

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Abbeville County

Honorable Frank R. Addy, Circuit Court Judge

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SC Court of Appeals

THE STATE,

RESPONDENT,

V.

LAWRENCE ORLANDO POSTELL,

APPELLANT

APPELLATE CASE NO 2018-001658

RECORD ON APPEAL

TAYLOR D GILLIAM
Appellate Defender

South Carolina Commission on Indigent
Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589
(803) 734-1330

ATTORNEY FOR APPELLANT

ALAN WILSON
Attorney General

WILLIAM F. SCHUMACHER
Assistant Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-3713

DAVID M. STUMBO
Solicitor, Eighth Judicial Circuit
Post Office Box 516
Greenwood, SC 29649
(864) 942-8800

ATTORNEYS FOR RESPONDENT

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STATE'S EXHIBIT NO. 124 (REDACTED VIDEO RECORDING)**

1 STATE OF SOUTH CAROLINA
2 COURT OF COMMON PLEAS
3 COUNTY OF ABBEVILLE

4 State of South Carolina,
5 Plaintiff,

6 vs. Transcript of Record
2018-001658

7 Lawrence Orlando Postell,
8 Defendant.

9

10

11 September 4, 2018
12 Abbeville, South Carolina

13 B E F O R E:

14 The Honorable FRANK R. ADDY, JR.

15

16 A P P E A R A N C E S:

17 Micah Black, Solicitor
18 Demetrios Andrews, Solicitor
19 Aaron Taylor, Representing the Defendant

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23

24 DIGITALLY TRANSCRIBED BY
25 SHARON G. HARDOON, CSR
Official Circuit Court Reporter, II

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1 THE COURT: We're about to begin the process
2 of selecting a jury in the case of the State of South
3 Carolina vs. Lawrence Postell. I will let you know,
4 Ladies and Gentlemen, at the outset, that Mr. Postell
5 is charged with the offenses of burglary, criminal
6 sexual conduct, attempted murder, kidnapping, and
7 possession of a weapon during a violent crime. The
8 solicitor has presented me with indictments that
9 charge Mr. Postell with these offenses.

10 As a threshold matter, Ladies and
11 Gentlemen, I will instruct you that the fact that
12 Mr. Postell was charged with these crimes and
13 indicted for these crimes, of course, is not proof
14 in any way, shape or form of any of these crimes.
15 Again, these indictments are nothing more than a
16 means by which these cases are brought to court.

17 In this case, Mr. Postell has pled not
18 guilty to these charges. That plea puts the
19 burden firmly on the State to prove each and every
20 element of these charges beyond a reasonable
21 doubt.

22 This case, Ladies and Gentlemen, the
23 State of South Carolina is being represented by an
24 Assistant Solicitor, Micah Black, and Demetri
25 Andrews. Mr. Black, would you care to introduce

1 yourself and Mr. Andrews to the jury panel?

2 MR. BLACK: Yes, sir. Thank you, Your
3 Honor. I'm Micah Black. I'm a prosecutor in the
4 8th Circuit, which is Abbeville, Greenwood,
5 Laurens and Newberry. I primarily work in
6 Abbeville. Assisting me is Deputy Solicitor
7 Demetri Andrews. He's primarily in our Newberry
8 office, but he's over here this week helping me
9 out.

10 THE COURT: In this case, Ladies and
11 Gentlemen, Mr. Postell is being represented by
12 Aaron Taylor of the Greenwood Bar. Mr. Taylor,
13 would you care to introduce yourself and certainly
14 Mr. Postell to the jury panel.

15 MR. TAYLOR: Thank you, Your Honor.

16 My name is Aaron Taylor. I practice law all
17 over the place, but my office is in Greenwood, so not
18 too far away. This is my client Lawrence Postell. He
19 is a resident of Abbeville County in Calhoun Falls and
20 we're looking forward to the trial and we appreciate
21 you all's service.

22 THE COURT: Thank you, Mr. Taylor.

23 The first question, Ladies and Gentlemen
24 again, we'll use the procedure that we used
25 before. If I ask a question that applies, simply

1 Before we take a brief break for
2 ourselves, what do we need to handle pretrial
3 before we get rolling?

4 MR. TAYLOR: Judge, based on our end, I
5 think there's some redactions that need to be made
6 to Mr. Postell's statement to law enforcement.
7 There's a video of that. It's in several
8 different files, but one interview total.

9 You know, Judge, based on strategy for
10 our trial, a lot of times we come into court and
11 the defense wants to challenge everything, I think
12 based on, you'll see, I'm not going to give away a
13 whole lot, I think it's in our best interest, my
14 client's best interest to concede some of this.

15 THE COURT: Sure.

16 MR. TAYLOR: Just for the record, usually
17 in the case where there's a statement, you do a
18 Jackson v. Denno hearing. I don't believe that
19 Mr. Postell's statement was -- his will was
20 overborne, or anything like that. I think he gave
21 it willingly. I think there needs to be some
22 tweaks to what's on that video. What can come
23 out. What's prejudicial, which I think we'll
24 leave up to the Judge, and then we can stipulate
25 on some of that.

1 There was a photo lineup, is six-photo
2 lineup, so a lot times, you know, Neil vs. Biggers
3 hearing. We're conceding that as well. I think
4 there's no doubt. Again, you'll hear more about
5 it that my client was there, so there's no issue
6 of identification.

7 There was also a white T-shirt that was
8 found at my client's house pursuant to a search
9 warrant. Most of the time we would challenge that
10 search warrant as well, and in this case, based on
11 our defense, we are not doing so. I don't think
12 that hurts him when we're going to present our
13 defense, so we're not challenging that.

14 There are some, I think, pretty small
15 matters of the victim's prior history in terms of
16 their criminal history. I think we may be able
17 to -- once we're done here, step out and talk
18 about most of those, but that could be a potential
19 issue. I know that Mr. Black mentioned there may
20 be some photos that I would object to. I'm not
21 sure. I mean, there are -- I guess, as we go, it
22 may be one of those things that I object to at the
23 time, unless he wants to go ahead and try to knock
24 that out as well.

25 And, you know, a lot of it, Judge, is

1 kind of how it goes. We'll see how it comes and
2 then we'll make a motion at the appropriate
3 time.

4 THE COURT: So there's really not much
5 that we need to take up prior to launching it. I
6 know in chambers, you interposed an objection.
7 the defendant's indicted under two different
8 indictments for burglary. There's the allegation
9 that the burglary, if it took place, took place in
10 the evening hours, and apparently your client also
11 has two prior burglary convictions, and you did
12 object to the indictment that relates to the prior
13 burglaries in the event that the entry was
14 unlawful, clearly it occurred in the nighttime. I
15 expressed my opinion on that. I think the lawyers
16 want to stay away from that for the time being.

17 But what is it that we do need to --
18 anything that you can think of that we need to do
19 before we jump in with both feet?

20 MR. TAYLOR: No, sir. Just on that same
21 note about the prior record, I think that if, as
22 you mentioned, we discussed it, and that they not
23 mention it. And, obviously, if my client, once
24 the State rests, gets on the stand, we stipulate
25 that that would be used as impeachment and would

1 come in that way anyway.

2 So, I think the best way to put it, it would
3 be overkill. And I think, as it comes out, not that
4 I'm just conceding -- certainly we're arguing that he
5 did not enter that dwelling with intent to commit a
6 crime, but it was at night. I think there's going to
7 be no doubt about that. I think, obviously, we would
8 challenge the possession of a weapon.

9 So I think they'll get it, if they do prove
10 that it was a burglary, that it was clearly at night.
11 I don't think there's any issues about that, so...

12 THE COURT: All right. From the State's
13 perspective, anything that you all think needs to
14 be handled pretrial before we launch into it.

15 MR. BLACK: Your Honor, just I think the
16 victim in this case, she does have a bit of a
17 record. We have -- it's our position that
18 everything older than 10 years -- basically her
19 record consists of fraudulent checks. Our
20 position is, everything older than 10 years should
21 not be allowed to come in as impeachment.

22 She has a couple of fraudulent checks
23 from 2009. I think those are fair game. But
24 everything prior to 2008, it's our position,
25 should not be allowed to come in. I guess we just

1 make that decision sooner rather than later,
2 because we plan on calling the victim first, as
3 our first witness.

4 MR. TAYLOR: And, Judge, there are --
5 just looking here on that same note, there are
6 what appear to be four different convictions in
7 2006 where she received probationary sentences, so
8 my argument would be that because those sentences
9 were still active within the last 10 years,
10 therefore they would count. I don't think it was
11 just, oh, they were 10 years ago.

12 I mean, in other words, if they pled
13 12 years ago and they got five years probation and
14 it was still going on within the last 10 years,
15 then they would be fair game and those again are
16 from April of 2006.

17 THE COURT: I'm trying to recall the rule
18 and for some reason I'm having a senior moment.
19 Off the top of my head, does the 10-year thing
20 apply to crimes of dishonesty, or is does it apply
21 only to crimes that carry more than a year in
22 prison for purposes of impeachment?

23 MR. TAYLOR: Judge, that was going to be
24 my next point as well, that I think these are all
25 crimes of dishonesty and therefore the 10-year

1 rule would not be in effect.

2 THE COURT: Okay.

3 MR. TAYLOR: So a two-part argument
4 there.

5 THE COURT: That is, kind of, my
6 understanding of what the rule is, that if it's a
7 crime of dishonesty, and a fraudulent check would
8 be a crime of dishonesty, the 10-year limit
9 doesn't apply. So I think the '06 convictions for
10 Miss Bonds are fair game.

11 MR. BLACK: Judge, just for the record,
12 Your Honor, there's a couple from 2002. I mean,
13 the biggest ones are those 2006 ones that are
14 felonies. The rest, they don't appear that they
15 were ever enhanced, so they're all -- but, again,
16 I agree that they are a crime of dishonesty when
17 you think of the dollar amounts.

18 MR. TAYLOR: Judge, I'm looking at the
19 rule. It's rule 609, the time limits under
20 section (b). Looking at the rule, it does seem to
21 indicate that there is a 10-year time limit, so we
22 would argue that 10-year time limit would be in
23 place. I don't know if you want to look at it
24 over lunch. I plan on looking at it as well in
25 further detail.

1 MR. BLACK: 609 what?

2 MR. TAYLOR: (b).

3 THE COURT: My understanding has always
4 been that the 10-year limitation applies to crimes
5 that carry more than a year in prison, and that
6 any crime involving dishonesty was still fair
7 game. I'll take a look at a hard copy of the rule
8 over lunch, but unless I tell you all otherwise
9 when we come back from lunch, that's my default
10 setting. I've always been under the impression
11 that the 10-year limit simply applied to crimes
12 that weren't necessarily involving dishonesty, but
13 I'll take a second to look at that. I might need
14 to borrow your rule book, Solicitor, to do that.

15 MR. BLACK: Yes, sir.

16 THE COURT: All right.

17 MR. BLACK: The other thing that I was
18 thinking about, Your Honor, that -- I don't know
19 if this is going to come up. I think Mr. Taylor
20 and I have actually had a conversation about this.
21 So just as a little bit of background information,
22 the victim was dating an individual by the name of
23 Quintavias Calhoun. He was arrested for some
24 charges of domestic violence and some other
25 charges April the 24th of 2017. He was at the

1 Abbeville County Detention Center during this time
2 period when this other incident happens, the
3 incident being on May the 5th of 2017, the reason
4 why we're here.

5 When Mr. Calhoun was arrested,
6 Mr. Postell ends up showing up at Miss Bonds'
7 house, at that [REDACTED] Fairview address, Your Honor.
8 It's going to come out that Miss Bonds' boyfriend
9 was a drug dealer. He sold drugs, and I think one
10 of the persons that was a buyer was Mr. Postell.

11 Miss Bonds, the victim, ended up calling
12 law enforcement asking them to put Mr. Postell on
13 trespass notice. I'm not sure if the defense is
14 going to have an objection to relevance, but from
15 the looks of things, Your Honor, it looks like
16 it's a consensual invitee-type defense.

17 She attempted to put him on trespass
18 notice on April the 24th, about two weeks prior.
19 He was not actually served with trespass notice,
20 but they did fill out the form. We have an
21 officer that is going to testify that he filled
22 out the form. Went back and looked for him a
23 couple times, or over the next couple days. So
24 I'm not sure if Mr. Taylor is going object to
25 that, but that's something that we're going to be

1 mentioning.

2 We're going to be up front with the jury
3 about what -- we plan on talking about that very
4 quickly into the trial.

5 MR. TAYLOR: Obviously, yes, sir, Judge,
6 I believe that the prejudicial value outweighs the
7 probative value. I mean, he was never served with
8 the trespass notice. I haven't seen a trespass
9 notice document that was even presented to then go
10 serve. It was just an incident report, which I
11 don't believe is evidence. And it says,
12 basically, the lady said she was getting harassed
13 all over the place since her boyfriend has been in
14 jail. And one of the people mentioned was
15 Mr. Postell showing up and she said she wanted to
16 place Postell on trespass notice, and I don't have
17 anything that says he was ever served.

18 THE COURT: All right. Well, it could
19 become -- the only way I could see this becoming
20 relevant is if, during the questioning of
21 Miss Bonds, the implication -- there's an
22 implication during her questioning that the
23 defendant was present at her house with her
24 consent.

25 If she's questioned about that, then I

1 believe that the State, in reply, could then bring
2 out the issue of the trespass notice. They could
3 ask, well, isn't it true that two, three weeks
4 prior to this incident, you placed him on -- or
5 you tried to get him placed on trespass notice.
6 And I'm assuming that the State has some
7 documentation to back this up by way of an officer
8 or something.

9 MR. BLACK: They've got a report, but I
10 actually don't have the document that was filled
11 out. I think they discard those after six months
12 or so.

13 THE COURT: All right. So long as -- I
14 mean, if the defense raises or implies with
15 Miss Bonds during their cross of her that she had
16 invited him over or he was there otherwise with
17 her permission, present with her permission, then
18 I think that that's how it becomes relevant.

19 As it relates to the State's direct of
20 Miss Bonds, I think that the -- I would tend to
21 agree with Mr. Taylor that the prejudicial effect
22 of that information at this stage of the game
23 would outweigh any probative value.

24 However, if they open the door, or if
25 that becomes the implication, then obviously

1 Miss Bonds, either on reply or on recall at a
2 later point during the trial, can address that.

3 So simply stated, I would stay away from
4 that during your direct of Miss Bonds and see --
5 we need to see how the cross progresses before I
6 can allow you to go into that.

7 MR. BLACK: Yes, sir.

8 MR. TAYLOR: Thank you, Your Honor.

9 THE COURT: Anything else we need to take
10 up?

11 MR. BLACK: No, sir.

12 MR. TAYLOR: No.

13 THE COURT: I'm going to have the jury
14 report back around 1:45 then, all right? Let's
15 have the jury, please.

16 (Jury enters the courtroom at 12:41 p.m.)

17 THE COURT: You've already discovered the
18 safety tip I'm going to give you. There is that
19 footrest on the second row, so be very conscious
20 of that, okay? It's actually nice to have that
21 foot rest there so long as you don't trip over it.
22 So be careful if you're sitting on the second row.

23 Ladies and Gentlemen, what I'm going to
24 do -- a few moments ago I had a conversation with
25 the attorneys about any pretrial matters, things

1 that we need take up, and, honestly, it looks like
2 we should be able to hit the ground running with
3 opening statements, opening instructions and the
4 evidence this afternoon.

5 So what I'm going to do is go ahead and
6 release you for your lunch break and ask that you
7 be back here at the courthouse into the jury room
8 at 1:45, and, with any luck, that will allow us to
9 move forward at that point in time with the trial
10 of this case in earnest. So do be back at 1:45.

11 The common refrain that you will hear
12 throughout the trial of this case is, please don't
13 talk about this case with anyone while we're on
14 break, all right? I'll give you further
15 instructions on that at a later point in time.
16 But, obviously, this should be a very easy
17 instruction for you to follow because, at this
18 point in time, you know nothing about this case.
19 You haven't heard from the first witness so it
20 would be very easy not to talk about it right now,
21 okay?

22 With that, enjoy your lunch break. Be back
23 here at 1:45, and with any luck, we'll be able to hit
24 the ground running at that point in time, okay? Thank
25 you very much. See you at 1:45.

1 (Jury exits the courtroom at 12:46 p.m.)

2 THE COURT: All right. While we are --
3 while the jury is out, one thing I would ask that
4 you all do is, if you could, Mr. Black -- sorry.
5 Mr. Taylor, go ahead and let the State know what
6 portions of those -- of that interview that you
7 had issues with. If they agree with you, let me
8 know. If they disagree or if you disagree with
9 Mr. Taylor, Mr. Black, you let me know and I'll
10 make the call. My intention is to handle that
11 later on today after, perhaps, we release the jury
12 for the evening. So perhaps one of you could be
13 working on that while we're trying -- one person
14 for the State could be working on that.

15 So, Mr. Taylor, if you know what portions --
16 you know, that part of the interview that you had
17 issues with --

18 MR. BLACK: Yes, sir.

19 THE COURT: -- just let, I guess, Mr. --
20 whoever is not going to be doing the opening and
21 dealing with the witnesses. Let them know and we
22 can address that later on tonight and then their
23 IT people can cut it up tonight as we need to,
24 okay?

25 MR. TAYLOR: Very good. I can do it.

1 THE COURT: Okay.

2 MR. BLACK: Judge, do you still have a
3 copy of that disk? I dropped it by your office
4 two weeks ago.

5 THE COURT: We did. I was unable to
6 review it this weekend because I was very late
7 getting done with court in Laurens last week, and
8 I also don't have a disk on my computer. My
9 clerk, I think, did review it over the weekend.
10 She has one at her house that allowed her to play
11 a CD-ROM, so I'll be talking to her about that at
12 our lunch and we'll figure out where things stand,
13 okay?

14 MR. TAYLOR: Yes, sir.

15 MR. BLACK: Yes.

16 THE COURT: It sounds like there's no
17 need for a Jackson v. Denno at the very least.

18 MR. BLACK: Yes, sir.

19 THE COURT: Good enough. See you all in
20 about an hour from now.

21 MR. BLACK: Thank you, Judge.

22 (Jury exits the court room at 12:18 p.m.)

23 (A break was taken from 12:36 p.m. to 1:45 p.m.)

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25 identification.)

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22 marked for identification.)

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24 for identification.)

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2 Evidence.)

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12 identification.)

13 THE BAILIFF: All rise. The court will
14 come to order.

15 THE COURT: Thank you. Please have a
16 seat. We'll go back on the record in the State
17 vs. Mr. Postell. The record will reflect the
18 defendant is present with counsel. The Court did
19 have a discussion with the attorneys in chambers
20 about a number of matters.

21 First of all, there are a number of
22 photographs that I think the parties have agreed
23 to, and there will be no objection from the
24 defense. Those have already been marked -- those
25 have not been marked.

1 COURT MONITOR: I'm working on it.

2 THE COURT: All right. The court
3 reporter is working on it. Those will be in
4 evidence without objection. I do have maybe eight
5 or ten photographs in my possession that I have
6 not ruled on. The defense is objecting to those
7 based upon the prejudicial effect of the images
8 depicted in those photographs. So the Court will
9 reserve ruling on those until a later point in
10 time.

11 As it relates to the impeachment issue of
12 the victim in this case, as the Court discussed in
13 chambers, I do agree with the State that there is
14 -- the ten-year limit does appear to apply to
15 impeachment even if it involves a crime of
16 dishonesty. But as we talked about in chambers, I
17 think that the central issue in this case will
18 boil down to credibility, and for that reason, I'm
19 going to permit the defense to inquire about the
20 convictions which took place in 2006, Miss Bonds'
21 convictions in 2006 for a fraudulent check.
22 Because, again, this is a credibility call from
23 what I understand the facts to be. The State's
24 contention is that the defendant did not have
25 permission to be there, was there against

1 Miss Bonds' will.

2 The Defense takes the opposite view of
3 things, so clearly the credibility of the
4 principal individuals involved in this case is
5 central to the jury's obligations here.

6 I think that covers most of the bases. Are
7 we ready to proceed everyone? Anything else that we
8 need to think about or talk about?

9 MR. BLACK: Your Honor, just while we're
10 all here, I failed to mention this in chambers.
11 I'll pass this up.

12 I've got the interview proposed
13 redactions and when I viewed them, I viewed them
14 on the Windows Media Player. I think if you view
15 them on the VLC player, the time stamps are a
16 little bit different, so I don't know how you all
17 viewed it.

18 But Mr. Taylor and I have agreed on
19 several spots and I'm not going to go over those
20 right now, but there are a couple spots that I
21 think should be allowed for the jury to hear.
22 There's like a two-second clip at minute 16:40 to
23 16:42. Mr. Postell says that he's going to get
24 life. He says, "I fucked up. I'm going to get
25 life."

1 I view that, basically, as an admission
2 of guilt. I think Mr. Taylor is objecting to that
3 statement.

4 21:05, he says, "About to be gone for the
5 rest of my life." Also I view that as an admission of
6 guilt as well.

7 And then minute 52:50 to 53:17, he
8 says -- Mr. Postell again says, "Fucked up. Going
9 to get life," and then basically goes on a spiel
10 about prison. And those -- I think those are
11 statements that we cannot agree on.

12 And, for the Stated reason, Your Honor, I
13 believe those essentially constitute an admission.
14 And I know Mr. Aaron Taylor feels differently
15 about those statements.

16 THE COURT: Yes, sir.

17 MR. TAYLOR: Thank you, Your Honor. That
18 is correct. Did you hand that up?

19 MR. BLACK: I didn't. Your Honor, I'm
20 going to hand these up to you.

21 MR. TAYLOR: I've looked at what he's
22 handing up to you, Judge. The top part, he's
23 agreed to redact and has the times on those. And,
24 then, as he said, there's four different places
25 that they are not agreeing to redact. And I know

1 I mentioned this earlier, the same terminology
2 about the prejudicial value weighed against the
3 probative value. I mean -- I guess, you may want
4 to watch that interview, Judge. It was one of
5 those -- I mean, I think you can see some of the
6 previous statements that we're willing to redact.
7 These are people that know each other. I think he
8 sort of -- and, again, you can look at it
9 yourself. Some of these, it was more of a
10 question, so, I'm going to get life? That's our
11 opinion on it.

12 Obviously, it does -- he does say those
13 things, I just don't -- I think there's a lot of
14 prejudicial value to that stuff. And, obviously,
15 it doesn't say what he's admitting to.

16 So, in other words, if the State, if he
17 wasn't charged with attempted murder, he would
18 say, well, I'm guilty of assault. But my point
19 being is, I know what that means, what he's
20 admitting to. He doesn't say what charge that he
21 says he did. What did he F up about. Was he
22 agreeing with all of what the officer is
23 confirming with, a few things. There's just no
24 clarification as to what it is.

25 So, anyway, I think it's pretty clear,

1 Judge. We can get into more formal arguments at
2 the appropriate time, but those are some that I do
3 agree with.

4 THE COURT: We'll handle it this way:
5 It's my assumption that at some point tomorrow you
6 intend to play this.

7 MR. BLACK: Yes, sir. I plan on playing
8 it through Investigator Hodge. I'm hoping to call
9 him tomorrow. I mean, if we start rolling, we
10 might call him today, but I would ask to play that
11 tomorrow to give us an opportunity to redact
12 that.

13 THE COURT: How I'll handle it then is,
14 when we have a break, when we take our afternoon
15 break today, let me talk to my law clerk about it,
16 since she has reviewed the tape, and I think that
17 you've given me a sufficient gist of the position
18 with regard to those last three statements. I
19 think I can make a ruling without necessarily,
20 perhaps, having to view it.

21 So -- but I'll be thinking about that,
22 and that way I can give you instruction this
23 evening on how to edit the film.

24 MR. TAYLOR: Right.

25 MR. BLACK: And just to be clear, our --

1 you know, he's talking about prison, but it's more
2 of a figure of speech. I'm going to get life,
3 talking basically -- our position is, it's just an
4 admission of guilt.

5 And, Your Honor, I think we did agree. I
6 think that 56:40 that's on there, where they
7 actually swab him for DNA, Mr. Taylor and I are in
8 agreement that that's fine. It doesn't need to be
9 taken out.

10 MR. TAYLOR: That's correct, Your Honor.
11 I mean, those are -- the same DNA that was sent
12 off, we're going to use in our defense, so we
13 would not object to that.

14 THE COURT: All right. Very good.

15 We'll go ahead and bring the jury in and
16 proceed. Let's have the jury, please.

17 (Jury enters the courtroom at 1:45 p.m.)

18 THE COURT: Ladies and Gentlemen welcome
19 back. I'm sorry for keeping you waiting. I was
20 wolfing down my food at about 6:45 and -- or I'm
21 sorry, 1:45. I think I got enough to take me to
22 supper time at this point. When I came back, there
23 were a few housekeeping matters that I wanted to
24 take up with the attorneys that should help move
25 this case along and expedite this case. They've

1 under the oath that you have just taken.

2 Before I recognize the attorneys for
3 their openings, I'll give them a chance to object
4 to anything that I've said during these opening
5 remarks and we will proceed with the trial.

6 No objections from the defense?

7 MR. TAYLOR: No objections, Your Honor.

8 MR. BLACK: No, sir, Your Honor.

9 THE COURT: Very good. Solicitor, you're
10 recognized for your opening.

11 MR. BLACK: Thank you, Your Honor. May
12 it please the Court?

13 THE COURT: Yes, sir.

14 MR. BLACK: May the 4th of 2017,
15 Lori Bonds, who is sitting over here to my right,
16 made a phone call to her boyfriend at the time,
17 Quintavias Calhoun. Quintavias Calhoun was at the
18 Abbeville County Detention Center for assaulting,
19 a domestic situation, Miss Bonds two weeks prior.

20 During the course of this two weeks,
21 Miss Bonds thought about what happened. She
22 thought about her relationship with
23 Quintavias Calhoun and they started conversing
24 again about what they -- what their relationship
25 needed to be.

1 For whatever reason, Miss Bonds decided
2 that she didn't want Quintavias Calhoun to be in
3 jail anymore. She wanted him out of jail. So the
4 conversation consisted of how are we going to get
5 you out of the jail.

6 Quintavias Calhoun lives in Calhoun Falls
7 and he's primarily known as a drug dealer.
8 Mr. Calhoun had some product out there. He told
9 Miss Bonds, hey, I've got this product, go get it.
10 Start moving a little bit of it, sell some of it,
11 take the proceeds, give it to my grandmother so
12 that you all can bond me out of jail. This was on
13 May the 4th, 2017. The conversation on the phone.
14 She's going to tell you about it. She's going to
15 tell you this conversation occurred with her
16 boyfriend at the time.

17 Miss Bonds made a couple sales that day.
18 Sold a little bit of crack to some folks. She
19 went home. She took a prescription level of
20 Ambien, which is what she typically does at night.
21 She went to bed.

22 In the middle of the night, between May
23 the 4th and May the 5th early that morning, she
24 heard something at her door. She walked outside
25 of her bedroom, she looked down the hall, and the

1 defendant in this case, Mr. Lawrence Postell, was
2 standing right there in her door. She noticed the
3 striker plate, the latch that locked the door was
4 in the middle of the floor. Her door had been
5 kicked in. Mr. Postell started advancing towards
6 her. Miss Bonds was trying to get dressed.
7 Mr. Postell grabbed her, grabbed the remaining
8 drugs that were on her counter in her living
9 room -- in her kitchen, grabbed her by her hair,
10 yanked her hair and dragged her to the back
11 bedroom, threw her on the bed, started taking off
12 her clothes and attempted to rape her.

13 Miss Bonds did what she could to get
14 away. She kicked him away. Tried to get in the
15 closet so she could lock herself in the closet and
16 escape that way, but Mr. Postell followed her in
17 there, continually beating her and trying to force
18 himself inside of her.

19 Miss Bonds eventually got away. She used
20 an umbrella that was in the closet. Whacked him
21 one time. Took out the front door, went to a
22 neighbor's house completely naked, bloody,
23 bruised, yelling and screaming for help saying,
24 please, someone, call 911.

25 Her neighbor, Amy Batagglia, you're going

1 to hear from her. She called 911. Law
2 enforcement showed up. EMS showed up. She was
3 taken to the hospital here in Abbeville County and
4 a rape kit was performed.

5 You're going to hear how long the rape
6 kit, how that happened, how long it took to do the
7 rape kit, what was found in the rape kit. You're
8 going to hear a little bit about DNA. You're
9 going to hear a lot of evidence over the next
10 couple days. You're going to have physical
11 evidence. You're going to see witnesses that are
12 going to get up here and testify as to what
13 happened.

14 There's one conclusion: Lawrence Postell
15 broke into her house to rob her of the drugs and
16 to rape her.

17 Those are the facts of the case.

18 Lawrence Postell was eventually charged. He
19 was charged, and you've already heard the charges. He
20 was charged with burglary first, criminal sexual
21 conduct, first degree, attempted murder, kidnapping,
22 possession of a weapon during the commission of a
23 violent crime. Those are the charges.

24 Now, I'm not going to get into all the
25 elements at this point. I'll tell you more about

1 those at the end of trial -- at the end of the
2 trial. But pay attention to the story. Pay
3 attention to what these witnesses have to say on
4 the witness stand. They're going to be
5 transparent with you. Miss Bonds is going to tell
6 you she was trying to sell some drugs to get her
7 boyfriend at the time out of jail. She's going to
8 tell you that. She's also going to tell you that
9 Mr. Postell broke into her house and raped her.

10 Folks, there's something that kind of
11 stuck out to me just a minute ago that Judge Addy
12 said. He said you're going to -- the
13 believability of the witnesses. That's something
14 that you, the jury, get to judge. And I ask you
15 during the course of this trial to pay attention
16 because this case is important to the State. It's
17 important to Mr. Postell and Miss Bonds. But
18 judge the credibility of the witnesses, the
19 believability of the witnesses. When they stand
20 up here and they put their hand on the Bible and
21 swear to tell the whole truth, listen to what they
22 say. And you, as the jury, get to judge that.
23 Because like the Judge said, he's the judge of the
24 evidence, he kind of calls bolts and strikes, but
25 you are the judge of the facts, what actually

1 happened.

2 Folks, the burden of proof that we have
3 is that we have to prove our case beyond a
4 reasonable doubt. And if you go into any
5 courtroom in America, if you go into a courtroom
6 in Canada and they're having a criminal trial
7 today, it's the same standard that we have here
8 that they have there. We have to prove our case
9 beyond a reasonable doubt. And I'm sure you've
10 all heard that before. But what does that really
11 mean?

12 Beyond a reasonable doubt is not beyond
13 all doubt. It's not beyond every doubt. It's not
14 beyond a shadow of a doubt. It's beyond a
15 reasonable doubt. It's being firmly convinced of
16 something. Being firmly convinced. There's not a
17 camera that we have that captures this whole thing
18 on camera, and we don't have a video of it. But
19 the pictures, the evidence tells a story.

20 Finally, I ask that you use our common
21 sense. The most important thing that you guys
22 brought with you when you walked in this morning
23 was your good ol' common sense. Use that to help
24 it guide you. Use that to evaluate the evidence.
25 Use your common sense to evaluate the witnesses,

1 what they're saying. And use it while you discuss
2 the case after the close of the evidence.

3 We appreciate your time. As Judge Addy
4 said, nobody likes being here. Nobody likes
5 sitting in court for a whole week listening to a
6 case like this, being away from your family and
7 jobs. But we appreciate you being here. We
8 appreciate you listening attentively, for, like I
9 said, this is very important for both sides.

10 At the end of the case, we're going to
11 ask you to find him guilty on all these charges.
12 Thank you.

13 THE COURT: Thank you, Mr. Black.

14 Mr. Taylor, you're recognized for your
15 opening statement.

16 MR. TAYLOR: Thank you, Your Honor. May
17 it please the Court?

18 THE COURT: Yes, sir.

19 MR. TAYLOR: I just want to reintroduce
20 myself. My name is Erin Taylor. You all get to
21 deal with me and hear my voice and see me for the
22 next three or four days, and I apologize for that.
23 Like Mr. Black said, this is a burden on you all
24 and we appreciate you all being here.

25 Any trial very important, but you just

1 heard what my client, Lawrence Postell, who's
2 sitting right there. He's a local Calhoun Falls
3 guys who's lived here his whole life in Abbeville
4 County. This is, I mean, beyond serious. This is
5 his whole life on the line. And as Mr. Black
6 said, this comes down to whether you all think
7 he's guilty or not. Nobody else.

8 You just heard Mr. Black come here and
9 give you, you know, his spiel, a little bit of a
10 summary of what they're saying that they think
11 they can proof. And the great thing about it is,
12 that's just, again, at this point, a theory and
13 his version of what happened. You are all the
14 ones that decide what happened.

15 A lot of cases, you know, this isn't one
16 of those TV shows where we got, you know, a
17 hundred angles of what happened and all this crazy
18 amount of evidence like you see in the movies and
19 television shows.

20 However, we do have DNA evidence.
21 There's actually quite a bit of that and I think
22 when you get to the end of this trial and you're
23 going to have to hear me talk again, I'll go more
24 into detail in that. But there's something I want
25 you to think about. There are going to be a lot

1 of red flags, so you just heard the State say all
2 this bad stuff happened, and Mr. Postell is this
3 horrible guy and did this horrible thing. There
4 are a lot of red flags.

5 And you heard Mr. Black also say that --
6 you know, you heard the term reasonable doubt, or
7 beyond a reasonable doubt. So, in other words, at
8 the end -- the judge will explain all this. I'm
9 not going to go into it. He'll explain what
10 beyond a reasonable doubt is. Well, reasonable
11 doubt is red flags. And I'm not going to get into
12 those right those. You're going to see and hear
13 this over the next couple, days, a lot of red
14 flags.

15 So at the end of this, I'm going to come
16 back and repeat this again and actually go into
17 detail.

18 A lot of the evidence he just referenced
19 actually helped my client. It shows that their
20 version of what happened isn't true, and I'll get
21 into that and I'll explain it.

22 So the main thing is, the common sense,
23 like he said, nobody's going to try to take that
24 from you. You got 13, but really only 12 of you
25 because the alternate is here, are going to decide

1 at the end. And I want you, again, to think very
2 clearly, because it's not as easy as Mr. Black has
3 said, just coming in here and saying boom, boom,
4 boom this happened and because she said it
5 happened, the victim, then it's true. That's just
6 not how life works and that's not how this case
7 works.

8 So I'm going to wrap it up at this point.
9 I appreciate you all's time. The last thing I
10 will say, my client and I don't have to prove
11 anything. The burden is all on the State. We
12 don't have to prove anything. So I want you all
13 to put them to that test, to the burden, and make
14 them prove this beyond a reasonable doubt because
15 I don't think they can do it. And I'll talk to
16 you again about it at the end of the trial.

17 Thank you all again.

18 THE COURT: Thank you, Mr. Taylor.

19 Mr. Black, you're very first witness, please.

20 MR. BLACK: Thank you. The State calls
21 Barbara Bonds.

22 THE CLERK: Put your left hand on the
23 Bible and raise your right. The evidence you're
24 about to give the Court will be the truth, the
25 whole truth, and nothing but the truth?

1 Direct Barbara Bonds
THE WITNESS: Yes, ma'am.

2 THE CLERK: You may be seated.

3 WHEREUPON:

4 BARBARA BONDS,
5 after having been sworn, testified as follows:

6 DIRECT EXAMINATION

7 BY MR. BLACK:

8 Q Can you introduce yourself to the jury please?

9 A Barbara Bonds, I go by Lori.

10 Q And how do you spell your first nam?

11 A B-a-r-b-a-r-a.

12 Q And it's Lori, L-o-r-I?

13 A Yes.

14 Q Miss Bonds, I'm going to take you back to April,
15 May of last year, 2017. Were you in a relationship
16 with somebody at the time?

17 A Yes.

18 Q And who was that?

19 A Quintavias Calhoun. He went by Quint.

20 Q Quint. And where were you living at the time?

21 A We were back and forth from my house to his
22 house.

23 Q And what was your house. What's the address at
24 your house?

25 A [REDACTED] Caribou Street.

1 Q All right. And where did he live?

2 A On Main Street in Calhoun Falls.

3 Q So both residences were in Calhoun Fall?

4 A Yes.

5 Q Did Quintavias Calhoun get arrested at some point
6 in April of 2017?

7 A Yes.

8 Q And was he at the Abbeville Detention Center
9 during this time?

10 A Yes.

11 Q Did you speak to him while he was at the jail?

12 A I did.

13 Q Do you remember what day that was off the top of
14 your head?

15 A I spoke to him a few times. The last time --
16 I spoke to him the day that this happened.

17 Q And that would have been May the 4th?

18 A Yes.

19 Q What was the nature of your conversation?

20 A He was wanting me to help him get out of
21 jail. I had agreed. He went back and forth about
22 what was going to happen. He had some friends he
23 could send for them. I went and let him call and
24 talk to his brother. He told his brother to give
25 me the drugs and let me sell them and to bring me

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1 the money that they had already sold originally
2 and let me take it to his grandparents.

3 Q Did you make any sales that day once you acquired
4 these drug?

5 A I did.

6 Q About how many do you think you made?

7 A Four maybe, at the most.

8 Q And did you sell all the drugs?

9 A No.

10 Q What did you do with the rest of the drugs?

11 A After that night and everything, I came in
12 and I just -- I have a counter in the kitchen and
13 I had everything sitting out there. And the
14 majority of it was in a bag sitting on there --
15 out there on the counter. There was plate there
16 beside where I had been, like, I guess, weighing
17 it and taking it to people.

18 Q Let me ask you this: When you walk in your front
19 door, is -- your kitchen, is it closer to when you
20 walk in your front door?

21 A When you walk in my front door, you can
22 pretty much see the whole -- you can see the
23 kitchen to my bedroom and everything.

24 Q Is it on the right, the counter top, or is it on
25 the left?

- 1 A When you walk in the door, it's to the left.
- 2 Q The counter top was?
- 3 A Yes.
- 4 Q And what kind of drugs were they?
- 5 A It was crank.
- 6 Q Crank?
- 7 A I mean crack.
- 8 Q Crack, okay. Did you -- you didn't make the
- 9 drugs, did you?
- 10 A No.
- 11 Q You got them from, what, his brother, you said?
- 12 A Yeah, he had had -- when he first had got --
- 13 when he got arrested -- I think when he got
- 14 arrested and they took them and was trying -- I
- 15 guess they were trying to sell them. I don't
- 16 know. But he felt like they wasn't doing what
- 17 they were supposed to be doing.
- 18 Q Okay. What time did you get home that day?
- 19 A To go to bed?
- 20 Q Yes, ma'am.
- 21 A I'm guessing. I think -- I've said the whole
- 22 time I thought it was around 9:00. I can't never
- 23 be sure of it, but I felt like it was probably
- 24 around 9:00. It wasn't late.
- 25 Q It wasn't late you said?

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1 A No, I don't think it was that late.

2 Q Okay. And do you take any medication to help you
3 sleep?

4 A Yes. I take Ambien.

5 Q Do you still take Ambien?

6 A I do.

7 Q In May of last year? May of 2017, you were still
8 taking Ambien?

9 A Yes. I've been on it for probably five
10 years.

11 Q You take it every night before you go to bed?

12 A Yes.

13 Q Does that help you sleep?

14 A Yes.

15 Q Did you end up waking up in the middle of the
16 night at some point that night?

17 A When I went to bed, I heard something and I
18 jumped up out of bed. I got to the end of my bed
19 and I see him.

20 Q And did you all have a conversation, or what?

21 A I don't remember anything I said. I had a
22 pair of pants laying on my -- in my bed and I was
23 trying to get them on and tried to take off
24 running at the same time. And as he was passing
25 me, he was, like, grabbing my hair and pulling me

1 down.

2 Q Did he say anything?

3 A I don't remember him ever saying too much of
4 anything.

5 Q Did you invite him over there?

6 A No.

7 Q And we're talking about "him". Who is "him"?

8 A Lawrence Postell.

9 Q And that's the defendant sitting right here in the
10 blue shorts and the striped shirt?

11 A Yes.

12 Q I guess you live in Calhoun Falls; is that right?

13 A Yes.

14 Q And Mr. Postell, I think we heard that he lives in
15 Calhoun Falls; is that right?

16 A Yes.

17 Q Calhoun Falls is a small town?

18 A I didn't really know him that well. I mean,
19 I think he was from Calhoun Falls. I don't really
20 know him that well.

21 Q But you know Mr. Postell. You know who he is.

22 A I know of him, yes.

23 Q Did you know him as Lawrence Postell, or did you
24 know him by any other names?

25 A Quint always called him Boogie.

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1 Q Boogie?

2 A Yes. I had to call the law on him once. And
3 when I did, I didn't even know his --

4 Q Hold on just a second.

5 MR. TAYLOR: Objection, Your Honor.

6 THE WITNESS: -- name.

7 THE COURT: You have an objection.

8 MR. TAYLOR: Yes, sir. Probably outside
9 of the jurors presence would be --

10 THE COURT: Let's talk about it up here.

11 (Bench conference off the record.)

12 THE COURT: Solicitor, with my caveat,
13 you may continue, subject to the defendant's
14 objection.

15 BY MR. BLACK:

16 Q And just -- I know we spoke previously, but
17 what -- how do you know Mr. Postell?

18 A He would always come to Quint's house to do
19 things to get, like, clean, or something to get
20 drugs from.

21 Q Okay. So you knew him through your boyfriend?

22 A Yes, but we had never even probably spoke
23 three words to one another.

24 Q Okay. And like I said, Calhoun Falls is a small
25 town; is that right?

1 A Yes.

2 Q So when he came in your house that night, he was
3 not invited over?

4 A No.

5 Q Do you know what time this was?

6 A When I went to sleep -- I went to sleep. I
7 don't know what time -- what time, though. He
8 didn't wake me up or anything. I don't know.

9 Q Okay.

10 A It seemed like that night never ended.

11 Q And so when he first -- when he first came in,
12 what did he do?

13 A It's kind of like we were -- when I seen him,
14 I wasn't -- I was trying not to be scared or
15 anything. And I said, what -- what the "F" are
16 you doing? And I took off trying to get out the
17 door and he was kind of running towards me and
18 about the same time, grabbed me, and we just, kind
19 of, from there just wrestled and everything. Just
20 went back and forth. Wrestled me back into the
21 bedroom.

22 Q Did you make it outside this first time?

23 A I eventually got outside the first time. I
24 tried to get to the neighbor's house. Got around
25 the car. I had lost my keys and just struggled

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1 with him. And he was trying to drag me by my hair
2 back in, and he hit me with something. And
3 everything was just, kind of, not right after
4 that.

5 Q When he dragged you back inside the house, where
6 did he take you?

7 A It was, kind of, like struggling back and
8 forth with one another, and I was trying -- I knew
9 that if I could get into my closet, my closet
10 locked from the inside and there was a way to get
11 out through -- through the roof, like. So I
12 thought if I could get in there, and I was trying
13 to struggle and everything. And we got to --
14 like, towards the bed, I guess. And he was
15 pulling my clothes off and --

16 Q At this point, did he take all your clothes off?

17 A The bottom part.

18 Q Where were you at this point? Were you on the bed
19 or were you in the closet?

20 A I was in the closet.

21 Q Did he ever force his penis inside of you?

22 A Yes.

23 Q Where was that at?

24 A I had fallen in the closet and I was on my --
25 laying on my back and he was on top of me, and I

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1 remember just trying to get him off of me and I
2 had seen, I guess, the drugs that he had taken off
3 the counter fell out of his pocket and he had,
4 like, a Saburo looking gun and it fell and I was
5 trying to grab down towards it and he was trying
6 to flip me. And when he flipped me, he just, kind
7 of, kept his hands wadded up in my hair. I
8 couldn't move. And when I would move, he would
9 bite my back. He would just bite it -- and that's
10 when the first time happened.

11 MR. TAYLOR: Ma'am, I'll just leave them
12 down next to you.

13 BY MR. BLACK:

14 Q So when he pulled your hair, did your hair rip out
15 or do you know?

16 A It felt like he was pulling it out. Every
17 time, when I eventually -- at night, I almost got
18 away from him, I remember grabbing an umbrella and
19 I was faced down and I kind of got the umbrella up
20 under me and was pushing it back, and I hit him
21 just enough, I guess, to where he loosened it.
22 And when I went to run, I remember him grabbing my
23 hair and it just felt like it was pulling my scalp
24 out.

25 Q And then after that he bit you, you said?

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1 A When I was laying on the floor and he was
2 behind me. If I would try to move, he would bite
3 down in my back.

4 Q Did you ever put his penis inside of your mouth at
5 all?

6 A Yes. He laid -- when I was on the bed, he
7 laid on top of me, choking me and he was on top of
8 me trying to do that.

9 Q How was he choking you?

10 A He would keep his hand around my neck and was
11 holding me down, over me.

12 Q Was it one hand or two hands?

13 A It was one hand. He had it like that
14 (indicating).

15 Q And at this point, were you laying face down or
16 face up?

17 A I was face up that time when he was trying to
18 make me do that.

19 Q Was that the first time?

20 A No, that was probably in the middle of
21 everything.

22 Q Do you have any idea how long this lasted or how
23 long he was in your house?

24 A It seemed like forever. It seemed like it
25 never stopped.

1 Q You mentioned an umbrella. How did you use that
2 umbrella? Did you ever use it to help you get away?

3 A It was laying in the closet and I grabbed it,
4 and just kind of, like, maneuvered it under me
5 and, kind of -- like, the vests, and I think I may
6 have hit him down in here somewhere. And he
7 didn't let go. He loosened up. And when he
8 loosened up, I then ran and I felt him grab me
9 back in my hair. It felt like it was just ripping
10 out of my scalp.

11 Q I think you mentioned something previously that
12 something smelled. Do you remember any distinct
13 smells?

14 A I just -- that whole night was awful. I just
15 stunk.

16 Q You said it stunk.

17 A (Indicating.)

18 Q Did you ever try to fumble to get into your
19 vehicle, your car?

20 A I did.

21 Q Was that the first time you got out of the house
22 or was that --

23 A No. The first time that I got, but he was
24 right on me. I couldn't get away.

25 Q Was your car unlocked or was it locked?

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1 A I think it must have been locked because I
2 couldn't never even get the door open.

3 Q You were fumbling for the door but couldn't get it
4 open?

5 A (Indicating.)

6 Q Was Mr. Postell telling you anything or saying
7 anything while this was going on?

8 A I remember telling him that Quint was getting
9 out, that me and him may get together. He was
10 going to get -- you know, be in trouble with him.
11 And he told me -- he was like, who do you think
12 sent me here. And that's when he took my head and
13 just put it in the mirror and he said, do you
14 think I'm going to let you live?

15 Q Live, l-i-v-e, or leave?

16 A Live.

17 Q L-i --

18 A -- v-e.

19 Q So he put your face in the mirror?

20 A Yeah. At that point, I was not even
21 recognizable.

22 Q Was this -- was this after you all had been in the
23 closet or before you all had gone into the closet?

24 A It was after the closet. I continuously
25 tried to get back in the closet just to, maybe,

1 lock him out, but I couldn't.

2 Q You were constantly struggling with him?

3 A (Indicating.)

4 Q You said something about a gun. Did you ever see
5 a gun on him?

6 A I did. In the beginning, when we got to the
7 closet, I seen the gun.

8 Q That he had pointed at you, didn't he?

9 A It fell on the floor and that's when I was
10 trying to get it. And I don't know that -- I
11 don't think I seen it after that. But he and I
12 never stopped struggling to where -- and he never
13 took his hands out of my head or off my throat.
14 It was always --

15 Q Were you working at the time?

16 A On and off.

17 Q Where were you working?

18 A Milliken. I mean -- not Milliken.
19 Michelin.

20 Q Eventually you did escape; is that right?

21 A Yes.

22 Q Do you remember what Mr. Postell was wearing that
23 night?

24 A It seemed like a striped shirt, and some
25 nasty -- I mean, the jeans. Just nasty looking.

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1 Q Do you know what color the shirt was?

2 A I just remember stripes.

3 Q I want to ask you a couple questions, Miss Bonds.
4 You have a couple convictions on your record, don't
5 you?

6 A Yes.

7 Q I'm seeing a couple convictions from 2006 for a
8 fraudulent check. It looks like maybe a couple of
9 fraudulent checks, obtaining goods by false pretense,
10 forgery charges. It looks like about four or five
11 total. Are you denying that?

12 A No.

13 Q It looks like you also have a couple convictions
14 from 2009 for fraudulent checks; is that right?

15 A Yes.

16 Q It looks like about three or four of those as
17 well; is that right?

18 A Yes.

19 Q And you got put on probation for the ones from
20 2006?

21 A Yes.

22 Q And maybe it looks like the ones from 2009, you
23 just paid them back?

24 A Yes. Well, that's what my probation was too,
25 was paying all that back.

1 Q Just pay the restitution back of bad checks?

2 A Yes.

3 Q Do you remember where you went after you
4 eventually escaped from Mr. Postell?

5 A I ran to the house beside me. It was Brenda
6 and Ralph Campbell. They're an older couple. I
7 didn't stay -- I mean, I just beat and screamed
8 and hollered. I don't think that they heard me.
9 And then I ran straight to the other house, the
10 white house up the road.

11 Q Okay. Do you know what that address is?

12 A I don't know their address.

13 Q I'm going to show you a map that's been -- it
14 hasn't been marked yet.

15 (STATE EXH. 108, Map, marked for
16 identification.)

17 BY MR. BLACK:

18 Q I'm going to show you what's been marked as
19 State's 108. And this may take you a minute to get
20 used to looking at. Do you see this?

21 A That's my house.

22 Q Okay. I'm going to point it over to the jury.
23 You're at [REDACTED] and this is Fairview Street; is that
24 right?

25 A Yes.

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1 Q Do you know where you went to first?

2 A The Raffertys.

3 Q And they're right beside you it looks like?

4 A Yes.

5 Q And they're right beside you, it looks like?

6 A Ye.

7 Q Do you know where they went to? You said they
8 never came to the door?

9 A I never made it to that house.

10 DIGITAL COURT REPORTER: I can't hear.

11 THE COURT: Speak up just a little bit.

12 She's not able to hear with -- maybe it would be
13 good if you stepped down and then let her be right
14 next to Tara.

15 MR. BLACK: I'll put it down here.

16 BY MR. BLACK:

17 Q Can you point to which house that is?

18 A 55.

19 Q Do you know who lives there?

20 A I don't know them. I don't know them.

21 Q Did somebody -- where did you go once you got to
22 that house?

23 A I went to the porch and just beat on the
24 door.

25 Q Asked them for help?

- 1 A To call -- to please call 911.
- 2 Q Did law enforcement and EMS eventually show up?
- 3 A Yes.
- 4 Q I'm guessing you don't know what time that was?
- 5 A No.
- 6 Q Where did you go? Where did they take you, or did
- 7 they -- did they talk to you?
- 8 A I went to the hospital.
- 9 Q Okay. Did you talk to the law enforcement
- 10 officers out there?
- 11 A There were so many of them, but the detective
- 12 talked to me. After they got done at the house, I
- 13 think he came and talked to me.
- 14 Q And I'm guessing -- what did you tell them? Did
- 15 you tell them what you told the jury?
- 16 A Yes.
- 17 Q You identified Mr. Postell?
- 18 A Yes.
- 19 Q They took you to the hospital here in Abbeville?
- 20 A Yes.
- 21 Q Do you know how long you were there for?
- 22 A It was daylight when I left with Monique.
- 23 Q This fellow sitting back here?
- 24 A Yes.
- 25 Q What did they do at the hospital?

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- 1 A Took pictures. They did a rape kit. Meg's
2 House came.
- 3 Q You stayed there for the next couple days?
- 4 A Couple weeks.
- 5 Q Couple weeks. And that's in Greenwood is that
6 right?
- 7 A Yes.
- 8 Q At the hospital, the rape kit, do you know how
9 long -- do you remember how long that took?
- 10 A It seemed like forever.
- 11 Q And can you maybe describe just a little bit of
12 what -- oh, you may not even remember.
- 13 A I remember something like a female exam.
14 That's about all I remember.
- 15 Q You said it was daylight when you left?
- 16 A When we left the hospital.
- 17 Q And then you went to Meg's House?
- 18 A I don't know if that's the day that we went
19 to -- they took me to my house and let me get
20 clothes or not. I can't remember. And then we
21 went to Meg's House. I can't remember if I went
22 to get clothes or not.
- 23 Q I'm going to show you a couple pictures. Do you
24 recognize -- I'm going to ask you if you just
25 recognize these pictures.

1 A I do.

2 MR. BLACK: And Your Honor, the State
3 moves 1 through 5 into evidence.

4 MR. TAYLOR: Without objection, Your
5 Honor.

6 THE COURT: Without objection, the
7 State's 1 through 5 are moved into evidence .

8 (STATE EXH EXH. 1, Photo, was entered into
9 evidence.)

10 (STATE EXH. 2, Photo, was entered into
11 evidence.)

12 (STATE EXH. 3, Photo, was entered into
13 evidence.)

14 (STATE EXH. 4, Photo, was entered into
15 evidence.)

16 (STATE EXH. 5, Photo, was entered into
17 evidence.)

18 (STATE EXH. 108, Photo, is entered into
19 evidence.)

20 BY MR. BLACK:

21 Q Do you recognize -- do you know what this is,
22 Miss Bonds?

23 A That's the pair of pants that I grabbed to
24 put on when I seen him coming in the house.

25 Q Those are the ones he took off of you?

1 A Yes.

2 Q State's Number 2, can you tell the jury what this
3 is?

4 A That's my front door. The white is where my
5 boyfriend did -- but the other -- but he had
6 knocked the -- the door handle part off.

7 Q You're talking about Quintavias Calhoun?

8 A Quintavias did where that white part is.

9 Q Was it glass or plastic?

10 A It was a piece of glass and he just wouldn't
11 -- he knocked it out and would unlock the door and
12 come in.

13 Q Okay. So I guess he reached down and unlocked the
14 door and then came in?

15 A Yeah, that's what he did.

16 Q That's the reason for why he was --

17 A Not him. Quintavias.

18 Q Your boyfriend.

19 A Yes.

20 Q And that's why he was in jail during this time?

21 A Correct.

22 Q But it looks like that wasn't disturbed at all.

23 A No. That wasn't touched.

24 Q Is that wood?

25 A It's a piece of -- it was the wall stuff.

1 Q Sheetrock.

2 A Sheetrock.

3 Q Okay. So Mr. Postell, he didn't do that.

4 A No.

5 Q I'm going to show you State's Number 3. What is
6 that?

7 A That's the lock on my door. That's what he
8 knocked in and came in.

9 Q Okay.

10 A The other piece was glass that was laying on
11 the floor. When I got up, I seen that gold piece
12 laying on the floor and I seen him coming in.

13 Q Okay.

14 A And I guess that gold piece is what I heard
15 hit the floor when I woke up.

16 Q And I'm going to show you what's been marked as
17 State's Number 45. This looks like a picture of your
18 house. Is that true?

19 A Yes.

20 Q And down at the bottom, right-hand side, there's a
21 Number 8. Is that the striker plate that you're
22 referring to?

23 A Yes. I seen that laying on the floor and
24 seen him right before coming in. And I was
25 standing, like, where you could see the light in

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1 the back, kind of, in that area. That's my
2 closet.

3 Q Yeah. If you could just tell the jury, maybe
4 describe to the jury, this is looking -- is this
5 looking through your front door?

6 A That's from my front door. You can see the
7 kitchen, the living room, and you could see into
8 my bedroom and the closet in the back.

9 Q This is your bedroom through these doors?

10 A Yes.

11 Q And your closet -- actually, is that your closet
12 back through here?

13 A Yes.

14 Q And you did -- you're admitting you had crack
15 cocaine. Where was the crack at?

16 A Right there at the edge of the bar where it
17 says "nine."

18 Q You had it placed somewhere up here?

19 A Yes.

20 Q And Number 8, again, is the striker plate?

21 A Yes.

22 Q And that striker plate is attached to -- I'm
23 showing you State's Number 3. Is that how your door
24 worked, it was attached to that?

25 A Yes.

1 Q Okay. I'm going to show you State's Number 5.

2 That stuff is in your bedroom. It looks like a pair
3 of black pants in there; is that correct?

4 A Yes.

5 Q What pants were those?

6 A When we got in the closet, I kept trying to
7 grab clothes, you know, just to get something back
8 on. I was pulling things on. He would be pulling
9 them off. It was just another pair of pants. I
10 think I may have halfway gotten them back on, but
11 I was so scared peed all over myself. And so
12 somewhere in there is a pair of clothes that has
13 pee all over them.

14 Q Did you do that while you were still in the bed?

15 A Yes.

16 Q Did you do that -- did you do that on purpose or
17 did you lose control?

18 A I was just so scared and I kept telling him I
19 had to go to the bathroom. He wouldn't let me go.
20 Just trying to -- just trying anything to get away
21 and I couldn't.

22 Q Did you tell him that you were pregnant, too,
23 trying to get him away?

24 A Yes.

25 Q Did that seem to deter him?

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1 A No. I told him everything. Anything I
2 could. Nothing worked.

3 Q Did you try to tell him that your daughter was
4 coming home, that you were expecting your daughter?

5 A Yes.

6 Q That didn't work either?

7 A No.

8 Q I'm showing you what's been marked as State's 4.
9 Is that the umbrella that you used to help you get
10 away?

11 A Yes.

12 Q Do you know where that picture was taken at?

13 A My yard, probably.

14 Q Okay. Does Miss Parris and Miss Bell ever show up
15 and talk to you after the fact?

16 A Yes, I think they were at the hospital the
17 whole time. I know Monique was. I know -- I
18 don't remember when Sarah Came.

19 Q I'm going to show you what's been marked as
20 State's 6, 7, 8, 9, 10 and 11. Do you recognize these
21 photographs? Just flip through them real quick. Do
22 you recognize those?

23 A They're of me.

24 Q These were taken a couple days after this
25 incident?

1 A Yes.

2 MR. BLACK: Your Honor, the State moves --

3 THE COURT: 6 through 11?

4 MR. BLACK: Yes, sir.

5 THE COURT: In evidence without objection.

6 (STATE EXH. 6, Photo, was entered into
7 evidence.)

8 (STATE EXH. 7, Photo, was entered into
9 evidence.)

10 (STATE EXH. 8, Photo, was entered into
11 evidence.)

12 (STATE EXH. 9, Photo, was entered into
13 evidence.)

14 (STATE EXH. 10, Photo, was entered into
15 evidence.)

16 (STATE EXH. 11, Photo, was entered into
17 evidence.)

18 BY MR. BLACK:

19 Q While Mr. Postell was raping you, was he also
20 beating you?

21 A Yes.

22 Q He was continually punching you?

23 A (Indicating.)

24 Q Can you describe the injuries that you had?

25 A It never stopped. From when he grabbed me at

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1 that door, it never stopped. It was constant
2 beating and choking and pulling my hair out.

3 Q You were pretty -- you had blood all over your
4 face as well at that time; is that right?

5 A Yes.

6 Q And I see you stitched up right here on the nose?

7 A Yes. My nose is -- I forgot what they called
8 it, but I can't breath out this side of my nose.

9 Q I'm sorry. Say that again.

10 A I can't breath out this side of my nose.
11 It's collapsed.

12 Q State's Number 7, it looks like a picture of your
13 arm?

14 A Yes.

15 Q It's all bruised up?

16 A (Indicating.)

17 Q State's Number 8, it looks like a picture behind
18 your ear, bruising behind your ear?

19 A Yes.

20 Q State's Number 9 is another picture of the side of
21 your face?

22 A (Indicating.)

23 Q Number 10, it looks like a bruise underneath your
24 chin. Is that where he grabbed you?

25 A He would constantly have his -- like this.

1 If he wasn't holding me right here he had me back
2 here (indicating).

3 Q He was just rotating back and forth?

4 A (Nods head.)

5 Q Is that a yes?

6 A Yes, sir. I think it's where he felt like he
7 had more control of me.

8 Q State's Number 11, what is that?

9 A That's where he'd bite me. If I tried to get
10 away or crawl away, he would bite me in my back.

11 Q And this was about five days after this incident;
12 is that right?

13 A Yes.

14 Q I'm going to show you what's been marked as
15 State's Number 12. You talked to several different
16 investigators that day; is that right?

17 A I talked to a lot of people. Yes.

18 Q Do you remember Investigator Heines who's sitting
19 right over there?

20 A Yes, I talked to him.

21 Q Did he ever come to the hospital?

22 A He did. He came and took pictures and talked
23 to me.

24 Q Did he ever show you -- you told him who did this
25 to you; is that right?

1 A Yes.

2 Q I'm going to show you what's been marked as
3 State's Number 12. Do you recognize what that is?

4 A That's the thing that he showed me to pick
5 him out.

6 Q I guess in law enforcement terms, it looks like a
7 photo lineup; is that right?

8 A Yes.

9 Q Did you identify -- are there any names by those
10 folks?

11 A No.

12 Q And you circled a number; is that right?

13 A Yes.

14 Q And it looks like it's on the bottom left-hand
15 side?

16 A Yes.

17 Q And you identified that person?

18 A Yes.

19 Q How did you identify him?

20 A Boogie.

21 Q Did you write his name down?

22 A Yes.

23 Q Did you initial it?

24 A Yes.

25 Q And date it?

1 A Yes.

2 MR. BLACK: Your Honor, the State moves
3 Number 12 into evidence.

4 THE COURT: No objection?

5 MR. TAYLOR: No objection.

6 THE COURT: State's 12 is in evidence.

7 (STATE EXH. 12, Photo lineup, was entered
8 into evidence.)

9 BY MR. BLACK:

10 Q And I guess off to the side you wrote Boogie
11 Postell?

12 A Yes.

13 Q Is that your -- are those your initials?

14 A Yes. And I wrote up under it, I think, too.

15 Q And that's a little faint. It's looks like it's
16 5/5/17 at 10:55 a.m. Does that look right?

17 A Yes.

18 Q At that point, you would have still been at the
19 hospital; is that right?

20 A Yes.

21 MR. BLACK: I beg the Court's indulgence.

22 THE COURT: Yes.

23 BY MR. BLACK:

24 Q Miss Bonds, you were selling crack cocaine for
25 Quint to try to get Quint out of jail?

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1 A Yes, sir.

2 Q Did you ever use any of the drugs?

3 A No. I never did drugs.

4 Q You've never done drugs?

5 A No.

6 Q You take a prescription level of Ambien and that's
7 it?

8 A Yes, sir.

9 Q When Quint was out of jail two weeks prior to
10 that, did you ever do drugs?

11 A No.

12 Q And you didn't do any drugs that night?

13 A No.

14 Q Do you remember them drawing blood at the
15 hospital?

16 A I do.

17 Q Did they draw blood as part of the rape kit as
18 well?

19 A I just remember it being drawn.

20 Q You don't know where from, though?

21 A No.

22 Q And you said you and Quint -- how long were you
23 all in a relationship for?

24 A We started seeing each other probably
25 December of 2016.

1 Q So you all were in a relationship about six months
2 at that point?

3 A Yes.

4 Q Had he ever been to your house?

5 A Quint?

6 Q Yes, ma'am.

7 A Yes.

8 Q And you've been to his house?

9 A Yes.

10 Q You all were familiar with each other's places.

11 A We were together 24/7. Wherever one was ever
12 at, the other was there.

13 Q Okay. You gave a couple different statements to
14 law enforcement that morning about what happened; is
15 that right?

16 A Yes.

17 Q I'm going to show you what hasn't been marked, but
18 it appears to be your statement; is that right?

19 A Yes.

20 Q You didn't write that statement, though?

21 A No.

22 Q It was another officer?

23 A Yes.

24 Q Do you know what time that was given? It should
25 be at the bottom.

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1 A 7:05 a.m.

2 Q Okay. Do you know -- and can you tell which
3 officer wrote that?

4 A Gambrel.

5 Q Gambrel. The only reason I'm asking you about
6 that, I think you testified earlier it may have been a
7 striped shirt.

8 A Yes.

9 Q Do you say something different in your statement,
10 what you told Brittany?

11 A It says white.

12 Q A white shirt.

13 A Uh-huh.

14 Q Do you remember if it was white or striped or is
15 it kind of foggy?

16 A It was, like, white and -- I don't know if it
17 was black or purple, but it was like -- just
18 striped looking with white in it.

19 Q But you said it was dirty; is that right?

20 A It was dirty, and he just smelled bad. I
21 remember the smell.

22 Q Very distinct?

23 A (Indicating).

24 Q Okay. But that statement was given the morning of
25 this event?

1 A Yeah.

2 Q I'll take that back from you.

3 How long did you live at that address?

4 A I grew up there. My daddy died, and I moved
5 back down there once he died.

6 Q When did he die?

7 A 2015. September the 4th, 2015.

8 Q So once he passed, you moved back home and lived
9 in the house?

10 A He left the house to my kids. And they
11 weren't old enough to pay for it, so I went back
12 to pay for it -- finish paying for it.

13 Q Where were you living previously?

14 A In Anderson.

15 Q So you were very familiar with that house? You
16 lived in the house?

17 A (Nods head.)

18 THE COURT: She's nodding yes.

19 THE WITNESS: Yes.

20 BY MR. BLACK:

21 Q I showed some pictures of Mr. Postell -- or he had
22 taken your pants off. There were pictures of pants
23 that were on the floor. Were you wearing a shirt that
24 evening?

25 A When I went to bed, I had on, I think -- I

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1 think it was a black shirt and a pair of panties.

2 And I had on those red jogging pants, but I took
3 them off when I got in bed and laid them at the
4 foot of the bed.

5 Q Do you remember at what point he took your panties
6 and your shirt off?

7 A I don't think he took them off. They were
8 torn off.

9 Q You stated you never used any drugs. Did you ever
10 use any drugs at your house?

11 A No.

12 Q Did anybody else ever use drugs at your house?

13 A I mean, Quint was there, but -- he smoked and
14 stuff like that.

15 Q He was the only one?

16 A No, he's had friends over there and stuff.
17 But he's never been there.

18 Q That was the first time you --

19 A Other than the time before.

20 Q Okay. You mentioned that Mr. Postell was over at
21 your house another time before; is that right? Yes?

22 A Yes.

23 Q Did you invite Mr. Postell over that previous
24 time?

25 A No. He came there to bring a message from

1 Quint.

2 Q Okay.

3 A Quint had sent him there.

4 MR. BLACK: I think that's all the
5 questions I have at this point. Please answer any
6 questions Mr. Taylor might have for you.

7 THE COURT: Mr. Taylor, I'm happy to let
8 you go now. I was going to offer -- I neglected
9 to offer to get them some note pads, and it might
10 be a good time to take a break. Anybody going to
11 want notes pads to take notes while the case is
12 going on? Raise your hands. One, two, three --
13 let's take a brief break and the clerk will meet
14 you all back there with about five or six or seven
15 note pads and some pens. Don't talk about the
16 case. Return to the jury room for just a few
17 moments, okay, while we get those passed out.

18 You can step down, if you want. Don't talk
19 about your testimony.

20 THE WITNESS: Okay.

21 (Jury exits the courtroom at 3:18 p.m.)

22 (Jury enters the courtroom at 3:31 p.m.)

23 THE COURT: The jury is back and seated.
24 Of course, ma'am, you are still under oath.

25 Mr. Taylor, you may proceed.

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MR. TAYLOR: Thank you, Your Honor.

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2 CROSS-EXAMINATION

3 BY MR. TAYLOR:

4 Q Miss Bonds, you testified earlier that you were
5 selling drugs for your boyfriend Quinton Calhoun?

6 A Yes.

7 Q Were you driving around selling to different
8 people or would they come to your house?9 A The first time, his brother called and told
10 me to bring something over there. And I took that
11 to him, and he took me where -- he was behind his
12 place and sold. And then he had sent somebody
13 over there, and he had somebody with him and they
14 came and got some stuff. But they were people
15 that I knew that Quint had been selling stuff to.16 Q So you must really love him to start committing
17 crimes to help him get out of jail, right?

18 A I'm not right for doing it.

19 Q All right. And you weren't ever charged with
20 either possessing drugs, possessing drugs with intent
21 to distribute or trafficking any kind of drugs, were
22 you?

23 A Not that I know of.

24 Q Okay. So you came out of this scot-free, right?
25 In terms of --

1 A Why do you say that?

2 Q In terms of the criminal charges, right?

3 A I guess. I don't know.

4 Q What would Quinton's -- he wouldn't be happy if
5 you were having sexual relationships with other men,
6 would he?

7 A Huh-huh, no.

8 Q And especially not, you know, in his home or your
9 home, right? If you were bringing them to your house,
10 he wouldn't like that, would he?

11 A No.

12 Q And if you were, you wouldn't want him to find out
13 about it, right?

14 A If I was, I wouldn't have been doing what I
15 was doing for him.

16 Q All right. Ma'am, Mr. Black asked you about some
17 statements you gave previously. Didn't you give two
18 different written statements? I know someone wrote
19 them for you, but you signed them, right?

20 A Yes.

21 Q And then today would be a third version, right?
22 In other words, a little bit different testimony
23 today, right?

24 A From what I can remember.

25 Q So you just answered. So you had a little bit of

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1 a hard time remembering some of this stuff, right?

2 A I try not to remember.

3 Q Okay. You just answered. So you had a little bit
4 of a hard time remembering some of this stuff, right?

5 A I try not to.

6 Q And you missed a lot of different details today
7 that were in your statements previously, right?

8 A Only one thing that I say different.

9 Q Let me do this.

10 MR. TAYLOR: Judge, may I approach?

11 THE COURT: Please.

12 (DFT. EXH. 1, Statement, was marked for
13 identification.)

14 (DFT. EXH. 2, Statement, was marked for
15 identification.)

16 BY MR. TAYLOR:

17 Q I have what's marked as Defendant's Exhibits 1 and
18 2, and I actually got that from the police. They sent
19 that to me months ago. Could you tell the jury what
20 those are? What I handed you?

21 A Basically, the same thing. They're just a
22 little bit different.

23 Q And those don't appear to be altered, other than
24 there's one little part whited out. But nobody wrote
25 in something different, or anything different? It

1 appears to be accurate?

2 MR. TAYLOR: Your Honor, at this time, I
3 ask or move to put in Defendant's 1 and 2 into
4 evidence.

5 THE COURT: Any objection?

6 MR. BLACK: No objection.

7 THE COURT: Numbers 1 and 2 will be in
8 evidence.

9 (DFT. EXH. 1, Interview, was entered into
10 evidence.)

11 (DFT. EXH. 2, Interview, was entered into
12 evidence.)

13 BY MR. TAYLOR:

14 Q And where I'm going with this, Miss Bonds, there's
15 a lot -- don't you agree that this is a -- there's a
16 lot of details in this case? Wouldn't you say that's
17 true? So a lot of little things like when he pulled
18 my hair or he didn't, right?

19 A He pulled my hair.

20 Q Or he choked me or he didn't choke me?

21 A I was choked.

22 Q Okay. So there's a lot of different things in
23 here that were in your statement that you didn't talk
24 about today, right?

25 A No, I said he pulled my hair and he choked

1 me.

2 Q I was using those as an example. I'm just saying
3 there's other details and you may not have covered all
4 those, right?

5 A That was probably more fresh in my mind.

6 Q Okay. And you may have added some stuff today
7 that wasn't in your statements, right?

8 A No.

9 Q Okay. Well, you don't think you've given a bunch
10 of different versions of very important details about
11 this case?

12 A No, sir.

13 Q You sure?

14 A Yes, sir.

15 Q We'll come back to that in a minute.

16 You were released the same day from the
17 hospital, right? In other words, this happened
18 late in the morning -- or early morning, late in
19 the night and you got out from the hospital that
20 same day, right?

21 A With the contingency that I was going to
22 Meg's House. They didn't want me to go home.

23 Q But, in other words, they didn't keep you in
24 medical care the rest of that day. You got to go
25 home, or wherever you were going?

1 A To the next day, and then I went to Greenwood
2 Hospital.

3 Q Okay. And you mentioned that you said you thought
4 you saw a gun in his waistband. Did I hear that
5 right.

6 A I saw a gun.

7 Q Okay. Isn't it true that he didn't display it to
8 you, right? In other words, you're saying you just
9 saw it.

10 A No, he was trying to -- he was pulling his
11 pants down, and the gun and what he had gotten off
12 the counter was falling on him. And I was trying
13 to get to the gun. I seen it. I was trying to
14 get it.

15 Q What I'm getting at, isn't it true that he didn't
16 pull out the gun and point it at you?

17 A When he flipped me over, I felt like he may
18 have had it, but I don't know.

19 Q And you were never hit with a gun, right?

20 A I don't know.

21 Q You don't know a lot of things. That's a little
22 concerning, don't you think?

23 A No.

24 Q Okay. Let's talk about your criminal record.

25 Mr. Black asked you about some of your prior record.

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1 A Uh-huh.

2 Q Wouldn't you agree that those are crimes of
3 dishonesty?

4 A Yes.

5 Q So cheating people out of money, writing bad
6 checks, defrauding banks, that kind of thing, don't
7 you think that's dishonest?

8 A It was writing bad checks, and, yes, it was
9 dishonest, but I did pay it all back.

10 Q And were several of those convictions forgeries or
11 the forgery and the case involving the Federal
12 Financial -- what it was, those are felonies, right?

13 A It was forgeries against my boyfriend at the
14 time. My soon-to-be husband, yeah.

15 Q But those are felonies, right?

16 A Yes.

17 Q Okay. You mentioned that -- Mr. Black showed you
18 a picture of the door at your house, right?

19 A Yes.

20 Q And there was already damage to the door, right?

21 A To the glass.

22 Q It's just a yes or no. Wasn't there already
23 damage to the door?

24 A Yes.

25 Q Okay. Now, I'm a little concerned too about you

1 couldn't remember what kind of shirt he was wearing,
2 right?

3 A When you're being beat and raped, I don't
4 really think that's --

5 Q Well, don't you think on the flip side, if you're
6 accusing somebody of doing something like that, you
7 should get some real important details right, don't
8 you think?

9 A I didn't stop to look at his shirt. I was
10 trying to get away. I thought he was going to
11 kill me. I laid there and really thought in my
12 mind that's how I was going to die.

13 Q Ma'am, I didn't ask you that.

14 What do you -- and you never said anything in
15 your statement about him taking your head and shoving
16 you in a mirror or telling you that were going to die,
17 in the mirror. Isn't that true?

18 A It's in there, that he made me look at myself
19 and asked me -- and he told me that he wasn't
20 going to let me live.

21 Q Well, I'm going to let the jury look at that
22 later. You mentioned earlier, too -- didn't you
23 testify that after you said you were at the hospital
24 and just don't remember a whole lot? Didn't you
25 testify to that?

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1 A There's pieces and parts I don't remember.

2 Q Well, I mean --

3 A It's just kind of in and out.

4 Q Right. So you were in and out this whole event,
5 right?

6 A No, not in and out.

7 Q So you magically remember everything perfectly at
8 the crime scene, but then the next day you don't
9 really remember?

10 A No, I don't remember a lot at the crime
11 scene. I remember being raped. I remember him
12 beating me, choking me, pulling my hair, trying to
13 get away. I don't remember that stuff.

14 Q And you never found -- nobody ever found a gun in
15 your house, right?

16 A I don't know.

17 Q Okay. Let's talk more about the drugs. You
18 mentioned they were in the floor at some point but
19 were on the counter; isn't that right?

20 A I had left everything on the counter that
21 night when I went to bed.

22 Q Do you remember where the police found the drugs
23 in the house?

24 A I don't know.

25 Q You don't know, okay. So would you be shocked if

1 I told you they found them somewhere else in the
2 house?

3 A On the counter?

4 Q Or in the floor?

5 A Well, he had them in his pants.

6 Q I thought you testified earlier you had drugs in
7 the house? You were selling them.

8 A I did, and everything was sitting on the
9 counter. And when he came in, he grabbed
10 everything off that counter and was grabbing up at
11 the same time and we sit there and fought right
12 there at that counter.

13 Q Now, isn't it true you bit him too?

14 A I don't know.

15 Q Isn't it true that he would have some marks or
16 some kind of --

17 A I don't remember biting him, but I hope I
18 did.

19 Q But you remember hitting or scratching him too,
20 right?

21 A I hope I did, yes.

22 Q So there was probably pictures of all his
23 injuries, right?

24 A Yes, I hope so.

25 Q Okay. Now also, you didn't have your statement

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1 that -- you testified today that you peed yourself.

2 A I told them from the beginning.

3 Q Wouldn't that -- wouldn't that be really important
4 to say? That's really bad.

5 A I told them from the beginning.

6 Q And I didn't see in your statements either, isn't
7 it true that you didn't say anything about him
8 constantly choking you for the entire time? You
9 testified it was non-stop.

10 A You can look at my neck and see that it was
11 choked.

12 Q Well, that's different though than non-stop the
13 whole time, don't you think?

14 A He either had a hold to my neck or my head.
15 That is how he pretty much controlled me.

16 Q And, again, I want to make sure I understand. And
17 you, I know, at different times, but you said he had a
18 striped shirt, right?

19 A It seems like -- I don't really know. It
20 seems like it was white and maybe like a couple of
21 stripes in it.

22 Q Don't you think that's a little concerning,
23 though. You seem like, and you think, that's not
24 good, is it?

25 A I don't know.

1 Q Okay, there we go. What else do you not know
2 about it?

3 A I didn't check his clothes out.

4 Q Okay. How much of this was filled -- these
5 details filled in by either law enforcement or meeting
6 with the Solicitor's Office --

7 A None.

8 Q -- to, kind of, refresh your memory?

9 A I really haven't talked to them. I really
10 tried to not meet with nobody, not to think about
11 this.

12 Q Whatever happened to Quinton? Did he end up
13 getting out of jail?

14 A No, he went to prison.

15 Q Is he in prison now?

16 A Yes.

17 Q Are you going to continue a relationship with him
18 when he gets out?

19 A No.

20 Q Why did you change your mind after going out and
21 selling drugs for him?

22 A Because I felt like Quint probably sent him
23 up there because he sent him up there the week
24 before threatening me.

25 Q But that's the same as before, right? Probably

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1 did and I think he did, right?

2 A The gun that he had looked like Quint's gun.

3 I seen it every day.

4 Q Well, that's interesting. You did not put that in
5 any of your statements, did you?

6 A I said it from day one.

7 Q These are in evidence, ma'am.

8 A The day that his brother brought those drugs
9 to me to sell, Quint told him over the phone to
10 give me his gun and he did not. And that day, his
11 brother, when I went up there to take that \$40 to
12 him to sell, he was up there at his house. So I
13 feel like they all were in on it.

14 Q So you're saying this is a conspiracy that he was
15 sent over there now to attack you and do all this.

16 A I feel like that he had something to do with
17 it because he came over the weekend before to
18 threaten me about Quint.

19 Q Why is none of this in your statement?

20 A Well, you said they couldn't bring up the --
21 some things.

22 Q Ma'am, you wrote this.

23 A But I did say all that.

24 Q It's nowhere in your statement, isn't that true?

25 A I don't know, but that's what I told since

1 day one.

2 Q You don't think that's completely different than
3 this random guy broke in my house and did all this
4 stuff as opposed to my boyfriend sent him over there?
5 Don't you think that's different?

6 A I didn't think he sent him over there until I
7 seen the gun and I thought that it was Quint's.

8 Q That's the first I've heard of that, is today,
9 ma'am. Isn't that odd?

10 A I don't know.

11 Q You don't know?

12 A (Indicating.)

13 MR. TAYLOR: Judge, may I have one
14 moment?

15 THE COURT: Certainly.

16 BY MR. TAYLOR:

17 Q Ma'am, isn't it true that you didn't tell the
18 truth to law enforcement about the drugs because you
19 were scared they were going to charge you?

20 A No.

21 Q Well, you haven't told two different stories
22 about, he had drugs with him, that they were at the
23 house because you were selling them?

24 A I said that he had drugs that fell out of his
25 pockets.

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1 Q And you're saying that he brought those into the
2 house with him?

3 A No, I didn't say that either way.

4 Q Okay. You don't where they came from?

5 A Yeah, I know where they came from. They came
6 off the counter.

7 Q Okay.

8 A They were on my counter.

9 Q Like I said, the story is changing and I'm really
10 confused by all this.

11 A When he got on top of me and started pulling
12 his pants down, the drugs fell out, and that's
13 what I told them.

14 Q All right. And a lot of these -- again, I just
15 want to make sure I understood. You went home that
16 day, right, from the hospital?

17 A Right.

18 Q How long were you in the hospital?

19 A When I left the Abbeville Hospital, I went to
20 Meg's House.

21 Q Okay.

22 A When I got to Meg's House, I had to go back
23 in to Greenwood because my kidneys were
24 bleeding.

25 Q But Meg's House isn't a hospital, right? That's

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1 Q like a women's shelter; is that right?

2 A I went back into Greenwood Hospital the
3 following day.

4 Q Okay. That's the first I heard of that. Would
5 that surprise you?

6 A There's no regrets.

7 Q All right.

8 MR. TAYLOR: One more time, Your Honor,
9 if I may? Your Honor, I don't have any further
10 questions. Thank you.

11 THE COURT: Thank you, Mr. Taylor.

12 Any redirect, Mr. Black?

13 MR. BLACK: Briefly, Your Honor.

14 REDIRECT EXAMINATION

15 BY MR. BLACK:

16 Q Miss Bonds, you and Quint had been in a
17 relationship for six months. I think you talked about
18 that; is that correct?

19 A Yes.

20 Q Had you all been intimate in the bed that was at
21 your house?

22 A Yes.

23 Q You had had sex with him?

24 A Yes.

25 Q Did you have sex with anybody else in that bed?

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1 A Just Quint.

2 Q Your statement -- Mr. Taylor talked about your
3 statement. There were two of them, and I think
4 they're actually in evidence separately. You didn't
5 write either one of these statements; is that right?

6 A No. And I was pretty hysterical when I was
7 talking to them. So I'm assuming the variations
8 are just from me being so hysterical.

9 Q Yeah, it looks like one is at 5:15 a.m. and then
10 there's another one at 7:05 a.m., May the 5th.

11 A Yes.

12 Q Does that sound about right?

13 A Yes.

14 Q Were you in any shape whatsoever to write?

15 A No, I couldn't have written anything.

16 Q You said you were hysterical?

17 A Yes.

18 Q I'm sure you were being asked a ton of different
19 questions by law enforcement, by medical staff, by
20 everybody; is that right?

21 A Yes.

22 Q On May the 4th, you started selling drugs for
23 Quint; is that right?

24 A Yes.

25 Q At that point, did you still love him?

1 A I thought I did. I mean, I thought that was
2 love. That wasn't love, what was going on between
3 us. But, yeah, at that point, I thought I was in
4 love with him.

5 Q Do you realize that some drugs or somebody,
6 despite you might be in love with him, you realize
7 that was illegal, correct?

8 A I know it was illegal, but I felt, at that
9 point, I really didn't have a choice. He had
10 already threatened me. He had sent various people
11 up there. I mean, it was going on for two weeks.

12 Q He threatened you. You're talking about Quint,
13 your boyfriend?

14 A Yes. It was just easier to put him back in
15 my love and to go along with everything, and to
16 feel safe.

17 Q So you were weighing that as actual love and then
18 making a decision based on that?

19 A Yes.

20 Q I know you said, while you were talking to
21 Mr. Taylor, that you were focused on trying to get
22 away from Mr. Postell and you maybe had some trouble
23 with some details; is that right?

24 A Yes. It just seemed like it went on forever
25 and I don't remember everything. It's probably

Direct Amy Bataggia

1 A good that I don't, but I do remember some
2 stuff and I remember him raping me. I remember
3 him choking me, pulling my hair thinking that's
4 how I'm going to die.

5 Q So it's fair to say, maybe the color of his shirt
6 is not that important if you're trying to save your
7 life?

8 A No.

9 MR. BLACK: That's all I have, Your
10 Honor.

11 THE COURT: Ma'am, you can sit down.
12 Solicitor, you can call your next witness, please.

13 MR. ANDREWS: The State calls Amy Bataggia.

14 THE CLERK: Put your left hand on the
15 Bible, raise your right. The evidence you're
16 about to give the Court will be the truth, the
17 whole truth, and nothing but the truth?

18 THE WITNESS: I will. I do.

19 WHEREUPON:

20 AMY BATAGGLIA,
21 after having been sworn, testified as follows:

22 DIRECT EXAMINATION

23 BY MR. ANDREWS:

24 Q Good afternoon, ma'am.

25 A Good afternoon.

Direct Amy Bataggli

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1 Q Please state your name.

2 A Amy Bataggli.

3 Q And what's your address?

4 A ■ Fairview Street, Calhoun Falls, South
5 Carolina.

6 Q Okay. Now, I'm going to show you what's been
7 marked for ID purposes State's Exhibit 108.

8 A Uh-huh.

9 Q And it may be easier for you to just come down so
10 that we can -- the court reporter can hear us and we
11 can illustrate everything properly now.

12 Which house is yours?

13 A Right there (indicating).

14 Q Okay. And do you know Lori Bonds?

15 A No.

16 Q Do you know who Lori Bonds is?

17 A Yeah, I'd seen her.

18 Q Okay. Is she in this courtroom right now?

19 A Yeah.

20 Q Was she the lady who just testified?

21 A Yes.

22 Q Where does she live?

23 A She lives right here.

24 Q Do you remember the night of -- you can go back
25 and sit down.

Direct Amy Batagglia

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1 A Okay.

2 Q And, if you could, please speak up, ma'am.

3 A Okay, sorry.

4 Q Do you remember the night of May 5th, 2017?

5 A Yes.

6 Q What happened that night? Well, let me take that
7 back. What happened very early that morning?

8 A Someone was banging -- I had already gone to
9 bed, and someone was banging on my door and
10 ringing my doorbell really hard and just
11 continuously, and I thought it was one of my boys.
12 I have a son that lives in Alabama and a son that
13 lived in Georgia, and sometimes they come and
14 visit mommy surprisingly, you know, and just do
15 that kind of stuff. And I freaked out and I
16 thought -- my neighbors were all asleep, you know.

17 And I was going to the front door and I was
18 fixing to sling it open and say, you all, stop, be
19 quiet, and I heard her say, help me, I've been raped.
20 Call 911. Help me, I've been raped. And I heard
21 "rape," I did not open the door.

22 Q Okay. Let me ask you this: You said I heard
23 "her" say something. Who is "her"?

24 A Miss Bonds.

25 Q Okay. And around what time of the morning was

1 this?

2 A I'm thinking it was 3:00 or 4:00. Probably
3 more towards four o'clock in the morning.

4 Q Okay. Now, I interrupted you, so I guess where we
5 left, she was banging on your door and screaming.
6 What did you do?

7 A I had to run back to my bedroom and get my
8 phone and I called 911.

9 Q Okay. Did you open the door?

10 A No, I didn't open the door. Because when she
11 said "rape," I didn't know where he was. I saw
12 her through my window. I have a double window
13 right there in the front.

14 Q Okay. Can you describe what you saw?

15 A I could see her pretty good because we have
16 street lights right there and it just shines on
17 the front of my house. And when I looked out the
18 window, she was completely naked, her hair was all
19 bloody and red and just -- she was beaten. She
20 had blood over her. She just -- but I have a
21 little couch on the front, and she was sitting on
22 the couch.

23 Q Okay.

24 A And she was just saying, please call.

25 Q And, again, why did you not open the door?

Direct Amy Batagglia

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- 1 A Because I didn't know where he was. My
2 husband was a police officer and he was also
3 military police, and he's told me a lot of things.
4 I also don't have a peephole outside my door that
5 I can look out, and my biggest fear was he was
6 under my porch, which you can get under my porch.
7 And then I thought he might be in the back of my
8 Tundra. I just didn't know. I felt horrible for
9 not opening the door, but I also don't have any
10 guns in my house.
- 11 Q Okay. And when you say "he," you don't know any
12 person specifically. You just mean the "rapist."
- 13 A Right. I assumed that if someone was beating
14 that badly, I wouldn't have thought it was a
15 woman.
- 16 Q Okay.
- 17 A She was pretty bad. I almost threw up when I
18 looked out the window and saw her. And I was
19 trying to talk to 911 at the same time.
- 20 Q Did you throw up?
- 21 A I almost did.
- 22 Q Okay.
- 23 A I was trying to hold it together.
- 24 MR. ANDREWS: Your Honor, permission to
25 approach the witness?

1 BY MR. ANDREWS:

2 Q Ma'am, I'm going to show you what's been marked
3 State's Exhibit Number 13. Do you know what this
4 recording -- do you know what this is?

5 A Yeah.

6 Q And what is this?

7 A The 911 call.

8 Q How do you know that's what this is?

9 A You let me listen to it earlier.

10 Q Okay. Did you mark it in some way?

11 A Uh-huh.

12 Q What --

13 A I dated it and signed it, initialed it.

14 Q All right.

15 MR. ANDREWS: Your Honor, the State moves
16 to admit State's Number 13 into evidence, Your
17 Honor.

18 THE COURT: No objection?

19 MR. TAYLOR: No objection, Your Honor.

20 THE COURT: Without objection, State's 13
21 is in evidence and you may publish it.

22 (STATE EXH. 13, CD 911 call, was
23 entered into evidence.)

24 (CD of 911 call played.)

25 BY MR. ANDREWS:

Direct Amy Batagglia 145

1 Q All right. Miss Batagglia, I think you remember
2 from earlier that that's not the end of the tape,
3 right?

4 A Right.

5 Q Did you stay on with the 911 operator until law
6 enforcement arrived?

7 A Yeah.

8 Q Would it surprise you to learn that it took about
9 14 minutes?

10 A It seemed like forever. It did.

11 Q Now, when law enforcement arrived, did you open
12 the door or did you leave the door closed?

13 A I saw them coming down the road. I could
14 tell it was a police car and then flipped on the
15 light and I opened the door and went out there.

16 Q Okay. Did you talk with Miss Bonds?

17 A I had talked to her for a second, but then I
18 went in and got one of my husband's old work
19 shirts and came back out and put it on her.

20 Q Okay.

21 A Because they started asking her questions and
22 everything and she was sitting there completely
23 nude, and it was -- it was not a comfortable
24 situation.

25 Q I can understand. What was her demeanor like?

1 A Hysterical, upset.

2 Q Now, earlier you said you didn't know her?

3 A We never spoke. I just seen her from her
4 house.

5 Q Okay. That was my next question. Had you seen
6 her around the neighborhood?

7 A Yeah. All the time around the neighborhood,
8 but we never spoke.

9 Q Okay, sure.

10 MR. ANDREWS: Thank you, ma'am. Please
11 answer any questions Mr. Taylor may have for you.

12 CROSS-EXAMINATION

13 BY MR. TAYLOR:

14 Q It's Miss Batagglia, right? Is that correct?

15 A Uh-huh.

16 Q Were you walking around earlier in the night
17 before this happened?

18 A Yes.

19 Q You were. And where were you walking? Just
20 around the house or on the street?

21 A I walk down the street with my pitbull.

22 Q Okay. And how long before this stuff with Miss
23 Bonds, with her coming over there, how long was that
24 before then?

25 A Probably two hours before that.

Re-Cross Amy Batagglia 151

1 and I think what we're going to do is, I'll go ahead
2 and ask Tara to mark these so that we can discuss
3 these intelligently, but I think I'm comfortable
4 ruling on those.

5 Additionally, just to let you know so that
6 you can be telling your person to go ahead and start
7 working on it, so far as I understand the objection to
8 the three statements in the audio interview, you're
9 objecting at 16:40 through 42, 21:05, 52:50 to 53:17,
10 and the objection from the defense, Mr. Taylor, is
11 that the prejudicial effect outweighs probative value?

12 MR. TAYLOR: Yes, sir. And there's --
13 actually, right before that, above, there's a
14 fourth statement that he makes at 56:40 mark.

15 THE COURT: Okay.

16 MR. TAYLOR: And he said -- he mentioned
17 -- I don't have a problem with that. I don't have
18 any problem with that coming in. I mean, it talks
19 about getting DNA.

20 THE COURT: Okay.

21 MR. TAYLOR: Again, we're relying on
22 that. So I just wanted to cover that for that
23 document. But, yes, sir, the prejudicial value
24 outweighs the probative value. I think there's no
25 doubt that he admits to certain things later in

1 detail. And this is sort of -- I'm not sure what
2 he's -- I don't want the jury to get confused and
3 say, well, he's admitting to every single crime
4 that he's charged with, and, therefore, he's
5 guilty, which is not what he was getting at. So
6 that would be our position.

7 I think you're understanding where we're
8 coming from, Judge.

9 THE COURT: I do. I do. And I respect
10 your position. The -- I've looked at those
11 statements and I tend to concur with the solicitor
12 that these statements could be interpreted as an
13 admission of culpability as least with respect to
14 the assaults, and I think that's one of those
15 inference questions that could be argued both ways
16 to the jury. But, clearly, he's admitting
17 culpability to doing something wrong by making
18 those statements, so the Court will be allowing
19 the solicitor to play those portions to the jury
20 subject to your objection.

21 What I'm going to do -- you all tell me
22 if the forelady starts coming back in, okay?

23 So what I'm going to do is allow this to
24 be marked -- my copy to be marked as the Court's
25 copy so that there's a good, clean record here of

Re-Cross Amy Batagglia

1 everything that has been ruled on.

2 MR. BLACK: The time stamps are if you
3 view it through the Windows Media Player.

4 THE COURT: Through Windows media player.

5 MR. TAYLOR: And, Judge, I think I can
6 clean up some of that on direct. I mean, I think,
7 as far as I know, Mr. Postell is going to testify,
8 so I can question him about that.

9 THE COURT: Right.

10 MR. TAYLOR: And get that nailed down.

11 THE COURT: All right. Very good. We'll
12 make this the Court's 1, and, again, it's the last
13 portion of this Court's 1 that we are dealing with
14 that was objected to. Objection is noted;
15 overruled.

16 We'll take a break for ourselves.

17 MR. BLACK: Just briefly, Your Honor.

18 THE COURT: Oh, yes, sir.

19 MR. BLACK: We were going to call
20 Miss Kimberly Wells from dispatch about when the
21 time for the --

22 THE COURT: Did you get it taken care of?

23 FOREPERSON: Yes, sir.

24 COURT MONITOR: We'll mark that Court's
25 exhibit while she's walking back.

1 the victim told you? I mean, I know you could observe
2 stuff too.

3 A Right.

4 Q But would you say some of it is from her answering
5 questions, her opinions?

6 A Yes, and I was observing her.

7 Q I understand. Yes, ma'am.

8 MR. TAYLOR: Okay. That's all I have.

9 THE COURT: Sergeant, thank you very much
10 for coming in.

11 THE WITNESS: Yes, sir. Thank you.

12 THE COURT: Call your next witness.

13 MR. ANDREWS: The State calls Anquetta
14 Wideman-Thomas.

15 THE CLERK: Put your left hand on the
16 Bible, raise your right. The evidence you're
17 about to give the Court will be the truth, the
18 whole truth, and nothing but the truth?

19 THE WITNESS: I will.

20 WHEREUPON:

21 ANQUETTA WIDEMAN-THOMAS,
22 aftern having been sworn, testified as follows:

23 DIRECT EXAMINATION

24 BY MR. ANDREWS:

25 Q Good afternoon, ma'am.

Cross Sherri Ashley

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1 A Good afternoon.

2 Q Please state your name.

3 A Anquetta Thomas.

4 Q Where do you work, ma'am?

5 A I work at South Carolina Department of
6 Corrections.

7 Q Where do you live?

8 A I stay on 125 Victor Drive.

9 Q All right. Let me take you back to the night
10 of -- or early in the morning of May 5, 2017. Were
11 you living at the same place then?

12 A Yes, sir.

13 Q What happened that night? Or rather, what
14 happened very early that morning?

15 A Well, we thought we heard somebody knocking
16 on the door at around about three o'clock in the
17 morning. When I woke my husband up, he got to the
18 door, we didn't see nobody, so we just laid back
19 down and went back to sleep.

20 So around about seven o'clock, I got a phone
21 call from one of the neighbors that asked me, did I
22 see all the police cars that was out there by the
23 house, and I told her no.

24 So me and my husband got up. We went to the
25 end of the porch and we could see all the cars and

Cross Sherri Ashley

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1 stuff, so we walked off the porch and walked to the
2 end of the road right there at the stop sign. And we
3 looked down and we could see all the police cars and
4 the yellow tape and everything was, you know, roped
5 off -- taped off at the house.

6 So we walked back to the house and I come
7 back in the house. So I was getting ready. I had got
8 up that morning and was getting ready to go to the
9 jockey lot.

10 Q Hold on one second. Let me stop you. You said
11 there was -- a house was taped off.

12 A Yes.

13 Q Whose house was taped off?

14 A Bobby Wayne's.

15 Q Bobby Wayne.

16 A That's Miss Bonds' house. That's how I refer
17 to it as, Bobby Wayne. That's her daddy.

18 Q All right. Miss Bonds lives there?

19 A Yes.

20 Q Okay. And you know Miss Bonds?

21 A I just know of her from passing.

22 Q But you're familiar with her because she lives in
23 the neighborhood.

24 A Yes.

25 Q I'm sorry. When I interrupted you, you were

Cross Sherri Ashley

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1 getting ready to go to the jockey lot.

2 A Jockey lot, yes. And then I walked out to
3 the car to get ready to crank the car up. And
4 then when I seen Mr. Postell coming from the
5 corner edge of my house, and I stopped and talked
6 to him.

7 Q Okay. What did he tell you?

8 A Well, me and him were having a conversation.
9 When I walked up to him, I noticed that he had
10 blood on his nose and he had blood on his T-shirt
11 and his shirt was real dirty. And I looked and I
12 asked him, you know, what have you got into. And,
13 you know, he said he had done messed up, and --
14 you know, him and Chris Walker had been together.

15 And I got to -- I said, you know how it is
16 already, you know, to be locked up. I said, you got a
17 child. You know you need to do what's right to be out
18 here to help raise your child. You know that's not
19 the lifestyle that you want. You know, you got to do
20 right. And I know him previous from being locked up
21 and stuff.

22 MR. TAYLOR: Your Honor, objection.

23 THE COURT: All right. Ladies and
24 Gentlemen, the jury will disregard that last
25 comment, okay? It's not responsive to any

Cross Sherri Ashley

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1 questioning, so you're to completely disregard
2 that last comment from that witness, okay?

3 Solicitor, you may continue.

4 MR. ANDREWS: Thank you.

5 BY MR. ANDREWS:

6 Q What's your husband's name?

7 A Fernan Thomas.

8 Q Okay. At some point, did you send your husband
9 out to talk to Mr. Postell?

10 A Yes, sir.

11 Q And then your conversation with Mr. Postell ended?

12 A Yes, sir.

13 Q Okay. Let me ask you this, and I know this is,
14 kind of, a very small point, but, at one point you had
15 talked with an investigator from our office.

16 A Yes.

17 Q And just now during your testimony, you said that
18 Mr. Postell, I believe you said, "messed up"?

19 A Yeah.

20 Q Were those his exact words?

21 A Yes, sir. He said he had done messed up.
22 Him and Chris Walker had been together. And I
23 asked him where they had been at. And he said,
24 over there, pointing over at Bobby Wayne's house.
25 Me and him had gotten to the front part of my

Cross Sherri Ashley

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1 house and we was talking.

2 Q Okay. Let me ask you this, ma'am. You said that
3 his shirt looked -- I believe you said his shirt had
4 blood on it.

5 A It had blood on it and it was dirty.

6 Q Okay.

7 A He had on a white T-shirt.

8 Q Okay. What about his face?

9 A He had blood on his nose, right here
10 (indicating).

11 Q Okay. Was there dirt on it too, or just the
12 blood?

13 A Just the blood.

14 MR. ANDREWS: Thank you, ma'am. Please
15 answer any questions Mr. Taylor may have.

16 CROSS-EXAMINATION

17 BY MR. TAYLOR:

18 Q Miss Thomas, you mentioned he said he messed up;
19 is that right?

20 A Yes, sir.

21 Q Was that his exact words, or did he use another
22 word?

23 A That was his exact words.

24 Q So he didn't use the "F" word at all, or anything
25 like that?

Cross Sherri Ashley

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1 A Well, he said -- when me and him was talking,
2 he said it twice, though. The first time he said
3 he "messed up." The next time he said, "yeah, I
4 done fucked up, me and Chris Walker."

5 Q All right.

6 A He kept saying him and Chris Walker.

7 Q But there were no details given, right?

8 A No, sir.

9 Q So he could have said, hey, man, I punched
10 Chris Walker, or I messed up? I mean, you have no
11 idea what that means?

12 A I don't know what happened.

13 Q Do you think it's possible he could have said, I
14 am -- I am messed up, or I am "F'd" up? In other
15 words, he was high or drunk. Could that have been the
16 context?

17 A Well, he looked like he was high.

18 Q So that's possible he said that instead of the
19 other way around?

20 A I don't know what he meant by it.

21 Q Tell me again, because I missed it. So this isn't
22 a trick question. What time of day did he come by
23 your house?

24 A That was about seven o'clock in the morning.

25 Q Okay, got you. So it was daylight out at that

Cross Sherri Ashley

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1 point?

2 A Yes, it was daylight.

3 Q Got you. And you said you're real familiar with
4 Miss Bonds' house?

5 A Yes.

6 Q How long have you lived in that neighborhood?

7 A I've been there for 11 years.

8 Q So if you're familiar with it, are there a lot of
9 people coming in and out of Miss Bonds' house?

10 A Lately, they have been having a lot of
11 activity, a lot of people in and out around there.

12 Q Okay. Was there any kind of commotion over there,
13 or just people driving in and out and going in and out
14 of the house?

15 A Most of the time, I would just see people,
16 you know, in and out from around there.

17 Q And these are strangers? You didn't know any of
18 those people?

19 A Well, I know most of them. I'm from Calhoun
20 Falls.

21 Q Okay. Did you ever see Mr. Postell over there at
22 all?

23 A No.

24 MR. TAYLOR: One moment, Your Honor.

25 Your Honor, I have no further questions. Thank

Cross Sherri Ashley

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1 THE CLERK: Got it. State's exhibit for

2 ID?

3 MR. BLACK: Yes.

4 (STATE EXH. 120, Crime Scene Diagram,
5 was marked for identification.)

6 THE COURT: Mr. Black good to go?

7 MR. ANDREWS: I think so, Your Honor. I just
8 talked to him.

9 THE COURT: Go ahead and bring him in.
10 All right. Let's have the jury, please.

11 (Jury enters the courtroom at 4:51 p.m.)

12 THE COURT: The jury is back and seated.
13 Solicitor, if you'll call your next witness,
14 please.

15 MR. ANDREWS: The State calls
16 Patrick Thompson, Your Honor.

17 THE CLERK: Put your left hand on the
18 Bible and raise your right. The evidence you're
19 about to give the Court will be the truth, the
20 whole truth, and nothing but the truth?

21 THE WITNESS: I do swear.

22 WHEREUPON:

23 PATRICK THOMPSON,
24 aftern having been sworn, testified as follows:

25 DIRECT EXAMINATION

Direct Patrick Thompson

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1 BY MR. ANDREWS:

2 Q Good afternoon, sir. Please state your name.

3 A I'm Patrick Thompson, Lieutenant with the
4 Abbeville County Sheriff's Office.

5 Q Okay. What are your current duties at the
6 Sheriff's Office?

7 A My current duties, I'm the patrol supervisor
8 for a shift.

9 Q Do you also do some crime scene stuff?

10 A Yes, sir.

11 Q Okay. I think that's the technical term. What is
12 the technical term for your crime scene
13 responsibilities?

14 A Normally, I'm there. I supervise the actual
15 security of the crime scenes. But with my past
16 experience with investigations, pursuant to this
17 case, I had a little bit more expertise in the
18 collection of evidence. So, in this case, I
19 actually processed the scene.

20 Q Okay. Now, let me take you back to May 5th of
21 2017. Did you have an opportunity to go to
22 [REDACTED] Fairview Street in Calhoun Falls?

23 A I did.

24 Q This is going to seem like a ridiculous question,
25 sir, but is that in Abbeville County?

Direct Patrick Thompson

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1 A Yes, sir. It is.

2 Q Okay. And did you prepare a diagram of that crime
3 scene?

4 A Yes, I did.

5 Q All right. Now, I'm going to show you what's been
6 marked as State's Exhibit for ID purposes 120. I'm
7 going to show you what this is. I'm just going to ask
8 you, do you recognize this?

9 A Yes, sir. I do.

10 Q What is this?

11 A This is a crime scene sketch that I prepared
12 for the 102 Fairfield Street for the processing.

13 Q Are you sure it's Fairfield Street?

14 A Or Fairview Street.

15 Q Okay. All right.

16 MR. ANDREWS: Your Honor, State moves to
17 admit State's 120 into evidence.

18 MR. TAYLOR: No objection, Your Honor.

19 THE COURT: Without objection, State's
20 120 is in.

21 MR. ANDREWS: All right.

22 (STATE EXH. 120, Crime Scene Diagram, was
23 entered into evidence.)

24 BY MR. ANDREWS:

25 Q Okay. Now, I'm sure you'll note that there's --

Direct Patrick Thompson 181

1 this diagram contains a lot of numbers and circles.

2 A Yes, sir.

3 Q What does that mean?

4 A Each circled number corresponds with an
5 evidence ID number that was collected on the
6 scene.

7 Q All right.

8 A So each piece of evidence that was collected
9 has a numbered -- item number to it and that
10 number corresponds to its location at the house.

11 Q Okay. Do you remember right off the top of your
12 head what was collected?

13 A Not off the top of my head, but there was
14 numerous items collected.

15 Q Okay. Sir, if I show you a document to refresh
16 your recollection, do you think that might help
17 things?

18 A Yes, sir.

19 Q All right.

20 A Yes, sir. This is a search warrant return
21 for the items collected from that diagram.

22 Q When you say search warrant returned, this is
23 Miss Bonds' home?

24 A Yes, sir.

25 Q Okay. So it wasn't a search warrant?

Direct Patrick Thompson

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1 A Well, it was a search warrant, but it was an
2 inventory.

3 Q All right.

4 A Just a common term we use for it.

5 Q Okay. Well, what is item number 1?

6 A Item number 1 is the photograph of a tire
7 impression near the roadway.

8 Q Okay.

9 MR. ANDREWS: Your Honor, could we get
10 the witness off the witness stand just so he can
11 point at the diagram?

12 THE COURT: If you could, just keep your
13 voice up so that everybody can hear, and my court
14 reporter can too, please.

15 BY MR. ANDREWS:

16 Q All right. If you could just point out these
17 items as you see them. What is item number 1?

18 A Item number 1 would be a tire impression that
19 was photographed here near the roadway.

20 Q Okay. How about 2?

21 A Item number 2 is an umbrella located here in
22 the front yard of the front of the vehicle.

23 Item number 3 will be hair that was recovered
24 from the side of the Mustang.

25 Items 4 and 5 will be plug, sample swab that

Direct Patrick Thompson
1 were taken from the front steps.

2 Items 6 and 7 will be a hair brush and a
3 clump of hair recovered from the living room.

4 Item 8 will be the door striker plate from
5 the front door located in the living room.

6 Item 9 was omitted.

7 Item 10 is hair that was collected at the
8 kitchen, bedroom threshold.

9 Item 11 is a black T-shirt collected from the
10 bedroom.

11 Item 12 is a black jacket, grey shirt and
12 hair from the bedroom that was located in a pile in
13 the corner.

14 Item 13 is a pillow case with blood stains in
15 the closet, located in that corner.

16 Item 14 is a pair of blue jeans that was
17 located in the closet.

18 Items 15 through 18 were all pubic hairs
19 recovered from the bed itself.

20 Item 19 is a comb recovered from the closet
21 located there.

22 Item 20 is a five dollar bill located in the
23 closet.

24 Item 21 is a grey hat that was recovered in
25 the closet.

Direct Patrick Thompson

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1 Item 22 was a bag with miscellaneous items
2 that was located in the closet.

3 Item 23 was a bag with scales or a rock-like
4 substance that was collected and sent to SLED as a
5 controlled substance believed to be crack cocaine.
6 That was also located in the closet.

7 Item 24 is underwear that was collected from
8 the bedroom beside the bed.

9 Item 25 is a pair of red pants recovered from
10 the bedroom that would have been located beside the
11 bed.

12 Item 26 will be the actual bedding of the bed
13 itself.

14 Item 27 was a flashlight that was recovered
15 next to the bed.

16 And items 28 and 29 were the sexual assault
17 kits that were recovered from the victim.

18 Q Okay. So they wouldn't be on this diagram.

19 A No, sir.

20 Q All right. Sir, if I can just have that
21 documentation back.

22 (STATE EXH. 121, Consent to Search, was
23 marked for identification.)

24 BY MR. ANDREWS:

25 Q And now that document you were just reading from,

1 Direct Patrick Thompson
is that State's exhibit marked for ID 121?

2 A Yes, sir.

3 Q And this was something that you would have
4 prepared in the normal course of business?

5 A Yes, sir.

6 MR. ANDREWS: Your Honor, the State moves
7 to admit State's 121 into evidence.

8 MR. TAYLOR: Without objection.

9 THE COURT: It's in evidence.

10 (STATE EXH. 121, Consent to Search, was
11 entered into evidence.)

12 BY MR. ANDREWS:

13 Q Okay. Now, all of these items. What did you do
14 with these items?

15 A All the items were collected and sealed
16 individually, and then what items that needed to
17 be further processed were sent down to SLED for
18 further processing. I.e., the bedding material,
19 the sexual assault kit, blood swabs, that kind of
20 stuff actually went down to SLED for further
21 processing.

22 Q And when you packaged this stuff up that needed
23 further processing, did you put that in tamper evident
24 packaging?

25 A Yes, sir.

STATE OF SOUTH CAROLINA	)	COURT OF GENERAL SESSIONS
	)	2017-GS-01-0315
COUNTY OF ABBEVILLE	)	2017-GS-01-0316
	)	2017-GS-01-0317
	)	2017-GS-01-0318
	)	2017-GS-01-0319
	)	2017-GS-01-0320
	)	
THE STATE OF SOUTH CAROLINA,	)	
PLAINTIFF,	)	
	)	
vs.	)	TRANSCRIPT OF RECORD
	)	Day 2 and 3 of Trial
LAWRENCE ORLANDO POSTELL,	)	
DEFENDANT.	)	
_____	)	

September 5 and 6, 2018
 Abbeville, South Carolina

B E F O R E:

THE HONORABLE FRANK R. ADDY, JR., JUDGE

A P P E A R A N C E S:

MICAH ELIJAH BLACK, ESQ.
 DEMETRIOS G. ANDREWS, ESQ.
 Attorneys for the Plaintiff

AARON VAN TAYLOR, ESQ.
 Attorney for the Defendant

CHERYL A. SMITH
 Circuit Court Reporter

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P R O C E E D I N G S

Wednesday, September 5, 2018

(WHEREUPON, State's Exhibit Numbers 122 through 124 were
marked for identification.)

(WHEREUPON, proceedings commenced at 9:58 a.m.)

THE COURT: We'll go back on the record on The State
vs. Lawrence Postell. The record will reflect all counsel
is present. Mr. Postell is here as well, of course. I
believe that the jury is present.

We did have a brief meeting in chambers. I explained
that as far as the afternoon is concerned, I've got Judge
Hocker, he's going to be handling drug court for me, so
with any luck, we'll be able to continue to take testimony
in the State's case throughout the latter part of the
afternoon.

If there's nothing else before the jury comes in,
let's have the jury.

(WHEREUPON, the jury entered the courtroom at 10:01 a.m.)

THE COURT: The record will reflect that the jury is
back and seated.

Ladies and gentlemen of the jury, thank you for being
here. Thank you for being here on time. I was discussing
this morning a few logistical issues with the attorneys,
and it would appear that we are on track as far as the
timetable for this case. We are, of course, still on the

1 State's case in chief.

2 Solicitor, if you'll call your next witness, please.

3 MR. BLACK: The State calls Brittany Gambrell.

4 THE CLERK: Put your left hand on the Bible and raise
5 your right hand.

6 WHEREUPON,

7 BRITTANY GAMBRELL

8 After having been duly sworn, testified as follows:

9 THE CLERK: You may be seated.

10 DIRECT EXAMINATION

11 BY MR. BLACK:

12 Q Can you introduce yourself to the jury please, ma'am.

13 A Brittany Gambrell.

14 Q And you work at the Sheriff's Department?

15 A That's correct.

16 Q And you're actually out on maternity leave right now;
17 is that correct?

18 A That's correct.

19 Q You had a baby about four weeks ago?

20 A I did.

21 Q All right. If you need to move around, if you need
22 some water or anything, just let us know. We'll try to
23 take care of you, accommodate you in whatever way, okay?

24 A Thank you.

25 Q What is your title at the Sheriff's Department?

1 A I'm a deputy investigator.

2 Q How long have you been at the Sheriff's Department?

3 A About two years.

4 Q All right. And I'm going to take you back to May the
5 5th, 2017. Were you working that day?

6 A That's correct.

7 Q And what was your shift that evening?

8 A We were on night shift working 7 p.m. to 7 a.m.

9 Q Okay. That's a 12-hour shift, standard thing that
10 y'all do?

11 A That's correct.

12 Q I guess typically, y'all work three days one week,
13 four the next week?

14 A That's correct.

15 Q Okay. Did you respond to an address of [REDACTED] Fairview
16 Street in the middle of the night?

17 A I did.

18 Q Do you remember about what time that was?

19 A I believe it was early morning around 4 or 5 a.m.,
20 maybe.

21 Q Okay. And when you got there, tell us what you saw.

22 A When I arrived on scene, the victim was on the
23 neighbor's front porch. She was visibly upset, shaken,
24 blood. It looked like she had been assaulted.

25 Q And was she wearing any clothing when you got there?

1 A No. She did not have on any clothing.

2 Q She was completely nude?

3 A That's correct.

4 Q What was the first step you did once you made contact
5 with her?

6 A First it was just trying to figure out what was going
7 on, where she lived at, where the attack took place at.
8 After that, we tried to get her some clothing on just to
9 cover up.

10 Q Was EMS eventually called?

11 A EMS was called. Care was taken of the victim. The
12 victim was transported to the hospital by EMS.

13 MR. BLACK: Your Honor, I'm going to approach. These
14 are pictures that we discussed yesterday.

15 BY MR. BLACK:

16 Q I'm going to show you what's been marked as State's
17 109 to 119. Do you recognize these photos?

18 A (Reviews exhibits) I do. These were photos that I
19 took at the hospital and on scene.

20 Q Were there other deputies that were there with you?

21 A Yes. Deputy Mundy was on scene, and also Deputy
22 Lewis was on scene.

23 Q And they work for the Abbeville Sheriff's Department?

24 A At the time, yes.

25 Q And they assisted you as first responder?

1 A That's correct.

2 Q Did you ever go down to [REDACTED] Fairview, the place where
3 Ms. Bonds resided?

4 A Deputy Mundy and Deputy Lewis -- or Sergeant Lewis
5 went to the scene. I stayed with the victim so she would
6 have care and protection at that time.

7 Q And you stayed with her the entire time?

8 A That's correct.

9 Q Did you go with her to the hospital?

10 A I did.

11 Q So I guess it's fair to say that your primary -- what
12 you were taking care of was to be with her?

13 A That's right. My primary focus was the victim.

14 MR. BLACK: All right. Your Honor, the State moves
15 109 to 119 into evidence and asks to publish to the jury.

16 THE COURT: All right. Subject to the earlier 403
17 objection, you may proceed.

18 (WHEREUPON, State's Exhibit Numbers 109 through 119 were
19 admitted into evidence.)

20 MR. BLACK: Yes, sir.

21 BY MR. BLACK:

22 Q I'm going to put up 119 on the projector. Can you
23 describe for the jury -- I know you said you took this
24 particular photograph.

25 THE COURT: Forgive me. It wasn't 403. It was

1 prejudicial effect outweighing probative value, so it
2 wasn't relevance. But go ahead.

3 BY MR. BLACK:

4 Q If you need to step down, I think maybe you can see
5 it from there.

6 Where was this taken at?

7 A That was taken -- the lady that had called --
8 initially called 9-1-1, that was on her front porch.

9 Q Okay. And was she wearing that shirt when you first
10 arrived?

11 A She was not. She was unclothed when we first
12 arrived. We initially was able to get a rain jacket to
13 cover her up, and then the lady that had called 9-1-1 was
14 able to give us a T-shirt to put on to clothe her.

15 Q Okay. So she actually brought that T-shirt?

16 A That's correct.

17 Q And it looks like down here (indicating) at the
18 bottom, this yellow piece right down here (indicating),
19 that's the rain jacket?

20 A That's from the rain jacket, yes.

21 Q Who provided that?

22 A That was provided by Deputy Mundy.

23 Q He's the highway patrolman sitting over here?

24 A Correct.

25 Q All right. And what kind of injuries did you notice

1 when you first got there did she display?

2 A When we first arrived, there was a lot of blood on
3 her so it was hard to try to see the initial injuries, but
4 she did have swelling to her eyes, you could see bruising
5 around her neck, around her face, the red marks.

6 Q Did she have a cut on her where the blood was coming
7 from?

8 A I believe she had a cut above her eye.

9 Q Okay. You weren't -- I mean, you weren't able to
10 tell initially; is that right?

11 A Initially, no. There was a lot of blood.

12 Q You could tell a little bit when she was cleaned up.

13 A Correct. At the hospital.

14 Q Okay. And I'm going to show you what's been marked
15 as 118. This looks like a photograph taken at the
16 hospital; is that right?

17 A That's correct.

18 Q It looks like maybe there was a cut above her nose.
19 Is that where it was?

20 A That's correct.

21 Q And she has bruising, it looks like, above her
22 temple?

23 A That's correct.

24 Q Above her eye.

25 A Uh-huh.

1 Q Okay. Can you tell me anything from her neck from
2 that picture?

3 A She had redness and scratches on her neck, which was
4 consistent. She had stated she had been choked.

5 Q Okay. I'm going to show you what's been marked as
6 State's 116.

7 A Again, the scratches on her neck and the bruising
8 right up under her jaw.

9 Q And the bruising that you're talking about, is that
10 what you're referring to on each side?

11 A Yes, sir.

12 Q And then there's one over here (indicating) as well?

13 A That's correct.

14 Q It looks like there's some marks below the neck right
15 here (indicating), one right below the neck and then some
16 down a little bit further; is that correct?

17 A That's correct. She had several scratches on her
18 neck.

19 Q I'm going to show you what's been marked as
20 State's 115. Is that an additional picture showing the
21 swelling around her eye?

22 A That is. That's after she was -- blood was cleaned
23 off of her face so you can see the injuries more.

24 Q Okay. So swelling above her eye and a little bit ---

25 A That's correct.

1 Q Was her nose stitched up at this point? I can't
2 really tell. You might not be able to either.

3 A I can't say for certain.

4 Q Okay. And then 114. It looks like there's a red
5 mark right above her eyelid over here (indicating) where
6 her hair line comes down; is that right?

7 A Correct. On the left side.

8 Q 113 is a better picture of her forehead of that spot
9 and then the one above her eye; is that correct?

10 A That's correct.

11 Q There's more bruising above her eye as well?

12 A That's correct.

13 Q 112 looks like another picture of her neck after some
14 of the blood had been removed; is that correct?

15 A That's correct. It still had the scratches and the
16 redness showing.

17 Q These look like -- these are marks. Is that a
18 neckline or is that like a -- can you tell?

19 A I can't say for certain, but she did have scratches
20 on her neck. It's hard to tell in this picture.

21 Q It looks like there's one kind of right below the
22 neck and then one ---

23 MR. TAYLOR: Objection Your Honor. Is that a
24 question or ---

25 THE COURT: Sustained as to leading.

1 MR. BLACK: Thank you. I'll move on.

2 BY MR. BLACK:

3 Q I'm going to show you what's marked as 111. Can you
4 tell us what that picture is?

5 A That was from where she said her hair had been pulled
6 out.

7 Q Could you tell that that's what had happened?

8 A You could tell.

9 Q Were their clumps of hair -- I mean, was any hair
10 missing that you could tell?

11 A In certain locations there was hair missing.

12 Q Was there any blood associated with that, too, or do
13 you remember?

14 A I don't -- there was blood in her hair, but I can't
15 say it was where the hair was pulled out.

16 Q And then I'm going to show you 110. It looks like
17 the other side of her face.

18 A That's correct.

19 Q What is on the side of her cheek?

20 A The redness from where she had sustained injury on
21 the right side of her cheek.

22 Q All right. One more picture, 119. It looks like
23 another picture of her neck; is that correct?

24 A That's correct.

25 Q And then what is right here (indicating) underneath

1 her chin?

2 A It's a bruise. Redness and bruising.

3 Q I'm going to show you what's been marked as 142 -- it
4 looks like 30 through 42. Can you take a look at these
5 photographs, ma'am? Do you recognize those?

6 A (Reviews exhibits) Pictures that were taken of the
7 victim.

8 Q Okay. I'm also going to show you 23 through 29. Do
9 you recognize those photographs as well?

10 A (Reviews exhibits) These are also pictures of the
11 victim that I had taken.

12 MR. BLACK: Your Honor, at this point, the State
13 moves 30 through 42 into evidence and ---

14 THE COURT: There are no objections to those.

15 MR. TAYLOR: That's correct, Your Honor.

16 THE COURT: So State's 30 through 42 are in evidence.

17 (WHEREUPON, State's Exhibit Numbers 30 through 42 were
18 admitted into evidence.)

19 MR. BLACK: 23 through 29 as well.

20 THE COURT: All right. Without objection, those are
21 in evidence as well.

22 (WHEREUPON, State's Exhibit Numbers 23 through 29 were
23 admitted into evidence.)

24 BY MR. BLACK:

25 Q All right. 30, just describe what you see in here,

1 ma'am.

2 A That was on scene. That was the blood and marks on
3 her hand when we first arrived on scene.

4 Q And that's Deputy Mundy's ---

5 A It is. It was his rain jacket that she had over her
6 at the time.

7 Q So you're still in Calhoun Falls at this point?

8 A That's correct.

9 Q And this may seem like a silly question, but this was
10 in Abbeville County; is that correct?

11 A That's correct.

12 That was her hand at the hospital.

13 Q And that one, just for the record, is State's 31.

14 State's 32, it looks like another picture of her
15 hand.

16 A Another picture of the injuries on her hand.

17 Q Is that blood? Is that dirt? Can you tell?

18 A I believe it was just the blood and the redness from
19 her injuries.

20 Q All right. 33 looks like another picture of her
21 hand.

22 A That's correct.

23 Q And 34, the back side of that one.

24 A That's correct.

25 Q Same thing?

1 A That's correct. The bruising.

2 Q 35, can you describe what you're seeing there?

3 A That was the scratches that was on her knee taken at
4 the hospital.

5 Q And 36 looks like the other knee.

6 A That's correct. Scratches on her knee taken at the
7 hospital.

8 Q 37 appears to be another picture of her knee?

9 A That's correct. Just from a different angle. It
10 also shows the scratches.

11 Q And 38?

12 A Also just a different angle.

13 Q I'm going to show you what's been marked as 39. Can
14 you tell us what that is?

15 A That was the bruising, I believe, on her elbow.

16 Q It looks like on maybe the back side of her elbow?

17 A Right.

18 That's also just showing the marks on her arm.

19 Q 41?

20 A Showing the marks on the inside of her wrist.

21 Q And 42.

22 A Also showing the redness on her arm.

23 Q It looks like bruises on both sides.

24 A That's correct.

25 Q And State's 23, can you tell us what this is?

1 A That was on her right shoulder. It was a bite mark.

2 Q You said there was a bite mark?

3 A A bite mark.

4 Q How could you tell that?

5 A She stated that she was bit there, and it also looked
6 to be consistent with a bite mark.

7 Q And what's in her hair? Can't tell what that is.

8 A I believe it was grass or dirt.

9 Q State's 24?

10 A That was on her right side of her back and arm
11 injuries.

12 Q Can you tell if those are bite marks or can you tell
13 if it's something else?

14 A I don't recall if that was a bite mark.

15 Q That looks like a side-angle picture.

16 A It is. It's the same, just a side angle from the
17 same picture.

18 Q Is that blood on the arm or bruising?

19 A I believe it's some of both.

20 Q State's 26, might be hard to tell from that angle.

21 A That's an overview of her back.

22 Q Can you tell if there's anything going on, scratches
23 or anything?

24 A I believe there was some redness in the middle.

25 Q Showing you 27. Can you tell what this mark is?

1 A I believe that was a bite mark.

2 Q And where is that located?

3 A It looks to be on her side up under her right arm.

4 Q What is that (indicating)? Is that a mark up there?

5 A That's a mark on her right arm.

6 Q What about that (indicating)?

7 A That's also another view of the mark on her right
8 shoulder.

9 Q And finally, State's 29.

10 A That would show where her hair had been pulled out.

11 Q That was her head?

12 A Correct.

13 Q It looks like there is some blood up in there; is
14 that correct?

15 A That's correct.

16 Q All right. While you were speaking with her, taking
17 photographs, you were actually talking to her; is that
18 correct?

19 A That's correct.

20 Q And can you describe Ms. Bonds' demeanor?

21 A She was very upset, she was hysterical, crying.
22 She -- very traumatized state of mind.

23 Q All right. Eventually, did -- does Detective Ashley,
24 does she work with you guys as well?

25 A That's correct.

1 Q Did she show up at the hospital later that day?

2 A She did.

3 Q And she kind of helped with the situation as well?

4 A That's correct.

5 Q When you got to the hospital, did you ask the
6 hospital to perform a rape kit?

7 A I did, and they did perform one.

8 Q And that was Abbeville Medical Center?

9 A Correct.

10 Q Just right out here?

11 A Correct.

12 Q How long did that process that?

13 A The actual rape kit probably took maybe around an
14 hour.

15 Q About an hour?

16 A Right.

17 Q Okay. And I guess the nurses and the doctors were in
18 control of that?

19 A That's correct.

20 Q You just were there with her during that time?

21 A That's correct.

22 Q Do you remember if she had any hyperventilating going
23 on while she was trying to breathe and talk to you?

24 A I believe she was complaining of her throat hurting,
25 kind of a dry, hoarse throat.

1 Q Was it difficult for you to understand everything she
2 was saying, or did you hear it pretty clearly?

3 A I didn't hear it clearly as far as you could tell
4 that she had had some type of trouble with her throat
5 going on.

6 Q I know that you took a couple different statements
7 and the defense has put those two statements in. And I'm
8 going to show those to you. I think you've seen a copy of
9 them. Do you recognize those?

10 A (Reviews exhibits) I did. I wrote both of these.

11 Q Okay. And so you actually wrote them.

12 A I did.

13 Q When was the first statement taken?

14 A The first statement was taken at 5:15 a.m. It was
15 taken after we initially got to the hospital and aftercare
16 had been started on the victim.

17 Q Why did you end up writing that statement?

18 A Due to the state of mind she was in, she was still
19 covered in blood at that time, she was visibly upset,
20 visibly shaken, and she stated that she did not feel like
21 she could write a statement at that time, but she could
22 tell me what happened.

23 Q So at that point, you described what she was telling
24 you?

25 A That's correct.

1 Q And then you ended up taking another statement a
2 couple hours later; is that right?

3 A That's correct. A little bit later after things had
4 kind of settled down, after the rape kit was performed, we
5 went back through. I'd asked her some more questions, and
6 she still did not feel like she could write at this time,
7 so I did write down what her answers were.

8 Q Okay. And did her story change at all?

9 A No.

10 Q She just added maybe some more detail?

11 A She just added more detail to what she could
12 remember.

13 Q At this time, by 7 a.m., had she calmed down just a
14 little bit?

15 A She had.

16 Q She had?

17 A Yes.

18 Q So that's your handwriting, that's your statement.
19 You described everything that she told you.

20 A That's correct.

21 MR. BLACK: All right. I'll take those back from you
22 now.

23 I don't think I have any questions for you at this
24 point, any further questions. Please answer any questions
25 that Mr. Taylor might have for you.

1 THE COURT: Cross.

2 MR. TAYLOR: Thank you, Your Honor. Just one moment,
3 Your Honor.

4 CROSS EXAMINATION

5 BY MR. TAYLOR:

6 Q All right. Deputy Gambrell, congratulations, by the
7 way, for the baby.

8 A Thank you.

9 Q You took all those pictures, isn't that right, that
10 we just saw?

11 A That's correct.

12 Q Okay. A lot of those were the same injuries just
13 kind of over and over at different angles, right?

14 A That's correct.

15 Q Okay. And you, even though you have law enforcement
16 training, you don't have any medical training in terms of
17 a nurse or a doctor or anything like that, do you?

18 A No, I do not.

19 Q So a lot of it -- and I understand why you're saying
20 what you're saying. There were a lot of assumptions and
21 it looked like things; is that right?

22 A No.

23 Q Isn't that probably accurate?

24 A Not necessarily.

25 Q Okay. And you also, we just talked about the two

1 statements that were in evidence, and you actually wrote
2 those out for her.

3 A That's correct.

4 Q But in that case, that means she's saying it to you
5 and you wrote it out.

6 A Yes. I wrote down everything she said.

7 Q And I can show these, I have them in my hand if you
8 need to look at them, but a lot of what's in her
9 statements are "I think" and "I believe" and "maybe it
10 happened" kind of stuff. Wouldn't you agree with that,
11 that word in there quite a bit, "I think" and "I believe"?

12 A I would have to look at it.

13 Q Okay. If you need to take a look.

14 A (Review's exhibit.)

15 Q Just for the record, this is Defense 1 and 2 that I'm
16 referencing.

17 A I do not see "I think" and "I believe" in here. I
18 see it once.

19 Q So that is in there some?

20 A That's in there once.

21 Q Okay. Well, you didn't read all, every -- both of
22 those, did you? It looked like you read the first one and
23 didn't read the other one.

24 A I looked at it.

25 Q That's okay. We'll agree to disagree.

1 Now, a lot of the injuries we just talked about, you
2 wouldn't consider those great bodily injuries, would you?

3 A The choking to the neck could be.

4 Q Didn't she get out of the hospital the same day?

5 A I do not recall.

6 Q Okay. And wouldn't you say the pictures we saw were
7 bruises and cuts, contusions?

8 A That's correct.

9 Q Okay. You also -- and, again, I keep taking it from
10 you if you need it back.

11 In her statement, didn't she say that the drugs
12 were -- they were shooting off drugs in my client's pocket
13 and they fell on the floor?

14 A I believe she stated there was a white bag that had
15 fell to the floor.

16 Q Okay. And -- but you never -- did you ever go into
17 Ms. Bonds' house and like start picking up evidence and
18 inventory or anything?

19 A No, I did not.

20 Q So you're not the person to ask about that.

21 A No.

22 Q All right. And also, in her statement, she says she
23 thinks she saw a gun in his waistband; is that right?

24 A There is a remark in the statement about a gun.

25 Q Okay. And in her remark, that there was nothing

1 about him displaying it or taking it out or using it or
2 specifically threatening to use that gun, was there?

3 A I believe it states in there that she saw the gun in
4 the waistband and then she described what it looked like.

5 Q Okay. So the answer to what I just asked you would
6 be correct, right?

7 A That she saw the gun in his waistband?

8 Q What I meant was that's different than he displayed
9 it. In other words, she didn't say that, oh, he picked it
10 up and showed it or pulled it out, right?

11 A She did not say that, but she did say that she saw it
12 in his waistband.

13 Q And there was nothing in there about how he
14 specifically referenced it and said, "I have a gun and I'm
15 going to kill you with it," right?

16 A No. She did state that ---

17 Q It's just a yes or no, ma'am. I mean, I ---

18 A Not with -- he did not say he was going to kill her
19 with the gun.

20 Q There we go.

21 A She did state in her statement that he was going to
22 kill her.

23 Q I understand that.

24 And as far as you know, because you were obviously
25 involved in this investigation, they never found a gun,

1 right?

2 A I don't recall.

3 MR. TAYLOR: Okay. Just a moment one more time, Your
4 Honor.

5 BY MR. TAYLOR:

6 Q Again, if you need this, I can give these statements
7 to you.

8 Also, her statement, she made a reference and said,
9 "I think he came through the front door." Do you remember
10 that?

11 A That's correct.

12 Q So she wasn't entirely sure. She just said, "I think
13 he came in."

14 A That's correct.

15 Q Okay. And I guess that was the one time she said "I
16 think."

17 A That's correct.

18 Q Don't you think that's really important to know how
19 someone came in your house? Don't you think that's
20 something you probably want to be pretty solid on?

21 A Either the trauma and the extent of what happened,
22 she may not have knowledge. She was not -- if she was in
23 a different room when he came in, she may not have known
24 at that time how he got in.

25 Q So it would be safe to say if she was under -- you

1 agree that she would be -- you said she appeared to be
2 very upset.

3 A Correct.

4 Q So it would be -- you agree that she may have
5 forgotten, left out, be confused about some of the facts,
6 some things that happened on that day?

7 A She was pretty solid on what she was saying happened
8 at that time.

9 Q That's your opinion, though, right?

10 A Correct.

11 MR. TAYLOR: Okay. All right. I think I have one
12 other question.

13 I have no further questions, Your Honor.

14 THE COURT: Nothing on redirect?

15 MR. BLACK: No, sir, Your Honor.

16 THE COURT: Thank you very much for coming.

17 Congratulations on the baby. And you are free to go.

18 Take care.

19 Call your next witness.

20 MR. ANDREWS: The State calls John Mundy.

21 THE CLERK: Put your left hand on the Bible and raise
22 your right.

23 WHEREUPON,

24 JOHN MUNDY

25 After having been duly sworn, testified as follows:

1 THE CLERK: You may be seated.

2 DIRECT EXAMINATION

3 BY MR. ANDREWS:

4 Q Good morning, sir. Please state your name.

5 A John Mundy.

6 Q And I think we can see from your uniform you -- who
7 do you work for?

8 A I work for the South Carolina Department of Public
9 Safety.

10 Q Okay. On May 5th of 2017, who did you work for?

11 A I was a sworn deputy for Abbeville County Sheriff's
12 Office.

13 Q Okay. Let me take you back to very early in the
14 morning on May 5th, 2017. Did you have an opportunity to
15 respond to ■ Fairview Road?

16 A I did.

17 Q Okay. Whose residence is that?

18 A That was the -- I think that was the complainant's
19 address. We received a call about a woman on her front
20 porch who was hysterical and naked.

21 Q When you arrived at ■ Fairview, what did you see?

22 A When I arrived on scene, I saw a white female on the
23 porch that was naked, bloody and kind of in a hysterical
24 state.

25 Q What did you do in response to seeing this woman?

1 A I then went back to my patrol car and got my rain
2 jacket to provide some clothing for her to cover her.

3 Q Do you know who that woman was?

4 A The victim, I believe, Ms. Bonds.

5 Q Yes, sir.

6 A Okay.

7 Q That's correct.

8 Now, at any point, did you return to the home of
9 Ms. Bonds?

10 A I did.

11 Q Okay. Did she give you consent to search the
12 home?

13 A Yes. The victim gave Sergeant Lewis and myself
14 consent to go search to clear the residence to make
15 sure that the suspect was not in there.

16 Q Okay. Now, when you went in the residence, what
17 did you see?

18 A Initially, we could see the -- kind of the house a
19 little bit of disarray, blood and hair on the floor.

20 Q Okay. At the time, were you wearing a body-mounted
21 camera?

22 A I was.

23 Q Was it on?

24 A Yes, sir.

25 MR. ANDREWS: May I approach the witness, Your Honor?

1 BY MR. ANDREWS:

2 Q Sir, I'm going to show you what's been marked State's
3 Exhibit for ID purposes Number 122. Do you know what that
4 is?

5 A That's a copy of my body cam.

6 Q How do you know that's what that is?

7 A It has my initials and today's date on it.

8 MR. ANDREWS: Okay. Your Honor, the State moves to
9 admit State's 122 into evidence.

10 MR. TAYLOR: No objection.

11 THE COURT: Without objection, State's 122 is in
12 evidence.

13 (WHEREUPON, State's Exhibit Number 122 was admitted into
14 evidence.)

15 MR. ANDREWS: We'd like to play it.

16 THE COURT: You may publish.

17 (WHEREUPON, State's Exhibit 122, a video, was played in
18 open court.)

19 BY MR. ANDREWS:

20 Q And who is Brittany?

21 A That would be Deputy Gambrell.

22 (WHEREUPON, State's Exhibit 122, a video, continued to
23 play in open court.)

24 BY MR. ANDREWS:

25 Q Did you ever go back inside the house, sir?

1 A Yes.

2 Q You did go back inside the house?

3 A Yes, sir.

4 Q What did you do when you went back inside the
5 house?

6 A In with what Sergeant Lewis told me and with
7 speaking with Sergeant Hines, the on-call investigator, we
8 went in and marked potential evidence: hair, blood and
9 other things.

10 Q Okay. Now, was the scene ultimately turned over to
11 some other investigators?

12 A It was turned over to Sergeant Hines who took over
13 the scene from us.

14 Q And you said the other officer with you. Who was
15 that?

16 A The other with me was Sergeant Lewis.

17 Q Okay. And early on in the video when you guys
18 entered Ms. Bonds' home, Sergeant Lewis can be heard very
19 loudly announcing the name of the agency with his firearm
20 drawn.

21 A Yes, sir.

22 Q Why was he doing that?

23 A Clearing the residence to make sure that the suspect
24 was still not in there.

25 Q Okay. And Ms. Bonds' resident, what county is that

1 in?

2 A Abbeville County.

3 MR. ANDREWS: Okay. Thank you, sir. Please answer
4 any questions Mr. Taylor may have for you.

5 CROSS EXAMINATION

6 BY MR. TAYLOR:

7 Q Good morning.

8 A Good morning, sir.

9 Q I know you had -- that was you with the body cam,
10 right?

11 A Yes, sir.

12 Q Did you take any pictures?

13 A No, sir.

14 Q So you handed off the camera to somebody else and
15 they took the pictures; is that right?

16 A Correct.

17 Q Okay. And you, obviously, were sort of fresh on the
18 scene; is that right?

19 A Correct.

20 Q You never saw or found a gun or any other firearm,
21 did you?

22 A No.

23 Q Okay. And it wasn't referenced in that video, but
24 did you ever -- you didn't see any drugs or a bag, what
25 appeared to be drugs laying in the floor anywhere, did

1 you?

2 A Not that I can recall.

3 Q Okay. And that's something you probably would have
4 seen if it was right near the kitchen, right, laying on
5 the floor?

6 A We only mark what we'd seen that was obvious to kind
7 of give a clear path to the house.

8 Q Got you.

9 Do you remember the weather from that day or that
10 early morning?

11 A I believe it was clear, but I think later on there
12 was a little bit of -- a bit of rain that was starting to
13 fall just a little bit.

14 Q Was there any mud or anything like that out in the
15 yard? Do you remember like maybe it was just soggy ground
16 or anything like that?

17 A It may have been -- I think it may have been damp
18 because of the dew.

19 Q Okay. And was that yard -- wasn't there a little bit
20 of mud out there, too, or dirt? In other words, there
21 wasn't grass in every bit of the yard.

22 A I can't recall.

23 Q You don't remember. Okay.

24 And do you remember seeing or finding any footprints
25 or anything like that in the yard out there or anywhere

1 around the scene?

2 A I believe we may have found a footprint later on.
3 You'd have to look later on in the video.

4 Q But you don't know for sure. You think there was
5 one?

6 A I think so, but I can't recall right offhand.

7 Q Do you remember finding any shoe impressions on the
8 door, the front door leading into Ms. Bonds' home?

9 A I can't recall at this time.

10 Q Okay. If you did, what would you have done? Just
11 marked it? Or what would you have done?

12 A Marked it, made a note of it so the investigator
13 would be aware of it.

14 Q Got you.

15 And somebody, and I don't know if it was you or the
16 other officer said on the video that the door was kicked
17 in; is that right?

18 A I believe it was noted that door appeared to be
19 kicked in.

20 Q So it appeared. In other words, it could have been
21 battered in. We don't know when it was kicked in or
22 knocked in, et cetera.

23 A It appeared that some sort of force was used to open
24 the door.

25 Q And it could have been the week before, for all you

1 know. You just know that when you got there, it looked
2 like it was; is that right?

3 A You'd have to go back and watch the rest of the
4 video.

5 Q Okay. Did you end up finding any -- and actually
6 bagging or, I guess, sort of collecting any evidence while
7 you were there?

8 A I found a shirt and a pair of pants that was out in
9 the yard. We were going to leave it, but with the little
10 bit of mist starting to fall, it was okayed through the
11 investigator to go ahead and collect it at that time to
12 prevent any possible evidence contamination.

13 Q Do you remember if those clothes were torn or not?

14 A I did not look at them. I bagged -- I bagged them
15 and sealed them and turned them in to evidence.

16 Q I got you.

17 You weren't in charge of the scene. You just got
18 there and then you turned it over to somebody else.

19 A Correct.

20 Q Okay. I'm going to call you trooper, but I know you
21 were a deputy back then. Trooper Mundy, I'm looking at
22 your report. If I need to hand it to you, it's just one
23 page, it's page 1 of 1 of your supplemental that you did,
24 and this is just to refresh your memory. I'm not trying
25 to trick you or anything. This is something I want you to

1 look at. And, again, just is that your name, John Calvin
2 Mundy?

3 A Correct.

4 Q All right. And can you read just that one little
5 part? It says right there ---

6 A The circled part?

7 Q Yes, sir.

8 A "Due to the rainy conditions."

9 Q Okay. So I don't know if that refreshes your memory.
10 In other words, I know you referenced it a little bit, but
11 there was some dampness and some rain.

12 A The reason I bagged it, because some sort of
13 precipitation started to fall.

14 MR. TAYLOR: Got you. That's what I needed to know.
15 Thank you, sir.

16 MR. ANDREWS: No redirect.

17 THE COURT: Sir, thank you very much for coming. You
18 can step down. You're free to go.

19 Solicitor, call your next witness.

20 MR. ANDREWS: The State calls Doug Partain.

21 THE CLERK: Place your left hand on the Bible, raise
22 your right.

23 WHEREUPON,

24 DOUG PARTAIN

25 After having been duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. ANDREWS:

Q Good morning, sir.

A Good morning, sir.

Q Please state your name.

A Doug Partain.

Q Who do you work for?

A I was -- at the time of this incident, I was a deputy for the Abbeville County Sheriff's Department.

Q Okay. And that was my next question: On or about May 5th of 2017, were you working at the Sheriff's Office.

What did you do on May 5th of 2017 in relation to this case?

A May 5th of 2017, I was called to -- Sergeant Hines notified me to be en route to assist with an investigation where a crime's been committed in Calhoun Falls.

Q Do you remember going to an address at [REDACTED] Berry Street?

A I do. Yes, sir.

Q Okay. What did you see when you got there?

A On [REDACTED] we went to attempt to locate the defendant. And when we arrived on scene, knocked on the door -- I had perimeter. And they knocked on the door to try to locate the subject, and he didn't come to the door. So we set up a perimeter to try to wait.

1 Q Did you eventually come across two men you had an
2 encounter with?

3 A Yes, sir. While standing perimeter, I observed
4 two -- two black males standing at a residence behind the
5 defendant's residence, and I told Sergeant Monts to go and
6 see if they'd seen Mr. Postell or knew where he was at and
7 stuff like that. So I went and spoke with them. And all
8 I had to go off of, I had a black-and-white photo of the
9 defendant, and it showed somewhat of a tattoo on his neck.
10 And while speaking with the two gentlemen, I did observe
11 the gentleman on the right-hand side of him, kind of a
12 slight tattoo on his neck that kind of resembled. And I
13 wasn't 100 percent sure, so I asked both gentlemen for
14 their ID and also their name.

15 The defendant gave the name of Clarence Tucker. And
16 I said, "Do you" -- and I then requested both gentlemen
17 can I get some ID from you. The gentleman who stated his
18 name was Clarence Tucker did not present any ID to me,
19 but, again, at the same time, he still resembled the photo
20 that I had.

21 At that point in time, I notified Sergeant Hines, who
22 was more familiar with the suspect, to come over and just
23 kind of help me out a little bit. And while I'm over
24 there talking to them, that's when he actually said,
25 "Your name's not Clarence Tucker, but it is Lawrence

1 Postell."

2 Q And when you said when he said, you mean that's when
3 Investigator Hines said to Mr. Tucker ---

4 A That is correct. Sergeant Hines said, "Your name's
5 not Clarence Tucker, but, in fact, you're Lawrence
6 Postell." And at that point in time, we did place
7 Mr. Postell under arrest.

8 Q Did you go into a home at [REDACTED] Berry Street?

9 A We obtained a search warrant in reference to try to
10 obtain any evidence that may help with the case. And as
11 we were -- entered, we searched the residence, and I did
12 locate some evidence. Yes, sir.

13 Q Do you have any gloves up there?

14 A I've got some.

15 Q You've got some? Okay.

16 A Yes, sir.

17 MR. ANDREWS: Permission to approach the witness,
18 Your Honor.

19 BY MR. ANDREWS:

20 Q I'm going to show you what's been marked as State's
21 Exhibit for ID purposes 123.

22 A Yes, sir.

23 Q Do you know what that is?

24 A Yes, sir. That should be the shirt that I located
25 inside the residence. It was located balled up

24 A It was located in a cabinet inside the residence
25 underneath some towels that were folded, balled up.

1 Q Okay. So it wasn't easy to find.

2 A No, sir. It was not. It was hidden pretty decently.

3 Q All right. Sir, were you aware of whether any money
4 was seized?

5 A Money was located when a search incident to arrest on
6 Mr. Postell, the defendant. Located some money inside of
7 his pocket. I turned that over to -- while I was still
8 searching him, I handed the money to Investigator Davis.
9 And while he was looking at it, counting the money so we
10 would be accurate, he did locate some dried blood on the
11 currency.

12 MR. ANDREWS: Okay. Thank you, sir. Please answer
13 any questions Mr. Taylor may have for you.

14 MR. TAYLOR: Judge, we may need to take a break.
15 We're going to try to get that.

16 (Pause in proceedings.)

17 MR. TAYLOR: Judge, we might need a minute.

18 THE COURT: All right. We'll find that needle in
19 just a moment. Y'all take a break.

20 Don't discuss the case. Feel free to use the
21 facilities, grab a cup of coffee and we'll be back on the
22 record in about five minutes as soon as we locate what
23 we're looking for.

24 (WHEREUPON, the jury exits the courtroom at 11:03 a.m.,
25 and a recess was taken.)

1 (WHEREUPON, State's Exhibit Numbers 125 through 142 were
2 marked for identification.)

3 (WHEREUPON, proceedings commenced at 11:17 a.m.)

4 THE COURT: Apparently, we can't locate the money,
5 but y'all are okay to go forward at this point?

6 MR. TAYLOR: Judge, I'm going to address that with a
7 different witness. So in terms of this witness, I'm
8 prepared, just a very short cross-examination.

9 THE COURT: Let us have the jury then, please.

10 (WHEREUPON, the jury entered the courtroom at 11:17 a.m.)

11 THE COURT: The jury is back and seated. We are
12 still undergoing the examination of Mr. Partain.

13 Mr. Taylor, you have the floor.

14 MR. TAYLOR: Yes, sir. After further review, please
15 dismiss this witness. We have no questions.

16 THE COURT: All right. Thank you very much for
17 coming, sir. Take care of yourself. Enjoy your week off.
18 All right.

19 THE WITNESS: Yes, sir. Thank you very much, sir.

20 THE COURT: Solicitor, call your next witness,
21 please.

22 MR. ANDREWS: Thank you, Your Honor. The State calls
23 Joshua Monts.

24 THE CLERK: Place your left hand on the Bible and
25 raise your right.

1 WHEREUPON,

2 JOSHUA MONTS

3 After having been duly sworn, testified as follows:

4 DIRECT EXAMINATION

5 BY MR. ANDREWS:

6 Q Good morning, sir. Please state your name.

7 A Josh Monts.

8 Q Who do you work for?

9 A The Abbeville County Sheriff's Office.

10 Q Okay. Did you have an opportunity to get involved
11 with this case on May 5th of 2017?

12 A Yes, I did.

13 Q Did you go to Ms. Bonds' home?

14 A I did.

15 Q When you were there, what did you observe?

16 A Upon initially arriving on scene, I had been
17 partially informed of the type of incident, the crime that
18 took place. When I got there, I observed articles of
19 clothing in the yard, also an umbrella in the front yard
20 area. I saw what appeared to me to be blood on the front
21 porch area. There was -- around the door area where it
22 had been broken, it appeared to me that some type of force
23 was used to force the front door open. The striker plate
24 was laying in the living room area. There was articles of
25 hair scattered throughout the residence and in the bedroom

1 area. I also noticed on the side of the victim's car,
2 there was hair on it as well.

3 Q Was Deputy Thompson there while you were there?

4 A He was.

5 Q And what about Investigator Hines?

6 A He was also.

7 Q Okay. Did you guys go through the home and just pick
8 out particular items of interest?

9 A Yes. We had gone -- just went through after the
10 other uniformed deputies had initial went through. We
11 looked at items that we felt were possibly of evidential
12 value and continued to mark them as well.

13 Q Okay. Sir, I'm going to show you what's already in
14 evidence, State's 121. Did you have any involvement in
15 collecting those items?

16 A Yes. I was what we considered -- I scribed what we
17 had marked and collected.

18 Q Now, was does that mean, you scribed?

19 A It means I just wrote down what was collected -- what
20 was marked and what was collected.

21 Q Okay. And ultimately, is that what was produced from
22 what you wrote down?

23 A Yes, it is.

24 Q Now, I notice on Item Number 23 where it says here,
25 it says "plastic bag with scales, white rock-like

1 substance, Best 257250, closet," what is that?

2 A When we went in the closet area, we observed a bag
3 laying on the floor, a digital scale, and an off-white
4 rock-like substance. It was collected. The Best number
5 is we -- when it was getting ready to submit into
6 evidence, we put in what's called a SLED Best kit to be
7 sent off for more analysis to further determine if it
8 comes back positive as crack cocaine or whatever the
9 substance may be.

10 Q Okay. So I'm going to show you what's been marked as
11 State's Exhibit for ID Number 132. Do you recognize this
12 item?

13 A The -- yes. That's the SLED Best bag.

14 Q Okay. And is that what you have noted as Item 23?

15 A Yes, it is.

16 MR. ANDREWS: Okay. Your Honor, State moves to admit
17 State's 132 into evidence.

18 THE COURT: No objection?

19 MR. TAYLOR: No objection, Your Honor.

20 THE COURT: State's 132 is in evidence.

21 (WHEREUPON, State's Exhibit Number 132 was admitted into
22 evidence.)

23 BY MR. ANDREWS:

24 Q Now let me ask you this. Did you note any other drug
25 residue in the house?

1 A There was a glass plate, I would consider it's a
2 glass plate sitting on the kitchen counter. There was a
3 off-white residue. It appeared consistent with the same
4 as that that was located, the substance located in the
5 closet. Other than that, there was none that I found, any
6 other drug evidence.

7 Q Okay. And where was that?

8 A In the kitchen on the counter.

9 Q Okay.

10 A The kitchen area.

11 Q All right. Now, did you ever proceed to 104 Berry
12 Street?

13 A Yes, I did.

14 Q All right. What was at 104 Berry Street?

15 A I had obtained a search warrant based off of this is
16 where -- I was provided information that that's where the
17 defendant resided at, at which time I did obtain a search
18 warrant to further search for any other items of
19 evidential value, clothing, anything else like that.

20 Q Okay. And what was recovered as part of that search
21 warrant?

22 A There was a shirt recovered.

23 Q Okay. And were you in here for the last witness's
24 testimony?

25 A I was.

1 Q And is that the shirt that was recovered?

2 A Yes, it was.

3 Q And, sir, would it surprise you to find out that your
4 item that we just placed into evidence, Item 132, did come
5 back and test positive for crack cocaine?

6 A No. It wouldn't surprise me.

7 Q You said it would not?

8 A That if it come back, test positive for crack
9 cocaine?

10 Q Yes.

11 A It -- if it -- it wouldn't surprise me if it did.

12 MR. ANDREWS: Okay. All right. Thank you, sir.
13 Please answer any questions Mr. Taylor may have for you.

14 MR. TAYLOR: Thank you, Your Honor.

15 Judge, I don't know how you want to handle this, take
16 judicial notice. We're stipulating to the SLED, the
17 actual findings of the drugs, that they were positive. I
18 don't know how we want to -- I can put them in as
19 Defendant's 3 or however you wish.

20 THE COURT: All right. Why don't we just have them
21 come in as State's whatever. That will save us another
22 witness.

23 Ladies and gentlemen, in this case, the State and the
24 defense agree that State's 132, the crack cocaine that the
25 defendant -- or that this witness found, rather, is, in

1 fact, crack cocaine, did test positive for cocaine.

2 What is the weight on the report?

3 MR. BLACK: Your Honor, it tested positive for crack
4 cocaine, and the weight was 9.61 grams.

5 THE COURT: 9.61 grams. All right.

6 So that is a fact that you can take into account
7 without any additional witnesses. The parties have
8 stipulated to that as I explained yesterday.

9 All right. Any questions of this witness?

10 MR. TAYLOR: Yes, sir. I do have.

11 THE COURT: Go ahead.

12 MR. TAYLOR: Thank you, Your Honor.

13 CROSS EXAMINATION

14 BY MR. TAYLOR:

15 Q Deputy Monts, so you were both -- make sure I
16 understood -- at Ms. Bonds' house after this incident
17 supposedly occurred, and then you went later to
18 Mr. Postell's house as well?

19 A That's correct.

20 Q Okay. Let's stick with that morning when you were at
21 Ms. Bonds' house. Do you remember what the weather was
22 like that day? Was it kind of misty raining at all?

23 A It wasn't a downpour. Maybe some dew as stated
24 earlier by the other witness.

25 Q Would you agree that there wasn't a lot of grass in

1 the yard, there was some mud and dirt and whatnot out in
2 Ms. Bonds' front yard?

3 A I don't 100 percent recall.

4 Q Okay. And on that same note, did y'all find any shoe
5 prints or anything like that out in the yard that you
6 could maybe take a picture of or analyze, that kind of
7 thing?

8 A There may have been one. I'm not 100 percent that I
9 can recall. I'd have to reference back to any photos or
10 anything of that nature.

11 Q And also, on the same topic, you mentioned that the
12 door looked like it had been forced open. You don't know
13 when that was. I mean, it could have been a month before,
14 it could have been that day. You just don't know, right?

15 A I don't.

16 Q Okay. And was there any impact marks on the door
17 like a shoe print, a battering ram impact, anything like
18 that that you could see on the actual front door?

19 A None -- none that I could observe.

20 Q Okay. So you were the guy, weren't actually
21 collecting, that you were just taking notes as you went
22 along.

23 A Yes. That's correct.

24 Q So you never put your hands on any of this stuff.

25 A No, sir.

1 Q Okay. And your recollection, and it's already in
2 evidence, there's an inventory that the jury will get to
3 see at the end, and that was you who produced that
4 document?

5 A That's correct.

6 Q There was no gun or anything found, right? No weapon
7 that you saw?

8 A None to my knowledge.

9 Q Okay. And you mentioned the crack cocaine that just
10 came into evidence that we all agree is crack cocaine at
11 9.6 grams. That was found in Ms. Bonds' closet?

12 A In the closet area.

13 Q Okay. It was on the floor? on a shelf? Or where was
14 it?

15 A It was on the floor.

16 Q Okay. So you didn't find any drugs or what appeared
17 to be drugs in the kitchen or near the kitchen counter or
18 anything like that, did you?

19 A Other than the substance I described, but it was not
20 field-tested to identify.

21 Q Got you. And actually, Mr. Postell ended up being
22 charged with trafficking cocaine, didn't he? Isn't that
23 true?

24 A I'm not sure.

25 Q Okay. You weren't the -- you didn't get the

1 warrants?

2 A I didn't obtain them.

3 Q Okay. All right. And it's your understanding he's
4 not on trial for doing anything to do -- anything to do
5 with those drugs either, is he?

6 A Not to my -- I didn't obtain the warrant.

7 Q And you don't have any knowledge of Ms. Bonds, the
8 alleged victim, having any drug charges related to this
9 incident, do you?

10 A No.

11 Q All right. So let's now -- just a couple more
12 questions. Let's go now to Mr. Postell's house at 104
13 Berry; is that right?

14 A Yes, sir.

15 Q Okay. Some of the other officers are saying 102, but
16 it is 104 Berry Street; is that right?

17 A I believe it's 104. I did reference that. I believe
18 so.

19 Q Got you. And are you the one who actually searched
20 Mr. Postell?

21 A I was not.

22 Q So you didn't pat him down or ---

23 A (Shakes head negatively.)

24 Q But based on your kind of knowledge, you were there,
25 observations that you saw that they found money on him?

1 A Yes. There was some currency. I'm not sure of the
2 denominations or how much. I was just in the area.

3 Q But it wouldn't surprise you if your incident report
4 said that the shirt that was found and that money was put
5 into evidence, right? That wouldn't surprise you?

6 A To my knowledge, that's correct.

7 Q Okay. And at that point, once it's turned in to
8 evidence, where does it go? You're out of the picture at
9 that point?

10 A I don't handle that.

11 Q Okay. And what does it mean to be put into evidence?
12 How is that ---

13 A Just submitted to our evidence lockers. The person
14 that handles the evidence would then fill out the further
15 chain of custody paperwork, and it would go into our
16 evidence locker.

17 Q In other words, at that point, the defendant, once
18 it's taken, he doesn't have any control or possession of
19 it?

20 A That's right.

21 MR. TAYLOR: I have no further questions. Thank you,
22 sir.

23 THE COURT: Sir, you can step down. Thank you for
24 coming.

25 Call your next witness, please.

1 MR. BLACK: The State calls Detective Jeffery Hines.
2 WHEREUPON,

3 JEFFERY HINES

4 After having been duly sworn, testified as follows:

5 DIRECT EXAMINATION

6 BY MR. BLACK:

7 Q Can you introduce yourself to the jury, please, sir.

8 A Jeffery Hines.

9 Q And you work at the Abbeville County Sheriff's
10 Department?

11 A I do.

12 Q And what's your title there?

13 A I'm a sergeant supervisor over investigations.

14 Q So let's fast-forward to May the 5th of 2017, last
15 year. Were you an investigator at that time?

16 A I was.

17 Q And were you on call that morning? that night? How
18 did that work?

19 A I was on call that week, so I would have -- if
20 anything would have happened as far as if they needed an
21 investigator, they would have called me to the scene.

22 Q Did you receive a call sometime in the middle of that
23 night on May the 5th?

24 A I did.

25 Q And who did you get the call from?

1 A Sergeant Mike Lewis.

2 Q And did you respond to an address in Calhoun Falls?

3 A I did. I responded to Mrs. Bonds' house on -- who is
4 the victim in this case.

5 Q Do you know what the address was, off the top of your
6 head?

7 A It was Fairview Street. I'm not 100 percent the
8 address off the top of my head, though.

9 Q All right. And I'm going to show you these pictures
10 that's been marked as State's 22 -- or 16 through 22. Do
11 you recognize these photos?

12 A (Reviews exhibits) I do.

13 Q And do you know what address that residence is?

14 A It says on the mailbox [REDACTED]

15 Q I'll take those back. Thank you, sir.

16 When you first got the call, where did you respond?

17 A When I first got the call, I did respond to

18 [REDACTED] Fairview Street.

19 Q All right. Was it still dark or had daylight broke?

20 A It was still -- it was still dark. I actually, to
21 get a better view of the scene, I waited until daylight
22 broke to take photographs.

23 Q All right. So these photos would have been yours?

24 A That is correct. I did take those.

25 Q All right. So is that the house looking from the

1 crime scene looking inside towards the house?

2 A Yes. That would be from the road looking towards the
3 house.

4 Q All right. And when you first got there, can you
5 describe to the jury what you first saw? Did you go
6 inside the house?

7 A I did.

8 Q What did you see when you first went inside the
9 house?

10 A When I walked up the steps, I noticed some blood
11 outside the house. When I walked in, there was a striker
12 plate to the door laying in the middle of the floor.
13 There was hair. A large amount of human hair was
14 scattered about the house. Then when I walked into the
15 bedroom of the residence, there was a -- there was -- like
16 it was in disarray. There was clothing laying about the
17 bedroom, more hair, and more items with blood on it
18 throughout the bedroom.

19 Q All right. I'm going to start -- let's start from
20 the outside. You said you noticed her vehicle.

21 A That is correct.

22 Q What kind of vehicle was it?

23 A I believe it was a Ford Mustang, maybe. Is that
24 correct? I'm just going off the top of my head.

25 Q I think so.

1 Did you notice anything specifically about the
2 vehicle that caught your attention?

3 A I did. This was after I did my initial walk-through.
4 The way -- I do my initial walk-through, and then I walk
5 back through again just to try to find evidence. There
6 was hair on the door of the vehicle, again, that was human
7 hair, consistent with what was inside of the house.

8 Q And I'm going to show you what's been marked as
9 State's 21 and put it up here. Is that what you're
10 referring to?

11 A Yes.

12 Q And what color hair was that?

13 A It was like a blondish looking hair.

14 MR. BLACK: Okay. And, Your Honor, I don't know if I
15 put these into evidence or not. Your Honor, I would put
16 these into evidence. I think it was 16 through 22.

17 THE COURT: All right. Without objection, 16 through
18 22 will be in evidence. Correct, Mr. Taylor?

19 MR. TAYLOR: That's correct. No objection.

20 (WHEREUPON, State's Exhibit Numbers 16 through 22 were
21 admitted into evidence.)

22 BY MR. BLACK:

23 Q And so I'm guessing you took a picture, these
24 photographs?

25 A That's correct. I did take pictures.

1 Q Did you notice anything laying outside of the
2 residence?

3 A Yes. There was an umbrella that was odd to be out in
4 the front yard that was laying outside of the residence.
5 Also, there was some just -- just several different little
6 items that wasn't odd, but the umbrella just seems real
7 odd to be laying -- laying out there in the yard next to
8 the vehicle. It wasn't too far from the vehicle.

9 Q This might be easier. These are State's 69 through
10 44. Just look through those real quickly and see if you
11 recognize those.

12 A (Reviews exhibits) I do.

13 Q And those are photographs that you and the other
14 investigators took?

15 A I think that I took all of these -- actually, I know
16 I took these photographs.

17 Q All right. And we'll just go through them. That
18 might be the easiest way to do this.

19 Showing you Number 69, is that the umbrella that
20 you're talking about?

21 A It is.

22 Q And where was that located?

23 A It was -- it was close proximity to the vehicle.

24 Q All right. State's 68, that's the car?

25 A That is correct.

1 Q And I think there was another picture that was
2 previously shown of the hair; is that correct?

3 A Yes.

4 Q And that was located above -- on and above the
5 handle?

6 A That is right.

7 Q And that's that closer-up picture, 21, State's 21?

8 A Yes. That's correct.

9 Q When you walked inside the residence, what did you
10 notice?

11 A When I walked inside, I noticed more blood on the --
12 on the steps as I said previously.

13 Q Okay. When you first walked inside, once you got
14 inside the residence ---

15 A Once I got inside, the striker plate was located in
16 the -- in the floor, in the middle of the floor that's
17 probably three to four foot away from the door.

18 Q So it's close to the door?

19 A Yes.

20 Q And just describe what the striker plate is.

21 A The striker plate is what's used to secure your door.
22 If you will look on the door frame of your door at home,
23 there will be a little plate there, and that's where the
24 locking mechanism goes in and actually secures your door
25 and keeps it shut.

1 Q And so that was completely off the hinge?

2 A It was completely off.

3 Q All right. And Number 7, what does that appear to
4 be?

5 A That is more hair as I was describing.

6 Q And what color hair is that?

7 A It was a blondish looking hair.

8 Q And State's 66, does that look like a close picture
9 of that?

10 A Yes. That's correct.

11 Q State's 64, it looks like Item Number 4, where is
12 that located?

13 A That is on the front steps of the residence on like
14 the porch area.

15 Q And what is that? Why did you mark that?

16 A Blood.

17 Q So that's like a drop of blood or something?

18 A Yes.

19 Q And I'm going to show you State's Number 63. That
20 looks like Item Number 5; is that right?

21 A Yes. That's correct.

22 Q And what is that?

23 A That's more blood.

24 Q And State's Number 61, what is that?

25 A That is a swab of the blood that we do -- if I want

1 to collect any kind of blood samples, I will use -- it's
2 basically a Q-tip, a long Q-tip that you will see in the
3 doctors offices. We use those to actually collect the
4 blood.

5 Q All right. So y'all did a swab of the blood on the
6 front steps?

7 A Yes, sir.

8 Q And what's the purpose of that?

9 A We do that so that way we can determine for DNA
10 analysis.

11 Q So do y'all do that in house or do y'all send that
12 somewhere else?

13 A We have to send that to SLED, the South Carolina Law
14 Enforcement Division.

15 Q All right. I'm going to show you what's been marked
16 as State's 43. Just describe that. It looks like it's a
17 shot of the front door.

18 A Yes. That's when I walk into the house, I took a
19 picture before I got into the door just to take a good
20 overview of the front door that I'm going in.

21 Q All right. And 45 looks like a picture. I see some
22 items there; is that correct?

23 A That is correct.

24 Q 8 was what again?

25 A 8 was the striker plate from the door.

1 Q All right. What about Number 9? I see Number 9 on
2 the countertop.

3 A Number 9 was a plate that had a small amount of
4 residue, which, from my experience and training, I knew to
5 be consistent with crack cocaine.

6 Q Okay. Now, was -- these already have been entered
7 into and stipulated is 9.6 grams of crack, Item 123. Is
8 that where that was?

9 A It is not.

10 Q Where was that located?

11 A This was in the bedroom. The bedroom that you see on
12 the picture there, you'll see the little closet there.
13 This was inside of the little closet area of the bedroom.

14 Q Okay. So did you collect anything from Item
15 Number 9?

16 A We did not.

17 Q Why not?

18 A Because it was -- it was a small amount of residue.
19 So we did not collect it because it was a glass plate,
20 just a small amount of residue, and we did not collect it.
21 There wasn't enough on the plate to test.

22 Q So just a small amount, couldn't have been tested?

23 A Yeah. Basically, like little crumbs, like smaller
24 than breadcrumbs. It was a very minute amount.

25 Q So much smaller than that amount.

1 A Oh, yeah. Much smaller than this amount.

2 Q All right. I'll take that back from you. Thank you,
3 sir.

4 I'll show you what's been marked as State's 48. Can
5 you tell us what that is?

6 A Yes. That's a shot from her bedroom. I'm actually
7 standing beside the closet facing her bed, as you can see
8 the foot of the bed there. This is a picture of the bed
9 sheets and just an overview of the bedding area.

10 Q All right. I'm trying to weed some of these out.
11 This is State's 53. That was like a shot into the bedroom
12 and into the closet.

13 A That is.

14 Q And those items are marked. Do you know what those
15 are?

16 A The Number 11, I think -- that's kind of blurry. Is
17 that 11? I see 10. Is that 11?

18 Q Yeah. I'll put this up. Here's Number 10, which is
19 State's 56. Do you know what that is?

20 A Number 10 was more hair. And, again, it was a
21 blondish looking hair.

22 Q And State's 11 -- or State's Number 54, it's Item 11,
23 do you recognize that?

24 A I do.

25 Q What is that?

1 A That is a piece of black clothing that was found at
2 the floor of the bed.

3 Q All right. So it looks like -- going back to the
4 previous two pictures, where is that located in reference
5 to the bedroom and inside the bed?

6 A That's -- there's a -- that's her doorway. Number 10
7 is like right there at her doorway going back into the
8 bedroom, and then Number 11 is directly in front of the
9 foot of the bed.

10 Q So directly in front of the foot of the bed?

11 A Yes, sir.

12 Q And I'm going to show you what's been marked as
13 State's 127. Do you know what that is?

14 A (Review's exhibit) I do. It's Number 11, and it is a
15 black clothing item that was located in the picture there
16 at the foot of the bed.

17 Q And how do you know that?

18 A It's marked Number 11 here. And Number 11 is marked
19 right there on our evidence bag, and then we had a
20 description of what item is in the bag.

21 MR. BLACK: Your Honor, at this point, the State
22 moves Number 11 -- well, I guess State's 121 [sic] into
23 evidence.

24 MR. TAYLOR: No objection, Your Honor.

25 THE COURT: State's 121 is in.

1 (WHEREUPON, State's Exhibit Number 127 is admitted into
2 evidence.)

3 BY MR. BLACK:

4 Q Investigator Hines, can you open that up? You might
5 need those gloves.

6 A Yes, sir. Just give me one sec so I can put these
7 gloves on.

8 Q Absolutely.

9 A (Witness complies.)

10 Q And what is that?

11 A This is a black piece of clothing, which is a shirt
12 with -- you can see hair all over it. And the shirt has
13 been ripped. It was supposed to be like this because it's
14 a long-sleeved shirt. Can I stand up so I don't ---

15 THE COURT: Yeah.

16 THE WITNESS: Thank you.

17 So it was like a long-sleeved little shirt here. As
18 you can see, it's been ripped from the front. There's the
19 sleeve. On the side of it has been ripped as well. And
20 that would be the left side of the shirt. And the right
21 side has no rip. So it was ripped in the center right
22 there (indicating) and then it was ripped on this side up
23 underneath the sleeve.

24 BY MR. BLACK:

25 Q It looks like there's some hair coming off that shirt

1 as well.

2 A Oh, it's got hair all over it.

3 Q And what color is that hair?

4 A It's a blondish looking hair.

5 Q And that item hasn't been changed or altered in any
6 way. You collected as is, correct?

7 A I collected it as it was, so picked it straight up
8 and then it was placed into the bag, the evidence bags.

9 Q All right. You can throw it back in that bag. I
10 appreciate you doing it for us.

11 A (Witness complies.)

12 Q And this item is the item that's being shown on the
13 screen?

14 A It is.

15 Q Number 12, which is State's 55, do you recognize
16 that?

17 A I do.

18 Q What is that?

19 A That is the -- a very large amount of human hair,
20 also blonde in color.

21 Q And State's 15, looks like it's a shot of the bed.
22 Or Number 15, which is State's 57, what is that?

23 A That is the bed sheets and the bedspread. I did
24 photograph it due to it being -- it was kind of wet.

25 Q It was -- there was a wet spot on the bed?

1 A Yes. That's correct.

2 Q How big was the spot; do you remember?

3 A I cannot recall how big the spot was. It was big
4 enough to get my attention for me to photograph.

5 MR. BLACK: And, Your Honor, just to be clear, that
6 was State's I believe it was 43 through 67 -- or 69.

7 THE COURT: I've got 44 through 69, but you're saying
8 it's 43 through 69?

9 MR. BLACK: I think it's 43 through 69. Yes, sir.
10 I've got 43. Yes, sir.

11 THE COURT: All right. Without objection, 43 through
12 69 is in evidence.

13 (WHEREUPON, State's Exhibit Numbers 43 through 69 were
14 admitted into evidence.)

15 MR. BLACK: Thank you, Your Honor.

16 BY MR. BLACK:

17 Q And just to go back to this, I don't think I put
18 these in. 14 and 15, do you recognize those two items?

19 A I do.

20 Q And what are they?

21 A That is the picture, again, of the striker plate, and
22 also a picture of the door frame.

23 Q And State's 14, for those that may not be familiar
24 with how a door works, can you describe what we're seeing
25 there and how it actually should be?

1 A Yes. What we're seeing there is the actual door
2 frame part of the door, which is the part that goes around
3 the actual door that swings from the hinges. There's --
4 the striker plate should be attached to that door frame.
5 Without that striker plate, there is no way to secure that
6 door.

7 Q So it looks like it's kind of come apart at the seam,
8 really.

9 A That is -- that is correct. It was split.

10 Q And so that holds the door together, essentially.

11 A It does hold the door together and shut.

12 Q And 15, once again?

13 A That is the striker plate, again, that I was
14 referring to.

15 MR. BLACK: Your Honor, we move 14 and 15 into
16 evidence.

17 THE COURT: Without objection, they're in evidence.

18 (WHEREUPON, State's Exhibit Numbers 14 and 15 were
19 admitted into evidence.)

20 BY MR. BLACK:

21 Q I'm going to show you what's been marked as State's
22 Exhibit 125. Do you know what this item is?

23 A I do.

24 Q What is that?

25 A This was the umbrella found in the yard.

1 Q And you labeled that and turned it in to evidence; is
2 that correct?

3 A That is correct. It has been labeled and turned in
4 to evidence.

5 MR. BLACK: Your Honor, we move 125 into evidence.

6 THE COURT: Without objection, 125 is in evidence.

7 (WHEREUPON, State's Exhibit Number 125 was admitted into
8 evidence.)

9 BY MR. BLACK:

10 Q I'm going to show you what's been marked as
11 State's 133. Do you know what these are?

12 A These should be red -- red pants.

13 Q And do you know where those red pants were?

14 A They were -- if I recall, I think they were beside
15 the bed.

16 Q And I'm going to show you what's been marked as
17 State's 70 through 96. Just flip through these real
18 quick.

19 A (Reviews exhibits.)

20 Q Do you recognize those?

21 A I do.

22 Q And those are -- what are these?

23 A Photographs that I took of the scene.

24 MR. BLACK: Your Honor, the State moves 70 through 96
25 into evidence.

1 MR. TAYLOR: No objection.

2 THE COURT: Without objection, they're in evidence.

3 (WHEREUPON, State's Exhibit Numbers 70 through 96 were
4 admitted into evidence.)

5 BY MR. BLACK:

6 Q I'm going to show you Number 70. What is that?

7 A Those should be the red pants that was beside the bed
8 that I was speaking about in this evidence bag.

9 Q And what State's number is that?

10 A It says Item Number 25.

11 THE COURT: No. The little tag there at the very
12 bottom.

13 THE WITNESS: Oh, 133. I'm sorry.

14 THE COURT: State's 133, you're going to admit that
15 in?

16 MR. BLACK: Yes, sir.

17 THE COURT: All right. That will be in evidence,
18 too, without objection.

19 (WHEREUPON, State's Exhibit Number 133 was admitted into
20 evidence.)

21 BY MR. BLACK:

22 Q I'm going to show you -- this has been marked as 142.
23 Do you know what this item is?

24 A I do.

25 Q What is that?

1 A This was a pillow that was in the closet.

2 Q And why did you collect that?

3 A I collected it because it did have blood on it.

4 Q Okay. Was that ever sent down to SLED, do you know?

5 A I am not -- I'm not certain.

6 Q But you did collect it?

7 A I did collect it.

8 Q Do you know how big that spot of blood was on the
9 pillow?

10 A If I recall correctly, it was a pretty large stain.
11 It wasn't just a little -- a little speck of blood. It
12 was a pretty large bloodstain.

13 Q And what item did y'all actually mark that as?

14 A It says Item 13.

15 Q And I'm going to show you what's been marked as
16 State's 65, Item 13. Is that the pillow you're referring
17 to?

18 A It is.

19 Q And it looks like on the top left corner, is that the
20 blood you're referring to?

21 A It is.

22 Q Well, it might be on the bottom, too.

23 A I think there's blood all over the pillow.

24 Q And where was this, again, located?

25 A It was in the closet of the victim Ms. Bonds'

1 bedroom.

2 Q States 137, do you know what that is? Before you
3 answer that . . .

4 MR. BLACK: State's 142 I move into evidence.

5 MR. TAYLOR: No objection, Your Honor.

6 THE COURT: 142 will be in evidence.

7 (WHEREUPON, State's Exhibit Number 142 was admitted into
8 evidence.)

9 BY MR. BLACK:

10 Q I'm sorry. Go ahead.

11 A Yes, sir. It's underwear that was found under the
12 bed.

13 Q And refer you back to Picture Number 70, State's
14 Number 70, is that the item that you're referring to?

15 A Yes.

16 Q Is that that same item?

17 A Yes. I believe so.

18 Q So y'all collected that as well?

19 A We did.

20 Q What number is that for the State?

21 A This is Item Number 24.

22 THE COURT: Your Honor, the State moves Number 124
23 into evidence.

24 MR. TAYLOR: No objection, Your Honor.

25 THE WITNESS: You're talking about the exhibit for

1 the State?

2 THE COURT: Yes. The State.

3 THE WITNESS: 137. I thought you were talking about
4 which item.

5 THE COURT: 137?

6 MR. BLACK: Yes, Your Honor.

7 THE COURT: No objection. 137, it's in evidence.

8 (WHEREUPON, State's Exhibit Number 137 was admitted into
9 evidence.)

10 BY MR. BLACK:

11 Q State's 140, I'm going to show you this. Do you know
12 what that is?

13 A (Reviews exhibit.)

14 Q It might be labeled on that SLED kit on the outside,
15 Investigator Hines.

16 A Hair.

17 Q Okay. And y'all collected that?

18 A We did.

19 Q And what did y'all do with that particular item?

20 A This item was actually sent to SLED. It's in these
21 bags here. SLED packages them and sends them back to us.

22 Q Okay. So y'all did send some hair down to SLED, and
23 it appears like it was tested?

24 A That is correct.

25 MR. BLACK: All right. Your Honor, at this point, we

1 move Number 140 into evidence.

2 THE WITNESS: That's correct. 140.

3 MR. TAYLOR: No objection, Your Honor.

4 THE COURT: 140 is in.

5 (WHEREUPON, State's Exhibit Number 140 was admitted into
6 evidence.)

7 BY MR. BLACK:

8 Q 138, do you know what that is?

9 A Yes. This is blood swabs.

10 Q And y'all collected that on scene as well?

11 A That is correct.

12 Q And it appears that was sent down to SLED from the
13 bagging.

14 A Yes. Due to the packaging, it was sent to SLED.

15 MR. BLACK: All right. Your Honor, we move that item
16 into evidence as well.

17 THE COURT: Without objection, 138 is in evidence as
18 well.

19 (WHEREUPON, State's Exhibit Number 138 was admitted into
20 evidence.)

21 BY MR. BLACK:

22 Q I'm going to show you what's been marked as 134. Do
23 you know what that item is?

24 A Yes. This is the striker plate that I referred to in
25 the photograph earlier.

1 MR. BLACK: Your Honor, we ask for 134 to be put into
2 evidence and ask Mr. Hines to open that up for us.

3 MR. TAYLOR: No objection.

4 THE COURT: Without objection.

5 (WHEREUPON, State's Exhibit Number 134 was admitted into
6 evidence.)

7 BY MR. BLACK:

8 Q Is that the same striker plate that appears in the
9 pictures?

10 A This is.

11 Q And y'all collected that as well?

12 A We did.

13 Q All right. You can put it back up. Thank you, sir.

14 I'm going to show you what's been marked as 128 and
15 130. These two items, do you know what that is?

16 A (Reviews exhibits) The item you're referring to as
17 130 was found -- it was hair, and it was found on the side
18 of the car.

19 Q And that's -- y'all got a Number 3, but it's our Item
20 Number ---

21 A That's correct. 130, y'all's Item Number 130.

22 Q All right. And what about the other item?

23 A This was a large amount of human hair that was found
24 at the -- in the bedroom of the residence.

25 Q And y'all collected that as well?

1 A We did.

2 Q It doesn't appear those went down to SLED to be
3 tested.

4 A They did not.

5 Q What color hair was that?

6 A It was a blondish looking hair.

7 MR. BLACK: Your Honor, at this point, we move ---

8 THE COURT: 128 and 130.

9 MR. BLACK: Into evidence. Yes, sir.

10 MR. TAYLOR: No objection.

11 THE COURT: No objection. They're in.

12 (WHEREUPON, State's Exhibit Numbers 128 and 130 were
13 admitted into evidence.)

14 BY MR. BLACK:

15 Q 131, do you know what that is?

16 A Yes. This is hair as well that was found at the
17 loveseat in the living room.

18 Q And y'all collected that?

19 A We did.

20 Q Did you send it down to SLED?

21 A This one -- I don't think this one was sent to SLED.

22 MR. BLACK: And, Your Honor, we move 131 into
23 evidence as well.

24 MR. TAYLOR: No objection.

25 THE COURT: Without objection, it's in.

25 A I went to the scene first. Ms. Bonds had Deputy

1 Gambrell and Ms. Ashley at the hospital with her.

2 Q Okay. So that shirt was collected as part of the kit
3 that was done by the hospital?

4 A That is right.

5 MR. BLACK: Your Honor, at this point, the State
6 moves 126 into evidence.

7 MR. TAYLOR: No objection.

8 THE COURT: Without objection.

9 (WHEREUPON, State's Exhibit Number 126 was admitted into
10 evidence.)

11 BY MR. BLACK:

12 Q And this has been marked as State's 129. Do you know
13 what this item is?

14 A This is bedding from Ms. Bonds' room.

15 Q Okay. And y'all collected that as well?

16 A We did.

17 Q And the bedding, you said you noted -- that's the
18 stuff you noticed the wet spot on?

19 A That's correct.

20 Q Okay. And I guess it appears that that was actually
21 sent off to SLED and was tested.

22 A It was.

23 MR. BLACK: Your Honor, we move State's 129 into
24 evidence.

25 MR. TAYLOR: No objection.

1 THE COURT: No objection, it's in.

2 (WHEREUPON, State's Exhibit Number 129 was admitted into
3 evidence.)

4 MR. BLACK: Your Honor, I might need just a quick
5 second.

6 THE COURT: Sure.

7 BY MR. BLACK:

8 Q Investigator Hines, you said you initially showed up
9 at the scene, you processed the scene.

10 A That's correct.

11 Q Took a bunch of photographs?

12 A Yes.

13 Q Collected a bunch of the evidence?

14 A Yes.

15 Q How long do you think you were at the scene?

16 A Probably a few hours.

17 Q Do you remember exactly what time you got there?

18 A I do not. I would have to refer back to our CAD.

19 Q Was it still dark when you showed up?

20 A It was. It was still -- it was still dark outside
21 when I got there.

22 Q And then you said you were there for a couple hours.
23 Where did you go after that?

24 A I went to the hospital.

25 Q And what did you do at the hospital?

1 A Talked to Ms. Bonds some more and then also I think I
2 took a few more photographs.

3 Q You took the photographs of her?

4 A Yes.

5 Q Okay. At some point during this time, you developed
6 Mr. Postell as a suspect; is that correct?

7 A That is correct.

8 Q Did you ever do a photo lineup and show that to
9 Ms. Bonds?

10 A I did.

11 Q Can you tell us -- can you tell us how you went about
12 developing this photo lineup?

13 THE COURT: One second. Ladies and gentlemen,
14 forgive me. Let me speak to the attorneys over here just
15 real quick, okay, please.

16 (WHEREUPON, a bench conference was held off the record.)

17 THE COURT: Sorry for the delay.

18 Solicitor, ask your question again, please.

19 BY MR. BLACK:

20 Q I'm going to show you what's been marked as
21 State's 12. You do recognize this item; is that right?

22 A That is correct.

23 Q And this is a photo lineup; is that right?

24 A That is right.

25 Q Okay. And there is an individual circled on this

1 photo lineup; is that right?

2 A That's right.

3 Q Okay. And did you circle that person?

4 A I did not.

5 Q You showed this to Ms. Bonds; is that right?

6 A That is right.

7 Q When you showed it to her, it was completely clean;
8 is that right?

9 A That is correct.

10 Q And you told her that the person may or may not be in
11 the photo lineup, but if he is there, just let me know.
12 Is that how you handled that?

13 A That is correct.

14 Q And how long did it take her to identify this
15 individual?

16 A She -- she immediately circled or pointed at first at
17 Mr. Postell, and then I told her if she was sure, to
18 circle it. And she circled it and ---

19 Q Okay. So she circled it.

20 A Uh-huh.

21 Q Is this your handwriting beside it, or is that
22 someone ---

23 A That -- that is not.

24 Q Who wrote that?

25 A Ms. Bonds wrote it.

1 Q And what does it say?

2 A Boogie Postell, BLB.

3 Q And BLB are her initials?

4 A That is correct.

5 Q And there's something below it that might be a little
6 bit -- it's a little bit fainter. You might need to look
7 at it a little bit closer. What does that say?

8 A It says BLB, 5/5/17, 10:55 a.m.

9 Q So you presented her this lineup at 10:55 in the
10 morning?

11 A That is correct.

12 Q That means she would have still been in the hospital?

13 A She was.

14 Q And she did identify the bottom left-hand individual
15 as Mr. Postell.

16 A That is correct.

17 MR. BLACK: All right. And, Your Honor, State's
18 Number 12 has already been submitted into evidence.

19 THE COURT: It is in evidence, yes.

20 BY MR. BLACK:

21 Q Based on the information that you had gotten at that
22 point, what did you do after you left the hospital?

23 A The first time or the second time?

24 Q Well, let me ask you this. When you were talking to
25 her, describe Ms. Bonds' demeanor.

1 A She was very upset, she wasn't talking a whole lot at
2 that point. She had already been in the hospital several
3 hours by the time I got to the hospital. She was just
4 crying, very upset, just didn't want to speak a whole,
5 whole lot.

6 Q Okay. And before you got to the hospital, you
7 instructed Deputy Gambrell to take this statement; is that
8 right?

9 A I did. I called Deputy Gambrell, told her to start
10 getting statements from the victim for me to help me out
11 as far as my process of investigation.

12 Q So that was done before you got there?

13 A It was.

14 Q When you first got to the hospital, had she already
15 been cleaned up?

16 A Yes. She had been.

17 Q So she wasn't bloody like we had seen.

18 A No. She was still bloody. The blood had dried, and
19 they didn't get all of it off of her. But she was still
20 -- she was still bloody, had a lot of swelling to her
21 face. Also, I could also tell that her hair had been
22 ripped out.

23 Q Was her hair bloody as well? There's spots of hair?

24 A There was spots back there. It looked that she had
25 been scalped. There is spots back there where her skin

1 was ripped off of her head that had appeared.

2 Q Okay. And she was bruising up at that point, you
3 said?

4 A That is right.

5 Q Had her nose been stitched up or do you remember?

6 A I do not recall if it was stitched up at that point
7 or not.

8 Q Okay. And what about did you notice any bite marks
9 or what appeared to be bite marks on her?

10 A I did. She -- actually, that's one of the things
11 that she was telling me, that she was bit. There was a
12 bite mark on her shoulder and there was a -- I actually
13 had -- there was a female in the room as well, and I had
14 her pull her gown -- pull her gown off from her back
15 because she had a bite mark on her side as well. That was
16 a distinctive bite mark. You can see the jaw impressions
17 on -- in the skin.

18 Q Okay. And you know what a bite mark looks like.

19 A I have a 5-year-old, so yes, sir.

20 Q All right. So based on that information, what did
21 you do after you observed her at the hospital, got the
22 statements from Detective Gambrell? You'd already been at
23 the scene. What did you do?

24 A At that point is -- after the first time, that's when
25 I went and got the photo lineup. And then after I went

1 back, she picked Mr. Postell out of the photo lineup. I
2 talked to Sergeant Monts again, and then we went and
3 obtained an arrest warrant for Mr. Postell. Due to the
4 nature of the crime, we just went ahead and just got one
5 warrant so it wouldn't take as long, because we felt that
6 it was for the community safety at that point that he
7 needed to be arrested as soon as possible.

8 Q So at that point, did you head back to Calhoun Falls?

9 A After the arrest warrant was obtained, myself,
10 Investigator Partain, Investigator Monts and Investigator
11 Davis all went to Calhoun Falls.

12 Q And where did you go?

13 A We had information on where Mr. Postell lived at. I
14 don't recall the street without looking at it, but we went
15 to that residence.

16 Q If I were to tell you it would be 104 Berry Street,
17 does that sound familiar?

18 A That does sound familiar.

19 Q And describe that piece of property, if you can, to
20 the jury.

21 A It's a trailer that sits off the road on Berry
22 Street, and it's surrounded by other residential
23 dwellings. In the back part of the property, there's
24 another dwelling that connects from their backyard on
25 Berry Street to the backyard on another road that's

1 adjacent to Berry Street.

2 Q So it's real close.

3 A Yes. Real close.

4 Q Was Mr. Postell at Berry Street?

5 A Mr. Postell was not at Berry Street. We knocked on
6 the door several times, was calling him out trying to get
7 him to exit the residence. Basically, we had that
8 residence surrounded trying to call him out with no luck.

9 Q So he wasn't at the house?

10 A No, he was not.

11 Q And there were a couple of deputies with you at that
12 point?

13 A That is correct.

14 Q Partain was one of them?

15 A Yes, sir.

16 Q Did he walk to the adjacent residence?

17 A He did.

18 Q And did you eventually go over there as well?

19 A I did.

20 Q Okay. And did you find Mr. Postell over there?

21 A Mr. Postell was over there.

22 Q Okay. Did you ask his name initially?

23 A No. I did not ask his name.

24 Q Okay. Did you have a conversation with him out
25 there?

1 A There was a brief conversation, me confronting him
2 about lying to Sergeant Partain about his name.

3 Q Okay. Do you remember what he told Sergeant Partain,
4 or were you even there when he told him something
5 different?

6 A I was not there when he told me. Sergeant Partain
7 did tell me that he said his name ---

8 MR. TAYLOR: Objection, Your Honor. Hearsay.

9 THE COURT: Claim an exception or ---

10 MR. BLACK: Not really. We're not offering it for
11 the truth of the matter asserted.

12 THE COURT: Sustained, sustained. You can get it out
13 a different way, though.

14 BY MR. BLACK:

15 Q You eventually did identify him.

16 A That is correct.

17 Q At that point, was he placed under arrest?

18 A He was.

19 Q I'm going to show you briefly State's 97 through 107.
20 Do you recognize these items, these photographs?

21 A (Reviews exhibits) I do.

22 Q And those are additional photographs taken at the
23 residence?

24 A Yes.

25 MR. BLACK: Your Honor, at this point, the State

1 moves those photographs into evidence.

2 MR. TAYLOR: No objection.

3 THE COURT: All right. Without objection, 97 through
4 107 are in evidence.

5 (WHEREUPON, State's Exhibit Numbers 97 through 107 were
6 admitted into evidence.)

7 MR. BLACK: Your Honor, just to double check while
8 the witness is on the stand, we've got 43 through 69 into
9 evidence?

10 THE COURT: Those did come in earlier, yeah, I think.

11 MR. BLACK: And 70 through 96 are in evidence as
12 well?

13 THE COURT: Yes.

14 MR. BLACK: We've got 14 through what appears to be
15 22 into evidence as well, Your Honor?

16 THE COURT: Correct.

17 MR. BLACK: Just making sure I've got my ducks in a
18 row, Your Honor.

19 BY MR. BLACK:

20 Q Investigator Hines, I'm going to jump forward to a
21 couple days later on May the 8th. Do you remember that
22 day?

23 A Not right offhand I do not.

24 Q Okay. I'm going to show you -- and this has not been
25 marked yet.

1 (WHEREUPON, State's Exhibit Number 143 was marked for
2 identification.)

3 BY MR. BLACK:

4 Q State's 143, do you recognize that?

5 A I do.

6 Q And what is that document?

7 A This is a Miranda form that we have at the Sheriff's
8 Office. It's a written Miranda form, Statement of Rights
9 and then a Waiver of Rights.

10 Q And what's the purpose of that?

11 A The purpose is so that way, the person that we're
12 talking to when we're investigating a crime, that way they
13 know their rights, they know the right to remain silent,
14 they know that they can have an attorney present with them
15 when we're speaking with them. And if they wish to speak
16 with us, they sign the Waiver of Rights, which means they
17 waive all of the stuff that we've said above that
18 statement of Waiver of Rights.

19 As y'all can see, there's 1 through 5 there. That's
20 the actual Miranda warning, and then that's the Waiver of
21 Rights they sign if they wish to speak with us.

22 Q So you talked to Lawrence Postell that day?

23 A That is correct.

24 Q What was the date?

25 A The date is May the 8th, 2017.

1 Q And what time did you talk to him?

2 A At approximately 12:37.

3 Q P.m.? Lunch time?

4 A P.m. That's correct. Lunch time.

5 Q And where did y'all have this conversation at?

6 A At the Law Enforcement Center in the interview room.

7 Q All right. And do y'all have recording capabilities
8 out there?

9 A We do.

10 Q And I'm going to show you what's been marked as
11 State's 124. Do you know what that is?

12 A I do.

13 Q And what is that?

14 A This is an interview that was recorded from Lawrence
15 Postell.

16 Q Okay. And did you -- were there any other officers
17 there with you when you recorded this information?

18 A Lieutenant Graham.

19 Q So he was with you?

20 A Yes.

21 Q All right. I'm going to receive these two items
22 back.

23 Did Mr. Postell agree to speak with you guys?

24 A He did.

25 Q Did he initial by each item?

1 A He did.

2 Q And Item 1, can you just read that?

3 A Yes, sir.

4 Q What is it?

5 A It says, "You have the right to remain silent."

6 Q He initialed that?

7 A He did.

8 Q And what about the second one?

9 A It says, "Anything you say can and will be used
10 against you in a court of law."

11 Q He initialed beside that?

12 A He did.

13 Q What's Number 3?

14 A "You have the right to talk to a lawyer."

15 Q Did he initial?

16 A He did.

17 Q What about the next one?

18 A "If you cannot afford to hire a lawyer, one will be
19 appointed to represent you before any questions, if you
20 wish."

21 Q Did he initial that?

22 A He did.

23 Q What about the last one?

24 A Number 5 says, "You can decide at any time to
25 exercise these rights and not answer any questions or make

1 any statements."

2 Q And he initialed beside that one?

3 A He did.

4 Q Did he sign at the bottom?

5 A He did.

6 Q Okay. At this point, he was under arrest for the
7 burglary charge, I believe; is that correct?

8 A He was. That's correct.

9 Q Do you remember about how long this interview lasted?

10 A I don't.

11 MR. BLACK: Okay. Your Honor, at this point, the
12 State moves Number 143 into evidence, and also 124 into
13 evidence as well.

14 THE COURT: All right. 143, there's no objection.

15 124, subject to the earlier hearing objections and
16 reservations that were put on the record previously.

17 MR. TAYLOR: Thank you, Your Honor.

18 (WHEREUPON, State's Exhibit Numbers 124 and 143 were
19 admitted into evidence.)

20 MR. BLACK: Your Honor, I don't know if we need to
21 talk about scheduling at this point.

22 THE COURT: All right. You said that the audio runs
23 roughly an hour in length?

24 MR. BLACK: It's about an hour, a little bit longer.

25 THE COURT: Okay. I'm assuming you'll have some

1 follow-up questions for this witness after the audio has
2 run.

3 MR. BLACK: Potentially. Yes, sir.

4 THE COURT: Okay. Ladies and gentlemen, what we're
5 going to do is we'll go ahead and take our lunch break at
6 this particular point in time. The clock up there's a
7 little bit slow. Let's just round it forward and let's
8 say we'll reconvene about 1:30, okay? That will give you
9 an hour and some change for lunch.

10 Again, please don't discuss this case while you're on
11 lunch break. Do be back in the jury room at 1:30. At
12 that point in time, we'll proceed with further testimony
13 and further evidence.

14 All right. See y'all at 1:30. Thank you.

15 You can step down. Just, of course, don't talk about
16 your testimony over our lunch break.

17 (WHEREUPON, the jury exits the courtroom at 12:22 p.m.,
18 and a recess was taken.)

19 (WHEREUPON, proceedings reconvened at 1:43 p.m.)

20 THE COURT: We'll go back on the record.

21 The solicitor has done a dry run for the video. In
22 lieu of having the last witness remain on the witness
23 stand, we'll just let Mr. Hines stay over there, and that
24 way we can simply play the video.

25 Of course, this video is being introduced subject to

1 the objections to the three portions that Mr. Taylor put
2 on the record a few moments ago, so that objection is
3 noted. Same ruling from yesterday.

4 And y'all indicated to me in chambers that there's a
5 stipulation that we'll put on the record as it relates to
6 Quintavious Calhoun, and we can do that after we conclude
7 playing the video.

8 MR. TAYLOR: Yes, sir.

9 THE COURT: And you can do that, Mr. Taylor, however
10 you want to characterize it, but it relates to his
11 sentence and the fact that he's still in SCDC doing some
12 time for the incident arising out of this and some other
13 matters.

14 Let's have the jury, please.

15 (WHEREUPON, the jury entered the courtroom at 1:44 p.m.)

16 THE COURT: All right. The record will reflect that
17 the jury is back and seated.

18 Ladies and gentlemen, in a moment, the solicitor's
19 going to play the videotaped interview that Mr. Hines
20 conducted of Mr. Postell, and just two quick matters about
21 the interview. First, and I've been doing this job that I
22 have now for about eight years, and my personal
23 experience, sometimes when you are coming back from lunch
24 and you've got a full stomach and the State plays a video,
25 it sometimes may be hard to keep from nodding off. All

1 right. The technique that I use is if that starts
2 happening to me, I'll just stand where I am, I'll just
3 shuffle about for a few moments to let myself wake back
4 up. So don't be shy about doing that if you feel yourself
5 maybe had too many carbs for lunch or something and you
6 need to do that to stay awake. So be sure that you, of
7 course, do stay awake.

8 Second thing I wanted to mention is that the video in
9 its original form was about an hour and 30, hour and 40
10 minutes long. The parties and the Court have actually
11 edited this down, removing some extraneous stuff that just
12 has nothing to do with this case, chitchat type stuff that
13 went on. So it's been edited from its original version to
14 remove stuff that just has nothing to do with this case.
15 So if it jumps to another part, I didn't want you guys
16 thinking that we were keeping something from you. It's
17 just we took out -- in the interest of time, I had them
18 edit it to take out stuff that just has nothing to do with
19 this.

20 Okay. With that, Solicitor, you may proceed with
21 playing the video.

22 MR. BLACK: Thank you, Your Honor.

23 (WHEREUPON, State's Exhibit 124, a video, was played in
24 open court.)

25 THE COURT: All right. Of course, I'll remind you

1 you're still under oath, sir.

2 THE WITNESS: Yes, Your Honor.

3 THE COURT: Solicitor, you may continue.

4 BY MR. BLACK:

5 Q I'm going to show you what's been marked as
6 State's 136. Do you know what that is?

7 A It's the DNA swab that you seen Lieutenant Graham
8 take.

9 Q And you were in there when that occurred?

10 A I was. That's correct.

11 Q And what was the purpose of that?

12 A For a nonstandard for SLED. It would compare the DNA
13 found on scene with Mr. Postell's DNA that we got. That
14 would be on this swab.

15 Q And y'all did send that down to SLED, submitted it?

16 A That is correct.

17 MR. BLACK: Your Honor, the State moves 136 into
18 evidence.

19 MR. TAYLOR: No objection.

20 THE COURT: 136 is in evidence.

21 (WHEREUPON, State's Exhibit Number 136 was admitted into
22 evidence.)

23 BY MR. BLACK:

24 Q I'm going to keep it over here with my stack.

25 A couple of quick questions briefly, Investigator

1 Hines. First, you listened to the statement again; is
2 that correct?

3 A I did.

4 Q You were sitting right over there.

5 A I was.

6 Q He basically gave two versions of the story; does
7 that sound right?

8 A Yes. That's correct.

9 Q In both statements -- in the first statement, he
10 talks about that he and the victim were steady smoking
11 crack during this encounter; is that right?

12 A That is right.

13 Q And the second story changes, you know, a little bit.
14 Does he still stay on that fact that the victim and him
15 are back and forth steady, hitting and smoking crack?

16 A Yeah. The whole interview he continued to say that
17 him and the victim smoked a large amount of crack.

18 Q Okay. And you would agree that both statements
19 were -- they were -- they changed a little bit.

20 A Yes.

21 Q Going back to the -- when y'all went out to his
22 residence and got the search warrant and looked through
23 his house, y'all found a white T-shirt; is that correct?

24 A We did.

25 Q And can you tell us again where that white T-shirt

1 was located inside the house?

2 A Yes. It was -- it was folded up -- excuse me. It
3 was kind of balled up, but it was in folded towels. Like
4 it was someone had hid it or something.

5 Q And where was it actually located?

6 A It was located in the hallway next to a bathroom
7 above the freezer.

8 Q Above a freezer in the hallway near the bathroom.

9 A Yes. In the cabinet.

10 Q Okay. So y'all had to go through the cabinets.

11 A Yes, we did.

12 Q And I know Mr. Taylor is probably going to ask you
13 this, but y'all did not find a gun, did you?

14 A We did not find a gun.

15 Q Okay. This came up in Detective Partain when he was
16 on the stand. There was a question about the money that
17 was found when y'all arrested Mr. Postell.

18 A Yes.

19 Q Do you know how much money was seized?

20 A It was like -- I think it was 200 and something
21 dollars. It should be on our Property and Evidence sheet.
22 I think it was like 225, 226, something in that nature.

23 Q And I'm going to show you this, these documents. Do
24 you know what those are?

25 A (Reviews documents) I do.

1 Q And what does the document say in terms of how much
2 money was received?

3 A \$221.

4 Q So y'all seized that.

5 A We did.

6 Q And did y'all submit that to SLED?

7 A We did not.

8 Q What did you do with it?

9 A After we -- after we decided not to submit it to
10 SLED, we released it to Mr. Postell who had inquired about
11 his money, wanting to know if he could have his money
12 back. At that time, I did take the money to the Law
13 Enforcement Center where -- the detention center part of
14 the Law Enforcement Center, it's in the same building, and
15 counted the money out to Mr. Postell in front of detention
16 guards. That was there.

17 Q So you actually had -- you actually turned it back
18 over to Postell, to the detention center.

19 A Yes. I personally turned it back over to
20 Mr. Postell's property with him standing beside it.

21 Q Okay. And whatever happened to that money?

22 A The jail released it to his mother, Gloria Clark.

23 Q Okay. And so I'm guessing Mr. Postell actually had
24 to release it to his mother.

25 A That is correct. I'm holding a property release

1 sheet from Abbeville County Detention Center that says,
2 "I, Lawrence Postell, have approved for the following
3 items to be released from my personal property here at the
4 Abbeville County Detention Center: money in the amount of
5 \$221."

6 Q And does he have a signature on that sheet?

7 A He does.

8 Q Okay. All right. Thank you, sir. I'll take those
9 documents back.

10 You were the lead investigator on this case; is that
11 right?

12 A That is correct.

13 Q You eventually -- well, let me ask you this. The
14 jail, if somebody makes phone calls to and from the jail,
15 do y'all have the capabilities to go and listen to those
16 conversations?

17 A We do.

18 Q They are recorded; is that right?

19 A They are recorded.

20 Q You ended up listening to conversations between Quint
21 and who -- the people that he was talking to in the jail;
22 is that right?

23 A That is correct.

24 Q Okay. And you discovered these phone calls between
25 Quint and Ms. Bonds that occurred on May the 4th; is that

1 right?

2 A I did.

3 Q Do you know about when you listened to those
4 conversations? You didn't listen to those conversations
5 on the 5th, did you?

6 A No, I did not.

7 Q When did you listen to those conversations?

8 A It was later on through our investigation. The jail
9 administrator actually is the one that prompted me about
10 it and let me know that the conversations had occurred.

11 Q Okay. And do you know how many weeks had passed when
12 you learned about it and listened to them?

13 A I do not.

14 Q But it was sometime after this incident?

15 A It was. It was a significant amount of time after
16 the incident.

17 Q Okay. A significant amount of time, do you have any
18 idea how many weeks that is?

19 A I would say at least three weeks to a month after, or
20 if not later than that. But it was -- it was a while
21 after we already made an arrest on Mr. Postell that we got
22 the phone recordings.

23 Q Okay. And the nature of those phone calls were
24 what's been testified to.

25 A That is correct.

1 Q She was selling crack to try to get Quint out of
2 jail.

3 A She was.

4 Q And those are in the phone calls?

5 A It is in the phone calls.

6 Q And she testified about that.

7 A She did.

8 Q Once you were able to hear those phone calls, did
9 things make a little bit better sense?

10 A Once I heard the phone calls, it did make -- it gave
11 us more of a motive, and also it made a lot more sense.

12 Q Okay. The doorway, I know we've gone back to the
13 doorway being kicked in or forced in. Did you see any
14 footprints or anything on the doorway?

15 A I did not.

16 Q And you've been in law enforcement for a while; is
17 that right?

18 A That is correct.

19 Q Are there several different ways that one can force
20 open a door?

21 A There is.

22 Q Can you tell us what those might be?

23 A Yes. One can kick open a door. And with my
24 experience, a shoe print's not always left. I wish it
25 was. It would make it a lot easier on us as

1 investigators.

2 Also, you can use your shoulder to basically knock it
3 over like you're kind of football-tackling the door or
4 shoulder-ramming it, we'll call it. That can force a door
5 open.

6 You can get an object and ram the door open. And
7 crowbars, hammers, any kind of tools, there's a lot of
8 different ways to open a door.

9 Q Okay. Finally, I'm going to ask you, y'all collected
10 a lot of evidence, obviously, sitting over there; is that
11 right?

12 A Yes, sir. We did.

13 Q Y'all sent a bunch of that stuff down to SLED.

14 A We did.

15 Q Did they initially test everything?

16 A No.

17 Q Did they test everything on this case?

18 A No.

19 Q Okay. And this might not be the best question for
20 you, but SLED, they get items from throughout the State;
21 is that right?

22 A They do.

23 Q Lots of different agencies submit stuff.

24 A They do.

25 Q At some point, did you sit down and kind of pick and

1 choose what needed to be tested by SLED?

2 A Yes, I did.

3 Q And they -- eventually, those items were tested by
4 SLED.

5 A Yes.

6 MR. BLACK: If I can have just a moment, Your Honor.

7 THE COURT: Yes, sir.

8 BY MR. BLACK:

9 Q And you're familiar with -- and you might have to
10 step down. This is State's 108. This is a map. The
11 address where this incident occurred, can you point that
12 out to us?

13 A Yes.

14 Q It looks like this (indicating) is Fairview. This
15 (indicating) is Victory Drive.

16 THE WITNESS: Can I step down, Your Honor?

17 It would be right here (indicating), 102.

18 MR. BLACK: Okay. All right. Your Honor,
19 State's 108 has not been submitted into evidence. We'd
20 move that into evidence at this point.

21 MR. TAYLOR: No objection.

22 THE COURT: All right. State's 108 is in evidence.

23 (WHEREUPON, State's Exhibit Number 108 was admitted into
24 evidence.)

25 MR. BLACK: I think that's all I have, Your Honor.

1 Thank you.

2 THE COURT: Mr. Taylor?

3 MR. TAYLOR: Your Honor, if I could just put
4 something on the record real quick about the stipulation,
5 and then if we could, I think it would probably be good to
6 give the jury a break. They just watched an hour and a
7 half ---

8 THE COURT: Okay. Very good.

9 One stipulation that the parties did inform me of,
10 ladies and gentlemen. If I mistakenly state the nature of
11 your stipulation, please let me know.

12 But the parties in this case have stipulated that
13 Quintavious Calhoun is currently in the Department of
14 Corrections serving, I believe, a four-year sentence -- or
15 sorry -- three-and-a-half year sentence for burglary
16 second degree, distribution of crack, and a three-year
17 sentence for DV second.

18 Is that correct, gentlemen?

19 MR. TAYLOR: Yes, sir. And the other part is that
20 Ms. Bonds was a victim on those crimes.

21 THE COURT: Right. Ms. Bonds was also the victim on
22 the DV, domestic violence case and the burglary case, I
23 believe. Is that correct?

24 MR. BLACK: That's correct, Your Honor.

25 THE COURT: All right. So the parties and the Court

1 is taking judicial notice of that fact, that, again,
2 Mr. Calhoun is currently serving those sentences in the
3 Department of Corrections.

4 Anything to add to that stipulation?

5 MR. TAYLOR: No, sir. I don't think so. That was
6 all.

7 THE COURT: Very good. Ladies and gentlemen, we'll
8 go ahead and let you take a brief break. I meant to
9 mention to you, if any of you smoke, just let the bailiff
10 know and they'll take you outside to have a cigarette. If
11 you don't, good for you.

12 But we're going to go ahead and take a break for a
13 few moments. All right. And don't discuss the case yet.
14 I'll let you know when you can. Thank you.

15 (WHEREUPON, the jury exits the courtroom at 2:57 p.m., and
16 a recess was taken.)

17 (WHEREUPON, proceedings reconvened at 3:10 p.m.)

18 THE COURT: Let's go ahead and get the jury moving,
19 if we could, and if you'll take the stand again, please.

20 MR. BLACK: Judge, I have one more thing before we
21 get started.

22 THE COURT: Yes, sir.

23 MR. BLACK: I confirmed with our jail administrator
24 that Mr. Quintavious Calhoun was arrested on 4/24/17 for
25 the burglary second and DV charge, and that he bonded out

1 on 5/23/17. I think Mr. Taylor's agreeable to that
2 stipulation being put in the record, so we do not have to
3 call the jail administrator.

4 THE COURT: Okay.

5 MR. TAYLOR: Yeah. I think you can take judicial
6 notice of that, Judge.

7 MR. BLACK: That's 4/24 through 5/23.

8 THE COURT: Very good. I'll add that stipulation
9 when the jury comes back out then.

10 MR. BLACK: Yes, sir.

11 MR. TAYLOR: May I ask Mr. Black something real quick
12 before we get the jury back in?

13 THE COURT: Sure. Go ahead.

14 (Pause in proceedings.)

15 MR. TAYLOR: All right, Judge. We're ready. Thank
16 you.

17 THE COURT: Let's go ahead and get the jury in,
18 please.

19 (WHEREUPON, the jury entered the courtroom at 3:12 p.m.)

20 THE COURT: The record will reflect that the jury is
21 back and seated.

22 Ladies and gentlemen, before we resume with the
23 examination of this witness, one thing that I neglected to
24 add to the stipulation a few moments ago about Quintavious
25 Calhoun, the parties also stipulate that Mr. Calhoun was

1 arrested on April the 24th of 2017 for the domestic
2 violence charge and the burglary charge involving
3 Ms. Bonds, the victim, and that he was released on bond
4 for that charge on -- he was arrested on April the 24th of
5 2017. So, again, arrested April 24, 2017. He was
6 released on bond on that charge on May 23, 2017. The
7 parties asked that I add that to the stipulation, so you
8 can take that as a fact, and we do not need to call the
9 jail administrator to testify to that fact.

10 Okay. Mr. Taylor, you may continue -- or you may
11 begin your cross, sir.

12 MR. TAYLOR: Thank you.

13 CROSS EXAMINATION

14 BY MR. TAYLOR:

15 Q Detective Hines, I'm going to kind of do some two
16 part -- we'll talk about the house, all right?

17 So the day this supposedly happened, you got there a
18 couple of hours after whatever kind of incident happened;
19 is that right?

20 A I did.

21 Q Okay. And do you remember, at least based on your
22 recollection, the weather or kind of precipitation? Was
23 the ground wet? That kind of thing. Do you remember
24 anything like that?

25 A I think it was wet with dew. I know on my trip there

1 it was not raining.

2 Q And do you remember you were in the front yard there
3 being some mud or at least a track or where, I guess, a
4 car drove in and out, that kind of thing? Do you remember
5 that?

6 A I do not recall.

7 Q Okay. All right. So you don't remember if anybody
8 took pictures of like any footprints in the yard or
9 anything like that?

10 A I do not.

11 Q Okay. And you testified earlier you were the guy
12 that kind of sent everything down to SLED, right?

13 A Yeah. We went through it. Lieutenant Graham put it
14 in iLab, I believe, and then we went through it to find
15 out what was sent to SLED. That's correct.

16 Q Okay. And no foot impressions? footprints? I know
17 you testified about that earlier.

18 A No.

19 Q Okay. In a perfect world, would you have liked SLED
20 to test everything you sent down there?

21 A In a perfect world, that would be -- that would be,
22 you know, great in a perfect world.

23 Q And unfortunately, I think that -- why did they not
24 test everything that y'all sent down there?

25 A SLED takes in items from all over the state, and if

1 every case throughout the State you send every single
2 piece of item of evidential value, every item that you
3 have down there, they would -- you know, cases would never
4 get back. Their labs would be backed up so much. So we
5 try to be selective on importing -- you know, important
6 evidence. Not that all -- all pieces of evidence is
7 important, but we try to, you know, weed out certain
8 pieces. Like I'm not going to send if there's -- you
9 know, if there's 50 things of blood, I'm not going to send
10 all 50 things of blood to SLED because that would just be
11 too much work on them.

12 Q What if the 50th piece had somebody else's blood that
13 could possibly help this case, what would be your position
14 on that?

15 A In this case right here, there wasn't that much
16 blood, so I didn't have to -- I didn't have to worry about
17 that. There wasn't -- there wasn't blood scattered about
18 the house everywhere.

19 Q Wasn't there a pillow that SLED ended up not testing
20 that had blood on it?

21 A That pillow is sitting right there. And I'm not sure
22 if SLED tested it or not, so I am not sure on that.

23 Q I thought you testified earlier that they did not.
24 That's what I'm checking. I'm not trying to trip you up.
25 I'm serious.

1 A No. I understand. I'm not -- I'm not sure on the
2 pillow.

3 Q All right. And were there any fingerprints taken
4 from anywhere or sent down to SLED?

5 A No, there was not.

6 Q And in that video that we watched of -- and you're,
7 again, one of the two guys that interviewed Mr. Postell.
8 He mentioned that Ms. Bonds picked him up, right, and
9 drove him there? Wasn't that part of his story?

10 A That is what he said.

11 Q All right. Do you think it probably would have been
12 a good idea maybe to do fingerprints in her car or check
13 to see if there's any evidence of him being in the car to
14 kind of verify that story?

15 A At the time -- at the time that Mr. Postell said
16 that, Mr. Postell was already in custody, so I don't think
17 that would have been as important to go back to check for
18 fingerprints inside the vehicle.

19 Q I mean, it would have checked the story out and maybe
20 kind of corroborated what he's saying, though, right? In
21 other words, I mean, his victim lied, too, right?

22 MR. BLACK: Objection, Your Honor.

23 THE COURT: In your experience, have victims or
24 people told you stuff that didn't pan out to be correct?

25 THE WITNESS: In my experience, I have had people

1 tell me stuff before that hasn't been correct.

2 BY MR. TAYLOR:

3 Q And I guess my point is kind of better safe than
4 sorry, right? So I know that's extra work, it's hard,
5 it's early in the morning, you're tired, a lot of stuff
6 going on, but that may have been something that probably
7 potentially could have shut down that or maybe corroborate
8 it.

9 A This was -- this was a couple days later when we
10 interviewed Mr. Postell.

11 Q Okay. And, again, there was no gun ever found
12 whether it was at his house or Ms. Bonds' house, right?

13 A There was -- no gun was ever found.

14 Q So the only time a gun was ever mentioned is when
15 Ms. Bonds gave a statement and said I saw -- I thought I
16 saw one in his waistband or it fell on the floor kind of
17 thing?

18 A Yes. She -- the only time the gun was mentioned was
19 Ms. Bonds said that he had a gun in his waistband.

20 Q Got you. But some of the things that were tested at
21 SLED, at least as far as I know, were -- you know, so I'm
22 asking you -- were you mentioned hair, right? Hair was
23 sent down there?

24 A I believe so.

25 Q And not just hair from someone's head. It was also

1 you mentioned pubic hairs, right?

2 A Yes, sir.

3 Q And talked about blood. That was sent down there,
4 right? Some things with blood on it.

5 A I believe so. That's correct.

6 Q Okay. And one of those was his shirt that y'all got,
7 right?

8 A That is correct.

9 Q And then what about we talked about the money that
10 y'all gave back to his mom, right?

11 A No, no. We didn't -- I did not give the money back
12 to his mom.

13 Q Well, there was a document I think that said the
14 jail ---

15 A The jail gave the money back to his mom.

16 Q Well, why was that not sent down to SLED if it had
17 blood on it?

18 A Because we already had blood from Mr. Postell's
19 residence. We had the shirt that was covered in blood, so
20 we sent the shirt off instead of the money off.

21 Like I said earlier, we can't send every single piece
22 of evidence to SLED.

23 Q But at that point, SLED hadn't tested them, so you
24 had no idea whose blood was on there, right?

25 A That is correct.

1 Q Okay. So that's kind of another better safe than
2 sorry, right? Send it down there, and you never know
3 whose blood because it's been several days later.

4 A As I said, SLED -- SLED won't take every piece of
5 evidence that we send.

6 Q All right. So you would agree that there's some
7 stuff with blood on it, potentially DNA, hair that was not
8 tested by SLED.

9 A Yes.

10 Q Okay. And you would agree that it could have been
11 one of three things. It may have not been a big deal,
12 nothing to it, it could have helped Mr. Postell or hurt
13 his case, right? One of those three things. I'm talking
14 about things that weren't tested. That's probably one of
15 those outcomes.

16 A If one of the things that was not tested, then I
17 would say that -- yes.

18 Q Okay. Let's go -- sticking with the house, so crack
19 cocaine, everybody agrees crack cocaine, 9.6 grams was
20 found in Ms. Bonds' closet.

21 A That's correct.

22 Q Do you have a lot of experience investigating drug
23 cases?

24 A I do.

25 Q Would you agree that's a decent amount of drugs,

1 right? Especially for Calhoun Falls. Wouldn't you agree?

2 A I would say that -- I would say that that's a fair
3 amount of drugs.

4 Q Okay. So someone who's a drug dealer would be in
5 possession of 9.6 grams of crack, right?

6 A That is correct.

7 Q Okay. And you -- again, I want to make sure, you're
8 the one who got all the warrants on these cases, right,
9 for Mr. Postell, in other words, to arrest him, right?

10 A I believe so.

11 Q Okay. And so originally when he was arrested, y'all
12 also got warrants for trafficking crack cocaine against
13 him, right?

14 A That's correct.

15 Q Okay. And do you understand he is not on trial for
16 that today, right?

17 A I do know that. Correct.

18 Q And that was for the drugs that were found in the
19 closet, right?

20 A That's correct.

21 Q At Ms. Bonds' house.

22 A That is correct.

23 Q Why was Ms. Bonds not charged with some kind of drug
24 offense?

25 A Because at the time, it was said that the crack fell

1 out of his pocket, so therefore, I didn't have any, you
2 know, indication that -- at that point, that Ms. Bonds was
3 actually selling drugs that she's already testified that
4 she was doing.

5 Q Was that something y'all are going to proceed with
6 after this trial? Are y'all going to prosecute her for
7 dealing drugs in the community? That's obviously a good
8 bit of weight.

9 A That case is still under investigation as far as we
10 haven't necessarily closed anything out.

11 Q Got you.

12 And I don't know if -- it may have been you or
13 another guy in the video. What was his name?

14 A Lieutenant Graham.

15 Q Okay. And he's your supervisor.

16 A That is correct.

17 Q One of y'all, I think, mentioned that, basically, if
18 the DNA comes back against Mr. Postell, hey, lack of a
19 better word, you're screwed, and if it comes back in your
20 favor, that's good for you, right? Would you agree with
21 that?

22 A I think Lieutenant Graham did say that.

23 Q Okay. All right. And I'm not asking you about the
24 results, but -- so do you agree with that? In other
25 words, if the DNA came back, it wasn't Mr. Postell, that

1 would help his case, right?

2 A If the DNA came back that it wasn't Mr. Postell, then
3 yes. I do think that would help his case.

4 Q How about if it came back to maybe another
5 unidentified male? Would that be good for him? Wouldn't
6 you say it would be -- it would be good?

7 A You're talking about any -- any evidence at all that
8 was ---

9 Q In this case, in the DNA case, if it comes back as
10 another unidentified male's DNA, that's a good thing for
11 him, right?

12 A If there's no explanation for it, it would be.

13 Q Okay. All right. And just to kind of make sure the
14 jury understands, did you investigate the Quinton Calhoun
15 case we keep talking about, the one previous to this?
16 Again, I know he didn't commit -- have anything to do with
17 these crimes, but ---

18 A Which one are you referring to?

19 Q The one he's in prison for, so beating up Ms. Bonds
20 and breaking into her house.

21 A I did not investigate that case.

22 Q Okay. So you don't know anything about that other
23 than what we've talked about today?

24 A No. Not the burglary and the DV.

25 Q I may come back to a couple other things from the

1 house, but -- and I asked you, just to clarify, that money
2 that was given back to Mr. Postell, that was found in his
3 house, though, right? In his pocket?

4 A That was found in his pocket outside of his
5 residence.

6 Q Okay. All right. And y'all -- and I'm kind of sort
7 of repeating what y'all said. Y'all said that basically,
8 y'all found that bloody white shirt, abstract shirt or
9 white shirt at Mr. Postell's house hidden, like wrapped up
10 in something else?

11 A It was in between folded towels. That's correct.

12 Q Okay. All right. And there wasn't any other like
13 DNA evidence hidden somewhere or wrapped up somewhere.
14 That was the only thing you found besides the money
15 related to this case.

16 A The only thing we located at Mr. Postell's house
17 was -- inside the house was the bloody shirt ---

18 Q Got you.

19 A --- that -- that went with this case.

20 Q Did you ever interview Ms. Bonds, like actually take
21 any of her interviews?

22 A What do you mean by that?

23 Q Well, like I know that the deputy earlier that
24 testified, the female deputy is the one that wrote it out
25 for her; is that right?

1 A Uh-huh.

2 Q Did you actually record anything, statements from her
3 or put any of her statements down on paper, like maybe in
4 a report or anything like that?

5 A I -- I don't recall if I put any of her statements in
6 the report.

7 Q Okay.

8 A I would have to refer to my report to check, but I
9 did not record any of her statements.

10 Q We may come back to that as well.

11 All right. Let's go to his statement, you know, the
12 video we just watched. And I think the jury heard, I
13 mean, he waived his right to remain silent, right? In
14 other words, he signed the piece of paper and talked to
15 you for an hour or so, right?

16 A He did.

17 Q Okay. And he also gave that mouth swab to Lieutenant
18 Graham, right?

19 A He did.

20 Q Wouldn't you consider that to be cooperating?
21 cooperative?

22 A Yes. He was cooperative.

23 Q Okay. Let's see here. So he gave up DNA that could
24 potentially bury him in this case, in other words, to
25 compare with what y'all found, right? That's what you

1 were doing with the mouth swab.

2 A Yes. We swabbed for a comparison.

3 Q Right. So in other words, you take that and you
4 compare it to blood, semen, whatever else that was found
5 at the scene.

6 A That is correct.

7 Q Okay. Now, in that video, I didn't hear -- would you
8 agree, I didn't hear Mr. Postell admit to any particular
9 crime? Did you?

10 A I did hear Mr. Postell admit to a particular crime.

11 Q Okay. And maybe the only crime, and maybe I
12 misspoke, I heard him admit to assaulting Ms. Bonds; would
13 you agree with that?

14 A I do agree that he admitted to assaulting Ms. Bonds.
15 That's correct.

16 Q Okay. And I never heard Mr. Postell say, "Well, I
17 broke into her house," right? I never heard that.

18 A He never said that. That's correct.

19 Q He also denied that he raped her, right?

20 A I would have to disagree with you on that one.

21 Q Okay. I don't want to play it back.

22 A No. That's fine. But my interpretation of what he
23 says, she told him to stop, he didn't stop.

24 Q Okay. We will agree to disagree.

25 How about he also said he never had a gun, right?

1 A He did say that. That's correct.

2 Q And there was really not a whole lot of talk, but I
3 know he said, "I didn't kidnap her either," meaning take
4 her somewhere, trap her, whatever. I didn't hear him
5 admit to that; don't you agree?

6 A No. He did not admit to kidnapping her.

7 Q Okay. All right. So, again, just to kind of recap,
8 I know you have a little bit of a different take, but he
9 did specifically admit to assaulting her, right?

10 A Yes. He admitted to the assault.

11 Q Got you. And his story is he was there because she
12 invited him, right?

13 A Yes. That's his story.

14 MR. TAYLOR: If I may have one moment, Your Honor.

15 THE COURT: Yes, sir.

16 BY MR. TAYLOR:

17 Q You earlier testified that the -- I'm trying to
18 remember how -- it was the plate for the door.

19 A The striker plate.

20 Q There you go. Striker plate. You testified it was
21 three feet away from the door?

22 A Three to four foot away. When I walked in, that's
23 about how far it was.

24 Q So would you be surprised if your report says
25 15 feet? I'm asking because I didn't understand. That's

1 a big difference.

2 A Three to four feet was me, you know, striding, me
3 taking actual steps, I believe.

4 Q So it may be more like three or four yards which
5 would be 15 feet; is that right?

6 A If it's in my report, that's the way it was.

7 Q Okay. Got you. And I know that's been whatever, a
8 year ago now, right? So some of that's not fresh on your
9 mind, right?

10 A It's not fresh. That's correct.

11 MR. TAYLOR: I understand.

12 Sorry. One more moment, Your Honor.

13 THE COURT: Yes, sir.

14 BY MR. TAYLOR:

15 Q Last thing, then I'll let you go because you've been
16 the longest witness.

17 Back to the gun. She gave a statement. Isn't it
18 true that she said she saw a gun in his waistband and she
19 thought it fell on the floor, right?

20 A That is correct.

21 Q Okay. And she never said he displayed it to her,
22 though, right? In other words, display, like purposely
23 showed it to her.

24 A She -- she just said that she saw that he had a gun
25 in his waistband.

1 Q So the answer -- so like I said, he never -- she
2 never said he displayed it.

3 A He didn't brandish it to her by using his hands.

4 Q Okay. Or even pull his shirt up and say, "I have a
5 gun."

6 A She did not say that. That's correct.

7 Q And I didn't see anything. Do you agree that there
8 was any specific mention of a gun to threaten her with?

9 A No. That's correct.

10 MR. TAYLOR: All right. I have no further questions.

11 THE COURT: Anything on redirect?

12 MR. BLACK: No, sir, Your Honor.

13 THE COURT: Sir, thank you very much for coming.

14 You're free to go.

15 THE WITNESS: Thank you, Your Honor.

16 THE COURT: Solicitor, call your next witness.

17 MR. BLACK: The State calls Dr. Robert Kellett.

18 THE CLERK: Place your left hand on the Bible and
19 raise your right.

20 WHEREUPON,

21 DR. ROBERT KELLETT

22 After having been duly sworn, testified as follows:

23 DIRECT EXAMINATION

24 BY MR. BLACK:

25 Q Can you state your name for the record, sir?

1 A Robert Jason Kelley.

2 Q And can you spell your last name for the court
3 reporter?

4 A K-E-L-L-E-T-T.

5 Q And you are a medical doctor.

6 A Correct, yes.

7 Q And you work at the emergency room here in Abbeville?

8 A About 11 years, yes.

9 Q And how long have you been a medical doctor?

10 A About 15 years.

11 Q And are you board certified?

12 A I am board certified, yes.

13 Q And what does that mean?

14 A That means you go through rigorous testing and
15 proofing over the course of many years, and you take a
16 test at the end of it. And if you pass the test, you're
17 board certified.

18 Q Okay. And you said you've been at the ER for
19 11 years; is that right?

20 A Yes.

21 MR. BLACK: Your Honor, at this point, the State
22 offers Dr. Kellett as an expert in emergency medicine.

23 THE COURT: Any objection?

24 MR. TAYLOR: I would have stipulated that, Judge. I
25 don't have a problem with that.

1 THE COURT: Very good. Ladies and gentlemen, as it
2 relates to Dr. Kellett and perhaps a few of the witnesses
3 that are going to follow after him, let me just explain
4 something about expert witnesses and how you can consider
5 their testimony. Normally, when a witness testifies, they
6 have to testify about something that they observed with
7 one of their five senses, something they saw, heard,
8 smelled, et cetera, and they cannot give opinion
9 testimony. An exception to this rule exists for experts
10 in particular fields. And in this case, the parties agree
11 that Dr. Kellett is an expert in emergency medicine, so he
12 can give opinion testimony in that area. Okay. He's not
13 limited to simply what he observed. He can give his
14 opinion on any relevant question that the parties ask him.

15 Of course, his testimony is to be given no greater
16 weight than any other witness, and his testimony can be
17 used, and any other expert's testimony can be used as you
18 deem is appropriate.

19 Okay. Solicitor, you may continue.

20 MR. BLACK: Thank you.

21 BY MR. BLACK:

22 Q Dr. Kellett, I'm going to take you back to May the
23 5th of last year and probably started for you on May the
24 4th. What's your shift out there at the hospital,
25 typically?

1 A It can get pretty busy. Usually, in the early
2 evenings, I see a lot of patients. Some of them emergent,
3 most of them are not. And it can be stressful at times
4 given the nature of what we do and what we have to see.

5 Q Okay. And your shift probably would have started at
6 7 p.m., and you would have gotten off at 7 a.m.?

7 A 7 a.m., yes.

8 Q Okay. And so you would have gone in on May the 4th
9 and gotten off on May the 5th.

10 A Yes. Correct.

11 Q Do you remember a Barbara Bonds showing up at the ER
12 about five that morning?

13 A I do.

14 Q Okay. And specifically, what do you remember?

15 A I remember she looked brutalized, unlike anyone I've
16 ever seen in all the years that I've practiced medicine.
17 From the Indian tribes of New Mexico to the Maasai in
18 Africa, I've never seen anyone that had this particular
19 horrific look on her face. She was broken.

20 Q Did you see, was she all bloody?

21 A She was bloody, dried blood all over her face. It
22 was you had to take a second look to see a human being
23 behind the blood. It was really bad.

24 Q And did you notice any bruising that she had?

25 A She had bruising under her ear, she had bruising all

1 over her body, her face. She had bite marks on her -- on
2 her back, shoulder area.

3 Q Okay. And was a rape kit performed?

4 A It was, it was. Yes, sir.

5 Q And can you describe to the jury, I'm sure you have
6 experience with this, obviously, typically, how does a
7 rape kit work? Do you and a nurse work together to get
8 this done?

9 A Usually -- usually, the nurses, being female, they go
10 in, just sort of ease their way into the story, kind of
11 comforting the patient. I like to lay back while they
12 kind of explain a little bit about what's going on and
13 calm the patient down. My particular role is really going
14 in and doing the gynecological exam, looking for
15 lacerations, tears, signs of trauma, bruising, anything
16 like that.

17 And we also use a speculum to dilate the area. I'm
18 sure the women have had this before. And then you take a
19 specimen of the walls of the vagina and the cervix, and we
20 send that off to the lab.

21 Q Okay. So your job basically is to swab the vaginal
22 area?

23 A It is, it is.

24 Q And then you turn that over to law enforcement?

25 A I do. Yes, sir.

1 Q And how long -- I know you said you kind of lay back,
2 the nurse handles most of this.

3 A Right.

4 Q How long does a rape kit -- typically, how long does
5 it take place? How long ---

6 A It doesn't take very long at all. Just minutes. It
7 takes -- for me to go in and do my part, it just takes a
8 few minutes. It's not hours.

9 Q Right. But for the nurse, they're collecting the
10 clothes.

11 A They -- yes. That takes quite a bit longer for them.
12 It's probably about 30, 45 minutes, an hour. Depends on
13 the situation.

14 Q So about an hour to do the whole thing?

15 A Oh, yeah.

16 Q And so you actually assisted in getting this vaginal
17 swab.

18 A Correct.

19 Q You turned it over to law enforcement.

20 A Correct.

21 Q And then after that, you really don't know -- I guess
22 you're assuming that they sent it off to SLED.

23 A I do. I sent it. I'm not part of that chain of
24 custody, quite frankly.

25 Q I'm going to show you what's been marked as

1 State's 135. And you might be able to look through here,
2 see these items. Do you know Amber Brown?

3 A Yes, I do.

4 Q Okay. And you see her name on the side?

5 A I do. Uh-huh.

6 Q Do you know, is she -- who is she?

7 A She's one of the nurses that -- she just recently
8 left the ER, in fact, but she's one of our nurses there.
9 Had been for a while.

10 Q Okay. And she's the one that helped assist you with
11 this rape kit?

12 A Yes.

13 MR. BLACK: Okay. Your Honor, at this point, the
14 State moves 135 into evidence.

15 MR. TAYLOR: No objection, Your Honor.

16 THE COURT: State's 135 is in.

17 (WHEREUPON, State's Exhibit Number 135 was admitted into
18 evidence.)

19 BY MR. BLACK:

20 Q Doctor, specifically, I know you talked about some
21 bruising that you noticed. Let me see if I can get this.
22 And I'm going to put State's 118 on the screen.

23 Do you recognize her?

24 A Yes.

25 Q And who is that?

1 A That's Ms. Bonds.

2 Q And that's the way she appeared that day when she
3 came to you?

4 A Actually, yes.

5 Q And specifically, have you had a chance to review
6 your file, your report?

7 A I have.

8 Q Specifically, with the nose, were there any fractures
9 that you notated?

10 A You know, I believe that there was a fracture there.
11 And that was determined into the next shift, because my
12 partner, Dr. Ross, continued care of Mrs. Bonds after
13 7 a.m., and I believe there was a fracture to the nose. I
14 had ordered some scanning that had not been complete
15 before the end of my shift.

16 And I do believe from the chart, he did do a
17 laceration repair over the same area, so that would be
18 considered an open fracture which is significantly more
19 significant.

20 Q Okay. And what kind of issues arise out of that?

21 A Well, a greater chance of getting an infection that
22 can go down through the open part of the skin. If it gets
23 down into the bone, it causes something called
24 osteomyelitis, which can be disfiguring. In a case like
25 this, it's definitely significant.

1 Q Would it affect a person's ability to breathe out of
2 their nose?

3 A No. Not usually, no.

4 Q And so a fracture like that, is there really anything
5 you can do for it other than stitch it up?

6 A Not usually. ENT doctors will often want us to sort
7 of take care of their symptoms for the most part. And as
8 the swelling goes down, if there's a deformity or any
9 problems with it, they'll go back and make those
10 adjustments as needed. It doesn't have to be done that
11 night. Usually, it takes two or three weeks for all the
12 swelling to kind of go down and reevaluate it.

13 Q But sometimes nothing is done.

14 A Sometimes nothing is done, no. If it's not
15 nondisplaced, if the bones have not shifted around in some
16 ungodly way, usually they'll just leave it alone and just
17 let it heal.

18 Q And in this case, she did have a fracture, though.

19 I'm going to show you a picture as well. I'm going
20 to ask you this. I know you said you saw -- you noticed a
21 lot of swelling. You remember a lot of swelling that she
22 had on her person. Do you remember any swelling behind
23 her ears when she showed up to the ER that morning?

24 A I was told afterwards there was a lot of swelling
25 behind her ears and some bruising and such.

1 Q Okay. And I'm going to show you State's Number 8.
2 I'm going to let you just take a look at it. I don't
3 think you've seen that picture.

4 A No. I've never seen that.

5 Q And do you know what that is?

6 A Yes. Ecchymosis, bruising.

7 Q And where is the bruising located?

8 A Postauricular.

9 Q And it looks like it's behind the ear; is that right?

10 A That's correct.

11 Q And I'm going to put it up here so everybody can see
12 what you're talking about.

13 I believe there's testimony that this picture was
14 taken about five days, so May the 10th. What does that
15 picture show you?

16 A It's obviously signs of trauma. Very often the blood
17 can collect after trauma in the dependent areas of the
18 body, and it can take anywhere -- in a situation like
19 this, it appears to be some form of strangulation. It
20 takes about five to 22 pounds of pressure to produce signs
21 like that, and it can take a few hours to a few days to
22 actually manifest.

23 Q So it wouldn't actually appear the day of?

24 A Not necessarily, no. It definitely wouldn't look its
25 worse. It will always look its worse later on.

1 Q And so tell us, why is the bruising behind the ears?

2 A Well, in the case of a strangulation, the pressure
3 point between the thumb and the index finger, when the
4 pressure is applied, it breaks capillaries under the skin,
5 and that releases blood products under the tissues. Those
6 blood products break down in a very natural way, and it
7 creates the discoloration under the skin that you
8 observed.

9 Q Okay. When an individual shows up at the hospital
10 for anything, if they come into the ER, is blood typically
11 drawn from a patient?

12 A It is.

13 Q And is that sent to your lab?

14 A It is.

15 We're looking for baseline STD status. We get things
16 like HIV, you know, hepatitis panel. Things like that.
17 Not that that's going to be positive the day that you
18 contract a disease like this, but you can go back in six
19 weeks or eight weeks and retest, and if it's positive,
20 then you know that it probably came from that assault.

21 Q And so that's what you're looking for ---

22 A Correct.

23 Q --- for a potential rape victim; is that correct?

24 A Yes, yes.

25 Q But even if I were just to show up and I had a broken

1 arm, y'all would do a blood screen, correct?

2 A No. Not a broken arm.

3 Q Okay.

4 A It would serve no purpose. I do an X-ray.

5 Q All right. When y'all tested her, when you did test
6 her blood, and I'm going to pass the chart up for her, you
7 also were looking for different drugs as well; is that
8 correct?

9 A Correct. Because it's possible that sometimes people
10 are given drugs or maybe they didn't know it was even in
11 their system, so we like to check for that.

12 Q And that could affect potentially how you end up
13 treating them; is that right?

14 A Correct, yeah. It helps piece together what actually
15 happened.

16 Q I'm sorry?

17 A It can actually help piece together what actually
18 happened.

19 Q Right.

20 A If they've been drugged and then sexually assaulted,
21 that's information we need to know.

22 Q That's right. Okay.

23 In this particular case, did she have a drug screen
24 done at the hospital?

25 A She did, she did. Yes, sir.

1 Q What did y'all test for?

2 A Just a standard screen: amphetamines, cocaine,
3 benzodiazepines. Benzodiazepines are common date rape
4 drugs. That was -- that was negative.

5 So she was positive for opiates, which is a pain
6 medication, which could have been what we gave her when
7 she was there. And she had a broken nose. She had all
8 kinds of injuries. That could have been where that came
9 from.

10 She was negative for cocaine and negative for
11 amphetamines.

12 Q So negative for amphetamines, negative for cocaine?

13 A Yes, sir.

14 Q And typically, if somebody's experiencing trauma and
15 they're in pain and they show up at the hospital, is it
16 standard for the hospital to give her some medication?

17 A Absolutely. Comfort measures are an act of
18 compassion.

19 Q And I know you see -- I mean, you see a lot of
20 patients, I'm sure, Doctor. Working at the ER, I'm sure
21 you see a lot of crazy things.

22 A I do. It's part of the fun, actually.

23 Q You actually remember Ms. Bonds?

24 A I do.

25 Q So the picture I showed of her, you remember her.

1 A I -- I do. I remember. I was surprised that it was
2 a year and three months ago. I remember it like it was
3 maybe two or three months ago. I've just referred to it
4 mentally so many times.

5 Q Okay. I'm going to ask you this, too. And I do know
6 that you said that you examined the vagina area of
7 Ms. Bonds. What are you specifically looking for?

8 A I'm looking for trauma. I'm looking for bruising,
9 lacerations. And mainly just to get in there and get the
10 DNA. That would be -- the most ideal situation for me
11 would be if I can go in and make sure she's okay
12 physically, but also gather any evidence that might help
13 her.

14 Q Okay. And did you see any lacerations or anything?

15 A I did not, no. Which is not uncommon. It's not
16 uncommon.

17 Q And so you really wouldn't expect to find lacerations
18 for a woman ---

19 A Usually, you don't.

20 Q --- a woman that might be sexually active?

21 A Honestly, I rarely find lacerations when I do these
22 examinations.

23 Q So it's very -- you're saying it's rare?

24 A It's rare.

25 Q And as part of the sexual assault kit, there's also

1 blood that's also drawn as well?

2 A Yes, sir.

3 Q And that's turned over to law enforcement?

4 A I assume so. I order it from the computer. What
5 happens after that, I'm not 100 percent sure.

6 MR. BLACK: Okay. All right. I think that's all the
7 questions I have. Please answer any question Mr. Taylor
8 might have. Thank you for being here.

9 THE WITNESS: Thank you.

10 CROSS EXAMINATION

11 BY MR. TAYLOR:

12 Q Very briefly. Doctor, based on your review of the
13 file, would you agree Ms. Bonds was released that same
14 day?

15 A She was.

16 Q Okay.

17 A Just before -- just before noon.

18 Q I've got you. So she was there for maybe six, seven
19 hours, something along that ---

20 A Yeah.

21 Q Okay. And based on your -- you know, you treated
22 her, and you can, again, refer back to the file. Would
23 you agree that she wasn't assaulted by any kind of weapon
24 or blunt object?

25 A It's hard to -- it's hard to know that. You can -- I

1 could easily imagine those injuries being caused by a
2 weapon. Yes, sir.

3 Q And you don't have a clue, so you wouldn't be shocked
4 either way whatever came back from SLED ---

5 A I would not.

6 Q --- in terms of the DNA testing?

7 A It's possible. I think all of that's possible.

8 Q Well, I'm talking more about I'm not going to tell
9 you the results at this time, but in other words, you
10 wouldn't be surprised regardless of what happens, because
11 once you take blood, you're out of the picture.

12 A Correct.

13 Q Okay. And you don't know anything about Ms. Bonds'
14 background, her personally. You just treated her. That's
15 it. That's all you know about the case.

16 A That's right.

17 MR. TAYLOR: Okay. Very good. Thank you.

18 THE COURT: Any redirect?

19 MR. BLACK: No, sir, Your Honor.

20 THE COURT: Doctor, thanks for coming.

21 All right. Solicitor, call your next witness.

22 MR. ANDREWS: The State calls Kevin Selinsky.

23 WHEREUPON,

24 KEVIN SELINSKY

25 After having been duly sworn, testified as follows:

DIRECT EXAMINATION

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BY MR. ANDREWS:

Q Good afternoon, sir. Please state your name.

A Kevin Selinsky.

Q Who do you work for?

A South Carolina Law Enforcement Division.

Q What's your job title there?

A I am a forensic toxicologist. I work in the
Toxicology Department.

Q How long have you been at SLED in that capacity?

A About five and a half years.

Q Can you tell us a little bit about your educational
background, please.

A Yes. I have my bachelor's in science in forensics
and toxicology, and I have my master's in forensic
science.

Q Okay. And have you ever testified in General
Sessions Court before?

A Yes, I have.

Q Have you ever been qualified as an expert?

A Yes, I have.

Q In what field were you qualified as an expert?

A In forensic toxicology.

MR. ANDREWS: Your Honor, the State moves to qualify
Mr. Selinsky as an expert in forensic toxicology.

1 THE COURT: All right. Any objection?

2 MR. TAYLOR: Without objection.

3 THE COURT: All right. As I explained earlier,
4 because Mr. Selinsky is an expert in the field of forensic
5 toxicology, he can give opinion testimony in that area
6 that you may use as you deem appropriate.

7 Go ahead, Solicitor.

8 MR. ANDREWS: Thank you, Your Honor.

9 BY MR. ANDREWS:

10 Q Mr. Selinsky, did you have an opportunity to take a
11 look at some blood evidence from this case?

12 A Yes.

13 Q Did you prepare a report?

14 A I did.

15 Q Okay.

16 (WHEREUPON, State's Exhibit Number 144 was marked for
17 identification.)

18 Q I'm going to show you what has been marked as
19 State's 144 for identification purposes. What is that,
20 sir? Do you recognize that?

21 A Yes, I do.

22 Q What is that?

23 A It is the laboratory report that was generated on a
24 case that came into us that we marked as L1707041.

25 Q Okay. And what sample are you examining?

1 A This was a sample for Barbara Bonds.

2 Q Okay. What's the substance here?

3 A It was blood. Sorry.

4 MR. ANDREWS: Okay. Your Honor, the State moves to
5 admit State's 144 into evidence.

6 THE COURT: No objection?

7 MR. TAYLOR: No objection.

8 THE COURT: All right. State's 144 is in.

9 (WHEREUPON, State's Exhibit Number 144 was admitted into
10 evidence.)

11 BY MR. ANDREWS:

12 Q And if you would, sir, could you please summarize
13 this report.

14 A Yes. Generally, what we do for pretty much any case
15 that comes into the lab that is going to have blood, the
16 first thing we're going to do is run a blood alcohol on
17 it, and then we're going to further do a 12-panel drug
18 screen on it, and then depending what comes from that, any
19 positive on that drug screen, we will do more work to
20 confirm those drugs that were considered positive from the
21 drug screen.

22 And then in this case, we -- the 12-panel drug screen
23 are typically what we consider the 12 most commonly used
24 and abused drugs. It's more than 12 drugs. Similarly, as
25 the doctor mentioned before, he mentioned benzodiazepines.

1 There are several of those, so it's not just one
2 benzodiazepine. It's several. So it's not just 12 drugs.
3 It's a lot more than 12 drugs that it covers.

4 And then one of the drugs that it screened positive
5 for was zolpidem. And we went ahead and confirmed that as
6 positive for zolpidem.

7 Q Okay. And zolpidem, does it go by a more common
8 brand name?

9 A Yes. That would be Ambien.

10 Q Okay. Now, of the 12 drugs, can you tell the jury
11 what those 12 drugs are?

12 A Yes. I can go through the classes. Like I said,
13 some of them have a lot more and some of them are just one
14 or two. And it's amphetamine, benzodiazepines,
15 buprenorphine, carisoprodol, cocaine metabolite,
16 methadone, methamphetamine, opiates, oxycodone, tramadol,
17 zolpidem and marijuana metabolite.

18 Q Okay. And which ones did that blood test positive
19 for?

20 A That would be zolpidem.

21 Q Okay. All right. But did you say it was negative
22 for cocaine metabolite?

23 A Correct.

24 Q Now, cocaine metabolite, would that include crack
25 cocaine or is that merely powder cocaine?

1 A It's -- for our intents and purposes, it's all going
2 to be the same.

3 Q Okay. So whether somebody had used -- ingested
4 cocaine nasally or smoked crack cocaine, if they've done
5 so within a short enough time of the test, would they test
6 positive for it?

7 A Yes. You would see it regardless of how it was
8 ingested, because it all ends up -- it's just the same
9 drug in the end.

10 Q In your experience, how long would it take, for
11 example, if we're talking about smoking crack, how long
12 would it take for someone to smoke crack and then no
13 longer test positive for it?

14 A Well, the cocaine is actually -- the parent drug is
15 cocaine and then the metabolite is benzoylecgonine. So
16 the parent drug is what you get the high from, and that's
17 the half life of that. And the half life is considered
18 what it takes -- the amount of time it takes for half of
19 the drug to break down. And that's what's commonly
20 referred to -- just in terms of drug metabolism, that's
21 what's commonly used, and that's at around an hour.
22 That's -- for drugs, that's relatively quickly of a
23 breakdown.

24 But we have the metabolite, which is the
25 benzoylecgonine, or BE. The half life of that is about

1 six to eight hours, so significantly longer. So -- and
2 then you're talking a couple of half lives roughly until
3 the drug would be completely eliminated from the body.

4 Q Okay. So if you smoke crack one day, would you test
5 positive the next day?

6 A Depending on -- getting towards over 12 hours,
7 looking at probably not. But anything less than that,
8 possibly.

9 MR. ANDREWS: Okay. Please answer any question
10 Mr. Taylor may have for you. Thanks.

11 MR. TAYLOR: Just a moment, Judge. I was going to
12 try to find when this blood draw was done.

13 THE WITNESS: I have the pictures of the blood tube,
14 and it should say on there, I do believe.

15 CROSS EXAMINATION

16 BY MR. TAYLOR:

17 Q Okay. Do you have that with you?

18 A Yes.

19 Q Okay. Could you please check that in your file,
20 sir.

21 A Here we go. Look at it right here.

22 MR. TAYLOR: Yeah. Approach the witness, Judge?

23 THE COURT: Sure.

24 BY MR. TAYLOR:

25 Q And, sir, that appears to be from your file,

1 6:30 a.m.?

2 A Yes.

3 Q Is that right?

4 A Correct.

5 Q So if they had -- potential, I know it's not
6 100 percent, but if they had smoked it, let's say,
7 midnight, it could potentially be out of their system by
8 then and come back as a negative?

9 A At that -- at six hours, you probably would expect to
10 see it. But then again, it depends how much, how often
11 they use it.

12 But I would say you probably would expect to see it
13 over about six-hour time.

14 Q Got you. But it's sort of a little more of a gray
15 area?

16 A Yeah.

17 MR. TAYLOR: Got you. Okay.

18 I have no further questions.

19 THE COURT: Sir, you can step down. You are free to
20 go. Thank you very much for coming.

21 MR. ANDREWS: If I can just get the report back from
22 you.

23 THE COURT: Call your next witness please,
24 Mr. Andrews.

25 MR. BLACK: The State calls Verona Herrera.

1 WHEREUPON,

2 VERONA HERRERA

3 After having been duly sworn, testified as follows:

4 (WHEREUPON, State's Exhibit Numbers 145 through 147 were
5 marked for identification.)

6 DIRECT EXAMINATION

7 BY MR. BLACK:

8 Q Thank you for being here today, Ms. Herrera. And
9 that's how you pronounce your name; is that right?

10 A That's correct.

11 Q You work at SLED.

12 A I do. Yes, sir.

13 Q How long have you worked there?

14 A A little over ten years.

15 Q And what is your job at SLED?

16 A I am a forensic serologist in the DNA department.

17 Q And what's your education?

18 A I have two associates degrees, one from Greenville
19 Tech and one from Tri-County Technical College. I also
20 have a bachelor's of science degree in forensic sciences
21 from Liberty University.

22 Q Liberty University?

23 A Yes, sir.

24 Q And can you tell us, you've been with SLED for ten
25 years, have you ever testified in court as a forensic

1 serologist?

2 A Yes, sir. I have.

3 Q How many times?

4 A As a forensic serologist, approximately five. Before
5 that as a forensic evidence processing technician,
6 approximately 50.

7 MR. BLACK: Your Honor, at this point, the State
8 moves Ms. Herrera in as an expert in forensic serology.

9 MR. TAYLOR: Without objection, Your Honor.

10 THE COURT: All right. Ladies and gentlemen of the
11 jury, because the parties agree that Ms. Herrera is an
12 expert in the field of forensic serology, she can give
13 opinion testimony in that area and is not limited to
14 simply what she observed with her senses. And that's
15 information that you may use as you deem appropriate.

16 Continue.

17 MR. BLACK: Thank you, Your Honor.

18 BY MR. BLACK:

19 Q Ms. Herrera, what is serology?

20 A Forensic serology has basically two aspects. We get
21 in larger piece of evidence such as clothing, car parts,
22 guns, and we attempt to locate what might be bodily fluids
23 on those items: semen, saliva, blood. We can also swab
24 for what's called touch or ownership DNA. Then we can
25 take that evidence or any other swabs or cuttings that

1 come into the laboratory and try to identify the body
2 fluids that are on those items.

3 Q All right. So basically, you're looking for semen?
4 saliva? blood? Those items?

5 A For the most part. Yes, sir.

6 Q And what's the purpose of that?

7 A Those are the most DNA-rich body fluids. They're
8 also the ones that we can identify reliably, and they're
9 basically the ones that are left at most crime scenes.

10 Q And when you're trying to identify these particular
11 items, how are you doing that? Is that with black light
12 or are you doing something a little bit more scientific?

13 A It depends on the substance. With saliva and semen
14 on fabrics or clothing, we do use what is called an
15 alternate light source. It's similar to a black light.
16 It's a little bit more specific, but it's similar. And
17 then we can do a quick chemical test on that by swabbing
18 the area. If it turns a bright dark purple, then that's a
19 possibility that that substance is semen, so we take it
20 for further testing. That further testing is just another
21 quick card test that tells us whether there is the
22 presence of proteins that are in the liquid portion of
23 semen, and we also do a microscopy exam which allows us to
24 visualize sperm cells if they're present.

25 For blood, it's usually a visualization just with our

1 eyes. We do have another alternate light source that can
2 help with that, but we don't use that all the time because
3 blood is usually fairly easily to visualize if you know
4 what you're looking for. We also have a quick
5 color-change test for that that does a bright pink color
6 change, and we would cut that area and send it up for
7 further testing.

8 We don't typically do identification of blood unless
9 there is a reason to believe that it needs to be taken
10 further and identify the blood.

11 Q And I'm going to show you what's been marked as
12 State's 135 and marked as L1707041, Number 1. Do you
13 recognize this item?

14 A Yes. This is what we refer to as a sexual assault
15 evidence collection kit.

16 Q Okay.

17 A And this is from Barbara Bonds.

18 Q And there's a bunch of different items in that kit;
19 is that correct?

20 A There are. Yes, sir.

21 Q And did you have anything to do with these particular
22 items?

23 A Yes, sir. I inventoried this kit and also tested the
24 appropriate items within this kit, and then forwarded
25 those to the DNA analyst.

1 Q Okay. And you did issue a report regarding these
2 particular items.

3 A I did. Yes, sir.

4 Q And I'm going to show you what's been marked as
5 State's 145. And I think that's the same report that you
6 have in your hand; is that right?

7 A Yes, sir. It appears to be a copy of that report.

8 Q If you don't mind, I'm going to hold onto this one.

9 A Okay.

10 Q I guess you may answer some questions I might have.

11 So Item 1 is the sexual assault kit for Ms. Bonds.
12 It looks like Item 1.1, there was -- I'm going to stick
13 this up here on the screen so we can all see it. What was
14 the result of Item 1.1?

15 A The examinations of a component of semen, p30, was
16 positive. No spermatozoa were identified, and item was
17 forwarded to the DNA section.

18 Q Okay. So you were able to break down the vaginal
19 swab, 1.1, and you found p30 was positive. Can you
20 explain to the jury what that is?

21 A Sure. Semen is basically a liquid component and a
22 cellular component. The cellular component we refer to as
23 spermatozoa. It's the sperm cells.

24 The liquid portion has different enzymes and proteins
25 within it, and one of those proteins is called p30. You

1 may have also heard it referred to as PSA that's tested
2 for in men. And that's present in high concentrations in
3 seminal fluid. So that was positive in this sample.

4 Q All right. But no spermatozoa was identified.
5 What's in the spermatozoa?

6 A The spermatozoa are the sperm cells. It is the
7 cellular portion of semen.

8 Q Okay. And how does that affect what you're looking
9 for regarding the DNA portion?

10 A There is a possibility skin cells might also be
11 present from penile penetration, but most of the DNA
12 that's found in seminal fluid would be from the
13 spermatozoa.

14 Q So the protein part, the p30, it looks like there is
15 some that's positive. You're saying -- and correct me if
16 I'm wrong. You're saying that you would not expect to
17 find DNA from that?

18 A The protein does not carry DNA, no.

19 Q Okay. But here you did find a component of that from
20 the swabs.

21 A Right. A component of semen was present, yes.

22 Q Okay. Item 1.2 looks like an oral swab.

23 A That is correct.

24 Q And it looks like nothing was found.

25 A No. No semen was identified.

1 Q p30 was not identified either?

2 A Correct. Yes, sir.

3 Q The next page, Item 1.3, what item is that?

4 A That is suspected saliva swabs that were collected
5 from the right shoulder, back and upper arm. And that was
6 presumptive testing positive for saliva, and that item was
7 forwarded to the DNA section.

8 Q Okay. So you did find saliva from the swabs from the
9 shoulder?

10 A It was presumptively positive. We can't say that it
11 definitely was saliva, but it indicated that it possibly
12 was saliva.

13 Q Okay. And the next item is 1.4, fingernail
14 scrapings. What did you do with those?

15 A We inventory those and just forward them to DNA in
16 two separate items, the left hand, the right hand.

17 Q And that looks like it's 1.41 and 1.42.

18 A Yes, sir.

19 Q Item 1.5 is a buccal swab.

20 A That is correct.

21 Q What is that?

22 A That is they swab the interior cheek of the victim in
23 this case. It serves as a DNA standard for the analysis
24 of the DNA later on.

25 Q So standard of the person that you're getting the

1 information from.

2 A That is correct.

3 Q Item 1.6, it looks like there's a debris collection.

4 It looks like you did test and look for some hair.

5 A Yes, sir. I observed hair. There were no hairs that
6 were suitable for SCR, PCR DNA analysis.

7 Q What do you mean, it's not suitable?

8 A We look for certain characteristics of the hair,
9 mostly a bulb at the end where the root is on the hair.
10 If that's not present, our type of DNA testing will not
11 work.

12 Q So, I guess, for example, if I were to go get a
13 haircut and they swept up my hair and they sent it off to
14 SLED, would they be able to get my DNA from that?

15 A We would not. No, sir.

16 Q You have to actually have the bulb, the root of the
17 hair to get DNA?

18 A That is correct. Yes, sir.

19 Q So here I'm guessing Item 1.6 you did not have the
20 root.

21 A That is correct.

22 Q Okay. Item 2 looks like there was some underwear
23 from the incident location. There was no analysis
24 performed.

25 A Yes, sir.

1 Q Okay. And do you know why there would have not been
2 any analysis performed?

3 A Those underwear were not -- did not appear to have
4 been reworn by the victim after the incident because they
5 were collected from the incident location, so we would not
6 have expected to find semen in those underwear from the
7 assault, if one occurred.

8 Q And then Item 3, buccal swab from Lawrence Postell.

9 A Yes, sir. That was just forwarded to the DNA
10 section.

11 Q So you pass it up the chain?

12 A Yes, sir.

13 MR. BLACK: Your Honor, the State moves 145 into
14 evidence.

15 THE COURT: No objection?

16 MR. TAYLOR: Yes. No objection.

17 THE COURT: All right. State's 145 is in.

18 (WHEREUPON, State's Exhibit Number 145 was admitted into
19 evidence.)

20 BY MR. BLACK:

21 Q You have your supplemental report with Item 6 on
22 there?

23 A Yes, sir.

24 Q 6, 8 and 10?

25 A Yes, sir.

1 Q I'm going to go through that as well the same way.
2 You've got that report?

3 A I do. Yes, sir.

4 Q Item 6 looks like it's a white T-shirt collected from
5 the suspect's house?

6 A That is correct.

7 Q I'm going to see if I can grab this thing if I can
8 remember what I did with it.

9 What did you do with this white T-shirt?

10 A I visually examined the white T-shirt. There was
11 numerous stains all over the entire item, so I sectioned
12 it off and swabbed every one of those sections with that
13 quick color-change test for blood. All of them turned
14 positive. And since I can't send up the entire T-shirt
15 for DNA analysis, I did a further test on each one of
16 those sections to identify blood in this case. And I
17 believe it was four sections tested positive for blood,
18 and those were forwarded up to the DNA section.

19 Q Okay. And I'm going to show you what's been marked
20 as State's 147. You sent this to us. Is that a copy --
21 picture of the shirt? Do you recognize that?

22 A Yes, sir. I do.

23 Q Yours is in color, actually.

24 A Yes, sir.

25 Q Let me look at that.

1 I'm going to put 147 up. Is this the white T-shirt?

2 A That is, yes, sir, after some of the areas were
3 removed.

4 Q Okay. And so the markings on the shirt, is that
5 something that you did?

6 A That is. Yes, sir.

7 Q Okay. And so you said the presumptive test for blood
8 was positive?

9 A Was positive over the entire item.

10 Q Okay.

11 A And that's going to be represented with a positive
12 theme. I don't know if you can see it clearly or not.

13 And then there is a negative HS written in the areas that
14 were left behind, and that means they were negative for
15 the blood testing.

16 Q So you actually snipped parts of these shirts up.

17 A Yes, sir.

18 Q And I'm going to show you what's been marked as
19 State's 139. Do you recognize those?

20 A Yes, sir. I do. These are the cuttings from the
21 shirt along with hair that was collected from the shirt.
22 My initials are along the top seal. That's also my
23 handwriting on the front of the envelopes as well as my
24 initials and the date on the back of them.

25 MR. BLACK: Okay. Your Honor, at this point, we move

1 139 into evidence.

2 MR. TAYLOR: No objection.

3 THE COURT: State's 139 is in evidence.

4 (WHEREUPON, State's Exhibit Number 139 is admitted into
5 evidence.)

6 BY MR. BLACK:

7 Q And let's just go over your findings on this white
8 T-shirt.

9 A Okay.

10 Q 6.1 looks like blood identified. You forwarded it
11 up; is that correct?

12 A That is correct. Yes, sir.

13 Q Same thing with 6.2, blood identified.

14 A That is correct.

15 Q Forwarded it up.

16 Same thing with 6.3.

17 A That is correct. Blood identified and forwarded to
18 the DNA section.

19 Q 6.4 is a scraping of the neck area of the shirt.

20 A Yes, sir. That was an attempt to determine who had
21 worn the shirt. It's what we call ownership DNA. An area
22 that impacts the skin a lot is usually the collar area or
23 the neck area. We scrape that area, swab it, swab the
24 scraper and swab the paper we scraped onto to try to
25 collect those skin cells. And we also collect any hair

1 that might have fallen off the item.

2 Q And that's indicated on Item 6.5?

3 A That is correct. Yes, sir.

4 Q It looks like you found a couple pieces of hair that
5 were forwarded to DNA; is that right?

6 A There were three hairs forwarded, yes, sir.

7 Q Okay. Also, Item Number 8, there was a hair
8 collected from the incident. Also, you forwarded that up
9 as well.

10 A That is correct.

11 Q Item 9 and 10, looks like those are a fitted sheet
12 from the incident location.

13 A Item 9. Yes.

14 Q And you didn't find any -- you were looking for
15 semen, apparently?

16 A That is correct. The quick color-change test that I
17 said we did for semen, it would turn purple. There were
18 no areas that turned purple when I swabbed the areas of
19 that sheet, so it is considered negative for acid
20 phosphatase.

21 Q Okay. And if it would have turned purple, it could
22 have been p30 or spermatozoa?

23 A Well, it would have been possibly the acid
24 phosphatase that we're testing for there. I would have
25 done additional testing to confirm that the sample was

1 semen by doing the p30 and the spermatozoa testing, but
2 since no areas were positive, it didn't go forward.

3 Q Okay. And then Item 10 looks like a flat sheet from
4 the incident location. It looks like you cut part of
5 that. And what were your findings on that?

6 A Examination for components of semen, acid phosphatase
7 and p30 were positive. No spermatozoa were identified,
8 and it was forwarded to the DNA section.

9 Q So the spermatozoa, that's the protein part, the ---

10 A Spermatozoa is the cellular portion.

11 Q Okay. I'm sorry. But the p30 was ---

12 A The p30 and the acid phosphatase are in the liquid
13 portion.

14 Q Okay.

15 A And those were positive, but I did not find the cells
16 that are part of semen.

17 Q Okay. And just for the jury, p30, what part of that,
18 if a person -- if a male ejaculates, what part is that?
19 Is that actually everything that comes out or is it
20 something a little bit different? Can you explain that to
21 the jury?

22 A What comes out of the male is a mixture of cells,
23 which is the spermatozoa and a bunch of different
24 chemicals in the liquid portion. One of those chemicals
25 is the protein p30, and one of those chemicals is the

1 enzyme acid phosphatase. So we test for those two things
2 on fabrics to determine whether it is likely to be semen
3 or not. This cellular portion, if it is dried quickly,
4 can be there. Some males don't produce the cellular
5 portion. They should be -- could be aspermatic. They
6 could have had a vasectomy. They could just have a low
7 sperm count if we don't find those.

8 Q And I'm going to show you Item 141. I know that we
9 talked about this. It looks like this is Item 10.1. Can
10 you identify that for us?

11 A Yes, sir. This is the cutting that was from Item 10,
12 from the flat sheet. This is the cutting I took is in the
13 envelope. My initials, again, are on the top of this
14 envelope. And the plastic thing in here is where I look
15 for the sperm or spermatozoa on the microscope slide.
16 It's where I create that microscope slide.

17 Q So you create it, put it in there, look for it and
18 try to identify it from that?

19 A That is correct.

20 MR. BLACK: Your Honor, at this point, the State
21 moves 141 into evidence.

22 MR. TAYLOR: No objection.

23 THE COURT: State's 141 is in.

24 (WHEREUPON, State's Exhibit Number 141 was admitted into
25 evidence.)

1 MR. BLACK: And we move State's 146 into evidence as
2 well.

3 THE COURT: Without objection?

4 MR. TAYLOR: No objection.

5 THE COURT: In evidence.

6 (WHEREUPON, State's Exhibit Number 146 was admitted into
7 evidence.)

8 BY MR. BLACK:

9 Q And I'm going to go back to Item 6 just briefly. You
10 might want to use these gloves.

11 A Oh, I have some.

12 Q I'm handing you what's been marked as State's 123.
13 Do you mind taking a look at that?

14 A (Witness complies) Yes, sir. This appears to be the
15 shirt that I processed.

16 Q Is that the white T-shirt you processed?

17 A It is. Yes, sir.

18 Q The same one that's up here on the screen?

19 A Yes, sir.

20 MR. BLACK: Your Honor, just to be clear, 147, we're
21 moving that into evidence as well. It's the picture of
22 the white T-shirt.

23 MR. TAYLOR: No objection.

24 THE COURT: It's in evidence.

25 ///

1 (WHEREUPON, State's Exhibit Number 147 was admitted into
2 evidence.)

3 BY MR. BLACK:

4 Q And I guess if you can somehow put that back into the
5 bag.

6 A (Witness complies.)

7 Q So the cuttings from this white shirt is something
8 that you would have done?

9 A Yes, sir.

10 MR. BLACK: That's all the questions I have. Please
11 answer any questions Mr. Taylor might have for you.

12 CROSS EXAMINATION

13 BY MR. TAYLOR:

14 Q Ms. Herrera, very briefly. If I can find this real
15 quick. All right. I have what's marked as State's
16 Exhibit 145.

17 MR. BLACK: Judge, if I can approach the witness.
18 It's already in evidence.

19 THE COURT: Certainly.

20 BY MR. TAYLOR:

21 Q Just very -- like I said, very briefly. So you'll
22 know what I'm talking about, Item 1.1 and 2 just for you.

23 A Okay.

24 Q So you've got that. I'm going to put it up here so
25 the jury can see it.

1 So back to that very first one. And we've been
2 talking about p30 and this phosphate and all this other
3 stuff. So to make sure we understand each other, did I
4 hear you say earlier if it's just p30 found, you wouldn't
5 be able to match it to somebody? Is that right?

6 A The p30 itself does not have DNA in it. There may be
7 skin cells in the fluid portion that may give a DNA
8 profile, but we do not expect it just from the p30.

9 Q And is that why you then said the item should be
10 forwarded to DNA for testing?

11 A That is correct. Yes.

12 Q Got you. So in other words, just because there's
13 only p30, there's other ways to use -- and, again, I'm
14 very unscientific here -- this component of that to find
15 DNA, potentially?

16 A Yes. There's a possibility there are skins cells
17 there rather than just spermatozoa.

18 Q Got you. The last question about the Item 2, that
19 was the underwear that were found in Ms. Bonds' house ---

20 A Yes, sir.

21 Q --- and that you didn't perform an analysis. Let me
22 turn to that page, too, so the jury can see it. The very
23 bottom there, you mentioned y'all didn't test it so
24 there's no reason to move forward or pass it on to
25 somebody else, right?

1 A Yes, sir.

2 Q Okay.

3 A We would not -- if we didn't test it, it would not go
4 forward for further testing.

5 Q So there's not even a policy, in other words, that
6 there's absolutely nothing 100 percent that would ever be
7 of value to anybody, so therefore, you don't waste time
8 testing.

9 A In this case, since the underwear was not reworn
10 after the incident, the likelihood of semen from any
11 incident that occurred, they would not likely be there.
12 The item is still in a condition where it can be tested
13 should it need to be. It was not destroyed. It's still
14 available for testing. If, after the other evidence was
15 tested and there still was no connection made to someone
16 or there was unaccounted for DNA, we could always go back
17 and retest those items or test that item if it needed to
18 be done.

19 MR. TAYLOR: That's what I need to know. Thank you,
20 ma'am.

21 THE COURT: Any redirect?

22 MR. BLACK: No, sir, Your Honor.

23 THE COURT: Ma'am, thank you very much for coming.
24 You are free to go, Ms. Herrera.

25 You've got one more witness from SLED.

1 MR. BLACK: Yes, sir.

2 THE COURT: Do you have another short one to follow
3 them up? Where are we looking?

4 MR. BLACK: I don't think so, Judge.

5 THE COURT: All right. Ladies and gentlemen, we've
6 got one more witness from the State Law Enforcement
7 Division. I don't think they're going to take terribly
8 long, but I don't know. I need a break, and since I'm the
9 judge, we're taking a break. All right. So take a break.
10 Return to the back, and don't talk about the case. We'll
11 be back on the record in about five, ten minutes. Okay.
12 Thank you.

13 (WHEREUPON, the jury exits the courtroom at 4:16 p.m., and
14 a recess is taken.)

15 (WHEREUPON, State's Exhibit Number 148 was marked for
16 identification.)

17 (WHEREUPON, the jury entered the courtroom at 4:30 p.m.)

18 THE COURT: All right. The jury is back and seated.
19 Solicitor, call your next witness, please.

20 MR. ANDREWS: The State calls Paul Meeh.

21 THE CLERK: Place your left hand on the Bible, raise
22 your right.

23 WHEREUPON,

24 PAUL MEEH

25 After having been duly sworn, testified as follows:

1 THE WITNESS: My name is Paul Meeh, that's M-E-E-H.

2 DIRECT EXAMINATION

3 BY MR. ANDREWS:

4 Q Good afternoon, sir.

5 A Good afternoon.

6 Q Who do you work for?

7 A I work at SLED. I'm a forensic scientist in the DNA
8 department there.

9 Q How long have you worked there?

10 A About 11 years now.

11 Q Can you tell us a little bit about your educational
12 background?

13 A I got my undergraduate degree in 2001 from the
14 University of South Carolina. That was in biology. I got
15 my master's degree in 2003. That was in molecular
16 biology. That was in breast cancer and colon cancer
17 research. I did three years of work for a PhD at the
18 medical school there, but I did not complete my PhD. I
19 was hired away by SLED. And that was, I guess, in 2006 or
20 2007. I don't recall right offhand.

21 Q Have you ever testified in General Sessions Court
22 before?

23 A Yes, sir.

24 Q Have you ever been qualified as an expert in General
25 Sessions Court?

1 A Yes, sir.

2 Q About how many times?

3 A Maybe about 40 times, approximately.

4 MR. ANDREWS: Okay. Your Honor, the State offers
5 Agent Meeh as an expert in DNA analysis and statistical
6 analysis.

7 MR. TAYLOR: Without objection.

8 THE COURT: All right. Again, ladies and gentlemen,
9 because the parties agree that Mr. Meeh is an expert in
10 the field of DNA and statistical analysis, he can give
11 opinion testimony that you may use as you deem
12 appropriate.

13 Go ahead.

14 MR. ANDREWS: Thank you, Your Honor.

15 BY MR. ANDREWS:

16 Q Sir, what is DNA?

17 A DNA is in every cell of your body. It's the
18 blueprint that makes you, you. You get half of it from
19 your mother and half of it from your father, and it's very
20 specific to you. If you don't have a twin, then nobody's
21 ever had that DNA profile in the history of the world
22 besides you.

23 Q Sir, did you have an opportunity to conduct some
24 laboratory analysis in this case?

25 A I did. I tested DNA on several items in this case.

1 Q Okay. All right. Sir, I'm going to show you what's
2 been marked as State's Exhibit for ID purposes 148. Do
3 you recognize this?

4 A I do. This is my report. This is the second report
5 I generated in this case.

6 MR. ANDREWS: Okay. Your Honor, the State moves to
7 admit State's 148 into evidence.

8 MR. TAYLOR: Without objection.

9 THE COURT: Without objection, State's 148 is in.

10 (WHEREUPON, State's Exhibit Number 148 was admitted into
11 evidence.)

12 MR. ANDREWS: Thank you, Your Honor.

13 BY MR. ANDREWS:

14 Q Now, you said this is the second report.

15 A Correct.

16 Q Can you tell me a little bit about why there's a
17 second report?

18 A Yeah. So what happens is we don't test all of the
19 items at once. We test the items that we feel are going
20 to give us the best idea about what happened in the case.
21 In this example, they submitted some extra items, but I
22 put everything in the second report that's in the first
23 report. This is called a supplemental report is all it
24 is.

25 Q So this is just additional items that you tested, and

1 then it's all.

2 A This report contains all of the items in this case
3 that were tested.

4 Q Okay. All right. Can you see that okay?

5 A Yes.

6 Q All right. 1.5 and Item 3, what are those?

7 A Those are called standards. So we take a -- the
8 inside of your cheek releases cells very easily called
9 buccal cells, and we take those so we can compare that DNA
10 profile to any DNA profiles we took from the case from
11 evidentiary items. So we have to have a standard. That's
12 all this is.

13 Q Okay. And then we go to Item 1.1.

14 A Correct. Those are the vaginal swabs.

15 Q Okay. And can you explain what your results were as
16 to the vaginal swabs?

17 A Yeah. I got a DNA profile that matched Barbara
18 Bonds. I didn't get anything foreign to her on those.
19 And then I tested it also for Y-STR, which is a more
20 sensitive DNA testing method. That tests only male DNA.

21 So females have two X chromosomes, males have one X
22 and one Y chromosome. And so Y testing is normally
23 something we go to when we think there might be male DNA
24 but we're not sure, and I didn't get any -- a Y-STR
25 profile either.

1 Q And then as to 1.3?

2 A Those were saliva swabs from the shoulder. It was a
3 mixture of at least two individuals. The partial DNA
4 profile foreign to Barbara Bonds -- and what that means, I
5 need to explain that result. When we're testing something
6 that's on someone's body, we account for them to be there,
7 right? If it's like if I were to swab your mouth or your
8 shoulder, I would expect your DNA to be there, and
9 therefore, I can subtract your DNA whenever I'm doing my
10 analysis and look for things that are foreign to that.
11 And so in this example, I found a DNA profile foreign to
12 Barbara Bonds on her shoulder that match the DNA profile
13 of Lawrence Postell.

14 Q And you mentioned, it's not written in here, but I'm
15 assuming that right shoulder, back and upper arm means of
16 Ms. Bonds?

17 A Correct. This was -- it's part of the rape kit. You
18 can see its subitem is 1.3, and that means it came from
19 Item 1, which was the rape kit. They each get their own
20 little number in order, usually.

21 Q And then going onto the next page, if you can explain
22 that for us.

23 A And so the second part of my job is to say how sure I
24 am that something matches someone. I can't just say
25 something matches and then not be very sure about it, so I

1 have to measure statistically.

2 In the statement at the top there, it says, "The
3 probability of randomly selecting an unrelated individual
4 matching the partial DNA profile foreign to Ms. Bonds is
5 approximately 1 in 20 million." And that just means
6 that's a -- it's a good statistic, it's a strong statistic
7 that indicates that Lawrence Postell is the donator of the
8 DNA foreign in this example.

9 Q Okay. If you could just go through and explain the
10 rest.

11 A No problem. I'm sorry. I didn't mean to stop.

12 The partial Y-STR profile -- so I tested this for Y's
13 as well, for Y-STR as well just to make sure to see whom
14 that belonged. That also matched the Y-STR profile of
15 Lawrence Postell. And probability of randomly selecting
16 an unrelated male individual having a Y-STR profile
17 matching this item is approximately 1 in 7,500.

18 And the reason that number is so much smaller than
19 the 20 million is because the STR testing, we're able to
20 multiply each result of each position and get a very large
21 number very quickly. It's like ten times ten is 100,
22 times ten is a thousand. In this example, it's a counting
23 method. So the Y-STR, the Y chromosome is all a line.
24 It's a single line, and we're testing along it, so we
25 can't multiply. We just have to count how many people in

1 the population have that exact Y-chromosome. And in this
2 example, it's approximately 1 in 7,500 individuals. That
3 could increase if the database were larger, but that's the
4 size of the database we use.

5 Q I guess if you take a look at these results, it could
6 sort of make you concerned that, I guess, your last
7 sentence sort of raises some doubt about potential
8 paternal male relatives and Lawrence Postell may not be
9 excluded.

10 A That's correct. That's only for the Y-STR profile.
11 The STR profile itself, the 1 in 20 million, that wouldn't
12 change. The paternal male relatives of Lawrence Postell,
13 so his grandfather, his father, any of his brothers would
14 all have that same Y-STR chromosome -- I mean, excuse me,
15 they would all have that same Y-STR profile because they
16 all share the Y chromosome, same Y chromosome.

17 Q As to item 1.4.1?

18 A I did not get anything foreign to Barbara Bonds, so
19 it matched Barbara Bonds. And I got a partial Y-STR
20 profile, but I didn't get enough to compare it. I didn't
21 get enough to do that statistical analysis.

22 Q All right. And then as to 1.4.2?

23 A I got nothing foreign to Barbara Bonds, and no Y-STR
24 profile at all.

25 Q Okay. And then 6.1 is the T-shirt that Agent Herrera

1 testified about.

2 A Correct. The DNA result, there was the DNA profile
3 was a mixture of at least three individuals. The partial
4 DNA profile, the major component to this mixture is
5 consistent with being a mixture of two individuals.

6 So what happened there is we can see like
7 approximately how many people have contributed. Let's say
8 I hand the jury members a pen and each of you handles it
9 in turn, but only three of you handle it. I might be able
10 to tell which three of you handled it by testing your
11 standards and comparing them. But if two of you handled
12 it with very sweaty hands or rubbed it on your face and
13 like really went and tried to contribute more DNA to that
14 pen, I may be able to break it down into two. And that's
15 what happened here.

16 So the major component to this mixture on 6.1 was a
17 mixture of two individuals, and that mixture was made up
18 of -- or is possibly made up of Barbara Bonds and Lawrence
19 Postell. They're included as possible contributors to the
20 major component. And the probability of randomly
21 selecting an unrelated individual who could have
22 contributed to the major component is approximately 1 in
23 30,000.

24 And then due to the inability to calculate a
25 statistic, no further interpretation will be offered

1 regarding the minor component. And all that means is that
2 they contributed so low amounts of DNA that we're not
3 willing to make any statements about that little level of
4 DNA. We try to stay away from it.

5 Q And the 6.2 and 6.3?

6 A I'm searching.

7 Q I'm sorry. Do you need another copy?

8 A No. That's fine. I just didn't have anywhere to set
9 my big case file.

10 Item 6.2 was a cutting from the rear bottom right of
11 a T-shirt. It says it was collected from the subject's
12 house.

13 The DNA profile is a mixture of at least three
14 individuals, and due to the inability to calculate a
15 statistic, no further interpretation will be offered.

16 What happens there is if you have a very even mixture
17 of individuals that you can't tell apart, or if it's such
18 a low level of DNA, we don't do any calculations there.
19 We stop there. We try to be conservative in our
20 estimation, especially with mixtures.

21 Item 6.3 was a cutting from the rear upper left of
22 the white T-shirt. The DNA profile was a mixture of at
23 least two individuals. The partial DNA profile, the major
24 contributor matches the DNA profile of Barbara Bonds. The
25 probability of randomly selecting an unrelated individual

1 having a DNA profile matching the major contributor
2 Barbara Bonds is approximately 1 in 900 septillion. And
3 due to the inability to calculate a statistic, no further
4 interpretation will be offered regarding the minor
5 contributor.

6 Q Now, 900 septillion, that's a big number, right?

7 A It's inconceivably large. That number is -- it's
8 huge.

9 Q That's a 9 and how many zeros?

10 A A thousand, million, billion, trillion, quadrillion,
11 septillion. So now we're to 15 zeros. Septillion is 15.

12 Q Okay.

13 A To put that in perspective, a million seconds is
14 11 days, a billion seconds is 31 years. So you could test
15 someone every second for 31 years, and that would be a
16 billion. A trillion seconds is 31,000 years. This is how
17 fast these numbers go up. So you could test someone every
18 second for 31,000 years and still not even get close to
19 this number, and you still would not have matched someone
20 in the general population, or Barbara Bonds, in this case.

21 Item 6.4 is a swab from the scraping of the neck area
22 of the white T-shirt. The DNA -- the profile is a mixture
23 of at least two individuals. Barbara Bonds and Lawrence
24 Postell are included as possible contributors to this
25 mixture. The probability of randomly selecting an

1 unrelated individual who could have contributed to this
2 mixture is approximately 1 in 530.

3 That's a weaker statistic. We obviously didn't get
4 enough DNA there or enough DNA to really put a strong
5 statistic with. But it's okay. 530 is -- I would put
6 some weight to that evidence, but maybe not nearly as
7 much, obviously, as 6.3.

8 Q And 6.5.1?

9 A That is a hair from a white T-shirt. The partial DNA
10 profile matches the DNA profile of Lawrence Postell. The
11 probability of randomly selecting an unrelated individual
12 having a DNA profile matching this item is approximately 1
13 in 57 quadrillion. Big number.

14 6.5.2 is a hair from a white T-shirt. I got no DNA
15 profile from that.

16 6.5.3, I got a partial DNA profile, but it wasn't
17 sufficient to do any analysis on.

18 Q And then Number 7?

19 A Item 7 is a swab from a front step at the incident
20 location. I tested it for blood myself. I did the
21 presumptive testing that Ms. Herrera was talking about,
22 and it was positive.

23 The DNA profile matched the DNA profile with Barbara
24 Bonds, and the probability of randomly selecting an
25 unrelated individual having a DNA profile matching this

1 item is approximately 1 in 1 octillion.

2 Item 8 was a hair collected from the incident
3 location at the foot of the bed. I got a partial DNA
4 profile, but it wasn't enough to work with.

5 Q And so -- and I think Agent Herrera testified about
6 this, but as to hair, you have to get the -- what was the
7 term?

8 A The root.

9 Hairs are hit and miss. Even if you visualize a root
10 on a hair, you often don't get a DNA profile from it. I
11 wouldn't say it's lucky to get a DNA profile from a hair,
12 but you want to test several from an item like a hairbrush
13 or something if you're really wanting to make sure you get
14 a DNA profile from that.

15 Q All right. And Item 10.1?

16 A Item 10.1 is special because it was forwarded to me
17 for semen testing, so I have to do a differential
18 extraction on this. So all that means, Ms. Herrera was
19 talking about two separate fractions of sperm, of semen or
20 ejaculate. The two sections of those are liquid, and you
21 can have some cells in there, like you can have a little
22 bit of cellular fraction but you may not detect it. But
23 the second half is the spermatozoa. And they're cells,
24 and they're super tough, actually, because they have to
25 survive the difficult journey to go procreate,

1 theoretically. But all of the DNA is contained in those
2 cells, and my testing was actually more sensitive than
3 hers. Obviously, DNA testing, you're going to pick up any
4 little bit of DNA that's there, theoretically.

5 And so in this one, I've got one that's called
6 nonsperm fraction, which would be any cellular part, like
7 from the female, male, any just regular cellular part
8 that's not spermatozoa because they're tougher and they're
9 going to be in a later fraction.

10 The nonsperm fraction was a mixture of at least two
11 individuals. The partial DNA profile of the major
12 contributor was from an unidentified male, Individual A.
13 The partial DNA profile of the minor contributor was
14 insufficient for interpretation. So I got an unidentified
15 male in the nonsperm fraction, and got a partial DNA
16 profile that I couldn't do anything with.

17 But then in the sperm fraction, what happens there is
18 that the spermatozoa are able to hold onto that DNA
19 through the lysis process, so they wouldn't show up in the
20 nonsperm fraction.

21 And then in the sperm fraction, I got a DNA profile
22 from that same unidentified male, Individual A. But it
23 was clean. It didn't have the minor component or the --
24 which would probably be from a female.

25 Q And then the last page, your notes, you know, which

1 looks incomprehensible to most folks, can you ---

2 A Yeah. This is really quite simple. So those are the
3 areas that we test. Where it says "GlobalFiler," that's a
4 kit. It's just sold by a company. And we use that to
5 test all of those locations in the -- in the geno
6 [phonetic].

7 And then also, after that, it says, "Please submit
8 known standards for the consensual partners of Barbara
9 Bonds for comparison purposes." And that's because on
10 that Item 10.1, I did get an unidentified male, but I
11 wasn't able to search him in our database because she has
12 possible consensual partners. And so I put that, hoping
13 for a standard to compare that profile to.

14 Q And we talked with Ms. Herrera a good bit about p30
15 and the ability to develop a DNA profile from p30, and I
16 think she mentioned that occasionally, sometimes skin
17 cells will be present in p30. Is that -- how often does
18 that happen?

19 A It's not that skin cells are present in p30. So
20 semen is made up of several different components. She
21 mentioned that, too. One she forgot to say was water. I
22 mean, there's a tremendous amount of water there. And
23 then there's proteins to keep it liquefied. p30 is one of
24 those proteins.

25 There's an enzyme called acid phosphatase. I'm not

1 sure why, what the functionality of acid phosphatase in
2 semen is, but it's a really good -- it's a good
3 presumptive test because men make it in a high quantity
4 and women make it in a low quantity, right, acid
5 phosphatase. p30 is the same way. Men make a bunch of
6 p30 and women make very little p30.

7 Now, you can have skin cells. During just the
8 physical act of sex, they can be shed, of course, but
9 you're not necessarily going to pick those up, especially
10 on a vaginal swab, because the cells in the vagina come
11 off way -- much easier than the cells of a penis. If you
12 look in your cheeks, that's why we use buccal swabs as a
13 cheek, right? They've got the same kind of cells. It's
14 epithelial cells, and you can swab those off very easy.
15 The vagina is the same way. They sheds cells much more
16 quickly than a penis does.

17 So I think what you're asking is, in my experience,
18 do you find in a lot of rape cases -- or I do, you know,
19 child molestations and all those things, we can -- it's
20 rare that we see not enough male DNA from vaginal swabs to
21 do a -- to make a profile from based on if the male didn't
22 finish the act, the sexual act, if that makes sense.
23 Because all of the DNA, like I said, is contained in those
24 sperm cells.

25 MR. ANDREWS: Okay. That was my question.

1 Beg the Court's indulgence, Your Honor.

2 BY MR. ANDREWS:

3 Q Now, is there a time limit one -- with regard to a
4 rape kit?

5 A Yes. We don't test after seven days.

6 Q Okay. And why is that?

7 A Because you just won't get anything. Eventually,
8 even with consensual coitus to completion, you won't get
9 anything after seven days. I mean, the woman's cleaned
10 herself since then, the vaginal area is self-cleaned. I
11 mean, the spermatozoa just go away. It's almost
12 undetectable. I'm not going to say completely
13 undetectable, I mean, but we don't test it after that time
14 period.

15 Q Okay. And I guess that means regardless of what
16 happens to p30 after seven days, your view is -- or SLED's
17 view is the spermatozoa won't last after seven days.

18 A Right, right. And there's been tests. I mean, there
19 are forensic papers dedicated solely to this. But
20 especially for molestation cases, things like that, I
21 mean, they try to get -- they try to figure out how long
22 spermatozoa, p30, acid phosphatase, all those things stay
23 in oral cavities or vaginal cavities or rectal cavities.
24 Depending on those type things.

25 The vaginal is probably the longest. I would say

1 seven days is probably the -- it is the longest time that
2 we don't test, because it goes away much more quickly in
3 rectal and much more quickly in the oral than it does in
4 the vaginal.

5 MR. ANDREWS: Thank you, sir. Please answer any
6 questions defense may have.

7 CROSS EXAMINATION

8 BY MR. TAYLOR:

9 Q All right. I know everybody's tired, end of the day.
10 I'm not going to go on and on. I'm going to get straight
11 to the point.

12 So Item 1.1.

13 A Yes, sir.

14 Q I don't see Lawrence Postell's name on there at all.

15 A Correct.

16 Q All right. So when you say that there was a DNA only
17 referring back to the other one, so it was sent to you
18 because DNA of some sort was found, right?

19 A On Item 1.1?

20 Q Yes.

21 A It was sent to me to test for DNA.

22 Q Okay. And besides the fact that Lawrence Postell's,
23 none of his DNA showed up there, did anybody else's DNA
24 come into ---

25 A Barbara Bonds was the only person on that swab.

1 Q Okay. And that was a vaginal swab from Ms. Bonds.

2 A Yes, sir.

3 Q Okay. So for all we know, I mean, there's no -- so I
4 just want to make sure, again, there was no DNA that
5 you're saying you found.

6 A I found Barbara Bonds' DNA.

7 Q Okay. But I'm saying no male.

8 A Correct.

9 Q Item 8, flip to that, the same report that you
10 tested. It's the hair?

11 A Correct.

12 Q It says from the incident location. Was that
13 someone -- and I know -- I don't know if your notes
14 indicate this, was it pubic hair? hair from someone's
15 hair?

16 A It was submitted. The description in our Illume
17 system was pubic hair, but I -- we didn't type the hair.
18 We don't make that discernation anymore. It's just hair
19 to us. We look for a root, and we try to identify from
20 whom that hair came.

21 Q So you're not sure in that case what it was. Got
22 you.

23 A No, sir.

24 Q Okay. And whatever the hair may be, it's a partial
25 DNA profile, but not really sure. So somebody's DNA. You

1 just don't know whose it is.

2 A Correct.

3 Q So it could be female? male?

4 A Correct.

5 Q All right. Most important one, same page, Item 10.1.

6 Scoot this up so the jury can see it all the way.

7 And cutting, this is a cutting from a flat sheet.

8 Can you explain what that means, Item 10.1?

9 A Cutting from a flat sheet. Do you want me to
10 describe what a flat sheet is or do you want me to
11 describe the result?

12 Q Well, I mean, when it says flat -- in other words, is
13 this like a bed sheet, is it, in other words, what I'm
14 looking at?

15 A Yes, sir. I assume so. I -- I don't know.

16 Q All right. And it says from the incident location,
17 so from Ms. Bonds' house.

18 A Yes, sir.

19 Q All right. And it's got DNA from at least two
20 people.

21 A Yep.

22 Q And one of those two people we don't know who it is,
23 and the other one is an unidentified male individual.

24 A That's not quite it. So one of them is an
25 unidentified male individual.

1 Q Okay.

2 A And the second one is insufficient for
3 interpretation. So it's not that I don't know who they
4 are. I'm not even willing to say that there was enough to
5 interpret.

6 Q And when you say "unidentified male," in other words,
7 it's not Mr. Postell.

8 A Correct. It was compared to him and it's not him.

9 Q So it could be Joe Blow, John Smith. You have no
10 idea.

11 A Yes, sir.

12 Q All right. So, again, not Lawrence Postell's sperm
13 on that sheet?

14 A Correct.

15 Q Somebody else's sperm.

16 A Yes, sir.

17 MR. TAYLOR: All right. I have no further questions.

18 THE COURT: All right. Sir, thank you very much for
19 coming. You are free to go.

20 Solicitor, any additional witness for the day?

21 MR. BLACK: None for the day, Your Honor.

22 THE COURT: Very good. All right. Ladies and
23 gentlemen, we've probably reached a good point for
24 breaking this evening. If you would, please be back in
25 the jury room tomorrow morning at 9:30 and we'll resume

1 with the trial of the case at that particular point in
2 time.

3 Based on pretrial discussions with all the parties
4 concerned, I do think that we are hopefully going to be
5 able to get this case to y'all sometime for your
6 deliberations perhaps late tomorrow morning, early
7 tomorrow afternoon. Okay. But we'll just have to wait to
8 see how things go. But we are on schedule. We're
9 actually probably a little ahead of schedule.

10 Don't talk about the case this evening. Do have a
11 lovely night. Rest well, and I'll see y'all back here
12 tomorrow morning at 9:30. Thank you.

13 (WHEREUPON, the jury exits the courtroom at 4:56 p.m.)

14 THE COURT: All right. The jury's out.

15 Just a few matters before we break for the evening.
16 One thing that I would like to ask is that, at some point
17 in time, if the State could introduce just as a court's
18 exhibit for purposes of the record an unredacted version
19 of the interview. I usually do that customarily so that
20 should the need arise, someone can make a comparison
21 between the redacted version and the original version. So
22 if you could perhaps find a clean, unredacted version of
23 that CD, we could make that a court's exhibit tomorrow and
24 reference that.

25 Am I correct that the State is likely done calling

1 witnesses?

2 MR. BLACK: I think that's the case. I'm going to
3 look over everything tonight, but I think we're done.

4 THE COURT: All right. Assuming that the State
5 rests, perhaps it would be good for me to go ahead and
6 review with Mr. Postell his right to testify and then
7 maybe entertain any motions that you might have, or I
8 could do that in the morning before we bring the jury.
9 How would you prefer?

10 MR. TAYLOR: Judge, I was going to let the State rest
11 and then do so. I don't have a whole lot of motions. I
12 do want to put several things on the record, obviously,
13 without the jury here, but explaining why we've done
14 certain things.

15 THE COURT: Sure.

16 MR. TAYLOR: Obviously, we've stipulated to a lot of
17 things that kind of -- just to cover everybody.

18 THE COURT: All right. Well, why don't we do this.
19 We'll plan on addressing that tomorrow morning at 9:30 if
20 we can all be here sharp at that point in time. And I
21 don't think that should take more than 15 minutes to
22 address. And we'll let the State rest tomorrow morning as
23 opposed to tonight, handle your motions, and then they can
24 rest in front of the jury, assuming the Court, of course,
25 doesn't grant a directed verdict.

1 But, Mr. Postell, I would like to review with you,
2 though, your right to testify and your right to remain
3 silent tonight if I can do that so that you can be
4 thinking about your decision to testify tomorrow, whether
5 or not you're going to do that. Okay, sir?

6 DEFENDANT POSTELL: Yes, sir.

7 THE COURT: So I think we've already established that
8 you are Lawrence Postell, correct, sir?

9 DEFENDANT POSTELL: Yes, sir.

10 THE COURT: And, Mr. Postell, tomorrow, after the
11 State rests, you understand that you and Mr. Taylor will
12 be able to present a defense in this case, and as part of
13 that defense, if you wish to do so, you'll be allowed to
14 testify, you can certainly testify on your own behalf.
15 You understand that, sir?

16 DEFENDANT POSTELL: Yes, sir.

17 THE COURT: Under the laws of our state, under the
18 laws of our country, the Fifth Amendment basically says
19 that you cannot be compelled to be a witness in any
20 criminal case where you are a defendant, okay? So it
21 means that you do not have to testify tomorrow if you
22 don't want to, and certainly no one can force you to
23 testify. Not me, not the solicitor, not Mr. Taylor.
24 Because the Fifth Amendment right, that's a personal
25 right. It belongs only to you, and only you can waive

1 that right. Do you understand that, sir?

2 DEFENDANT POSTELL: Yes, sir.

3 THE COURT: And certainly, I'm sure you've talked to
4 Mr. Taylor about the advantages and the disadvantages of
5 testifying. I assume y'all have had that conversation,
6 correct?

7 DEFENDANT POSTELL: Yes, sir.

8 THE COURT: All right. You understand that if you
9 choose to testify, you'll have to answer any question
10 that's relevant that's put to you, and you could also be
11 potentially impeached with any prior convictions involving
12 dishonesty, or potentially any convictions that carry more
13 than a year imprisonment. I did a quick look at your
14 criminal history just within the Abbeville County index,
15 and I think that there is a couple of old convictions that
16 would be beyond the ten years for narcotics type offenses.

17 What does the State have that they would seek to
18 impeach Mr. Postell with?

19 MR. BLACK: Of note, Your Honor, within ten years, he
20 does have a receiving stolen goods from 2008 conviction
21 where he did 18 months suspended to three years probation.
22 He has a charge from 2014. He's got a -- he pled to two
23 different burglaries, burglary seconds, nonviolent. He
24 got an eight years sentence provided on the service of
25 three years, and I think there was a probationary sentence

1 to follow that.

2 THE COURT: That was in Abbeville?

3 MR. BLACK: Yes, sir.

4 THE COURT: I didn't have that come up on the ---

5 MR. TAYLOR: Those are the two priors, Judge, that he
6 would be using for the burglary element as well.

7 THE COURT: Right. And that's one of the things I
8 was looking at as far as the Abbeville charges, but I
9 didn't see this.

10 Okay. So two convictions.

11 MR. BLACK: I actually have certified copies of
12 those, Your Honor.

13 He's got a shoplifting charge from 2016 where he did
14 time served. He's got an assault and battery third, but I
15 don't think that would be eligible. 2016, he's got a
16 shoplifting enhanced, court date of 11/16/17 where he
17 pled, it appears. And that's out of Anderson County.

18 He does have a conviction out of Georgia for giving
19 false information, address or birth date to a law
20 enforcement officer. He pled guilty on 12/13/13 for that.

21 THE COURT: All right. Mr. Taylor, I'm sure you've
22 discussed with Mr. Postell the potential impeachment for
23 these prior crimes. The shoplifting, false info and
24 receiving stolen goods, in my belief, would be crimes of
25 dishonesty; am I correct?

1 MR. TAYLOR: I agree with you, Your Honor, and I have
2 explained that to Mr. Postell and explained, you know, if
3 he doesn't testify, that doesn't come up. Well, I say
4 that. I know there's the issue of the elements of
5 burglary, but having said that, if he does, then that is
6 fair game unless I'm misreading the law. And yes, sir,
7 I've explained all that, and he understands.

8 I think, as you probably know ---

9 THE COURT: The jury may well hear about the
10 burglaries as well, and likely he would be impeached with
11 those.

12 MR. TAYLOR: I believe so. Yes, sir.

13 THE COURT: Right. So those are essentially the
14 prior convictions, Mr. Postell, that the Court would allow
15 the State to inquire about just for purposes of
16 impeachment, okay? Just for purposes that relates to your
17 credibility, not to say that you acted in conformity or
18 anything like that, okay?

19 So what I'm telling you, Mr. Postell, is that
20 ultimately, whether you choose to testify is up to you.
21 Mr. Taylor has indicated to me that he anticipated that
22 you did want to testify. Is that accurate, sir?

23 DEFENDANT POSTELL: Yes, sir.

24 THE COURT: All right. The way I usually leave this,
25 and understand if you change your mind overnight, you

1 simply let Mr. Taylor know because I'm happy to instruct
2 the jury that they can't even talk about your failure to
3 testify in the jury room. You're to suffer no prejudice
4 if you fail to testify. I'll explain that the burden is
5 always on the State to prove your guilt beyond a
6 reasonable doubt. You don't have to prove anything, and
7 they can't even talk about the fact that you didn't
8 testify. If you choose not to testify, they can't even
9 talk about that in the jury room, all right?

10 DEFENDANT POSTELL: Yes, sir.

11 THE COURT: So as I understand it, right now your
12 plan this evening is to testify tomorrow, correct?

13 DEFENDANT POSTELL: Yes, sir.

14 THE COURT: Okay. If that changes, just let
15 Mr. Taylor know. He can let me know. And the way I
16 usually handle this is if Mr. Taylor calls you as a
17 witness, I'll simply assume that you've automatically
18 waived your Fifth Amendment rights. Is that acceptable to
19 you, sir?

20 DEFENDANT POSTELL: Yes, sir.

21 THE COURT: Okay. That's how we'll handle it then.
22 You don't have any questions of me about all that,
23 sir?

24 DEFENDANT POSTELL: No, sir.

25 THE COURT: Good enough.

1 Any other housekeeping matters we need to address
2 tonight then?

3 MR. TAYLOR: Not at this time from the defense, your
4 honor.

5 MR. BLACK: Your Honor, I am kind of curious as to
6 how, if you're going to rule in our favor, that the
7 elements of burg second, his two priors, can come in just
8 so I can kind of start thinking about that for tomorrow.

9 THE COURT: Well, I'm really thinking that this being
10 a nighttime burglary, I mean, and we alluded to this in
11 chambers. And I can't remember the case that came out of
12 Abbeville, the specific name of that one, but it was ---

13 MR. BLACK: Cross.

14 THE COURT: What was it?

15 MR. BLACK: Cross.

16 THE COURT: Cross. Yeah. But, I mean, I don't know
17 if y'all have had a chance since I mentioned it yesterday
18 to review that oral argument, but -- and I realize that
19 the case of Bruton is not directly on point, but there's
20 some level of dicta in Bruton that talks about how there
21 are certain things that once a jury hears, they can't
22 necessarily unring that bell, and that's what the Cross
23 case, the argument was about. And I realize that was in
24 the context of a CSC, but I also realize that the Supreme
25 Court, for whatever reason, often shifts in this area.

1 For the longest time, we had the Al Shabazz case that
2 said you can impeach with a conviction for armed robbery,
3 and then all of a sudden they decided, okay, well, armed
4 robbery is not a crime of dishonesty, but shoplifting
5 still is. And I'm just worried that right now, the law's
6 in a state of flux, and I like trying cases once.

7 The central issue in my mind in this case is whether
8 the defendant had consent to be there or not. You've got
9 a broken piece of the door laying on the floor, there's a
10 good bit of evidence that the entry took place in the
11 evening. I really am hesitant to create another potential
12 issue, in all candor, not knowing how the Supreme Court is
13 going to rule on Cross. And I checked today, and they
14 still haven't ruled. I don't know where this is going to
15 go.

16 MR. BLACK: I understand your position. I guess our
17 position, Your Honor, is, you know, if we talk to these
18 law enforcement guys, and sometimes they'll call us and
19 they'll say, you know, do we have enough probable cause to
20 make arrests, and they start saying, well, we might get
21 sued. You can't -- our position is you can't do your job
22 like that.

23 I understand. I get it. I know where the law is
24 going or where it may go, but we don't have that yet. As
25 is, I think, according to the law as written and as on the

1 books, I think we have the right to introduce those.

2 Obviously, I stated that in chambers, but ---

3 THE COURT: You're correct. That's the current -- I
4 mean, you're correct. That's the current status of the
5 law. I may very well consider that tonight. And in light
6 of the fact that he's going to testify, I may very well
7 allow you to.

8 But honestly, again, my concern in allowing the
9 State -- I think Mr. Taylor made a good argument the other
10 day. It's really superfluous if -- you know, if he was
11 there with the permission of the victim, it is not a
12 burglary regardless of whether he has two prior
13 convictions or whether he has entered during the evening.
14 If he entered the home without her permission with the
15 intent to commit a crime therein, then it is a burglary
16 regardless of whether he has two prior convictions because
17 it took place at night. It's a burglary first. And it
18 seems like the lily is getting a little bit gilded, and I
19 don't know.

20 MR. TAYLOR: I -- yeah. Judge, the last thing I feel
21 like it would be, if this was a daytime event, then
22 they've got a way better opportunity or reason for doing
23 that. This is at night, and then there's even allegations
24 of a gun. We haven't even talked about that.

25 THE COURT: Yeah. And that's kind of a point that I

1 meant to make that if the only thing that you can hang
2 your hat on for a burglary conviction for burglary first
3 was the two prior burglaries, I would probably be allowing
4 you to go into it. But, again, this is a nighttime entry,
5 and the jury is either going to believe that it was
6 without consent or they're going to believe that it was
7 with consent, and that's the key issue as opposed to
8 whether he's got two prior convictions.

9 MR. BLACK: I think in all of our situations, though,
10 we can all agree that you can never assume what a jury's
11 thinking. I mean, I can't -- I mean, in theory, that's
12 what it is, but you just never know what they talk about
13 back there. So I would somewhat disagree with you on that
14 regard. But I do understand where you're coming from.

15 THE COURT: I respect that. And understand that when
16 I started doing this job, I simply -- I really tried to
17 stop figuring out where the law is going. And in the last
18 eight years, if it's taught me one thing -- or if doing
19 this job has taught me one thing, it's try and keep it
20 clean, as clean as possible in the event that there is a
21 change in the law that's unanticipated, because that has
22 happened so many times to me on the bench where I simply
23 do what the law currently is, what the law says. And a
24 case from Abbeville is a case in point. I think that
25 one's coming back.

1 If you look at the oral argument, it's coming back,
2 and they're going to say that you cannot use a CSC with a
3 minor first and introduce that information to the jury
4 during the State's case in chief to support a subsequent
5 CSC first prosecution. That's what they're going to say.
6 I bet my bottom dollar on it, even though for as long as
7 that's statute's been there, that's been the law. But
8 that's where they're going with it. I'm convinced of
9 that. And I think that they may take a shot at the
10 burglary second, because that thing has also been
11 criticized.

12 I will think about it, but you know where my default
13 setting is right now.

14 MR. BLACK: I understand. Yes, sir.

15 THE COURT: All right. Y'all have a good evening.

16 (WHEREUPON, Court's Exhibit Number 2 was marked for
17 identification.)

18 (WHEREUPON, proceedings concluded at 5:11 p.m., to be
19 reconvened Thursday, September 6, 2018.)

1 Thursday, September 6, 2018

2 (WHEREUPON, proceedings commenced at 10:19 a.m.)

3 THE COURT: All right. If we may, we'll get back on
4 the record in the State vs. Mr. Postell.

5 The record will reflect that we have had the
6 discussion in chambers about the instructions that
7 ultimately the Court will be giving at the conclusion of
8 this case, and my law clerk is still working on those.
9 She'll e-mail those to me and to y'all as soon as we get a
10 good final copy of the draft, and we can talk about those
11 at the conclusion of the defense case in chief.

12 We also addressed the question of impeachment. And
13 just so that the record is clear, I think the receiving
14 stolen goods charge from 2007, the State's not going to be
15 inquiring about that and as it relates to the burglary
16 offenses. And the concern about the receiving charge is
17 it's ten years within the -- it would be ten years within
18 the time frame.

19 MR. TAYLOR: Judge, may I interrupt real quick? This
20 is on the topic.

21 THE COURT: Go ahead.

22 MR. TAYLOR: My client has now chosen, has decided
23 not to testify.

24 THE COURT: Oh, okay.

25 MR. TAYLOR: So I don't think any of those -- if you

1 want to go ahead and put it on the record in case he
2 changes his mind, but he will not be testifying. So
3 once ---

4 THE COURT: You did explain to him, though, the way I
5 was going to treat the burglary.

6 MR. TAYLOR: I did. Yes, sir. I did. And that's
7 had no impact on his decision.

8 I think the main thing is when the State rests, I'll
9 make my usual motions, and then we'll rest as well. We
10 don't have any evidence to put forth.

11 THE COURT: Okay. The State does still intend to
12 rest this morning then.

13 MR. BLACK: Yes, sir.

14 THE COURT: All right. In that case, we probably
15 need to get the instructions done so that we can get them
16 to you guys and roll right into it.

17 Mr. Postell, you've decided not to testify this
18 morning; is that correct?

19 DEFENDANT POSTELL: Correct.

20 THE COURT: I'd explained to Mr. Taylor in chambers,
21 and just so that you're aware, I'm sure he's already told
22 you this, but as it relates to the burglary charges, I
23 decided under some cases, Elmore and Broadnax being the
24 two cases, that because that -- the burglary second
25 nonviolent convictions that you had in 2014, because

1 they're so similar to the burglary first charge, that the
2 State would simply be able to inquire. Instead of
3 specifically talking about a burglary, they would be able
4 to ask you isn't it true that you were convicted of a
5 felony that carries more than a year in 2014 as opposed to
6 specifically referencing the nature of that felony, namely
7 the burglary, okay? And Mr. Taylor explained that to you,
8 that that's how ---

9 DEFENDANT POSTELL: Yes, sir.

10 THE COURT: -- that impeachment. And your decision
11 is still that you do not want to testify, correct?

12 DEFENDANT POSTELL: Correct.

13 THE COURT: All right. Good enough.

14 All right. We'll be at ease while -- go ahead and
15 e-mail those to me and to them. Yeah. Now we need to add
16 the instruction about him not testifying.

17 MR. TAYLOR: Judge, do we have a few minutes?

18 THE COURT: Sure.

19 MR. TAYLOR: I was going to finish talking, if I
20 could. Or do you need us to hang tight here?

21 THE COURT: No. That's perfectly fine. I know you
22 did want to put a few things on the record, though.

23 MR. TAYLOR: Yes, sir. I do, if I could. I may want
24 to do that before we break away.

25 THE COURT: Why don't we do that right now then.

1 MR. TAYLOR: Yes, sir. It's nothing major. I did
2 want to say that -- and I'm going to probably just proffer
3 real quick for Mr. Postell.

4 We stipulated and did not object to probably 95 or
5 more percent of what came in through the State, and we did
6 put our two pieces in that were the statements. That was
7 all trial strategy. Mr. Postell agreed with those, with
8 what we did. We have actually, I think, been on the same
9 page this whole trial. We've agreed with one another.
10 Obviously, nothing's ever done perfectly, but at the same
11 time, I don't believe there's any complaints or anything
12 he's asking me to do in this trial. Obviously, the most
13 important thing is going to be the closing arguments in
14 the next few moments. But I didn't know if I could just
15 ask him real quick to make sure there's nothing else I
16 need to do or anything related to this case, if I may.

17 Mr. Postell, is there anything I need to do or any
18 other evidence I need to put in on your behalf or call any
19 witnesses or anything like that that you can think of?
20 Just a yes or no.

21 DEFENDANT POSTELL: Yes.

22 MR. TAYLOR: Okay. What is that?

23 THE COURT: Y'all talk quietly off the record here.
24 Don't tell me on the record.

25 (Pause in proceedings.)

1 MR. TAYLOR: So with that same question in mind,
2 Mr. Postell, is there anything else I need to do or put
3 on ---

4 DEFENDANT POSTELL: No, sir.

5 MR. TAYLOR: Okay. I think everything that
6 Mr. Postell and I need to cover will be in closing
7 arguments, and we are, again, on the same page there.

8 THE COURT: And just so that the record is clear, the
9 Court did have an opportunity to look at the photo lineup.
10 It did not appear to be unduly suggestive. And, of
11 course, the Court has heard the testimony and reviewed the
12 other exhibits which have been introduced as it relates to
13 the statement that Mr. Postell made. And it would appear
14 to the Court that he was advised of his Miranda rights,
15 and so in all likelihood, those statements would have been
16 admitted.

17 I understand your position for purposes of trial
18 strategy. I think that your decision was probably a wise
19 one in light of everything that's been presented
20 evidence-wise, and I think the record is clear on that
21 point.

22 Just two additional housekeeping matters. I did ask
23 the court reporter yesterday, she has marked as Court's
24 Number 2 the unredacted statement from Mr. Postell.
25 Additionally this morning, the State has redacted one of

1 the statements I believe of the victim, Ms. Bonds; is that
2 correct?

3 MR. BLACK: That's correct, Your Honor. Defense
4 Exhibit Number 1. There was a portion of that that was
5 redacted, but there was a portion I think that said he's
6 known for stealing stuff. That was additionally redacted.
7 That has not been referred to in trial. I don't think any
8 of the witnesses have actually read his statement
9 verbatim. But we have taken care of that. We've redacted
10 it, and we were actually able to take the sticker off,
11 place it back on the copy that has now been redacted
12 without any troubles. So that remains as Defense Exhibit
13 Number 1 now completely redacted of any reference of him
14 being known for stealing stuff.

15 MR. TAYLOR: And that was done in Mr. Postell's
16 favor, and we obviously consent to that and were involved
17 with that redaction.

18 THE COURT: Very good. Anything else?

19 MR. BLACK: The other matter, Judge, there have been
20 two photographs. There's been two photographs labeled
21 102. I think probably the best way to handle this is just
22 leave 102 as the number but label one A and one B.

23 THE COURT: That will be fine. Let the court
24 reporter take care of that when we take a break.

25 MR. TAYLOR: No objection.

1 THE COURT: The order of closing, State will go
2 first, then Mr. Taylor, and then they'll get final
3 arguments. And some evidence was introduced by the
4 defense, so you'll need to only reply, though, pursuant to
5 the holding, due process concerns, things of that nature.

6 MR. TAYLOR: Right. Yes, sir. And I was going to
7 say, I don't like to object to people in their closing, so
8 I think Mr. Black will be fine.

9 THE COURT: All right. I don't see where they can
10 come up with a new or novel theory.

11 MR. TAYLOR: I don't think so either. I think we'll
12 be okay.

13 THE COURT: Anything else?

14 MR. BLACK: There might be one more evidentiary
15 issue. I'm going to check with the court reporter.

16 (Pause in proceedings.)

17 MR. BLACK: Your Honor ---

18 THE COURT: Yes, sir.

19 MR. BLACK: --- the ripped black shirt that was put
20 into evidence, it was identified as being put into
21 evidence as State's 121. It's actually labeled 127. It
22 just was referenced incorrectly when I was putting it in.

23 THE COURT: Okay.

24 MR. BLACK: But just so the record's clear, the
25 ripped black shirt labeled State's 127 is actually

1 Abbeville County Collection Number 11. So if you look at
2 the map, Number 11, where it was located in the bedroom,
3 that's actually the ripped black shirt.

4 THE COURT: Okay. So we're clear on which exhibit
5 number that is. I do recall it being moved into evidence,
6 so it is in evidence.

7 MR. BLACK: Yes, sir.

8 THE COURT: Okay. My clerk will finalize those
9 instructions. We'll get those to you so that you can
10 review them. We've added the defendant, no prejudice from
11 his failure to testify.

12 And ultimately, when this goes to the jury, would you
13 check with EMS or somebody downstairs, see if we can get
14 some additional rubber gloves in the event the jury wants
15 to handle the evidence? Okay.

16 MR. BLACK: I think we have a box of them right here.

17 THE COURT: Oh, okay. We'll send those back as well.

18 (Pause in proceedings.)

19 THE COURT: The State will officially rest at this
20 particular point in time, correct?

21 MR. BLACK: Yes, sir.

22 THE COURT: All right. Mr. Taylor, you had some
23 motions that you wanted to make as it relates to directed
24 verdict, and, of course, renew all other motions?

25 MR. TAYLOR: That's correct. So at this time, I

1 would renew all other previous motions that I made and
2 have been ruled upon.

3 Your Honor, I think there's several different crimes
4 that obviously we'll deal with the charge at the
5 appropriate time in terms of a directed verdict. I'll
6 cover the gun first.

7 I think if you look at the -- it says, you know, the
8 possession of the weapon during the commission of a
9 violent crime. I mean, the victim says, I mean, I think I
10 saw it was a gun, and it fell on the floor and then never
11 was found a gun. She admits there was never mention of
12 the gun, never used during the commission of -- you know,
13 I understand with the law there's different definitions,
14 but in terms of use, other than her saying "I saw it
15 fall," it had literally no involvement with this entire
16 case. So I would ask for a directed verdict on that. I
17 don't think there was any other corroborating evidence or
18 supporting evidence that he even had a gun that night.

19 In terms of the CSC, obviously, I mean, you heard my
20 client on his statement says never happened. I couldn't
21 perform. We have DNA evidence that says -- that doesn't
22 come back positive to Mr. Postell, and I think that's --
23 even in the light most favorable to the State, that should
24 be dismissed as well by directed verdict.

25 They have him charged with attempted murder. I mean,

1 I think she's released from the hospital the same day. No
2 weapon was used to assault her. I think it is an assault
3 case, assault and battery first degree or second degree at
4 best, and at this time, I would ask for that to be
5 dismissed.

6 And then the kidnapping, Your Honor, my client denies
7 that in the statement. I mean, there's no other
8 corroborating evidence to that one either. It's her word
9 against his, and so I don't think that's enough to get to
10 the jury even in the light most favorable to the State.

11 In terms of the burglary first degree, Your Honor, I
12 think that there's no doubt he was in the house at night,
13 and so -- and I do believe it was a dwelling. But to the
14 part about he went in without consent and with intent to
15 commit a crime therein, he says he was invited. She says
16 otherwise. And so, again, just on her word and no other
17 corroborating evidence, I'd ask for that to be dismissed
18 as well even in the light most favorable to the State.

19 I think that covers all of them. I know they didn't
20 go forward on the trafficking crack cocaine, and I can
21 address that in the closing.

22 THE COURT: All right. As it relates to the motion
23 for a directed verdict on the possession of a weapon
24 during the commission of a violent crime charge, I think
25 the current state of the law is that a person has to

1 actually use the weapon in some affirmative way in order
2 to accomplish the crime. The possession of the weapon has
3 to further the crime. And in this case, there's been no
4 testimony that the weapon that Ms. Bonds testified to was
5 used as an implement to accomplish the rape or the
6 kidnapping. Do y'all want to speak to that?

7 MR. ANDREWS: Your Honor, I mean, Ms. Bonds clearly
8 identified the weapon. We would argue that that is enough
9 to get it past directed verdict. Certainly, just by
10 seeing the weapon, that's enough to say this guy brought a
11 gun in here. Obviously, he intends to use it to get what
12 he wants.

13 THE COURT: All right. I understand your position,
14 and before that recent case, the State's position would
15 probably be the accurate one. Again, law changed. The
16 firearm has to be used in some way to accomplish the crime
17 or further the crime, so I don't see where the Court has
18 any choice but to direct a verdict on the possession of a
19 weapon charge.

20 That does raise an interesting question, though. As
21 it relates to the burglary first charge, the Court has the
22 option of instructing the jury the burglary first can be
23 accomplished if the burglary takes place in the evening or
24 if a person is armed while committing the burglary. And
25 I'm trying to think through it in my mind. There is

1 evidence or there's testimony from the victim that he did
2 have a firearm in his possession. Assuming that the jury
3 believes that, would that be sufficient to support the
4 instruction to the jury that being armed while committing
5 a burglary is enough to kick it up to burglary first
6 degree? Typically, if asportation of a firearm from the
7 property could constitute being armed, I would think that
8 it would be an appropriate charge that burglary first
9 could arise out of being armed while entering a home.

10 MR. BLACK: I would agree with that, Judge. Because
11 I think if you look down at 16-11-311, which is the burg
12 first statute, under (A)(1)(c), there's a distinction
13 between (a), which is being armed with a deadly weapon or
14 explosive, and (c), uses or threaten the use of a deadly
15 weapon or instrument. And (a), (b), and (c), the pronoun
16 is "or." So I think that you -- I think we can assume
17 that the mere fact of him possessing a gun is being armed
18 for that purpose. (a) is just being armed, essentially
19 being in possession of a weapon, (c) is actually using,
20 and the statute clearly distinguishes between those two.

21 THE COURT: I would tend to agree with you,
22 Solicitor. Absent you have a different view or ---

23 MR. TAYLOR: I don't, Your Honor. But I guess it's
24 sort of -- it's hard to do it both ways if we're going to
25 direct the verdict, the charge itself of possessing a

1 firearm, but then they get to bring it up and use it in an
2 element of another crime is sort of -- I'm just having a
3 hard time sort of putting those together. I feel like it
4 should either be dismissed and not mentioned by them or --
5 I mean ---

6 THE COURT: My point is simple. If asportation of a
7 firearm -- let's assume that a single person breaks into
8 an unoccupied home and steals a .38, stuffs it into the
9 small of their back and walks out of the house. It's
10 never used to further the crime. It's the object of the
11 crime rather, the firearm is. That's enough to kick it up
12 to burglary first degree.

13 So even though we're faced with this kind of
14 illogical result, because the crime wasn't -- or because
15 the weapon wasn't used to further either the CSC or the
16 burglary or the kidnapping, clearly, the possession of a
17 weapon during the commission of a violent crime has to go
18 away, but at the same time, if the jury does believe that
19 he has a firearm or if they believe that the burglary
20 occurred at night and there was, in fact, a burglary, I
21 understand you can argue that there never was. But if he
22 was armed, even if no one knew he was armed during the
23 commission of a burglary, even if the jury believes he
24 was, in fact, armed, that makes it burglary first. So I
25 think I'm going to charge that as well.

1 MR. TAYLOR: If I could just, yes, sir, put one other
2 thing on the record.

3 THE COURT: Sure. Go ahead.

4 MR. TAYLOR: I respect your decision. I think the
5 other part, too, is displays. I think if you look at the
6 definition of displays, there's got to be an active, hey,
7 I'm showing it to you. It fell out. He never mentioned
8 it.

9 And then about the uses or threaten, I think in that
10 other scenario you used, I think that's using it. By
11 stealing it is using it.

12 So I don't want to go back and forth. I just want to
13 put on the record I understand, and I'll explain it to
14 Mr. Postell kind of the difference.

15 THE COURT: Very good. All right. That's going to
16 be the Court's ruling on that then.

17 And my clerk should have e-mailed you those
18 instructions. Y'all take a quick look at that, and
19 although I hate delaying the jury further, I want you all
20 to have a chance to look at those before we move forward.

21 (Pause in proceedings.)

22 MR. TAYLOR: Judge, I was talking to my client. You
23 denied my other directed verdict motions. Did I hear
24 that?

25 THE COURT: I did.

1 MR. TAYLOR: Okay. I just want to make sure I heard.

2 THE COURT: There is -- yes, sir. I should have
3 addressed that. But yeah.

4 MR. TAYLOR: No. I understand.

5 THE COURT: The CSC, the attempted murder, the
6 kidnapping, the lesser includeds that I'll be instructing
7 on, there is enough evidence. Even though it's
8 conflicting, there is sufficient evidence to warrant
9 submitting those charges to the jury in this case.

10 (Pause in proceedings.)

11 MR. TAYLOR: Judge, I was going to ask you, I know
12 what your ruling's going to be about the spoliation and
13 then a couple of -- do you want to maybe rest first and
14 then ---

15 THE COURT: No. Because my intention is to bring the
16 jury out. So we'll go ahead and go back on the record and
17 you can make that request.

18 MR. TAYLOR: Yes, sir. I've handed that up to the
19 Court, my request for spoliation charge. I mean, our
20 opinion is that some of the evidence was -- even though I
21 know it was purposely done so it wasn't lost or destroyed,
22 the money with the blood with it was given -- was
23 deposited, it's gone, and then I think a check was written
24 to my client's mom. I don't know. That's kind of the
25 point. We don't know what was -- I know blood was on

1 there. Would it have helped us? We don't know. That's
2 something we'd ask that you address with the jury, that
3 any evidence that was destroyed or lost, misplaced,
4 et cetera, that that could have been in our favor, and as
5 I set out in the spoliation request, Steve vs. Reeves.
6 And I know what your decision is, but wanted to put that
7 on the record and make sure that was covered.

8 THE COURT: Sure.

9 Mr. Andrews, you want to relay to me exactly what we
10 talked about in chambers?

11 MR. ANDREWS: Yes, sir, Your Honor. Our view was
12 that even in Reeves, while there was kind of a spoliation
13 charge to use in that case, the Court in Reeves in a
14 footnote notes that although we know a similar jury charge
15 was issued by the trial court in Youngblood, the propriety
16 of this charge under state evidence is not before the
17 Court. Here before an adverse inference charge based on
18 missing evidence sometimes referred to as a spoliation
19 charge has been limited to civil cases in South Carolina.

20 Our view is that you are not required to issue a
21 spoliation charge. We would also cite the State vs.
22 Cheeseboro, and that is 346 S.C. 526. And if I could just
23 beg the Court's indulgence briefly, Your Honor.

24 THE COURT: I am familiar with those cases.

25 I don't think that the money and the potential

1 presence of blood on the currency that was referenced, I
2 really don't see where that is terribly material in light
3 of the other evidence which has been presented, and I
4 don't feel like a spoliation charge would be appropriate
5 in light of the cases cited by the State and the
6 relatively collateral nature of the money issue in this
7 particular case.

8 Of course, the defense is absolutely free to argue
9 that issue to the jury, and I think will be arguing, of
10 course, failure of the State to test other items. And
11 should that give rise to a reasonable doubt in the minds
12 of the jury, then so be it, but I don't think that it's
13 appropriate under the circumstances and under these facts
14 to give that spoliation charge.

15 So I will, however, get that request to charge. It's
16 in the office in the back, I'll get it marked as
17 Court's 3, and it will be a part of the record precisely
18 what you did request of the Court, Mr. Taylor.

19 MR. TAYLOR: Thank you, Your Honor.

20 MR. ANDREWS: And we finished reviewing the charge,
21 Your Honor.

22 THE COURT: You're good?

23 MR. ANDREWS: Yes, sir.

24 THE COURT: All right. Defense is good with the
25 charge?

1 MR. TAYLOR: Yes, sir, Your Honor.

2 THE COURT: All right. In that case, again,
3 Mr. Black, you're going to close for the State?

4 MR. BLACK: Yes. I'll rest first, and then
5 Mr. Taylor will rest.

6 THE COURT: Rest first. Mr. Taylor, then you rest,
7 and we'll simply go into closing. And before we go into
8 closing, I'll explain that we've been talking about the
9 instructions for an hour and a half, and it's not like
10 we've been out here just fiddling our thumbs.

11 Let us have the jury, please.

12 (WHEREUPON, the jury entered the courtroom at 11:11 a.m.)

13 THE COURT: All right. The record will reflect that
14 the jury is back and seated.

15 Ladies and gentlemen of the jury, thank you for being
16 here this morning on time. We're now resuming with the
17 State vs. Mr. Postell.

18 Solicitor, any additional witness from the State?

19 MR. BLACK: No, sir, Your Honor. The State rests.

20 THE COURT: Mr. Taylor.

21 MR. TAYLOR: Your Honor, the defense rests.

22 THE COURT: All right. Ladies and gentlemen of the
23 jury, you've now received all the evidence that you're
24 going to have in order to judge this case.

25 And just so that you're aware, I want to let you know

1 that I have not been keeping you back there for the last
2 hour and a half because I'm sadistic or anything.
3 Legally, the law requires me to have a discussion with the
4 attorneys on the record about the proposed instructions
5 that I'm going to give to you, and those instructions,
6 we've been talking about them for the last hour and the
7 other charges that will be options in this case. So we've
8 been discussing that for the last hour and a half out
9 here, and that's why I've had to keep you back there,
10 because, quite honestly, I was expecting that perhaps
11 there would be additional evidence presented this morning.
12 Okay. So that's why I've been keeping you waiting.

13 At this point in time, the attorneys will give you
14 their closing statements. And I will let you know, ladies
15 and gentlemen, that it's customary for the lawyers to
16 refer to evidence, testimony during the course of their
17 closings. Of course, if they say something about the
18 testimony or if they say something about the evidence and
19 what they say differs from your recollection of the
20 testimony, always go with your recollection of the
21 testimony because you are, in fact, the judges of the
22 facts. Okay. For example, if they said yesterday the
23 weather was cold and wet and rainy but you recall it being
24 rather humid and sunny and hot, you should obviously go
25 with your recollection of what the weather was like as

1 opposed to what they say it was like.

2 The order that we'll proceed in is Mr. Black will go
3 first on behalf of the State to be followed by Mr. Taylor,
4 and then Mr. Black will have an opportunity to reply.

5 Mr. Black, you are recognized for your closing, sir.

6 MR. BLACK: Thank you, Your Honor. If it please the
7 Court.

8 THE COURT: Yes.

9 CLOSING ARGUMENTS

10 MR. BLACK: May the 5th, 2017, middle of the night,
11 Lori Bonds' life forever changed. She was at home in her
12 bed, went to sleep, took some Ambien that she usually
13 does, and the next thing that she knows, the defendant in
14 this case, Mr. Lawrence Postell, had broken into her
15 house, knocked the door in, come inside, grabbed crack
16 that was sitting on her kitchen counter, and was heading
17 her way to sexually assault her.

18 Ladies and gentlemen, you've heard the charges that
19 have been made against Mr. Postell, and I'm going to go
20 into the evidence that has been presented in testimony,
21 that has been presented. As the judge stated at the very
22 outset, we, as the State, have the burden to prove our
23 case beyond a reasonable doubt. And as you have heard,
24 the defendant is charged with numerous crimes, and we have
25 to prove each of those elements beyond a reasonable doubt.

1 And I told you at the outset that I wasn't going to get
2 into what the elements are and what the charges were. I
3 asked you to pay attention to the facts and I was going to
4 come back to this in closing.

5 So now is my opportunity to talk to you about what
6 the elements of the charge is. And You're going to hear
7 from me. I'm sure you're going to hear from Mr. Taylor.
8 You're also going to hear from Judge Addy when he reads
9 you the jury charge in a few moments. But I think it's
10 important that I go over what the charges are at this
11 particular moment so you can see for yourself what they
12 are.

13 Mr. Postell is charged with burglary in the first
14 degree. In Section 16-11-311, burglary in the first
15 degree is defined as a person is guilty of burglary in the
16 first degree if a person enters a dwelling without consent
17 and with the intent to commit a crime in the dwelling, and
18 either when affecting entry or while in the dwelling or in
19 immediate flight, he or another participant in the crime
20 is armed with a deadly weapon. You've heard testimony by
21 Ms. Bonds that Mr. Postell had in his possession a
22 firearm. Or causes physical injury to a person who is not
23 a participant in a crime, so the victim, somebody that's
24 not participating in a crime. Ms. Bonds is obviously not
25 participating in a crime. She's at her house, and there's

1 physical injury. We'll get back to that. But you've seen
2 this photograph, physical injury.

3 We've distinguished that (c) and (d) do not apply,
4 uses or threatens the use of a dangerous instrument.
5 There's been no testimony about that, so that element is
6 not considered. Also, the second one, displays what
7 appears to be a knife, pistol, revolver, shotgun, any kind
8 of weapon, that also does not apply.

9 But as you notice over here, the preposition is "or,"
10 so it's one of these. And finally, also below there's an
11 "or," the entering or remaining occurs during a nighttime
12 -- during the nighttime. So a person is guilty of
13 burglary in the first degree if the person enters a
14 dwelling, a place where somebody lives, without consent
15 and with the intent to commit a crime.

16 The crime of rape, the crime of robbery, even robbing
17 somebody of their drugs, even though it's illegal, that
18 can be considered a burglary.

19 Also, he's charged with -- I'll go with this one
20 next. He's charged with criminal sexual conduct in the
21 first degree. That's defined in Section 16-3-652. A
22 person is guilty of criminal sexual conduct in the first
23 degree if the actor engages in sexual battery with the
24 victim and if one or more of the following circumstances
25 are proven.

1 Well, first, what is sexual battery? The very next
2 statute -- or, actually, the statute above 652 is 651, and
3 it defines what sexual battery is. Sexual battery means
4 sexual intercourse, cunnilingus, fellatio, anal
5 intercourse or any intrusion, however slight, of any part
6 of a person's body or any object in the genital or anal
7 openings of another person's body except when such
8 intrusion is accomplished for medically recognized
9 treatment or diagnostic purposes. So there's an exception
10 for doctors, obviously. But any intrusion however slight
11 is sexual battery.

12 But we also have to prove one of these other factors,
13 and (a) fits right in. The actor uses aggravated force to
14 accomplish sexual battery. You saw the pictures of her
15 beat up. Or the victim submits to sexual battery by the
16 actor under circumstances when the victim is also the
17 victim of a forcible confinement, kidnapping, trafficking
18 in persons, robbery, extortion, burglary, which applies
19 here, housebreaking or any other similar offenses or acts.
20 And (c) doesn't apply. We've distinguished that. So (c)
21 is not applicable. But we just have to prove one of
22 these, and here, (a) and (b) both apply to the facts.

23 Now, you might also hear a charge, a lesser included
24 of criminal sexual conduct in the second degree, so I'm
25 just going to briefly go over that. Even though I'm

1 arguing that sexual conduct in the first degree occurred,
2 you're going to get a charge on this as well.

3 A person is guilty of criminal sexual conduct in the
4 second degree if the actor uses aggravated coercion to
5 accomplish the sexual battery. Remember, sexual battery
6 is any intrusion, however slight, to a person's body.

7 Aggravated coercion, there's a definition as well.
8 It means the actor threatens or uses the force and
9 violence of a high and aggravated nature to overcome the
10 victim or another person if the victim reasonably believes
11 that the actor has the present ability to carry out the
12 threat and threatens to retaliate in the future by
13 infliction of physical harm, kidnapping, extortion under
14 the circumstances of aggravation against the victim or any
15 other person.

16 Attempted murder, you're going to hear that it's
17 defined as a person who, with the intent to kill, attempts
18 to kill another person with malice aforethought. Either
19 expressed or implied, they committed the offense of
20 attempted murder. So the act of strangling her, beating
21 her up, holding her by her throat in front of the mirror,
22 saying to her, "Do you think I'm going to let you live?"
23 that's attempted murder.

24 Kidnapping is pretty standard. Whoever shall
25 unlawfully seize, confine, inveigle, decoy, kidnap, abduct

1 or carry away any other person by any means whatsoever
2 without the authority to do so except when a minor is
3 seized or taken by his parent. So there's an exception to
4 that. Kidnapping, it really is what it means. You take
5 somebody against their will. Pretty standard.

6 And you might hear some lesser includeds of attempted
7 murder, assault and battery. You might hear a definition
8 of assault and battery of a high and aggravated nature or
9 assault and battery in the first degree, even assault and
10 battery in the second degree. It's our position that
11 those aren't applicable in this case because what he told
12 Ms. Bonds when he broke into her house, grabbed her by the
13 neck, after beating her up, sexually assaulting her saying
14 to her, "Do you think I'm going to let you live?"

15 Now, folks, the standard of proof is we have to prove
16 our case beyond a reasonable doubt. And as I stated,
17 proof, what is proof? Proof is what comes up here, the
18 witnesses that testify, what they say on the witness stand
19 once they stand up here, put their hand on the Bible and
20 swear to tell the truth. It's their testimony. It's the
21 evidence that you have to judge what happened in this
22 case.

23 And you heard on Tuesday, we started Tuesday morning
24 -- or Tuesday morning we picked you guys as the jury, you
25 guys to be the judge of the facts. On Tuesday afternoon

1 we started the trial. And the first witness we called was
2 Ms. Bonds, who is sitting over here. Ms. Bonds was up
3 front with you and said I got into an assault, I got into
4 a situation with my ex-boyfriend, Quintavious Calhoun,
5 April the 24th. He was in the Abbeville Detention Center
6 for domestic violence and burglary when he punched through
7 my glass in my house, unlocked the door and came in and
8 assaulted me.

9 She stated that during this ten, 11 days while he was
10 in jail, she started to wonder do I really love him. They
11 started having conversations where he would call her from
12 the jail, he would talk to her, they have conversations
13 about what had gone bad in their relationship, what they
14 needed to fix. And on May the 4th, for whatever reason,
15 Ms. Bonds, after sorting through all this out in her head,
16 she decided I'm going to go back with Quintavious Calhoun.

17 So what does she do? She makes a mistake.
18 Quintavious Calhoun is a known drug dealer. Probably a
19 mistake. She'll tell you now she shouldn't have been with
20 that guy. Got some product out there, go get it, sell it
21 to whoever you can sell it to, and raise the money to bond
22 me out of jail.

23 So on May 4th, this conversation occurs. She goes
24 and gets the product, she starts making sales. She said
25 she makes a couple of sales, then goes home, takes her

1 Ambien and goes to bed.

2 And you're all from Abbeville. You know how Calhoun
3 Falls is. Calhoun Falls is a small town. Everybody knows
4 everybody. Abbeville, everybody knows everybody. That's
5 just how it is. So you can only imagine that the word got
6 out on the street in Calhoun Falls that Lori's got some
7 drugs, she's trying to raise the funds to get Quint out of
8 jail. Everybody knows. It's Calhoun Falls. Even
9 Mr. Postell said that in his statement to law enforcement.
10 I guess word had gotten out. He knew that word had gotten
11 out.

12 So what does Mr. Postell do? He takes advantage of
13 the opportunity. Ms. Bonds is selling these drugs. She
14 doesn't know what she's doing. He says that in his
15 statement, too. She's putting some bigger rocks on there,
16 selling it for cheaper. She ain't got a clue what she's
17 doing. She's not a drug dealer. She's trying to raise
18 money to get Quint out of jail.

19 So he takes advantage. I'm going to go get some
20 crack. Forces the door open. I don't know if he used his
21 foot, I don't know if he used his arm or his elbow or his
22 shoulder. I don't know how he did it, but he did it
23 because the striker plate that holds the door together is
24 in the middle of the floor in the house.

25 He makes his way inside. Number 9 is where Ms. Bonds

1 testified that she put the crack before she went to bed,
2 and officers say when they show up at the scene, there's
3 residue there. He grabs the crack, puts it in his pocket,
4 continues into her bedroom. At that point, Ms. Bonds
5 hears what's going on, gets up, sees Postell standing
6 there, sees Boogie Postell standing there. And he's
7 coming towards her, because Quint's not there to protect
8 her.

9 And what does she tell you happens after that? She
10 says she's wearing a shirt. She doesn't remember what
11 kind of shirt she's wearing. And the defense pointed that
12 out when she was up on the stand. You don't remember what
13 you were wearing. You don't remember what he was wearing.
14 That wasn't her concern at that point. She's not trying
15 to take a mental snapshot of everything that's going on.
16 She's trying to save her life.

17 So what happens? Ms. Bonds testifies that he comes
18 at her, grabs her by the hair, starts ripping her shirt
19 off, a black shirt that was collected into evidence right
20 at the front of the bed.

21 What do we have here? We have a shirt with blond
22 hair all over it, ripped to shreds from the back coming to
23 the front. This arm looks all right. Underneath the arm,
24 ripped down towards the thread down towards the bottom, at
25 the foot of her bed. Collected into evidence by Abbeville

1 County Sheriff's Department, collected at the foot of her
2 bed where she's saying that she was assaulted and her
3 shirt was ripped off of her.

4 She tried to get away, but you heard that he grabbed
5 her by the hair and yanked her hair. State's Number 29,
6 picture of her hair with blood all over it. She stated
7 that she felt like -- she felt her hair ripping. Pictures
8 that you'll have. I'm not going to show them. Clumps of
9 hair all throughout the house. Everybody's testified to
10 that.

11 She tried to escape through the closet, she stated,
12 because there's a lock inside and she can escape up
13 through the hatch. But Mr. Postell followed her in there.
14 She briefly got away and ran outside, tried to get in her
15 car, but he grabbed her by the hair and dragged her back
16 in, was her testimony. State's Number 3 is a picture of
17 her vehicle that was sitting out in front of her house.
18 In the close-up photos, there's blond hair about the door.

19 And I'll come back to this, but see what's in the
20 passenger's seat of that vehicle. It looks like some
21 items sitting in the seat there. Remember that. I'll
22 come back to that when we talk about Mr. Postell's
23 statement, his first statement.

24 She stated that as he's continually beating her in
25 the face, he bit her throughout her body, and there's

1 vicious bite marks on her back, on her shoulder. I mean,
2 those are clearly bite marks. As you heard Investigator
3 Hines say: I've got a 5-year-old. I've got an
4 8-month-old. He was biting me last night. We all know
5 how that feels. They're indistinguishable. You
6 absolutely know what it is.

7 Another photo of her bite marks taken at the
8 hospital.

9 And whose DNA is from the bite marks? Whose DNA
10 comes back from it?

11 After some time, Ms. Bonds eventually escapes
12 somehow, someday after Mr. Postell is choking her and he's
13 strangling her as he's telling her how I'm going to kill
14 you. Do you think I'm going to let you walk out of here?

15 She gets away, and where does she go? She goes to a
16 neighbor's house. And you heard Amy Battaglia, who lives
17 adjacent to her, testified that she heard something that
18 she at first thought it was her two kids kind of horsing
19 around. We all know those types of people. She was about
20 to swing the door open and say, "Cut it out. It's the
21 middle of the night." But she heard something. "Help me.
22 I've been raped."

23 Amy lives right here (indicating), somewhat adjacent
24 to Ms. Bonds. Ms. Bonds stated she went over here
25 (indicating) to this area. Nobody came to the door. She

1 eventually made her way over here (indicating), beating on
2 the door, screaming for help. Amy looks out her window
3 and sees Lori Bonds completely naked sitting on the couch
4 on her front porch. And you could hear maybe from -- it
5 was difficult to hear the 9-1-1 call. And if you want to
6 listen to it again, you're more than welcome to. I'm not
7 going to play it. But it's a very hushed voice calling
8 9-1-1 saying, "There's a woman completely naked on my
9 front porch, beat to hell. Get out here. Please, help
10 me, claiming that she's been raped."

11 So what, of course, EMS, law enforcement show up, and
12 they began the investigation. You heard Brittany Gambrell
13 who testified yesterday, the female officer was one of the
14 first ones to arrive on the scene as well as John Mundy.
15 You saw Mr. Mundy's -- you saw his video camera, his body
16 cam that he has. If you want to watch that again, you're
17 more than welcome to. I'm not going to play it. You've
18 already seen it. But they go in the house, clearing the
19 house looking for Mr. Postell. They see the striker plate
20 on the floor in the middle of the house. They see hair
21 everywhere. So they tape it off, call the crime scene and
22 wait for the investigators to show up.

23 But meanwhile, Brittany Gambrell is tending to
24 Ms. Bonds. She didn't go down to the crime scene. She
25 was tending to her. They clothed her, they put a shirt on

1 her, they got her in the back of an ambulance and they
2 went straight to the Abbeville Medical Center where
3 doctors and nurses began to do the rape kit.

4 They took additional photographs. 118 was taken at
5 the hospital. You can still see fresh blood that's
6 pouring from her face at the hospital. 119 was taken
7 by Deputy Gambrell on the scene. You see the fresh blood.
8 And it's a little bit difficult to see with this glare
9 right here, but you'll have these photographs back there.

10 Fresh blood, what does that tell us? This assault
11 had just occurred. It's not something that had happened
12 12 hours beforehand. Fresh bleeding, fresh blood, the
13 assault had just occurred.

14 She gets to the hospital. As I stated, the doctors
15 and the nurses start their sexual assault kit. As you
16 heard the doctor speaking yesterday, he said that it was
17 one of the most traumatic things that he's seen. He's
18 been an ER doctor for 11 years. He's traveled pretty
19 extensively. Very traumatic.

20 When I told him that this event had occurred a year
21 and four months ago, he was surprised. He said it seemed
22 like it was just a couple months ago. And he's an ER
23 doctor. The crazy stuff those guys see day in and day
24 out, specifically remembers her in this case.

25 They drew blood as part of the rape kit. They drew

1 it for the hospital as well. And what was important about
2 that? Amphetamines, negative; cocaine, negative. We'll
3 get back to that a little bit later.

4 Law enforcement stayed with her at the hospital.
5 They ultimately determine they had to stitch up her nose,
6 but they determined that she had a fracture on her nose.
7 She was beat so hard that her nose was fractured during
8 the course of this assault.

9 He did examine her vaginal area, as you heard him
10 testify. There were no lacerations, but he testified that
11 the vagina is considered a very elastic part of the body,
12 and it's very rare that you have -- that you have any kind
13 of lacerations or contusions or any kind of damage,
14 especially for somebody that's sexually active. So he
15 didn't even expect to find anything. But he took the
16 swabs, turned it over to law enforcement, and it got sent
17 down to SLED.

18 Back at the crime scene, officers continued to do
19 their investigation. But before we get into that,
20 Anquetta Wideman, I don't know if y'all remember her, she
21 was a very short witness. She testified on Tuesday. She
22 lives right here (indicating). And she's the
23 African-American lady. She works at McCormick
24 Correctional Facility. That's her job. She's employed at
25 SCDC. She lives here. I think she testified that she has

1 lived in this house for about 11 years. And she knew this
2 residence by Lori Bonds' father. And I can't remember his
3 name off the top of my head, but that's how she referred
4 to him in this particular residence as her dad's house.

5 She testified that she heard a knock on the door at
6 some point during that night. I think they went and
7 checked. They didn't see anything, so they went back to
8 bed. And the next morning at 7 a.m., she's getting ready
9 to go to the Jockey Lot. What does she see? She sees
10 Lawrence Boogie Postell coming around the corner, dirty,
11 bloody white shirt, looking all disheveled. She goes and
12 confronts him and says, "What is going on?"

13 What does he say? He said -- he told Mr. Andrews, "I
14 messed up." And when Mr. Taylor was asking her about it,
15 she said that he said "messed up" means the F word, done
16 f'd up. That's what he told Anquetta Wideman-Thomas
17 7 a.m. the next morning. Does he live in any of these
18 houses over here (indicating)?

19 As I stated, the crime scene showed up. They were
20 continuing to work at the house to collect evidence, do
21 the best they could while folks at the hospital were
22 attending to Ms. Bonds. There's a nice sketch that's done
23 outlaying everything that was collected. Car's here.
24 Number 3 is the hair that you saw. 4 and 5 are the blood
25 spots. 8, remember, is the striker plate. There's more

1 hair over here (indicating). 9 was the crack residue over
2 here (indicating). Lots of stuff in the closet.
3 Obviously, stuff on the bed thrown about the bed. 11,
4 shirt that was ripped off of Ms. Bonds. Underneath the
5 bed is underwear. And the reddish pant -- or the reddish
6 pants that she said that she was trying to get on when
7 Mr. Bonds -- or when Mr. Postell entered into her house,
8 the underwear that she was wearing.

9 And when Mr. Taylor talked to Verona Herrera, you
10 know, the serologist, the one that studies the blood,
11 saliva, semen, he's asking her why didn't you test that.
12 Well, she never put those panties back on, so there's
13 really no point.

14 Eventually, Ms. Bonds got away. You heard testimony
15 about Item Number 2, this umbrella that was collected on
16 the scene, which is the umbrella right here. She stated
17 she eventually grabbed that. It was in the closet. Kind
18 of jabbed Mr. Postell and ran out the front door and left,
19 went to Amy's house. Y'all have this as well.

20 Eventually, Investigator Hines, who was, I guess, the
21 lead detective on this case, it was a group effort, he
22 showed up. He got a call in the middle of the night,
23 showed up, went to the crime scene. Went to the hospital
24 to talk to Ms. Bonds. In the meantime, he was talking to
25 Brittany Gambrell. He asked Brittany to get two

1 statements -- and you're going to have those with you --
2 two statements that were given, one at 5:15. She was in
3 no condition to write. You heard testimony about that.
4 Another one at 7:05. Still in no condition to write. The
5 statements are similar.

6 You heard that she was hyperventilating, having
7 difficulty talking because she'd been choked. She's
8 reliving this traumatic experience. She's doing the best
9 that she can, but these statements aren't any different.
10 You'll have a chance to read those. I'm not going to read
11 them now. But she does identify Mr. Postell.

12 Investigator Hines, like I stated, he showed up on
13 the scene. They begin collecting the evidence. At that
14 point, Mr. Hines -- Investigator Hines went back to the
15 Sheriff's Office, and he did a photo lineup. State's
16 Number 12 is this photo lineup, and you'll have this back
17 there with you as well.

18 She showed it -- he showed this photo lineup to
19 Ms. Bonds at the hospital at 10:55 in the morning.
20 Ms. Bonds immediately circled Lawrence Postell, identified
21 him as Boogie Postell, initialed it and said, That's the
22 guy that did it. He's the one that beat me up. He's the
23 one that broke into my house. He's the one who raped me
24 and held me against my will. No if, and, or buts about
25 it. That's him.

1 At that point, they get an arrest warrant, they go to
2 Calhoun Falls to a known address where Mr. Postell lives.
3 No one's home. There's a house very close behind the
4 other house where they're at. They see two individuals.

5 You heard Investigator Hines and Investigator
6 Partain. What did Mr. Partain say? He said he went up to
7 him, started talking to him, asked them for their ID. One
8 of the guys didn't give him his ID. He thought it may
9 have been Mr. Postell, but he wasn't sure. He had a
10 black-and-white photo, and that's all he had to go on.
11 But he did remember seeing maybe like a tattoo on his
12 neck.

13 He says, "What's your name, sir?"

14 He tells him Clarence Tucker. Clarence Tucker? This
15 man tells Investigator Partain, "My name's Clarence
16 Tucker. My name's Clarence Tucker. My name's Clarence
17 Tucker."

18 So Investigator Hines is not sure -- Investigator
19 Partain's not sure, so he calls Investigator Hines --
20 Investigator Hines over who confirmed that that's not
21 Clarence Tucker. That's Lawrence Postell.

22 At that point, they place him under arrest, use a
23 search warrant to go inside of his house. And in the
24 hallway folded in towels in a closet above the freezer
25 they find a white T-shirt, State's 125, a bloody white

1 T-shirt.

2 In Ms. Bonds' statement, she says he had on a bloody
3 white T-shirt. So they say, "Hey, this might be something
4 that's useful. Let's collect this and let's send it off
5 to SLED, and let's let SLED test it."

6 SLED took that white T-shirt, and as you heard, there
7 was blood all over the white T-shirt, so they cut it in
8 several different spots. And as you heard yesterday, if
9 you look at Item 6.3, which is a cutting from the rear
10 upper left of the white T-shirt collected from the
11 suspect's house, the DNA profile is a mixture of at least
12 two individuals. The partial DNA profile of the major
13 contributor matches the profile of Barbara Bonds. The
14 probability of randomly selecting an unrelated individual
15 having a DNA profile matching the major contributor to
16 this mixture is 1 in 900 septillion, which is apparently
17 15 zeros. And apparently, if you test a random individual
18 every second for 31,000 years, you still have to keep
19 going. And that was found in his house in the hallway
20 above the freezer in some towels in a little closet.

21 You heard Dr. Kellett testify. I've already
22 mentioned him. He treated Ms. Bonds at the hospital. The
23 one thing that he did note that I found interesting, and
24 obviously, these are the pictures that are taken a couple
25 days after the fact, that she has -- that she's stitched

1 up on her nose and bruising around her eyes. Obviously,
2 she had bruising about her arm where he beat her.

3 But Dr. Kellett says on State's Number 8, he said
4 that he doesn't remember seeing any bruising behind her
5 ears. No bruising behind her ears. But he did say that
6 the act of choking someone causes that. As the pressure
7 points are put there, I guess the blood vessels pop. But
8 he says it takes, you know, hours to days before this
9 eventually showed up. Now, this picture was taken five
10 days after the fact. He didn't see this when he showed
11 up, but it's there indicating that she, indeed, had been
12 strangled and choked. And remember, he distinctly
13 remembers Ms. Bonds and attending to her.

14 You also heard testimony about the drug screen that
15 was done at the hospital, but you also heard about the
16 drug screen that was done from the rape kit. And this is
17 important because, obviously, this says sample blood from
18 toxicology labeled Barbara Bonds, sent down as part of the
19 rape kit to SLED to be tested. And they did a panel of a
20 bunch of drugs. And guess what? Amphetamines? Negative.
21 I'm not going to pronounce the next three, but cocaine
22 metabolite? Negative.

23 And when was that blood drawn? Blood was drawn at
24 6:30 a.m. And when Mr. Andrews asked Toxicologist Kevin
25 Selinsky if a person had been smoking crack, how long

1 would you expect it to be in their system? 12 hours. Why
2 is that important? Why is that important?

3 (WHEREUPON, a portion of State's Exhibit Number 124, a
4 video, was played in open court.)

5 Steady hitting back and forth, back and forth, back
6 and forth. Cocaine metabolite, negative.

7 And we'll stay on Mr. Postell's statement now that
8 we've already broached the subject. He's in the middle of
9 his first story. And if you want to go back and watch
10 this, you're more than welcome to. There's a couple spots
11 that are just important.

12 He ends his first statement about the 12 minute mark,
13 and at the 12 minutes to 19 minutes, you remember
14 Investigator Hines, he explained the evidence that they
15 had. Remember that? I'm not going to play that because
16 Investigator Hines basically says, "Hey, we've got all
17 this stuff. Your DNA is going to be on it."

18 (WHEREUPON, a portion of State's Exhibit Number 124, a
19 video, was played in open court.)

20 My life done fucked up. Not my words. His words
21 after Investigator Hines tells him, hey, man, we've got
22 all this. And, by the way, in your first statement, you
23 failed to mention that you beat the hell out of Lori Bonds
24 and you raped her. We've got all this other stuff. Comes
25 to this realization.

1 And then I let the video play for a minute. I think
2 this is important.

3 (WHEREUPON, a portion of State's Exhibit Number 124, a
4 video, was played in open court.)

5 They're about to let him go and have his Black like
6 they promised him. And what's he doing? Sitting there
7 with his head down trying to come up with some other story
8 that makes some kind of sense. Look at him just sitting
9 there pondering, playing, trying to figure out what can I
10 say to make this seem -- I'm not going to play the whole
11 time. It goes on for a couple minutes. They obviously go
12 out there, have -- smoke a Black, come back in. He starts
13 his second story at this point, trying to make it a little
14 more believable.

15 (WHEREUPON, a portion of State's Exhibit Number 124, a
16 video, was played in open court.)

17 Steady smoking back and forth, chunked a big piece on
18 there, we start smoking again. That's in the second
19 story. But as we know, cocaine metabolite, negative.

20 She already had her clothes off? I don't think
21 Ms. Bonds wears a shirt like this ripped down the front
22 and ripped down the side.

23 Folks, I'm about to sit down. You've heard the
24 testimony, you've seen the evidence. We have to prove our
25 case beyond a reasonable doubt. You have to be firmly

1 convinced. It's not all doubt. It's not beyond every
2 doubt. It's not beyond a shadow of a doubt. It's beyond
3 a reasonable doubt. That wasn't consensual, this wasn't
4 consensual, this wasn't consensual. The bite marks,
5 that's not consensual. This is not consensual.

6 Boogie Postell on May the 5th knew that Lori had some
7 crack, knew that she was trying to raise the funds to get
8 her boyfriend out of jail. Lawrence Postell knew about it
9 because Calhoun Falls is a small town and everybody knows
10 everybody and word spreads quick. Quint wasn't there to
11 protect her, so he saw an opportunity to break into her
12 house, bust her door open, go inside, grab the crack that
13 was on the countertop, proceed to follow her in the
14 bedroom and get some because Quint wasn't there to protect
15 her. Nobody was there to protect her.

16 And he repeatedly beat her, he tried to force his
17 penis inside of her vagina, he put it inside of her mouth
18 forcing her to do that, ripping her hair out when she
19 wouldn't comply. The evidence shows it, the testimony
20 shows it, corroborates everything.

21 We have to prove our case beyond a reasonable doubt.
22 And I'm sorry for harping on this, but as I told you in
23 the beginning, this case is important for us, but it's
24 important for them as well, and I feel like I need to tell
25 you everything.

1 You will have an opportunity -- if you want to listen
2 to his first story in full, you can do that. If you want
3 to listen to his second story in full, if you want to
4 listen to the whole thing, you're more than welcome to do
5 that. But I played the parts that I feel are important.

6 You guys get to judge the believability and the
7 credibility of the witnesses. Lori Bonds wasn't doing
8 what she was supposed to be doing. She wasn't supposed to
9 be selling crack to try to raise her boyfriend that beat
10 her up to get out of jail. That's not what she was
11 supposed to be doing. But everything she testified to is
12 corroborated by the physical evidence, everything you saw,
13 everything you've seen and everything you're going to have
14 back there.

15 Folks, at the beginning of this trial, I asked you
16 and I told you, I said the most important thing you've got
17 with you when you walk in every day is your common sense,
18 your life experience. And I ask you to use your common
19 sense while you're deliberating on this case, and I'm
20 asking you to still use your common sense when you
21 evaluate what you heard up there and what you got from all
22 this stuff. And at the close of the case, we're going to
23 ask you to find him guilty of all the charges that he's
24 been charged with, because that's what he did. That's
25 what he did to that lady on May the 5th.

1 Thank you.

2 THE COURT: Gentlemen let me see all of you over here
3 just real quick just as a housekeeping matter.

4 (WHEREUPON, a bench conference was held off the record.)

5 THE COURT: Mr. Taylor, sorry to interrupt your train
6 of thought. If you need a moment to collect your
7 thoughts ---

8 MR. TAYLOR: That's okay. Thank you, Your Honor.
9 May it please the Court.

10 THE COURT: Go right ahead, sir. You're acknowledged
11 for your closing, sir.

12 MR. TAYLOR: Thank you.

13 I know y'all are tired. It's been a long week. It's
14 now noon. It's lunchtime. So I might be going on. This
15 will be much quicker than the State.

16 A lot of -- I don't know if you heard one of the last
17 things he says. There's a lot of stuff here. A lot of it
18 is stuff. A lot of it, how many witnesses said the same
19 things over and over and over, repeated the same things
20 over and over? And nothing -- it's just to say stuff, it
21 seems like. It's just stuff. So we're going to come back
22 to that later, but I did want to tell you a lot of this is
23 just a pile of stuff that doesn't really prove anything.

24 Let's talk a little bit about Ms. Bonds, who she is
25 before we get into anything else. Ms. Bonds has admitted

1 to being a drug dealer to bond out a guy who beat her up,
2 broke into her house, and then she was going to sell these
3 drugs to help him. So we all agree on that. Nobody's
4 denying that. The State said it happened, she said it
5 happened.

6 You also heard me ask her about her numerous felony
7 convictions. So she's a dishonest person. She's got a
8 bunch of financial crimes where she's defrauded people,
9 stolen from people, and she's been convicted of it. So
10 right off the bat, you know, I talked about it in my
11 opening about a red flag. When I hear someone's
12 background like that, so someone is a drug dealer, hanging
13 out with people like this, dating people like Mr. Calhoun
14 and then has all these felony convictions for dishonesty,
15 it makes me think I'm not sure if I want to believe
16 everything she says.

17 Now, I understand as a human being y'all saw her on
18 the stand. She started crying, and those pictures are
19 bad. And there's nobody, Mr. Postell included, that has
20 said he wasn't there, and he never said he didn't beat her
21 up, period. So I'm not going to insult your intelligence
22 and try to say, "Oh, it was somebody else," or "Oh, he
23 didn't really beat her. That's not true. She fell down
24 the stairs," or whatever. He assaulted her, and he beat
25 her up. All right. And that's all he did.

1 So back to Ms. Bonds. So she's a drug dealer, and
2 she's trying to get her boyfriend out of jail. When
3 you're a drug dealer, you're having to deal with several
4 -- many different people coming in and out of the house.
5 She admitted she had been driving around earlier in the
6 night. Mr. Postell, in his statement, said, "She picked
7 me up and brought me to the house."

8 Do you remember how I asked law enforcement why
9 didn't you do like fingerprints or try to find DNA or
10 something in the car? He said he was in the car.

11 And they said, "Oh, it was just too long ago. It was
12 a couple days. We didn't do it." What about better safe
13 than sorry? What if you found DNA that helps Mr. Postell?
14 That's not -- that's a red flag. Oh, well, it was just a
15 couple days. It's not a big deal. That's a huge problem
16 for them.

17 That's the thing about Mr. Black. I used to work
18 with Mr. Black. He's a great guy, he's a good attorney,
19 but they come in here and just act like it's oh so simple.
20 I mean, Ms. Bonds was crying and got beaten up, so
21 therefore, everything she said is true.

22 So that brings me to my next point. The officers
23 show up and they find a woman who, let's be honest, had
24 the crap beat out of her, right? And at that point,
25 everything she says we're going to believe. I got raped.

1 They broke into my house. He kidnapped me. To be honest
2 with you, human nature, I would, too, at that point. I
3 mean, goodness gracious. She's terrified.

4 But why would she lie about that? That's probably
5 your next -- if what you're saying is true, why would she
6 lie about it? She's selling drugs in the house. So she
7 gets beaten up. She's got to have a reason. So when they
8 come in there and ask what was he doing here, he broke in
9 my house and raped me and kidnapped me. No he didn't.
10 That was -- he was in there. He never broke in her house.
11 She was selling drugs to him. They got in a big argument.
12 She was -- this was a business transaction, a business
13 transaction gone wrong. All right. It's about sex and
14 drugs. Didn't work out. And you know what? He went
15 overboard and beat her up really bad.

16 So, again, I'm going to come back to that in the end
17 because you're going to be surprised, I think, that -- in
18 the elements that you will be given by the judge about how
19 bad she was beaten. It looked way worse than it was. She
20 got out the same day. Think about cutting your head. You
21 bleed like crazy. She got out the same day. I mean, so,
22 yeah, it looked bad and she was scared.

23 But, again, when you're humiliated and ashamed that
24 you're selling drugs at your house for your deadbeat
25 boyfriend who beat you up and you realize I'm about to be

1 charged with selling drugs or trafficking crack cocaine,
2 you've got to get real creative and you are, I'm sure,
3 very scared.

4 Speaking of which, guess who was charged with
5 trafficking cocaine. My client. Why would he be charged
6 with trafficking crack cocaine? There's almost 10 grams
7 of crack in this lady's house that she's admitted she was
8 selling, and they charged him. Now, they didn't go
9 forward in this case, but why would they do that? Again,
10 because at the time, everything Ms. Bonds said is true.
11 She's terrified and got beaten up. So, hey, he brought
12 drugs in my house. Remember, they fell out of his pocket.
13 Remember that lie she told, it fell out of his pocket?
14 Well, they're going to believe it because she looks so
15 scared. It fits right in with the story.

16 And by the way, remember how I asked the officer when
17 is she going to be charged? She'll never be charged. We
18 know. Let's not kid ourselves. So she's going to get off
19 Scott free for selling drugs in our community and hurting
20 people and only because she got beaten up. So let's be
21 real about that, too. We all know what's going on here.

22 Her story that I put in, and I'm not going to make
23 you read them now, the two things I put in were her two
24 statements that the officer wrote for her. And she got up
25 here and then gave a third version.

1 Now, I used to do their job, and it's actually pretty
2 good when people change the little details of their story
3 because it means they're not, you know, trying to lie and
4 people coach them and all that. Because think about it.
5 If I asked you something what'd you do two days ago, it
6 would be hard to tell. However, there's a lot of major
7 things that are -- remember, I talked about red flag. He
8 glossed it over and said, "Oh, she was scared. I wouldn't
9 remember the shirt." She couldn't even remember what
10 shirt she was wearing. She said, "I saw him come in the
11 house and saw him and yelled at him, 'Get out of my
12 house.'"

13 I mean, I remember what happens. I mean, I would. I
14 don't know about y'all. And then came in here and then
15 had originally said white shirt, and then yesterday it was
16 striped shirt. I think that's a big deal. And that
17 doesn't mean that Mr. Postell wasn't there. I'm not
18 getting at that. In other words, what else, other major
19 things is she missing out on here?

20 She said, "I hit him with the umbrella and ran out."
21 Why was the umbrella in the yard? I never got an
22 explanation for that. So she beat him up and then ran out
23 with the umbrella and then threw it in her yard? My point
24 is, there's a lot of details here that y'all may say
25 that's not that big of a deal. I think it is, because if

1 someone can't get all this stuff straightened out, what
2 else? Are they lying or just they don't remember?

3 The gun charge, I mean, that's not even going to be
4 heard by you today. So you remember that, too. The
5 gun -- the magical gun that nobody else found, that's
6 another red flag. Oh, I saw it in her [sic] pants. And
7 then the first time she told anybody, didn't tell law
8 enforcement this, was, oh, that was the same gun Quinton
9 Calhoun, my boyfriend who beat me up, had. Why would she
10 randomly bring that? It's to continue this lie and
11 bolster this whole story about how she's this victim.
12 She's a drug dealer and selling herself and then get
13 beaten up, which, again, is not good. But now my guy's on
14 the line looking at tons of prison time for something that
15 she, in my opinion, has caused.

16 The drugs were in the closet, too, by the way. You
17 remember how she said they fell on the floor out of his
18 pocket? They were in the closet. So that was either a
19 lie or she just didn't know.

20 Let's go ahead and move forward to later in the day.
21 So she's at the hospital. And, again, I know -- I respect
22 doctors. That's why they were in as expert witnesses. We
23 all agree they go to a lot of school and they know what
24 they're talking about. He said it looked really bad, it
25 was terrible. It shocked him, and she looked horrible.

1 She got out the same day.

2 And you're going to see in the jury instructions to
3 you -- now, my client is charged with attempted murder.
4 All right. So -- and he, again, admitted to beating her
5 up. He would have, if the State would have let him, pled
6 to assault and battery, and we'd be on our way. But
7 that's their choice, and I'm not picking on them. That's
8 their prerogative on how to handle a case.

9 He's not guilty of attempted murder. And you're
10 going to see the lesser included offense is assault and
11 battery of a high and aggravated nature. That means she
12 has great bodily injury. I know she looked bad. Again,
13 I'm not trying to sugarcoat this. She's bruised and a cut
14 on her nose. It's not great bodily injury.

15 And then the next level is burglary first degree and
16 on down all the way down to burglary second degree which
17 talks about moderate bodily injury. And you're going to
18 get the definition, so I'm not going to go on and on about
19 it. But it's going to say someone who had a lot of
20 bruising, cuts, and it was a moderate injury. And that
21 fits exactly into what happened to Ms. Bonds. Regardless
22 of what else you think about this case or if he -- you
23 know, whatever else, other crimes he's accused of, it's
24 not attempted murder. It's not.

25 You know, they like to gloss over all this untested

1 evidence. He's talking about the underwear that wasn't
2 tested. And that was really the only thing I got a good
3 explanation on why it wasn't tested. The scientist said
4 why they didn't. I get it, and I'm not even going to talk
5 about it anymore.

6 But you remember Deputy Hines said, "Well, I mean, we
7 went through and told them what to test. I mean, we
8 picked out what we thought was the most important." How
9 did they know? How would they know what was more
10 important? Why wouldn't they test everything? I don't
11 understand that. And to me, it either means that was --
12 and, again, I'm not saying on Deputy Hines in particular,
13 whoever, SLED, the State, because they're in charge, but
14 my client had no access to this. He can't call and say,
15 "Hey, can I have half of the things that y'all got
16 evidence from me that could be really important to your
17 case? I'd like to test those." I mean, they've got
18 control over it at that point. So I think that's a huge
19 red flag.

20 Why wouldn't they test it? They'd be better safe
21 than sorry. Here's why. Back to the original thing. You
22 remember how when they got to saying to Ms. Bonds anything
23 she said they were going to believe? They put blinders on
24 at that point. Well, heck, she's beaten up real bad and
25 she looks scared. We're running with it, baby.

1 Hey, you remember -- and I don't know the guy's name.
2 He was in the video. He didn't testify. You remember how
3 he said, "Hey, if the DNA comes back against you, you're
4 done, man. But if it comes back in your favor, you're
5 good"? I mean, the DNA that came back against him was the
6 assaulting and biting part. It wasn't anything to do with
7 the sex crime.

8 You remember the DNA from the vaginal swab?
9 Negative. You remember the other one on the bed, you
10 remember where the deputy who testified there was a wet
11 spot where he pulled that's so fresh? It was some
12 unidentified male. Somebody else. It wasn't Lawrence
13 Postell. Didn't say we don't know who it is. It just
14 said "unidentified male, not Lawrence Postell." That's a
15 huge red flag. I think that's a major problem that
16 they're just sort of glossing over because, again, when
17 you have this narrow story with the blinders on because he
18 beat her up and everything else must be true, that doesn't
19 fit in at all. That's -- that's a major problem, I think,
20 for them.

21 I asked them -- I don't know if you noticed. I asked
22 all of them about the weather, and I didn't really get a
23 good answer. I think one of them admitted in their report
24 that it says rain, or it had been or it was wet on the
25 ground. I mean, it said rainy conditions in his report,

1 he admitted. There was never any footprints outside. I
2 didn't hear anything about, you know, finding a footprint,
3 which isn't their fault. You know, again, it just depends
4 on where they step. But if it's muddy outside and wet and
5 Mr. Postell broke in this house and kicked the door in --
6 and I know they're now trying to twist it. They're
7 saying, well, I don't know if he rammed the door or
8 whatever. They said "kicked" like ten different times.
9 I'm very sure of that. There was no foot impression on
10 the door. There was no mud on the door.

11 And I want to point something out to you, another red
12 flag. You remember there was already damage on the door?
13 You remember back to Quinton Calhoun. He was in jail. I
14 know he didn't -- he wasn't here this night, but the door
15 was already damaged. Remember, she said that. It was
16 like boxed up and had -- was already -- had been damaged
17 at some point.

18 My point is, that's real convenient, the striker
19 plate. Did he kick in the door and she had moved out for
20 a week and just -- I don't know. We never got that nailed
21 down. It was just -- here's the point. Her word against
22 his on the rape, the kidnap and the burglary. And if a
23 man's life is on the line over just someone's word against
24 the other, that's reasonable doubt.

25 So red flag's a reasonable doubt, and you're going to

1 get the judge's definition that would -- is what will make
2 a reasonable man or woman hesitate to act. So I want you
3 to put yourselves in his shoes and think if I was on
4 trial, I would want everything tested, I would want them
5 to go through every -- jump through every hoop possible
6 because their life's on the line.

7 You know, back to the DNA that was tested and it was
8 an unidentified male. Why wouldn't they ever try to
9 figure out who that was? Because that's not convenient.
10 That's not part of the story. The blinder's on. It's
11 100 percent Lawrence Postell. He did this. It doesn't
12 matter that there's an unidentified male. They've had
13 this for over a year. This case happened back in May of
14 2017. Why would we not get that tested and find out who
15 it is? And even if they said, hey, we checked it, a bunch
16 of other men, well, at least they can say they tried. I
17 didn't hear anything about that either.

18 And just something that Mr. Black said. You know,
19 obviously, we disagree on how we view this case with our
20 roles. So that makes sense.

21 I don't know if y'all remember the scientist that
22 tested the blood about whether Ms. Bonds had done drugs or
23 not. You remember, that was a key part of Mr. Postell's
24 story about how he was smoking drugs. I asked him
25 point-blank two or three times, the last question, so

1 you're saying it could be six hours or so, give or take,
2 less or more, and it could be out of the system. And he
3 said yes. So he said 12 earlier. And I'm not -- I know
4 -- I liked him. I know he didn't mean it like that, but
5 he said six. I asked very specifically. There was no
6 doubt about that.

7 Mr. Postell and Ms. Bonds both, in their statements,
8 say that there was a fight. So obviously, Ms. Bonds lost
9 the fight. She got beat up really bad. But in a fight,
10 there's going to be injuries to Mr. Postell. You remember
11 she said, "I scratched him." There was stuff under the
12 fingernails that actually came back negative to any DNA.

13 I never saw a picture of Mr. Postell. I never saw
14 any kind of marks on him. Because his story is, hey, I
15 was there, and she started yelling, hitting me and biting.
16 He even said she bit him one time and then he bit her
17 back. And that's why -- because that sounds like an
18 animal. I'll be -- I confronted him. Why would you do
19 that? He said, "She bit me first, and I was on drugs and
20 had been drinking and it got out of control." But that's
21 way different than breaking into a woman's house, raping
22 her, kidnapping her, beating her up and then stealing
23 stuff from her. That's a huge jump.

24 And that's the great thing is y'all get to decide.
25 So I can stand up here for ten hours, red in the face, and

1 he can get up here and bring more evidence, and it's still
2 not up to us.

3 And I'm almost done.

4 All right. The evidence that they have that just
5 hammers him on the assault -- and again, assault and
6 battery second degree because it's moderate bodily injury
7 is all the DNA. And, again, I've done their job before.
8 That was the biggest dog and pony show, wasn't it? Like
9 four different witnesses and we laid it out on the floor.
10 He did it. He beat her.

11 He did that one crime, the assault and battery second
12 degree. He beat her up and bit her. We already know
13 that. I don't understand why we had to do this whole
14 thing and put on this big show. And then they didn't talk
15 about the DNA. It doesn't help them on the sex crime. It
16 doesn't help. There's no DNA for the actual kidnap or
17 burglary, which I don't think really would have applied
18 anyway. But the point being is that was really easy to
19 gloss over and talk about just the one good case they
20 have. Well, that's the one that Mr. Postell admitted to.

21 They mentioned about him having the shirt hidden in
22 the house, and they also mentioned he gave a fake
23 statement. So if you've just beaten up a woman in Calhoun
24 Falls and you know -- he knew they were going to come find
25 him for the assault, you've got serious problems. And he

1 lied, and he did. There's no doubt. So I'm not going to
2 try to insult your intelligence and say that didn't happen
3 either. It did. But that was mentioned by the State as
4 if he did everything. So they talked about he said I f'd
5 up, right? Y'all heard that, too.

6 Kidnapping, I beat her up real bad, it went
7 overboard. Right? That doesn't mean I committed
8 kidnapping. I committed a burglary first degree, which is
9 one of the most serious crimes out there, rape, which is
10 CSC. Tried to kill her. That's a huge difference than,
11 hey, I messed up.

12 Also, he did cooperate. He gave a statement. He
13 could have said, "Hey, I want an attorney. Go pound sand.
14 I'm not talking to you." He didn't. He talked to them
15 for a while. And those guys, I know -- I don't know one
16 of them. Those are nice guys. Those guys weren't like
17 lying to him and trying to like scream at him or anything.
18 So he did it freely and voluntarily.

19 He also gave the mouth swab. Remember that, how that
20 was -- I know it was real simple. They swabbed his mouth
21 and sent it off. He could have told them no on that and
22 made them go jump through all these hoops and come in here
23 with a lawyer and fight about it. Why would he do that?
24 Because he knew he didn't rape her. He knew he didn't
25 kidnap her. He knew he didn't break into her house. He

1 beat her up, which is still wrong, and I'm not going to
2 tell you that it is not, period.

3 So we just had a two and a half day trial where if he
4 would have pled guilty to assault, we would have been
5 done. But I understand why we're here, and y'all do, too.
6 It's very serious.

7 So think about those red flags. Think about
8 Ms. Bonds, what motive would she have for lying, because
9 trafficking in crack cocaine is a super serious offense,
10 or distribution of crack cocaine. She would have gotten
11 -- been in a lot of trouble and need to have a story to
12 cover it.

13 And then on the flip side, too, I asked her the
14 question about your boyfriend wouldn't like the fact that
15 you're in the house having sex with somebody else, would
16 you? And she's -- you know, sort of didn't really know
17 what to say. The point being, that's just another reason
18 to lie. She doesn't want Quentin Calhoun, who she's
19 trying to bond out, to come out and then beat her up or
20 break into her house again because she's sleeping with
21 some guy in the house. Got to have a story for it. And
22 that was -- that's a great -- hey, it was a perfect story.
23 Again, it just took up two and a half days of our time.
24 It had everybody in here taking up your busy schedule, and
25 all it should have been was just a plea to assault and

1 battery second degree.

2 So that's what I'm asking you to find him guilty of.
3 I don't think he's guilty of the other things. You've got
4 too many red flags, too many things that would cause you
5 to hesitate.

6 And, again, when you start thinking about the poor
7 lady crying here and how bad she was beaten up and look at
8 the pictures, and I know y'all are going to be looking at
9 each other and say, "God, this is bad." Remember now what
10 I told you about why would she make this story up, and why
11 would Mr. Postell's story make sense. The one thing he
12 admitted lines up with the DNA evidence. That's it.
13 Nothing else adds up. So think about that. That's very
14 important. Her story doesn't add up with the DNA except
15 for the assault part.

16 All right. So I appreciate y'all's time.

17 The last thing that I failed -- we hadn't really
18 talked about it much. There was also marijuana in the
19 house as well that came back positive that was found in
20 the closet. So that's just another element. You've got
21 two drugs in the house, and I think that's important. And
22 you've got a big task ahead of you.

23 Thank y'all for your time. I genuinely mean that. I
24 know how hard this is. And I hope y'all have a good rest,
25 and we're looking forward to getting the verdict back.

1 Guilty on assault and battery second degree, not guilty on
2 everything else.

3 Thank you.

4 THE COURT: Thank you, Mr. Taylor.

5 Mr. Black, you're recognized for your reply.

6 MR. BLACK: Yes, Your Honor. Thank you. May it
7 please the Court.

8 THE COURT: Yes, sir.

9 MR. BLACK: Mr. Taylor talked about red flags. These
10 are the red flags. We're comparing stories, red flag.
11 Red flag: there for a business transaction, yet the door
12 is broken, the striker plate is on the floor, and where
13 the crack was on the countertop, it's in the closet, not
14 where Ms. Bonds left it.

15 If we're talking about red flags, Mr. Postell's
16 statement is -- first statement, mind you, first statement
17 is that he was picked up by Ms. Bonds about midnight and
18 they went back to his place. So he was picked up, and
19 then they went back home, and Ms. Bonds decided that I'm
20 just going to break the door in at my house? That doesn't
21 make any sense. Picked up Mr. Postell, and the stuff
22 that's on my seat, I'm going to remove that, allow
23 Mr. Postell to get in the seat, and then when he gets out
24 of the car, I'll remember to throw it back in the front
25 seat where Mr. Postell, according to his statement, was

1 sitting when they went back to her place. Does that make
2 any sense? Those are red flags concerning his version
3 that he told law enforcement in his statements.

4 Mr. Taylor said that it was a lie that the drugs fell
5 out of his pocket, and our theory the entire time is he
6 went into that house, grabbed the drugs that were on the
7 countertop that was testified to, that there was residue
8 on that plate where the drugs were where Ms. Bonds said
9 that she put them, then went in -- proceeded to go inside
10 of her bedroom, assault her, pull her hair out, rip her
11 shirt off of her body, pull her panties off and try to
12 rape her. Then when she tried to get away in the closet,
13 that he followed her in there, was pulling his pants down,
14 and that's when the drugs fell out of his pocket.

15 How did the drugs get from here to in the closet? No
16 other explanation.

17 Mr. Taylor mentioned that her statement again is just
18 inconsistent. We go from a white T-shirt to a striped
19 T-shirt. And, again, I've already explained that, folks.
20 She's trying to save her life at this point. What she
21 wrote that day, that's the most -- that's the freshest
22 thing she's got on her memory. So when she writes that at
23 5 and 7 a.m., I mean, think about it. We're a year and
24 four months removed from that incident. And I'm sure
25 she's trying to suppress those memories. Nobody wants to

1 relive that. She's not trying to remember that every day
2 of her life.

3 So she gets up here and testifies, oh, I think it was
4 a striped shirt. The white shirt, obviously, is what he's
5 wearing because her DNA, her blood's all over it, and it's
6 in his house. And she told law enforcement that that day.
7 So she's not lying. She's not changing her story. She's
8 trying to suppress these memories.

9 Mr. Taylor said something that I thought was pretty
10 interesting. He said this is something that she has
11 caused, and he said that exactly. I wrote this down.
12 This is something that she has caused. I mean, maybe.
13 I'm not condoning selling drugs. I mean, I'm a
14 prosecutor. That's one of the crimes I prosecute. That's
15 not good. And I'm sure she's not proud of what she's
16 done. She didn't deserve this.

17 One other point -- or a couple other points that I
18 think are important. Mr. Taylor said that the evidence is
19 in the custody of the State. And that's true. The
20 evidence is stored over there at the Abbeville County Law
21 Enforcement Center in their evidence locker. But I will
22 say this, and Mr. Taylor will agree with me. In cases,
23 and a lot of times in like DUI cases, if you have a blood
24 sample, there is independent testing that can be done. So
25 I just wanted to throw that out there because that's --

1 it's not something that's uncommon.

2 I want to talk about the unidentified male that's
3 from Item 10.1, and you heard testimony about that. These
4 are the bed sheets. We didn't get these out, but these
5 were tested, Item 10.1. And there was an unidentified
6 male's DNA on the bed sheets, and we're not denying that.
7 We're not trying to hide from that at all. It's obviously
8 not Mr. Postell because they had his DNA and they ran it,
9 they tested it and it's not him.

10 They didn't have Quintavious Calhoun's DNA, so they
11 did not test him. But Ms. Bonds testified that we were
12 intimate in our -- in the bedroom. And he had just been
13 arrested on the 24th. May -- or April the 24th to May the
14 5th is about ten, 11 days. I mean, everybody changes
15 their sheets differently. Some people like fresh sheets
16 every week, some people change them every two weeks, some
17 people change them every month. You would expect to find
18 Quintavious Calhoun, her partner, her boyfriend, because
19 they were intimate in her bedroom. That's something that,
20 quite frankly, we expect.

21 Mr. Taylor also said a -- he said a phrase that I
22 thought was kind of interesting. He basically said it's
23 his word against her word, Mr. Postell's word versus
24 Ms. Bonds' word. And in theory, while that sounds -- you
25 know, that sounds good, it sounds valid, his word versus

1 her word, in reality, this is not a he said/she said,
2 because in reality, there was physical evidence that was
3 collected. There was the white T-shirt that had her DNA
4 on it. There was the bite mark that has his -- it's DNA.
5 That's undisputed.

6 There was, from the vaginal swab, a component of
7 semen, p30, that was positive. Granted, no spermatozoa
8 was identified and it was forwarded to DNA and they did
9 not get a profile, but there was a component, that p30
10 component was talked about. That was present, and I can't
11 sit here and say that was him for sure. I can't do that
12 because we don't have a DNA profile. But there was a
13 component of that, and it's in the report. It's in 145.
14 You can look at that.

15 And you heard SLED testify that after seven days,
16 they don't test rape kits because they expect it to go
17 away. Her story the whole time is Lawrence Postell broke
18 into my house, physically assaulted me and sexually
19 assaulted me. And the results, the physical evidence, the
20 vaginal swab, there is a component of semen in her vagina.
21 Undisputed. She is assaulted physically. That is
22 undisputed. She has bite marks all over her body. She's
23 beat. She got the crap beat out of her, Mr. Taylor said.
24 She stated her shirt was ripped off of her. Well, guess
25 what? This is the shirt that was right in front of her

1 bed, and this wasn't done with scissors.

2 And the door, the striker plate is in the middle of
3 the floor and the door is broken in, but they want to say
4 that she's lying, that this is some just elaborate story.
5 Come on now. Common sense, folks. Common sense.

6 And if it is, if you don't -- if you want to
7 disregard all this, that's fine. If it's his word against
8 her word, well, guess what both of his stories are? We're
9 steady smoking crack, smoking crack, smoking crack. And
10 guess what? They weren't. She was not smoking crack.
11 Her blood results drawn at 6:30 in the morning, she was
12 not smoking crack. And Kevin Selinsky said, sure, I guess
13 it could be six hours, but he said 12. I would expect it
14 to be in there for at least 12 hours. Refer to your notes
15 if you need to.

16 It is his word against her word, and it's also the
17 physical evidence. And I'm asking you to use your common
18 sense to evaluate everything and find him guilty of all
19 these charges, because he is guilty of all these charges.

20 Thank you.

21 THE COURT: Thank you, Mr. Black.

22 Ladies and gentlemen of the jury, what I'm going to
23 do, there was one revision that I needed to make to the
24 instructions, and because you're going to have these back
25 for your deliberations, I want to make sure that they're

1 completely accurate. So we'll take a quick five-minute
2 break.

3 I'll let you know that the clerk has ordered some
4 pizza for you. It should be, cross our fingers, knock on
5 wood, here around 1:00.

6 Don't begin your deliberations yet, okay? Don't
7 start discussing the case yet. She's going to print off
8 these instructions. We'll take five minutes, and then we
9 will resume, okay?

10 So, again, adjourn to the back for just five minutes,
11 make yourselves comfortable, and you'll have this case
12 soon. All right. Don't talk about the case.

13 (WHEREUPON, the jury exits the courtroom at 12:33 p.m.,
14 and a recess is taken.)

15 (WHEREUPON, the jury entered the courtroom at 12:45 p.m.)

16 CHARGE ON THE LAW

17 THE COURT: All right. We'll go back on the record.

18 Ladies and gentlemen, it now becomes my obligation to
19 instruct you on the law that applies, and I will tell you
20 that the way that this has traditionally been done in the
21 past when I first started practicing law 25 years ago, the
22 way that pretty much every judge would do this instruction
23 is that they would basically read to you from, essentially
24 in this case, 28 pages of applicable law taken from the
25 law books that are stuck there in that cabinet. And the

1 jury was supposed to sit there and get it all on the first
2 reading, and you were supposed to learn in 15 to
3 20 minutes what took me three years to learn in law
4 school. Okay. I think this tradition arose, actually,
5 because at the time our country was founded, most people
6 really were functionally illiterate, and most people could
7 not read. Obviously, that is not the case any longer,
8 thankfully, and you folks can read.

9 So what I'm telling you, long story short, ladies and
10 gentlemen, is that you'll have a copy of these
11 instructions that you can refer to during the course of
12 your deliberations if you need to. All right.

13 Please, of course, follow the instructions as a
14 whole. Don't pay attention to simply some portion of the
15 instructions to the detriment of some other part of the
16 instructions, and, of course, return these instructions to
17 me when you're done with your deliberations.

18 If you have any questions about the law that applies
19 in this particular case, just write me a note. Let me
20 know what it is that you're struggling with, and I'll try
21 and help you. Okay. I don't think you necessarily will
22 have any problem with the law, but if you do, just send
23 out a note and I'll try and assist you.

24 However, if you have any question about the facts or
25 any question about evidence that hasn't been introduced

1 into the record, understand I'm probably not going to be
2 able to help you because, at this point in time, the
3 record is closed. It's not possible to reopen the record
4 and call any additional witnesses or offer any additional
5 testimony. So factual questions I may not be able to help
6 you with, but legal questions or questions about the law I
7 can.

8 Now, ladies and gentlemen, again, the indictments in
9 this case charge the defendant, Mr. Postell, with the
10 offenses of burglary, attempted murder, criminal sexual
11 conduct and kidnapping. I'll tell you that the fact,
12 again, that Mr. Postell was arrested, charged and indicted
13 is not evidence and cannot be considered by you as
14 evidence of guilt, nor do these indictments create any
15 presumption or inference of guilt. Again, these are
16 merely the documents by which the formal charges are
17 brought into this court, the formal charges made against
18 the defendant and the means by which a case is brought to
19 court.

20 Now, each indictment in this case alleges several
21 different offenses. Again, each indictment charges a
22 separate and distinct offense, and you have to decide each
23 indictment separately on the evidence and the law
24 applicable to it uninfluenced by your decision as to any
25 other indictment. The defendant may be convicted or

1 acquitted on any or all of the charges. You'll be asked
2 to write a separate verdict of guilty or not guilty for
3 each separate charge.

4 In this case, ladies and gentlemen, the defendant has
5 pled not guilty to these indictments, and that plea puts
6 the burden on the State to prove his guilt. I instruct
7 you that a person charged with committing a crime in South
8 Carolina is never required to prove himself innocent.
9 It's an important rule of law that the defendant in a
10 criminal trial, no matter what the seriousness of the
11 charge may be, will always be presumed to be innocent of
12 the crime for which the indictments were issued unless
13 guilt has been proven by evidence satisfying you of his
14 guilt beyond a reasonable doubt.

15 Ladies and gentlemen, this presumption of innocence
16 does not end when you begin your deliberations, rather it
17 accompanies the defendant throughout the trial until you
18 reach a verdict of guilt based on evidence satisfying you
19 of his guilt beyond a reasonable doubt.

20 The presumption of innocence is often described as
21 being like a robe of righteousness. It's placed about the
22 shoulders of the defendant and remains with him until it's
23 been stripped from him by evidence satisfying you of his
24 guilt beyond a reasonable doubt. Understand that the
25 presumption of innocence is not merely a legal theory,

1 it's not just a legal phrase. It's a substantial right to
2 which every person is entitled unless you the jury are
3 satisfied from the evidence of his guilt beyond a
4 reasonable doubt.

5 Well, what is a reasonable doubt in the law? A
6 reasonable doubt is the kind of doubt that would cause a
7 reasonable person to hesitate to act. The State has the
8 burden of proving the defendant's guilt beyond a
9 reasonable doubt. And some of you may have served as
10 jurors in civil cases where you were told that it's only
11 necessary to prove that a fact is more likely true than
12 not true such as by the greater weight or the
13 preponderance of the evidence. In criminal cases, the
14 State's proof must be more powerful than that. It must be
15 proof beyond a reasonable doubt.

16 Proof beyond a reasonable doubt is proof that leaves
17 you firmly convinced of the defendant's guilt. Now, there
18 are very few things that we know in this world with
19 absolute certainty, and in criminal cases, the law does
20 not require proof that overcomes every possible doubt.
21 If, based on your consideration of the evidence, you're
22 firmly convinced that the defendant is guilty of the
23 crimes charged, you should find him guilty. If, on the
24 other hand, you think there's a real possibility that the
25 defendant is not guilty, you should give him the benefit

1 of the doubt and find him not guilty.

2 Now, again, I remind you that during this trial, you
3 and I have certain duties to perform. As the trial judge,
4 it's my responsibility to preside over the trial of this
5 case. I also have the duty to rule on the admissibility
6 of the evidence offered during the trial.

7 Understand that you are to consider only the
8 competent evidence before you, so the testimony that was
9 ordered stricken from the record, you have to disregard
10 that testimony because you're to consider only the
11 testimony which has been presented from the witness stand,
12 any exhibits which have been made a part of the record in
13 this case, and the stipulations of counsel, which I've
14 already read into the record.

15 I also have the duty to charge the law, and as the
16 judge, I'm the sole judge of the law. Understand that
17 it's your duty to accept and apply the law as I state it
18 to you, so if you already have any idea as to what the law
19 is or what the law should be and it doesn't agree with
20 what I now tell you the law is, you have to abandon that
21 idea because you're sworn to accept and apply the law as I
22 state it to you now.

23 Again, you are the sole and exclusive judges of the
24 facts in this case. Under the law, a trial judge cannot
25 intimate, state, comment on or make any statement to a

1 trial jury about the facts of the case. Since you are the
2 sole judges of the facts, you're not to infer from what
3 I've said during the progress of this trial in ruling upon
4 the admissibility of evidence or otherwise or anything
5 that I say to you now during the course of these
6 instructions that I have any opinion about the facts.
7 Ladies and gentlemen, the law does not permit me to have
8 any opinion about the facts. This is a matter solely for
9 you to determine, and as jurors, it's your duty to
10 determine the effect, value, weight and truth of the
11 evidence presented.

12 Now, typically, there are two types of evidence
13 presented during a trial: direct evidence and
14 circumstantial evidence. Direct evidence directly proves
15 the existence of a fact and does not require deduction
16 such as testimony by an eyewitness. It's evidence which
17 immediately establishes the main fact to be proven.

18 Circumstantial evidence is proof of a chain of facts
19 and circumstances which indicate the existence of a fact.

20 I instruct you that crimes may be proven by
21 circumstantial evidence, and the law makes no distinction
22 between the weight or value to be given to either direct
23 or circumstantial evidence. However, to the extent the
24 State relies on circumstantial evidence, all the
25 circumstances must be consistent with each other, and when

1 taken together, point conclusively to the guilt of the
2 accused beyond a reasonable doubt. If the circumstances
3 merely portray the defendant's behavior as suspicious,
4 then the proof has failed. The State has the burden of
5 proving the defendant's guilt beyond a reasonable doubt,
6 and this burden rests with the State regardless of whether
7 the State relies on direct evidence, circumstantial
8 evidence or some combination of the two.

9 Now, necessarily, ladies and gentlemen, in this case,
10 you must determine the credibility of witnesses who have
11 testified, and you are the sole judges of the credibility
12 in this case. Again, credibility simply means
13 believability. It becomes your duty as jurors to analyze
14 and to evaluate the evidence and determine which evidence
15 convinces you of its truth.

16 In determining the believability of witnesses who
17 have testified, you can believe one witness over several
18 witnesses, or several witnesses over one witness. You may
19 believe a part of the testimony of a witness and reject
20 the remaining part of the testimony of that same witness.
21 You may believe the testimony of a witness in its entirety
22 or reject it in its entirety. You may consider whether
23 any witness has exhibited to you any interest, bias,
24 prejudice or other motive in this case, and you may also
25 consider the appearance and manner of a witness while they

1 are on the witness stand.

2 Now, ladies and gentlemen, I instruct you that an
3 individual who has a past criminal record is competent to
4 testify during a trial. Any past record does not affect
5 the ability of that witness to testify. The past record
6 may only be considered by you, if at all, in determining
7 the witness's believability. Remember, you're the sole
8 judges of the facts in this case and of the believability
9 of any and all of the witnesses who have testified.

10 Now, in this case, ladies and gentlemen, there has
11 been evidence presented that witnesses may have made prior
12 statements which are not consistent with the witness'
13 present testimony. You may use this evidence to decide
14 whether to believe the witness, and you can also use it --
15 you can also use evidence of the earlier contradictory
16 statements to determine the truth of those statements.
17 It's up to you to decide whether to believe the earlier
18 statements or the testimony given at trial.

19 I instruct you that if a witness is shown to have
20 knowingly testified untruthfully concerning any material
21 matter, you may consider this in determining whether to
22 trust the witness' testimony as to other matters. You may
23 reject all testimony of that witness or give all or part
24 of the testimony the weight you think it deserves.

25 Now, ladies and gentlemen, I instruct you and

1 emphasize that the fact that the defendant in this case
2 did not testify is not a factor to be considered by you in
3 any way during your deliberations and in your
4 consideration on the question of the guilt or the
5 innocence of the defendant. It must not be considered by
6 you in any manner whatsoever. A defendant has the
7 constitutional right to remain silent, and the assertion
8 of this right must not be considered by you in your
9 deliberations. I repeat, under your oath, you are to draw
10 no conclusion whatsoever from the fact the defendant in
11 this case did not testify. The fact that he did not
12 testify should not even be discussed in the jury room. As
13 I've said to you before, the burden of proof is on the
14 State. The defendant's not required to prove his
15 innocence. The burden of proof remains on the State to
16 prove guilt beyond a reasonable doubt.

17 Now, as I explained briefly yesterday, ladies and
18 gentlemen, normally, the rules of evidence do not permit
19 witnesses to testify as to opinions or conclusions, but an
20 exception to this rule exists for expert witnesses. A
21 witness who, by education and experience has become an
22 expert in some art, science, profession or calling, may
23 state an opinion as to relevant and material matters in
24 which the witness claims to be an expert and then may also
25 state the reasoning for their opinion. You should

1 consider any expert opinion received in evidence in this
2 case, and like any other evidence, give it the weight you
3 think it deserves.

4 If you decide that the opinion of an expert witness
5 is not based on sufficient education and/or experience, or
6 if you conclude that the reasons given in support of their
7 opinion are not sound or that the opinion is outweighed by
8 other evidence, you may disregard the opinion entirely.

9 An expert witness' testimony is to be given no greater
10 weight than that of any other witness simply because the
11 witness is an expert. Further, you're not required to
12 accept an expert's opinion even though it's not
13 contradicted.

14 Now, in this case, ladies and gentlemen, the first
15 charge that we're going to address is the offense of
16 burglary. The defendant is charged with burglary, so the
17 State must first prove beyond a reasonable doubt that the
18 defendant entered a dwelling without consent. Under the
19 law, a dwelling is defined as any building or portion of a
20 building in which a person ordinarily sleeps. A building
21 constructed as a dwelling that has never been occupied or
22 habitated cannot be considered a dwelling for purposes of
23 burglary, but a building is a dwelling even if the
24 residents are temporarily absent from that building.

25 In order to prove that the defendant entered the

1 dwelling, the State does not have to show that the
2 defendant's entire body entered it. The smallest entry is
3 sufficient. It could be any part of the body such as a
4 hand or foot or even an instrument such as a hook or other
5 instrument. In addition, the State doesn't have to prove
6 that force was used to gain entry.

7 Next, the State must prove beyond a reasonable doubt
8 that the defendant intended to commit a crime, either a
9 felony or a misdemeanor, at the time of the entry. The
10 mere entry into a dwelling without consent is not
11 burglary. If the intent to commit a crime is formed after
12 the entry, it's not burglary. On the other hand, if the
13 defendant intended to commit a crime at the time of the
14 entry, it is a burglary even if the intent was abandoned
15 after the entry. It does not matter that the intended
16 crime was not completed. Intent may be shown by acts and
17 conduct of the defendant and any other circumstances from
18 which you may naturally and reasonably infer intent.

19 Finally, the State must prove beyond a reasonable
20 doubt one of three things. First, the State must prove
21 that when entering, while in the dwelling or when fleeing,
22 the defendant or an accomplice was armed with a deadly
23 weapon or explosive. A deadly weapon is any article,
24 instrument or substance which is likely to cause death or
25 great bodily harm.

1 Whether an instrument has been used as a weapon
2 depends on the facts and circumstance of every case. The
3 following are just examples of instruments which the law
4 recognizes as a deadly weapon: a pistol, shotgun, rifle,
5 dirk, dagger, knife, slingshot, metal knuckles, razor,
6 firebomb, Molotov cocktail, lighter fluid. I instruct you
7 that gun can be a deadly weapon even if it's not operable.

8 Or the defendant entered or remained in the dwelling
9 in the nighttime. Nighttime is defined as the period
10 between sunset and sunrise during which there's not enough
11 daylight to recognize a person's face except by artificial
12 light or moonlight.

13 Or, third, when entering, while in the dwelling or
14 when fleeing, the defendant or an accomplice caused
15 physical injury to anyone not participating in the crime.

16 Next, ladies and gentlemen, the defendant is charged
17 with criminal sexual conduct first degree. The first
18 element which the State must prove beyond a reasonable
19 doubt is the defendant engaged in a sexual battery with
20 the victim. A sexual battery is defined as sexual
21 intercourse, cunnilingus, fellatio, anal intercourse or
22 any intrusion, however slight, into any part of a person's
23 body or of any object into the genital or anal openings of
24 another person's body.

25 If you find the State has not shown beyond a

1 reasonable doubt that a sexual battery occurred,
2 understand that you would stop deliberating as it relates
3 to this charge and your verdict would have to be not
4 guilty.

5 If you do find that a sexual battery occurred, you
6 must then decide whether the State has proven beyond a
7 reasonable doubt that the defendant used aggravated force
8 to accomplish the sexual battery.

9 "Aggravated force" means the use of physical force or
10 physical violence of a high and aggravated nature to
11 overcome the victim. This includes the threat of using a
12 deadly weapon. The State must also prove that the victim
13 submitted to sexual battery while the victim was also the
14 victim of forcible confinement, kidnapping, robbery,
15 extortion, burglary, housebreaking or any other similar
16 act or offense.

17 Now, if you find that the State has failed to prove
18 beyond a reasonable doubt that the defendant is guilty of
19 first-degree sexual conduct, you may then consider whether
20 the State has proven that the defendant is guilty of
21 second-degree criminal conduct. Second-degree criminal
22 sexual conduct contains all the elements of first-degree
23 criminal sexual conduct except the circumstances of
24 aggravation. Instead, the State must prove beyond a
25 reasonable doubt that the defendant used aggravated

1 coercion to accomplish the sexual battery.

2 In order to prove second-degree criminal sexual
3 conduct, the State must first prove beyond a reasonable
4 doubt the defendant engaged in a sexual battery with the
5 victim. And, again, sexual battery is defined exactly the
6 same way as it is in the charge of criminal sexual conduct
7 in the first degree.

8 If you find that a sexual battery did occur, you must
9 then decide whether the State has proven beyond a
10 reasonable doubt the defendant used aggravated coercion to
11 accomplish the sexual battery.

12 "Aggravated coercion" means the defendant threatened
13 to use force or violence of a high and aggravated nature
14 to overcome the victim or any other person or another
15 person if the victim reasonably believed the defendant had
16 the present ability to carry out the threat.

17 Aggravated coercion may also exist if the defendant
18 threatened to retaliate in the future by the infliction of
19 physical harm, kidnapping, extortion or under
20 circumstances of aggravation against the victim or any
21 other person.

22 Now, in this case, ladies and gentlemen, the
23 defendant has raised the defense that the victim
24 voluntarily consented to the sexual intercourse. The
25 defendant does not have to prove that the victim

1 consented. Instead, the State must prove beyond a
2 reasonable doubt that the victim did not consent. If you
3 find that the victim consented to the sexual intercourse,
4 you must find the defendant not guilty as it relates to
5 those charges concerning criminal sexual conduct.

6 Ladies and gentlemen, the defendant is also charged
7 with attempted murder. In order to prove this crime, the
8 State must prove the defendant attempted to kill another
9 person with malice aforethought either expressed or
10 implied. The State must prove beyond a reasonable doubt
11 that the defendant had the specific intent to kill a
12 person. A specific intent to kill is necessary to convict
13 the defendant for attempted murder.

14 "Intent" means intending the result which actually
15 occurs, not accidentally or involuntarily. Intent may be
16 shown by acts and conduct of the defendant and other
17 circumstances from which you may naturally and reasonably
18 infer intent. Intent may be inferred when it is
19 demonstrated that the defendant voluntarily and willfully
20 commits an act, the natural tendency of which is to
21 destroy another's life.

22 Now, if you find that the State has failed to prove
23 the charge of attempted murder, you may consider whether
24 the State has proven the defendant is guilty of the lesser
25 offense of assault and battery of a high and aggravated

1 nature. A person commits the offense of assault and
2 battery of a high and aggravated nature if the person
3 unlawfully injures another person and great bodily injury
4 to another person results, or the act is accomplished by
5 means likely to produce death or great bodily injury.

6 "Great bodily injury" means bodily injury which
7 causes a substantial risk of death or which causes serious
8 permanent disfigurement or protracted loss or impairment
9 of the function of a body member or organ.

10 Now, if you find that the State has failed to prove
11 the charge of assault and battery high and aggravated
12 nature, you may consider whether the State has proven the
13 defendant's guilty of assault and battery first degree.
14 Under the law, a person commits the offense of assault and
15 battery in the first degree if the person unlawfully
16 injures another person and the act either involves
17 nonconsensual touching of the private parts of an adult,
18 either under or above clothing with lewd and lascivious
19 intent, or occurred during the commission of a robbery,
20 burglary, kidnapping or theft.

21 I instruct you, ladies and gentlemen, that "private
22 parts" is defined under the law as the genital area or
23 buttocks of a male or female or the breasts of a female.

24 Additionally, a person may also commit the offense of
25 assault and battery in the first degree if the person

1 unlawfully offers or attempts to injure another person
2 with the present ability to do so, and the act either is
3 accomplished by means likely to produce death or great
4 bodily injury, or occurred during the commission of a
5 robbery, burglary, kidnapping or theft.

6 "Great bodily injury" means bodily injury which
7 causes a substantial risk of death or which causes serious
8 permanent disfigurement or protracted loss or impairment
9 of the function of a body member or organ.

10 Now, ladies and gentlemen, if you find that the
11 State's failed to prove the charge of assault and battery
12 first degree, you may consider whether the State has
13 proven the defendant guilty of assault and battery in the
14 second degree. A person commits the offense of assault
15 and battery in the second degree if the person unlawfully
16 injures another person or offers or attempts to injure
17 another person with the present ability to do so and
18 either moderate bodily injury to another person results,
19 or moderate bodily injury to another person could have
20 resulted, or the act involves the nonconsensual touching
21 of the private parts of an adult either under or above
22 clothing.

23 "Moderate bodily injury" means physical injury that
24 involves prolonged loss of consciousness or that causes
25 temporary or moderate disfigurement, or temporary loss of

1 the function of a bodily member or organ, or injury that
2 requires medical treatment when the treatment requires the
3 use of regional or general anesthesia, or injury that
4 results in a fracture or dislocation.

5 Moderate bodily injury does not include one-time
6 treatment and subsequent observation of scratches, cuts,
7 abrasions, bruises, burns, splinters or any other minor
8 injuries that do not ordinarily require extensive medical
9 care.

10 Again, "private parts" means the genital area or
11 buttocks of a male or a female or the breasts of a female.

12 Finally, ladies and gentlemen, the defendant is
13 charged with the offense of kidnapping. The State must
14 prove -- to prove kidnapping, the State must prove beyond
15 a reasonable doubt that the defendant knowingly and
16 unlawfully seized, confined, inveigled, decoyed,
17 kidnapped, abducted or carried away another person without
18 authority of law. To do a thing unlawfully is to, of
19 course, do it willfully against the law.

20 "Knowingly" means knowledge consciously and not
21 accidentally.

22 "Seize" means to take hold suddenly -- to take hold
23 of suddenly or forcibly.

24 "Confinement" means to limit, restrict or enclose
25 within bounds, imprison, or shut or keep in.

1 "Inveigle" is defined as to lure, entice, lead astray
2 by false representations, promises or other deceitful
3 means.

4 "Decoy" means to lure by or as if by a decoy. And,
5 of course, a decoy is something to entice a person into a
6 trap.

7 "Kidnap" is to remove a person against his will by
8 unlawful force or by fraud.

9 "Abduct" means to carry away -- or sorry -- to carry
10 off secretly or by force for any legal purpose.

11 "Carry away" means to remove.

12 Now, the State does not have to prove that the
13 defendant did all of those things. Instead, if you find
14 beyond a reasonable doubt that the defendant did any of
15 these things, you may find the defendant guilty of
16 kidnapping.

17 Again, something done without authority of law is
18 something which the law does not sanction, permit, allow,
19 condone or provide justification for, and I instruct you
20 that any kidnapping where the kidnapping does not have to
21 be for any personal or monetary gain or any illegal
22 purpose, but may be for any reason whatsoever.

23 Now, ladies and gentlemen, there are several possible
24 verdicts in this case. And, Madam Forelady, I've written
25 them out on this verdict form to kind of help you guide

1 your deliberations and make this about as simple as I can
2 for you during your deliberations. Okay. And I'm going
3 to review this with you, although I'm sure you can read
4 and you can probably figure this out. I'm going to go
5 over it with you because the law makes me.

6 All right. The first statement here on the verdict
7 form says, "We the jury in the above-captioned case on the
8 charge of burglary unanimously find Lawrence Postell," and
9 then you have two mutually exclusive options: either not
10 guilty or guilty. Okay. If you find the State has met
11 its burden of proving the offense of burglary beyond a
12 reasonable doubt and all 12 of you agree, then you would
13 initial next to "guilty" and then proceed to the second
14 statement or the second question. If you find the State's
15 failed to meet its burden beyond a reasonable doubt, proof
16 beyond a reasonable doubt and all 12 of you agree, then
17 you would initial "not guilty" and go to Number 2.

18 Okay. Number 2 asks exactly the same question about
19 the offense of criminal sexual conduct first degree. If
20 all 12 of you agree that the State has met their burden of
21 proving his guilt beyond a reasonable doubt, initial
22 "guilty," and go down to Question Number 3. If, however,
23 you find that the State has not met its burden of proving
24 guilt beyond a reasonable doubt on CSC first degree, you
25 would initial "not guilty" and proceed to the second

1 statement where you can consider criminal sexual conduct
2 in the second degree. Okay. And, again, you'll have
3 these definitions back there that you can work through.

4 The exact same rubric is used for the third question
5 where it relates to attempted murder. All right. If you
6 find that the State hasn't met its burden of proving guilt
7 beyond a reasonable doubt, you would then consider the
8 lesser included offense of assault and battery high and
9 aggravated nature. If you find they haven't proven that,
10 you would consider assault and battery first degree. If
11 they haven't proven that, you would then consider assault
12 and battery second degree. However, if, at any point in
13 time, you find the defendant, as it relates to the
14 attempted murder charge or any of the lesser assault
15 charges, if at any point in time you find the defendant
16 guilty on any of those, you would then just skip down to
17 Question Number 4 which is exactly the same for the
18 kidnapping.

19 Okay. Again, you're not stupid. You can follow
20 this, but I had to go over it with you anyway.

21 All right. If you have any questions about the
22 verdict form or the law, more than happy to answer them.
23 Just send me a note and let me know.

24 All right. Now, ladies and gentlemen, as I mentioned
25 briefly a moment ago, your verdict has to be a unanimous

1 one. That means all 12 of you must agree. Okay. South
2 Carolina does not have majority verdicts. Other states
3 do. Other states are doing it wrong. All right. So all
4 12 of you must agree on any result in this trial.

5 When you've filled out the verdict form, you've
6 completed the verdict form, just knock on the door, let
7 the bailiff know that you've reached a verdict. I'll get
8 everyone assembled back in here. We'll receive you back
9 into the courtroom as soon as everyone is in place.

10 Now, ladies and gentlemen, Madam Forelady, again,
11 should you have any questions, just send me a note. I
12 don't know that you necessarily will. I will try to help
13 you with any questions you may have. But should you have
14 any questions, just send me a note, let me know what it is
15 you need to hear again or what it is as far as the law
16 that you need further instruction on.

17 One quick question or one quick request about notes.
18 At no point in time should you ever disclose to me what
19 the split is if you're struggling with some particular
20 charge. If it's 11 to 1, 6 to 5, 5 to 7, I don't want to
21 know any numbers. Okay. So don't tell me any numbers
22 during any of your communications because that's not
23 relevant to anything that I need to do. Okay. So you can
24 kind of keep that to yourself.

25 Now, ladies and gentlemen, I remind you that you've

1 been chosen as fair and impartial individuals. In other
2 words, you have no friends to reward in this case, you
3 have no enemies to punish. Your job is to render a
4 verdict based solely on the evidence presented and the law
5 as I've just instructed you.

6 Now, in a moment I'm going to let you return to your
7 jury room for your deliberations. The clerk of court left
8 earlier to get the pizza. She should be back here. It's
9 from Pizza Hut. And I think she got a couple of different
10 pies for you, so hopefully there's something there that
11 you will like.

12 Additionally, ladies and gentlemen, the defendant's
13 statement that he gave to the police, which is recorded on
14 the DVD, there's no way to play that again, so if there's
15 some portion of that statement that you want replayed or
16 if you want the whole thing replayed, just let me know.
17 We'll bring you back out here and we'll queue it back up
18 out here since there's no mechanism, no CD-ROM player or
19 TV in the jury room. We'll just have to play it back out
20 here.

21 Finally, there are some latex gloves that are going
22 to be sent back with you if you want to handle any of the
23 evidence that you're concerned might be dirty or whatever.
24 Those gloves are there for you to use if you need to
25 handle anything.

1 The cocaine in this case, I hesitate to even mention
2 this, ladies and gentlemen, please don't remove it from
3 the bag. Okay. I actually did have a situation in
4 Charleston a few years back where that happened, and I was
5 quite surprised, so now I instruct the juries please don't
6 mess with the narcotics that are being sent back there.
7 Okay. That caused a problem in that particular case.

8 All right. Your pizza should be here shortly.
9 Don't begin your deliberations. Your cue to begin your
10 deliberations will be receipt of the evidence, these
11 instructions, the verdict form and my asking the alternate
12 to step out. Okay. So that will be your cue to start
13 talking about the case and begin your deliberations.

14 So if you would, all 13 of you adjourn to the jury
15 room one last time. We'll have this case to you in just a
16 moment. All right. Thank you.

17 (WHEREUPON, the jury exits the courtroom at 1:17 p.m.)

18 THE COURT: All right. Mr. Taylor, with the
19 exception of the Court's failure to give a spoliation
20 charge and any other request that you previously made of
21 me, any other objections?

22 MR. TAYLOR: No. No further objections, Your Honor.

23 THE COURT: All right. Anything from the State?

24 (Pause in proceedings.)

25 THE COURT: Do you need to put something on the

1 record?

2 MR. BLACK: Yes, sir.

3 THE COURT: Go ahead while the juror is out. When he
4 comes back in, I'll wave you down.

5 MR. ANDREWS: Your Honor, this is just something to
6 make sure the record's clear. There's this old voluntary
7 manslaughter case that sticks in my head, Cook, where the
8 State, I guess, asked for a voluntary manslaughter charge
9 purely as a compromise verdict, and then the State argued
10 to the jury that really it was a murder case. It didn't
11 go well for the State. I just want to make sure that as
12 to the second degree CSC, I know Mr. Taylor put a basis
13 for his request for that charge in chambers, I just want
14 to make it clear that we didn't request it. In our view,
15 it was a first degree, Your Honor.

16 THE COURT: Right. Okay. Yes. That is a good point
17 to make. The State did not request the CSC second. It
18 was the defense, and I gave that instruction.

19 MR. TAYLOR: Obviously, too, I argued that he didn't
20 do any of it, but I understand the difference.

21 THE COURT: Correct. It's entirely possible. I
22 don't know what the jury is going to find as far as the
23 facts, and it's possible that something did fall into a
24 CSC second category.

25 Let's make sure that we're good with the evidence,

1 and if y'all want to go ahead and take that pizza back to
2 the jurors, go right ahead. We have one who is out.
3 Y'all make sure that everything that's in evidence is
4 going back and that we have those latex gloves.

5 (WHEREUPON, a recess is taken at 1:20 p.m., and the jury
6 starts deliberating at 1:30 p.m.)

7 (WHEREUPON, Court's Exhibit Numbers 3 and 4 were marked
8 for identification.)

9 (WHEREUPON, proceedings reconvened at 3:39 p.m.)

10 THE COURT: Just a few housekeeping matters. I am
11 informed that they have reached a verdict, we are back on
12 the record, and the court reporter has marked the note
13 that I received earlier as Court's 4. It speaks for
14 itself. I conferred with counsel in chambers and
15 instructed the foreperson as it relates to that note, so
16 we should be good. Counsel for the State and the defense
17 were comfortable with the instruction where I referenced
18 the foreperson to another portion of the instructions.
19 They answered her question.

20 We do have a verdict. As is custom, please, if you
21 find yourself unable to or having difficulty controlling
22 your emotions when the verdict is read, I don't know what
23 it is, but if you have trouble containing yourself, just
24 quietly stand up, feel free to walk out the back of the
25 courtroom. We cannot have any disruptions, okay, please.

1 Nothing before the jury is received into the
2 courtroom from the State?

3 MR. BLACK: No, sir, Your Honor.

4 THE COURT: Nothing from the defense?

5 MR. TAYLOR: No, Your Honor.

6 THE COURT: Let's have them, please.

7 (WHEREUPON, the jury entered the courtroom at 3:40 p.m.)

8 THE COURT: All right. I'll take those from you.

9 Madam Forelady, I'm told that the jury has, in fact,
10 reached a verdict in this case; is that correct?

11 JURY FOREPERSON: Yes, sir.

12 THE COURT: All right. And the verdict form is what
13 you just handed me here?

14 JURY FOREPERSON: Yes, sir.

15 THE COURT: And all 12 of you agree on each result;
16 is that correct?

17 JURY FOREPERSON: Yes. Uh-huh.

18 THE COURT: All right. Madam Clerk, if you'll please
19 publish.

20 VERDICT

21 THE CLERK: The State of South Carolina, County of
22 Abbeville, State of South Carolina vs. Lawrence Postell,
23 Indictment Number 17-GS-01315, 317, 318, 319 and 320, we
24 the jury, in the above captioned case on the charge of
25 burglary, unanimously find Lawrence Postell guilty.

1 Number 2, we the jury, in the above-captioned case on
2 the charge of criminal sexual conduct first degree,
3 unanimously find Lawrence Postell not guilty.

4 We the jury, in the above-captioned case on the
5 charge of criminal sexual conduct second degree,
6 unanimously find Lawrence Postell guilty.

7 Number 3, we the jury, in the above-captioned case on
8 the charge of attempted murder, unanimously find Lawrence
9 Postell not guilty.

10 We the jury, in the above-captioned case on the
11 charge of assault and battery of a high and aggravated
12 nature, unanimously find Lawrence Postell not guilty.

13 We the jury, in the above-captioned case on the
14 charge of assault and battery first degree, unanimously
15 find Lawrence Postell guilty.

16 We the jury, in the above-captioned case on the
17 charge of assault and battery second degree, unanimously
18 find Lawrence Postell not guilty.

19 Number 4, we the jury, in the above-captioned case on
20 the charge of kidnapping, unanimously find Lawrence
21 Postell guilty.

22 Laureen Dawson Riley, foreperson, September 6, 2018.

23 Madam Forelady, ladies and gentlemen of the jury, is
24 this your verdict, so say you all? Please signify by
25 raising your right hand.

1 THE COURT: All right. The record will reflect all
2 12 members of the jury did, in fact, raise their right
3 hand.

4 Anything prior to discharge of the jury from the
5 State?

6 MR. BLACK: No, sir, Your Honor.

7 THE COURT: Anything from the defense?

8 MR. TAYLOR: No, Your Honor.

9 THE COURT: All right. Ladies and gentlemen of the
10 jury, I want to thank you for your attention this week. I
11 want to thank you for your efforts and your patience with
12 us as we worked through this trial.

13 At this point in time, the solicitor will take a
14 brief break and the solicitor will prepare some sentencing
15 sheets, and then, at that point, I'll hear any posttrial
16 motions from the defense. Typically, they do not take too
17 long, but after that, assuming the Court denies any
18 posttrial motions, we'll move forward with sentencing of
19 Mr. Postell. I'll hear, of course, from the victim and,
20 certainly, anything Mr. Postell may want to tell me.

21 If you want to stick around for sentencing, you're
22 certainly welcome to do so. Just for security reasons,
23 though, what I'll ask is that you find some seats. The
24 deputy in the back. He'll reserve some seats for you
25 probably on one side of the aisle, and you can feel free

1 to sit out there. Okay. But if you don't want to stay
2 for sentencing, that's perfectly fine.

3 The clerk does or does not have your checks yet?

4 THE CLERK: No checks, but the bailiff has the
5 statements, and he will pass them out to you all at the
6 back.

7 THE COURT: You will get a check. As they say, the
8 check's in the mail. And you will get a check for your
9 services this week. Okay. It's not a lot a money.
10 Please, just cash the thing and spend it on something that
11 you enjoy doing. All right. If it's putt putt golf or
12 whatever you choose to do, that's your call.

13 Again, thank you for your service. I realize that
14 you probably saw some stuff and heard some stuff that you
15 haven't heard before and hopefully, with any luck, won't
16 hear again. Again, I apologize for having to expose you
17 to it, but I promise you that it was necessary in order
18 for justice to be done in this particular case.

19 So you have my appreciation. You'll also get a
20 letter from me thanking you for your service. Please, if
21 there is anything you did not like about jury service,
22 anything that you did not like or you felt like could be
23 done better, I want to hear about it. Don't be shy. I've
24 got a thick skin. You're not going to hurt my feelings.
25 Okay. It will have my contact information, phone number,

1 e-mail address, snail-mail address on that letter. Let me
2 know if there's anything you did not like, because I've
3 actually changed the way the Court works based on feedback
4 from guys like y'all.

5 Okay. With that, if you want to stick around, that's
6 perfectly fine. The alternate decided to stay. You can
7 probably sit close to where she is sitting. If you want
8 to leave, you're free to go. The bailiff has your work
9 excuses.

10 Again, thank you for your attention and thank you for
11 your patience this week. You're free to stay, free to go.
12 (WHEREUPON, the jury exits the courtroom at 3:46 p.m., and
13 a recess was taken.)

14 (WHEREUPON, proceedings reconvened at 3:58 p.m.)

15 THE COURT: All right. If we may, let's go back on
16 the record.

17 For the record, Mr. Taylor, I assume that you do move
18 for a new trial, and you renew all prior motions, requests
19 and objections; is that correct, sir?

20 MR. TAYLOR: Yes, sir. I was waiting for your cue.
21 That's correct. And I did check the sentencing sheets
22 that were presented to you, and believe they're correct.

23 THE COURT: All right. Same rulings as before. The
24 Court finds there is sufficient credible evidence by which
25 the jury could conclude that Mr. Postell is guilty of the

1 charges for which guilty verdicts were returned.

2 Before I turn to you, Mr. Taylor, to hear anything in
3 mitigation, Solicitor, I'm interested in you alluded to
4 Mr. Postell's -- portions of Mr. Postell's record, his
5 criminal history in chambers and out here. Can you give
6 the Court a full overview of any prior criminal history,
7 please.

8 MR. BLACK: Yes, sir, Your Honor. And in 2000,
9 January of 2000, he was arrested for breaking and entering
10 into a motor vehicle. He pled in May of 2000, and it
11 looks like he received a probationary sentence.

12 There were a couple of counts of breaking and
13 entering into a motor vehicle, as well as petit larceny,
14 as well.

15 2005, another B&E auto, three counts. He got two
16 years for that, and those were served concurrently.

17 He has a receiving stolen goods in 2008 where he got
18 a probationary sentence in addition to a -- it's hard to
19 tell if it's a PWID or a distribution of crack cocaine,
20 but that also was in 2008, which ran concurrently, a
21 probationary sentence.

22 2014 he pled to two burglaries, and that's something
23 that we talked about previously, two burglary second
24 degrees. He got eight years suspended to three years
25 followed by 36 months probation. He also pled to a petit

1 larceny at that time as well.

2 He's got a shoplifting charge from July of 2016;
3 shoplifting charge from September of 2016; he has a
4 shoplifting enhancement from 2016 as well where he was
5 arrested in 2016 but pled in November of 2017.

6 And then he also has a record from Georgia where he
7 has from Clark County, which is in Athens, giving false
8 name, false information, false birthday to a law
9 enforcement officer as well as a shoplifting charge as
10 well.

11 THE COURT: All right. Solicitor, I'm happy to hear
12 anything that you may want to put on the record concerning
13 the situation or anything. I'm assuming Ms. Bonds wants
14 to address the Court as well.

15 MR. BLACK: Judge, I'm not going to talk any more.
16 You heard me talk. I think everybody here in the
17 courtroom heard me talk for about an hour about the facts
18 of the case. They are what they are.

19 You've seen the photographs, you've seen the physical
20 evidence, you've heard testimony over these past two days.
21 It is what it is. He broke into her house. I think
22 Ms. Bonds was doing something that she wasn't supposed to
23 be doing. I think it's an anomaly. I think it was out of
24 her character, but she certainly did not deserve what
25 happened to her that night.

1 And I can say that, you know, speaking with her over
2 this past year and four months, this has been very
3 difficult for her to talk about. I did not know her prior
4 to these incidents, but I can tell that it has definitely
5 affected her in her day-to-day life. And I can't say
6 enough about Ms. Paris and Ms. Bell with the Sheriff's
7 Department. They've been with her every step of the way.
8 And I think that they would like to say something on her
9 behalf.

10 THE COURT: Certainly. Ms. Paris, yes, ma'am.

11 MS. PARIS: She just wanted to let you know that this
12 has destroyed her.

13 THE COURT: I'm very sorry, ma'am. Was there
14 anything that you wanted to say? No.

15 All right. Very good. And just so the record's
16 clear, there was a duplicate burglary first degree,
17 Indictment 1871. Solicitor, I simply judicially dismissed
18 it since he was convicted on the original one.

19 MR. BLACK: Yes, sir. And the trafficking charge
20 that he was initially charged with, the State's dismissing
21 that charge. I think, obviously, it came out in
22 testimony.

23 THE COURT: Right.

24 MR. BLACK: But once they were able to go back and
25 listen to jail phone calls, they were able to figure out

1 what was going on. Makes more sense.

2 THE COURT: All right. Well, if you'll give the
3 clerk that tracking sheet for the burg first, Indictment
4 71, 1871, so that that can be dismissed.

5 All right. Mr. Taylor, I'm happy to hear from you
6 and, certainly, anything that Mr. Postell might want to
7 say.

8 MR. TAYLOR: Thank you, Your Honor. I just want to
9 point out a few things. The most he's ever done in prison
10 is three years. I understand that you are locked into a
11 minimum of 15 years on the burglary first degree, and I
12 know that that is all of -- three of the four are most
13 serious and violent, so any time he does is 85 percent.
14 The whole -- you hear the three-strikes-you're-out rule,
15 it's actually two strikes. If he gets out of prison and
16 gets another even serious, he can be looking at life
17 without parole. That's going to have him housed in the
18 most, I guess, Level 3 facility wherever he goes, so he is
19 looking at hard time. So I do ask that, you know, you
20 consider that.

21 I understand what the jury just found him guilty of.
22 I understand the allegations. I was here, too, the last
23 couple days, so I'm not going to go into all of that.

24 Obviously, Mr. Postell is very disappointed in the
25 verdict, but we have to respect it. It is done, and they

1 have decided, and so now it's up to you to sentence him.
2 I know how you operate, Judge. I'm not going to ask you
3 for a specific amount of time because I think you probably
4 already have an idea of what you're going to do on this.

5 The only other thing, and I agree with Mr. Black,
6 that because you were doing something illegal doesn't mean
7 for you to be assaulted or kidnapped or whatever the case
8 may be; however, I think that is an element to this, so a
9 little bit of unclean hands. Again, I'm not defending
10 what just happened. I do not want to be -- that to be
11 characterized as that at all.

12 But having said that, I think that is an element in
13 this, and so I'd ask that you consider all that. You
14 heard what went on and what he's found guilty of, and,
15 obviously, we'll have to -- once he's sentenced, if he
16 chooses to appeal it, move on from there. So . . .

17 THE COURT: Very good.

18 Mr. Postell, was there anything that you wanted to
19 say, sir?

20 DEFENDANT POSTELL: Yes, sir. I want to apologize to
21 the victim and the Court.

22 THE COURT: Thank you, sir.

23 All right. Just so the record's clear CSC second
24 degree does carry up to 20 years, correct?

25 MR. BLACK: Yes, sir.

1 THE COURT: Of course, assault and battery first, ten
2 years; burglary first, 15 to life; and kidnapping up to
3 30; am I correct on those sentences?

4 MR. BLACK: Yes, sir.

5 MR. TAYLOR: That's correct, Your Honor.

6 THE COURT: And Mr. Postell has been continuously in
7 the detention center since this incident on May 5th.

8 MR. TAYLOR: Yes, sir. And I'd ask for all that time
9 served as well. It's been 16 months now, just about.

10 THE COURT: All right. Well, Mr. Postell, I've taken
11 a number of things into consideration. And just one last
12 housekeeping matter before the Court pronounces sentence.
13 I'm advising you that you have ten days to file notice of
14 any intent to appeal. I'm assuming you do desire to
15 appeal the proceedings here, and Mr. Taylor would be more
16 than happy to file notice of intent and then pass this
17 matter along to OID, Appellate Defense, okay, sir?

18 DEFENDANT POSTELL: Yes, sir.

19 MR. TAYLOR: And we discussed that, Your Honor. I
20 plan to do so.

21 SENTENCING

22 THE COURT: Very good. After any appeal is
23 exhausted, Mr. Postell, you have one year to file any
24 action for postconviction relief in this matter, okay?
25 That's a firm deadline so you need to be sure that you're

1 aware of that fact.

2 As it relates to these offenses, Mr. Postell, I will
3 tell you that your criminal history clearly is not a good
4 one. It is not the worst that I've seen, but it is not a
5 good one. And honestly, what is driving this sentence,
6 Mr. Postell, is what happened to Ms. Bonds and what you
7 did to her that evening. And I'm still not exactly sure
8 of the why, but it was clearly terrifying for her and
9 there has to be a price for such a horrible crime that
10 hopefully Ms. Bonds, at some point in time, you will be
11 able to move past this. I know that you will never be
12 able to forget this, but I am hoping that you do not let
13 it define you and that you are able to move on even though
14 I know it's always going to be with you, okay, ma'am?

15 And there's no repairing the harm that you did to
16 Ms. Postell. What I've done -- or no repairing the harm
17 that you did, Mr. Postell, to Ms. Bonds.

18 Mr. Postell, what I've done is on the burglary first
19 degree charge and the kidnapping charge, in light of your
20 prior criminal history, sir and the egregious nature of
21 this particular crime, I've sentenced you to 25 years. On
22 the criminal sexual conduct second degree charge, I've
23 sentenced you to 20 years. On the assault and battery
24 first degree charge, I've sentenced you to ten years. All
25 sentences will run concurrently with each other.

1 So you've got 85 percent of 25 to do, and you do get
2 credit for the time that you have served since May the 5th
3 of 2017. That's going to be at least a couple of decades
4 in prison for you, Mr. Postell, to reflect on how you've
5 lived your life to date.

6 When you get out, if you get out, sir, better not
7 come back in front of me. I wish you luck. Take care of
8 yourself, sir.

9 MR. BLACK: Thank you, Your Honor.

10 THE COURT: The record on this matter is closed.

11 (WHEREUPON, proceedings concluded at 4:09 p.m.)
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STATE OF SOUTH CAROLINA)
COUNTY OF ABBEVILLE)

COURT OF GENERAL SESSSIONS
EIGHTH JUDICIAL CIRCUIT

STATE OF SOUTH CAROLINA,)

v.)

REQUEST FOR JURY INSTRUCTION

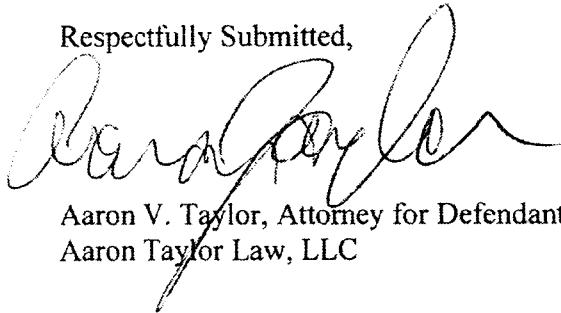
LAWRENCE POSTELL,)

DEFENDANT.)

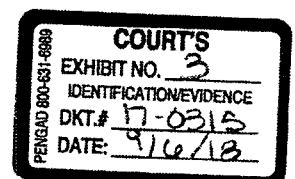
The Defendant, by and through his attorney, Aaron V. Taylor, respectfully requests a jury instruction on spoliation of evidence. Due process demands that the State preserve potentially exculpatory evidence which it failed to to do in this case. The Defendant, pursuant to State v. Reaves, Appellate Case No. 2014-813, Opinion No. 27569 (S.C. 2015), requests that the Court charge the jury as follows:

When evidence is lost or destroyed by a party, you may infer that the evidence which was lost or destroyed by that party would have been adverse to that party. In other words, if one party loses or destroys evidence, you may infer that the lost or destroyed evidence would have been favorable to the other side.

Respectfully Submitted,



Aaron V. Taylor, Attorney for Defendant
Aaron Taylor Law, LLC



WITNESSES

Josh Monts
Abbeville County Sheriff

THE STATE OF SOUTH CAROLINA

COUNTY OF ABBEVILLE

COURT OF GENERAL SESSIONS

July Term, 2017

Indictment # 17CS91-0315

WARRANT NUMBER

2017A0110100125

THE STATE

Lawrence Orlando Peseli

Foreman of the Grand Jury

Date JUL 14 2017

TRUE BILL

VERDICT

Guilty

INDICTMENT FOR

BURGLARY - FIRST DEGREE

§16-11-0311

CDR. 0079

Foreman

Laureep Dawson-Riley
September 6, 2018

A TRUE COPY

Shandae Boggs
CLERK OF COURT

COUNTY OF ABBEVILLE

BURGLARY - FIRST DEGREE
§16-11-0311

At a Court of General Sessions, convened on the 14th day of July, 2017, the Grand Jurors of Abbeville County present upon their oath:

That Lawrence Orlando Postell, on or about May 5, 2017, in Abbeville County, did willfully and unlawfully enter a dwelling without consent and with intent to commit a crime therein, when in effecting entry or while in immediate flight there from, he or another participant in the crime; was armed with a deadly weapon or explosive; or caused physical injury to a person who was not a participant in the crime; or used or threatened the use of a dangerous instrument; or displayed what was or appeared to be a knife, pistol, revolver, rifle, shotgun, machine gun or other firearm, or the entering or remaining occurred in the nighttime, the said dwelling being owned and/or occupied by Barbara Bonds, in violation of Section 16-11-311 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 cases made and provided.


Assistant Solicitor

WITNESSES

Josh Monis

Abbeville County Sheriff

THE STATE OF SOUTH CAROLINA

COUNTY OF ABBEVILLE

COURT OF GENERAL SESSIONS

July Term, 2017

Indictment # 17GS01-0317

WARRANT NUMBER

2017A0110109126

THE STATE

vs.

Lawrence Orlando Postell

Foreman of the Grand Jury

Date: JUL 14 2017

TRUE BILL

VERDICT

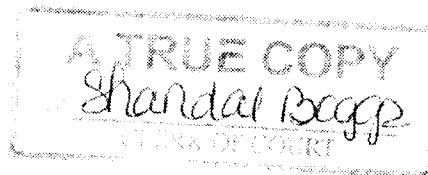
Guilty of CSC 2nd Degree.Laureen Dawson-Riley
Foreman September 6, 2018

INDICTMENT FOR

CRIMINAL SEXUAL CONDUCT -
FIRST DEGREE

§16-03-0652

CDR 0150



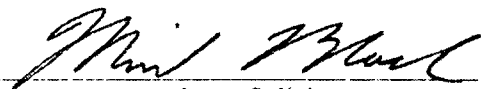
COUNTY OF ABBEVILLE

CRIMINAL SEXUAL CONDUCT -
FIRST DEGREE
§16-03-0652

At a Court of General Sessions, convened on the 14th day of July, 2017, the Grand Jurors of Abbeville County present upon their oath:

That Lawrence Orlando Postell, on or about May 5, 2017, in Abbeville County, did willfully and unlawfully commit criminal sexual conduct in the first degree by willfully and unlawfully using aggravated force to engage in sexual battery with Barbara Bonds or the said victim did submit to sexual battery by the said defendant under circumstances where Barbara Bonds was also the victim of forcible confinement, kidnapping, robbery, extortion, burglary, housebreaking, or any other similar offense or act, in violation of Section 16-3-652 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 cases made and provided.



Assistant Solicitor

WITNESSES

Josh Monts
Abbeville County Sheriff

THE STATE OF SOUTH CAROLINA

COUNTY OF ABBEVILLE

COURT OF GENERAL SESSIONS

July Term, 2017

Indictment # 17GS01-0318

WARRANT NUMBER

2017A0110100127

THE STATE

vs.

Lawrence Orlando Postell

[Signature]

Foreman of the Grand Jury

JUL 14 2017

Date:

TRUE BILL

VERDICT

Guilt of Assault and Battery 1st

Lauren Damon-Riley
Foreman
September 6, 2018

INDICTMENT FOR

ATTEMPTED MURDER

§16-03-0029

CDR: 3410

A TRUE COPY
Shandal Boggs
CLERK OF COURT

THE STATE OF SOUTH CAROLINA

INDICTMENT FOR

441

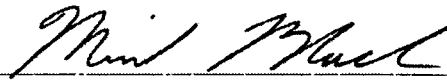
COUNTY OF ABBEVILLE

ATTEMPTED MURDER
§16-03-0029

At a Court of General Sessions, convened on the 14th day of July, 2017, the Grand Jurors of Abbeville County present upon their oath:

That Lawrence Orlando Postell, on or about May 5, 2017, in Abbeville County, did willfully and unlawfully, with the intent to kill and with malice aforethought, attempted to kill Barbara Bonds, in violation of Section 16-3-29 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 cases made and provided.



Assistant Solicitor

WITNESSES

Josh Monts
Abbeville County Sheriff

THE STATE OF SOUTH CAROLINA

COUNTY OF ABBEVILLE

COURT OF GENERAL SESSIONS

July Term, 2017

Indictment # 17GS01-0319

WARRANT NUMBER

2017A0110100132

THE STATE

VS.

Lawrence Orlando Postell

[Signature]
Foreman of the Grand Jury
Date, JUL 14 2017

TRUE BILL

VERDICT

[Signature]
Queen Dawson-Riley
Foreman
September 6, 2018

INDICTMENT FOR

KIDNAPPING

§16-03-0910

CDR: 0025

A TRUE COPY
Shandal Bogg
CLERK OF COURT

COUNTY OF ABBEVILLE

KIDNAPPING
§16-03-0910

At a Court of General Sessions, convened on the 14th day of July, 2017, the Grand Jurors of Abbeville County present upon their oath:

That Lawrence Orlando Postell, on or about May 5, 2017, in Abbeville County, did willfully and unlawfully with criminal intent, seize, confine, inveigle, decoy, kidnap, abduct or carry away Barbara Bonds without authority of law, in violation of Section 16-3-910 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 cases made and provided.



Assistant Solicitor

WITNESSES

Josh Monte

Abbeville County Sheriff

THE STATE OF SOUTH CAROLINA

COUNTY OF ABBEVILLE

COURT OF GENERAL SESSIONS

July Term, 2017

Indictment # 17GS01-0320

WARRANT NUMBER

2017A0110100153

THE STATE

vs.

Lawrence Orlando Postell

Foreman of the Grand Jury

Date: JUL 14 2017

TRUE BILL

VERDICT

*Directed Verdict granted.*POSSESSION OF A WEAPON DURING THE
COMMISSION OF A VIOLENT CRIME

§16-23-0490

CDR: 0549

Foreman

9-6-18

A TRUE COPY

Shandae Bogg

CLERK OF COURT

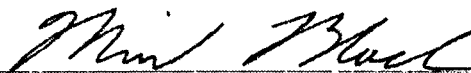
COUNTY OF ABBEVILLE

POSSESSION OF A WEAPON DURING THE
COMMISSION OF A VIOLENT CRIME
§16-23-0490

At a Court of General Sessions, convened on the 14th day of July, 2017, the Grand Jurors of Abbeville County present upon their oath:

That Lawrence Orlando Postell, on or about May 5, 2017, in Abbeville County, did possess a firearm or visibly displayed what appeared to be a firearm, or visibly displayed a knife during the commission of a violent offense, to wit: First Degree Burglary, Kidnapping, First Degree Criminal Sexual Conduct, and Trafficking Crack Cocaine or any lesser included violent offense, in violation of Section 16-23-490 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 cases made and provided.



Assistant Solicitor

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Taylor D Gilliam", written over a horizontal line.

Taylor D Gilliam
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT

This 3rd day of March, 2020.

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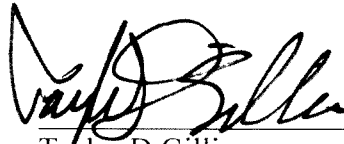
MAR 03 2020

SC Court of Appeals

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,



Taylor D Gilliam
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT

This 3rd day of March, 2020.