

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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SC Court of Appeals

Appeal from Laurens County

Honorable Frank R. Addy, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

BRENDA L. ROBERTS,

APPELLANT

APPELLATE CASE NO 2017-001103

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STATE OF SOUTH CAROLINA
COUNTY OF LAURENS

IN THE COURT OF GENERAL SESSIONS

STATE OF SOUTH CAROLINA,)
)
PLAINTIFF,)
)
-VS-)
)
BRENDA ROBERTS,)
)
DEFENDANT.)
_____)

CASE NO.: 2015-GS-30-1477

APRIL 24, 25, 26, & 27, 2017
LAURENS, SOUTH CAROLINA

B E F O R E:

THE HONORABLE FRANK R. ADDY, JR., JUDGE, AND A JURY

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

ATTORNEY FOR PLAINTIFF:

WARREN MOWRY, DEPUTY SOLICITOR
JIM TODD, ASSISTANT SOLICITOR

ATTORNEY FOR DEFENDANT:

RICHARD H. WARDER, ESQUIRE

TARA T. SCOTT, CVR
CIRCUIT COURT REPORTER

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1 TRIAL DAY 1-04/24/17

2 THE COURT: Solicitor, if you will call the first case up
3 for trial, please.

4 MR. MOWRY: Yes, sir. Your Honor, I believe you have
5 the indictment. It is indictment 15-1477. It is the State
6 v Brenda Roberts.

7 THE COURT: I do not believe I have the indictments,
8 Solicitor.

9 MR. MOWRY: The Clerk did.

10 CLERK OF COURT: I gave them to Walter earlier.

11 MR. MOWRY: Excuse me. She did. I did not realize it
12 came back.

13 THE COURT: Ladies and gentlemen, we are now about to
14 begin the trial of the case of the *State of South Carolina v*
15 *Brenda L. Roberts*.

16 MR. MOWRY: Your Honor, I hate to interrupt, but we do
17 have information on a matter that we took before the break
18 if you would like to hear about that before we begin.

19 THE COURT: Sure, if y'all want to approach.

20 (Whereupon, a sidebar was held out of the hearing of
21 the jury.)

22 THE COURT: Ladies and gentlemen, I apologize for the
23 delay and interruption. We are about to begin the trial of
24 the *State of South Carolina v Brenda L. Roberts*. Ms.
25 Roberts is charged with the offense of accessory after the

1 with friends, family members, or anything like that. With
2 that, you are welcome to take a break from us. Just be back
3 in the jury room at 3:15 and the bailiff will show you the
4 best way to get there. Thank you very much.

5 (Whereupon, the jury exited the courtroom at 12:35
6 p.m.)

7 THE COURT: Solicitor, should I have the rest of the
8 jury panel call back in tonight after 6:00?

9 MR. MOWRY: I think that would be the safe thing to do,
10 Your Honor.

11 (Whereupon, the remaining jury panel was released at
12 12:37 p.m.)

13 THE COURT: The jury panel is out. After discussing
14 this matter with the attorneys in chambers I understand that
15 there is a *Jackson v Denno* hearing that we need to address
16 concerning a statement Ms. Roberts gave and there is also a
17 motion concerning a statement that the co-defendant in this
18 case also gave. Is that what we have on deck for the
19 afternoon?

20 MR. MOWRY: I think that is correct, Your Honor.

21 THE COURT: Do you have the officer here on the *Jackson*
22 *v Denno* as far as Ms. Robert's statement? Can we go ahead
23 and try to knock that out? We do not have them, Mr.
24 Bentley?

25 MR. MOWRY: We have one of them, Your Honor. We need to

JOSH PITTMAN-DIRECT EXAMINATION (IN CAMERA)

28

1 grab the other two.

2 THE COURT: Would you care to go ahead and take his
3 testimony and then we can cut him free for the rest of the
4 day or until 3:15?

5 MR. MOWRY: We can do that, Your Honor.

6 THE COURT: Go ahead and call him up here then and we'll
7 take his testimony on the *Jackson v Denno* issue.

8 MR. MOWRY: We call Josh Pittman.

9 JOSH PITTMAN, having been first
10 duly sworn, testified as follows:

11 DIRECT EXAMINATION (IN CAMERA)

12 BY MR. MOWRY:

13 Q You are Josh Pittman?

14 A That's correct.

15 Q I believe you go by Joey; is that right?

16 A Yes, sir.

17 Q By whom are you employed?

18 A Laurens Police Department.

19 Q And what is your position with the Laurens Police
20 Department?

21 A I'm a lieutenant over the Investigation Division.

22 Q How long have you been employed in that capacity?

23 A As a lieutenant I've only been there roughly almost a
24 year.

25 Q And prior to that were you also an investigator?

JOSH PITTMAN-DIRECT EXAMINATION (IN CAMERA)

29

- 1 A Yes, sir. I was.
- 2 Q Who was your immediate superior at that time?
- 3 A Detective Jared Hunnicutt.
- 4 Q And where is he employed now?
- 5 A The Sheriff's Office here in Laurens.
- 6 Q As a criminal investigator; is that right?
- 7 A Yes, sir.
- 8 Q Were you employed with the Police Department back on
- 9 the 26th of September of 2003?
- 10 A No, sir. I was not.
- 11 Q Were you even employed as a police officer?
- 12 A No, sir. I was not.
- 13 Q Can you give the judge a little bit of background of
- 14 your involvement in this particular case?
- 15 A Well, from the time I started in law enforcement in
- 16 2006 this case has always been talked about at the Police
- 17 Department. When I made detective in 2015 and I had an
- 18 opportunity to finally see some of the photographs, which
- 19 were heinous and probably one of the worst things I've ever
- 20 seen. Any particulars you want?
- 21 Q What did you do when you became an investigator with
- 22 the Police Department with respect to this case?
- 23 A Well, actually, the case file is about as long as this
- 24 desk here. We just basically went through it to see where
- 25 they were, what they'd gathered. "They" being Detective

JOSH PITTMAN-DIRECT EXAMINATION (IN CAMERA)

30

1 Bentley and Detective Lynch.

2 Q So you were basically given the case with fresh eyes;
3 is that right?

4 A Yes, sir. That's correct.

5 Q As a result of your investigation did you come into
6 contact with the Defendant in this case, Brenda Roberts?

7 A Yes, sir. We did.

8 Q In what way and in what manner did you come into
9 contact with her?

10 A After reviewing the case file there was several,
11 several statements of Ms. Roberts being involved in this.
12 She was accused of washing the clothes -- the bloody clothes
13 from the murder that happened that night. And we eventually
14 had enough to put the case together. Lieutenant Blackmon
15 with the Sheriff's Office obtained a warrant on her for the
16 accessory, and we ended up picking her up at -- out on Rocky
17 Springs Church Road with the County, and we brought her back
18 to the Sheriff's Office to interview her.

19 Q The Rocky Springs Church Road, is that out in the
20 county?

21 A Yes, sir. It is.

22 Q Is that why there was County involvement rather than
23 City investigations --

24 A Yes, sir. That's correct.

25 Q -- a City case?

JOSH PITTMAN-DIRECT EXAMINATION (IN CAMERA)

31

1 A And where this happened at was in the County's
2 jurisdiction. Yes, sir.

3 Q Where was -- where was the washing of the clothes that
4 you're talking about alleged to have occurred?

5 A It happened over on Round Street which is also in the
6 county.

7 Q Also in the county. All right.

8 A Yes, sir.

9 Q Did you have occasion to interview Ms. Roberts with
10 respect to this case?

11 A Yes, sir.

12 Q When did that occur, please, sir?

13 A I can't remember the exact date she was arrested. It
14 was the date that she was arrested. We brought her to the
15 Sheriff's Office to interview her.

16 Q Who was involved with you in this interview?

17 A There were several people in there. It was myself,
18 Detective Hunnicutt, Lieutenant Blackmon with the Sheriff's
19 Office, Officer -- Investigator Cheeks from the Sheriff's
20 Office, and Captain Williams.

21 Q So you were present; is that right?

22 A Yes, sir. That's correct.

23 Q Let me hand you this document --

24 MR. MOWRY: Let me show it to the Defense first. Your
25 Honor, we have pre-marked some of these items, and as a

JOSH PITTMAN-DIRECT EXAMINATION (IN CAMERA)

32

1 result I'm asking this be State's Exhibit No. 33 just so we
2 can keep our tracking system involved.

3 THE COURT: All right. Very good.

4 (Whereupon, State's Exhibit No. 33 was marked for
5 identification.)

6 Q Let me hand you what has now been marked as State's
7 Exhibit No. 33 for identification. Do you recognize that?

8 A Yes, sir.

9 Q What is that, please, sir?

10 A It's an Advisement of Rights form.

11 Q Is that a standard form that is used in law
12 enforcement?

13 A Yes, sir. It is.

14 Q Whose initials are these right here in the middle?

15 A Those are Ms. Roberts.

16 Q And whose signatures are these down there at the
17 bottom?

18 A That's Lieutenant Blackmon's and Detective Hunnicutt's

19 Q And this signature here?

20 A That's Ms. Roberts'.

21 Q Does that indicate what date and time this interview
22 took place?

23 A Yes, sir. It does.

24 Q What date and time are indicated on that form?

25 A It's July the 7th of 2015 at approximately 3:45 in the

JOSH PITTMAN-DIRECT EXAMINATION (IN CAMERA)

33

1 afternoon.

2 Q And how was this done? How was this accomplished?

3 A We asked -- we brought her back to the Sheriff's Office
4 to be interviewed, and before we interviewed her we advised
5 her of her rights. And then when we concluded it she signed
6 it and it was witnessed by Lieutenant Blackmon and Officer
7 Hunnicuttt.

8 Q But you were present when all of this took place; is
9 that right?

10 A Yes, sir.

11 Q What was the atmosphere in the room?

12 A Well, it was kind of tense because she was extremely
13 upset. She was sobbing uncontrollably at first, and then it
14 kind of -- once we explained everything to her she was
15 willing to talk to us and the interview began.

16 Q Was there any kind of threat or promises made to her to
17 induce her cooperation?

18 A No, sir.

19 Q Any kind of hope of reward that you all made?

20 A No, sir.

21 Q Did you all do anything to intimidate her?

22 A No, sir.

23 Q Did you just simply present the facts to her and ask
24 her to respond?

25 A Yes, sir.

JOSH PITTMAN-DIRECT EXAMINATION (IN CAMERA)

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1 Q You said you advised her of her rights. Could you
2 explain to -- what rights were presented to her and how were
3 they presented?

4 A Actually just we read this form to her. I can read it
5 for you if you like, but --

6 Q Go ahead and put it in the record, if you would.

7 A It just says -- it's an Advisement of Rights from the
8 Sheriff's Office, on the Sheriff's Office letterhead. It
9 says, "Before we, or I, ask you any questions you must
10 understand your rights." It says, "You have the right to
11 remain silent. Anything you say can be used against you in
12 court. You have the right to talk to a lawyer for advice
13 before we ask you any questions and to have him or her with
14 you during questioning. If you have no money to pay a
15 lawyer's fee the court will appoint one to represent you
16 without cost if you wish. If you decide to answer questions
17 now without a lawyer present, you will still have the right
18 to stop answering at any time. You also have the right to
19 stop answering at any time until you talk to a lawyer." And
20 after that it says, "Please initial your responses," and it
21 says, "Do you understand each of these rights I have
22 explained to you." She initialed yes. And it says, "Do you
23 want -- do you want to answer questions now?" She
24 initialed, "Yes".

25 Q She indicated that she understood. In your opinion

JOSH PITTMAN-DIRECT EXAMINATION (IN CAMERA)

35

1 from observing her, did she understand?

2 A Yes, sir.

3 Q How did the interview proceed at that point?

4 A She denied all involvement. She didn't believe when we
5 told her that her son had directly accused her of committing
6 this crime, and she would not believe it until we played an
7 actual video for her.

8 Q When you say she denied all involvement what did you
9 advise her of?

10 A We advised her that she was being accused of washing
11 the bloody clothes from the murder that occurred back in
12 2003, and she denied doing any of that.

13 Q How did you go about advising her of any statement by
14 her son? By the way, what is her son's name?

15 A His name is Doyle Wayne Roberts.

16 Q How did you advise her of a statement made by her son?

17 A Basically just plainly told her that you've been
18 accused in -- of what you've been accused of, and we're not
19 the only people saying it. Your own family is saying it.

20 Q Did you play her the video at that point?

21 A Yes, sir. We did.

22 Q What was her response at that time?

23 A She actually went hysterical when she heard what Doyle
24 Wayne had said. And after she had a -- she clearly had a --
25 she had a Kleenex in her hand and she said she couldn't

JOSH PITTMAN-CROSS EXAMINATION (IN CAMERA)

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1 believe that Wayne would say that. And after the video was
2 over she kind of leans back in the chair and says -- she
3 said it sobbingly. She said, "I'll have to -- I guess I'll
4 just have to take it to my grave."

5 Q At that point did anything further occur?

6 A No, sir. She -- she concluded the interview. That was
7 it.

8 MR. MOWRY: And I believe that's all I have. Thank
9 you, sir. Answer any Mr. Warder -- any of Mr. Warder's
10 questions, please, sir.

11 THE WITNESS: Okay.

12 THE COURT: Cross?

13 CROSS-EXAMINATION

14 BY MR. WARDER:

15 Q This was at an interview office or interview room of
16 some kind?

17 A No, sir. It was actually in a captain's office.

18 Q And was there any recording equipment in there or
19 cameras?

20 A No, sir. There was not.

21 Q How come she was taken to a captain's office rather
22 than an interview room?

23 A Well, at the time I don't think the Sheriff's Office
24 had an interview room. We didn't recently get one at the
25 Lauren's PD until a week ago. It's just -- we just didn't

JOSH PITTMAN-CROSS EXAMINATION (IN CAMERA)

37

1 have one.

2 Q And you said that her son made a statement and you
3 played it on tape?

4 A Yes, sir. That's correct.

5 Q Was that a statement taken at some other incident or is
6 it a statement her son sat down and gave about her?

7 A No, sir. He was actually arrested, I believe it was in
8 2012, and it was an in-car video.

9 Q And on that in-car video what did he say?

10 A He told her that he was going to tell Detective Lynch,
11 who was the lead investigator on this at one time,
12 everything. That she had washed the bloody clothes from the
13 VFW murder.

14 Q Did you take a statement from her that day then?

15 A From Ms. Roberts?

16 Q Yes.

17 A No, sir.

18 Q You took no written statement?

19 A No, sir. I did not.

20 Q No video statement?

21 A No, sir.

22 Q And she said -- told you that she would take it to her
23 grave?

24 A That's correct, sir.

25 Q What did she say she would take to her grave?

JOSH PITTMAN-CROSS EXAMINATION (IN CAMERA)

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1 A She didn't specify.

2 Q What did you think that meant?

3 A That she would take the knowledge that she holds about
4 washing the clothes in the murder to her grave.

5 Q Did he -- did she indicate she knew anything other than
6 that allegation?

7 A No, sir.

8 Q Did she tell you whether that allegation was true or
9 false?

10 A She denied it.

11 Q Okay. So as I understand it, the statement my client
12 made is that she didn't do that.

13 A That's correct.

14 Q Why wouldn't you take that down? Seems like that would
15 be an important thing in an investigation. Why wouldn't you
16 record that?

17 A Why didn't I record the whole interview? Is that what
18 you're asking? I didn't have -- we didn't have the ability.

19 Q You didn't have a tape recorder?

20 A No, sir.

21 Q When did Laurens Police Department get tape recorders?

22 A We weren't at the Laurens Police Department. We were
23 at the Sheriff's Department?

24 Q When did the Sheriff get a tape recorder?

25 A I'm not sure.

1 Q Sometime after this?

2 A I didn't have -- we didn't have one that day.

3 Q What did you do with them that day?

4 A With what, sir?

5 Q The tape recorders?

6 A We didn't have that.

7 Q It had never been issued to you?

8 A No, sir.

9 MR. WARDER: Okay, thank you.

10 THE COURT: Thank you, sir. You can step down. Is
11 there an additional witness on this we can take after lunch?

12 MR. MOWRY: There are a couple of them. Yes, sir. I
13 don't think either one of them is here at this point.

14 THE COURT: Good enough. We'll go ahead and break and
15 then we'll resume around 2:00. Lieutenant, just be back
16 whenever they tell you to be back. We'll adjourn on this
17 case and resume around 2:00, 2:15.

18 (Whereupon, a lunch recess was held until 2:00 p.m.)

19 MR. MOWRY: Just for the Court's reference, I have
20 provided Defense and I've given a copy to the Court of the
21 code section that deals with the records that are kept in
22 the office of the medical examiner and their admissibility
23 in evidence. And then a copy of *State v Cuttro* 618 S.E. 2nd
24 890, a 2005 case which also deals with the admissibility of
25 those records. It essentially says that the Court must

1 receive copies of the autopsy report that are kept in the
2 course of business. They are public records.

3 THE COURT: Just so that the record is clear, we did
4 have discussion in chambers after the break concerning this.
5 As I expressed in chambers, in all the homicide cases I have
6 had typically the forensic pathologist will testify. It was
7 explained to me that in this case we were not going to be
8 receiving the evidence from the forensic pathologist.
9 Obviously this case is of a different sort than the case
10 against Mr. Bowers. Mr. Warder did indicate that he was
11 going to object to the autopsy report or the pathologist's
12 report coming into evidence. That is correct, Mr. Warder?

13 MR. WARDER: Yes, Your Honor. Not necessarily the whole
14 report, but it may need to be redacted. In other words, the
15 report comes in only when the parts that are not less
16 probative than they are prejudicial. If there's parts of
17 the report that contain information that is not necessarily
18 the final conclusion but is highly prejudicial, then I think
19 that would still be excluded.

20 MR. MOWRY: We're not putting in photographs, Your
21 Honor, and the code section clearly states that reports of
22 postmortem examinations, autopsies -- it even says
23 photographs in the office of the county medical examiner,
24 which is the coroner in this case, when duly attested by
25 that official or his official, must be received as evidence.

1 So we're not talking about redaction. We're talking about
2 reception in toto.

3 THE COURT: I understand your objection. I think his
4 objection is that perhaps there are portions of the report
5 that may be more prejudicial than probative. If I'm
6 understanding Mr. Warder's argument here. May I suggest
7 that we simply address it this way? I presume you've
8 already got a copy of the report, Mr. Warder?

9 MR. WARDER: I have just been furnished one.

10 MR. MOWRY: I think one was in the -- it was voluminous,
11 Your Honor. There is a bankers' box of files over here that
12 was provided to Mr. Warder and it was included in that.

13 THE COURT: If we may, why don't we handle it this way,
14 Mr. Warder. This evening if you could perhaps review that
15 report and if you feel there are various portions that you
16 would like to see redacted in that report then I'll hear you
17 on that tomorrow. We can handle it that way.

18 MR. WARDER: Certainly. That would be a good way to
19 handle it.

20 THE COURT: That would probably be the cleanest way.
21 The Solicitor may even agree that the portions that you
22 reference are superfluous anyway, but we can handle it that
23 way.

24 MR. MOWRY: Also, Your Honor, I had conferred with Mr.
25 Warder during the break. We've got about 34/35 pieces of

BEN BLACKMON-DIRECT EXAMINATION (IN CAMERA)

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1 evidence at this point and I have conferred with him, showed
2 him the pictures and diagrams and what not, and asked if we
3 could stipulate to anything. He assured me that he was not
4 trying to be contentious, but he was going to oppose
5 everything.

6 THE COURT: Fair enough. We are still involved in the
7 *Jackson v Denno*, so if you want to call your next witness on
8 that issue, please.

9 MR. MOWRY: Yes, sir. I'll call Ben Blackmon.

10 BEN BLACKMON, having first been
11 duly sworn, testified as follows:

12 DIRECT EXAMINATION

13 BY MR. MOWRY:

14 Q Mr. Blackmon, I believe you're employed by the Laurens
15 County Sheriff's Office; is that right?

16 A That is correct, sir.

17 Q What is your capacity with the Sheriff's Office,
18 please, sir?

19 A At this time I'm lieutenant of the Criminal
20 Investigation Division.

21 Q And were you employed in that capacity back on the 7th
22 of July of 2015?

23 A That's correct, sir.

24 Q Were you involved in a joint investigation with Laurens
25 City Police Department involving the death of Mr. James

BEN BLACKMON-DIRECT EXAMINATION (IN CAMERA)

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1 Bolt?

2 A That's correct, sir.

3 Q Who was the focus of your investigation on the 7th of
4 July?

5 A The Defendant in this case.

6 Q And what was the purpose of the investigation? What
7 were you trying to find out?

8 A Her involvement in the incident that took place that
9 the City was primarily focusing on. We were concerned with
10 things that had taken place after the fact in the county of
11 Laurens as opposed to just the city.

12 Q So there was never any indication that she was involved
13 in the actual homicide; is that right?

14 A That's correct, sir.

15 Q She was involved in covering it up basically?

16 A That's correct.

17 Q On the 7th of July, that afternoon, what did you do?
18 Who were you with? Let me ask you that first.

19 A I was with Investigator Hunnicutt and Investigator
20 Pittman ---

21 Q From City PD?

22 A From the Laurens City Police Department. And also my
23 captain at the time, Captain Williams, as well as my partner
24 at the time, Investigator Cheek.

25 Q What did you do that afternoon?

BEN BLACKMON-DIRECT EXAMINATION (IN CAMERA)

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- 1 A We interviewed the Defendant in this case.
- 2 Q How did you go about locating the Defendant?
- 3 A We went to the residence and had her come up to the
- 4 office, either with an officer or something like that.
- 5 Q Now, was her residence out in the county?
- 6 A Yes, sir.
- 7 Q Not in the city limits?
- 8 A No, sir.
- 9 Q And are you familiar with Round Street?
- 10 A Yes, sir.
- 11 Q Is that also out in the county and not in the city
- 12 limits?
- 13 A That is correct, sir.
- 14 Q Is it your understanding that Ms. Roberts' residence in
- 15 2003 was on Round Street?
- 16 A That's correct.
- 17 Q Let me hand you this document and ask you if you can
- 18 identify that.
- 19 A Yes.
- 20 Q I believe it's marked as State's Exhibit No. 33 for
- 21 identification.
- 22 A Yes, sir. It's an Advisement of Rights that we were
- 23 issuing at the time. It has the Laurens County Sheriff's
- 24 Office case number, the date in which it was filled out, and
- 25 also the time. It has the Miranda warnings, and then it has

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1 two questions, "Do you understand the rights that I have
2 explained to you" and "Do you want to answer questions now,"
3 and it has a blank for the initials of the individual you
4 are interviewing to, you know, provide a response.

5 Q And are there signatures down at the bottom of this
6 document?

7 A That's correct, sir.

8 Q And whose signatures are these over on, I guess, your
9 left; is that right? Correct?

10 A That's correct, sir. Mine's over here on the top left,
11 and then --

12 Q Whose is that down below yours? Is that Detective
13 Hunnicutt's?

14 A That is correct, sir. And then --

15 Q And over on the right?

16 A It is Ms. Roberts'. Brenda Roberts.

17 Q How did you go about getting her signature on that?
18 What was your process?

19 A We sat down at the interview table in our captain's
20 office and went over the form with her line by line.
21 Typically I would turn it around to let them read and then I
22 would read it as well out loud to them and make sure they
23 understand their rights as well as the waiver at the bottom
24 of the form.

25 Q Now, the question was asked earlier about why that

BEN BLACKMON-DIRECT EXAMINATION (IN CAMERA)

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1 particular office was chosen. Why did you use that office?

2 A It's the -- at the time it was the largest office we
3 had. We also didn't have a formal interview room at the
4 time that, you know, had the proper equipment in it. So
5 that office had a round table much like -- about the size of
6 the one in front of the witness stand that several officers
7 or individuals could sit around given -- depending on the
8 circumstance.

9 Q So it was the most logical place for you to do this
10 process; is that right?

11 A That's correct, sir.

12 Q How did you go about advising Ms. Roberts of her
13 rights? Who did the reading; do you recall?

14 A I believe that, if I recall correctly, I went over it
15 with her as I was the first individual to sign on it, and
16 Hunnicutt also witnessed that.

17 Q So you advised her of her rights; is that right?

18 A Yes, sir.

19 Q Were there any kind of threats made to her?

20 A No, sir.

21 Q Any kind of promises?

22 A No, sir.

23 Q Any kind of inducements?

24 A No, sir.

25 Q Any kind of hope of reward made to her --

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1 A No, sir.

2 Q -- to get her to talk to you all?

3 A No, sir.

4 Q Was her placing of her -- referring you again to
5 State's Exhibit 33. The placing of her initials in the
6 "yes" slot next to those two questions in the middle of the
7 page. Was that freely and voluntarily done --

8 A Yes, sir.

9 Q -- in your opinion?

10 A Yes, sir. In my opinion, that was freely and
11 voluntarily done. Just indicative that she did want to talk
12 to us about the reason she was there.

13 Q Did she indicate whether or not she understood her
14 rights?

15 A If you were to follow along with the form, the first
16 question is, "Do you understand each of the rights that I've
17 explained to you," and it says, "Yes," and she initialed the
18 yes that she understood it.

19 Q Did she exhibit any kind of confusion or muddled
20 thinking or anything like that?

21 A No, sir.

22 Q In your opinion did she understand her rights?

23 A In my opinion she understood her advisement of rights.

24 Q What process did you all go through after that? Once
25 you had gone through this format with State's Exhibit 33,

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1 the advisement of the rights, giving her the waiver of the
2 rights, what did you do then?

3 A We spoke with her at length about the reason she was
4 there and the case that, of course, she was involved in, and
5 ultimately which led to this point in the process. She
6 spoke with us about the information that we presented her
7 that we had and we were as open as we could be about the
8 reason she was there. And eventually she stated in oral
9 fashion, just stated aloud that she was going to take this
10 information to her grave, at which time we placed her in
11 custody and had her transported to Johnson Detention Center.

12 Q But the interview was concluded at that point; is that
13 right?

14 A At that point the interview was concluded, sir.

15 Q Was there anything that was done prior to that? Did
16 you show her anything?

17 A Yes, sir. She was provided the opportunity to view an
18 interview with what I believe is her son, Doyle Wayne
19 Roberts. He was in custody by the Laurens City Police at
20 the time and was speaking in the -- I believe he was in the
21 back of a police car that had an audio and video recording.

22 Q And that was recorded inside the police car; is that
23 right?

24 A That is correct.

25 Q What was her reaction when she saw this video?

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1 A She was very upset that that -- those statements he
2 said aloud were made, and she was very emotionally tolled at
3 that point and stated that she was going to carry the
4 information that she had to her grave and that was the end
5 of the interview.

6 Q But nothing -- no kind of inducements were made to get
7 her to talk up to that point; is that right?

8 A No, sir. We asked her several questions and again gave
9 her a lot of opportunities to understand the information
10 that we were given, so which she could either confirm or
11 deny. And eventually, you know, we'd shown her that video
12 of Mr. Roberts' statement in the back of a police car and
13 that was kind of the end of the interview.

14 Q One last question. Was there anything about what you
15 all did that would have affected her voluntariness to speak
16 with you all?

17 A Not to my knowledge. She was free to stop answering
18 questions at any time, as the form states, or tell us that
19 she wanted an attorney and she did not. So we concluded our
20 interview with her statement of that I'm carrying it to my
21 grave, which is indicative to me that she's not going to say
22 anything further of any value at that point. So -- which if
23 she had wanted another opportunity we would have advised
24 her. But at that point she was placed into custody and
25 transported to the Johnson Detention Center.

BEN BLACKMON-CROSS EXAMINATION (IN-CAMERA)

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1 MR. MOWRY: Thank you, sir. I believe that's all I
2 have. Answer any of Mr. Warder's questions, please, sir.

3 THE COURT: Mr. Warder.

4 MR. WARDER: Thank you.

5 CROSS-EXAMINATION

6 BY MR. WARDER:

7 Q The substance of any admission you accredited to my
8 client would be the word that, "I will carry it to my
9 grave"?

10 A The question you're asking is did she state that or --

11 Q Is that all she said?

12 A At the end of the interview that's what she stated. I
13 mean, she spoke with us at length, you know, about other --
14 I mean, about the incident. You know, she was -- she was
15 pretty quiet. She -- she spoke to us and was polite.

16 Q Polite tones? Cordial?

17 A Cordial. Yes, sir. Until she became emotionally
18 tolled after seeing the interview with Mr. Roberts.

19 Q Did she tell you why she became upset?

20 A Because she didn't believe that Mr. Roberts would say
21 such a thing about her and -- or would tell -- tell law
22 enforcement that information.

23 Q Did she give you that? Did she say, "I didn't think he
24 would give you that information"? Is that why you make that
25 conclusion?

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1 A I believe she said that she didn't believe that he
2 would say that and she was upset emotionally. And then she
3 went on to say that she was going to take the information to
4 her grave. And at that point we concluded our interview
5 because it passed the point of communication value. At that
6 point she wasn't going to tell us anything, so we stopped.

7 Q Did you make any notes that reflect the same -- her
8 saying anything other than, "I'll take it to my grave"?

9 A I prepared an incident report which is -- I believe the
10 Solicitor's Office, as well as yourself, have copies of
11 that.

12 Q Do you have a copy on you, sir?

13 A I haven't been provided a copy with it. I was notified
14 to be here rather last minute and they have my file.

15 MR. WARDER: Thank you.

16 THE WITNESS: Thank you, sir.

17 THE COURT: Call your next witness.

18 MR. MOWRY: We call Jared Hunnicutt.

19 JARED HUNNICUTT, having been first
20 duly sworn, testified as follows:

21 DIRECT EXAMINATION

22 BY MR. MOWRY:

23 Q You are Jared Hunnicutt?

24 A That's correct.

25 Q And I believe at this time you are a criminal

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1 investigator with the Laurens County Sheriff's Office; is
2 that right?

3 A That's correct.

4 Q Back in July of 2015 where were you employed?

5 A I was a lieutenant over investigations in Laurens City.

6 Q So you were Mr. Pittman's immediate superior; is that
7 right?

8 A Yes, sir.

9 Q And he's basically taken over for you since you left?

10 A Yes, sir.

11 Q Were you involved in the investigation of the murder of
12 Mr. James Bolt?

13 A Yes, sir.

14 Q From the VFW Hall back in 2003?

15 A Yes, sir.

16 Q Now, were you involved immediately --

17 A No.

18 Q -- at that time?

19 A I was not.

20 Q What was the basis for your involvement? How did you
21 get into this case?

22 A We began to look at the case. Try to do some followup
23 on some investigation that was done. Some statements,
24 things like that. We were basically reopening the case.

25 Q This case had been sort of dormant for a while; is that

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1 right?

2 A Yes, sir.

3 Q Arrests were made back in, what, 2003 I believe; is
4 that right?

5 A '03 and '04 I believe, yes.

6 Q And charges ended up being dismissed at a later time;
7 is that correct?

8 A Yes, sir.

9 Q But this was still an open case?

10 A Yes, sir.

11 Q As part of your investigation did you investigate the
12 involvement of this Defendant, Brenda Roberts?

13 A That is correct, we did.

14 Q Did you ever have any indication that she was involved
15 at the scene with the homicide?

16 A No, sir. None whatsoever.

17 Q What was the gist of your belief of her involvement?

18 A Basically her involvement was after the fact. More of
19 a coverup, assisting the agents that were involved.

20 Q And what led you to that conclusion?

21 A Several different statements mentioned Brenda -- or the
22 Defendant, Ms. Roberts, and we had interviewed several of
23 those -- we interviewed those people and they all were
24 leaning towards Brenda being involved washing, you know,
25 several items that were used or involved in the homicide.

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1 Q As part of this investigation back on the 7th of July
2 did you go and see Ms. Roberts?

3 A Yes, sir.

4 Q And what was done with her at that time?

5 A Myself, Detective Pittman, and Investigator Blackmon
6 went to her residence and asked her to come to the Sheriff's
7 Office with us. She came out there and then we interviewed
8 her at Captain Stephane Williams' office.

9 Q Let me show you what's been marked at State's Exhibit
10 No. 33 for identification. Do you recognize that?

11 A Yes, sir.

12 Q What is that, please, sir?

13 A It's an Advisement of Rights at the Laurens County
14 Sheriff's Office.

15 Q And before speaking to Ms. Roberts was she advised of
16 her rights?

17 A Yes, she was.

18 Q And this is the form that you all used?

19 A Yes, sir.

20 Q Who's handwriting is all of this up here at the top?

21 A It appears to be Ben Blackmon's. But this is his
22 signature, and mine is at the bottom as well.

23 Q And the bottom as you're facing it on the left; is that
24 right?

25 A Yes, sir.

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- 1 Q Is that correct? Sorry.
- 2 A Yes, sir.
- 3 Q What was the process for advising her of her rights?
- 4 How was that accomplished?
- 5 A Her rights were read to her orally.
- 6 Q Okay. But that's the form that they were read from; is
- 7 that right?
- 8 A Yes, sir. Line by line.
- 9 Q And there are two blanks here in the middle. What does
- 10 that reference?
- 11 A Basically it's whether or not they understand the
- 12 rights and if they want to answer questions.
- 13 Q And is there a yes and a no there?
- 14 A There's a yes and a no, and there appears to be a BR,
- 15 which is Brenda Roberts' initials in the yes blank on both
- 16 questions.
- 17 Q And were those, in fact, her initials? Did she write
- 18 --
- 19 A Yes, sir.
- 20 Q -- her initials there?
- 21 A Yes, sir.
- 22 Q And who's signature is this down there at the bottom?
- 23 A It's Brenda Roberts.
- 24 Q Indicating a waiver of her rights; is that correct?
- 25 A Yes.

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1 Q In order to get her to talk with y'all was there any
2 kind of threat made to her?

3 A None whatsoever.

4 Q Any kind of promise made to her?

5 A No, sir.

6 Q Any kind of inducement of any sort?

7 A No, sir.

8 Q Was her waiver of her rights freely and voluntarily
9 given?

10 A Yes.

11 Q She indicates whether or not -- whether she understood
12 her rights; is that correct?

13 A Yes, sir.

14 Q "Do you understand the rights that I have explained to
15 you", and she has initialed in the yes column; is that
16 correct?

17 A That is correct.

18 Q In your opinion, did she understand her rights?

19 A I believe so. Yes, sir.

20 Q Did she appear coherent?

21 A Yes, sir.

22 Q Were her answers appropriate?

23 A Yes, sir.

24 Q And again, no threats, promises, no inducements, hope
25 of reward, anything --

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1 A Nothing.

2 Q -- to get her to talk with you all? .

3 A No, sir.

4 MR. MOWRY: Your Honor, I believe that's all I have.

5 THE COURT: Mr. Warder.

6 CROSS-EXAMINATION

7 BY MR. WARDER:

8 Q How long did this interrogation last?

9 A Approximately an hour, hour and a half, if I had to
10 guess.

11 MR. WARDER: Thank you.

12 EXAMINATION

13 BY THE COURT:

14 Q I have just one question. At any point in time did Ms.
15 Roberts request counsel or an attorney or anything like
16 that?

17 A No, sir.

18 THE COURT: Followup based on my question?

19 REDIRECT EXAMINATION

20 BY MR. MOWRY:

21 Q Just to ask, as part of that time that you had
22 indicated, was the video shown?

23 A Yes, sir.

24 Q And that's probably about 40 minutes long, isn't it?

25 A It's -- yeah, right at it, approximately.

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1 MR. MOWRY: Thank you.

2 Q Oh, let me ask you this. Were you in patrol back in
3 2012?

4 A I was.

5 Q And were you, in fact, one of the patrolmen involved
6 with the stop of Dwayne -- excuse me, Doyle Wayne Roberts --

7 A I was.

8 Q -- in 2012?

9 A I was the sergeant on shift.

10 Q This is the video we're talking about; is that right?

11 A Yes, sir.

12 Q And you heard the entire colloquy that has been
13 referred to?

14 A Yes, sir. I was there in person.

15 MR. MOWRY: Thank you.

16 THE COURT: Any recross, Mr. Warder?

17 MR. WARDER: Yeah.

18 RECROSS-EXAMINATION

19 BY MR. WARDER:

20 Q Tell me about that colloquy, how that came about.

21 A I'm sorry. I couldn't hear you, sir.

22 Q Tell me about that colloquy you heard about between --

23 A Okay. Basically we had received a call from dispatch
24 that there was a stolen car from Clinton, I believe it was.

25 A gold Pontiac. We located the vehicle off of Hillcrest

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1 Drive. It pulled into what was -- what's now the Party
2 Center. It's a liquor store. The patrolman went up to the
3 car, identified the driver as Doyle Wayne Roberts, Jr., I
4 believe. Ran his license through dispatch. If I'm not
5 mistaken it was suspended, so he was placed in handcuffs,
6 double locked, checked for fit, placed in the back of the
7 vehicle. We notified the complainant who was Ms. Roberts.
8 It was her vehicle. He had taken it without her consent.
9 She arrived on scene shortly thereafter. And while he was
10 in the back of the patrol car handcuffed he started yelling
11 out the back of the patrol car at her. Would you like for
12 me to tell you what he said?

13 Q Yeah.

14 A Okay. It's not verbatim because I don't have the disc
15 going, but basically he said that, "You know you washed
16 those clothes, bitch. I'm going to tell it all. I'm going
17 to tell Tony Lynch," et cetera.

18 Q Was that it?

19 A Yeah. To the best of my knowledge, that was the
20 pertinent parts of it, what he told her.

21 Q Did he elaborate anymore after that?

22 A No, sir.

23 Q Did she elaborate anything or say anything then?

24 A Not that I'm aware of.

25 MR. WARDER: Thank you, Officer.

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1 THE WITNESS: Yes, sir.

2 THE COURT: Thank you. You can step down. Anything
3 further from the State on this issue?

4 MR. MOWRY: No, sir. For this purpose, that is the
5 basis of the State's case.

6 THE COURT: Mr. Warder, did you intend to offer
7 anything?

8 MR. WARDER: No, sir.

9 THE COURT: Very good. Do either of y'all care to offer
10 argument? Mr. Warder?

11 MR. WARDER: Your Honor, I don't have anything on that.

12 THE COURT: Based upon the law, the Court's concern at
13 this point is whether there is sufficient evidence that the
14 Defendant was apprised of her Miranda rights. There has
15 been absolutely nothing to contradict the testimony that has
16 been put forward. The testimony is credible to this Court
17 that she was read her Miranda rights. Accordingly, the
18 testimony is admissible. Obviously, whether the jury
19 believes it is entirely up to them. But the Court will find
20 that that testimony is admissible.

21 For purposes of cleaning up the record a little bit too
22 I wanted to address the discussions that we had had in
23 chambers concerning the statement that the State intends to
24 offer which was elicited from the co-defendant in this case.
25 I say a co-defendant. From the other actor in this --

1 alleged actor in this case, Arthur Jason Bowers. Solicitor,
2 did you want to -- when we initially met this morning about
3 this particular case I was under the impression that Mr.
4 Bowers had given a statement to law enforcement that
5 actually implicated the Defendant in the charge for which
6 the Defendant is currently being tried. I was under a
7 mistaken belief that he actually named her. After our break
8 before lunch, Solicitor, you came to the back and sort of
9 indicated -- or you indicated to the Court that his
10 statement did not specifically mention the Defendant in this
11 case, Ms. Roberts, and that basically you did not perceive
12 of a Crawford or a Bruton problem or a hearsay problem. Do
13 you want to go ahead and at least -- you don't need to call
14 a witness to do so, but do you want to proffer or just tell
15 me what the substance of that statement is?

16 MR. MOWRY: Yes, sir. There were three different
17 statements and they were given to Detective Tony Lynch, who
18 is here, and Investigator Bentley. In the first two the two
19 of them were involved. The last one just Detective Lynch.
20 Ironically, Investigator Bentley's son was born the day
21 before the last one was taken and so he was not involved
22 with that one. In essence, Your Honor, Mr. Bowers made
23 statements as to his involvement that he had been present at
24 the scene but indicated at first that he didn't know of
25 anything that had happened and then as law enforcement

1 developed evidence and came to him again he began to change
2 his statements in subtle and not so subtle ways, and then
3 implicated himself more and more at the end. And he had
4 been placed under arrest at that time, but at no time -- he
5 did give other names, but at no time did he mention Ms.
6 Robert's name. He did not indicate that she had washed
7 clothes or anything like that.

8 Our whole purpose in admitting those statements, Your
9 Honor, is just to prove -- well, we have other methods to
10 prove that, in fact, a murder took place, but that, in fact
11 he was the murderer. And then we have several other
12 individuals that will implicate Ms. Roberts in the coverup.

13 THE COURT: But, in a nut shell, the purpose that the
14 seeks introduction of those statements is, in fact, to
15 demonstrate that Mr. Bowers, the declarant in this case --
16 Mr. Bowers is, in fact, the one who is guilty of the murder
17 and therefore form the basis for the accessory after the
18 fact that Ms. Rogers is charged with. Is that --

19 MR. MOWRY: Yes, sir. We believe that a jury will find
20 beyond a reasonable doubt that he was present, aiding,
21 abetting, and assisting at the very least in the murder of
22 Mr. Bolt. That was one of three elements that we must
23 prove. One, that there had been a felony. Two, that Mr.
24 Bowers in this case was a principal felon, and three, that
25 Ms. Roberts had harbored him or helped him escape detection.

1 And we would submit that the washing of the clothes
2 certainly would have been part of that. But in no way does
3 his statement implicate her. I would also say that given
4 that it's not really a Crawford issue because though this
5 Defendant would have a right of confrontation of witnesses
6 bringing evidence against her, there is no evidence against
7 her in this case. This is just simply an element of a crime
8 that we must establish. In order to do that we must prove
9 that Bowers was in fact a principal felon.

10 THE COURT: Mr. Warder, do you want to be heard on that?
11 Obviously you object on hearsay grounds?

12 MR. WARDER: Sure. Well, yes. Your Honor, a couple of
13 reasons. It's hearsay, and once again it's back to the
14 probative value versus the prejudicial effect. The State
15 has to prove four things in the case. They have to prove a
16 completed felony. They don't do that by proving or taking
17 statements from witnesses or things. In this particular
18 case they have the felony of murder. There's a coroner's
19 report saying somebody died as the result of a murder and
20 that comes into evidence. The rest of it is just cumulative
21 for the prejudicial effect. I submit all that shouldn't
22 come in. The State satisfies the first element of it,
23 proving a completed felony, by the introduction of the
24 report of the coroner with the finding that a homicide has
25 been committed.

1 The rest of the other things the State has to prove
2 turns upon the Defendant's knowledge. They have to prove
3 first that she knew the felony had been committed. The
4 second thing they have to prove is that she harbored or
5 assisted the felon. And lastly they have to prove that the
6 assistance or act was done with the intention of enabling
7 the felon to escape detection, apprehension, arrest,
8 punishment, but to prove the details of the crime they don't
9 have to do it. And I think all of that should be excluded.

10 THE COURT: You want to reply?

11 MR. MOWRY: Mr. Warder is asking the Court and the jury
12 to make a leap across a chasm. He is asking us to go from
13 the fact that a felony was committed to the Defendant in
14 this case washed clothes. With no explanation in the middle
15 there isn't a chance in the world the jury can understand
16 exactly what happened. So in order to prove a principal
17 felon in the case we would need to be able to prove that, in
18 fact, someone was arrested on this charge and on what basis.

19 THE COURT: The Defendant in this case, Ms. Roberts, is
20 indicted for very specific conduct. That is aiding Arthur
21 Jason Bowers after the fact on the charges of murder and
22 armed robbery. So as I see it, the State has an obligation
23 to prove that Mr. Bowers did, in fact, commit those crimes.
24 If he is not guilty of those crimes then obviously there can
25 be no accessory after the fact because the State has

1 indicted Ms. Roberts for assisting Mr. Bowers after the
2 fact. So I think the State does have an obligation to prove
3 the underlying charges of murder and/or armed robbery in
4 their prosecution of this Defendant. I do realize this case
5 is very similar to the one that Judge Young tried here in
6 Laurens, the name of which escapes me. The opinion came out
7 --

8 MR. MOWRY: Beaty and Alexander were the two co-
9 defendants in that one, Your Honor.

10 THE COURT: Right. The Beaty decision, which the
11 Supreme Court came out earlier this year affirming that
12 conviction. That, of course, did involve a co-defendant by
13 the name of Alexander who, like in this case, was tried
14 first and the State had to prove the murder of the victim.
15 I think her name was Ashley in that particular case, but I
16 might be wrong. They had to prove the underlying homicide
17 in the prosecution of the co-defendant or the person charged
18 with accessory after the fact in that case. Because it is
19 the same procedural posture. In that case they tried the
20 co-defendant who was charged with accessory prior to trying
21 Mr. Beaty on the underlying offense.

22 Your objection is noted, Mr. Warder. The Court's
23 initial ruling on this is that that testimony is admissible.
24 I'm more than happy to offer any limiting instruction or to
25 consider any limiting instruction that you might want to

1 suggest. I will try to think of something off the top of my
2 head that might be appropriate, but if you have any
3 suggestions I'm all ears and at some later point in time if
4 we could discuss that. I can be considering. You can offer
5 that without prejudice to your objection to the underlying
6 testimony.

7 MR. WARDER: Your Honor, my concern is that we're
8 offering all this testimony on something that is really not
9 in controversy. There's no controversy that there was a
10 murder at the VFW and there's really no question in my mind
11 or the defense's mind that he did it. The controversy in
12 the case then becomes the washing of the clothes.

13 THE COURT: Well, let me approach it this way. If, for
14 purposes of this trial, the Defense is willing to stipulate
15 that Arthur Jason Bowers did, in fact, commit the crimes of
16 murder and armed robbery, if the Defense is willing to
17 stipulate to that, Solicitor, would you be willing to accept
18 that stipulation?

19 MR. MOWRY: Not quite, Your Honor. I appreciate that,
20 but I would prefer to try my case the way I intended to.

21 THE COURT: Under the rules both sides have to agree as
22 to a stipulation. If the State is not inclined to agree
23 with it then I'm not sure what power the Court has to force
24 it to agree.

25 MR. MOWRY: I'm just concerned, Your Honor, that if this

1 comes back guilty the review in court is going to be -- is
2 going to wonder a great deal about the lack of evidence that
3 we had presented. I would prefer to go ahead and put that
4 evidence up and let the jury make a determination. If Mr.
5 Warder is saying that the whole issue is whether or not she
6 washed clothes then I agree, but we need to be able to show
7 the jury exactly what happened. We should be able to
8 demonstrate that in the manner in which we deem appropriate.

9 MR. WARDER: That's just what I'm objecting to, knowing
10 that they're going to make as prejudicial as they can the
11 part we're not disputing whether we were involved in. That
12 will carry over to the part we were involved in and it will
13 make it hard for the jury to give a fair trial on the
14 issues.

15 THE COURT: All right. Solicitor, I'm assuming that in
16 addition to -- again, I haven't touched this case aside from
17 I think I dealt with a bond hearing last term of court on
18 Bowers. But my understanding of the underlying allegations
19 and evidence is obviously much more limited than you
20 gentlemen.

21 MR. MOWRY: Yes, sir. We are not going into the full
22 blown murder case. We are proving that a murder took place.
23 We are proving that this Defendant was a principal felon.
24 Then we will go into this Defendant's actions that lead to
25 these charges.

1 THE COURT: Do you anticipate that some of the testimony
2 that you elicit concerning Bowers' statements relate to what
3 the Defendant knew or reasonably should have known as far as
4 the incident is concerned? Does that touch on any of it?

5 MR. MOWRY: Well, the information that we would get
6 would lead to the fact that -- or lead to the reasons that
7 the Defendant had blood all over his clothes and that the
8 clothes needed washing. I think we need to be able to
9 describe the scene to that extent, the injuries that Mr.
10 Bolt received that led to his blood being on the -- we would
11 submit, on the -- on Bowers' clothes. I'll call him by
12 name. That required Ms. Roberts to wash them.

13 THE COURT: Which goes to the second and third element,
14 theoretically, the accessory after the felony charge.

15 MR. MOWRY: Yes. Correct, Your Honor.

16 THE COURT: All right.

17 MR. MOWRY: And the link from start to finish.

18 THE COURT: Mr. Warder, my initial ruling still stands,
19 but I will reflect on that tonight. If I change my mind I
20 will let y'all know. Is there anything else you want to
21 say, sir?

22 MR. WARDER: I think there's a difference between the
23 fact that there was blood at the scene and it needed to come
24 off the clothes to describing the individual injuries that
25 were on the victim and things like that. In other words,

1 obviously blood got on the clothes somewhat. We weren't
2 there, but the clothes became bloody and it's okay to
3 describe that there was enough blood that it looks like
4 there was a loss of blood. But, I mean, I think you go much
5 more than that and it's just for the prejudice of getting
6 the jury more likely to convict than it is proving the case
7 or adding probative value.

8 THE COURT: Okay, so you're also making a 403 objection
9 to this as well.

10 MR. WARDER: Yes, sir.

11 THE COURT: I'll let you know if I change my mind. I'm
12 still with my original ruling. When that testimony is
13 elicited, Mr. Warder, just remember to make an objection,
14 please, as you well know to do and then you can have a
15 continuing objection to any subsequent testimony without
16 having to renew that as the testimony progresses. I'll note
17 that for the record at the appropriate time.

18 MR. WARDER: Thank you very much, Your Honor. I
19 appreciate that.

20 MR. MOWRY: Just for the record, Your Honor. The State
21 is not planning to admit any photographs involving blood at
22 the scene, any injuries to Mr. Bolt. There will be
23 descriptions of them which will obviously lead to a
24 conclusion that a murder occurred. This was not merely an
25 accident. But that is part of the State's prima facie case.

1 THE COURT: All right. Very good. Anything else we
2 need to put on the record before we get rolling with the
3 actual trial, gentlemen?

4 MR. MOWRY: No, sir. Well, I take that back. There was
5 a statement that Ms. Roberts made back in 2003.
6 Investigator Lynch is here. She made a statement at that
7 time. I think we talked about that. Are you going to
8 object to that? We can do a *Jackson v Denno* on that one as
9 well.

10 THE COURT: What's the substance of the statement?

11 MR. MOWRY: She was interviewed by Investigator Lynch
12 and essentially made a self serving statement. I'm not even
13 certain we are going to admit it or offer it.

14 THE COURT: Do you have any position on that at this
15 point in time, Mr. Warder?

16 MR. WARDER: Well --

17 THE COURT: Being a self serving statement I'm assuming
18 you may want to use it during the State's case in chief.

19 MR. WARDER: No, I really don't at this time have --

20 THE COURT: I don't think we need to address it then.

21 MR. MOWRY: Very good.

22 THE COURT: We'll take a few moments for ourselves while
23 we figure out -- I assume the jury is here?

24 BAILIFF: Yes, sir.

25 THE COURT: Solicitor, obviously you've spoken to the

1 individuals who are out there, Mr. Bolt's family. Just
2 remind them of my standing policy that if, at any time, they
3 have any difficulty containing their emotion to feel free
4 just to quietly stand up and leave. They don't need to feel
5 like they need to wait for me to take a break or anything
6 like that, but they are certainly welcome to stay and they
7 are welcome to come and go as they need to.

8 MR. MOWRY: And our victim advocate is with them as
9 well, Your Honor. She will help them out if that becomes
10 necessary.

11 THE COURT: Right. Obviously everyone wants this to be
12 a clean trial. Emotional outbursts and that sort of a thing
13 potentially could upset that objective. With that said, I'm
14 sure everybody will be fine.

15 MR. MOWRY: Thank you, Your Honor.

16 THE COURT: We'll be at ease for about five minutes.

17 MR. MOWRY: Can I ask that the same admonition be given
18 to the Defendant's family?

19 THE COURT: Certainly. My comments were meant to apply
20 to anyone who is a spectator here. Anyone is welcome in my
21 court, but obviously if anyone at any time has a problem
22 containing themselves, feel free just to absent yourself
23 until you can contain your composure, okay?

24 (Whereupon, there was a recess from 3:20 p.m. until
25 3:30 p.m.)

1 You can consider anything that's in the record in this
2 case which will help you evaluate the testimony of the
3 witnesses. That means it's your duty to pay close attention
4 to them, listen to them, observe them, and please pay close
5 attention to the lawyers in the Court. Try to keep your
6 thoughts from wondering so that at the conclusion of all the
7 evidence you'll be in as best a position possible to render
8 a verdict in this case after applying the law to the facts
9 as you find them to be.

10 Now, in order to preserve everyone's rights, I'll give
11 the attorneys an opportunity to object to anything that I've
12 said to you during these opening remarks and then we'll
13 proceed with opening argument and take some testimony.

14 Any objections from the State?

15 MR. MOWRY: No exceptions and no objections.

16 THE COURT: Mr. Warder?

17 MR. WARDER: No objections or exceptions.

18 THE COURT: We shall now begin the trial. Mr. Mowry,
19 you're recognized for your opening, sir.

20 MR. MOWRY: Thank you very much, Your Honor.

21 OPENING STATEMENTS

22 BY MR. MOWRY: Mr. Foreman, ladies and gentlemen, allow
23 me to reintroduce myself if I may. My name is Warren
24 Mowry. I serve as the Deputy Solicitor here in Laurens
25 County. Every criminal case that is brought in South

1 Carolina is brought in the name of the people of the state.
2 I represent the State in this case. Back on the 26th of
3 September, 2003 fourteen years ago almost Mr. James Bolt was
4 at the VFW Hall, the Veterans of Foreign Wars Hall on East
5 Main Street in Laurens. He helped run the hall. They had a
6 bar where you could get a beer, where servicemen from
7 foreign wars, veterans of foreign wars. That's what VFW
8 stands for. Where they could come and congregate with their
9 former troops. Reminisce. Perhaps tell war stories,
10 literally, and just be with people with like experiences.

11 Sometime late that afternoon around 6:00/6:30,
12 somewhere in there, it appears Mr. Bolt was cleaning up.
13 There was a mop bucket, one of those wringer buckets, that
14 was pulled out. A trash can, little waste basket in the
15 bathroom was placed on top of the toilet tank as if someone
16 were in there cleaning up. But instead of simply completing
17 his task and going home as he'd done for quite some time,
18 for all those many days --

19 MR. WARDER: Your Honor, I object. Beyond the scope.

20 THE COURT: I'll allow it. I'll afford you some
21 latitude, Solicitor. Please, just keep it as tightly as you
22 can. I anticipate that you are referencing facts that you
23 do anticipate coming out from an actual witness, but try to
24 keep it tight and --

25 MR. MOWRY: Yes, sir.

1 THE COURT: -- move forward. Thank you.

2 MR. MOWRY: Always do, Your Honor. Thank you.

3 Instead of going home that night, ladies and gentlemen,
4 about 6:30 that night a Laurens City Police Officer, Dwight
5 Craft, was called to the scene. There he discovered the
6 beaten, bloody, and lifeless body of Mr. James Bolt. There
7 will be no doubt, ladies and gentlemen, I suggest no
8 reasonable doubt that Mr. Bolt was murdered. This was no
9 accident. This was not self-inflicted. This was homicide.
10 This was a murder.

11 Now, under no circumstances does the State believe that
12 this lady over here, Brenda Roberts, committed the murder.
13 We do not believe that she was present when the murder took
14 place. The State will present evidence to you that another
15 individual, Arthur J. Bowers, A.J. Bowers, was involved in
16 the murder. So why are we here for a trial on Ms. Roberts?
17 There are two types of criminals, ladies and gentlemen.
18 They are called principals and they are called accessories.
19 A principal to a crime is anyone who is present at the scene
20 of the crime and is either committing the crime or actively
21 aiding or abetting or assisting in the commission of the
22 crime. Then you have accessories to a crime. Accessories
23 are not present at the scene, but they help in some way
24 either before the fact in planning the crime or in procuring
25 the tools to commit the crime, helping the principals, the

1 perpetrators in committing the crime. Or in this case, an
2 accessory after the fact. That is what we submit to you Ms.
3 Roberts is guilty of. She is an accessory after the fact to
4 this brutal homicide at the VFW Hall. How? What did she
5 do?

6 Ladies and gentlemen, we will present testimony. We
7 will present evidence to you that will show you that A.J.
8 Bowers was covered with blood. He returned to Ms. Robert's
9 home in Laurens County and that there, knowing what had
10 happened, instead of calling the law enforcement and saying,
11 "I believe I have evidence of this crime. You need to come
12 out here," she covered it up. Instead of providing law
13 enforcement with the bloody clothes she washed them. She
14 destroyed them. She disposed of them so that law
15 enforcement could never find them and use that evidence in
16 the prosecution of Arthur J. Bowers.

17 Now, ladies and gentlemen, in essence there are three
18 elements that we must prove to you in an accessory after the
19 fact. The first one is that we must prove to you that a
20 felony had been committed. We will present the evidence to
21 you to show you that in fact a murder was committed without
22 any reasonable doubt. The second element, we must show you
23 that the accused had knowledge that the principal, in this
24 case A.J. Bowers, had committed the act or was present,
25 aiding, abetting, and assisting in it. And then finally, we

1 must show you that she harbored, she gave him safe haven, or
2 assisted A.J. Bowers. Again, as I said, we will prove to
3 you through testimony of various witnesses that in fact she
4 washed his clothes knowing what had happened. We will
5 present evidence to you, ladies and gentlemen, when police
6 questioned her about that that she told police, "I'm going
7 to take it to my grave." I submit to you that is guilty
8 knowledge. If she knew that she had information that could
9 have led to the apprehension of killers and she did not help
10 law enforcement do it. She did not help law enforcement
11 catch the perpetrators, the brutal murderers of James Bolt.

12 Now, ladies and gentlemen, in every criminal case in
13 South Carolina whether here in the Court of General Sessions
14 or in Magistrate Court, the State is required to prove the
15 case. The Defense doesn't have any burden. And we must do
16 so beyond a reasonable doubt. What is a reasonable doubt?
17 A reasonable doubt -- my mother was an English teacher and
18 she always advised me never to define a word by using the
19 word or term itself, but a reasonable doubt is just a doubt
20 for which you can give a reason. It's not some whimsical
21 doubt. It's not some fanciful doubt. If you can feel
22 firmly convinced about a particular proposition --

23 MR. WARDER: Your Honor, I object, once again, on
24 arguing the law and these definitions in opening statements.

25 MR. MOWRY: It's an opening statement, Your Honor.

1 THE COURT: I do give attorneys an opportunities to have
2 a lot of latitude in their openings and in their closings.
3 Of course, I will instruct the jury on the law and I'm quite
4 certain that Mr. Mowry would agree with me that anything I
5 say that might differ from what he says now they should go
6 with what I say. So, you may continue.

7 MR. MOWRY: Thank you, Your Honor. But it's not beyond
8 any doubt, ladies and gentlemen. It's impossible to prove
9 anything to a hundred percent proof. There is nothing that
10 we can be assured of beyond any doubt whatsoever. Some of
11 y'all may have seen The Truman Show. It's a Jim Carey movie
12 in which this fellow appears to be living a very serene life
13 in this beautiful little coastal town. Turns out that his
14 entire life is a reality show and all the people that he
15 thinks are his friends are, in fact, actors that are taking
16 part in the show. So we can't say a hundred percent certain
17 on much of anything. This is the same situation here. It
18 is enough to leave you firmly convinced of the truth of a
19 proposition, and that is what I submit to you the State will
20 prove to you by the end of this case.

21 The State will go ahead and present witnesses to you in
22 short order that will lay the picture. They will give you
23 the picture of what happened. How all of the dots connect.
24 This is an interesting case, ladies and gentlemen. It's
25 almost a unique case in that it is 14 years almost since the

1 murder of James Bolt. They say justice delayed is justice
2 denied. We'll see.

3 Ladies and gentlemen, Mr. Warder will have an
4 opportunity in just a couple of minutes to talk to you and I
5 will leave it at that, but I always ask a jury to do three
6 things during the course of trial. They're all equally
7 important.

8 The first is to listen very carefully to the
9 information, the testimony, that comes off this witness
10 stand because it is from that and whatever pieces of
11 evidence that are introduced during the course of the trial
12 that you are to render your verdict. Nothing that I'm
13 telling you is evidence, just as the Judge said. Nothing
14 that Mr. Warder will tell you is evidence. Only what comes
15 off of this witness stand is to be considered as evidence by
16 you. So listen very carefully to that.

17 I ask you to listen very carefully at the end of the
18 trial when His Honor instructs you in the law in this case.
19 Now, it may not be the law you think it is. It may not be
20 the law that you think it ought to be. But it is the law
21 that you must take back there to the jury room when you're
22 determining the verdict.

23 Ladies and gentlemen, do one last thing. Every one of
24 y'all comes from a different lifestyle, different jobs,
25 different background, but every one of y'all has at least

1 one thing in common, and that's common sense. I ask you to
2 use your common sense when you're considering the testimony
3 and evidence that comes off the witness stand. Use your
4 common sense when you're applying the law as the judge gives
5 you to the facts and evidence as you determine them to be.
6 And use your common sense when you're combining those in
7 determining what your verdict is. If you do all those three
8 things, ladies and gentlemen, you're going to come back with
9 a just, fair, and true verdict, and that's all any of us
10 ask. Thank you very much.

11 THE COURT: Thank you, Mr. Mowry. Mr. Warder, you're
12 recognized for your opening, sir.

13 MR. WARDER: Thank you. Ladies and gentlemen, I
14 represent a lady who today is before you in the courtroom
15 being charged with being an accessory after the fact. That
16 simply means, of course, that all of the criminal activity
17 that happened at the VFW Club, all of the planning that went
18 into that criminal activity, all of the time it took to get
19 ready to do it by Mr. Bowers there will be no testimony that
20 she participated in planning, deciding to do it. No
21 testimony that she was there. That she had anything at all
22 to do with it.

23 We are here today because of maybe two things. But
24 then after that they say she washed the clothes, washed his
25 clothes. His Honor will tell you at the end of this that

1 that conduct is only criminal if she knew the crime had been
2 committed and that she did that act with the intention to
3 destroy evidence. Somehow that she was assisting. It was
4 what she knew then when she did that act. I'm not arguing
5 the innocence of Mr. Bowers. The Defense's position is that
6 we don't know. Our position is that we didn't do any act
7 with the intention of helping or that they even talked about
8 it. We didn't do anything to conceal this, or prevent the
9 prosecution. They take the phrase, "I'll take it to my
10 grave", and say it was an admission you did something wrong.
11 We all make mistakes. When we make big mistakes - bad
12 mistakes - we have to live with them. We have to live with
13 them all of our life. And we take those mistakes to the
14 grave. They haunt us. We're sorry for them. We didn't
15 mean to do it. We wish it hadn't happened. And all of
16 those thoughts go to the grave with us, because they stay
17 with us for every day of our life. When she said, "I will
18 take it to the grave", she wasn't saying anything like I'm
19 sorry I helped him and wished it hadn't happened. And I
20 didn't commit a crime. I didn't intend to commit anything.
21 Thank you very much.

22 (Whereupon, the court reporter adjusted microphone.)

23 THE COURT: Thank you, Mr. Warder. My Court Reporter's
24 job is to take down everything that's said during the course
25 of the trial, ladies and gentlemen. There's an old joke

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1 that it doesn't matter what the Judge says it only matters
2 what she writes down. She has to make sure that she hears
3 everything so she can write it down. Solicitor, you may
4 proceed, sir. Call your first witness.

5 MR. TODD: Judge, the State would like to call Dwight
6 Craft.

7 DWIGHT CRAFT, having been first
8 duly sworn, testifies as follow:

9 DIRECT EXAMINATION

10 BY MR. TODD:

11 Q You are Dwight Craft, is that correct?

12 A Yes, sir.

13 Q Where are you employed?

14 A Currently I'm employed at Woodruff Chevrolet in
15 Woodruff, South Carolina.

16 Q Prior to that, where were you employed?

17 A I spend 14 years with the Laurens Police Department.

18 Q What year was that?

19 A Approximately 2000 to 2014.

20 Q You were employed on September 26, 2003?

21 A Yes, sir. I was.

22 Q What was your position with the Laurens Police
23 Department?

24 A I was Master Patrolman at that time.

25 Q Okay. And what are your duties as a Master Patrolman?

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1 A I was assigned to the road division, so just general
2 patrol.

3 Q Let's go to specifically September 26, 2003. Were you
4 on patrol that night?

5 A Yes, sir. I was.

6 Q And did you have the opportunity to respond to a call
7 at the VFW?

8 A Yes, sir.

9 Q Is that 763 East Main Street?

10 A Yes, sir.

11 Q Do you recall what the nature of that complaint was?

12 A It was someone that had been injured at the VFW there.

13 Q And about what time did you respond to that call at the
14 VFW? Do you have your report with you?

15 A Yes, sir. I do. The call was dispatched at 2026, so
16 that would have been almost 8:30.

17 Q And were you the first to arrive on the scene?

18 A I was myself, and Chief Morris arrived at approximately
19 the same time.

20 Q And just to be clear, Laurens -- the VFW is in the city
21 of Laurens?

22 A Yes, sir. It's in the city of Laurens.

23 Q And that's the county of Laurens?

24 A Yes, sir.

25 Q Okay. And do you recall who the complaint was for the

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1 phone call that came in? Who made the phone call?

2 A It was Sandra Alexander.

3 Q And are you aware of where Ms. Alexander is today?

4 A To my knowledge, at this time she's in a nursing home
5 from a stroke that caused some brain damage, and that's her
6 reason for being in the nursing home.

7 Q So when you arrived at 763 East Main Street VFW who was
8 there?

9 A Sandra Alexander, myself, and as I said, Chief Morris
10 arrived approximately the same time I did, and the victim,
11 Mr. Bolt.

12 Q I've got a couple pictures here. I'll show you a
13 couple pictures here, what's been marked as State's Exhibit
14 No. 1 for identification.

15 A Yes, sir. That's the outside of the VFW on East Main
16 Street in Laurens.

17 Q Does that fairly and accurately describe what it looked
18 like on the night of September 26th, 2003?

19 A Yes, sir. It does.

20 MR. TODD: Judge, the State would like to move No. 1
21 into evidence.

22 MR. WARDER: No objection.

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

25 (Whereupon, State's Exhibit No. 1 was admitted into

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1 evidence.)

2 Q And just for the jury, this is where you responded on
3 September 26th, 2003?

4 A Yes, sir. That's correct.

5 Q I'm going to go through a couple more photos with you.
6 What's been marked as State's Exhibit No. 2 for
7 identification.

8 A Yes, sir. That is another view of the VFW on East Main
9 Street.

10 Q State's Exhibit No. 3 for identification.

11 A That is an additional view of the VFW on Main Street.

12 Q And these may be getting a little repetitive. But
13 State's Exhibit No. 4 for identification.

14 A Yes, sir. And again, that is another picture of the
15 VFW, different -- different perspective.

16 Q And Nos. 5 and 6 for identification.

17 A Yes, sir. Those are the VFW.

18 Q And those fairly and accurately describe or depict what
19 the VFW looked like on September 26th, 2003?

20 A Yes, sir.

21 MR. TODD: Your Honor, State would like to move Exhibit
22 Nos. 2 through 6 into evidence.

23 THE COURT: No objection?

24 MR. WARDER: No objection.

25 THE COURT: Without objection they are in evidence.

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1 (Whereupon, State's Exhibit Nos. 2 through 6 were
2 admitted into evidence.)

3 Q And I'm just going to get you to describe again 2
4 through 6. And again, where is this?

5 A That was to the side of the VFW building.

6 Q No. 3. And that?

7 A That one looks like it's to the side and going toward
8 the rear of the VFW building.

9 Q And No. 4?

10 A Yes, sir. I think those are of the -- of the rear of
11 the VFW building.

12 Q No. 5?

13 A And another view of what I believe is the rear of the
14 VFW building.

15 Q And No. 6?

16 A And that is the other side of the VFW building.

17 Q And that's all around the front of that. But that's
18 the building?

19 A Yes, sir.

20 Q All right. So when you arrived at this building on
21 2000 -- or on September 26, 2003 what did you do when you
22 arrived?

23 A We went through the glass door that you can see in that
24 picture, and once -- it's got like a breezeway. We walked
25 through there. We could see that there appeared to be some

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1 forced entry on the wooden door on the inside. We made
2 entry through that door, and that is when we seen Ms.
3 Alexander.

4 Q And did you get an opportunity to observe Ms.
5 Alexander's demeanor?

6 A Yes, sir. She was, I mean, visibly shaken and just
7 kind of seemed to be in a little bit of a state of shock, I
8 guess.

9 Q Okay. And what did you do next?

10 A We went to the bathroom in the building and we found
11 the body of Mr. Bolt.

12 Q What else did you see, observe?

13 A It appeared he had been beaten about the head, and a
14 lot of blood in the -- in the room that he was in. And he
15 was down on the floor. Didn't appear to be any signs of
16 life, at least to me at that point.

17 Q Okay. That was my next question. Did -- was there any
18 kind of life-saving treatment performed at that time or was
19 there no sign of life, period?

20 A We did not see any sign of life, but EMS was called
21 into the scene.

22 Q I'm going to show you another photo just to see if we
23 can get a clearer scene. What's been premarked as State's
24 Exhibit No. 7 for identification. Can you identify that?

25 A Yes, sir. That is a -- that is the VFW.

DWIGHT CRAFT-DIRECT EXAMINATION

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1 Q Okay. And State's Exhibit No. 8 for identification.

2 A Yes, sir. That looks like an overhead view of the VFW.

3 Q Okay. And those fairly and accurately describe -- or
4 depict what the VFW looks like and did look like on
5 September 6th, 2003?

6 A Yes, sir.

7 Q Just to give the jury a better sense of the building,
8 show 7 Walter.

9 MR. TODD: Your Honor, the State's would like to
10 introduce Exhibit 7 and 8 into evidence.

11 THE COURT: Any objection?

12 MR. WARDER: No.

13 THE COURT: Without objection, 7 and 8 are in evidence.

14 (Whereupon, State's Exhibit Nos. 7 and 8 were admitted
15 into evidence.)

16 Q And this is off of East Main Street?

17 A Yes, sir. It is.

18 Q Okay. And then that's an aerial photo of the VFW and
19 more in line with the photos that have already appeared
20 around?

21 A Yes, sir.

22 Q Okay. So when you got to the VFW and you said you
23 found Mr. Bolt around the bathroom area; is that correct?

24 A Yes, sir.

25 Q Okay. I'm going to show you what's been premarked as

DWIGHT CRAFT-DIRECT EXAMINATION

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1 Exhibit No. -- State's Exhibit No. 9 for identification.

2 Would this accurately depict the inside of the VFW, the
3 scale?

4 A Yes, sir.

5 Q And it was still the same layout as September 26th,
6 2003 as you found it that night?

7 A Yes, sir.

8 MR. WARDER: I would object to basis for it going into
9 evidence. I would object to that one.

10 THE COURT: Are you -- do you intend to offer that into
11 evidence or do you simply want to use that as a
12 demonstrative exhibit?

13 MR. TODD: I'd like to offer it into evidence just to
14 give the jury an idea of how -- where the body was found,
15 where these people came in, where the cash register was.

16 THE COURT: All right. Subject to Mr. Warder's
17 objection, that's in evidence.

18 (Whereupon, State's Exhibit No. 9 was admitted into
19 evidence.)

20 Q This fairly and accurately describes --

21 A Yes, sir. It is.

22 MR. TODD: The State would like to move this into
23 evidence, Your Honor.

24 THE COURT: State's 9 is in evidence.

25 MR. TODD: Publish to the jury?

DWIGHT CRAFT-DIRECT EXAMINATION

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1 THE COURT: You may.

2 MR. TODD: Dwight, it might be easier if you come down
3 here and kind of give us the lay of the land. We've
4 actually got it online, too. Let me see what would be
5 easier. Probably that. Come over here, if you don't mind,
6 Dwight.

7 THE WITNESS: Okay.

8 (Whereupon, the witness stepped down from the witness
9 stand.)

10 THE COURT: Why don't you have him go over next to the
11 TV.

12 MR. TODD: Yeah.

13 THE COURT: I think that will be easier for Mr. Warder
14 and the jury to see.

15 Q Now, you said you came in the VFW. Do you see where
16 the door is? Can you show the jury where the door is here?

17 A Uh-huh. Right here.

18 Q Okay. And when you walked in where was Ms. Alexander?

19 A As I recall, she was near the bar area here. The other
20 side of the bar.

21 Q Okay. And this right here depicts the bathroom?

22 A Yes.

23 Q And is this where you found Mr. Bolt?

24 A Yes, sir.

25 Q Anything else that you see in here that would be of

DWIGHT CRAFT-CROSS EXAMINATION

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1 note? Where was the cash register; do you know?

2 A It was over on the -- behind the bar over there.

3 MR. TODD: All right. You can go back on the stand.

4 (Whereupon, the witness returns to the witness stand.)

5 Q A couple more things. The cash register, do you recall
6 where that was on scene?

7 A I'm thinking it was behind the bar area.

8 Q Okay. Do you recall if anything was open?

9 A I did not recall that. No, sir.

10 MR. TODD: Please answer any questions Mr. Warder might
11 have for you.

12 THE COURT: Mr. Warder.

13 CROSS-EXAMINATION

14 BY MR. WARDER:

15 Q What time was it when you arrived on the scene?

16 A It was 20:26 -- or 20:33. I'm sorry. It was
17 dispatched at 20:26 and we arrived on scene at 20:33.

18 Q And when did you close the scene?

19 A We had it closed at 0600, which would have been the
20 next morning.

21 Q And there would have been officers there doing
22 different types of evidentiary or crime scene work?

23 A Yes, sir. We had detectives from the Police Department
24 and SLED there.

25 MR. WARDER: Thank you.

NICK NICHOLS-DIRECT EXAMINATION

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1 THE COURT: Mr. Craft, thank you very much. You are
2 free to go.

3 THE COURT: Call your next witness, Solicitor.

4 MR. MOWRY: Nick Nichols.

5 EXAMINATION OF NICK NICHOLS

6 NICK NICHOLS, having been first
7 duly sworn, testified as follows:

8 DIRECT EXAMINATION

9 BY MR. MOWRY:

10 Q You are Nick Nichols?

11 A Yes, sir.

12 Q And what is your position, please, sir? What job do
13 you perform?

14 A I'm the Laurens County Coroner, serving 35 years and
15 the last 17 years as Coroner of Laurens County.

16 Q So you became Coroner in roughly 2000; is that right?

17 A That is correct.

18 Q And then prior to that had been a deputy coroner; is
19 that right?

20 A Correct.

21 Q Explain to the jury, if you would, who might not be
22 familiar, what exactly does the coroner do?

23 A Calls and manner of death is left to the coroner, to
24 investigate all deaths in Laurens County, the county that
25 the coroner serves.

NICK NICHOLS-DIRECT EXAMINATION

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1 Q So any time there is a death in Laurens County you're
2 called out; is that right?

3 A That is right.

4 Q Were you serving in the capacity as coroner back on the
5 26th of September of 2003?

6 A Yes, sir.

7 Q Did you receive a call that evening to go to the VFW
8 Hall on East Main Street in Laurens?

9 A I did.

10 Q About what time did you arrive; do you recall?

11 A This was somewhere around probably quarter after 8:00.

12 Q And what did you see when you got there?

13 A Went inside, went to my left and saw a gentleman laying
14 on the floor in a pool of blood. At that time I had
15 discussed with one of the officers there that SLED had been
16 called, after I noticed that he was certainly dead, and I
17 left the building, which is protocol whenever SLED is
18 called.

19 Q And what is the purpose for SLED being called? What do
20 they do?

21 A This is the SLED ID team, investigation team, which
22 assists in the county on a death.

23 Q And why do you withdraw from the scene and let them do
24 their work? What is the purpose of that?

25 A Well, they're much more qualified as far as their

NICK NICHOLS-DIRECT EXAMINATION

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1 equipment. This is -- they handle every death whether it be
2 a car accident, homicide, suicide or whatever. And for this
3 reason SLED is so helpful with their work.

4 Q But the purpose of it is to avoid contamination; is
5 that right? To avoid having other people bringing things to
6 the scene and then taking things away perhaps?

7 A No, none of us was allowed inside that building once I
8 got there.

9 Q Right. Was Walter Bentley at the scene? Did you see
10 him there that night?

11 A I can't recall, but I feel sure he probably was.

12 Q Let me ask you to refer to this video that we have
13 here. This is State's Exhibit No. 9. It's been testified
14 to that this is the interior of the VFW Hall. Does that
15 look familiar to you?

16 A It does.

17 Q And I believe the front door would be about here; is
18 this right -- is that right?

19 A Correct.

20 Q Where was Mr. Bolt's body in reference to the front
21 door?

22 A Go in the front door, make a left and he was in the
23 bathroom.

24 Q Basically where I'm touching; is that right?

25 A Where you're pointing, correct.

NICK NICHOLS-DIRECT EXAMINATION

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- 1 Q You were present when EMS arrived; is that right?
- 2 A No. EMS was already on scene.
- 3 Q Okay. Were you able to determine from them whether
- 4 there were any signs of life?
- 5 A There was certainly no signs of life from them and with
- 6 my observation in looking at the person laying on the floor.
- 7 Q Describe --
- 8 A A tremendous amount of blood was there.
- 9 Q Describe the injuries that you saw on Mr. Bolt?
- 10 A It appeared he had blunt force trauma to the head and
- 11 face.
- 12 Q Somebody beat him in the face and head; is that right?
- 13 A Well, he had blunt force trauma there.
- 14 Q As part of your duties did you attend an autopsy of Mr.
- 15 Bolt, I believe it was the following -- the following day?
- 16 A Yes, sir. I did.
- 17 Q Where was that conducted?
- 18 A Newberry Hospital morgue.
- 19 Q And there was a pathologist, a medical doctor that
- 20 actually performed the autopsy, but you were present; is
- 21 that correct?
- 22 A I was present, and Dr. Yacoub performed the autopsy.
- 23 Q Inasz Yacoub?
- 24 A Correct.
- 25 Q Did she prepare a report that was submitted to you?

NICK NICHOLS-DIRECT EXAMINATION

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1 A Yes, she did.

2 Q Let me hand you what's been marked as State's Exhibit
3 No. 34 for identification. Do you recognize that?

4 A This is the pathology autopsy of Mr. Bolt.

5 Q And did you use this report to make your determination
6 as to the cause and manner of death of Mr. Bolt?

7 A Yes, sir.

8 MR. MOWRY: Your Honor, at this time I would offer this
9 report into evidence.

10 THE COURT: I'll allow it into evidence subject to the
11 earlier comments that we had at the pretrial conference and
12 subject to Mr. Warder's earlier objection. So I'll allow
13 him to look at that tonight. If any redaction needs to take
14 place, we can handle that.

15 MR. MOWRY: Thank you, Your Honor.

16 Q Let me refer you again to State's Exhibit No. 34.
17 Based on your observations, based on the autopsy and the
18 findings by Dr. Yacoub, what was your determination as to
19 the cause and manner of death of Mr. James Bolt?

20 A There was no question he was beat with a object of
21 which I do not know severely about the head.

22 Q Okay. And what kind of death was this? What manner of
23 death was this?

24 A Blunt force trauma.

25 Q Right. That was the cause of death. What was the

NICK NICHOLS-CROSS-EXAMINATION

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1 manner of death?

2 A I ruled it as a homicide.

3 Q This was not an accident?

4 A No, sir.

5 Q This was not a suicide?

6 A No, sir.

7 Q So somebody else did this to Mr. Bolt; is that right?

8 A Absolutely.

9 MR. MOWRY: All right, sir. Thank you, sir. I believe
10 that's all I have.

11 THE COURT: Cross?

12 CROSS-EXAMINATION

13 BY MR. WARDER:

14 Q All of the medical findings are made by Dr. Yacoub; is
15 that right?

16 A I'm sorry. I didn't -- I can't hear you from where
17 you're at.

18 Q I apologize. You don't make medical findings? You
19 just rely on doctors to do that?

20 A I do make medical findings. In the case of what I was
21 dealing with, I do not make those. But I did attend and do
22 attend the autopsies and very much involved with it.

23 Q You make the determinations for -- that a coroner makes
24 based on what you see the doctor doing, what you've learned
25 at autopsy?

EUGENE YEARGIN-DIRECT EXAMINATION

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1 A Along with what the doctor -- forensic pathologist
2 tells me, and myself.

3 MR. WARDER: Thank you.

4 THE COURT: And would you spell the last name of the
5 author of that report? Who do you spell that, sir?

6 MR. MOWRY: I'm sorry, Your Honor.

7 THE COURT: It would benefit the court reporter.

8 MR. MOWRY: Yes, sir. Her name is Inasz, I-n-a-s-z,
9 Yacoub, Y-a-c-o-u-b.

10 THE COURT: Mr. Nichols, thank you very much. You may
11 step down, sir. Solicitor, call your next witness, please.

12 MR. MOWRY: We call Mr. Eugene Yeargin.

13 EXAMINATION OF EUGENE YEARGIN

14 EUGENE YEARGIN, having been first
15 duly sworn, testified as follows:

16 DIRECT EXAMINATION

17 BY MR. MOWRY:

18 Q Mr. Yeargin, how old are you now?

19 A Seventy.

20 Q Back in September of 2003 you were 57; is that right?

21 A Something like yeah.

22 Q About that?

23 A About that.

24 Q Where did you live, sir?

25 A At -- it was [REDACTED] Narnie Road. [REDACTED], I'm sorry.

EUGENE YEARGIN-DIRECT EXAMINATION

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- 1 Q [REDACTED] Narnie Road?
- 2 A Narnie Road.
- 3 Q Where?
- 4 A In Laurens.
- 5 Q Okay. Let me ask you to think back, if you would to
- 6 September 26, 2003. Were you at any time around the VFW on
- 7 East Main Street in Laurens?
- 8 A Yes, sir. I was down there cutting grass.
- 9 Q Did you know Mr. Jim Bolt?
- 10 A Not personally. I'd seen him several times when he
- 11 worked at Carolina Mill years ago.
- 12 Q So you all had worked together at one time; is that
- 13 right?
- 14 A No. I just -- I just seen him.
- 15 Q Okay, I see. What were you doing down at the VFW Hall
- 16 back on the 26th of September of 2003?
- 17 A I cut the grass every two weeks.
- 18 Q And was that the day that you had given yourself to go
- 19 do that?
- 20 A Yes, sir. Definitely.
- 21 Q What areas did you cut?
- 22 A Well, generally I cut the front when there's nobody --
- 23 when there's not many people. I finished the front and then
- 24 I went to the back.
- 25 Q That evening -- that afternoon, that evening, was there

EUGENE YEARGIN-DIRECT EXAMINATION

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1 a whole lot of activity at the VFW?

2 A No, it wasn't a lot of people there. When I first got
3 there Mr. Bolt and the other guy that works there, I can't
4 think of the name, he called me over to introduce me to Mr.
5 Bolt, and there was another gentleman. And I told him, I
6 said, well, it's getting -- it's late in the evening. I
7 said I got to go. So we cut the conversation short and I
8 went and started work.

9 Q Okay. And about what time was that?

10 A About -- at least about 5:00.

11 Q Okay. Did you cut this area behind the VFW as well?

12 A Yes, sir. I was back there cutting.

13 Q While you were cutting did you see something kind of
14 unusual happen?

15 A Not really. While I was on the far side of the cutting
16 there was a gentleman came around and he went back, but I
17 couldn't see his. I just seen the flashes. Because I got a
18 zero turn --

19 Q Right.

20 A -- and you keep your eyes on the grass, not nothing
21 else.

22 Q You saw a man come back there; is that right?

23 A Yes, sir. Somebody came back and they were going back.

24 Q And I hear you can't recognize him. Was he young or
25 old?

EUGENE YEARGIN-DIRECT EXAMINATION

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1 A He seemed to be young.

2 Q What color was his skin; do you recall?

3 A He was a white gentleman, but I couldn't tell exactly
4 his facial. I couldn't see that. I only seen him from the
5 back.

6 Q But a younger white man; is that right?

7 A Yes, sir. Uh-huh.

8 Q What did he do while he was back behind the building?

9 A I assumed that he was back there urinating. A lot of
10 times that's what they do. They come around there, do that,
11 and then they go back into the club.

12 Q Okay. So what area was he doing that in?

13 A It's a place back there you -- you can come in between
14 the blocks.

15 Q And what was he -- was he peeing on the ground or --

16 A Up against the building.

17 Q Up against the building. Let me show you State's
18 Exhibits 2 and 3. Does that seem to indicate the area that
19 he was in?

20 A Right in by them steps. It's been a little while.

21 It's -- it was right in by these steps here.

22 Q And you're referring to State's Exhibit No. 2?

23 A Uh-huh.

24 Q We've got that up on the board now. So you're saying
25 it was right about in here?

EUGENE YEARGIN-CROSS EXAMINATION

110

1 A Uh-huh.

2 Q And you were out behind mowing?

3 A Yeah. I was on the opposite side of the building.

4 Q And about what time was that do you think?

5 A It could have been around about 6:00.

6 Q Normally how long does it take you to mow?

7 A Normally when I got help, but it be about an hour. But
8 that particular day I was there until it got dark. It was,
9 I guess, about 6:30 when I finished, or 6:15, something like
10 that.

11 Q Okay. So it wasn't too long before you left --

12 A Uh-huh.

13 Q -- then? Later that night, going into the morning of
14 the 27th, did you get a call from anybody to come talk to
15 police?

16 A Yes, sir. The Chief, he called me that night and told
17 me to come down to the police station.

18 Q Chief Morse?

19 A Chief Morse.

20 Q And did you talk to Walter Bentley that night?

21 A Yes, I talked to Mr. Bentley. Yeah.

22 Q Did you tell him what you saw?

23 A Yes, I did.

24 MR. MOWRY: And I believe that's all I have for you,

25 Mr. Yeargin. If you'd answer Mr. Warder's question, please.

WALTER BENTLEY-DIRECT EXAMINATION

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1 THE COURT: Cross.

2 MR. WARDER: Thank you, Your Honor.

3 CROSS-EXAMINATION

4 BY MR. WARDER:

5 Q Is it Yeargin?

6 A Yeargin. Yes, sir.

7 Q Mr. Yeargin, did you say it was not uncommon for people
8 to go back there to urinate?

9 A Usually, sometimes when I go there they come around and
10 go back behind there and they'll urinate and they go back
11 around the building.

12 Q Why do they go outside rather than in the building?

13 A I have no idea.

14 Q But you'd noticed that before?

15 A I noticed they would come in, and sometimes they'd come
16 there, then they go inside.

17 MR. WARDER: Thank you.

18 THE COURT: Sir, thank you very much. You may step
19 down. Call your next witness.

20 MR. MOWRY: Our next witness is going to be fairly
21 lengthy. This may be a good time to break.

22 THE COURT: Ladies and gentlemen, we're going to go
23 ahead and take a break for the evening. I'm going to ask,
24 if you could, to be back here at the courthouse -- we're
25 going to start a little bit later tomorrow morning. If you

WALTER BENTLEY-DIRECT EXAMINATION

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1 would, be back in the jury room by 10:15. I think that we
2 should be in a position to proceed at that point in time
3 after the doctor's visit. So, 10:15 tomorrow morning. I
4 will remind you of what I said earlier.

5 Please don't talk about the case with anyone. I'm well
6 aware that if you're married or if you live with somebody
7 they know that you have jury duty this week. Certainly when
8 you come in the door tonight they're going to ask you,
9 "Well, Honey. Did you get picked on a jury?" It's
10 perfectly fine for you to say, "Yes, yes I did. I'm on the
11 jury." Well, what's the next kind of question they're going
12 to ask? "Well, what kind of case is it?" All right.
13 That's where you have to draw the line. The decision that
14 you have to make in this case is your decision. It doesn't
15 belong to your spouse or anybody else. It's solely yours to
16 make, so simply politely tell them that you can't talk about
17 it now per the instructions of the mean old judge, and that
18 you'll be able to discuss it with them once the case is
19 dissolved.

20 With that, have a lovely evening. Try to stay dry.
21 This weather should move out tonight. I will see y'all
22 tomorrow morning at 10:15. Thank you very much for your
23 patience. You are excused. Do wear those badges home
24 tonight and wear them back tomorrow. They help get you
25 through security a little bit quicker.

WALTER BENTLEY-DIRECT EXAMINATION

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1 (Whereupon, the jury exited the courtroom at 4:36 p.m.)

2 THE COURT: The jury is out. Is Ms. Roberts out on bond
3 or is she --

4 MR. WARDER: She is, Your Honor.

5 THE COURT: She is out on bond? Ms. Roberts, I will
6 allow you to remain out on bond this evening, but understand
7 that if you fail to show up tomorrow morning -- I don't know
8 what time Mr. Warder is going to want you here, but if you
9 fail to show up obviously this case is going to go on in
10 your absence. That puts Mr. Warder at somewhat of a
11 disadvantage.

12 DEFENDANT: I will be here, Your Honor.

13 THE COURT: All right. Whatever time he tells you to be
14 here, be here, but certainly no later than 10:15, Ms.
15 Roberts.

16 DEFENDANT: I will be here.

17 THE COURT: I will see y'all tomorrow morning. We'll
18 close the record on this case.

19 (Whereupon, the court was in recess until 10:39 a.m.)

20 TRIAL DAY 2: April 25, 2017

21 THE COURT: We'll go back on the record in the State v
22 Ms. Roberts. The record should reflect that the Defendant
23 is present with counsel. Anything prior to bringing the
24 jury out from the State?

25 MR. MOWRY: Mr. Warder had asked about moving the

WALTER BENTLEY-DIRECT EXAMINATION

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1 screen, Your Honor. That is a fairly common concern since
2 the Defendant cannot see it. We've had it come up before.
3 Obviously we're afraid that if it's any further away the
4 jury isn't going to be able to see it.

5 THE COURT: We used to have, I assume we still do, the
6 movie theater screen that ascends. There's no way to
7 project what's there onto that?

8 MR. MOWRY: No, sir. Well, not with the equipment we
9 have in here, no, sir. It's a completely different setup
10 that we've got. That's actually one of the reasons that we
11 got the smart board. We can put chairs over here if it
12 would be of any assistance.

13 THE COURT: I think that might be the only way we can
14 really address it, Mr. Warder. If you and your client want
15 to feel free to move over there whenever they show something
16 on the screen that's perfectly fine. You and your client
17 can have seats at the corner of counsel table perhaps, or
18 stand. I have no problem with however you want to orient
19 it, but I don't know that --

20 MR. WARDER: They only need to move them back -- it
21 appears the end of the table is about six or seven feet
22 back.

23 THE COURT: Would it be that difficult to move it?

24 MR. MOWRY: The table can be moved if need be. We can
25 actually do that. Another problem also, Your Honor, is that

WALTER BENTLEY-DIRECT EXAMINATION

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1 Mr. Bentley can't see it to work it. The icons are kind of
2 small.

3 MR. WARDER: We can put him at that table here.

4 MR. MOWRY: Well, he's going to be on the witness stand.
5 Mr. Todd is going to be running it.

6 MR. WARDER: Mr. Todd can be there.

7 MR. MOWRY: We can move the Defense table if it comes to
8 that.

9 THE COURT: Let's try this. Let's scoot it back about
10 four or five feet and see if that works. The jury will have
11 the benefit of the actual exhibits in the jury room. Let's
12 just try that. One other benefit of that is that the
13 witness, when they're testifying, will be closer to my court
14 reporter. She'll have a better opportunity to hear what
15 they say when they come off the stand and they're
16 demonstrating with the photos. We had somewhat of an issue
17 with that yesterday and I think that might be beneficial to
18 Ms. Scott. Let's have the jury in, please. Mr. Warder, if
19 you need to switch places with your client so she can see?
20 She could move her chair to the left.

21 MR. WARDER: Your Honor, I have one more thing. My
22 client has had some stomach problems. She's taken some
23 medicine for it, but she might need to be able to take a
24 break.

25 THE COURT: Just give me a heads up if she needs to have

WALTER BENTLEY-DIRECT EXAMINATION

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1 a break, okay.

2 MR. WARDER: Thank you, Your Honor.

3 (Whereupon, the jury entered the courtroom at 10:43
4 a.m.)

5 THE COURT: Ladies and gentlemen, thank you for being
6 back here and thank you for being on time. I trust that you
7 had a restful evening last night. Sorry for the delay in
8 getting you out here. Doctors appointments sometimes run a
9 little longer, as you know. So I apologize for the delay in
10 getting you back out here.

11 We are still in the State's case in chief at this
12 point. Solicitor, if you'll call your next witness, please.

13 MR. MOWRY: Thank you, Your Honor. We would call Walter
14 Bentley.

15 WALTER BENTLEY, having first been
16 duly sworn, testified as follows:

17 DIRECT EXAMINATION

18 BY MR. MOWRY:

19 Q You are Walter Bentley?

20 A Yes, sir.

21 Q And by whom are you employed currently?

22 A I'm currently employed by the Eighth Circuit
23 Solicitor's Office.

24 Q And what is your position with the Eighth Circuit
25 Solicitor's Office?

WALTER BENTLEY-DIRECT EXAMINATION

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- 1 A I'm the investigator for Laurens and Newberry Counties.
- 2 Q You work in this courthouse; is that right?
- 3 A I do. I have my offices in the Laurens Courthouse.
- 4 Q Prior to coming to the Solicitor's Office where did you
- 5 work?
- 6 A I worked for the Laurens Police Department.
- 7 Q What was your position there?
- 8 A I was a criminal investigator there.
- 9 Q How long have you been employed in law enforcement?
- 10 A I was -- I began my career in 1996 with the Laurens
- 11 County Sheriff's Office. In 1998 I was promoted to
- 12 investigator at Laurens County Sheriff's Office where I
- 13 stayed until the year 2000, and in the year 2000 I went to
- 14 the Laurens Police Department.
- 15 Q And what was your position with Laurens Police
- 16 Department?
- 17 A I was an investigator there.
- 18 Q Who was the chief investigator at that time at Laurens
- 19 City?
- 20 A Detective Lynch was the lieutenant over investigations
- 21 at that time.
- 22 Q Tony Lynch?
- 23 A Yes, sir.
- 24 Q This gentleman on the second row there?
- 25 A Yes, sir.

WALTER BENTLEY-DIRECT EXAMINATION

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1 Q How many investigators did y'all have in 2003, for
2 example?

3 A 2003 we had two. We were slotted for three, but we
4 were one short for a number of years and it was just me and
5 Detective Lynch.

6 Q And what kind of cases would you all have to handle?

7 A We would get anything. Anything from shopliftings,
8 larcenies. I worked a lot of fire investigations, a lot of
9 arsons, because I was the only person -- officer certified
10 in those. Burglaries, forgeries, all the way up to armed
11 robberies and murders.

12 Q So you all were generalists; is that right?

13 A We worked everything.

14 Q Pretty much anything that came in the door? Were you
15 employed in that capacity back on the 26th of September of
16 2003?

17 A I was.

18 Q What time did you start work that day?

19 A I would typically go in to work at 8:00 a.m. in the
20 morning.

21 Q What day of the week was the 26th?

22 A It was a Friday.

23 Q So you had started work that morning?

24 A That's correct.

25 Q By 6:30 that evening were you still on the job?

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1 A I went home around 5:00 and my phone rang about 6:30 to
2 come back.

3 Q And why was that?

4 A I was notified of a homicide situation at East Main
5 Street in the city of Laurens at the VFW Hall.

6 Q And as a response to that phone call what did you do?

7 A I jumped in my department issue vehicle and I headed to
8 the Veterans of Foreign Wars Hall.

9 Q What did you find when you got there?

10 A When I got there Dwight Craft and Chief Robin Morse
11 were already on the scene. I decided I -- if I was going to
12 be the investigating this case. I was the investigator
13 on-call, and what that means is one of the investigators
14 would be on-call for nights and weekends. Being the
15 investigator on-call, so it was going to be my call. So I
16 wanted to take look at the crime scene.

17 Q When -- go ahead. I'm sorry.

18 A I entered the VFW through the front door. There's a
19 foyer there. Walked through the foyer into the main part of
20 the building, the bar and the cash register, there's two
21 restrooms, and some tables were set up.

22 Q I believe this has already been admitted into evidence.
23 But let me show you what's been marked as State's Exhibit
24 No. 13 and ask you if you could identify that.

25 A 13. Yes, I can identify it.

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1 Q What is that, please, sir?

2 A That's a view of the interior of the VFW. The
3 photograph was taken from the main room where the bar is
4 toward the front door, which you can see that foyer area I'm
5 speaking of in the picture, in the front door.

6 MR. MOWRY: Your Honor, I would offer this into
7 evidence at this time.

8 THE COURT: Which exhibit is that?

9 MR. MOWRY: This is No. 13.

10 THE COURT: Have you shown it to Mr. --

11 MR. MOWRY: Yes, sir.

12 THE COURT: Any objection?

13 MR. WARDER: No, objection.

14 THE COURT: State's 13 is in evidence.

15 (Whereupon, State's Exhibit No. 13 was admitted into
16 evidence.)

17 Q So this is the photograph that we're talking about
18 here?

19 A Yes, sir.

20 Q And if you would, I'm going to refer you to State's
21 Exhibit No. 9. This chart. We won't go to that because
22 it's not really necessary. We have this chart here. Where
23 on this chart is the foyer that you're talking about?

24 A It's actually not diagramed out on the chart. It is in
25 front of where you see the liquor bar. It's almost where

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1 you see the word men's and women's bath and the cash
2 register. That's actually the foyer I'm referring to. It's
3 just not diagramed out on the chart.

4 Q So the entrance though is right here where my fingers
5 are; is that right?

6 A Yes, sir. It's between the men's bathroom and the bar.

7 Q This line here between those two diagramed rooms; is
8 that right --

9 A Correct.

10 Q -- or areas? And that's where we're talking about the
11 main entrance is; is that right?

12 A Yes, sir.

13 Q What did you do then?

14 A I then proceeded around the corner -- or into the main
15 room. In the process of proceeding around the corner where
16 the restroom is is when I saw the feet of an individual I
17 was later able to identify as Jim Bolt.

18 Q Where were those feet?

19 A They were slightly protruding from the men's restroom.
20 You could see in State's No. 9 there, they were slightly
21 protruding from the men's bathroom around the corner.

22 Q And again, is this the area -- it's labeled Jim Bolt.
23 Is that where his feet were?

24 A That's correct.

25 Q And that is the door to the men's room?

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1 A Yes.

2 Q Was there anything that attracted your attention beyond
3 the fact that Mr. Bolt was lying on the floor?

4 A There was an extremely large amount of blood in that
5 bathroom. Probably the most blood I've seen on crime scene
6 in my career. In that blood there were several marks which
7 indicated either a person was drug through that or crawled
8 through that. And there was also some impressions which
9 looked like they would have been footprint impressions but
10 there was no tread or anything to them to indicate -- to be
11 able to match those shoes. But you could see where a person
12 or persons had actually disturbed that pool of blood. Also
13 in the bathroom I saw blood spatter on the wall area. We
14 refer to it as high impact spatter.

15 Q What did that signify to you?

16 A High impact spatter, in my career, has indicated --
17 I've learned that it's indicated to me that a person was
18 struck very hard with a blunt force object. That's what --
19 it's usually indicative of a high impact blood spatter.

20 Q Did there appear to be any sign of life?

21 A No. I observed Mr. Bolt -- at this point in time the
22 determination had already been made that he was
23 unfortunately deceased. But I did observe him. I noticed
24 several blunt force strikes to his head area and his face
25 area. I also noticed some defensive wounds on his hands.

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1 Some of the strikes were in a V pattern and some were in a
2 round pattern, which was, in my experience, indicative of
3 possibly a claw hammer type object, because you have two
4 different types of strikes.

5 Q Okay. We've heard testimony about Sandra Alexander.
6 Who is she?

7 A Sandra Alexander is a lady who -- she frequented the
8 VFW some. She would check on Mr. Bolt on occasions. And
9 she was actually the lady who had -- she couldn't get -- get
10 him on the phone, so she actually went over, and that's --
11 she was actually the original person that found him.

12 Q Did you speak with her that night?

13 A I did speak with her.

14 Q And what was her demeanor when you spoke with her?

15 A She was very distraught and very upset.

16 Q Have you determined where Ms. Alexander is today, based
17 on your investigation?

18 A She's in a nursing home. She's had a stroke and is
19 unable to communicate verbally at this time.

20 Q So she's incapacitated; is that right?

21 A Correct.

22 Q What else did you see? What else did you note about
23 Mr. Bolt or his clothing?

24 A I noted that his pockets were pulled out. There was
25 some change on the floor. His front pockets and his rear

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1 pocket was -- were pulled out of his pants.

2 Q Did you see anything on the floor?

3 A I saw some change laying on the floor right around his
4 right front pocket area.

5 Q I'm going to show you a few more pictures here and ask
6 you if you can identify these. These are State's Exhibits
7 No. 10, 22 and 23. Do you recognize those?

8 A I do.

9 Q What are those, sir?

10 A These are interior views of the VFW and different --
11 different angles. In one you can see the bar and the tables
12 that were set up, one you can see a pool table, and one you
13 can -- this is another angle more straight on with the bar
14 and the tables.

15 MR. MOWRY: Your Honor, I would offer these into
16 evidence at this time.

17 THE COURT: Any objection?

18 MR. WARDER: We have no objection, Your Honor.

19 THE COURT: That's State's what through what?

20 MR. MOWRY: This is No. -- Nos. 23, 10 and 22, Your
21 Honor.

22 THE COURT: 23, 10 and 22 are in evidence.

23 (Whereupon, State's Exhibit Nos. 10, 22 and 23 were
24 admitted into evidence.)

25 Q Let me -- let me show you another 10 first.

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1 A Yes, sir.

2 Q Can you describe that particularly.

3 A No. 10 is a view from kind of the corner behind the
4 second -- the second door that you enter. It's shooting --
5 you can see the feet of Mr. Bolt there. The bathroom would
6 be, if you're looking at the screen, to his left. And you
7 can see there's a pool table there and some other chairs.

8 Q Let me just ask you this before we go on. The jury may
9 be curious as to what this mark or this stamp is on the side
10 of the picture. Can you explain that, please?

11 A Yeah. This happened in 2003. And we had State Law
12 Enforcement Division crime scene unit come and assist us
13 with the crime scene. In 2003 it was before digital cameras
14 were -- were what is all the rage today, and we use them all
15 the time. They're great. But this was back in the 35
16 millimeter days and SLED would put this -- this print on all
17 of their photos to identify it.

18 Q And that's the SLED lab number, I guess?

19 A SLED's lab number, yes.

20 Q And again referring to State's Exhibit No. 9. Where is
21 that photograph?

22 A Can I step down?

23 Q Yes. I tell you what, let me put it up here, better
24 than that. Where on this chart is the photograph?

25 A It's taken from this angle coming across. Like I said,

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1 you can see Mr. Bolt's feet and you can see the pool table.

2 Q So that's the angle that were taken?

3 A Yes.

4 Q And I'm going to show you State's Exhibit 23. We'll
5 start with that.

6 A State's 23 is also a photograph on the inside of the
7 VFW.

8 Q Does this correspond to the photo that we've got up on
9 the screen now?

10 A If that's State's 23 on the screen.

11 Q is that the condition you found the room in?

12 A Yes, it is.

13 Q And the same with 10, for example?

14 A Correct.

15 Q All right. Was there any sign of a struggle in any of
16 these areas?

17 A Not in these areas, no. There was sign of a struggle,
18 obviously, in the bathroom area.

19 Q Let me also show you State's Exhibit 22.

20 A State's 22 is another picture that was taken at the
21 angle if you're standing at the bathroom looking toward the
22 bar area. It's taken just of angled toward the other side
23 of the VFW. You can see the chairs at the bar. You can
24 also see some -- the tables that are indicated in No. 9 that
25 are set up.

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1 Q So that would be taken this way; is that right? To the
2 right of State's Exhibit No. 9?

3 A To the right, yes.

4 Q Was there any kind of tool or implement that you found
5 outside of the bathroom door?

6 A I don't recall finding any --

7 Q I don't mean a -- I don't mean a carpentry tool or
8 anything. But any cleaning tool or anything like that that
9 you found --

10 A Yes.

11 Q -- outside the bathroom door?

12 A Between the women's and the men's restroom there was a
13 yellow mop bucket like you would see a janitor or custodian
14 using. That was between the two restrooms indicating
15 someone may have been cleaning up. There was also another
16 indication that someone was cleaning up. There was a
17 wastebasket that was put on top of a toilet in the women's
18 restroom that looked like it had just recently been cleaned.

19 Q And let me hand you State's Exhibit No. 16 and ask you
20 if you can identify that.

21 A That's a photograph of the restroom with the
22 wastebasket on top of the toilet.

23 MR. MOWRY: Your Honor, I would offer this as a State's
24 Exhibit at this time.

25 MR. WARDER: Without objection.

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1 THE COURT: Without objection, it's in evidence.

2 (Whereupon, State's Exhibit No. 16 was admitted into
3 evidence.)

4 Q And is this the photograph here?

5 A Yes, it is.

6 Q Let me hand you a couple of other photographs and ask
7 you if you can identify these. I'll hand you State's
8 Exhibit 14 and 15.

9 A I can identify those, yes.

10 Q What are those, please, sir?

11 A State's No. 14 is a picture from behind the bar area of
12 the VFW. It has -- it's a kind of a rack that holds
13 cigarettes that they have for sale there. It looks like--
14 if you look at the photograph, there's no disturbance there,
15 and there's a big wide area of the picture where there's
16 only one pack of cigarettes. Looking at State's No. 15 is a
17 bar stool in that same area, and upon that bar stool there's
18 two packs of cigarettes that have fallen or been knocked
19 down that -- this would correspond with the -- kind of the
20 area of this rack, kind of up under it.

21 MR. MOWRY: I would offer 14 and 15 into evidence at
22 this time, Your Honor.

23 MR. WARDER: Without objection.

24 THE COURT: Without objection, 14 and 15 are in as
25 well.

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1 (Whereupon, State's Exhibit Nos. 14 and 15 were
2 admitted into evidence.)

3 Q And this is No. 14; is that right?

4 A Correct.

5 Q Cigarette packs.

6 A Yes.

7 Q And then No. 15. Where are these in relationship to
8 the rack we saw in No. 14?

9 A It's not directly under it, but it's right almost
10 directly under it. It's maybe a foot or two to the other
11 side of it.

12 Q Okay. Let me also hand you a couple of other
13 photographs. These are Nos. 12 -- well, 28 first. Let's
14 talk about 28.

15 A 28 is a picture of the bar. You can see the area where
16 the cash register was previously located and an electrical
17 outlet. You also look up and you can see a Bush Beer clock
18 that has some relevance to this case.

19 MR. MOWRY: Let me ask that this item be marked.

20 (Whereupon, State's Exhibit No. 36 was marked for
21 identification.)

22 Q And ask you if you can identify this.

23 A Yes. That's the Busch Beer clock that is indicated in
24 photograph No. 28 hanging on the wall. We found this clock
25 hanging on the wall. The power cord, which has been removed

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1 now, was still attached then, was in the area. It was
2 hanging in the area the cash register was plugged into also
3 but it hadn't been unplugged. The cash register had been
4 pulled out, and that would probably be the reason that was
5 unplugged.

6 Q This is the time that the clock was set at at that
7 time?

8 A That's the time that the clock stopped at.

9 Q Stopped at.

10 MR. MOWRY: Your Honor, I would offer this into
11 evidence at this time.

12 THE COURT: What's the exhibit number again?

13 MR. MOWRY: This is No. 36, Your Honor.

14 THE COURT: State's 36 is in evidence.

15 (Whereupon, State's Exhibit No. 36 was admitted into
16 evidence.)

17 Q Let me hand you State's Exhibit No. 12 and ask you if
18 you can identify that.

19 A State's 12 is another image of the bar area. You can
20 once again see the Busch Beer clock. You can also see the
21 cash register that was pulled off the back shelf of the bar.
22 That cash register is obviously open and it does not contain
23 anything at this time, in this photo.

24 MR. MOWRY: And I would offer this into evidence at
25 this time, Your Honor.

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1 THE COURT: Without objection?

2 MR. WARDER: No objection.

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

4 (Whereupon, State's Exhibit No. 12 was admitted into
5 evidence.)

6 MR. MOWRY: Beg the Court's indulgence for just one
7 moment.

8 THE COURT: Yes, sir.

9 MR. MOWRY: I would move 28 into evidence at this time,
10 Your Honor.

11 THE COURT: Any objection to 28?

12 MR. WARDER: No, Your Honor.

13 THE COURT: That's in evidence as well.

14 (Whereupon, State's Exhibit No. 28 was admitted into
15 evidence.)

16 Q Mr. Bentley, given the fact that Mr. Bolt was found
17 dead in the bathroom door, a large amount of blood around,
18 his pockets pulled out, change on the floor, the cash
19 register pulled out, the drawer open, the money gone, what
20 did that indicate to you?

21 A It indicated -

22 MR. WARDER: Objection.

23 THE COURT: Sorry?

24 MR. WARDER: Objection to what it indicated. What he
25 speculated that would show.

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1 MR. MOWRY: I think he can testify as to what he
2 thought he was dealing with at this time, Your Honor.

3 THE COURT: He can testify as to his perceptions. He
4 can testify as to what he believed was taking place. But
5 you're venturing into areas of speculation here, so try and
6 keep it tight, please, Solicitor.

7 A My perception and my belief, we were dealing with an
8 armed robbery and a murder based upon the indications I was
9 seeing at the scene. A cash register that was opened
10 containing no money that was removed from a bar and on the
11 floor, and also the fact that a deceased victim that had
12 obviously been beaten had his pants pockets pulled out,
13 indicated to me we were dealing with a robbery and a murder.

14 Q How did you begin your investigation?

15 A We began by speaking to the people at the scene, Sandra
16 Alexander. We heard Eugene Yeargin, who was here yesterday,
17 had been cutting grass that day. We spoke to him.

18 Q How did you -- how did you get in contact with him?

19 A He actually worked for the City of Laurens at the time.
20 Besides owning a grass cutting business he was a city
21 employee and Chief Morris knew him and was able to call and
22 ask him to come talk to us. So he came to the police
23 department and I interviewed him.

24 Q And you took a statement from him?

25 A That's correct.

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1 Q And he testified to what he knew yesterday; is that
2 right?

3 A That's correct.

4 Q Based on that -- did you have any -- did you have any
5 significance to the fact that someone had relieved himself?
6 The testimony we heard yesterday?

7 A I didn't on September 26th. It had become very
8 relevant to me on September 27th in some later interviews.

9 Q Where did you go from there? We'll come back to that
10 in a few minutes. Where did it go from there?

11 A We continued trying to find out who had been at the VFW
12 that night. Speaking to them, ruling them out. And then
13 early the next morning the investigation led us to [REDACTED] Round
14 Street.

15 Q Why was that?

16 A Over the course of the investigation we had learned
17 that there was an individual at [REDACTED] Round Street, which is
18 in the county of Laurens, by the name of Arthur Jason
19 Bowers, or as he's commonly referred to, A.J. Bowers. He
20 was staying there at the residence. The residence is the
21 residence of Ms. Brenda Roberts, the Defendant. We were
22 told that -- we were under indication that we needed to go
23 there and speak to him about this murder. That he may be a
24 person of interest.

25 Q When an incident like this occurs do you get a lot of

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1 unsolicited information from people?

2 A Yes, we did.

3 Q A lot of phone calls, a lot of people coming in with
4 information?

5 A That's correct.

6 Q And you've got to followup on all of that?

7 A Every bit of it.

8 Q And was that what you did here?

9 A Yes. Myself and Detective Lynch proceeded over to [REDACTED]
10 Round Street. We located Mr. Bowers at the residence. Once
11 again, it was the residence of Ms. Roberts and some other
12 individuals. We asked him to accompany us to the police
13 department. He voluntarily said that he would. And we went
14 to Laurens PD for him to be interviewed.

15 Q Was he a suspect at that time?

16 A Not at that time. He was just a person we wanted to
17 talk to.

18 Q How did you begin the interview or the conversation
19 with him?

20 A Well, the first thing I noticed, in just visually
21 looking at him, is -- and this kind of goes back into the
22 crime scene a little bit. In the crime scene there was a
23 notepad that was right at the entrance of the front door.
24 If you can show me State's No. 9 I can show it to you. On
25 the notepad -- and this well away from where the blood

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1 spatter in the crime scene was. There was a drop of blood,
2 which seemed odd in that place considering where the crime
3 scene. The notepad was located in this area right here.
4 Our crime scene was contained in here. And even had a
5 little pool of blood here. It was obvious from the blood
6 spatter that the assault actually occurred in here. So the
7 blood here was interesting to me because I didn't think that
8 blood -- blood doesn't travel through walls. So that was of
9 interest to me. I thought maybe the assailant had bleed
10 himself, been injured. And Mr. Bolt did have defensive
11 wounds, so that was totally possible. When I was talking
12 with Mr. Bowers to begin with I noticed that he had a fresh
13 injury to his arm and his hand. So that kind of gave me a
14 clue, you know, I probably really do need to talk to this
15 guy. There may be something to this.

16 Q Speaking of those items and Mr. Bowers, I'm going to
17 show you State's Exhibit 17 and 21, these photographs, and
18 ask you if you can identify those.

19 A State's No. 17 is a picture of Arthur Jason Bowers
20 taken in my office. State's No. 21 is a picture of a injury
21 to -- a scraping, abrasion type injury to his -- it looks
22 like his left arm area.

23 Q Is that the injury that you were talking about?

24 A He also had a hand injury, but that was the main one
25 that seemed to be an abrasion that could have bled.

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1 MR. MOWRY: I would offer these into evidence at this
2 time, Your Honor.

3 MR. WARDER: No objection, Your Honor.

4 THE COURT: Without objection, 17 and 21 are now in
5 evidence.

6 (Whereupon, State's Exhibit Nos. 17 and 21 were
7 admitted into evidence.)

8 Q So let's pull up No. 17 first. This is Mr. Bowers?

9 A Yes, it is.

10 Q How old was he at that time?

11 A I need to look at his Miranda. I think he was 18,
12 19-years-old, if I'm not mistaken. But I need to look to be
13 100 percent sure.

14 Q If it indicates that his date of birth was [REDACTED]/86,
15 would that sound right?

16 A That's correct.

17 Q Which would make him 17 going on 18; is that right?

18 A Yes.

19 Q And let's move forward to 23, I believe.

20 THE COURT: 21.

21 MR. MOWRY: 21, sorry.

22 Q Is that the injury that you're talking about?

23 A It is.

24 Q Let me hand you a couple more photographs. You
25 mentioned the pad. But first let me hand you No. 11.

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1 A 11 is just another picture of the cash register that
2 was open. And it's right by the second door that leads into
3 the foyer that leads outside.

4 MR. MOWRY: I would offer this into evidence at this
5 time, Your Honor.

6 MR. WARDER: No objection, Your Honor.

7 THE COURT: 11 is in evidence as well.

8 (Whereupon, State's Exhibit No. 11 was admitted into
9 evidence.)

10 Q Mr. Bentley, what's this white ribbony looking thing in
11 State's Exhibit No. 11?

12 A That's the receipt tape for a cash register. It's the
13 paper that prints your receipt when you purchase something
14 in the store.

15 Q And that was unwound?

16 A It was.

17 Q Now, let me go back to what you had talked about
18 earlier, the pad. The sign in sheet. Let me hand you
19 State's Exhibit No. 18 and ask you if you can identify that.

20 A That's a photograph of the pad I was speaking about
21 earlier.

22 MR. MOWRY: I would offer this into evidence at this
23 time, Your Honor.

24 THE COURT: Hold on one second. One second, Mr.
25 Warder. What's the exhibit again, Solicitor?

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1 MR. MOWRY: That is No. 18, Your Honor.

2 THE COURT: Any objection, Mr. Warder?

3 MR. WARDER: Your Honor, we have no objection.

4 THE COURT: 18 is in evidence then.

5 (Whereupon, State's Exhibit No. 18 was admitted into
6 evidence.)

7 Q Let's talk about No. 18 then. First of all, what is
8 this right here? This bottle?

9 A It's some type of cleaner.

10 Q Does that kind of go along with the trash can on top of
11 the toilet and the mop bucket and mop?

12 A It indicates it very well could have been cleaned.

13 Q And what is this right here in the middle of the table?

14 A This is the notepad I was referring to. The procedure
15 at the VFW Hall was that if you were not a member you had to
16 come in and you had to sign. You had to be buzzed into that
17 door and you had to sign that notepad saying who you were.
18 So that's the notepad I was speaking of. And like I said,
19 there was a very small speck of blood on that notepad.
20 There also is another spec of blood over to the side of it.

21 Q Was there any sign in name on that notepad?

22 A No. There was no names on it at all, which I found to
23 be odd. And also it appeared that a page had been torn out
24 between what you see there and the page previous to it. You
25 can see the remnants of a page.

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1 Q Could you read any imprint underneath that pad, or on
2 that pad that might have been made from a -- from a cover
3 sheet?

4 A You could -- you could read a name. It looked like the
5 initial A and something after it and then the last name
6 Bowers.

7 Q So you could read A. Bowers?

8 A Correct.

9 Q Did that also interest you with regard to speaking with
10 A.J. Bowers?

11 A Absolutely.

12 Q How did you go about initiating the conversation with
13 Mr. Bowers?

14 A He came to the office freely and voluntarily on his
15 own. On his own accord, and he agreed to come. I took him
16 over to my office where we began to speak. I read him what
17 we refer to is his Miranda rights, which are the right to
18 remain silent. Like you see on TV. I read those to him.
19 He voluntarily waived those rights and said he was willing
20 to speak with us.

21 (Whereupon, State's Exhibit No. 37 was marked for
22 identification purposes.)

23 Q Let me hand you what have now been marked for
24 identification as State's Exhibit No. 37. What is that,
25 please, sir?

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1 A This is an Advisement of Rights form, or a Miranda
2 rights form, that at the time at the Laurens Police
3 Department we used to advise a possible suspect or a person
4 of their rights.

5 Q And what are Miranda rights?

6 A They're basically the rights that -- basically your
7 right against self-incrimination. It's the rights that we
8 read to the subject before -- or possible suspect before we
9 interview them.

10 Q Are these the rights that we often hear recited on TV
11 and movie cop shows?

12 A Yes. I read him the rights from this form. My common
13 procedure was as I read them I had the individual initial
14 that he understood each one of them. And they're numbered
15 one through six. I had Mr. Bowers initial he understood
16 them. And then there's two questions after it he also
17 initialed and then I had him sign it. He signed it and it's
18 dated on the 27th of September of 2003.

19 Q And who's signature is this down here on the right-hand
20 side of State's Exhibit No. 37 for ID?

21 A Mr. Bowers, on the right-hand side.

22 Q And whose signature is that over there?

23 A On the left-hand side is my signature as witnessing him
24 sign.

25 MR. MOWRY: Your Honor, I would offer this as an

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1 exhibit at this time.

2 MR. WARDER: Your Honor, I have an objection to this
3 exhibit.

4 THE COURT: All right. You all approach real quick,
5 please.

6 (Whereupon, a sidebar was held.)

7 THE COURT: Ladies and gentlemen, I need to take a
8 brief issue of law with the attorneys. It'll probably take
9 about five or 10 minutes. Adjourn to the back, go ahead and
10 take a break, and we'll be back on the record shortly. But
11 please don't discuss the case. Okay? Thank you.

12 (Whereupon, the jury exited the courtroom at 11:19 a.m.)

13 THE COURT: The jury is out. Mr. Warder, your objection
14 to State's 37 is based upon hearsay grounds?

15 MR. WARDER: Testimonial evidence as to Mr. Bower's
16 state of mind and what he understood, whether it was freely
17 and voluntarily. It's both hearsay and violates the
18 confrontation clause.

19 THE COURT: I don't know that -- at this point,
20 Solicitor, I'm assuming that this is simply foundational.
21 You're seeking to introduce State's exhibit 37 for purposes
22 of demonstrating that this witness explained to Mr. Bowers
23 his Miranda Rights and that Mr. Bowers waived those rights.
24 Is that what you are seeking?

25 MR. MOWRY: Yes, sir, but we intend to offer Mr. Bower's

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1 statement as well that was the result of those waiver of
2 rights. Based on what we discussed yesterday, this will not
3 in any way implicate the Defendant. There is no mention of
4 her in any of these statements. And we would submit this is
5 simply to establish the fact that a murder took place and
6 that this Defendant was one of the principals.

7 THE COURT: As it relates to the hearsay objection
8 solely on State's 37 the Court notes your objection and
9 overrules it and will allow 37 to come into evidence.
10 Concerning the substance of the statement, what do you
11 anticipate eliciting from this witness here shortly?

12 MR. MOWRY: Your Honor, I can hand you a copy of the
13 statement if you like.

14 THE COURT: If you want to summarize it that's perfectly
15 fine. I just want to make sure that -- it is being
16 represented to the Court that no part of Mr. Bowers'
17 statement to this witness references the Defendant?

18 MR. MOWRY: That's correct, Your Honor. It says, "W.L.
19 Bentley is writing this statement at my request. Also want
20 W.L. Bentley to write this because I hurt my right hand and
21 I am having trouble writing. I also wish to give this
22 statement without a lawyer. I was in a car with Wanda.
23 Wanda is a He/She and another guy who I do not know. They
24 drove behind the VFW. I got out of the car and took a -- ",
25 he relieved himself. "Wanda and the guy left in the car. I

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1 buzzed the door and went inside. Ray-Ray and the old man
2 were the only ones there. I did not sign the sign-in sheet.
3 I talked to Ray-Ray and asked him what's up. I saw the old
4 man walk into the bathroom. I heard a noise and when I
5 walked into the bathroom to see what it was I saw the old
6 man on the floor and blood everywhere. I ran out the front
7 door. I did not see where Ray-Ray went. I went to Randy's
8 house when I left. I didn't get any money and I haven't
9 talked to Ray-Ray since it happened. I can't remember what
10 time it was, but it was starting to get dark outside. I had
11 been taking pills all day and was messed up. End of
12 statement."

13 That was the first of three statements that he ended up
14 giving, Your Honor.

15 THE COURT: All right. And the objection to that
16 statement was what, Mr. Warder?

17 MR. WARDER: Hearsay. And --

18 THE COURT: Are you offering that statement to prove
19 that Mr. Bowers, in fact, is not the person who assaulted
20 the decedent in this case?

21 MR. MOWRY: No, sir. That is the first of three
22 statements that were given.

23 THE COURT: I appreciate your objection. I don't
24 believe it's hearsay. Crawford or Bruton are not implicated
25 either.

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1 MR. WARDER: It would also be on the confrontation
2 clause -- to confront --

3 MR. MOWRY: Well, that would be Crawford, Your Honor,
4 and this is not somebody that is testifying or offering
5 information against this Defendant, so I would submit that
6 the Sixth Amendment is not implicated in this.

7 MR. WARDER: I would just respond that if it's an
8 element of the crime and they're offering to prove it, it's
9 against my Defendant.

10 THE COURT: Interesting point. Obviously, we have a
11 play within a play in this case based on the procedural
12 posture we have. The State has an obligation to prove
13 either than an armed robbery, or a murder, or both were
14 committed. And in a sense maybe we're putting the cart
15 before the horse in that Ms. Roberts is being tried, but it
16 is what it is. Or that she's being tried first rather.

17 Your objection is noted. I don't think Crawford is
18 implicated and I don't see where it's hearsay since the
19 State's purpose in offering this statement is not for the
20 truth of the matter asserted in the statement, but Mr.
21 Bowers was merely present at the scene. Your objection is
22 noted. You are protected and you do not have to renew that
23 objection as it relates to this statement.

24 MR. WARDER: Thank you, Your Honor. Would that go to
25 all three statements?

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1 THE COURT: The other two -- do we need to discuss
2 those?

3 MR. MOWRY: I can show them to you, Your Honor, if you'd
4 like to review them very quickly. This one is a little bit
5 longer. The second one I would categorize as more self-
6 serving by Mr. Bowers. The third one we are not going to go
7 into right now. That would be with Detective Lynch.

8 THE COURT: Is there anything in the second statement --
9 it's several pages in length. Is there anything that
10 implicates Ms. Roberts?

11 MR. MOWRY: There is a mention that he went to the
12 house, but again he denies that he was involved at the
13 incident scene at all in that one.

14 THE COURT: Where does it talk about him going to the
15 house?

16 MR. MOWRY: It's towards the end. If you're looking on
17 the typed page -- I don't know if you can see that or not.
18 Down towards the bottom. "Buck stayed inside. Buck was
19 still sitting near the phone when I walked out of the VFW
20 and left in the green car with the dude. Went back to
21 Randy's house."

22 THE COURT: And Randy's house is Ms. Robert's house?

23 MR. MOWRY: That's our understanding, Your Honor.

24 THE COURT: Educate me on the State's theory.

25 MR. MOWRY: There is a third statement that he gave

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1 several days later, Your Honor. I can read that into the
2 record if you like. That's fairly short.

3 THE COURT: Go ahead.

4 MR. MOWRY: (Reading document) "After the police came to
5 the house that Saturday morning sometime that day I was
6 sitting on the porch on the swing. Angie and Randy was
7 standing in the yard talking, then Angie came up crying
8 saying, 'Mama, talk to Randy. Mama go talk to Randy.' And
9 "Mama" is the Defendant in this case. "I asked Angie what
10 was wrong. She told me that Randy said that that night when
11 they picked up A.J., A.J. had around \$400 on him and A.J.
12 told Randy that he had to tell him something. Angie said --
13 " Excuse me. This is the wrong statement. Pardon me.
14 Pardon me. Pardon me. I thought that was not looking
15 right.

16 (Reading document) "That Friday night we were all
17 talking. It was around 4:00 p.m. that day or 4:30 p.m. I
18 was talking to Little Robin, Wayne Eubanks, and Buck
19 Miller." I will get the witness to explain who those are.
20 "Robin and Wayne was talking about making some money that
21 night. They wanted to make some money and rob somebody.
22 They called me over there to where they were standing near
23 to the old trailer. Robin and Wayne asked me if I wanted to
24 make some money and at first I said no. They said that they
25 would split the money with me. I asked them where we were

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1 going to make some money and Wayne said that we were going
2 to the VFW. When we left there we were in an old brownish-
3 gray looking car and Randy know what car it was. We pulled
4 up to the VFW and I went to take a leak and I ran to go up
5 front and they were inside already. There was Wayne, Little
6 Robin, and me. Me and Wayne was just standing by the bar
7 and I said, 'What do you want me to do?' and he said, 'Just
8 stand by the door.' They pulled the man in the bathroom and
9 three to four minutes later they said, 'Run.' We all three
10 ran to the car. I sat in the car and either Wayne or Little
11 Robin went back inside, and after three to four minutes we
12 left. He got in the car and we left. They dropped me off
13 at the house at [REDACTED] Round Street. Randy was with us, but he
14 stayed in the car and never got out."

15 THE COURT: Is [REDACTED] Round Street the Defendant's address?

16 MR. MOWRY: [REDACTED], yes.

17 THE COURT: [REDACTED] Round Street. Okay. Just for the
18 record, Mr. Warder, you object to the third statement as
19 well on the same or similar grounds?

20 MR. WARDER: Yes, sir.

21 THE COURT: Solicitor, my concern with the second and
22 the third statement is that the second statement references
23 going to the Defendant's house. The third statement also
24 references being dropped off at [REDACTED] Round Street. That is
25 what connects the Defendant to this particular incident and

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1 has the potential, I think, to violate Bruton and Crawford.

2 MR. MOWRY: I would submit, Your Honor, that the witness
3 has already testified that they located Bowers at the
4 Defendant's house.

5 THE COURT: The witness can testify as to what he
6 personally observed and that he located Mr. Bowers at Ms.
7 Robert's house. It's a different matter entirely when we
8 have a non-testifying witness saying that, okay, Mr. Bowers
9 told me that he went over to Ms. Robert's house after the
10 fact. In our meeting in chambers I think you indicated that
11 the State has additional witnesses that would be willing to
12 testify or that you anticipate will testify that Mr. Bowers
13 did, in fact, go to Ms. Robert's house, that they are first-
14 party witnesses.

15 MR. MOWRY: Yes, sir. Right. Yes, sir.

16 THE COURT: Here's my ruling on these two statements
17 then. You can admit them to demonstrate what Mr. Bowers
18 said, but as far as any part of the statement that
19 implicates Ms. Roberts, clearly that's in violation, in my
20 mind, of Bruton and Crawford, the confrontation clause. So
21 those portions of the statement we won't be able to refer to
22 those portions through this witness. You'll have to
23 establish that Mr. Bowers went to Ms. Robert's house through
24 witnesses who can testify as eye witnesses, et cetera. But
25 as far as these statements -- and I understand you still

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1 object to my ruling. The statements can come in with that
2 caveat.

3 MR. MOWRY: When we publish the portions to the jury,
4 Your Honor, would you rather that Mr. Bentley read those
5 portions or how would you want to do that?

6 THE COURT: I think that the safer course of action is
7 for us to take just a brief break, you introduce one copy of
8 the statement into evidence which is not redacted, and
9 that's introduced just as a Court's Exhibit so that an un-
10 redacted copy is in the record, and then you redact that
11 portion of the statement or of the statements that reference
12 what Mr. Bowers told Mr. Bentley about going to Ms. Robert's
13 home.

14 MR. MOWRY: Got you. Yes, sir.

15 THE COURT: Anything else, Mr. Warder?

16 MR. WARDER: Sometime I would have a limiting
17 instruction, but I'd like to think about that.

18 THE COURT: Certainly. I think that touches on what we
19 were discussing yesterday, that this evidence only relates
20 to the question of whether Mr. Bowers was involved in the
21 homicide, armed robbery, what have you. I was thinking
22 about that last night, but I still haven't put together or
23 formulated something in my own mind. Perhaps we can
24 continue to work on that.

25 MR. WARDER: I just want not to waive that question --

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1 THE COURT: Right. I may go ahead while we're on break
2 and think of something to tell the jury that will explain
3 that the testimony that's being elicited at this point in
4 time is meant only to establish Mr. Bower's involvement with
5 this incident and it in no way at this point in time
6 implicates the Defendant, but it's being introduced solely
7 to prove Mr. Bowers acted as a principal in the underlying
8 murder or armed robbery, or words to that effect. Let me
9 play with that a little bit. If you want to go ahead and --

10 MR. MOWRY: Your Honor, for this purpose -- and I know
11 this is something that is not usually done, but could Mr.
12 Bentley and I consult, since he is intimately involved in
13 the investigation, but also the preparation of the case,
14 just to make sure that we have everything squared away? We
15 will talk about this just for the redaction purposes of
16 these statements.

17 THE COURT: While we're on break that's perfectly fine.
18 I don't want to see something come out which is potentially
19 a mistrial. So, of course, you can talk to Mr. Bentley
20 while we are on break and just to make sure that we have the
21 "i's" dotted and the "t's" crossed for purposes of
22 redaction, okay. We'll take a few moments. Let my clerk or
23 someone know when we're ready to go back on the record.

24 (Whereupon, there was a break in the trial from 11:36
25 a.m. to 12:07 p.m.)

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1 MR. MOWRY: I'm going to make Mr. Warder a copy of all
2 these, Your Honor, as they are. I have made copies of the
3 ones that he has looked at. If we can make those the
4 Court's Exhibits -- excuse me. Make the originals that he
5 had looked at that we had redacted as the Court's Exhibits,
6 and then we can give the originals unredacted as Court's
7 Exhibits if you would like for us to do that.

8 THE COURT: The ones that have been redacted, if they
9 are going to be coming into evidence, we'll simply let those
10 be State's Exhibits. The unredacted ones, mark those as
11 Court's Exhibits.

12 MR. MOWRY: Great.

13 MR. WARDER: I do believe that he satisfactorily did
14 what we set out to.

15 THE COURT: Very good. Do you want to go ahead and get
16 my court reporter to mark those?

17 MR. MOWRY: Yes, sir. Give me just a second.

18 (Whereupon, Statement 2 was marked Court's Exhibit No.
19 1 and Statement 3 was marked Court's Exhibit No. 2 for
20 identification.)

21 MR. MOWRY: In the first one I believe, Your Honor,
22 there was no mention of the house or the Defendant, or
23 anything else, so I think that was un-objected to.

24 THE COURT: If it was objected to I overruled it.
25 You're correct, the second statement did reference the

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1 Defendant's house. I am assuming you've taken that out.

2 Let's go off the record and do that.

3 (Whereupon, there was a brief pause to mark exhibits.)

4 THE COURT: We'll go back on the record. Here's where
5 we are as far as the Exhibits. I allowed the State to
6 introduce State's 37, Miranda Rights form, subject to Mr.
7 Warder's objection. That is in evidence. As is State's 38,
8 subject to Mr. Warder's objection. Court's 1 is the second
9 statement we've been referencing, which is unredacted.
10 Court's 2 is the third statement that we've been referencing
11 which is unredacted. Is that correct?

12 MR. MOWRY: Court's 1 is redacted. We did redact that
13 statement. The first statement that Mr. Bentley was talking
14 about when we had the objection is unredacted.

15 THE COURT: That's State's 38, but I just want to make
16 sure that the Court's Exhibits are, in fact, the unredacted
17 statements.

18 MR. MOWRY: They are. They are. And we have the
19 redacted copies that we will offer as State's Exhibits.

20 THE COURT: At a later point.

21 MR. MOWRY: Yes, sir.

22 THE COURT: Very good. You've got that square, Mr.
23 Warder?

24 MR. WARDER: Yes, sir.

25 THE COURT: Let us have the jury, please. Mr. Warder,

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1 as it relates to the second and third statements, you do not,
2 need to object at the time the State seeks to introduce
3 those. You are protected. Your objections are noted. If
4 there is a new objection or some other different type of
5 objection, you need to give me a heads up though, okay.

6 MR. WARDER: Thank you, Your Honor.

7 (Whereupon, the jury entered the courtroom at 12:07
8 p.m.)

9 THE COURT: We're back on the record. Ladies and
10 gentlemen, we are still proceeding with the testimony on
11 direct of Mr. Bentley. Before we proceed further, I want to
12 simply explain something to you just so that you are fully
13 aware of why we are going into this testimony involving Mr.
14 Bowers. Understand that one of the elements of the offense
15 for which Ms. Roberts is charged is that Mr. Bowers did in
16 fact commit either a murder or an armed robbery or both.

17 The testimony that we have been receiving relates only to
18 Mr. Bower's conduct in the underlying homicide involved
19 here, okay? It doesn't impugn anything. You shouldn't take
20 this testimony as impugning anything to Ms. Roberts who is
21 on trial here today. This is simply offered to demonstrate
22 that Mr. Bowers was, in fact, responsible. Was, in fact,
23 guilty of the murder of the decedent in this case. That's
24 the only purpose for this testimony coming in. I see
25 several heads nodding, so I think you understand what I am

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1 getting at. Obviously, this testimony should not be
2 received by you in any negative way as it relates to Ms.
3 Roberts, okay? I think I've explained the situation.
4 Solicitor, you may continue with your examination.

5 MR. MOWRY: Thank you, Your Honor.

6 DIRECT EXAMINATION RESUMED

7 BY MR. MOWRY

8 Q Let me back up to State's Exhibit No. 37 again and to
9 ask you to identify that, please, sir.

10 A This is a Laurens City Police Department Miranda rights
11 form that I filled out and advised Arthur Jason Bowers of
12 his rights on September 26th of 2003.

13 Q And before we took our break I believe you had stated
14 that that's your signature down there on the left-hand side
15 and Mr. Bowers on the right; is that correct?

16 A Yes.

17 Q Who's handwriting is all the stuff up at the top? This
18 top section?

19 A The top section with his name, address, Social
20 Security, date of birth, et cetera, was my handwriting.
21 He's relaying that information to me and I was writing it
22 down. Under the your rights, it's numbered one through six,
23 and then there's another one and two section. Those are Mr.
24 Bowers' initials. And one and two section are also where
25 it's initialed yes are also his initials.

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1 MR. MOWRY: Your Honor, at this time I would offer it
2 as a State's Exhibit.

3 THE COURT: That is 37?

4 MR. MOWRY: Yes, sir.

5 THE COURT: That's in evidence subject to Mr. Warder's
6 objection.

7 MR. MOWRY: Thank you, Your Honor.

8 (Whereupon, State's Exhibit No. 37 was admitted into
9 evidence.)

10 Q How did you go about presenting this document to Mr.
11 Bowers?

12 A I explained to him that I wanted to talk to him and
13 that I had to advise him of his rights before I do. I also
14 asked him what grade of education he completed, if he could
15 read and write and that kind of thing, because I wanted to
16 make sure that he could comprehend. I think he indicated to
17 me that he had a tenth grade education. He completed the
18 tenth grade. But I do that just, like I said, so they
19 comprehend what I'm talking about. I then read the form to
20 them. I usually put it where they can see it as I read it
21 where they can read along if they want to, or they can just
22 listen.

23 Q When you presented this to him did he have any
24 questions?

25 A No. I read each sentence separately. They're numbered

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1 one through six. Just for example -- I won't read them all
2 unless Mr. Mowry wants me to. But number one is, "Before I
3 ask you any questions you must understand your rights."
4 When I read that I stop and I ask him do you understand, and
5 if he does then I have him initial. And I go through one
6 through six, and that way if understands I have him initial
7 that he understands.

8 Q Go ahead and read all those rights just so the jury
9 knows exactly what you were going through with him.

10 A It's titled above, it says Your Rights. Number one, as
11 I've just stated is, "Before I ask you any questions you
12 must understand your rights." He initialed that he
13 understood that. Number two is, "You have the right to
14 remain silent and not make any statement," which he also
15 initialed. Number three was, "Anything you say can and will
16 be used against you in court," which he also initialed.
17 Number four is, "You have the right to talk to a lawyer for
18 advice before I ask any questions and have him or her with
19 you during questioning," which he also initialed. Number
20 five, "If you cannot afford a lawyer, one will be appointed
21 for you by the court before any questions, if you wish,"
22 also initialed by Mr. Bowers. And number six is, "If you
23 decide to answer questions now without a lawyer present, you
24 still have the right to stop answering at any time. You
25 also have the right to stop answering any time until you

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1 talk to a lawyer." He also initialed affirmatively on that.

2 Q In order -- when your read these out to him did you
3 make any kind of threats to him?

4 A No.

5 Q Any kind of promises?

6 A No.

7 Q Did you hold out any hope of a reward for him if he
8 cooperated with you?

9 A No.

10 Q How did he appear? What was his demeanor?

11 A He was calm. I think he was talkative and calm.

12 Q Were his comments coherent?

13 A Yes.

14 Q Did he appear to be in possession of his faculties?

15 A Yes, he did.

16 Q Did he indicate whether or not he wished to speak to
17 you?

18 A He indicated that he did wish to speak with me.

19 Q And did he indicate whether or not he wished to waive
20 his rights?

21 A He did. He did indicate he wanted to waive his rights.

22 And at that time I asked two more questions which are

23 indicated on the form. And the first one is, "Do you

24 understand these rights I've read to you." He initialed

25 that he did. That he did understand. And the second one

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1 is, "Are you willing to talk to me without a lawyer
2 present," which he also initialed yes.

3 Q With regard to the question about whether he wished to
4 waive his rights you said that he did wish to waive them --
5 or, excuse me. Whether or not he understood his rights. In
6 your opinion did he understand them?

7 A Yes, he did.

8 Q What did you after that?

9 A I then read the bottom of the form to him. It's
10 actually their waiver of their rights, that they
11 understanding exactly what they're waiving. The bottom of
12 the form says, "I have read or had read to me the statement
13 of my rights. I understand what my rights are. I am
14 willing to make a statement and answer questions. I do not
15 want a lawyer at this time. I understand and know what I'm
16 doing. No promises or threats have made to me by anyone."
17 He then signed his name, A.J. Bowers. I put the date, which
18 was 9/27/2003, and I signed my name to the left of the
19 document as a witness.

20 Q Did you then go about making -- or taking a statement
21 from him?

22 A I did.

23 Q Let me hand you this document, State's Exhibit No. 38
24 and ask you if you can identify that.

25 A Yes. This is the statement I took on 9/27/2003 from

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1 Mr. Bowers that corresponds with the waiver of rights form
2 which is No. 37.

3 MR. MOWRY: Your Honor, at this time I would offer both
4 State's 37 and 38 -- I think 37 may already be. But I would
5 offer State's 38 into evidence as well.

6 THE COURT: 37 is in evidence. 38 will be in evidence
7 subject to Mr. Warder's objection he put on the record a
8 moment ago.

9 MR. MOWRY: Thank you, Your Honor.

10 (Whereupon, State's Exhibit No. 38 was admitted into
11 evidence.)

12 Q Mr. Bentley, would you publish -- or whose handwriting
13 is that in?

14 A It is my handwriting. At the beginning of the -- when
15 I publish it will explain why it's in my handwriting. Just
16 quickly, it has Mr. Bowers' information, address. It's
17 talking about who he's talking to, which is me, and that I
18 at the time was a detective of Laurens Police Department.
19 It then he goes on to state that the Miranda rights and
20 pretty much the same way but a little more lengthy, and then
21 the statement begins. It starts with, "WB, which are my
22 initials, is writing this statement at my request. I also
23 want W. Bentley to write this because I hurt my right hand
24 and am having trouble writing. I also wish to give the
25 statement without a lawyer." And then he goes on to say, "I

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1 was a car with Wanda Wayne," and then he goes, "He is a
2 he/she, and another guy who I don't know. They drove behind
3 the VFW. I got out of the car and took a piss. Wanda and
4 the guy left in the car. I buzzed the door and went inside.
5 Ray Ray and the old man were the only ones there. I do not
6 -- I did not sign the sign in sheet. I talked to Ray-Ray
7 and asked him what's up. I saw the old man walk in the
8 bathroom and Ray-Ray followed him in. He had his hand in
9 front of him as he walked into the bathroom. I heard a
10 noise and I walked in the bathroom to see what it was. I
11 saw the old man in the floor and blood everywhere. I ran
12 out of the front door. I didn't see where Ray-Ray went. I
13 went to Randy's house when I left. I didn't get any money
14 and haven't talked to Ray-Ray since it happened. I can't
15 remember what time it was, but it was starting to get dark
16 outside. I had been taking pills all day and was messed
17 up." And then it says -- has A.J.'s initials at the
18 beginning and the end, and it also has "end of the
19 statement".

20 Q Okay. It says in there some names. Who is Ray-Ray?

21 A Ray-Ray was an individual that -- at the time of the
22 statement I didn't know who he was. After the statement I
23 learned that Ray-Ray was Danny McDaniels who was also an
24 employee of the fair which was in town that week.

25 Q And I see that Mr. Bowers' address is listed as

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1 Murrells Inlet; is that right?

2 A That's correct.

3 Q So he was an employee with the fair?

4 A He was until -- I think he told me he -- this is a
5 later statement. But on Thursday or Friday morning he
6 decided not to go back to work there.

7 Q Okay. So that was the first statement; is that right?

8 A That's correct.

9 Q Did you investigate further with Ray-Ray?

10 A I did. Myself and Detective Lynch and other officers
11 went to the fairgrounds. We actually did a search of Mr.
12 Bowers. They have -- they own semi-truck trailers that have
13 camper -- or bed spaces in them. And Mr. Bowers and Mr.
14 McDaniel had one there. With Mr. Bowers' consent I did a
15 search of that and found nothing of evidentiary value. Mr.
16 McDaniel also consented to a search. I found nothing of
17 evidentiary value there. I continued my investigation of
18 Mr. McDaniel. I learned that Mr. McDaniel was an employee
19 of the fair who operated one of the more popular rides of
20 the fair. I also learned that if that ride wasn't operating
21 everyone would know about it, because it was one of the more
22 popular ones. I talked to several individuals in the course
23 of my investigation and developed information that put Mr.
24 McDaniel at the fairground all day on Friday and never
25 leaving. And this was not one person. This was several

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1 people that gave him solid alibis for that period of time.

2 Q And based on that, was Mr. McDaniel ever a suspect in
3 this case?

4 A We talked to him in the case. But based on the
5 information we received, the alibi information and in
6 talking to him, we didn't feel he was a suspect. We felt
7 that was incorrect information we were given.

8 Q When you say alibi, that means elsewhere, right?

9 A Previous whereabouts were elsewhere besides the VFW.

10 Q So you were satisfied he was not a suspect?

11 A I was.

12 Q What was done with -- legally with Mr. Bowers when that
13 first statement was given?

14 A There was -- we placed him in custody. One of the main
15 reasons why, there was some information in that statement.
16 This investigation was, at the time, about 16 hours old. A
17 little over 16 hours old. It wasn't a very old
18 investigation. It wasn't public knowledge that this murder
19 had occurred in the bathroom. The only people that actually
20 knew that information would have been us. Would have been
21 myself, Detective Lynch may have known, I know Chief Morris
22 knew. But this information wasn't public knowledge at the
23 time. And the fact that Mr. Bowers had told me that
24 voluntarily without -- a person that should have no
25 knowledge of that, where it happened at, as very interesting

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1 to me and it showed me Mr. Bowers had information that only
2 a person there would have had.

3 Q And when you satisfied yourself that the person he
4 accused, Mr. McDaniel, was not involved, what did that --
5 what path did you go from there?

6 A We were getting pretty late up in the day on Saturday.
7 It was getting dark. Like I said, we had all been at work
8 since the morning of the Friday before. We did attempt to
9 speak to Mr. Bowers again that night but did not develop
10 anymore useful information. He basically stuck to that
11 story.

12 Q So by that point you all had been essentially working
13 36 hours?

14 A Somewhere in there.

15 Q Or I guess 24 straight hours; is that right?

16 A Yeah, somewhere in that area.

17 Q No, 36 straight hours.

18 A Thirty-six.

19 Q Yeah.

20 A So me and Chief Morris and Detective Lynch consulted.
21 And a lot of times when you have an active investigation
22 like that and everyone's getting to the point of exhaustion
23 no good is going to come of anything you do, so it was
24 probably time for us to take a break. So we decided, okay,
25 let's call it a day. Let's, you know, rest on what we have

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1 and we'll come back and get back on it the next day. On
2 Monday we came back and continued the case.

3 Q And what did you do as far as continue the case is
4 concerned?

5 A I typically get to work at 8:00 a.m. on Mondays.
6 Detective Lynch gets up much earlier than I do, and he can
7 get there earlier than me. He got there about 15 minutes
8 before me or so and he had already gotten Mr. Bowers out of
9 the cell and into his office for us to interview him again.
10 When I arrived at the police department Mr. Bowers was in
11 Mr. Lynch's office. At that point his Miranda rights had
12 already been read to him. I joined the interview. I
13 reviewed the Miranda form that Detective Lynch did, and then
14 I became a part of that interview also.

15 Q I'm going to hand you what's been marked as State's
16 Exhibit No. 39 for identification and ask you if you can
17 identify that.

18 A This is the Miranda warning September 29th of '03.
19 Detective Lynch filled out as to what I reviewed that Monday
20 morning when I came in.

21 MR. MOWRY: Your Honor, I would offer this as a State's
22 Exhibit at this time.

23 MR. WARDER: Your Honor, we'd have the same objection
24 as before.

25 THE COURT: Same objection. I assume Mr. Lynch will be

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1 testifying?

2 MR. MOWRY: He will be, Your Honor.

3 THE COURT: Okay. Since he's the one that actually
4 completed that form, it's probably more appropriate that --
5 it's State's 39 you said?

6 MR. MOWRY: Yes, sir.

7 THE COURT: All right. Why don't you move that into
8 evidence when he testifies.

9 MR. MOWRY: That'll be fine, Your Honor.

10 THE COURT: That way -- I think that would be a cleaner
11 way to handle it.

12 Q In any event, you did review State's Exhibit No. 39
13 yourself; is that right?

14 A Yes, I did.

15 Q And did the interview with Mr. Bowers proceed from
16 there?

17 A It did, yes.

18 Q Let me hand you State's Exhibit No. 40 and ask you if
19 you can identify that.

20 A Yes. This is the statement that corresponds with the
21 Miranda we just spoke about that was taken on September 29th
22 of '03 from Mr. Bowers.

23 Q And whose signatures are down at the bottom of the
24 page?

25 A The first signature is the signature of the person .

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1 giving the voluntary statement, and that's signed by Mr.
2 Bowers. Under that is the witness signatures signed by
3 myself and Detective Lynch.

4 Q And whose handwriting is all of this?

5 A That is Detective Lynch's handwriting. His is much
6 better than mine.

7 MR. MOWRY: Your Honor, I would offer this as State's
8 Exhibit No. 40, Your Honor, since it is numbered as such.

9 THE COURT: All right. Subject to the earlier
10 objections and the ruling, State's 40 is in evidence.

11 MR. MOWRY: Thank you, Your Honor.

12 (Whereupon, State's Exhibit No. 40 was admitted into
13 evidence.)

14 Q And this was the statement that you took from Mr.
15 Bowers?

16 A Yes, sir.

17 Q Go ahead and publish that for the jury, please, sir.

18 A This one is a four-page statement, so it's quite
19 lengthy. It begins with Mr. Bowers' information, as the
20 last statement. It begins with another rendition of the
21 Miranda rights, and begins with also his initials. We
22 usually have suspects, or people we're interviewing, initial
23 at the beginning of the statement and at the end of each
24 page statement, so nothing can be added to it or anything.
25 But it begins with A.J.'s initials, and it says, "On Sunday

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1 night I came to Laurens with the fair. We went -- we came
2 to Laurens from Lenore, North Carolina where we'd been set
3 up working. I think that it had been around 5:01 p.m. when
4 we pulled into the fairground gates, because the first thing
5 I did was went to the bathroom. I rode to Laurens with
6 Larry in an red old Pontiac car. Larry works with the fair
7 too. A short time later I walked to the Exxon station and
8 bought a pack of cigarettes and a Mountain Dew. I walked
9 over to the Family Dollar and bought some things, like
10 shampoo, towels, et cetera. I walked back to the fair and
11 after a while, I was with Frost this time, and we walked
12 back to the Exxon store and back to the Family Dollar and
13 Frost bought some things. When we were done there we went
14 back to the fair and after we got dressed we all went to the
15 VFW. There was me, Frosty, Boo, Ray-Ray, Darby, Bones, and
16 Larry. While we were there a guy came inside and bought a
17 six-pack.

18 Q Let me ask you this. All these nicknames that have
19 just come out, did you investigate who these people were and
20 where they had been and that sort of thing?

21 A Yeah. They were all fair employees, and we were able
22 to verify that on -- this -- first part of the statement is
23 concerning Sunday when the fair got to town.

24 Q I see.

25 A But we were able to verify their whereabouts on Friday,

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1 , September 26th.

2 Q And again, the event we are concerning ourselves with
3 took place on what day?

4 A September 26th of 2003.

5 Q So this would have been several days later?

6 A The Sunday prior. Sunday the same week.

7 Q Right.

8 A It goes on to say, "This guy may have been Buck. A guy
9 I met later at the fair. We stayed there that Saturday
10 night until 10:00 p.m. and we all left after we bought some
11 Crown Royal. We left and went to Walmart and bought some
12 drinks and Frost bought a DVD player. I bought another pack
13 of cigs. We then went back to the fairgrounds and drink
14 Crown Royal and played cards and listened to music and had fun
15 playing dice. Then stayed up that night, but I got sick and
16 went to my bunk and went to bed. I got up around 12:00 p.m.
17 that Monday and set up the fair with everyone. I think it
18 was around Wednesday afternoon when I met Stan who started
19 working for Bones, and I met Buck. Later on Wednesday Buck
20 had been working for Terry but got fired for coming to work
21 drunk. Buck kept hanging around Wednesday night and left
22 around 9:00 p.m. I also met Randy who was Angela's son. We
23 closed around 10:00 p.m. Wednesday night and Bunk and
24 Randy's grandfather came to pick up Angela -- and Angela's
25 daughter. They were in a minivan. When they left a man

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1 named Courtney was with them and I walked -- I walked with
2 Randy to his house. Randy and I stopped by Chelsie's house
3 at some apartments. Chelsie came outside and we walked over
4 to the playground at the apartments. Randy told me to walk
5 away and when I got back they were finishing what they were
6 doing. Randy and I started walking and when he got to the
7 church and the gas station some Mexicans pulled up and
8 wanted to buy marijuana. They pulled a gun on us and we
9 both ran. We went over to Randy's house and slept there
10 until 12:00 p.m. that Thursday. We hung out with Amanda,
11 Courtney, Buck, Angela, and her mother and father until
12 around 4:00 p.m. Then me, Angela, Courtney, Randy -- excuse
13 me -- then me, Amanda, Courtney, Randy, Angela, the blonde
14 haired girl with the eight-year-old son with Angie's dad who
15 was driving the white minivan went to the fair. This was
16 around 5:00 p.m. I went to work around 6:00 p.m. that day
17 after they left that Thursday night. After I got off work,
18 Amanda, Courtney, Randy, and me went over to Randy's house
19 with a guy named James or John who works with the fair in
20 his brown Ford F-150 truck. I stayed with them that night,
21 and when I got up around 11:00 p.m. Friday morning I decided
22 that I was not going to work because they didn't pay me
23 enough. We all hung out together at the house that
24 afternoon and I rode a dirt bike and fell off and hurt my
25 arm. I think that was around 5:00 p.m. Friday afternoon.

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1 When Buck and the dude in the green car left Randy's house.
2 When we were getting in the dude's car to go to the store
3 Buck said let's go to the VFW. When we pulled up to the VFW
4 me and Buck got out of the car. Buck went in first and I
5 went in behind him. When we got to the second door, the red
6 door, it was shut and Bunk buzzed the door and the old man
7 let us inside. When we got inside Buck walked to the right
8 and sat down near the phone. The phone is at the end of the
9 bar. It is a regular phone that sits on the bar, but you
10 have to put a quarter in it to use it. When I came in I
11 walked to the right just behind the red door and asked the
12 old man for a six-pack of Bud Light. The old man asked for
13 my ID. I told him I didn't have one when we first got there
14 -- when we first got there I saw two to three more people in
15 there. There was no one sitting at the bar but Buck. I
16 think that there were some tables set up and some that were
17 not. The old man would not sell me beer, so I walked
18 outside and left Buck -- I walked outside and left. Buck
19 stayed inside. Buck was still sitting near the phone when I
20 walked out of the VFW and left in the green car with the
21 dude. When the dude I left the VFW I think that it was
22 around 6:00 p.m. I went to -- I went with Angie, her
23 father, Wanda Wayne, the baby, and we went to pick up
24 Angie's boyfriend John. It took us around one hour to go get
25 him because it was around 8:30 or 9:00 when we got back to

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1 the house. I walked down to Wanda Wayne's house. Angie,
2 John -- Angie, John and there were Wanda Wayne, and started
3 drinking. I didn't see Buck until 10:00 p.m. when he got
4 beer, then he left when he went to the -- to the VFW that
5 afternoon Buck was wearing blue jeans and a white shirt with
6 some kind of design on it. When Buck came to Wanda Wayne's
7 house he had shorts and kind of a tee shirt on. I didn't
8 see Buck until 12:30 a.m. when he came back to Angie's house
9 and showed me a piece of crack that he had in his mouth.

10 Q You're talking about crack cocaine?

11 A Yes. It looked like about \$150 worth of crack. I
12 asked Buck where he got that from and Buck told me that he
13 had made some money and bought the crack. Buck told me at
14 that time that he had whacked the old man, took his money.
15 Buck told me that he had left the old man in a bathroom.
16 Then Buck left with Randy and the dude driving the green
17 car. I didn't see Buck until Saturday morning when the
18 police were at Randy's house." It's got A.J.'s initials
19 once again and signed by A.J. Bowers.

20 Q What was y'all's reaction to that statement?

21 A I thought that his statement was interesting because he
22 went from being present and blaming the murder on Ray Ray to
23 claiming he wasn't present and not really blaming it on
24 anybody, but kind of maybe implying that a person named Buck
25 Miller was involved.

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1 Q Was there a third statement taken from the Defendant?

2 A There was.

3 Q Did you take that statement?

4 A I did not. Actually that statement was taken on
5 October 9th, and my son was born on [REDACTED] so I was at
6 the hospital. Detective Lynch took that statement.

7 Q Detective Lynch took that statement?

8 A Yes.

9 Q Had there been another case come up in the meantime?

10 A Yeah. Actually on October 7th there was a fire death
11 that had some suspicious circumstances that I was also
12 investigating. So that was taking up my time. And my son
13 was born, so Detective Lynch took that initial statement on
14 the 9th.

15 Q And where did your investigation take you from there?

16 A We put quite a large amount of time into it and made
17 some -- made some arrests in the case.

18 Q What was the result of those arrests?

19 A Well, at the time Solicitor Peace was solicitor and he
20 declined -- he dismissed the case at that time with what's
21 called leave to reindict, which means we can continue to
22 investigate and reindict as time goes on and we develop more
23 evidence.

24 Q And he remained Solicitor until 2013; is that right?

25 A That's right.

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1 Q Were the cases ever reindicted in that time?

2 A Not in that time, no.

3 Q Did you all continue investigating --

4 A We did.

5 Q -- in the meantime?

6 A Yes. We never stopped investigating. This case has
7 remained an open case in our department.

8 Q Where did your investigation take you after Mr Bowers'
9 statements?

10 A In October of 2011 we received some information about a
11 well that was on the property of Ms. Roberts' house at [REDACTED]
12 Round Street in the county of Laurens. Ms. Roberts had --
13 was not living at the property anymore. It had a new owner.
14 So we went and talked to that owner. That well was located
15 in the front yard of that residence pretty close to the
16 roadway.

17 Q Let me stop you for just a moment just to clarify. [REDACTED]
18 Round Street was Ms. Roberts' address back in September of
19 2003; is that right?

20 A That's correct.

21 Q And what address did you initially encounter A.J.
22 Bowers?

23 A At [REDACTED] Round Street, Ms. Roberts' home.

24 Q Thank you, sir. Please continue.

25 A We spoke to the homeowners and they granted us

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1 permission to look in the well. The well presented a lot of
2 problems to us. It was -- with water it was about 65 feet.
3 It was basically a forty foot well. A very small well with
4 about 15 foot of standing water. It was not an active well.
5 They weren't using it at the time. Our first -- the first
6 thing we did with the well was is we had -- Commission of
7 Public Works had a waterproof camera that they could drop
8 down in the well. So initially we put that down in the
9 well. What we did, we saw an object in the well that could
10 have resembled a hammer. Myself and independently Detective
11 Lynch both came to that conclusion.

12 Q Do you have a recording of that?

13 A No. That camera didn't record. It was just a visual
14 camera that had a cord going up to a monitor. It didn't
15 have any type of recording device to it. That made us a
16 little more interested in the well. So we began to again
17 try to come up with another plan to get into the well. We
18 first tried to use magnets. High powered magnets in the
19 well. The problem we ran into with that was the well was
20 not drilled straight down. The well was actually drilled at
21 a slight angle. So when we would drop the magnet down to
22 the bottom we couldn't get to the edges very well because
23 the magnet just wouldn't -- we couldn't get the string and
24 the rope all the way over because the well was at an angle.
25 That was the problem. So our next idea was to put a scuba

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1 diver in there. I myself was a diver, but I don't think I
2 could fit in that well at my size, and after looking at it I
3 don't think I would have went in it. So we contacted
4 Greenville County who has some specialized divers, confined
5 space divers. They responded -- this was Thursday. They
6 responded. We had to acquire OSHA permits as this was
7 fairly dangerous. Our first idea was, if the diver was
8 willing to do it, was to send him head-first down into the
9 well. OSHA would not permit us to do that. We had to send
10 him feet first, which honestly really hurt his mobility when
11 he got to the bottom.

12 Q Let me ask you this. You said that you would not have
13 fit down there. What was significant about this other diver
14 from Greenville County that would have allowed him to at
15 least get down into that space?

16 A He was much skinnier than me. I could have fit in the
17 well without the gear. With the gear there's no way I could
18 have fit in it comfortably. He fit in it okay. It was
19 still real tight, and there was times where he was -- his
20 tanks were banging up against the side of the well.

21 Q How deep was the water at the bottom of the well?

22 A Fifteen feet of standing water. Since we couldn't send
23 him down head-first we went him foot-first. So really all
24 he could do -- he couldn't bend over in the well. There was
25 absolutely no room once he got to the bottom. All he could

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1 do was move his feet around at the bottom. And the problem
2 with that was the water has been standing in that well for
3 so long it was just soot. I mean, he was relaying to us
4 that he was basically -- feet were sinking into the sand.
5 He really couldn't do much of anything.

6 Q You said that his feet were silt?

7 A His feet were sinking into the soot down at the bottom
8 of the well. Basically he was -- he was having a lot of
9 trouble with movement because the bottom of the well was so
10 muddy or so sooted up at that point. He pulled him out, and
11 the next day we had a -- we kept a deputy there to preserve
12 the crime scene. And the next day we had a company come out
13 and attempt to pump the well, and that didn't -- we pumped
14 it out the best we could and it didn't reveal any further
15 evidentiary value.

16 Q Is there any other means that you could use to
17 investigate that well further?

18 A The only other option we had was to dig the front yard
19 up and the homeowner -- at this point, after we'd done
20 everything we done, the homeowner was not going to be in
21 agreement to doing that. And still there would have been no
22 guarantee that anything would have been discovered in that
23 well at that point.

24 Q What was the cost of a project like that?

25 MR. WARDER: Objection to relevancy, Your Honor.

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1 THE COURT: I'll sustain. I don't see where the cost
2 is relevant.

3 MR. MOWRY: Well, just to explain that the City of
4 Laurens wasn't willing to foot the bill, Your Honor. That
5 was all I was getting at.

6 THE COURT: Well, it sounds like the property owner
7 also didn't want them to do it, so --

8 MR. MOWRY: Right. Very good.

9 THE COURT: -- sustained.

10 Q Where did your investigation take you from there?

11 A Well, we --

12 Q Let me -- before we move on -- while you were at the
13 well did you see anybody who attracted your attention come
14 by?

15 A Yeah. On the Thursday of the first day we were there -
16 - like I said, the well was fairly in close proximity to the
17 roadway. We were doing some work and I looked up and I saw
18 Ms. Roberts drive by in a minivan really slow looking in our
19 direction.

20 Q And you say at that time she did not live there?

21 A This house on [REDACTED] Round Street was in Laurens. She
22 actually lived on Forest Road in Clinton at the time.

23 Q Do you know about how far that residence was from Round
24 Street?

25 A Five to six miles approximately.

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1 Q And is this a heavily traveled road?

2 A No. Round Street is a road off of Conway Avenue that's
3 very narrow. You can barely fit two cars down it. It's off
4 the -- off the beaten path, so to say.

5 Q Referring basically from me to you, how close was the
6 well to the road?

7 A It was from here to the rail.

8 Q So maybe 20, 25 feet, something like that?

9 A About 20 feet, yeah. It was very close to the roadway.

10 Q And you saw Ms. Roberts come by; is that right?

11 A That's correct.

12 Q Where did you go from there?

13 A We continued to investigate. We didn't develop
14 anything new. In the meantime I came to work with the
15 Solicitor's Office and Detective Pittman and Hunnicutt and
16 Chief Lida (PHONETIC) came to us and they wanted to look at
17 the case with a fresh set of eyes, which we always welcome.
18 So they did, and we consulted with them during this case,
19 and that led us to where we are today.

20 Q They were the new detectives, essentially?

21 A Yes. When I came to work here I picked Detective
22 Hunnicutt to take my position, and Detective Pittman was
23 promoted later on after I was working here.

24 Q Who is James Fred Miller?

25 A He is Brenda Roberts' brother.

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1 Q Who is Jonathan Epting?

2 A He is -- Brenda is his aunt.

3 Q Who is Doyle Wayne Roberts?

4 A He's located right there in the denim shirt. He is
5 Brenda Roberts' son.

6 Q Sitting on the front row over here?

7 A Correct.

8 Q And how about Christie Case?

9 A Christie Case was -- Brenda was Christie Case's aunt
10 through marriage. Through her first marriage.

11 Q There are a lot of names that were mentioned in State's
12 Exhibit No. 4. A lot of names and a lot of nicknames. Did
13 you investigate all of those names --

14 A Yes.

15 Q -- as part of your -- part of your work?

16 A Off the top of my head, I think Boo, Frosty, are some
17 of them -- Ray-Ray was once again mentioned. Those were
18 employees of the fair.

19 Q And the other people, were you able to later identify
20 them as well?

21 A Yes.

22 Q And did you develop any suspects from all those names?

23 A No. Nothing in the statement to develop any suspects.

24 MR. MOWRY: I believe that's all I have, Your Honor.

25 If you would answer any of Mr. Warder's questions, please,

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1 sir.

2 THE COURT: Mr. Warder.

3 CROSS-EXAMINATION

4 BY MR. WARDER:

5 Q What was the time that A.J. was arrested?

6 A If I could refer to his statement I could give you a
7 better time. I don't have it. It's on the table. I want
8 to say around 11:00 or 12:00 that morning, but I would need
9 to look at the statement to verify. His first statement,
10 Mr. Warder. This is statement number two. The first
11 statement.

12 THE COURT: Did you walk off with it, 38?

13 MR. MOWRY: I didn't think I did, Your Honor, but don't
14 put anything past me. Yeah, sure did.

15 A The first statement was completed 11:48 a.m. After
16 that statement was completed I met with Chief Morris and
17 Detective Lynch. And it was shortly after that, so it would
18 have been sometime that afternoon that day he was arrested
19 -- formally arrested.

20 Q It would be sometime afternoon on --

21 A On September 27th.

22 Q What day of the week would that have been?

23 A September 27th would have been a Saturday.

24 Q You told us about the sign in sheet here, and I notice
25 that it's sitting next to a poster for a poker run. Are you

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1 sure that wasn't where you sign up for the poker run that's
2 right here?

3 A No. It was a sign in sheet they use for the VFW.

4 Q Do you go there? Have you regularly attended there and
5 see how people signed in?

6 A I have not. But as part of my investigation I've made
7 sure that I knew the procedure for signing in. That's also
8 the same notepad that A.J. Bowers' name was under the sheet
9 that was torn off. The impression of his name. So I don't
10 know that A.J. Bowers being a fair employee would have
11 signed up for a poker run in October after the fair would
12 have left town.

13 MR. WARDER: Okay, thank you.

14 THE COURT: Anything on redirect?

15 MR. MOWRY: Nothing further, Your Honor.

16 THE COURT: Thank you, sir. You can step down. Do you
17 have a short witness we can address before lunch?

18 MR. MOWRY: We can. My next witness would be Detective
19 Lynch. Tony Lynch.

20 TONY LYNCH, having first been duly
21 sworn, testified as follows:

22 DIRECT EXAMINATION

23 BY MR. MOWRY:

24 Q You are Tony Lynch?

25 A Yes, sir.

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1 Q And you've been referred to as Detective Lynch. Are
2 you still employed as a law enforcement officer?

3 A No, sir. I'm retired.

4 Q You're retired?

5 A Yes, sir.

6 Q Were you employed as a detective for the Laurens City
7 Police Department back in September of 2003?

8 A I was.

9 Q And were you and Mr. Bentley involved in the
10 investigation of the homicide at the VFW Hall on East Main
11 Street in Laurens?

12 A We were.

13 Q I'm not going to ask you to repeat all of what Mr.
14 Bentley has testified to. But there has been reference to a
15 third statement that was taken from A.J. Bowers. Are you
16 familiar with that statement?

17 A I am.

18 Q How are you familiar with that statement?

19 A I took his statement.

20 Q All right. Let me hand you what has now been marked as
21 State's Exhibit No. 41 for identification. Do you recognize
22 that?

23 A I do.

24 Q And what is that, please, sir?

25 A That's his rights. His Miranda rights.

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1 MR. MOWRY: Your Honor, I would offer State's Exhibit
2 No. 41 into evidence at this time.

3 THE COURT: All right. Subject to the earlier
4 objections? Same ground as the earlier objection?

5 MR. WARDER: Yes, Your Honor.

6 THE COURT: State's 41 will be in evidence then.

7 MR. MOWRY: Thank you, Your Honor.

8 (Whereupon, State's Exhibit No. 41 was admitted into
9 evidence.)

10 Q Now, you had been involved with the first two
11 statements; is that right?

12 A Yes, sir.

13 Q What was your feeling as an investigator after the
14 second statement? Did you -

15 MR. WARDER: Object to his feeling, Your Honor.

16 THE COURT: Object to the speculation or --

17 MR. WARDER: Yes, sir.

18 THE COURT: Let me hear the question first.

19 Q Were you satisfied with the second statement that A.J.
20 Bowers made?

21 MR. WARDER: Objection.

22 THE COURT: Overruled.

23 A No, sir.

24 Q What did you do as a result of that as far as your
25 investigation was concerned?

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1 A We brought him back and reinterviewed him and took his
2 statement. Took his statement.

3 Q Had you continued the investigation in the meantime?

4 A Yes, sir.

5 Q How did you go about getting him back to reinterview
6 him? Describe that process, please, sir.

7 A Had an officer -- road officer bring him -- well, he
8 brought him back to the office.

9 Q At the Laurens Police Department?

10 A Yes, sir.

11 Q Was it just you and Mr. Bowers?

12 A It was, yes.

13 Q How did you go about -- very good point. Let me back
14 up for just on second before we go any further on that one.
15 Let me show you State's Exhibit No. 39 first for
16 identification. Do you recognize that?

17 A I do.

18 Q And what is that, please, sir?

19 A That's Mr. Bowers' Miranda warning.

20 Q And was that for the second statement, I guess is the
21 best way to put it?

22 A It was. That was on Monday morning.

23 Q And did you issue that -- or give him his warnings?

24 A I did.

25 Q And all this is your handwriting up at the top?

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1 A It is.

2 Q And Mr. Bowers' signature down there at the bottom?

3 A That's correct.

4 Q When you gave him that statement how did you -- or gave
5 him those rights, how did you present those to him?

6 A I read them verbatim from what's on the sheet.

7 Q And you were present in the courtroom when Mr. Bentley
8 talked about the first warnings. Is this statement -- or
9 this form identical to the one that he referred to?

10 A It is.

11 Q And same kind of process?

12 A That's right.

13 Q Did Mr. Bowers indicate whether or not he wanted to
14 talk?

15 A He did.

16 Q And was there any kind of force or coercion made?

17 A No, sir.

18 MR. MOWRY: And, Your Honor, at this time I would offer
19 State's Exhibit No. 39 into evidence.

20 THE COURT: Subject to the earlier objection, State's
21 39 will be in evidence.

22 (Whereupon, State's Exhibit No. 39 was admitted into
23 evidence.)

24 Q Now, let's move on to State's Exhibit No. 41. The
25 third Miranda warnings. How did you present that to him?

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1 A Same.

2 Q The same way?

3 A Yes, sir.

4 Q And this is again identical form to the other two we've
5 referred to; is that right?

6 A That's correct.

7 Q Were any kind of threats or promises made to Mr. Bowers
8 in this case?

9 A No, sir.

10 Q Any kind of hope of reward?

11 A No, sir.

12 Q Did he voluntarily agree to speak with you?

13 A He did.

14 Q Did he indicate that on the form?

15 A He did. He signed the form after I read him his
16 rights.

17 MR. MOWRY: I would offer this as a State's Exhibit,
18 Your Honor.

19 THE COURT: Is that 41 or --

20 MR. MOWRY: 41. Yes, sir.

21 THE COURT: 41 is already in evidence.

22 MR. MOWRY: Oh, excuse me. Good. It's getting
23 confusing to everybody.

24 Q Let me hand you what's been marked for identification
25 as State's Exhibit 42. Do you recognize that?

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1 A Yes, sir.

2 Q What is that, please, sir?

3 A That's Mr. Bowers' statement I took that afternoon.

4 Q And is this your handwriting?

5 A That's right.

6 Q Is this Mr. Bowers' signature down below?

7 A It is.

8 Q And is there an addition made to it here?

9 A There is. Signed it twice.

10 Q So there was something he wanted to add; is that right?

11 A That's correct.

12 MR. MOWRY: I would offer State's Exhibit No. 42 as --

13 or for identification into evidence at this time, Your

14 Honor.

15 THE COURT: Subject to the same objections that were

16 made earlier, 42 will be in evidence.

17 (Whereupon, State's Exhibit No. 42 was admitted into
18 evidence.)

19 Q If you would read it right up to the mark there.

20 A "That Friday night we were all talking. It was around

21 4:00 p.m that day -- that day or 4:30. I was talking to

22 Little Robin, Wayne Eubanks, Buck Miller. Robin and Wayne

23 was talking about making some money that night and they

24 wanted to make some money and rob somebody."

25 Q When we hear about Little Robin, who is that referring

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1 to?

2 A Little Robin Epting.

3 Q Robin Epting?

4 A Yes. "They called -- they called me over there to

5 where they were standing near the old trailer. Robin and

6 Wayne asked me if I wanted to make some money, and at first

7 I said no and then they said that they would split the money

8 with me. I asked them where we were going to make some

9 money and Wayne said that we were going to the VFW. When we

10 left there we were in an old brownish grey colored car, and

11 Randy knows what car it was. We pulled up to the VFW and I

12 went to take a leak, and I ran to go back up front and they

~~13 were already inside. There was Wayne, Little Robin, and me.~~

14 Me and Wayne was standing by the bar and I said what do you

15 want me to do and they said just stand by the door. They

16 pulled the man in the bathroom and three to four minutes

17 later they said run, and we all three ran to the car. I sat

18 in the car. Either Wayne or Little Robin went back inside

19 and after three or four minutes we left. He got into the

20 car and we left." And he signed that -- for that statement.

21 Q Thank you, sir.

22 A Yes, sir.

23 Q Now, you had been with Detective Bentley when you went

24 to pick up A.J. the first time; is that right?

25 A That's correct.

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- 1 Q And that would have been September 27th?
- 2 A That's correct.
- 3 Q The Saturday?
- 4 A That morning. Yes, sir.
- 5 Q After the -- after the murder?
- 6 A Yes, sir.
- 7 Q Where did you go?
- 8 A [REDACTED] Round Street, the residence of Brenda Roberts.
- 9 Q And that's where you found A.J. Bowers; is that right?
- 10 A That's right.
- 11 Q Did you go over subsequently to her house?
- 12 A Yes, sir.
- 13 Q Did you ever see anything unusual on her front porch?
- 14 A I did. That was approximately a week and a half later
- 15 after that morning. Went back up there and talked to Ms.
- 16 Brenda. And there was a washing machine that was sitting on
- 17 the front porch that looked like they was getting ready to
- 18 throw away or do something with it.
- 19 MR. MOWRY: Thank you, sir. I believe that's all I
- 20 have. Answer any of Mr. Warder's questions, please, sir.
- 21 THE COURT: Mr. Warder.
- 22 CROSS-EXAMINATION
- 23 BY MR. WARDER:
- 24 Q You said that seeing a washing machine on a porch was
- 25 unusual?

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- 1 A It was. Yes, sir.
- 2 Q Was it a new washing machine or an old washing machine?
- 3 A It was -- it was not in bad shape.
- 4 Q How close did you inspect it?
- 5 A I was standing right beside it. I looked at it. The
- 6 lid was up on it.
- 7 Q Plug it in?
- 8 A No, sir. At that time I had no reason to plug it in.
- 9 Q Did you spin the drum to see how it was running?
- 10 A No, sir. I didn't put my hand on it.
- 11 Q Know whether the electric screws in it were bad?
- 12 A Do what now?
- 13 Q Know whether the electric components were good or bad
- 14 in it?
- 15 A I don't know. It was just setting on the porch.
- 16 Q Didn't see the belt off of anything? Didn't see the
- 17 belt from the motor to the --
- 18 A I couldn't see. No, sir. I didn't look.
- 19 Q And what day of the week was this?
- 20 A That was probably sometime the middle of the second
- 21 week. October of -- I'm not sure. I went up there several
- 22 times during the investigation.
- 23 MR. WARDER: Thank you.
- 24 THE COURT: Redirect?
- 25 MR. MOWRY: Yes, sir.

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1 REDIRECT EXAMINATION

2 BY MR. MOWRY:

3 Q Had it been there the first time? The washing machine,
4 had it been there the first time you'd been over there?

5 A No, sir.

6 Q Do you know where that washing machine was?

7 A In the house.

8 Q And was there a laundry room?

9 A Yes. There was a small laundry room in the house.

10 MR. MOWRY: Thank you, sir. That's all I have.

11 RECROSS-EXAMINATION

12 BY MR. WARDER:

13 Q Did you stop to see whether there was a washing machine
14 in the laundry room when the one was on the porch that had
15 been changed out?

16 A There was a washing and dryer in the laundry room. It
17 -- when we first went there.

18 Q How about when you saw the washing machine on the front
19 porch, was there a new washing machine in the house?

20 A I didn't go in.

21 MR. WARDER: Thank you.

22 THE WITNESS: Yes, sir.

23 THE COURT: Thank you, sir. You can step down. Ladies
24 and gentlemen, we are going to take our lunch break at this
25 time. I have a brief hearing that doesn't involve this

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1 matter, just a very brief settlement. It should take
2 approximately ten minutes. That is scheduled for 2:00, so
3 I'm going to ask that you be back in the jury room at 2:15.
4 I do believe we are on schedule in this case. Just be back
5 in the jury room at 2:15 and we will resume with the State's
6 case in chief. Again, don't talk about the case over lunch,
7 but do enjoy your lunch.

8 (Whereupon, the jury exited the courtroom at 1:00 p.m.
9 The trial was in a lunch recess from 1:00 p.m. until 2:14
10 p.m.)

11 MR. MOWRY: We need to put a couple of things on the
12 record involving some of our upcoming witnesses. The next
13 witness that we intend to call is James Fred Miller who is
14 the Defendant's brother. He is going to relate something
15 that he observed the night of Mr. Bolt's murder. He is
16 currently in the law enforcement center. He was arrested
17 for public drunk and is in there for that. We were going to
18 have him wearing his civilian clothes, his clothes on the
19 street, but quite frankly it is only shorts and a tank top
20 and given his prior record, which we also have to go into --

21 THE COURT: Let him appear in orange.

22 MR. MOWRY: Yes, sir. I have no trouble with that if
23 you don't. I just wanted to make sure. Also, Your Honor, in
24 just a couple of minutes we intend to call Doyle Wayne
25 Eubanks to the stand. Doyle Wayne Roberts, excuse me. I am

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1 firmly convinced since he has refused to talk to us in the
2 past that he will continue that and at that time we will ask
3 for him to be declared a hostile witness. We also have a
4 video, an in-car video that I believe that I have made Your
5 Honor aware of that was recorded back in 2012 in which he
6 makes numerous statements that were shouted at the Defendant
7 who was the complainant on the case on which Mr. Roberts had
8 been arrested. So I wanted to give Your Honor a heads up on
9 that one as well.

10 THE COURT: Very good. We'll take it as it comes and
11 see how things progress. You have Mr. Miller already here?

12 MR. MOWRY: Yes, sir. He is back in the back.

13 THE COURT: Do we have the jury here? Bring Mr. Miller
14 around and just have him have a seat in that chair. That
15 way he'll be in the courtroom when the State is ready to
16 proceed. Go ahead and get the jury moving, please.

17 (Whereupon, the jury entered the courtroom at 2:17
18 p.m.)

19 THE COURT: The record will reflect the jury is back and
20 seated. The Defendant is present with counsel. Ladies and
21 gentlemen, we are still in the State's case in chief at this
22 point in time, so Solicitor if you will call your next
23 witness, please.

24 MR. MOWRY: James Fred Miller.

25 JAMES FRED MILLER, having first

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1 been duly sworn, testified as follows:

2 DIRECT EXAMINATION

3 BY MR. MOWRY:

4 Q You are James Fred Miller?

5 A Yes, sir.

6 Q And I believe you go by Freddie; is that right?

7 A Yes, sir.

8 Q What relationship are you to the Defendant, Brenda?

9 A Sister.

10 Q The Defendant is your sister?

11 A Uh-huh.

12 Q You're her brother?

13 A Yes, sir.

14 Q Mr. Miller, how old are you?

15 A Sixty-three today.

16 Q [REDACTED] I didn't notice that
17 until I was looking at your record. Mr. Miller you've got a
18 pretty hefty record, don't you?

19 A Yes, sir.

20 Q In fact, you're -- I don't mean to embarrass you, but
21 you're in jail right now; isn't that right?

22 A Yes, sir.

23 Q You're in there for public disorderly conduct --

24 A Yes, sir.

25 Q -- or public drunk; isn't that right?

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1 A Disorderly conduct, yeah.

2 Q But you've got a record for three house break-ins
3 between 1974 and 1982; is that right?

4 A Yes, sir.

5 Q For obtaining a controlled substance by fraud in 1976;
6 is that --

7 A Yes, sir.

8 Q A petit larceny, three forgeries, a receiving stolen
9 goods, a possession with intent to distribute marijuana and
10 10 shopliftings at one time or another; is that right?

11 A Yes, sir.

12 Q Mr. Miller, back in July of 2015 did law enforcement
13 approach you to ask you questions regarding the night of the
14 VFW case?

15 A Yes, sir.

16 Q You were aware of that murder when it took place; is
17 that right?

18 A Right after. The next day.

19 Q But you were aware -- you became aware of that -- of
20 that case at that time; is that right?

21 A Yes, sir.

22 Q Tell us what you were doing that Friday, September
23 26th. What were you doing?

24 A Well, I was trying to get a ride to the liquor store.
25 My brother-in-law, Doyle Roberts, his daughter Angie, his

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1 son Wayne --

2 Q And is that the individual sitting on the front row
3 with the denim shirt?

4 A Yes, sir. And I said I want to get a ride to the
5 liquor store. He said okay.

6 Q Which liquor store were you going to go to?

7 A Down near across from the motel right there.

8 Q Next to the Mr. Chip; is that right?

9 A Yeah.

10 Q Down there on the corner of North Harper?

11 A Yes, sir.

12 Q All right. Go ahead.

13 A And they said okay, we'll give you a ride. So my
14 brother, Buck, got in the van with us. I said where you all
15 going. He said we're going to Ware Shoals to pick up
16 Angie's boyfriend then, John Krouse. I said well, let us
17 ride up there with you, and they started hollering and
18 fussing and said no, you all can't go. So we got out. They
19 put me out at Mr. Chips. I walked to the liquor store.

20 Then I walked back to Brenda's house. To the liquor store
21 to Wayne Eubanks.

22 Q Was that a friend of yours?

23 A Uh-huh.

24 Q What did you do there?

25 A I had some fishing reels and I asked him would he take

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1 me to sell them and he said yes.

2 Q You had some fishing reels that you wanted him to help
3 you sell?

4 A Yeah. He give me a ride.

5 Q Push this a little closer to you. I'm having just a
6 little bit of a hard time hearing you. Just speak clearly
7 into that. You're kind of soft-spoken.

8 A Okay. He said, well, I got to take my wife and my kids
9 to the fairground. He said we're going to drop them off and
10 then we'll go sell them. So we took them and dropped them
11 off. We went to try to sell them. We couldn't get rid of
12 them right at that time. So we went to a guy named
13 Professor.

14 Q A guy named Professor?

15 A Professor, yeah.

16 Q That's what you knew him by?

17 A Yeah. So we couldn't get no money there, so -- he
18 didn't want to buy the fishing reels. So Wayne Eubanks knew
19 a guy across the street. He said, well, I might be able to
20 borrow \$20 from him. So we went over there and the guy let
21 us borrow \$20.

22 Q What did you do with the \$20?

23 A Bought a \$20 piece of crack.

24 Q So you bought some drugs with the \$20?

25 A Yes, sir.

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1 Q Where did you go then?

2 A Went to a place called Wilson's Curb Market and bought
3 the crack there. There's a car wash beside it. We pulled
4 in there and smoked the crack.

5 Q What happened then?

6 A We -- after we left there we went by my nephew's
7 apartment on Galdon (PHONETIC) Street to try to sell him the
8 fishing reels. He said no, he had fishing reels.

9 Q What's your nephew's name?

10 A Robin Epting. So we said okay. So we left there and
11 went to the convenience store, the United Way, and there was
12 a guy there. He didn't buy the reels, but he traded me a
13 piece of crack for it.

14 Q So you traded one of the reels for more crack?

15 A We traded off two of them.

16 Q Traded both the reels for more crack?

17 A Uh-huh. So we got the crack and went to the fairground
18 to pick up his wife.

19 Q You were still with Wayne Eubanks?

20 A Yes, sir. We picked his wife up and came back to
21 Wayne's house and was going to split that crack, but his
22 wife started fussing and telling me I had to go with that
23 crack. So I did. I went down to my sister's house.

24 Q So Wayne Eubanks' wife ran you out of their place?

25 A Might as well say she ran me out.

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- 1 Q And so, where did you go?
- 2 A Went down to my sister's house.
- 3 Q What's her address?
- 4 A Round Street something.
- 5 Q [REDACTED] Round Street?
- 6 A I guess.
- 7 Q What did you do when you got there?
- 8 A There's a little blue dollhouse down there, so --
- 9 Q Well, you'll have to explain to the jury who hasn't
- 10 been there before. What are you talking about when you say
- 11 dollhouse?
- 12 A This little tiny house. Like a little small house.
- 13 Q How close is that to the main house?
- 14 A Probably 50 yards, 60 yards.
- 15 Q So fairly close?
- 16 A Yeah. So I was going there to smoke the crack. So
- 17 when I went down there the van pulled up. Doyle Wayne, A.J.
- 18 and --
- 19 Q When you say A.J. you're talking about A.J. Bowers?
- 20 A Yes, sir. And Angie's son got out. Angie wasn't in
- 21 there, but Angie's son was in there.
- 22 Q And what's his name?
- 23 A Randy.
- 24 Q Randy Gambrell?
- 25 A Uh-huh. So he came down to the little house. The

JAMES FRED MILLER-DIRECT EXAMINATION

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1 little dollhouse.

2 Q Did he see you?

3 A No. I sat down so -- because I figured he's going to
4 want some of my crack.

5 Q So you weren't wanting to share your crack; is that
6 right? So you weren't announcing your presence?

7 A No.

8 Q So Randy comes down there. What happens next?

9 A Then Brenda came down there.

10 Q Talking about Brenda Roberts?

11 A Yeah. Told him get them clothes off so I can go wash
12 them.

13 Q Get your clothes off so I can go wash them?

14 A Uh-huh.

15 Q Were you able to see Randy at that point?

16 A No, I couldn't. Because I was hid behind the little
17 house.

18 Q What happened then?

19 A He said, Nanny, you should have seen him. He had blood
20 from here down to here. She said I know that. I'm going to
21 wash his clothes, too.

22 Q What happened then?

23 A He gave her his clothes and she took them up to the
24 house and then Randy went up there.

25 Q Did you go up as well?

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1 A Yes. I went up there about 20 minutes, 15 minutes
2 later.

3 Q What did you find when you got up to the house?

4 A A.J. was coming out of the shower.

5 Q A.J. Bowers?

6 A Yes, sir. And Randy was in the other shower. And
7 Wayne asked me did I have any clothes that A.J. could wear,
8 and I said I don't know. Look and see. But I didn't know
9 A.J.

10 Q 'You didn't know him that night?

11 A Huh-uh.

12 Q Did you give him some clothes?

13 A I don't know -- I don't know if he got clothes or not.

14 Q But you told who to go look?

15 A Wayne.

16 Q And as far as you know he got some?

17 A I guess he did.

18 Q What did you see after that?

19 A I went and got me a drink and then I went and got on
20 the couch. And then I went -- laid there a few minutes and
21 went to sleep.

22 Q Before you went to sleep did you have any conversations
23 with A.J. Bowers?

24 A I think he wanted to buy a Xanax or something from me.

25 Q A Xanax?

JAMES FRED MILLER-CROSS EXAMINATION

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- 1 A Yeah.
- 2 Q A pill?
- 3 A Yeah.
- 4 Q Did you have some to sell?
- 5 A I had some but I didn't sell them. They was prescribed
- 6 by a doctor, and I didn't sell him one.
- 7 Q You did not sell him one?
- 8 A Huh-uh.
- 9 Q Let me ask you about the washing machine that Brenda
- 10 had. Was it working that night?
- 11 A Yes, sir.
- 12 Q What happened to that washing machine?
- 13 A They got rid of it.
- 14 Q How quickly thereafter did they get rid of it?
- 15 A I don't know if it was the next day or the next, but it
- 16 wasn't long after that.
- 17 Q Very soon thereafter; is that what you're saying?
- 18 A Uh-huh.
- 19 Q How did they go about getting rid of it?
- 20 A I guess like put it on a trailer and take it to the
- 21 dump or whatever.
- 22 Q But it was gone?
- 23 A Uh-huh.
- 24 Q And again, what is your relationship with Brenda
- 25 Roberts?

JAMES FRED MILLER-CROSS EXAMINATION

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1 A She's my sister.

2 Mr. Mowry: Thank you, sir. That's all I have.

3 THE COURT: Cross.

4 CROSS-EXAMINATION

5 BY MR. WARDER:

6 Q Mr. Miller, you started writing letters from the jail
7 to the Sheriff's Office trying to bargain with them; is that
8 right?

9 A What you mean bargain with them?

10 Q You wanted them to get you out of jail and you would
11 turn people in?

12 A Not exactly like that.

13 Q Well, what were you asking for in the letters you
14 wrote?

15 A If they could get me out on bond.

16 Q You wanted them to get you out on bond?

17 A Uh-huh.

18 Q And you told them you'd testify against Brenda if they
19 did that?

20 A I'd already talked to them before then about it. About
21 Brenda.

22 Q Well, you wrote letters asking for that, didn't you?
23 Telling them that's what you'd do.

24 A Yeah.

25 Q You and Brenda have some hard feelings between one

JAMES FRED MILLER-CROSS EXAMINATION

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- 1 another?
- 2 A Not before that murder took place we didn't.
- 3 Everything was fine before that happened.
- 4 Q Did you think that she had done something to get what
- 5 you considered your inheritance from your father?
- 6 A No.
- 7 Q You didn't fall out over that?
- 8 A I hadn't saw her since then.
- 9 Q Now, the day you say this happened you smoked \$20 worth
- 10 of crack before you went and got the reels?
- 11 A I smoked a half of a \$20 piece of crack.
- 12 Q What time was that?
- 13 A Probably about 7:30, 7:00.
- 14 Q How did that make you feel?
- 15 A Just a little buzz, but it don't last but about 15
- 16 minutes.
- 17 Q Does crack mess your perception up?
- 18 A If you done it all night it probably will, but just one
- 19 little puff it ain't going to do nothing.
- 20 Q Does it mess how you remember things up?
- 21 A No.
- 22 Q Well, after you had the first half of the \$20 crack
- 23 when's the next time that night you smoked crack?
- 24 A After they went back up to the house.
- 25 Q What about the crack you got with the two reels?

JAMES FRED MILLER-CROSS EXAMINATION

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1 A That's the -- that's the half of one we smoked.

2 Q Where did you get the other crack at?

3 A I borrowed the money from a man on Irby Street and went
4 to Wilson's and smoked it in the car wash.

5 Q Where did you smoke that crack?

6 A In the car wash.

7 Q The second time you smoked crack it didn't mess up the
8 way you perceived things? The way you remember things?

9 A No, sir.

10 Q You said you had Xanax with you. Did you take any
11 Xanax that night?

12 A I took one.

13 Q What did you wash it down with?

14 A Water.

15 Q Were you drinking R&R liquor?

16 A I started drinking on a pint.

17 Q Did you have any occasion to take any more drugs that
18 night?

19 A No, sir. Except for the crack that was it. Crack and
20 the Xanax.

21 Q Just crack and that one Xanax?

22 A Uh-huh.

23 Q Now, you went down to the dollhouse because you didn't
24 want to share any crack with anybody?

25 A That's right.

JAMES FRED MILLER-CROSS EXAMINATION

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1 Q And you smoked some crack down there?

2 A I didn't smoke the crack until after they went back to
3 the house, because I figured they would want some.

4 Q Okay. You didn't want to give anybody any. Now, tell
5 me about the clothes you saw on anybody that night. You
6 said there was some bloody clothes?

7 A I didn't see any clothes with blood on them. All I
8 heard is what was said.

9 Q So you saw of your own knowledge no bloody clothes on
10 anything?

11 A Well, when I saw A.J. he got a pair of jogging shorts
12 coming out the shower. A.J., I didn't see -- I didn't see
13 his clothes. I don't know if he had blood on them or not.

14 Q Okay. And was the clothes in the washing machine?

15 A I guess they was. It was running.

16 Q You didn't see them? Did you see any clothes with
17 blood on them that night?

18 A No.

19 Q And is all you saw was -- you said that somebody wanted
20 to get one of the fellows a new set of clothes, or a
21 different set of clothes? And that was -- who was the one
22 they wanted to get the other clothes for?

23 A A.J.

24 Q They wanted to get A.J. some different clothes?

25 A Yeah.

JAMES FRED MILLER-REDIRECT EXAMINATION

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1 Q Did you see A.J. with any clothes on?

2 A He had a pair of jogging pants on. When he come out
3 the van he had clothes on but I couldn't -- I didn't see any
4 -- I couldn't say if it had blood on them or not.

5 Q So of your own personal knowledge you don't know of any
6 bloody clothes that night?

7 A I didn't see any bloody clothes.

8 Q No one mentioned any robberies or anything, did they?

9 A No.

10 Q No one mentioned any killings?

11 A No.

12 MR. WARDER: Thank you.

13 MR. MOWRY: Just a few questions, Your Honor.

14 REDIRECT EXAMINATION

15 BY MR. MOWRY:

16 Q Mr. Miller, you've spoken a couple of times with me;
17 isn't that right?

18 A Yes.

19 Q And you've spoken with me when I've been with Mr.
20 Bentley; isn't that right?

21 A Yes.

22 Q What promises or inducements were made to you to get
23 you to testify today?

24 A None.

25 Q None?

JAMES FRED MILLER-REDIRECT EXAMINATION

208

1 A Yes.

2 Q What did Mr. Bentley and I ask you to do?

3 A Tell the truth.

4 Q And you testified a few minutes ago that you were down

5 at the dollhouse next to Brenda Roberts' house at 214 -- at

6 [REDACTED] Round Street, right?

7 A Yes, sir.

8 Q And you saw A.J. Bowers get out of that van?

9 A Yes, sir.

10 Q And you saw Randy Gambrell, the Defendant's grandson,

11 right, your nephew, come down close to that house; is that

12 correct?

13 A Yes, sir.

14 Q What did you hear Randy Gambrell say?

15 A Nanny, you should have seen him. He had blood from

16 here down.

17 Q And when you got back up to the house, what was A.J.

18 Bowers doing?

19 A He was coming out the shower.

20 Q Was he still wet from the shower?

21 A Yeah.

22 Q Did he have anything -- you said he had jogging shorts

23 on; is that right?

24 A Yeah.

25 Q When he came to talk to you later and asked to buy

JONATHAN EPTING-DIRECT EXAMINATION

209

1 Xanax from you what was he wearing then?

2 A I can't really remember.

3 Q Was he just wearing jogging shorts or was he wearing
4 something else?

5 A I think he had a pair of long pants and a shirt on.

6 MR. MOWRY: Beg the Court's indulgence for just on
7 second.

8 Q I've brought out what Randy said. What did Brenda say
9 in response to that?

10 A What we said here today stays here.

11 MR. MOWRY: Thank you, sir. That's all I have.

12 THE COURT: Any recross?

13 MR. WARDER: No, Your Honor.

14 THE COURT: Sir, thank you. You can step down. Mr.
15 Mowry, call your next witness, please.

16 MR. MOWRY: Jonathan Epting. I believe he's in our
17 office, Your Honor. If you'll bear with me. Can we
18 approach?

19 (Whereupon, there was a brief sidebar.)

20 DIRECT EXAMINATION

21 JONATHAN EPTING, having first been
22 duly sworn, testified as follows:

23 DIRECT EXAMINATION

24 BY MR. MOWRY:

25 Q You are Jonathan Scott Epting?

JONATHAN EPTING-DIRECT EXAMINATION

210

- 1 A Yes, sir.
- 2 Q And, Mr. Epting, I believe you are 36; is that right?
- 3 A Yes, sir.
- 4 Q And I don't mean to embarrass you, but you've got a
- 5 record for shoplifting, I believe, and public disorderly
- 6 conduct; is that correct?
- 7 A Yes, sir.
- 8 Q Are you any kind of family relationship to the
- 9 Defendant, Brenda Roberts?
- 10 A Yes, sir.
- 11 Q What relationship are you to her?
- 12 A Nephew.
- 13 Q Did you have knowledge that the murder of Mr. Bolt at
- 14 the VFW had occurred back in 2003?
- 15 A Yes, sir.
- 16 Q Was that a case of interest to you?
- 17 A Yes, sir.
- 18 Q And you've kind of kept up with it; is that right?
- 19 A Yes, sir.
- 20 Q Were you familiar or aware of the search of the well at
- 21 Round Street, Ms. Roberts' former property? Were you
- 22 familiar that law enforcement had searched that well?
- 23 A Yes, sir.
- 24 Q Did that interest you?
- 25 A Yes, sir.

JONATHAN EPTING-DIRECT EXAMINATION

211

1 Q I want to ask you about an event. I believe your --
2 was it your grandfather was having surgery?

3 A Uh-huh.

4 Q What's his name?

5 A James Miller.

6 Q And where was that surgery being performed?

7 A At the Greenwood Hospital.

8 Q Self Memorial?

9 A I think so.

10 Q Your grandfather. What relationship is he to Ms.
11 Roberts?

12 A Her father.

13 Q Okay. Was she over there as well?

14 A Yes, sir.

15 Q Did you strike up a conversation with her?

16 A Yes, sir.

17 Q And did you ask her anything about the well?

18 A I stated, I said -- I said that you know they found
19 something in your well.

20 Q Did you know whether anything had been found?

21 A I had heard, but I didn't know for sure.

22 Q So you stated something had been found in your well?

23 A Yes, sir.

24 Q And what was her reply to you?

25 A She was like it was something -- clothes in a plastic

JONATHAN EPTING-DIRECT EXAMINATION

212

1 bag. And she got that information from the people who lives
2 there. The lady. And she said something about Clorox, that
3 her husband pours in the well.

4 Q Ms. Roberts told -- say that again.

5 A She said that it was in a -- something was in a plastic
6 bag and Clorox had been poured in the well.

7 Q So she said it was clothing in a plastic bag and Clorox
8 had been poured in the well?

9 A Yes, sir.

10 Q Okay. Got you. And what was your reaction?

11 A I didn't know what to say. I just -- I mean, I didn't
12 say anything else. I just stopped. But she did say that
13 she got that from the lady who lives there told her that.

14 Q Do you remember making a statement to law enforcement?
15 This would have been back on July 6th of 2015.

16 A Yes, sir.

17 Q Let me hand you this item and --

18 MR. MOWRY: Well, let me get it marked first.

19 (Whereupon, State's Exhibit No. 43 was marked for
20 identification.)

21 Q Let me hand you what's now been marked as State's
22 Exhibit No. 43 for identification. Do you recognize that?

23 A Yes, sir.

24 Q Read through that.

25 A The whole --

JONATHAN EPTING-CROSS EXAMINATION

213

1 Q Well, no. Just read through it yourself.

2 A Uh-huh.

3 Q Does that refresh your memory?

4 A Yes, sir.

5 Q So let me ask you again. You just said to Brenda

6 Roberts they found something in your well.

7 A Uh-huh.

8 Q And what was her response?

9 A That it was something -- something was in a plastic
10 bag.

11 Q And what else?

12 A It had been Clorox poured down in the well that her
13 husband -- she said her husband' did it to purify the well
14 every year.

15 Q But it was clothing in a plastic bag; is that right?

16 A Yes, sir.

17 Q That's what Brenda Roberts told you?

18 A I'm pretty -- yes, sir.

19 MR. MOWRY: Thank you, sir. That's all I have.

20 THE COURT: Mr. Warder.

21 CROSS-EXAMINATION

22 BY MR. WARDER:

23 Q She told you the lady next door told her that?

24 A Yes, sir.

25 Q And she recited the hearsay from what that lady said to

JARED HUNNICUTT-DIRECT EXAMINATION

214

1 you?

2 A Yes, sir.

3 Q She didn't say she had done anything --

4 A No, sir.

5 Q Didn't say she'd known about anything in it?

6 A No.

7 Q Didn't say she was responsible for the Clorox or
8 anything?

9 A No, sir.

10 Q And that's all the conversation or the substance you
11 had with her?

12 A Yes, sir.

13 MR. WARDER: Thank you.

14 MR. MOWRY: Mr. Epting, I'm going to -- Your Honor, I
15 would ask that No. 43 be admitted at this time.

16 THE COURT: Any objection?

17 MR. WARDER: Your Honor, I would have an objection.

18 THE COURT: Y'all approach.

19 (Whereupon, a sidebar was held.)

20 THE COURT: The objection is sustained. The witness
21 testified consistent with the statement, so there's no point
22 in introducing it.

23 Sir, you can step down. Thank you. Call your next
24 witness.

25 MR. TODD: The State would call Jared Hunnicutt.

JARED HUNNICUTT-DIRECT EXAMINATION

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1 JARED HUNNICUTT, having first been
2 duly sworn, testified as follows:

3 DIRECT EXAMINATION

4 BY MR. TODD:

5 Q Mr. Hunnicutt, what is your position? Where do you
6 work?

7 A I work at the Laurens County Sheriff's Office. I work
8 sex crimes and child abuse cases.

9 Q So you're a detective?

10 A Yes, sir.

11 Q And how long have you been there?

12 A Since January.

13 Q And previously before that in law enforcement where
14 were you?

15 A Laurens City Police Department.

16 Q And how long were you there?

17 A Approximately 13 years.

18 Q And what years -- what years at the Laurens Police
19 Department you were there?

20 A 2004 to right at 2017.

21 Q So you weren't employed when this murder happened, were
22 you?

23 A No, sir.

24 Q But you were involved in the investigation of --
25 reinvestigation, I should say, of the case at hand?

JARED HUNNICUTT-DIRECT EXAMINATION

216

1 A Yes, sir.

2 Q And specifically going back to September 10th, 2012,
3 were you still employed with the Laurens Police Department?

4 A Yes, sir.

5 Q And what was your position there?

6 A I was a road patrol sergeant.

7 Q And what are your general duties?

8 A Basically if the lieutenant's not there you're a
9 supervisor. When the lieutenant is there you're the second
10 in command.

11 Q Okay. And did you have the opportunity to respond to a
12 call about a possible stolen vehicle?

13 A I did.

14 Q And do you recall who the complainant on that call was?

15 A The Defendant, Ms. Roberts.

16 Q And can you give me a little bit more detail as to --
17 where did your investigation take you? What did you do when
18 you got the complainants call from Ms. Roberts?

19 A Basically the call was a stolen vehicle from Clinton,
20 which is the neighboring town. It was a gold Pontiac we
21 were on the lookout for. We located it on Hillcrest Drive.
22 Initiated a traffic stop. Went to the driver. The driver
23 was Mr. Doyle Wayne Roberts, Jr. We ran his license through
24 dispatch and it came back suspended. Placed him in
25 handcuffs in the back of the patrol car, and then we

JARED HUNNICUTT-DIRECT EXAMINATION

217

1 notified the victim, which was Ms. Roberts.

2 Q Do you know what the relationship -- I think it's been
3 pretty well clarified, but between Doyle Wayne Roberts --

4 A Mother and son.

5 Q -- and Brenda Roberts?

6 A Yes, sir. Mother and son.

7 Q Does Doyle Wayne Roberts have an alias?

8 A Yes, sir.

9 Q What is that?

10 A Wanda Wayne.

11 Q And when you made that stop, you said you got him for
12 the driving under suspension?

13 A Yes, sir. I didn't make the stop but I was the
14 supervisor on scene. But yes, he was -- we pulled him over
15 for the initial be on the lookout for the vehicle. And then
16 once we got up to the car we ran his license. He did not --
17 it was under suspension, if I'm not mistaken.

18 Q Okay. And you stated at that point you put Mr. Roberts
19 under arrest?

20 A Yes, sir.

21 Q And did you contact Brenda Roberts --

22 A Yes, we did.

23 Q -- the complainant? And you did that just to clarify
24 that that was her car and come to the -- did she come to the
25 scene?

JARED HUNNICUTT-DIRECT EXAMINATION

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1 A Yes, sir. She did. Just standard procedure to notify
2 the victim, or the complainant, of the call.

3 Q And Brenda did show up?

4 A Yes, sir.

5 Q And what happened next? You put Doyle Wayne Roberts
6 into -- into the patrol car, I assume?

7 A Yes, sir.

8 Q Arrested him?

9 A Uh-huh.

10 Q Okay. And with the Laurens Police Department and
11 police vehicles in general, are they equipped with anything
12 special that helps gather evidence?

13 A Audio and video recordings.

14 Q And did this particular car that you had placed Mr.
15 Roberts in have that equipment?

16 A Yes, sir. It did.

17 Q I'm going to give you what's been marked for
18 identification as State's Exhibit No. 35. Can you identify
19 that?

20 A Yes, sir.

21 Q Is that the audio video from the traffic stop on --

22 A Yes, sir. I believe it is.

23 Q And you know that based on the fact that --

24 A It says Wanda Wayne, case number 2012-4793, car cam
25 video.

JARED HUNNICUTT-DIRECT EXAMINATION

219

1 Q And that would match your report and that incident
2 date?

3 A Yes, sir.

4 MR. TODD: Beg the Court's indulgence.

5 THE COURT: Yes.

6 Q And did you also have an opportunity to question Brenda
7 Roberts at a later date?

8 A The same date we questioned her in reference to the
9 fact that she advised that he had taken the car without her
10 permission.

11 Q Okay. And this is -- can you -- State's No. 33. Can
12 you identify that?

13 A Yes. This is a Sheriff's Office Advisement of Rights.

14 Q Does it have a date on it?

15 A 7/7/15.

16 Q And let's go -- fast-forward to that date. What --
17 excuse me. Let's back up. As far as that traffic stop back
18 on September 10th -

19 MR. WARDER: Your Honor, I have an objection to make at
20 this time. It is matter of law.

21 THE COURT: Ladies and gentlemen, if you would, adjourn
22 for just a moment to the back. Let me take up this issue
23 being raised and we'll be back on the record shortly. Thank
24 you.

25 (Whereupon, the jury exited the courtroom at 2:57 p.m.)

JARED HUNNICUTT-DIRECT EXAMINATION

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1 THE COURT: The jury is out. You had an objection, Mr.
2 Warder.

3 MR. WARDER: Your Honor, all of this is irrelevant and
4 highly prejudicial. The fact that Ms. Roberts made a
5 complaint that her automobile was stolen and her son was
6 stopped and arrested in it has nothing to do with this case.
7 It's irrelevant. It's immaterial. All of the testimony has
8 not added one probative value to this case. And I submit
9 that this all is inadmissible and certainly to go into
10 statements that she might have made in that case has nothing
11 to do and it's irrelevant.

12 MR. TODD: Judge, the next witness is going to tie all
13 of this together.

14 THE COURT: So this is primarily for foundation?

15 MR. TODD: It's foundational, especially with
16 identification of the disc. I believe we discussed in
17 chambers regarding the testimony elicited out of that in
18 dash camera which would have to come through.

19 THE COURT: As far as the statements which Ms. Roberts
20 made at this particular incident location we haven't
21 received that testimony yet and I haven't heard that.

22 MR. TODD: There's not going to be any, Your Honor, from
23 Brenda Roberts at this location.

24 THE COURT: Well, I appreciate your relevancy objection,
25 Mr. Warder. It sounds like this is primarily foundation.

JARED HUNNICUTT-DIRECT EXAMINATION

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1 It's laying foundation in the event that the next witness
2 needs to be impeached, perhaps. I don't know how it's all
3 going to play out. They are not seeking at this point in
4 time apparently to introduce any sort of testimony about
5 anything that your client said other than apparently the car
6 had been taken without her consent.

7 Anything further on this, Mr. Warder? Solicitor? Why
8 don't we go ahead and take a few moments for ourselves since
9 we've been at it for about 45 minutes, and then we can just
10 keep on rolling.

11 MR. MOWRY: Your Honor, just for the record and for the
12 Court's information, Mr. Todd is going to go into the
13 Miranda for the July 15 statement. This is the one that we
14 had the *Jackson v Denno* for pre-trial with Ms. Roberts.
15 We're not going to get into statements that she made here.
16 This is going to be -- this is purely foundational, as you
17 said, for the video and we will deal with that with the next
18 witness.

19 THE COURT: So the State does intend to introduce that
20 statement into evidence? The one that ends with take it to
21 my grave or something?

22 MR. MOWRY: Exactly. Exactly.

23 THE COURT: I understand your position. Your objection
24 will be noted for the record, Mr. Warder. You won't have to
25 object when they start talking about that statement.

JARED HUNNICUTT-DIRECT EXAMINATION

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1 MR. WARDER: I certainly have separate objections to the
2 tape -- to the statements on the disc itself.

3 THE COURT: You're not planning on playing the --

4 MR. MOWRY: It won't be hearsay. The actual speaker is
5 going to be on the witness stand, so it will not be an out
6 of court assertion.

7 THE COURT: If it's a recorded statement, Mr. Warder, I
8 don't know that there's any valid objection to it and the
9 person who supposedly made it will be on the witness stand.
10 We'll take about five or ten minutes for ourselves. Don't
11 talk about your testimony, please.

12 (Whereupon, there was a break from 3:04 until 3:14
13 p.m.)

14 THE COURT: The record should reflect that the jury is
15 back in and seated. You are still under oath. You may
16 continue, Solicitor.

17 DIRECT EXAMINATION RESUMED BY MR. TODD:

18 Q When we left off we were discussing September 9, 2012
19 and a video, an in-car camera that captured video and audio.
20 You had just identified State's Exhibit No. 33. Now, would
21 this video, what it contains, you've watched it; is that
22 correct?

23 A Yes, sir.

24 Q And does it fairly and accurately describe the scene as
25 it was back in September 2012 in this arrest?

JARED HUNNICUTT-DIRECT EXAMINATION

223

1 A Yes, sir.

2 MR. WARDER: Can we approach the bench, Your Honor?

3 THE COURT: Come on up.

4 (Whereupon, a sidebar was held.)

5 Q And through your investigation of this case,
6 specifically pertaining to the incident on September 9,
7 2012, did you have an opportunity to question Brenda Roberts
8 again?

9 A I did.

10 Q And you've already identified State's Exhibit No. 33 as
11 the Sheriff's Department Miranda form, correct?

12 A Correct.

13 Q And is that your signature on that?

14 A Yes, sir.

15 Q And who else is on there?

16 A Ben Blackmon.

17 Q And whose signature is that?

18 A Brenda Roberts, the Defendant.

19 Q And this was from 2015?

20 A Yes, sir.

21 THE COURT: Subject to the pretrial objections and
22 rulings?

23 MR. WARDER: Yes.

24 THE COURT: You're moving the exhibit into evidence?

25 MR. TODD: That's correct.

JARED HUNNICUTT-CROSS-EXAMINATION

224

1 THE COURT: Which is it again? State's?

2 MR. TODD: 33. The Miranda Advisement Form.

3 THE COURT: Subject to the pretrial objection and
4 rulings it is in evidence.

5 MR. WARDER: Can we approach the bench?

6 THE COURT: Come on up.

7 (Whereupon, a sidebar was held.)

8 THE COURT: State's 33 is in evidence.

9 (Whereupon, State's Exhibit No. 33 was admitted into
10 evidence.)

11 Q And you had a chance to go over the rights. You've
12 heard some testimony about all the rights that you read to a
13 Defendant -- or an interviewee. You went over all those?

14 A That's correct. We went over them with Ms. Roberts.

15 Q And who else was present that day in the interview
16 room?

17 A Myself, Detective Pittman, Investigator Ben Blackmon
18 with the Sheriff's Office, Investigator Cheek with the
19 Sheriff's Office, and Captain Stephane Williams with the
20 Sheriff's Office.

21 Q But going back over to the Miranda statement. There
22 were no promises, threats, anything like that that were
23 levied towards Brenda Roberts before signing?

24 A No, sir.

25 Q And do you believe that she understood each of her

JARED HUNNICUTT-CROSS-EXAMINATION

225

1 rights?

2 A Yes, sir.

3 Q And she seemed to be in the right frame of mind when
4 she took the statement --

5 A Yes, sir.

6 Q -- or when she gave the statement?

7 A Yes, sir.

8 MR. TODD: Please answer any questions Mr. Warder has.

9 THE COURT: Mr. Warder.

10 CROSS-EXAMINATION

11 BY MR. WARDER:

12 Q What size of office were you in?

13 A You mean dimensions-wise?

14 Q Yeah.

15 A It was a fairly large office. It was Captain Stephane
16 Williams' office.

17 Q And there were seven officers in there?

18 A Like I said, there was myself, Detective Pittman,
19 Captain Stephane Williams, Ben Blackmon, and Bryant Cheek.
20 So there were five of us in there.

21 Q And was she seated down in some position or were you
22 all at a table or were you standing around her?

23 A There was a table. We were all seated at the table.

24 And she was, I think, at the head of the table and we were
25 just around it seated.

DOYLE WAYNE ROBERTS-DIRECT EXAMINATION

226

1 Q Were you in uniform?

2 A Polo and BDUs.

3 Q Guns on your side?

4 A Yes, sir.

5 MR. WARDER: Thank you.

6 THE COURT: All right, sir. You can step down. Call
7 your next witness.

8 MR. MOWRY: We call Doyle Wayne Roberts.

9 DOYLE WAYNE ROBERTS, having first
10 been duly sworn, testified as follows:

11 DIRECT EXAMINATION

12 BY MR. MOWRY:

13 Q You are Doyle Wayne Roberts?

14 A Yes, sir.

15 Q And what relation is Brenda Roberts to you?

16 A I plead the Fifth, sir.

17 Q Okay. Do you recall being arrested back in 2012 for
18 use of vehicle without owner's consent?

19 A I plead the Fifth, sir.

20 MR. MOWRY: Your Honor, I would ask that this Defendant
21 be declared a hostile witness.

22 THE COURT: Do you want to be heard on that?

23 MR. WARDER: Your Honor, I'm not sure that we do that
24 since we've got the Rules of Criminal Procedure.

25 THE COURT: I think you're at liberty to impeach this

DOYLE WAYNE ROBERTS-DIRECT EXAMINATION

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1 witness. Solicitor, even though you have called him, under
2 the provisions to Rule 600, et cetera, you can impeach him
3 without the necessity of having him declared hostile.

4 MR. MOWRY: Thank you, Your Honor.

5 Q Mr. Roberts, do you recall seeing this individual,
6 Walter Bentley, within the last week or so?

7 A I plead the Fifth, sir.

8 Q Did Walter Bentley come out to your house about a week
9 ago?

10 A I plead the Fifth, sir.

11 Q Did Walter Bentley ask to speak with you?

12 A I plead the Fifth, sir.

13 Q And did Walter Bentley tell -- or did you tell Walter
14 Bentley at that time that you would see us in court?

15 A I plead the Fifth, sir.

16 Q Do you recall being arrested in 2012 for a charge of
17 use of vehicle without owner's consent?

18 A I plead the Fifth, sir.

19 Q And was the victim and the complainant in that case
20 your mother, Brenda Roberts?

21 A I plead the Fifth, sir.

22 Q And do you recall being taken out of the -- of the car
23 that you were driving, Brenda Roberts' car, and being placed
24 in a patrol car?

25 A I plead the Fifth, sir.

DOYLE WAYNE ROBERTS-DIRECT EXAMINATION

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1 Q And did you deal with Jared Hunnicutt at that scene?

2 A I plead the Fifth, sir.

3 Q And do you recall that you were in that car with audio
4 and video?

5 A I plead the Fifth, sir.

6 Q And you were advised of that fact by a police officer?

7 A I plead the Fifth, sir.

8 Q And you said you knew that. Do you recall that?

9 A I plead the Fifth, sir.

10 Q And do you recall making comments to your mother out of
11 the --

12 A I plead the Fifth, sir.

13 Q Do you recall saying to your mother, "You're going to
14 jail"?

15 A I plead the Fifth, sir.

16 Q Do you recall saying, "I'm telling everything"?

17 A I plead the Fifth, sir.

18 Q Do you recall saying, "You know you washed them
19 clothes"?

20 A I plead the Fifth, sir.

21 MR. MOWRY: Your Honor, I would offer State's Exhibit
22 35 into evidence at this time and I would ask to publish the
23 contents of this video.

24 THE COURT: Mr. Warder, do you want to be heard on
25 that, sir?

1 MR. WARDER: Yes, sir. Your Honor, as a matter of law,
2 certainly it would violate the Defendant's rights to
3 confrontation --

4 MR. MOWRY: Your Honor, if we are going to take up a
5 matter of law, I would ask that it be done at the bench.

6 THE COURT: You all approach real quick, please.

7 (Whereupon, a sidebar was held.)

8 THE COURT: Ladies and gentlemen, I'm giving you all
9 some exercise today. If you would, please adjourn to the
10 back for a few moments and I'll have you back out here as
11 soon as I possibly can. Thank you for your patience. Don't
12 talk about the case.

13 (Whereupon, the jury exited the courtroom at 3:27 p.m.)

14 THE COURT: The current motion before the Court is to
15 introduce State's 35 into evidence, which is the audio video
16 of the stop that took place some years ago that Mr.
17 Hunnicuttt testified to a few moments ago. Mr. Warder your
18 objection to introduction and publication at this point in
19 time, sir?

20 MR. WARDER: Your Honor, I object to the hearsay
21 statements that were made in other places at other times.
22 They are out of court statements and should not be admitted.
23 They're hearsay. They would violate the confrontation
24 clause. A witness is sitting there taking the Fifth
25 Amendment and not answering Mr. Mowry's questions or my

1 questions.

2 THE COURT: I have no idea if he's going to answer your
3 questions or not. Clearly he's hesitant to answer Mr.
4 Mowry's questions. Go ahead, though. Please continue.

5 MR. WARDER: Your Honor, it's far more prejudicial than
6 probative of anything. I would urge the Court to keep the
7 hearsay out.

8 THE COURT: Your Honor, the whole issue as you well know
9 about the Defendant's involvement in this case, her impeding
10 justice in this case, is the fact that she washed clothes
11 and destroyed the evidence. This Defendant who, according
12 to Freddie Miller, was present that night, is on video
13 saying that's exactly what she did. He makes a whole series
14 of statements shouting at her and so it is definitely
15 relevant. Also, this is the same video that the officers
16 played to Ms. Roberts according to testimony that we had
17 pre-trial -- and we're going to get Joey Pittman in here
18 later on. That's our plan to have him testify to that and
19 her reaction to that. Her emotional reaction and then her
20 statement, "I'll take it to my grave." So we think it is
21 extremely relevant. This is a large part of why she reacted
22 the way she did and stated what she did to the officers.

23 THE COURT: I would agree on the relevancy grounds. I
24 think the question comes down to whether it's hearsay or
25 not. Whether it constitutes hearsay with the primary

1 declarant on the video is taking the Fifth. I'm looking at
2 Rule 804 addressing availability of witnesses. Definition
3 of unavailability. Unavailable as a witness including
4 situations in which the declarant 1. Claims Fifth Amendment
5 privilege from testifying concerning the subject matter of
6 the declarant's statement. An exception if he's been found
7 to be unavailable -- if the witness is found to be
8 unavailable due to a statement against interest. Is there
9 anything on the videotape which would subject this Defendant
10 to any sort of civil or criminal liability based upon what
11 is reflected on the video?

12 MR. MOWRY: Not at this stage, Your Honor.

13 THE COURT: I'm talking about this declarant, not the
14 Defendant.

15 MR. MOWRY: Yes, sir. Not at this stage, because the
16 statements that he made that day are against the Defendant,
17 not against himself.

18 THE COURT: What is it he says?

19 MR. MOWRY: He says, "You're going to jail, Bitch. I'm
20 telling everything. You know you washed them clothes."
21 There's some other lines as well, but those are the
22 highlights.

23 THE COURT: Wouldn't that presuppose that this witness
24 has knowledge of what the Defendant did wrong and in that
25 sense would be also, perhaps, guilty of accessory after the

1 fact?

2 MR. MOWRY: Well, no, sir.

3 THE COURT: I haven't seen the video. That's why I am
4 asking you these questions.

5 MR. MOWRY: Yes, sir. The plain fact of the matter,
6 Your Honor, is that the Defendant has not been approached
7 about that. He's not ever been accused of washing the
8 clothes. Law enforcement has not approached him. He has
9 not answered questions to law enforcement. So it's not even
10 misprision in this case. He can hold onto knowledge that
11 he's got. He doesn't have to tell law enforcement. It
12 becomes a problem when law enforcement asks him questions
13 and then he lies or misleads law enforcement, but this has
14 been his attitude. He has refused to talk. So if your
15 question is, is he subject potentially to criminal sanctions
16 coming out of this I would say the answer is no based on
17 this statement, or based on this video.

18 THE COURT: Explain to me what authority or what theory
19 the State is using to get the audiovisual admissible.

20 MR. MOWRY: The Defendant was present that night.
21 Freddie Miller testified to that. Excuse me, the witness
22 was present that night. And apparently has knowledge that
23 the Defendant was washing clothes. He apparently knows as
24 much as Freddie Miller did, but he has refused to cooperate
25 with law enforcement except for shouting these statements to

1 the Defendant back in 2012.

2 THE COURT: Right, but what legal rule permits
3 introduction of what you are suggesting. I thought that
4 perhaps you were going to argue 604, admission against
5 pecuniary or penal interests, but apparently that's not
6 being argued here, so I'm trying to figure out which other
7 hearsay objection would be applicable.

8 MR. MOWRY: It's conceivable -- I'll take it back, Your
9 Honor. It's conceivable that the Defendant could face
10 charges based on further law enforcement investigation.

11 THE COURT: Right, but that's not the standard. The
12 standard is the statement he makes that would subject him to
13 some financial or some criminal punishment. And it has to
14 be in the context or it has to be within the confines of the
15 statement that the State seeks to introduce once he has
16 taken the Fifth. That's textbook 804.

17 MR. MOWRY: Well, it's a recorded recollection, Your
18 Honor.

19 THE COURT: That's more applicable under 803 when the
20 witness cannot recall the substance of his statement. In
21 this case he's asserting his Fifth Amendment right against
22 self-incrimination as opposed to denying any recollection.

23 MR. MOWRY: In that case, Your Honor, we will give him
24 immunity if it comes to that so there's no reason for Fifth
25 Amendment privileges to be asserted. We will give him

1 immunity based on what was said in these statements. If
2 something else might lead to that but not based on these
3 statements that's a different matter, but we will give him
4 immunity so his Fifth Amendment would not even apply.

5 THE COURT: You would be offering use immunity or --

6 MR. MOWRY: Not transactional. No, sir.

7 THE COURT: Not transactional.

8 MR. WARDER: He'd still have a Fifth Amendment
9 protection though.

10 MR. MOWRY: If nothing else, Your Honor, this is an
11 excited utterance that would be an exception to hearsay.

12 THE COURT: Perhaps at this point in time it would be
13 best for The Court to actually review the tape so that I can
14 get a better feel for what we're talking about here since I
15 haven't had a chance to do that. Would you mind playing it
16 for me, please?

17 MR. MOWRY: Not at all, sir. Would you like to do it
18 back in chambers?

19 THE COURT: Play it out here.

20 (Whereupon, video CD published to The Court.)

21 MR. MOWRY: Excited utterance, Your Honor, is --

22 THE COURT: It can't be an excited utterance either,
23 because that has to be under circumstances where the person
24 is under the stress of the subject about which they utter.
25 Clearly he's not under the stress of a homicide that took

1 place at the VFW. He's under the stress of being arrested
2 for using a car. Any additional argument or thoughts at
3 this point in time, Mr. Warder?

4 MR. WARDER: No, sir. I don't think it's an excited
5 utterance, but anyway, nineteen or twenty minutes into this
6 forty minute stop with the camera going, Your Honor. It's a
7 hearsay statement that was made not responsive to the whole
8 situation. Just saying something bad to say about another
9 person. I don't think it has any indicia of reliability.

10 THE COURT: Any other thoughts, Solicitor?

11 MR. MOWRY: Not at this point, Your Honor.

12 THE COURT: Let the Court take a brief break and let me
13 think about this for a few moments. This will probably take
14 about ten minutes. I'll be right back.

15 You can step down, sir, but don't talk about your
16 testimony.

17 (Whereupon, the Court was in a brief recess.)

18 MR. MOWRY: Your Honor, during the break we have had an
19 opportunity to do a little research. If you would grant us
20 a little time to talk about that we would appreciate it.

21 THE COURT: Certainly. Go right ahead.

22 MR. MOWRY: Your Honor, we have found a case. This is
23 *State v Riddle*, 443 S.E. 2nd 557 from 1994 that cites *State*
24 *v Doctor*. "We extend the definition of unavailability to
25 include witnesses who assert their privilege against self-

1 incrimination. The logic of this rule is compelling and
2 completely consistent with our decision in this area. On
3 the present facts," and this is quoting that case. "On the
4 present facts of rule, which would allow the Defendant to
5 hide behind his brother's refusal to testify, encourages
6 potentially collusive behavior." And we would submit that
7 the very same situation lies here.

8 I would ask Your Honor how there is a privilege against
9 self-incrimination. My question to the Defendant simply was
10 did he make the statement and he could answer either yes or
11 no. If he answered yes, where would criminal charges arise?
12 If he answered no, where would criminal charges arise?
13 There has to be some sort of potential incrimination against
14 the Defendant for there even to be a Fifth Amendment issue
15 in this matter.

16 THE COURT: I appreciate your position. I am happy to
17 look at the case that you cite. I imagine that if it's a
18 1994 decision it's probably addressing the South Carolina
19 Rules of Evidence that existed prior to the adoption of the
20 Federal Rules of Evidence. And that's just my guess.
21 Because it's got to be a '94 decision, I'm assuming two
22 years to get it to the appellate courts. I don't think we
23 adopted the federal rules until '93 or '94, or maybe even
24 later than that. I'm not even sure, but it's definitely a
25 pre-rules decision.

1 MR. MOWRY: Well, it also cites a U.S. Supreme Court
2 case, Your Honor. I'm trying to pull that up real quickly.

3 THE COURT: Here's the basic problem that my research
4 has led me to, and perhaps you can focus on this. I
5 understand that the State has offered this witness use
6 immunity. My review of the law indicates that an individual
7 may still assert their Fifth Amendment right against self-
8 incrimination even if the State grants use immunity. I'm
9 happy if you care to correct me if I'm wrong.

10 That then turns to the question of the meaning of
11 804(b)(3). Having asserted his Fifth Amendment right
12 against self-incrimination, assuming that he's able to do
13 that, despite the grant of use immunity, the question then
14 becomes whether the State is an admission against his
15 pecuniary or penal interests. If it is merely a non-self
16 inculpatory statement, then *State v King* would require its
17 exclusion.

18 There's another case that I looked at. I believe
19 there's one involving Judge Cottingham from 2000. I can't
20 recall what the name of it was, but it was a slightly
21 different scenario. In that case, the Defendant called a
22 third party to testify. That third party took the Fifth.
23 The Defendant then took testimony from three other witnesses
24 that basically wherein the third party admitted to them
25 having shot the individual or having been the shooter in the

1 circumstances, and the Court reversed that. The King case,
2 I think, is much closer on point, which distinguishes
3 between a non-self inculpatory statement that attaches to a
4 Defendant as opposed to a declarant's self-inculpatory
5 statement which attaches to them. Having reviewed the
6 video, I'm at pains to try and figure out what statement was
7 made on that video by this witness which would come under
8 804(b) (3).

9 The second problem is what Mr. Warder raised a few
10 minutes ago, the indicia of reliability. From a review of
11 the video it would appear that the declarant, the witness in
12 this case -- it shows alcohol being pulled out. The witness
13 is clearly animated. It looked like he was on drugs, to put
14 it politely. Most importantly, at the time of this
15 declaration, in 2012, it would've been within his mind that
16 perhaps his mother had already been charged with this
17 offense or had been alleged to have been associated with
18 this offense in some way, shape, or form. He's spouting off
19 at the mouth because he's mad at mom that she's called the
20 police for using her car without permission. That seems to
21 affect that third prong that the Court has to consider under
22 the law. Thoughts, Solicitor?

23 MR. MOWRY: Your Honor, the only way that he could've
24 known about the washing of the clothes -- that was not
25 something that law enforcement was that into at the time.

1 It was only later on that they began to get indications from
2 talking to Freddie Miller and various other people after
3 this event that gave them the indication that there was more
4 to this than they knew. This Defendant had knowledge that
5 law enforcement frankly didn't have. This Defendant had not
6 been charged with a criminal offense prior to that.

7 THE COURT: She had not initially been charged?

8 MR. MOWRY: No, sir. She had not been charged in the
9 first --

10 THE COURT: Waive of indictments.

11 MR. MOWRY: -- waive of charges. She was not charged
12 until 2015.

13 THE COURT: And so your point is?

14 MR. MOWRY: That that is a circumstance or an indicia of
15 reliability, if you're looking for one, Your Honor.

16 THE COURT: Fair enough. Where's the necessary self-
17 inculpatory nature of the underlying statement that he makes
18 on the video?

19 MR. MOWRY: Your Honor, the -- what I've asked him is,
20 "Did you make the statement." He can either say yes or no.
21 If he said, "Yes, I made the statement," I think that would
22 be the end of it. But the fact is that law enforcement
23 ended up showing this to the Defendant during their
24 questioning of her and that was when she made the statement,
25 "I'll take it to my grave." If you recall the testimony of

1 the officers they said that she had a strong emotional
2 outburst after seeing what the witness said to her.

3 THE COURT: I don't disagree, Solicitor, but we still
4 have the hurdle or the State still has the hurdle of
5 804(b)(3). I'm not seeing 804(b)(3). No offense, but I
6 have not heard it from the State as far as how this is
7 inculpatory for the declarant -- for this witness.

8 MR. MOWRY: Your Honor --

9 THE COURT: And *State v. King* 367 S.C. 131 if you want to
10 take a look at that, Mr. Todd, but that's the case that
11 seems to be the most on point. There is nothing that I
12 could find or that my law clerk could find that was directly
13 on point with this scenario. King seems to be -- of the
14 three or four cases that address 804(b)(3), that seems to be
15 the closest to the incident situation.

16 MR. MOWRY: Wouldn't this be *res gestae*, Your Honor?
17 Wouldn't that be an exception?

18 THE COURT: A recent case from about three or four years
19 ago, a person has to be under the influence of the event
20 which caused the excitement.

21 MR. MOWRY: I think the event that caused his excitement
22 was the fact that he was arrested for the auto theft, and
23 that's why he had the outburst.

24 THE COURT: But the statement that he makes has to
25 relate to the event that caused the statement. In this case

1 the statement that he makes is in no way related to him
2 being arrested for use of the car. The statement relates to
3 a homicide that took place many many years before. He's not
4 under the influence of the event at the time that he's
5 making the statement. That's why res gestae doesn't apply.
6 Mr. Warder, have you got anything? Do you want to chime in
7 on this again?

8 MR. WARDER: No, except that it was an outburst from a
9 mad son that had obviously talked with the rest of the
10 people and he just came up with something to get back at
11 mother.

12 MR. MOWRY: Your Honor, if he wanted to say, "Yeah, I
13 said that, but... ". That very thing. All I'm asking him is
14 did he say it.

15 THE COURT: And the problem with that is if he says yes
16 -- to explain under the law why he can take the Fifth. If
17 he says, "Yeah, I said it." Then theoretically he's able to
18 be prosecuted for some knowledge relating to the underlying
19 homicide, either misprision of a felony, accessory after the
20 fact of a felony. I don't recall -- has there been
21 testimony -- there has been no testimony that he was
22 actually present at the scene?

23 MR. MOWRY: No, sir. As a matter of fact there's no --
24 the fact that he saw the clothes being washed does not mean
25 that he could be charged with accessory or misprision.

1 Misprision would be misleading law enforcement. That's
2 essentially what comes up from that. He has simply made a
3 statement. He can either say, "Yes, I made the statement.
4 I was made at the time and therefore it shouldn't go
5 anywhere." Or, "No, I didn't make the statement." In which
6 case we should be able to demonstrate that, in fact, he did.
7 But the question was did he make it or not.

8 THE COURT: What authority does the Court have to direct
9 him to answer the question after he has asserted his Fifth
10 Amendment right against self-incrimination?

11 MR. MOWRY: There has to be a potential self-
12 incrimination that comes out of it. Again, if he says,
13 "Yes, I made the statement." What crime has been committed?
14 If he says, "No, I didn't make the statement," Then we
15 should be able to impeach him. He is not a co-defendant in
16 this case, Your Honor. It is not a misprision case. It's
17 not an accessory case.

18 THE COURT: Can you point the Court to some authority
19 that supports the right of this Court to direct him to
20 answer?

21 MR. MOWRY: Yes, sir. There are --

22 THE COURT: And while we debate this issue -- I know
23 that this has put us way behind. I've got the jury back
24 there. It's almost 5:00. I had hoped to get Mr. Warder out
25 of here so he could speak with another client in the

1 Spartanburg Jail for a possible plea tomorrow afternoon.

2 Let's have them in, please.

3 Sir, you can step down. You're still under subpoena
4 though.

5 WITNESS: Yes, sir.

6 THE COURT: So you can't go anywhere.

7 WITNESS: Yes, sir.

8 (Whereupon, the jury entered the courtroom at 4:30
9 p.m.)

10 THE COURT: Can counsel approach, please?

11 (Whereupon, there was a brief sidebar out of the
12 hearing of the jury.)

13 THE COURT: Ladies and gentlemen of the jury, I
14 apologize sincerely for keeping y'all back there. You've
15 been held up back there for about 50 minutes and I was
16 hoping to address this issue that has arisen in ten minutes.
17 It's somewhat of an issue that I am struggling with. Since
18 it is so late in the day and since I've spoken to the
19 attorneys involved and we're right on schedule -- we're
20 actually ahead of schedule -- I'm going to go ahead and let
21 y'all go for the evening instead of continuing with the
22 trial tonight. I will ask that you be back in the jury
23 room, please, tomorrow morning at 9:00. That will allow me
24 some additional time to do some work on this issue that has
25 arisen. I apologize again for the inconvenience to you.

1 I do understand that one of you has a doctor's
2 appointment tomorrow that I was honor bound to abide by.
3 That will, of course, still happen. When we break tomorrow
4 for lunch at 1:00, assuming the case has not already been
5 submitted to you for your deliberations, that will be it for
6 the day. You will have the afternoon for your leisure
7 tomorrow. Do be back in the jury room at 9:00 in the hopes
8 that maybe we can go ahead and get this case submitted to
9 you sometime tomorrow morning or perhaps Thursday morning
10 upon your return, if we can't get it all done tomorrow.

11 Again, please don't talk about the case this evening
12 with anyone. Again, very sorry that I had to keep y'all
13 back there for so long. I will see you back tomorrow
14 morning at 9:00.

15 (Whereupon, the jury exited the courtroom for the day
16 at 4:40 p.m.)

17 MR. MOWRY: I found the case that I was looking for,
18 Your Honor.

19 THE COURT: Let me take care of this matter real quick.
20 Mr. Roberts, the last witness who was testifying, is still
21 in the courtroom. I'm directing you, Mr. Roberts, that you
22 are still under subpoena. You have to appear tomorrow
23 morning at 9:00 at the latest. So you have to be back here
24 at 9:00. If you fail to do so a bench warrant will be
25 issued for your arrest.

1 WITNESS: Yes, sir.

2 THE COURT: I'll see you tomorrow at 9:00; correct?

3 WITNESS: Yes, sir.

4 THE COURT: Very good. Solicitor, you found the case?

5 MR. MOWRY: Yes, sir. The proposition is that the Fifth
6 Amendment right against self incrimination, or violation of
7 it, only occurs if one has been compelled to be a witness
8 against himself in a criminal case. The citation is *Chavez*
9 *v Martinez* 155 2nd 984 (2003) 538 U.S. 760.

10 THE COURT: 2003 decision?

11 MR. MOWRY: Yes, sir.

12 THE COURT: I don't disagree necessarily with that
13 proposition, but how does Chavez apply in this situation? I
14 don't know the factual background in Chavez.

15 MR. MOWRY: I don't have the case here, Your Honor.
16 This is cited in -- if I can figure it out. I do not have
17 it, Your Honor. That is a citation that is made in another
18 case.

19 THE COURT: Is it a South Carolina opinion?

20 MR. MOWRY: Yes, sir.

21 THE COURT: What's the opinion that cites Chavez?

22 MR. MOWRY: Your Honor, we have that little bit. I
23 apologize. I do not have the entire cite.

24 THE COURT: All right. Let's handle it this way. We
25 will reconvene tomorrow morning at 9:00. Mr. Roberts is

1 still under subpoena. He will be here and back on the
2 stand. That will afford the Court the evening to review
3 applicable case law and perhaps consult with people smarter
4 than I.

5 MR. MOWRY: I don't know where you'll find those, Your
6 Honor.

7 THE COURT: Flattery will get you nowhere, sir. You
8 have two additional witnesses that you anticipate calling
9 after this witness. Assuming for a moment that the Court's
10 ruling were to stand -- I'm just saying "assuming" -- how
11 much longer do you think the State's case will take before
12 you're done? An hour perhaps?

13 MR. MOWRY: An hour perhaps, yes, sir.

14 THE COURT: All right. Very good. Mr. Warder, I assume
15 that you've already reviewed with your client her right to
16 testify or not testify, her Fifth Amendment rights?

17 MR. WARDER: We have. I am certain I will talk to her
18 some more as I see how the end goes.

19 THE COURT: Right. I don't think that it's proper at
20 this time for me to have colloquy with your client because
21 obviously all the evidence isn't in and how things go
22 tomorrow could change the dynamic of this case tactically
23 for Ms. Roberts, so I will address that colloquy when the
24 State rests.

25 If y'all can find anything else this evening that might

1 be of assistance to the Court or might feel would assist,
2 feel free to shoot it to me by way of an email; okay? If
3 you want to follow with a text message. Mr. Mowry, make
4 sure that Mr. Warder has my cell phone number. I think
5 you've got it. If you need to send me a text message, just
6 be sure to copy Mr. Warder on that.

7 (Whereupon, the trial was in recess until 10:39 a.m.)

8 TRIAL DAY 3-04/26/17

9 THE COURT: We'll go back on the record in the *State v*
10 *Brenda Roberts*. The record should reflect that the
11 Defendant is present with counsel. The Court also had an
12 opportunity last night to conduct some research and the
13 Court did engage in an email exchange with everyone
14 involved. You never chimed in, Mr. Warder, but I assume
15 that at some point in time you saw what was exchanged?

16 MR. WARDER: No, sir, but I -- I spent most of my night
17 in Spartanburg and then got up this morning and came down
18 here.

19 THE COURT: I will give it to you in a nutshell. The
20 Court did some further research and although the Court
21 believes the State's reliance on the Riddle case reported at
22 315 S.C. One is probably inappropriate because it was
23 overruled by the adoption of the rules of evidence in
24 September of '95, the Court was able to locate another case.
25 I'm going to slaughter this first name, but it's

1 Grosshuesch, G-R-O-S-S-H-U-E-S-C-H, versus Cramer, C-R-A-M-
2 E-R, reported at 377 S.C. 12. Although a civil case, it
3 addressed the initial question of when an individual can
4 assert their Fifth Amendment rights and the obligation of
5 the Court or the duty of the Court to evaluate that
6 assertion. This case actually arose in -- again, a civil
7 case. This judge actually handled a portion of a related
8 case involving a will contest out of Beaufort County that
9 ultimately was resolved. Yesterday, perhaps, that's what
10 was in the back of my mind when I was having issues with Mr.
11 Roberts asserting his Fifth Amendment rights. There was
12 something that was just wasn't quite right in the Court's
13 analysis. The Court jumped instantly into an 804(b)(3) type
14 of analysis once Mr. Roberts did assert his Fifth Amendment
15 rights on the stand, but the Grosshuesch case outlines that
16 there is a two-step process that the Court should engage in
17 when there is a Fifth Amendment assertion.

18 The first question is whether the information involved
19 is incriminating in nature and the second question is
20 whether there is a possibility of criminal prosecution in
21 order to trigger the assertion of a witness's Fifth
22 Amendment privileges. Applying Grosshuesch to the current
23 case, the Court has concluded basically that the statement
24 that Mr. Roberts made to the police in the back of the
25 patrol car is already made. It's already out there. Any

1 fear of any sort of civil or criminal liability is already
2 in the record. Therefore, if the State puts to Mr. Roberts
3 the very simple question of, "Did you make this statement?
4 Did you say this on this particular date?" Mr. Roberts can
5 either acknowledge making the statement or he can deny
6 making the statement. The information that he gave was not
7 so, first of all, incriminating in nature as to warrant Mr.
8 Roberts asserting his Fifth Amendment privileges here and,
9 more importantly, because the State has offered Mr. Roberts
10 use immunity he has no reasonable fear that anything he says
11 or any evidence discovered as a result of any evidence he
12 says would be able to be used against him in any sort of
13 subsequent criminal prosecution.

14 I'll print off a copy of the email exchange from last
15 night with the State's assertion that misprision of a felony
16 would not even be a viable charge. Accessory after the fact
17 would not be a viable charge with regards to Mr. Roberts.
18 That assertion is well taken, again, because the State has
19 offered Mr. Roberts use immunity. He has no reason to fear
20 that anything he says now will be used against him. His die
21 was cast the moment he spoke in the patrol car, so anything
22 he says now has absolutely zero import.

23 It's also not lost on the Court, of course, that the
24 Defendant is also the son of the Defendant who is on trial
25 here. He does not have any privilege because of that

1 relationship. No privilege like spousal husband/wife type
2 confidentiality type of privilege, priest/penitent
3 privilege, attorney/client, et cetera. No privilege which
4 is actually acknowledged by the law, therefore it is his
5 obligation to answer a very simple question. The way I
6 phrased the question, Solicitor, is in the back of the
7 patrol car on such and such a date did you, in fact, say or
8 yell out to your mother words to the effect of blank, what
9 he said verbatim. That is a fair question in my mind.

10 It's also not lost on the Court that this adversarial
11 process does require that scorned witnesses testify and they
12 all on support of the assertion of a Fifth Amendment
13 privilege without more and without any fear of any truth
14 here of criminal prosecution is simply insufficient and in
15 this case rather convenient for Mr. Roberts in light of the
16 Defendant who is on trial, the relationship with those two.
17 It's insufficient and an inappropriate excuse to hamper this
18 Court in its truth seeking function. I will note,
19 Solicitor, that any grant of immunity in this case -- you've
20 offered use immunity -- I do believe that under the rules
21 that has to be in writing, so you probably need to scribble
22 out something real quick and make it a part of the record as
23 a Court's exhibit. It does not to be, I suppose, terribly
24 fancy, but it needs to be clear that Mr. Roberts, anything
25 he says on the stand today, will not be used in any

1 subsequent prosecution of him and any additional information
2 gleaned from him in his testimony can't be used in any
3 subsequent prosecution. I believe that that's typically how
4 grants are characterized, but you may be able to pull
5 something up. That's my ruling on this issue. I'm going to
6 make the email exchange from last night a Court's Exhibit at
7 this point in time. Mr. Mowry, you had a point?

8 MR. MOWRY: Just a couple of things in addition, Your
9 Honor, that I just simply wanted to put on the record.
10 Obviously no concerns about your ruling whatsoever. I would
11 submit that if the State sought any charges for misprision
12 or accessory at that point, even in a worst case scenario,
13 Mr. Roberts can assert his Fifth Amendment rights and not
14 talk to police. So there is no jeopardy -- no bad result
15 that can come of this.

16 In addition, Your Honor, if there was any concern about
17 the car charge the one that he was arrested for that day I
18 would like to make a Court's exhibit that the Clerk printed
19 off for me today the tracking sheet on that particular case.

20 THE COURT: He has not been convicted?

21 MR. MOWRY: No, sir. He has not been convicted. The
22 charge was dismissed. He pled guilty to an unrelated
23 burglary. Mr. Ruston Neely, who was an assistant here at
24 the time, dismissed the charge based on Ms. Robert's
25 request.

1 THE COURT: And as part and parcel I suppose for the
2 burglary plea?

3 MR. MOWRY: Yes, sir.

4 THE COURT: Absent any additional information that's the
5 Court's ruling Mr. Roberts is present in court. Mr.
6 Roberts, for the reasons that I explained here, I am
7 directing you to answer the Solicitor's questions as it
8 relates to that statement that you made. You can either
9 admit it or you can deny it. Obviously if you admit making
10 the statement you are at liberty on direct or cross to
11 explain why you made the statement. If you deny the
12 statement then, of course, the Solicitor is at liberty to
13 play the video. At this point in time though any question
14 of the video is premature because Mr. Roberts has neither
15 acknowledged or denied making the statement, so that issue
16 has not arisen yet. That is the way the rules work. So,
17 Mr. Roberts, if you'll come back up, please, and take the
18 witness stand, sir. Of course the Defense's objection is
19 noted and there's no need to contemporaneously object when
20 the question is asked again.

21 MR. WARDER: Thank you, Your Honor.

22 THE COURT: I have been told that the young lady who I
23 promised to protect for her ultrasound appointment was
24 unable to get that rescheduled, so we will need to break
25 around 12 today at the latest. That makes the likelihood of

1 getting this case to the jury today, I think, probably
2 minimal.

3 MR. MOWRY: I can almost assure Your Honor that the
4 State will be done. This should not take long.

5 THE COURT: I do understand. My clerk is still working
6 on the jury instructions and I will make sure those are
7 emailed to everyone and that a hard copy of the rough draft
8 is provided to any party who desires it. Let's have the
9 jury, please.

10 MR. WARDER: Just one thing, Your Honor.

11 THE COURT: Yes, sir.

12 MR. WARDER: The way this case has developed I'm going
13 to move the Court to require the State to fully open on --
14 make it's argument -- make its main argument in opening and
15 be limited to reply and to my argument as suggested in
16 recent Supreme Court decisions.

17 THE COURT: We may be getting a little ahead of
18 ourselves on that. Has a final ruling come down on the --

19 MR. MOWRY: No, sir. It's still in limbo.

20 THE COURT: And didn't that come out in December?

21 MR. MOWRY: Not the final ruling, no, sir.

22 THE COURT: No, I mean the initial ruling. And it's
23 still in limbo?

24 MR. MOWRY: Yes, sir. I think they granted re-hearing.

25 THE COURT: I will consider that. I will consider your

1 motion, sir. I understand your position and I may very well
2 grant what you have requested, sir, but I'll have to think
3 about that.

4 MR. WARDER: The other way -- at some time as soon as we
5 can I'd like to know when we're going to -- do you want the
6 Defense to then start this morning?

7 THE COURT: Perhaps. You've indicated to me you only
8 have perhaps your client who is going to testify. We'll get
9 through the State's case and we'll see where things go, if
10 that's acceptable, sir?

11 MR. WARDER: Yes.

12 THE COURT: Let's have the jury, please. In the "for
13 what it's worth" category I also consulted with Judge Grace
14 Knie and she responded last night about 10:45 that she
15 agreed with the analysis that was put out there, so I got a
16 second opinion. For what it's worth.

17 (Whereupon, the jury entered the courtroom at 10:43 a.m.)

18 THE COURT: The record will reflect that the jury is
19 back and seated. Ladies and gentlemen, I hope y'all had a
20 pleasant evening last night. It was certainly a beautiful
21 evening as opposed to what it looked like Monday night. I
22 hope you had a good night. We are still involved in the
23 case of the *State of South Carolina v Brenda Roberts*. When
24 we broke yesterday Mr. Roberts was still on the stand. At
25 this point in time, Solicitor, you may proceed, sir.

DOYLE WAYNE ROBERTS-DIRECT EXAMINATION

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1 MR. MOWRY: Thank you, sir.

2 DIRECT EXAMINATION RESUMED

3 BY MR. MOWRY:

4 Q Mr. Roberts, let's back up a little bit. Let me ask
5 you about your criminal record. Do you have a conviction
6 for drug conspiracy?

7 A No, sir. I don't.

8 Q You deny that?

9 A Yes, I don't have nothing for drugs.

10 Q Do you have convictions for seven shopliftings?

11 A I sure do.

12 Q Do you have a conviction for an enhanced property
13 offense?

14 A Yes, I do.

15 Q Do you have two petit larcenies?

16 A Yes, I do.

17 Q You deny that you have a conviction --

18 A I don't have no drug charges, sir.

19 Q For possession of crack?

20 A No, I do not.

21 Q Do you have a conviction for purse snatching?

22 A Yes, I do.

23 Q Breach of trust with fraudulent intent?

24 A Yes, I do.

25 Q Burglary?

DOYLE WAYNE ROBERTS-DIRECT EXAMINATION

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- 1 A Yes.
- 2 Q And you were also arrested back in 2012 for use of
- 3 vehicle without owner's consent, right?
- 4 A Yes.
- 5 Q You were in here for Detective Hunnicutt's testimony?
- 6 A Don't forget, I was locked up for murder. Yeah, don't
- 7 forget that, and they dismissed it.
- 8 Q Well, I understand.
- 9 A Uh-huh.
- 10 Q I understand. But you were in here for Detective
- 11 Hunnicutt's testimony; is that right?
- 12 A Yes.
- 13 Q And that event happened, did it not?
- 14 A Yeah, it was lies. It was a made up lie. What I said.
- 15 It was a made up lie.
- 16 Q I'm asking you, that --
- 17 A I was drunk and I was under -- it was hearsay and I was
- 18 on drugs.
- 19 Q Mr. Roberts, did that event happen?
- 20 A Yes, it happened.
- 21 Q And Detective Hunnicutt was there, was he not?
- 22 A Yes, he was.
- 23 Q And your mother came to the scene, did she not?
- 24 A Yes, she did.
- 25 Q And at one point you shouted out to your mother, "I'm

DOYLE WAYNE ROBERTS-DIRECT EXAMINATION

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- 1 telling everything," did you not?
- 2 A I was high and I was drunk. I was under --
- 3 Q I hear what ---
- 4 A It was hearsay. I was drunk. I was on dope. I'm a
- 5 drug addict.
- 6 Q Did you say that?
- 7 A I said -- yes, sir.
- 8 Q And you shouted that out, did you not, to your mother
- 9 --
- 10 A It's hearsay.
- 11 Q -- the defendant in this case?
- 12 A It's hearsay. It's hearsay. It's a lie.
- 13 Q Did you say it?
- 14 A I said it, yes.
- 15 Q Then it's not hearsay, is it?
- 16 A I heard it off the streets, yeah.
- 17 Q Did you say it?
- 18 A Yeah, I heard it from the street.
- 19 Q Did you say those words?
- 20 A I done told you.
- 21 Q Well, tell me again.
- 22 A It's hearsay.
- 23 Q Did you say those words?
- 24 A Yes.
- 25 Q Thank you. Did you also shout out at your mother,

DOYLE WAYNE ROBERTS-CROSS EXAMINATION

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1 "You're going to jail, bitch."?

2 A Yes, I did.

3 Q Did you also shout out to your mother, "You know you
4 washed them clothes."?

5 A I said it.

6 Q And did you also say to the officer that was
7 transporting you, "She washed them damned clothes."?

8 A It's hearsay.

9 Q Did you say those words?

10 A I did.

11 Q Did you also tell the officer, "You finally got to
12 arrest Wanda Wayne."?

13 A Yeah.

14 Q And that's you, right?

15 A Yeah.

16 Q And did you also tell the officer, "But you're going to
17 be arresting her for murder."?

18 A Yes, I did.

19 MR. MOWRY: Thank you, sir.

20 THE COURT: Mr. Warder, cross.

21 CROSS-EXAMINATION

22 BY MR. WARDER:

23 Q Did you say you were mad that morning?

24 A I was very, very mad. And I was drunk. I'd done been
25 up for four days, sir, smoking crack, on meth. I was on

DOYLE WAYNE ROBERTS-CROSS EXAMINATION

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1 pills. I don't even remember. I was on drugs. I've been
2 doing drugs for 10 years and I do not remember none -- I
3 remember some of it now, but I don't remember all of it. I
4 was very, very intoxicated. It shows I was drunk. I went
5 to jail with crack in my mouth. I smoked it in the county
6 jail. I was so high I don't even remember who I was.

7 Q Was the statement you made that day when you were under
8 the influence truthful or false?

9 A False. Hearsay. I heard it from the streets, and it's
10 made up. It was made up because I was mad at her for
11 locking me up. And it's a lie. It's a lie. And God knows
12 it's a lie. It's hearsay.

13 Q When you say it's hearsay, it's not something that you
14 saw?

15 A No, I did not. I have not seen nothing like that.

16 Q Nothing you perceived with your senses?

17 A No, I have not, sir.

18 Q And nothing you had any firsthand knowledge about?

19 A No, sir.

20 MR. WARDER: Thank you.

21 MR. MOWRY: Just a couple questions, Your Honor.

22 REDIRECT EXAMINATION

23 BY MR. MOWRY:

24 Q You say that you're a drug addict, but you don't have
25 any drug convictions?

DOYLE WAYNE ROBERTS-REDIRECT EXAMINATION

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- 1 A Yeah.
- 2 Q Let me ask you this --
- 3 A I've never been busted for drugs, sir.
- 4 Q Let me ask you this. You also said that -- well, you
- 5 were arrested that day for use of vehicle without owners
- 6 consent, right?
- 7 A Yes.
- 8 Q What happened to those charges?
- 9 A I went to prison.
- 10 Q Not on those charges you didn't.
- 11 A I went to prison. They went on trial together. Yes,
- 12 they did. Right here in this courtroom.
- 13 Q That's when you pled guilty for a burglary, right?
- 14 A I pled guilty to all of it, yeah. I sure did.
- 15 Q Did you plead guilty on the --
- 16 A I been in jail every time. I -- up in here. I been to
- 17 prison every time, because y'all put me on there.
- 18 Q Well, let me ask you --
- 19 A You're lying. That man right there and that man right
- 20 yonder lies every day. Tony Lynch is a liar and that man's
- 21 a liar for everything.
- 22 Q Let me ask you about the use of vehicle --
- 23 A They lying about this, and you know it, and everybody
- 24 in the courtroom knows.
- 25 Q Let me ask you --

BEN BLACKMON-DIRECT EXAMINATION

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1 A Liars.

2 Q -- about the use of vehicle without owner's consent
3 charge. Do you know what happened to that?

4 A Yeah, I was charged with it.

5 Q You did not plead guilty to it?

6 A I pled guilty to everything in this courtroom standing
7 right here.

8 MR. MOWRY: Your Honor, I would offer what has been
9 marked as Court's Exhibit No. 3 as a State's Exhibit at this
10 time.

11 THE COURT: All right. That's the tracking sheet from
12 the use without charge?

13 MR. MOWRY: Yes, sir.

14 THE COURT: No, objection?

15 MR. WARDER: Yeah, but this whole line of questioning
16 is irrelevant as to what happened to that charge and
17 certainly tracking the sheet -

18 THE WITNESS: Sir, I thought that you pled me guilty
19 for all these.

20 THE COURT: Sir, sir, sir. Sir, sir. I may have
21 handled your plea on the other charges, but the tracking
22 sheet indicates that he was -- that that charge was
23 dismissed --

24 THE WITNESS: Well, I don't know.

25 THE COURT: Wait one second. One second. Don't talk,

BEN BLACKMON-DIRECT EXAMINATION

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1 please. That was dismissed by Assistant Solicitor Neely,
2 correct?

3 MR. MOWRY: Yes, sir. On -- I think the date was
4 1/23/14.

5 THE COURT: It's in evidence, subject to the
6 Defendant's objections, and I think we've gone far enough
7 with that line of questioning.

8 (Whereupon, Court's Exhibit 3, tracking sheet, was
9 marked State's Exhibit 45 for identification.)

10 MR. MOWRY: Yes, sir. One more question, Your Honor.

11 Q Were you arrested for DUI that day?

12 A Sir, I was intoxicated. I don't remember. I do not
13 remember.

14 Q You were not arrested for -- let me ask it another way.
15 You were not arrested for DUI that day, were you?

16 A No. I don't think so.

17 MR. MOWRY: No further questions.

18 THE COURT: Sir, thank you. You can step down.
19 Solicitor, if you'll call your next witness, please.

20 MR. MOWRY: Ben Blackmon.

21 BEN BLACKMON, having first been
22 duly sworn, testified as follows:

23 DIRECT EXAMINATION

24 BY MR. MOWRY:

25 Q You are Ben Blackmon?

BEN BLACKMON-DIRECT EXAMINATION

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1 A That's correct.

2 Q And I believe you're a lieutenant with the Laurens
3 County Sheriff's Office; is that right?

4 A That's correct, sir.

5 Q How long have you been a law enforcement officer?

6 A Since October of 1999.

7 Q And how long have you been an investigator?

8 A Since January 2004.

9 Q Is all of your experience as a law enforcement officer
10 with the Sheriff's Office?

11 A That's correct.

12 Q As an investigator for the Sheriff's Office what do you
13 do? What kind of duties do you perform?

14 A Once an initial complaint as been filed with the
15 Sheriff's Office, follow up on it. Follow leads, interview
16 witnesses, suspects, victims. Basically put the pieces to
17 the puzzle together. You know, establish probable cause and
18 follow up with an arrest warrant and follow it through
19 trial.

20 Q Do you also cooperate in investigations with sister
21 agencies?

22 A That's correct, sir. We do conduct joint operations on
23 a regular basis.

24 Q Back in 2015 -- in July of 2015 did you assist Laurens
25 City Police Officers in the investigation of this Defendant,

BEN BLACKMON-DIRECT EXAMINATION

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1 Brenda Roberts?

2 A That's correct, sir.

3 Q Did you at some point go to her home at [REDACTED] Round
4 Street in Laurens County?

5 A Yes, sir. I've been to that location before.

6 Q Let me hand you what has been marked as State's Exhibit
7 No. 44 and ask you if you can identify that.

8 A Yes, sir. That appears to be the address you've just
9 mentioned.

10 MR. MOWRY: Your Honor, I have shown this to Mr.
11 Warder. I would offer this as a State's Exhibit at this
12 time.

13 THE COURT: Without objection, correct?

14 MR. WARDER: Yes, sir.

15 THE COURT: Without objection, State's 44 is in
16 evidence.

17 (Whereupon, State's Exhibit No. 44 was admitted into
18 evidence.)

19 Q What was your purpose in going to [REDACTED] Round Street?

20 A After the Laurens City Police Department had conducted
21 an investigation into a homicide that had occurred at the
22 local VFW in the city limits it came to our attention
23 through their investigation that --

24 MR. WARDER: I object to what came to their attention,
25 Your Honor.

BEN BLACKMON-DIRECT EXAMINATION

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1 THE COURT: He can't testify as to anything that he
2 heard. He can say that as a result of their investigation
3 he undertook certain acts.

4 Q If you'll continue.

5 THE WITNESS: I apologize, Your Honor.

6 THE COURT: That's all right. Go ahead.

7 A It came to our attention that a potential crime had
8 occurred at that location. And after speaking with, at the
9 time, Lieutenant Hunnicutt from the City Police Department
10 who was --

11 Q Is this Lieutenant Hunnicutt who just stood up?

12 A That's correct, sir.

13 Q Thank you.

14 A Who was lead investigator at the Laurens City Police
15 Department, joined him and others to conduct the
16 investigation into this Defendant's actions and their
17 investigation.

18 Q And was another person Joey Pittman?

19 A That's correct, sir.

20 Q What did you all do to conduct that investigation?

21 A We obtained witness statements that were -- basically
22 revisited a case that had been investigated by Investigator
23 Lynch, or Detective Lynch back in, I believe, 2003.

24 Q And as it relates to [REDACTED] Round Street what did you all
25 do?

BEN BLACKMON-DIRECT EXAMINATION

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1 A As it relates to the location there we followed up with
2 the other witnesses. We had information through their
3 investigation --

4 MR. WARDER: Objection.

5 MR. MOWRY: Your Honor, let me --

6 THE COURT: Back up and --

7 MR. MOWRY: -- let me bracket it just a bit, Your
8 Honor.

9 Q Let me ask you what you did on July 7th of 2015.

10 A We interviewed the Defendant in this case.

11 Q How did you go about conducting that interview?

12 A We had her come to the Laurens County Sheriff's Office
13 where she was Mirandized and spoken with in, at the time, my
14 Captain's office.

15 Q And was that one of the larger offices in the Sheriff's
16 Department?

17 A Yes, sir. There's more square footage in there.
18 There's a table approximately the size of the one in front
19 of the bench here, maybe a little larger, accommodating
20 officers and either witnesses, suspects, victims, et cetera.
21 So they're often interviewed there at that table.

22 Q All right. And who all was present at this --

23 A Myself --

24 Q -- at this interview?

25 A Yes, sir. Myself, at the time, Lieutenant Hunnicutt,

BEN BLACKMON-DIRECT EXAMINATION

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1 Detective Pittmen, and the former investigator with the
2 Sheriff's Office, as well as my former supervisor at that
3 time.

4 Q So five officers and Ms. Roberts; is that right?

5 A That's correct. An office was assigned to my former
6 supervisor, so -- for him to be in the room wouldn't --

7 Q It was his office?

8 A That's correct, sir.

9 Q What was the atmosphere during this interview? Was it
10 -- was it calm or -- as far as you all were concerned?

11 A It was -- from my perspective it was very calm.
12 Lieutenant Hunnicutt, Detective Pittman are very
13 professional officers, as well as myself and my former
14 partner who we, you know, spoke with the Defendant in hopes
15 of garnering information based on the information that we
16 had gathered up to that point.

17 Q Prior to going into this conversation with her did you
18 go through any process?

19 A Yes, sir. We Mirandized the Defendant with her Miranda
20 warnings on a form that we were issued, or commonly used.
21 And I believe typically we'll turn the paper to where she
22 can see it and I will read that paper to her and let them
23 read along, initial beside whether they want to speak to us
24 or not and et cetera.

25 Q Did you -- let me hand you what's been marked as

BEN BLACKMON-DIRECT EXAMINATION

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1 State's Exhibit No. 33. Do you recognize that form?

2 A That's correct, sir.

3 Q That document?

4 A I do.

5 Q What is that?

6 A This is, at the time, a standard issue Laurens County
7 Sheriff's Office advisement of rights form. It has the case
8 number, the date in which the interview takes place, the
9 time in which you start Mirandizing the individual that
10 you're speaking to, and it also has your Miranda warnings.
11 Then it has a response section that states, "Do you
12 understand each of these rights that I've explained to you,"
13 and a yes and a no blank for initials. Some people decide
14 to check it, but for initials. And it's initialed yes, we
15 are. And, "Do you want to answer questions now," and it's
16 initialed yes with the Defendant's initials. And then
17 there's the waiver of rights that are gone over. Two
18 witness signature blocks, and then a signature block for the
19 Defendant in this case and the time in which it was
20 completed.

21 Q Whose signature is this up at the top? On the
22 left-hand side up at the top?

23 A That would be mine, sir.

24 Q And whose is that down below?

25 A That was Lieutenant Hunnicutt's.

BEN BLACKMON-DIRECT EXAMINATION

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1 MR. MOWRY: Your Honor, I would offer this as a State's
2 Exhibit at this time.

3 THE COURT: That's State's 30 ---

4 MR. MOWRY: 3, Your Honor.

5 THE COURT: All right. Subject to the earlier rulings.

6 MR. MOWRY: Yes, sir.

7 THE COURT: -- and objections -

8 MR. MOWRY: Yes, sir.

9 THE COURT: -- State's 33 is in evidence.

10 (Whereupon, State's Exhibit No. 33 was admitted into
11 evidence.)

12 Q In obtaining this waiver, any kind of threat made to
13 Ms. Roberts?

14 A No, sir.

15 Q Any kind of promises made to her?

16 A No, sir.

17 Q Any kind of hope of reward?

18 A No, sir.

19 Q Was there anything that induced her to waive her rights
20 and speak to you all?

21 A No, sir. That is completely up to the individual that
22 we are speaking with.

23 Q Did Ms. Roberts at any time request a lawyer?

24 A No, sir.

25 Q She --

BEN BLACKMON-DIRECT EXAMINATION

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1 A She freely spoke with us through the duration of the
2 interview.

3 Q All right. She says -- she wrote her initials in the
4 yes block, "Do you understand each of the rights I've
5 explained to you"?

6 A Yes, sir.

7 Q In your opinion, did she seem to understand?

8 A Yes, sir. She's an intelligent individual.

9 Q And in your opinion did the waiver of her rights appear
10 to be voluntary?

11 A Yes, sir. It was voluntary.

12 Q Tell us about the conversation you all had.

13 A We initiated the conversation or the interview by just
14 explaining why she was there. Once we explained why she was
15 there she understood that, because she's spoken with
16 officers in the past about this particular incident. We
17 explained to her that we had information and statements that
18 were given to police, as well as old information that were
19 gathered by officers when this had been freshly committed,
20 as well as now. And that, you know, we wanted her to have
21 her opportunity to explain to us, you know, her actions
22 based on the information we gathered. That we didn't want
23 other individuals to have to tell her story without her
24 getting a fair --

25 MR. WARDER: Objection to all this didn't want other

BEN BLACKMON-DIRECT EXAMINATION

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1 individuals, Your Honor.

2 THE COURT: Sustained.

3 MR. MOWRY: Your Honor, this is -- this is not -- this
4 is just simply --

5 MR. WARDER: Saying this is my motivation and this is -

6 -

7 THE COURT: We are getting into hearsay area. He can
8 -- he can testify that he informed Ms. Roberts of the
9 evidence that had been collected and he can ask for her
10 reaction.

11 Q And did you, in fact, do just what the Judge had
12 suggested?

13 A Yes, sir. We laid our common foundation for the basis
14 of an interview.

15 Q What was her response?

16 A She responded without telling us anything that was of
17 any fruitful value at that time. We later asked her to
18 watch a video from a police vehicle -- city police vehicle
19 that was supplied by, at the time, Lieutenant Hunnicutt.
20 After showing her that video of Mr. Doyle Roberts in that
21 vehicle and the things he said she basically advised me that
22 she was going to take the information to her grave and was
23 not going to tell police the answers to --

24 MR. WARDER: Objection to the summary of what was said,
25 Your Honor.

BEN BLACKMON-CROSS EXAMINATION

272

1 THE COURT: All right. You can handle that on cross.

2 Q She was going to take the information to her grave?

3 A That's correct, sir.

4 Q Was anything further gleaned from her at that time?

5 A No, sir. We concluded the interview.

6 MR. MOWRY: Your Honor, I was looking for the video. I
7 thought it was marked.

8 THE COURT: It was. It's not in evidence.

9 MR. MOWRY: No, sir. No, sir. There it is. It was
10 buried. I thought those were all pictures.

11 Q I want to show you what's been marked for
12 identification as State's Exhibit No. 35. Are you familiar
13 with the contents of that video?

14 A Yes, sir.

15 Q In fact, that video was shown during this interview; is
16 that right?

17 A That's correct. Near the conclusion of the interview
18 we offered the Defendant an opportunity to view that as she
19 did not believe that statement existed, and we were being
20 truthful with the Defendant and not hiding any of our
21 information from her.

22 Q What was her reaction as that video played?

23 A She became upset, sad, cried a little. Said she
24 couldn't believe that the individual in the video would do
25 that. And that was just before she stated that she was

BEN BLACKMON-CROSS EXAMINATION

273

1 taking this information to her grave.

2 Q You saw the video at that time as well, right?

3 A That's correct, sir.

4 Q Who was the person in that video?

5 A Mr. Doyle Wayne Roberts.

6 Q Who just testified; is that correct?

7 A Yes, to my knowledge.

8 Q Yes, sir.

9 MR. MOWRY: Thank you, sir. That's all I have.

10 THE WITNESS: Thank you.

11 THE COURT: Mr. Warder.

12 CROSS-EXAMINATION

13 BY MR. WARDER:

14 Q This was done on July 2015; is that right?

15 A That's correct, sir.

16 Q And in preparation for talking to my client you
17 arranged for a room and for a number of officers to be
18 there?

19 A That's correct. Myself and my partner at the time, and
20 two city detectives. Yes, sir.

21 Q Important occasion in your investigation?

22 A That's correct.

23 Q And you know that it's important to document and to
24 provide records of important occasions in police work; is
25 that right?

BEN BLACKMON-CROSS EXAMINATION

274

1 A That's correct.

2 Q You went to the Police Academy. You were trained on
3 how to get and preserve evidence and present it?

4 A That's correct, sir.

5 Q And the Laurens Police Department has all the modern
6 equipment?

7 A I'm not sure what the Laurens Police Department has in
8 their equipment inventory, sir.

9 Q You think they might have tape recorders?

10 A I'm not sure. I don't want to answer for another
11 agency, sir.

12 Q Let me see. You're a police officer. You're down
13 there doing an investigation, and you can't tell this jury
14 whether they have any tape recorders at that place. That's
15 right, isn't it?

16 A I'm not sure if the Laurens City Police Department
17 issues recording devices.

18 Q They take video equipment. They can record
19 conversations and important events that happen in their
20 office, can't they?

21 A I assume they have at least the car camera. That's all
22 I can testify to honestly. I do not know what they're
23 issued, sir.

24 Q Tell me what equipment you brought to this important
25 meeting that years later with my client in December '15

BEN BLACKMON-REDIRECT EXAMINATION

275

1 where you had six officers. Did you bring anything to
2 record it?

3 A We have a computer for taking statements.

4 Q Pardon?

5 A We have a computer for typing out statements that are
6 given to officers.

7 Q Type a statement from that to give to the officers?

8 A If the Defendant in this case so choosed, she could
9 have given a written statement to us.

10 Q You don't -- you didn't do anything because you didn't
11 want to preserve this interview, did you?

12 A I reported it in our incident report, sir.

13 Q You wrote about it in your incident report?

14 A That's correct.

15 Q You didn't think it would be important to have one of
16 those cameras or all those many recorders?

17 A Sir, at the time the Laurens Sheriff's Office had not
18 issued me a recording device. I can't testify to other
19 officers and what equipment they have and don't have.

20 Q Okay. We keep saying didn't issue you one. You know
21 they record things up there and they have records that they
22 play of interviews? You've heard of the process of taping
23 the interview, haven't you?

24 A I am aware of the process, but the Laurens Sheriff's
25 Office did not issue me equipment to do that at that time,

BEN BLACKMON-REDIRECT EXAMINATION

276

1 sir.

2 Q Did you ask for a recorder that day?

3 A Not that day, because we hadn't been issued one. I
4 knew that there weren't any in existence at that time for --
5 that were issued to me or other officers in my division in
6 the form of a voice recorder or anything of that nature at
7 that time.

8 Q And what you're telling us about this is what you
9 remember, right?

10 A Yes, sir. It was documented in our incident report,
11 sir.

12 Q And this happened in 2015, about a year and a half ago?

13 A Yes, sir.

14 MR. WARDER: Thank you.

15 THE COURT: Sir, you may step down. Or you had
16 something?

17 MR. MOWRY: Just a couple.

18 REDIRECT EXAMINATION

19 BY MR. MOWRY:

20 Q When did you write that incident reporter?

21 A Within the hours into the next day of the interview
22 with the Defendant.

23 Q And is what you're testifying to today consistent with
24 what you wrote?

25 A That's correct, sir.

BEN BLACKMON-REDIRECT EXAMINATION

277

1 Q And was what you wrote truthful?

2 A Yes, sir.

3 Q Mr. Warder asked you about statements that were made.
4 When you're talking about a statement, what exactly -- what
5 kind of information do you normally receive in a statement
6 that you type out?

7 A Typically when you're obtaining a written statement
8 from someone you advise them that that's what you're doing,
9 and they have the option to or not to give that to you.
10 That is their voluntary statement. You can type as they
11 speak or handwrite as they speak, as long as they sign that
12 as their true and accurate statement to officers.

13 Q What did Ms. Roberts' declaration of, "I'll take it to
14 my grave", tell you?

15 MR. WARDER: Objection to his interpretation to that.

16 MR. MOWRY: Your Honor, he asked him if he took -- if
17 he took a statement and I'm asking the officer why he didn't
18 go any further after she said, "I'll take it to my grave."

19 MR. WARDER: Your Honor --

20 MR. MOWRY: Mr. Warder opened the door, Your Honor.

21 MR. WARDER: Counsel is misleading. What happened is
22 he gave that -- that -- what those words are meaning in his
23 opening statement. He's trying to get the officer to now
24 give the same meaning.

25 THE COURT: The statement -

JOEY PITTMAN-DIRECT EXAMINATION

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1 MR. MOWRY: No, I'm not asking for -- for an
2 interpretation of her state of mind on that. I'm asking why
3 he didn't go further with the statement. I see what Mr.
4 Warder's getting at.

5 THE COURT: Let me handle it this way. After she made
6 that statement did you see any purpose in continuing the
7 interview?

8 THE WITNESS: No, sir.

9 MR. MOWRY: That's what I was getting at, Your Honor.
10 Thank you.

11 THE COURT: Sir, thank you. You can step down. Call
12 your next witness.

13 MR. MOWRY: We call Joey Pittman.

14 JOEY PITTMAN, having first been
15 duly sworn, testified as follows:

16 DIRECT EXAMINATION

17 BY MR. MOWRY:

18 Q You are Joey Pittman?

19 A That's correct.

20 Q Mr. Pittman, by whom are you employed?

21 A The Laurens Police Department.

22 Q And what is your position with the Laurens Police
23 Department?

24 A I'm currently the Lieutenant over the Investigation
25 Division.

JOEY PITTMAN-DIRECT EXAMINATION

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1 Q So you're the chief detective for Laurens; is that
2 right?

3 A That's correct.

4 Q Back in 2015 what was your position?

5 A I had just got promoted to detective.

6 Q Who was your immediate superior?

7 A That would have been Lieutenant Hunnicutt.

8 Q Okay. So you and he were detectives?

9 A That's correct.

10 Q Were you familiar with the murder of Mr. James Bolt at
11 the VFW Hall --

12 A Yes, sir, I was.

13 Q -- back in 2003?

14 A Yes, sir.

15 Q How did you become involved in that case?

16 A Actually when I got promoted to detective, Detective
17 Hunnicutt and myself, and Detective Canipe started working
18 on the case. We wanted to give it fresh eyes to see -- just
19 look over it and see what we could come up with.

20 Q How did you go about conducting the case? I'm not
21 asking for chapter and verse, just a general overview.

22 A Considering the size of the case file, it's
23 substantial. The hardest part was just going through the
24 entire thing to see what had already been done and then
25 reinterview some more people and go from there.

JOEY PITTMAN-DIRECT EXAMINATION

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1 Q Okay. Were you familiar with the video from the car
2 stop involving Doyle Wayne Roberts?

3 A I had heard of it. Yes, sir.

4 Q Had you ever seen it?

5 A Not before being a detective. No, sir.

6 Q Have you seen it since?

7 A Yes, sir.

8 Q And let me hand you what has been marked for
9 identification as State's Exhibit No. 35. Is that the video
10 we're talking about?

11 A Yes, sir. It is.

12 Q Did that video open up any other avenues of
13 investigation for you all?

14 A Yes, sir. It did. It really shined a, for lack of a
15 better word, spotlight on Ms. Roberts.

16 Q Had she been a suspect prior to that?

17 A She had been questioned. She had never been charged
18 with anything.

19 Q How did you all go about conducting this investigation?

20 A Well, we went through the statements and several of
21 them in there named her as possibly being involved with a
22 coverup of some of the evidence. And then we ended up
23 eventually speaking to Ms. Roberts.

24 Q Did you talk, in addition to other people, to James
25 Fred Miller?

JOEY PITTMAN-DIRECT EXAMINATION

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1 A Yes, sir. We talked to Freddie, and we talked to
2 Jonathon Epting.

3 Q Okay. As part of your investigation back on the 7th of
4 July of 2015 did you and Detective Hunnicutt and
5 Investigator Blackmon go to the Defendant's house at [REDACTED]
6 Round Street?

7 A On July the 7th?

8 Q Yes, sir.

9 A We picked her up. I believe it was out on Rock Springs
10 Church Road.

11 Q Excuse me. Right. I'm sorry. That's correct.

12 A Yes, sir.

13 Q She was no longer living at [REDACTED] Round Street; is that
14 right?

15 A No, sir. Not at that time.

16 Q Okay. What was the purpose in your picking her up?

17 A We wanted to speak to her in reference to her
18 involvement in this case.

19 Q And we've already heard some testimony about it.
20 What's your recollection of it?

21 A Of her involvement?

22 Q No, no, no. Of how this interview came about.

23 A We got -- we obtained some statements from Freddie
24 Miller, Jonathan Epting, and we went through some of the
25 statements that were already in the case file.

JOEY PITTMAN-DIRECT EXAMINATION

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1 MR. WARDER: Your Honor, I object to him trying to say
2 what other witnesses -- the statements they obtained, what
3 they contain. I can't cross --

4 THE COURT: I don't think he's reached that point yet,
5 but I think he did say -- he is allowed to say what he
6 reviewed and statements he reviewed, but he's not allowed to
7 get into the substance of those statements unless the
8 witness has already testified here. So go ahead.

9 Q Let me move it forward then. Let's limit it to what
10 your involvement was with Ms. Roberts.

11 A Okay.

12 Q Okay. How did you all come to speak with her?

13 A We drove over to her residents and Mr. Wayne Roberts
14 was there. He come out and I asked to speak with Brenda and
15 he said she wasn't there. Then shortly after that she
16 showed up.

17 Q What did you all ask her to do?

18 A We asked her to come to the Sheriff's Office to speak
19 to us about this incident.

20 Q Did she go?

21 A Yes, sir.

22 Q Was she under arrest?

23 A No, sir.

24 Q Was she compelled to go?

25 A No, she wasn't made to go. No, sir.

JOEY PITTMAN-DIRECT EXAMINATION

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1 Q Where did you all go?

2 A We went to the Laurens County Sheriff's Office.

3 Q And did you, in fact, go to Captain Stephane Williams'
4 office?

5 A Yes, sir. We did.

6 Q Were you present during this entire process?

7 A Yes, sir. I was.

8 Q How would you describe the atmosphere in the room at
9 that time?

10 A Ms. Roberts was -- she was upset. She was crying. And
11 it was just a normal -- nobody was -- nobody was yelling or
12 anything like that. It was normal.

13 Q That's not unusual?

14 A No, sir.

15 Q Okay. How did you all go about starting things off?
16 Before you began questioning her what did you all do?

17 A We advised her of her rights.

18 Q And I'm going to hand you State's Exhibit No. 33. Do
19 you recognize that?

20 A Yes, sir. I do.

21 Q What is that, please, sir?

22 A It's an advisement of rights on the Sheriff's Office
23 letterhead.

24 Q That is -- your signature is not on there; is that
25 right?

JOEY PITTMAN-DIRECT EXAMINATION

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1 A No, sir. It's not.

2 Q But you witnessed the process of that --

3 A I did.

4 Q -- is that right?

5 A Yes, sir.

6 Q Whose signatures are down at the bottom?

7 A That's Lieutenant Blackmon and Lieutenant Hunnicutt's.

8 Q And whose signature is over on the right-hand side of
9 the page?

10 A That's Ms. Roberts'.

11 Q Okay. Did she voluntarily -- did she voluntarily waive
12 her rights?

13 A She did.

14 Q Did she understand her rights?

15 A Yes, sir.

16 Q Was anything done to induce her to waive her rights and
17 speak with you all?

18 A No, sir.

19 Q Tell me about the interview?

20 A Well, when we asked her -- when we laid out why we were
21 there she denied any involvement in this entire case. We
22 advised her that some of her family members had implicated
23 her and she --

24 MR. WARDER: Objection.

25 THE COURT: Sustained. If you want to tighten that up

JOEY PITTMAN-DIRECT EXAMINATION

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1 in reference to the video, because I think that's what he's
2 getting at. Let's make it clear of that situation.

3 MR. MOWRY: Yes, sir.

4 Q Specifically with regard to State's Exhibit No. 35. Is
5 that basically what you're talking about?

6 A Yes, sir. It's the video of Mr. Roberts. Mr. Wayne
7 Roberts.

8 Q When you told her about the existence of that video
9 what was her response?

10 A She didn't believe me. She didn't believe that Wayne
11 would say anything like that about her.

12 Q What did you all do to demonstrate that, in fact, that
13 had occurred?

14 A I played it for her.

15 Q What was her response?

16 A She cried hysterically. She couldn't believe that
17 Wayne said that. She even said that. She said, "I can't
18 believe Wayne would say anything like that about me." And
19 then she -- she got a Kleenex, so she was sobbing. And she
20 sat back and said, "Well, I guess I'll just have to take it
21 to my grave," and that was it.

22 Q That was -- that was the end of --

23 A Yes, sir.

24 MR. MOWRY: Thank you, sir. That's all I have.

25 THE COURT: Mr. Warder.

JARED HUNNICUTT-REDIRECT EXAMINATION

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1 MR. WARDER: Your Honor, if it please the Court, I have
2 no questions.

3 THE COURT: Very good, sir. You can step down.
4 Solicitor, call your next witness.

5 MR. MOWRY: We would just like to recall Detective
6 Hunnicutt for one limited matter.

7 THE COURT: Very good. Detective, you're still under
8 oath, of course.

9 REDIRECT EXAMINATION OF JARED HUNNICUTT

10 BY MR. MOWRY:

11 Q Detective Hunnicutt, I want to ask you back to the
12 incident involving Doyle Wayne Roberts back in 2012.

13 A Yes.

14 Q You were present at the scene; is that right?

15 A Yes, sir.

16 Q What is your -- were you able to observe Mr. Roberts
17 for a considerable length of time?

18 A Yes, the whole time.

19 Q Was an arrest for DUI ever made?

20 A No.

21 Q Why not?

22 A He didn't appear to be intoxicated. He was acting the
23 way he's always acted every time we've ever dealt with him
24 in the past 12 years.

25 Q So nothing about him gave you any indication that he

JARED HUNNICUTT-REDIRECT EXAMINATION

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1 was intoxicated?

2 A No. And we had some very DUI focused officers that
3 would have picked up on that. Had he been intoxicated they
4 would have charged him with that.

5 MR. WARDER: Objection to testimony of what other
6 officers would pick up on.

7 THE COURT: Sustained. The jury is instructed to
8 disregard that. Cross?

9 MR. WARDER: If it please the Court, I have no
10 questions.

11 THE COURT: Thank you very much. You can have a seat.
12 Solicitor?

13 MR. MOWRY: That is the State's case, Your Honor. We
14 would rest at this time.

15 THE COURT: Ladies and gentlemen, there are a few
16 matters that the Court has to take up, legal issues. These
17 should take a few moments, so I will have you adjourn to the
18 back. I meant to mention on Monday that if any of you
19 smoke, just let the Bailiff know and they'll be happy to get
20 you outside. We'll be back on the record in about ten or
21 fifteen minutes.

22 (Whereupon, the jury exited the courtroom at 10:15 a.m.)

23 THE COURT: The jury is out. Mr. Warder, motions?

24 MR. WARDER: Your Honor, may it please the Court. I
25 would move for a directed verdict based upon the grounds

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1 that there is no evidence that my client had knowledge at
2 the time of the offense that it had been committed and that
3 Mr. Bowers was the one that committed it. They've alleged
4 that she washed the clothes. Certainly there was nothing in
5 the record that indicated if she had washed the clothes at
6 the time that she would have had any knowledge that the
7 crime had been committed. She wasn't there. They came back
8 to the house. There's no evidence anyone ever told her what
9 they were doing.

10 THE COURT: Solicitor, do you want to speak to that,
11 sir?

12 MR. MOWRY: Your Honor, I think that in the light most
13 favorable to the State the testimony from James Fred Miller
14 would certainly give indication that the Defendant had
15 knowledge. When he talks about what Randy Gambrell, her
16 grandson, said that he was covered from here to here in
17 blood, that might give somebody a little bit of pause, Your
18 Honor. The very idea that she didn't realize a crime was
19 committed, just on that basis, is ludicrous. But certainly
20 once law enforcement officers began coming to the scene to
21 talk to her -- or talk to other people, A.J. Bowers was
22 arrested at her house, the very idea -- this is back in
23 2003. The very idea that she could not have known what had
24 happened is absurd. It's just impossible.

25 MR. WARDER: Your Honor, they would have to show that

JARED HUNNICUTT-REDIRECT EXAMINATION

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1 she had knowledge whenever the act was done. I agree that
2 there's not a exact plan in the record, but the testimony
3 was from Mr. Bowers that they came back to the house and I
4 think they might have smoked some crack at the doll house
5 and then he went in and the clothes were being washed.
6 There's no testimony that anything had been conveyed to her
7 at that time, that anybody had said that there was either a
8 murder or that they had said that Mr. Bowers committed it.

9 MR. MOWRY: Mr. Miller also said, Your Honor, that the
10 Defendant had advised Randy Gambrell, "Remember, what
11 happens here stays here," or something to that effect.
12 Obviously indicating that there was some sort of guilty
13 knowledge. Your Honor, it's been over 4,900 days since this
14 event occurred and the Defendant has still not owned up. If
15 there was a mistake made she should have told it 14 years
16 ago.

17 MR. WARDER: I don't understand what that argument is
18 even about.

19 THE COURT: Yeah, I agree that's neither here nor there.
20 Obviously, the Court's only concern is the existence or non-
21 existence of evidence and the reasonable inferences which
22 can be gleaned from the evidence presented. I have reviewed
23 my notes concerning the testimony of James Fred Miller and
24 he did indicate, and I've written this down in quotes. The
25 Defendant told Randy Gambrell -- I guess it was Randy

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1 Gambrell -- to, "Get your clothes off so I can wash them."
2 They were covered in blood. Went up to the house. Fifteen
3 minutes later Bowers in the shower. The Defendant asked if
4 Mr. Miller had any clothes that A.J. could wear, et cetera.
5 Then there was talk, of course, about the washing machine
6 that was on the porch.

7 MR. MOWRY: Towards the end of his testimony also, Your
8 Honor, I recall him saying, "What happens here stays here,"
9 or something like that.

10 MR. WARDER: They were smoking drugs and everything
11 else. What that statement referred to could have been one
12 of the many things that was happening there, but it
13 certainly doesn't indicate knowledge of this crime.

14 THE COURT: In the light most favorable to the State I
15 do understand your position, Mr. Warder, and your points are
16 well taken, but the Court is only concerned, again, with the
17 existence or non-existence of evidence. I have to judge
18 this motion in the light most favorable to the State.
19 Having considered the totality of the evidence and the
20 inferences which can properly be drawn, obviously inferences
21 can go one of two ways sometimes, and the Defense will be
22 free to argue to the jury alternative theories, alternative
23 explanations. What happens here stays here relates to drugs
24 and not a homicide. The Court would conclude there is
25 sufficient direct and substantial circumstantial evidence to

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1 warrant submitting this case to the jury. So I am denying
2 your motion.

3 The Defense also renews all pretrial motions, all
4 motions that have been made during the course of the trial
5 and all objections sustained by the Court. Any other
6 matters that you wish to address procedure wise before I ask
7 your client, Mr. Warder, about her right to testify, et
8 cetera?

9 MR. WARDER: No, sir. There isn't. I do want some time
10 to discuss with my client whether she wants to. I don't
11 mind going over the rights at this point, but I...

12 THE COURT: Very good. Let's handle it this way.
13 Ma'am, I'm not going to ask you any substantive questions,
14 but I do have to put you under oath so that you understand
15 and can be sure to get truthful answers. Just raise your
16 right hand for me.

17 BRENDA ROBERTS, having first been
18 duly sworn, testified as follows:

19 Q Ma'am, you are Brenda Roberts; correct?

20 A Yes, sir.

21 Q Ms. Roberts, we have reached that point in the trial
22 where the State has rested and, if you wish, you can present
23 a Defense. You yourself would be at liberty to take the
24 witness stand in your own Defense if you chose to do so. Do
25 you understand that?

JARED HUNNICUTT-REDIRECT EXAMINATION

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1 A Yes, sir.

2 Q You are likely aware that the Constitution of the
3 United States and the Constitution of South Carolina
4 guarantee that an individual cannot be forced to be a
5 witness against themselves in any case where that person is
6 the Defendant, okay? I'm sure Mr. Warder has explained to
7 you that means you have the right to take the witness stand
8 and certainly not to take the witness stand if you so
9 choose. If you decide to take the witness stand, Ms.
10 Roberts, understand that you would be subject to the exact
11 same rules of evidence and the exact same sorts of
12 questioning. You would have to answer the same relevant
13 questions put to you by your attorney and by the Solicitor.
14 If you have any crimes that involve dishonesty or maybe
15 punishment that exceeds a year. The State can ask about
16 those crimes for the purpose of impeaching you. If you
17 choose not to testify, Ms. Roberts, I will instruct the jury
18 that they cannot take your failure to testify in any way.
19 They can't consider that as evidence of guilt. During their
20 deliberations you are to receive no negative treatment or no
21 negative discussion in the jury room because of your failure
22 to testify. I will tell them they shouldn't even discuss
23 it. Do you understand all that, ma'am?

24 A Yes, sir.

25 Q Ms. Roberts, your Fifth Amendment rights are personal

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1 to you. That means it is up to you to waive them. Your
2 attorney cannot waive them. No one can waive them on your
3 behalf. It is a personal right that belongs only to you.
4 If you want to discuss and Mr. Warder wants to discuss your
5 right to testify and whether you will testify, I can give
6 you a few minutes. In a few moments I am going to give you
7 the opportunity to do that, but understand that if you
8 choose to waive your right to testify or if you choose to
9 testify, Ms. Roberts you have to understand the protections
10 afforded to you by the Fifth Amendment and you have to
11 understand the various pitfalls that accompany the right to
12 testify. The way I usually leave it is if you choose to
13 testify and Mr. Warder calls you as a witness I will simply
14 assume that you agree to automatically waive your Fifth
15 Amendment rights. Is that a fair way to deal with it?

16 A That's fine. Yes, sir.

17 Q Okay. So if he calls you as a witness I will assume
18 that y'all have made a collective decision and you've
19 decided to go ahead and testify; okay, ma'am?

20 A Yes, sir.

21 Q Good enough.

22 THE COURT: We'll take about a ten minute break.

23 (Whereupon, the trial was in recess from 10:19 a.m.
24 until 10:52 a.m.)

25 THE COURT: We're back on the record in the State v Ms.

BRENDA ROBERTS-DIRECT EXAMINATION

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1 Roberts. The Defendant is present with counsel. In a
2 meeting in chambers Mr. Warder indicated to me that Ms.
3 Roberts does intend to take the stand, so at this point in
4 time let's go ahead and have the jury out.

5 (Whereupon, the jury entered the courtroom at 10:53 a.m.).

6 THE COURT: The record will reflect that the jury is
7 back and seated. At this point in time, Mr. Warder, your
8 case, sir.

9 MR. WARDER: Thank you, Your Honor. May it please the
10 Court. We call the Defendant, Brenda Roberts.

11 BRENDA ROBERTS, having first been duly
12 sworn, testified as follows:

13 DIRECT EXAMINATION

14 BY MR. WARDER:

15 Q Ms. Roberts, where do you live at today?

16 A With my daughter on ■■■ Atomic Drive in Laurens.

17 Q How long have you been a resident of Laurens County?

18 A All my life.

19 Q How old are you?

20 A Sixty-five. I'll be 66 June 13th.

21 Q Were you born here in Laurens County?

22 A Yes, sir.

23 Q Did you go to school here in Laurens County?

24 A Yes, sir.

25 Q Where did you go to school?

BRENDA ROBERTS-DIRECT EXAMINATION

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1 A Laurens. Laurens Junior High and Laurens High.

2 Q Did you graduate from high school?

3 A No, sir. I quit and got married. I went back and got
4 my GED though.

5 Q What did you do after you got your GED?

6 A I went to college and got my LPN's license.

7 Q What year did you do that, do you remember?

8 A Somewhere around '95, '96 -- no. It was in the '80s
9 because I graduated in '92. You know, it was '85 or '86.
10 Somewhere in there.

11 Q Okay. And what work-wise did you do before you got
12 your LPN license?

13 A I was the toy department manager at Walmart, and I've
14 done some sewing. And I helped momma in restaurants, and
15 she had a sewing place and I helped her do that. But mostly
16 retail.

17 Q Where have you worked at -- when you worked at Walmart
18 was that when you were going to school?

19 A Yes, sir.

20 Q How long did you work there?

21 A Five years. I worked -- I helped start that store. We
22 built it from the floor up. I went back to school and I
23 worked until my last year of nursing school, and we had
24 clinicals. You know we had to be there about 5:30 in the
25 morning, so I had to resign.

BRENDA ROBERTS-DIRECT EXAMINATION

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1 Q What did you do after you got your nursing license?

2 A I was working part-time at Whitten Center. I worked
3 there, and I went to work at NHC, National Healthcare for
4 Laurens, and I was a nursing supervisor there for seven
5 years. And I worked part-time at the Laurens County
6 Hospital. And then I went to the -- when I retired I was
7 working at the Special Needs and Disability Board. I'd been
8 there almost eight years.

9 Q What did you do at the Special Needs and Disability
10 Board?

11 A I took care of handicapped and mental adults and --
12 well, all of mine were adults.

13 Q And you said you retired from there. How did it come
14 about that you retired?

15 A One of the individuals got -- had gotten agitated that
16 morning and knocked her -- had knocked her wheelchair over,
17 and I was trying to give her an injection, and it knocked me
18 to the cement floor and I broke my kneecap and got some
19 discs in my back and fractured my shoulder. And my knees
20 was give out, and Workers' Comp -- the doctor sent in
21 Workers' Comp and they retired me.

22 Q So you retired from your position with the Special
23 Needs?

24 A Uh-huh.

25 Q And you said you'd been there how long?

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1 A Almost eight years.

2 Q Was there anything between Walmart and the Special
3 Needs?

4 A Nursing, NHC, the hospital.

5 Q And how long did you do that?

6 A From '92 to 2000.

7 Q Tell me about your marriage. You have been married?

8 A Sir?

9 Q Your marriage.

10 A Yes, sir. I was married to Doyle Roberts. When he
11 died in 2010 we'd been married 40 years. He was a good man.

12 Q And he died in 2010?

13 A Yes, sir.

14 Q Where have you lived most of your life?

15 A In Laurens. We lived on that Round Street address for
16 17 years, and then we moved to Forrest Road, and we lived
17 there until after he died. And I let the kids move in the
18 house and I moved to the trailer on Rocky Springs Church
19 Road.

20 Q Does any of your family still reside there?

21 A No. I own it. It's still sitting there.

22 Q The house over there on the screen, that was your house
23 for a number of years?

24 A Yes, sir. About 17 or 18 years.

25 Q Just briefly to acquaint with the scene, you lived in

BRENDA ROBERTS-DIRECT EXAMINATION

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- 1 which building?
- 2 A The blue double-wide.
- 3 Q The double-wide trailer up here in the hill?
- 4 A Uh-huh.
- 5 Q What was this building down here?
- 6 A My husband was a mechanic and that was his shop on the
- 7 weekends.
- 8 Q How did that shop come about?
- 9 A He built it after we -- when we bought that land we had
- 10 a single-wide, and he built that to do his -- he had a lot
- 11 of customers on the weekends and afternoons and he had to
- 12 have a place to work. So he built it by himself.
- 13 Q We've heard testimony of a building called the doll
- 14 house. Where is that?
- 15 A It's on the other side right between those -- where
- 16 that break is in those two clumps of trees. Right in there.
- 17 It's down a little bit. Right in there. It's right there.
- 18 Q And it's -- we can't see it.
- 19 A No.
- 20 Q Tell us how big that building was.
- 21 A I really can't give you an exact. I think it's
- 22 something like four-by-eight, something like that. And it
- 23 was a doll house. He built it for the girls for Christmas
- 24 one year. But since then, since they've gotten grown, he
- 25 built a big ole part on the back of it. About a -- I guess

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1 it was about maybe eight foot long. It's the same width of
2 the house back there. He put junk and stuff in it.

3 Q And tell me about your children.

4 A I have some good children. They were good until they
5 got grown and they -- they've been in a lot of trouble.
6 That's the truth. They -- but they were raised better.
7 They -- I love them. They love me. But, you know, when
8 your kids get grown you can't do much with them, although I
9 try. And I stand beside them. I guess I might be wrong,
10 but I love them no matter what they do.

11 Q And you had how many?

12 A I had three of my own. I adopted -- I adopted five
13 more.

14 Q And your three children, what are their names?

15 A Billy Joe, Angela Marie, and Doyle Wayne.

16 Q And the five you adopted?

17 A Would be Charles, Sharon Ann, Dana Marie, Dreena
18 (PHONETIC), and Zeek.

19 Q When your house -- was it just you and your husband and
20 your family in it, or would other people stay there on
21 occasion?

22 A Well, like I say, the kids were grown. You know, they
23 got grown in that house and got married and moved out. And
24 they go back and forth, you know. Angie and -- Angie was
25 living with me at the time, and I think maybe Dana was.

BRENDA ROBERTS-DIRECT EXAMINATION

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1 Q When your children had problems they'd come home and
2 stay there?

3 A Yes, sir.

4 Q Now, we're here about events that happened back in 14
5 years ago in 2003. Do you remember September 26th of 2003?

6 A Some of it.

7 Q When you say some of it what do you mean?

8 A Well, that was a long time ago and I'm 65. I remember,
9 you know, some things that happened because they stood out
10 in my mind.

11 Q When you say what happened, can you tell me what --
12 what happened that evening? What happened?

13 A Me and my husband had taken my granddaughter to
14 Waterloo about 2:00 and we went and ate at that barbecue
15 place in --

16 Q 2:00 in the afternoon?

17 A Yeah. And we went and ate at that barbecue place in
18 Greenwood. We got --

19 Q Do you know what that is? What barbecue place you ate
20 at that day?

21 A It ain't Hickory Hills. No, sir. I can't remember.
22 But we left there and we got home -- it was about -- we got
23 home about 5:30. And we -- I went in the house. Doyle and
24 them, Angie and Wayne and I think Buck -- I think Buck was
25 sitting on the porch. I'm not sure. I know Angie and Wayne

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1 were sitting on the porch. And Doyle sat down in his
2 rocking chair. I went in the house and I think I turned the
3 TV on. I did, because I looked at the clock. Because I had
4 a clock beside the TV. That's how I knew what time it was.
5 And we went back out on the porch. I went back out on the
6 porch. Angie had Zeek -- Darryl, my three-month-old. She
7 had him in her lap. And we was all sitting around talking.
8 And she was waiting on her boyfriend, John Craft, to call.
9 He had worked out of town. And Doyle was going to take her
10 to Ware Shoals to pick him up. And we all sit there and
11 talked. And sometime after that Mr. Bowers came walking
12 down the road. And he came up on the porch and sat on the
13 swing with her. And at some point in time Buck Miller --
14 Billy Miller, my brother, he come up. I don't know what
15 time. And he sat down and said he was going to go ride up
16 there with them. So we all -- they sit around and talked
17 until John called. He called about -- I want to say
18 somewhere in between 6:30 and 7:00.

19 Q When John called?

20 A John Craft. He came in to his house in Ware Shoals, to
21 his momma's house, and that's where they was going to pick
22 him up. And Angie and Doyle and Wayne, AJ and Mr. Bowers
23 and Buck, my brother, they got in the van and they left.
24 And me and --

25 Q Do you have any idea what time that would have been?

BRENDA ROBERTS-DIRECT EXAMINATION

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1 A It was somewhere between 6:30 and 7:00 they left to go
2 to Ware Shoals. And me and my other son, Tron, we was in
3 the house and watched -- well, he played the game for a
4 while, and then we watched cartoons until they got back.
5 And when they got back Doyle came in the house with Zeek and
6 I got -- it was somewhere around 8:30, something like that,
7 and I got the boys ready for bed. And me and Doyle went and
8 -- we went in the bedroom and we went to bed. And I --

9 Q Who was there when you went to bed? Who was still at
10 the house?

11 A I don't remember who came in the door with Doyle. I
12 think he came in by himself. Him and Zeek. I think the
13 rest of them went -- there was a trailer behind that barn
14 there. There was a big trailer back there, and they stayed
15 down there. I think they went to the trailer, because I'm
16 pretty sure Doyle came in by himself.

17 Q Okay. There was another trailer on the property?

18 A Uh-huh. There was a single-wide down there that they
19 were working on. We later sold it.

20 Q Where would the single-wide have been on the --

21 A Way behind -- behind that barn.

22 Q Further down?

23 A Uh-huh. It wasn't there then because we had already
24 sold it.

25 Q And the single-wide was set up to live in and it had

BRENDA ROBERTS-DIRECT EXAMINATION

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1 sewer and electricity and --

2 A No. They were working on it. I mean, you could have
3 lived in it, but they were putting new cabinets and stuff in
4 it.

5 Q Did it have water and electricity?

6 A No, sir.

7 Q So there was some of the people down there in that
8 trailer?

9 A I guess. I don't know. I didn't go down there.

10 Q After you went to bed did anything happen?

11 A No, sir. We slept all night. The next morning -- and
12 I don't know what time it was. I do not. Wayne come
13 knocking on my door. He said, momma, he said, get up. He
14 said Tommy Lynch is coming up across the yard with a bunch
15 of police. I said what in the world have y'all done.
16 That's what I said.

17 Q Why did you say that?

18 A Because my kids are always in trouble. I didn't -- you
19 know, because, you know, either they're getting locked up
20 for being drunk, or Wayne, he likes to take cars. My car.
21 He takes it all the time.

22 Q Does he take other peoples' cars?

23 A No, just mine. Thank God, just mine. But -- and Joey,
24 he stays in trouble a lot. But he was in prison, so, you
25 know, I just -- I just said that. I don't even know why I

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1 just said it, to tell you the truth. And I went out on the
2 porch. I put my robe on and went out there on the porch.
3 And Tony was coming up through there with the officers
4 behind him, and he asked me was AJ Bowers there and I said
5 no, because I had already previously told him to leave. And
6 he said, well, please come down here and let me talk to you.
7 So I went off the porch and went down there. And --

8 Q When you say down there, where did you go?

9 A In the -- in the -- you see the bottom of the steps
10 that's showing? We --

11 Q On the house?

12 A Yeah. Right there at that first window. We were
13 somewhere right in there talking.

14 Q Somewhere in this area?

15 A Yeah. Somewhere right in there we were standing there
16 talking. And he said -- he said we had a murder last night.
17 And I said, oh. I said -- I said who. I said was it
18 somebody I know, and he said Mr. Bolt. And I said, well,
19 you know, I don't know him but, you know, I've heard of him.
20 He said yeah. He said -- he said we're looking for AJ to
21 ask him some questions. And I said, well, as far as I know
22 he went back to the fair. And I said no, wait a minute, and
23 he came around the barn, to the front of the barn, and Tony
24 and the officers went down there and talked to him. Oh,
25 Tony did ask me what he was wearing and I told him he had on

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1 those khaki pants and that ugly orange shirt. He had an
2 ugly orange shirt on. It was ugly. And he -- that's what
3 he had on that day when they -- when they took him in for
4 questioning. And --

5 Q What time was that?

6 A I don't know. I honestly --

7 Q Sun up?

8 A I don't know. Sometimes we got up early, sometimes we
9 slept until 9:00, 10:00. I do not know. It was in the
10 morning. It was in the morning. And they left.

11 Q Now, there's been some discussion of people coming in
12 and taking a shower and cleaning up the night before.

13 A If anybody came in my house and took a shower I know
14 nothing about it. Me and my husband, and he's deceased, he
15 -- we went to bed, and we do not -- we have our own bathroom
16 -- had our own bathroom in that house. And we did not get
17 back up until the next morning. And he was a heavy sleeper.
18 He had sleep apnea, and when he went to sleep he was gone.

19 Q Did he have one of those CPAP machines?

20 A Yes, sir. And they make a racket. Believe me they do.

21 Q The police come and they left with Mr. Bowers?

22 A Yes, sir.

23 Q What next do you remember? What next happened?

24 A Nothing else happened that day. They come back a
25 couple times and asked a few questions, but I -- I can't

BRENDA ROBERTS-DIRECT EXAMINATION

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1 remember. It's been so long ago, and I had no cause to --
2 you know, to try to remember any of it.

3 Q You're charged with -- in the indictment here of
4 helping Mr. Bowers by -- by washing his clothes. Did you
5 wash his clothes?

6 A No. I didn't know Mr. Bowers. He -- when he came to
7 my house that morning -- he was from the fair. I told my
8 grandson to tell him to leave, because fair people don't
9 have a good reputation. And I thought he had left. But he
10 came back to my house that morning at dinner time, and he
11 and Freddie was in the livingroom and I seen Freddie pull
12 something out of his pocket. And I looked and it was one of
13 those bar pills and he left. I told Freddie to leave my
14 house, I said, and don't come back. And Freddie left. And
15 I thought he left. He did leave, but he came back that
16 afternoon around 5:30, something like that. Came walking up
17 on the porch.

18 Q Who's Freddie?

19 A Freddie Miller. My brother that --

20 Q Testified here?

21 A Yes, sir.

22 Q Him and Freddie were kind of together?

23 A He knew him, and I don't know how.

24 Q Where does Freddie live in relation to you?

25 A Freddie don't have a house. He's homeless.

BRENDA ROBERTS-DIRECT EXAMINATION

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1 Q Does Freddie come and stay at your house?

2 A No. We don't have that kind of relationship.

3 Q Do you know where he stays?

4 A He used to stay -- he stayed with momma when she was
5 alive, and in and out. Mostly Freddie's been in the
6 penitentiary since -- well, he started in reform school when
7 he was 12. He's been in and out of jail. And he really
8 don't have a relationship with any of us. And my three
9 sisters, they're already deceased. But, you know, we go get
10 him when he gets out, and he'll stay with momma or he'll
11 stay with some of his drinking buddies. Freddie's an
12 alcoholic, you see, and he likes to shoplift, which they
13 already know.

14 MR. MOWRY: Your Honor, I have allowed this to go on a
15 long way, but I object at this point.

16 A But -- oh, I need to hush.

17 THE COURT: Go ahead.

18 Q Now, there's been testimony here in the courtroom that
19 the police come and asked you to come down to the station
20 and talk to them about this in 2013. Do you remember that?

21 A 2013? They come and got me in 2015 at the Rocky
22 Springs -- yeah, they came and escorted me. Put me in the
23 police car and took me to the courthouse and -- I guess it's
24 the Sheriff's Office.

25 Q Okay. And when you got down there did they talk to you

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1 about your son, things he had done or said?

2 A At the end of the questioning they did.

3 Q What did they question you about?

4 A They questioned me about washing Freddie's clothes.

5 Q Did you wash any of Freddie's clothes?

6 A No. No, sir.

7 Q What else did they ask you about?

8 A It was mostly about washing Freddie's clothes. And
9 then they had a picture they showed me and I told them no, I
10 did not. I told them I didn't want to see it. I had
11 thought it was one of those pictures of Mr. Bolt. I had
12 seen one of those. Tony had showed me in 2003 and I
13 literally got sick. It was awful. But they showed me some
14 clothes and I told them no, I didn't want to see them. And
15 they kept asking me about Freddie, about Freddie, and I told
16 them no; I did not wash Freddie's clothes. We did not have
17 that kind of a relationship. I would not have washed his
18 clothes.

19 Q And did there come a point that they showed you a
20 video?

21 A They told me that they had a video of Wayne, my son,
22 saying that I washed them clothes. I told them, I said -- I
23 told them, I said, I don't believe that. I said Wayne --
24 Wayne loves me. I'm his momma. I said he would not say
25 that about me. But they showed me a portion of it. The

BRENDA ROBERTS-DIRECT EXAMINATION

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1 part that said she washed them clothes. My momma washed
2 them clothes. And of course I got upset, because I love my
3 son, no matter what they've done. And I didn't believe he
4 would tell a lie like that on me. But he was drunk and he
5 was mad. But still, that's no excuse.

6 Q Okay. They said that you said you would take it to
7 your grave. What --

8 A Before they showed me that tape they kept questioning
9 me and questioning me. And when I said that -- what I said
10 was, I said, I can stand before God and take this to my
11 grave that I did not wash anybody's clothes. And that's
12 what I meant. I am a Christian woman. And I meant that I
13 can stand before God with an honest conscious and say that I
14 did not do any of this. I am 65-years-old. I have never
15 done nothing to anybody. If anybody come to my house in
16 need I give what I had to them. But that's what I meant by
17 that statement. I did not say I would take nothing like
18 washing no clothes to no grave. I never said that. Never.
19 I never meant nothing like that. I hope to God they catch
20 whoever did this. I swear to God I do. I never meant
21 nothing like that. I just meant that I could stand before
22 God myself with a clear conscious. That's all I meant.
23 That's all I meant. I'm sorry.

24 Mr. WARDER: Thank you. Answer any questions the
25 Solicitor might have.

BRENDA ROBERTS-CROSS EXAMINATION

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1 CROSS-EXAMINATION

2 BY MR. MOWRY:

3 Q Before I begin, Ms. Roberts, let's get a few little
4 particulars down. We've heard a lot of names that were
5 being used. Who is Billy Buck Miller?

6 A He's my step -- half-brother.

7 Q Who is Randy Gambrell?

8 A My grandson.

9 Q Who is Freddie Miller?

10 A My half-brother.

11 Q Who is Angie Gambrell? I believe her last name is
12 Richardson now, right?

13 A She's my daughter.

14 Q And her last name is Richardson?

15 A Yes, sir.

16 Q And who is Doyle Wayne Roberts?

17 A My son.

18 Q Is there a nickname that he also goes by?

19 A They -- they call him Wanda Wayne. I call him Wayne.

20 Q He calls himself Wanda Wayne, too, doesn't he?

21 A Yes, he does.

22 Q Who is AJ Bowers to you?

23 A Nothing. Nobody.

24 Q But you allowed him in your home that night.

25 A No.

BRENDA ROBERTS-CROSS EXAMINATION

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1 Q You deny that?

2 A I asked him to leave on several occasions, and I had --

3 I told my grandson to ask him to leave.

4 Q Okay. Let me ask you about this house at [REDACTED] Round

5 Street. This is pretty isolated, isn't it? It's out of the

6 way at any rate?

7 A No. There's a lot of places -- houses around it.

8 Q But it's off the beaten track?

9 A Oh, yeah.

10 Q You've got to be wanting to go there?

11 A Yeah.

12 Q It's not on the way to anywhere else, is it?

13 A No, sir.

14 Q Now, you said that you couldn't recall exactly what had

15 happened back in 2003. That it's been a long time; is that

16 right?

17 A It has.

18 Q It has been. It's been almost 14 years, hasn't it?

19 A Yeah.

20 Q But if I showed you something, a statement that you

21 made back in 2003, in October of 2003, your memory would be

22 a lot fresher, wouldn't it?

23 A I would imagine, yeah.

24 Q And do you recall in October of 2003 making a statement

25 to Tony Lynch?

BRENDA ROBERTS-CROSS EXAMINATION

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1 A Not really. But I've seen Tony a lot, so it's
2 possible. Yeah.

3 Q Okay. Let me show you this. Well, let me --

4 (Whereupon, State's Exhibit No. 46 was marked for
5 identification.)

6 Q Let me hand you what's been marked as State's Exhibit
7 No. 46 for identification. Can you recognize that?

8 A Yes, sir.

9 Q What is that, ma'am?

10 A This is that -- I think the Miranda rights they read me
11 the day they questioned me.

12 Q And that's your signature down there at the bottom --

13 A Yes.

14 Q -- right?

15 A Yes, sir. They were -- they were really thorough with
16 that. Yes, sir. They was.

17 Q Okay. And let me hand you State's Exhibit No. 47. Do
18 you recognize that?

19 A That's not my writing, but --

20 Q No. I'm not asking if it's your writing. Is that your
21 signature at the bottom on page two?

22 A Yes. Yes, uh-huh.

23 Q So you made that statement, did you not?

24 A Uh-huh.

25 Q And you made that statement -

BRENDA ROBERTS-CROSS EXAMINATION

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1 MR. MOWRY: I believe she answered in the affirmative,
2 Your Honor.

3 A Yes, sir.

4 Q And what you told Tony Lynch?

5 A At that time I thought it was so, but it turned out
6 that Randy said it was a lie.

7 Q Well, let's -- let's go into that. This is after AJ
8 Bowers had been arrested on September 27th, right?

9 A Yes. Yes, sir.

10 Q This was a couple of weeks later. And you said, "After
11 the police came to the house that Saturday morning, sometime
12 that day I was sitting on the porch in the swing," right?

13 "Angie and Randy -- " Angie Gambrell, your daughter, Randy
14 Gambrell your son, right?

15 A Randy's my grandson.

16 Q Grandson, sorry. Daughter and grandson. "Was standing
17 in the yard beside the house talking. Then Angie came up
18 crying and said, momma, go talk to Randy. Momma, go talk to
19 Randy."

20 A That's right.

21 Q "I asked Angie what was wrong. She said --" excuse me.
22 "She told me that Randy said that night, when they picked
23 AJ, AJ had around \$400 and AJ told Randy that he -- that he
24 had to tell him something." AJ told Randy that he had to
25 tell him something. "Angie said, momma, Buck was there.

BRENDA ROBERTS-CROSS EXAMINATION

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1 And I asked Angie what in the hell are you talking about,
2 and Angie said that Randy told her that AJ and Buck had
3 robbed and killed that man." You told Tony Lynch that, did
4 you not?

5 A Yes, sir.

6 Q Is that true?

7 A I don't know. It was hearsay. It's what Randy said,
8 but later on he said it was a lie.

9 Q "Buck started walking down there where I was talking to
10 Angie near Randy." Did that happen?

11 A Uh-huh.

12 Q Buck Miller?

13 A Yeah.

14 Q Your brother?

15 A Yes, sir.

16 Q "I told Buck to get the hell back on the porch because
17 I was -- it was none of his business. I told Randy to go
18 down to the barn and sit on the stump and I walked down to
19 where he was and sat down on the other stump."

20 A That's right.

21 Q "I told Randy to look me in the face and tell me what
22 he had told his mother. Randy looked at me and said, Nanny,
23 AJ told me last night that him and Buck --" your brother,
24 right?

25 A Yes, sir.

BRENDA ROBERTS-CROSS EXAMINATION

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1 Q "-- had robbed and killed that man. I said what man."

2 Is that correct?

3 A Yes, sir..

4 Q "Randy said the man at the VFW, and that AJ had \$400

5 and that AJ told him where the money come from." Is that

6 right?

7 A Yes, sir.

8 Q "I told Randy unless Tony asked him point blank about

9 AJ and Buck killing that man, for him not to say anything."

10 A Yes, sir. I'm sorry, but I did. Yes, sir.

11 Q "I told him not to lie because he could be charged for

12 hiding evidence. I told him not to talk about it to nobody,

13 and if somebody asked him a question to tell the police --

14 then tell the police -- ask us not to discuss it." Right?

15 A If it's on there, I guess.

16 Q You signed it, right?

17 A Yeah.

18 Q "Then we went back in the house."

19 A Yes, sir.

20 Q And that happened on Saturday, September 27th,

21 according to you --

22 A According to --

23 Q -- is that right?

24 A If that's what it says.

25 Q In any event, you deny that you saw AJ Bowers later on

BRENDA ROBERTS-CROSS EXAMINATION

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1 in the evening on September 26th; is that right?

2 A That's right. After he left my house to go to Ware
3 Shoals I never saw him again until Mr. Lynch arrested him --
4 or took him in for questioning.

5 Q You deny that you took bloody clothes from him?

6 A That's absolutely right. I did not.

7 Q You deny that you took bloody clothes from Randy
8 Gambrell?

9 A I did not. I did not see Randy.

10 Q You deny that you said to Randy Gambrell something to
11 the effect of, "Whatever happens here, stays here"?

12 A No. I didn't speak to Randy because I didn't see Randy
13 that night. He was with his girlfriend at the Laurens
14 Villa.

15 Q You deny that you washed these clothes to dispose of
16 this blood evidence from this gruesome murder; is that
17 right?

18 A Yes, sir. I surely do.

19 Q Do you deny that you disposed of the washer soon after
20 this event?

21 A What?

22 Q Do you deny that you disposed of the washer soon after
23 the event?

24 A Wait a minute. That washing machine -- my washing
25 machine tore up the first of the week. My husband put that

BRENDA ROBERTS-CROSS EXAMINATION

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1 washing machine in about three or four days before this even
2 happened. That old tore up washing machine was sitting on
3 the front porch. It was sitting there when Tony came out
4 there. Wayne was -- my telephone was sitting out there and
5 Wayne was on the phone when Tony came up. That washing
6 machine had been sitting there.

7 Q So that's your story today?

8 A That's been my story, because that's the truth.

9 Q You deny that Freddie Miller was at your house that
10 night?

11 A I sure do. I didn't see him. I went to bed.

12 Q You deny that you asked Freddie Miller to give you
13 clothes to give to AJ Bowers?

14 A I sure do. I didn't -- Freddie wasn't there. I went
15 to bed. I did not see him or talk to him or anybody else.
16 Me and my husband and my two grandboys went to bed.

17 Q Where were you living in October of 2011?

18 A Either Forrest Road -- Forrest Road or on Rocky
19 Springs. One of the two.

20 Q How far is that away from [REDACTED] Round Street?

21 A Oh, Lord, I don't know, sir.

22 Q Is it miles?

23 A Two or three. Three, four, something. I don't know.

24 Q Is [REDACTED] Round Street on a direct route for you to
25 anywhere?

BRENDA ROBERTS-CROSS EXAMINATION

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1 A No. But the lady I sold it to is my friend.

2 Q Do you deny that you drove slowly by [REDACTED] Round Street
3 while the officers were investigating at the well?

4 A No, I did not drive by there.

5 Q You deny that?

6 A Yes. I didn't know that they were down there doing
7 that until about a week or so later. She came and told me,
8 she said -- she said, Brenda, I got to tell you something.
9 I said what. And she told me about that they went down in
10 the well and that they had got a plastic bag out of there.

11 Q Do you remember talking to Special Agent Josh Lindsay
12 from SLED? The State Law Enforcement Division?

13 A No, sir. Not really.

14 Q This was back in March of 2009. Do you recall it?

15 A No, sir.

16 (Whereupon, State's Exhibit 48 was marked for
17 identification.)

18 Q Let me hand you a document that's now been marked
19 State's Exhibit 48.

20 A I can't read my own writing.

21 Q Is that your signature down there at the bottom?

22 A Yes, sir. I'm trying to see what it says. Yes, sir.
23 I guess I did.

24 Q So that is your statement?

25 A Yes, sir.

BRENDA ROBERTS-CROSS EXAMINATION

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1 Q And you made a statement to Special Agent Lindsay?

2 A Yes, sir.

3 Q "I, Brenda Roberts, am providing this statement to
4 Special Agent Lindsay --"

5 A You can't read it either.

6 Q "-- in regard to James Bolt. I was not there when Mr.
7 Bolt was killed. I did not kill Mr. Bolt. I do not know
8 who killed Mr. Bolt. I did not do anything -- or did not at
9 any time destroy or get rid of any evidence. I do not know
10 when any evidence -- where any evidence is located." Did
11 you give that statement to Special Agent Lindsay?

12 A Yes, sir.

13 Q In either one of those statements, or in the 2015
14 statement at the Laurens County Sheriff's Office did you
15 talk about the washing machine being broken and out on the
16 porch?

17 A I don't remember when, but at some point I remember
18 somebody asking me about it and I told him just what I told
19 you a while ago.

20 Q And you want this jury to believe that the law
21 enforcement were asking you about Freddie Miller's clothes?

22 A They were. That's what they took me in --

23 Q In 2015?

24 A Yes, sir. That's what they talked to me about when I
25 went in that office, about washing Freddie's clothes.

BRENDA ROBERTS-CROSS EXAMINATION

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1 MR. MOWRY: I beg the Court's indulgence.

2 THE COURT: Yes, sir.

3 Q And they showed you the video, right?

4 A They showed -- they showed me a portion of it.

5 Q They showed you the portion of it. They showed you the
6 portion with your son saying you're going to jail?

7 A No.

8 Q They didn't show you that?

9 A No. They showed me the portion where he said you
10 washed them clothes, momma. You washed them clothes. That
11 last part. They showed me that. I have seen it now, but --

12 Q And you're saying that's a lie?

13 A Yeah, that's a lie. I didn't do it and he knows it.

14 And had he not been intoxicated he wouldn't have said it.

15 He was hating me for putting him in jail because he stole --

16 he got a record of taking my cars and the police finding

17 them for me, and they call me and I go pick them up. This

18 is a routine thing for me. But I don't have a car anymore.

19 But it's not -- he done it all the time. And they'd get the

20 car, call me so I could go and get it.

21 Q So you're saying it's untrue that you drove by [REDACTED]

22 Round Street in October while the police were at the -- at

23 the well, correct?

24 A Yes, sir. I don't -- I don't remember doing -- I know

25 -- I know I didn't do it. If I had seen them there I

BRENDA ROBERTS-CROSS EXAMINATION

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1 probably would have stopped to see what's going on.

2 Q So you say that's untrue?

3 A Yes, sir.

4 Q You say it's untrue that you washed clothes that night?

5 A That's definitely untrue.

6 Q You say that you did not, as Freddie Miller said, wash
7 Randy Gambrell's clothes? Your grandson?

8 A No, I did not see Randy. I was in the bed. I didn't
9 see anybody.

10 Q You say that these officers were asking you about
11 Freddie Miller?

12 A Yes.

13 Q Not AJ Bowers; is that right?

14 A I think they might have mentioned AJ once or twice, but
15 the whole -- the gist of it was they wanted me to tell them
16 that I was washing Freddie's clothes, and I told them I
17 wasn't going to tell a lie.

18 Q The charge that came from this video was unlawful use
19 of a -- use without owner's consent; is that correct?

20 A I guess.

21 Q Why was that charge dismissed?

22 A Because I didn't press charges on it.

23 Q You asked that the charges be dismissed; isn't that
24 right?

25 A Probably, yeah.

1 Mr. Mowry: No further questions, Your Honor.

2 THE COURT: Redirect. Nothing?

3 MR. WARDER: Nothing further.

4 THE COURT: Ma'am, thank you. You can step down. Any
5 additional witnesses on behalf of the Defense?

6 MR. WARDER: No, Your Honor.

7 THE COURT: Of course all motions renewed. Any
8 witnesses in reply from the State?

9 MR. MOWRY: Give me just a second, Your Honor. No, sir.

10 THE COURT: Ladies and gentlemen, that concludes all the
11 testimony that you're going to hear in this particular case,
12 all the evidence that has been introduced. At this point in
13 time, as I explained on Monday, we're going to go ahead and
14 break because of obligations that I have in drug court this
15 afternoon in Greenwood. We meet once every two weeks and
16 it's part of my responsibility so that's one of the reasons
17 why we're not going to move forward with closing arguments
18 and instructions.

19 We're going to go ahead and break for the day. I'm
20 going to go ahead and ask that you be back in the jury room
21 at 9:30. I will ask court personnel to be here at 9:00 so
22 that I can finalize any discussions with y'all on the jury
23 instructions concerning the law. Again, please don't talk
24 to anyone this evening about the case as I have explained to
25 you. You have an obligation not to make up your mind on any

1 issue involved in this case until you've heard all the
2 evidence, which you have, but you also need to hear the
3 closing argument of counsel and my instructions on the law.
4 Please don't discuss this case with anyone and please don't
5 make up your mind about any issue involved in this case. I
6 am sorry that the day is short, but it is a beautiful day
7 for a short day, so if you don't want to go to work you
8 don't have to. Hope you have a great day. Thank you very
9 much. Take care.

10 (Whereupon, the jury exited the courtroom for the day
11 at 11:50 a.m.)

12 THE COURT: If there are any special requests from
13 anyone I'll be looking at what my clerk has worked up. I
14 will be emailing that sometime this afternoon. If there are
15 any special requests do make a point to try and get those to
16 me before we reconvene tomorrow morning so I can incorporate
17 them into the instructions. I do give copies of the
18 instructions to the jury.

19 MR. MOWRY: We would request that there be a charge on
20 hand of one as the hand of all. Through the statement there
21 is information that more than one person is involved.

22 THE COURT: I understand. I may very well instruct
23 that. I'm kind of leaning that way myself. Yes, sir?

24 MR. WARDER: As I -- well, at the appropriate time. I
25 think that this is a charge of accessory and not a hand of

1 one.

2 THE COURT: I think what the Solicitor is referring to
3 is the underlying offenses of murder and armed robbery that
4 the hand of one hand of all doctrine could apply to make Mr.
5 Bowers guilty as a principal as opposed to your client being
6 involved as a hand of one hand of all kind of thing in the
7 principal crime.

8 MR. MOWRY: Yes, sir.

9 MR. WARDER: I've never had a hand of one hand of all in
10 an accessory. The crime as charged what they have to be in,
11 not in the underlying --

12 MR. MOWRY: We also have to prove that a murder and a
13 robbery took place, Your Honor. Through Mr. Bower's
14 statements there is considerable information -- depending on
15 which statement you look at -- that more than one person was
16 involved. Therefore I think the hand of one is the hand of
17 all would be appropriate.

18 MR. WARDER: I understand and not to keep arguing my
19 point, but if you are guilty as a principal under hand of
20 one hand of all you cannot be guilty of accessory after the
21 fact.

22 THE COURT: Right, but correct me if I'm wrong,
23 Solicitor. You are only talking about hand of one hand of
24 all as it relates to the underlying murder and robbery, not
25 with --

1 MR. MOWRY: Not with regard to this Defendant. No, sir.

2 MR. WARDER: That wouldn't have anything to do with this
3 case and not for this Defendant.

4 THE COURT: Their point, Mr. Warder, is that a theory of
5 hand of one hand of all would be appropriate to charge as it
6 relates to Mr. Bowers, because your client is specifically
7 indicted for aiding Mr. Bowers. And so they have to prove
8 Mr. Bowers either was the one that struck the fatal blow or
9 was so enmeshed in the underlying crime that the hand of one
10 is the hand of all would apply and he would be guilty as a
11 principal. That's the only way that they are --

12 MR. WARDER: Okay, that's right.

13 THE COURT: Right. Okay, I think we're square. I think
14 I can work something up. I am leaning towards charging hand
15 of one is the hand of all as it relates to murder. It's
16 going to be a little bit convoluted for the jury, but I
17 think I can explain it to them as well.

18 MR. WARDER: My fear would be that it would be confusing
19 that on some theory you could find that my client was an
20 accessory.

21 THE COURT: I am hopeful that I can craft something that
22 is sufficiently clear to the jury. I am also -- my clerk
23 and I were talking about this this morning. The Court may
24 very well need to make an instruction on or define knowledge
25 for the jury. I may have to do some research on that, but

1 if y'all have some suggestions. Of course I realize the
2 Defense would prefer a charge of actual knowledge. I don't
3 know if constructive knowledge would apply to this. I may
4 have to look at that, but that may be something that y'all
5 can help me with at some point.

6 Very good. I'll see y'all in the morning.

7 (Whereupon, the trial was in recess until 9:33 a.m.)

8 Trial Day 4: 04/27/17

9 THE COURT: I apologize for the delay in getting out
10 here. The instructions and verdict form were copied for
11 everyone last night and I asked my law clerk this morning to
12 prepare hard copies for everyone. In the email exchange
13 that took place last night the Solicitor took issue with the
14 Court's indication that I was hesitant to charge the armed
15 robbery aspect of accessory to a felony in the sense that --
16 I think the Solicitor indicated in the email exchange that
17 there was some testimony that perhaps it was a hammer or an
18 object used and that the pockets of the decedent were turned
19 out. I appreciate your perspective on that, Solicitor. If
20 you want to elaborate further I'll let you, but the main
21 thrust of my hesitancy to charge armed robbery as being one
22 of the offenses that Ms. Roberts could have aided or abetted
23 or been an accessory to relates to the failure of any
24 evidence indicating the use of a weapon during the
25 commission of a violent crime. I can't cite you to the

1 specific case, but it's the one from several years ago where
2 they said the weapon has to further the armed robbery or has
3 to further that larceny in some way. I can't remember the
4 name of the case, but it's out there.

5 MR. MOWRY: Well, sir, the thing that I brought up in
6 our email exchange was that Detective Bentley had testified
7 that the wound patterns were consistent, in his eyes -- in
8 his experience, with a claw hammer. Given that, given the
9 fact that the victim's pants pockets were turned out, given
10 the fact that the cash register was not only unplugged but
11 open, empty, and on the floor with the register tape strewn
12 about -- I would say there is plenty of evidence there in
13 which a reasonable jury could find proof beyond a reasonable
14 doubt.

15 THE COURT: I do appreciate your position. I want to
16 try to keep this case as clean as possible. I have some
17 concerns that -- obviously from the evidence presented a
18 reasonable theory could be that the decedent was killed
19 first and then his pockets were gone through and then they
20 rummaged through the cash register. Quite honestly, the
21 primary theory of the State's case as it relates to this
22 Defendant is that she assisted in covering up the homicide
23 as opposed to any armed robbery. I understand kind of where
24 you're going with it, but --

25 MR. MOWRY: And I'll be candid with you, Your Honor.

1 After your exchange last night as I was preparing my closing
2 argument I limited it strictly to the murder. I kind of
3 assumed that your opinion was not going to change. I hope
4 you don't mind me reading between the lines on that one.

5 THE COURT: Not at all.

6 MR. MOWRY: So it's not going to be of any detriment to
7 the State, but I did want to make our reasoning clear.

8 THE COURT: Right. Mr. Warder, you indicated to me a
9 few moments ago before we came out that you did object to
10 the hand of one hand of all instruction that we discussed
11 yesterday as it relates to Mr. Bower's involvement to the
12 underlying murder. Do you want to speak to that, sir?

13 MR. WARDER: Your Honor, yes, sir. My client is, in the
14 indictment, alleged to have assisted one person. That's
15 A.J. Bowers. There's no testimony or evidence that anyone
16 else committed the murder except A.J. Bowers. The hand of
17 one hand of all seems to me that it's not applicable. He's
18 supposed to be the perpetrator, the only one. The hand of
19 all might, I don't know, just confuse the jury because
20 there's no doubt that if there was a crime committed and a
21 murder A.J. Bowers did it there's been not a shred of
22 testimony that anybody else did. And so I don't see how the
23 hand of one hand of all does anything except kind of muddy
24 the water on a conspiracy theory or something that my client
25 might have been.

1 MR. MOWRY: Well, actually Your Honor, the Defendant,
2 A.J. Bowers, is charged with conspiracy. In his last
3 statement -- I was trying to find it -- he talks about how
4 two other -- several other people, including the Defendant's
5 grandson, Randy Gambrell, went to the scene. They actually
6 -- quite frankly, Your Honor -- I don't see it in here,
7 Tara. The third statement.

8 (Whereupon, there was a brief pause while the Solicitor
9 located an exhibit.)

10 MR. MOWRY: This is the hand-written statement. Quite
11 frankly, that's what he says they went there to do. Gonna
12 make some money and rob somebody. Asked me if I want to
13 make some money. That we are going to rob somebody. And he
14 says that Randy Gambrell went there as well. He did say
15 that two other people, including Robin Epting, were involved
16 in the crime. And then we left. We got back in the car and
17 left. Randy was with us, but he stayed in the car and never
18 got out. So there were several people there. I don't know
19 where the jury is going to fall as far as who swung the
20 fatal blows, but clearly this is an instance where hand of
21 one is the hand of all is absolutely applicable. We would
22 submit that it should be charged.

23 MR. WARDER: It would only be applicable with the other
24 co-defendants. Then the hand of one hand of all would
25 certainly be. If we were trying all the people that A.J.

1 Bowers said here clearly that's a correct charge. However,
2 the indictment I'm defending on, is an indictment that
3 alleges that A.J. Bowers is the person my client assisted.
4 If she assisted Gambrell, for example, or anybody else, that
5 wouldn't be -- she wouldn't be guilty. She would only be
6 guilty if they found that A.J. Bowers killed him and that my
7 client knew about it. There's really no hand of one hand of
8 all at all.

9 MR. MOWRY: It would be if A.J. Bowers --

10 THE COURT: If I may. Forgive me for interrupting. The
11 indictment actually states that, "She did willfully and
12 unlawfully harbor and/or assist A.J. Bowers et al with
13 knowledge that the said A.J. Bowers had completed the acts
14 of murder and armed robbery. So the way I read that -- it
15 is limited to A.J. Bowers, but I think the Solicitor's point
16 is still well taken. A.J. Bowers can still be guilty of
17 murder under a hand of one hand of all theory even if he was
18 not the person that actually assaulted the decedent in this
19 case.

20 MR. WARDER: There's been no testimony that anybody else
21 did anything.

22 THE COURT: In which case the instruction is probably
23 superfluous and unnecessary. You're correct, but --

24 MR. WARDER: And that's why I think it's confusing.

25 MR. MOWRY: Just read his statement, Your Honor. That

1 is in evidence as well.

2 THE COURT: I appreciate your position, Mr. Warder. I
3 am comfortable with it and confident that I can explain hand
4 of one hand of all as being limited to only the context of
5 the underlying homicide allegation and not have it be so
6 broad as to sweep your client up into that analysis. I will
7 emphasize that. We have a very alert and astute jury. They
8 have been paying very close attention. I have no doubt that
9 they are also going to be paying very close attention
10 certainly to y'all's closings and my instructions.

11 No issues with the verdict form? It's simply up and
12 down on accessory after.

13 MR. MOWRY: None, and you've got to pick not guilty or
14 guilty in order. So no problems.

15 THE COURT: Bring the jury out. While they're doing
16 that -- the question was raised yesterday about requiring
17 the Solicitor to open fully on the law. I reviewed that
18 decision last night. It came out in December. Of course
19 it's not a final decision. The primary thrust of that
20 decision is a due process consideration concerning sand
21 bagging. I don't think the State is going to, based on what
22 I've heard today, I don't think there's any alternative
23 theory that could constitute sandbagging as it relates to
24 Ms. Roberts and since the decision is still under
25 reconsideration by the Supreme Court and I anticipate that

1 they're going to clean up that decision somewhat, because it
2 was a little bit confusing the way they have it written. We
3 are following the old technique. The Solicitor will open,
4 then you'll go, then you'll go, but no sandbagging.

5 (Whereupon, the jury entered the courtroom at 9:45 a.m.)

6 THE COURT: The record will reflect that the jury is
7 back and seated. The Defendant is present, of course, with
8 counsel. Ladies and gentlemen, thank you for being back
9 here this morning. We've engaged in a discussion about the
10 instructions that I am going to give you in a few moments.
11 At this point in time, ladies and gentlemen, it will be the
12 attorneys opportunity to give you their closing argument or
13 their closing summation. The procedure that we use is the
14 Solicitor will go first, to be followed by Mr. Warder, and
15 then the Solicitor will have a opportunity to speak to you
16 one last time.

17 I will tell you that normally the lawyers will make
18 reference to testimony or to exhibits which have been
19 introduced into the record in this case. Certainly they're
20 going to elude to facts or testimony. If at any time though
21 they say something about facts and what they say about the
22 facts differ from your recollection of the facts or your
23 recollection of the testimony, you should of course go with
24 your recollection because you are the judges of the facts,
25 okay? For example, if they were to say that Monday was

1 bright, beautiful, and sunny and there wasn't a drop of rain
2 on the ground or a cloud in the sky, but you recall Monday
3 being an absolute downpour all day long you should go with
4 your recollection of what the weather was like as opposed to
5 what they say it was like.

6 With that, Solicitor, you are recognized for your
7 closing, sir.

8 MR. MOWRY: Thank you, Your Honor.

9 CLOSING ARGUMENT

10 BY MR. MOWRY:

11 Mr. Foreman, ladies and gentlemen of the jury, about
12 6:27 p.m. on the 26th of September, 2003, time stopped for
13 James Bolt. We've heard a lot about Brenda Roberts. She
14 told you a lot about herself. Let's review what we know
15 about Jim Bolt. He was a 76-year-old man who volunteered
16 his time and energy to provide a gathering place for his
17 fellow veterans and for the VFW. Now, as you heard he
18 managed the place and evidently was in the process of
19 cleaning it up at 6:27 p.m. September 26, 2003. Nobody
20 deserves to die the way Jim Bolt did. Robbed, we would
21 submit, and brutally murdered. Bludgeoned to death by an
22 object that Walter Bentley testified was consistent with a
23 claw hammer. Jim Bolt especially did not deserve to die
24 that way. He was somebody, even at his age, who worked to
25 provide service to others. But that service was abruptly

1 terminated, as we've shown, by A.J. Bowers according to his
2 statements by his accomplices.

3 The State's ability to prosecute Mr. Bolt's killers, to
4 prosecute Bowers and especially any other murderers to the
5 fullest extent of the law, has been severely hampered by the
6 actions of that woman, by Brenda Roberts. By her actions of
7 washing those clothes of Bowers' according to Freddie
8 Miller, Randy Gambrell, and perhaps others, she has
9 destroyed forever any chance that investigators had of
10 finding blood, or hair, or fiber, or DNA, or any other kind
11 of scientific evidence that might have been on those
12 clothes. Evidence that might have led to the apprehension,
13 the prosecution, and the conviction of the killers of Jim
14 Bolt. What Brenda Roberts did, ladies and gentlemen, is the
15 very definition of an accessory after the fact.

16 Let's look for a couple of minutes at the elements of
17 the crime. His Honor is going to instruct you on these. I
18 just want to go over them for a few minutes with you. These
19 are the elements. In order to successfully prosecute a
20 defendant on this crime the State first has to prove that a
21 felony has been committed. We must then prove that the
22 accused had knowledge that the principal committed the
23 felony. Now, remember what I told you about the principal.
24 Anybody who was present, aiding, abetting, or assisting in
25 the robbery. A.J. Bowers says he was there with other

1 people to commit a robbery. He doesn't admit that he swung
2 the hammer, but because he was there to commit that felony,
3 ladies and gentlemen, he is just as guilty of the murder by
4 our law as the person who swung the hammer.

5 The accused had to have knowledge. Brenda Roberts had
6 to have knowledge that the principal had committed the
7 felony. Then, finally, the accused must harbor or assist
8 the principal felon. Let's talk about each of those
9 elements for just a moment. How do we know that the felony
10 had been completed, the felony of murder. Not much doubt,
11 ladies and gentlemen. James Bolt was found lying in the
12 bathroom with his feet sticking out of the door in a pool of
13 blood. A crime scene that Walter Bentley called the worse
14 he'd ever seen. Blood everywhere. No signs of life
15 according to any of the officials who were on scene. Nick
16 Nichols told you that EMS went in and checked for signs of
17 life, found none, and withdrew to allow the investigators to
18 complete their work.

19 What did the coroner's report find? You'll have that
20 back there with you. Nick Nichols testified that the cause
21 of death was blunt force trauma. The manner of death was
22 homicide. Clearly, ladies and gentlemen, I would state to
23 you beyond any reasonable doubt this was a murder.

24 Now, second prong. The accused had to have knowledge
25 that the principal committed a felony. Again, principal

1 present aiding, abetting, and assisting. Think about an
2 armed robbery. You might have one guy that goes in with a
3 gun and sticks up a store clerk. You might have another guy
4 that's the bag man. He goes in there and rifles out the
5 till. You might have another guy that's down the street
6 even acting as a lookout, and then you might have a fellow
7 at the wheel of a car, the getaway driver. All of those
8 people are guilty as principals. By our law, every one of
9 them is present, aiding, abetting, and assisting. So if you
10 believe that A.J. Bowers -- and I would submit that he
11 admits it in State's Exhibit Number 42. You'll have this
12 back there with you. He was there with others to commit a
13 robbery. His Honor will instruct you also, and I'll get
14 into this in just a minute, that the hand of one is the hand
15 of all. Everybody is guilty of murder. A.J. Bowers'
16 statements, as Walter Bentley told you, revealed information
17 that only a perpetrator would've known. He had knowledge
18 that was not released to the public. Where else did he get
19 it except for the fact that he was there.

20 Remember where A.J. Bowers was. He was at Brenda
21 Roberts' house the next day. Was he being harbored there?
22 Was he being sheltered there? Yes. Remember what Freddie
23 Miller told you Brenda Roberts said while she was collecting
24 the clothing from Randy Gambrell and A.J. Bowers. "What you
25 saw, what you heard, stays here." And, finally, her own son

1 finally admitted on the witness stand yesterday that he had,
2 in fact, shouted out at her after she had gotten the law on
3 him for taking her car, "You know you washed them clothes.
4 You're going to jail." And those other comments. That, as
5 we found, was the genesis, the beginning of the
6 investigation into Brenda Robert's full participation in
7 this crime. And that is what brings us here today.

8 Accused must harbor or assist the principal felony.
9 Again, the actions that she took have kept those murderers
10 out of court away from prosecution for 14 years. Everything
11 she did was a plan to stonewall things. To prevent the
12 collection of evidence that might give you a solution to
13 this crime. "I'll take it to my grave." Are you -- is it
14 reasonable to believe what she told you yesterday? "Oh, I'm
15 a Christian and I'll take it to my God that I'm not lying."
16 Well, yes you are. Plain and simple. Yes, you are. What
17 she's taking to her grave, ladies and gentlemen, is her
18 guilty knowledge. The knowledge that she has protected
19 murderers. That's what she's done.

20 As I said, ladies and gentlemen, His Honor is going to
21 instruct you in the hand of one is the hand of all. If two
22 or more people combine together to commit a crime, even if
23 one of those people don't intend for a homicide to occur, if
24 one of them strikes a fatal blow all of them are subject to
25 prosecution and conviction for that crime.

1 Now, ladies and gentlemen, I told you at the start of
2 this trial a large part of your duty as jurors is to
3 determine where the truth lies in a case. You are the
4 conscience of the community and you've heard two distinctly
5 different portrayals. You have to decide where the facts
6 are. You have to decide what the truth is in this case. So
7 let's consider the testimony.

8 Who are you going to believe. If you listen to Brenda
9 and Doyle Roberts, everybody besides them is a liar. Well,
10 even including Doyle, he admitted. If you listen to them,
11 Jared Hunnicutt and Jared Pittman, and Ben Blackmon lied
12 according to Brenda who says they were asking her about
13 washing Freddie Miller's clothes after the murder. Not A.J.
14 Bowers'. That was in that July 2015 interview right before
15 her arrest. She says that Walter Bentley lied to you during
16 his testimony. Remember the October 2011 search of the well
17 at Ms. Robert's former property at [REDACTED] Round Street in
18 Laurens County. That was the same investigation in which
19 the image of the hammer on camera was seen as testified to
20 by Mr. Bentley.

21 Mr. Bentley remarked that he noticed during the
22 investigation and that search that Ms. Roberts was the
23 driver of a vehicle that came by very slowly during that
24 time and he found that to be very interesting. Ms. Roberts,
25 by her own admission, at that time lived several miles away.

1 ■■■■ Round Street was, as she told you, out of the way. It
2 wasn't on the way to anywhere. You had to want to go by
3 there. That had to be your destination, in other words. So
4 on that issue do you believe Walter Bentley or do you want
5 to believe a person who is on trial for criminal offenses.
6 Walter Bentley, I submit to you, has no dog in this fight.
7 I submit all of you should agree he's just reporting the
8 facts. You make that determination, but what is the
9 significance of that event? Why did Brenda Roberts come by
10 ■■■■ Round Street unless her curiosity, her guilty curiosity,
11 had gotten the better of her and she wanted to see just how
12 close the investigators were to finding incriminating
13 evidence.

14 Freddie Miller. Freddie Miller either told you the
15 truth or, if you believe Brenda, Freddie lied about A.J.
16 being present at ■■■■ Round Street, about the defendant
17 providing changes of clothes in exchange for the bloody
18 ones, about Brenda asking Freddie to give her some of his
19 clothes because they might fit A.J., and about the Defendant
20 counseling others -- that is, Randy Gambrell -- to be
21 silent.

22 Let me say a word about Freddie Miller. Ladies and
23 gentlemen, he's got a terrible record. Y'all know it. I
24 recited it to you. I would not trust him within a country
25 mile of any of my valuables. But he provided some of the

1 most compelling information. Compelling evidence against
2 this Defendant. This is her brother. And if he's hoping
3 for some kind of reward for his testimony he's evidently the
4 worst negotiator that's ever existed. Because he's in jail
5 right now and he testified to you wearing his jail jumpsuit.
6 He told you that all he was asked to do by the State was
7 tell the truth. His was the most logical, and sensible, and
8 yes, believable recounting of the events of September 26 and
9 27, 2003.

10 Brenda also says that Tony Lynch lied about the washing
11 machine being on the porch. She says it wasn't out there
12 when the officers went by. Excuse me. He did. He says
13 that the washing machine wasn't on the porch when the
14 officers went by, the day after Mr. Bolt was killed, to pick
15 up A.J. Bowers. But it was there when he went back out
16 there to follow up a few days later. Freddie Miller tells
17 us that the washer was scrapped in spite of the fact that it
18 was in good working order he says. Now, why would that have
19 happened and why was that a big deal? Because after it had
20 served its purpose in getting rid of the evidence of the
21 brutal, bloody murder evidently Brenda Roberts feared that
22 it would retain some trace evidence of the crimes of A.J.
23 Bowers and, according to his statement, Brenda's relatives.
24 And thereby implicate her.

25 Her own son Doyle lied according to her when he

1 shouted, among other things, "You know you washed them
2 clothes," when he got arrested for taking the Defendant's
3 car. But, amazingly, ladies and gentlemen, once he got on
4 the witness stand he recanted. You'll have back with you
5 State's Exhibit 45, this item called a tracking sheet. It
6 shows us what the status of a particular case is. This is
7 the tracking sheet on that case. The reason that charged
8 got dismissed -- "victim wanted case dismissed". Brenda
9 Roberts wanted that case dismissed. Then Doyle Roberts gets
10 up there and says, "Oh, I didn't mean it. I was just mad."
11 Whatever.

12 Ladies and gentlemen, there's an academic theorem
13 that's called Occam's Razor and in essence it says that when
14 there are competing hypotheses the simplest one is the one
15 to choose. That's probably too much of a shortcut in the
16 description of it, but it stands for good purpose here. You
17 can either believe practically everyone from law enforcement
18 to her own family lied against Brenda Roberts, or you can
19 believe that they told the truth and that Brenda Roberts,
20 who is standing trial today and this week on criminal
21 charges lied to you. Do you want to believe the police
22 officers or do you want to believe a criminal defendant?
23 The credibility or believability of witnesses is a
24 determination you have to make. I submit to you Brenda
25 Roberts has got every reason in the world to lie. The

1 State's witnesses do not.

2 Now, there is one question you may ask. Why did Brenda
3 Roberts go to so much trouble to cover for A.J. Bowers who,
4 by her own words, meant nothing to her. And why indeed?
5 Well, consider who else is implicated in A.J. Bowers'
6 statement. In Freddie Miller's testimony. Randy Gambrell.
7 Randy Gambrell, the Defendant's grandson. In other words,
8 Brenda Roberts covered for A.J. Bowers because that was
9 necessary to protect her grandson from scrutiny by the
10 State. By the police. You're going to have Bowers'
11 statements back there to review and you've heard from
12 Freddie Miller. You've heard his recitation of what Randy
13 told Brenda. "You should've seen him. He was covered in
14 blood from here to here." And Brenda's reply, "Yes, I'm
15 washing his clothes too." No. Rather than go to law
16 enforcement and make a clean breast of it, Brenda Roberts
17 chose to cover things up. To wash the clothes. To destroy
18 vital evidence and try to sever the connection to the crime
19 between her family and its commission.

20 And to tell her grandson, according to Freddie Miller,
21 "What you saw and what you heard stays here." Did Brenda
22 Roberts know that a horrible crime had been committed?
23 Well, what did Randy Gambrell say according to Freddie
24 Miller. "He was covered from here to here in blood." If a
25 person is covered in blood from here to here isn't it

1 reasonable, ladies and gentlemen -- wouldn't anybody, any
2 reasonable thinking person, wonder why in the world that
3 happened. Well, Brenda Roberts is either the most un-
4 curious person in the world or she's guilty. She's guilty
5 of accessory after the fact to a felony. There's really no
6 third option.

7 There's one other point I wanted to make, ladies and
8 gentlemen. In his opening statement -- and as I said,
9 opening statements are not evidence. Mr. Warder said
10 something rather remarkable to me that I tried to put it
11 down verbatim. This is regarding Brenda Robert's
12 declaration that, "I'll take it to my grave." Mr. Warder
13 said, and I tried to get this down as well as possible, "We
14 all make mistakes. When we make big mistakes, bad mistakes,
15 we have to live with them. We're sorry for them. We didn't
16 mean to do it. We wish it hadn't happened. All those
17 thoughts go to the grave with us." Tell me, did Brenda
18 Roberts ever make an admission of a single mistake? One?
19 Anything? Not a big mistake. Not a bad mistake. Any
20 mistake. Has she shown in any way that she is sorry for
21 those mistakes? No. What she has done, ladies and
22 gentlemen, is blame other people. Cast dispersions on other
23 people. Call people liars, including her own family. Well,
24 soon ladies and gentlemen, you'll have an opportunity to
25 declare Brenda Roberts something that she has not admitted

1 herself, that she is guilty of these crimes.

2 Ladies and gentlemen, you'll recall at the start of the
3 case in my opening statement I asked you to do three things.
4 You've already done one of them admirably. You've listened
5 very carefully to three days of testimony and evidence that
6 has come off the witness stand. You've paid attention.
7 You've been alert, and we appreciate that. I ask you to
8 continue to listen very carefully in a few minutes when the
9 lawyers stop and His Honor instructs you on the law in this
10 case. Then I ask you to do that third thing, ladies and
11 gentlemen. When you're in the jury room plying the law as
12 the judge gives you to the facts as you determine them to
13 be, use your common sense. Your common sense will tell you,
14 ladies and gentlemen, the State has proven its case. We've
15 proven it beyond a reasonable doubt and you'll be more than
16 justified in bringing back a verdict of guilty in this case.

17 Ladies and gentlemen, nearly 5,000 days have passed
18 since Jim Bolt was murdered. At long last you have an
19 opportunity to provide a modicum of justice. I ask you to
20 find Brenda Roberts guilty and let her take that to her
21 grave. Thank you.

22 THE COURT: Thank you, Solicitor. Mr. Warder, your
23 closing, sir.

24 MR. WARDER: Thank you, Your Honor.

25 CLOSING ARGUMENT

1 BY MR. WARDER:

2 I brought a few of my papers over with me, but don't
3 worry. We're not going to read all of them. I grew up in
4 rural Iowa and as I used to come in the house for dinner and
5 there was a t.v. show on that had a big hourglass in it with
6 sand running down through it. An announcer would say, in a
7 good deep voice, "Like footprints in the sand that passes
8 through an hourglass, this is the days of our life." And
9 that was the name of that soap opera that my mother watched.
10 But it bears the truth that the footprints we leave in the
11 sands of time are our deeds, our conduct, what we do, and
12 what we stand for.

13 They have talked about my client's credibility, her
14 believability. And I wish to first go over the footsteps in
15 the sands of time of my client that we know about. Those
16 footprints that will form a basis for you judging her
17 truthfulness, her honesty, her credibility. What do we
18 know? Well, the first footprints we know that she left
19 along her life was she went to school here in Laurens. She
20 went to Greenville Tech. Not Greenville. I'm from
21 Greenville, Greenwood. She went to Greenwood. And she
22 became an LPN, a job helping people. Where did she tell us
23 she went to work? She went to work with people at Whitten
24 Village. Worked her way up to a manager where they had five
25 group homes for special needs people. What kind of

1 footprints is this laying down? What does that tell you
2 about her? What kind of person works with special needs?
3 She tells you about working at WalMart for years. This is a
4 regularly employed person that worked. She tells you about
5 her children. She had three children. She raised them.
6 She adopted 5 more. She raised them. What kind of
7 footprints does that leave that leads to today?

8 Brenda Roberts has led throughout a life of honesty and
9 dedication. Of everybody who took the stand she's the only
10 one of the non-professional witnesses that didn't have a
11 long record. You know, all of the people the State relied
12 on, the brother has spent most of his life in institutions
13 for his behavior, jail. Her son, she told you he had been a
14 good child up until he got grown and things had went bad,
15 but she still loved him. This is a giving, caring person,
16 and they say that she is this monster that planned to thwart
17 the capture of whoever murdered. And so the question comes,
18 when and where, and what did she do, and what did she know?

19 She tells you that she had a washing machine, but that
20 her and her husband went to bed and she doesn't know. No
21 one saw her put the clothes in the washing machine. No one
22 says that she knew the crime was committed, that they told
23 her. If the murderer was there, the crime was not known to
24 my client at that time or that anybody had been killed. My
25 client tells you that she learned of the murder when they

1 told her the police came the next morning. By that time the
2 clothes had been washed. And if somehow my client was
3 involved in the washing -- in fact the fact that somebody
4 put them in her machine makes her guilty, or in your mind
5 you think that makes her culpable, you have to find that she
6 had knowledge at that time that the crime had been
7 committed. And then she has to know that A.J. Bowers is the
8 murderer. No one would doubt today that A.J. Bowers was
9 probably the murderer. I don't know that it's been proved
10 beyond a reasonable doubt, but certainly it is inferentially
11 the person that did it.

12 You know, the State's theory in this whole case is that
13 my client can be held liable for the conduct because
14 somebody said she washed the clothes. First of all, I don't
15 think that the fact that the clothes were washed has been
16 proven. Certainly my client denies that she put them there.
17 She can't say that the clothes never went in the washing
18 machine because she's asleep, but certainly she can't say --
19 nobody can say that she put them in there, and put them in
20 there knowing that there was evidence on them and knowing
21 that that evidence would be destroyed. I submit to you
22 that.

23 We're arguing about clothes that they've never
24 produced, they've never found, and they've never recovered.
25 If those clothes were found it might show that they weren't

1 washed. But they're not here. They're not available, and
2 so this case turns upon credibility. It turns upon
3 believability. It turns upon what you believe in the heart
4 of my client. Was she a person going out and trying to
5 destroy evidence and trying to help A.J. Bowers? Did she
6 know that they were going to -- that A.J. Bowers was going
7 to give a statement at some point and accuse her grandson?
8 How would she have known that? How would she have used that
9 fact to protect her grandson when there's no way she would
10 have known that. They say that her grandson's clothes were
11 washed. If she didn't see the clothes or didn't put them in
12 the washing machine, how would she know that and how do we
13 know it happened? I submit to you that this case turns upon
14 the word of her son when he was mad and getting arrested.
15 When he hollers out you washed those clothes. I'm gonna
16 tell. Why would he say that? He's a fellow that has spent
17 a great deal of time in trouble. Then he gets out of
18 trouble by telling on people. Saying somebody else. You
19 want to hear about something? Do this for me. That's what
20 he was looking for in this case. Somebody to help him out
21 by saying that somebody did something. He was a little
22 concerned about his mother because his love is not near as
23 great for her as her love for him. This is a woman that
24 gave everything for her family. Loved her family. Gave
25 everything to the people she worked with, to five children

1 she adopted, to three that she raised, and now they talk
2 about her evilness and intent to make this crime go
3 unescaped. You know, her brother that testified told us
4 that he used crack once early in the day when he got out.
5 They rode over in the van to some place and then he got out
6 and got some crack. They went to sell a fishing rod, got
7 more crack, went back to the house, smoked some crack, took
8 a Xanax, and that's the account. That's what he did. What
9 do you think his memory and his perception is like? What do
10 you think that does to a person's memory and perception?

11 You know, I ask you to use your common sense. You
12 don't leave your brains in a basket someplace outside of the
13 courtroom when you come in here, nor do you leave your
14 everyday experiences. You, everyday, make a judgement in
15 your life about whether something is credible and who should
16 be believed. In this case I want you to consider my client,
17 her life, what she said. I submit to you that there sits a
18 good woman who has worked hard in the community and lived a
19 good life. While everything crashed down around her she's
20 maintained her character. Her sons have gotten in trouble
21 with the law. Her brother has turned out to be a bum. One
22 of her sons is referred to as a he/she, Wanda Wayne. You
23 know, in this case you're to consider the evidence you hear
24 from that stand, the facts from the exhibits, the testimony,
25 the physical evidence, and most of all the law as His Honor

1 will give you. His Honor will tell you that in this
2 criminal case the State must put forth proof beyond all
3 reasonable doubt. He will define reasonable doubt. He will
4 tell you that it is the kind of doubt that would make you
5 hesitate to act. I ask you to listen carefully to His
6 Honor's charge on the law. My client at one point said that
7 she would take it to her grave and she told you about that.
8 Her explanation is that you do take it to your grave. That
9 sometimes you have to stand before your Lord and explain to
10 him. As she said and told you, she's willing and looks
11 forward to that day. The phrase "take it to the grave"
12 shouldn't be used against her. It should be considered in
13 the character and the way she's led her whole life, who she
14 is. I submit to you that this is a case that there is a
15 reasonable doubt.

16 In reaching a decision under our system we have two
17 verdicts; guilty or not guilty. We have a system of law
18 that came from the common law in England, and I think that
19 their system is easier to understand in one aspect. That
20 they don't reach a verdict of guilty or not guilty. They
21 reach a verdict of proven or unproven. They say a proven
22 case is a case that has evidence beyond a reasonable doubt
23 and there's no doubt left. An unproven case is a case that
24 after you consider all of the evidence it still isn't proven
25 beyond a reasonable doubt. I submit to you that this

1 evidence in this case is unproven. It's not proof beyond a
2 reasonable doubt, and that the just, proper, and fair
3 verdict in this case is a verdict of not guilty. I thank
4 you very much for the attention that you've paid. My client
5 appreciates it. As you know, this is the most important day
6 of her life, and I ask you to look back on that life when
7 you consider her credibility, when you decide who she is,
8 what she stands for, and whether she's truthful. The
9 presumption of innocence will require you to give all
10 reasonable doubt in favor of my client. Thank you.

11 THE COURT: Mr. Warder, thank you, sir. Solicitor, any
12 argument in reply, sir?

13 MR. MOWRY: Just very briefly, Your Honor.

14 CLOSING ARGUMENT

15 BY MR. MOWRY:

16 Ladies and gentlemen, I promise you I'm not going to
17 take long. Mr. Warder spent a good deal of his time trying
18 to gin up sympathy for this defendant. Well, ladies and
19 gentlemen, let me bring up a couple of things that you might
20 want to consider. He talked about reasonable doubt and His
21 Honor is going to instruct you on that. What he said I
22 agree with. What Mr. Warder said I agree with as far as
23 reasonable doubt is concerned. It is the kind of doubt that
24 would cause a reasonable person to hesitate to act. His
25 Honor is also going to instruct you that proof beyond a

1 reasonable doubt leaves you firmly convinced of the truth of
2 a proposition. That, ladies and gentlemen, is what we've
3 got here. Is it reasonable to believe that Brenda Roberts
4 did not know that a brutal murder had taken place? Is it
5 reasonable to believe that she did not know that A.J. Bowers
6 and others had been involved? It's not reasonable. I would
7 submit to you that you should not hesitate to act based on
8 any doubt that you have about that.

9 Mr. Warder said that the clothing had never been found
10 or recovered and that is because, ladies and gentlemen,
11 Brenda Roberts had helped dispose of them. Remember what
12 Walter Bentley told you. In October 2011 when the city
13 police were down at [REDACTED] Round Street in the well who comes
14 driving by slowly. I want to emphasize that. The clothes
15 were down the well. That's why she was so concerned about
16 what was going on at [REDACTED] Round Street.

17 Mr. Warder talked about how she would do anything to
18 help her family. Yes, apparently she would. Including
19 cover up a crime. A vicious, bloody, brutal, crime. Blood,
20 ladies and gentlemen, is thicker than water. What she means
21 by, "I'll take it to my grave", she is not going to
22 implicate family members and therefore she's not going to
23 implicate A.J. Bowers. She will take it to her grave. But
24 find her guilty of what she has done beyond a reasonable
25 doubt. Thank you very much.

1 THE COURT: Thank you, Mr. Mowry. Ladies and gentlemen,
2 by my count y'all have been sitting there for approximately
3 an hour. It takes me roughly 15 to 20 minutes to give you
4 these instructions. Does anybody need a brief five minute
5 restroom or comfort break?

6 (No member of the jury indicated they needed a break.)

7 CHARGE OF THE COURT

8 Okay. Now, ladies and gentlemen, I will tell you the
9 way that these instructions have typically been given when I
10 first started practicing law in '93 the way the judge would
11 do this is he or she would simply sit up here and read
12 roughly 17/18 pages from the law books taken behind me and
13 the jury was supposed to sit there basically like 12
14 intellectual sponges and absorb all of this at the first
15 reading. I always found that a little unreasonable, because
16 like most people it took me three years to get through law
17 school. It took me three years to get through the stuff in
18 these books behind me. So long story short, I'm telling you
19 that I will give you copies of these instructions that you
20 can refer to during the course of your deliberations in the
21 jury room. Please do consider these instructions as a whole
22 and don't simply pay attention to portions of the
23 instructions to the detriment of the other instructions.
24 When you're done, if you would, return these instructions to
25 me. Additionally, ladies and gentlemen, understand that at

1 this point in time all of the evidence has been admitted and
2 South Carolina law does not permit a case to be reopened for
3 additional evidence to be admitted. So if you have any
4 questions about the underlying facts, about the underlying
5 evidence in this particular case odds are I'm not able to
6 help you with those if you were to send a note asking for
7 further clarification on a factual issue, but if you have
8 any questions about the instructions or on the law odds are
9 I will be able to assist you. Just give me a note, write me
10 a note and give it to the Bailiff and he'll bring it to me
11 and I will try and help you with whatever legal issue it is
12 that you are struggling with.

13 Ladies and gentlemen, as I mentioned on Monday, the
14 indictment in this case charges the defendant, Ms. Roberts,
15 with the offense of accessory after the fact to a felony. I
16 remind you that the fact Ms. Roberts was arrested, charged
17 and indicted in this case, is not evidence in this case and
18 cannot be considered by you as evidence of guilt in this
19 case, nor does the indictment create any presumption or
20 inference of guilt. Again, this document is me merely
21 formal written instrument which contains the charges made
22 against the defendant. It is the means by which this case
23 is brought into this court.

24 In this case, ladies and gentlemen, the defendant, Ms.
25 Roberts, has pled not guilty to this charge, and that plea

1 puts the burden on the state to prove the Defendant's guilt.
2 I instruct you that a person charged with committing a
3 criminal offense in this state is never required to prove
4 himself innocent. It is an important rule of the law that
5 the defendant in a criminal trial, no matter what the
6 seriousness of the charge may be, will always be presumed to
7 be innocent of the crime for which the indictment was issued
8 unless guilt has been proven by evidence satisfying you of
9 her guilt beyond a reasonable doubt. Ladies and gentlemen,
10 this presumption of innocence does not end when you begin
11 your deliberations, but it accompanies the defendant
12 throughout the trial until you reach a verdict of guilt
13 based on evidence satisfying you of her guilt beyond a
14 reasonable doubt.

15 The presumption of innocence has been described as
16 being like a robe of righteousness placed about the
17 shoulders of the defendant which remains with her unless it
18 has been stripped from her by evidence satisfying you of the
19 her guilt beyond a reasonable doubt.

20 Importantly, ladies and gentlemen, the presumption of
21 innocence is not mere legal theory. It is not just a legal
22 phrase. It is a substantial right to which everyone is
23 entitled unless you, the jury, are satisfied from the
24 evidence of the defendant's guilt beyond a reasonable doubt.

25 Well, what is a reasonable doubt in the law? A

1 reasonable doubt is the kind of doubt that would cause a
2 reasonable person to hesitate to act. The state has the
3 burden of proving the defendant guilty beyond a reasonable
4 doubt. Some of you may have served as jurors in civil
5 cases, where you were told that it is only necessary to
6 prove that a fact is more likely true than not true, such as
7 by the greater weight or the preponderance of the evidence.
8 In criminal cases, the state's proof must be more powerful
9 than that. It must be proof beyond a reasonable doubt.
10 Proof beyond a reasonable doubt is proof that leaves
11 you firmly convinced of the defendant's guilt. Now, there
12 are very few things in this world that we know with absolute
13 certainty, and in criminal cases the law does not require
14 proof that overcomes every possible doubt. If, based on
15 your consideration of the evidence, you are firmly convinced
16 that the defendant is guilty of the crimes charged, you
17 should find her guilty. If on the other hand, you think
18 there is a real possibility that the defendant is not
19 guilty, you should give her the benefit of the doubt and
20 find her not guilty.

21 Ladies and gentlemen, I remind you that, during this
22 trial, you and I have certain duties to perform. As the
23 trial judge, it is my responsibility to preside over the
24 trial of this case rule on the admissibility of the evidence
25 offered. You are to consider only the competent evidence

1 before you, so if there was any evidence ordered stricken
2 from the record in this case during this trial, you must
3 disregard that testimony. You are to consider only the
4 testimony which has been presented from this witness stand,
5 as well as the exhibits introduced into the record.

6 I have the additional duty to charge you the law. As
7 the presiding judge, I am the sole judge of the law, so if
8 you already have any idea as to what the law is or what the
9 law should be and it differs from what I now tell you the
10 law is, you have to abandon this idea because you are sworn
11 to accept the law and apply the law as I state it to you
12 now.

13 Again, the jury in this case is the sole and exclusive
14 judge of the facts. A trial judge cannot intimate, state,
15 comment on, or make any statement to a trial jury about the
16 facts in a case. Since you, the jury, are the sole judges
17 of the facts in this case, you are not to infer from what I
18 have said during the progress of this trial in ruling upon
19 the admissibility of evidence, or otherwise, or anything
20 that I say now during the course of this instruction that I
21 have any opinion about the facts in this case. Ladies and
22 gentlemen, the law does not permit me to have any opinion
23 about the facts in this case. This is a matter solely for
24 you, the jury, to determine. As jurors, it is your duty to
25 determine the effect, value, weight, and truth of the

1 evidence presented during this trial.

2 Now, typically there are two types of evidence which
3 are generally presented during a trial; direct evidence and
4 circumstantial evidence. Direct evidence directly proves the
5 existence of a fact and does not require deduction, such as
6 testimony by an eye witness. Circumstantial evidence is
7 proof of a chain of facts and circumstances indicating the
8 existence of a fact.

9 I instruct you that crimes may be proven by
10 circumstantial evidence and the law makes no distinction
11 between the weight or value to be given to either direct or
12 circumstantial evidence. However, to the extent the state
13 relies on circumstantial evidence, all of the circumstances
14 must be consistent with each other, and when taken together
15 point conclusively to the person's guilt beyond a reasonable
16 doubt. If these circumstances merely portray the defendant's
17 behavior as suspicious, then the proof has failed.

18 The state has the burden of proving the defendant's
19 guilt beyond a reasonable doubt and this burden rests with
20 the state regardless of whether the state relies upon direct
21 evidence, circumstantial evidence, or some combination of
22 the two.

23 Now, as I mentioned on Monday, necessarily you must
24 determine the credibility of witnesses who have testified in
25 this case. Credibility simply means believability. It

1 becomes your duty as jurors to analyze and to evaluate the
2 evidence and determine which evidence convinces you of its
3 truth.

4 In determining the believability of witnesses who have
5 testified, you may believe one witness over several
6 witnesses or several witnesses over one witness. You may
7 believe a part of the testimony of a witness and reject the
8 remaining part of the testimony of that same witness. You
9 may believe the testimony of a witness in its entirety or
10 reject the testimony of a witness in its entirety. You may
11 consider whether any witness has exhibited to you any
12 interest, bias, prejudice, or other motive in this case.
13 You may also consider the appearance and the way a witness
14 acts while on the witness stand.

15 Ladies and gentlemen, I instruct you that an individual
16 or a person who testifies who has a past criminal record is
17 competent to testify during a trial. A past record does not
18 affect the ability of that witness to testify. The past
19 record may only be considered by you, if at all, in
20 determining the witness' believability. Remember, you are
21 the sole judges of the facts in the case and of the
22 believability or credibility of any and all of the witnesses
23 who have testified.

24 Now, ladies and gentlemen, in this case the defendant
25 is charged with being an accessory after the fact to the

1 crime of murder. In order to prove this crime, the state
2 must prove beyond a reasonable doubt that the defendant knew
3 that another person, called the principal, committed a
4 felony and, after the crime, that the defendant
5 intentionally helped the principal to escape from arrest,
6 conviction, or punishment. Intentionally is defined as
7 willfully, intending the result which actually occurs, not
8 accidentally or involuntary. Intent may be shown by acts
9 and conduct of the defendant and other circumstances from
10 which you may naturally and reasonably infer intent.
11 Although the actions of the defendant may have helped the
12 principal to escape detection or arrest, this is not enough
13 to be an accessory after the fact. The state must also
14 prove that the defendant acted with the intention or with
15 the purpose of helping the principal escape detection or
16 arrest. So, if a person charged with being an accessory
17 after the fact and did not intend that her act should help
18 the principal escape detection or arrest, then the person is
19 not an accessory after the fact, even though her acts may
20 have resulted in helping the principal escape detection or
21 arrest.

22 There must be some affirmative act tending toward
23 concealment of the commission of the crime. I instruct you
24 that silence alone is not sufficient to make a person an
25 accessory after the fact to a felony.

1 Ladies and gentlemen, the underlying crime for which
2 the defendant is alleged to have been an accessory after the
3 fact is murder. Therefore, the state has to prove that
4 murder was committed by the principal, namely A.J. Bowers,
5 who the defendant is alleged to have aided. The state must
6 prove beyond a reasonable doubt that Mr. Bowers killed
7 another person with malice aforethought.

8 Malice is defined as hatred, ill will, or hostility
9 towards another person. It is the intentional doing of a
10 wrongful act without just cause or excuse and with an intent
11 to inflict an injury or under circumstances that the law
12 will infer an evil intent. Malice aforethought does not
13 require that malice exists for any particular time before
14 the act is committed, but malice must exist in the mind of
15 the defendant just before and at the time the act is
16 committed. Therefore, there must be a combination of the
17 previous evil intent and the act.

18 I instruct you that malice aforethought may be express
19 or inferred. These terms, "express" and "inferred" do not
20 mean different kinds of malice but merely the manner in
21 which malice may be shown to exist. That is either by
22 direct evidence or by inference from the facts and
23 circumstances which are proved. Express malice is shown
24 when a person speaks words which express hatred or ill will
25 for another or when the person prepared beforehand to do the

1 act which was later accomplished; for example, lying in wait
2 for someone or any other act of preparation going to show
3 that the deed was within the defendant's mind would be
4 express malice.

5 Malice may be inferred from conduct showing a total
6 disregard for human life. Inferred malice may also arise
7 when the deed is done with a deadly weapon. Under the laws
8 of South Carolina, a deadly weapon is any article,
9 instrument, or substance which is likely to cause death or
10 great bodily harm. Whether an instrument has been used as a
11 deadly weapon depends on the facts and circumstances of each
12 case. The following are examples of instruments which under
13 South Carolina law may be deadly weapons: a pistol, a
14 shotgun, a rifle, a dirk, a dagger, a knife, a sling shot,
15 metal knuckles, a razor, gasoline, a fire bomb or Molotov
16 cocktail, and lighter fluid. I instruct you under the laws
17 of this state a gun may be considered a deadly weapon even
18 if it is not operating. Ordinary objects may also become
19 deadly weapons when the facts show that they have been used
20 to inflict serious bodily harm or death.

21 If facts are proved beyond a reasonable doubt
22 sufficient to raise an inference of malice to your
23 satisfaction, this inference would be simply be an
24 evidentiary fact to be considered by you along with the
25 other evidence in the case, and you may give it the weight

1 you decide it should receive.

2 Ladies and gentlemen, in this case, the state has
3 alleged that multiple people, including A.J. Bowers, may
4 have been involved in the underlying murder. I instruct you
5 that if a crime is committed by two or more people who are
6 acting together in committing a crime, the act of one is the
7 act of all. A person who joins with another to commit an
8 unlawful act is criminally responsible for everything done
9 by the other person which happens as a probable or natural
10 consequence of the acts done in carrying out the common plan
11 and purpose. For example, two people can be guilty of
12 killing another person when only one of the two had a gun,
13 there was only one bullet, and only one of the two fired the
14 shot that caused the death. If two or more people are
15 together, acting together, assisting each other in
16 committing the offense, the act of one is the act of all or,
17 as it is sometimes said, "the hand of one is the hand of
18 all".

19 I instruct you that prior knowledge that a crime is
20 going to be committed, without more, is not sufficient to
21 make someone guilty of that crime. Mere knowledge that
22 another person is going to commit a crime, even if someone
23 is merely present when the crime is committed, is not
24 sufficient to convict that person as a principal. Guilt as
25 a principal is shown by actual or constructive presence at

1 the scene as a result of prior arrangement. Therefore, a
2 finding of a prior arranged plan or common scheme is
3 necessary for a finding of guilt as a principal. The state
4 must prove beyond a reasonable doubt by competent evidence
5 the theory of the hand of one is the hand of all.

6 A principal in a crime is defined as one who either
7 actually commits the crime or who is present aiding,
8 abetting, or assisting during the commission of that crime.
9 When a person does an act in the presence of, and with the
10 assistance of another, the act is done by both. Where two
11 or more, acting with a common plan or intent, are present at
12 the commission of a crime, it does not matter who actually
13 commits the crime. All are guilty. The hand of one is the
14 hand of all. I instruct you that present at the commission
15 of a crime means to be sufficiently near to aid and abet and
16 assist in the commission of that crime. However, mere
17 presence at the scene of a crime is not sufficient to
18 convict one as a principal on the theory of aiding and
19 abetting.

20 Intent is also a necessary element, for there must have
21 been a common design or intent to commit the crime and the
22 crime must have been committed pursuant thereto with the
23 person aiding and abetting by some overt act. Intent means
24 intending the result which actually occurs; not accidentally
25 or involuntary. Intent may be shown by acts and conduct of

1 the actors and other circumstances from which you may
2 naturally and reasonably infer intent. The state must prove
3 these elements beyond a reasonable doubt.

4 Ladies and gentlemen, I've worked up a verdict form
5 which basically outlines or can help you guide your
6 deliberations. I've asked that you return the verdict on
7 this particular verdict form. This is about as simple -- I
8 don't mean to imply that y'all can't read, but the law makes
9 me explain this to you. It's about as simple as I can make
10 it. The verdict form has this statement. It says, "We, the
11 jury in the above captioned case, on the charge of accessory
12 after the fact of a felony unanimously find Brenda L.
13 Roberts," and then there are one of two options for you,
14 either not guilty or guilty. Okay? If you find that the
15 state has failed to meet its burden of proof in proving Ms.
16 Robert's guilt beyond a reasonable doubt, Mr. Coleman, you
17 would initial next to not guilty, sign your name, and knock
18 on the door and let the Bailiff know. If, on the other
19 hand, you find that the state has met its burden of proving
20 Ms. Robert's guilt beyond a reasonable doubt you would
21 initial next to guilty, sign your name as foreperson, knock
22 on the door. Now, there's absolutely no significance in the
23 order to which I stated these possible verdicts. It's
24 simply that one has to be said before the other.

25 Now, as I mentioned a moment ago in passing, ladies and

1 gentlemen, in South Carolina your verdict has to be
2 unanimous. That means all twelve of you must agree on the
3 outcome, must agree on the verdict. Other states have
4 majority verdicts where a vote of 7 to 5 is sufficient to
5 convict or 11 to 1 is sufficient to convict. Other states
6 are doing it wrong. It has to be unanimous. All twelve of
7 you, again, must agree on the verdict in this case and of
8 course your verdict cannot be based upon passion, caprice,
9 prejudice, or any motive that is not in the record in this
10 case. Again, you have been selected as fair and impartial
11 individuals who have no interest whatsoever in the outcome
12 of this litigation. In other words, you have no friends to
13 reward, you have no enemies to punish. Your obligation is
14 to render a verdict based solely upon the evidence presented
15 and on the law as I have instructed you.

16 Again, Mr. Foreman, If at any point in time you have
17 any issue concerning the law or anything you need to bring
18 to my attention, please do so by way of writing a note.
19 Mister forman you will hand this note to the bailiff to give
20 to me. I don't anticipate that there will be many questions,
21 but if there is anything you need to ask me about the law,
22 et cetera, that's perfectly fine. One important caveat,
23 though, please at no time should you ever disclose to me any
24 kind of internal divisions as a result of deliberation. I
25 don't care if y'all are 6/6, 7/5, 11/1, so I don't need

1 those numbers and shouldn't be told those numbers during any
2 communication that I get from y'all.

3 Ladies and gentlemen, I'm going to ask that you return
4 to your jury room but do not begin deliberations yet. Your
5 cue to begin deliberations will be receipt of these
6 instructions, the verdict form, the evidence involved in
7 this case, and my asking the two alternates to step out.
8 That will be your cue to begin your deliberations. I want
9 to make sure that I've told you everything. I am confident
10 that I have told you everything, but if I've made some
11 mistake on the instructions I may need to bring you back out
12 and give you further clarification on that. So adjourn to
13 the back. Don't start your deliberations.

14 Usually we take lunch around 1:00. It takes 30 or 45
15 minutes to get the food here. It ain't fancy. It's going
16 to be pizza from Little Caesars. If any of y'all have any
17 dietary restrictions, you're on a low salt diet or something
18 like that, or you're lactose intolerant, let us know. We'll
19 try to accommodate that and get you a salad or something.
20 If you feel like your deliberations may take you into 1:00
21 you probably want to tell the Bailiff to go ahead and have
22 the Clerk order lunch around 12:15. With that adjourn to
23 the back all 14 jurors and you know your cue to begin
24 deliberations.

25 (Whereupon, the jury exited the courtroom at 10:55 a.m.)

1 THE COURT: The jury is out. Except for the
2 exceptions noted earlier, any exceptions from the State?

3 MR. MOWRY: No exceptions, no objections, Your Honor.

4 THE COURT: Subject to the exception on the hand of one;
5 anything else?

6 MR. WARDER: Your Honor, I do have an exception. I
7 respectfully object to Your Honor charging the jury about
8 less than unanimous verdicts in other states. I think it
9 has a tendency to dilute the requirements of a unanimous
10 verdict and appreciate if you would note my objection.

11 THE COURT: Your objection is noted. I appreciate that.
12 I've started doing that because I actually had a situation
13 up in Spartanburg where the jury didn't seem to know that
14 the definition of unanimous was and we had a juror from
15 Florida where they have majority verdicts who kept insisting
16 that it was okay to render a verdict based on a split jury
17 so long as there was a majority there, so I sort of started
18 pushing that a little bit harder. Your objection is noted.
19 I've never really thought about it in that context. I'm
20 comfortable that they get the gist.

21 If we can make sure that no evidence has walked out and
22 that everything that is going back to the jury, please. I
23 know that the video was not introduced, so don't sent that
24 back, please.

25 MR. MOWRY: Your Honor, we had gone through pretty well

1 at the start to determine what was in and what was not.

2 THE COURT: Let's double check and Mr. Warder, double
3 check it too just so we can be positive.

4 (Whereupon, the alternates were dismissed from service
5 and the trial jury began deliberations at 11:05 a.m.)

6 VERDICT

7 THE COURT: We will go back on the record. I am
8 informed that the jury has, in fact, reached a verdict.
9 Anything prior to the jury being received back into the
10 courtroom from the State?

11 MR. MOWRY: No, sir, Your Honor.

12 THE COURT: Anything from the Defense?

13 MR. WARDER: No, Your Honor.

14 THE COURT: Let's have the jury please. Let me just
15 caution everyone if I could. I realize this has been a very
16 difficult case for a lot of people to be involved in.
17 Understand that this jury has been hauled in here. They
18 didn't volunteer for this, so please, if you find yourself
19 unable to contain your emotions for whatever reason and you
20 are a spectator, just feel free to stand up and quietly
21 leave the courtroom. I just do not want any sort of
22 outburst, whatever the verdict is. I don't know what the
23 verdict is, but these people have been here for four days
24 and whatever the decision is it's their decision and it has
25 to be respected. Just put that in the back of your mind,

1 please.

2 (Whereupon, the jury entered the courtroom for the
3 verdict to be published at 12:05 p.m.)

4 THE COURT: The record should reflect that all jurors
5 are present. Mr. Foreman, I'm told that the jury has
6 reached a verdict. Is that correct?

7 JURY FOREMAN: Yes, sir.

8 THE COURT: If you would, hand the verdict form to the
9 Bailiff, please. Mr. Foreman, all twelve of you agree as to
10 this verdict?

11 JURY FOREMAN: Yes, sir.

12 THE COURT: Madam Clerk, if you will publish, please.

13 CLERK: Your Honor, in the case of the *State of South*
14 *Carolina v Brenda L. Roberts* case number 2015-GS-30-1477, we
15 the jury in the above captioned case on the charge of
16 accessory after the fact of a felony unanimously find Brenda
17 L. Roberts guilty. Signed by the Foreperson, Thomas H.
18 Coleman, April 27, 2017, Laurens, South Carolina. Ladies
19 and gentlemen, if that be your verdict, please indicate by
20 raising your right hands.

21 (Whereupon, all jury members raised right hands.)

22 THE COURT: Let the record reflect all twelve jurors
23 did, in fact, raise their right hand. Anything further from
24 the jury before they are discharged from the State?

25 MR. MOWRY: No, sir, Your Honor.

1 THE COURT: From the Defense?

2 MR. WARDER: No, Your Honor.

3 THE COURT: Ladies and gentlemen, I want to thank you
4 for your service here this week. Your service has concluded
5 with this trial. I want to thank you for your service, but
6 also for having to put you through this. I mentioned to the
7 two alternates that there's only three things that the
8 government can force us to do. If we go to war they can
9 draft you. Obviously, we have to show up and pay our taxes.
10 And they can make you serve on a jury. Depending upon the
11 nature of the case I don't know which of those three are
12 worse, but y'all have been exposed to things this week that
13 you otherwise wouldn't have been exposed to and I want to
14 thank you for your willingness to come in here and resolve
15 this case for us.

16 Just a few things. You are now free to speak to anyone
17 that you wish to about this particular case. Sometimes
18 lawyers will contact you after the fact to get feedback on
19 how they did, how their presentation went, what you thought
20 about their style. You can feel free to speak to them. If
21 you don't want to speak to them though just tell them
22 politely, "I've heard from you for four days. I just don't
23 want to hear from you anymore." They will refrain from any
24 further contact.

25 Secondly, your checks are ready. The Clerk of Court

1 will dispense those to you out there in just a few moments.
2 Please don't accept this as payment because the \$20.00 per
3 day is not sufficient to compensate you. More importantly,
4 you're serving as jurors because you are citizens of our
5 great country, so accept the \$80 as more of a thank you and
6 just cash it and blow it on something other than the utility
7 bills. You will also get a letter from me thanking you for
8 your service. The purpose of the letter is twofold. It is
9 a formal thank you, but more to the point and more to my
10 benefit if there's anything that you liked about jury
11 service tell me. If there's anything that you did not like
12 about it, definitely tell me. There will be multiple ways
13 for you to contact me; email, snailmail, and telephone. So
14 if there's anything you didn't like I want to hear about it
15 because I have changed the way court operates based on
16 feedback from folks like you. With that, if you choose to
17 stick around for sentencing I will handle a few brief post-
18 trial motions, take a break, and then move forward with
19 sentencing. If you choose to stay for sentencing that's
20 perfectly fine. I'll simply need for you to after you get
21 your check just go around to the back. There will be a row
22 and law enforcement will direct you to a specific row that
23 you can all sit on. You will be out there and that's just
24 because of security concerns in the courthouse. If you want
25 to stick around that's fine, but I'm not going to keep you

1 any longer except to thank you again for your service and
2 your work here. Mr. Foreman, I need you to stick around and
3 sign the indictment. The rest of you can feel free to go to
4 the back and Lynn Lancaster will give you your checks.

5 (Whereupon, the jury was released at 12:21 p.m.)

6 THE COURT: Solicitor, I will afford you a few moments
7 to get a sentencing sheet. If the decision hasn't been made
8 who wants to speak to me on behalf of the victim's family
9 and certainly whoever wants to speak to me on behalf of the
10 Defendant's family once we have addressed post-trial
11 motions.

12 MR. MOWRY: That is something I was addressing with the
13 family. I believe there will be one representative.

14 THE COURT: We will be at ease for five or ten minutes
15 and then we will proceed.

16 (Whereupon, there was a brief recess until 12:29 p.m.)

17 SENTENCE

18 THE COURT: We are back on the record in the State v Ms.
19 Roberts. At this point the Defense, I assume, does move for
20 a new trial?

21 MR. WARDER: Yes, sir. We move for a new trial based in
22 part upon the charge section.

23 THE COURT: Motion is noted. Motion is denied. The
24 Court concludes that there is sufficient evidence to support
25 the conviction and the verdict of the jury in this

1 particular case. Additionally, all motions made by the
2 Defense are renewed. Same rulings as before.

3 At this point in time, Solicitor, I am happy to hear
4 from any member of the family of Mr. Bolt.

5 MR. MOWRY: Your Honor, we have Libby Burroughs. She
6 has been our point of contact with the family throughout
7 this ordeal. I believe she would like to address the Court.

8 THE COURT: Certainly. If Ms. Burroughs wants to come
9 forward I'm happy to hear from her. Ms. Burroughs, I'm
10 happy to hear anything you would like to say. I am very
11 sorry that this happened to y'all's family and it sounds
12 like Mr. Bolt was quite a fine fellow. Happy to hear from
13 you.

14 MS. BURROUGHS: Your Honor, thank you. First of all, I
15 want to thank you for presiding over this court and for, in
16 my opinion, being fair to both sides and following the
17 instruction of the law. It has been fourteen years. This
18 is the first time we have had an opportunity to speak on
19 behalf of our dad. Fourteen years has almost gone by and
20 there's been many hours, and days, and months, and years now
21 that a lot of people have worked so hard to bring us to this
22 point today. I just wanted first of all to thank you. I
23 would like to thank the Laurens City Police Department and
24 the Laurens County Sheriff's Office. The Eighth Circuit
25 Solicitor's Office and Victim's Advocates offices.

1 I struggle now to keep my emotions at bay as we have
2 been instructed to do. When you push those feelings down
3 for so long it's hard to bring them back in just a moment
4 and speak everything that needs to be said, however, this
5 morning my prayer was that God's wisdom would be imparted
6 upon the jurors to make the fair and just decision. At this
7 time, I don't have any words for the other family. I just
8 wanted to express my thanks and my gratitude for all the
9 hard work, sleepless nights, and dedication. I feel like
10 truth has prevailed today.

11 THE COURT: Thank you, Ms. Burroughs. Anyone else want
12 to say anything? Very good. Solicitor, you indicated that
13 Ms. Roberts does not have a prior criminal history?

14 MR. MOWRY: She does have some Magistrate Court
15 offenses, but that is the extent of it. Nonetheless, Your
16 Honor, she has caused this family 14 years of agony. Her
17 actions that the jury has convicted her of perverted the
18 criminal justice system. Prevented law enforcement from
19 successfully apprehending, prosecuting, and bringing to
20 verdict any of the offenders. It's made it, not an
21 impossible situation for us now since we have taken over the
22 case in the last couple of years, but it's an
23 extraordinarily difficult one. We would ask that the Court
24 sentence her commensurate to the damage that she has done to
25 the criminal justice system.

1 THE COURT: Thank you very much, Mr. Mowry. Anything
2 further from the State? No? Mr. Warder, happy to hear from
3 you, certainly your client, and anyone who might want to
4 speak on her behalf.

5 MR. WARDER: Your Honor, you heard all about my client,
6 her background. I assert that this is probably the nicest
7 person you'll ever sentence for being convicted of this
8 crime. She's, in my opinion, done remarkable. Her life is
9 giving. She's given to nearly everybody around her. She's
10 done all the work to better people and do right. I couldn't
11 work at a nursing home. Couldn't work at Whitten Village.
12 She's done those things. She has very deep love. She's not
13 been a bad person in the sense of causing great trouble or
14 anything. Worked and was a good citizen. I ask you to be
15 lenient on her. Whatever sentence you give, Your Honor,
16 it's -- I guess it has some deterrent effect, but it's not
17 going to change her a whole lot. I hope she can retain the
18 qualities that she has.

19 THE COURT: Very good, sir. Ms. Roberts, anything that
20 you want to say, ma'am?

21 MS. ROBERTS: Yes, sir. I just want to say to the Bolt
22 family I am so sorry for their loss, but I hope that at some
23 point in y'all's life that y'all know that I didn't do these
24 things and if y'all think I did it's my duty with God to ask
25 y'all's forgiveness, 'cause I didn't do anything. I've lost

1 my mom and husband, so I can sympathize with what y'all went
2 through. But God knows that I didn't do anything and God
3- bless all of y'all.

4 MR. MOWRY: Your Honor, twelve members of the --

5 THE COURT: I understand.

6 MR. MOWRY: I will not go any further.

7 THE COURT: Very good. Anything further, Mr. Warder?

8 MR. WARDER: No, sir.

9 THE COURT: Did Ms. Bowers -- excuse me, Ms. Roberts
10 spend any time in jail prior to her making bond?

11 MS. ROBERTS: Eighteen months.

12 MR. MOWRY: I don't think so, Your Honor. That would've
13 been about February of this year, and I think she was out
14 well before that.

15 MS. ROBERTS: I went in on July --

16 THE COURT: The Clerk can check those records.

17 (Whereupon, there was a brief pause in the proceedings.)

18 THE COURT: All right. Ms. Roberts, I'm happy to echo
19 what Mr. Warder said a few moments ago. You may very well
20 be the nicest person that this court has ever had the
21 opportunity to sentence. As we know I have no window into
22 anyone's soul. I've said this before, but I do believe
23 firmly that no one should be judged -- at least according to
24 my faith -- no one will be judged by the worst thing they've
25 ever done. By the jury's verdict though, Ms. Roberts, you

1 certainly did commit a very serious offense and I understand
2 your protestations of innocence and I appreciate those, but
3 understand, Ms. Roberts, the Court is very satisfied with
4 the jury's verdict. If it was not, I would more than
5 happily grant you a new trial, but the Court is quite
6 satisfied with the outcome of this case. Certainly it's not
7 lost on this Court, Ms. Roberts, that back in 2003 you had
8 the opportunity to bring individuals to justice who
9 committed a horrible, horrible, horrible offense. What Ms.
10 Burroughs was probably struggling with trying to explain is
11 that murder is simply a different kind of crime, okay? It's
12 simply a different kind of crime. You don't take somebody's
13 life as much as you take all of their tomorrows. I hope
14 that you appreciate that Mr. Bolt certainly did not deserve
15 to die, and I do not hold it against you -- I don't hold you
16 responsible for his death, Ms. Roberts. But once something
17 as horrible as murder has taken place people have an
18 obligation, they have an opportunity, to try and convince
19 people to do the right thing. And even though family
20 members of yours were wrapped up in this, Ms. Roberts, by
21 doing what you did you delayed justice for fourteen very
22 long, very arduous, very painful years. The hardest thing
23 that a family can go through when a loved one has died is
24 that unanswered question of why. Why did this happen and
25 who's responsible for it, and that's fourteen years that

1 they've had in the back of their head wondering, asking
2 every day. I've taken into account everything, Ms. Roberts.
3 I've taken into account certainly your lack of a prior
4 record, but it's hard for the Court to ignore the very very
5 serious nature of what you did back in 2003. The sentence
6 of the Court, Ms. Roberts, is that you are committed to the
7 Department of Corrections for 14 years. You will receive
8 credit for the time you have served in jail from July 10,
9 2015 to August 3, 2016. You have 30 days to file notice of
10 intent to appeal, one year to file any action for post-
11 conviction relief.

12 If she needs a doctor, will someone call EMS. At this
13 point if the jury will be allowed to exit. The record is
14 closed.

15 (END OF REQUESTED TRANSCRIPT OF RECORD)

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LAURENS CITY POLICE DEPARTMENT
MIRANDA

OCA: _____

PLACE: CPDNAME: Arker Jason BowersDATE: 9-27 2003ADDRESS: [REDACTED] Wesley Rd
Murres Inlet SC 29576INTERVIEWER: W BerryTIME: 10:18 AM HOURSSSN: [REDACTED]HT: 5-7 WT: 130D.O.B.: [REDACTED]-86EYE: Brd HAIR: Brd

YOUR RIGHTS

- AJ 1. BEFORE ASKED ANY QUESTIONS, YOU MUST UNDERSTAND YOUR RIGHTS.
 AJ 2. YOU HAVE THE RIGHT TO REMAIN SILENT, AND NOT MAKE ANY STATEMENT.
 AJ 3. ANYTHING YOU SAY CAN AND WILL BE USED AGAINST YOU IN COURT.
 AJ 4. YOU HAVE THE RIGHT TO TALK TO A LAWYER FOR ADVICE BEFORE ASKED ANY QUESTIONS, AND TO HAVE HIM/ HER WITH YOU DURING QUESTIONING.
 AJ 5. IF YOU CAN NOT AFFORD A LAWYER, ONE WILL BE APPOINTED FOR YOU BY THE COURT, BEFORE ANY QUESTIONS, IF YOU WISH.
 AJ 6. IF YOU DECIDE TO ANSWER QUESTIONS NOW WITHOUT A LAWYER PRESENT, YOU SILL HAVE THE RIGHT TO STOP ANSWERING AT ANY TIME. YOU ALSO HAVE THE RIGHT TO STOP ANSWERING AT ANY TIME UNTIL YOU TALK TO A LAWYER.

1. DO YOU UNDERSTAND THESE RIGHTS AS I HAVE READ THEM TO YOU ?

YES: AJ

NO: _____

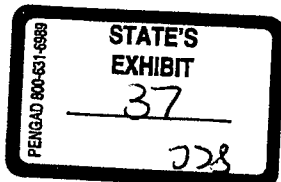
2. ARE YOU WILLING TO TALK TO ME NOW WITHOUT A LAWYER PRESENT ?

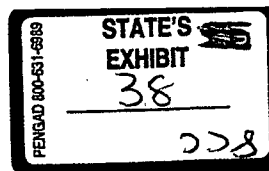
YES: AJ

NO: _____

WAIVER OF RIGHTS

I HAVE READ OR HAD READ TO ME THIS STATEMENT OF MY RIGHTS. I UNDERSTAND WHAT MY RIGHTS ARE. I AM WILLING TO MAKE A STATEMENT AND ANSWER ANY QUESTIONS. I DO NO WANT A LAWYER AT THIS TIME. I UNDERSTAND AND KNOW WHAT I AM DOING. NO PROMISES OR THREATS HAVE BEEN MADE AGAINST ME BY ANYONE.

WITNESS: W BerryDATE: 9-27 2003SIGNED: AJ Bowers



355

VOLUNTARY STATEMENT

CITY OF LAURENS

POLICE DEPT.

DATE 9-27-03 PLACE Laurens P.D. TIME STARTED 11:25 A.M.I the undersigned Arthur Jason Bowers, am 17 years of age, having been born on 86 at Columbia SCI now live at Wesley Rd Murdos Inlet SCI have been duly warned and advised by W.C. Bentley a person who has identified himself asDetective LPD, that I do not have to make any statement at all, nor answer any questions or do anything that might tend to go against me or incriminate me in any manner, and that any statement I make, can and will be used against me on the trial or trials for the offense or offenses concerning which the following statement is herein made. I was also warned and advised of my right to the advice and presence of a lawyer of my own choice before or at any time during my questioning or statement I make, and if I am not able to hire a lawyer I may request and have a lawyer appointed for me, by the proper authority, without cost or charge to me.

I do not want to talk to a lawyer, and I hereby knowingly and purposely waive my right to the advice and presence of a lawyer before and during any questioning or at any time before or while I voluntarily make the following statement to the aforesaid person, knowing that anything I say can and will be used against me in a court or courts of law.

I declare that the following voluntary statement is made to the aforesaid person of my own free will without promise of hope or reward, without fear or threat of physical harm, without coercion, favor or offer of favor, without leniency or offer of leniency, by any person or persons whomsoever.

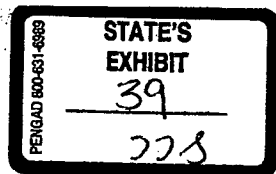
W.C. Bentley is writing this statement At my Request. Also want W.C. Bentley to write this because I hurt my right hand and am having trouble writing. I also wish to give the statement without a lawyer. I was in a car with Wanda, Wanda is a he/she, and another guy who I did not. They drove behind the JFW. I got out of the car and took a piss. Wanda and the guy left in the car. I buzzed the door and went inside. Ray-Ray and the old man were the only ones there. I did not sign the sign in sheet. I talked to Ray-Ray and asked him whats up. I saw the old man walk in the bathroom, and Ray-Ray followed him in. He had his hand in front of him as he walked into the bathroom. I heard a noise and I walked in the bathroom to see what it was and I saw the old man in the floor and blood ~~everywhere~~ everywhere. I ran out the front door. I didn't see where Ray-Ray went. I went to Randy's house when I left. I didn't get any money and haven't talked to Ray-Ray since it happened. I can't remember what time it was but it was starting to get dark outside. I had been taking pills all day and was messed up. AS End of statement

I have read each page of this statement consisting of 1 page(s), each page of which bears my signature, and corrections, if any, bear my initials, and I certify that the facts contained herein are true and correct. I further certify that I made no request for the advice or presence of a lawyer before or during any part of this statement, nor at any time before it was finished did I request that this statement be stopped, I also declare that I was not told or prompted what to say in this statement.This statement was completed at 11:48 A.M. on the 27 day of Sept, 20 03WITNESS: W.C. Bentley

WITNESS: _____

AS Bowers

Signature of person giving voluntary statement



**LAURENS CITY POLICE DEPARTMENT
MIRANDA**

OCA: 03-5184PLACE: LAURENS, P.D.NAME: ARTHUR JASON BOWERSDATE: SEPT. 29 2003ADDRESS: [REDACTED] WESLEY RD.INTERVIEWER: T. LynchMURKES INLET, S.C. 29576TIME: 7:45 A.M. HOURSSSN: [REDACTED] - [REDACTED]HT: 5'7" WT: 130D.O.B.: [REDACTED] - 86EYE: Bro HAIR: Bro.

YOUR RIGHTS

1. BEFORE ASKED ANY QUESTIONS, YOU MUST UNDERSTAND YOUR RIGHTS.
2. YOU HAVE THE RIGHT TO REMAIN SILENT, AND NOT MAKE ANY STATEMENT.
3. ANYTHING YOU SAY CAN AND WILL BE USED AGAINST YOU IN COURT.
4. YOU HAVE THE RIGHT TO TALK TO A LAWYER FOR ADVICE BEFORE ASKED ANY QUESTIONS, AND TO HAVE HIM/ HER WITH YOU DURING QUESTIONING.
5. IF YOU CAN NOT AFFORD A LAWYER, ONE WILL BE APPOINTED FOR YOU BY THE COURT, BEFORE ANY QUESTIONS, IF YOU WISH.
6. IF YOU DECIDE TO ANSWER QUESTIONS NOW WITHOUT A LAWYER PRESENT, YOU WILL HAVE THE RIGHT TO STOP ANSWERING AT ANY TIME. YOU ALSO HAVE THE RIGHT TO STOP ANSWERING AT ANY TIME UNTIL YOU TALK TO A LAWYER.

1. DO YOU UNDERSTAND THESE RIGHTS AS I HAVE READ THEM TO YOU ?

YES: ✓ NO:

2. ARE YOU WILLING TO TALK TO ME NOW WITHOUT A LAWYER PRESENT ?

YES: ✓ NO:

WAIVER OF RIGHTS

I HAVE READ OR HAD READ TO ME THIS STATEMENT OF MY RIGHTS. I UNDERSTAND WHAT MY RIGHTS ARE. I AM WILLING TO MAKE A STATEMENT AND ANSWER ANY QUESTIONS. I DO NOT WANT A LAWYER AT THIS TIME. I UNDERSTAND AND KNOW WHAT I AM DOING. NO PROMISES OR THREATS HAVE BEEN MADE AGAINST ME BY ANYONE.

WITNESS: T. LynchDATE: SEPT. 29 2003SIGNED: AJ Bowers

VOLUNTARY STATEMENT

STATE OF SOUTH CAROLINA

COUNTY OF LAURENS

PERSONALLY appeared before me ARTHUR JASON BOWERS who states:

"My name is ARTHUR JASON BOWERS. My address is 5411 WESLEY RD. MURRELLS INLET, S.C.

Date of Birth 1-86 Social Security Number: [REDACTED] Phone Number [REDACTED] - 3969

I completed the 10th grade in school, and I can cannot read and write."

Before answering any questions or making any statements TONY A. LYNCH

a person who identified himself as LAURENS CITY POLICE OFFICER
duly warned and advised me, and I know and understand that I have the following rights: That I have the right to remain silent and I do not have to answer any questions or make any statements at all; that any statement I make can and will be used against me in a court or courts of law for the offense or offenses concerning which the following statement is hereinafter made; that I have the right to consult with a lawyer of my own choice before or at anytime during any questioning or statements I make; that if I cannot afford to hire a lawyer, I may request and have a lawyer appointed for me by the proper authority before or at anytime during any questioning or statements that I make, without cost or expense to me; that I can stop answering any questions or making any statements at any time that I choose, and call for the presence of a lawyer to advise me before continuing any more questioning or making any more statements, whether or not I have already answered some questions or made some statements. AS

I do not want to talk to a lawyer, and I hereby knowingly and purposely waive my right to remain silent, and my right to have a lawyer present while I make the following statement to the aforesaid person, knowing that I have the right and privilege to terminate any interview at any time hereafter and have a lawyer present with me before answering any more questions or making any more statements, if I choose to do so.

I declare that the following voluntary statement is made of my own free will without promise or hope of reward, without fear or threat of physical harm, without coercion, favor, without leniency or offer of leniency, by any person or persons whomsoever. AS

AS ON SUNDAY NIGHT I CAME TO LAURENS WITH THE FAIR, WE CAME TO LAURENS FROM LENOX, N.C. WHERE WE HAD BEEN SET UP WORKING. I THINK THAT IT WAS AROUND 5:01 P.M. WHEN WE PULLED INTO THE FAIRGROUND PARK BECAUSE THE FIRST THING I DID WAS WENT TO THE BATH ROOM. I RODE TO LAURENS WITH LARRY IN A RED OLD MODEL PONTIAC CAR, LARRY WORKS WITH THE FAIR TO. A SHORT TIME LATER I WALKED TO THE EXXON STORE AND BOUGHT A PACK OF CIGS. AND A MOUNTAIN DEW, I WALKED OVER TO THE FAMILY DOLLARS AND BOUGHT SOME THINGS LIKE SHAMPOO, TOWELS ETC. I WALKED BACK TO THE FAIR AND AFTER AWHILE I WAS WITH FROST THIS TIME AND HE WALKED BACK TO THE EXXON STORE AND BACK TO THE FAMILY DOLLAR AND FROST BOUGHT SOME THINGS. WHEN HE LEF THERE HE WENT BACK TO THE FAIR AND AFTER HE GOT DRESSED HE ALL WENT TO THE V.F.W. THERE WAS ME, FROSTY, BOO, RAY-RAY, DABBY, BONES AND LARRY. WHILE WE WERE THERE A GUY CAME INSIDE AND BOUGHT A

I have read each page of this statement consisting of _____ page(s), each page of which bears my signature, and corrections, if any, bear my initials, and I certify that the facts contained herein are true and correct. I further certify that I made no request for the advice or presence of a lawyer before or during any part of this statement, nor at any time before it was finished did I request that this statement be stopped. I also declare that I was not told or prompted what to say in this statement.

This statement was completed at 9:45 A.M. on the 29 day of SEPT. 2003

ARTHUR JASON BOWERS
Signature of person giving voluntary statement

SWORN TO AND SUBSCRIBED TO BEFORE
ME THIS 29TH DAY OF AUG. 2003

Danny Scott Nelson
NOTARY PUBLIC FOR SOUTH CAROLINA

My Commission Expires: JAN 20 2006

WITNESS: WL B...

WITNESS: TJ...

I certify that I have been given a copy of this statement consisting of 4 pages.

SUPPLEMENTARY REPORT

CASE NUMBER

NCIC

INO. ENTO.

☐ ORIGINAL
REPORT
☐ MODIFIES
ORIGINAL☐ SUPPLEMENTAL
REPORT
☐ CASE STATUS
CHANGE☐ ADDITIONAL
VICTIMS
☐ ADDITIONAL
OFFENDERS☐ ADDITIONAL
STOLEN PROPERTY
☐ ADDITIONAL
RECOVERED PROPERTY

PAGE 1 of 1 PAGES

NARRATIVE

A SIX PACK, THIS GUY MAY HAVE BEEN BUCK A GUY THAT I MET LATER AT THE FAIR. WE STAYED THERE THAT SUNDAY NIGHT UNTIL 10:00 p.m. AND WE ALL LEFT AFTER WE HAD BOUGHT SOME CROWN ROYAL. WHEN WE LEFT WE WENT TO WAL-MART AND BOUGHT SOME DRINKS AND FIRST ~~HE~~ BOUGHT A DVD PLAYER AND I BOUGHT ANOTHER PACK OF CIGS. WE THEN WENT BACK TO THE FAIR GROUNDS AND DRANK THE CROWN ROYAL, PLAYED CARDS LISTEN TO MUSIC AND HAD FUN PLAYING DICE. THEY STAYED UP THAT NIGHT BUT I GOT SICK AND WENT TO MY BUNK AND WENT TO BED. I GOT UP AROUND 12:00 p.m. THAT MONDAY AND SET UP THE FAIR WITH EVERYONE. I THINK THAT IT WAS AROUND WED. AFTER NOON THAT I MET STAN? WHO STARTED WORKING FOR BINES AND I MET BUCK? LATER ON WED. NIGHT. BUCK HAD BEEN WORKING FOR TERRY BUT HE GOT FIRED FOR COMING TO WORK DRUNK. BUCK KEPT HANGING AROUND WED. NIGHT AND LEFT AROUND 9:00 p.m., I ALSO MET RANDY? WHO IS ANGELA'S SON. WE CLOSED AROUND 10:00 p.m. WED. NIGHT AND BUCK AND RANDY'S GRAND FATHER CAME TO PICK UP AMANDA ANGELA'S DAUGHTER, THEY WERE IN A MINI-VAN. WHEN THEY LEFT AMANDA AND COURTNEY WAS WITH THEM AND I WALKED WITH RANDY TO HIS HOUSE. RANDY AND I STOPPED BY CHELSY'S HOUSE AT SOME APARTMENTS, CHELSY CAME OUTSIDE AND WE WALKED OVER TO THE PLAY GROUND AT THE APARTMENT. RANDY TOLD ME TO WALK AWAY AND WHEN I GOT BACK THEY WERE FINISHING WHAT THEY WERE DOING. RANDY AND I STARTED WALKING AND WHEN WE GOT TO THE CHURCH AND THE DAD STATION SOME MEXICANS PULLED UP AND WANTED TO BUY SOME MARIJUANA AND THEY PULLED OUT A GUN ON US AND WE BOTH RAN. WE WENT ON OVER TO RANDY'S HOUSE AND SLEPT THERE UNTIL AROUND 12:00 p.m. THAT THURSDAY. WE HUNG OUT WITH AMANDA, COURTNEY, BUCK, ANGELA AND HER MOTHER AND FATHER UNTIL AROUND 4:00 p.m. THEN ME, AMANDA, COURTNEY, RANDY, ANGELA, THE BLONDE HAIR DIVL WITH HER 8 YEAR OLD SON WITH ANGIE'S DAD WHO WAS DRIVING THE WHITE MINI VAN WENT TO THE

SUBJECT IDENTIFIED
☐ YES ☐ NOSUBJECT LOCATED
☐ YES ☐ NO☐ ACTIVE ☐ ADM. CLOSED
☐ UNFOUNDED☐ ARRESTED UNDER 18
☐ ARRESTED 18 AND OVER☐ EX-CLEAR UNDER 18
☐ EX-CLEAR 18 AND OVERREASON FOR EXCEPTIONAL CLEARANCE: 1. ☐ OFFENDER DEATH. 2. ☐ NO PROSECUTION. 3. ☐ EXTRADITION DENIED. 4. ☐ VICTIM DECLINES COOPERATION. 5. ☐ JUVENILE - NO CUSTODY

REPORTING OFFICER(S)

DATE

UNIT
NUMBER

APPROVING OFFICER

DATE

UNIT
NUMBERFOLLOW-UP
INVESTIGATION ☐ YES ☐ NO OFFICER

☐ ORIGINAL REPORT ☐ SUPPLEMENTAL REPORT ☐ ADDITIONAL VICTIMS ☐ ADDITIONAL STOLEN PROPERTY ☐ ADDITIONAL RECOVERED PROPERTY
☐ MODIFIED ORIGINAL ☐ CASE STATUS CHANGE ☐ ADDITIONAL OFFENDERS

PAGE 1 OF 1 PAGES.

NARRATIVE

FAIR, THIS WAS AROUND 5:00 P.M. I WENT TO WORK AROUND 6:00 P.M. THAT DAY AFTER THEY LEFT. THAT THUS. NIGHT AFTER I GOT OFF WORK AMANDA, COURTNEY, RANDY AND ME WENT OVER TO RANDY'S HOUSE WITH A BOY NAMED JAMES OR JOHN WHO WORKS WITH THE FAIR IN HIS BROWN FORD F-150 TRUCK. I STAYED WITH THEM THAT NIGHT AND WHEN I GOT UP AROUND 11:00 P.M. FRIDAY MORNING I DECIDED THAT I WAS NOT GOING TO WORK BECAUSE THEY DIDN'T PAY ME ENOUGH. WE ALL HUNG OUT TOGETHER AT THE HOUSE THAT AFTERNOON AND I RODE A DIRT BIKE AND FELL OFF AND HURT MY LEFT ARM. I THINK THAT IT WAS AROUND 5:00 P.M. FRIDAY AFTERNOON WHEN BUCK, THE DUDE IN THE GREEN CAR AND ~~THE~~ LEFT RANDY'S HOUSE. WHEN WE WERE GETTING IN THE DUDE'S CAR TO GO TO THE STORE BUCK SAID NO LET'S GO TO THE V.F.W. WHEN HE PULLED UP TO THE V.F.W. ME AND BUCK GOT OUT OF THE CAR BUCK WENT IN FIRST AND I WENT IN BEHIND HIM. WHEN WE GOT TO THE SECOND DOOR THE RED DOOR IT WAS SHUT AND BUCK BUZZED THE DOOR AND THE OLD MAN LET US INSIDE. WHEN WE GOT INSIDE BUCK WALKED TO THE RIGHT AND SET DOWN NEAR THE PHONE, THE PHONE IS AT THE END OF THE BAR ITS A REGULAR PHONE THAT SETS ON THE BAR BUT YOU HAVE TO PUT A QUARTER IN TO USE IT. WHEN I CAME IN I WALKED TO THE RIGHT JUST BEHIND THE RED DOOR AND I ASKED THE OLD MAN FOR A SIX PACK OF BAD LIGHT AND THE OLD MAN ASKED FOR MY I.D. I TOLD HIM THAT I DIDN'T HAVE ONE. WHEN WE FIRST GOT THERE I SAW TWO TO THREE MORE PEOPLE IN THERE. THERE WAS NO ONE SETTING AT THE BAR BUT BUCK. I THINK THAT THERE WAS SOME TABLES SET UP AND SOME THAT WAS NOT. THE OLD MAN WOULD NOT SELL ME THE BEER SO I WALKED OUTSIDE AND LEFT, BUCK STAYED INSIDE. BUCK WAS STILL SETTING NEAR THE PHONE WHEN I WALKED OUT OF THE V.F.W. AND LEFT IN THE GREEN CAR WITH THE DUDE. AS

ADMINISTRATIVE	SUBJECT IDENTIFIED ☐ YES ☐ NO		SUBJECT LOCATED ☐ YES ☐ NO		☐ ACTIVE ☐ ADM. CLOSED ☐ UNFOUNDED		☐ ARRESTED UNDER 18 ☐ ARRESTED 18 AND OVER		☐ EX-CLEAR UNDER 18 ☐ EX-CLEAR 18 AND OVER	
	REASON FOR EXCEPTIONAL CLEARANCE: 1. ☐ OFFENDER DEATH. 2. ☐ NO PROSECUTION. 3. ☐ EXTRADITION DENIED. 4. ☐ VICTIM DECLINES COOPERATION. 5. ☐ JUVENILE - NO CUSTODY									
	REPORTING OFFICER(S)		DATE		UNIT NUMBER		APPROVING OFFICER		DATE	
							FOLLOW-UP INVESTIGATION ☐ YES ☐ NO		OFFICER	

SUPPLEMENTARY REPORT

CASE NUMBER

NCIC

INO. ENTO.

☐ ORIGINAL REPORT	☐ SUPPLEMENTAL REPORT	☐ ADDITIONAL VICTIMS	☐ ADDITIONAL STOLEN PROPERTY
☐ MODIFIED ORIGINAL	☐ CASE STATUS CHANGE	☐ ADDITIONAL OFFENDERS	☐ ADDITIONAL RECOVERED PROPERTY

PAGE _____ of _____ PAGES.

AS When The Dude And I Left The V.F.W. [REDACTED] [REDACTED] [REDACTED] I think that it was around 6:00 p.m. I went with Angie, Her Father, Wanda-Wayne, The Baby and we went to pick up Angie's Boyfriend John, it took us around one hour to go get him because it was around 8:30 p.m. to 9:00 p.m. when we got back to the house. I walked down to Wanda-Wayne's house Angie, John, and there was Wanda-Wayne and started drinking. I didn't see Buck until 10:00 p.m. when he got a beer then he left. When we went to the V.F.W. that afternoon Buck was wearing blue jeans and a white shirt with some kind of a design on it. When Buck came to Wanda-Wayne's house he had shorts and kind of T-shirt on. I didn't see Buck until around 12:30 a.m. when he came back to Angie's house and showed me a piece of crack that he had in his mouth it looked like about a \$150.00 dollar worth of crack. I asked Buck where he got that from and Buck told me he had made some money and bought the crack. Buck told me at that time that he had wacked the old man and took his money. Buck told me that he had left the old man in the bathroom. The Buck left with Randy and The Dude driving the green car, I didn't see Buck until that sat. morning when the police was at Randy's house. AJ

NARRATIVE

ATTACHED JASON BOWERS 9/29/03

ADMINISTRATIVE	SUBJECT IDENTIFIED ☐ YES ☐ NO		SUBJECT LOCATED ☐ YES ☐ NO		☐ ACTIVE ☐ ADM. CLOSED ☐ UNFOUNDED		☐ ARRESTED UNDER 18 ☐ ARRESTED 18 AND OVER		☐ EX-CLEAR UNDER 18 ☐ EX-CLEAR 18 AND OVER	
	REASON FOR EXCEPTIONAL CLEARANCE: 1. ☐ OFFENDER DEATH. 2. ☐ NO PROSECUTION. 3. ☐ EXTRADITION DENIED. 4. ☐ VICTIM DECLINES COOPERATION. 5. ☐ JUVENILE - NO CUSTODY									
	REPORTING OFFICER(S)		DATE		UNIT NUMBER		APPROVING OFFICER		DATE	
					FOLLOW-UP INVESTIGATION ☐ YES ☐ NO		OFFICER			

LAURENS CITY POLICE DEPARTMENT
MIRANDA

OCA: _____

PLACE: LAURENS P.D.NAME: ARTHUR JASON BOWERSDATE: 10-9 2013ADDRESS: # [REDACTED] WESLEY RD.INTERVIEWER: T. LynchMURRELLS INLET, S.C. 29576TIME: 5:50 HOURSSSN: [REDACTED]HT: 5'2" WT: 130D.O.B.: [REDACTED]EYE: Blue HAIR: Brown

YOUR RIGHTS

1. BEFORE ASKED ANY QUESTIONS, YOU MUST UNDERSTAND YOUR RIGHTS.
2. YOU HAVE THE RIGHT TO REMAIN SILENT, AND NOT MAKE ANY STATEMENT.
3. ANYTHING YOU SAY CAN AND WILL BE USED AGAINST YOU IN COURT.
4. YOU HAVE THE RIGHT TO TALK TO A LAWYER FOR ADVICE BEFORE ASKED ANY QUESTIONS, AND TO HAVE HIM/ HER WITH YOU DURING QUESTIONING.
5. IF YOU CAN NOT AFFORD A LAWYER, ONE WILL BE APPOINTED FOR YOU BY THE COURT, BEFORE ANY QUESTIONS, IF YOU WISH.
6. IF YOU DECIDE TO ANSWER QUESTIONS NOW WITHOUT A LAWYER PRESENT, YOU WILL HAVE THE RIGHT TO STOP ANSWERING AT ANY TIME. YOU ALSO HAVE THE RIGHT TO STOP ANSWERING AT ANY TIME UNTIL YOU TALK TO A LAWYER.

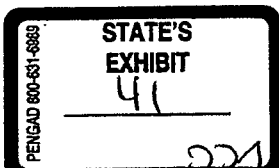
1. DO YOU UNDERSTAND THESE RIGHTS AS I HAVE READ THEM TO YOU ?

YES: AS NO: _____

2. ARE YOU WILLING TO TALK TO ME NOW WITHOUT A LAWYER PRESENT ?

YES: AS NO: _____WAIVER OF RIGHTS

I HAVE READ OR HAD READ TO ME THIS STATEMENT OF MY RIGHTS. I UNDERSTAND WHAT MY RIGHTS ARE. I AM WILLING TO MAKE A STATEMENT AND ANSWER ANY QUESTIONS. I DO NOT WANT A LAWYER AT THIS TIME. I UNDERSTAND AND KNOW WHAT I AM DOING. NO PROMISES OR THREATS HAVE BEEN MADE AGAINST ME BY ANYONE.

WITNESS: T. LynchDATE: 10-9 2013SIGNED: AJ BOWERS

PC63AD 800-631-6889

STATE'S
EXHIBIT

42

021

ARTHUR JASON BOWERS

#5084 WESLEY Rd.

MURRELL INLET, S.C. 29576

1-16-86

595-82-9528

THAT Friday Night WE WERE ALL TALKING IT WAS AROUND 4:00 p.m. THAT DAY OR 4:30 p.m. I WAS TALKING TO LITTLE Robin, WAYNE Eubanks, Buck Miller, Robin AND WAYNE WAS TALKING ABOUT MAKING SOME MONEY THAT NIGHT AND THEY WANTED TO MAKE SOME MONEY AND ROB SOMEBODY. THEY CALLED ME OVER THERE TO WHERE THEY WERE STANDING NEAR THE OLD TRAILER. Robin AND WAYNE ASKED ME IF I WANTED TO MAKE SOME MONEY AND AT FIRST I SAID NO AND THEN THEY SAID THAT THEY WOULD SPLIT THE MONEY WITH ME. I ASKED THEM WHERE WE WERE GOING TO MAKE SOME MONEY AND WAYNE SAID THAT WE WERE GOING TO THE V.F.W. WHEN WE LEFT THERE WE WERE IN AN OLD BROWNISH GRAY COOLING CAR AND RANDY KNOWS WHAT CAR IT WAS. WE PULLED UP TO THE V.F.W. AND I WENT TO TAKE A LEAKE AND I RAN TO GO UP FRONT AND THEY WERE ALL READY INSIDE. THERE WAS WAYNE, LITTLE Robin, AND ME. ME AND WAYNE WAS STANDING BY THE BAR AND I SAID WHAT DO YOU WANT ME TO DO AND SAID JUST STAND BY THE DOOR. THEY PULLED THE MAN IN THE BATH ROOM AND

AND 3 TO 4 mins LATER AND THEY SAID RUN
 AND WE ALL THREE RAN TO THE CAR. I SAT
 IN THE CAR AND EITHER WAYNE OR LITTIE
 ROBIN WENT BACK INSIDE AND AFTER 3 TO 4 mins.
 WE LEFT. HE GOT INTO THE CAR AND WE LEFT

~~_____~~

~~_____~~

Signed AS BOWERS 10-9-03
 WIT. T. Dym 6:15 PM

^{AS} RANDY WAS WITH US BUT HE STAYED IN
 THE CAR AND NEVER GOT OUT. AS

AS BOWERS

WITNESSES

Ben Blackmon
Laurens County Sheriff

WARRANT NUMBER

2015A3010101029

True bill

Marietta Thompson
Foreman of the Grand Jury

Date: *10-2-15*

VERDICT

Guilty.

Thomas W. Coleman
Foreman *April 27, 2014*

THE STATE OF SOUTH CAROLINA

COUNTY OF LAURENS

COURT OF GENERAL SESSIONS

October Term, 2015
Indictment # 15GS30- *1477*

THE STATE

vs.

Brenda L. Roberts

INDICTMENT FOR

Accessory After the Fact of a Felony
§16-01-0055
CDR: 2413

THE STATE OF SOUTH CAROLINA**COUNTY OF LAURENS****INDICTMENT FOR****Accessory After the Fact of a Felony
§16-01-0055**

At a Court of General Sessions, convened on the 2nd day of October, 2015, the Grand Jurors of Laurens County present upon their oath:

That Brenda L. Roberts did, on or about September 26, 2003, in Laurens County, did feloniously, willfully and unlawfully harbor and/or assist Arthur Jason Bowers, et al., with knowledge that the said Arthur Jason Bowers had completed the acts of Murder and Armed Robbery, in violation of the Laws of South Carolina and Section 16-1-55 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.

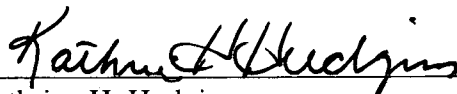


Deputy Solicitor

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,



Kathrine H. Hudgins
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT

This 30th day of October, 2018.

RECEIVED

OCT 30 2018

SC Court of Appeals