4 THE POTENTIAL JUROR: Yes.

5 THE COURT: Could you set that aside and
6 be fair and impartial to both sides in this case?

7 THE POTENTIAL JUROR: Yes.

8 THE COURT: If you were selected to serve
9 on this jury?

10 THE POTENTIAL JUROR: Yes.

11 THE COURT: Is that yes?

12 THE POTENTIAL JUROR: Yes.

13 THE COURT: Thank you, you may be seated.
14 Anything further from the State?

15 MR. CLEMENTS: No, Your Honor.

16 THE COURT: Anything further from the
17 Defense?

18 MR. FLOYD: Nothing further, Your Honor.

19 THE COURT: All right. For the record I
20 find the remaining jury panel qualified for this
21 case.

22 Ms. Clerk, if you'd give us the jury.

23 THE CLERK OF COURT: Yes, sir. We're
24 going to pull a jury. We're making a list right
25 now. If your name is called if you'll come up

1 front, bring your pocketbooks, whatever you may have
2 with you. If you will stand at the end of this desk
3 back out from the jury panel.

4 Juror number 47, Martha M. Davis (black
5 female). What say the State?

6 MR. CLEMENTS: Please present Ms. Davis.

7 THE CLERK OF COURT: What say the Defense?

8 MR. FLOYD: Please swear the juror.

9 THE CLERK OF COURT: Ms. Davis, if you
10 will have a seat in the jury box please, ma'am.

11 Number 109, James Legette (white male).
12 What say the State?

13 MR. CLEMENTS: Please present Mr. Legette.

14 THE CLERK OF COURT: What say the Defense?

15 MR. FLOYD: Please excuse Mr. Legette for
16 purposes of this trial.

17 THE CLERK OF COURT: You're excused from
18 this trial, Mr. Legette.

19 Number 83, William D. Harrelson (white
20 male). What say the State?

21 MR. CLEMENTS: Please present
22 Mr. Harrelson.

23 THE CLERK OF COURT: What say the Defense?

24 MR. FLOYD: Please swear Mr. Harrelson.

25 THE CLERK OF COURT: Mr. Harrelson, if you

1 will have a seat in the jury box please, sir.
2 Number 172, Geraldine Woodberry (black
3 female). What say the State?
4 MR. CLEMENTS: Please present
5 Ms. Woodberry.
6 THE CLERK OF COURT: What say the Defense?
7 MR. FLOYD: Please swear Ms. Woodberry.
8 THE CLERK OF COURT: Ms. Woodberry, if you
9 will have a seat in the jury box please.
10 Number 145, Rebekah Rogers (black female).
11 What say the State?
12 MR. CLEMENTS: Please present Ms. Rogers.
13 THE CLERK OF COURT: What say the Defense?
14 MR. FLOYD: Please swear Ms. Rogers.
15 THE CLERK OF COURT: Ms. Rogers, if you
16 will have a seat in the jury box please, Ma'am.
17 Number 93, Peggy G. Israel (black female).
18 What say the State?
19 MR. CLEMENTS: Please present Ms. Israel.
20 THE CLERK OF COURT: What say the Defense?
21 MR. FLOYD: Plead swear Ms. Israel.
22 THE CLERK OF COURT: Ms. Israel, if you
23 will have a seat in the jury box please.
24 Number 149, Jalisa Rowell (black female).
25 What saith the State?

1 MR. CLEMENTS: Please present Ms. Rowell.

2 THE CLERK OF COURT: What say the Defense?

3 MR. FLOYD: Please swear Ms. Rowell.

4 THE CLERK OF COURT: Ms. Rowell, have a
5 seat in the jury box.

6 Number 78, Adah Graves (black female).

7 What say the State?

8 MR. CLEMENTS: Please present Ms. Graves.

9 THE CLERK OF COURT: What say the Defense?

10 MR. FLOYD: Please swear Ms. Graves.

11 THE CLERK OF COURT: If you will have a
12 seat in the jury box.

13 Number 121, Sharon McCrae (white female).

14 What say the State?

15 MR. CLEMENTS: Please present Ms. McCrae.

16 THE CLERK OF COURT: What say Defense?

17 MR. FLOYD: Please excuse Ms. McCrae for
18 purposes of this trial.

19 THE CLERK OF COURT: You're excused for
20 this trial, Ms. McCrae.

21 Number 17, Jimmy Boggs (white male). What
22 say the State?

23 MR. CLEMENTS: Please excuse Mr. Boggs
24 from the trial of this case.

25 THE CLERK OF COURT: Mr. Boggs, you are

1 excused.

2 Number 108, William E. Lane (white male),

3 What say the State?

4 MR. CLEMENTS: Please present Mr. Lane.

5 THE CLERK OF COURT: What say Defense?

6 MR. FLOYD: Please swear Mr. Lane.

7 THE CLERK OF COURT: Mr. Lane, if you will
8 have a seat in the jury box please.

9 Number 142, Bonita B. Rabon (white
10 female). What say the State?

11 MR. CLEMENTS: Please present Ms. Rabon.

12 THE CLERK OF COURT: What say the Defense?

13 MR. FLOYD: Please swear Ms. Rabon.

14 THE CLERK OF COURT: Ms. Rabon, if you
15 would have a seat in the jury box please.

16 Number 157, Flissa Smith (black female).
17 What say the State?

18 MR. CLEMENTS: Please present
19 Ms. McEachern.

20 THE CLERK OF COURT: What say the Defense?

21 MR. FLOYD: Please excuse Ms. Smith for
22 purposes of this trial.

23 THE CLERK OF COURT: You're excused from
24 this trial. Thank you.

25 Number 155, Maecile B. Shaw (black

1 female). What say the State?

2 MR. CLEMENTS: Please present Ms. Shaw.

3 THE CLERK OF COURT: What say the Defense?

4 MR. FLOYD: Please swear Ms. Shaw.

5 THE CLERK OF COURT: Ms. Shaw, if you'll
6 have a seat in the jury box please.

7 Number 43, Jacqueline Curry (black
8 female). What say the State?

9 MR. CLEMENTS: Please excuse Ms. Curry
10 from the trial of this case.

11 THE CLERK OF COURT: You're excused from
12 this trial, Ms. Curry. Thank you.

13 Number 76, Nadra T. Graham (black female).
14 What say the State?

15 MR. CLEMENTS: Please excuse Ms. Graham
16 from the trial of this case.

17 THE CLERK OF COURT: Thank you, Ma'am.

18 Number 26, Charles R. Burroughs (white
19 male). What saith the State?

20 MR. CLEMENTS: Please present Mr.
21 Burroughs.

22 THE CLERK OF COURT: What say the Defense?

23 MR. FLOYD: Please swear Mr. Burroughs.

24 THE CLERK OF COURT: Mr. Burroughs, you
25 may have a seat in the jury box.

1 Number 128, Latoria M. Nelson (black
2 female). What say the State?
3 MR. CLEMENTS: Please present Ms. Nelson.
4 THE CLERK OF COURT: What say the Defense?
5 MR. FLOYD: Please swear Ms. Nelson.
6 THE CLERK OF COURT: Ms. Nelson, if you'll
7 have a seat in the jury box please.
8 Alternate number one, Hattie W. Adams
9 (black female). What say the State?
10 MR. CLEMENTS: Please present Ms. Adams.
11 THE CLERK OF COURT: What say the Defense?
12 MR. FLOYD: Please swear Ms. Adams.
13 THE CLERK OF COURT: Ms. Adams, if you'll
14 have a seat in the alternate chair please, ma'am.
15 THE COURT: Any objection to the jury
16 process by which they were drawn? What says the
17 State?
18 MR. CLEMENTS: No, Your Honor.
19 THE COURT: What says the Defense?
20 MR. FLOYD: None, Your Honor.
21 THE COURT: Thank you very much. Members
22 of the jury, we're gonna take a break until 2:00.
23 We're going to try to line up some matters to make
24 the trial go a little bit more efficiently and
25 effectively for you. I need for you to be back at

1 two. Ms. Israel, if you'd sit on the very front row
2 on the far left I'm going to make you forelady of
3 the jury. Also I want to caution you not to leave
4 here and talk about this case. I do not want you to
5 go out there and get on the internet and try to
6 research the names or try to read anything about
7 this case or find out anything about this case.
8 It's real important that until this case is over
9 with you do not read the news or watch the news.
10 Don't get on the internet and read the news. If you
11 get a newspaper, if you would, just set it aside
12 until this case is completely over. That's a court
13 order by the way.

14 So if you will just leave right now.
15 Everybody else remain seated, get some lunch, relax,
16 take it easy, come back, sit in your appropriate
17 chair, we'll begin at 2:00.
18 You're excused.

19 (WHEREUPON, the jury was removed from the
20 courtroom at 11:54 a.m., and a lunch break
21 was taken.)

22 (WHEREUPON, State Exhibits Nos. 1 through
23 34 were marked for identification only.)

24 THE COURT: Mr. Clements, Mr. Floyd, have
25 y'all premarked anything that you can agree on as

1 being in evidence without objection by chance?

2 MR. CLEMENTS: Your Honor, we premarked
3 everything. I'm not sure if he's had a chance to
4 digest it all, Your Honor, at this point in time.

5 MR. FLOYD: Your Honor, there's probably
6 several of the photographs I may have an objection
7 to but —

8 THE COURT: We can just play it by ear as
9 they come up?

10 MR. FLOYD: Yes, sir.

11 THE COURT: Sounds good. Let's go ahead
12 and go forward with the Jackson v. Denno.

13 MR. CLEMENTS: Thank you, Your Honor. If
14 it please the Court, the first person we call is
15 administrator Kenny Davis.

16 WHEREUPON,

17 KENNETH DAVIS,
18 having been duly sworn by the Clerk of Court,
19 testified as follows:

20 **DIRECT EXAMINATION**

21 BY MR. CLEMENTS:

22 Q Could you please state your name for the record
23 and tell us where you work and what your job
24 entails.

25 A Sir, my name is Kenneth Davis. I work for the

1 city of Mullins, and I'm currently the city
2 administrator.

3 Q And you've been the city administrator for how
4 long?

5 A I was named city administrator in January of this
6 year, and I was interim from September of last year
7 until January.

8 Q And prior to being the interim administrator how
9 were you employed?

10 A I was chief of police of Mullins Police
11 Department, sir.

12 Q Now being the chief of police at the Mullins
13 Police Department were you involved in a
14 investigation of the murder of Sharon Stackhouse
15 that occurred in the city of Mullins?

16 A Yes, sir, I was.

17 Q And was the date of that September 17th, 2010?

18 A As I recall it was, yes, sir.

19 Q Okay. And can you please tell this Court —
20 we're in a Jackson v. Denno hearing so we're not
21 going to get into a lot of the details of the
22 investigation, but specifically, did you identify a
23 suspect in this case?

24 A One was identified, yes, sir, that's correct.

25 Q And who was that?

1 A That was Mr. Stackhouse.

2 Q And what's his full name? Edward Stackhouse,
3 Jr.?

4 A Jr., that's correct.

5 Q Do you see him in the courtroom here?

6 A I do see the gentleman that I spoke with, yes.

7 Q Can you please point him out on the record.

8 A He would be the gentleman seated at the defense
9 table with the blue shirt and striped, it looks to
10 be a striped tie on.

11 Q And did you talk to this individual back in
12 September at this time during the investigation?

13 A Yes, sir, I did.

14 MR. CLEMENTS: Your Honor, may the record
15 reflect he has identified the defendant
16 Mr. Stackhouse.

17 THE COURT: The record will reflect that.

18 BY MR. CLEMENTS:

19 Q And I keep wanting to call you chief, but Mr.
20 Davis, did you have an occasion to talk to Mr.
21 Stackhouse that morning of the offense?

22 A Yes, sir, I did.

23 Q Can you please tell this Court how you
24 encountered Mr. Stackhouse, where, and what you did,
25 what procedure you followed.

1 A Yes, sir. There was a radio call that went out
2 that the individual had been sighted on Gold Street
3 matching Mr. Stackhouse's description. I responded
4 to that area. One of the deputies from the Marion
5 County Combined Drug Unit, or one of the agents with
6 the Marion County Combined Drug Unit, Deputy Mark
7 Collins, was already out with the individual. When
8 I pulled up Mr. Stackhouse was standing on the side
9 of the road there on Gold Street in Mullins and he
10 was handcuffed.

11 Q And did you approach Mr. Stackhouse?

12 A I did, sir.

13 Q Did you have conversation with Mr. Stackhouse?

14 A I immediately advised him of his Miranda rights,
15 sir.

16 Q And did he know you were chief of police at this
17 time?

18 A Yes, sir. I clearly had a police department
19 T-shirt on. I had a badge as well; I was armed.
20 And I identified myself as the chief of the Mullins
21 Police Department.

22 Q And you said you Mirandized him?

23 A I did, sir.

24 Q Can you please tell the Court how you Mirandized
25 him.

1 A When I was in law enforcement I had a card. As a
2 matter of fact, I think it's probably still in my
3 wallet, that I always kept in my wallet that as a
4 matter of the course whenever an individual was
5 arrested I advised them of their Miranda rights.

6 Q Would you mind checking and seeing if you do have
7 that?

8 A I do, sir.

9 Q Is that the same card you used that day?

10 A Yes, sir.

11 Q Just so we dot every I and cross every T, would
12 you please read to us exactly what you read to
13 Mr. Stackhouse at that occasion.

14 A With the Court's permission, yes, sir.

15 THE COURT: Sure.

16 THE WITNESS: "You have the right to
17 remain silent. Anything you say can and will be
18 used against you in court. You have the right to
19 consult with an attorney and have an attorney
20 present during questioning. If you cannot afford an
21 attorney one can be provided to you before
22 questioning at no cost." And then we would ask and
23 I ask, "Do you understand these rights, with these
24 rights in mind do you wish to speak to me now."

25

1 BY MR. CLEMENTS:

2 Q What did he do to indicate that he understood
3 those rights?

4 A He indicated to me that he did understand his
5 rights, and I did not proceed to ask him any
6 questions regarding the incident itself at that
7 time.

8 Q Well, let me ask you about his demeanor. As far
9 as was there any indications of intoxication where
10 he wouldn't understand what was going on? Was there
11 any indication of him being so upset that he
12 wouldn't know what was going on? Was there any
13 indication of anything that would have affected in
14 your mind his ability to understand what y'all were
15 conversing about?

16 A No, sir, he appeared to be completely lucid and
17 understanding.

18 Q Okay. And you did not question him at that time?

19 A No, sir, I didn't.

20 Q Why not?

21 A I was busy trying to arrange for transportation.
22 We didn't want to be out on the street very long. I
23 was trying to make sure that -- trying to coordinate
24 a response from SLED to the crime scene as well so
25 we were kind of busy. I --

1 Q Were you going to talk with him?

2 A At some point, yes, sir.

3 Q And where were you planning on talking to him?

4 A We would have done that at the police department
5 here in Mullins.

6 Q Did he make any comments to you? You say you
7 didn't ask him any questions. Did he make any
8 spontaneous comments or any statements to you or ask
9 you any questions there?

10 A Yes, sir, he did ask me — he asked me did
11 anybody survive.

12 Q Okay.

13 A Before he asked the question I reminded him again
14 he had been mirandized.

15 Q Why did you remind him he'd been mirandized?
16 What prompted that?

17 A I always want to protect someone's rights
18 regardless of what they're going to say just to make
19 sure they understand that whatever they say, if it's
20 not in their favor it can still be used in a court
21 of law.

22 Q Okay. Did you have the opinion that he was about
23 to say something? Is that why you prompted him
24 again?

25 A I wasn't sure. I was concerned that he might so

1 I made sure that I reminded him.

2 Q Okay. And again, what did he say?

3 A He asked me did anybody survive.

4 Q Okay. Had you informed him what he was being
5 arrested for or what he's being charged with prior
6 to this?

7 A No, sir.

8 Q Okay. Now did you respond to that in any way?

9 A I indicated to him that one of the folks from the
10 scene was in very bad shape and another individual
11 had been removed from the scene by helicopter.

12 Q Did you have any further conversation at that
13 time with him?

14 A Not at that time, no, sir.

15 Q Did you ask him any questions at that time?

16 A No.

17 Q Did he ask you any further questions at that
18 time?

19 A I don't recall him asking any additional, no.

20 Q Where did Mr. Stackhouse go from there and how?

21 A I think I did ask him did he require medical
22 attention, was he okay. I do remember asking him
23 that, yes, sir.

24 Q What did you observe about his person? You
25 observed his demeanor. How about his physical

1 condition, any injuries or of any type whatsoever?

2 A I did not see any injuries, say, for the right
3 arm. There was a small scratch mark or gouge mark,
4 didn't have any blood, but it was on his right upper
5 wrist, lower forearm.

6 Q No other injuries of any type?

7 A No, sir.

8 Q Okay. Where did you take Mr. Stackhouse from
9 there, or did you send somebody else to take him
10 somewhere?

11 A One of the officers transported him to the police
12 department in Mullins.

13 Q Okay. And when did you next encounter Mr.
14 Stackhouse?

15 A It was a little while later. We went, made sure
16 he was fed, made sure he had something to eat. We
17 got him some food. Seems as though we gave him some
18 water and then later I think a co-cola as well. But
19 we didn't have any conversation with him, just to
20 make sure he had something to eat that he need a
21 bathroom break or anything, so just check on his
22 wellbeing at that time.

23 Q And then at what point in time did you begin to
24 talk to him?

25 A Later that morning after things had settled down

1 somewhat, the SLED crime scene folks were there, and
2 I had gotten back in touch with Captain Bethea and
3 we were squared away at the police — at the end
4 police headquarters in Mullins, we decided that we
5 were going to attempt to interview Mr. Stackhouse.

6 Q Okay. And when you attempted to interview
7 Mr. Stackhouse can you tell the Court what exactly
8 you did and how, did you preserve that if at all?

9 A Yes, sir, it was placed on video recorder and
10 transferred to a CD.

11 Q Okay. And how did you do it on video recorder?
12 Did you use a computer, or what did you use? Video
13 camera?

14 A We used a flip video camera, yes, sir, on a
15 tripod.

16 Q Where did this take place?

17 A At the police department in Captain Bethea's
18 office upstairs on the second floor.

19 Q Who was present?

20 A Myself and Captain Bethea were present along with
21 Mr. Stackhouse.

22 Q All right. What did you do, if anything, at that
23 time to Mirandize him?

24 A I actually joined the interview just a few
25 moments after it began, and when I walked in Captain

1 Bethea was finishing up bits and pieces of Miranda.
2 And so when I walked in I mirandized Mr. Stackhouse
3 once again before we asked any questions before we
4 embarked on any question asking.

5 Q On video?

6 A Yes, sir, that's correct.

7 Q Have you reviewed the video?

8 A Yes, I have.

9 Q Now do y'all use what's commonly referred to as a
10 Miranda form when you interview suspects?

11 A We do, sir.

12 Q Okay. Do you know if one was used in this
13 occurrence?

14 A I recall one being completed in Mr. Captain
15 Bethea's office when I walked in.

16 Q Do you recall signing this yourself?

17 A I don't.

18 Q Okay. I'm gonna show you what's been marked
19 State's Exhibit 35. I'm gonna see if, number one,
20 if you can generically identify this; and then two,
21 can you specifically identify this. First, the
22 question is that the type of Miranda form that
23 Mullins Police Department uses?

24 A That is correct, sir.

25 Q Okay. And did you participate at all in filling

1 this out?

2 A No, sir, I did not.

3 Q Okay. Who did utilize that?

4 A Well, it looks like Captain Bethea's handwriting
5 and certainly his signature at the bottom is the one
6 that I'm used to.

7 Q But you didn't see anyone sign that yourself, if
8 you recall?

9 A Not that I recall.

10 Q Okay, all right. Thank you.

11 A Yes, sir.

12 Q But you mirandized him on video you said?

13 A Yes, sir.

14 Q And the video was preserved for court through —

15 A Yes, sir.

16 Q —the use of computer technology?

17 A Yes, sir. Yes, sir.

18 MR. CLEMENTS: Your Honor, at this time we
19 have a disk that we've prepared to show to the Court
20 right now, at least the first part of it. For the
21 record I would state that it is about 53, 54 minutes
22 long — is that correct, Mr. Floyd — somewhere
23 along that.

24 MR. FLOYD: That's correct.

25

1 MR. CLEMENTS: And there are some issues,
2 Your Honor, that we need to take up at a later time
3 of some things that I think the Defense would
4 request be redacted and that we will not object to.
5 But right now we'd like to play the first portion of
6 this to show the voluntariness of the statement from
7 the State's viewpoint.

8 THE COURT: All right.

9 BY MR. CLEMENTS:

10 Q When he cuts it on there'll be some voices on,
11 and Administrator Davis, I'd ask first, once he
12 plays it if he will stop it a moment and I'm gonna
13 ask you if you can identify those voices.

14 A Absolutely, sir.

15 (Playing of interview began.)

16 BY MR. CLEMENTS:

17 Q Who is that on that picture?

18 A That's Mr. Stackhouse.

19 Q Okay. Do you recognize that voice?

20 A Yes, sir.

21 Q And who is that?

22 A That is now Chief and then Captain Michael Bethea

23 —

24 Q Thank you.

25 A —of the Mullins Police Department.

1 Q Continue please.

2 (Video interview was played for the Court.)

3 BY MR. CLEMENTS:

4 Q And Mr. Davis, is that your voice?

5 A Yes, sir, that is.

6 Q Thank you. Please continue.

7 (Playing of video interview continued.)

8 BY MR. CLEMENTS:

9 Q That's basically how the interview went?

10 A Yes, sir, he was very forthcoming with us.

11 Q Did you ever leave, go anywhere else during the
12 interview, or would that interview take place right
13 there the whole time in Bethea's office?

14 A Everything took place right there in Captain
15 Bethea's office, yes, sir.

16 Q At any time — and you have reviewed the entire
17 video; is that correct?

18 A Yes, sir.

19 Q How recently?

20 A Just a little while ago.

21 Q Okay. At any time did Mr. Stackhouse say he was
22 done talking?

23 A No, sir.

24 Q At any time did Mr. Stackhouse exercise his right
25 and ask for an attorney?

1 A No, sir.

2 Q At any time did Mr. Stackhouse say, you know, I
3 think maybe I better stop or I'm done or —

4 A No, sir, no, sir.

5 Q —I'm tired or anything like that?

6 A No, sir.

7 Q Okay. At any time did me give any indication to
8 you that he was discussing this matter with you
9 involuntarily or that he was being forced in any
10 way?

11 A No, sir.

12 Q Okay, all right. Please answer any questions
13 Mr. Floyd has got.

14 A Yes, sir.

15 **CROSS-EXAMINATION**

16 BY MR. FLOYD:

17 Q Hi, Mr. Davis, how are you today?

18 A Yes, sir.

19 Q You indicated that you encountered Mr. Stackhouse
20 I believe on Gold Street the —

21 A Yes, sir.

22 Q —first time; is that correct?

23 A Yes, sir.

24 Q What time is that?

25 A Somewhere around 7, maybe just a little after,

1 maybe a little before, around 7 a.m.

2 Q A.m.?

3 A In that neighborhood, yes, sir.

4 Q And you said you came up to him and identified
5 yourself as the Mullins police chief and —

6 A I did, sir.

7 Q Okay. And do you carry a digital voice recorder
8 with you?

9 A No.

10 Q Or did you at that time?

11 A No, sir.

12 Q So the conversation that you had with him out
13 there on Gold Street, that was not recorded; is that
14 correct?

15 A Not to my knowledge, no, sir.

16 Q Okay. Now did you — what was his appearance
17 like when you saw him on the street? I mean, how
18 was he dressed?

19 A He was handcuffed at that time. And I don't
20 recall his clothing right off the top of my head. I
21 do remember him being handcuffed.

22 Q Okay. Was he dressed casually with like a
23 T-shirt or maybe just a shirt —

24 A Seems I remember him having some shorts, perhaps
25 some long shorts. I don't know what color shirt.

1 Q You said he did not appear intoxicated?

2 A Did not to me, no, sir.

3 Q Okay. Did he appear to have any injuries? Did
4 he have any visible blood on him or anything like
5 that?

6 A The only injury that I witnessed to him was some
7 type of mark on his right, in this area right here,
8 his right forearm upper wrist. I didn't see any
9 blood with it. It just looked like it might have
10 been a scratch or gouge of some sort.

11 Q Okay. So you didn't see any blood with the
12 wound? You just saw a little scratch basically?

13 A Correct, yes, sir.

14 Q There was no large amount of blood on his clothes
15 or anything like that?

16 A I don't remember seeing any large amount of blood
17 on his clothes.

18 Q Did you see any blood?

19 A I saw some things I thought may have been blood,
20 but I didn't have a test kit or anything like that
21 so.

22 Q You weren't sure?

23 A Right.

24 Q Okay, all right. Did you take any pictures of
25 him at that time?

1 A I do remember taking some photographs, yes.

2 Q Okay, what did you do with those?

3 A I returned that disk over to one of the officers
4 there Captain Mostowski at the Mullins Police
5 Department.

6 Q Okay. Do you know if they were ever given to the
7 Solicitor's Office?

8 A I do not know. I haven't seen them in the packet
9 so I don't know.

10 Q Okay, all right. Now how long was it after your
11 encounter with him there that you took him to the
12 police department?

13 A He was removed pretty quickly. It wasn't very
14 long. I wouldn't speculate on how many minutes, but
15 it was a relatively short period of time.

16 Q Okay. And then you said you gave him some food
17 and some water?

18 A Yes, sir.

19 Q A coke maybe?

20 A Yes, sir, he did get a coke.

21 Q Okay. And so I assume that he ate and he drank
22 before you started questioning him?

23 A Yes, sir.

24 Q Okay. How long was it after you took him to the
25 police department before you started questioning

1 him?

2 A I don't recall. It may have been — I don't
3 recall. I don't recall.

4 Q Okay.

5 A I wouldn't speculate but I don't recall how long.

6 Q Okay, that's fine. Where was he kept when you
7 took him to the police department?

8 A He was taken to the police department initially.
9 I went back to the scene and was dealing with some
10 of the arrival of the SLED agents that had come down
11 so I don't know if he was removed to the jail at
12 some point, I don't know.

13 Q You have a holding cell there at the police
14 department?

15 A We have a holding area, yes.

16 Q Right, okay. So he could have been back there,
17 but you just don't know?

18 A Correct.

19 Q All right. Okay. And you say when you actually
20 started questioning you had — well, he had already
21 been mirandized once you believe before you came
22 into the room; is that right?

23 A Yes, and I had Mirandized him earlier on the road
24 that morning.

25 Q Yes, sir, and then you Mirandized him —

1 A Again.

2 Q —again so basically as far as you know he got
3 three mirandas?

4 A At least.

5 Q At least?

6 A Yes, sir.

7 Q Okay. Now you said you went back to the scene
8 after you left him on Gold Street or after he left?

9 A I went back to the police department for just a
10 moment. I picked up a note pad. I needed a note
11 pad. I went back to the crime scene itself that had
12 been secured, yes, sir.

13 Q Okay.

14 A By myself.

15 Q All right. Okay, thank you very much. That's
16 all that I have for you.

17 A Yes, sir. Yes, sir.

18 MR. CLEMENTS: I believe that's all I have
19 in regards to this issue.

20 THE COURT: All right.

21 MR. CLEMENTS: We call Chief Michael
22 Bethea to the stand.

23 WHEREUPON,

24 MICHAEL J. BETHEA,

25 having been duly sworn by the Clerk of Court,

1 testified as follows:

2 **DIRECT EXAMINATION**

3 BY MR. CLEMENTS:

4 Q Can you state your name for the record and tell
5 us where you work and what your job is.

6 A My name is Michael J. Bethea. I'm the chief of
7 police at the Mullins Police Department.

8 Q And in September of 2010 where did you work?

9 A Mullins Police Department.

10 Q And what was your job title then?

11 A Captain over investigations.

12 Q Who was the chief at that time?

13 A Kenny Davis.

14 Q And did you work with Chief Davis regarding the
15 murder of Sharon Stackhouse?

16 A Yes, sir.

17 Q Okay. Did you have occasion to interview or
18 interrogate Edward Stackhouse?

19 A Yes, sir.

20 Q When and where was that?

21 A We interviewed Edward at the police department in
22 my office.

23 THE COURT: Solicitor, hold on one second.

24 (Mr. Floyd enters the courtroom.)

25 MR. CLEMENTS: I'm sorry, Your Honor.

1 THE COURT: Are you going to be much
2 longer you think?

3 MR. CLEMENTS: Just very briefly. . .

4 BY MR. CLEMENTS:

5 Q Who conducted that interview?

6 A Mainly Chief Davis.

7 Q Did you sit there during the entire interview?

8 A Yes, sir.

9 Q And did you review the video that was made?

10 A Yes, sir.

11 Q Is that video a fair and accurate depiction of
12 that interview?

13 A Yes, sir.

14 Q Did you fill out any paperwork or do anything
15 prior to starting the interview?

16 A Yes, sir, I read Mr. Stackhouse his Miranda.

17 Q Okay. And what did you read the Miranda from?

18 A Off of our Mullins Police Department Miranda
19 form.

20 Q Okay. I'm gonna show you what's been marked
21 State's Exhibit 35 for ID and ask can you identify
22 that and tell us what that is.

23 A This is the Mullins Police Department Miranda
24 form.

25 Q And whose handwriting, whose names are on there,

1 and who wrote on that paper?

2 A My handwriting and Edward Stackhouse handwriting.

3 Q How do you know it was Edward Stackhouse's
4 handwriting?

5 A Because I witnessed him sign it.

6 Q Okay. You recall right on the first part of the
7 video you reading to Mr. Stackhouse?

8 A Yes, sir.

9 Q Is that what you read that from?

10 A Yes, sir.

11 Q And you recall asking him to put his initials by
12 certain things?

13 A Yes, sir, by each line that I read to him.

14 Q Did he do that?

15 A Yes, sir.

16 Q His initials reflected on that form?

17 A Yes, sir.

18 Q All right. Did he sign that form?

19 A Yes, sir.

20 Q Where did he sign it.

21 A Where it says -- well, first, he filled it out
22 and he -- where it says sign, he signed Edward
23 Stackhouse.

24 Q Okay. Now who signed that as witnessing that?

25 A I did.

1 Q Okay, all right. Did you notate the time on
2 this?

3 A Yes, sir.

4 Q What was the time?

5 A I started it at 1:12 p.m. and I finished at
6 1:15 p.m.

7 Q Okay. And that's when you continued on with the
8 video —

9 A Yes, sir.

10 Q —interview?

11 A Yes, sir.

12 Q Okay, all right. Was Mr. Stackhouse coerced or
13 threatened or promised anything to fill out this
14 form?

15 A No, sir.

16 Q Was he threatened or promised or coerced in any
17 way to give y'all a statement?

18 A None, none whatsoever.

19 Q All right. And you observed him the entire time?

20 A Yes, sir.

21 Q What was his demeanor like?

22 A He was sort of calm.

23 Q Okay. Did he understand what was going on?

24 A Yes, sir.

25 Q He understood what you read to him?

1 A Yes, sir.

2 Q Okay, all right. Please answer any -- well,
3 first, Your Honor, I move State's Exhibit 35 into
4 evidence.

5 THE COURT: Any objections?

6 MR. FLOYD: No objection, Your Honor.

7 THE COURT: State's number 35 into
8 evidence without objection.

9 (WHEREUPON, State Exhibit No. 35 was
10 marked for identification and received
11 into evidence.)

12 MR. CLEMENTS: Please answer any questions
13 Mr. Floyd has.

14 MR. FLOYD: Your Honor, for purposes of
15 this hearing I don't have any questions.

16 THE COURT: All right, thank you very
17 much.

18 You may step down.

19 MR. CLEMENTS: Your Honor, we would submit
20 that the statements given by Mr. Stackhouse, first,
21 where he was arrested and then Chief Davis talked to
22 him the first time, we would submit that statement
23 or that question he asked was done of his own
24 volition, was not in response to any interrogation
25 and is admissible. And we would also submit, Your

1 Honor, that the statement he did give was after
2 multiple miranda warnings that he understood what he
3 was doing, that he was lucid, and that he gave that
4 statement free and voluntarily.

5 THE COURT: Is that the only part of the
6 statement you intend to introduce?

7 MR. CLEMENTS: No, Your Honor, we —
8 there's some other things on there that relate to
9 prior incidents with the police that we're going to
10 have to redact that I know Mr. Floyd is going to
11 object to, but we've got to when we're not in court
12 we got to redact that part and then perhaps we will
13 submit the remainder into evidence.

14 THE COURT: Mr. Floyd, do you have any
15 objection to the parts that have been played thus
16 far?

17 MR. FLOYD: No objections to the parts
18 that have been played, Your Honor.

19 THE COURT: All right. I find that he has
20 been properly mirandized and that the statements
21 thus far have been given freely and voluntarily. If
22 we need to go any further than that we need to stop
23 and take a break and take look at it and go from
24 there.

25 MR. CLEMENTS: Your Honor, I know we got

1 the jury back there, but we might need to play the
2 rest of it just for you at this point in time.

3 THE COURT: When do you intend to offer
4 it, today or tomorrow?

5 MR. CLEMENTS: I don't intend to offer it
6 today.

7 THE COURT: Then let's do it a little bit
8 later. Let's go ahead and get them to work and then
9 maybe we'll break early or something like that. We
10 can do it at the end of the day.

11 MR. CLEMENTS: Yes, sir.

12 THE COURT: Go ahead and bring out the
13 jury.

14 (WHEREUPON, the jury was returned to the
15 courtroom at approximately 12:30 p.m., and
16 the following proceedings commenced in
17 open court.)

18 THE COURT: If you will go ahead and swear
19 the jury.

20 THE CLERK OF COURT: Thank you, sir.

21 (WHEREUPON, the jury was sworn at 12:30
22 p.m.)

23 THE CLERK OF COURT: Thank you, I
24 appreciate it.

25 THE COURT: Thank you very much. Good

1 afternoon. I just want to let y'all know we had to
2 take up some matters of law. We weren't out here
3 just goofing off and doing nothing and taking up
4 your time. We're trying to get things moving as
5 fast as we can to be efficient and effective with
6 your time. Now at this time we're getting ready to
7 start this trial, but I want to give you a few
8 instructions ahead of time just to give you a little
9 bit of working information that you can, I call it
10 back pocket information. You can just stick it in
11 your back pocket, sit on it, and use it as you see
12 fit throughout this trial. However, I want you to
13 know at the end of this trial I'm gonna give you the
14 jury, the charge the law in great detail and that
15 will be the law of the case and do need to pay
16 particular attention to that.

17 However, right now I do want to let you
18 know the burden of proof in this case is on the
19 State of South Carolina, not the Defendant. The
20 State has to prove the defendant guilty beyond a
21 reasonable doubt. The next thing I want to explain
22 to you is what your role is, what my role is. You
23 are the judge of the facts. I am the judge of the
24 law. Ask yourself, well, what does that mean? That
25 simply means that you and you alone determine what

1 the facts of this case are, not the court reporter,
2 not the lawyers, nobody in the audience, not my
3 clerk, only you. And you ask yourself, well how do
4 I determine what the facts of this case are. You
5 look at two things. You look at the evidence which
6 is made up of two things. Witnesses come up here,
7 they'll sit in this chair, and put their left hand
8 on the Bible, raise their right hand and be sworn
9 in, and they will testify. That will be evidence.
10 Also, you may have documents entered into the record
11 as evidence such as photographs or pictures or
12 reports, posters, and things of that nature. Those
13 two things are evidence. You look at those matters
14 and you decide what the facts of this case are.

15 Now you ask yourself, well, how do I
16 determine if what the witnesses are telling me are
17 true or not. Just use your common sense just like
18 you would with your children or your spouses or your
19 different people you meet on the street. And I want
20 you to understand that you can believe all of what a
21 witness tells you if you like. You can believe
22 nothing a witness tells you. You can believe part
23 of what a witness tells you. You can believe one
24 witness over many or many over one. That's your job
25 and only your job. All right. You'll take what the

1 witnesses tell you what you find they say is true
2 and credible, and you'll combine with what you're
3 looking at and studying of the matters that are
4 introduced into the record as evidence such as
5 exhibits and so forth and you'll make a
6 determination as to what the facts of this case are.

7 Now I'm the judge of the law. And my
8 opinion, I have a two role function in this matter.
9 I'm here to give the parties a fair trial. I don't
10 know any of them. Technically I don't want to know
11 any of them, but I want them to have a trial and I
12 want them to have a fair trial in this court
13 according to the rules of this state. All right,
14 also at the end of the trial I will, like I told you
15 earlier, instruct you on the law. I'll give it to
16 you in great detail, and I want you to understand
17 that you'll have to accept the law as I give it to
18 you to. If you have any preconceived ideas as to
19 what you think the law is or what it ought to be and
20 it doesn't agree with what I tell you it is, you
21 have to abandon those preconceptions and accept the
22 law as I give it to you. And then only when I tell
23 you to begin your deliberations will you take the
24 facts as you find them, the law as I give it to you,
25 put the two together and make a decision therefrom.

1 Lot of common sense. It won't be hard when that
2 time comes. I can assure you it will fold together.

3 Furthermore, I want to tell you what the
4 lawyers tell you is not evidence. They are
5 spokespersons for their clients. They are advocates
6 for their clients. Evidence comes from this witness
7 stand right here, and remember that. Furthermore,
8 throughout this trial we take breaks. Or if we
9 don't finish today and you go home tonight and you
10 have to come back tomorrow, any time this trial is
11 progressing do not talk about the case. Don't go
12 home and talk about the case with your spouse or
13 your family. If you go back into the jury room so
14 we can take up matters out here, talk about sports
15 talk about the weather, talk about anything you want
16 to talk about but not this case. The reason I tell
17 you that is because it's improper to start
18 deliberating on this case until you've heard it all.
19 You need to hear from the State. You need to hear
20 from all of their witnesses and pay attention to
21 them. And in turn, you need to hear from the
22 Defense, everything they have to say. You have to
23 be fair to both sides. And then at the end you have
24 to hear from me in regard to the law. So I will
25 know when that magic times comes for you to begin

1 your deliberations, and I will tell you specifically
2 at that time begin. But until that time do not talk
3 about the case at all, okay. I want you to sit
4 back. I want you to just to relax. If anybody
5 needs anything, if you need restroom break, smoke
6 break, need some food, or anything like that pops up
7 if you will just kind of move your finger to me,
8 I'll find an appropriate time to stop. I will try
9 to make sure you're taking care of, all right.

10 With that being said, Solicitor, you're
11 recognized for your opening statement.

12 MR. CLEMENTS: Thank you, Your Honor. If
13 it please the Court, ladies and gentlemen of the
14 jury, September 17th, 2010, Meadow Apartments in
15 Mullins in the early morning hours William [REDACTED]
16 [REDACTED] and Daquan [REDACTED] were in their bedroom in
17 their apartment where they lived with their mother
18 Sharon Stackhouse and her husband Edward Stackhouse.
19 They were there in the wee morning hours and they
20 heard a disturbance and they heard banging like
21 things being thrown against the wall and being
22 thrown around. And then they heard their mother's
23 voice cry out their name for help. And then at the
24 door of their bedroom they saw Edward Stackhouse go
25 to the kitchen, come back with a butcher knife about

1 8-inches long going to the bedroom. And the older
2 of the two brothers, Daquan, ran into the bedroom to
3 help his mother. And William [REDACTED] — everybody
4 refers to him as Shawn — saw his brother there with
5 his arm held trying to stop Edward Stackhouse. He
6 runs from the apartment and runs for help. Runs to
7 his aunt's house and gets help and runs back. When
8 he comes back he find Edward Stackhouse gone. He
9 finds his brother sliced open on the neck, and he
10 finds his mother laying across the bed dead with the
11 coroner and the pathologist later determined to be
12 one wound, one stab wound, here that pierced her
13 lung, pierced the pericardium of her heart, and she
14 bled out quickly and died. Helicopter comes and
15 transports Deshawn with his life threatening
16 injuries to New Hanover Hospital. The neighbors —
17 someone had called 9-1-1, the police were
18 responding. They talked to the sons. They got a
19 description. They began to look for someone with
20 red and white Air Jordans on and a T-shirt and
21 Deputy Mark Collins found him over on Gold Street.
22 He was taken into custody. And Kenny Davis now the
23 Town Administrator, but chief at that time, went to
24 him, mirandized him. And he asked him did anybody
25 survive. And they take him back to law enforcement

1 office of the Mullins PD and they charged him.

2 And now Edward Stackhouse is before you
3 today charged with murder, for the stabbing murder
4 of Sharon Stackhouse. He's charged with attempted
5 murder where he almost killed Sharon's boy with that
6 butcher knife cutting him on the neck after her son
7 came to her aid. And he's charged with possession
8 of a weapon during the commission of a violent crime
9 because he wielded that knife when he killed Sharon
10 Stackhouse when he attempted to kill her son who was
11 16 years old at the time. This happened, you're
12 gonna hear, September 17th, 2010. I'm gonna ask you
13 to listen carefully to these witnesses. I'm gonna
14 ask you to look carefully at the evidence. There's
15 gonna be some things that are not in dispute that
16 you won't have to decide. The judge is going to
17 tell you you are the judge of the facts. You got to
18 weigh the facts. You got to weigh the information
19 that you hear from the witness stand or exhibits or
20 pieces of evidence that come into evidence that the
21 judge allows in, and you're gonna have to weigh
22 everything out and make a decision. And you're
23 gonna find, well, some things aren't in dispute.
24 Nobody disputes Sharon was killed by a stab wound.
25 The pathologist is going to talk about her. They

1 described her as approximately 80-pounds and
2 58 inches in length, little teeny lady. She died
3 with one stab wound, one wound, and that's not in
4 dispute. The only dispute is going to be how did
5 this happen, how did this happen.

6 And I ask y'all to weigh all the evidence,
7 and I ask y'all to listen to everything that's said
8 and put everything together that's said from this
9 courtroom from this witness stand and everything
10 that comes in by exhibits the judge says you're
11 supposed to see and consider and look at what makes
12 sense. How do the pieces fit together, how does the
13 testimony and the eyewitnesses and the physical
14 facts, and the scientific evidence, how do they all
15 fit together and what story do they tell. What
16 happened, that's the story they're going to tell is
17 what happened. When you get to the end of trial and
18 you've heard all those facts that you got to judge
19 you got to decide on, the judge is going to tell you
20 what the law is, okay. And I imagine that he's
21 gonna tell you about the credibility of the
22 witnesses. Credibility is just a big word for
23 believability which — and he's gonna tell you you
24 can believe all of what somebody says or you can
25 believe none of what somebody says or you can

1 believe a part of what they say. And he's gonna
2 tell you, you know, to use your common sense, use
3 your judgment that you brought with you through the
4 years. Same thing I'm asking you to do.

5 And you're gonna hear from people from
6 SLED. You're gonna hear from people from law
7 enforcement. And you're gonna hear from the people
8 that were there that saw this happen. And now they
9 try to defend their mother and get help and they
10 were unsuccessful in doing that and now here they
11 are two days from Mother's day and they got to tell
12 that happened to them and they got to tell what
13 happened to their mother. Well, listen to them
14 closely and judge their credibility. See if what
15 they say matches up with what all the physical
16 evidence tells us. See if what they say matches up
17 with what the judge tells you is the law that
18 defines murder.

19 I believe he's gonna tell you that murder
20 is when you take someone's life with malice
21 aforethought. What that means is you got evil
22 intent in your heart, doesn't have to be but that
23 long, you take somebody's life, then that is murder.
24 He's probably also going to tell you about voluntary
25 manslaughter. And voluntary manslaughter is when

1 you take somebody's life but you do it in the heat
2 of passion after you've been legally provoked. And
3 you got to listen and say, was someone legally
4 provoked? Was this in the heat of passion, or was
5 this a evil intent and malice that they just took
6 somebody's life or did they have some kind of excuse
7 in the heat of passion. That is what you're gonna
8 have to decide. And I know you're going to do a
9 good job. We wouldn't have chosen you. You're good
10 citizens of Marion County. You're gonna speak up
11 for Marion County, and you're gonna speak up for
12 what is right. You're gonna speak up for what is
13 just. At the end of all the evidence and after you
14 finish your deliberation you're gonna bring back a
15 verdict. That word verdict comes from Latin. Two
16 words, vere dicto, which means to speak or to tell
17 the truth. That's what a verdict does, it tells the
18 truth. And I trust that when you deliberate and you
19 weigh all these facts out and you weigh this
20 testimony and you look at these exhibits and look at
21 these pictures, that you're gonna say this is not
22 anything but murder. This was malice aforethought.
23 This was a taking of a human life without being
24 legally provoked, without the evidence of heat of
25 passion. And you're gonna have to find that beyond

1 a reasonable doubt.

2 The judge is going to tell you what a
3 reasonable doubt is. I submit it's a doubt that's
4 not a fanciful doubt, not beyond any shadow of a
5 doubt. There's almost nothing in life that's beyond
6 any shadow of a doubt. You can always have a doubt
7 about it, but is it a reasonable doubt? Do you
8 reasonably doubt something or do you just doubt
9 because you do it. The standard here is you got to
10 have a reasonable doubt. My job as the prosecutor
11 is, I have the burden of proof. That burden of
12 proof is to prove it beyond a reasonable doubt.
13 That's a real high standard. That's a tough
14 standard, and I embrace that standard. And I
15 believe we can show you beyond a reasonable doubt
16 this is murder. Now I don't have to show you again
17 beyond any doubt, beyond any fanciful doubt, any
18 shadow of a doubt. I got to show you beyond a
19 reasonable doubt that Edward Stackhouse killed
20 Sharon Stackhouse with a knife stabbing her in the
21 chest, and it's murder. And that Edward Stackhouse
22 took that knife, and he cut Daquan [REDACTED] neck when
23 Daquan is trying to defend his teeny little mother.
24 And Daquan had to be air lifted to Hew Hanover
25 Hospital because those were life threatening

1 injuries. When you hear the testimony I don't think
2 you're gonna have a doubt, and I think your verdict
3 is going to speak the truth and that truth, ladies
4 and gentlemen, is going to be guilty.

5 THE COURT: Thank you.

6 Mr. Floyd.

7 MR. FLOYD: Thank you, Your Honor, may it
8 please the Court. Hi, ladies and gentlemen. You've
9 heard the accusations made against Mr. Stackhouse.
10 And of course, accusations themselves have power in
11 our minds. You know, we're human beings. Sometimes
12 when we hear things about people, bad things,
13 gossip, whatever, we tend to believe them. I know I
14 do that sometimes. I hear something about somebody
15 just because somebody says it I might, you know,
16 it's hard for me to might believe it's true just
17 because it was said and just because it was spoken.
18 And so the accusations are out there and they've
19 been made. And like I said, those accusations have
20 power. And those -- that power of accusation
21 doesn't have any place in this courtroom, okay. The
22 power of accusation has no place in the American
23 courtroom because every defendant in every courtroom
24 is presumed innocent, okay. That's one of our most
25 precious rights that we have, one of our most

1 precious protections under the constitution is that
2 presumption of innocence when we're charged with a
3 crime.

4 The State of course, as the Solicitor
5 said, does have the burden of proof in this case,
6 okay, and that only makes sense because the State
7 has the investigators. They have the crime labs.
8 They get to develop the evidence. And of course,
9 you know, many defendants don't have a lot of
10 resources at their disposal so the State is gonna
11 accuse somebody of a crime and ask a jury like
12 yourself to take their freedom away, of course, they
13 should have to prove what it is they're saying,
14 okay. They have to prove that and that's only fair
15 and that's only right. It's not that the defendant
16 is being coddled. It just makes sense. It makes
17 common sense that that will be the case.

18 Now the Solicitor also a little while ago
19 referred to the standard of proof in any case which
20 in a criminal case it's beyond a reasonable doubt.
21 In a civil case where money is involved, some of you
22 may have been on juries before like for automobile
23 accident cases or things like that, where people are
24 basically arguing over money. The standard of proof
25 in those cases is what we call a preponderance of

1 the evidence where one side or the other just has to
2 prove their case just slightly in their favor in
3 order to prevail. But in a criminal case that's not
4 the standard that we use. We use a much higher
5 standard that's called beyond a reasonable doubt,
6 okay. And that has been called a doubt which would
7 make you hesitate to act, okay. It can be defined
8 that way. And that only makes sense because, you
9 know, that you had a higher standard in a criminal
10 case because, you know, if a defendant loses in a
11 civil case, well, he might have to pay money and it
12 may hurt but at least he's still free. And of
13 course, the consequences are much greater to an
14 individual in a courtroom like this and in a
15 proceeding like this. So that's why we have those
16 standards and those burdens that we do.

17 When you listen to the testimony you will
18 be called on to evaluate the credibility of
19 witnesses. You'll see maybe pictures. You'll hear
20 people speak, and you can consider all that and you
21 can consider their motivation for saying what they
22 say, okay, and whether or not they're telling the
23 truth. And you can also consider things that maybe
24 you don't hear or you don't see, okay, in making
25 your decision as well. So we just ask that you keep

1 those things in mind, keep a fair mind throughout
2 the trial, and really listen to the evidence and
3 evaluate it at the end. And we're confident that at
4 the conclusion of this trial you'll find
5 Mr. Stackhouse not guilty. Thank you very much.

6 THE COURT: If you will call your first
7 witness.

8 MR. CLEMENTS: Your Honor, we have our
9 first witness to call, it's to be out of order
10 chronologically. The SLED agent has to be in
11 another part of the state the remainder of the week
12 so, Your Honor, we call Ms. Mary Ann Boehm.

13 THE CLERK OF COURT: Come around and let
14 me swear you in please.

15 WHEREUPON,

16 MARY ANN BOEHM,
17 having been duly sworn by the Clerk of Court,
18 testified as follows:

19 DIRECT EXAMINATION

20 BY MR. CLEMENTS:

21 Q Can you please state your name for the record and
22 tell this jury, if you would, where you work.

23 A My name is Maryann Boehm. I work at the South
24 Carolina Law Enforcement Division commonly known as
25 SLED.

SW - M. BOEHM - DIRECT

1 Q And what do you do for SLED?

2 A I am assigned to the DNA and serology case work
3 unit at SLED:

4 Q Now can you please explain to this jury what
5 DNA — I think everybody kind of knows what DNA is,
6 but what is DNA and serology?

7 A Sure. DNA stands for deoxyribonucleic acid.
8 It's a chemical found in all of the cells of our
9 body including the red blood cells. It's important
10 for our physical features like hair color and our
11 eye color. It's also important for passing on
12 traits from generation to generation. We get half
13 of our DNA from our mother and half from our father.
14 With the exception of identical twins, most
15 individuals have the same DNA. In forensic science
16 we are interested in the portions of DNA that differ
17 between individuals. We test 15 of those locations
18 that differs between each individual, and the
19 combination of those test results make up a DNA
20 profile. Now forensic serology is identification of
21 biological body fluids such as blood, semen, and
22 saliva.

23 Q Now how long have you worked with SLED?

24 A Approximately six-and-a-half years.

25 Q Can you please tell this jury about your

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1 educational background.

2 A Sure. I received a bachelor of science in
3 integrated science and technology and a
4 concentration in bio technology at James Madison
5 University and that's in Harrisonburg, Virginia.

6 Q All right. And do you have any post-graduate
7 degree?

8 A No, sir, I don't.

9 Q After you left James Madison University what was
10 your first employment?

11 A I was employed for a private forensic DNA company
12 named Orchid Cellmark. That was in Germantown,
13 Maryland. I worked there for about two-and-a-half
14 years as a DNA analyst.

15 Q And private industry what need is there for a DNA
16 analyst?

17 A There's several different needs. Either an
18 individual can use a private company to like a
19 defense can use it to test on evidence or states can
20 use us to help reduce their back log type of
21 evidence. It's the same thing I'm doing at SLED is
22 what I did at or Orchid Cellmark private laboratory.

23 Q How long did you work there?

24 A About two-and-a-half years.

25 Q And from there where did you go?

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1 A I came to SLED.

2 Q Okay. Now have you ever been admitted to any
3 type of forensic organization or some organization
4 in your area of expertise that is some kind of
5 honor, or you do for networking or for further
6 education?

7 A Well, we're required to go to at least eight
8 hours of continuing education each year. Most of
9 the time we fulfill it through specific conferences
10 that are based on forensic DNA analysis. I'm no
11 member of any organization though.

12 Q Okay. So it's not like any academy of forensic
13 scientists or anything like that?

14 A There is one, but I'm just not a member of it.

15 Q Okay, all right. And have you pursued continuing
16 education while you've been employed at SLED?

17 A Yes, those are required each year to get at least
18 eight hours of continuing education.

19 Q Okay. And where would you get that from the SLED
20 lab? Where else would you get education?

21 A We sometimes bring individuals in to teach us new
22 methodologies or we will go to outside conferences
23 or vendors, companies that provide instruments and
24 stuff to us to learn about future trends and stuff
25 we're doing in-house.

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1 Q Okay. Now how many times have you been called to
2 testify as an expert and been qualified as an expert
3 in state court or federal court?

4 A Approximately 28 times.

5 Q Okay. And what specifically were you qualified
6 as an expert and what specific fields?

7 A DNA and serology.

8 Q Okay.

9 MR. CLEMENTS: Your Honor, we would offer
10 Agent Boehm as an expert in the field of DNA and
11 serology.

12 THE COURT: Any objection?

13 MR. FLOYD: No objections, Your Honor.

14 THE COURT: No objection. Granted.

15 BY MR. CLEMENTS:

16 Q Can you tell the jury briefly, and you talk
17 sometimes a little bit faster than my mind goes.
18 Slowly tell us in layman's terms exactly what you do
19 in a DNA lab and how you identify that as best you
20 can in layman's terms.

21 A First I -- when I receive the case I'll look
22 through it to see what kind of requests are made.
23 For this case there was blood request so I need to
24 test to make sure. I have to do serology testing to
25 make sure blood is there. If it is positive for

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1 blood then I'll perform DNA analysis. There were
2 other items of evidence where they just wanted any
3 DNA such as touch DNA, where someone may have at
4 touched an object so I just performed DNA analysis
5 on that; there's no serology test for that. When I
6 do DNA analysis I follow a specific set of
7 instructions with specific chemicals and instruments
8 to isolate that DNA and then test those 15 different
9 locations I was talking about earlier to generate
10 that DNA profile. I then compare the DNA profile
11 generated from the evidence to ones that I developed
12 from known standards submitted in the case. I then
13 write a report based of those comparisons.

14 Q Can you please tell us what a known standard is.

15 A Sure. A known standard is a buccal swab which is
16 a swab of inside of the cheek or a blood standard
17 from a known individual, a victim, suspect, there's
18 elimination standards.

19 Q So, like if you wanted to test something and see
20 if I had touched it or if it was my blood on this,
21 then you'd come to me and you'd take a buccal swab
22 or you'd draw some blood?

23 A Yes, sir, or pulled hair is another.

24 Q Or pulled hair.

25 A Yes.

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1 Q And develop my DNA profile?

2 A Yes, sir.

3 Q And then you would develop a DNA profile for that
4 would be unknown object or unknown standard?

5 A Yes, sir.

6 Q And you compare the two?

7 A Right, that's correct.

8 Q Okay, all right. What items did you test in this
9 case for DNA?

10 A I tested several items, a swab from the blade of
11 a knife.

12 Q Okay. And can you tell us, did you see the knife
13 or did one of your technicians take the swab and you
14 actually tested the swab?

15 A An evidence processing technician took the swab
16 from the knife. I did not see the knife. I just
17 got the swab from the knife.

18 Q Okay. And then you developed a profile of what
19 was on that swab; is that correct?

20 A Right. I first tested it for blood to make sure
21 there was blood there, and then I performed DNA
22 analysis on that item.

23 Q And there was blood?

24 A Yes, sir.

25 Q Now once you developed that standard from that

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1 knife who did you compare it to, what individuals?

2 A I compared it to the three known standards that

3 I — that were submitted in this case. They were

4 —

5 Q Tell us the first one.

6 A Buccal swabs from Edward Stackhouse.

7 Q Okay. And did you — were you able to make a

8 match from Edward Stackhouse to the swab of the

9 knife?

10 A No, he was excluded —

11 Q Okay.

12 A —as a contributor.

13 Q So that was not his blood on the knife?

14 A That's correct.

15 Q Okay, all right. The next person?

16 A I had pulled scalp hair from Sharon Stackhouse.

17 Q Okay. And did that come to you via the autopsy?

18 A I believe so.

19 Q Okay. And what were you able to determine from

20 your comparison there?

21 A Well, the DNA profile developed from our item

22 3.1, which was the swab from the knife, is a mixture

23 of at least two individuals. The DNA profile of the

24 major contributor to this mixture matches the DNA

25 profile of Sharon Stackhouse. The —

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1 Q So that matched Sharon Stackhouse? There was two
2 contributors?

3 A At least two.

4 Q Okay. And the major one was Sharon Stackhouse?

5 A Yes, sir, that's correct.

6 Q Okay, all right. Who was the minor contributor
7 if you were unable to identify that?

8 A Well, Daquan [REDACTED] was the other standard I got
9 in this case and he could not be excluded as a
10 possible minor contributor to this mixture.

11 Q Do you know the relationship between Sharon
12 Stackhouse and Daquan [REDACTED]

13 A Yes, sir.

14 Q What is that relationship?

15 A Mother and son.

16 Q Okay, all right. And that was on the knife; is
17 that correct?

18 A That's correct.

19 Q Okay. What was the next item that you dealt
20 with?

21 A A cutting from a T-shirt.

22 Q Okay. And do you know, was that one T-shirt or
23 two different T-shirts you did cuttings from?

24 A I received two cuttings from one T-shirt and two
25 more cuttings from another T-shirt.

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- 1 Q Tell us about the first T-shirt.
- 2 A All right. Those were our items 4.1 and 4.2.
- 3 Q And do you know where they came from, that
- 4 T-shirt?
- 5 A Dequan B [REDACTED]
- 6 Q Daquan B [REDACTED] T-shirt?
- 7 A Yes.
- 8 Q Tell us what you did with that.
- 9 A First I identified blood. It was positive for
- 10 blood so I performed DNA analysis on both those
- 11 items. The DNA profile developed from item 4.1
- 12 matches the DNA profile of Daquan B [REDACTED] The
- 13 probability of randomly selecting an unrelated
- 14 individual having the DNA profile matching this item
- 15 is approximately one in 2.7 quadrillion.
- 16 Q How big a number is that?
- 17 A That is a 2.7 followed by 14 zeros. It's a very
- 18 large number.
- 19 Q Is that like a million billion, or something like
- 20 that?
- 21 A Quadrillion.
- 22 Q How does it — how does that number compare to
- 23 the population of the earth?
- 24 A There's approximately 7 billion people in the
- 25 world, and that's about a million times larger than

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1 the world's population.

2 Q Okay. So the probability is pretty strong; isn't
3 it?

4 A Yes, sir.

5 Q That was Dequan's blood on that T-shirt?

6 A Yes, sir.

7 Q Were you able to establish anybody else's blood
8 or anything else there?

9 A Not from that item.

10 Q Okay. What was the next -- tell us about the
11 second T-shirt that you -- where it came from and
12 what you did with that.

13 A Well, I had a second cutting from that T-shirt.
14 Are you interested in that as well?

15 Q Yeah, tell us about the second cutting from
16 Dequan's T-shirt.

17 A That was a DNA profile developed from item 4.2
18 which was that second cutting of that T-shirt, same
19 T-shirt, is a mixture of at least two individuals.

20 The DNA profile of the major contributor to this
21 mixture also matches the DNA profile of Daquan

22  The DNA profile of the minor contributor to
23 this mixture is insufficient for reliable
24 interpretation.

25 Q Okay. Now tell us about the second T-shirt.

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1 A All right. I received two cuttings from that
2 second T-shirt.

3 Q Where did that T-shirt come from?

4 A That was from Edward Stackhouse.

5 Q Okay.

6 A And I first tested it for blood and it was
7 positive for blood for both those cuttings so I
8 performed DNA analysis. The DNA profile developed
9 from item 6.1, which was the first cutting from the
10 T-shirt, is a mixture of at least three individuals.
11 Sharon Stackhouse, Daquan [REDACTED] and Edward
12 Stackhouse cannot be excluded as possible
13 contributors to this mixture. The probability of
14 randomly selecting an unrelated individual who could
15 have contributed to this mixture is approximately
16 one in 3.4 million.

17 Q Okay. So the DNA on Edward Stackhouse T-shirt
18 included his DNA, Sharon Stackhouse's DNA, and
19 Daquan [REDACTED] DNA?

20 A Yes, sir.

21 Q Can you have a mixture of blood and sweat?

22 A Yes.

23 Q Or skin cells?

24 A Yes, sir.

25 Q So can you say whether or not all that DNA came

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1 from blood or not?

2 A No, I cannot say.

3 Q Okay. But it had both Daquan, Sharon Stackhouse,
4 and Edward Stackhouse's DNA on that T-shirt?

5 A Yes, sir.

6 Q Okay. And there was some blood on that T-shirt?

7 A Yes, sir.

8 Q All right. Now did you deal with any swabs from
9 Edward Stackhouse?

10 A I did. I received three swabs from him: Swabs
11 from the left hand of Edward Stackhouse, swabs from
12 the right hand of Edward Stackhouse, and swabs from
13 the right forearm of Edward Stackhouse.

14 Q All right. Were you able to develop any matches
15 on any of those swabs?

16 A Yes. The DNA profile developed from item 9 which
17 was Edward Stackhouse's right hand is a mixture of
18 at least three individuals. Sharon Stackhouse,
19 Daquan [REDACTED] and Edward Stackhouse cannot be
20 excluded as possible contributors to this mixture.

21 Q Okay. And again, was that — could you determine
22 whether all that DNA came from blood or not?

23 A Actually, there was no request for blood on this
24 item so I didn't perform any serology testing. I
25 sent it straight to DNA.

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- 1 Q So it could have been skin cells, could have been
2 anything that had DNA on it?
- 3 A That's correct.
- 4 Q And you had all three individuals, Daquan [REDACTED]
5 Sharon Stackhouse, and Edward Stackhouse all on
6 Edward's right hand swab?
- 7 A That's correct.
- 8 Q What about the forearm swab?
- 9 A All right. The DNA profile developed from item
10 10 which was the swab from the foreman is a mixture
11 of at least three individuals. The DNA profile of
12 the major contributor to this mixture also matches
13 the DNA profile of Daquan [REDACTED] Sharon Stackhouse
14 and Edward Stackhouse cannot be excluded as possible
15 contributors to this mixture.
- 16 Q So the major contributor on Edward's forearm swab
17 was Daquan?
- 18 A Yes, sir.
- 19 Q Okay. And did you do a serology test whether
20 there was blood present?
- 21 A No, there was no request for blood so I did not.
- 22 Q Okay. Any other items that you tested?
- 23 A Yes, I also tested cutting from black underwear.
- 24 Q Okay. Find anything significant there or not?
- 25 A The DNA profile developed from item 5.1.1, which

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1 was the underwear, is a mixture of at least two
2 individuals. The DNA profile major contributor to
3 this mixture also matches the DNA profile of Sharon
4 Stackhouse. Edward Stackhouse cannot be excluded as
5 a possible minor contributor. Daquan [REDACTED] can be
6 excluded as a possible minor contributor to this
7 mixture.

8 Q So Daquan was excluded from the underwear?

9 A Yes, sir.

10 Q And whose underwear was that?

11 A I believe it was found in Edward Stackhouse's
12 jean shorts in the pocket.

13 Q Okay. And did you test any swabs from the
14 handlebars of the bicycle?

15 A I did.

16 Q Can you tell us about that?

17 A I received two swabs, swabs from the left handle
18 grip of the bike and swabs from the right handle
19 grip of the bike. And I performed DNA analysis on
20 those. The DNA profile developed from the left
21 handle of the bike is a mixture of at least three
22 individuals. Sharon Stackhouse, Daquan [REDACTED] and
23 Edward Stackhouse cannot be excluded as possible
24 contributors to this mixture.

25 Q Okay.

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1 A The partial DNA profile developed from item 13
2 which was the right handle bars is insufficient for
3 reliable interpretation.

4 Q All right. Now did you test see if there was
5 blood on the handle bars?

6 A No, sir, I did not.

7 Q Just DNA?

8 A Just the DNA.

9 Q Okay. So it could have gotten there from —
10 blood could have gotten there from skin cells?

11 A That's correct.

12 Q Can you explain to us or can you answer this
13 question, how can DNA be transferred from one
14 surface to another by blood or by a person
15 transferring it?

16 A Well, to start with, touch DNA with skin cells
17 every day you shed skin cells so any time you come
18 in contact with an object you can leave your DNA and
19 cells there such touching handle bars or counters,
20 where there's a potential to leave your DNA. If you
21 touch blood, if you touch red blood and you have it
22 on your hand and you touch another place, there's a
23 potential to transfer the blood to an additional
24 item.

25 Q So if I, say, you're cut and your blood is

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1 present and I touch your blood and I go and grab a
2 bicycle handle I can transfer both your DNA and my
3 DNA to that bicycle handle?

4 A That's possible.

5 Q Okay. So, let me be sure I understand. On one
6 of the grips on the handlebar it has all three,
7 Sharon Stackhouse, Daquan [REDACTED] and Edward
8 Stackhouse's DNA on it; is that correct?

9 A That's correct.

10 Q And on the knife it had Sharon Stackhouse's major
11 contributor and Daquan [REDACTED] as a minor contributor
12 on the blood on the knife?

13 A That's correct.

14 Q And the swab from the T-shirts that came from
15 Edward Stackhouse also had all three DNA present?

16 A Yeah, the first cutting from the T-shirt, it had
17 all three of the individuals. And for the second,
18 Sharon Stackhouse and Daquan [REDACTED] could not be
19 excluded as possible contributors to this mixture
20 but no conclusive statement could be made regarding
21 inclusion or exclusion of Edward Stackhouse as a
22 possible contributor to that item.

23 Q And that was on his T-shirt?

24 A That's correct.

25 Q Okay. But on both cuttings — one cutting you

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1 couldn't exclude Daquan and Sharon, and the other
2 cutting, absolutely positive it included Daquan and
3 Sharon's DNA, correct?

4 A They could not be excluded from both items.

5 Q Could not be excluded from both items, all right.
6 Please answer any questions Mr. Floyd may have.

7 THE COURT: Mr. Floyd.

8 MR. FLOYD: Your Honor, I don't have any
9 questions for this witness.

10 THE COURT: Thank you. You may step down.
11 Any objection to her being excused?

12 MR. FLOYD: No objection, Your Honor.

13 THE COURT: Have a safe trip back.

14 Call your next witness.

15 MR. CLEMENTS: Your Honor, may I approach
16 a second.

17 THE COURT: Sure.

18 (WHEREUPON, counsel approached the Bench
19 for an off-the-record discussion.)

20 MR. CLEMENTS: Your Honor, if it please
21 the Court, we call Officer Kent Alford.

22 THE CLERK OF COURT: Let me swear you in,
23 sir.

24 WHEREUPON,

25 **KENNETH ALFORD,**

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1 having been duly sworn by the Clerk of Court,
2 testified as follows:

3 BY MR. CLEMENTS:

4 Q Would you please state your name for the record
5 and tell this jury where you work.

6 A Corporal Kenneth Alford with the city of Mullins
7 Police Department.

8 Q Can you tell us how long have you been with the
9 city of Mullins?

10 A Since June of 2010.

11 Q June of 2010. How long have you been in law
12 enforcement?

13 A Since June of 2009.

14 Q Okay. And what did you do prior to that?

15 A I owned my own shop.

16 Q Okay, all right. Do you recall working
17 September 17th, 2010?

18 A Yes, sir.

19 Q What shift were you on that day?

20 A Night shift.

21 Q On night shift?

22 A Yes, sir.

23 Q And the night shift went from what hour to what
24 hour?

25 A 7 p.m. to 7 a.m. in the morning.

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1 Q Twelve hour shift?

2 A Yes, sir.

3 Q Okay. Do you recall getting a dispatch towards
4 the end of your shift?

5 A Yes, sir.

6 Q Can you tell this jury where you were and where
7 you were going and what you did when you received
8 the dispatch?

9 A Yes, sir, I was traveling south on Main Street
10 fixing to cross over Wide Creek when dispatch came
11 out. I immediately turned headed back north heading
12 northwest to which Meadow Park Apartments would be.

13 Q And how long did it take you to get there?

14 A Took me approximately two minutes.

15 Q Two minutes?

16 A Yes, sir.

17 Q When you got there tell this jury what you found
18 and what you did.

19 A As I drove up to a building I exited my vehicle,
20 and I was met at the front of the breezeway of a
21 building by a young juvenile that was bleeding from
22 the right side of his head.

23 Q And what kind of condition was he in? Other than
24 bleeding what kind of condition was he in, what was
25 his demeanor?

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1 A He was screaming hysterically at me, help my
2 momma, help my momma, I can remember him yelling to
3 me. I immediately helped him take his, remove his
4 shirt, apply pressure to the wound and got him to
5 sit down beside the door at the front of a building,
6 and a lady came out of the apartment right beside
7 where I sat him and held pressure to his wound for
8 me.

9 Q Okay, then what did you do?

10 A At that time I went to approach the apartment and
11 was joined by Sergeant Greg Pike.

12 Q Okay. He pulled up there right after you?

13 A Yes, sir.

14 Q Okay.

15 A As we got to the apartment Sergeant Pike was on
16 one side of the door, I was on the other. I called
17 out inside the apartment Mullins police officer; I
18 announced myself. I took the first peek into the
19 apartment, didn't see any movement, see anybody. I
20 took a second peek into the apartment, and as I did
21 I could see a large knife with a wooden handle
22 laying in front of the couch on the floor.

23 Q All right. And from there what did you do?

24 A At that time myself and Sergeant Pike entered the
25 residence to clear the residence. As we walked into

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1 the living room there was beer cans and bottles
2 laying in the living room. I hesitated at the edge
3 of the living room which enters into the hallway.
4 Sergeant Pike cleared the kitchen which is the only
5 thing to clear in the kitchen were the larger of the
6 cabinets and the pantry. Then I was -- when he
7 cleared it I was joined back with him in the
8 hallway. As we made our way down the hallway there
9 was a cell phone laying in the hallway that had been
10 broken into a few, a bunch of pieces. The bathroom
11 light was on so it was obvious -- it was obvious you
12 could see into the bathroom. No one was inside the
13 bathroom. The --

14 Q How many rooms were in that apartment
15 approximately?

16 A Two bedrooms.

17 Q One bath?

18 A One bath, living room, and the kitchen and --

19 Q Hallway?

20 A Yes, sir. Hallway, living room, kitchen, hallway
21 were basically open areas.

22 Q Okay.

23 A We could see the light, the bedroom light, where,
24 where to my right was the light was on, and I could
25 see a female laying across the bed with her legs

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1 hanging over the edge of the bed. The room to my
2 left was dark so we entered into that room to make
3 sure no one was still in the apartment to clear that
4 bedroom.

5 Q All right. How many beds were in that bedroom?

6 A It was two.

7 Q Two, okay.

8 A Yes, sir.

9 Q I'm gonna show you what's been marked as State's
10 Exhibit 5, 6, and 12, and ask you first can you
11 identify those, yes or no, all three of them.

12 A Yes, sir.

13 Q Okay.

14 MR. CLEMENTS: Your Honor, at this time I
15 move State's Exhibits 5, 6 and 12 into evidence.

16 THE COURT: Any objection?

17 MR. FLOYD: Without objection State's 5,
18 6, and 12 in evidence without objection.

19 (WHEREUPON, State Exhibits Nos. 5, 6, and
20 12 were admitted into evidence.)

21 BY MR. CLEMENTS:

22 Q Let's take State's Exhibit 6 first. What is
23 that? What does that depict?

24 A The front side of Meadow Park Apartments.

25 Q Is this the location you're talking about?

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1 A Yes, sir.

2 Q I'm going to show you what's been marked State's
3 Exhibit 12. What is that?

4 A This is the front door to the apartment.

5 Q All right. And that was 

6 A Yes, sir.

7 Q Now those apartments, they got -- how many --
8 each building has how many apartments downstairs and
9 how many upstairs?

10 A Four downstairs, four upstairs.

11 Q Was this downstairs or upstairs?

12 A Downstairs.

13 Q On the front or the back?

14 A It's on the back.

15 Q On the -- as you face the front on the left-hand
16 side or right-hand side?

17 A Left-hand side right behind the stairwell.

18 Q So if you're walking up to that apartment
19 building you got four apartments on the top and you
20 got one on either side in the front and one on
21 either side in the back and it's this back one?

22 A Yes, sir.

23 Q Okay, all right. I'm gonna show you what's been
24 marked State's Exhibit 5.

25 A Yes, sir.

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1 Q What is that?

2 A Broken cell phone laying in the hallway.

3 Q Okay. Did you see any pieces anywhere else if
4 you recall?

5 A I can remember seem like it was broken more
6 pieces than just that.

7 Q And you don't know where?

8 A No, sir.

9 Q Is that your particular job to do that part of
10 it?

11 A No, sir.

12 Q Okay. What is your particular job on a scene
13 like that?

14 A My job is to clear the scene, make it safe for
15 rescue and EMS to arrive, and then to secure the
16 scene until investigators arrive.

17 Q All right. I think I stopped you, Officer
18 Alford, when y'all were entering the bedroom and you
19 said you saw an individual laying across the bed,
20 can you describe that individual for this jury.

21 A She was a small stature black lady and what I can
22 recall blood on the left side of her body, and it
23 seemed like she had on more than just one set of
24 clothing.

25 Q Okay, all right. And was she moving at all?

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1 A No, sir, wasn't moving, wasn't breathing.

2 Q Did you check the body or did you leave that for
3 EMS?

4 A I left that for EMS.

5 Q Okay, all right. Who other than you and Sergeant
6 Pike, who was next on the scene?

7 A That would be fire and rescue worker Shawn
8 Harrellson.

9 Q Okay. And how about EMS, did they come shortly
10 as well?

11 A Yes, sir.

12 Q Who came with EMS, do you recall?

13 A He was a white male. I — at the time I didn't
14 know his name. At the present time I'm sure it was
15 Adam Rogers with EMS; but at the time I wasn't sure,
16 but I made sure everyone was documented and signed
17 on my crime scene log.

18 Q All right. So once you went in and you and
19 Sergeant Pike cleared the apartment, does that mean
20 you made sure nobody was in there hiding?

21 A Yes, sir.

22 Q Nobody else was in there that needs medical
23 attention?

24 A Yes, sir.

25 Q You backed out, right?

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1 A Yes, sir.

2 Q You referred to a crime scene log. Tell us what
3 a crime scene log is and what you did, if anything,
4 with yellow tape.

5 A As — when we exited the apartment I immediately
6 started a crime scene log documenting myself and
7 Sergeant Pike on the crime scene log and anyone who
8 entered that was law enforcement or medical signed
9 and were documented on that crime scene log.

10 Q So you write down everybody's name that goes on
11 that crime scene?

12 A Yes, sir.

13 Q And what is the purpose for that?

14 A So that we're aware of everybody that enters that
15 door.

16 Q Is that something to do with contamination or
17 anything —

18 A Yes, sir.

19 Q —to try to avoid?

20 A Right.

21 Q What is that?

22 A You keep as many people out as possible. If it's
23 not absolutely necessary for that individual to be
24 in there, then we don't let them in there. If
25 they're in there they're in there for a reason.

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1 Q What's the purpose for that? What are you trying
2 to protect?

3 A Evidence.

4 Q Okay, all right. Now did you notice any other
5 young boy other than the first young man that you
6 met who was screaming?

7 A Yes, sir. As I started my crime scene log and
8 Sergeant Pike started getting the criming scene tape
9 up to block off the apartment, another young
10 juvenile came up and someone from the apartments or
11 family member -- I'm not fully aware of who the
12 individual was -- stopped him and held on to him as
13 he was screaming.

14 Q He was screaming too?

15 A Yes, sir, he was, he was screaming and I was
16 trying to listen to what he was saying and what was
17 going on.

18 Q Where did he come from?

19 A It appeared that he came from an apartment
20 basically to the west side of the A building.
21 Wasn't -- at the time wasn't exactly sure where he'd
22 come from. Later on I was advised that he had ran
23 to get his, a family member from Johnson Street,
24 which is right across the road from Meadow Park
25 Apartments.

SW - K. ALFORD - DIRECT

1 Q About how far is that yard wise?

2 A 200 yards.

3 Q Okay. And you said he was screaming. What was
4 he hollering?

5 A He was screaming —

6 MR. FLOYD: Your Honor, I object to
7 hearsay.

8 MR. CLEMENTS: Your Honor, I believe this
9 would be an exception to hearsay under the excited
10 utterance.

11 THE COURT: Overruled, continue.

12 THE WITNESS: I can distinctly remember
13 the child saying that, first of all, that he hurt my
14 mother, he hurt my mother. Then he — as he broke
15 down more he was seeing that we were putting up
16 tape. He started screaming Edward Stackhouse killed
17 my momma. I can distinctly remember the child
18 saying that.

19 BY MR. CLEMENTS:

20 Q Okay. Were you able to get a description of
21 Edward Stackhouse?

22 A Yes, sir, and passed it on.

23 Q After you got that description tell us what you
24 did.

25 A I passed it on to all the officers that were in

SW - K. ALFORD - DIRECT

- 1 route and were responding in the area.
- 2 Q How did you do that?
- 3 A Through the radio system, through central
- 4 dispatch.
- 5 Q What did you tell them on the radio?
- 6 A Looking for a black male wearing white shirt,
- 7 blue jean shorts. And I can distinctly remember the
- 8 child screaming out that he was wearing white Air
- 9 Jordans with red Air Jordan on the side.
- 10 Q Okay, all right. And then after putting out that
- 11 description over the radio then what did you do?
- 12 A I maintained the crime scene making sure that
- 13 everyone that went in was documented on the crime
- 14 scene log.
- 15 Q All right. Who else arrived on the scene after
- 16 that?
- 17 A Had central dispatch to notify at the time Chief
- 18 Davis and the investigator was on-call which was
- 19 Captain Bethea.
- 20 Q Okay. So Chief Davis and Captain Bethea, they
- 21 came to the scene?
- 22 A Yea, Chief Davis was there quickly.
- 23 Q Okay. And who else came on that scene?
- 24 A We had quite a few investigators respond and they
- 25 did not -- all of them didn't enter the crime scene,

SW - K. ALFORD - DIRECT

1 but at the time the Chief was having them to cover
2 the area looking for the suspect.

3 Q So they came up to the scene but didn't go into
4 the scene?

5 A Yes, sir.

6 Q Okay, all right. And I probably should have
7 asked the question a little better, what if any
8 other agency came there to come to the crime scene?

9 A SLED. SLED responded and I stayed on the scene,
10 maintained custody of the apparent murder weapon
11 that was used, the weapon that was used, until SLED
12 came and took custody of it.

13 Q All right. And when you say you maintained
14 custody of it what did you do? Pick it up, keep it?

15 A Had it in a evidence bag, yes, sir.

16 Q Who did you give that to?

17 A Gave it to a young agent lady with SLED, Ms. Kim
18 Din.

19 Q Kim Dinh?

20 A Dinh, yes, sir.

21 Q She's an officer, agent with SLED?

22 A Yes, sir.

23 Q I'm gonna show you what's been marked State's
24 Exhibit Number 1. I'm gonna ask, first, and tell me
25 yes or no, if you can identify this, and then after

SW - K. ALFORD - DIRECT

1 we get that answer I have another question.

2 A Yes, sir.

3 (State's Exhibit Number 1 is opened by Mr. Clements.

4 BY THE COURT:

5 Q I'm showing you what's been marked State's
6 Exhibit Number 1, eventually I will. You recognize
7 that?

8 A Yes, sir, I do.

9 Q You do?

10 A Yes, sir.

11 Q All right, tell me, what is that?

12 A What I would call a butcher knife.

13 Q Okay. But is it any particular butcher knife?

14 Is it something significant about that?

15 A When I laid my eyes on it it was facing — the
16 blade part of it was facing the front of the
17 apartment which would have been facing towards west
18 Dogwood Street, and it had blood on the blade part
19 of it.

20 Q All right. So is this that same knife?

21 A Yes, sir.

22 Q It wasn't wrapped up in the SLED container?

23 A No, sir.

24 MR. CLEMENTS: Your Honor, I request
25 permission to show this to the jury.

SW - K. ALFORD - DIRECT

1 THE COURT: Let Mr. Floyd take a look at
2 it.

3 MR. CLEMENTS: And to present it into
4 evidence.

5 THE COURT: Any objection?

6 MR. FLOYD: Your Honor, bear with me one
7 second.

8 THE COURT: Sure.

9 MR. CLEMENTS: Your Honor, we move this
10 into evidence at this time.

11 THE COURT: Any objection?

12 MR. FLOYD: No Objection, Your Honor.

13 THE COURT: Thank you. State's 1 is into
14 evidence without objection.

15 (WHEREUPON, State Exhibit No. 1 was
16 admitted into evidence.)

17 BY MR. CLEMENTS:

18 Q And this is the knife that you gave to the SLED,
19 Agent Kim Dinh, to take back to the SLED lab?

20 A Yes, sir.

21 Q Corporal Alford, what else, if anything, did you
22 do there other than secure the crime scene for the
23 forensic officers to come process?

24 A Basically from that point I just -- I secured the
25 scene and maintained it until I was relieved

SW - K. ALFORD - DIRECT

1 approximately 7:30, somewhere in the neighborhood,
2 by Sergeant Gasque.

3 Q Sergeant Gasque?

4 A Yes, sir.

5 Q He relieved you?

6 A She relieved me.

7 Q And normally you'd be working from 7 to 7 but you
8 worked past the time?

9 A Yes, sir. That's when I immediately went and sit
10 down and made while I was sitting there log in my
11 crime scene. I was making notes of everything that
12 was said to me, everything that I could remember,
13 and that's when I was relieved. I went straight and
14 sat down and did my report.

15 Q All right. And in the report did you put every
16 single detail in it or most every detail?

17 A Most every detail, everything that I could
18 remember at the time in a spur of the moment, yes,
19 sir. Little things that you remember such as the
20 cell phone that I stepped over making sure I didn't
21 kick it knowing it was evidence was not documented
22 in my report at the time.

23 Q Okay. But you remember that?

24 A Yes, sir, I do.

25 Q And you remember distinctly what was said to you

SW - K. ALFORD - CROSS

1 by the juveniles?

2 A Yes, sir, basically the utterances from the
3 juvenile that come running up.

4 Q Okay. You recall whether you put all that, every
5 bit of that in the incident report or not?

6 A No, sir.

7 Q You could have but you just don't remember?

8 A Right, yes, sir.

9 Q Corporal Alford, please answer any questions
10 Mr. Floyd may have.

11 A Yes, sir.

12 THE COURT: Mr. Floyd.

13 MR. FLOYD: Thank you, Your Honor.

14 **CROSS-EXAMINATION**

15 BY MR. FLOYD:

16 Q Corporal Alford, how are you doing today?

17 A Fine, sir.

18 Q Now when you responded to the scene you said the
19 first person you met was a youngest male; is that
20 correct?

21 A Yes, sir.

22 Q You said he appeared to have a wound of some
23 sort?

24 A Had blood all over the left side, right side of
25 his body.

SW - K. ALFORD - CROSS

- 1 Q Okay.
- 2 A Yes, sir.
- 3 Q Do you give any medical training as a police
4 officer or?
- 5 A No, sir.
- 6 Q No? Not even basic first aid or anything like
7 that?
- 8 A No, sir.
- 9 Q No? Okay. Did the wound appear to be on his
10 head?
- 11 A Yes, sir.
- 12 Q Okay. And where was it on his head exactly?
- 13 A Right behind his right ear.
- 14 Q Okay.
- 15 A Running parallel behind his right ear.
- 16 Q Okay, so here?
- 17 A Yes, sir.
- 18 Q So it was in the scalp?
- 19 A Yes, sir, basically in the scalp and in the back
20 of the neck. It was a pretty long wound.
- 21 Q Okay. It was a cut?
- 22 A Yes, sir.
- 23 Q Okay, all right. In your experience scalp wounds
24 bleed a lot; is that correct?
- 25 A Sir?

SW - K. ALFORD - CROSS

1 Q Scalp wounds, they bleed a lot.

2 A Yes, sir.

3 Q Okay. Other than the wound that you saw there on
4 the scalp, did you see any other wounds on him like
5 defense wounds on his hands or anything like that?

6 A No, sir, not at the time. At the time my job was
7 to, I felt, was to secure the scene and get EMS to
8 the child.

9 Q Okay, all right. But as far as what you saw you
10 didn't see any other wounds; is that correct?

11 A No, sir.

12 Q Okay. And so you basically gave him a compress
13 of some sort and then you went and attend to your
14 other duties; is that right?

15 A Yes, sir.

16 Q Okay. Now other than actually collecting the
17 knife there which you showed us a little earlier,
18 were you actually involved in collecting evidence?

19 A No, sir.

20 Q Okay. Your job was strictly to monitor who was
21 coming in and going out of the apartment?

22 A Secure the crime scene, yes, sir.

23 Q Is that right?

24 A Yes, sir.

25 Q Okay. And you kept a log of everybody that went

SW - K. ALFORD -- CROSS

1 through the door; is that right?

2 A Yes, sir.

3 Q Okay. The knife, was there any reason why you
4 collected that, not anything else or?

5 A 'Cause that was a potential threat to me and
6 anyone else going into the crime scene.

7 Q Okay. And so that was one of the first things
8 you did was —

9 A Yes, sir.

10 Q —secure that, okay. And you immediately placed
11 that in the evidence bag; is that right?

12 A Yes, sir.

13 Q Okay. Now you stated you encountered yet another
14 young person; is that correct?

15 A Yeah, I encountered him as I exited, yes, sir,
16 and had called EMS and rescue in to attend to the
17 first juvenile?

18 Q Okay. Now did that person have any wounds that
19 you saw?

20 A Not that I could see, no, sir.

21 Q Okay. So you went and prepared an incident
22 report after you left the scene after you, your
23 shift ended basically?

24 A Yes, sir.

25 Q And you said you did that pretty soon after you

SW - K. ALFORD - CROSS

1 left; is that right?

2 A Yes, sir.

3 Q Okay. And you did a incident report and then --
4 well, it says supplemental incident report on the
5 next page, but it only has a, one name on it; is
6 that correct? And if you want me to show it to you,
7 I don't know if you had reviewed these or not. Let
8 me show these to you.

9 A I made no supplemental so that's why there's
10 nothing on this. That was the initial responder
11 initial report.

12 Q Okay. And so the supplemental that has your name
13 on the bottom of it doesn't have any writing but it
14 just had one name; is that correct?

15 A Yes, sir.

16 Q Up here? Okay. And that's all you wrote --

17 A Yes, sir.

18 Q --is what is in this incident report; is that
19 correct?

20 A Yes, sir.

21 Q And you didn't write anything else --

22 A No, sir.

23 Q --other than what's on here, okay. Thank you
24 very much.

25 THE COURT: Anything further?

SW - T. HARRELLSON - DIRECT

1 MR. CLEMENTS: Nothing further. Your
2 Honor, I ask Corporal Alford be released from his
3 subpoena.

4 THE COURT: Any objection?

5 MR. FLOYD: No objection.

6 MR. CLEMENTS: Your Honor, we call Shawn
7 Harrellson.

8 WHEREUPON,

9 TIMOTHY SHAWN HARRELLSON,
10 having been duly sworn by the Clerk of Court,
11 testified as follows:

12 DIRECT EXAMINATION

13 BY MR. CLEMENTS:

14 Q Can you please state your name for the record and
15 tell us where you work.

16 A My full name is Timothy Shawn Harrellson. I work
17 for the city of Mullins Fire Department.

18 Q And what exactly do you do with the fire rescue?

19 A My job is life saving property conservationist.

20 Q So you fight fires and you save lives?

21 A I attempt to, yes, sir.

22 Q Yes, sir. How long have you worked with fire
23 rescues?

24 A Since August 12th, 1989.

25 Q All right. And were you working on

SW - T. HARRELLSON - DIRECT

1 September 17th, 2010?

2 A Yes, sir.

3 Q Can you please tell this jury what you recall to
4 do that morning or what you participated in.

5 A We were dispatched to a stab victim. Upon
6 arrival we made sure that the scene was cleared by
7 radio communications by the police department. Once
8 I entered the scene Officer Ken Alford pointed me to
9 a juvenile that had been cut with a large knife
10 through the right side of the head and told me there
11 was a second victim in the house as well. I
12 immediately checked both victims. One was deceased
13 and the other one I applied a pressure bandage to
14 and waited on the advanced life care to come in.

15 Q Now when you checked the first victim who was
16 that, do you know?

17 A I checked the child first and then checked the
18 mother.

19 Q When you checked the mother where was she and
20 what condition did you find her in?

21 A She was deceased in the bedroom in the house.

22 Q Okay. And how did you know she was deceased?

23 A She was pulseless.

24 Q Okay. And did you check her to see what kind of
25 wounds or type of wounds, is that not your job?

SW - T. HARRELLSON - DIRECT

1 A No, sir, at that point my priority was back to
2 the child to make sure I did everything for him
3 possible.

4 Q All right, was -- how would you define or how
5 would you explain the condition he was in as far as
6 how serious it was?

7 A Critical.

8 Q Critical?

9 A Yes, sir.

10 Q All right. Tell us, tell the jury about what
11 type of wound it was.

12 A He had a very large laceration to the right side
13 of the head, extensive in length and depth to the
14 neck area from the edge of the hairline down.

15 Q And what type of blood vessels are in that area?

16 A There's numerous blood vessels, soft tissues in
17 your neck and head. There's also the carotid artery
18 as well.

19 Q And how dangerous is that type of injury like
20 that?

21 A Very seriously dangerous.

22 Q Can you say whether it is or whether it's not
23 life threatening?

24 A At that time --

25 MR. FLOYD: Your Honor, I object. I don't

SW - T. HARRELLSON - DIRECT

1 think he's been qualified as an expert in this
2 matter.

3 THE COURT: Sustained.

4 BY MR. CLEMENTS:

5 Q Okay. What type of training have you received in
6 as far as recognizing any type of critical injuries
7 or life threatening injuries, if any?

8 A First, certified first responder. I'm nationally
9 certified in emergency medical technician, none at
10 the time, but I'm a American heart instructor in
11 BCLS basic life safety.

12 MR. CLEMENTS: Your Honor, I submit he is
13 qualified to answer that question based on his
14 training and experience.

15 MR. FLOYD: Your Honor, I don't think a
16 basic life saving course qualifies one to testify
17 about carotid arteries and whether or not a
18 condition is life threatening.

19 THE COURT: I'll sustain the objection in
20 regard to that one question.

21 MR. FLOYD: Thank you.

22 BY MR. CLEMENTS:

23 Q Okay, all right. What did y'all do or you there
24 on the scene, what did you do as far as -- what
25 decision did you make as far as to seeking what type

SW - T. HARRELLSON - DIRECT

1 of medical treatment for this juvenile that was cut?

2 A We notified the Carolina Life Care which is a
3 helicopter service that we use to transport the
4 child to a trauma center because of his injuries
5 needing to go to a trauma center.

6 Q Okay. And why didn't you just wait on a
7 ambulance?

8 A The ambulance arrived shortly after I did, but he
9 needed to go to a trauma center and the faster you
10 get to a trauma center the faster they can be in
11 surgery and possibly save their life.

12 Q Okay. How — you had a pressure bandage on
13 there. Was he bleeding continuously or profusely or
14 sporadically or what —

15 A He was bleeding profusely.

16 Q Profusely bleeding?

17 A Yes, sir.

18 Q Okay. Now what other duties, if any, did you
19 have there at the scene?

20 A My duties were patient care, sir.

21 Q And once the helicopter came and took your
22 patient your job was done?

23 A Yes, sir.

24 Q Okay. Please answer any questions that Mr. Floyd
25 may have.

SW - A. GARVIN - DIRECT

1 MR. FLOYD: Your Honor, I don't have any
2 questions for this witness. Thank you.

3 THE COURT: You may step down, thank you.

4 MR. CLEMENTS: Your Honor, we ask that
5 Mr. Harrellson be relieved from his subpoena.

6 THE COURT: Any objection?

7 MR. FLOYD: No objection, Your Honor.

8 THE COURT: Thank you. Call your next
9 witness.

10 MR. CLEMENTS: Thank you, Your Honor. At
11 this time we call Andre Garvin.

12 WHEREUPON,

13 **ANDRE GARVIN,**

14 having been duly sworn by the Clerk of Court,

15 testified as follows:

16 **DIRECT EXAMINATION**

17 BY MR. CLEMENTS:

18 Q If you would, could you please tell the jury your
19 name and spell your name for the court reporter and
20 then tell us what you do.

21 A My name is Andre Garvin. That's A-N-D-R-E
22 G-A-R-V-I-N. I'm a police officer with the Mullins
23 Police Department.

24 Q How long have you been with the Mullins Police
25 Department.

SW - A. GARVIN - DIRECT

1 A About two-and-a-half years now.

2 Q Okay. Were you working the morning, early
3 morning of September 2010, September 17th?

4 A Yes, sir.

5 Q All right. Can you please tell this jury what
6 happened in regards to your getting called out to
7 any incidents.

8 A Well, that morning I was actually working night
9 shift with Corporal Alford and Sergeant Gregory
10 Pike. I was sitting on Main Street talking with
11 Sergeant Gregory Pike when the call was dispatched.
12 Corporal Alford was working the north side so of
13 course, he responded to the call. About two, three
14 minutes later Corporal Alford asked Sergeant Pike to
15 come over to Meadow Park Apartments to assist him
16 with clearing the residence. About another five
17 minutes or so I was dispatched to the apartment
18 building. When I arrived on scene I noticed a small
19 juvenile male standing on my right side. Two
20 females was holding a white T-shirt to a wound that
21 appeared, what appeared to be a wound on his neck.

22 Q How was — what was the appearance there as far
23 as blood?

24 A Well, the T-shirt was basically, it was blood
25 covering the T-shirt. You could see the blood

SW - A. GARVIN - DIRECT

1 coming through the T-shirt, yes, sir. I then
2 continued on back towards the, back to the apartment
3 where Corporal Alford and Sergeant Gregory Pike was
4 standing next to the door. I asked them where was
5 the victim. They told me that it was a lady in the
6 back room. I entered the back room, saw a lady
7 laying on the bed motionless where she didn't appear
8 to me to be breathing. I then turned around and
9 exited the apartment.

10 Q All right. What did you do there while you
11 remained at the scene? What did you do?

12 A Shortly after I exited the apartment at the time
13 Chief Kenny Davis arrived on scene. I helped secure
14 the scene. I also placed the juvenile, the one, —
15 it was two juveniles. The one that wasn't injured I
16 placed him in the back of the vehicle because he was
17 screaming.

18 Q When did you notice him come up?

19 A I noticed him shortly after I exited the
20 apartment, come back on scene.

21 Q Okay.

22 A Yes, sir.

23 Q All right. And he was, you said he was
24 screaming?

25 A Yes, sir. He was screaming — he was asking was

SW - A. GARVIN - DIRECT

1 his mother okay. He was asking where his mother at,
2 could he go see her.

3 Q Okay.

4 A Yes, sir.

5 Q And what did you have to do?

6 A We had to put him in the back of the police
7 vehicle because he was screaming. It was hard to
8 contain him. We didn't want him to be standing out
9 in the area and potentially go into the scene where
10 his mother was at the time of the scene.

11 Q And after that what did you do there at the
12 scene?

13 A I taped off -- well, we took the police line and
14 I roped off the area approximately maybe 50 yards
15 or out from the front of the apartment building in
16 each direction, and that way only EMS and the
17 emergency vehicles that was already in the scene was
18 allowed to be there and no one could come in and
19 contaminate the scene.

20 Q Lock. Well, how long did you stay there at that
21 scene?

22 A I stayed on the scene approximately about an
23 hour-and-a-half.

24 Q All right. When you left why did you leave?

25 Were you dispatched somewhere or did you just get

SW - A. GARVIN - DIRECT

1 relieved, why did you leave that crime scene?

2 A I left the scene because law enforcement was
3 actually dispatched and was looking for at what time
4 I believed to be Mr. Edwards, the subject Mr. Edward
5 Stackhouse. We got dispatched over to Gold Street.
6 Agent Mark Collins stated that he saw him over on
7 Gold Street. I got in my patrol car and proceeded
8 to go to Gold Street.

9 Q How far away was that from Meadow Park
10 Apartments?

11 A Probably about 3-miles. It was on the south side
12 of town so and I was on the north side so probably
13 about 3 miles.

14 Q Okay, all right. And you're proceeding to Gold
15 Street, what did you find when you got to Gold
16 Street?

17 A When I arrived on scene probably about 50 yards
18 or so ahead of me I noticed Mr. Stackhouse was
19 standing with Agent Collins, and he was at the time
20 in custody. Agent Collins then handed him over to
21 Lieutenant Gore which was already on scene. My
22 vehicle was at the back of the lines of all the
23 other cars so then at the time Chief Davis
24 instructed me to put, to escort Mr. Stackhouse to
25 the Mullins Police Department.

SW - A. GARVIN - DIRECT

1 Q Did you do that?

2 A Yes, sir.

3 Q Okay. When you got there to the police station
4 what, if anything, did you do with Mr. Stackhouse,
5 provide to him if anything?

6 A When I got to the Mullins Police Department,
7 myself along with Captain Mostowski, took
8 Mr. Stackhouse in the Mullins Police Department
9 restroom. We provided him with a yellow Marion
10 County department, it was a jump suit.

11 Q Is it orange or yellow?

12 A It was orange.

13 Q Okay.

14 A Yes, sir. We provided him with a jump suit. I
15 then began to collect Mr. Stackhouse's clothing and
16 items as possible evidence.

17 Q Okay. And when you collected those items what
18 did you do with them?

19 A I put them in the proper evidence bags and
20 secured them.

21 Q Okay, all right. Do you recall what those items
22 of clothing were?

23 A Yes, sir. I collected a pair of white and red
24 Air Jordans, two pair of socks. Well, a pair of
25 socks, blue jean shorts, and a white T-shirt.

SW - A. GARVIN - DIRECT

1 Q All right. I'm gonna show you what's been marked
2 State's Exhibit 4. You recognize that?

3 A Yes, sir.

4 Q How do you recognize that?

5 A I remember writing my name on it.

6 Q All right. And what are — what is this item
7 right here?

8 A There's the blue jean, one pair of blue jean
9 shorts.

10 Q And where did you collect these from?

11 A Mr. Edward Stackhouse.

12 Q And what were done with these shorts?

13 A I collected them, and they were taken in and put
14 into evidence locker so they would be taken — so
15 they can be taken to SLED or locked up in the
16 evidence locker.

17 Q So this was supposed to be taken to the SLED lab?

18 A Yes, sir.

19 MR. CLEMENTS: Your Honor, at this time we
20 move State's Exhibit 4 into evidence.

21 THE COURT: Any objections?

22 MR. FLOYD: No objection, Your Honor.

23 THE COURT: All right. State's Number 4
24 into evidence without objection.

25 (WHEREUPON, State Exhibit No. 4 was

SW - A. GARVIN - DIRECT

1 admitted into evidence.)

2 BY MR. CLEMENTS:

3 Q All right. I'm gonna show you what's been marked
4 State's Exhibit 2 for identification. Can you
5 identify that?

6 A Yes, sir.

7 Q What is this?

8 A Two pair of white Air Jordans and a pair of
9 socks.

10 Q Okay. Where did you get those from?

11 A Mr. Stackhouse.

12 Q And what did you do with these?

13 A Secured them in t he evidence bag so they could
14 be taken to SLED lab for processing.

15 Q Whose handwriting is that on that bag?

16 A Mine.

17 Q I'm gonna show you State's Exhibit Number 3. Can
18 you identify this.

19 A Yes, sir.

20 Q What is this?

21 A It's a white T-shirt that I collected from Mr.
22 Stackhouse.

23 Q Okay. And what did you do with it?

24 A I secured it in the evidence bag so it can be
25 taken to SLED for evidence.

SW - A. GARVIN - DIRECT

1 Q Okay, all right. And did you secure or collect
2 any other evidence?

3 A No, sir.

4 Q Okay.

5 MR. CLEMENTS: Your Honor, we move State's
6 Exhibit 2 and 3 into evidence at this time.

7 THE COURT: Any objection?

8 MR. FLOYD: No objection.

9 THE COURT: Exhibits 2 and 3 into evidence
10 without objection.

11 (WHEREUPON, State Exhibits Nos. 2 and 3
12 were admitted into evidence.)

13 BY MR. CLEMENTS:

14 Q Officer Garvin, do you remember SLED forensic
15 people coming on the scene while you were present

16 —

17 A Yes, sir.

18 Q —to the police department while you were
19 present?

20 A Yes, sir.

21 Q Do you remember which agents they were or their
22 names?

23 A. I remember it was a young — it was a young
24 female agent. I'm not sure of her name. But I know
25 I held on to the evidence until she collected it

SW - A. GARVIN - CROSS

1 from me.

2 Q Okay, all right. Now were those articles of
3 clothing?

4 A Yes, sir.

5 Q Okay, all right. What, if anything else, did you
6 have to do in this investigation?

7 A That was it, sir.

8 Q That concludes what you did?

9 A Yes, sir.

10 Q Okay. Officer Garvin, thank you very much.
11 Please answer any questions Mr. Floyd may have.

12 THE COURT: Mr. Floyd.

13 MR. FLOYD: Thank you, Your Honor.

14 **CROSS-EXAMINATION**

15 BY MR. FLOYD:

16 Q Officer Garvin, how are you?

17 A I'm doing well, sir.

18 Q Good. When you responded to the scene at the
19 apartments did you take any pictures or anything
20 like that?

21 A No, sir.

22 Q Okay. And then, of course, you said you
23 eventually ended up over on Gold Street, and that's
24 when you first saw Mr. Stackhouse?

25 A Yes, sir.

SW - A. GARVIN - CROSS

1 Q Is that right?

2 A Yes, sir.

3 Q Okay. When you first saw him you said he had on
4 a T-shirt and some shorts and a pair of Jordans, Air
5 Jordans?

6 A Yes, sir.

7 Q Okay. Was his T-shirt white?

8 A Yes, sir.

9 Q Okay. Did it appear to have a lot of blood on
10 it?

11 A I didn't notice -- I didn't notice the blood on
12 the T-shirt.

13 Q Okay.

14 A He was already taken into custody at the time so.

15 Q Okay. So he had handcuffs on?

16 A Yes, sir.

17 Q But you took him to the police department?

18 A Yes, sir.

19 Q Okay. Did you take any pictures of him --

20 A No, sir.

21 Q --while you were there?

22 A No, sir.

23 Q Did anybody else take any pictures of him?

24 A I'm sure an investigator took pictures of him.
25 That's not my job so.

SW - A. GARVIN - CROSS

1 Q I understand.

2 A Yes, sir.

3 Q Yeah, and I understand that might not be your
4 job. I'm just asking did you see anybody take any
5 pictures of him?

6 A I didn't see anybody take any pictures of him. I
7 did see people take pictures of him on scene on Gold
8 Street.

9 Q On the scene?

10 A Yes, sir.

11 Q Do you remember who did that?

12 A I'm not sure.

13 Q Okay. Now when you got to the police department
14 you said you took those clothes?

15 A Yes, sir.

16 Q Did the clothes when you got closer and you were
17 actually taking the clothes did you notice any blood
18 then?

19 A It might have been blood on the T-shirt. I'm not
20 going to say a hundred percent it was. I'm not
21 sure.

22 Q Okay. You can't say there was blood. There
23 might have been some kind of stain on the shirt; is
24 that what you're saying?

25 A I'm not sure. I just collected it and put it in

SW - A. GARVIN - REDIRECT

1 the bag.

2 Q Okay. You don't remember seeing a large volume
3 of stains on the shirt?

4 A Once again, I'm not sure. I just collected it
5 and put it in the bag.

6 Q Well, if you collected it, you just don't
7 remember?

8 A No, sir, I just don't remember.

9 Q Okay, all right. Very good. Thank you, Officer
10 Garvin.

11 A Yes, sir.

12 **REDIRECT EXAMINATION**

13 BY MR. CLEMENTS:

14 Q Officer Garvin, your testimony is you collected
15 it. Did you examine it?

16 A No, sir, I didn't examine it.

17 Q Okay. You collected it and put it in the bag?

18 A Yes, sir.

19 Q Whose job is it to examine it?

20 A SLED and the detectives that was there.

21 Q Okay.

22 A Yes, sir.

23 Q Thank you. No further questions.

24 THE COURT: All right, anything further?

25 MR. FLOYD: I don't have any other

SW - M. COLLINS - DIRECT

1 questions, Your Honor. Thank you.

2 THE COURT: You may step down.

3 MR. CLEMENTS: Your Honor, we'd ask

4 Officer Garvin be excused from his subpoena.

5 THE COURT: You're excused. Thank you.

6 MR. CLEMENTS: Your Honor, we call Mark

7 Collins.

8 WHEREUPON,

9 MARK COLLINS,

10 having been duly sworn by the Clerk of Court,

11 testified as follows:

12 DIRECT EXAMINATION

13 BY MR. CLEMENTS:

14 Q Can you please state your name for the record and
15 tell this jury what you do for a living.

16 A My name is Mark Collins. I'm employed with the
17 Marion County Sheriff's Office assigned to the
18 Marion County Combined Drug Unit as a drug agent.

19 Q And how long have you been with the Drug Unit?

20 A Almost four years now.

21 Q And prior to working with the Drug Unit where did
22 you work?

23 A Started my career in Marion P.D. '96 and then
24 went to the Sheriff's Office. Left the Sheriff's
25 Office, I went to Nichols, and then back with the

SW - M. COLLINS - DIRECT

1 Sheriff's Office. I have 16 years total law
2 enforcement experience.

3 Q All right. Do you recall being out early in the
4 morning on September, 10th -- excuse me,
5 September 17th, 2010?

6 A Yes, sir, I do.

7 Q Can you please tell this jury what you were doing
8 and if you got any kind of radio dispatch or not
9 that morning?

10 A I received a phone call first from my Lieutenant
11 Wallace advising me that Mullins needed our
12 assistance and meet at the Mullins Police Department
13 at 7:00. And so I was getting ready and I was on
14 the way to Fred's Restaurant.

15 Q Where is Fred's Restaurant?

16 A Fred's Restaurant is on Yarborough and Highway 76
17 in the city limits of Mullins. I reckon that's the
18 south part of town.

19 Q Going to get a little breakfast?

20 A To get a cup of coffee.

21 Q Okay.

22 A And right before -- I was coming down 917 in
23 Mullins 'cause I stayed on Azalea Drive which is
24 located in the city limits of Mullins on the south
25 side of town. I was traveling 917 turning right

SW - M. COLLINS - DIRECT

1 beside the tractor place there located on Highway 17
2 and Lloyd Street. I think that's the name of it.
3 Where I noticed a black male on a red white bicycle
4 wearing a light T-shirt, blue jean shorts, passed me
5 heading down Lloyd street heading towards South Main
6 Street. I kept on going, turned on Yarborough
7 Street, almost at Fred's when my lieutenant called
8 me again and advised me that the Mullins Police
9 Department was looking for a individual wearing what
10 I just saw, and I advised him that that person just
11 passed me. So I switched over to the Mullins Police
12 Department channel and notified them that I just
13 passed a person on Lloyd Street heading towards
14 south Main Street fitting the description of the
15 person they were looking for. So I turned around
16 and went down Main Street heading south, and I
17 turned right behind Bobby's Body Shop, which is
18 located on Main Street, Mullins, on the south end of
19 town. I turned on McDaniel Street I believe -- no,
20 I can't remember the name of that street right
21 there. But anyway, I was traveling where I saw the
22 subject again turn up in somebody's driveway. And I
23 pulled up behind him and he was knocking on the
24 door, and I asked the person to come here. And he
25 walked over, and I advised him that Mullins Police

SW - M. COLLINS - DIRECT

1 Department needed to speak with him, told him I
2 didn't know what it was pertaining to. Asked him
3 would he stay right here, and he was in front of my
4 patrol car holding his hands and his head was down.

5 At that time Brandon Gore, Lieutenant
6 Gore, pulled up and walked over to him, asked him
7 his name. He said my name is Edward Stackhouse.
8 Lieutenant Gore placed him in handcuffs, told him he
9 was under investigative detention. At that time
10 more units pulled up. Chief Davis, or at that time
11 Chief Davis pulled up, walked over to
12 Mr. Stackhouse, introduced himself to him and read
13 him his Miranda rights off the Miranda card. And he
14 said that, you know, after he read him his rights
15 Chief Davis asked him did he understand and
16 Mr. Stackhouse said yes. And then I walked away.

17 Q Now do you see the gentleman you saw there on
18 Gold Street on that bicycle in the courtroom today?

19 A Yes, sir, I do.

20 Q Can you please tell us where he is.

21 A Sitting right there at the table with the blue
22 shirt (pointing) and the blue tie on.

23 MR. CLEMENTS: Your Honor, may the record
24 reflect the witness has identified the defendant
25 Edward Stackhouse.

SW - M. COLLINS - DIRECT

1 THE COURT: The record will so reflect.

2 BY MR. CLEMENTS:

3 Q So you walked away at that time?

4 A I walked away and let them conduct the business,
5 what they were doing.

6 Q Okay. And you never had any conversation with
7 Mr. Stackhouse at all yourself?

8 A No, sir.

9 Q Ever hear him say anything whatsoever to Kenneth
10 Davis or anyone else?

11 A No, sir, not that I recall, just that he
12 understood his rights.

13 Q Yes, okay. And did you notice anything about his
14 clothing?

15 A When I was talking to him I did notice some,
16 like, red stains on his shirt.

17 Q A lot of them, small amount, big, little?

18 A Little, little small amount, little.

19 Q Okay, all right. Anything else?

20 A That's it.

21 Q Okay.

22 MR. CLEMENTS: Beg the Court's indulgence.

23 THE COURT: Uh-huh.

24 MR. CLEMENTS: Please answer any questions
25 Mr. Floyd may have.

SW - M. COLLINS - CROSS

1 THE COURT: Mr. Floyd.

2 CROSS-EXAMINATION

3 BY MR. FLOYD:

4 Q Other than your brief encounter with him on the
5 street, you didn't have any other part of this
6 investigation; is that correct?

7 A No, sir, I did not.

8 Q Okay, I don't have any other questions.

9 THE COURT: You're excused.

10 MR. CLEMENTS: Your Honor, we ask he be
11 released from his subpoena.

12 THE COURT: Any objection?

13 MR. FLOYD: No objections, Your Honor.

14 MR. CLEMENTS: Your Honor, this might be a
15 good time to take a little afternoon break, if we
16 may, Your Honor.

17 THE COURT: Members of the jury, let's
18 take a 15 minute break. If you need to smoke let
19 the bailiff know and they'll take you out and smoke.
20 If you need something to drink, get something to
21 drink, stretch your legs, use the restroom, but do
22 not discuss the case. All right, everybody else
23 will remain seated. The jury can go into the jury
24 room.

25 (WHEREUPON, the jury was removed from the

SW - N. GASQUE - DIRECT

1 courtroom at 4:00 p.m., and a recess was taken from
2 the proceedings.)

3 THE COURT: You can go ahead and bring out
4 the jury.

5 (Whereupon, the jury was returned to the courtroom.)

6 THE COURT: Solicitor, if you'd call your
7 next witness.

8 MR. CLEMENTS: Thank you, Your Honor. We
9 would call Sergeant Nicole Gasque.

10 WHEREUPON,

11 NICOLE GASQUE,
12 having been duly sworn by the Clerk of Court,
13 testified as follows:

14 DIRECT EXAMINATION

15 BY MR. CLEMENTS:

16 Q Could you please state your name and tell this
17 jury where you work.

18 A My name is Sergeant Nicole Gasque. I work for
19 Mullins Police Department.

20 Q And Sergeant, how long have you been in law
21 enforcement?

22 A Since July of 2005.

23 Q July of 2005. How long have you been with the
24 Mullins P.D.?

25 A Yes, sir, up till 2006 when I left — no, 2007

SW - N. GASQUE - DIRECT

1 when I left, went to highway patrol. I came back
2 within three weeks to Mullins Police Department.

3 Q Okay. And were you working September 17th, 2010
4 that morning?

5 A I was called in earlier to my duty to come into
6 work.

7 Q And why -- were you called in specifically for
8 this case?

9 A Yes, sir.

10 Q Can you please tell the jury why?

11 A At the point in time I was a school resource
12 officer at Mullins High School, and I was previously
13 a resource officer at Palmetto Middle School and I
14 knew both the victims, Daquan [REDACTED] and William

15 [REDACTED]

16 Q He also goes by the middle name [REDACTED]?

17 A [REDACTED].

18 Q Yeah. All right. And so you were called in why?

19 A Just to attend to William who was still upset,
20 and since he knew me they figured he'd be more
21 comfortable with me.

22 Q Okay. And can you tell me where you reported to
23 and what you found.

24 A I reported to Mullins Police Department at that
25 point in time. Him and his aunt Sandra Robinson was,

SW - N. GASQUE - DIRECT

1 at the police department, and I sat into the squad
2 room with them. And I was advised by Chief Davis at
3 the time to go ahead and get the statements from him
4 and his aunt.

5 Q Okay. And did you get them to write a statement
6 for you?

7 A Yes, sir.

8 Q Did you interview them in depth, or did you just
9 got them to write them?

10 A I just got them to write the statements.

11 Q Okay, all right. What kind of condition was
12 William in at that time?

13 A William was still crying, still upset. His aunt
14 was still holding him trying to keep him calm and
15 just doing the best we can to just keep him calm.

16 Q Was William the older or the younger of the two
17 brothers?

18 A He was the youngest.

19 Q Where — did you know the older brother Daquan?

20 A I did know Daquan.

21 Q Where was Daquan at this time?

22 A Daquan I was told was already transported to New
23 Hanover Hospital.

24 Q By helicopter?

25 A Yes, sir.

SW - N. GASQUE - DIRECT

1 Q Okay. So did you ever meet with him and talk
2 with him?

3 A No, sir.

4 Q Okay. After you finished talking with aunt
5 Sandra Robinson and talking with William B. [REDACTED] where
6 did they go from there?

7 A They remained at the police department.

8 Q Okay. And where did you go?

9 A I went to the crime scene Meadow Park Apartments
10 to relieve at the time Officer Alford.

11 Q Okay. He had been working more than 12 hours at
12 that time?

13 A Yes, sir.

14 Q What did you do at the crime scene?

15 A I just remained on scene while SLED was still
16 there processing the scene and —

17 Q Keeping it secure?

18 A Keeping the scene secure.

19 Q Okay. Did you have any other duties or any other
20 participation in this investigation?

21 A No, sir.

22 Q Okay. Did you participate at all in transporting
23 any evidence to the SLED lab or not?

24 A No, sir.

25 Q Okay. This is all that you did?

SW - N. GASQUE - CROSS

1 A Yes, sir.

2 Q Please answer any questions Mr. Floyd has.

3 THE COURT: Mr. Floyd.

4 MR. FLOYD: Thank you, Your Honor.

5 **CROSS-EXAMINATION**

6 BY MR. FLOYD:

7 Q Ms. Gasque, how are you today?

8 A I'm fine, sir.

9 Q Good. You stated that you got Mr. William B. [REDACTED]
10 to give a voluntary statement; is that correct?

11 A Yes, sir.

12 Q Okay. Was that in writing?

13 A Yes, sir.

14 Q Okay. And that was on the 17th of September; is
15 that right?

16 A Yes, sir, that morning.

17 Q Okay. And other than obtaining his statement and
18 going back to the crime scene that was -- that was
19 all you did?

20 A Yes, sir.

21 Q Okay. You weren't involved in the evidence
22 collection or anything like that?

23 A No, sir.

24 Q Okay. Thank you.

25 THE COURT: Anything further?

SW - N. GASQUE - REDIRECT

1 MR. CLEMENTS: Just something briefly.

2 REDIRECT EXAMINATION

3 BY MR. CLEMENTS:

4 Q Sergeant, Mr. Floyd asked you about taking
5 William's statement. Did you interview him or did
6 you talk with him or did you just give him a
7 statement and see —

8 A I just asked him to go ahead and write a
9 voluntary statement for the investigators.

10 Q You just gave him a sheet and asked him to?

11 A Yes, sir.

12 Q You didn't talk with him, find out how complete
13 it was or detailed, anything like that?

14 A No, sir.

15 Q Okay, thank you. No further questions.

16 THE COURT: Mr. Floyd.

17 MR. FLOYD: I don't have any other
18 questions, Your Honor. You're excused.

19 MR. CLEMENTS: Your Honor, we ask Sergeant
20 Gasque be released from her subpoena.

21 MR. FLOYD: No objections.

22 THE COURT: Thank you.

23 MR. CLEMENTS: Your Honor, we would call
24 officer Betty Rowell.

25 WHEREUPON,

SW - B. ROWELL - DIRECT

1 **BETTY ROWELL,**
2 having been duly sworn by the Clerk of Court,
3 testified as follows:
4 BY MR. CLEMENTIS:
5 Q Can you please state your name and tell this jury
6 where do you work, what you do.
7 A My name is Betty Rowell. I work with the Mullins
8 Police Department. I'm a corporal.
9 Q All right. Corporal Rowell, how long have you
10 been in law enforcement?
11 A Ever since November the 14th of 1992.
12 Q And how long have you been with Mullins P.D.?
13 A Ever since November 14th, 1992.
14 Q So you've been your whole career with Mullins
15 P.D.?
16 A Yes.
17 Q All right. Were you working the morning of
18 September 17th, 2010?
19 A Yes, I was.
20 Q Did you have any active participation yourself in
21 investigating this case or collecting any evidence?
22 A I did not.
23 Q Okay. Do other officers who aren't involved in
24 investigation sometimes get involved with evidence?
25 A They do.

SW - B. ROWELL - DIRECT

1 Q And what do they do when — what do you have to
2 do with evidence sometimes?

3 A Take it to SLED to be analyzed.

4 Q Okay. Somebody has to do that?

5 A Yes.

6 Q And it's oftentimes its not the officers that's
7 actually involved with the investigation?

8 A Correct.

9 Q Whoever is available to go?

10 A Yes, sir.

11 Q Okay. Do you have to go somewhere else like
12 Charleston or something to collect evidence?

13 A Yes, sir.

14 Q To what?

15 A To autopsies.

16 Q Autopsies? Did you go to autopsy in this case?

17 A I did not.

18 Q All right, did you have to take any items to
19 SLED?

20 A I did.

21 Q Do you recall what they were?

22 A They were already packaged up at the time. On
23 October the 18th of 2010 Captain Bethea at the time
24 asked me around 8, 8:30 in the morning, if I would
25 take some evidence to SLED that was already packaged

SW - B. ROWELL - DIRECT

1 up at the time I didn't know at the time. I
2 transported to SLED.

3 Q So you didn't know what it was, you just took the
4 packages?

5 A Correct.

6 Q So that puts you in the chain of custody; is that
7 right?

8 A Yes, sir.

9 Q Now can you explain to this jury how you received
10 the packages and how you give them to SLED?

11 A Okay. They were boxed up and packaged up to just
12 like you seen the officers that had the stuff, the
13 shirt, clothes, and shoes and I put it in the car
14 packaged and sealed up. I drive to SLED
15 headquarters. I come to the desk and I register. I
16 sign in, and I have to wait till an analyze person
17 is available. When they're available they tell me
18 they're ready to see me, I go back and we log all
19 the evidence in. We stamp the time, give it back to
20 me, and I come back to Mullins.

21 Q And at that time did y'all have evidence room in
22 Mullins?

23 A Yes, sir.

24 Q And the evidence is maintained, locked up, and
25 secured there?

SW - B. ROWELL - CROSS

1 A Yes.

2 Q Captain Bethea gives it to you?

3 A Yes.

4 Q You transport it to SLED. They log it in and
5 they secured it and log it in there as well; is that
6 correct?

7 A Yes, sir.

8 Q And what's the purpose for this?

9 A Make sure it's not tampered with, nobody messed
10 with it. It's to secure.

11 Q Prevent contamination?

12 A Yes, sir.

13 Q Is that all you had to do with this case?

14 A Yes.

15 Q All right, please answer any questions that
16 Mr. Floyd may have.

17 THE COURT: All right, Mr. Floyd.

18 **CROSS-EXAMINATION**

19 BY MR. FLOYD:

20 Q Corporal Rowell, how are you?

21 A I'm fine.

22 Q You didn't have anything to do with obtaining a
23 statement from Daquan B. [REDACTED] ---

24 A No.

25 Q ---after the 17th?

SW - B. ROWELL - CROSS

1 A No.

2 Q Okay. I want to show you a statement. Is that
3 your signature at the bottom of this paper?

4 A (Shakes head.)

5 Q It's not?

6 A It looks like I might have wrote on top of
7 something else and left it on there. I don't think
8 I wrote on that paper, a carbon copy or something
9 that was on top of it.

10 Q I see. So you didn't actually sign the bottom of
11 this statement?

12 A (Shakes head.)

13 Q Okay. You weren't present when that was —

14 A No.

15 Q When that statement was taken?

16 A No.

17 Q But that is your signature?

18 A That is my signature.

19 Q Okay, all right. Thank you. I don't have any
20 other questions. I appreciate it.

21 THE COURT: Anything further?

22 MR. CLEMENTS: No, Your Honor.

23 THE COURT: All right, have a good day.

24 MR. CLEMENTS: Your Honor, we would call

25 Keely Hucks.

SW - K. HUCKS - DIRECT

1 WHEREUPON,

2 KEELY HUCKS,

3 having been duly sworn by the Clerk of Court,
4 testified as follows:

5 BY MR. CLEMENTS:

6 Q Hi. Corporal, could you please state your name
7 and spell it for the court reporter and tell this
8 jury what you do for a living.

9 A It's Keely Hucks. That's K-E-E-L-Y Hucks,
10 H-U-C-K-S. I work for the Mullins Police Department
11 as a corporal.

12 Q And how long have you been working with Mullins
13 P.D.?

14 A I've been with Mullins Police Department since
15 September of 2009.

16 Q And were you working September 17th, 2010?

17 A Yes, sir.

18 Q All right, did you get called to get involved in
19 the death investigation of Sharon Stackhouse?

20 A Yes, sir. Captain Mostowski called me that
21 morning while I was on duty and asked me to attend
22 the body to the autopsy.

23 Q And what does that mean? What do you do?

24 A I went with the body to MUSC and observed the
25 autopsy being performed.

SW - K. HUCKS - DIRECT

1 Q And what is the purpose for an officer to go with
2 the body to and attend the autopsy?

3 A To make sure that the body and any evidence
4 that's required, you know, taken off the body during
5 the autopsy is secured and brought back to the
6 police station and maintained in the evidence room.

7 Q All right. And why do you need to bring it back
8 to maintain it in the evidence room?

9 A To secure it, to make sure that it's not tampered
10 with, and therefore it can be taken to SLED for
11 analysis.

12 Q Okay. On occasion do you have to go straight
13 from the autopsy to SLED?

14 A I'm not aware of that. That was my first
15 autopsy.

16 Q That was your first autopsy?

17 A Yes, sir.

18 Q So you remember it quite well I'm sure?

19 A Yes, sir.

20 Q Okay. Can you please tell this jury what, if you
21 recall, that you did collect and bring back and log
22 in the evidence room here?

23 A After the autopsy the nurse came out. She handed
24 over the clothing that Ms. Stackhouse had worn, some
25 jewelry, and also nail clippings and hair scalp that

SW - K. HUCKS - DIRECT

1 was pulled during the autopsy, and I had to sign for
2 it and then left to come back to Mullins.

3 Q Okay. When you got back to Mullins what did you
4 do with those items and what kind of list, if
5 anything, did you prepare?

6 A I entered them into our evidence log which is
7 located on the main server computer at the police
8 station. I then turned them over to Captain Bethea
9 who was still at the police department when I
10 arrived back and he then secured them.

11 Q Okay. And did you have any further participation
12 in this investigation?

13 A No, sir.

14 Q All right. Please answer any questions Mr. Floyd
15 may have.

16 THE COURT: Mr. Floyd.

17 MR. FLOYD: Your Honor, I don't have any
18 questions for Corporal Hucks. Thank you.

19 THE COURT: You have a good day.

20 MR. CLEMENTS: Your Honor, that's all we
21 have for this afternoon. We have a legal issue we'd
22 like to take up the remainder of the afternoon.

23 THE COURT: Members of the jury, I'm gonna
24 excuse you for the day. If you would, be back at
25 10:00 in the morning. Like I told you, when you get

1 home first the first thing your family is going to
2 do, say, tell me about that case, what's it about.
3 Tell them you're under a court order, yo u can't
4 talk about it until it's over. Then when it's over
5 you can do whatever you want to do. Don't read the
6 newspaper, don't watch the news, stay off the
7 internet. If you would, come back with a clean
8 fresh mind in the morning. All right, everybody
9 else remain seated. I'll see you at 10:00 in the
10 morning.

11 (WHEREUPON, the jury was removed from the
12 courtroom at 4:35 p.m., and the following
13 proceedings commenced in open court.)

14 THE COURT: Solicitor, let's do it.

15 MR. CLEMENTS: Your Honor, if I can.

16 THE COURT: All right, ready?

17 MR. CLEMENTS: Yes, sir.

18 (Video statement was played for the Court.)

19 THE COURT: Solicitor.

20 MR. CLEMENTS: Your Honor, we submit that
21 the statement was given freely and voluntarily.

22 THE COURT: All right. How about you,
23 Mr. Floyd?

24 MR. FLOYD: Your Honor, I certainly don't
25 — I do believe the statement was given freely, but

1 there are some exceptions of the statement that I
2 believe are prejudicial. I mean, they're discussing
3 prior CDVs and that sort of thing. I do believe
4 those parts need to be redacted. Your Honor, I
5 could certainly sit down with a laptop tonight with
6 a timer and hit specific portions tonight and then
7 show those to the Solicitor in the morning the ones,
8 that parts that I think need to be redacted and —

9 THE COURT: Good. For the record as I
10 found before, I find that he was properly
11 Mirandized, no question about that, and that the
12 statement was given freely and voluntarily. If
13 y'all will just redact the appropriate spot and make
14 sure you look at it before we play it if you play
15 it. And we'll go from there. Sounds good.

16 MR. CLEMENTS: Your Honor, I slipped out
17 to the bathroom. What time did you tell the jury to
18 be back?

19 THE COURT: I did that on purpose to give
20 y'all time to get it checked out and have it ready
21 to go.

22 MR. CLEMENTS: Yes, sir.

23 THE COURT: All right.

24 MR. CLEMENTS: Thank you, Your Honor.

25 THE COURT: Sounds good.

1 (WHEREUPON, the proceedings were concluded
2 for the day to be reconvened on May 16,
3 2012.)

4 THE COURT: Go ahead and bring them on
5 out.

6 (WHEREUPON, the jury was returned to the
7 courtroom at approximately 10:14 a.m., and
8 the following proceedings commenced in
9 open court.)

10 THE COURT: Good morning. All right,
11 Solicitor, if you would call your next witness.

12 MR. CLEMENTS: Thank you, Your Honor, if
13 it please the Court, we call Mr. Adam Rogers.

14 THE CLERK OF COURT: Mr. Rogers, if you'd
15 come and let me swear you in, sir. Place your left
16 hand on the Bible, raise your right hand.

17 WHEREUPON,

18 **ADAM ROGERS,**
19 having been duly sworn by the Clerk of Court,
20 testified as follows:

21 THE CLERK OF COURT: Thank you. You may
22 have a seat in the witness chair.

23 **DIRECT EXAMINATION**

24 BY MR. CLEMENTS:

25 Q Mr. Rogers, can you please state your name for

SW - A. ROGERS - DIRECT

1 the record and then if you would tell this jury what
2 you do for a living.

3 A My name is Adam Rogers. I'm currently supervisor
4 for Marion County EMS. I've been with Marion County
5 EMS approximately five years.

6 Q And EMS stands for what?

7 A Emergency Medical Service.

8 Q What is the name of your profession?

9 A Paramedic.

10 Q Can you please tell this jury what kind of
11 training and education and experience it takes to be
12 a paramedic, what qualifies you to be a paramedic.

13 A We go through approximately two years of school
14 which include anatomy and physiology, trauma advanced
15 life support, basic life support, pediatrics,
16 geriatrics, different disease processes. And then
17 once we complete all of that course we have to go
18 take the national boards, and then if we complete
19 that we'd be able to render care to patients and be
20 certified as a paramedic.

21 Q Now as a paramedic y'all render services to
22 patients in a certain type of situation; don't you?

23 A Yes, sir. It can be anything. It could be from
24 generalized illness and weakness. It could be from
25 trauma. It can be from the average toothache or all

SW - A. ROGERS - DIRECT

1 the way up to a heart attack, all the way to not
2 breathing, all the way to delivering a baby on the
3 side of the road.

4 Q And but it's always an emergency situation?

5 A Always it's emergency situation, yes, sir.

6 Q And once that emergency care is given by you you
7 refer them where?

8 A Depending on the location and also what is wrong
9 with the patient. If the patients has, was involved
10 in a severe accident involving for example a MVA,
11 and the patient was having severe hemorrhaging into
12 an area or severe head trama, I would try to get
13 them to a closest trauma facility which would have a
14 trauma surgeon on there once the helicopter lands or
15 transport lands to be able to treat the patient and
16 save the patient and give him better care than
17 trying to take them to a local facility and that
18 time frame will linger and swelling may occur and
19 then also the bleeding may intensify and then the
20 patient unfortunately the prognosis is very poor and
21 the patient dies.

22 Q Okay. Do you recall -- well, let me ask you
23 this, how do y'all -- and I say "y'all," I mean
24 paramedics and EMS personnel. How do y'all get
25 called out to a scene or called out to an event?

SW - A. ROGERS - DIRECT

1 A We're dispatched out by E 9-1-1. They receive a
2 phone call from the caller and then they dispatch us
3 out to the location and try to give us as much
4 information as possible of what is going on with the
5 call or at the scene.

6 Q Now do you recall working September 17th, 2010?

7 A Yes, sir.

8 Q And where were you working that day?

9 A We was approximately in the Mullins area which
10 would have been Mullins base.

11 Q And do y'all work shifts?

12 A Yes, sir, we work shifts. We work 24 on and we
13 work 48 off.

14 Q Okay. And you were in the middle of a 24 hour
15 shift during this time period?

16 A Correct, sir.

17 Q Do you recall getting a dispatch that morning
18 from 9-1-1?

19 A I do, sir.

20 Q Can you please tell this jury what was the nature
21 of that call, how you responded, where you went, and
22 what you found.

23 A We got dispatched out to a possible stabbing, two
24 patients, off of Dogwood, unknown injuries or
25 unknown if the suspect was still on scene. We

SW - A. ROGERS - DIRECT

1 acknowledged the call. We went in route with rescue
2 which would have been Mullins fire rescue and law
3 enforcement. Law enforcement arrived on scene
4 always before we to do secure the scene. Once they
5 advise us that the scene is secure we make our entry
6 on this. We made our entry in. As we pulled up we
7 walked through the front door. As we walked through
8 the front door we found a female laying on the bed.
9 Her shoulders was slumped up against the wall laying
10 straight on her back on the bed, obvious pool of
11 blood, large amounts of blood, approximately
12 estimated approximately one to maybe two liters of
13 blood. The shirt was saturated with blood clots has
14 already formed into the blood itself. Pupils was
15 already fixed and dilated. Had apparently stab
16 wound apparently to the left mid axillary region,
17 which is underneath the armpit, approximately two to
18 three ribs down, appeared the knife went upward.
19 And that anatomical location you've got certain
20 things that can be struck. The heart actually rests
21 here and then it tilts a little bit to the left. By
22 being struck like that that would be almost a dead
23 blow to the heart. And also you have your lungs
24 resting there too so you're talking copious amounts
25 of blood loss in a rapid amount of time. When we

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1 did get there we confirmed that she was deceased,
2 passed away. We confirmed it on a cardiac monitor,
3 from three leads assisted which means straight line.
4 Once we confirmed that, we found out the other
5 victim sitting up against the wall of the brick —

6 Q Let me stop you right there before we get to the
7 second victim. I want to show you what's been
8 marked as State's Exhibit 19 and tell me yes or no
9 can you identify this.

10 A Yes, sir.

11 Q And how does this compare to what you found that
12 day?

13 A That's exactly how we saw her. We see on the
14 marking on the left side. That's considered the
15 left mid axillary right underneath the armpit. You
16 look at it between the second and third rib; and if
17 you anatomical region, if you go over, that's almost
18 the thoracic cavity.

19 Q Okay. I'm gonna show you what's been marked
20 State's Exhibit Number 20. Do you recognize this,
21 yes or no?

22 A Yes, sir.

23 Q And how does this compare with what you found
24 that morning?

25 A It's the same as I just stated a while ago, sir.

SW - A. ROGERS - DIRECT

1 Q Okay, all right. And I'm gonna show State's
2 Exhibit 29. Do you recognize that?

3 A Yes, sir, that is the puncture wound, stab wound,
4 yes, sir.

5 Q All right.

6 (Pause while the defendant and Mr. Floyd review
7 photographs.)

8 MR. CLEMENTS: Your Honor, we would move
9 to enter State's Exhibit 19, 20, and 29 into
10 evidence at this time.

11 THE COURT: Any objection?

12 MR. FLOYD: No objection.

13 THE COURT: State's 19, 20 and 29 are in
14 evidence without objection.

15 MR. CLEMENTS:

16 (WHEREUPON, State Exhibits Nos. 19, 20,
17 and 29 were admitted into evidence.)

18 MR. CLEMENTS: Your Honor, we would
19 request permission for Mr. Rogers to step down from
20 the witness stand and stand in front of the jury
21 please, sir.

22 BY MR. CLEMENTS:

23 Q Mr. Rogers, you explained to me what State's
24 Exhibit 19 was, but the jury was not seeing that at
25 that time before it's moved into evidence. Now we

SW - A. ROGERS - DIRECT

1 can publish this. I would ask you to take State's
2 Exhibit 19, show this to these jurors and explain to
3 them what that is and how that was that morning that
4 you found that just like that.

5 A Okay. As you can see the female is laying on her
6 back against the bed. You can see obvious blood
7 saturated her pants already. If you look right here
8 which will be on her left side underneath the
9 ampit, a stab wound with was apparently right there
10 where her hand is most laying at as you can see it.

11 Q All right.

12 THE COURT: Make sure you walk all the way
13 down.

14 MR. CLEMENTS: And we got the alternate
15 sitting right here too, Mr. Rogers.

16 THE WITNESS: You see a large amount of
17 blood already saturated the shirt and work its way
18 all the way down to the pants as well.

19 BY MR. CLEMENTS:

20 Q And you were telling us about the area that was
21 stabbed. How quickly does that?

22 A If the knife, or whatever object was used to make
23 incision to that area, the heart you know, of
24 course, is a pump. And when we put a hole in it
25 it's gonna start spurting that blood out. So each

SW - A. ROGERS - DIRECT

1 time that heart actually beats, we're talking about
2 throwing blood out rapidly so death is pretty
3 rapidly.

4 Q All right. And if you'd come all the way down
5 here to make sure the alternate gets to see that as
6 well. All right, now I'm gonna ask you if you would
7 take State's Exhibit 20 which it's now in evidence.
8 If you would publish that to the jury and explain to
9 them what's there.

10 A As you can see, you can see her laying, laying on
11 the bed. Obvious blood saturation to the left side.
12 It's already saturated actually up underneath the
13 bed there as well and also down in her lower pants
14 area as you saw in the first one in the same
15 position.

16 Q And State's Exhibit 29, if you will explain that
17 to the jury, publish that to the jury as well.

18 A As you see the stab wound, it appears to look not
19 as small as far as the outer appearance, but
20 actually what happens when it goes through you have
21 internal organ, internal vessels. And once it
22 strikes it, the abdomen is very huge so it can hold
23 a lot of blood. But when it struck her, it hit her,
24 most likely hit the heart and major blood vessel and
25 when it did it caused rapid bleeding and the middle

SW - A. ROGERS - DIRECT

1 of the heart to pump.

2 Q Now that white sub— looks like a piece of
3 something there on her skin. What is that?

4 A That's actually EKG. Like I'd spoken of there we
5 performed EKG on her to confirm death, and that is
6 actually one of the pads that I actually left in
7 place.

8 Q All right. Thank you, Mr. Rogers. You can sit
9 back up there. Now did you know — you testified
10 about what — I'm sorry, step back down. Let me get
11 you to show one more thing please. Using me, if you
12 would, can you show this jury about where that
13 wound, that entry wound was.

14 A It's the left side of the body. The entry wound
15 appeared to have been in that area right there. But
16 if the entry wound have appeared to be right there
17 you have your heart rests right here. It would come
18 over to here so if you kind of line it up you're
19 looking dead center.

20 Q And the lung is there as well?

21 A Lung is there as well.

22 Q All right, thank you. What, if any, other
23 injuries did you notice on Ms. Stackhouse?

24 A At that time none, sir.

25 Q Just that one?

SW - A. ROGERS - DIRECT

1 A Stab wound, yes, sir.

2 Q Stab wound, okay. All right, now after you
3 confirmed she was deceased where did your attention
4 turn to?

5 A We focused on that second patient which was the
6 young male. Actually we found him sitting down on
7 the brick or cement leaning back on the brick wall
8 of the complex. Of course we always do a rapid
9 assessment. The rapid assessment covers from head
10 to the toe. We done a rapid assessment. Found
11 obvious puncture stab wound to the right flank and
12 also a stab wound to the back of the neck. After we
13 done that, we initiated a trauma alert which
14 actually means he's critical, anything can happen.
15 'Cause like I spoke before, any time you get stabbed
16 to the abdomen area there's so many vital organs we
17 have here, to you can bleed and don't know it until
18 you're really it's too late unless you right on a CT
19 scanner right then.

20 Q So then what, if any, ability do you have at that
21 time to determine how deep that stab wound was in
22 his abdomen?

23 A You cannot, sir.

24 Q Okay. So what do you have to assume?

25 A Index of suspicion. You have to look at it,

SW - A. ROGERS - DIRECT

1 where the mechanic injury applied, where it was at,
2 approximately stabbed with, and think, you know,
3 okay, if she was stabbed with a short knife, a long
4 knife. You know, we still have vessels there. Also
5 we got the liver there, and the liver was lacerated
6 or struck. The liver is very vascular. It's going
7 to cause large amounts of bleeding. Unfortunately,
8 your vital signs won't show all that until it's at
9 the last, latter stages, and death is sometimes
10 imminent as well, prognosis is not good as well. So
11 for me, I treated the wound, bandaged it, and also I
12 felt that he needed to go to a trauma center which
13 would have been New Hanover, which they would have
14 had a truma team there which then they can actually
15 go in there and make sure nothing is bleeding or
16 nothing is lacerated; and if it is, they can go
17 ahead and work on it rapidly and he would still be
18 alive or could still live.

19 Q Tell us about the injury to the neck.

20 A The neck area of the stab wound appeared to be
21 downward in motion. With the neck you have
22 vertebrae which is the cervical area which is
23 located back here. Any damage to a vertebrae and
24 C-1, cervical 1 or cervical 2, can cause paralysis
25 of the entire body. It also can make you quit

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1 breathing. So we were concerned about that. So any
2 movement, if he had any damage to his neck, if he
3 would have moved his neck or anything, you run a
4 risk of then having cervical damage with the child
5 could have been paralyzed for the rest of his life.
6 Or the child could have quit breathing due to
7 cervical fracture and death is imminent after that.

8 Q What ability did you have at that time to
9 determine how deep that neck wound was?

10 A You don't, sir.

11 Q Okay. What did you do -- your first job is to
12 make sure they're stabilized; is that correct?

13 A Yes, sir. I stabilized him, yes, sir.

14 Q And after you stabilized the young man what did
15 you do next?

16 A After we stabilized him we put a C collar and a
17 long spine board and we bandaged the wound to the
18 back of the neck to keep the spine, keep it in line,
19 and to keep the cervical in line so we won't have no
20 misplacing, none whatsoever. We started two large
21 bore IV lines, which consists of 18 gauge or up to a
22 16 gauge. We started fluid at a KVO rate, means
23 keep vein open. We don't want to give too much
24 fluids because if you give too much fluids it's
25 going to tend to thin the platelets, which is our

SW - A. ROGERS - DIRECT

1 clotting factor, and then the bleeding is going to
2 be more intense. So therefore, we got to give small
3 fluids to keep a blood pressure at least 90. So
4 that's how we treated as far as the fluids.

5 On his right flank area we also bandaged
6 that with a dressing to seal dressing to watch for
7 the bleeding. Then we palpated the abdomen area at
8 all four quadrants.

9 Q Can you tell us in layman's term what does that
10 mean when you palpate an area?

11 A Palpate means that you're touching. You're
12 feeling for certain things in the stomach, certain
13 deformities, any swelling, is it hard, stuff as
14 that.

15 Q What was his reaction when you palpated his
16 abdomen?

17 A Well, we palpated the right upper quadrant and
18 use, take a belly button actually split it, go this
19 way then come up. You got your right upper
20 quadrant, your left upper quadrant, and then below
21 your navel you got your right lower quadrant and
22 your left lower quadrant. You're putting them in
23 quadrants. In his right lower quadrant, when I
24 palpated the right upper quadrant he was very
25 tender. He told me he had a pain scale of 7 out of

SW - A. ROGERS - DIRECT

1 10 on the right upper quadrant.

2 Q All right. And after you — y'all finished your
3 stabilization and everything you could do for him
4 there on the scene, what did you do?

5 A After we finished everything we possibly could do
6 for him, the advanced helicopter was already
7 actually coming to us so I wanted to get him to New
8 Hanover, which would have been the trauma center,
9 due to his magnitude of injury. The flight crew
10 landed, put another paramedic on the ground with me,
11 also a nurse. They came into the ambulance as well.
12 Pretty much I told them my assessment that I found.
13 They looked back over it. They agreed with the
14 assessment and initiated a launch, and we flew him
15 to New Hanover to the trauma center.

16 Q Who called the helicopter to come?

17 A I did, sir.

18 Q Now part of your job is to assess his injuries.
19 What was your assessment of his injuries in relation
20 to a threat to his life or not?

21 A When I palpated the right upper quadrant he was
22 very tender. The blood itself does not like the
23 abdomen area at all, and it usually causes
24 tenderness when it swells. So when I palpated he
25 was very tender. And also, he made a grimace on his

SW - A. ROGERS - DIRECT

1 face as well so I knew it was 7 out of 10 tenderness
2 was actually really there. So I felt for sure, I
3 said, well if he's got, you know, a lacerated liver,
4 if I get him to a trauma facility where a surgeon can
5 actually go ahead and get in there, we can -- the
6 prognosis would be very good. If we go by ground
7 the potential of us then having to transport him to
8 another trauma facility would linger time; and I
9 didn't want to put that much time on a life where I
10 know I could get him to a trauma facility and I know
11 that he would have a surgeon at the door the time he
12 lands.

13 Q Okay. So this was a life threatening situation?

14 A Yes, sir. Any time you got any stab wound to the
15 belly and, you know, any stab wound to the back of
16 the neck, you know, it's -- any time you have
17 anything like that it is a potential that you have
18 organs you will bleed to death. You can bleed to
19 death inside.

20 Q Okay, all right. Beg the Court's indulgence one
21 moment.

22 THE COURT: Sure.

23 MR. CLEMENTS: Mr. Rogers, thank you so
24 much. I want to ask you if you would please answer
25 any questions Mr. Floyd has.

SW - A. ROGERS - CROSS

1 THE WITNESS: Yes, sir.

2 THE COURT: Mr. Floyd.

3 MR. FLOYD: Thank you..

4 **CROSS-EXAMINATION**

5 BY MR. FLOYD:

6 Q Mr. Rogers, how are you?

7 A Fine, sir.

8 Q Good. Mr. Rogers, you arrived at the scene and
9 you saw the young man you spoke of. How long did it
10 take you to perform your total assessment of him?

11 A Rapid assessment is no less than 10 minutes --
12 I'm sorry, 10 seconds, 'cause you're doing a rapid
13 assessment. Then you come back and do a detailed
14 assessment, and then you come back and you focus on
15 the objects or the items that you have found.

16 Q How long did you spend on that?

17 A It was less than probably I'd say 2 to 3 minutes.

18 Q 2 or 3 minutes?

19 A Yes, sir.

20 Q Okay. And within that 2 or 3 minutes you made
21 the determination to call a helicopter?

22 A Yes, sir.

23 Q Is that right?

24 A Yes, sir.

25 Q Okay. And of course, being a emergency person

SW - A. ROGERS - CROSS

1 like yourself, you're concerned with making sure
2 there's, you know -- you're not taking any
3 unnecessary risk; is that right? I mean, you don't
4 want to sit around for 10 minutes. You have to make
5 a snap judgment about whether to send somebody on
6 that trauma unit; is that right?

7 A Well, you have to actually-- you don't make a snap
8 judgment speaking in that snap judgment rationale.
9 You have to look at the mechanism of injury.

10 Q Sure.

11 A And then you have to decide whether your hospital
12 or the next hospital down can handle anything like
13 that; so therefore, you have to know what your,
14 capabilities of your surrounding facilities are
15 actually able to handle.

16 Q Now did you actually go to the hospital with the
17 patient?

18 A No, sir, he was air lifted out.

19 Q Okay.

20 A So patient care was transferred over to another
21 paramedic, which she was the same level of care I
22 was.

23 Q Okay. And so someone else actually went to the
24 hospital with him?

25 A Yes, sir.

SW - A. ROGERS - CROSS

- 1 Q Is that correct?
- 2 A Correct, sir.
- 3 Q Okay. And then at that point when he got to the
- 4 hospital he was turned over to —
- 5 A The medical staff.
- 6 Q —medical staff, doctors, nurses at the
- 7 hospital?
- 8 A Correct.
- 9 Q Okay. And of course, they would make the
- 10 ultimate determination as to what course of
- 11 treatment —
- 12 A Yes, sir.
- 13 Q —he received at that point; is that right?
- 14 A Yes, sir, they had all patient care after that,
- 15 yes, sir.
- 16 Q Okay, all right. And so at that point you don't,
- 17 you're not involved in knowing what the outcome as
- 18 far as diagnosis or anything like that?
- 19 A No, sir.
- 20 Q Okay. So ultimately you don't know the ultimate,
- 21 I guess, severity of the injuries?
- 22 A No, sir. You have what they call HIPPA law,
- 23 which I know you're probably familiar with, which
- 24 you cannot discuss it further after that.
- 25 Q Sure. Okay. So you basically just don't know

SW - A. ROGERS - CROSS

1 what the severity of those injuries were?

2 A No, sir.

3 Q Is that right?

4 A No, sir, we treat as we saw it.

5 Q You only know what your initial assessment was?

6 A We treated it as we saw it, sir.

7 Q Okay, all right. Thank you.

8 THE COURT: Anything further, Solicitor?

9 MR. CLEMENTS: No, Your Honor. We ask Mr.
10 Rogers be released from his subpoena.

11 MR. FLOYD: No objection.

12 THE COURT: You have a good day.

13 THE WITNESS: Yes, sir, thank you.

14 THE COURT: If you will call your next
15 witness.

16 MR. CLEMENTS: Your Honor, at this time we
17 would call Chief Michael Bethea.

18 WHEREUPON,

19 MICHAEL BETHEA,
20 having been duly sworn by the Clerk of Court,
21 testified as follows:

22 **DIRECT EXAMINATION**

23 BY MR. CLEMENTS:

24 Q Could you please state your name for the record
25 and let us know where you work, what you do.

SW - M. BETHEA - DIRECT

- 1 A My name is Michael Bethea. I'm chief of police
2 at the Mullins Police Department.
- 3 Q And can you please tell us how long have you been
4 in law enforcement?
- 5 A 29 years.
- 6 Q And that 29 years has been spent where?
- 7 A With the Mullins Police Department.
- 8 Q And you started 29 years ago as what?
- 9 A As a regular patrol officer.
- 10 Q Okay. And then you went from patrol officer to
11 what?
- 12 A To corporal, and from corporal I went to
13 lieutenant, and from lieutenant I went to captain
14 and then I'm chief.
- 15 Q Okay. And did you move from patrol to
16 investigations during that time frame?
- 17 A No, sir, I moved to investigations in 1990.
- 18 Q All right. And then became lieutenant and
19 captain of investigations?
- 20 A Yes, sir.
- 21 Q Okay. And you're currently now chief?
- 22 A Yes, sir.
- 23 Q And were you the chief in 2010?
- 24 A No, sir.
- 25 Q What was your rank and what did you do for the

SW - M. BETHEA - DIRECT

1 Mullins P.D. in 2010?

2 A I was -- I was -- I held the rank of captain and
3 I was the on-call investigator that night.

4 Q All right. Who was the chief at that time?

5 A Kenneth Davis.

6 Q And what does Chief Davis now do?

7 A He is the city, city administrator.

8 Q Okay. So you were on-call that morning?

9 A Yes, sir.

10 Q Can you please tell this jury how you were
11 informed about this incident and what you did.

12 A Well, the morning of the incident I received a
13 call from the shift, from the shift supervisor,
14 which I think at that time was Sergeant Gray Pike.
15 Stated that they was on scene at Meadow Park, and
16 they had a female victim that had been stabbed and
17 her 15 year old son, had been stabbed also; and that
18 the chief, Chief Davis was already on scene, and
19 that the female victim had already, had already
20 passed.

21 Q All right. And after you received all that
22 information where were you when you received this
23 information?

24 A I was home.

25 Q All right. What did you do after receiving this

SW - M. BETHEA - DIRECT

1 information?

2 A I got dressed and I got in my patrol car and got
3 to Mullins as quick as I could which took me
4 approximately 20 minutes.

5 Q And when you got there to the scene what did you
6 find there and who all was on the scene at that
7 time?

8 A When I arrived on scene I met with Sergeant Pike
9 first, and we went through the apartment. I also
10 talked with Chief Davis. And after entering the
11 apartment I noticed there was a long blade butcher
12 knife laying in front of the couch in the living
13 room. And we proceeded on through and we went to
14 the back bedroom where the victim was at.

15 Q All right. And what officers were on scene
16 there?

17 A Chief Davis, Sergeant Pike, Officer Garvin, and
18 Officer Alford.

19 Q Officer Alford?

20 A Yes, sir.

21 Q All right. And you recall which officer you had
22 pick up the knife and secure the knife?

23 A Officer -- Officer Alford had secured the knife.

24 Q Okay, all right. And what else, if anything, did
25 you notice that to you was significant there in the

SW - M. BETHEA - DIRECT

1 living room when you first went in?

2 A Well, there was several empty beer cans, and
3 there was one or two liquor bottles there.

4 Q Okay. All right, and did you proceed through the
5 rest of the house?

6 A Yes, sir.

7 Q How many rooms were there that you were going
8 into?

9 A When you first walk in you walk into the living
10 room sort of kitchen area. Then there's the bedroom
11 where the victim was at, and then across from that
12 from her bedroom was the boy's bedroom.

13 Q Okay. And how many bathrooms were present there?

14 A One.

15 Q Okay. Did the officers that cleared the
16 apartment, did they take you into each room?

17 A They took me in every room except the bathroom.

18 Q Okay, all right. And what did you do as far
19 as -- did you have any duties as far as processing
20 that scene or actually collecting any evidence other
21 than Alford picking up the knife?

22 A No, sir. After --

23 Q Why not?

24 A Well, we had already called for SLED, SLED crime
25 scene..

SW - M. BETHEA - DIRECT

1 Q Okay.

2 A And as ---

3 Q Why did you call SLED crime scene? Tell us how
4 the agencies work together. Remember, we're in the
5 age of all these TV shows and we want to talk about
6 reality now here so tell us about investigations and
7 crime scene and the different agencies that work
8 with Mullins P.D. and why.

9 A Well, SLED is a assisting agency to the smaller
10 departments.

11 Q For the whole state?

12 A Yes, sir, for the whole state.

13 Q Okay.

14 A And we are a small agency, and we are not
15 equipped to process a crime scene as well as SLED
16 can due to manpower.

17 Q Do they have whole crews that that's the only job
18 they do is go process crime scenes?

19 A Yes, sir.

20 Q Okay. And is that what y'all called and asked
21 for?

22 A Yes, sir.

23 Q All right, okay. Now as you walk through did you
24 notice evidence of anyone else being there other
25 than Ms. Stackhouse? Did you see her?

SW - M. BETHEA - DIRECT

- 1 A Yeah, I saw her. And when I first arrived on
2 scene the helicopter was lifting off with the other
3 victim.
- 4 Q Daquan [REDACTED]
- 5 A Yes, sir.
- 6 Q Did you have any opportunity to talk with him
7 that day?
- 8 A No, sir.
- 9 Q Okay. Did you have opportunity to talk to him
10 later?
- 11 A I talked with him later.
- 12 Q Okay, all right. What did you do after they took
13 you through the crime scene and you knew exactly
14 what you had and y'all called for SLED forensics?
15 What did you do next?
- 16 A Well, after we -- after I did my observation of
17 the scene I left out. And if I'm not mistaken I
18 believe it was Officer Garvin or Sergeant Pike, one,
19 said they had a possible suspect thing.
- 20 Q Okay.
- 21 A Which was Edward Stackhouse.
- 22 Q All right.
- 23 A And so I said, okay, well, let's try to find him.
- 24 Q Okay.
- 25 A So we left the scene with Officer Alford, and

SW - M. BETHEA - DIRECT

1 myself along with several other officers, we
2 proceeded to look for him.

3 Q And now let me ask you this, and this is going to
4 back up. I might be skipping ahead, but excuse me
5 if I am. What, if anything, did that apartment
6 complex have as far as any surveillance or security
7 or anything of that nature?

8 A It has cameras, surveillance cameras.

9 Q All right. It had surveillance cameras for
10 security at that apartment?

11 A Yes, sir.

12 Q All right. And who ran those apartments?

13 A I'm not exactly sure the name of the company that
14 owned it.

15 Q Are they housing authority apartments?

16 A No, sir.

17 Q They're not?

18 A No, sir.

19 Q All right. What did you do as part of your
20 investigation to secure any video they might have
21 from the security cameras?

22 A I went to the office later on that day and spoke
23 with the site manager and —

24 Q After speaking with the site manager what did you
25 do?

SW - M. BETHEA - DIRECT

1 A I was able to get a copy of the video showing
2 Edward Stackhouse leaving the apartment.

3 Q All right. I'm going to show you what's been
4 marked for identification as State's Exhibit 34.
5 You know what this is?

6 A Yes, sir.

7 Q What is it?

8 A It's a copy of the video showing Edward
9 Stackhouse leaving the apartment on his bicycle.

10 Q Okay. When y'all get a copy of the video what do
11 y'all do to maintain it for presentation in court?

12 A It is logged into our evidence locker.

13 Q Okay. Then y'all put it on computer disk?

14 A Yes, sir.

15 Q All right.

16 MR. CLEMENTS: Your Honor, at this time we
17 move State's Exhibit Number 34 into evidence.

18 THE COURT: Any objection?

19 MR. FLOYD: No objection, Your Honor.

20 THE COURT: State's 34 into evidence
21 without objection.

22 (WHEREUPON, State Exhibit No. 34 was
23 admitted into evidence.)

24 BY MR. CLEMENTS:

25 Q Now Chief Bethea, did y'all maintain this — is

SW - M. BETHEA - DIRECT

1 this one of your staff, is this your handwriting on
2 here labeling this disk?

3 A That's one of my staff's.

4 Q Okay, all right.

5 MR. CLEMENTS: Your Honor, we're gonna
6 publish this at this time. We're not? Sorry, Your
7 Honor, we got a technological thing we have to do
8 with this to make it play on that TV so we're going
9 to have to show this later.

10 BY MR. CLEMENTS:

11 Q All right, this is what you retained?

12 A Yes, sir.

13 Q Did you review —

14 A Yes, sir.

15 Q —that video?

16 A Yes, I did.

17 Q All right. And what mode of transportation did
18 you observe on that video?

19 A That Edward Stackhouse left the apartment on
20 bicycle.

21 Q Okay, all right. Did y'all later identify the
22 bicycle or get a bicycle?

23 A Yes, sir, when —

24 Q Can you tell us how that happened that you were
25 able to get this bicycle.

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1 A Well, Officer Collins with the Marion County
2 Combined Drug Unit actually spotted Edward
3 Stackhouse. He was at a residence on Gold Street,
4 and we was able to get the bicycle from there.

5 Q All right. Well, let me ask you this, what's a
6 A-P-B?

7 A All points bulletin.

8 Q Okay. Did y'all initiate any all points bulletin
9 that morning?

10 A Yes, sir.

11 Q All right. And what exactly is all points
12 bulletin for the jury? Tell how that works.

13 A Well, an all points bulletin is information that
14 is given out, given out to the surrounding agencies
15 to be on the lookout for a certain vehicle or either
16 a certain person.

17 Q Okay. And did y'all put an all points bulletin
18 out to be on the lookout for?

19 A Yes, we did.

20 Q All right. And was that based on information
21 y'all gathered?

22 A Yes, sir.

23 Q Okay. And is that what Mark Collins heard that
24 over the radio responded to?

25 A Yes, sir.

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1 Q Okay. And you said that was on Gold Street where
2 Mr. Stackhouse was found. Did you go to Gold
3 Street?

4 A Yes, I did.

5 Q Can you tell us what you found when you got to
6 Gold Street.

7 A Well, when I arrived on Gold Street Chief Davis
8 was already there and Mr. Stackhouse was already in
9 cuffs and Chief Davis mirandized him before anything
10 was done. He —

11 Q Did you hear that and observe that?

12 A Yes, sir, I was standing right next to Chief
13 Davis.

14 Q Okay. All right, did you observe any vehicles or
15 anything other than law enforcement vehicles there?

16 A Only other vehicle was there, there was, if I'm
17 not mistaken I think the bicycle was red and white.
18 It was in the yard.

19 Q All right. I'm gonna show you what's been marked
20 State's Exhibit 33 for ID. You recognize that?

21 A Yes, sir.

22 Q What is that?

23 A That's the bicycle that Edward Stackhouse was
24 riding.

25 Q All right. And what did y'all do with that

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1 bicycle when it was at Gold Street?

2 A We took the bicycle and we carried it up to the
3 police department.

4 Q All right.

5 MR. CLEMENTS: Your Honor, at this time I
6 move State's Exhibit 33 into evidence.

7 THE COURT: Any objection?

8 MR. FLOYD: No objection.

9 THE COURT: State's 33 in evidence without
10 objection.

11 (WHEREUPON, State Exhibit No. 33 was
12 admitted into evidence.)

13 BY MR. CLEMENTS:

14 Q And why did y'all take the bicycle up to the
15 police station?

16 A Because we wanted SLED crime scene to process it
17 for us, —

18 Q Okay.

19 A —to collect any evidence that Edward was on.

20 Q And did they come — did SLED crime scene come to
21 the police station as well as to the apartments?

22 A Yes, sir.

23 Q Okay. And did they process, swab that bicycle?

24 A Yes, sir.

25 Q Okay. All right, now let me back up, before you

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1 went to Gold Street did you do anything else other
2 than make sure the apartment was secured for SLED
3 crime scene units —

4 A No, that's all.

5 Q —before you left?

6 A That's all I did.

7 Q Okay. And then from there you went where?

8 A We — after I left Meadow Park I rode around
9 looking for the suspect which was Edward Stackhouse.

10 Q And what caused you to go to Gold Street?

11 A Whenever the radio transmission came across the
12 air, if I'm not mistaken I believe it was Deputy
13 Collins said he had the suspect on Gold Street.

14 Q And that's what caused you to go to Gold Street?

15 A Yes, sir.

16 Q And you got to Gold Street, you found chief, then
17 Chief Davis was already there?

18 A Yes, sir.

19 Q All right. Did you participate in talking with
20 anybody there at that time, or did you do anything
21 there at Gold Street other than come up and observe?

22 A No, sir, that's all I did.

23 Q All right. Who actually took the bicycle back to
24 the police department?

25 A If I'm not mistaken I believe it was Lieutenant,

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1 Lieutenant Gore put it in the trunk of his car.

2 Q Brandon Gore?

3 A Yes, sir.

4 Q And when you left Gold Street where did you go?

5 A When I left Gold Street I went up to the police
6 department.

7 Q All right. And when you got to the police
8 department what did you do there?

9 A When I got up to the police department I — they
10 had Edward Stackhouse in the day room, the day room
11 they call it.

12 Q Okay.

13 A And —

14 Q Was he still clothed in the clothes he originally
15 had on?

16 A Yes, sir.

17 Q Okay. What, if anything, did you direct them to
18 do?

19 A I told them, you know, we needed to, we needed to
20 take his clothes, get his clothes, and —

21 Q What was the purpose in taking his clothes?

22 A To collect them as evidence.

23 Q Okay. And what would you want to do? What was
24 your intent to do with those clothes later?

25 A To turn them over to SLED so they could be

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1 processed.

2 Q Okay. Did you do that?

3 A Yes, sir.

4 Q Okay. All right, after getting Mr. Stackhouse's
5 clothes did y'all give him something to wear?

6 A Yes, I had one of the officers to go out to the
7 county jail to give one of their orange suits for
8 him to put on.

9 Q All right. And what did you do with
10 Mr. Stackhouse after that?

11 A After that we took Mr. Stackhouse upstairs to my
12 office.

13 Q Okay. And what did you take him upstairs to your
14 office for?

15 A I carried him up to my office so that myself
16 along with Chief Davis could talk with him about
17 what took place at Meadow Park.

18 Q Okay. All right, and before you talk to someone
19 who's a suspect in a crime, is there any procedure
20 or what type of process do you go through when you
21 talk to somebody who is actually a suspect?

22 A Mirandize him, read them their rights.

23 Q All right, when you say mirandize, and we assume
24 that people know from TV a lot of things, but tell
25 us specifically and accurately what does that mean

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1 when you mirandize somebody?

2 A We read them the rights. You know, you have a
3 right to remain silent. Anything you say can and
4 will be used against you in a court of law. If you
5 cannot afford an attorney one would be appointed to
6 represent you. That's what I read to him.

7 Q Okay. That's pretty good off the top of your
8 head, but do you do it off the top of your head or
9 do you actually read it to him to make sure you
10 cover everything?

11 A No, I read it from our Miranda form.

12 Q Okay. To your knowledge had he been mirandized
13 or not prior to you sitting with him in your office?

14 A Yes, he had.

15 Q Where had he been mirandized?

16 A He was mirandized on Gold Street by Chief Davis.

17 Q But you didn't talk to him there?

18 A No, sir.

19 Q Why didn't you go ahead and talk to him there?

20 A Well, it wasn't the proper area to talk to him.

21 Q Too much going on?

22 A Too much going on and it just wasn't the proper
23 place.

24 Q Okay. All right, and your office, how
25 comfortable is your office?

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- 1 A My office is very comfortable.
- 2 Q All right. What did you to do make Mr.
- 3 Stackhouse comfortable?
- 4 A We fed him, we gave him something to drink, and I
- 5 also let him smoke my cigarettes.
- 6 Q Okay.
- 7 A We tried to make him as comfortable as possible.
- 8 Q Now you said you read to him off a Miranda form.
- 9 A Yes, sir.
- 10 Q What's the difference between the Miranda form
- 11 and a Miranda card. I've heard both be referred to.
- 12 A Well, we carry Miranda cards also and we also use
- 13 the form. And the difference is, when reading off
- 14 the form you can get that individual to sign it.
- 15 Q And you let them read it themselves as well?
- 16 A Yes, sir.
- 17 Q Do you carry a card with you?
- 18 A Yes, sir, I carry several.
- 19 Q Okay. I'm gonna show you what's been marked
- 20 State's Exhibit 35. I believe it's already been
- 21 admitted into evidence. You recognize that?
- 22 A Yes, sir.
- 23 Q What is that?
- 24 A Mullins Police Department Miranda warning.
- 25 Q Okay. All right, if you would please with the

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1 Court's permission, I'm gonna ask you to step down
2 here in front of this jury, and I want you to show
3 them this form and there's a different sections of
4 this form.

5 A Yes, sir.

6 Q And I'm gonna ask you, if you would, to explain
7 what these different sections are, explain to the
8 jury what's on this form, and who wrote on this form
9 and where.

10 A Okay.

11 Q All right. And this is State's Exhibit 35.

12 A Okay. This is our Miranda form. And at the top
13 of the form we put the case number, the location
14 which was Mullins Police Department, the date which
15 is September 17th, 2010. And I also, I always put
16 the time that I read the form. And the middle
17 section here is actually the rights which it says:
18 "You have the right to remain silent. Anything you
19 say can and will be used against you in a court of
20 law. You have the right to speak with an attorney
21 and have him or her present while you are being
22 questioned. If you cannot afford to hire an
23 attorney one would be appointed to represent you
24 before any questioning if you wish. You can decide
25 at any time to exercise your rights and not answer

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1 any questions or make any statement." Then the next
2 set of questions is: "Do you understand each of
3 these rights I have explained to you." That takes
4 either a yes or no answer. And then the next
5 question is: Having these rights in mind do you
6 wish to talk with us now, which that also requires a
7 yes or no answer.

8 Q Which did he circle?

9 A He circled yes on both of them.

10 Q Okay. And what is that written out by the side
11 of each question?

12 A Beside each question is Edward Stackhouse's
13 initials.

14 Q Who put those initials on there?

15 A He do. He did.

16 Q Okay.

17 A And it's just one of my preference that I like to
18 do and —

19 Q And tell me this, Chief, why are these questions
20 that you ask him and these things you read to him,
21 why are they so important that you do to a suspect?

22 A So that, you know, their rights are not — is not
23 violated. That at any time if we're talking with
24 somebody and they say I don't want to talk anymore,
25 then everything stops.

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1 Q Okay. So you don't force them to do that. You
2 want to make sure they understand what they're
3 doing?

4 A That's correct.

5 Q Now let me ask you this and -- I'll tell you
6 what, go ahead and continue and get to the end and
7 I'll go back.

8 A Okay. Now the next set down here is the waiver
9 and it says: "I have read this statement of my
10 rights and I understand what my rights are. I'm
11 willing to make a statement and answer questions. I
12 do not want an attorney at this time. I understand
13 and know what I am doing. No promise or threats has
14 been made to me. No pressure of any kind has been
15 used against me in exchange for my statement." Now
16 I also read that to him, and I also gave him this
17 form to read also. And after he read it I had him
18 to sign it. I signed it as a witness and I put the
19 time.

20 Q All right. So what time did you actually start
21 going over that form with him?

22 A It was 1:12 p.m.

23 Q Okay. And what time did you end?

24 A 1:15 p.m.

25 Q Okay. Now that was several hours after he had

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1 been picked up; is that correct?

2 A That's correct.

3 Q You can sit back on the witness stand. Tell this
4 jury what -- where was Mr. Stackhouse during that
5 time period before you started this process, and
6 what did y'all do, if anything, to make him
7 comfortable during that time period which is kind of
8 a lengthy time period?

9 A Yes, sir. Well, he was down in the squad room
10 for a while. Then we, like I said, then we took him
11 up to my office. And the reason he was downstairs
12 for such a lengthy time was because whenever SLED,
13 whenever one of the members from SLED crime scene
14 got there they also processed him.

15 Q When you say they processed him what exactly do
16 they do?

17 A Well, they check his hands for any wounds,
18 checked his hands for any blood.

19 Q Okay, all right. And y'all had to wait on them
20 to do all that?

21 A Yes, sir.

22 Q And you -- did you not want him to be writing or
23 doing anything prior to that?

24 A No, sir.

25 Q Why not?

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1 A Because if he had any kind of evidence on him,
2 with him doing anything else would have probably
3 either it would probably gotten rid of, gotten —
4 excuse me, probably gotten rid of the evidence.

5 Q Okay, all right. Now during this time period
6 that you went over the miranda with him how close
7 were you to him?

8 A Probably about from me to the judge.

9 Q Okay. Were you able to observe what his demeanor
10 was?

11 A Yes, sir.

12 Q Were you able to observe if he was understanding
13 the process in your conversation?

14 A Yes, he was.

15 Q Okay. Well, tell the jury what was his demeanor
16 and how do you feel about whether he was able to
17 understand what was going on and was in his right
18 mind or in his right senses?

19 A He was calm. You know, he didn't seem to be
20 upset any. He was just normal. You know, I've
21 known Edward for a while and he was just Edward.

22 Q Okay. And he wasn't out of it or under the
23 influence of anything so he didn't understand what
24 was going on?

25 A As we took it he understood everything that was

SW - M. BETHEA - DIRECT

1 going on.

2 Q Okay, all right. Did you take a statement from
3 him at that time?

4 A Yes, we did.

5 Q Okay. You say "we". After you finished
6 mirandizing him — well, when you started
7 mirandizing him who all was in your office?

8 A When I started mirandizing myself, Edward, and
9 then Chief Davis came in.

10 Q Okay, all right. And who took the statement from
11 him?

12 A Chief Davis did.

13 Q All right. And you were present?

14 A Yes, sir.

15 Q You were there the whole time?

16 A The whole time.

17 Q Okay. And what did y'all do to preserve that or
18 to make a record of that statement?

19 A We video recorded it.

20 Q Okay. And did you maintain that recording?

21 A Yes, sir.

22 Q Okay, all right. Now after you finished getting
23 his statement what did you do with Mr. Stackhouse?

24 A After we finished with the statement he wanted
25 to — he wanted another cigarette. I gave him

SW - M. BETHEA - DIRECT

1 another cigarette and then had an officer to
2 transport him to the county jail.

3 Q All right. So he was arrested?

4 A Yes, sir.

5 Q And what did y'all charge him with at that time?

6 A He was charged with murder, attempted murder, and
7 possession of a weapon during a violent crime.

8 Q Okay. After he was transported to the detention
9 center what did you do next as far as this process
10 of investigation?

11 A After that I went back to — I went back to
12 Meadow Park, and I picked up a copy of the video of
13 Edward leaving the apartment.

14 Q Okay. And after you did that where — did you
15 stay there? Was the crime scene still being
16 processed at that time, or were they done by then?

17 A They was done.

18 Q Okay. Now where did you go from there? What did
19 you do next?

20 A That was just about it.

21 Q Okay. Was there anybody else that you took any
22 statements from, anybody else that you interviewed
23 yourself?

24 A Yes, sir. The only other person I interviewed
25 was Daquan, but that was approximately a week later.

SW - M. BETHEA - DIRECT

1 Q Okay. And that was the young man that got
2 stabbed as well?

3 A Yes, sir.

4 Q And where did you interview him at?

5 A At Mullins High School.

6 Q Okay. Anything else you did involved in this
7 investigation?

8 A No, sir.

9 Q All right. How about transporting or
10 transmitting any evidence to any other agencies or
11 any other law enforcement personnel?

12 A No, sir, only we had another officer to transport
13 the evidence.

14 Q All right. How about the clothes and that were
15 taken from Mr. Stackhouse, what were done with
16 those?

17 A They was handed over to SLED crime scene —

18 Q Okay.

19 A —that day.

20 Q How about the knife?

21 A It was handed over to SLED crime scene that day.

22 Q And where did they transport it to?

23 A To Columbia.

24 Q To the SLED lab?

25 A Yes, sir, to headquarters.

SW - M. BETHEA - CROSS

1 Q Okay.

2 MR. CLEMENTIS: All right, beg the Court's
3 indulgence a moment.

4 THE COURT: Sure.

5 MR. CLEMENTIS: Please answer any questions
6 Mr. Floyd has.

7 THE COURT: Mr. Floyd.

8 MR. FLOYD: Thank you, Your Honor.

9 **CROSS-EXAMINATION**

10 BY MR. FLOYD:

11 Q Chief Bethea, how are you? Chief, when you
12 arrived at the scene you went inside the apartment
13 building; is that right?

14 A Yes, sir.

15 Q Okay. And you didn't collect any evidence or do
16 anything like that? You just viewed the scene
17 basically?

18 A That's it. That's all.

19 Q Okay. How long were you there at the scene?

20 A Approximately 15, 20 minutes.

21 Q Okay. So you left there. And did you say you
22 checked on a surveillance video; is that right?

23 A Yes, sir, that was later on.

24 Q That was later?

25 A Yes, sir.

SW - M. BETHEA - CROSS

1 Q Okay. And you immediately went to -- where after
2 that, Gold Street?

3 A No, sir, I started riding around town.

4 Q Okay. You were just riding around looking?

5 A Yes, sir, looking for Edward.

6 Q Okay. And then you got a call he was on Gold
7 Street?

8 A Yes, sir.

9 Q Okay. Now when you got there was he already
10 detained?

11 A Yes, sir.

12 Q And do you recall what he was wearing?

13 A Blue jean shorts, a white T-shirt, white -- red
14 and white air Jordans.

15 Q Okay. Was the T-shirt that he had, was it
16 stained badly or did you notice any stains on it?

17 A I can't really say about that.

18 Q You don't remember?

19 A I don't remember.

20 Q Okay. How close were you to him then?

21 A About as close as I am to the judge.

22 Q Okay. And you actually put him in the car?

23 A No, sir.

24 Q Took him to the police station?

25 A No, sir.

SW - M. BETHEA - CROSS

1 Q Who did?

2 A If I'm not mistaken I think it was either
3 Lieutenant Gore or Officer Garvin.

4 Q Okay. But you went to the police station when
5 they took him; is that correct?

6 A That's correct.

7 Q Okay. And were you with him there before they
8 took his clothes off?

9 A Yes, sir.

10 Q Okay. So you saw him in the same clothes he was
11 wearing on the street at the police station?

12 A Yes, sir.

13 Q Okay. And he still had on a white T-shirt?

14 A Yes, sir.

15 Q Okay. And at the police station did you notice
16 whether the shirt was stained badly or not?

17 A I didn't look at it.

18 Q Okay. You didn't — did you look at him?

19 A Yeah, I looked at him.

20 Q Okay. You knew he was wearing a white T-shirt;
21 is that right?

22 A That's correct.

23 Q Okay. Now you were involved in the statement
24 that he gave you; is that correct?

25 A Yes, sir.

SW - M. BETHEA - CROSS

1 Q You were present for the whole entire statement?

2 A Yes, sir.

3 Q Okay. Now was he cooperative with you?

4 A Yes, sir.

5 Q Was he polite to you?

6 A Yes, sir.

7 Q Okay. How about on Gold Street, was he

8 cooperative there —

9 A He was.

10 Q —as far as when you were there?

11 A He was.

12 Q And he agreed to give you a statement and he did;

13 is that right?

14 A He did.

15 Q Okay. Now you gave — you said you were involved

16 in taking a statement from Mr. Daquan B. [REDACTED] is that

17 right?

18 A That's right.

19 Q Was that done on the 22nd of September?

20 A Yes, sir.

21 Q Is that right?

22 A What I've been looking at, the date on it.

23 Q Okay. Well, I'll be glad to show you this and

24 you can tell me if that's the statement that he

25 gave.

SW - M. BETHEA - CROSS

- 1 A Yes, sir, that's it.
- 2 Q Is that it?
- 3 A Yes, sir.
- 4 Q Was that done on the 22nd of September?
- 5 A Yes, sir.
- 6 Q So that was five days after the incident?
- 7 A That's correct.
- 8 Q And you did this at Mullins High School you said?
- 9 A Yes, sir.
- 10 Q Okay. And how did you go about doing this? Did
- 11 you just walk in and say, please write down what
- 12 happened, or did you talk about it first?
- 13 A No. Before I — before we went to the school I
- 14 went and talked with his grandmother first.
- 15 Q Okay.
- 16 A To let her know that we needed to get a statement
- 17 from him, and she told me it would be all right if I
- 18 went to the school.
- 19 Q Okay. And so you followed up and went there?
- 20 A Yes, sir.
- 21 Q Okay. Now at some point you followed up and got
- 22 a video of Mr. Stackhouse on a bicycle when he left
- 23 the apartment complex; is that right?
- 24 A That's right.
- 25 Q Okay. Did you watch that?

SW - M. BETHEA - CROSS

1 A Yes, sir.

2 Q Do you recall an individual coming into that
3 frame wearing blue jeans?

4 A I seen Edward leaving the ---

5 Q Okay. And after that do you recall seeing
6 someone on that video?

7 A No, sir. The only person I seen on the video was
8 Edward leaving, leaving the apartment.

9 Q Okay, all right.

10 MR. FLOYD: Your Honor, could you bear
11 with me one second.

12 THE COURT: Sure.

13 BY MR. FLOYD:

14 Q Now on the night of the incident, the 17th or the
15 morning of, did you followup with Daquan as far as
16 after he was transported to the hospital? Did you
17 actually go there or anything of that nature?

18 A No, sir.

19 Q Okay. So did you see him at the scene?

20 A No, sir. When I arrived on scene they was
21 already lifting off with him.

22 Q Okay, he was already being transported. So
23 obviously you didn't take any pictures or anything
24 of his injuries?

25 A No, sir.

SW - M. BEIHEA - CROSS

1 Q Okay. And you didn't go to the hospital
2 afterwards and take any pictures of his injuries or
3 anything like that —

4 A No, sir.

5 Q —or get any documentation; is that correct?

6 A That's correct.

7 Q Okay. And the bicycle that Mr. Stackhouse was
8 riding, you said that was in the yard of the, I
9 guess, on Gold Street where he was standing when you
10 saw him; is that correct?

11 A That's correct.

12 Q It was parked there in the yard?

13 A Yes, sir.

14 Q Okay. And you took that into your custody?

15 A Yes, we did.

16 Q Okay. Do you recall — I know it was red and
17 white but you can't really see the handle bars on
18 that particular picture, at least not one of them.
19 Was it wrapped up in electrical tape, do you
20 remember?

21 A I didn't look at it that hard.

22 Q You just weren't that observant about it?

23 A Right.

24 Q Okay, I understand. Okay. Thank you very much.

25 THE COURT: Thank you. Any redirect?

SW - M. BETHEA - REDIRECT

1 MR. CLEMENTS: Yes, Your Honor, I don't
2 understand all the computer stuff, but we had to get
3 it on the format to play on the TV and we now have
4 that and ask to publish it at this time.

5 THE COURT: What is that, 34? State's 4?

6 MR. CLEMENTS: Yes, sir. And Your Honor,
7 before we publish it I've got just a couple of
8 questions to followup on something Mr. Floyd asked
9 on cross.

10 **REDIRECT EXAMINATION**

11 BY MR. CLEMENTS:

12 Q Chief Bethea, what were you able to notice, if
13 anything, about big stains on Mr. Stackhouse's
14 shirt? Were there any big stains?

15 A There wasn't any, not no big, nothing to just
16 reach out to you.

17 Q How about little like splatter or anything? Were
18 you able to tell that, or what did you look for to
19 see if there was any little splatter or anything?

20 A I didn't look. I didn't walk up to him and
21 examine him, you know, examine his shirt and see if
22 he did have any blood on it.

23 Q So you can't say whether there was any little
24 splatter or not?

25 A No, sir, I cannot.

SW - M. BETHEA - REDIRECT

1 Q But you can say there wasn't any big splatter?

2 A That's correct.

3 Q Like nothing had soaked on it?

4 A Yes, sir.

5 Q Okay. All right.

6 MR. CLEMENTS: Your Honor, at this time we
7 request permission to publish this to the jury.
8 State's Exhibit 34.

9 All right, Investigator Bethea, if you
10 will step down, maybe stand over there so you can
11 see this too.

12 (State's Exhibit 34 was shown to the jury.)

13 BY MR. CLEMENTS:

14 Q And those numbers up there, is that 9/17 of '010?

15 A Yes, sir, and the time.

16 Q Okay. Chief Bethea, do you recall what was the
17 length of the video that you actually got time-wise?

18 A It's not long. I'm not exactly sure —

19 Q Okay.

20 A —how long, but it's not long. Should be any
21 minute now.. I think it's around 4:30 something.

22 (Playing of video continued.)

23 THE WITNESS: At 4:31 you see
24 Saw Edward Stackhouse leaving the apartment on his
25 bicycle.

SW - M. BETHEA - RECROSS

1 BY MR. CLEMENTS:

2 Q And which son was it that ran out first —

3 A That was —

4 Q —to go get help?

5 A That would be the youngest son, William.

6 Q William. So it was who — was that William?

7 A That was William that ran out and went that way.

8 Q Okay. And did anybody — no one comes out after
9 this, do they?

10 A No, sir.

11 Q All right, thank you. Chief Bethea, if you'd
12 answer any questions Mr. Floyd may have about the
13 video.

14 THE COURT: Mr. Floyd.

15 **RECROSS-EXAMINATION.**

16 BY MR. FLOYD:

17 Q How much longer does the video run?

18 A Not long after that.

19 Q Okay.

20 MR. FLOYD: Could we watch the remainder
21 of it?

22 MR. CLEMENTS: Sure.

23 THE COURT: Thank you. Anybody need to
24 take a short break? You good to go through the end
25 of this witness. Okay? All right.

SW - M. BETHEA - FURTHER DIRECT

1 (The remainder of the video was shown to the jury.)

2 BY MR. FLOYD:

3 Q Chief Bethea, the individual that we just saw on
4 the video there, did you recognize who that was?

5 A No.

6 Q Have any idea who that was?

7 A No, sir.

8 Q Okay. Had you ever seen that before?

9 A No, I hadn't seen that.

10 Q Okay, all right. Thank you very much.

11 THE COURT: All right.

12 **FURTHER DIRECT EXAMINATION**

13 BY MR. CLEMENTS:

14 Q And earlier, what did you say about seeing
15 Daquan, how he was dressed, or seeing him at all
16 when you got on the scene?

17 A I never saw Daquan.

18 Q You never saw Daquan so you can't say whether
19 that was Daquan or not?

20 A No, sir.

21 Q Okay, all right. Thank you.

22 THE COURT: All right, you can step down.

23 Why don't we take a 20 minute break; is
24 that all right? We will come back. Again, as I
25 told you yesterday don't talk about the case at all.

1 The bailiff will take care of your needs if you need
2 to drink, smoke, or whatever.

3 (WHEREUPON, the jury was removed from the
4 courtroom at 11:25 p.m., and a break was
5 taken.)

6 (The jury was returned to the courtroom at
7 approximately 12:00 p.m., and the
8 following proceedings commenced.)

9 THE COURT: Solicitor, if you'd call your
10 next witness.

11 MR. CLEMENTS: Thank you, Your Honor. If
12 it please the Court, we would call Special Agent
13 Scott Hardee.

14 THE CLERK OF COURT: Sir, if you will come
15 around let me swear you in please, sir.

16 WHEREUPON,

17 **LELAND SCOTT HARDEE,**
18 having been duly sworn by the Clerk of Court,
19 testified as follows:

20 THE CLERK OF COURT: Thank you, sir.

21 **DIRECT EXAMINATION**

22 BY MR. CLEMENTS:

23 Q Good afternoon.

24 A Good afternoon.

25 Q Well, it's still good morning for another minute.

SW - L. HARDEE - DIRECT

1 A Yeah.

2 Q Can you please tell this jury where you work,
3 what your name is, and what's the nature of your
4 job.

5 A My name is Ieland Scott Hardee. I'm a special
6 agent with SLED. I'm currently assigned to the
7 crime scene unit, and I've been doing that since
8 2009. I've been with SLED since 2008, and prior to
9 that I had eight years of law enforcement with the
10 Florence P.D.

11 Q All right. So close to being back home?

12 A Pretty close, one county over.

13 Q Did you have occasion to be called over to
14 Mullins, South Carolina on September 17th, 2010?

15 A Yes, sir, I did.

16 Q And can you please tell us the nature of that
17 call, where you were, and how you responded?

18 A I was at home. It was about 7:00 in the morning,
19 between 7 and 8. And special agent at the time Kim
20 Dinh, she called and requested me to assist her in a
21 death investigation. She told me to go to the
22 Mullins Police Department where I was to meet with
23 the Mullins police and the suspect they had
24 detained.

25 Q And did you respond to that?

SW - L. HARDEE - DIRECT

1 A Yes, I did.

2 Q Where did you go?

3 A I went to the Mullins Police Department and met
4 with at the time Chief Kenny Davis, and I believe --
5 my memory is failing, but I believe he's the one I
6 met with. He was the one I met with.

7 Q Okay. And do you know about what time it was
8 that you got there that day?

9 A Approximately I'd say between 8:30 and 9:30.

10 Q And when you got to the Mullins P.D. and you met
11 with Chief Davis, what did they ask you to do or
12 what did you do exactly?

13 A I took photographs of the defendant showing just
14 general body shots of his face, his hands, forearms,
15 places like that. Then after I photographed him I
16 collected buccal swabs from his mouth. Buccal swabs
17 we use as a standard for DNA comparison. Then we --
18 then I collected some swabs from a little part on
19 his forearm that looked like there was some
20 suspected blood on it. I tested it. It came back
21 positive for blood. And then I was told that he had
22 ridden a bike, and so I swabbed the handlebars on
23 the bike.

24 Q And why did you swab the handlebars on the bike?

25 A Just for DNA.

SW - L. HARDEE - DIRECT

1 Q Whose DNA were you looking for?

2 A His.

3 Q All right. But he was riding the bike. Would
4 you be looking for anybody else's DNA possibly as
5 well?

6 A Whatever came back. I mean, when we do for touch
7 DNA there's profiles developed, and that's getting
8 out my area of expertise but it'll -- you'll have to
9 ask a DNA analyst, but they'll find whatever DNA is
10 there more or less.

11 Q Could you also -- is it common to compare to see
12 if the victim's DNA is there as well?

13 A Yes, sir.

14 Q Okay. I show you some photographs, Agent Hardee,
15 and I'm gonna ask if you can identify these
16 photographs for us. First I'm gonna show you what's
17 already in evidence, State's Exhibit 33. Do you
18 recognize that?

19 A Yes, sir, that's the bike that was in like a
20 little room at the Mullins Police Department that I
21 was told the suspect had driven, or ridden, excuse
22 me. And so I photographed that, and that's where I
23 got the two swabs from the handlebars.

24 Q Okay.

25 A Four swabs actually, two from the left of the bar

SW - L. HARDEE - DIRECT

1 and two from the right handle bar.

2 Q What kind of handle bars are these and grips?

3 A It's a black grip, but I can't tell if it's
4 electric tape or foam or even rubber from the photo
5 printout I got, and I can't recall.

6 Q Okay. I'm gonna show you what's been marked
7 State's Exhibit I.D. 30, 31, and 32. I'm gonna ask
8 if you can recognize these. Number 30, do you
9 recognize that?

10 A Yes, sir, I took that photograph.

11 Q 31?

12 A Yes, sir, that's one that I took.

13 Q And 32?

14 A That's the third one I took.

15 Q All right. If you can, I'm gonna ask permission
16 from the Court for you to step down.

17 THE COURT: Are these in evidence?

18 MR. CLEMENTS: I'd like to move these in
19 evidence at this time.

20 THE COURT: Any objection?

21 MR. FLOYD: Without objection.

22 THE COURT: State's 30, 31 and 32 are in
23 evidence.

24 (WHEREUPON, State Exhibits Nos. 30, 31, 32
25 were admitted into evidence.)

SW - L. HARDEE - DIRECT

1 BY MR. CLEMENTS:

2 Q State's Number 30, explain to the jury what this
3 picture depicts and why you took this picture.

4 A Okay. Generally when I take photos of people,
5 suspects, or even witnesses and stuff, if -- I'm a
6 traveling person. I like to photograph their hands.
7 That way you'll see if there are any injuries on
8 their hands that they could have lifted or could
9 have been anything on them as defensive wounds. And
10 that's what I was doing here. I was showing the
11 back of the defendant's hands to see if there were
12 any injuries to his hands.

13 Q Were there any there when you looked at them and
14 took pictures of them?

15 A Yes, sir, and I didn't see any.

16 Q Okay, State's Exhibit 31.

17 A This is pretty much the same that I do. I take
18 the back of the hands and then I take the palm of
19 the hands as well, and then I can see any injuries
20 so I photograph that.

21 Q All right, State's Exhibit 32.

22 A All right. This is going to be the defendant's
23 right arm on just above the wrist, and I did see a
24 scant spot right there. It wasn't bleeding or
25 anything, but there was a discoloration right there.

SW - L. HARDEE - DIRECT

1 Q So no blood was there?

2 A None that I saw.

3 Q Okay. And you said you swabbed this forearm. Is
4 that up higher than this?

5 A Yea, a little bit up higher. There was —

6 Q Show on me about where you swabbed and what you
7 saw.

8 A It would have been this general area right here.
9 There was a red — well, reddish brown coloration on
10 his skin that didn't match the regular skin tone and
11 so I swabbed it with, for suspected blood, and it
12 came back positive for blood. And that just it's an
13 indication what we use indication of blood. It
14 doesn't differentiate between animal or human, and
15 that's what that would be sent to DNA for them to do
16 their analysis.

17 Q And was that done?

18 A Yes, sir.

19 Q Would — the swabs you collected and the pictures
20 you took, what did you do with those?

21 A When Agent Dinh arrived at Mullins Police
22 Department I turned everything that I did over to
23 her. She was the case agent. And we signed a chain
24 of custody turning everything over to her, and then
25 she transported it to headquarters.

SW - L. HARDEE - DIRECT

1 Q Did you get anything from, at all from Chief
2 Davis to transport or to —

3 A No, sir.

4 Q —transfer to Agent Dinh?

5 A Not for me to transfer, no, sir.

6 Q Okay, all right. Is there anything else you did
7 to assist in this investigation?

8 A No. After I was finished with that Agent Dinh
9 told me I could leave, and so I went on back to
10 Florence.

11 Q Was there anything else you were involved in as
12 far as any chain of custody transporting or
13 transferring any items from one agent or agency to
14 another?

15 A No, sir. The only thing that I did, like I've
16 already previously stated, was I signed chain of
17 custody transferring the buccal swabs, the — and
18 the other swabs that I had collected over to Agent
19 Dinh and then she transported them.

20 Q Okay. Please answer any questions Mr. Floyd may
21 have.

22 THE COURT: Mr. Floyd.

23 MR. FLOYD: Thank you.

24 **CROSS-EXAMINATION**

25 BY MR. FLOYD:

SW - L. HARDEE - CROSS

- 1 Q Agent Hardee, you took the picture of the
2 bicycle?
- 3 A Yes, sir.
- 4 Q That picture —
- 5 A I did.
- 6 Q —that you just looked at. You mentioned
7 something about electrical tape. Were the
8 handlebars —
- 9 A I can't recall.
- 10 Q —wrapped with that?
- 11 A I can't recall. I can't recall if it was
12 electric tape, foam, or I just remember bar handles.
- 13 Q Okay. So it might have been wrapped with
14 electrical tape?
- 15 A It could have been.
- 16 Q So you swabbed both of those handlebars?
- 17 A Yes, sir.
- 18 Q And then the other swab you took was of
19 Mr. Stackhouse's forearm?
- 20 A Yes, sir.
- 21 Q Did you take a picture of the area that you
22 swabbed?
- 23 A Yes, sir.
- 24 Q You did? Okay. Are those — were those —
- 25 A I didn't see them.

SW - L. HARDEE - CROSS

1 Q --pictures that you looked at?

2 A No, sir.

3 Q No? Okay. And after you did the swabs you just
4 gave them to another agent; is that correct?

5 A Right, I gave them to Agent Dinh.

6 Q Okay. And that was the end of your involvement?

7 A Yes, sir.

8 Q Okay. Thank you.

9 THE COURT: Anything further?

10 MR. CLEMENTS: Nothing further. I ask he
11 be released from his subpoena.

12 THE COURT: Any objection?

13 MR. FLOYD: No objection.

14 THE COURT: Have a good afternoon.
15 Call your next witness.

16 MR. CLEMENTS: Your Honor, we call Officer
17 Kim Dinh.

18 WHEREUPON,

19 KIM DINH,

20 having been duly sworn by the Clerk of Court,
21 testified as follows:

22 DIRECT EXAMINATION

23 BY MR. CLEMENTS:

24 Q Now it's afternoon. Good afternoon.

25 A Good afternoon.

SW - K. DINH - DIRECT

1 A Good afternoon.

2 Q Can you please state your name and spell your
3 last name for the court reporter and then tell this
4 jury where you work now.

5 A My name is Kim Dinh, D-I-N-H, and I currently
6 work for the State of South Carolina Criminal
7 Justice Academy as a defensive tactics instructor.

8 Q As a what?

9 A Defensive tactics instructor.

10 Q So that means you're a dangerous person?

11 A I guess arguably.

12 Q Okay. Now how long have you been working there?

13 A I've been working there since December of — this
14 past December.

15 Q Okay. I'm just curious, you have any black belts
16 or anything?

17 A I do.

18 Q Any kind of marshal arts?

19 A Yes, sir.

20 Q What do you have black belts in?

21 A Tins-ado, taquando, and also currently training
22 jujitsu.

23 Q Okay, that's impressive.

24 A Thank you.

25 Q Now that's not what I have you here to talk

SW - K. DINH - DIRECT

1 about. Prior to working with the Criminal Justice
2 Academy being an instructor, where did you work?

3 A I was at SLED. I was assigned to crime scene for
4 five years responding to everyone State of South
5 Carolina, processing crime scenes, also developing
6 anything with latent footwear, tire wear, blood
7 pattern, and crime scene reconstruction.

8 Q Now how long have you been in law enforcement?

9 A I've been in law enforcement for seven years.

10 Q Okay. And so you were working with SLED crime
11 scene September 17th, 2010?

12 A Yes, sir, I was.

13 Q Okay. Did you have an occasion to be called to
14 Mullins, South Carolina?

15 A Yes, sir.

16 Q Can you tell this jury what kind of call that was
17 and where you responded to.

18 A Yes, sir. I responded to a call — I received a
19 call at 5:29 that morning in reference to a death
20 investigation in Mullins. And when I arrived I
21 arrived to — may I refer to my notes?

22 Q Certainly.

23 A The address I arrived to was [REDACTED]
24 Apartment [REDACTED] in Mullins, South Carolina.

25 Q Do you recall about what time you got there that

SW - K. DINH - DIRECT

1 morning?

2 A 7:59.

3 Q Okay.

4 A 7:57, correction.

5 Q Now can you explain to this jury — I'm sure
6 they've watched a lot of TV. What's — is there
7 much difference between reality in these crime shows
8 we have now?

9 A There is a difference.

10 Q Okay. Can you explain to us the reality of what
11 your job was on crime scene, what you did when you
12 first got there, and the process that you followed
13 when you would process a crime scene.

14 A Yes, sir. The first things we do on arrival is
15 make sure the scene is secure. That means any
16 incoming, outgoing traffic, or any pedestrians in
17 that area is cut off. This preserves the scene for
18 me so we don't jeopardize any evidence that could be
19 found. After that we start with photo
20 documentation, simply taking photographs —

21 Q Okay.

22 A —of everything —

23 Q Let me slow you down just a little bit. When you
24 got to the scene was it secured?

25 A It was secured.

SW - K. DINH - DIRECT

1 Q Okay. And was the flow of traffic stopped?

2 A Yes, sir.

3 Q Okay. So you got there and you didn't have to do
4 anything yourself to secure it, did you?

5 A Correct.

6 Q All right. Now you talk about documenting by
7 photographs?

8 A Yes, sir.

9 Q Continue on with that.

10 A What we do is take generals, basically walk
11 around the apartment or inside/outside taking
12 general photographs from every angle to make sure
13 that we can capture everything accurately before we
14 enter or process the crime scene. So basically
15 before we touch anything we document it as is. And
16 then after we walk in we do a initial walk-thru,
17 make our observations, lay down any markers or
18 anything that will need to be, collect any evidence
19 and further document the specifics so I go in zoom
20 the camera then and take specific photographs of
21 things that are relative to the crime scene.

22 Q Okay. And you did that in this occasion?

23 A Yes, sir.

24 Q Okay, all right. I'm gonna show you some items
25 marked for identification, and I'm gonna refer to my

SW - K. DINH - DIRECT

1 number. And the first thing I want to do is ask if
2 you can identify these and how.

3 A Yes, sir.

4 Q State's Exhibit 7?

5 A This is the back side of the apartment complex.

6 Q How can you identify that?

7 A Sliding glass door which was opened up and that
8 has back screen. That's the entrance through the
9 door right there.

10 Q Who took that picture?

11 A It would be either myself or another agent with
12 me, Paul Larosa.

13 Q So you work in pairs?

14 A Yes, sir.

15 Q Okay. Can you identify State's Exhibit 8?

16 A This is another photograph of the entrance of the
17 apartment.

18 Q Okay, don't show them to the jury yet. State's
19 Exhibit 9, can you identify that?

20 A That is the back door. That's the sliding glass
21 door.

22 Q Okay. State's Exhibit 10, can you identify that?

23 A That is the stairwell in front of the apartment
24 with the barrier tape securing the scene.

25 Q All right, State's Exhibit 11.

SW - K. DINH - DIRECT

1 A Different angle, same shot, with barrier tape
2 coming from the opposite direction.

3 Q Okay. State's Exhibit 13?

4 A This is inside the living room right when you
5 walk into the front door.

6 Q Okay. State's Exhibit 14?

7 A This is the couch directly opposite from the
8 entrance with beer bottles on the floor.

9 Q State's Exhibit 15?

10 A This is another chair that was off to the left on
11 entrance with beer bottles and a pair of flip flops
12 and some trash.

13 Q State's Exhibit 16?

14 A Driver's license belonging to Sharon Joyce. I
15 think her last name was different at that time, but
16 she's changed her last name since we had
17 photographed that or that was issued.

18 Q State's Exhibit 18?

19 A This is the hallway from the living room all the
20 way back to the bedrooms in the back where this was
21 laying.

22 Q State's Exhibit 17, can you identify that?

23 A It's a broken cell phone. It's the upper half of
24 a broken cell phone.

25 Q State's Exhibit 21?

SW - K. DINH - DIRECT

1 A This is the back bedroom where the deceased was
2 found. There was a table that was knocked over, a
3 computer, TV was sitting kind of catty-corner off
4 the top of the table.

5 Q State's Exhibit 22, can you identify that?

6 A This is a computer, DVD system, tower underneath
7 the table that was knocked over in the same bedroom.

8 Q State's Exhibit 23, can you identify that?

9 A This is the same picture, just a little closer to
10 the upper half of the table that's been knocked
11 over.

12 Q State's Exhibit 24, can you identify that?

13 A The deceased laying on the bed as we found her.

14 Q State's Exhibit 27?

15 A That's the bottom half of a broken cell phone.

16 Q Was it in the same location?

17 A As the top half?

18 Q Yeah?

19 A No, sir, I don't think so.

20 MR. CLEMENTS: Your Honor, we would move
21 into evidence at this time State's Exhibit 7, 8, 9,
22 10, 11, 13, 14, 15, 15, 16, 17, 18, 21, 22, 23, 24,
23 and 27.

24 THE COURT: Any objection?

25 MR. FLOYD: No objection, Your Honor.

SW - K. DINH - DIRECT

1 THE COURT: State's 6, 7, 8, 9, 10, 11,
2 13, 14, 15, 16, 17, 18, 21, 22, 23, 24, 27 are in
3 evidence.

4 (WHEREUPON, State Exhibit Nos. 7, 8, 9,
5 10, 11, 13, 14, 15, 16, 17, 18, 21, 22,
6 23, 24, 27 were admitted into evidence.)

7 MR. CLEMENTS: Thank you, Your Honor.

8 BY MR. CLEMENTS:

9 Q Ms. Dinh, I'm gonna ask you in a moment to get
10 down in front of the jury to talk about these and
11 explain why you took pictures and what they depict.
12 But before we do that I want to go a little further
13 into your process. You would document and then you
14 would get the general documentation you talked
15 about, and then you would go back and specifically
16 document things.

17 A Yes, sir.

18 Q Can you explain why you did that and what the
19 purpose is for that jury.

20 A We always generally document because we want to
21 get a big picture of things. And then as we move in
22 we'll take more photographs as we move in closer to
23 a specific item. And in keeping relative to when
24 you go back later to look at photographs you know
25 exactly where this item was laying in the original

SW - K. DINH - DIRECT

1 scene.

2 Q And what did you do other than photograph? After
3 you photograph and document everything as far as
4 where it's in place at, what do you do after you
5 finish that aspect of it?

6 A If there's items that need to be marked then we
7 lay down markers. In this case we didn't lay down
8 any markers. There wasn't a lot items to collect.
9 The only thing I collected from the actual scene
10 that was collected by myself, not via chain of
11 custody, were major case prints from the victim.

12 Q Ms. Stackhouse?

13 A Yes.

14 Q Okay, all right. So that was the only item you
15 collected?

16 A From the actual scene, yes, sir.

17 Q From the actual scene, okay.

18 A Yes, sir.

19 Q Okay. What items from that scene was given to
20 you that was collected by Mullins P.D.?

21 A A knife was given to me by one of the officers,
22 responding officers, and I took custody of that via
23 chain of custody.

24 Q And I'm gonna show you what's been marked State's
25 Exhibit Number 1. You recognize that?

SW - K. DINH - DIRECT

1 A Yes, sir.

2 Q All right. Explain to the jury what that is and
3 how you received it, and what you did with it after
4 you got it.

5 A This is a long kitchen knife. And the reason why
6 I know that this is the knife I collected it, that I
7 mark every item with a lab number, item number, and
8 my initials, which is marked on the blade. After
9 I'm done I secure it and the sealed tape on that has
10 not been opened so this is the actual original
11 container how I package this. This is the knife
12 that was collected, I received from Kenneth Alford
13 while on scene. And I processed this knife when I
14 got back to the lab.

15 Q When you process it, explain to the jury how you
16 process the knife.

17 A Well, there was noticeable blood on the actual
18 blade, the metal part of the knife. So I used a
19 chemical called amino black which reacts with the
20 protein and blood. I didn't want to use any other
21 type was what it does is it seals it and it won't be
22 able to extract the blood for DNA. I sent the blood
23 sample off for DNA. And after I process blood, what
24 I do is I use a chemical that's a dark blue
25 chemical, kind of still see on the blade, and then I

SW - K. DINH - DIRECT

1 wash it off with another chemical and then I let it
2 dry and then I examine it for any latents that could
3 be on the blade or handle.

4 Q Were you able to lift any latent prints?

5 A In this case, no, sir.

6 Q Is that unusual?

7 A I'm sorry?

8 Q Is that unusual to not be able to get latent
9 prints?

10 A On this particular knife it's not unusual.
11 Because of the nature, when typically when you hold
12 the blade you're going to be holding it by the
13 handle of it so you're not actually touching the
14 blade. With this particular incident and the
15 observations from the victim, when there's a
16 thrusting action it's gonna wipe off anything that's
17 on the blade. Latents in general are very, very,
18 very sensitive. You can accidentally brush it off
19 with your hand, brush with a stroke or processing
20 it. So latents are very, very sensitive of any type
21 of wiping action across the blade will wipe off any
22 latents. With this being a wood handle this is not
23 a surface to be able to obtain latents. It's just
24 the nature of the handle. The fact that it's got
25 kind of a finish on it, but it's a rough finish and

SW - K. DINH - DIRECT

1 it doesn't adhere to latents very well.

2 Q And it's a porous — wood is a porous object too,
3 right?

4 A Yes, sir.

5 Q Aren't fingerprints usually made out of moisture?

6 A Yes, sir.

7 Q And it'd be soaked into perhaps and —

8 A A little bit. With this type of finish is why I
9 chose amino black. It is kind of raw in some areas
10 and it is kind of finished on some areas. Typically
11 latents being 99 percent moisture will mix with body
12 oils. Anything that is porous, even with paper will
13 absorb so there's a specific type of chemical that
14 we use for different types of either porous or
15 nonporous surfaces.

16 Q So it's not like TV and you get a fingerprint
17 every time?

18 A No, sir.

19 Q All right. And the samples you took from the
20 blood on that knife you did what with?

21 A I sent it to SLED.

22 Q And they make comparisons there?

23 A Yes, sir.

24 Q Okay. How long — did you measure that knife,
25 how long is that blade?

SW - K. DINH - DIRECT

1 A I did not measure it.

2 Q Okay. What other items did you receive? You
3 received that from Officer Alford. What other items
4 did you receive from the Mullins P.D.?

5 A I also received one white T-shirt from Daquan
6 [REDACTED] from Alford. And then when I arrived at
7 Mullins I received one white T-shirt, one pair of
8 blue jean shorts with a black belt, one pair of
9 black underwear, one note in the back pocket of the
10 jeans, one pair of red and white Nike Jordans, one
11 pair of socks.

12 Q And who did those come from?

13 A Those came from Andre Garvin.

14 Q That was the officer, right?

15 A Yes, sir.

16 Q Do you know who he got these clothes from?

17 A No, sir. Chain of custody before that exist I
18 believe is with the police department.

19 Q All right. But you would take those items to
20 SLED; is that correct, —

21 A Yes, sir.

22 Q —to be tested? You recognize State's Exhibit
23 4?

24 A Those appear to be the item, one pair of blue
25 jean shorts.

SW - K. DINH - DIRECT

- 1 Q Okay. And did you submit that to SLED lab?
- 2 A I did submit it.
- 3 Q Okay, all right. And is that from Andre Garvin?
- 4 A Yes, sir.
- 5 Q And what's the suspect's name there?
- 6 A The suspect is Edward Stackhouse.
- 7 Q Okay, all right. How about State's Exhibit 3
- 8 here?
- 9 A Item 6 should be one white T-shirt.
- 10 Q Did that come from Officer Garvin?
- 11 A Yes, sir.
- 12 Q And who was the suspect?
- 13 A Suspect is Edward Stackhouse.
- 14 Q And what would you submit this to SLED lab, for
- 15 what purpose?
- 16 A I submitted that to DNA, more specifically
- 17 evidence processing department. What they do is lay
- 18 out the shirt, run it over with a fine tooth comb
- 19 any trace of evidence of blood. And if anything is
- 20 found evidence processing will collect it and send
- 21 it to DNA results.
- 22 Q Okay. And can blood be found in large amounts to
- 23 small amounts?
- 24 A Yes, sir.
- 25 Q How small amounts can you?

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- 1 A Two tenths of millimeters.
- 2 Q State's Exhibit Number 2?
- 3 A One pair of red Jordan shoes — and I'm sorry,
- 4 two red shoes and two white socks, and that's what I
- 5 listed also.
- 6 Q And you received that from Officer Garvin?
- 7 A Yes, sir.
- 8 Q And who's the suspect on that?
- 9 A Edward Stackhouse.
- 10 Q Anything else that you accepted or took and
- 11 transferred to the SLED lab?
- 12 A I took two swabs from the left hand and two swabs
- 13 from the right hand collected for chain of custody
- 14 from Kenneth Davis.
- 15 Q Okay. And that was from Mr. Stackhouse?
- 16 A Yes, sir.
- 17 Q Okay, all right. What that it?
- 18 A And also a set of buccal swabs from Edward
- 19 Stackhouse, two swabs from the left hand grip of the
- 20 bike, two swabs from the right hand grip of the
- 21 bike, two swabs from Edward Stackhouse from the
- 22 right forearm which tested positive. This is
- 23 presumptive test for blood from Agent Scott Hardee.
- 24 Q And you transferred that to DNA SLED as well?
- 25 A Yes, sir.

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1 Q Okay, all right. Anything else in regards to
2 processing that scene or chain of custody on any
3 other items?

4 A No, sir.

5 Q Okay, all right. With Court's permission,
6 Ms. Dinh, I'm gonna ask you to step down now and
7 talk about these pictures. State's Exhibit 5, can
8 you tell the jury what that is, and if you recall
9 where that photograph was made.

10 A This is a top part of the cell phone of a flip
11 cell phone. I'm not — I don't remember hundred
12 percent sure without seeing the general photograph
13 where it was actually located. If my memory serves
14 me correct it was in the living room.

15 Q Okay. And why did you take a picture of that?
16 What was the significance of that?

17 A Anything that's out of disarray, particularly
18 broken items, struggle, we like to document to
19 preserve the idea that a struggle did happen. And
20 items were broken in the process, it's usually a
21 tale-tale sign.

22 Q Okay. State's Exhibit 6 I believe is kind of
23 self-explanatory; is it not?

24 A Yes, sir. This is the front side of the
25 apartment complex which we — this is where the

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1 crime scene occurred at.

2 Q And you take that picture why?

3 A Location, documenting location.

4 Q State's Exhibit 7. I know you explained them to
5 me up on the stand, but would you tell the jury what
6 these are?

7 A This is actually the back side of that particular
8 building. This is the front entrance of that
9 apartment complex. There's a sliding glass door. I
10 call it the back door, but it's on the side next to
11 the front entrance relatively the back door. And
12 this is the back side of the hallway. The front
13 side of this hallway is the front side towards the
14 apartment complex front.

15 Q State's Exhibit 8?

16 A This is a closeup standing in the same area, a
17 closeup of what we can see also documenting the
18 yellow barrier tape seeing that the scene is
19 secured.

20 Q State's Exhibit 9?

21 A This is a closer shot of the back door noticing
22 that the back door is wide open, and the screen door
23 is on the side and yellow barrier tape.

24 Q Who was present when you got there?

25 A As on our behalf or?

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1 Q Anybody other than law enforcement or EMS workers
2 or —

3 A No, sir, there was nobody else, just law
4 enforcement personnel only.

5 Q Okay. State's Exhibit 10?

6 A This is the stairwell where the crime scene
7 shooting incident, same stairwell with the door
8 closed showing the yellow barrier tape secure upon
9 arrival.

10 Q This is the door to the actual apartment where
11 the killing took place in?

12 A This one I believe.

13 Q Okay. All right, state's Exhibit 11.

14 A This is that same stairwell shot opposite
15 directions so the previous photograph was taken from
16 the back side of the apartment. It's from the front
17 side with the same stairwell, just different angle,
18 same shot.

19 Q State's Exhibit 12?

20 A This is the front door of the apartment complex
21 noting that the door is 

22 Q State's Exhibit 13?

23 A This is standing in the actual doorway shooting
24 into the living room. This is a chair. On your
25 entrance would be on your left, kitchen is on the

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1 left and the walkway. This is the hallway going to
2 the back bedroom.

3 Q All right. How many bedrooms were there?

4 A Two.

5 Q Okay. State's Exhibit 14?

6 A This is if you're standing in front of the front
7 doorway when you look dead-end there's a sofa, a
8 couch right to the front of the front door. There
9 is a sofa with beer cans on the floor.

10 Q All right. How about State's Exhibit 15?

11 A This is that same couch from previously closer up
12 with the items that are on the chair, a couple of
13 beer cans, and a pair of flip flops.

14 THE COURT: Can you see?

15 THE FOREMAN: Yeah, I can see.

16 BY MR. CLEMENTS:

17 Q What is that scattered out on the carpet there?

18 A That is a -- that white piece right there is an
19 ash tray, and it's scattered out by cigarettes that
20 were probably within that ash tray before they got
21 knocked over.

22 Q Do you know what that little black thing is
23 there?

24 A I do not know what that is in that photograph.

25 Q Okay. And this was in the living room?

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1 A Yes, sir.

2 Q State Exhibit 16?

3 A This is the driver's license from the victim. We
4 photo document that for identification purposes as
5 well.

6 Q Is this the license of the same lady that was
7 deceased —

8 A Yes, sir.

9 Q —in the back bedroom?

10 A Yes, sir.

11 Q State's Exhibit 17?

12 A This is the top half of the cell phone.

13 Q Okay, all right. And where was the bottom half?

14 A The bottom half was in the back bedroom if I'm
15 not mistaken.

16 Q Okay. State's Exhibit 18?

17 A This is the hallway leading to the back bedroom.

18 This is the bedroom on the left. The bedroom on the
19 right is just past the corner of that hallway.

20 Q And what was the purpose of taking that photo?

21 A This is for angle. We like to show whenever
22 we're documenting the crime scene, as you're walking
23 to whatever room that we're going to walk through,
24 we document it before we enter so you can get an
25 idea when we piece it together later you can

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1 actually get a particular view of what the crime
2 scene looked like. This was a view of how we --
3 what we saw as we entered the back of the apartment.

4 Q State's Exhibit 19?

5 A This is a photograph from the bedroom on the
6 right with the victim deceased on the bed as well as
7 some necklaces that were knocked over inside.

8 Q State's Exhibit 20?

9 A This is a more of a closeup of the same, same
10 thing that I mentioned earlier. We take generals
11 and then we go and specifically of what we're
12 documenting. This is us going under specifics
13 zooming in with more detail of the same item.

14 Q Can you identify for us what is above her head
15 there?

16 A It looks like a remote control.

17 Q And what else?

18 A Some bags.

19 Q And right here?

20 A That appears to be the bottom half of the broken
21 cell phone with the top half that was in the living
22 room. This is the bottom half.

23 Q So the top half is in the living room and the
24 bottom half is there on the bed?

25 A Yes, sir.

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1 Q Okay. State's Exhibit 21, what was — where was
2 this and what was the purpose for taking that
3 photograph?

4 A This is the corner of the bedroom. The bed where
5 the victim is laying here. This is the opposite
6 corner of where she was at. This is a table that
7 was damaged that's been propped up with the base of
8 the computer and the monitor knocked over probably
9 during a struggle.

10 Q All right, State's Exhibit 22.

11 A This is a closeup of that computer, the base of
12 the tower, showing how it's knocked over of the
13 bottom of the table.

14 Q All right. State's Exhibit 23?

15 A This is the top half of that table clearly
16 showing that it is sitting kind of catty-corner.

17 Q State's Exhibit 24?

18 A This is a closeup of the victim laying on the bed
19 showing a couple of injuries to the left side of her
20 torso.

21 Q All right. And you — do you know what is that
22 white thing right there stuck to her?

23 A Yes, sir. Whenever there is a call typically
24 what happens is, EMS gets called before we ever do.
25 They'll put sticky pads on there to and then help

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1 monitor to see if there's any electromagnetic pulse
2 in the heart basically to see if she's still alive.

3 Q Okay. Let me ask you this, did you notice in
4 this photograph or do you recall noticing, or is
5 there any tape or black tape anywhere around there?

6 A I don't recall any black tape, sir.

7 Q Okay. None in that room?

8 A No, sir.

9 Q State's Exhibit 27?

10 A This is the bottom half of that cell phone. This
11 is actually the top of the victim's head right here
12 so this is laying next to her head, the bottom half
13 of that same cell phone.

14 Q State's Exhibit 29?

15 A This is a close up wound of the victim, the left
16 side of her torso which would be right around here
17 beneath her bra strap. This is actually a puncture
18 wound indicating that this is a thrusting motion,
19 not a slashing motion.

20 Q Say that for me again, I'm sorry.

21 A This is a puncture wound and it's indicating that
22 it is a thrusting motion, not a slashing motion.

23 Q Can you identify on me where this puncture wound
24 would have been on her body?

25 A It would have been the upper left side right

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1 there.

2 Q Okay. And if the arm was down would that have
3 covered that area?

4 A Yes, sir.

5 Q Did you photograph or notice or document any
6 other types or any other kinds of wounds or injuries
7 on her?

8 A She had one more on her hip, a stab wound which
9 we didn't undress her for that. We documented her
10 arms. There were no cuts or anything visible from
11 what we saw on her arms or anything.

12 Q So no cuts or no slashes.

13 A Not any visible ones, no, sir.

14 Q Any type of defensive wounds?

15 A Didn't notice any.

16 Q Didn't notice any. And the wound on the hip was
17 it on the same side of her body where the puncture
18 wound was?

19 A Yes, sir, just about a foot below her.

20 Q And what type of wound was that?

21 A That was also for of what we call a trust stab so
22 it's a thrusting puncture motion where the blade
23 actually enters and not a superficial slashing
24 motion.

25 Q So it would be like this, not like this?

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1 A Yes, sir.

2 Q Agent Dinh, you can take the witness stand again
3 please. Agent Dinh, that's all the questions I have
4 for you right now. If you would please answer any
5 questions Mr. Floyd has.

6 A Yes, sir.

7 THE COURT: Mr. Floyd.

8 **CROSS-EXAMINATION**

9 BY MR. FLOYD:

10 Q Hi, Agent Dinh, how are you doing?

11 A Good, thank you. How are you?

12 Q Good, thank you. When you tried to lift latent
13 prints off of the knife was there any other prints
14 that you tried to take off any other object?

15 A No, sir. The only other prints I took off the
16 victim for major case prints.

17 Q Okay, all right. So there were no other -- I
18 know there were a lot of beverage containers and
19 things like that in the house. No prints were
20 attempted to be taken off of those?

21 A No, sir, during -- I made executive decision not
22 to process anything being that both of them reside
23 there. It would be common to find either or both
24 their prints on the same can so there's no point for
25 me to process anything.

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1 Q Okay, all right. Now the pictures that were
2 taken, either you or someone with you took all those
3 pictures —

4 A Yes, sir.

5 Q —is that correct? Okay. Would you bear with
6 me one moment please. The knife that you attempted
7 to lift the print off of, that had already been
8 taken into evidence, is that correct, when you got
9 there?

10 A It was secured by the responding officer.

11 Q Okay. So a local officer had already collected
12 the knife; is that right?

13 A Yes, sir.

14 Q Is that right? Okay. So it was not lying on the
15 floor or anything like that when you arrived?

16 A No, sir.

17 Q Is that correct?

18 A No, sir — yes, sir, you're correct.

19 Q Okay. Thank you very much.

20 THE COURT: Anything further?

21 MR. CLEMENTS: No, Your Honor. We would
22 ask that Ms. Dinh be released from her subpoena and
23 our next witness will probably take us into the
24 lunch period, Your Honor.

25 THE COURT: All right. Anything further

1 from you?

2 MR. FLOYD: Nothing further.

3 THE COURT: Any objections to her being
4 excused?

5 MR. FLOYD: No objection.

6 THE COURT: Hope you have a good day.
7 Thank you for coming.

8 Members of the jury, we're going to take a
9 lunch break until 2:30. If you would be back and be
10 in your jury room 2:30 we will begin promptly. As I
11 told you before do not discuss the case.

12 We'll be at ease until 2:30.

13 (WHEREUPON, the jury was removed from the
14 courtroom at 12:44 p.m., and a lunch break was
15 taken.)

16 THE COURT: Solicitor, you may call your
17 next witness.

18 MR. CLEMENTS: Thank you, Your Honor. If
19 it please the Court, Your Honor, we call Doctor
20 Ellen Riemer.

21 THE CLERK OF COURT: Doctor, if you will
22 come around and swear you in please.

23 WHEREUPON,

24 **ELLEN RIEMER,**
25 having been duly sworn by the Clerk of Court,

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1 testified as follows:

2 BY MR. CLEMENTS:

3 Q Doctor, could you please state your name for the
4 jury and spell it for the court reporter.

5 A It's doctor Ellen Riemer, R-I-E-M-E as in Mary,
6 E-R.

7 Q Doctor Riemer, can you please tell this jury
8 where you are employed and what you do.

9 A I'm employed at the Medical University of South
10 Carolina in Charleston as a forensic pathologist.

11 Q Can you please tell this jury what pathology is
12 and what forensic pathology is.

13 A Well, pathology is a subspecialty of the practice
14 of medicine where the doctor, the pathologist,
15 evaluates, looks at tissues and in order to make
16 diagnosis of disease processes. And a forensic
17 pathologist is a pathologist who already board
18 certified in general pathology and is competent to
19 make diagnosis of disease but is also an expert in
20 evaluating injuries and nonnatural things that
21 happen to the body, so it is evaluating injuries.

22 Q Could you please tell this jury about your
23 educational background.

24 A Okay. Well, after I completed four years of
25 college and I went to medical school and graduated

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1 four years with my M.D. degree, and then I did my
2 pathology training at Columbia University in the
3 city of New York at New York Presbyterian Hospital.
4 And after that, that was also four years and
5 that's -- I completed my pathology residency
6 training. And then I did a forensic pathology
7 fellowship which is subspecialty training in
8 forensics pathology at the office of the chief
9 medical examiner of the state of Maryland in
10 Baltimore. And after that I did another year of
11 subspecialty training in cardiovascular and
12 pulmonary pathology which is a specialty of heart
13 and lungs, and I did that at Johns Hopkins
14 University School of Medicine.

15 Q Now just curious, where did you get your
16 undergraduate degree, where did you get your medical
17 degree?

18 A My undergraduate degree is from Bri Mar College
19 which is a liberal arts college in Pennsylvania, not
20 far from Philadelphia. And I got my medical degree
21 from Tel Aviv University in Israel.

22 Q Now do you also have a JD degree?

23 A I do.

24 Q And can you please tell the jury what a JD degree
25 is and where you received that from.

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1 A Right. A JD degree is a doctor. It stands for a
2 doctor of jurisprudence or jurisdoctor. It's a law
3 degree. And I, straight after college I went to law
4 school not really knowing what I wanted to do. And
5 I went — I did that at the University of Wisconsin
6 in Madison, Wisconsin, and I got jurisdoctor in
7 three years and then practiced law for a few years
8 but never liked it one bit. So I decided to go to
9 medical school after that so.

10 Q And I, for the record I do not take offense to
11 that.

12 THE COURT: Me either.

13 BY MR. CLEMENTS:

14 Q Now have you ever been qualified to receive as an
15 expert — well, first let me back up. Do you in
16 your job as a forensic pathologist at the Medical
17 University do you continue to get any kind of
18 continuing education in this field?

19 A Yes. I go to conferences and lectures and I'm
20 always maintaining the most current knowledge and in
21 forensic pathology and general pathology.

22 Q Okay. Have you been qualified to testify as an
23 expert in the area of forensic pathology in either
24 state or federal court?

25 A Numerous times in state courts.

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1 Q And do you know approximately how many times? In
2 the tens or dozens or?

3 A Probably a dozens of times total.

4 Q All right.

5 MR. CLEMENTS: Your Honor, at this time I
6 would present the doctor as an expert in the field
7 of forensic pathology.

8 THE COURT: Any objection?

9 MR. FLOYD: No objections, Your Honor.

10 THE COURT: Granted.

11 BY MR. CLEMENTS:

12 Q Doctor, did you have occasion to do an autopsy on
13 a death that occurred in Mullins, South Carolina on
14 the 10th of September, 2010?

15 A Yes, I did. And if you don't mind I'd like to
16 refer to my autopsy report.

17 Q Certainly.

18 A Okay.

19 Q All right. And what was the name of the
20 individual that you did autopsy on?

21 A Sharon Warren.

22 Q Okay. And did you receive that autopsy request
23 from the coroner here in Marion County?

24 A Yes. The Marion County coroner called me up, and
25 I took the phone call, and he said he needed an

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1 autopsy on a woman who in order to determine the
2 cause and manner of death.

3 Q Okay. And did anyone from local law enforcement
4 of Marion County accompany the body to the autopsy?

5 A Well —

6 Q If you know?

7 A I believe that there was a — somebody from the
8 Mullins Police Department who picked up evidence
9 that I, you know, the clothing and other evidence
10 that I recovered at the autopsy, but it doesn't — I
11 don't rely on information given by like a police
12 officer or who comes with them. The coroner gives
13 me what information he or she deems important, and
14 then I will do the autopsy based on that.

15 Q Okay. And as you did the autopsy on Sharon
16 Warren who is also known as Sharon Stackhouse, did
17 you determine what her body size was?

18 A Yes. One of the things that's part of the
19 autopsy examination before anybody starts cutting,
20 before I start cutting, is that I do — I look at
21 the body and I weigh the body and I measure the
22 height of the individual and I see if there's any
23 abnormalities or on the external part of the body
24 which is before going and doing any surgical part of
25 cutting into the body. And she, at the beginning of

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1 the autopsy I weighed her and she weighed 80 pounds
2 and she was 58 inches in length which is the same
3 thing as a 4-foot 10 inches so she was 4-foot 10.
4 She was a very small lady.

5 Q Okay. And do you also examine her body on the
6 outside before making any kind of internal
7 examination; is that correct?

8 A Thoroughly, yes.

9 Q And with that thorough examination of the
10 exterior of her body, what type and how many wounds
11 were you able to determine that she had?

12 A She had just a single stab wound.

13 Q A single stab wound?

14 A That's correct.

15 Q Okay. And this was after you cleaned the body,
16 removed the clothes, correct?

17 A Yes.

18 Q Okay. And if I can ask permission for this
19 witness to step down, Your Honor. Now Doctor, you
20 testified she was about 4-foot 10?

21 A That's correct.

22 Q And about how tall are you?

23 A I'm 5'4".

24 Q So she would have up to about where, about —

25 A Probably just towards the top of my shoulder.

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1 Q So a very small person?

2 A Very, very petit lady.

3 Q And only weighed 80-pounds?

4 A Yes.

5 Q If you would please, would you demonstrate for
6 the jury if you don't mind using me, to show the
7 location of the single stab wound that you
8 identified.

9 A Okay. It was on the lateral, which is the side
10 of the left side of the chest, so not the front or
11 the back but on the lateral side just about over
12 there. It would be just below the corner of the
13 left breast.

14 Q Okay.

15 A It didn't actually go through the breast. It was
16 right at the base corner of the left breast.

17 Q And what was the size of the wound?

18 A The length of the wound, of the stab wound, was
19 7/8 of an inch.

20 Q So that's how —

21 A That's — it was sort of at an angle so 7/8 of an
22 inch is probably if you have a small hand, it's
23 just — it's like the distance between the tip of
24 your thumb and your middle number so it was about
25 that, you know, long. And it was sort of at an

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1 like a horizontal mark. It was sort of -- it was at
2 an angle.

3 Q Now if you'd please tell us during your
4 examination were you able to determine the depth
5 penetration?

6 A Yes, that's one of my observations as a forensic
7 pathologist in evaluating injuries. When there's a
8 stab wound that goes into the body I do the best I
9 can to measure the depth of the penetration.
10 Sometimes it's a little bit easier than others, but
11 this wound went into the body at approximately
12 8-inches.

13 Q So 8-inches into the body?

14 A Right, from the surface of the skin like into the
15 body. That's where like the stab wound stopped.

16 Q Okay, all right. Thank you. With the size of
17 the wound being 7/8 of an inch of the depth and
18 penetration being 8-inches into the body can you
19 determine as to what type of wound this was or how
20 this wound was created? Was it a cutting, a
21 slashing, a thrusting?

22 A It was a stab wound.

23 Q A stab wound?

24 A Right. A stab wound by consistent with a knife,
25 a single edge blade.

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1 Q Okay. And can you please tell this jury what
2 parts of the body were punctured with the stab
3 wound.

4 A Yes. There are many vital organs that were
5 significantly injured by this stab wound. The knife
6 went through the skin on the left side of the body;
7 and again, as I mentioned, like just at the sort of
8 lower corner of the left breast. And then after
9 went into the skin, underlying thin layer of muscle.
10 She was as petit woman. Then it went, the knife
11 went into the muscle between two of the ribs between
12 the 7th and 8th ribs on the left side. Then went
13 through both lobes of the lung, of the left lung,
14 and then went into the pericardium which is the
15 protective envelope that surrounds the heart. And
16 then the knife continued and went through the left
17 ventricle of the heart which is the major muscle of
18 the heart that does the pumping. And after that it
19 went through the aortic arch, which is the main
20 blood vessel leading out of the left ventricle. So
21 it's basically the major blood vessel of the body
22 that from which all blood from the heart goes is fed
23 to the rest of the body. And then after it went
24 through the aortic arch. It even went into the
25 right lung a little bit, but it didn't go all the

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1 way through the right lung. That was the complete
2 depth of the penetration. That was all from a
3 single stab wound.

4 Q A single stab wound. What, if any other wounds
5 or injuries did you observe on the outside of her
6 body?

7 A There was none. There were no other injuries.

8 Q Were there any what's referred to as defensive
9 wounds?

10 A There weren't any. I usually — forensic
11 pathologists classify, you know, superficial or you
12 know, slash type wounds to people's hands or arms as
13 defensive wounds because it would indicate that they
14 might be trying to defend themselves. But in this
15 case there was no evidence of any defensive wounds.

16 Q No slashes?

17 A No. There wasn't a single either sharp or injury
18 on the body?

19 Q No cuts?

20 A No.

21 Q Just a penetrating stab wound?

22 A That's correct.

23 Q Okay, all right. Was there no wounds to the hip
24 area?

25 A There was no wound to the hip area.

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1 Q Okay. When she — when the body came to you the
2 body was still clothed?

3 A Yes, and covered with blood.

4 Q Was there areas covered with blood that might
5 have looked to a nonmedical person as possibly
6 sources of injury on her hip area?

7 A I can imagine that can be misinterpreted very
8 easily.

9 Q Okay, all right. This wound that you described,
10 do you have a opinion to a reasonable degree of
11 medical certainty as to the cause of death?

12 A Yes, this woman Sharon Warren died of a stab
13 wound to the chest.

14 Q And do you have an opinion to a reasonable degree
15 of medical certainty as to the manner of death?

16 A Yes, the manner of death is homicide.

17 Q Let me ask you this, that being a fatal injury,
18 what would have been the possibility at all if there
19 was a trauma surgeon present there at the scene was
20 this a wound that there was any potential for
21 survival?

22 A No. This was a non-survivable injury because
23 there were too many essential vital structures that
24 were severely damaged including the heart and both
25 lungs and the aortic pump. There's no way that

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1 anybody would have been able to recover from that
2 even if there was an expert team of surgeons at the
3 scene.

4 Q Okay. And again, no other wounds present?

5 A No.

6 Q All right. Beg the Court's indulgence. Thank
7 you so much, Doctor. Would you please answer any
8 questions Mr. Floyd may have.

9 A Of course.

10 **CROSS-EXAMINATION**

11 BY MR. FLOYD:

12 Q Good afternoon, Doctor.

13 A Good afternoon.

14 Q I know you testified there were no other stab
15 wounds or what appeared to be defensive wounds,
16 slashing type wounds, there was none of that. Did
17 you notice any significant bruising or anything like
18 that?

19 A Well, I will tell you what she had on her body.
20 There was no evidence of any bruising. She had some
21 scars that are from a remote time. And she had
22 tattoos on several parts of her body so I looked
23 thoroughly for, and I would make a note of any
24 bruises or scrapes that she would have anywhere.

25 Q Sure. Now in your report when you describe the

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1 stab wound you mentioned that it was oriented from
2 the 2:00 to 8:00 position. Could you explain what
3 this means.

4 A Yes. Well, I started off by saying that it was
5 obliquely oriented so it's not a vertical stab wound
6 and it's not horizontal; it's kind of at an angle.
7 And to try and give an idea what the angle is
8 instead of just saying it's oblique oriented, I said
9 one end is — there's part of the stab it would be
10 like if you had the hand of a clock with one end
11 pointing to 8:00 and the other end points to two.
12 So that's, if I'm looking straight at the stab wound
13 on the left side of the chest where it was located
14 it would look like one end of the stab wound is
15 going at the 8:00 position of the hand of a clock
16 and the other end is at a 2:00 position, is exactly
17 opposite.

18 Q Okay. So the entry part of the wound would be
19 lower than the wound inside of the body, the end of
20 the wound or the end of the canal? You say it was
21 8 inches deep?

22 A Yes. Well, that's just the angle that it went
23 in, okay.

24 Q Okay.

25 A So it's, you know, it's 7 — it's 7/8 inches on

SW - E. RIEMER - CROSS

1 the skin because tissue is elastic on the inside. I
2 mean, I can tell what it went through and where
3 there are holes, but you know, there's a nice shape
4 that it maintains on the skin surface but, you know,
5 after lungs are collapsed, I mean, there's gonna be
6 defect in the lung. But it wasn't the knife --
7 there's no knife was twisted or anything like that.
8 it's just a straight stab wound.

9 Q Okay. And but it's at an angle going into the
10 body?

11 A No, I mean, it's just oblique. It's not going in
12 at an angle. It's actually going straight across
13 without any upward or downward or frontward,
14 backward deviation. I made a note of it's just
15 going straight from left to right. It just
16 indicates the angle the knife was as it entered the
17 skin.

18 Q I see. That's what you mean by 2:00, 8:00?

19 A That's correct. It's just what how it appears on
20 the skin.

21 Q Thank you. I appreciate that.

22 **REDIRECT EXAMINATION**

23 BY MR. CLEMENTS:

24 Q Just very briefly, Doctor. Mr. Floyd was asking
25 you about any bruising. Any bruising that would

SW - E. RIEMER - REDIRECT

1 have occurred there simultaneously or at the same
2 time the attack of the stab wound, let me ask you
3 this. That wound, how quickly would someone bleed
4 out from that type of injury?

5 A It can vary depending on how healthy they are to
6 start with, how much reserve they have. But this
7 would be a very rapidly. It would be a lot of blood
8 loss very rapidly, first of all, because the aorta
9 is an artery as opposed to a vein so there's — it's
10 going to have a kind of a projectile movement and
11 there's gonna — and there's gonna be bleeding into
12 the chest cavities, not just outside of the body.
13 So it's gonna be fairly rapid because there were a
14 lot of vital organs that were very vascular meaning
15 that they had a lot of blood vessels even within the
16 organs. It didn't even, not even just because of
17 the aorta, but the lungs are filled with small blood
18 vessels and these are just gonna be bleeding. And
19 she did have blood accumulated in both sides of her
20 chest.

21 Q Would this rapid loss of blood both externally
22 and internally, would that affect bruising in any
23 way of a —

24 A No.

25 Q —superficial wound?

SW - E. RIEMER - REDIRECT

1 A No, if there was a bruise that it would not
2 interfere with my ability to evaluate presence or
3 absence of bruises.

4 Q Okay. Thank you.

5 THE COURT: Anything further?

6 MR. FLOYD: Nothing further, Your Honor.

7 MR. CLEMENTS: Your Honor, we ask that she
8 be released from her subpoena and hope she has a
9 safe drive back to Charleston.

10 MR. FLOYD: No objection.

11 THE COURT: Have a good day.

12 THE WITNESS: Thank you, Your Honor.

13 THE COURT: Call your next witness.

14 MR. CLEMENTS: Your Honor, we'd like to
15 call Sandra Robinson.

16 THE CLERK OF COURT: Place your left hand
17 on the Bible and raise your right hand.

18 WHEREUPON,

19 **SANDRA ROBINSON,**
20 having been duly sworn by the Clerk of Court,
21 testified as follows:

22 **DIRECT EXAMINATION**

23 BY MR. CLEMENTS:

24 Q Could you please state your name for the record.

25 A Sandra Robinson.

SW - S. ROBINSON - DIRECT

- 1 Q And Ms. Robinson, where do you live?
- 2 A At that time I was at [REDACTED].
- 3 Q I'm gonna ask you if you, I'm way back here, if
- 4 you will speak up a little bit.
- 5 A At that time I was at [REDACTED].
- 6 Q Okay. And where is Johnson Street, in Mullins?
- 7 A Mullins, South Carolina.
- 8 Q Okay. How far away was your address at that time
- 9 from Meadow Park Apartments?
- 10 A About 200 yards, 200 feet.
- 11 Q 200 yards or 200 feet or?
- 12 A I really don't know, but it's not that far.
- 13 Q Not that far. Good walking distance?
- 14 A Yes, sir.
- 15 Q Okay. Now did you know Sharon Stackhouse?
- 16 A Yes, sir.
- 17 Q How long had you known Sharon Stackhouse?
- 18 A All my life.
- 19 Q All right. And are y'all related?
- 20 A Yes, sir.
- 21 Q And what is that relation?
- 22 A She's my cousin.
- 23 Q She's your cousin?
- 24 A Uh-huh.
- 25 Q That will a be a first cousin, second cousin?

SW - S. ROBINSON - DIRECT

1 A Second cousin.

2 Q Second cousin, okay. Did she ever go by the name
3 of Sharon Warren?

4 A Yes, sir.

5 Q Okay. And was that prior to being Stackhouse or
6 after being Stackhouse?

7 A She was Warren before she was Stackhouse.

8 Q Okay. And she had how many sons?

9 A Two.

10 Q Two. And what are their names?

11 A William [REDACTED] [REDACTED] and Daquan [REDACTED]

12 Q All right. And did you know them well?

13 A Yes, sir.

14 Q Y'all a pretty close family?

15 A Yes, sir.

16 Q Okay. Now did you know Edward Stackhouse?

17 A Yes, sir.

18 Q Okay. Did you have something wake you up in the
19 early morning hours of September 17th, 2010, and if
20 so, what was that that woke you up?

21 A My little cousin William was beating on the door.
22 When I got to the door he just fell in the door in
23 my arms. He was out of breath. He didn't have on a
24 shirt; he didn't have on no shoes. He ran from his
25 house, which was in Meadow Park, to my house which

SW - S. ROBINSON - DIRECT

1 was on Johnson Street.

2 Q What was his demeanor like and how did he appear
3 other than being out of breath? Was he —

4 A Shook up, crying, scared. He really didn't know
5 what to do.

6 Q All right. And was he agitated, excited?

7 A Very.

8 Q Very. When he got there and he was — fell into
9 your arms, what did you say to him?

10 A I asked him what was wrong, and he was trying to
11 talk and catch his breath at the same time so I had
12 him slow down his breathing so he could tell me what
13 happened. And he was telling me that something
14 happened to his mother and his brother and he think
15 that Edward did it.

16 Q All right. And was anybody there at the house
17 with you?

18 A Yes, Andre Owens.

19 Q Andre Owens?

20 A Yes, sir.

21 Q And did he wake up as well or was he awake?

22 A Yes, sir.

23 Q Okay. And what did y'all do next?

24 A While I was getting addressed I sent Andre to go
25 check things out to make sure everybody else was

SW - S. ROBINSON - DIRECT

1 okay.

2 Q Now was Andre dressed?

3 A No T-shirt, just pants and some shoes.

4 Q Okay. And where did he go to?

5 A He ran to Meadow Park.

6 Q Ran to the apartments?

7 A Yes, sir.

8 Q Were you able to see that video today from the
9 apartments?

10 A No, sir.

11 Q Did you see that where from where you were
12 seated?

13 A I couldn't see it.

14 Q Okay, all right. And did he go there to look and
15 see?

16 A Yes, sir.

17 Q Okay. How soon after did you and William [REDACTED]
18 follow after?

19 A Probably about 15, 20 minutes after.

20 Q Okay. Are you sure about that time or just a
21 short period of time or ---

22 A It was a short period of time. I'm not real
23 sure.

24 Q Not real sure?

25 A No.

SW - S. ROBINSON - DIRECT

- 1 Q Okay. But just as soon as you were able to get
2 dressed and get some shoes on?
- 3 A Yes, sir.
- 4 Q And you went to Meadow Park?
- 5 A Yes, sir.
- 6 Q And who was there when you got there?
- 7 A A couple of paramedics was walking around. A
8 couple of police officers walking around, and the
9 regular people was out there, pedestrians.
- 10 Q Okay. And how about your friend that you sent
11 ahead, was he still there?
- 12 A Yes, he was -- he had Daquan holding him till I
13 got there.
- 14 Q He had Daquan, holding him?
- 15 A Yes.
- 16 Q When you saw Daquan what kind of condition was
17 Daquan in?
- 18 A He had blood leaking from his neck. He was
19 holding his side.
- 20 Q And did he have anything on his neck or anything
21 on his side?
- 22 A At that time, no.
- 23 Q Okay. What did you do when you got there and saw
24 the police and EMS?
- 25 A Well, I took Daquan outside and I saw him against

SW - S. ROBINSON - DIRECT

1 the wall in the breezeway. And I went back inside
2 to look around, and I saw my cousin laying across
3 the bed. The bed was full of blood, and I walked
4 back out to Daquan.

5 Q All right. And what kind of condition was Daquan
6 in?

7 A He was frantic, scared, wanting to go to school.
8 He really didn't know what was going on. He was
9 disoriented.

10 Q Disoriented? Okay. Was he calm, was he excited,
11 was he — what was his demeanor of his emotions?

12 A Scared.

13 Q Scared? Okay. All right. What did you say to
14 him, if anything?

15 A I was trying to calm him down so he can wait on
16 the paramedic to get to him so he could get some
17 help.

18 Q Okay. And what happened from that point forward
19 while you were there on the scene?

20 A The paramedics got there. They took a towel and
21 held it to Daquan's neck and told me to apply
22 pressure to it until the EMS worker with the truck
23 could get there.

24 Q Okay. And what happened later after that? Did
25 anyone from your family go with Daquan to the

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1 hospital?

2 A No, sir.

3 Q Okay. So what did you do next?

4 A I was consoling William to try to calm him down
5 and just waiting really to see what else was going
6 to happen.

7 Q All right. And how long did you remain there at
8 the scene?

9 A Until me and William went to the police
10 department with Officer Gasque.

11 Q Sergeant Nicole Gasque —

12 A Yes, sir.

13 Q —gave y'all a ride to the police department.
14 What happened when y'all got to the police
15 department? Who did you see there?

16 A It was just me, William, and Officer Gasque.

17 Q Okay. And what happened while y'all were there?
18 Did you wait there, stay there a while?

19 A We stayed there a while.

20 Q Until when?

21 A Until she got our statements.

22 Q Sergeant Gasque got your statements?

23 A Yes, sir.

24 Q How does she take your statement?

25 A She asked us did we feel like talking. At first

SW - S. ROBINSON - DIRECT

1 William didn't, but I encouraged him that he need to
2 do that, so he filled his statement out.

3 Q So he filled his statement out? Okay.

4 A His own, his own.

5 Q So you didn't make a recording or anything. She
6 just gave you a form to fill out?

7 A Yes, sir. She just gave us a form.

8 Q And you did that?

9 A Yes, sir.

10 Q And William did that in your presence?

11 A Yes, sir.

12 Q Okay. Anything further?

13 A No, sir.

14 Q Okay. And where did y'all go from there?

15 A We went -- when we left the police department we
16 went back to my house which was in Johnson Street.

17 Q Okay, all right. Beg the Court's indulgence a
18 moment. Ms. Robinson, just a couple more questions.
19 How would you describe how Sharon looked, her size,
20 that sort of thing?

21 A She was very small, short. She was a very small
22 woman.

23 Q Okay. And how about her sons? Are they much
24 like her physical appearance or not?

25 A Yes, sir.

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- 1 Q Okay. How -- this happened a little while ago.
2 How large was Daquan or how big was Daquan?
3 A He was pretty much the same size he is now.
4 Q Pretty much the same size he is now.
5 A Yes, sir.
6 Q And he's the oldest; is that correct?
7 A Yes, sir.
8 Q And William, y'all call him Shawn?
9 A Yes, sir.
10 Q Is he bigger than Daquan now or about the same
11 size or?
12 A They're about the same size, but I think Daquan
13 is a little taller, about a couple of inches.
14 Q And during that time in back of September of 2010
15 was William about the same size he is now or was he
16 a little smaller back then?
17 A He was a little smaller.
18 Q Okay. How old are they now?
19 A Right now they're about to turn 16 and 15.
20 Q Okay. How old were they then?
21 A 14 and 15.
22 Q 14 and 15. Please answer any questions that
23 Mr. Floyd has. Thank you, Ma'am.
24 MR. FLOYD: Your Honor, I don't have any
25 questions.

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1 THE COURT: You may step down.

2 Call your next witness.

3 MR. CLEMENTS: Your Honor, we would call

4 Kenneth Davis.

5 WHEREUPON,

6 KENNETH DAVIS,

7 having been duly sworn by the Clerk of Court,

8 testified as follows:

9 DIRECT EXAMINATION

10 BY MR. CLEMENTS:

11 Q Can you please state your name for the record and
12 can you please tell us where you work and what you
13 do.

14 A My name is Kenneth Davis. I work for the city of
15 Mullins and I'm currently the city administrator.

16 Q How long have you been in that position?

17 A I've been in the city administrator position
18 full-time since January of this year.

19 Q And prior to being the city administrator what
20 was your job title and what did you do?

21 A I was chief of police for the city of Mullins
22 Police Department, sir.

23 Q How long had you been chief of police in Mullins?

24 A Total about two-and-a-half years.

25 Q Okay. Now prior to that two-and-a-half years

SW - K. DAVIS - DIRECT

1 with Mullins did you have prior law enforcement
2 experience?

3 A Yes, sir, I did.

4 Q How many years?

5 A About 21-and-a-half, 22 years.

6 Q Okay.

7 A Prior to Mullins, sir.

8 Q Can you please tell this jury about your law
9 enforcement experience.

10 A Yes, sir. I have some time as a special agent
11 with the United States custom service officer with
12 federal air marshal. I was also a special sergeant
13 with the South Carolina Law Enforcement Division
14 commonly known as SLED in their crime scene unit and
15 their arson investigations unit. And I was also
16 captain with the sheriff's department here in charge
17 of criminal investigations division for
18 three-and-a-half years.

19 Q All right. Did you also work in Horry County?

20 A I did, for the Solicitor's office as on
21 investigator for them as well.

22 Q All right. You were working on September 17th,
23 2010?

24 A Yes, sir, I was called out.

25 Q Okay. How did you receive that call and how did

SW - K. DAVIS - DIRECT

1 you respond?

2 A Actually received two telephone calls. I got one
3 from our 9-1-1 central dispatch system and another
4 from one of the our officers there on the scene.
5 Greg Pike with the Mullins Police Department at the
6 time called and advised me of the incident that had
7 occurred there at Meadow Park and asked me to please
8 respond.

9 Q And how did you respond?

10 A Immediately I went to the scene and was able to
11 ascertain what had occurred initially, was able to
12 talk with my officers to make sure the scene was
13 secure. It wasn't long after that that I made a
14 decision to request some assistance from the State
15 Law Enforcement Division's crime scene unit.

16 Q Okay. And what was the purpose of calling them?

17 A They have specialists that are on hand that are
18 more suited as far as collection and preservation of
19 evidence than a lot of other smaller police
20 departments they have folks that do it full-time.
21 And in addition to that, it shortens the length of
22 custody because those folks at SLED actually perform
23 many of the tasks in examinations that will be
24 performed on the evidence at a later date.

25 Q And it just shortens the number of people that

SW - K. DAVIS - DIRECT

1 would be handling that evidence?

2 A It does, sir.

3 Q Okay. Now when you got to the scene and you
4 called in for SLED forensic crime scene unit, what
5 did you find there at the scene?

6 A I did go in and do initial sweep of the
7 residence. We found the scene secured. I found the
8 scene secured by my officers. They were already
9 getting some crime scene tape up, and that's
10 normally done to keep folks from wandering into the
11 scene outside to secure the scene as well to give a
12 perimeter or a barrier for the scene.

13 Q Now this was an apartment building, correct?

14 A It was, sir.

15 Q Where there are other folks milling around? I'm
16 sure there was a lot interest there. Were other
17 folks milling around?

18 A There was quite a bit, yes, sir, there was.

19 Q And y'all were able to keep those people out of
20 the crime scene with crime scene tape?

21 A Yes, sir. As a matter of fact, we even expanded
22 the crime scene somewhat to the front and rear of
23 the building and asked those folks to exclude
24 themselves from that area so we were able to remove
25 them as well. Even though it wasn't in the same

SW - K. DAVIS - DIRECT

1 proper we tried to extend that perimeter for
2 additional safety purposes.

3 Q Okay. And after securing that scene and you went
4 through a walk-thru of the apartment, tell this jury
5 what you found and what you saw and what in
6 particular you were looking for, if anything.

7 A Initially went I inside I was looking for
8 anything -- and of course, I'd been told by my
9 officers they had done a quick cursory search. They
10 did not find any individuals, any threatening
11 individuals in the apartment, but you still have to
12 be careful as such because sometimes folks will
13 miss. So we did go in again just to sweep once more
14 just to be sure. Also went to the back bedroom to
15 make sure that everything was secured, to make sure
16 the windows and doors were all covered sufficiently
17 so there wouldn't be anybody wandering in from the
18 scene on another side where the apartment of that
19 perimeter. And one of the things that struck me and
20 I remember vividly was a young lady laying across
21 the bed. Her stature, she was so very small, young
22 lady. And immediately left the room itself, came
23 out of the building. I wanted to be able to give
24 the state law enforcement division's crime scene
25 folk some idea of what they were coming down to if

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1 they had any specialized equipment they would bring
2 that and that's usually why we'll do a quick sweep
3 of the scene as well to notify them of any
4 additional equipment that may need to put in their
5 trucks to bring with them.

6 Q Now when you went in the bedroom you noticed the
7 young lady what kind of condition was the bedroom
8 in?

9 A It seemed to be in somewhat disarray.

10 Q All right.

11 A There was some things pushed over.

12 Q Excuse me, I'm sorry?

13 A There was so items pushed over, some clothing
14 laying on the bed, and some also laying on the
15 ground of the floor.

16 Q And what did that indicate to you?

17 A Well, there'd been some type of struggle. I did
18 notice there was a — I seem to recall a piece of a
19 telephone or cell phone. I seem to recall a piece
20 of phone a or maybe a half of a cell phone in the
21 hallway and it seems like I recall a piece also in
22 the bedroom.

23 Q Okay, all right. And was there anything else
24 that you noticed that was broken or anything
25 overturned?

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1 A There was a little stand or a little table that
2 was on one side of the bed that was -- you could
3 tell had been pushed up and was actually tilted. I
4 don't think it was turned all the way over and some
5 of the clothing that were lying on the floor as
6 well.

7 Q Did you linger long there to observe very much?

8 A No, sir, just to get a quick glimpse to make sure
9 that when I called for them for SLED they told us
10 they were able to relay to the crime scene folks
11 exactly what they were going to need to have on the
12 trucks when they came down.

13 Q Okay. Now you have worked on crime scene before;
14 haven't you?

15 A Yes, sir.

16 Q Why did this time you just back out and leave it
17 to them?

18 A They are the specialists doing this every day.
19 I've done quite a few of these myself; but to have
20 these folks come down they are gonna to be taking
21 the evidence of course from the scene. It does
22 shorten the number of folks it changes hands. And
23 frankly, by doing so it limits the potentiality or
24 possibility of any cross contamination as well.

25 Q So you backed out of this and just left it to

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1 them?

2 A I did, sir.

3 Q From that point after you backed out of the
4 bedroom did you back up completely out of the
5 apartment?

6 A Yes, sir, I did.

7 Q What did you do next?

8 A I called the State Law Enforcement Division there
9 from the cell phone. I had made a little quick list
10 when I got outside of what we were going to need. I
11 gave them a call, and they were dispatched. They
12 called me back within about three or four minutes.
13 They would dispatch relatively quickly so they were
14 on the way in just a little bit.

15 Q And what did you do next after getting that
16 information?

17 A Was trying to coordinate with some of the
18 officers that were on the scene to determine what
19 information had been developed in the early moments
20 of the scene itself. I had already called for
21 Captain Bethea to come as well as the remainder of
22 our detective unit to come out.

23 Q Had you received any information or any leads
24 that you followed up on regarding any persons of
25 interest?

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1 A We did initially were told of Mr. Stackhouse, and
2 there was some confusion as to whether or not he may
3 have still been in the area or had left. It was
4 just shortly right after that that Captain Bethea
5 arrived on the scene. It wasn't long after that
6 that they began -- oh, I'm sorry, bolo'ing,
7 be-on-the-lookout-for some people, call them all
8 points bulletin. But it was generally a radio call
9 giving description of the gentleman that they
10 thought might be involved in this incident, and that
11 went out relatively quickly as well.

12 Q So bolo and APB is pretty much the same thing?

13 A Yes, sir. I apologize for the slang. It's just
14 I'm used to it. My apologies.

15 Q And bolo, to-be-on-the-lookout-for?

16 A Yes, sir.

17 Q Okay. Were there any -- your investigation, did
18 it reveal any type of description or anything in
19 particular that y'all were looking for on the bolo?

20 A Individually it was -- it was -- the gentleman
21 was described as having wearing dark pants. They
22 weren't sure if they were long or short; but if they
23 were shorts they were long shorts, I do remember
24 that coming out. Light colored shirt. And there
25 was something specific about his shoes but I

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1 couldn't recall right off the top of my head what
2 that was. It seems like they were maybe really
3 bright red with another color, if my memory strikes
4 me.

5 Q Okay. And that's just off the top of your head
6 —

7 A Yes, sir.

8 Q —your interview?

9 A Yes, sir, that's correct.

10 Q Did you have a suspect that get located?

11 A There was an individual located not too long
12 after. One of the things that we did, we initially
13 went, out several of us. I sent the officers out
14 city wide to look for an individual matching the
15 description or if any of our officers knew the
16 individual who was named.

17 Q Well, let me ask you this, how many officers do
18 you have on the street during that time of day?

19 A Normally we don't have but three or four, but in
20 this particular case we had called several people in
21 and we had requested assistance from the Sheriff's
22 Department which Sheriff Richardson was very kind
23 and granted us that as well as Marion County
24 Combined Drug Unit. So we had maybe 12, 15. He had
25 even — the sheriff had even given another shirt for

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1 us as well so we had quite a few folks, 12 to 15 out
2 just early on looking.

3 Q And did someone locate a suspect?

4 A Yes, sir. Deputy Mark Collins who is an agent
5 with Marion County Combined Drug Unit did happen up
6 on a suspect in the area of Gold Street in Mullins,
7 in the city limits of Mullins.

8 Q And how did you receive that information?

9 A He called out or made announcement over the radio
10 that he was getting out with a suspect matching that
11 description, that he thought that might be who the
12 individual was by name. And I started -- I was
13 somewhere in the vicinity of Smith and Front. I
14 started heading that direction immediately.

15 Q And did you meet him and where?

16 A I did. I arrived on Gold Street just within just
17 a couple of minutes, if that. When I arrived he was
18 there, Deputy Collins, also Agent Collins. Also on
19 scene was Lieutenant Brandon Gore who is with the
20 Mullins Police Department, and the defendant was
21 standing beside the road with his hands cuffed
22 behind him.

23 Q Okay. Did you notice anything else, any types of
24 modes of transportation or anything else there?

25 A There was a bike nearby, nearby where they were

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1 standing.

2 Q Okay. Do you recall what kind of bike or
3 description of the bike?

4 A I remember it had some red in it and I think some
5 gray or silver as I recall.

6 Q All right. And what was done with that bike, if
7 you know?

8 A It was transported to the police department for
9 processing. I know it was taken since it was a mode
10 of transportation or we suspected it may have been a
11 mode of transportation from a scene of violence. It
12 was transported to the police department for
13 safekeeping and also for evidence processing.

14 Q All right. The individual you saw that was
15 handcuffed in the yard there on the street on Gold
16 Street, who -- did you find out who that individual
17 was?

18 A Yes, sir, his name is Mr. Stackhouse.

19 Q Do you see that individual in the courtroom here
20 today?

21 A Yes, sir, I do.

22 Q Can you please point him out for us?

23 A (Indicating.) He is seated at the defense table
24 with his, with counsel, in sort of a tannish brown
25 shirt with a kind of striped tie.

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1 MR. CLEMENTS: Your Honor, may the record
2 reflect the witness has identified the Defendant.

3 THE COURT: The record will so reflect.

4 BY MR. CLEMENTS:

5 Q All right. Mr. Davis, did you approach
6 Mr. Stackhouse there at Gold Street?

7 A I did.

8 Q And can you tell us what you did, what you said,
9 what happened.

10 A I think the first thing I said immediately when I
11 got there, I said is everybody okay, did anybody
12 need any medical attention. I immediately
13 mirandized. And what that is, it's advising someone
14 of what their miranda rights are. And I did so.

15 Q How did you do that?

16 A Well, I have a card that when I was in -- and I
17 guess I still carry it by habit. But when I was in
18 law enforcement it was also in my wallet, I carried
19 with me and --

20 Q So how many years did you carry a card?

21 A It wore out over the period of years so I would
22 also put a new one in, but it was for the entire
23 time I've been in law enforcement. Since college
24 graduation in '87 I've had it.

25 Q And you read it to Mr. Stackhouse off this card.

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1 A Yes, sir, I did.

2 Q What was the purpose for that?

3 A It's to advise someone of their right to an
4 attorney and their right to speak with an attorney
5 and their right not talk with law enforcement if
6 they so desire. If there's a custodial type
7 situation and there are questions that are going to
8 be asked, the Supreme Court of the United States
9 requires law enforcement officers to administer
10 those rights.

11 Q That's because we all have a right to remain
12 silent?

13 A Yes, sir, that's exactly right.

14 Q Age do you have a card on you today?

15 A I do. I'm sure that I do.

16 Q Is that -- what is on that card is that anything
17 different to what has been testified to here in
18 regards to State's Exhibit 35?

19 A It shouldn't be, sir. It's just standard miranda
20 warning.

21 Q If you will look at State's Exhibit 35. Are
22 those the same warnings on that State's Exhibit 35
23 as you read to Mr. Stackhouse out there on Gold
24 Street that morning --

25 A Yes, sir.

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1 Q —on the 17th?

2 A It is the same Miranda warning.

3 Q Okay, all right. When he was out there on Gold
4 Street what was his demeanor, what was his
5 condition?

6 A I remember him mentioning that he was cold at
7 first. After I mirandized him he — I went to
8 actually bag his hands, and when I — and
9 essentially what that is, in forensics work, to
10 prevent cross-examination and to preserve evidence,
11 items that would be easily removed or taken off or
12 damaged you want to protect those items as much as
13 possible.

14 Q So I want to get into that, but I want to back up
15 a minute if I may.

16 A I'm sorry, Solicitor.

17 Q He said he was cold. And you were close to him?
18 How close to him were you?

19 A Maybe a foot, maybe a foot-and-a-half.

20 Q When you read him his miranda rights?

21 A Yes, sir.

22 Q And he was cold. What about his demeanor as far
23 as his mental alertness, his mental condition, how
24 would you explain or how would you describe him?

25 A I would describe him as lucid and alert, very

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1 alert.

2 Q So he knew what y'all were talking about,
3 understood your conversation?

4 A Clear presence of mind in my -- to me.

5 Q And did you question him at that time?

6 A No, sir, I did not question him other than asking
7 him if he needed any medical attention, if he was
8 okay.

9 Q Why didn't you go ahead and question him right
10 there?

11 A It's just -- it's not the appropriate place to do
12 that on the side of the road, something more
13 comfortable. You certainly like to offer folks you
14 were speaking with the chance for a restroom break
15 perhaps something to drink. On the side of road
16 like that it's just not proper ethics or atmosphere.

17 Q So you didn't go into any questioning at that
18 time?

19 A No, sir.

20 Q Now let's get to the bagging of the hands. Did
21 you explain to him what you were doing?

22 A Yes, sir, I told him I was going to be bagging
23 his hands. I said, I'll be bagging your hands here,
24 this won't hurt a bit, this is nothing that's going
25 to bother you, I just need to secure these on your

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1 hands. These two paper bags just like the old
2 shopping bags, two smaller paper bags, and actually
3 we would put over the hands and they were taped off
4 at the end at the mouth so that they would preserve
5 whatever items might be on the hands and to preserve
6 any items, any foreign items, from being placed on
7 the hands.

8 Q Now what were you concerned with, what were you
9 thinking may be there that you were trying to
10 preserve?

11 A Did not know if there was any blood or not. Was
12 concerned that there might be or perhaps some DNA
13 evidence that I wanted to preserve if any way
14 possible.

15 Q His DNA or possibly someone else's DNA?

16 A Both.

17 Q Okay. Now normally this is done a lot of times
18 when you suspect gunshot residue, right?

19 A Yes, sir.

20 Q But there was nothing involving any gunshot
21 reported here?

22 A That's correct.

23 Q So you simply are protecting to see if there was
24 any DNA or blood evidence of that nature and also
25 protecting for contamination?

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1 A Yes, sir. Fibers, hair, DNA, things of that
2 nature. And we didn't want anything to come in from
3 the outside environment and to contaminate his hands
4 as well. So it's really, it's really for the
5 benefit of the suspect as well.

6 Q Okay. Now how long did you keep his hands
7 bagged?

8 A They were bagged while we were at the scene
9 there for maybe just a few moments. I'd say maybe
10 five or six minutes until we can get him into the
11 car and get him to the station to the police
12 department. He wasn't at the police department very
13 long when I was — when he would have had those
14 removed.

15 Q Okay. And once the bags were removed then what
16 do you do?

17 A We would swab those areas and that's what I did.
18 Swab then with a blood kit swab or some call it DNA
19 kit swab. I didn't test for blood. I simply swab
20 the hands and placed these items in the receptacle
21 so that they could be transferred to SLED for
22 analysis.

23 Q And who did you give those to?

24 A Scott with SLED.

25 Q Scott Hardee?

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- 1 A Yes, sir.
- 2 Q And he gave those to Kim Dinh?
- 3 A Yes, sir.
- 4 Q Okay. Now did you take any photographs.
- 5 A I did take —
- 6 Q I know Agent Hardee said he took photographs?
- 7 A He did.
- 8 Q Did you take photographs as well?
- 9 A We both did. I took some initially at the scene
- 10 and that the -- I guess I call it memory disk, a
- 11 memory card, it crashed and Captain Motowski's
- 12 computer so we don't, unfortunately we do not have
- 13 those photos.
- 14 Q What photos did you take?
- 15 A Essentially photographs of his hands, photographs
- 16 of him, his face, his arm, his arms, actually they
- 17 were exactly the same array of photographs that SLED
- 18 took.
- 19 Q Okay.
- 20 A And that's from that training. We would have
- 21 taken the same and they were so.
- 22 Q But the files corrupted and the computer crashed?
- 23 A Yes, sir.
- 24 Q And you don't have those pictures for us?
- 25 A No, sir, unfortunately I do not.

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1 Q All right. Now let me ask you this, would there
2 have been anything in those pictures any different
3 — you recall taking the pictures?

4 A Oh, yes, sir, I do.

5 Q You recall what you took?

6 A Yes, sir.

7 Q Would there have been anything different of the
8 pictures your took of his hands with State's Exhibit
9 30, 31, and 32?

10 A No, sir. These are essentially the same array of
11 photos appears, yeah. They're the same as what I
12 took.

13 Q Okay.

14 A And what we would have had had they come out.

15 Q And other photos Agent Hardee took were just like
16 you did of him standing up?

17 A Right. The SLED folks are trained much in the
18 same way to document an individual that is standing
19 in the same fashion.

20 Q Okay. Now while you were there at Gold Street
21 you say you didn't interrogate him or interview, ask
22 him any questions. Was there any conversation
23 initiated by you or by him there at Gold Street?

24 A He did ask me a question, sir.

25 Q And what was that question?

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1 A Well, initially he said, can I ask you a
2 question, can I ask you something.

3 Q Before we go there let me ask you this, he was
4 handcuffed?

5 A Yes, sir.

6 Q Right?

7 A Yes, sir.

8 Q To your knowledge what was he told why he was
9 handcuffed, why he was being detained?

10 A We told him he was in custody. I may have used
11 the word arrest. I think it was custody actually
12 that for an event that had occurred just down the
13 street a few minutes ago, and we need to talk with
14 him about it.

15 Q Did you tell him any other details and, if so,
16 what details about it?

17 A I didn't tell him anything else?

18 Q And did Mark Collins, did he know anything other
19 than the bolo?

20 A Not in my presence.

21 Q Okay, all right. So he asked you if he could ask
22 you a question?

23 A He did.

24 Q What was your response?

25 A I reminded him that he had been advised of his

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1 miranda rights and that anything that he said from
2 that point forward would be used against him in
3 court should he decide to speak.

4 Q Did he ask you a question after that?

5 A He did. He did.

6 Q What was his question?

7 A He asked me did anybody survive.

8 Q And when you heard that question what was your
9 response or how did that question strike you?

10 A It struck me. It struck me.

11 Q Why?

12 A I'd never been asked a question like that in
13 several years of law enforcement ever. It's just,
14 it struck me. And it would surprising because
15 nothing had been shared other than the miranda to
16 him at that point; that's it. And I was able to
17 muster a response. I said, it doesn't look good for
18 one of the folks right now. And then he asked me
19 another question.

20 Q What did you tell him?

21 A I told him it did not look good for one of the
22 parties, and he said he had another question after
23 that.

24 Q What was that?

25 A He had asked me if it was Sharon.

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1 Q Okay. And did you respond any further?

2 A I told him that we needed to get on to the police
3 department and that we'd talk about this stuff, you
4 know, when we have more information. I basically
5 told him we didn't have a lot of information and we
6 needed to go.

7 Q All right. And from there did you transport him
8 to the police department?

9 A No, sir.

10 Q Who did?

11 A As I recall I believe it was patrolman Garvin.
12 PTC Andre Garvin from the Mullins Police Department.

13 Q Did you give them any direction other than
14 transporting to the police department?

15 A To take him to the police department and make
16 sure that no one bothered him, no one asked him any
17 questions. I advised the officer before he took him
18 away, no questions at all, period.

19 Q All right. And did you tell him where to put him
20 in the police station?

21 A As I recall I asked him to put him in the holding
22 area there in the police department, yes.

23 Q Where was the holding area in the police
24 department at that time was the building being used
25 then?

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1 A Yes, sir. It's on the first floor. We used to
2 call it the judge's office. It's an office with
3 ugly gold chairs that was in it that had a facility
4 there for holding.

5 Q All right. And what did you do next after they
6 transported him to the police department? Did you
7 follow them, or did you go do something else?

8 A I went back to the scene for a few minutes.

9 Q Which scene was that?

10 A I'm sorry, the crime scene there at Meadow Park.
11 I wanted to see what the status of our SLED agents
12 that were coming in. I wanted to kind of see where
13 we were with respect to that. I wanted to see where
14 we were with some of the canvassing that had begun
15 to take place as well. So I was back at the Meadow
16 Park scene in just a little bit. I do recall I
17 swung home and got a clean T-shirt before I went
18 back up to the office so, and a ball cap because my
19 hair looked a little bad so.

20 Q Now from there you went back to the office?

21 A Yes, sir, I did.

22 Q And what did you do when you got to the office?

23 A I consulted with Captain Bethea and some of our
24 school resource officers. Some of our folks were
25 there trying to assist us in determining

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1 information. We were trying to pull together
2 information from folks there at the scene, some of
3 the dispatch information, getting the case file sort
4 of organized and started, basically sheparding the
5 case to make sure that we had everything that we
6 needed in place so that we could move forward.

7 Q Now you talked about school resource officers.
8 What, if anything, did you do to maintain or collect
9 any witness information or victim information?

10 A One of our psychological resource officers
11 Sergeant Gasque, Nicole Gasque, who works at the
12 high school had also worked previously at the
13 Palmetto Middle School so she was familiar with both
14 of our young men who was victims and was also
15 familiar with our decedent in the apartment. We
16 felt like perhaps the young men might be a little
17 more comfortable with Sergeant Gasque so we asked
18 her to come in and if she could help us with the
19 family and the young men themselves, and she did so.

20 Q And you say young men, were both of them
21 available or just one?

22 A Just one. One of the young men had been air
23 lifted out to New Hanover I believe it was, New
24 Hanover County to a trauma unit. But we still had
25 one of the brothers, some of the family members, and

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1 some folks from the neighborhood that we were
2 speaking with trying to ascertain if anybody had
3 seen anything, that type of thing.

4 Q Okay. Now what did you do next after that?

5 A We -- it wasn't long after that that we fed the
6 defendant.

7 Q Okay.

8 A And made sure he had something to drink. His
9 clothes were changed out somewhere in that time
10 frame. I don't recall exactly when, but his clothes
11 would be taken as evidence so sometime during that
12 time frame that was done. We fed him, made sure
13 that he had -- he was comfortable. We got him some
14 water. I think we also got him a coke I believe.

15 Q Okay. Now after you fed him, got him something
16 to drink, made him comfortable, made sure he was
17 still comfortable, was he still in the judge's room
18 or day room, or where was he then?

19 A He was in there for part of that I know. I think
20 he ate -- when he ate it was still in the judge's
21 room.

22 Q And what transpired from there?

23 A Much later that morning and I guess actually into
24 the early afternoon we were to a point where we felt
25 like we were ready to take a statement from Mr.

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1 Stackhouse if he was so inclined to give us one. We
2 selected Captain Bethea's office upstairs to set up
3 a video camera, and we were at least very — at the
4 least we were going to sit down and offer him his
5 miranda again and see if he would talk with us and
6 we made plans to do that.

7 Q All right. Who started that procedure?

8 A Captain Bethea actually began the procedure, and
9 I came in a few moments behind him or just not long
10 after him at all. As a matter of fact, he was
11 finishing up the miranda as, his miranda, with
12 Mr. Stackhouse as I came in the office.

13 Q Okay. And all that was on video?

14 A Yes, sir.

15 Q Okay. Now once you came in and sat down did you
16 remain there for the entire interview?

17 A Yes, sir. Yes, sir. Once I came in I remained
18 through till the end of the interview, that's
19 correct.

20 Q And how about Captain Bethea?

21 A Yes, sir, he did.

22 Q Now did you also mirandize Mr. Stackhouse again?

23 A Yes, sir. Aside from the time that morning I
24 mirandized him when I walked in, I could hear
25 Captain Bethea finishing. And as we began the entry

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1 into the interview itself, I once again reminded him
2 of his miranda warnings and asked if he was, if he
3 was good with going forward, if he knew the
4 proceedings were being take recorded.

5 Q Okay. And what was his response?

6 A He was willing to talk with us. He knew the
7 proceeding was being recorded, and he was fine with
8 that. We did so with his permission.

9 Q Now did you video the entire interview?

10 A Yes, sir.

11 Q Did Mr. Stackhouse agree to talk with you?

12 A He certainly did, sir, yes.

13 Q And about how long did y'all talk? A minute or
14 two or for a length of time?

15 A It was lengthy. Maybe an hour, maybe a little
16 less, maybe just a little over, somewhere in the
17 neighborhood of an hour.

18 Q Okay. And at any time was he threatened or
19 coerced in any way?

20 A Absolutely not, sir.

21 Q At any time did anyone promise him anything?

22 A Absolutely not, sir.

23 Q Now at any time did he ask for a lawyer?

24 A He did not, sir.

25 Q At any time did he say he was tired of answering

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1 questions?

2 A No, sir, not at all.

3 Q How would you define, how would you -- what
4 terminology would you use to explain how he
5 responded and how he was dealing with y'all and how
6 he was acting?

7 A Again, he was lucid, he was alert. He was -- he
8 did not linger with his answers. He was animated in
9 his answers to us and very illustrative as well.
10 And when I say illustrative, to the point of where
11 he had actually -- he would show us or offer to
12 show, or if we asked he would show us how this
13 incident unfolded.

14 Q Okay.

15 A He was very descriptive.

16 Q And how did he say -- in general how did he say
17 this occurred?

18 A He told us that this occurred -- it began over a
19 dispute regarding a telephone call, and that it
20 further developed when the victim was on the
21 telephone with someone later in the morning and he
22 heard it. They got in a fight over the telephone.
23 There was an argument that ensued from that, and he
24 indicated to us that they fought down the hallway.
25 They wound up in the bedroom and that he was knocked

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1 to the floor by Daquan, and he indicated that when
2 he fell to the floor he came upon a knife and
3 indicated to us that -- if memory serves correctly
4 -- he switched hands with the knife and he came up
5 defending himself, he said slashing, because he was,
6 indicated he was scared they might hurt him.

7 Q Okay. So he said he was swinging the knife?

8 A He did.

9 Q Okay. Did he ever deny or admit to stabbing
10 Sharon?

11 A He never said he stabbed Sharon. He said he
12 swung the knife, and the way he indicated is he was
13 descriptive with us, he was illustrative. He took
14 his hand, would move it as if he were manipulating.
15 We asked him specifically to show us how it was
16 held.

17 Q And that's all on video?

18 A Yes, sir. Yes, sir.

19 Q Okay, all right. Did he ever indicate that he
20 knew she was actually stabbed or cut?

21 A He indicated that towards the end of
22 confrontation he figured something was up because
23 she was -- I don't remember if he said that he
24 thought she was injured or hurt, but he knew
25 something had occurred because she was just lying on

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1 the bed or sitting on the bed slouched down I think
2 it was and told him to get out of her house.

3 Q What did he say about Daquan?

4 A He said that Daquan came in and knocked him down
5 during the confrontation with his mom, with his
6 mother, and that he was scared that Daquan and
7 Sharon might hurt him and indicated that when he --
8 he figured he hit Daquan or had hurt Daquan or
9 nicked Daquan, something to that effect, because
10 Quan jumped back and said, ow.

11 Q Okay. And what did he say about Sharon having a
12 weapon or not?

13 A Asked him several times was there anything in her
14 hand that could have been construed as a weapon or
15 that was a weapon, and he indicated that there was
16 not.

17 Q What, if anything, did he say about Daquan having
18 a weapon or not?

19 A Not a thing, nothing.

20 Q And how -- what was -- how would you describe or
21 you may have documented Mr. Stackhouse's size, his
22 height, his weight? How would you define his build?

23 A He's in good shape. I think we -- even during
24 the course of the interview I asked him was he in
25 good shape. He said I do callisthenics I think is

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1 what he said, I think callisthenics. He indicated
2 he was approximately 5'7 to 5'8 and weighed about
3 145-pounds.

4 Q Okay. Do you have anything you need in
5 documentation as to that or is that just what he
6 said?

7 A It's what he told us initially and I think I --
8 that's all was entered on his booking report as well
9 at the jail.

10 Q Now what did he say about Sharon Stackhouse's
11 size and her weight?

12 A He told us she weighed about 120, 125-pounds.

13 Q 120, 125-pounds?

14 A Yes, sir.

15 Q Not 80 pounds?

16 A Not 80-pounds.

17 Q Beg the Court's indulgence. Did he give you any
18 indication of how he left the residence and why he
19 left the residence? I know you said that he said
20 Sharon told him to get out of the house?

21 A Sharon told him to get out of the house, that he
22 told us, and she was -- she was reposed upon the
23 bed. He indicated that he walked down the hall,
24 threw the knife down, turned his back on them,
25 walked down the hall, threw the knife down and went

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1 outside and left.

2 Q All right. So he said that he was scared that
3 the two of them together might hurt him?

4 A That's correct, sir.

5 Q And so he said he walked down the hall, turned
6 his back on them, and threw the knife down?

7 A Yes, sir.

8 Q And walked out?

9 A Yes, sir. He indicated when he left he turned
10 his back on the two folks and threw the knife down
11 and walked out.

12 Q But yet he was scared that they were going to
13 hurt him?

14 A That's what he told us, sir. Yes, sir.

15 Q What did he say about William [REDACTED]?

16 A As I recall, he indicated that he left sometime
17 during the initial confrontation.

18 Q How did he say that he left?

19 A How did he say he left himself?

20 Q Yeah.

21 A I don't recall if he told us he got on a bicycle
22 or not, but it seems as though he did. I don't
23 recall for certain.

24 Q All right.

25 A I do know he indicated he went out the door and

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1 went back to the back side of Meadow Park. There's
2 a fence back and a wood line. He went in that
3 direction.

4 Q Is there a path or something through that fence?

5 A There is at the -- there's sort of a, down near
6 the corner, there's a path that runs from Meadow
7 Park up to -- I always forget the name of that
8 alley, Gerald's or Hodges, it's an alley. But
9 anyway, it runs from Meadow Park up to that little
10 alley way.

11 Q Now he talked about having an argument on his
12 phone and him being on the phone; is that correct?

13 A Yes, sir, he did.

14 Q Did he ever give you any names or any individuals
15 who he was talking to or who might have been on the
16 phone?

17 A He gave us a name of an individual, and I think
18 even the individual's parents. Investigative
19 efforts from our department did not locate any such
20 person or parents.

21 Q And you and Captain Bethea both checked into
22 that?

23 A That's correct.

24 Q Couldn't locate them?

25 A Could not.

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1 Q Couldn't verify that, all right. What about the
2 cell phone? Were you able to ascertain any cell
3 phone records? He said that Sharon was on the phone
4 with someone. Were you able to access her cell
5 phone records or find out or verify that in any way?

6 A No, sir, we weren't.

7 Q Why not?

8 A It was a track phone for one thing; and secondly,
9 it was torn in half. We weren't sure where she had
10 purchased the phone from. This is one of those
11 earlier track phones that at that time technology
12 didn't help us a whole lot where being unable to
13 track numbers down, that type of thing, so we were
14 not able to ascertain that.

15 Q So you could not verify that at all, all right.
16 After speaking with Mr. Stackhouse did you preserve
17 that recording?

18 A Yes, sir.

19 Q Okay. Now after doing that what else did you do
20 involved in this investigation, or what did you
21 direct officers in your department to do for further
22 investigation on this?

23 A There was some canvassing that needed to be done.
24 There was also some coordination with our SLED
25 agents that came down to work the scene to make sure

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1 that we had all the items of evidence packaged
2 properly as well.

3 Q When you say "canvassing," can you explain to the
4 jury what that means?

5 A Another slang term, my apologies. Canvassing
6 essentially is when we go door to door throughout a
7 neighborhood. Officers will knock on the doors in
8 the neighborhood to see if anyone perhaps noticed
9 anything out of the ordinary or may have seen
10 something to help u. An individual may not think
11 anything of a certain event that occurs during the
12 day; but in the larger scheme of things, if officers
13 are looking for information, something even very
14 small, well I saw a white car drive by or blue car
15 drive by per se. Those types of things help us
16 build timelines and information as we go, and I
17 directed that and that as a normal course of working
18 in violent crime work as well. So I did direct
19 canvass to be conducted.

20 Q Now was anything revealed?

21 A I don't recall anything other than some of the
22 folks we talked to there at the scene early on
23 anything new having been revealed, no.

24 Q What time of morning was this?

25 A It was between 4 and 5. It was in the wee hours.

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1 Q What are most people doing during this time?

2 A Most folks are sleeping, yes, sir.

3 Q Now you coordinated with the SLED agents,
4 coordinated with the SLED lab; is that correct?

5 A Yes, sir.

6 Q And anything else, any further investigation was
7 done or anybody else talked to by law enforcement
8 after this first day?

9 A Quan was talked to later on when he was able to
10 return safely. We gave him a period of recuperation
11 before we tried to speak with him. He was
12 interviewed as well.

13 Q Okay.

14 A And still some autopsy result pending as well,
15 and we were in communication with the state law
16 enforcement division regarding standards and items
17 of evidence that would be forthcoming and reports as
18 well.

19 Q Okay, all right. Your Honor?

20 MR. CLEMENTS: May we approach?

21 THE COURT: Sure.

22 BY MR. CLEMENTS:

23 Q Chief?

24 A Yes, sir.

25 Q Mr. Davis, Administrator Davis.

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1 A I'll answer to about anything, sir.

2 Q Please answer any questions that Mr. Floyd may
3 have at this time and then we're going to get you to
4 verify this video for us and we'll play this for the
5 jury in a little while, okay. If you will please
6 answer any questions he has right now.

7 A Yes, sir.

8 THE COURT: Mr. Floyd.

9 **CROSS-EXAMINATION**

10 BY MR. FLOYD:

11 Q Mr. Davis, how are you?

12 A Hello, sir, how are you today?

13 Q I'm doing fine, thank you. Mr. Davis, you
14 testified that you encountered Mr. Stackhouse here
15 on Gold Street. He had been detained. You got the
16 news and you went over there; is that right?

17 A Yes, sir, that's correct.

18 Q And that was Agent Collins I believe.

19 A Agent Collins, yes, sir, with the drug unit.

20 Q Okay. Was anybody else with him other than Agent
21 Collins when you got there?

22 A I seem to recall Lieutenant Gore from the Mullins
23 Police Department also arriving just right ahead of
24 me, sir.

25 Q Right ahead of you?

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1 A Yes, sir.

2 Q And Agent Collins I believe had received a bolo
3 or some information from dispatch or somewhere that
4 y'all were looking for him; is that correct?

5 A Yes, sir. That information had been placed over
6 the radio, and I am assuming that's where he heard
7 it, yes, sir.

8 Q And so you're not sure exactly what kind of
9 information Agent Collins had as far as what had
10 happened over at the incident location?

11 A I'm not, although I know that we didn't put any
12 of that information over the airways.

13 Q Okay. And so you weren't privy to any
14 conversation that he had with Mr. Stackhouse before
15 you got there obviously?

16 A No, sir.

17 Q So you don't what he told Mr. Stackhouse?

18 A No, sir.

19 Q Okay, all right. Does your — or excuse me, it's
20 not your department anymore, but — well, I guess it
21 is you're still city administrator, but did your
22 police department use digital voice recorders at
23 that time?

24 A We had some vehicles that were equipped with dash
25 caps, but they were as far as very few and digital

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1 recorders. We had some officers that had their own.

2 We did not buy them initially.

3 Q So they weren't like standard issued for
4 everyone?

5 A No, sir.

6 Q And you didn't have one that day?

7 A No, sir, not with me.

8 Q Okay. And so your conversation with him on the
9 street, Gold Street, was not recorded?

10 A It was not, sir.

11 Q Correct?

12 A That's correct.

13 Q All right. I believe you said you took
14 photographs there on the street?

15 A I did, sir, yes, sir.

16 Q Is that right? And you took photographs of
17 Mr. Stackhouse?

18 A Yes, sir, that's correct.

19 Q Okay. And I believe you said you took photos of
20 his hands and his arms; is that right?

21 A Well, they would have been the same array, yes,
22 sir.

23 Q All right. Not those pictures but you took
24 similar pictures?

25 A Exactly, yes, sir.

SW - K. DAVIS - CROSS

1 Q Right. And of course, the difference would have
2 been the way he was dressed; is that correct?

3 A Would have been the way he was dressed, yes, sir.

4 Q But he was still in his street clothes?

5 A That's correct.

6 Q Okay. In fact, he was still in the clothes that
7 y'all took off of him at the police department; is
8 that correct?

9 A When I encountered him on Gold Street, yes.

10 Q Right, okay. And as far as his clothing are
11 concerned he was wearing white T-shirt?

12 A It was a light colored shirt. I don't recall if
13 it was a T-shirt.

14 Q Did it have any noticeable bloodstains on it that
15 you recall or any kind of stains?

16 A I recall there being something on it. I didn't
17 have a presumptive blood test kit with me so I, just
18 to be safe, that's something we would take into
19 evidence but I didn't make any assumptions they
20 doing —

21 Q So they weren't large stains?

22 A I don't recall there being any large stains, no.

23 Q All right. And you said all those pictures you
24 took were lost due to some sort of computer file
25 corruption?

SW - K. DAVIS - CROSS

1 A Yes, sir, we had a file corruption. Actually, a
2 computer crashed.

3 Q Okay. Now when you took, or when Mr. Stackhouse
4 was taken into custody at the police department, you
5 said you arrived after his initial questioning had
6 begun or at least miranda rights had been given; is
7 that right?

8 A I actually came in towards the tail end, sir,
9 towards the very end of it, yes, sir.

10 Q Of the miranda warning?

11 A Yes, sir, that's correct.

12 Q Right. So he hadn't really been questioned yet?

13 A No, sir.

14 Q Okay. And then you re-administered the warning
15 yourself?

16 A I did so, yes, sir.

17 Q Now during the course of your conversation with
18 Mr. Stackhouse at the police department you
19 testified earlier about he said he was somewhat
20 scared at some point during the tussle; is that
21 correct?

22 A Yes, sir, that's what he indicated.

23 Q Okay. Now did he ever tell you why he might have
24 been scared?

25 A Um—

SW - K. DAVIS - CROSS

- 1 Q Did he claim that he was stabbed?
- 2 A He said he had been stabbed in the past.
- 3 Q Right.
- 4 A As memory, yes, sir.
- 5 Q Said he'd been stabbed in the past and he also
- 6 said he had been either struck or threatened to be
- 7 struck with a hammer; is that correct?
- 8 A I think so, yes, sir, sounds correct.
- 9 Q Okay. And I believe he said when he was struck
- 10 and went down to the ground that he was hit from
- 11 behind; is that right?
- 12 A That was his indication to us, yes, sir.
- 13 Q And so he never maintained that he and Daquan
- 14 were face to face and Daquan throw him down on the
- 15 ground, correct, like almost I just threw myself
- 16 down; is that correct?
- 17 A I'm sorry?
- 18 Q He never maintained they were face to face and
- 19 that Daquan threw him down, he maintained that the
- 20 hit came from behind; is that right?
- 21 A In the initial, in the initial period, that's,
- 22 yes.
- 23 Q Right.
- 24 A Yes, sir, prior to him picking up the knife.
- 25 Q Right, okay. Now when he said that he left he

SW - K. DAVIS - CROSS

1 went down the hallway, but he said he got a bike,
2 right?

3 A I remember him saying that he left. There was
4 some mention of a bike. I remember him saying that
5 he left towards the back of Meadow Park so he might
6 have mentioned the bike; I don't recall.

7 Q Okay. But the bike he maintained was in the
8 house, do you remember?

9 A I don't remember.

10 Q Do you remember seeing the bike when you saw him
11 on Gold Street?

12 A Yes. I do recall seeing the bike near he and
13 Mr. Collins, Agent Collins.

14 Q Do you remember the — whether or not the handle
15 bars were taped up with electrical tape or anything?

16 A I remember it being maybe gray or silver and a
17 red color with it, but as far as the handle bars
18 being taped, no, I did not.

19 Q So you didn't — you're not the one who took
20 custody of the bike and took it to the police
21 department?

22 A No.

23 Q Somebody else did that?

24 A Yes, sir.

25 Q Now after your talk with Mr. Stackhouse on Gold

SW - K. DAVIS - CROSS

1 Street and one at the police department did you
2 speak to him again after that? Did you take any
3 other statements from him?

4 A No, did not take any other statements and I don't
5 recall — I don't recall any conversation between us
6 after that, no.

7 Q So those were the only two —

8 A Yes, sir.

9 Q —occasions that you spoke to him about the case
10 anyway?

11 A Yes, sir, that's correct.

12 Q All right. Very good. And were you present when
13 any statements were taken from any other witnesses
14 in this case?

15 A No, sir.

16 Q He was the only person that you were present for
17 their statements?

18 A Yes, sir.

19 Q Okay, all right. Thank you very much.

20 A Yes, sir.

21 THE COURT: Any redirect before we take a
22 break?

23 MR. CLEMENTS: No, Your Honor, not before
24 we take break.

25 THE COURT: Members of the jury, we're

SW - K. DAVIS - REDIRECT

1 going to take a 15 minute break, then we'll come
2 back and play the video. Go into the jury room, do
3 not discuss the case.

4 (WHEREUPON, the jury was removed from the
5 courtroom at 4:05 p.m., and a recess was taken from
6 the proceedings.)

7 THE COURT: Go ahead and bring them on
8 out.

9 (WHEREUPON, the jury was returned to the
10 courtroom at approximately 4:27 p.m., and
11 the following proceedings commenced in
12 open court.)

13 THE COURT: You may continue.

14 **REDIRECT EXAMINATION**

15 BY MR. CLEMENTS:

16 Q Mr. Davis, Mr. Floyd asked you about
17 Mr. Stackhouse saying he was scared 'cause he'd been
18 hit before with a hammer or stabbed before; is that
19 correct?

20 A Yes, sir. Yes, sir, he did mention that.

21 Q What was found by your officers or SLED or anyone
22 in that apartment of a hammer or another big knife?

23 A To my knowledge none of those items were found;
24 and we did not have any incident reports at the
25 police department that would indicate he had been

SW - K. DAVIS - REDIRECT

1 stabbed before or hammered before.

2 Q And what did he indicate about Daquan or Sharon
3 having a hammer during that altercation?

4 A He never stated that either party had anything in
5 their hands that would have been considered a weapon
6 or anything that could have hurt him. He just
7 indicated he was concerned that they might get one.

8 Q Okay. So no indication they had a hammer, a
9 knife, or any other weapon?

10 A No, sir.

11 Q All right.

12 MR. CLEMENTS: We'd like to play this
13 video, Your Honor, at this time.

14 Mr. Davis, if I may, I'm gonna -- if you
15 would slide this chair right here. You can sit
16 where you can observe this at the time.

17 THE WITNESS: Thank you, sir. Yes, sir.

18 MR. CLEMENTS: Your Honor, just for the
19 record too, I'm not sure, I thank Mr. Floyd for
20 reminding me, we would introduce this as an exhibit
21 at this time.

22 (WHEREUPON, State Exhibit No. 36, video,
23 was marked for identification and played
24 for the jury.)

25 MR. CLEMENTS: That's it, Your Honor.

1 THE COURT: Thank you very much. You need
2 to put him back on the stand, Mr. Davis?

3 MR. CLEMENTS: I think I asked the last
4 question, if Mr. Floyd needs to ask him any
5 questions.

6 THE COURT: Mr. Floyd, do you have any
7 questions in followup?

8 MR. FLOYD: No further questions, Your
9 Honor.

10 MR. CLEMENTS: That's all we got for
11 today.

12 THE COURT: Members of the jury, we're
13 going to quit for the day. I need you back at 9:30
14 in the morning. We're going to try to conclude this
15 trial tomorrow. As I told you yesterday, when you
16 go home don't discuss with any family members or
17 among yourself or with your friends. Do not
18 research this case at all. Everybody else remain
19 seated while the jury is excused.

20 (WHEREUPON, the jury was removed from the
21 courtroom at 5:15 p.m., and the following
22 proceedings commenced in open court.)

23 THE COURT: Solicitor, are you going to
24 move to put exhibit number 36 into evidence?

25 MR. CLEMENTS: That's what we just played?

1 THE COURT: Yes, sir.

2 MR. CLEMENTS: Yes, sir Your Honor.

3 THE COURT: All right. Any objection?

4 MR. FLOYD: No objection.

5 THE COURT: State's Number 36 into
6 evidence without objection. We'll resume at 9:30 in
7 the morning.

8 (WHEREUPON, State Exhibit No. 36 was
9 admitted into evidence.)

10 (WHEREUPON, the proceedings were concluded
11 for the day to be reconvened on May 17,
12 2012 at 9:51 a.m.)

13 THE COURT: Go ahead and bring them out.

14 (WHEREUPON, the jury was returned to the
15 courtroom.)

16 THE COURT: Good morning. All right,
17 Solicitor, if you'd call your next witness.

18 MR. CLEMENTS: Thank you, Your Honor.
19 Your Honor, if it please the Court we would call
20 William [REDACTED] B. [REDACTED]

21 THE CLERK OF COURT: If you'll come here
22 let me swear where you in please, sir. Place your
23 left hand on the Bible and raise your right hand.

24 WHEREUPON,

25 WILLIAM [REDACTED]

SW - W. [REDACTED] - DIRECT

1 having been duly sworn by the Clerk of Court,
2 testified as follows:

3 **DIRECT EXAMINATION**

4 BY MR. CLEMENTS:

5 Q Can you state your name and tell this jury where
6 you live and who you are and how old you are.

7 A My name is William [REDACTED] I live in Mullins,
8 South Carolina. I'm 15.

9 Q All right. William, you're kind of soft spoken.
10 I'm gonna back up to here so I know if I can hear
11 you that these jurors can hear you. I want to
12 remind you to speak up, okay?

13 THE COURT: If y'all can't hear let me
14 know.

15 BY MR. CLEMENTS:

16 Q William, do you have a brother?

17 A Yes, sir.

18 Q And what's your brother's name?

19 A Daquan [REDACTED]

20 Q And how old is Daquan?

21 A Sixteen.

22 Q All right. And can you please tell this jury who
23 you mother was.

24 A Sharon Warren.

25 Q All right. And did you and your brother live

SW - W. [REDACTED] -- DIRECT

1 with her?

2 A Yes.

3 Q Where did y'all last live with her?

4 A In Meadow Parks.

5 Q Where do you live now?

6 A At Johnson Street projects.

7 Q And who do you live with?

8 A My grandmother.

9 Q William, in September 2010 how old were you?

10 A Fourteen years old.

11 Q And how old was Daquan?

12 A 15 years old.

13 Q And who stayed with y'all sometimes in the
14 apartments there in Meadow Park?

15 A Edward Stackhouse.

16 Q Do you see him in the courtroom today?

17 A Yes, sir.

18 Q Can you please point him out for us.

19 A (Indicated by pointing.) Right there.

20 Q All right. And what color shirt does he have on?

21 A Blue shirt.

22 Q All right.

23 MR. CLEMENTS: Your Honor, may the record
24 reflect he's identified the defendant.

25 THE COURT: The record will reflect.

SW - W. BROCK - DIRECT

- 1 BY MR. CLEMENTS:
- 2 Q William, do you remember what happened the early
- 3 morning of September 17th, back in 2010?
- 4 A Yes, sir.
- 5 Q Can you please tell this jury what happened, what
- 6 you were doing, what you saw, and what you heard.
- 7 A Yes, sir. It was me and my brother, and we share
- 8 the same room, both our beds in one room. We both
- 9 sleep laying down. We was like halfway sleep. You
- 10 know, like how you can sleep and still hear stuff,
- 11 we were sleeping. We hear large something noise on
- 12 the wall. You can hear stuff crashing and falling
- 13 hitting the floor. And then my mother call my
- 14 brother and we both got up and ran in there. My
- 15 brother ran in the room to help my mother. I
- 16 stopped at the door and looked at my brother and
- 17 then I ran out the door and left to go get help.
- 18 Q Now when you stopped at the door and you looked
- 19 in the room what did you see? Who did you see in
- 20 the room and what did you see happen?
- 21 A I saw my brother and Edward Stackhouse, there was
- 22 tussling like that right there. My brother had his
- 23 hands and he had something in his hands.
- 24 Q Okay. Could you tell what that was in Edward
- 25 Stackhouse's hands?

SW - W. B. [REDACTED] - DIRECT

- 1 A I couldn't see it.
- 2 Q Did your brother have anything in his hands?
- 3 A No, sir.
- 4 Q Were they standing up, were they on the floor?
- 5 A They were standing up.
- 6 Q Did you see your brother run in the room?
- 7 A Yes, sir.
- 8 Q Did your brother ever get on the floor?
- 9 A No, sir.
- 10 Q Did Edward Stackhouse ever get on the floor?
- 11 A No, sir.
- 12 Q When you saw him tussling with your brother what
- 13 did you do next?
- 14 A Ran out the door.
- 15 Q When you saw him tussling with your brother where
- 16 was your mother?
- 17 A On the bed.
- 18 Q What was she doing?
- 19 A Just laying there.
- 20 Q Did you hear her say anything?
- 21 A No, sir.
- 22 Q All right. When you ran out the door of your
- 23 apartment which way did you go? To the front of the
- 24 apartments or the back of the apartments?
- 25 A The back of the apartment.

SW - W. B. [REDACTED] - DIRECT

- 1 Q What did you have on?
- 2 A Nothing but pants and socks.
- 3 Q All right. And where did you go?
- 4 A To my cousin's house.
- 5 Q And who was your cousin?
- 6 A Sandra Robinson.
- 7 Q And when you got to Sandra Robinson's house what
- 8 did you do?
- 9 A I had caught my breath and told her that I need
- 10 help to save my mom and my brother.
- 11 Q You needed help to do what?
- 12 A So save my mom and my brother..
- 13 Q Okay. And was anybody there with her to help
- 14 you?
- 15 A Yes, sir.
- 16 Q Who else was there?
- 17 A Andre Owens.
- 18 Q And what do y'all call Andre?
- 19 A Yoshi (ph).
- 20 Q Yoshi?
- 21 A Yes.
- 22 Q And did he get up to help too?
- 23 A Yes, sir.
- 24 Q What did y'all do?
- 25 A We went back to my house to go check on my

SW - W. B. - DIRECT

- 1 brother and my brother.
- 2 Q Who went first?
- 3 A We went at the same time but I didn't go in the
- 4 house. I stopped at the little, in the middle part
- 5 of the buildings, and he went to the house.
- 6 Q Yoshi went to the house?
- 7 A Yes, sir.
- 8 Q Okay. And he went to the apartment?
- 9 A Yes, sir.
- 10 Q And came back out?
- 11 A Yes, sir.
- 12 Q Did you ever go back in the apartment?
- 13 A No, sir.
- 14 Q Ever?
- 15 A No, sir.
- 16 Q And did you see your brother?
- 17 A Yes, sir, I seen him come to the door.
- 18 Q All right. And what kind of condition was he in?
- 19 What did you notice about him?
- 20 A His shirt was covered in blood.
- 21 Q All right. And did you go to him?
- 22 A No, sir.
- 23 Q Who went to him?
- 24 A Yoshi.
- 25 Q And what did Yoshi do?

SW - W. [REDACTED] - DIRECT

- 1 A He looked at him and saw that he was bleeding,
2 and then my aunt just came, my cousin right there.
- 3 Q Sandra?
- 4 A Yes, sir.
- 5 Q And what did she do?
- 6 A She was like trying to apply pressure to his
7 bleeding —
- 8 Q Okay.
- 9 A —so it could stop.
- 10 Q Who — what people came on the scene or who did
11 you notice next?
- 12 A I don't really know.
- 13 Q When did you notice police or EMS?
- 14 A When I had left and came back.
- 15 Q Okay. You left from that part, when you saw your
16 brother you left again?
- 17 A Yes, sir.
- 18 Q Where did you go?
- 19 A I ran all the way back around to the other side
20 of Meadow Parks.
- 21 Q The front part or back part?
- 22 A It was like, I took the back part just to get
23 back to the front part.
- 24 Q Okay, all right. And that's when you noticed the
25 police?

SW - W. [REDACTED] - DIRECT

1 A Yes, sir.

2 Q Okay. What happened then? As far as you, what
3 did you do where did you stay?

4 A I got in the car and they took me to the police
5 station.

6 Q All right. And that's in whose car?

7 A Officer Gasque.

8 Q Okay. Was that right then or was there a little
9 bit of time past before you got in the car?

10 A A little bit of time passed.

11 Q Okay. And you went to where with her?

12 A Police station.

13 Q All right. When you got to the police station
14 what did you do?

15 A I sat there and I had to write a statement.

16 Q Did you do that?

17 A Yes, sir.

18 Q Did you write that yourself or somebody ask you?

19 A I wrote it myself.

20 Q Okay. And after that where did you go?

21 A I stayed there till the next day.

22 Q Okay. All right. And who was there with you?

23 A Sandra Robinson.

24 Q Okay. And that's your family member, right?

25 A Yes, sir.

SW - W. [REDACTED] - CROSS

1 Q Okay. Did you ever see anything other than what
2 you've told us? Is there any other details I
3 haven't asked you about that you actually saw?

4 A No, sir.

5 Q Okay.

6 MR. CLEMENTS: Beg the Court's indulgence
7 a moment.

8 THE COURT: Sure.

9 BY MR. CLEMENTS:

10 Q William, you were how old at that time?

11 A Fourteen.

12 Q All right. Please answer any questions that
13 Mr. Floyd may have okay.

14 THE COURT: Mr. Floyd.

15 MR. FLOYD: Thank you, Your Honor.

16 **CROSS-EXAMINATION**

17 BY MR. FLOYD:

18 Q William, how are you today?

19 A Good.

20 Q Good. I'm sorry you have to be here today under
21 these circumstances, but I'm gonna have to ask you
22 some questions, okay?

23 A Yes, sir.

24 Q William, you said that you woke up at the sound
25 of your mother's voice; is that right?

SW - W. B. [REDACTED] - CROSS

- 1 A Yes, sir.
- 2 Q That you and your brother wake up about the same
- 3 time?
- 4 A Yes, sir.
- 5 Q Is that correct?
- 6 A Yes, sir.
- 7 Q Did he leave the room before you, your bedroom?
- 8 A One by one.
- 9 Q One by one?
- 10 A Yes, sir.
- 11 Q Did you go out right behind him?
- 12 A Yes, sir.
- 13 Q Okay. So y'all both basically entered the other
- 14 room about the same time?
- 15 A I didn't follow him into the other room.
- 16 Q Okay. You stopped at some point?
- 17 A Yes, sir.
- 18 Q Where did you stop?
- 19 A In the hallway.
- 20 Q In the hallway?
- 21 A Yes, sir.
- 22 Q Could you see in the room the whole time?
- 23 A Yes, sir.
- 24 Q You said that you saw a struggle between
- 25 Mr. Stackhouse and your brother; is that right?

SW - W. BROCK - CROSS

- 1 A Yes, sir.
- 2 Q Okay. Now were they face to face?
- 3 A Yes, sir.
- 4 Q They were?
- 5 A Yes, sir.
- 6 Q How tall is your brother, do you know?
- 7 A A little bit taller than me.
- 8 Q A little bit taller than you? How tall are you?
- 9 A I don't know.
- 10 Q You don't know?
- 11 A No, sir.
- 12 Q He about the same height as Mr. Stackhouse or?
- 13 A Probably a little taller than him.
- 14 Q Are you relatively the same height?
- 15 A Probably a little bit taller than him.
- 16 Q A little bit taller than him.
- 17 A Yes, sir.
- 18 Q Okay, all right. Now you said you saw — you
- 19 thought you saw something in Mr. Stackhouse's hand
- 20 —
- 21 A Yes, sir.
- 22 Q —is that right? Did you know exactly what that
- 23 was?
- 24 A No, sir.
- 25 Q Okay. But you saw something, then you left; is

SW - W. B. [REDACTED] - CROSS

- 1 that right?
- 2 A Yes, sir.
- 3 Q 'Cause you saw a fight?
- 4 A Yes, sir.
- 5 Q And that's when you left ---
- 6 A Yes, sir.
- 7 Q ---is that correct? Okay. All right. Did you
- 8 write out a statement at some point for the ---
- 9 A Yes, sir.
- 10 Q ---police at some point?
- 11 A Yes, sir.
- 12 Q You remember when you did that?
- 13 A The same day.
- 14 Q It was the same day?
- 15 A Yes, sir.
- 16 Q Okay. That would have been on the 17th of
- 17 September?
- 18 A Yes, sir.
- 19 Q I want to show you this, okay, and I'm just gonna
- 20 ask you to look at it and tell me if that's what you
- 21 wrote right there.
- 22 A Yes, sir.
- 23 Q It is? Okay. And that's your signature at the
- 24 bottom?
- 25 A Yes, sir.

SW - D. [REDACTED] - DIRECT

1 Q Okay, thank you.

2 MR. FLOYD: Would you bear with me one
3 second, Your Honor.

4 THE COURT: Sure.

5 MR. FLOYD: Thank you very much, William.
6 I appreciate it.

7 THE COURT: Anything further?

8 MR. CLEMENTS: Nothing further, Your
9 Honor.

10 THE COURT: You may step down. Thank you.
11 Call your next witness.

12 MR. CLEMENTS: Your Honor, we call Daquan

13 [REDACTED]

14 WHEREUPON,

15 DAQUAN [REDACTED]

16 having been duly sworn by the Clerk of Court,
17 testified as follows:

18 **DIRECT EXAMINATION**

19 BY MR. CLEMENTS:

20 Q Can you state your name and would you mind
21 spelling your first name for the court reporter.

22 A My name is Daquan [REDACTED] D-A-Q-U-A-N.

23 Q All right. Daquan, can you tell this jury how
24 old you are today.

25 A Sixteen years old.

SW - D. [REDACTED] - DIRECT

1 Q And where do you live now?

2 A [REDACTED] with my grandma.

3 Q With your grandma? And who else?

4 A My brother.

5 Q Okay. And what was your mother's name?

6 A Sharon Warren.

7 Q And did you live with her?

8 A Yes, sir.

9 Q Where did y'all live?

10 A [REDACTED] [REDACTED] [REDACTED], Meadow Park, Apartment
11 [REDACTED]

12 Q Apartment [REDACTED]

13 A Yes, sir.

14 Q And who else stayed there with you and your mom
15 and your brother?

16 A Edward Stackhouse.

17 Q You see him in the courtroom?

18 A Yes, sir.

19 Q Can you point him out to?

20 A Right there (pointing).

21 MR. CLEMENTS: Your Honor, may the record
22 reflect he's identified him.

23 THE COURT: It will.

24 BY MR. CLEMENTS:

25 Q Daquan, in September on the 17th, 2010, how old

SW - D. [REDACTED] - DIRECT

1 were you at that time?

2 A Fifteen.

3 Q Fifteen years old?

4 A Yes, ma'am [sic].

5 Q Were you about the same size you are now or had
6 you grown a little bit?

7 A Grown a little bit.

8 Q Grown a little bit? Well how much do you weigh
9 now?

10 A Probably 132.

11 Q Okay. And how tall are you?

12 A I don't know.

13 Q You don't know, okay?

14 A I don't know.

15 Q But you've grown a little bit since then?

16 A Yes, ma'am.

17 Q That's been about what, year-and-a-half ago?

18 A Yes, sir.

19 Q All right. Do you -- can you tell us what your
20 apartment was like as far as where the bedrooms were
21 located and the hallway? Can you kind of explain
22 for the jury how those rooms were made up and how
23 many rooms there were.

24 A Two rooms in the house, a bathroom, kitchen, and
25 front room.

SW - D. BROCK - DIRECT

1 Q Okay. And how close was your bedroom to your
2 mother's bedroom?

3 A Right beside it.

4 Q Right beside it? Okay. And if you walked out
5 your bedroom door and this is the hallway, which way
6 do you turn to go to your mamma's bedroom, to the
7 right or to the left?

8 A Left.

9 Q To the left? And about how many steps to get
10 from the hallway into your mamma's bedroom?

11 A One.

12 Q One step and you in there?

13 A Yeah, two.

14 Q All right. And if you walk out her bedroom door
15 do you have to turn to go down the hall or you just
16 go straight down the hallway?

17 A Straight.

18 Q Straight?

19 A Yeah.

20 Q And so if you walk out your bedroom which way do
21 you turn to go down the hallway?

22 A I just go straight.

23 Q Okay, all right. Now do you recall what was
24 going on, what was happening that morning
25 September 17th?

SW - D. BROCK - DIRECT

- 1 A Yes, sir.
- 2 Q Can you tell the jury what you were doing and
3 what you heard.
- 4 A I heard a lot of noise bumping against the wall,
5 and I looked up out the corner of my eye and I seen
6 him come back from the kitchen with a knife. And my
7 monma called me. And so I got up, me and my
8 brother, I went in there. He went out the door. I
9 seen him stabbing her right in the abdomen right
10 here. So I grabbed his hands like right here and
11 had them like that, and that's when I guess he cut
12 me right here.
- 13 Q Okay.
- 14 A And I jumped back and he walked out.
- 15 Q All right.
- 16 A He left.
- 17 Q Let me back up a minute, okay. When you're
18 laying in your bed can you see — what do you see
19 when you look out? Can you see the doorway from
20 your bed?
- 21 A Uh-huh, yes, sir.
- 22 Q Okay. And you said you heard noises, right?
- 23 A Yes, sir.
- 24 Q And you looked out the door?
- 25 A Yes, sir.

SW - D. BROCK - DIRECT

- 1 Q And tell the jury again what did you see passing
- 2 by the doorway?
- 3 A Him walking by with a knife.
- 4 Q From which direction?
- 5 A Like...
- 6 Q Coming from where?
- 7 A The kitchen.
- 8 Q And going where?
- 9 A In my momma room.
- 10 Q All right. What kind of knife was it?
- 11 A It looked like a butcher knife.
- 12 Q Okay. And what did you hear your momma say?
- 13 A Like, she said no, and then she call my name.
- 14 Q All right. Did she holler out loud, soft, or?
- 15 A Loud.
- 16 Q Loud? And did you jump up or did you just get
- 17 up?
- 18 A I jumped up and ran.
- 19 Q All right. And you went into the bedroom?
- 20 A Yes, sir.
- 21 Q Where was your momma?
- 22 A Laying down on the bed.
- 23 Q And what did you see Edward Stackhouse doing at
- 24 that time?
- 25 A Stabbing her.

SW - D. BROCK - DIRECT

- 1 Q Stabbed her? All right. And what did you do?
2 A I grabbed his hands.
3 Q Did you tackle him?
4 A Huh-uh.
5 Q Did you ever get on the floor?
6 A No, sir.
7 Q Did he ever get on the floor?
8 A No, sir.
9 Q All right. Did you grab his hands?
10 A Grabbed his hands.
11 Q And was he facing you or not facing you?
12 A When I grabbed him he turned around like that.
13 He was looking at me.
14 Q Speak up for me please.
15 A When I grabbed his hands like that he was like
16 this (indicating). That when he had my head like
17 that. That's when the knife went up. He tried to
18 get me there.
19 Q He cut you in the neck and did he stick you here?
20 A Yeah, a little bit.
21 Q All right... A little bit? All right.
22 MR. CLEMENTS: Your Honor, I'm gonna ask
23 permission for Daquan to step down.
24 THE COURT: You can go ahead and step
25 down.

SW - D. B. - DIRECT

1 BY MR. CLEMENTS:

2 Q Daquan, if you would please, would you turn and
3 show on your neck where he stabbed you? I'm gonna
4 ask you to stand over here so they can see.

5 A (Indicating.)

6 Q I ask if you'd come down over here. Turn and
7 show this group.

8 A (Indicating.)

9 Q All right. When it happened did you feel it?

10 A Not at that time.

11 Q You didn't know you were cut?

12 A (Shakes head.)

13 Q Well, let's, while you're standing here too, then
14 he tried to stab you which side?

15 A Right here.

16 Q Okay. And did he get you and you got a scar
17 there?

18 A Here right there and right here.

19 Q Okay, all right. So it didn't go in deep?

20 A Huh-uh.

21 Q All right. Step back up. When you got cut how
22 did you move, what did you do?

23 A I jumped back.

24 Q You jumped back?

25 A Yes, sir.

SW - D. [REDACTED] - DIRECT

- 1 Q And where was your brother at this time?
- 2 A He was at my cousin house.
- 3 Q He had gone?
- 4 A Yes, sir.
- 5 Q All right, did you tell him to go or he just went
- 6 for help on his own?
- 7 A He went for help on his own.
- 8 Q On his own? Okay. Did he -- do you know if he
- 9 ever came in the room?
- 10 A I don't know.
- 11 Q You don't know?
- 12 A No, sir.
- 13 Q All right. How quick did all this happen?
- 14 A Less than five minutes.
- 15 Q All right. It happened pretty quick?
- 16 A Yes, sir.
- 17 Q All right. Wasn't a long struggle?
- 18 A Huh-uh.
- 19 Q Okay, all right. And what did Edward do after he
- 20 turned and walked away from you?
- 21 A I guess he went where his bike was at and left.
- 22 Q Where was his bike?
- 23 A In the front room.
- 24 Q Did you see him go down the hallway?
- 25 A Uh-huh, I was looking.

SW - D. [REDACTED] - DIRECT

- 1 Q All right. You were — you were behind him?
- 2 A No, I wasn't behind him but I seen him.
- 3 Q Okay. Did you see what he did with the knife?
- 4 A I guess he put it in the front room.
- 5 Q He put it in the front room? Did you see him
- 6 leave out the door?
- 7 A Huh-uh.
- 8 Q Okay, all right. After he left out what did you
- 9 do?
- 10 A I went to see if my momma all right.
- 11 Q And what did you find when you got there to your
- 12 momma?
- 13 A She told me she loved me, she closed her eyes,
- 14 and then I walked out.
- 15 Q That was it? Where did you go from there, son?
- 16 A In the breezeway.
- 17 Q In the breezeway between the apartments?
- 18 A Yes, sir.
- 19 Q What were you doing?
- 20 A Nothing.
- 21 Q What were you thinking?
- 22 A (No response.)
- 23 Q Did you realize you were bleeding then?
- 24 A I know I was bleeding, but I ain't thought it was
- 25 bad.

SW - D. [REDACTED] - DIRECT

- 1 Q All right. Who did you see next?
- 2 A My cousin.
- 3 Q Your cousin?
- 4 A Yes, sir.
- 5 Q All right. When did you see Yoshi?
- 6 A Yeah, I seen Yoshi before I seen my cousin.
- 7 Q Okay. And Yoshi is not your cousin either, just
- 8 a friend?
- 9 A Yes, sir.
- 10 Q All right. And you saw Yoshi, what did Yoshi do?
- 11 A He looked at it. He told me I was cut bad. He
- 12 told me to go outside the breezeway where my cousin
- 13 was at.
- 14 Q All right. And your cousin Sandra? And what
- 15 happened when you saw her and got to her?
- 16 A She told me to sit down and she put something on
- 17 my neck.
- 18 Q Okay.
- 19 A And that's when the first police officer came,
- 20 and he did something to my head too.
- 21 Q Okay. And who else came after the police
- 22 officers?
- 23 A I think the ambulance.
- 24 Q All right. They put you in the ambulance?
- 25 A Yes, sir.

SW - D. [REDACTED] - DIRECT

- 1 Q And then happened next after that?
- 2 A They wrapped it up with some, something. It was
- 3 something they wrapped my head up with, took me to
- 4 the other thing.
- 5 Q Took you to the helicopter? All right, you went
- 6 to the hospital?
- 7 A Yeah.
- 8 Q What did they have to do to you at the hospital?
- 9 They have to sew you up?
- 10 A Yes, sir.
- 11 Q Okay. All right. And how much later, how many
- 12 days later were you able to come back and talk to
- 13 the police?
- 14 A I think three. I think three.
- 15 Q Three?
- 16 A I think.
- 17 Q Could have been four or could have been two or do
- 18 you not?
- 19 A I think three. I just think three.
- 20 Q Okay, all right. And who did you talk with with
- 21 the police?
- 22 A Chief Bethea.
- 23 Q Chief Bethea?
- 24 A And the officers.
- 25 Q Did you give him statement about what happened?

SW - D. BROCK - DIRECT

- 1 A Yes, sir.
- 2 Q Did you tell him or did you write it out?
- 3 A I wrote it.
- 4 Q Okay, all right. And is that what you're telling
- 5 this jury what happened today?
- 6 A Yes, sir.
- 7 Q Let me ask you just a couple of questions. Have
- 8 you — if you saw the knife would you recognize it?
- 9 A Yes, sir.
- 10 Q I'm gonna show you what's been marked State's
- 11 Exhibit 1. Do you recognize this?
- 12 A Yes, sir.
- 13 Q I need you to speak a little bit for the court
- 14 reporter.
- 15 A Yes, sir. Yes, sir.
- 16 Q Is this the knife?
- 17 A Yes, sir.
- 18 Q Okay. And that is the knife you saw him stab
- 19 your mother with?
- 20 A Yes, sir.
- 21 Q Now when he was — after you grabbed him and he
- 22 cut you in the head, did he cut you like this or was
- 23 it like this, or do you know?
- 24 A I don't know.
- 25 Q You don't know?

SW - D. [REDACTED] - DIRECT

- 1 A Huh-uh.
- 2 Q Okay. You were just struggling with him, right?
- 3 A Yes, sir.
- 4 Q What did you hear him say to you, if anything?
- 5 A He didn't say nothing to me; he just walked off.
- 6 Q He didn't say nothing to you?
- 7 A Yeah.
- 8 Q What did you hear him say, if anything, when you
- 9 were jumping out the bed?
- 10 A He was in there calling her a B and stab her.
- 11 Q Calling you mom a B?
- 12 A And stabbed her.
- 13 Q All right. Was he -- what was his -- the volume,
- 14 how loud was his voice?
- 15 A Aggressive.
- 16 Q Aggressive? His voice was aggressive?
- 17 A Uh-huh.
- 18 Q All right. Was the volume kind of low like you
- 19 normally talk or whisper or like you're hollering at
- 20 somebody?
- 21 A Hollering.
- 22 Q Okay. Daquan, did you have any kind of weapon or
- 23 pick up a weapon?
- 24 A No, sir.
- 25 Q Did your mom have a weapon or anything in her

SW - D. BROCK - CROSS

1 hands?

2 A No, sir.

3 Q When you saw them, when you ran in the room
4 was — what was she doing? Was she moving towards
5 Edward or swinging at him or anything?

6 A He had already stabbed her.

7 Q Sir?

8 A He had already stabbed her.

9 Q He had already stabbed her? All right. Son, I'm
10 so sorry you had to be here, but please answer any
11 questions Mr. Floyd has, okay.

12 THE COURT: Mr. Floyd.

13 **CROSS-EXAMINATION**

14 BY MR. FLOYD:

15 Q Mr. B. I'm sorry you have to be here as well.
16 I'm gonna have to ask you some questions, okay. If
17 I ask you something and you don't understand me or
18 whatever, just ask me to repeat it, okay? Is that
19 all right?

20 A Yes, sir.

21 Q You gave a statement to the police after this
22 happened; is that right?

23 A Yes.

24 Q Okay. Was that on around the 22nd of September?
25 Do you remember what day it was?

SW - D. BROCK - CROSS

1 A No, sir.

2 Q It was a number of days after the incident; is
3 that right?

4 A Yes, sir, about three.

5 Q If I show you the statement you think you would
6 recognize it? Okay, I want to show it you and ask
7 you to look at it, okay. Is that it?

8 A (Shakes head.)

9 Q Okay. What's the date on it?

10 A 22nd.

11 Q Okay. Do you remember where you did that?

12 A Mullins High School.

13 THE COURT: Speak up.

14 THE WITNESS: At Mullins High School.

15 BY MR. FLOYD:

16 Q Mullins High School?

17 A Yes, sir.

18 Q All right. Could you read what you wrote there
19 for me.

20 A Start from right here?

21 Q Yes, sir, just start —

22 MR. CLEMENTS: Your Honor, I just want to
23 be sure.

24 THE COURT: Come on up.

25 MR. CLEMENTS: This will be introduction

SW - D. B. - CROSS

1 to evidence.

2 (WHEREUPON, counsel approached the Bench
3 for an off-the-record discussion.)

4 BY MR. FLOYD:

5 Q Mr. B. could you just take a minute and just
6 read over that for me. You don't have to read it
7 out loud, okay. Just read it to yourself and
8 refamiliarize yourself with it. I don't know how
9 long it's been since you read it.

10 (Pause.)

11 MR. CLEMENTS: Again, Your Honor, while
12 he's refreshing his recollection, if Mr. Floyd wants
13 to introduce it I have no objection.

14 BY MR. FLOYD:

15 Q When you gave this statement to the police did
16 you tell them that you saw Edward go into the
17 kitchen to get a knife?

18 A Yes, sir.

19 Q In this statement?

20 A That you say what?

21 Q Did you tell him that you saw Edward go into the
22 kitchen coming from the kitchen? Did you put that
23 in the statement?

24 A Coming from the kitchen.

25 Q Did you put that in this statement?

SW - D. [REDACTED] - CROSS

1 A Huh-uh.

2 Q No, sir, is that a no?

3 A I said I saw him came from the kitchen.

4 Q Okay. What I'm asking is, did you write that in
5 this statement? I'll let you look at it again.

6 A Huh-uh.

7 Q No, sir? Is that a no?

8 A I didn't put it in that statement.

9 Q Okay, all right. Now you said that you saw
10 Edward, Mr. Stackhouse, and your mother. You said
11 you saw him with a knife in his hand; is that right?
12 Do you remember which hand it was in?

13 A (Indicating.)

14 Q His right hand? Okay. And was he facing your
15 mother?

16 A (Indicating.)

17 Q He was facing?

18 A (Shakes head.)

19 MR. CLEMENTS: Your Honor, just for the
20 record I believe Mr. [REDACTED] doesn't understand. He
21 needs to answer out loud; cause the court reporter
22 can't take down what he's motioning.

23 BY MR. FLOYD:

24 Q I believe you indicated that the knife was in his
25 right hand; is that correct?

SW - D. [REDACTED] - CROSS

- 1 A Yes, sir.
- 2 Q Okay. And you said they were facing one another;
3 is that correct?
- 4 A Yes, sir.
- 5 Q Okay, all right. Now you also indicate you saw
6 him stabbing her?
- 7 A Yes, sir.
- 8 Q Okay. And was he making a stabbing motion with
9 his hand?
- 10 A Like, I seen the knife in her.
- 11 Q Okay. Did you see more than one thrust or one
12 thrust or do you remember?
- 13 A As soon as I walked in I seen the knife in her.
14 That's when I saw multiple time.
- 15 Q You saw it multiple time?
- 16 A That's why I said that. When I walked in I seen
17 the knife in her.
- 18 Q But did you actually see the knife —
- 19 A In —
- 20 Q —moving multiple times?
- 21 A No, I seen it inside her.
- 22 Q Okay.
- 23 A That's when I grabbed his hand.
- 24 Q You grabbed his hand, okay.
- 25 A (Shakes head.)

SW - D. [REDACTED] - CROSS

1 THE COURT: Say yes or no.

2 THE WITNESS: Yeah.

3 BY MR. FLOYD:

4 Q And they were facing one another that point?

5 A Yes, sir.

6 Q Is that correct?

7 A (Shakes head.)

8 Q All right. When you said -- when you wrote your
9 original statement for the police you said you were
10 asleep and you heard your name called; is that
11 correct?

12 A Yes, sir.

13 Q Okay. And did you and your brother get up at the
14 same time?

15 A I know I left out the room before him. Yeah, we
16 got up about the same time.

17 Q About the same time?

18 A Yes, sir.

19 Q But you went out the door first?

20 A Yes, sir.

21 Q You think he was right behind you?

22 A He was right behind me.

23 Q Right behind you? Okay. All right. And did you
24 pay any attention to what he did after that?

25 A No, sir.

SW - D. [REDACTED] - CROSS

1 Q No? Okay. So you weren't aware of when he left
2 or anything —

3 A No, sir.

4 Q —is that right? Okay. When you had your
5 encounter with the EMS people and everything after
6 all this was over, I know they put you in a
7 helicopter and took you to the hospital; is that
8 right?

9 A Yes, sir.

10 Q Okay. Tell me what the doctor did for you when
11 you got there.

12 A They gave me stitches.

13 Q Stitching for your head?

14 A Yes, sir.

15 Q Is that right? Okay. How about the other wound
16 that you presented?

17 A They put some bandaids on it.

18 Q Bandaids on it?

19 A These cut same.

20 Q Okay. So you didn't have stitches there; is that
21 right?

22 A No, sir.

23 Q You didn't have to have any surgery or anything
24 for that —

25 A No, sir.

SW - D. BROCK - REDIRECT

1 Q ---is that correct? So it was just the --- as far
2 as the stitches goes they were strictly in your
3 scalp area ---

4 A Yes, sir.

5 Q ---is that right? All right. Would you bear
6 with me, Your Honor.

7 THE COURT: Sure.

8 MR. FLOYD: Thank you very much.

9 THE COURT: Any redirect?

10 MR. CLEMENTS: Just briefly, Your Honor.

11 **REDIRECT EXAMINATION**

12 BY MR. CLEMENTS:

13 Q You speak softly, and I want to be sure I
14 understand this. Mr. Floyd was asking you about the
15 statement you gave on the 22nd. Wasn't that the
16 date on it?

17 A Yes, sir.

18 Q All right. Did they ask you a bunch of
19 questions, or they just tell you to write it on the
20 form?

21 A They told me to write it on the form.

22 Q Okay. And you didn't write about seeing him go
23 by with a knife? Mr. Floyd asked you about that.

24 A I ain't write that.

25 Q Did anybody ask you about that at that time?

SW - D. [REDACTED] - REDIRECT

1 A Huh-uh. No, sir.

2 Q How sure are you that you saw him come from the
3 kitchen with a knife?

4 A I seen him.

5 Q You positive about that?

6 A Yes, sir.

7 Q And please tell me, Mr. Floyd was asking you
8 about how many times you saw her stab, and what was
9 your response about seeing the knife where?

10 A Right there in this area (indicating).

11 Q And you just saw it there, you didn't see him
12 actually stabbing? You just saw the knife already
13 there?

14 A I seen it.

15 Q And that's when you went and grabbed it?

16 A Yes, sir.

17 Q And never got on the floor?

18 A No, sir.

19 Q Never tackled him?

20 A No, sir.

21 Q He was never on the floor?

22 A No, sir.

23 Q Okay, thank you. No further questions.

24 THE COURT: All right. Anything further?

25 MR. FLOYD: Your Honor, just one more.

SW - D. [REDACTED] - RECROSS

RECROSS-EXAMINATION

1
2 BY MR. FLOYD:

3 Q In your statement, though, you did say that you
4 saw him stab him, correct?

5 A Yes, sir.

6 Q That's what you wrote in your statement; is that
7 right?

8 A Yes, sir.

9 Q Okay. But your testimony here today is that you
10 didn't see stabbing; is that correct? The knife was
11 already there?

12 A I seen the knife already in her.

13 Q Okay. Thank you.

14 THE COURT: All right. You may step down.
15 Thank you.

16 If you will call your next witness.

17 MR. CLEMENTS: Your Honor, at this time
18 the State would rest.

19 THE COURT: Members of the jury, we have
20 to take up some matters of law. If you would step
21 into the jury room for a few moments. We will be
22 back with you shortly. Do not discuss the case.

23 (WHEREUPON, the jury was removed from the
24 courtroom at 10:28 a.m., and the following
25 proceedings commenced in open court.)

1 THE COURT: Any motions?

2 MR. FLOYD: Your Honor, at this time I
3 would just move for a directed verdict motion on
4 counts 1, 2 and 3 of the indictment based on
5 insufficiency of the evidence.

6 THE COURT: Okay. I'm gonna deny the
7 motion. Does your client intend to testify?

8 MR. FLOYD: Your Honor, he's indicated
9 that he does not intend to testify.

10 THE COURT: Why don't you come on up here,
11 Mr. Stackhouse, let me talk to you.

12 THE DEFENDANT: I do have one question,
13 Your Honor.

14 THE COURT: Let me go over your rights
15 with you, then you can ask your lawyer questions or
16 me if you like.

17 WHEREUPON,

18 **EDWARD STACKHOUSE,**
19 was duly sworn by the Clerk of Court.

20 THE COURT: Let me go over something with
21 you. First of all, I want you to understand that
22 you have the right to testify if you would like.
23 You can be sworn in just like you were right then.
24 You can come over to this stand, you can sit down,
25 and you can testify. You can tell your side of the

1 story as you and your lawyer see fit.

2 THE DEFENDANT: Uh-huh.

3 THE COURT: You understand that?

4 THE DEFENDANT: Uh-huh.

5 THE COURT: Is that a yes or no?

6 THE DEFENDANT: Yes, I understand it, sir.

7 THE COURT: All right. If you testify,
8 however, I want you to understand that you may be
9 cross-examined on any and all relevant issues in
10 connection with your case.

11 THE DEFENDANT: Yeah.

12 THE COURT: Furthermore, if you testify
13 and you have a criminal record and it involves
14 crimes of dishonesty or false statements —

15 THE DEFENDANT: Uh-huh.

16 THE COURT: —or you have a criminal
17 record for crimes that can carry punishment of more
18 than one year, and I determine that the probative
19 value admitting same outweighs its prejudicial
20 effect, then your criminal record may be introduced
21 to attack your credibility. Do you understand that
22 risk?

23 THE DEFENDANT: Yes, I do.

24 THE COURT: You understand the risk of
25 testifying?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: All right. However, I want
3 you to understand that you don't have to testify.

4 THE DEFENDANT: Oh, I'm not testifying.

5 THE COURT: And nobody can make you
6 testify. In fact, if you chose to exercise you
7 right and not take the stand and not testify, I tell
8 that jury they cannot use that against you in any
9 way. You understand that?

10 THE DEFENDANT: Uh-huh.

11 THE COURT: Yes or no?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: I'll tell the jury the fact
14 that you didn't testify is to have absolutely no
15 prejudice against you. I'll even tell the jury they
16 can't talk about that fact in the jury room, it's
17 not to enter into their deliberation at any form or
18 fashion.

19 THE DEFENDANT: Yes, sir.

20 THE COURT: Do you understand that?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: You understand these rights
23 that I have gone over with you?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: Do you have any questions for

1 me or your lawyer about these rights that I just
2 went over with you?

3 THE DEFENDANT: No, I don't have know no
4 questions.

5 THE COURT: And so you wish to testify or
6 not?

7 THE DEFENDANT: No, I'm all right.

8 THE COURT: You're not going to testify or
9 are you going to testify?

10 THE DEFENDANT: No, I'm not. I just only
11 have one question.

12 THE COURT: And have you discussed that
13 with your lawyer?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: And what is your question?

16 THE DEFENDANT: Just want to know if it's
17 possible that the — if the jury can see their
18 statements themselves.

19 THE COURT: I'm gonna let you go over that
20 with your lawyer, how about that?

21 THE DEFENDANT: All right.

22 THE COURT: Why don't you do that right
23 now. You can clear that up, Mr. Floyd, and let me
24 know if that's been cleared up.

25 MR. CLEMENTS: For the record I have no

1 objection if they want to introduce it.

2 THE COURT: I can't imagine.

3 (Mr. Floyd confers with defendant.)

4 THE COURT: Mr. Floyd, have you talked to
5 your client?

6 MR. FLOYD: Yes, Your Honor.

7 THE COURT: Does he understand what's
8 going on?

9 MR. FLOYD: He does, Your Honor.

10 THE COURT: Did you answer his question?

11 MR. FLOYD: I did answer his question on
12 that.

13 THE COURT: Thank you very much. Why
14 don't we go over the charge. Anything particular
15 that defense wants? I may already have it in there
16 but...

17 MR. FLOYD: Your Honor, on the charge of
18 attempted murder, my understanding that now we have
19 ABHAN underneath that and then assault and battery
20 first, assault and battery second, all of which are
21 lesser included offenses down the line.

22 THE COURT: I haven't put it in there, but
23 I can think about it.

24 MR. FLOYD: I would request that you
25 charge that, Your Honor.

1 THE COURT: All right. All of them?
2 Trickle it on down?

3 MR. FLOYD: Yes, sir.

4 THE COURT: All right. Solicitor, what
5 you think of that?

6 MR. CLEMENTS: Your Honor, for the record
7 I think that the legislature, one legislator in
8 particular, really made that very confusing law when
9 he talked about some of the medical aspects of it
10 and which we didn't approach in this case. I think
11 that you stab somebody with a knife in the head, try
12 to stab them in the abdomen I think, either say it's
13 attempted murder or not so I don't want to confuse
14 the jury, Your Honor. I have some concern with some
15 of the definition in that statute on some of the
16 degrees of assault and battery, but I'll just leave
17 it up to Your Honor's discretion.

18 THE COURT: Mr. Floyd.

19 MR. FLOYD: Your Honor, I mean, the
20 statute is what it is. I mean, and I know it's not
21 worth, maybe artfully written, but it can be kind of
22 confusing. But I mean, I think there's evidence to
23 support the charge all the way down to, you know, AB
24 second.

25 THE COURT: Outside of that I have an

1 introduction reasonable doubt, direct and
2 circumstantial evidence, duties of the judge and
3 jury, failure of defendant to testify, expert
4 testimony, police officer charge, murder, voluntary
5 manslaughter, involuntary manslaughter, attempted
6 murder, possession of a weapon, self-defense and
7 close.

8 MR. FLOYD: How about involuntary
9 manslaughter?

10 THE COURT: Yeah.

11 MR. FLOYD: You are charging that, Your
12 Honor? And Your Honor, the — I'm sorry, I didn't
13 hear you say involuntary manslaughter.

14 THE COURT: I did, all three of them. I
15 looked at it and I looked at the statement in
16 particular and I've listened to the testimony. And
17 I'm not saying that it's the strongest thing in the
18 world, but I guess it's possible that it could fall
19 in all three of those categories in some form or
20 fashion if you look at it.

21 MR. FLOYD: Yes, sir.

22 THE COURT: We've gone over that thing. I
23 even had my clerk argue it to me as a lawyer in my
24 office, and I think you can find a little teeny
25 shred of all of them in there somewhere.

1 MR. FLOYD: Like I said, I missed that and
2 that's what I was getting ready to ask you about.

3 THE COURT: And I'm sure you disagree with
4 me and I'll be glad to hear from you.

5 MR. CLEMENTS: I do, Your Honor. I don't
6 think involuntarily is an appropriate charge, and I
7 didn't anticipate actually you charging that or I
8 would have done a little research last night, but I
9 think there might be some case law out there that
10 you can't — that voluntarily and involuntarily are
11 kind of mutually exclusive. It seems like I recall
12 something about that, but I definitely think
13 voluntary manslaughter is an appropriate charge
14 based on his statement. But I don't see anything in
15 his statement where there was anything, where there
16 was recklessness. This was an intentional act he
17 was doing. I just don't think involuntarily fits in
18 my humble opinion.

19 THE COURT: And I'm not saying it fits
20 strongly, but I think if you look at that statement
21 and you dissect it and you play his role, it is
22 possible that you could mold it into that. I'll
23 look at it carefully, and I'll consult with other
24 judges, my clerk and myself, and I think it would be
25 appropriate to slide it in and see what happens.

1 MR. CLEMENTS: Just, Your Honor, just —

2 THE COURT: Of course, you know, it just
3 takes a little teeny —

4 MR. CLEMENTS: —respectfully note my
5 objection to that charge.

6 THE COURT: I understand. I guess we will
7 take a look at assault and battery, all that stuff
8 right now, and do that. How do want to do it? You
9 want to rest on the record, Mr. Floyd, I guess?

10 MR. FLOYD: Yes, Your Honor. Your Honor,
11 I did have one other question about the charge.
12 Were you intending to charge use of deadly weapon
13 being an inference of malice?

14 THE COURT: No, because I put self-defense
15 in there.

16 MR. FLOYD: Thank you.

17 THE COURT: Yes.

18 MR. CLEMENTS: We got a self-defense
19 charge?

20 THE COURT: We do.

21 MR. CLEMENTS: All right.

22 THE COURT: I mean, you know, he's out
23 there. And the video once again, we're looking
24 where the stuff came from. And he said he'd been
25 hit with a hammer, been stabbed. And I'm not saying

1 it's strong but he said all that stuff and that he
2 thought they might come on him and get on him and do
3 something to him so he grabbed a knife and started
4 swinging it, all that kind of stuff. I'm not saying
5 any of that is probable, but there's a shred of
6 evidence and that's all I have to have, a shred or
7 possibility that those charges are applicable and I
8 have to put them in there.

9 MR. CLEMENTS: May I make brief argument
10 on that?

11 THE COURT: Yeah.

12 MR. CLEMENTS: Your Honor, he also on his
13 statement talked about several times I believe he
14 answered that he didn't see any of them with a
15 weapon, didn't have a weapon at this time. Whether
16 he thought he was in danger on some other occasion
17 —

18 THE COURT: That's what you need to be
19 telling that. I understand that you will.

20 MR. CLEMENTS: But also, Your Honor, this
21 argument as well I'd like to put on the record, is
22 that he also said he wasn't supposed to be there
23 because he was not on the lease. He wasn't supposed
24 to be there, and he is fighting somebody else. They
25 have a right to defend themselves with no duty to

1 retreat in their own home; he does not.

2 THE COURT: And we can tweak the charge to
3 that as well.

4 MR. CLEMENTS: He — you have to have a
5 duty to retreat, and he could have easily retreated
6 and he did not so I think that throws self-defense
7 out the window.

8 THE COURT: I got you. Sounds like a good
9 argument and I appreciate it. All right, let's
10 bring the jury back out, and I'm gonna have you rest
11 on the record and we'll send them out and then we'll
12 take a brief recess and take a look at the charge in
13 regards to the assault and battery and all that
14 stuff.

15 If you will go ahead and bring them back
16 out.

17 (WHEREUPON, the jury was returned to the
18 courtroom at approximately 10:40 a.m., and
19 the following proceedings commenced in
20 open court.)

21 THE COURT: Mr. Floyd, if you will call
22 your first witness.

23 MR. FLOYD: Your Honor, Defense rests.

24 THE COURT: All right, that was quick.
25 Members of the jury, I hate to ask you again but I

1 need you to get up, go back into the jury room. We
2 have to go over a few more things at this point in
3 time as a matter of formality, and we have to
4 prepare to conclude this case. So just bear with us
5 a little bit and we'll get it ready and the next
6 time you come out we're going to move forward with
7 closing arguments, charge on the law, and try to get
8 it. If you need anything don't hesitate to ask the
9 bailiff and he'll make sure you're covered.

10 (WHEREUPON, the jury was removed from the
11 courtroom at 10:41 a.m., and the following
12 proceedings commenced in open court.)

13 THE COURT: We'll take a brief recess and
14 we can — we'll talk about that.

15 (WHEREUPON, a recess was taken from the
16 proceedings.)

17 THE COURT: If you will go ahead and bring
18 out the jury.

19 (WHEREUPON, the jury was returned to the
20 courtroom at approximately 12:00 p.m., and
21 the following proceedings commenced in
22 open court.)

23 THE COURT: Members of the jury, we are in
24 the final phase of the trial. At this time the
25 lawyers are going to give their closing argument to

1 you, and after that I'm gonna charge you on the law
2 and send you into the jury room hopefully with some
3 food, and then at that time when I tell you to, you
4 can begin your deliberations.

5 State, you're recognized for your closing
6 statement.

7 MR. CLEMENTS: Ladies and gentlemen of the
8 jury, if it please the Court. Ladies and gentlemen
9 of the jury, it's been three days we've been
10 together, but in a lot of ways it seems a whole lot
11 longer than that. I appreciate all of your
12 attention and how serious you've taken this. And as
13 I told you on Tuesday, you are the sole judges of
14 the facts in this case. The judge is going to tell
15 you that when he charges you on the law. And you
16 judge everything that you saw from this witness
17 stand. You judge the evidence that we put in, the
18 exhibits, and you make a decision that speaks the
19 truth and tells the truth.

20 I told you, if you remember on Tuesday, I
21 told you there was not a lot you were going to have
22 to decide in this case because there were a lot of
23 things that were not in dispute. And I think
24 ultimately it boils down to one question, and I'm
25 going to explain to you why in a few minutes. But

1 it boils down to one question I believe. Before I
2 get into that and before I begin to talk about the
3 facts I want to talk to you a little bit about the
4 law that the judge is going to charge you on, and
5 his duty is to give you all the law that could
6 possibly have something to do with this case. And
7 some of that law I suggest to you is going to apply.
8 Some of it as you look at the facts you're going to
9 see doesn't apply, but I'm gonna talk to you a
10 little bit now about what the judge is going to
11 charge you on.

12 The first thing I want to talk to you
13 about is murder 'cause that's what we charged Edward
14 Stackhouse with is murder. Murder is when you take
15 someone's life with malice aforethought, and the
16 judge is going to tell you what malice is. Malice
17 is hatred, ill will, or hostility towards another
18 person. It is the intentional doing of a wrongful
19 act without just cause. I submit to you that is
20 exactly what Edward Stackhouse did. You saw the
21 video of his statement that he made to law
22 enforcement. And just as you judge people from the
23 witness stand, and the judge is going to tell you
24 you can accept all of what they say, none of what
25 they say, a part of what they say, you are the judge

1 of that credibility. This video statement that
2 Mr. Stackhouse gave, I would submit to you, you can
3 believe part of it. I also submit to you there's
4 part of it you can't believe at all because it's
5 nothing but self-serving stuff, for lack of a better
6 term, that he told Chief Bethea and he told Kenny
7 Davis to try to make it look as best as that he
8 could for him.

9 Now I want to talk about that in regards
10 to hatred, ill will, or hostility towards another
11 person on the law here. He said he started it.
12 They'd had some disagreement earlier, and he went
13 and he broke the cell phone if you remember, and
14 that's when it all started and then he went from
15 there. But malice aforethought requires that malice
16 not exist for any particular time before act is
17 committed, but just before and at the time the act
18 is committed. When he took — picked up that knife,
19 whether you believe he picked it up on the floor or
20 whether he went to the kitchen as the testimony was,
21 sworn testimony from Daquan that he saw him come
22 back from the kitchen with that knife. When he
23 picked up that knife he had malice aforethought, and
24 he had evil intent in his heart. And you can infer
25 that from those circumstances. He stabbed her with

1 a total disregard for human life.

2 Now voluntary manslaughter, the judge is
3 going to tell you about the law on voluntary
4 manslaughter as well. He's gonna tell you that when
5 you take the life of another person in the sudden
6 heat of passion based on sufficient legal
7 provocation that that's manslaughter; but you got to
8 have both, heat of passion and you have to be
9 legally provoked. If you don't have both of them
10 you don't have manslaughter. Now murder or
11 voluntary manslaughter, that's gonna be what we're
12 going to talk about a lot at the end here.

13 The sudden heat of passion, what does that
14 mean? The judge is going to tell you it must be the
15 type that would make an ordinary person unable to
16 coolly reflect on his actions and would produce an
17 uncontrollable impulse to do violence. Do you think
18 talking to somebody on a cell phone and arguing
19 about who you're talking to on the phone constitutes
20 what would make an ordinary person not be able to
21 coolly reflect on his actions? And you think that
22 would be the type of thing that would produce an
23 uncontrollable impulse to do violence? I don't
24 think so. Sufficient legal provocation must be the
25 type that would make a person of ordinary reason and

1 caution become enraged and to lose control
2 temporarily. You think that discussion about who
3 you talking to on the phone would make an ordinary
4 person become enraged and lose control? If you
5 don't think so then it's not voluntary manslaughter,
6 it's murder. And the heat of passion to cool, if
7 there was enough time passes in between for a
8 reasonable person to cool down, the killing would
9 not be voluntary manslaughter. The judge is gonna
10 tell you that.

11 And let me talk to you a minute about
12 involuntary manslaughter. The judge is gonna tell
13 you about that. I submit to you involuntary
14 manslaughter doesn't fit this situation at all even
15 if you believe everything Stackhouse said on his
16 video. Involuntary manslaughter is when you kill
17 somebody without malice and you're engaged in an
18 unlawful activity that naturally tends to cause
19 death or great bodily harm. Well, if you got malice
20 and you're engaged in that activity, that's not
21 involuntary manslaughter. Another way to define
22 involuntary manslaughter is when you kill a victim
23 without malice while you're engaged in a lawful
24 activity but you've got a reckless disregard for the
25 safety of others. You picked up a knife and you

1 start swinging, I don't believe that's a lawful
2 activity. And I also believe that that naturally
3 tends to cause the death or great bodily harm of
4 somebody. And the definition says that you engaged
5 in unlawful activity which does not naturally tend
6 to do so. So I don't think involuntary manslaughter
7 fits here at all, at all.

8 Also, he's gonna talk to you about
9 self-defense. He's gonna give you the law on
10 self-defense. And I want to tell you a little about
11 what the judge is gonna tell you on self-defense I
12 believe. Self-defense occurs, first, the person has
13 to be without fault. He's going to claim
14 self-defense, the judge is gonna tell you, first,
15 the defendant must be without fault in bringing on
16 the difficulty. Well, you know according to
17 Stackhouse's own words, he was partially to blame,
18 if not wholly to blame for bringing on this
19 difficulty. The judge is going to charge you if the
20 defendant's conduct was the type which was
21 reasonably calculated to and did provoke a deadly
22 assault, the defendant would be at fault in bringing
23 on the difficulty and would not be entitled to
24 self-defense. That's what we got here; he brought
25 this on.

1 Also, the judge is going to talk to you
2 about mutual combat when it comes to self-defense.
3 And he's going to tell you if the defendant
4 voluntarily participates in mutual combat, it would
5 not be self-defense. And he voluntarily entered
6 into combat fighting, he's Sharon Stackhouse, that's
7 not self-defense. This is true even if during the
8 combat, the judge is going to tell you, the
9 defendant feared for death or serious bodily injury.
10 You heard Kenny Davis ask, were you scared? Well,
11 no, not really, you know, a little bit. You know,
12 before maybe I was scared, dusted things more, but I
13 was scared of him, she didn't have any weapons, he
14 didn't have any weapons, you know. But he was in
15 mutual combat with her. And even if he did have
16 fear once that started he's not entitled to
17 self-defense because he was in mutual combat.

18 The judge is going to talk to you about
19 imminent danger when it comes to self-defense.
20 Second element of self-defense is that the defendant
21 actually was in imminent danger or serious bodily
22 harm or actually believed he was in imminent danger
23 of death or serious bodily harm. Well, I submit to
24 you based on what Stackhouse said in answer to the
25 questions on that video, he was not in imminent

1 danger of death or bodily injury and he didn't
2 actually believe he was. He said there might have
3 been some possibility of it, but he didn't believe
4 it. Listen to his words on the statement, y'all
5 did. That was the last thing you heard yesterday.
6 Y'all had all night to think about what he said. He
7 wasn't entitled to self-defense. He didn't believe
8 he was in imminent danger, and he wasn't. He said,
9 nobody else had any other weapons, he didn't see any
10 weapons. Also, on self-defense the judge is going
11 to talk to you about size and age. He's going to
12 tell you that the relative sizes, ages, and weights
13 of the defendant and the victim may be considered in
14 deciding the apparent or actual need for force in
15 self-defense and the amount of force needed. What
16 do we have here? We got an 80-pound teeny little
17 woman. He said he told Kenny Davis to try to make
18 it look a little bit, oh she's 120, 125-pounds.
19 They weighed her. You heard the pathologist testify
20 she was 80-pounds and 4 foot 10, 4 foot 10. You
21 could have sneezed on her and blew her over. And a
22 little 15 year old boy, slender 15 year old boy
23 coming, running to help his momma when she screamed
24 for help.

25 Now you can look at them and look at

1 Mr. Stackhouse. Now he's not very tall but look at
2 him; he's built. He told Kenny Davis, yeah, I do
3 calisthenics, I work out, I'm in pretty good shape.
4 And a teeny little woman. You can take that
5 consideration of whether he needed to pull a knife
6 in self-defense. Also the judge is going to tell
7 you that you're not entitled to self-defense if
8 there's any other way to avoid danger.

9 The final element of self-defense the
10 judge is going to tell you is that the defendant had
11 no other probable way to avoid the danger of death
12 or serious bodily injury than to act as the
13 defendant did in this particular instance. Well, if
14 you believe what he said, he said he was tackled to
15 the floor — and I don't believe that by the way —
16 and he just happened to pick up the knife and he was
17 swinging it to get him off of him. She's an 80 year
18 [sic] old woman and a 15 year old skinny boy. He
19 could have got up and just said, get off me, and he
20 could have left. He said he didn't have any reason
21 to be there or right to be there because he wasn't
22 on the lease. Remember him telling you that on that
23 that video, answering that question to Kenny Davis?
24 He's not entitled to self-defense, but the judge is
25 going to tell you the law of self-defense. You

1 apply all that. Listen carefully to every bit of
2 that law. And you're gonna say, well, self-defense,
3 mark that out, involuntary manslaughter, mark that
4 out.

5 I think it's going to boil down to one
6 question, ladies and gentlemen of the jury, is this
7 murder or is this voluntary manslaughter. Can
8 everybody see this? Everybody see this? I just
9 want to remind you of a few things Mr. Stackhouse
10 told Kenny Davis and Chief Bethea, and I want to
11 tell you what's not in dispute. What's not in
12 dispute is that Sharon Stackhouse is dead. What's
13 not in dispute is Sharon Stackhouse died from one
14 stab wound, and I think bow hunters and deer hunters
15 would refer to that as a double lung heart shot. I
16 don't know if any of you guys hunt, but you heard
17 what the pathologist said. It went through both
18 lobes of one lung, went through the pericardium,
19 through the aorta, through into the heart and into
20 the other lung so you're talking about a double lung
21 heart shot which Doctor Riemer said there was no
22 chance for survival. Even if there had been a crack
23 team of trauma surgeons right there at her apartment
24 with all the equipment they needed there was no way
25 she was going to live. The only thing she could do,

1 as Daquan told us this morning, was tell him I love
2 you and blink her eyes and she was gone. That's not
3 in dispute.

4 It's also not in dispute that stabbing
5 Stackhouse is the one that did it. What did he tell
6 Kenny Davis? There was only three of us there, me
7 and her and Daquan, I was the only one with a knife.
8 What's not in dispute is Edward Stackhouse killed
9 Sharon. What's not in dispute, I believe, is that
10 she was killed with this knife. The first witness
11 we put up, Mary Ann Bowen, the SLED scientist, said
12 that all the DNA was on the knife, both victims. On
13 his clothes, several places you got DNA. Daquan,
14 you got DNA of Sharon's. Swabs from his right
15 forearm looked like blood, you got DNA. Can't
16 exclude Sharon, can't exclude Daquan from any of
17 that. That's not in dispute that he stabbed Sharon.
18 It's not in dispute that he stabbed Daquan in the
19 neck and then tried to stab him in the side but
20 didn't get very far. Y'all saw that scar. It's not
21 in an area — is that not a kill zone? Is that not
22 a kill area when you stab somebody there?

23 Doctor Riemer said that the depth of
24 penetration of that wound was 8-inches. That's not
25 in dispute. How long is that blade? How long is

1. that blade? What kind of force does it take to
2. drive a knife like this into a little 80 year old
3. lady, and run it in almost if not to the hilt
4. completely in her. It's not in dispute. Y'all are
5. gonna have to decide that question.

6. What else did Stackhouse say? I was
7. angry, I was pissed, no one else had a weapon, I
8. wasn't really scared, I wasn't supposed to be there,
9. I was not on the lease. If you believe everything
10. he said in that video, if you believe everything he
11. told Mike Bethea and everything he told Kenny Davis
12. and you apply all those facts to the law that Judge
13. Seals gives you believing everything that he wanted
14. those police officers to believe, you got one answer
15. to this, voluntary manslaughter. Heat of passion, I
16. was angry, I was pissed, yeah I just fell, picked up
17. the knife and I start swinging to get them off of
18. me, and you know, I don't really think Sharon was
19. stabbed. I knew — I thought I nicked Daquan 'cause
20. he kind of jumped back. Well, if you believe
21. everything he says you've got to find a verdict of
22. voluntary manslaughter. He got provoked by them and
23. he killed her in the heat of passion.

24. Well, I don't believe everything he said
25. and I don't think you should either. I think you

1 should weigh everything on that video against all
2 the other facts we know. Now some of it you can
3 believe. But everybody knows if you're going to
4 tell a good story and a good lie to try to cover
5 something up, you better have some truth in it,
6 right, 'cause if you don't have some truth in it
7 nobody is going to believe it. Daquan said he got
8 cut and he backed — he jumped back. Stabbing
9 Stackhouse said that? I believe that part of it.

10 What don't I believe? I don't believe
11 that it's voluntary manslaughter. I don't believe
12 it was in the heat of passion. I don't believe it
13 was with sufficient legal provocation. I believe it
14 was murder. I believe it was malice aforethought.
15 And y'all might say, Ed, why? Well, a lot of
16 reasons. Balance and compare what he says against
17 facts that we know that are scientific and use your
18 good old common sense.

19 Number one, Daquan said he saw him come
20 from the kitchen with the knife and he saw — and
21 jumped up when his momma hollered his name, went in
22 there and saw the knife in her, in her side right
23 here. And Edward had a knife. Now Mr. Floyd may
24 want to make a big deal about, well, he said, he
25 wrote in his statement that she was stabbing and he

1 didn't see her stabbing, he saw the knife in there.
2 Well, I think 15 year old boy is going to see the
3 knife in there he's going to say, yeah, it's a
4 stabbing. And I think most of the rest of us would
5 too. He didn't see her sticking it in there but he
6 saw it in there. And I don't believe he picked that
7 knife up off that floor. Number one, you know, who
8 cuts electrical tape with a big old butcher knife
9 like that when he said also, we had scissors. You
10 got scissors there, why you got the knife too? And
11 electrical tape, you guys know, you take electrical
12 tape you ain't got to worry about cutting it. You
13 can grab a snatch of that and pop it, and you got
14 you a piece of tape. You're not gonna have a big
15 old butcher knife there, particularly if you got
16 scissors. That doesn't make any sense. That's not
17 true. That's a coverup on his behalf.

18 He brought the knife from the kitchen with
19 malice aforethought calling her a bitch, like he
20 said, like Daquan said he called my momma B. And he
21 came and he stabbed her. He didn't swing his knife
22 to protect himself from Daquan and Sharon, why?
23 Because what would have been happening if he had
24 been swinging his knife like this? What would we
25 have seen and what would the pathologist have

1 testified to? Defensive wounds. Remember what they
2 said about defensive wounds? Those are slashes,
3 cuts. Was did Doctor Riener say? No slashes, no
4 cuts, no injuries on her hands or arms, nothing.
5 Just one single thrusty stab 8-inches through her
6 body, through her lungs, through her heart,
7 non-survivable fatal blow. He wasn't swinging that
8 knife like that. He went in. She goes oh no,
9 Daquan, and he stabbed her right there with this
10 knife, jabs it in her hard as he can up to the hilt.
11 And Daquan runs in there, brave young man, trying to
12 save his momma, goes in there and grabs him. And
13 what does Edward do? Turn and stabs him in the
14 neck. He's lucky to be alive. And then tried to
15 stab him in the side and then walks out.

16 Now, he says I was scared. You know,
17 they — she hit me with a hammer before, she's hit
18 me with a knife before. She's 80 year old —
19 80-pound little weight. 80 pound woman could have
20 blow her over. If he's so scared, why didn't he
21 turn, walk away from Daquan, turn his back on
22 Daquan, walk away, throw the knife down, get on his
23 bicycle, get out of the apartment, and ride away?
24 And did he call for help? No. Did he go to police
25 and say they jumped me, but I think I hurt one of

1 them? No. Or hurt both of them? No. He rode and
2 sat on somebody's porch for a while and then rode to
3 somebody else's house, got seen over there at Gold
4 Street. And what did he say? What did he ask Kenny
5 Davis? Was anybody hurt? Was everybody okay? No,
6 he asked something a little more telling than that.
7 He asked, did anyone survive. Remember Kenny Davis
8 telling him on that: No, you didn't ask me that;
9 you asked me did anyone survive. He goes, yeah,
10 yeah, you know. He knew what he had done. He
11 wanted to know did anybody survive.

12 He didn't swing that knife to protect
13 himself from little tiny 80-pound Sharon. He didn't
14 swing that knife to protect himself from Daquan
15 because they were double teaming him. He had
16 stabbed Sharon, and Daquan came to try to save his
17 momma. And he stabbed Daquan and just walked out.
18 What he's telling to Kenny Davis and Mike Bethea is
19 not true. There's parts of it true. They talked a
20 long time. A lot of it true, but the crucial things
21 are not true; they don't make any sense. They don't
22 match up with what other witnesses say. They don't
23 match up with what the scientists say.

24 Kim Dinh, remember her, the forensic
25 officer from SLED who now got all these black belts

1 and she trains police officers how to protect
2 themselves at the Police Academy. She's an expert
3 in those fields. She says, I took pictures of her,
4 there was one thrust wound here. And she thought
5 there was a wound at the hip, but she didn't take
6 the clothes off. She didn't wash away all the
7 blood. And the doctor said, well, you know,
8 somebody might have made that mistake, but we take
9 clothes off, we wash them, we see there's only one
10 wound. A kill shot, that's the only wound. He's
11 lying to you about swinging the knife. There's no
12 defensive wounds on Daquan, you know. He stabbed
13 Daquan and then Daquan tried to get away. All he
14 was trying to do is stop him from stabbing his momma
15 ma again, but the one time he stabbed her did the
16 job. She didn't have opportunity to defend herself.
17 He had snatched the phone and broke it. You see
18 pictures, phone one piece one place, one piece right
19 behind her head. I don't know if it was jealous
20 rage. I don't know what it was that was in his
21 heart and in his mind, but it resulted in malice and
22 evil intent, not something that a reasonable person
23 would be provoked about enough to kill somebody and
24 not where he would have been in danger where he had
25 to kill somebody. He could have walked away, got on

1 his bicycle, and rode away before he ever picked up
2 that knife. And he said, did anyone survive? He
3 told them on video, I didn't think Sharon was
4 stabbed, I knew had I nicked Daquan.

5 What you got to decide, is this cold
6 blooded murder versus a hot blooded killing. Murder
7 versus voluntary manslaughter. Those are the only
8 choices that make sense. Hot blooded killing,
9 manslaughter, heat of passion. Murder, cold
10 blooded. What was his demeanor on that video? It
11 wasn't but a few hours from the time she had been
12 killed. And what was his demeanor? Well, he'd
13 come through a traumatic experience, right? Sharon
14 has been stabbed; Daquan had been stabbed. Let's
15 compare his demeanor to Daquan's demeanor. Let's
16 compare his demeanor to William [REDACTED] B. [REDACTED]
17 demeanor. What did the law enforcement officers
18 say? What'd they testify to? What did his cousin
19 say? When he got to the house he was out of breath
20 and hysterical and all upset. What did the officer
21 say on the scene? He was upset. Daquan was upset
22 and hysterical, Edward Stackhouse hurt my momma.
23 They were upset. Edward, he rode off on his
24 bicycle; you saw him. He was calm. He was eating
25 him a biscuit, drinking, smoking Captain Bethea's

1 cigarettes. What was his demeanor? Was there a
2 heat of passion there, or a lack of emotion because
3 this was a cold blooded murder. He sat there and he
4 very cold blooded, I submit to you, tried to explain
5 away to them. He was demonstrative and he kept
6 coming up with all this stuff, and you know,
7 contradicting himself in some little minor things.
8 But why would it take so long to explain something
9 that happened like that unless you're trying to
10 weasel your way out of it. He knew he couldn't deny
11 that he stabbed her and she died. And he's going to
12 try to make it look like something it's not.

13 Those boys were screaming, their momma had
14 been killed. And William didn't even see it, but he
15 knew what was going on. He ran away. And Daquan
16 saw it, and Daquan almost got killed himself. But
17 yet, Stackhouse smiling on the video, rode away on
18 his bicycle, rode off, never asked for any help,
19 never did anything. Chief Davis, can I ask you a
20 question, anybody survive? Kenny Davis hadn't told
21 him what they wanted to talk to him about. He knew
22 he had killed somebody, possibly two people.

23 Swinging the knife, we talked about that.
24 Y'all, I know y'all don't believe for a minute, that
25 doesn't make any sense. That's not true. He's

1 doing this, on the video kept talking about I just
2 picked it up, I had fallen on the ground. Daquan
3 said, I didn't tackle him. I don't know if Daquan
4 could tackle him, you know. But Daquan said, I
5 never was on the ground; he wasn't on the ground.
6 That knife was in my momma and I ran up there and he
7 pulled it out and I grabbed his hands. William was
8 at the door; he never went in. He never saw
9 Stackhouse on the ground. He never saw Daquan on
10 the ground. He didn't pick that knife up off that
11 floor. He brought it from the kitchen with malice
12 in his heart, and he killed Sharon with one stab
13 wound. She didn't have a chance to defend herself.
14 He didn't come at her like this and cut her on
15 the — slashes and cuts on her hands and arms and
16 anywhere else. He came right in, thrust.
17 Self-defense? No way. He didn't retreat. He could
18 have retreated. Not self-defense. Shouldn't have
19 been there, not on the lease. As he said, they had
20 no weapons. Sharon didn't have any weapons. I
21 don't care about what might have happened way back
22 when. Sharon didn't have any weapons then, she's
23 80-pounds. Daquan didn't have any weapons.
24 80-pound little tiny waff of a woman and a 15 year
25 old child. And as he said on that video, he was the

1 aggressor. He got up out the bed going to the
2 bathroom, heard her on the phone, went, snatched
3 that phone, broke it, started tussling there. He
4 was the aggressor, he started it, he's not entitled
5 to self-defense.

6 Involuntary manslaughter, and Mr. Floyd
7 may argue for that; I would if I was him. But it
8 ain't there, folks. He wasn't engaged in a lawful
9 activity. He had malice in her [sic] heart.
10 Remember, he said he was calling her a bitch. He
11 wasn't swinging the knife at anyone. He picked that
12 knife up in the kitchen and went and stabbed. And
13 if you do believe him that he was swinging the
14 knife, that naturally, it does naturally tend to
15 cause death or great bodily injury. And the
16 definition of involuntary manslaughter says you're
17 engaged in activity that does not naturally tend to
18 cause death or great bodily injury. He's not
19 entitled to involuntary manslaughter; he's not
20 entitled to self-defense.

21 You got one question to answer. Cold
22 blooded murder or hot blooded killing. That he was
23 provoked, he was in the heat of passion, he didn't
24 intend to do it, it was just something that happened
25 'cause he was in the heat passion, he was angry, he

1 was pissed. His story does not ring true. Compare
2 it to everything else, it just does not ring true.
3 I think that as y'all go back and y'all weigh out
4 every piece of evidence y'all are going to see
5 there's no reasonable doubt. This is murder, and
6 that Daquan, attempted murder. The emergency
7 medical people called in a helicopter. He could
8 have easily died. And he didn't have any right to
9 attack Daquan. Daquan was coming to the defense of
10 his mother. He stabbed him and walked away. He
11 didn't stab him and say, okay, now you're off of me,
12 I got control of you, let's get the ambulance here
13 quick. Naw, he didn't do that. He got on his
14 bicycle and he rode away.

15 Ladies and gentlemen, he can't get on that
16 bicycle and ride away from y'all today. If you
17 believe what he says you got to find him guilty of
18 voluntary manslaughter. If you don't believe the
19 things I pointed out that I believe absolutely are
20 not true you got to find him guilty of murder. You
21 got to bring back a verdict that speaks the truth.
22 The burden of proof is on me. He doesn't have to
23 prove anything, and that is the way it should be.
24 It's hard to prove your innocence. The State should
25 have to prove you're guilty beyond a reasonable

1 doubt. I believe we've done that. I believe we've
2 done that. Y'all didn't fall off a turnip truck
3 last night. Y'all heard the story and y'all
4 listened to the evidence, and I believe y'all are
5 going to bring back a verdict that finds the truth
6 and you're going to say, Ed, you met the burden of
7 proof, we don't have a reasonable doubt. It's a
8 horrible, horrible thing. That's kind of like a
9 curse across our nation on domestic abuse resulted
10 in a murder of two young boys' momma in front of
11 them; and now here they come and tell what they
12 endured and what they saw, what they heard, to y'all
13 under oath four days after the mother died. They
14 don't have anything that shows they're lying 'cause
15 they're not lying. They told you the truth. Now
16 y'all bring back a verdict that speaks the truth.
17 Edward Stackhouse is guilty of murder; he's guilty
18 of attempted murder. And he is guilty of possessing
19 this during the commission of a violent crime. Take
20 this back and look at it. Thank you.

21 THE COURT: Mr. Floyd.

22 MR. FLOYD: Thank you, Your Honor, may it
23 please the Court. Mr. Solicitor.

24 Good afternoon, ladies and gentlemen. I
25 do agree with the Solicitor what some of the facts

1 in this case. Now you heard a lot of DNA testimony,
2 things of that nature. Of course, we don't dispute
3 that Edward Stackhouse was in that room or that he
4 was holding that knife. That's not in dispute at
5 all. There used to be an old board game when I was
6 young. I don't think anybody plays board games
7 anymore. All the games they play now are on a
8 computer and such that. It was called Clue and in
9 Clue the crime had been committed and you had to go
10 around and figure out who did it. You know, you got
11 a bunch of clues during the game. This isn't that
12 kind of case because Mr. Stackhouse admitted, you
13 know, his part, responsibility for this thing and
14 the reason we know that is because he gave a
15 statement, okay. And you all saw it. You all heard
16 it right here in front of you yesterday; he was on
17 the TV.

18 Now I do disagree with the Solicitor as to
19 what conclusions you can draw from that statement
20 and the evidence that was presented 'cause I believe
21 when you look at Mr. Stackhouse's statement and the
22 physical evidence you'll see that what he said was
23 basically consistent, not inconsistent with the
24 physical evidence in this case. Mr. Stackhouse said
25 an argument started. There's no doubt about that.

1 He said that he certainly played a part in starting
2 that argument. He didn't back up about that at all.
3 He accepted responsibility for that. He said that
4 when they got to the bedroom and the argument was
5 commencing he got tackled from behind. He went
6 down, a knife was on the ground. He picked it up.
7 He swung to try and ward Mr. B. [sic] and
8 Ms. Stackhouse off. There was one blow and
9 Ms. Stackhouse, and the pathologist testified, it
10 was about right here. There was another blow to
11 Mr. B. about right here. There was a small one
12 here. Of course, the Solicitor contends that
13 Mr. Stackhouse picked up a knife and with malice
14 aforethought tried, either killed or tried to kill
15 Mr. Bowers and did, in fact, kill Ms. Stackhouse.

16 But you can use your common sense just
17 like the Solicitor said. If you're face to face
18 with someone, you got a knife, and you're mad at
19 them and you want to kill them, what are you gonna
20 do? Are you gonna hit them one time and walk away?
21 You're not gonna do that. If it's your intention to
22 kill somebody with a knife what are you gonna do?
23 You're gonna go after them and you're gonna stab
24 them and you're gonna do it more than once because
25 you're mad and you're angry and you can't control

1 yourself.

2 The evidence in this case doesn't at all
3 support that happened. It does support that he got
4 up, made a wild swing or three wild swings, or
5 however many wild swings, and unfortunately he
6 connected. And he did connect in a very bad place
7 here where the heart is and the lungs are. If it
8 had been on this side would it have been the same
9 effect? I don't know, I'm not a doctor. But you
10 heard what the doctor said; this is where the heart
11 is. Do you think Edward Stackhouse knew that? Do
12 you think he picked that spot out and just decided
13 to put it there, one fatal blow? I don't think so.

14 I think that the story that he gave was
15 consistent with what happened. Mr. Clements
16 indicated that he thought he was lying in his
17 statement. Well, if Edward Stackhouse wanted to
18 tell a lie, he had been sitting at that police
19 station, he'd been fed, he'd been given something to
20 drink, he had time to collect his thoughts, he could
21 have said anything. He could have told a lie. He
22 could have said, well, Daquan came at me with a
23 knife and I took it and I was defending myself. He
24 could have said that; he didn't do that. He said
25 what happened and what happened was consistent.

1 Now Mr. Clements also brought up there
2 were no defensive wounds, and I was going to bring
3 that up as well. If you're face to face with
4 someone and you're going out on a knife, what's
5 their natural reaction? They're gonna throw their
6 hands up. They're gonna grab that knife. They're
7 gonna do something. And the pathologist testified
8 that very often there are defensive wounds in
9 stabbing cases because people see that coming; and
10 of course, their natural reaction is to react, throw
11 their hands up, throw their arms up. That's why you
12 see them because they do this, they brace
13 themselves. Here you didn't have that. Here what
14 you have is one single blow which was consistent
15 with not even knowing it was coming, which would
16 have been consistent with Mr. Stackhouse coming up
17 off that ground and going like this and like this.
18 They didn't even — they didn't know it was coming.
19 That's why there were no defensive wounds. And it
20 makes complete sense and fits in with the evidence.

21 Now Mr. William [REDACTED] testified earlier
22 this morning, and he said that he heard his mother's
23 voice. He and his brother got up at roughly
24 basically the same time. His brother went in ahead
25 of into the room ahead of him. He didn't actually

1 go in and stop at the door, but it was pretty much a
2 simultaneous act. And Mr. Stackhouse was already in
3 there, and then he turned around and he left. And
4 that was pretty much consistent with what
5 Mr. Stackhouse's statement was, that he was in the
6 room with Ms. Stackhouse, they were arguing, and
7 then he felt something. Bam, he went to the floor.
8 He got tackled from behind.

9 Mr. Daquan B. also gave a written
10 statement, and of course, this morning he testified
11 that he saw him coming from the kitchen but that was
12 left out of that written statement that he gave. I
13 asked him about it. He didn't — the first time he
14 said that was today, okay. And that's what the
15 Solicitor points to as evidence of malice in this
16 case. He had time to think about it, and he goes
17 and gets a knife and he comes back. Well, that
18 statement is not consistent with the statement of
19 his brother, nor do I believe consistent with the
20 physical evidence in this case.

21 Now the judge will charge you on murder,
22 voluntary manslaughter, and involuntary manslaughter
23 as well. And involuntary manslaughter — and I hope
24 I'm saying it correctly; if not, the judge will
25 correct me when he gives this charge to you. But it

1 says, to prove involuntary manslaughter it says the
2 defendant unintentionally killed the victim without
3 malice while engaged in a lawful activity with a
4 reckless disregard for the safety of others. Now
5 there is an issue in this case involving
6 self-defense and whether or not Mr. Stackhouse was
7 acting in self-defense or whether he armed himself
8 in self-defense. Now in his statement he said that
9 in the past there had been incidences where he was
10 stabbed or he was hit with a hammer, and he didn't
11 know what was going on when he was tackled to the
12 floor. That's what he said. The knife was there;
13 he armed himself. If you believe him that was —
14 that was a lawful act.

15 Now after he armed himself, did he act
16 with reckless disregard for the safety of others by
17 swinging that knife? And I think quite frankly the
18 answer to that question is yes, he did act with
19 reckless disregard because Mr. Stackhouse never
20 claimed he didn't do anything wrong, okay. He
21 admitted he did something wrong, and I submit to you
22 today that that is what he did. He acted with
23 reckless disregard for the safety of others while he
24 was engaged in a lawful activity, i.e., he armed
25 himself of self-defense.

1 I do want to comment on something else
2 that was brought up in the closing argument about
3 Mr. Stackhouse's response to, I think it was at the
4 time it was Chief Davis, now he's city administrator
5 Davis. But I believe he said that Edward Stackhouse
6 asked him if anyone survived. I hope those are the
7 right words. I think I used the right words. Did
8 anyone survive. You know, Edward Stackhouse at that
9 point had been detained on the street. He had been
10 cuffed. He had seen a platoon of police cars going
11 towards his house. He was in the presence of other
12 officers; and frankly, we don't know what he knew at
13 that point and neither did Chief Davis, and he said
14 so on the stand. He said, I don't know what they
15 told him, I don't know. So when he asked the
16 question did anyone survive, he may have had a good
17 reason to ask it, okay. Was there blood on his
18 shirt to indicate that, you know, there was a lot of
19 blood. I'm talking about Mr. Stackhouse's shirt.
20 If you'll recall every one of the police officers I
21 asked and they were like, well, we didn't really
22 notice anything. So when he -- the shirt maybe
23 there was a small stain, but no large stains. So
24 when Mr. Stackhouse left that house and he said he
25 looked back, walked away, got on his bicycle and

1 rode away. It's not like he had a lot of blood on
2 him. He looked at himself. He wouldn't necessarily
3 think, hey, you know, there's some serious injuries
4 here.

5 We would submit that there was a lack of
6 malice in this case. And if there was lack of
7 malice, not only on the murder but the attempted
8 murder as well, he's charged with attempted murder.
9 And of course, the argument goes there too. He
10 was -- he armed himself in self-defense. He acted
11 recklessly admittedly, but the malice element is
12 just not there. So we would ask that you consider
13 all those things, give Mr. Stackhouse the benefit of
14 the doubt when you resolve all this evidence in the
15 jury room. The judge will instruct you that if
16 there is a doubt the defendant is entitled to the
17 benefit of that doubt. And we just ask that you
18 consider all of those things and find Mr. Stackhouse
19 not guilty of murder, attempted murder, or voluntary
20 manslaughter. Thank you very much.

21 THE COURT: Members of the jury, it is now
22 my duty as the trial judge to instruct you on the
23 law applicable to this case, and in that regard it
24 is your duty as jurors to accept and apply the law
25 as I now state it to you. Furthermore, it is your

1 exclusive duty to decide all the issues of fact in
2 this case and to determine the effect, value, the
3 weight, and the truth of the evidence presented.
4 Both the State and the Defendant have the right to
5 expect that you would carefully consider and
6 evaluate the evidence and apply the law of this case
7 to it so that in the end both the State of South
8 Carolina and this Defendant will have received a
9 fair and impartial trial.

10 Furthermore, I want you to understand that
11 when I refer to the word defendant I refer to
12 Mr. Edward W. Stackhouse, Jr. Also, it is important
13 to understand that the State of South Carolina
14 charges the defendant with the offenses known as
15 murder, attempted murder, and possession of a weapon
16 during the commission of a violent crime. To these
17 charges the defendant has entered a plea of not
18 guilty. This plea of not guilty places the burden
19 of proof on the State to prove the defendant guilty
20 to you beyond a reasonable doubt. It is vital to
21 understand that the defendant is presumed under the
22 law to be innocent of the charges. It is a
23 fundamental rule of our law that a defendant
24 regardless of the seriousness of the charges against
25 him is always presumed innocent of the crime for

1 which he is charged unless and until his guilt has
2 been proved by evidence that satisfies you beyond a
3 reasonable doubt. The presumption of innocence is
4 not a mere legal theory or legal phrase. The
5 presumption of innocence is very important, and you
6 need to understand that this presumption accompanies
7 a defendant from the time of his arrest and
8 appearance in this court and continues with a
9 defendant even after you retire to the jury room to
10 deliberate. In other words, a defendant receives
11 the benefit of the presumption of innocence until
12 the very end of this trial when you will deliberate
13 upon the evidence and decide whether the State has
14 proved his guilt beyond a reasonable doubt.

15 Proof beyond a reasonable doubt is proof
16 that leaves you firmly convinced of the defendant's
17 guilt. There are few things in this world that we
18 know with absolute certainty so even in criminal
19 cases the law does not require proof that overcomes
20 every possible doubt. However, if based on your
21 consideration of the evidence you are firmly
22 convinced that the defendant is guilty of the crimes
23 charged, you must find him guilty. If on the other
24 hand you think there's a real possibility that he is
25 not guilty, you must give him the benefit of the

1 doubt and find him not guilty.

2 Please understand that reasonable doubt
3 may arise from evidence which has been presented in
4 the case or from the lack of evidence in the case.
5 It is your responsibility to determine whether or
6 not reasonable doubt exists as to the guilt of this
7 defendant. I charge you that the defendant is
8 entitled to every reasonable doubt arising in the
9 whole case or arising in any defenses asserted by
10 the defendant. If upon any issues of fact essential
11 to conviction and a verdict of guilty you have a
12 reasonable doubt as to how that issue should be
13 resolved, it would be your duty to resolve that
14 reasonable doubt in favor of the defendant. Thus,
15 in summary it is important to understand that a
16 defendant is not required to prove his innocence.
17 Instead, the State is required by law to prove every
18 essential element of the offense charged against the
19 defendant by evidence which satisfies you of his
20 guilt beyond a reasonable doubt. Only then can you
21 convict the defendant and find him guilty.
22 Furthermore, evidence may be direct or
23 circumstantial. Direct evidence is testimony by a
24 witness about what the witness personally saw or
25 heard or did. Circumstantial evidence is indirect

1 evidence. In other words, it is proof of one or
2 more facts from which one can find another fact.
3 You may consider both direct and circumstantial
4 evidence equally.

5 During this trial you and I have separate
6 duties to perform. As the trial judge it is my
7 responsibility to preside over this trial.
8 Furthermore, I have the duty to rule upon the
9 admissibility of the evidence offered during the
10 trial. In that regard you are to consider only the
11 evidence before you. Thus, you are to consider only
12 the testimony which has been presented from the
13 witness stand together with any exhibits admitted
14 into the record of this case. Also, I have the
15 additional duty to charge you on the law applicable
16 to this case and in that regard it is your duty to
17 accept and apply the law as I now state it to you.
18 If you have any preconceived ideas as to what the
19 law is or what you think the law ought to be and it
20 does not agree with what I tell you the law is, then
21 you are obligated under your oath to abandon those
22 preconceptions and accept the law as I now state it
23 to you. In this trial you are the sole and
24 exclusive judge of the facts, and I am the judge of
25 the law. Do not infer that I have any opinion about

1 the facts in this case from anything I have said
2 during the course of this trial. In this regard the
3 law simply does not permit me to have an opinion
4 about the facts. As jurors it is your duty alone to
5 determine the effect, the value, the weight and
6 truth of the evidence presented during the course of
7 this trial. Furthermore, it is your job as jurors
8 to determine the credibility and believability of
9 witnesses who have testified in this case. In
10 determining the believability of the witnesses who
11 have testified in this trial you may believe one
12 witness over many or many over one. You may believe
13 a part of the testimony of a witness and reject the
14 remaining part. You may believe the testimony of a
15 witness in its entirety or reject it in full. You
16 may consider whether the witness has an interest in
17 the result of the trial, whether the witness is
18 prejudiced toward either party, the opportunity for
19 the witness to have seen the matters and things
20 about which the witness may testify, and the way the
21 witness acts on the witness stand.

22 I further instruct you the fact that the
23 defendant in this trial did not testify on his own
24 behalf is not a factor to be considered by you in
25 any way in your deliberations and in your

1 consideration on the question of guilt or innocence.
2 In this regard a defendant has the constitutional
3 right to remain silent, and the exercise of this
4 right must not be considered by you in your
5 deliberations. The fact that a defendant did not
6 testify should not even be discussed in the jury
7 room. The burden of proof, as I have stated, is on
8 the State. The defendant has no obligation to prove
9 his innocence. The burden of proof remains with the
10 State to prove the defendant's guilt beyond a
11 reasonable doubt, and the fact that a defendant did
12 not testify is not a factor to be considered by you
13 in deciding the guilt or innocence of the defendant.

14 When you consider the whole case, if you
15 have a reasonable doubt as to the guilt or the
16 innocence of the defendant then he is entitled to
17 that reasonable doubt, would be entitled to a
18 verdict of not guilty. However, if upon considering
19 the whole case you find that the State has proved by
20 evidence which satisfies you of the guilt of the
21 defendant beyond a reasonable doubt, then in such
22 circumstance it would equally be your duty to
23 convict the defendant and find him guilty.

24 Furthermore, the rules of evidence
25 ordinarily do not permit witnesses to testify

1 regarding opinions or conclusions. An exception to
2 this rule exists for witnesses we call expert
3 witnesses. A witness who by education and
4 experience has become an expert in some art,
5 science, profession may give an opinion as to the
6 subject from which he claims to be an expert in and
7 may also give the reasons for the opinion. You
8 should consider any expert opinion given by a
9 witness and like any other evidence give it the
10 weight you think it deserves. If you decide that an
11 expert witness' opinion is not based on sufficient
12 education and experience or if you decide that the
13 reasons given in support of the opinion are not
14 sound, or that the opinion is outweighed by other
15 evidence, you may disregard the opinion entirely.
16 An expert witness' testimony is to be given no
17 greater weight than that of any other witness simply
18 because the witness is an expert, and you do not
19 have to accept an expert's opinion even though it is
20 uncontradicted. In exercising your mental processes
21 and attempting to decide the truth the law simply
22 requires that you exercise your good judgment, your
23 common sense, your sense of logic and reasoning and
24 your experiences in life. You then apply these
25 attributes to the evidence, apply the law as I now

1 state it to you, and thus arrive at a verdict.

2 Also, please understand that the testimony
3 of a police officer is not entitled to more weight
4 than that of any other witness. You are the sole
5 judges of the credibility of a witness, and you are
6 not to give any more weight to a police officer's
7 testimony simply because he is a police officer.
8 Rather, you should judge an officer's testimony by
9 the same standards that you apply to all other
10 witnesses. Please understand that you have the
11 right to believe a small portion of a witness'
12 testimony and disregard the larger portion or vice
13 versa. You may believe all of a witness' testimony
14 or none. You may believe the testimony of a single
15 witness against that of many or the other way
16 around.

17 In exercising your mental processes and
18 attempting to decide the truth the law simply
19 requires that you exercise your good judgment, your
20 common sense, your sense of logic and reason and
21 your experiences in life. Then you apply these
22 attributes to the evidence, apply the law as I now
23 state it to you and again, as I said, thus arrive at
24 a verdict.

25 The defendant in this case is charged with

1 murder. The State must prove beyond a reasonable
2 doubt that the defendant killed another person with
3 malice aforethought. Malice is hatred, ill will, or
4 hostility towards another person. It is the
5 intentional doing of a wrongful act without just
6 cause or excuse and with the intent to inflict an
7 injury or under circumstances that the law will
8 infer an evil intent. Malice aforethought does not
9 require that malice exists for any particular time
10 before the act is committed, but malice must exist
11 in the mind of the defendant just before and at the
12 time the act is committed. Therefore, there must be
13 a combination of the previous evil intent and the
14 act.

15 Malice aforethought may be expressed or
16 inferred. These terms expressed and inferred do not
17 mean different kinds of malice but merely the manner
18 in which malice may be shown to exist. That is
19 either direct evidence or by inference from the
20 facts and circumstances which are proved. Expressed
21 malice is shown when a person speaks words which
22 express hatred or ill will for another or when the
23 person prepared beforehand to do the act which was
24 later accomplished. For example, lying in wait for
25 a person or any other acts of preparation going to

1 show that the deed was within the defendant's mind
2 would be expressed malice. Malice may be inferred
3 from conduct showing a total disregard for human
4 life.

5 If you find that the State has failed to
6 prove beyond a reasonable doubt that the defendant
7 committed murder you may consider whether the State
8 has proved beyond a reasonable doubt that the
9 defendant committed voluntary manslaughter. To
10 prove voluntary manslaughter the State must prove
11 beyond a reasonable doubt that the defendant took
12 the life of another in the sudden heat of passion
13 based on sufficient legal provocation. Both heat of
14 passion and sufficient legal provocation must be
15 present at the time of the killing to constitute
16 voluntary manslaughter. Sudden heat of passion may
17 for a time affect a person's self-control and
18 temporarily disturb a person's reasoning. The
19 sudden heat of passion must be the type that would
20 make any ordinary person unable to coolly reflect on
21 his actions and would produce an uncontrollable
22 impulse to do violence. Sudden legal provocation
23 must be the type that would make a person of
24 ordinary reason and caution become enraged and to
25 lose control temporarily. The provocation needed

1 for voluntary manslaughter must come from some act
2 of or related to the victim. Words alone, however
3 vulgar or insulting, are not enough to be legal
4 provocation. Where death is caused by the use of a
5 deadly weapon the words must be accompanied by some
6 overt threatening act which could have produced the
7 heat of passion. The exercise of a legal right no
8 matter how offensive it is to another, is never
9 sufficient legal provocation for voluntary
10 manslaughter. If the heat of passion had cooled or
11 if there was enough time between the provocation, if
12 any, and the killing for the passion of a reasonable
13 person to cool, the killing would not be voluntary
14 manslaughter. In deciding whether a reasonable
15 person would have had time to cool or should — you
16 should consider all of the circumstances surrounding
17 the killing. You may consider the nature of the
18 provocation, if any, the defendant's mental and
19 physical state, and the circumstances and
20 relationships between the parties.

21 Included within the offense of voluntary
22 manslaughter is the lesser offense of involuntary
23 manslaughter. To prove involuntary manslaughter the
24 State must prove beyond a reasonable doubt that the
25 defendant unintentionally killed the victim without

1 malice, but while engaged in an unlawful activity
2 not naturally tending to cause death or great bodily
3 harm or that the defendant unintentionally killed
4 the victim without malice while engaged in a lawful
5 activity with reckless disregard for the safety of
6 others. Unintentional meaning that that defendant
7 did not intend for anyone to be killed or seriously
8 injured.

9 Reckless disregard for the safety of
10 others is more than mere negligence or carelessness.
11 Mere negligence or carelessness is the failure to
12 use the care that a person of ordinary reason would
13 use under the same circumstances. Recklessness is a
14 conscious failure to use ordinary care. Reckless
15 disregard for the safety of others means that you
16 are not interested in the consequences of your acts
17 or the rights and safety of others. If a person who
18 knows or should know that ordinary care requires
19 certain precautions be taken for the safety of
20 others when using a dangerous instrumentality such
21 as a gun or car but that person fails to use those
22 precautions without concern, the person's actions
23 are considered reckless.

24 The State must also prove beyond a
25 reasonable doubt that a defendant's act was the

1 proximate cause of the death. Proximate cause is
2 the direct cause. It is the immediate cause. It is
3 the efficient cause. It is that cause without which
4 the death of the victim would not have resulted.
5 There must be a chain of causation from the time of
6 the injury inflicted by the defendant until the time
7 of the victim's death. Proximate cause does not
8 necessarily mean that it occurred immediately prior
9 to death. There may be more than one proximate
10 cause. The acts of two or more persons may combine
11 together to be a proximate cause of the death of a
12 person. The defendant's act may be regarded as the
13 proximate cause if it is a contributing cause of the
14 death of the victim. The fact that other causes
15 also contribute to the death of the victim does not
16 relieve the defendant from responsibility. The
17 defendant's act need not be the sole cause of the
18 death but must be a proximate cause contributing to
19 the death of the victim.

20 The defendant is also charged with
21 attempted murder. In order to prove this crime the
22 State must prove the defendant attempted to kill
23 another person with malice aforethought either
24 expressed or implied. In this regard I have already
25 defined malice for you. An attempt is an effort to

1 accomplish a crime which does not succeed. An
2 attempt includes a specific intent to do a
3 particular criminal act along with an act falling
4 short of the act intended. The State must show more
5 than mere preparation and intent. There must be
6 some overt act committed in the effort to commit the
7 crime. Intent means intending the result which
8 actually occurs, not accidentally or involuntarily.
9 Intent may be shown by acts in conduct of the
10 defendant and other circumstances from which you may
11 naturally and reasonably infer intent.

12 If you determine that the State failed to
13 prove beyond a reasonable doubt that the defendant
14 committed the offense of attempted murder, you may
15 also consider whether the State has proved beyond a
16 reasonable doubt that a defendant committed the
17 offense of assault and battery of a high and
18 aggravated nature. A person commits the offense of
19 assault and battery of a high and aggravated nature
20 if the person unlawfully injures another person and
21 great bodily injury to another person results, or
22 the act is accomplished by means likely to produce
23 death or great bodily injury. Great bodily injury
24 means bodily injury which causes a substantial risk
25 of death or which causes serious permanent

1 disfigurement or protracted loss or impairment of
2 the function of a bodily member or organ.

3 If you determine that the State failed to
4 prove beyond a reasonable doubt that a defendant
5 committed the offense of assault and battery of a
6 high and aggravated nature, you may also consider
7 whether the State has proved beyond a reasonable
8 doubt that a defendant committed the offense of
9 assault and battery in the first degree. A person
10 may also commit the offense of assault and battery
11 in the first degree if the person unlawfully offers
12 or intends to injure another person with the present
13 ability to do so and the act either is accomplished
14 by means likely to produce death or great bodily
15 injury or incurred during the commission of a
16 robbery, burglary, kidnapping, or theft.

17 Great bodily injury means bodily injury
18 which causes a substantial risk of death or which
19 causes serious permanent disfigurement or protracted
20 loss or impairment of the function of a bodily
21 member or organ.

22 If you determine that the State failed to
23 prove beyond a reasonable doubt that the defendant
24 committed the offense of assault and battery in the
25 first degree you may also consider whether the State

1 has proved beyond a reasonable doubt that the
2 defendant committed the offense of assault and
3 battery in the second degree. A person commits the
4 offense of assault and battery in the second degree
5 if the person unlawfully injures another person or
6 offers or tends to injure another person with a
7 present ability to do so and either moderate bodily
8 injury to another person results or moderate bodily
9 injury to another person could have resulted.

10 Moderate bodily injury means physical injury
11 requiring treatment to an organ system of the body
12 other than the skin, muscles, and connective tissue
13 of the body except when there is a penetration of
14 the skin, muscles, and connective tissues that
15 require surgical repair of a complex nature or when
16 treatment of the injuries require the use of
17 regional or general anesthesia.

18 If you determine that the State failed to
19 prove beyond a reasonable doubt the defendant
20 committed the offense of assault and battery in the
21 second degree you may also consider whether the
22 State has proved beyond a reasonable doubt that the
23 defendant committed the offense of assault and
24 battery in the third degree. A person commits the
25 offense of assault and battery in the third degree

1 if a person unlawfully injures another person or
2 offers or attempts to injure another person with the
3 present ability to do so.

4 The defendant is also charged with
5 possession of a weapon during the commission of or
6 attempt to commit a violent crime. The State must
7 prove beyond a reasonable doubt that a defendant
8 visibly displayed a knife during the commission of a
9 violent crime. A knife means an instrument or tool
10 with a sharp cutting blade whether or not fastened
11 to the handle which can be used to inflict a cut,
12 slash, or wound. In order to find a defendant
13 guilty of possession of a weapon during the
14 commission of a violent crime you must first find
15 the defendant guilty of either committing a violent
16 crime or attempting to commit a violent crime.
17 Murder, voluntary manslaughter, and attempted murder
18 are voluntary — are violent crimes.

19 The defendant has raised a defense of
20 self-defense. Self-defense is a complete defense
21 and if it is established you must find the defendant
22 not guilty. The State has the burden of disproving
23 self-defense by proof beyond a reasonable doubt. If
24 you have a reasonable doubt of the defendant's guilt
25 after considering all of the evidence including the

1 evidence of self-defense, then you must find the
2 defendant not guilty. On the other hand, if you
3 have no reasonable doubt of the defendant's guilt
4 after considering all the evidence including the
5 evidence of self-defense, then you must find the
6 defendant guilty.

7 The following elements are required to
8 establish self-defense. First, the defendant must
9 be without fault in bringing on the difficulty. If
10 the defendant's conduct was the type which was
11 reasonably calculated to and did provoke a deadly
12 assault, the defendant would be at fault in bringing
13 on the difficulty and would not be entitled to an
14 acquittal based on self-defense. Self-defense is
15 not available to a person who uses language which is
16 so contemptuous that a reasonable person would
17 expect it to bring on a physical encounter and which
18 did actually contribute to the physical encounter.
19 If the defendant voluntarily participated in mutual
20 combat for purposes other than protection, the
21 killing of the victim would not be self-defense.
22 This is true even if during the combat the defendant
23 feared death or serious bodily injury. However, if
24 before the killing is committed the defendant
25 withdraws and tried in good faith to avoid further

1 conflict in either by word or act makes that fact
2 known to the victim, he would be without fault in
3 bringing on the difficulty. For mutual combat there
4 must be a mutual intent and willingness to fight.
5 This intent may be shown by the acts and conduct of
6 the parties and the circumstances surrounding the
7 combat. In addition, it must be shown that both
8 parties were armed with a deadly weapon.

9 The second element of self-defense is that
10 the defendant was actually in imminent danger of
11 death or serious bodily injury or that the defendant
12 actually believed he was in imminent danger of death
13 or serious bodily injury. If the defendant was
14 actually or -- if the defendant was actually in
15 imminent danger it must be shown that the
16 circumstances would have warranted a person of
17 ordinary firmness and courage to strike the fatal
18 blow to prevent death or serious bodily injury. If
19 the defendant believed he was in imminent danger of
20 death or serious bodily injury it must be shown that
21 a reasonably, prudent person of ordinary firmness
22 and courage would have had the same belief. In
23 deciding whether the defendant was actually --
24 whether the defendant actually was or believed he
25 was in imminent danger of death or serious bodily

1 injury you must consider all the facts and
2 circumstances surrounding the crime including the
3 physical condition and characteristics of the
4 defendant and the victim.

5 The defendant does not have to show that
6 he was actually in danger. It is enough if the
7 defendant believed he was in imminent danger and a
8 reasonably prudent person of ordinary firmness and
9 courage would have had the same belief. The
10 defendant has the right to act on appearances even
11 though the defendant's belief may have been
12 mistaken. It is for you to decide whether the
13 defendant's fear of imminent danger of death or
14 serious bodily injury was reasonable and would have
15 been felt by an ordinary person in the same
16 situation.

17 Words accompanied by hostile acts may
18 depending on the circumstances establish a defense.
19 Evidence of prior difficulties between the defendant
20 and the victim may be considered in deciding whether
21 a threat existed, whether the defendant had a reason
22 to believe a threat existed, and how serious that
23 threat was. The relative sizes, ages, and weights
24 of the defendant and the victim may be considered in
25 deciding the apparent or actual need for force in

1 self-defense and the amount of force needed. The
2 reputation of a victim as a violent person may be
3 considered in deciding whether there was a need for
4 force, whether the defendant had a reason to believe
5 there was a need for force, and whether deadly force
6 was reasonably necessary. Prior instances of
7 violence by the victim may be considered in deciding
8 whether the defendant actually believed he was in
9 imminent danger of death or serious bodily injury or
10 was actually in imminent danger. Threats made by
11 the victim may be considered in determining whether
12 the defendant actually was or believed he was in
13 imminent danger. The intoxication of the victim may
14 be considered in deciding whether the defendant's
15 fear of death or bodily harm was reasonable.

16 The final element of the self-defense is
17 that defendant had no other probable way to avoid
18 the danger of death or serious bodily injury than to
19 act as the defendant did in this particular instant.
20 The defendant had no duty to retreat if by doing so
21 the danger of being killed or suffering serious
22 bodily injury would increase. A lawful guest at
23 another's home has no duty to retreat before using
24 deadly force and self-defense against an intruder.
25 A lawful guest is a person who enters the premises

1 of another by either expressed or implied
2 invitation. However, a guest has a duty to retreat
3 whenever possible if the attacker is the owner or
4 occupier of the property.

5 A person cannot be required to make an
6 exact calculation as to the degree or amount of
7 force which may be needed to avoid death or serious
8 bodily harm; therefore, in self-defense the
9 defendant has a right to use the force needed to
10 avoid death or serious bodily harm. The force used
11 in self-defense does not have to be limited to the
12 degree or amount of force used by the victim. The
13 defendant has the right to use so much force as
14 appear to be necessary for complete self-defense and
15 which a person of ordinary reason and firmness would
16 have believed to be needed to prevent death or
17 serious bodily harm. If the defendant is justified
18 in defending himself or others and in firing the
19 first shot, then the defendant is also justified in
20 continuing to shoot until it is apparent that the
21 danger of death or serious bodily injury has
22 completely ended.

23 Ladies and gentlemen, I'm now drawing near
24 the end of my charge, and I want you to clearly
25 understand that you are not partisans or advocates

1 for the State or this defendant. You do not serve
2 as jurors to reward your friends or punish your
3 enemies. In this regard you have been selected by
4 both the State and this Defendant to be fair and
5 impartial jurors. It is your duty by your joint
6 deliberations to determine the truth in this case
7 giving to this defendant the benefit of every
8 reasonable doubt on each and every issue. Then to
9 the facts which you determine to be true, you should
10 take and apply the law which has been given to you
11 by this Court and thus arrive at verdict which
12 speaks the truth in this case. In fact, the word
13 verdict, which has a Latin derivative, means a true
14 saying. Thus when you have accomplished these
15 responsibilities you will have satisfied your oath
16 as jurors and you will have discharged your duty to
17 this court.

18 Mr. Bailiff, would you hand the forelady
19 the verdict form please.

20 Now Ms. Forelady, I have handed you the
21 verdict form. When you arrive at a verdict in this
22 case you will write your verdict on the form. For
23 the charges, if the State has failed to prove the
24 guilt of this defendant beyond a reasonable doubt,
25 your verdict would be two words, not guilty.

1 However, should the State have proved their case
2 against the defendant beyond a reasonable doubt,
3 then your verdict would be one word and that is
4 guilty. Ms. Forelady, once a decision has been made
5 just check whichever choice is your verdict, sign
6 it, and date the form.

7 Furthermore, the verdict form is rather
8 lengthy but it is self-explanatory. If you'll start
9 at the top and just work your way down one by one
10 and follow the instructions. It will be
11 self-explanatory to you and the rest of the jurors.
12 Also, please understand that the verdict you render
13 in this case must be the verdict of each and every
14 juror. It must be your unanimous verdict. All
15 twelve jurors must agree on the verdict which
16 authorizes the forelady to write for the jury.
17 Ms. Forelady and members of the jury, I want you to
18 further understand that the order in which the
19 choices of verdict appear on the verdict form are
20 not suggestive of any verdict on the part of this
21 Court. The verdict in this case is to be determined
22 by you and not the Court. Furthermore, ladies and
23 gentlemen, please understand that even though I have
24 given the verdict form to the forelady it is not her
25 verdict alone. It is the verdict of all twelve of

1 you, and again, I emphasize it must be unanimous.

2 In a moment you will retire to the jury
3 room. However, I would ask that you do not begin
4 your deliberations until you are told to do so. The
5 law requires that I now consult with the attorneys.
6 After I have done so the bailiff will bring in items
7 of evidence and instruct you to begin your
8 deliberations. Also, should you have any questions
9 during the deliberations you must put them in
10 writing and send them to me by way of the bailiff.
11 The court bailiff will be placed immediately outside
12 of the jury room door to provide security and
13 assistance for you during your deliberations. Once
14 you have reached your verdict please knock on the
15 jury room door and ask the bailiff to advise the
16 Court that you have reached a verdict and we will
17 return you to the courtroom as promptly as possible
18 thereafter. Thank you, and you may retire to the
19 jury room; but again, do not begin your
20 deliberations until I tell you to do so. Thank you.

21 (WHEREUPON, the jury was removed from the
22 courtroom at 1:30 p.m., and the following
23 proceedings commenced in open court.)

24 THE COURT: Any objections or exceptions
25 from the State?

1 MR. CLEMENTS: Your Honor, I just note for
2 the record in regards to self-defense there are
3 facts that are not in dispute. By Mr. Stackhouse's
4 own admission on video he was a guest. He was
5 there; he was not on the lease. Therefore, he would
6 have had a duty to retreat which would have
7 precluded him from having self-defense. That's a
8 fact not in dispute. Another fact not in dispute by
9 his own admission on the video, he started the
10 conflict when he got up to go to the bathroom and
11 then went and snatched the cell phone and broke it
12 and started the altercation. So therefore, he was
13 at fault. That being a fact not in dispute, we
14 would also argue he was not entitled to a
15 self-defense charge and would just like to note our
16 objection for the record.

17 THE COURT: Okay. Mr. Floyd, would you
18 like to argue against that just briefly.

19 MR. FLOYD: Your Honor, I think we've
20 discussed that already and I stand on what we
21 previously said.

22 THE COURT: I'll overrule the objection.
23 Anything further?

24 MR. CLEMENTS: And Your Honor,
25 respectfully note my objection to involuntary

1 manslaughter charge as well.

2 THE COURT: Got you.

3 MR. CLEMENTS: Thank you, Your Honor.

4 THE COURT: Y'all want to take a look at
5 the evidence and make sure we got them right. I'll
6 check them off.

7 (Attorneys review the exhibits.)

8 THE COURT: Go ahead and send in the
9 verdict form. Bring the alternate out and tell them
10 to begin and the food is coming as well.

11 (Alternate is returned to the courtroom.)

12 THE COURT: Ms. Adams, I just want to
13 talk to you briefly. Particularly I want to explain
14 to you, you still get to eat; you ain't got to worry
15 about that. You just can't eat there with them.
16 But I just want to explain to you that you are —
17 you are a backup juror. If somebody got sick, and
18 that happens, when somebody in their family got hurt
19 or a juror died or an emergency arose, it takes two.
20 So if one other couldn't be here, the whole week
21 would be for nothing. So you had to sit here, you
22 had to hear everything, and you had to be prepared
23 to drive that car should somebody fall off. That's
24 why we have you. I appreciate you being here. We
25 appreciate you being here, and there's your food.

1 You can do anything you want to do at this time.

2 You can go home if you want to.

3 (Alternate is excused.)

4 THE COURT: We'll be at ease until
5 something happens.

6 (WHEREUPON, a recess was taken from the
7 proceedings.).

8 (Court's Exhibit Number 1, note
9 from jury, was marked and made a part of the
10 record.)

11 THE COURT: For the record, we have a
12 question and it says, please provide the definition
13 of murder versus voluntary manslaughter.

14 Y'all want me to just bring them out here
15 and recharge them on those two things? Is that okay
16 with Defense?

17 MR. FLOYD: That's fine, Your Honor.

18 MR. CLEMENTS: No objection, Your Honor.

19 THE COURT: Go ahead and bring out the
20 jury.

21 (WHEREUPON, the jury was returned to the
22 courtroom at approximately 2:26 p.m., and
23 the following proceedings commenced in
24 open court.).

25 THE COURT: Pursuant to your question,

1 it's very short, I'm going to re-charge you just on
2 murder and voluntary manslaughter. The defendant is
3 charged with murder. The State must prove beyond a
4 reasonable doubt that the defendant killed another
5 person with malice aforethought. Malice is hatred,
6 ill will, or hostility towards another person. It
7 is the intentional doing of a wrongful act without
8 just cause or excuse and with the intent to inflict
9 an injury or under circumstances that the law will
10 infer an evil intent. Malice aforethought does not
11 require that malice exist for any particular time
12 before the act is committed, but malice must exist
13 in the mind of the defendant just before and at the
14 time of the act was committed. Therefore, there
15 must be a combination of a previous evil intent and
16 the act. Malice aforethought may be expressed or
17 inferred. These terms express and inferred do not
18 mean different kinds of malice, but merely the
19 manner in which malice may be shown to exist. This
20 is either by direct evidence or by inference from
21 the facts and circumstances which are proved.

22 Expressed malice is shown when a person
23 speaks words which express hatred or ill will for
24 another or when the person prepared beforehand to do
25 the act which was later accomplished. For example,

1 lying in wait for a person or any other acts of
2 preparation going to show that the deed was within
3 the defendant's mind would be expressed malice.
4 Malice may be inferred from conduct showing a total
5 disregard for human life.

6 If you find that the State has failed to
7 prove beyond a reasonable doubt that the defendant
8 committed murder you may consider whether the State
9 has proved beyond a reasonable doubt that the
10 defendant committed voluntary manslaughter. To
11 prove voluntary manslaughter the State must prove
12 beyond a reasonable doubt that the defendant took
13 the life of another in the sudden heat of passion
14 based on sufficient legal provocation. Both heat of
15 passion, sufficient legal provocation must be
16 present at the time of the killing to constitute
17 voluntary manslaughter. Sudden heat of passion may
18 for a time affect a person's self-control and
19 temporarily disturb a person's reason. The sudden
20 heat of passion must be the kind that would make an
21 ordinary person unable to coolly reflect on his
22 actions and would produce an uncontrollable impulse
23 to do violence. Sufficient legal provocation must
24 be the type that would make a person of ordinary
25 reasonable caution become enraged and to lose

1 control temporarily. The provocation needed for
2 voluntary manslaughter must come from some act of or
3 related to the victim. Words alone, however vulgar
4 or insulting, are not enough to be legal
5 provocation. Where death is caused by the use of a
6 deadly weapon words must be accompanied by some
7 overt threatening act which could have produced the
8 heat of passion. The exercise of a legal right, no
9 matter how offensive it is to another, is never
10 sufficient legal provocation for voluntary
11 manslaughter. If the heat of passion had cooled or
12 if there was enough time between the provocation, if
13 any, and the killing for the passion of a reasonable
14 person to cool, the killing would not be voluntary
15 manslaughter. In deciding whether a reasonable
16 person would have had enough time to cool off you
17 should consider all the circumstances surrounding
18 the killing. You may consider the nature of the
19 provocation, if any, the defendant's mental and
20 physical state, and the circumstances in
21 relationship between the parties. All right, those
22 are the two offenses charged to you again. If you
23 would, I appreciate your going into the jury room
24 and continuing your deliberations.

25 (WHEREUPON, the jury was removed from the

1 courtroom at 2:30 p.m., and the following
2 proceedings commenced in open court.)

3 THE COURT: Any objections from the
4 Defense?

5 MR. FLOYD: No, Your Honor.

6 THE COURT: Any objections from the State?

7 MR. CLEMENTS: No, Your Honor.

8 THE COURT: All right.

9 (WHEREUPON, a recess was taken from the
10 proceedings.)

11 THE COURT: Let me speak to some of the
12 people over here in audience. For the most part
13 y'all have been good this week. I appreciate your
14 being here; you have the right to be here. You have
15 been for the most part respectful and quiet. Right
16 now we're getting ready to receive the verdict in
17 this case, and it's a very important verdict to the
18 defendant as well as the victims and me and that
19 jury. Now I don't want that jury to have any
20 problems from anybody out there in the audience. In
21 other words, I don't want them to hear anybody clap
22 or gasp or cry or make any sounds in any manner
23 whatsoever that might offend somebody on the jury.
24 So what I want is total and complete silence out
25 there in the jury — out here in the courtroom. You

1 follow me? So if I hear anybody say anything or I
2 hear anybody laugh, even hear anybody gasp or cry,
3 anything like that, I'm going to hold you in
4 contempt of court. Everybody understand that? And
5 if I hold you in contempt of court I'm gonna send
6 you to the jail today. All right? If you can
7 comply with my request and just be silent and be
8 quiet and sit there and be good, I want you here.
9 But if you can't, now is a good time to leave. And
10 if don't understand anything I've said to you ask
11 me.

12 (There was no response.)

13 THE COURT: Is everybody good to go? Does
14 anybody want to leave?

15 (There was no response.)

16 THE COURT: If you'd go ahead and bring in
17 the jury.

18 (WHEREUPON, the jury was returned to the
19 courtroom at approximately 3:45 p.m., and
20 the following proceedings commenced in
21 open court.)

22 THE COURT: Ms. Forelady, has the jury
23 reached a verdict?

24 THE FORELADY: Yes, sir, Your Honor.

25 THE COURT: Thank you. If you would hand

1 it to the bailiff please, ma'am.

2 (Verdict form tendered to the Court.)

3 THE COURT: The verdict form is in order.
4 If you will publish the verdict form.

5 THE CLERK OF COURT: State of South
6 Carolina, County of Marion in the Court of General
7 Sessions, Twelfth Judicial Circuit, indictment
8 number 2011-GS-33-0061, the State of South Carolina
9 versus Edward W. Stackhouse, Jr. As to the charge
10 of murder: We, the jury, unanimously find the
11 defendant Edward W. Stackhouse, Jr., guilty. As to
12 the charge of attempted murder: We, the jury,
13 unanimously find the defendant Edward W. Stackhouse,
14 Jr., not guilty. As to assault and battery of a
15 high and aggravated nature: We, the jury,
16 unanimously find the defendant Edward W. Stackhouse,
17 Jr., guilty. As to the charge of possession of a
18 weapon during commission of or attempt to commit a
19 violent crime: We, the jury, unanimously find the
20 defendant Edward W. Stackhouse, Jr., guilty. Dated
21 5/17/12 by foreperson Peggy G. Israel. Is that your
22 verdict say you one say you all?

23 (Jurors responded.)

24 THE COURT: If this is your verdict I'll
25 have you raise your right hand please.

1 (All jurors complied by raising their hand.)

2 THE COURT: Thank you very much. Any
3 further polling from the State?

4 MR. CLEMENTS: No, Your Honor.

5 THE COURT: Any further polling from the
6 Defense?

7 MR. FLOYD: No, Your Honor.

8 THE COURT: Thank you very much. Members
9 of the jury, at this time I want to thank you for
10 your service this week. You've done a good job.
11 You've been here on time. You've been attentive and
12 you've stayed, you worked with us. And you've done
13 your job and you've done it like you should and I am
14 very, very appreciative personally and on behalf of
15 the State of South Carolina. I want you to know
16 that at this point in time you are dismissed and you
17 have completed all of your service for this week and
18 you have earned a three year exemption from further
19 jury service in this court. Not only that, the
20 state and county is going to pay you a little bit of
21 money. I sincerely thank you, and you are welcome
22 to leave if you would like. You may stay for
23 sentencing if you would like. The choice is yours.

24 If everybody in the courtroom would remain
25 seated the jury can either stay or go, whatever

1 you'd like to do.

2 MR. CLEMENTS: Your Honor, if I can slip
3 downstairs to go get the sentencing sheet.

4 (Pause.)

5 THE COURT: At this time I'll be glad to
6 hear any motions from the Defense.

7 MR. FLOYD: Your Honor, we just renew all
8 previous motions that were made and also at this
9 time ask for a new trial. Thank you.

10 THE COURT: Those motions are denied. All
11 right, Solicitor, ready to proceed forward with
12 sentencing if you'd like to bring him forward.

13 MR. FLOYD: Yes, sir. Yes, sir.

14 MR. CLEMENTS: Your Honor, as far as the
15 prior criminal history of Mr. Stackhouse, it
16 appeared he back in 2000 had a assault and battery
17 high and aggravated nature conviction, got five
18 years suspended to three years probation. Back
19 in — looks like he got four years revoked on that
20 sentence, Your Honor, if I'm reading this correctly.
21 He got a conviction for false information to a
22 police officer in 2007. He got a criminal domestic
23 violence first offense in 2007. Got entering
24 premises after warning conviction twice. Had some
25 other criminal domestic violence charges that I

1 don't see a disposition on either guilty or not
2 guilty, Your Honor, but they're out there with no
3 disposition on here. And there's a charge from
4 Atlantic City 2003, criminal mischief with damage
5 and hindering apprehension. It looks like he got
6 guilty on that, Your Honor. Your Honor heard the
7 facts of the case. We would ask for maximum
8 sentence under the law, Your Honor. We think this
9 was a horrible crime and think the jury reached a
10 correct conclusion on it, and we would ask for the
11 strictest sentence under the law.

12 THE COURT: All right. Do I need to hear
13 from anybody else or are we ready to proceed?

14 MR. CLEMENTS: Your Honor -- if Daquan or
15 William, if y'all'd come up. Would y'all wish to
16 speak to the judge regarding sentencing? Ma'am, how
17 about you? We have Sharon's mother here, Your
18 Honor. They've been here throughout the trial.
19 They don't wish to speak at this time.

20 THE COURT: That will be fine. I'll be
21 glad to hear from you, Mr. Floyd.

22 MR. FLOYD: Thank you, Your Honor. Your
23 Honor, I've represented Mr. Stackhouse now for a
24 number of months. I have worked with him in
25 preparation for this case. And Your Honor, I will

1 say that he's always been very a cooperative client.
2 He's — I don't think he's a bad person, Your Honor.
3 I think he unfortunately found himself in some bad
4 circumstances, and Your Honor, this just happened.
5 He maintained that he didn't mean for this to
6 happen. We understand the verdict obviously, and he
7 understands the potential consequences of that. We
8 would just ask for your to be as merciful as
9 possible, Your Honor.

10 MR. CLEMENTS: Your Honor, if I might have
11 one other — add one other thing to his record. In
12 my solicitor's office, Your Honor here, we had some
13 other charges that the victim in this case Sharon
14 Stackhouse had come and begged us and signed a
15 dismissal requests to dismiss some charges in the
16 past. Perhaps if she had not done that, she did not
17 cooperate with law enforcement and ask that it be
18 dismiss and we had cases that were such that we
19 didn't have other evidence other than her
20 cooperation. If she had cooperated with us at this
21 time perhaps she might still be alive, but she's
22 not. And I can say that as far as, not any charges,
23 but as far as abusive activity this was not their
24 first rodeo.

25 THE COURT: All right. Sentence of the

1 Court in reference to indictment 2011-GS-33-0061 is
2 that the defendant is committed to the State
3 Department of Corrections for life. In reference to
4 2011-GS-33-0061, the defendant is committed to the
5 State Department of Corrections for a term of 20
6 years. That will run consecutive. In reference to
7 possession of a weapon, the sentence of the Court is
8 five years and that will be concurrent.

9 You have ten days to appeal this case if
10 you would like, Mr. Stackhouse.

11 All right, that concludes this trial.
12
13

14 * * * END OF REQUESTED TRANSCRIPT OF RECORD * * *
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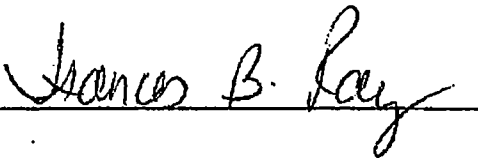
C E R T I F I C A T E O F R E P O R T E R

STATE OF SOUTH CAROLINA)
COUNTY OF FLORENCE }

I, FRANCES BAKIS-RAY, Registered Professional Reporter (RPR), court reporter for the State of South Carolina, Twelfth Judicial Circuit, do hereby certify that the foregoing proceeding is a stenographic report and was transcribed through computer-aided transcription; that the foregoing transcript contains a true record of the proceedings.

I further certify that I am neither counsel for, nor related to nor employed by any of the parties connected to the action, nor am I financially interested in the action.

Witness my hand at Florence, South Carolina, this 18th day of August, 2012.


FRANCES BAKIS-RAY, RPR

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Marion County

William H. Seals, Jr., Circuit Court Judge

THE STATE,

RESPONDENT,

V.

EDWARD W. STACKHOUSE, JR.,

APPELLANT

Appellate Case No. 2012-212058

ANDERS BRIEF OF APPELLANT

ROBERT M. DUDEK
Chief Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589
(803) 734-1343

ATTORNEY FOR APPELLANT

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STATEMENT OF ISSUE ON APPEAL

Whether the court erred by admitting testimony from Officer Alford that the decedent's child told him "Edward Stackhouse killed my momma" since this testimony was highly prejudicial hearsay since it implied appellant's acts were deliberate and not self-defense?

STATEMENT OF THE CASE

Appellant was indicted by the Marion County Grand Jury for the offenses of murder, attempted murder, assault and battery of a high and aggravated nature (ABHAN), and possession of a weapon during a violent crime. R. 442. His case was called to trial on May 15, 2012 before the Honorable William H. Seals, Jr. and a jury. Scott Floyd represented appellant. E.L. Clements, III was the solicitor. R. 1.

The jury found appellant guilty of murder, not guilty of attempted murder, guilty of ABHAN, and guilty of possession of a weapon during the commission of a violent crime. R. 435, ll. 5-22. Judge Seals sentenced appellant to life imprisonment for murder, twenty years imprisonment for ABHAN, consecutive, and five years imprisonment for possession of a weapon during a violent crime. R. 439, l. 258 – 440, l. 8.

This appeal follows.

ARGUMENT

The court erred by admitting testimony from Officer Alford that the decedent's child told him "Edward Stackhouse killed my momma" since this testimony was highly prejudicial hearsay since it implied appellant's acts were deliberate and not self-defense.

Relevant Facts

Mullins Police Chief Kenneth Davis responded to a dispatch to the home where appellant and his decedent wife lived. He found the house to be "in somewhat disarray" which indicated to him "there had been some kind of struggle." R. 279, ll. 6-22.

Davis testified that appellant told him during the interrogation, which was on videotape -- the redacted version of which was played for the jury -- that the fight with the decedent began regarding a telephone call. Appellant was on the phone and his wife thought he was talking to another woman. Davis recalled being informed by appellant:

There was an argument that ensued from that, and he indicated to us that they fought down the hallway. They wound up in the bedroom and that he was knocked to the floor by Daquan [his stepson and the decedent's child], and he indicated that when he fell to the floor he came upon a knife and indicated to us that - - if memory serves correctly - - he switched hands with the knife and he came up defending himself, he said slashing, because he was, he indicated he was scared they might hurt him.

R. 302, l. 23 -- 303, l. 6.

Davis recalled that appellant never admitted he stabbed his girlfriend, and he demonstrated on the videotape -- now before this Court -- how he attempted to defend himself by swinging the knife. Appellant eventually thought something was wrong because his decedent wife ceased fighting. Appellant further told Davis that Daquan, "came in and knocked him down during the confrontation with his mom, with his mother, and he was

scared that Daquan and Sharon might hurt him and indicated when he - - he figured he hit Daquan or had hurt Daquan or nicked Daquan, something to that effect because Quan jumped back and said, ow.” R. 302, l. 16 – 304, l. 10. Davis remembered appellant telling him that he was afraid his decedent wife and stepson “together might hurt him.” R. 306, ll. 2-4.

Mullins police officer Ken Alford was also dispatched to Meadow Park Apartments on September 17, 2010 where appellant, his wife, and their stepsons lived. When Alford arrived at the apartment: “I could see a large knife with a wooden handle laying in front of the couch on the floor.” He entered the apartment with another police officer and they saw a cell phone broken into “a bunch of pieces” on the floor. R. 97, l. 9 – 99, l. 4.

Alford remembered the inside the bedroom he saw a small “black lady and what I can recall blood on the left side of her body, and it seemed it like she had on more than just one set of clothing.” She was not moving or breathing. R. 101, l. 12 – 102, l. 4.

Alford testified as he started writing in his crime scene log another young man came up screaming: “[I] was trying to listen to what he was saying and what was going on.” When the solicitor asked *what this young man was screaming*, defense counsel objected on the basis of hearsay. The solicitor claimed it was admissible as an excited utterance. The judge overruled the objection. R. 103, l. 13 – 105, l. 18.

Officer Alford then testified that the child said “that he hurt my mother, he hurt my mother. Then he - - as he broke down more he was seeing that we were putting up tape. He started screaming *Edward Stackhouse killed my momma*. I can distinctly remember the child saying that.” R. 103, l. 13 – 105, l. 18. (emphasis added).

The pathologist, Dr. Ellen Riemer, testified that the decedent died from a single stab wound to the chest. "This was a non-survivable injury because there were too many essential vital structures that were severely damaged including the heart and both lungs and the aortic pump. There's no way that anybody would have been able to recover from that even if there were expert team of surgeons at the scene." R. 259, l. 9 – 260, l. 3.

Chief Davis testified that appellant told him during the interview about numerous problems and fights he had had with the decedent in the past. Appellant informed Davis that the decedent had stabbed him in the past, and the decedent also hit him with a hammer or threatened to hit him with a hammer on a prior occasion. R. 316, ll. 5-8.

The sixteen-year old-stepson, Daquan B., testified that appellant lived with him, his decedent mother, and his brother at Meadow Park Apartments. Daquan was fifteen-years - old at the time of the incident. R. 336, l. 9 – 339, l. 1.

Daquan recalled on that September day he heard "a lot of noise bumping against the wall, and I looked up out of the corner of my eye and I seen him [appellant] come back from the kitchen with a knife. And my momma called me. So I got up, me and my brother, I went in there. He went out the door. I seen him stabbing her right in the abdomen right here. So I grabbed his hands like right here and had them like that, and that's when I guess he cut me right here." R. 339, ll. 2-12.

The judge charged the jury the law of murder, self-defense, voluntary manslaughter, and involuntary manslaughter in the decedent's death. The judge charged attempted murder, ABHAN and other lesser included offenses as to Daquan's injuries. R. 409, l. 25 – 423, l. 22.

Discussion

The proponent of an excited utterance must prove three elements for a statement to be admitted as an exception to the hearsay rule: (1) the statement must relate to a startling event or condition; (2) the statement must have been made while the declarant was under the stress of excitement; and (3) the stress of excitement must be caused by the startling event or condition. State v. Sims, 348 S.C. 16, 21, 558 S.E.2d 518, 521 (2002). The court must consider the totality of the circumstances when determining whether a statement falls within the excited utterance exception. State v. McHoney, 344 S.C. 85, 94, 544 S.E.2d 30, 34 (2001).

Rule 803(2), SCRE, defines an excited utterance as “a statement relating to a startling event or condition made while the declarant was under the stress of excitement caused by the event or condition.”

The alleged statement by the young man in this case did not qualify as an excited utterance. The statement by the young man, under the totality of the circumstances, strongly appears to be a conclusion on the part of the child as the police put up the crime scene tape. It was not *caused by witnessing the stabbing*. In other words, the statement does not appear to have its genesis in the observing the startling event – the stabbing – but rather in the emotions of the crime scene tape being put up, and knowing for sure that serious harm or death had occurred.

While being told that someone close to you had been badly injured or killed would almost surely elicit an emotional reaction or response, it does not qualify as an excited utterance because the excitement does not come from witnessing the startling event that caused the injury or death. It would be similar to hearing that your mother had been killed

and stating in an excited manner that you thought her worst enemy -- or the person last with her -- was her killer. The statement does not originate from have witnessed the startling or horrific event.

In contrast, Bennett v. State, 383 S.C. 303, 680 S.E.2d 273 (2009), concerned a statement the victim made while being assaulted: "He's going to kill me." The other statement was: "Please hurry, please hurry, because if he gets hold of me, he's going to kill me." The Supreme Court determined that these statements qualified as excited utterances because they were made while the victim was under the stress of the startling event, and therefore defense counsel could not be found ineffective regarding any deficiency in manner of objecting.

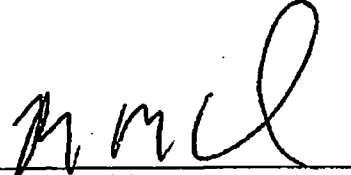
Here, again, the child's statement does not appear to come from witnessing or participating in a startling event. Rather, it appears to be an emotional reaction from learning of a tragic event, seeing the crime scene tape go up, and it therefore was not admissible as an excited utterance.

The prejudice from this hearsay was that appellant asserted self-defense or involuntary manslaughter - - "criminal negligence" - - as proper verdict options given the evidence of what really happened. The alleged statement to Officer Alford had the impermissible tendency to indicate to the jury that the declarant child had just witnessed an intentional killing, meaning murder. The admission of this hearsay testimony as an excited utterance was therefore highly prejudicial, and appellant should be granted a new trial.

CONCLUSION

By reason of the foregoing arguments, appellant's convictions should be reversed and his case remanded to the Marion County Court of General Sessions for a new trial.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'R. M. Dudek', written over a horizontal line.

Robert M. Dudek
Chief Appellate Defender

ATTORNEY FOR APPELLANT

This 18th day of July, 2013.

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Marion County
William H. Seals, Jr., Circuit Court Judge

THE STATE,

RESPONDENT,

V.

EDWARD W. STACKHOUSE, JR.,

APPELLANT

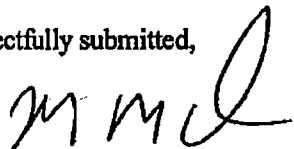
PETITION TO BE RELIEVED AS COUNSEL

Counsel for Edward W. Stackhouse, Jr. states:

1. He is Chief Appellate Defender for the South Carolina Office of Appellate Defense, and was appointed to represent appellant.
2. He has reviewed the record of appellant's trial before Judge William H. Seals, Jr., which was held on May 15, 2012, and, in his opinion, the appeal is without legal merit sufficient to warrant a new trial.
3. He has, pursuant to Anders v. California, 386 U.S. 738, 87 S.Ct. 1396 (1967), briefed an arguable legal issue which arose during the course of the trial.

WHEREFORE, he asks the Court to relieve him as counsel for Edward W. Stackhouse, Jr.

Respectfully submitted,



Robert M. Dudek
Chief Appellate Defender

ATTORNEY FOR APPELLANT

This 18th day of July, 2013.

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Marion County

William H. Seals, Jr., Circuit Court Judge

THE STATE,

RESPONDENT,

V.

EDWARD W. STACKHOUSE, JR.,

APPELLANT

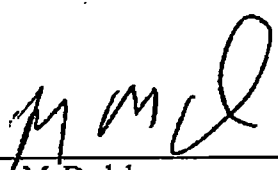
**DESIGNATION OF MATTER TO BE
INCLUDED IN RECORD ON APPEAL**

Appellant proposes the following be included in the Record on Appeal:

- (1) True-billed indictments;
- (2) Entire Trial Transcript;
- (3) State's Exhibit #36 (Video of Interview).

I certify that this designation contains no matter which is irrelevant to this appeal.

July 18th, 2013



Robert M. Dudek
Chief Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589
(803) 734-1343

Attorney for Appellant

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Marion County
William H. Seals, Jr., Circuit Court Judge

THE STATE,

RESPONDENT,

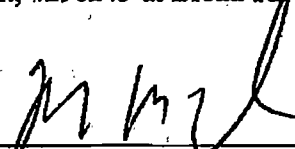
V.

EDWARD W. STACKHOUSE, JR.,

APPELLANT

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that a true copy of the Anders Brief of Appellant and Designation of Matter in the above referenced case has been served upon Donald J. Zelenka, Esquire, at the Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201; and a copy of the Anders Brief of Appellant and Designation of Matter and Record on Appeal have been served on Edward W. Stackhouse, Jr., #296243 at Broad River Correctional Institution, this 18th day of July, 2013.


Robert M. Dudek
Chief Appellate Defender

ATTORNEY FOR APPELLANT

SUBSCRIBED AND SWORN TO before me
this 18th day of July, 2013.

 (L.S.)
Notary Public for South Carolina
My Commission Expires: October 2, 2013

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

The State, Respondent,

v.

Edward W. Stackhouse, Jr., Appellant.

Appellate Case No. 2012-212058

Appeal From Marion County
William H. Seals, Jr., Circuit Court Judge

Unpublished Opinion No. 2014-UP-051
Submitted November 1, 2013 – Filed February 5, 2014

APPEAL DISMISSED

Chief Appellate Defender Robert M. Dudek, of
Columbia; and Edward W. Stackhouse, Jr., pro se, for
Appellant.

Attorney General Alan McCrory Wilson and Senior
Assistant Deputy Attorney General Donald J. Zelenka,
both of Columbia, for Respondent.

PER CURIAM: Dismissed after consideration of Appellant's pro se brief and review pursuant to *Anders v. California*, 386 U.S. 738 (1967). Counsel's motion to be relieved is granted.¹

APPEAL DISMISSED.

FEW, C.J., and PIEPER and KONDUROS, JJ., concur.

¹ We decide this case without oral argument pursuant to Rule 215, SCACR.

FORM 5

STATE OF SOUTH CAROLINA

COUNTY OF MARIONEDWARD W. STACKHOUSE 296243

Full name and prison number (if any) of Applicant.

v.

State of South Carolina

IN THE COURT OF COMMON PLEAS

2014-CR-33-00192

APPLICATION FOR

POST-CONVICTION RELIEF

INSTRUCTIONS - READ CAREFULLY

In order for this application to receive consideration by the Court, it shall be in writing (legibly handwritten or typewritten), signed by the applicant and verified (notarized), and it shall set forth in concise form the answers to each applicable question. If necessary, applicant may furnish his answer to a particular question on the reverse side of the page or on an additional page. Applicant shall make clear to which question any such continued answer refers.

Since every application must be sworn under oath, any false statement of a material fact therein may serve as the basis of prosecution and conviction for perjury. Applicants should, therefore, exercise care to assure that all answers are true and correct.

If the application is taken in forma pauperis, it shall include an affidavit (attached at the back of the form) setting forth information which establishes that applicant will be unable to pay fees and costs of the proceedings. When the application is completed, the original shall be mailed to the Clerk of Court for the County in which the applicant was convicted.

1. Place of detention Broad River Correction Institution
2. Name and location of Court which imposed sentence Marion County C.G. Sessions
3. Name(s) of co-defendant(s) (if any) _____
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
 - (a) 2011-GS-33-0061
 - (b) _____
 - (c) _____
5. The date upon which sentence was imposed and the terms of the sentence
 - (a) May 17, 2012 - ASSAULT + BATTERY OF A HIGH + AGGRAVATED NATURE 20yrs, co
 - (b) MURDER - LIFE - CONSECUTIVE

Revised 3/2003

- (c) POSS. WEAPON DURING VIOLE 5yrs
6. Check whether a finding of guilty was made:
- (a) after a plea of guilty _____
- (b) after a plea of not guilty _____
- (c) after a plea of nolo contendere _____
7. Did you appeal from the judgment of conviction or the imposition of sentence? yes
8. If you answered "yes" to (7), list:
- (a) the name of each Court to which you appealed:
- i. South Carolina Court of Appeals
- ii. _____
- iii. _____
- (b) the result in each such Court to which you appealed:
- i. AFFIRM
- ii. _____
- iii. _____
- (c) the date of each such result:
- i. February 5, 2014
- ii. _____
- iii. _____
- (d) if known, citations of any written opinion or orders entered pursuant to such results:
- i. Unpublished Opinion
- ii. _____
- iii. _____
9. If you answered "no" to (7), state your reasons for not so appealing:
- (a) _____
- (b) _____
- (c) _____
10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:

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SHERIFF A. MOSES
CLERK OF COURT

Revised 3/2003

- (a) _____
- (b) _____
- (c) _____
11. State concisely and in the same order the facts which support each of the grounds set out in (10):
- (a) Counsel failed to object to Prosecutorial Misconduct.
- (b) Counsel failed to impeach witnesses
- (c) Counsel failed to object to and introduce evidence.
12. Prior to this application have you filed with respect to this conviction:
- (a) any petition in a State Court under South Carolina Law? No
- (b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? No
- (c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? No
- (d) any other petitions, motions or applications in this or any other Court? No
13. If you answered "yes" to any part of (12), list with respect to each petition, motion or application:
- (a) the specific nature thereof:
- i. _____
- ii. _____
- iii. _____
- iv. _____
- (b) the name and location of the Court in which each was filed:
- i. _____
- ii. _____
- iii. _____
- iv. _____
- (c) the disposition thereof:
- i. _____
- ii. _____
- iii. _____

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CLERK OF COURT

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- iv. _____
- (d) the date of each such disposition:
- i. _____
- ii. _____
- iii. _____
- iv. _____
- (e) if known, citations of any written opinions or orders entered pursuant to each such disposition:
- i. _____
- ii. _____
- iii. _____
- iv. _____

14. Has any ground set forth in (10) been previously presented to this or any other Court, State or Federal, in any petition, motion or application which you have filed? **No**

15. If you answered "yes" to (14) identify:

(a) which grounds have been presented:

- i. _____
- ii. _____
- iii. _____
- (b) the proceedings in which each ground was raised:
- i. _____
- ii. _____
- iii. _____

16. If any ground set forth in (10) has not previously been presented to any Court, State or Federal, set forth the ground and state concisely the reasons why such ground has not previously been presented:

- (a) Ineffective assistance of counsel, is not a Court of appeal issue.
- (b) _____
- (c) _____

17. Were you represented by an attorney at any time during the course of:

- ☒ (a) your arraignment and plea? yes
☒ (b) your trial, if any? yes
☒ (c) your sentencing? yes
☒ (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? yes
 (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed? No
18. If you answered "yes" to one or more parts of (17), list:
- (a) the name and address of each attorney who represented you:
 i. Hank Anderson Marion County (Public Defenders office)
 ii. Scott P. Floyd Marion County (Public Defenders office)
 iii. Robert M. Dudek - Division of Appellate Defense P.O. Box 11589 Columbia
 (b) the proceedings at which each such attorney represented you:
 i. Bond hearing
 ii. Trial hearing
 iii. Direct Appeal
19. State clearly the relief you seek in filing this application:
Reverse Conviction / New trial
20. Are you now under sentence from any other court that you have not challenged? No

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SHERRY M. RHODES
CLERK OF COURT

STATE OF SOUTH CAROLINA)

County of MARION)

VERIFICATION)

I, , being duly sworn upon my oath, depose and say that I have subscribed to the foregoing application; that I know the contents thereof; that it includes every ground known to me for vacating, setting aside or correcting the conviction and sentence attacked in this application; and that the matters and allegations therein set forth are true.

Edward Stockhouse

SWORN to and subscribed before me this 7
day of 3, 2014.

Eugene Pitt (L.S.)
Notary Public

My Commission Expires: April 4, 2016

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BOOK PAGE

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MARION COUNTY SC
SHERY R. RHODES
CLERK OF SUPERIOR COURT

**APPLICATION TO PROCEED WITHOUT PAYMENT
OF COSTS AND AFFIDAVIT
IN SUPPORT THEREOF**

I, , hereby apply for leave to proceed in this action without prepayment of fees or costs or security therefor. In support of my application I declare under penalty of perjury that the following facts are true:

- (1) I am the applicant in this action and I believe I am entitled to redress.
- (2) Because of my poverty I am unable to pay the costs of said proceeding or give security thereof.

Edward Stackhouse
Applicant

SWORN or affirmed to and subscribed before me this

7 day of 3, 2014

Engene Kutz
Notary Public

My Commission Expires: Apr. 24, 2016

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HARRIS COUNTY SO.
SHERIFF'S OFFICE
CLERK OF COURT

LEGAL MAIL Attachment For PCR Application. 1 of 2

State's Misconduct and Presentation of False Evidence.

Trial attorney provided ineffective assistance by failing to bring to the court's attention the Solicitor knowingly used **perjured** testimony to obtain a conviction, and to properly preserve this issue for appellate review and this failure prejudiced the outcome of this case. *Riddle v. Ozmint*, 369 S.C. 39, 631 S.E.2d 70 (May 22, 2006) State was obligated to correct false testimony.

Trial attorney provided ineffective assistance by failing to object to solicitors vouching/bolstering and to preserve for appellate review that trial judge erred in permitting the solicitor to make improper and prejudicial comments to the jury during closing argument. Counsel also failed to move for a mistrial on ground of improper argument. The prosecutor's remarks led the jury to believe they were told the truth, which was misleading. This conduct was a denial of due process.

Counsel failed to object to opening statement as well.

Trial attorney provided ineffective assistance by failing to object to highly inflammatory evidence.

Counsel failed to introduce impeaching evidence (material)

Counsel failed to impeach witness's with inconsistent statements.

Counsel ineffective for failing to introduce pathologist report, which is inconsistent with her testimony and contradicts the state's theory.

MARION COUNTY SC
SHERIFF'S OFFICE
CLERK

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LEGAL MAIL

Attachment For P.C.R Application.

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Trial attorney provided ineffective assistance by failing to subpoena toxicologist and introduce toxicology report. The judge gave instruction under self-defense, The intoxication of the victim may be considered in deciding whether the defendant's fear of death or bodily harm was reasonable.

Trial attorney provided ineffective assistance by failing to present evidence of victims prior specific acts of violence against third parties. Trial judge stated, the reputation of a victim as a violent person may be considered in deciding whether there was a need for force, whether the defendant had a reason to believe there was a need for force, and whether deadly force was reasonably necessary.

Johnson V. State 467 S.E. 2d 542 (GA 1996) Counsel [REDACTED] failed [REDACTED] to give notice as required by rules.

Counsel fail to subpoena doctor and other witness's.

Counsel failed to object to expert witness testimony as far as DNA on weapon.

Counsel ineffective for making damaging remarks during closing argument.

Counsel failed to adequately cross examine state witnesses.

Counsel failed to obtain victims medical record, and investigate victims past history.

STATE OF SOUTH CAROLINA
COUNTY OF MARION

IN THE COURT OF COMMON PLEAS
TWELFTH JUDICIAL CIRCUIT

Edward Stackhouse, #296243,

2014-CP-33-192

Applicant,

v.

RETURN

State of South Carolina,

Respondent.

In response to the post-conviction relief application filed on March 11, 2014, the Respondent would show this Court:

I.

The Applicant is incarcerated with the South Carolina Department of Corrections pursuant to the Marion County Clerk of Court's orders of commitment. Applicant was indicted by the February 2011 Term of the Marion County Grand Jury for murder (2011-GS-33-0061), attempted murder (2011-GS-33-0061), assault and battery of a high and aggravated nature (2011-GS-33-0061), and possession of a weapon during commission of a violent crime (2011-GS-33-0061). Applicant was represented by Scott Floyd, Esq., tried on May 15, 2012, and found guilty of murder, assault and battery of a high and aggravated nature, and guilty of possession of a weapon during the commission of a violent crime. On May 17, 2012, the Honorable William H. Seals, Jr. sentenced appellant to life imprisonment for murder, twenty years imprisonment for assault and battery of a high and aggravated nature, consecutive, and five years imprisonment for possession of a weapon during a violent crime, concurrent.

A Notice of Appeal was filed on his behalf and an appeal perfected pursuant to Anders v. California, 386 U.S. 738 (1967). The South Carolina Court of Appeals affirmed conviction and

sentence. State v. Stackhouse, Op. No. 2014-UP-051 (Filed February 5, 2014). The remittitur was issued February 24, 2014.

II.

In his Application, Applicant alleges he is being held in custody unlawfully for the following reasons:

1. Ineffective Assistance of Counsel
 - a. "Counsel failed to impeach witnesses"
 - b. "Counsel failed to object and impeach witnesses"
2. Prosecutorial Misconduct

Respondent denies Applicant is entitled to relief on any of these claims and demands strict proof thereof. Applicant must specify any claims he intends to raise at the PCR trial. Any claims not *specifically* laid out in this PCR application or in amendments will be opposed by the State at an evidentiary hearing. S.C. Code § 17-27-10 *et seq*; SCRCP 71.1. All claims should be made well in advance of the PCR hearing. If Applicant has an attorney appointed, the attorney, and not the inmate, is the only one authorized to file amendments. SCRCP Rule 11. Filings by inmates will not be considered at the PCR hearing. Attached herewith and incorporated herein by reference are the records of the Marion County Clerk of Court regarding the subject convictions, the Record on Appeal, and Applicant's records for the Department of Corrections. Respondent reserves the right to amend its return upon the receipt of other relevant records.

III.

Applicant claims ineffective assistance of counsel in his application. Respondent contends Applicant's counsel rendered adequate assistance and provided representation within the range of competence required by attorneys in criminal cases. See Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985).

In a post-conviction relief proceeding, Applicant bears the burden of proving the allegations in their application. Id. Where ineffective assistance of counsel is alleged as a ground for relief, Applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied upon as having produced a just result." Strickland v. Washington, 466 U.S. 668, 104 S.Ct. 2052, 2064, 80 L.Ed.2d 674, 692 (1984); Butler, 334 S.E.2d 813.

The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. The courts presume that counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. Strickland, 80 L.Ed.2d 674. Applicant must overcome this presumption in order to receive relief. Cherry v. State, 300 S.C. 115, 386 S.E.2d 624 (1989).

A two-pronged test is used in evaluating allegations of ineffective assistance of counsel. First, Applicant must prove that counsel's performance was deficient. Under this prong, attorney performance is measured by its "reasonableness under professional norms." Cherry, 300 S.C. at 117, 386 S.E.2d at 625, (citing Strickland, 80 L.E.2d 674). Second, counsel's deficient performance must have prejudiced Applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625. With respect to guilty plea counsel, Applicant must show that there is a reasonable probability that, but for counsel's alleged errors, he would not have pleaded guilty and would have insisted on going to trial. Hill v. Lockhart, 474 U.S. 52, 106 S.Ct. 366, 88 L.Ed. 2d 203 (1985).

Respondent submits that Applicant cannot satisfy either requirement of the Strickland test. However, the allegation of ineffective assistance of counsel probably raises questions of fact

that cannot be conclusively refuted by the record. Respondent requests an evidentiary hearing to fully resolve this issue. See Sharper v. State, 279 S.C. 264, 305 S.E.2d 247 (1983).

IV.

Applicant also alleges prosecutorial misconduct. Prosecutorial misconduct is not an issue for post conviction relief. Rather, this allegation is a direct appeal issues that is procedurally barred by S.C. Code Ann. § 17-27-20(b) (2003). Post-conviction relief is not a substitute for an appeal. Simmons v. State, 264 S.C. 417, 423, 215 S.E.2d 883, 885 (1974). A post-conviction relief application cannot assert any issues that could have been raised at trial or on appeal. Drayton v. Evatt, 312 S.C. 4, 8, 430 S.E.2d 517, 520 (1993). The Applicant could have raised this issue on appeal. The failure to do so has waived this allegation as grounds for relief. Regardless, it is applicant's burden to prove actual prosecutorial misconduct. Alabama v. Smith, 490 U.S. 794, 109 S. Ct. 2201 (1989).

V.

Each and every allegation contained within the application that is not expressly admitted, qualified, or explained is hereby denied.

VI.

WHEREFORE, having made its Return, Respondent requests that a hearing be held on the claims of ineffective assistance of counsel.

Respectfully submitted,

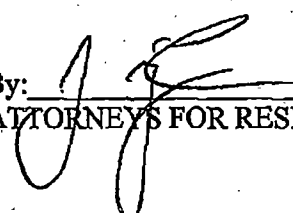
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By: 
ATTORNEYS FOR RESPONDENT

June 28, 2016

STATE OF SOUTH CAROLINA)

COUNTY OF MARION)

EDWARD STACKHOUSE, #296243)

Applicant,)

vs)

STATE OF SOUTH CAROLINA,)

Respondent.)

IN THE COURT OF COMMON PLEAS

2014-CP-33-0192

AFFIDAVIT OF SERVICE BY MAIL

1. I am an employee of the Respondent in the above-captioned action.
2. Regular communication by mail exists throughout the State of South Carolina and that this is a proper circumstance of service by mail.
3. I have this day served a copy of the Return on the above-captioned matter on the following person by depositing same in the United States mail, postage prepaid:

Mr. Tristan M. Shaffer, Esquire
Shaffer Law Firm
225 Columbia Ave.
Chapin, SC 29026

DATED this 7th day of July, 2015.


Ashley Hawthorth, Legal Assistant
For Respondent

STATE OF SOUTH CAROLINA

COUNTY OF MARION

Edward Stackhouse, #296243,

Applicant,

Vs.

State of South Carolina

Respondent.

IN THE COURT OF COMMON PLEAS
TWELFTH JUDICIAL CIRCUIT**AMENDMENT TO APPLICATION FOR
POST CONVICTION RELIEF**

Case No. 2014-CP-33-0192

Applicant, by and through his Attorney, Jonathan D. Waller, Esquire, would amend his Application for Post Conviction Relief filed on March 11, 2014, by adding the claims of ineffective assistance of to question 10 and by adding the following specifics to his original allegations:

1. As to representation rendered by Scott P. Floyd, Esquire:
 - a. Counsel was ineffective for failing to properly cross examine DNA expert to the presence of touch DNA.
 - b. Counsel was ineffective for failure to impeach victim with inconsistent statement.
 - c. Counsel was ineffective for failure to impeach William Brock with inconsistent statement.
 - d. Counsel was ineffective for failure to object to, and move to suppress, new testimony of witnesses not disclosed in discovery, as the failure to disclose the substance of the testimony constitutes a discovery violation.
 - e. Counsel was ineffective for failure to object to impermissible vouching for witness by solicitor.

- f. Counsel was ineffective for failure to object to testimony of Adam Rogers as outside the scope of layman testimony.
- g. Counsel was ineffective for failure to object to, and move to suppress, testimony of Kenny Davis. The complete contents of statements made by Applicant to Officer Davis were not disclosed in discovery nor were they testified to during the Jackson v. Denno¹ hearing.
- h. Counsel was ineffective for failing to object, and move for a mistrial, to the improper comments made by the State at the conclusion of the direct examination of Daquan B.
- i. Counsel was ineffective for failure to object to impermissible comments made during State's closing arguments.
- j. Counsel was ineffective for failing to conduct a complete investigation into the facts and circumstances surrounding Applicant's arrest, including his possession of a knife at the time of his arrest.
- k. Counsel was ineffective for failure to allow Applicant to view surveillance video prior to its introduction at trial.
- l. Counsel was ineffective for failing to provide Applicant with a copy of discovery in a medium that Applicant was able to view while detained.
- m. Counsel was ineffective for failure to ensure Applicant had a complete understanding of the constitutional rights that Applicant was waiving by pleading guilty.

¹ Jackson v. Denno, 378 U.S. 368 (1964)
Stackhouse vs. State of SC
Amendment to PCR Application

- n. Counsel was ineffective for failure to investigate the facts and circumstances surrounding Applicant's statements to law enforcement for potential defense as a result of coercion by law enforcement.

Respectfully submitted,



Jonathan D. Waller
Waller Law Group
1116 Blanding Street
Suite 2B
Columbia, South Carolina 29201
ATTORNEY FOR APPLICANT

January 25, 2018

Columbia, South Carolina

State of South Carolina	)	Court of Common Pleas
	)	Twelfth Judicial Circuit
County of Marion	)	Case No. 2014-CP-33-00192
	)	
Edward Stackhouse,	)	
	)	
Plaintiff,	)	
	)	
-vs-	)	Transcript of Record
	)	
The State of South Carolina,	)	
	)	
Defendant.	)	
	)	

January 30, 2018
Florence, South Carolina

B E F O R E:

The Honorable Michael G. Nettles, Judge

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

Jonathan Waller, Esquire
Attorney for the Plaintiff

Lindsey McCallister, Esquire
Attorney for the Defendant

Krystal J. Smith
Circuit Court Reporter

I N D E X

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COURT REPORTER LEGEND

dashes -- intentional or purposeful interruption
or change in thought

ellipses . . . trailing off

[ph] phonetically written

[sic] written as said

1 JANUARY 30, 2018

2 (WHEREUPON, the proceedings began at 10:47 a.m.)

3 MS. MCCALLISTER: May it please the Court, Your Honor.

4 THE COURT: Yes.

5 MS. MCCALLISTER: This is Edward Stackhouse versus the
6 State of South Carolina, 2014-CP-33-0192. Your Honor, Mr.
7 Stackhouse filed this application for post-conviction relief
8 on March 11th, 2014. He's currently incarcerated in the South
9 Carolina Department of Corrections.

10 He was indicted in February of 2011 by the Marion County
11 Grand Jury for murder, attempted murder, assault and battery
12 of a high and aggravated nature, and possession of a weapon
13 during the commission of a violent crime. He was represented
14 on all those charges by Scott Floyd.

15 Applicant proceeded to a jury trial on May 15th, 2012,
16 before the Hon. William H. Seals. He was found guilty as
17 indicted of -- I'm sorry. He was found guilty of murder,
18 assault and battery of a high and aggravated nature, and
19 guilty of possession of a weapon during the commission of a
20 violent crime.

21 He was sentenced by Judge Seals to a life sentence for
22 murder, 20 years for the assault and battery, five years for
23 the possession of a weapon, all to run concurrent. A timely
24 notice of appeal was filed.

25 THE COURT: I think the return indicates that the

1 assault and battery of a high and aggravated nature was
2 consecutive. Is it consecutive or concurrent?

3 MS. MCCALLISTER: I'm sorry.

4 THE COURT: It probably makes very little difference.

5 MR. WALLER: Your Honor, I believe it is consecutive.

6 THE COURT: All right. That's what the return says.

7 MS. MCCALLISTER: Oh, I'm sorry. It is consecutive,
8 yes.. The life sentence and the 20 years for assault and
9 battery of a high and aggravated nature were consecutive and
10 five -- the five years was concurrent. I'm sorry, Your
11 Honor.

12 THE COURT: Very good.

13 MS. MCCALLISTER: A notice of appeal was filed on his
14 behalf and an appeal was perfected pursuant to Anders v.
15 California. Your Honor, the South Carolina Court of Appeals
16 affirmed the conviction by order dated or filed February 5th,
17 2014, and then the remittitur was issued on February 24th,
18 2014.

19 Mr. Stackhouse is represented in this post-conviction
20 relief action by Mr. Waller, and both Mr. Stackhouse and Mr.
21 Waller are present in the courtroom today.

22 THE COURT: All right. Mr. Waller, I'm going to ask
23 you, if you could, to set forth with specificity the grounds
24 which you are going to pursue in this hearing.

25 MR. WALLER: Thank you, Your Honor.

1 Your Honor, Mr. Stackhouse originally filed his
2 application for post-conviction relief back on March 11th,
3 2014. He raised allegations that counsel was ineffective for
4 failure to object to prosecutorial misconduct, and I'll be
5 more specific with that in just a moment.

6 That counsel failed to impeach witnesses.

7 That counsel failed to object and to introduce evidence.

8 Your Honor, with more specificity, I filed an amendment
9 to Mr. Stackhouse's application alleging several grounds.

10 That counsel was ineffective for failure to properly
11 cross-examine the DNA expert to the -- to the presence of
12 touch DNA.

13 Counsel was ineffective for failure to impeach the
14 victim with inconsistent statements.

15 Counsel was ineffective for failure to impeach witness,
16 William Brock, with an inconsistent statement.

17 Counsel was ineffective for failure to object to and
18 move to suppress new testimony of witnesses not disclosed in
19 discovery, as that constituted a discovery violation.

20 Counsel was ineffective for failure to object to
21 impermissible vouching of a witness by the solicitor.

22 Counsel was ineffective for failure to object to the
23 testimony of Adam Rogers as outside the scope of layman's
24 testimony.

25 Counsel was ineffective for failure to object to and

1 move to suppress the testimony of Kenny Davis. The complete
2 contents of statements made by the applicant to Officer Davis
3 were not disclosed in discovery or testified to in the
4 Jackson v. Denno hearing. His testimony at the trial was
5 more substantial.

6 Counsel was ineffective for failing to object and move
7 for a mistrial to the improper comments made by the State at
8 the conclusion of the direct examination of Daquan B.

9 Counsel was ineffective for failure to object to
10 impermissible statements made during the State's closing
11 arguments.

12 Counsel was ineffective for failing to conduct a
13 complete investigation into the facts and circumstances
14 surrounding applicant's arrest, including his possession of a
15 knife at the time of arrest.

16 Counsel was ineffective for failure to allow applicant
17 to view the surveillance video prior to its introduction at
18 trial, as applicant may have been able to assist with the
19 defense.

20 Counsel was ineffective for failure to provide applicant
21 with a copy of discovery in a medium that applicant was able
22 to view while detained.

23 THE COURT: Okay.

24 MR. WALLER: Your Honor, I actually had a scrivener's
25 error in the amendment that I filed. There's a ground that

1 was in a previous version of my amendment that it's listed as
2 M that is no longer valid in this case.

3 And finally, counsel was ineffective for failure to
4 investigate the facts and circumstances surrounding
5 applicant's statements to law enforcement for potential
6 defense as a result of coercion by law enforcement.

7 THE COURT: All right.

8 MR. WALLER: Thank you, Your Honor.

9 THE COURT: Very good.

10 MR. WALLER: I would call Edward Stackhouse.

11 THE COURT: Mr. Stackhouse, please come forward, if you
12 could. I'm going to ask you if you could place your left
13 hand on the Bible and raise your right hand as the clerk
14 administers the oath.

15 THE APPLICANT: Yes, sir.

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

19 THE APPLICANT: I do.

20 THE CLERK: Please be seated and state your name for the
21 record.

22 THE COURT: Mr. Stackhouse, I'm going to ask, if you
23 could, to have a seat in the witness chair right there. Pull
24 up real close to that microphone.

25 THE APPLICANT: All right.

EDWARD STACKHOUSE - DIRECT BY MR. WALLER

1 THE COURT: Speak loudly, clearly, and slowly in order
2 that we can hear everything that you have to say, and let's
3 start with your full name.

4 THE APPLICANT: My name is Edward Woodrow Stackhouse
5 III.

6 THE COURT: Thank you, Mr. Stackhouse.
7 Mr. Waller, you're recognized.

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

10 EDWARD STACKHOUSE, being first
11 duly sworn, testified as follows:

12 DIRECT EXAMINATION

13 BY MR. WALLER:

14 Q: Good morning, Mr. Stackhouse.

15 A: Good morning.

16 Q: How are you today?

17 A: All right.

18 Q: All right. Mr. Stackhouse, I want to, if I can -- you
19 were charged with some crimes years ago in Marion County; is
20 that correct?

21 A: That's correct.

22 Q: Okay. And when you were arrested, were you provided an
23 attorney?

24 A: Yes. I was provided an attorney by the State.

25 Q: Okay. How -- who was your attorney?

EDWARD STACKHOUSE - DIRECT BY MR. WALLER

1 A: Scott P. Floyd.

2 Q: Okay. How did Mr. Floyd come to represent you?

3 A: Well, when it -- when -- at the beginning, I was
4 appointed two other lawyers. I believe Hank Anderson was
5 one, and one of the other lawyers, but he passed away. So
6 the State pulled Mr. Anderson off and appointed another guy
7 by the name of Matt and I do know the one that spoke for me
8 at trial was Scott P. Floyd.

9 Q: Okay. So Mr. Floyd represented you at the trial?

10 A: Yes, sir.

11 Q: Okay.

12 A: Uh-huh.

13 Q: About how long was it from when you were arrested and
14 charged until you actually went to trial?

15 A: Almost two years. I would say about 20 months.

16 Q: Okay. At the time, were you -- were you locked up in
17 the detention center or were you out on bond?

18 A: No. I was locked up in the detention center.

19 Q: Okay. Do you recall when -- with all those different
20 lawyers you just talked about, do you recall when Mr. Floyd
21 came to represent you? And kind of in the -- not an exact
22 date, but kind of in the -- in the timeline there?

23 A: I would say maybe six months to a year after the first
24 two was originally appointed.

25 Q: Okay. So approximately a year before your trial?

EDWARD STACKHOUSE - DIRECT BY MR. WALLER

1 A: Yeah. Something like that.

2 Q: Okay.

3 A: I'd say about a year.

4 Q: How many times do you think you had a chance to meet

5 with Mr. Floyd?

6 A: Twice.

7 Q: Twice total?

8 A: Twice.

9 Q: Okay. The first time you met with him, what did y'all

10 talk about?

11 A: The first time I met with him, I informed him when I

12 received my motion of discovery there were quite a bit of

13 items missing. The -- my wife's toxicology report wasn't in

14 there. There was no photos in the Rule 5 in my motion of

15 discovery. I believe it was just -- I can't remember. I

16 believe it was the toxicology report and the photos. I

17 remember specifically the toxicology and the -- and the --

18 and the photos --

19 Q: Okay.

20 A: -- because I was looking for the photos.

21 Q: Okay. How did you know a toxicology report had been

22 done?

23 A: I asked him and he said a toxicology report had been

24 done, but he was waiting on it, I believe.

25 Q: Okay. So you did not have it at that time?

EDWARD STACKHOUSE - DIRECT BY MR. WALLER

1 A: Oh, the written statement by Daquan B. was not in
2 there. Only one written statement -- two written statements,
3 Sandra Robinson and William Brock's statement was in there,
4 but Daquan B. 's statement wasn't in there.

5 Q: Okay. And Daquan was the other victim in the case; is
6 that right?

7 A: That's right.

8 Q: Okay. And William was Daquan's brother, who was a
9 witness?

10 A: Right.

11 Q: Okay. You were with your wife prior to her death?

12 A: Right.

13 Q: Okay. You would know if a toxicology report would
14 contain something; is that right?

15 A: That's right.

16 Q: Okay. So you expected there to be one?

17 A: Yeah. I expected there to be a lot of alcohol.

18 Q: Okay.

19 A: The alcohol content should have been high.

20 Q: Okay. As you got closer to trial, did you ever see a
21 toxicology report?

22 A: He -- after I -- I informed Mr. -- Mr. Floyd to inform
23 Mr. Ed Clements that my rights had been violated because I
24 have a right to view the copies and see Daquan's statement, I
25 said to him -- I said how is it that one of the boys gave a

EDWARD STACKHOUSE - DIRECT BY MR. WALLER

1 written statement and the one that was actually in the fight
2 didn't have anything to say? And I told him I wanted to know
3 about the photos as well.

4 Q: Okay.

5 A: So he came back. He left and he came back maybe about a
6 week or two, and he did have Daquan's written statement. He
7 had three disks with photos on it, but I was never allowed to
8 view those photos, not even during his visit.

9 Q: Okay. And tell the judge, if you can, why you couldn't
10 view photos on a disk?

11 A: Well, I had nothing to put the disk on.

12 Q: Okay.

13 A: I don't have a computer or, you know, a laptop.

14 Q: Okay.

15 A: And every time I asked him, he said he would show it to
16 me, but he would -- like, the day before trial, he said,
17 well, I'll show it to you before the trial starts. He didn't
18 show it to me. He told me he would be back to the jail house
19 to show it to me, but he never came back there. I didn't get
20 to view the disk until after I was sentenced and at prison,
21 you know, incarcerated at Broad River Correctional
22 Institution.

23 Q: Okay. And are you allowed to have a disk now?

24 A: No.

25 Q: Okay. You're not allowed to have a disk, but you're

EDWARD STACKHOUSE - DIRECT BY MR. WALLER

1 able to -- it's able to be kept at the facility; right?

2 A: Right.

3 Q: Okay. What was on the disk?

4 A: Well, when I finally did get a chance to view the disk,
5 I noticed the surveillance video. The young man that the
6 officer claimed he didn't know who that -- who the person
7 was, it was actually Daquan.

8 Q: Okay.

9 A: And I -- and I also noticed I was still carrying my
10 knife.

11 Q: Okay. So there was a surveillance video of the outside
12 of your apartment; is that right?

13 A: Right.

14 Q: Okay. And there were some individuals who law
15 enforcement had not identified --

16 A: Quite a --

17 Q: -- on the video?

18 A: Right.

19 Q: Okay. When was the first time you had -- you had a
20 chance to view that video?

21 A: In 2015 was when I finally got a chance to see the
22 video.

23 Q: Okay. Did you see it at the trial?

24 A: No.

25 Q: Okay. Was it played at the trial?

EDWARD STACKHOUSE - DIRECT BY MR. WALLER

1 A: Yes.

2 Q: Okay. But you weren't -- you didn't have a chance to
3 see it?

4 A: No.

5 Q: Okay.

6 THE COURT: Mr. Waller, I will obviously get an
7 opportunity to review this video -- I mean this transcript,
8 but give me the skinny on the facts of what happened, just
9 briefly what happened.

10 MR. WALLER: Your Honor, there was Mr. Stackhouse's wife
11 and her son, his stepson. Mrs. Stackhouse was killed. Her
12 stepson was -- was injured. There was an altercation that
13 happened between the two of them after -- the allegations
14 were the altercation happened after a long night out on the
15 town.

16 Mrs. Stackhouse was -- was stabbed one time. I believe
17 that ultimately led to her death. And the teenage -- teenage
18 child was cut and was airlifted to North Carolina, I believe,
19 or right at the border to a facility and he recovered from
20 his injuries.

21 And Mr. Stackhouse was apprehended a short time later,
22 and the theory at the time was self-defense. They had gotten
23 into a physical altercation. The young man entered into the
24 altercation as well, and Mr. Stackhouse was defending
25 himself. That was the defense's proposition.

EDWARD STACKHOUSE - DIRECT BY MR. WALLER

1 The State, obviously, had it differently and that it was
2 Mr. Stackhouse was the aggressor, but that's --

3 THE COURT: Okay.

4 MR. WALLER: Does that answer your question?

5 THE COURT: That's what I wanted to know.

6 MR. WALLER: Good.

7 BY MR. WALLER:

8 Q: All right, Mr. Stackhouse. You testified that you got a
9 copy --

10 A: Excuse me. Could you pass me those sheets that me and
11 you went over for me?

12 Q: Certainly.

13 A: As you go down the list.

14 MR. WALLER: Your Honor, may I approach the witness?

15 THE COURT: Yes.

16 BY MR. WALLER:

17 Q: Mr. Stackhouse, you testified that you were able to get
18 a copy of some discovery materials in 2015; is that right?

19 A: That's correct.

20 MS. MCCALLISTER: Your Honor, I'm sorry. I just want to
21 put one thing on the record.

22 Mr. Floyd was out of the room when Mr. Waller was giving
23 sort of the recitation of the background, and I just -- we
24 can get into it when the State puts on their case, but I
25 don't believe that the State's theory was necessarily self-

EDWARD STACKHOUSE - DIRECT BY MR. WALLER

1 defense. And we'll get into that, but --

2 MR. WALLER: Oh, certainly the State's theory was not.

3 MS. MCCALLISTER: I'm sorry. The defense theory was
4 self-defense.

5 MR. WALLER: Okay.

6 MS. MCCALLISTER: We -- that's a contested issue.

7 THE COURT: Okay.

8 MS. MCCALLISTER: I just wanted to make that clear for
9 the --

10 THE COURT: Very good.

11 MS. MCCALLISTER: -- record.

12 THE COURT: And what we'll do is I'll get you to -- I
13 mean, obviously, you can ask Scott Floyd what -- what his
14 perception of the basic facts were and what the theory of the
15 case was.

16 MS. MCCALLISTER: Yes. Thank you, Your Honor.

17 MR. WALLER: Thank you, Your Honor.

18 BY MR. WALLER:

19 Q: Mr. Stackhouse, you testified that you received some
20 discovery in 2015?

21 A: Right.

22 Q: After you were convicted?

23 A: Right.

24 Q: Long after you were convicted?

25 A: Right.

EDWARD STACKHOUSE - DIRECT BY MR. WALLER

1 Q: Was there anything that you have not had previously?

2 A: I had no -- like I said, I had no photos. There was an
3 interview that had been redacted. I believe it was redacted
4 by Mr. Floyd. The reason why I wanted the original
5 interview, as well as the redacted version, is because when
6 the interview was played again, it was an issue about me
7 having a knife and some scissors, and I remember telling the
8 law enforcement that I had a knife earlier cutting electrical
9 tape because I couldn't find the scissors. When I saw the
10 video again or when they played the video back, it said I had
11 the knife and the scissors.

12 Q: That's the video of your statement to law enforcement?

13 A: Right. But that was after the redacted version.

14 Q: Okay.

15 A: The redacted version had me saying I had the scissors
16 and the knife.

17 Q: The photographs --

18 A: Uh-huh.

19 Q: What would the photographs have helped you and your
20 defense show?

21 A: Well, for one, it would have showed Daquan B. was --
22 was telling a lie under oath. Daquan B. said he saw me
23 going down the hallway coming from the kitchen with a knife.
24 Daquan B. can't see the hallway from his bed.

25 Q: Okay. Would that have helped you develop your defense

EDWARD STACKHOUSE - DIRECT BY MR. WALLER

1 with Mr. Floyd?

2 A: Yes. That's why I kept asking Mr. Floyd. That's one of
3 the reasons why I wanted to see the crime scene pictures. I
4 said, well, Mr. Floyd, when are you going to show me the
5 pictures, and he had told -- another thing he told me -- he
6 said there was somebody on the video. He didn't know who it
7 was. So I said, well, let me have a look and see. He said,
8 well, I'll show it to you before trial.

9 That didn't happen either, and I do believe I gave you
10 documents to support what I'm saying because he responded to
11 them. I wrote him and I wrote back to the county after, you
12 know, I was convicted. I gave those documents to you as
13 well.

14 Q: You wrote some letters to Mr. Floyd asking for --

15 A: Yes. And to Ms. Sloan repeatedly for almost 2 years.
16 Still haven't seen it.

17 Q: We'll come back to those in just a second.

18 A: Okay.

19 Q: I want to get back to your first meeting with Mr. Floyd.

20 A: Right.

21 Q: What -- what else did y'all talk about? You said he
22 brought you some discovery, but it was limited?

23 A: He came back and he said, well, there was a written
24 statement by Daquan B. . He said it was in a box up under
25 the police desk back at Mullins Police Department, and I

EDWARD STACKHOUSE - DIRECT BY MR. WALLER

1 guess he hadn't turned it in.

2 But anyway, they did -- eventually, they gave it to the
3 solicitor. The solicitor sent me a -- he had a -- where the
4 solicitor stamped it, and I guess that was to show that he
5 had just received the statement from the police officers
6 concerning Mr. Daquan. That was five days before the trial.

7 Q: Okay. That was the first time y'all met?

8 A: No. That was -- that was the second time --

9 Q: Okay.

10 A: -- we met.

11 Q: All right. I want to keep -- keep on the first time
12 here for a minute.

13 A: Okay. The first time was basically about the things
14 that were missing. You know, that's what led to the second
15 visit.

16 Q: Okay.

17 A: Because he was coming back with the items that I claimed
18 was not in my motion of discovery.

19 Q: Did y'all discuss any --

20 A: Trial strategy?

21 Q: Hang on, Mr. Stackhouse. Let me finish my question,
22 please. Did y'all discuss the allegations the State was
23 making against you?

24 A: You mean as far as me going to the kitchen?

25 Q: At your first meeting, did y'all discuss what the State

EDWARD STACKHOUSE - DIRECT BY MR. WALLER

1 said you did?

2 A: We just -- can I have some tissue? Let me see. I --
3 the only thing I remember is just -- I just remember
4 complaining about the stuff missing out of my -- my Rule 5.

5 Q: Okay. You were charged with several different offenses,
6 including murder?

7 A: That's correct.

8 Q: Okay. Did y'all discuss the elements of murder and what
9 the State would have to prove in order for you to be found
10 guilty?

11 A: No.

12 Q: Okay. Did y'all discuss the potential penalties of
13 murder?

14 A: No.

15 Q: Did you discuss the potential penalties or the elements
16 of the other charges as well?

17 A: No. Not that I recall.

18 Q: Okay. When you and Mr. Floyd met, did you give him any
19 information or any witnesses for him to talk to and ask him
20 to investigate?

21 A: I -- it seems like I -- I gave him information
22 concerning my mother and -- and the doctor and my children's
23 mother because that's where I always -- that's where I always
24 went to whenever me and Sharon got into an argument. She
25 said it was okay for me or Sharon to come over there until

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1 the other one cools off. So I gave him her and her
2 boyfriend's address and names. For a matter of fact, Tanya's
3 boyfriend was in court the first day and I pointed him out,
4 and Mr. Floyd didn't even try to speak with him. He was one
5 of the witnesses on my list.

6 Q: Okay. You mentioned that you and Mr. Floyd discussed
7 things that were missing from your Rule 5?

8 A: Uh-huh.

9 Q: Okay. What else did y'all talk about at that point?

10 A: I don't -- I don't recall discussing what -- as far as
11 any trial strategy what we were going to do. I don't recall
12 --

13 Q: Okay.

14 A: -- any of that.

15 Q: At any of your meetings, did y'all ever discuss a trial
16 strategy or defenses or anything like that?

17 A: No. For a matter of fact, he was surprised when the
18 judge gave me involuntary manslaughter and self-defense.

19 Q: Okay. Going into the trial, what did you think your
20 defense was going to be?

21 A: I really don't know what my defense was going to be as
22 far as Mr. Floyd was concerned because, like I said, it's on
23 the record he -- he -- he was -- he was surprised by the
24 judge giving me self-defense and involuntary manslaughter,
25 which I was claiming self-defense.

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1 And at the time, I thought maybe Sharon could have
2 gotten hit by my knife because I was swinging, and I later
3 found out that that was not the case. So I was willing to
4 take involuntary manslaughter or self-defense, you know, or
5 both, whichever one he could get.

6 Q: Okay. Let's talk about the knife for a second because
7 you just brought it up. What concern do you have about the
8 knife that was presented to the jury?

9 A: When I -- when I saw the knife, I looked at it and I
10 tapped Mr. Floyd. When the judge told -- told Mr. Clements
11 to allow us to take a look at it, I tapped Mr. Floyd and I
12 was in the courtroom shaking my head no. I thought maybe the
13 judge would say something about it, but nobody said anything.

14 I informed Mr. Floyd that that was not my knife. And he
15 told me -- I even asked him why didn't he object to it and he
16 said the reason why he didn't object to it was because I said
17 I had a knife during the altercation. He said, well, you
18 said you had one, didn't you?

19 Q: Okay. So you maintain that -- that the knife presented
20 at trial was not --

21 A: That's not -- that's not my knife.

22 Q: Okay. That's not a knife that you had?

23 A: No.

24 Q: Okay. There was some medical testing and forensic
25 testing done in this case?

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1 A: Right.

2 Q: Did you and Mr. Floyd discuss that?

3 A: No. We didn't discuss anything about any testing. I've

4 -- I received the -- the DNA reports.

5 Q: Okay.

6 A: But I noticed as I went through the transcript -- and

7 I've heard the DNA analysis. I think her name was Ms.

8 Gorham. She was questioned concerning serology, which is

9 testing on the blood, and DNA testing, touch DNA. Those are
10 the only two different types of testing she had performed.

11 I noticed when she spoke about the serology, which is

12 the blood testing to see if it was blood, she said that that

13 -- when she tested the knife, the blood was -- was Sharon --

14 my wife, Sharon Stackhouse, and Daquan, and said I was

15 excluded, but that was serology.

16 She went to go into touch DNA and they asked her what

17 about touch DNA, and I didn't understand why didn't Mr. Floyd

18 ask her as far as my DNA. Why didn't he cross-examine her

19 was there any evidence to support that or not support that I

20 touched the knife?

21 Q: Okay. Did you and Mr. Floyd have an opportunity to

22 review and discuss -- we talked about DNA evidence. Did you

23 have an opportunity to review and discuss the coroner's

24 report or the autopsy report?

25 A: I asked for the -- we didn't -- well, according to the

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1 -- we did touch bases a little bit on the autopsy report and,
2 at the time, I believed -- I thought maybe Sharon could have
3 gotten hit while I was swinging.

4 So I tried to explain to Scott maybe that Sharon could
5 have sustained her injury from me swinging the knife,
6 according to the way the autopsy report was, but after
7 examining the autopsy report, I saw that that was
8 scientifically impossible because the parts that she named,
9 none of those parts are lined straight up in a row. So she
10 couldn't have got hit the way the autopsy -- I mean the
11 pathologist said she did when I checked the charts.

12 I also wondered why they didn't have a chart presented
13 in court to show, you know, the organs or the parts that was
14 hit by the knife. So I --

15 Q: Okay. And let me just be clear. Let me just clarify so
16 that the judge understands. You're not challenging how your
17 wife died?

18 A: No. No.

19 Q: Okay. You think that there should've been a challenge
20 to the credibility of the pathologist?

21 A: That's right. I think he -- he should have -- if he had
22 investigated, he -- he could have discredited her with the --
23 the wound path.

24 Q: Okay.

25 A: Uh-huh.