

3

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED

JUN 15 2018

SC Court of Appeals

APPEAL FROM BERKELEY COUNTY

Court of General Sessions

Honorable R. Markley Dennis, Circuit Court Judge

APPELLATE CASE NO. 2017-002104

THE STATE RESPONDENT

v.

SAMUEL LEE BROADWAY. APPELLANT

RECORD ON APPEAL
VOLUME I

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Attorney General

DAVID SPENCER
Senior Assistant Attorney General

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ATTORNEYS FOR RESPONDENT

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ATTORNEYS FOR RESPONDENT

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STATE OF SOUTH CAROLINA
COUNTY OF BERKELEY

STATE OF SOUTH CAROLINA

vs.

SAMUEL LEE BROADWAY,
DEFENDANT.

IN THE COURT OF GENERAL SESSIONS
NINTH JUDICIAL CIRCUIT

**ORDER DENYING DEFENDANT'S RULE 29
AMENDED MOTION FOR NEW TRIAL**

Arrest Warrant #2016-GS-08-02361

Indictment #2016-GS-08-02361

THIS CAUSE came before the Court on September 28, 2017, for hearing on the Defendant's Rule 29 Amended Motion for New Trial. The Defendant in this matter was charged with Leaving the Scene of an Accident, Resulting in Death. The matter was called for trial on November 28, 2016, and the Defendant was convicted on November 30, 2016. Upon hearing from counsel for the Defendant on the above referenced Motion, as well as the Assistant Solicitor on behalf of the State, the Court found that the Motion should be Denied.

THEREFORE, IT IS ORDERED that the Defendant's Rule 29 Amended Motion for New Trial is hereby DENIED.

IT IS SO ORDERED.


PRESIDING JUDGE
NINTH JUDICIAL CIRCUIT

Dated: 9/28/17
Moncks Corner, South Carolina

17 SEP 28 PM 12:35
MARY P. BROWN
CLERK OF COURT
BERKELEY COUNTY, SC

FILED
AMCH

STATE OF SOUTH CAROLINA
COUNTY OF BERKELEY

IN THE COURT OF GENERAL SESSIONS
FOR THE NINTH JUDICIAL CIRCUIT

INDICTMENT NO: 2015GS0801525,
2016GS0802361

STATE OF SOUTH CAROLINA

V.

SAMUEL LEE BROADWAY

ORDER AMENDING SENTENCE

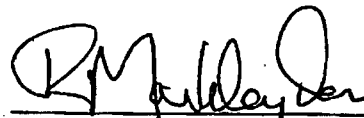
This matter comes before the Court by way of Defendant's Motion to Reconsider Sentence, filed on December 7, 2017. Defendant Samuel Broadway was tried and convicted on the above-referenced charge before the Honorable R. Markley Dennis, Jr., and sentenced to a term of imprisonment of twelve (12) years.

Upon consideration of the Defendant's Motion, and the arguments presented at the hearing held on the Defendant's motion on September 28, 2017, the Court finds good cause to amend the sentence.

Accordingly, the Defendant's Motion is hereby **GRANTED**, and the Defendant's sentence is hereby amended as follows:

The Defendant is sentenced to 18 years, suspended upon the service of 8 years. The Defendant shall be given credit for all time served prior to this Order, as calculated by the Department of Corrections.

SO ORDERED.


Hon. R. Markley Dennis, Jr.
Ninth Judicial Circuit

DATE:

10/8/17

17 OCT 17 AM 11:00
MARY P. BROWN
CLERK OF COURT
BERKELEY COUNTY, S.C.

FILED

JMDH

KWM

IN THE COURT OF GENERAL SESSIONS
CASE NUMBER: 2016-GS-08-02361

VERDICT FORM

vs.

Defendant.

SAMUEL LEE BROADWAY, on the charge of LEAVING THE SCENE OF AN ACCIDENT

GUILTY

NOT GUILTY

PRESIDING JUROR

R-3

STATE OF SOUTH CAROLINA

COUNTY OF BERKELEY

STATE VS.

SAMUEL LEE BROADWAY

AKA:

Race: White Non-Latino/CaucasianSex: MDOB: [REDACTED]SS#: [REDACTED]Address: 129 Shadybrook DriveCity, State, Zip: Summerville, SC 29483DL# [REDACTED]SID# SC01237671*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

TO: Leaving The Scene Of An AccidentIn violation of § 56-05-1210(A)(3) of the S.C. Code of Laws, bearing CDR Code # 2463☐ NON-VIOLENT☒ VIOLENT☐ SERIOUS☐ MOST SERIOUS☐ Mandatory GPS☐ §17-25-45(CSC w/minor 1st or Lewd Act)

The charge is:

☒ As indicted,☐ Lesser Included Offense,☐ Defendant Waives Presentment to Grand Jury

(def's initials)

The plea is:

☐ Without Negotiations or Recommendation,☐ Negotiated Sentence,☐ Recommendation by the State.

ATTEST:

Chip Cannon, Assistant Solicitor

101141
SC Bar #

Defendant

Attorney for Defendant

101138
SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center, for a determinate term of 12 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and or payment of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____ months/years and subject to South Carolina Department of Probation, Parole and Pardon Service standard conditions of probation, which are incorporated by reference.

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____☐ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections.☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION:☐ Deferred☐ Def. Waives Hearing☐ Ordered

PTUP

Total: \$ _____ plus 20% fee: \$ _____

days/hours Public Service Employment

Payment Terms: _____

Obtain GED ☐☐ Set by SCDPPPS _____

Attend Voc. Rehab. Or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☐ CASERandom Drug/Alcohol Testing ☐ MARY P. BROWN CLERK OF COURT

Fine may be pd. in equal consecutive weekly/monthly

pmts. of \$ _____ Beginning _____

\$ _____ Paid to Public Defender Fund

Other: _____

☐ Appointed PD or appointed other counsel

\$47.12 requires \$500 be paid to Clerk

during probation

Recipient: _____

*Finc: _____

§14-1-206 (Assessments 107.5%)

\$

§14-1-211 (A)(1)(Conv. Surcharge)

\$100

\$100.00

§14-1-211 (A)(2)(DUI Surcharge)

\$100

\$

§56-5-2995 (DUI Assessment)

\$12

\$

§56-1-286 (DUI Breath Test)

\$25

\$

Proviso 61.6 (Public Def/Prob)

\$500

\$

§14-1-212 (Law Enforce. Funding)

\$25

\$25.00

§14-1-213 (Drug Court Surcharge)

\$150

\$

§50-21-114 (BUI Breath Test Fee)

\$50

\$

§56-5-2942(J) (Vehicle Assessment)

\$40/ea

\$

3% to County (if paid in installments)

\$

\$3.75

TOTAL

\$128.75

Clerk of Court/Deputy Clerk: K. MillsCourt Reporter: Daniel LandeePresiding Judge: [Signature]Judge Code: 2060Sentence Date: 11/30/16

KWM

CC/0302966
WITNESSES

Goose Creek Police Department

Lt. Battista

AGENCY CASE NUMBER

2015-1151

ARREST WARRANT NUMBER

2016-GS-08-02361

DATE OF ARREST

03/12/2015

ACTION OF GRAND JURY

True Bill

St. Augustine Harvey 10-11-16
Foreperson of Grand Jury Date:

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2016-GS-08-02361

The State of South Carolina

County of Berkeley

COURT OF GENERAL SESSIONS

OCTOBER TERM 2016

THE STATE

VS.

SAMUEL LEE BROADWAY

W/M DOB: [REDACTED]

Indictment for

LEAVING THE SCENE OF AN ACCIDENT

SC Code: § 56-05-1210(A)(3)

CDR Code: 2463

MAINT P. BROWN
CLERK OF COURT
BERKELEY COUNTY, S.C.

16 OCT 11 AM 10:36

FILED

FILED

R-5

STATE OF SOUTH CAROLINA

INDICTMENT

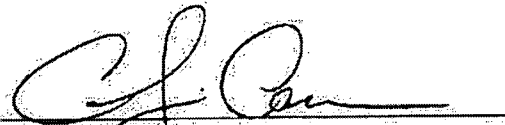
COUNTY OF BERKELEY

At a Court of General Sessions, convened October 2016, the Grand Jurors of Berkeley County present upon their oath:

LEAVING THE SCENE OF AN ACCIDENT

That in Berkeley County, South Carolina, on or about March 7, 2015, the Defendant, Samuel Lee Broadway, being the driver of a vehicle involved in an accident resulting in death to Jesse Feagin, did fail to stop and remain at the scene of the accident to provide information and render aid as required by SC Code Section 56-5-1230, in violation of Section 56-5-1210 of the South Carolina Code of Laws (1976) as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


CHIP CANNON
ASSISTANT SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF BERKELEY

IN THE COURT OF GENERAL SESSIONS
FOR THE NINTH JUDICIAL CIRCUIT

INDICTMENT NO: 2015GS0801525,
2016GS0802361

STATE OF SOUTH CAROLINA

V.

SAMUEL LEE BROADWAY

RULE 29

MOTION FOR NEW TRIAL

COMES NOW the Defendant, by and through undersigned counsel, and hereby submits this Motion for New Trial for the above-referenced case and sentence imposed on November 30, 2016. Counsel respectfully requests that this Court schedule a hearing for this motion and allow Counsel to present evidence and argument for the Court's consideration.

Respectfully submitted, Wednesday, December 7, 2016.



Christopher W. Adams
SC Bar No. 66142



Christopher R. Geel
SC Bar No. 101458

Law Office of Christopher W. Adams
102 Broad St., Suite C
Charleston, SC 29401
843-577-2153

Attorneys for Defendant

AMH
FILED

16 DEC -7 PM 3:19

MARY P. BROWN
CLERK OF COURT
BERKELEY COUNTY, S.C.

STATE OF SOUTH CAROLINA

COUNTY OF BERKELEY

IN THE COURT OF GENERAL SESSIONS
FOR THE NINTH JUDICIAL CIRCUIT

INDICTMENT NO: 2015GS0801525,
2016GS0802361

STATE OF SOUTH CAROLINA

V.

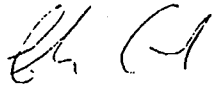
SAMUEL LEE BROADWAY

CERTIFICATE OF SERVICE

I hereby certify that I have served the attached document upon the Solicitor's Office via
hand-delivery to the following address:

300-B California Ave.
Monck's Corner, SC 29461

This day, Wednesday, December 7, 2016.



Christopher R. Geel
Attorney for Defendant

AMH

FILED

16 DEC -7 PM 3:20

MARY P. BROWN
CLERK OF COURT
BERKELEY COUNTY, S.C.

STATE OF SOUTH CAROLINA

COUNTY OF BERKELEY

IN THE COURT OF GENERAL SESSIONS
FOR THE NINTH JUDICIAL CIRCUIT

INDICTMENT NO: 2015GS0801525,
2016GS0802361

STATE OF SOUTH CAROLINA

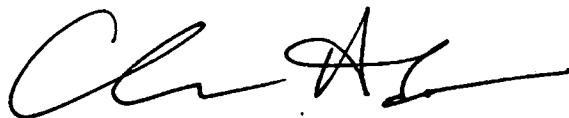
V.

SAMUEL LEE BROADWAY

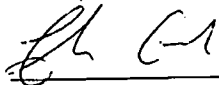
**MOTION FOR RECONSIDERATION
OF SENTENCE**

COMES NOW the Defendant, by and through undersigned counsel, and hereby submits this Motion for Reconsideration of the sentence imposed in the above-referenced case on November 30, 2016. Counsel respectfully requests that this Court schedule a hearing for this motion and allow Counsel to present evidence and argument for the Court's consideration.

Respectfully submitted, Wednesday, December 7, 2016.



Christopher W. Adams
SC Bar No. 66142



Christopher R. Geel
SC Bar No. 101458

Law Office of Christopher W. Adams
102 Broad St., Suite C
Charleston, SC 29401
843-577-2153
Attorneys for Defendant

16 DEC -7 PM 3:18

MARY P. BROWN
CLERK OF COURT
BERKELEY COUNTY, S.C.

STATE OF SOUTH CAROLINA

COUNTY OF BERKELEY

IN THE COURT OF GENERAL SESSIONS
FOR THE NINTH JUDICIAL CIRCUIT

INDICTMENT NO: 2015GS0801525,
2016GS0802361

STATE OF SOUTH CAROLINA

V.

SAMUEL LEE BROADWAY

CERTIFICATE OF SERVICE

I hereby certify that I have served the attached document upon the Solicitor's Office via
hand-delivery to the following address:

300-B California Ave.
Monck's Corner, SC 29461

This day, Wednesday, December 7, 2016.



Christopher R. Geel
Attorney for Defendant

FILED
16 DEC -7 PM 3:18
MARY P. BROWN
CLERK OF COURT
BERKELEY COUNTY, S.C.

STATE OF SOUTH CAROLINA
COUNTY OF BERKELEY

**IN THE COURT OF GENERAL SESSIONS
FOR THE NINTH JUDICIAL CIRCUIT**

**INDICTMENT NO: 2015GS0801525,
2016GS0802361**

STATE OF SOUTH CAROLINA
V.
SAMUEL LEE BROADWAY

RULE 29
AMENDED MOTION FOR NEW TRIAL

COMES NOW the Defendant, by and through undersigned counsel, and hereby amends his Motion for New Trial for the above-referenced case and sentence imposed on November 30, 2016. Counsel respectfully requests that this Court schedule a hearing for this motion and allow Counsel to present evidence and argument for the Court's consideration.

I. FACTS AND BACKGROUND

The present case arose out of a traffic accident that took place on the night of March 7, 2015, which resulted in the defendant Samuel Lee Broadway being charged and convicted for violating S.C. Code 56-5-1210, Leaving the Scene of an Accident. On the night of the incident, Jesse Feagin was riding a moped down a dark roadway in Berkeley County. (Tr. 103). He was followed by his girlfriend Richley Campbell, who was driving in her car behind him. (Tr. 112). As they approached a stop sign at Domingo Road and 176, Feagin and Campbell both stopped. (Tr. 113). Moments later, Jesse pulled out onto 176. (Tr. 113). Campbell approached the intersection and then looked both ways, and she noticed that Jesse was pulling out in front of an oncoming vehicle traveling down 176. (Tr. 113). Campbell believed that the vehicle was going to

strike Jesse's moped, so she pulled her car out into the roadway, expecting that the vehicle would instead strike her car. (Tr. 114, 124-125). The oncoming car, which was being driven by Sam Broadway, swerved to avoid hitting Campbell's car, fishtailing off of the right-hand side of the road, going around Campbell's vehicle. (Tr. 114). As Broadway regained control of the car, it came back onto the roadway in front of Campbell's car, striking Feagin's moped. (Tr. 115). After the collision took place, Broadway drove to BFE Bar, and a bystander there testified that Broadway said he was looking for his phone, and asked several bystanders whether he could use their phone. (Tr. 141-142). The bystander observed that Broadway appeared to be very upset. (Tr. 147). Broadway then left the area and proceeded to the home of Harvey and Marlene Burton, Broadway's in-laws. (Tr. 275, 329).

Harvey Burton testified that when Broadway arrived at the Burton house, he informed the Burtons that he had been in an accident, and had hit a moped. (Tr. 276). After discussing whether they should call the police, Harvey stated that Broadway went to sleep, and that Harvey then decided to call the police of his own accord. (Tr. 277). Marlene Burton contradicted this testimony. She said that when Broadway arrived at the house, he told the Burtons to call 911. (Tr. 333). However, when Marlene Burton testified to this fact, the State posed a hearsay objection, which the Court sustained. (Tr. 333). The Court instructed the jury to disregard Marlene Burton's description of Sam's statement. (Tr. 333).

Soon after the Burtons called 911, the police responded to the residence and interrogated Broadway regarding the collision. (Tr. 214, 295-298). Prior to trial, Broadway moved the Court under Jackson v. Denno¹ to exclude the video recording of Broadway's statements to police. (Tr.

¹ 378 U.S. 368 (1964).

34, 51-52). The Court denied Broadway's motion, and the video was ruled to be admissible at trial. (Tr. 54-55). The video was played during the State's case-in-chief. (Tr. 299-300).

At the conclusion of the trial, the jury convicted Broadway on the sole count of the indictment. (Tr. 412). The Court sentenced Broadway to 12 years' incarceration. (Tr. 430).

II. ERRORS NECESSITATING A NEW TRIAL

A. The Court erred in sustaining the State's hearsay objection and striking Marlene Burton's testimony. (Tr. 333).

As noted above, during the defense's case-in-chief, Marlene Burton was prevented from testifying regarding what Broadway said to her when Broadway arrived at her home on the night in question. (Tr. 333). She said that Broadway appeared to be in shock, but she was prevented from saying what Broadway said to her, and the State's hearsay objection was sustained. (Tr. 333). Ms. Burton later stated that Broadway had asked them to call 911, but that statement was again objected to, and the court struck her statement from the record. (Tr. 333).

There are numerous evidentiary bases for the admission of this statement and the Defendant submits the following non-exhaustive list of potential bases for admission: (1) Broadway's statement was non-assertive conduct, and therefore not hearsay,² (2) Broadway's statement was not offered for the truth of the matter asserted, and was therefore not hearsay,³ (3) Broadway's statement was offered to show notice and/or knowledge, and was therefore not

² *State McGuinn*, 268 S.C. 112 (1977); *Waltes v. S.C. Windstorm & Hail Underwriting Ass'n*, 279 S.C. 362 (1983).

³ *State v. Cox*, 274 S.C. 624, 266 S.E.2d 784 (1980).

hearsay,⁴ (4) Broadway's statement was offered to show the effect on the listener, and was therefore not hearsay,⁵ (5) Broadway's statement was offered to show reasonableness and/or good faith of subsequent conduct, and was therefore not hearsay,⁶ and/or (6) Broadway's statement was offered to show the state of mind of the declarant, and was therefore not hearsay.⁷

Also relevant to this claim of error is the fact that the State was permitted to offer testimony that Broadway *did not* tell the Burtons to call 911, and in fact it was Mr. Burton who told Broadway to call 911. (Tr. 276, 283). Thus, the State was allowed to present evidence of Broadway's alleged failure to contact authorities, while the Court simultaneously prevented Broadway from presenting competent non-hearsay evidence that squarely contradicted that critical fact. Broadway's ability to establish that he made attempts to contact the authorities was absolutely critical to his defense, and the Court's erroneous ruling prejudiced Broadway's defense. Consequently, Broadway is entitled to a new trial.

B. The Court erred in overruling the Defendant's pretrial motion to exclude video evidence under Jackson v. Denno. (Tr. 54-55, 299-300).

As previously noted, the Court denied Broadway's motion under Jackson v. Denno to exclude the video of his police interrogation. The bulk of the presentation at that hearing was the

⁴ *Player v. Thompson*, 259 S.C. 600 (1972) ("Inasmuch as the testimony was not offered to prove the truth of the matter stated, but solely to prove notice, which is a state of mind, the hearsay rule does not apply.").

⁵ *Webb v. Elrod*, 308 S.C. 445, 449, 418 S.E.2d 559, 562 (1992) ("Proof of a statement introduced to show a party heard and acted upon information is not objectionable hearsay.").

⁶ *State v. Sims*, 304 S.C. 409 (1991) ("Here, the officer's testimony was not hearsay . . . the evidence was offered to explain the officer's actions in restraining Sims when he reached towards his pocket.").

⁷ *State v. Lewis*, 293 S.C. 107 (1987) ("Bellamy's testimony regarding what third parties told him as to Lewis's alleged threats to kill him was not hearsay as it was not offered to prove that Lewis intended to kill him. Rather it was offered to show Bellamy's state of mind, that is, the reason he bought a gun and had it with him on the night of the murder.").

dash-cam of Officer Ted Davis. (Tr. 40-41). Counsel argued that Broadway requested an attorney (Broadway asked Davis to call "Chase Payne"). (Tr. 47). The State argued that Broadway was not under arrest, and therefore Miranda was not necessary, and Broadway was free to leave any time. (Tr. 52-53). The court ruled that the statement was admissible. (Tr. 54-55). This statement was admitted in error, and consequently Broadway is entitled to a new trial.

WHEREFORE, Broadway respectfully requests the following relief:

- (1) That this Court grant a hearing date, so that defense counsel can present additional testimony and argument in support of the enclosed motion;
- (2) That at the conclusion of such hearing, the Court issue an Order granting Broadway a new trial in this case;
- (3) Any other such relief as the Court may deem appropriate.

Respectfully submitted, August 15, 2017.



Christopher W. Adams
SC Bar No. 66142



Christopher R. Geel
SC Bar No. 101458

Law Office of Christopher W. Adams
102 Broad St., Suite C
Charleston, SC 29401
843-577-2153
Attorneys for Defendant

CERTIFICATE OF SERVICE

*I hereby certify that the foregoing
document has been served on the
Solicitor's Office via US Mail*

CC 8/15/17

STATE OF SOUTH CAROLINA

COUNTY OF BERKELEY

**IN THE COURT OF GENERAL SESSIONS
FOR THE NINTH JUDICIAL CIRCUIT**

INDICTMENT NO: 2015GS0801525,
2016GS0802361

STATE OF SOUTH CAROLINA

V.

SAMUEL LEE BROADWAY

**AMENDED MOTION TO RECONSIDER
SENTENCE**

COMES NOW the Defendant, by and through undersigned counsel, and hereby amends his Motion to Reconsider Sentence, previously filed with the Clerk of Court on December 7, 2016. The Defendant's Motion is hereby amended to include the following:

- I. Mr. Broadway urges the court to reconsider its sentence imposed on November 30, 2016, bearing in mind the Defendant's background, lack of criminal record, strong ties to the community, family support, work history, and his impeccable reputation in the community.
- II. Mr. Broadway urges the court to reconsider its sentence imposed on November 30, 2016, bearing in mind that the Defendant's sentence in this case is not commensurate with the sentences imposed statewide for the same offense and individuals with no criminal history.
- III. Mr. Broadway submits letters of support from members of the community, urging this Court to reconsider its sentence.

I. Mr. Broadway urges the court to reconsider its sentence imposed on November 30, 2016, bearing in mind the Defendant's background, lack of criminal record, strong ties to the community, family support, work history, and his impeccable reputation in the community.

Sam Broadway was born on November 8, 1958 at the University of Tennessee hospital in Knoxville, Tennessee. His parents, Martha and Joshua Broadway, are now 85 and 91 years old, respectively. Sam has two brothers, Michael and Daniel.

Sam grew up in Charlotte, North Carolina. During his childhood, he played football, basketball, and baseball in city leagues as well as in his local church league. Sam attended Devonshire Elementary School and Cochran Junior High. During these years, Sam worked as a paperboy, and also sold magazine subscriptions. One year, Sam won a trip to Portugal and Spain as part of a "Young Columbus" contest organized by Parade Magazine. During that trip, Sam served as a "Young Ambassador" and was presented with a key to the city of Charlotte. Sam also had the honor of personally delivering a letter from President Nixon to the Ambassador in Portugal, and had the privilege of meeting Juan Carlos de Borbón, the king of Spain.

During Sam's high school years, the Broadway family relocated several times. Sam attended Garinger High School in Charlotte, North Carolina, Asheboro High School in Asheboro, North Carolina, and Central Cabarrus High in Concord, North Carolina. During his senior year, Sam was elected as a Student Senator and served as a Peer Counselor.

Over the years that followed, Sam took college courses at Gardner-Webb University, Mars Hill University, and the University of North Carolina. Sam was an adventurous student, studying a variety of subjects, including religion, accounting, theater, and business administration. During his time at Gardner-Webb, Sam was again elected to student office.

After college, Sam went to work for Hahn Shoes, and was quickly promoted to the position of Assistant Manager. Soon after, Sam was promoted again and transferred to Greensboro to manage his own store. At the time, he was the youngest store manager in the company. In 1987, Sam was transferred again to the Charleston area to manage a retail location at Northwoods Mall.

Around this time, Sam met B.J. Broadway, whom he would later marry. At that time, B.J. was a manager at the retail location where Sam's store was located, and she and Sam began dating soon after they met. They were married, and their daughter Abigail Broadway was born in 1989.

Throughout the years that followed, Sam worked at several different retail and sales jobs, primarily as a manager. Sam ultimately separated from B.J. and later met Carol Jean, whom he married in 2008. Three years later, Carol gave birth to twin daughters, Mattie and Sophie.

Around this time, Sam decided to make a career change, and he moved into the real estate business. After receiving his real estate license, Sam worked in real estate sales and development for Prudential and also did consulting for new developments for Lennar. After gaining valuable experience in the field, Sam decided to purchase a RE/MAX franchise in 2013.

Sam was an active and respected member of the community prior to his incarceration. Sam sponsored numerous charity events, was an active member in the Summerville Chamber of Commerce, and he regularly attended Northwood Church in Summerville. Prior to his incarceration, Sam enjoyed playing golf and softball. Sam is a proud dog owner, and he misses his golden retriever Dutchess. In his lifetime, Sam has devoted significant time and effort to charity work, raising money for local hospitals with RE/MAX and supporting an annual Thanksgiving food bank with Carolina One.

Sam lives for his three daughters, Abigail (28), Sophia (6), and Mattie (6). Since he has been incarcerated, he has been a model inmate. He attends chapel every Sunday, Bible studies every Tuesday, recovery meetings on Thursdays, and also works in the prison cafeteria. And, in his spare time, Sam has been teaching English to a fellow inmate.

II. Mr. Broadway urges the court to reconsider its sentence imposed on November 30, 2016, bearing in mind that Mr. sentence in this case is not commensurate with the sentences imposed statewide for similar offenses and individuals with no criminal history.

Counsel for Mr. Broadway has compiled statewide statistics regarding sentencing under S.C. Code 56-5-1210 since 2010. (See Attachment A, Attachment B, Attachment C). Counsel respectfully submits as follows regarding statewide sentencing trends:

- Of the 77 cases since 2010 in which defendants were convicted under S.C. Code 56-5-1210, only 23 offenders (29.8% of offenders) received sentences that were more severe than Broadway's sentence. (See Attachment A).

- The statewide average sentence for offenders convicted of this offense since 2010 is 9.25 years incarceration. The median sentence is 9 years. (See Attachment A). Thus, Broadway's sentence is substantially higher than both the median and average sentence imposed in this state for this offense, and Broadway has no criminal history or other aggravating factors that warrant an increased punishment.
- Of the 77 cases since 2010 in which defendants were convicted under S.C. Code 56-5-1210, 49 offenders (63.6% of offenders) received sentences of fewer than 10 years. 7 offenders (9% of offenders) did not receive any prison time, or had their prison time suspended to probation. 31 offenders (40% of offenders) received custodial sentences of five years or less (See Attachment B)
- Of the 26 offenders who received sentences as severe as Broadway's or more severe than Broadway's, 20 of the offenders had contemporaneous convictions for other felony offenses. The most common offenses were Felony DUI and Failure to Stop for Blue Lights. (See Attachment C). Thus, almost every one of the individuals who received comparable sentences to Broadway had at least one significant aggravating factor that would warrant an above-average sentence; Broadway had no such aggravating factors, yet he received a similar sentence to those individuals.

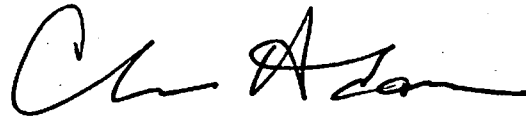
III. Mr. Broadway submits letters of support from members of the community, urging this Court to reconsider its sentence.

Lastly, Broadway respectfully requests that this Court read and consider the numerous letters of support attached hereto (See Attachment D), demonstrating Broadway's substantial ties

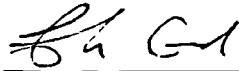
to the community, his upstanding character, and his sincere remorse for the incidents that gave rise to these charges.

WHEREFORE, Broadway respectfully requests that this Court set a hearing date for the enclosed motion, at which time Counsel requests the opportunity to present additional evidence and argument for the Court's consideration, and Broadway further requests that the Court file an Order reducing his sentence, after due consideration of the arguments and facts presented at such hearing.

Respectfully submitted, Tuesday, August 15, 2017.



Christopher W. Adams
SC Bar No. 66142



Christopher R. Geel
SC Bar No. 101458

Law Office of Christopher W. Adams
102 Broad St., Suite C
Charleston, SC 29401
843-577-2153
Attorneys for Defendant

CERTIFICATE OF SERVICE
*I hereby certify that the foregoing
document has been served on the
Solicitor's Office via US Mail*

CG 8/15/17

Attachment A

Leaving the Scene of An Accident w/ Death, Cases 2010-Present (Sorted by Jurisdiction)

Jurisdiction	Case #	Sentence	# Years In Prison	
Aiken County**				
Jimmy Sikes	M009252	5 Years	5	
Anderson County**				
Antonio Glover	J876033	15 Years	15	
Kyle Hand	2014A0410200779	10 Years, SS upon 5 Years w/ Probation	5	
Charles Pickens	H198776	25 Years, SS upon 15 Years w/ Probation	15	
Christophe Self	2017GS0400527	4 Years	4	
Beaufort County				
Ildefonso Adame	E517499	5 Years	5	
Katie Byam	2014A0710300396	3 Years, SS upon Probation	0	
Nicole McGuire	G120640	9 Years (w/ concurrent-time sentence for Felony DUI)	9	
Berkeley County				
Samuel Broadway*		12 Years	12	
Joshua Brown	2015A0820200338	22 Years, SS upon 15 Years	15	
Brian Singleton	2014A0810200160	18 Years (w/ Probation Revocation)	18	
Terry Erdman	2014A0810200259	7 Years, SS upon 2 Years	2	
Charleston County				
Jason F. Marion	M641038	10 Years, SS upon 6 Years w/ Probation	6	
Jeffery Thomas	2012GS1007649	124 Months, SS upon 40 Months w/ Probation	3.3	AVERAGE
Steven Kuehner	2013GS1001563	10 Years, SS upon 5 Years	5	9.25
Daniel Shirley	2013A1011400002	10 Years, SS upon Time Served (1 day) w/ Probation	0	
Carlos Simmons	2015A1020100034	3 Years	3	
Evan Lampkin	82150GW	5 Years, SS upon 2 Years w/ Probation	2	MEDIAN
Brian Jarrell	2015A1010201184	6 Years SS upon Probation	0	9
Sidney Foy	2015A1010203889	25 Years, SS upon 18 Years	18	
Agustin Medina	2016A1010200522	8 Years	8	
Damein Birch	2016A1021000382	10 Years	10	
Chester County**				
Adrienne Lucas	H960444	10 Years	10	
Earl Burr	M252267	20 Years	20	
Chesterfield County**				
Adam Reed	K274131	20 Years	20	
Darlington County**				
Oscar Dolford	2015A1610400526	10.5 Years	10.5	
Stuart Berry	M820250	7.5 Years	7.5	

Jurisdiction	Case #	Sentence	# Years in Prison		
Dorchester County**					
Cullen Dupree	2013A1810300770	8 Years, SS upon 4 Years w/ Probation	4		
Florence County**					
Joshua Williams	2015A2110201085	10 Years	10		
Georgetown County**					
Gerald Lewis	2015A2210800034	2 Years	2		
Greenville County					
Otis Banks	2011GS2303390A	14 Years	14		
Roger Bowen	2013GS2307638A	15 Years, SS upon Probation	0		
Delfino Carpio-Carpio	5102P0618023	2 Years	2		
James Hollingsworth	2014GS2310549A	15 Years	15		
Billy Joe Hannah	F037967	25 Years, SS upon Probation	0		
John Kennedy	2015A2310100317	20 Years	20		
Jodi Manna	I483065	15 Years, SS upon Probation	0		
Carolyn McCoy	N200771	10 Years, SS upon 2 Years w/ Probation	2		
Astrid Muller	I483420	6 Years, SS upon 3 Years	3		
Christopher Sanchez	F341109	12 Years	12		
Christian Thola	2015A2330202563	7 Years	7		
Greenwood County**					
Andrew Harrison	M075798	20 Years	20		
Horry County					
Tyreese Blathers	2014A2610700802	10 Years, SS upon Probation	0		
Jomo Foley	2013A2620601899	10 Years, SS Upon 3.5 Years w/ Probation	3.5		
Slade Fowler	2015A2610700022	8 Years, SS upon 3 Years w/ Probation	3		
Gabriel Gratto	2013A2610200992	15 Years	15		
James Littles	2013A2620601645	10 Years	10		
Corey Long	2015A2620400436	7 Years	7		
Terry Rushton	2015A2610201741	12 Years, SS Upon 5 Years w/ Probation	5		
Derek Stanley	J742590	5 Years	5		
Dylan Shook	2015A2610202189	5 Years	5		
Kershaw County**					
Sammie Johnson	E108599	12 Years	12		
Alan Stuckey	D626889	18 Years	18		
Donnie Thigpen	D881818	10 Years	10		
Joselyn Bonilla	2013A2810100715	4.1666 Years (50 Months)	4.166666		
Laurens County**					
Brian Stephens	2010GS3000461	10 Years	10		

Jurisdiction	Case #	Sentence	# Years in Prison		
Lexington County					
William Caughman	I203629	20 Years	20		
Lyson Soram	M303861	5 Years, SS upon 6 months	0.5		
Romeo Romero	M303926	10 Years, SS upon 1 Year w/ Probation	1		
Sheldon Dubois	2012A3210200146	15 Years, SS upon 7 Years w/ Probation	7		
Thomas Stafford	2012A3210201149	17 Years	17		
Salvador Contreras	2013A3210200909	1 Year, SS upon 6 Months	0.5		
Nicholas Shealy	2015A3210200813	10 Years	10		
Pickens County**					
Rufus Raiden	M521626	25 Years	25		
Richland County**					
Arthuro Torres	2015A4021600831	20 Years	20		
Ray Pickett	2015GS4002636	10 Years	10		
Spartanburg County**					
Barry Colquitt	M758714	13 Years	13		
Kelvin Cohen	2015GS4203501	10 Years	10		
Emilio Edwards	I579584	15 Years, SS upon 10 Years w/ Probation	10		
Timothy McCormick	M110219	20 Years	20		
Candace Beheler	M759267	15 Years	15		
Sandy Westmoreland	2013GS4204625	25 Years	25		
Sumter County**					
Jacqueline Mesidor	2013A4310200456	12 Years	12		
Union County**					
Steve Young	11GS440235	7 Years	7		
York County					
Timothy Hollis	10358FT	15 Years	15		
Dana Lanier	2016A4620500003	2 Years	2		
Dianne Webster	M601550	25 Years	25		

**** Note:** Jurisdictions marked with two asterisks only include data obtained directly from the Department of Corrections. Counsel was unable to obtain data directly from the local Clerks of Court for these jurisdictions. Therefore, jurisdictions marked with two asterisks will *only* have data in which the defendant was sentenced to active prison time; cases in which the defendant received probation or a suspended sentence will not appear in this table.

Attachment B

Leaving the Scene of An Accident w/ Death, Cases 2010-Present (Sorted by Sentence Severity)

Defendant	Case #	Sentence Imposed	# Years in Custody
Katie Byam	2014A0710300396	3 Years, SS upon Probation	0
Daniel Shirley	2013A1011400002	10 Years, SS upon Time Served (1 day) w/ Probation	0
Brian Jarrell	2015A1010201184	6 Years SS upon Probation	0
Roger Bowen	2013GS2307638A	15 Years, SS upon Probation	0
Billy Joe Hannah	F037967	25 Years, SS upon Probation	0
Jodi Manna	I483065	15 Years, SS upon Probation	0
Tyrese Blathers	2014A2610700802	10 Years, SS upon Probation	0
Lyson Soram	M303861	5 Years, SS upon 6 months	0.5
Salvador Contreras	2013A3210200909	1 Year, SS upon 6 Months	0.5
Romeo Romero	M303926	10 Years, SS upon 1 Year w/ Probation	1
Terry Erdman	2014A0810200259	7 Years, SS upon 2 Years	2
Evan Lampkin	82150GW	5 Years, SS upon 2 Years w/ Probation	2
Gerald Lewis	2015A2210800034	2 Years	2
Delfino Carpio-Carpio	5102P0618023	2 Years	2
Carolyn Mccoy	N200771	10 Years, SS upon 2 Years w/ Probation	2
Dana Lanier	2016A4620500003	2 Years	2
Carlos Simmons	2015A1020100034	3 Years	3
Astrid Muller	I483420	6 Years, SS upon 3 Years	3
Slade Fowler	2015A2610700022	8 Years, SS upon 3 Years w/ Probation	3
Jeffery Thomas	2012GS1007649	124 Months, SS upon 40 Months w/ Probation	3.3
Jomo Foley	2013A2620601899	10 Years, SS Upon 3.5 Years w/ Probation	3.5
Christophe Self	2017GS0400527	4 Years	4
Cullen Dupree	2013A1810300770	8 Years, SS upon 4 Years w/ Probation	4
Joselyn Bonilla	2013A2810100715	4.1666 Years (50 Months)	4.166666
Jimmy Sikes	M009252	5 Years	5
Kyle Hand	2014A0410200779	10 Years, SS upon 5 Years w/ Probation	5
Ildefonso Adame	E517499	5 Years	5
Steven Kuehner	2013GS1001563	10 Years, SS upon 5 Years	5
Terry Rushton	2015A2610201741	12 Years, SS Upon 5 Years w/ Probation	5
Derek Stanley	J742590	5 Years	5
Dylan Shook	2015A2610202189	5 Years	5
Jason F. Marion	M641038	10 Years, SS upon 6 Years w/ Probation	6
Christian Thola	2015A2330202563	7 Years	7
Corey Long	2015A2620400436	7 Years	7
Sheldon Dubois	2012A3210200146	15 Years, SS upon 7 Years w/ Probation	7
Steve Young	11GS440235	7 Years	7
Stuart Berry	M820250	7.5 Years	7.5

Defendant	Case #	Sentence Imposed	# Years in Custody
Agustin Medina	2016A1010200522	8 Years	8
Nicole McGuire	G120640	9 Years (w/ concurrent-time sentence for Felony DUI)	9
Damein Birch	2016A1021000382	10 Years	10
Adrienne Lucas	H960444	10 Years	10
Joshua Williams	2015A2110201085	10 Years	10
James Littles	2013A2620601645	10 Years	10
Donnie Thigpen	D881818	10 Years	10
Brian Stephens	2010GS3000461	10 Years	10
Nicholas Shealy	2015A3210200813	10 Years	10
Ray Pickett	2015GS4002636	10 Years	10
Kelvin Cohen	2015GS4203501	10 Years	10
Emilio Edwards	I579584	15 Years, SS upon 10 Years w/ Probation	10
Oscar Dolford	2015A1610400526	10.5 Years	10.5
Christopher Sanchez	F341109	12 Years	12
Sammie Johnson	E108599	12 Years	12
Jacqueline Mesidor	2013A4310200456	12 Years	12
Samuel Broadway	2015GS0801525	12 Years	12
Barry Colquitt	M758714	13 Years	13
Otis Banks	2011GS2303390A	14 Years	14
Antonio Glover	J876033	15 Years	15
Charles Pickens	H198776	25 Years, SS upon 15 Years w/ Probation	15
Joshua Brown	2015A0820200338	22 Years, SS upon 15 Years	15
James Hollingsworth	2014GS2310549A	15 Years	15
Gabriel Gratto	2013A2610200992	15 Years	15
Candace Beheler	M759267	15 Years	15
Timothy Hollis	10358FT	15 Years	15
Thomas Stafford	2012A3210201149	17 Years	17
Brian Singleton	2014A0810200160	18 Years (w/ Probation Revocation)	18
Sidney Foy	2015A1010203889	25 Years, SS upon 18 Years	18
Alan Stuckey	D626889	18 Years	18
Earl Burr	M252267	20 Years	20
Adam Reed	K274131	20 Years	20
John Kennedy	2015A2310100317	20 Years	20
Andrew Harrison	M075798	20 Years	20
William Caughman	I203629	20 Years	20
Arthuro Torres	2015A4021600831	20 Years	20
Timothy McCormick	M110219	20 Years	20
Dianne Webster	M601550	25 Years	25

Defendant	Case #	Sentence Imposed	# Years in Custody
Rufus Raiden	M521626	25 Years	25
Sandy Westmoreland	2013GS4204625	25 Years	25

Attachment C

Leaving the Scene of An Accident w/ Death, Cases 2010-Present (Charges and Outcomes for Offenders Who Received a Sentence of 10 or More Years)

Name	Active Sentence (Years)	Other Charges in Trial Court @ Sentencing (includes charges dismissed @ plea)	Convictions (Other Than Hit & Run)
Damein Birch	10	Reckless Homicide	None
Adrienne Lucas	10	Murder, Reckless Homicide	Reckless Homicide
Joshua Williams	10	Destruction of Graves/Removal of Human Remains, Use of vehicle without permission with intent to deprive	Destruction of Graves/Removal of Human Remains
James Littles	10	2 Counts of Hit & Run	None
Donnie Thigpen	10	Felony DUI	Felony DUI
Brian Stephens	10	Felony DUI, Possession of a Stolen Vehicle	Felony DUI, Possession of a Stolen Vehicle
Nicholas Shealy	10	Failure to Yield, Possession of Marijuana, Operating a Vehicle Without Registration	None
Ray Pickett	10	None	None
Kelvin Cohen	10	Pointing Firearm, Carjacking, HTO, FTSBL	FTSBL, HTO
Emilio Edwards	10	None	None
Oscar Dolford	10.5	Cont. to the Delinquency of a Minor, CSC 3rd, Solicitation of a Minor, HTO, DUS	HTO
Samuel Broadway	12	None	None
Christopher Sanchez	12	Felony DUI	Felony DUI
Sammie Johnson	12	Felony DUI, HTO, DUS	None
Jacqueline Mesidor	12	None	None
Barry Colquitt	13	RSG, Breach of Trust	RSG, Breach of Trust
Otis Banks	14	Poss of Drug Paraphernalia, Possession of Marijuana, Reckless Driving, DUS	Obstruction of Justice
Antonio Glover	15	Accessory to a Felony, Reckless Homicide	Trafficking Cocaine, Resisting Arrest
Charles Pickens	15	Felony DUI	Felony DUI
Joshua Brown	15	None	None
James Hollingsworth	15	DUI, Reckless Homicide, DUS, Possession of a Stolen Vehicle	DUI, Reckless Homicide
Gabriel Gratto	15	3 Counts of Felony DUI	Felony DUI
Candace Beheler	15	2 Counts of Hit & Run, Grand Larceny	2 Counts of Hit & Run, Grand Larceny
Timothy Hollis	15	Felony DUI	Felony DUI
Thomas Stafford	17	Felony DUI	Felony DUI
Brian Singleton	18	DUS, Probation.	Possession of Cocaine
Sidney Foy	18	FTSBL, Reckless Homicide	FTSBL, Reckless Homicide
Alan Stuckey	18	Felony DUI	Felony DUI
Earl Burr	20	Felony DUI, Driving w/out License	Felony DUI
Adam Reed	20	Manslaughter, Reckless Homicide	None

Name	Active Sentence (Years)	Other Charges in Trial Court @ Sentencing (includes charges dismissed @ plea)	Convictions (Other Than Hit & Run)
John Kennedy	20	HTO, Poss. of Controlled Substance, Obtaining Goods Under False Pretenses, RSG, Poss. of a Stolen Vehicle, Attempted Murder, Grand Larceny, Reckless Homicide, FTSBL, DUS	Attempted Murder, FTSBL, Reckless Homicide
Andrew Harrison	20	Failure to Yield, DUS	DUS
William Caughman	20	Obstruction of Justice	None
Arthuro Torres	20	HTO, Felony DUI	HTO, Felony DUI, 2 Counts of Hit & Run
Timothy McCormick	20	CSC w/ a Minor	CSC w/ a Minor
Dianne Webster	25	2 Counts of Hit & Run, Felony DUI	2 Counts of Hit & Run, Felony DUI
Rufus Raiden	25	None	None
Sandy Westmoreland	25	Murder, MIPP, Assault	Murder

Attachment D

May 1, 2017

To Honorable Judge Dennis,
South Carolina Circuit Court:

This letter is on behalf of Sam Broadway. Sam and I met a couple of years ago and immediately became great friends. He is a wonderful person. I had only known him a few weeks and he learned I needed help moving. After a long day at work, in the middle of hot Charleston in July, Sam came over to Mount Pleasant and helped my family move into our new home. On my birthday, he sent me flowers and a very thoughtful card which made my day. That is Sam!

I was always impressed at what a wonderful father he was to his 3 daughters. They mean the world to home. His family came before anything. He doesn't have a selfish bone in his body.

His business was really starting to grow and he was quite proud of his hard work and how it would benefit the community of Summerville.

I was aware of his accident. He told me about it when we first met. He was so remorseful about it. Sam is one of the most genuinely nice men I've ever met. I am so sorry about his accident and the families that have been affected. He is missed so greatly by his sweet younger daughters, Maddie and Sophie, but also by his grown daughter, Abigail, who is trying so hard to help her sisters during the absence of their dad.

When making any decisions about Sam's case, please keep in mind how much his family needs him and misses him daily.

Thank you very much for reading my letter.

Sincerely,
Amy Thomas

Amy Thomas
Director of Children and their Families
Mount Pleasant Presbyterian Church
302 Hibben Street
Mount Pleasant, SC 29464

February 23, 2017

Judge Dennis, South Carolina Circuit Court Judge

Dear Judge Dennis,

My name is Kandi Mangual. I am Broker / Owner of RE/MAX Cornerstone Realtor. I am writing to you and the court today to tell you about what kind of person that Samuel Broadway is. I met Mr. Broadway in 2010 when I returned from NY after 15 years. I came in contact with him while I was shopping for a new home. I did not buy from Sam, but I will never forget our communication throughout that time.

I looked up to Sam. I admired him. From the moment my husband and I met him we quickly bonded and formed a friendship. I actually started selling real estate and had the goal in my mind that I wanted to be like Sam Broadway. He didn't just sell houses. He formed friendships. His children are his world. As a Realtor/Broker/Owner, the world sees us as people that have a ton of money. But what they do not see is the hours that we devote day in day out to making sure our customers and clients are fully satisfied. It is from the time we wake up until the time we go to sleep at night. Sam did this, but he also continued to be a full time single dad to his two little children. He loved those girls and his oldest daughter. Those girls need their father. He was their life. He raised these babies. He made them breakfast, he dressed them, he fixed hair. He boasted about them and loved and adored them more than life itself.

Sam put his heart and soul into selling real estate and building his own company. When Sam left his brokerage and opened his own RE/MAX, I did too. I was right behind him by like 6 months. Sam helped to guide me and to continuously mentor me. Even though he is a competitor, never not once did he not answer my call and help walk me off of the ledge. I know that the one mistake that he made will haunt him for the rest of his entire life. Even if he were able to get out sooner he will never be able to take back what happened and change that. If he could I know that he would.

We need Sam back. The girls need him. His family is suffering and his colleagues treasure him. I am very saddened that he is not here with us now. I would do anything to text him and talk to him. The whole Real Estate Market needs Sam. They say Lawyers and Realtors are crooked. Not this man. He is the most honest person I know. He always instilled in us to have integrity and do the right thing when no one is watching. We didn't learn this from his words, but from his actions. He will always be a mentor to me and I will always look up to him and never forget everything he ever taught me.

Thank you,



Kandi Mangual

843-860-3461 kandib@remax.net 202 Carolina Ave, Moncks Corner SC 29461

8/7/2017

Kerry Martin Bryce
1172 Striper Dr.
Manning, S.C. 29102

Dear Hearing Judge,

This letter is in reference to my dear friend Samuel L. Broadway, currently serving a sentence in Lieber Correctional Institute.

This year marks twenty five years that I've known Sam. He became my roommate in my home in Mt. Pleasant in 1992 and helped me through a very difficult time during my divorce and the birth of my daughter. During that time I could not have asked for a more supportive friend. I don't think I would have made it without him. I trusted him completely with my daughter and he trusted me with babysitting for his oldest daughter Abigail when she was small. I know his parents and brother as well and assure you that he came by this love of family honestly. They are all good folks.

Over these many years I've seen Sam go through things that have been very tough but he always remained with a smile and a happy word for everyone he met. Some may think it strange that we kept in touch this long and for the most part that was all on Sam, he reached out countless times when he didn't hear from me, just to call and find out how things were going and fill me in on the details of his life. It's been a wonderful friendship and I'm thankful that God sent him into my path.

The one thing that I can tell you about Sam, the one thing that stands out to everyone he meets, is that he is a fantastic father. In these days it's rare to find one of those. I recall back in the 90's he was constantly back and forth to St. George to pick up Abigail or attend some function that regarded her. When she was at my home he would dote on her as well. Now he has Mattie and Sophie as well and I am positive that they are the luckiest little girls on the planet to have him as their Dad.

His love for his children is the only reason I can understand what happened that resulted in prison time. He would do anything to protect them and in that moment of confusion I assure you that those girls were the single thing on his mind.

Sam had purchased Remax/Summerville after many years of being a Realtor and was actively turning it into a mega real estate firm. Every single accomplishment he made and every difficulty he overcame was due to the love of his daughters. He has made sure the girls have the best of everything, he takes them to church every Sunday, he spends his weekends building them cool bunkbeds and outdoor playsets, he makes sure they eat nutritiously (though he doesn't cook) and even called on me to help him get a new dog when the girls were heartbroken over the death of their golden retriever. I can't stress enough that he is the best Dad anyone could ask for and his girls are the love of his life and his every thought. Once you understand the depth of this love you can understand the terrible mistake he made that night.

Sam is an upstanding citizen, helpful to everyone and anyone who needs help, a great father, a great provider for his family, and wonderful friend. It would take pages to tell you how many times I've seen him go out of his way to help people and other creatures. I've never known him to not be of service to others, he is the kind of person who lives to help others and in knowing that fact I am sure that he was only acting out of fear for what would happen to his daughters if he were not in their lives daily. It was a terrible, horrible accident that occurred during a particularly stressful moment in his life, he was weak at that moment. I assure you that moment was the exception not the rule; Sam is one of the strongest, purest souls I've met in my life.

He's the guy who puts his shopping carts back in the corral, who mows his grass and keeps his yard beautiful, who knows everyone at church by name, who pays his debts, who makes sure that all around him feel like they are the best friend he's ever had. He's crazy over Duke Basketball, has a hilarious sense of humor, always tells you that you look fantastic even when you know it's a lie, and always invites you to be a part of his life events. This is the guy you want as your best friend not a guy who deserves to spend time in prison. I beg you to reconsider his sentencing and let this man go home to his children.

Thank you,

Kerry M. Bryce

March 12, 2017

Dear Honorable Judge Dennis,

Samuel Broadway married my sister 30 years ago. After their divorce, Sam was still invited to all our family reunions and Holidays by my parents and family.

He is a great dad to 3 beautiful daughters, including 6-year-old twins that need him very much.

He has been very successful in his real estate business and greatly appreciated by his clients. He made a terrible mistake and is very remorseful.

Warmest regards,

Patricia Glasser
801 Harbour Watch Court
Mt.Pleasant,SC 29464
854-224-7765

1112 N. Main Street
Suite D
Summerville, SC 29483

March 6, 2017

The Honorable Judge Dennis
United States District Judge
C/O Christopher Adams
102 Broad Street,
Suite C
Charleston, SC 29401

Dear Judge Dennis,

I am an agent in Sam Broadway's real estate office and I have known Sam for four and a half years. He has been a friend in my life and mentor to me in my real estate career.

I chose to join Sam's office because of his many years of experience in this business and his success but more importantly because of the great reputation for honesty and fair dealings in the area. He has developed a large book of repeat business and is well known for going above and beyond for his clients and then connecting with them as they settle into their new community.

Personally, I have found him to be a very kind person. About two years ago I received a call from my father-in-law that he had fallen and needed help. He was living at a retirement home and had become very frail. At the time of the call Sam was meeting with clients. He felt that I needed help so without hesitating he apologized to his clients, cancelled the meeting and went with me to the home. When we got there we found my father in law, Millard, on the floor of his apartment, unable to get up. Sam helped me get him seated in a chair with sat with him while I went to get a manager to check Millard out to be sure there was no further damage. He was patient and reassuring and was able to quicking smooth over the experience with Millard. By the time I returned they were both laughing at some joke Sam came up with.

We have discussed the night of the accident many times since it happened and he told me how he relives it in his mind and how he regrets his decision. He knows that his actions shattered the lives of Jesse and his family and also the lives of his family. At a time when they need him most, he cannot be there for them. To that point he stayed out of trouble built a good life and raised a good family, one night that he can't take back has destroyed it all.

I have visited Sam in prison a few times and he has expressed his remorse to me and his plans for life once he has paid his debt. He understands what he did was wrong and is anxious to work to redeem himself.

Respectfully yours,



Jon Batten
Batten Partners LLC

Judge Dennis
South Carolina Circuit Court Judge
RE: Samuel Lee Broadway (DOC # 370679)

Dear Sir,

I am a retired Real Estate agent who has been active in all phases of the Real Estate industry in North Carolina, Maryland, Virginia, and South Carolina for over forty years. As a manager who hired many people and assisted many people in commercial and residential business. These activities helped me to recognize people who had strong character and could be trusted.

Soon after moving to the Charleston, South Carolina, I met Sam and recognized him to be a real professional, trustworthy person. He were both with Caroline One and I was with him in business and social activities. He never did a thing that made me have anything but the highest respect for him.

Sam was proud of his family and thrilled with the birth of his twin daughters. He was active in their growth, education, and family life. His girls need him because he was their stability.
He certainly made a terrible

mistake and he understands
the need to face his responsibility
for this error.

If it is possible to reduce
his sentence, I believe he has
recognized his problem and
would not be a repeat offender.

Again his family needs
him very, very much.

Sincerely,

Quang Th. Batten
704 Central Avenue #124
Durhamville, SC 29483

March 6, 2017

The Honorable Judge
United States District
Judge Dennis

March 10, 2017

The Honorable Judge Dennis,

My name is Freddie Myers. I am a retired logger.

I have lived in Summerville, S.C. my entire life until I moved to Reevesville, S.C. five years ago.

I have known Sam Broadway for quite some time.

He has helped with some great pointers on some land I was thinking of re-selling. He didn't have to do this.

Knowing Sam as I do I can't imagine him purposely doing something like this. He had to be in great shock and deeply confused. Sam was always someone to help anyone in need that he came in contact with.

I know he is a great family man. His children is what he lived for.

This was a one-time terrible mistake. Never know him to be violent in anyway. This is not who Sam is.

Sam is kind, helpful and devoted to his children.

He would never put his children in the position they are now in. They are suffering greatly.

Freddie Myers
P.O. Box 97
Reevesville, S.C.
29471

843-200-2105

Sincerely



March 2nd, 2017

The Honorable R. Markley Dennis, Jr.
P O Box 1800
300 B California Avenue
Moncks Corner, SC 29461-1800

RE: Samuel L. Broadway

Dear Judge Dennis:

I am writing you concerning my friend, Samuel Broadway. I have known Sam for over 10 years. We worked together at Mungo Homes here in Charleston and became friends.

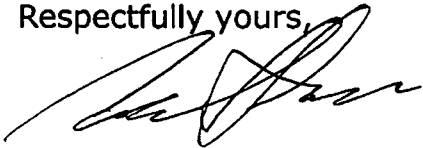
In November of 2008, my wife lost her battle with breast cancer. It was a very dark time for me personally both emotionally and financially. A lot of my friends started disappearing from my life at the time leading up to the final months before she passed. They did not want to be around me or my wife with cancer any more. She had to have oxygen with her at all times and she started looking very frail. One of the people I knew did not run away from me. That was Sam. He was incredibly supportive and was one of the main people to help me get through this period. I was in dire financial straits and it was Sam that helped guide me to get a loan modification to save my home against all the medical bills. If he did not encourage and guide me, I may not have been able to save my home and get back on my feet again.

I understand what Sam did was wrong but I am asking you if you would reconsider the length of his sentence. The Sam I know is a very companionate individual and always going out of his way to help others like myself. He was always giving back in the community and he is a Christian. It was out of character for him to do what he did. He told me that he was sorry for what happened and he expressed remorse to me and I believe him.

I think of Sam everyday and his two 6 year old twin daughters, Mattie and Sophie. Sam was the main parent in their lives. He was the one that bathed them at night, got them dressed in the morning, etc.. I do not think society would benefit from having Sam in prison for the entire sentence he is currently serving. It is tragic that one life has been lost but I fear that these 2 little girls will not have the guidance that Sam can give them during the formidable years to make sure they themselves grow up to be a great and contributing part of our community.

Thank you for taking the time to read my letter.

Respectfully yours,

A handwritten signature in black ink, appearing to read 'Carroll Loewer', written over the closing 'yours,'.

Carroll Loewer
557 Godfrey Park
Charleston, SC 29407



**WEALTH
ADVISORS**

March 2, 2107

The Honorable Judge R. Markley Dennis, Jr.
South Carolina Circuit Court Judge
P O Box 1800
300 B California Avenue
Moncks Corner, SC 29461-1800

Dear Judge Dennis,

My name is Charles Robert (Rob) Glasser. I am an Investment Advisor located at 2036eWall Street, Mt Pleasant, SC 29464.

I'm writing on behalf of Samuel (Sam) Broadway. Sam is my former brother --in-law. I have known Sam for over 25 years as he is the father of my wife's niece, Abigail (Abbie) Broadway.

When we first met, Sam was selling shoes at Citadel Mall. He moved to Rangoni Shoes located on King Street in Charleston, SC. After a time, he made assistant manager and then was rewarded by being named store manager. With little possibility of further promotion, he transitioned into the real estate business beginning his practice in Mt. Pleasant, SC. He relocated to Summerville and quickly became successful in that market. By continuing to work hard, he became Broker in Charge and became responsible for a number of other realtors. By relating his personal experiences and providing them with guidance in their chosen profession, he was able to help many of them become successful as well. Based upon his past, given the opportunity I believe Sam can again become a productive member of society.

Sam has been a good father to his children. The tragedy that occurred has caused financial and emotional hardships to each of them. As Abbie is part of my family, her pain is visible. She has withdrawn from celebrations and holidays and only recently been able to steady herself and return to a somewhat normal life.

Even though I have not spoken directly with Sam about this matter, I feel certain he is truly sorry for his poor judgment and all that has happened.

I thank you for your consideration in this matter,

Rob Glasser

Dream. Plan. Live.

843.284.5541 direct
800.671.4237 toll free
843.881.8352 fax
rglasser@ceteraadvisors.com
2036 eWall Street
Mt. Pleasant, SC 29464

R 46

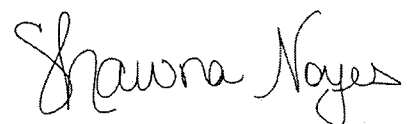
Dear Judge Dennis, South Carolina Circuit Court Judge,

I have known Samuel Broadway since November 2006. It started off as realtor and perspective buyer. He was the acting realtor for the brand new neighborhood my husband and I was looking in to making our home. From the very first time meeting him, he was warm and open and he wasn't looking to make a dollar but to put the right person in to the right home. Once we decide we would definitely buy in "his" neighborhood he was patient, kind, encouraging and making sure that we wouldn't end up over our heads with this new purchase. It was easy to see that his "realtor" person was very close to the person he is beyond his day job. Not long after we moved into our new home we often had weekly if not daily chats. Ranging anywhere from our hometown (at least for me) favorite sports team, to weather, conversations about real estate, and anything in between. It wasn't unusual for me to drop in while seeing other perspective buyers. He NEVER once asked this of me. It was something GLADLY chose to do. I loved the area and the neighbors and knew that whoever was looking to buy would love it there as well. Not to mention, I knew who ever chose to do business with him would not regret it. That they would be in good hands. I don't remember exactly how long he was there for, but once it was time for him to move on, his absence was felt. I truly believe he made a difference. No one coming into the Pointe to finish up selling the remaining home lots would come close to his way of doing things. He wasn't looking at dollar signs, I believe he was truly looking to make a difference in any neighborhood he worked in.

For a while, we still managed to have weekly conversations or so. Once we moved away it was harder to keep in touch as we once had. It really was life getting in the way. Regardless, we both knew we weren't more than a call or FB. Message away. Back in July, my husband and I decided to put our home on the market. There was zero doubt as to who we would use to help us. He went above and beyond in working with us. I can't even begin to describe how he helped us and kept us calm on both sides of home buying. There is no doubt in my mind that he treats every one this way. That he would give the shirt off of his back if need be.

I also know that he isn't the sort of person to make a mistake no matter how big or small and not learn from it, he would not only learn from it, but he would make sure not to repeat it. Every single of us have made mistakes, some big some small. It won't change the past but it can change ones future. I do believe some people may feign remorse to get out of whatever it is they need too and sadly go right back to that lifestyle. I know without a doubt Samuel L Broadway does NOT fit in that category. He is a loving father, son, uncle, friend, etc...it wouldn't surprise me one bit to learn he would take this and make a difference. Sometimes out of our greatest mistakes comes knowledge and when we allow them too, our messes becomes our messages. As I have stated before, I know that Samuel would be one of those individuals who would do just that. He can't change the past, but he can change the future, I truly believe, if given the chance, he would do just that. Change the future in a way that would not have been possible without what has happened.

Sincerely,

A handwritten signature in cursive script that reads "Shawna Noyes". The signature is written in dark ink and is positioned to the right of the word "Sincerely,".

The Honorable Judge Dennis
South Carolina Circuit Court

Dear Judge Dennis:

This purpose of this letter is to speak to the character of Sam Broadway.

I've known Sam for over a year and in that time I have been able to get to know him and his family. I know him to be a responsible father, reliable son, a productive citizen and a repentant Christian.

I've heard him express his sorrow for the tragic accident that occurred and he continues to pray for the family. I know he feels remorse for the catastrophic events that took place and truly regrets decisions made that day.

I can attest to his character from watching his love and commitment for his family. He is a caring, gentle father whose life revolves around his three children. He takes pride in his work and owning his business and being a productive member of the community. But he also works hard to create balance within his life with the privilege of raising two young daughters, being a focused business man and attending church. This heartbreaking situation has only been magnified with the absence of Sam his family's life. All of his family - daughters, parents, brothers, friends greatly desire his presence back in their lives.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink that reads "Tina Jordan". The signature is written in a cursive, flowing style.

Tina Jordan

April 11, 2017

To: Judge Dennis

South Carolina Circuit Court Judge

Your Honour;

I am writing this letter to reference Samuel Broadway.

I have been a friend of Sam's for around 13 years .

I can confirm that he is a man of great integrity, is extremely dedicated to his family and his business. Sam has always shown to be entirely peaceful & loving . He always joined in when ask to help with fundraising for many events. I remember when he told me that he & his wife were having twins. The excitement within him shown to be overwhelmingly great.

When the girl's were born, I didn't see him as much because he pretty much went to places where he could bring his children. Talking on the phone with Sam was like talking to my brother. We could discuss his preparation for his business he was opening & he always let me know how his mother & father were doing, because they are not in good health.

I must say, I always saw Sam with a smile, he asked about people we both knew, because he cared how they all were doing. People were drawn to Sam by his vibrant intelligence & happiness. Due to our fine Internet, I was able to keep in touch with Sam & his family.

For your information, I spoke with Sam quite a bit about running ones own business because I myself owned two, one for 17 years & the other for 7 years. I encouraged Sam that without a doubt he was qualified to be a business owner & still be able to spend quality time with his family.

In closing, I would like to include that Sam would never intentionally harm anyone on purpose or otherwise. His love for life is unconditional.

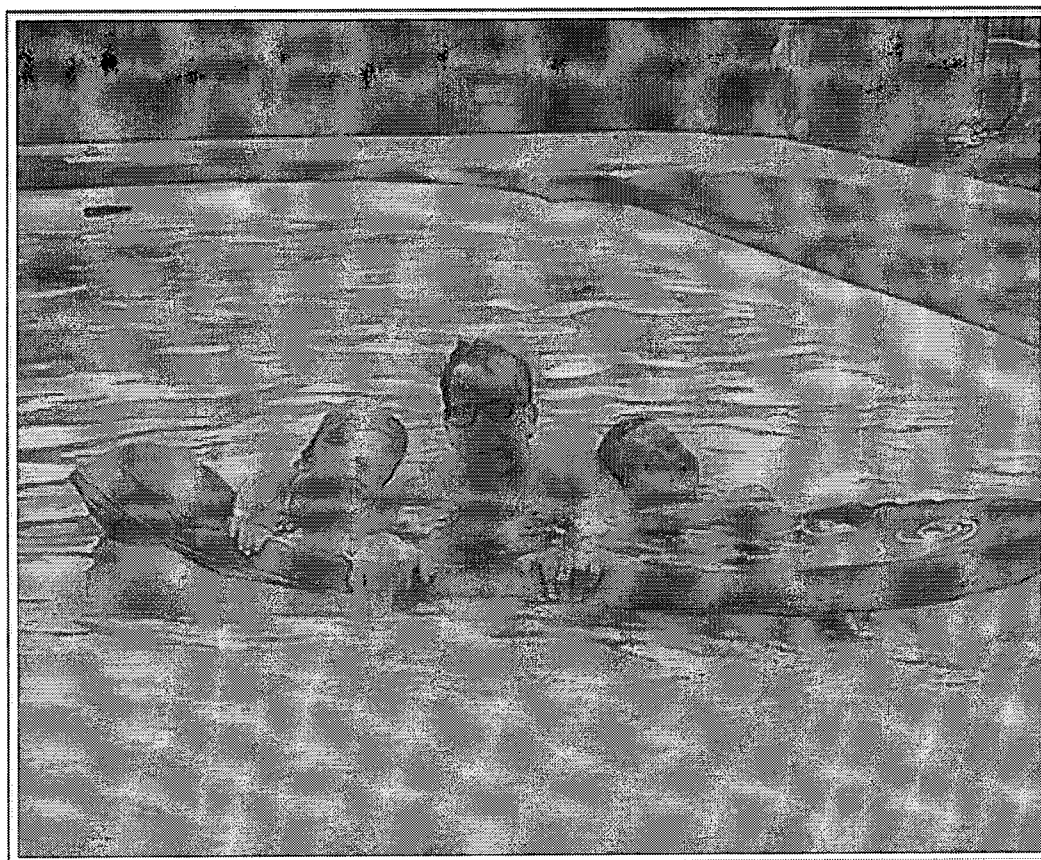
Sincerely,

Wendy R Lacy. 422 Carolina Circle Ladson, South Carolina



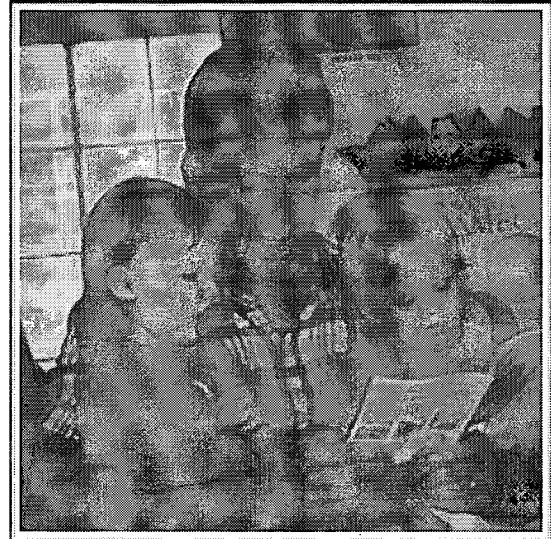
Top: (Left to Right) Daniel (brother); Sam; Joshua (father); Michael (brother); and Michael Jr. (nephew), picture taken in 2015.

Bottom: Twin daughters Mattie and Sophie with Sam Broadway, picture taken in 2015





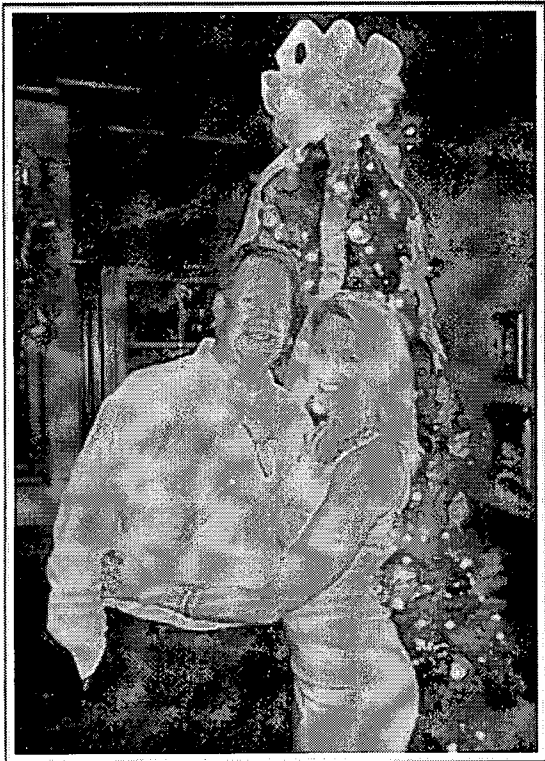
Sam and daughter Abigail, 1992



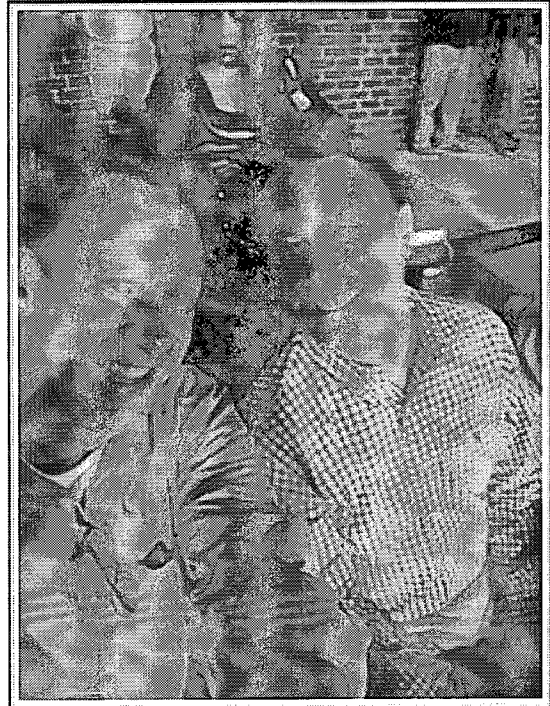
Sam and daughters Sophie and Mattie, 2012



Sam with daughter Abigail, mother Martha (left) and grandmother Mattie (right), 1995



Sam with daughter Abigail, 2015



Sam and friend Carroll Loewer, 2014



Sam with his family, Christmas 2014

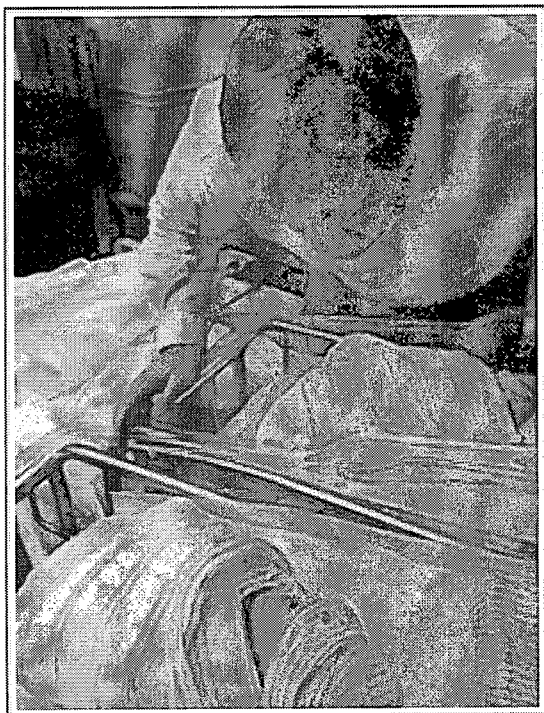


Top: Sam with friends and colleagues
Johnny Joyce and Kris Smith, traveling
to realtor conference, 2010



Bottom: Sam with daughters Mattie
and Sophie

Sam with daughters Abigail
and Mattie, 2014



Sam with daughters Mattie and Sophie, January 2011



Sam with colleagues, 2012

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Sam with daughter Abigail, 2014 (top left), 1992 (top right) and 2002 (bottom)





Sam, 2013

R-57

THE STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

APPEAL FROM BERKELEY COUNTY

Court of General Sessions

Honorable R. Markley Dennis, Circuit Court Judge

INDICTMENT NO.: 2016GS0802361

17 OCT -4 PM 2:28
MARY P. BROWN
CLERK OF COURT
BERKELEY COUNTY, S.C.

FILED
AMH

THE STATE RESPONDENT

v.

OCT 09 2017

SAMUEL LEE BROADWAY..... APPELLANT Court of Appeals

NOTICE OF APPEAL

SAMUEL BROADWAY appeals his conviction and sentence in this case. The defendant was convicted in front of the Honorable R. Markley Dennis on November 30, 2016. This appeal is taken from the order of Honorable R. Markley Dennis, dated September 28, 2017, which denied Broadway's motion for new trial.¹ Appellant received written notice of entry of this order on September 28, 2017.



Christopher R. Geel
Attorney for Appellant
102 Broad St., Suite C
Charleston, SC 29401
(843) 577-2153

Other counsel of record:
Wilton McNeely
Assistant Solicitor
300 California Ave. #B
Moncks Corner, SC 29461

¹ Broadway notes that a Motion to Reconsider Sentence was orally granted by the court on September 28, 2017, and a written Order amending Broadway's sentence is forthcoming.

THE STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

APPEAL FROM BERKELEY COUNTY
Court of General Sessions

Honorable R. Markley Dennis, Circuit Court Judge

INDICTMENT NO.: 2016GS0802361

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MARY P. BROWN
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BERKELEY COUNTY, S.C.

FILED

AMH

THE STATE RESPONDENT

v.

SAMUEL LEE BROADWAY..... APPELLANT

RECEIVED

OCT 09 2017

SC Court of Appeals

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on Wilton McNeely, Assistant Solicitor for Berkeley County, by hand delivering a copy to the Berkeley County Solicitor's Office on October 4, 2017.



Christopher R. Geel
S.C. Bar No. 101458
Attorney for Appellant
102 Broad St., Suite C
Charleston, SC 29401
(843) 577-2153

1 STATE OF SOUTH CAROLINA) GENERAL SESSIONS COURT
 2 COUNTY OF BERKELEY) CASE NO. 2016-GS-08-02361

3
 4 STATE OF SOUTH)
 CAROLINA,)
 5 Plaintiff,) Transcript of Record
 6 vs.)
 7 SAMUEL L. BROADWAY,) Date: November 28, 2016
) November 29, 2016
 8 Defendant.) November 30, 2016

9 * * * * *

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12 B E F O R E:

13 The Honorable R. Markley Dennis, Junior

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20

21 Denise J. Lauder, RPR

22 Ninth Judicial Circuit

23

24

25

A P P E A R A N C E S

REPRESENTING THE STATE OF SOUTH CAROLINA:

CHIP CANNON, ASSISTANT SOLICITOR

WILTON MCNEELY, ASSISTANT SOLICITOR

Berkeley County Solicitor's Office

300 California Avenue

Moncks Corner, SC 29461

REPRESENTING THE DEFENDANT:

DANIEL BOLES, ESQUIRE

P. O. Box 381

Charleston, SC 29402

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17 *Exhibit number 35 was inadvertently skipped)

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1 (The following proceedings were had
2 November 28, 2016, in re State v. Broadway,
3 Berkeley County Circuit Court, at 11:50 a.m.)

4 (STATE EXH. 1 - 32, were premarked for
5 identification by Counsel for the State.)

6 THE COURT: The first trial is a
7 dispute that -- I'm going to share with you a
8 caption. The first named party that's making the
9 claim in this case is the State of South Carolina.
10 That is the party making the claim.

11 This being a criminal dispute, that
12 will be the party that is making the claim, but the
13 claim is being made against Samuel Lee Broadway.
14 He is accused of committing the offense of leaving
15 the scene of an accident, and I share that with you
16 just to identify the parties.

17 First, let me introduce you to
18 Mr. Broadway, seated at the table to the left. If
19 you would please stand and face the jury.

20 THE DEFENDANT: (Complies)

21 THE COURT: Thank you, sir. You may
22 be seated.

23 Are there any members of the jury panel
24 related by blood or marriage, have any business
25 dealings with, socially or casually acquainted,

1 have any connection with Mr. Broadway? If so,
2 please stand.

3 THE JURY PANEL: (None)

4 THE COURT: Thank you. There appear to
5 be none.

6 Mr. Broadway is represented in this
7 matter by Mr. Boles. If you would identify
8 yourself and anyone that will be assisting you.

9 MR. BOLES: Good morning. My name is
10 Daniel Boles. I have a law office in downtown
11 Charleston on Broad Street. I also have a law
12 office on Leeds Avenue.

13 THE COURT: Thank you, sir.

14 Are there any members of the jury panel
15 related by blood or marriage, have any business
16 dealings with, socially or casually acquainted
17 with, ever been represented by Mr. Boles or his law
18 firm? If so, please stand.

19 THE JURY PANEL: (None)

20 THE COURT: Thank you. There appear
21 to be none.

22 The State of South Carolina in criminal
23 disputes is represented by a Solicitor. The
24 Solicitor for the Ninth Circuit is Scarlett Wilson.
25 Are there any members of the jury panel related by

1 blood or marriage, have any business dealings with,
2 socially or casually acquainted with, ever been
3 represented by Ms. Wilson? If so, please stand.

4 THE JURY PANEL: (None)

5 THE COURT: Thank you. There appear
6 to be none.

7 The Solicitor is in every county and
8 certainly it's true in the Ninth Circuit. We have
9 deputy solicitors and assistant solicitors who
10 assist Ms. Wilson in performing her duties, and we
11 have one in this. Mr. Cannon is the Assistant
12 Solicitor. Would you identify yourself and anyone
13 who will be assisting you?

14 MR. CANNON: My name is Chip Cannon and
15 I'm an Assistant Solicitor here for the Ninth
16 Circuit who work just in Berkeley County
17 representing -- on behalf of the elected Official
18 Solicitor Scarlett Wilson. Assisting me on this
19 trial will be Wilton McNeely, who is an Assistant
20 Solicitor as well, and Denita Brown, who is our
21 paralegal.

22 THE COURT: Are there any members of
23 the jury panel related by blood or marriage, have
24 any business dealings with, socially or casually
25 acquainted with Mr. Cannon, Mr. McNeely, or

1 Ms. Brown, or ever been represented by Mr. Cannon
2 or Mr. McNeely? If so, please stand.

3 THE JURY PANEL: (None)

4 THE COURT: Thank you. There appear
5 to be none.

6 Are there any members of the jury panel
7 related by blood or marriage, have any business
8 dealings with, socially or casually acquainted with
9 anyone employed with the Solicitor, with her
10 offices? She has offices in Berkeley County and in
11 Charleston County. If so, please stand.

12 THE JURY PANEL: (None)

13 THE COURT: Thank you. There appear to
14 be none.

15 Are there any members of the jury panel
16 now or formerly involved in law enforcement in any
17 capacity? If so -- or family member? If so,
18 please stand.

19 Yes.

20 PROSPECTIVE JUROR: My husband is
21 retired from Goose Creek City Police Department.

22 THE COURT: No longer works there.

23 PROSPECTIVE JUROR: No. He was there
24 for 25 years.

25 THE COURT: Would that influence you

1 or effect you in this dispute?

2 PROSPECTIVE JUROR: I don't know.

3 THE COURT: Thank you, ma'am. I will
4 take your -- out of caution your number please?

5 PROSPECTIVE JUROR: 187.

6 THE COURT: Number 187 will be excused
7 from participation in this dispute.

8 Thank you, ma'am. No, you need to stay
9 because you'll be going next door.

10 Yes, ma'am.

11 PROSPECTIVE JUROR: My brother-in-law
12 is a detective in Dorchester.

13 THE COURT: Would that affect or
14 influence you?

15 PROSPECTIVE JUROR: No, sir.

16 THE COURT: Will you base your decision
17 on the evidence and law, and be fair to both sides?

18 PROSPECTIVE JUROR: Yes, sir.

19 THE COURT: Your name and number?

20 PROSPECTIVE JUROR: Angela Barnhill,
21 No. 8.

22 THE COURT: Yes, ma'am.

23 PROSPECTIVE JUROR: I have about four
24 members in the police department that --

25 THE COURT: Would that affect or

1 influence you?

2 PROSPECTIVE JUROR: No.

3 THE COURT: Will you base your decision
4 on the evidence and the law and will your decision
5 be fair to both sides?

6 PROSPECTIVE JUROR: Yes.

7 THE COURT: Your name and number?

8 PROSPECTIVE JUROR: Mashelle Kloppel,
9 94.

10 THE COURT: Ninety what?

11 PROSPECTIVE JUROR: Ninety-four.

12 THE COURT: Thank you. You may be
13 seated.

14 The juror that was here late, what is
15 your number, please?

16 PROSPECTIVE JUROR: No. 174.

17 THE COURT: No. 174 will not be
18 participating in this draw. Thank you.

19 All right. I'm going to call out the
20 names of a number of persons. If you're related by
21 blood or marriage, have any business dealings with,
22 socially or casually acquainted with, have any
23 connection with any of these persons, you need to
24 stand and share that information.

25 Jesse Duran Feagin, Richley Myers

1 Campbell, Justin Bryant, Harvey Burton, Marlene
2 Burton, also known as Mimi Burton, Jason Lewis
3 White, Officer T. Davis with the Goose Creek Police
4 Department, Richard Kimball, Stewart Mark Leon who
5 is a medical doctor, or Cody Meree.

6 Any of those people?

7 MR. CANNON: Your Honor, that's not a
8 complete list of the witnesses.

9 THE COURT: Okay.

10 MR. CANNON: It's in the other trial
11 brief.

12 THE COURT: Goose Creek Police
13 Department Lieutenant Vazquez, Sergeant Upchurch,
14 Sergeant -- Officer Carlson, Officer Wolfsen,
15 Officer Truax, Investigator Carver, Officer Davis,
16 Lieutenant Battista, Officer Ambroziak, Buster
17 Hock, Deputy Chris Pate of the Charleston County
18 Sheriff's Office, Brent Royce of the Charleston
19 County Sheriff's Office, Kevin Binnall, Mike
20 Singletary, Christian Mazzell of the Berkeley
21 County Coroner, Ashley Rhodes of the Berkeley
22 County Dispatch?

23 Any of those?

24 THE JURY PANEL: (None)

25 THE COURT: Thank you. There appear

1 to be none.

2 The dispute that brings us here, as I
3 mentioned to you, in this particular case, Mr.
4 Broadway is accused by this document that I'm
5 holding in my hand. It is what appears to you to
6 be a piece of paper. It's called an indictment.
7 That's just the formal name. It really contains
8 the accusations or allegations against Mr.
9 Broadway. It's not evidence and will not accompany
10 you to your jury room.

11 I need to share with you what's being
12 alleged so I can ask you certain questions about
13 it, but it's alleged that on March 7, 2015, Mr.
14 Broadway, being the driver of the vehicle, was
15 involved in an accident which resulted in the death
16 to Jesse Feagin, and he did fail to stop and remain
17 at the scene of the accident, provide information,
18 and render aid as required by law.

19 I share that with you to find out if
20 any member of the jury panel has read anything,
21 heard anything, you have any prior knowledge of
22 this dispute. If so, please stand.

23 JURY PANEL: (None)

24 THE COURT: Thank you. There appear
25 to be none.

1 Is there anything about the allegations
2 in this dispute, that is, leaving the scene of the
3 accident with death resulting, that you because of
4 some personal experience you or a family member
5 have had, some strong philosophy you have, some
6 strong feelings you have that would in any way
7 affect or influence your ability to fairly and
8 impartially apply your common sense, your sense of
9 logic and reason in analyzing the evidence, or in
10 applying the law? If so, please stand.

11 JURY PANEL: (None)

12 THE COURT: Thank you. There appear
13 to be none.

14 One of the basic principles of criminal
15 disputes in this state and in this country is that
16 persons such as Mr. Broadway who are accused of
17 committing a criminal offense are never required to
18 come in and prove anything. The person so accused
19 is just that; it's an accusation. They are
20 presumed innocent and that presumption remains
21 until and unless the State proves beyond a
22 reasonable doubt that they committed the offense by
23 proving the necessary elements of the crimes
24 charged.

25 Is there anything about your philosophy

1 or anything about your beliefs or anything about
2 your personal experiences in life that would affect
3 or in any way influence your ability to accept that
4 law and apply that law fairly, impartially,
5 together with any other principles of law that I
6 may charge you at the conclusion of this trial, and
7 apply that fairly and impartially to the facts that
8 you determine? If so, please stand.

9 JURY PANEL: (None)

10 THE COURT: Thank you. There appear to
11 be none.

12 There may be testimony in this dispute
13 concerning the consumption of alcohol by a person
14 and that person then may testify that the person
15 operated a motor vehicle. And I would tell you now
16 and at the end, if necessary, that it's not against
17 the law in this State to consume alcohol and then
18 operate a vehicle on the highway.

19 It is, however, against the law to
20 consume alcohol or ingest drugs to the effect that
21 your faculties were impaired so that you couldn't
22 operate the vehicle as a reasonably prudent person
23 would under the same or similar circumstances.

24 Is there anything about your beliefs,
25 anything about your strong feelings, anything THAT

1 may have happened in your life that would affect
2 your ability to deal with that issue fairly and
3 impartially and not be unduly influenced by that,
4 but would consider that with all other evidence,
5 give it the weight you deem it deserves and apply
6 the law fairly and impartially? If you feel that
7 you would have difficulty doing that, please stand.

8 Yes. I'll ask you to come forward
9 please.

10 Attorneys may approach.

11 (Discussion held out of the hearing of
12 the jury panel.)

13 PROSPECTIVE JUROR: My stepfather was
14 killed by a drunk driver and my granddaughter's
15 mother was killed by a drunk driver.

16 THE COURT: I appreciate your fairness
17 that that would affect you and I agree with you.

18 Number 127 will be excused from
19 participating in this particular case. Thank you.

20 Are there any others?

21 Thank you. There appear to be known.

22 (The following was held within the
23 hearing of the jury panel.)

24 THE COURT: Are there any members of
25 the jury panel, or members of your immediate

1 family, ever been involved in a criminal dispute
2 either -- in any capacity? You were accused, you
3 were a witness for the accused, you were the person
4 who was a victim of a crime, or you were a witness
5 for that person, had any connection at all? If so,
6 please stand.

7 JURY PANEL: (None)

8 THE COURT: Thank you. There appear
9 to be none.

10 PROSPECTIVE JUROR: Can you repeat
11 that?

12 THE COURT: Yes. Been involved in any
13 criminal dispute in any capacity. You were either
14 the person that was the subject of the crime, you
15 were the person who was caused of committing the
16 crime, you were a witness for either side in any
17 capacity? Okay. Thank you. Come forward

18 Juror No. 34.

19 (Discussion held out of the hearing of
20 the jury panel.)

21 PROSPECTIVE JUROR: I was stabbed at
22 Five Points in Columbia and the State defended me.

23 THE COURT: And they prosecuted the
24 person?

25 PROSPECTIVE JUROR: Yes, he was. He

1 went to jail.

2 THE COURT: Would that affect or
3 influence you?

4 PROSPECTIVE JUROR: No.

5 THE COURT: Will you be able to apply
6 your experience fairly and impartially and base
7 your decision on the evidence and the law and be
8 fair to both sides?

9 PROSPECTIVE JUROR: Yes, sir.

10 THE COURT: Juror No. 34 will remain.

11 THE BAILIFF: Juror 158.

12 PROSPECTIVE JUROR: I was just here
13 like a month ago for the case of Jessie Harris, but
14 we didn't get called in here.

15 THE COURT: Would that affect you in
16 any way?

17 PROSPECTIVE JUROR: No.

18 THE COURT: You weren't involved. You
19 were just a witness for the person?

20 PROSPECTIVE JUROR: Uh-huh.

21 THE COURT: Would that affect how you
22 view the evidence or apply the law?

23 PROSPECTIVE JUROR: No, sir.

24 THE COURT: Your decision would be
25 based on the evidence and the law and be fair to

1 both sides?

2 PROSPECTIVE JUROR: Yes, sir.

3 THE COURT: 158 will remain. Thank
4 you.

5 THE BAILIFF: Juror 25.

6 PROSPECTIVE JUROR: I was involved in a
7 domestic violence like 16 years ago.

8 THE COURT: You were the accused?

9 PROSPECTIVE JUROR: I was accused.

10 THE COURT: And would that affect you
11 in any way?

12 PROSPECTIVE JUROR: No, sir.

13 THE COURT: Will you base your decision
14 on the evidence and the law and be fair to both
15 sides.

16 PROSPECTIVE JUROR: Yes, sir.

17 THE COURT: Thank you. No. 25 will
18 remain.

19 Are there any others?

20 Thank you. There appear to be none.

21 (The following was had within the
22 hearing of the jury panel.)

23 Any other specific questions?

24 MR. CANNON: Can I approach real quick,
25 Your Honor?

1 THE COURT: Sure.

2 (Bench conference)

3 THE COURT: Is there any members of the
4 jury panel related by blood or marriage, have any
5 business dealings, socially or casually, or
6 acquainted with Cassidy Garrett? If so, please
7 stand.

8 JURY PANEL: (None)

9 THE COURT: There appear to be none.

10 Okay. Thank you. Any other specific
11 questions? From the State?

12 MR. CANNON: No, Your Honor.

13 THE COURT: Any other specific
14 questions from the defendant?

15 MR. BOLES: None, Your Honor.

16 THE COURT: Last question I have of you
17 is this: Is there anything that you've heard about
18 this dispute that would give you any concern about
19 your ability to make a commitment to the State and
20 to Mr. Broadway, that you would at the appropriate
21 time apply your common sense, your sense of logic
22 and reason, fairly and impartially analyzing the
23 evidence, deciding what you believe to be the true
24 facts; and then once making that decision, apply
25 the law that I would give to you fairly and

1 impartially to those facts and reach a decision
2 involving this dispute? If you feel you cannot do
3 that for any reason, please stand.

4 JURY PANEL: (None)

5 THE COURT: Thank you so much.

6 What's going to happen now is your
7 names have been drawn at random and placed on a
8 list. Once we get the list, you will be called and
9 asked to come forward, and if you'll just come
10 forward and take a stand facing your fellow jurors.
11 And each side in this case can excuse five persons.

12 And they may say, seat the juror, swear
13 the juror, something to that extent. If they do,
14 then you'll be asked to go ahead and take a seat in
15 the jury box.

16 If they say, excuse the juror, then you
17 can go back and take your seat. Don't be offended
18 by that. That's just the way the process works.
19 As the gentlemen said, apparently, he was excused.
20 And that's just how that works, it's not a problem.
21 And we will go through that until we select our 12
22 jurors and one alternate.

23 Thank you for your patience.

24 THE CLERK: What's the strikes, Judge?

25 THE COURT: Five and five.

1 THE CLERK: Ladies and gentlemen of the
2 jury, as I call your name, please come forth and
3 bring your personal belongings with you. If I say,
4 seat the juror, please have a seat in the jury box.
5 If I say, excuse the juror, please return to your
6 original seating and please follow the instructions
7 by the bailiff standing here with the burgundy
8 jacket on.

9 Juror number 32, Jason Connolly. What
10 say you for the State?

11 MR. CANNON: Please excuse the juror.

12 THE CLERK: Excuse the juror.

13 Juror 195, Ashley Webster. What say
14 you for the State?

15 MR. CANNON: Please excuse the juror.

16 THE CLERK: Excuse the juror.

17 Juror No. 111, Mimi Mathis. What say
18 you for the State?

19 MR. CANNON: Please seat this juror.

20 THE CLERK: What say you for the
21 defense?

22 MR. BOLES: Please seat this juror.

23 THE CLERK: Seat the juror.

24 Juror 91, Lina King. What say you for
25 the State?

1 MR. CANNON: Please seat the juror.

2 THE CLERK: What says the defendant?

3 MR. BOLES: Seat the juror.

4 THE CLERK: Seat the juror.

5 Juror 115, Joe McFadden. What say you
6 for the State?

7 MR. CANNON: Seat the juror.

8 THE CLERK: What says the defendant?

9 MR. BOLES: Please excuse this juror.

10 THE CLERK: Excuse the juror.

11 Juror 38, William Delaporte. What say
12 you for the State?

13 MR. CANNON: Please seat this juror.

14 THE CLERK: What say you for the
15 defense?

16 MR. BOLES: Please excuse this juror.

17 THE CLERK: Excuse the juror.

18 Juror No. 40, David Dew. What say you
19 for the State?

20 MR. CANNON: Please seat this juror.

21 THE CLERK: What say you for the
22 defense?

23 MR. BOLES: Please seat this juror.

24 THE CLERK: Seat the juror.

25 Juror No. 8, Angela Barnhill. What say

1 you for the State?

2 MR. CANNON: Seat the juror.

3 THE CLERK: What say you for the
4 defense?

5 MR. BOLES: Seat the juror.

6 THE CLERK: Seat the juror.

7 Juror No. 3, Rena Ancrum. What say you
8 for the State?

9 MR. CANNON: Please seat this juror.

10 THE CLERK: What say you for the
11 defense?

12 MR. BOLES: Please seat this juror.

13 THE CLERK: Seat the juror.

14 Juror No. 188, Melody Truluck. What
15 say you for the State?

16 MR. CANNON: Please seat this juror.

17 THE CLERK: What say you for the
18 defense?

19 MR. BOLES: Please excuse the juror.

20 THE CLERK: Excuse the juror.

21 Juror No. 197, Karen White. What say
22 you for the State?

23 MR. CANNON: Please excuse the juror.

24 THE CLERK: Excuse the juror.

25 Juror No. 25, Donald Carter. What say

1 you for the State?

2 MR. CANNON: Please seat this juror.

3 THE CLERK: What say you for the

4 defense?

5 MR. BOLES: Please seat this juror.

6 THE CLERK: Seat the juror.

7 Juror No. 63, Debra Guest. What say

8 you for the State?

9 MR. CANNON: Please seat this juror.

10 THE CLERK: What say you for the

11 defense?

12 MR. BOLES: Please seat this juror.

13 THE CLERK: Seat the juror.

14 Juror No. 196, Ryan West. What say you

15 for the State?

16 MR. CANNON: Please seat this juror.

17 THE CLERK: What say you for the

18 defense?

19 MR. BOLES: Please excuse the juror.

20 THE CLERK: Please excuse the juror.

21 Defendant has four strikes.

22 Juror No. 58, Michelle Gaskins. What

23 say you for the State?

24 MR. CANNON: Please seat this juror.

25 THE CLERK: What say you for the

1 defense?

2 MR. BOLES: Please seat this juror.

3 THE CLERK: Seat the juror.

4 Juror No. 169, Mary Slotterback. What

5 say you for the State?

6 MR. CANNON: Please seat this juror.

7 THE CLERK: What say you for the

8 defense?

9 MR. BOLES: Please seat this juror.

10 THE CLERK: Seat the juror.

11 Juror No. 37, Angie Davis. What say

12 you for the State?

13 MR. CANNON: Please seat this juror.

14 THE CLERK: What say you for the

15 defense?

16 MR. BOLES: Please seat this juror.

17 THE CLERK: Seat the juror.

18 Juror No. 60, Gertrude Glass. What say

19 you for the State?

20 MR. CANNON: Please seat this juror.

21 THE CLERK: What say you for the

22 defense?

23 MR. BOLES: Please seat this juror.

24 THE CLERK: Seat the juror.

25 Juror No. 129, Tammy Mitchum. What say

1 you for the State?

2 MR. CANNON: Please seat this juror.

3 THE CLERK: What say you for the
4 defense?

5 MR. BOLES: Please seat this juror.

6 THE CLERK: Seat the juror.

7 THE COURT: Pick one alternate.

8 Strikes will be one and two.

9 THE CLERK: Juror No. 51, Dabney Faulk.
10 What say you for the State?

11 MR. CANNON: Please seat this juror.

12 THE CLERK: What say you for the
13 defense?

14 MR. BOLES: Please seat this juror.

15 THE CLERK: Seat the juror.

16 THE COURT: All right. Any motions
17 from the State regarding the jury selection?

18 MR. CANNON: No, Your Honor.

19 THE COURT: Any motions from
20 Mr. Broadway?

21 MR. BOLES: None, Your Honor.

22 THE COURT: Thank you very much.

23 Ladies and gentlemen, those of you that
24 were not selected, thank you very much. If you
25 will go to the jury panel room, they will then

1 direct you where to go. Thank you so much and I
2 wish you well and appreciate your patience. Thank
3 you.

4 Ladies and gentlemen, those of you that
5 were selected, thank you very much for your
6 patience and I appreciate it and I look forward to
7 working with you. There are some matters of law
8 that I will take up out of your presence. We will
9 talk about that process when you return.

10 As a result, you're going to get a
11 little bit longer for lunch than customary.
12 Generally, I give about an hour-and-a-half for
13 lunch. I'm going to let you go and would ask that
14 you return by 2:30 to your jury room, and they will
15 show you where you need to go. When you exit, you
16 will exit through that door to your left.

17 Will you need to get information from
18 them?

19 THE BAILIFF: Yes, sir.

20 THE COURT: Once you've given that
21 information, please remember something. You are
22 not -- you haven't heard any evidence so there's
23 nothing to talk about or speculate about in this
24 case. Don't allow anybody to talk with you or talk
25 about it in your presence and don't talk among

1 yourselves about it.

2 You will probably get tired of me
3 saying that to you, but it's very important to this
4 process. We'll talk more about that when you
5 return.

6 Let me talk about the seating. Right
7 now you will notice there are 14 chairs and we have
8 13 jurors. The two jurors on the end are reserved
9 for the alternate. And, Ms. Faulk, you are that
10 status right now. It means nothing other than the
11 fact that you at this time have two chairs; you can
12 sit in either one of those chairs.

13 If at the end of the trial the first 12
14 are able to continue, then you would not
15 participate in the final deliberations, but don't
16 let that deter from your attention and I know that
17 it won't. We use alternates very frequently. So
18 while you're the alternate you will have the
19 opportunity to occupy either chairs.

20 The only other chair is occupied on
21 this first row -- first chair on the first row will
22 be occupied by I call them presiding jurors. Someone
23 has to be selected and the law allows me to appoint
24 or let the jury select their presiding juror, and
25 for 22 years I've let the jury select their

1 presiding juror.

2 It doesn't have to be done right away,
3 but at some point if you will select that person.
4 Once that person has been identified by you, I
5 would just ask that that person occupy that seat.
6 Until that's done, all the seats are fair game,
7 except the two on the end. As you come in the
8 courtroom, you don't have to keep the same seats.
9 Sometimes jurors do for whatever reason.

10 The presiding juror will be responsible
11 for signing the verdict form on behalf of the jury
12 panel. It will be the responsibility of the
13 presiding juror to receive any exhibits that might
14 be introduced and returning them to the Court.

15 There may be occasions when there needs
16 to be some written communication from the jury
17 panel to the Court. It would be your
18 responsibility to do that on behalf of your fellow
19 jurors. It doesn't give you any extra pay. Any of
20 you are qualified to serve and that's why I let the
21 jury pick. The only, I think, attribute that seems
22 to me over the years from just watching it, some
23 persons are better facilitators than others, and
24 that's what the presiding juror does.

25 They're also known as the forelady or

1 foreperson. They help initiate the jury in
2 discussion. As I say, you make that decision at
3 some point in time. It doesn't have to be done
4 immediately.

5 Thank you. Have a great lunch. If you
6 will, exit through the door now, give them the
7 information, and we'll see you at 2:30. Come
8 directly to your jury room.

9 (Jury panel out, 12:23 p.m.)

10 THE COURT: Anything from the State
11 before we recess?

12 MR. CANNON: Just to bring to your
13 attention, we had named 25 witnesses and our
14 intention is to call about 14.

15 THE COURT: Let me say this: I
16 understand that's your intention, but my history
17 probably goes before me. At some point, it's
18 cumulative, and I'm not going to allow just witness
19 after witness to testify to the same thing, but I
20 know you guys are not going to do that. That's
21 fine.

22 How many witnesses -- you have one
23 witness on the Jackson v. Denno?

24 MR. CANNON: That's correct.

25 THE COURT: We ought to be able to do

1 that in an hour. Let's be back at 1:30 to do that.

2 Any motions from the defendant at this point?

3 MR. BOLES: Not right now, Your Honor.

4 THE COURT: Defendant is on bond?

5 MR. BOLES: Yes, sir.

6 THE COURT: I'll allow him to remain
7 out on bond.

8 MR. BOLES: Thank you, Your Honor.
9 Appreciate that.

10 THE COURT: All right. Thank you.
11 We'll see you at 1:30.

12 (A luncheon recess transpired.)

13 THE COURT: Let the record reflect that
14 Mr. Broadway is present.

15 Is the defense ready to continue?

16 MR. BOLES: Yes, sir.

17 THE COURT: Okay. Are you ready,
18 Solicitor?

19 MR. CANNON: Solicitor is ready.

20 THE COURT: All right. Call your first
21 witness; then.

22 MR. CANNON: Your Honor, for purposes
23 of the *Jackson v. Denno* hearing, the State would
24 like to call Officer Ted Davis of the Goose Creek
25 Police Department.

1 THE COURT: Okay.

2 TED DAVIS, III

3 being first duly sworn, testified as follows:

4 THE CLERK: Please state your full name
5 for the record and spell your last name.

6 THE WITNESS: My name is
7 Ted Edwin Davis, III, and Davis is spelled
8 D-A-V-I-S.

9 DIRECT EXAMINATION

10 BY MR. CANNON:

11 Q. Officer Davis, where do you currently
12 work?

13 A. I work for the City of Goose Creek
14 Police Department.

15 Q. How long have you worked there?

16 A. Off and on, since 2006.

17 Q. Are you the case agent for this traffic
18 collision for March 7, 2015?

19 A. Yes, sir.

20 Q. And at any point during that traffic
21 collision did you make contact with
22 Samuel Broadway?

23 A. Yes, sir.

24 Q. And who was present with you when you
25 made contact with Mr. Broadway?

1 A. When I was speaking with Mr. Broadway,
2 his -- I believe it's his wife at the time was
3 standing nearby Officer Battista. Lieutenant
4 Battista and I believe Sergeant Stayton, both of
5 the Goose Creek Police Department, were all
6 present.

7 Q. And where was the location of this
8 interaction you had with Mr. Broadway?

9 A. I believe -- I'm not sure of the
10 numerics, but it was on Chaff Lane, right outside
11 of Goose Creek.

12 Q. Okay. That's in Moncks Corner?

13 A. Yeah, I believe it is Moncks Corner.

14 Q. And, approximately, how far in distance
15 was that from the collision site?

16 A. Like, honestly, I don't know. Maybe
17 three to five miles maybe.

18 Q. Well, clearly you all got to Moncks
19 Corner. Tell me how you got there real quick.

20 A. Sure. We were conducting an
21 investigation of this motor vehicle collision that
22 occurred on Highway 176 near the intersection of
23 Domingo Lane. We had just finished up with the
24 on-site investigation. We had received a phone
25 call from the Berkeley County Sheriff's Office.

1 Apparently, their dispatchers had taken
2 a call with a tip that potentially the vehicle that
3 was involved in the collision that left the scene,
4 the one we were investigating, was at this
5 residence. And that's how we ended up there.

6 Q. And that's Chase Lane or Chaff Lane?

7 A. Yes.

8 Q. And, again, when you arrived on site,
9 you said there were some other officers present?

10 A. Correct.

11 Q. When you made contact with
12 Mr. Broadway, where was that initial contact
13 located?

14 A. In the driveway of the residence.

15 Q. Okay. And at that point did
16 Mr. Broadway appear to be under the influence of
17 any alcohol or drugs to the extent that would
18 impair his ability to understand what he was doing?

19 A. It didn't -- it didn't seem so. There
20 were some cues that made me question whether or
21 not, you know, he had consumed alcohol, but as to
22 his level of impairment, I can't speak.

23 Q. Do you know what Mr. Broadway does for
24 a living?

25 A. No. It's my understanding he's

1 involved in real estate in some fashion.

2 Q. Okay. Did Mr. Broadway have any
3 physical or mental disabilities to the extent that
4 would impair his ability to understand what he was
5 doing?

6 A. None that I'm aware of.

7 Q. And, again, you said you initially
8 engaged Mr. Broadway in the driveway. When you
9 made contact with him and started your initial
10 questioning, who was involved in that questioning
11 of him?

12 A. It was just me.

13 Q. Okay.

14 A. Me and Mr. Broadway.

15 Q. How long did this interaction take
16 place?

17 A. Maybe five minutes, ten minutes.

18 Q. Okay. And that interaction, did he
19 ever request to use the bathroom or have something
20 to eat -- something to drink or eat?

21 A. No, sir.

22 Q. Were there any promises made in
23 exchange for him providing a statement?

24 A. No.

25 Q. Was Mr. Broadway under arrest at the

1 time you made that -- or he gave a statement
2 initially?

3 A. No, sir.

4 Q. At any point on the morning of
5 March 7th was Mr. Broadway placed under arrest?

6 A. No, sir.

7 Q. Was he free to go at any time during
8 the initial contact with you?

9 A. Yes, sir.

10 Q. Did he at any point request to walk
11 away and not talk anymore?

12 A. No. He made no indications that he
13 wanted to leave or stop talking.

14 Q. Was Mr. Broadway ever placed in
15 handcuffs?

16 A. Not that morning, no, sir.

17 Q. In your observations, did he appear to
18 answer your questions intelligibly and understand
19 what you were asking him?

20 A. Yeah, for the most part. There were,
21 you know, a few times where I had some trouble
22 understanding what he was saying. Now, my
23 understanding was he was asleep when we got there,
24 so I don't know if he was just groggy or what, but
25 there was some slur to some of his speech. I had a

1 hard time understanding some of it, but...

2 Q. Is your car set up with an in-car
3 camera?

4 A. Yes, sir.

5 Q. Was it set up with that camera on the
6 morning of March 7, 2015?

7 A. Yes.

8 Q. And the purposes of in-car is for what?

9 A. To record the video of the area
10 directly in front of the police car and also audio.

11 Q. After you record those, are those kept
12 in a database at the Goose Creek Police Department?

13 A. Yes, sir.

14 MR. CANNON: May I approach the
15 witness, Your Honor?

16 THE COURT: You may.

17 BY MR. CANNON:

18 Q. Do you recognize what this is?

19 A. Yes, sir.

20 Q. What is that?

21 A. This is a DVD containing the in-car
22 camera footage from my police car that was taken
23 that morning at that residence.

24 Q. Is it a complete and accurate depiction
25 of your in-car on that morning?

1 A. Yes, sir, it is.

2 MR. CANNON: What's already been handed
3 to Mr. Davis is what's been premarked as Exhibit 3
4 for the purposes of this hearing.

5 THE COURT: Right.

6 MR. CANNON: Request permission to
7 publish it for you, Your Honor?

8 THE COURT: Any objection?

9 MR. BOLES: No, Your Honor.

10 THE COURT: Very well. Without
11 objection, you may publish it.

12 BY MR. CANNON:

13 Q. Before he gave his written statement to
14 you, did you have an opportunity to provide him
15 Miranda warnings?

16 A. Before he gave a written statement?

17 Q. The initial contact, his oral statement
18 to you.

19 A. Yes; he was advised of his Miranda
20 warnings.

21 Q. Did you have an understanding or belief
22 that he did not understand what you were telling
23 him?

24 A. No, sir.

25 Q. Okay.

1 MR. CANNON: Your Honor, this whole
2 interaction I think takes 50 minutes, but I've cut
3 and pasted the interactions because there's a lot
4 of dead time. So I don't know if you would like us
5 to kind of just skip to those spots or --

6 THE COURT: For the purpose of this
7 proceeding, I assume that he's already testified or
8 he's prepared to testify it's merely corroborative.
9 Any objection to just playing at this point the
10 portions that are germane and pertinent?

11 He'll have the right to ask any
12 other -- you'll have the right to ask any other
13 parts played that you want played. You play what
14 you both want and then Mr. Boles can, if he needs
15 something else published, he may do so.

16 MR. CANNON: Okay. Thank you.

17 (Video played in open court.)

18 BY MR. CANNON:

19 Q. Officer Davis, does that refresh your
20 memory as to your interaction with him on that
21 night?

22 A. Yes.

23 Q. And, again, you gave him Miranda
24 warnings that morning?

25 A. Yes, sir, that's correct.

1 Q. At any point during that, does that
2 refresh your memory as to whether or not he was
3 impaired to believe or understand what you were
4 advising him of?

5 A. No.

6 Q. Did that interaction right there
7 refresh your memory as to anything else that he may
8 have said to you -- strike that.

9 (Video played.)

10 BY MR. CANNON:

11 Q. Officer Davis, this was an interaction
12 after he gave an oral statement. What are you
13 doing here?

14 A. He was given the opportunity to provide
15 a written statement. And so, essentially, what
16 that is, there's two forms; one's a cover sheet and
17 the other is just a lined piece of paper that you
18 provide your statement on.

19 So I had given him the cover sheet, the
20 top of the cover sheet. It just has all -- it's
21 like a block for all of his personal information:
22 Name, address, phone number, birthday, hair/eye
23 color, et cetera. So he fills all that out with
24 his personal information.

25 Then there's a paragraph below that --

1 just an acknowledgment, which he would read and
2 sign. And so I'm just waiting on him to complete
3 that part.

4 Q. Do you recognize this?

5 A. Yes.

6 Q. What is that?

7 A. This is the statement cover sheet and
8 written statement that was provided to me by
9 Mr. Broadway.

10 Q. Is it a complete and accurate depiction
11 of the statement that he wrote on that morning?

12 A. Yes, sir.

13 Q. And I look here at the bottom half of
14 the first page, it's another advice of Miranda?

15 A. That's correct.

16 Q. And you go through that -- did you go
17 through that with him that morning?

18 A. I did, yes, sir.

19 (Video played.)

20 BY MR. CANNON:

21 Q. And, again, that captured the
22 advisement of the Miranda rights as well?

23 A. Yes, sir.

24 MR. CANNON: At this time for the
25 purposes of this hearing, the State enters the two

1 pages of the written statement by Samuel Broadway.

2 THE COURT: Objection?

3 MR. BOLES: Can I just hold what you've
4 got?

5 Okay.

6 THE COURT: Any objection?

7 MR. BOLES: None, Your Honor.

8 THE COURT: Without objection.

9 MR. CANNON: For the record, it's been
10 marked as Exhibit 4.

11 THE COURT: Okay.

12 BY MR. CANNON:

13 Q. Have you had a chance to read the
14 statement?

15 A. I have tried.

16 Q. What's the problem with it?

17 A. It's illegible.

18 Q. Okay. Did you do anything to try to
19 understand better what he wrote?

20 A. Well, I didn't, but before I could even
21 ask for, you know, him to interpret it or whatever,
22 I believe he offered to read it for me. Maybe I
23 asked him to read it. Either way, he read the
24 statement for me in the video.

25 MR. CANNON: All right.

1. (Video played.)

2 BY MR. CANNON:

3 Q. Officer Davis, does that pretty much
4 complete your interaction with Mr. Broadway that
5 morning?

6 A. Yes.

7 Q. Was he placed under arrest that
8 morning?

9 A. No, sir.

10 Q. At any point did he -- outside of what
11 we witnessed, did he ever request the presence of
12 an attorney?

13 A. No.

14 Q. Did he ever request to use the phone?

15 A. No.

16 Q. Did he ever request to go to the
17 bathroom or have any food?

18 A. No.

19 Q. And, again, were there any promises
20 made in exchange for him giving, first, an oral
21 statement?

22 A. No, sir.

23 Q. What about the written statement?

24 A. No, sir.

25 MR. CANNON: No further questions for

1 this witness, Your Honor.

2 THE COURT: Cross-examine.

3 MR. BOLES: May it please the Court,
4 Your Honor?

5 THE COURT: Certainly.

6 MR. BOLES: Can we take this recording
7 back to the -- when they first start talking to
8 each other?

9 MR. CANNON: Yes.

10 CROSS-EXAMINATION

11 BY MR. BOLES:

12 Q. Officer Davis, you just testified that
13 Mr.. Broadway never requested an attorney?

14 A. That's correct.

15 Q. Is that accurate? Okay.

16 (Video played.)

17 BY MR. BOLES:

18 Q. Mr. -- sorry, Officer Davis, what was
19 the question immediately following the Miranda
20 advisement that you were asked by the defendant?

21 A. He said, can you call, something, and
22 was anybody hurt any more than I know?

23 Q. Okay. Again, it's your testimony he
24 never asked you to call -- he never requested an
25 attorney?

1 A. That's correct.

2 Q. And the first question he asked you
3 after advisement of his Miranda rights was, can you
4 call Chase Payne?

5 A. Okay.

6 Q. Okay. I also heard repeated throughout
7 the interview of Mr. Broadway that you were
8 reassuring him that he's not under arrest at that
9 time?

10 A. That's correct.

11 Q. You also indicated, though, that -- to
12 him you were going to seize his car, as it is
13 evidence in a crime?

14 A. That's correct.

15 Q. Okay. And when you pulled up to the
16 driveway at Chaff Lane, how many police cruisers
17 were there at that time?

18 A. I don't think any police cars were
19 there, if I recall correctly.

20 Q. Well, in this video right here, is this
21 your dash cam?

22 A. Yes.

23 Q. What's in front of you?

24 A. It's a police car. We arrived
25 together.

1 Q. So two of you all arrived together?

2 A. I think there were more than that. I
3 believe behind me is also Lieutenant Battista's
4 cruiser. I want to say there was a Berkeley County
5 Sheriff's deputy as well. There were several
6 police officers that arrived simultaneously.

7 Q. Simultaneously?

8 A. That's correct.

9 Q. So some -- maybe around five police --
10 law enforcement cruisers?

11 A. I don't know how many, but that's
12 probably pretty close.

13 Q. And each one would have had how many
14 officers per car?

15 A. Probably one.

16 Q. Okay. So five officers, roughly,
17 arrived simultaneously at Chaff Lane?

18 A. That's correct.

19 Q. Okay. And it looks as though the --
20 there's your view right here. There's a cruiser in
21 front of your view, right?

22 A. Uh-huh.

23 Q. And then kind of up and to the left, is
24 that a --

25 A. I believe that's another -- I see what

1 you're saying.

2 Q. Is that another one, that taillight
3 over there?

4 A. Yeah, I believe so, yes, sir. Parked
5 on the left side of the road?

6 Q. Yes, sir.

7 A. Yes.

8 Q. So you all effectively surrounded the
9 driveway at Chaff Lane?

10 A. Correct.

11 Q. And that is to prevent anybody from
12 leaving ---

13 A. No.

14 Q. -- the property?

15 A. No. That's not -- that's not what that
16 was for. We just -- we were coming here to follow
17 up on the investigation and we just parked.

18 Q. Okay. You said also, though, that you
19 seized the car immediately as evidence in a crime,
20 correct?

21 A. That's correct.

22 Q. And yet you maintained the defendant
23 was free to leave also?

24 A. That's correct.

25 MR. BOLES: Okay. Beg the Court's

1 indulgence just one moment, please?

2 THE COURT: Certainly.

3 MR. BOLES: That's all the questions I
4 have for this witness. Thank you, Officer Davis.

5 THE WITNESS: Yes, sir.

6 THE COURT: Redirect?

7 MR. CANNON: Just a couple questions.

8 REDIRECT EXAMINATION

9 BY MR. CANNON:

10 Q. Officer Davis, why was Berkeley County
11 on scene that morning?

12 A. This -- the address here is outside of
13 the City of Goose Creek's jurisdiction.

14 Q. Did Berkeley County participate in the
15 investigation of the vehicle?

16 A. No, sir.

17 Q. Did they participate in any of the
18 questioning?

19 A. No, sir.

20 Q. Did any other Goose Creek officers
21 participate in any questioning outside of the
22 presence of you?

23 A. Not to my knowledge, no, sir.

24 MR. CANNON: Nothing further, Your
25 Honor.

1 THE COURT: Recross?

2 MR. BOLES: No, thank you, Your Honor.

3 THE COURT: Anything else?

4 MR. CANNON: No further witnesses
5 needed, Your Honor.

6 THE COURT: Do you wish to present any
7 witnesses at this point?

8 MR. BOLES: Not at this time, Your
9 Honor.

10 THE COURT: All right. I'll be happy
11 to hear from you concerning the statement then.

12 MR. BOLES: Thank you. Simply put, as
13 Officer Battista testified that upon arrival, there
14 were at least five officers that descended to the
15 driveway at the same time. This is putting up a
16 front to Mr. Broadway that I would submit, in the
17 Court's judgment, he is not free to leave at the
18 time.

19 Secondarily, his car was --

20 THE COURT: Let's just assume for the
21 sake of discussion he's under arrest and being
22 interrogated. Assume that.

23 MR. BOLES: Okay.

24 THE COURT: What's the issue?

25 MR. BOLES: The issue, Your Honor, is

1 that the statement, as we're arguing, was not
2 voluntarily given. He asked to have an attorney
3 present and then they summarily just delved into
4 questioning and filling out of paperwork and a
5 written statement. And I believe the video speaks
6 for itself, Your Honor, that there really wasn't a
7 lot of choice in the matter in this.

8 And so we asked that these statements
9 be deemed involuntary given and excluded. Thank
10 you.

11 THE COURT: Okay.

12 MR. CANNON: Your Honor, I think we can
13 look at it two ways: Initially, he starts
14 invoking -- making a statement. Officer Davis
15 Mirandizes him and then he provides a statement.
16 Officer Davis testified that he had no idea what
17 the initial sentence was out of the defendant. I
18 think it maybe was, can you call Chase Payne? Is
19 somebody hurt more majorly than I know?

20 Then Ted Davis steps back and goes,
21 well, you know, I don't understand what you said,
22 and asked him to go forward.

23 I don't think Miranda applies, to begin
24 with, because he wasn't in custody. It was a
25 routine traffic investigation of what's going on,

1 and so he has a right to investigate and ask
2 questions.

3 Should the Court find that Miranda did
4 apply, I think the testimony has been clear that
5 there was one officer asking someone about --
6 questions as to what happened that morning and
7 didn't need to go any further. There was only one
8 person asking questions. He wasn't arrested. He
9 was free to leave. It was in his front yard. He
10 was not in handcuffs.

11 At one point I think they actually go
12 inside to get out of the cold so he can write a
13 statement. So he was free to do -- move about for
14 the things he wanted to do. He wasn't arrested
15 that morning. He wasn't arrested for five more
16 days.

17 At that point, he -- if Miranda did
18 apply, I mean, I think it serves two purposes: It
19 was done once in the initial oral statement that
20 was done and then again in the written statement,
21 which he checked all the boxes, and Officer Davis
22 testified that he did, and provided a written
23 statement and that was read as well.

24 It was voluntary for the purposes of
25 what he was trying to get out of him that morning.

1 There was no ill-will intention and I think,
2 therefore, the statement should come in.

3 THE COURT: Any reply?

4 MR. BOLES: No, sir.

5 THE COURT: In a preponderance of the
6 evidence, it's clearly a voluntary statement, as
7 you said. I think the video speaks volumes about
8 that, even if for the sake of discussion and
9 argument that he -- Chase Payne, that doesn't
10 register to me, but maybe it should to someone
11 else.

12 He was free to say -- he was obviously
13 demonstrating some control, can you tell me
14 something? He wouldn't tell him. He said, can you
15 call -- assuming exactly what you said, why doesn't
16 he stop? There's nothing to make him -- no
17 coercion, no threats, no anything. He continues to
18 talk.

19 Then he also has another opportunity
20 to -- he's further Mirandized, which may or may not
21 have been necessary, but clearly another
22 opportunity to say, I'm sorry. I don't want to
23 talk to you any further. I certainly don't want to
24 write any statement until I talk to Chase Payne.

25 So clearly this is, I think, clear,

1 freely and voluntarily, and there's no coercion.
2 There's no promise. The fact that he's reassured
3 he's under arrest -- I think there's some case law,
4 I can't cite it right off the bat that says that
5 even if they are tricking you, it still doesn't
6 remove the voluntariness of the confession if they
7 give you misleading information.

8 So the bottom line is, this is clearly
9 a case where he's choosing to -- and I think it's
10 further -- further enhanced by the fact that the
11 officer couldn't read the statement. I haven't
12 looked at it, but -- let me see the statement as to
13 the legibility of it.

14 I can read some of this, but some of it
15 I can't, but he could have simply said, that's my
16 statement, I don't need to say anything else, but
17 he chose to read it for him. So further indicative
18 that he's wanting to make a statement. So for all
19 of those reasons, I'm going to allow it.

20 MR. CANNON: Thank you, Your Honor.

21 THE COURT: Uh-huh. Okay. All right.
22 We have about 20 minutes. Anything else we need to
23 take up before we start?

24 MR. CANNON: Nothing further, Your
25 Honor.

1 MR. BOLES: I have a couple of
2 pretrial --

3 THE COURT: All right. Well, be happy
4 to hear from you.

5 MR. BOLES: May it please the Court,
6 Your Honor. This is a pretrial motion, a motion in
7 limine, asking the Court to exclude testimony and
8 evidence related to alcohol consumption earlier on
9 the night of March 6th.

10 This motion is based on the grounds
11 that under Rule 401, we contend that this evidence
12 is not relevant to the charge -- to the charged
13 offense. And even if the Court deems that it is
14 relevant, we believe under Rule 403 that the
15 prejudicial impact on the defendant greatly
16 outweighs any probative value that the State might
17 glean from this evidence.

18 Specifically, Your Honor, one of the
19 items is the audio-recorded statement, which we
20 have already visited with the Denno hearing. There
21 are some narrations of the arresting officer that
22 are in that recording, Your Honor, that I don't
23 think are properly admitted.

24 THE COURT: I can't rule on that. It's
25 not been offered at this point.

1 MR. BOLES: Thank you, Your Honor.
2 There will -- well, this is also probably going to
3 be a little bit early, but there are some 911
4 recordings that we also believe can't be testified
5 to by the witnesses and do not necessarily help in
6 any way.

7 THE COURT: I don't know whether they
8 are or they aren't. I have to see the context in
9 which they're offered.

10 MR. BOLES: Thank you, Your Honor.
11 Then I will be brief in this motion and say that
12 we're generally looking to exclude these matters,
13 like I said, that relate to what happened before
14 the accident and have no bearing on the offense
15 charged.

16 And so realizing that there may not be
17 anything in front of Your Honor right now that can
18 be ruled upon, we do anticipate they're going to
19 come up and I'm making the motion now for us.
20 Thank you, Judge.

21 THE COURT: Well, most of what happened
22 before comes from the mouth of the defendant
23 himself, which establishes why he was driving in
24 the first place. And he gives a rational reason:
25 I left my phone. And as a business person -- I've

1 never been a real estate agent, but that's -- the
2 phone would be a very valuable tool to him, and
3 then it gives credence to the statement, all of
4 this over a phone.

5 This is all -- while the State doesn't
6 have to -- I will charge the State doesn't have to
7 prove motive, it's clearly -- would like to do so.
8 And it points out by his own statements -- it would
9 be up to a jury to determine -- I've already
10 instructed the jury, and I'll further instruct them
11 that operating a vehicle after consumption of
12 alcohol doesn't make you guilty of anything. It
13 only -- it only determines the -- how you are
14 impaired.

15 Well, it goes to clearly that --
16 consumption and the length of consumption I think
17 is very, very relevant, and it gives a reason for
18 him not to stay. And why is he going and asking
19 all of his friends and his family members? That's
20 what he says that he's doing, and that's because
21 he's concerned about his own ability to operate a
22 vehicle.

23 So it certainly comes into play. It
24 supports and it kind of ties in everything, so it's
25 extremely probative, I think, from the State's

1 point. And while I agree with you it's very
2 prejudicial, I think any prejudice is clearly
3 outweighed by the probative value and the
4 significance of it in substantiating, and really
5 basically verifying their position and
6 authenticating their position.

7 So clearly it's -- that coupled with
8 the fact that all the State has to prove -- and we
9 know this, we talked about it when we rejected the
10 plea, it's proven there was an accident, he was
11 involved, a person died as a result of that
12 accident, and he didn't -- he didn't give any
13 information.

14 I agree that it doesn't necessarily
15 have to be, but it clearly shows why he wouldn't
16 have stayed; because given his version of it, there
17 is no reason for him not to stay because he
18 doesn't even think -- by his version, he doesn't
19 have anything to do with it. It was all a sudden
20 emergency, which, clearly, if it was felony DUI, it
21 may come into play, but it doesn't have anything to
22 do with this case at all.

23 This case is based on the fact that
24 there was an accident, which he admits to being
25 involved in and his vehicle substantiates that. He

1 clearly had several opportunities -- and went to
2 friends to find out what to do and then left there
3 -- talked with friends at the bar.

4 And maybe -- it was probably wise, I'm
5 sure, at that stage of the game to go to somebody
6 else to ask advice. The best solution would have
7 been to call the police.

8 And, frankly, I have tried one of these
9 in Charleston in which I directed a verdict because
10 he did go to the -- in that case, he went to the
11 police. It was after the accident, but he went.
12 And I don't think it has to be done simultaneously
13 or at the moment as long as the information is
14 provided, because that's what -- that's the
15 gravamen of this offense.

16 You didn't give the information that
17 you were required to give. We know what that is:
18 Insurance, registration, ownership, that sort of
19 information. That's all he had to do and he'd have
20 been fine, but he didn't.

21 So all of that -- for all of those
22 reasons, I think it's very relevant and certainly a
23 403 analysis for the reasons stated. I would
24 reject that argument as well.

25 MR. BOLES: Thank you, Your Honor. One

1 other motion, Your Honor. Under -- this is under
2 Rule 5 in *Brady v. Maryland*. I understand, based
3 on the witness list that was provided this morning,
4 there is a witness named Cody Meree the State
5 intends to call.

6 I just learned the identity -- I just
7 learned of the existence of this person about a
8 month ago when I came up to the Solicitor's office
9 to make sure that I had all the discs copied and
10 all the materials copied.

11 And there is a 911 conversation from
12 one of their other witnesses, Richley Campbell.
13 She's an eyewitness to the incident. She is
14 talking to another person on the 911 audio, who I
15 learned now is this person, Cody Meree.

16 I asked them do they have contact
17 information? Do we know where to find this
18 individual? I followed up with them several times
19 about it, and it was my understanding that this
20 person had vanished. Now they wish to produce him.

21 I have no idea what the contents of any
22 statements he may have made are or whether that's
23 going to be potentially exculpatory or helpful to
24 my client. We certainly are not -- we certainly
25 have not been made aware, again, of statements, or

1 even the content of those statements, of what he
2 might say or how to reach out to this individual
3 ourselves to talk to him.

4 So for the State to call him now and to
5 make us aware that they're going to call him now
6 the morning of trial I think prejudices my client's
7 chances at a fair trial. And so for that -- for
8 those reasons, we ask that you --

9 THE COURT: What have you done, knowing
10 about it a month ago, to try to find this person?

11 MR. BOLES: I have a private
12 investigator, Your Honor, who -- who, ironically
13 enough, he was involved in a motor vehicle with
14 some people that had the same last name. And so we
15 had what we hoped was a lead to track down this
16 person. I've gotten on social media, I've had my
17 whole office looking for him.

18 THE COURT: Okay. The person's
19 available now?

20 MR. CANNON: Your Honor, the State does
21 not intend to call him. We can't even locate him.
22 He's got an active arrest warrant.

23 THE COURT: Okay. So all of this is
24 kind of premature, isn't it?

25 MR. BOLES: It was on the list for this

1 morning.

2 THE COURT: I understand that, but
3 again, I don't know who they're going to call and
4 you don't either.

5 MR. BOLES: Yes, sir.

6 THE COURT: So, I mean, we give lists
7 because names may come out, you know that, and
8 jurors may have some knowledge of them. So thank
9 you very much.

10 MR. BOLES: Thank you.

11 THE COURT: That seems to be a moot
12 issue.

13 MR. BOLES: Thank you.

14 THE COURT: All right. You all have
15 talked about that, haven't you?

16 MR. CANNON: We have, Your Honor.

17 THE COURT: All right. Well, I hope
18 so. All right. Anything else?

19 MR. CANNON: There's nothing further,
20 Your Honor.

21 THE COURT: Okay. All right. We will
22 be at ease until the jury is assembled. Thank you.

23 (A recess transpired.)

24 THE COURT: State ready?

25 MR. CANNON: The State is, Your Honor.

1 THE COURT: Defense ready?

2 MR. BOLES: Yes, sir, Your Honor.

3 THE COURT: Let the record reflect

4 Mr. Broadway is present.

5 Okay. Let's bring in our jury.

6 I'll go as late as we need to. We had
7 that juror that said something about 5:30,
8 so that's how I'll handle my time.

9 MR. CANNON: I know there's -- we have
10 some things in the morning unrelated to this.

11 THE COURT: Well, I've got some things
12 in the morning, but I will let the jury come at
13 10:00 in the morning. We'll start at about 9:15.

14 MR. CANNON: Okay.

15 (Jury in, 2:32 p.m.)

16 THE COURT: Thank you very much. I
17 hope you had a good lunch. Mr. Carter, I
18 understand you've been selected as the presiding
19 juror.

20 FOREPERSON: Yes, sir.

21 THE COURT: Thank you. That will be
22 your seat for the duration of the trial. And thank
23 you, ladies and gentlemen, for taking care of that.

24 I hope you did have a good lunch and I
25 appreciate it. We're ready to commence, but before

1 we start, the first order of business is you need
2 to formally become a judge with me, and I will ask
3 the clerk to assist us in administering your oath.

4 THE JURY,

5 being first duly sworn, testified as follows:

6 THE COURT: Thank you very much. The
7 last question I asked you in the qualification was,
8 is there anything that would give you any concern
9 about your ability to make a commitment to base
10 your decision on the evidence and the law and be
11 fair and impartial? And now you've confirmed that.
12 And now by virtue of that oath, you and I will work
13 together to resolve this dispute.

14 As I -- in discussing it with you
15 earlier, it's a wonderful process and it works
16 because we work in conjunction and our duties do
17 not overlap. I have absolutely nothing to do with
18 the facts or determination. That's your job and
19 yours alone.

20 Nothing that I say or do should ever be
21 considered by you at any time to be a suggestion or
22 indication of how you must resolve a factual issue,
23 because if you do, then you've allowed me to invade
24 your province.

25 By the same token, anything that I do,

1 you shouldn't construe -- let me discuss this in
2 advance: It's not uncommon in a trial for
3 attorneys, and most of the time -- I digress.

4 Most of the time legal matters, as we
5 were doing while you were at lunch, are done
6 outside of your hearing. And that's not because
7 there's something private about it. It's just
8 easier. You don't have to -- if you haven't heard
9 it, you don't have to worry about setting it aside.

10 Likewise, I would liken it to when you
11 go to your deliberations. None of us know what
12 you're saying and it has to be done within your
13 discussion and we don't need to be apart of that,
14 and so we work in conjunction that way.

15 But there's one exception to that, and
16 it's not uncommon. In a trial, attorneys may say
17 from time to time, objection, Your Honor, and they
18 will state their objection. And most of the time I
19 will rule. Sometimes we may ask for what is called
20 a sidebar. The reason we are doing that is, again,
21 so that you don't hear what we're talking about
22 because it's really for my purposes only.

23 Sometimes I may -- if I have to put it
24 on the record, we may have to excuse you. Don't be
25 alarmed about that, don't be upset about that.

1 That's just the way the process works.

2 But sometimes I may rule without any
3 discussion, and I will either sustain the objection
4 or I will overrule it. Please understand
5 something: That was my responsibility as a matter
6 of law that I'm resolving. Usually it deals with a
7 rule of evidence, but you shouldn't read anything
8 into that either.

9 For instance, if I sustain the
10 objection and don't allow the testimony, don't
11 engage in the process as humans -- I know I'm
12 guilty of that, and maybe you wonder why, wonder
13 why that was done. It's a very normal response,
14 but you can't engage in that because that's not for
15 you to worry about. And nor should you say, I
16 wonder what the person would have said. I wonder
17 why they made the objection. If you do, you've
18 kind of stepped into my area of responsibility.

19 And that's how we really work together.
20 If I allow it, for instance, I'm not saying you
21 have to -- you have to accept it, you have to
22 believe it as being true. That's your job. I just
23 said as a matter of law under the Rules of
24 Evidence, I'm going to permit the question and
25 answer, but you decide whether you believe it and,

1 if so, how strongly. So that's the way we work
2 together to try this case.

3 In the case there are four parts to it
4 and every part is very important. Only one part
5 will you hear the evidence, and that comes after
6 you first hear from the attorneys. In just a
7 moment they will give what we call their opening
8 statements where they have a first opportunity to
9 speak to you.

10 They speak to you twice, once before
11 you hear the evidence and once after you hear the
12 evidence. The difference is obvious; you will have
13 heard the evidence. In opening statement they're
14 going to discuss and give you an overview of the
15 dispute, discuss some of the evidence that they
16 expect you will hear. It will be helpful as you
17 move through the trial.

18 After the evidentiary phase, then they
19 speak to you again. And, at this time, it's proper
20 for them to discuss that evidence with you and
21 suggest reasonable inferences that you may draw
22 from that evidence. I'm confident that when you
23 begin your deliberations, you will find those
24 remarks extremely important and very beneficial.
25 Give them your attention.

1 But while they're important and very
2 critical to this process, they are officers of this
3 Court. They have a very important responsibility
4 in this process. But while extremely important,
5 remember, just as my remarks are not evidence,
6 neither should you consider their remarks to be
7 evidence.

8 The evidence will come through the
9 testimony of the witnesses and that will proceed
10 after we hear the opening statements.

11 And you will hear first from the State.
12 And the reason for that is quite simply, as I
13 mentioned to you when I was qualifying you, it is
14 the law of this State and of this country that
15 persons, as Mr. Broadway is, accused of committing
16 an offense have absolutely nothing to prove or
17 disprove. They don't have to prove their
18 innocence. They don't have to present any
19 evidence. They don't have to say a word.

20 Why? Because the law says that people
21 who are so accused are presumed innocent, and you
22 must presume him to be innocent and you have to
23 maintain that. It's not just a fault. They are
24 not just words. It's an act of presumption. And
25 that can only change when you, after your

1 deliberations, are convinced and the standard that
2 you will be -- and we will talk about that in just
3 a moment -- beyond a reasonable doubt that each
4 element of the crime has been established. Then,
5 and only then, may you set aside that presumption
6 of innocence.

7 And because the State has that burden,
8 they go first. And you hear first from the State
9 and you'll hear from all of their witnesses. And
10 what you will be doing when you are instructed to
11 begin your deliberations is use the tools that you
12 brought with you when you walked in that door.

13 I mentioned to you today that there was
14 no one more qualified than you are to perform the
15 task that you just accepted, and I reiterate that.
16 Because often -- that is, unless you can convince
17 me there is a person somewhere out there that can
18 apply your life's experiences, your sense of logic
19 and reason better than you can. I don't think that
20 person exists.

21 And all that you will do is you will
22 keep that -- those tools, and you will keep
23 something else that's very essential to the -- I
24 think to the orderly process and to a fair and just
25 result. You brought with you an open mind.

1 Because if you remember, you may not have
2 responded, but if you did, I asked, would that
3 influence you? Will that affect you? Will your
4 decision be based on the evidence and the law and
5 will it be fair to both sides?

6 And what you're saying in so many words
7 is, I don't -- nobody knew anything about the
8 dispute. I don't know anything about it. I
9 haven't made any decisions. There is nothing about
10 this dispute that gives me any concern about my
11 prejudging anything.

12 So whatever is necessary for you to do,
13 you have to keep that open mind until the Court
14 gives you an instruction to begin your
15 deliberations. And, folks, the last phase of this
16 process is when I'll give you the charge on the
17 law, and the last thing I will tell you before you
18 start your deliberations is when they may start.

19 So until you receive that instruction,
20 part of the commitment that you just made was that
21 you would keep that open mind, and I ask you to do
22 that.

23 And I will confess something: We all
24 know that some people, I happen to be one of them,
25 kind of jump to conclusions sometimes. And I

1 happen to know some people that are detail people,
2 and you may be one or you may know someone too.
3 And if you're a detail person, you just listen and
4 you want to know, you're asking questions, you want
5 as much information as you can.

6 If you are a person like me, you get to
7 a point and say, oh, I got this one, I know this
8 one. And sometimes I'm right and sometimes I'm
9 not.

10 You can't be that way. You have to be
11 a detail person. You have to wait until you hear
12 it all, until you have then -- and then you begin
13 the process of your deliberations. So remember
14 that throughout the process.

15 What your verdict will say in this case
16 is -- if it's guilty, what will you be saying? You
17 will be saying that, in your collective judgment,
18 you believe the State has established each element
19 of the crime of leaving the scene of the accident
20 with death resulting, and they've established that
21 beyond a reasonable doubt.

22 Some of you may have been involved or
23 may have participated as jurors in civil trials.
24 And there is a civil trial going next door. The
25 proceeding and the process is very similar. There

1 are four parts, just like here, but there are two
2 major distinctions. One we just talked about; in
3 this case, the defendant has nothing to prove or
4 disprove.

5 In a civil trial, there may be
6 occasions when a defendant may have the burden of
7 proof, but not here. Never.

8 The difference also -- another major
9 difference, in a civil trial, typically the burden
10 of proof is called preponderance or greater weight
11 of the evidence. Simply stated, it's a
12 probability. Is it more likely so than not? Here
13 it's greater than that. It's beyond a reasonable
14 doubt.

15 And I will define that term for you
16 when I give you the charge, but I will tell you now
17 that reasonable doubt is a doubt that would make an
18 honest, conscientious, sincere juror who's
19 searching for the truth in a case to hesitate to
20 act or take some action. And that's the standard
21 that you will apply as to each of the elements.

22 If in your deliberations as to each of
23 those elements you're firmly convinced that that is
24 correct, then the State has met its burden of prove
25 and it's entitled to a verdict of guilty.

1 On the other hand, if you have a doubt
2 and you are not firmly convinced as to one or more
3 elements, because if they fail on one, you must
4 return a verdict of not guilty because that's what
5 a verdict says. It says simply the State failed to
6 meet its burden of proof.

7 Now, the State goes first and you will
8 hear all of the State's evidence. And I reiterate,
9 the defendant absolutely has nothing to prove or
10 disprove, but at the conclusion of the State's
11 evidence, the defendant, if he chooses, is free to
12 present any additional testimony for your
13 consideration. Again, not required, but may do so.

14 Obviously, a very logical reason you
15 don't want to make any decisions prematurely,
16 because you need to hear all of it before you do.

17 Now, after the evidence, the attorneys
18 again will speak and then that will be followed --
19 and the last thing will be when I discuss the law
20 with you. As I say, I will define the elements of
21 the crime for you. I will discuss with you
22 reasonable doubt. I will talk about a number of
23 issues.

24 One of the things that we will talk
25 about is something that we have been talking about

1 sort of indirectly, when you say, do I believe this
2 or not, it's a credibility issue. And we make
3 decisions on credibility every day.

4 I would ask you to do this: You
5 ultimately will have the responsibility to find
6 what you believe to be credible and believable. I
7 would simply ask that when you hear -- because you
8 and I both know as we go through life, it's not
9 only what somebody says. Sometimes it's the sheer
10 logic of what they say. Sometimes it may be body
11 language. It may be a cue that says, I'm not sure
12 about that, or vice versa, or I believe that
13 100 percent.

14 I would ask you to just simply make
15 those mental notes. If you see something that you
16 found reliable during your life that's helped you
17 with making those types of decisions, make that
18 mental note, but just don't move to the ultimate.
19 Don't move to, I don't believe that, or I find that
20 not to be credible.

21 Wait until you can discuss it with your
22 fellow jurors, because there may be something that
23 they can give you that may help allay your concerns
24 about that particular issue.

25 But please make those mental notes as

1 you go through because that's going to be your
2 major task, to assess and evaluate the credibility
3 and believability of each of the witnesses that are
4 testifying.

5 I appreciate your willingness and your
6 commitment to serving as a judge with me. It's an
7 honor to serve with each one of you. I thank you
8 for your attention to my remarks and ask you now to
9 give that same attention to the attorneys as they
10 give their opening statements.

11 Solicitor, you may proceed.

12 MR. CANNON: Thank you, Judge.

13 THE COURT: Yes, sir.

14 MR. CANNON: March 7, 2015,
15 Jesse Feagin passed away. Now, let me start off by
16 telling you this: I'm not up here -- the State of
17 South Carolina is not asserting that
18 Samuel Broadway did it on purpose. Samuel Broadway
19 played a part in it that night, early morning.

20 You see, Samuel Broadway was at a bar
21 in Summerville not too long, tabbed out, went home.
22 When he got home he realized he didn't have his
23 cell phone. A little backstory, Mr. Broadway is a
24 Realtor and needed his phone for his operations as
25 a Realtor the next morning. He decided, I need to

1 go back to the bar and get my phone. He hopped in
2 his Cadillac and headed down 176 from Cane Bay.

3 About that same time, Jesse Feagin was
4 on a moped. He had been fixing a moped for a
5 friend who asked him to do him a favor. It was
6 late at night. He had his girlfriend,
7 Richley Campbell, following right behind him in her
8 vehicle. Richley was going to follow him to where
9 he needed to drop it off and then pick him up so
10 they could go home.

11 She asked him, let's not go tonight?
12 But Jesse just wanted to get the guy off his back.
13 He wanted to get rid of the moped.

14 About 2:30 in the morning, Jesse made
15 the left turn off Domingo Road onto 176 right by
16 the water tower, then Richley Campbell pulled out
17 too. As she was on 176, the defendant,
18 Samuel Broadway, came down 176 in his Cadillac,
19 swerved right to miss her, swerved left to get back
20 on the road, knocking Jesse Feagin from his moped
21 across one lane of traffic, across another lane of
22 traffic where he landed in the grass off the side
23 of the road.

24 Samuel Broadway didn't stop. He left.
25 And that's why we're here. Samuel Broadway, after

1 that point, traveled down 176 and made a right turn
2 on 17A at a Sunoco gas station....

3 There was a clerk that was standing
4 there that night. He was on duty, he was working.
5 He was on a smoke break, Jason White. He saw that.
6 He saw that Cadillac make that turn with heavy
7 front-end damage. Mr. Broadway continued to the
8 bar. And as he got a little bit further down,
9 Matthew Schneider passed by and noticed the car as
10 well.

11 Well, Matthew Schneider was an off-duty
12 paramedic at the time. He made a left turn on 176
13 to go home and pulled up right to the accident as
14 it had just happened..

15 Richley Campbell called 911. As she is
16 on the phone with 911 dispatch, Matthew Schneider
17 arrived, takes the phone from her and tells
18 dispatch what happened; they need an ambulance now.
19 Jesse Feagin wasn't doing too good.

20 Samuel Broadway continued back to the
21 bar to get his phone; knocking on the doors -- it's
22 past 2:00, the bar's closed down -- trying to get
23 his phone. Telling patrons in the bar that had
24 just come out the front door that are leaving
25 themselves, I think I just hit somebody. I need my

1 phone. I need my phone.

2 They all looked at him like, Dude, the
3 bar is closed, not knowing what to say or what to
4 do.

5 Broadway got back in his car and looked
6 on the floorboard and found his phone. Got in his
7 car, drove to Moncks Corner to his father-in-law's
8 house where he felt he could call the police.

9 Later that morning a phone call was
10 made to report the incident, but it wasn't
11 Samuel Broadway. It was his father-in-law,
12 Harvey Burton, three hours after the accident. And
13 that's why we are here today, this whole small blip
14 on a timeline that resulted in the death of
15 Jesse Feagin.

16 Now, you heard Judge Dennis give you
17 the law. Now I'm going to go into it a little bit
18 and tell you different things about it. At the end
19 of this trial, the judge is going to instruct you
20 on the law, like he's already told you, but I'm
21 going to have an opportunity for you to actually
22 visualize and see it before we get started.

23 See the top of that, leaving the scene
24 of an accident with death or hit and run with
25 death. Those terms are interchangeable. Sometimes

1 you may hear us refer to it as one way or the
2 other, but essentially it is the same statute that
3 we're prosecuting under.

4 What does that mean? The driver of a
5 vehicle involved in an accident resulting in injury
6 to or death shall immediately stop the vehicle at
7 the scene of the accident or as close to as
8 possible.

9 You will hear testimony from
10 Richley Campbell that that never -- Samuel Broadway
11 never stopped. He just kept on going.

12 He then shall return to, and in every
13 event, remain at the scene of the accident until he
14 has fulfilled the requirements of
15 Section 55 -- 56-5-1230. Now, that's a different
16 part of the statute, but what that's saying is he
17 shall remain at the scene. Samuel Broadway didn't
18 remain at the scene.

19 However, he may temporary leave the
20 scene to report the accident to the proper
21 authorities. The person who fails to stop or
22 comply with the requirements in this section is
23 guilty.

24 What that's allowing in the statute is
25 for you to go get help and come back.

1 You're going to will hear from
2 witnesses at the scene, the officers who were there
3 that night, Samuel Broadway never came back to the
4 scene. Never called police. Never got help.

5 Now, I gave you that convoluted
6 paragraph, and this is basically that paragraph:
7 The driver of any vehicle involved in an accident
8 resulting in injury to or death, which is driven or
9 attended by any person, shall give his name,
10 address, and registration number of the vehicle he
11 is driving upon request, and if the -- available
12 exhibit his driver's license to the person struck,
13 or the driver or occupant of the person attending
14 any vehicle collided with, and shall render to any
15 person injured an accident reasonable assistance,
16 including carrying or making arrangements for
17 carrying such person to a physician, surgeon,
18 hospital, medical surgeon, treatment, if necessary,
19 should do so.

20 That's a lot of language I just read to
21 you. I have trouble reading it. It's hard to
22 understand, but what that's telling you is, if you
23 return, you have to get help and get that person to
24 the medical people he needs, or help get those
25 people there to help with the accident you created

1 or were involved in.

2 And, again, the State is not asserting
3 that Samuel Broadway did this on purpose, but he
4 had a statutory obligation, a duty to stay there,
5 come back to the scene after he got help as he
6 left. He did no such thing.

7 Now, again, that's the law in this case
8 and as jurors, you are the judge of the facts.
9 Judge Dennis is the judge of the law, but you're
10 the judge of the facts.

11 Now, what I mean by that is, you are
12 going to hear testimony from the witness stand from
13 people who were there that night and observed what
14 they saw. You will also hear the 911 call from
15 Richley Campbell that she placed immediately after
16 Jesse Feagin was run over by Samuel Broadway.

17 You will also see some pictures of the
18 crime scene, but I will warn you there is nothing
19 gory, so you have nothing to worry about. There's
20 nothing but -- what is a wreck? The debris field
21 from the scene. You're going to see the moped that
22 was basically demolished, and you will see the
23 Cadillac that night that Samuel Broadway was
24 driving, which is indicative of a pretty big
25 collision.

1 Now, as the juror of facts, the Judge
2 is going to give you that law at the end, but what
3 we have right here is the beyond-a-reasonable-doubt
4 standard, which is the jurors are judges of the
5 facts. You guys take the evidence, what you see
6 and hear, apply the law beyond a reasonable doubt.
7 That's the standard that you have to reach.

8 Now, the Judge alluded to it earlier,
9 there's multiple definitions, it's really hard to
10 understand. He did a really good job of explaining
11 that if you're firmly convinced. That's the way I
12 like to describe to people what is beyond a
13 reasonable doubt. We've all seen it on TV.

14 But after you've had a chance to review
15 the evidence, hear the testimony, apply the law,
16 are you firmly convinced, after you have done those
17 things, that the defendant is guilty? Then you
18 have no other option but to return a verdict of
19 guilty.

20 Now, I'm going to close for now and
21 pass it off to defense counsel. I will leave you
22 with this: By sitting here over the course of the
23 next couple of days listening to the testimony, you
24 are going to be firmly convinced beyond a
25 reasonable doubt that Samuel Broadway left the

1 scene of an accident that involved death. Thank
2 you.

3 THE COURT: Thank you.

4 Mr. Boles.

5 MR. BOLES: May it please the Court?

6 THE COURT: Yes, sir.

7 MR. BOLES: Opposing counsel, ladies
8 and gentlemen of the jury, Monday morning
9 quarterbacks. These are the guys that watch
10 Saturdays' and Sundays' games and on Monday
11 morning, they get on television. They show you
12 highlight reels. They show you small clips of what
13 happened over the weekend. They play it in slow
14 motion. They play it forwards and backwards. They
15 zoom in on fine points, and they will tell their
16 audience that the quarterback, instead of handing
17 off on the third down, should have passed. He had
18 a receiver wide open down field. Or they will say
19 instead of going forward on the fourth down, the
20 team should have kicked.

21 And the Monday morning quarterback has
22 the benefit of hindsight, of an office, of bright
23 lights, and technology to diagram and surgically go
24 over every little decision that was made in a very,
25 very tense moment.

1 I don't know if you have ever played
2 sports or been to a game before. These guys when
3 they're playing, they have literally seconds to
4 make a decision. And just because a given decision
5 in a moment doesn't result in points being scored
6 or doesn't result in a victory for that team, it
7 doesn't mean that that player has broken the rules,
8 and it doesn't mean that that player wasn't trying
9 to do everything that they could do to achieve a
10 good result. And that is exactly what you're going
11 to hear in this trial.

12 We do not contest that a tragic motor
13 vehicle accident happened. Any time there is loss
14 of life it is incredibly tragic. If anyone in this
15 room could take it back, I know that they would.

16 We are not going to contest that when
17 the police arrived at the scene of the accident,
18 Mr. Broadway was not present. And if that was all
19 that the law said, we wouldn't even be here right
20 now, but the law provides one exception for a
21 person to leave the scene of the accident.

22 I'm going to show you this. This is
23 what I call a page from the rule book. This is the
24 rule book we're operating with, South Carolina Law.
25 It's the same code section that Mr. Cannon showed

1 you; however, I want you-all to focus your
2 attention on one part of this law, which says,
3 however, however, he may temporarily leave the
4 scene to report the accident to the proper
5 authorities. And that is why we are here.

6 You will hear, as Mr. Cannon pointed
7 out, the only reason Mr. Broadway was on the road
8 was to go get his cell phone. And you will hear
9 that when the accident occurred on 176 at 2:30 in
10 the morning, thereabouts, pitch black, Mr. Broadway
11 was without a telephone.

12 And when you listen to the testimony of
13 the witnesses and you see the evidence, let your
14 minds go back to this one exception and ask
15 yourselves, wasn't that what he was doing? And ask
16 yourselves, can the State prove beyond a reasonable
17 doubt that is not what Mr. Broadway was going to
18 do?

19 Again, yes, there was an accident.
20 This is a terrible tragedy, but motor vehicle
21 accidents do not mean that there was a crime
22 committed.

23 The State gets to go first. Please,
24 please listen to the testimony that you hear from
25 them, but please also keep some patience in reserve

1 because I get to go second. Thank you.

2 THE COURT: Thank you.

3 Call your first witness, please.

4 MR. CANNON: Thank you, Your Honor.

5 The State calls Matthew Schneider.

6 MATTHEW SCHNEIDER

7 being first duly sworn, testified as follows:

8 THE CLERK: Have a seat. State your
9 full name for the record and spell your last name.

10 THE WITNESS: Yes, ma'am. My name is
11 Matthew Schneider, S-C-H-N-E-I-D-E-R.

12 DIRECT EXAMINATION

13 BY MR. MCNEELY:

14 Q. Good afternoon, Mr. Schneider. Where
15 do you live?

16 A. 104 Swiftwater Way, Summerville. It's
17 in Cane Bay.

18 Q. Is that in Berkeley County?

19 A. Yes, sir.

20 Q. What do you do for a living?

21 A. I'm a full-time firefighter.

22 Q. What agency do you work with?

23 A. I work full time for the Town of
24 Summerville.

25 Q. Where were you living during

1 March 2015?

2 A. Same address.

3 Q. Where were you working during March of
4 2015?

5 A. The same, Town of Summerville Fire
6 Department.

7 Q. I want to discuss the early morning
8 hours of Saturday, March 7, 2015. Do you recall
9 where you were and what you were doing at
10 approximately 2:30 a.m. on that day?

11 A. Yes, sir; I was headed home from
12 Trident Medical Center. My wife had to have an
13 emergency appendectomy. She had had the surgery
14 and been admitted to the hospital, so I was headed
15 home to relieve the babysitter for my son and
16 rolled up on the incident.

17 Q. Were you -- when you say you were
18 headed home, were you headed home in a vehicle?

19 A. Yes, sir. I was in my personal
20 vehicle.

21 Q. Was anyone else in the vehicle with
22 you?

23 A. No, sir.

24 Q. How did you travel home to Cane Bay
25 from Trident Hospital?

1 A. I got on 26 and headed up 26 to the 199
2 exit and got off on 17A headed northbound and then
3 turned left onto 176 towards Cane Bay.

4 Q. Are you familiar with the intersection
5 of 176 and 17A?

6 A. Yes, sir.

7 Q. Is there a gas station at that
8 intersection?

9 A. Yes, sir, there is.

10 Q. Do you know what type of gas station it
11 is?

12 A. A Sunoco.

13 Q. Can you please describe for the jury
14 the traffic conditions on 17A at that night?

15 A. No traffic whatsoever. It was a very
16 wide open road. Very, very few vehicles.

17 Q. While traveling home that evening, did
18 you become involved in an incident that occurred on
19 176 near its intersection with 17A in Goose Creek?

20 A. Yes, sir.

21 Q. The incident you came upon, was that in
22 Berkeley County?

23 A. Yes, sir.

24 Q. Please tell the jury what happened.

25 A. As I was travelling up north on 17A

1 towards the intersection of 17A and 176, I had
2 noticed a vehicle come off of 176 onto 17A towards
3 me. And he wasn't -- the vehicle wasn't rapidly
4 going around, but he was swaying a little bit. And
5 I just noticed it because, like I said, there
6 wasn't a lot of traffic on the road whatsoever.

7 And I remember thinking to myself, man,
8 maybe there's an officer down the road or
9 something, because this guy was swerving around. I
10 noticed that he had a headlight out. And then as
11 he passed by me, I just caught a quick glimpse of
12 the taillights and that he then took a left onto
13 176.

14 As I was going up 176, I noticed brake
15 lights ahead of me. And that stretch of 176 is a
16 very long, straight stretch, not a lot of obstacles
17 in the way on the roadway.

18 So I noticed these headlights and they
19 weren't moving. They weren't getting any further
20 away from me or progressing with me up the road.
21 As I came closer to them, I noticed a silhouette
22 across in front of the brake lights, and that
23 triggered to me that there was -- I thought maybe
24 something was going on or somebody had hit a deer
25 or something like that.

1 So as I slowed down -- in my personal
2 vehicle, I had red emergency lights from
3 volunteering with Pine Ridge Fire Department. I
4 signaled those on and pulled over to assist.

5 Q. Okay. I want to back you up a little
6 bit and then we'll come back forward. You said you
7 were driving north on 17A towards Moncks Corner?

8 A. Yes, sir.

9 Q. And you said you saw a vehicle turn off
10 of 176 onto 17A?

11 A. Yes, sir.

12 Q. What direction did that vehicle turn?

13 A. Southbound.

14 Q. Did you get a look at the vehicle?

15 A. Yes, sir.

16 Q. Can you please describe the vehicle for
17 the jury?

18 A. It was a light-colored, maybe white or
19 cream-colored Cadillac style. It had the tall,
20 skinny, real narrow taillights.

21 Q. Was it a sedan or an SUV or a truck?

22 A. A sedan.

23 Q. What did you notice in particular about
24 the vehicle?

25 A. The headlight being out and then just

1 the swaying within the lane of traffic.

2 Q. Do you know which headlight was out?

3 A. I do not recall, no, sir.

4 Q. Did you see the vehicle stop or did it
5 drive past you?

6 A. It drove by me.

7 Q. What direction was the vehicle headed?

8 A. Still southbound.

9 Q. Was that toward Summerville or away
10 from Summerville?

11 A. Towards Summerville, yes, sir.

12 Q. Did you ever see the vehicle stop
13 anywhere?

14 A. No, sir.

15 Q. I believe you mentioned you made a
16 left-hand turn onto 176; is that correct?

17 A. Yes, sir.

18 Q. What happened after that?

19 A. That's where I saw the taillights.
20 Again, they weren't moving. As I approached the
21 taillights, I saw the silhouette pass in front of
22 them, again, assuming that there was some kind of
23 incident or something going on.

24 I pulled over to the incident, turned
25 on the warning lights, the red lights in my vehicle

1 that I owned, and stopped to offer assistance.

2 Q. Just so I'm clear, you have emergency
3 lights in your personal vehicle?

4 A. I did at that time. I do not anymore.

5 Q. You weren't called to the scene as an
6 emergency vehicle, correct?

7 A. No, sir, I was not.

8 Q. You just happened upon it that night?

9 A. Yes, sir.

10 Q. What happened after you stopped your
11 vehicle?

12 A. After I stopped the vehicle, I got out
13 of my car to -- just to see what was going on.
14 There was a young lady on the telephone, and she
15 was very frantic, stating that her fiancée had been
16 hit.

17 I went around to the front of the
18 vehicle in front of me, saw the gentlemen laying on
19 the ground. There were moped parts scattered
20 throughout the roadway. He was laying on the right
21 side of the road, if you're going up 176 towards
22 Cane Bay, face down.

23 Q. When you arrived on scene, did you see
24 any other vehicle other than the moped that
25 appeared to have been involved in the incident?

1 A. That vehicle that was in front of me.

2 Q. Did it have damage to it?

3 A. I wouldn't be able to tell you. I
4 never looked at it to see.

5 Q. I want to show you what's been marked
6 as State's Exhibit 1.

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

9 THE COURT: Yes.

10 BY MR. MCNEELY:

11 Q. Please look at this for me. Do you
12 recognize what is depicted in that photo?

13 A. Yes, sir. It's a photo of the
14 intersection of 176 and 17A.

15 Q. Is that a fair and accurate depiction
16 of the area as it appeared on March 7, 2015?

17 A. Yes, sir.

18 MR. MCNEELY: Your Honor, at this time
19 I would move to admit State's Exhibit 1 into
20 evidence.

21 THE COURT: Any objection?

22 MR. BOLES: No, sir.

23 THE COURT: Without objection,
24 State's 1 is admitted.

25 (STATE EXH. 1 in evidence.)

1 MR. MCNEELY: Permission to publish?

2 THE COURT: Yes, sir.

3 BY MR. MCNEELY:

4 Q. I'm going to hand you a laser pointer.
5 Can you please direct your laser pointer on the
6 screen to where your vehicle was coming from that
7 evening?

8 A. This roadway right here is 17A. I was
9 approaching this intersection from down this way.
10 (Indicating)

11 Q. And the vehicle you previously
12 mentioned seeing turn onto 17A, where did it come
13 from?

14 A. It came off of 176, turning onto 17A
15 and heading southbound down 17. (Indicating)

16 Q. You mentioned the Sunoco gas station.
17 Do you see it depicted on the photo?

18 A. Right there. (Indicating)

19 Q. Do you know if it was open at that
20 time?

21 A. I have no idea.

22 Q. Okay. I believe you said you made a
23 left-hand turn onto 176; is that correct?

24 A. Yes, sir.

25 Q. Please point to the area where your

1 vehicle came to a stop as depicted on the photo.

2 A. (Indicating) Somewhere up in this area
3 up here, not too far from the water tower.

4 Q. Do you see the water tower?

5 A. Yes, sir. That's the water tower right
6 there. (Indicating)

7 Q. Okay. Where was the -- you mentioned a
8 person lying on the ground. Where was that person?

9 A. He was laying on the right side of the
10 road as I was approaching Cane Bay. His body was
11 actually over the white line on the side of the
12 road. It was kind of half in the grass, half in
13 the roadway.

14 Q. Was the individual face down or face
15 up?

16 A. Face down.

17 Q. Did you touch the individual?

18 A. Yes, sir.

19 Q. Okay. Why so?

20 A. To perform a medical assessment.

21 Q. What was the result of that assessment?

22 A. I found that he was having difficulty
23 breathing, was unconscious. Due to looking at the
24 debris and just what we call the mechanism of
25 injury, I had opted not to move him at all because

1 he was still breathing.

2 Q. Do you have any training as a medical
3 technician?

4 A. Yes, sir; I'm a certified first
5 responder.

6 Q. Was there anybody else on scene when
7 you arrived?

8 A. There was. There was the fiancée that,
9 as I stated, was on the phone when I arrived on
10 scene.

11 Q. Did you talk to her that evening?

12 A. Yes, sir.

13 Q. Do you know who she was on the phone
14 with when you arrived?

15 A. She was on the phone with Berkeley
16 County Dispatch.

17 Q. At some point did you take the phone
18 from her?

19 A. Yes, sir.

20 Q. Why did you take the phone from her?

21 A. She was very frantic. It sounded like
22 she was having a hard time getting information
23 across to the dispatcher. I know dispatchers try
24 to collect as much information as they can to make
25 it easier for the responders, so I took the phone

1 from her to relay information to dispatch and to
2 let them know that there was a medical person on
3 scene.

4 Q. And did you relay information to
5 dispatch that evening?

6 A. Yes, sir.

7 Q. I show you what's been marked as
8 State's Exhibit 2.

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

11 THE COURT: Yes.

12 BY MR. MCNEELY:

13 Q. Can you please look at that and tell me
14 if you recognize it.

15 A. Yes, sir.

16 Q. How do you recognize that?

17 A. I have my signature and a date with my
18 handwriting on it -- or, I'm sorry, my initials.

19 Q. Have you watched or listened to what is
20 contained on that disc?

21 A. Yes, sir.

22 Q. What is contained on that disc?

23 A. This is a recording of the dispatch,
24 the 911 call.

25 Q. Is a portion of it your voice

1 communicating with dispatch?

2 A. Yes, sir.

3 Q. Does it contain a complete recording of
4 your communication with dispatch on the early
5 morning of March 7, 2015?

6 A. Yes, sir.

7 Q. Does it appear to have been changed or
8 altered in any way?

9 A. No, sir.

10 Q. You can set that down.

11 What did you do after you got off of
12 the phone with 911?

13 A. I went back to the gentleman that was
14 lying on the ground just to double-check on him,
15 and it wasn't too long after that that emergency
16 personnel started showing up on the scene in their
17 vehicles.

18 Q. Was the victim breathing at that time?

19 A. Yes, sir.

20 Q. Can you describe his breathing?

21 A. It was very labored and it was not very
22 often.

23 Q. Was he conscious?

24 A. No, sir.

25 Q. Did you ask him any questions?

1. A. No, sir.

2 Q. Who arrived after that?

3 A. I do believe the first unit on the
4 scene after that was the sheriff's deputy.

5 Q. Did EMS arrive at some point?

6 A. Yes, sir; EMS and Whitesville Fire
7 Department.

8 Q. What happened after that?

9 A. They resumed patient care.

10 Q. At some point did they load the
11 individual into an ambulance?

12 A. Yes, sir. They loaded the individual
13 in an ambulance and then took him up to the
14 Gethsemane Church further up the road to have him
15 airlifted.

16 Q. Did you speak with Goose Creek officers
17 that evening?

18 A. Yes, sir.

19 Q. Did you provide them any formal
20 statement or was it just oral communication --

21 A. Just oral communication. Nothing was
22 ever -- no official statement was ever given.

23 Q. The vehicle you mentioned seeing turn
24 onto 17A from 176, did you ever see that vehicle
25 again while you were on scene?

1 A. No.

2 Q. Did you ever see it again after it
3 passed you going towards Summerville?

4 A. No, sir.

5 Q. Following that night, did you have any
6 further involvement in this matter?

7 A. Not until I received a phone call from
8 the Solicitor's office.

9 MR. MCNEELY: Okay. No further
10 questions from the State at this time, Your Honor.

11 THE COURT: Cross-examine?

12 MR. BOLES: Thank you, Your Honor.

13 CROSS-EXAMINATION

14 BY MR. BOLES:

15 Q. Mr. Schneider, thank you for being here
16 today.

17 A. Yes, sir.

18 Q. And thank you for your service as a
19 firefighter as well. We appreciate that.

20 I want to clear up just a couple of
21 points that I heard.

22 MR. BOLES: And as well, if I could
23 approach and grab that exhibit with the map on it?

24 THE COURT: You may.

25 MR. BOLES: Please bear with me.

1 BY MR. BOLES:

2 Q. Okay. Mr. Schneider, you said you
3 first took notice of a Cadillac that was swerving
4 down the road; is that correct?

5 A. I wouldn't say he was swerving, but he
6 was swaying within the lane, yes, sir.

7 Q. Well, what -- would you characterize
8 that as having difficulty maintaining a straight
9 line?

10 A. Yes, sir.

11 Q. Did you observe front-end damage to
12 that Cadillac?

13 A. I observed that there was A headlight
14 out, yes, sir.

15 Q. Okay. And now if we look at this
16 exhibit, I just want to point -- you had said you
17 were about right here? (Indicating)

18 A. No, sir. I was further --

19 Q. Down here?

20 A. Yes, sir.

21 Q. That's when you first saw the Cadillac?

22 A. About in that area, yes, sir.

23 Q. Okay. And then I'm looking at a scale
24 here at the bottom. It says 0 to 3300 feet. So
25 using my pen, we're looking at, what? About a mile

1 to the scene of the accident from the intersection
2 at the Sunoco?

3 A. I would imagine so, yes, sir.

4 Q. Describe for the jury, what does 176
5 look like when you're driving at that time.

6 A. It's dark and straight.

7 Q. Are there any streetlights?

8 A. Not on 176. Up -- from 17A up 176,
9 there is not.

10 Q. So once you make that left turn at the
11 Sunoco and head up towards the scene of the
12 accident, it's dark you say?

13 A. Yes, sir.

14 Q. No lights?

15 A. No, sir.

16 Q. What's on either side? What does the
17 road look like on either side?

18 A. Trees.

19 Q. Trees on either side?

20 A. Random businesses, the water tower.

21 Q. Okay.

22 A. But they're far and few between.

23 Q. And we're looking at the road where --
24 let's see. Right around here is the accident
25 scene; is that right? (Indicating)

1 A. Yes, sir.

2 Q. Is there a light on that road?

3 A. Not that I know of, no, sir.

4 Q. Is there, like, a neighborhood entrance
5 sign that's illuminated?

6 A. No, sir.

7 Q. You said that as you came upon the
8 scene of the accident, you saw taillights on the
9 side of the road; is that accurate?

10 A. Not necessarily taillights, just parts
11 of a moped.

12 Q. I'm sorry. What I mean is you said
13 that --

14 A. Oh, oh.

15 Q. -- ahead you saw some illuminated
16 lights.

17 A. Yes, sir, yes, sir. I apologize. Yes,
18 sir.

19 Q. Okay. And I just want to be sure that
20 we're correct on this. Those were taillights of
21 the car?

22 A. Yes, sir.

23 Q. That were lit up?

24 A. Yes, sir.

25 Q. So now that car is facing going up the

1 map, if we were looking at it?

2 A. Yes.

3 Q. Okay. Did you see any other lights
4 besides that car?

5 A. Not that I recall, no, sir.

6 Q. Okay. And I believe the Solicitor
7 asked you if there were any other cars involved,
8 and you said the vehicle that was in front of me?
9 Or -- am I hearing that right?

10 A. Involved in the accident?

11 Q. Yes, sir. These are just in my notes
12 off of what you were saying.

13 A. I don't know who was involved in the
14 accident.

15 Q. Okay.

16 A. I've never said anything about that.

17 Q. Okay. Am I also correct, you said that
18 you have no idea if the Sunoco that's at that
19 intersection right there was open at the time you
20 drove by?

21 A. I don't recall if it was or not, no,
22 sir.

23 Q. Okay. And based on your observations
24 on that night, do you have any personal knowledge
25 as to whether the defendant was going for help

1 after the accident?

2 A. No, sir.

3 MR. BOLES: Thanks for being here.
4 Those are all the questions I have for you right
5 now.

6 THE COURT: Redirect?

7 MR. MCNEELY: No redirect, Your Honor.

8 THE COURT: Okay. You may come down.
9 Do you wish the witness to be excused?

10 Any objection?

11 MR. BOLES: No, sir.

12 THE COURT: You are free to leave.

13 Call your next witness, please.

14 MR. CANNON: The State calls
15 Richley Campbell.

16 RICHLEY CAMPBELL,
17 being first duly sworn, testified as follows:

18 THE CLERK: Please have a seat. State
19 your full name for the record and spell your last
20 name.

21 THE WITNESS: My name is
22 Richley Campbell, R-I-C-H-L-E-Y, C-A-M-B-E-L-L.

23 DIRECT EXAMINATION

24 BY MR. CANNON:

25 Q. Good afternoon, Richley. How are you?

1 A. Good. How are you?
2 Q. Doing well, thanks.
3 How old are you?
4 A. I'm 34.
5 Q. And where do you live?
6 A. 2639 South Live Oak Drive in Moncks
7 Corner.
8 Q. Okay. And where do you work?
9 A. I work for 360 Trucking in Summerville.
10 Q. How long have you worked there?
11 A. About four months. Five months.
12 Q. Does that require you to have your
13 CDL --
14 A. Yes.
15 Q. -- driver's license?
16 A. Yes, it does.
17 Q. In getting a CDL, what sorts of exams
18 do you have to go through that require that?
19 A. A bunch of safety training. Actually
20 got it through the school district, so it was extra
21 safety training for me.
22 Q. Do they check your eyes?
23 A. Oh, yeah.
24 Q. How are your eyes? Do you have to --
25 are you required to wear glasses or contacts?

1 A. No.

2 Q. Ever?

3 A. No.

4 Q. What was your relationship with
5 Jesse Feagin?

6 A. He was my boyfriend/fiancé, kind of.

7 Q. Okay. And how long had you and Jesse
8 known each other?

9 A. About three-and-a-half-years.

10 Q. And you dated?

11 A. Yes, sir.

12 Q. That entire time?

13 A. Yep, just about.

14 Q. Do you recall March 7, 2015?

15 A. Yes, I do.

16 Q. Where had you been earlier that night?

17 A. We were -- I was at the house, at
18 Jesse's mom's house, and I went and met him later
19 on that night at his dad's house.

20 Q. Okay. So you were at a different
21 location than Jesse?

22 A. Earlier, yes, I was.

23 Q. Where does Jesse's dad live?

24 A. I'm not sure of the exact address, but
25 I know it's Gants Road.

1 Q. Okay.

2 A. It might be Gants Lane or something.

3 Q. How do you access Gants Road?

4 A. I just come 17A.

5 Q. Okay. Can you also access it through
6 176?

7 A. Yes, sir.

8 Q. So you had been -- you testified you
9 had been at Jesse's mom's house?

10 A. Uh-huh.

11 Q. Then to his dad's house?

12 A. Correct.

13 Q. About what time did you get to his
14 dad's house?

15 A. I'm not real sure on times. I wasn't
16 really keeping up with it that much. It was -- it
17 wasn't a big deal.

18 Q. Right. How long did you spend at
19 Jesse's dad's house?

20 A. Maybe an hour-and-a-half, two hours,
21 something like that.

22 Q. Did you consume any alcohol while you
23 were there?

24 A. No.

25 Q. Did you observe whether Jesse had

1 consumed any alcohol?

2 A. We don't -- we didn't drink.

3 Q. What was Jesse doing that night when
4 you got there?

5 A. He was working on a moped, on the
6 engine.

7 Q. Okay. What was his plan with that
8 moped?

9 A. To get it running again.

10 Q. Was it his moped?

11 A. No.

12 Q. Do you know whose moped that was?

13 A. I don't know. It was some guy. I know
14 that.

15 Q. Okay. Well, how did Jesse come in
16 contact -- why was Jesse in possession of the
17 moped?

18 A. He had been asked, I guess, to fix it.
19 He worked on small engines, motorcycles, mopeds,
20 stuff like that.

21 Q. Okay. What did Jesse decide to do that
22 night?

23 A. Well, the guy had been calling, I
24 guess, and kind of -- he'd had it for, like, two
25 days working on it, and he was getting kind of

1 upset and he wanted it back. So once he got it
2 running, he was like, you know, I will go ahead and
3 take it to the guy now, tonight. So...

4 Q. Did you have any questions or issues
5 with him doing that?

6 A. Yeah. Yeah. It was late and I'm
7 thinking, you know, there's going to be drunks out
8 on the road. It's Friday night, you know. I was
9 just worried. It was too late at night for him to
10 be riding, I thought.

11 Q. Do you recall roughly about what time
12 it was that you left Jesse's dad's house?

13 A. I think it was, like, 1:45ish.

14 Q. Are you certain as to the time?

15 A. No, I'm not very certain. I wasn't
16 watching the clock.

17 Q. But it was after midnight, so it was
18 the morning of March 7th? You know, after the
19 evening of March 6th?

20 A. Right.

21 Q. So Jesse decide to leave, take the
22 moped to a buddy's house -- or the owner's house?

23 A. Yes.

24 Q. Who rode the moped?

25 A. Jesse was riding the moped.

1 Q. Did anybody ride with him?

2 A. No.

3 Q. What were you doing?

4 A. I was following him.

5 Q. Was anybody with you?

6 A. Yes.

7 Q. Who was with you?

8 A. Cody Meree.

9 Q. Okay. And who is Cody Meree?

10 A. He's a family friend. Also he is --

11 I'm not sure if they're married or not, but he's

12 with Jesse's step-sister. I know they have a baby

13 together.

14 Q. All right. And you say you were

15 following Jesse?

16 A. Yes, correct.

17 Q. What car were you in?

18 A. I was in my vehicle. It was a Toyota

19 Highlander.

20 Q. You said Cody was with you?

21 A. Yes, sir.

22 Q. Thank you. Are you familiar with the

23 route you took that night?

24 A. Yes, sir.

25 Q. Okay. When you get to the end of

1 Domingo Road, what is the road that you run into?

2 A. 176.

3 Q. Can you -- do you recall what type of
4 traffic signal allows you to get onto 176?

5 A. A stop sign.

6 Q. Okay. When you were behind Jesse and
7 he got to the stop sign, how far back were you
8 behind him?

9 A. When he stopped, probably five feet
10 maybe.

11 Q. Did he do anything?

12 A. He stopped. He had both feet down on
13 the ground, so he was fully stopped. He -- I saw
14 him look both ways and then he took off to the
15 left.

16 Q. Okay. Did Jesse have a helmet on?

17 A. No.

18 Q. What did you do next?

19 A. I kind of watched him go down, turn to
20 the left, and then I pulled up to the stop sign and
21 stopped. And I looked to the left and then looked
22 back to the right when I saw the vehicle coming.

23 Q. I mean, was it -- were you able to
24 determine how far away it was from when you first
25 saw it?

1 A. I don't know really. I mean, it was
2 probably maybe five car lengths away from me. I
3 don't...

4 Q. What did you do next?

5 A. I pulled out in front of him.

6 Q. Okay.

7 A. To try to block Jesse.

8 Q. All right. What happened after that?

9 A. I pulled out onto the road and I saw --
10 immediately saw lights, you know, in my rearview,
11 and I just kind of braced myself because I thought
12 he was going to hit me in the back end. And right
13 at the last moment, he swerved out to the right and
14 came up around me, kind of fishtailed, and tried to
15 get back onto the road. And that's when he hit
16 it -- hit him.

17 Q. Had you gotten completely behind Jesse
18 whenever --

19 A. Yes, I was behind him. I was on the
20 road.

21 Q. If you were able to imagine a roadway,
22 which side of the road was Jesse on in your lane of
23 travel?

24 A. I think he was kind of to the right.

25 Q. Okay. And what direction on 176 were

1 you heading?

2 A. Towards Goose Creek.

3 Q. Okay. Did you have your headlights on?

4 A. Yes. They're automatic.

5 Q. Do you recall what type of vehicle it
6 was that went around you and hit Jesse?

7 A. Yes, a Cadillac, I think a CTS maybe,
8 white.

9 Q. An SUV or sedan?

10 A. Car.

11 Q. Did you see the collision between the
12 Cadillac and Jesse?

13 A. Yeah.

14 Q. What did the Cadillac do after the
15 collision?

16 A. It was like an explosion, and he just
17 kept going.

18 Q. Where did Jesse go?

19 A. He kind of went to the left, the other
20 way.

21 Q. After you saw that, did you continue to
22 watch the Cadillac?

23 A. Yeah, I wanted to know which way he
24 went. There's a big four-way stop at 17A and 176,
25 so I wanted to know which way to tell 911 he was

1 going. And -- there's a gas station there. It's a
2 brand-new gas station. At the time it was
3 brand-new. And I thought he turned into the gas
4 station, so that's what I told them.

5 Q. Were you able to see the gas station
6 from where you were?

7 A. Yeah.

8 Q. The lights?

9 A. Yes.

10 Q. Were the lights on?

11 A. Yeah.

12 Q. Okay. After that happened, what did
13 you do next?

14 A. I slammed on brakes and screamed.

15 Q. Did you get out of your vehicle?

16 A. Yeah. I kind of pulled -- Jesse was in
17 the left lane, so I kind of pulled over in front of
18 him, so -- because I didn't want any other car to
19 hit him or -- you know.

20 Q. Right. You made mention that there was
21 another individual, Cody Meree, with you. What
22 happened to Cody Meree? Where did he go?

23 A. He -- he was scared because apparently
24 he has warrants, I guess. And he didn't want to be
25 around, so he ran.

1 Q. So that left you there with Jesse?

2 A. Correct.

3 Q. Did the Cadillac ever come back to the
4 accident scene?

5 A. No, sir.

6 Q. Other than your vehicle, the moped, and
7 Cadillac, did you ever see any other vehicles
8 within a close timeline of that incident?

9 A. Not that I can recall. But I really
10 wasn't watching for any other vehicles.

11 Q. Right. When you got to Jesse, where
12 was he laying?

13 A. He was on the left side, almost on the
14 line, all the way in the left lane on the left
15 side.

16 Q. Okay. Do you recognize this?

17 A. Yes, sir.

18 Q. What is this?

19 A. I think that's a copy of the 911 call.

20 Q. Did you have a chance to listen to that
21 911 call?

22 A. Yes, sir.

23 Q. Is that 911 call a true and accurate
24 depiction of the 911 call you placed that night?

25 A. Yes, sir.

1 Q. Did you place the 911 call -- when did
2 you place the 911 call?

3 A. As soon as I parked the car -- I really
4 don't even remember specifically. I'm thinking
5 about it. I just grabbed my phone and got out and
6 ran to him.

7 MR. CANNON: At this time, Your Honor,
8 the State would move to admit the 911 call into
9 evidence.

10 THE COURT: What's the exhibit number?

11 MR. CANNON: 2.

12 THE COURT: State's 2. Any objection?

13 MR. BOLES: I don't think we have the
14 proper foundation yet, Your Honor.

15 THE COURT: Subject to the objection of
16 Counsel, it's admitted, and you may publish it.

17 MR. CANNON: Thank you.

18 (STATE EXH. 2 in evidence.)

19 (Audio played.)

20 BY MR. CANNON:

21 Q. What did you do after you made the 911
22 call?

23 A. I was just standing -- well, kind of
24 kneeled down over him, talking to him.

25 Q. And you said -- was Jesse breathing at

1 that time?

2 A. Yeah.

3 Q. After you saw the explosion, as you
4 described it, did that vehicle stop?

5 A. No.

6 Q. Did you ever see brake lights?

7 A. I can't recall, but I don't think so.

8 Q. Okay. And you watched the vehicle for
9 the purposes of why?

10 A. I wanted to know which way he was going
11 at the four-way stop ahead.

12 Q. And, again, which way did he turn?

13 A. To the right.

14 Q. Initially, the 911 call, you start --
15 you were talking to someone in the background. Who
16 was that person?

17 A. Cody.

18 Q. Okay. What were you asking Cody to do?

19 A. I was trying to find out the name of
20 the road that we pulled out on. I couldn't
21 remember anything.

22 Q. All right. So the individual that took
23 the phone and spoke at the back end of that 911
24 call, who was that?

25 A. He's a first responder. I'm not sure

1 what his name is.

2 Q. Okay. Had you ever spoken to him
3 before that night?

4 A. No.

5 Q. Have you spoken to him after that
6 night?

7 A. No.

8 Q. Had you seen him before?

9 A. No.

10 Q. Have you seen him since that night?

11 A. No.

12 Q. After the accident, how long did you
13 stay at the scene?

14 A. Until the ambulance got there. And
15 then they took Jesse, and his mom got there, picked
16 me up, and we followed them to MUSC.

17 Q. Did you ever meet with Goose Creek
18 Police after that night?

19 A. Yes.

20 Q. What did you -- what did you meet with
21 Goose Creek for?

22 A. They called me and asked me to come in
23 and just talk with them about the case.

24 Q. Did you provide a written statement for
25 them?

1 A. I think so.

2 Q. At that time you gave the statement to
3 Goose Creek, do you know if that statement was
4 recorded?

5 A. I'm sure it was, but I'm not sure.

6 Q. In that statement, did you -- do you
7 recall the facts you gave the officer at that time?

8 A. Yeah.

9 Q. Are those facts the same then as they
10 are -- as you recall the event now?

11 A. They are. It's all factually correct,
12 but the one thing that I was kind of unsure was how
13 far I had pulled out into the road before the car
14 passed me right before he hit Jesse.

15 Q. But in both -- what you recall that
16 night and in your statement you gave Goose Creek
17 Police, did that Cadillac ever stop?

18 A. No.

19 Q. And did it ever come back to the scene?

20 A. No, never.

21 MR. CANNON: No further questions for
22 this witness, Your Honor.

23 THE COURT: You may cross-examine.

24 MR. BOLES: Thank you, Your Honor.

25 CROSS-EXAMINATION

1 BY MR. BOLES:

2 Q. Ms. Campbell, do you need to take a
3 break before we go forward?

4 A. No, sir.

5 Q. Okay. Mr. Cannon was just asking you
6 about the statement that you gave to Goose Creek
7 Police. Do you recall giving that?

8 Does it ring a bell with you that you
9 gave that statement around March 31st of 2015?

10 A. Sure. I'm not sure when the date was.

11 MR. BOLES: May I approach the witness,
12 Your Honor?

13 THE COURT: You may.

14 BY MR. BOLES:

15 Q. I just want to hand you this, and let
16 me know if it refreshes your recollection.

17 THE COURT: Let's have it marked for
18 identification so we have on the record.

19 MR. BOLES: Yes, sir.

20 THE COURT: Thank you.

21 (DFT. EXH. 1, Statement, was marked for
22 identification.)

23 MR. BOLES: Thank you.

24 Thank you, Your Honor.

25 BY MR. BOLES:

1 Q. Ms. Campbell, I am handing you what's
2 been marked as Defendant's Exhibit 1. Do you know
3 what this is?

4 A. Statement cover sheet.

5 Q. Does it have the date that we were just
6 talking about on it?

7 A. 3/30/15.

8 Q. And is that your signature on the cover
9 sheet as well?

10 A. Yes, sir.

11 Q. Okay. What I'm asking is -- and I will
12 take that back from you. What I'm asking is, at
13 the time you gave a statement, there had been about
14 three weeks or so since the accident happened. So
15 you had a little bit of time, I guess, to process
16 by the time you gave the statement to police. Does
17 that sound accurate?

18 A. No. That's, like, the worst time
19 whenever you lose someone you love.

20 Q. Understood. Understood. But this
21 isn't what you gave right there on the side of the
22 road is what I mean.

23 A. No. It was after the accident,
24 correct.

25 Q. Okay. And when you gave the statement,

1 you knew it was very important that you be accurate
2 in that statement?

3 A. Right. I was trying to be.

4 Q. As detailed as you can be about it.

5 Can you -- I don't see it in the
6 statement. Can you describe for the jury what the
7 intersection where the accident happened, what's it
8 look like at the time of the accident?

9 A. It's just a stop sign coming up to 176.
10 It's the shape of a T.

11 Q. Are there any lights?

12 A. No. It's a stop sign.

13 Q. Is it really dark right there?

14 A. Yes.

15 Q. You stated to police that you were
16 following Mr. Feagin --

17 A. Correct.

18 Q. -- in a car. And you just testified
19 that you pulled out in front of the Cadillac to
20 shield Jesse?

21 A. Yes.

22 Q. Why did you need to shield Jesse?

23 A. Because the Cadillac was flying and I
24 just knew he was going to hit him. I mean ...

25 Q. So you had pulled out in front of the

1 Cadillac intending to --

2 A. So he would hit me instead.

3 Q. -- take the blow?

4 A. Right.

5 Q. You said there was about five car
6 lengths at the time that you pulled out?

7 A. I'm assuming.

8 Q. Okay. And also getting back to your
9 statement, it was clear to you that you needed to
10 include every detail that you could think of in the
11 statement, correct?

12 A. Correct.

13 Q. Why doesn't Cody Meree appear in your
14 statement?

15 A. Because he had -- I mean, he had
16 warrants apparently and he didn't want to go to
17 jail, I guess. I don't know.

18 Q. He's an eyewitness to the accident?

19 A. Right.

20 Q. He was in the car with you when you
21 pulled out in front of the Cadillac?

22 A. Correct.

23 Q. You said that you think Cody has a
24 child with Mr. Feagin's step-sister?

25 A. Yes.

1 Q. Do you know where the step-sister is?

2 A. I'm not sure. I think they live in
3 Moncks Corner. I'm not sure, though.

4 Q. Do you keep in touch with the family?

5 A. Through Facebook, social media.

6 Q. After Cody ran from the scene, did he
7 call for help?

8 A. He was actually -- well, I thought he
9 was running to Jesse's father's house, which is
10 probably a mile.

11 Q. Did he come back with help?

12 A. No. He got there and he told Jesse's
13 dad about it and Jesse's dad came to the scene.

14 Q. Also, you testified you believe that
15 the Cadillac was travelling at around 150 miles an
16 hour.

17 A. Yeah. He was -- I mean, I don't know
18 that for a fact, but he was flying.

19 Q. Do you know what the speed limit on 176
20 is at that point?

21 A. I'm assuming it's about 55 through
22 there.

23 Q. And I just want to be clear also that
24 your testimony earlier was that you can't recall if
25 you saw brake lights after the Cadillac passed?

1 A. I don't think I did, but, I mean, I
2 wasn't -- that's not what I was really worried
3 about right at that second. I know he didn't stop.
4 He didn't look like he slowed down at all.

5 Q. Okay. Do you know -- strike that.

6 From your personal observations and
7 knowledge, do you know whether the Cadillac went to
8 get help after that?

9 A. Why wouldn't he just stop? I would
10 have.

11 Q. I don't want to go back and forth with
12 you, but do you know if he went to get help after
13 that, based on your observations?

14 A. I don't know that for a fact, no.

15 Q. Also, I want to be clear about your
16 recollection of the collision. You said that the
17 Cadillac had to swerve into the grass to avoid
18 hitting you?

19 A. Right. Correct.

20 Q. And you said that he fishtailed?

21 A. Yeah. He was kind of wobbly looking.

22 Q. And then as he regained the road, the
23 collision happened?

24 A. Correct.

25 Q. How far ahead of you was the moped?

1 A. Maybe 25 to 50 feet, maybe.

2 MR. BOLES: Okay. Those are all the
3 questions I have for you.. Thank you.

4 THE COURT: Leave the statement,
5 please.

6 MR. BOLES: Yes, I'm sorry.

7 THE COURT: Thank you.

8 MR. CANNON: No further questions for
9 this witness, Your Honor.

10 THE COURT: All right. You may come
11 down. Thank you..

12 THE WITNESS: Thank you.

13 THE COURT: Do you wish the witness to
14 be excused?

15 MR. CANNON: I have no objection.

16 MR. BOLES: No objection to that.

17 THE COURT: You are free to leave if
18 you wish.

19 At this point, ladies and gentlemen, we
20 will take a recess. Do not begin your
21 deliberations. I will let you go to your jury room
22 for about 10 to 15 minutes. Thank you. You may
23 retire.

24 (Jury out, 3:51 p.m.)

25 THE COURT: All right. Anything from

1 the State before we recess?

2 MR. CANNON: No, Your Honor.

3 THE COURT: Anything from the defense?

4 MR. BOLES: No, sir.

5 THE COURT: Thank you. We will be at
6 ease for about ten minutes.

7 (A recess transpired.)

8 THE COURT: Bring our jury in, please.

9 (Jury in, 3:59 p.m.)

10 THE COURT: Thank you, ladies and
11 gentlemen. We're ready to continue.

12 You may call your next witness.

13 MR. MS: The State calls Jason White.

14 JASON WHITE

15 being first duly sworn, testified as follows:

16 THE CLERK: Please have a seat. State
17 your full name for the record and spell your last
18 name.

19 THE WITNESS: Jason White, W-H-I-T-E.

20 DIRECT EXAMINATION

21 BY MR. MCNEELY:

22 Q. Good afternoon, Mr. White. How old are
23 you.

24 A. 21.

25 Q. Where do you live?

1 A. Ridgeville.

2 Q. Is that in Berkeley or Dorchester?

3 A. Dorchester.

4 Q. What do you do for a living?

5 A. Right now, nothing at the moment.

6 Q. Were you working during March of 2015?

7 A. Yes, sir.

8 Q. Where were you working at that time?

9 A. Sunoco.

10 Q. What Sunoco station?

11 A. On the corner of Highway 176 and 17A.

12 Q. Is that in Berkeley County?

13 A. I think so.

14 Q. What was your shift that day?

15 A. Night shift, third shift, 10 to 6.

16 Q. That's 10:00 p.m. to 6:00 a.m.?

17 A. Yes, sir.

18 Q. Was the store open 24 hours?

19 A. Yes, sir.

20 Q. Is it lit up outside of the store?

21 A. Yes, sir.

22 Q. So any time of day, can somebody pull

23 in the parking lot and walk into the store?

24 A. Yes, sir.

25 Q. I want to discuss the early morning

1 hours of Saturday, March 7, 2015. Do you recall
2 where you were and what you were doing at
3 approximately 2:30 a.m.?

4 A. Standing on the left side towards the
5 front. I was taking a break.

6 Q. When you say on the left side, the left
7 side of what?

8 A. The front, on the side towards 17A.

9 Q. Of the Sunoco station?

10 A. Yes, sir.

11 Q. Were you working there?

12 A. Yes, sir.

13 Q. And the store was open?

14 A. Yes, sir.

15 Q. You said you were having a smoke break?

16 A. Yes, sir.

17 Q. When you were in front of the store,
18 what are you facing?

19 A. 176. Well, St. James Avenue, and you
20 will see 17A right there also.

21 Q. Do you have a clear view of the
22 intersection of 176 and 17A from the front of the
23 store?

24 A. Yes, sir.

25 Q. Please describe the traffic conditions

1 on 17A at that time.

2 A. There was rarely any cars out there.

3 Q. While standing outside on your smoke
4 break that evening, did you witness anything out of
5 the ordinary?

6 A. Just a car turned off of 17 onto 17A
7 and the bumper was dragging, the headlight was out.

8 Q. When you say it turned off of 176 onto
9 17A, where was it coming from? What direction did
10 it turn?

11 A. It was coming from Cane Bay, turned
12 onto 17 headed back towards the town of
13 Summerville.

14 Q. Can you describe the vehicle?

15 A. Like an off-white, beige Cadillac.

16 Q. Was it a sedan or an SUV?

17 A. A sedan.

18 Q. Did you notice any -- anything out of
19 the ordinary about the vehicle?

20 A. Just the headlight and the bumper
21 dragging.

22 Q. When you say the bumper dragging, was
23 it literally dragging in the roadway?

24 A. Yes, sir.

25 Q. Could you hear it?

1 A. Yes, sir.

2 Q. What side of the vehicle was the damage
3 on?

4 A. The driver's side.

5 Q. Did that vehicle pull into the Sunoco?

6 A. No, sir.

7 Q. When you saw the vehicle, what did you
8 see it doing?

9 A. It was just turning onto 17 and it was
10 heading back toward the town of Summerville.

11 Q. Did you ever see it stop anywhere?

12 A. No, sir.

13 Q. When was the last time you saw the
14 vehicle?

15 A. That was the last time.

16 Q. After the vehicle passed the Sunoco
17 toward Summerville, what did you see?

18 A. That was it. Later on I seen the, I
19 guess, family member, they just came to the store.
20 And that was it.

21 Q. Did you see any law enforcement
22 vehicles that evening?

23 A. No, sir.

24 Q. Did you see any emergency vehicles?

25 A. No, sir.

1 Q. After you finished your smoke break,
2 did you go back in the store?

3 A. Yes, sir.

4 Q. At some point that evening, did you
5 speak with law enforcement?

6 A. Yes, sir.

7 Q. Do you remember about when that was?

8 A. No, sir.

9 Q. Was it before your shift ended at 6:00?

10 A. I want to say it was actually after.
11 I'm not exactly sure.

12 Q. Was the store equipped with video
13 surveillance cameras that day?

14 A. Yes, sir.

15 Q. Were they operational?

16 A. Yes, sir.

17 Q. Do you know if they captured anything
18 at the intersection of 176 and 17A?

19 A. No, sir.

20 Q. Did law enforcement come to the store
21 and ask about it?

22 A. Yes, sir.

23 Q. Was the store equipped with a telephone
24 that night?

25 A. Yes, sir.

1 Q. Was the telephone operational?

2 A. Yes, sir.

3 Q. Do you recall if anyone stopped and
4 asked you to call the police?

5 A. No, sir. Nobody stopped, but a family
6 member had just stopped by and talked to me.

7 MR. MCNEELY: No further questions from
8 the State.

9 THE COURT: Cross-examine.

10 CROSS-EXAMINATION

11 BY MR. BOLES:

12 Q. Mr. White, how long had this particular
13 Sunoco been open at the time of the incident we are
14 here about?

15 A. Probably about three months.

16 Q. Okay. And just to be clear about your
17 testimony, you have no personal knowledge about the
18 actual motor vehicle accident itself?

19 A. No, sir.

20 Q. And you have no personal knowledge of
21 what happened after --

22 A. No, sir. No.

23 MR. BOLES: Okay. Thank you for being
24 here.

25 THE COURT: Redirect?

1 MR. MCNEELY: No, Your Honor.

2 THE COURT: Thank you. You may come
3 down.

4 Do you wish the witness excused?

5 MR. MCNEELY: He may be excused.

6 THE COURT: Any objection to him being
7 excused?

8 MR. BOLES: None, Your Honor.

9 THE COURT: You are free to leave,
10 Mr. White. Thank you, sir.

11 Call your next witness, please.

12 MR. CANNON: Thank you, Your Honor.

13 State calls Justin Bryant.

14 JUSTIN BRYANT

15 being first duly sworn, testified as follows:

16 THE CLERK: Have a seat. State your
17 full name for the record and spell your last name.

18 THE WITNESS: Justin Allen Bryant,
19 B-R-Y-A-N-T.

20 DIRECT EXAMINATION

21 BY MR. CANNON:

22 Q. Mr. Bryant, how old are you?

23 A. 38.

24 Q. And where do you live?

25 A. 225 Langford Street, Moncks Corner.

1 THE COURT REPORTER: Say again.

2 THE WITNESS: 225 Langford Street,
3 Moncks Corner.

4 BY MR. CANNON:

5 Q. You have to speak slowly. She's taking
6 down everything that you and I are saying, so just
7 speak clearly and slowly so she can do that,
8 please.

9 Where do you work?

10 A. I work all over South Carolina.

11 Q. What is it you do?

12 A. I'm a subcontractor, contract --

13 Q. What is your trade?

14 A. Windows, vinyl replacement windows.

15 Q. Okay. So you travel South Carolina --

16 A. All over.

17 Q. -- installing windows?

18 A. Yes, sir.

19 Q. Do you recall the evening of
20 March 6, 2015?

21 A. Briefly, yes.

22 Q. Okay. And where did you go that night?

23 A. That night I had went to JR's Pub,
24 which is in Goose Creek. After I left there, I
25 went over to BFE Bar & Grill, which is on Royal

1 Road. That's in the Summerville area.

2 Q. Okay. Is that off of 17A?

3 A. Yes, sir.

4 Q. Okay. And at BFE Bar & Grill, what is
5 it you -- I mean, what were your intentions to do
6 that night?

7 A. Shoot some pool before they closed at
8 2:00 in the morning.

9 Q. Do you play a lot of pool?

10 A. Yes, sir.

11 Q. Do you have your own sticks?

12 A. I have several of them, yes, sir.

13 Q. Did you have your own sticks that
14 night?

15 A. No, sir.

16 Q. You didn't?

17 A. Not on me, no.

18 Q. What time did you get to the BFE Bar.

19 A. I would say around 10:30, 11:00, around
20 that time frame.

21 Q. Okay. Did you drink any alcohol that
22 night?

23 A. No, sir, I don't drink.

24 Q. Your intentions at the bar were to do
25 what?

1 A. To shoot some pool for some money, if
2 possible.

3 Q. Did anybody go to the bars with you?

4 A. No; I was by myself. I always go by
5 myself.

6 Q. Did you have friends that you were
7 meeting at that --

8 A. Not personally meeting there on a
9 scheduled meet. If somebody was there that I knew,
10 then I would have hung out and shot some pool with
11 them.

12 Q. Did you see anybody that you knew that
13 night?

14 A. A couple people, yeah.

15 Q. Do you recall about what time you left
16 BFE Bar that night?

17 A. I had walked out at closing time, which
18 was 2:00.

19 Q. Okay. When you walked out of the bar,
20 how many people were walking out of the bar at
21 closing time?

22 A. There was quite a few walking out at
23 the same time. There was one in particular that I
24 tried to stop from driving because she was drunk.
25 So I sat there and talked to her for quite some

1 time waiting on her sister to come and get her.

2 Q. Did she -- was she alone, I guess?

3 A. Yes, sir, she was.

4 Q. Okay. When you walked out of the bar
5 you say at 2:00, what did you do next?

6 A. Sat there and waited on her sister to
7 come get her, as she was stating that she couldn't
8 drive home because she was already drunk.

9 Q. I see. And while you were sitting
10 there outside the bar with the girl, did you
11 observe anything out of the ordinary?

12 A. The only thing I observed was, you
13 know, 15, 20 minutes, in that time frame, a car
14 come around the corner and it sounded like
15 something was dragging. And then when I looked
16 over, I seen the front end of it was messed up.

17 Q. Okay. What kind of vehicle was it?

18 A. To be honest, it was a Cadillac.

19 Q. Okay. Was it an SUV or sedan?

20 A. Sedan four-door.

21 Q. Do you recall about what color it was?

22 A. It was a dark color, so I don't know if
23 it was dark green, dark black, dark blue. It was
24 just a darker color.

25 Q. And when that vehicle pulled into the

1 parking lot, how many people were in the vehicle?

2 A. Just one.

3 Q. What was the sex of the driver?

4 A. A male.

5 Q. Had you ever seen this gentlemen
6 before?

7 A. I had noticed him earlier that night
8 when I got into the bar, as I glanced around the
9 bar, but I had never seen him nowhere else prior to
10 that.

11 Q. I see. But did you recognize this
12 individual as being in the bar earlier in the
13 evening?

14 A. Yes, sir.

15 Q. What do you recall happening next?

16 A. Well, when he got out of the car, he
17 was ranting that he was looking for his phone. He
18 needed to get into the bar to get to his phone,
19 that he'd left it in there. And then he said
20 something about he needs to make a phone call to
21 his wife, about he's going to lose his kids or
22 something like that.

23 You know, I'm talking to her more than
24 anything. Then he goes and knocks on the bar doors
25 trying to get in. Of course the doors close at

1 2:00. They won't let you in, period, no matter who
2 you are.

3 Q. Okay. And you observed the gentlemen
4 banging on the door?

5 A. Several times, yeah, trying to get
6 somebody's attention to see if his phone was inside
7 the bar.

8 Q. Okay. How far away were you from him?

9 A. From which point? From when he got
10 there or --

11 Q. Yes.

12 A. I'd say 15 yards.

13 Q. Okay. Was he -- what else was he
14 trying to do when he was in the parking lot that
15 night?

16 A. He was trying to use other people's
17 phones, maybe to call his wife or call his phone.
18 I don't know exactly what he was trying to call
19 with another person's phone. He asked to use mine.
20 I didn't want to let him use my phone because I
21 didn't want to get involved with other people
22 calling me later on.

23 So he tried to use her phone, and I
24 guess he didn't work it right or whatnot, pushed
25 the wrong numbers, and then he gave it back to her.

1 He couldn't figure out how to use it.

2 Q. And this her being the girl that you
3 were talking to?

4 A. That I was talking to, yes, sir.

5 MR. CANNON: Okay. May I approach the
6 witness?

7 THE COURT: You may.

8 BY MR. CANNON:

9 Q. Mr. Bryant, I'm showing you two photos.
10 Do you recognize those?

11 A. Yes. That's the parking lot of the BFE
12 Bar.

13 Q. Does that -- do those photographs
14 accurately reflect the bar on the evening of
15 March 6th, early morning of March 7th of 2015?

16 A. Yes. The only thing that's -- no, it's
17 all the same. Because I was sitting on the picnic
18 tables there and he pulled up.

19 Q. I'm going to get there. I'm going to
20 get there.

21 That's an accurate reflection of what
22 the parking lot looked like that night --

23 A. Looks like --

24 Q. -- that night?

25 A. Yes, sir.

1 MR. CANNON: At this time, Your Honor,
2 I would like to admit Exhibits 5 and 6 into
3 evidence.

4 THE COURT: Any objection?

5 MR. BOLES: No objection, Your Honor.

6 THE COURT: Without objection, State's
7 5 and 6, which are photographs, are
8 admitted.

9 (STATE EXH. 5 in evidence.)

10 (STATE EXH. 6 in evidence.)

11 BY MR. CANNON:

12 Q. Look behind you right here, Mr. Bryant.
13 Can you tell the jury what this is?

14 This is a laser. You can use it to
15 point.

16 What is this?

17 A. This is the parking lot of BFE.

18 Q. Okay. Do you see the front door to the
19 BFE?

20 A. Yes, sir, right there. (Indicating)

21 Q. And is that the same door that you saw
22 the gentleman pounding on trying to get in after he
23 returned?

24 A. Right here where the laser is at.

25 (Indicating) Yes, sir.

1 MR. CANNON: To the next one, please.

2 BY MR. CANNON:

3 Q. Now we're looking at Exhibit 6. This
4 is a different angle. Do you recognize this?

5 A. Yes, sir.

6 Q. And you can, again, still see the same
7 front door?

8 A. Yes, sir.

9 Q. In this picture, do you see some picnic
10 tables off to the right?

11 A. Yes, sir.

12 Q. Were those picnic tables there on the
13 night of March 6th --

14 A. Yes, sir.

15 Q. -- early morning of March 7th?

16 A. Yes, sir.

17 Q. When you came out of the bar, where did
18 you go? Where did you walk to?

19 A. I walked from the front door all the
20 way over to these picnic tables.

21 Q. Okay.

22 A. Because I had my bike parked right
23 there.

24 Q. And when you say bike?

25 A. My scooter, my moped.

1 Q. And you're sitting on this -- on these
2 bench -- picnic benches?

3 A. Yes, sir, right there.

4 Q. And can you tell me where the Cadillac
5 pulled into the parking lot?

6 A. Over here by where this white truck is
7 parked at, exactly the same way he's parked. He
8 pulled in and faced towards the other side.

9 Q. Did you ever get up and walk over to
10 see the Cadillac?

11 A. No, sir.

12 Q. Okay. Did the defendant ever ask you
13 to come over to his vehicle?

14 A. No, sir.

15 Q. Okay. Mr. Bryant, after you were
16 there, how long was the defendant there -- or was
17 the subject there for?

18 A. Give or take, 20, 25 minutes. He
19 wasn't there very long.

20 Q. Okay. And what statements did he make
21 in general?

22 A. The fact is that he said that his
23 wife's got him now. He's going to take -- she's
24 going to take the kids for good now, and the fact
25 that he just hit somebody on 176. I had no clue

1 what that really meant, whether it was another car,
2 motorcycle, a person on a bicycle. Pretty much
3 that's what he was saying.

4 Q. How was he acting?

5 A. Very upset at the factor that he was
6 getting ready to lose his kids on that factor. He
7 kept saying that factor: He didn't want to lose
8 his kids. Whatever that meant was between him and
9 his wife.

10 Q. After this exchange from that subject,
11 that male, what did he do next?

12 A. He walked around the parking lot
13 talking about, you know, losing his kids. His wife
14 had got him now. He couldn't get into the bar. He
15 knocked on the door next to the car that was next
16 to him. I guess there was somebody passed out in
17 there. Couldn't get no information on that.

18 He had asked to use somebody's phone
19 again. Then he eventually gets in his car and
20 finds his car -- finds his phone on the floorboard.
21 Then he leaves.

22 Q. He found his phone right on the --

23 A. On the floorboard of his car.

24 Q. When he found that, what did he say?

25 A. He said, I found my phone. And he

1 started calling somebody, got in his car and left.

2 Q. Okay. From the time frame from him
3 finding his phone to the time of leaving, how long
4 was that?

5 A. Probably seconds. Not very long. He
6 found his phone and then he got -- he said, I found
7 my phone. He got in the car and then he pulled
8 out.

9 Q. After that happened, how much longer
10 did you stay at the BFE Bar?

11 A. Probably another 35, 40 minutes. It
12 was about 3:00 before I had left, before she got
13 picked up and then I left. And then I was heading
14 home. I live off of Domingo, so I turned on 176
15 and that's where they stopped me. Goose Creek
16 police officer stopped me.

17 Q. So let me back up real quick. You left
18 the BFE Bar 35 minutes after he left, roughly?

19 A. Give or take, yes.

20 Q. The defendant left, the subject left
21 roughly. And you traveled 17A?

22 A. Yes. I went out 17A to 176.

23 Q. Okay. Did you make a left turn on 176?

24 A. Yes, sir.

25 Q. And you said, they stopped me. Who's

1 they?

2 A. Goose Creek Police Department stopped
3 me right past the Farmers Merchant Bank right
4 there.

5 Q. Would you have passed the Sunoco?

6 A. Yes. I had passed the Sunoco and
7 turned left onto 176 going towards Jedburg, going
8 back towards Domingo.

9 Q. When you were stopped by law
10 enforcement, what did you tell them?

11 A. I asked them what was going on. They
12 said an accident happened. I was like, well, did
13 it happen to have occurred by a hit and run. And
14 that's when they said yes. I was like, well, I
15 might know something about it.

16 Q. Okay. Let me stop you right there.
17 After you had that interaction with the officer,
18 what did you do next?

19 A. I just gave them my statement.

20 Q. Okay. You just told them what you
21 knew?

22 A. Told them what I knew then and there on
23 the factor of what would happen in my case.

24 Q. Where did you leave to go from there?

25 A. I left and went up towards -- back on

1 17 towards Moncks Corner to come into Fairley, to
2 come through the back -- other side of that
3 neighborhood.

4 Q. That's another way to get into your
5 neighborhood?

6 A. That's another way to get into the
7 neighborhood, yes.

8 MR. CANNON: Beg the Court's
9 indulgence?

10 THE COURT: Okay.

11 BY MR. CANNON:

12 Q. Do you recognize the individual in the
13 courtroom today that you saw that night?

14 A. Yes, sir.

15 Q. What is he wearing?

16 A. He's wearing the blue suit right there.

17 Q. Okay. And let me ask you this
18 question: The location of BFE Bar to that
19 intersection of 176 where you made contact with the
20 law enforcement, how long is that? What's the
21 distance between those two points?

22 A. Maybe two miles from BFE to the 176.
23 Give or take, a mile-and-a-half.

24 Q. And it's just a straight road?

25 A. Straight road.

1 MR. CANNON: Okay. No further
2 questions for this witness, Your Honor.

3 THE COURT: Cross-examine.

4 CROSS-EXAMINATION

5 BY MR. BOLES:

6 Q. Good afternoon, Mr. Bryant.

7 A. Good afternoon.

8 Q. Let's see. You testified that prior to
9 being at BFE you were at a pub?

10 A. JR's Pub, yes, sir, in Goose Creek.

11 Q. What hours were you at the Pub?

12 A. From 8:00 to about 10:00.

13 Q. And after you left that pub, you went
14 to BFE you said?

15 A. Directly to BFE, yes.

16 Q. Not drinking at either of these
17 locations?

18 A. I don't drink, no, sir.

19 Q. You were gambling for pool?

20 A. I was trying to, but nobody wanted to
21 play me.

22 Q. Couldn't find anybody to take you on?

23 A. Nobody wanted to play me.

24 Q. Okay. How often do you play pool for
25 money?

1 A. For money? Not very much because
2 nobody wants to play.

3 Q. Let's see. You have an accurate
4 recollection of what the -- what events you
5 testified to earlier today?

6 A. Yes, sir.

7 Q. Okay. You testified that you saw
8 Sam Broadway pull up to the parking lot of BFE?

9 A. After the fact, yeah. After the fact
10 that the bar was closed.

11 Q. Okay. You saw him bang on the door?

12 A. Yes, sir.

13 Q. And no one let him in?

14 A. Nobody let him in.

15 Q. He asked to use your phone?

16 A. Yes, sir.

17 Q. And you didn't let him?

18 A. No, sir.

19 Q. Did you have a phone on you?

20 A. Always do.

21 Q. He asked to use other people's phones
22 in the parking lot?

23 A. He asked --

24 THE COURT: Hold on. Sir, if you could
25 sit closer to that mic. Bring it closer to you.

1 There you go. Thank you, sir.

2 THE WITNESS: Sorry.

3 BY MR. BOLES:

4 Q. I'll restate the question. He asked to
5 use other people's phones in the parking lot?

6 A. Yes, sir.

7 Q. And they all told him no as well?

8 A. The only person that let him use it was
9 the female I was talking to. She tried to let him
10 use the phone, but I guess he couldn't figure out
11 how to work her phone, so he give it back to her.

12 Q. Okay. Did she work it for him?

13 A. No.

14 Q. Did you offer any assistance to him?

15 A. No, sir. Maybe I should have, but I
16 didn't.

17 Q. Okay. No offers at all?

18 A. No, sir.

19 Q. Let's see. You also testified that you
20 think he was there about 20 to 25 minutes?

21 A. That he was?

22 Q. Yes, sir.

23 A. Yes, sir.

24 Q. In the parking lot?

25 A. And you said that you believe he said

1 he wanted to call his wife?

2 A. Yes, sir. His ex-wife. Ex-wife.

3 Q. Okay. You also said he was concerned
4 about a custody issue?

5 A. Yes. That's exactly what he was
6 talking about.

7 Q. At the same time?

8 A. Same time.

9 Q. Okay. Do you know whether the phone
10 that he found in his car was operational?

11 A. No, sir, I do not know.

12 Q. Do you think it's about
13 one-and-a-half-miles from the location where you
14 saw the defendant to the intersection where that
15 Sunoco is?

16 A. Yes, sir, give or take.

17 Q. Okay. And you said that this was an
18 accurate -- these pictures are accurate depictions
19 of the bar at the time?

20 A. Yes, sir.

21 Q. Okay. There's a blue sky in the
22 picture right here.

23 A. There was a blue sky.

24 Q. Was there blue sky at the time --

25 A. Somewhere.

1 Q. -- you saw Mr. Broadway?

2 A. Somewhere there's a blue sky.

3 Q. Okay. Again, getting back to these

4 photos --

5 THE COURT: Mr. Boles, move on, please.

6 This is argumentative. Thank you, sir.

7 BY MR. BOLES:

8 Q. Are there any phone booths in these

9 photos?

10 A. Phone booths?

11 Q. Yes.

12 A. No, sir.

13 Q. I'm sorry?

14 A. I don't think so.

15 Q. Do you know where the defendant -- did

16 you observe or have any personal knowledge of where

17 the defendant went after he left BFE?

18 A. The second time or the first time?

19 Q. After he --

20 A. After.

21 Q. After he asked to borrow a telephone

22 and was denied, you testified that he left --

23 A. Okay.

24 Q. -- correct?

25 A. Yes, sir.

1 Q. Do you know where he went?

2 A. No, sir.

3 MR. BOLES: Thank you. That's all the
4 questions I have.

5 THE COURT: Redirect?

6 MR. CANNON: One question, Your Honor.

7 REDIRECT EXAMINATION

8 BY MR. CANNON:

9 Q. Mr. Bryant, did the defendant ever --
10 when he got to the parking lot, ever ask anyone to
11 call the police?

12 A. No, sir.

13 Q. Okay. So you don't know who he was
14 trying -- wanting to call?

15 A. No, sir.

16 Q. But he did not ask you or anyone else
17 that you are aware of to call the police?

18 A. No, sir.

19 MR. CANNON: No further questions, Your
20 Honor.

21 THE COURT: Recross?

22 MR. BOLES: No, sir, thank you.

23 THE COURT: Okay. You may step down.

24 Do you wish the witness to be excused?

25 MR. CANNON: He's excused, Your Honor.

1 THE COURT: Any objection?

2 MR. BOLES: No objection.

3 THE COURT: You are free to leave, sir.

4 MR. CANNON: Thank you.

5 THE COURT: Call your next witness.

6 MR. CANNON: State calls Sergeant

7 Conrad Stayton.

8 CONRAD STAYTON

9 being first duly sworn, testified as follows:

10 THE CLERK: If you will have a seat.

11 State your full name for the record and spell your
12 last name, please.

13 THE WITNESS: Conrad Sam Stayton,
14 spelled S-T-A-Y-T-O-N.

15 DIRECT EXAMINATION

16 BY MR. CANNON:

17 Q. Sergeant Stayton, where do you work?

18 A. City of Goose Creek Police Department.

19 Q. And how long have you worked at Goose
20 Creek?

21 A. I was employed September 2004, left
22 around April of 2006 to go the Charleston County
23 Sheriff's Office, and then returned September 2008.

24 Q. Okay. And what are your
25 responsibilities as a sergeant with the Goose Creek

1 Police Department?

2 A. Supervisor and management of a squad of
3 personnel, approximately four to five patrol
4 officers, handling routine calls for the city,
5 calls for service, 911 calls, traffic enforcement,
6 enforcement of State law and city ordinance.

7 Q. What sort of training and experience do
8 you have to become a sergeant with Goose Creek?

9 A. I have a four-year bachelor's degree at
10 the Citadel in criminal justice. I attended basic
11 law enforcement at the training academy of South
12 Carolina, which was completed in February of 2005.
13 I am a certified field training officer, speed
14 management device operator, DataMaster operator,
15 standard field sobriety tests and squad operator.

16 Q. Would your responsibilities previously
17 discussed that you just mentioned have been the
18 same on March 7, 2015?

19 A. Yes.

20 Q. Do you recall responding to a collision
21 on Highway 176 and in Goose Creek?

22 A. I do.

23 Q. What county was the location of this
24 accident that you responded to?

25 A. Berkeley County.

1 Q. Okay. And how were you notified of
2 this, to respond to this location?

3 A. Communications dispatched one of my
4 officers to respond. It -- typically, a vehicle
5 versus a moped doesn't sound like a good accident,
6 so we -- myself and a lieutenant responded as well.

7 Q. When you arrived, who was on scene at
8 that time?

9 A. I'm not sure who -- I was one of the
10 first on the scene myself, but PFC Carlson and
11 Lieutenant Upchurch got there about the same time.

12 Q. Can you describe the area of the
13 location of where this accident occurred?

14 A. You mean the highway and -- it's a
15 two-lane highway right between 17A and Domingo.
16 It's got a short grass shoulder on either side and
17 a wooded area on both sides.

18 Q. When you arrived on scene, what did you
19 first encounter?

20 A. I saw wreckage on scene and a white
21 male laying on the right side of the roadway if
22 you're heading -- I believe it's westbound on the
23 state road.

24 Q. Away from Goose Creek?

25 A. Away from Goose Creek towards Cane Bay.

1 Q. Were you able to determine what kind of
2 vehicle that gentleman had been riding?

3 A. There was, I believe, a witness on
4 scene, I want to say it's a girlfriend, that we
5 spoke to who described it as a white or off
6 white --

7 Q. I'm concerned with the vehicle that --
8 the gentleman laying on the side of the road, were
9 you able to determine what kind of vehicle he was
10 operating?

11 A. Yes.

12 Q. What was that?

13 A. A moped.

14 Q. Okay. Were there any other cars that
15 had been indicative of being in a wreck on scene?

16 A. No.

17 Q. Okay. After you arrived on scene and
18 kind of understood and were briefed on what had
19 happened; what did you do next?

20 A. I put out to the patrol units in the
21 area to be on the lookout for a vehicle that was
22 provided to me as the suspect vehicle, a white --
23 it was a white vehicle.

24 I then took over traffic direction
25 right after Domingo -- or right before Domingo,

1 excuse me, headed towards -- away from Goose Creek.

2 Q. Would it have been west of the accident
3 scene?

4 A. Yes.

5 Q. Okay. How long did you remain on
6 scene?

7 A. I was on scene until traffic units
8 arrived.

9 Q. And from the time you arrived, did you
10 ever leave the scene?

11 A. I did.

12 Q. What were you -- why did you leave the
13 scene?

14 A. I left to go look for the vehicle that
15 was provided. We had information that it had
16 headed on 17A towards Summerville, and I just
17 patrolled the area and I attempted to locate it.
18 And I think we had an officer meet with someone who
19 relayed to us that the vehicle was last seen at a
20 bar. I think it's called BFE.

21 Q. Okay.

22 A. And I responded there as well.

23 Q. Was there a vehicle matching that
24 description -- matching the description you were
25 given at the location?

1 A. No.

2 Q. What did you do next?

3 A. I went back in service until later on
4 when I received a phone call from our
5 communications that -- I believe the father-in-law
6 of the defendant made contact and advised that his
7 son-in-law and the vehicle were at his address off
8 of Strawberry -- somewhere on Strawberry off of 52.

9 Q. Did you dispatch to that area?

10 A. I relayed it to Officer Davis and we
11 all went over there, myself and Officer Davis.

12 Q. When you arrived on scene, did you
13 observe any vehicles matching the description of
14 the vehicle you were looking for?

15 A. Yes.

16 Q. Can you tell the jury what type of
17 condition that vehicle was in?

18 A. The vehicle had heavy front-end -- not
19 heavy, but front-end damage.

20 Q. All right. And when you say front end,
21 which front end grill were you talking about?

22 A. The front where the grill and the
23 headlights are.

24 Q. Driver's side or passenger's side?

25 A. I can't recall.

1 Q. Okay. Did you do anything else to
2 assist in this case?

3 A. No.

4 Q. While you were on scene, did you ever
5 observe a vehicle with front-end damage come back
6 to the scene?

7 A. No.

8 Q. Okay. And to be -- try to clear -- let
9 me clarify some things. What was the time frame
10 from the time you responded to the initial accident
11 scene to the time you responded to Moncks Corner?

12 A. I cannot be exact. Approximately,
13 four-and-a-half-hours.

14 Q. Okay. It wasn't within immediate -- I
15 mean, it wasn't within minutes or --

16 A. No.

17 Q. -- an hour? It was roughly a couple of
18 hours you're saying?

19 A. Four-and-a-half, five hours.

20 MR. CANNON: Okay. No further
21 questions.

22 THE COURT: Cross-examine.

23 MR. BOLES: Thank you, Your Honor.

24 CROSS-EXAMINATION

25 BY MR. BOLES:

1 Q. Officer Stayton.

2 A. Yes, sir.

3 Q. I just want to be clear on your
4 testimony. You said that when you arrived at the
5 scene of the accident, only the girlfriend was
6 present?

7 A. That's the only person I talked to.

8 Q. There was a young lady present also and
9 that was it?

10 A. The girlfriend.

11 Q. Yes, sir.

12 A. There were other people. I just don't
13 recall who.

14 Q. Okay. Did you speak with anyone else
15 besides the young lady?

16 A. Not that I recall.

17 Q. Can you describe for the jury what that
18 part of 176 is like at that time of night?

19 A. I believe there is one street light at
20 the intersection of 176 Domingo. Other than that,
21 it's not lit.

22 Q. Is it dark? Is it safe to say it's
23 dark?

24 A. At night, yes.

25 Q. Okay. And according to your

1 investigation, you learned that the father-in-law
2 called 911?

3 A. I was given that information from our
4 communications.

5 Q. Okay. And you responded to that 911
6 call?

7 A. I'm not sure if he called 911. I just
8 know he made contact with our communications, not
9 to me personally, and communications called me. I
10 was the supervisor at the time.

11 Q. And based on the information, you went
12 to the residence at Chaff Lane?

13 A. Yes.

14 Q. When you got there, the defendant,
15 Mr. Broadway, was there?

16 A. Yes.

17 Q. Okay. And he talked to law
18 enforcement?

19 A. He didn't talk to me.

20 Q. Okay. Are you aware if he talked to
21 law enforcement?

22 A. I believe it was the investigating
23 officer, Davis.

24 Q. Okay. Did you find him hiding in a
25 closet?

1 A. I did not, no.

2 Q. Okay. Do you know if your
3 investigation turned out that he was hiding
4 anywhere in the residence?

5 A. Not that I know of.

6 Q. In fact, he met law enforcement in the
7 driveway?

8 A. I believe so.

9 Q. Okay. And he spoke with law
10 enforcement at the residence at Chaff Lane,
11 correct?

12 A. I believe so, yes.

13 Q. Okay. And then you left that
14 evening -- or, I'm sorry, that morning rather at
15 some point. And did you arrest Mr. Broadway?

16 A. I left prior to the -- there were still
17 units on scene.

18 Q. Do you have any personal knowledge of
19 whether law enforcement made an arrest in
20 connection with this incident --

21 A. That morning?

22 Q. -- at that --

23 A. I do not believe it was that morning.

24 Q. Okay. Do you have any personal
25 knowledge of how long it was until the warrant was

1 issued?

2 A. I do not know.

3 Q. Okay. Do you have any personal
4 knowledge about whether Mr. Broadway's phone was
5 functioning at the time of this incident?

6 A. I do not.

7 Q. Did you investigate whether
8 Mr. Broadway's phone was functioning at the time of
9 the accident?

10 A. I do not know if they investigated it
11 or not. That was handled by traffic.

12 MR. BOLES: Okay. Those are all the
13 questions I have for you. Thank you for being
14 here.

15 THE COURT: Redirect?

16 MR. CANNON: No further questions for
17 this witness, Your Honor.

18 THE COURT: Okay. You may come down,
19 sir.

20 THE WITNESS: Thank you.

21 MR. CANNON: May we approach, Your
22 Honor?

23 (Off-the-record conference.)

24 THE COURT: All right. Ladies and
25 gentlemen, at this point now, and the length of the

1 next witness, I think we have come to a good point
2 to take our recess.

3 Please know that you are not at liberty
4 to talk about this case among yourselves or with
5 anyone, and that includes when you get home
6 tonight. If there's somebody there, I imagine the
7 first question will be, what is going on? What are
8 you talking -- what's happening?

9 The temptation there is to talk about
10 it. If you do, you will have commenced your
11 individual deliberations by discussing it. So tell
12 them you can talk about it later, but not right
13 now.

14 And I would ask you to be back in your
15 jury room -- I have scheduled some matters not
16 related to this case in the morning at 9:30, so
17 we'll get a little bit later return. If you will
18 come in at 10:00 tomorrow, come directly to the
19 jury room. No need to call the number today
20 because that obviously does not apply to you.

21 Have a good evening and thank you for
22 your attention thus far. You may retire.

23 (Jury out, 4:38 p.m.)

24 THE COURT: Anything from the State
25 before we recess?

1 MR. CANNON: No, Your Honor.

2 THE COURT: Anything from the defense?

3 MR. BOLES: No, Your Honor.

4 THE COURT: Thank you very much.

5 And, again, Mr. Broadway, I will allow
6 you to remain out on bond, but please understand
7 that we've started the trial and I expect that you
8 will be here tomorrow, but if you're not, we will
9 continue in this matter.

10 THE DEFENDANT: Yes, sir.

11 MR. BOLES: Thank you, Judge.

12 (These proceedings were recessed at
13 4:44 p.m., to be continued 11/29/2016.)

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1 (The following proceedings were had
2 11/29/2016, in re State v. Broadway, Berkeley
3 County Circuit Court, 10:05 a.m.)

4 THE COURT: Is the State ready?

5 MR. CANNON: It is, Your Honor.

6 THE COURT: Is the Defendant ready?

7 MR. BOLES: Yes, sir, Your Honor.

8 THE COURT: Let the record reflect

9 Mr. Broadway is present.

10 Bring in the jury, please.

11 (Jury in at 10:00 a.m.)

12 THE COURT: Ladies and gentlemen, I

13 hope you had a restful evening. We will continue
14 the matter we started yesterday, and I ask you now
15 to give your attention to the next witness.

16 Solicitor, good morning. You may call
17 your next witness.

18 MR. MCNEELY: Thank you, Your Honor.

19 The State calls Darius Ambroziak.

20 DARIUS AMBROZIAK

21 being first duly sworn, testified as follows:

22 THE CLERK: Please state your name for
23 the record and spell your last name.

24 THE WITNESS: A-M-B-R-O-Z-I-A-K.

25 DIRECT EXAMINATION

1 BY MR. CANNON:

2 Q. Good morning, Officer Ambroziak. Where
3 are you currently employed?

4 A. City of Goose Creek.

5 Q. In what capacity are you employed
6 there?

7 A. Patrol officer..

8 Q. How long have you been with Goose Creek
9 Police Department?

10 A. About nine years.

11 Q. Were you working in that capacity
12 during March of 2015?

13 A. I was not.

14 Q. What were you doing during that time?

15 A. I was off duty at home.

16 Q. Well, during the month of March 2015,
17 were you employed with Goose Creek as a patrol
18 officer?

19 A. Yes...

20 Q. Okay. During that time, did you assist
21 in the investigation of a hit-and-run incident that
22 occurred on Highway 176 in Goose Creek?

23 A. Yes, I did.

24 Q. Did that occur in Berkeley County?

25 A. Yes.

1 Q. Did you respond to the scene of the
2 incident on the night of March 7th?

3 A. I did not.

4 Q. Were you off duty at that time?

5 A. Yes.

6 Q. What was your involvement in the
7 investigation?

8 A. A couple of days later, I went to the
9 Sunoco at the intersection of 17A and 176 to obtain
10 surveillance footage. I wasn't able to get
11 anything, and I found a witness and I had him do a
12 statement.

13 After that I went to the 911 center in
14 Berkeley County, and I got a recording of the 911
15 call.

16 Q. Let's back up. When you were at the
17 Sunoco, you mentioned you located a witness?

18 A. Yes.

19 Q. Who was that witness?

20 A. I don't recall his name.

21 Q. Would your report refresh your
22 recollection?

23 A. It would, yes. Thank you.

24 MR. MCNEELY: Permission to approach?

25 THE COURT: Mark it for identification.

1 (STATE EXH. 33, Statement, was marked
2 for identification.)

3 THE WITNESS: Mr. White, his name was
4 Mr. White, the witness.

5 BY MR. MCNEELY:

6 Q. The witness that you located at the
7 Sunoco, what was his name?

8 A. Jason White.

9 Q. Did you take a formal statement from
10 him?

11 A. I did, yes.

12 Q. After you left the Sunoco, what did you
13 do in this case?

14 A. I went to the 911 center, Berkeley
15 County 911 Dispatch Center, and I got recordings of
16 the 911 call placed to that center.

17 Q. Was that on a disc?

18 A. Yes, on a disc.

19 Q. What did you do with that disc?

20 A. I reviewed it at the police station to
21 make sure it was working okay and placed it into
22 evidence.

23 Q. Did you do anything else on the case?

24 A. No.

25 Q. You mentioned you attempted to obtain

1 surveillance video?

2 A. Yes.

3 Q. Why were you unable to get surveillance
4 video?

5 A. It was a brand-new building, they'd
6 just built it, and they hadn't worked out the kinks
7 yet. So it wasn't working.

8 Q. So the cameras weren't operational at
9 that time?

10 A. Yes.

11 MR. MCNEELY: No further questions for
12 this witness, Your Honor.

13 THE COURT: Cross-examine?

14 MR. BOLES: Yes.

15 CROSS-EXAMINATION

16 BY MR. BOLES:

17 Q. Officer Ambroziak, good morning.

18 A. Morning.

19 Q. I just want to be clear about a couple
20 of things you said. You were not able to get
21 footage from the Sunoco because it was a brand-new
22 building?

23 A. Yes. It was just -- they had just
24 constructed it, yes.

25 Q. It had just recently opened?

1 A. Yes.

2 Q. Do you know what was there before the
3 Sunoco was there?

4 A. It was an old gas station and it wasn't
5 operational.

6 Q. Okay. And also, to be clear, you did
7 not investigate the scene of the accident?

8 A. I did not.

9 Q. You do not know anything about what
10 happened after the accident that relates to the
11 defendant?

12 A. No.

13 MR. BOLES: All right. Thank you.

14 THE WITNESS: Thank you.

15 THE COURT: Redirect?

16 MR. MCNEELY: No, Your Honor.

17 THE COURT: You may step down.

18 Do you wish the witness to be excused?

19 MR. MCNEELY: Yes, sir.

20 THE COURT: Any objection, Mr. Boles?

21 MR. BOLES: No objection.

22 THE COURT: You're free to leave,

23 Officer.

24 Call your next witness.

25 MR. CANNON: State calls Logan Wolfson.

1 LOGAN WOLFSEN

2 being first duly sworn, testified as follows:

3 THE CLERK: State your full name and
4 spell your last name for the record.

5 THE WITNESS: Yes, ma'am. My name is
6 Robert Logan Wolfesen. The last name is
7 W-O-L-F-S-E-N.

8 DIRECT EXAMINATION

9 BY MR. MCNEELY:

10 Q. Good morning, Officer Wolfesen.

11 A. Good morning, sir.

12 Q. Where are you currently employed?

13 A. The City of Goose Creek Police
14 Department.

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

17 A. I am a PFC patrolman. I have been
18 there for about four-and-a-half-years.

19 Q. Were you working in that capacity
20 during March of 2015?

21 A. I was a regular patrolman.

22 Q. During that time, were you dispatched
23 to respond to an incident that occurred on
24 Highway 176 there at the intersection with 17A in
25 Goose Creek?

1 A. Yes, sir.

2 Q. Was that on the evening of
3 March 7, 2015?

4 A. Yes, sir.

5 Q. Were you on duty at that time?

6 A. Yes, sir.

7 Q. Was that in Berkeley County?

8 A. Yes, sir.

9 Q. Please tell the jury why you were
10 dispatched to that location.

11 A. I was dispatched to that location in
12 reference to traffic control for a collision that
13 occurred.

14 Q. What time were you dispatched to that
15 location, approximately?

16 A. To be honest, I wouldn't know off the
17 top of my head.

18 Q. Was it in the early morning hours?

19 A. Yes.

20 Q. Did you respond to that location?

21 A. I did.

22 Q. What did you do when you responded to
23 the location?

24 A. I parked my patrol vehicle alongside --
25 it's -- 176 turns into a State road once you pass

1 17A. There is a bank there, and I parked in an
2 effort to make my vehicle parallel to the roadway
3 to turn around any traffic that would be able to
4 come up the State road.

5 Q. So you were directing traffic?

6 A. Yes, sir.

7 Q. While directing traffic that night,
8 were you able to gather any information useful in
9 the investigation in this incident?

10 A. I was, yes, sir, on two separate
11 instances.

12 Q. Please explain to the jury.

13 A. On the first instance, when traffic was
14 still a little bit heavy, an individual came up to
15 me in a vehicle and he stated that he had been at
16 the Sunoco at Highway 176 and 17A and spoke with
17 the clerk who stated that he may have seen
18 something involved in a collision.. He didn't know
19 exactly what, from speaking with the clerk, but
20 just that he may have seen something.

21 Q. What did you do with that information?

22 A. I relayed it across the radio to the
23 duty supervisor.

24 Q. Who was that?

25 A. Sergeant Vazquez.

1 Q. What happened after that?

2 A. I continued directing traffic. A
3 little bit later on in the evening, an individual
4 on a moped came up to me and asked what had
5 happened. I told him there was a collision, and he
6 gave me information that he had been at a bar
7 called BFE Bar, and that an individual in a gray
8 Cadillac, a white male, had come there and stated
9 that he struck someone on 176, which turns into
10 State Road, that he thought that he may have
11 injured him, potentially seriously.

12 He asked to use someone's cell phone,
13 nobody would let him, and then he got back in his
14 vehicle and departed. And he described the person
15 as wearing black pants and a white pin-striped
16 shirt.

17 Q. Did you get that individual's name?

18 A. I did.

19 Q. Do you recall his name?

20 A. Mr. Bryant.

21 Q. What did you do with that information?

22 A. I relayed it across the radio to the
23 duty supervisor.

24 Q. What did you do after that?

25 A. I continued directing traffic until I

1 was released from the scene.

2 Q. Did you take any formal witness
3 statements from anyone?

4 A. No.

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

7 A. I did not.

8 Q. While you were directing traffic near
9 the intersection of 176 and 17A, did you observe a
10 vehicle matching the description of the one
11 involved in this incident?

12 A. I did not.

13 Q. Did you ever see a Cadillac with
14 front-end damage near the incident scene?

15 A. I did not.

16 Q. How long were you on scene that night?

17 A. Two to three hours would be my guess.

18 Q. And you never saw a Cadillac?

19 A. Not with any damage to it.

20 MR. MCNEELY: No further questions.

21 THE COURT: Cross examine?

22 CROSS-EXAMINATION

23 BY MR. BOLES:

24 Q. Good morning, Officer. Real briefly,
25 you said that an individual named Justin Bryant

1 spoke to you that evening?

2 A. Yes, sir.

3 Q. And Mr. Bryant was driving a moped?

4 A. Correct.

5 Q. And Mr. Bryant told you that he had
6 seen someone who was describing the accident you
7 were there about?

8 A. He was describing a vehicle that had
9 come to a parking lot where he was, and said that
10 he may have been -- that individual said he may
11 have been involved in the collision.

12 Q. And he said that the individual who was
13 driving that car was denied use of cell phones from
14 people.

15 A. He said no one at the bar allowed him
16 to use their cell phone. That's what he told me.

17 Q. Okay. So did he say that the defendant
18 had been asking people to use a cell phone?

19 A. Yes.

20 Q. And everyone told him no?

21 A. Correct.

22 MR. BOLES: Okay. Thank you.

23 THE WITNESS: Yes, sir.

24 THE COURT: Redirect?

25 MR. MCNEELY: Nothing further from the

1 State, Your Honor.

2 THE COURT: All right. Do you wish the
3 witness to be excused?

4 MR. MCNEELY: He may.

5 THE COURT: Any objection?

6 MR. BOLES: No objection.

7 THE COURT: Mr. Wolfson, thank you.

8 You are excused.

9 Call your next witness.

10 MR. MCNEELY: State calls

11 Lieutenant Vazquez.

12 ROBERT VAZQUEZ

13 being first duly sworn, testified as follows:

14 THE CLERK: Please be seated. State

15 your full name and spell your last name for the

16 record.

17 THE WITNESS: Yes, ma'am.

18 Robert Louis Vazquez. The last name is

19 V-A-Z-Q-U-E-Z.

20 DIRECT EXAMINATION

21 BY MR. MCNEELY:

22 Q. Good morning, Sergeant Vazquez.

23 A. Good morning.

24 Q. Where are you currently employed?

25 A. City of Goose Creek Police Department.

1 Q. What is your position there and how
2 long have you been employed there?

3 A. I am a field services sergeant and I
4 have been employed at THE City of Goose Creek for
5 eight-and-a-half-years.

6 Q. What are the duties of your position as
7 a field service sergeant?

8 A. Yes, sir. As a field services
9 sergeant, I supervise and oversee road operations
10 during my shift and I am responsible for the report
11 and the actions of my officers whenever they're
12 working.

13 Q. So essentially you supervise other
14 patrol officers?

15 A. Correct, sir.

16 Q. Were you working in that capacity
17 during March of 2015?

18 A. Yes, sir.

19 Q. Were you working during the early
20 morning hours of March 7, 2015?

21 A. Yes, sir.

22 Q. During that time, were you dispatched
23 to respond to an incident that occurred on
24 Highway 176 near its intersection with 17A in Goose
25 Creek?

1 A. Yes, sir.

2 Q. Was that in Berkeley County?

3 A. Yes.

4 Q. Please tell the jury what incident you
5 were dispatched for.

6 A. I was dispatched in reference to a hit
7 and run that resulted in a fatality. It was a
8 moped versus, at that point, another motor vehicle
9 that wasn't at the scene.

10 Q. Did you respond to the scene that
11 night?

12 A. I did.

13 Q. What did you -- do you recall what time
14 you arrived?

15 A. I don't. I don't know the exact time I
16 arrived.

17 Q. Was it during the early morning hours?

18 A. It was, indeed.

19 Q. What did you do when you arrived?

20 A. By the time that I had arrived, I went
21 down near the scene itself, parked my vehicle so as
22 to block the roadway and assisted the traffic units
23 that were already on the scene that had been
24 dispatched out because of the fatality. And i
25 assisted them and kind of watched over them and

1 watched their back, for lack of a better term,
2 while they collected evidence and did their job. I
3 made sure no one came up and bothered them while
4 they were trying to collect evidence.

5 Q. You mentioned that you were directing
6 traffic?

7 A. Yes, sir.

8 Q. Did you block off the entire roadway at
9 176 at the incident site?

10 A. I can't recall if I did the whole
11 roadway or just one lane because there were other
12 units directing traffic that night. So I guess to
13 say is -- I parked my vehicle in the roadway and I
14 assisted the traffic units by making sure that they
15 could do their job and they weren't being bothered.

16 Q. Was Traffic investigating the incident?

17 A. Yes, sir.

18 Q. Okay. Was EMS on the scene when you
19 arrived?

20 A. I do not recall any EMS units being on
21 the scene. And the fire was there; they weren't
22 there for long.

23 Q. Did you see the victim in this
24 incident?

25 A. I don't recall seeing the victim at

1 all. I remember seeing the moped that was being --
2 that was used during the -- the incident, but I
3 don't remember seeing the victim. I believe they
4 had already been carried to the hospital at that
5 point.

6 Q. What did you observe on the roadway
7 when you arrived?

8 A. The first thing that hit me was debris
9 everywhere. It looked as though the moped had
10 just -- someone had taken it apart with a
11 screwdriver and just put the pieces all out in the
12 road, like you were assembling something and you
13 were just starting by taking everything out of the
14 block. It was pieces everywhere.

15 I remember seeing puddles of what I
16 assume was human fluids laying in the roadway,
17 clothing. I remember seeing pieces of clothing,
18 possibly a shoe on a ditch line near the collision
19 site. I remember Traffic being heavily focused in
20 on certain pieces and parts that was just mangled.

21 When they told me it was a moped, I --
22 it took me a minute to put it together in my head
23 what I was seeing was actually a moped.

24 Q. What did you do after that?

25 A. After arriving on scene and seeing

1 everything, I just kind of maintained presence,
2 tried to help them out. If I saw anything off the
3 side of the road, if Traffic was over here and I
4 saw something and, you know, brought their
5 attention to it, but mainly I would just keep eyes
6 on everything.

7 If the other supervisors on the road
8 were asking for something, what was going on scene,
9 I would come over the radio and provide them
10 updates, give them information, request
11 information, things of that nature.

12 Q. At some point while you were on the
13 scene, did you get a description of the other
14 vehicle involved in the incident?

15 A. The description that we had ascertained
16 was a white SUV large that was in the area.

17 Q. Are you positive it was an SUV?

18 MR. BOLES: Objection; leading.

19 THE COURT: Overruled.

20 MR. BOLES: Thank you.

21 THE WITNESS: At this time, that's what
22 I remember, sir.

23 BY MR. MCNEELY:

24 Q. Did you do a report in this incident?

25 A. I did do a report.

1 Q. If I showed it to you, would it help to
2 refresh your recollection?

3 A. Yes.

4 MR. MCNEELY: At this time I would
5 request that it be marked as State's Exhibit 34 for
6 identification.

7 THE COURT: State's 34 for ID only.

8 (STATE EXH. 34, Report, was marked for
9 identification.)

10 THE COURT: Ladies and gentlemen, one
11 of the things -- and you hear these words, ID only
12 and admitted. If it's documents that -- I have had
13 questions concerning this, so I said I would start
14 mentioning it to the jury when it happens.

15 Anything that's admitted into evidence
16 will accompany you to your jury room. You will
17 have an opportunity to review those items as long
18 and in as much depth as you find necessary.

19 Anything that's offered for ID only,
20 you can consider the testimony about it, but you
21 won't have that particular document with you, and
22 that's the distinction. So just for your
23 information.

24 Thank you, Solicitor. You may
25 continue.

1 THE WITNESS: At the time it would
2 appear that, no, it was not a moped. We just had
3 white Cadillac was the description we were given.

4 BY MR. MCNEELY

5 Q. So the description of the vehicle you
6 had at the time involved was a white Cadillac?

7 A. White Cadillac.

8 Q. Did you locate a vehicle matching that
9 description on the scene that night?

10 A. No, sir.

11 Q. What did you do after obtaining the
12 description of the other vehicle involved?

13 A. I was sent to search the area north of
14 the collision site, the Carnes Crossroads area. I
15 searched that area for said white Cadillac with
16 some sort of damage on it. At that point, I didn't
17 want it to be in the realm of possibility that the
18 damage wasn't in one particular area, it was just
19 some sort of damage.

20 I searched the area of the Carnes
21 Crossroads, 17A, and did not locate any vehicle
22 matching that description.

23 Q. How long were you on scene that night?

24 A. A good while. I don't know the exact
25 time, but I was out there for a long time. I

1 remember because it was so cold that night.

2 Q. Was it minutes or hours?

3 A. Hours definitely.

4 Q. During the time that you were on the
5 scene that night, did a vehicle matching the
6 description of the other one involved in the
7 incident ever come to the scene?

8 A. I don't remember seeing any vehicle
9 matching the description come to the scene.

10 Q. Did you ever see a white Cadillac that
11 night?

12 A. Not to my recollection.

13 Q. After you searched for the vehicle,
14 what did you do?

15 A. If memory serves, I went back to the
16 scene, but one moment.

17 I went back to the scene after
18 searching.

19 Q. At that time, did you speak with any
20 other officers?

21 A. I just helped Lieutenant Battista and
22 the rest of the Traffic team. And then there was
23 information that came from another one of our other
24 units in reference to Chaff Lane. I didn't go to
25 Chaff, but that was it.

1 Q. Did you go anywhere else that night?

2 A. I believe I stopped at one of the gas
3 stations. I'm sorry, please forgive me. I'm
4 trying to remember.

5 No. It was Officer Wolfson went to the
6 gas station. I don't think I went anywhere else
7 that night, according to my report, in reference to
8 this.

9 Q. So Officer Wolfson responded to the gas
10 station?

11 A. Yes, sir.

12 Q. Following that night, did you have any
13 further involvement in this incident?

14 A. Just our meetings for this. That's it.

15 Q. Okay. You didn't do anything else in
16 the investigation?

17 A. No, sir.

18 MR. MCNEELY: No further questions from
19 the State, Your Honor.

20 THE COURT: Cross-examine.

21 CROSS-EXAMINATION

22 BY MR. BOLES:

23 Q. Officer Vazquez, good morning.

24 A. Morning.

25 Q. You shared with us some of your

1 observations at the scene of the accident. Did you
2 have occasion to interview Ms. Campbell, who was at
3 the accident scene?

4 A. Ms. Campbell. Ms. Campbell, the
5 girlfriend of the victim?

6 Q. Correct.

7 A. I don't remember speaking to her, no.
8 And according to my report, I did not, no, sir.

9 Q. Okay. Did you -- did you observe skid
10 marks in the grass beside the accident scene?

11 A. I don't remember seeing them or not,
12 sir. I don't have any recollection of skid marks
13 being there or not.

14 Q. Okay. Describe for the jury the
15 lighting conditions at the scene of the accident.

16 A. Before or after we arrived?

17 Q. Let's describe it before there were
18 police lights and such in place.

19 A. That area is very -- actually, I don't
20 believe there's any lights in that area of the
21 roadway. It's a very dark stretch of roadway. You
22 have to make sure your headlights are working at
23 that point. And once we were there, I mean, we had
24 blue lights and red lights all over the place until
25 Traffic cleared up and it was just our lights.

1 Q. Okay. And on either side of the road,
2 what do you see driving down that stretch of 176?

3 A. Trees.

4 Q. Just tall trees on either side?

5 A. Yes.

6 Q. And at that intersection where the
7 accident -- in and around where the accident took
8 place, is there a -- like a light marking that
9 neighborhood?

10 A. Are you talking about Domingo Road?

11 Q. Yes, sir.

12 A. There might be a light at the church
13 after you turn onto Domingo, but I don't believe
14 there is one at the corner. Not to my
15 recollection.

16 Q. Okay. Okay. Did you inspect -- apart
17 from the road where you described the moped parts,
18 did you inspect the grass on either side of the
19 road?

20 A. I looked at the grass, yes, sir, but
21 like I said, I don't remember any skid marks or not
22 being in the grass.

23 MR. BOLES: Okay. Thank you. Those
24 are all the questions I have.

25 MR. MCNEELY: Nothing further from the

1 State.

2 THE COURT: Do you wish him to be

3 excused?

4 MR. MCNEELY: He may.

5 MR. BOLES: No objection.

6 THE COURT: Thank you,

7 Sergeant Vazquez.

8 THE WITNESS: Thank you.

9 THE COURT: Call your next witness.

10 MR. CANNON: State calls

11 Lieutenant Battista.

12 JOSHUA BATTISTA

13 being first duly sworn, testified as follows:

14 THE CLERK: Please be seated. State

15 your full name and spell your last name for the

16 record.

17 THE WITNESS: Joshua James Battista,

18 B-A-T-T-I-S-T-A.

19 DIRECT EXAMINATION

20 BY MR. CANNON:

21 Q. Lieutenant Battista, where do you work?

22 A. City of Goose Creek Police Department.

23 Q. And how long have you worked at Goose
24 Creek?

25 A. 13-and-a-half-years.

1 Q. Does that 13-and-a-half-years encompass
2 your entire career as a law enforcement officer?

3 A. No, it does not.

4 Q. What else have you done as a law
5 enforcement officer?

6 A. I worked for the City of Columbia
7 Police Department for three years before I moved
8 down here.

9 Q. So, roughly, over 15 years of
10 experience in law enforcement?

11 A. Yes, sir.

12 Q. What are your responsibilities as
13 lieutenant at Goose Creek?

14 A. Currently, my responsibility is
15 management and administration and investigation of
16 the Traffic Unit. That consists of five officers,
17 including two K-9s. We investigate all fatal and
18 collisions that have great bodily injury.

19 In addition to investigating all the
20 available collisions, when our people aren't
21 investigating the higher severity collisions
22 throughout the city, we handle all those
23 investigations and also the enforcement of
24 applicable traffic laws in the city.

25 Q. What sort of training and experience do

1 you have as a lieutenant?

2 A. As a lieutenant, I have -- over the
3 years, I've had numerous training classes,
4 management, administration, narcotics commander
5 school, drug commander school, various instructor
6 schools, firearms, field training officer, field
7 training officer manager training officer.

8 I'm a basic instructor, specific skills
9 instructor, firearms of various types, standardized
10 field sobriety testing, speed measurement device
11 operator, DataMaster operator, traffic collision
12 investigator, advanced criminal enforcement.
13 There's a number of classes that I've had to go
14 into my specific job.

15 Q. I'm going to get you to slow down just
16 a little bit. I think you're infringing upon
17 speaking too fast for our court reporter.

18 Were you working as a lieutenant over
19 the Traffic Unit at Goose Creek on March 7, 2015?

20 A. Yes, I was.

21 Q. So, basically, the responsibilities you
22 have outlined for us were the same at that time?

23 A. Yes.

24 Q. Do you recall responding to a traffic
25 collision in the early morning hours of

1 March 7, 2015?

2 A. Yes, I do.

3 Q. And where was this location?

4 A. I was advised that the collision was at
5 Domingo and 176, in that area.

6 Q. Is that -- what county is that in?

7 A. It's in the county of Berkeley.

8 Q. And how were you notified to respond to
9 the location?

10 A. I was called on my -- one of my phones
11 by dispatch as I'm always on call.

12 Q. So you were off duty at the time?

13 A. Yes.

14 Q. Where were you responding from?

15 A. I was responding from my residence in
16 Summerville.

17 Q. Okay. Can you describe the area of the
18 location you responded to?

19 A. The area location we responded to is
20 Domingo and 176. It's a two-lane roadway right
21 near -- it would be a T intersection; Domingo,
22 which is also a two-lane road, intersects there.

23 The speed limit on 176 is 55 miles per
24 hour through that area. It's fairly rural. There
25 is a water tower there and some cleared out area

1 for development in the future, but it's a fairly
2 rural area there. There's not a lot in that area.

3 Q. What time was it when you responded to
4 the scene roughly?

5 A. I believe it was around 2:40 or so when
6 I was called.

7 Q. And do you have any idea about what
8 time the initial call into law enforcement came?

9 A. I think the initial call was sometime
10 between 2:20 and 2:30 in the morning.

11 Q. Was any law enforcement on the scene
12 when you arrived?

13 A. There were various law enforcement
14 agencies on scene when I arrived. I know Goose
15 Creek was there. I believe there might have been a
16 sheriff's deputy or two there. I'm not positive,
17 but I know there were Goose Creek officers there
18 when I got there.

19 Q. What did you do when you first arrived
20 at the incident scene?

21 A. When I first arrive at any collision
22 scene or investigation scene, I talk to the
23 officers that initially responded to find out kind
24 of what -- what I've got. So an officer briefed
25 me -- Officer Davis briefed me on what we had, and

1 I proceeded to walk the scene from where I parked
2 down to where the collision had happened and beyond
3 that and then back through the collision scene just
4 to survey what we had out there on the roadway, in
5 the roadway, around the roadway.

6 Q. Is that something you do at every
7 traffic collision you respond to?

8 A. Yes.

9 Q. Okay. Was Jesse Feagin on the scene
10 when you arrived?

11 A. No. My understanding was the person
12 that had been struck in the collision was airlifted
13 at that time, and I did not know who that was and
14 they were not on scene.

15 Q. Do you know where he had been taken to?

16 A. I was told and advised by dispatch that
17 the person that was struck had been airlifted to
18 MUSC.

19 Q. Okay. You said you -- when you arrived
20 on scene, you made an initial walk-through of the
21 scene. Can you describe the wreckage?

22 A. The scene was rather large and wreckage
23 was spread out over probably two-and-a-half
24 football fields. The collision, where I stopped,
25 was down near the water tower there, which was the

1 last piece of debris that I could find that was
2 involved in the collision.

3 I walked back, and as I walked back to
4 go back to near Domingo and 176, that's where the
5 actual point of impact that we observed had
6 occurred.

7 And from that point of impact of the
8 vehicle striking the moped, basically there was a
9 cone of debris that went out in a triangle, kind of
10 from the right side of the road as we're heading
11 down towards Goose Creek out in a triangle form.
12 The moped had been pushed over to the side of the
13 road, across traffic and into the air.

14 There was numerous pieces of debris
15 spread out across the roadway, down the roadway and
16 the moped had come to final rest off the road and
17 was broken into two pieces. There were numerous
18 pieces of automobile and the moped just spread out.
19 It looked like the moped had exploded.

20 Q. Were you able to -- based on your
21 training and experience, were you able to observe
22 which direction the point of impact was -- would
23 have been in and the direction the collision would
24 have taken?

25 A. Yes. The point of impact was the

1 vehicle travelling southbound, coming from, say,
2 the Cane Bay area into the City of Goose Creek
3 heading towards 17A, and point of impact was going
4 towards 17A. The moped was struck by a vehicle
5 travelling southbound on 176 and pushed southbound
6 towards 17A.

7 Q. Do you recall what color the moped was?

8 A. The moped was blue. It had some white
9 spray paint on it, but it was primarily blue
10 originally, what was left of it.

11 Q. And, you know, being the head of
12 Traffic, what are your responsibilities as to
13 documenting the scene, traffic collision?

14 A. My responsibilities primarily are to
15 make sure that the scene is secure and fully
16 documenting it and making sure that everyone is
17 doing what needs to be done for, ultimately,
18 reconstruction, which is marking points of evidence
19 for later on going back and reconstructing the
20 collision.

21 I also do documentation with photos and
22 video of the collisions. I handle that personally
23 and do those at every collision scene.

24 Q. Did you take video of the scene that
25 night?

1 A. Yes.

2 Q. And did you take photos of the scene
3 that night?

4 A. Yes, I did.

5 Q. Is there any difference as to the value
6 of whether the photographs would have been
7 different from the video that you took?

8 A. Yeah. The photographs are much higher
9 quality, better resolution. They're also taken by
10 me when I'm standing still and have a chance to
11 focus, unlike a video camera, which, if anybody's
12 used, it moves around. It bounces, it's not
13 necessarily in focus. And the lighting conditions
14 at night in that area weren't very conducive
15 towards the video camera operation. The still
16 shots are much better.

17 Q. Roughly, do you recall how many
18 photographs you took that night on -- of the
19 collision scene?

20 A. At that location I probably took 50 to
21 60.

22 Q. Do you know if anyone else took
23 photographs of the scene that night?

24 A. Not that I'm aware of. No one
25 officially, other than myself, would have taken

1 photographs.

2 Q. So, basically, all the photos that have
3 been provided to our office have been photographs
4 that you would have taken?

5 A. Yes, I would have personally taken all
6 photographs.

7 MR. CANNON: Permission to approach,
8 Your Honor?

9 THE COURT: You may.

10 BY MR. CANNON:

11 Q. I'm handing you what has been premarked
12 Exhibits 7 through 22. Do you recognize these?

13 A. Yes, sir. These are all photographs of
14 the collision scene and various pieces of evidence
15 and roadway gouges and markings that we would have
16 used for reconstruction from that night.

17 Q. Do the pictures accurately reflect the
18 condition of the scene that night?

19 A. Yes.

20 Q. Do they appear to be tampered or edited
21 with?

22 A. No.

23 MR. CANNON: At this time, the State
24 would request to submit these into evidence and
25 request to publish them to the jury?

1 THE COURT: Any objection?

2 MR. BOLES: None, Your Honor.

3 THE COURT: Very well. State's 7
4 through 22 inclusive, each being a photograph, are
5 admitted into evidence without
6 objection.

7 (STATE EXH. 7 - 22 in evidence.)

8 BY MR. CANNON:

9 Q. Lieutenant Battista, behind you what is
10 going to appear which is Exhibit Number 7, which is
11 the first in line pictures I've shown to you.
12 We're going to walk through them individually.
13 There are 16 total photos.

14 A. Okay.

15 Q. You said, roughly, you took how many
16 pictures that night?

17 A. I believe I would have taken around 50
18 or 60 that night on the scene.

19 Q. I'm only going to show you 16.

20 This is the first photo, Exhibit
21 Number 7. Can you tell the jury what this is?

22 A. This is the last piece of debris that I
23 came upon. This was the furthest away from the
24 initial point of impact. This appeared to be
25 headlight from the vehicle. It was -- kind of see

1 it's crushed there. Unfortunately, at some point
2 it got ran over --

3 Q. I will hand you a laser pointer. You
4 can just hit the top button right here and it will
5 point.

6 A. Unfortunately, at some point it got run
7 over because it was initially faced down, but this
8 is a very thick headlight, like a xenon or
9 halogen-type headlight from a vehicle here, and the
10 point of it where it attaches to the car back here.
11 And there's some other associated parts nearby that
12 go with it.

13 Q. What is the significance of Number 1?

14 A. Number 1, that's the first piece of
15 evidence that I wanted photographed and collected,
16 because with all models of vehicles, everything has
17 serial numbers and identification numbers on it.
18 Maybe not necessarily to the specific vehicle, but
19 to the range of vehicle. And Number 1 is just for
20 me to keep track of what pieces of evidence that we
21 are dealing with in a scene.

22 Q. Okay. Exhibit Number 8?

23 A. This is another -- this is another
24 angle. The -- that is what I was just describing,
25 and this is just a picture of showing where it is

1 in relation to the point of impact. The point of
2 impact will be back there near that far patrol car.

3 Q. Okay. Exhibit Number 9?

4 A. This is another piece of the motor
5 vehicle. This is off to the left side of the road
6 from where we were just standing if you're walking
7 toward the collision. This is some type of
8 under-the-hood piece of equipment that, again, has
9 identifying numbers on it.

10 Q. Next Exhibit is Number 10?

11 A. This is another piece of debris that's
12 in the road. I believe this part of the headlight
13 piece is -- this is a piece that had Philips --
14 that was Philips Electronics and had some other
15 identifying parts on it that had apparently come
16 out of the vehicle that struck the moped.

17 Q. Exhibit 11, please?

18 A. It's another piece of -- from
19 underneath the vehicle, either electronics or an
20 upper motor part from underneath.

21 Q. Clearly we're counting up numbers. Are
22 your -- the farthest point or piece of debris you
23 found was marked as 1 and you're walking back
24 towards the debris field --

25 A. Yes.

1 Q. -- towards the point of impact?

2 A. We are walking back towards the point
3 of impact.

4 Q. Exhibit 12, please?

5 A. This is -- this is where the moped came
6 to final rest. This is final rest of the moped,
7 the struck vehicle. (Indicating) This right here
8 is final rest of the victim, the deceased party,
9 (Indicating) and this is facing back toward the
10 point of impact. And that was -- you can see a
11 reflection there. That's Domingo Road and your
12 point of impact is right about here. (Indicating)

13 Q. Exhibit, I guess, 13?

14 A. This is another piece of debris from
15 underneath the vehicle. It had identifying
16 markings and information that could possibly lead
17 us to the vehicle at that time.

18 Q. Exhibit 14?

19 A. This is a piece of the actual vehicle.
20 This is the driver's side bumper. Right here would
21 be where your wheel is. This is a turn signal
22 marker where there would be a turn signal marker,
23 and this is where there would be a sensor for crash
24 indicators or other types of things on the front of
25 the car, kind of like you have on the back, but

1 this is a direct piece of the motor vehicle that
2 struck the moped that was left on scene.

3 (Indicating)

4 Q. I see there's tire tracks on that
5 piece. Are you able to tell how that was
6 determined -- how it got there?

7 A. My best assumption is it's an emergency
8 vehicle. By the time I got there -- well, by the
9 time I got through the scene and photographed
10 everything, it had already frozen over, most
11 everything, it was very cold that night, and this
12 appears to be some type of emergency vehicle
13 that -- unfortunately, because these scenes are
14 rather large and chaotic -- was run over at some
15 point by either an emergency vehicle or it could
16 have even been a vehicle going around the
17 collision.

18 Q. Okay. Exhibit 15?

19 A. These would be some other -- this would
20 be, I believe, without blowing it up, the final
21 rest of the victim and the moped. And these would
22 be some skid marks, and there's also another piece
23 of debris here from the -- the 7 is marking a piece
24 of debris there, not necessarily the skid marks.
25 Unfortunately, there's a lot of -- you can see

1 there's a lot of markings on the road here.

2 Q. Are you able to determine if that's
3 actually skid marks in the grass?

4 A. That marking is not for the skid mark
5 in the grass. The marking, number 7, is for the
6 piece of debris that's there.

7 Q. You're talking about the actual -- the
8 track itself, are you able to determine if that's a
9 skid mark or just -- from your experience, what is
10 that?

11 A. Yeah, that is a vehicle -- it's a
12 vehicle travelling through the grass. It's not
13 necessarily a skid. It could be a vehicle gaining
14 traction or losing traction in there. It's where
15 someone has clearly driven off the road at some
16 point.

17 Q. Exhibit 16, please?

18 A. This is a picture just above the final
19 point of rest for the deceased party looking -- I'm
20 sorry. This is looking towards the final point of
21 rest of the deceased party and the moped. This is
22 just on the other side of -- number 7 is over here
23 and this is number 8. This is getting closer to
24 the point of impact, which is going to be down
25 here. (Indicating)

1 Q. Exhibit 17, please?

2 A. This is the initial point of impact.
3 This would be where there was a maximum engagement
4 with the vehicles striking each other. This would
5 be where the moped went, basically was struck and
6 dug down into the roadway. And that's our first
7 point of impact between the two vehicles.

8 Q. Exhibit 18?

9 A. These are -- these right here are
10 gouges in the roadway. This is where the moped
11 would have actually -- as it slid across the
12 roadway and went away from the initial collision
13 site, these are gouges that are going in the
14 direction of the final rest of the moped as it dug
15 into the roadway and went across the lane of travel
16 into the grass.

17 Q. Exhibit 19?

18 A. This would be final rest of the
19 deceased party. It's right here. (Indicating)
20 These are his clothes that he was wearing. You can
21 see he had on jeans, a camouflage jacket. He had
22 on a leather -- brown leather jacket. You can see
23 some of the leather there.

24 And this is -- this is debris left from
25 the medical crew trying to work on him. You can

1 also see the seat of the moped here where it's
2 still sliding and digging into the dirt right there
3 where it came to stop.

4 Q. Exhibit 20, please?

5 A. This would be parts of the moped and
6 one of the deceased party's shoes. This is the
7 main body of the moped here. This is actually the
8 rear portion of the moped and the rear tire. It's
9 broken off from the moped, but there is actually
10 still one cable connecting it to the moped you can
11 see right there. (Indicating)

12 And that's the final point of rest of
13 the moped. You can see the blue on it there and
14 the paint that is left there on part of the front
15 forks.

16 Q. Exhibit 21, please.

17 A. This is what I was referring to from
18 the other angle. This is the rear wheel of the
19 moped. You can see it's just connected literally
20 by a cord there. It's been disconnected, hit off
21 the moped. This would be looking down onto the
22 moped seat and whatnot, should be here. These
23 would be the -- this would be the front of the
24 moped faring and the forks there connecting the
25 tire and the handlebars and muffler there.

1 Q. And Exhibit 22, please?

2 A. This is another shot of after we've
3 marked the first impact in the roadway -- after
4 they've marked it, looking back at the scene from
5 it being marked for reconstruction.

6 Q. In the right lane, what is all that
7 that is shiny?

8 A. This is all debris from the moped and
9 the motor vehicle. Primarily this is -- a lot of
10 it is moped debris. There is some motor vehicle
11 parts in there. Those are the ones that I marked,
12 but as you can see from the point of impact, like I
13 said, it's kind of a cone. It goes out this way
14 and over this way. (Indicating)

15 That's what I meant by it being a cone.
16 It kind of forms a triangle from that point of
17 impact heading out. This is all pieces of debris
18 scattered down past where those vehicles are, but
19 those are all debris pieces there.

20 Q. Okay. You can turn around now, please.

21 How long did it take for you to
22 document that scene with the photographs and video.

23 A. It took about two -- two -- a little
24 over two hours to document the scene at that
25 location.

1 Q. And what did you do after you finished
2 documenting the scene?

3 A. After I finished documenting the scene,
4 I made sure that the -- in part of the documenting,
5 I'm also coordinating what is going on in the
6 investigation. So I made sure that the moped was
7 on its way down to our impound yard and that the
8 evidence was collected that I wanted collected and
9 it was marked there.

10 And once I had all that scheduled and
11 set up, I had started to go down to MUSC to check
12 on the person that was transported from the scene.

13 Q. Okay. Did anything happen to you while
14 you were en route to MUSC?

15 A. As I was on my way down to MUSC, I got
16 on 26 and made it partway down there, probably near
17 Aviation, and we got a call. Dispatch advised over
18 the radio that they had received a call from a
19 concerned party that thought that someone at their
20 house had been involved in a collision and it may
21 be related to this, and dispatch was advised by
22 Berkeley County Dispatch of that location.

23 So I immediately turned around and -- I
24 already had units going to that location, and I
25 turned around and responded what would be just

1 lights without sirens to get back there because I
2 wanted to be there as soon as possible once the
3 officers got there on the scene.

4 Q. Do you recall about what time that
5 dispatch came in to you notifying you of this?

6 A. Probably around 5:15, 5:30 in the
7 morning.

8 Q. Okay. You said you returned or turned
9 around and went to --

10 A. I turned around and went back to I
11 believe it's Chaff Lane. It's up off of Cypress
12 Garden Road in the county.

13 Q. When you arrived -- sorry.

14 A. No, go ahead.

15 Q. When you arrived on Chaff Lane, who was
16 already there?

17 A. Davis was there, another Goose Creek
18 officer and two deputies had recently got there.
19 They hadn't made any contact with anybody. They
20 were waiting for me to get there because I wanted
21 to be there when they made contact with anybody,
22 but they had just gotten there just before me
23 because I was able to expedite my trip back there.

24 Q. What did you observe on scene once you
25 arrived?

1 A. I observed a Cadillac that appeared to
2 be the same color of the piece of debris that we
3 had found there on the scene. When I pulled up I
4 couldn't see the damage, because in the direction I
5 pulled up I was looking at the passenger side of
6 the Cadillac, but the pieces that I had appeared to
7 match.

8 So at that time I got out and went to
9 go take a look at the Cadillac and to speak to the
10 officers that were on scene.

11 Q. So do you recall what color the
12 Cadillac was?

13 A. The Cadillac is like a champagne, tan,
14 light tan kind of color vehicle. It was the same
15 color of the piece of bumper that we found on
16 scene. And, again, when I went out and -- I got
17 out to go take a look at the side of the Cadillac
18 where I knew the damage would be, which is the
19 front headlight and side area of the front of the
20 car.

21 And, at that time, the pieces of the
22 car that we had matched what were missing from the
23 car and there was extensive damage to that side of
24 the Cadillac that I then documented.

25 Q. So you say documented, you took

1 photographs of the scene?

2 A. I took photographs there onsite before
3 I did anything with the car.

4 MR. CANNON: Permission to approach,
5 Your Honor?

6 THE COURT: You may.

7 BY MR. CANNON:

8 Q. Do you recognize these?

9 I've handed you what's been premarked
10 as Exhibits, I believe, 23 through 31.

11 A. These are photographs of the suspect's
12 vehicle that I took onsite at that location.

13 Q. Do these appear to capture the vehicle
14 the early morning that you took these photographs?

15 A. Yes.

16 Q. Do they appear to be altered in any
17 way?

18 A. No.

19 MR. CANNON: At this time, Your Honor,
20 the State would move to enter these Exhibits 23
21 through 31 into evidence and publish them to the
22 jury.

23 THE COURT: Any objection?

24 MR. BOLES: No objection.

25 THE COURT: Without objection,

1 State's 23 through 31, inclusive, are admitted and
2 you may publish them.

3 (STATE EXH. 23 - 31 in evidence.)

4 MR. CANNON: Thank you, Your Honor.

5 BY MR. CANNON:

6 Q. 17, what is this image of?

7 A. This is the rear of the vehicle that
8 struck the moped. This is a picture of it parked
9 in the driveway, capturing the rear of the vehicle
10 and the license plate, which is commonly how I
11 start taking photographs of vehicles in evidence.
12 The tag has all the identification and information
13 on it.

14 Q. This being Exhibit 23, can you show me
15 Exhibit 24, please?

16 A. This will be the driver's side of that
17 Cadillac where the damaged area is, you can start
18 to see there, (Indicating) and where it appears
19 that -- this is the damaged area and it appears
20 that something had possibly went down the side of
21 the car, these markings here. (Indicating)

22 Q. Exhibit 25, please?

23 A. This is getting into the main damaged
24 area of the vehicle. You can see that piece of
25 bumper that I had is this piece right here. Like I

1 said, this would be where your tire is. There's a
2 marker here. You can see it better on the other
3 side when we get to it. This is the initial point
4 of impact between the vehicle and the moped.

5 Q. Exhibit 26, please?

6 A. This is more frontal view of the
7 vehicle as I'm coming around and taking photographs
8 of it. You can see here there is paint transfer on
9 the vehicle. You have blue paint here from the
10 moped and there's other transfer here that there's
11 better pictures of from clothing.

12 And this is the main point of impact.
13 This is where that headlight would have been on the
14 vehicle and we can see there where the bumper would
15 be. (Indicating).

16 Q. Show Exhibit 27, please.

17 A. This is just a different angle that's a
18 little bit closer in to the main portions of the
19 vehicle where the impact --

20 Q. That circular round hole, perfect hole,
21 what is that?

22 A. Those are sensors on the motor vehicle
23 for crash indicators or for when you're getting
24 close to something. They actually go all the way
25 around the bumper, and there would be another one

1 right there, (Indicating) that was in that piece of
2 bumper that was collected on the scene, and then
3 there's one there that's been knocked out.

4 Q. And I don't know if you're able to
5 tell, the pictures I have, the hard copy, there are
6 these long extensions of wires it looks like?

7 A. Yes.

8 Q. What are those?

9 A. Those are where lights and sensors and
10 other pieces of electronics and sensor data and the
11 lights and other pieces of stuff underneath the
12 engine would connect to where the items had broken
13 off and popped off and were left at the scene.

14 Q. Exhibit 28, please?

15 A. These marks right here are -- this is
16 transfer -- paint transfer from the moped. These
17 marks here are transferred from the leather jacket
18 that the subject was wearing as he went over the
19 vehicle.

20 Q. Exhibit 29, please?

21 A. This is another paint transfer -- or
22 I'm sorry, not paint, clothing transfer mark on the
23 vehicle. You can see here it extends up from
24 there, onto there, in through there.

25 Q. Exhibit 30, please.

1 A. This is a shot just looking down the
2 vehicle showing the damage to the side and the
3 mirror and ...

4 Q. Exhibit 31.

5 A. These are marks on the vehicle where it
6 appears something or someone brushed down the
7 vehicle and -- and left a variance in the
8 temperature where it was knocked off. It's frozen
9 there and it's not quite frozen over there.

10 Q. After the -- after we were -- after you
11 took these photos, what did you do next?

12 A. After I took those photographs --

13 Q. I'm sorry. Let me step back. Did you
14 at any point ever have a chance to talk with the
15 defendant, Mr. Broadway, that morning?

16 A. I did not speak with him; however, I
17 was standing within three or four feet of the
18 officer that was speaking with him the entire
19 time -- well, the entire time they were outside.

20 Q. And what officer was that that spoke
21 with him the entire time?

22 A. Officer Davis.

23 Q. Okay. And you just said you didn't
24 speak with him. Did you have any general
25 observations of Mr. Broadway?

1 A. What I observed standing within a
2 matter of feet in front of him was that he appeared
3 to be -- I was able to smell odor of alcoholic
4 beverage coming from him. His eyes were bloodshot
5 and glassy. He appeared to be possibly under the
6 influence to some level of an alcoholic beverage.

7 Q. What did Mr. Broadway say?

8 A. Mr. Broadway initially said -- when we
9 asked him about the incident, he said -- one of the
10 first things out of his -- or that he said to Davis
11 was, was someone hurt worse than I know, which is
12 what -- one of the things that stuck with me.

13 And at that point, Davis advised him of
14 his -- you know, hang on a minute. Before we get
15 to that point, let me advise you of your Miranda
16 rights. And he advised him of his Miranda rights
17 at that time.

18 Q. Okay. How long did this interaction
19 between Officer Davis and Mr. Broadway take place?

20 A. Just a couple minutes. It was enough
21 for him to tell us that he was coming from a bar,
22 BFE, and he stated that he had left his phone there
23 and that his phone was his life and was important
24 to him, and he had went back to it. That on his
25 way back to the bar, someone pulled out in front of

1 him and he struck what he believed to be a bicycle
2 or some type of, you know, small vehicle on his way
3 back to the bar to find his phone.

4 Q. Did you ever speak with Mr. Broadway?

5 A. Not directly, no.

6 Q. What did you do after that encounter
7 with Mr. Broadway?

8 A. After the encounter, the initial
9 encounter outside, I spoke to Davis and advised him
10 to go inside the house and speak with him and get a
11 written statement from him, and to collect what he
12 had already said was captured on the in-car video
13 of this -- of us talking -- or him talking to Davis
14 and me listening.

15 I advised him to go inside the
16 residence and get a statement from him about the
17 incident and I arranged for towing of the vehicle.

18 Q. Was Mr. Broadway placed under arrest
19 that morning?

20 A. No, he was not.

21 Q. Why was he not placed under arrest?

22 A. He was not placed under arrest because
23 at that time, several hours later, I believe it's
24 three-and-a-half hours later, it's no longer a
25 freshly committed crime that we were investigating.

1 We actually really stopped investigating at the
2 point that I was going down to MUSC and we were --
3 we were basically wrapping it up that night,
4 because I was going to come back and do a press
5 release and do some information and investigation
6 that morning. And then we got the call that --
7 about the car. So it was no longer freshly
8 committed.

9 I also didn't know the status of the
10 person who had been struck. I mean, I knew they
11 had been airlifted, but I did not know -- you can
12 be airlifted for serious injuries. That doesn't
13 necessarily mean that you're -- that you are going
14 to no longer live.

15 Q. You had mentioned that you called and
16 asked for towing. What happened to the Cadillac?

17 A. I had the Cadillac taken to our large
18 evidence storage, which is at our station. It's an
19 area where we can store vehicles securely. We go
20 there and an officer locks them up, they stay
21 locked up, and the keys get dropped into evidence
22 until such time that the investigators come and get
23 the keys out of evidence and unsecure it so that we
24 can perform a search of the vehicle with a search
25 warrant to get -- almost all cars now, since 2003,

1 have airbag control modules and devices in them
2 that record information about your vehicle: The
3 application of brakes, application of airbags,
4 sensor indicator readings.

5 So it was stored so that we could come
6 back and process it for evidence, including
7 collection of that.

8 Q. Well, you said that the vehicle was
9 towed to impound or the forensic unit at Goose
10 Creek. Were any photographs of it taken?

11 A. Yes. I took photographs after I
12 heard -- after the search warrant had been procured
13 there in the large evidence storage.

14 MR. CANNON: Permission to approach the
15 witness, Your Honor?

16 THE COURT: Yes.

17 BY MR. CANNON:

18 Q. I'm showing you what has been premarked
19 as Exhibit 32.. Can you tell me what that is or do
20 you recognize this?

21 A. Yes. This is a photograph that I took
22 that was in better light of some of the paint
23 transfer and clothing marking transfers and damage
24 to the front of the vehicle.

25 Q. Does that picture accurately capture

1 the image you took --

2 A. Yes.

3 Q. -- on the day of this photograph?

4 A. Yes.

5 Q. Does it appear to be altered in any
6 way?

7 A. No, it does not.

8 MR. CANNON: Permission to publish
9 Exhibit 32 to the jury and move it into evidence?

10 THE COURT: Any objection?

11 MR. BOLES: None, Your Honor.

12 THE COURT: State's 32 is admitted
13 without objection. You may publish it.

14 MR. CANNON: Thank you, Your
15 Honor.

16 (STATE EXH. 32 in evidence.)

17 BY MR. CANNON:

18 Q. This was not on the morning when you
19 located the vehicle at 514 Chaff Lane?

20 A. No, sir.

21 Q. And this was -- when was this taken?

22 A. I would have to refer to the search
23 warrant. It was probably the next day. It's
24 typical we don't leave items in that storage area
25 for long periods of time.

1 Q. So within a couple days of the accident
2 itself?

3 A. Within two or three days of the
4 accident itself, yes.

5 Q. You made mention of paint transfer.
6 Are you able to see paint transfer on here?

7 A. This blue shaded area here and down
8 through here all appears to be consistent with the
9 blue color of the moped that transferred over from
10 the body or the forks, or some plastic area of the
11 moped rubbing up against the vehicle as they struck
12 and going that way.

13 This is also brown. The brown marking
14 here is consistent with the color of the leather
15 jacket that he was wearing, as the jacket and
16 Mr. Feagin struck the vehicle and traveled away
17 from the vehicle.

18 Q. Thank you.

19 I'm going to back up to after you had
20 the Cadillac towed that early morning of March 7th.
21 What did you do after the vehicle was towed?

22 A. After the Cadillac was towed?

23 Q. Yes.

24 A. I basically made sure that the Cadillac
25 was being towed, was taken where I wanted it, and I

1 proceeded to travel to MUSC.

2 Q. When you arrived at MUSC, what were you
3 able to ascertain?

4 A. When I went down to MUSC, I went to the
5 trauma unit where I was advised Mr. Feagin had been
6 taken to, and I spoke to the doctor in charge of
7 his care at that time to find out his status. And
8 I was advised that he was alive, but he would not
9 be -- it would be a decision for the family is
10 basically what I was advised of.

11 His head trauma was too great. He had
12 extreme brain damage and he was being kept alive at
13 that point on -- by machinery and that the family
14 would have to make a decision on him.

15 Q. Just a couple of more questions and we
16 will close for now. Are you aware about what time
17 this accident occurred?

18 A. I believe sometime between 2:20 and
19 2:30, when the initial call came in.

20 Q. Okay. And you said that dispatch had
21 received a phone call from Mr. Broadway's
22 father-in-law?

23 A. Yes.

24 Q. Are you aware about what time that call
25 came in to --

1 A. I believe, if my recollection of the
2 CAD, computer-automated dispatch, when they receive
3 a call, it's -- sometime it's after 5:30, 5:35,
4 somewhere in there in the morning, so three hours
5 afterwards. And, like I said, it was by a
6 father-in-law that was -- that was concerned.

7 Q. Did you investigate whether any other
8 calls had been placed during or after the incident?

9 A. Yes. Well, during. Standard --
10 standard protocol would be to put out the vehicle
11 description and notify the law enforcement agency,
12 so I had done that, Highway Patrol of Summerville,
13 Berkeley County Sheriff's Department, Dorchester
14 County, because clearly the vehicle has left. We
15 know it's out there and we wanted to get a
16 description out and we want to find these vehicles
17 as fast as possible.

18 And there were no other calls from
19 other law enforcement. No one had had contact with
20 it, because as soon as Berkeley County Sheriff's
21 Department got the phone call about something that
22 they believed fit the description, they contacted
23 our agency and let us know.

24 Q. If calls were placed to dispatch in the
25 surrounding area, would you have been notified of

1 possible conclusion of this possibly being a lead?

2 A. Yes. I mean, that's how we got the
3 lead that morning. If anything came in that even
4 sounded remotely familiar, we would have gotten
5 notified.

6 Q. Okay. So your testimony is that you've
7 done some -- you did some investigation into the
8 calls placed?

9 A. Yes. There were no other calls placed
10 about that collision that night, other than from
11 the initial persons who witnessed the collision and
12 who were there on scene as it happened. There were
13 no calls directly or indirectly about it until that
14 morning when we got the lead that there was
15 possibly someone involved and a vehicle involved on
16 Chaff Lane.

17 Q. So, again, how many calls were placed
18 in total in regards to this collision that you're
19 aware of?

20 A. That I'm aware of, two.

21 Q. How many phone calls were placed by
22 Samuel Broadway that morning following the
23 incident?

24 A. That I'm aware of, none.

25 Q. While you were on scene at the

1 collision site, did the Cadillac that you observed
2 with heavy front-end damage at Chaff Lane ever come
3 back to the scene?

4 A. No.

5 Q. Did you ever -- ever see Mr. Broadway
6 at the scene that night?

7 A. Never.

8 MR. CANNON: Beg the Court's
9 indulgence?

10 THE COURT: Certainly.

11 BY MR. CANNON:

12 Q. How long were you at the incident scene
13 that morning?

14 A. I was at the incident scene, like -- as
15 I earlier stated, a little over two hours for
16 processing, people -- collection of evidence and
17 telling me what was going on. I was there at least
18 two hours onsite..

19 Q. And then did you ever observe a
20 Cadillac involved or with front-end damage arrive
21 on scene?

22 A. No. No vehicle came through that had
23 any similar damage.

24 MR. CANNON: Thank you. Please answer
25 any questions Mr. Boles may ask of you.