

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

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**RECEIVED**  
DEC 20 2019  
SC Court of Appeals

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

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THE STATE,

Respondent,

v.

MARION C. WILKES,

Appellant.

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**APPENDIX TO THE RECORD ON APPEAL**

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H. WAYNE FLOYD  
COLIN T.L. SPANGLER  
*Attorneys for Appellant Marion C. Wilkes*

WAYNE FLOYD LAW OFFICE, P.A.  
1611 Augusta Road  
West Columbia, South Carolina 29169  
(803) 739-1824

ALAN WILSON  
Attorney General

DONALD J. ZELENKA  
Deputy Attorney General

MELODY J. BROWN  
Senior Assistant Attorney General

SUSANNAH COLE  
Assistant Attorney General  
Post Office Box 11549  
Columbia, South Carolina 29211  
(803) 734-3970

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1 clumsy, can't they?

2 A It's beyond my expertise.

3 Q What do they do? What do barbiturates do?

4 A It's a sedative. But testing tissue for drugs shows  
5 you what's there. The amount is not -- has not been  
6 researched enough in most cases to know how it affects the  
7 person. So when you don't have a blood sample to do a  
8 quantity of certain drugs, you can't be sure if they had a  
9 toxic level or therapeutic level or nontherapeutic level.

10 Q But you know it's in their system?

11 A Correct.

12 Q And if it's in their system, it could impact them the  
13 way the drug manufacturers suggest are possible  
14 contraindications?

15 A Yes.

16 Q So if a drug had a contraindication of suicidal  
17 ideation or suicidal behavior, then that could affect it?

18 A If that's what they have researched, yes.

19 Q One other thing, did you come up with a date of  
20 death, Dr. Ross?

21 A That's impossible. The state of the tissue doesn't  
22 tell you -- there's no way to know exactly how long that  
23 person has been dead. There's too many variables.

24 They're above ground, underground, in water, what the  
25 temperature is, what their temperature was when they died,

1 et cetera, et cetera. So the most important evidence as  
2 to when they died is when they were first noted to be  
3 missing or if they're in a home, when the last time they  
4 got mail, for instance.

5 Q Or the last time they used a phone?

6 A Correct.

7 Q Did you come up with a range for date of death --

8 A No.

9 Q -- in this case?

10 A The date that I was given was from the coroner due to  
11 when she was said to be missing, I believe.

12 Q So you didn't do any studies yourself to determine  
13 date of death?

14 A There are no studies.

15 MR. FLOYD: Thank you. No further questions.

16 MS. PATTERSON: Just briefly.

17 REDIRECT EXAMINATION

18 BY MS. PATTERSON:

19 Q Dr. Ross, I believe you testified that State's  
20 Exhibit 140 and 141, this photograph of the laceration  
21 lined up with one of the places of her skull fracture,  
22 correct?

23 A Yes.

24 Q And Mr. Floyd asked you about if a cement block could  
25 have caused a skull fracture. And could a cement block

1 right back behind Rush's.

2 Q And is there any type of medical facility in this  
3 picture?

4 A It is. It's directly across 26. This is Lexington  
5 Medical Center here.

6 Q Can you circle it?

7 A (Witness complied.)

8 Q In your experience in being an officer with West  
9 Columbia, about how far a distance is that from the  
10 hospital to Linnet Drive?

11 A I would say half mile at most.

12 Q And about how long would it take to get there?

13 A Less than two minutes.

14 Q Thank you.

15 A (Witness returns to seat.)

16 Q And in your experience as being an officer with West  
17 Columbia Police Department, do you have any information  
18 about response time on an emergency call?

19 A Yes ma'am, in my experience, the city being as small  
20 as it is and the number of officers that we do have,  
21 typically, working every 24 hours, response time to an  
22 emergency call is two minutes or less. That's one of the  
23 benefits of being in West Columbia.

24 Q So if someone had an emergency and called for help,  
25 y'all could potentially arrive there in --

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**CERTIFICATE OF SERVICE**

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The undersigned hereby certifies that a true copy of the following: Appendix to the Record on Appeal, in the above referenced case has been served upon: Susannah Cole at the Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, South Carolina 29201 on December 18, 2019, by hand delivery.



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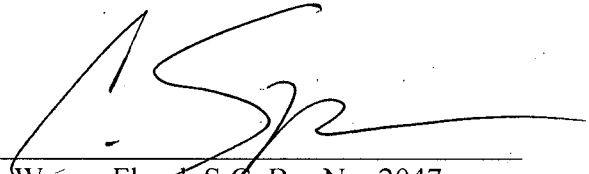
H. Wayne Floyd, S.C. Bar No. 2047  
Colin T.L. Spangler, S.C. Bar No. 103283  
1611 Augusta Road  
West Columbia, South Carolina 29169  
(803) 739-1824  
colin@waynefloydllaw.com

*Attorneys for Appellant Marion C. Wilkes*

**CERTIFICATE OF COUNSEL FOR APPELLANT**

Counsel for Appellant certifies that this Appendix to the Record on Appeal conforms with Rule 210(g) and the April 15, 2014 Revised Court Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court filings.

Respectfully Submitted,



H. Wayne Floyd, S.C. Bar No. 2047  
Colin T.L. Spangler, S.C. Bar No. 103283  
161 1/2 Augusta Road  
West Columbia, South Carolina 29169  
(803) 739-1824  
colin@waynefloydllaw.com

*Attorneys for Appellant Marion C. Wilkes*

This 18<sup>th</sup> day of December, 2019

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