

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Beaufort County

Honorable Jennifer B. McCoy, Circuit Court Judge

DONALD EUGENE PETERS,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO 2019-000828

APPENDIX

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STATE OF SOUTH CAROLINA)
) COURT OF GENERAL SESSIONS
) FOURTEENTH JUDICIAL CIRCUIT
COUNTY OF BEAUFORT) CASE NO.: 2011-GS-07-01456

STATE OF SOUTH CAROLINA)
)
VS.)
)
DONALD PETERS,)
)
DEFENDANT.)

JURY TRIAL

PRETRIAL MOTIONS

held before the Honorable G. Thomas Cooper
Mia Perron, Circuit Court Reporter, 9th Judicial Circuit
in the Beaufort County Courthouse
Beaufort, South Carolina
on Monday, February 25, 2013, Commencing at 3:07 p.m.

SUSAN "MIA" PERRON, CVR-CM-M
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EXHIBITS

[None]

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PROCEEDINGS

- - - - -

JURY VOIR DIRE

THE COURT: Ladies and gentlemen, we're now about to begin the jury selection process for the second case to be tried this week. You-all were present in this courtroom earlier in the day for that process in another trial and you understand something of how it works and how we proceed in the selection process for this trial.

Madam Solicitor, you can call your case.

MS. BANNON: Thank you, Your Honor.

The State calls the case against Donald Peters.

THE COURT: All right. Do you have the indictments?

MS. BANNON: Yes, Your Honor. The clerk has them.

[Whereupon, the clerk of court proffers documents to the Court]

[Whereupon, the Court reviews documents]

THE COURT: Ladies and gentlemen, give me your attention for a few moments, please.

The State has called the case of the State versus Donald Eugene Peters. Mr. Peters has been indicted by the grand jury of Beaufort County and

MIA FERRON, CVR-CM-M

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1 charged in indictment number 1456 with the crime of
2 burglary in the first degree. That indictment says
3 that in Beaufort County, South Carolina, on or about
4 June the 29th of 2011, the defendant, Donald Eugene
5 Peters, did enter the dwelling of Ronald Lanier,
6 located at [REDACTED] in Burton, South Carolina,
7 without the consent and with the intent to commit a
8 crime while he was there and that the entry or the
9 remaining occurred in the nighttime in violation of
10 the law.

11 Mr. Peters is indicted in indictment number 1457
12 and charged with armed robbery. That indictment says
13 that on or about June the 29th, 2011, the defendant,
14 Donald Eugene Peters, at [REDACTED] in Burton,
15 by use of force, threats or intimidation and while
16 armed with a deadly weapon or while representing that
17 he was armed with a deadly weapon or such object that
18 a person present during the commission of the robbery
19 would reasonably believe it to be a deadly weapon, did
20 take and carry away goods and/or monies from the
21 person or immediate presence of Ronald Lanier with the
22 intent to steal those things in violation of the law.

23 Indictment number 1458 charges assault and
24 battery in the first degree. That indictment says
25 that in Beaufort County, South Carolina, on or about

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1 June the 29th of 2011, the defendant, Donald Eugene
2 Powers, did commit an assault and battery constituting
3 an unlawful act of violent injury to the victim,
4 Ronald Lanier, accompanied by circumstances of
5 aggravation, specifically he caused injury to the
6 victim during a robbery, in violation of the law.

7 Indictment number 1459 charges burglary safe-
8 cracking and that indictment alleges that in Beaufort
9 County, South Carolina, on or about June the 29th,
10 2011, the defendant, Donald Eugene Peters, with the
11 intent to commit a crime used tools or other
12 implements in or about a safe used to keep money or
13 other valuables located at [REDACTED], Burton,
14 in violation of the law.

15 Now, ladies and gentlemen, the indictments which
16 I have just read to you are not evidence, nor are they
17 proof of the charges that they contain. They're
18 simply legal documents, charging papers, that tell you
19 or me, or anybody else who reads them, what this case
20 is all about.

21 To the charges contained in these indictments,
22 Mr. Peters has entered pleas of not guilty and has
23 requested a jury trial at your hands.

24 Mr. Peters, would you please stand and face the
25 jury behind you.

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1 [Whereupon, Mr. Peters complies]

2 THE COURT: Thank you. You can be seated.

3 [Whereupon, Mr. Peters complies]

4 THE COURT: Ladies and gentlemen, I need to
5 know now if any of you-all are related by blood or
6 connected by marriage, that is, are you kin, to
7 Mr. Donald Eugene Peters or you are a friend of his or
8 a business associate of his or a casual acquaintance
9 of his or a person who has any direct or indirect
10 contact with Mr. Donald Eugene Peters. If so, will
11 you please stand.

12 Thank you.

13 THE BAILIFF: One standing, Your Honor.

14 THE COURT: Okay. I'm sorry. Thank you.

15 Yes, ma'am. Your name, please, ma'am.

16 MS. MACK: Juror number 170. Delores Mack.

17 THE COURT: Ms. Mack, what's the connection that
18 you have?

19 MS. MACK: Can I approach the bench, sir?

20 THE COURT: Yes, ma'am, you can.

21 [Whereupon, Ms. Mack comes forward.]

22 THE COURT: Tell you what. I'll get you to
23 stand on that side right there. And speak so that she
24 can hear you.

25 [Whereupon, the Court, Ms. Mack, counsel, and

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1 the court reporter confer]

2 THE COURT: All right. Do you have any
3 knowledge about -- what's -- of your connection, in
4 that regard, with the facts or circumstances alleged
5 in these indictments that I just read to you?

6 MS. MACK: No, I do not.

7 THE COURT: Do you think the involvement that
8 you've just described would make it difficult for you
9 to be fair and impartial as a juror in this particular
10 case?

11 MS. MACK: No.

12 THE COURT: You would be able to set aside that
13 information that you have concerning the child and
14 make your decision in this case based on the evidence
15 introduced in this courtroom?

16 MS. MACK: I think I could, because we did not
17 remove the child from him.

18 THE COURT: I see. Okay. Just happened to be
19 his child?

20 MS. MACK: Yes.

21 THE COURT: All right. Who's the mother of the
22 child; do you know?

23 MS. MACK: I don't remember the name.

24 THE COURT: All right. If that name comes up in
25 any of the other witnesses that I read to you, if

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1 you'll let me know about that. Okay?

2 MS. MACK: Yes, sir.

3 THE COURT: Thank you, ma'am. Thank you for
4 sharing that with us, Ms. Mack. Go back and have a
5 seat.

6 MS. MACK: Okay.

7 [Whereupon, Ms. Mack returns to the audience]

8 THE COURT: Ladies and gentlemen, the alleged
9 victim in the indictments that I've just read to you
10 is Mr. Ronald Lanier. I need to know now if any of
11 you-all are related by blood, connected by marriage,
12 to Mr. Ronald Lanier. Are you a friend of his or a
13 business associate of his or a casual acquaintance of
14 his or a person who has any direct or indirect contact
15 with Mr. Lanier, who I understand operates a
16 barbershop somewhere close to the [REDACTED]
17 Burton, address.

18 Is that right?

19 MS. BANNON: Yes, sir.

20 THE COURT: Yes, ma'am. Your name, please,
21 ma'am.

22 MS. MOORE: Katherine Moore.

23 THE COURT: Ms. Moore.

24 MS. MOORE: Number 194.

25 THE COURT: All right. Do you want to come and

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1 tell me about the relationship from up here or do you
2 want to talk back there?

3 MS. MOORE: It's no secret. My husband grew up
4 with him and they've become friends. They've been
5 friends for all of their lives.

6 THE COURT: I see. Have they maintained that
7 friendship in the recent years?

8 MS. MOORE: They haven't been close in recent
9 years.

10 THE COURT: Okay. Do you know whether or not
11 your husband has any knowledge about the events which
12 I've read to you in the indictments?

13 MS. MOORE: Not to my knowledge.

14 THE COURT: All right. Would the fact that your
15 husband has been a close friend of his through the
16 years, or at least until recently, as I think you've
17 said -- is that right?

18 MS. MOORE: It's just that -- yes, sir. Until
19 recently they just haven't been in contact. When he
20 retired from the barbershop was when my husband didn't
21 see him as often, so they have not been close friends.

22 THE COURT: All right. Would that association
23 that you have just described to me make it difficult
24 for you to be fair and impartial as a juror in the
25 trial of this case?

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1 MS. MOORE: I don't believe it would make --

2 THE COURT: Would you be able to set aside that
3 association that you have just described to me and
4 decide the case, based on the evidence that you will
5 hear in this court, without regard to that
6 association?

7 MS. MOORE: I believe I could.

8 THE COURT: Will you do that?

9 MS. MOORE: Yes.

10 THE COURT: Ma'am?

11 MS. MOORE: Yes, I would.

12 THE COURT: Thank you, Ms. Moore.

13 Okay. I thought I brought a stack of papers
14 down where I could stay down here, but I'll go back
15 up. I'll be back. Don't worry.

16 Ladies and gentlemen, I'm now going to read to
17 you a list of potential witnesses who may testify in
18 the trial of this case. It is a somewhat lengthy
19 witness list and not all of these witnesses are likely
20 to testify but, nonetheless, I need to know if you
21 have any connection with them. I'm going to read this
22 list. And I'll divide it into two parts so that you
23 can keep these names before you, and then I am going
24 to ask you at the conclusion of each part of the list
25 whether or not you are kin to any of these folks or

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1 have any connection with them, just as I have Mr.
2 Peters and the victim in this case, as well.

3 Potential witnesses who may testify in the trial
4 of this case are Andrew Rice, Ashley Pierce, Kevin
5 Bush, Christopher Kapps, Christopher Carter, Christine
6 Wilson, Steven Mowery, M-O-W-E-R-Y, Cynthia Paine,
7 David Kerry Kendrick, John Ferguson, Dr. Said Rehman,
8 R-E-H-M-A-N, Eline Rios, Eugene Smith, John Gobel,
9 G-O-B-E-L.

10 Are any of you out there related by blood or
11 connected by marriage to any of those potential
12 witnesses or are you friends of theirs or business
13 associates of theirs, casual acquaintances of theirs,
14 or people who have any direct or indirect contact with
15 any of those potential witnesses? If so, would you
16 please stand.

17 All right. Yes, ma'am. I'll start with you,
18 please, ma'am.

19 MS. BOYD: I'm Samantha Boyd, juror 25.

20 Andrew Rice. I don't know if it's the same one,
21 but I'm friends with him.

22 THE COURT: Who is the Andrew Rice who is listed
23 here on this list? Can you tell me who it is?

24 MS. BANNON: He's my case officer, Your Honor.

25 THE COURT: Okay. Is this the one you're

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1 friends with, Ms. Boyd?

2 MS. BOYD: Oh. No. Okay. Good.

3 THE COURT: All right. Thank you.

4 Ms. Moore [sic], number 194, who is it that you
5 are associated with from this list?

6 MS. MACK: Mack. 170.

7 For the same reason that I just stated to you
8 before.

9 THE COURT: I'm sorry. Ms. Mack. You're right.
10 I got the name -- I was reading it wrong. It was
11 Ms. Mack.

12 MS. MACK: For the same reason I just stated: I
13 know one of the witnesses. And I'm not sure who
14 Christine Wilson is, but I may know her, also.

15 THE COURT: All right. Is that also in
16 connection with your work that you've described to us
17 earlier?

18 MS. MACK: Yes, sir.

19 THE COURT: Would any of those associations,
20 separately, or taken all together, make it difficult
21 for you to be fair and impartial as a juror in the
22 trial of this case?

23 MS. MACK: No.

24 THE COURT: Would you be able to set aside those
25 associations and decide this case, based on the

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1 evidence that you will hear in court, without regard
2 to those associations?

3 MS. MACK: Yes, sir.

4 THE COURT: Would you do that, please, ma'am?

5 MS. MACK: Yes, sir.

6 THE COURT: Thank you, Ms. Mack. And I
7 apologize for getting the name wrong a while ago.

8 Anybody else?

9 Other potential witnesses who may testify:
10 Jennifer A. Dalmida, D-A-L-M-I-D-A, Jennifer Mills,
11 Jennifer Snyder, John Donahue, Allen Langford, Lauren
12 Baughman, Marcel Jeminez, Melany Smith, Michael
13 Perkins, Ramona Koon, Randal Hopkins, Ronald Lanier,
14 whom I've already named, Rontac Patel, and Kurtis,
15 K-U-R-T-I-S, Edwards.

16 Are any of you related by blood or connected by
17 marriage, that is, kin to any of those potential
18 witnesses, or friends, business associates, casual
19 acquaintances, or people who have any direct or
20 indirect contact with any of those potential
21 witnesses? If so, please stand.

22 [Whereupon, there is no response]

23 THE COURT: Thank you.

24 Ladies and gentlemen, I read the indictments to
25 you, as I've said, not because they're evidence, nor

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1 are they proof of the charges that they contain, but
2 because they tell us what this case is all about,
3 because I need to know if any of you-all know anything
4 about this case. If you have seen or heard or read
5 anything about this case, or if you have any knowledge
6 about the case from any source at all, will you please
7 stand.

8 [Whereupon, there is no response]

9 THE COURT: Thank you.

10 While you've told me that you don't know
11 anything about the case itself, you understand what
12 the charges are. And the charges contained
13 allegations of crimes of personal violence and so I
14 now need to know if any of you-all, or any members of
15 your immediate family, have ever had any involvement
16 with a crime of personal violence.

17 Now, let me tell you under the law what we mean
18 by crimes of personal violence. As the name applies,
19 it means crimes against a person: armed robbery,
20 assault and battery, murder, criminal sexual conduct,
21 kidnaping. All of those are crimes of personal
22 violence because they're crimes that are committed by
23 someone against someone else personally. So that's
24 the, panoply, the area of crimes that I'm talking
25 about. And I'm also talking about a wide range of

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1 personal involvement with those crimes. You or your
2 family member, that is, members of your immediate
3 family, could have been a victim of that particular
4 crime or you or your family member could have been a
5 defendant, that is, a person charged with the
6 commission of the crime, or you or your family member
7 could have been a witness to the crime.

8 So let's sum all of that up and put it back
9 together. If any of you or any members of your
10 immediate family, that is, members of your household,
11 have ever had any involvement with a crime of personal
12 violence, as a victim or a defendant or a witness, I
13 want you to stand in place right where you are right
14 now and I'm going to identify you first only by your
15 name or your number, and then I'll bring you down and
16 talk with each of you privately here at sidebar. If
17 you'll please stand right there.

18 Okay. I'll just try to work this way. And I'll
19 start here, because you're closest to the front. Your
20 name, please, ma'am, and your number?

21 MS. ERBECK: Michelle Erbeck. 77.

22 THE COURT: Number which?

23 MS. ERBECK: 77.

24 THE COURT: 77. Okay. Michelle Erbeck.

25 I'm going to tell you-all where to line up in

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1 just a minute, and then we'll -- as a matter of fact,
2 you can come on around and get in line right around
3 this other side and that'll be the easiest way to get
4 it done. I'm having trouble with my depth perception.
5 I can't tell which row we were. I think --

6 Yes, ma'am. Right there.

7 MS. JOHN: Jeanette John. Number 136.

8 THE COURT: Number 136?

9 MS. JOHN: Yes, sir.

10 THE COURT: All right. If you'll get next in
11 line, please, Ms. John.

12 Yes, ma'am. The plaid jacket. Your name,
13 please.

14 MS. BORN: Anne Born. Number 24.

15 THE COURT: Number 24. Ms. Born, thank you,
16 ma'am. If you'll get in line next.

17 And now -- yes, ma'am.

18 MS. LANG: Renee Lang. 159.

19 THE COURT: 159?

20 MS. LANG: Uh-huh.

21 THE COURT: Thank you, ma'am, Ms. Lang.

22 Yes, sir?

23 MR. LEWIS: Simon Lewis, 164.

24 THE COURT: 64?

25 MR. LEWIS: 164.

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1 THE COURT: 164. Thank you, Mr. Lewis.

2 Okay. And then we'll work on across. Yes,
3 ma'am? In the blue. Your name?

4 MS. DWYER: Kelly Dwyer, 71.

5 THE COURT: Think you, Ms. Dwyer. If you'll get
6 in line next, please.

7 Yes, ma'am?

8 MS. SCHRAMM: Marjorie Schramm. 260.

9 THE COURT: 260. Thank you, Ms. Schramm.
10 On the aisle, please, ma'am.

11 MS. VANDERKURR: Cynthia Vanderkurr. 308.

12 THE COURT: Thank you, Ms. Vanderkurr.

13 Yes, ma'am?

14 MS. DAVIS: Melissa Davis. 63.

15 THE COURT: Thank you, Ms. Davis.

16 And in the back?

17 MS. DAINEMA: Donna Dainema. 64.

18 THE COURT: Thank you, Ms. Dainema.

19 Did that get everybody? Okay.

20 All right. Counsel, do you want to approach?

21 Ms. Erbeck, if you'll come forward, please,
22 first.

23 [Whereupon, Ms. Erbeck comes forward]

24 THE COURT: I want you to stand on this side of
25 me, please, so you'll be close to the court reporter,

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1 right there, and speak so that she can hear you.

2 [Whereupon, a sidebar is held with the Court,
3 Ms. Erbeck, counsel, and the court reporter]

4 THE COURT: Would your involvement as a victim
5 in that type of crime make it difficult for you to
6 be --

7 MS. ERBECK: No.

8 THE COURT: -- fair and impartial as a juror in
9 this case?

10 MS. ERBECK: No.

11 THE COURT: Could you set aside your own
12 experience and decide this case, based on the evidence
13 as you would hear in the courtroom, without regard to
14 that?

15 MS. ERBECK: Yes.

16 THE COURT: Will you do that, please?

17 MS. ERBECK: Yes.

18 THE COURT: Thank you. You can go back and have
19 a seat.

20 [Whereupon, Ms. Erbeck returns to the audience]

21 THE COURT: Ms. John.

22 [Whereupon, a sidebar is held with the Court,
23 Ms. John, counsel, and the court reporter]

24 THE COURT: If you had to serve as a juror in
25 this particular case, would your involvement as a

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1 victim in that particular case cause you to have any
2 unpleasant memories resurface as a result of what you
3 went through?

4 MS. JOHN: Yes.

5 THE COURT: We're not going to put you through
6 that, Ms. John. I'm going to stand you aside as a
7 juror in this case. Okay?

8 MS. JOHN: Okay.

9 THE COURT: You can go back and have a seat.
10 Don't leave just yet, though. Thank you.

11 Juror 136 is stood aside in this case.

12 [Whereupon, Ms. John returns to the audience]

13 THE COURT: Ms. Born.

14 [Whereupon, Ms. Born comes forward]

15 THE COURT: Please step right there and speak so
16 that she can hear you, please, ma'am

17 [Whereupon, a sidebar is held with the Court,
18 Ms. Born, counsel, and the court reporter]

19 THE COURT: If you were asked to serve as a
20 juror in this case, would your involvement, in that
21 regard, make it difficult for you to be fair and
22 impartial as a juror in this particular case?

23 MS. BORN: I'll be honest with you, I want to
24 serve, but I think that it would be difficult.

25 THE COURT: And we respect that, and we

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1 appreciate that candor. And we understand why it
2 would be.

3 We'll stand you aside in this case. But don't
4 leave us yet. Okay?

5 MS. BORN: I won't.

6 THE COURT: Thank you.

7 MS. BORN: Thank you.

8 THE COURT: And I would appreciate it if you
9 would not discuss that involvement with any other
10 jurors out there. It might impact their ability.
11 Okay?

12 MS. BORN: All right.

13 THE COURT: Thank you, ma'am.

14 Juror number 24 will be stood aside as a juror
15 in this case.

16 [Whereupon, Ms. Born returns to the audience]

17 THE COURT: Ms. Lang.

18 [Whereupon, Ms. Lang comes forward]

19 THE COURT: Stand right here and speak so that
20 she can hear you, please, ma'am.

21 MS. LANG: Okay.

22 [Whereupon, a sidebar is held with the Court,
23 Ms. Lang, counsel, and the court reporter]

24 THE COURT: If you were asked to serve as a
25 juror in this particular case, would your prior

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1 involvement as a crime somewhat similar in nature
2 make it difficult for you to serve fairly and
3 impartially --

4 MS. LANG: Yeah.

5 THE COURT: -- in this case?

6 MS. LANG: Truthfully? Yes.

7 THE COURT: And I appreciate that. I don't want
8 you to have to relive that.

9 MS. LANG: I had rather not.

10 THE COURT: You don't have to do it on our
11 account..

12 MS. LANG: Good.

13 THE COURT: I'm going to stand you aside as a
14 juror in this case, Ms. Lang. Please don't discuss
15 this with anybody else --

16 MS. LANG: Okay.

17 THE COURT: -- on this jury until we get them in
18 place. Okay?

19 MS. LANG: Okay.

20 THE COURT: Thank you, ma'am.

21 MS. LANG: Thank you.

22 THE COURT: Go back and have a seat. Don't
23 leave us just yet.

24 Juror 159 is stood aside as a juror in this
25 case.

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1 [Whereupon, Ms. Lang returns to the audience.

2 THE COURT: Yes, Mr. Lewis.

3 [Whereupon, Mr. Lewis comes forward]

4 THE COURT: If you'll speak so that she can hear
5 you.

6 [Whereupon, a sidebar is held with the Court,
7 Mr. Lewis, counsel, and the court reporter]

8 THE COURT: If you were asked to serve as a
9 juror in this case, would your brother's experience in
10 that regard make it difficult for you to be fair and
11 impartial in this case?

12 MR. LEWIS: No.

13 THE COURT: Could you set that matter aside and
14 decide this case based on the evidence in this case --

15 MR. LEWIS: Absolutely.

16 THE COURT: And would you do that, please, sir?

17 MR. LEWIS: Yes.

18 [Off the record momentarily]

19 THE COURT: Thank you, sir. You can stay with
20 us. Thank you.

21 [Whereupon, Mr. Lewis returns to the audience]

22 THE COURT: Ms. Dwyer.

23 [Whereupon, Ms. Dwyer comes forward]

24 THE COURT: If you'll stand there. And speak so
25 that she can hear you, please, ma'am.

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1 [Whereupon, a sidebar is held with the Court,
2 Ms. Dwyer, counsel, and the court reporter]

3 THE COURT: Would your daughters' involvement in
4 that regard, and of course yours through her,
5 obviously, as your daughter, would that make it
6 difficult for you to be fair and impartial as a juror
7 in this case?

8 MS. DWYER: No.

9 THE COURT: Could you set aside that experience
10 and decide this case, based on the evidence that
11 you'll hear in court, without regard to that?

12 MS. DWYER: Yes.

13 THE COURT: Would you do that, please, ma'am?

14 MS. DWYER: Of course.

15 THE COURT: Thank you, ma'am. You can go back
16 and have a seat.

17 [Whereupon, Ms. Dwyer returns to the audience.

18 THE COURT: Ms. Schramm.

19 [Whereupon, Ms. Schramm comes forward]

20 THE COURT: If you'll stand right there, and
21 speak so that she can hear you, please, ma'am.

22 [Whereupon, a sidebar is held with the Court,
23 Ms. Schramm, counsel, and the court reporter]

24 THE COURT: Would your sons' involvement as a
25 victim in that particular case make it difficult for

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1 you to be fair and impartial as a juror in this --

2 MS. SCHRAMM: No. Uh-huh.

3 THE COURT: -- particular case? Could you set
4 aside that experience --

5 MS. SCHRAMM: Yes.

6 THE COURT: -- for your sons and decide this
7 case based on what you would hear in court?

8 MS. SCHRAMM: I would.

9 THE COURT: Would you do that, please?

10 MS. SCHRAMM: Yes, sir.

11 THE COURT: Thank you, Ms. Schramm. You can go
12 back and have a seat.

13 [Whereupon, Ms. Schramm returns to the audience]

14 THE COURT: Ms. Vanderkurr.

15 [Whereupon, Ms. Vanderkurr comes forward]

16 THE COURT: If you'll go right there, please,
17 and speak so that she can hear you.

18 [Whereupon, a sidebar is held with the Court,
19 Ms. Vanderkurr, counsel, and the court reporter]

20 THE COURT: The fact that the same solicitor is
21 prosecuting the defendant in this particular case
22 prosecuted your nephews, would that make it difficult
23 for you to be fair and impartial as a juror in this
24 case?

25 MS. VANDERKURR: I don't see why not. I mean, I

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1 don't see why. She didn't do it.

2 THE COURT: I understand that. But she
3 prosecuted the folks.

4 Let me take it a step further. Would you be
5 able, then, to decide the case, if you were asked to
6 serve as a juror in this case, based on the evidence
7 that you would hear in this case, without regard to
8 the fact that it is being prosecuted by the same
9 person who prosecuted your nephews? Understand that
10 question?

11 MS. VANDERKURR: Yes. And I think if he got
12 out, it would make me angry so --

13 THE COURT: Ma'am?

14 MS. VANDERKURR: So, yeah, I think it would
15 be -- I think I might be biased. But I don't know.
16 But --

17 THE COURT: I can appreciate that. And
18 certainly it's an unusual situation.

19 MS. VANDERKURR: We had to raise him and,
20 unfortunately, he rebelled.

21 THE COURT: You did? You did? You had to --
22 okay.

23 MS. VANDERKURR: Yes. We are the guardians.

24 THE COURT: Because of the uncertainty that's
25 involved -- because neither you nor I know what the

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1 evidence is going to be in this case and how this case
2 is going to be tried, and if we got you on the jury
3 and something should develop in the course of the
4 testimony that would cause you to reconsider what
5 you're telling me now, it would be too late. So I
6 don't want to put you in that position and I don't
7 want to --

8 MS. VANDERKURR: I see.

9 THE COURT: -- put the process in that position.
10 So I'm going to -- I appreciate your candor. And I'm
11 going to let you go back. We're going to excuse you
12 from this case. Don't leave. Don't leave the
13 courtroom just yet because -- but you'll be stood
14 aside as a juror in this case. Thank you for your
15 candor, Ms. Rand [sic].

16 MS. VANDERKURR: No problem. Thank you.

17 THE COURT: Ms. Vanderkurr. I'm sorry. Juror
18 number 308.

19 THE CLERK OF COURT: What number?

20 THE COURT: Is stood aside.

21 THE CLERK OF COURT: Ma'am?

22 MS. VANDERKURR: 208. 208. 308. Sorry.

23 THE COURT: She's stood aside.

24 [Whereupon, Ms. Vanderkurr returns to the
25 audience]

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1 THE COURT: Ms. Davis.

2 [Whereupon, Ms. Davis comes forward]

3 [Whereupon, a sidebar is held with the Court,
4 Ms. Davis, counsel, and the court reporter]

5 THE COURT: Would the fact that you've been
6 victimized similar to the allegations in respect to
7 the victim in this case, would that make it difficult
8 for you to be fair and impartial as a juror in this
9 trial?

10 MS. DAVIS: No. I don't believe so.

11 THE COURT: Could you set aside your own
12 experience, twice, as a matter of fact, and base your
13 decision in this case on the evidence that you hear in
14 this court without regard to your experience?

15 MS. DAVIS: Yes.

16 THE COURT: Will you do that, please, ma'am?

17 MS. DAVIS: Yes.

18 THE COURT: Thank you, Ms. Davis. You can go
19 back and have a seat.

20 [Whereupon, Ms. Davis returns to the audience]

21 THE COURT: Step forward, please, ma'am.

22 [Whereupon, Ms. Dainema comes forward]

23 THE COURT: Ms. Dainema, if you'll speak so that
24 she can hear you.

25 [Whereupon, a sidebar is held with the Court,

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1 Ms. Dainema, counsel, and the court reporter]

2 THE COURT: Ms. Dainema, we're not going to call
3 you to have to relive those events in your life
4 through the trial of this case. I'm going to let you
5 stand aside as a juror in this case. Don't leave us
6 just yet.

7 MS. DAINEMA: Okay.

8 THE COURT: Stay with us. And I'm sorry we had
9 to remind you of those things. Okay?

10 MS. DAINEMA: Thank you.

11 THE COURT: Juror number 64 will be stood aside
12 as a juror in this case.

13 [Whereupon, Ms. Dainema returns to the audience]

14 MS. MOORE: Your Honor? Your Honor?

15 THE COURT: Yes, ma'am. Come forward, please,
16 ma'am.

17 [Whereupon, Ms. Moore comes forward]

18 THE COURT: If you'll stand right there and
19 speak so that she can hear you, please, ma'am.

20 Give me your name and number, please, ma'am,
21 again.

22 MS. MOORE: Katherine Moore.

23 THE COURT: Ms. Moore? Okay. Sure.

24 MS. MOORE: Juror 194.

25 THE COURT: Right. Is it you or a family member

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1 who's involved?

2 MS. MOORE: My husband is a very close friend of
3 Mr. Lanier's.

4 THE COURT: Yes. .

5 MS. MOORE: And after thinking about it, I
6 honestly feel that I would not be serving justice to
7 serve on the jury.

8 THE COURT: Well, we don't want to put you in a
9 position that would cause you to feel uncomfortable
10 about any decision that you would make in this case.
11 And that's the reason we go through this process. And
12 we appreciate your candor. And we're not going to put
13 you in that position. We're going to stand you aside
14 as a juror in this case.

15 MS. MOORE: Thank you.

16 THE COURT: Thank you.

17 Don't leave us. But you won't be selected in
18 this case. Okay?

19 Number 194 will be stood aside as a juror in
20 this case.

21 [Whereupon, Ms. Moore returns to the audience]

22 THE COURT: Ladies and gentlemen, the lawyers
23 who will be involved in the trial of this case: the
24 case will be prosecuted by Meredith Bannon, of the
25 fourteenth circuit solicitor's office, and the

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1 defendant is represented by Mr. Rick Haight -- I'm
2 sorry -- H-A-I-G-H-T. I should have -- I was trying
3 to make it harder than it was, Rick -- Rick Haight of
4 the Beaufort County bar.

5 I now need to know if any of you have any
6 connection with these lawyers. Are you related to
7 them, that is, kin to them by blood or by marriage, or
8 are you friends of theirs or business associates of
9 theirs or casual acquaintances of theirs or have you
10 ever been represented by either of them in the past or
11 have you ever been sued by either of them in the past.
12 If so, would you please stand.

13 [Whereupon, there is no response]

14 THE COURT: Thank you.

15 Ladies and gentlemen, have any of you formed in
16 your own mind, or expressed to anyone else, any
17 opinion that you might have as to the guilt or the
18 innocence of Mr. Peters? If so, please stand.

19 [Whereupon, there is no response]

20 THE COURT: Are any of you conscious, that is to
21 say, aware, of any bias or prejudice for or against
22 the State of South Carolina or for or against
23 Mr. Donald Eugene Peters? If so, please stand.

24 [Whereupon, there is no response]

25 THE COURT: Do any of you know, then, of any

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1 reason of any kind whatsoever that should keep you
2 from serving fairly and impartially as a juror in the
3 trial of this case? If you know of any such reason,
4 would you please stand.

5 [Whereupon, there is no response]

6 THE COURT: Thank you.

7 Any further questions from the State at this
8 time?

9 MS. BANNON: Your Honor, my co-counsel will be
10 Mary Jordan Lempesis, with the solicitor's office.

11 THE COURT: How are you doing?

12 MS. LEMPESIS: Thank you, Your Honor. Good,
13 thank you.

14 THE COURT: Good to see you. And I should know
15 your name, you've been before me before, and I'm
16 sorry. Give it to me so I can write it down again.

17 MS. LEMPESIS: Sure, Your Honor. Mary Jordan
18 Lempesis.

19 THE COURT: I'm going to get her to spell that
20 name for me later when I --

21 But any of you related by blood or connected by
22 marriage to co-counsel, or a friend or casual
23 acquaintances or business associate of hers in any
24 way? Ever been represented by her?

25 [Whereupon, there is no response]

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1 THE COURT: And I apologize for not being able
2 to hear. All right. Thank you.

3 Mr. Haight, any additional questions from the
4 defense?

5 MR. HAIGHT: No, Your Honor.

6 THE COURT: Thank you.

7 All right. Madam Clerk, you can give us a jury.
8 The strikes will be five for the State, ten for the
9 defense.

10 We will select two alternates. As to each
11 alternate, the strikes will be one for the State, two
12 for the defense.

13 THE CLERK OF COURT: Yes, Judge.

14 THE COURT: Have you got the list?

15 THE CLERK OF COURT: It will be one moment,
16 Judge.

17 THE COURT: Okay. Good.

18 Ladies and gentlemen, the process now that we're
19 involved in is the generation of the list from which
20 this jury will be selected. It is all done by
21 computer now. Those of you who have been excused or
22 sat aside as jurors in this case, your names are being
23 taken out of the potential list, obviously, and the
24 rest of you will remain in the pool and from that pool
25 this computer is going to generate by random

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1 selection, in a few moments, a list of jurors from
2 which the trial jury in this case will be selected.

3 It sounds very sterile and very impersonal, and
4 it is. Years ago, it used to be an archaic process
5 where all of your names were on little teeny slips of
6 paper and they were placed in round white capsules and
7 capped up and they were placed in a box and turned all
8 around. And under the law, either a child under the
9 age of seven or ten, or a blind person, was supposed
10 to reach into that box and get those names out. And
11 it was a wonderfully archaic way of doing things.
12 Apparently, in those foregone bygone days, there was a
13 concern that x-ray vision might enable somebody to
14 look through those capsules. And so that's the reason
15 they didn't let an adult do it. But now the computer
16 just does it all. It's a shame how much progress has
17 robbed us of those --

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1 STRIKING OF THE JURY

2 THE CLERK OF COURT: As I call your name, please
3 stand.

4 Juror number 81, Christopher Fabian.

5 What says the State?

6 MS. BANNON: Court's indulgence.

7 [Whereupon, Ms. Bannon and Ms. Lempesis confer]

8 MS. BANNON: Please present Mr. Fabian.

9 THE CLERK OF COURT: What says the defense?

10 MR. HAIGHT: Please seat the juror, Your Honor.

11 THE COURT: Thank you.

12 Mr. Fabian, if you'll follow the instructions
13 now given to you by the clerk, and they'll tell you
14 exactly what to do.

15 And everybody else watch what Mr. Fabian is
16 doing and do exactly the same thing he does, if you
17 happen to get selected. If you don't, we'll tell you
18 something else to do.

19 [Whereupon, Mr. Fabian is seated in the jury box
20 as a juror]

21 THE COURT: Yes, ma'am.

22 THE CLERK OF COURT: Juror number 25, Samantha
23 Boyd.

24 What says the State?

25 MS. BANNON: Please present Ms. Boyd.

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1 THE CLERK OF COURT: What says the defense?

2 MR. HAIGHT: Please excuse the juror, Your
3 Honor.

4 [Whereupon, Ms. Boyd is excused as a juror in
5 the trial of this case]

6 THE CLERK OF COURT: Juror number 220, Richard
7 Picard.

8 What says the State?

9 MS. BANNON: Court's indulgence.

10 [Whereupon, Ms. Bannon and Ms. Lempesis confer]

11 MS. BANNON: Please present Mr. Picard.

12 THE CLERK OF COURT: What says the defense?

13 MR. HAIGHT: Please excuse Mr. Picard.

14 [Whereupon, Mr. Picard is excused as a juror in
15 the trial of this case]

16 THE CLERK OF COURT: Juror number 71, Kelly
17 Dwyer.

18 What says the State?

19 MS. BANNON: Please present Ms. Dwyer.

20 THE CLERK OF COURT: What says the defense?

21 MR. HAIGHT: Please excuse the juror, Your
22 Honor.

23 [Whereupon, Ms. Dwyer is excused as a juror in
24 the trial of this case]

25 THE CLERK OF COURT: Juror number 49, Darla

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1 Coleman.

2 What says the State?

3 MS. BANNON: Please present Ms. Coleman.

4 THE CLERK OF COURT: What says the defense?

5 MR. HAIGHT: Please seat the juror.

6 [Whereupon, Ms. Coleman is seated in the jury
7 box as a juror]

8 THE CLERK OF COURT: Juror number 215, Karen
9 Patterson.

10 What says the State?

11 MS. BANNON: Please excuse Ms. Patterson.

12 [Whereupon, Ms. Patterson is excused as a juror
13 in the trial of this case]

14 THE CLERK OF COURT: Juror number 63, Melissa
15 Davis.

16 What says the State?

17 MS. BANNON: Please present Ms. Davis.

18 THE CLERK OF COURT: What says the defense?

19 MR. HAIGHT: Please excuse the juror.

20 [Whereupon, Ms. Davis is excused as a juror in
21 the trial of this case]

22 THE CLERK OF COURT: Juror number 41, Carl
23 Campbell.

24 What says the State?

25 MS. BANNON: Please present Mr. Campbell.

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1 THE CLERK OF COURT: What says the defense?

2 MR. HAIGHT: Please present the juror. Please
3 seat the juror.

4 [Whereupon, Mr. Campbell is seated in the jury
5 box as a juror]

6 THE CLERK OF COURT: Juror number 280, John
7 Smuck.

8 What says the State?

9 MS. BANNON: Please present Mr. Smuck.

10 THE CLERK OF COURT: What says the defense?

11 MR. HAIGHT: Please seat the juror.

12 [Whereupon, Mr. Smuck is seated in the jury box
13 as a juror]

14 THE CLERK OF COURT: Juror number 277, Kendall
15 Smith.

16 What says the State?

17 MS. BANNON: Please present Ms. Smith.

18 THE CLERK OF COURT: What says the defense?

19 MR. HAIGHT: Please seat the juror.

20 [Whereupon, Mr. Smith is seated in the jury box
21 as a juror]

22 THE CLERK OF COURT: Juror number 307, Karen
23 VanVliet.

24 What says the State?

25 MS. BANNON: Please present Ms. VanVliet.

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1 THE CLERK OF COURT: What says the defense?

2 MR. HAIGHT: Please seat the juror.

3 [Whereupon, Ms. VanVliet is seated in the jury
4 box as a juror]

5 THE CLERK OF COURT: Juror number 102, Annie
6 Grant.

7 What says the State?

8 MS. BANNON: Please present Ms. Grant.

9 THE CLERK OF COURT: What says the defense?

10 MR. HAIGHT: Please seat Ms. Grant.

11 [Whereupon, Ms. Grant is seated in the jury box
12 as a juror]

13 THE CLERK OF COURT: Juror number 86, Mary Lou
14 Folgers.

15 What says the State?

16 MS. BANNON: Please present Ms. Folgers.

17 THE CLERK OF COURT: What says the defense?

18 MR. HAIGHT: Please excuse the juror.

19 [Whereupon, Ms. Folgers is excused as a juror in
20 the trial of this case]

21 THE CLERK OF COURT: Juror number 260, Marjorie
22 Schramm.

23 What says the State?

24 MS. BANNON: One moment, please.

25 [Whereupon, Ms. Bannon and Ms. Lempesis confer]

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1 MS. BANNON: Please present Ms. Schramm.

2 THE CLERK OF COURT: What says the defense?

3 MR. HAIGHT: Please excuse the juror.

4 [Whereupon, Ms. Schramm is excused as a juror in
5 the trial of this case]

6 THE CLERK OF COURT: Juror number 211, Shirley
7 Parker.

8 What says the State?

9 MS. BANNON: Please present Ms. Parker.

10 THE CLERK OF COURT: What says the defense?

11 MR. HAIGHT: Please seat the juror, please.

12 [Whereupon, Ms. Parker is seated in the jury box
13 as a juror]

14 THE CLERK OF COURT: Juror number 170, Delores
15 Mack.

16 MS. BANNON: Please present Ms. Mack.

17 THE CLERK OF COURT: What says the defense?

18 MR. HAIGHT: Please excuse Ms. Mack.

19 THE COURT: The State has exercised one strike;
20 the defense has exercised seven strikes.

21 THE CLERK OF COURT: Juror number 230, Olin
22 Redmon.

23 What says the State?

24 MS. BANNON: Please present Mr. Redmon.

25 THE CLERK OF COURT: What says the defense?

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1 MR. HAIGHT: Please excuse the juror.

2 [Whereupon, Mr. Redmon is excused as a juror in
3 the trial of this case]

4 THE CLERK OF COURT: Juror number 289, Tracye
5 Stormer.

6 What says the State?

7 MS. BANNON: Please present Ms. Stormer.

8 THE CLERK OF COURT: What says the defense?

9 MR. HAIGHT: Please seat the juror.

10 [Whereupon, Ms. Stormer is seated in the jury
11 box as a juror]

12 THE CLERK OF COURT: Juror number 313, Teresa
13 Verroi.

14 What says the State?

15 MS. BANNON: Please present Ms. Verroi.

16 THE CLERK OF COURT: What says the defense?

17 MR. HAIGHT: Please present the juror.

18 [Whereupon, Ms. Verroi is seated in the jury box
19 as a juror]

20 THE CLERK OF COURT: Juror number 51, Cynthia
21 Colleran.

22 What says the State?

23 MS. BANNON: Please present Ms. Colleran.

24 THE CLERK OF COURT: What says the defense?

25 MR. HAIGHT: Please seat the juror.

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1 [Whereupon, Ms. Colleran is seated in the jury
2 box as a juror]

3 THE CLERK OF COURT: Juror number 224, Melissa
4 Ptacin.

5 What says the State?

6 MS. BANNON: Please excuse Ms. Ptacin.

7 [Whereupon, Ms. Ptacin is excused as a juror in
8 the trial of this case]

9 THE CLERK OF COURT: Juror number 241, Jerome
10 Riley.

11 What says the State?

12 MS. BANNON: Please present Mr. Riley.

13 THE CLERK OF COURT: What says the defense?

14 MR. HAIGHT: Please excuse Mr. Riley.

15 [Whereupon, Mr. Riley is excused as a juror in
16 the trial of this case]

17 THE CLERK OF COURT: Juror number 77, Michelle
18 Erbeck.

19 What says the state?

20 MS. BANNON: One moment. Beg the Court's
21 indulgence.

22 [Whereupon, Ms. Bannon and Ms. Lempesis confer]

23 MS. BANNON: Please present this juror.

24 THE COURT: Which number was that?

25 THE CLERK OF COURT: Number 77.

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1 THE COURT: 77.

2 THE CLERK OF COURT: What says the defense?

3 MR. HAIGHT: Please excuse the juror.

4 [Whereupon, Ms. Erbeck is excused as a juror in
5 the trial of this case]

6 THE CLERK OF COURT: Juror number 9, Cristy
7 Anderson.

8 What says the State?

9 MS. BANNON: Please present Ms. Anderson.

10 MR. HAIGHT: Please seat Ms. Anderson.

11 [Whereupon, Ms. Anderson is seated in the jury
12 box as a juror]

13 THE COURT: We will now proceed to alternates.
14 The strikes will be one for the State, two for the
15 defense, as to each of the two alternates.

16 THE CLERK OF COURT: Juror number 197, Daniel
17 Mullin.

18 What says the State?

19 MS. BANNON: Please present Mr. Mullin.

20 THE CLERK OF COURT: What says the defense?

21 MR. HAIGHT: Please excuse the juror.

22 [Whereupon, Mr. Mullin is excused as an
23 alternate juror in trial of this case]

24 THE CLERK OF COURT: Juror number 4, Charnell
25 Alman.

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1 What says the State?

2 MS. BANNON: Please present Ms. Alman.

3 THE CLERK OF COURT: What says the defense?

4 MR. HAIGHT: Please seat the juror, alternate
5 juror.

6 [Whereupon, Ms. Alman is seated in the jury box
7 as an alternate juror]

8 THE COURT: Now as to the second alternate.

9 THE CLERK OF COURT: Juror number 288, Sharon
10 Stewart.

11 What says the State?

12 MS. BANNON: Please present Ms. Stewart.

13 THE CLERK OF COURT: What says the defense?

14 MR. HAIGHT: Please seat the juror.

15 [Whereupon, Ms. Stewart is seated in the jury
16 box as an alternate juror]

17 THE COURT: Ms. Bannon, are there any matters of
18 law, regarding the jury selection process, from the
19 State?

20 MS. BANNON: No, Your Honor.

21 THE COURT: Thank you. Mr. Haight, from the
22 defense?

23 MR. HAIGHT: No, Your Honor.

24 THE COURT: Thank you.

25 Ladies and gentlemen, those of you who were not

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1 selected as jurors for the trial of this case, I want
2 to thank you for your cooperation and your patience
3 throughout what has been a long day for you-all. We
4 appreciate the fact that you have borne up under this
5 with a good bit of good grace and humor, and we thank
6 you for that.

7 I'm now going to be able to let you-all go for
8 the balance of the day, but we need for you to --

9 [Whereupon, the Court and the clerk of court
10 confer]

11 THE COURT: The instructions are that you need
12 to call back after six o'clock tomorrow to get
13 instructions as to what you need to do on Wednesday.
14 We've got enough, obviously, to keep us busy today and
15 -- the rest of today and tomorrow, but we need for you
16 to call back after six o'clock tomorrow to get
17 instructions about what you need to do thereafter.

18 Does everybody understand that? Does anybody
19 have any questions about those instructions?

20 [Whereupon, there is no response]

21 THE COURT: Thank you again, ladies and
22 gentlemen. Be careful on the way home. It's getting
23 kind of nasty out there.

24 [Whereupon, the jury panel exits the courtroom
25 at 4:02 p.m.]

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1 THE COURT: Now, ladies and gentlemen, you-all
2 have been selected as jurors for the trial of this
3 case. We're not going to be in a position to start
4 the trial until tomorrow. We still have some matters
5 of law to deal with this afternoon. After you go,
6 we're going to still be working for a while longer to
7 get this case in a position to be presented to you
8 tomorrow. We think we know about how long it will
9 take, but I'm not sure.

10 Normally, I would ask you to come back at 9:30
11 in the morning but I might have to get the lawyers
12 back early tomorrow morning to finish what we can't do
13 today so I'm going to ask you to come back tomorrow
14 morning at ten o'clock. Ten o'clock tomorrow. And
15 when you come back at ten o'clock tomorrow, you will
16 not come into the courtroom. You'll come up the back
17 hall, a secret passageway in the back, and you'll go
18 into the jury room where you will be during the course
19 of this trial when you're not in the courtroom.

20 In just a moment, when I dismiss you, you'll
21 follow the bailiff and she's going to take you down
22 the hall and she's going to show you where you will be
23 reporting to at ten o'clock tomorrow. She'll also
24 have to tell you how to get there, as well, which is
25 kind of important. Right?

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1 Now, before we start the trial of this case
2 tomorrow, you will be sworn in as jurors. After you
3 are sworn in as jurors, I will give you instructions
4 about what your role will be in the trial of this
5 case, and things that you are allowed to do and some
6 of the things you are not allowed to do as jurors
7 while this trial is underway. But to keep you from
8 mistakenly and innocently doing some things overnight
9 that you're not supposed to do, I'm going to give you
10 some limiting instructions right this minute about
11 restrictions on your conduct as jurors in the trial of
12 this case.

13 The first of those restrictions is that you're
14 not allowed to talk about this case with anybody
15 during the course of this trial. You can't even talk
16 about it among yourselves in the jury room during the
17 trial as you go back there from time to time. I'll
18 tell you why tomorrow. Just take my word for it right
19 now, this minute, you can't do it. And by the same
20 token, you can't talk with anybody else about the case
21 and don't let anybody else talk with you about it.

22 And don't try to find out anything on your own
23 about the case. You don't know anything about this
24 case. I know, because I asked you and you told me you
25 didn't know anything about this case. But you

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1 understand what the charges are and where they arose
2 and who the parties are, and I don't want your
3 curiosity to get you home and get you on that source
4 of so many problems, and that is the Internet, and try
5 to find out, well, let me check into this thing and
6 see what I can find out because they might not tell me
7 everything in that courtroom that I would like to
8 know. Well, folks, let me tell you that you're not
9 allowed to do that because everything that you need to
10 know about this case in order to reach a verdict in
11 this case -- indeed, everything that you are allowed
12 to know about this case, in order to reach a verdict,
13 you will learn from this courtroom and from no other
14 source.

15 Since you-all got here this morning at nine
16 o'clock or ten o'clock -- or whenever you got here in
17 the rain -- all day long, until just a few moments ago
18 when you were seated in that box, everything,
19 everything, that we have been doing, every question
20 that we've asked and every answer that you have given,
21 has been designed to do one thing: to make sure that
22 when we have fourteen people in that jury box, we're
23 going to have people who are qualified to serve as
24 jurors, we're going to have folks who didn't have any
25 connection with this case or the lawyers or the

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1 victims or the defendants or the witnesses, who didn't
2 have anything in your own background that was such
3 that it would not make it possible for you to be fair
4 and impartial as a juror in this particular trial, who
5 didn't have any preconceived ideas about this
6 particular case, and didn't have any knowledge about
7 this case, that would keep you from receiving what you
8 heard in this courtroom with an open mind. Everything
9 we've been doing up until now has been designed to
10 reach that assurance. And we've done that. And
11 you've cooperated with us in that.

12 Now, if you leave here and start talking about
13 this case, or let somebody else talk with you about
14 it, you will have undone all that we've been doing,
15 and that you've been doing, throughout the day to try
16 to get that jury in the box. I'm sure that you won't
17 do those things, but I wanted to impress upon you the
18 importance of it.

19 So if someone should ask you about this case,
20 just tell them that you're a juror in this case and
21 I've told you not to talk about it. And I'm pretty
22 sure that will stop the discussion right then. But if
23 it doesn't, and if somebody persists in their efforts
24 to talk with you about that after you've told them,
25 just separate yourselves from them as gracefully as

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1 you can and let me know who they are tomorrow when you
2 get back to court and we'll take care of that so that
3 that won't repeat itself again.

4 Have a safe trip home, ladies and gentlemen. Be
5 in the jury room at ten o'clock tomorrow morning.
6 We'll see you then. Thank you.

7 [Whereupon, the jury exits the courtroom at
8 4:07 p.m.]

9 THE BAILIFF: The jury is clear, Your Honor.

10 THE COURT: Thank you.

11 All right, folks. Are we ready to move to
12 pretrial matters at this point in time? Does anybody
13 need a break or a moment or two before we start that?
14 From the State?

15 MS. BANNON: No, sir, Your Honor.

16 THE COURT: Mr. Haight?

17 MR. HAIGHT: We're ready, Your Honor.

18 THE COURT: Okay. Madam Reporter?

19 THE COURT REPORTER: I'm fine.

20 THE COURT: She's really the important person.
21 If she's not ready, none of us are ready.

22

23

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JACKSON V. DENNO HEARING

1
2 All right. Ms. Bannon, we'll start with your
3 motions first, on behalf of the State. Do you have
4 any motions you want us to deal with?

5 MS. BANNON: Your Honor, we can start with the
6 Denno motion, if you would like.

7 THE COURT: Yes. That's fine.

8 MS. BANNON: The State would call Investigator
9 Andrew Rice.

10 THE COURT: Investigator, come forward, please,
11 sir, and be sworn.

12 [Whereupon, Mr. Rice comes forward]

13 THE CLERK OF COURT: If you'll place your left
14 hand on the Bible. Raise your right hand.

15 [Whereupon, Mr. Rice is duly sworn by the clerk
16 of court as follows: do you solemnly swear or affirm
17 that the testimony you give shall be the truth, so
18 help you God]

19 THE WITNESS: I do.

20 THE CLERK OF COURT: Thank you. Have a seat and
21 state your name for the record, please.

22 [Whereupon, Mr. Rice takes the witness stand]

23 THE WITNESS: Andrew Rice. R-I-C-E.

24 THE COURT: Ms. Bannon.

25 MS. BANNON: Thank you.

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ANDREW RICE,

Having Been First Duly Sworn,
was Examined and Testified as Follows:

DIRECT EXAMINATION

BY MS. BANNON:

Q. Investigator Rice, are you familiar with the investigation concerning a home invasion, burglary, armed robbery, safe-cracking, and assault and battery first on a Ronald Lanier that happened June 29th, 2011?

A. Yes, ma'am.

Q. And how are you affiliated with that case?

A. I responded to the case as part of the investigation of what had occurred at the house after road deputies had responded and figured they needed further assistance.

Q. Are you the lead investigator on the case?

A. Yes, ma'am.

Q. And once you established that Mr. Lanier had been beaten and a home invasion had occurred in his home, were you able to establish how many people were involved?

A. Preliminarily, we were able to establish that two people had been involved. And possibly more, but we weren't positive.

Q. Briefly, would you summarize your investigation which led you to suspect Mr. Peters?

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1 A. After speaking with Mr. Lanier, he had given us
2 two names to follow up on, who he thought might have been
3 involved, who had just been at his residence just prior to
4 the home invasion-armed robbery.

5 Q. And what were those names?

6 A. Ashley Pierce and Lauren Baughman [phonetic]

7 Q. And what is Mr. Lanier's relationship to Ashley
8 Pierce and Lauren Baughman?

9 A. Ashley Pierce and Lauren Baughman -- well,
10 Ashley Pierce has less of a personal relationship with
11 him, but often will go there and trade sex for money from
12 Mr. Lanier. Ms. Baughman has the same relationship, but
13 also more that she helps out and cleans his residence and
14 barbershop.

15 Q. And so you say that they had previously,
16 immediately prior to the attack, been at his house?

17 A. Yes, ma'am.

18 Q. And he suspected that they were somehow
19 involved?

20 A. Yes, ma'am.

21 Q. What did you do with that information?

22 A. I went and tracked the two young ladies down to
23 interview them and speak to them about the case.

24 Q. And were they willing to cooperate with you?

25 A. Yes, ma'am.

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1 Q. And what did they tell you?

2 A. Ms. Pierce -- or Ms. Ashley Pierce had stated
3 that she had been at the residence earlier. And she
4 couldn't remember the exact times. She knew it was the
5 later hours of June 28th or the very early hours of the
6 morning of June 29th, 2011. She stated she had been there
7 at his house at [REDACTED], Mr. Lanier's house,
8 which is in Beaufort County, and the Bonair subdivision,
9 Bonair Estates, as people call it, and she had wanted to
10 get the money from Mr. Lanier. Ended up getting \$35 from
11 him. She knew that Lauren Baughman had been at the house
12 and that she had basically communicated with Lauren, via
13 text messages, and knew that Lauren was looking at using
14 her boyfriend, Mr. Edwards, and their friend, Donald
15 Peters, to possibly break into the house.

16 Q. And so you were able to interview Lauren
17 Baughman?

18 A. Yes.

19 Q. And what did she tell you?

20 A. She had stated that she and Curtis had words,
21 were hard up for money, needed money, and that she had
22 gone once to try and break into the barbershop, which is
23 at 601 Paris Island Gateway, right next door to [REDACTED]
24 [REDACTED]. Wasn't successful in locating money. She
25 went back to Mr. Lanier to try herself to get money from

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1 the residence, get money from Mr. Lanier. After she
2 wasn't successful with that, communicated with Mr. Edwards
3 and Mr. Peters via text messages and phone to come back
4 and break into the residence. She had cut a cord or a
5 rope, that secured the front door that wasn't commonly
6 used, to gain easy access to try and find money.

7 Q. And did Ms. Baughman give a ride to both
8 Mr. Peters and Mr. Edwards to the incident location?

9 A. She did.

10 Q. And did she wait outside while they both went
11 inside?

12 A. She did.

13 Q. And what did Ms. Baughman say she did after they
14 beat and robbed Mr. Lanier?

15 A. That she had given a ride to both Mr. Peters
16 and Mr. Edwards back to the house that they were at the
17 time -- she and Mr. Edwards were staying. I don't believe
18 Mr. Peters was staying in the house with them at the time.

19 Q. And where did they go after that?

20 A. They left and went to Hardeeville --

21 Q. All three of them?

22 A. All three of them together.

23 -- to Hardeeville, South Carolina, where they
24 got a hotel room and spent the night and then later the
25 next morning went to the scrap yard to scrap some steel

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1 that Mr. Peters -- or copper scrap metal, nonferrous
2 metal, that Mr. Peters had acquired the night before.

3 Q. And were you able to verify Ms. Baughman's
4 statement?

5 A. Yes, ma'am.

6 Q. How so?

7 A. Actually went to the hotel. I'll give you the
8 exact in a moment.

9 [Whereupon, the witness reviews documents]

10 A. It was at Quality Inn at Hardeeville. It's
11 19000 White Hardeeville -- Hardeeville, South Carolina.
12 It's in Jasper County. Spoke with the manager at the
13 hotel and said that Curtis Edwards had, in fact, rented
14 the room, number 134, at 5:16 a.m. on June 29th, 2011, had
15 checked -- or June 29th, 2011, had checked out the same
16 day.

17 Q. [Ms. Bannon] And did you go to the scrap yard?

18 A. I did. I went to it's called H&J Metals, which
19 is also located in Hardeeville, South Carolina. I spoke
20 with Mr. Minnez [phonetic], who had showed me surveillance
21 video which showed the three, Lauren Baughman and Curtis
22 Edwards and Donald Peters, being there together while
23 Mr. Peters conducted a transaction as far as selling
24 nonferrous metals to H&J Metals.

25 Q. And did you have the opportunity to interview

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1 Curtis Edwards?

2 A. I did.

3 Q. And what did he tell you?

4 A. The same thing, that they were hard up for
5 money, he had recently lost his job, was a cook, and had
6 bills piling up, and were becoming desperate for money and
7 knew that in the past Lauren Baughman had an ex -- they
8 called him an exhusband, I believe he was only an
9 exboyfriend, that had done something kind of similar as
10 far as breaking in and getting money, and thought that it
11 might be a good idea, that they could get easy money there
12 to take care of the problems at the moment. Had sent
13 Lauren herself to try and see if she could pull it off, as
14 far as trying to figure out where the money was, wasn't
15 able to do so, so she came back and picked up Curtis
16 Edwards and Donald Peters and drove them back towards the
17 residence. He stated that they had jumped the fence, gone
18 in the residence, and in the process he claims that Donald
19 Peters had beat Ronald Lanier and -- while he looked
20 around for the money, which he eventually found in a safe
21 that was locked inside of a closet. They obtained a set
22 of keys from Mr. Lanier and used it to get into the safe
23 to find the money. They weren't sure exactly how much
24 money but he believed it was over 3,000, around \$4,000.

25 Q. And were you able to establish -- was Ms.

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1 Baughman having a sexual relationship with Curtis Edwards?

2 A. Yes, ma'am.

3 Q. Was she having a sexual relationship with Ronald
4 Lanier?

5 A. Yes, ma'am.

6 Q. And was Ms. Baughman having a sexual
7 relationship with Mr. Peters?

8 A. Yes, ma'am.

9 Q. Did you have an opportunity to arrest Mr.
10 Peters?

11 A. Yes, ma'am.

12 Q. Where did you arrest him?

13 A. [REDACTED]. A lot of people
14 call it a trailer park. It's like a trailer park. We
15 never could find an actual name or anyone that calls it a
16 trailer park. But he was there -- which is actually
17 Curtis Edwards and Lauren Baughman's residence at the
18 time. They were living -- had a bedroom there in that
19 residence, with a roommate. We actually made contact with
20 Mr. Peters there, as well as searched the residence with a
21 -- or their bedroom, with a consent to search warrant.

22 Q. When you made contact with Mr. Peters, had you
23 already interviewed the people that you've testified to
24 today?

25 A. Yes, ma'am.

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1 Q. And so did you place Mr. Peters under arrest?

2 A. Yes, ma'am.

3 Q. Did you Mirandize him?

4 A. Yes, ma'am.

5 Q. How did you Mirandize him?

6 A. I just verbally advised him of it. It wasn't in
7 writing.

8 Q. And did Mr. Peters seem to understand your
9 advisement under Miranda?

10 A. Yes, ma'am.

11 Q. And what was his response when you advised him
12 under Miranda?

13 A. He denied that he had beaten Mr. Lanier. He
14 claimed that he had been with both Curtis Edwards and
15 Lauren Baughman that night and but that he had never gone
16 inside of the residence -- he claimed there was another
17 unknown male that went with him, he didn't know him by
18 name -- that he merely stayed outside and had no clue that
19 anything violent had taken place inside of the residence
20 and he was merely a lookout in the front yard.

21 Q. Did you ask him any further questions?

22 A. No, ma'am.

23 Q. Did you use any force to elicit the statement
24 from him?

25 A. No, ma'am.

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1 Q. Did you threaten him in any way to get the
2 statement?

3 A. No, ma'am.

4 MS. BANNON: One moment, Your Honor.

5 [Whereupon, Ms. Bannon and Ms. Lempesis confer]

6 Q. [Ms. Bannon] Investigator Rice, do you recall
7 what time and what day the arrest of Mr. Peters occurred?

8 A. It was on June 29th at about 7:30 p.m. or 1930
9 hours.

10 Q. Was anyone else present when he was arrested?

11 A. There was. It was a Mr. Ronald Hopkins.

12 Q. Was there any other law enforcement present?

13 A. There was. A Sargent John Gobel. And then
14 later on, a Corporal Mike Perkins actually transported
15 Mr. Peters to the detention center.

16 Q. And Investigator Gobel, was he present for the
17 administration of Miranda rights?

18 A. Yes, ma'am.

19 Q. And did it appear the defendant was under the
20 influence of any alcohol or drugs when he was Mirandized?

21 A. No, ma'am. Not to my knowledge.

22 Q. Did he have any problem asking you questions,
23 understanding what was going on?

24 A. No, ma'am.

25 Q. And to clarify: you were asking him questions

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1 at his friend's house when he was under arrest?

2 A. Yes, ma'am. He was friends with Mr. Hopkins. I
3 believe that they had known each other for years. And
4 also it was the residence of Curtis Edwards and Lauren
5 Baughman.

6 Q. And was Mr. Peters handcuffed at the time that
7 you Mirandized him?

8 A. Yes, ma'am.

9 Q. And at the time that he made his statement?

10 A. Yes, ma'am.

11 Q. In your opinion, did he freely and willingly
12 make his statement to you?

13 A. Yes, ma'am.

14 MS. BANNON: Judge, no further questions at this
15 time.

16 THE COURT: Mister -- excuse me. Investigator
17 Rice, did you make any promises or hold out any reward
18 or hope of a reward to him in return for his
19 statements?

20 THE WITNESS: No, sir, Your Honor.

21 THE COURT: Would you tell me exactly which
22 Miranda rights you gave to him and whether you gave it
23 from a card or from memory.

24 THE WITNESS: I gave them by card that I had
25 with me at the time, a little plastic Miranda card.

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1 THE COURT: Do you have that with you now?

2 THE WITNESS: No, sir, I don't.

3 THE COURT: Do you remember what you told him
4 from the card?

5 THE WITNESS: I can go roughly from memory. If
6 I can, I can retrieve the card at my office.

7 THE COURT: Why don't we do that eventually, but
8 give me what you've got from memory right this second.

9 THE WITNESS: It says you have the right to
10 remain silent. Anything you say can and will be used
11 against you in a court of law. You have the right to
12 have an attorney. If you cannot afford an attorney,
13 one will be appointed for you before any questioning
14 if you wish. You have the stop -- the right to stop
15 answering any questions at any time once you do start
16 answering questions. And I asked him: do you
17 understand these rights as I've explained them to.
18 And having these rights in mind, do you wish to talk
19 to me now.

20 THE COURT: And what did he say?

21 THE WITNESS: He said he did.

22 THE COURT: Okay. You don't have to get the
23 card. Thank you.

24 Mr. Haight, cross-examine.

25 - - -

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CROSS-EXAMINATION

BY MR. HAIGHT:

Q. Investigator Rice, isn't it true that Mr. Lanier told you that a black man and a white man had broken into his house?

A. Yes, sir. He said an older man and a white man and one was black, one was white, he was going off of their voices.

Q. And Mr. Lanier at no time identified my client as being one of the people who broke into his house?

A. No, sir. He said he couldn't, that they were wearing masks.

Q. Did you not testify earlier that Ashley Pierce identified Mr. Peters? Did you say that?

A. She had claimed that the nickname of a friend, she remembers seeing him at some point in the past and called him Dubbie, not actually Donald Peters, that she wasn't familiar with him.

Q. So she was or was not familiar with him?

A. She wasn't familiar with him, she just was -- I believe just assuming that he may have gone with them because they were hanging out at the time.

Q. So she didn't know whether he had gone with them or not?

A. No. No, sir, she didn't.

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1 Q. So, basically, the only two people who say that
2 he went with them were Lauren Baughman and Curtis Edwards?

3 A. Yes, sir.

4 Q. Both of whom had already been arrested for the
5 crime?

6 A. Yes, sir.

7 Q. Now, at the time of Mr. Peters's arrest, wasn't
8 he high as a kite?

9 A. I don't know if he was. I didn't have anything
10 to tell me that he was. He possibly could have been.

11 Q. Were you the first police officer to make
12 contact with him?

13 A. Yes, sir.

14 Q. But he seemed fine to you?

15 A. He did.

16 Q. And what exactly were the statements that you
17 claim that he made?

18 A. He claimed that he had been with Ms. Baughman or
19 Baughman the night before, and Mr. Edwards, and that they
20 had another unknown male, which he couldn't state who he
21 was or describe him. He claimed they had gone to the
22 residence of Mr. Ron Lanier and that the unknown male and
23 Mr. Edwards went inside the residence while he stayed
24 outside in the yard as a lookout, and that he was unaware
25 that everything happened the way it did inside the house,

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1 he had no knowledge of it.

2 Q. Okay. And did you get any kind of written
3 statement from Mr. Peters?

4 A. No, sir.

5 Q. Did you record any of this?

6 A. No, sir.

7 Q. You recorded Ms. Baughman, did you not?

8 A. We did.

9 Q. You recorded Mr. Edwards, did you not?

10 A. Yes, sir.

11 Q. In fact, you even have an audio recording of
12 Ms. Pierce --

13 A. Yes, sir.

14 Q. -- that sounds like it was made outside?

15 A. Yes, sir.

16 Q. Okay. Why --

17 A. It was in a vehicle.

18 Q. So but you couldn't do that with regard to
19 Mr. Peters?

20 A. At the time -- at the time he was placed under
21 arrest or had been detained, he was pretty upset with us
22 and at that point we decided to go ahead and send him to
23 the detention center. We didn't feel like it was a good
24 idea to sit there and try to do -- record a statement. He
25 wasn't going to cooperate with us any further. Once we

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1 told him he was under arrest, he was pretty upset with us.

2 Q. Well, usually when people are arrested they get
3 upset, do they not?

4 A. They do. They do.

5 MR. HAIGHT: Just a minute, Your Honor.

6 THE COURT: Yes, sir.

7 [Whereupon, Mr. Haight and the defendant confer]

8 Q. [Mr. Haight] And maybe I didn't follow it. Are
9 you -- did you indicate that you were the first officer to
10 make contact with Mr. Peters?

11 A. Yes, sir. It was two of us at once. My
12 partner, Sargent John Gobel and myself, we both talked to
13 him at the same time or were there at the same time but
14 the first people to make contact with him.

15 Q. Well, were you the first one to make contact or
16 was Sargent Gobel -- Gobel, excuse me -- the first one to
17 make contact?

18 A. I don't remember if it was me who -- because as
19 soon as we saw him and made contact with him face-to-face,
20 we detained him. I don't know if we both put him in
21 handcuffs at the same time, holding on to him. I don't
22 remember who touched him first or who was standing right
23 in front of him first.

24 Q. And it's your testimony that he didn't appear
25 high to you?

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1 A. No, sir.

2 Q. But he had marijuana on his person?

3 A. Yes, sir.

4 Q. He had other pills on his person -- or pills on
5 his person; is that correct?

6 A. Yes, sir.

7 Q. But he seemed sober to you?

8 A. He seemed fine to me, yes, sir. He didn't smell
9 of alcohol or anything like that.

10 MR. HAIGHT: Okay.

11 THE COURT: Thank you. Redirect, Ms. Bannon?

12 MS. BANNON: No redirect, Your Honor.

13 THE COURT: Thank you, sir. Investigator Rice,
14 you can step down. Thank you, sir.

15 THE WITNESS: Thank you.

16 [Whereupon, Mr. Rice is excused and exits the
17 witness stand]

18 THE COURT: Ms. Bannon?

19 MS. BANNON: The State calls Mr. John Gobel.

20 THE COURT: Mr. Gobel, come forward, please,
21 sir, and be sworn.

22 [Whereupon, Mr. Gobel comes forward]

23 [Whereupon, Mr. Gobel is duly sworn by the clerk
24 of court as follows: do you solemnly swear or affirm
25 the testimony you give shall be the truth, so help you

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1 God]

2 THE WITNESS: I do.

3 THE CLERK OF COURT: Thank you. If you'll have
4 a seat and state your name for the record, please.

5 [Whereupon, Mr. Gobel takes the witness stand]

6 THE WITNESS: Detective John Gobel.

7 - - - - -

8 JOHN GOBEL,

9 Having Been First Duly Sworn,
10 was Examined and Testified as Follows:

11 DIRECT EXAMINATION

12 BY MS. BANNON:

13 Q. Investigator Gobel, where do you work?

14 A. Beaufort County Sheriff's Office.

15 Q. And what are your responsibilities in the
16 sheriff's office?

17 A. The investigations unit.

18 Q. And are you familiar with your department's
19 investigation of Donald Peters?

20 A. Yes.

21 Q. And what was your role in that investigation?

22 A. I was Detective Rice's partner, assisted him
23 with the investigation.

24 Q. And were you present when Donald Peters was
25 arrested on June 29th, 2011?

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1 A. Yes, I was.

2 Q. Where did that arrest occur?

3 A. I'm not sure of the address. It was on Joe
4 Frazier Road in a trailer park. I believe it was [REDACTED].
5 I'm not sure.

6 Q. Do you recall making contact with Mr. Peters?

7 A. Yes, I do.

8 Q. What do you recall about that?

9 A. We knocked on the door. The gentleman that
10 lived there opened the door for us. We told him what we
11 were there for. He let us in. We made contact with
12 Mr. Peters -- I believe he was in between the kitchen and
13 the living room -- at which time we placed him in
14 handcuffs and detained him.

15 Q. Do you recall who placed him in handcuffs?

16 A. I believe it was a simultaneous thing. I mean,
17 it's typical that we would both participate in placing the
18 handcuffs.

19 Q. And after you placed him in handcuffs, what did
20 you do with him?

21 A. Detective Rice gave him his Miranda rights.

22 Q. Were you present for Detective Rice's recitation
23 of Miranda?

24 A. I was.

25 Q. And you were in the courtroom today when

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1 Investigator Rice recited the Miranda that he gave?

2 A. Yes.

3 Q. And was that a fair and accurate recantation of
4 what he said that night?

5 A. Yes. Only Detective Rice actually read it off
6 the card.

7 Q. And you saw him read it off the card?

8 A. Yes.

9 Q. And the Miranda rights that he informed
10 Mr. Peters of, you're familiar with them?

11 A. Yes.

12 Q. And they were in keeping with your knowledge of
13 what Miranda is?

14 A. Yes.

15 Q. After you Mirandized Mr. Peters, what did he do?

16 A. Mr. Peters was extremely upset at being
17 arrested. He initially denied anything. When we told him
18 that the two other co-defendants had identified him, that
19 was at the point that he said, yeah, I was there but I
20 didn't go inside, I went there with them, I stayed
21 outside, they had another guy with them, Mr. Edwards, and
22 the other -- well, he didn't call him Mr. Edwards -- but
23 Edwards and the other guy went inside and did whatever
24 they did, I didn't have anything to do with it.

25 Q. Was he able to provide a name for Mr. Edwards?

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1 A. I really don't remember if he called him last
2 name, first name or -- I know that we initially told him
3 that they had identified him as the person that was with
4 them. But I'm not sure if he ever called them by name. I
5 just don't remember.

6 Q. How about the second guy? Was he able to
7 identify him by name?

8 A. He wasn't able to identify him even by
9 description, just a second person.

10 Q. And did Mr. Peters make any further statements
11 to you after that?

12 A. No, ma'am.

13 Q. When interviewing Mr. Peters, did he -- did you
14 use any force on him?

15 A. No.

16 Q. Did you threaten him?

17 A. No.

18 Q. Did you intimidate him in any way?

19 A. No.

20 Q. Did he appear impaired in any way?

21 A. No. He was highly irrate, but he didn't appear
22 impaired.

23 Q. Could he follow your instructions?

24 A. Yes.

25 Q. Was he making coherent conversation with you?

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1 A. Yes. Yes.

2 Q. So was there anything to lead you to believe
3 that he did not understand his Miranda advisement?

4 A. No. I'm sure he understood it.

5 MS. BANNON: No further questions of this
6 witness.

7 THE COURT: Thank you. Mr. Haight, cross-
8 examine.

9 CROSS-EXAMINATION

10 BY MR. HAIGHT:

11 Q. Was it you or Investigator Rice who found the
12 marijuana on my client?

13 A. I believe Andy did the search.

14 Q. And would that be the same for the pills that
15 were found on him?

16 A. Yes, sir.

17 Q. And it's your testimony that he was not clearly
18 high and clearly impaired at that time?

19 A. No, sir. Highly irrate, but seemed coherent.
20 Speaking like you and I are speaking now, only mad.

21 Q. And wasn't his alleged version of events similar
22 to that described by Mr. Lanier?

23 A. I'm not sure if I understand your question, sir.

24 Q. Well, you said that mention was made of another
25 guy. Didn't -- clearly, Mr. Peters is white and

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1 Mr. Edwards is white. Didn't Mr. Lanier mention that a
2 black guy was also present?

3 A. He said a guy might have been black because of
4 the sound of his voice. He never said definitely that
5 there was a black man present. His -- when we questioned
6 Mr. Lanier as to the race, he based the black statement on
7 the man's voice because they were both wearing masks. He
8 said one of them was definitely white and he thought the
9 other one was black because of speech.

10 As far as Mr. Peters describing the other
11 person, I don't think he ever said it was a black man. He
12 just said it was another person, another guy.

13 Q. Now, did you personally speak with Mr. Lanier
14 about this?

15 A. I have.

16 Q. At -- before -- in the period of time before
17 you arrested Mr. Peters, had you personally spoken with
18 Mr. Lanier?

19 A. Yes, sir.

20 Q. And where was that? At his residence?

21 A. Yes, sir. That was on a follow-up visit after
22 the initial visit. I didn't respond that night. But I've
23 known Mr. Lanier for years, and Detective Rice and I went
24 back and spoke with him later the next day.

25 Q. And isn't it true that he went to his neighbor,

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1 and said it was a black guy and a white guy, immediately
2 after the incident?

3 A. I don't know, sir.

4 MR. HAIGHT: Just a minute, Your Honor.

5 THE COURT: Thank you.

6 [Whereupon, Mr. Lanier and the defendant confer]

7 Q. [Mr. Haight] Sargent Gobel, you were the one
8 who actually removed the drugs from Mr. Peters' person,
9 are you not?

10 A. If my memory serves me, it was Detective Rice.
11 But I'm not sure. It could have been either one. I
12 really don't remember who did the physical search. But
13 the best of my memory, it was Detective Rice. We were
14 both there, though. Everything is done as a partnership,
15 the handcuffing, the patting down, the searching. We both
16 have our hands on him at the same time. But who actually
17 pulled it out of his pocket, I don't remember.

18 Q. And you've known Mr. Peters for a long time;
19 isn't that true?

20 A. I have.

21 Q. And have you ever known him to be in possession
22 of drugs and not actually using those drugs?

23 A. I know he is a user of drugs, if that's your
24 question, sir.

25 Q. And yet your testimony is that he did not appear

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1 to be impaired at the time you arrested him?

2 A. He was coherent. No smell of alcohol, no
3 slurred speech. He had angry, agitated speech, but I
4 didn't see anything that made me think he was high.

5 MR. HAIGHT: Thank you.

6 THE COURT: Redirect, Ms. Bannon?

7 MS. BANNON: Briefly, Your Honor.

8 REDIRECT EXAMINATION

9 BY MS. BANNON:

10 Q. At any point did Mr. Peters tell you, I'm high?

11 A. No.

12 Q. Did he make any statements regarding his
13 substance intake?

14 A. No.

15 Q. And from Mr. Lanier, how many people did he say
16 went inside his house to beat him?

17 A. Two.

18 MS. BANNON: Thank you. No further questions.

19 THE COURT: Any follow up, Mr. Haight, on those
20 points?

21 MR. HAIGHT: No, Your Honor.

22 THE COURT: Thank you.

23 Investigator, you can step down. Thank you,
24 sir.

25 THE WITNESS: Thank you, Your Honor.

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1 [Whereupon, Mr. Gobel is excused and exits the
2 witness stand]

3 THE COURT: Ms. Bannon?

4 MS. BANNON: That concludes the State's
5 witnesses concerning the Denno hearing, Your Honor.

6 THE COURT: Mr. Haight, does the defense wish to
7 offer any evidence or testimony on the issue of the
8 voluntariness of the statement?

9 MR. HAIGHT: No, Your Honor.

10 THE COURT: Thank you.

11 I'll be glad, then, to hear arguments in regard
12 to the -- in regard to the motion. Since it would be
13 your motion, I take it, to suppress, Mr. Haight, let
14 me hear from you first.

15 MR. HAIGHT: Certainly, Your Honor.

16 I think it's clear from both of their testimony,
17 Your Honor, that the only people who have identified
18 my client as to having any involvement were Lauren
19 Baughman and Curtis Edwards. Nobody else said
20 anything about him being involved. In fact, other
21 witnesses said very different things. Like Mr.
22 Lanier, he said that it was two men, one men -- one
23 man who was black and one who was white.

24 Additionally, as we elicited on cross-
25 examination, they removed drugs from my client at the

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1 time. It's our position that he was intoxicated and
2 high at that time, yet they did nothing to document
3 the Miranda, other than their own word for it, Your
4 Honor. They took no written statement, they took no
5 video, they took no audio. It's simply what they say
6 happened versus my client's position in this matter.
7 And we would ask, therefore, to suppress that.

8 It's also very vague. You know, they say he
9 said he was acting as a lookout. Exactly what does
10 that mean? You know, what was he looking out for?

11 Again, we don't think it meets the standard and
12 we think it should be suppressed.

13 THE COURT: Thank you.

14 As to the difference in the statements, for
15 example, whether there was a black guy and a white guy
16 and their age and things of that nature according to
17 perhaps what Mr. Lanier said or somebody else may have
18 said, those are facts, of course, for a jury to take
19 into account, if that information gets before the
20 jury, on the issues of Mr. Peters's guilt or
21 innocence, as to the voluntariness of it, of course,
22 which is what we're talking about today. Certainly
23 the state of mind is any diminished capacity, because
24 of intoxication or otherwise, are factors that the
25 Court can take into account if those things have been

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1 raised.

2 Ms. Bannon, let me hear from you.

3 MS. BANNON: Thank you, Your Honor.

4 It's clear that Mr. Edwards -- I'm sorry --
5 Mr. Peters was in custody when this occurred; the fact
6 that he was properly Mirandized. Law enforcement
7 stated he was agitated. As defense counsel brought
8 out, a lot of people are agitated when they get
9 arrested. From the statement he made, it's a coherent
10 statement. It's one clearly showing he had his
11 wherewithal about him and the fact that he was able to
12 make a statement that distanced him from the crime and
13 was able to serve him later as a defense. So I think
14 that goes to show his state of mind, that he was able
15 to think, he was able to clearly communicate and
16 rationally participate in this conversation and
17 knowingly waive his rights. Therefore, the State
18 argues that his statement is admissible pursuant to
19 constitutional procedures and protections that were
20 given, as well as the fact that he was understanding
21 of his rights and that he was -- willingly waived
22 them.

23 THE COURT: Thank you.

24 Mr. Haight, it's your motion so you've got the
25 last word.

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1 MR. HAIGHT: Again, Your Honor, it's a he-said,
2 she-said kind of thing. There's no evidence that's
3 been presented, other than the word of the two
4 officers, that he was Mirandized. Despite the fact
5 that they had the technology available to videotapes
6 and audiotapes, as they did with the other people that
7 were arrested, or even not arrested and simply
8 interviewed, you know, they did nothing to do that.
9 They got nothing in writing. And particularly in
10 light of his condition at that time, it remains our
11 position that it should be suppressed.

12 THE COURT: All right. For the purposes of the
13 motion before me at this stage, of course, it is
14 simply he-said, he-said, that is, Investigators Rice
15 and Gobel are the ones who testified, so that's the
16 evidence that I have on the issue. And I find that
17 they have proven, certainly by the preponderance
18 of the evidence, which is the standard at this
19 juncture -- it'll be a higher standard before a jury,
20 obviously -- but that he was properly Mirandized.
21 Investigator Rice recited the Miranda rights
22 appropriately into the record, as the law requires,
23 the same ones that he gave, according to his
24 testimony, from a card. But the recitation in the
25 hearing were almost verbatim as they appear on the

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1 card, or at least on most cards. There was no
2 evidence of improper influence or forces or threats.
3 There were no promises made of any reward or anything
4 of that nature. The interrogation was taken under --
5 at a relatively neutral site, even though he was
6 clearly in custody. He was not in a police station,
7 as I understand it, in that more restrained and
8 confined environment. And I find that the testimony
9 of Investigator Rice, as well as Investigator --
10 Detective Gobel, are sufficient to allow the
11 admissibility of the statement for whatever value the
12 jury might chose to give it. The statement was freely
13 and voluntarily made and with the proper knowledge of
14 the rights which he had, and of his free and voluntary
15 waiver of those rights.

16 The motion to suppress the statement is
17 respectfully denied.

18 All right. What else do we have?

19 MS. BANNON: Your Honor, going on. You said
20 previously you want to go forward with my motions.
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MOTION IN LIMINE

1
2 MS. BANNON: First, we have the res gestae
3 memorandum that we previously discussed. And
4 basically it is to discuss Curtis Edwards' prior
5 burglary of Ron's Barbershop several hours prior to
6 the home invasion on Mr. Lanier in which the State
7 would offer what we believe to be the evidence. But
8 if Your Honor so desires, I can re-call Investigator
9 Rice and have him testify to it.

10 THE COURT: Of course, I've read the memo that
11 was set out in regard to the res gestae issue, that
12 is, the admissibility of the allegations of the break-
13 in of the residence, and I would assume that the
14 testimony would be in line with the factual scenario
15 laid out in that motion. Is that fair to say?

16 MS. BANNON: It is, Your Honor.

17 I just want to clarify that Lauren Baughman
18 dropped Mr. Peters -- Mr. Edwards off, to commit the
19 burglary, as she went with Mr. Peters to collect the
20 scrap metal and then they went to pick up Mr. Edwards
21 after he had finished burglarizing the barbershop. So
22 it's really that the State would like to discuss the
23 uncharged theft of the pipe, which is later shown --
24 the State believes the scrap metal that was sold at
25 the scrap-yard the following morning in Hardeeville,

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1 tying them together as all part of this conspiracy,
2 that they were all working in concert together both on
3 this first burglary and then on the second burglary,
4 and the motivation for the second burglary was that
5 Mr. Edwards failed to get enough money to buy their
6 pills in the first one so that's why they decided to
7 go and rob Mr. Lanier.

8 THE COURT: Mr. Haight, what says the defense?

9 MR. HAIGHT: Your Honor, with regard to the
10 alleged burglary of Mr. Lanier's barbershop, I don't
11 believe that there's any evidence or argument that's
12 been offered that Mr. Peters had any hand in that.

13 THE COURT: That's right. And so as to Mr.
14 Peters, then, if I -- and involved in a balancing
15 test, then there's no prejudice against Mr. Peters.
16 The question becomes how probative it is on the
17 balancing end, to the charges against him on this
18 case. And so that is the -- I guess is the larger
19 issue that we deal with in this particular case.

20 Ms. Bannon offers it as part of a larger common
21 scheme or plan that -- and that the -- according to
22 her memo, that the motivation behind the breaking and
23 entering the residence was the fact that the break-in
24 of the barbershop did not yield enough cash, as I
25 understand the theory.

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1 Is that essentially it?

2 MS. BANNON: Yes, Your Honor.

3 THE COURT: Okay. I understand what the
4 testimony will be.

5 I still have a decision to make about the
6 prejudicial impact of all that, which is the -- which
7 is the main thing. I can see how as a part of a
8 common scheme it all fits together, a continuing chain
9 of events which began, according to the information
10 that I have in the memo, with text messages being
11 exchanged at some time earlier in the day, the break-
12 in of the barbershop by Mr. Edwards, the testimony
13 that Mr. Peters was stealing some metal at that time,
14 subsequent text messages back and forth that,
15 according to those messages and the testimony of a
16 codefendant, got everybody back at -- everybody --
17 Mr. Edwards and Mr. Peters, and I'm not sure how many
18 of the females, back in Mr. Lanier's house for the
19 break-in, and then the next day the selling of the
20 metals themselves. Certainly, that's all a part of
21 the res gestae of what went on.

22 What I've got to deal with is how critical to
23 the State's case is that evidence about the stealing
24 of the metals, an uncharged crime in this particular
25 case, to a conviction on the charge of burglary first

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1 and armed robbery and the other charges against him.
2 I would like to -- frankly, I need to do a little bit
3 more research on that overnight before I rule on it.
4 And I'll be glad to get the benefit of any other
5 research that you-all have, if you wish to offer it.

6 But it really boils down to a balancing test, as
7 much as anything else, as I see it. As we know, these
8 404(b) cases are all over the map. And they have to
9 be looked at pretty closely, quite frankly. Always
10 do.

11 MR. HAIGHT: Your Honor, perhaps a little help.

12 My client doesn't deny going to Whitmore
13 Plumbing.

14 THE COURT: Right.

15 MR. HAIGHT: You know, nor does he deny selling
16 the scrap metal.

17 THE COURT: Right.

18 MR. HAIGHT: What he denies is any involvement
19 in breaking into the barbershop or Mr. Lanier's house.

20 THE COURT: Right.

21 MR. HAIGHT: So we're really not concerned
22 necessarily with what went on at Whitmore Plumbing and
23 what went on at the scrap-yard. We're concerned
24 about, you know, the alleged break-in of the
25 barbershop in which he has no hand.

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1 And so he's essentially taking the position,
2 yes, you know, I am somebody who will take scrap metal
3 from a yard, because I think my boss didn't pay me
4 enough, versus somebody who's breaking into somebody's
5 either office or dwelling, as opposed to just a
6 commercial yard with scrap metal that's lying on the
7 ground.

8 THE COURT: Ms. Bannon, address the State's
9 position on Mr. Peters' involvement in the break-in of
10 the barbershop again.

11 MS. BANNON: Your Honor, Mr. Haight actually
12 reminded me of something, is that Mr. Peters is
13 alleging that he was stealing the scrap while the
14 beating was going on, which is a complete time-line
15 shift.

16 THE COURT: Right.

17 MS. BANNON: So it becomes crucial to the State
18 to be able to talk about the two separates incidents
19 and that there was this gap and that it was actually
20 two separate times, therefore making it possible that
21 Mr. Peters was the one who went inside the house.

22 As far as Mr. Peters' involvement in breaking in
23 the barbershop, he didn't have any. Basically, they
24 dropped off Mr. Edwards, all right, go do your thing,
25 we're going to go steal some scrap from Whitmore

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1 Plumbing and we'll come back and pick you up.

2 THE COURT: Okay. I understand. Thank you.

3 All right, folks. You've given me all the
4 information I need. I just need to involve the law in
5 my decision at this point, and so I will do that and I
6 will let you-all know first thing tomorrow when I get
7 back here.

8 MR. HAIGHT: Thank you.

9 - - - - -

10 JOINT MOTION

11 THE COURT: Anything else, from the State's
12 perspective, Ms. Bannon?

13 MS. BANNON: Your Honor, I believe it was pretty
14 much a joint motion. We just want to clarify on the
15 record who can be impeached, with what can they be
16 impeached.

17 THE COURT: If he testifies?

18 MS. BANNON: If he testifies. And then which of
19 the State's witnesses have convictions which can be
20 impeached, as well, Your Honor.

21 THE COURT: I think you pretty well outlined
22 them in your memo, if I can find it. Y'all didn't
23 give me all -- here it is right here.

24 [Whereupon, the Court reviews documents]

25 THE COURT: As to Mr. Peters, I'm looking at

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1 page 3 of Ms. Bannon's memo, and all the crimes listed
2 on there are more than ten years old.

3 MR. HAIGHT: Your Honor, I do have a question
4 with regard to those old ones. I know that Ms. Bannon
5 has taken the position that she believes that they're
6 inadmissible except if we open the door. And --

7 THE COURT: Are we talking about Mr. Peters?

8 MR. HAIGHT: Correct.

9 THE COURT: Right. And how the door is opened
10 if he does not take the stand is problematic. Quite
11 frankly, I'm not sure how that's going to work,
12 although she talked about somehow or another bringing
13 the character of the victim into play, therefore
14 making the character of the defendant admissible, as
15 well. I'm not sure of that. But his credibility is
16 not an issue unless he testifies so --

17 MR. HAIGHT: So those should not come in,
18 regardless of what somebody else might testify to?

19 THE COURT: That's right. You know, the only
20 purpose under the rules for -- as Rule 609 says:
21 evidence that a defendant has been convicted of a
22 crime is permissible for impeachment. For
23 impeachment. If that crime carries a potential
24 punishment that exceeds a year and occurred within the
25 last ten years or is a crime of truthfulness and that

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1 the probative value outweighs its prejudicial impact.

2 If he does not testify, then his credibility is
3 not an issue and impeachment is not a factor that we
4 deal with.

5 You don't have any problems with that, do you,
6 Ms. Bannon?

7 MS. BANNON: No, Your Honor.

8 THE COURT: Does that help in that regard,
9 somewhat, Mr. Haight?

10 MR. HAIGHT: Yes, I think so.

11 THE COURT: Now, if he does testify, there are
12 at least a couple of those things that would come in.
13 Clearly, the breach of trust with fraudulent intent.
14 That's a crime that involves truthfulness and it's
15 within the ten years.

16 MR. HAIGHT: Your Honor, we take the position
17 that that's theft by any other name. And State vs.
18 Broadnax [phonetic], and other cases, our appellate
19 courts have said that that is not necessarily a crime
20 of dishonesty, a crime involving dishonesty.

21 THE COURT: Fraudulent intent, by definition,
22 means that not only did you take it but you took it in
23 such a way that you intended to defraud.

24 Now, I'll be glad to try to find some specific
25 case law on that, if I need to. But it is the -- it

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1 is a fraudulent intent. And the breach of trust, in
2 and of itself, of course, means somebody gave you
3 something and you converted it to your own use without
4 permission. And fraudulent intent means that you
5 intended to do that when you got it. And so those are
6 the sorts of things that I think that make it a crime
7 that involves dishonesty and false statement.

8 I'll be glad to look at the list. I've got a
9 list of those things. I didn't bring that book in
10 here. It's in chambers. But I'm pretty sure that
11 that's where the law comes down on that issue.

12 I don't agree that grand larceny comes in. He
13 violated his probation within ten years but the crime
14 itself was not committed within ten years, as I
15 understand it. Although I know that the ten years
16 counts from the time somebody is released. But -- and
17 I haven't counted whether ten years actually occurred
18 between the time -- whether he was out of jail ten
19 years between 2001 and now. I don't know how that
20 time would be calculated. And Ms. Bannon can
21 reeducate me on that, if it appears that he has not
22 been out ten years.

23 The obvious purpose behind the ten years is that
24 you don't get credit for being honest while you're in
25 jail, you know. It's only when you're out on the

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1 street that you have ten years to mess up and do
2 something wrong that the ten years has any
3 application. The one that I think clearly --

4 MR. HAIGHT: Your Honor, there's also the bank
5 robbery charge.

6 THE COURT: Yeah. And I'm going to need to
7 check the law on that, frankly. It was a federal bank
8 robbery charge; right?

9 MR. HAIGHT: That's correct.

10 THE COURT: Right. I need to know what the
11 elements of that are, under the federal statute, to
12 see if that's the sort of thing that can come in. I
13 think it very well could, but I don't have enough
14 information to tell you that it can right this minute.
15 But certainly before he testifies, I'll be glad to let
16 you know which of those.

17 Right this minute, the grand larceny in 2001
18 could conceivably come in as within the ten-year
19 period, depending on how much time he was in and out
20 of jail, obviously. Otherwise, it's outside the ten
21 years. The bank robbery would be within the ten
22 years, at least from the date of his release, and so
23 it appears that that would -- and certainly it's
24 within the ten years. The only question is whether
25 the probative value outweighs the prejudicial impact,

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1 and that's what I need to give some thought to.

2 There's a way, of course, around that. There's
3 a way around the prejudicial impact, that I've
4 traditionally used, and that is the -- when you look
5 at the standard and the Colf --

6 And that is C-O-L-F factors, Madam Reporter.

7 -- one of the great concerns that the appellate
8 court has is how similar the crime for which the
9 defendant is on trial, to the crime for which he has a
10 record that is sought to be introduced, the obvious
11 concern being that if the jury hears, well, here's a
12 person who robbed a bank in 2001 and he's accused of
13 robbing a bank today, then that's obviously very close
14 in similarity and it's the sort of thing that gives
15 rise to an enhanced prejudicial impact. And to the
16 extent that the crime is similar, more or less, then
17 the likelihood of prejudicial impact increases or
18 decreases.

19 What I've done in the past is allow, if the
20 person takes the stand, for that person to be examined
21 on whether or not he or she was convicted or pled
22 guilty to a crime that carried a possible penalty of
23 more than one year within the last ten years. Because
24 according to the statute, there are two things that
25 come into account. One is the age, without regard to

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1 what the charge is, and the other is whether it's a
2 matter that indicates lack of truthfulness.

3 So at least on the issue of age, if the jury
4 knows that someone has been convicted of a crime that
5 carried a possible penalty of more than a year within
6 the last ten years, that's all they know. And,
7 frankly, that's all they need to know, under the law
8 and under the rule, to decide on the issue of
9 impeachment and credibility and things of that nature.

10 But I've rambled on about that enough. But I
11 think I've told you that the bank robbery is a
12 balancing test. But I think there's a way around it,
13 that is, a way around the prejudicial impact but at
14 the same point and time allowing the purpose for which
15 the rule was invoked to be applied and for the
16 testimony to go to the jury. And my tendency is that
17 I would allow -- I may sanitize that and let it in,
18 that is, the bank robbery. The rest of it doesn't.

19 Do you have questions about your witnesses now,
20 as well, Ms. Bannon?

21 MS. BANNON: Yes, Your Honor.

22 THE COURT: Do I have their -- okay.

23 MS. BANNON: Yes, Your Honor.

24 It's basically the next subsection, Curtis
25 Edwards, Lauren Baughman, Ronald Lanier. And it

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1 appears that Ashley Pierce doesn't have a subsection,
2 but her priors are also discussed.

3 THE COURT: Right.

4 MR. HAIGHT: Ashley Pierce -- excuse me, Your
5 Honor. I believe Ashley Pierce has a very recent
6 conviction, theft of a controlled substance punishable
7 -- well, her sentence was five years suspended to one
8 year probation.

9 THE COURT: Right.

10 MS. BANNON: The State concedes that this would
11 be impeachable once she takes the stand.

12 THE COURT: Now, when you're talking about the
13 credibility of a witness, as opposed to that of a
14 defendant, then the issue of prejudice is looked at
15 through an entirely different lense. The concern, of
16 course, when a defendant's testimony is being
17 evaluated, is that the presumption of innocence can be
18 eroded against the defendant if the testimony is
19 prejudicial and the probative value is relatively
20 minimal. Frankly, when it comes to a witness, what's
21 the prejudice to a witness? They don't have a
22 presumption of innocence. They're not in jeopardy.
23 So while there might be some prejudice, perjury,
24 perhaps, the scales are entirely different and the
25 evaluation is entirely different. There's, in my

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1 view, a relatively low bar when the testimony of a
2 witness is held up to scrutiny. It obviously still
3 has to come within the ten years. But, frankly,
4 that's about it. Although there are probably
5 exceptions. That's probably a rash statement to make.

6 But if I -- if I look at Curtis Edwards, he's
7 got a bank robbery conviction in 2006, which is
8 clearly over the ten years, and that would be
9 impeachable.

10 Ms. Baughman, shoplifting from 2009, unless it's
11 a third offense or greater, would not carry more than
12 a year, would not come in under the rule, even though
13 it is within ten years.

14 Mr. Lanier, pointing and presenting, within the
15 last ten years. All it comes in for is impeachment.
16 It doesn't come in to whether he's a threat or
17 anything of that nature. The jury will be instructed
18 that that testimony is only there to show whether or
19 not he was telling the truth. I don't see anything
20 else, as far as Mr. Lanier is concerned, that looks
21 like it would be admissible.

22 Ashley Pierce, 2004 convictions for possession
23 of marijuana and possession of beer, that won't come
24 in. Simple assault in 2009, that doesn't come in.
25 Theft of controlled substance in 2013: I'm not

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1 sure -- obviously -- I think it carries more than a
2 year, doesn't it?

3 MS. BANNON: Yes, Your Honor.

4 THE COURT: Okay. That would come in.

5 I don't think there's a whole lot of difference
6 between what Ms. Bannon has put forth in this
7 memorandum, and what my rulings would be, other than
8 the ones I've just told you-all about.

9 And before each of these witnesses takes the
10 stand, if you want me to be more specific about that
11 before you make a decision for them to take the stand,
12 I will be glad to flesh that out in a lot more detail
13 if I need to.

14 MR. HAIGHT: Thank you, Your Honor.

15 THE COURT: Because, frankly, it focused on Mr.
16 Peters' record and I haven't spent that much time on
17 your memo about the other witnesses. But I can do
18 that if I need to.

19 All right. What else do we have?

20 MS. BANNON: I think that's all from the State,
21 but I believe that Mr. Haight has a couple of motions.

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MOTIONS IN LIMINE

THE COURT: Mr. Haight?

MR. HAIGHT: Well, I think one of the concerns, Your Honor, is the text messages, which are hearsay. And it's my understanding that the State is intending to introduce those under the business records exception to the hearsay rule. And as I had indicated earlier, it's our position that that Verizon person is not going to be able to testify to the manner in which these messages were prepared or the source of the information that's in those messages. We think that would be highly prejudicial to my client.

THE COURT: Ms. Bannon, you tell me how you intend to get those in.

MS. BANNON: Thank you, Your Honor.

Under the business records exception for the records, as far as Mr. Haight's argument about we can't say who did it, he's right. And that actually helps him in his defense of it. Just like a bank statement if someone was embezzling money, the bank certainly couldn't say So-And-So came and deposited this cash. However, the records can show that the cash was deposited at that date and time. The records merely corroborate certain locations and certain events that did happen.

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1 As far as the content there and of the text
2 messages, the State feels beyond the business records
3 exception, we have it by statement by party opponent.
4 We also have it in Rule 801(d)(2)(e): a statement by
5 a coconspirator of a party during the course and
6 furtherance of the conspiracy.

7 Which is similar to how we discussed the theft
8 of the pipe, the breaking into the barbershop, then
9 going and doing the home invasion. All these text
10 massages are them developing their plan, hey, are you
11 here, you're going to come pick me up, have you left
12 yet, is the gate open, is the door unlocked. All of
13 those go part and parcel together into their broader
14 conspiracy in executing their plan to assault,
15 burglarize and rob Mr. Lanier.

16 THE COURT: Do you intend to call Ms. Baughman
17 and Ms. Pierce?

18 MS. BANNON: Your Honor, we have -- we intend to
19 call Ms. Baughman, Ms. Pierce and Mr. Edwards. So we
20 believe that that would relieve any Crawford issue
21 that may occur concerning that.

22 THE COURT: And were not -- was it Ms. Baughman
23 that was the originator of these text messages to
24 begin with?

25 MR. HAIGHT: Multiple, Your Honor.

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1 THE COURT: Right.

2 MS. BANNON: Your Honor, Ms. Baughman and
3 Mr. Peters were in a relationship. And I believe the
4 first text message of the day was, yo, how's it going.
5 So it was very much and back-and-forth, continuing
6 conversations. These text messages tend to be just
7 kind of on the fly, Your Honor.

8 MR. HAIGHT: Your Honor, we'll concede that if
9 Lauren Baughman can authenticate her text messages,
10 those would come in. But certainly somebody from
11 Verizon can't do that. A bank statement doesn't
12 contain written statements, you know, much like
13 statements that you would make orally or in a letter,
14 which is -- granted, text messaging is a very
15 imperfect form of written communication, but it is
16 that.

17 And there's also concerns. For example, at one
18 point in the text message Mr. Edwards -- purportedly,
19 Mr. Edwards says he's charging his phone, to send him
20 a text on Mr. Peters' phone. So we don't necessarily
21 know whose got whose phone when. Certainly, somebody
22 from Verizon is going to have no clue as to who had
23 that phone in their hand.

24 THE COURT: Right. The Verizon person can
25 certainly authenticate the authenticity of those

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1 particular messages as being messages that were
2 assigned to a particular telephone number. And that's
3 what they can do.

4 The rule on business records, of course,
5 specifically says -- and I think Ms. Bannon has
6 alluded to this -- that subject opinions, judgments,
7 and things of that nature can't come through. This is
8 not -- quite frankly, it's not the sort of thing that
9 normally -- that I don't think the business records
10 act or the business records exception, which is 803(6)
11 of the rules of evidence, necessarily anticipated.
12 Well, I know it doesn't because at the time that rule
13 was adopted, nobody in the world had ever heard of an
14 e-mail or a text message or a Twitter or anything
15 else. So that was a long time before. Although there
16 have been some recent developments allowing the
17 admissibility of those things. There's a recent
18 family court case, which you-all are probably familiar
19 with, that expanded the admissibility of things, at
20 least in the family court context.

21 I'm going to look at that case again overnight
22 to see what the current state of the law is.

23 I think that some of the -- some of the concern,
24 however, is taken away if these people who were
25 sending the text messages back and forth and who

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1 ostensibly received those text messages are a part of
2 the conversation, if they take the stand they're then
3 subject to cross-examination. Ms. Baughman, for
4 example, can look at it and say, that's what I texted
5 to Mr. Peters, or whomever at that period of time, and
6 that's the message that came back from his telephone
7 and we continued along those lines. That's the sort
8 of thing that I think whittles away at the hearsay
9 concern that could arise. So I'm probably, as much as
10 I'm not looking forward to, am going to have to look
11 at the transcript of those text messages and see
12 exactly what they say, and who said what to whom,
13 before I can make a final ruling in that regard.

14 But it appears that between the authentication
15 by the Verizon people, that would indicate the
16 accuracy of the date and time of the messages and of
17 the telephone number from which they were sent or to
18 which they were sent, and who was the subscriber of
19 those particular messages, along with the testimony of
20 the people who were involved in exchanging the
21 messages, that they're going to come in the record.
22 That's what it looks like. I've got to read them,
23 first of all, and see.

24 These are in limine motions. In limine motions
25 are worth the paper that they're written on, which

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1 means nothing. When the trial of this case starts and
2 then I see the context of all of this and I see what
3 you're talking about and as an exhibit that is
4 numbered and I'm looking at it and I know exactly what
5 it says, my ruling could be different from what my
6 perception of it might be based on what you've told
7 me. And I hate to be that vague. But unfortunately
8 that's always the nature of in limine motions, because
9 they're done simply to try to give people an idea of
10 what the rulings might be under certain circumstances.
11 Then we look at the circumstances themselves and see
12 whether that fits with what I thought they were.

13 But I think those text messages are more than
14 likely going to come in, Mr. Haight. It would help
15 for me to know what they say. Then I could at least
16 take that variable out of the equation or that unknown
17 out of the equation.

18 All right. What else, Mr. Haight, do you have
19 that you want me to consider?

20 MR. HAIGHT: I did want to be clear on I guess,
21 particularly with Lauren Baughman, since she's the one
22 who actually has a deal with the solicitor's office,
23 exactly how much of that I can go into on cross-
24 examination, what exactly is the deal.

25 It's my understanding that she's -- while there

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1 seem to be differences in whether this is accessory
2 before or after the fact, I heard different things
3 from different people at different times. Which one
4 did she actually plead to?

5 MS. BANNON: She pled to accessory after the
6 fact in exchange for her full, complete, truthful
7 testimony against Mr. Edwards and Peters. Mr. Peters
8 has subsequently pled. She will receive five years.

9 MR. HAIGHT: And that's five years non-violent?

10 THE COURT: You can go into all of that.

11 MR. HAIGHT: Okay. And the extent of what non-
12 violent means, that she's basically going to be
13 walking in a matter of days or weeks?

14 THE COURT: Well, you can't -- if you can -- if
15 anybody in here is willing to say how many days or
16 weeks anybody can get out of jail, let me know. But
17 certainly you can testify --

18 MR. HAIGHT: Well, I certainly didn't give a
19 particular date.

20 THE COURT: Right. You can certainly testify --
21 or try to introduce evidence, somehow or other, by
22 cross-examination or otherwise, that the parole
23 eligibility for a violent crime is considerably more
24 than it is -- or a longer period of time than it is
25 for a non-violent crime.

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1 MS. BANNON: Your Honor --

2 MR. HAIGHT: And also --

3 MS. BANNON: -- with that --

4 THE COURT: Excuse me.

5 MR. HAIGHT: She's having a drug charge
6 dismissed, as well?

7 MS. BANNON: Yes. She has one drug charge,
8 which occurred the same month as these.

9 Your Honor, with that, the State would just
10 caution we would not want to get into any penalties
11 that Mr. Peters would be facing, especially with
12 Mr. Edwards' testimony.

13 THE COURT: That's right. Yeah, but the
14 relevance of that testimony is the value or the
15 benefit to the witness, not to your client -- or the
16 prejudice to your client.

17 MR. HAIGHT: And if I don't go into violent
18 versus non violent but simply say, and you expect to
19 be walking free in a matter of days or weeks, isn't
20 that true?

21 THE COURT: Well, and, you know, if she has that
22 expectation, you've got every right to explore that.
23 You're going to be stuck with her answer, though,
24 unless you --

25 Here's what the rule says. It's rule 608(c).

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1 And it says, bias, prejudice, or any motive to
2 misrepresent may be shown to impeach the witness
3 either by examination of the witness or by evidence
4 otherwise adduced. That's what I referred to a few
5 moments ago. You can get it out of her herself if she
6 says it, or you can introduce other evidence of it if
7 she doesn't.

8 MR. HAIGHT: And with regard to Mr. Edwards,
9 it's kind of a quasi deal, Your Honor. He pled
10 straight up, sort of --

11 THE COURT: Right.

12 MR. HAIGHT: -- because part of that was --
13 [Off the record momentarily]

14 MR. HAIGHT: And I lost my train of thought.

15 THE COURT: The quasi deal of Mr. Edwards.

16 MR. HAIGHT: The safe-cracking is being
17 dismissed?

18 MS. BANNON: Correct. He's already entered the
19 deal, so his safe-cracking was, in fact, dismissed.
20 He pled guilty to burglary first, armed robbery,
21 burglary second violent --

22 MR. HAIGHT: Burglary second?

23 MS. BANNON: Violent. Yes. And burglary first,
24 because he was charged with Ron's Barbershop and on
25 Ron's house, and the assault and battery first. And

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1 he pled to his pills, too, so possession of a
2 controlled substance.

3 MR. HAIGHT: So the only charge that was
4 dismissed was the safe-cracking charge?

5 MS. BANNON: That is correct. In exchange for
6 his full, complete cooperation and testimony, I
7 dismissed the safe-cracking and he's pleading before
8 the judge for sentencing.

9 THE COURT: That's fair game.

10 MR. HAIGHT: Thank you.

11 THE COURT: All right. Thankfully, finally I
12 was able to give some clarity to something that I
13 could rule on. I've been sort of ambivalent on some
14 of those other things because the issues behind them
15 are not as clear as that one.

16 Mr. Haight --

17 MR. HAIGHT: Your Honor?

18 THE COURT: Go ahead.

19 MR. HAIGHT: Perhaps a little more clarity.

20 THE COURT: I've got a limit on clarity, you
21 understand. None of -- the time doesn't have anything
22 to do with it. I was just --

23 MR. HAIGHT: The video statements given by the
24 other former co-defendants, now, there's a lot of
25 stuff in there, particularly a lot of editorializing

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1 by Sargent Gobel, and I guess I'm just inquiring as to
2 whether the State -- to what extent are they planning
3 on using those videos. Because there will need to be,
4 in our view, extensive redactions on those.

5 THE COURT: How much of an issue is that,
6 Ms. Bannon?

7 MS. BANNON: Your Honor, the way I view the
8 videos is since Mr. Peters' statement was not on
9 recording, we don't have any recording for Mr. Peters.
10 As far as Ms. Baughman and Mr. Edwards' recorded
11 statement, I don't see any way I can introduce them in
12 my case in chief except if Mr. Haight attacks their
13 credibility and I need to try and rehabilitate them in
14 some way with a prior consistent statement.

15 MR. HAIGHT: Which I will do, Your Honor.

16 THE COURT: Right. Yeah.

17 MR. HAIGHT: And then the question is, you know,
18 how much.

19 THE COURT: Well, the evidence on their
20 credibility will not be Detective Gobel's questions or
21 his editorial statements. That's going to have to
22 come out of there somehow or another, especially if
23 it's prejudicial. The evidence on their credibility
24 will be on the answers that they gave, and so that's
25 the only thing that really the jury has a right to

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1 hear. Clearly, a question sets the context of that
2 but if the question is an inflammatory question or
3 something like that, then it's -- will have to be
4 cleaned up.

5 Now, you know, that's the best I can do with
6 that because I -- if I have to look at those
7 statements and tell you-all line by line what comes in
8 and does not, then I'll be glad to do that. But as a
9 matter of course, their credibility is either made
10 stronger or weaker by what they say, not by the
11 questions that Detective Gobel asked them.

12 MS. BANNON: And, honestly, and this might put
13 you a little bit at ease, I think it would be such a
14 distraction to pull up a video every time I wanted to
15 rehabilitate various statements that might be
16 inconsistent. I see the farthest me going is isn't it
17 true that you told Investigator Rice and Investigator
18 Gobel on June 29th, blah-blah-blah-blah-blah, versus
19 playing the video.

20 THE COURT: Right. Okay. But as Ms. Bannon
21 said, to put your mind somewhat at ease on that issue,
22 the inflammatory statements, or whatever you say they
23 are, you know, will not get to this jury unless they
24 come from one of these folks who's involved in it, and
25 whatever they say, then that's another matter. Okay?

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1 MR. HAIGHT: And I know we had discussed this
2 earlier, but the issue of the safe-cracking charge, a
3 motion to dismiss that based on the fact that it was
4 opened not with any tool or implement but with the
5 very key that is part and parcel of that safe.

6 THE COURT: Once I hear what the evidence is
7 going to be on that issue -- right this minute, what
8 you-all told me in chambers, that's not on this record
9 just yet and I can't make a ruling based on that. The
10 time to deal with that would be at the conclusion of
11 all the State's testimony in chief under your Rule 19
12 motion, then I'll deal with that. Okay?

13 MR. HAIGHT: Thank you.

14 THE COURT: All right. Anything further?

15 MS. BANNON: Not by the State, Your Honor.

16 THE COURT: Thank you. Mr. Haight?

17 MR. HAIGHT: I think that's it for today, Your
18 Honor.

19 THE COURT: I asked the jury not to come back
20 until 10:00, as you've all heard. I'll be here before
21 then, so I'll be in chambers around 9:30 or a little
22 bit ahead of that. If y'all have got anything that
23 you need to deal with, feel free to come on back.

24 When the jury gets in here at ten o'clock, they
25 will be brought in. I will appoint a foreperson, the

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1 jury will be sworn, I'll make some brief introductory
2 comments, and allow you-all opening statements, and
3 then we will begin the trial of the case. Okay?

4 MS. BANNON: One brief question, Your Honor.

5 You said that you wanted to see the text
6 messages. They're quite voluminous. Would you like
7 to see all of them, or would you like to see what the
8 State has extracted from them, or --

9 THE COURT: Just what you intend to offer.

10 MS. BANNON: Okay. Would you like that now or
11 would you like that tomorrow morning?

12 THE COURT: If you've got it now I'll take it
13 now.

14 MS. BANNON: I have it electronically now. Can
15 I e-mail it to Your Honor?

16 THE COURT: Do that.

17 [Off the record momentarily]

18 THE COURT: All right, folks. Thank you. We'll
19 be in recess, then, until ten o'clock tomorrow morning
20 and the start of this case. I'll be in chambers at
21 around 9:30. Okay? Thank you.

22 [JURY TRIAL ADJOURNS AT 5:23 P.M.]

23

24

25

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C E R T I F I C A T E

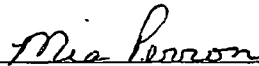
STATE OF SOUTH CAROLINA

COUNTY OF BEAUFORT

I, the undersigned Mia Perron, Circuit Court Reporter for the 9th Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete transcript of the jury trial held before the Honorable G. Thomas Cooper, on Monday, February 25, 2014.

I do further certify that I am neither kin nor counsel to any of the parties and have no interest in the outcome of this action.

Dated this 10th day of November, 2013.



Mia Perron, CVR-CM-M
Circuit Court Reporter
9th Judicial Circuit

MIA PERRON, CVR-CM-M

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**Office of the Clerk of Court
RANDOM STRIKE SHEET**

111

JUDGE NAME:

TRIAL TYPE: Criminal

PANEL ID: 2011GS0701456

COURTROOM CTR

DESCRIPTION: STATE VS DONALD PETERS

Sorted by: Random Nbr.

Trial

NAME	JUROR NBR	RACE	SEX	STATE/ PLAINTIFF DEFENDANT			REMARKS
				Chal	Strk	Court	
1 Fabian, Christopher L	81	W	M	()	()	()	1
2 Boyd, Samantha G	25	W	F	()	~~/~~	()	
3 Picard, Richard A	220	W	M	()	~~/~~	()	
4 Dwyer, Kelly L	71	W	F	()	~~/~~	()	
5 Coleman, Darla R	49	W	F	()	()	()	2
6 Patterson, Karen B	215	W	F	~~/~~	()	()	
7 Davis, Melissa L	63	W	F	()	~~/~~	()	
8 Campbell, Karl K	41	B	M	~~/~~	()	()	3
9 Smunk, John R	280	W	M	()	()	()	4
10 Smith, Kindall N	277	W	F	()	()	()	5
11 Van, Vliet Karen L	307	W	F	()	()	()	6
12 Grant, Annie M	102	B	F	()	()	()	7
13 Folgers, Mary Lou	86	W	F	()	~~/~~	()	
14 Schramm, Marjorie S	260	W	F	()	~~/~~	()	
15 Parker, Shirley G	211	B	F	()	()	()	8
16 Mack, Deloris R	170	B	F	()	~~/~~	()	
17 Redmon, Olin D	230	W	M	()	~~/~~	()	
18 Stormer, Tracye F	289	B	F	()	()	()	9
19 Verroi, Teresa G	313	W	F	()	()	()	10
20 Colleran, Cynthia M	51	W	F	()	()	()	11
21 Ptacin, Melissa M	224	W	F	~~/~~	()	()	
22 Riley, Jerome A	241	W	M	()	~~/~~	()	
23 Erbeck, Michelle A	77	W	M	()	~~/~~	()	
24 Anderson, Cristy C	9	W	F	()	()	()	12

Office of the Clerk of Court

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JUDGE NAME :

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Trial

NAME	JUROR NBR	RACE	SEX	STATE/		DEFENDANT	REMARKS
				Chal	Strk	Court	
25 Mullin, Daniel M	197	W	M	()	~~()~~	()	
26 Alman, Charnell K	4	W	F	()	()	()	1-A
27 Stewart, Sharon S	288	W	F	()	()	()	2-A
28 Turkish, Janice A	304	W	F	()	()	()	
29 Morgan, Willie F	196	B	M	()	()	()	
30 Rollinson, Kenneth E	247	W	M	()	()	()	
31 Lewis, Simon I	164	W	M	()	()	()	
32 Cowperthwaite, John K	56	W	M	()	()	()	
33 Landon, Patricia E	158	W	F	()	()	()	
34 Mcdermott, Paul J	179	W	M	()	()	()	
35 Ehrmann, Diane E	74	W	F	()	()	()	
36 Evanofski, Angela M	78	B	F	()	()	()	
37 Strnad, Juanita	290	W	F	()	()	()	
38 Freeman, John K	94	W	M	()	()	()	
39 Evans, David R	79	B	M	()	()	()	
40 Knezovich, Rita L	149	W	F	()	()	()	

Total Number of Jurors:

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** END OF REPORT **

Cheri L. Young, RPR
Official Court Reporter
P O Box 5232
Aiken, SC 29804-5232

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1 ON FEBRUARY 26, 2013 AT 9:23 A.M.:

2 THE COURT: All right, folks. Are both sides ready
3 for the jury? Ms. Bannon, are you ready?

4 MS. BANNON: Your Honor, there are one, two, three,
5 four, five, six, seven, eight photos which Mr. Haight
6 objects to the State admitting.

7 So, I believe we would just like a ruling on the
8 admissibility of these photos.

9 THE COURT: Okay. Do you want to pass those up,
10 please?

11 MS. BANNON: (Complies.)

12 THE COURT: Mr. Haight, I take it the objection is
13 based on the fact that these are unduly prejudicial
14 because they show blood and injuries and things of that
15 nature; is that correct?

16 MR. HAIGHT: That in part is correct, Your Honor.
17 With regard to the photographs of his ear, those are
18 obviously blown up many times real size. And they
19 certainly have sufficient other photographs that show his
20 injuries without magnification.

21 I also object, Your Honor, to the photographs of the
22 counter where it appears to me that possibly Mr. Lanier
23 attempted to clean himself there but it's a counter, just
24 kind of covered with blood. And I do believe that is
25 unduly prejudicial. They have sufficient other

1 photographs of the scene that don't, that don't visit that
2 prejudice upon my client.

3 THE COURT: Okay. Let me, to be able to compare the
4 ones that are in evidence that are agreed to, first of
5 all, the ear. Can y'all show me a couple that are not
6 objectionable in that regard so that I'll be able to see?

7 MS. BANNON: Certainly, Your Honor. I'm handing you
8 up two separate packets, one addresses the blood on the
9 counter --

10 THE COURT: Okay.

11 MS. BANNON: -- issue, and the other is the injuries
12 of Mr. Lanier.

13 THE COURT: Okay. Thank you.

14 We can -- Ms. Bannon, what do you intend to elicit by
15 way of the objectionable photographs as far as the ear is
16 concerned that are not depicted on the other photographs
17 that are in evidence? Specifically, like Number 34 shows
18 partially the ear. Tell me what these show that that does
19 not.

20 MS. BANNON: Your Honor, as just stated, that 34 does
21 show a partial injury to the ear. However, I don't think
22 you can appreciate the full injury of it except in the
23 up-close photographs. You can't see the full extent of
24 the damage. And one of the elements the State's to prove
25 is that an injury did occur.

1 THE COURT: All right. I will sustain the objection
2 as to the enlarged, ultra-enlarged picture of the ear. I
3 will overrule the objection as to the smaller one which is
4 about, actually about the same magnification not even less
5 than Exhibit Number 34 which has been agreed to. I will
6 allow that in evidence. The larger one is in admissible.

7 Okay. As to the photographs of the crime scene
8 itself, the State is entitled to introduce evidence as to
9 the condition of the crime scene.

10 There are two of these photographs which I deem to be
11 inadmissible because they're somewhat duplicative of the
12 others. One of them is a wider shot that frankly is kind
13 of hard to tell because of the white background. I will
14 sustain the objection as to those two photographs. I will
15 overrule the objection -- I will also sustain the
16 objection as to this photograph right here which is a more
17 close up showing the chair and the bloody towels on the
18 floor.

19 I will overrule the objection to this shot which shows
20 the counter itself and this shot which shows the chair and
21 the bloody towels on the floor. I think that's sufficient
22 to depict the crime scene. Those two are in evidence.
23 The other three are not. This one is not, too. That's
24 out.

25 So now, anything further then before the jury comes

JUDGE'S INTRODUCTORY COMMENTS TO THE JURY

1 in?

2 MS. BANNON: Not for the State, Your Honor.

3 THE COURT: All right.

4 MR. HAIGHT: Nothing, Your Honor.

5 THE COURT: All right. Bring us a jury, please.

6 THE BAILIFF: Yes, sir. Jury entering, Your Honor.

7 THE COURT: Thank you.

8 (Jury enters courtroom at 10:34 a.m.)

9 THE COURT: Ms. Anderson, I want you to sit in this
10 chair right here, if you don't mind. I think I told you
11 that before. I'm sorry. There will be enough.

12 THE BAILIFF: Thank you, Your Honor. I'm sorry.

13 THE COURT: That's okay.

14 THE BAILIFF: I'll need one. If you'll come down here
15 and go to that seat right here. Just slide over there.

16 THE JUROR: (Complying.)

17 THE BAILIFF: Now the jury is seated.

18 THE COURT: Thank you, sir. I appreciate it.

19 Good morning, ladies and gentlemen. Thank you for
20 your prompt return this morning in terrible weather. And
21 we're sorry that we brought you out into it. If it's any
22 consolation, this is a day that's not fit for anything
23 other than jury service. So I'm glad that you were able
24 to get back out safely and get here.

25 I apologize for the delay that it's taken us to get

JUDGE'S INTRODUCTORY COMMENTS TO THE JURY

1 you out. You were prompt but we were not.

2 I try to anticipate the delays which I know are going
3 to occur from time to time in us getting a case ready, but
4 I did not well anticipate the length of this delay this
5 morning.

6 We will not waste your time in the future, I can
7 assure of you that. And so I apologize for the delay this
8 morning. I simply just did not allow enough time for us
9 to do the matters that we needed to do before we were
10 ready for you to come out.

11 Ms. Anderson, I've asked you to occupy that chair,
12 ma'am, because I want you to serve as the Forelady of this
13 jury. And all that means is that you'll be the jury
14 spokesperson here in court. When the trial of the case is
15 over, you'll be responsible for writing the verdict of the
16 jury but I'll tell you more about that before you have to
17 do it. You don't have to worry about it now. You just
18 got to remember you got a reserve chair. You'll occupy
19 that chair throughout the trial of this case.

20 Ms. Alman, Ms. Stewart, ladies, as alternate jurors
21 you will occupy those two chairs during the course of this
22 trial unless at some time during the course of the trial I
23 ask you to sit somewhere else. Okay?

24 The rest of you folks don't have reserve seats. You
25 have to do the best that you can. We will honor your

JUDGE'S INTRODUCTORY COMMENTS TO THE JURY

1 concern about being squeezed in, certainly. And we'll let
2 you have that seat if you're comfortable there throughout
3 the trial of this case.

4 The rest of you will not have reserve seats. You've
5 got to do the best you can. It's always a good idea to
6 move all the way down however before you take a seat
7 because if you don't, somebody is going to have to step on
8 your feet to get to that open chair beyond you. So that
9 can be painful during the course of the trial.

10 Ladies and gentlemen, you're going to be sworn in now
11 as jurors. I want you to pay particular attention to the
12 oath that you're about to take. It is not just an empty
13 phrase or some group of words that we string together. It
14 is a time honored and accurately worded oath and it
15 explains to you very concisely but at the same time very
16 completely what your responsibilities are as jurors in
17 this trial.

18 And I'll be reminding you during the trial and indeed
19 after the trial as to exactly what you've sworn to do in
20 this case.

21 Madam Clerk.

22 THE CLERK: If you'll stand, please, and raise your
23 hands, your right hands.

24 (Jury impaneled.)

25 THE CLERK: Thank you.

JUDGE'S INTRODUCTORY COMMENTS TO THE JURY

1 THE COURT: Thank you.

2 Ladies and gentlemen, let me take just a few moments
3 to tell you a little bit about the process that we'll be
4 following for the next couple of days and what your role
5 will be in that process.

6 In just a minute, when I finish talking to you,
7 Ms. Bannon or Ms. Lempesis, or both, will stand before you
8 and make a brief opening statement. And in that brief
9 opening statement they will outline for you in something
10 of a preview fashion what this case is all about from the
11 State's point of view.

12 They may even indicate to you some of what they intend
13 to offer by way of proof in support of the charges that
14 the State has brought in this particular case.

15 And after the State has presented its opening argument
16 then the Defendant has the right through his attorney,
17 Mr. Haight, to present an opening argument as well. But
18 he's under no obligation to do that and I'll tell you why
19 in just a few moments.

20 After the opening statements have been made, then
21 you'll actually begin to see and hear the presentation of
22 evidence. Evidence for the most part will take the form
23 of testimony of a witness who will take an oath and sit in
24 this chair right here between you and me and ask
25 questions -- answer questions, I should say, that will be

JUDGE'S INTRODUCTORY COMMENTS TO THE JURY

1 asked by the lawyers for both sides.

2 Evidence will also take the form of photographs or
3 documents and diagrams or things of that nature. I've
4 seen some of the evidence. I haven't seen it all, but
5 that's normally the sort of thing that would come into a
6 trial of this type.

7 The State will present its evidence and testimony
8 first. And after the State has concluded putting in its
9 evidence and testimony, the Defendant has a right to put
10 in evidence and testimony. But he doesn't have to do it
11 if he doesn't want to. But once again, I'll tell you why
12 in just a minute.

13 After all the evidence and testimony has been
14 presented to you, then the lawyers will come back to you
15 at the conclusion of the trial and present their final
16 arguments, or closing statements they're sometimes
17 called. And in those statements they're allowed to
18 summarize the evidence that has been submitted to you and
19 to suggest to you or submit to you conclusions that you
20 are to draw from that evidence, obviously conclusions
21 which support their particular view in this particular
22 case.

23 And after the lawyers have presented their closing
24 arguments, then I will instruct you or charge you as to
25 what the law is in this case. And after that has been

JUDGE'S INTRODUCTORY COMMENTS TO THE JURY

1 done, then you will be able to go to your jury room and
2 finally for the first time begin to deliberate and discuss
3 this case among yourselves.

4 As I told you yesterday, I remind you again that
5 you're not at liberty to discuss this case among
6 yourselves at any time during the course of the trial.
7 You might hear some testimony out here from this witness
8 chair and we declare a break and you go back into the jury
9 room and you've got some questions about it while it's
10 still fresh in your mind.

11 You'd like to talk about it, but you can't do that.
12 And the reason that you can't do that is because you have
13 to keep an open mind throughout the trial of this case.
14 And if you start talking about this testimony before
15 you've heard it all, you're going to start to close your
16 mind and base your opinion on the limited things that
17 you've already heard and you're not likely to receive
18 later testimony, even though it might be different, with
19 an open mind because you've already started to discuss and
20 reach opinions and conclusions based on that earlier
21 evidence. So you can't do that.

22 When the trial is over, you can take as much time as
23 you want to talk about it then, but please not during the
24 trial itself.

25 And in that regard before I leave this point, some of

JUDGE'S INTRODUCTORY COMMENTS TO THE JURY

1 you have asked about taking notes. And you'll be allowed
2 to take notes during the course of this trial if you wish
3 to. But let me tell you some specific rules that apply to
4 the taking of notes.

5 First of all, you're not to take notes when opening
6 statements are made and closing statements are made. As a
7 matter of fact, we're not even going to give you pads
8 during the opening statements. And the reason is, as I
9 told you a minute ago, evidence comes from this witness
10 chair and from items and documents like that.

11 The opening statements that the lawyers will make and
12 the closing statements that the lawyers will make and
13 questions that the lawyers will ask, none of those things
14 are evidence.

15 The evidence is not the question that is asked, the
16 evidence is the answer to the question because that comes
17 from a person who is under oath and who's supposed to know
18 something about what he or she is talking about. And that
19 testimony is subject to cross-examination to meet the test
20 of strict proof.

21 So that's the evidence along with those items and
22 documents. And that's the reason that you don't write
23 down what the lawyers are telling you during opening
24 statements or closing statements. Those things are
25 helpful to you and we couldn't conduct an orderly trial

JUDGE'S INTRODUCTORY COMMENTS TO THE JURY

1 without those things, but they themselves are not
2 evidence.

3 So the reason that I want to explain to you very
4 clearly what is evidence and what is not evidence is
5 because you, ladies and gentlemen, are the judges of the
6 evidence as I will tell you in greater detail in just a
7 few moments.

8 But as I said, you're not allowed to discuss this
9 testimony among yourself at any time during the trial nor
10 to let anybody else talk with you about it or to try to
11 find out anything on your own about it or expose yourself
12 to any publicity about this case if any should be
13 generated.

14 Everything that you need to know, everything that
15 you're allowed to know about this case you'll have to
16 learn from this courtroom and from no other source.

17 Now, I told you a few moments ago about what is
18 evidence and what is not evidence. And it's important
19 that you understand that distinction because, as I have
20 told you, you folks are actually the judges of the
21 evidence. That's what you do.

22 I'm the judge of the law. I've got the easy job
23 really. All I've got to do is to decide as a matter of
24 law whether you can listen to somebody tell you something
25 from this witness chair or whether you can look at an item

JUDGE'S INTRODUCTORY COMMENTS TO THE JURY

1 or a photograph or a document, evidence. But once I
2 decide that you can hear the testimony of the witness or
3 that you can look at the item of evidence, from that point
4 on it becomes your job and your task and your
5 responsibility to do with that evidence what you think
6 should be done.

7 You've got the right to believe it or not to believe
8 it. You've got the right and the obligation to assign
9 weight to it. Nobody else can do that for you. You're
10 the ones that have to do that. And you're capable of
11 doing that.

12 I don't care if yesterday was the first time you've
13 ever been in the courthouse in your life or if this is the
14 first jury that you've ever sat on in your life. And for
15 most of you, it is.

16 That doesn't mean that you're not qualified. Indeed
17 you are qualified. You're uniquely qualified because each
18 of you brings into your service as jurors your experiences
19 in life from your different avenues and your different
20 walks of life, and your different professions, your
21 different stages of life, you bring life experiences to
22 bear, and you use those life experiences every day of your
23 life outside of this courtroom in making decisions.

24 You use your common sense, your sense of logic, your
25 sense of reason and you bring all of those things to bear

JUDGE'S INTRODUCTORY COMMENTS TO THE JURY

1 every day outside of this courtroom on facts that are
2 presented to you when you're making decisions in your
3 life.

4 And that's what we ask you to do in this courtroom; to
5 use those same abilities that you have that you use every
6 day outside of this courtroom to bear on what you hear
7 from this witness chair right here and what you see in
8 those items of evidence.

9 And once you have done that, you'll be able to decide
10 what the truth of this case is. And once you decide what
11 the truth of the case is, I'll tell you what the law is.

12 And you take the truth that you find and you mix it
13 with the law that I give you and those two things will
14 come together to result in a true verdict in this
15 particular case.

16 A few moments ago I told you that the Defendant in
17 this case doesn't have to make an opening statement. And
18 he doesn't have to offer evidence and testimony in this
19 case if he chooses not to do it because as you learned
20 yesterday he's pled not guilty to the charges in these
21 indictments.

22 And under our law when someone pleads not guilty to
23 charges in an indictment, that means that he or she is
24 presumed in law to be not guilty. He is presumed to be
25 innocent of those charges.

JUDGE'S INTRODUCTORY COMMENTS TO THE JURY

1 I take it that all of you, some of you might have a
2 little more time remembering what you studied in civics
3 class years and years ago and what you studied in
4 history. And you were told that one of the principles of
5 our law is a person is innocent until proven guilty.

6 Do you remember that? You heard that. That's what
7 I'm talking about now; innocent until proven guilty.
8 There's nothing in that phrase that I just told you that
9 says innocence has to be proven. It is innocent until
10 proven guilty.

11 And so the Defendant doesn't have to take this stand
12 and try to convince you that he did not do the things he's
13 accused of doing in these indictments. He doesn't have to
14 bring in another parade of evidence to sit in this chair
15 and try to make you believe he's not guilty of these
16 charges. He's presumed to be not guilty of them.

17 And so the burden then is on the State, not just in
18 this particular trial but in every case of this sort. The
19 burden is on the State to prove by evidence the guilt of
20 the accused beyond a reasonable doubt before you can find
21 him guilty.

22 The Defendant has no obligation to prove his
23 innocence. The burden is on the State to prove his guilt
24 beyond a reasonable doubt.

25 Now when the trial of this case is over, I will

JUDGE'S INTRODUCTORY COMMENTS TO THE JURY

1 describe for you and define for you a little bit better
2 what we mean by proof beyond a reasonable doubt. But for
3 our purposes right here, at this early stage of this
4 proceeding, let me tell you that proof beyond a reasonable
5 doubt is proof that leaves you firmly convinced of the
6 Defendant's guilt.

7 And so after you have heard all of the evidence in
8 this case, if you are firmly convinced that he is guilty
9 of the charges, the State has met its burden of proof and
10 it would be entitled to a verdict of guilty at your
11 hands.

12 But after you've heard all of the evidence in this
13 case if you think there's a real possibility that he is
14 not guilty, then the State has not met its burden of proof
15 and the Defendant in that case would be entitled to a
16 verdict of not guilty.

17 So you're going to be listening throughout the trial
18 of this case to the evidence and the testimony and the
19 charges and the arguments and all of those things. And
20 then when you heard it all, you'll go back into that jury
21 room and you'll start to talk about it among yourselves.
22 And you'll reach a verdict.

23 And in that verdict you will express your opinion as
24 to whether or not the State has met its burden of proof
25 and you will express that opinion by writing a verdict

OPENING STATEMENTS ON BEHALF OF THE STATE

1 that says: We find the Defendant guilty, or, we find the
2 Defendant not guilty, depending upon your view of the
3 evidence in this case.

4 Thank you for your attention to these remarks. Now
5 please listen to the lawyers as they make their opening
6 statements for you.

7 Ms. Bannon?

8 MS. BANNON: May it please the Court.

9 THE COURT: Yes, ma'am.

10 MS. BANNON: On June 29th, 2011, Donald "Doobie"
11 Peters chose to involve himself in a burglary, home
12 invasion, assault and armed robbery.

13 On that night he chose to spend his time planning,
14 plotting and executing the crime with his two friends.
15 The three had known each other for a while. Doobie was
16 friends with Kurtis Edwards' roommate, and spent a lot of
17 time over at Kurtis Edwards' house. Kurtis Edwards
18 happened to be dating Lauren Baughman. As luck would have
19 it, Doobie also happened to be sleeping with Lauren
20 Baughman behind Kurtis Edwards' back.

21 They all three decided they needed cash real bad that
22 day. So in their planning and their plotting, they
23 settled upon the perfect victim; Mr. Ronald Lanier. He's
24 old, cantankerous and lonely. He also happens to run
25 Ron's Barber Shop.

OPENING STATEMENTS ON BEHALF OF THE STATE

1 He also occasionally pays women for companionship and
2 for sexual favors. Lauren Baughman is one of those women
3 he pays to clean his house and to have sex with him.

4 Knowing this information, Doobie, Kurtis Edwards and
5 Lauren Baughman decided Ron Lanier was the perfect
6 victim. They knew he kept a lot of money on hand because
7 of his barbering business. They also knew he wasn't
8 likely to cooperate with the police. And they also knew
9 that he was probably the quickest and easiest way for them
10 to get money.

11 So in the early hours of June 29th, 2011, Lauren
12 Baughman picked up Kurtis Edwards, Doobie Peters and drove
13 over to Mr. Lanier's house.

14 Doobie decided to arm himself with a metal baton.
15 Doobie decided to go inside Mr. Peters -- I'm sorry,
16 Mr. Lanier's house after he had fallen asleep. Doobie
17 decided along with Mr. Edwards to beat Mr. Lanier. They
18 had been trying to open this locked closet that contained
19 a locked safe. They couldn't get it open. So Doobie
20 decided to beat Mr. Lanier until he gave up his keys.

21 Doobie and Kurtis Edwards decided to go ransack
22 Mr. Lanier's house. They cleaned his house out of all of
23 the money that they could find, leaving a mess.

24 Doobie chose to leave Mr. Lanier unconscious and for
25 dead. And then Doobie along with Ms. Baughman and

OPENING STATEMENTS ON BEHALF OF THE DEFENSE

1 Mr. Edwards decide to live it up for the next 12 hours,
2 renting a hotel, flush with both cash and drug money.

3 The decisions that Donald "Doobie" Peters made in the
4 late hours of June 28th, early hours of June 29th, 2011,
5 paved his path to be sitting here in that chair today.
6 His choices and his decisions are his alone. And that is
7 what leads him to be sitting here to be judged by y'all to
8 be found guilty.

9 He is not a victim in this case. He is not a mere
10 puppet, rather each step of the way he willfully,
11 willingly and unhesitatingly participated every step of
12 the way. He did not hesitate to go through Mr. Lanier's
13 door without permission. He did not hesitate to threaten
14 and beat an elderly man in his own home. He did not
15 hesitate to take what was not his.

16 At the end of all the evidence that you will hear over
17 the next couple days, you in the same way will not
18 hesitate to find Donald "Doobie" Peters guilty of burglary
19 in the first degree, assault and battery in the first
20 degree, armed robbery, and safe cracking.

21 Thank you.

22 THE COURT: Thank you, Ms. Bannon. Mr. Haight?

23 MR. HAIGHT: May it please the Court.

24 THE COURT: Yes, sir.

25 MR. HAIGHT: Ladies and gentlemen, my name is Rick

OPENING STATEMENTS ON BEHALF OF THE DEFENSE

1 Haight. And that's H-A-I-G-H-T for anybody who needs to
2 know how to spell that. It's like Haight Ashbury. I am
3 representing Donald Eugene Peters who's sitting at the
4 table with me.

5 You've heard Ms. Bannon's version of what happened
6 that night, the night of June 28th into June 29th of
7 2011.

8 And there will be a lot of evidence you'll hear. We
9 expect that Mr. Lanier will testify, the victim in this
10 case. Mr. Lanier is -- we believe the evidence will show,
11 Mr. Lanier will not be able to say that Donald Eugene
12 Peters broke into his house. In fact, Mr. Lanier's
13 expected to testify that two men broke in but he didn't
14 know who they were. One was a white man, one was a black
15 man; that's all he knew.

16 Additionally, the State will introduce other
17 evidence. They'll introduce forensic evidence. That's
18 CSI kind of evidence. And one of the things that they
19 will produce is a baton. Well, the forensic evidence, we
20 maintain, will not link Donald Eugene Peters to that
21 baton. In fact, there's no forensic -- it's our position,
22 no forensic evidence that will link Mr. Peters to this
23 crime.

24 Now, that baton. Where was that baton found?
25 There'll be testimony from the sheriff's department that

OPENING STATEMENTS ON BEHALF OF THE DEFENSE

1 that baton was found in a closet in Mr. Edwards' room, his
2 bedroom which he shared with Lauren Baughman, the other
3 lady who was mentioned by Mrs. Bannon.

4 Now, it wasn't found in my client's possession. It
5 was found in their possession. What else? There'll be a
6 statement from the sheriff's deputies that, oh, when they
7 arrested Mr. Peters he said that, oh, yes, he was involved
8 but he was only a lookout. But yet there'll be no written
9 statement indicating that, certainly no recording
10 indicating that.

11 Lauren Baufman (phonetically) or Bowman, I'm not quite
12 sure how to pronounce it. I have a client name Bowman but
13 apparently I think she pronounces it Baufman, she will
14 testify to a number of things, we expect. She will
15 testify that she went to Ron Lanier's place for money. In
16 fact, she searched for his wallet for money while her
17 friend, Ashley Pierce, was distracting Mr. Lanier with
18 sexual favors.

19 She will also testify, we expect, that she left the
20 front door unlocked as she left because she planned to
21 return later.

22 Her story has evolved over time. It is our position
23 that Lauren and Kurtis have identified Donald Eugene
24 Baughman (sic) as their fall guy. Now what's their
25 motivation? Both of them have made deals with the State.

MELANIE SMITH - DIRECT

1 Ms. Baughman, we expect, will soon be a free woman as a
2 result of her testimony.

3 Now, you sometimes hear the expression, follow the
4 money. It's very important to follow the money in this
5 case. Ms. Baughman will testify, we expect, that when she
6 initially talked with the police officers she told them
7 that my client, Donald Eugene Peters, had all the money.
8 At the very time she was telling the police officers that,
9 the money was hidden, \$2,130, in her undergarments. At
10 the very time she was telling the officers that he had all
11 the money.

12 Now, she'll also testify, we expect, that Ashley
13 Pierce, her friend, was given \$100 to keep her quiet. We
14 also expect that she will testify that Donald was given
15 \$200. We would ask you ask: Why was he given so little?

16 Now Your Honor has already instructed you with regard
17 to reasonable doubt and will do so again. It is the
18 State's job, it is the State's burden to try to establish
19 that. We maintain that they will be unable to do so.

20 And we will ask that you find my client, Donald Eugene
21 Peters, not guilty.

22 Thank you.

23 THE COURT: Thank you, Mr. Haight. Ms. Bannon?

24 MS. BANNON: The State calls Master Sergeant Melanie
25 Smith.

MELANIE SMITH - DIRECT

1 THE COURT: Come forward, please.

2 Ladies and gentlemen, one other word of caution.

3 Don't become so consumed in writing down the notes that
4 you don't listen to what's being said.

5 Yes, ma'am? Oh. You're just waiting. It will come.

6 And I'll instruct you more about the use of those
7 notes at the conclusion of the trial. If you choose not
8 to take notes, you don't have to.

9 But let me say this. If you choose not to take notes
10 and if your individual memory of what happened differs
11 with what somebody else says their notes say what
12 happened, you rely on your memory. Your memory is just as
13 good as someone else's notes. And you have to rely on
14 your own memory in this particular case. So they're
15 simply to be used as an aid for those persons who are
16 taking them to recall the events of the trial.

17 Come forward, please, ma'am, and be sworn.

18 MELANIE SMITH, having been duly sworn, was examined
19 and testified as follows:

20 THE CLERK: Thank you.

21 THE WITNESS: Thank you.

22 THE CLERK: Have a seat.

23 THE WITNESS: (Complies.)

24 THE CLERK: If you'll state your name for the record,
25 please.

MELANIE SMITH - DIRECT

1 THE WITNESS: My name is Melanie Smith.

2 DIRECT EXAMINATION

3 BY MS. BANNON:

4 Q. And where do you work?

5 A. Beaufort County 9-1-1.

6 Q. And what do you do?

7 A. I'm the Beaufort County Communications Coordinator.
8 I'm in charge of the National Crime Information Center,
9 information for all the police departments. I'm the
10 liaison for all the police departments we work for. And I
11 respond to all information requests and recording
12 requests.

13 Q. And so, when you say communications, does that include
14 police dispatch?

15 A. Yes. All police, fire, and EMS dispatch.

16 Q. If someone calls 9-1-1, it comes into the
17 communications center?

18 A. Correct.

19 Q. And you say that you are, you oversee the
20 recordkeeping?

21 A. Correct.

22 Q. For all 9-1-1?

23 A. For all 9-1-1; uh-huh.

24 Q. Could you explain a little bit of how 9-1-1 calls are
25 recorded?

MELANIE SMITH - DIRECT

1 A. They come into the system. They're automatically
2 recorded on a digital recording system we have. They
3 actually start recording before the dispatcher answers the
4 phone and everything's kept on a digital recorder for
5 approximately a year.

6 So all incoming and outgoing calls, all incoming and
7 outgoing radio transmissions are on the same recorder.

8 Q. So every 9-1-1 call that day that comes in to y'all is
9 recorded?

10 A. Right. Every call.

11 Q. And every call is saved?

12 A. Correct.

13 Q. And so all of these records are kept through the
14 regular course of business?

15 A. Correct.

16 Q. And it's as soon as they come in; correct?

17 A. Correct.

18 Q. Are you familiar with your department's report number
19 2011-06290025?

20 A. I don't recall that. I don't usually keep track of
21 the numbers.

22 Q. Okay. Are you familiar with a 9-1-1 call received
23 from as Eugene Smith at about two a.m. on January on June
24 29th, 2011?

25 A. Yes.

MELANIE SMITH - DIRECT

1 Q. And were you able to find that phone call in your
2 records?

3 A. Yes, I was.

4 Q. And did you provide myself with a copy?

5 A. Yes.

6 Q. Is it a fair and accurate copy of your records?

7 A. Yes.

8 MS. BANNON: Permission to approach the witness, Your
9 Honor?

10 THE COURT: Yes, ma'am.

11 BY MS. BANNON:

12 Q. I am showing you what's been labeled for
13 identification as State's Exhibit One. Do you recognize
14 that?

15 A. Yes. That's the CD I made for you.

16 Q. And that's a fair and accurate copy?

17 A. Uh-huh.

18 MS. BANNON: Your Honor, at this time the State would
19 move State's Exhibit One into evidence.

20 THE COURT: Mr. Haight?

21 MR. HAIGHT: No objection, Your Honor.

22 THE COURT: Thank you. Without objection, State's One
23 into evidence.

24 (Thereupon, State's Exhibit No. 1, CD of 9-1-1 call,
25 was received into evidence.)

1 MS. BANNON: Your Honor, at this time I'd like to
2 publish State's Exhibit One.

3 THE COURT: Thank you. Ladies and gentlemen, publish
4 is a word that you'll hear throughout the course of this
5 trial in this case. That just means you'll hear what is
6 on the tape.

7 (Thereupon, the 9-1-1 call was played for the jury.)

8 THE COURT: Hold on just a second. Any way to pause
9 that? I don't know if the jury can hear it, but I can't.

10 MS. BANNON: Y'all can't hear it?

11 THE COURT: And I'm closer to it than they are. Of
12 course I'm harder of hearing than they are.

13 (Pause.)

14 MS. BANNON: Is that better?

15 THE COURT: Let's ask them.

16 THE BAILIFF: They say no.

17 MS. BANNON: I'll go back a little ways, Your Honor.

18 THE COURT: Okay. Please. Thank you.

19 MS. BANNON: Actually I'll start all over again, Your
20 Honor.

21 (Thereupon, the 9-1-1 call was played for the jury.)

22 MS. BANNON: No further questions for this witness,
23 Your Honor.

24 THE COURT: Mr. Haight, any questions?

25 MR. HAIGHT: No, Your Honor.

EUGENE SMITH - DIRECT

1 THE COURT: Thank you, Ms. Smith. You can step down.
2 Thank you.

3 THE WITNESS: Thank you.

4 MS. BANNON: State calls Eugene Smith.

5 THE COURT: Mr. Smith, come forward, please, and be
6 sworn.

7 EUGENE SMITH, having been duly sworn, was examined and
8 testified as follows:

9 THE CLERK: Thank you. If you'll have a seat,
10 please.

11 THE WITNESS: (Complies.)

12 THE CLERK: If you'll state your name for the record,
13 please.

14 THE WITNESS: Eugene Smith.

15 DIRECT EXAMINATION

16 BY MS. BANNON:

17 Q. Mr. Smith, where do you live?

18 A. [REDACTED].

19 Q. And how long have you lived there?

20 A. About six years.

21 Q. And do you know Ron Lanier?

22 A. Yes, I do.

23 Q. How do you know him?

24 A. He's my neighbor.

25 Q. To what side?

EUGENE SMITH - DIRECT

1 A. He's on the opposite side of the street, kitty corner
2 from my house.

3 Q. And do you know Lauren Baughman?

4 A. Yes, I do.

5 Q. How do you know Lauren Baughman?

6 A. She is my stepdaughter.

7 Q. And how long has she been your stepdaughter?

8 A. Seventeen years.

9 Q. Has she had the occasion to live with you at [REDACTED]
10 [REDACTED] [REDACTED]?

11 A. Yes, ma'am.

12 Q. And so she knows Ron Lanier as well?

13 A. Yes.

14 Q. Were you home on the morning of June 28th, early
15 morning of June 29th, 2011?

16 A. Yes, ma'am.

17 Q. What were you doing?

18 A. Sleeping.

19 Q. Did something come and disturbed your sleep?

20 A. Our dogs started barking. It woke me up. I went
21 outside and Ron was on my front porch.

22 Q. And what condition was Ron in?

23 A. He was bleeding from the head and was wobbly and said
24 he had been beaten up and robbed.

25 Q. And, what did you do upon him telling you that?

EUGENE SMITH - CROSS

1 A. I had told my wife to go get a towel for his head and
2 then I called 9-1-1.

3 Q. And did he tell you anything about the robbery?

4 A. No, ma'am. Just that some people had broke into his
5 house, beat him up and robbed him.

6 Q. Did he appear completely with it?

7 A. No, ma'am.

8 Q. Could you tell what was causing that?

9 A. He smelled of alcohol and, you know, of course was
10 bleeding from the head and had problems standing.

11 Q. And so from your observations, did it appear that he
12 was injured?

13 A. Yes.

14 Q. And did it appear that he had been beaten about the
15 head?

16 A. Yes.

17 MS. BANNON: No further questions for this witness.

18 THE COURT: Thank you. Cross-examine, Mr. Haight?

19 CROSS-EXAMINATION

20 BY MR. HAIGHT:

21 Q. Mr. Smith, at that time, June 29th of 2011, did you
22 have any idea that Lauren was sleeping with Mr. Lanier for
23 money?

24 A. No, sir.

25 Q. Okay. And do you know how intoxicated he was that

1 night?

2 A. No.

3 Q. Do you know his staggering around, do you know how
4 much of that was due to alcohol versus how much was due to
5 having been hit on the head?

6 A. No, I don't.

7 Q. Now, you testified earlier that he said that two men
8 beat him up?

9 A. He, he just said he got beat up and robbed.

10 Q. Did he describe the people in any way?

11 A. No, sir.

12 Q. He at no time said one was a black guy and one was a
13 white guy?

14 A. He told the sheriffs that when they were trying to get
15 him into the ambulance.

16 Q. And you overheard that conversation?

17 A. Yes, sir.

18 Q. And, how easily did they get him into the ambulance?

19 A. They had a hard time getting him into the ambulance.

20 Q. In fact, they had to handcuff him; didn't they?

21 A. Yes, sir.

22 MR. HAIGHT: That's all I have, Your Honor.

23 THE COURT: Thank you. Redirect, Ms. Bannon?

24 MS. BANNON: No further questions, Your Honor.

25 THE COURT: Thank you, Mr. Smith. You can step down.

DAVID CAREY KENDRICK - DIRECT

1 Thank you.

2 MS. BANNON: State calls David Carey Kendrick.

3 THE COURT: Mr. Kendrick, come forward, please, and be
4 sworn.

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

7 DAVID CAREY KENDRICK, having been duly sworn, was
8 examined and testified as follows

9 THE CLERK: Thank you. You can be seated, please.

10 THE WITNESS: (Complies.)

11 THE CLERK: If you'll state your name for the record.

12 THE WITNESS: David Carey Kendrick.

13 DIRECT EXAMINATION

14 BY MS. BANNON:

15 Q. And, Mr. Kendrick, where do you work?

16 A. Beaufort County EMS.

17 Q. And what do you do there?

18 A. I'm an EMT on a truck, varies from truck to truck in
19 the county.

20 Q. How long have you worked there?

21 A. Approximately five years.

22 Q. And what did you do prior to that?

23 A. I was, I owned my own business and always worked for
24 Sheldon Fire Department.

25 Q. And do you need any special type of training to become

DAVID CAREY KENDRICK - DIRECT

1 an EMT?

2 A. Yes, ma'am. It's about six months. You have to be
3 nationally registered and with the State of South
4 Carolina.

5 Q. And are you so registered?

6 A. Yes, ma'am.

7 Q. And is there any ongoing training required to be an
8 EMT?

9 A. Yes, ma'am. Every month you have to attend training
10 and also attend all other classes during the year.

11 MS. BANNON: Your Honor, at this time the State would
12 tender Mr. Kendrick as an expert in emergency medicine.

13 THE COURT: Mr. Haight, any voir dire?

14 MR. HAIGHT: No, Your Honor.

15 THE COURT: Thank you. Without objection?

16 MR. HAIGHT: None, Your Honor.

17 THE COURT: Thank you.

18 BY MS. BANNON:

19 Q. How does your work schedule go?

20 A. We work 24 hours on, 48 hours off.

21 Q. And, so you basically stay at the center for those 24
22 hours you're working?

23 A. Yes, ma'am. We stay at the station from eight until
24 8:15 the next morning.

25 Q. So were you working overnight on June 28th, June 29th

DAVID CAREY KENDRICK - DIRECT

1 2011?

2 A. Yes, ma'am.

3 Q. And at around 2:15 in the morning, did you get a call
4 to [REDACTED]?

5 A. Yes, ma'am.

6 Q. Where is that?

7 A. It is directly next door to the station.

8 Q. Okay. For those of us who don't know where the
9 station is --

10 A. Shell Point, South Carolina.

11 Q. So that's in Beaufort County?

12 A. Yes, ma'am.

13 Q. And, when you arrived at the scene, what did you
14 observe?

15 A. We arrived on scene and deputies are present. The
16 patient was standing with the deputies in handcuffs,
17 bleeding from head wounds and was very agitated.

18 Q. And could you tell where his wounds were located on
19 his body?

20 A. Seemed to be concentrated around the head. He would
21 not let us touch him at first. As we got closer and could
22 see it was mainly around the head, numerous around the
23 head region.

24 Q. And, were you eventually able to examine Mr. Lanier?

25 A. Somewhat. Yes, ma'am. He agreed to go with us

DAVID CAREY KENDRICK - DIRECT

1 finally and became agitated again in the back of the
2 truck, had to be handcuffed again.

3 He did have some wounds. The bleeding was slowed. We
4 bandaged his wounds, took his blood pressure. And he did
5 not want us to touch him anymore, but he did go to the ER
6 because he was required to.

7 Q. If he was being so difficult, why were you so
8 insistent on treating him?

9 A. Because of the nature of the wounds and he could have
10 a head bleed, stuff that we cannot see in the field, and
11 it could be days later, it could be a head bleed and it
12 could cause death or serious brain injury.

13 Q. So in your medical opinion, his wounds were serious?

14 A. Yes, ma'am. He did not want to go to the ER. And we
15 advised the deputies on scene that he had to go because of
16 the nature of the wounds, implied consent either with them
17 or with us, but he needed to go to the ER one way or the
18 other.

19 Q. Was he making any statements to you?

20 A. Yes, ma'am. He was very angry. He did state he had
21 been beaten with a baton-type weapon. I don't exactly
22 know what kind. That he knew who did it and he would take
23 care of them himself.

24 Q. And from the injuries you observed, were they
25 consistent with the statement of being beaten with a

DAVID CAREY KENDRICK - DIRECT

1 baton?

2 A. Yes, ma'am. It appeared to be a blunt object he was
3 beaten with.

4 Q. Could you tell where he was beaten?

5 A. The upper body. There appeared to be some bruising
6 starting to show, but it was hard to see at that early of
7 the stage. Like I said, there was lacerations to the
8 head.

9 With him being that agitated, we just wrapped his
10 wounds enough to stop the bleeding. He was coherent to
11 date, time and place. We didn't see any obvious reason at
12 that time to agitate him further. There's really nothing
13 we could do until we got him to the ER.

14 Q. And you stated that it was early for the bruising.
15 How is time related to bruising?

16 A. Bruising will tend to show up more as time wears on
17 because of the blood vessels under the skin. As they
18 break you'll start seeing the coloration more. And he was
19 pretty well covered in blood because of the head wounds
20 and they bleed quite a lot. So, it was unable -- we were
21 unable to tell at that time.

22 Q. And, where did you drop Mr. Lanier off?

23 A. Beaufort County Hospital, the Beaufort Memorial ER.

24 MS. BANNON: I don't have any more questions for you,
25 but if you're willing to answer any that Mr. Haight might

1 have for you I'd appreciate it.

2 THE WITNESS: Yes, ma'am.

3 THE COURT: Mr. Haight, you can cross-examine.

4 MR. HAIGHT: Thank you, Your Honor.

5 CROSS-EXAMINATION

6 BY MR. HAIGHT:

7 Q. Mr. Kendrick, you testified earlier that Mr. Lanier to
8 you seemed coherent as to date, place and time; is that
9 correct?

10 A. Yes, sir.

11 Q. And you also said that he said he knew who had done
12 this to him; is that correct?

13 A. Yes, sir. He did say that.

14 Q. And at no time did he say anything about my client,
15 Donald Peters; did he?

16 A. No, sir. He just stated he knew who it was and he
17 would take care of it. He did not name a person.

18 MR. HAIGHT: Thank you. That's all I have, Your
19 Honor.

20 THE COURT: Thank you. Redirect?

21 MS. BANNON: No redirect.

22 THE COURT: Thank you, Mr. Kendrick. You can step
23 down. Thank you, sir.

24 THE WITNESS: Thank you.

25 MS. BANNON: The State calls Deputy John Ferguson.

JOHN FERGUSON - DIRECT

1 THE COURT: Come forward, please, sir, and be sworn.

2 JOHN FERGUSON, having been duly sworn, was examined
3 and testified as follows:

4 THE CLERK: Thank you. If you can have a seat,
5 please.

6 THE WITNESS: (Complies.)

7 THE CLERK: If you'll state your name for the record.

8 THE WITNESS: My name's Corporal John Ferguson.

9 DIRECT EXAMINATION

10 BY MS. BANNON:

11 Q. And, Lance Corporal, where do you work?

12 A. I work at the Beaufort County Sheriff's Office.

13 Q. How long have you worked there?

14 A. Four and a half years.

15 Q. And what do you do there?

16 A. I work in law enforcement, administrative division.

17 Q. In June 2011, were you working for the sheriff's
18 office?

19 A. I was.

20 Q. And were you in a different division or the same
21 division?

22 A. I was working in a different division, the Northern
23 Enforcement Division.

24 Q. What did you do for the Northern Enforcement Division?

25 A. Responded to all types of calls in reference to

JOHN FERGUSON - DIRECT

1 criminal activity.

2 Q. And so, were you working as a patrolman on June 28th,
3 early morning June 29th, 2011?

4 A. I was.

5 Q. And around two o'clock in the morning, did you get a
6 call to Bon Aire Subdivision?

7 A. I did.

8 Q. Where is Bon Aire Subdivision?

9 A. It's located on [REDACTED] in Beaufort County.

10 Q. And, why were you called out there?

11 A. I was called to a -- in response to a 9-1-1 call in
12 reference to, it was possibly an assault and battery or
13 robbery. We were still trying to figure out exactly what
14 was going down at the time.

15 Q. And, it's two a.m., so it's pretty dark?

16 A. Yes, it was.

17 Q. And, once you get to [REDACTED], what do you see?

18 A. I see an individual out in the front yard. I think he
19 was talking with someone from across the street. And I
20 saw an individual with -- that was bleeding from some head
21 wounds and seemed to be stumbling around.

22 Q. What do you do when you see that?

23 A. Well, we try to figure out exactly what caused the,
24 you know, the injuries.

25 Q. So, what did you do next?

JOHN FERGUSON - DIRECT

1 A. After gaining additional information from the
2 individual in the street, we determined that there was a
3 possible robbery inside of a residence located across the
4 street.

5 Q. The guy you talked to on the street, do you know who
6 that was?

7 A. Yes, I do. It was, it was Ron Lanier.

8 Q. And, do you know where he lived?

9 A. He lived at [REDACTED].

10 Q. Is that the house that had been robbed right across
11 the street?

12 A. Yes, it is.

13 Q. What was Mr. Lanier's demeanor?

14 A. He appeared to be in distress. He seemed to be a
15 little bit agitated at the time, aggravated about what had
16 taken place and he was clearly upset.

17 Q. Could you see any visible injuries on Mr. Lanier?

18 A. I did. I saw an injury on the right side of his head,
19 probably several inches up from his right eye.

20 Q. Anything else about his appearance?

21 A. He appeared to be intoxicated. And there seemed to be
22 some blood that was located on the head and neck area.

23 Q. Could you see anywhere else on his body that had been
24 injured?

25 A. I did not notice at the time.

JOHN FERGUSON - DIRECT

1 Q. After you established that this crime probably
2 happened inside the house, what did you do?

3 A. After it was determined that it happened inside the
4 house, I collected two other officers and we did what's
5 called a safety sweep inside the house, looking for any
6 occupants that might have been remaining there.

7 Q. Okay. So you go inside the house?

8 A. Yes, I did.

9 Q. Which door do you go in?

10 A. We go into the house located on the left side
11 entrance, which is the side entrance into the mobile home
12 and made entrance through the laundry room area into the
13 kitchen.

14 Q. Why did you use that entrance?

15 A. It appeared to be the entrance that's most regularly
16 used and the access is more readily available.

17 Q. So, you go inside and what do you see?

18 A. After entering through the little laundry room area, I
19 notice some blood on the kitchen floor immediately and
20 also splattered on the kitchen counter and down the front
21 side of the cabinets.

22 Q. And what else do you find during your sweep?

23 A. I also observed some eyeglasses that were on the
24 kitchen counter that were in a puddle of blood, and a
25 chair that had some a blood smeared on it.

JOHN FERGUSON - DIRECT

1 And upon entering through the other rooms looking for
2 other occupants that were there, I noticed that it seemed
3 to be drawers, the contents were removed and seemed to be
4 strung out all over the place.

5 Q. Did you notice anything about a closet?

6 A. I did observe a closet door that was open and appeared
7 to have a safe inside.

8 Q. Were you able to determine an amount of items that
9 were taken from the home?

10 A. I was unable to determine if any items had been taken
11 from the home at the time.

12 Q. How come?

13 A. Well, it was -- the house appeared to be in complete
14 disarray, at least in several of the rooms that I
15 observed. And the one thing that stood out was there was
16 a billfold laying on the bed and the contents had been
17 pulled from the billfold.

18 Q. From the rooms that were not disturbed, did it seem
19 like the house was normally in a state of disarray or did
20 these certain rooms stand out to you?

21 A. Those rooms definitely stood out. It appeared that
22 they were looking for something specific and -- but some
23 of the other areas of the home were not touched.

24 Q. And so after you -- do you find anyone when you're
25 conducting a safety sweep?

JOHN FERGUSON - DIRECT

1 A. I did not find any other occupants in the residence.

2 Q. How many other doors are there on this house?

3 A. I know of at least two other doors. There is the side
4 door which we entered through. There was a front door
5 that appeared to not be used. It seemed to be entering
6 into a formal living area.

7 And, that door appeared to be, at least one time, tied
8 shut somehow. I'm not sure what type of security was on
9 the front door.

10 Q. Was it tied when you were doing your sweep?

11 A. That was -- the door was not -- it seem to be cut
12 somehow. And so it looked like whatever type of security
13 feature was on the front door, it had obviously been
14 manipulated.

15 Q. So besides seeing this cord that had been tying the
16 door shut cut, did you see any other signs of forced entry
17 into the house?

18 A. No, I did not.

19 Q. After you do the sweep and you have already spoken
20 with Mr. Lanier, what do you do?

21 A. I, I came back outside. Well, I was out in the front
22 residence, and basically maintained the security on the
23 premise.

24 Q. And when there's a more serious crime, does patrol
25 investigate it or does someone else investigate it?

JOHN FERGUSON - CROSS

1 A. Typically someone else investigates it.

2 Q. And so that night, did y'all handle it or did someone
3 else?

4 A. We decided that just because of the elements of the
5 crime that had taken place there, we needed to call the
6 investigative decision.

7 Q. And so did investigators come out?

8 A. Yes, ma'am; they did.

9 Q. And then you said you stayed on the scene until it was
10 cleared?

11 A. Yes, I did.

12 MS. BANNON: I don't have any other questions for you,
13 Deputy, but if you don't mind answering any Mr. Haight has
14 for you I'd appreciate it.

15 THE WITNESS: Certainly.

16 THE COURT: Mr. Haight, cross-examine?

17 CROSS-EXAMINATION

18 BY MR. HAIGHT:

19 Q. You had some conversations with Mr. Lanier while you
20 were there; did you not?

21 A. Brief conversations.

22 Q. And at that time, did he indicate to you in any way
23 that Donald Peters was involved in what had happened?

24 A. He did not indicate him specifically.

25 Q. Did he indicate anybody specifically?

1 A. He mentioned that he was -- he had been beaten by at
2 least two occupants but he was not, he was not able to
3 either identify the individuals at the time or, or he
4 wasn't aware exactly who they were.

5 Q. Did he at any time mention somebody named Steve?

6 A. He did not mention any names at the time.

7 Q. Did he mention any description of the people?

8 A. He mentioned something in reference to some masks, but
9 he was not very forthcoming with information at the time.

10 Q. And are you the one who handcuffed Mr. Lanier or was
11 that somebody else?

12 A. It was -- it had to be another officer.

13 MR. HAIGHT: Thank you. That's all I have.

14 THE COURT: Ms. Bannon, redirect?

15 MS. BANNON: No redirect, Your Honor.

16 THE COURT: Thank you. Lance Corporal, you can step
17 down. Thank you, sir.

18 THE WITNESS: Yes, sir.

19 MS. BANNON: Staff Sergeant Langford, please.

20 Your Honor, we'd ask that the witness be free to
21 leave.

22 THE COURT: Thank you, Lance Corporal. You're free to
23 leave. Thank you.

24 Who's your next witness, ma'am?

25 MS. BANNON: He's coming right now.

DANIEL ALAN LANGFORD, JR - DIRECT

1 THE COURT: Thank you. Come forward, please, sir, and
2 be sworn.

3 DANIEL ALAN LANGFORD, JR., having been duly sworn, was
4 examined and testified as follows:

5 THE CLERK: Thank you. You can have a seat, please.

6 THE WITNESS: (Complies.)

7 THE CLERK: State your name for the record, please.

8 THE WITNESS: Daniel Alan Langford, Jr.

9 DIRECT EXAMINATION

10 BY MS. BANNON:

11 Q. And, Mr. Langford, where do you work?

12 A. Beaufort County Sheriff's Office.

13 Q. What do you do there?

14 A. I'm a patrol supervisor, Northern Enforcement
15 Division.

16 Q. And what's your rank?

17 A. Staff Sergeant.

18 Q. How long have you worked for the Beaufort County
19 Sheriff's Office?

20 A. Going on my 18th year.

21 Q. And so you say that you're a supervisor for the patrol
22 division. What does that mean?

23 A. I run a patrol shift. There's four patrol shifts
24 within the Northern Enforcement Branch. And there's four
25 teams and we work a rotation, and I'm responsible for one

DANIEL ALAN LANGFORD, JR - DIRECT

1 of those rotations.

2 Q. And was your rotation working on late night June 28th,
3 early morning June 29th, 2011?

4 A. Yes, we were. We were on night shift.

5 Q. Were y'all called out to [REDACTED]?

6 A. Yes.

7 Q. And where is that?

8 A. It's in the Bon Aire Subdivision off Parris Island
9 Gateway in Northern Beaufort County.

10 Q. And why were you all called out?

11 A. I don't remember the exact call for service but it was
12 in reference to an assault and robbery.

13 Q. And did you respond to the scene?

14 A. I did.

15 Q. Do you as a supervisor normally respond to calls?

16 A. To a mixed bag of calls. I don't respond to every
17 single call for service because there's so many, but I did
18 respond to this one because of the nature of the crime.

19 Q. And what did you see when you got there?

20 A. Initially when I got there I met with Mr. Lanier who
21 was outside and tended to him the best we could. And then
22 we responded inside of his residence to secure and check
23 the residence.

24 Q. Was Deputy Ferguson with you?

25 A. He was. He was the responding officer.

DANIEL ALAN LANGFORD, JR - DIRECT

1 Q. And so you went inside the evidence -- I mean, inside
2 the residence?

3 A. I did. I went inside the residence.

4 Q. And what did you see?

5 A. I walked in through the side of the house which was
6 the primary entry point into the laundry area or mud room,
7 and then into the kitchen area.

8 Inside the kitchen area there was, it was a disarray.
9 There was blood on the floor, blood on the counter, blood
10 in the sink, cabinets. It was on paper towels in the
11 trash. There was blood everywhere in the house, and the
12 house was in shambles.

13 From the time that I went into the house -- there was
14 a chair sitting in the kitchen. There was bloody paper
15 towels and napkins on the floor. The counter top had
16 blood on it with a pair of men's glasses, just like
17 regular metal frame glasses. And they were sitting
18 upwards, so the lenses were down and they were covered in
19 blood. There was a phone on the floor.

20 We continued to check the house. Most of the house
21 was not like the living room which was kind of blocked off
22 so the dogs couldn't get to it. It wasn't really messed
23 up. Went around into the living room. It wasn't really
24 trashed.

25 We got into the bedroom, Mr. Lanier's bedroom. And it

DANIEL ALAN LANGFORD, JR - DIRECT

1 was ransacked. The drawers were pulled out of the
2 nightstands. His wallet was dumped and the contents
3 scattered across the floor and the bed.

4 There was a closet that was opened that had a lot of
5 security on it. It had a hasp lock on it. It had a
6 dead bolt lock on it which was kind of peculiar. And then
7 in the bottom of that close was a safe that was open.

8 Q. And did you see any damage to the closet?

9 A. The closet door, the locks appeared to be intact but
10 along the edge of the door, kind of between the hasp and
11 the dead bolt, you could see a crack in the door. Like
12 where someone had hit it with something trying to get into
13 it.

14 Q. And were you able to figure out how the people got in
15 the house?

16 A. We were. When I checked the living room, even though
17 it wasn't in disarray, the front door was unsecured. It
18 was kind of peculiar because there was a rope hanging from
19 the doorknob with some zip ties on it. And that rope was
20 cut. When we opened that the door we found the other half
21 of the rope tied to the screen door.

22 So essentially it appeared as if there was rope tied
23 around the screen door. The front main door was closed,
24 and then the rope was tied around that.

25 So you couldn't open the screen door from the outside,

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1 and you couldn't open the front door from the inside.

2 They were tied together. And that rope was cut between
3 the two doors. Obviously somebody had cut it to allow
4 access.

5 Q. You previously mentioned that you saw a phone. Why is
6 that relevant?

7 A. It was just peculiar. The phone was -- is a wall --
8 the old-fashioned kind that you don't really see a lot any
9 more that hangs on the wall. It's got probably a ten-foot
10 extendable cord on it. And it was unplugged and laying in
11 the middle of the floor. It was just out of place and
12 very peculiar.

13 Q. Like someone had taken it off --

14 A. Like somebody had disconnected it from the wall.

15 Q. And had you seen evidence of someone had been drinking
16 in the house that day?

17 A. Yeah, there was evidence of that in the trash can.
18 There was an empty whiskey bottle in the trash can.

19 Q. And how about on the table, did you find anything of
20 note on the table?

21 A. There was a notebook that was opened up and the
22 notebook had, I believe it was a shopping list and a name
23 of a, a female's name written on it. And it had some
24 scribbling on it, some doodlings on it.

25 MS. BANNON: Permission to approach the witness?

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1 MR. HAIGHT: Could we have a moment, Your Honor?

2 THE COURT: Yes, sir. (Pause.)

3 MR. HAIGHT: Your Honor, no objection to these.

4 THE COURT: Thank you.

5 BY MS. BANNON:

6 Q. Staff Sergeant Langford, I'm showing you what's been
7 labeled for identification as State's Two through 19 and
8 then State's 72.

9 A. Okay.

10 Q. Would you mind looking at these without showing the
11 jury, and then just let me know if you recognize those.

12 A. Yes, ma'am. (Complies.)

13 Q. And what are they?

14 A. These are pictures of the residence at [REDACTED].

15 Q. And are they a fair and accurate depiction of how you
16 found Mr. Lanier's house that night?

17 A. They are.

18 MS. BANNON: Your Honor, at this time State would move
19 State's Exhibits Two through 19 and Exhibit 72 into
20 evidence.

21 THE COURT: Those are in evidence without objection.
22 Thank you.

23 (Thereupon, State's Exhibit Nos. 2, 3, 4, 5, 6, 7, 8,
24 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19 and 72,
25 photographs, were received into evidence.)

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1 MS. BANNON: Your Honor, I'd also ask Staff Sergeant
2 Langford to come down so we can publish the photos on the
3 larger screen.

4 THE COURT: Sergeant, if you would come down. If you
5 would, please, sir, stand on the other side of the screen
6 so that you would be facing the court reporter as you
7 describe it, please. Thank you.

8 THE WITNESS: Yes, sir.

9 BY MS. BANNON:

10 Q. All right. Staff Sergeant Langford, if you could just
11 walk us through this and just kind of explain to us what
12 we're looking at here.

13 A. Okay. From the -- when we walked in the side of the
14 house, this would have been the doorway that we walked
15 into. This picture would have been taken from the mud
16 room or the laundry area looking into the kitchen of the
17 house.

18 THE COURT: Excuse me. Is it possible to show the
19 exhibit number or describe the exhibit number that he's
20 describing?

21 MS. BANNON: Certainly.

22 THE COURT: Okay. Thank you.

23 BY MS. BANNON:

24 Q. This corresponds with State's Exhibit 72; correct?

25 A. Yes, it is.

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1 Q. I'm now showing you State's Exhibit Two. What are we
2 looking at?

3 A. This is the chair, it's just a closer picture from, of
4 the same area. This would have been the chair that was in
5 the middle of the kitchen floor with the bloody paper
6 towels, or that looks like a kitchen towel. This is a
7 paper towel. The trash can is here and this is the
8 kitchen table.

9 Q. I am now showing you State's Exhibit -- I'm sorry,
10 73. Your Honor, the State would also move State's 73 into
11 evidence. I apologize for that.

12 THE COURT: That's all right. Without objection.

13 (Thereupon, State's Exhibit 73, photograph, was
14 received into evidence.)

15 THE WITNESS: This is the kitchen area. Here's the
16 chair. The dining room table would have been back over
17 across from this. The sink. The dish tray, obviously.
18 The glasses I was describing earlier with the blood and
19 down the counters.

20 BY MS. BANNON:

21 Q. And this is just kind of a little bit further back
22 from the previous two photos?

23 A. Well, actually from -- the first picture was from the
24 laundry room. The second one is basically the doorway
25 between the laundry room and the kitchen.

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1 And this is about two more steps inside the kitchen,
2 facing off to the right.

3 Q. Okay. I'm now going to show you exhibits -- I'm
4 sorry. I'm now going to show you State's Exhibit Three.
5 Do you recognize this?

6 A. I do. This is Mr. Lanier's bedroom, the master
7 bedroom in the house. And this is his wallet with its
8 contents scattered on the bed.

9 Q. And I'm now going to show you State's Exhibit Four.

10 A. Inside of the closet. This is a file cabinet that was
11 rummaged through, and just continued clutter and stuff
12 disturbed in the closet.

13 And also on this, this is the lower hasp for the
14 dead bolt.

15 Q. This is State's Exhibit Five. What are we looking at?

16 A. This is the safe that was in the back corner. You saw
17 this picture earlier, the ottoman. This is just further
18 over to the right. This is the safe that -- as we found
19 it with all of its contents removed. The keys are in it
20 and door's open on it.

21 Q. All right. And then now the State's Exhibit Six?

22 A. Another picture, it's actually a close-up of the keys.

23 Q. And this is how you found the safe when you did the
24 safety sweep?

25 A. The safe was open with the keys in it. This one's a

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1 little bit different. The locks are just protruding on
2 this one, so maybe the key was turned when we were in
3 there.

4 Q. I'm now showing you State's Exhibit Seven. What are
5 we looking at here?

6 A. This is standing -- this is back in the closet looking
7 back into the bedroom. This is the bed where the wallet
8 would have been up on top of the bed. And this is just
9 more of the contents. And his broken cell phone on the
10 floor.

11 Q. I'm showing you State's Exhibit Eight.

12 A. This is another view from right, basically right
13 outside the closet door. His bed here. The contents on
14 the ground.

15 And this is the lock system I was referring to
16 earlier. It's got a really, kind of heavy-duty dead bolt
17 on it which is kind of odd for a closet. It's also got,
18 like, a cover over it so you can't get in to manipulate
19 the lock.

20 This top is the hasp lock. And it's -- you can tell,
21 you might not be able to tell from where you're seated,
22 but there's actually a crack in the door that runs from
23 around the hasp down towards the padlock.

24 Q. And I know it's a little weird angle, but if you were
25 standing over here perhaps by the bed --

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1 A. Uh-huh.

2 Q. -- would you have been able to see that crack in the
3 door?

4 A. Yes. That's just another picture of the contents of
5 the wallet on the bed.

6 Q. And were you able to tell whose wallet it was that was
7 on the bed?

8 A. Yes. There's, his identification card is right here.
9 That's Mr. Lanier's wallet and it's an identification of
10 all of his property.

11 Q. I'm now showing you what's been admitted as State's
12 Exhibit Ten.

13 A. That's the left, if you're looking at the bed the left
14 side nightstand where all the drawers have been pulled out
15 on the nightstand.

16 Q. I'm showing you what's been admitted as State's
17 Exhibit 11.

18 A. This is the front door. This is the rope tied around
19 the inside of the door handle where it's been secured with
20 the zip ties and the cut end on it.

21 Q. And 12?

22 A. Same picture, just a little bit better with the flash.

23 Q. Thirteen?

24 A. Thirteen is the screen door where the rope was secured
25 around the inside door handle. And the rope comes down

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1 and you can see where the rope's been cut here as well.

2 There's two cut ends on that rope.

3 Q. Fourteen?

4 A. Kitchen floor, just inside from the laundry room.

5 This was the telephone where it had been disconnected from
6 the wall or pulled from the wall and was laying in the
7 middle of the kitchen floor.

8 Q. And now, Staff Sergeant Langford, is that blood on one
9 of the curls of the cord?

10 A. It appears to be. Right here there's some blood on
11 that cord.

12 Q. Fifteen?

13 A. Blood on the phone. And this is the wall. This is
14 the laundry area. And here's the phone where the,
15 obviously, the cord used to connect in, but there's blood
16 on the base unit.

17 Q. Sixteen?

18 A. Looking from the kitchen back into the laundry room.
19 Here's the phone back in on the floor, and it would have
20 been mounted on the wall.

21 Q. And, now I see a chair that's similar to the chair
22 that we saw in the earlier photographs.

23 A. Right. That's the second, second chair.

24 Q. Where did the beating take place in relationship to
25 what we're looking at?

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1 A. It would have been over here. This is the
2 refrigerator. And if you're looking at it on the left
3 wall, would have been the sink and the cabinet basin. And
4 behind it, behind me if I was standing here in the room,
5 behind me would be the stove. And that chair was sitting
6 right here between the sink and the stove.

7 Q. State's Exhibit 17, what is that?

8 A. This is the grocery list and the doodling with the
9 name Ashley written on it, sitting on the table. It was
10 sitting closer in, nearer to the stove end of the table
11 than -- or toward the middle.

12 Q. And 18?

13 A. Just a better picture of it.

14 Q. And 19?

15 A. Okay. This is back into the, from the living room
16 again. Or, I'm sorry. From the laundry room. The bloody
17 towel, paper towels, empty roll. The chair that's got
18 blood on it on the armrest and on the back of the chair.
19 This is where it appears this chair was used in all of
20 this and the blood on the sink.

21 Q. Thank you. If you don't mind taking your seat again.

22 A. (Complying.)

23 Q. Staff Sergeant Langford, after you do all of that,
24 when were you able to leave the scene?

25 A. I don't know what time I actually left the scene. I

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1 was on the scene until we completed everything with
2 investigations that morning.

3 I probably got on scene around 2:15, 2:20, somewhere
4 in that ballpark and I stayed until we secured the
5 residence and the adjoining property.

6 MS. BANNON: All right. I don't have any more
7 questions for you. So if you'd answer anything Mr. Haight
8 might have for you, I'd appreciate it.

9 THE WITNESS: Sure.

10 THE COURT: Mr. Haight, cross-examine?

11 MR. HAIGHT: Thank you, Your Honor.

12 CROSS-EXAMINATION

13 BY MR. HAIGHT:

14 Q. Did you personally have any conversations with
15 Mr. Lanier?

16 A. Just trying to get him to take medical attention. And
17 then I was, I didn't prompt any questioning of him. We
18 had the case officer, I believe, spoke with him directly
19 and then the investigators did his interviews.

20 Q. Did he tell you anything about two men having beaten
21 him up?

22 A. He told me that he was, that he was attacked by -- I
23 don't remember him telling me two or three, but by a
24 couple of different guys had beat him up.

25 Q. Okay. Did he at any time mention my client, Donald

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1 Peters?

2 A. Not by name, he did not.

3 Q. I'm going to show you, again, a couple of these
4 photographs. Well, let me ask this first. Did you take
5 any evidence of fingerprints, things of that nature at the
6 scene?

7 A. I did not, no.

8 Q. Did somebody, to your knowledge?

9 A. The investigators processed the crime scene. I did
10 not.

11 Q. And did you personally observe the safe and the closet
12 and the bedroom and the kitchen and all of that?

13 A. I did. I cleared the residence.

14 Q. And if I could, let me show you again what has been
15 marked as State's Exhibits Five and Six. Five is one shot
16 of the safe, and then Six is another shot of the safe.

17 A. Sure.

18 MR. HAIGHT: May I approach, Your Honor?

19 THE COURT: Yes, sir.

20 BY MR. HAIGHT:

21 Q. I show you both of those. Now, the key is in the
22 lock; correct --

23 A. Correct.

24 Q. -- of the safe?

25 A. It is.

1 Q. And there appear to me to be no marks of any sort on
2 that safe. Do you see any in those photographs?

3 A. No.

4 Q. So there's no big, big dent from a pry bar or
5 something like that?

6 A. No. It appears that keys could have been used to gain
7 access with them being in the lock.

8 Q. Thank you.

9 A. Yes, sir.

10 MR. HAIGHT: Did you want these here where they were?

11 MS. BANNON: If you could, just put them on the bar.

12 MR. HAIGHT: Just a moment, Your Honor.

13 (Pause.)

14 MR. HAIGHT: Your Honor, I believe that's all we have.

15 THE COURT: Redirect, Ms. Bannon?

16 MS. BANNON: No redirect on this witness, Your Honor.

17 THE COURT: Thank you. Sergeant, you can step down.

18 MS. BANNON: Your Honor, the State would ask if we
19 could take a small break to tend to a matter of law.

20 THE COURT: All right. Ladies and gentlemen, we'll
21 take a brief morning recess. It's time we take a morning
22 recess around this time, but we were a little late in
23 getting started. We'll have to take one anyway to do a
24 matter of law.

25 Please go to the jury room. Do not discuss this case

1 among yourself while you're in the jury room.

2 MS. BANNON: Your Honor, if Staff Sergeant Langford
3 could be excused?

4 THE COURT: I'm sorry?

5 MS. BANNON: If Sergeant Langford could be excused?

6 MR. HAIGHT: Without objection.

7 THE COURT: Certainly. You're excused.

8 (Jury exits courtroom at 11:54 a.m.)

9 THE BAILIFF: Jury's clear, Your Honor.

10 THE COURT: Thank you. Yes, ma'am?

11 MS. BANNON: Judge, I apologize. When you asked if
12 there's any matters we need to take up. It's my
13 understanding as far as the res gestae 404(b) motion by
14 the State to discuss the barber shop burglary that
15 happened shortly before Mr. Lanier's home burglary. You
16 decided to take that under advisement overnight.

17 THE COURT: Right.

18 MS. BANNON: And I don't believe we ever got a ruling
19 on it.

20 THE COURT: Right.

21 MS. BANNON: And I just didn't want to do anything to
22 --

23 THE COURT: Okay. As I understood from your argument
24 yesterday that the main purpose of the res gestae was to
25 establish that, the time line.

1 I think you mentioned that at one point in your
2 argument, that is to say that if, if the Defendant in this
3 particular case was going to say that he could not have
4 broken into the house and done the damage to the victim
5 because he was over there stealing the scrap metal at that
6 point in time, that the res gestae evidence would show
7 that that was done at a separate time.

8 Is that fair to Say?

9 MS. BANNON: Yes, Your Honor.

10 THE COURT: Would that be the only purpose of
11 introducing that evidence?

12 MS. BANNON: Yes, Your Honor.

13 THE COURT: And so if there is not testimony before
14 this jury that injects that alternative time line. That
15 is to say that evidence from some source that would
16 indicate that Mr. Peters was stealing scrap metal at the
17 time of the victim was being beat up, then that evidence
18 would have no probative value. Is that fair to say?

19 MS. BANNON: Yes, Your Honor.

20 THE COURT: Okay. So, cannot we wait then until we
21 see whether or not there's going to be such evidence in
22 before we deal with rebutting something that may not ever
23 occur?

24 MS. BANNON: Yes, Your Honor. It's just my witness is
25 my victim. My next witness is my victim, and I just

1 wanted to make sure --

2 THE COURT: I understand.

3 MS. BANNON: -- I limited his testimony.

4 THE COURT: And I appreciate that. If that becomes an
5 issue, I will allow either by cross-examination or by
6 evidence on behalf of the Defendant, I will allow you to
7 rebut it with the time line evidence.

8 Does that answer your question?

9 MS. BANNON: Yes, Your Honor. Thank you. I
10 appreciate it.

11 THE COURT: Since they're out and they're going to
12 step to the restroom, why don't we do the same thing. And
13 we'll start back at noon. Okay? Thank you.

14 (Thereupon a break was taken from 11:57 a.m., until
15 12:10 p.m., when the trial resumed as follows:)

16 (Jury enters courtroom at 12:11 p.m.)

17 THE BAILIFF: The jury's seated.

18 THE COURT: Thank you, folks. While you were out we
19 had a slight mechanical problem, too. The lights went out
20 in here, but they have come back on. And so we're ready
21 to go on now with pretty much the fullness of light.

22 We're not as bad as they are next door in courtroom
23 number one where the morning rain brought leaks into the
24 courtroom over there. They had rain pouring into the
25 gallery section of the courtroom, not upon the jury or the

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1 court personnel as I understand it.

2 Judge Mullens' quite a trooper. She doesn't stop for
3 anything like rain coming through the roof. She said, we
4 will stay there until the ceiling falls and then we will
5 move to another courtroom.

6 And so the ceiling is still intact and we are fine
7 here as well.

8 We'll continue now as the State continues to offer
9 additional evidence and testimony in the case.

10 Ms. Bannon?

11 MS. BANNON: May it please the Court. The State calls
12 Mr. Ron Lanier.

13 THE COURT: Mr. Lanier. Come forward, Mr. Lanier,
14 please, and be sworn.

15 RONALD LANIER, having been duly sworn, was examined
16 and testified as follows:

17 THE CLERK: Thank you. You can have a seat.

18 THE BAILIFF: Right this way, sir. This chair spins.
19 There's two steps up.

20 THE CLERK: If you'll state your name for the record.

21 THE WITNESS: Ron Lanier.

22 DIRECT EXAMINATION

23 BY MS. BANNON:

24 Q. And, Mr. Lanier, how old are you?

25 A. August of this year I'll be 69.

RONALD LANIER - DIRECT

1 Q. And where do you live?

2 A. [REDACTED]

3 Q. Mr. Lanier, would you mind speaking a little bit
4 louder? It's a big road and it absorbs a lot of our
5 noises, our sound.

6 You live at [REDACTED]

7 A. Yes, ma'am; [REDACTED]

8 Q. And how long have you lived there?

9 A. A long time; 40 years, 35, something.

10 Q. And do you work?

11 A. Yes, ma'am.

12 Q. What do you do?

13 A. I'm a barber.

14 Q. And where are you a barber at?

15 A. Thirty-five feet from my house.

16 Q. What's the name of your shop? You can get a free plug
17 in.

18 A. Ron's Barber Shop.

19 Q. And so you said they're right around the corner from
20 each other?

21 A. Yes, ma'am.

22 Q. Do you know Ashley Pierce?

23 A. Yes, ma'am.

24 Q. How do you know Ashley Pierce?

25 A. I met her many years ago.

RONALD LANIER - DIRECT

1 Q. What is your relationship with Ms. Pierce?

2 A. A friend.

3 Q. And how about Lauren Baughman?

4 A. She's a friend.

5 Q. And how long have you known Ms. Baughman?

6 A. Six, seven, eight years maybe. I don't know exactly.

7 Q. And would they come to your house and do odd jobs for
8 you?

9 A. Sort of, yes.

10 Q. And have you also had a sexual relationship with these
11 two women?

12 A. That's correct.

13 Q. And you would pay them money to have sex with you?

14 A. That is correct.

15 Q. Do you remember the evening of June 28th, 2011?

16 A. I don't remember the special date in June.

17 Q. Do you remember the night you were attacked that we're
18 here for today?

19 A. Yes, ma'am.

20 Q. Before the attack, did you have anyone at your house?

21 A. I'm really not sure, but I think Ashley and Lauren was
22 there.

23 Q. And what were they doing?

24 A. Sitting around.

25 Q. So you were just hanging out?

RONALD LANIER - DIRECT

1 A. That's correct.

2 Q. And then what were you doing?

3 A. Sitting in my chair at the kitchen table overlooking
4 my den area.

5 Q. Were you all drinking?

6 A. Yes, ma'am.

7 Q. What were you drinking?

8 A. Whiskey.

9 Q. And at some point did the two ladies leave?

10 A. I think they did.

11 Q. Now do you live with anybody?

12 A. No, ma'am; not then.

13 Q. So, when they left, you were all alone?

14 A. That is correct.

15 Q. And now explain your house to me a little bit. How
16 many entrances do you have?

17 A. Sliding glass door overlooking the kitchen table to my
18 den. Sliding glass door to the left of me. A laundry
19 room. Is a door over the deck. Around my kitchen through
20 the dining room is a door by my living room.

21 Q. And which is the door that you use mainly?

22 A. When I'm off work, I use the door beside my carport,
23 my deck.

24 Q. Do you use your front door?

25 A. Never go over there.

RONALD LANIER - DIRECT

1 Q. Why not?

2 A. There's a thermostat there. Two big bedrooms, a
3 living room, a den, a big bathroom, televisions. I just
4 don't live back there. I live in that den area, the
5 kitchen, my bedroom and the bathroom. That's where I
6 live.

7 Q. And, how do you keep that front door secure?

8 A. I got a storm door, a glass door. In the summertime,
9 I lift the screen up and just, lift the glass up. I tie a
10 rope to the inside of the storm door. I pull it through,
11 shut the hard door, lock it, tie the rope to the inside
12 doorknob where you can't open the storm door.

13 MS. BANNON: Permission to approach the witness, Your
14 Honor?

15 THE COURT: Yes.

16 BY MS. BANNON:

17 Q. I'm showing you what's been previously admitted as
18 State's 11, 12, and 13. Do you recognize these photos?

19 A. Yes, ma'am. I do.

20 Q. What are they?

21 A. That's a zip-lock ties on a piece of rope I use. It
22 looks like the rope's been cut and the door is open.

23 Q. And now -- so you just explained to us how you keep
24 that door shut. These pictures, is that how you normally
25 keep your door?

RONALD LANIER - DIRECT

1 A. It's locked though, shut. And I zip-lock tie the rope
2 where it can't be pulled or slipped from the outside.

3 Q. So normally it's not cut?

4 A. Normally it is locked up.

5 Q. Correct. But it's clear that those ties have been cut
6 by something in those photos?

7 A. Ties have not been cut. The rope's been cut.

8 Q. Is the rope normally cut?

9 A. No, ma'am.

10 Q. So if someone wanted to gain access to your house,
11 would they just cut that rope so they could open the
12 doors?

13 A. They can't do it from the outside though.

14 Q. So it had to be from the inside that they cut the
15 rope?

16 A. From the inside of the house.

17 Q. Okay. So you said that the girls left. You were
18 sitting in your kitchen chair. Did you fall asleep? Were
19 you just sitting there? What happened?

20 A. I was sitting there and all of a sudden somebody beat
21 the hell out of me, two people.

22 Q. Where did they come from?

23 A. They come around from the living room, den, living
24 room-dining room area. They was in my house. I didn't
25 even know they was in there until they were beating the

RONALD LANIER - DIRECT

1 hell out of me.

2 Q. Did they come using that door that you said you never
3 use?

4 A. That is correct.

5 Q. Which way did they approach you from? Like, did they
6 come at you from head-on? From your side? From your
7 back?

8 A. I was sitting at the kitchen table like this
9 (demonstrating). They come around by my little pantry.
10 My kitchen's right here. It's little pantry built in.

11 And my entrance to my den as you were -- my living
12 room and my dining room, it's right there. I got a wide
13 opening. They come around so damn fast, I had no idea
14 nobody else was in my house.

15 Q. How many people were there?

16 A. Two.

17 Q. What were they wearing?

18 A. Hoodies.

19 Q. So, could you see their faces?

20 A. No.

21 Q. Were you able to figure out what race they were?

22 A. At that point, no, ma'am.

23 Q. Did they say anything to you?

24 A. They did.

25 Q. What did they say to you?

RONALD LANIER - DIRECT

- 1 A. Where is the keys, old man. Where's the keys.
- 2 Q. And --
- 3 A. Beating the hell out of me at the same time.
- 4 Q. -- what were they beating you with?
- 5 A. It had to be a piece of pipe because a stick wouldn't
- 6 hurt my head that hard.
- 7 Q. Did one or both of them beat you?
- 8 A. Both.
- 9 Q. So, did they each have something that they were
- 10 beating you with?
- 11 A. Did they what?
- 12 Q. Did they each have something they were beating you
- 13 with?
- 14 A. Yes, ma'am.
- 15 Q. Where were they hitting you?
- 16 A. On my head, back of the head, forehead --
- 17 Q. And now --
- 18 A. -- shoulder.
- 19 Q. -- where are the keys? What does that mean?
- 20 A. Where are the keys. Really I keep a wad of keys.
- 21 Q. Okay.
- 22 A. Everything I own I got a key to it.
- 23 Q. And, do you keep -- at that time, did you keep
- 24 valuables around the house?
- 25 A. Yes.

RONALD LANIER - DIRECT

1 Q. What kind of valuables?

2 A. Money.

3 Q. How much money would you keep around your house?

4 A. Then it was around \$9,000, 9,500.

5 Q. And where would you keep this money?

6 A. In a locked door in my closet. In a locked safe in my
7 closet.

8 Q. And now the keys to that door, are they on that key
9 ring?

10 A. They are.

11 Q. And the keys to that safe, are they on that key ring?

12 A. They are.

13 Q. Please don't take this the wrong way, but why on earth
14 would you keep that much cash just laying around your
15 house?

16 A. Old story, okay. My grandfather, my grandfather
17 Rodoff (phonetically) Lanier, when the banks went busted
18 he had money in the bank and some at the Graymont which is
19 now Twin City. He took his sons and shotguns and rifles
20 and went and got his money. In other words, the sheriff
21 said, you robbed this bank. They never prosecuted him but
22 he got his damn money.

23 I don't just believe in banks. I'm sorry. Some
24 people do, some people don't. I keep enough in there to
25 pay my bills. That's all I keep in there.

RONALD LANIER - DIRECT

1 Q. And so, you said that they -- these two -- were they
2 men or women who had come into your house?

3 A. I'm pretty sure they were men. As a matter of fact,
4 yes.

5 Q. Did one person just speak or did both people speak?

6 A. I heard one and then the other one started speaking.

7 Q. What did the other one say to you?

8 A. Where is the money, old man, where is your billfold,
9 where's the keys, old man.

10 Yes, I'm an old man.

11 Q. Who would know that you kept all of this cash in your
12 house and where you kept it?

13 A. Lauren.

14 Q. Why?

15 A. Because I went in the closet and give her money.

16 Q. So she had seen you getting cash for her and locking
17 it back up?

18 A. That's correct.

19 Q. So they're beating you. And where did you say that
20 they hit you?

21 A. You want to see the scars?

22 Q. Yeah.

23 A. Right here's one.

24 Q. On your head?

25 A. Right here's one. If I cut my hair off the backside

RONALD LANIER - DIRECT

1 of my head, you can see the other one.

2 Q. And --

3 A. And my ear.

4 Q. And did you put your arms up to protect yourself?

5 A. I did. Tried to protect my head.

6 Q. And any injuries on your arms from that?

7 A. Heck, yes. They beat the hell out of my arms and my
8 neck, my shoulders.

9 Q. While they're beating you, what do you do?

10 A. I managed to get the keys and put them underneath my
11 feet.

12 Q. Where were the keys before that?

13 A. In my pocket. While they're beating me I got in my
14 pocket and slid them down my leg. My legs' tied together
15 and put my feet on top of them.

16 Q. In the hopes that they wouldn't find the keys?

17 A. That's correct.

18 Q. And then what happened?

19 A. They kept on beating me. And I don't know nothing
20 after that till I woke up an hour or two later, a couple
21 hours later. They beat -- they beat me to kill me.
22 That's what they did. Unconscious. And when I woke up,
23 they disabled all my phones. My cell phone, took the
24 batteries out of my walk-around-the-house phone. I had no
25 phone.

RONALD LANIER - DIRECT

1 So I didn't know what to do. I went to a neighbor's
2 house, Gene Smith, and asked him to call 9-1-1.

3 Q. When you came to, where were your keys?

4 A. Gone.

5 Q. Were you able to tell if anything else was missing
6 from your house?

7 A. Lady, I come out of a daze because I was knocked. I
8 had so much blood all over me, I couldn't see. I had to
9 go to the sink, wash my glasses off to where I could see.

10 And I found my glasses on the floor anyway.

11 Q. So you come to, and you go across the street to your
12 neighbor's house and he calls the cops; right?

13 A. He called 9-1-1.

14 Q. And did law enforcement arrive?

15 A. Yes, ma'am.

16 Q. Were you happy to see law enforcement?

17 A. It didn't matter.

18 Q. Were you cooperative with law enforcement?

19 A. No.

20 Q. Why not?

21 A. Because I don't like the law. I don't like them
22 messing with my business.

23 Q. Okay. And were you angry?

24 A. Yes, ma'am. I damn sure was.

25 Q. Did an ambulance come?

RONALD LANIER - DIRECT

1 A. They did.

2 Q. And did you allow them to treat you?

3 A. No.

4 Q. Why not?

5 A. I just don't believe in their stuff. Okay?

6 Q. Mr. Lanier, prior to being a barber what did you do?

7 Prior to being a barber, what did you do?

8 A. Military.

9 Q. What branch?

10 A. Marine Corps.

11 Q. Have you carried some of your teachings of the Marine

12 Corps all throughout your life?

13 A. Yes, ma'am.

14 Q. So would you agree that you weren't the most

15 cooperative with the people that came to your house that

16 night?

17 A. I was not cooperative at all. I remember that part of

18 it. I didn't want to ride in no ambulance. Finally they

19 put damn cuffs on me and made me go. They shouldn't have

20 done that. That's against my will.

21 Q. Right. But you understand that they were concerned

22 for your safety; correct?

23 A. That's correct.

24 Q. Once you got to the hospital, did you let the doctor

25 treat you?

RONALD LANIER - DIRECT

1 A. No, ma'am.

2 Q. What did you do after you refused treatment?

3 A. I walked out the door when they let me go. As a
4 matter of fact, I got on Ribaut Road and I was holding my
5 thumb out. I wanted a ride home. I had a bloody shirt
6 on. My pajama pants, slip-ons that some people call
7 them. And the police stopped me and I said, can you give
8 me a ride home.

9 Q. So it's three in the morning, you're in your PJs,
10 you're on the other side of Beaufort and you're covered in
11 blood and you're trying to hitchhike home?

12 A. That's correct.

13 Q. So the officers stop?

14 A. I had no phone to call my daughter.

15 Q. The officer stops, what's he do?

16 A. He probably was fixing to put me under arrest until he
17 found out the situation.

18 Q. And once he found out the situation, what did he do?

19 A. Took me home.

20 Q. Okay. You get home and what do you do?

21 A. Tried to find a phone that would work. As a matter of
22 fact, I called Andy. Is a friend of mine, he does odd
23 jobs for me.

24 Q. Are the police still at your house?

25 A. Yeah. They come back and took pictures.

RONALD LANIER - DIRECT

1 Q. Are you little more cooperative with them later?

2 A. Mr. Rice knows I was a lot more cooperative with them.

3 Q. Had you had an opportunity to calm down a little bit?

4 A. I did.

5 Q. Were you able to figure out how much money they took
6 out of your house?

7 A. About \$9,500 about, which is give or take 40 or \$50.
8 I knew it.

9 Q. What are you basing that number off of?

10 A. I put the money there.

11 Q. And previously had you told law enforcement that you
12 thought -- what race you thought the two men were based on
13 their voices?

14 A. I thought one of them was African-American.

15 Q. Did you say that you thought one was older than the
16 other?

17 A. I probably did.

18 Q. Do you remember which one you thought might be
19 African-American?

20 A. Can I call his name today? The one in the light
21 sweatshirt hoody.

22 Q. Okay. Could you tell if he was the older one or the
23 younger one?

24 A. The older one is the light hoodie, the light one. The
25 other one was in a dark hoody --

RONALD LANIER - CROSS

1 Q. And --

2 A. -- pulled way down over their faces where I couldn't
3 see it. Hell, I couldn't look up that far anyway. They
4 was hitting me.

5 Q. The day after this, did you eventually go and get
6 medical treatment?

7 A. I don't think so. I don't remember right now.

8 Q. And, do you know anyone named Doobie?

9 A. He was somebody that lived in the neighborhood at, on
10 the next street over. I knew a Doobie. That's all I knew
11 at that time.

12 Q. Did you know a Donald Peters?

13 A. I do now.

14 Q. Prior to the night of the attack, did you know Donald
15 Peters?

16 A. He moved a shed or a carport for me. He was Doobie.
17 I didn't know Donald Peters. That was a Doobie.

18 Q. The night of your attack, were you able to say who
19 beat you?

20 A. No.

21 Q. The night -- now today, are you able to say who beat
22 you?

23 A. I never saw their faces. I never did.

24 MS. BANNON: All right. I don't have any other
25 questions for you, but if you could answer anything that

RONALD LANIER - CROSS

1 Mr. Haight might have for you I'd appreciate it. Okay?

2 THE WITNESS: Yes, ma'am.

3 THE COURT: Mr. Haight, you can cross-examine.

4 MR. HAIGHT: Thank you, Your Honor.

5 CROSS-EXAMINATION

6 BY MR. HAIGHT:

7 Q. Mr. Lanier, do you recall telling one of the police
8 officers that you thought somebody named Steve was
9 involved?

10 A. Say that again, please, sir.

11 Q. Do you recall telling one of the police officers that
12 somebody named Steve was involved?

13 A. I don't remember that, sir.

14 Q. Now, do you recall cutting my client's hair when he
15 was younger?

16 A. His hair? Your -- Doobie, you mean?

17 Q. Donald Peters, yes.

18 A. Whatever you call him.

19 Q. Excuse me?

20 A. Whatever they call him. I know it's Donald Peters
21 today. I didn't know it --

22 Q. Do you recall cutting his hair when he was younger?

23 A. When he was younger; yes, sir.

24 Q. So you've known him for a good number of years; isn't
25 that correct?

RONALD LANIER - CROSS

1 A. Yes, sir.

2 Q. And not only did he move that carport for you about
3 three years or so ago, he's also done other work for you;
4 hasn't he?

5 A. No, he has not.

6 Q. Did he do some septic work for you at a rental house
7 you had next door?

8 A. He did not. I hired him Roger Starvis to do work. He
9 was over there at that time.

10 Q. And do you recall him ever cutting a ditch out for you
11 along the edge of your property for drainage?

12 A. No. At that time I owned a lot of property out
13 there. Okay. And I don't remember a ditch.

14 Q. Now, do you recall when the police first came out that
15 you told them you thought you had about \$4,500 in the
16 house?

17 A. No, sir.

18 MR. HAIGHT: Just a minute, Your Honor.

19 THE COURT: All right.

20 (Pause.)

21 MR. HAIGHT: Your Honor, I believe that's all I have
22 for Mr. Lanier.

23 THE COURT: Thank you. Redirect, Ms. Bannon?

24

25

CHRISTOPHER CARTER - DIRECT

REDIRECT EXAMINATION

BY MS. BANNON:

Q. Do you see the person you know as Doobie here in the courtroom today?

A. Pardon?

Q. Do you see the person you know as Doobie here in the courtroom today?

A. I don't recognize him with that long hair.

Q. All right. Thank you. No further questions, Your Honor.

THE COURT: Thank you. Mr. Lanier, you can step down. Thank you, sir.

THE WITNESS: Yes, sir. Am I excused from the courtroom, sir?

THE COURT: Yes, sir. As far as we're concerned. If Ms. Bannon wants to let you go, you're free to go.

MS. BANNON: You're free to go, Mr. Lanier.

MR. HAIGHT: No objection.

THE WITNESS: Do justice.

THE COURT: Can we work in another witness before lunch?

MS. BANNON: Yes, Your Honor. This is Officer Christopher Carter, Your Honor.

CHRISTOPHER CARTER, having been duly sworn, was examined and testified as follows:

CHRISTOPHER CARTER - DIRECT

1 THE CLERK: Thank you. You can have a seat.

2 THE WITNESS: (Complies.)

3 THE CLERK: If you'll state your name for the record,
4 please.

5 THE WITNESS: Christopher Carter.

6 DIRECT EXAMINATION

7 BY MS. BANNON:

8 Q. Officer Carter, where do you work?

9 A. Currently I work with the City of Charleston Police
10 Department.

11 Q. And what do you do there?

12 A. Road patrol.

13 Q. How long have you worked there?

14 A. About three months.

15 Q. Where did you work before the City of Charleston?

16 A. Beaufort County Sheriff's Office.

17 Q. How long did you work for us?

18 A. Four and a half years.

19 Q. And what did you do there?

20 A. Road patrol.

21 Q. And whose shift were you assigned to?

22 A. Brian Townsend's.

23 Q. And in June of 2011, you were on road patrol?

24 A. Yes, ma'am.

25 Q. On June 30th, 2011, were you called to [REDACTED]

CHRISTOPHER CARTER - DIRECT

1 Frazier Road?

2 A. Yes, I was.

3 Q. Where is that?

4 A. It's an intersection of Joe Frazier Road and Godwin
5 Road.

6 Q. And while there, were you able to collect anything?

7 A. Yes, ma'am. While I was there I was collected -- an
8 escort to collect belongings for someone's family member.
9 And I was approached by an individual that said there was
10 a bloody rag on the kitchen counter that was brought in by
11 the suspects the previous evening.

12 Q. All right. Who lived at that house?

13 A. I do not recall.

14 Q. Was it the suspect's house?

15 A. Yes, it was. One of the mothers stated that her
16 daughter had been put in jail the previous evening and
17 that she was there to collect her belongings.

18 Q. And so the suspects lived at this house at [REDACTED]
[REDACTED]

20 A. Yes, ma'am.

21 MS. BANNON: Permission to approach?

22 THE COURT: Yes.

23 BY MS. BANNON:

24 Q. Officer Carter, I'm showing what's been labeled for
25 identification as State's Exhibit 20. Do you recognize

CHRISTOPHER CARTER - DIRECT

1 that?

2 A. Yes, ma'am; I do.

3 Q. What is it?

4 A. It is one evidence -- a paper evidence bag containing
5 the bloody rag that I collected off the counter.

6 MS. BANNON: Your Honor, at this time the State would
7 move State's 20 into evidence.

8 THE COURT: Mr. Haight?

9 MR. HAIGHT: No objection, Your Honor.

10 THE COURT: Thank you. Without objection, Number 20
11 into evidence.

12 (Thereupon, State's Exhibit No. 20, bloody rag, was
13 received into evidence.)

14 BY MS. BANNON:

15 Q. Deputy Carter, do you have gloves by any chance?

16 A. I do not have them on me; no, ma'am.

17 MS. BANNON: Your Honor, we would delay publishing
18 until we can find gloves.

19 (Gloves handed to Ms. Bannon.)

20 MS. BANNON: Thank you, sir.

21 BY MS. BANNON:

22 Q. Officer Carter, would you mind putting on those gloves
23 and opening up that container for us and showing us what's
24 inside?

25 A. (Complying.) These are not the easiest gloves to put

1 on. Would you happen to have a knife or a scissors?

2 Q. (Hands knife to the witness.)

3 A. This will be the rag I collected, ma'am.

4 Q. Please hold it so the jury can see it.

5 A. (Complying.)

6 Q. Thank you, Officer Carter. I don't have any further
7 questions of you. Please answer that Mr. Haight might
8 have.

9 THE COURT: Would you give me the address at which
10 this was found? I couldn't get that.

11 MS. BANNON: [REDACTED], Your Honor.

12 THE COURT: [REDACTED]. Okay. Thank
13 you.

14 Mr. Haight, cross-examination?

15 MR. HAIGHT: I don't believe I have any questions,
16 Your Honor,

17 THE COURT: Thank you. Officer Carter, you can step
18 down. Thank you, sir.

19 THE WITNESS: Thank you, sir.

20 THE COURT: If you'll give that knife back to whoever
21 you got it from so we don't have it floating around the
22 courtroom.

23 MS. BANNON: Thank you.

24 THE COURT: Thank you.

25 MS. BANNON: And if Officer Carter could be free to

1 go, Your Honor.

2 THE COURT: Without objection?

3 MR. HAIGHT: Without objection.

4 THE COURT: Thank you. Officer, you're free to go.

5 Thank you, sir.

6 Ms. Bannon, is this a good time for us to take a lunch
7 break?

8 MS. BANNON: Yes, Your Honor.

9 THE COURT: Folks, the lunch hour is coming upon us.
10 We'll go and recess now for lunch and ask you to be back
11 in the jury room at two o'clock. That's an hour and ten
12 minutes and we'll stop for lunch now.

13 I remind you again, please do not to discuss this case
14 among yourselves when you get back to the jury room or
15 with anybody else while you're out of the courtroom.
16 We'll see you back at two o'clock. Thank you.

17 (Jury exits courtroom at 12:43 p.m.)

18 THE COURT: Anything further before we break for
19 lunch, Ms. Bannon?

20 MS. BANNON: No, Your Honor.

21 THE COURT: Thank you. Mr. Haight?

22 MR. HAIGHT: No, Your Honor.

23 THE COURT: Thank you, folks. Two o'clock, please.

24 (Thereupon, at 12:43 p.m., the lunch break was taken.

25 At 2:10 p.m., the trial resumed s follows:)

1 THE COURT: Are both sides ready for the jury?

2 State's ready?

3 MS. BANNON: Yes, Your Honor.

4 THE COURT: Defense ready?

5 MR. HAIGHT: Not quite, Your Honor. I did want to
6 just bring up again, and I believe at this time the State
7 is intending to introduce those text messages we discussed
8 yesterday.

9 THE COURT: Right.

10 MR. HAIGHT: And I will object to those as hearsay.

11 THE COURT: I understand. And I will note your
12 objection. It will go forward subject to that objection
13 so that the record can be preserved in that regard.

14 We fleshed that out yesterday, I believe. I don't
15 need to reiterate it for all that rambling I put on the
16 record yesterday afternoon, but I think either of these
17 things are not hearsay by definition under Rule 801 or
18 they will come under exceptions to that.

19 And I take it these are going to be introduced through
20 the actual participants in the conversation or the
21 exchange, whatever you call it.

22 MR. HAIGHT: It's my understanding, Your Honor, that
23 the State is intending first to call the Verizon lady --

24 THE COURT: Certainly.

25 MR. HAIGHT: -- to bring them in, and then has

1 prepared essentially a PowerPoint presentation of those
2 which is going to be testified to later by --

3 MS. BANNON: Basically, Your Honor, the way the State
4 was planning on entering them through Verizon's
5 representative and then publishing them through Detective
6 Rice who has reviewed the voluminous records and created a
7 PowerPoint and an audio where it is read without any
8 intonation. But that way the jury can both hear it and
9 see it and we would intend on publishing it to the jury in
10 that manner.

11 THE COURT: And it will be published through? Who
12 will be on the stand when it's being published?

13 MS. BANNON: Investigator Rice.

14 THE COURT: Excuse me?

15 MS. BANNON: Investigator Rice.

16 THE COURT: What about the people who were actually
17 taking part in the conversation, are they going to be
18 subject to cross-examination?

19 MS. BANNON: They will. They -- and I talked about
20 this with Mr. Haight and the way I was figuring it is it
21 would probably be easier for him to cross-examine them on
22 their text messages if they were already published versus
23 them testifying and then publishing the text messages.

24 THE COURT: Right.

25 MS. BANNON: And so I just offered to Mr. Haight to

1 move Investigator Rice up so we could publish those and
2 then call everyone in the text messages, Ashley Pierce,
3 Lauren Baughman and Kurtis Edwards right after that.

4 MR. HAIGHT: And, Your Honor, I'm a little old
5 fashioned. I don't know that I'm used to computers
6 reading off testimony which is what I'm told is going to
7 happen. They say that it's non emotional, but also these
8 are text messages where, you know, many of us don't even
9 understand what some of these things are supposed to be
10 that are being said.

11 THE COURT: Right.

12 MR. HAIGHT: I'm not quite sure how that's going to
13 sound and whether I object to it or not.

14 MS. BANNON: To clarify, Your Honor?

15 THE COURT: Yes.

16 MS. BANNON: It's not a computer voice. It is two
17 women and two men who are not the actual senders of the
18 messages reading it.

19 THE COURT: Right. Mr. Haight, you and I are in the
20 same boat in that regard. I never have seen those things
21 published in that fashion, as a matter of fact, or any
22 fashion at all.

23 But, but they are admissible under certain
24 parameters. And I'm going to allow them into evidence.
25 First of all, the Verizon person, the only evidentiary

1 purpose that he feels is the authentication of the text
2 messages as being what they are purported to be. That is,
3 messages between people from one telephone number to
4 another registered to whomever they happen to be.

5 I take it that Mr. Verizon doesn't know -- what are
6 the names of these folks?

7 MR. HAIGHT: Edwards.

8 THE COURT: Ms. Baughman, from -- anybody else?

9 MR. HAIGHT: And Pierce.

10 THE COURT: And so he can't testify that these are the
11 folks who are actually doing, involved in this
12 conversation.

13 His authentication comes by tying it to phone numbers
14 to which they have some connection.

15 That gets it past the authentication level. However,
16 it takes a little more than authentication to make
17 something admissible. It has to be under some other rule,
18 obviously, that allows it in.

19 In this particular case it's coming in subject to the
20 fact that the participants in there with the possible
21 exception of the Defendant are going to testify about what
22 they were. Without their testimony it doesn't come in,
23 you know.

24 MR. HAIGHT: It's my understanding that three of the
25 four participants will be testifying.

1 THE COURT: That's right.

2 MR. HAIGHT: And subject to cross-examination. I
3 understand that, but I still will object.

4 THE COURT: I understand. And certainly they can
5 testify as to what the Defendant, Mr. Peters, told them
6 why a text message just as they could take the stand if
7 they had a natural conversation with them and if they were
8 subject to cross-examination of that conversation, they
9 could say what he told them in person.

10 There's nothing that eliminates that same type of
11 rationale from being applied to text messages.

12 And so, I will note your objection, Mr. Haight. And
13 you're right, it's new ground for all of us. It's new law
14 for all of us.

15 MR. HAIGHT: And, Your Honor, while we're here
16 chatting about this, you had mentioned yesterday about a
17 family court case. I know I got on Westlaw last night and
18 looked for that case. And I discussed it as well with the
19 solicitor's office. They also were unable to find that
20 case. So if you could give us the cite, we'd appreciate
21 it.

22 THE COURT: Well, I tried to find it this morning as a
23 matter of fact, but my computer, my Premise disk which
24 handles all my real estate -- I mean, my, my research was
25 not on there. It is a recent case that has not yet made

1 it's way, I think, to the disk. It's one of the advance
2 sheets about three or four weeks ago. I should be able to
3 find it on that, and I'll do that.

4 MR. HAIGHT: Is it printed or the online advance
5 sheets from Columbia?

6 THE COURT: Yes. That's right. That's how I learned
7 about it. And I'll try to find it for you during the
8 break.

9 And -- but I have done research otherwise other than
10 that regarding that. Just this morning as a matter of
11 fact I went online and found a Texas, a Texas Supreme
12 Court case which dealt with the admissibility of text
13 messages subject to proper authentication.

14 And I went to that valued research tool that we all
15 use when we want to do legal research, Google, and when
16 all else fails you can actually find something on Google.

17 MR. HAIGHT: I did that as well, Your Honor.

18 THE COURT: All right. Anyway, there is a body of law
19 out there on that, specifically a Texas case. That's what
20 I was trying to find, the South Carolina case, which I did
21 not.

22 In any event, it goes forward subject to your
23 objection, Mr. Haight, and subject also to the fact that
24 those participants are also going to testify in the course
25 of this trial.

JENNIFER DALMIDA - DIRECT

1 MR. HAIGHT: All right.

2 MS. BANNON: And to clarify, Your Honor, it's okay to
3 publish it prior to them testifying?

4 THE COURT: Yes. That's right. You can publish it in
5 advance. If for some reason they don't testify, we'll
6 cross that bridge when we get to it.

7 MS. BANNON: Thank you, Your Honor.

8 THE COURT: Bring us a jury.

9 THE BAILIFF: Jury entering, Your Honor.

10 THE COURT: Thank you.

11 (Jury enters courtroom at 2:21 p.m.)

12 THE BAILIFF: Jury's seated, Your Honor,

13 THE COURT: Thank you. And thank you, ladies and
14 gentlemen. We're continuing now where we left off before
15 the lunch break as the State continues to offer evidence
16 and testimony in this case.

17 Ms. Bannon?

18 MS. BANNON: I'm sorry, Your Honor. The State calls
19 Jennifer Dalmida.

20 THE COURT: Ms. Dalmida, come forward, please, ma'am,
21 and be sworn.

22 JENNIFER DALMIDA, having been duly sworn, was examined
23 and testified as follows:

24 THE CLERK: Thank you. If you'll have a seat,
25 please.

JENNIFER DALMIDA - DIRECT

1 THE BAILIFF: Right here. Two steps.

2 THE WITNESS: Uh-huh.

3 THE CLERK: If you'll state your name for the record.

4 THE WITNESS: Jennifer Dalmida.

5 DIRECT EXAMINATION

6 BY MS. BANNON:

7 Q. And, Ms. Dalmida, where do you work?

8 A. For Verizon Wireless.

9 Q. What do you do there?

10 A. I'm a executive relations analyst so I'm a records
11 custodian for the company as well as I handle their small
12 claims litigation.

13 Q. What's that mean?

14 A. We basically validate records for our subscribers.

15 Q. And what is Verizon?

16 A. It's a telecommunication company.

17 Q. And, is Cellco related to Verizon in any way?

18 A. Yes.

19 Q. What is -- how?

20 A. That's basically our name. We -- Verizon Wireless is
21 what we do business as.

22 Q. And so if someone has a account with Cellco they have
23 an account with Verizon?

24 A. Correct.

25 Q. And if I have an account with Verizon, what type of

JENNIFER DALMIDA - DIRECT

1 records do you keep?

2 A. We have cell site records. We have call records, text
3 details, pictures, Internet usage.

4 Q. And y'all regularly keep these types of records?

5 A. Yes.

6 Q. How long do you keep them for?

7 A. Well, we keep call details and text details for around
8 12 months. And we keep text content for three to five
9 days.

10 Q. So what is a text detail?

11 A. It's actually the time and date. It's like a time
12 stamp. So it's the time and date of the text message, who
13 it was sent to or from.

14 Q. And what's the text content?

15 A. It's the actual verbiage that was in the message.

16 Q. And how long do you say that you keep the text
17 content?

18 A. Three to five days.

19 Q. And so you keep all of this information on every
20 account?

21 A. Correct.

22 Q. On every subscriber?

23 A. Correct.

24 Q. And this information, is there a delay in it? Do you
25 get it instantly as it happens?

JENNIFER DALMIDA - DIRECT

1 A. Correct. It happens right away.

2 Q. And if some need comes up, do you have a way of
3 retrieving that data?

4 A. What are you referring to?

5 Q. For instance, let's say a law enforcement officer is
6 like, hey, I really would like the text messages from this
7 cell number. Do you have a system that pulls it up?

8 A. Yes.

9 Q. How is that stored?

10 A. It's stored on our database called Mars, so it's kept
11 electronically.

12 Q. And what kind of information do you need to access
13 it?

14 A. A subpoena or a search warrant or a court order.

15 Q. Based on the phone number?

16 A. Correct.

17 Q. And so it's part of your job to keep this information?

18 A. Yes.

19 Q. And now if someone is a Verizon account holder and
20 messages another Verizon account holder, would you have
21 access to those, both of their accounts?

22 A. Yes.

23 Q. So you could cross-compare the accounts?

24 A. Yes.

25 Q. Did you receive a search warrant in regards to a phone

JENNIFER DALMIDA - DIRECT

1 number [REDACTED]?

2 A. Yes.

3 Q. And, when -- do you know whose account that is?

4 A. I don't have that information with me.

5 Q. And do you know what the subpoena was looking for,
6 what type data?

7 A. Yes. It was basically -- it was looking for
8 incoming/outgoing calls, text messages as well as cell
9 site location.

10 Q. And did that subpoena ask for those items from noon
11 June 28th, 2011, through noon June 29th, 2011?

12 A. Yes.

13 Q. And were you able to access those records?

14 A. Yes.

15 Q. And you were able to compile them?

16 A. Correct.

17 Q. And what did you do with those records?

18 A. We actually provided them to the name mentioned on the
19 subpoena. So the records were provided to the State.

20 MS. BANNON: Permission to approach the witness, Your
21 Honor?

22 THE COURT: Yes, ma'am.

23 BY MS. BANNON:

24 Q. Ms. Dalmida, I'm showing you what's been marked for --
25 my apologies. (Hands document to defense counsel.)

JENNIFER DALMIDA - DIRECT

1 Ms. Dalmida, I'm showing you what's been marked
2 State's Exhibit 21 for identification. Do you recognize
3 this?

4 A. Yes.

5 Q. What is that?

6 A. It's basically text detail.

7 Q. And is that text detail for that phone number I read
8 to you?

9 A. Correct.

10 Q. And that is what you compiled and gave to the
11 investigator?

12 A. Yes.

13 Q. And does it appear to be in the same or substantially
14 the same condition as when you submitted it to law
15 enforcement?

16 A. Yes.

17 MS. BANNON: Your Honor, at this point the State would
18 move to enter State's Exhibit 21.

19 THE COURT: Subject to objection of defense counsel,
20 21's in evidence.

21 (Thereupon, State's Exhibit No. 21, Verizon text
22 message details, was received into evidence.)

23 BY MS. BANNON:

24 Q. I'm showing you State's 22. Do you recognize this?

25 A. Yes.

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1 Q. What is it?

2 A. It's call details.

3 Q. Do you know for what phone number it's call details
4 for?

5 A. Yes.

6 Q. What number is that?

7 A. [REDACTED].

8 Q. So, again, it's the same phone number that was
9 subpoenaed by law enforcement?

10 A. Yes.

11 Q. And is that the information that you sent to law
12 enforcement?

13 A. Yes.

14 Q. And does it appear to be in the same or substantially
15 the same condition as when you sent it?

16 A. Yes.

17 MS. BANNON: Your Honor, at this point the State would
18 move State's Exhibit 22 into evidence.

19 THE COURT: Also subject to objection of defense
20 counsel, 22's in evidence.

21 (Thereupon, State's Exhibit No. 22, Verizon call
22 details, was received into evidence.)

23 BY MS. BANNON:

24 Q. Ms. Dalmida, I am showing you State's Exhibit 23. Do
25 you recognize what that is?

JENNIFER DALMIDA - DIRECT

1 A. Yes.

2 Q. What is it?

3 A. Text content.

4 Q. And you told us earlier text content is basically the
5 actual text messages they are sent to?

6 A. Correct?

7 Q. And what phone number is that text content from?

8 A. What I would have to do with this one, because this
9 actually shows the numbers that originate and terminate
10 regardless of who it actually belongs to. So I would need
11 to refer to the search warrant.

12 So it would have to be text content for either

13 [REDACTED], or [REDACTED], and there was one more.

14 [REDACTED].

15 Q. And now is this information and all three of those
16 were subpoenaed through law enforcement?

17 A. Correct.

18 Q. And you compiled this content in regards to that
19 subpoena?

20 A. Correct.

21 Q. Is it in the same or substantially the same condition
22 as when you sent it to law enforcement?

23 A. Yes, Your Honor.

24 MS. BANNON: At this point, the State would move
25 State's Exhibit 23 into evidence.

JENNIFER DALMIDA - CROSS

1 THE COURT: Once again, subject to objection of
2 defense counsel, 23 in evidence.

3 (Thereupon, State's Exhibit No. 23, Verizon text
4 content, was received into evidence.)

5 MS. BANNON: Your Honor, as previously discussed, the
6 State would defer publication to the jury to a later date
7 in the trial.

8 THE COURT: Okay.

9 MS. BANNON: Ms. Dalmida, the State doesn't have any
10 further questions for you. If you'd answer anything
11 Mr. Haight might have for you, I'd appreciate it.

12 THE WITNESS: Okay.

13 THE COURT: Cross-Examination, Mr. Haight?

14 MR. HAIGHT: Yes, Your Honor.

15 CROSS-EXAMINATION

16 BY MR. HAIGHT:

17 Q. Ms. Dalmida, how long have you been working for
18 Verizon?

19 A. For approximately six years.

20 Q. How many?

21 A. For approximately six years.

22 Q. I'm sorry?

23 A. Six years.

24 Q. Six years. And has this been your job to be the
25 records custodian for that entire period of time?

1 A. No.

2 Q. What other jobs have you had?

3 A. I was a executive relations coordinator so I handle
4 executive complaints for the company, and I also worked in
5 retail sales.

6 Q. So how long have you been doing this records custodian
7 job?

8 A. For the last year.

9 Q. One year. And in that capacity, do you have any
10 knowledge concerning who may have had a particular phone
11 at a particular time?

12 A. No.

13 MR. HAIGHT: Your Honor, I believe that's all I have.

14 THE COURT: Thank you. Redirect?

15 MS. BANNON: No redirect, Your Honor.

16 THE COURT: Thank you. Ms. Dalmida, you can step
17 down. Thank you.

18 MS. BANNON: We'd ask that Ms. Dalmida be excused.

19 THE COURT: Without objection.

20 MR. HAIGHT: Without objection.

21 THE COURT: Without objection, Ms. Dalmida, you're
22 excused. Thank you for coming.

23 THE WITNESS: Okay.

24 THE COURT: Ms. Bannon?

25 MS. BANNON: Thank you, Your Honor. The State calls

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1 Investigator Rice.

2 ANDREW RICE, having been duly sworn, was examined and
3 testified as follows:

4 THE CLERK: You can state your name for the record,
5 please.

6 THE WITNESS: Andrew Rice, R-I-C-E.

7 DIRECT EXAMINATION

8 BY MS. BANNON:

9 Q. Investigator Rice, where do you work?

10 A. Beaufort County Sheriff's Office.

11 Q. What do you do there?

12 A. I'm a criminal investigator.

13 Q. And how long have you work for the Beaufort County
14 Sheriff's Office?

15 A. Seven years.

16 Q. And are you assigned to a particular area of
17 investigations?

18 A. The northern part of the county, no specific
19 specialty.

20 Q. And on June 29th, 2011, were you working in your
21 capacity as an investigator for the sheriff's office?

22 A. Yes, ma'am.

23 Q. And did you respond to [REDACTED]?

24 A. I did, and to the Beaufort Memorial Hospital.

25 Q. Where did you first go?

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1 A. I first went to the ER at the hospital to try to make
2 contact with Mr. Lanier, the victim.

3 Q. And were you successful?

4 A. I did. I found Mr. Lanier at the hospital.
5 Mr. Lanier was quite upset to have been beaten and robbed
6 is what he claimed. He felt very strongly about who he
7 thought had done it to him. He wouldn't mention any
8 specific names or give me anything to go on.

9 After trying to give him a ride home and once he
10 refused, I went to the scene at [REDACTED] [REDACTED].

11 Q. Did he give you any details about the people who
12 assaulted him?

13 A. Not at the hospital. Later the next morning, later on
14 the morning of the 29th, I was able to go back and talk
15 with him again.

16 Q. What did he describe the assailants as?

17 A. He described both the assailants as, he wasn't too
18 sure on their actual physical descriptions. He said they
19 both wore masks. He also had been drinking a little bit
20 earlier. As he came to they started beating him. He
21 didn't know exactly what they were hitting him with. He
22 thought it was possibly metal, the way it felt when it hit
23 his arms and his head.

24 He had some ideas who he thought was connected to who
25 did it. He had mentioned Lauren Baughman and Ashley

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1 Pierce because they had been in his residence earlier.

2 Going further and asking anybody else that he possibly
3 could think of that would have been there at the house, he
4 had mentioned the name Steve. He didn't know Steve very
5 well, but he had done some work or had been at his house
6 previously. And Ms. Baughman had accused him, accused
7 Steve of stealing a key from Mr. Lanier earlier on.

8 Q. You stated that Mr. Lanier checked himself out of the
9 hospital and refused a ride home?

10 A. Yes, ma'am.

11 Q. So what did you do after he left the hospital?

12 A. I went back to the scene just to try to see if there
13 was anything else we could do that would help us try to
14 figure out what had happened, what all had occurred
15 because we didn't have very much information to go on at
16 the time.

17 We were also concerned because I've dealt with cases
18 like this in the past, you have a victim that is angry and
19 upset about what happened. They're not necessarily going
20 to cooperate with you right off the bat.

21 But we weren't too sure of the significance of his
22 injuries either. They were head injuries and have dealt
23 with victims in the past. Was hoping to get some kind of
24 information in case he became incapacitated later on and
25 wasn't able to tell me what had happened to him or he

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1 could possibly die.

2 Q. And, so you went back to his house; right?

3 A. Yes.

4 Q. What did you see when you got there?

5 A. I went and I met, Investigator Sergeant Chris Wilson
6 was there to help. She had actually called me to assist
7 her that night. She was the one that was originally, that
8 was actually called out.

9 Walk in, as you face Mr. Lanier residence it's a
10 double-wide mobile home. The yard is fenced in. He has
11 several German Shepherds and to keep them inside,
12 contained the yard. He's got a front door which isn't
13 normally used. There's a side deck that's attached to the
14 house next to a carport and that's the normal entrance
15 that anyone would use when they go to Mr. Lanier's.

16 When I got there the door was open. You walk through
17 a laundry room area into the kitchen. And inside of the
18 kitchen there was blood that, blood spattered over the
19 cabinets, pooled on the floor, pooled on the counter and
20 also smeared on the fabric of the kitchen chair, rolling
21 kitchen chair.

22 In the kitchen as you look at the floor there was a
23 phone that normally should have in a cradle on the wall.
24 That phone had been pulled from the wall. There was a
25 little bit of blood smeared on the cradle, a little bit on

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1 the phone cord I believe y'all saw on the pictures
2 earlier.

3 Not only had it been disconnected from the wall, it
4 had been yanked from the wall. It was stripped of the
5 wires that would have connected it. You couldn't just
6 plug it back in and use it.

7 From the kitchen where Mr. Lanier would have been
8 sitting or the chair where the victim would have been
9 sitting, if you continue to your right there's a very
10 well-kept living area, a living room, a couple bedrooms
11 and a bathroom in the back.

12 He had a piece of plywood up to kind of keep his dogs
13 contained to a certain area while they were in the house
14 with him.

15 If you continued straight from the kitchen table to
16 the left into the house, it seemed to be the main living
17 area. It was kind of a den area with some furniture and a
18 television, a master bedroom with a large bathroom off of
19 it.

20 And inside of that bedroom it looked like your typical
21 burglary had happened. Drawers were pulled out. Stuff
22 was emptied out of them. There was a wallet laying on the
23 bed or a billfold with IDs and cards that you would
24 normally find inside of a wallet or a billfold. Clothing,
25 different items that normally would have been sitting

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1 somewhere were onto the floor or onto the bed.

2 And also there was a closet that you came to that
3 should have been the main closet for the bedroom. Kind of
4 had an odd locking system. It had the master lock, it had
5 a clasp lock which was open and of course the door was
6 cracked a little bit. There was a little bit of damage to
7 the wood trim on the door as you go into that closet, an
8 open safe, and the contents of the safe had been pulled
9 out and dumped onto the floor.

10 Q. And, did Mr. Lanier come home at that point?

11 A. He did. While we were there, Mr. Lanier arrived in
12 the yard. A Beaufort City Officer was able to convince
13 him to allow him to take him home instead of having him
14 walking him down the sidewalk in that condition.

15 Q. So you had an opportunity to re-interview Mr. Lanier?

16 A. I did.

17 Q. Did he gave you any indication on the race of his two
18 assailants?

19 A. He did. He was -- he couldn't give me a good physical
20 description of why he would call one assailant black and
21 one white. He stated one was younger. He believe the
22 younger suspect to be black based on his speech. And he
23 believed that the white suspect was older based on his
24 speech. He didn't have another, very good description at
25 the time for me to go on.

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1 Q. Following your search of his house and speaking with
2 Mr. Lanier, what was your next step in your investigation?

3 A. I went to track down the names that I had been given
4 as far as trying to see if I could identify who this Steve
5 individual was and also to find Lauren Baughman and Ashley
6 Pierce.

7 Q. And did you have an opportunity to interview Ashley
8 Pierce?

9 A. I did.

10 Q. And did you have an opportunity to interview Lauren
11 Baughman?

12 A. I did.

13 Q. And did you Mirandize Ms. Baughman?

14 A. I did.

15 Q. Did she waive her rights?

16 A. She did. Actually Sergeant Gobel is the one that
17 actually Mirandized her.

18 Q. Were you present for it?

19 A. I was.

20 Q. And did she agree to speak with you?

21 A. She did.

22 Q. At the conclusion of the interview with Ms. Baughman,
23 what did you do?

24 A. I placed her under arrest. And then also through
25 these interviews was able to obtain a couple more suspects

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1 to go look for.

2 Q. Who is the next person you looked for?

3 A. Actually he came to us at the interview. His name was
4 Kurtis Edwards. He was currently dating Ms. Baughman.

5 Q. And, I'm sorry. Going back a little. Did you find
6 any physical evidence tying Ms. Baughman to the robbery
7 upon her arrest?

8 A. I did. She actually gave it to us. She was there to
9 use the money to try to pay some stuff there at the
10 courthouse. It was \$2,130 cash that she claimed came from
11 the home invasion.

12 Q. And where was she keeping the money?

13 A. She was keeping it in her, her bra area.

14 Q. And, so you say that you had the opportunity to
15 interview Kurtis Edwards?

16 A. I did.

17 Q. And, was he Mirandized?

18 A. He was.

19 Q. And did he choose to waive his rights?

20 A. He did.

21 Q. And after that, at the end of that interview what did
22 you do with Mr. Edwards?

23 A. I placed him under arrest as well.

24 Q. And, what did you do after you arrested Ms. Baughman
25 and Mr. Edwards?

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1 A. I went then to find the next suspect that I gained
2 from both of those interviews which was someone, a friend
3 of theirs, they called Doobie. Also found his name was
4 Donald Eugene Peters.

5 Q. And did you find out where Mr. Edwards lives?

6 A. Yes. In the interviews they had given us, he and
7 Ms. Baughman were living together sharing a room at [REDACTED]
8 [REDACTED] [REDACTED] [REDACTED]. It's kind of like a trailer park area
9 near Godwin Road, Lot Number A.

10 Q. Did you have an opportunity to search that residence?

11 A. I did.

12 Q. How did you get permission to search that?

13 A. Ms. Baughman and Mr. Edwards gave us a written consent
14 to search form, specifically for their bedroom and one
15 common area there at the house which we executed right
16 after we placed Ms. Baughman and Mr. Edwards under arrest.

17 Q. And when you went to their house, did you find anybody
18 there?

19 A. I did. I found Mr. Ronald Hopkins.

20 Q. Anybody else?

21 A. No, ma'am. Well, actually Mr. Peters, Doobie.

22 Q. Where did Mr. Peters live?

23 A. I'm not exactly sure where Mr. Peters lived at the
24 time. We were told that he possibly lived with his
25 mother, or that he could also be staying at the residence

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1 there with Mr. Hopkins who was a really good friend of
2 his.

3 Q. So when you went to Ms. Baughman's and Mr. Edwards'
4 house to search for potential evidence, you encountered
5 Mr. Peters?

6 A. Yes, ma'am.

7 Q. Where did you find him?

8 A. We had knocked on the door when we got there, myself
9 and my usual partner, Sergeant John Gobel. Went to the
10 residence, knocked on the door, didn't know if we would
11 find anyone there. We were hoping Mr. Hopkins would be
12 there to let us in.

13 And Mr. Hopkins answered the door. Asked if anyone
14 else was there at home with him. He said, actually he
15 pointed to the back and Mr. Peters came walking out into
16 the living area once he had already invited us into the, I
17 don't know what you would call it, it's kind of an
18 entryway-kitchen-front-room-living-room area.

19 Mr. Peters was there. We went ahead and detained him
20 as soon as we knew who he was. My partner actually had
21 some experience with Mr. Peters in the past.

22 Q. When you say detained him, what do you mean?

23 A. We put him in handcuffs.

24 Q. And what else did you do?

25 A. Went ahead and Mirandized him. Advised him of his

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1 Miranda rights and we were attempting to talk to him about
2 the case.

3 Q. We're going to talk about Miranda. Are you familiar
4 with Miranda?

5 A. Yes, ma'am.

6 Q. Would you mind going through it for us here today?

7 A. Yes, ma'am. The typical Miranda: You have the right
8 to remain silent. Anything you say can and will be used
9 again you in a court of law. You have a right to an
10 attorney present before or during questioning. If you
11 cannot afford an attorney, one will be appointed to
12 represent you before any questioning if you wish. And you
13 have the right to stop answering questions at any time
14 once we've begun.

15 And I asked them did they understand those rights as I
16 read them to them or explained them to them. And then I
17 also ask them: Having those rights in mind do you wish to
18 talk to us now.

19 Q. And when you advised Mr. Peters of his Miranda rights,
20 did you do it from memory like you just did or did you do
21 it from a card?

22 A. Actually I keep a plastic card usually in my -- at
23 that point I was wearing a bullet proof vest. I keep one
24 in my vest and I usually keep one in my business card
25 holder.

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1 Q. And so you recited Miranda from that card that to
2 Mr. Peters?

3 A. Yes, ma'am.

4 Q. And did he appear to understand his warning?

5 A. Yes, ma'am.

6 Q. And what was his response?

7 A. He was obviously a little bit upset that he was in
8 handcuffs, but he said he understood his rights and was
9 willing to talk to us at the time.

10 Q. And what did he tell you?

11 A. He explained that -- well, at first he denied
12 everything as anyone typically would, but after explaining
13 where we had been previously, who all we had talked to, he
14 explained that he had been with Mr. Kurtis Edwards and
15 Ms. Lauren Baughman earlier that same day and late the
16 night before and that they had gone to Mr. Lanier's
17 residence on Windsor Road.

18 He didn't use the specific address, but he stated that
19 he never went inside the house, he wasn't part of taking
20 the money or beating Mr. Lanier. He was merely what he
21 would call a lookout in the front yard.

22 Q. What happened next?

23 A. Placed him under -- or advised him he was under arrest
24 and transported him to the detention center.

25 Q. Did Mr. Peters tell you how he got to the house to do

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1 the robbery?

2 A. He did. He explained that Lauren Baughman drove he
3 and Kurtis Edwards there. She had waited right in the
4 area of where the house is on that street. As soon as
5 they were done and came out, she picked them up and they
6 all went back to [REDACTED].

7 Q. Did he tell you whether or not Ms. Baughman had gone
8 inside the house?

9 A. No, he claimed that she hadn't gone, that she had
10 waited in the car.

11 Q. And did Mr. Peters make any further statements?

12 A. No, ma'am.

13 Q. Traditionally in a large investigation like this,
14 would you take him into the investigator's office and do a
15 full report interview?

16 A. We would try to.

17 Q. Why didn't you here?

18 A. He was pretty upset with us, upset with the whole
19 situation, upset that he was being placed under arrest.
20 And we didn't feel it was a very good idea as far as
21 safety wise to try to do it there that maybe try to do it
22 later at the jail if we had a chance to.

23 Q. And were you able to search [REDACTED]?

24 A. Yes, ma'am.

25 Q. Did you find any evidence tied to this home invasion?

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1 A. I did. I found several items. There was an
2 expandable baton, an asp baton as many people call it
3 similar to what deputies carry, police officers carry. We
4 found that in the bedroom where Mr. Edwards and
5 Ms. Baughman were staying.

6 We found some clothing, a pair of jeans and a
7 sweatshirt we believed had bloodstains on them.

8 Several other items that, you know, not being
9 significant to the case that were taken.

10 Q. You stated that you had collected \$2,000 and some
11 change from Ms. Baughman?

12 A. Yes, ma'am.

13 Q. What did you do with that money?

14 A. Signed it back over to Mr. Lanier.

15 Q. And did you have an opportunity to speak with
16 Mr. Lanier later that day?

17 A. Yes, ma'am.

18 Q. And what was his general state?

19 A. He was hurting pretty bad. He refused to take pain
20 meds even as simple as Tylenol or Ibuprofen. We were
21 still very worried about him, just talking near him. We
22 went back and later on a lot of times what we do when
23 someone has any kind of injury some people bruise
24 differently. It gets worse over time. It may not, you
25 may not be able to see how severe they are at the moment.

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1 And I try to come back at a later time and document them
2 again as far as the bruising.

3 And especially in Mr. Lanier's case when I went back
4 later on you could actually see the outline of what had
5 struck him over the head in a couple different areas. I
6 was hoping to get some good scaled photographs to compare
7 to a known item at the lab to say for sure that was what
8 hit him over the head.

9 Anyway, he was hurting. We were able to talk him into
10 going back to the doctor. We were worried that something
11 was going to happen to him.

12 Q. Did he agree to go back to the doctor?

13 A. He did.

14 Q. What else did you do in this investigation?

15 A. Throughout the case, throughout the interviews one of
16 the common things that seemed to be occurring was cell
17 phones were being used to communicate back and forth with
18 each other.

19 And specifically Ms. Baughman seemed to be
20 communicating with everyone involved from her phone. And
21 through the interviews was able to determine which phone
22 numbers belonged to who. Ms. Baughman of course once she
23 was placed under arrest the cell phone number she had on
24 her was [REDACTED] which we actually learned was a phone
25 that Mr. Lanier had bought for her. It was a prepaid

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1 phone.

2 Mr. Edwards had 843-694-4801 with him in his vehicle
3 at the time he was arrested.

4 And then through their interviews they explained that
5 Mr. Peters used [REDACTED].

6 And also Ms. Pierce used [REDACTED] was the phone
7 number she gave to us during her interview.

8 Q. So what did you do with these phone numbers?

9 A. Went and served search warrants to try to get
10 information, specifically the text messages that
11 Ms. Baughman had stated was how they had orchestrated
12 things.

13 Q. And now, State's evidence 20, 21 and 22, are those the
14 returns from your search warrant?

15 A. Yes, ma'am. Specifically for Ms. Baughman.

16 Q. And they were on the phone number identified as
17 Ms. Baughman's phone number?

18 A. Yes, ma'am.

19 Q. Did you receive anything back for the phone number
20 tied to Mr. Kurtis Edwards?

21 A. I did not.

22 Q. Why not?

23 A. When you try and get the records, it's very time
24 sensitive. You only have a short amount of time to get
25 those things in. And the day specifically that I sent

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1 these requests or the search warrants I was having trouble
2 with the fax and getting it to them.

3 And Ms. Baughman's information was all stored and on
4 the system. Specifically what we were interested in was
5 the content of the text messages. We already knew who the
6 phones belonged to, where people were.

7 And the other two phone numbers I was explained by the
8 representative that those, the content of the text
9 messages were no longer stored in the system.

10 You have, when she had testified, I think, earlier
11 that three to five days until you can get ahold of those
12 and this one specifically I believe was the second day
13 that we had sent them but it still was not preserved for
14 us.

15 Q. And so the only cell phone information you got back
16 pertained to Lauren Baughman's phone?

17 A. Yes, ma'am.

18 Q. Have you had an opportunity to go through those phone
19 records?

20 A. Yes, ma'am.

21 Q. And, does the number for Mr. Kurtis Edwards appear in
22 those phone records?

23 A. Yes, ma'am.

24 Q. In a series of text messages does Mr. Edwards' phone
25 number appear?

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- 1 A. Yes, ma'am.
- 2 Q. How about Mr. Peters?
- 3 A. Yes, ma'am.
- 4 Q. His phone number also appears in text messages?
- 5 A. It does.
- 6 Q. And Ashley Pierce's?
- 7 A. Yes, ma'am.
- 8 Q. These are kind of big records?
- 9 A. They are.
- 10 Q. Have -- is there any way that we can go through them
- 11 and understand what they are?
- 12 A. Yes, ma'am. The text message information that was
- 13 simply requested was for a 24-hour time period which is
- 14 typical when you request, you request it for a day at a
- 15 time is how it works when they send it back to you. So we
- 16 send our requests that way.
- 17 But what you get in that 24-hour time period there's a
- 18 lot of things that has nothing to do with our case, it's
- 19 personal between her and her family or between other
- 20 people and it isn't needed for it.
- 21 And so we're able to prepare kind of a breakdown of
- 22 just the messages between these four people during the
- 23 time that this case was happening.
- 24 Q. And did you prepare a PowerPoint presentation today?
- 25 A. Yes, ma'am. A PowerPoint was prepared. I was able to

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1 review.

2 Q. And the content in the PowerPoint is the same as the
3 contents that's been entered in State's 20 through 22?

4 A. Yes, ma'am.

5 Q. And how about an audio recording?

6 A. Yes, ma'am.

7 Q. Did you prepare this audio recording? ,

8 A. Yes, ma'am.

9 Q. What is contained in this audio recording?

10 A. It's basically two ladies and two men reading the text
11 messages as best they can as they -- you were able to view
12 them on the PowerPoint.

13 Q. Text messages. I know that a lot of times you use
14 shorthand. Does text shorthand appears in these text
15 messages?

16 A. It does; several times.

17 Q. So in these recordings did you fill in the blanks or
18 did you read it just as it appears?

19 A. We tried to read it just as it appears in the text
20 messages.

21 Q. And, just to be clear, the people on this audio are
22 not Lauren Baughman, Kurtis Edwards, Donald Peters and
23 Ashley Pierce?

24 4a. No, ma'am.

25 Q. In addition to you serving the search warrant on the

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1 cell phones, did your investigation lead you to collect
2 any other evidence?

3 A. It did. As far as DNA evidence and photographs, we
4 were able to obtain buccal swabs from Mr. Peters,
5 Mr. Edwards and also Mr. Lanier to submit for testing with
6 a lot of the items we seized out of the bedroom and at the
7 scene to determine where those had come from, who had
8 anything to do with those, contact with them.

9 Q. You say buccal swabs for, like, DNA?

10 A. Yes, ma'am. When we -- a lot of times we'll get a
11 piece of evidence from the scene, and when we submit that
12 to the lab we put a request in. And we have separate
13 people that test those. They're actual scientists that --
14 or lab techs, people that are trained to do that which is
15 very confusing for us a lot of times. There's two
16 different languages. As I try and talk and understand how
17 it works, they've got a different way they look at it.

18 . When we collect that item from the scene, we'll submit
19 it to the lab and they'll come back with if there's any
20 DNA profile present on that item. And it will be there
21 but a lot of times we won't know who that will belongs
22 to. We just have a series of numbers of who that might
23 be.

24 And those are submitted further into a system called
25 CODIS where we try and match it with someone, if there's

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1 anyone that's already in CODIS.

2 But once seen is we already had some known suspects in
3 this case. What we went and got is what's called a DNA
4 buccal swab. And it's merely taking a Q-tip and rubbing
5 it up on the inside of your mouth to gain skin cells.
6 Once we were able to submit it to the lab as a known
7 standard as to who that came from and they then compare it
8 to those items we took from a crime scene or a house that
9 we may have searched.

10 Q. And did your investigation -- so you collected all of
11 that and you submitted it to the DNA lab?

12 A. Yes, ma'am.

13 Q. Did your investigation take you to Hardeeville, South
14 Carolina?

15 A. It did.

16 Q. Why?

17 A. That night through the interviews was able to
18 determine that Mr. Edwards, Ms. Baughman and Mr. Peters
19 all drove together in Mr. Edwards' car to -- supposedly
20 they had driven around, gotten some drugs and drove to
21 Hardeeville and stayed in a hotel overnight where the next
22 day they took some scrap metal that was claimed to have
23 been taken by Mr. Peters, specifically some copper pipes
24 and tubing from a plumbing, Whitmore Plumbing in Beaufort,
25 I believe was the name of the Plumbing store, and was

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1 taken there to try to gain money for the non ferrous
2 metal, the copper.

3 And was able to go to that hotel where they stayed and
4 was trying to figure out what room they stayed in or if
5 there was any other evidence I could find or collect or
6 any surveillance video which I did find.

7 Q. And so what did you collect from the hotel?

8 A. I got surveillance video from the manager which showed
9 Mr. Edwards actually getting to Room 134. And the other
10 two people can't be seen on the video. He just gets out
11 of his car, goes in and rents a room. And then they
12 didn't actually check out at the desk, they just left.
13 And it will automatically check them out later the next
14 night or later that day about 11:30 p.m.

15 Q. And what did find inside the hotel room?

16 A. I found a couple of swabs of blood. It was
17 underneath -- as you look at it, this is your standard two
18 queen bed room that you would stay, with one bathroom. As
19 you went in between the two beds there's usually a light
20 where you can -- someone on one bed and the other bed can
21 both lean over and turn the lights on the way they want.
22 In between the two there was a couple of drops or smear or
23 transfer of what I believed to be blood.

24 Q. So you collected swabs on those?

25 A. Yes, ma'am.

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1 Q. Did you go to the scrap yard?

2 A. I did.

3 Q. And why did you go to the scrap yard?

4 A. I went to the scrap yard. I had already called around
5 trying to figure out -- we've got a series of scrap yards
6 in Jasper and Savannah and Beaufort, Colleton, the
7 different counties surrounding us. And people will go all
8 over to try and avoid us if they're selling anything
9 that's been stolen whether it's an AC unit or any other
10 kind of non ferrous metal or precious metal that may be
11 taken from somewhere.

12 So I called around already and ran the names by the
13 girls who worked the windows to see if they recognized
14 them which they did. It was M&J Metals which is located
15 there in Hardeeville. I was able to go and they had
16 already had to the side in a container, in a trash can the
17 items that were brought in by Mr. Peters on the 29th.

18 Q. And, was there surveillance video as well?

19 A. There was. The surveillance video that I obtained
20 from them shows them arriving in Mr. Peters -- or
21 Mr. Edwards' Jeep. It was a green Jeep.

22 And the three of them, Ms. Baughman, Mr. Peters and
23 Mr. Edwards were are all there together, standing outside
24 of the place while Mr. Peters handles his transaction with
25 the company.

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1 Q. Did you do anything else in furtherance of this
2 investigation?

3 A. No, ma'am.

4 Q. At this time, I know you just testified a long time
5 but I'd like to go through the individual pieces of
6 evidence that you just told us about.

7 A. Okay.

8 MS. BANNON: Permission to approach the witness, Your
9 Honor?

10 THE COURT: Yes, ma'am.

11 BY MS. BANNON:

12 Q. Investigator Rice I'm showing you what's been labeled
13 State's Exhibit 24, 25, 26, 27, 28, 29, 30, 31, 32, 33,
14 34, 71, 35, 36, 37, and 38, 39, and 40.

15 Do you recognize those?

16 A. Yes, ma'am. These are photographs taken of
17 Mr. Lanier's injuries.

18 Q. Are they a fair and accurate depiction of Mr. Lanier's
19 injuries when you saw him the morning following his
20 beating?

21 A. Yes, ma'am. There's actually one photo in here that
22 was taken or -- three. Looks like three photos in here
23 that were taken of him at the hospital the earlier morning
24 hours of June 29th when I first responded to the ER.

25 And then the follow-up is in the next day, going back

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1 to see him and photo documented his injuries as they
2 progressed.

3 MS. BANNON: Your Honor, at this point the State would
4 move these photos into evidence.

5 THE COURT: Subject to objection previously lodged as
6 to, I think, three or four of those photos, they are all
7 now in evidence.

8 MS. BANNON: Thank you Your Honor.

9 (Thereupon, State's Exhibits 24, 25, 26, 27, 28, 29,
10 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, and 71,
11 photographs, were received into evidence.)

12 MS. BANNON: Permission to you ask Investigator Rice
13 to step down?

14 THE COURT: Investigator, if you will step down while
15 you're explaining the photographs to the members of the
16 jury or on the machine if you'll stand and face the court
17 reporter so she'll be able to hear your testimony.

18 THE WITNESS: Yes, sir.

19 BY MS. BANNON:

20 Q. Investigator Rice, what are we looking at here?

21 A. This is Mr. Lanier, Ron Lanier, who testified
22 earlier.

23 This is his kitchen area that we talked about where
24 the incident actually happened.

25 This is his kitchen table and him sitting in his PJs.

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1 Q. How how about picture number 25?

2 A. This is the same exact thing; Mr. Lanier in his
3 kitchen, sitting in the chair hurting.

4 Q. Twenty-six?

5 A. This is the photo taken of his arm. There was a lot
6 of bruising. There's a couple of small cuts or
7 lacerations to his arm. There's was a little bit of Band-
8 aid here. It appeared to be me to be from something where
9 he held his hands up over his head, trying to block the
10 blows and where, maybe the individual strikes where the
11 blood pooled near the surface.

12 Q. Twenty-seven?

13 A. This is same thing, just kind of a closer-up view of
14 those same injuries.

15 Q. Twenty-eight?

16 A. This is the opposite arm. The left arm. The same
17 thing, along his hand and the forearm you could see
18 several spots where something struck it.

19 Q. Twenty-nine?

20 A. This is a closer-up picture of that, the left hand.

21 Q. Thirty?

22 A. This was another picture of the elbow area. There's a
23 pretty significant bruise.

24 Q. Thirty-one?

25 A. Same, same arm. Little bit of cuts and a little bit

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1 of bruising.

2 Q. Thirty-two?

3 A. This is his forehead area. Seemed to be giving him
4 the most pain and the most trouble. It had been taped
5 together there at the doctor that he ended up going back
6 to see.

7 Q. Thirty-three?

8 A. This is a close-up picture of the same wound.

9 Q. Thirty-four?

10 A. This is the ear in the opposite side of the head where
11 he's got some cuts. His ear was, it appeared to be cut
12 very badly. It was still bleeding, had a lot of trouble
13 getting the bleeding stopped.

14 Q. Seventy-one.

15 A. Same thing. Just a little bit better of a picture and
16 the obvious.

17 Q. Thirty-five?

18 A. This is the back of his head. Looks like a pretty
19 significant blow to the back of his head. It caused a
20 laceration and some bruising. And it's kind of difficult
21 to see because of his hair.

22 Q. Thirty-six?

23 A. This was trying to take a picture to scale. It was
24 kind of blurry. It was kind of hard to hold the camera
25 right. As i got the scale really close to his head, if I

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1 laid it on his head it put him in a lot of pain.

2 I was trying to show there's actually an impression
3 here. You can see pretty significant detail. I was
4 hoping to maybe match up in a lab later on if I recovered
5 whatever was used.

6 Q. Thirty-seven?

7 A. These are more pictures. I had him take his shirt off
8 to try to look underneath to get, you can see some
9 bruising along his side and obviously an open wound where
10 I took the Band-Aid off his arm.

11 Q. Thirty-eight.

12 A. This was actually taken at the hospital. I'm sorry.
13 Not in his living room. You can see the hospital bed in
14 the background where his open wound on his head. You can
15 see a little bit better in this one, the lighting, the
16 bruise across the crown of his head.

17 Q. And this was taken shortly --

18 A. Right after the incident, or about an hour or two
19 hours after the incident.

20 Q. Thirty-nine?

21 A. The same thing. This was there at the hospital at the
22 ER where pretty significant hits, blows to the back of the
23 side of his head.

24 Q. Forty?

25 A. This is him, I believe he was trying to show some of

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1 the bruises underneath his arm and also on his forehead.

2 You can still see that same long bruise.

3 Q. So these four photos in the hospital were taken how
4 long before the photos of the bruising in his home?

5 A. There was about a 12-hour difference.

6 Q. And so the injuries that appeared during his home
7 arose -- became visible in the 12-hour period?

8 A. Yes, ma'am. More specifically was the detailing and
9 the bruising on his arm.

10 Q. Thank you, Investigator Rice.

11 A. (Returns to witness stand.)

12 MS. BANNON: Permission to approach the witness, Your
13 Honor?

14 THE COURT: Yes, ma'am.

15 BY MS. BANNON:

16 Q. Investigator Rice, I'm showing you what's been label
17 State's Exhibit 41 through 46. Do you recognize those?

18 A. Yes, ma'am.

19 Q. What are they?

20 A. These are all pictures that were taken inside of [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED]. And more specifically
22 there's a little washer/dryer area right outside of Kurtis
23 and Lauren's bedroom and also the actual bedroom itself.

24 Q. And are those a fair and accurate depiction of how you
25 found [REDACTED] (verbatim) [REDACTED] [REDACTED] that day?

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1 A. Yes, ma'am.

2 MS. BANNON: Your Honor, at this point the State would
3 move State's Exhibits 41 through 46 into evidence?

4 THE COURT: Mr. Haight?

5 MR. HAIGHT: Your Honor, I don't believe we had any
6 objection to those.

7 THE COURT: Thank you. Without objection.

8 Thereupon, State's Exhibit Nos. 41, 42, 43, 44, 45 and
9 46, photographs, were received into evidence.)

10 MS. BANNON: Again, Your Honor, if I may, can I ask
11 Investigator Rice to step down?

12 THE COURT: Yes, ma'am.

13 BY MS. BANNON:

14 Q. Investigator Rice, this is State's Exhibit 41. What
15 are we looking at?

16 A. This is the same thing. It's the washer/dryer hookup
17 in the hallway of the residence. It's a hammer that was
18 sitting up on the shelf.

19 Q. And why would you take a picture of that?

20 A. Mr. Lanier's house was broken into, his barber shop
21 was also broken into. Entry was gained through a window
22 on the front of his business to the right of his front
23 door.

24 And through the interview with Mr. Edwards we were
25 able to determine that a hammer was used to break that

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1 window.

2 Q. And is State's 42?

3 A. This is the actual bedroom that Mr. Edwards and
4 Ms. Baughman shared. It's kind of an overview.

5 Q. Forty-three?

6 A. This is the closet area. Up here on the top of the
7 closet there was a knife that was recovered. There's
8 also, I believe, where the baton was.

9 Q. Forty-four?

10 A. This is the close-up picture of, you can actually see
11 the baton now. The baton's laying right next to the knife
12 in a sheath.

13 Q. Forty-five?

14 A. This is on the side of the bed that the two of them
15 shared. It's a pair of jeans that Mr. Edwards claimed he
16 had been wearing that night.

17 Q. And, 46?

18 A. I actually tried to take a close-up picture of the
19 jeans as they lay. You could see what appeared to us at
20 the time to be a bloodstain on the pants.

21 Q. Thank you, Investigator Rice. If you don't mind
22 taking the stand again.

23 A. (Returns to witness stand.)

24 MR. HAIGHT: No objection, Your Honor,

25 THE COURT: Thank you.

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1 BY MS. BANNON:

2 Q. Investigator Rice, I'm showing you what's been --
3 permission to approach the witness, Your Honor?

4 THE COURT: Please. yes, ma'am.

5 BY MS. BANNON:

6 Q. I'm showing you what's been labeled State's Exhibit 60
7 through 70. Do you recognize these items?

8 A. Yes, ma'am.

9 Q. What are they?

10 A. They are photographs taken at H&J Metals in
11 Hardeeville, South Carolina, where the employees had
12 showed me the surveillance video. I took actually some
13 still shots of the surveillance video in case it was lost
14 for some reason until they could get me a copy of it.

15 And also the container that stored the metal brought
16 to them by Mr. Peters.

17 Q. And are these a fair and accurate depiction of H&J
18 Metals in the video from that day?

19 A. Yes, ma'am.

20 MS. BANNON: Your Honor, at this point the State would
21 move Exhibits 60 through 70 into evidence.

22 THE COURT: I understand without objection.

23 (Thereupon, State's Exhibit Nos. 60, 61, 62, 63, 64,
24 65, 66, 67, 68, 69, and 70, photographs, were received
25 into evidence.)

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1 BY MS. BANNON:

2 Q. Would you mind coming down again, Investigator Rice?

3 A. (Complies.)

4 Q. This is State's Exhibit 60. What are we looking at?

5 A. This is actually a plastic trash can, like you find at
6 Lowe's. Inside of it are all these copper pipes and also
7 along too leftovers from a job, typical of HVAC.

8 Q. And State's Exhibit 61?

9 A. This is the same thing. Just taking a view down
10 inside of the container to try to get an idea of the size
11 of the poles.

12 Q. State's 62?

13 A. This pole was interesting to me. Specifically when I
14 pulled it out, I was going through each one looking for
15 either blood, any kind of trace evidence I could use to
16 connect it to the scene.

17 And this one on the end of it, I tried to use on the
18 paper, and a close up later on there was a hair that was
19 on the end of it. It ended up not being anything
20 significant.

21 Q. Sixty-three?

22 A. This is a photograph of the, their computer monitor
23 showing the surveillance video. I had them pause it.

24 This is the green Jeep that was owned by Mr. Kurtis
25 Edwards.

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1 This is what appeared to be Lauren Baughman outside of
2 the vehicle and them arriving.

3 Q. Sixty-four?

4 A. This is also, looks like Mr. Peters carrying the pipe
5 walking up to the business.

6 Q. Sixty-five?

7 A. Same thing. It's -- you can see his, Kurtis Edwards
8 back behind the vehicle in the rear cargo area unloading
9 stuff.

10 Q. Sixty-six?

11 A. Same thing. Just Mr. Peters and it looks like
12 Mr. Edwards standing next to each other. This is actually
13 an employee of the business, H&J Metals.

14 Q. Sixty-seven?

15 A. That's the same thing. Looks like Mr. Peters and
16 Mr. Edwards still at the vehicle.

17 Q. Sixty-eight?

18 A. Still from the same camera, looking at the rear cargo
19 area of them standing there conducting their business.

20 Q. Sixty-nine?

21 A. Same thing. You can see Mr. Peters. At that point
22 this is Ms. Baughman standing off to the back corner of
23 the vehicle as they were, Mr. Peters was selling the
24 copper pipe or nonferrous metal.

25 Q. And 70?

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1 A. This is him at the window. It wasn't a great picture
2 to take, but it was pretty obvious who was standing
3 there. It was the three of them together, Ms. Baughman in
4 the middle.

5 Q. Do you know who's closest to us?

6 A. I believe it was Mr. Peters that was closest to us and
7 Mr. Edwards on the far side.

8 Q. Thank you. If you don't mind re-taking the stand?

9 A. (Complying.)

10 Q. You have some gloves up there with you, Investigator
11 Rice?

12 A. There's a couple of pairs right there.

13 Q. I'll grab them for you.

14 A. If not, the bag is right next to you.

15 MS. BANNON: Permission to approach the witness, Your
16 Honor?

17 THE COURT: Yes, ma'am.

18 BY MS. BANNON:

19 Q. Investigator Rice, I am showing you what's been marked
20 for identification as State's Exhibit 47?

21 A. Okay.

22 Q. Do you recognize that?

23 A. Let me look. I do. It's an expandable baton. The
24 bag holding the expandable baton I collected.

25 Q. How do you know that?

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1 A. Because I marked the bag and signed it.

2 Q. Has anything happened to that baton since you entered
3 it into evidence?

4 A. It was sent for testing at our DNA lab, our forensic
5 services. There's a great deal -- there's a little bit of
6 blood residue that was found on the baton when it was
7 collected.

8 THE COURT: What number was that again, Investigator?

9 THE WITNESS: Forty-seven.

10 THE COURT: Thank you.

11 MS. BANNON: Your Honor, at this point the State would
12 move to admit State's Exhibit 47.

13 THE COURT: Mr. Haight?

14 MR. HAIGHT: No objection.

15 THE COURT: Thank you. Forty-seven in evidence.

16 (Thereupon, State's Exhibit No. 47, bag containing
17 expandable baton, was received into evidence.)

18 BY MS. BANNON:

19 Q. Investigator Rice, would you mind opening that bag?

20 A. Yes. Do you want me to open it up?

21 Q. Yes, please.

22 A. (Complying.)

23 Q. And now, this is what you stated you collected that
24 was the asp like the police use?

25 A. Yes, ma'am. It's a little bit different than what we

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1 would use. This one is actually flexible. As you swing
2 it, you can see it's kind of a spring. Ours is solid.

3 Q. Would you mind putting that back in the bag just so we
4 don't get it mixed up?

5 A. (Complying.)

6 Q. I'm now showing you what's been marked for
7 identification as State's Exhibit 48. Do you recognize
8 that?

9 A. Yes, ma'am. It's a knife that was in a sheath
10 collected from Mr. Edwards' and Ms. Baughman's bedroom.

11 Q. How do you know that?

12 A. They claimed it was theirs. And I actually marked the
13 bag and signed it.

14 Q. All right. So from your signature on the bag, would
15 you mind -- Your Honor, at this point the State would move
16 State's Exhibit 48 into evidence.

17 THE COURT: Mr. Haight?

18 MR. HAIGHT: No objection, Your Honor.

19 THE COURT: Thank you. Without objection 48 into
20 evidence.

21 (Thereupon, State's Exhibit No. 48, bag containing
22 knife, was received into evidence.)

23 THE WITNESS: Do you want me to open it?

24 BY MS. BANNON:

25 Q. Yes, please open it.

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1 A. Complies.)

2 Q. Would you mind putting that back in the bag, too,
3 please?

4 A. Yes, ma'am.

5 Q. I'm now showing you what's been marked as State's
6 Exhibit 49. Do you know what this is?

7 A. This is a buccal swab collected from Mr. Ronald
8 Lanier.

9 Q. And you collected it yourself?

10 A. Yes, ma'am.

11 Q. And put it in that bag?

12 A. Yes, ma'am; and marked it and signed it.

13 MS. BANNON: Your Honor, at this point the State would
14 move State's 49 into evidence.

15 MR. HAIGHT: No objection.

16 THE COURT: Without objection, State's 49 into
17 evidence.

18 (Thereupon, State's Exhibit No. 49, bag containing
19 buccal swab, was received into evidence.)

20 BY MS. BANNON:

21 Q. Investigator Rice, I'm showing you State's Exhibit
22 50. Can you tell us what's inside of that bag?

23 A. Yes, ma'am. This is the unknown hair or what I
24 believed to be a human hair contained in the envelope that
25 I collected off of that copper pipe in the photograph at

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1 H&J Metals in Hardeeville.

2 Q. And you placed it in the bag, you signed the bag?

3 A. Yes, ma'am. Marked it.

4 MS. BANNON: Your Honor, at this point the State would
5 move State's Exhibit 50 into evidence.

6 THE COURT: Any objection, Mr. Haight?

7 MR. HAIGHT: We're concerned about the relevance, Your
8 Honor, since their testing indicated it had nothing to do
9 with this.

10 THE COURT: Perhaps it could be exculpatory in that
11 regard so I'll allow it in that event. Thank you.

12 (Thereupon, State's Exhibit No. 50, envelope
13 containing hair sample, was received into evidence.)

14 BY MS. BANNON:

15 Q. State's Exhibit 51, do you recognize what this is?

16 A. Yes, ma'am. This is the blood spatter or the smears I
17 talked about at the hotel room in Hardeeville.

18 Q. And was that tested?

19 A. Yes, ma'am.

20 Q. And was it found to be relevant to this case?

21 A. I don't have the results in front of me.

22 MS. BANNON: Your Honor, at this point the State moves
23 State's Exhibit 51 into evidence.

24 THE COURT: Fifty-one. Any objection?

25 MR. HAIGHT: Reserving it, possibly, Your Honor, until

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1 we know what he says the results are.

2 THE COURT: Okay. All right. It's in evidence. I'll
3 allow it in over his objection. I'm going to let it in.
4 Go ahead.

5 (Thereupon, State's Exhibit No. 51, blood sample
6 number two, was received into evidence.)

7 BY MS. BANNON:

8 Q. Investigator Rice, I'm showing you State's Exhibit
9 52. Do you know what that is?

10 A. Yes, ma'am.

11 THE COURT: Tell me again what 51 was. I'm sorry.
12 I'm getting my memory mixed up.

13 THE WITNESS: It was blood sample number two.

14 THE COURT: Okay. Thank you.

15 THE WITNESS: Number 51.

16 THE COURT: Okay.

17 THE WITNESS: Number 52 is blood sample number one. I
18 took two swabs at that hotel room.

19 BY MS. BANNON:

20 Q. You enter that into evidence?

21 A. Yes, ma'am.

22 Q. And how do you know it's blood sample number one?

23 A. I marked it and signed it on the back.

24 MS. BANNON: And State would move State's Exhibit 52
25 into evidence, Your Honor.

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1 THE COURT: Okay. I'll allow the reservation with the
2 objection. We'll go forward subject to that. Thank you.

3 MR. HAIGHT: Thank you, Your Honor.

4 THE COURT: Uh-huh.

5 (Thereupon, State's Exhibit No. 52, blood sample
6 number one, was received into evidence.)

7 BY MS. BANNON:

8 Q. And, Investigator Rice, I'm showing you what's been
9 marked for identification as State's Exhibit 53. Do you
10 recognize that?

11 A. Yes, ma'am. It's a buccal swab obtained from the
12 jail. I believe it was Mr. Peters'.

13 Q. If you could check over on the back. Could you
14 confirm it was from Mr. Peters?

15 A. I apologize. It was from Mr. Edwards.

16 Q. It was obtained from Mr. Edwards. And did you submit
17 that for DNA testing?

18 A. I did. I marked and signed the bag as well.

19 MS. BANNON: The State would move State's Exhibit 53
20 into evidence.

21 MR. HAIGHT: No objection, Your Honor.

22 THE COURT: Without objection. Thank you.

23 (Thereupon, State's Exhibit No. 53, DNA buccal swabs-
24 Edwards, was received into evidence.)

25 BY MS. BANNON:

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1 Q. And, Investigator Rice, I'm showing you State's 54.

2 Do you recognize what that is?

3 A. These are the two DNA swabs from Mr. Peters.

4 Q. And --

5 A. I also marked them, signed these bags, knew what was
6 in them.

7 MS. BANNON: Your Honor, I'd move State's Exhibit 54
8 into evidence.

9 THE COURT: Objection?

10 MR. HAIGHT: No objection.

11 THE COURT: Without objection. Thank you.

12 (Thereupon, State's Exhibit No. 54, DNA buccal swabs-
13 Peters, was received into evidence.)

14 MS. BANNON: Permission to approach the witness, Your
15 Honor?

16 THE COURT: Okay.

17 BY MS. BANNON:

18 Q. Investigator, is it getting crowded up there? Do you
19 want me to talk some of that stuff?

20 A. Let's do that. Thank you. (Pause.)

21 Q. Investigator, I'm showing you what's been marked as
22 State's Exhibit 57. Do you recognize that?

23 A. Yes, ma'am. These are the black jeans. And it's a
24 gray shirt that I took from the bedroom of Mr. Edwards.

25 And went ahead and signed that bag and submitted it into

ANDREW RICE - DIRECT

1 evidence.

2 MS. BANNON: Your Honor, at this point the State would
3 move State's Exhibit 57 into evidence.

4 MR. HAIGHT: No objection.

5 THE COURT: Without objection, 57 into evidence.

6 (Thereupon, State's Exhibit No. 57, bag containing
7 clothing, was received into evidence.)

8 BY MS. BANNON:

9 Q. Investigator Rice, would you mind opening that and
10 showing it to the jury?

11 A. (Complying.)

12 Q. And Madam Court Reporter, if we could just label those
13 57-A and B.

14 (Thereupon, items of clothing were marked, black jeans
15 as 57-A, gray shirt as 57-B.)

16 BY MS. BANNON:

17 Q. And that is the gray, a T-shirt that you collected
18 from Mr. Edwards' closet?

19 A. Yes, ma'am.

20 Q. I'm just going to ahead... Do we have a stapler?

21 (Pause.) I don't really want to touch it,
22 Investigator Rice.

23 A. Right here.

24 Q. Yes, please. And what are these?

25 A. These are the blue jeans that were recovered from

ANDREW RICE - DIRECT

1 Mr. Edwards' bedroom. Obviously you can see some of the
2 bloodstains on the front.

3 Q. This will be marked as 57-B. And now, Investigator
4 Rice, were you ever able to determine what Mr. Peters was
5 wearing during the home invasion?

6 A. Yes, ma'am. He stated he was wearing these jeans.

7 Q. I'm sorry. Mr. Peters?

8 A. Oh, I'm sorry. I never was able to determine what
9 Mr. Peters was wearing. This is Mr. Edwards.

10 Q. So you were never able to collect any of Mr. Peters'
11 clothes for testing?

12 A. No, ma'am.

13 Q. If you wouldn't mind just putting those back in the
14 bag for us.

15 A. (Complying.)

16 Q. Investigator Rice, I'm showing you what's been marked
17 for identification as State's 58. Do you recognize that?

18 A. Yes, ma'am. These are five bandanas or handkerchiefs
19 that were also collected from the bedroom.

20 Q. Why would you collect those?

21 A. Well at the time what we were going on was that the
22 two suspects who had robbed and beaten Mr. Lanier were
23 wearing masks.

24 These bandanas we located, were weren't sure if maybe
25 that's what it could have been. We were hoping to get

ANDREW RICE - DIRECT

1 some photographs and show them to Mr. Lanier later.

2 Q. Did you ever do that?

3 A. Explained them to him. Didn't actually show him
4 photographs but he still said he didn't know. He didn't
5 know what kind of mask it was, that he wouldn't be able to
6 identify them.

7 MS. BANNON: State would move State's 58 into
8 evidence.

9 THE COURT: Any objection?

10 MR. HAIGHT: No, Your Honor.

11 THE COURT: Thank you. Without objection.

12 (Thereupon, State's Exhibit No. 58, bandanas, was
13 received into evidence.)

14 BY MS. BANNON:

15 Q. Investigator Rice, would you mind opening those and
16 showing them to the jury for us?

17 A. (Complying.)

18 Q. And these were the bandanas found along with the asp
19 and the clothes in Mr. Edwards' house?

20 A. Yes, ma'am.

21 Q. If you wouldn't mind putting them back in the bag for
22 us?

23 A. (Complying).

24 Q. Investigator Rice, I'm showing you what's been marked
25 as State's Exhibit 59. Do you recognize this item?

ANDREW RICE - DIRECT

1 A. This is a copper pipe that had the hair on it or what
2 I thought was the hair on it at H&J Metals in Hardeeville.

3 Q. And you submitted that for testing?

4 A. Yes, ma'am.

5 MS. BANNON: The State would move State's Exhibit 59
6 into evidence, Your Honor.

7 THE COURT: Any objection?

8 MR. HAIGHT: No, Your Honor.

9 THE COURT: Thank you. Without objection.

10 (Thereupon, State's Exhibit No. 59, bag containing
11 copper pipe, was received into evidence.)

12 BY MS. BANNON:

13 Q. Would you mind opening it and just showing it to us,
14 please?

15 A. It's going to take a second. This one has quite the
16 wrapping. (Pause.)

17 Q. And that's the item that you collected from H&J
18 Metals?

19 A. Yes, ma'am. All the pipes were about the same length
20 that were located there.

21 MS. BANNON: Your Honor, I'm going to go ahead and
22 make that 59-A, just in case it gets separated from its
23 wrapper if that's okay with the court reporter.

24 (Thereupon, the copper pipe was marked as Exhibit
25 59-A.)

ANDREW RICE - DIRECT

1 BY MS. BANNON:

2 Q. You can take off your gloves. I think we're done with
3 that portion.

4 A. Thank you. (Complying.)

5 Q. Earlier, you stated you had made a compilation of
6 those text messages that you got?

7 A. Yes, ma'am.

8 MS. BANNON: At this time the State would ask to
9 publish previously-entered text messages from State's
10 Exhibits 21, 22, and 23.

11 THE COURT: Subject to objection. Thank you.

12 (Thereupon, a visual aid was played for the jury,
13 State's Exhibit No. 74.)

14 MS. BANNON: Your Honor, the State would move a copy
15 of the slides that were just published and admitted to the
16 jury into evidence as State's Exhibit Number 74.

17 THE COURT: Subject to objection, I'll allow it into
18 evidence.

19 (Thereupon, State's Exhibit No. 74, transcript of text
20 message slides which was State's Exhibit No. 21, was
21 received into evidence, and State's Exhibit No. 75, audio
22 of the slides, was received into evidence.)

23 BY MS. BANNON:

24 Q. Investigator Rice, you stated earlier that you
25 arrested Donald "Doobie" Peters later in the same day of

1 the attack; correct?

2 A. Yes, ma'am.

3 Q. And do you see that person who you arrested here in
4 the courtroom today?

5 A. Yes, ma'am. Sitting right over there in the white or
6 --

7 Q. What color shirt's he wearing?

8 A. Like a white dress shirt or a yellow-looking dress
9 shirt.

10 MS. BANNON: Let the record reflect he's identified
11 the Defendant.

12 THE COURT: Yes, ma'am

13 MS. BANNON: Investigator Rice, I don't have any more
14 questions for you.

15 THE COURT: Before we go into cross-examination, it's
16 time to take the afternoon break. So, ladies and
17 gentlemen, because of the hour we'll stop the examination
18 of Investigator Rice and send you to your jury room for
19 the afternoon break.

20 Please remember while you're in the jury room not to
21 discuss this case among yourselves while you're back
22 there.

23 We'll get you out in about 20 minutes to conclude the
24 afternoon's work.

25 Investigator Rice, please stay where you are.

1 THE WITNESS: Yes, sir.

2 (Jury exits courtroom at 3:46 p.m.)

3 THE COURT: Investigator, you can step down for the
4 break, but you're not allowed to talk about your testimony
5 with anybody while you're off the stand.

6 THE WITNESS: Yes, sir. Thank you.

7 THE COURT: Folks, we'll take about 20 minutes. We'll
8 resume this afternoon about four o'clock.

9 (Thereafter, a break was taken until 4:08 p.m., when
10 the trial resumed as follows:)

11 THE COURT: Both sides ready for the jury?

12 MS. BANNON: Yes, Your Honor.

13 THE COURT: Bring us the jury.

14 (Jury enters courtroom at 4:08 p.m.)

15 THE BAILIFF: Jury is entering, Your Honor.

16 THE COURT: Thank you.

17 THE BAILIFF: Jury is seated, Your Honor.

18 THE COURT: Thank you, sir.

19 We continue now, ladies and gentlemen, with the cross-
20 examination of Investigator Rice by Mr. Haight.

21 Mr. Haight?

22 MR. HAIGHT: Thank you, Your Honor.

23 THE COURT: Yes, sir.

24

25

ANDREW RICE - CROSS

CROSS-EXAMINATION

BY MR. HAIGHT:

Q. Investigator Rice, you testified earlier, did you not, that when you initially talked with Ron Lanier he wouldn't mention any names; is that correct?

A. Yes, sir; aside from the unknown Steve.

Q. And he mentioned Steve at the hospital or back when you were at the home?

A. That was back at the home later on that same morning.

Q. And, at that time when you were talking to Mr. Lanier, didn't he tell you about \$4,500 had been taken from him?

A. Yes, sir.

Q. So, that amount seems to have grown; has it not?

A. It has.

Q. And, you indicated that you spoke with Lauren Baughman?

A. Yes, sir.

Q. And you and Sergeant Gobel interviewed her; is that correct?

A. Yes, sir.

Q. And she told you at that time that she didn't really know my client; isn't that correct?

A. I think it's how it started out. Are you -- not Lauren Baughman. Lauren Baughman told us that she did know Doobie.

ANDREW RICE - CROSS

1 Q. Well, didn't she say that she had known him for about
2 two and a half weeks?

3 A. Not very long; yes, sir.

4 Q. And in fact she also subsequently told you in that
5 interview that my client had all the money. Wasn't that
6 her statement?

7 A. Yes, sir.

8 Q. And yet at the very time she was telling you that she
9 had \$2,130 stuffed in her bra?

10 A. Yes, sir.

11 Q. And you -- after interviewing Ms. Baughman and
12 Mr. Edwards, you then proceeded to their residence;
13 correct?

14 A. Yes, sir.

15 Q. And you had a consent to search form signed by both of
16 them; is that correct?

17 A. Yes, sir.

18 Q. Did you also have any keys from either of them?

19 A. I don't remember having keys. We may have, but I
20 don't remember.

21 Q. Do you recall the bedroom being locked actually?

22 A. No, sir. I don't remember. I believe the door was
23 shut. It could have been locked, but I don't remember.

24 Q. You don't recall entering it with a key?

25 A. I don't remember having a key. We could have, though.

ANDREW RICE - CROSS

1 Q. And at the time -- you say it was Randall Hopkins who
2 answered the door?

3 A. Yes, sir.

4 Q. Is that correct. And you said my client came walking
5 out from another part of the house?

6 A. I don't know where he came from. It was dark inside.
7 He could have been sitting right there, but he was walking
8 towards us from kind of the living room, hallway area.

9 Q. And in fact, isn't it true that in fact he was sitting
10 there in a recliner when you came in?

11 A. I don't recall if he was sitting or not. I just
12 remember him walking towards us.

13 Q. And he had a big old bong sitting on the table in
14 front of him. You don't recall that?

15 A. There was some stuff like that on the table, I do
16 believe.

17 Q. And he was high as a kite, wasn't he, when he came
18 in?

19 A. I don't know that he was high as a kite.

20 Q. And you say you handcuffed him and then he told you
21 that he was a lookout?

22 A. Yes, sir. We Mirandized him and he stated he was a
23 lookout. He never went inside the residence.

24 Q. But you never got any recorded statement; is that
25 correct?

ANDREW RICE - CROSS

1 A. No, sir.

2 Q. Your recorded statements were Lauren Baughman; right?

3 A. Yes, sir.

4 Q. And with Kurtis Edwards?

5 A. Yes, sir.

6 Q. And with Ashley Pierce?

7 A. Yes, sir.

8 Q. But you didn't record one with him?

9 A. No, sir.

10 Q. And you also didn't get anything in writing; did you?

11 A. No, sir.

12 Q. Now after you secured and handcuffed my client, you
13 then searched, you said, the common area and the bedroom;
14 is that correct?

15 A. Yes, sir. I was referring to the common area just
16 where the washer and dryer was. That's where Kurtis told
17 us we'd find the hammer.

18 Q. And, but the baton and the knife, both of those were
19 in fact found in a closet in the bedroom shared by
20 Ms. Baughman and Mr. Edwards; correct?

21 A. Yes, sir.

22 Q. A shelf in his closet?

23 A. Yes, sir.

24 Q. And you've had that baton tested for DNA; correct?

25 A. Yes, sir.

ANDREW RICE - CROSS

1 Q. And that DNA testing doesn't link my client to that
2 baton; does it?

3 A. No, sir.

4 Q. Now you say that you subpoenaed these cell phone
5 records that we heard about. And -- but you say the only
6 one you were able to get was Lauren's phone?

7 A. The only one I received was Baughman's phone, the --
8 Ms. Baughman's phone.

9 Q. So you had no way of really checking that against the
10 other phones; did you?

11 A. No, sir.

12 Q. You also testified about this pipe with the hair on
13 it?

14 A. Yes, sir.

15 Q. But in fact that's kind of a red herring, is it not?
16 There's no linking that hair to Mr. Lanier or anybody
17 connected with what we're talking about here today?

18 A. No, sir.

19 Q. And similarly the swabs of blood that you took from
20 that hotel room in Hardeeville, they don't go anywhere; do
21 they?

22 A. No, sir.

23 Q. In your conversations with Mr. Lanier, did you ever
24 ask him what medications he was on?

25 A. I don't recall asking him that. I remember him being

ANDREW RICE - REDIRECT

1 adamant that he didn't like taking pills, even Tylenol and
2 Ibuprofen.

3 But he could have been on some kind of health
4 medications or something.

5 Q. In fact, earlier when you talked to Lauren Baughman in
6 the interview room, she told you that in fact that night
7 she had gone home and gone to sleep; isn't that what she
8 told you?

9 A. That was, I believe, one of the first stories; yes,
10 sir.

11 Q. It's your opinion, is it not, that the amount taken
12 from Ron Lanier's house was probably around 3,000, maybe
13 \$4,000?

14 A. It could be. We were never actually able to get a
15 hard solid number because Mr. Lanier doesn't keep records
16 necessarily of the cash he has on hand. He was going off
17 his memory. And we were never actually able to get a
18 solid figure, but what we agreed on with Mr. Lanier was
19 \$4,500.

20 Q. And that's doubled here today?

21 A. Yes, sir.

22 MR. HAIGHT: Your Honor, if I could have a minute?

23 THE COURT: Yes, sir.

24 (Pause.)

25 MR. HAIGHT: Your Honor, I believe that's all we have.

ANDREW RICE - RECROSS

1 THE COURT: Thank you. Redirect, Ms. Bannon?

2 REDIRECT EXAMINATION

3 BY MS. BANNON:

4 Q. Investigator Rice, I believe this has been previously
5 asked, but why was it you weren't able to record and get
6 in writing Mr. Peters' statement.

7 A. He wasn't happy about being arrested. He was pretty
8 angry with us. And it was not a safe idea to take him out
9 of handcuffs and try and get written Miranda forms,
10 statements or even try and do a recorded interview.

11 Q. But prior to his statements to you, you had Mirandized
12 him?

13 A. Yes, ma'am.

14 MS. BANNON: No further questions, Your Honor.

15 THE COURT: Thank you. Any follow up on that point,
16 Mr. Haight?

17 RECROSS-EXAMINATION

18 BY MR. HAIGHT:

19 Q. During your interviews of both Kurtis Edwards and
20 Lauren Baughman, they were kind of crying and carrying on
21 at times; were they not?

22 A. Yes, sir.

23 Q. But you persisted in continuing to record those
24 conversations?

25 A. Yes, sir. But crying's a little bit different than

ASHLEY PIERCE - DIRECT

1 outrage and anger.

2 MR. HAIGHT: Thank you.

3 THE COURT: Thank you.

4 MS. BANNON: Nothing further, Your Honor.

5 THE COURT: Thank you. Investigator Rice, you can
6 step down. Thank you.

7 THE WITNESS: Thank you, Your Honor.

8 THE COURT: Ms. Bannon?

9 MS. BANNON: State calls Ashley Pierce.

10 THE COURT: Ms. Pierce, come forward, ma'am, and be
11 sworn.

12 THE CLERK: If you'll raise your right hand, please.
13 Thank you. You can have a seat, please.

14 ASHLEY PIERCE, having been duly sworn, was examined
15 and testified as follows:

16 THE CLERK: If you'll state your name for the record.

17 THE WITNESS: It's Ashley Pierce.

18 DIRECT EXAMINATION

19 BY MS. BANNON:

20 Q. Ms. Pierce, where do you live?

21 A. In Grays Hill, [REDACTED].

22 Q. And do you work?

23 A. Yes.

24 Q. Where do you work?

25 A. On Fripp Island.

ASHLEY PIERCE - DIRECT

1 Q. What do you do on Fripp Island?

2 A. Cleaning houses.

3 Q. And do you know Lauren Baughman?

4 A. Yes.

5 Q. How do you know Lauren?

6 A. I met her years ago.

7 Q. Would you consider yourself friends?

8 A. Yeah. As associates. We didn't hang out a lot.

9 Q. Okay. And do you know Ron Lanier?

10 A. Yes.

11 Q. How do you know Ron Lanier?

12 A. I met him when I was 17 through Samantha Morgan Major
13 because when I was on drugs I would sleep with him for
14 money.

15 Q. And would you also hang out with him for money?

16 A. Yes.

17 Q. And on June 28th, early morning June 29th, 2011, were
18 you over at Mr. Lanier's house?

19 A. Yes.

20 Q. And what were you doing over at Mr. Lanier's house?

21 A. Lauren had called me over there. She said Ron wanted
22 me to come over. He liked girls to mess with each other
23 in front of him, and he had money.

24 Q. So, why did you go over to Ron's house?

25 A. Because she said that he was going to pay me for

ASHLEY PIERCE - DIRECT

1 coming over there.

2 Q. And did you go over to Ron's house?

3 A. Yes.

4 Q. Do you remember what time it was you went over to
5 Ron's house?

6 A. I know it was, like, mid afternoon.

7 Q. And what happened when you got over there?

8 A. Lauren was already there. I -- Ron was sitting at the
9 table. I sat across from him.

10 I know they had gotten into, like, a little argument
11 over a money issue. And Lauren went into the bathroom
12 with her, I think she was on her cell phone.

13 Q. What kind of argument?

14 A. Just, Ron has a temper so he gets mad over little
15 things, too, but I'm not really sure of what the argument
16 was over.

17 Q. Okay. So, Lauren gets mad, is on her cell phone, goes
18 into the bathroom. What's she do in the bathroom?

19 A. I can't remember if she was texting me at that point
20 but when she came -- I know when she came out of the
21 bathroom she said that she was going to, was -- her
22 boyfriend was -- or somebody was close to Ron's Barber
23 Shop because he wasn't going to give her, you know, any
24 money.

25 Q. Why wasn't he going to give her any money?

ASHLEY PIERCE - DIRECT

1 A. I don't know.

2 Q. Did he give you any money that night?

3 A. Yes.

4 Q. Why did he give you money that night?

5 A. Because I told him that I was, I didn't want to leave
6 with nothing for, you know, coming all the way over there.

7 Q. How much money did he give you?

8 A. \$30.

9 Q. And what else did Ashley -- what else did Lauren tell
10 you about what she was planning to do to Ron?

11 A. I know when she was in the bathroom she was looking
12 for his safe. She said she was going to set him up for
13 not getting the money.

14 Q. Who did she say she was going to set him up with?

15 A. Doobie and Kurt.

16 Q. And do you know who Doobie and Kurt are?

17 A. I've never seen Doobie, but I know who Kurt is.

18 Q. Did you know at the time who they were to her?

19 A. I knew that Kurt was her boyfriend.

20 Q. And she told you Doobie and Kurt is who she was going
21 to have set up Ron?

22 A. Uh-huh.

23 Q. And when she told you she was going to do this, what
24 was your reaction?

25 A. I told her not to do it.

ASHLEY PIERCE - DIRECT

1 Q. Why?

2 A. Because Ron -- I mean, he's an old man, but I just
3 couldn't see her hurting him. I didn't think that she
4 would go through with it.

5 Q. And earlier today we saw some text messages between
6 you and Lauren Baughman. In it, it seems like y'all are
7 discussing a couple of places where Ron Lanier kept his
8 money.

9 Where did he keep his money?

10 A. In his closet.

11 Q. Just like lying on the floor in his closet or?

12 A. In a safe.

13 Q. Is the safe usually locked or unlocked or?

14 A. I think it's locked.

15 Q. And, how -- how do you get into the safe?

16 A. Ron has keys that he carries on his pants at all
17 times.

18 Q. So is it easy to get the keys away from him?

19 A. If he's drunk, yes.

20 Q. And did you and Lauren Baughman have a discussion on
21 how to try to get the keys away from him?

22 A. Yes.

23 Q. Were you successful in doing that?

24 A. No.

25 Q. Does he keep money under his pillow?

ASHLEY PIERCE - DIRECT

1 A. Yes. His wallet.

2 Q. Why does he keep his wallet under his pillow?

3 A. I don't know. It's either in his pocket or under his
4 pillow.

5 Q. How about, did you and Lauren talk about how her
6 boyfriends were going to get inside the house?

7 A. She went and open -- said she was going to unlock the
8 side door.

9 Q. What does that mean?

10 A. I guess so they could get in.

11 Q. When you say at the side door and unlock it, like,
12 how?

13 A. I'm sorry. I can't remember if he -- it was locked or
14 sometimes he would put like, it wasn't a sliding glass
15 door but there's -- the front door that no one ever used,
16 and then the door to the side that we all came in.

17 When we we're in the kitchen she went -- it was me and
18 Ron were at the table. He told her to stop, you know,
19 leaving the kitchen and she went anyways and unlocked the
20 door.

21 Q. Okay. So she exited the kitchen and went somewhere?

22 A. Right.

23 Q. Okay.

24 A. And nobody ever leaves the kitchen area basically or
25 the living room area, right there straight to his room.

ASHLEY PIERCE - DIRECT

1 Q. Is he kind of particular about that?

2 A. Yes.

3 Q. So, when did you leave Ron Lanier's house that night?

4 A. I don't exactly remember. I know it was dark.

5 Q. And, were you getting texts from Lauren updating you
6 about what was going on at Ron's?

7 A. Yes.

8 Q. What was she telling you?

9 A. That the guys were in his barber shop, I think, at one
10 point and then that they were in the house.

11 Q. And, after the burglary on Ron Lanier's house, did you
12 have contact with Ms. Baughman again?

13 A. Yes.

14 Q. How?

15 A. They came by and dropped off money.

16 Q. Who's they?

17 A. It was -- well, I couldn't see in the back seat but I
18 seen in the front was Lauren driving and then Kurt in the
19 passenger seat and then someone in the back.

20 Q. So how many people were in the car?

21 A. Three.

22 Q. And you just couldn't see the face of the person in
23 the back seat?

24 A. Right, because it was dark.

25 Q. What kind of car were they driving?

ASHLEY PIERCE - DIRECT

- 1 A. It was a green Jeep.
- 2 Q. And why did they come to give you money?
- 3 A. I'm not sure. Maybe hush money.
- 4 Q. And, how much money did they give you?
- 5 A. A hundred dollars.
- 6 Q. In the texts it seems like you have some conversation
- 7 about Dawn being mad about something. Who's Dawn?
- 8 A. That's my roommate.
- 9 Q. And why was she angry?
- 10 A. She didn't want any -- her boyfriend's really jealous
- 11 of people coming over. And when I told her that they were
- 12 coming, she -- we had got -- or she told me not to have
- 13 them over -- come by because he would flip out.
- 14 Q. All right. And so then when you said your home boy's
- 15 here if it's okay, who are you referring to?
- 16 A. Who?
- 17 Q. Uh-huh.
- 18 A. I don't know. I said my home boy's here and I'm
- 19 okay.
- 20 Q. Uh-huh.
- 21 A. To -- oh to her -- oh. When I was trying to get her
- 22 not to come?
- 23 Q. Right.
- 24 A. Yes. So she wouldn't show up at all. So Dawn
- 25 wouldn't flip out.

ASHLEY PIERCE - CROSS

1 Q. So you were telling Lauren that your boyfriend was
2 there?

3 A. Right.

4 Q. And that you didn't want her to come?

5 A. Right.

6 MS. BANNON: Okay. Beg the Court's indulgence, Your
7 Honor?

8 THE COURT: All right. (Pause.)

9 BY MS. BANNON:

10 Q. Did you really think that this attack was going to
11 happen on Mr. Lanier?

12 A. No.

13 Q. Why didn't you call the cops to give them a heads up?

14 A. I didn't think that she would do it.

15 MS. BANNON: I don't have any other questions for
16 you. If you'd answer any that Mr. Haight might have for
17 you.

18 THE COURT: Mr. Haight, you can cross-examine.

19 MR. HAIGHT: Thank you, Your Honor.

20 THE COURT: Uh-huh.

21 CROSS-EXAMINATION

22 BY MR. HAIGHT:

23 Q. In your previous statements to the police you said
24 nothing about Doobie; isn't that correct?

25 A. Correct.

ASHLEY PIERCE - CROSS

1 Q. That's something you're mentioning essentially for the
2 first time today; isn't it?

3 A. I'm pretty sure I've never met him till today.

4 Q. So, you didn't --

5 A. Or seen him.

6 Q. You didn't know him from Adam's house cat; correct?

7 A. Right.

8 Q. In fact, what Lauren told you at the time was that she
9 was going to have her boyfriend do it; isn't that correct?

10 A. She said her boyfriend and Doobie.

11 Q. That's not what you previously indicated. You
12 previously said her boyfriend and her boyfriend was Kurt.

13 A. Right.

14 Q. And the \$100 was given to you for your silence; isn't
15 that correct?

16 A. I imagine so. I don't know.

17 Q. Excuse me?

18 A. I imagine so.

19 Q. And is it not true that you're a convicted felon?

20 A. I am.

21 Q. Okay.

22 MR. HAIGHT: I think that's it, Your Honor. Thank
23 you.

24 THE COURT: Thank you. Ms. Bannon, redirect?

25 MS. BANNON: One moment, Your Honor.

MAURICIO JIMENEZ - DIRECT

1 THE COURT: Just a second, Ms. Pierce.

2 MS. BANNON: No redirect, Your Honor.

3 THE COURT: Ms. Pierce, you can step down. Thank you.

4 THE WITNESS: Thank you.

5 THE COURT: Ms. Bannon?

6 MS. BANNON: States calls Mauricio Jimenez.

7 THE COURT: Mr. Jimenez, come forward, please, and be
8 sworn.

9 MAURICIO JIMENEZ, having been duly sworn, was examined
10 and testified as follows:

11 THE CLERK: Please have a seat.

12 THE WITNESS: (Complies.)

13 THE CLERK: If you'll state your name for the record.

14 THE WITNESS: My name is Mauricio Jimenez.

15 DIRECT EXAMINATION

16 BY MS. BANNON:

17 Q. And where do you work, Mr. Jimenez?

18 A. I got a small business in Hardeeville.

19 Q. What is the name of that?

20 A. M&J Metal Recycling.

21 Q. And what do you do there?

22 A. Basically we buy scrap metal, we process and we sell.

23 Q. Okay. And, who do you buy it from?

24 A. Anybody that comes in. I mean, person and companies.

25 Q. How much do you pay them for the metal?

MAURICIO JIMENEZ - DIRECT

1 A. All depends on the market.

2 Q. And where is M&J Metals located?

3 A. 1495 Jenkins Avenue in Hardeeville, South Carolina.

4 Q. And now, are there certain records as a scrap dealer
5 that you're required to keep by law?

6 A. Yes. By law I need to keep a copy of the person that
7 comes in and sell the metal, tickets, and record of the
8 material they're bringing.

9 Q. So you get a copy of the person's license?

10 A. Yes.

11 Q. And is there a specific length of time that you have
12 to keep these records?

13 A. By law I got to keep the records for two years.

14 Q. How about the video, how long do you have to keep the
15 video?

16 A. The video I only keep for six months.

17 Q. You're the person who has control of these videos?

18 A. Yes, ma'am.

19 Q. And do you regularly keep these records as part of
20 your business?

21 A. Yes, ma'am.

22 Q. And, do you have a record from June 29, 2011, that
23 Donald Peters salvaged some scrap metal at your business?

24 A. Yes, sir.

25 Q. And would that be memorialized on ticket number 15732?

MAURICIO JIMENEZ - DIRECT

1 A. Yes, ma'am.

2 Q. And with that record, was there a copy of Mr. Peters'
3 driver's license?

4 A. Yes.

5 Q. And do you know how much Mr. Peters was paid for the
6 scrap that he sold?

7 A. I don't recall the amount.

8 Q. And do you have a copy of that ticket?

9 A. At my business, yes. In records, yes.

10 Q. Did you give a copy to Investigator Rice?

11 A. Yes, I did give him a copy. Yes.

12 MR. HAIGHT: No objection, Your Honor.

13 MS. BANNON: Permission to approach, Your Honor?

14 THE COURT: Yes, ma'am.

15 MS. BANNON: Your Honor, the State would admit this as
16 State's 76.

17 Permission to approach the witness, Your Honor?

18 THE COURT: Yes, ma'am.

19 BY MS. BANNON:

20 Q. Mr. Jimenez, I'm showing you what's been labeled for
21 identification as State's 76.

22 Do you recognize that?

23 A. Yes, ma'am.

24 Q. What is it?

25 A. It's a copy of the receipt I give the customer and a

MAURICIO JIMENEZ - DIRECT

1 copy of his driver license.

2 Q. And it a fair and accurate copy of what is in your
3 records?

4 A. Yes, ma'am.

5 MS. BANNON: At this point the State would move to
6 admit State's 76.

7

8 THE COURT: Without objection, it's in evidence.

9 (Thereupon, State's Exhibit No. 76, M&J Metals
10 invoice, was received into evidence.)

11 BY MS. BANNON:

12 Q. Mr. Jimenez, who is that ticket for?

13 A. This ticket's for Mr. Peter, (verbatim) Donald.

14 Q. His last name's Peters, first name Donald?

15 A. Yes. Accordingly to this, yes.

16 Q. And when was that ticket issued?

17 A. On June 29, 2011.

18 Q. And what is that ticket for?

19 A. For copper that he came and sold, some insulator wire,
20 some yellow brass and small motor.

21 Q. How much money did he receive for that?

22 A. \$212.67.

23 Q. And is there a copy of his driver's license attached
24 to that ticket?

25 A. Yes, ma'am.

MAURICIO JIMENEZ - DIRECT

1 MS. BANNON: Your Honor, at this time the State would
2 ask to publish this record to the jury.

3 THE COURT: You can.

4 BY MS. BANNON:

5 Q. Mr. Jimenez, I'm showing you what has been identified
6 as State's Exhibit 55. Do you recognize this?

7 A. Yes, ma'am.

8 Q. How do you recognize it?

9 A. It's a copy of the surveillance video that we take out
10 the shop.

11 Q. Have you had an opportunity to review that
12 surveillance video?

13 A. Yes, ma'am.

14 Q. It's a fair and accurate depiction of the surveillance
15 video from June 29th, 2011?

16 A. Yes, ma'am.

17 MS. BANNON: Your Honor, at this point the State would
18 move to admit State's Exhibit 55.

19 THE COURT: Mr. Haight?

20 MR. HAIGHT: No objection, Your Honor.

21 THE COURT: Thank you. Without objection.

22 (Thereupon, State's Exhibit No. 55, video from M&J
23 Metals, was received into evidence.)

24 MS. BANNON: Permission to publish, Your Honor?

25 THE COURT: Yes, ma'am.

MAURICIO JIMENEZ - DIRECT

1 MS. BANNON: Now, Your Honor, this is a rather long
2 video and there's certain spots I would like to just play
3 if there's no objection by Mr. Haight, rather than the
4 entire length of the video.

5 MR. HAIGHT: I don't think I have a problem with that,
6 Your Honor.

7 THE COURT: I don't think anybody would object to
8 shortening the video.

9 MS. BANNON: Also as there's no audio, I would play it
10 double speed.

11 THE COURT: Okay.

12 MS. BANNON: You see the people, it's just not quite
13 as long.

14 THE COURT: All right. Can you tell us what this
15 video purports to be so that we'll -- I understand it's a
16 surveillance video of his business; is that right?
17 Ms. Bannon?

18 MS. BANNON: I'm sorry. Yes, Your Honor.

19 THE COURT: All right.

20 MS. BANNON: It is the video of the scrap yard, Your
21 Honor.

22 THE COURT: Okay.

23 MS. BANNON: Permission to ask the witness to get down
24 from the stand, Your Honor?

25 THE COURT: Yes. Mr. Jimenez, if you'll get down and

MAURICIO JIMENEZ - DIRECT

1 you'll stand on the other side of the screen and face in
2 this direction so that the court reporter will be able to
3 see you. Thank you.

4 MS. BANNON: Stand where I'm standing.

5 THE COURT: Right.

6 (Video played for the jury.)

7 BY MS. BANNON:

8 Q. All right. What is this view right here?

9 A. This is the entrance of the shop.

10 Q. And so this is how you come in?

11 A. Yes. You come through here. And if you got a truck
12 and a trailer, you go through the big scale, truck scale.
13 If you have small items which Don Peter have, you come to
14 the warehouse itself.

15 Q. And now if you were to drop off small items, you could
16 pull in here, back in here?

17 A. Yes. Correct.

18 Q. And do you have other views on this, on your security
19 system?

20 A. Yes, yes.

21 Q. And now, what view are we looking at here?

22 A. That would be the window of the cashier. And this is
23 where they back up for small items.

24 Q. And now does your video have a time stamp on it?

25 A. Yes, it does.

MAURICIO JIMENEZ - DIRECT

1 Q. And is it always accurate?

2 A. Now on the time change, sometimes I forget to set the
3 time back, back on it.

4 Q. And now what's right here?

5 A. I'm sorry. This is the cash, cashier.

6 Q. And do you have another view of the camera?

7 A. Yes.

8 Q. And what's that?

9 A. This is the view of the small scales where they bring
10 small items to.

11 Q. So when they were kind of off screen before, is this
12 where they were?

13 A. Yes, yes. We have two scales on the side. This is
14 one and the other one's somewhere around in here.

15 Q. And where is the cashier?

16 A. It would be on this side.

17 Q. All right. So this is the car backing in and then
18 unloading the --

19 A. Yes. That's the roll of copper tubing.

20 Q. All right. Thank you, Mr. Jimenez. If you wouldn't
21 mind taking your seat back up there?

22 A. (Complying.)

23 MS. BANNON: Mr. Jimenez, I don't have any other
24 questions for you. But I just ask that if Mr. Haight has
25 any questions for you that you answer them.

1 THE WITNESS: Thank you.

2 MS. BANNON: Thank you.

3 THE COURT: Mr. Haight, cross-examine?

4 MR. HAIGHT: No questions, Your Honor.

5 THE COURT: Thank you. Mr. Jimenez, you can step
6 down. Thank you, sir.

7 Ms. Bannon?

8 MS. BANNON: Your Honor, our next several witnesses
9 are kind of lengthy. I don't know if you would like to
10 reserve and wait them and start in the morning. The State
11 does anticipate being finished probably by lunchtime
12 tomorrow morning.

13 THE COURT: All right. If we can keep on that
14 schedule then I won't start into the testimony at 20 of
15 the hour that would cause it to go much longer and have
16 these jurors worried about getting home or taking their
17 mind off the testimony which they need to focus on.

18 Ladies and gentlemen, we're going to let you go a
19 little bit early today but I want you back tomorrow
20 morning in your jury room at 9:30 which is the normal time
21 that we start. We didn't do that today for reasons that I
22 told you earlier.

23 Please be back in your jury room tomorrow morning at
24 9:30. Please don't talk about this case. Don't let
25 anybody else talk to you about it and don't expose

1 yourself to any information about it from any source at
2 all. I'll see you tomorrow morning at 9:30.

3 Thank you.

4 (Jury exits courtroom at 4:47 p.m.)

5 THE BAILIFF: Jury clear, Your Honor.

6 THE COURT: Thank you. Ms. Bannon, Mr. Haight, do
7 either of you anticipate any pretrial evidentiary legal
8 issues that we need to take up before these witnesses
9 testify tomorrow that we can do today or either come back
10 early in the morning and take care of so that I don't
11 delay the jury once they get here at 9:30?

12 MS. BANNON: The State does not have any such motions.

13 THE COURT: Mr. Haight, are you aware of any?

14 MR. HAIGHT: Certainly, Your Honor, nothing that we
15 haven't already discussed.

16 THE COURT: Okay.

17 MR. HAIGHT: I don't think so.

18 THE COURT: I take -- who are these witnesses that
19 you're referring to? I take it Ms. Baughman is one?

20 MS. BANNON: Ms. Baughman and Mr. Edwards, Your Honor.

21 THE COURT: Okay. All right. I'll be here at nine in
22 the morning. And so if anything does occur to you all
23 overnight, if you'll see me at nine in the morning, we can
24 come out and take care of that so that it won't delay the
25 jury getting out here tomorrow at 9:30. Okay?

1 MR. HAIGHT: Yes, sir.

2 THE COURT: All right. 9:30 then tomorrow, folks.
3 I'll be in chambers at nine in the morning, at least by
4 that time.

5 Thank you.

6 END OF DAY: 4:45 P.M.

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1 ON WEDNESDAY, FEBRUARY 27, 2013 AT 9:39 A.M.:

2 THE COURT: Ms. Bannon, Mr. Haight, are both sides
3 ready for the jury?

4 MS. BANNON: Yes, Your Honor,

5 MR. HAIGHT: Yes, Your Honor.

6 THE COURT: Bring us the jury, please.

7 The case that I told you about was not a family court
8 case. It's the case of Jennings versus Jennings, Supreme
9 Court Opinion Number 27177 filed October 10th of last
10 year. It really had to do with whether or not somebody
11 hacking somebody's Facebook account violated the Storage
12 Communication Act which is federal law.

13 And it really didn't deal with our issues as much as
14 it dealt with that esoteric statute. It did say that
15 whatever they found in that particular case happened to be
16 admissible, but it didn't deal with the hearsay stuff. It
17 just talked about whether the statute was violated.

18 MR. HAIGHT: Your Honor, I did find that case and I'd
19 recalled seeing it before, but I thought we were looking
20 for a different one.

21 THE COURT: Well, I -- that shows you how imperfect my
22 memory is. I just remembered a case that had to do with
23 social media that was admitted into the record over
24 somebody's objection, but it didn't have to do with our
25 particular matter or area. So, I'm sorry I misled you.

1 THE BAILIFF: Jury entering, Your Honor.

2 THE COURT: Thank you. Thank you.

3 (Jury enters courtroom at 9:47 am.)

4 THE BAILIFF: And the jury is seated, Your Honor.

5 THE COURT: Thank you.

6 Good morning, ladies and gentlemen. Thank you for you
7 all's prompt return again this morning and to a brighter
8 day this morning than yesterday. The rain has gone but
9 the pollen is back as we all found out when we got out.

10 But we are safe from that in here. Unlike in the
11 courtroom yesterday where the wind was blowing and the
12 seal of the building on one side has been removed for the
13 construction, and so the wind was blowing up the outside
14 wall, across and returned right our Judge Mullen's head
15 over there. And dust and debris was just being funneled
16 down on her throughout the course of the trial. She stood
17 there and kept it thinking nobody could observe it except
18 her.

19 But, you know, they've had rain and wind and dust and
20 debris. We've been pretty safe in this courtroom. So
21 hopefully we can maintain that record throughout the
22 balance of this trial.

23 You remember when we left yesterday the State was
24 continuing to offer evidence and testimony in support of
25 the charges brought in these indictments. And we pick up

LAUREN BAUGHMAN - DIRECT

1 at that stage this morning.

2 Ms. Bannon?

3 Thank you, Your Honor. The State calls Lauren B 1

4 THE COURT: Thank you, ma'am. Ms. Baughman, come
5 forward, please, and be sworn.

6 THE CLERK: If you can, raise your right hand,
7 please. Thank you.

8 LAUREN BAUGHMAN, having been duly sworn, was examined
9 and testified as follows:

10 THE CLERK: If you'll state your name for the record,
11 please.

12 THE WITNESS: Lauren Baughman.

13 DIRECT-EXAMINATION

14 BY MS. BANNON:

15 Q. And, Ms. Baughman, how old are you?

16 A. Twenty-four.

17 Q. And when were you born?

18 A. [REDACTED].

19 Q. And would you mind speaking up a little bit? It's
20 just kind of a big courtroom. I want to make sure
21 everyone hears you.

22 A. Yes, ma'am.

23 Q. And where do you live?

24 A. [REDACTED].

25 Q. And, how long have you lived there?

LAUREN BAUGHMAN - DIRECT

1 A. The past eight years.

2 Q. Who lives there?

3 A. My mother, daughter, stepfather and brother.

4 Q. And who's your step dad?

5 A. Eugene Smith.

6 Q. And, do you know Ron Lanier?

7 A. Yes, ma'am.

8 Q. How do you know Ron Lanier?

9 A. I grew up around him. He used to cut my father's
10 hair, and we reunited when we moved into Bon Aire.

11 Q. And so, is he a neighbor?

12 A. Yes, ma'am.

13 Q. Where is his house in relationship to your house?

14 A. Excuse me?

15 Q. Your parents' house and Ron's house?

16 A. It's across the street from us.

17 Q. Okay. And in 2011, did your relationship with
18 Mr. Lanier change?

19 A. Yes, ma'am.

20 Q. How so?

21 A. It became sexual.

22 Q. How so?

23 A. I would go over there when I needed money for drugs,
24 or just needed money for anything. I would go over there
25 and clean his house.

LAUREN BAUGHMAN - DIRECT

- 1 Q. And you'd have sex with him?
- 2 A. Yes, ma'am.
- 3 Q. And you said drugs. What kind of drugs were you
- 4 addicted to?
- 5 A. Narcotics; Lortabs, Percocets and Xanax.
- 6 Q. So basically prescription pills?
- 7 A. Yes, ma'am.
- 8 Q. How many would you take a day?
- 9 A. Between 20 and 30.
- 10 Q. And how much money would that cost?
- 11 A. A hundred to 300 a day.
- 12 Q. A hundred to \$300 a day?
- 13 A. Yes, ma'am.
- 14 Q. And were you working at that time?
- 15 A. No, ma'am.
- 16 Q. So how would you get money for your pills?
- 17 A. Ronald Lanier.
- 18 Q. So just by going and doing work for him?
- 19 A. Yes, ma'am. I would go over there and sleep with him
- 20 or tell him I needed some money for pills, and he'll have
- 21 the person bring it.
- 22 Q. And how do you know Kurtis Edwards?
- 23 A. He was my boyfriend.
- 24 Q. How did you meet Mr. Edwards?
- 25 A. Facebook.

LAUREN BAUGHMAN - DIRECT

1 Q. When did you start dating Mr. Kurtis Edwards?

2 A. About four months prior to the robbery.

3 Q. And y'all met on Facebook. And did y'all live
4 together?

5 A. Yes, ma'am. I did move in with him.

6 Q. When did you move in with him?

7 A. Probably a month after us dating.

8 Q. And did Mr. Edwards also use pills?

9 A. Yes, ma'am.

10 Q. Do you know a Donald Peters?

11 A. Yes, ma'am.

12 Q. What did you call Mr. Peters?

13 A. Doobie.

14 Q. And how do you know Doobie?

15 A. He knows my father from years ago. And he was doing a
16 job across the street from where I was living in Bon Aire
17 putting a septic tank in. And he came over when he was
18 doing his job and we started a short conversation and then
19 we started into a relationship.

20 Q. All right. And when was that?

21 A. It's been a lot of -- a good while since he got in
22 trouble and we lost contact. So it's been, I think, a
23 couple years.

24 Q. And, so y'all previously dated. You lost contact.

25 Were you in contact with him in June of 2011?

LAUREN BAUGHMAN - DIRECT

1 A. Yes, ma'am.

2 Q. How did you reconnect with Doobie?

3 A. He hung out with Kurtis Edwards' roommate, and I was
4 over there while Kurt was at work and he came in the
5 house.

6 Q. And is that -- when you and Kurtis lived together, is
7 that where y'all lived?

8 A. Yes, ma'am.

9 Q. So, did Doobie live there with y'all?

10 A. No, ma'am.

11 Q. How often was he over?

12 A. All the time. He was more at our house than at home.
13 He would pretty much go home to sleep.

14 Q. And, did your relationship with Doobie change at any
15 point?

16 A. Yes, ma'am.

17 Q. When?

18 A. Probably about two weeks after I seen him. Once he
19 came over our sexual relationship started.

20 Q. All right. So, you're sleeping with Doobie?

21 A. Yes, ma'am.

22 Q. You're sleeping with Kurtis Edwards?

23 A. Yes.

24 Q. And you're sleeping with Ron Lanier?

25 A. Yes, ma'am.

LAUREN BAUGHMAN - DIRECT

1 Q. Did, Mr. Lanier know you were sleeping with Doobie?

2 A. No, ma'am.

3 Q. Did Mr. Lanier know you were sleeping with Kurtis?

4 A. Yes, ma'am.

5 Q. Did Kurtis know you were sleeping with Ron Lanier?

6 A. No, ma'am.

7 Q. Did Kurtis know you were sleeping with Doobie?

8 A. No, ma'am.

9 Q. Did Doobie know you were sleeping with Kurtis?

10 A. Yes, ma'am.

11 Q. Did Doobie know you were sleeping with Ron Lanier?

12 A. No, ma'am.

13 THE COURT: Do you have some sort of a chart that you
14 can help us with on this one? I'm not being facetious,
15 literally.

16 I was trying to write it down. The jury might be able
17 to keep up with it, but we'll go about it if they don't
18 need it.

19 MS. BANNON: Actually, Mr. Sorrel, do y'all have the
20 easel?

21 THE BAILIFF: Yes, ma'am. We do.

22 THE COURT: Would that be possible?

23 MS. BANNON: Your Honor, if you wouldn't mind, I would
24 like to move on.

25 THE COURT: You keep on. That's right. If the jury

LAUREN BAUGHMAN - DIRECT

1 doesn't need to know, then they're the ones that have to
2 make the findings in this case.

3 MS. BANNON: I'd be more than happy to lay it all out,
4 Your Honor.

5 THE COURT: Okay.

6 BY MS. BANNON:

7 Q. Do you remember June 28th, 2011?

8 A. Yes, ma'am.

9 Q. What did you do that day?

10 A. I woke up that day. I did not have no pills. And I
11 was starting to get sick. So I sat at the house, and by
12 that time Mr. Edwards had lost his job. And we started
13 arguing about needing money. And so that's when we
14 decided to rob Ron Lanier.

15 Q. Why did you need money so bad?

16 A. Because I had a fine that I needed paid and I needed
17 money for my drugs.

18 Q. How much was the fine that you needed to pay?

19 A. Close to 2,000.

20 Q. And you stated that your drug habit was 100 to \$300 a
21 day?

22 A. Yes, ma'am.

23 Q. So you needed a pretty a good hunk of change?

24 A. Yes, ma'am.

25 Q. And when did is -- was Doobie included in your

LAUREN BAUGHMAN - DIRECT

1 planning of this robbery of Ron Lanier?

2 A. Later on that evening he came over. And me, Edwards
3 and Peters, we went in the room and discussed the matter
4 of robbing Ronald Lanier.

5 Q. Why did y'all pick Ron Lanier?

6 A. Because he's -- always has a large amount of cash on
7 him.

8 Q. And how did you know where the cash was located in his
9 house?

10 A. I've been there numerous times. And he always keeps
11 the closet door there -- I've been in the room when he's
12 opened it and seen that he had a safe in there.

13 Q. Now the closet door, is it a regular closet door or is
14 kind of beefed up?

15 A. It's a heavy duty closet door and he has about four
16 locks on it.

17 Q. And how do you open those locks?

18 A. With keys.

19 Q. And how about the safe, how do you open the safe?

20 A. A key.

21 Q. Where does Mr. Lanier keep these keys?

22 A. Around his neck or in his pocket.

23 Q. And, where else does Mr. Lanier keep his money?

24 A. Underneath his pillow in his room.

25 Q. Do you remember -- so how -- do you remember how many

LAUREN BAUGHMAN - DIRECT

1 times you went over to Ron Lanier's house that day?

2 A. I want to say two. I'm not really, too sure how many
3 times that day, but I believe twice. I believe.

4 Q. Do you remember when Doobie first came in on the
5 planning of the robbery?

6 A. Mr. Edwards needed help and he was there so I asked
7 Peters if he would please help because mine and his
8 relationship was so close, and he would do anything for
9 me.

10 Q. What do y'all plan?

11 A. To go through the front door of the house and to go
12 in. Ron always sits in the kitchen.

13 So they -- I'm sorry. I'm just really nervous.

14 We decided to go in through the front door and Peters
15 was the one that had a wand stick and decided to hold Ron
16 in the kitchen as Mr. Edwards decided to go break the cell
17 phones and the house phones and go in through the closet.

18 Q. And how do you know that?

19 A. Peters told me his self.

20 Q. And, let's back up a little bit.

21 A. Yes, ma'am.

22 Q. Does Mr. Peters have a driver's license?

23 A. No, ma'am.

24 Q. Have you ever seen him drive?

25 A. No, ma'am.

LAUREN BAUGHMAN - DIRECT

1 Q. Does he have a car?

2 A. No, ma'am.

3 Q. So when y'all are planning this, where are you?

4 A. At Mr. Kurtis Edwards' house.

5 Q. All right. How do y'all get from -- and that's on Joe
6 Frazier Road?

7 A. Yes, ma'am.

8 Q. Is that close enough to walk to Ron Lanier's house?

9 A. No, ma'am.

10 Q. How do y'all get from Joe Frazier Road to Ron Lanier's
11 house?

12 A. I drove Kurtis Edwards' vehicle..

13 Q. What kind of car does Kurtis Edwards have?

14 A. A Jeep Patriot.

15 Q. Where did you drive it to?

16 A. I drove it to Bon Aire.

17 Q. And how did the front door get unlocked?

18 A. I unlocked it when I was at Ron's house.

19 Q. When?

20 A. I was over there prior, before it happened. I was
21 over there cleaning, and me and another lady was over
22 there. And I tried to go in through the wall to get to
23 the safe to get money. And it did not go through.

24 So while Ashley was in the kitchen with Ron, I decided
25 to go unlock the front door.

LAUREN BAUGHMAN - DIRECT

- 1 Q. And what was Ashley doing over at Ron's house?
- 2 A. Sleeping with him.
- 3 Q. Do you know how much he paid Ashley?
- 4 A. Thirty-five dollars.
- 5 Q. And she had sex with Ron?
- 6 A. Yes, ma'am.
- 7 Q. Why didn't you have sex with Ron that night?
- 8 A. Because \$35 was not enough.
- 9 Q. How much did you usually charge Ron to have sex with
- 10 him?
- 11 A. Eighty to \$100.
- 12 Q. So you're over at his house. When do you leave?
- 13 A. I want to say it was after eight. I don't remember.
- 14 Q. And why do you leave his house?
- 15 A. To go to the house to speak to Kurtis Edwards and
- 16 Doobie about the robbery.
- 17 Q. And so then what time do y'all head out to commit the
- 18 robbery?
- 19 A. I want to say it was after 11. I'm not too sure.
- 20 Q. Why is your memory not so clear?
- 21 A. I'm not too sure. I'm just very nervous.
- 22 Q. At the time when this was happening, you were addicted
- 23 to pills?
- 24 A. Yes, ma'am.
- 25 Q. In your experience, does that affect your memory?

LAUREN BAUGHMAN - DIRECT

1 A. Yes, it does. It's hard for me to have a regular
2 conversation now with people.

3 Q. Due to your drug abuse?

4 A. Yes, ma'am.

5 Q. How do y'all get to Ron Lanier's house?

6 A. I drove.

7 Q. And who was sitting in the front passenger seat?

8 A. Kurtis Edwards.

9 Q. And where was Doobie?

10 A. In the back seat on the passenger side.

11 Q. Was anyone else in the car with you?

12 A. No, ma'am.

13 Q. Was anyone else involved in the planning of this
14 robbery?

15 A. Ashley Pierce was there that evening. And she knew
16 that I was going to get Doobie and Kurtis Edwards from the
17 house.

18 Q. Did she participate in this?

19 A. She knew about the situation. And she left the gate
20 open. When I got to Bon Aire, I was texting her and I
21 called her. I believe I called. I know I was texting
22 her, and I told her to please leave. And she left the
23 gate open for Peters and Kurtis Edwards to go in.

24 Q. And when you say a gate, what kind of gate?

25 A. He has a electric fence. You have to have a remote

LAUREN BAUGHMAN - DIRECT

1 control to open and close it.

2 Q. And she -- Ashley Pierce has a remote for it?

3 A. Yes, ma'am.

4 Q. So she opened the gate so y'all could get in?

5 A. Yes, ma'am.

6 Q. And, what was Kurtis Edwards wearing when you dropped
7 him off at Ron Lanier's house?

8 A. Black pants and black shirt. And he had a bandanna
9 over his face with a hat.

10 Q. And, how about Doobie, Donald Peters?

11 A. He borrowed Kurtis Edwards' clothes. It was black
12 pants and a shirt as well.

13 Q. Did he have anything over his face?

14 A. Yes, a bandanna.

15 Q. How about weapons? Did they have any weapons with
16 them?

17 A. Donald Peters got a black baton out of Kurtis Edwards'
18 vehicle.

19 Q. And what did Kurtis Edwards have?

20 A. Nothing.

21 Q. Why would Donald Peters take the baton and Kurtis
22 Edwards not have anything?

23 A. He wanted to be in control.

24 Q. So, was the plan to beat Mr. Lanier?

25 A. No, ma'am.

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1 Q. When y'all planned this, what was your original plan?

2 A. To scare Ronald Lanier, to get his keys, and to get
3 money and then leave the house.

4 Q. And so where do you drop Mr. Edwards and Mr. Peters
5 off?

6 A. The street before Ron's.

7 Q. And where do you pick them up?

8 A. On the street after Ron's.

9 Q. Did you receive any communications from Mr. Edwards
10 indicating that they were inside?

11 A. Yes, ma'am.

12 Q. When you picked them up, what did you see?

13 A. When Kurtis Edwards got in the front seat he was so
14 full of sweat, and when Peters got up the back seat he had
15 blood on his hands from where he hit Ronald Lanier with
16 the baton.

17 Q. At that point, did you know he had hit Ronald Lanier
18 with the baton?

19 A. When they got in the vehicle I asked what happened.
20 And then that's when they went in details and told me what
21 happened.

22 Q. Who went into details?

23 A. Kurtis Edwards and Peters.

24 Q. What did Peters tell you?

25 A. He told me that Ronald Lanier when they were in the

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1 kitchen went to grab for a drawer. And he believed he was
2 grabbing for a knife, and that's when he hit Ronald Lanier
3 across the head.

4 And he demanded Mr. Edwards to go get the cell phones
5 and the house phones and break them.

6 And Ronald was not giving them the keys where they
7 could get into the safe. So he continued to hit him until
8 he was able to get the keys and then gave them to
9 Mr. Edwards to go in the closet to go through the safe.

10 Q. So Mr. Peters told you that Mr. Edwards was the one
11 rifling through the house, looking for the money
12 basically?

13 A. Yes, ma'am.

14 Q. And that he was the one who beat Mr. Lanier?

15 A. Yes, ma'am.

16 Q. Did Mr. Edwards' story match to that?

17 A. Yes, ma'am.

18 Q. What did Mr. Edwards tell you?

19 A. He told me -- he promised me, he started trying -- he
20 said he did not touch Ronald Lanier, that he would not do
21 that, that Peters was the one that demanded him to do what
22 took place in the house.

23 Q. So after you pick them up and y'all had this
24 conversation, how much money did they get?

25 A. About 5,000.

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1 Q. Who kept that money?

2 A. Kurtis Edwards.

3 Q. Why did Kurtis keep it?

4 A. He was in control of everything. When I would get
5 money from Ronald Lanier every day, when I'd get home I
6 had to give the money to Kurt. He took care of
7 everything.

8 Q. And so where do y'all go after you pick him up?

9 A. We stopped by Dawn Reddy's house and Kurtis Edwards
10 pays Ashley \$100 and then we go back to his house.

11 Q. Why did you stop by Dawn Reddy's house?

12 A. To give Ashley \$100.

13 Q. Who was in the car with you when you stopped by this
14 house?

15 A. Doobie and Kurtis Edwards and I.

16 Q. Where was Kurtis sitting?

17 A. In the front seat.

18 Q. Where was Doobie sitting?

19 A. In the back seat.

20 Q. Where in the back seat?

21 A. On the passenger -- no -- yeah. On the passenger side
22 of the vehicle.

23 Q. The rear passenger side?

24 A. Yes, ma'am.

25 Q. And where were you sitting?

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1 A. In the driver's seat.

2 Q. How much money do y'all give Ashley?

3 A. A hundred dollars.

4 Q. And, why?

5 A. For her leaving the gate open. Kurt decided that she
6 needed some money and she wanted to buy cocaine that
7 night.

8 Q. And so -- you say after you paid Ashley the hundred
9 dollars you went back to your house?

10 A. Yes, ma'am.

11 Q. What do y'all do there?

12 A. We started freaking out. I did. I was scared. I
13 figured the cops would be called.

14 And prior to the robbery, I took Mr., Doobie to
15 Whitmore Plumbing to collect scrap and he wanted to get to
16 the scrap yard at eight o'clock in the morning. So we
17 decided to go stay in Hardeeville at a hotel so we would
18 be there at eight o'clock in the morning.

19 Q. So basically you felt like the heat was going to be
20 on, so you all wanted to get out of the area?

21 A. Yes, ma'am.

22 MR. HAIGHT: Objection, Your Honor. She's leading.

23 THE COURT: I think it is a summary of her previous
24 question. It is leading, but I think it's a summary of
25 the previous response that she's given. I'll allow it.

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1 Go ahead.

2 BY MS. BANNON:

3 Q. How do y'all get to Hardeeville?

4 A. I drove.

5 Q. Who goes To Hardeeville?

6 A. Me, Doobie and Edwards.

7 Q. And, is -- were -- who's sitting in the front
8 passenger seat?

9 A. The passenger -- the front seat, Edwards.

10 Q. And who's sitting in the rear passenger seat?

11 A. Doobie.

12 Q. Why are you driving and Kurtis Edwards isn't driving
13 his own car?

14 A. I drove everywhere because while we're driving he
15 normally crushes up a, pain pills and we'll snort them as
16 we're driving.

17 Q. And did you do that when you all were driving to
18 Hardeeville?

19 A. Yes, ma'am.

20 Q. And where did y'all get these pills?

21 A. From a guy down on Joe Frazier.

22 Q. When did you get them?

23 A. Right before we went to Hardeeville.

24 Q. So, was that before or after the beating with Ron
25 Lanier?

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1 A. After.

2 Q. How did you pay for the pills?

3 A. From the money from Ron Lanier.

4 Q. Did Mr. Peters have some of the pills?

5 A. Yes, ma'am.

6 Q. Do you remember -- so you get to Hardeeville. What do
7 you do once you're in Hardeeville?

8 A. We got a hotel room and we all decided to go get
9 something to eat. We went to a restaurant and got
10 something to eat. And then we got back to the hotel.

11 Kurtis Edwards went and got into the shower and I
12 needed a spoon. So me and Doobie, we walked to the front
13 office. We came back. We ate. And then we snorted a
14 couple more pills, some Xanaxes so I could go to sleep and
15 we went to sleep for the night.

16 Q. What were your all's sleeping arrangements in the
17 hotel?

18 A. Me and Kurtis Edwards was in one bed and Doobie was in
19 the other.

20 Q. And so Kurtis did not know you were sleeping with
21 Doobie?

22 A. No, ma'am.

23 Q. How were you able to communicate with Doobie
24 throughout the night?

25 A. Text messaging.

LAUREN BAUGHMAN - DIRECT

1 Q. How often do you text message?

2 A. Excuse me?

3 Q. How often id you text message?

4 A. Oh, a lot.

5 Q. Was that your main form of communication?

6 A. Yes, ma'am.

7 Q. And so y'all rent this room. How many beds are in the
8 room?

9 A. Two.

10 Q. So you and Kurtis Edwards are in one bed and Doobie is
11 in another?

12 A. Yes, ma'am.

13 Q. What happens the next morning?

14 A. We got up. We took some more pills and then we went
15 to the scrap yard to take Doobie's scrap metal, and then
16 we went back to Beaufort. And we went to Kurtis Edwards'
17 house and then once I took a shower, we was there, me and
18 Doobie went to Saint Helena to collect more pills.

19 Q. And then what happened?

20 A. We went to Saint Helena and then we came back to the
21 house and a detective called me to go meet up with him and
22 I went and met with him and --

23 Q. Did you have some of the money stolen from Ron
24 Lanier's house on you?

25 A. Yes, ma'am.

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- 1 Q. Where did you have it?
- 2 A. In my left chest -- or right chest. Sorry.
- 3 Q. And why did you -- how much money did you have?
- 4 A. A little over 2,000.
- 5 Q. Why did you have so much money?
- 6 A. So I could go pay my unpaid fine.
- 7 Q. And, so who gave you the money?
- 8 A. Kurtis Edwards.
- 9 Q. Did Doobie receive any money for his role in the
- 10 beating and home invasion?
- 11 A. Yes, ma'am. It was a little over \$200.
- 12 Q. If he went in and beat Ron Lanier, why would he only
- 13 get \$200?
- 14 A. Because he did not want to collect any money because
- 15 it was for a unpaid fine and it was my daughter's birthday
- 16 around, like, within the month. And he wanted to make
- 17 sure she had a good birthday.
- 18 Q. So he didn't do it for the money, he did it for you?
- 19 A. Yes, ma'am.
- 20 Q. How much money did he get from the scrap yard?
- 21 A. I want to say almost \$200.
- 22 Q. And what did he do with that money?
- 23 A. He bought marijuana once we got back to Beaufort and
- 24 he bought some more pills when I went out to Saint Helena.
- 25 MS. BANNON: One moment, Your Honor.

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1 THE COURT: Yes, ma'am.

2 MS. BANNON: Mr. Sorrel, was there any luck with
3 getting the easel?

4 THE BAILIFF: It's outside the door. Let me double-
5 check.

6 (Pause.)

7 BY MS. BANNON:

8 Q. Ms. Baughman, I'm showing you what's been marked as
9 State's Exhibit 59-A. Do you recognize this?

10 A. No, ma'am -- or yes. Doobie got that from the scrap
11 yard, but when we got out of the vehicle it was not with
12 him.

13 Q. And is this what was sold for money at the scrap yard
14 the following morning?

15 A. Yes, ma'am.

16 Q. When you left Mr. Lanier's house that night, was he
17 injured?

18 A. No, ma'am.

19 Q. What was his state?

20 A. He was drinking, so he was drunk.

21 Q. Is that uncommon for Mr. Lanier?

22 A. It's an every-day thing.

23 Q. Earlier you mentioned that they used handkerchiefs to
24 obscure their identity.

25 A. Yes, ma'am.

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1 Q. I'll show you what's been admitted as State's Exhibit
2 58, 59. Do you recognize these?

3 A. Yes, ma'am.

4 Q. How do you recognize them?

5 A. Kurtis Edwards wears them to work.

6 Q. Uh-huh.

7 A. He was a cook when he was working, so he wore them all
8 the time.

9 Q. And are these similar to the handkerchiefs they wore
10 to obscure their identity?

11 A. Yes, ma'am.

12 Q. At some point did Mr. Edwards injure himself?

13 A. Yes, ma'am. He broke into the barber shop. He
14 punched in the window.

15 Q. And he cut his hand?

16 A. Yes, ma'am.

17 Q. Did he use anything to treat that cut?

18 A. A white towel.

19 Q. I'm showing you what's been admitted as State's
20 Exhibit 20. Would this be the white towel, he used to
21 stop the bleeding?

22 A. Yes, ma'am. (Witness crying.)

23 Q. I'm showing you what's been admitted as State's
24 Exhibit 48. Do you recognize this?

25 A. Yes, ma'am.

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1 Q. What is it?

2 A. A knife.

3 Q. Whose knife?

4 A. Ronald Lanier's. I believe -- I know Kurtis Edwards
5 had it.

6 Q. So Kurtis Edwards took Ron Lanier's knife?

7 A. Yes, ma'am.

8 Q. When did you see this knife in Kurtis Edwards'
9 possession?

10 A. In the vehicle.

11 Q. Before he left the vehicle or when they got back to
12 the car?

13 A. When they got back.

14 Q. So it's your testimony he took this from Mr. Lanier's
15 house during the beating?

16 A. Yes, ma'am.

17 Q. I'm showing you what's been admitted as State's
18 Exhibit 48 -- I'm sorry, 47. Do you recognize this?

19 A. Yes, ma'am.

20 Q. What is it?

21 A. It's the stick that Doobie had, the baton.

22 Q. And you said he got it from Kurtis Edwards?

23 A. Yes, ma'am.

24 Q. Do you know where Kurtis Edwards got it?

25 A. No, ma'am.

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1 Q. And so this is the baton that Doobie took inside
2 Mr. Lanier's house?

3 A. Yes, ma'am.

4 Q. Did you see it after Doobie came out of the house?

5 A. It was in his pocket.

6 Q. How did it get back to Mr. Edwards' house?

7 A. Doobie brought it with him. When we got back to the
8 house they took their clothes off and threw everything in
9 the top of the closet.

10 Q. So Mr. Peters changed his clothes before y'all went to
11 Hardeeville?

12 A. Yes, ma'am.

13 Q. And did he clean the blood off of his hands?

14 A. Yes, ma'am.

15 Q. Ms. Baughman?

16 A. Yes, ma'am.

17 Q. This might be slightly embarrassing, but you were
18 having sex with Ronald Lanier; correct?

19 A. Yes, ma'am.

20 Q. All right. And you were having sex with Kurtis
21 Edwards?

22 A. Yes, ma'am.

23 Q. And you were having sex with Doobie?

24 A. Yes, ma'am.

25 Q. Okay. Who did Mr. Lanier know that you were having

LAUREN BAUGHMAN - DIRECT

1 sex with?

2 A. Just Kurtis Edwards.

3 Q. All right. So he knew about Edwards?

4 A. Yes, ma'am.

5 Q. Who did Kurtis Edwards think you were having sex with?

6 A. Nobody.

7 Q. Just himself?

8 A. Yes, ma'am.

9 Q. And Donald Peters, who did he know you were having sex
10 with?

11 A. Kurtis Edwards.

12 Q. How did they think you were getting all this cash from
13 Mr. Lanier?

14 A. Just going over there and cleaning.

15 Q. How much money would you get from Mr. Lanier?

16 A. Eighty to \$100, if not more. I would go over there
17 more than once a day normally. I would go over there two,
18 three times.

19 Q. So they must have thought that Mr. Lanier had a very
20 clean house?

21 A. Yes, ma'am. I used to clean the barber shop, the
22 house and the yard work. And mine and Ronald Lanier's
23 relationship was so close that if I told him that, he
24 would just give me money if I needed it.

25 Q. So that wasn't true?

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1 A. No, ma'am.

2 Q. Who organized all of this?

3 A. I did.

4 Q. Whose idea was it to rob Mr. Lanier?

5 A. Mine.

6 Q. How did you rope Mr. Edwards into it?

7 A. We were arguing prior that day about needing money and
8 him and Peters was going to rob the little Mexican store
9 next door. And I started freaking out and told them no,
10 because it was right next door. And that's when I came up
11 with the idea about Ron's.

12 Q. And how did you rope Doobie into this?

13 A. I just begged him to please help because Kurt couldn't
14 do it on his own.

15 Q. Why couldn't Kurt do it on his own?

16 A. Because somebody would have to hold Ron while the
17 other one got the money.

18 Q. And how did Mr. Edwards and Mr. Peters know where
19 everything was in Mr. Lanier's house?

20 A. I told them.

21 Q. Had they ever been inside Mr. Lanier's house?

22 A. I know Kurtis Edwards has. He came over there one
23 time with me.

24 Q. And where did you tell them the money would be?

25 A. In the closet where the locks was in his bedroom.

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1 Q. And, did you recruit anybody else to participate in
2 this robbery?

3 A. Ashley Pierce was there with me before anything
4 happened.

5 Q. As far as going in, how many people went into the
6 house?

7 A. Two.

8 Q. There was no third man?

9 A. No, ma'am.

10 MS. BANNON: Your Honor, I'd ask if Ms. Baughman could
11 come down from the stand.

12 THE COURT: All right. Ms. Baughman, if you'll step
13 down.

14 You're going to show some the things for her to
15 identify on the screen; is that right, ma'am?

16 MS. BANNON: Yes, ma'am.

17 THE COURT: I'll need for you to stand on the other
18 side of the screen and face in this direction, please, so
19 that the court reporter can hear what you say.

20 MS. BANNON: If you could just stand where I was
21 standing.

22 THE WITNESS: Where am I standing?

23 BY MS. BANNON:

24 Q. You're going to stand right there.

25 Now, Ms. Baughman, you're a pretty prolific text

LAUREN BAUGHMAN - DIRECT

1 messenger; right?

2 A. Yes, ma'am.

3 Q. And a lot of this was planned via text; right?

4 A. Yes, ma'am.

5 Q. I was hoping we could go through and you could just
6 explain what's going on in these text messages; okay?

7 A. Yes, ma'am.

8 Q. All right. Like about two o'clock in the afternoon
9 you text Kurtis Edwards. Now have Doobie and Randall on
10 my ass. Isn't that so nice.

11 What's that about?

12 A. Kurtis Edwards went to work that day.

13 Q. I thought you said he lost his job?

14 A. He did, prior to the robbery. It was a couple days
15 before.

16 Q. Okay. So I thought he lost his job.

17 A. Yes, ma'am; he did. A couple days before the robbery
18 he quit his job, they fired -- well, I don't know. He
19 told me he got fired, but I believe he quit because he
20 couldn't be out of my sight long enough.

21 Q. Okay. So, was he at work when you sent this?

22 A. I believe so. I believe so.

23 Q. Even though it's the day of the robbery?

24 A. Yes, ma'am -- or, this is the day of the robbery?

25 Q. Yes.

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1 A. I honestly don't remember this text, what this one
2 meant.

3 Q. Okay. How about why does he think you hate him?

4 A. Because we were arguing because he took money. Before
5 he lost his job, he had a paycheck and he took his money
6 to pay bills and knowing that I needed money so.

7 Q. So you were mad at him because he used his money for
8 his own bills and not yours?

9 A. Yes, ma'am.

10 Q. All right. Then at two o'clock on the day of the
11 robbery, Donald Peters texts you: Will you give me a
12 ride.

13 A. Yes, ma'am.

14 Q. What for?

15 A. Some cigarettes from the store.

16 Q. Why didn't he drive himself?

17 A. He does not have a vehicle.

18 Q. So you and Mr. Edwards are having a fight the whole
19 day?

20 A. Pretty much; yes, ma'am.

21 Q. What about?

22 A. About money, and I had an unpaid fine.

23 Q. How about this?

24 A. That's when I was there at Ron's house that night
25 before the robbery. Mr. Ronald Lanier would not give me

LAUREN BAUGHMAN - DIRECT

1 no money besides the \$35. So Kurtis Edwards' text that.

2 Q. And then this?

3 A. I don't remember that. That was a lady that Kurt was
4 talking to on Facebook through his phone, so we got in an
5 argument about it.

6 Q. So you thought Kurtis Edwards was cheating on you?

7 A. Yes, ma'am.

8 Q. Even though you were cheating on Kurtis with Donald
9 Peters?

10 A. Yes, ma'am.

11 Q. So this is just the fight continuing?

12 A. Yes, ma'am.

13 Q. All right. Donald Peters, so he texts you at 7:30 and
14 says he loves you?

15 A. Yes, ma'am.

16 Q. And then you text back with what? Do you know what's
17 that in reference to?

18 A. No, ma'am.

19 Q. And y'all really still -- who's Josh?

20 A. A friend that I used to hang out with. I used to live
21 with him and his girlfriend.

22 Q. So, Kurtis Edwards is jealous of your relationship
23 with Josh?

24 A. Yes, ma'am.

25 Q. All right. So are you still at Ron Lanier's at this

LAUREN BAUGHMAN - DIRECT

1 point?

2 A. Yes, ma'am. Right. I believe.

3 Q. Okay. So what's this conversation with Donald Peters?

4 A. He wanted to have sex.

5 Q. All right. So then he texts you that he's going to
6 bed?

7 A. He got mad because we could not have sex, and I wasn't
8 home.

9 Q. Why couldn't y'all have sex?

10 A. Because Kurt was home.

11 Q. So then you text him that you're about to leave Ron's
12 house?

13 A. Yes, ma'am.

14 Q. Did y'all have plans or?

15 A. When I got back to the house Peters was there, and
16 that's when we decided about the situation.

17 Q. So basically y'all are in a lover's quarrel right
18 here?

19 A. Yes, ma'am. He was wanting me to leave Kurtis Edwards
20 and I wouldn't.

21 Q. Okay. And so this message is you're trying to leave
22 where?

23 A. Ron's house.

24 Q. All right. And that's you letting --

25 A. That's me letting them know that I was on the way

LAUREN BAUGHMAN - DIRECT

1 home.

2 Q. All right. And so then what's this text with Donald
3 saying?

4 A. He wants me to be at, go to Kurt's house.

5 Q. Why?

6 A. So he could see me.

7 Q. Was he there when you got home?

8 A. Yes, ma'am.

9 Q. All right. And so you get your cigarettes?

10 A. Yes, ma'am.

11 Q. And did Mr. Peters say where he was?

12 A. At my house.

13 Q. And where was Mr. Edwards?

14 A. In the room with me when I got home.

15 Q. So, you get home and then what happens?

16 A. We decided to sit at the house and we talked for a
17 little bit and that's when Peters said he would get me
18 some cigarettes. And then we, I believe we went right
19 back to the house because that's when we all went in the
20 bedroom and decided to speak about the robbery.

21 Q. All right. So you and Mr. Edwards were still fighting
22 over potential unfaithfulness?

23 A. Yes, ma'am. I used to tell him I was texting a friend
24 Tiffany.

25 Q. And who would you be texting?

LAUREN BAUGHMAN - DIRECT

1 A. Doobie.

2 Q. All right. What's this about?

3 A. Me and Kurt was arguing once again about the other
4 female. And Kurtis Edwards was going, started to go
5 through a divorce and I was telling him he likes to --
6 fighting over females.

7 Q. All right. And then he apologizes to you?

8 A. Yes, ma'am.

9 Q. This is just a continuation of that conversation?

10 A. Yes, ma'am.

11 Q. All right.

12 A. That's about the money.

13 Q. So this is basically why you and Kurtis Edwards
14 started fighting?

15 A. Yes, ma'am. About bills.

16 Q. What money -- the money you took from Ron, when did
17 you take that money from Ron that he's talking about?

18 A. A couple, about three days to a week before.

19 Q. How did you take it?

20 A. Ron was very drunk and he dropped his wallet on the
21 floor when he went to the bathroom.

22 Q. And you just took the cash out of it?

23 A. Yes, ma'am.

24 Q. All right. So then you forgive him?

25 A. Yes, ma'am.

LAUREN BAUGHMAN - DIRECT

1 Q. Is Kurtis at your house at this point?

2 A. I know I was at the house, I believe, at this time but
3 Kurtis Edwards, he took off walking saying that he was
4 going to his mother's house to try to get some anxiety
5 medication.

6 Q. And then what's this about?

7 A. Going -- about going to rob Ron.

8 Q. And Kurtis is, like, whenever you want?

9 A. Yes, ma'am.

10 Q. And then what's this?

11 A. Talking about let's go to, to Ron's house.

12 Q. What's this?

13 A. Where his mother lives, I took after him chasing him
14 down the road.

15 Q. So you're asking him to come home?

16 A. Yes, ma'am.

17 Q. This is more of him apologizing?

18 A. Yes, ma'am.

19 Q. What's that mean?

20 A. Before he -- before they went to Ronald Lanier's
21 house, Kurtis Edwards went to the barber shop as I ran
22 Doobie to Whitmore Plumbing to see if he had money in the
23 barber shop because sometimes he would keep his barber
24 shop money in the barber shop.

25 And the door he couldn't get through so that's him

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1 breaking the window of the barber shop.

2 Q. So you're telling Kurtis to break into the barber
3 shop?

4 A. Yes, ma'am.

5 Q. And then Kurtis's response?

6 A. He was getting aggravated with me because I was
7 telling him what to do.

8 Q. Okay. And how about this?

9 A. I was asking pretty him much where he was at, if he
10 was into the barber shop yet. And that's when he was in
11 the barber shop ramming through.

12 Q. Okay. And so then you picked him up?

13 A. Yes, ma'am.

14 Q. And where is Doobie when y'all are having these text
15 conversations?

16 A. In the car with me.

17 Q. Okay. How about that conversation, the previous one?

18 A. Yes. He wouldn't answer the phone. I believe he was
19 at Ron's house at that time.

20 Q. What's WTF stand for?

21 A. What the fuck.

22 Q. And what about the next text?

23 A. Stating that we needed money for pills.

24 Q. And at this point, when was the last time you had
25 pills?

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1 A. The night before, but that night I did get a Xanax
2 from a friend.

3 Q. So where did you go? To Ron's at this point?

4 A. Yes, ma'am.

5 Q. So you start texting Ashley?

6 A. Yes, ma'am.

7 Q. All right. Why are you texting this to Doobie?

8 A. To be nice. He was getting aggravated with me and I
9 was telling him that he means everything to me.

10 Q. Okay. And then why would he be missing you at this
11 point?

12 A. I could get up from the living room and go to the
13 bathroom. And as I'm in the bathroom, he'll be texting me
14 telling me he loves me and he misses me. He wanted to be
15 with me every second of the day.

16 Q. Do you know where you are when you're texting you're
17 going to be gone long?

18 A. No, ma'am.

19 Q. Okay. Why -- what does this mean?

20 A. Ronald Lanier had the keys on his neck.

21 Q. So, where were you when you sent this text?

22 A. In the vehicle.

23 Q. What's this mean?

24 A. Ashley was going to get the keys from Ron Lanier and
25 the 41-35, I believe, is the change from the barber shop.

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1 Q. So, are y'all -- are you and Ashley at Lanier's house
2 at this point or no?

3 A. We've already left.

4 Q. Okay. Why are you asking Ashley for help?

5 A. To come by Ron's house. I don't know.

6 Q. All right. And so she says, give me a minute?

7 A. Yes, ma'am.

8 Q. All right. So, what are you doing with this text?

9 A. I needed the money very bad for pills and my fine.

10 Q. So you're trying to get her to help?

11 A. Yes, ma'am.

12 Q. Where does Ashley want you to let her know where you
13 are?

14 A. Excuse me?

15 Q. This text: Okay. Let me know when you get there,
16 what up?

17 A. About being at Ron's.

18 Q. Okay. So you go inside Ron's?

19 A. Yes, ma'am.

20 Q. All right. And what do you see when you get inside?

21 A. Ron. When he let me in, he was sitting at the kitchen
22 table.

23 Q. And what are y'all doing?

24 A. We were sitting there talking. And he wanted me and
25 Ashley to have intercourse together and we told him no.

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1 And told him I needed some money to get some pills that
2 night. And he said all he was giving me was \$35 and I
3 told him that wasn't enough.

4 Q. Okay. So Ashley came over?

5 A. Yes, ma'am.

6 Q. And did she help you get the keys?

7 A. No, ma'am. She was at the table speaking with him.

8 Q. And was she really helping you with this? What was
9 Ashley's attitude towards this?

10 A. She would sit at the table with Ron and stall him off
11 as I tried to get through the wall to the safe and unlock
12 the door.

13 Q. Were you successful with that?

14 A. No, ma'am.

15 Q. How did you unlock the door?

16 A. I untied -- or, cut the string he had on the door and
17 I unlocked it.

18 Q. What did you cut the string with?

19 A. A knife that he had in his room.

20 Q. Was he not wondering where you were when you did
21 this?

22 A. I told him I was going to turn the air-conditioner up
23 because I was hot.

24 Q. All right. He's talking India; what does that mean?

25 A. He gets drunk and he talks gibberish.

LAUREN BAUGHMAN - DIRECT

1 Q. Okay. Where is Donald Peters when he texts you, I'm
2 going home?

3 A. At my house.

4 Q. And then, what's this mean?

5 A. About Ashley coming over to Ron's.

6 Q. So you had told her at that point to open the gate?

7 A. Yes, ma'am.

8 Q. All right. What's this?

9 A. That Kurt was with Doobie, to text us.

10 Q. Do you know where Kurt was when he sent this message?

11 A. No, ma'am. I do not. I don't remember.

12 Q. Do you know where Doobie was?

13 A. He wasn't at my house and he was with Kurt.

14 Q. So then what do you say to that?

15 A. I asked him where they were going. I don't know if we
16 were there or not yet.

17 Q. And so then -- are you and Ashley together when you're
18 texting this?

19 A. Yes, ma'am.

20 Q. So y'all are in Ron Lanier's house together?

21 A. Yes, ma'am. I was on -- between the back room and in
22 the kitchen.

23 Q. And y'all are planning to get the keys from Ron
24 Lanier?

25 A. Yes, ma'am.

LAUREN BAUGHMAN - DIRECT

1 Q. All right. So then you concoct a plan to distract
2 him?

3 A. Yes, ma'am.

4 Q. All right. How about this text?

5 A. That -- I don't know if that's after the barber shop
6 or before the barber shop. When Kurtis Edwards was in the
7 barber shop we were texting.

8 Q. What's this mean?

9 A. That should be 'have'. Ronald Lanier keeps a set of
10 keys outside his house and I grabbed the keys before I
11 left.

12 Q. All right. And then what's this text you sent Ashley?

13 A. Pretty much that I was getting Kurt to run in there.

14 Q. What does BF stand for?

15 A. Boyfriend.

16 Q. So what's this text read?

17 A. I'm going to get my boyfriend to run in here, speaking
18 about Ron's.

19 Q. All right. How about this next text?

20 A. That's, he -- the wall in his bathroom, on the other
21 side is his closet where he keeps the safe.

22 Q. And so that was your plan, to try to bust through the
23 wall?

24 A. Yes, ma'am.

25 Q. Were you successful?

LAUREN BAUGHMAN - DIRECT

1 A. No, ma'am.

2 Q. How about this?

3 A. That's where he would keep his wallet or the keys
4 sometime, underneath the pillow in his room.

5 Q. So did you check it?

6 A. Yes, ma'am.

7 Q. Was anything there?

8 A. No, ma'am.

9 Q. Why would Donald Peters say this?

10 A. He was getting mad because I wasn't texting him. I
11 was in the process of texting Ashley at the time.

12 Q. All right. What's this mean?

13 A. That I was trying to work on the wall.

14 Q. Work on the wall; is that what you said?

15 A. Yes, ma'am.

16 Q. All right. What's this mean?

17 A. I was coming to pick him up because I was
18 unsuccessful.

19 Q. Who is y'all?

20 A. Donald Peters and Kurtis Edwards.

21 Q. And, did you go and get them?

22 A. Yes, ma'am.

23 Q. Where did you pick them up at?

24 A. From Kurtis Edwards' house.

25 Q. And, were they inside or outside?

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1 A. Inside.

2 Q. So did you have to go get them?

3 A. Yes, ma'am.

4 Q. And, who drove -- where did y'all go once you picked
5 them up?

6 A. To Bon Aire Circle.

7 Q. And, who was sitting in the passenger seat?

8 A. Kurtis Edwards.

9 Q. And who was sitting in the rear passenger seat?

10 A. Doobie.

11 Q. And when you saw them get out, did they go in the same
12 direction or did they go in different directions?

13 A. Same direction.

14 Q. All right. This text is, so have you gone and picked
15 them up yet or are you still at Ron's.

16 A. I'm at Ron's. I have not left yet.

17 Q. And then this is just her?

18 A. Yes, ma'am.

19 Q. What about this?

20 A. Kurtis Edwards was pretty much telling me that he
21 wasn't that, that he had a bad-boy side to him and he was
22 going to do whatever he had to do to take care of me.

23 Q. So 12:47, what's this text say?

24 A. Coming to get y'all to do it.

25 Q. What are y'all referring to?

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1 A. Robbing Ronald Lanier.

2 Q. And who responded to that text?

3 A. Donald Peters.

4 Q. All right. And so did Mr. Peters know what you were
5 talking about?

6 A. Yes, ma'am.

7 Q. So that's when you left Mr. Lanier's house?

8 A. Yes, ma'am.

9 Q. Why were you going to give Ashley Pierce some money?

10 A. For leaving the gate open.

11 Q. What does that mean, he's getting it?

12 A. Before -- because I left Ashley Pierce at the house.

13 Q. Uh-huh.

14 A. And we -- when I left he was supposed to be giving her
15 the \$35 for sleeping with him.

16 Q. Why do you care if she left the house yet or not?

17 A. So she wouldn't be there when they entered the house.

18 Q. And, then y'all had a debate about the money?

19 A. Yes, ma'am.

20 Q. And then what's this text mean?

21 A. The lady, she was staying with was getting mad because
22 Ashley only came home with \$35. When Ashley came over to
23 Ron's she knew what she was doing. And so I told her that
24 we would just pull into the road to bring her the money.

25 Q. And how about this one?

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1 A. I pretty much told her we was bringing her the money
2 to screw Ron.

3 Q. Okay. And then this one?

4 A. Wanted to know if I spoke to Doobie or Kurtis Edwards
5 yet.

6 Q. What's going on with these texts? Like, where, where
7 are you?

8 A. I drove around Bon Aire area and then I got tired of
9 driving so I parked at a abandoned house two streets over
10 from Ron's.

11 Q. Okay. And did you know if they were inside at this
12 point?

13 A. Yes, ma'am. Because when I dropped them off in Bon
14 Aire, I drove around the circle. And as I came back
15 around the main road, I seen Kurtis Edwards and Donald
16 Peters going in through the gate.

17 Q. So you told her the same?

18 A. Yes, ma'am.

19 Q. And what's this?

20 A. Kurtis Edwards letting me know that they are in the
21 house.

22 Q. Why did you want them to hurry up?

23 A. I was getting scared. I was by myself.

24 Q. All right. Do you call or does Ashley Pierce call you
25 on the phone?

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1 A. Yes, ma'am.

2 Q. What do y'all talk about?

3 A. That they went into the house, that it's successful.

4 Q. Okay. And then what about this text?

5 A. That they were already in the house and they were
6 about to walk up onto Ron in the kitchen.

7 Q. And how did you know that?

8 A. Kurtis Edwards.

9 Q. All right. And so then with this, what's this say?

10 A. Ashley Pierce wanted me to go back to the house and
11 that's when I started to call Ronald Lanier as Donald
12 Peters and Kurtis Edwards was in there to make it look
13 like I did not set nothing up.

14 Q. And what's that?

15 A. I don't exactly remember.

16 Q. And this is concerning Dawn?

17 A. Yes, ma'am.

18 Q. All right. What's this?

19 A. Her friend Jay Vaughn was there and she was just going
20 to have him bring the money to our house or, you know,
21 come to our house to get the money.

22 Q. Did that happen?

23 A. No, ma'am.

24 Q. Where did you give her the money?

25 A. In the road in front of Dawn's house.

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1 Q. All right. What about this, the text, open the gate?

2 A. About opening the gate to Ron's house.

3 Q. Why would you want the gate to Ron's house to be
4 opened?

5 A. So they could get out. I don't honestly remember why.

6 Q. Okay. How about this text you sent to Ashley Pierce?

7 A. That's about the wallet.

8 Q. And how about these?

9 A. She wanted to know how much was in the wallet.

10 Q. This is, y'all are in --

11 A. Excuse me? Yes.

12 Q. And y'all talking about how easy it was to do the
13 robbery?

14 A. Yes, ma'am.

15 Q. At this point did you know Ronald Lanier had been
16 beaten?

17 A. Yes, ma'am. When I got -- when Doobie got in the
18 vehicle, that's when he stated that he did hit Ronald
19 Lanier over the head with the baton because he wanted to
20 go grab for a knife in the drawer.

21 And my mother, she called my and told me that Ron had
22 been robbed and that he was severely hurt.

23 Q. On this, with this text message from Don Peters at
24 3:18 it says what?

25 A. Love you baby.

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1 Q. All right. And, are y'all together at this point?

2 A. We were at the hotel, I believe.

3 Q. Why are y'all texting if you're together?

4 A. Hiding it from Kurtis Edwards.

5 Q. So where is Kurtis when you're texting this?

6 A. Right there.

7 Q. All right. So y'all are exchanging sweet nothings
8 right here?

9 A. Yes, ma'am.

10 Q. How about this?

11 A. Just telling me to be careful.

12 Q. Why are you thanking him?

13 A. For getting the money for the fine.

14 Q. All right. Now this one at 3:50, are y'all together?

15 A. We were in the car at this point. I do remember
16 that. Kurtis Edwards went into the hotel to get the room
17 and I sat in the car with Donald Peters.

18 Q. All right. And so you couldn't say this to Donald so
19 you're texting it to Donald?

20 A. Yes, ma'am.

21 Q. And to a song on the radio, or?

22 A. Yes, ma'am.

23 Q. So what are these texts?

24 A. He's asking when would I like to do that to that song
25 and he was talking about he wanted it tonight.

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1 Q. So y'all are sitting in the same car, but you aren't
2 talking?

3 A. No, ma'am.

4 Q. That seems a little strange. Why are y'all doing
5 that?

6 A. I text 90 percent of the time. Like me and Kurt would
7 be in the same room and we would still text.

8 Q. Uh-huh.

9 A. And we didn't want Kurtis Edwards to know. He might
10 have been in the car at this point; I don't remember.

11 Q. Did you, Doobie and Kurtis ever separate after the
12 robbery?

13 A. That night?

14 Q. Uh-huh.

15 A. No, ma'am.

16 Q. So that night y'all were together the whole time?

17 A. Yes. After they robbed Ron, me and Peters, we was
18 together probably five minute together from walking from
19 the hotel room to the front office.

20 Q. When you got the spoon?

21 A. Yes, ma'am.

22 Q. Okay. What's this mean?

23 A. I don't know.

24 Q. Okay. Why are you the happiest person ever?

25 A. Because I had my drugs and I was not going to jail for

LAUREN BAUGHMAN - DIRECT

1 my unpaid fine. I had to pay it by that Monday or
2 something.

3 Q. And so Doobie is just texting you back?

4 A. Yes, ma'am. I don't know.

5 Q. Okay. How about this text, did you hand Doobie some
6 money?

7 A. That's when we're eating. I told Kurt that Doobie
8 needed some money for robbing Ron.

9 Q. So you're still kind of running the show at this
10 point?

11 A. Yes, ma'am.

12 Q. All right. And then this text from Kurtis?

13 A. Asking how much we should give him.

14 Q. Where are you when you're having this conversation?

15 A. The restaurant.

16 Q. Where did you say y'all went?

17 A. I don't remember the name of the restaurant; might
18 have been Huddle House or Waffle House.

19 Q. Okay. So you're sitting at the Huddle House or the
20 Waffle House. All three of you are eating your, like,
21 eggs?

22 A. Me, Kurt and Peters in front of us.

23 Q. And y'all are texting each other?

24 A. Yes, ma'am.

25 Q. So the other person won't know?

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- 1 A. Yes, ma'am.
- 2 Q. How much did you give him?
- 3 A. Two hundred.
- 4 Q. All right. And then this is you back to Doobie?
- 5 A. Yes.
- 6 Q. Still talking about sex?
- 7 A. Yes.
- 8 Q. Okay. If y'all had been texting, why are you texting
- 9 hi back?
- 10 A. I honestly don't remember.
- 11 Q. Okay. What is this text? No, be good, okay?
- 12 A. He wanted me and Kurt to be good that night. Kurt was
- 13 talking about getting in the shower and everything, and he
- 14 did not want me in there.
- 15 Q. Oh, okay. So Kurt was talking about you and him
- 16 having sex?
- 17 A. Yes, ma'am.
- 18 Q. And so Doobie didn't want you to have sex with him
- 19 that night?
- 20 A. Yes.
- 21 Q. All right. So that's what he means with being good
- 22 with your man?
- 23 A. Uh-huh.
- 24 Q. All right. So y'all are having, like, a fight
- 25 basically via text?

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1 A. Yeah.

2 Q. And Kurt's there, too?

3 A. Yes, ma'am.

4 Q. How about this one?

5 A. We were -- he was getting aggravated and he was pretty
6 much telling me to go ahead and go please Kurt.

7 Q. So then you responded with, when?

8 A. Yes.

9 Q. And what's his response?

10 A. Tonight.

11 Q. How about this, what's this mean?

12 A. To go have sex with him.

13 Q. All right. And how about these?

14 A. He was asking, what. And I asked, how do you mean
15 about having fun. And he was saying, you know, and he was
16 saying that I seemed very happy with him. That's when we
17 were arguing because he wanted me to leave Kurt and I
18 wouldn't so he was pretty much getting jealous.

19 Q. All right. Then you say, I have to be nice. Why do
20 you have to be nice?

21 A. To Kurt.

22 Q. Why?

23 A. Because he was my boyfriend.

24 Q. All right. And how about this one?

25 A. He was just saying whatever to the previous text.

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1 Q. All right. And then this one?

2 A. I just, I don't know. I just wrote Doobie.

3 Q. And that's Mr. Peters?

4 A. Yes, ma'am.

5 Q. Okay. How about this one?

6 A. Pretty much he's telling me to be with him, that I
7 seemed very happy with Kurt.

8 Q. How about this one?

9 A. I was very happy that the robbery went through.
10 I had the money for my fine and I wouldn't have to leave
11 my daughter.

12 Q. How about this one?

13 A. He was telling me that he's just going to stay away
14 from us.

15 Q. Your response?

16 A. Please don't stay away.

17 Q. And this one?

18 A. I'm not too sure. I believe it was to the other text.

19 Q. To the happy text?

20 A. Yes, ma'am.

21 Q. How about this one?

22 A. I told him, don't leave because then I won't have him
23 in my life either.

24 Q. So did you have feelings for Don Peters?

25 A. I was starting to develop feelings, yes.

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1 Q. How about this one?

2 A. He was telling me just to please be happy with Kurt.

3 Q. And the response?

4 A. Just, please.

5 Q. All right. And then this?

6 A. He was just telling me sorry from the way he was
7 acting.

8 Q. All right. What's this?

9 A. I'm not even sure. I was going to go back to Ron's
10 house and check on him that night but it didn't take
11 place.

12 Q. Did you leave Hardeeville that night?

13 A. 'No, ma'am.

14 Q. So this is your fight with Mr. Peters. It's
15 continuing?

16 A. Yes, ma'am.

17 Q. And, again?

18 A. Yes, ma'am.

19 Q. And that's what you're referring to?

20 A. Getting mad.

21 Q. And again, this is all while Mr. Edwards is right
22 there?

23 A. Yes, ma'am.

24 Q. Okay. This is the continuation of your fight?

25 A. Yes, ma'am.

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1 Q. All right. How about this?

2 A. I told him that I was the happiest person in the world
3 right now because of the situation with Ron.

4 Q. And then his response?

5 A. Pretty much that Kurt did it.

6 Q. Why would he say that?

7 A. Because Kurt's the one that got the money out the
8 closet.

9 Q. Do you know why he was saying that to you a couple
10 hours later?

11 A. No, ma'am.

12 Q. Please take your seat again.

13 A. (Complying.)

14 Q. Now, Ms. Baughman, you were charged in relationship to
15 this crime; right?

16 A. Excuse me?

17 Q. You were charged in relationship to this crime?

18 A. Was I charged?

19 Q. Yes, ma'am.

20 A. Yes, ma'am.

21 Q. And have you entered a guilty plea?

22 A. Yes, ma'am.

23 Q. What did you plea guilty to?

24 A. Accessory after the fact.

25 Q. For helping them leave the crime scene?

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1 A. Yes, ma'am.

2 Q. Do you admit fully your responsibility in this crime?

3 A. Yes, ma'am.

4 Q. What was your role in this crime?

5 A. I set the robbery up and left the door open.

6 Q. But for you, would Mr. Edwards have committed this
7 robbery?

8 A. Excuse me?

9 Q. If it wasn't for your urging, would Mr. Edwards have
10 committed this robbery?

11 A. No, ma'am.

12 Q. If it wasn't your urging would Mr. Peters have
13 committed this robbery?

14 A. No, ma'am.

15 MS. BANNON: No further questions for you, but if you
16 could answer anything that Mr. Haight has for you.

17 THE WITNESS: Okay.

18 THE COURT: Mr. Haight, you can cross-examine.

19 MR. HAIGHT: Thank you, Your Honor.

20 CROSS-EXAMINATION

21 BY MR. HAIGHT:

22 Q. Ms. Baughman, in fact you do have a deal with the
23 solicitor's office; do you not?

24 A. Yes, sir.

25 Q. And you expect to walk free in a very short period of

LAUREN BAUGHMAN - CROSS

1 time; don't you?

2 A. Yes, sir.

3 Q. Now, you've known my client for a number of years;
4 have you not?

5 A. Yes, sir.

6 Q. But when you originally talked to the police you said
7 you'd known him for two and a half weeks?

8 A. I was scared. And I reunited with him during that
9 time.

10 Q. And you've testified that you went to Ron's house and
11 you went there to steal money from him; correct?

12 A. Yes, sir.

13 Q. And you went there and left the door open; correct?

14 A. When I went there that day I did not intend to, I mean
15 I decided, you know, to try to break into the closet, yes,
16 and I did leave the door open, yes.

17 Q. And you testified that Kurt's the one who broke into
18 the barber shop; correct?

19 A. Yes, sir.

20 Q. And you testified that Mr. Peters was with you at that
21 time?

22 A. While Kurt was at the barber shop?

23 Q. Correct.

24 A. Yes, sir.

25 Q. And you also testified that Mr. Peters is the one who

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1 went into Ron's house with Kurtis; correct?

2 A. Yes.

3 Q. But in fact Mr. Peters at that time was at Whitmore
4 Plumbing collecting scrap metal to sell the next day;
5 correct?

6 A. No. While Kurt was at the barber shop, me and Peters
7 went to Whitmore Plumbing and then we went back and picked
8 up Edwards and then they went to Ron's.

9 Q. And yet you say that all Mr. Peters got out of this
10 was \$200?

11 A. Yes, sir.

12 Q. And Ashley, Ashley got \$100?

13 A. Yes, sir.

14 Q. Essentially for her silence; correct?

15 A. Yes.

16 Q. And similarly, Mr. Peters got a couple hundred dollars
17 for his silence?

18 A. For helping do the situation.

19 Q. And in fact when you initially talked to the police,
20 you told them that my client had all the money.

21 A. I was scared and I was under the influence of drugs
22 and I didn't want to go to jail. I didn't know what to
23 do.

24 Q. Okay. But you knew at that time when you were telling
25 them that he had all the money, that actually most of the

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1 money was stuffed into your bra?

2 A. Kurtis Edwards had the majority of it, but I had 2,000
3 of it.

4 Q. It was \$2,130; correct?

5 A. Yes.

6 Q. And you went through this long presentation with
7 regard to the text messaging. And the one in particular
8 that you were -- referred to there at the end and you gave
9 your version of it, where -- that was the one at 5:55
10 where you had texted, quote, I told you I'm the happiest
11 person in the world right now it's BC, because of you;
12 correct?

13 A. Yes, sir.

14 Q. And then he texted back: No, your man did. In fact,
15 that's because he wasn't involved, that Kurtis was the one
16 who was involved; correct?

17 A. Peters was involved.

18 Q. You also testified earlier, did you not, that you had
19 been to Ron's but you didn't know how many times it was?

20 A. Yes, sir. I can't remember.

21 Q. Because at that time you were on drugs and you were
22 pretty clueless about what was going on?

23 A. Like I said, I took a Xanax earlier that day, though I
24 was detoxing because if I did not have Lortabs or
25 Percocets, I was sick. The Xanax would calm my nerves.

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1 Q. Despite what you were taking or not taking, you have
2 no idea how many times you went to Ron's?

3 A. I believe it was twice that day.

4 Q. And you don't know what time you went to Ron's; do
5 you?

6 A. No. I don't keep track of the time.

7 Q. You also testified that drugs affect your memory?

8 A. Yes, sir.

9 Q. And they affect them to this day; do they not?

10 A. Yes.

11 Q. And what you want to tell here today is the story that
12 gets you walking free in a matter of weeks; correct?

13 A. No, sir. What I spoke today is the truth.

14 Q. Now, you talked earlier about the baton. That baton
15 was in fact found by the sheriff's office in the closet of
16 the bedroom you shared with Kurtis; correct?

17 A. Yes, sir.

18 Q. And similarly the knife that you say was taken from
19 Ron Lanier, that was also found in the closet of the
20 bedroom you shared with Kurtis?

21 A. Yes.

22 Q. And in fact that bedroom has a lock on it; does it
23 not?

24 A. Yes, sir. We locked it when we left that night.

25 Q. And when the sheriff got there, they used a key that

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1 you all had provided?

2 A. Yes, sir.

3 Q. So that was locked?

4 A. Yes.

5 Q. The only people who had access to that room, that
6 baton and that knife were you and Kurtis; correct?

7 A. Peters was in the room with us before we left to go to
8 Hardeeville where they changed their clothes and put
9 everything in the closet.

10 Q. In fact, what Mr. Peters was concerned about was
11 getting to Hardeeville, as you testified, to sell his
12 scrap metal; correct?

13 A. Yeah.

14 Q. And he got about \$212 for that; correct?

15 A. Yeah.

16 Q. You testified earlier also with regard to the text
17 messages, that the one about Randall and Doobie being on
18 your ass. You really had no idea what day that was; is
19 that correct?

20 A. No. It might have been that day. I honestly don't
21 remember because that's all I do is text, probably over a
22 thousand texts a week.

23 Q. And you testified here today that you said that
24 Mr. Peters hit Ron with a baton?

25 A. Yes, sir.

LAUREN BAUGHMAN - CROSS

1 Q. Yet the first time you ever mentioned that to anybody
2 in connection with this case was last week when you were
3 making your deal with the solicitor's office; isn't that
4 correct?

5 A. No.

6 Q. As part of your deal, you're also having a drug charge
7 dismissed; isn't that correct?

8 A. Yes, sir.

9 Q. You miss your freedom; don't you?

10 A. Yes, sir.

11 Q. You miss your daughter; don't you?

12 A. Yes, sir.

13 Q. In fact, you'd say pretty much anything to get home to
14 your daughter; wouldn't you?

15 A. No, sir. I'll speak the true.

16 MR. HAIGHT: Your Honor, if I could have a minute?

17 THE COURT: Yes, sir.

18 MR. HAIGHT: (Conferring with Defendant.)

19 BY MR. HAIGHT:

20 Q. Didn't you originally tell the sheriff's office when
21 they arrested you that you'd been asleep when all of this
22 went on?

23 A. Yes, I did.

24 MR. HAIGHT: Your Honor, I believe that's all I have.

25 THE COURT: Thank you. Ms. Bannon, redirect?

1 MS. BANNON: Thank you, Your Honor.

2 REDIRECT EXAMINATION

3 BY MS. BANNON:

4 Q. When you were first fully interviewed by the sheriff's
5 office the same day that the home invasion occurred, who
6 did you say had gone into the house?

7 A. I want to say Donald Peters.

8 Q. And Kurtis Edwards?

9 A. I don't -- I don't remember my full statement of that
10 day that I wrote.

11 Q. And you were interviewed again last year, and during
12 that interview you also said it was Donald Peters and
13 Kurtis Edwards that went in the house?

14 A. Yes.

15 Q. In fact, in all of your statements have you ever said
16 anyone but Donald Peters and Kurtis Edwards went inside
17 that house?

18 A. No, ma'am.

19 Q. Additionally, you're actually looking at five years of
20 prison time as part of your plea deal; are you not?

21 A. Yes, ma'am.

22 MS. BANNON: Thank you. No further questions.

23 THE CLERK: Any follow up on those points?

24 MR. HAIGHT: No, Your Honor.

25 THE COURT: Ms. Baughman, you can step down. Thank

1 you.

2 THE WITNESS: Thank you.

3 THE COURT: Ladies and gentlemen, we'll take the
4 morning recess at this time and let you go to your jury
5 room to refresh yourselves and we'll get back out in about
6 20 minutes and continue with our morning's work.

7 Please don't talk about the case when you're in the
8 jury room. Thank you.

9 (Jury exits at 11:10 a.m.)

10 THE BAILIFF: Jury clear, Your Honor.

11 THE COURT: All right. Folks, we'll take about 15, 20
12 minutes. We'll be back probably 25 after the hour. Thank
13 you.

14 (Thereupon, at 11:10 a.m., a break was taken until
15 11:29 a.m., and the trial resumed:)

16 THE COURT: Ready for the jury?

17 MS. BANNON: Yes, Your Honor.

18 THE COURT: All right. Bring us the jury, please.

19 (Jury enters courtroom at 11:30 a.m.)

20 THE BAILIFF: Jury's entering, Your Honor.

21 THE COURT: Thank you.

22 THE BAILIFF: Jury's seated, Your Honor.

23 THE COURT: Ms. Bannon, you can call your next
24 witness.

25 MS. BANNON: Thank you, Your Honor. The State calls

RONTAK PATEL - DIRECT

1 Rontak Patel.

2 THE COURT: Mr. Patel, come forward please and be
3 sworn.

4 RONTAK PATEL, having been duly sworn, was examined and
5 testified as follows:

6 THE CLERK: Thank you. If you'll please have a seat.
7 And state your name for the record, please.

8 THE WITNESS: Rontak Patel.

9 DIRECT EXAMINATION

10 BY MS. BANNON:

11 Q. Mr. Patel, where do you work?

12 A. Quality Inn, Hardeeville.

13 Q. And what do you do there?

14 A. Managing.

15 Q. Manager of the Quality Inn in Hardeeville?

16 A. Yes, ma'am.

17 Q. Are you also the owner?

18 A. Yes, ma'am.

19 Q. And how long have you worked at the Quality Inn in
20 Hardeeville?

21 A. Since 2004.

22 Q. And what do you do as part of your responsibilities of
23 being the manager/owner of the Quality Inn?

24 A. Just all the management of operations and, basically
25 the management.

RONTAK PATEL - DIRECT

1 Q. Are there certain records you keep as part of running
2 a hotel?

3 A. Yes.

4 Q. What are those records?

5 A. Like folios, receipts. Copy of our receipts and
6 stuff.

7 Q. So, who checks in, who checks out?

8 A. Yes, ma'am.

9 Q. Do y'all have surveillance video?

10 A. Yes, ma'am.

11 Q. Where is there a camera?

12 A. We got one in, you know, they're all in the lobby area
13 basically.

14 Q. And where is your hotel located?

15 A. On Highway 17 next to Wendy's, Exit Five on 95.

16 Q. And, so you said that you keep registration --

17 A. Yes, ma'am.

18 Q. -- records; right? How about licenses?

19 A. Yes, ma'am. We keep a copy of license, too.

20 Q. Where do you get a copy of licenses?

21 A. Mostly in the cash basis because if they damage room
22 or anything then we have something to identify with them.

23 Q. And you keep these records for how long?

24 A. Well, I've kept them since 2004.

25 Q. So basically ever since you took over you've kept

RONTAK PATEL - DIRECT

1 them?

2 A. Yes.

3 Q. And so the registration card and a photocopy of the
4 license and the surveillance video, those are made at the
5 time when it happens?

6 A. Yes, ma'am.

7 Q. And you keep it in the regular course of your
8 business?

9 A. Yes, ma'am.

10 Q. Now were you contacted by Investigator Rice in the
11 summer of 2011 concerning someone who checked into your
12 hotel?

13 A. Yes, ma'am.

14 Q. And was he looking for anyone who had checked in by
15 the name of a Kurtis Edwards on June 29th, 2011?

16 A. Yes, ma'am.

17 Q. And did your records indicate someone had checked in
18 that day?

19 A. Yes, ma'am.

20 Q. And were you able to provide him a copy of the
21 driver's license for the person who checked in?

22 A. Yes, ma'am.

23 Q. And were you able to provide him a copy of the
24 surveillance video?

25 A. Yes, ma'am.

RONTAK PATEL - DIRECT

1 MS. BANNON: Permission to approach the witness, Your
2 Honor?

3 THE COURT: Yes, ma'am.

4 (Thereupon, State's Exhibit No. 77, photocopy of
5 Kurtis Edwards' license, was marked for identification.)

6 MS. BANNON: Permission to approach the witness?

7 THE COURT: Yes, ma'am.

8 BY MS. BANNON:

9 Q. Mr. Patel, I'm showing you what's been labeled for
10 identification State's Exhibit 77. Do you recognize that?

11 A. Yes, ma'am.

12 Q. What is it?

13 A. It's a photocopy of the license that we copied.

14 Q. Okay. And do you remember what room that was in
15 correlation to?

16 A. One thirty-four.

17 Q. And so, this license is a person who rented Room 134?

18 A. Yes, ma'am.

19 Q. On June 29th, 2011?

20 A. Yes, ma'am.

21 MS. BANNON: Your Honor, the State would move State's
22 Exhibit 77 into evidence.

23 MR. HAIGHT: No objection, Your Honor.

24 THE COURT: Thank you. Without objection, 77 in
25 evidence.

RONTAK PATEL - DIRECT

1 (Thereupon, State's Exhibit No. 77, photocopy of
2 Edwards' drivers license, was received into evidence.)

3 BY MS. BANNON:

4 Q. And who's license is that?

5 A. A Mr. Edwards.

6 Q. Kurtis Edwards?

7 A. Yes.

8 Q. Would you mind holding it up to the jury so they can
9 see the copy?

10 A. (Complying.)

11 Q. All right. Now had you also stated that you have a
12 surveillance system?

13 A. Yes, ma'am.

14 Q. And how long do you keep those videos for?

15 A. They recycle approximately about 14 days.

16 Q. And were you able to preserve the video of the time
17 when Mr. Edwards was checking into your hotel?

18 A. Yes, ma'am.

19 Q. And is there audio on the video as well?

20 A. Yes, ma'am.

21 Q. And were you able to pull a copy for the check-in?

22 A. Yes.

23 Q. And do you know what time they checked in?

24 A. Approximately about five or six o'clock in the
25 morning.

RONTAK PATEL - DIRECT

1 Q. And do you know when they checked out?

2 A. Somewhere in the evening. I don't know the exact
3 time.

4 Q. And have you had an opportunity to review the video
5 disk?

6 A. Yes.

7 Q. And was that a fair and accurate copy?

8 A. Yes.

9 MS. BANNON: Permission to approach the witness, Your
10 Honor?

11 THE COURT: Yes, ma'am.

12 BY MS. BANNON:

13 Q. Mr. Patel, I'm showing you State's Exhibit 56. You
14 can take it out of the wrapper if you need to. Do you
15 recognize that?

16 A. Yes, ma'am.

17 Q. What is it?

18 A. It's the disk, copy of the video.

19 MS. BANNON: At this time the State would move State's
20 Exhibit 56 into evidence.

21 MR. HAIGHT: No objection, Your Honor.

22 THE COURT: Thank you. Without objection.

23 (Thereupon, State's Exhibit No. 56, DVD containing
24 video of Quality Inn, was received into evidence.)

25 MS. BANNON: Your Honor, I'd ask to publish it and I'd

RONTAK PATEL - DIRECT

1 ask if Mr. Patel could just step down, kind of orient us
2 to what we're looking at on the video.

3 THE COURT: Mr. Patel, you can leave the witness
4 stand. I ask you to stand on the other side of the
5 television monitor and face in this direction so that the
6 court reporter can hear what you're saying.

7 MS. BANNON: And, Your Honor, just like the other
8 video, I'm going to fast forward a little bit to the
9 relevant spot.

10 THE COURT: That will be fine.

11 MS. BANNON: One moment, Your Honor. I beg the
12 Court's indulgence while I pull this up.

13 THE COURT: Okay.

14 (Pause.)

15 MS. BANNON: I apologize, Your Honor. We're having
16 slight technical difficulties.

17 THE COURT: That's okay. I'm not a bit of help.

18 BY MS. BANNON:

19 Q. All right. Mr. Patel, what are we looking at here?

20 A. That's our front desk.

21 Q. Okay. And so what's this out here?

22 A. That's the main door.

23 Q. And what's this back here?

24 THE COURT: Sorry, can he use that microphone?

25 THE JUROR: No, we can't see.

ONTAK PATEL - CROSS

1 THE COURT: Oh. You can't see it either.

2 MS. BANNON: Is that better?

3 THE JUROR: (Nods head.)

4 THE COURT: Thank you.

5 BY MS. BANNON:

6 Q. And then what's over here towards me?

7 A. That's the lobby area where the TV is.

8 (Video playing.)

9 Q. Cashier? Can y'all hear it?

10 THE JUROR: I can't.

11 (Video stopped, adjustments made. Video played.)

12 BY MS. BANNON:

13 Q. Now, Mr. Patel, how many beds does Room 134 have?

14 A. Two.

15 Q. What kind of beds?

16 A. Queen size.

17 Q. Two queen-size beds?

18 A. Yes, ma'am.

19 Q. You can take your seat back up there if you don't
20 mind.

21 A. (Complying.)

22 MS. BANNON: I don't have any questions for you but if
23 you'd answer any Mr. Haight might have for you, I'd
24 appreciate it.

25 THE COURT: Mr. Haight, cross-examine.

KURTIS EDWARDS - DIRECT

CROSS-EXAMINATION

BY MR. HAIGHT:

Q. Mr. Patel, is that you in the video?

A. No, sir.

MR. HAIGHT: It didn't look like you. That's all I have. Thank you.

THE COURT: Mr. Patel, you can step down. Thank you, sir.

Ms. Bannon?

MS. BANNON: Yes, Your Honor. The State calls Kurtis Edwards.

THE COURT: Kurtis Edwards. Mr. Edwards, come forward, please, and be sworn.

KURTIS EDWARDS, having been duly sworn, was examined and testified as follows:

THE CLERK: Thank you. Please have a seat. If you'll state your name for the record, please.

THE WITNESS: Kurtis Edwards.

DIRECT EXAMINATION

BY MS. BANNON:

Q. Mr. Edwards, how old are you?

A. I turn 29 tomorrow.

Q. And what's your birthday?

A. [REDACTED].

Q. And where do you live?

KURTIS EDWARDS - DIRECT

1 A. Burton.

2 Q. Are you from Burton originally?

3 A. Born in Charleston, raised most of my life up in
4 Pennsylvania.

5 Q. When did you move down to South Carolina?

6 A. Whenever I was about 12 years old.

7 Q. Do you know Lauren Baughman?

8 A. Yes, ma'am.

9 Q. How do you know her?

10 A. We dated briefly.

11 Q. How long did y'all date?

12 A. About four or five months.

13 Q. How did y'all meet?

14 A. Over the Internet.

15 Q. And was your relationship serious?

16 A. Yes, ma'am.

17 Q. Did y'all ever live together? Did you ever live
18 together?

19 A. Yes, ma'am.

20 Q. Where did you live together at?

21 A. Off of Joe Frazier.

22 Q. How long did y'all live together?

23 A. Probably about a month.

24 Q. And who did -- did y'all live alone? Did you live
25 with other people?

KURTIS EDWARDS - DIRECT

1 A. I had a roommate with me.

2 Q. And who was your roommate?

3 A. Randall Hopkins.

4 Q. And, were you working at that time?

5 A. Yes, ma'am.

6 Q. Where did you work?

7 A. I was working at Emily's and Factory Creek Fish
8 Company.

9 Q. And do you know Ron Lanier?

10 A. Yes, ma'am.

11 Q. How do you know Mr. Lanier?

12 A. I met him through Lauren.

13 Q. And what was your understanding of his relationship
14 with Lauren?

15 A. She just helped him out around the house..

16 Q. And, how often had you met Mr. Lanier?

17 A. I think twice.

18 Q. So y'all didn't have your own personal friendship?

19 A. No, ma'am.

20 Q. And how about Donald Peters?

21 A. I met him through Lauren.

22 Q. And do you remember when you met Donald Peters?

23 A. Probably about three, maybe four weeks before we got
24 arrested.

25 Q. And what do you call Donald Peters?

KURTIS EDWARDS - DIRECT

1 A. Doobie.

2 Q. So you know him as Doobie?

3 A. Yes, ma'am.

4 Q. And how did Lauren introduce you to Doobie?

5 A. She just told me that he was a friend of her dad's,
6 and she was -- he was basically just watching out for her.

7 Q. And did you know that she was having sex with Doobie?

8 A. No, ma'am.

9 Q. And how often would you see Doobie?

10 A. Very rarely, actually.

11 Q. Would he ever come to your house?

12 A. Yes, ma'am.

13 Q. Why would he come to your house?

14 A. He used to come to my house and get -- he used to get
15 high with my roommate.

16 Q. Mr. Hopkins?

17 A. Yes, ma'am.

18 Q. And do you remember June 28th, 2011?

19 A. Vaguely.

20 Q. Do you remember June 29th, 2011?

21 A. Yes, ma'am.

22 Q. How did -- were you involved in the home invasion,
23 assault and burglary on Ron Lanier?

24 A. Yes, ma'am.

25 Q. How did you come to be involved?

KURTIS EDWARDS - DIRECT

1 A. Lauren actually involved us in that one.

2 Q. Why? Why did y'all do this burglary?

3 A. She was -- she had some fines that she needed to pay
4 for outstanding warrants and she was freaking out about
5 it. We knew she was pregnant at the time and I didn't
6 want her coming in here and detoxing and losing the baby.
7 So that was her idea to get the money so we could pay her
8 fines for her.

9 Q. Okay. And when did y'all first come up with this
10 idea?

11 A. That -- earlier that day.

12 Q. And was it just you and Lauren who planned this?

13 A. It was mainly her. She was saying that she needed --
14 she was going to go do it and try to get the money from
15 him.

16 Q. Was anyone else involved in the burglary of Ron
17 Lanier's house?

18 A. Doobie was.

19 Q. How did Doobie become involved?

20 A. He was with me at my house that night. She said that
21 she wasn't able to get any money from Mr. Ron and said
22 that she needed us to go over there and find the money and
23 get it for her.

24 Q. Okay. So she had gone over to Ron Lanier's house
25 earlier in the evening?

KURTIS EDWARDS - DIRECT

1 A. Yes, ma'am.

2 Q. And why did she go over to his house?

3 A. She went over there with a friend. You know, she said
4 that her friend was going over there to sleep with Ron and
5 she was going to try to get some money out of him.

6 Q. And was Ashley -- I'm sorry. Was Lauren successful?

7 A. No, ma'am.

8 Q. So she comes home?

9 A. Yes.

10 Q. And was Doobie at your house or did y'all have to call
11 him over? How did you meet --

12 A. He was at the house.

13 Q. So he was hanging out. And so how do y'all decide,
14 hey, let's get Doobie in on this?

15 A. She actually told me to ask him if he would do it with
16 me.

17 Q. Why?

18 A. Because she trusted him.

19 Q. Why did you need somebody else to do it with you?

20 A. My understanding was one of us was supposed to watch
21 Ron, the other one was supposed to look for the money.

22 Q. So how did you know -- had you ever been to Ron
23 Lanier's house before?

24 A. Once.

25 Q. How did you know where he kept his money?

KURTIS EDWARDS - DIRECT

1 A. She told me.

2 Q. Where did you think that you were going to find most
3 of the money?

4 A. From what I was told, in a bag that was, that would be
5 in his closet.

6 Q. Did you -- were you aware he had a safe?

7 A. No, ma'am.

8 Q. And was there anything special about this closet?

9 A. Just the fact that it was, it had two locks on it.
10 That was the one easiest way to identify it.

11 Q. And so, what was your plan on getting into the closet?

12 A. She -- at the time whenever she said it, she said that
13 he had his key ring tied around his neck.

14 Q. Do you remember what time it was when y'all headed
15 over to Mr. Lanier's house?

16 A. It was after midnight. That's all I know.

17 Q. It was dark?

18 A. Yes, ma'am.

19 Q. And how did y'all get over to Mr. Lanier's house?

20 A. Lauren drove us.

21 Q. In what car?

22 A. My car.

23 Q. Why did she drive you in your car?

24 A. I was the only one with a vehicle.

25 Q. And why weren't you driving?

KURTIS EDWARDS - DIRECT

1 A. She usually drove.

2 Q. How far is where y'all lived on Joe Frazier from Bon
3 Aire Estates?

4 A. Maybe five minutes.

5 Q. Far enough that you had to drive?

6 A. Yes, ma'am.

7 Q. What were the seating arrangements when you were
8 headed to Ron Lanier's house?

9 A. Lauren was driving. I was in the passenger seat and
10 Doobie was in the back seat.

11 Q. What were you wearing?

12 A. Black work jeans, my work boots, a black sweatshirt
13 and I had a bandana.

14 Q. And where was the bandana?

15 A. Around my neck.

16 Q. And what was Doobie wearing?

17 A. I think it was blue jeans, work boots and a black
18 sweat shirt and a bandana.

19 Q. Where did he get the sweatshirt and bandana?

20 A. From out of my closet.

21 Q. How about weapons? What weapons did y'all have on
22 you?

23 A. A police baton.

24 Q. Whose police baton was it?

25 A. It was mine.

KURTIS EDWARDS - DIRECT

1 Q. Why do you have a police baton?

2 A. Because it was my, you know, my protection weapon for
3 in my vehicle.

4 Q. Why don't you have a gun?

5 A. I'm not allowed to have a gun, ma'am.

6 Q. Why aren't you allowed to have a gun?

7 A. I have a felony.

8 Q. What's your felony?

9 A. Bank robbery?

10 Q. When did you get convicted of bank robbery?

11 A. Back in 2006.

12 Q. So you bought the baton for protection but you didn't
13 want to get popped with a gun?

14 A. Yes, ma'am.

15 Q. So why didn't you take the baton? Why does Doobie
16 wind up with the baton?

17 A. Doobie took the baton because -- well, Lauren gave it
18 to him and we found out that Ron had a dog and he was
19 worried about the dog. So he said he would watch over
20 Ron.

21 Q. So did y'all divvy up who would take care of Ron and
22 who would look for the money before you went in?

23 A. Kind of, but it pretty much, it was right whenever we
24 got in the house.

25 Q. How did you get in the house?

KURTIS EDWARDS - DIRECT

1 A. Lauren had the front door open for us.

2 Q. And, so where do you enter the house?

3 A. From the front door.

4 Q. Who goes in first?

5 A. I did.

6 Q. And Doobie is behind you?

7 A. Yes, ma'am.

8 Q. Does he keep the door open or does he shut it?

9 A. No, we shut it.

10 Q. And when you go in the front door, what part of the
11 house are you in?

12 A. I guess you would call that a sitting room.

13 Q. So, where did you find Ron Lanier?

14 A. We actually, whenever we shut the door we heard him
15 talking in his kitchen.

16 Q. Who was he talking to?

17 A. From the one-sided conversation we had a feeling it
18 was the phone. Didn't know who it was though.

19 Q. Okay. So what do you do then?

20 A. We just snuck up there to see where he was. And
21 looked to the right, we saw the dog laying on the bed.
22 And he was in the kitchen on the left.

23 Q. Okay. And so what do you do then?

24 A. He had a plywood barricade, I guess to keep the dog
25 out of the back side of the house. We went over the

KURTIS EDWARDS - DIRECT

1 barricade. I went to the right, he went to the left.

2 Q. Who's he?

3 A. Doobie.

4 Q. So you go to the right he goes to the left and then
5 what happens?

6 A. Well, whenever I turned to the left the dog gets off
7 the bed and just walks over to the side door. I turned
8 around and I see Doobie wrestling with Ron.

9 Q. Did you see anything that sparks this wrestling with
10 Ron?

11 A. No, ma'am.

12 Q. So Ron was awake?

13 A. Yes, ma'am.

14 Q. And what -- how -- or, where is Ron?

15 A. He actually had Doobie kind of pinned up against his
16 stove. He was reaching for something behind him.

17 Q. Okay. Then what happened?

18 A. I went over there and, you know, grabbed Ron from -- I
19 grabbed his arms, just trying to, you know, stop what was
20 going on and Doobie hit him on the side of the head.

21 Q. Where did Doobie hit him on the side of the head?

22 A. Right above the left eye.

23 Q. What did he hit him with?

24 A. His fist.

25 Q. Where was the baton at this time?

KURTIS EDWARDS - DIRECT

1 A. In his fist.

2 Q. But he punched him, basically --

3 A. Yes, ma'am.

4 Q. -- he didn't use the baton? What does Ron do after he
5 gets hit on the left side of his head?

6 A. Whenever he got hit it actually split his eye open.
7 As soon as Ron saw the blood he says, I'm bleeding, I
8 surrender, I surrender.

9 Q. Okay. And what's he do?

10 A. At that point Doobie went into the bedroom and I
11 helped Mr. Ron sit down.

12 Q. And then what happens?

13 A. Doobie comes out of the bedroom, says that he can't
14 find anything. So, we basically traded spots. And I went
15 in the bedroom to look for it.

16 Q. All right. And when you entered the bedroom, what do
17 you see?

18 A. A bed, dresser, TV, and the most prominent thing in
19 there was the closet door.

20 Q. So what do you do?

21 A. I start looking around, see if I could find a wallet,
22 see if the keys are in there anywhere.

23 Q. Did you find the wallet?

24 A. No, ma'am.

25 Q. Did you find the keys?

KURTIS EDWARDS - DIRECT

1 A. No, ma'am.

2 Q. So what do you do?

3 A. I was still looking. I heard, like, metal hitting
4 metal and walked back out and Doobie's tapping Ron's leg
5 with the police baton and it's, you know, I guess it was
6 hitting keys.

7 Q. Okay. And then what happened?

8 A. I walked over, I pulled the keys out of Ron's pocket,
9 and walked back into the bedroom and opened up the closet.

10 Q. How did you know which key went to the closet?

11 A. The keys were marked.

12 Q. Okay. And once you get inside the closet, what do you
13 do?

14 A. I saw the safe in there, used the key to open up the
15 safe. There wasn't anything in there and whenever I
16 turned around to leave I saw his wallet sitting on the
17 filing cabinet.

18 Q. So you -- to get access to the safe you had to use not
19 one key but two keys?

20 A. No --

21 Q. To get into the closet?

22 A. Well, it would have been three keys. There's a
23 padlock, a dead bolt on the door, and then a key for the
24 safe.

25 Q. Okay. You said that you saw Ron's wallet on the

KURTIS EDWARDS - DIRECT

1 filing cabinet. Where was the filing cabinet?

2 A. As you enter the door it's right there on the left.

3 Q. And so when you see Ron's wallet, what do you do?

4 A. I just grabbed the wallet and took it over to the bed
5 and started looking. You could see the money in it and I
6 just started taking the money out of it.

7 Q. And then what do you do?

8 A. I wiped my prints off the wallet, the keys and told
9 Doobie let's go, we got what we wanted. And we took off
10 out the front door.

11 Q. What is the condition of Ron when you come out of the
12 bedroom?

13 A. From what I could tell he was still sitting in his
14 chair. He had the rag that I gave him held over his eye
15 to stop the bleeding, but he was still conscious.

16 Q. Had he been beaten any more?

17 A. Not that I know of, ma'am.

18 Q. And then what about the phones in Ron's house?

19 A. I had actually pulled the cord out of phone in the
20 kitchen and taken the battery out of the phone in his
21 bedroom.

22 Q. Why?

23 A. Because Lauren actually told us to do that to make
24 sure that he couldn't call the cops as soon as we left the
25 house.

KURTIS EDWARDS - DIRECT

1 Q. While this is going on, does the house phone ring at
2 any point?

3 A. Yes, ma'am.

4 Q. Do you answer it?

5 A. No, ma'am.

6 Q. Do you know who was calling?

7 A. Yes, ma'am.

8 Q. Who?

9 A. It was Lauren.

10 Q. Why would Lauren call the house phone while you're
11 doing this robbery?

12 A. She was, apparently she was talking to Ron and he
13 wasn't answering his cell phone.

14 Q. Where was the metal baton when you left the house?

15 A. In Doobie's hand.

16 Q. And did you notice anything else about Doobie's hands?

17 A. No.

18 Q. How do you leave the house?

19 A. Through the front door. Took off through the yard and
20 went through, out the gate.

21 Q. Okay. And how did you get a ride home?

22 A. Called Lauren whenever we got behind the Habitat for
23 Humanity Store, and she picked us up on the next road
24 over.

25 Q. And the Habitat store is just like one block over

KURTIS EDWARDS - DIRECT

1 from --

2 A. Right across the street from his house.

3 Q. And, so y'all get back in the car. Who drives?

4 A. Lauren.

5 Q. Where are you sitting?

6 A. Front passenger seat.

7 Q. Where is Doobie sitting?

8 A. In the back seat.

9 Q. And, where do you go?

10 A. Back to my house.

11 Q. Do you make a stop at Ashley Pierce's?

12 A. No, ma'am. That was after we went to my house.

13 Q. Okay. So you go to your house. What do you do at
14 your house?

15 A. Figured out how much money we had, changed clothes and
16 Lauren said she didn't feel comfortable staying there that
17 night so we decided to go ahead and go get a hotel out in
18 Hardeeville.

19 Q. How much money did y'all get?

20 A. Between 2,500 and 3,000.

21 Q. And who was keeping that money?

22 A. About, close to 2,200 of it Lauren kept for her fines
23 that she had to pay.

24 Q. So what did you do with the rest of it?

25 A. We gave 100 to Ashley Pierce, 200 to Doobie and then

KURTIS EDWARDS - DIRECT

1 we kept the rest of it.

2 Q. So after you take out the money, how much money did
3 you get to keep?

4 A. Roughly between 150 and 200.

5 Q. And, what do you do with your clothes?

6 A. I threw them in the bottom of my closet.

7 Q. And what did Doobie do with your clothes?

8 A. He was still wearing -- well, the sweatshirt was hung
9 back up in my closet, but he was still wearing his
10 clothes.

11 Q. And why did y'all choose to go to Hardeeville?

12 A. Because Doobie needed to go there the next day to take
13 some scrap metal to the scrap yard.

14 Q. Scrap he got from Whitmore Plumbing?

15 A. Yes, ma'am.

16 Q. And were you present when he got that scrap?

17 A. No, ma'am.

18 Q. Where were you?

19 A. I was at Ron's Barber Shop.

20 Q. What were you doing at Ron's Barber Shop?

21 A. Breaking into that to see if the money was in there.

22 Q. Was Lauren with you at Ron's Barber Shop?

23 A. No, ma'am.

24 Q. Where was she?

25 A. She was with Doobie at Whitmore Plumbing.

KURTIS EDWARDS - DIRECT

1 Q. And did that happen at the same time as the home
2 invasion on Ron Lanier?

3 A. Probably about two hours earlier.

4 Q. So the scrap metal and the barber shop happened about
5 two hours before the home invasion?

6 A. Yes, ma'am.

7 Q. So you all decided to go to the scrap yard in
8 Hardeeville?

9 A. Yes, ma'am.

10 Q. So you stopped by Ashley Pierce's on the way to
11 Hardeeville?

12 A. Yes, ma'am.

13 Q. Did you see Ashley Pierce?

14 A. Yes, ma'am.

15 Q. What is y'all's seating arrangement in the car when
16 you go to see Ashley Pierce?

17 A. Lauren's driving, I'm in the passenger seat, Doobie's
18 in the back seat.

19 Q. And where do you meet Ashley Pierce?

20 A. Right out at the road.

21 Q. And what do y'all do?

22 A. She comes to the window, give her \$100. She says
23 thank you. Her and Lauren exchange words and she goes
24 back to the house.

25 Q. And where do y'all go after you pay Ashley Pierce off?

KURTIS EDWARDS - DIRECT

- 1 A. We went and picked up some pills and weed.
- 2 Q. Here in Beaufort or in Hardeeville?
- 3 A. Here in Beaufort.
- 4 Q. And why did y'all pay Ashley Pierce?
- 5 A. Because she was kind of helping Lauren whenever she
- 6 was over at Mr. Ron's house to begin with.
- 7 Q. Who drove you to the Whitmore Plumbing and to Ron's
- 8 Barber Shop?
- 9 A. Lauren did.
- 10 Q. How were y'all coordinating where everyone was?
- 11 A. Through our cell phones.
- 12 Q. And, phone calls or text messages or?
- 13 A. Both.
- 14 Q. And did you have -- were you fully able to use your
- 15 phone that night?
- 16 A. Yes, ma'am.
- 17 Q. Was it fully charged?
- 18 A. No, ma'am.
- 19 Q. How were you -- when you were charging it, how were
- 20 you able to talk to Lauren Baughman?
- 21 A. While, my phone was on the charger I was still able to
- 22 actually talk to her. I wasn't charging it until we were
- 23 at my house.
- 24 Q. At a certain point, did you send her a text saying
- 25 that you were with Doobie?

KURTIS EDWARDS - DIRECT

1 A. Yeah.

2 Q. What were you and Doobie doing together?

3 A. Well, he was actually at my house. We were -- I was
4 helping him carry a air-conditioning unit over to my house
5 that he needed to take with us the next day.

6 Q. And so, you and Doobie were together arranging this
7 burglary via text with Lauren Baughman?

8 A. Actually she called us on that one.

9 Q. And so after y'all get the pills -- do you get the
10 pills in the car on the way to Hardeeville?

11 A. Yes, ma'am.

12 Q. What do you do once you get to Hardeeville?

13 A. We looked for a hotel. Saw what time it was. She
14 said she was hungry so we went and got something to eat.

15 Q. Do you remember what time it was?

16 A. Probably around three o'clock, three, 3:30.

17 Q. Where did you go get something to eat?

18 A. I believe it was a Waffle House down in Georgia.

19 Q. So you're at the Waffle House. And how did you decide
20 how much money to give to Doobie?

21 A. I actually asked Lauren.

22 Q. And what did she say?

23 A. I asked her if she wanted me to give him a hundred or
24 200, and she said go ahead and give him two.

25 Q. And did you know that Doobie had assaulted

KURTIS EDWARDS - DIRECT

1 Mr. Lanier?

2 A. Just the one time that I saw him hit him.

3 Q. And are you aware of the injuries sustained by

4 Mr. Lanier?

5 A. Only after I saw the pictures.

6 Q. How do you account for those injuries?

7 A. I honestly don't know how he got them.

8 Q. Did you inflict them?

9 A. No, ma'am.

10 Q. Was there anyone else in the house?

11 A. No, ma'am.

12 Q. Was there anyone else who could have beaten Mr. Lanier
13 that night?

14 A. Not that I know of.

15 Q. How many people went into the house with you?

16 A. Just me and Doobie.

17 Q. Did y'all have a lookout?

18 A. No, ma'am.

19 Q. So y'all are at the Waffle House. You give Doobie
20 some money because the bulk of the money is going to
21 Lauren to pay her fines; right?

22 A. Yes, ma'am.

23 Q. What do you do after the Waffle House?

24 A. We head back to Hardeeville and get our hotel room.

25 Q. Where do you get a hotel room at?

KURTIS EDWARDS - DIRECT

1 A. I honestly don't remember what the -- which hotel it
2 was.

3 Q. And how many beds did this hotel room have?

4 A. Two.

5 Q. And who all stayed in the hotel?

6 A. Me, Doobie and Lauren.

7 Q. What were the sleeping arrangements?

8 A. Me and Lauren were in one bed and Doobie was in the
9 other.

10 Q. And did you ever notice that Lauren was texting
11 somebody a lot?

12 A. Yes, ma'am.

13 Q. Did that raise any suspicion for you?

14 A. No.

15 Q. Why not?

16 A. She was constantly on her phone. Always talking to
17 her mom or her sister or one of her friends.

18 Q. And so y'all spend the night in the hotel?

19 A. Yes, ma'am.

20 Q. And what do you do the next day?

21 A. We get up, go to the scrap yard and turn in the scrap
22 metal for Doobie.

23 Q. And what does Doobie do with that money?

24 A. He keeps it.

25 Q. At any time from when y'all entered the house until

KURTIS EDWARDS - DIRECT

1 you were at the scrap yard, were you separated from

2 Doobie?.

3 A. No, ma'am.

4 Q. At any time from when she picked you up until you went
5 to the scrap yard, were you separated from Lauren?

6 A. No, ma'am.

7 Q. Now you're testifying here today; right?

8 A. Yes, ma'am.

9 Q. You were called to trial this week as well?

10 A. Yes, ma'am.

11 Q. And you were charged with the burglary first, the
12 assault and battery first, armed robbery, safe cracking
13 and for the home invasion; correct?

14 A. Not the safe cracking, no.

15 Q. And also charged with burglary second violent on the
16 barber shop; correct?

17 A. Yes, ma'am.

18 Q. You entered a plea on Monday?

19 A. Yes, ma'am.

20 Q. What are the terms of that plea?

21 A. The terms that I would testify against Doobie.

22 Q. Did the State promise you any reduction in sentence
23 for your testimony?

24 A. No, ma'am.

25 Q. So, you -- the State did dismiss a safe cracking

KURTIS EDWARDS - DIRECT

1 charge for you; correct?

2 A. Yes, ma'am.

3 Q. But you pled to the burglary first?

4 A. Yes, ma'am.

5 Q. Because you went into Mr. Lanier's house at night?

6 A. Yes, ma'am.

7 Q. You pled to the assault and battery first?

8 A. Yes, ma'am.

9 Q. Because you entered Mr. Lanier's during the commission
10 of the robbery and the burglary?

11 A. Yes, ma'am.

12 Q. You pled to the armed robbery?

13 A. Yes, ma'am.

14 Q. Because you robbed Mr. Lanier while you had a weapon?

15 A. Yes, ma'am.

16 Q. And you pled to the burglary second --

17 A. Yes, ma'am.

18 Q. -- violent because you robbed a business at night?

19 A. Yes, ma'am.

20 Q. And so your sole dismissal was the safe cracking?

21 A. Yes, ma'am.

22 Q. And in exchange for your testimony here today, the
23 State has not promised you anything?

24 A. No, ma'am.

25 Q. And you basically threw yourself upon the mercy of the

KURTIS EDWARDS - CROSS

1 Court for your sentence?

2 A. Yes, ma'am.

3 Q. Has any other promises been made to you?

4 A. No, ma'am.

5 MS. BANNON: One moment. Beg the Court's indulgence,
6 Your Honor. (Pause.)

7 I don't have any more questions for you. If you'd
8 answer anything Mr. Haight might have for you, I'd
9 appreciate it.

10 THE WITNESS: Yes, ma'am.

11 THE COURT: Mr. Haight, you can cross-examine.

12 CROSS-EXAMINATION

13 BY MR. HAIGHT:

14 Q. Mr. Edwards, you have had the safe cracking charge
15 dismissed; correct?

16 A. Yes, sir.

17 Q. And you also testified earlier that you are a
18 convicted felon; correct?

19 A. Yes, sir.

20 Q. And you were taking a lot of drugs that day; were you
21 not?

22 A. Yes, sir.

23 Q. And you were doing whatever Lauren asked you to do,
24 pretty much?

25 A. For the most part; yes, sir.

KURTIS EDWARDS - CROSS

1 Q. And my client, it's your testimony, took scrap metal
2 from Whitmore Plumbing; correct?

3 A. Yes, sir.

4 Q. In fact he was doing that at the time you were
5 burglarizing Mr. Lanier's house; isn't that correct?

6 A. Yes, sir.

7 Q. You now -- excuse me a minute.

8 You had previously been to Ron Lanier's house. That
9 was your testimony?

10 A. Yes, sir.

11 Q. And you said you saw my client rarely?

12 A. Yes, sir.

13 Q. And the planning of all of this was, it was Lauren's
14 plan; correct?

15 A. Yes, sir.

16 Q. It was no planning done by my client?

17 A. Not until that night, no.

18 Q. Now, you say you got into a closet at Mr. Lanier's
19 house. How did you do that? With keys?

20 A. Yes, sir.

21 Q. I did break any doors down to get into that closet?

22 A. No, sir.

23 Q. Did you use any tools to pry open anything in that
24 closet?

25 A. No, sir.

KURTIS EDWARDS - CROSS

1 Q. You simply used keys?

2 A. Yes, sir.

3 Q. And it's your testimony that other than a sweatshirt
4 that you say my client wore, he was wearing the same
5 clothes he had been wearing?

6 A. Yes, sir.

7 Q. And was he all covered with blood?

8 A. Not that I could see, sir.

9 Q. And the baton you discussed, that was your baton?

10 A. Yes, sir.

11 Q. And when the police found that baton, it was in your
12 closet?

13 A. Yes, sir.

14 Q. And that was in a bedroom that you shared with Lauren;
15 correct?

16 A. Yes, sir.

17 Q. There was also a knife found in the closet; correct?

18 A. Yes, sir.

19 Q. And that was the knife you took from Mr. Lanier?

20 A. No, sir.

21 Q. That was a knife that you owned?

22 A. No, sir.

23 Q. And you testified that Mr. Lanier was conscious when
24 you left?

25 A. Yes, sir.

KURTIS EDWARDS - REDIRECT

1 Q. And do you recall him being hit, you said, once?

2 A. Yes, sir.

3 Q. And the reason to go to Hardeeville was for Mr. Peters
4 to sell scrap metal; correct?

5 A. Yes, sir.

6 Q. Because he had gone to Whitmore Plumbing and collected
7 scrap metal; correct?

8 A. Yes, sir.

9 Q. And, Ashley was paid \$100 for her services; correct?

10 A. Yes, sir.

11 Q. And all that Mr. Peters received from you and Lauren
12 was \$200?

13 A. Yes, sir.

14 Q. And in fact most of the money was kept by Lauren;
15 correct?

16 A. Yes, sir.

17 MR. HAIGHT: Could I have a minute, Your Honor?

18 (Conferring with Defendant.)

19 BY MR. HAIGHT:

20 Q. And as far as the baton, you're the one who put it in
21 the closet; correct?

22 A. No, sir.

23 MR. HAIGHT: That's all I have, Your Honor. Thank
24 you.

25 THE COURT: Thank you. Ms. Bannon?

KURTIS EDWARDS - REDIRECT

1 MS. BANNON: Thank you.

2 REDIRECT EXAMINATION

3 BY MS. BANNON:

4 Q. To clarify, Mr. Edwards. When Mr. Peters was stealing
5 the scrap metal from Whitmore Plumbing, what were you
6 breaking into?

7 A. The barber shop.

8 Q. When you were breaking into Ron Lanier's house, where
9 was Mr. Peters?

10 A. With me.

11 Q. What was the break in time between the scrap metal and
12 the barber shop burglary and the home invasion on Ron
13 Lanier?

14 A. About an hour and a half, two hours.

15 Q. So, when y'all went into Ron Lanier's house, the scrap
16 metal was already stolen?

17 A. Yes, ma'am.

18 Q. It was already in your car?

19 A. Yes, ma'am.

20 Q. So there was no way Mr. Peters was stealing scrap
21 metal when he was at your house?

22 A. No, ma'am.

23 Q. I'm sorry. At Ron Lanier's house?

24 A. No, ma'am.

25 Q. Did a black man go inside Ron Lanier's house with you?

KURTIS EDWARDS - REDIRECT

1 A. No, ma'am.

2 Q. Did anybody else go inside the house with you?

3 A. No, ma'am.

4 Q. Did anyone else serve as the lookout for you?

5 A. No, ma'am.

6 Q. You said that Mr. Peters came in on the plan that
7 evening?

8 A. Yes, ma'am.

9 Q. Before y'all left out for Ron Lanier's house, did
10 Mr. Peters know y'all were going to break into it?

11 A. Yes, ma'am.

12 Q. Before y'all left out from Mr. Lanier's house, did he
13 know that y'all were going to have to restrain him?

14 A. Yes, ma'am.

15 Q. Before you all left out from Mr. Peters' house (sic),
16 did he know that you all were going to go and try to take
17 money from him?

18 A. Yes, ma'am.

19 Q. Before you left out of y'all's house to go to Ron
20 Lanier's house, did he know that there was a safe?

21 A. I'm not sure.

22 Q. Had Lauren been texting you about her attempts to
23 break through a wall to get to the safe earlier in the
24 evening?

25 A. Oh. Yes, ma'am.

JOHN DONAHUE - DIRECT

1 Q. So you were aware there was a safe in the house?

2 A. Yes, ma'am.

3 Q. And it was Lauren's belief that there was money in the
4 safe?

5 A. Yes, ma'am.

6 Q. Was Doobie aware there was a safe in the house?

7 A. I'm not sure if I told him or not.

8 Q. Is it possible that Mr. Lanier was hit by Mr. Peters
9 while you were ransacking Mr. Lanier's bedroom?

10 A. Yes, ma'am.

11 Q. And you would have knowledge of that?

12 A. Yes, ma'am

13 MS. BANNON: Thank you. No further questions.

14 THE COURT: Any follow up on those points,
15 Mr. Haight?

16 MR. HAIGHT: No thank you, Your Honor.

17 THE COURT: Thank you. Mr. Edwards, you can step
18 down. Thank you. Ms. Bannon?

19 MS. BANNON: State calls John Donahue.

20 JOHN DONAHUE, having been duly sworn, was examined and
21 testified as follows:

22 THE CLERK: If you'll State your name for the record.

23 THE WITNESS: John Donahue, D-O-N-A-H-U-E.

24

25

JOHN DONAHUE - DIRECT

DIRECT EXAMINATION

BY MS. BANNON:

Q. And where do you work?

A. I'm with the Beaufort County Sheriff's Office Forensic Laboratory.

Q. Mr. Donahue, if you wouldn't mind speaking a little bit louder. The walls absorb a lot of our noise.

A. Okay.

Q. What do you do at the forensic laboratory?

A. My position at the forensic laboratory is the DNA technical leader.

Q. And how long have you worked for the BCSO Forensic Laboratory?

A. Five years.

Q. And what did you do prior to that?

A. Prior to that I was the DNA technical leader and the chief criminalist for the Charlotte-Mecklenburg Police Department Crime Laboratory.

Q. And how long did you hold that position?

A. I was there from January 2002 to January 2008.

Q. And what does your position entail?

A. My position entails examining items from criminal cases for the presence of any biological material, performing DNA testing on that material, writing a report as to my findings, presenting those findings in court as

JOHN DONAHUE - DIRECT

1 needed.

2 I'm also responsible for validation of new procedures,
3 new equipment, new test methods, troubleshooting any
4 issues that may come up in the laboratory, keeping
5 apprised of scientific literature, quality control,
6 quality assurance in the DNA laboratory among other
7 things.

8 Q. How does one become a DNA technical leader?

9 A. Well, I have a bachelor's degree, majored in zoology
10 from the University of Tennessee.

11 I have a master's degree with a major in microbiology
12 from Indiana University.

13 I worked for four years -- prior to becoming a
14 technical leader I worked for four years for the Texas
15 Department of Public Safety Crime Laboratory in Garland,
16 Texas just outside Dallas as a DNA analyst. So just doing
17 casework, reporting to crime scenes as needed, testifying
18 in court and things of that nature.

19 To become a DNA technical leader requires a master's
20 degree in chemistry, biology, forensic science, some
21 related field, plus at least three years of casework
22 experience testing criminal cases.

23 Q. And, do you have a master's degree?

24 A. Yes.

25 Q. What is that in?

JOHN DONAHUE - DIRECT

1 A. Microbiology.

2 Q. And have you previously been certified as an expert?

3 A. I have.

4 Q. In the State of South Carolina?

5 A. Yes.

6 Q. And in North Carolina?

7 A. Yes.

8 Q. Roughly how many times have you been certified as an
9 expert?

10 A. Seventy-five to a hundred.

11 MS. BANNON: Your Honor, at this point this State
12 would tender Mr. Donahue as an expert in DNA science.

13 THE COURT: Mr. Haight, voir dire?

14 MR. HAIGHT: Your Honor, his resume CV has been
15 supplied. I'll stipulate.

16 THE COURT: All right. Thank you. Without objection,
17 Mr. Donahue is so qualified.

18 BY MS. BANNON:

19 Q. Mr. Donahue, what is DNA?

20 A. DNA's a molecule that's in the cells of your body.

21 It's in the nucleus of the cells. It exists in the form
22 of chromosomes.

23 You have 23 pairs of chromosomes in each cell of your
24 body and it basically comprises the genetic material that
25 makes up who you are and what you are.

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1 You get half of your DNA from your mother and half
2 from your father at the time of conception. So half comes
3 from the egg cell and half from the sperm cell.

4 Because of the way that it works prior to conception
5 during the creation of the egg and the creation of the
6 sperm cells, you have a lot of chances for a lot of DNA
7 mixing and matching. So that when that egg and that sperm
8 fuse it makes an individual combination that makes you
9 different from everybody else except for identical twins
10 who have the same DNA. Other than that your DNA is going
11 to be different than everyone else's.

12 And because of that we can look at DNA in criminal
13 cases or in other types of testing, and we can try to
14 assess identity or certain characteristics about it.

15 It's not just used in criminal cases. The military
16 uses it for identification of remains. It's used in
17 animal pedigrees, medical testing for transplants and
18 things like that. So it has a lot of applications.

19 But what we do with it in criminal casework is we can
20 look at DNA from criminal evidence, and because it's the
21 same throughout the body, whether it's in blood, saliva,
22 semen, any type of tissue in the body, we can take DNA
23 from that tissue and compare it to known DNA collected
24 from a known sample, from a person, and determine whether
25 they match and could come from the same person or whether

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1 they don't match and could not come from the same person.

2 Q. And roughly, how do you -- how do you analyze
3 something for DNA?

4 A. The first thing we do is really just look at it
5 visually to try to see if there's any stains we can see
6 that might be worth testing. So if you're looking for
7 blood you're going to look for red stains. So we'll look
8 at -- for red stains in the case of blood, and we can do
9 what's called a screening test, a presumptive test. It's
10 a quick color test, real easy, real cheap.

11 And in the presence of blood it will turn color. It
12 will turn from clear to pink or red. And if it's blood,
13 that chemical test will be positive. And if it's not
14 blood then it will be negative.

15 Now that test doesn't mean that it definitely is
16 blood. It just says that it's something that we can go
17 forward with. So what we'll do is we'll see a reddish
18 stain, we'll do a chemical test. If it's positive we'll
19 carry forward for DNA testing. If it's negative we're
20 done and we don't do anything else for it.

21 If there's some other type of DNA that we might be
22 looking for, say, from something that's been handled, like
23 a weapon, a ball bat, something like that, we'll swab it
24 and not necessarily there looking for bloodstains but
25 we're looking for DNA left behind by when you touch

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1 something. There's not a whole lot of DNA left behind
2 when you touch something, but sometimes we can get
3 profiles off of those things.

4 And so we'll collect those on swabs or if you cut them
5 out in the case of stains, put them in a tube and we'll
6 add chemicals. The chemicals break up the cells that are
7 in there. We use a robot to separate the DNA from
8 everything that's left over and proceed further with the
9 testing.

10 Q. And now you said that with the touch DNA and, such as
11 a baseball bat, do different surfaces absorb DNA better or
12 worse than others?

13 A. Something like a porous substance will absorb better.
14 Things like fibers kind of -- can absorb better. Whereas
15 if you're talking about something like this sealed piece
16 of wood, you might be able to get something off of it but
17 you're just getting the layer that's on top of the seal
18 whereas with something like clothing you can get cells
19 from actually like down in the weave of the clothing and
20 you can try to find out maybe who was wearing that item.

21 Q. And after you get the results, what do you do with
22 them?

23 A. Once we get the results back we will -- we compare
24 them to DNA that has been tested from known people using
25 the exact same test procedures to try to determine if

JOHN DONAHUE - DIRECT

1 there's a match or no match.

2 Q. And what do you do with this information?

3 A. I'm sorry?

4 Q. What do you do with that information?

5 A. Write it in a report and prepare it.

6 Q. And did you have an opportunity to examine BCSO case
7 number 2011-06290065?

8 A. I did.

9 Q. And do you all use that same number for your cases or
10 do you give them new case numbers?

11 A. We use that as the agency number but then we for our
12 records tracking system we assign it a different number
13 called laboratory number. That helps us to track how many
14 cases we've worked in a year and other things.

15 Q. So, what lab number was this case assigned?

16 A. 2011-L-04-06.

17 Q. And you had an opportunity to analyze various objects
18 in relation to this case?

19 A. I did.

20 Q. And what was your first step?

21 A. The first step was I went to the evidence to pick up
22 the pieces that were requested to be examined.

23 Q. And what do you do with them once you got them?

24 A. Brought them back. I was asked to look to determine
25 if there was any, possibly any blood on the items that I

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1 was looking at as well as possibly ownership. And by
2 ownership I mean who handled it, who wore it, things like
3 that.

4 Q. And so what did you analyze?

5 A. I had initially on, I believe I received it on August
6 22nd of 2011. I had nine pieces that I looked at. I
7 looked at a white rag. I looked at a gray tank top.

8 I looked at a pair of black jeans.

9 I looked at a collapsible baton.

10 I looked at a section of copper pipe, two swabs.

11 And an unknown hair and a buccal standard from a
12 person named Ronald Lanier.

13 Q. And were you able to get any results from those items
14 that you analyzed?

15 A. I did. I looked at -- from the white rag, the first
16 item I found what appeared to be blood on the rag.

17 I found on the tank top there were a couple of small
18 reddish stains but those were negative for blood. I did
19 nothing further with those stains.

20 On the pair of black jeans there were numerous stains
21 that were, that tested positive in the color test for
22 blood. I selected two of those for further DNA testing.

23 I should also point out I selected two stains from the
24 rag for testing.

25 And from the tank top there was a hair that I found in

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1 the armpit and I selected that for testing as well.

2 From the jeans I also attempted to collect a swab from
3 the inside. Oh. One of the stains was on -- that I
4 collected was on the right thigh and the other one was on
5 the right shin. I swabbed the inside of the left thigh to
6 try to see if I could find out who was wearing them or who
7 could have been wearing them.

8 From the baton I found what appeared to be blood on
9 the shaft of the baton which I collected that for testing.
10 I swabbed the handle to see if I could identify who may
11 have been using it or holding it.

12 The copper pipe I found nothing. There were some
13 stained areas on there but they were negative for blood.
14 I did nothing further with them.

15 The two swabs, I don't have any indication of what
16 they were or where they came from, but they were negative
17 for blood and I didn't test them any further.

18 And the unknown hair I carried forward to DNA
19 testing.

20 And I also tested the buccal standard from Ronald
21 Lanier.

22 Q. And were you also provided with buccal standards for
23 Kurtis Edwards and Donald Peters?

24 A. I was. I received those on June 19th of 2012.

25 Q. And, what did your results tell you?

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1 A. Well, from the white rag I tested three stains from
2 the white rag. I was able to determine that they matched
3 the DNA, the known DNA profile from Kurtis Edwards.
4 The -- Ronald Lanier and Donald Peters were excluded as
5 potential sources of those stains on that rag.

6 The hair from the tank top, I didn't get any DNA on
7 that so I couldn't, I couldn't do anything with that.

8 The two stains that appeared to be blood, the
9 suspected blood from the right leg of the pants of the
10 blue jeans -- or the black jeans matched to the DNA
11 profile from Ronald Lanier.

12 The swab that I collected from the inside of the jeans
13 to try to determine who might have been wearing that, that
14 was, ended up being a mixture of DNA from at least three
15 people.

16 Sometimes you do find DNA that's mixed. It appears to
17 be from multiple people. And so I got a mixture in that
18 case from at least three people.

19 The baton, the suspected blood on the baton came back
20 and matched to Ronald Lanier. I've got from the handle of
21 the baton a mixture of at least four people on the baton.
22 So, that was a complicated mixture. It's difficult to
23 really do much with.

24 And I believe that was it for the DNA testing on
25 there.

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1 Q. Now explain to us what a mixture is.

2 A. It's just a mixture of DNA, either from body fluids or
3 from cells from at least two people.

4 Q. How would a mixture of DNA occur?

5 A. Well, one way would be if you have two, two body
6 fluids overlapping. So my blood and your blood, if both
7 of those got on the same area that would end up and I
8 would see a mixture of DNA from that.

9 If you and I handled the same thing, say this cup if
10 we handled it for long any of and I was able to get DNA
11 from it, I might get a mixture from that.

12 So something that's really gripped hard like a
13 steering wheel, we regularly get mixtures from steering
14 wheels or something like a baton which may have been
15 handled by any number of people. And when you swing it
16 you're going to grip it pretty hard, too. So the chance
17 for transfer of DNA to that is pretty easy.

18 And as for clothing, it's just probably wearing it.
19 If I wear something and you wear something, I can get a
20 mixture from that as well.

21 Q. And now your results on this mixture that you took
22 from the handle of the baton, were you able to include
23 Mr. Peters as a possible contributor?

24 A. From the handle of the baton, I couldn't make any
25 determination on that. The quantity of the DNA there, the

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1 quality, the profile just didn't allow me to make any kind
2 of a good, good decision on that. So he might be there,
3 he might not. I really can't give you any better than
4 that.

5 Q. So you also couldn't exclude him as a contributor to
6 that mixture?

7 A. That's correct.

8 Q. Did you prepare a lab report in regards to this --

9 A. I did.

10 Q. -- examination?

11 A. Two lab reports.

12 MR. HAIGHT: No objection, Your Honor.

13 THE COURT: Thank you.

14 MS. BANNON: Permission to approach the witness, Your
15 Honor?

16 THE COURT: Yes, ma'am.

17 BY MS. BANNON:

18 Q. I believe this will be State's 78. Mr. Donahue, do
19 you recognize State's 78?

20 A. I do.

21 Q. And what is it?

22 A. Those are copies of the two lab reports that I filed
23 for this case.

24 Q. And they contain the findings that you just reported
25 here to this jury today?

JOHN DONAHUE - CROSS

1 A. Yes.

2 MS. BANNON: Your Honor, the State would move State's
3 Exhibit 78 into evidence.

4 THE COURT: Without objection, 78 in evidence.

5 (Thereupon, State's Exhibit No. 78, lab report, was
6 received into evidence.)

7 MS. BANNON: Mr. Donahue, I don't have any more
8 questions for you, but if you can answer anything
9 Mr. Haight might have.

10 THE WITNESS: Okay.

11 THE COURT: Mr. Haight, cross-examine.

12 MR. HAIGHT: Thank you.

13 CROSS-EXAMINATION

14 BY MR. HAIGHT:

15 Q. Mr. Donahue, you testified earlier that with regard to
16 the baton, that that may have been handled by many
17 people?

18 A. Yes.

19 Q. You also said it could be an easy transfer if somebody
20 swung it; is that correct?

21 A. I would expect to have an easier time to transfer DNA
22 to a baton just by the action of swinging it, yes.

23 Q. And yet you weren't able to make any determination
24 that Mr. Peters' DNA was included on that; isn't that
25 correct?

JOHN DONAHUE - REDIRECT

1 A. That's correct, because of the number of people, the
2 number of contributors that are on there and the amount of
3 DNA that was present, I just, I can't tell you anything
4 about it with respect to Donald Peters.

5 Q. And you also said though that you couldn't exclude
6 him; is that correct?

7 A. Yes. It's just inclusive. I don't know.

8 Q. You couldn't exclude me, either; correct?

9 A. No, but when we calculate -- when we get a mixture or
10 any kind of profile, we have to calculate what's called a
11 matched statistic. And the matched statistic on, for this
12 baton basically what we're looking at is what's the
13 number, what's the probability of getting some random
14 person that he could also match. And for this baton
15 handle it was about one in six.

16 So, it's really not a very, very strong DNA profile.

17 Q. But you could exclude him with regard to the
18 bloodstains you found on the jeans?

19 A. Yes.

20 MR. HAIGHT: I believe that's all I have. Thank you.

21 THE COURT: Thank you. Redirect?

22 REDIRECT EXAMINATION

23 BY MS. BANNON:

24 Q. Those bloodstains, they were on the outside of the
25 jeans?

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1 A. Yes.

2 MS. BANNON: I have no further questions.

3 THE COURT: Thank you. Mr. Donahue, you can step
4 down. Thank you.

5 Ms. Bannon?

6 MS. BANNON: Your Honor, the State calls Investigator
7 John Gobel.

8 THE COURT: How many more witnesses do you anticipate?

9 MS. BANNON: This is it, Your Honor.

10 THE COURT: Okay. Thank you. Investigator, come
11 forward.

12 JOHN GOBEL, having been duly sworn, was examined and
13 testified as follows:

14 THE CLERK: If you'll state your name for the record,
15 please.

16 THE WITNESS: Detective Sergeant John Gobel,
17 G-O-B-E-L, with the Beaufort County Criminal
18 Investigations Division.

19 DIRECT EXAMINATION

20 BY MS. BANNON:

21 Q. Investigator Gobel, how long have you been in law
22 enforcement?

23 A. Counting my years with the military police, a little
24 over 30 years.

25 Q. And how long have you been with Beaufort County

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1 Sheriff's Office?

2 A. Since 1988.

3 Q. And where are you currently assigned?

4 A. Criminal Investigation Division with the Beaufort
5 County Sheriff's Office.

6 Q. And are you familiar with the investigation into the
7 home invasion and beating of Ron Lanier?

8 A. I am.

9 Q. How were you involved in this case?

10 A. Detective Rice is my partner and I assisted him with
11 the investigation.

12 Q. And so, you were present for interviewing with
13 Mr. Lanier?

14 A. Yes, I was. I wasn't present the evening before when
15 Detective Rice got called out. I was present the
16 following day for follow-up interview.

17 Q. And you were present for the interview of Lauren
18 Baughman?

19 A. Yes, I was.

20 Q. You were present for the interview of Kurtis Edwards?

21 A. Yes, I was.

22 Q. And you were present for the arrest of Doobie Peters?

23 A. Yes.

24 Q. Before we start, do you happen to know Mr. Peters'
25 birthday?

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1 A. Excuse me. Unfortunately 30 years makes the eyes go
2 bad.

3 Mr. Peters' birthday is [REDACTED], which
4 makes him 40. Mr. Edwards' birthday is [REDACTED]
5 [REDACTED], which makes him 29.

6 Q. So, Mr. Peters is the older and Mr. Edwards is the
7 younger?

8 A. That's correct.

9 Q. And, as part of your investigation were you ever able
10 to locate the clothing that Mr. Peters was wearing during
11 the assault?

12 A. I know some clothing was found in the house. I'm not
13 sure who was wearing it.

14 Q. And you say that you were present for the confession
15 of -- I'm sorry, for the arrest of Mr. Peters; correct?

16 A. Yes.

17 Q. How did that come about?

18 A. Well, initially we had talked to Ms. Baughman and then
19 her boyfriend, Kurtis Edwards. And of course after
20 speaking to them, they both implicated Mr. Peters who we
21 knew as Doobie. And we went out looking for him.

22 Q. And where did y'all go?

23 A. We went to a residence which I believe was
24 Mr. Edwards' and Ms. Baughman's residence where we had

25 been told he might be which is, I believe, [REDACTED]

JOHN GOBEL - DIRECT

1 Road.

2 Q. And did he live there?

3 A. No, he didn't live there. He just stayed there a lot
4 or so we were told.

5 Q. And how did you encounter Mr. Peters?

6 A. We approached the door, knocked on the door. Another
7 gentlemen came to the door. We told that fellow that we
8 were looking for Mr. Peters and he let us in where we
9 encountered Mr. Peters in the -- it's a mobile home with
10 your typical division between the living room and the
11 kitchen and he was in that area.

12 Q. And, what did you do when you see him?

13 A. We told him that we were investigating the incident.
14 We placed him in handcuffs, and Detective Rice read him
15 his Miranda rights.

16 Q. Were you present for the recitation of Miranda?

17 A. I was.

18 Q. And what did Investigator Rice read the Miranda rights
19 from?

20 A. From a card.

21 Q. And did Mr. Peters seem to understand those?

22 A. Yes, he did.

23 Q. Were you able to have an intelligent conversation with
24 Mr. Peters?

25 A. Yes, we did.

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1 Q. Did you search him incident to arrest?

2 A. Yes, we did.

3 Q. And what did you find on him?

4 A. There was a small amount of marijuana and some pills.

5 Q. And, after you Miranda -- after Investigator Rice

6 Mirandized Mr. Peters in front of you, what did Mr. Peters
7 do?

8 A. As far as?

9 Q. Did he waive his rights?

10 A. Oh, yes. Yes, he agreed to talk with us.

11 Q. What was Mr. Peters' general state?

12 A. Mr. Peters was pretty upset. He was, he was pretty
13 angry.

14 Q. But he was still willing to talk to you?

15 A. Yes.

16 Q. What did he tell you?

17 A. Initially he denied everything; don't know nothing
18 about nothing, wasn't a part of anything.

19 And then when we told him that the two co-defendants
20 had already confessed and had implicated him in the crime,
21 he admitted that he was there. He said he rode there with
22 them. That it was himself, Lauren Baughman, Kurtis
23 Edwards and he said there was another fellow there. He
24 didn't know the other guy's name, couldn't give a
25 description of the other guy, but he said there was

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1 another guy. Basically when they got there he said he
2 stayed outside, Mr. Edwards and this other person who he
3 couldn't name or describe went in the house and did
4 whatever they did. And then they came out and they all
5 left together with Ms. Baughman.

6 Q. Did he state what Ms. Baughman's involvement was in
7 this?

8 A. Basically she was the organizer.

9 Q. Did he say who drove them?

10 A. She drove.

11 Q. Did he saw who drove them away?

12 A. She drove.

13 Q. Now, let's talk about this other man that he said was
14 there. Through your other interviews with Mr. Lanier, was
15 there any evidence there was a third person?

16 A. No.

17 Q. Was there any evidence that through your interviews
18 with Lauren Baughman that there was a third person at the
19 house?

20 A. No.

21 Q. Was there any evidence through your interviews with
22 Mr. Edwards that there was a third person at the house?

23 A. No.

24 Q. As an investigator arresting the third guy, you must
25 have been like, oh, there's a another suspect out there?

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1 A. No.

2 Q. Why not?

3 A. It was obvious to me from the investigation, both from
4 Mr. Lanier, the two people who had already laid everything
5 out that there were three people involved that night;
6 there was Lauren Baughman, there was her boyfriend,
7 Kurtis, and there was Doobie.

8 It was obvious to me that there was no other person.

9 Q. So let's talk about this other person that Mr. Peters
10 told you about. Was he able to say if it was a man or a
11 woman?

12 A. He said it was a man.

13 Q. Was he able to say if he was young or old?

14 A. He didn't.

15 Q. Was he able to say if he was short or tall?

16 A. He gave absolutely no description.

17 Q. Was he able to say if this guy was black or white?

18 A. None whatsoever.

19 Q. Was he able to say the guy had a weapon?

20 A. No. Of course, during the interview we told him that
21 we had been told that he was the one that beat Ron. And
22 of course he denied; I didn't beat anybody, it was this
23 other guy. He said he didn't even go in the house. But
24 there was just no description of this other phantom
25 person.

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1 Q. In fact, Mr. Edwards -- I'm sorry. Mr. Peters, Doobie
2 Peters, was unable to give you a single identifying
3 feature of the person who supposedly did this burglary
4 with him?

5 A. That's correct.

6 MS. BANNON: I don't have any other questions for you,
7 Investigator Gobel. Please answer any that Mr. Haight
8 might have.

9 THE WITNESS: Thank you.

10 THE COURT: Mr. Haight, cross-examine?

11 CROSS-EXAMINATION

12 BY MR. HAIGHT:

13 Q. Detective Gobel, how are you today?

14 A. Good, sir.

15 Q. Now at the time you went to arrest my client, when you
16 got to the house, was he not sitting down on a recliner
17 with a bong in front of him, high as a kite?

18 A. My memory says he was standing. I don't remember
19 seeing a bong. If we had saw a bong we would have taken a
20 bong, just like we took the dope and the pills.

21 I mean, a bong's not something I'm going to leave
22 behind. So if I had -- and I don't believe there's a bong
23 in evidence so, no, sir. I don't remember seeing a bong.

24 Q. And you said three people were involved; correct?

25 A. Yes, sir.

JOHN GOBEL - CROSS

1 Q. And one of those people was Ashley Pierce; wasn't it?

2 A. Well, she would be a fourth person but she was
3 involved in the planning. She was the very first person
4 that we interviewed. She is the one who told us about the
5 other participants initially. But she wasn't present with
6 the three people who went to Mr. Lanier's house that
7 night.

8 Q. And in fact in your discussions with Mr. Lanier, he at
9 no time identified Donald Peters as being one of the
10 participants; did he?

11 A. No, he didn't. Ron didn't identify anyone. He said
12 they were wearing masks. He didn't make any
13 identification.

14 Q. Although he did say that one was a black guy and one
15 was a white guy; didn't he?

16 A. He did say that he thought one was a black man, but he
17 said that based on the speech. He said they wore masks
18 and he didn't see anyone that was black but he thought
19 that one of them sounded black.

20 Q. And he also said that he thought a guy named Steve was
21 involved; did he not?

22 A. I believe he did mention a Steve at one point.

23 MR. HAIGHT: Could I have a minute, Your Honor?

24 THE COURT: Yes, sir. (Pause.)

25 BY MR. HAIGHT:

JOHN GOBEL - REDIRECT

1 Q. You also took some money off Mr. Peters; didn't you?

2 A. I really don't remember.

3 Q. It was -- you don't recall? It was about \$200.

4 A. It's possible. I really don't remember.

5 Detective Rice was the case officer and he was
6 actually seizing everything there. I was just assisting.
7 So, if -- I'm sure if the report says we took a couple
8 hundred bucks, then that's what we took.

9 MR. HAIGHT: I believe that's all I have, Your Honor.
10 Thank you.

11 THE COURT: Thank you, Mr. Haight. Redirect,
12 Ms. Bannon?

13 MS. BANNON: Thank you, Your Honor.

14 REDIRECT EXAMINATION

15 BY MS. BANNON:

16 Q. Through the course of y'all's investigation, did you
17 all find any evidence pointing to the involvement of some
18 guy named Steve?

19 A. None whatever.

20 Q. And, in fact, when Mr. Lanier was talking about the
21 race as a people based on the voices, he said that the
22 young guy sounded black; did he not?

23 A. That's correct.

24 Q. And that the older guy sound like he was white?

25 A. That's correct.

1 MS. BANNON: Thank you. No further questions.

2 THE COURT: Thank you.

3 MR. HAIGHT: Nothing, Your Honor.

4 THE COURT: Thank you. Detective Gobel, you can step
5 down. Thank you, sir.

6 THE WITNESS: Thank you, Your Honor.

7 THE COURT: Ms. Bannon?

8 MS. BANNON: Your Honor, the State doesn't have any
9 further witnesses at this time.

10 THE COURT: Thank you. Ladies and gentlemen of the
11 jury, the State has now rested its case in chief. That
12 means that you have heard all of the evidence and seen all
13 of the testimony that you -- or seen and heard all of the
14 evidence and testimony from the State.

15 Necessarily at this juncture of every trial of this
16 nature, I have to take up matters of law outside of your
17 presence. Not only that but the lunch hour is also upon
18 us. The matters that we have to take up and the
19 accommodation of the lunch break is going to take a while
20 and so I want you back in the jury room, please, at 2:30
21 this afternoon.

22 That will give us a chance to do all that we need to
23 do. It's a little but longer lunch hour than you normally
24 get, not a whole lot, but we've got some other work that
25 we've got to do before then.

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1 So please be back in the jury room this afternoon at
2 2:30. Do not discuss this case among yourself or with
3 anybody else in the meantime. Thank you.

4 (Jury exits courtroom at 12:52 p.m.)

5 THE BAILIFF: Jury's clear, Your Honor.

6 THE COURT: Thank you. Folks, I understand that the
7 clerk's office has got some meal down the hall that I
8 don't want to get cold, but if we can deal with motions
9 without taking a whole long time, I'll be glad to do those
10 and sort of clear the deck for this afternoon's work.

11 Let's deal first of all with motions from the defense
12 for directed verdict. Mr. Haight, let me hear from you in
13 that regard, please.

14 MR. HAIGHT: Yes, Your Honor.

15 Pursuant to Rule 19 we would move for a directed
16 verdict As to all charges. Particularly I'd like to
17 address the safe cracking. I've already handed up State
18 versus Ford.

19 And we don't believe there's any evidence of any tool
20 or implement being used for safe cracking in this case.
21 The key to the safe is what apparently was used to open
22 it, and that's as much a tool as a handle to a safe. It
23 is part of the safe.

24 If -- also if the prosecution is going to argue that
25 somehow his closet was really a safe, we would take the

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1 position that, no, it's not. It's still a closet even if
2 it has more than one lock on it.

3 And similarly there it was the testimony of
4 Mr. Edwards that he utilized keys to open that and these
5 are the very keys designed for those locks.

6 So even if a closet can be safe cracked it was not in
7 this case. And it would be our position that a verdict
8 should be directed in our favor, in my client's favor with
9 regard to the safe cracking.

10 THE COURT: Thank you. Ms. Bannon, let me hear from
11 you in that regard, please.

12 MS. BANNON: Certainly, Your Honor. Mr. Haight, does
13 rely on State V Ford, however reading the actual case it
14 simply says that the lower court properly granted directed
15 verdict saying there was no evidence of safe cracking. It
16 doesn't state what evidence was presented.

17 So one has to assume that no evidence was presented.
18 Whereas I believe that's different than the current
19 situation. The statute for safe cracking says key, tool
20 or any other implement. And that --

21 THE COURT: It says explosives, tools or any other
22 implement.

23 MS. BANNON: I'm sorry. Explosives, tool or any other
24 implement, Your Honor, with commas in between them which
25 in my reading means it could be an explosive, it could be

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1 a tool or it could be an implement.

2 State V Pulley which I've previously tendered to the
3 Court has a list of items and includes keys that would
4 fall within possession of burglary tools which I believe
5 would be parallel to the safe cracking.

6 Here it's also separate in the fact that a key is a
7 tool. Well, Mr. Haight argued that it is part of the
8 safe. It's akin to a handle. It's not.

9 It is an additional tool or implement that one must
10 apply to the safe to force it open.

11 They did not own the key. They did belong to the key,
12 the key did not belong to them. They had to use violent
13 force to obtain the tool or implement with which to open
14 the safe.

15 And I think -- I'm not arguing that the closet itself
16 is a safe but rather use of the keys in multiple locks on
17 the closet clearly shows their intent to break into the
18 safe and gain access to the safe and that they knew
19 exactly what they had to do to do so.

20 Your Honor, I also think that Ms. Baughman's testimony
21 that she tried to break through the wall to gain access to
22 the safe shows that as a co-conspirator all three of them
23 together were dead set on getting into the safe, using
24 whatever means necessary.

25 And it's really a question of fact whether the jury

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1 believes that a key is a tool or an implement.

2 THE COURT: I think that the statute is designed to
3 deal with the method as well as with the appliances that
4 are used to get into a safe.

5 And, for example, I don't think that the statute would
6 allow prosecution for safe cracking if someone had the
7 combination to the safe, even though they had gained it
8 surreptitiously, even though they may have used torture to
9 get it, because the statute says: Any person convicted of
10 using explosives, tools or other implements in or about a
11 safe used for keeping money or other valuables with the
12 intent to commit a larceny or other crimes shall be guilty
13 of a felony.

14 And of course as we know, safe cracking which is a
15 rather old statute harkens back to the days when people
16 were using sledge hammers and dynamite and anything else
17 to get into a safe, therefore it attached this verbiage to
18 the statute itself.

19 At one time as a matter of fact, safe cracking was one
20 of the most serious crimes that someone could be convicted
21 of. And it required someone to be confined in the highest
22 security level that the Department of Corrections had
23 because the rationale was that if somebody could break
24 into a safe they can break out of jail and so we better
25 lock them down tight.

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1 And so you're right, Ms. Bannon, the Ford case really
2 doesn't tell us what was used to get into the safe.

3 So we don't exactly know -- whatever it was, we know
4 that the trial court was reversed in that part because
5 there was no evidence in the record that explosives, tools
6 or other implements were used. We don't know how they got
7 into it. I suppose it could have been a combination. I
8 don't know what it was. And we don't know. And so we're
9 left with an uncertainty in that regard.

10 In the case which you have cited, the Pulley
11 P-U-L-L-E-Y case, there is no question in this regard that
12 this person had implements in his possession. And there
13 is a laundry list of them.

14 As a matter of fact if you were going to teach a class
15 on safe cracking this is the stuff you would tell somebody
16 to bring along; dynamite, fuses, and caps, a large and a
17 small crowbar, an auger and a bit, a small key hole
18 flashlight, tweezers, cord described as a strangle cord, a
19 rubber syringe, a quantity of cotton, a large flashlight,
20 an all-metal screwdriver, two metal punches, a pair of
21 cotton gloves, adhesive tape, and a number of keys of
22 various kinds.

23 Now, as the Court went on to say, some of these
24 obviously can be used in other types of activity as well.
25 But there was no question about these things that lumped

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1 all together would convict Mr. Grover Tojo Pulley of
2 having implements in his possession used to break into a
3 safe

4 And as a matter of fact, there were other thing as
5 well as I recall. He was found handcuff keys, a pair of
6 metal knuckles, a Belgium automatic pistol that would hold
7 15 bullets, a sawed-off shotgun with buckshot, a number of
8 large-scaled maps of many counties in North Carolina, some
9 extra license tags for his car in Georgia and Tennessee,
10 and a first-aid kit in case he got wounded by the police.

11 I'll grant you if Mr. Pulley were on trial here before
12 me I would deny the motion for a directed verdict. But I
13 don't think that it means that everything that's on that
14 list including a quantity of cotton and a large flashlight
15 and some keys necessarily constitute implements used
16 unlawfully to get into a safe.

17 I must, in taking this statute reading it in its plain
18 and ordinary language, it seems to me to be pretty clear
19 that the use of explosives, tools or other implements
20 means just that. Explosives, tools or other implements
21 means that those things at least have some commonality
22 among them.

23 I agree with Mr. Haight. I don't think a key, a key,
24 frankly, that is the key for this safe is one that comes
25 within those definitions.

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1 The motion for a directed verdict as to the charge of
2 safe cracking is granted.

3 The motion for directed verdict as to the remaining
4 charges is respectfully denied. Obviously there is
5 evidence from which the jury could conclude Mr. Peters'
6 guilt on those charges taking that in the light most
7 favorable to the State. So those motions are respectfully
8 denied.

9 All right. Folks, before we break, let's try to cover
10 another couple of housekeeping matters and see if we can't
11 clear the decks.

12 Mr. Haight, do you anticipate that Mr. Peters may
13 testify in this case? Do you wish for me to instruct him
14 as to his right to testify or not to testify?

15 MR. HAIGHT: It certainly, Your Honor, is our
16 intention not to testify but possibly the instruction
17 would be warranted.

18 THE COURT: All right. At this point in time, do you
19 anticipate calling any other witnesses?

20 MR. HAIGHT: No, Your Honor.

21 THE COURT: Okay. Thank you.

22 Mr. Peters, will you stand where you are, please, and
23 let me put you under oath.

24 (Defendant placed under oath.)

25 THE COURT: Thank you. You can be seated.

MOTIONS & CHARGE CONFERENCE

1 Mr. Peters, you may be called to testify in this case, you
2 may not be; I don't know, and perhaps you and Mr. Haight
3 don't know just yet.

4 But before you make that decision there are a few
5 things that I need to tell you about your rights in that
6 regard.

7 Under the Fifth Amendment of our United States
8 Constitution and in a similar counterpart of our State
9 Constitution, it is provided that no person in a criminal
10 case can be compelled to give evidence against himself.

11 That means that you cannot be forced to testify in
12 this particular case. You have the right to testify. You
13 also have the right not to testify. And that is a right
14 that attaches only to you. You're the only person who can
15 exercise that right. You're the only person who can give
16 it up.

17 If you choose not to testify as is your right, the
18 jury will be instructed that they cannot take that into
19 account in their consideration and in their deliberation
20 of your guilt or innocence.

21 They will be told further that they cannot even
22 discuss that matter in the jury room when they're
23 deliberating this particular case because you have a right
24 to remain silent and the fact that you choose to exercise
25 that right does not -- is not a factor that they can take

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1 into account.

2 On the other hand, if you choose to give up that right
3 and to testify, then you will be subject to examination
4 not only by Mr. Haight but also to cross-examination by
5 Ms. Bannon. And you can be impeached on any issue that is
6 relevant in this particular case. You will assume the
7 position that every other witness has taken in this
8 particular case.

9 Do you understand the rights that are yours,
10 Mr. Peters, to testify or not to testify?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: Do you have any questions that you want to
13 ask me about those rights?

14 THE DEFENDANT: No, sir.

15 THE COURT: So I can assume that whatever you do,
16 whether you exercise that right or whether you waive that
17 right, you're doing it with a clear understanding of what
18 your rights are under the law?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: Thank you. All right.

21 Now, assuming if you choose not to present evidence in
22 this particular case when the jury comes back we will go
23 immediately to final arguments.

24 And of course the State will open in this particular
25 case since the defense has presented no evidence. And

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1 I'll deal with that in just a moment, but, after the
2 arguments have been made obviously I will instruct as to
3 the law.

4 And let me tell you what my observations of the trial
5 has indicated to me thus far should be tried. My standard
6 felony charge contains standard instructions on reasonable
7 doubt.

8 The reasonable doubt definition that I use is from
9 Victor versus Nebraska or State verses Darby is our state
10 court case. It is the definition of firmly convinced or
11 real possibility. Those are the two sides of it.

12 I will instruct on the fact that the Defendant in this
13 case did not testify if that remains the case.

14 On the credibility of witnesses, I will instruct as to
15 expert witnesses.

16 I will instruct also as to the conviction of a crime
17 of a witness being something that can be taken into
18 account on the issue of credibility.

19 I will instruct on the elements of the offenses of
20 first degree burglary. I will instruct in connection with
21 that on criminal intent since intent to commit a crime is
22 an element of that.

23 I will instruct on assault and battery in the first
24 degree. There appears to me to be no lesser included in
25 this connection.

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1 I will instruct on armed robbery.

2 I will instruct also on aiding or abetting or the hand
3 of one being the hand of all.

4 I will also instruct the Lyle instruction which says
5 that the allegations of the crime in this particular case
6 of theft of the scrap metal are not offered to prove the
7 character of the Defendant, Mr. Peters, and that that can
8 be considered if they believe it to be true only as
9 evidence that the -- and give weight on the sole issue of
10 the motive or common scheme or plan in this particular
11 charge.

12 I will instruct on circumstantial evidence. On
13 confession. I will give the instruction on the
14 transcripts which are being indicated, just a standard
15 instruction on how they deal with transcripts.

16 Those are the charges that appear to me to be relevant
17 in this case according to my view of the evidence. I'll
18 be glad listen to requests for additional charges or
19 exceptions to those charges.

20 First from the State, Ms. Bannon?

21 MS. BANNON: None, Your Honor.

22 THE COURT: Mr. Haight, from the defense?

23 MR. HAIGHT: Certainly, Your Honor, we would like a
24 lesser included on the assault and battery charge,
25 similarly on the burglary charge.

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1 Obviously on the burglary charge, you know, we've got
2 a lot of elements there and certainly if he was involved
3 it was clearly going on in the nighttime and it was
4 clearly a dwelling.

5 But certainly on the assault and battery charge, we
6 would request a lesser included if at all possible.

7 THE COURT: The distinction under the new law between
8 assault and battery first and second is different from the
9 old distinction between assault and battery of a high and
10 aggravated nature and assault and battery of others.

11 Assault and battery in the first degree has the
12 elements that a person commits the offense of assault and
13 battery in the first degree if that person unlawfully
14 injures another person and the act occurred during the
15 commission of a robbery or burglary or a theft.

16 So there's no degree of injury under the statute any
17 longer as there used to be, at least in this regard.

18 Assault and battery in the second degree is when a
19 person unlawfully injures another person or offers or
20 attempts to injure the other person and moderate bodily
21 injury to another occurs. And, so we're dealing with
22 second degree with being an assault where moderate bodily
23 injury occurs.

24 And I suppose in order for him to be found guilty of
25 first degree they have to say that Mr. Peters or, either

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1 individually or under the hand of one hand of all, injured
2 somebody else and the injury occurred during the
3 commission of a robbery, burglary or theft.

4 And as I was reading the statute, and, granted, some
5 of these statutes are, you wonder if they really mean what
6 they say, but it is the second degree that talks about a
7 moderate degree of injury.

8 And, frankly, I'm not sure how that comports with the
9 fact that the first degree doesn't say anything about a
10 degree of injury, just any injury. Could be moderate,
11 could be serious, could be severe.

12 But the main point is whether that injury occurred
13 during the commission of a robbery, burglary or a theft.
14 Clearly they would have to find that not only did
15 Mr. Peters injure the victim but also that that injury
16 occurred while the crime of robbery, burglary or theft
17 were being committed.

18 And the second part, I suppose he could be convicted
19 without regard to whether or not it was done in connection
20 with a robbery or a burglary or a theft.

21 I'll continue to think about that during the lunch
22 hour but that was the rationale as I went into it
23 originally because of the way the statute is worded.

24 Ms. Bannon, what do you say on that? Of course, if
25 you agree with Mr. Haight, I'm not going to have anybody

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1 to argue on my behalf at the supreme court on this issue
2 so I'll go along with it. You tell me.

3 MS. BANNON: I object to the inclusion of assault and
4 battery second. I don't believe it's actually a lesser
5 included of it because it contains the separate elements
6 that the State has to prove.

7 And I think if you look at legislative intent, this is
8 a higher degree of assault because you did it while
9 committing this other crime.

10 THE COURT: That's right. And that's true. The
11 question is whether or not the greater includes all of the
12 elements of the lesser. And, it seems to me that the
13 lesser includes additional elements that is not in the
14 greater. And that is the distinction between the degree
15 of injury.

16 I'll look that up further, but I will -- if I change
17 my mind I'll charge the lesser and if I don't I'll let you
18 know before we go to the jury.

19 MR. HAIGHT: Thank you, Your Honor.

20 THE COURT: Anything else? Mr. Haight, from your
21 perspective, just the charges?

22 MR. HAIGHT: No, Your Honor. I think that's it.

23 THE COURT: Okay. All right.

24 Folks, and the verdict form will be guilty or not
25 guilty as to each of those charges that remain unless a

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1 lesser included is put in for the assault and battery.

2 One final thing. On the timing of the argument, I
3 don't think I've had the pleasure of trying a case with
4 either of you all before, or you haven't had the misery of
5 having tried one with me as the case might be.

6 So I need to get some idea about how long you think
7 you might take with your final arguments. Ms. Bannon,
8 you'll get the chance to open, of course. About how long
9 do you think you might take?

10 MS. BANNON: Twenty minutes, Your Honor.

11 THE COURT: Okay. Mr. Haight, how long do you think
12 you might take?

13 MR. HAIGHT: It certainly wouldn't be longer than
14 that.

15 THE COURT: Okay. Well, that's certainly reasonable.
16 And I don't blow a whistle, I don't ring a bell if you get
17 to 20 minutes and you keep on going.

18 But I do tell lawyers if I get the impression as you
19 continue to go on and on that you have completely
20 forgotten how long you told me you were going to take,
21 I'll try to find some discreet way to let you know without
22 causing a whole lot of confusion.

23 All right. Folks, is there anything else then before
24 we break for lunch?

25 MS. BANNON: Not from the State, Your Honor.

1 THE COURT: 2:30 then -- excuse me. Mr. Haight?

2 MR. HAIGHT: No, Your Honor.

3 THE COURT: 2:30 then, folks. Thank you.

4 THE BAILIFF: All rise, please.

5 (Thereupon, the luncheon break was taken at 1:14 p.m.,
6 until 2:36 p.m., when the case resumed as follows:)

7 THE COURT: On reconsideration, I've decided not to
8 charge the lesser included of assault and battery second
9 degree.

10 So the charges that will go to the jury are burglary
11 in the first degree, armed robbery, and assault and
12 battery first degree.

13 And these are the verdict forms.

14 Mr. Bailiff, if you'll give those to each of the
15 lawyers.

16 These are the verdict forms that will go to the jury.
17 I given those to you for your information and for your use
18 during your arguments if I choose to do that.

19 Ms. Bannon, is the State now ready for the jury?

20 MS. BANNON: We are, Your Honor.

21 THE COURT: Mr. Haight, is the defense ready for the
22 jury?

23 MR. HAIGHT: Yes, Your Honor.

24 THE COURT: Thank you. You can bring us the jury.

25 Mr. Haight, when the jury comes in I'll allow you to

1 rest in the presence of the jury because they don't know
2 what you're going to do.

3 And I'll say, the Defendant has a right to offer
4 evidence and testimony if he chooses to do so and I'll
5 turn to Mr. Haight and you'll say the defense rests.
6 Okay. And then we'll go immediately into the arguments
7 and charge.

8 MR. HAIGHT: Okay.

9 THE BAILIFF: Jury is entering, Your Honor.

10 THE COURT: Thank you.

11 (Jury enters courtroom at 2:38 p.m.)

12 THE BAILIFF: Jury is seated, Your Honor.

13 THE COURT: Thank you. Thank you again, ladies and
14 gentlemen for your prompt return from lunch.

15 Before we broke for lunch you'll recall that the State
16 had rested its case in chief. The Defendant now has the
17 opportunity to offer evidence and testimony but as I told
18 you earlier is under no obligation to do that.

19 Mr. Haight?

20 MR. HAIGHT: Your Honor, the defense rests.

21 THE COURT: Thank you.

22 Ladies and gentlemen, that means that you have now
23 heard all of the evidence and testimony that you will hear
24 in the trial of this case.

25 We now proceed to the final phase of the trial which

CLOSING ARGUMENT ON BEHALF OF THE STATE

1 will consist of the arguments that the lawyers will
2 present to you and the charge on the law that I'll give
3 you after that's been done.

4 The State will present the first of the final
5 arguments in this case and after Ms. Bannon has finished
6 on behalf of the State, Mr. Haight will have the right to
7 conclude on behalf of his client. And after that's been
8 done, I will instruct you as to what the law is in this
9 case.

10 You have been an attentive jury throughout the trial
11 of this case. You've been prompt. You've done the things
12 that we asked you to do and we appreciate that.

13 You understand the seriousness of the charges that are
14 contained in these indictments and the seriousness of the
15 impact of this trial on all sides in this case and so
16 you've given it the attention that it deserves thus far
17 and I ask that you please give that same attention to
18 the lawyers as they now present their final arguments to
19 you.

20 Ms. Bannon?

21 MS. BANNON: May it please the Court.

22 THE COURT: Yes, ma'am.

23 MS. BANNON: Y'all might not believe this, but you
24 lucked out. Y'all got a pretty exciting jury service.
25 Some weeks we just have a series of breaking into cars and

CLOSING ARGUMENT ON BEHALF OF THE STATE

1 maybe a small purse snatching.

2 This case that y'all got to hear today has a little
3 bit of everything; it has sex, it has cheating, it has
4 drugs, it has prostitutes.

5 However, all these elements that made this an
6 interesting case could try to sway your mind against
7 actually looking at the truth and what you're here to
8 weigh.

9 Our legal system is a beautiful one. Mr. Peters is
10 sitting here judged by y'all, a jury of his peers. The
11 Judge is going to tell you the law in a few moments.
12 Y'all have heard all the facts. It is your job to marry
13 the two and figure out your verdict which the State
14 believes will be guilty.

15 When the Judge reads you the law, you will know it
16 does not say burglary first is the unlawful entry into a
17 dwelling made at night unless you don't really like that
18 victim.

19 Mr. Lanier, I believe, exhibited some of the same
20 things that he exhibited that night on June 29th, 2011.
21 This case is not about Mr. Lanier. It's not about
22 whatever life choices you may or may not agree with that
23 Mr. Lanier has made.

24 The reason that Lauren Baughman, Donald Peters and
25 Kurtis Edwards went to his house wasn't for some higher

CLOSING ARGUMENT ON BEHALF OF THE STATE

1 reason. It wasn't karma. It wasn't he got what was
2 coming to him because, think about it, think about what
3 Lauren told us. The only person who knew that she was
4 sleeping in this love square, it's too big to be a
5 triangle, is Lauren Baughman herself. Kurtis Edwards
6 thought his girlfriend was being faithful. He didn't have
7 any animosity towards Mr. Lanier. He didn't have any
8 animosity toward Donald Peters. He didn't know anything
9 at the time.

10 Donald Peters, he's happy. He's sleeping with Lauren
11 Baughman behind his friend's back. Doesn't know anything
12 about Ron Lanier. There's no reason for them to go attack
13 Mr. Lanier.

14 When they entered that house that night and when they
15 beat Mr. Lanier and took his money, they had no reason to
16 do so except for the reason that they chose him as a
17 victim. And that reason alone was because they were
18 looking for some quick, easy money and drugs.

19 They brought up all the stuff about Mr. Lanier and the
20 prostitutes and everything. That's a distraction. They
21 didn't know about that that night.

22 But what did they know? They knew he was a crank,
23 didn't like the cops, doesn't seem to like most things,
24 probably wouldn't cooperate with anything, but they knew
25 he had a ton of money. And why do they want that money?

CLOSING ARGUMENT ON BEHALF OF THE STATE

1 Because they wanted drugs.

2 From all the testimony we heard, all three of them
3 were pill heads. They needed to feed their habit. They
4 didn't care how and the quickest and easiest way was to
5 victimize someone that you didn't like that much and no
6 one could really like.

7 But that is not what the law calls for. The law calls
8 that you put aside whether or not you liked the victim,
9 whether or not you thought he had it coming, and compare
10 what the law says with the facts that were presented to
11 you.

12 Based off that, I think y'all can tell that the State
13 does not get to choose our witnesses. I can tell you, if
14 I did I would not have chosen the witnesses the State's
15 had to call. Bear in mind though and ask yourself, who
16 does get to choose the witnesses? Who got to decide that
17 the elderly-prostitute-using-man was victimized and beaten
18 and came to testify? Donald Peters.

19 Who got to choose that the prostitute who was
20 two-timing her boyfriend came and testified and was one of
21 our key witnesses? Donald Peters.

22 Who chose that the other prostitute who claims to no
23 longer be on pills despite just having a conviction for it
24 last month is another key witness, who do you think chose
25 to include her in this whole scheme? Donald Peters.

CLOSING ARGUMENT ON BEHALF OF THE STATE

1 Every one you heard was hand chosen by Donald Peters.
2 to go with him that night and help carry out this plan, to
3 get some quick and easy money.

4 You know, we're really lucky to live here in Beaufort
5 County. It's a beautiful area. It's very coastal. I
6 like going to the beach. I hope all of y'all have gotten
7 to go to the beach and how sometimes with a really high
8 tide you get the really big tidal pools. And you can go
9 up to a tidal pool and it's all still and you can see the
10 bottom. Right? And then sometimes a dog will run through
11 or some kids will kick it up or even yourself, you might
12 just want to stick your toe in and kick it up a little.
13 Right? What happens? You can't see the bottom any more.

14 All that silt has come up and clouded the water. How
15 do you see the bottom again? Take time and you let that
16 silt settle.

17 And that's a lot of what this case is. Mr. Haight has
18 been an excellent attorney and he has made some very good
19 points. However, those points are silt. They're
20 currently kicked up. And I ask that when you get back to
21 that room, take a deep breath and just let that silt
22 settle.

23 And once that silt settles you will see that you're
24 firmly convinced that Mr. Donald Peters knew about the
25 burglary, went in the house on the burglary, beat Mr. Ron

CLOSING ARGUMENT ON BEHALF OF THE STATE

1 Lanier, took the money, and then went and had a rocking
2 good time in Hardeeville with Lauren Baughman and Kurtis
3 Edwards.

4 Briefly I want to go through what some of this silt
5 that's been kicked up in this case is. One, it's a setup,
6 that Ashley Pierce, Lauren Baughman and Kurtis Edwards are
7 setting up poor Mr. Peters. That's not true. That's
8 going to go away. Why do we know it's going to go away?
9 Got the text messages. Right? Where Doobie very
10 coherently is saying, okay, you're going to come pick me
11 up. Kurtis Edwards' saying, hey, I'm with Doobie right
12 before this happens. We have the testimony of Lauren
13 Baughman saying, we all knew it was happening. I
14 described to them where to find the money. I knew right
15 where everything was going.

16 Not only that, but what motivation would any of these
17 people have to set up Mr. Peters? Ashley Pierce said she
18 didn't know Mr. Peters. She knew that Lauren Baughman was
19 planning on something.

20 In fact, of all the people that we heard, she's the
21 only one who expressed any hesitation at the thought of
22 breaking into an elderly man's house in the middle of the
23 night, knowing he has an alcohol problem, beating him when
24 they went to get the money. Ashley Pierce is the only one
25 out of all four of these people that was, like, maybe this

CLOSING ARGUMENT ON BEHALF OF THE STATE

1 is not right.

2 Think of the other things that show this would not be
3 a setup. Mr. Peters' own statement; I was there. What
4 type of elaborate setup would involve you putting yourself
5 at the scene of the crime? There's nothing that makes
6 sense about Mr. Peters being there and this all being a
7 big concocted plan to set him up.

8 Lauren Baughman's testimony has never changed from the
9 day she was arrested. It was me, Ashley Pierce, Kurtis
10 Edwards and Doobie.

11 Kurtis Edwards, his statement has not changed since
12 the day he was arrested. It was me, Ashley Pierce, Lauren
13 Baughman and Donald Peters.

14 That is one heck of a setup to continue on when you
15 have zero motivation to continue to do it. If they had
16 come up with this after they found it about this whole
17 intrigue and girlfriend swapping, sure, I think they would
18 be able to at least stand on there but they didn't. By
19 all accounts no one knew any of it until they got the
20 discovery because they were arrested and charged in this
21 case.

22 The setup silt is going to settle and it will not
23 block the truth.

24 Mystery man. Donald Peters said that, yeah, I was
25 there, served as a lookout, some other dude went inside.

CLOSING ARGUMENT ON BEHALF OF THE STATE

1 Okay. Describe him for us. Couldn't. Didn't provide a
2 single descriptor, old, young, nothing. Absolutely not.
3 Nothing.

4 What do we have to also poke holes in this mystery
5 man? Well, we have all the text messages. And of all
6 those text messages Lauren Baughman by all accounts was
7 the one that set this up. There's no denying that. She
8 was the mastermind behind this crime. There are no other
9 texts to other people setting this up. The only people
10 she's texting about, hey, when are we going to do it.
11 Hey, we're going to meet you here. You got to do it this
12 way. The only people she has texted are Ashley Pierce,
13 Kurtis Edwards, Donald Peters.

14 So where would this mystery man have come from?
15 Kurtis Edwards. No. Doobie was at my house. I needed
16 another person to go with me. That's how he wound up
17 going with us. Again, no extra mystery man.

18 What about Ashley Pierce? They came to give me
19 money. How many people were in the car? Three. She
20 identified two of the three, couldn't see the third guy in
21 the back. That pokes holes in the mystery man.

22 What about how the mystery man got there? Lauren,
23 Kurtis said no one else was in the car. What about how
24 the mystery man got away? Lauren, Kurtis said one else
25 was in the car. Think also about what we heard.

CLOSING ARGUMENT ON BEHALF OF THE STATE

1 Stealing at Whitmore's as his alibi. No no no. While
2 Kurtis Edwards was beating, robbing and thoroughly turning
3 over Mr. Lanier's house, Mr. Peters was getting scrap
4 iron. I don't doubt that Mr. Peters did go to that scrap
5 yard. He just went two hours before he went and
6 burglarized Mr. Lanier's house.

7 Think about it. How could you could go into a home
8 knowing that you had a rather salty old Marine sitting
9 there, with one person planning on disabling him so he
10 won't fight back and have a chance to get the money? You
11 don't. You need two people to do this.

12 We know for a fact that Lauren Baughman drove Kurtis
13 Edwards and Donald Peters to Ron's Barber Shop which is
14 right next to Mr. Lanier's house a couple of hours
15 before. How do we know it? We know it from the texts
16 because she and Kurtis Edwards are texting, have you done
17 it yet, you're going to have to break a window. And
18 Mr. Edwards texts back in what I imagine to be a typical
19 boyfriend tone of, why don't you just do it if you know so
20 much.

21 That happened at around 9:30. That doesn't happen
22 when the burglary of Mr. Lanier's house happens.

23 We know also that Kurtis Edwards cut his hand and
24 that's where that white rag came from. So we have
25 physical evidence corroborating the broken window on Ron's

CLOSING ARGUMENT ON BEHALF OF THE STATE

1 Barber Shop which corroborates the testimony of Lauren
2 Baughman and Kurtis Edwards.

3 We're at the Whitmore. Not only that, you saw the
4 pictures from when Investigator Rice went and collected
5 everything that they turned into the recycling center. It
6 was a lot of stuff. Whitmore Electric and Plumbing is not
7 a walk-able distance from Ron Lanier's house.

8 There're no text messages, hey, come pick me up, I got
9 all this metal. It's too heavy. Hey, when are you
10 coming. There are no text messages concerning Donald
11 Peters and Lauren Baughman picking, being picked up at the
12 time of Ron Lanier's getting beaten and his house is being
13 burglarized. Why? Because Doobie is with Kurtis inside
14 beating Mr. Lanier, and all the stolen property from the
15 plumbing at Whitmore happened two hours before.

16 Not only that but with the Whitmore alibi it flies
17 completely in the face of what Mr. Peters told law
18 enforcement the night he was arrested. I was there. I
19 was serving as a lookout. Some other guy went in. Okay.
20 Today I was off stealing some various non-ferrous metals
21 at Whitmore Plumbing even though they're completely too
22 far apart to walk for each other.

23 So how could you do that? How could you both be a
24 lookout and be stealing this metal? You can't. And it
25 didn't happen because neither of those were true. That

CLOSING ARGUMENT ON BEHALF OF THE STATE

1 was not where Donald Peters was when Ron Lanier's house
2 was being broken into. Donald Peters was inside that
3 house beating Ron Lanier. And that is why the stealing at
4 Whitmore does not hold any water.

5 How about the lookout? This is the last silt. I'm
6 sure Mr. Haight has a couple other ones but just thinking,
7 it, these are the ones I came up. I'm sure y'all have a
8 lot of other questions too.

9 But, the lookout thing just doesn't add up. It
10 doesn't make sense. And that is why we have a -- use
11 common sense. A jury of your peers. Y'all aren't
12 specially trained in the law and we don't want that. We
13 want people to apply common sense to the facts hear.

14 I'm a lookout. Why would you have Lauren Baughman, a
15 lookout and two guys go into the house? Think about it.
16 Y'all heard it from Eugene Smith. Who's Eugene Smith?
17 He's Ron Lanier's across-the-street neighbor. He's also
18 Lauren Baughman's step dad. Lauren Baughman had lived at
19 the house across from Ron Lanier probably, she said, seven
20 to eight years.

21 At two a.m., in a residential neighborhood do you need
22 a lookout knowing that your mom and dad are across the
23 street and probably asleep? No. In fact, wouldn't Lauren
24 Baughman as she's driving around probably be the lookout
25 making sure things aren't happening? And why did she keep

CLOSING ARGUMENT ON BEHALF OF THE STATE

1 calling Ron? To make sure he's not calling anyone else to
2 come over.

3 So of this group, Lauren Baughman is the lookout, not
4 Donald Peters.

5 Go inside the house. You need two people. There's no
6 way you can do this with just one person.

7 And we know that Ron Lanier was beaten and we know
8 that money was found.

9 And honestly, it could have been either one of them.
10 I wouldn't be surprised if both, if both hit and beat
11 Mr. Lanier. He's cranky. I guarantee you, he didn't go
12 down without a fight. It probably took both of them to
13 beat him a couple of times.

14 But, the Judge will instruct you on this; hand of one
15 hand of all. If you all agree to do a crime together, I'm
16 just as responsible with my friend who does something as
17 long as we're doing the crime together.

18 But not only that, but again look back at the texts.
19 There's no text, hey, man, come along with us, we need
20 someone to look it. There's nothing establishing that.
21 There is no one else that they drug into this. Not only
22 that, but they went and saw Ashley Pierce almost
23 immediately after this to give her her money.

24 How many people were in the car according to Ashley
25 Pierce? Three. How many people went to Hardeeville that

CLOSING ARGUMENT ON BEHALF OF THE STATE

1 night? Three.

2 What else do we know? We know they were together the
3 next morning at a scrap yard.

4 So, the lookout doesn't hold water. If none of these
5 make sense it's because none of them are the truth. What
6 does make sense is the truth.

7 I made a list of reasons why Donald Peters is guilty.
8 And I'm going to go through each of these and explain to
9 you what the evidence we've admitted shows and how it
10 supports each these assertions.

11 One, he admitted to being there. That's a pretty big
12 step is; I was there the night this happened, I was there
13 when it happened, and I knew it was happening.

14 Doesn't drive. If you look at the texts between
15 Lauren Baughman and Donald Peters, he's always like, yeah,
16 I'll do this if you pick me up, if you pick me up. Not
17 only that, but his ID from the metal recycling place is
18 for identification only. It's a non-driver's ID and
19 Ms. Baughman stated she had never seen him drive. He
20 doesn't have a car. Of course he's going to have to be
21 with them to go anywhere.

22 So, he is with them when she texts, hey, I'm picking
23 you up, where are y'all at.

24 He cares for Lauren. Most of these text messages are
25 some kind of sordid love tale of, why won't you say you

CLOSING ARGUMENT ON BEHALF OF THE STATE

1 love me when we're out, or you should go with him and be
2 happy. It is a very tangled web that they have woven, but
3 it's clear that in whatever way they had feelings for each
4 other.

5 And I believe Ms. Baughman was able to play on these
6 feelings that Mr. Peters had for her to convince him to do
7 this, however, however, he has a free will and he allowed
8 himself to be convinced to do this and he went along with
9 it.

10 Only four people knew about it. There is absolutely
11 zero evidence that anyone else knew this was going to
12 happen. Ashley Pierce, Lauren Baughman, what do you
13 think's the best way to do it. Maybe he has money under
14 the pillow. Maybe you can bust down the bathroom wall to
15 get to the safe.

16 They're planning ways to find more money. Fine.
17 They're both pill heads and prostitutes. And then Lauren
18 is like, hey, you know what. He's not giving me money.
19 I'll get my boyfriend to do it. She should have just said
20 boyfriends to do it because that's what she did.

21 But there is only testimony and evidence that four
22 people knew about it. And those four people are Ashley
23 Pierce, Lauren Baughman, Kurtis Edwards, Donald Peters.
24 There is nothing else indicating that there was anyone
25 else who knew this was about to happen or going to

CLOSING ARGUMENT ON BEHALF OF THE STATE

1 happen.

2 There were only three people in the car. Every
3 story -- y'all might have thought I was obsessively asking
4 where people are seated in the car because it was
5 consistent. Every time: Where did you go, where did you,
6 go, where did you go. Three people. Doobie was in the
7 back. Doobie was in the back. I was driving, Doobie was
8 in the back.

9 Well, you know, Lauren does have some stuff to gain by
10 testifying even though she's testifying basically the same
11 way she's told everything since the first time she talked
12 to law enforcement. But Ashley Pierce corroborates that.
13 Yeah, they came to give me my money and there were three
14 people in the car. Lauren was driving. Kurtis was in the
15 side and there was some guy who I couldn't really tell in
16 the back seat. Only three people in the car.

17 There are no other texts. Y'all have the text
18 messages. I've clearly pulled out the ones that I found
19 to be relevant. However, there are no other texts, hey,
20 where are you, we're going to do this, let's do this
21 right. There's nothing else.

22 It is just these four planning it, executing it and
23 succeeding for a short time.

24 I know it was really hard to hear the video on the
25 quality end, and I apologize for that, but what you could

CLOSING ARGUMENT ON BEHALF OF THE STATE

1 hear and I'm sure some of you did hear it, was Mr. Edwards
2 repeatedly asking for a room with two beds. Okay. You
3 don't have a room with two beds how about a pull out.

4 If I was planning a romantic night away with my
5 girlfriend, I would not be asking for two beds. I don't
6 know about y'all. The reason he was asking about two beds
7 was because he was with his girlfriend and Doobie and so
8 they needed two beds to sleep. And it makes sense and it
9 corroborates exactly what Lauren Baughman and Mr. Kurtis
10 Edwards have been telling us; that he was with them
11 because as they were planning, because they were worried
12 because of the injuries that it would come back to them,
13 they had to get out of the area. So all three had to
14 leave. And all three showed up at that Quality Inn and
15 they all spent the night there, and when they woke up from
16 their drug-induced stupor you probably being tired from
17 committing this crime, they then went to the metal scrap
18 yard.

19 And that's where Doobie's not driving comes into
20 play. If he claims that he was just there at the scrap
21 yard the next day, how did he get there? Can't drive.
22 Doesn't have a car. There is no testimony or indication
23 that Lauren Baughman and Kurtis Edwards drove back to pick
24 him up and I doubt that they'd even want to drive back to
25 pick him up.

CLOSING ARGUMENT ON BEHALF OF THE STATE

1 What makes sense is he fled the county with them right
2 after they did this crime to lay low and get some extra
3 money so they could have pills. Why are they still
4 looking for money? Why are they still selling scrap when
5 they just made off with -- let's go with several thousand
6 dollars, okay. Because we know the bulk of that money
7 went to pay Lauren Baughman's bills. That doesn't leave
8 them with that much.

9 So while much has been made about the money that was
10 given to Mr. Peters, there wasn't that much left to spread
11 around. If you think about it, if 2,200 is used to pay
12 for the bills and I believe Ms. Baughman said about \$3,000
13 was taken, that leaves you \$800 to spread. And you have
14 to buy your pills, you have to pay for the hotel and buy a
15 couple meals at the Huddle House or the Waffle House.
16 Give a hundred to Ashley, 200 to Doobie. That does not
17 leave a lot of cash to be found. Does it?

18 The money adds up. If you think of it that way and
19 you acknowledge that they did this to get money for
20 Ms. Baughman and have a little extra to buy these pills
21 which by all accounts was a very expensive habit, the
22 money found and collected on the people adds up.

23 Lauren Baughman was found with the lion's share
24 because she was going to go pay her bills. That's why it
25 was tucked into her bra.

CLOSING ARGUMENT ON BEHALF OF THE STATE

1 Mr. Peters, Mr. Haight's repeatedly mentioned that his
2 client was high as a kite, there may or may have not been
3 a bong on the table tall. Bongs are used to smoke
4 marijuana. We're all adults. I think we know that.

5 Mr. Peters was found with marijuana and pills on him.
6 That's fine. What does that tell you though about the
7 rest of the evidence that we know? Lauren Baughman and
8 Kurtis Edwards said they went and bought pills, crushed
9 them up, snorted them on their way to Hardeeville.

10 Would y'all be surprised if they had some extra left
11 over if Mr. Peters had some? Maybe he was paid also in
12 pills as well as money. Not only that but Ms. Baughman
13 said that once they got back from the metal yard they went
14 to Saint Helena and bought some more pills. That
15 testimony is corroborated by the pills and marijuana being
16 found on Mr. Peters.

17 Now, Mr. Lanier clearly is confused about a lot of
18 things. The night he was attacked he stated that he
19 didn't see the faces, but from the speech he thought that
20 it was an older white guy and a younger black guy.

21 We heard from Mr. Edwards. He's turning 29 tomorrow.
22 Mr. Peters is 40. So any misidentification of the younger
23 black guy would be on Mr. Edwards. It would not be on
24 Mr. Peters. And Mr. Edward has confessed and pleaded
25 guilty to all these crimes and his own role.

CLOSING ARGUMENT ON BEHALF OF THE STATE

1 So the whole misidentification but a black guy is a
2 red herring. Don't fall for it. It doesn't even apply to
3 Mr. Peters.

4 Again, Ashley Pierce ID'd Mr. Peters. Lauren Baughman
5 identified Mr. Peters. Kurtis Edwards identified
6 Mr. Peters. All of them said without a doubt Doobie
7 Peters was in on this. He went in. He was part of the
8 beating.

9 Look at all the evidence. Whether or not you like the
10 witnesses who testified, it's irrefutable that the
11 evidence supports what they said.

12 Text messages. We need pills. Hey baby, my phone's
13 on a charger. I'm with Doobie. Text his phone.

14 My phone's run out of batteries. If I'm with a friend
15 I'm like, call the friend because my phone's dead. That
16 makes sense.

17 Where are y'all going? We in the house. Y'all.
18 Kurtis, Peters together are in the house at 1:50 a.m.,
19 still dark, just letting the woman who planned it know
20 that they're inside.

21 Hurry. This conversation, does that sound like a
22 lookout? To me that sounds like something you'd want your
23 lookout to know. We're in. Okay, guys, getting kind of
24 nervous, do you want to hurry it up. Look who this
25 conversation is between. It's between Kurtis Edwards,

CLOSING ARGUMENT ON BEHALF OF THE STATE

1 Lauren Baughman, Lauren Baughman and Kurtis Edwards. It's
2 not to Doobie. If Doobie was out there standing lookout,
3 wouldn't you be like, hurry up. Wouldn't there be some
4 communication between them? But there's not because it
5 didn't happen because he was busy inside robbing and
6 beating Mr. Lanier.

7 Lauren Baughman, she has time to text Ashley Pierce
8 and let her know. She's not inside. Right. She's just,
9 like, hey, just letting you know they're inside.

10 He's going to call the cops, you have to show up.

11 Basically all of these people are not very good
12 people, you know, but they all made choices that led them
13 there.

14 This is in a very strange situation and a very
15 uncomfortable situation for Mr. Peters to be in. However,
16 he made a choice every single step of the way and most of
17 it was based on his desire for quick and easy money.

18 All the evidence points to Mr. Peters. And as I went
19 through all that DNA evidence and most of the other
20 evidence, it pointed out very clearly Lauren Baughman and
21 Kurtis Edwards' guilt. Why do you care about that? How
22 does that affect Mr. Peters? Because they were standing
23 up there saying it was Mr. Peters who was with them.

24 If all of that evidence supports everything that
25 they're saying that means what they're saying is true.

CLOSING ARGUMENT ON BEHALF OF THE DEFENSE

1 And what they're saying and what the evidence shows is
2 that Donald "Doobie" Peters with a friend, and his
3 friend's girlfriend who he was sleeping with went into [REDACTED]
4 [REDACTED] on the early morning hours of June 29th,
5 2011.

6 Mr. Peters was armed with the asp. Then he
7 encountered a crotchety old man who would not give his
8 keys. And so he repeatedly beat him until he gave up
9 those keys, they were able to go into the safe. Imagine
10 their disappointment to find that safe was empty but
11 luckily they saw that wallet on that filing cabinet.

12 So they were able to grab that \$3,000, pay
13 Ms. Baughman's fees and have enough left over for a night
14 in a hotel and some pills. That is why this happened. It
15 was not Mr. Peters' work alone but he sure had a hand in
16 it. He was a willing participant and he was involved
17 every step of the way.

18 For all those reasons, that is why the State asks you
19 to find him guilty of burglary in the first degree, armed
20 robbery, and assault and battery in the first degree.
21 Thank you.

22 THE COURT: Thank you, Ms. Bannon.

23 Mr. Haight?

24 MR. HAIGHT: Thank you, Your Honor.

25 THE COURT: Yes, sir.

CLOSING ARGUMENT ON BEHALF OF THE DEFENSE

1 MR. HAIGHT: Ladies and gentlemen, I know it's been a
2 long couple days and we certainly appreciate you being
3 here.

4 My client has pled not guilty to these charges against
5 him. As a result of that the State has brought the full
6 force of the state here in front of us in the last couple
7 days to hear a lot of testimony from a lot of different
8 people.

9 His Honor will charge you concerning the law. One of
10 those charges will be with regard to credibility. And,
11 let's just go through some of these people who came and
12 talked to us here the last couple days.

13 We had Melanie Smith, a 9-1-1 lady. Clearly she was
14 here just to play that 9-1-1 tape. And we have no reason
15 to question her credibility. We listened to the 9-1-1
16 tape where Mr. Eugene Smith was talking about his
17 neighbor, Ron Lanier, coming over and leaning on his
18 doorstep, you know, not knowing that Ron Lanier was the
19 same guy who was sleeping with his stepdaughter who had
20 grown up across the street from him.

21 And at that time it was clear Mr. Lanier had no idea
22 who had done this to him. He had indicated two men, you
23 know, one white, one black, that's all that was known.

24 We also heard from Eugene Smith who came up and
25 testified himself. Pretty much confirmed what we had

CLOSING ARGUMENT ON BEHALF OF THE DEFENSE

1 heard on the 9-1-1 tape. No reason to question his
2 credibility.

3 We heard from David Kendrick who was the EMS guy who
4 came and talked about what he found with Mr. Lanier and
5 the issues they had with Mr. Lanier. Mr. Lanier was
6 refusing treatment and they had to handcuff him and take
7 him to the hospital.

8 We heard the same thing from some of the others. We
9 heard that from Deputy John Ferguson who also responded.
10 We heard it from Staff Sergeant Langford who responded.
11 Staff Sergeant Langford also testified that there were no
12 fingerprints. There was nothing connecting my client's
13 fingerprints with this scene.

14 Now, one of the more interesting witnesses was Ron
15 Lanier, and certainly colorful and salty as Ms. Bannon has
16 described him. Also somebody who seems to have a loose,
17 loose idea of, for example, how much money was taken from
18 him. He initially told the officers about \$4,500.

19 Others, for example, Lauren Baughman who was
20 indicating around \$3,000 which seemed to be the amount the
21 sheriff's office thought had been taken. Yet Mr. Lanier
22 came here and said it was \$9,500, I think.

23 And, he also testified to some of the other things
24 going on in his house. But one thing he didn't testify to
25 was that it was Donald Eugene Peters in his house that

CLOSING ARGUMENT ON BEHALF OF THE DEFENSE

1 night. He could not say that.

2 Now, we also heard from Chris Carter who came and ID'd
3 a bloody rag that had Kurtis Edwards' DNA on it.

4 We also heard from the Verizon lady, Jennifer Palmida
5 (sic) was her name. And she simply brought in a bunch of
6 records.

7 And then the solicitor's office produced the video
8 show that was discussed by Investigator Rice concerning
9 those text messages but before he talked about that he
10 talked about a lot of other things. His testimony was
11 fairly long.

12 You know, one of the things he indicated was that
13 Lauren Baughman had changed her story over time. In fact,
14 when she came there at first she said, oh, I was home
15 sleeping. And then she said, well, you know, Donald
16 Peters had all the money when in fact most of the money
17 was stuffed into her bra at the very time she was telling
18 the officers that.

19 Again, His Honor will instruct you on credibility.
20 And credibility of that witness is something that requires
21 deep examination, being Lauren Baughman.

22 Investigator Rice also talked about the text messages
23 as did many witnesses. He also testified about going and
24 arresting my client. And, clearly, my client had drugs on
25 him, was under the influence of drugs and to the extent he

CLOSING ARGUMENT ON BEHALF OF THE DEFENSE

1 said anything, it was not knowingly done. That is our
2 position and we're asking you to look at that, too. It
3 was a bong on the table in front of him at the time he was
4 arrested.

5 Now Ashley Pierce, the convicted felon, came on the
6 stand and said, for the first time that, oh, Lauren had
7 said that Doobie was involved, referring to Donald
8 Peters. Well, she had never said that before. And all
9 she knew for example when they talked about the car
10 driving up that there was some third person in the back.
11 She could not say that it was my client.

12 Now we heard from Mauricio Jimenez, the scrap dealer.
13 He talked about the copper that was purchased and we saw
14 the video and all of that. And that's not disputed. It's
15 not -- my client does not dispute that they went to that
16 scrap dealer and he got \$212 and-however-many-cents from
17 the scrap dealer.

18 Lauren testified next and her testimony was all over
19 the place. But most importantly, and you heard it, she
20 expects to be walking free in a very short period of time.
21 She has a daughter at home she wants to get home to.

22 And again, judge her credibility. And what does this
23 woman have to gain? She has everything to gain. She has
24 her life to gain.

25 We also heard from Rontak Patel, the fellow from the

CLOSING ARGUMENT ON BEHALF OF THE DEFENSE

1 Quality Inn in Hardeeville. Don't know necessarily,
2 certainly a truthful man, judging -- he just came here and
3 played his video. It showed Kurtis Edwards looking very
4 nervous, flipping a calendar asking for a room with two
5 beds. My client doesn't deny that he was in Hardeeville.

6 Now, Kurtis Edwards, another convicted felon, got on
7 the stand and indicated that my client was involved with
8 him. But he also had things to gain. He had a charge
9 against him dismissed by the solicitor's office. And he
10 was hoping for the best for himself.

11 Now we heard from John Donahue, the DNA guy, I'll call
12 him. No dispute with his testing, no dispute with his
13 credentials. Again, you're the judge of all of that. But
14 it's clear from the DNA testing that there's no way they
15 can link this baton with physical, you know, forensic
16 evidence to my client.

17 You know, the only people who put that baton in my
18 guy's hands are Lauren Baughman who changed her story
19 repeatedly and Kurtis Edwards the convicted felon who also
20 has much to gain.

21 Now we also heard from Detective Gobel who, again,
22 claimed that my client was properly Mirandized, didn't see
23 the bong that his partner saw on the table. Again, was
24 that done knowingly and voluntarily, whatever was said?
25 And whatever was said, my client certainly denied

JURY CHARGE

1 emphatically and has continually denied any involvement
2 with going into Ron Lanier's house. That was their
3 testimony, too.

4 Now much has been made of these text messages. And
5 Ms. Bannon has gone through these text messages
6 repeatedly, many of which my client is not a party to.
7 Many of these are text messages between Kurtis and Lauren.
8 There's certainly no evidence that my client knew what
9 they were texting to each other.

10 And I thought it was most telling that one of these
11 text messages, the one towards the end where at 5:55 a.m.,
12 my client said: No, your man did. What does that mean?
13 Certainly up for you to determine what that means.

14 But it's certainly evidence that it wasn't my client.
15 It was Kurtis Edwards and possibly the somebody else, but
16 it wasn't my client.

17 Now, His Honor will also charge you with regard to
18 reasonable doubt. And I urge you to listen to that very
19 carefully and consider this very carefully because this is
20 an extremely important day. And we ask that you
21 deliberate methodically and find my client not guilty.

22 Thank you.

23 THE COURT: Thank you, Mr. Haight.

24 JURY CHARGE

25 THE COURT: Now, Madam Forelady and ladies and

JURY CHARGE

1 gentlemen of the jury. Give me your attention for a few
2 more moments now.

3 You have listened very patiently throughout this
4 entire trial and to the arguments presented by Ms. Bannon
5 and Mr. Haight. And I ask that you now give that same
6 attention to me as I instruct you or charge you as to what
7 the law in this case.

8 It is my responsibility under the constitution to
9 instruct you as to what the law is that is applicable to
10 this case. And it is your duty as jurors to accept the
11 accept the law and to apply the law as I now state it to
12 you.

13 Both the State of South Carolina and this Defendant
14 have the right to expect that you will conscientiously
15 consider and deliberate the issues in this case and decide
16 all of the issues in this case and apply the law as I give
17 it to you to the facts that you find to exist.

18 Because as jurors it is your exclusive duty to decide
19 all of the issues of fact in this case. And for that
20 purpose you have to determine the effect, and the weight
21 and the value and the truthfulness of the evidence that
22 you have seen and heard.

23 Both the State and the Defendant have the right to
24 expect that you will just do that, to the end that both
25 the State and the Defendant will receive a fair and

JURY CHARGE

1 impartial trial at your hands.

2 Throughout the course of this charge, ladies and
3 gentlemen, when I use the word Defendant I'm referring to
4 Mr. Donald Eugene Peters. Mr. Peters has been indicted by
5 the Grand Jury of Beaufort County and charged in this
6 indictment with burglary in the first degree.

7 That indictment says that in Beaufort County, South
8 Carolina, on or about June the 29th of 2011, the
9 Defendant, Donald Eugene Peters, did enter the dwelling of
10 Ronald Lanier located at [REDACTED] in Burton
11 without the consent of Mr. Lanier and with the intent to
12 commit a crime while he was there and that he went into
13 the dwelling in the nighttime in violation of the law.

14 He's also charged with armed robbery. On the same
15 date and at the same time and place by use of force,
16 threats or intimidation and while armed with a deadly
17 weapon, taking and carrying away goods or moneys from the
18 immediate person or presence of Ronald Lanier with the
19 intent to steal those things in violation of the law.

20 And finally he's charged with assault and battery in
21 the first degree. On the same date at the same time and
22 place with committing an assault and battery constituting
23 an unlawful act of violent injury to Ronald Lanier
24 specifically causing him injury during a robbery in
25 violation of the law.

JURY CHARGE

1 I remind you again now as I told you before this trial
2 began that those indictments that I just read to you are
3 not evidence nor are they proof of the charges that they
4 contain. They're legal documents. They're charging
5 papers that tell you or me or anybody else who reads them
6 what the charge in each of these cases is all about.

7 To the charges contained in those indictments as you
8 know Mr. Peters has entered pleas of not guilty and has
9 requested a jury trial at your hands that is now almost
10 over.

11 Now, the legal effect of a plea of not guilty in a
12 criminal case is to place the burden of proof on the State
13 to prove by evidence the guilt of the accused beyond a
14 reasonable doubt before you as a jury can convict him and
15 find him guilty.

16 The Defendant, Mr. Peters, is presumed in law to be
17 innocent of the charges contained in those indictments.
18 It is a fundamental rule of our law of evidence that a
19 defendant regardless of the nature of the charges or the
20 number of charges against him will always be presumed
21 innocent of the crimes for which he has been charged
22 unless and until his guilt has been proven by evidence,
23 evidence that satisfies you of that guilt beyond a
24 reasonable doubt.

25 The presumption of innocence is not a mere legal

JURY CHARGE

1 theory. It is not an empty legal phrase. The presumption
2 of innocence has been likened to a robe of righteousness
3 that has been placed about the shoulders of the Defendant
4 and it assigns to that Defendant the class of the
5 innocent.

6 And that presumption robe of righteousness continues
7 to exist about the shoulders of the Defendant until it has
8 been stripped from his person by evidence that satisfies
9 you of his guilt beyond a reasonable doubt.

10 The presumption of innocence accompanies a Defendant
11 from the time of his arrest and follows him throughout
12 every course of these proceedings. It even continues to
13 exist to his benefit as you go into your jury room to
14 deliberate and to reach a verdict in this case.

15 The presumption of innocence continues in existence to
16 the benefit of the Defendant unless and until you as a
17 jury reach the conclusion that the State has proven his
18 guilt beyond a reasonable doubt.

19 So that's the burden. As I've told you from the
20 outset, the State has the burden of proving the Defendant
21 guilty beyond a reasonable doubt.

22 Some of you might have served as jurors in other
23 cases. You might have served as jurors in civil cases
24 before and if you did that you were told by the trial
25 judge in that particular case that it is only necessary

JURY CHARGE

1 for the party that has the burden of proof to present
2 evidence on that party's side that is more convincing to
3 you than the evidence is on the other party's side. We
4 call that by the preponderance or the greater weight of
5 the evidence.

6 But in criminal cases the State's proof has to be more
7 powerful than that. Here it has to be proof beyond a
8 reasonable doubt. And so what then do we mean by the
9 phrase proof beyond a reasonable doubt? Proof beyond a
10 reasonable doubt is proof that leaves you firmly convinced
11 of the Defendant's guilt.

12 Now there are very few things in this world that you
13 and I know with absolute certainty. And in criminal
14 cases, the law does not require proof that overcomes every
15 possible doubt.

16 And so if based on your consideration of the evidence
17 you are firmly convinced that the Defendant is guilty of
18 the crime charged, you must find him guilty. If on the
19 other hand you think there's a real possibility that he is
20 not guilty, you must give him the benefit of the doubt and
21 find him not guilty.

22 Reasonable doubt might arise from the evidence in the
23 case, or it could arise from the lack of evidence in the
24 case. But you, ladies and gentlemen, have to decide
25 whether or not reasonable doubt exists as to the guilt of

JURY CHARGE

1 this Defendant.

2 I tell you that he is entitled to every reasonable
3 doubt which arises in the case. And so if on any issue of
4 fact which is necessary for a conviction and a verdict of
5 guilty, you have a reasonable doubt as to how that issue
6 should be resolved, it is your duty to resolve that
7 reasonable doubt in favor of the Defendant because the
8 Defendant is not required to prove his innocence.

9 The State on the other hand is required in law to
10 prove every essential element of the offense charged
11 against him by evidence that satisfies you of that guilt
12 beyond a reasonable doubt before you can convict him and
13 find him guilty.

14 And in that regard I instruct you now and emphasize to
15 you that the fact that this Defendant did not testify in
16 his own behalf is not a factor to be considered by you in
17 any way in your deliberation and in your considering on
18 the question of his guilt or innocence. It must not be
19 considered by you in any manner whatsoever against him.
20 It must not militate against him in any respect whatsoever
21 because the Defendant has a constitutional right to remain
22 silent and if he chooses to exercise that constitutional
23 right that fact cannot and must not be considered by you
24 in your deliberations.

25 And so under your oath then, you're to reach no

JURY CHARGE

1 inference and draw no conclusion whatsoever from the fact
2 that this Defendant did not himself testify. That should
3 not even be discussed by you in the jury room. Because
4 the burden, as I have said, is upon the State. The
5 Defendant has no obligation to prove innocence and the
6 burden of proof remains upon the State to prove guilt
7 beyond a reasonable doubt. And the fact that the
8 Defendant did not testify is not a factor to be considered
9 by you in determining his guilt or innocence.

10 And so if then upon the whole case you have a
11 reasonable doubt as to the guilt or the innocence of the
12 Defendant, he is entitled to that reasonable doubt and
13 would be entitled to an acquittal and a verdict of not
14 guilty.

15 But on the other hand, if upon the whole case you find
16 that the State has proven by evidence that satisfies you
17 as a jury of his guilt beyond a reasonable doubt, then in
18 such circumstances it is equally your duty to convict him
19 and to find him guilty.

20 Now, ladies and gentlemen, during this trial each of
21 us, you and I, have our separate duties to perform. As a
22 trial judge it's my job and responsibility to preside over
23 the trial of this case and I also have the responsibility
24 of ruling upon or passing upon the admissibility of the
25 evidence that has been presented during the trial.

JURY CHARGE

1 And so you're to consider only the competent evidence
2 before you. That is, the testimony offered from this
3 witness chair right here and the items or the documents
4 that have been introduced into the record of this case
5 during this trial.

6 I have the additional duty to instruct you as what the
7 law is in this case because I'm made the sole judge of the
8 law of the case. And therefore it is your duty to accept
9 the law as I charge it to you now to be the correct law.

10 You might have brought with you into your service this
11 week as jurors some preferences about what you would like
12 for the law to be, or you might have some preconceived
13 ideas about what you think the law actually is.

14 Well I tell you, folks, that if your preferences about
15 the law or your preconceived ideas about the law disagree
16 with what I'm telling you now the law actually is, you're
17 obligated by your oath to forgot what you would like for
18 the law to be or what you think the law actually is
19 because under your oath you're obligated to accept the law
20 precisely as I state it to you now.

21 Now, in every case tried in this court, as I've told
22 you, you become the judge of the facts. You're the judge
23 of the facts and I'm the judge of the law and our
24 constitution has said that I can't comment to you upon the
25 facts of the case. I can't hint to you or intimate to you

JURY CHARGE

1 as he or she testified from this witness stand. We
2 sometimes call that the demeanor of the witness. In other
3 words, how did the witness act when he or she was
4 testifying. You can ask yourself whether that witness was
5 forthright or was the witness hesitant. You can ask
6 yourself was the witness's testimony consistent or was it
7 inconsistent, did it contain discrepancies in other words.

8 You can ask yourself what was the ability of that
9 witness to know the things that he or she was telling you
10 about. You have a right to ask yourself whether the
11 witness had a cause or a reason to be biased or prejudiced
12 in favor of the testimony that that witness was giving.
13 In other words, did that witness have an interest to be
14 served by his or her testimony. Was the testimony of a
15 witness made stronger by other evidence or was it made
16 weaker by other evidence.

17 You've heard the testimony in this case of persons
18 who've been described as experts. Under our law normally
19 people like you or me, lay people, can't take the stand
20 and testify about our opinion about things. We can
21 testify about what we saw or what we heard, but we can't
22 tell you as a jury what conclusions we drew from that
23 testimony.

24 But expert witnesses are allowed to draw conclusions
25 from the testimony that they give. In other words, expert

JURY CHARGE

1 or suggest to you what the facts in this case should be or
2 what your decision in this case on the facts should be.

3 And so since you're the sole judge of the facts of the
4 case, you're not to gather from anything that I have said
5 during this trial or anything that I'm saying to you now
6 during this charge that I have an opinion about the
7 facts. I tell you, I am not allowed to have an opinion
8 about the facts because that is solely a matter for you,
9 ladies and gentlemen, to determine.

10 And so as jurors then and as judges of the facts, it
11 is your duty to determine the effect and the value and the
12 weight and the truthfulness of the evidence offered during
13 the course of this trial.

14 Now, as you determine what the facts of the case are,
15 you necessarily have to pass upon the credibility which
16 simply means the believability of the witnesses who have
17 testified.

18 And you have to decide the weight and the value to be
19 given to their testimony. You and you alone must
20 determine the force and the effect and the truth of the
21 testimony that you have heard.

22 But as you make this decision about credibility and
23 believability and truthfulness, there are a lot of things
24 that you can take into account. For example, you can take
25 into account the appearance or the manner of the witness

JURY CHARGE

1 witnesses are those people who are qualified because
2 they've gotten certain knowledge in areas or experience or
3 training in certain areas that enables them as expert
4 witnesses to give their opinions about those things in
5 which they're qualified as experts.

6 But you can accept those opinions or reject them. You
7 can gave them the weight that you think they ought to
8 receive according to your own view of the evidence and
9 your analysis of that witness's testimony.

10 There has also been admitted into the record of this
11 case evidence that some of the witnesses who testified
12 have prior criminal records. I tell you that that
13 evidence was introduced for a limited purpose and you can
14 only consider evidence of prior convictions for that
15 limited purpose.

16 You can give that evidence, that is, evidence of prior
17 criminal records, the weight and value if any that you
18 think it should receive on the sole issue of the
19 credibility or the believability of the testimony offered
20 by that witness himself or herself.

21 Because, ladies and gentlemen, as jurors you've got
22 the right to believe a small portion of the testimony of a
23 single witness and to disbelieve the larger portion of the
24 testimony of that same witness, or you can believe the
25 larger portion and disbelieve the smaller. You can

JURY CHARGE

1 believe everything that a witness tells you or you can
2 believe none of what a witness tells you.

3 But you don't exercise those considerations
4 arbitrarily. There's got to be some reason for you to do
5 that because what we expect you to do as jurors, ladies
6 and gentlemen, as I told you before we began this trial is
7 to exercise your good common sense, your mental processes,
8 your sense of logic and reason and your experiences in
9 life.

10 And then you take those abilities that each of you has
11 individually because of uniquely who you are and you bring
12 those experiences and those attributes that you have to
13 bear on what you've heard and you'll be able to decide the
14 truth of this case when you do that.

15 And once you decide where the truth of this case lies,
16 you'll apply the law that I'm now giving you and those two
17 things will come together; the truth that you find and the
18 law that I will give you. And they will wrap around each
19 other, and the result of that will be a verdict which will
20 speak the truth of this case.

21 Now, ladies and gentlemen, let me instruct you as to
22 the specific charges that are contained in these
23 indictments and tell you what the law is in that regard
24 and what the State has to prove in connection with each of
25 those particular charges.

JURY CHARGE

1 One of the charges against Mr. Peters is burglary in
2 the first degree. Our law in Section 16-11-311 of the
3 code of laws says that a person is guilty of burglary in
4 the first degree if a person enters a dwelling without
5 consent with the intent to commit a crime and either while
6 going in or out of the dwelling or while in the dwelling
7 is armed with a deadly weapon or causes physical injury to
8 somebody else who is not involved in the crime or who uses
9 a dangerous instrument while there, or that the entering
10 or remaining occurs in the nighttime.

11 So let me break that up into small pieces for you.
12 The burden of proof is on the State to prove beyond a
13 reasonable doubt each these elements. They have to prove
14 that the Defendant in this case entered a dwelling. A
15 dwelling is a building or a portion of a building where a
16 person lives or ordinarily sleeps. That's the first
17 element that has to be proven; that the Defendant entered
18 a dwelling.

19 And secondly that he entered that dwelling without the
20 consent of the person who lived there or who owned that
21 building or who was in charge of it. In other words, went
22 in without the permission of the owner or the person who
23 had the only right to give that.

24 And that the entering without the consent was done
25 with the intent to commit a crime while he was there.

JURY CHARGE

1 So those are the first three elements and they have to
2 be proven, each of them, beyond a reasonable doubt.

3 Now in addition though those three elements at least
4 one other element has to be proven beyond a reasonable
5 doubt to make this crime burglary in the first degree.

6 I'm going to go over a list of additional elements.
7 As to these additional elements the State does not have to
8 prove them all, but the State has to prove at least one of
9 these additional elements in order to satisfy the law as
10 to burglary in the first degree.

11 What are some of the additional limits among which you
12 have to select at least one that the State has proven
13 before you can convict him on this charge?

14 The State has to prove in addition to those three
15 things that I've just told you that either while the
16 Defendant was going into the building or while he was
17 there or while he was leaving he was armed with a deadly
18 weapon.

19 A deadly weapon is something that ordinarily can be
20 used to inflict serious bodily injury or death or to harm
21 some one, or that he caused physical injury to someone who
22 is not a participant in the crime, or that he used or
23 threatened the use of a dangerous instrument, or that he
24 went in or remained in during the nighttime.

25 Now the State does not have to prove all four of those

JURY CHARGE

1 things, but it does have to prove at least one of them.
2 That while going into the dwelling or while he was in the
3 dwelling or while he was leaving the dwelling he was armed
4 with a deadly weapon, or he caused physical injury to
5 someone not a participant in the crime, or he used or
6 threatened the use of a dangerous instrument, or he went
7 in or remained in during the nighttime.

8 Now if the State is able to prove those first three
9 elements and at least one of those other four that I told
10 you beyond a reasonable doubt, the State has met its
11 burden of proof as to that charge and would be entitled to
12 a verdict of guilty as to burglary in the first degree.

13 If the State fails to meet its proof as to those
14 elements as I've just described it, then it's failed to
15 meet its burden of proof and in that case the Defendant
16 would be entitled to a verdict of not guilty as to the
17 charge of burglary in the first degree.

18 Now one of the things that I told you is that the
19 entering has to be with the intent to commit a crime.
20 Criminal intent is always a necessary element of a crime
21 and it has to be proven beyond a reasonable doubt.

22 Criminal intent then is a mental state and it has to
23 be determined by you from the circumstances surrounding
24 the situation because there's no way under our law that
25 can you cut off the top of a person's head and look down

JURY CHARGE

1 into his skill and decide what he had in mind at the
2 time.

3 There's no way that medical science will allow that
4 obviously. And so the law says criminal intent may be
5 inferred from the circumstances which were shown to have
6 existed at the time. And that's how you make a
7 determination as to whether or not criminal intent was
8 actually present.

9 So criminal intent is a state of mind. And it
10 operates jointly with an act in the commission of a
11 crime. It's a mental state. It's a conscious
12 wrongdoing. And it's up to you as a jury to decide what
13 the Defendant intended to do based on the circumstances
14 which are shown to have existed.

15 And I tell you that the State has to prove criminal
16 intent beyond a reasonable doubt just as it has to prove
17 every other element of the charge as I have previously
18 explained them to you.

19 Now I want to define for you the offense known in the
20 law as armed robbery. Our Code of Laws in Section
21 16-11-330 says that a person who commits robbery while
22 armed with a pistol or a dirk or a slingshot or metal
23 knuckles or razor or other deadly weapon, or while
24 alleging either by action or words that he was armed while
25 using a representation of a deadly weapon or any object

JURY CHARGE

1 which a person present would reasonably believe to be a
2 deadly weapon is guilty of armed robbery.

3 So I want to confine for you now the offense known as
4 armed robbery which we call robbery while armed with a
5 deadly weapon. And for the purposes of this instruction,
6 I have to define for you what we mean by the crime of
7 larceny which we call stealing and then robbery and then
8 armed robbery, because each of these is embraced within
9 each other. And it sounds a lot more confusing as it
10 actually is and you'll find that in just a minute.

11 We start with the lesser of these offenses and that's
12 called larceny. You and I commonly refer to larceny as
13 stealing. We all know what it means. Larceny or stealing
14 is a wrongful taking away of somebody else's property
15 without their consent and with the intent to steal it so
16 that the person doesn't get it back.

17 And there are several elements of larceny or
18 stealing. First of all, the property must be the personal
19 property of somebody else. I tell you, ladies and
20 gentlemen, that money, currency of the United States under
21 the law is personal property.

22 And secondly there has to be the carrying away, the
23 removal, of that property.

24 And thirdly, there has to be the wrongful intent as
25 I've described intent for you a few minutes ago to steal

JURY CHARGE

1 that property so that the user, the owner of it, no longer
2 has possession of it and the taker has converted that
3 property to his own use. now that's what larceny is.

4 Now robbery is a step more serious than that. Robbery
5 is the felonious or wrongful taking away of somebody's
6 property of value from that person or in his presence by
7 violence or by putting that person in fear of violence.

8 So robbery is larceny plus the taking away of somebody
9 else's personal property from the person, or by violence
10 or putting that person in fear of silence.

11 Let me give you an example. If someone's car were to
12 be broken into while that person's car was parked in a
13 parking lot and they got back to their automobile and saw
14 that a purse was missing or a cell phone was missing or
15 some item of personal property had been taken from that
16 car while they were not there, that would be larceny.
17 That person would be the victim of larceny. If someone
18 had gone in, taken that property without the consent of
19 the owner and carried it away to steal it and keep it for
20 themselves, that's larceny.

21 Now what would make that same crime robbery? What
22 would make that crime robbery would be if that person was
23 sitting in their car and somebody came and smashed the
24 window and reached in there and and snatched it out of
25 their presence and took it away from them. Because that

JURY CHARGE

1 property was taken from their presence or in their person
2 either by violence or by putting them in fear of violence,
3 then larceny has become robbery.

4 So now what makes robbery armed robbery? Armed
5 robbery is robbery which is accomplished by the use of a
6 deadly weapon. And so that's how the crimes stack on top
7 of each other.

8 So, the aggravating circumstances which are necessary
9 to constitute robbery from larceny are that the property
10 has to be taken from somebody else's person and it has to
11 be without consent and it has to be accomplished with
12 violence or fear of violence.

13 An armed robbery is robbery while armed with a deadly
14 weapon. In other words, the law requires that one person
15 must have used a deadly weapon or what appeared to be a
16 deadly weapon to accomplish the purpose of the robbery as
17 I've just described them to you.

18 If the State is able to meet all of those elements
19 beyond a reasonable doubt, then it's met its burden of
20 proof as to the charge of armed robbery. If it fails to
21 meet those burdens as to the charge of armed robbery it
22 has not met its burden of proof and the Defendant in that
23 case would be entitled to a verdict of not guilty.

24 Finally the Defendant in this case is charged with
25 assault and battery in the first degree. Our law says

JURY CHARGE

1 that a person who commits the offense of assault and
2 battery in the first degree if the person unlawfully,
3 number one, injures another person. That's the first
4 element, the unlawful injury of somebody else. And the
5 injury occurred during the commission of a robbery or
6 burglary or theft.

7 So in order for the State to meet its burden of proof
8 in this particular case, it has to convince you beyond a
9 reasonable doubt that Mr. Peters injured somebody else,
10 and that the injury occurred during the commission of a
11 robbery or burglary or theft.

12 If the State is able to satisfy those elements, it has
13 met its burden of proof and it's entitled to a
14 conviction. If it fails to meet all of those elements, it
15 has not met its burden of proof, the Defendant's is
16 entitled to an acquittal.

17 Now, ladies and gentlemen, I tell you that when two or
18 more persons get together and encourage each other, abet
19 each other or aid each other in the commission of a crime,
20 all who are present are principals and all are equally
21 guilty. When two or more persons combine together to
22 commit a crime and the crime is actually committed, all of
23 those who are present to aid and abet and assist in the
24 commission of that crime are guilty. The act of one
25 becomes the act of all. The hand of one becomes the hand

JURY CHARGE

1 of all. It makes no difference by whose immediate hand
2 the crime was actually committed because all are
3 principals and are equally guilty.

4 But you tell you however that mere presence at the
5 scene of a crime even with knowledge that the crime is
6 being committed but without an intent to aid or abet or
7 assist in its commission does not constitute guilt.

8 And so the burden is upon the State to establish
9 beyond a reasonable doubt that the Defendant and each
10 other were present and that they were there with the
11 criminal intent. That is with the intent to aid or
12 encourage or abet each other in committing the offenses of
13 armed robbery, burglary in the first degree and assault
14 and battery in the first degree.

15 Ladies and gentlemen, you've heard in this case
16 allegations of a theft of some scrap metal from a metal
17 yard, Whitmore Plumbing I think it actually was.
18 Someplace in the testimony you heard it.

19 I tell you that the allegations of the theft or the
20 taking of those scrap metals which are alleged to have
21 been committed by the Defendant on the date in question
22 are not offered to prove the character of this Defendant.

23 In other words, you may not consider this evidence
24 even if you believe it to be true as evidence that a
25 person who commits a crime of stealing scrap metal is

JURY CHARGE

1 likely to commit the offense of burglary and armed robbery
2 and assault and battery in the first degree.

3 You can consider that evidence if you believe it to be
4 true and give it whatever weight you think it should
5 receive on the sole issue of the motive of the Defendant,
6 or the common scheme or plan of the Defendant or the
7 person who committed this particular charge.

8 There are two types of evidence which are generally
9 presented during the trial of a case. We call one direct
10 and we call the other circumstantial evidence. Direct
11 evidence is just what the name implies. It's eyewitness
12 testimony. Someone sees something outside and comes in
13 and tells you what they saw, or they hear something
14 outside and come in and tell you what they heard. That's
15 direct evidence.

16 Circumstantial evidence on the other hand is proof of
17 a chain of facts that leads to a conclusion.

18 Now, the law doesn't make any distinction between
19 the weight or the value to be given to either direct or
20 circumstantial evidence. It doesn't require a greater
21 degree of proof of one type of evidence than it does of
22 the other.

23 To give you an example of the difference between
24 circumstantial and direct evidence, let me tell you that
25 one of the examples I've used over the years is to try to

JURY CHARGE

1 imagine in the cold winter you go to bed at night and
2 before you go to bed you look out across your front yard
3 and all you see is the brown, dead grass of winter.

4 And you wake up the next morning and you go look
5 across your front yard and you see that your front yard is
6 covered with snow. And you look a little closer and you
7 see that there are footprints leading up to your front
8 door.

9 What can you conclude from all that stuff that you saw
10 the next morning? Well, obviously you can conclude that
11 sometime after you went to bed it snowed. You didn't see
12 it snow but you realize from what from you did see that
13 it actually snowed.

14 And you can also conclude that from what you saw after
15 it snowed somebody came to your front door. You didn't
16 see them. You don't know who they were, but you know that
17 they came there and you know that they came there after it
18 snowed.

19 And you know those things by circumstantial evidence,
20 not direct but by circumstantial evidence. In other
21 words, you drew certain conclusions from that evidence
22 that you actually saw.

23 You should weigh all of the evidence in the case, both
24 direct and circumstantial evidence. And after weighing
25 all of the evidence if you're not convinced that the

JURY CHARGE

1 Defendant is guilty beyond a reasonable doubt you have to
2 find him not guilty.

3 Now, ladies and gentlemen, you've heard in this
4 particular case testimony of a statement or alleged
5 statement alleged to have been made by the Defendant.
6 While I as the Court determined that you could hear the
7 testimony about that, you have to determine as a juror
8 whether the statement was actually made.

9 And you have to determine whether or not it was
10 voluntarily given. You have to make the ultimate
11 determination of whether or not the Defendant in fact made
12 a statement and you must also determine if you can find
13 that he made the statement whether it was made
14 voluntarily.

15 And then you have to decide what weight you'll give to
16 it. You have to decide whether the alleged statement was
17 the product of an essentially free and unconstrained
18 choice by its maker.

19 The State has to prove the voluntariness of the
20 statement beyond a reasonable doubt. And if you decide
21 beyond a reasonable doubt that the Defendant -- the
22 statement was given freely and voluntarily, then you can
23 give it whatever weight you think it should receive. If
24 you determine that it was not the free and voluntary
25 willed expression of the Defendant, then you cannot

JURY CHARGE

1 consider it for any purpose at all.

2 In determining whether or not a Defendant's will was
3 overcome in obtaining a statement the law says you have to
4 look at the whole picture. We call it the totality of the
5 circumstances. You can consider both the characteristics
6 of the Defendant and the circumstances surrounding the
7 questions that were asked of him.

8 You can take into account his educational background
9 or his age or his mental capacity, all of those sorts of
10 things, his mental state at the time. As you determine
11 the voluntariness of a statement, you just consider
12 whether he was advised of and understood his
13 constitutional rights.

14 The law requires that before any questions can be
15 asked of somebody who was placed under arrest he has to be
16 advised of what we know and you all know as Miranda
17 warnings. And that means that he has a right to remain
18 silent, and that if he makes a statement it can be used
19 against him, and that he has a right to have a lawyer
20 present. If he can't afford one, one will be appointed to
21 represent him, that he can have that lawyer present with
22 him during the time the statement is made, and that he can
23 stop making the statement any time he wants to.

24 You have to carefully scrutinize all of the
25 surrounding circumstances before you can give any weight

JURY CHARGE

1 to any alleged statement. And if you find beyond a
2 reasonable doubt that the statement was given voluntarily
3 then you can decide what weight you will give it. If you
4 find it was not made voluntarily, then you cannot consider
5 it as evidence for any purpose at all.

6 One of the things that you'll have back there with you
7 is a transcript. It's a copy of the text messages that
8 you heard played to you out here earlier. They were given
9 to you for your -- to give you guidance, quite frankly, as
10 you listened to those tapes.

11 You have a right to listen to those tapes again if you
12 want to. If you can understand what was said on the tapes
13 without the use of the transcript, fine. You don't have
14 to rely on the transcript at all.

15 And if the transcript says one thing and your hearing
16 of the tape says to you something else, you go with what
17 you heard because that's what's important. Because
18 whoever did the transcript was listening to the same thing
19 you were listening to and if you heard it differently, go
20 with what you heard because you're the finders of the
21 facts.

22 Now finally, ladies and gentlemen -- there's a word
23 you've been hanging on for a while to hear, right?
24 Finally.

25 Finally, let me tell you that you're not partisans or