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THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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APPEAL FROM LEXINGTON COUNTY
Court of General Sessions
Judge Eugene C. Griffith

SC Court of Appeals

Lower Court Case No. 2014GS3203246
Court of Appeals Case No. 2018-001556

THE STATE,

Respondent,

v.

MARION C. WILKES,

Appellant.

RECORD ON APPEAL

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State of South Carolina)
County of Lexington) Court of General Sessions
2014-GS-32-03246

State of South Carolina)
vs.) Transcript of Record
Marion Wilkes)
Defendant)

February 26th and 28th, March 1st-2nd, 2018
Lexington, South Carolina

B E F O R E:

Honorable Eugene C. Griffith, Jr., Judge

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Joy E. Holston
Official Court Reporter

1 THE COURT: Yes, sir.

2 MR. BELL: It was the 18th of June, 2014, and as it
3 tends to go in the summer months in South Carolina, it's
4 hot as a blaze. And that sun wasn't showing a bit of
5 mercy as it cooked at 98 degrees while it beat down on
6 Little Mountain, South Carolina. For those of you
7 unfamiliar, Little Mountain is a place right north of
8 Chapin, up towards the Newberry County line.
9 And as that sun penetrated down through the trees in
10 Little Mountain, it was reflecting off the minerals in a
11 series of stones. Stones that had been intricately and
12 purposely laid out to form a rectangle in the sand. A
13 crucifix fastened together by two limbs laid down the
14 center of the rectangle. Around the head, pictures,
15 mementos. Mementos that would tell you that lying beneath
16 that soil, a loved one. And, in fact, there was a loved
17 one there. But beneath the sands of that crucifix laid no
18 human, but a family dog some time passed. But, all the
19 while, less than 10 feet away lie the body of Susan Wilkes
20 face down in the dirt in a two-foot red clay hole wrapped
21 in a tarp with duct tape fastened around it. A burial as
22 malicious as the killing that put her there. A killing
23 that left her with multiple lacerations to the back of her
24 head, a skull fracture separating from itself, and a
25 single penetrating wound through her heart. A malicious

1 Q And could you just describe what you saw under it?

2 A Susan Wilkes, or assumed to be at the time, was
3 laying face down. The back of her head, there was hair
4 missing from it and there were two wounds easily seen
5 where the hair was missing.

6 Q To be clear, what side of her head were those wounds
7 that you saw on?

8 A I believe the back.

9 Q Based on the location, did you believe that they
10 could have been self-inflicted?

11 A No.

12 Q State's 118, what are y'all trying to show us there?

13 A That's a picture showing the depth of the grave after
14 the body was removed.

15 Q Did you take measurements of the grave?

16 A Yes.

17 Q In State's 112, are y'all trying to get perimeter
18 measurements?

19 A Yes.

20 Q Ultimately, what were the measurements of that grave?

21 A Once the body had been removed, it was three feet by
22 -- or, actually, three and a half feet by one and
23 three-quarters feet wide and two feet deep.

24 Q So it was only dug two feet down into the earth?

25 A That's right.

1 MS. PATTERSON: Thank you, Your Honor. The State
2 calls Stephanie Helling Parker.

3 STEPHANIE HELLING PARKER, being
4 first duly sworn, testified as follows:

5 THE CLERK: Have a seat, please, ma'am. Once you're
6 seated, state your full name, spelling your last, please.

7 THE WITNESS: My name is Stephanie Helling Parker,
8 P-A-R-K-E-R.

9 DIRECT EXAMINATION

10 BY MS. PATTERSON:

11 Q Good morning, Ms. Parker.

12 A Good morning.

13 Q And Ms. Parker, can you tell the jury where you're
14 currently employed?

15 A I work at Still Hopes Episcopal Retirement Community
16 in West Columbia.

17 Q And what do you do at your job?

18 A Community relations.

19 Q And where were you working in June of 2014?

20 A Watch Fox.

21 Q And what was your position at Watch Fox?

22 A I was a reporter.

23 Q And how long did you work at Watch Fox News?

24 A About a year and a half, a little less.

25 Q And did you have the opportunity to meet and

1 interview the Defendant, Marion Wilkes, in June of 2014?

2 A I did.

3 Q And why were you interested in interviewing Mr.
4 Wilkes?

5 A I can't remember the exact details, but it would have
6 been that we probably received a press release about a
7 missing person's report. And given that it was on a
8 weekend, I felt the need to look into it and get some
9 details for the show. And I was the only reporter on
10 duty, so I would have called the phone number on the press
11 release.

12 Q So you were a weekend reporter?

13 A Yes, I worked Saturday and Wednesday.

14 Q So this interview would have been held over the
15 weekend?

16 A It would.

17 Q And do you remember where the interview was held?

18 A Mr. Wilkes' home.

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

20 (WHEREUPON, State's Exhibit number 3 was marked
21 for identification only.)

22 Q I'm going to show you what's been marked as State's
23 Exhibit number 3 and ask you to take a look at this item?

24 A Yes, those are my initials.

25 Q And what is that item?

1 A This contains the two stories that were run in
2 relation to this matter.

3 Q And are those interviews that you held involving Mr.
4 Wilkes?

5 A They are.

6 Q And how do you know that is the copy of the
7 interviews?

8 A I viewed this disk and, also, initialed and dated it
9 myself.

10 Q And do those interviews fairly and accurately
11 represent the interview that you had with Mr. Wilkes?

12 A They do.

13 MS. PATTERSON: Your Honor, at this time, we move
14 State's Exhibit number 3 into evidence.

15 THE COURT: Any objection?

16 MR. FLOYD: No objection, Your Honor.

17 THE COURT: It's in.

18 (WHEREUPON, State's Exhibit number 3 was
19 admitted into evidence.)

20 MS. PATTERSON: Thank you.

21 Q And during this interview, did Mr. Wilkes have any
22 problems communicating with you?

23 A No.

24 Q Was he able to give you the information as you were
25 asking questions?

1 A Yes.

2 Q And at any point during this interview, did you find
3 any of the details unusual and suspicious?

4 A Yes, personally, they seemed to be very inconsistent.

5 Q And how did you find his demeanor during the
6 interview?

7 A I personally found it to be somewhat odd. I thought
8 it was almost a little flippant about the matter. He said
9 that his wife had been missing for a few days and didn't
10 seem to be extremely concerned about that.

11 MS. PATTERSON: Your Honor, at this time, we move to
12 publish.

13 THE COURT: All right.

14 (WHEREUPON, State's Exhibit number 3 was played
15 for the jury starting at 10:00 a.m., ended at 10:05 a.m.)

16 Q Ms. Parker, we heard another voice on the interview,
17 who was present as well as you during the interview with
18 Mr. Wilkes?

19 A That's was a photographer from WIS.

20 Q And did you speak or talk to anyone else at Mr.
21 Wilkes' house that day?

22 A Possibly law enforcement, but that would have been
23 it.

24 Q Did you ever meet his son, Joseph?

25 A I did not.

1 Q So you didn't talk to him?

2 A I did not.

3 MS. PATTERSON: Beg the Court's indulgence. Thank
4 you, Ms. Parker. Please answer any questions Mr. Floyd
5 may have.

6 CROSS-EXAMINATION

7 By Mr. Floyd:

8 Q Just one question, what date was this interview?

9 What date was this interview?

10 A I believe June 15th.

11 Q June 15th?

12 A Of 2014.

13 Q Thank you.

14 MR. FLOYD: No further questions, Your Honor.

15 THE COURT: You may step down.

16 MS. PATTERSON: Your Honor, we ask this witness be
17 excused.

18 THE COURT: You may be.

19 MR. BELL: At this time, the State calls Ms. Patti
20 Smith to the stand.

21 PATTIE SMITH, being

22 first duly sworn, testified as follows:

23 THE CLERK: Have a seat, please, ma'am. Once you're
24 seated, speak up loud and clear. State your full name,
25 spell your last name.

1 THE WITNESS: Patti Smith, S-M-I-T-H.

2 DIRECT EXAMINATION

3 BY MR. BELL:

4 Q Good morning, Ms. Patti. Ms. Patti, how did you know
5 Susan Wilkes?

6 A She's my sister.

7 Q And did you call her Susan or did you have another
8 name for her?

9 A Susie.

10 Q Where did y'all grow up?

11 A Winnsboro.

12 Q Do you also have a nickname, Ms. Patti?

13 A Yes, sir.

14 Q What is that?

15 A Teeny.

16 Q Now, in 2014, where were you living?

17 A In Winnsboro.

18 Q And where was she living?

19 A Columbia.

20 Q Is that West Columbia?

21 A West Columbia.

22 Q Now, did you have your own family back in 2014?

23 A Yes, sir.

24 Q And did she have her own family?

25 A Yes, sir.

1 Q As y'all grew up and had your own families, did y'all
2 still keep up?
3 A We did. You know, we always did holidays and
4 everything together.
5 Q Did y'all ever talk on the phone to each other?
6 A Yes, we talked a lot on the phone.
7 Q Are you aware of whether or not Susie was working
8 back in 2014?
9 A I didn't know that she wasn't.
10 Q Had she had a career most of her life as far as you
11 knew?
12 A She worked for SCANA for like 30 years.
13 Q Who was she married to?
14 A Marion Wilkes.
15 Q Did they have any children?
16 A Joseph.
17 Q How was Susie's relationship with her son, Joseph?
18 A She worshiped him.
19 Q Ms. Patti, how did you first become aware that Susie
20 was missing?
21 A Marion -- I'm sorry. Marion called the house on
22 Saturday morning and said -- I didn't know who it was
23 because he said, What's going on in the Boro? And then he
24 said, You don't know who this is? I said, No. He said,
25 This is Marion. He said, Susie's missing. I knew

1 something was wrong for him to call me.

2 Q So you said that was Saturday morning?

3 A Yes, sir.

4 MR. BELL: Permission to approach the witness?

5 THE COURT: Yes, sir.

6 Q Ms. Patti, if that was Saturday morning in June of
7 2014, would that have been the 14th you're referring to?

8 A Yes, sir.

9 Q So again, when he initially called you -- did you and
10 Marion, typically, talk on the phone to each other?

11 A Never. That's why I knew something was wrong because
12 he's never called.

13 Q What was his demeanor during that phone call to you?

14 A You know, like no big deal.

15 Q Did he sound to be crying or emotionally upset on the
16 phone?

17 A No, sir.

18 Q Did he indicate how long she had been missing at the
19 time that he called you?

20 A He said she had gone walking Thursday and that the
21 police -- when he went to the police, they told him that
22 he needed to notify the family and that's why he was
23 calling me.

24 Q Did he ask anything of you?

25 A No.

1 Q What did you do in response to that phone call?

2 A My sister lives behind me. I went to her -- get her
3 and we went to Marion's, Susie's house.

4 Q And is that the house at 106 Linnet Drive in West
5 Columbia?

6 A Yes, sir.

7 Q Who was at the house when y'all got there?

8 A Marion and Joseph.

9 Q Anybody else?

10 A No, sir.

11 Q Did you see Joseph while you were there?

12 A Yes, sir.

13 Q How -- without saying what he may have said, how was
14 he acting?

15 A Well, when I walked in the door, he hugged me. He
16 wasn't crying or anything.

17 Q Did you try to talk to him at any point?

18 A Yes, sir.

19 Q And were you able to do so freely?

20 A Well, we would go outside.

21 Q Well, why did you have to go outside to speak to him?

22 A Well, I guess, whenever we would try to talk, Marion
23 would talk.

24 Q Did it seem -- did Marion let Joseph out of his sight
25 while you were there?

1 A Just when we went outside.

2 Q Were you aware of the media interview that we just
3 saw here in court?

4 A Yes, sir. Whenever they came to the house, I said I
5 don't want to be in here whenever -- you know, with the
6 cameras and everything. So I said, I'm going outside.
7 And Joseph said, Well, I'm going with you. And we went
8 outside until it was over.

9 Q To be clear, and you said until it was over. So did
10 the media, ultimately, show up at the house that day?

11 A Yes, sir.

12 Q And how was it decided who would be the one to speak
13 to the media?

14 A When they were talking about they were coming and
15 Marion said, I'll do all the talking.

16 Q At any point, was law enforcement there at the house?

17 A Yes, sir.

18 Q Do you recall what department?

19 A Cayce Police Department.

20 Q And did you ever talk to Investigator Griffin with
21 the West Columbia Police Department?

22 A Yes, sir.

23 Q After speaking with them, did you feel that what
24 Marion had told you so far was the truth?

25 A No, sir.

1 Q A few days later, on June 18th, 2014, do you recall
2 ever being asked by the police to try to speak to Joseph
3 more about what happened?

4 A Well, I kept asking them if they thought Joseph knew
5 something. And they said they did. That's when I said
6 I've got to talk to him. I just felt like he wanted to
7 tell me something, but he was scared to.

8 Q So did you have an opportunity to talk to Joseph?

9 A Yes, sir.

10 Q Where did that conversation take place?

11 A The police department.

12 Q Was Marion there?

13 A No, sir.

14 Q Did Marion even know that you were going to be
15 talking to Joseph there?

16 A No, sir. I called Joseph and he was at the house and
17 I asked him to please come and talk to me.

18 Q So y'all tried to keep that meeting a secret?

19 A I mean, I wasn't talking -- I didn't talk to Marion
20 anyway, so I didn't.

21 Q Again, we can't say what someone else said, but when
22 you finished that conversation with Joseph, did you
23 believe that your sister would be found alive?

24 A No, sir.

25 Q And are you aware whether or not law enforcement was

1 able to recover Susie's body after that conversation?

2 A Yes, sir.

3 Q And was that the same day as your conversation with
4 Joseph?

5 A Yes, sir.

6 Q Were you aware that both Marion and Joseph were
7 arrested that day?

8 A Yes, sir.

9 Q Ms. Patti, did you have the opportunity to properly
10 bury your sister?

11 A Yes, sir.

12 Q And where did y'all bury her?

13 A In Winnsboro.

14 Q Did your family have to get together to purchase her
15 burial plot after her death?

16 A No. She already had one.

17 Q And how did you know she already had a plot?

18 A She had bought it several years before. I'm not sure
19 exactly when.

20 Q In your conversations with her, had she ever
21 indicated to you that she had changed her mind and didn't
22 want to be buried there?

23 A No, sir.

24 Q If you'll excuse the following questions, Ms. Patti,
25 was she a gambling addict?

1 A Not that I've ever known.

2 Q Do you have any knowledge that she would have racked
3 up -- or had the ability to rack up \$300,000.00 dollars
4 worth of gambling debt?

5 A No, sir.

6 Q Are you aware of whether she had any serious physical
7 or mental health problems?

8 A No, sir.

9 Q Did she smoke?

10 A No.

11 Q Do you know if she drank?

12 A No.

13 Q Did she have cancer?

14 A No, sir. Not that I know of.

15 Q Did you ever speak to Marion again after that?

16 A No, sir.

17 MR. BELL: Thank you, Ms. Patti.

18 CROSS-EXAMINATION

19 BY MR. FLOYD:

20 Q Ms. Smith?

21 A Yes, sir.

22 Q You mentioned that you had spoken with Susan by
23 telephone several times over the past year?

24 A Not over the past year, but before.

25 Q Had you spoken with her several times the past year

1 before she died?

2 A No, sir.

3 Q In fact, you hadn't spoken with her in a long time,
4 had you?

5 A It had probably been a while. Probably, at least,
6 eight or nine months since the last.

7 Q In fact, you didn't even know she was unemployed, did
8 you?

9 A No sir, I did not.

10 Q You weren't aware that she had been unemployed for
11 over a year?

12 A No, sir.

13 Q So you had not had any conversations with her for a
14 long time; is that correct?

15 A It had been over -- about probably close to a year.

16 Q So you don't know really what her health was like,
17 what her habits were like, what she wanted done with her
18 body when she died, did you?

19 A No, sir.

20 MR. FLOYD: Thank you. I have no further questions.

21 THE COURT: You may step down.

22 MR. BELL: Briefly, Your Honor.

23 REDIRECT EXAMINATION

24 BY MR. BELL:

25 Q Ms. Patti, was that eight or nine months of not

1 communicating with your sister unusual?

2 A Yeah, before, we were always close. We did do every
3 holiday, everything together. And then it was just like
4 the last couple of years, I'd call and say, Are you coming
5 up for Thanksgiving or Christmas? And it was like, No,
6 we're not going to come.

7 Q And when she would respond, she would say we're not
8 coming?

9 A Yes, sir.

10 MR. BELL: Thank you, Ms. Patti.

11 THE COURT: You may step down.

12 MS. PATTERSON: The State calls Investigator Thomas
13 Griffin.

14 THOMAS GRIFFIN, being
15 first duly sworn, testified as follows:

16 THE CLERK: Have a seat, please, sir. Once you're
17 seated, state your full name, spelling your last, please.

18 THE WITNESS: My name is Thomas Wessinger Griffin,
19 G-R-I-F-F-I-N.

20 DIRECT EXAMINATION

21 BY MS. PATTERSON:

22 Q And Investigator Griffin, where are you employed?

23 A I'm employed with the City of West Columbia Police
24 Department.

25 Q And as an investigator, can you explain to the jury

1 some of the cases that you are responsible for handling?

2 A Yes, ma'am. I'm assigned to investigate a series of
3 criminal offenses, all the way down from malicious injury
4 to personal property, threats, to robberies, all the way
5 up to homicides.

6 Q And how long have you been employed with the West
7 Columbia Police Department?

8 A I've been with the police department 10 years.

9 Q And in June of 2014, what was your title?

10 A I was an investigator in 2014.

11 Q And were you assigned to a missing person's case
12 involving Susan Wilkes?

13 A I was.

14 Q What day did you get assigned to that case?

15 A That was on the 14th of June, 2014.

16 Q And what did you do when you first got assigned to
17 the case?

18 A When first assigned to the case, we were told that
19 the person who called to report was at their location,
20 which was 106 Linnet Drive. So I responded to 106 Linnet
21 Drive and made contact with Marion Wilkes and Joseph
22 Wilkes.

23 Q And do you know what time it was when you responded
24 to that location?

25 A It was approximately 5:00 o'clock in the evening on

1 Saturday.

2 Q And besides Marion and Joseph, was anyone else there
3 on this date and time?

4 A No, there were not.

5 Q And did you speak to both Marion and Joseph?

6 A I did.

7 Q And what type of questions, in particular, did you
8 ask Mr. Wilkes as the complainant in the case?

9 A Typically, when we're working a missing person's
10 case -- we had nothing to go off of at that time, except
11 for she had left for a morning walk. So we're wanting to
12 know all the particulars as to her routine, as to anything
13 she may have taken with her. I know some of the main
14 questions, or one of the things that stuck out was, is her
15 cell phone here. Don't know if she took her cell phone.
16 They ended up allowing me access to her bedroom, where her
17 cell phone was located. She had left her purse behind as
18 well. And it was, also -- she had, also, left her vehicle
19 behind, which was in the garage of the residence.

20 Q So Mr. Wilkes was cooperative with you?

21 A He was.

22 Q And he allowed you access to the house?

23 A He did.

24 Q And where was her cell phone located?

25 A Her cell phone was located in her bedroom on her

1 dresser area.

2 Q Were you able to do anything with her cell phone?

3 A I was. When I found the phone, it was dead. Joseph
4 offered to charge the phone for me. And we did charge the
5 phone up. They allowed me access into Ms. Wilkes' phone.
6 Once we accessed the phone -- or once I accessed the
7 phone, I was able to see that she hadn't had any contact
8 on the phone prior to, I believe it was the 8th of June.
9 There was no outgoing or incoming calls. The 8th of June
10 was the last time that phone had been activated per the
11 looking at the inside of the phone.

12 Q Did you see anything in her phone with respect to
13 contacts or anything?

14 A There were only five contacts in the phone. And
15 that's the only numbers that I saw that were identified in
16 the phone.

17 Q And did you look at any of the vehicles, if any, that
18 were in the house?

19 A I did. It was relayed to me that her vehicle was a
20 Ford Taurus. That vehicle was located in the garage of
21 the residence. And I did look inside that vehicle.

22 Q What color was that Ford Taurus?

23 A I believe it's a dark green in color.

24 Q And did you notice anything in particular about her
25 Ford Taurus?

1 A I did. The thing that -- because Marion and Joseph
2 allowed me to look through that vehicle as well. And I
3 went through the passenger compartment, the inside area,
4 and then I opened the trunk as well. Inside the trunk
5 portion of the vehicle, the carpet was missing where all
6 you could see was the spare tire and the bare metal of the
7 trunk.

8 Q Did you request the assistance of any other agencies?

9 A We did.

10 Q And who did you request the assistance of?

11 A We requested the assistance from SLED, the State Law
12 Enforcement agency.

13 Q And did they respond?

14 A They did.

15 Q And what day did they respond?

16 A That was that same day, on the 14th.

17 Q And what was the extent of their involvement that
18 day?

19 A Given that her last known location was on the walking
20 route provided by Marion and Joseph, they brought dogs out
21 to search for last known whereabouts. I know they walked
22 around the outside of the residence and then they walked
23 the entire trail that was given out as her last -- as her
24 known route.

25 Q And again, who gave that trail information?

1 A That trail information was given by Marion and
2 Joseph.

3 Q Did Marion say anything in particular that caught
4 your attention about Susan's disappearance?

5 A That night when the SLED agents came out to walk the
6 trail and look for the dogs -- or, I'm sorry, walk the
7 trail with the dogs, he did make a comment to me that if
8 anyone were to take her that it would take more than one
9 person because she would put up a fight.

10 Q And so did you do anything else regarding this case
11 on the 14th, on that night?

12 A No, ma'am.

13 Q And so what did you do --

14 A I'm sorry. I apologize. We -- once we left from
15 that residence, I did create a missing person's bulletin,
16 including a picture of Ms. Wilkes as well as her last
17 known location, the routes that she had taken the last
18 time she had been seen. That information was provided to
19 media outlets as well as surrounding law enforcement
20 agencies.

21 Q And so what was your next step in the investigation
22 of this case?

23 A We just continued to investigate the case. That's
24 when we would call up the hospitals -- usually, with
25 missing person cases, there's a series of checklist.

1 First, you check the hospitals, the jails. And, of
2 course, if there was a cell phone, we'd be able to track
3 that. That wasn't an option in this case. We would then
4 reach out to the friends and family that was provided by
5 Marion and Joseph to see if they had heard from her.

6 Q Was he able to provide you any names of friends and
7 family?

8 A He did. He provided information of some friends and
9 family.

10 Q And so what did you do the next day?

11 A The next day, I, again -- after reaching out to
12 friends and family, no one had seen her or talked to her,
13 the ones that we were provided with to speak to. The next
14 morning, I believe it was 12:30, that would have been
15 Sunday morning on the 15th, I went back out to 106 Linnet
16 Drive to make contact with Marion and Joseph.

17 Q And when you got to the residence, who was there, if
18 anybody?

19 A Marion and Joseph were there. Susan Wilkes' family
20 was there, to include her sisters, and also local news
21 media outlets were there.

22 Q Did you watch Marion in the interview that we just
23 saw in court?

24 A I did.

25 Q And what happened once Marion completed that

1 interview?

2 A Once the interview was completed, I asked Mr. Wilkes
3 -- given that we had just -- him and Joseph were the last
4 ones to see her and the last ones to know her whereabouts,
5 we wanted to get a formal statement from both of them at
6 the police department just so we can make sure we're
7 getting all the correct information. So at that point,
8 Mr. Wilkes and Joseph agreed to come to the police
9 department where we conducted an interview.

10 Q And that is protocol in a missing person's case --

11 A Yes, it is.

12 Q -- for West Columbia?

13 A Yes, ma'am.

14 Q And did you have the opportunity to meet with Mr.
15 Wilkes and his son again after that formal interview was
16 done at the West Columbia Police Department?

17 A I did. The formal interview was completed. They
18 were then -- they then left and went back to their
19 residence. On the 16th, which would have been that
20 Monday, I had spoken to Joseph and Marion previously and
21 they agreed to -- this was after the formal interview.
22 They agreed to another interview, if needed.
23 That morning, on the 16th, I then made contact with Joseph
24 and Marion and they both agreed to go to SLED for an
25 additional interview. And I provided them transportation

1 to SLED.

2 Q And was anything going on -- before you took them to
3 SLED, was anything going on at the house?

4 A Yes, ma'am. Given that no one had seen her -- one,
5 that she was reported missing two -- that her last known
6 time being seen was two days prior on the 12th, so we
7 already have two days that she's been missing. At this
8 point, it was the 16th, so we've gone into four days that
9 she's been missing. Her last known whereabouts was at the
10 residence. At that point, a search warrant was obtained
11 for the residence just to see if there's any evidence that
12 can point us in the right direction to locate her.

13 So at the same time that I was giving a ride to Joseph and
14 Marion to SLED for an interview, a search warrant was
15 being conducted at the residence as well.

16 Q And who executed this search at the residence?

17 A It would have been SLED agents along with Chuck
18 Bramlett.

19 Q And who is Chuck Bramlett?

20 A Chuck Bramlett was our crime scene investigator.

21 Q And is he still with the agency?

22 A He is not. He passed away a few years ago.

23 Q And when you got Marion and Joseph to SLED, did you
24 conduct that interview?

25 A I did not. That was conducted by SLED interviewers.

1 Q But did you remain present during that interview?

2 A I did.

3 Q Do you know if they were interviewed together or
4 separately?

5 A They were interviewed separately.

6 Q And at this point, was anyone under arrest?

7 A No, ma'am.

8 Q And would they have even been considered persons of
9 interest at this point?

10 A No, they were still complainants and victims at that
11 point in time.

12 Q And what happened after this interview was conducted?

13 A After this interview, they pretty much gave the same
14 statements to the SLED interviewers. It was decided by
15 Captain Wade that given the interview rooms at SLED, they
16 do have a two-way mirror where in an adjacent room you can
17 see through the mirror where the other parties cannot see
18 in. My supervisor, Captain Wade stated, Well, let's just
19 put the two of them in there in the room to see if they
20 end up saying anything to one another. So that's what we
21 did while we were waiting for any information to come back
22 from the interview.

23 Q And did you observe any conversations between Mr.
24 Wilkes and his son, Joseph?

25 A I did.

1 Q And how were you able to observe the interview again?

2 A I was in the -- on the other side of a two-way
3 mirror.

4 Q Did you hear anything that interested you in this
5 investigation?

6 A I did.

7 Q In that --

8 MR. SPANGLER: Objection. May we approach, Your
9 Honor?

10 THE COURT: You may.

11 (Whereupon, a bench conference was held in the
12 presence of the jury but out of the hearing of the
13 jury.)

14 Q And in observing these conversations between the two,
15 what, if anything, did Marion Wilkes state?

16 A A few statements that Marion made to Joseph was, You
17 didn't change up on me, did you? He also made the
18 statement of, They need physical evidence. And then after
19 looking around the room -- we believe he was looking for
20 cameras or microphones of some sort -- he said, I ain't
21 changing up.

22 Q And what happened after this interview was conducted
23 and you heard those conversations?

24 A I then gave them a ride back to their residence at
25 106 Linnet Drive.

1 Q And Investigator Griffin, at some point, did this
2 missing person's investigation turn into a homicide case?

3 A It did.

4 Q And at what point was that?

5 A That was on the 18th of June.

6 Q And were you at the police station --

7 A Yes, ma'am, I was.

8 Q -- when this turn of events happened?

9 A Yes, ma'am. When we were -- when we were made aware
10 of the burial of Ms. Wilkes.

11 Q And who was present at the police station that helped
12 turn the events around?

13 A That was Ms. Patti as well as Joseph.

14 Q And what happened after -- did you meet with Joseph
15 and talk to Joseph?

16 A We did.

17 Q And what happened after you had a conversation with
18 Joseph?

19 A He agreed to lead us to the location of Ms. Wilkes'
20 body.

21 Q And what location was that identified to be?

22 A It was 127 Gardenia Court in Little Mountain, South
23 Carolina, which is, also, located in Lexington County.

24 Q And who drove, how, who drove to Little Mountain?

25 A I did. And Joseph was in the passenger seat.

1 Q And about how far is Little Mountain from West
2 Columbia?

3 A From West Columbia, approximately, 35 minutes.

4 Q And when you got to that Gardenia Lane location, what
5 happened?

6 A When we got to Gardenia Lane location, we were
7 already -- law enforcement -- given that that was not in
8 West Columbia's jurisdiction, we notified Lexington
9 County, as well as SLED. They met us out there. So upon
10 our arrival, SLED and Lexington County was there.
11 Once we parked, Joseph got out of the vehicle and then I
12 followed Joseph to where Ms. Wilkes' body was discovered.

13 Q And was this a residential location?

14 A It was, yes ma'am.

15 Q And was that homeowner ever identified?

16 A The homeowner was identified as one Eric Bassett.

17 Q And describe the area that Joseph led you to?

18 A The location we went in Little Mountain, it wasn't
19 off -- you wouldn't be able to find it. It was off a dirt
20 road, the residence that we went to. Drove up to the
21 residence, which was down a pretty long gravel driveway.
22 Joseph led us to the back corner of the property. And
23 once we were led back to the corner of the property, you
24 could see a mound of dirt that had been recently
25 disturbed.

1 Q And what did you do after you saw this area of land?

2 A After seeing this area, once it was identified to be
3 that, myself and Joseph then went back to the West
4 Columbia Police Department.

5 Q And did you receive confirmation that a body had been
6 recovered?

7 A We did.

8 Q And was it a decision to arrest at that time?

9 A It was.

10 Q And who was arrested?

11 A Marion Wilkes and Joseph Wilkes.

12 Q And you mentioned before, this Eric Bassett person.
13 Was he, ultimately, arrested?

14 A He was.

15 Q What was he arrested for?

16 A He was arrested for misprision of a felony.

17 Q And what did you do after the decision to arrest
18 Marion and Joseph was made?

19 A We continued to investigate the case, obviously,
20 because it was a lot of new information that had just come
21 in. An autopsy would have been performed of Ms. Wilkes in
22 the following days, as well as we would start going more
23 in depth to the case itself.

24 MS. PATTERSON: Beg the Court's indulgence.

25 THE COURT: Yes, ma'am.

1 Q While inside of the house, do you recall finding any
2 female walking shoes?

3 A Yes.

4 Q And do you recall the color of those shoes?

5 A Pink and green.

6 Q Referring you to State's 4 --

7 MR. BELL: Your Honor, permission to publish the
8 photos previously entered?

9 THE COURT: Sure.

10 Q Referring to State's 4 -- let me focus this up. Are
11 you able to see the tennis shoes in that photo?

12 A Yes, I do.

13 Q Can you indicate where they're located?

14 A They're on top of the dresser on the left side.

15 Q Did you have the opportunity to examine the purse
16 that those shoes are beside?

17 A Yes.

18 Q And do you recall looking for contents inside of the
19 purse?

20 A Yes.

21 Q And what did you find inside of that purse?

22 A There was a wallet in the purse with identification,
23 driver's license for Susan Wilkes.

24 Q Referring to State's 6, is that what was contained
25 inside of that purse?

1 A Yes, it is.

2 Q And is that the driver's license you're referring to?

3 A It is.

4 Q Did you find any cell phones in that same room?

5 A Yes.

6 Q State's 7, is that the phone you recovered?

7 A It is.

8 Q And where was that phone recovered relative to where
9 you found the purse and the shoes?

10 A In the jewelry box on the dresser.

11 Q Referring you back to State's 6, is that the jewelry
12 box we see there in the top right of that picture?

13 A It is.

14 Q And the phone was contained therein?

15 A Yes, it was.

16 Q I'm showing you State's 8. Can you tell us what
17 you're trying to show us in this picture?

18 A The pill sorter in the center of the photo showing
19 which days -- Sunday through Wednesday, pills are gone.
20 But pills are still in the container for Thursday through
21 Saturday.

22 Q I'm referring you to State's 9, is that a closer-up
23 version?

24 A It is.

25 Q And again, what days does it appear the medicine is

1 taken through?

2 A Through Wednesday.

3 Q And the rest of the three days, does there appear to
4 still be medications in those containers?

5 A Yes.

6 Q Why is that something that's relevant to you working
7 with the crime scene unit on a missing person's case?

8 A It tells us that she took her medicine, presumably,
9 through Wednesday, but did not take it Thursday, Friday or
10 Saturday.

11 Q Did you have the opportunity to look through Marion
12 Wilkes' bedroom?

13 A Yes.

14 Q And did you document that anything stood out to you
15 in that bedroom?

16 A In his bedroom, only the comforter from the bed was
17 on the floor at the foot of the bed. But in the bathroom,
18 there was no shower curtain or rod on the shower.

19 Q Again, where was the comforter located?

20 A On the floor at the foot of the bed.

21 Q Did you have the opportunity to try to check for any
22 traces of blood?

23 A Yes, we did.

24 Q And how do you go about doing that?

25 A We did a visual check, observation around the

1 residence to see if there was any blood that we could see
2 without any sort of chemicals or processing. And then on
3 top of that, we used a chemical process to look for blood
4 that couldn't be seen.

5 Q And are those chemical processes that you're
6 referring to, were those chemicals that you're trained to
7 use for your job at the crime scene unit?

8 A Yes, they were.

9 Q And do you pass any certifications or testing related
10 to using those items?

11 A Just internal training that we learn how to use --
12 the process to use each one. And then we, reliability
13 test the chemical before we use it on scene.

14 Q In the kitchen of the house at 106, did you find any
15 traces of blood?

16 A Yes, we did.

17 Q And would you tell us more about that?

18 A There was visible staining on the door that leads
19 into the garage. And we Phenol tested that with
20 Phenolphthalein, which is a presumptive test for blood
21 that we use when we, actually, visually see the blood or
22 the substance we think is blood.

23 Q All right. So we'll stop right there. Referring to
24 State's 10, is that the door that you just referenced?

25 A It is.

1 Q And, roughly, where on that door did y'all see what
2 you believed would be blood?

3 A It's on that garage side of the door.

4 Q I'm going to show you State's 11, which is slightly
5 zoomed in. Is that what you're indicating?

6 A Yes, it is.

7 Q Now, you mentioned using some sort of chemical on it.
8 What was that chemical called?

9 A Phenolphthalein.

10 Q And how does that chemical work?

11 A It reacts with the hemoglobin in blood and -- it's a
12 presumptive test that will say whether -- it's not
13 confirmation that it's blood, but presumptive that it's a
14 possibility.

15 Q And how do you know if it's reacting to anything?

16 A It turns pink.

17 Q Any other colors?

18 A No.

19 Q I'm going to show you a series of pictures here.
20 Following up with State's 12, that same smudge now appears
21 to have a bluish tint, so what does that mean?

22 A That was after we processed it with leucocrystal
23 violet, which is a different process that's sprayed onto
24 the surface to try to enhance what we are seeing.

25 Q So what is -- what we see here, what does that tell

1 you?

2 A It's red and positively -- just like Phenol did with
3 the blood.

4 Q And that means that is a presumptive positive for
5 blood?

6 A That's right.

7 Q State's 13, same shot, same mark?

8 A Yes.

9 Q And 14, can you tell us about some of the smearing
10 that we see here?

11 A That's more latent blood, suspected blood that we
12 weren't able to see visually until we processed it with
13 the leucocrystal violet.

14 Q State's 15, can you tell us what we're looking at?

15 A The same reaction on the kitchen floor with
16 presumptive positive for blood.

17 Q State's 16?

18 A Same thing.

19 Q 17?

20 A Same thing.

21 Q State's 18?

22 A Same.

23 Q State's 19?

24 A Same thing.

25 Q Now, at this point, to reiterate, what kind of case

1 were you working at that time?

2 A Missing person.

3 Q If you thought at that time you were working a
4 homicide, would you have been more thorough with your
5 chemical testing at that time?

6 A Yes, we would.

7 Q Did you find any vehicles at the home?

8 A There were several vehicles.

9 Q Was there any in the garage?

10 A There was a gray Ford Taurus in the garage.

11 Q Referring you to State's 20, is that the vehicle?

12 A It is.

13 Q And is that the rear of that same vehicle?

14 A Yes, it is.

15 Q And do you recall who the vehicle was registered to?

16 A Susan Wilkes.

17 Q And tell us what we're looking at in 22?

18 A It's the front passenger door.

19 Q Is there anything of note in that picture?

20 A I believe on the A-pillar, that front part of the
21 door frame, there was suspected blood.

22 Q In State's 23, why did you document this?

23 A Just normal photographing all of the car.

24 Q And did that appear to be dirt and some sort of
25 vegetation?

- 1 A Possibly.
- 2 Q And in 24, a close-up of that?
- 3 A Yes.
- 4 Q State's 25, is that the trunk of the vehicle?
- 5 A It is.
- 6 Q And did it appear that there was any carpet missing?
- 7 A Yes.
- 8 Q And where was it missing from?
- 9 A The whole middle section covering the spare tire.
- 10 Q What further involvement did you have at the home on
- 11 that particular day?
- 12 A That was -- that was the extent of it.
- 13 Q A couple of more pictures from that particular day.
- 14 On State's 26, what are you photographing here?
- 15 A That was in the garage. Just furniture that was in
- 16 the garage.
- 17 Q And do any items stick out to you from that picture
- 18 that are on that piece of furniture?
- 19 A The black gloves.
- 20 Q Are those the gloves you're referring to?
- 21 A Yes.
- 22 Q And that's right at the padlock?
- 23 A Yes.
- 24 Q Now, after your day spent at 106 Linnet Drive in West
- 25 Columbia, were you ever reinvolved in this case?

1 A I was.

2 Q And how did you become involved again?

3 A On June 18th, we were requested to respond to Little
4 Mountain. The body of Susan Wilkes was believed to have
5 been found buried in Little Mountain.

6 Q To be clear, that would be how many days after you
7 had worked a missing person scene at her house?

8 A It was two days.

9 Q Was anyone else already on scene when you got up to
10 Little Mountain?

11 A Yes.

12 Q Who was there?

13 A Investigator Chuck Bramlett and Thomas Griffin.

14 Q Anybody else from SLED come with you?

15 A Yes.

16 Q And tell us about the area out there starting with
17 the -- what was the temperature out?

18 A When we arrived on scene, it was almost 4:00 in the
19 afternoon, it was 98 degrees.

20 Q What kind of address were you arriving at,
21 commercial, residential?

22 A It was a residence.

23 Q And as you surveyed the scene, did anything
24 immediately stand out to you as you walked the perimeter
25 of that home?

1 A We -- there was a dog burial just beside the woods in
2 the back yard and then further in the woods was a small
3 clearing with a suspected body.

4 Q State's 94, is that the -- is this the residence you
5 responded to?

6 A It is.

7 Q State's 97, is that the rear of the residence heading
8 towards the wood line?

9 A Yes, sir.

10 Q I'm going to hand you a laser pointer. If you hit
11 that center button for me and sort of show me -- indicate
12 what area you found the burial site?

13 A I'm not entirely sure where the --

14 Q Sure. Refer you back to State's 95, and then State's
15 97 is off to the right of the home. Can you just --
16 generally, what direction did you locate the burial?

17 A I think in here, in the middle area. I'm not sure
18 in, in reference to the house.

19 Q I'm going to show you State's 98. What are we
20 looking at here?

21 A That's looking into the wood line and into the woods.

22 Q What is that post that we see sticking up?

23 A That is where the dog grave is.

24 Q State's 99, is that a different angle of that grave?

25 A Yes, it is.

1 Q State's 100?

2 A Yes.

3 Q And what are these items in State's 101?

4 A Those are markers for the dog.

5 Q Were those beside that grave that we just looked at?

6 A Yes, they were.

7 Q Now, State's 102, what are we carrying back towards?

8 A That's looking further into the woods to where the

9 burial is, the grave with branches on top of it.

10 Q State's 103, can you indicate where y'all began to

11 believe that you had located the burial site?

12 A I believe in this area where all the branches are.

13 Q Is that a better shot in State's 104?

14 A Yes, it is.

15 Q Now, was there anything off to the right of the grave

16 that caught your attention?

17 A There was a pair of black gloves laying in the dirt.

18 Q Is this what you're referring to?

19 A Yes.

20 Q Those are the gloves?

21 A Yes, they are.

22 Q Did they appear to be similar to the gloves that you

23 had seen at 106 Linnet?

24 A Yes, they were.

25 Q In State's 106, will you talk about what's happening

1 at this point as we see these flags in the ground.

2 A That was after we found the edges where the soil was
3 looser, we would place a flag to try to find the outer
4 ridge of the grave.

5 Q Is this another angle of the same?

6 A Yes, it is.

7 Q Now, at this point, we can see a shovel in the top
8 left. What is the crime scene team beginning to do?

9 A We began to do -- remove thin layers of dirt from on
10 top of the grave and we continued to move dirt until we
11 started to reach anything in the grave.

12 Q Now, did anything stand out to y'all as you began to
13 exhume that burial mound?

14 A We first came to a cement block in the ground after
15 removing dirt from it.

16 Q State's 108, is that what we see peeking through the
17 dirt?

18 A Yes, it is.

19 Q Is 109 a closer shot?

20 A Yes.

21 Q And 110, that same block is now uncovered?

22 A It is.

23 Q Now, beyond or below the block, we see some white.
24 What was that determined to be?

25 A I believe that's the comforter that she was wrapped

1 in.

2 Q Is that y'all removing the cement block?

3 A Yes.

4 Q And 113?

5 A That's looking a little more into the comforter.

6 Q And 115, what are we looking at now?

7 A Sir?

8 Q What are we looking at now?

9 A Those -- the comforter with a brown tarp inside it.

10 Q Now, is everything that you see as far as the cloth
11 and duct tape and all of that exactly how y'all found her
12 there?

13 A Yes, it is.

14 Q Did y'all use or add any of that to try to be able to
15 more easily move her?

16 A No.

17 Q Referring to 116, can you tell us what we're looking
18 at here?

19 A That's the yellow towel that was wrapped around her
20 head.

21 Q So if you would back us out, as y'all were able to
22 locate Susie's body, how many layers did she have wrapped
23 around her and what were they?

24 A The outer layer was the white comforter. And then
25 there was a brown tarp and the tarp was wrapped with some

1 duct tape. And then inside of the brown tarp, her head
2 was wrapped with that yellow towel.

3 Q Now, when you recover a body from a scene like this,
4 is making an identification something you typically try to
5 do?

6 A Not necessarily positive identification, but try to,
7 at least, see if it, you know, resembles the person we're
8 looking for.

9 Q And when you say positive identification, what does
10 that mean?

11 A Confirmation that that is, indeed, the missing
12 person. We wouldn't necessarily be able to do that if
13 it's not visually possible.

14 Q Do you, also, try to examine the body for superficial
15 wounds?

16 A Somewhat.

17 Q Is that something you would document if there was
18 apparent injury?

19 A Yes.

20 Q And what is the purpose of documenting injuries that
21 you see?

22 A Just documentation as we found the body.

23 Q Ultimately, did y'all remove that particular yellow
24 piece of cloth?

25 A Yes.

1 Q And could you just describe what you saw under it?

2 A Susan Wilkes, or assumed to be at the time, was
3 laying face down. The back of her head, there was hair
4 missing from it and there were two wounds easily seen
5 where the hair was missing.

6 Q To be clear, what side of her head were those wounds
7 that you saw on?

8 A I believe the back.

9 Q Based on the location, did you believe that they
10 could have been self-inflicted?

11 A No.

12 Q State's 118, what are y'all trying to show us there?

13 A That's a picture showing the depth of the grave after
14 the body was removed.

15 Q Did you take measurements of the grave?

16 A Yes.

17 Q In State's 112, are y'all trying to get perimeter
18 measurements?

19 A Yes.

20 Q Ultimately, what were the measurements of that grave?

21 A Once the body had been removed, it was three feet by
22 -- or, actually, three and a half feet by one and
23 three-quarters feet wide and two feet deep.

24 Q So it was only dug two feet down into the earth?

25 A That's right.

1 Q Now, again, what was the first item you uncovered as
2 y'all dug into the grave?

3 A The cement block.

4 Q Referring to State's 96, what are we looking at here?

5 A The stack of cement blocks.

6 Q Do you recall where those were located?

7 A No, not without looking at the photos.

8 Q I show you State's 94. Are you able to see in that
9 picture?

10 A Yes, sir.

11 Q And where are they located?

12 A Beside the garage.

13 Q What side of the garage?

14 A The left side.

15 Q And did those cement blocks appear to be the same
16 type as were found on top of Susan Wilkes' body?

17 A Yes.

18 Q When y'all were able to finally pull the body
19 completely out of the ground, what direction was Susan
20 Wilkes facing?

21 A She was face down.

22 Q Did you later have an opportunity to search through a
23 vehicle related to this case?

24 A Yes, I did.

25 Q And what vehicle was that?

1 A It was the gray Ford Taurus that was in the garage at
2 the house.

3 Q Do you recall what date that search took place?

4 A I'd have to refer to my notes.

5 Q Please do.

6 A It was June 19th.

7 Q State's 121, is this the vehicle that you searched?

8 A Yes, it is.

9 Q And again, who's vehicle was this?

10 A It was registered to Susan Wilkes.

11 Q Is this the same vehicle you had seen in a garage at
12 106 Linnet?

13 A Yes, it is.

14 Q Same vehicle?

15 A Yes.

16 Q And then in 123, is that the same license plate you
17 saw at 106 Linnet?

18 A It is.

19 Q And again, what is the make and model of this
20 vehicle?

21 A A 2004 Ford Taurus.

22 Q Did you find anything that you noted in your report
23 inside that vehicle?

24 A Inside the vehicle, we found several areas of
25 suspected blood.

- 1 Q State's 126, what are we looking at here?
- 2 A Suspected blood, I believe that's on the driver's
- 3 side.
- 4 Q 125, does that provide better context?
- 5 A Yes.
- 6 Q And again, what side of the vehicle is that on?
- 7 A Driver's side.
- 8 Q State's 128, is there anything of note in this
- 9 picture?
- 10 A There's a spec of blood on the top of the center
- 11 console.
- 12 Q Did you find any articles of clothing inside that
- 13 vehicle?
- 14 A Yes.
- 15 Q And did you find any hats?
- 16 A Yes.
- 17 Q What kind of hat was it?
- 18 A It was a white hat.
- 19 Q Can you see that hat in State's 133?
- 20 A Yes.
- 21 Q And State's 134?
- 22 A Yes.
- 23 Q And State's 135?
- 24 A Yes.
- 25 Q Does that appear to be a white bucket-style hat?

1 Generally speaking, what condition was Susan Wilkes' body
2 in?

3 A It was in a state of decomposition, pretty advanced
4 decomposition.

5 Q And as far as your CSI, crime scene experience is
6 concerned, does that make it more difficult to recover
7 evidence from a body?

8 A It does.

9 MR. BELL: Thank you.

10 THE COURT: Mr. Floyd, anything else?

11 MR. FLOYD: Just a couple.

12 RECROSS-EXAMINATION

13 BY MR. FLOYD:

14 Q You mentioned to Mr. Bell's question there that you
15 look for things that West Columbia told you to look for?

16 A I looked for any evidence, but the information that I
17 have that is gained from interviews and all comes from
18 whoever is doing those interviews.

19 Q And one of the things they told you to look for was
20 frying pans?

21 A That is correct.

22 Q So did you test all the frying pans?

23 A Yes, I did.

24 Q They told you to look for knives?

25 A Yes, sir.

1 break until 2:00, so you'll have an hour and 10 minutes,
2 so you can walk around the courthouse. You can't talk
3 about the case. Don't let anybody talk about the case
4 with you. But if you want to step outside or walk around
5 or down the street, whatever, it's your time. But lunch
6 is coming. It's here, all right. So y'all step in the
7 jury room. And y'all make your own arrangements as far as
8 what you want to eat and when and coming and going. The
9 bailiffs will help you get in and out.

10 (Whereupon, the jury was excused from open court for
11 a lunch break.)

12 THE COURT: We'll stand down till 2:00.

13 (Whereupon, a lunch break was taken.)

14 THE COURT: Okay, Mr. Bell.

15 MR. BELL: Real briefly, the Court Reporter asked me
16 during break whether or not we entered into evidence
17 pictures 94 through 135. This would have been the series
18 of pictures of Gardenia Court up in Little Mountain. I
19 know we authenticated them and testified and published
20 them, but, frankly, don't specifically remember entering
21 them. I thought we did. But if not, we would just ask to
22 go ahead and enter into evidence 94 through 135.

23 THE COURT: We talked about it off the record, 117
24 and 93, they're both in now, subject to your objection. 4
25 to 28; 29 to 39; and 40 to 92; then 93 and 117 came in.

1 head?

2 A It would be to the right of the screen.

3 Q Can you use the pointer?

4 A Oh yes, I'm sorry. Up here.

5 Q And so after that was opened up, does this represent
6 the way her body was presented to you for autopsy?

7 A Yes. She had a -- like an orange towel on her head
8 and a gray shirt and black pants.

9 Q And what's the purpose of doing this external
10 examination during an autopsy?

11 A Again, just to identify any evidence of injury or any
12 evidence that might be pertinent to the case, hair, knife
13 injury, anything like that.

14 Q And during your actual autopsy, did Ms. Wilkes have
15 any injuries?

16 A Did Ms. Wilkes have any what? I'm sorry.

17 Q Injuries?

18 A Yes.

19 Q And what type of injuries did you determine her to
20 have?

21 A She had multiple blunt force injuries to the head and
22 she had one stab wound to just below the chest.

23 Q And was there any way to determine which of these
24 injuries occurred first?

25 A No.

1 Q And how many injuries did she have to her head?

2 A She had, at least, five injuries, what we call blunt
3 force injuries that caused lacerations on the skin. And
4 then she -- underlying that was a fracture of the skull.

5 Q And I'm going to show you what's been marked as
6 State's Exhibit number 139.

7 A Yes.

8 Q Does this picture depict any of her injuries?

9 A Yes. This is the back of the head. It's hard to
10 orient, I'm sure. When we put our number down, we put it
11 so that the top of the head is above there. This is the
12 right ear. This is one of the injuries, laceration. The
13 midline of the back of the head would be about here. So
14 this is just to the right of midline and there's another
15 one more towards the -- more towards the midline.

16 Q And I'm going to show you what's been marked as
17 State's Exhibit 140. Does that picture show another
18 laceration to Ms. Wilkes' head?

19 A Yes. This would be more on the left side of the
20 head. And again, there are lacerations. You can see here
21 kind of a V shape, so that's just a tag of skin, but
22 there's a laceration here and a laceration there. And
23 there's a little one that's very difficult to see that's
24 underneath there. So there were a total of five
25 lacerations. Then you can see the scalp underneath the --

1 I'm sorry, the skull underneath the scalp which has a
2 fracture in it.

3 Q And again, what causes a laceration?

4 A Being hit by a blunt object or falling and hitting
5 your head on a concrete floor or something like that.

6 Q Does the shape of these lacerations help determine
7 the shape of the blunt force object that was used to cause
8 these injuries?

9 A Yes, to a degree. They are pretty much straight, so
10 it's a straight object, rod or straight part of some other
11 object.

12 Q Would a frying pan -- could a frying pan have caused
13 these injuries?

14 A It could have, yes.

15 Q And is it your opinion, could these lacerations have
16 been self-inflicted?

17 A If there were just one, they could. But several of
18 them in different parts of the head, no. Because once
19 you're hit -- have an injury that hard, that's hard enough
20 to fracture a skull, you would be unconscious.

21 Q Now, I'm going to show you what's been marked as
22 State's Exhibit 141. What does this picture show?

23 A That's the top of the skull after the scalp has been
24 taken away. And it just shows a fracture here, a fracture
25 there. And once we opened the skull, there was some

1 continuation of these fractures to the base of the skull.

2 Q And what is a skull fracture?

3 A It's just a fracture of the skull. It goes through
4 and through the thickness of the skull.

5 Q And what type of fracture was this that Ms. Wilkes
6 had?

7 A They go together and it's called comminuted fracture,
8 so that it could be just taken out with one piece.

9 Q And what degree of force would be necessary to cause
10 the lacerations and skull fractures that Ms. Wilkes
11 sustained?

12 A It's hard to put into words, but it would be
13 significant force.

14 Q And did this -- in this photograph, in 141,
15 underneath, did you say you see the skull fracture?

16 A Yes, that's the fracture right here.

17 Q And does that line up to the skull fracture in this
18 picture?

19 A Yes, that would be right about here.

20 Q And what else kind of injuries did Ms. Wilkes
21 sustain?

22 A She had a single stab wound just underneath the
23 sternum. And when we did the internal examination, we saw
24 that the stab wound continued upward and backward and hit
25 the heart.

1 Q In State's Exhibit 143, what does this picture show?

2 A This is the stab wound right here. This is -- the
3 sternum would be up here. Again, the head would be this
4 way. This is -- the stab wound is this depressed area.
5 So the stab wound, again, went upward and backward to hit
6 the heart.

7 Q And does this just show a closer-up view of what you
8 just described?

9 A Yes.

10 Q Now, the pattern of this wound -- can you tell by the
11 pattern of this wound what type of instrument would have
12 to be used to cause this?

13 A Well, it appears to be a single-edged knife because
14 -- with decomposition, it's hard to put it back together,
15 but there is -- you can see sort of a sharp edge here and
16 more of a blunt edge here. So like a steak knife that has
17 just one edge is sharp and the other one is not.

18 Q What about something like an arrowhead, would that
19 have caused this type of injury?

20 A It depends on the arrowhead, but, mostly, I think of
21 arrowheads as having two sharp edges. And again, the
22 definition of a stab wound is that it is deeper than it is
23 wide. And this wound probably went in, at least, three or
24 four inches to be able to hit the heart.

25 Q So would it be consistent with a single-blade -- a

1 single-edged blade?

2 A Correct.

3 Q Now, I'm going to show you State's Exhibit 144. And
4 what is this a picture of?

5 A It's hard to see, but this is the heart and this is
6 the area of the right ventricle where there is a wound
7 from the stab wound.

8 Q And again, how deep would that instrument have had to
9 enter Ms. Wilkes' body to cause that injury?

10 A Probably, at least, two, three to four inches.

11 Q And Dr. Ross, again, you were unable to tell which
12 injury occurred first in Ms. Wilkes' body?

13 A That's correct. The wound to the heart did -- there
14 was some blood remaining in there around the heart. So
15 apparently, there was some circulation when that happened.
16 Either one by itself, either the stab wound or the blunt
17 force injury to the head would be fatal and would take
18 four to five minutes to cause death.

19 Q In your opinion, someone who sustained head injuries
20 such as Ms. Wilkes, would they have been able to carry on
21 a conversation after sustaining those injuries?

22 A They would be unconscious immediately.

23 Q Is it your -- do you have an opinion as an expert
24 that someone who sustained the stab wound that Ms. Wilkes
25 sustained, would they have been able to carry on a

1 conversation?

2 A They may have been able to talk for maybe 30 seconds
3 or so. But after the loss of blood they would go
4 unconscious. And, again, die within four to five minutes.

5 Q Would a person who sustained such injuries have been
6 able to defend themselves or put up a fight?

7 A With just the stab wound, possibly, for a few -- like
8 I said, for about 30 seconds.

9 Q And what about the head injuries?

10 A No.

11 Q And in performing the autopsy, do you exam the
12 organs?

13 A Yes.

14 Q And why are the organs examined?

15 A To look for any kind of natural disease or injury to
16 those organs.

17 Q And could you explain to the jury how you go about
18 examining the organs?

19 A We just open up the chest and abdominal cavity and
20 take out each organ and look at them individually, again,
21 for any kind of diseases or -- such as cancers or
22 hardening of the arteries or any injuries.

23 Q And besides Ms. Wilkes' heart, did you note any
24 injuries to any of her other organs?

25 A No, I did not.

1 Q Did you note any natural diseases to any of Ms.
2 Wilkes' organs?

3 A No. No infection. No cancer.

4 Q Did you draw any specimens that would be later tested
5 by another toxicology department?

6 A Yes.

7 Q And where were you able to get these specimens from?

8 A Because of the decomposition, we were not able to get
9 blood. There was no urine available. So the only thing
10 we had to test was the brain and liver tissue.

11 Q And do you remember who you gave these samples to?

12 A Brittany Burke, who was at the autopsy.

13 Q Do you know which agency she worked for?

14 A No, I don't.

15 Q And do you have an expert opinion as to the manner of
16 death to Susan Wilkes?

17 A Yes.

18 Q And what is your opinion?

19 A Homicide.

20 Q Due to what?

21 A Well, to the -- kind of equal, but due to the
22 exsanguination which is to bleed out, because of the
23 incised wound of the heart due to the stab wound of the
24 chest, which contributed to, by the blunt force injury to
25 the head.

1 MS. PATTERSON: Beg the Court's indulgence.

2 Q And again, Dr. Ross, what day did you do that
3 autopsy?

4 A June 19th, 2014.

5 MS. PATTERSON: Please answer any questions Mr. Floyd
6 may have.

7 CROSS-EXAMINATION

8 BY MR. FLOYD:

9 Q Good afternoon, Dr. Ross.

10 A Good afternoon.

11 Q Dr. Ross, did you -- or did you send some fluids to
12 toxicology?

13 A We didn't have any fluids, just the brain and liver.

14 Q Brain and liver. And did you receive the toxicology
15 results?

16 A Actually, I did not. We usually get a copy of it,
17 but the coroner gets a copy.

18 Q Were you aware there were some drugs found in her
19 system?

20 A No, I'm not.

21 Q We might go back to that in just a moment. Now, my
22 understanding is when you did your report, you found that
23 the cause of death was exsanguination, bleeding, loss of
24 blood?

25 A Correct.

1 Q Due to an incised wound of the heart?

2 A Correct.

3 Q Due to a stab wound to the chest?

4 A Yes.

5 Q And that was your cause of death, within minutes; is
6 that correct?

7 A Yes.

8 Q Now, you mentioned the contributing factor was blunt
9 force injury to the head, but you didn't rule that as the
10 cause of the death, did you?

11 A It's contributed.

12 Q Now, let's talk about the head wounds. I think you
13 mentioned that the lacerations you saw was a straight
14 edge; is that correct?

15 A It can look straight. It depends on what the
16 instrument is that is used.

17 Q But I thought you used the term, straight?

18 A These are --

19 Q You said straight edge, right?

20 A These look straight. We've got decomposition.
21 They're a little bit difficult to identify.

22 Q For example, the edge of a table, if a person fell
23 from a distance to hit her head on a table, that could
24 cause a laceration, couldn't it?

25 A Yes.

1 Q And there's no way you could tell whether or not that
2 might be the cause of some of the lacerations you saw?

3 A Maybe one of them, yes.

4 Q Well, what if she fell more than once?

5 A Well, to cause a fracture of the skull, she'd have to
6 fall pretty hard against something pretty hard. And once
7 that is done, then she's unconscious. So I don't know how
8 she would get up and fall again.

9 Q And how long would she remain unconscious?

10 A She'd be unconscious immediately. It's like having a
11 concussion.

12 Q No, but how long would she remain unconscious?

13 A Four or five minutes, she'd be dead.

14 Q You're talking about everybody that has a skull
15 fracture dies?

16 A Pretty much. Because the brain -- not everybody, but
17 the brain swells and causes death.

18 Q Could you tell whether or not any of these fractures
19 could be postmortem?

20 A They did not look postmortem.

21 Q Do you have an opinion about whether any of them were
22 postmortem?

23 A I have an opinion that they were not postmortem.

24 Q Did you study them to determine whether or not they
25 were premortem or postmortem?

1 A There are not studies to do, but the way that the
2 fracture was around the whole skull and the bottom of the
3 skull, I can't imagine how it would happen postmortem
4 unless she was in a -- some sort of instrument that
5 crushed her head.

6 Q Were you aware there was a cement block in the grave?

7 A No, I was not.

8 Q Could a cement block have caused a skull fracture?

9 A It could cause a skull fracture.

10 Q And if, in fact, there were any of those fractures
11 caused by a cement block in the grave, they would be
12 postmortem, wouldn't they?

13 A Yes. That would not account for the lacerations.

14 Q But it could account for the post -- for the
15 fracture?

16 A Yes.

17 Q Now, the lacerations wouldn't kill her, would they?

18 A It could cause, it's called closed-head injury.
19 People like get hit in the head and have a laceration of
20 the scalp with no underlying fracture, but they still can
21 -- can still cause swelling of the brain and eventual
22 death.

23 Q That's not a -- that's not a frequent incident, is
24 it?

25 A Well, it's not infrequent.

1 Q And it's not immediate, is it?

2 A The -- it would be unconsciousness immediately, like
3 a concussion with a football player.

4 Q But a person can have a concussion and then come back
5 to in a matter of seconds?

6 A Yes.

7 Q Which is what could happen with a laceration?

8 A Yes.

9 Q Now, a laceration could certainly be caused by
10 someone falling and hitting their head on a table,
11 couldn't it?

12 A Yes.

13 Q Now, let's talk about the wound to the chest. There
14 is a stab wound to the chest. I think you've established
15 that, correct?

16 A Yes.

17 Q And if I understood your testimony, what you said was
18 it would be a knife, like a steak knife?

19 A Correct.

20 Q One sharp edge and one blunt edge being pushed in the
21 center of the chest area below the breast, upward into the
22 heart; is that correct?

23 A Correct.

24 Q Like someone could take a knife, stick themselves
25 with it, come up to the heart; is that correct?

1 A Yes.

2 Q And there would be nothing between where the knife
3 entered the skin to the heart to stop it, would it?

4 A No.

5 Q I mean, there's no bone or anything there, just be
6 soft tissue, wouldn't it?

7 A Correct.

8 Q So it wouldn't take a lot of pressure for someone to
9 take a knife, stick it in their midsection, puncture their
10 heart?

11 A Yes.

12 Q So that's a possibility?

13 A Correct.

14 Q Are you familiar with the drug, Trazodone?

15 A Somewhat, but not -- I'm not a toxicologist. It's
16 not my expertise.

17 Q Do you know whether or not it's used to treat
18 depression?

19 A It is.

20 Q And isn't it true that one of the contraindications
21 of the drug is that it can make the depression more
22 severe?

23 A It's beyond my expertise.

24 Q And were you aware that it could cause suicide?

25 A Beyond my expertise.

1 A That is information I'm provided.

2 Q Agent, can you see -- under items of evidence. Can
3 you see that okay?

4 A Yes.

5 Q Agent, I'm going to hand you this laser pointer and
6 I'd like you to walk us through your findings as it
7 relates to the toxicology results.

8 A Okay. Okay. Here, we have the type of sample, which
9 is liver and the subject in this case, Susan Wilkes. This
10 simply shows the method of analysis, which is gas
11 chromatography. And for that test, I found Butalbital.
12 And on this -- this simply shows the -- as stated, the
13 method of analysis and the drug that was identified. Here
14 are the three names that you know them as. This would be
15 the result and that is just the units reported.
16 Here, threshold, we don't really include that on our
17 reports anymore because it confuses people. But most
18 times -- what we used to show was -- when we perform tests
19 we look for a range of drugs, a lower concentration and a
20 higher concentration. What used to be in the threshold
21 column would be the lower concentration. So anything
22 below that number we would consider negative or not
23 reportable.

24 Q Now, as it relates particularly to this report, what
25 was your numeric result as it relates to the Butalbital?

1 A It is point 40 -- or less than point 40, which is a
2 very, very small amount. The therapeutic value for
3 Butalbital would be in the range of one to five milligrams
4 per liter. So that's a very, very small trace amount.

5 Q What do you mean when you say therapeutic value?

6 A That's what you expect -- if someone were taking a
7 drug as prescribed, that would be the range that you would
8 expect to find if they're taking it regularly like they're
9 supposed to.

10 Q Same question as it relates to the second item,
11 Trazodone. What was your numeric result there?

12 A That would be 0.04. Therapeutic for that would be a
13 point 7 to a one milligram per liter, which, once again,
14 is a very small amount of Trazodone.

15 Q Now, let me make sure that we're all clear. There's
16 a second page to this document?

17 A Yes.

18 Q Were there any additional findings in her samples?

19 A No. That's just what this phrase says, that I looked
20 -- I performed a general drug screen using those two
21 methods of analysis and this is all I found.

22 Q So what were the only two items that you found in her
23 toxicology screen?

24 A Butalbital and Trazodone.

25 Q And based upon the numeric results for both of those

1 items, if someone was properly prescribed those items,
2 would that be therapeutic value?

3 A If it were to correspond over to the blood, yes.
4 That would be subtherapeutic, actually.

5 Q Were you able to do alcohol testing in this case?

6 A No. Because we can do blood alcohol testing on
7 testing, but because of the decomp, we don't.

8 Q In other words, had the biological materials been in
9 better condition when you received them, you could have
10 possibly tested for alcohol?

11 A Correct.

12 Q I don't mean to downplay all the great things you
13 told us about you, but are you a doctor?

14 A No.

15 Q Are you a pharmacist?

16 A I am not.

17 Q So a therapeutic value is something that you're
18 trained to find in toxicology?

19 A It's just referencing different materials, studies,
20 that's what we do. Because in toxicology -- in the world,
21 there are so many drugs that you can't possibly remember
22 every tidbit of information about each drug.

23 MR. BELL: Please answer any questions Defense may
24 have for you.

25 CROSS-EXAMINATION

1 BY MR. SPANGLER:

2 Q Good afternoon, Agent Young.

3 A Good afternoon.

4 Q I know we talked a lot about these fancy test. Gas
5 chroma --

6 A Chromatography.

7 Q Chromatography. And we've got liquid chromatography
8 as well?

9 A Right.

10 Q So I want you to educate us a little bit more about
11 those tests.

12 A Okay.

13 Q Kind of what you do. You said you take the sample --
14 and we're talking about a tissue sample?

15 A Correct.

16 Q And that tissue sample would be a solid state?

17 A Yes.

18 Q And you said what you do is you add water to it; is
19 that right?

20 A Right. We have -- what we do is a one-to-four
21 dilution of the sample. And whenever we -- so the sample
22 is diluted. However, once -- or if we find anything, we
23 compensate for that dilution by -- the dilution is
24 compensated for.

25 Q Okay. So what we're seeing here as results, that is

1 post-dilution?

2 A Right. Well, that is after the compensation of the
3 dilution.

4 Q Okay. So you go in and change the numbers after to
5 make up for the dilution?

6 A We don't change numbers. We account for -- since
7 it's a one-to-four dilution, whatever your -- whatever
8 value is on your report, you would multiply that by four.

9 Q And that's what these numbers we're looking at right
10 now?

11 A Correct.

12 Q Now, after somebody actually passes away, isn't it
13 true their body can experience some changes internally?

14 A Yes.

15 Q Now, specifically, we were sitting in here listening
16 to Dr. Ross testify, she said that dehydration can occur?

17 A Right.

18 Q And that dehydration can affect the tissues, organs
19 and blood?

20 A Yes.

21 Q Now, you would agree with me those changes can, also,
22 skew the results of your toxicology?

23 A I wouldn't say that -- there is -- there is
24 postmortem redistribution where the concentration in the
25 blood -- just imagine that the concentration in the blood

1 wanting to dump drug into the surrounding tissues. That
2 occurs, but in this case, I mean, it was a trace amount.
3 So --

4 Q But you can't tell us if that was the actual amount
5 that was in her body when she passed away?

6 A Well, when the body -- when you die, all metabolism,
7 all bodily functions cease, so what's there is there. The
8 concentration can change. So, I mean, you wouldn't expect
9 it to be a drastic change, but in toxicology, blood is
10 always the better sample to analyze.

11 Q Right. And we didn't test any blood here because it
12 --

13 A Right.

14 Q -- just wasn't accessible?

15 A Right.

16 Q So back to the fluctuations you were talking about.
17 as you tested the liver, it is true that postmortem, some
18 of the drugs in the system could have redistributed to
19 other parts of the body?

20 A It could.

21 Q That would mean that these results on here wouldn't
22 be accurate?

23 A It would be -- there could be some variation. But,
24 like I say, you wouldn't expect it to be drastic. But, I
25 mean, I really can't say because you don't know what

1 happens with postmortem redistribution, how much was it
2 redistributed.

3 Q There's a lot of things we don't know?

4 A Right.

5 Q Now, you were also in here -- going back to Dr.
6 Ross's testimony. We talked a little bit about this
7 toxicology report that was done on the liver.

8 A Right.

9 Q And she told us it can give a positive-negative, but
10 it's unreliable for the quantity, the concentration in the
11 blood. Do you agree with that?

12 A To some extent.

13 THE COURT: Don't pit the witness. When you ask him
14 questions, don't pit the witness.

15 MR. SPANGLER: Yes, sir.

16 Q And you would agree with me this could fluctuate?

17 A It could.

18 Q Now, let's talk a little bit about what was,
19 actually, in her body. We have this, let me make sure I
20 get it right, Butalbital?

21 A Butalbital.

22 Q Butalbital?

23 A Uh-huh.

24 Q And you know that's a prescription pain killer?

25 A It is a sedative.

1 Q A barbiturate?

2 A Correct.

3 Q Are you aware of the effects of a barbiturate on the
4 human body?

5 A Yes. One of the things I was going to say is it
6 causes drowsiness, lethargy.

7 Q Drowsiness, clumsiness?

8 A Correct.

9 Q Dizziness?

10 A Yes.

11 Q Actually, one of the precautions with certain
12 barbiturates is not to drive or operate heavy machinery?

13 A As with most drugs.

14 Q That's because you could be clumsy, drowsy, injure
15 yourself?

16 A Correct.

17 Q Now, the other drug that was found in the system was
18 Trazodone; is that right?

19 A Right.

20 Q Are you familiar with Trazodone?

21 A Yes.

22 Q Are you familiar with an organization called the
23 American Society of Health System Pharmacists?

24 A No.

25 Q If I showed you literature from them, would you

1 recognize it?

2 A I can look at it, but it's -- I can't say it's
3 material or resource that we use in the lab.

4 Q So right here, we have drug information for 2013. It
5 goes through the side effects and things like that.
6 That's not something you use in your lab?

7 A Not that particular book, no.

8 Q You don't use that particular one, but are you aware
9 of the side effects of Trazodone?

10 A Yes.

11 Q Trazodone is a prescription anti-depressant?

12 A Correct.

13 Q The side effects can be suicidal thoughts or actions?

14 A I've seen it on -- not to be funny, but I've seen it
15 on the commercials. You know, that's a spill that they
16 give at the end of Trazodone I've seen. But as far as the
17 mental state, I wouldn't be able to speak to that.

18 Q Well, did you look it up in one of the books that you
19 have at your lab that goes through the side effects?

20 A Yes, but they don't go that in depth as to committing
21 suicide. But they list the expected effects.

22 Q So let's talk about the books that you have at your
23 lab. You look up Trazodone?

24 A Right.

25 Q You said that it goes into some of the side effects,

1 but not all the side effects?

2 A Right.

3 Q So you can't tell us whether suicidal is a side
4 effect or not?

5 A I couldn't.

6 Q You can't tell us whether increased depression or
7 anxiety was a side effect or not?

8 A That would be a question for a physician that would,
9 actually, prescribe that drug to a patient.

10 MR. SPANGLER: No further questions, Your Honor.

11 REDIRECT EXAMINATION

12 BY MR. BELL:

13 Q Do you know what off label use means?

14 A Yes.

15 Q What does that mean?

16 A That means the drugs are, typically, prescribed for
17 one element. But they can also have multiple use for
18 something else.

19 Q So just because something's called an
20 anti-depressant, does that necessarily mean that's why it
21 was prescribed?

22 A No.

23 Q And would the best person be to tell this jury about
24 why these prescriptions were present be her physician?

25 A Yes.

1 MR. BELL: No further questions.

2 MR. SPANGLER: No recross, Your Honor.

3 THE COURT: Step down.

4 MR. BELL: Thank you, Your Honor. The State calls
5 Corporal James Holland to the stand.

6 CORPORAL JAMES HOLLAND, being
7 first duly sworn, testified as follows:

8 THE CLERK: Have a seat, please, sir. Once you're
9 seated, state your full name, spelling your last.

10 THE WITNESS: James Benjamin Holland, III,
11 H-O-L-L-A-N-D.

12 DIRECT EXAMINATION

13 BY MR. BELL:

14 Q I think we can all see it from your uniform that
15 you're police; is that correct?

16 A That is correct.

17 Q What department are you with?

18 A City of West Columbia.

19 Q How long you been over there?

20 A Almost eight years.

21 Q Anything prior to those eight years that you were up
22 to?

23 A I was in the Marine Corp for six years and worked for
24 the Lexington County Sheriff's Department as a dispatcher.

25 Q Now, during the course of your time with law

1 enforcement, have you ever had to take a missing person's
2 report?

3 A Yes, sir.

4 Q And prior to June of 2014, had you taken missing
5 person's reports?

6 A Yes, sir.

7 Q Could you estimate how many you had taken leading up
8 to June of 2014?

9 A I would say approximately 10 to 12, between juveniles
10 and adults.

11 Q And at some point, did you take a missing person's
12 report for a Susan Wilkes?

13 A Yes, sir.

14 Q And do you recall who initially called in that
15 report?

16 A Her spouse, Marion Wilkes.

17 Q Did you have an opportunity to meet with Marion
18 Wilkes?

19 A Yes, sir, I did, at the police department.

20 Q And do you recall what date that occurred on?

21 A On June the 14th, 2014.

22 Q Now, when you're trying to -- or when you're taking a
23 missing person's report, can you tell us about sort of how
24 that process goes?

25 A I meet with the complainant, try to establish a

1 relationship as to who they are to that person they're
2 reporting missing, time frame. There's a packet that we
3 do with the police department that pretty much walks you
4 through how to take a missing person's report. Last known
5 location, clothing description, medical record or medical
6 history, are they, you know, in any kind of danger as far
7 as Alzheimer's, dementia, stuff like that. Get a basic --
8 you know, their routine, I guess you could say, as far as
9 do they normally go somewhere, do they take stuff with
10 them, is this a normal behavior for them to go missing for
11 two or three days, a week, month.

12 Q And at the end of a missing person's report, what is
13 the ultimate hope of law enforcement?

14 A To locate the individual.

15 Q Now, when you spoke to Marion Wilkes, how long did he
16 indicate that his wife, Susan, had been missing at the
17 time that he reported her?

18 A Since the 12th around 8:30 a.m.

19 Q So assuming that date is true, how many days would
20 that have been until it was reported to law enforcement?

21 A Two days.

22 Q Did he provide any information to you about her
23 potential whereabouts or when she went missing?

24 A He just stated that he last saw her on the 12th
25 around 8:30 in the morning and that she had potentially

1 gone for a walk.

2 Q Did he give you any description as to what he
3 believed that she would have on?

4 A He did. If I can refer to the report?

5 Q If that would refresh your memory, please.

6 A Absolutely. On the day I took the report, Mr. Wilkes
7 stated that she was possibly wearing a size 8 New Balance
8 tennis shoes that were pink and green in color and her
9 wedding band. That's the only description that he could
10 give at that time, that he could give me.

11 Q Did he indicate to you whether or not she would
12 typically go walking with anyone?

13 A He said that there were friends in the neighborhood
14 that she would go walking with. I asked him, of course,
15 if he knew their names or how I could get in touch with
16 them, and he did not.

17 Q He didn't know how to get in touch with the people
18 she went walking with?

19 A That's correct.

20 Q And he did or did not know their names?

21 A According to my report, he did not know the names or
22 how to get in touch with them.

23 Q Did he indicate whether it was common for her to
24 leave on short notice and not tell him?

25 A He said that it was common for her to get up and go

1 without notice.

2 Q Are you sure about that?

3 A I'm sure about that.

4 Q If it would help refresh your memory, would you refer
5 to your report?

6 MR. FLOYD: Your Honor, we would object to --

7 THE COURT: Sustained. I agree with you. Rephrase
8 your question.

9 Q After your conversation with Marion Wilkes, did he
10 indicate that she would communicate with him before
11 leaving the house?

12 A No.

13 Q Did he indicate that she had any medical conditions?

14 A When I asked Mr. Wilkes if there were any medical
15 conditions that he was aware of, again, I refer back to my
16 missing person's packet, and it ask for a simple medical
17 history, any medications that they are taking. I asked
18 him if she had any medical history. He stated that she
19 did not have any known medical conditions and that the
20 only medications that she did take were for blood pressure
21 and there were no known Alzheimer's or dementia of Ms.
22 Wilkes.

23 Q Did he indicate that they had been in an argument or
24 a confrontation leading up to her disappearance?

25 A There were no arguments or altercations that could

1 have caused her to leave on such short notice either.

2 Q What was his demeanor during the course of this
3 interview?

4 A He was very calm, collective. It was -- it seemed
5 there was no real sense of urgency considering his wife
6 had been -- or supposedly missing for two days.

7 Q At any point, did he lose composure?

8 A No.

9 Q At any point, did he cry?

10 A No.

11 Q Was there any other information that he provided to
12 you regarding records?

13 A I asked about dental records and fingerprints and he
14 stated that her dental records were on file at the Airport
15 Family Dentistry and her fingerprints were on file at
16 SCANA.

17 Q Based on your time with law enforcement and your
18 interview in this case, did you feel this was a usual
19 interview or unusual interview?

20 A Based on the totality of it and Mr. Wilkes' demeanor
21 and him having so much knowledge of where fingerprints and
22 dental records and shoe sizes, I think just the totality
23 of it and not -- the days that had passed of not reporting
24 his wife, not knowing friends trying to contact or
25 anything, just now reporting it. Yeah, I felt that there

1 was -- I felt uneasy.

2 Q Did you, ultimately, conclude that missing person's
3 interview?

4 A With Mr. Wilkes, yes.

5 Q And did you at a later date come into contact with
6 Mr. Wilkes again?

7 A Yes.

8 Q And was that in reference to transportation?

9 A Yes, you can say that.

10 Q And where were you transporting him at that time?

11 A To the police department.

12 Q Was he under arrest related to this case at that
13 time?

14 A At that time, yes.

15 Q Do you recall what date that was?

16 A June the 18th.

17 Q And where did you take him when you were transporting
18 him on June 18th?

19 A Directly to the police department.

20 Q And who did you hand him over to on June 18th?

21 A Investigations.

22 Q Did you ask about whether or not she had a cell
23 phone?

24 A I did ask him that and I, myself, attempted to call
25 that cell phone.

1 Q And how did that go?

2 A No answer. Went straight to voicemail.

3 Q Did you ask about if she had a vehicle she may have
4 left in?

5 A No, I don't believe so.

6 MR. BELL: Beg the Court's indulgence.

7 THE COURT: Yes, sir.

8 MR. BELL: Please answer any questions Defense may
9 have.

10 CROSS-EXAMINATION

11 BY MR. FLOYD:

12 Q Officer Holland, this first contact you had with Mr.
13 Wilkes was when he came to the West Columbia Police
14 Department?

15 A That's correct.

16 Q And reported his wife missing; is that correct?

17 A That is correct.

18 Q And he knew a lot of things about his wife, didn't
19 he?

20 A Yes, sir.

21 Q You thought that was unusual that a husband would
22 know so many things about his wife, like her doctor, her
23 dentist, where her fingerprints were and those kind of
24 things?

25 A No, but just the time, the spacing.

1 Q The timing thing was the only thing?

2 A And to be on reply with the response as to where
3 those things are.

4 Q And then the next time you saw him is when you were
5 told to pick him up with a warrant; is that correct?

6 A That's correct.

7 Q And that was several days later?

8 A Yes, sir.

9 Q And you were told to arrest him because they had a
10 warrant for him and you brought him back to the station;
11 is that correct?

12 A Yes, sir.

13 MR. FLOYD: Thank you. No further questions, Your
14 Honor.

15 MR. BELL: No redirect, Your Honor.

16 THE COURT: Thank you, Mr. Holland. You may step
17 down.

18 THE WITNESS: Thank you.

19 MS. PATTERSON: Your Honor, may we approach?

20 THE COURT: You may.

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

24 THE COURT: Folks, the lawyers know more about the
25 case. They've kind of -- they've been talking about it

1 before we started trial. The next witness is going to be
2 lengthy, several hours. My suggestion and their
3 suggestion is that we come back in the morning and start
4 and try to get that much done before lunch. Does that
5 suit y'all? We'll be done for the day. Short witnesses,
6 we'll keep on going, but they've got to present to call
7 who they've got summoned in here and my being absent
8 yesterday kind of screwed up getting the witnesses lined
9 up each day because there's a little organization to these
10 things. It just doesn't just fall together. So I
11 impacted that a little yesterday, unintentionally, but
12 we are still adapting to it. Y'all are good with ending
13 the day. You can't discuss the case. Put your note pads
14 back in the jury room. Be back in the morning, was 9
15 o'clock, 9:15 good this morning? Y'all want to try to get
16 here at 9:00, can you do that? Let's try to go at 9:00 in
17 the morning. If that suits y'all, we'll try a little
18 earlier. So go to the jury room. Don't discuss the case
19 with anyone.

20 (Whereupon, the jury was excused from open court for
21 the day.)

22 (Whereupon, the trial will resume the next day at
23 9:00 a.m.)

24 MARCH 1, 2018

25 THE COURT: Bring them in.

1 (Whereupon, the jury came into open court at
2 approximately 9:05 a.m.)

3 THE COURT: We're ready to continue on. Thank y'all
4 for being on time today. Call your next witness.

5 MS. PATTERSON: Thank you. The State calls Dr. Karen
6 Greenfield.

7 DR. KAREN GREENFIELD, being
8 first duly sworn, testified as follows:

9 THE CLERK: Have a seat right there, ma'am. Thank
10 you. Once you're seated, state your full name, spelling
11 your last, please.

12 THE WITNESS: I am Dr. Karen G. Greenfield,
13 G-R-E-E-N-F-I-E-L-D.

14 DIRECT EXAMINATION

15 BY MS. PATTERSON:

16 Q And Dr. Greenfield, are you currently practicing
17 medicine?

18 A No, I am not. I'm retired.

19 Q And when did you have the fortunate good luck to
20 retire?

21 A The end of May in 2014.

22 Q And could you tell us a little bit about your
23 background? Where did you work and what type of medicine
24 did you practice?

25 A I finished medical school in 1979 and did a residency

1 in family practice at Richland Hospital in Columbia from
2 '79 to '82. And then I worked at Doctors Care in Irmo at
3 Seven Oaks for 32 years.

4 Q Now, what type of complaints or what type of problems
5 did you treat when patients would come in at the Urgent
6 Care -- at the Doctors Care in Irmo?

7 A As a family practitioner, we have longitudinal care
8 where people from birth to death would see us as well as
9 urgent care where people came in with minor injuries,
10 sudden onset of colds, flu. So pretty much, we did
11 pediatrics, internal medicine, dermatology, limited
12 orthopedics, psychiatry, covering the gamut of pretty much
13 all general illnesses.

14 Q And did you have a patient named Susan Wilkes?

15 A I did.

16 Q And how long has Ms. Wilkes been a patient of yours?

17 A From the records that are received, it looks like
18 five years.

19 Q And when was the last time that Ms. Wilkes came into
20 your office for a visit prior to your retirement?

21 A That was on May 5th in 2014.

22 Q And what was Ms. Wilkes' chief complaint when she
23 came in?

24 A She needed a refill of her blood pressure medicine
25 and a refill of her headache medication.

1 Q And can you kind of describe Ms. Wilkes' demeanor?

2 A In general or --

3 Q In general.

4 A She was a very quiet lady, always very appropriate.

5 I guess I would say more introverted than extremely
6 outgoing, but was always very appropriately dressed, well
7 groomed.

8 Q Did she have any history of or complaints of
9 depression?

10 A No, she never complained of depression to me or
11 exhibited any of the signs of depression.

12 Q And if she would have exhibited any signs of
13 depression or made those complaints to you, what would you
14 have done?

15 A Well, gone into an assessment of her risks for --
16 well, ask her about the signs of depression and, also, if
17 she was exhibiting any of those. And then if she would
18 say that she was depressed, just go into a suicidal
19 assessment to make sure that she didn't have any plan or
20 didn't have any means or that wasn't even entering her
21 mind.

22 Q And this type of assessment was never done on Ms.
23 Wilkes, was it?

24 A Correct.

25 Q And what type of medicine was she prescribed for her

1 blood pressure?

2 A It was Lisinopril, hydrochlorothiazide.

3 Q And can you kind of describe what type of
4 instructions that you gave her to take that medicine?

5 A It was one a day.

6 Q Was she prescribed anything else for her blood
7 pressure?

8 A No.

9 Q And on this -- did she have any other prescriptions?

10 A Yes. She had ongoing, as-needed headache medicine.

11 Q And what was that prescription?

12 A That was Fiorinal with codeine.

13 Q And what was her instruction on taking that medicine?

14 A It could be one every six hours as needed or two for
15 a severe headache.

16 Q And was she prescribed Trazodone?

17 A She hadn't been prescribed Trazodone in the past.

18 Q But on this visit, did she receive a prescription for
19 Trazodone?

20 A To the best of my ability reading these records, she
21 did not.

22 Q And why was she -- and Trazodone, what type of drug
23 is that?

24 A That's an anti-depressant.

25 Q And why was Ms. Wilkes prescribed the Trazodone?

1 A Well, going back over the records, in July of 2010, I
2 decided because of her headaches to try her on a low dose
3 of Elavil, which is Amitriptyline. Amitriptyline, which
4 the theory is that the muscle contraction -- migraine
5 headaches are aggravated by muscle tension. And by taking
6 a low-dose anti-depressant, Elavil, you would sleep better
7 and, therefore, eliminate the muscle spasm that you might
8 would carry over from the day before.

9 Q So let me just make sure I have this correct, she was
10 prescribed this anti-depressant for her headaches?

11 A Yes.

12 Q And what type of side effects did that
13 anti-depressant have?

14 A That particular class of anti-depressants has
15 constipation, dry mouth, weight gain are the primary ones.

16 Q Is there anything about suicidal tendencies with
17 that?

18 A I think on every anti-depressant ever made in the
19 United States on the package insert, it will talk about
20 increased suicidality. However, the reason you're giving
21 the person the medicine is because they possibly could be
22 suicidal sometime in the future. So it's kind of like you
23 can't separate that out. But on package inserts, they
24 need to put down any side effect that two percent or
25 greater -- or, at least, two percent of the people taking

1 them had experienced.

2 Q And as anti-depressants go, was Trazodone one that
3 had more side effects, less side effects or something
4 else?

5 A Less side effects, especially with weight gain and
6 constipation, which is usually the most common ones that
7 people complain about. So I think it was started in
8 February of '13 in place of the Elavil.

9 Q And on this office visit with you, Ms. Wilkes, did
10 she need another prescription for Trazodone?

11 A Not that I can ascertain from the record.

12 Q So she still had an active prescription?

13 A She should have had some left from the prescription
14 written in December of 2013.

15 Q And can you tell from your notes, did Ms. Wilkes ever
16 -- was she a smoker?

17 A She was not.

18 Q Was she a drinker, alcohol?

19 A She denied alcohol use.

20 Q And I think, also, in your notes, you said something.
21 What was the status of Ms. Wilkes' insurance?

22 A She did not have insurance on the visits of 12/30/13
23 and 5/5/14.

24 Q But she still made her regularly-scheduled doctor
25 visits?

1 A Yes, she did.

2 Q And what kind of prescriptions did you give Ms.
3 Wilkes on this visit?

4 A The Traz -- excuse me, the Lisinopril,
5 hydrochlorothiazide and the Fiorinal with codeine.

6 MS. PATTERSON: Beg the Court's indulgence.

7 Q And what is the active ingredient in the blood
8 pressure medicine that she was prescribed, the headache
9 medicine that she was prescribed, the Fior -- how do you
10 say it?

11 A Fiorinal.

12 Q Fiorinal. What was the active ingredient in that?

13 A Well, actually, for a headache, there's two active
14 ingredients. One is codeine, which I'm very much familiar
15 with, and the other is Butalbital, which is a very mild
16 barbiturate. And I think aspirin is, also, part of the
17 ingredients in there.

18 Q And, also, reading in the visit summary from May 5th
19 for Ms. Wilkes, it states that she wanted to see you for
20 one last time. Do you know what that was related to?

21 A Starting about six months before I planned to retire,
22 I started telling my regular patients that came to see me
23 on regular intervals that I would be retiring the end of
24 May. So this would have been her last visit. She had
25 meds to last her until the end of June, but wanted to see

1 Q And do you recall the initial date that you
2 interviewed him?

3 A The first date I interviewed him?

4 Q Yes sir, related to missing person.

5 A If I'm not mistaken, it was June the 15th.

6 Q And do you recall where that interview took place?

7 A At the West Columbia Police Department.

8 Q Do you recall his demeanor during that interview?

9 A He was real calm.

10 Q And had you worked missing person's cases prior to
11 this one?

12 A Yes, sir.

13 Q And was his demeanor normal for people reporting a
14 missing loved one?

15 A No, sir.

16 Q After concluding at that interview, did he end up
17 leaving on his own free will?

18 A That's correct.

19 Q Was he under arrest at that point?

20 A No, sir.

21 Q During that interview, do you recall whether he
22 provided you any details about Susan Wilkes, what she may
23 have been wearing, where she went, things of that nature?

24 A He did.

25 Q Do you recall -- just generally, if you want to throw

1 a few things out there you remember from that.

2 A I remember him saying -- I remember him telling about
3 the clothing she was wearing, she left early that morning
4 going for a walk and she hadn't returned home and it was
5 like two days.

6 Q Who else was there with you at that interview?

7 A Investigator Griffin.

8 Q Following that interview, did you indicate anything
9 to the other detectives in your department?

10 A I did.

11 Q And what did you indicate to them?

12 A I told them this was a real suspicious missing person
13 and I didn't think it was a missing person, it was
14 probably a homicide.

15 Q Did you tell them anything about their attire?

16 A Yes, I told them -- I sent a text message out to the
17 investigators on Sunday telling them to dress down because
18 I'm sure we'd be working a homicide the next day.

19 Q The following day, did you see Marion Wilkes on the
20 news?

21 A I did.

22 Q Where were you when you watched that?

23 A I was at my home.

24 Q Were you watching that in the capacity as the captain
25 of the police force?

1 A No, sir.

2 Q Were you watching that like anyone else would have
3 watched it?

4 A That's correct.

5 Q Did you watch the complete interview?

6 A I did.

7 Q Did the demeanor you saw him express in that video
8 match what you saw in the interview the day before?

9 A Right. That's correct.

10 Q And again, watching the interview, did his demeanor
11 seem unusual for the situation?

12 A Definitely.

13 Q Do you recall if he had any head wear on in that
14 media interview?

15 A He had a hat on. I call it a fishing cap, but he did
16 have a hat on.

17 Q Do you recall the color?

18 A It was like a grayish-green color.

19 Q And were you part of a follow-up interview with
20 Marion Wilkes and his son, Joseph Wilkes, on June 16th,
21 2014?

22 A That's correct.

23 Q And where did that follow-up interview take place?

24 A At SLED.

25 Q Did you do anything -- did you do anything as an

1 investigative tactic as it relates to placement of Marion
2 and Joseph Wilkes?

3 A I did.

4 Q What did you do?

5 A I placed them in an interview room together just to
6 see what their reaction would be.

7 Q And did you tell them that y'all would be recording
8 everything that was said?

9 A No, sir.

10 Q Did you tell them that you'd be observing --

11 A No, sir.

12 Q -- anything that was said? Why wouldn't you tell
13 them that?

14 A There's nothing in the law says I have to tell them
15 that.

16 Q But what is your investigative hopes of not telling
17 them?

18 A Because I want to see if they're going to say
19 something. That's my purpose of putting them there.

20 Q In your experience in suspect interviews, do people
21 talk -- tend to talk freely when they're being recorded?

22 A Not when they're being recorded.

23 Q Ultimately, did you have the opportunity to observe
24 their conversation as you placed them in that room?

25 A That's correct.

1 Q Specifically as it relates to something that -- or
2 anything Marion may have said, do you recall individual
3 statements that he made?

4 A I do. I remember him asking his son, You didn't
5 change up on me, did you? And he told him, he said, They
6 need physical evidence. And I noticed him looking around
7 the room --

8 Q I'm sorry, go ahead.

9 A I noticed him looking around the room as if he was
10 looking for a microphone.

11 Q To be clear, the two statements you just read to us,
12 who was saying that to who?

13 A Marion was saying that to Joseph.

14 Q And where were you while this was being said?

15 A I was just on the other side of a two-way mirror.

16 Q What is a two-way mirror?

17 A It's a mirror where -- if you're inside the room,
18 it's just a mirror where you can see yourself, but on the
19 other side, you can see what's going on in the room.

20 Q Was anybody else there hearing with you?

21 A Yes, sir.

22 Q Who was that?

23 A Investigator Griffin, Captain James and Robert
24 McIntyre.

25 Q Now, with that two-way mirror in between you, did

1 that cause issues with you being able to hear clearly?

2 A No sir, I could hear.

3 Q Did you have any trouble hearing what Marion was
4 saying?

5 A No, sir.

6 Q Any doubt that the statements you just testified to
7 were what he said?

8 A That's definitely what he said. I wrote it down when
9 he said it.

10 Q How long were they held in that room?

11 A Maybe 20 to 30 minutes.

12 Q Were they deprived any basic comforts while in there?

13 A No, sir.

14 Q Food and water?

15 A No, sir.

16 Q Using the restroom?

17 A No, sir.

18 Q Were they banging on the wall requesting to leave?

19 A No.

20 Q Any reason to think that those statements were
21 anything but free and voluntary?

22 A Definitely free and voluntary.

23 Q Did you speak to any of Susan's relatives?

24 A I did.

25 Q Did you speak to any of her sisters?

1 A Yes, Patsy.

2 Q And is that Patti Smith?

3 A Yes. I'm saying Patsy, but Patti Smith. That's
4 correct.

5 Q What was your purpose for talking to Ms. Patti Smith?

6 A I talked to her for different reasons, but I remember
7 one particular date I did talk to her. I want to say it
8 was December -- I'm sorry, June the 19th. I talked to her
9 -- June the 18th, I talked to her and she told me that she
10 could get Mar -- she could get Joseph to the police
11 department and have a conversation with him one-on-one.

12 Q And you said that was on June 18th?

13 A I'm pretty sure.

14 Q How many days had that been after the conversation
15 between Marion and Joseph at SLED?

16 A Two days.

17 Q And is using a relative to speak to a suspect a
18 method that you've used in prior cases?

19 A Yes.

20 Q Did Ms. Patti Smith agree to speak to Joseph?

21 A That's correct.

22 Q Did you have the opportunity to observe that
23 conversation take place on June 18th?

24 A Yes, sir.

25 Q What happened to Joseph by the end of that

1 conversation that you observed?

2 A He had pretty much said he knew what happened --

3 Q Remember, we can't say what somebody else said at
4 this point, but do you recall, was he free to go?

5 A After this interview was he free to go?

6 Q Correct.

7 A No.

8 Q And was he placed under arrest?

9 A That's correct.

10 Q Based upon your observations of the conversation
11 between Patti Smith and Joseph Wilkes, where did you end
12 up going next?

13 A Into the interview room.

14 Q Did you leave the police department that day?

15 A I did.

16 Q And where did you travel to?

17 A To Little Mountain, residence in Little Mountain.

18 Q And was that a result of the observations of that
19 conversation you heard?

20 A That's correct.

21 Q Who all did you notify to meet you up in Little
22 Mountain?

23 A SLED met us there, Lexington County met us there and,
24 eventually, the coroner's office showed up and met us
25 there.

1 Q Was Joseph Wilkes taken up to Little Mountain?

2 A No.

3 Q Now, you didn't take him?

4 A No.

5 Q Did anybody else take him?

6 A Oh, you're saying Joseph. I'm thinking Marion. But
7 yes, Joseph was taken. He was taken by law enforcement up
8 there.

9 Q How long does it take to get up to Little Mountain
10 from West Columbia?

11 A Probably 30 to 40 minutes.

12 Q Upon arrival in Little Mountain, were you made aware
13 of the location of the body of Susan Wilkes?

14 A That's correct.

15 Q What did you observe about that burial site?

16 A I noticed that it was next to another grave with a --
17 a dog's grave was out there beside it. It was just a few
18 feet from it.

19 Q Did the grave appear to be something that someone
20 took a lot of time to create?

21 A No.

22 Q Was it well hidden?

23 A Pretty much, yes sir.

24 Q What was placed on top of it?

25 A It was like leaves and -- it appeared that leaves and

1 debris had been raked up on top of it. It was also a
2 stone there, like a cinder block.

3 Q Did you take any part in the crime scene
4 investigation part of that site?

5 A No, sir.

6 Q Do you know who handled that?

7 A SLED.

8 Q Why did SLED handle that?

9 A They have more -- they have much more equipment to
10 handle that than West Columbia.

11 Q After leaving Little Mountain, where did you head
12 next?

13 A Back to the police department.

14 Q And did you have an opportunity to interview Joseph
15 again?

16 A I did.

17 Q And how did you feel after that interview?

18 A I felt that he and Marion had both taken equal parts
19 in this.

20 Q Was Marion arrested?

21 A That's correct.

22 Q Was he arrested the same day as Joseph?

23 A Yes.

24 Q Were they charged with the same charges?

25 A Yes, sir.

1 Q And is that murder?

2 A Yes, that's correct.

3 Q On June 19th, 2014, did you conduct an interview of
4 Marion Wilkes?

5 A I did.

6 Q And did you Mirandize him at that time?

7 A That's correct.

8 Q Can you tell us what Mirandize means?

9 A That he was advised of his rights, that he didn't
10 have to talk to me if he didn't want to and that he could
11 have an attorney present if he wanted to.

12 Q Did he waive those rights?

13 A That's correct..

14 Q In what form did he waive those rights?

15 A On paper.

16 MR. BELL: Permission to approach the witness?

17 THE COURT: Sure.

18 Q I'm handing you Court's Exhibit 2, do you recognize
19 that document?

20 A I do.

21 Q What is that document?

22 A Miranda rights warning form.

23 Q And whose name's on it?

24 A Marion Wilkes.

25 Q What date is on it?

1 A June the 19th, 2014.

2 Q Is his signature at the bottom of that form?

3 A That's correct.

4 Q And by placing his signature at the bottom of that
5 form, what does that tell you as a law enforcement
6 officer?

7 A That he understands his rights.

8 Q Did he wish to continue speaking to you after waiving
9 those rights?

10 A He did.

11 Q Did he ever request an attorney?

12 A No.

13 Q And again, did you deny him any basic comforts at
14 this time?

15 A No, sir.

16 Q Threaten him in any way?

17 A No.

18 Q Did he seem of a sound mind while you were speaking
19 with him?

20 A That's correct.

21 Q Any reason to believe that the statements he may have
22 given you were anything but free and voluntary?

23 A No, they were definitely free and voluntary.

24 Q Was he in a state of emotional distress?

25 A No.

1 Q Was he crying at any point?

2 A No.

3 Q Did you record this interview that took place?

4 A I did.

5 Q And what form of recording?

6 A Audio recording.

7 Q And on that audio recording, do you again confirm
8 whether or not he waived his Miranda?

9 A Yes, sir.

10 Q Again, what was his response?

11 A Yes, he responded by saying yeah, he still wanted to
12 talk to me.

13 Q During this particular interview, what was his
14 demeanor?

15 A He was calm.

16 Q I'm showing you what's been marked as State's 1 for
17 ID purposes. Do you recognize that?

18 A I do.

19 Q What is that?

20 A It's a copy of the interview with Marion Wilkes.

21 Q And how do you know that's the CD that you listened
22 to of that interview?

23 A I have my initials on it.

24 Q And does that interview fairly and accurately reflect
25 how that interview took place that day?

1 A Yes, sir.

2 MR. BELL: Your Honor, at this time, the State would
3 seek to move State's 1 into evidence.

4 MR. FLOYD: Subject to our Jackson Denno.

5 THE COURT: Subject to the pretrial hearing, it will
6 be admitted.

7 (WHEREUPON, State's Exhibit number 1 was
8 admitted into evidence.)

9 Q Before we listen to the interview, I want to ask you
10 a few questions. At the end of this interview, were any
11 confessions made?

12 A Yes.

13 Q And who confessed?

14 A Marion Wilkes.

15 Q And what did he confess to?

16 A Killing his wife, Susan.

17 Q Now, in the immediate few minutes of the interview,
18 do you recall him making any statements as to why a
19 confrontation may have occurred with his wife?

20 A He kept telling me he didn't want to talk about the
21 confrontation.

22 Q But in the immediate few minutes, did he give you any
23 reasons as to why he was upset with her?

24 A He did, but I -- he definitely said something in the
25 first few minutes, but I can't remember exactly what it

1 was.

2 Q Okay. I want to be perfectly clear. Was his son,
3 Joseph, already charged with the same charge of murder at
4 the time of this interview?

5 A Yes, sir.

6 Q Are Joseph's charges something that at any point in
7 time you tried to leverage against him?

8 A No.

9 Q Was Joseph's charge enhanced or reduced in any way --

10 A No, sir.

11 Q -- as a result of this interview?

12 A No, sir.

13 Q Are you aware whether or not Joseph is still facing
14 the same charges today?

15 A He is.

16 Q During the interview, did he provide you any
17 information that, as a law enforcement officer, you would
18 consider a motive?

19 A Yes.

20 Q Can you tell us about some of those things?

21 A He talked about a trust that he had with Edward
22 Jones. He told me it was for \$90,000.00 dollars. I told
23 him it was more like a \$120,000.00 dollars. He talked
24 about a life insurance policy, also.

25 Q Does he paint Susan Wilkes to be a good person to

1 you?

2 A No.

3 Q What sort of comments did he have about Susan Wilkes?

4 A He talked about her gaining weight and being an
5 alcoholic and having an affair on him.

6 MR. BELL: Your Honor, permission to approach?

7 (Whereupon, a bench conference was held in the
8 presence of the jury but out of the hearing of the
9 jury.)

10 THE COURT: They're going to publish this interview.
11 It's on a DVD you play on the computer broadcasting the
12 stream. I'm told it's an hour and 25, 30 minutes. Y'all
13 want to watch about 30, 40 minutes of it? So it's a few
14 minutes till 11:00, then just kind of say at 40 minutes,
15 let's take a break and then finish it up, is that okay.
16 Y'all want to break now and then do the same thing?
17 All right. Mark about 40 minutes and we'll -- I'll hold
18 my hand up and y'all can hear me knock. Cut those lights
19 off. Go ahead, Mr. Bell.

20 MR. BELL: Thank you, Your Honor. At this time, the
21 State would seek to publish State's 1.

22 THE COURT: My intent is 11:40, okay?

23 MR. BELL: Yes, sir.

24 (WHEREUPON, State's Exhibit number 1 was played
25 for the jury, staring at 11:00 a.m., stopped at 11:40

1 a.m.)

2 THE COURT: We will take about 10 minutes, come back
3 in and finish up before lunch.

4 (Whereupon, the jury was excused from open court for
5 a break.)

6 THE COURT: I am going to put on the record what we
7 talked about in the hall. We had a off the record
8 conversation outside the courtroom, outside the presence
9 of the jury regarding testimony of Ms. Bodie and her
10 exchanging letters back and forth with the Defendant. Her
11 testimony was separated by a break and she was recalled by
12 the State. The last question the State elicited her
13 response, she responded to again when she wrote him at the
14 jail or some words to that effect. And the Defense asked
15 for a bench conference. All the lawyers and Court
16 Reporter, Judge, met outside the courtroom to discuss the
17 issue and whether or not she had already illuded in her
18 initial testimony as exchanging correspondence with Mr.
19 Wilkes at the jail or in the jail or something, while he
20 was incarcerated and what, the Court was concerned about
21 what impact that had on the jury. Mr. Floyd asked could
22 he place something else on the record. No curative
23 instruction was given and we placed a bench mark, so to
24 speak, on the record before resuming the testimony. All
25 right, Mr. Floyd, anything you want to suggest?

1 MR. FLOYD: Your Honor, of course, it is our position
2 that is an entirely improper question. And it is an
3 improper situation to bring up in front of the jury and it
4 is highly prejudicial to the Defendant. We would ask that
5 the Court dismiss the charges against Mr. Wilkes because
6 of this unfortunate situation. Alternately, we would ask
7 for a mistrial.

8 THE COURT: I have been considering, it is certainly,
9 was not intentional, Ms. Patterson's question did not, she
10 was laying foundation as to the purpose of the exchanging
11 the letters, not location of the parties, mail letters to
12 where the person resides. The question was, where did you
13 send them. I don't think a mistrial is warranted, I think
14 a curative instruction I will give that a person, once
15 accused and placed under arrest and they may be
16 incarcerated until their bond is set and where he was at
17 the time of exchange of these letters or conversations is
18 not relevant to whether or not he has committed the
19 offense alleged in the indictment. So my curative
20 instruction will be something to that extent, if it is
21 requested, I have had lawyers tell me that they
22 appreciated the curative instruction but declined for me
23 to do it so it is not to highlight the language a second
24 time. So I will not grant a mistrial or dismiss the
25 charges but I will entertain a curative instruction if so

1 requested. All right. That's where we will leave it.

2 MS. PATTERSON: Thank you, Your Honor.

3 (Whereupon, a short break was taken.)

4 (Whereupon, the jury came into open court at
5 approximately 11:54 a.m.)

6 THE COURT: We will continue with the DVD.

7 (Whereupon, State's number 1 continued to play,
8 starting at 11:55 a.m., ended at 12:50 p.m.)

9 MR. BELL: Your Honor, at this time, I have about
10 five minutes worth of direct left. If I could continue at
11 this time?

12 THE COURT: All right. Go ahead and finish and then
13 we'll break for lunch and be ready for cross.

14 CONTINUE DIRECT EXAMINATION

15 By Mr. Bell:

16 Q Captain, I want to talk more about your interview
17 tactics. I've heard a lot of swearing in the video. Is
18 that how you talk on a day-to-day basis?

19 A That's correct.

20 Q And why do you talk like that when interviewing
21 suspects?

22 A It's street talk. You get a reaction out of them.

23 Q And do you, what you might call, turn up the heat at
24 some points?

25 A That's correct.

- 1 Q What's the point in that?
- 2 A To make them tell the truth.
- 3 Q When you say make them, what do you mean by that?
- 4 A To get them to tell me -- confess to what they did.
- 5 Q Why don't you let a suspect listen to a
- 6 co-defendant's statements?
- 7 A Because I don't want them to be led by the
- 8 co-defendant into what to say.
- 9 Q And at times when you're interviewing a suspect and
- 10 say well, you know I have so and so evidence, don't you,
- 11 are you always, actually, in possession of that evidence?
- 12 A No.
- 13 Q And why do you tell them that you are in possession
- 14 of such evidence?
- 15 A To get them to tell me the truth.
- 16 Q And did you utilize that tactic at certain points in
- 17 this interview?
- 18 A Yes. It's called trickery.
- 19 Q And did it result in Marion Wilkes coming forth with
- 20 more information?
- 21 A That's correct.
- 22 Q Now, I want to get straight some of the event dates
- 23 because I know it's hard for me to keep my head straight.
- 24 Captain, can you see this calendar?
- 25 A I can.

1 Q Now, as far as you know from -- by the end of that
2 interview, when did the killing of Susan Wilkes happen?

3 A As far as we know, the 11th.

4 Q And again, when did this interview that we just
5 listened to take place?

6 A On the 19th.

7 Q And are you aware of what date the autopsy of Susan
8 Wilkes took place?

9 A I think it was on the 19th, also.

10 Q There's a lot of talk about Joseph in the interview.
11 Did you feel that he was covering for his son, Joseph?

12 A I feel like he played an equal part.

13 Q And again, do you feel that by covering for Joseph,
14 he was only doing so to protect Joseph?

15 A Yes.

16 Q Did you feel that Marion Wilkes also participated in
17 the crime?

18 A Without a doubt.

19 Q Did you feel that Joseph Wilkes participated in the
20 crime?

21 A Yes, sir.

22 Q At one point, does he tell you that he was covering
23 for someone else initially?

24 A I can't -- I don't remember if he did or not.

25 Q Does he tell you about some negative personality

1 traits, according to him, that Susan Wilkes had?

2 A That's correct. I think during the interview, he
3 told me he was covering up for his wife.

4 Q And how did you take him meaning that? What did you
5 take that to mean?

6 A I took it as a lie, that's what I took it as.

7 Q Now, I may have heard wrong, at some point does he
8 tell you that Susan wanted to be buried in a natural state
9 or in a natural setting or something along those lines?

10 A Yes, sir.

11 Q So in State's 115, when the body was recovered in the
12 tarp and duct tape, that's how he told you she was wanting
13 to be buried?

14 A He said in a natural state. I imagine that's what he
15 was trying to say.

16 Q What did he mean or what did you take it to mean when
17 he said he did everything he was supposed to?

18 A He did everything he was supposed to to cover up for
19 himself.

20 Q During the missing person's interview that you
21 conducted or helped conduct on the 15th of June, did he
22 provide to you any of the reasons for the murder that he
23 provided during this interview?

24 A No.

25 Q During that interview on the 15th, did he tell you

1 that he thought she was having an affair?

2 A No.

3 Q Did he tell you that she was extravagantly spending
4 their money?

5 A No.

6 Q Did he tell you that she was a heavy gambler?

7 A No.

8 Q Did he tell you she was an alcoholic?

9 A No.

10 Q Did he tell you that they had gotten in a shoving
11 match?

12 A No.

13 Q Aside from those things, was there any mention of
14 monies that she had available?

15 A No. On the 15th, no.

16 Q Correct. And in this interview, was money discussed?

17 A On the 19th?

18 Q Yes, sir.

19 A Yes.

20 Q And was this Edward Jones account one of the things
21 discussed?

22 A Yes.

23 Q And a life insurance policy, was that discussed?

24 A That's correct.

25 Q And how much was that life insurance policy?

1 A \$25,000.00 dollars.

2 Q When you asked him why would you be telling people
3 you're coming into a lot of money, did he immediately
4 respond?

5 A No.

6 Q Do you recall how much the insurance policy was for?

7 A \$25,000.00 dollars.

8 Q If you'll excuse my writing.

9 MR. BELL: Please answer any questions the Defense
10 may have for you.

11 THE COURT: We are going to break for lunch, you
12 can't discuss your testimony with anybody, you understand
13 that? So you can't talk about your testimony.
14 We're taking a break. Y'all can't discuss the case at
15 all. I hope you enjoy your lunch. You can step outside
16 just like yesterday. So you're free to roam around, eat
17 whenever. Five minutes till 1:00. I'll check on you at
18 2:00 and we'll start shortly after that, hopefully.

19 (Whereupon, the jury is excused from open court for a
20 lunch break.)

21 THE COURT: We'll stand at ease till about 2:00.

22 (Whereupon, a lunch break was taken.)

23 THE COURT: Mr. Floyd, you ready to go?

24 MR. FLOYD: Ready, Your Honor.

25 THE COURT: All right. Mr. Wade -- I mean,

1 Investigator, come on back. Bring me the jury.

2 (Whereupon, the jury came into open court at
3 approximately 2:00 p.m.)

4 THE COURT: All right. Ready to continue.

5 Detective, you're still under oath.

6 Mr. Floyd, your witness.

7 MR. FLOYD: Thank you, Your Honor.

8 CROSS-EXAMINATION

9 BY MR. FLOYD:

10 Q Good afternoon, Mr. Wade.

11 A Good afternoon.

12 Q So you've been doing this interviewing a long time,
13 haven't you?

14 A About 12 years.

15 Q And you've developed your own techniques to get the
16 information from the --

17 A Different techniques from different investigators.

18 Q And would you agree with me that one of the
19 techniques involves telling them things that aren't true?

20 A It's trickery.

21 Q You call it trickery, but it's telling things that
22 aren't true, right?

23 A It's trickery.

24 Q For example, you may say some things like, for
25 example, you talked about a computer --

1 A Uh-huh.

2 Q -- and there being somebody looking to see how soon
3 they could collect the money. That wasn't true, was it?

4 A I'm not sure I told him that somebody was looking at
5 the computer. I think I asked him a lot of if questions,
6 if I got your computer, would I be able to.

7 Q You didn't tell him that Joseph checked that out?

8 A I may have asked him that.

9 Q So pretty much everything you told him was trickery?

10 A No, a lot of it was fact.

11 Q And when you told him somebody else said this,
12 somebody else said that, that was usually trickery, wasn't
13 it?

14 A Not all the time.

15 Q Not all the time. How do you tell when it's trickery
16 or not?

17 A How do I tell when it's trickery? I know the case.
18 I know the facts.

19 Q Now, would you agree with me that it was only after
20 you told Marion that Joseph was being charged with murder,
21 only after that did he confess; is that correct?

22 A No, I wouldn't agree with that.

23 Q Why not?

24 A He told me more information after I told him that
25 Joseph was charged with murder, but right off, he was --

1 he indirectly confessed. You can indirectly confess to a
2 crime.

3 Q Well, you're talking about what we heard, right?

4 A Yeah, what we heard, correct.

5 Q He never said he did anything, did he? He said there
6 was a confrontation?

7 A Yeah.

8 Q He didn't confess to anything, did he?

9 A He told me there was a confrontation. He also told
10 me that he moved the body --

11 Q Wait a minute. Wait a minute. He said that before?

12 A Before what?

13 Q Are you telling me that's on this tape?

14 A I feel sure it's on that tape. He told me him and
15 Joseph. Joseph went with him up to Eric's house. He
16 pulled -- he pulled his tarp to the garage. So yeah, he
17 told me he moved the body.

18 Q Are you sure that's on this interview that we just
19 heard?

20 A Yes.

21 Q And that's before --

22 A I'm not saying it's before, but it's on that -- it's
23 definitely on there.

24 Q This is what I asked you, I said, Before you told him
25 that Joseph was being -- had been charged with murder, he

1 never confessed to anything, did he?

2 A Indirectly, he confessed. He didn't come out and say
3 I did it, but he gave me enough information to let me know
4 he was guilty of this crime.

5 Q What, because he said there was a confrontation?

6 A She is dead and there's a confrontation.

7 Q Let me ask you, you had another interview with him,
8 did you not, a day or so earlier?

9 A That's correct.

10 Q That's on June 18th; is that right?

11 A I did interview him on June 18th.

12 Q And he said -- isn't it true in that interview, he
13 said that she had committed suicide?

14 A He did.

15 Q And he said that she had stabbed herself in the
16 chest?

17 A That's correct.

18 Q And he said that she had fallen and hit her head on
19 several occasions?

20 A That's correct, he did.

21 Q And he said that she told him she wanted to be buried
22 somewhere natural?

23 A Uh-huh. That's correct.

24 Q And that's why he took her up to the place at Little
25 Mountain?

1 A Yes, sir.

2 Q And he said that because she had fallen and hit her
3 head, that's why they wrapped a towel around her head?

4 A He told me that at some point.

5 Q And did he tell you that she didn't want anybody to
6 know she had committed suicide?

7 A He did.

8 Q And that's why he didn't tell anybody that?

9 A That's what he told me.

10 Q That's kind of why he came up with that story about
11 missing, taking a walk and missing?

12 A That's correct.

13 Q Went missing. Do you recall what time that June 18th
14 was done, the one we just talked about, the suicide one?

15 A June 18th at 10:19 p.m. That's when he was advised
16 of his Miranda rights.

17 Q And when was this one you just played for us, when
18 was that one done?

19 A On June 19th at 1:35 p.m. is when he was advised of
20 his Miranda rights and I started the tape at 1:38 p.m.

21 Q Okay. So the June 18th, the suicide one was given to
22 you that night, the night before?

23 A Correct.

24 Q About 10:00 p.m., you said?

25 A That's correct.

1 Q And at that point in time, he wasn't aware that
2 Joseph had been charged with murder, was he?

3 A Oh, definitely. I charged him. I was definitely
4 aware.

5 Q No, no, I said Marion wasn't aware on the night of
6 June 18th --

7 A No sir, he wasn't.

8 Q He didn't find that out until this interview of the
9 19th?

10 A That's correct.

11 Q That's what we heard you tell him; is that correct?

12 A That's correct.

13 Q And, also, on the night before, the suicide interview
14 we'll call it, didn't Marion tell you that he and Susan
15 had been up to that area where the body was located --

16 A He did.

17 Q -- before?

18 A He told me that.

19 Q And that it was a favorite place of hers and she
20 wanted to be buried there?

21 A He did say that.

22 MR. FLOYD: Thank you. I have no further questions,
23 Your Honor.

24 THE COURT: Any redirect?

25 MR. BELL: Thank you, Your Honor.

REDIRECT EXAMINATION

BY MR. BELL:

Q Defense counsel talked about an interview taking place on the 18th and that she -- or excuse me, that he had told you that it was suicide; is that correct?

A That's correct.

Q Captain, are you able to see this calendar okay?

A Yes sir, I can.

Q So again, when did he first report her missing?

A He reported her missing on the 13th -- the 14th, June 14th.

Q When does he indicate that she either was killed or committed suicide? What day?

A On the 18th, about four days later.

Q And to be clear, on what day did she pass away?

A June the 11th.

Q What day did y'all recover the body?

A June the 18th.

Q And is it, also, on June 18th, after you recover the body, that the interview with Wilkes occurred where he says she committed suicide?

A That's correct.

Q So to be clear, on the 14th, he says she went missing; is that right?

A That's correct.

1 Q And then after the body is found, now, he says she
2 committed suicide on the 18th; is that right?

3 A Yes, sir.

4 Q And then on the 19th, it's murder?

5 A Correct.

6 Q During that interview on the 18th where he says it
7 was suicide, did he say how she did it?

8 A He told me that -- he told me that she stabbed
9 herself in the chest with a knife and then she fell back
10 and hit her head on the stove handle, oven handle.

11 Q She stabs herself in the chest with a knife; is that
12 right?

13 A That's right.

14 Q Did he say whether she pulled it out or left it in?

15 A He said she pulled it out and threw it in the sink.

16 Q And then does he indicate how long she was alive
17 after that talking to him?

18 A He told me they had a five-minute conversation once
19 she pulled the knife out.

20 Q After she stabbed herself in the heart and pulled it
21 out, he told you they talked for five minutes?

22 A Yes, sir.

23 Q Did he tell you anything about a tarp?

24 A No, he didn't.

25 Q Did he tell you anything about -- excuse me, did he

1 say that Susie told him anything about a tarp?

2 A Yeah, he told me that Susan told him there was a tarp
3 in the back seat of the car and that's what she wanted to
4 be buried in.

5 Q And did he say that Susie said what kind of burial
6 she wanted?

7 A That she wanted to be buried in a natural place.

8 Q During any point in time during that interview, did
9 you discuss insurance money with him?

10 A I don't think so. I don't think I discussed
11 insurance with him on the 18th -- on the 18th.

12 Q So it's not until after the body is recovered that he
13 says it's suicide?

14 A That's correct.

15 MR. BELL: Thank you.

16 THE COURT: You may step down.

17 MR. FLOYD: Your Honor, could I ask him just a
18 couple?

19 THE COURT: Sure.

20 RECROSS-EXAMINATION

21 BY MR. FLOYD:

22 Q Detective Wade, did you record that interview on the
23 18th, the suicide interview?

24 A Yes sir, it's recorded.

25 Q So it's available if y'all wanted to put it into

1 MR. WILKES: No, I'm good.

2 THE COURT: Okay. All right. You've been
3 sufficiently advised of your right to remain silent and
4 your right to testify or not.

5 MR. WILKES: Yes, sir.

6 THE COURT: All right.

7 MS. PATTERSON: Your Honor, one other thing, I know
8 yesterday, Mr. Floyd said he intended to admit a movie
9 into evidence. And we didn't know when you wanted to take
10 up that issue because we're going to object to the movie
11 being entered.

12 THE COURT: Okay. We'll take it up right now.

13 MR. BELL: Your Honor, the basis of us objecting to
14 the introduction of that movie into evidence, the movie is
15 "Where the Lilies Bloom". Your Honor, if we look under
16 Article 10 of Rule 1001, recordings include photographs
17 are likened -- excuse me, videos are likened to
18 photographs under our law. Pursuant to Humphries at 354
19 S.C. 567, they say that because videos are treated like
20 photographs, they are to use the same 403 analysis.
21 So if we look at the generalities of the 403 analysis as
22 it relates to photographs, Your Honor, obviously
23 photographs that are calculated to abuse the sympathy or
24 prejudice of the jury should be excluded, especially if
25 they are irrelevant or don't substantiate material facts

1 or conditions. I'll discuss the specifics of why we
2 believe that's the case here shortly. But further, in
3 State versus Lee, they said the photographs pose an unfair
4 danger of prejudice when there is an undue tendency to
5 suggest a decision on an improper basis commonly, but not
6 necessarily an emotional one. Additionally, an offered
7 photograph serves to corroborate testimony -- if it serves
8 to corroborate testimony, it's not an abuse of discretion.
9 Your Honor, as to those points, this is an actual
10 cinematic production. This is a not a homemade Powerpoint
11 or something that the Defense had any part in making. By
12 its very design, it is intended to evoke emotion from the
13 viewer. So by providing it to the jury simply to watch,
14 it's, essentially just trying to evoke their emotions so
15 they improperly render a verdict due to emotional distress
16 or sadness or whatever it may be. To speak to two
17 particular cases, Your Honor, in U. S. versus Gamory at
18 635 Federal third, F.3d 480, that's a United States Court
19 of Appeals case out of the 11th Circuit in Georgia. In
20 that case, the trial court allowed a rap video. The Court
21 of Appeals found that allowing the rap video was error.
22 They, ultimately, deemed it to be harmless error because
23 additional witnesses testified to the content of the rap
24 video. But I tell you about that case to lay the
25 foundation for United States v. Smith at 749 F.3d 465.

1 Your Honor, that's the Court of Appeals case out of the
2 6th Circuit Kentucky. In that case, they allowed a
3 cinematic movie called "The Boiler Room". It was a
4 financial and mail fraud case. The allegations in that
5 case were that this particular company was showing its
6 trainees this particular movie called "The Boiler Room",
7 that movie had to do with using high pressure sales
8 tactics, some shady tactics to win over potential clients.
9 They, also, had multiple witnesses in that case that
10 testified that that movie was used in that manner, which
11 is why the Court allowed it. In this particular case, we
12 anticipate there will only be one witness, and that is the
13 Defendant, saying this movie has anything to do with this
14 case. United States v. Smith further distinguishes itself
15 from Gamory in that they noted that in Gamory, the rap
16 video that was allowed and considered to be harmless
17 error, there is only superficial similarities between the
18 rap video and the evidence that was at large in that
19 particular case. Here, we have a female that's dead.
20 Defense is going to argue that she committed suicide. In
21 the movie is a male that's dead and allegedly -- he was
22 sick and passed away naturally. Certainly, superficial
23 similarity at the best to what we're dealing with in this
24 case. On top of that, again, as I mentioned earlier, the
25 content is directly prejudicial because it is intended to,

1 essentially, cause sadness, to cause you to reflect upon
2 death and mortality. With that said, Your Honor, this is
3 a murder case. This is not a financial fraud case like in
4 United States v. Smith where the movie was allowed. The
5 danger of prejudice is far higher here than it would be in
6 a financial case. There is no corroborating witness that
7 this movie has anything to do with this case aside from
8 the Defendant himself. It's extremely tenuous as to the
9 relevance to the case in the first place. And once again,
10 the movie was designed to evoke emotion, which would be
11 improper under 403. Your Honor, the State has no problem
12 admitting that the movie exist. He can testify what the
13 movie is about. If we don't agree with how he portrays
14 the facts, we can cross, but the movie itself should not
15 go into evidence, Your Honor.

16 THE COURT: All right. I'll take that under
17 advisement until we get there. If you want to reargue
18 that, I'll let you do it again. But I'm going to wait
19 until they get there, but his argument is in place.
20 Because I don't want to say it's admitted right now, when
21 I don't know that you can lay the foundation because
22 that's not fair to either side. But we don't need to make
23 a full record again, you say I object and base all that on
24 that.

25 MR. BELL: Thank you, Judge.

1 THE COURT: All right. Y'all ready?

2 MS. PATTERSON: Yes, sir.

3 (Whereupon, the jury came into open court at
4 approximately 9:10 a.m.)

5 THE COURT: Welcome back. Mr. Floyd.

6 MR. FLOYD: Thank you, Your Honor. The Defense calls
7 Marion Wilkes.

8 THE COURT: Mr. Wilkes, come forward and be sworn.

9 MARION WILKES, being
10 first duly sworn, testified as follows:

11 THE CLERK: Have a seat, sir. Once you're seated,
12 state your full name, spelling your last, please.

13 THE WITNESS: My name is Marion Wilkes, W-I-L-K-E-S.

14 DIRECT EXAMINATION

15 BY MR. FLOYD:

16 Q Marion, how old are you?

17 A I'll be 77 in May.

18 Q When this incident happened back in 2014, how old
19 were you?

20 A 72.

21 Q Were you working at the time?

22 A Just part time doing tree work.

23 Q And what kind of career did you have?

24 A 45 years in retail grocery.

25 Q And what grocery stores did you work for?

1 A A&P 25, Kroger 18 and Reid's two.

2 Q And when did you retire?

3 A '02.

4 Q Where did you grow up?

5 A Winnsboro, South Carolina.

6 Q And when did you leave Winnsboro?

7 A I left the first time in September of '59 and went to
8 North Greenville Junior Academy School and left there and
9 went in the U. S. Army for three years active, two years
10 active, one inactive.

11 Q And did you finish high school in Winnsboro?

12 A Yes, I did.

13 Q What high school?

14 A It's called Winnsboro -- I mean, correction, that was
15 before, Mt. Zion.

16 Q Now, it's Winnsboro High School?

17 A That's correct.

18 Q And you did one year at North Greenville and then in
19 the Army?

20 A No, I just did three months.

21 Q Three months at North Greenville?

22 A Right.

23 Q Where all did you serve in the Army?

24 A In the Army? Started out at Fort Dix, Aberdeen
25 Proving Grounds, took training at Fort Belvoir, and they

1 were getting ready for me to go to the ninth corp in
2 Okinawa and sent me to Fort Belvoir and A.P. Hill, then to
3 Travis in California, then Hickam in Hawaii, and then to
4 Wake Island and on to Okinawa for two years.

5 Q And what type of work did you do in the Army?

6 A Criminal justice between United States and Japan. I
7 worked under two captains.

8 Q Now, when did you meet Susan Wilkes?

9 A First time, she was eight years old.

10 Q How did you happen to meet her?

11 A At her grandmother's house. She was waiting on her
12 grandmother to come home, just watching the house. Her
13 grandmother tended to me when I was a baby, so we were
14 close.

15 Q And after that time, did you meet her later?

16 A Oh, yeah, off and on up until, I guess, she was 18
17 when she come to work at A&P in Winnsboro and worked there
18 four years before she went to V. C. Summer.

19 Q And did the two of you eventually form some type of
20 relationship?

21 A Yes, we did.

22 Q And tell the jury when that happened.

23 A Well, I guess, '78, it started. She asked me to
24 supper to her mother's house. And we ended up getting
25 married in 12/6/79.

1 Q And at that point in time, where were you working?

2 A Let's see, I was finishing up A&P and going to
3 Kroger. That was 1980.

4 Q And where was Susan working at that time?

5 A She was V. C. Summer with Fluor Daniel.

6 Q And did y'all remain married up until her death?

7 A 34 and a half years to the day.

8 Q How would you describe that relationship?

9 A If there's words for it could have been better. It
10 was quiet and peaceful. We both came from -- well, her
11 grandmother was the sweetest thing in the world. She was
12 a friend of my aunt and helped raise me. We decided we
13 were going to have a good marriage, and we did.

14 Q And I know every marriage has ups and downs, did
15 y'all get through all that?

16 A Didn't have any downs, mostly ups. She came and
17 worked with me in 1980 teaching Sunday School. It went on
18 for years and years.

19 Q Now, did y'all -- did you have things you liked to do
20 together?

21 A She was a nature girl. It started out, I found out
22 after we got married at the house up there, I don't know
23 how many hanging baskets she put out, but she had -- it
24 was so many birds in the yard, I couldn't keep up with
25 them. One of her hobbies was feeding them, little baby

1 birds that she could reach. Gardening. And I found out
2 her background reached back into the Native Americans.
3 So somewhere around '80, '81, we went down to lower
4 Wateree and found some of the old, old people down there
5 and kind of traced through a little bit back into the
6 Reynolds family that she -- her father was a Reynolds. He
7 was dark and black-headed like the Indians. And we traced
8 that back and talked to some old people and found out that
9 she did have Native American. And all she wanted to do --
10 we hiked all the time. We hiked. We hunted arrowheads
11 over and over again. We found quite a few.

12 Q And the two of you would spend this time out in the
13 woods?

14 A Oh, yeah, all the time. She hunted. I was teaching
15 her how to shoot a bow.

16 MR. FLOYD: Your Honor, we have some items we're
17 going to introduce into evidence. We like to substitute
18 photographs later, you know, for the Court because I know
19 the Court doesn't want to have to hang onto all this.

20 THE COURT: Any objection to that, the substitution?

21 MS. PATTERSON: Your Honor, we're going to object to
22 the introduction. He can use the pictures. We have
23 pictures of these items. He can certainly use the
24 pictures.

25 THE COURT: What's -- well, he said he's got the real

1 item.

2 MR. FLOYD: Yeah, I just wanted the jury to see the
3 real item, then we can substitute the pictures.

4 MS. PATTERSON: Can we approach?

5 THE COURT: Yes.

6 (Whereupon, a bench conference was held in the
7 presence of the jury but out of the hearing of the
8 jury.)

9 (WHEREUPON, Defendant's Exhibit numbers 5 through 7
10 was marked for identification.)

11 Q Can you identify what I'm handing you up there?

12 A Yes, sir. It's a lot of arrowheads we found in
13 Fairfield, Kershaw, Richland, Lake Murray, around
14 Whitmire, too, on the river.

15 Q When you say "we found them", who is that?

16 A Susan and myself.

17 Q Is that something y'all would do often?

18 A All the time.

19 Q I want to ask you -- I want to show you this one.

20 A Yes.

21 Q Would you identify that the same way?

22 A Right. That's from Lake Murray and that came off --
23 around Chester, South Carolina, train route.

24 Q Then this one?

25 A These came on a trip that we went to Alabama and a

1 friend took us some back into some of the reservations and
2 -- well, I should say mounds. Those come our of Alabama.

3 MR. FLOYD: Your Honor, may I publish to the jury?

4 THE COURT: Yes.

5 (WHEREUPON, Defendant's Exhibit numbers 8 and 9
6 were marked for identification.)

7 Q And I ask you if you can identify Exhibit number 8
8 and Exhibit number 9?

9 A These right here came off of Wateree, kind of
10 northwest of Old 21.

11 Q Did you and Susan collect these?

12 A Oh, yes. Oh, yes. She picked up a lot of these
13 scrapers here. This come off of what they call White Oak
14 Conference Road, right off 77. They found big mounds of
15 that. The paper company man told me about it and I took
16 her up there.

17 (WHEREUPON, Defendant's Exhibit numbers 10 and
18 11 were marked for identification.)

19 Q Exhibit number 10.

20 A All right. These came out of -- off of the river at
21 Whitmire and some of these come off of momma's home place
22 in Cornell, South Carolina. Some of these down here,
23 those look like they came off of eastern Chester County
24 off the train route.

25 Q And were those collected by you and Susan?

1 A Oh, yes.

2 Q How about this one?

3 A All right. These top ones here came out of momma's
4 home place in Chester. A few of these white ones here
5 came off behind a Baptist church where they found mounds
6 off of Highway 97 in Chester County.

7 (WHEREUPON, Defendant's Exhibit numbers 12 and
8 13 were marked for identification.)

9 Q And can you identify those?

10 A Some of these on this side came off of 178 at Mr.
11 Snelgrove's land. I met him at Park Street Baptist
12 Church. He was a collector, too. And Southern Baptist
13 had Bible study teacher conferences down there. And Mr.
14 Snelgrove was an old man, didn't have any children or
15 anything like that. So when his days got close, he called
16 me. I had a call to get them. So he gave me about, I'd
17 say about 30.

18 Q And was Susan involved with that, also?

19 A Oh, yeah. She was always with me. This is the one
20 that -- it's broken, but they need to see them because
21 these are the high dollar ones.

22 Q Did you and Susan collect these, also?

23 A Oh, yeah, all of them, yeah. These came off of Lake
24 Murray. That one come off Lake Murray. Some of them, I
25 can't see, but most of them came off this area, that burnt

1 one right there was -- burnt end of the arrow came off of
2 North 21 up above Ridgeway.

3 (WHEREUPON, Defendant's Exhibit numbers 14 and
4 15 were marked for identification.)

5 Q How about this one, was that collected by you and
6 Susan, also?

7 A Yes, sir. Yeah, Susan found that one. I see a lot
8 of them in here she found. She found that one right there
9 on momma's home place. Some of these came out of
10 Blackstock, South Carolina, off of -- I can't think of his
11 name right now. He's dead now. He was a collector, too.
12 Some of these Wateree, Kershaw County, too, right there.

13 Q How about these, were these collected by you and
14 Susan, also?

15 A Yes, sir. This is a mix here. This is really a mix.
16 And some of these came from down around Sumter down toward
17 Poinsett State Park on the Manchester Forest area.

18 MR. FLOYD: Your Honor, I would substitute a
19 photograph -- this has all of them on it. So you can make
20 --this would be all those exhibits.

21 THE COURT: That is the one that will go back to the
22 jury, the boxes will not, we will substitute that for all
23 the exhibits.

24 COURT REPORTER: So 5 through 15 have been marked for
25 the boxes. But we will not do that and just make the next

1 exhibit this photograph.

2 THE COURT: I don't want these exhibits in evidence,
3 just the picture. The reason we are doing this, the Clerk
4 of Court keeps the exhibits after the trial and those
5 don't belong, they belong to the family, the picture is
6 fine. It is a piece of paper and we can handle that and
7 it is a lot lighter too.

8 COURT REPORTER: So this will be number 5, the next
9 exhibit number 5.

10 THE COURT: Yes, just call that exhibit 5 and all of
11 those others are not numbered now.

12 (WHEREUPON, a picture was substituted for the
13 arrow boxes, marked as Defendant's Exhibit number 5 and
14 admitted into evidence.)

15 Q Was Susan proud of her Indian heritage?

16 A Yes. I wished she had lived till now where she could
17 have got her DNA.

18 (WHEREUPON, Defendant's Exhibit number 6 was marked
19 for identification.)

20 Q Can you identify these items?

21 A Susan found these in Arizona. We went to Arizona --
22 my youngest was working in Savannah and we got them from
23 an old Indian. And they've been around a long, long time.
24 The information fell off. That's where we got them from,
25 Arizona.

1 Q Did y'all keep them in your house?

2 A Oh, yeah.

3 Q Displayed them in your house?

4 A Right.

5 MS. FLOYD: Your Honor, we'd offer these into
6 evidence. One picture for all of these.

7 THE COURT: Number 6, the photograph. Consistent
8 with the last introduction subject to the objection, the
9 photograph of all them collectively is Exhibit 6.

10 MS. PATTERSON: Yes, sir.

11 (WHEREUPON, Defendant's Exhibit number 6 was
12 admitted into evidence.)

13 Q Marion, did the two of you often go out in the old
14 Indian areas there close by where you lived?

15 A What was the question?

16 Q Did you and Susan often go out and walk the areas,
17 the old Indian areas where you lived?

18 A Every chance we could get.

19 Q And where would those Indian areas be?

20 A They all over South Carolina, mostly formed the river
21 -- the basin, I should say, the river basins. If you get
22 on them and you follow it -- and, too, South Carolina has
23 got a book that you can pretty much put your fingers right
24 on where these -- these last 42 mounds that we found a few
25 years ago, it's pretty much documented on that map.

1 Q And what tribe was she affiliated with?

2 A Well, the old ladies told her that they were a mix
3 between Catawba and Wateree. And she said they were under
4 the umbrella of the Cherokee.

5 Q And did you often visit burial grounds?

6 A Oh, yeah.

7 Q Would you describe for the jury what an Indian burial
8 ground is?

9 A Well, most the time, it would be on a hill, on a lean
10 above where the mounds were. The mounds were always put
11 in a second place close to a creek. Back then, before
12 Wateree was dammed up, it was a big creek come down
13 through the one I'm talking about right now, the last one
14 we found. And 42 mounds, there's a paper company, and
15 they hauled wood out and cleaned it up, you could see the
16 mounds and a big valley. And they would always be close
17 to a creek. And the burial grounds would be north
18 generally. If it was a sloping hill, it would be on a
19 hill somewhere.

20 Q And did there get to be a point in time where you
21 couldn't get into those burial grounds close by?

22 A The 42, since all this rain and all, the paper
23 company did not plant those -- there was land back west of
24 there, it is washed terrible in there. Two bridges had
25 washed out. But somebody could see it from the air. I

1 could show them the spot. But getting in there -- it's
2 mountainous up there.

3 Q And did Susan ever tell you what she wanted for her
4 burial?

5 A She wanted to be buried up there on Wateree, up there
6 on Wateree, where they were.

7 Q But you weren't able to get back up in there after --

8 A No sir, we wasn't.

9 Q After the flooding. And when you say buried up in
10 there, does that mean like get a plot?

11 A No, she just wanted to be put up there. She wanted
12 to go ahead and get things done before something happened
13 to her.

14 Q And did she talk about whether she wanted to go
15 through a funeral home and that type of thing?

16 A Oh no, that was out. No. She wanted to be -- she
17 knew the Bible as much as I did. She wanted to be dust to
18 dust. She wanted to go back to where she came from and
19 she wanted to be where only God knew where she was. I
20 heard that since probably Renee died. Probably around
21 '97, '98, '99, somewhere in there. After that, she made
22 that statement behind the funeral home up there at
23 Winnsboro.

24 Q Well, did you ever go hunting with Susan?

25 A Oh, yeah.

1 Q And would you describe for the jury what Susan's
2 talents were in the hunting of wild animals and so forth?

3 A Well, quite frankly, she could skin a deer good as
4 me. She probably learned it from her daddy. Somewhere,
5 she learned it. And she could dress any quail, rabbits,
6 squirrels, anything she could dress out.

7 Q And when you skin a deer, what type of a tool do you
8 use?

9 A Well, we had four skinning knives. We kept them
10 razor sharp. Two of them were hers, two of them mine. We
11 kept them in a box for protection.

12 Q So she was familiar with the use of a knife?

13 A Oh, yeah.

14 Q Now, how many years did Susan work for PrimeSouth or
15 SCE&G?

16 A Right. Well, Fluor Daniel was her first company for
17 a few months. Then SCE&G hired her -- hired the girls --
18 well, the whole crew. All right. Then later on, SCE&G --
19 well, SCANA, I should say, decided to start the PrimeSouth
20 company. And it was first -- it was two parts of it. One
21 part was to operate the power plants, the other part was
22 construction. All right. The construction went bad years
23 ago and the power plant thing went on. They operated
24 power plants all over the United States and even in South
25 America.

1 Q And how many years did she work for those people?

2 A 33, over 33.

3 Q And when did she last work for them?

4 A Three of -- 3 of '13. 3 of '13.

5 Q Was her position terminated?

6 A Yes, the company had gone down to three people and
7 she was the last female to leave. It was just two left.
8 They went to California, I think.

9 Q How did that affect her?

10 A Bad. Because of her age, she had already seen
11 write-ups in the paper about how hard it was for a woman
12 to find a job at 59 years old even with her
13 qualifications. She said I wrote 250 resumes and
14 applications. And she was too qualified for most of it,
15 so she was trying to get in. The best one she heard from
16 before her death was with the payroll department of USC,
17 which is all over South Carolina. And the man wanted her
18 in there, but he said with the State, six or seven months
19 before they'd put you in.

20 Q So did it depress her?

21 A Yes, it did. What really depressed her was two or
22 three months after she lost her job, they pulled the
23 unemployment checks. They cut the food stamps from
24 people. And, also, the recruits. There weren't no more
25 recruits for the military at that time.

1 Q Marion, did you and Susan have a favorite movie?

2 A About four or five, yeah.

3 Q I'm going to show you something and ask if you can
4 identify this particular movie?

5 A Yeah, that was one of her favorites right there.

6 Q What's the name of that movie?

7 A "Where the Lilies Bloom". It was a book written and
8 they made a movie out of it, true story. Trail -- Trail
9 Mountain. I may have that wrong. Trail Mountain, North
10 Carolina, between two mountains called Old Joshua and
11 Sugar something.

12 Q How often would y'all watch that -- how often did
13 y'all watch that movie together?

14 A During the winter, three or four times probably
15 because we went through all of them. When bad -- when we
16 was shut up in the house and it was bad weather, that's
17 what we would do.

18 Q And what was -- tell us what that movie was all
19 about?

20 A Well, the people up there that lived up there are
21 wild crafters. They hunted Ginseng and roots and herbs.
22 And I looked at a list one time of them, must have been
23 about 40 different things they could get out the woods in
24 North Carolina woods. Of course, anybody that's watched
25 TV lately, you see the Ginseng programs where they

1 battling up there in North Carolina, Virginia and West
2 Virginia. They're a very expensive fruit. They make a
3 lot of money out of them.

4 MS. PATTERSON: Objection, Your Honor. He's going on
5 and on about --

6 THE COURT: Get the story line. You may rephrase the
7 question. I sustain that. He's going too far off track.

8 Q Yeah, tell us what the story is all about.

9 A Okay. That's what I was getting to. It's the
10 family, they had lost their mother. And the father, from
11 what I could gather, had a black lung, and he was dying.
12 So -- they can't see it, but this girl right here was a
13 14-year-old. She was the mastermind of the family. She
14 ran the family. This one here was what she called what
15 she called, Mary Call, (phonetic), this was a
16 five-year-old, that's an 11-year-old. And they run the
17 family. And they kept Roy, I believe was his name, the
18 daddy, alive and tended to him until he died.

19 But before he died, he told them he had fixed a place up
20 on Little Joshua that he wanted to be buried. And when he
21 died, the 14-year-old and the boy took him up and buried
22 him up on the side of the mountain. He had already had
23 his burial site ready and all the stuff to cover it up
24 because he wanted to be up there by hisself next to God.

25 Q And did he want -- what did he want the family to do

1 about his death?

2 A Not tell anything about it. And they didn't until
3 years and years later. And the county or whatever up
4 there approved to leave his body where it was.

5 Q Now, what was Susan's thoughts about -- what did she
6 tell you about that movie after she watched it?

7 A That's what she wanted. She wanted to be somewhere
8 quiet where nobody was at. She was a loner, one-hundred
9 percent a loner. Quiet. She never got on the phone. You
10 couldn't get her on a conversation on the phone. She
11 wouldn't talk on the phone.

12 Q Now, in that particular movie, okay, do they get an
13 undertaker involved and embalming and all that?

14 A No. Natural. Natural burial.

15 Q Natural burial. And that's what Susan wanted?

16 A That's what's all over up there in the woods in
17 Fairfield County. Even white people and black people
18 there.

19 Q And this was a movie y'all would watch often?

20 A Oh, yeah.

21 MR. FLOYD: Your Honor -- let me mark this.

22 (WHEREUPON, Defendant's Exhibit No. 7 was marked
23 for identification.)

24 MR. FLOYD: Your Honor, we'd like to introduce the
25 movie into evidence. We would only like to publish about

1 35 minutes of it, the first 35 minutes. Then, of course,
2 if the jury wants to watch it all later, but that's got
3 the significant part of it.

4 MS. PATTERSON: And, Your Honor, we stand on the same
5 objection. We think this is cumulative. We think it's a
6 waste of time. We think it's prejudicial, Your Honor. He
7 has summarized what the movie is about. I think that is
8 sufficient for the jury's benefit.

9 THE COURT: Since it's a favorite movie of the
10 family, but it's not directly probative of the events, I'm
11 going to not allow it. But you can have reference to it,
12 the story line or whatever, just as you've done. I'm not
13 going to allow it. Number 7 will not be admitted.

14 MR. FLOYD: Thank you, Your Honor. Is that number 7?

15 COURT REPORTER: Number 7 for ID.

16 Q Tell us what was going on with Susan, say, the last
17 year of her life after she lost her job?

18 A Pretty much isolated herself. Well, before she hurt
19 her back, that took her out a lot where she couldn't get
20 active. She didn't do good after that, really. She -- I
21 don't know, just kind of lost sight because of what
22 happened to her and the military, too, with Joe. But it's
23 just not finding a job. She had been cleaning houses and
24 doing little girl stuff since she was a little girl
25 because momma used to see her in Belk with her grandmother

1 buying her own underclothes and clothes. And I think all
2 the girls did that. But she just, I guess, got quiet.
3 you know, we would watch movies. And one thing that
4 Joseph did for her at night, we kept her warm. We kept
5 the wood stove going. She loved that better than
6 anything. And I'd get her out of the house twice a week
7 to go to Swansea to eat fish and stuff like that. Just
8 done the best we could to keep her going.

9 Q Where did y'all live?

10 A Where did we live? Overall or then? At the last?

11 Q Yeah.

12 A We lived right in West Columbia down behind Rush's
13 and BB&T.

14 Q And what was the address?

15 A 106 Linnet.

16 Q And how long had y'all lived there?

17 A '99.

18 Q Since 1999?

19 A Yes, sir.

20 Q And who lived there -- who all lived in the house at
21 that time?

22 A Just the three of us.

23 Q When you say the three of you, who is that?

24 A Susan, me, myself, and Joseph.

25 Q And who is Joseph?

1 A He was our son. He was I think eight years old when
2 we moved there.

3 Q And how old was Joseph?

4 A How old is he now?

5 Q Uh-huh.

6 A I was 50 when I adopted him, so he's 26.

7 Q So did you and Susan adopt Joseph?

8 A Yes, we did.

9 Q And who is Joseph's natural parent?

10 A Susan's daughter.

11 Q And how old was he when you and Susan adopted him?

12 A Her, we didn't adopt. We didn't adopt --

13 Q I mean --

14 A Joseph? Adopt Joseph?

15 Q Yeah.

16 A A baby.

17 Q He was a baby?

18 A Dr. Hooker called me from -- the nurse called me from
19 Baptist and said she was down there --

20 MS. PATTERSON: Objection, Your Honor.

21 THE COURT: Sustained. It's hearsay. Rephrase.

22 Q So how old was Joseph when you and Susan adopted him?

23 A A baby.

24 Q Just a little baby?

25 A A newborn baby..

1 Q And so y'all -- did y'all treat him as your own?

2 A What's that?

3 Q Did y'all treat him as your own child?

4 A Oh, yeah, good gracious, yeah. He deserved a chance
5 just as much as anybody else.

6 Q How old did you say he was -- how old was he in 2014?

7 A Subtract four, he had to be 22.

8 Q Now, you mentioned something about the military.
9 What was the significance of the military?

10 A You talking about Joseph?

11 Q Uh-huh.

12 A He was fixing to go in the Air Force. And see, that
13 year, if y'all remember correctly, that was '13 when Obama
14 pulled all the unemployment and all that and wasn't no
15 more recruits going in. And he was supposed to went in in
16 October because she was planning to go to Lackland, not
17 Lackland, the one in Texas, I can't remember the name
18 right now, for his graduation.

19 Q Now, do you recall the day that Susan died?

20 A Yes, I do.

21 Q What is your best memory of the date she died?

22 A That morning -- and Sue pulled through the morning.
23 The first fall came when she was trying to get her
24 breakfast, about 9 o'clock trying to go watch John Haggin.
25 All right. Then later on, we were getting sandwiches

1 ready. We always ride over and take sandwiches over to
2 Joe. I ride the tractor for him, help him get finished
3 with the big yards he was cutting. That was around 11:30,
4 I guess. And she was up in the cabinet getting the
5 Lawry's seasoning salt out of the top cabinet, where she
6 stored stuff, on a two-step stool and fell back and hit
7 her head on the seat of the chair.

8 Q And what happened when she fell and hit her head?

9 A It damaged her head pretty good. I got it clotted
10 and stopped and was going to move the car and get my
11 neighbor across the street, David Bundrick, to come help
12 me move, get her in the car and take her to the hospital.
13 But when I come in -- she knew what I was going to do.
14 She wasn't going to let that happen.

15 Q So what happened when you came back in?

16 A She stabbed herself.

17 Q Now, how do you know she stabbed herself?

18 A She told me.

19 Q Did you see any evidence of a stab wound?

20 A Not right at first. All I was doing was holding her.

21 Q And did you see a knife?

22 A It was on the floor.

23 Q And what kind of knife was it?

24 A It was her own special paring knife that she kept in
25 the drawer where nobody would bother it. I kept it sharp

1 for her and all. It had a blade on it about that long
2 with a wooden handle. That was her paring knife. That
3 was her own knife.

4 Q So what did you -- you held her there and tell us
5 what happened from there.

6 A Well, she just told me she was going and to make sure
7 Joseph went to college. She said, I want him to get in
8 school.

9 Q Now, was there any -- did she say anything particular
10 about her burial or anything at that point?

11 A I've been hearing that since the late 90's.

12 Q About where she wanted to be buried and all?

13 A That was all the time.

14 Q Now, had there been an area that y'all had looked at
15 that she liked and said she wanted to be buried?

16 A Right. Up in the Little Mountain, we had talked to a
17 lady five or six years ago now about five acres up there.
18 We were going to clean it up and put two lots in there and
19 resell them. It was a place where people were moving into
20 up there. It's just north of Chapin.

21 Q And did you happen to know someone who -- or have
22 acquaintance with someone --

23 A Oh, yeah.

24 Q -- who lived close by?

25 A The people who installed for Coyote out of -- I

1 forget the town, town toward the Savannah River. He was
2 training Joseph to be an installer.

3 Q And did he live up there close to that?

4 A Yeah, he did.

5 Q In fact, did he live right next door?

6 A He was next door to the land. It was 127 and 129.

7 Q And that's how you happened to know about that piece
8 of property?

9 A Oh, yeah.

10 Q Had you and Susan been up there before and looked at
11 that piece of property?

12 A All the time. We'd walk it and measure the woods,
13 see how much wood -- because we sold firewood. We've been
14 doing that all our life. And we measured the wood and see
15 what kind of wood was in there without cutting out the
16 seed trees.

17 Q So now, after you were holding her, after she had
18 stabbed herself, tell the jury what happened next.

19 A Well, I held her for a while. And I followed her
20 instructions, what she told me to do.

21 Q Well, just tell the jury specifically what she -- how
22 things went --

23 A She had everything ready. She had a brown tarp and
24 duct tape and everything. She wanted to be buried in
25 that. She told me how deep. She told me where to put her

1 and how to add soil on top because she learned that from
2 being raised up in the woods. She said it was about nine
3 tons of top soil sitting across the yard that we could
4 use. She said that's what I want, just keep it filled up.
5 She said, I want to be out there with God, and that's
6 where I am.

7 Q So tell the jury what you did with her body after she
8 died?

9 A I wrapped her up and took her up there the next
10 morning.

11 Q That particular day, okay?

12 A That day.

13 Q After she stabbed herself, after she committed
14 suicide in the kit -- was it in the kitchen?

15 A Uh-huh.

16 Q Tell us what you did with the body right after that?

17 A I put her out in the garage.

18 Q How did you get her there?

19 A Pretty much -- pretty much slid it.

20 Q How much did Susan weigh, if you know?

21 A She had gotten up to about 160 at the time.

22 Q And tell us how much -- how tall are you, Marion?

23 A Five-eleven.

24 Q How much do you weigh?

25 A 185.

1 Q And how old were you back then?

2 A 72.

3 Q All right. So you move her to the garage that day?

4 A Yeah.

5 Q Tell us what happened the next day.

6 A I just left her there till the next morning. Joseph

7 got up. I told him exactly what she said to tell him,

8 that she had been -- I guess the word would be euthanized

9 because she had cancer, which that wasn't true. She said

10 let him get over it and then later on, tell him what

11 happened and tell him why I want to be buried up there.

12 Q And so, did you tell Joseph the story that she told

13 you?

14 A Sir?

15 Q Did you tell Joseph the story that she told you?

16 A Yes, I did.

17 Q So then after that, what did you and Joseph do?

18 A About 10 o'clock, we took her up.

19 Q What did you take her up in?

20 A We took her up to the grave site.

21 Q In what, in what kind of --

22 A In the Taurus, in the Ford Taurus.

23 Q And where did you place her body in the Taurus?

24 A In the trunk.

25 Q And how did y'all get the body into the trunk?

1 A We tried to carefully lift it in there. But, pretty
2 heavy.

3 Q Once you got her in the truck -- in the Taurus trunk,
4 what did y'all do?

5 A We took her up -- up to Little Mountain.

6 Q Now, how many miles would you say that would be?

7 A At least, 40.

8 Q And so, who drove?

9 A Joseph drove.

10 Q And so for those 40 miles, she would have been in the
11 trunk of the vehicle; is that correct?

12 A That's correct.

13 Q Now, once you got there to the spot in Little
14 Mountain, what happened then?

15 A Well, we went to the tree. She wanted to be buried
16 near her favorite hickory nut tree. Because like two or
17 three years before, we had been going up and getting
18 hickory nuts to make candy -- I mean, candy, cookies for
19 when we went to the mountains. We always went to the
20 mountains every fall. And she wanted to be buried under
21 that hickory nut tree.

22 Q And so how did y'all accomplish burying her under the
23 hickory tree?

24 A We used a pick and shovel.

25 Q And did you -- so did y'all dig a hole?

- 1 A What's that?
- 2 Q Did y'all dig a hole? Did you dig a hole?
- 3 A Yes.
- 4 Q Did you dig the hole?
- 5 A I helped.
- 6 Q You helped?
- 7 A Yeah.
- 8 Q And then once the hole was dug, what did you do with
- 9 Susan's body?
- 10 A We placed it in there. She wanted to be -- she told
- 11 me she wanted to be buried like she slept, on her side.
- 12 That's what we tried to do. Now, they said it was
- 13 different, but I done the best I could.
- 14 Q Now, was there a concrete block placed into the
- 15 grave, also?
- 16 A Yes, it was. I put it as a marker where I could go
- 17 back up and get the dirt in the right place. It was on
- 18 top of the ground.
- 19 Q Was it, actually, inside the grave?
- 20 A Yes, it was, partly.
- 21 Q Now, when you got back to Columbia, or West Columbia,
- 22 did you tell anybody that Susan was dead?
- 23 A No.
- 24 Q In fact, did you tell a misleading story to people?
- 25 A Oh, yeah. I would have -- could have -- I would have

1 done whatever she wanted. Whatever she wanted, I would
2 have done.

3 Q And what was it that she wanted as far as information
4 about her death?

5 A Nothing. Nothing. She didn't want nobody to know
6 nothing.

7 Q And so did you end up telling a story?

8 A Yeah, I did.

9 Q And what was that story you initially told?

10 A That she went walking on a route and got gone. What
11 else could I think of at the moment?

12 Q Did you, actually, go to the police with that story?

13 A With what?

14 Q Did you, actually, report that story to the police?

15 A Yes, I did.

16 Q And why did you report that story again?

17 A That's what she -- I don't know what else I could
18 have said. She walked in the mornings when she could,
19 when she wasn't hurting. And that's the only thing I
20 could think of.

21 Q And she didn't want anybody to know she had died?

22 A No. Positively, no.

23 Q And how did she feel about people knowing she
24 committed suicide?

25 A How did she?

1 Q How did she feel about people --

2 A She didn't want nobody to know.

3 Q So you tried to protect that information, also?

4 A One hundred percent. I make a promise, I keep it.

5 Q Now, how many times would you say you spoke with
6 Investigator Wade?

7 A Too many times. I didn't want to talk. I was in
8 shock. He said I was calm. I was in shock.

9 Q And we questioned him about a statement you gave him
10 the morning of, I believe it was the 18th, maybe it was
11 the 19th. Did you tell him at some point in time about
12 her suicide?

13 A I'm sure I did. I tried to tell him three times. I
14 made sure I did.

15 Q And did you tell him about that she stabbed herself
16 after she had fallen?

17 A Uh-huh.

18 THE COURT: You've got to answer her question so she
19 can type it up right.

20 THE WITNESS: I'm sorry. Yes, ma'am, I'm sorry.

21 THE COURT: All right.

22 THE WITNESS: Remember now, I'm a country boy.

23 THE COURT: Now, answer the question.

24 Q Now, there was --

25 THE COURT: Wait a minute. Wait a minute. I want --

1 now that I've given the explanation, I want him to
2 reanswer that last question.

3 THE WITNESS: Yes, sir.

4 THE COURT: Very good.

5 Q Now, was there a point in time when you were speaking
6 with Investigator Wade where he gave you some information
7 that caused you to change the story?

8 A Oh, yeah.

9 Q What was that information that he told you?

10 A That they were charging Joseph for something he
11 didn't do.

12 Q What were they charging Joseph with?

13 A Charging him with murder.

14 Q And once you heard him say they had charged Joseph
15 with murder, what did you do at that point?

16 A Well, I just said it was me.

17 Q Now, when you told them it was you, were you being
18 truthful? When you told him that you were the one that
19 murdered her, were you being truthful?

20 A No.

21 Q So why did you tell them that lie?

22 A Cover up for Susan and Joe.

23 Q And --

24 A I done lived my life. He needed to live a life.

25 Q So when you told them that you murdered Susan, you

1 were not being truthful?

2 A That's correct.

3 Q Did you murder Susan?

4 A No.

5 Q Marion, I want you to look at the jury. Marion
6 Wilkes, did you murder Susan Wilkes?

7 A No, I did not.

8 Q Are you sure of that?

9 A I'm very positive.

10 MR. FLOYD: Thank you. Answer any questions that Ms.
11 Patterson or Mr. Bell have.

12 THE COURT: I think we can do a break. I was
13 thinking about it earlier. All right. Y'all step in the
14 jury room. Don't discuss the case. Mr. Wilkes, remember,
15 you can't discuss your testimony while we're on the break.
16 You're still on the witness stand. You can step down, but
17 you can't talk about your testimony.

18 (Whereupon, the jury was excused from open court for
19 a break.)

20 MS. PATTERSON: Your Honor, based on the witness'
21 testimony that he was covering for his son and that that
22 was the only reason that he admitted to killing Susan was
23 because he found out his son had been charged, I will
24 renew our motion to allow us to be able to discuss the
25 statement at bond court.

1 THE COURT: I'm going to think about it.

2 MS. PATTERSON: Thank you.

3 MR. FLOYD: And, Your Honor, we would ask you, also
4 -- because we were in front of the jury so we didn't want
5 to argue the motion, but the motion as to the exclusion of
6 the movie, it's our position that it's very relevant and
7 that it shows -- it's demonstrative of the -- of Susan's
8 desire to have a natural burial, which is what he gave
9 her. And therefore, it's -- it's one of her favorite
10 movies. She watched it all the time. When she watched
11 it, she told him that that's the kind of burial she
12 wanted. And it goes to explain why he took the actions he
13 did rather than calling a funeral home as maybe most
14 people would normally do. So we renew our offer to put
15 that into evidence.

16 THE COURT: Okay. I'm going to stick to my ruling.
17 I'm not going to allow it. You can discuss it all you
18 like, but I'm not going to allow the movie in. Let's take
19 a few minutes.

20 (Whereupon, a short break was taken.)

21 THE COURT: Y'all ready?

22 MS. PATTERSON: Yes, sir.

23 THE COURT: Bring them in.

24 MS. PATTERSON: Your Honor, did you make a ruling on
25 the issue?

1 THE COURT: No. I'm going to sit on it for a minute.
2 I'll let you deal with this witness first because you're
3 not going to need this through him.

4 MS. PATTERSON: Well, I was going to ask him about
5 it.

6 THE COURT: You can ask him about it.

7 MS. PATTERSON: Okay. That's all I wanted.

8 THE COURT: I don't see why you can't do that.

9 MR. FLOYD: Your Honor, we would object to her asking
10 him about it.

11 THE COURT: Why can't she ask him?

12 MR. FLOYD: This is a situation where Your Honor had
13 already ruled that they could not use that piece of
14 knowledge. So we haven't had a chance to even talk about
15 that piece of evidence as to whether or not that would
16 come out.

17 MS. PATTERSON: I thought that ruling was about the
18 video, which we agreed not to show. But again, he's --

19 THE COURT: How much more -- y'all come up here.

20 (Whereupon, a bench conference was held.)

21 THE COURT: All right.

22 (Whereupon, the jury came into open court at
23 approximately 10:25 a.m.)

24 THE COURT: All right. Ms. Patterson.

25 MS. PATTERSON: Thank you, Your Honor.

CROSS-EXAMINATION

1
2 BY MS. PATTERSON:

3 Q Good morning, Mr. Wilkes.

4 A Good morning.

5 Q Let's start off by talking a little bit about your
6 wife, Susan. Susan was a good wife, wasn't she?

7 A Yes, she was.

8 Q She was a loving mother to Joseph, wasn't she?

9 A Yes.

10 Q She kept a great house, didn't she?

11 A Yes.

12 Q She was very organized, wasn't she?

13 A Yes.

14 Q In fact, she liked to write out to-do lists, didn't
15 she?

16 A Write out the what?

17 Q To-do lists, like do lists, what she was going to do
18 for the day?

19 A Oh, yeah.

20 Q She kept an organizer, didn't she?

21 A Most of the time.

22 Q In the organizer, she has a lot she writes about --
23 like, she likes to get her hair done, doesn't she?

24 A Yeah, she got thin hair and she worried about it all
25 the time.

1 Q And she liked to go on daily walks, didn't she?

2 A Up until '04. After she hurt her back, it was a lot
3 less.

4 Q And I think during the interview -- well, I know in
5 the interview with Captain Wade, you talked about Susan
6 having an affair with someone named Jeff Clyburn, didn't
7 you?

8 A That's -- that was something that come to me like
9 gossip. And she worked for him for years and years, you
10 know.

11 Q But you told Captain Wade that she was having an
12 affair and you were afraid that the affair had started
13 back up again, didn't you?

14 A I might have said that to him.

15 Q And didn't some letters that you sent to Linda Bodie
16 -- you sent Linda Bodie some letters, didn't you?

17 A Oh, yeah. We kept her yard up. I knew her husband,
18 too.

19 Q And some of these letters, they were, actually,
20 addressed to your son, Joseph, correct?

21 A That's correct.

22 Q And was it -- it was your hopes that Linda would get
23 these letters to Joseph for you, wasn't it?

24 A Why not?

25 Q And I'm going to hand you what's been marked as

1 State's Exhibit number 146. Can you read your own -- your
2 letter? Do you have problems reading?

3 A The only problem would be my own writing.

4 Q Let me just draw your attention to one particular
5 line --

6 A Okay, do that.

7 Q -- if I can, sir. And in this letter to Joseph,
8 don't you talk about Jeff Clyburn?

9 A Yeah, everybody suspected. It was talk, talk, talk
10 about this guy. He was married to a guy -- a girl in
11 Winnsboro. She divorced him. She annulled it and she was
12 -- he's got a good wife now. But he thought he was Mr.
13 Playboy.

14 Q And you thought he was having an affair with your
15 wife, didn't you?

16 A That was only gossip.

17 Q Well, you talked about it to Captain Wade, didn't
18 you?

19 A What's that?

20 Q You talked about it to Captain Wade, didn't you?

21 A I might have talked to him about a lot of things. He
22 just rattles on. He makes you rattle on for nothing.

23 Q And you wrote about it in that letter to Joseph,
24 didn't you?

25 A Sure.

1 Q So you thought she was having an affair?

2 A Nope, just guessing.

3 Q And you talked about Susan having depression, didn't
4 you?

5 A After her back, yes, she had a lot of it.

6 Q Did you -- and you and Susan both saw Dr. Greenfield,
7 didn't you?

8 A Oh, yeah.

9 Q Did you ever speak to Dr. Greenfield about your
10 concern for your wife and her depression?

11 A That's how I got her to come in there. I don't know
12 why they didn't mention depression -- didn't mention about
13 the Trazodone she gave her. I mean, it's -- that's what
14 it's for. It's to help, too.

15 Q So it's your testimony that you went to Dr.
16 Greenfield out of your concern for your wife's depression?

17 A I had been going to Dr. Greenfield forever, since she
18 was at Doctors Care. After the male doctor there left,
19 she had to sew me up one time, I got cut, and I stayed
20 with her ever since.

21 Q You didn't talk to Dr. Greenfield about Susan's
22 depression, did you?

23 A I probably did because I was trying to get Susan to
24 get started with her before PrimeSouth folded out. And if
25 you'd check the records, she hadn't been there very long,

1 maybe three or four years. And she wouldn't go to the
2 doctor.

3 Q And then you talked to Captain Wade and you called
4 Susan a gambler, didn't you? You said she liked to
5 gamble?

6 A She loved to do scratch offs. Who don't?

7 Q Exactly. But Susan was not -- did not have an
8 addiction to gambling, did she?

9 A I really don't know.

10 Q Well, why did you tell Captain Wade that she spent
11 over \$200,000.00 dollars in gambling?

12 A I quoted \$200,000.00 dollars? I quoted that to him?
13 I certainly don't remember that. But him yelling and the
14 way he does his investigations, I don't ever want to talk
15 to anybody like that. I think it's very unprofessional.

16 Q So you're saying that the way Captain Wade talked to
17 you made --

18 A Oh, yeah.

19 Q -- you say a lot of stuff --

20 A Yeah.

21 Q -- that wasn't true?

22 A Yeah.

23 Q Didn't you just testify that you were in the
24 military?

25 A Yes, I was in the military.

1 Q Didn't you go through basic training?

2 A Certainly.

3 Q And I'm sure you had a drill sergeant, correct?

4 A Correct.

5 Q So you've experienced an adult raising their voice at
6 you, correct?

7 A Not like that.

8 Q So Captain Wade raising his voice would make you say
9 that you did the unthinkable and killed your wife, is that
10 what you're saying?

11 A I'm saying that I was already upset about it and he
12 could tell it. I had been locked up in that wonderful
13 Lexington jail, first time ever, I had diarrhea. I've had
14 three times food poisoning in there. And that's the shape
15 I was in when it happened. So he likes to beat up on
16 people with his mouth like that, yes.

17 Q At the time you talked to Captain Wade, you was only
18 in jail for one day, correct?

19 A Probably so. But you know what makes you sick, it's
20 the gravy they feed you over there.

21 Q And in talking to Captain Wade, I think you called
22 your wife -- so you said she was having an affair,
23 correct?

24 A I could have told him anything.

25 Q Said she was a gambler, correct?

1 A I don't know, maybe I did.

2 Q And then you said she was an alcoholic, didn't you?

3 A No. I might have said that in those words, but all
4 she did was sip vodka to sleep. I told her, I said, You
5 don't need that. Don't get started with that. You've got
6 native American blood in you and they go to alcoholism
7 quick.

8 MS. PATTERSON: May I approach him, Your Honor?

9 THE COURT: Certainly.

10 Q Let's look at that letter. Let's go back to that
11 letter. In this letter, let's just go to the last
12 sentence. Can you read that?

13 A Yeah, she was getting more scratch-offs than I wanted
14 her to.

15 Q So again, not only did you tell Captain Wade your
16 wife was gambling, but you wrote it in the letter?

17 A I mean, three or four scratch-offs a week and you
18 call that full blown gambling? Well, it is gambling.

19 Q But what did you write? She was gambling what?

20 A A lot.

21 Q A lot. So you said that?

22 A That's about \$30 or \$40 dollars a week. That's a lot
23 to me.

24 Q So those are your words?

25 A You can't twist it into that, ma'am. She's not --

1 she's not a gambler.

2 Q She is not a gambler. And then you went on to talk
3 about her drinking in that letter, didn't you?

4 A Yeah. I might have wrote anything at that time I was
5 so shook up.

6 Q So you might have wrote anything in that letter
7 because you were shook up, correct? And you might have
8 told Captain Wade anything in that interview, correct?

9 A If you were in the shape I was in and somebody
10 yelling at you, all I wanted to do is get out of there.

11 Q And you might be telling this jury anything today; is
12 that correct?

13 A No, I'm just trying to tell you how they treated me
14 in West Columbia. It's not professional.

15 Q Well, on that interview with Watch Fox, you commended
16 law enforcement in how they was treating you; did you not?

17 A I was talking about the street policeman.

18 Q But at that point, you hadn't met Investigator
19 Griffin, had you?

20 A Probably, just start -- I mean, as soon as he came
21 on, I think.

22 Q And you had met Captain Wade, didn't you?

23 A I don't remember how quick I saw him.

24 Q But now, you want to say they treated you so badly,
25 don't you?

1 A Well, I think everybody in West Columbia that's had
2 to deal with them would say bad. And I'm saying that
3 because I know what I'm talking about.

4 Q You're just saying they treated you bad because now
5 they've caught you, didn't you?

6 A Haha, no.

7 Q Now, let's talk about this incident you said with
8 Susan. You said she was reaching up in her spice cabinet?

9 A Yes, ma'am, it's a little small door about six inches
10 wide at the top. Uh-huh.

11 (WHEREUPON, State's Exhibit numbers 162 and 163
12 were marked for identification.)

13 Q Now, Mr. Wilkes, I'm going to show you what's been
14 marked as State's Exhibits 162 and 163 and ask you to take
15 a look at these pictures. Do you recognize those
16 pictures?

17 A That's the rug that's by the camera. The storage was
18 right over there in the corner.

19 Q Okay. But do you recognize what's in that picture?

20 A Yeah, but I don't see any Lawry's Seasoning Salt.

21 Q Okay. But is that --

22 A It's up in the cabinet over here in the corner.

23 Q Is that not your kitchen?

24 A Yeah.

25 Q And does that look like the kitchen that -- the shape

1 it was in when Susan was still alive and y'all were living
2 there?

3 A I think so.

4 MS. PATTERSON: Your Honor, I move these two pictures
5 into evidence.

6 THE COURT: Any objection?

7 MR. FLOYD: No objection, Your Honor.

8 THE COURT: 162 and 163 admitted without objection.

9 (WHEREUPON, State's Exhibit numbers 162 and 163
10 were admitted into evidence.)

11 Q And Mr. Wilkes, these pictures show your spice
12 cabinet, doesn't it?

13 A It certainly looks like it.

14 Q I'm going to show you another picture. And so where
15 is that cabinet located? Is it back in -- it's back in
16 the corner, correct, near the sink?

17 A It's over the stove, I believe. That's over the
18 stove.

19 Q That's over the stove? Are you sure about that? Let
20 me show you another picture so you can orient yourself.
21 Isn't it true that that's over the -- that's over the
22 stove?

23 A Yeah, but that cabinet -- that was the corner, the
24 picture you just showed me.

25 Q Right. And that's to the right of the stove,

1 correct?

2 A That's right.

3 Q Let me show you a big picture of your kitchen.

4 A Right.

5 Q And all of that is up there to the right, correct?

6 A That's right.

7 Q And where -- and your kitchen table is down here,

8 correct?

9 A Yes.

10 Q That's your kitchen table. So you want the jury to

11 believe that Susan fell going in the spice rack and hit

12 her head on the back of that chair, don't you?

13 A That chair right there, my wife always kept it over

14 there in front of the stackcos, (phonetic), and set a

15 trash can in it because she didn't have room hardly to

16 work to her right over there. And like egg shells and

17 stuff, she'd put in. That chair always set there when she

18 was in there cooking.

19 Q Mr. Wilkes, you've got an answer for everything,

20 don't you?

21 A I'm telling you like it is. I know my wife.

22 Q Isn't it true that that spice rack is far away from

23 the table and chair in that kitchen?

24 A No, it's not. Not for her to fall back as tall as

25 she is.

1 Q So did the chair break? The chair didn't break, did
2 it?

3 A No, the chair didn't break.

4 Q But she fell hard enough -- or you want the jury to
5 believe she fell hard enough to cause those head injuries
6 to the back of her head when she fell from the spice rack?

7 A That's what she did.

8 Q This is what she did?

9 A But the pictures that they got of that were not like
10 that. That's -- that happened either putting her in the
11 car or something up there. When she fell off that chair,
12 it opened up the skin on her back right corner of her neck
13 right here. And I got it with a clean dish towel. I got
14 it stopped.

15 Q Isn't it true that you told Captain Wade that you hit
16 your wife again and again and again with a frying pan,
17 correct?

18 A You know that was after I said the Three Stooges work
19 over here and he takes that out. I called them the Three
20 Stooges over there in West Columbia.

21 Q So now, you want to call them names, correct?

22 A No, we was just -- we was just talking about that.
23 That's who used the frying pan in those comedy movies, the
24 Stooges.

25 Q So you're relating this case to something as comical

1 as the Three Stooges, Mr. Wilkes?

2 A Well, when you get talked to like you're an animal, I
3 can say what I want to say, too, when they talk to me like
4 an animal.

5 Q And what was Susan standing on when she was in the
6 spice rack?

7 A A two-step ladder that belonged to my mother. We got
8 it after my mother died.

9 Q Now, Susan was how tall?

10 A About five-ten.

11 Q And she couldn't reach that spice rack, is that what
12 you're saying?

13 A Not up there in the top.

14 Q She couldn't reach it?

15 A No. I couldn't reach it.

16 Q Now, I'm going to show you what's been entered as
17 Defendant's Exhibit number 4. Is that the stool you're
18 talking about?

19 A Yep, that's where she kept it, in there in the spare
20 room.

21 Q And that's the spare room?

22 A Uh-huh.

23 Q That's not your room?

24 A No.

25 Q So how did the stool get back in that room if Susan

1 had fell off of it and hit her head and killed herself?

2 How did it get back in that room?

3 A That's where it's always put when you're through with
4 it.

5 Q So after you were through with it, you put it back in
6 there?

7 A Somebody put it in there. I don't know who put it in
8 there.

9 Q Well, Susan couldn't because she was dead at this
10 point, correct?

11 A Let's see. I guess she was. But, I mean, you know,
12 eventually, it's going to get back in there. We tidy
13 whiteys at the house.

14 Q Now, you testified that y'all liked to go and collect
15 these arrowheads?

16 A Yes, ma'am.

17 Q And you was able to rattle off every place that y'all
18 had picked up these arrowheads from, correct?

19 A Just about.

20 Q Just about. Are these the same arrowheads that you
21 reported stolen to your homeowner's insurance a couple
22 years back?

23 A That was a small collection I had that came out of my
24 momma's home place, probably about 30.

25 Q Okay. So these are not the same ones that you got an

1 insurance claim on? They are, aren't they, Mr. Wilkes?

2 A No, I don't think they are unless -- wait a minute,
3 they did find them out of Whitmire on 221, Road 221.

4 Q So they were able to find them after you filed an
5 insurance claim?

6 A Months after, I'm pretty sure.

7 Q And you didn't return that money, did you, to the
8 insurance company, did you?

9 A I don't remember.

10 Q And you're using these same arrowheads to try to help
11 you commit another crime, aren't you?

12 A Nope.

13 Q And you talked about Susan being so proud of her
14 Native American culture, correct?

15 A That's correct, she was.

16 Q But then you testified she wanted to be out there
17 where it was only her and God, correct?

18 A That's correct.

19 Q So was she Native American or was she a Christian?

20 A She was both.

21 Q Okay. And since you were just being the honorable
22 husband that you were, correct, and burying her like her
23 Native American culture, let me ask you some questions
24 about that. Did you prac -- you didn't practice seven
25 days of mourning after Susan was dead, did you?

1 A Seven days of mourning?

2 Q Yes, sir.

3 A A lot more than that.

4 Q Did you raise her body above the earth for a period
5 of time? You didn't, did you?

6 A You sound like you're reading something out of a book
7 about something else.

8 Q Did you do that?

9 A No.

10 Q Okay. You didn't clean her body off with any sacred
11 oils or anything, did you?

12 A You reading of Indian culture somewhere, what they
13 did somewhere.

14 Q But these are all burial cultures that Native
15 Americans practice, correct?

16 A In some places, not all.

17 Q But you --

18 MR. FLOYD: Your Honor, we would object to this line
19 of questioning. The Wateree -- unless she's talking about
20 Wateree Indian sacraments. Each Indian tribe has
21 different --

22 THE COURT: I agree. Sustain that.
23 Ma'am, if you know the particular practice of the tribe.

24 Q Well, did --

25 MS. PATTERSON: Well, I could ask him.

1 THE COURT: You can ask him if he knows.

2 Q Well, did you practice any particulars of the Wateree
3 Native American when you buried her?

4 A No, I didn't because we are Christians. And if she
5 had been -- I guess a long time ago, it would have been
6 done like that.

7 Q But you said she wanted to be buried like her Native
8 American culture?

9 A She wanted to be buried in nature.

10 Q But that's not what you testified about earlier, was
11 it, Mr. Wilkes?

12 A What did I testify? In nature. It's out there with
13 them in a place like that. What do you mean?

14 Q Well, let me show you where you buried her at.

15 A I know exactly where I buried her at.

16 Q Because you talked about she wanted -- the Native
17 American burial grounds were near a creek. Is it a creek
18 out here?

19 A Not right in that area, no.

20 Q You talked about it being a hill. There's no hill
21 out there, is it?

22 A Yes, it's all hills out there.

23 Q Where is a hill in relation to where you put her
24 body?

25 A You go up a hill to get up the driveway to the place.

1 Q Up the driveway?

2 A Yeah. I'm not talking about the driveway -- it's a
3 steep driveway they had to work on all the time there.
4 And it was up on a hill.

5 Q You're talking about that driveway that leads up to
6 Eric Bassett's house?

7 A No, ma'am. The one way back down that way towards
8 Gardenia Drive.

9 Q So that location was not near that hill, was it?

10 A Yes, it was up on the hill. It's a hill you go up
11 to. It's a hill you go up on Gardenia. And when you turn
12 into 129 driveway there, it's another hill.

13 Q You said that you placed a cinder block on the body
14 so you would know where she was, right?

15 A Right, so I could find her with a shovel and add dirt
16 to it.

17 Q Do you say -- this picture doesn't show the cinder
18 block, does it?

19 A No, it doesn't.

20 Q Because it was up under the dirt, wasn't it?

21 A Yes, it was under the dirt so you could find it with
22 a shovel.

23 Q Oh, so you were going to go up there and just find it
24 with a shovel?

25 A Where I could add more dirt to it, what she wanted to

1 do. As she decomposed, she wanted it covered up.

2 Q So are you --

3 A I've already said that.

4 Q So are you saying you were going to uncover it first
5 so you could see the cinder block and then cover it back
6 up and cover it up with more dirt, is that what you're
7 saying?

8 A The cinder block marked the back corner of where she
9 was buried. That was the marker. Okay. When it needed
10 to be, all we had to do was find where it was and add dirt
11 to it. That's what she requested. Because a lot of the
12 graves up on Wateree had washed up and you could see the
13 skeletons.

14 Q So Susan fell backwards, hit her head, was able to
15 get up, hit her head again, is that what you're saying?

16 A One was before 9 o'clock, the first one. And the
17 other one was probably about 11:30 or a little after.

18 Q And then did you get her help after the one at 9
19 o'clock?

20 A Yes, I cleaned her up and all. I stopped it.

21 Q And you were able to stop it. And the one at 11
22 o'clock, you didn't call for help, did you?

23 A I know what to do. I got a clean dish towel and
24 clotted it. It don't take but just a few minutes and your
25 body clots.

1 Q Okay. And you said she stabbed herself in the
2 sternum, correct?

3 A Uh-huh.

4 THE COURT REPORTER: Was that a yes or a no?

5 THE WITNESS: Yes. Yes.

6 Q And she was then able to have a full fledged
7 conversation with you, is that what you're saying?

8 A No, just a couple little sentences and that's it.
9 She died.

10 Q And that was enough for you to just let your wife of
11 almost 35 years lay there and die? Those few sentences
12 that she was able to tell you. Is that what you're
13 saying?

14 A When a person stabs their self, it takes a few
15 minutes for it to work in the body. I worked with
16 criminal justice overseas. It takes a few minutes.
17 Apparently -- in one of your pictures, it shows where it
18 hit an artery. It takes a few minutes, ma'am.

19 Q Did you --

20 A She did talk.

21 Q Did you call 911?

22 A No.

23 Q Did you --

24 A Because she didn't want that.

25 Q Did you run over and get your neighbor? You didn't,

1 did you?

2 A I backed the car out. I was going to try to get her
3 in the car and take her to the hospital anyway.

4 Q But then you tell Captain Wade that you couldn't get
5 her in the car because she was too heavy?

6 A That's the reason I went to get David.

7 Q And she was able to tell you don't tell anybody what
8 I did, is that what you're saying?

9 A That's correct.

10 Q Wrap me in a tarp?

11 A I had already been told that.

12 Q Is that what you're saying? And take me to Little
13 Mountain to bury me so no one will know where I am but me
14 and God, is that what you're saying?

15 A That's correct. That's what she wanted. She really
16 wanted to be buried on Wateree. If you ever see the
17 place, it's beautiful up there.

18 Q And I think you're right, you did mention you studied
19 or worked in criminal justice in the military, correct?

20 A I worked with criminal justice under two captains in,
21 Okinawa for two years.

22 Q So you understand the importance of physical evidence
23 in proving a case, don't you?

24 A What we was looking at was bodies that had come back
25 -- back to Okinawa to be processed or either the

1 criminally insane that had lost their minds or either the
2 one that got ahold of LSD and like poison bootleg, the
3 rice -- what they made out of -- rice wine, rice saachi.

4 Q Did y'all ever talk about the importance of physical
5 evidence in a case?

6 A Probably did. But most of it wasn't cases, it was
7 bodies being brought back.

8 Q And isn't it correct, you learned how to dispose of
9 physical evidence in a case, didn't you?

10 A No.

11 Q And, in fact, you and Joseph, the day after you
12 killed your wife went to the dump and got rid of physical
13 evidence, didn't you?

14 A No, ma'am, that is stuff that Susan had already
15 cleaned out. We cleaned up the computer room. And they
16 know how it was neat as a pen in there. We cleaned out
17 all Boy Scout stuff. We finished up with the Boy Scouts.
18 Me and Joseph, we had old afghans and stuff that I slept
19 on when we scouted. We were in scouts for six years. I
20 was camping coordinator. I had a ton of stuff. And she
21 went through some of the underclothes and stuff like that
22 and got rid of it. That's what it was.

23 Q And didn't you tell Captain Wade that you cleaned up
24 all the blood, correct?

25 A I don't know what I told him. Ain't no telling.

1 Q And that y'all got rid of that stuff at the landfill
2 -- at the dump, didn't you?

3 A I don't know whether I put it in the dump or put it
4 in the local can there that picks up once a week.

5 Q But you and Joseph did go to the dump, didn't you?

6 A Yes.

7 Q And that video showed, didn't you?

8 A That stuff that I told you, just told you a minute
9 ago is what we took.

10 Q And these letters that you sent to Linda Bodie,
11 didn't in these letters you tell Joseph y'all had to get
12 your story straight? And I'm going to hand you the rest
13 of these letters.

14 A Well, you know why? Because going through what I had
15 to go through. You durn right. Finally, after I had to
16 tell him that his mother truly committed suicide -- I
17 don't want to see them. I remember what I told him. I
18 told him all -- we had to just tell what it is, how mom
19 had been sick and all this. That's all.

20 Q Did you say, We have to get together soon. It is
21 important our stories match up about mom.

22 A That is correct.

23 Q That's what you said in these letters. You said her
24 breaking point was that job at PrimeSouth, didn't you?

25 A It started there, yes.

1 Q And you said that she was having an affair? And we
2 talked about that.

3 A Well, that was gossip.

4 Q And then you, also, say that you will list out what
5 happened because you had the police report, and he had
6 some stuff wrong, didn't you?

7 A What are you talking about? I don't get that.

8 Q Let's look at your letter. Read that.

9 A (Witness complied.) This is what we've already
10 talked about.

11 Q Okay. So you told him y'all had to get your story
12 straight, correct?

13 A Only just -- nothing to do with -- amount to nothing,
14 I don't guess.

15 Q And then you tell him if --

16 MS. PATTERSON: Court's indulgence.

17 Q And then you told him if you get not guilty,
18 everything is -- y'all get everything, correct?

19 A Well, not knowing about all this South Carolina stuff
20 that Nikki Haley put in, hand of one, hand of two, or
21 whatever is the hand of one, you know, that's not fair to
22 people. It's not fair to people.

23 Q And then you, also, say -- you talked about money a
24 lot in these letters and about how y'all would get
25 everything?

1 A That was her main purpose, for him to go to school.

2 Q I -- isn't it true that Joseph was going to try to
3 get some kind of business together?

4 A He was fixing to go to work for Coyote. She was
5 going to give him \$3,000.00 dollars to finish getting his
6 tools. We already had the truck completely done with
7 racks and ladders and all, which they took. And all he
8 had to do was get his tools ready, some of his power
9 tools. He had to have him a long drill and stuff. Some
10 of these guys, mechanics ought to know what I'm talking
11 about. And they know what it takes to install cable.

12 Q And you said Susan wanted to be buried in a natural
13 burial, right?

14 A Yes, ma'am.

15 Q Would you consider being buried in a tarp being
16 natural, and duct tape?

17 A That's what she wanted to be protected, yeah, she
18 wanted her body to be protected and let it decompose
19 natural. That was her choice, not mine.

20 Q And Mr. Floyd talked about you and Susan liking this
21 movie and that being your favorite movie called "Where the
22 Lilies Bloom", correct?

23 A That's one of many.

24 Q And y'all would watch this movie all the time,
25 correct?

- 1 A We went through about four movies pretty regular,
- 2 like Fried Green Tomatoes and Ben Hur and that and she
- 3 loved a movie called "Southern Bride", I think.
- 4 Q But y'all really liked that movie "Where the Lilies
- 5 Bloom", correct?
- 6 A That was one of the tops because it was a true story.
- 7 Q So I'm sure you still remember some of the lines in
- 8 that movie, don't you?
- 9 A Probably could. I hadn't seen it in four years.
- 10 Q Do you remember when Kiser, the landowner, told Mary
- 11 Call, that little girl, about her lying about her father
- 12 being missing? Do you remember that?
- 13 A That was before Kiser went and had it okayed from the
- 14 county or whatever to leave the body there.
- 15 Q So do you remember -- so you do remember part of that
- 16 movie, correct?
- 17 A Yeah, I remember parts of it probably.
- 18 Q And isn't it true that Kiser told Mary Call that this
- 19 was the deception of the rankest kind?
- 20 A A what?
- 21 Q The deception of the rankest kind. Do you remember
- 22 that line in that movie?
- 23 A No, I don't.
- 24 Q And isn't it true that is what you sat here on this
- 25 jury stand and did today, deception of the rankest kind?

1 A No. I've already said what happened. You're just
2 trying to twist it.

3 MS. PATTERSON: No further questions.

4 THE COURT: Defense?

5 MR. FLOYD: Your Honor, we would move to admit the
6 movie now that she's asked him questions about it. That
7 way the jury can see it all because we think it's been
8 taken -- the questions were not proper.

9 THE COURT: I don't think that movie needs to come
10 in, so I'm sticking -- I'm not going to allow the movie.
11 Nothing in the movie is relevant to what happened in 2014.
12 It's a story, it's been testified to and I'm going to
13 leave it there.

14 MR. FLOYD: Thank you. Of course, they just asked
15 him about the movie.

16 THE COURT: I'm not changing my ruling. It's your
17 opportunity for redirect.

18 MR. FLOYD: No further questions, Your Honor.

19 THE COURT: You may step down. Your next witness.

20 MR. FLOYD: Your Honor, the Defense rest.

21 THE COURT: Very well. Folks, I've got to put
22 something on the record. Y'all step in the jury room.
23 Don't discuss the case. I'll have y'all back in here
24 shortly.

25 (Whereupon, the jury was excused from open court.)

1 THE COURT: Anything in rebuttal?

2 MS. PATTERSON: No, sir, Your Honor.

3 THE COURT: Renew your motions?

4 MR. SPANGLER: Yes, Your Honor. At this time, the
5 Defendant renews his objection until Rule 143 of South
6 Carolina Rules of Criminal Procedure. At this point, in
7 light of all the evidence that has been presented, there's
8 insufficient evidence for a jury to decide in favor of the
9 State on the charged offense. Again, this is a purely
10 circumstantial case. We haven't heard any evidence as to
11 when the crime was committed, where that crime was
12 committed, who committed it or how it was committed. We
13 stand on our prior argument and incorporate that, but we
14 do believe a directed verdict under Rule 143 is proper.

15 THE COURT: Respectfully denied. Y'all tell me
16 timing-wise what y'all want to do. Because I've been
17 working on the instruction. It's 11 o'clock. Hope's got
18 lunch coming for the jury.

19 THE CLERK: It's supposed to be at 11:30.

20 THE COURT: Oh, it's supposed to be here at 11:30?

21 THE CLERK: That's correct.

22 THE COURT: It's cold cuts, so they're not going to
23 get cold. I mean it's sandwiches. I think it would be
24 most appropriate to take about 10 minutes and then argue
25 and charge right now and then let them eat.

1 MR. FLOYD: Your Honor, we do have some proposed
2 charges.

3 THE COURT: All right. Let's hear them. Let's have
4 a charge conference, but off the record. We're at ease.

5 (Whereupon, a short break was taken.)

6 THE COURT: Are y'all ready?

7 MS. PATTERSON: The State's ready.

8 THE COURT: Bring in the jury.

9 (Whereupon, the jury came into open court at
10 approximately 11:36 a.m.)

11 THE COURT: All right, folks. It's now the
12 opportunity for the lawyers to summarize what they believe
13 -- the evidence and facts they're trying to prove.
14 Ms. Patterson.

15 MS. PATTERSON: Thank you, Your Honor. May it please
16 the Court?

17 THE COURT: Yes, ma'am.

18 MS. PATTERSON: Mr. Floyd. Good afternoon. You
19 didn't change up on me, did you? They need physical
20 evidence. Not guilty, we get everything. Words from the
21 Defendant, Marion Wilkes, who, on July 11th, 2014, killed
22 his wife, Susan Reynolds Wilkes. And even after hitting
23 her in the head with the frying pan again and again and
24 again, and even after stabbing her in her sternum, hitting
25 her heart, and even after wrapping her body in a tarp

1 bound with duct tape wrapped in a comforter and stuffed in
2 a cold, shallow grave, he will not let her rest in peace.
3 But instead of using frying pans and knives, he uses lies
4 for this unrest. He uses lies to stage his coverup with
5 the police. He uses lies to stage his coverup with the
6 media. And he's used lies to stage his coverup with you
7 today. And for his role, he stands on trial for murder of
8 Susan Reynolds Wilkes. And the Judge will explain the law
9 later on, but this is my opportunity to explain to you
10 what I think the law is and how it relates to our case.
11 And it's not that I don't think you were attentive and I
12 appreciate your patience, but I just ask for you to bear
13 with me for a little while longer. Because see, one of
14 the hardest things it is for a Prosecutor to do is take
15 that seat. And momentarily, when I have to take that
16 seat, I know there's going to be something I want to jump
17 back up and say, but I can't. So I'm going to just try to
18 take my time and go through things and I just ask for just
19 a little more patience. The Defendant is charged with
20 murder. And under South Carolina law, murder is defined
21 as the killing of a person with malice aforethought either
22 expressed or implied. Certainly, it is our position that
23 Susan Wilkes was brutally killed. Malice aforethought --
24 and we'll explain malice just a little bit -- in a little
25 bit, but aforethought means just right before the crime --

1 or the act occurred. It doesn't have to be any prolonged
2 amount of time. It doesn't have to be a particular amount
3 of time. As long as the malice occurred right before the
4 act was taking place. Now, expressed or implied. We
5 submit to you that these are all the samples of the
6 expressed malice. You heard the Defendant in his
7 interview with Captain Wade. It just built up, it built
8 up. She had me so upset, I popped her in the head. I hit
9 her again and again and again, knife right in the heart.
10 I'm the one who lost it with her. She was having
11 an affair. I hurt her. Evidence of implied malice. The
12 victim was hit in the head multiple times. You heard that
13 from Dr. Ross. She had skull fractures. She had, at
14 least, five lacerations to her head. She was stabbed in
15 the stomach, right here at the sternum that went up in her
16 heart. No talk about her ever being armed with anything.
17 No evidence of a physical altercation. He talked about a
18 confrontation, but nothing about a physical altercation.
19 all examples of malice. The Judge will, also, instruct
20 you about something called accomplice liability, otherwise
21 known as hand of one. He will give you that instruction,
22 ladies and gentlemen. But, primarily, a person who has
23 knowledge of another person's criminal conduct and is
24 present at the scene and his presence is such that he
25 knows -- he has associated himself with and participated

1 in the criminal undertaking, he's guilty under this theory
2 of law. Now, the Judge will, also, instruct that it is
3 the State's burden to prove all the elements of the crime
4 that exist beyond a reasonable doubt. Now, reasonable
5 doubt is not beyond all doubt. There are few things we
6 know beyond all doubt. The law doesn't require this. It
7 just requires that we overcome every -- it doesn't require
8 that we overcome every possible doubt, it just requires
9 that you are firmly convinced that the evidence supports
10 that the Defendant is guilty. And let's talk about the
11 evidence. Let's talk about the testimony that you heard
12 from different witnesses and the evidence that was
13 presented today or this week. Let's talk about Stephanie
14 Parker, who was working at Watch Fox, and how she wanted
15 to interview because something came over the wire that a
16 lady in West Columbia was missing. So she was interested
17 in interviewing Mr. Wilkes, so she went to his house.
18 She, herself, thought he was suspicious in his details and
19 his demeanor. I think she described him as being stoic.
20 She found that unusual about somebody who was concerned
21 about their wife missing. But he was able to give that
22 interview or able to give detail after detail after he had
23 reported to Officer Holland. And you, also, heard from
24 him, how he, also, was suspicious of Mr. Wilkes. But Mr.
25 Wilkes was able to give him details. He was even able to

1 tell him where Ms. Wilkes' dental records were, where her
2 fingerprints was on file. And this was just information
3 he said, you know, most people wouldn't have been able to
4 give that quickly. But Mr. Wilkes had all the answers.
5 You heard from Patti Smith, Ms. Wilkes' sister. He's
6 never called her before, so she knew something was
7 immediately wrong when he called that Saturday morning
8 reporting that her sister was missing. It's obvious they
9 didn't get along. And she admitted she hadn't been in
10 contact with her sister recently, but she knew something
11 was wrong. And she got her other sister and they got here
12 as quickly as they could. And she wanted to talk to
13 Joseph, but he was never alone. The Defendant wouldn't
14 leave him alone, so they'd have to go outside. But she
15 knew that child knew something, so she stayed on him, she
16 stayed with him. Continued to talk with him, encouraged
17 him to talk with her. And they met at the police station.
18 And after that conversation, Joseph led Investigator
19 Griffin and the other agents to the body of Susan Wilkes.
20 Now, Patti said something else. She said that her sister
21 years ago had already bought a burial plot. So when they
22 were finally able to give her her rest, they didn't have
23 to purchase a plot. That had already been taken care of
24 by Ms. Wilkes. She, also, said that she was there when
25 media was there and Mr. Wilkes said, I'll handle the

1 media. Because see, that's what he wants to do. He wants
2 to handle everything. Why? Because he wants to cover up
3 for himself. And you heard from Investigator Griffin, you
4 heard from him twice. You heard from him that he was just
5 working a missing person's report and how he went and
6 talked to Marion and Joseph. He went to the house. He,
7 too, saw the media there. And you heard him say that
8 Marion told him it would have taken two people to take her
9 because she would put up a fight. And I submit to you it
10 did take two people, it took the Defendant and it took his
11 son, Joseph. And also, heard how Investigator Griffin
12 heard Marion say out at SLED for that followup interview,
13 he told Joseph, You didn't change up on me, did you? I
14 ain't changing up. They need physical evidence.
15 Case turned into a homicide after Joseph led them to the
16 body. And Marion is charged. He's interviewed by Captain
17 Wade. And there is where he admits to hitting his wife in
18 the head over and over and over again. And you heard Dr.
19 Ross' testimony. The admission that Marion gave to
20 Captain Wade matches what she said happened. Repeated
21 blows, five lacerations, skull fracture. And the Defense
22 wanted to strike you with some well, what if this could
23 have been possible? Yeah, but it's not probable.
24 You heard Dr. Ross say how one of the skull fractures in
25 particular matched one of those lacerations. And I know

1 these pictures are hard to look at, but she talked about
2 it. It matches up. And she talked about how if someone
3 sustained a fall to this magnitude, they would have been
4 knocked unconscious. So it's unlikely they could have
5 gotten up, fell again, unconscious. Get up, fall again,
6 unconscious. Five times. That didn't happen. And she
7 said they would have been dead within minutes. Five
8 distinct injuries to the back of her head. In her
9 opinion, these injuries to the head were not
10 self-inflicted. They were caused by a blunt object,
11 linear shaped, she said. And she said there was no way a
12 person could sustain those head injuries, let alone the
13 knife injury and be able to continue a five-minute
14 conversation as the Defendant wants you to believe. She
15 had these head injuries, stabbed herself and then said,
16 Don't tell anybody. Bury me in the tarp. I already got
17 it. It's in the garage. And take me to the place in
18 Little Mountain so nobody will know. Don't let them
19 insult intelligence. That just did not happen.
20 One of the things you get to use in your deliberation is
21 your common sense. The Judge will tell you don't leave
22 that at the door. But not only your common sense, but now
23 you have expert testimony that supported that. It just
24 didn't happen. And that she said not only was it caused
25 by blunt force, but significant force would have had to

1 cause these fractures. She said the fracture went all the
2 way through her head. Significant blows. And she said
3 that it could possibly happen with a frying pan. She said
4 that wound was probably caused by a knife. And she, also,
5 said it didn't happen postmortem. I think they asked her
6 about the cinder block being placed on the body. She said
7 these injuries were not postmortem. That means they
8 occurred before Ms. Wilkes was killed. And besides, this
9 wouldn't account for the lacerations, only the skull
10 fracture. She ruled it a homicide due to bleeding to
11 death, contributed by the head injuries. She said either
12 one could have been fatal. Hard to tell which one
13 happened first. And you heard from SLED. They were
14 called out first. They were investigating a missing
15 person's report. They were just there looking for
16 anything suspicious, didn't really know what to look for.
17 They found Ms. Wilkes' shoes. They found her purse. They
18 found her cell phone. And they used presumptive testing
19 to say -- you know, to be able to tell if maybe blood was
20 reactive, but she -- you know, they, also, admitted that
21 this could be a reaction to chemicals, such as cleaning
22 supplies, cleaning agents. Which I submit to you that was
23 used by the Defendant and his son to clean up. So it was
24 probably blood, cleaning solutions, a little bit of both.
25 Just hard to tell. But he admitted to Captain Wade, at

1 last that he cleaned it up. You saw the video. They were
2 at the landfill. They were identified. It was nothing
3 wrong with the identification. Investigator Griffin had
4 had ample contact with these individuals the days
5 preceding. He had access to that car. He knew exactly
6 who and what he was looking for and he was able to find
7 it. Just so we can keep our timing in perspective, that
8 video was on the 13th. By the time Investigator Griffin
9 got that video, he had spoken to Marion and Joseph
10 multiple times. So he knew what he was looking at when he
11 got that video. And what were they doing? They were
12 discarding stuff. They was getting rid of the cleaning
13 agents and, I submit to you, the murder weapon. Because
14 Mr. Wilkes told you, he worked and studied criminal
15 justice. He knows physical evidence is needed. And he
16 knew they wouldn't find it. That's what he told Joseph,
17 They need physical evidence. Because he knew they had
18 gotten rid of it. Six or seven times, they throwing stuff
19 in the dump. And look at the pictures -- or y'all can
20 look at the video, all that's in evidence. He was peering
21 in that trunk. He wanted to make sure everything was
22 gone. Coverup. More lies, more deception.
23 And after they did all this, finally, went to the police.
24 Now, if Susan was such a private person and didn't want
25 anybody to know she was missing, why did he go to the

1 police? Certainly, she wouldn't get her privacy then
2 because her face is all over the news, word is out. But
3 he's taking it all in. He's playing the victim. He's
4 doing interviews. He's getting help from neighbors,
5 friends, law enforcement, family, strangers, I'm sure,
6 SLED dogs, helicopters, everybody. He's getting a lot.
7 Then the interview at SLED. Then Joseph cracks, the body
8 is recovered. And then the interview with Captain Wade.
9 Now, he wants to talk about Captain Wade. He don't want
10 to talk to him anymore because he just made him say
11 anything. He's an old mean thing. Y'all heard the
12 interview. Not really sure how he expects a law
13 enforcement officer to deal with someone who killed his
14 wife. I don't know if he expected him to be treated with,
15 you know, kid gloves, but that's not the way interviewing
16 works. And Captain Wade, he wasn't even that mean. He
17 raised his voice. He used a few curse words.
18 But even before all of that, if you remember the
19 interview, he had already started talking about his wife,
20 her affair, her gambling, her drinking, her depression.
21 Even right at the beginning of the interview, way before
22 he knew Joseph was charged with murder. So do not let the
23 Defense let you believe that was the only reason he
24 admitted to what he did. He gave a reason for what he did
25 even before he really admitted to what he did. And then

1 it just so happened it matches the medical evidence? I
2 submit to you it matches because that is what happened.
3 He hit his wife in that kitchen with a frying pan and
4 stabbed her. And he wanted to say Susan was so depressed.
5 Y'all heard Dr. Greenfield. She was not letting up on
6 that. She had treated Susan for five years. Susan never
7 indicated anything about being depressed. I think she
8 said Susan may have had like an adult readjustment when
9 she lost her job, but she wouldn't have categorized it as
10 being depressed. So she never even did a suicide
11 assessment. She said it was unnecessary. And she said
12 that anti-depressant, Trazodone, that Susan was
13 prescribed, it was for her migraines. Medicines often
14 have -- are able to be prescribed for multiple things.
15 And she prescribed that to Susan for her headaches. She
16 said yes, one of the side effects is suicide, but that is
17 on every label where two percent, just two percent now, of
18 the people who have an increased suicide tendency, they
19 have to list it. Susan wasn't one of these persons, who
20 wants to die like this. Susan cared about her health.
21 Even without insurance, she went to the doctor. She made
22 her appointments. Her chief complaint, which the doctor
23 said really wasn't a complaint, it was a reason for the
24 visit, was to get her blood pressure medicine, her
25 headaches. Nobody wants to die like this. She had

1 prescriptions if she wanted to die, just take the
2 prescriptions. Nobody wants to die like this.
3 And the toxicologist, Agent Young, testified about it only
4 being therapeutic trace amounts of her prescriptions in
5 her system. He said once you die, what's in your system,
6 that's what's in your system. Now, he explained the
7 process and said yeah, they have to dilute it to turn it
8 to liquid to be able to test it, but they take into
9 account that when they calculate the analysis amount. So
10 don't let the Defense think that SLED somehow manipulates
11 the testing sample so they can look like someone has less
12 of something in their system. That don't make sense.
13 It's accounted for. It's again, all of these pictures are
14 in evidence. You can look at them. They talked about
15 Susan wanting a natural burial. She loved her Native
16 American heritage, she was proud of it. Yet, he admitted
17 he did nothing from her Native American culture when he
18 buried her. They did nothing. If you loved her and you
19 were so proud of it, why didn't you do anything? Since
20 you know so much about it, why didn't you do anything?
21 Because y'all went all over to collect those arrowheads,
22 which he can tell you where they got those from. Why
23 didn't he do anything? Because this is not the way she
24 wanted to go. This is not the way she wanted to be
25 buried. Now, y'all will have these letters. And I didn't

1 go through them all. We just highlighted some of the
2 stuff. These were letters that he sent to Linda Bodie,
3 and he admitted he wanted her to give them to Joseph, his
4 son. And these letters talk about we need to get our
5 stories straight. We need to match up. We get not
6 guilty, we get all. It talks about money. Because the
7 Defense wants -- you know, they asked our witnesses, you
8 know, well, isn't it usual for a beneficiary to be a
9 spouse? And yeah, it is. And Marion was the beneficiary
10 of Susan's Edward Jones account, which Mr. Stalker
11 testified was valued at \$124,162.63. He was the
12 beneficiary for her insurance policy at \$25,000.00
13 dollars. And he was the primary beneficiary of the Will.
14 And yeah, it's common for spouses to be beneficiary. And
15 you know what's also common? For that to be a motive for
16 murder. But look at these letters. Not only does he
17 encourage Joseph let's get our story straight, but he
18 talks about money a lot. I mean, it's a big deal to
19 Marion. He talked about those arrowheads being worth a
20 lot of money. In fact, he reported them missing to his
21 insurance company. He didn't send that check back. Money
22 matters to him. Read these letters. Not guilty, we get
23 everything. They just want our money. Mom was spending
24 too much of our money. Repeatedly, he talks about money.
25 it matters to him. Let's get our stories straight. Mom

1 fell off a step-stool as she was reaching for Lawry's
2 seasoning salt. And I showed you pictures of her spice
3 rack and how far it was away from that table -- or that
4 chair, because he said she hit her head on the chair. Dr.
5 Ross said even if someone fell off a step ladder like that
6 they would have to hit a hard surface like a concrete --
7 like concrete. But if you fell, you would have been
8 knocked out. I mean, it's just so much stuff, so much.
9 But I just ask of you to just use your common sense when
10 sorting through this, when deliberating. And I tell you
11 what, sooner or later, a man who wears three faces forgets
12 which one is real. You have the Defendant, who wants to
13 be this loving husband, who goes to law enforcement and
14 reports his wife missing, gives these interviews, welcomes
15 the help of people to try to find her. Then you have a
16 man who's just being a loving husband, burying his wife in
17 a natural burial after she committed suicide in the most
18 tortuous way. Then you have a man, because he thought she
19 was having an affair with someone named Jeff Clyburn, and
20 because she was spending the money, and because she is
21 drinking alcohol and gambling, and because she was so
22 depressed that he buried her hoping no one would find her.
23 And I submit to you that's the man that you have here
24 today. That's that man. This wasn't an act based on some
25 movie that they liked. It was an act to cover up his

1 crime, his crime of murder. Remember, his quote, his
2 words, if someone got her, it would take two. She would
3 put up a fight. And it did take two. And Joseph is
4 charged and he will have his day in court, trust me, but
5 this week is Marion Wilkes' term. And I ask that you
6 return a verdict of guilty. Thank you.

7 THE COURT: Mr. Floyd.

8 MR. FLOYD: May it please the Court?

9 THE COURT: Yes, sir.

10 MR. FLOYD: Ms. Patterson. Ladies and gentlemen of
11 the jury, I'd like to -- first of all, before I get
12 started, I'd like to thank each and every one of you for
13 the attention that you have given to this matter. It's
14 the most important day in the life of Marion Wilkes. The
15 decision that you make about him will impact him for a
16 long time. He's been charged with murder, the most
17 serious crime in our society. So we thank you for paying
18 close attention and we appreciate the attention that
19 you've given here. Now I know, I'm going to repeat
20 something to you. I don't think you forgot it, it's just
21 that it's so important. And it goes to what you, the
22 jury, actually decide. Remember this, Marion Wilkes has
23 the same rights we all do. One of those most important
24 rights is what we call the presumption of innocence.
25 Remember, we talked about this. When you look at Marion

1 Wilkes, you must say in your heart and in your mind,
2 Marion Wilkes is innocent and Marion remains innocent
3 unless and until the State proves his guilt beyond a
4 reasonable doubt. Now, what do we mean by that? If you
5 could somehow take all the evidence you've heard in this
6 courtroom, put it in the shape of this piece of paper,
7 because if one piece of that evidence or the lack of one
8 piece of evidence, you would hesitate before you would
9 vote to brand Marion Wilkes a murderer, well, your
10 obligation as a juror is to return a verdict of not
11 guilty. Even if there's other evidence in the case that
12 makes you suspicious of the guilt. Because when you vote
13 guilty or not guilty, you're not voting on whether or not
14 you think he did it, what you're voting on is whether or
15 not the State has proven his guilt beyond a reasonable
16 doubt. Now, let's talk about the evidence in this case.
17 This case is entirely a circumstantial evidence case.
18 There's no smoking gun. There's nobody saying they saw
19 him do it. There's no DNA saying his DNA is on the murder
20 weapon. There's no murder weapon. It's all
21 circumstantial. Now, when we finish, the Judge will tell
22 you about the law. He will tell you that circumstantial
23 evidence, if in your opinion is strong enough, it may be
24 good enough. But you've got to look at it very closely.
25 Let me tell you about circumstantial evidence. Let me

1 illustrate it to you. I've got three pencils here. See
2 them? Direct evidence. You saw me do it. That's direct
3 evidence. You know I broke that pencil. You heard it.
4 I'm the only one right around it, aren't I? Well, that's
5 good circumstantial evidence. You can say Wayne did that.
6 I didn't see it, but he was the only one around and I
7 heard it. And that's good circumstantial evidence. Now,
8 I show you this. Did I break this pencil? Or did someone
9 out in the hallway that I handed the pencil to break the
10 pencil? Do you know that? That's circumstantial
11 evidence. Did nobody break the pencil at all? See,
12 circumstantial evidence is not always good evidence.
13 So you've got to look at each one of these pieces of
14 circumstantial evidence the State is trying to use to
15 convict Marion Wilkes of murder. Sometimes circumstantial
16 evidence isn't what it may seem to be, isn't what it may
17 make you suspicious of. That's all they've got here is
18 circumstantial evidence. Let's talk about the
19 circumstantial evidence. All right. They argue to you
20 that the manner in which Susan Wilkes was buried is
21 circumstantial evidence that he killed her. Now, it may
22 be different, but you heard about her Native American
23 heritage. You heard about her desire to have a natural
24 burial. You heard about the movie that we tried to get
25 into evidence that involved natural burial. That was one

1 of her favorite movies. So maybe that particular
2 circumstance, while suspicious, may not be proof of
3 anything. What's another piece of circumstantial
4 evidence? Well, he lied about her disappearance. So
5 they're going to try to argue to you that makes him a
6 murderer. Why did he do that? She didn't want anybody to
7 know that she committed suicide. She didn't even want
8 anybody to know she had died. It was between her and God.
9 She had picked out the place she wanted. She asked Marion
10 to put her there, and that's what he did. So is it just
11 merely something suspicious or is it proof that he's a
12 murderer. You've got to look at these pieces of evidence
13 and each and every circumstance must point to his guilt.
14 What's another circumstance? Well, she died in the home,
15 where they lived -- where three of them lived, Marion,
16 Susan and Joseph. Does that mean he's a murderer because
17 she died in the home? You know, then they say well, he
18 confessed. You heard the alleged confession. When did he
19 finally -- when did he say he did it? When did he say he
20 murdered Susan? Only after he discovered they had charged
21 Joseph with murder. He's 73 years old at the time and
22 he's going to speak up to protect his son. At that point
23 in time, and only at that point in time did he say he did
24 it, that he murdered her. Then he came up with this
25 ridiculous story about hitting her over the head with a

1 frying pan. Because he had no way of convincing them
2 other than some kind of story like that. But you know,
3 what motivated him to quickly confess? Take care of his
4 20-something-year-old son, protect his
5 20-something-year-old son, to give him a life. He would
6 sacrifice his life for that son. Because remember,
7 shortly before this alleged confession, you heard us ask
8 him about that -- of course, they didn't play that one for
9 you, did they? They didn't play that one. The interview
10 he had with Investigator Wade right before this alleged
11 confession, what did he say? Suicide. Stabbed herself in
12 the chest. Fell and hit her head. She wanted a natural
13 burial. The same thing he told you up here today, the
14 same thing. They wouldn't play that one for you, would
15 they? No, they weren't going to play that one for you.
16 They didn't want you to hear that one. Because you see,
17 that one shows his confession, while suspicious, it's not
18 proof of anything, except that he's a loving father to his
19 son. You know, let's talk about the investigation. No
20 DNA. No murder weapon. You know, they said they picked
21 up all these frying pans out of the house. They said they
22 picked up all these knives out of the house. They said
23 there was some presumptive blood, presumptive testing of
24 blood in the house. But did you ever hear anybody say it
25 was? Did you ever hear anybody come in here and say yeah,

1 I work for SLED. I do this analysis all the time. I'm an
2 expert at it. And there was Susan's blood? Or there was
3 Marion's blood? Or there was Joseph's fingerprints?
4 There was Joseph's DNA. You didn't hear any of that.
5 You know, there's a lot of questions in this case.
6 Remember, when you have questions, it's not upon Marion
7 Wilkes to answer those questions for you. You see, you
8 must give him the benefit of any doubt because the burden
9 of proof is on the Prosecution and the State must prove
10 his guilt to each one of your satisfactions beyond a
11 reasonable doubt. So when you get back in that jury room,
12 you want to think about this evidence. Think about the
13 holes in this evidence. Think about the weaknesses in
14 this evidence. Think about the alternative reasons other
15 than suspicion of murder that this circumstantial evidence
16 case presents to you. You know, question, was Susan
17 Wilkes murdered or did she commit suicide? What do we
18 know? We know there was a stab wound to the chest. One
19 stab wound to the chest. Not somebody, you know, in a fit
20 of rage slicing somebody up with a knife. One well-placed
21 stab wound to the chest going right upward to the heart.
22 Remember that? Upward to the heart. No bony structures
23 in between where the knife went in and the heart.
24 Wouldn't take any force, much force at all to make that
25 maneuver. Think about it now. Upward to the heart. Just

1 like someone taking a knife in their hand, stabbing,
2 upward and to the heart. No someone killing somebody.
3 The knife handled by somebody who's very familiar with
4 knives, skins deers, skins birds. All she had to do was
5 push it about, I believe she said it was two or three
6 inches. Two or three inches into the heart.
7 Now, does the wound itself, does that not make you
8 suspicious of whether or not it was murder or suicide? I
9 want you to think about that. When you kill somebody with
10 a knife, what do you do? You stab them. And you maybe
11 stab them two or three times because you're not sure
12 whether you got them the first time. If you're in such a
13 frenzy, you're in such a frenzy that you want to kill
14 somebody, that's what you do, isn't it? Was that done in
15 this case? Or does that wound seem like someone just
16 pressed it into their chest? Remember the medical
17 examiner. What did she say the cause of death was?
18 Bleeding, exsanguination, whatever that term is, bleeding
19 from the knife wound, bleeding from the knife wound. Head
20 injuries, contributing factor. Cause of death, bleeding
21 from the stab wound. Now, I remember the testimony a
22 little bit different than Ms. Patterson, okay, because I
23 suggest to you that when I quizzed her about whether or
24 not these head injuries could be postmortem, she said yes.
25 It could be. It's possible. I think that's the term. I

1 asked her was it possible they could be postmortem, she
2 said yes. So think about that. Assume Marion's story is
3 accurate. Assume she fell. And here's a picture of that
4 little step-stool in there. Cut the back of her head,
5 stabs herself, says a few things to him and dies.
6 Now, what happened after that? Well, the body was drug
7 into the garage and wrapped in a tarp. Maybe wrapped in
8 the tarp first. Then somebody lifted that body off the
9 ground of that garage, put it into the trunk of that
10 Taurus. You think there's maybe a possibility that her
11 head might have hit something when they did that?
12 What happened next? From there, the body was transported
13 to Little Mountain in the back of that small Taurus 42
14 miles up and down hills, round curves. Do you think the
15 head might have come in contact with something in the
16 trunk? You think that's a possibility that some of that
17 head injury come from there? Then remember this, the body
18 was placed face down, I believe was the testimony, the way
19 they found her. Cement block on top. You think when the
20 cement block was placed in there it might have come in
21 contact with the head? You know, remember one little
22 thing about that. Remember, she said there was kind of a
23 V-shape, a V-shape fracture. What's V-shaped? What about
24 the edge of a concrete block. You think that's V-shaped?
25 picture of it, it's V-shaped. Did Susan commit suicide?

1 What do we know? They want to argue that she wasn't
2 depressed. Doctor's notes didn't say it. What do we
3 know? She was 59 years of age. Lost her job. Couldn't
4 find work. Been over a year. Unemployment benefits had
5 run out. Think that might make you depressed? How about
6 this, one of the days she was in the doctor's office, she
7 broke down crying. You think
8 that's a sign of depression? What about this, over two
9 years ago before her death, she had stopped her contact
10 with her family. Remember that? She quit coming down to
11 the Winnsboro area for the holidays with her family and
12 stopped her contact with her family. They didn't even
13 know she wasn't working anymore. You think that's a sign
14 of depression when you stop contact with your family you
15 grew up with? How about the fact that she was on
16 medication for depression? Now, they can talk about off
17 label, whatever they want to say about it. What we do
18 know is that in February of 2013, her medication was
19 changed because the anti-depressant she was on earlier
20 didn't work anymore. It's a little vague on this point,
21 okay, but I suggest to you that the indication I got from
22 her testimony was this was a stronger medication,
23 Trazodone. And she had been on it now for, what, six
24 months or so, a year? And what's one of the side effects
25 of that medication? Well, the doctor admitted this,

1 suicide, suicide. Got somebody on suicide -- on an
2 anti-depressant medication with a side effect of suicide,
3 you've got a person who got terminated from her job of 30
4 plus years and who can't find work, who has no more
5 contact with her extended family and has not had any for
6 two years. Does it sound like a candidate for suicide?
7 You know, it's sad. It's sad. It certainly is sad.
8 As Marion will tell you, Susan was a good woman. Susan
9 was a good woman. And maybe there's always a hope by a
10 jury if you're in a case where someone's dead, I guess
11 it's a natural inclination that you want -- but if you get
12 that kind of thought, that's one of those other thoughts
13 you got to put out of your mind. Because you see, what
14 you have to decide today is not whether the death of Susan
15 Wilkes must be avenged by you today. There's another
16 court proceeding coming up to deal with her death. What
17 you have to decide today is whether or not Marion Wilkes
18 should be convicted of murder because of anything he had
19 to do with the death. And they must prove that to you
20 beyond a reasonable doubt. Now, I'm about to shut up and
21 sit down. I apologize, I've been talking for a long time.
22 See, when I finish speaking to you, I don't get to say
23 another thing to you. I don't get to say another thing to
24 you. Ms. Patterson, she'll get to get up behind me, or
25 Mr. Bell, I'm not sure which one, one of them will get up

1 behind and they'll get to talk to you, too. Talk to you
2 about what I've had to say. And what they'll probably
3 tell you is don't listen to anything Wayne said. That's a
4 bunch of bull. All we can ask is if he brings up
5 something different than we did, think about how we could
6 have responded to it had we had the opportunity to speak
7 with you about it. And when you go back in that jury
8 room, remember this, the question is, has the State proven
9 the guilt of Marion Wilkes beyond a reasonable doubt? I
10 suggest to you they haven't. In fact, I suggest to you
11 another question might be, have they even proven to you
12 that Susan Wilkes' death was a result of murder rather
13 than suicide? Thank you again for listening to us. We
14 feel comfortable placing Marion in your hands. Thank you
15 very much.

16 MS. PATTERSON: These were not self-inflicted. Dr.
17 Ross told you these head injuries were not self-inflicted.
18 They were linear in shape and it would have taken
19 something of significant force to cause it.
20 Yes, she was placed in the trunk of a car and things may
21 have been in the trunk, but her body was wrapped in a tarp
22 and a comforter. So if anything would have hit her body
23 in the trunk of the car, that body would have been
24 protected by all of that outer wrapping. Yes, a cement
25 block was placed on her body, but it would not account for

1 the lineal shape of these injuries. And again, her body
2 was wrapped in a tarp and a blanket. See, Mr. Floyd can
3 get up here and talk about all these possibilities, but
4 it's my job to bring you back to the probabilities. And
5 we know what happened. He told us what happened minutes
6 into the interview with Captain Wade. No, we didn't play
7 that suicide tape because it was, essentially, the same
8 thing you heard from the stand. And it was a bunch of
9 bull. And yeah, I will ask you not to believe it because
10 it just is not supported by the medical evidence that Dr.
11 Ross testified about. No, it was no DNA. They lived --
12 well, testified about that they lived there, so their DNA
13 was there. Besides, they had cleaned up. They had
14 cleaned up. He admitted they cleaned up. And you saw
15 them discard those bags of boxes at the dump. Even
16 removing the carpet in the back of the trunk. There was
17 nothing to be presented. They have the tape, you can go
18 back and listen to it. And I submit to you he started
19 talking about the confrontation with Susan at three
20 minutes and ten seconds into that interview with Captain
21 Wade. And this was prior to finding out Joseph had been
22 charged. He was talking about a confrontation, gambling.
23 Yes, Susan may have lost her job, but she had money. She
24 had \$124,162.63. And that crying in the doctor's office,
25 that took place in 2009. That was five years prior to her

1 death. And they want to keep saying she was given an
2 anti-depressant. Dr. Greenfield told you why she was
3 given that prescription, for migraines. And she changed
4 it because she said it's customary in the medical field as
5 advanced medicines come into play, you may readjust a
6 patient's prescription. And that's what she did. And
7 again, as I stated prior to Mr. Floyd talking, that
8 suicide risk is only if two percent of the people
9 experienced that side effect, it must be listed. I'm sure
10 that's the FDA requirement. You heard Marion say he did
11 it. And what he said did it, it's no coincidence it
12 matched up to medical testimony. It's no coincidence, no
13 coincidence. It matches up because that is the way it
14 happened. He killed Susan Wilkes. She didn't commit
15 suicide. And read those letters, how he's trying to cover
16 up everything so he and Joseph can get their stories
17 straight, so they can be -- they can go off together and
18 get everything. And he talked about it wouldn't take much
19 force to cause that stab wound. Yes, it would. That
20 wound went up and to the back and into her heart. It
21 would take force. It would take force. This ain't
22 something somebody can just readily do to themselves. And
23 you don't necessarily have to go stabbing and slicing
24 someone. A wound to the heart, what better way to show
25 somebody that you think is having an affair? Stab to the

1 heart. Talked about the step-stool, the step-stool that
2 was placed right back where it was like nothing happened.
3 Somebody you loved, you married to for almost 35 years,
4 kills themselves falling off a step-stool, you're not
5 going to get rid of that step-stool. He certainly knows
6 where the dump is. And you heard Investigator Griffin say
7 yesterday if they get an emergency call, they're there in
8 two minutes. He didn't call for help. Lives close to the
9 hospital I submit to you and the Judge will instruct you,
10 circumstantial evidence must be considered the same as
11 direct evidence. And Mr. Floyd did a lot of fancy
12 presentations, but must be given the same weight. And the
13 circumstantial evidence that we have presented supports
14 that Susan Wilkes was killed. And that she was killed by
15 her husband, the Defendant, Marion Wilkes. And we just
16 ask of you, we beg of you just to find him guilty for his
17 part. That's all you're considering is his part. Thank
18 you.

19 THE COURT: Folks, I have got to give you my
20 instructions. They are going to take about 20 to 25
21 minutes. We will take a short break, y'all decide to come
22 back and get my instructions in ten minutes and eat and
23 work at the same time or do y'all want to take 30 to 35
24 minutes, eat and then come back and hear my instructions.
25 Y'all decide and Joy and I will do whatever y'all do.

1 (Whereupon, the jury was excused from open court for
2 a break.)

3 THE COURT: We will take a break.

4 (Whereupon, a short break was taken.)

5 THE COURT: Mr. Floyd.

6 MR. FLOYD: Your Honor, are you giving this hand of
7 one charge? Please note our objection to the hand of one
8 charge. And the accomplice liability.

9 THE COURT: The hand of one instruction and the
10 accomplice liability is not the one they suggested. All
11 right. And your objection is noted.

12 MR. FLOYD: Thank you, Judge.

13 THE COURT: They want to hear the charge first and
14 then eat while deliberating. Bring them in.

15 (Whereupon, the jury came into open court at
16 approximately 1:00 p.m.)

17 THE COURT: Ms. Powers, and members of the jury, it
18 is my opportunity now to give you instructions. I like to
19 come down here so I can give them to you a little closer.
20 I feel like I sit so far away up there. I can do it up
21 there but I feel more comfortable down here. But in this
22 case this is my opportunity to give you instructions on
23 the law and even though it is brief it is still the law of
24 South Carolina.

25 In this case the State of South Carolina has accused

1 circumstances must be consistent with one another and when
2 taken together point conclusively to the guilt of the
3 accused beyond a reasonable doubt. If these circumstances
4 merely portray as guilt or behavior is just suspicious
5 then this proof has failed. So I tell you, after weighing
6 all the evidence, whether it be direct evidence or
7 circumstantial evidence or any combination, if you are not
8 convinced of his guilt beyond a reasonable doubt you must
9 find him not guilty.

10 I told you in my preliminary instructions a brief
11 definition of reasonable doubt. I will expand on that
12 now. A reasonable doubt is the kind of doubt which cause
13 a reasonable person to hesitate to act. Reasonable doubt
14 may arise from evidence which is in the case or from a
15 lack or absence of evidence in the case. Proof beyond a
16 reasonable doubt is proof that leaves you firmly convinced
17 of the Defendant's guilt. It is the kind of doubt which
18 one can assign a reason, if the assignment can be done
19 reasonably and convincingly. A reasonable doubt is the
20 kind of doubt that would make a reasonable, conscientious,
21 person hesitate to act in a matter important of their own
22 affairs. Any Defendant is entitled to every reasonable
23 doubt that may arise in this case. And what this means
24 is, if you have any doubt about anything during the trial,
25 you are required to resolve that doubt in his favor. Now,

1 the very fact that you engage in a full and free
2 discussion on the issue of guilt or non-guilt does not in
3 and of itself create a reasonable doubt. You must make a
4 determination of whether or not reasonable doubt exists as
5 to the guilt of the Defendant. If you find that the State
6 has not met that burden you may find the Defendant not
7 guilty.

8 Now, criminal intent is a necessary element of every
9 crime presented in this case and it must be proven by the
10 State beyond a reasonable doubt. Criminal intent is a
11 matter which must be determined by you from the
12 circumstances surrounding the situation. There is no way
13 to prove intent to a mathematical certainty. Medical
14 science cannot dissect a person's brain and determine what
15 they had in mind. Our law states that criminal intent may
16 be inferred from the circumstances shown to have existed,
17 both before and after the fact. Making a determination of
18 whether or not the element requiring intent was present or
19 not is for your determination. Criminal intent is a state
20 of mind that operates jointly with an act or an omission
21 in the commission of a crime. Criminal intent is a mental
22 state of conscious wrongdoing. It is up to you to
23 determine what the Defendant intended to do based upon the
24 circumstances shown to have existed. Now, the State must
25 prove criminal intent beyond a reasonable doubt just as

1 they must prove the other elements of the crime charged
2 here beyond a reasonable doubt.

3 Mr. Wilkes is charged in this case with murder. The
4 State must prove beyond a reasonable doubt that Mr. Wilkes
5 killed another person with malice aforethought. That is a
6 very brief definition of a crime, that is the definition.
7 The definition of the individual words. Malice is hatred
8 or ill-will or hostility towards another person. It is
9 the intentional doing of a wrongful act without just cause
10 or excuse and with an intent to inflict injury or under
11 circumstances that the law infer an evil intent. Malice
12 aforethought does not require that the malice exists for
13 any particular time before the act is committed but malice
14 must exist in the mind of the Defendant just before and at
15 the time the act is committed. There must be a
16 combination of the previous evil intent and the fact
17 itself. Malice aforethought may be either expressed or
18 inferred. The terms, expressed and inferred do not mean
19 different kinds of malice but merely the manner in which
20 it may be proven or shown to have existed at the time.
21 This is either done by direct evidence or by inference
22 from the facts and circumstances which were proven in your
23 findings. Expressed malice is shown when a person speaks
24 words or expresses hatred or ill-will for another such as
25 calling certain words, preparation beforehand to do the

1 act which was later accomplished. For example, lying in
2 wait for a person or any other acts of preparation going
3 to show that the deed was within the Defendant's mind
4 would be a showing of expressed malice. Malice may also
5 be inferred from conduct showing a total disregard for
6 human life. Inferred malice may also arise when the deed
7 is done with a deadly weapon. A deadly weapon is any
8 article, instrument which would likely cause death or
9 great bodily harm. Several examples of instruments which
10 may be deadly weapons is a pistol, rifle, dagger, a knife,
11 razor, fire bomb, things of that sort.

12 Now, I instruct you that if a crime is committed by
13 two or more people who are acting together in committing a
14 crime the act of one is the act of all. A person who
15 joins with another to commit an unlawful act is criminally
16 responsible for everything done by the other which happens
17 as a probable or natural consequence of the acts done in
18 the carrying out of the natural planning and purpose. For
19 example, two people can be guilty of killing another when
20 only one of the two had a gun, there was only one bullet
21 and only one of the two fired the shot that caused the
22 death. But if the two people acted together, acting
23 together, assisting each other in committing of the crime
24 the act of one is the act of all or, as it is sometimes
25 said, the hand of one is the hand of all.

1 Prior knowledge that a crime is going to be
2 committed, without more, is not sufficient to make a
3 person guilty of the crime. And mere knowledge that
4 another person is going to commit a crime, even if the
5 Defendant is present when the crime is committed, is not
6 sufficient to convict the Defendant as a principal. Guilt
7 as a principal is shown by actual or constructive presence
8 at the scene as a result of a prior arrangement.
9 Therefore, a finding of a prior arranged plan or a common
10 scheme is necessary for the finding of guilt as a
11 principal. The State must prove beyond a reasonable doubt
12 by competent evidence that the theory of the hand of one
13 is the hand of all. A principal in a crime is one who
14 either actually commits the crime or who is present
15 aiding, abetting or assisting in the commission of the
16 crime. When a person does act in the presence of or with
17 the assistance of another the act is done by both. And
18 where two or more, acting with a common plan or intent,
19 are present at the commission of a crime it does not
20 matter who actually commits the crime, both are guilty.
21 The hand of one is the hand of all. Present at the
22 commission of a crime means to be sufficiently near to aid
23 and abet and assist in the commission of that crime.
24 However, mere presence at the scene is not sufficient to
25 convict one as a principal on the theory of aiding and

1 abetting. Intent is a necessary element also. And there
2 must be a common design or intent to commit the crime and
3 the crime must have been committed pursuant to or thereto
4 with the person aiding and abetting by some overt act. An
5 intent means intending the result which actually occurs,
6 not accidentally or involuntary. The State must prove
7 those elements beyond a reasonable doubt.

8 I instruct you further that mere presence at the
9 scene is not sufficient to prove someone guilty of a
10 crime. A person's presence where a crime is being
11 committed or mere association with a person who commits a
12 crime does not make the Defendant an accomplice or an
13 aider or abettor of the commission of the crime. The
14 burden is upon the State to prove every element of the
15 offense charged. So, after reviewing all the evidence, if
16 you find the State has proven that the Defendant was only
17 present at the scene and that they have not proved beyond
18 a reasonable doubt any other participation in the crime
19 then you must find the Defendant not guilty. Our law is
20 that proof of or at the scene of the crime is not
21 sufficient to find someone guilty.

22 Now, Ms. Powers, I tell you also that when a
23 Defendant's statements constitute an actual confession or
24 only amount to an admission, our law requires there be
25 corroborative evidence independent of those statements

1 before a finding of guilt may occur.

2 I tell you also, in conclusion, y'all are not called
3 upon very often to serve as jurors. And I ask you in my
4 preliminary questions, the voir dire, to accept the
5 instructions by the Court, that is your responsibility to
6 do so. I am not allowed, as I told you during these
7 instructions, to have an opinion as to the facts which
8 y'all must find. I am just not allowed to do. But I am
9 required to tell you, I want y'all to be mindful of the
10 duty y'all have here today. Your verdict must be
11 unanimous. You are to confine your verdict to the
12 evidence and testimony which was admitted on the record,
13 deciding unanimously the facts you determine, in finding a
14 guilt consistent with the instructions provided herein.
15 And so I am confident you will do that so I don't want any
16 outside influences. Something you heard on the street,
17 read in the newspaper about another case. These
18 instructions, testimony and evidence presented here,
19 everything else stays out of the jury room. Y'all decide
20 this based upon what y'all heard and seen and the facts
21 y'all find here. Now, y'all have heard a lot in three
22 days. If you need any replay of any evidence we can do
23 that. Joy will take a few minutes, I need to know what
24 you want to be heard. The DVD's that are admitted, it is,
25 sometimes jurors want to hear that. This computer that

1 sits up here, I can bring that to you in the jury room,
2 give you the DVD and y'all can play it. I find commonly
3 jurors want to hear a particular part. If that is what
4 you want, Lauren is at your disposal to help run the
5 computer. If you are looking for a spot in there, if
6 y'all can't work the computer I will send her back there
7 and she can do that and she can cue it up to whatever
8 y'all want to hear and you can hear it over and over.
9 Sometimes, it used to be we had cassettes and that kind of
10 thing, it was different. But now with the DVD's you can
11 play it if you want. If it is live testimony you want
12 replayed you have got to tell me who it was and give Joy a
13 few minutes to retrieve it and then give us a time to
14 connect up her system to audio in the room but she can cue
15 that up. If you need to hear any of my instructions again
16 or, I commonly do this, please define or redefine
17 reasonable doubt or give us the elements of murder again.
18 A lot of times I bring you back in here and reinstruct
19 you. Sometimes I just hand you that portion of the
20 instruction I have read to you. I just say, here is my
21 definition of reasonable doubt, give you that part of the
22 instruction. So those are common questions, that is what
23 is available to you. What is not available to you, Judge,
24 can you tell us why so and so witness wasn't called. I
25 can't tell you that, I don't know, that is not available

1 to us. You got what you are going to get as far as
2 evidence and testimony, that is all that comes back in the
3 jury room. The fact that some witness wasn't called,
4 maybe they were not available, that is not before us to
5 determine so we need not ask those questions. I think
6 that is it. Tell you about your notes again. Your notes
7 are for you. If someone didn't take notes and they just
8 listened their vote against your notes is equal. You need
9 to resolve it, that is why you can hear the interview
10 again, if you need. One doesn't trump the other, I heard
11 him say, I wrote down what he said, you have still got to
12 resolve it. The notes are for the user, y'all can't
13 compare notes and see what you wrote down, y'all compare
14 notes for your own self as you discuss the facts. Now,
15 once y'all begin your deliberations you are on your time.
16 Go back there and eat. I have done this so I will leave
17 this up to y'all. If the alternates want to eat with you
18 because the lunch is here I will let y'all stay back there
19 and visit and eat. If you don't want to start
20 deliberating right then just keep the alternates with you.
21 And then once you are finished I will hand you the verdict
22 form and say start deliberations. I don't want you to
23 start with the alternates in there. That is one thing I
24 want to exclude but I have had jurors say, go back in
25 there and y'all eat and the alternates got left out of the

1 eating. They said, can we eat together first. I said,
2 sure, that is up to y'all. So if y'all want to eat
3 together and then start deliberations, decide that, if you
4 want to eat and deliberate I need to pull the alternates
5 out and they will get lunch too. That is up to y'all.
6 Y'all tell me. Step in the jury room, don't discuss the
7 case, because you can't start deliberating until the
8 evidence and the verdict form comes in there but first
9 thing is first. Do y'all want to eat as a group or you
10 want to start deliberating and then if you do I will pull
11 the alternates out. Okay. Now, I have got to let the
12 lawyers advise me of whether or not my instruction was
13 full and complete. So I am going to ask them while y'all
14 decide that. And so if I have glossed over something I
15 may pull you back in here and say, I kind of glossed over
16 this element, I need to reinstruct you on that. So y'all
17 step in the there. I will talk to them and let me know
18 when you want to start deliberations.

19 JUROR: If we have a question?

20 THE COURT: Write your question down. Ms. Powers is
21 the spokesperson so y'all hand the questions to her and
22 she will transmit them to me.

23 (Whereupon, the jury was excused from open court.)

24 THE COURT: Any comments, suggestions, objections to
25 the instructions given. And, Mr. Floyd, I know you had

1 one so let me have that one.

2 MR. FLOYD: Your Honor, we object to the hand of one,
3 hand of all instruction. We also object to a portion of
4 your malice instruction which deals with the inference of
5 malice that can be implied. That is our position that
6 that is a burden-ship.

7 THE COURT: And your objection on both of those is
8 noted but I am not going to change them. We talked about
9 that in pretrial. Anything else I have glossed over?

10 MR. FLOYD: No, Your Honor.

11 THE COURT: Ms. Patterson, anything you want me to
12 add?

13 MS. PATTERSON: No, sir.

14 THE COURT: Let's see what they want to do. I bet
15 you they want to eat together. We will stand at ease
16 until they come up with a question. Okay.

17 (Whereupon, a short break was taken.)

18 BAILIFF: The alternates want to stay and eat.

19 THE COURT: Okay. As soon as they are done and ready
20 to go let me know.

21 (Whereupon, the jury took a lunch break with the
22 alternates in the jury room.)

23 (Whereupon, the alternates were excused from the
24 trial of the case.)

25 (Whereupon, the jury started deliberations at

1 approximately 2:04 p.m.)

2 THE COURT: Bring me the jury.

3 (Whereupon, the jury came into open court with the
4 verdict at approximately 3:00 p.m.)

5 THE COURT: Ms. Powers, did y'all reach a verdict?

6 FORELADY: Yes.

7 THE COURT: Was it unanimous?

8 FORELADY: Yes, sir.

9 THE COURT: If you will hand it to my Bailiff.

10 (Whereupon, the Bailiff handed the verdict to the
11 Court.)

12 THE COURT: All right, it appears to be in order.

13 CLERK OF COURT: Indictment 2014-GS-32-004236, State
14 versus Marion Wilkes. We, the jury, find the following as
15 to the charge of murder. Verdict, guilty. And is so
16 signed, Teresa Powers, Forelady, March 2nd, 2018. Madam
17 Forelady, ladies and gentlemen of the jury, if this is
18 your verdict please indicate each of you by raising your
19 right hand.

20 (Whereupon, all jurors raised their hand.)

21 CLERK OF COURT: All hands raised, Your Honor.

22 THE COURT: Any further issue for the jury, Mr.
23 Floyd?

24 MR. FLOYD: We would like the jury poled, Your Honor.

25 THE COURT: Very well. Folks, what this is, Mr.

1 our American soldiers left over there. I learned to love
2 it then and never stopped. Susan still had the largest
3 youth group ever went to Stephen Greene Memorial Baptist
4 Church, had 40 some odd kids, had ties like, with like 39
5 of them. I have no more comments.

6 THE COURT: All right. The sentence of the Court is
7 45 years, gets all days since June 18 of '14.

8 MR. FLOYD: Thank you, Your Honor.

9 *** END OF REQUESTED TRANSCRIPT OF RECORD ***
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WITNESSES

West Columbia Police Department

X Nelson

Law Enforcement Case #: 1412357

DSG

ARREST WARRANT NUMBER

2014A3221101384

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury

Date:

Nov. 3, 2014

VERDICT

Guilty

Foreperson of Petit Jury

Date:

DOCKET NO. 2014GS3203246

The State of South Carolina

County of Lexington

COURT OF GENERAL SESSIONS

NOVEMBER TERM 2014

THE STATE

vs.

Marion C Wilkes

CDR #: 0116

Indictment for

Murder

§ 16-03-0010

DONALD V. MYERS, SOLICITOR

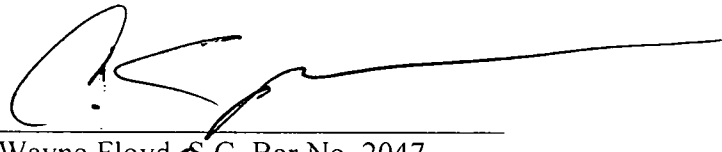
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Record on Appeal 236

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for Appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record and Appeal complies to the best of my ability with the April 15, 2014 Order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,



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This 31st day of May, 2019