

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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SC Court of Appeals

Appeal from Horry County

Honorable D. Craig Brown, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

JORDAN MARIE HODGE,

APPELLANT

APPELLATE CASE NO 2019-001745

RECORD ON APPEAL

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THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:

STATE' EXHIBIT NO. 1 (STATEMENT OF CARLISLE- CD), STATE'S EXHIBIT NO. 5 (TEXT MESSAGES), STATE'S EXHIBIT NOS. 15-66 (PHOTOGRAPHS), STATE'S EXHIBIT NOS. 82-101 (PHOTOGRAPHS), STATE'S EXHIBIT NO. 104 (PHOTOGRAPH), STATE'S EXHIBIT NOS. 127-128 (PHOTOGRAPHS) AND STATE'S EXHIBIT NO. 136 (CD- DINGLE PRESENTATION)

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1 MR. DEBUSK: -- marked for ID.

2 THE COURT: -- showed the metal -- we marked those for
3 identification purposes only, and, and one of the photographs,
4 I don't which number it was, it was a photograph of the arm
5 that had the metal rod in it. All right. Those, those were
6 removed but 58, 59, 61, 62, 63, 64, 66 and 128 were admitted
7 over objections of Defense counsel. Mr. Wilson, I will give
8 you an opportunity to put anything on the record with regards
9 to those if you so desire.

10 MR. WILSON: Yes, Your Honor.

11 THE COURT: Like I told I would at sidebar.

12 MR. WILSON: Yes. Your Honor, we just believe, we
13 believe that those photographs were unduly prejudicial,
14 especially in light of the fact that they were in color, some
15 of them, and that there was no, there was another way to, to,
16 to use that same evidence without creating the amount of
17 prejudice that would have accrued to the Defendant had those
18 particular pictures been admitted.

19 THE COURT: All right. Mr. Spratlin?

20 MR. SPRATLIN: Your Honor, I would just join in Mr.
21 Wilson's objection.

22 THE COURT: Well, first, let me say, these photographs
23 are actually black and white, these -- you mentioned they were
24 color.

25 MR. WILSON: They were --

1 THE COURT: They're, they're black and white.

2 MR. WILSON: There was some color ones that we had.

3 THE COURT: Well, the ones --

4 MR. DEBUSK: There were, Your Honor. The State withdrew
5 the color ones. The only color photo we had was the, the
6 bullet that was on anatomical.

7 THE COURT: Right.

8 MR. WILSON: And, and, and that's fine, and Your Honor,
9 the -- my objection would still remain the same. For
10 instance, one of them, if I remember correctly, was a skull
11 that we were concerned about and another one was the, the -- I
12 think it was the spine of the -- one of the victims in this
13 case, and I just thought --

14 THE COURT: That was -- I think you were talking about
15 the arm that showed the metal rod.

16 MR. WILSON: Yes. The long --

17 THE COURT: That was not allowed in.

18 MR. WILSON: Okay. That was not a spine. It was an arm.

19 THE COURT: What number was that, Madam Court Reporter?
20 If you'll hand those to me, please. Photograph 57 which
21 showed the metal rod --

22 MR. WILSON: Yes, sir.

23 THE COURT: -- was not allowed in.

24 MR. WILSON: That's correct.

25 THE COURT: That was actually removed at sidebar along

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1 with 60 and 65, which were facial, frontal photos of the
2 individuals skulls. Those three were removed. Okay?

3 MR. WILSON: That's correct. His Honor removed, I think,
4 three of them and then there was just one left that we had an
5 objection to if I'm -- my memory serves me correct.

6 MR. SPRATLIN: I believe there was one with the rod.

7 MR. WILSON: Okay. And I think that's correct.

8 THE COURT: All right. Well, regardless, let me point
9 out the fact, and I've kind of hit on it earlier in the
10 photographs where the bodies were found and the photographs
11 that were taken and were admitted into evidence at that point
12 in time, pursuant to State v. Collins, the Court believes that
13 each of these photographs that were admitted, 58, 59, 61, 62,
14 63, 66 and 128 were the, were the least, so to speak,
15 prejudicial photographs that could be admitted into evidence.
16 I understand that these photographs do show skeletal remains.
17 Again, that was, that was the condition that the body, the
18 bodies were found in. 58, as testified to -- by Dr. Schandl,
19 showed an entry wound of the bullet on the left side of the
20 skull. 59 showed the right side of the skull with the exit
21 wound, along with the measurement of such on the exit side.
22 61 is a photograph of the top of the skull with the metal rod
23 through, through the skull showing the trajectory of that
24 bullet. 62 was simply photographs with -- and each of these
25 photographs have identifying information on them as testified

1 by Dr. Schandl identifying them as Mr. Clemons or Ms.
2 McAllister's remains, but 62 was an upper and lower jaw of Mr.
3 Clemons reflecting that he did not have any teeth, which was
4 corroborated by earlier testimony. 63 was an entry wound on
5 the left side of a skull, again with a measurement and
6 identifying number as testified by Dr. Schandl. 64 is the
7 opposite side of the skull indicating the exit wound with a
8 measurement of such exit. 66 was, again, a picture of the top
9 of the skull with the measurement, with a measurement, with an
10 identifying marker identifying the respective victim along
11 with a metal rod showing trajectory of bullet and 128, which
12 is admitted, was simply a -- an x-ray, an x-ray taken of Ms.
13 McAllister's frontal skull which showing the location of a
14 bullet that was located in her hair as testified to by Dr.
15 Schandl, and as previously said, even the most gruesome
16 photographs are admissible as stated previously if they tend
17 to shed light on any issue or to corroborate testimony. In
18 retrospect, the Court could have let, I believe, State's
19 Exhibit 57 which showed the metal rod, where it kept that out.
20 Furthermore, these photographs shed light on and give
21 character to other evidence in the case. There's no
22 testimony, I mean, these photographs showed unaltered
23 conditions of the victims as they were viewed in, in autopsy
24 conducted by Dr. Schandl. They show the nature and extent of
25 each of the victim's injuries and provide evidence as to what

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1 happened on the date that these individuals lost their lives,
2 and therefore, pursuant to such I do not believe that the
3 prejudicial effect outweighs any probative value in this case,
4 but each of you gentlemen's objective -- objections, excuse
5 me, are so noted for the record.

6 MR. WILSON: Thank you, Your Honor.

7 MR. SPRATLIN: Thank you, Your Honor.

8 THE COURT: The other issue was video, which was number,
9 I think, 120.

10 MR. SPRATLIN: I believe it was the July 10th one.

11 THE COURT: It was Exhibit Number 120?

12 MR. SPRATLIN: 120, Your Honor, yes, sir.

13 THE COURT: It was brought to the Court's attention after
14 video 105, 107, 110, 113, 118, 120 and 125 was played, it was
15 brought to the Court's attention at sidebar the video marked
16 as State's Exhibit Number 120 was a portion in that video of
17 Mr. Carlisle wearing an ankle monitor. I've never seen the
18 video. From my understanding the attorneys viewed these
19 videos before court, had, had seen the videos prior to us
20 coming in here today, and evidently was missed by one or more
21 of the attorneys involved in this case?

22 MR. SPRATLIN: Your Honor, if I may, I, I did review all
23 the videos prior to coming into court. In fact, I traveled to
24 the solicitor's office and viewed them this previous weekend,
25 watched all of them, requested that any mention of the ankle

1 monitor be redacted. It was redacted in three of the videos,
2 one of which was not played for the jury because it was just
3 not able to be redacted in a manner that was acceptable. It
4 was redacted in the July 5th interview -- in videos by means of
5 a block being placed over the area in which the ankle monitor
6 would have been visible. I will say, Your Honor, this is
7 obviously a complete accident on my part, Mr. Oskin's part,
8 Mr. DeBusk's part, anybody's part because this was the least
9 obtrusive of all the videos. This one actually showed the
10 ankle monitor the very least of any of them.

11 THE COURT: Well, and again, I hadn't seen the video. I
12 don't how long it was in view, you know, whether it's
13 something that could automatically could tell what it was or
14 not tell what it was.

15 MR. SPRATLIN: Your Honor, my concern is that the other
16 videos were redacted in a proper manner with the consent of
17 the Defense. This video was not redacted, be it an oversight
18 on my part, either oversight on Mr. Oskin's part, whatever the
19 case may be. I can't recall if I actually saw a redacted copy
20 of that particular video or not. I did view the redacted
21 copies of the July 5th. I recall that one, as well as the one
22 that was eventually not played for the jury. My issue is,
23 Your Honor, the fact that that ankle monitor was shown. First
24 off, I don't -- I honestly do not believe the jury will be
25 able to tell what it is. However, I am concerned that based

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1 upon its appearance on the video, as well as the redaction on
2 the other ones, taken in conjunction it may carry more weight
3 than, than it should for the jury. The jury might read into
4 it in an improper manner and that gives me concern.

5 THE COURT: I mean, you indicated to me that you don't
6 think they could tell what it was.

7 MR. SPRATLIN: Your Honor, being honest with the Court,
8 being an officer of the court, required to be honest --

9 THE COURT: Right.

10 MR. SPRATLIN: -- it was on for a very short period of
11 time. My concern, honestly, with the Court, is that there may
12 be a bigger concern that it was a holster of some sort based
13 upon it being visible and obstructed in the other ones. As an
14 officer of the court, I'm being honest with the Court, that I
15 do not believe they could tell that it -- what it was based on
16 how short a time period it appeared. However, my concern is
17 its appearance at all and the potential --

18 THE COURT: All right.

19 MR. SPRATLIN: -- for it to affect the jury.

20 THE COURT: What are you asking me to do, Mr. Spratlin?

21 MR. SPRATLIN: Your Honor, I understand -- I, I would ask
22 the Court to view it, first and foremost. It's a very short
23 video. I'd also ask the Court to view just not entirely but
24 one of the other videos in which it was redacted to see the
25 way that it was redacted, and so the Court's fully informed

1 what was actually presented to the jury, and at that point I
2 would, I, I believe to preserve for the benefit of my client,
3 I'd have to make a motion.

4 THE COURT: What's your motion?

5 MR. SPRATLIN: I would make a motion for a mistrial on
6 the basis of the motion in limine. I believe I have to do
7 that to protect the interest of my client.

8 THE COURT: Well, as you well know, mistrial is granted
9 in very, very rare circumstances.

10 MR. SPRATLIN: I most certainly understand that, Your
11 Honor.

12 THE COURT: And the obvious situation comes about whether
13 or not to give some type of instruction to the jury concerning
14 such.

15 MR. SPRATLIN: And Your -- and Your Honor, if the Court
16 found that it was not appropriate to grant a mistrial, I do
17 not believe I'll be asking for such an instruction. I would
18 ask that a redacted copy be provided for the purposes of jury
19 review if the Court so felt, but before the Court made that
20 ruling I would just ask the Court to observe it.

21 THE COURT: Well, I'm going to respectfully deny your
22 motion for a mistrial. I don't think that sufficient
23 prejudice is shown at this point when you, and I appreciate
24 your honesty and I appreciate the integrity that you're
25 showing here today, when you've conveyed to the Court, which

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1 the Court has not seen these videos, but you've indicated that
2 you couldn't tell what it was on his ankle.

3 MR. SPRATLIN: It is not readily apparent to me.
4 However, that is why I would ask the Court to view it. It is
5 a very short -- how long is that video?

6 MR. OSKIN: It can't be longer than three minutes.

7 MR. SPRATLIN: Three minutes.

8 MR. OSKIN: I've been wrong before. It could be seven.

9 MR. DEBUSK: Or 20.

10 MR. OSKIN: And I've --

11 THE COURT: Anytime a lawyer says something's going to
12 take a half a day it usually takes two days.

13 MR. OSKIN: And I would, I would certainly -- I'll
14 reserve my right to respond, Your Honor, if you want to hear
15 from me. If not I can sit down.

16 THE COURT: I'm going to come to you in just a --

17 MR. OSKIN: Yes, sir.

18 THE COURT: Anything else, Mr. Spratlin?

19 MR. SPRATLIN: No, Your Honor. I would, I would just,
20 like I'm -- like I said, I'm not sure if it's an oversight on
21 my part, Mr. Oskin's part or anyone else's part. However, it
22 was presented to the jury as evidence by the State, and based
23 upon that and not -- it not being in compliance with the
24 previous ruling of the motion in limine and based upon the
25 potential to unfairly prejudice the jury, I, I would make my

1 motion for a mistrial to preserve my client's rights down the
2 road if necessary.

3 THE COURT: All right. Mr. Oskin.

4 MR. OSKIN: Thank you. Your Honor, and largely I echo
5 what Mr. Spratlin says with, of course, exception to the
6 motion for mistrial. He, he was -- he made me aware recently
7 that he had not seen the Walmart videos with regard -- other
8 than July 4th. At that time he came to my office and viewed
9 all those in their entirety. What we viewed together was
10 every video that this jury saw in one cumulative disc. We've
11 reviewed it date by date. We did make redactions. He
12 provided a list to Ms. Tonya Root, who has a copy of that
13 list. We made every redaction requested of us. It would have
14 certainly -- most certainly been oversight and certainly no
15 maliciousness by us. In fact, Mr. Spratlin and I looked at
16 each other before he asked to approach you, and when I asked
17 my co-counsel about it I was actually referring to the third
18 party, the roommate, I mistook his pocket for something around
19 an ankle. The Defendant in this case was wearing sandals. I
20 certainly think there was no intentional oversight by Mr.
21 Spratlin or myself. The State would absolutely further redact
22 that video up to excluding it if that were proper, that
23 portion of it. I just echo what Mr. Spratlin says with
24 regards to how that discovery was received by him and viewed
25 by us together and also present with Mr. DeBusk, Ms. Root and

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1 even our, our law clerk here Ms. Elvis and Ms. Root can
2 provide that list. I don't question Martin's honesty or
3 integrity, and I don't think that's happening here.

4 MR. SPRATLIN: Your Honor, I can't say with a hundred
5 percent certainty if I requested that one. I do know that I
6 did request that anything that shows the ankle monitor be
7 redacted.

8 THE COURT: All right.

9 MR. OSKIN: And then also, lastly, I don't know -- if I
10 didn't say this, we did view them together and that was in
11 that cumulative disc, but each date of the videos were
12 transferred to his hard drive to which he did have.

13 THE COURT: All right. All right. You all want me to
14 look at the videos?

15 MR. SPRATLIN: Yes, Your Honor.

16 THE COURT: This is July 10th?

17 MR. SPRATLIN: Yes, Your Honor.

18 (State's 120 viewed by Court and counsel at bench.)

19 OFF THE RECORD

20 (On the record. The following takes place outside the
21 presence of the jury.)

22 THE COURT: Thank you. Be seated, please.

23 MR. SPRATLIN: I apologize, Your Honor. I thought we
24 were still at rest.

25 THE COURT: Okay. You're okay. Anything else you want

1 to put on the record, Mr. Spratlin, concerning this, this
2 issue?

3 MR. SPRATLIN: Your Honor, just real briefly on this, I
4 have reviewed the notes that I handed the solicitor about the
5 redactions that I requested. That video was not included in
6 my request for redactions. However, I did make a general
7 request that any and all videos, including the ones from the
8 Walmart, be redacted and I believe that to have been carried
9 out. Again, this was in no way intentional in my opinion on
10 anybody's part, especially since it being the least obtrusive
11 of all the videos. However, it has been presented to the jury
12 and the jury has seen it. Your Honor has now had a chance to
13 review it. I think taken in, and, and as I stated to the
14 Court, I'm not certain that the jury will know what that is as
15 I told the Court in my candor with the Court, as well as the
16 fact that the other videos do redact it in a manner that draws
17 attention to the ankle, I'm worried that this video, even
18 though it is very un-intrusive to -- in a large degree
19 compared to the other ones, it could be inferred by the jury.
20 I understand the Court has already ruled in my motion for a
21 mistrial. I just would like to preserve my objection to the
22 Court denying that mistrial. As to the Court's request or, or
23 offer to give a limiting instruction, I'm not requesting a
24 limiting instruction from the Court.

25 THE COURT: Well, here, here are the options. One, and

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1 let me say this, and I think I've made it clear earlier, but I
2 -- just for the record, a mistrial occurs in very, very rare
3 situations. A moving party has to show error and resulting
4 prejudice, and the case law is pretty clear that a curative
5 instruction, even when it relates to inadmissible evidence,
6 ordinarily cures such. One, you're not asking or you've
7 decided not to ask me to give any kind of instruction;
8 correct?

9 MR. SPRATLIN: I do not wish for the Court to give an
10 instruction regarding, regarding this issue, no.

11 THE COURT: So I don't think that this case rises to the
12 level requiring or necessitating a mistrial. I've offered to
13 give a curative instruction, I, but if certainly, having done
14 defense work just as you, recognize and realize that such
15 curative instruction could draw their attention further to it,
16 which could lead them to, to further speculation. I viewed
17 the video that had the ankle monitor and I viewed one of the
18 videos where the ankle monitor was redacted, and quite
19 frankly, I had more questions about the redacted portion than
20 I do the non-redacted, but that's, that's neither here nor
21 there. If the jury wishes to see the videos again I've
22 instructed the or can instruct the State that 120 will not be
23 one that will be shown to them again.

24 MR. SPRATLIN: I would request that.

25 THE COURT: All right. And if you wish that it be shown

1 again then I would order that it be redacted in compliance
2 with the others. Okay? You know, as I watched the video,
3 which was State's Exhibit Number 120, which did -- which was
4 not redacted, and you've indicated yourself, which I
5 appreciate, and it's not readily apparent what it is on his
6 ankle, which, which raises more -- not a concern but I think
7 confirms, confirms my denial of a mistrial. As I sat up here
8 on the bench and viewed Exhibit 120 with all of you attorneys
9 up here at the bench we know what it is because we're in this
10 business day in and day out, and we see it. So we know what
11 it is.

12 MR. SPRATLIN: Yes, Your Honor.

13 THE COURT: The question becomes whether or not a
14 layperson such as those sitting on this jury know what it is.
15 Okay? So while it may be readily apparent to us since we know
16 what it is, you've acknowledged, and I would as well, that
17 it's not readily apparent exactly what it is to others maybe.
18 You know, as I walked -- stepped off the bench, you know,
19 thought of this scenario, and I don't know that there's any
20 evidence in this case as to such, but I know there are cases
21 out there wherein this has occurred where individuals have
22 been out on bond and they've committed other crimes and they
23 were able to utilize the GPS information off of that ankle
24 monitor to place them at the scene of the crime.

25 MR. SPRATLIN: Yes, Your Honor.

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1 THE COURT: Now, I don't -- is there any testimony or
2 evidence in this case concerning that?

3 MR. OSKIN: No, sir, Your Honor.

4 THE COURT: Okay.

5 MR. SPRATLIN: In fact, Your Honor, that was the basis of
6 the motion in limine that we, we did back in August was -- and
7 one of the reasons the Court granted it was because there was
8 no GPS information at that point in time.

9 THE COURT: Right. Okay. So but there are cases out
10 there wherein that has certainly occurred and where it has
11 certainly been admissible in court, which would, in turn, I
12 think, weigh more in, in this Court's favor further of not
13 granting a mistrial, which I would give a curative
14 instruction, which you've asked me not to do.

15 MR. SPRATLIN: I have, Your Honor, and the basis for that
16 is, as, as the Court stated, I believe that would draw more
17 attention to the matter than has already been drawn.

18 THE COURT: Okay. Very well. Mr. Wilson?

19 MR. WILSON: And Your Honor, just for the record, I join
20 with Mr. Spratlin in his motion for a mistrial on the same
21 grounds that he has articulated to the Court.

22 THE COURT: All right. So noted for the record.

23 MR. WILSON: Thank you, Your Honor.

24 THE COURT: All right. Anything further before I bring
25 the jury back in from the State?

James Lee, Sr. - Direct by Mr. Oskin

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1 MR. OSKIN: No, sir, Your Honor, ready to proceed.

2 THE COURT: Mr. Wilson?

3 MR. WILSON: Nothing further, Your Honor.

4 THE COURT: Mr. Spratlin?

5 MR. SPRATLIN: No, Your Honor.

6 THE COURT: All right. Bring me the jury, please.

7 (Whereupon, the following takes place in the presence of
8 the jury.)

9 THE COURT: All right. All the jurors are present. Is
10 the State ready to proceed?

11 MR. OSKIN: Yes, sir, Your Honor.

12 THE COURT: Call your next witness, please.

13 MR. OSKIN: At this time the State would next call Dr.
14 James Lee.

15 Whereupon, James E. Lee, Sr., is called to the stand,
16 duly sworn by the clerk and testified as follows:

17 THE CLERK: State your name for the Court and also spell
18 it.

19 MR. LEE: Dr. James E. Lee, Sr., J-A-M-E-S, E for Earl,
20 L-E-E.

21 DIRECT EXAMINATION

22 BY MR. OSKIN:

23 Q Dr. Lee, thank you so much for taking time out your
24 practice to be with us here today. What is your profession,
25 sir?

James Lee, Sr. - Direct by Mr. Oskin

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1 A I'm a general dentist.

2 Q Okay. And how long have you practiced dentistry?

3 A 48 years.

4 Q All right. Let's tell this jury a little bit about your
5 educational background. Where'd you go to college, sir?

6 A At undergraduate College of South Carolina State
7 University, do dental school at Howard University in
8 Washington, D.C.

9 Q All right. And in your professional career are you a
10 member of any professional associations?

11 A Yes. A member of South Carolina Dental Society Pee Dee
12 District. Palmetto North State, I was one of the founders of
13 that regional dental society, past president of Palmetto
14 Medical, Dental and Pharmaceutical Association, which is a
15 state organization of physicians, dentists and pharmacists.
16 I'm past president of the South Carolina State Board of
17 Dentistry. Keep on?

18 Q Sounds like, sounds like you got a -- I know you've got a
19 long successful career. About -- approximately how many
20 patients you think you've had in that career? Don't have to
21 be exact. Safe to say thousands?

22 A I roughly see 15 to 20 patients a day.

23 Q Okay. Now, Dr. Lee, have you ever testified in court
24 before?

25 A Once.

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1 Q Okay.

2 MR. OSKIN: Your Honor, at this time the State would move
3 to qualify Dr. Lee as an expert in general dentistry.

4 THE COURT: Mr. Wilson?

5 MR. WILSON: I think he's well-qualified.

6 THE COURT: Mr. Spratlin?

7 MR. SPRATLIN: Absolutely no objection, Your Honor.

8 THE COURT: Ladies and gentlemen, prior charge I gave to
9 you with regards to expert testimony applies in this situation
10 as well. Okay? He's being qualified as an expert in the area
11 of general dentistry. Again, that does not mean that you must
12 accept his opinion but is evidence for you to use in any way
13 that you see fit and give, give it the weight that you deem
14 appropriate. Mr. Oskin, you may continue.

15 MR. OSKIN: Thank you, sir.

16 BY MR. OSKIN:

17 Q I know you've testified that that -- countless number of
18 patients. I'm going to ask you about a specific one. Was a
19 lady named Linda McAllister a patient of yours?

20 A Yes.

21 Q All right. About how long had she been a patient?

22 A Can I look at --

23 Q Absolutely. Is, is that your records, notes from your
24 business?

25 A I first -- she had been a patient since May 3rd, 2010.

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1 Q Okay. And as her dentist did you ever take x-ray photos
2 of her mouth?

3 A Yes. I did.

4 Q All right. Do you recall the last time you took x-ray
5 photos? Would you be able to tell that from your notes?

6 A On 5-15-2016.

7 Q And focus your attention to the month of July of 2017
8 with regards to Ms. McAllister, were you contacted by law
9 enforcement, the Horry County Police in July of 2017 with
10 regards to Ms. McAllister's x-rays?

11 A Yes. I was.

12 Q All right. Without telling me what they said, why were
13 you contacted, sir?

14 A They were trying to make an identification.

15 Q All right. And did you compare your x-rays to findings
16 that MUSC had?

17 A Yes. I did.

18 Q All right. I know this might not be the easiest
19 question, but specifically what did you compare?

20 A I compared the x-rays that I had on file with x-rays that
21 MUSC had and the lower left mandible of the victim.

22 Q You physically compared the lower mandible?

23 A Yes.

24 Q Okay. And were you able to determine with a medical
25 degree of certainty who that mandible belonged to?

- 1 A Yes.
- 2 Q And who was that?
- 3 A Linda McAllister.
- 4 Q And that matched that --
- 5 A Yes.
- 6 Q -- matched up with your x-rays of her?
- 7 A It matched up with the x-rays that I had, also with the
- 8 ones provided by the Medical University and the mandible.
- 9 Q Nothing further from me, Dr. Lee. Please answer any
- 10 questions the Defense may have for you.
- 11 THE COURT: Mr. Wilson?
- 12 MR. WILSON: I have no questions, Your Honor.
- 13 THE COURT: Mr. Spratlin?
- 14 MR. SPRATLIN: No questions, Your Honor.
- 15 THE COURT: Doctor, you may step down. Thank you very
- 16 much.
- 17 A Thank you.
- 18 MR. OSKIN: We do ask that Dr. Lee be released from his
- 19 subpoena, free to go back to his business, Your Honor.
- 20 THE COURT: Any question -- any objection?
- 21 MR. WILSON: Without objection, Your Honor.
- 22 MR. SPRATLIN: No objection, Your Honor.
- 23 THE COURT: Doctor, you're released from your subpoena.
- 24 You're free to go. Have a nice day.
- 25 A Thank you.

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1 THE COURT: All right. We got to take a break for a
2 minute. I'm going to ask all of you to step to the jury room.
3 Do not discuss the case at all. Do not discuss the case.

4 (Whereupon, the following takes place outside the
5 presence of the jury.)

6 THE COURT: Can the lawyers approach a minute, please?

7 MR. OSKIN: Yes, sir.

8 (Whereupon, a bench conference is held.)

9 OFF THE RECORD

10 (On the record. The following takes place outside the
11 presence of the jury.)

12 THE COURT: Thank you. Be seated, please. All right.
13 Anything from the State before I bring the jury back out?

14 MR. DEBUSK: No, Your Honor.

15 THE COURT: Defense counsel?

16 MR. WILSON: Nothing.

17 MR. SPRATLIN: No, Your Honor.

18 THE COURT: Bring me the jury, please. Is your next
19 witness in the courtroom?

20 MR. DEBUSK: Yes, Your Honor. He's sitting right behind
21 me.

22 MR. OSKIN: He's right behind us.

23 MR. DEBUSK: Sitting right behind me.

24 MR. OSKIN: I was looking all around for him.

25 (Whereupon, the following takes place in the presence of

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1 the jury.)

2 THE COURT: All right. Got all the jurors back and
3 present in the courtroom. The State's recognized. Call your
4 next witness, please.

5 MR. DEBUSK: Thank you, Your Honor. The State calls
6 Matthew Singleton.

7 Whereupon, Matthew Singleton is called to the stand, duly
8 sworn by the clerk and testified as follows:

9 THE CLERK: State your name and spell your last name.

10 MR. SINGLETON: Matthew Singleton, S-I-N-G-L-E-T-O-N.

11 DIRECT EXAMINATION

12 BY MR. DEBUSK:

13 Q Detective Singleton, who's your employer?

14 A Horry County Police Department.

15 Q How long have you been with the Horry County Police
16 Department?

17 A Just shy of 14 years.

18 Q Okay. How long you been in law enforcement?

19 A I started my career with Horry County.

20 Q Okay. How long you been a detective?

21 A Since November of -- December, excuse me, of 2012, I
22 believe.

23 Q Okay. What were your -- what division were you in in
24 July of 2017?

25 A Assigned to our robbery, homicide unit.

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1 Q Are you still there?

2 A Yes, sir.

3 Q Were you involved in the investigation of the murder of
4 Linda McAllister and William Chet Clemons?

5 A Yes, sir.

6 Q Did you work on this case -- when did you become involved
7 in this case?

8 A I came -- I became involved with this case on July the
9 15th of 2017.

10 Q And what brought you into this case?

11 A I received a phone call approximately 7 a.m. from --

12 Q What are you looking at?

13 A I'm looking at my investigative report --

14 Q Okay. Proceed.

15 A -- to refresh my memory. I received a phone call from
16 Sergeant Mark Cooper at approximately 7 a.m. concerning found
17 human remains in the Bucksville area of Horry County.

18 Q Was that the Browns Chapel Road area that has already
19 been --

20 A Yes, sir. I was advised to respond to the end of Browns
21 Chapel Avenue.

22 Q Did you respond to any other residences in, in the course
23 of this investigation?

24 A I did. It ended up taking me, through the course of the
25 investigation, to [REDACTED] Pleasant Union Road in the, I believe,

- 1 Aynor or either Galivants Ferry Sections of the county.
- 2 Q Did you also go to [REDACTED] Dewberry Drive in the City of
- 3 Conway?
- 4 A I never responded to that address. I, I picked up the
- 5 case after that had occurred with the city.
- 6 Q But you're familiar with that area?
- 7 A I am familiar with that.
- 8 Q Are they shown on State's 15?
- 9 A I'm sorry. What was the question?
- 10 Q Are, are, are those three locations, the Pleasant Union,
- 11 the Dewberry and the Browns Chapel all shown on --
- 12 A Yes, sir. It appears so.
- 13 Q Are those all in Horry County?
- 14 A Yes, sir.
- 15 Q During your work on this case did you encounter an
- 16 individual named William Clemons?
- 17 A I did.
- 18 Q Now, I'm speaking of younger Mr. William Clemons, William
- 19 A. Clemons?
- 20 A Yes, sir.
- 21 Q Where did you meet him?
- 22 A I met him at the J. Reuben Long Detention Center.
- 23 Q What did -- for what purpose?
- 24 A I went to speak with him about the death of his father.
- 25 Q Uh-huh.

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- 1 A I did not believe that law enforcement had contacted him
2 yet regarding the -- his father's death. So I went to meet
3 with him and also to obtain a DNA sample from him for
4 identification purposes of Mr. Clemons.
- 5 Q Let me show you what's been marked as State's 103 and ask
6 if you recognize that?
- 7 A Yes, sir. It appears to be the original packaging I
8 would have placed it -- placed the sample in.
- 9 Q The, the interior packaging?
- 10 A Yes.
- 11 Q Okay.
- 12 A The, the box is what I'm referring to.
- 13 Q I think we've had some testimony about buccal swabs
14 already, but how do you take a buccal swab?
- 15 A It's got two long, I say long, I would estimate five
16 inches, give or take, cotton swabs that you just insert and
17 roll around in the inside of the, inside of the mouth of, of
18 an individual.
- 19 Q Did you take such a sample for Mr. Clemons?
- 20 A I did.
- 21 Q Is that the sample that you have?
- 22 A This appears to be the sample, yes, sir.
- 23 Q What did you do with it once you took it?
- 24 A I would have sealed it as, as it's shown here and with
25 tamperproof evidence tape and submitted it into our Horry

1 County evidence room.

2 MR. DEBUSK: At this time, Your Honor, the State moves
3 State's 103 into evidence.

4 THE COURT: Any objection?

5 MR. WILSON: No, sir.

6 MR. SPRATLIN: No objection.

7 THE COURT: Without objection so admitted.

8 (State's Exhibit Number 103 [Buccal Swabs] admitted into
9 evidence and appropriately marked.)

10 BY MR. DEBUSK:

11 Q Now, there's another buccal swab. State's Exhibit Four,
12 ask if you were involved in getting that into evidence?

13 A Yes, sir.

14 Q Okay. Was that item placed into evidence after
15 submitted by Rusty Crocker?

16 A Yes, sir.

17 Q Okay. Were you the officer that, that authorized that?

18 A I was informed that, that this had been left in our
19 after-hours --

20 Q Uh-huh.

21 A -- safe storage locker at the police department, and Mr.
22 Crocker had submitted it there and in order for it to be
23 placed into -- under our chain, under our facility, it has to
24 go in under an Horry County Police Officer, and me being a
25 lead investigator in this case I took it at, at that time and,

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1 and submitted it on through the channel.

2 Q But it was in the safe box?

3 A Yes.

4 Q Thank you. Let me ask you about another exhibit here,
5 State's Exhibit 129 in its packaging and ask if you were
6 involved in the recovery of this item.

7 MR. SPRATLIN: Your Honor, I'm going to object to this
8 line of questioning subject to my previous objection.

9 THE COURT: So noted.

10 MR. SPRATLIN: And I'd ask that it be continuing.

11 THE COURT: Yes, sir.

12 Q Did you -- were you involved in the recovery of that
13 item?

14 A Yes, sir. I was.

15 Q When and where was it recovered?

16 A It was recovered at the Horry County Police Department
17 on, on, I believe, August 2nd.

18 Q From what vehicle was it recovered?

19 A It was recovered from a 2011 Dodge RAM with South
20 Carolina tag 7165JP.

21 Q State's Exhibit 36, is that the vehicle that you refer
22 to?

23 A Yes, sir. That is.

24 Q Who was there with you?

25 A Again, I'm referring to my, to my notes. Present during,

1 during this -- the inventory was made in the presence of
2 myself and task force officer with the FBI, Ryan Seipt.

3 Q Okay. Is that the unit that you recovered? Are you
4 examining the serial number?

5 A I'm, I'm looking at the serial numbers to make sure they
6 match to my paperwork that I have.

7 Q Uh-huh.

8 A Yes, sir. They do appear to, to be a match.

9 Q Okay. Let me ask you about your visit to the Pleasant
10 Union address.

11 A Yes, sir.

12 Q What was at that Pleasant Union address?

13 A I'm sorry, sir?

14 Q What was at that Pleasant Union address?

15 A That was the residence of the Defendants, Kenneth
16 Carlisle and Jordan Hodge.

17 Q Now, that residence was searched by Investigator Robbie
18 Caulder; is that correct?

19 A That was my understanding on the night, I believe, of the
20 14th.

21 Q And that was during the --

22 A Or 13th.

23 Q -- during the Conway --

24 A That was during the missing persons situation, yes, sir.

25 Q Did you return there to do any more searching?

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1 A I did. I returned there on the 19th of July.

2 Q Did you have new information at that time?

3 A Yes, sir.

4 Q Did you obtain a search warrant?

5 A I did. I did.

6 Q Let me show you what's been marked as State's Exhibit 130
7 and ask if you recognize this?

8 A Okay. Yes, sir. These are items that, that I located on
9 -- in the residence on July the 19th.

10 Q Okay. Where did you locate that in the residence?

11 A These were located on the dining room table.

12 Q Okay. Were the items loose in the bag inside that purse?

13 A Yeah. If my memory serves me correctly, I believe these
14 items were inside of this snakeskin type looking bag.

15 Q Okay. What are the items that were inside that bag?

16 A Specifically what I, what I found important to note was
17 there's a, a MasterCard Money Network card with the name of
18 Jordan Hodge on it, and also inside of the same bag located
19 together was a BB&T card with the name of William C. Clemons
20 on it as well.

21 MR. DEBUSK: Your Honor, we would move State's Exhibit
22 130 into evidence at this time.

23 THE COURT: Any objection?

24 MR. WILSON: No objection.

25 THE COURT: Mr. Spratlin?

1 MR. SPRATLIN: No objection.

2 THE COURT: Without objection so admitted.

3 MR. DEBUSK: Thank you, Your Honor.

4 (State's Exhibit Number 130 [Items Pleasant Union]
5 admitted into evidence and appropriately marked.)

6 BY MR. DEBUSK:

7 Q Thank you. Please answer any questions the Defense has.

8 THE COURT: Mr. Wilson?

9 MR. WILSON: I have no questions, Your Honor.

10 THE COURT: Mr. Spratlin?

11 MR. SPRATLIN: No questions at this time, Your Honor.

12 THE COURT: Sir, you may step down. Thank you.

13 MR. DEBUSK: The State calls Dwight Falkofske.

14 Whereupon, Dwight Falkofske is called to the stand, duly
15 sworn by the clerk and testified as follows:

16 THE CLERK: State your name for the Court and spell your
17 last name, please.

18 MR. FALKOFSKE: My name is Dwight, D-W-I-G-H-T, last
19 name F-A-L-K-O-F-S-K-E.

20 THE COURT: Sir, you can have a seat.

21 DIRECT EXAMINATION

22 BY MR. DEBUSK:

23 Q Who is your employer, Mr. Falkofske?

24 A I'm employed by Booz Allen Hamilton.

25 Q What is the nature of that work?

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- 1 A I do forensics on automobiles, on vehicles.
- 2 Q For whom do you do that?
- 3 A I do that for the FBI.
- 4 Q So you're a contractor for the FBI; is that correct?
- 5 A That is correct, sir.
- 6 Q Okay. How long you been doing that?
- 7 A I've been doing automotive forensics for approximately
- 8 seven years.
- 9 Q What kind of work do you usually do?
- 10 A That is my primary work.
- 11 Q I mean, what kind of cases do you usually work on in that
- 12 division?
- 13 A We do criminal cases or terrorism cases.
- 14 Q Okay. Did -- does your unit have a, a name?
- 15 A Our unit is the electronic device analysis unit.
- 16 Q Is that the EDAU?
- 17 A EDAU.
- 18 Q Okay. Could you tell the Court about your education and
- 19 qualifications?
- 20 A Okay. I have a bachelor's of science degree in
- 21 electrical engineering and I've -- also have a certification
- 22 internal to the EDAU unit. That's called a CDART [spelled
- 23 phonetically], and that is one where provides training in
- 24 evidence handling and moot court training.
- 25 Q Okay. How long have you been in the business of doing

1 electronic device analysis?

2 A I've been doing it at the FBI location for 13 years.

3 Q What did you do before that?

4 A Before I did that I, I was still with Booz Allen Hamilton
5 and I provided support to the -- to DARPA, the Defense
6 Advanced Research Projects Agency.

7 Q So you've been working with electronic devices, devices
8 in general for quite some time?

9 A Yes.

10 MR. DEBUSK: Your Honor, we would move Mr. Falkofske as
11 an expert in the field of electronics device analysis.

12 THE COURT: Mr. Wilson?

13 MR. WILSON: I, I have no objection to his
14 qualifications, Your Honor.

15 THE COURT: Mr. Spratlin?

16 MR. SPRATLIN: No objection, Your Honor.

17 THE COURT: Ladies and gentlemen, the same charge I gave
18 you previously concerning expert testimony is applied here.
19 Mr. DeBusk, you may continue.

20 BY MR. DEBUSK:

21 Q What is, what is a GPS?

22 A GPS, global positioning system.

23 Q What -- how in laymen's terms does it operate?

24 A Basically a receiver can receive signals from satellites
25 that determine your location or the location of whatever is

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1 using the GPS.

2 Q What kind of applications are there for GPS in vehicles?

3 A Vehicles use GPS to provide mapping services to allow the
4 user to know where they're going.

5 Q Are they often built into vehicles?

6 A Yes. It's common nowadays.

7 Q Okay. Let me ask you about a specific one.

8 A Okay.

9 MR. DEBUSK: This is State's Exhibit 129 for the record.

10 BY MR. DEBUSK:

11 Q I'm going to ask if you have had occasion to --

12 MR. SPRATLIN: Your Honor, I'm going to object to this
13 line of questioning subject to my earlier objection.

14 THE COURT: So noted.

15 BY MR. DEBUSK:

16 Q If you examined this unit?

17 A Yes. I examined this unit.

18 Q Okay. Is it identifiable specifically by serial number?

19 A Yes. And there's also a label that's on on here with my
20 symbols written on it.

21 Q So you marked it --

22 A Yes.

23 Q -- so, so you could identify it? So this GPS unit will
24 determine locations and tracks; correct?

25 A Correct.

- 1 Q Does it store that information?
- 2 A It does.
- 3 Q How does it?
- 4 THE COURT: Mr. DeBusk, you move that box, please?
- 5 MR. DEBUSK: Yes, Your Honor. I will.
- 6 THE COURT: Thank you. I'm sorry. Go ahead.
- 7 MR. DEBUSK: Thank you.
- 8 BY MR. DEBUSK:.
- 9 Q Where does it store this information?
- 10 A It stores the location on internal flash memory.
- 11 Q Okay. What's the purpose of storing that?
- 12 A The system can have several purposes for storing that.
- 13 Some of that is to provide the user with tracks or it can just
- 14 use it for its internal purposes for determining the location.
- 15 It's not always user, not always user accessible.
- 16 Q Are you able to access that information?
- 17 A Yes.
- 18 Q How, how do you access that information?
- 19 A I extracted the data from the memory device in the
- 20 system.
- 21 Q Okay. You have software and hardware that will help you
- 22 do that?
- 23 A Correct.
- 24 Q Is that in the line of your normal work?
- 25 A Correct. Yes.

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1 Q When you received that unit was it intact?

2 A Excuse me. Say again.

3 Q When you received that unit was it intact?

4 A Yes.

5 Q Did you have to take it apart to extract your
6 information?

7 A Yes.

8 Q Okay. Just to be clear, that, that information is stored
9 in the, I believe you said flash memory. That's put in there
10 in the normal course of operation of that vehicle, unit;
11 right?

12 A Restate your question.

13 Q The, the memory -- I'm sorry, the data that's in the
14 flash memory, that is stored there in the normal course of
15 operation of a GPS unit?

16 A Of the system, yes.

17 Q You didn't create or derive the information. You just
18 took it out of the --

19 A I extracted the data from the system.

20 Q Extracted. Let me show you what's been marked as State's
21 Exhibit 132 and ask if you recognize that.

22 A Yes. I recognize that.

23 Q What is on that USB drive?

24 A That is a copy of the evidence that I submitted for --
25 submitted after the finishing -- completing the analysis of

1 this unit.

2 Q Let me show you what's been marked as State's 131 and ask
3 you that -- what that is?

4 A That exhibit is the hard drive that I submitted as
5 evidence.

6 Q What was on that hard drive?

7 A The extracted data from this system and the results of
8 the analysis.

9 Q So that 131 is the -- what you took out of the GPS unit?

10 A Correct.

11 Q And 132 is a copy, fair and accurate copy of what was on
12 131?

13 A Correct.

14 Q What did you do with the data after you extracted it?

15 A I process the data to convert the data into human
16 readable format.

17 Q Uh-huh.

18 A And that format is what was provided as results on this.

19 Q What formats did you provide it as?

20 A Two, two formats. One was a GPX file which can be used
21 with mapping software such as Google Earth so somebody can
22 visualize the data. It's also in an Excel format, Excel
23 spreadsheet.

24 Q It's an electronic spreadsheet?

25 A Yes.

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1 MR. DEBUSK: Your Honor, we would move 131 and 132 into
2 evidence at this time.

3 THE COURT: Mr. Wilson?

4 MR. WILSON: No objections, Your Honor.

5 THE COURT: Mr. Spratlin, subject to prior?

6 MR. SPRATLIN: Yes, Your Honor.

7 THE COURT: Admitted subject to prior objection of Mr.
8 Spratlin, without objection by Mr. Wilson.

9 (State's Exhibit Number 131 [Hard Drive] and State's
10 Exhibit Number 132 [Thumb Drive] admitted into evidence and
11 appropriately marked.)

12 MR. DEBUSK: Please answer any questions the Defense
13 might have.

14 THE COURT: Mr. Wilson?

15 MR. WILSON: I have no objections [sic].

16 THE COURT: Mr. Spratlin?

17 MR. SPRATLIN: I have no questions, Your Honor.

18 THE COURT: Sir, you may step down. Thank you.

19 MR. DEBUSK: Your Honor, can Mr. Falkofske be excused
20 from his subpoena so he can return home?

21 THE COURT: Yes, sir. Any objections?

22 MR. WILSON: No objections.

23 MR. DEBUSK: Thank you, Your Honor.

24 MR. SPRATLIN: No objections.

25 THE COURT: Sir, you're released from your subpoena.

1 Have a nice day. Thank you.

2 A Thank you, Your Honor.

3 MR. DEBUSK: Your Honor, the State calls Detective Mark
4 Bobbitt.

5 Whereupon, Mark Bobbitt is called to the stand, duly
6 sworn by the clerk and testified as follows:

7 THE CLERK: State your name for the Court and spell your
8 last name.

9 MR. BOBBITT: Mark Bobbitt, B-O-B-B-I-T-T.

10 DIRECT EXAMINATION

11 BY MR. DEBUSK:

12 Q Detective Bobbitt, who's your employer?

13 A City of Conway.

14 Q How long have you been with the City of Conway?

15 A 18 years.

16 Q Are you a detective?

17 A I have been. I am now, sir.

18 Q How long you been a detective?

19 A Since 2015.

20 Q Okay. And you -- obviously then you were a detective in
21 2017?

22 A That's correct.

23 Q Did you work on a missing persons case involving Linda
24 McAllister and William Chester Clemons?

25 A I did, sir.

Mark Bobbitt - Direct by Mr. DeBusk

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1 Q Were you present when the Defendant, Jordan Hodge, was
2 arrested?

3 A I was.

4 Q Did you recover some property from her?

5 A I did.

6 Q Lets me show you what's been marked as State's -- well,
7 it hasn't yet been marked. Excuse me. State's, now State's
8 Exhibits 133, 34 and 35, and give you a chance to examine them
9 and open it if you need to. Do you recognize them?

10 A Yes, sir.

11 Q What are they?

12 A These are items that were collected upon search incident
13 to arrest of Ms., Ms. Hodge.

14 Q Within the packaging are your original City of Conway
15 evidentiary packaging in there as well?

16 A Yes, sir.

17 Q Okay. Let me ask you then specifically about 134. What
18 is inside the envelope on number 134?

19 A Sir, inside this packaging collected search incident to
20 arrest was a South Carolina driver's license from Jordan Hodge
21 and a BB&T Visa debit card listed under Linda McAllister.

22 Q Okay. Replace those in there. Let me ask you about 135.
23 What is in that envelope?

24 A These items collected were also collected search incident
25 to arrest from the -- from Defendant Jordan Hodge's hand purse

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1 that's in the other package. These are a collection of
2 receipts and notes or paper, paper items that were also
3 collected search incident to arrest.

4 Q Okay. And those were all part of the -- inside the purse?

5 A Yes, sir. I mean, they were all collected at the same
6 time and packaged by me. Okay.

7 Q What is that particular item?

8 A That appears to be a handwritten note. It's, it's stated
9 as a Walmart list. This was also located and collected from
10 Ms. Hodge's purse search incident to arrest.

11 Q Please place it in the envelope with the rest of the
12 items.

13 MR. DEBUSK: Your Honor, at this time we would move these
14 -- or I've already moved these three exhibits -- State's 133,
15 34 and 35.

16 MR. WILSON: No objections, Your Honor.

17 MR. SPRATLIN: No objection.

18 THE COURT: Without objection so admitted.

19 (State's Exhibit Number 133 [Purse], State's Exhibit
20 Number 134 [S.C. Driver's License, Hodge and BB&T Card Linda
21 McAllister] and State's Exhibit Number 135 [Receipts] entered
22 into evidence and appropriately marked.)

23 BY MR. DEBUSK:

24 Q Thank you, Detective Bobbitt. Please answer any
25 questions the Defense may have.

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1 THE COURT: Mr. Wilson?

2 MR. WILSON: I have no questions, Your Honor.

3 THE COURT: Mr. Spratlin.

4 MR. SPRATLIN: Your Honor, I also have no questions.

5 THE COURT: Sir, you may step down. Thank you.

6 A Thank you, Your Honor.

7 THE COURT: Call your next witness.

8 MR. OSKIN: Yes, sir. Your Honor, the State would next
9 call Robert Bell.

10 Whereupon, Robert Bell is called to the stand, duly sworn
11 by the clerk and testified as follows:

12 THE CLERK: State your name for the Court and spell your
13 last name.

14 MR. BELL: My name is Robert Bell, B-E-L-L.

15 DIRECT EXAMINATION

16 BY MR. OSKIN:

17 Q You spoke a little fast. Is it Bell, the common spelling?

18 A Yes, B-E-L-L.

19 Q All right. Mr. Bell, how old are you, sir?

20 A 33.

21 Q You seem a little nervous. You okay?

22 A I'm good. I'm all right. I'm all right.

23 Q Where do you currently reside?

24 A Pennsylvania.

25 Q Did you live in Horry County in 2017?

- 1 A I did.
- 2 Q How long did you live here, sir?
- 3 A I was here two years.
- 4 Q All right. So you just recently moved back to
- 5 Pennsylvania?
- 6 A Yeah. November of last year.
- 7 Q Okay. While you lived in Horry County did you ever meet
- 8 and know Kenneth Carlisle and Jordan Hodge?
- 9 A Yes.
- 10 Q How did you meet them, sir?
- 11 A I had worked with Kenny at Mid-Atlantic Drainage.
- 12 Q Okay. What type of work was Mid-Atlantic Drainage?
- 13 A I worked in the pipe room. They make the cement pipes
- 14 and drainage systems for the Department of Transportation,
- 15 South Carolina.
- 16 Q Okay. During the course of -- did, did that employment,
- 17 did, did that spawn a friendship? Did you become friends with
- 18 him?
- 19 A Yeah. Well, I mean, an acquaintance.
- 20 Q Okay.
- 21 A I mean, I didn't really spend a lot of time with him out
- 22 of work.
- 23 Q Okay. But did you ever live with them?
- 24 A Yes.
- 25 Q All right. For about how long did you live with them?

Robert Bell - Direct by Mr. Oskin

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1 A Well, my birthday was June 21st, a few days before that I
2 had started staying with them.

3 Q Okay. When -- where did you live with them at?

4 A Pleasant Union Road.

5 Q Where is Pleasant Union Road at; do you recall?

6 A In Aynor.

7 Q Okay. Before we proceed, or actually how long did you
8 live with them roughly, a long time?

9 A No. The June 21st and then this happened in July.

10 Q All right. And I'm -- I'm going to be blunt with you. I
11 need you to answer this Court honestly; okay? Now, during the
12 time you lived with them did you ever have any issues with
13 drug use?

14 A Yes.

15 Q Do you still battle those demons today?

16 A I do.

17 Q Does that drug use affect your memory about anything that
18 occurred --

19 A No.

20 Q -- then or now?

21 A No.

22 Q All right. Let me ask you this if you remember, were you
23 able to observe Kenneth Carlisle and Jordan Hodge together as
24 a couple?

25 A Yeah. I was around them. Yeah.

1 Q Okay. Let's explain for this jury the layout of that
2 residence at [REDACTED] Pleasant Union Road. What type of residence
3 was that, sir?

4 A It was a trailer. It was a small, not a very big
5 trailer. It was a single trailer.

6 Q All right. How many bedrooms were in that, sir?

7 A Two.

8 Q All right. Did you reside in one of the bedrooms?

9 A I was kind of just crashing on the couch.

10 Q Okay. Did they reside in the bedroom?

11 A Yeah. Yes.

12 Q You got to share a bathroom? Was there only one
13 bathroom?

14 A There was two bathrooms. There was a bathroom in the
15 bedroom and then there was other bathroom.

16 MR. OSKIN: May I approach this witness, sir, Your Honor?

17 THE COURT: Yes.

18 BY MR. OSKIN:

19 Q Showing you what's been admitted into evidence as State's
20 Exhibit Number 30.

21 A Okay.

22 Q And what's been admitted into evidence as State's Number
23 31. Do you recognize those?

24 A Yes. Yeah. I do.

25 Q All right. Let's start with State's Exhibit Number 30.

Robert Bell - Direct by Mr. Oskin

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1 What is that a picture of?

2 A That was like the back room. Nobody was really using it.

3 There was an air mattress in there. That --

4 Q That's not where you slept?

5 A No. I was mostly on the couch.

6 Q Okay. State's Exhibit Number 31, how about that?

7 A That, that was the room that they were in. I never
8 really went in there.

9 Q But you know it was their room?

10 A Yeah. Yeah.

11 Q All right. Stay organized here. Were you able to
12 observe them as a couple and their interactions together
13 during that brief time you lived with them?

14 A Yeah.

15 Q All right. How did, how -- in your -- based off your
16 observations, how did Mr. Carlisle treat Jordan?

17 A I, I mean, fairly well. I mean, it wasn't, you know,
18 like a really bad relationship, I mean.

19 Q They seem to get along?

20 A Yeah. Yeah.

21 Q All right. How did she treat Kenny?

22 A Well, I guess, she had gotten in a little trouble when I
23 was there. I wasn't -- I was staying with somebody else,
24 something with a dog.

25 Q All right. Let's move forward. What --

- 1 A See, I don't -- I didn't really know them that long to
2 really --
- 3 Q Okay.
- 4 A -- you know --
- 5 Q I understand.
- 6 A -- base their relationship status.
- 7 Q And around July, the 1st of July, were you -- on July 1st
8 were you in Horry County or not?
- 9 A I left July 1st.
- 10 Q All right. Where'd you go?
- 11 A I went to visit my mother for Fourth of July week.
- 12 Q All right. And how long were you there?
- 13 A From the 1st to the 8th, I came back. It was a Saturday
14 to a Saturday.
- 15 Q Okay. And once you got back on the 8th did you notice
16 anything -- did you notice a new vehicle on your property?
- 17 A Well, they -- when I -- I had to take an Uber from the
18 airport to a tattoo shop and they had that blue truck.
- 19 Q Okay.
- 20 A And that was new to me.
- 21 Q Do you recall what tattoo shop that was?
- 22 A I, I honestly don't.
- 23 Q Okay. When you got back to the residence anything
24 different about the residence once you got there?
- 25 A I mean, there was -- no, nothing really different,

Robert Bell - Direct by Mr. Oskin

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1 nothing like crazy different there. I mean, there was a couple
2 of things like PlayStation 4, remote control helicopter, just
3 like things that I'm sure they bought. You know, that was
4 different. I mean, the place wasn't really that different.

5 Q Okay. And once you got back in town did you, in fact, go
6 to Walmart with them ever?

7 A I had.

8 Q Did you ride in the blue truck with them when you went to
9 Walmart?

10 A I had.

11 Q And when you were in that blue truck did -- do you
12 remember the condition of that blue truck?

13 A No.

14 Q Was it messy? Was it clean?

15 A Really, really wasn't messy. If that -- I mean, I --
16 nothing like that, you know, strikes me as -- to bring it up,
17 enough to bring it up.

18 Q Okay.

19 A No. There wasn't any -- well, I didn't really smell
20 anything in there. It smelt like clean, like clean like, I
21 don't know, that wouldn't be the first thing I think of, you
22 know.

23 Q Okay. So it's your testimony here today that you were
24 not at the vicinity of the trailer on Pleasant Union Road on
25 July 3rd?

Robert Bell - Direct by Mr. Oskin

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- 1 A I was not.
- 2 Q You were out of town?
- 3 A I was, I was in Pennsylvania.
- 4 Q Okay. Did -- shortly after you got back home did law
5 enforcement question you at work?
- 6 A Yes.
- 7 Q All right. Did they later question you about Kenneth and
8 Jordan?
- 9 A Yes.
- 10 Q And the things that had occurred with them?
- 11 A Uh-huh.
- 12 Q Did they ever ask you any questions about the whereabouts
13 of a gun?
- 14 A They had, but I had -- I didn't know what gun they were
15 looking for and I really --
- 16 Q Okay.
- 17 A -- didn't know any, anything that they didn't know
18 already.
- 19 Q Let me stop you there. While you lived at Pleasant Union
20 Road did you observe or see any guns at that residence?
- 21 A Yes.
- 22 Q And about how many?
- 23 A I just remember a long gun, like a longer gun and that
24 25.
- 25 Q And the what?

Robert Bell - Direct by Mr. Oskin

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- 1 A A 25.
- 2 Q And a 25.
- 3 A The smaller one.
- 4 Q Okay. Who -- I'm going to ask you this first. I want
- 5 you to hold that thought, okay?
- 6 A Okay.
- 7 Q Who had the 25?
- 8 A Kenny had it.
- 9 Q Who?
- 10 A Kenny.
- 11 Q Okay. And how -- are you, are you familiar with guns?
- 12 How did you know it was a 25?
- 13 A My friend's mother actually has one.. That's how I knew.
- 14 That's what it's -- what stuck with me so much because I'd
- 15 seen one before.
- 16 Q All right. Let me ask you this, do you remember what
- 17 color that gun was?
- 18 A I want to say maybe it, it was silver with like a lighter
- 19 color grip from what I remember.
- 20 Q Okay.
- 21 A Maybe blue, like a light blue.
- 22 Q All right. There was also another gun at that residence;
- 23 wasn't there?
- 24 A Yes.
- 25 Q All right. It was a nine millimeter, I believe; is that

Robert Bell - Direct by Mr. Oskin

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1 correct?

2 A Yeah. They had gotten that like the day before they went
3 in for this.

4 Q Okay.

5 A They'd picked it up from the shop.

6 Q And when police first asked you about the whereabouts of
7 that gun, you lied to police; didn't you?

8 A Yes. I did.

9 Q You sold that gun?

10 A I did.

11 Q And you sold that gun for drugs; is that correct?

12 A Yes.

13 Q All right.

14 A To deal with everything that was going on. I shouldn't
15 have done that. I really shouldn't have, but I'm not going to
16 lie about it.

17 Q Why did you lie to police?

18 A I mean, I'm scared. I never -- I don't know anybody who
19 lived through this, let alone me going through it, you know.

20 Q And before, before anything went further did you finally
21 tell them the truth?

22 A Yeah. Yeah. I 'fessed up to it then.

23 Q Did you know -- did you -- do you know whether or not any
24 other guns were purchased after you got back from
25 Pennsylvania?

Robert Bell - Cross by Mr. Wilson

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1 A No.

2 Q Mr. Bell, please answer any questions from Defense
3 counsel.

4 A Okay.

5 THE COURT: Mr. Wilson?

6 CROSS EXAMINATION

7 BY MR. WILSON:

8 Q Mr. Bell, the gun, the nine millimeter gun that you sold,
9 who'd you sell that to?

10 A It was an acquaintance that I knew from -- his name was
11 Ryan. I couldn't even tell you his last name. I don't even
12 remember. I only met him a couple of times.

13 Q Okay. And where did you get the gun from to sell it?

14 A It was at -- it was at the house. I had found it.

15 Q No. But I'm asking where, where in the house was the gun
16 that you took and sold?

17 A I, I -- it was in the back room probably. It was in the
18 room.

19 Q Which room? You said that there were two bedrooms?

20 A Bedroom, yes. Yeah, the one, yeah.

21 Q Which bedroom? Which -- you said that there --

22 A The bedroom that they were -- yeah, the bedroom that they
23 were in.

24 Q In their bedroom?

25 A Yes.

- 1 Q All right. That's where you think it was?
- 2 A Yes.
- 3 Q All right. And, and when did you get it and sell it?
- 4 Was that after they were arrested or --
- 5 A Yes. That was that weekend. That was -- it was the --
- 6 over the weekend because everything started going down on a
- 7 Thursday from what I remember.
- 8 Q Okay. Did you sell the 25, too?
- 9 A No. I haven't even -- I've seen that one time, one time
- 10 and it was like a week or before that, before all this
- 11 happened.
- 12 Q A week before what happened?
- 13 A Everything that happened, when they came -- when the cops
- 14 came and everything started going down.
- 15 Q Was that before you went to see your mom on July 1st or
- 16 after?
- 17 A Yes. I had seen the gun before I went to my mother's,
- 18 yes.
- 19 Q You saw the 25 before you went to see your grandmother,
- 20 I'm sorry, to see your mother?
- 21 A Yes.
- 22 Q On July 1st?
- 23 A Yes.
- 24 Q And you were gone from July 1st to July 8th?
- 25 A Yes.

Robert Bell - Cross by Mr. Wilson

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1 Q Is that correct?

2 A That's correct.

3 Q And, and then when you came back on July 8th how many days
4 were you there before you sold the nine millimeter?

5 A They've -- I'd say maybe a week, probably a week.

6 Q Let me ask you this, during this time when you -- you
7 said to the solicitor that you were on drugs; right?

8 A Yeah. Well then.

9 Q What kind? Okay. I'm sorry.

10 A I'm --

11 Q Go ahead.

12 A Nah. You can go ahead. I'm sorry. I didn't mean to
13 interrupt you.

14 Q What kind of drugs were you using?

15 A Heroin.

16 Q Heroin?

17 A Yep.

18 Q All right. And how much heroin were you using say a day?

19 A It was really only that one time. I just had to have
20 something to get through it. I guess that's just the way I
21 cope. I don't know, but that's what led me to that, and it
22 really wasn't even a big thing. It happened that one time and
23 that was it.

24 Q So you used heroin one time?

25 A Well, one, yeah, when I was there, but when that

Robert Bell - Cross by Mr. Wilson

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1 happened.

2 Q Well, all right. Let me back up because you keep saying
3 when that happened.

4 A Yeah. When all like that's what I mean, when all this
5 started happening. Like when you guys picked them up is what
6 I mean when this happened.

7 Q All right. So you never used heroin until they were
8 picked up?

9 A No. I mean, I had before but not up here or not down
10 here.

11 Q Okay. All right. And then after they were picked up you
12 sold the gun and got back on heroin. Is that what you're
13 saying?

14 A Yeah. Well, not -- yeah. It wasn't a -- it wasn't an
15 ongoing thing. It was just the one time, and honestly, I
16 never even seen the kid I got it from again after that.

17 Q All right.

18 A And he was the only one I knew that had it. I don't see
19 how this is really relevant though.

20 MR. WILSON: I don't have any other questions, Your
21 Honor.

22 THE COURT: Mr. Spratlin.

23 MR. SPRATLIN: Yes, Your Honor.

24 CROSS EXAMINATION

25 By MR. SPRATLIN:

Robert Bell - Cross by Mr. Spratlin

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- 1 Q Good afternoon, Mr. Bell. How are you?
- 2 A I'm doing great.
- 3 Q All right. So you went to visit your mother in
- 4 Pennsylvania back on July 1st, 2017; is that right?
- 5 A That's correct.
- 6 Q And you got back into town on either the 8th or the 9th;
- 7 right?
- 8 A Yes, the 8th.
- 9 Q The 8th, okay, and you actually took an, an Uber or some
- 10 other kind of taxi or something like that to a tattoo shop
- 11 where you met --
- 12 A Yes. Yep.
- 13 Q -- Kenny and Jordan; right?
- 14 A Correct.
- 15 Q And they were in the blue truck at that point; right?
- 16 A Yes.
- 17 Q Okay. And you lived with them from about June 20th till
- 18 about July 1st when you left; right?
- 19 A Uh-huh.
- 20 Q And then till about 11 days?
- 21 A Yeah.
- 22 Q And then you lived with them from July 8th until the 14th
- 23 when they were arrested on this charge?
- 24 A Yes. And I actually stayed at that place for almost
- 25 another year after that.

- 1 Q Okay. And you stayed at the place for another year after
2 that. All right. And you said regarding the -- I believe you
3 referred to it as a 25-caliber that you saw it one time;
4 right?
- 5 A Yes.
- 6 Q And you saw it and Kenny was holding it, I believe you
7 said?
- 8 A Yeah.
- 9 Q Did you ever see Jordan with that gun?
- 10 A No. No.
- 11 Q Do you know if Kenny always had it on him or sometimes
12 Jordan carried it?
- 13 A That I couldn't tell you.
- 14 Q Okay. So it's a possibility that Jordan could have also
15 had that gun several times.
- 16 A It's a very good possibility.
- 17 Q Jordan was familiar with guns, too; right?
- 18 A I'd imagine.
- 19 Q Okay. In fact, the nine millimeter, do you know who
20 owned the nine millimeter that you sold?
- 21 A I don't know who bought -- I don't whose name was on the
22 thing for the -- like I said, they didn't really even have it
23 long before they got picked up.
- 24 Q Okay.
- 25 A Because it was brand new.

Robert Bell - Redirect by Mr. Oskin

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1 Q Brand new. And when you say that you eventually told the
2 police the truth it took a while; right?

3 A It -- yeah.

4 Q Initially I, I believe you told the officers that someone
5 had come in and stolen it; right?

6 A Well, I actually did get robbed. Somebody came there and
7 I got robbed at gunpoint, actually. They took a bunch of
8 stuff out of the house.

9 Q Okay. But not the gun?

10 A No. Because it was already gone.

11 Q All right. That's all the questions I have, Mr. Bell.

12 Thank you so much.

13 A You're welcome.

14 THE COURT: Any redirect?

15 MR. OSKIN: Very briefly for this witness, sir.

16 REDIRECT EXAMINATION

17 BY MR. OSKIN:

18 Q Mr. Bell, I understand this is court, attorneys, a lot of
19 people here. I need you to answer my questions directly;
20 okay?

21 A Okay.

22 Q You're not denying that you used heroin in the past;
23 correct?

24 A I'm not denying it, no.

25 Q Not. You've used it more than one time?

1 A Yes.

2 Q Correct?

3 A Yes.

4 Q Is it your testimony here today that while you lived with
5 Kenneth Carlisle and Jordan Hodge that you used heroin one
6 time during that time that you were in town?

7 A Yes.

8 Q And that is with -- by selling the gun that you found
9 after you got back in town; is that correct?

10 A Yes.

11 Q And you left to go to Pennsylvania on July 1st. Before
12 July 1st you saw the 25 caliber.

13 A Yes.

14 Q Okay. And that was in Kenny's possession?

15 A Yes.

16 Q When you got back on July 8th you saw them at the tattoo
17 shop?

18 A Yes.

19 Q And then your, your testimony -- you're answering these
20 attorneys that you used heroin while you've lived with them
21 one time. I'm just trying to clarify. So now I've got myself
22 --

23 A Actually they weren't even there. No. They were already
24 gone when I did it.

25 MR. OSKIN: Nothing further from the State.

Robert Bell - Redirect by Mr. Oskin

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1 THE COURT: Mr. Wilson?

2 MR. WILSON: Nothing further, Your Honor.

3 THE COURT: Mr. Spratlin?

4 MR. SPRATLIN: No follow-up, Your Honor.

5 THE COURT: Sir, you may step down. Thank you.

6 A Thank you.

7 THE COURT: Can the lawyers approach a minute, please?

8 MR. OSKIN: Would ask that he be released from his
9 subpoena.

10 THE COURT: Any objection to him being released?

11 MR. WILSON: No, sir.

12 MR. SPRATLIN: No, Your Honor.

13 THE COURT: Sir, you're released from your subpoena.
14 You're free to go.

15 (Whereupon, a bench conference is held in the presence,
16 but out of the hearing of the jury.)

17 THE COURT: All right. Ladies and gentlemen of the jury,
18 what we're going to do at this point we're going to break for
19 the balance of the day. It's a few minutes before five. I'm
20 going to ask you to be back here tomorrow morning at 9:00
21 o'clock. Be back here ready to go at 9:00 o'clock. As I've
22 said from the outset, do not discuss this case at all with
23 anyone. You're to decide this case based solely upon the
24 evidence and testimony presented in this courtroom and nowhere
25 else. All right? And again, no one's supposed to try to talk

1 to you about this case either. All right. You all have a
2 good evening. I'll see you tomorrow morning at nine.
3 Anticipate that lunch will be ordered for you again tomorrow.
4 Okay?

5 (Whereupon, the following takes place outside the
6 presence of the jury.)

7 THE COURT: All right. Ms. Hodge, Mr. Carlisle, if each
8 of you all will stand, please.

9 (Complies with request and sworn by the Court.)

10 THE COURT: Ms. Jordan Hodge?

11 MS. HODGE: Yes, sir.

12 THE COURT: And Mr. Kenneth Carlisle?

13 MR. CARLISLE: Yes, sir.

14 THE COURT: You can put your hand down. Ma'am, your,
15 your name is Jordan Marie Hodge?

16 MS. HODGE: Yes, sir.

17 THE COURT: And sir, your name is Kenneth Wayne Carlisle?

18 MR. CARLISLE: Yes, sir.

19 THE COURT: All right. What I'm going to do, we hadn't
20 quite reached this stage yet, but I, I like to do this when I
21 have an idea of where we are in a case, I like to advise
22 Defendants of their rights so that they -- so that you all
23 will have the overnight to think about it and further talk
24 about it with your lawyer. When I advise you of these rights
25 or when I'm done, if you do not understand anything that I say

Advisement of Rights

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1 to you, I'll give you an opportunity to ask questions of me.

2 You understand that, Ms. Hodge?

3 MS. HODGE: Yes, sir.

4 THE COURT: Mr. Carlisle?

5 MR. CARLISLE: Yes, sir.

6 THE COURT: After I explain this to you, if you need me
7 to explain it in more detail, I'll do my best to do so. You
8 understand that, Ms. Hodge?

9 MS. HODGE: Yes, sir.

10 THE COURT: Mr. Carlisle?

11 MR. CARLISLE: Yes, sir.

12 THE COURT: All right. Now, we are about, about --
13 tomorrow we're going to reach the stage of the trial where you
14 may present a defense. Okay? Each of you have the right to
15 claim the protections given to you by the Fifth Amendment to
16 the United States Constitution, which states in part that no
17 person, no person shall be compelled in any criminal case to
18 be a witness against himself. You understand that, Ms. Hodge?

19 MS. HODGE: Yes, sir.

20 THE COURT: Mr. Carlisle?

21 MR. CARLISLE: Yes, sir.

22 THE COURT: All right. In other words, you cannot --
23 neither one of you can be required to testify in this case. I
24 want you to understand, however, that you may testify on your
25 own behalf, but no one, no one can make either one of you

1 testify. Your right to testify or claim the protections given
2 to you by the Fifth Amendment is a personal right, a right
3 that no one can waive but you. Do you understand that, Ms.
4 Hodge?

5 MS. HODGE: Yes, sir.

6 THE COURT: Mr. Carlisle?

7 MR. CARLISLE: Yes, sir.

8 THE COURT: All right. Now, I want you to understand,
9 each of you to understand if you decide to testify you will be
10 subject to the same rules that govern other witnesses and you
11 may be examined and cross examined on any relevant issue in
12 this case. In addition, if you have any convictions involving
13 dishonesty or false statement or for crimes punishable by
14 imprisonment for more than a year and this Court determines
15 that the probative value of admitting this evidence outweighs
16 its prejudicial effect to you, the prosecutor will be able to
17 introduce your record to attack your credibility. Now, if you
18 decide to testify, this decision on your part must be freely,
19 voluntarily, knowingly and intelligently made with knowledge
20 of the protections given to you by the Fifth Amendment and the
21 consequences of your decision to testify. If you decide -- if
22 either one of you decide not to testify I will instruct this
23 jury that they cannot, that they cannot give the fact that you
24 did not testify any consideration whatsoever and that there is
25 to be absolutely no prejudice to you because you did not

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1 testify. In fact I'll tell them they can't even bring that
2 fact up in the jury room. All right? Now it's left entirely
3 up to you whether or not you testify. You may talk with your
4 attorneys, family, friends or whomever else you so desire, but
5 the final and ultimate decision as to whether or not you
6 testify is left entirely up to you. Do you understand what
7 I've explained to you, Ms. Hodge?

8 MS. HODGE: Yes, sir, Your Honor.

9 THE COURT: Mr. Carlisle?

10 MR. CARLISLE: Yes, sir.

11 THE COURT: Do you -- either one of you have any
12 questions about what I have explained to you here today, Ms.
13 Hodge?

14 MS. HODGE: No, sir, Your Honor.

15 THE COURT: Mr. Carlisle?

16 MR. CARLISLE: No, sir.

17 THE COURT: Now, what I'm going to do I'm going to give
18 you the overnight to, to discuss this, as I said, with your
19 lawyer, your family or friends or whomever else, to discuss
20 whether or not you should testify. When we reconvene tomorrow
21 after the State has rested its case I will expect an answer at
22 that time. All right? But I'm going to give you the
23 overnight, give both of you the overnight to think about it •
24 and talk about it with whomever you desire, but tomorrow I
25 will expect an answer. You understand, Ms. Hodge?

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1 MS. HODGE: Yes, Your Honor.

2 THE COURT: Mr. Carlisle?

3 MR. CARLISLE: Yes, sir.

4 THE COURT: All right. You all may be seated.

5 MR. WILSON: Thank you, Your Honor.

6 MS. HODGE: Thank you. Thank you.

7 THE COURT: All right. Anything from the State at this
8 point before we break for this evening?

9 MR. OSKIN: No, sir, Your Honor. We'll be prepared for
10 9:00 o'clock in the morning.

11 THE COURT: Mr. Wilson?

12 MR. WILSON: Nothing further, Your Honor.

13 THE COURT: Mr. Spratlin?

14 MR. SPRATLIN: Nothing, Your Honor.

15 THE COURT: All right. 0900.

16 (Adjourned for day.)

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James Green - Direct by Mr. DeBusk

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1 (On the record, October 3, 2019. The following takes
2 place outside the presence of the jury.)

3 THE COURT: Thank you. Be seated, please. All right.
4 Anything from the State before I bring the jury out?

5 MR. OSKIN: No, sir, Your Honor. Ready to proceed.

6 THE COURT: Defense counsel, Mr. Wilson?

7 MR. WILSON: Nothing, Your Honor.

8 THE COURT: Mr. Spratlin?

9 MR. SPRATLIN: No, Your Honor.

10 THE COURT: Bring me the jury, please.

11 (Whereupon, the following takes place in the presence of
12 the jury.)

13 THE COURT: Mr. Foreman, ladies and gentlemen of the
14 jury, hope you all had a good evening yesterday and ready to
15 proceed here today. At this time I'm going to recognize the
16 State. Call your next witness, please.

17 MR. DEBUSK: Thank you, Your Honor. The State calls
18 James Green.

19 Whereupon, James Green is called to the stand, duly sworn
20 by the clerk and testified as follows:

21 THE CLERK: State your name for the Court and spell your
22 last name.

23 MR. GREEN: My name is James Green, G-R-E-E-N.

24 DIRECT EXAMINATION

25 BY MR. DEBUSK:

James Green - Direct by Mr. DeBusk

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1 Q Mr. Green, who's your employer?

2 A I'm employed by the South Carolina Law Enforcement
3 Division, commonly referred to as SLED.

4 Q How long have you been with SLED?

5 A Since June of 2005.

6 Q Okay. And what is your job at SLED?

7 A I'm a forensic firearms examiner in the forensic services
8 laboratory.

9 Q What does a forensic firearms examiner do?

10 A Our main task is looking at fired ammunition components,
11 fired bullets or fired cartridge cases to see if they were
12 fired by the same gun or not or did multiple guns, depending
13 on how many we have, and if there's a firearm submitted, to
14 see if those ammunition components were fired by the firearm
15 submitted or not.

16 Q Could you tell the jury about your qualifications?

17 A I have a bachelor of arts from Charleston Southern
18 University and I also have a master's of science in criminal
19 justice from Charleston Southern as well, and when I was hired
20 at SLED I started the in-house training, the SLED firearm and
21 tool mark course of instruction. It's about a three to three
22 and a half year program studying under court-qualified
23 firearms examiners in an apprentice type fashion learning to
24 do what I do now.

25 Q How long have you been examining firearms and ammunition?

James Green - Direct by Mr. DeBusk

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1 A Since I started SLED in 2005.

2 Q How many cases do you think you've worked?

3 A Good gracious, probably close to six or 7,000.

4 Q Okay. Have you ever been qualified as an expert in
5 examination of firearms and ammunition?

6 A Yes, sir.

7 Q How many times?

8 A 80, 78 times in state courts and twice in federal.

9 MR. DEBUSK: Your Honor, we'd offer James Green as an
10 expert in the area of firearms and ammunition analysis.

11 MR. WILSON: I have no objections to his qualifications,
12 Your Honor.

13 MR. SPRATLIN: No objections, Your Honor.

14 THE COURT: All right. Ladies and gentlemen, this young
15 man is being qualified as an expert in the field of firearms
16 and ammunition analysis. The same charge I gave you yesterday
17 as it relates to experts applies to this gentleman as well.
18 He's going to be allowed to give opinion testimony as it
19 relates to such, and again, that does not mean that you must
20 accept the opinion, but it's evidence for you to use in any
21 way that you see fit, give it the weight and credibility that
22 you deem appropriate. You may continue.

23 MR. DEBUSK: Thank you, Your Honor.

24 BY MR. DEBUSK:

25 Q What did you -- did you do some work in this case, the

1 case of Jordan Hodge and Kenneth Carlisle?

2 A Yes, sir.

3 Q What did you examine?

4 A I examined two fired cartridge cases and a fired bullet.

5 Q Let me show you State's Exhibit 76 and 77 and ask if you
6 recognize those. Feel free to open them if you need to.

7 THE COURT: What's the numbers again, Mr. DeBusk?

8 MR. DEBUSK: 76 and 77, Your Honor.

9 THE COURT: Thank you.

10 A Yes, sir. State's Exhibit 76 is the package that I
11 received in this case containing the two fired cartridge
12 cases. I recognize it. The evidence tape seals are still
13 intact. It has my initials and a seal date. State's Exhibit
14 77 is also something I examined in this case, have the
15 evidence tape seals and my initials and the date. State's
16 Exhibit 77 is the SLED item two, excuse me, SLED item nine,
17 bullet I examined in this case, and State's Exhibit, excuse
18 me, 76, are the SLED items 13 and 14, cartridge cases I
19 examined in this case.

20 Q Are they loose in those clear plastic bags?

21 A Yes, sir.

22 Q Okay. Do you do anything to make them recognizable to
23 you after you examine them?

24 A Yes, sir. When we get evidence at SLED, particularly the
25 firearms department, it's large enough, we use a dremel tool

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1 or like an electric pencil and we scribe our lab number and
2 the item number and our initials on each piece of evidence.
3 So if we go to court, like today, I can look at it and see
4 that this is the evidence I examined in this case.

5 Q Now, first, let's get over a matter of terminology. You
6 talked about casings and bullets and cartridge. Could you
7 explain to the jury the relationship of casing, bullet and
8 cartridge?

9 A Yes, sir. My dad goes to Walmart to buy bullets. That's
10 what he says. He says it all the time no matter how many
11 times I correct him. He's actually going to go buy
12 cartridges. A cartridge is a complete piece of unfired
13 ammunition. It's made of the cartridge case, the primer, the
14 gunpowder and the projectile or projectiles. So State's
15 Exhibit 76 is made up of two fired cartridge cases. That is
16 just literally the container that holds the bullet and the
17 powder. When the cartridge is fired the bullet goes down the
18 barrel towards whatever the intended target is and the powder
19 burns, making the bullet propel down the barrel and the
20 cartridge case is left, and it contains the primer, excuse me,
21 and the cartridge case and that's then ejected from the
22 firearm if it's a semiautomatic.

23 Q Now, I believe it was State's 77 was the bullet recovered
24 at autopsy. What did you conclude with that?

25 A State's Exhibit 77 was a fired bullet that was 25 auto

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1 caliber, excuse me, it was most consistent with being a 25-
2 auto caliber. That means it had the exact observable physical
3 characteristics I would expect to see in a bullet of that
4 caliber. It had the same diameter at the base and it weighed
5 approximately the same and had the same overall profile and
6 shape.

7 Q So the -- what does caliber mean?

8 A Caliber is a -- it's got two definitions. One, in
9 bullets or projectiles, it's a diameter at the base of the
10 bullet, which is where it's the widest, and, and handguns the
11 term caliber describes the measurements between the lands or
12 the rifling and the barrel from one to the other.

13 Q Okay. And what's a unit of caliber? Does it correspond
14 in any way to inches?

15 A Yes, sir. A 25 auto caliber bullet is .25 inches in
16 diameter or 25 hundredths of an inch.

17 Q Okay. What did you conclude about the two casings?

18 A State's Exhibit 76, the two cartridges cases, they were
19 inconclusive with each other when I look at them
20 microscopically. The main tool we use is a comparison
21 microscope, is two microscopes connected by a single optical
22 bridge. It lets us look at two objects simultaneously under
23 different angles and different lighting. What we're looking
24 for are individual markings left on the ammunition components
25 whether they're bullets or cartridge cases that are imparted

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1 or put on the firearm during the manufacturing process. I've
2 done many studies and taken part in them where you look at
3 consecutively made firearms, and even though they're
4 consecutively made by the same tool and the same state of wear
5 you can still differentiate one to the next to the next.
6 Unfortunately, when I looked at State's Exhibit 76 my answer
7 was inconclusive. I say unfortunately because inconclusive is
8 a fancy word for I don't know. I couldn't tell if the two
9 cartridge cases were fired by the same gun or by two different
10 firearms.

11 Q Just because of lack of those markings that you would
12 examine?

13 A Yes, sir. 25 auto is a relatively low pressure
14 cartridge. When you combine that with maybe a poor quality
15 firearm or just hard ammunition components, like the, the
16 brass used on the primers were a little harder than normal, it
17 just didn't take on any markings enough for me to say, yes,
18 they were the firearm, excuse me, or yes, they were fired by
19 the same firearm or no, they were not.

20 Q Now, you said 45 auto. You meant 25 auto?

21 A Yes, sir. I'm sorry. I meant 25.

22 Q That's all right. The casings were 25 auto?

23 A Yes, sir.

24 Q And the bullet was 25 auto?

25 A Yes, sir. Yes, sir. It was most consistent with 25

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1 auto.

2 Q And was it .25 in diameter or is there a slight, slight
3 difference?

4 A It was a slight difference. It was slightly damaged at
5 the base.

6 Q Uh-huh. But it was most consistent with a .25?

7 A Yes, sir.

8 Q Are these all consistent with being from the same kind of
9 ammunition?

10 A The two cartridges cases are both 25 auto. They're both
11 -- have the same cartridge case characteristics with the brass
12 cartridge case and the brass primer, and the bullet would be
13 something I would expect to see -- excuse me, State's Exhibit
14 77 would expect to be seen in that cartridge case from State's
15 76, but I can't say that for definite. It's just 25 auto
16 doesn't have that many different types of bullet profiles. So
17 this is a common bullet profile in 25 auto.

18 Q You said it was most consistent with a .25. Could it
19 have been a 38?

20 A No, sir. It's much too small.

21 Q How common are 25 caliber pistols?

22 A They're not as common as nine millimeters or 40s or 45s,
23 but we do see them occasionally in the, in the laboratory.

24 Q But not particularly common?

25 A No, sir. It's probably less than 10 percent of what we

James Green - Cross by Mr. Wilson

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1 see in the lab.

2 Q Okay. Thank you. Please answer any questions Defense
3 might have.

4 THE COURT: Mr. Wilson.

5 MR. WILSON: Thank you, Your Honor.

6 CROSS EXAMINATION

7 BY MR. WILSON:

8 Q I just have a couple of questions. See if I understand
9 what you're saying, what you're telling us is that the two
10 shell casings that you received that you can't say that both
11 those shell casings were fired from the same weapon. Is that
12 fair?

13 A Yes, sir. They were inconclusive with each other. They
14 could have been fired by the same weapon. Conversely, they
15 could have been fired by different weapons.

16 Q Okay. And you're also telling us that the bullet that
17 you can't tell us whether the bullet was fired from one of
18 those shell casings?

19 A That is not an examination we do at SLED. It's not -- we
20 don't deem it reliable. The only way for me to conclusively
21 say that a bullet and a cartridge case were the same was if I
22 had a firearm to compare it to. I could say this bullet was
23 fired out of this gun and this cartridge case was fired out of
24 this gun, but I can never say that State's Exhibit 77 and one
25 of the State's Exhibit 76 cartridge cases were the same at

1 some prior time, that's not an examination we do.

2 Q Okay. So, so you -- what you're saying then is that you
3 would not do any kind of tests which would show that, even
4 though you have a bullet, that that bullet was fired by that
5 particular cartridge that you had or shell casing, I
6 apologize, that you had?

7 A Okay. Let me, let me, let me make sure I've got what
8 you're saying. So you're asking if there's no way I could say
9 that State's Exhibit 77, for instance, came out of this
10 cartridge.

11 Q That is exactly what I'm asking you.

12 A Okay. No, sir. That's not an examination we do. May I
13 explain?

14 Q Yes, sir, please.

15 A The cartridge case mouth is just a little piece of metal.
16 When you take a bullet that's slightly larger than that and
17 shove it into the cartridge case, those marks from where the
18 cartridge case mouth was formed could leave markings on the
19 bullet, on the bearing surface of the bullet to be exact.
20 When the bullet is fired down the barrel all those markings
21 are rewritten or overwritten by the rifling of the barrel. So
22 all the markings that could have been left on the bullet by
23 being seated into the cartridge case are going to be erased
24 when the bullet contacts the rifling in the barrel.

25 Q Let me ask you in regards to the shell casings that you

James Green - Cross by Mr. Wilson

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1 got, the two shell casings, you can't tell us when those shell
2 casings were actually fired.

3 A Correct.

4 Q So we don't know if they were fired a year ago or two
5 weeks ago or a month before you got them?

6 A Correct.

7 Q One last question. Let me ask you in regards to the size
8 of the bullet that was found, you said it's most likely, and,
9 and if I -- I apologize if I misinterpret what you're saying,
10 are you saying that the bullet was most, most likely
11 consistent with being a 25 caliber?

12 A Yes. Yes, sir. If I can look at my notes --

13 Q Please.

14 A -- I could explain a little bit more. While I'm doing
15 that, the -- like I stated before, the bullet diameter of a 25
16 auto bullet is actually .251 inches or 251 hundredths of an
17 inch and they usually weigh right around 50 grains. I've
18 never seen a 25 that's not -- a 25 auto caliber bullet that's
19 not really close to 50 grains, and State's, excuse me, State's
20 Exhibit 77 or SLED item nine weighed 49.2 grains, and the
21 diameter at the base, as I said, was damaged, and it was
22 257ths of an inch and 241ths of an inch, 241. When you
23 measure, you know, average those together you get right at
24 about 251.

25 Q Okay. Now, is there, is there a 22-caliber ammunition?

- 1 A Yes, sir. There is.
- 2 Q All right. And what would, what would that, what would
3 the size of that ammunition be in comparison to a 25?
- 4 A A 22, I'm assuming we're talking about 22 long rifle, 22
5 long, that kind of thing.
- 6 Q Or --
- 7 A Or 223.
- 8 Q Yes.
- 9 A Or a 22 magnum, they're all 22 hundredths of an inch.
10 So there's a little bit difference and the largest 22 long
11 rifle bullet I can think of weighs 40 grains and they do not
12 have jackets on them.
- 13 Q And, and in regards to the bullets, a lot of times when,
14 when the bullet impacts, I mean, I'm, I'm specifically now
15 talking about I think 76 is the bullet itself?
- 16 A 77.
- 17 Q 77 is the bullet itself, when the bullet actually is
18 repelled from the, the casing and it strikes something it can
19 -- can it lose some of its weight when it, when it impacts say
20 wood or metal or, or even tissue?
- 21 A Tissue not so much without hitting an intervening surface
22 in the middle, but hitting a hard object like metal, like a
23 jacketed bullet when it hits metal, like it hits a car or
24 something, it could lose some of its weight. Some of the
25 jacket could be torn off. Some of the lead core could be

James Green - Cross by Mr. Spratlin

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1 pushed out the back if the base is open. So, yes, sir, they
2 can sustain damage when they hit certain objects.

3 Q Okay. And then that would then, in turn, effect the
4 weight that, that you would be able to asses during your
5 evaluation?

6 A Yes, sir.

7 Q No other questions. Thank you, sir.

8 THE COURT: Mr. Spratlin.

9 MR. SPRATLIN: Yes, sir, Your Honor.

10 CROSS EXAMINATION

11 BY MR. SPRATLIN:

12 Q Good morning, agent.

13 A Good morning.

14 Q So correct me if I'm wrong, what you're saying is that
15 the bullet that you examined was, you believe, a 25; correct?

16 A Yes, sir.

17 Q All right. And the shell casings that you examined,
18 those you could not say whether or not they were fired from
19 the same gun; right?

20 A Correct.

21 Q They could have been fired from the same gun; correct?

22 A Yes, sir.

23 Q But you can't say with enough scientific certainty to sit
24 up here and tell the jury; right?

25 A Correct.

- 1 Q But they could have been fired from the same gun?
- 2 A They could have been, yes.
- 3 Q All right. And you talked a little bit about when Mr.
- 4 DeBusk was asking you questions about diameter, the diameter,
- 5 and correct me if I'm wrong, the diameter of a 38-caliber is
- 6 approximately just under that. It's like .356 inches;
- 7 correct?
- 8 A Yes, sir.
- 9 Q And the diameter of a 40-caliber -- what would the
- 10 diameter of a 40-caliber be?
- 11 A .40.
- 12 Q Okay. And I assume the diameter of a 22 would be 22.
- 13 A It's actually 21, but, yes, sir.
- 14 Q All right.
- 15 A 221, 222 somewhere around there.
- 16 Q All right. And a nine millimeter what would the caliber
- 17 of that be?
- 18 A 355 diameter.
- 19 Q Diameter, excuse me, and when we're talking diameter
- 20 we're talking about the actual like bullet that comes out of
- 21 the gun; right?
- 22 A Yes, sir. It's the, the width or the measurement at the
- 23 base of the bullet, the width.
- 24 Q Okay. All right. Thank you. That's all the questions I
- 25 have.

James Green - Redirect by Mr. DeBusk

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1 THE COURT: Any redirect?

2 MR. DEBUSK: Just one question.

3 REDIRECT EXAMINATION

4 BY MR. DEBUSK:

5 Q Is a human skull the kind of hard surface that could
6 cause a slight deformation of a bullet?

7 A That's not my area of expertise, but --

8 Q That is a hard surface?

9 A Yes, sir. It is.

10 Q Thank you.

11 MR. DEBUSK: No further questions for Agent Green, Your
12 Honor.

13 MR. WILSON: Nothing further, Your Honor.

14 MR. SPRATLIN: Nothing, Your Honor.

15 THE COURT: Sir, you may step down. Thank you.

16 A Thank you.

17 MR. DEBUSK: We'd ask that Agent Green be released from
18 his subpoena, Your Honor.

19 THE COURT: Any objection?

20 MR. WILSON: No objections, Your Honor.

21 MR. SPRATLIN: No objection, Your Honor.

22 THE COURT: Mr. Green, you're released from your
23 subpoena. You're free to go. Have a nice day, sir.

24 A Thank you. You, too.

25 THE COURT: Call your next witness.

Nathaniel Dingle - Direct by Mr. DeBusk

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1 MR. DEBUSK: Thank you, Your Honor. The State calls
2 Nathaniel Dingle.

3 Whereupon, Nathaniel Dingle is called to the stand, duly
4 sworn by the clerk and testified as follows:

5 THE CLERK: State your name for the Court and spell your
6 last name.

7 MR. DINGLE: Nathaniel Dingle, D-I-N-G-L-E.

8 DIRECT EXAMINATION

9 BY MR. DEBUSK:

10 Q Agent Dingle, who's your employer?

11 A The Federal Bureau of Investigation.

12 Q Where are you stationed?

13 A In San Diego, California.

14 Q What's the nature of your work? What's your assignment?

15 A I'm currently on a violent crime squad, which primarily
16 investigates kidnappings, bank robberies, assaults against
17 federal officers, commercial robberies that involve weapons.
18 Additionally I am a member of our cellular analysis survey
19 team or CAST. This is a team that does analysis based on
20 location of devices.

21 Q How long have you been with the FBI?

22 A It'll be 16 years next month.

23 Q How long have you been with CAST?

24 A Just about a little over a year.

25 Q Okay. How long have you been in law enforcement?

Nathaniel Dingle - Direct by Mr. DeBusk

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1 A It'll be the same, about 16 years.

2 Q Your, your whole career with the FBI?

3 A Correct.

4 Q Okay. Who, who assigns cases to the cellular -- the CAST
5 team?

6 A So when the requests come in they go to our headquarters
7 unit, typically, or a local supervisor. There's three
8 regional supervisors, and they assign them out typically to
9 the region. However, if there's nobody available in the
10 region or in the state they go out to the group and anyone's
11 available to pick those up. So in this case, me being all the
12 way across the country, I volunteered for this because I
13 wanted to come to South Carolina.

14 Q Okay. What's your job at CAST?

15 A So we all kind of have, more or less, the same job except
16 for the supervisors. We all do analysis on records. They can
17 be a number of records. The most common is going to be cell
18 phone records that we get. However, as everything changes
19 throughout the landscape, there's more and more devices that
20 have location information on them, and they can include
21 anything from your car to your phone to your watch to any --
22 pretty much anything you have nowadays has some sort of
23 location information on it.

24 Q Okay. And do the cases you involve all, all -- involve
25 plotting geographical data from the electronic records?

1 A They do. Yes.

2 Q Can you describe your education and qualifications to the
3 Court and training?

4 A I have a -- background, I have a bachelor's degree in
5 information services from DeVry University. I was originally
6 network administrator before I joined the bureau. Once I
7 joined the bureau, I went through all the normal training that
8 every agent goes through at Quantico to become an agent, and
9 I've spent time going through a number of different squads. I
10 did some counterterrorism work. I did some work on our cyber
11 squad and eventually made my way over to this, which is
12 something new. I've always kind of wanted to work violent
13 crime cases. So I was able to get over there and get involved
14 in more of these, give us the opportunity to go out and do
15 more work and work closely with the state and locals and also
16 our, our federal partners on these types of cases.

17 In CAST it's a pretty rigorous process in order to get
18 certified. It's -- normally takes between a year to two or
19 three years to go through the entire certification process.
20 It starts out with just a basic class in which you just learn
21 how to view records in general. All of the providers have
22 records that are different, and it -- if you were to just look
23 at those on your own that they are, they are -- they can be
24 confusing, but on the basis of what it comes down to is if you
25 have like at least with cell phone records if you have your

Nathaniel Dingle - Direct by Mr. DeBusk

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1 phone bill that comes at the end of the month and it shows a
2 listing of all the telephone calls you've received, all the
3 texts you've received, it's basically we're looking at that
4 same thing on all those transactions but we're getting a
5 couple of extra columns and those extra columns are giving us
6 that location information. So what cell site was used or and
7 then we use a tower list to combine those to find out exactly
8 where that cell site is, and we can find out where the phone
9 was at a given time when we're looking at the phone. Further
10 location information we're looking at stuff like GPS
11 coordinates, which I believe we'll get into in a bit. So
12 that's kind of the basis of, of the initial training.

13 If you go through that and you understand it and you
14 still have an interest in it, you can get invited into our
15 advanced class. The advanced class is a little further along
16 and that's where we start going into some of the intricacies
17 of all the different providers and the different location
18 services and some of the hang-ups that you might run into if
19 you don't know what you're looking for, and we get into how to
20 put together a map and how to put together a presentation that
21 can show what you have now learned.

22 After that if you're still interested and still aren't
23 overly confused by what you learned, there is another class
24 that's a -- once again, just another step forward, and, and it
25 goes into more of, okay, now you've put together a map, can

1 you do it quickly, can you do stuff such as finding someone
2 with that. So we have a timeline. Like there's a missing
3 person, there's a kidnapped child and you have to find and not
4 only look at the records but ask for the right records, get
5 the right information back and then go forward with that
6 because a big part of what we do is not only the historical
7 stuff, but we, we go out to all the missing kids, all the, the
8 kidnaps. If there's a violent crime that occurs where there's
9 a suspect, outstanding fugitive cases, we're working on those.

10 After all of that if you're still good to go and you've
11 done well through that and you're, and you're working through
12 the process, there's a four-week certification class. That,
13 that class involves two two-week blocks. The first block is
14 training from the Florida Institute of Technology on
15 radiofrequency theory, how everything with cell phones works.
16 The second part of it is we actually have all the different
17 major providers come in and speak with us. So we're speaking
18 to not only their legal representatives that get us the
19 records that we can ask questions to, but we're also talking
20 to their engineers so we can ask them questions specific to
21 their network and how things may work.

22 After that there's a second two-week block where the
23 first part of it is getting into something we're not really
24 going to deal with here today, but the drive testing aspect.
25 So when we put together a map we can do an estimate of where a

Nathaniel Dingle - Direct by Mr. DeBusk

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1 phone was, but we actually have equipment where we can go out
2 and drive around and find out what the actual area of all
3 those towers are, and we can then show more accurately where a
4 device can and cannot be.

5 And then the last part of that is moot court where we go
6 up in front of our peers and show that we can actually testify
7 and that we know what we're talking about and aren't going to
8 get flustered or that we aren't going to make major mistakes,
9 you know, when we're discussing what we know.

10 Q So all these -- latter courses you're talking about,
11 those are internal in the FBI?

12 A Correct.

13 Q So you've been extensively trained?

14 A Yes, sir.

15 Q Have you been qualified as an expert in court before?

16 A I have, yes.

17 Q How many times?

18 A This will be, I believe, my sixth time.

19 Q Okay.

20 A In, in this field. I've been qualified as an expert in
21 other fields, but this --

22 Q In this particular --

23 A -- in cell phone analysis.

24 Q -- historical location analysis.

25 A Correct.

Nathaniel Dingle - Direct by Mr. DeBusk

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1 MR. DEBUSK: Your Honor, we'd offer Agent Dingle as an
2 expert in historical location analysis.

3 THE COURT: Mr. Wilson?

4 MR. WILSON: I don't have any objections, Your Honor.
5 I'll stipulate.

6 MR. SPRATLIN: Your Honor, as to the agent's
7 qualifications I do not have any objection.

8 THE COURT: All right. Ladies and gentlemen, this
9 individual is being qualified as an expert in historical
10 location analysis to give opinion concerning such. The same
11 charge I've given you on expert witnesses before apply to this
12 gentleman as well. You may continue.

13 MR. DEBUSK: Thank you, Your Honor.

14 BY MR. DEBUSK:

15 Q Agent Dingle, what, what is GPS?

16 A GPS is global positioning system. It's basically a
17 number of satellites that orbit the earth at a fixed path and
18 a fixed time regularly. So in order to get GPS coordinates,
19 which come down to the latitude and longitude and that's,
20 that's what you see if you were to pull up your phone and go
21 into like Google maps and it's giving you a location and
22 showing where you are. That's pulling from satellites, and
23 it's pulling that information or those -- if anyone still has
24 the Garmins that go on your dashboard that's basically what
25 that is. So what it does is it triangulates off three or more

Nathaniel Dingle - Direct by Mr. DeBusk

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1 satellites in order to get a location and typically nowadays
2 it will actually be off more than three satellites depending
3 where you are, but typically it will hit off more than three
4 to get a better location on where you are.

5 Q Okay. And what is the format of GPS data if I'm asking
6 that right?

7 A Latitude and longitude.

8 Q Okay. Are -- is GPS commonly used in devices today?

9 A It is. Yes.

10 Q Are they common in vehicles?

11 A Yes.

12 Q Okay. What tools do you use to plot the GPS location,
13 software?

14 A Yeah. So all you really need is a computer and you can
15 do it simply in something like Google Maps. You can put in
16 the latitude and longitude that you pull out of there or in
17 this case I used Google Earth in order to plot these points.

18 Q You, you -- so you do use commercially available tools
19 like Google Earth?

20 A I do, yes.

21 Q Have you established through your work and training the,
22 the accuracy of Google Earth?

23 A I have, yes.

24 Q Okay. Including street-level photos?

25 A Yes.

1 Q What information did you receive in this case to do your,
2 your historical location analysis?

3 A I received a thumb drive from our -- one of our agents in
4 South Carolina who had received it from Quantico, and it
5 contained the information obtained from the GPS unit in the
6 vehicle.

7 Q Let me show you what's been marked as State's Exhibit 132
8 and ask if you recognize that.

9 A I do. That is the, the thumb drive that contained the
10 information.

11 Q Did you prepare a PowerPoint presentation to, to show to
12 the jury?

13 A I did, yes.

14 Q Would that assist you in explaining the -- your results
15 to the jury?

16 A It will.

17 Q Let me show you what's been marked as State's 136 and ask
18 if you recognize this.

19 A Yes. This is the CD that has my PowerPoint presentation
20 on it.

21 MR. DEBUSK: Your Honor, we'd move -- offering State's
22 136 into evidence at this time.

23 THE COURT: Any objection, Mr. Wilson?

24 MR. WILSON: None, Your Honor.

25 THE COURT: Mr. Spratlin?

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1 MR. SPRATLIN: Your Honor, my only objection would be
2 subject to my previous objection regarding the truck.

3 THE COURT: So noted. Exhibit 136 is admitted without
4 objection from Mr. Wilson and over the objection but so noted
5 as it relates to Mr. Spratlin.

6 (State's Exhibit Number 136 [CD - Dingle Presentation]
7 admitted into evidence and appropriately marked.)

8 MR. DEBUSK: Your Honor, may Agent Dingle step down and
9 we'll move the TV up for the jury. Is that --

10 THE COURT: Yes. That's fine. Now, what I need you to
11 do --

12 (Court reporter and Court confer.)

13 THE COURT: Well, wherever he stands at I don't want him
14 to stand in front of it and block the view of any of the
15 jurors, but at the same time, Agent, as you're talking if
16 you'll face back this way so your voice comes this way towards
17 my court reporter, please.

18 A Yes, sir.

19 THE COURT: I don't want your back to her. Okay?

20 MR. SPRATLIN: Your Honor, permission to move?

21 THE COURT: Yes, sir. Absolutely.

22 MR. SPRATLIN: Your Honor, may I borrow the witness
23 chair? I'll give it back.

24 THE COURT: Yes, sir.

25 BY MR. DEBUSK:

1 Q Okay, Agent Dingle, I know you have some introductory
2 slides here. Can you explain those to the jury?

3 A Yeah. This is just a basic overview slide that talks
4 about who requested it, what I was doing on the case and just
5 a, a very basic description of -- that I was reviewing GPS
6 records related to this investigation.

7 Q What's this slide?

8 A So the next couple of slides are, are going to be a
9 legend. There's going to be more cull outs that you see
10 within, but if it's a location that is -- was relayed that it
11 was overly important or if I show it multiples times I kind of
12 have a legend here so you can see what this is.

13 So this is an overhead view of [REDACTED] Dewberry Drive,
14 Conway, South Carolina, and as indicated, there's going to be
15 a yellow marker that looks like that up in the upper left of
16 that slide that's -- if you see that on the slide that is that
17 location, the Dewberry Drive location.

18 This one's going to be the green marker and it is the
19 location of [REDACTED] Pleasant Union Road in Aynor, South Carolina.

20 This is an overhead view. Specifically, we're looking at
21 this area right in here and that is the GPS coordinates of
22 33.719089 negative 79.052383 which was provided as the
23 location where the bodies were located.

24 Q Is that the Waccamaw River, the water body in that photo?

25 A Yes, sir.

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1 And this one is the Walmart that is on 2709 Church Street
2 in Conway, South Carolina, and that is going to be indicated
3 by a blue marker.

4 Q And did you analyze the routes taken by the truck as it
5 traveled to Aynor before July 4th, 2017?

6 A I did. Yes.

7 Q Can you explain to the jury those routes?

8 A Yeah. So this is an example. This is from June 30th from
9 4:13 p.m. to 4:43 p.m., but more importantly what this is
10 showing is the route that was typically taken by the
11 individual that had this vehicle prior to -- later in the day
12 on July 3rd and then moving forward, and it's a route that
13 takes 319 up to the Aynor area.

14 Q That would be 319 off 701 or Main Street in Conway?

15 A Correct. Yes.

16 Q The next slide. What does this slide show?

17 A So this is the beginning of the timeframe that, that I
18 was asked to look at, which I believe was July 3rd, 2017,
19 starting at 2:00 p.m. and we'll go through to July 4th around
20 2:00 p.m. So this is the very beginning that I start seeing
21 any information after that time period and this is some
22 unknown location at 2:42 p.m. and this is a route south to the
23 Dewberry Drive residence, and once again, it's taking that
24 same route down 319.

25 Q Is that location on Golden Leaf Drive, Golden Leaf Road

- 1 in the Aynor area?
- 2 A It is. Yes.
- 3 Q What time did the vehicle leave the Golden Leaf Road?
- 4 A 2:42 p.m.
- 5 Q Did it take that same route using Highway 319 and 701?
- 6 A It did. Yes.
- 7 Q And what time did it arrive back at the Dewberry house?
- 8 A 3:19 p.m.
- 9 Q Okay. I failed to ask you this with the last slide, but
- 10 after July 3rd, late, late evening hours of July 3rd did the
- 11 truck again drive that same route of 701 and 319 going to the
- 12 Aynor area or did it use different routes?
- 13 A It does not. It starts taking a different route.
- 14 Q Okay. Next slide. What happened here?
- 15 A That's a good question. From the information we have
- 16 though, around 3:23 the vehicle leaves the residence, goes up
- 17 Creel Road and appears to turn around and go directly back to
- 18 the house and arrives back at 3:27 p.m.
- 19 Q But it didn't stop anywhere. It just turned around.
- 20 A Correct.
- 21 Q Okay. The next slide.
- 22 A So this one, very similarly, it leaves at 3:30 p.m. They
- 23 go a little further. They go into the town, and once again,
- 24 it does not stop. It turns around there on -- I can't see
- 25 what street that is, but it turns around right at that

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- 1 intersection and comes directly back to the house.
- 2 Q So it went up Creel Street, turned around and came back
- 3 and then it went farther a few minutes later?
- 4 A Correct.
- 5 Q Is that turn around point in front of the Conway National
- 6 Bank?
- 7 A It is.
- 8 Q Okay. Please next. What happened here?
- 9 A So here we have one more of these, these strange
- 10 instances where it leaves at 5:31 p.m. It goes up to 701
- 11 there, and it hangs there for just a small amount of time and
- 12 then it turns around and goes back to the house.
- 13 Q Would that be consistent with someone leaving and
- 14 returning right away because they forgot something?
- 15 A Potentially, yes.
- 16 Q The next slide. So this, again, is just a few minutes
- 17 after that first run down Creel Street; correct?
- 18 A Correct. And this one it begins at 5:48 from the
- 19 Dewberry Drive residence and it goes down to Bucksport Marina
- 20 at 6:06 p.m., and specifically the area that we're looking at
- 21 the, the GPS is showing that the vehicle was is in this
- 22 parking lot further away from the marina.
- 23 Q Okay. How long did it stay at that location?
- 24 A I don't know exactly -- I'd --
- 25 Q If we go to the next slide, would that help?

- 1 A Yes. Please. So about four minutes.
- 2 Q Okay. What happened next?
- 3 A So at 6:10 it leaves that location and heads back to the
- 4 residence with a stop in between at the -- what, what appears
- 5 to be a little plaza there with a Food Lion Grocery Store.
- 6 Q Okay. Why does it have so many lines around the Food
- 7 Lion?
- 8 A So what appears to happen is it stops in front of that
- 9 grocery store and then the car leaves and makes a loop around,
- 10 comes back, waits again, goes out, makes another loop around,
- 11 stops again, almost as if it's waiting for perhaps somebody
- 12 that's -- that went inside. I don't know for certain, but it,
- 13 it makes some loops around the parking lot, around the block
- 14 and comes back and waits.
- 15 Q Okay. What happened next?
- 16 A And then it went back to the house there.
- 17 Q The house at Dewberry?
- 18 A Correct.
- 19 Q The, the yellow dot?
- 20 A Correct.
- 21 Q Okay. Did it leave the Dewberry Drive house again?
- 22 A Not until 9:00 p.m.
- 23 Q I'm sorry. What time did it arrive back at the Dewberry
- 24 house? You might have to go back a slide if you, if you
- 25 could.

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- 1 A If I could, please. At 6:58 p.m.
- 2 Q So almost 7:00 o'clock. Okay.
- 3 A Correct.
- 4 Q And what time did it leave the house again? The next
- 5 slide.
- 6 A It leaves at 9:00 o'clock p.m.
- 7 Q Okay. Now, where did it go?
- 8 A So this time it once again goes up that same route we've
- 9 seen before and heads up towards the residence at [REDACTED]
- 10 Pleasant Union Road. When it makes that right onto Pleasant
- 11 Union Road there is a, a bit of time here from 9:25 p.m. to
- 12 9:37 p.m. that the GPS is stationary before getting to the
- 13 residence. It's a -- this is the street level view of what
- 14 that area looks like for where that was. So it's just an open
- 15 stretch of road with looks like a field on -- if you're
- 16 heading towards the residence it'd be a field on the left side
- 17 and trees on the right side.
- 18 MR. DEBUSK: The Court's indulgence just one moment.
- 19 BY MR. DEBUSK:
- 20 Q State's Exhibit 23 showing Edwards Road, Pleasant Union
- 21 Road, is that the locations shown on that?
- 22 A It is. Yes. This is just a zoomed out overhead view of
- 23 turning off Edwards Road onto Pleasant Union Road there.
- 24 Q Could you demonstrate for the jury on that photo where
- 25 the stop was made?

- 1 A So on this photo the stop is right here right after you
2 turn onto Pleasant Union Road from Edwards Road.
- 3 Q If you could take it down on the other end so they can
4 see it.
- 5 A Of course. It's going to be right here.
- 6 Q And it was there approximately 12 minutes?
- 7 A Correct.
- 8 Q Okay. Where did it go after it left that, that spot by
9 the side of the road?
- 10 A After it left that it continued on to the residence at
11 [REDACTED] Pleasant Union Road.
- 12 Q How long did it stay there?
- 13 A Go to the next slide. It left at 10:18 p.m.
- 14 Q So that would be -- my math's bad -- about 40 minutes?
- 15 A Correct. Approximately 40 minutes.
- 16 Q Okay. So after 40 minutes at the house on or the
17 trailer, house on Pleasant Union Road where did it go?
- 18 A So at that point the vehicle leaves that residence of
19 Pleasant Union Road and starts heading back towards town,
20 towards Aynor. It gets on 501 and heads north and stops at
21 the Speedway indicated here and arrives there at 10:30 p.m.
22 and it's there for about nine minutes.
- 23 Q Did it park in front of the, the Speedway?
- 24 A I can't, I can't tell for certain. From the GPS it
25 appears that it's on the side of the building. However, there

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1 is an overhang over the gas pumps there. So there is
2 potential that the vehicle was actually at a gas pump and it's
3 showing the location slightly off because there's something
4 over the vehicle blocking the GPS signal a little bit.

5 Q So the GPS shows it around the side of the building but
6 it could actually have been under the awning?

7 A Correct.

8 Q Thank you. After it left that gas station in Aynor where
9 did it go?

10 A So after that it heads back down south on 501 and takes a
11 circuitous route around Conway and then goes all the way down
12 to the location where the bodies were later found, and I have
13 those road names if, if you need them.

14 Q Just, yes, just if you would put it on the --

15 A Okay. If you, if you don't mind, I, I wrote them down
16 because I am not from this area. So if you don't mind I'll
17 take a look --

18 Q Yeah. Just let the jury know what you're, you're
19 consulting.

20 A So this is just a list of the, the path that was taken
21 here. So it goes down 501 and then it gets off here on 548
22 and takes 548 to 78 or Juniper Bay Road to 378. It goes back,
23 takes Grainger Road, Palmetto Street, back down to 701 and
24 comes down here Old Bucksville Road to Browns Chapel Road and
25 Browns Chapel Road is the -- sorry, the road that ends up

1 being the location of the -- where the bodies were found.

2 Q Between the Pleasant Union house and the Browns Chapel
3 Road, did it stop anywhere except that nine minute stop at the
4 Speedway in Aynor?

5 A It did not, no.

6 Q Where did it go after it left the spot where the bodies
7 were recovered?

8 A So it leaves there at 11:56 p.m. and goes --

9 Q I'm sorry. How long was it at the, at the landing, that
10 -- Browns Chapel?

11 A So from 11:29 to 11:56.

12 Q So about 27 minutes?

13 A Correct.

14 Q Okay.

15 A At that point it leaves the location there off Browns
16 Chapel Road and returns to the Dewberry Drive address.

17 Q How long did it stay at Dewberry Drive?

18 A Stays there for approximately nine minutes.

19 Q Okay. Where'd it go after it left Dewberry Drive?

20 A So at that point it leaves the Dewberry Drive address,
21 goes back into town into Conway and the first stop is at 12:38
22 it arrives at a car wash. It's at the car wash from 12:38
23 a.m. until 12:50 a.m. on the 4th.

24 Q So about 12 minutes at the car wash?

25 A Correct.

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1 Q Okay. Where did it go after the car wash?

2 A After the car wash the vehicle then proceeds through town
3 and goes to the Walmart that was previously shown in the
4 legend at 2709 Church Street.

5 Q And what time did it arrive at the Walmart?

6 A 12:55 a.m.

7 Q That's 12:55 a.m. on July 4th?

8 A Correct.

9 Q I believe we've had some testimony about that time
10 already. What happened next?

11 A So it stays at the Walmart until about 1:39 a.m. At 1:39
12 a.m. the vehicle leaves and heads back to the address on
13 Pleasant Union Road. There is a little offshoot here that
14 came up here and came off on this street. I don't recall what
15 that street is offhand, but it goes off that street, just
16 turns around and goes back. I don't know if that was a wrong
17 turn or, or what that was at that point, but there's, there's
18 no stay there. It's just a turnaround and goes back to the
19 residence.

20 Q And what time did it arrive at the residence?

21 A 2:16 a.m.

22 Q So the, the truck left Pleasant Union Drive, Drive about
23 10, went down to the bodies, where the bodies were located to
24 the house of the victims, to a car wash, to Walmart and it's
25 back at, I'm sorry, 2:15?

- 1 A 2:16. Yeah.
- 2 Q 16.
- 3 A Yes.
- 4 Q When did it leave the Pleasant Union house again?
- 5 A So there's no activity then until 7:47 a.m., later that
- 6 morning. At that time it departs and heads down to a Quick
- 7 Mart that's on 1813 Wright Boulevard in Conway, South
- 8 Carolina.
- 9 Q But did it use Highway 319 or Highway 701 to make that
- 10 trip?
- 11 A It did not. No.
- 12 Q Okay. That gas station on Wright Boulevard, is that at
- 13 the corner of 378 also known as Wright Boulevard and Grainger
- 14 Road?
- 15 A It is. Yes.
- 16 Q Thank you. What happened next?
- 17 A At 8:24 it departs that gas station and heads back to the
- 18 residence on Pleasant Union Road again.
- 19 Q And what time did it arrive at Pleasant Union?
- 20 A 8:57 a.m.
- 21 Q Where did it go after that?
- 22 A 9:15 a.m. it departs the Pleasant Union Road and goes to
- 23 an unknown residence in Aynor and arrives there at 9:33 a.m.
- 24 Q How long did it stay at that residence?
- 25 A Only about four minutes and then at that point it leaves

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1 that residence and goes to a another unknown residence further
2 south and arrives at that one at 10:01 a.m.

3 Q And what time did it leave that residence?

4 A So a minute later it leaves that residence, goes back to
5 the residence that we just saw and arrives there at 10:20 a.m.

6 Q Okay. And when, when did it leave that spot?

7 A It's there until 10:31. At 10:31 it leaves and goes to
8 the Family Dollar in Aynor and gets there at 10:37 a.m.

9 Q Okay. How long did it stay at the Family Dollar?

10 A So it's there about eight minutes and leaves at 10:45
11 a.m. and goes to the Advance Auto Parts in Conway and arrives
12 there at 11:19 a.m.

13 Q How long did it stay at the Advance Auto?

14 A It's there about nine minutes and leaves there at 11:28
15 a.m. and eventually makes its way back north but there's a
16 couple of stops in between.

17 Q Where was the first stop?

18 A I'm sorry. It makes its way south, and so the first stop
19 is at the BB&T Bank, which is indicated right here. This is
20 just a cull out of what the bank looks like from the street
21 level view and it is at that bank from 1:20 p.m. until 1:29
22 p.m., and I believe you've already seen some of these photos,
23 but this is just a photo that was provided that shows,
24 corroborates that the vehicle was actually at that location.

25 Q Okay. Where did it stop next?

- 1 A Next at 1:35 it arrives at the Walmart.
- 2 Q Where is that Walmart?
- 3 A This Walmart is in Myrtle Beach.
- 4 Q Is it Myrtle Beach or, or the Garden City, Surfside area?
- 5 A Yes. Sorry. The, the Surfside area, just south of
- 6 Myrtle Beach.
- 7 Q It's a trick we play on people that come visit. After
- 8 that where did it go?
- 9 A Sorry. So at 4:14 -- so at, at that point -- sorry, I,
- 10 I, I don't have them marked because that was kind of the end
- 11 of the analysis I'd ask, but at that point it does leave there
- 12 and goes to I believe it's Ocean Lakes Campground.
- 13 Q Thank you. Now, after you did your analysis from 2 p.m.
- 14 on the 3rd to 2 p.m. on the 4th, were you also provided some,
- 15 some surveillance photos and receipts?
- 16 A I was.
- 17 Q Did you examine those in relation to the GPS data?
- 18 A I did. Yes.
- 19 Q Would these slides show you -- show, show what you found?
- 20 A They will.
- 21 Q Thank you.
- 22 A And this is just for further corroboration on the
- 23 accuracy of the GPS to show that when, when it's showing that
- 24 it's in a location that it is actually there. So this one
- 25 shows July 5th from 4:14 to 4:18 p.m. is at another BB&T Bank.

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1 So that's a photo of the bank and then in the lower left
2 corner is another photo of the individual in the vehicle
3 withdrawing money from that bank.

4 Q Okay. The next slide.

5 A So this one is July 5th at 8:35 to 9:32 p.m., and it shows
6 the vehicle at the Walmart and there are actually two
7 different receipts from Walmart at that time.

8 Q Again, that's the Walmart in Conway with the blue, blue
9 marker?

10 A Correct. The one on Church Street.

11 Q Church Street.

12 A And we have two different receipts. We have one that
13 shows 2121 and we have one that shows 2127 for a couple of
14 different items.

15 Q Just for those of us that don't deal with military time,
16 what's 2127?

17 A 2127 is 9:27 p.m.

18 Q Thank you. Next slide.

19 A Once again, this is the Walmart, but this is on July 7th
20 at -- from 12:05 a.m. to 12:19 a.m. Once again, these, these
21 yellow dots are going to be the GPS points at the Walmart, so
22 parking lot and then we have a receipt from 7-7-17 at 12:17
23 a.m.

24 Q Again, this -- the purpose of this is to show the truck
25 was, in fact, at those locations when these receipts were

- 1 issued?
- 2 A Correct.
- 3 Q The next slide.
- 4 A So, this is, once again, at the Walmart. This is in the
5 morning hours. So from 10:47 a.m. to 12:15 p.m. into the
6 afternoon and, once again, would show the vehicle in the
7 parking lot of the Walmart and we have a date and time of July
8 7th, 2017, at 12:07 p.m.
- 9 Q The next slide.
- 10 A This is another BB&T Bank. This is on July 8th, 2017,
11 from 8:09 to 8:12 p.m., and that's a picture of the BB&T Bank
12 with the -- just showing the GPS coordinates that it was
13 there.
- 14 Q Back at Walmart.
- 15 A This is the Walmart, again, on July 8th from 8:26 p.m. to
16 9:10 p.m., and once again, we have the receipt here that shows
17 July 8th, 2017, at 20:40, which is 8:40 p.m.
- 18 Q Okay. What's this one?
- 19 A This is July 12th, 2017, from 7:57 a.m. to 8:01 a.m. at a
20 BB&T Bank and, once again, we have a surveillance photo from
21 the ATM that shows the individual making a transaction at that
22 bank.
- 23 Q Now, this is the, the BB&T in North Conway at, at Highway
24 701 and Cultra Road or Country Club Road?
- 25 A Correct.

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- 1 Q Okay. Country, Country Club Drive.
- 2 A What you called --
- 3 Q Whatever, can't say it right. Next slide, please.
- 4 A That's, that's the last slide.
- 5 Q That's the last slide. Okay. Thank you. Please. I
- 6 just want to summarize your findings for what happened between
- 7 2 p.m. on July 3rd and 2 p.m. on July 4th?
- 8 A Okay.
- 9 Q The vehicle started out at Golden Leaf Road in Aynor?
- 10 A Correct.
- 11 Q And returned to the victims' house?
- 12 A It did. Yes.
- 13 Q And it used the same route that was used in the time
- 14 before July 3rd?
- 15 A Correct.
- 16 Q Correct. It made a couple of trips out to the vicinity
- 17 of the CNB Bank in Conway and down to Bucksport Marina we've
- 18 got testimony there was an RV for sale?
- 19 A Correct.
- 20 Q Around the Food Lion?
- 21 A Correct.
- 22 Q And returned to the victims' home; is that correct?
- 23 A It did.
- 24 Q And then at 9:00 o'clock driving the same route that it
- 25 had been consistently driving before July 3rd to Aynor, that

1 is up 701 to 319, it, it went to Pleasant Union Drive; is that
2 correct?

3 A It did. Yes.

4 Q But before it got to the Defendants' residence on
5 Pleasant Union Drive it stopped for 12 minutes on the side of
6 Pleasant Union Drive?

7 A Correct.

8 Q Again, in the area you've indicated on this photo where
9 it's just fields and woods?

10 A Correct.

11 Q And then it went to the Defendants' house and stayed
12 there I believe you said 40 minutes?

13 A Correct.

14 Q And then with a nine-minute stop at a gas station in
15 Aynor it drove a circuitous back roads route to the location
16 where the bodies were recovered; is that correct?

17 A Correct. I can't say whether it's a back roads route,
18 but it's definitely not the most expeditious route through
19 town.

20 Q Circuitous, would that be?

21 A That would, that -- yes.

22 Q And after staying I believe it was 20, 25 minutes at the
23 location on Browns Chapel Road it made a nine-minute stop at
24 the victims' house?

25 A It did.

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- 1 Q Made a 12-minute stop at a, at a car wash?
- 2 A Correct.
- 3 Q And then went to the Church Street in Conway?
- 4 A Correct.
- 5 Q Walmart?
- 6 A The Walmart.
- 7 Q And the next day it made one trip -- oh, I'm sorry.
- 8 After the Walmart it returned to Pleasant Union Drive?
- 9 A It did, yes.
- 10 Q And just around eight in the morning it went down to the
- 11 corner of 378 and I believe it was?
- 12 A Grainger -- not Grainger.
- 13 Q Grainger, I believe it was Grainger Road?
- 14 A Yes. Grainger, at the Quick Mart.
- 15 Q Stopped -- stayed there a few minutes and then went right
- 16 back to, to the Pleasant Union house?
- 17 A Correct.
- 18 Q And then it went to some locations in Aynor including
- 19 Family Dollar, driving through Conway, it stopped at the
- 20 Advance Auto?
- 21 A Correct.
- 22 Q Drove on down Highway 544, stopped at an ATM for BB&T?
- 23 A Correct.
- 24 Q And a Walmart in the Surfside, Garden City area?
- 25 A Correct.

1 Q And then ended up at Ocean Lakes Campground?

2 A Correct.

3 Q Thank you.

4 THE COURT: Mr. Wilson?

5 CROSS EXAMINATION

6 BY MR. WILSON:

7 Q Let me ask you with regard to July the 3rd of 2017, with
8 your GPS calculations, you started tracking the vehicle what
9 time on the 3rd?

10 A On the 3rd at 2 p.m.

11 Q Okay. All right. And do you know who was driving the
12 vehicle at 2 p.m. on the 3rd?

13 A I do not.

14 Q All right. And you started tracking you said 2 p.m. and
15 you -- the truck went from 2 p.m. to I think it was 9:00
16 o'clock when you say that, that the truck went to the site
17 where the bodies were found; is that fair?

18 A Approximately, yes.

19 Q All right. And during the time that -- from, from 2 p.m.
20 when you started tracking till 9 p.m. do you know who had
21 possession of the vehicle during those hours?

22 A I do not.

23 Q All right. Do you know who was driving the vehicle when
24 it went the first time to Dewberry Drive?

25 A I do not. The only time that I would know who had

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1 possession of that vehicle is if I was provided a, a like a
2 photo like at the banks. Other than that I have no
3 information on who was driving the car.

4 Q Okay. So do you have any way of knowing that whether or
5 not at 9:00 o'clock whether Mr. Clemons or Ms. McAllister was
6 driving?

7 A I do not.

8 Q I don't have any other questions.

9 THE COURT: Mr. Spratlin?

10 MR. SPRATLIN: Very briefly, Your Honor.

11 CROSS EXAMINATION

12 BY MR. SPRATLIN:

13 Q Good morning, agent.

14 A Good morning.

15 Q Just a couple of quick questions. So basically just to
16 follow up on what Mr. Wilson was asking, you don't know who
17 was in that truck when it was going to these places; right?

18 A I do not. Only the locations that we have the photos.

19 Q Other than like, you know, some other source of
20 information told you who was occupying that truck at that
21 point?

22 A Correct.

23 Q And all those points were after July 3rd; right?

24 A They were. Yes.

25 Q So you can't say with any type of certainty that if both

1 of these Defendants were in that truck; could you?

2 A I cannot.

3 Q You couldn't say if any one of those Defendants is in
4 that truck; could you?

5 A I cannot.

6 Q Totally possible though that only one could be in the
7 truck?

8 A It's possible.

9 Q All right. Thank you. No other questions.

10 THE COURT: Mr. DeBusk.

11 MR. DEBUSK: Briefly, Your Honor.

12 REDIRECT EXAMINATION

13 BY MR. DEBUSK:

14 Q Now, let me ask you this, talking about who was in the
15 truck, after midnight, around midnight on the July 3rd, 4th,
16 all right, when it returned to the Dewberry house, did it ever
17 go back to the Dewberry house again?

18 A It does not, no.

19 Q Did it go back to the Pleasant Union house again?

20 A It does regularly.

21 Q Multiple times?

22 A Correct.

23 Q Now, at 12:55 a.m. it pulls into the Walmart in Conway;
24 correct?

25 A Correct.

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1 Q And we have receipts and do you know whether we have
2 video from that?

3 A I believe you do. I have not seen it.

4 Q Okay. But 12:55 a.m. on July 4th it pulls into the
5 Walmart parking lot; correct?

6 A It does.

7 Q And that's some 59 minutes after it left the spot where
8 the bodies were dumped; is that correct?

9 A Correct.

10 Q Thank you.

11 THE COURT: Mr. Wilson.

12 MR. WILSON: Nothing further, Your Honor.

13 MR. SPRATLIN: Nothing, Your Honor.

14 THE COURT: Sir, you may step down. Thank you.

15 MR. DEBUSK: Your Honor, may we approach?

16 THE COURT: Are you asking if Agent Dingle can be
17 released?

18 MR. DEBUSK: I am, Your Honor.

19 THE COURT: Any objection?

20 MR. WILSON: No objections, Your Honor.

21 MR. SPRATLIN: No objection.

22 THE COURT: Agent Dingle, you're released from your
23 subpoena. You have no further responsibility here. Have a
24 nice day.

25 A Thank you, sir.

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1 MR. OSKIN: Yes, sir, Your Honor, just two SLED witnesses
2 to complete the chain.

3 THE COURT: How long do you anticipate those witnesses
4 lasting?

5 MR. DEBUSK: 30 minutes or less. 30 minutes or less,
6 Your Honor.

7 THE COURT: Each?

8 MR. DEBUSK: No, no, together.

9 THE COURT: Together. Okay. Just trying to get an idea
10 for, for lunch because I know they'd ordered -- were ordering
11 lunch for the jury. Okay. All right. Very well. Bring me
12 the jury, please. Is that your 30 minutes or my 30 minutes,
13 Mr. DeBusk?

14 MR. DEBUSK: That's the solicitor's 30 minutes, Your
15 Honor.

16 THE COURT: Which means an hour and a half probably.
17 Then we ought to be right on time.

18 (Whereupon, the following takes place in the presence of
19 the jury.)

20 THE COURT: All right. All the jurors are present. Is
21 the State ready to proceed?

22 MR. DEBUSK: Yes, Your Honor.

23 THE COURT: Call your next witness, please.

24 MR. DEBUSK: Thank you, Your Honor. The State calls
25 Jazmin Ruiz-Yi.

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1 Whereupon, Jazmin Ruiz-Yi is called to the stand, duly
2 sworn by the clerk and testified as follows:

3 THE CLERK: State your name and spell your name.

4 MS. RUIZ-YI: My name is Jazmin Ruiz-Yi, R-U-I-Z, hyphen,
5 Y-I.

6 DIRECT EXAMINATION

7 BY MR. DEBUSK:

8 Q Ms. Ruiz-Yi, who is your employer?

9 A I work at the South Carolina Law Enforcement Division,
10 commonly referred to as SLED.

11 Q How long have you worked for SLED?

12 A Approximately four years now.

13 Q Okay. What are your duties?

14 A I work as a forensic serologist.

15 Q What is a serologist?

16 A And, and serology it's the identification of body fluids
17 such as blood, semen and saliva.

18 Q Now, I want to ask you a general question about how
19 evidences is handled at SLED. When an agency brings evidence
20 how is it packaged?

21 A Depending on how large the item is it'll be packaged in
22 either a box that's taped up on all openings and then sealed
23 and initialed and dated or it'll be in a heat-sealed pouch
24 that's also initialed and dated.

25 Q Okay. And is that heat-sealed pouch added to it when it

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1 is given -- when it's turned over to SLED?

2 A Typically, yes.

3 Q And the officer who turns it over would sign the seal?

4 A Yes, sir.

5 Q While it's being handled by any subsequent individuals

6 would it be -- remain in, in that tamper-indicative packaging?

7 A Yes.

8 Q And once the analyst or, or serologist receives it to do

9 something with it, they can tell whether it's been opened

10 before; is that correct?

11 A That is correct.

12 Q Hence, tamper indicative?

13 A Right.

14 Q Yes. Now, I've got two items here I want to ask you

15 about. Did you work on this case?

16 A Yes, sir. I did.

17 Q I want to show you two items, State's Exhibit, there it

18 is, 14 and State's Exhibit 75 and ask if you recognize these.

19 MR. SPRATLIN: Your Honor, I'm going to object to this

20 line of questioning subject to my previous objection.

21 THE COURT: So noted.

22 MR. SPRATLIN: I'd ask that it be continuing.

23 THE COURT: Yes, sir. The Court's rulings remain the

24 same.

25 MR. SPRATLIN: Yes, sir.

1 A I recognize these items.

2 Q Okay. When you received these items initially were they
3 still sealed as they would have been when they came from the
4 agency --

5 A Yes, sir.

6 Q -- or, sorry, were submitted by the agency?

7 A Yes.

8 Q Did anyone else at SLED handle these two items before you
9 got them?

10 A Yes.

11 Q Who, who were those individuals?

12 A So the items -- what -- excuse me. What items in
13 particular are you referring to?

14 Q Those two.

15 A These ones.

16 Q The hat --

17 A Okay.

18 Q -- and I believe it's paper towels?

19 A Okay. One moment while I refer to the chain of custody.

20 Q Okay. Just for the record State's 14 and 75 are the
21 items I'm referring to.

22 THE COURT: Can the lawyers approach a minute, please?

23 (Whereupon, a bench conference is held in the presence
24 but out of the hearing of the jury.)

25 Q Ms. Ruiz-Yi --

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1 A Yes.

2 Q -- just a general question, when, when SLED gets it do
3 they give their own item number to each piece of evidence they
4 get?

5 A Yes. That is correct.

6 Q So I believe the hat was 16 and the towels were they
7 15?

8 A Yes. The paper towel was item 15 and the hat was item
9 16. That is correct.

10 Q And who else in SLED handled these items before you?

11 A Within SLED Evidence Technician Bethany Davidson, as well
12 as Doris Yarborough handled item 15 and item 16 was also
13 handled by Bethany Davidson and also Charlotte Pitts as well.

14 Q Well, when Ms. Yarbrough, Ms. Pitts and Ms. Davidson
15 handled these items they would have already been sealed in
16 that tamper indicative packaging?

17 A That is correct.

18 Q And they have not been unsealed all the time they had
19 them in their possession?

20 A Yes, sir.

21 Q So what were -- what part of SLED do these three ladies
22 work in?

23 A They work in the evidence control department.

24 Q And would they have any reason to unseal that evidence?

25 A They would not.

- 1 Q So it got to you intact?
- 2 A That is correct.
- 3 Q Okay. What did you do with these two items?
- 4 A The paper towel, item 15, I examined for potential blood.
- 5 Q How do you do that?
- 6 A For our blood testing it's a two-part chemical test that
- 7 results in a color change if there is the presence of
- 8 potential blood.
- 9 Q Okay. What, what result did you get from that paper
- 10 towel?
- 11 A The paper towel was positive for presumptive blood.
- 12 Q Okay. After the presumptive blood test did you handle --
- 13 do anything further to the paper towels?
- 14 A I took a cutting off of the paper towel, which was then
- 15 forwarded to the DNA department.
- 16 Q When you do something like that, take a cutting from a
- 17 larger item, do you give it a new number?
- 18 A Yes. It gets a sub-item.
- 19 Q So the paper towel was 15. What would the cutting be?
- 20 A It is 15.1.
- 21 Q Okay. Was that sealed again?
- 22 A Yes, sir, it was.
- 23 Q Separately or with the same item?
- 24 A It is sealed separately.
- 25 Q And to whom did you pass that?

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1 A It was given to DNA Analyst Donna Money.

2 Q Okay. While you had it did you alter it or change it in
3 any way other than doing presumptive blood test and taking the
4 cutting?

5 A No, sir.

6 Q Okay. Talk about the hat, if you would, just so the jury
7 will know, what, what are you referring to there?

8 A I'm referring to the report on my findings. For the hat
9 I tested the item for potential blood as well as did ownership
10 collection on the item and ownership -- I'm sorry?

11 Q What was the second thing you did?

12 A Ownership on the, the hat.

13 Q What's that mean?

14 A So that means when we process the item in areas that are
15 in contact with skin in order to get potential DNA on who most
16 often uses the item, in this case I scraped the bill of the
17 hat as well as the interior band of the hat and also collected
18 any hairs that I found that came off of the item.

19 Q And that was from the general area of the hat to show who
20 typically wore it?

21 A That is correct.

22 Q Was there also an area that you tested for blood?

23 A Yes, sir.

24 Q What was the result of your test on that area?

25 A It was presumptively positive for blood.

1 Q After you got the presumptive test did you do anything
2 else to the area that appeared to be blood?

3 A Other than create a cutting, no.

4 Q What did you do with the cutting?

5 A I sealed that up in a separate heat-sealed pouch to be
6 given to the DNA analyst.

7 Q So you made some sub-items; is that correct?

8 A That is correct.

9 Q How many sub-items did you make?

10 A I made one sub-item for the -- with the positive area for
11 blood, as well as a swab that was -- that collected the areas
12 that the hat was worn on, as well as another sub-item for the
13 hair, which was then broken up into three more sub-items that
14 segregated the hairs that would be tested for DNA.

15 Q Just to maintain consistency with subsequent testimony,
16 what were those sub-numbers?

17 A The cutting from cap of camouflage hat from the bed of
18 truck is 16.1. The swab from scraping entire bill and back of
19 interior band of camouflage hat from bed of truck is 16.2.
20 16.3 is the hair from camouflage hat from bed of truck which
21 was then separated into 16.3.1 hair, 16.3.2 hair and 16.3.3
22 hair.

23 Q Those last with two points, those are just individual
24 hairs?

25 A Yes, sir.

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1 Q Thank you. Please answer any questions the Defense might
2 have.

3 THE COURT: Mr. Wilson?

4 MR. WILSON: I have no questions.

5 THE COURT: Mr. Spratlin.

6 MR. SPRATLIN: No questions, Your Honor.

7 THE COURT: Ma'am, you may step down. Thank you.

8 A Thank you.

9 MR. DEBUSK: May Ms. Ruiz-Yi be released from her
10 subpoena?

11 THE COURT: Any objection.

12 MR. WILSON: No objections, Your Honor.

13 MR. SPRATLIN: No objection.

14 THE COURT: Ma'am, you're released from your subpoena.
15 You're free to go. Have a nice day.

16 A Thank you, sir.

17 MR. DEBUSK: The State calls Donna Money.

18 Whereupon, Donna Money called to the stand, duly sworn by
19 the clerk, and testified as follows:

20 THE CLERK: State your name and spell your last name.

21 MS. MONEY: Donna Money, M-O-N-E-Y.

22 DIRECT EXAMINATION

23 BY MR. DEBUSK:

24 Q Good morning, Ms. Money. Who is your employer?

25 A I'm currently employed at the South Carolina Law

1 Enforcement Division, also known as SLED.

2 Q And what is your position there?

3 A I am a forensic DNA analyst in the DNA casework
4 department.

5 Q Okay. Could you tell the jury about your training and
6 qualifications and experience?

7 A I graduated from the Pennsylvania State University with a
8 bachelor's degree in forensic science. Upon my start at
9 employment at SLED I underwent a year and a half long training
10 program under a qualified analyst. This program included
11 running hundreds of samples, practice training and competency,
12 a written exam, a mock court, an oral exam and a report
13 writing exam.

14 Q And how long have you been with SLED?

15 A Approximately six and a half years.

16 Q And that whole time in DNA?

17 A Yes.

18 Q Okay. How many cases do you think you've worked?

19 A Over a thousand.

20 Q And how many times have you testified in court?

21 A 28.

22 Q And were you qualified as an expert in DNA analysis?

23 A Yes.

24 MR. DEBUSK: Your Honor, we would offer Donna Money as an
25 expert in the field of serology and forensic DNA analysis.

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1 THE COURT: Any objection, Mr. Wilson?

2 MR. WILSON: She's qualified, Your Honor.

3 THE COURT: Mr. Spratlin?

4 MR. SPRATLIN: No objection, Your Honor.

5 THE COURT: All right. Ladies and gentlemen, this
6 individual is being offered as an expert in the field of
7 serology and forensic DNA analysis and this Court is
8 qualifying her to testify, give testimony in that area as an
9 expert. My same charge as an expert applies to this witness
10 as well. You may continue, Mr. DeBusk.

11 MR. DEBUSK: Thank you, Your Honor.

12 BY MR. DEBUSK:

13 Q Ms. Money, what is DNA?

14 A DNA is a chemical found throughout the human body and you
15 get half of it from your biological mother and half of it from
16 your biological father.

17 Q Is it unique to each person?

18 A Yes.

19 Q Okay. What is forensic DNA analysis?

20 A Forensic DNA analysis is just the application of DNA
21 analysis to forensic science meaning it's applied to criminal
22 cases. We perform the analysis on evidence items and known
23 standards.

24 Q So when you do comparisons of standards and forensic
25 items you're just looking -- is it the, the way the DNA

1 molecule is put together?

2 A We develop DNA profiles from evidence and then if there
3 are known standards in the case we'll develop a profile from
4 those standards and then conduct comparisons.

5 Q Okay. In this case, did you analyze a number of samples?

6 A Yes.

7 Q How many did you look at?

8 A I looked at 18.

9 Q Now, did some of them not yield enough DNA to interpret?

10 A Yes.

11 Q How many actually yielded enough DNA to interpret?

12 A 12.

13 Q Okay. I want to go through them individually. Did you
14 get -- you talk about standards. Standards is a known profile
15 for comparison; right?

16 A Correct.

17 Q Did you get standards for this case?

18 A Yes.

19 Q Did you get a standard from Linda McAllister?

20 A I received an alternate known standard from Linda
21 McAllister. It was a toothbrush.

22 Q Let me show you State's 67, and ask you if that is what
23 you reviewed.

24 A Yes.

25 Q And what is that?

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1 A This is SLED item number six, which was the toothbrush.
2 submitted as an alternate known for Linda McAllister.

3 Q Why does a toothbrush make a, a good source for a
4 standard?

5 A It's an item that's usually used by one person on a
6 regular basis, so there is an expectation for an abundance of
7 DNA for that individual.

8 Q How about for William Chester Clemons, were you able to
9 generate a similar standard for him?

10 A An alternate known was submitted for him, also a
11 toothbrush. Unfortunately, the profile developed from that
12 item was not suitable for use as a known standard.

13 Q So what did you do for a standard from Mr. Clemons?

14 A I contacted the submitting agency for this case and asked
15 to see if there were any biological relatives for this
16 individual, either his parents or any offspring.

17 Q Were further samples sent to you?

18 A Yes, a known standard from his son, William Clemons, Jr.,
19 and then a standard from the biological mother of William
20 Clemons, Jr., was also submitted.

21 Q Okay. Let me step back to the toothbrush. Did other
22 people in SLED handle that before you?

23 A Yes.

24 Q Did that have -- you, you said the item number on the
25 record. Was it item number six?

- 1 A For Linda McAllister, yes.
- 2 Q Yes. Who else in SLED handled that?
- 3 A May I consult the chain?
- 4 Q Yes. What is it -- just let the jury know what you're
- 5 looking at.
- 6 A The chain of custody for the items of evidence in this
- 7 case. Prior to my receipt of the toothbrush, Doris
- 8 Yarborough, a forensic technician in our evidence control
- 9 department, was the one that took in the item when it was
- 10 submitted by the Horry County Police Department.
- 11 Q Okay. And then it went to you?
- 12 A Yes.
- 13 Q Went it comes in its sealed in --
- 14 THE COURT: Hold on. Hold on. Hold on. Hold on. Hold
- 15 on.
- 16 JUROR: May I ask that he speak clearly and loudly?
- 17 THE COURT: Can you speak up, Mr. DeBusk?
- 18 MR. DEBUSK: I'll speak up. Let me move closer to the
- 19 microphone. Maybe it'll help, Your Honor.
- 20 BY MR. DEBUSK:
- 21 Q When an item is submitted to SLED it's put in tamper
- 22 indicative packaging; correct?
- 23 A Yes. Typically items of evidence, depending on their
- 24 size, will be placed in a SLED heat-sealed pouch.
- 25 Q And it would not be analyzed unless that tamper-

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1 indicative packaging was, was intact; correct?

2 A Correct.

3 Q So was it Ms. Yarborough did you say that handled the,
4 the item?

5 A She was the one that took the, the item of evidence in
6 when it was being submitted by Horry County PD.

7 Q She would have had no reason to unseal the packaging?

8 A That's correct.

9 Q Okay. Let me ask you about two more items. You, you
10 said the standard for Mr. Clemons you received two swabs. Let
11 me show you State's Four and 103 and ask if you recognize
12 these?

13 A I do recognize these.

14 Q What are they?

15 A State Exhibit 103 is SLED lab number L1711002 item 11
16 which was the known standard or buccal swabs from William
17 Clemons, Jr., and then State Exhibit Four is item number 18
18 for SLED lab number L171102 [sic] which was the known standard
19 or buccal swabs from Sara Lewis.

20 Q Did anyone else in SLED handle those two items before you
21 received them?

22 A For SLED item 11 Forensic Technician Doris Yarborough was
23 the individual at SLED that took the item in when it was being
24 submitted by Horry County PD and then for SLED item 18
25 Forensic Technician Bethany Davidson in our evidence control

1 department and Charlotte Pitts another forensic technician in
2 our evidence control department had this item in their custody
3 prior to me.

4 Q And they wouldn't had any reason to unseal it; is that
5 correct?

6 A That's correct.

7 Q And you received them with seals intact?

8 A Yes.

9 Q What can you do with the swabs from relatives to make a
10 standard?

11 A I can perform something known as kinship analysis or a
12 lot of times people hear it as paternity testing. If the
13 identity of an individual is in question, if we say for
14 instance have the swabs from that person's parents, we can do
15 what is known as a trio to see if that person is the offspring
16 of these two, or in this case since the parents of William
17 Clemons were not alive, asking for his son and his son's
18 biological mother we can still do a trio to determine that the
19 individual, the son in this case, was the offspring of the
20 person in question.

21 Q Were you able to develop the profiles from those two
22 samples --

23 A Yes.

24 Q -- to do that? Okay. Let's move on to the forensic
25 samples. I'm going to give you what has been marked as

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- 1 State's Exhibit 13 and ask if you recognize that?
- 2 A Yes.
- 3 Q What are those?
- 4 A State Exhibit 13 is SLED container B for L1711002 and
5 container B contains swabs for SLED items three, four and
6 five.
- 7 Q Okay. What were -- let's go one by one. What's SLED
8 item three?
- 9 A SLED item three were swabs collected from the rear
10 passenger floorboard of a 2011 Dodge RAM.
- 11 Q Were these items packaged together when, when you
12 received them, when SLED received them?
- 13 A Yes.
- 14 Q Did anyone else handle that composite package for those
15 three items before you got them?
- 16 A Yes.
- 17 Q Who was that?
- 18 A Again, it was Doris Yarborough in our evidence control
19 department.
- 20 Q Did, did she have any reason to unseal the packaging?
- 21 A No.
- 22 Q Was the packaging intact when you received it?
- 23 A Yes.
- 24 Q Okay. Let's step back to SLED item three. What is it
25 that you received?

1 MR. SPRATLIN: Your Honor, Your Honor, I'm going to
2 object just on my previous objections.

3 THE COURT: So noted.

4 MR. SPRATLIN: And I'd ask that it be continuing.

5 THE COURT: Yes, sir.

6 A Could you repeat the question?

7 Q What did you receive in that container as to SLED item
8 three?

9 A I received swabs from the rear passenger floorboard of a
10 2011 Dodge RAM.

11 Q And what did you do with it?

12 A I performed DNA analysis on these items.

13 Q And what did you find?

14 A Prior to performing the DNA analysis I did perform a
15 serological test for blood per the request of the submitting
16 agency, and my result for that was presumptive testing for
17 blood was positive. After that I moved the sample on to DNA
18 and the DNA profile developed was a mixture of at least two
19 individuals.

20 Q Okay. Were you able to, using your standards, to do
21 anything about the identification of those two individuals?

22 A Since this was a mixture of at least two individuals I
23 looked to see if I could determine if there was a major
24 contributor and a minor contributor. I was able to determine
25 that there was a major contributor to this item, and from

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1 there I proceeded to perform a kinship analysis between the
2 standards of William Clemons, Jr., Sara Lewis and this major
3 contributor to the mixture.

4 Q What did you find?

5 A The DNA profile developed from William Clemons, Jr., is
6 consistent with being a biological offspring of Sara Lewis and
7 the major contributor to this mixture.

8 Q Okay. And so that, that'll be the father of William
9 Clemons, Jr.?

10 A Yes.

11 Q And was there any statistic associated with that?

12 A Yes. It is approximately 340 billion times more likely
13 to see the genetic results of William Clemons, Jr., if the
14 major contributor is the true biological father than if a
15 random man is the father.

16 Q Okay. And just for comparison, 340 billion, there are
17 only 7 billion people in the planet; right?

18 A Correct.

19 Q Okay. So it's a pretty small probability that it's
20 anyone else but the biological father of William Clemons, Jr.?

21 A Correct.

22 Q How about the minor contributor?

23 A The minor contributor, Linda McAllister, could not be
24 excluded as a possible minor contributor to this mixture.

25 Q Was there enough of her -- of the DNA of that minor

1 contributor to put a number on that?

2 A It wasn't a full profile, if that's what you're asking.

3 Q Yeah. Could you -- did you -- were you able to generate
4 a statistic on that one?

5 A Yes.

6 Q What was that?

7 A The probability of randomly selecting an unrelated
8 individual who could have contributed to this mixture is
9 approximately one in 240.

10 Q Okay. And that was because it was just a partial
11 profile; correct?

12 A Yes.

13 Q Okay. Let's move on to item number four. We've already
14 talked about the -- it's history in, in SLED. So what was
15 that?

16 A SLED item four were swabs from the rear passenger
17 floorboard storage compartment of a 2011 Dodge RAM.

18 Q Did you do the presumptive blood test?

19 A Yes.

20 Q What was the result?

21 A Presumptive testing for blood was positive.

22 Q And were you able to generate a DNA profile?

23 A Yes.

24 Q What did you find about that DNA profile?

25 A The DNA profile developed was a mixture of at least two

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1 individuals.

2 Q Uh-huh. What about -- did you do the major and minor
3 contributors on this one?

4 A Yes.

5 Q What about the major contributor?

6 A The DNA profile from William Clemons, Jr., is consistent
7 with being a biological offspring of Sara Lewis and the major
8 contributor to this item.

9 Q Was there a statistic associated with that?

10 A Yes.

11 Q What was that?

12 A It is approximately 100 million times more likely to see
13 the genetic results of Williams Clemons, Jr., if the major
14 contributor is the true biological father than if a random man
15 is the father.

16 Q Okay. Were you able to determine anything about the
17 minor contributor?

18 A No.

19 Q Okay. Was it because it was just a small, just a portion
20 of the DNA profile, the second?

21 A It was deemed insufficient for interpretation.

22 Q Thank you. Let's move on to SLED item five, which is
23 also packaged with the other two. What did you -- what was
24 SLED item five?

25 A So in item five were swabs from the rear truck bed of a

- 1 2011 Dodge RAM.
- 2 Q Did you test it for blood?
- 3 A I did do presumptive testing.
- 4 Q What was the result?
- 5 A Presumptive testing for blood was positive.
- 6 Q Were you able to generate a DNA profile?
- 7 A Yes.
- 8 Q What did you determine about that DNA profile?
- 9 A The DNA profile developed was a mixture of at least two
- 10 individuals.
- 11 Q Okay. Did you do a major, minor again?
- 12 A Yes.
- 13 Q What about the major contributor?
- 14 A The DNA profile developed from William Clemons, Jr., is
- 15 consistent with being a biological offspring of Sara Lewis and
- 16 the major contributor to this mixture.
- 17 Q And what, what statistic was associated with that?
- 18 A It is approximately 5.1 trillion times more likely to see
- 19 the genetic results of William Clemons, Jr., if the major
- 20 contributor is the true biological father than if a random man
- 21 is the father.
- 22 Q 5.1 trillion is approximately a thousand times the number
- 23 of people on the earth; isn't it?
- 24 A Yes.
- 25 Q Okay. Thank you. How about the minor contributor?

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1 A That, again, was insufficient for interpretation.

2 Q Okay. Those were the three items associated with State's
3 Exhibit 13. Did you also look at a piece of muscle tissue
4 from autopsy? I think that was SLED item eight.

5 A Yes.

6 Q Did anyone else in SLED handle that one before it got to
7 you?

8 A Yes. Again, Doris Yarborough in our evidence control
9 department was the one that took the item in when it was being
10 submitted.

11 Q And once again, was the packaging intact when you got it?

12 A Yes.

13 Q What did you determine from that piece of muscle?

14 A The piece of muscle was compared to that toothbrush that
15 was submitted as an alternate known for Linda McAllister.

16 Q Did they match?

17 A Yes.

18 Q What statistic was associated with that?

19 A The probability of randomly selecting an unrelated
20 individual having a DNA profile matching this item is
21 approximately one in 26 octillion.

22 Q Octillion is a very big number; isn't it?

23 A Yes. It has 28 zeros.

24 Q Okay. Let's move on to another item. This is in
25 reference to State's Exhibit 14 which we've already had

- 1 testimony is SLED item 15. A cutting was sent to you; is that
2 correct?
- 3 A Yes.
- 4 Q What was its number?
- 5 A It was SLED item 15.1.
- 6 Q Did anyone else at SLED handle that before you got it?
- 7 A The individual who did the evidence processing on this
8 item, Jazmin Ruiz-Yi, would have been the individual who would
9 have handled it prior to me.
- 10 Q So you got it directly from Ms. Ruiz-Yi?
- 11 A Yes.
- 12 Q What did you -- were you able to generate a DNA profile?
- 13 A Yes.
- 14 Q What did you determine about the source for the DNA?
- 15 A The DNA profile for this item was treated as a mixture of
16 two individuals. The interpretation for this item was done a
17 bit more differently than the previous items because of new
18 technology we brought online within the last year.
- 19 Q So the towel was analyzed after the swabs?
- 20 A Yes.
- 21 Q Okay. What did you do with this mixture?
- 22 A DNA types were determined for contributor one and
23 contributor two to this mixture.
- 24 Q Okay. What did you determine about the contributor one?
- 25 A Contributor one was looked at to see if the kinship

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1 analysis could be performed to it, and the DNA profile
2 developed from William Clemons, Jr., is consistent with being
3 a biological offspring of Sara Lewis and contributor one to
4 this mixture.

5 Q Did you generate a, a statistic for that?

6 A Yes. It is approximately 5.1 trillion times more likely
7 to see these genetic results of William Clemons, Jr., if
8 contributor one is the true biological father than if a random
9 man is the father.

10 Q Okay. And again, that's the father of William Clemons,
11 Jr.?

12 A Yes.

13 Q What about contributor two?

14 A So as I mentioned before the interpretation for this item
15 is a bit different than the previous items because not
16 referring to major and minor contributors. It was subjected
17 to something that is called STRmix, which is a computer
18 software program that can de-convolute mixtures into
19 contributor one, two, three or four. After determining that
20 contributor one was that of William Clemons I was then able to
21 compare the alternate known profile for Linda McAllister to
22 this mixture.

23 Q And what did you find?

24 A For this I have to explain it as a proposition set. For
25 STRmix we use something known as a likelihood ratio, which is

1 the comparison of two possible explanations for, for instance,
2 the DNA profile. So the proposition set for Linda McAllister
3 is it's Linda McAllister and an unidentified unrelated
4 individual contributed to the mixture or two unidentified
5 unrelated individuals contributed to the mixture. If the DNA
6 profile developed from item six, which is the toothbrush, is
7 from Linda McAllister, then the DNA profile is approximately
8 680 septillion times more likely if Linda McAllister and an
9 unidentified unrelated individual contributed to the mixture
10 than if two undefined unrelated individuals contributed to the
11 mixture.

12 Q Septillion, again, that's another big number; right?

13 A Yes.

14 Q Okay. And did you do anything to, to, to compare the
15 statistics if it was Mr. Clemons and Ms. McAllister?

16 A Yes, and before I give that, I'll just state the
17 proposition set for William Clemons on his own. The
18 proposition set for him was the two competing -- the two
19 competing explanations were William Clemons and an
20 unidentified unrelated individual contributed to the mixture
21 or two unidentified unrelated individuals contributed to the
22 mixture, and the DNA profile is approximately 26 octillion
23 times more likely if William Clemons and an unidentified
24 unrelated individual contributed to this mixture than if two
25 unidentified unrelated individuals contributed. Since William

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1 Clemons and Linda McAllister both had positive likelihood
2 ratios in favor of them being present, I then performed a
3 likelihood ratio of the two of them combined. So that
4 proposition set states that William Clemons and Linda
5 McAllister contributed to the mixture or two unidentified
6 unrelated individuals contributed to the mixture, and the
7 result was that the DNA profile is approximately four
8 octodecillion times more likely if William Clemons and Linda
9 McAllister contributed to the mixture than if two unidentified
10 unrelated individuals contributed to the mixture.

11 Q How much is octodecillion?

12 A It's 57 zeros.

13 Q Now, that's a lot of numbers to throw at a jury. Let me
14 ask you, in your opinion as a DNA analyst, whose blood was on
15 that towel?

16 A There's very strong support that the DNA profile
17 developed from the cutting of the paper towel is the
18 combination of DNA from William Clemons and Linda McAllister
19 than if it was two unidentified unrelated individuals.

20 Q And, and that was the one in something octodecillion?

21 A It was the 4.0 octodecillion.

22 Q Okay. Now, there was another item. I believe it was
23 SLED item 16 that was testified about. It was a camouflage
24 hat. Did you look at anything related to the camouflage hat?

25 A I received a cutting from the cap, of the camouflage hat

1 and then a swab from scraping the entire bill and back
2 interior band of the camouflage hat and then three hairs.

3 Q Okay. Did you find usable DNA in any of those samples?

4 A I was able to develop DNA profiles from the cutting from
5 the hat, the scraping and one hair.

6 Q Okay. What were your conclusions on the cutting from the
7 hat? Did you do blood, presumptive blood analysis on that
8 one?

9 A I did not.

10 Q Okay. What did you, what did you -- did you generate a
11 DNA profile?

12 A Yes. And I performed the kinship analysis on this
13 profile because it was single source.

14 Q Single source means not a mixture?

15 A Correct.

16 Q Okay. What did you determine?

17 A The DNA profile developed from William Clemons, Jr., is
18 consistent with being a biological offspring of Sara Lewis and
19 the contributor of this item.

20 Q So the contributor to the item was the, the father of
21 William Clemons, Jr.?

22 A Yes.

23 Q And what, what statistic was associated with that?

24 A It is approximately 5.1 trillion times more likely to see
25 the genetic results of William Clemons, Jr., if the

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1 contributor to this item is the true biological father than if
2 a random man is the father.

3 Q Okay. Let's move on to item 16.2, which I think you said
4 was a scraping or swabbing from the brim of the hat?

5 A Yes. It was the swab from scraping the entire bill and
6 back interior band of the hat.

7 Q What did you determine from that?

8 A This was a mixture of two individuals.

9 Q What did you determine about the contributor number one?

10 A So DNA types for this mixture were determined for
11 contributor one and contributor two. The contributor one was
12 subjected to the kinship analysis and the DNA profile
13 developed from William Clemons, Jr., is consistent with being
14 a biological offspring of Sara Lewis and contributor one to
15 this mixture.

16 Q And what about contributor two?

17 A When Linda McAllister's alternate known profile was
18 compared to this mixture using STRmix the proposition set
19 states -- proposition or explanation one Linda McAllister and
20 an unidentified unrelated individual contributed to the
21 mixture or two unidentified unrelated individuals contributed
22 to the mixture. The likelihood ratio for this is if the DNA
23 profile developed from item six, the toothbrush, is from Linda
24 McAllister then the DNA profile is approximately two times
25 more likely if two unidentified unrelated individuals

1 contributed than if Linda McAllister and an unidentified
2 unrelated individual contributed.

3 Q So that's kind of a small number?

4 A It's a moderate support in favor of two unidentified
5 people.

6 Q Okay. But the main contributor, I'm sorry, contributor
7 number one was consistent with William Clemons?

8 A It was consistent with being the biological father of
9 William Clemons, Jr.

10 Q Okay. Thank you. And finally, the hair from the camo
11 hat, 16.3.1, I think you said that generated some DNA?

12 A Yes.

13 Q What did you determine from that?

14 A This was a single source profile and was subjected to
15 kinship analysis. The DNA profile developed from William
16 Clemons, Jr., is consistent with being a biological offspring
17 of Sara Lewis and the contributor to this item.

18 Q And what statistic was associated with that?

19 A It is approximately 500,000 times more likely to see the
20 genetic results of William Clemons, Jr., if the contributor to
21 this item is the true biological father than if a random man
22 is the father.

23 Q So let's run through it real quick because there's,
24 there's several things here. As to the toothbrush, that --
25 you used that as a standard; correct?

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- 1 A Yes. It was an alternate known standard.
- 2 Q And the muscle from autopsy was compared to that
- 3 toothbrush; correct?
- 4 A Yes.
- 5 Q Did they match?
- 6 A Yes.
- 7 Q Okay. The eight forensic samples, you had one from the
- 8 passenger rear floorboard of the cab. That's SLED item three.
- 9 I think you said you had two contributors there?
- 10 A Yes.
- 11 Q Did you identify those contributors?
- 12 A The major contributor to this item was deemed to be the
- 13 biological relative of William Clemons, Jr.
- 14 Q Biological father?
- 15 A Yes.
- 16 Q Okay. How about the minor contributor?
- 17 A Linda McAllister could not be excluded as a minor
- 18 contributor to this mixture.
- 19 Q How about SLED item four, which was the swab from the
- 20 storage compartment of the Dodge RAM pickup?
- 21 A This is, again, a mixture of at least two individuals.
- 22 Q And what did you determine about the major contributor?
- 23 A That the DNA profile developed from William Clemons, Jr.,
- 24 was consistent with being a biological offspring of Sara Lewis
- 25 and the major contributor to this mixture.

1 Q Okay. Minor contributor, were you able to conclude
2 anything?

3 A No. It was insufficient.

4 Q And now SLED item five, which was the, the swab from the
5 truck bed of the Dodge RAM pickup truck, what did you
6 determine from that?

7 A It was a mixture of at least two individuals.

8 Q And contributor one, the major contributor was?

9 A The DNA profile from William Clemons, Jr., was consistent
10 with being a biological offspring of Sara Lewis and the major
11 contributor to this item.

12 Q And the minor contributor?

13 A That was insufficient for interpretation.

14 Q How about the paper towel, which was State's 14, what did
15 you determine about the blood on the paper towel?

16 A It was a mixture of two individuals.

17 Q And were you able to identify those two individuals?

18 A I was able to determine the support of that profile being
19 explained best by the combination of William Clemons and Linda
20 McAllister.

21 Q And that was the number that was in the octodecillions;
22 is that correct?

23 A Yes.

24 Q That's a very strong support; is that not?

25 A Yes.

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1 Q Why don't you say it matches? Does, does SLED ever say
2 that a sample matches another?

3 A Since we've brought STRmix online and started using
4 likelihood ratios, a ratio we're comparing two possible
5 explanations. We're no longer saying it's this and then
6 nothing else. Now we're saying it's this or could be this and
7 determining the weight as to which one is more likely to
8 explain something.

9 Q But when you get a number in the octodecillions it's very
10 unlikely to be anybody else; is that correct?

11 A It's very strong support that the combination of those
12 two individuals best explains the DNA profile.

13 Q And the camouflage hat, the cutting from the hat, the
14 blood, bloody portion of the hat, did you analyze that?

15 A Yes.

16 Q And what was your conclusion as to the contributor of
17 that blood on that hat?

18 A The DNA profile developed from William Clemons, Jr., was
19 consistent with being a biological offspring of Sara Lewis and
20 the contributor to this item.

21 A And did you find support for William Clemons, Jr.'s
22 father on the swab from the bill and band of the hat?

23 A Yes.

24 Q And also for the hair from the hat?

25 A Yes.

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1 Q Okay. The, the, the likelihood ratio is very -- is that
2 based on how much DNA is preserved in the sample?

3 A Yes.

4 Q Okay. So is it accurate to say that the DNA of both
5 Linda McAllister and William Chet Clemons were in that truck?

6 A There's very strong support that the cutting from the
7 paper towel, the DNA profile developed from that is best
8 explained by the combination of DNA from William Clemons and
9 Linda McAllister.

10 Q And that there was blood in both the cab and the bed of
11 the truck?

12 A The presumptive testing indicated the possible presence
13 of blood.

14 Q Okay. And you did DNA testing where you had presumptive
15 blood?

16 A Yes.

17 Q Thank you. Please answer any questions the Defense might
18 have.

19 THE COURT: Mr. Wilson?

20 MR. WILSON: I have no questions, Your Honor.

21 THE COURT: Mr. Spratlin?

22 MR. SPRATLIN: Real briefly.

23 CROSS EXAMINATION

24 BY MR. SPRATLIN:

25 Q So, Doctor, is it Money or Money?

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1 A It's Money.

2 Q Dr. Money. This just tells whose DNA is, is or, or gives
3 probability about whose DNA is present in the items you
4 tested; right?

5 A For some of the items, yes, it's probabilities. Others
6 it's likelihood ratios.

7 Q Okay. But doesn't tell you anything about how the DNA
8 got there?

9 A That's correct. I -- we can't tell how any DNA is
10 deposited on an item.

11 Q Can't tell what happened before the blood got on the
12 thing, just that that is a probability or likelihood of this
13 DNA matching this other DNA?

14 A Yes. It doesn't tell anything of events prior to.

15 Q Okay. I appreciate it, Dr. Money. Thank you so much.

16 THE COURT: Any redirect?

17 MR. DEBUSK: No, Your Honor. We would ask that Ms. Money
18 be excused from her subpoena.

19 THE COURT: Ma'am, you are released from your subpoena.

20 You're free to go. Have a nice day. I didn't ask if there
21 was any objection. Mr. Wilson?

22 MR. WILSON: No objections, Your Honor.

23 THE COURT: Mr. Spratlin.

24 MR. SPRATLIN: No objection, Your Honor.

25 THE COURT: All right. Very well.

1 MR. DEBUSK: Your Honor, may I have a moment to consult
2 with Madam Reporter?

3 THE COURT: Yes. Mr. Oskin.

4 MR. OSKIN: Your Honor, at this time the State of South
5 Carolina rests.

6 THE COURT: All right. Can the lawyers approach a
7 minute, please?

8 (Whereupon, a bench conference is held in the presence
9 but out of the hearing of the jury.)

10 THE COURT: Ladies and gentlemen, the State has rested
11 its case at this point. There are some matters of law that we
12 need to take up outside of your presence. What I'm going to
13 do is I'm going to ask you to step to the jury room. Do not
14 discuss the case at all. I'll get you back out here as
15 quickly as I can. Okay? Please step to the jury room.

16 (Whereupon, the following takes place outside the
17 presence of the jury.)

18 THE COURT: All right. Anything, Mr. Wilson, at this
19 time?

20 MR. WILSON: Yes, Your Honor. At this time I would make
21 a motion for a directed verdict in regards to Jordan Hodge.
22 Your Honor, I think that while there is certainly evidence of
23 some kind of collusion, for lack of a better word, at the --
24 after the alleged death of Mr. Clemons and Ms. McAllister,
25 there is certainly nothing that I have seen or heard during

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1 the course of the trial which places Ms. Hodge at the scene of
2 the homicide, and on top of that there --

3 THE COURT: Do we even know where the scene of the
4 homicide was?

5 MR. WILSON: Well, the, the State, I would assume, based
6 on their argument is alleging that it's down near the river in
7 Bucksville which would have been at that time. I -- at least
8 that's where I assume that they're saying it is. I don't know
9 where it was, but my point is it doesn't even matter whether I
10 know where it is. It's their burden to prove that she was
11 present when it occurred, and there is nothing in the record
12 that I have heard thus far which places her at the scene when
13 they are murdered or when they're killed. There's nothing,
14 and, and on top of that, one of the things that I think that
15 the State has to show is that they're alleging in the
16 indictment that these people were shot, that Mr. Clemons and
17 Ms. McAllister were shot. Well, there's nothing in this
18 record showing that Jordan Hodge shot anybody at any time, any
19 place or any time. Not only is there nothing in the record
20 showing that she didn't shoot anybody, but there is no
21 evidence that she was present aiding or abetting the, the, the
22 shooting or killing of these individuals. So based on that,
23 so, so, so you don't even get to the hand of one because
24 there's nothing in the record to show that, that she was
25 present when it occurred, which she'd have to be in order to

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1 be aiding and abetting, and, and, and so I would ask the Court
2 for a directed verdict on the issue of murder. I -- Your
3 Honor, also, and I would ask the Court, I know Mr. Spratlin
4 had made a motion for a mistrial, that, and, and I don't want
5 to jumble up things, and I'll do it however the Court wants me
6 to do it, if you want me to wait and let you deal with this
7 first.

8 THE COURT: Go ahead.

9 MR. WILSON: Mr. Spratlin had made a motion earlier in
10 the trial for a mistrial based on the GPS device in the video,
11 and I would renew that motion at this point in time, and I
12 would also renew any objections that I made during the course
13 of the trial.

14 THE COURT: All right. Very well. Mr. Spratlin.

15 MR. SPRATLIN: Yes, sir, Your Honor. I, like Mr. Wilson,
16 am moving for a motion for a directed verdict at this time
17 that the State has rested. I believe that there is no
18 evidence in this record, direct or circumstantial, that show
19 or substantially circumstantial that shows that my client
20 pulled the trigger that ended the life of either William
21 Clemons or Linda McAllister. Thus, the only way the State can
22 proceed to the jury on that charge of murder, two counts of
23 murder of those two individuals is by the theory of hand of
24 one, hand of all. Hand of one, hand of all reading from State
25 v. Langley or, I'm sorry, yeah, State v. Langley, located at

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1 515 S.E.2d 98 basically goes into how if -- if one is to be
2 convicted under the theory of hand of one, hand of all there
3 has to be some prearrangement or at the scene aiding and
4 abetting in the commission of a crime, not necessarily murder.
5 For instance, if an armed robbery was to be convicted, the
6 typical example being a liquor store holdup where two
7 individuals go to the liquor store. One of them is just there
8 to buy vodka and the other one pulls out a gun to rob the
9 place and winds up shooting the clerk, the person who was at
10 -- who was there to buy vodka is not guilty of anything, even
11 if he runs away with the individual, even if he helps the
12 other individual get away, even if he covers up the murder for
13 the other individual he's not guilty. However, if the person
14 goes there along with the other individual with the intent to
15 rob the liquor store and the person pulls out a gun and shoots
16 the clerk then even though he didn't intend murder he's guilty
17 under the theory of hand of one, hand of all. We concede
18 that. Here the State has shown no more than my client was
19 merely assisting after the fact. They have not shown that he
20 was at any sort of murder aiding or abetting Ms. Hodge in any
21 way, shape or form. I do not believe that they have shown by
22 substantial circumstantial evidence -- there's certainly no
23 direct evidence of that. There's no direct evidence placing
24 him at a murder scene aiding or abetting Ms. Hodge.
25 Furthermore, regarding substantial circumstantial evidence,

1 all of the circumstantial evidence goes to a timeframe that
2 occurred after these individuals were conceivably deceased.
3 For that reason, I believe my client would be entitled to a
4 directed verdict on the grounds of both charges of murder
5 being that there's no evidence that he agreed to any sort of
6 crime with Ms. Hodge prior to the death of these individuals,
7 did not aid or abet or assist Ms. Hodge in any sort of crime
8 during the commission of these murders. I would just ask the
9 Court to direct a verdict of not guilty on both counts on
10 behalf of my client. I would also, Your Honor, similar to Mr.
11 Wilson, renew my motion for a mistrial as I stated. I believe
12 that the video was shown to the jury regardless of fault. It
13 was -- and the bell was rung. That is not a bell that can be
14 un-rung. I understand the curative instructions that the --
15 Your Honor has offered as far as a charge to the jury and the
16 charge of it not going back to the jury in evidence and I do
17 appreciate that, but I do believe the mistrial would be
18 appropriate as well. Thank you very much.

19 THE COURT: Mr. Oskin.

20 MR. OSKIN: Yes, sir. Thank you. Let's first direct the
21 Court's attention to State versus Martin where the State's --
22 the State's case -- if the State's case is purely
23 circumstantial and the evidence is insufficient to establish
24 the Defendant's presence at the scene of the crime at the time
25 of the murder then the judge must direct a verdict against the

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1 State. Here, Your Honor, the State would argue that we do
2 have direct evidence of these Defendants' presence at the time
3 that these Defendants [sic] were murdered. That would have
4 been the GPS data coordinates presentation from FBI Agent
5 Nathaniel Dingle. The data in that presentation will show the
6 time that these Defendants got in the truck from, from Linda
7 McAllister and William Chet Clemons. These Defendants
8 themselves gave statements saying that they were given
9 possession of the truck by Linda McAllister and William Chet
10 Clemons and that's where the hand of one, hand of all starts.
11 That's where that first initial story about a family emergency
12 in Ohio comes into place. They tell the same story. Now, Ms.
13 Hodge gives it in great detail to where Mr. Carlisle gives it
14 in a smaller detail but says largely the same thing. They're
15 all together. They got the truck. Their Jeep blew up and
16 they walked to the Defendants' [sic] house together, got that
17 truck and while they're there Chet has a family emergency in
18 Ohio, and the next thing they know they're up and out and they
19 said, "Here, here's the truck. While we're at it here's the
20 keys, feeds the dogs," and they were given possession of the
21 debit cards at that time. The direct evidence placing these
22 people in -- placing these Defendants in the truck showing at
23 the landing where these bodies were both found coordinates,
24 and these Defendants say they last saw the victims in this
25 case on July 4th. They actually saw them on July 3rd. I'm --

1 how do I say that with confidence? I state that by the July
2 4th Walmart video and right after, roughly after midnight these
3 Defendants are shown in the victims' blue truck, walking out
4 of that truck, walking into Walmart together in concert
5 purchasing items and certainly acting together at that time in
6 the furtherance of a crime, that crime being murder. The
7 evidence, the, the crimes of both murders happening in that
8 truck is substantiated by the evidence retrieved from that
9 truck. Donna Money herself just testified to a blood mixture
10 of both victims. I believe there's photo evidence that was
11 submitted to the jury that states where those paper towels
12 were found in the back of the truck when Detective Watford
13 testified. Those photos have been submitted to the jury.

14 Let's also focus on the hat. Mr. William Chet Clemons
15 was wearing a camouflage hat the morning of July 3rd with an
16 American flag pattern on it at the Conway National Bank, seen
17 making a bank transaction at that time. That hat with blood
18 on it was also found in the -- not the truck, Your Honor, the
19 bed of the truck and retrieved from Horry County search
20 warrant with Detective Watford present while it was still a
21 missing persons case on the Defendants' property.

22 These Defendants spent upwards of \$8000 of these
23 Defendants' [sic] money. I would certainly say that that was
24 the acting in the furtherance of the crime, and I think it's
25 more than obvious that this Court, anybody in this courtroom

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1 that that was the motive. The State is certainly ready and
2 able to argue that to the jury.

3 Frankly, Your Honor, the evidence in this case is
4 overwhelming, and it's more than substantial to submit to the
5 jury. There's substantial circumstantial evidence here. The
6 State argues that the GPS coordinates makes it, in fact,
7 direct evidence. I'll rest for now.

8 THE COURT: All right. I'm going to step down for just a
9 second. All right. Stand down just a minute.

10 MR. SPRATLIN: Your Honor, may we have a couple of
11 minutes, too?

12 THE COURT: Yes, sir.

13 MR. SPRATLIN: Thank you.

14 OFF THE RECORD

15 (On the record. The following takes place outside the
16 presence of the jury.)

17 THE COURT: Thank you. Be seated, please.

18 All right. As each of you know, when viewing a motion
19 for a directed verdict, the Court is required to view the
20 evidence in the light most favorable to the nonmoving party,
21 the State in this case. The law requires, sets forth that if
22 there is any direct or substantial circumstantial evidence
23 reasonably tending to prove the guilt of the accused the Court
24 is required the case to be submitted to the jury. The trial
25 judge is required or should grant a directed verdict when the

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1 evidence merely raises a suspicion that the accused is guilty.

2 In this particular case, and I will hit upon those facts

3 that have been testified and will rely upon the record if I've

4 left any pertinent facts out. The Court respectfully, Mr.

5 Wilson and Mr. Spratlin, respectfully denies your respective

6 motions for directed verdict. The testimony that's been set

7 forth in this courtroom over the last two and a half days

8 clearly places Defendant Hodge and Carlisle at the residence

9 with Linda McAllister and Mr. William Clemons. They were the

10 last two individuals to see these -- Ms. Hodge and Mr.

11 Carlisle were the last two individuals to see the victims in

12 this case alive. Statements of the victims -- excuse me, the

13 Defendants conveyed to law enforcement that the victims had a

14 family emergency in Ohio, gave the truck keys and debit card,

15 credit cards to both of the Defendants. The GPS testimony

16 from Agent Dingle placed the truck at the residence leaving

17 the residence and at some point going to the scene of where

18 each of these victims were found, not once but on two separate

19 occasions. I do not recall the specific witness that

20 testified concerning such, but do remember Mr. Spratlin making

21 an objection, of which I overruled, but one of the witnesses

22 testified that the victim, Ms. McAllister, was going to meet

23 or see Defendant Jordan. The Court overruled that objection

24 and did not put on the record at the time but relies upon

25 State v. Griffin, State v. Griffin at 339 S.C. 74 in

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1 overruling Mr. Spratlin's objection to that specific
2 testimony. There's testimony -- there was testimony from Mr.
3 Yost about the selling of a 25-caliber weapon to Mr. Carlisle
4 in the presence of Ms. Hodge as well, the misleading
5 statements or statements that were construed to be misleading
6 concerning the victims' family emergency and going to Ohio as
7 well. There were numerous items located at the victims' [sic]
8 residence belonging to victim McAllister and Mr. Clemons, the
9 truck, which had been in the possession of the Defendants from
10 the evening, afternoon or evening of July 3rd at -- and locate
11 -- subsequently located at the victims' [sic] residence, the
12 numerous items collected from that truck which included DNA of
13 each of the victims by virtue of blood, the shell casings that
14 were found in the truck consistent with 25-caliber shell
15 casings, the bullet located when the autopsy was performed on
16 Ms. McAllister, the size of that particular bullet, while I do
17 not recall your expert specifically saying it came from a 25
18 but certainly seemed to be more consistent in the measurements
19 of that of a 25 which Mr. Wilson pointed out, I believe, on
20 cross examination or Mr. Spratlin, I'm not sure which one,
21 about different things that could certainly affect the size of
22 the bullet, but, but even on direct examination of that
23 witness testimony concerning the flesh and possibly bone what
24 if any effects that may have were, were minimal, the
25 subsequent purchasing of many items and goods by these

1 Defendants from Walmart, specifically from Advance Auto Parts,
2 I believe that was the parts store, of, of cleaning materials,
3 the utilization of such cards of -- I thought it was closer to
4 11,000. Mr. Oskin ordered -- excuse me, argued 8000, but my
5 recollection was that it was closer to \$11,000 that was spent
6 over approximately 10 days, certainly indicative of knowledge
7 by Defendants that these victims were not coming back. I
8 think taking all of that evidence of which I've gone over, and
9 again, relying upon the record as a whole if I did not
10 specifically hit on anything, if you look at one item of
11 evidence the Court would agree with Mr. Wilson and Mr.
12 Spratlin, but taking the evidence as a whole, as a whole and
13 looking at the facts and circumstances, along with the
14 testimony, would support this Court's denial of each of the
15 Defendants' motions for directed verdict, but your motions and
16 if I've left out anything the Court would rely, again, on the
17 record as a whole in its decision as it relates to your
18 motions. Mr. Wilson?

19 MR. WILSON: Thank you, Your Honor.

20 THE COURT: Mr. Spratlin?

21 MR. SPRATLIN: Yes, sir, Your Honor.

22 THE COURT: All right. Now, at this time I'm going to
23 ask Ms. Hodge as well as Mr. Carlisle, if each of you would
24 stand again, please. All right. I'm going to place both of
25 you under oath again.

Advisement of Rights

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1 (The Defendants are sworn by the Court.)

2 THE COURT: All right. Yesterday before we broke for the
3 day I went through each of your constitutional rights as it
4 relates to testifying in this case, and I wanted to do that
5 before we broke for the day so that you would have that in
6 your mind, that you would have an opportunity to think about
7 it over our break last night, as well as further discuss those
8 rights or your potential decision with your lawyer, family,
9 friends or whomever you desired. What I'm going to do at this
10 time is I am going over those rights again with you just to,
11 to ensure your understanding of such. As I told you or as I
12 will tell you now, we have now reached the stage of the case
13 where you may present your defense. You have the right as I
14 told you yesterday to claim the protections given to you by
15 the Fifth Amendment to the Constitution which states in part
16 that no person, no person shall be compelled in any criminal
17 case to be a witness against himself or herself as it relates
18 to you, Ms. Hodge. This means that neither one of you,
19 neither one of you can be required to testify in this case.
20 You have the right to testify on your own behalf. However, no
21 one, and I emphasize, no one can make you testify. This right
22 is a personal right and no one can waive this right but you.
23 As I told you yesterday, if you decide to testify you will be
24 subject to the same rules that govern other witnesses and you
25 may be examined and cross examined on any relevant issue in

1 this case. In addition, if you have any convictions involving
2 dishonesty or false statement or for crimes punishable by
3 imprisonment for more than a year and this Court determines
4 that the probative value of admitting this evidence outweighs
5 its prejudicial effect to you, the prosecutor will be able to
6 introduce your record to attack your credibility. If you
7 decide to testify this decision on your part must be freely,
8 voluntarily and intelligently made with knowledge of the
9 protections given to you by the Fifth Amendment and the
10 consequences of your decision to testify. Now, again, as I
11 told you yesterday, if you decide not to testify I will
12 instruct this jury that they cannot give the fact that you did
13 not testify any consideration whatsoever and that there is to
14 be absolutely no prejudice to you because you did not testify,
15 and now, it is left entirely, it is left entirely up to you
16 whether or not you testify. As I told you yesterday, you may
17 talk with your lawyer, your family, your friends or whomever,
18 but the final decision will be left entirely up to you. Now,
19 again, Ms. Hodge, do you understand what I've explained to
20 you?

21 MS. HODGE: Yes, sir.

22 THE COURT: Mr. Carlisle?

23 MR. CARLISLE: Yes, sir.

24 THE COURT: All right. Do you have any questions about
25 what I have explained to you, Ms. Hodge?

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1 MS. HODGE: No, sir.

2 THE COURT: Mr. Carlisle?

3 MR. CARLISLE: No, sir.

4 THE COURT: Have each of you discussed with your lawyer
5 whether or not you should testify, Ms. Hodge?

6 MS. HODGE: Yes, sir.

7 THE COURT: Mr. Carlisle?

8 MR. CARLISLE: Yes, sir.

9 THE COURT: Do you need any more time? Do either one of
10 you need any more time to talk to your lawyer, Ms. Hodge?

11 MS. HODGE: No, sir.

12 THE COURT: Mr. Carlisle?

13 MR. CARLISLE: No, sir.

14 THE COURT: Do you, do you wish to testify in this trial,
15 Ms. Hodge?

16 MS. HODGE: No, sir, Your Honor.

17 THE COURT: Mr. Carlisle?

18 MR. CARLISLE: No, sir.

19 THE COURT: All right. Anything else, Mr. Wilson?

20 MR. WILSON: No, sir.

21 THE COURT: Mr. Spratlin?

22 MR. SPRATLIN: No, Your Honor. The only other additional
23 issue I believe is I had some requests to charge. I'm not
24 sure when the Court wanted to address those.

25 THE COURT: All right. We're fixing to. You -- Ms.

1 Hodge, Mr. Carlisle, you all can be seated.

2 MS. HODGE: Thank you, Your Honor.

3 THE COURT: I had previously emailed you this morning a
4 copy of the charge that I had worked on last night and this
5 morning before you all got here. Did you get a copy of it,
6 State?

7 MR. DEBUSK: I did, Your Honor.

8 THE COURT: Mr. Wilson, did you get?

9 MR. WILSON: Yes, sir.

10 THE COURT: Mr. Oskin [sic]?

11 MR. SPRATLIN: Yes, Your Honor.

12 THE COURT: You've indicated you had some, some
13 additional requests?

14 MR. SPRATLIN: Your Honor, I believe Mr. Wilson is also
15 joining in these requests. Under Logan or State v. Logan I am
16 requesting that jury charge issued in that, in that case. If
17 I could give the cite to the Court.

18 THE COURT: All right. Go ahead.

19 MR. SPRATLIN: It is 405 South Carolina 83. It is
20 located on page 99 of that opinion and it basically provides
21 the jury charge if asked for by the Defense.

22 THE COURT: Is it a charge in its entirety or is it
23 specific --

24 MR. SPRATLIN: It is, Your Honor. It actually --

25 THE COURT: Hold on. Hold on. Let me finish my

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1 question.

2 MR. SPRATLIN: Sorry.

3 THE COURT: Or does it relate to a specific issue in the
4 trial?

5 MR. SPRATLIN: Your Honor, I believe it is just a charge
6 in its entirety. It actually lists a proper reasonable doubt
7 instruction or it says, [as read], "We hold the trial court
8 should provide the following language as a circumstantial
9 evidence charge in addition to a proper reasonable doubt
10 instruction when so requested by the -- by a Defendant," and
11 then it goes on to state the charge.

12 THE COURT: Okay. So just as it relates to reasonable
13 doubt?

14 MR. SPRATLIN: Yes, Your Honor. Just the whole
15 circumstantial evidence charge that is listed in State v.
16 Logan.

17 THE COURT: All right.

18 MR. SPRATLIN: I can read it into the record if need be.

19 THE COURT: Hold on. I'm getting there. What says the
20 State?

21 MR. DEBUSK: Your Honor, we believe the standard charge
22 as, as you used in your proposed charge covers that. We think
23 it's proper, Your Honor, as, as you sent to us.

24 THE COURT: Well, what is the difference between the
25 charge in Logan and, and what I've proposed, Mr. Spratlin?

1 MR. SPRATLIN: Your Honor, if I may read the charge in
2 Logan. There -- and I actually have a copy I could hand up to
3 the Court. I did a -- I didn't sign it yet. Like I said, Mr.
4 Wilson is joining --

5 THE COURT: I mean, I can read the charge in Logan.

6 MR. SPRATLIN: Yes, sir.

7 THE COURT: You don't have to read it to me but I
8 appreciate it.

9 MR. SPRATLIN: I believe that that charge goes into much
10 more detail. It also includes language such as, [as read],
11 "All circumstances must be consistent with each other and when
12 taken together point conclusively to the guilt of the accused
13 beyond a reasonable doubt. If these circumstances merely
14 portray the Defendant's behavior as suspicious the proof has
15 failed." It also goes on to state, [as read, "The State has
16 the burden of proving the Defendant guilty beyond a reasonable
17 doubt. This burden rests with the State regardless of whether
18 the State relies on direct evidence, circumstantial evidence
19 or some combination thereof." I believe that goes into much
20 more depth regarding circumstantial evidence than Your Honor's
21 proposed charge that was emailed to us does.

22 THE COURT: Well, and I would agree with you, that
23 language from State v. Logan is typically in my direct and
24 circumstantial evidence charge, and for whatever reason it was
25 not in this particular one, but so I would agree with you on

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1 that. I would agree with Mr. Spratlin.

2 MR. SPRATLIN: Yes, sir. Thank you.

3 THE COURT: I think he, I think he's correct on
4 that.

5 MR. SPRATLIN: And also, Your Honor, I believe Mr. Wilson
6 is also joining in my request for a mere presence charge. I
7 believe there is evidence in the record that the jury could
8 believe that while two individuals may have been present at a
9 scene of a crime, only one of them was participating in the
10 crime, that's, I believe, mere presence should be charged to
11 the jury.

12 MR. DEBUSK: Your Honor, it's in your charge under hand
13 of one, hand of all.

14 MR. SPRATLIN: I believe there is some reference in your
15 charge, Your Honor, to it. However, I don't believe it is a
16 full charge on mere presence.

17 THE COURT: Well, what I will do I'll go back and look at
18 the mere presence charge. It is in the hand of one, hand of
19 all charge and I'll -- but I'll expound upon it some in hand
20 of one, hand of all.

21 MR. SPRATLIN: And Your Honor, I do have -- I, I -- I'm
22 pretty sure I have the same book that you do or access to it,
23 at least it's a 2012 version of whatever book Your Honor is
24 using. I did have a proposed mere presence charge, but
25 obviously if Your Honor has a preferred one. Just for the

1 record I could hand up both the circumstantial evidence charge
2 and my proposed mere presence charge which Mr. Wilson has
3 joined in. I forgot to date it.

4 THE COURT: Have you all seen these, Mr. Oskin? I'm
5 sorry.

6 MR. OSKIN: No, sir, Your Honor, if I may.

7 THE COURT: Your Honor, I handed a copy to Mr. DeBusk.

8 MR. DEBUSK: Yeah, we have, we have it, Your Honor.

9 MR. OSKIN: I apologize, Judge.

10 THE COURT: Okay.

11 MR. SPRATLIN: I think, I think Mr. Nick was only --
12 Alter was only able to print out so many copies. I didn't
13 want to overuse the favor. So I -- we can share.

14 THE COURT: All right.

15 MR. OSKIN: I just focused on the front page. I didn't
16 see the extra mere presence language. My mistake.

17 THE COURT: You looked at it?

18 MR. DEBUSK: Yes, Your Honor. I think that the standard
19 charge as, as you've sent to us covers mere presence and it
20 covers it adequately.

21 THE COURT: Well, there, there is a separate charge
22 separate and apart from hand of one, hand of all. There's a
23 separate mere presence charge within our standard charges.
24 Okay. But I'll look at it and, and what -- you're correct,
25 the hand of one, hand of all does reference mere presence, but

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1 I will look at what's been submitted by Mr. Spratlin and may
2 simply just expound upon my definition of it, the legal
3 definition of mere presence.

4 MR. DEBUSK: Yes, Your Honor.

5 THE COURT: Okay.

6 MR. SPRATLIN: Thank you, Your Honor.

7 MR. WILSON: Your Honor, just, just for the -- I
8 apologize, but just for the record, and I know Mr. Spratlin
9 has said it, but just so that I'm on the record --

10 THE COURT: Joining.

11 MR. WILSON: -- with both those motions.

12 THE COURT: Very well. All right. This is what I'm
13 going to do -- is it here? Okay. I'm going to go ahead and
14 bring the jury back out and, and allow you all to go ahead and
15 -- well, your clients aren't testifying. Do you anticipate
16 putting up anything, Mr. Wilson?

17 MR. WILSON: No, sir.

18 THE COURT: Mr. Spratlin?

19 MR. SPRATLIN: No, Your Honor.

20 THE COURT: Okay. What I will do is I'll go ahead and
21 bring the jury back out and both of you all -- you done?

22 MR. SPRATLIN: Yes, sir. I apologize, Your Honor.

23 THE COURT: I'll give you a chance to talk to your
24 client. What I was saying is I will bring the jury back out,
25 give each of you or recognize you, Mr. Wilson. You can rest.

1 Mr. Spratlin you can rest, and I will send the jury back out
2 and you can renew your motions at that time. No need, unless
3 you have some new information that you want me to consider, to
4 restate in its entirety the basis of your prior directed
5 verdict motions. Okay?

6 MR. WILSON: Yes.

7 THE COURT: All right. All right. Bring me the jury,
8 please, ma'am.

9 (Whereupon, the following takes place in the presence of
10 the jury.)

11 THE COURT: All right. Ladies and gentlemen, at this
12 time we are going to continue. When you left before, the
13 State had rested its case. At this time I'll recognize Mr.
14 Wilson.

15 MR. WILSON: Your Honor, at this time the Defendant
16 Jordan Hodge rests.

17 THE COURT: All right. Very well. Mr. Spratlin?

18 MR. SPRATLIN: Your Honor, at this time the Defendant
19 Carlisle rests as well.

20 THE COURT: All right. All right. Ladies and gentlemen,
21 you have heard all of the testimony and evidence that you're
22 going to hear in this case, that which remains will be closing
23 arguments and my charge on the law to you. What we're going
24 to do at this time, I have been advised that your lunch is in
25 route, it is in route, should be here in the next few minutes.

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1 I'm going to ask you to step back to the jury room. Your
2 lunch will be here momentarily and you all can go ahead and
3 eat. Mr. Foreman, if you'll, once you all are finished eating
4 and are ready to continue, let my bailiff know and we'll get
5 you back in here. There are some additional matters of law
6 that we need to take up at this time. So I'm going to let you
7 step back to the jury room. Again, do not discuss the case
8 and I'll get you back out here once you all have finished
9 eating. Okay? We'll proceed. All right.

10 (Whereupon, the following takes place outside the
11 presence of the jury.)

12 THE COURT: Mr. Wilson?

13 MR. WILSON: Yes, sir.

14 THE COURT: Anything?

15 MR. WILSON: Oh, yes, sir. Your Honor, I apologize.
16 Your Honor, I would renew all the motions that I made at the
17 end of the State's case, including the motion for a directed
18 verdict and, and any objections that I have made previously
19 during the course of the trial.

20 THE COURT: Mr. Spratlin?

21 MR. SPRATLIN: Your Honor, I'd also renew my motion for a
22 directed verdict as well as any objections and motions made
23 prior to and during trial. I'd also renew my motion for a
24 mistrial that I requested for during the presentation of the
25 State's case.

1 THE COURT: All right. As it relates to each of the
2 Defendants' motion for directed verdict, the Court's rulings
3 as to that remains the same and as previously stated on the
4 record, the Court's prior rulings as to all motions, including
5 that of a mistrial, the Court's rulings as to that remains the
6 same as well. All right. What we're going to do go ahead and
7 break for lunch. Can -- you all want to walk up here? I did
8 -- did I -- did I -- not forward to you all the verdict forms?
9 Let you all look at these verdict forms.

10 (Whereupon, a bench conference is held.)

11 THE COURT: All right. We'll stand down till about
12 12:50, 12:50. That should be sufficient time for lunch, for
13 the jurors to eat as well.

14 OFF THE RECORD

15 (On the record. The following takes place outside the
16 presence of the jury.)

17 THE COURT: Thank you. Be seated, please.

18 Mr. DeBusk, Mr. Oskin, Mr. Wilson, Mr. Spratlin, did you
19 all get my amended charge? I sent it to you to look at while
20 we were over lunch.

21 MR. SPRATLIN: I do not believe it came through, Your
22 Honor.

23 MR. DEBUSK: I got it, Your Honor.

24 THE COURT: Did you all look at it?

25 MR. SPRATLIN: I have not had a chance to, Your Honor.

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1 If I could just real briefly look at the two charges that I
2 was concerned about. Everything else -- all right. Mr.
3 Wilson's going to come over and look with me.

4 Your Honor, we have no objections. Your Honor, I have no
5 objection. I -- let Mr. Wilson.

6 MR. WILSON: Hodge has no objections, Your Honor.

7 MR. DEBUSK: None from the State, Your Honor.

8 THE COURT: All right. I think it's covered and I
9 intertwined --

10 MR. WILSON: Yes, sir.

11 THE COURT: -- your requests with what I already had to
12 kind of further explain some -- those particular topics of the
13 charge. All right. Bring me the jury, please.

14 (Whereupon, the following takes place in the presence of
15 the jury.)

16 THE COURT: All right. All the jurors are present.

17 Mr. Foreman, ladies and gentlemen of the jury, the order
18 in which we are going to do this this afternoon, I'm going to
19 give you the charge on the law right now. Then the State will
20 do its closing argument, followed by Mr. Wilson and Mr.
21 Spratlin, and then I'll give you some conclusory remarks
22 before the case is given to you all to deliberate. All right?

23 It's now my duty, ladies and gentlemen, as the trial
24 judge under the constitution of this state to charge and
25 instruct you on the law applicable to this case. It is your

1 duty as jurors to accept and apply the law as I will now state
2 it to you. Furthermore, it is your exclusive duty to decide
3 all the issues of fact in this case and to determine the
4 effect, value and weight of the evidence. Both the State and
5 the Defendants have a right to expect that you will carefully
6 consider and evaluate the evidence and apply the law of this
7 case to it, so that in the end both the State of South
8 Carolina and the Defendants will receive a fair and impartial
9 trial. I want you to understand that when I use the word
10 Defendant, I refer to Ms. Jordan Marie Hodge and Mr. Kenneth
11 Wayne Carlisle. Furthermore, it is important to understand
12 that the State of South Carolina charges each Defendant with
13 two counts of murder.

14 To these charges, the Defendants have entered a plea of
15 not guilty. This plea of not guilty places the burden of
16 proof on the State to prove the guilt of the Defendant to you,
17 the jury, beyond a reasonable doubt.

18 Now, I remind you, ladies and gentlemen, that the fact
19 the Defendants were arrested, charged and indicted in this
20 case is not evidence in this case and it cannot be considered
21 by you as evidence of guilt in this case, nor does it create
22 any presumption or inference of guilt. The indictment, as I
23 told you from the outset, is simply the formal written
24 instrument which contains the charge made against the
25 Defendants. It is the formal document by which this case is

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1 brought into this court.

2 Excuse me. The indictments in this case, ladies and
3 gentlemen, as I said, allege two counts of murder against
4 Jordan Marie Hodge and two counts of murder against Kenneth
5 Wayne Carlisle. Each indictment charges a separate and
6 distinct offense. You must decide each indictment separately
7 on the evidence and the law applicable to it uninfluenced by
8 your decision as to any other indictment. Each Defendant may
9 be convicted or acquitted on any or all of the offenses
10 charged. You will be asked to write a separate verdict of
11 guilty or not guilty for each indictment.

12 Now as I've said, there are two Defendants in this case,
13 each of whom is charged with two counts of murder. The case
14 of each Defendant and the evidence and the law concerning that
15 Defendant should be considered separately and individually.
16 Your verdict does not have to be the same for both Defendants.
17 The fact that you may find one Defendant guilty or not guilty
18 should not control your verdict as to the other Defendant.
19 Where more than one person is charged with a crime, if the
20 evidence warrants it, you may convict one and acquit the
21 other, or you may acquit both or you may convict both. It
22 will depend upon your view of the testimony and evidence. You
23 must take each Defendant and consider the evidence as to that
24 Defendant and my instructions to you on the law. You will
25 then write a separate verdict, as I said a minute ago, of

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1 guilty or not guilty for each individual Defendant as to each
2 charge.

3 Now during this trial, ladies and gentlemen, you and I
4 have had separate duties to perform. As the trial judge, it
5 is my responsibility to preside over this trial. I also have
6 the duty to rule upon the admissibility of the evidence
7 offered during the process of this trial. In that regard, you
8 are to consider only the competent evidence before you. You
9 are to consider only the testimony which has been presented
10 from this witness stand, together with any exhibits admitted
11 into the record of this case.

12 Furthermore, I have the additional duty to charge you on
13 the applicable law in this case, and in that regard, ladies
14 and gentlemen, I am the sole judge of the law in this case.
15 It is your duty to accept and apply the law as I state it to
16 you. If you have any preconceived ideas as to what the law is
17 or what the law ought to be, and it does not agree with what I
18 tell you the law is, you are obligated under your oath to
19 abandon these preconceptions because you are sworn to accept
20 the law precisely as I state it to you.

21 Now, in this trial, ladies and gentlemen, you, you are
22 the sole and exclusive judge of the facts, and I'm the judge
23 of the law. Do not infer that I have any opinion about the
24 facts in this case from anything that I have said during the
25 course of this trial in ruling upon the admissibility of

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1 evidence or otherwise or from anything that I say during the
2 course of this charge to you. In this regard, the law simply
3 does not permit me to have an opinion about the facts. As
4 jurors it is your duty alone to determine the effect, value
5 and weight of the evidence presented during the course of this
6 trial.

7 Now, in determining what the facts in this case are, you
8 must judge the credibility, which simply means the
9 believability of the witnesses and the value or weight to be
10 given to their testimony. You alone must decide the force and
11 effect of the testimony. In making this decision there are
12 many things that you may and should take into consideration,
13 such as: the appearance and manner of the witness on the
14 stand, a characteristic often referred to as the demeanor of
15 the witness; was the witness forthright or hesitant; was the
16 witness' testimony consistent or did it contain discrepancies;
17 what was the ability of the witness to know the facts about
18 which he or she testified; did the witness have a cause or
19 reason to be biased and prejudiced in favor of the testimony
20 that he or she gave; was the testimony of the witness
21 corroborated or made stronger by other testimony and evidence
22 or was it made weaker or impeached by such other testimony and
23 evidence.

24 As jurors please understand that you have the right to
25 believe a small portion of a witness' testimony and discard

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1 the larger portion or vice versa. You may believe all of a
2 witness' testimony or none. You may believe the testimony of
3 a single witness against that of many witnesses or the other
4 way around.

5 In exercising your mental processes and attempting to
6 decide the verdict, the law simply requires that you exercise
7 your good judgment, your common sense, your sense of logic and
8 reason and your experiences in life. You then apply these
9 attributes to the evidence and apply the law as I state it to
10 you and thus arrive at a verdict.

11 Now, it's vital to understand, ladies and gentlemen, that
12 a Defendant is presumed under the law to be innocent of the
13 crimes for which he or she is charged. A Defendant has no
14 obligation to prove his or her innocence. It is a fundamental
15 rule of our law that a Defendant, irrespective of the
16 seriousness of the charge against him or her, is always
17 presumed innocent of the crime for which he or she is charged,
18 unless and until his or her guilt has been proven by evidence
19 that satisfies you, the jury, beyond a reasonable doubt.
20 The presumption of innocence, ladies and gentlemen, is not a
21 mere legal theory or a legal phrase. The presumption of
22 innocence is very important and you need to understand that
23 this presumption accompanies a Defendant from the time of his
24 or her arrest and appearances in this court and continues with
25 a Defendant even after you retire to the jury room to

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1 deliberate. In other words, a Defendant receives the benefit
2 of the presumption of innocence until the very end of this
3 trial when you, the jury, will deliberate upon the evidence
4 and decide whether the State has proven their guilt beyond a
5 reasonable doubt.

6 Now, ladies and gentlemen, what is a reasonable doubt in
7 the law? A reasonable doubt is the kind of doubt that would
8 cause a reasonable person to hesitate to act. Proof beyond a
9 reasonable doubt is proof that leaves you firmly convinced of
10 the Defendant's guilt. Now, there are very few things in this
11 world, ladies and gentlemen, that we know with absolute
12 certainty, so even in criminal cases the law does not require
13 proof that overcomes every possible doubt. If, based on your
14 consideration of the evidence, you are firmly convinced that
15 the Defendant is guilty of the crimes charged, you must find
16 him guilty. If on the other hand, you think there is a real
17 possibility that he is not guilty, you must give them the
18 benefit of the doubt and find him or her not guilty.
19 Please understand, ladies and gentlemen, that reasonable doubt
20 may arise from evidence which has been presented in the case
21 or from the lack of evidence in the case. It is your
22 responsibility to determine whether or not reasonable doubt
23 exists as to the guilt of each Defendant.

24 I charge you that each Defendant is entitled to every
25 reasonable doubt arising in the whole case. If upon any

1 issues of fact essential to a conviction and a verdict of
2 guilty you have a reasonable doubt as to how that issue should
3 be resolved, it would be your duty to resolve that reasonable
4 doubt in favor of the Defendant.

5 Thus, in summary, it is important to understand that a
6 Defendant is not required to prove his innocence. Instead,
7 the State is required by law to prove every essential element
8 of the offense charged against the Defendant by evidence which
9 satisfies you of guilt beyond a reasonable doubt. Only then
10 can you convict a Defendant and find him or her guilty.

11 Now, there are two types of evidence, ladies and
12 gentlemen, which are generally presented during a trial,
13 direct evidence and circumstantial evidence. Direct evidence
14 directly proves the existence of a fact and does not require
15 deduction. Direct evidence is the testimony of a person who
16 claims to have actual knowledge of a fact, such as an
17 eyewitness. It is evidence which immediately establishes the
18 main fact to be proved.

19 Circumstantial evidence is proof of a chain of facts and
20 circumstances indicating the existence of a fact. It is
21 evidence which immediately establishes collateral facts from
22 which the main fact may be inferred. Circumstantial evidence
23 is based on inference and not on personal knowledge or
24 observations. Crimes may be proven by circumstantial
25 evidence. The law, ladies and gentlemen, makes no distinction

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1 between the weight or value to be given to either direct or
2 circumstantial evidence. However, to the extent the State
3 relies on circumstantial evidence all of the circumstances
4 must be consistent with each other and when taken together
5 point conclusively to the guilt of the accused beyond a
6 reasonable doubt. If these circumstances merely portray the
7 Defendant or the Defendants' behavior as suspicious the proof
8 has failed. The State has the burden of proving the Defendant
9 guilty beyond a reasonable doubt. The law, ladies and
10 gentlemen, makes absolutely no distinction between the weight
11 or value to be given to either direct or circumstantial
12 evidence, nor is a greater degree of certainty required of
13 circumstantial evidence than of direct evidence. You, ladies
14 and gentlemen, should weigh all of the evidence in the case.
15 If, after weighing all the evidence you are not convinced of
16 the Defendants' guilt beyond a reasonable doubt, you must find
17 the Defendant not guilty. The burden rests with the State
18 regardless of whether the State relies on direct evidence,
19 circumstantial evidence or a combination of the two.

20 Now, during the trial, ladies and gentlemen, you heard
21 the testimony of individuals that were qualified as expert
22 witnesses. I previously gave you a charge concerning their
23 testimony, but I'm going to give it to you again. As I told
24 you before, the rules of evidence ordinarily do not permit
25 witnesses to give opinion testimony or to give -- or to

1 testify as to opinions or conclusions. An exception to this
2 rule exists for witnesses that we call expert witness. A
3 witness who by education and experience has become an expert
4 in some art, science, profession or calling may state an
5 opinion as to a relevant and material matter in which the
6 witness claims to be an expert and may also state the reasons
7 for the opinion.

8 You should consider any expert opinion received in
9 evidence in this case and like any other evidence give it the
10 weight that you think it deserves. If you decide that the
11 opinion of an expert witness is not based on sufficient
12 education and experience or if you conclude that the reasons
13 given in support of the opinion are not sound or that the
14 opinion is outweighed by other evidence, you may disregard the
15 opinion entirely.

16 Furthermore, an expert witness' testimony is to be given
17 no greater weight than that of other witnesses simply because
18 the witness is an expert. Further, you are not required to
19 accept an expert's opinion, even though it is not
20 contradicted.

21 Now in this trial, ladies and gentlemen, there were
22 statements alleged to have been made by each Defendant which
23 were admitted into evidence in this case. While the Court has
24 determined that the statements are admissible or were
25 admissible, I instruct you that you make the ultimate decision

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1 of whether or not the Defendants made the statement. If a
2 Defendant did make the statement, you must determine whether
3 the statement was made by the Defendant voluntarily and of
4 their own free will. This means the statement was not caused
5 by pressure, force, fear, threats, coercion or intimidation or
6 by hope or promise of leniency or a reward of any kind. In
7 determining whether the statement was voluntary you should
8 consider both the characteristics of the Defendant and the
9 details of the questioning. Some of the factors that you must
10 consider are the age of the Defendant, the Defendant's
11 education or lack of education, the Defendant's mental ability
12 or capacity, the Defendant's I.Q. or intelligence, the
13 Defendant's background and environment, the place and length
14 of detention and the nature of the questioning.

15 The State has the burden of proving beyond a reasonable
16 doubt that the alleged statement was voluntary. If you
17 determine it was, you may give the statement any further
18 consideration that you deem proper. You must decide what
19 weight, if any, should be given to the alleged statement. If
20 you determine the alleged statement was not the free and
21 voluntary statement of the Defendant, you should not consider
22 the statement at all.

23 Now, ladies and gentlemen, I instruct you and I emphasize
24 to you that the fact that neither one of these Defendants did
25 not testify is not a factor to be considered by you in any way

1 in your deliberations and in your consideration on the
2 question of the guilt or innocence of the Defendants. It must
3 not be considered by you in any manner whatsoever. A
4 Defendant has the constitutional right to remain silent, and
5 the assertion of this right must not be considered by you in
6 your deliberations. I repeat, under your oath, you are to
7 draw no conclusion whatsoever from the fact that the
8 Defendants in this case did not testify. The fact that these
9 Defendants did not testify should not even be discussed in the
10 jury room. The burden of proof, as I have stated to you from
11 the outset, is on the State. The Defendants are not required
12 to prove their innocence. The burden of proof remains on the
13 State to prove guilt beyond a reasonable doubt.

14 Now, ladies and gentlemen, in order to establish criminal
15 liability, criminal intent is required. For example, the
16 mental state required to be proven by the State for a
17 particular crime might be purpose, intent, knowledge,
18 recklessness or criminal negligence. Criminal intent must be
19 proven by the State beyond a reasonable doubt. Criminal
20 intent is always a matter that must be determined by the jury
21 from the circumstances surrounding the situation. There is no
22 way, ladies and gentlemen, to prove intent to a mathematical
23 certainty. There is no way that medical science can dissect a
24 person's brain and determine what the person had in mind, so
25 the law says that criminal intent may be inferred from the

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1 circumstances shown to have existed. This is how you make a
2 determination of whether or not the element requiring intent
3 was present. It is not necessary to establish intent by
4 direct and positive evidence, but intent may be established by
5 inference in the same way as any other fact, by taking into
6 consideration the acts of the parties and all the facts and
7 circumstances of the case.

8 Criminal intent is a mental state, a conscious
9 wrongdoing. It is up to you to determine what the Defendants
10 intended to do based on the circumstances shown to have
11 existed. Criminal intent can arise from action or a failure
12 to act. It may arise from negligence, recklessness or an
13 indifference to duty or to consequences that is considered by
14 the law to be the equivalent of criminal intent.

15 Now as I said, each Defendant in this case, ladies and
16 gentlemen, is charged with two counts of murder. The State
17 must prove beyond a reasonable doubt that the Defendant killed
18 another person with malice aforethought.

19 Malice is hatred, ill-will or hostility towards another
20 person. It is the intentional doing of a wrongful act without
21 just cause or excuse and with an intent to inflict an injury
22 or under circumstances that the law will infer an evil intent.
23 Malice aforethought does not require that malice exists for
24 any particular time before the act is committed, but malice
25 must exist in the mind of the Defendant just before and at the

1 time the act is committed. Therefore, there must be a
2 combination of the previous evil intent and the act.

3 Malice aforethought may be express or inferred. These
4 terms, express and inferred, do not mean different kinds of
5 malice but merely the manner in which malice may be shown to
6 exist, that is either by direct evidence or by inference from
7 the facts and circumstances which are proved. Express malice
8 is shown when a person speaks words which express hatred or
9 ill will for another or when the person prepared beforehand to
10 do the act which was later accomplished, for example, lying in
11 wait for a person or any other act of preparation going to
12 show that the deed was within the Defendant's mind would be
13 express malice. Malice may be inferred from conduct showing a
14 total disregard for human life.

15 Now, ladies and gentlemen, if a crime is committed by two
16 or more people who are acting together in committing a crime,
17 the act of one is the act of all. A person who joins with
18 another to commit an unlawful act is criminally responsible
19 for everything done by the other person which happens as a
20 probable or natural consequence of the acts done in carrying
21 out the common plan and purpose. For example, two people can
22 be guilty of killing another person when only one of the two
23 had a gun, there was only one bullet and only one of the two
24 fired the shot that caused the death. If two or more people
25 are together, acting together, assisting each other in

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1 committing the offense, the act of one is the act of all or,
2 as it is sometimes said, the hand of one is the hand of all.
3 Prior knowledge that a crime is going to be committed, without
4 more, is not sufficient to make a person guilty of that crime.
5 Mere knowledge that another person is going to commit a crime,
6 even if the Defendant is present when the crime is committed,
7 is not sufficient to convict the Defendant as a principal.
8 Guilt as a principal is shown by actual or constructive
9 presence at the scene as a result of prior arrangement.
10 Therefore, a finding of a prior arranged plan or common scheme
11 is necessary for a finding of guilt as a principal. The State
12 must prove beyond a reasonable doubt by competent evidence the
13 theory of the hand of one is the hand of all.

14 A principal in a crime is one who either actually commits
15 the crime or who is present aiding, abetting or assisting in
16 committing the crime. When a person does an act in the
17 presence of and with the assistance of another, the act is
18 done by both. Where two or more, acting with a common plan or
19 interest, are present at the commission of a crime, it does
20 not matter who actually commits the crime. All are guilty.
21 The hand of one is the hand of all. Present at the commission
22 of a crime means to be sufficiently near to aid and abet and
23 assist in the commission of the crime. However, mere presence
24 at the scene of a crime is not sufficient to convict one as a
25 principal on the theory of aiding and abetting. A

1 Defendant's presence where a crime is being committed or mere
2 association with a person who commits a crime does not make a
3 Defendant an accomplice or an aider and abettor of the person
4 committing the crime.

5 Intent is also a -- is a necessary element, for there
6 must have been a common design or intent to commit the crime
7 and the crime must have been committed pursuant thereto with
8 the person aiding and abetting by some overt act. Intent
9 means intending the result which actually occurs, not
10 accidentally or involuntary. Intent may be shown by acts and
11 conduct of the Defendant and other circumstances from which
12 you may naturally and reasonably infer intent. The State must
13 prove these elements beyond a reasonable doubt.

14 If you find, ladies and gentlemen, after reviewing all of
15 the evidence that the State has proved that the Defendant was
16 only present at the scene of a crime and that they have not
17 proved beyond a reasonable doubt any other participation in
18 the crime then you must find the Defendant not guilty. The
19 law is that proof of mere presence at the scene of the crime
20 is not sufficient to find someone guilty.

21 A person, ladies and gentlemen, who was present at the
22 scene of the crime and intentionally or through common plan
23 aided, abetted, or assisted in the commission of that crime
24 through some overt act is guilty as an accomplice. To be
25 liable as an accomplice, the Defendant must have knowledge of

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1 the principal's criminal conduct. Again, mere presence at the
2 scene is not sufficient to establish guilt as an accomplice.
3 Intentionally means willfully, intending the result which
4 actually occurs, not accidentally or involuntary.

5 Now, ladies and gentlemen, I have given you the charge on
6 the law in this case, and as I've told you I was going to do
7 so. After having given you this law the lawyers are going to
8 give you their closing arguments, and then I'm going to give
9 some conclusory remarks to you before the case is given to
10 you.

11 As I told you from the outset, ladies and gentlemen, when
12 the lawyers gave their opening statements I told you that's
13 not evidence in this case. Closing arguments are not evidence
14 in this case. As I've told you from the outset, evidence in
15 this case is testimony from this witness stand and/or exhibits
16 that are introduced during the course of this trial.

17 Any exception or objection to anything I've said to the
18 jury at this stage by the State?

19 MR. DEBUSK: None from the State, Your Honor.

20 THE COURT: Mr. Wilson?

21 MR. WILSON: Nothing, Your Honor.

22 MR. SPRATLIN: No, Your Honor.

23 THE COURT: All right. The State is now going to be
24 recognized for closing argument. Mr. Oskin.

25 MR. OSKIN: Yes, sir, Your Honor. If it may please the

1 Court.

2 If timing is everything then actions certainly speak
3 louder than words. At the beginning of this week you guys
4 joined us for jury duty. At the beginning of Tuesday
5 morning Solicitor DeBusk told you you were going to hear a
6 story, a story of how Jordan Hodge and Kenneth Carlisle
7 killed her grandmother and her grandmother's husband, William
8 Chet Clemons. It's a story of motive, means and opportunity,
9 and it's a story of greed, lies and evil will. As an
10 assistant solicitor for Horry County, the 15th Circuit it's
11 my esteemed privilege to represent the State of South Carolina
12 and the families of Linda McAllister and William Chet Clemons.

13 Let's focus on when this story started and that's going
14 to be with the missing persons case and how it came to be
15 filed, and it all comes, just like everything that I'm going
16 to tell you comes from, the evidence that you heard testified
17 to, admitted into and laying right here on this table for you
18 to look at after myself, Mr. Wilson and Mr. Spratlin are done
19 telling you what we think about it. No matter what happens
20 during these arguments make sure you understand one thing, I
21 am an advocate for the State of South Carolina and these
22 families. They are advocates for their clients. We are
23 professionals. There's nothing personal between us here. I
24 will mention things about their case. They will most
25 certainly mention things about mine, maybe even me personally,

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1 part of it. We signed up for it and we're ready. I'm ready,
2 along with Senior Solicitor DeBusk, the team you see behind
3 him to prove our case that these two Defendants are guilty of
4 murder.

5 On July 8th Bo Moran, who lives out of town, Linda
6 McAllister's son, started to learn that nobody had talked to
7 his mother, Linda, in a while. He didn't talk to her all the
8 time, but he talked to her relatively often for living out of
9 town and being a man of his age and having a family of his
10 own. He had just spoken to her on Father's Day about mid
11 June. That caused him to become concerned. What'd he do? He
12 does what Bo does, which you saw on the stand. He asked
13 Jordan directly through text messages. He said, "Hey, Jordan,
14 uncle Bo here. Heard anything from mom?" And I know there's
15 a lot of evidence here. I'm not going to place it all in
16 front of you. So if I'm summarizing these exhibits and I'm
17 not verbatim correct, I apologize, but I don't want to sit a
18 hundred and 30 something exhibits up here in front of you,
19 make these guys put it all back up, put it all back in there.
20 I hate -- that's one apology I need to make as I continue.
21 Okay.

22 Bo said, "Hey, Jordan, uncle Bo here. Have you heard
23 from mom?" "Yeah. She went to Ohio, family emergency." He
24 meditates on that for, I believe, two days, which you'll see
25 the proof in the text and please refer to that, but I'm pretty

1 sure I'm correct.

2 On July 10th he goes back to that and says, "Hey, Jordan,
3 Bo again, still haven't heard from mom. What's up? What's up
4 with the dogs." "I can't talk to you, Bo. I'm at work." Now,
5 you'll hear -- you heard about him calling her. He told you
6 he called her, but that was the gist of it. That's July 8th to
7 July 10th to, again, around the 12th or 13th. At that point
8 there was a full-fledged missing persons report filed with the
9 City of Conway.

10 Assigned to that case were a couple of detectives and you
11 heard from them, three of them, Mr. Heath Watford, who's still
12 present, though he wouldn't say it, but I will, he was the
13 lead detective for Conway Police and led this investigation as
14 it was assigned to him. Ms. Nesmith was with us through most
15 of the week. You will remember her testimony. She's not here
16 today, and then Detective Bobbitt testified there towards the
17 end, and what got Bo startled, startled all along was what he
18 had heard from the family and who they relayed that to and the
19 people who were, who were close with Linda and had spoken to
20 her recently. That included Robin Cole who took the stand,
21 and when I asked her how old she was she said she's good. I
22 don't fault her for that. This is a double homicide trial,
23 but she quickly remembered that at that time and she told you,
24 the jury, that Linda was her best friend. In fact, she called
25 her mama, and no offense to Ms. Cole, I know who Linda's kids

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1 are, I said, "Why'd you call her mama?" She said because
2 Linda McAllister was the type of lady who was the life of the
3 party who would give you the shirt off her back, would do
4 anything for you and just wanted to be around people. Her
5 son, Bo, backed that up by saying that she fed her dogs
6 cheeseburgers at the drive through if that's what they wanted
7 or that's what she felt they needed. They had plans, and if
8 you're familiar with the holiday in our country, which I
9 assume you are, called July 4th and you put that together with
10 someone who likes to party a little bit July 4th is the party
11 of the year. What's more fun than July 4th? Maybe Christmas,
12 New Year's if you're under 21. I don't know, and Ms. Cole was
13 hosting a party, a party she expected Linda to attend, and
14 when Linda didn't show up that struck her as a little odd but
15 she told you the honest testimony up here that, "Well, I
16 figured I'd hear from her later. That's kind of how me and
17 mama worked. I figured something came up, but I would hear
18 from her."

19 Days went by. Robin never heard -- didn't hear from her.
20 Got ahead of myself there. In fact, she never heard from her
21 again.

22 Let's backtrack a little bit to Muriel Roberts. Okay.
23 Muriel Roberts was the nice slightly older lady on Golden Leaf
24 Road. She stood up here and testified to you that she needed
25 some wallpaper done at her house, and when she needed

1 wallpaper done about 10, 11 years ago Linda McAllister got
2 referred to her to do that wallpaper work, and, and she did
3 that work for her. Almost 11 years had gone by and Ms.
4 Roberts was thinking, "Hey, let me call Linda McAllister to
5 see if she's still doing wallpaper work," and so she called
6 her and guess what Linda did not having spoken to her in
7 roughly 10 years, Linda answered that phone. Towards the end
8 of June -- let's set one thing clear right now if I misspeak
9 later. July 3rd was that Monday. Okay. So the previous
10 Friday whether -- I think June's 30 days, so that's June 30th.
11 Okay. That Friday and that Thursday before that, let's call
12 that the 29th. On the 29th Linda went out to Muriel's house on
13 Golden Leaf Road. I'm not a day laborer. I can't do that type
14 of work. This is why I'm in a courtroom. Wallpaper and all
15 that stuff, cutting grass, that is not easy. Linda can handle
16 it, and she did about every form of it, and she went out there
17 and measured the -- measured the walls, went out there and
18 looked at it, spoke with Ms. Roberts about getting stuff
19 situated and getting the material she needed, and she came
20 back out that following Friday. You'll recall Muriel told you
21 that, and at that time I think -- I believe Ms. Roberts said
22 that her husband Chet came with her, and they came back out
23 Monday, and at that point she -- Ms. McAllister left Muriel's
24 house with the intention of finishing the work on July 5th,
25 took the 4th of July off, who doesn't. As a state employee I

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1 do, but she planned on coming back on the 5th, and let's circle
2 back to what Robin Cole told you. Robin Cole testified that
3 she talked to Linda McAllister on July 3rd roughly around 3:00
4 o'clock and she told you about a phone call she had with Linda
5 McAllister around that time, the last conversation she had
6 with her, and on that -- during that phone call Linda
7 McAllister told her that she was on the way to see Little
8 Hodge. Who's Little Hodge? Little Hodge is Jordan Hodge. It
9 was around 4:00 o'clock.

10 Merging my -- our first couple of witness together here
11 to Bo's statement on the 8th. What really got Bo's attention
12 to text Jordan directly was that through his immediate family
13 and through Robin Cole, through a man named Robert Byrd who
14 had been trying -- who, who all -- who was supposed to do some
15 work for Linda and he testified as well. You'll recall his
16 testimony. He was doing some day work for. He was supposed
17 to do something at their new house at Dewberry Drive, [REDACTED]
18 Dewberry, where they were supposed to do some work, do some
19 renovations. They just -- Linda had just bought that house
20 with proceeds from a river house she had sold. Bo Moran told
21 you she didn't have a whole lot of money. With that house
22 sale she did and she was able to buy that Dewberry residence
23 with a substantial amount of money left over. Now,
24 substantial means something different to all of us. We'll
25 talk more about that word in a lot of ways. I would submit to

1 you, the jury, that 70 -- roughly \$70,000 in your bank account
2 is a substantial amount of money, and so these -- Robin Cole,
3 Robert Byrd looked at this Dewberry Drive house and when they
4 got there it was very apparent that something wasn't right.
5 In fact, Linda McAllister had a couple of dogs. The dogs,
6 you'll remember that Bo told you she fed cheeseburgers if she
7 felt they needed it, inside that house were these dogs who
8 appeared to be hungry, who had visibly defecated along the
9 house, all over the house. Tyres Nesmith's interview
10 talking to Jordan, you'll remember her talking about pee and
11 pooh-pooh, I think she said it, but it was big dogs, big
12 piles. Listen to those interviews again, and I'm not going to
13 make you see all those pictures right now. You going to have
14 all that in the jury room should you need it. I encourage you
15 to look at it because, again, don't take my word for it just
16 because I say it. Everything I am saying to you comes from
17 this evidence, and so, at, at that point fast forward a couple
18 of days near the 13th. Conway Police gets involved.
19 Detective Heath Watford responds to that house. From there he
20 is tasked. He has learned from family that Dodge blue, a blue
21 Dodge pickup truck is at the residence of Jordan Hodge and
22 Kenneth Carlisle. Where is that residence? [REDACTED] Pleasant
23 Union Road. What type of neighborhood was that? You heard,
24 it was testified to. It was a mobile home community and that
25 that truck was on that property and you'll remember Bo told

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1 you that truck was Linda's truck and that much like her dogs,
2 much like everything Linda cared about and it meant a lot to
3 her. Even Jordan Hodge admits that Linda cared about that
4 truck and was real particular about it, wanted it clean, not a
5 lot of miles on it, I think she initially told police.

6 So Detective Watford and Tyres after initially going to
7 that Dewberry Drive residence owned by Linda and Chet go to
8 Pleasant Union Road. When they get there they, they meet a
9 character named Robert Bell, and you guys saw Robert Bell on
10 that witness stand. I'll get to him in a moment. Briefly
11 after they talk to Robert Bell Jordan Hodge appears, and when
12 Detective Watford asked her about, "Hey, anything, your
13 family, your family says that your grandma's missing. Any
14 idea where she's at?" "Oh, yeah, there's a family emergency
15 in Ohio. She went with her husband Chet and our Jeep broke
16 down and so she gave us -- they left in a hurry. They didn't
17 tell us where they were going in Ohio, what the family
18 emergency was, who we could call to check on them," and she
19 didn't say that verbatim. Again, this is the gist of her
20 story, "but they gave us the blue truck and said watch the
21 dogs." I don't want to dwell on this point too much, but it
22 is very important and again I want you to look at it. We saw
23 what type of shape those dogs were left in, how well taken
24 care of they were.

25 Detective Watford takes a look on the property. He sees

1 that blue Dodge truck on that property, and they're, they're
2 talking, and he talks about coming down to the station or to
3 give them a statement, and at that time he asks where the keys
4 are. He's already made some observations about the truck.
5 The truck's dirty. I think the term coquina road, looked like
6 it had been down some of those. You guys have been in Horry
7 County long enough. You know what that means. That it's --
8 that's light-colored mud, dust on the, on the trucks. I'm a
9 beach boy myself, but that looks -- that's what it is, could
10 tell that it wasn't quite clean, and he noticed that they
11 appeared -- I believe I asked him and he saw that they came
12 -- they -- he said that they came in the truck and he asked
13 them to come down to give a statement, "if you had the keys to
14 the truck." At that time Jordan Hodge said, "Oh, yeah, let me
15 go inside and get them." Wait. That's when Kenneth Carlisle
16 comes out. That's when Watford makes first contact with
17 Kenneth Carlisle, asks him about the keys. "We lost the keys.
18 They're at our friend Don's. We were drinking. We don't know
19 Don's last name. We don't know where Don lives." "You come to
20 the station and give a statement," and they do. In fact,
21 through the course of that investigation Jordan and Kenneth
22 actually beat the police to the station, and once they were
23 there they gave individual statements. You guys listened to
24 them in its entirety. I'm going to hit the high notes, not
25 making you go through all this again, don't want this to be

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1 any longer than it has to be and certainly not for that man on
2 the bench up there.

3 But in that interviewed statement you'll hear the same
4 thing that I told you that they said to him at the residence.
5 That's the facts that, "They went to Ohio in a rush. Chet had
6 a family emergency and they left together." Didn't say what
7 vehicle and they gave them the blue truck.

8 Now, the audio on those videos isn't the best. I'll
9 admit that. You got to listen carefully, but in Jordan's
10 video you'll see a lot of charisma. You'll see her and Tyres
11 are almost girlfriends in that video, talking very freely.
12 She's, she's -- at one point she even told Detective Nesmith
13 that she went to check on the dogs but, you know. I can
14 assume what you know means and that's why they didn't feed the
15 dogs because they had other activities to do. There's free
16 conversation there and she told the same story, the same time
17 multiple, multiple times. She not only told that story to
18 Tyres, she told that story to Greg Lent. That's the first guy
19 with -- who shaves his head that came in. She told that story
20 to another detective, Mark Bobbitt, who you saw on the video,
21 said the same thing. Detective Watford talked to Kenneth
22 Carlisle in his interview, and you saw that video as well.
23 That's a lot shorter. He gave a written statement as well
24 and, and that statement summarizes what he said on the video,
25 which was the same thing, "Family emergency in Ohio.

1 They left. They gave us a car. Our Jeep broke down. We
2 needed a car. We got it." That Jeep's still working by the
3 way.

4 He also said a couple of other things. He said they left
5 in a hurry, that Chet was -- has a weird family. Chet left.
6 Chet had a gun. Chet carried a little small gun. He had it
7 on him when they left.

8 Jordan said a lot of interesting things in her statement
9 to Tyres Nesmith as well. She, she talked about her grandma
10 almost like a split, she's -- there was Linda, and there was
11 Nanner, and she got along with one but she didn't get along
12 with the other and she loved the version that loved her and
13 that pretty much raised her, threw her mother completely under
14 the bus, said her mother and her grandmother hated each other,
15 didn't get along, didn't talk. Every time they come its fist
16 to cuffs, got to get them off one, got to get them separated.
17 "I'm the one that's in here in between." She totally
18 disregarded her uncle Bo's relationship with his mother, said
19 they don't get along, kind of threw him into the fray. I'll
20 let Bo's testimony and his demeanor on that stand speak for
21 Bo, and the important thing to remember at this point in the
22 game is that she said the same story that Kenny said and said
23 it at the same time.

24 At that point it was still a missing persons case. They
25 were free to go. That truck was -- a search warrant was

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1 executed on their house. The truck on that land was seized
2 and a couple of hours later two bodies were found at the end
3 of Browns Chapel Avenue landing, and it was the landing. To
4 clarify what I'm saying, they were found at the end of Browns
5 Chapel Avenue. At the end of that road is what we around
6 these parts call a landing, and you'll remember testimony from
7 Ms. Britzi Waddell. Britzi was up there. She said that she
8 was down there. It was a Friday night She was down there
9 camping with some buddies, one of them -- one of whom she was
10 romantically involved with. They were out there late night,
11 swimming in the river. I'm not here to judge Britzi Waddell,
12 but they said they smelt something. They didn't know what it
13 could be, and they waited to check till the morning, but when
14 they -- when they, when they did wake up and the guys went to
15 go check the perimeter they saw that that smell -- they
16 smelled were human bodies. They confirmed it. Timing is
17 everything, and at that time a missing persons case became a
18 murder case led by this gentleman here in the middle,
19 Detective Matt Singleton.

20 What is murder? In the State of South Carolina murder is
21 the intentional killing of another with malice aforethought,
22 whether it's express or implied.

23 I threw a lot at you there. It all comes together, and I
24 jumped back and forth on dates and testimony and what got us
25 there, but at that point everybody's worst nightmares have

1 been confirmed. Two bodies were found, presumably Linda
2 McAllister and Chet Clemons. Their bodies are sent to MUSC,
3 which is in Charleston. You heard from that Dr., Dr. Cynthia
4 Schandl, the pathologist. She told you about, and again, I
5 respect you all and the evidence that you can review
6 yourselves, which I encourage you to do. She talked about
7 some pretty gruesome things. She told you about the condition
8 those bodies were found in. She told you about what the heat
9 and humidity at that time of year, July, roughly July 4th
10 through July 14th can do to a body. She told you the condition
11 that Linda McAllister was found in, and she told you the
12 slightly different version that Mr. Chet Clemons was found in,
13 intentional killing of another with malice aforethought.
14 Intentional means they meant to do it, no accident. Killing
15 is what it sounds like. Your life is over literally. That
16 person's life is over. Another, Linda McAllister and Chet
17 Clemons. How do we know it was Linda McAllister and William
18 Chet Clemons? DNA, and for Linda it was pretty easy. They
19 were able to pull a toothbrush from that Dewberry Drive
20 residence. Okay. And they were also, what you heard
21 testimony to, she had a motorcycle accident where she had had
22 a partial plate inserted into her arm. It's -- and Dr.
23 Schandl had testified to that, but they were -- they had
24 enough to identify her based off of that, and to confirm it
25 they reached out and they took x-rays of her and everything

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1 they had and they sent it to her dentist. It included her
2 lower jaw. The dentist called it a mandible, which, which it
3 is, and you'll recall his testimony, that he, he physically
4 held those mandibles, her lower mandible and compared it to
5 his x-rays, a patient of his for many years, confirmed that it
6 was Linda McAllister.

7 Now, Chet was a little bit more difficult to identify.
8 Chet didn't have any teeth. You heard his son testify that he
9 had -- he thought he remembered that he'd gotten dentures or
10 partial plates at some point. I forget the specific, but he
11 testified that he didn't have teeth, and so law enforcement
12 had to get a little creative at that point and then that's
13 where all this kind of comes together at the same time. I'm
14 going to try not to talk in circles. I swear it all comes
15 together.

16 Had to get a DNA sample from his son, William Clemons,
17 you'll recall young man sitting up here had a little hair up
18 here on top. Detective Singleton got his DNA sample in jail.
19 No way around that. He did, but he was there for a DNA sample
20 and the DNA doesn't lie. On with regards to him, now, since
21 he didn't have any living parents, you'll recall Donna Money
22 talking about they had to go to his son's mother, Sara Lewis.
23 That's where Investigator Crocker comes in, took a sample from
24 her. They compared it. They're able to eliminate the
25 differences, and they were able to confirm that it was, in

1 fact, William Chet Clemons. Those -- that's another, for
2 those are the others in the intentional killing of another
3 with malice aforethought.

4 Malice, what is malice? Malice is like a depraved heart,
5 an intent to do wrong. That's what malice means, and
6 aforethought is the time that that wrongdoing was conceived.
7 Now, in the State of South Carolina you don't have to have
8 premeditation, but you can, but in this case I submit that you
9 do because everything has been presented in front of you shows
10 that this was planned. This wasn't planned by her. This
11 wasn't planned by, wasn't planned by just her, wasn't planned
12 by just Kenny. This was planned by both of them. Why was it
13 planned? The obvious answer is money.

14 Mike Dowd of BB&T testified that almost \$11,000 was spent
15 from July 3rd to July 13th. Malice aforethought, and I'm going
16 to expand on aforethought in just a moment, express or
17 implied. Now, express means, "I'm going to kill you," and I
18 go do it. Implied is you imply from the circumstances. What
19 I want you to look at when you're back in that jury room and
20 it's here for you, look at the autopsy photos that Dr. Schandl
21 testified to and, and casing and bullet holes and all that
22 came into effect. You'll see the entrance wound for both of
23 these victims and how it entered the left side and goes out
24 the right. She testified that that would cause death. They
25 shot from here exiting here, I submit to you is malice. It's

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1 an intentional malicious shooting, shooting someone in the
2 head, where the result was -- could be intended.

3 It's my duty as a solicitor to prove that both of them
4 are guilty beyond a reasonable doubt. His Honor gave his
5 charge on the law. I want to be brief. It's firmly
6 convinced. It's proof that leaves you firmly convinced. Now,
7 could it snow in the middle of Brazil in -- well, they do
8 summer backwards down there. That's not the best analogy.
9 Could we have an avalanche in Myrtle Beach tomorrow? Maybe if
10 snow came from Colorado all the way to here, but probably not.
11 You're probably firmly convinced of that. \$11,000, and that's
12 what I seek to show you that both of them are guilty, and I
13 swear I'm hurrying this up, Your Honor.

14 Beyond a reasonable doubt, the highest burden in the
15 land. Mr. DeBusk told you that, a burden we welcome, a burden
16 that and it -- that was -- it is -- has been met in this case
17 to both Defendants, \$11,000.

18 On the evening of July 3rd after Linda McAllister told
19 Robin Cole that she was going to see Little Hodge, a couple of
20 hours after that and I'm going to show you just a moment from
21 the GPS presentation. Again, don't take my word for it.
22 Everything you decide is based off this evidence. They come
23 into possession of that blue truck. Let's not forget what's
24 in that blue truck that you heard testimony to today, paper
25 towels, blood mixtures of both the victims in the bed of the

1 truck. Also in that bed of the truck was a hat, this hat.
2 It's got an American flag indicator on it. You'll remember
3 this is the hat that Chet Clemons was shown wearing the
4 morning of July 3rd at the Conway National Bank, better picture
5 of it if you don't want to touch the hat, found in the bed of
6 the truck, testified to. These Defendants came into
7 possession of that truck on the evening of July 3rd and they
8 took it by force. What'd they do immediately after that?
9 They took the truck and they dumped the bodies at the landing.
10 They went to the Dewberry Drive house because that's the
11 motive all along was to grab the money and from there they
12 went to a coin-operated car wash that Detective Heath Watford
13 testified to. Mr. Wilson asked, "Is it illegal to go to a car
14 wash?" Of course it's not. What's important that he knew
15 there was one there and that it was open all night and that's
16 immediately where they went after the Dewberry Drive house.

17 After Dewberry Drive or after the car wash where'd they
18 go? They went to Walmart like they won the lottery, started a
19 spending spree which I had Ms. O'Kane talk to you. In the
20 essence of time I won't read all these receipts to you again.
21 I want you to look at, I want you to look at the amounts. I
22 want you to listen to what she said up there, that first
23 purchase. Actually, I will reference that first purchase.

24 The Court's indulgence, please, very quickly.

25 Here you go. July 4th, 1:00 o'clock in the morning, total

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1 debit purchase 505 or \$605 and \$100 in cash back. Ms. O'Kane
2 said it a couple of times and about almost near every time
3 they went to Walmart they got cash back. One of the times
4 they got cash back you'll see it distributed directly to
5 Defendant Hodge, who keeps about 80 bucks to herself, gives
6 Kenny 20. They buy items such as air conditioner units,
7 clothes, so much food. They throw the 4th of July party of
8 the year for three weeks, a PlayStation 4 with an insurance
9 plan, four games, insurance plans on the games, again, so much
10 food, food that was seen by Horry County Police once at that
11 residence, a ton of spending.

12 In addition to Walmart they went to the BB&T ATMs a
13 couple of times, both of them, separately and together. You
14 got photos of that. Again, please review them in the essence
15 of time. I think there was one received from BB&T where they
16 withdrew \$500. They're getting -- they're taking it
17 everywhere they can and every second that they're doing this
18 where are Linda and Chet at? At the end of Browns Chapel
19 Avenue, dead, on a total absolute spending spree. Ladies and
20 gentlemen, it's not a, not a secret here. That's the motive.

21 They're living in Pleasant Union Road. Listen to
22 Jordan's testimony carefully. You'll hear her talk about
23 their job status. Kenny worked at a -- and, and Robert Bell
24 testified that they worked at -- a day labor, a construction
25 place. Jordan I think at the time was, was out of work, but

1 she was about to work again at Dollar General, again confirm
2 it with the video evidence. What I say is not complete
3 evidence but it is, it is going to be right here.

4 She also said something to the effect of, "Well, you
5 know, Nanner'd give me money. She actually gave me the credit
6 card to get food for the dogs." I want you guys to look
7 through every single one of those receipts in its entirety
8 item by item. I promise you one thing, you won't find a
9 kibble of dog food, let alone a bag.

10 Food's important, too, on that July 4th, lasagna left out,
11 moldy, like somebody had intended to put it back in,
12 toothbrush in the bathroom at Dewberry Drive, purse found on
13 the Defendant, Linda's purse, bank bag, multiple sets of keys,
14 not belonging to someone who just went to Ohio, belonging to
15 someone who had just been killed and dumped at the end of
16 Browns Chapel Avenue Road.

17 Let's focus on and they tell lies, Jordan tells multiple
18 lies, taking care of the dogs, borrowing trucks, family
19 emergency in Ohio, told Bo she was working but she told -- via
20 text, but she told Tyres she was unemployed, said she could
21 borrow the card for dog food. Could she borrow \$11,000? Lost
22 the keys for her truck. That was proven to be another lie
23 whenever detectives found it at the house. She said that they
24 last saw the victim's on July 4th. We know the time they last
25 saw them was July 3rd when -- and they put themselves in the

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1 truck. They said they were given the truck, and this all goes
2 to malice aforethought. More importantly, it goes to the hand
3 of one is the hand of all. You've heard His Honor talk about
4 mere presence versus acting in concert, aiding and abetting in
5 furthering of the crime. Guys, the crime was murder. The
6 motive was money and watch this video and, and I'm going to
7 actually stream that one for you July 4th. Watch their
8 demeanor when they get into Walmart on July 4th together and
9 start their spending spree. Watch another video or pretty
10 much, almost every time Jordan's the one running the card and
11 watch these items every time, just running them through,
12 running them through, PlayStation 4. I'm not sure if that's
13 the one. There is a video where Jordan is checking out and
14 getting cash and Kenny gives her a kiss on the cheek.
15 Meanwhile, that cash register is just still ringing item by
16 item. They're spending all that money because they never
17 intended for the victims to come back and try to collect.
18 They thought they had it beat when they dropped their bodies
19 off at the landing on the evening of July 3rd. They thought
20 they had it beat when they told their family that they had had
21 a family emergency. They thought they had it beat when police
22 responded to them at the residence but didn't arrest them
23 initially. They thought they had it licked.

24 Let's focus on acting in concert from the beginning.
25 They stated that they went to the victims' house together.

1 The truck left Dewberry Drive at 9 p.m., took the normal
2 route. That's a lie, by the way. They also told police they
3 saw them on July 4th. We know that's another lie. The blue
4 Dodge truck left Dewberry truck at 9 p.m., took the normal
5 route that Linda and Chet drove to Aynor, which 701 to 319.
6 The truck never used that route to Aynor again, stopped by the
7 side of the road for Pleasant -- of Pleasant Union Road for 12
8 minutes. 701 and 391 [sic] are heavily traveled. Edwards,
9 which is near Pleasant Union, is less traveled but Pleasant
10 Union Road has even less traffic. Why did they stop by the
11 side of the road, Pleasant Union Road for 12 minutes? Ladies
12 and gentlemen, that is where they killed them in the cab of
13 the car. I submit to you the GPS data should -- will support
14 it. That's a perfect time to shoot the driver without
15 wrecking the vehicle or forcing the driver at gunpoint to pull
16 over. Linda and Chet were in that vehicle. Linda and Chet
17 were also husband and wife. One of them got killed before the
18 other. One of them watched the other get killed before
19 immediately getting killed after. Twelve minutes and during
20 that time that's long enough to move two dead bodies from the
21 cab to the bed of the truck with no witnesses with two people
22 working. Might be a stretch for just Jordan.

23 They went to the Defendants' house, probably blood all
24 over their clothes from pulling two headshot victims out of
25 the cab, could have changed, got rid of their clothes. No one

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1 asks questions about burning trash out in the country. They
2 went to that house to grab the card or at Dewberry. They had
3 -- they made a short stop at the Aynor Speedway. They parked
4 to the side, which is out of sight. They took the back roads
5 to the exact spot where the bodies were dumped, got ahead of
6 myself, they're on Dewberry, Pleasant Union Road to the
7 landing. They, they made that one little stop at the
8 Speedway. At that landing that place was so remote that two
9 bodies could stay there for almost two weeks without being
10 discovered. Then that truck went straight to the victims'
11 house, grabbed the BB&T card, go to Walmart or grab the BB&T
12 card, go to the car wash, go to Walmart, go back to their
13 house. That house, that car never goes back.

14 Let's talk about the murder weapon, the 25-caliber, which
15 was the only gun testified to that wasn't seen or found. 25-
16 caliber sold to Kenneth Carlisle by Ernest Yost who testified
17 here today, and Ernie did say Jordan was present when he
18 bought it, but he said he sold it to Kenny, and he said that
19 at a later date before -- after the 10th of July he sold him a
20 40-caliber \$500. Ernie worked at a tattoo shop. You'll
21 recall Ernie. Ernie had a couple of tattoos himself.

22 At that date they also -- and so he sold that 40 to him
23 at that -- he sold a 25 in May. Sorry, speaking fast. Sold
24 the 25-caliber to him in May, sold a 40 to him in July for 500
25 bucks and Jordan Hodge got a rainbow butterfly tattoo. Why is

1 the 25 important? The 25-caliber gun is important because the
2 two casings found in the blue Dodge truck that you heard
3 testimony about, and you heard about how those two casings
4 were found. You heard Bo Moran on this stand and where that
5 truck was taken from and from the impound lot to the front of
6 that parking lot, they stopped. They looked through it again.
7 The family has been through a lot. They want to try to make
8 sure they get it right. They find a casing. He testified
9 that he immediately called Matt Singleton who called crime
10 scene. They did another inventory of the car. They found
11 that second casing, two 25-caliber casings.

12 Dr. Schandl testified to you that she pulled out a
13 projectile from Linda McAllister's -- near her hair from, from
14 how these remains were left, and finally, today, out of all
15 the guns and keys and everything that's been presented to you
16 guys you learn from Jamie Greene of SLED that that was a 25-
17 caliber bullet. It was a 25-caliber casing. Now, they asked
18 questions about you can't tell when it was shot, who shot it,
19 was it shot. A projectile doesn't lodge from the casing
20 unless it's shot. Where was it shot? In the cab of the
21 truck. How do you know that? Oh, yeah, I forgot to mention
22 on the receipts the cleaning supplies they bought, bleach,
23 Febreze sprays. Robert Brown testified it smelled like
24 chlorine. Heath Watford testified that he had smelled a lot
25 of bleach when he opened the back of it. The paper towels are

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1 showing where the blood's mixed. The hat's in there. It's in
2 disarray. Ladies and gentlemen, I could go on forever. The
3 murder happened in the truck.

4 And immediately after then go to Walmart acting in
5 concert together the whole time. There's no duress. In fact,
6 they put an Ocean Lakes sticker in the left side of the truck.
7 Why'd they do that? Kenny's mom lived at Ocean Lakes. Free
8 pass to get in the neighborhood I assume. They didn't plan on
9 getting caught. They didn't walk up on some situation where
10 they just took advantage of it. I'll tell you what certainly
11 didn't happen is it wasn't no murder suicide. To believe that
12 you'd have to believe that there was a murder or suicide, then
13 those corpses got back in the truck, remember who put the hat
14 on by the way, and then walked to the landing with the truck
15 still back and the hat. That's about how valid a murder
16 suicide argument could be here, walking up to any bodies.

17 The casings weren't placed there by family members. They
18 were found later. That was a mistake. Horry County owned it.
19 Bo told you where they found it. It matches the other
20 evidence that Dr. Schandl told you what it was or, or Dr.
21 Schandl told you there was a projectile. Jimmy Green told you
22 that it was a 25-caliber.

23 Mere presence, this is 10 days. Watch the videos. Watch
24 the receipts. The ATM photos, compare them. You'll see them
25 both. They are in on this together the whole time. No one's

1 telling the other to do it at duress. They planned this, and
2 how did they plan this? Circles me back, the motive, means
3 and opportunity. I believe I've submitted to you that the
4 money was the motive. The means was the 25-caliber gun that
5 Kenny Carlisle shot that I submit to you because you can tell
6 -- I'm relying on testimony from Ernest Yost and Robert Bell.
7 I submit to you, the jury, they said we couldn't prove who
8 pulled the trigger. Kenneth Carlisle pulled the trigger, but
9 Linda McAllister would have never gone to help a truck, a
10 broken down truck or lent a truck to Mr. Kenneth Carlisle.
11 She would've only done that for Jordan Hodge, who had her
12 debit card, who had her pin number. Ladies and gentlemen,
13 Jordan Hodge lured her grandmother and her grandmother's
14 husband to them. That starts the plan. That's where this
15 whole thing comes together. That's why this first statement
16 at Pleasant Union Road to police, same statement to the Conway
17 Police at the station, and her statement to her Uncle Bo and
18 everything these two have done since then they're acting
19 together. She's had multiple opportunities to tell officers
20 that something else had happened by herself, male and female
21 officer. She came up with the plan. She knew where the
22 landing was. She's the one from Horry County. Hand of one is
23 the hand of all. You can't be merely present when your
24 grandma gets killed and you lured her there especially when
25 you go spend \$11,000 with your boyfriend after, and let's

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1 think about what they bought again, food, the floor mats.
2 They went to Advance Auto bought new floor mats. Jerry
3 Bullard testified to that. Bought a steering wheel cover,
4 that's all photographed in there.

5 Ladies and gentlemen, Your Honor, I've talked longer than
6 I intended to. Both of these Defendants are guilty of murder,
7 the intentional killing of another by malice aforethought.
8 Linda McAllister is one of those others. Chet Clemons is one
9 of those others. The bullet in the left side, leaving out the
10 right side of both their skulls, there's your malice, and that
11 was all testified to. That's all supported here.

12 I'm going to show you one thing again that -- I'm going
13 to show you two things again that you've seen and I'm going to
14 sit down. I'm going to show you that GPS presentation that
15 confirms everything here that I told you, piecing that
16 together, substituted and certainly -- not substituted,
17 substantiated and supplemented by all this evidence in front
18 of you, almost 130 exhibits, bank records. Look at them.
19 Look whose name they're in. Look how much money's spent.
20 Look for cash withdrawals. Take your time, take as much time
21 as you need, look through all of it. Every piece is important
22 because every piece proves equal guilt.

23 I want you to watch this GPS presentation. I'm going to
24 go through it quick. I'm not going to make you all go through
25 another presentation of it. If, if I may, Your Honor.

1 I appreciate your patience as we set this up. This is
2 where our evidence is credible. This is what you guys are
3 weighing, the credibility of the evidence. Nothing I tell you
4 is evidence.

5 MR. SPRATLIN: Your Honor, I'm sorry. Your Honor,
6 permission to move?

7 MR. OSKIN: And you heard talk, while we're setting up,
8 you've heard talk about circumstantial evidence and direct
9 evidence. All of these things here -- go ahead, Your Honor.

10 MR. WILSON: Excuse me. I apologize.

11 MR. OSKIN: You're fine. You're fine. Again, we're
12 friends. Substantial circumstantial evidence, circumstantial
13 evidence is, is the opposite or, or is different than direct.
14 Once you look at it in its entirety and it adds up. Every
15 little inch adds up. If this were a wall made of bricks you'd
16 brick it -- you put it -- you lay it brick by brick by brick
17 by brick by brick by brick. That's all circumstantial
18 evidence. What seals the house is the direct evidence and
19 that's what's coming with this GPS presentation to make the
20 complete picture.

21 There is a lot on this PowerPoint. It takes a second to
22 load. I apologize. This is where you can judge the
23 credibility from what I've just told you and all this other
24 evidence that you're going to have to go through. Okay? Next
25 slide, Ms. Root. This is the [REDACTED] Dewberry Drive house. That

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1 was Linda and Chet's house. You're aware of that by now, and
2 again, the photos, look at the conditions of it. It was
3 searched. You'll see a toothbrush that was left out. The
4 light was left on, TV was on. Sound like people that went to
5 Ohio? Next, please.

6 This is [REDACTED] Union Road. This is where these Defendants
7 live. Just so you understand, this is not judging anybody,
8 picking on anybody, this is a mobile home trailer park. Next,
9 please.

10 This is the landing. This is where the bodies were
11 found. Mr. Moran testified that his mother had sold her river
12 house. Right there's the Waccamaw River. Yes, ma'am. This
13 is the Walmart where a whole lot of money was spent by both of
14 these Defendants. You see that on video. You see it
15 immediately after. June 30th, this showed you some routes that
16 the true owners, Chet Clemons and Linda McAllister took.
17 Next.

18 This is July 3rd to 319. I believe this is Golden Leaf
19 Road. This is where Muriel Roberts was at and where Linda was
20 doing some work for her. Next, please.

21 This is some random. This is a route here that was taken
22 there, a couple of different circular motions. Maybe Linda
23 was doing work and Chet had the truck. I'm not sure. Again,
24 more routes. Okay. Next, please.

25 This truck's at the Food Lion roughly around here. 9:38

1 it's near Pleasant Union Road. That's where the Defendants
2 lived. Nine to 9:38. Next, please.

3 That time encapsulated what I told you about where the
4 crime happened on the non-busy street and then they had time
5 to move from the cab to the bed of the truck. The first thing
6 they did was go to this Speedway here, but they parked out of
7 sight. There's testimony to that. Next, please.

8 I apologize. Okay. They're at the Speedway from 10:30
9 to 10:39, but this shows the route 10:18 to 11:29 p.m. 11:29
10 p.m. they show up at the landing where the bodies were found.
11 Next, please.

12 Roughly 27 minutes later, plenty of time for two people
13 to carry bodies and look at the condition from the scene.
14 See how those bodies were. See if you can't figure out how
15 they were taken there. Look at their condition, plenty of
16 time for two people to take them there, and at 12:20 that's,
17 that's back at the Dewberry Drive residence as, as indicated
18 by the legend. From 12:38 to 12:50 they're at that car wash.
19 Why you at a car wash at that time of night? There's nothing
20 criminal about that, but circumstantial evidence would show
21 that they're cleaning out the car after what they just did,
22 dumping the bodies. Next, please.

23 And they went to Walmart at 12:55 and they were there --
24 they left Walmart at 1:39, which will match up with those
25 receipts. They went back to their house at 2:16 a.m., [REDACTED]

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1 Pleasant Union Road. Go ahead.

2 All right. The next morning, they slept a couple of
3 hours. The next morning they get up, take a small drive.
4 Next.

5 Take an even shorter drive back to Pleasant Union Road,
6 their house. They go to an unknown residence here. Next.

7 Go to another residence here for 31 minutes. Go back to
8 Pleasant Union Road, took them 18 minutes to get there.
9 That's their house on July 4th, by the way. Remember they
10 testified they saw them on July 4th. They'd already had the
11 truck, that is the Defendants already had the truck, and to
12 Family Dollar, next.

13 Advance, that's where they buy the stuff. I just want to
14 go through cycle by cycle here to show that that car never
15 went back to Dewberry Drive. There's a photo -- evidence
16 there is Kenny in the blue Dodge truck filled with blood in
17 the truck belonging to both victims, using a debit card there,
18 getting a money withdrawal. They go to Walmart, \$505. Go
19 ahead.

20 There's another withdrawal from Mr. Carlisle in the blue
21 truck. July 5th, 4:00 o'clock. That's the BB&T withdrawal the
22 money from. Go ahead.

23 There's another receipts, a total debit purchase \$860
24 \$100 in cash back, pretty standard for these two. Another
25 total debit purchase \$139 there and there's your PlayStation 4

1 receipts. Oh, oh, oh, hair dye. Why did I ask her about hair
2 dye specifically? Because in the interview with Tyres Hodge
3 said that the particular version of her grandma didn't like
4 hair dye and all these things. What's the, the first thing
5 she did? Buy hair dye. "To heck with you grandma. You're
6 dead. You're at the landing. They're not going to find you."
7 Next.

8 Febreze, scrub sponges, Clorox, Febreze and a mouse trap.
9 Go ahead. Next.

10 Total, amounting, total debit purchase \$542. You guessed
11 it, ladies and gentlemen, \$100 cash back. Go ahead.

12 That's a BB&T location they used for that. Go ahead.

13 Spare parts, a chain, total, total cash 280 bucks. Next.

14 Kenny getting him some more money out. That's on July
15 12th.

16 Next I want to show you, oh, real quickly while they're
17 setting this up, the July 4th video, think about their house.
18 Now, you've -- you're going to -- look at the photos of it.
19 You -- they gave a statement about their employment. You've
20 certainly seen all the money they spent with no intention of
21 ever paying back. They also burn an iPhone there. Where is
22 that? They burnt this iPhone. This was recovered from their
23 residence, an iPhone. iPhone is a pretty common phone. I
24 won't say anything else about it, but it was burned. It was
25 found burnt.

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1 Waiting on the July 4th video. What I want you to focus
2 on on this July 4th video is the blue Dodge truck, who comes
3 out of it, where do they go, what do they do. They were the
4 only two to go back into it and specifically watch Jordan
5 Hodge's demeanor here. All along while remembering all this
6 stuff we're throwing at you on the mere presence versus acting
7 in concert, again, I fully submit to you they've acted in
8 concert. They've premeditated this thing from the get go.
9 Just a moment while it loads. And Ms. Tanya, you can fast-
10 forward to when it parks. I won't make His Honor or them sit
11 through that whole time. There's the blue truck and then,
12 please, I encourage you to watch it in its entirety. I'm
13 doing this for the essence of time and so I don't hear this
14 gavel in a second. Ms. Root, you'll find where they get out
15 of that truck. It's sitting there. Here we go. Here we go.
16 There's two individuals. Watch how they walk in there if you
17 can, a little blurry. Again, don't take my word for it.
18 Watch, please watch the thing in its entirety. Here you go,
19 this cash register, that first purchase. Let's see who's in
20 control of the debit card. Wait, get to it. There she is,
21 Ms. Hodge, in control of the debit card, loading it up, Kenny
22 chipping in there a little bit, making sure he gets what he
23 wants because that was the motive all along, standing here,
24 talking casually. All right. Complete this transaction.
25 Let's, let's get to where they're walking out, and there's --

1 they're buying a lot of stuff. I think this is roughly an
2 \$800 purchase here. Timestamp, July 4th, 1:33 a.m. That's
3 morning hours. We all know that. I'm not trying to patronize
4 you. Compare that with the GPS that just put that truck at
5 the landing roughly a little bit over an hour before that. Go
6 ahead, Ms. Root. Just show them walking out.

7 Focus on that demeanor. Watch the other videos if you
8 want to. I submit to you this is the only one you need. Here
9 you go, because of right here. Casual walking, look at it,
10 buggy full of stuff, go back out to the truck. I think
11 that'll be good, Ms. Root. I'm going to wrap this thing up.

12 Ladies and gentlemen, there's a -- I promise you I'm
13 wrapping up now. There's a ton of exhibits here to examine.
14 It's -- this case is very, very, very cumulative, but it's not
15 complicated. It's not complicated a bit. Jordan Hodge and
16 her boyfriend killed her grandmother and her husband for
17 money. That's proven because you see them spend it. They did
18 it together. They didn't plan on getting caught. They had up
19 their story. Who orchestrated that story? Jordan Hodge did.
20 That's her role in the hand of one, hand of all. Kenny pulled
21 the trigger. She came up with the story. He followed it the
22 best he could and was consistent and they lived it out until
23 now, till their trial for two counts of murder, the
24 intentional killing of another with malice aforethought where
25 they killed two people and spent all the money they could

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1 while their bodies were left to be found 13 days later in a
2 state of decomposition, never expecting to get caught.

3 Timing is everything, ladies and gentlemen. This
4 evidence demands that it is time to find these two Defendants
5 guilty of murder, two counts. This evidence supports it.
6 They are both without a reasonable doubt guilty of both
7 murders. Are you firmly convinced? You should be. The last
8 time I say it, not because I say it, because all this does,
9 all of this evidence, all the lies they told you. Lies catch
10 up to you in life and that GPS supports everything I said this
11 evidence shows you. I'm going to shut up now, and I
12 appreciate your patience, attention. I'd ask that you give it
13 to these two attorneys. It is important, just like your job
14 is important. Don't think about anything else other than
15 doing your job. Judge this case based off the evidence, the
16 weight and how it influences your decision. There's only one
17 decision to make, ladies and gentlemen, guilty both of them
18 equal, two bodies. I'm going to sit down now.

19 THE COURT: All right. Ladies and gentlemen, we've been
20 going about an hour and a half. We're going to -- I'm going
21 to take a -- we're going to take a short break before the
22 Defense make their closing arguments. Please step to the jury
23 room. Do not discuss the case. Mr. Foreman, if you'll knock
24 on the door and let us know when you're ready to come back and
25 we'll get you back in. Okay?

1 (Whereupon, the following takes place outside the
2 presence of the jury.)

3 THE COURT: All right. We'll stand down for just a few
4 minutes.

5 MR. WILSON: Thank you, Your Honor.

6 MR. SPRATLIN: Thank you, Your Honor.

7 OFF THE RECORD

8 (On the record. The following takes place outside the
9 presence of the jury.)

10 THE COURT: Thank you. Be seated, please. All right.
11 Anything from the State before I bring the jury back?

12 MR. OSKIN: No, sir, Your Honor.

13 THE COURT: Mr. Wilson?

14 MR. WILSON: No, sir, Your Honor.

15 THE COURT: Mr. Spratlin?

16 MR. SPRATLIN: No, Your Honor.

17 THE COURT: Bring the jury, please.

18 (Whereupon, the following takes place in the presence of
19 the jury.)

20 THE COURT: All the jurors are back and present. Mr.
21 Wilson.

22 MR. WILSON: Thank you, Your Honor.

23 THE COURT: You're recognized, sir.

24 MR. WILSON: Mr. Foreman and ladies and gentlemen, when,
25 when I stood before you earlier I said to you that you had no

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1 friends to reward and you have no enemies to punish. That is
2 still true. The other thing that is still true is that your
3 only responsibility here is to find a verdict that speaks the
4 truth. I also said to you that you're sitting in judgment of
5 the State and that is whether or not the State can prove the
6 allegations that they have made to your satisfaction beyond a
7 reasonable doubt. That is their burden. That is the law.
8 That is what they're required to do. Jordan Hodge as she sits
9 there is innocent. She was innocent when she walked into this
10 courtroom. She is innocent as she sits there at this moment
11 and she is innocent until and unless you, the 12 of you,
12 become satisfied otherwise. So let's talk about that and
13 let's talk about whether or not Jordan Hodge did anything for
14 you to convict her of murder because that's what she's charged
15 with. She's not charged with using a credit card improperly.
16 She's not charged with unlawful use of or possession of an
17 automobile. That is not what she is charged with. The State
18 hadn't charged her with that, could have, they didn't. They
19 charged her with murder. Murder is the killing, the killing
20 of one person by another with malice aforethought.

21 So what does the State have to prove? They have to prove
22 that you, the person that they accuse, the person that they
23 indicted, that that person killed the other individual. I
24 told you and I said to you at the outset not one person would
25 come into this courtroom and say that Jordan Hodge shot

1 anybody. That's still true. Not one person has come in here
2 and said that.

3 The State then says, "Well, yeah, but we're relying on
4 circumstantial evidence," and His Honor instructed you as to
5 what circumstantial evidence is, and it's simply, now, I'm
6 paraphrasing, but simply it's using certain circumstances to
7 look at together and then to see if those circumstances lead
8 you to the conclusion that something other -- some other fact
9 is true as a result of those circumstances. The problem for
10 the State is is that when you do that the law is is that all
11 of those circumstances must be consistent with each other and
12 then mutually -- basically mutually exclusive to any other
13 reasonable possibility other than the guilt of the accused.
14 That's their burden. That's the State's burden. Defendant
15 doesn't have to disprove that. What I said to you at the
16 outset of this trial I said sometimes it's virtually
17 impossible to prove that you did not do something, which is
18 why the law places the burden upon the State to come in and
19 prove each element of the crime for which they charge an
20 individual. As I said, an individual doesn't get to decide
21 what you're going to be charged with. You don't get to decide
22 what the elements of the offense are. The State does that.
23 So that's why they have to come in and prove to you beyond a
24 reasonable doubt whatever it is they're claiming, in this
25 case, murder.

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1 Now, one of the things that I'm sure is troubling which
2 the State brought out, I said, "Well, you know, this is her
3 grandmother, and they're spending her money after she's
4 missing. They're spending her money or at least Jordan Hodge
5 is spending money." That's still not murder. That is not
6 murder. The other thing is is that the State has yet to
7 present any evidence putting Jordan Hodge with her parents,
8 her grandparents prior to the 4th. There is no evidence of
9 that. There is no evidence that they were together at any
10 point in time, and they say, "Well, yeah, but she gave a
11 statement saying that she got the truck on the 4th." Well,
12 when was the statement given? The statement was given on the
13 what, the 13th. There was no statement before that. There
14 was no statement before these alleged events happened. This
15 statement was given at the police station on the 13th and then
16 another, I think, when the officer came to the house on the
17 13th, which is the day that they say that they confiscated the
18 blue truck, if you'll remember. The other thing that happens
19 is is that the officer who went to the house to get the truck
20 or officers, actually, who went to the house and talked with
21 Jordan Hodge and talked to Mr. Bell and then, I think, to Mr.,
22 Mr. Carlisle, according to the officer when he came up to the
23 house he, he, he encountered Mr. Bell first. He had a
24 conversation, a brief conversation with Mr. Bell. He then
25 encounters Ms. Jordan. He asks Ms. Jordan about the car keys

1 or the truck keys and Ms. Jordan tells him, according to the
2 officer, that she thinks that the keys are in the house to the
3 truck. Mr. Carlisle comes out before she can go to the house
4 and what does he say, "No, no, no, no. Those keys are lost.
5 Those keys are lost," is what he tells the officer, that those
6 keys are lost and he lost them at some friends house that he
7 had been at drinking. Now, that wasn't a story that was told
8 by Ms. Hodge. That was the story that he told, and, and you
9 say, "Well, okay, well, yeah, but Mr. Wilson, they go down to
10 the station later on and they both tell that same story
11 basically." Again, this is the 13th. That, that's not the
12 night or the day of the death of Mr. and -- Mr. Clemons and
13 Ms. McAllister. This is 10, 11 days later that they're having
14 this conversation at the police station. The 25-caliber
15 automatic, who has that? Mr. Carlisle, no question about
16 that. Mr. Bell told you what he testified, "Yeah, that 25
17 automatic I saw him with it when I lived there with him."
18 Also, who was the other person that told you about the 25
19 automatic, who comes in and says, "Oh, yeah, well, with the 25
20 automatic," the tattoo, Mr. -- and I can't remember his name.
21 I think has a funny last name, but he is the tattoo artist who
22 told you, "I sold the 25 automatic," to who? Mr. Hodge -- to
23 Mr. Carlisle. There is not one piece of evidence, not one
24 which links Jordan Hodge to shooting anybody, nothing.
25 There's not one piece of evidence which suggests or shows that

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1 she was in the vehicle at the time that the vehicle went to,
2 and remember the, the, the, the, the officer testified from, I
3 think from the FBI about the location, the GPS and how he
4 tracked the car, the truck at various locations and I asked
5 him, "Can you tell us who was in that vehicle at that time?"
6 "No. Can't tell you." Nobody has put her in that vehicle.
7 The first time that they show her in the vehicle is on the
8 morning of the 4th which I think is at 1 a.m. or one
9 thereabout, sometimes after that. Well, according to the
10 State's case, that was long after because what they are
11 suggesting based on their information is that Mr. Clemons and
12 Ms. McAllister was killed sometimes after 9 p.m. That's kind
13 of what they're suggesting and that their bodies were taken
14 out later on and left in this desolate area. That's what
15 they're suggesting. The problem is there is no indication,
16 there is no indication that Jordan Hodge was in that vehicle
17 at any point in time before 1 a.m. on the 4th.

18 His Honor has charged you that mere presence or even
19 having knowledge of a crime that's not murder. If you tell
20 me, "Oh, I'm going to go down there and I'm going to kill
21 Ralph Wilson tomorrow," just because I know about that and
22 even if I happen to be in the same place when you do it that
23 doesn't make me guilty of a crime. I'm not guilty of murder
24 and simply because I was there and simply because I knew
25 because you told me a day before that you were going to do it,

1 and the State has to show that, in fact, Jordan Hodge if --
2 and you heard Mr. Oskin say that, "We don't have any doubt
3 he is the one who killed both these individuals." That's
4 coming from the State. That's not what I said. That's
5 what he said, and if he wants you to believe that Mr.
6 Carlisle did the killing then what he has to show you if
7 he wants to convict Jordan Hodge of anything is that Jordan
8 Hodge was present with him when he did it, but not only was
9 she present with him when he did it, that she either knew that
10 he was going to do it in advance and was agreeable to it or
11 that she participated in helping him commit the crime. Other
12 things he says, he says, "Well, you know, she lured him to
13 this -- she", that is Jordan Hodge, "lured her grandparents to
14 this location." Folks, there is absolutely nothing, there is
15 nothing in this record to suggest that. That doesn't stop him
16 from saying it, but there's nothing in this record to, to, to
17 verify that or to suggest that. That's just the Solicitor's
18 feeling or belief or whatever it is. I'm not even sure what
19 it is, and he's entitled to like His Honor told you at the
20 beginning what we say is not evidence. What, what -- the only
21 evidence is is what you've heard from this witness stand and
22 the exhibits that have been produced in the course of this
23 trial.

24 You know, and we, we are advocates and we try to
25 represent our side as best we can under the circumstances with

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1 whatever facts that are available, and I have opinions, the
2 Solicitor has opinions. He's entitled to his opinions, and
3 just like he says Mr. Carlisle shot both these individuals, he
4 doesn't know that. That's just his opinion. That dollar and
5 a half, well, if you go to Starbucks it's eight dollars, but
6 dollar and a half will get you a cup of coffee. You -- simply
7 because we say it in closing doesn't mean it's true. It means
8 that that's our view of the evidence as it has unfolded, and
9 like lawyers, we disagree all the time about what is, but
10 you're to use the law that His Honor has instructed you and,
11 and I want to talk for a minute about mere presence.

12 Let's assume for the sake of argument that we're in the
13 truck, Mr. Carlisle and Ms. Hodge with Mr. Clemons and Ms.
14 McAllister. Let's just assume for the sake of argument that's
15 true, and Mr. Carlisle pulls out a gun out of nowhere and
16 shoots both of them. Does that make Jordan Hodge guilty of
17 murder? Absolutely not. If she didn't know that he was
18 getting ready to do it and he did it, the fact that she later
19 on spends the money still doesn't make her guilty of murder.
20 Is it wrong spending the money? Yeah. Should she have
21 reported it? Yeah. Is it a crime of murder? No. It's not.
22 It's not. You know, justice is a, is a real concept but it's
23 an interesting concept because it doesn't matter who the
24 players are. It doesn't matter. Justice is still justice,
25 and fairness is still fairness regardless, and simply because

1 I'm present when someone else commits a crime ought not get me
2 convicted of that crime simply because I can't prove that I
3 didn't know.

4 They had a relationship. There's no question about that.
5 Everybody knows throughout this last several days that these
6 two individuals had a relationship. I don't know what kind of
7 relationship it was. I don't know if it was good, if it was
8 bad. I don't know. I know that they had a drug addict living
9 with them. So that should tell you something about the kind
10 of relationship that they had. You know, why she would keep
11 quiet about what he did? I don't know. I can't answer that
12 for you either. I don't know. I wasn't there. The solicitor
13 wasn't there either. You know, love's a funny thing, you
14 know. You think you're in love, you say and do things that
15 you wouldn't ordinarily do, but it doesn't make you guilty of
16 murder.

17 Now, I want to say this to you that when you're
18 deliberating you ask yourself what evidence have I heard that
19 puts Jordan Hodge in the vehicle agreeing to the shooting of
20 her grandmother? What evidence have I heard that puts Jordan
21 Hodge in the vehicle at the time of the shooting of her
22 grandmother with her participating? What evidence have I
23 heard? Because that's the burden that the State has. They
24 have to bring you that evidence. If you're left to surmise,
25 if you're left to say, well, you know, she could have been in

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1 that truck and she may have known what he was doing and if
2 that's what you're saying then you've already decided she's
3 not guilty because they have not met their burden if those are
4 your thoughts. If you're sitting there thinking, "Okay, well,
5 maybe she was there. You know, there's probably a good chance
6 she might have been there or maybe she did know he was going
7 to do it or maybe they did talk about it," well, that would
8 mean, folks, that the State had not met its burden. They have
9 to prove to your satisfaction beyond a reasonable doubt that
10 each of those things were true because they're relying on
11 circumstantial evidence, and when you rely on circumstantial
12 evidence all of the circumstances have to be consistent with
13 each other and lead conclusively, conclusively to the guilt of
14 the accused, and that's the law that His Honor has given you,
15 may not like it, you may not even agree with it, but His Honor
16 has told you at the very outset that you're bound by the law
17 as he gives it to you.

18 You know, the fact that the circumstances are suspicious,
19 "Well, you know, Mr. Wilson, that's really suspicious the fact
20 that, you know, several hours later they were spending money
21 at Walmart." Well, that's suspicious. It's suspicious. That
22 ain't guilt, and if that's what you find then you've -- have
23 you to find her not guilty because you can't convict her on a
24 suspicion. You can't convict her because the, the
25 circumstances look suspicious and that's not because I say

1 that. That's because His Honor has instructed you as to the
2 law as to that, and you took an oath to truly try these issues
3 and render a verdict that speaks the truth based on the law as
4 His Honor has given it to you and the facts as you understand
5 them to be, and I told you if you did that nobody, not the
6 State of South Carolina, neither of these Defendants has any
7 reason to complain about your verdict so long as that verdict
8 speaks the truth based on the law and the facts as you
9 understand them to be.

10 Now, lastly, I remember telling you about circumstantial
11 evidence, and I remember telling you a little story about the
12 fact that when I was a young lawyer, of course I'm an old
13 lawyer, but when I was a young lawyer one of the older
14 lawyers, his name was Bud Long who used to practice around
15 here, he would always tell me this story about the
16 circumstantial evidence, and he told me the story that I told
17 you about the little boy and the cherry pie and how he put the
18 cat feet in the cherry pie and then, then the cat jumps off
19 the counter and he runs down the, the, the, the, the, the, the
20 tile floor and so when the mama comes back all she sees is the
21 little cat paws jumping off the counter down on the floor with
22 all those cherry stains and the mom assumes that the little
23 boy, that the, that the cat had eaten the cherry pie, the
24 little boy had not eaten the cherry pie, I mean, the little --
25 the cat had not eaten the cherry pie. The little boy had

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1 eaten the cherry pie. My point simply is circumstantial
2 evidence can be misleading, which is why the law says all of
3 the circumstances have to be consistent with each other and
4 lead conclusively to the guilt of the accused.

5 I thank you for your patience and I know that in order
6 for you to serve you had to give up time from your jobs, from
7 your families and come here and serve, but I tell you that
8 there's probably, other than military service, there's
9 probably no greater service that you can render to your
10 country and to your community than to serve on a jury.

11 When I was growing up I always -- my mom worked at an
12 insurance agency downtown cleaning up, and she used to bring
13 me with her, and we'd pass the courthouse, not this one, it
14 was the old one, and we would pass it as we would walk by, and
15 I always thought for a long time, you know, when I'd walk past
16 that courthouse, "Man, that's where justice is and, and that's
17 where people go to get things fixed and right, and, and to get
18 justice and fairness," but I soon learned that, especially
19 after I got to be a lawyer, that's not true at all. There is
20 no justice in the walls of this courthouse. It doesn't --
21 it's not in these beams that are laid here. It's not in the
22 bricks outside. It's in the hearts and the minds of you the
23 jurors. You are the system. You are fairness. You are
24 justice. It doesn't exist outside of you. You know, we can't
25 touch the hem of his garment, His Honor's garment and get

1 justice. That's not how it works. You are justice. You're
2 justice in Horry County this day and in this trial. You're
3 it, and if it does not exist in your hearts and in your minds
4 then it does not exist. I simply ask you and I give you her
5 fate because I have carried my responsibility as a lawyer and
6 I have done my job and now I ask you to take that
7 responsibility. Thank you.

8 THE COURT: Mr. Spratlin.

9 MR. SPRATLIN: Thank you, Your Honor. May it please the
10 Court?

11 THE COURT: Yes.

12 MR. SPRATLIN: Good afternoon, ladies and gentlemen. I
13 know it's been a long week and it's almost at the end. You
14 all can see the light at the end of the tunnel. I know you've
15 also heard two other attorneys before me get up and speak and
16 so I know that you're a little tired. I'm just going to ask
17 you to pay attention to me and I'm going to make this as brief
18 as I possibly can. However, this will take a little bit of
19 time, and I'll go ahead and apologize for that, but I think
20 what stuff I'm about to talk about is very important for you
21 all because it's talking about one of the most important
22 decisions you all are probably going to make in your entire
23 lives, besides who to marry, have children, buy a house. This
24 is probably one of the most, if not the most important
25 decision besides those major decisions that you'll make in

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1 your entire life. You're deciding the fate of two people, two
2 people charged with the most horrific crime South Carolina
3 knows, murder. Doesn't get any higher than that, and the job
4 of a juror is not an easy job.

5 When I was in law school, when I was learning how to be a
6 lawyer, when I was working as a lawyer, not getting to get
7 into court, not getting to try cases because when you first
8 start as a lawyer you don't get to really get into court in
9 trial immediately unless you are lucky, and I wasn't lucky. I
10 thought the person who had the easiest job in that courtroom
11 was you all. They got to get up and talk. We got to get up
12 and talk. The Judge has to know all this law. You all just
13 got to sit there and listen, but in 15 years I've learned a
14 very valuable lesson. This decision will weigh heavy on you
15 and it should because this is the life of two people and this
16 is justice for a family that lost a loved one. The stakes
17 don't get any higher. Treat that decision with the respect
18 and dignity it deserves. That's all I ask of you all.

19 When I got up here and I told you all at the beginning of
20 this trial when I got to get up third and Mr. Oskin mentioned
21 it several times during his closing I said timing is
22 everything, and I asked you all to do, asked you all to do one
23 thing as far as timing is everything, I asked you all to pay
24 attention to when things occur. I hope you did that because
25 that is very important in this case. I also told you when I

1 got up here in opening that not a single person from that
2 witness stand, not a single piece of this 140 some pieces of
3 evidence here is going to show that my client, Kenneth
4 Carlisle, shot and killed anyone and it hasn't. Mr. Wilson
5 told you when he got up. "Now, Mr. Oskin said he shot him."
6 Prove it. Find one piece of this evidence that says Kenneth
7 Carlisle shot Linda McAllister or William Clemons, one piece
8 that says with his own hand he pulled the trigger and shot
9 them, one piece of this evidence, one witness from that
10 witness stand, anything to say that he did that. I challenge
11 you you can't. You can't because they don't have it and that
12 puts us in a different situation. That puts us in a situation
13 where they're not really sure what happened because they
14 weren't there. That's why there are two people seated here.
15 That's why two people are on trial, and I will tell you all
16 they don't have to show who shot them. Before this trial that
17 may have surprised you. You may have thought when you sat
18 down and found out you were going for a murder trial there is
19 going to be an eyewitness who came in here and said, "I saw
20 blah, blah, blah shoot blah, blah, blah with a blah, blah,
21 blah," but there was no blah, blah, blah and they don't have
22 to have that, a hundred percent right on that. The Judge told
23 you that. They can proceed under a theory called hand of one
24 is hand of all. Something you may have heard just in passing
25 throughout your life, you know, you go with your friends as a

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1 teenager and do bad things, mama says, "The hand of one is the
2 hand of all, don't -- quit doing what your friends do. They
3 get in trouble you're in trouble," but it's a little bit more
4 complicated than that. It requires things. It requires you
5 to process things. It requires you to think about things.
6 First off, I want to make one thing very clear to you
7 all. The evidence supports the fact that there was only one
8 gun that killed both of these people, two 25-caliber shell
9 casings, one bullet recovered, 25-caliber. The and the
10 pathologist who testified, I've -- I don't remember her name.
11 She was from MUSC. She testified that the size of the hole in
12 Mr. Clemons' skull was .31 inches. Heard the guy today, the
13 man from SLED, the agent from SLED who was a firearms expert
14 testify 38's 38 inches in diameter, give or take, definitely
15 not 31, a 40 40 inches in diameter, nine millimeter, nine
16 millimeters in diameter, all bigger than the hole in Mr.
17 Clemons' head. So those guns weren't involved, didn't -- in
18 the shooting. The pathologist said it's consistent with the
19 same gun being used for both. The only other gun that even
20 got mentioned in this case was a 22 that I think one of the
21 officers mentioned finding somewhere. The police didn't even
22 bother to test it. So that tells you how much they think that
23 gun played any role in this. So what we have here is a case
24 where we're looking at all of this evidence, 140 some
25 exhibits, one gun, no evidence that anybody else shot him.

1 Sure, possibly, maybe they played hot potato. Jordan shot
2 one, threw the gun to Kenny, Kenny shot the other one. Sure,
3 possible. There's absolutely zero evidence of that, and
4 that's your job as jurors is to base the facts of this case on
5 evidence, not speculation and conjecture, not what might've
6 happened. What has been proved to have happened?

7 So we have a situation, one gun, and I submit to you
8 likely one shooter. Why would you ever hand guns around,
9 which, again, puts us in hand of one is hand of all, and that
10 is why timing is so critical.

11 Hand of one, hand of all, you've already heard it. I
12 know it was now almost two hours ago that you heard it, but
13 the Judge instructed you that hand of one, hand of all
14 requires a prior arrangement, a common plan or scheme is
15 necessary for the finding of guilt as a principal. There has
16 to be some prior arrangement. If you want to find Mr.
17 Carlisle guilty under the theory of hand of one, hand of all
18 you have to find that he somehow agreed to commit a crime with
19 Ms. Hodge, the result of which was the death of Linda
20 McAllister and William Clemons. Again, I challenge you
21 hundred and 40 some pieces of evidence here, find one of those
22 things, find one person from that witness stand who says my
23 client agreed to commit any crime with Jordan Hodge. If you
24 don't believe me that that's what the law says the Judge will
25 recharge if you just ask him. They can show you all day the

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1 bad things that my client did and they did. They actually
2 showed you a week's worth of bad things my client did, and I
3 don't dispute most of them. I don't dispute that they can
4 show my client and Jordan Hodge went and spent be it 8000,
5 11,000, however much money in a ten-day period. It's on
6 video. I'm not going to stand up here and insult you all's
7 intelligence and tell you that my client is pure as the driven
8 snow. That's not my job. That's not right to you all.
9 That's not right to justice. They have shown you he spent
10 with Jordan 11,000, \$8000, however much. They have shown you
11 that he drove around in a truck full of blood, shell casings,
12 smelly. They showed you he did that after William Clemons and
13 Linda McAllister were deceased. They can show you, I submit
14 to you, there's -- let's be real. Jordan didn't bury those
15 bodies in the woods by herself. That truck left from his
16 residence straight there. Well, stopped off at a gas station
17 briefly, but then went straight there. I submit to you they
18 very well may have shown you that he helped bury the bodies,
19 but that doesn't make him guilty of murder because burying
20 bodies is a crime, don't get me wrong, desecration of human
21 remains, accessory after the fact, all kinds of things, but
22 it's not murder, and that's what he's charged with. He's
23 charged with murder. They can show you that he bought a 25-
24 caliber gun sometime in May from a dude at a tattoo shop.
25 Keep in mind, Jordan was with him. The guy never saw what

1 Kenny did with the gun. The only other time that gun was seen
2 was by the heroin addict roommate who says, "Yeah, I saw it
3 once I think around the end of June-ish before I went to my
4 family in Pennsylvania." They can't show you he had that gun
5 on the 4th, the 3rd, 4th, 5th, 6th, 7th, 8th, 9th. They can't show
6 you he had that gun. Trust me, if these guys had any piece of
7 evidence showing that Mr. Carlisle had a 25-caliber gun on any
8 one of those days you would have seen it. It would have been
9 on that television screen. It's bigger than most walls of the
10 apartments I've lived in and they would have played it for you
11 a hundred times in this courtroom. You didn't see it because
12 they don't have it. It doesn't exist. If all they can show
13 you is that he aided and abetted after the murder they haven't
14 met their burden. They haven't done their job.

15 Now, let me tell you a little bit more going back to I
16 said that you all have the hardest job in this courtroom and
17 that I never really appreciated that when I was fresh out of
18 law school. Here's why. This case is emotional. You heard
19 from people who loved and -- love, I'll use the present tense
20 word, love Linda McAllister and William Clemons. You heard
21 from Mr. Oskin in his closing, a large part of it was spent on
22 what a good woman Linda McAllister was, got no dispute about
23 that. You heard all of that, the emotion, the raw emotion,
24 you saw from that witness stand.

25 Here's where your job gets hard. As a person, as a good

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1 person, and believe me, you all wouldn't be sitting here as
2 jurors, you wouldn't have responded to your jury summons if
3 you all weren't good people. As good people, with hearts,
4 your main goal is to alleviate the pain that family is
5 suffering, and as jurors, the only way you can do that is by
6 convicting the people that they think, because they've been
7 told by law enforcement from the very beginning, "These people
8 killed your family." So as people see people suffering you
9 want to stop that suffering. Good people want to stop
10 suffering. Good people have empathy. Good jurors, they have
11 to put that aside, and as hard as it is sometimes you've got
12 to say, "Yeah, I'm sorry. They just don't have enough. They
13 have 140 exhibits that realistically show a lot of stuff that
14 happened after, but I don't know what happened. I don't know
15 if Kenneth Carlisle shot and killed anybody. I don't know if
16 Kenneth Carlisle agreed with Jordan Hodge to do anything
17 because I haven't seen any proof of it," and that decision is
18 hard and that decision will tear at you, but it is a decision
19 you have to make because being good people is fine for outside
20 these hallowed halls as Mr. Wilson said, but being good jurors
21 is what is required of you now.

22 Now, I'm going to talk to you a little bit about the
23 burden of proof. That's something the Judge said again two
24 hours ago. Just to refresh your recollection, the State right
25 here at the end of this table has the burden of proving my

1 client guilty beyond a reasonable doubt. There is no burden
2 on myself, Mr. Wilson or anyone at that table. The burden
3 rests entirely on them. There's a part of you that might
4 think that's just not fair. Why should these guys have the
5 toughest job in this courtroom? Here's why. This army of
6 people he referenced they're at his disposal. Who's there?
7 Who's behind me? Who's behind Mr. Wilson? I don't have a law
8 enforcement agency. I don't have the FBI. I don't have South
9 Carolina Law Enforcement Division. I don't have Myrtle Beach
10 PD. I don't have Conway PD. I don't have the army of
11 investigators, scientists, analysts, NASA astronauts at my
12 disposal that Mr. Oskin does with the State. I don't have
13 that. So, yes, and through our system of justice the burden
14 rests solely at this table because that's the only way our
15 system works. So any piece of evidence you've wanted to see,
16 anything that you kind of don't recall or have questions about
17 or say, "Hey, I really wanted to see this thing but nobody
18 ever answered my question," you can't just say, "Well, Mr.
19 Spratlin, you should have answered," or, "Mr. Wilson, you
20 should have answered." No. The burden's there and the
21 burden's there for a good reason. It's not unfair. They have
22 the burden with all their resources of proving my client
23 guilty beyond a reasonable doubt.

24 Now, you've heard the term reasonable doubt described by
25 two other attorneys before me. I always like to say proof

Closing Argument by Mr. Spratlin

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1 beyond a reasonable doubt describing it is like trying to ask
2 three people outside these walls how to describe a color, like
3 the color blue. Ask three people you're going to get three
4 different answers. Ask three attorneys to describe beyond a
5 reasonable doubt you're going to get three different answers.
6 The Judge's answer is right because he's the Judge. He knows
7 the law better than any of us. It leaves you firmly and
8 solidly convinced of every single element that they have to
9 prove, every element. I'm not going to stand up here and tell
10 you that there weren't two murders committed. Yes. Two
11 murders were committed. Linda McAllister and Chet Williams
12 are deceased by a gunshot to the head. That's murder. I'm
13 not here to insult your intelligence. I'm here to tell you
14 that they haven't met their burden of proving that Kenneth
15 Carlisle seated right here shot them or aided and abetted and
16 assisted anyone in doing it. 140 pieces of evidence, they
17 hadn't done it, doesn't exist.

18 Mr. Wilson went into great detail about circumstantial
19 evidence. I'm going to go a little bit into that, too.
20 Circumstantial evidence, as the Judge told you, is basically
21 evidence from which you can derive something else. Mr. Oskin
22 got up here and stated in his opening or his closing, excuse
23 me, that the -- he felt like the GPS coordinates from that
24 pickup truck were direct evidence. They're not. They don't
25 tell you anything. When I asked the analyst could it tell you

1 who was in the truck, can it tell you what's happening in the
2 truck? No, not unless there's some other evidence. The GPS
3 coordinates themselves do not tell you anything. They might
4 give you information from which you can derive other things,
5 but that's the definition of circumstantial evidence. That's
6 not direct evidence. It might be direct evidence of where
7 that truck is, but what's going on in that truck? Who killed
8 Linda McAllister and William Clemons? That's not direct
9 evidence. It's circumstantial.

10 Circumstantial evidence has to be substantial. In order
11 for you to convict my client they have had to have convinced
12 you beyond a reasonable doubt by substantial circumstantial
13 evidence to the exclusion of -- where everything pretty much
14 lines up with nothing but this being the option, conclusively
15 to the guilt of my client. The word conclusively, that's not
16 a word with no meaning. That is a word that the Judge said
17 that carries as much weight as anything in this courtroom, the
18 word conclusively, not just that he may have did it, not just
19 that he probably did it, not just that you could have done it,
20 not just said, "Yeah. Maybe he did." No. Conclusively prove
21 the State's case.

22 Presumption of innocence, you've heard this as well, and
23 I'm going to go back over it but I want to make it real
24 simple. Presumption of innocence means you presume my client
25 didn't do it. That might be hard for you all. You've heard

Closing Argument by Mr. Spratlin

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1 the horrendous stuff that he has done. You've heard how he
2 spent \$11,000 with his girlfriend in 10 days. You've heard of
3 how he drove around in a truck covered in blood. You've heard
4 how, yeah, they've probably proven that he helped move the
5 bodies. You've heard all that, but he's still presumed
6 innocent. They have to overcome that. They have to convince
7 you that all that overcomes this presumption that he didn't
8 actually kill them and that he wasn't involved in the murder.
9 They have to overcome that. Every piece of evidence you look
10 at -- here's, here's another thing I like about presumption of
11 innocence. Every piece of evidence you look at -- this is
12 State's Exhibit Number 70, looks like a burned up phone. If
13 you're looking for a reason to convict my client you assume
14 this is Linda McAllister's phone, no evidence of this, not a
15 drop of evidence from that witness stand saying it is, but you
16 assume it is if you're looking for a reason, but if you're
17 following the law, if you're giving my client his presumption
18 of innocence, you assume it's not. You assume this might be
19 the phone that he lost, which he referenced in his interview,
20 and I'm going to talk about his interview in a minute, but
21 clearly didn't have a phone, no phone of his was ever in
22 evidence. Presumption of innocence, this is nothing.

23 That brings me to my next point, and I know it's been a
24 long day, you all. The next point, you can't go through this
25 evidence looking to speculate and conjecture on it. You can't

1 look at the witnesses and say, "Well, what aren't they telling
2 me? What isn't this video showing me? What isn't this
3 picture showing me? What -- Mr. Spratlin objected to this
4 information. What does that mean?" There's legal reasons why
5 you can't see things, legal reasons why you're only allowed to
6 see the relevant and admissible evidence that you have on this
7 table, all 140 of these exhibits. As jurors, your job is not
8 to speculate and conjecture on the evidence. That's not your
9 job. If you're having to do that, then those gentlemen there
10 have not made their job, and again, trust me, if there was any
11 evidence that they could put a gun in my client's hand they
12 would have. There isn't. No. Not a thing here. Not a thing
13 in their bag. Not a thing in, in, in anywhere, not a thing in
14 Horry County PD, Conway PD, SLED, FBI, nothing that does that.

15 I want to talk to you a couple of things about and I'm
16 going to go through some stuff that I thought was important.
17 I'm not going to take you back through this entire case.
18 You've heard it more than you need to hear it. You're fine.
19 You all, you all know what the evidence is and you all have it
20 all right here if you forget and if you need to hear testimony
21 you can hear testimony. If you need to hear the charge again
22 you can hear the charges again. You have all of that at your
23 disposal. So I'm not going to do that, but I am going to take
24 you through some stuff that I think is important.

25 Ladies and gentlemen, let me first address my client's

Closing Argument by Mr. Spratlin

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1 statement, and that's honestly my big problem with the
2 interpretation of the evidence that the State is presenting to
3 you in their closing. They're relying on my client's
4 statement. Shocker, he was lying. What he told the police
5 wasn't the truth. You've seen it. That doesn't mean he
6 committed murder. Again, presumption of innocence. Why would
7 a man lie to the police on the death of his loved one covering
8 for her? Because the State talks about how they admit they
9 did this, this, this and this. We know that's not true. We
10 know they were lying. So how can they base their theory of
11 this case on lies? You have to basically, and I'm in a weird
12 position here saying this, disregard my client's statement.
13 In order to find the truth of this case, in order to find the
14 truth looking at all this evidence, you got to basically
15 disregard their statements. Now, maybe you think, "Oh, well,
16 that's not fair. That's not fair to Mr. DeBusk or Mr. Oskin
17 or the family." Your job is to uphold the law. Your job's
18 not to be fair to all parties. Your job is to look at the
19 evidence and say, "What really happened here? What have they
20 really proven," and if at all, if there's even a like
21 question, if it's even like a coin toss, if it's even like a
22 whatever, presumption of innocence goes to him.

23 I said you all had a hard job. You do. Mr. Oskin, when
24 he stood up here said and I wrote this down and put a big star
25 by it because I wanted to address it. "They planned this."

1 I'm challenging you because you all have the hardest job in
2 this courtroom and you all have to do it, find me one piece of
3 evidence here, find me one statement from that witness stand
4 that supports that statement. Find it. You won't. It
5 doesn't exist. All the law enforcement agencies in the world
6 can't make it exist.

7 Mr. Oskin said that they met their burden. That's not
8 his decision. That's you all's. 140 exhibits, yeah, that's a
9 lot. That's probably the most I think other than this one
10 case I tried about three years ago. That's probably about the
11 most exhibits that I've ever seen entered in a case. Quantity
12 doesn't matter. Quality matters. I've seen open and shut
13 cases with one piece of evidence, and now I've seen what
14 amounts to as far as the relevant stuff empty cases with 140
15 exhibits. I'm not saying that they don't have evidence of bad
16 stuff, bad acts, bad behavior on my client's part, evil
17 doings, wrongdoings, but they don't have him committing a
18 murder, which is the only question you're here to ask [sic].

19 Mr. Oskin told you they came into that truck by force.
20 There's no evidence of that. Yeah, I know there's two people
21 who got deceased, unfortunately, and keep in mind, ladies and
22 gentlemen, being a lawyer, talking about this all day, every
23 day, reviewing this case for months on end, you get
24 desensitized to it. I don't mean to be disrespectful to
25 anybody, but I've got to talk frankly, we've got to be able to

Closing Argument by Mr. Spratlin

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1 talk frankly about this because two people's lives are on, on
2 the stand right now. Two people's lives are in the balance.
3 Yeah. But there's no evidence that my client when he finally
4 got that truck used forced against anybody. I'm not sitting
5 up here saying that any of the evidence was planted. I'm not
6 saying that. I mean, it's a little weird that Horry County
7 didn't find it when they're investigating at that point what
8 they suspected to be a murder. They didn't find shell casings
9 in a truck. That's odd and rare in my experience, but it
10 happens. Maybe that's just the happen-circumstance of this
11 case, not here to fight them, not -- but at the same time,
12 that's not really relevant to whether my client killed
13 anybody, and like I said, me and Mr. Wilson are not on the
14 same page. I promise you that. I think at times during this
15 trial he has wanted to throw me under the bus as hard as he
16 could and there were times I wanted to do the same, but we
17 are both in the same spot by making sure that these two
18 gentlemen right here and this army of law enforcement that you
19 saw here in court meet their burden and do their job.

20 Mr. Oskin says Kenneth and Jordan went to the victims'
21 house together. Where does he get that from? The statements,
22 the lying statements. We don't know how anybody in this case
23 came together. Here's what I submit to you, on the phone and
24 keep in mind because I think Mr. Oskin mentioned this, too, I
25 think it was the friend who was having the July 4th party. She

1 testified that she had talked to Ms. McAllister and that Ms.
2 McAllister had said, "I'm going to go meet Jordan," or Baby
3 Hodge or whatever she called her. I don't recall exactly.
4 Didn't say, "Me and William Clemons are going to go meet
5 Jordan and Kenneth." No. She's going to go meet Baby Hodge.
6 Now, that's going to become important later on, but I was
7 coming over that in a minute and I just wanted to address it
8 with you all.

9 There is one thing that has been kind of curious to me
10 throughout this case. The State and they seem to imply this
11 without saying it exactly but I'm just going to say it, they
12 seem to think that Jordan's the brains in this operation and
13 Kenneth is the muscle. She set them up, he shot them down is
14 basically in the layman's term the theory that they're
15 proposing that you all have, no real evidence, 140 exhibits,
16 go through them. Doesn't take a lot of muscle to pull a
17 trigger especially on a small caliber handgun, a 25. You
18 don't need muscle for that. You don't need size. Mr. Oskin,
19 and I'm not going to pull it up because, first off, I don't
20 know how to work their technology. They'd probably get upset
21 if I touched their television. So I'm not gonna' do it. So
22 I'm just going to have to ask you all to remember this, but
23 there is a slide from that FBI examination. There is a slide
24 that shows that truck going from Dewberry Lane to Pleasant
25 Union, and it takes a little detour for approximately, I wrote

Closing Argument by Mr. Spratlin

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1 it down, I think it's about 12 minutes, 12-minute detour.
2 Why? And that's what they said they got shot, and I don't
3 necessarily disagree with them on that. Why does that truck
4 after that 12-minute detour not go straight to the landing?
5 Why does that truck then go on to Pleasant Union and sit there
6 for 40 minutes? You don't need muscle to shoot. You do need
7 muscle to move the bodies. I submit to you there is a real
8 possibility that Kenneth Carlisle was not in that truck. I
9 submit to you there is a real possibility based on this
10 evidence you've seen here today that Jordan shot her family
11 and drove them to her home to get help from her boyfriend, and
12 the thing is, ladies and gentlemen, I'm not sure that's what
13 happened, but if you're not able to say that definitely didn't
14 happen then they haven't met their burden. They haven't done
15 their job. No matter how many exhibits they pile on that table
16 they haven't done it. Why does this truck go? Why do you leave
17 an area of woods on that photo that the FBI guy pulled off to
18 the side to show how wooded it was and how remote it was, why
19 do you then drive to a trailer park where -- I'm not going to
20 go through all these exhibits, I'll just mess them up -- why
21 do you -- go through it. Look at the Pleasant Union address.
22 There's trailers all around it. Why do you drive a truck with
23 dead bodies to an area where other people are if you don't
24 have to? You drive there because you need help moving the
25 bodies. You drive there because you need the muscle because

1 the brain forgot to tell the muscle what it was doing or even
2 if it did the muscle was like, "I ain't taking no part in
3 this." We don't know and that's the problem. We don't know.
4 We have GPS from the truck and that's pretty much it, and keep
5 in mind, all that tells you is where the truck goes, doesn't
6 tell you what happened, doesn't tell you a thing. We don't
7 have any GPS from cell phones. We don't have any GPS other
8 than the truck and that, that's the problem. It doesn't tell
9 you enough. Sure, it looks suspicious. Sure, but suspicion
10 is not enough.

11 Ladies and gentlemen, I really honestly mean this and
12 this will be probably the third time I say this today. You all
13 have the toughest job in this courtroom because when I sit
14 down after this my job is done. I'm leaving Kenneth's fate in
15 your hands, and what I'm going to ask on behalf of him is that
16 you hold these men's feet to the fire because they have the
17 resources to survive it. They can have their feet held to the
18 fire because they got a backing of a whole army and 140
19 exhibits, and before you say my client killed anybody you hold
20 each other to the fire and say where is the piece of evidence
21 that actually shows he did it? Where is it? Is it here? Is
22 it there? Is it anywhere? Because I believe when you ask
23 that question as hard as it is, as much as it's going to upset
24 you to do it and it will upset you, you're going to see that
25 as your job as jurors is to say that my client has not been

Charge

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1 proven guilty of the crime of murder. Is he a good person?
2 No. Spent money that wasn't his, hid the bodies, not good
3 stuff, horrible stuff, horrible, but does not make him guilty
4 of murder. It just doesn't. They want you to look at this
5 case and say, "Oh, God, yeah, no, they're driving around in a
6 truck full of blood. There's bodies being buried in the
7 woods. Their cell phone's being burned, sandals, DNA, FBI."
8 They want you to look at all this and say, "See, ladies and
9 gentlemen? See how much stuff we have? See how much guilt we
10 have." Your job is to say, "Appreciate that, Mr. Solicitors,
11 but I think I'm going to look for myself. I'm going to look
12 at your 140 pieces of evidence. I'm going to listen to the
13 testimony from the witness stand and I'm going to say whether
14 or not you met your burden," and when you do that it's not
15 there. One piece of evidence, find it, find it, find that one
16 piece of evidence that shows my client shot anybody or shows
17 my client came to an agreement to commit any crime that
18 resulted in the death of Linda McAllister and William Clemons.
19 Find it. That's my challenge. Thank you.

20 THE COURT: Can the lawyers approach a minute? (Bench
21 conference held in presence, out of the hearing of the jury.)

22 THE COURT: All right. Ladies and gentlemen, the lawyers
23 have given you their closing arguments and I'm getting ready
24 to send you all back to begin your deliberations. A few
25 things I want to say to you real quickly. I want you to

Charge

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1 understand, ladies and gentlemen, that you're not partisans or
2 advocates for the State of South Carolina or the Defendants in
3 this case. It is your duty, it is your duty by your joint
4 deliberations to determine the facts in this case, giving to
5 the Defendants the benefit of every reasonable doubt on each
6 and every issue. Then to the facts which you determine to be
7 true you should take and apply the law which has been given to
8 you by this Court and thus arrive at a verdict in this case.
9 Thus when you've accomplished these responsibilities you will
10 have satisfied your oath as jurors and you will have
11 discharged your duty to this Court. Now, once you retire to
12 the jury room, ladies and gentlemen, the bailiff will give the
13 verdict form to you, Mr. Foreman. When you the jury, when you
14 the jury arrive at a verdict as to the offenses charged in
15 this case you, Mr. Foreman, will select the verdict as to that
16 offense on the verdict form. If the State has failed to prove
17 the guilt of the Defendants beyond a reasonable doubt your
18 verdict will be not guilty. Likewise, if the State has proven
19 the guilt of the Defendants beyond a reasonable doubt your
20 verdict will be guilty. Now, once a decision has been made
21 you, Mr. Foreman, will check whichever choice is the verdict
22 of the jury as to the offenses charged. The verdict, ladies
23 and gentlemen, that you render in this case must be, and I
24 emphasize, must be the verdict of each and every juror. It
25 must be your unanimous verdict. All 12 of you must agree on

Charge

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1 the verdict which you authorize the foreman to write for the
2 jury. I want you to further understand, ladies and gentlemen,
3 that the order in which the choices of verdict appear on the
4 verdict form are not, are not suggestive of any verdict on the
5 part of this Court. The verdict in this case is to be
6 determined by you, ladies and gentlemen of the jury, not the
7 Court. Furthermore, please understand that even though I will
8 give the verdict to the foreman, it is not his verdict alone.
9 It is the verdict of all 12 of you, and I emphasize again that
10 it must be unanimous. I'm also, Mr. Foreman, and ladies and
11 gentlemen of the jury, I'm going to give you a copy of these
12 instructions in written form. During your deliberations you
13 may refer to the instructions to guide your decision-making.
14 You must, ladies and gentlemen, you must consider the
15 instructions as a whole and not follow some and ignore
16 others.

17 Mr. Foreman, when you all have reached a verdict then I
18 would ask that you return the instructions to the Court at
19 that time when you all return with a verdict. I'm now going
20 to ask you all, I'm getting ready to ask you all to retire to
21 the jury room to begin your deliberations, but I'm going to
22 ask you not to begin your deliberations until you're
23 instructed to do so. The law requires that I consult with
24 these attorneys to make sure that I have not left anything out
25 of these instructions. Also, Mr. Foreman and ladies and

Charge

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1 gentlemen of the jury, if during your deliberations you should
2 have a question, it will be your responsibility, Mr. Foreman,
3 to reduce such question to writing, knock on the door, let my
4 bailiff know that you have a question, give that to him and
5 after consultation with the attorneys I will answer it how the
6 Court deems appropriate. Okay?

7 Also, and likewise, once you all have reached a verdict
8 as to each of the charges in this case and you have filled out
9 the verdict form and signed the verdict form, Mr. Foreman, and
10 again, I emphasize it must be a unanimous verdict, likewise,
11 knock on the door, let the bailiff know that you all have
12 reached a verdict as to each of these charges, that you've
13 signed and dated the verdict form. The bailiff will let me
14 know that you all have reached a verdict, and we'll get you
15 back in the courtroom as quickly as possible.

16 Now, at this time let me ask you this before I ask you to
17 retire to the jury room. Everyone on the jury feeling okay?
18 Anyone not feeling well?

19 (No response.)

20 THE COURT: All right. I'm going to ask you to step to
21 the jury room, but do not, do not begin your deliberations
22 until you're instructed to do so. All right. Thank you.

23 (Whereupon, the following takes place outside the
24 presence of the jury.)

25 THE COURT: All right. I would ask that the lawyers come

State v. Carlisle, Hodge

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1 forward to view the items of evidence, before I do that, hold
2 on, Ms. Grace. Any exception or objection to anything I've
3 said to the jury by the State?

4 MR. OSKIN: No, sir, Your Honor.

5 THE COURT: Mr. Wilson?

6 MR. WILSON: No, sir.

7 THE COURT: Mr. Spratlin?

8 MR. SPRATLIN: No, Your Honor.

9 THE COURT: All right. If you all will look at the items
10 of evidence. Let's make sure we've got everything in order.
11 I'm going to give -- Ms. Grace, let me hand this to you to
12 give to them. These are the verdict forms.

13 (Exhibits reviewed and approved by counsel for State and
14 Defense.)

15 THE COURT: Mr. Wilson.

16 MR. WILSON: Yes, sir.

17 THE COURT: Mr. Spratlin, Mr. Oskin, Mr. DeBusk, any, any
18 objection to me pulling the alternates out in the hall and
19 releasing them back there?

20 MR. WILSON: No, sir.

21 MR. OSKIN: No, sir.

22 THE COURT: Okay. Here's the verdict form that you all
23 have seen, along with my jury charge. Those go back as well.

24 MR. OSKIN: Yes, sir.

25 THE COURT: All that. Okay?

Question from Jury

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1 (Deliberations begin at 4:10 p.m.)

2 OFF THE RECORD

3 (On the record. The following takes place outside the
4 presence of the jury. Question from jury at 4:32 p.m.)

5 THE COURT: All right. Both the Defendants are back in
6 the courtroom. Had a note sent out from the jury of which
7 I've discussed with the attorneys but wanted the Defendants in
8 here wanted to put this on the record before anything else was
9 done. The jury sent out a question, said, "Need to play the
10 DVD with timeline on vehicle locations, CAST analysis. Need
11 help with laptop running program." This particular DVD I've
12 been informed cannot be played on the juror laptop. I'm going
13 to bring the jury back in the courtroom to play that DVD for
14 them. It was proposed by the State to print out color slides
15 of that PowerPoint and send back to the jury. Mr. Wilson, Mr.
16 Spratlin indicated they did not object to that; is that
17 correct, Mr. --

18 MR. WILSON: That is correct, Your Honor.

19 THE COURT: -- Spratlin?

20 MR. SPRATLIN: Your Honor, that's correct.

21 THE COURT: Okay. The solicitor's office I've asked them
22 to print those out, get those in hand, let Mr. Wilson and Mr.
23 Spratlin look at them. What I'll do is we'll then send it
24 back, and if they still want to come out, I'm going to tell my
25 bailiff to let them know that that's what we've done, and if

Question from Jury

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1 they still want to come out and view it, to let us know that.

2 Okay. Any -- anything further, Mr. DeBusk?

3 MR. DEBUSK: No, Your Honor.

4 THE COURT: Mr. Wilson?

5 MR. WILSON: Nothing, Your Honor.

6 THE COURT: Mr. Spratlin?

7 MR. SPRATLIN: Nothing, Your Honor.

8 THE COURT: All right. If you'll get those -- let's just
9 sit tight here with the Defendants in here until those are
10 printed out and brought up here so the Defense lawyers can
11 review those in the presence with their clients. Okay? And I
12 have marked this note as Court's Exhibit Number Two. Okay?

13 Well, while we're waiting here, any objection by the
14 State or Defense counsel to me bringing my bailiff back in
15 here and instructing him to tell the jury what we're doing,
16 and if they still want to see it, then we'll go ahead and
17 bring them in here while we're waiting on those printed
18 copies? Mr. DeBusk?

19 MR. DEBUSK: No objection from the State, Your Honor.

20 THE COURT: Mr. Wilson?

21 MR. WILSON: No objection.

22 MR. SPRATLIN: No objection, Your Honor.

23 THE COURT: Would you tell Mr. Bobby to come here,
24 please, ma'am?

25 There they go. Mr. Bobby, I'd like for you to advise the

1 jury that we are printing out color photos of that PowerPoint
2 to send back, that if they still want to view the DVD we'll
3 bring them in here to do it. I think they have the PowerPoint
4 right there. Are those color?

5 MR. DEBUSK: Yes, Your Honor.

6 MR. SPRATLIN: Yes, sir, Your Honor.

7 MR. WILSON: Yes, sir.

8 THE COURT: That, that after getting these color
9 printouts of the PowerPoint if they still want to come in here
10 and view the disc on that screen to let you know. Okay?

11 All right. Mr. Wilson, Mr. Spratlin, you all had a
12 chance to look at that --

13 MR. WILSON: Yes, Your Honor.

14 THE COURT: -- those printouts?

15 MR. WILSON: Yes, sir.

16 MR. SPRATLIN: Yes, yes, Your Honor.

17 THE COURT: Any objections or concerns?

18 MR. WILSON: None.

19 THE COURT: Mr. Spratlin?

20 MR. SPRATLIN: None, Your Honor.

21 THE COURT: I'm going to mark that as a Court's Exhibit
22 so -- and get that back at a later time. Give that to Mr.
23 Bobby and the disc with them.

24 All right. Anything further from the State at this time?

25 MR. DEBUSK: No, Your Honor.

Verdict

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1 THE COURT: Mr. Wilson?

2 MR. WILSON: No.

3 THE COURT: Mr. Spratlin?

4 MR. SPRATLIN: No, Your Honor.

5 THE COURT: All right. We'll stand down. We'll stand
6 down.

7 OFF THE RECORD

8 (On the record. Verdict reached at 5:15 p.m. The
9 following takes place outside the presence of the jury.)

10 THE COURT: Thank you. Be seated, please. All right.
11 It's my understanding that the jury has reached a verdict.
12 Anything from the State before I bring the jury back out?

13 MR. OSKIN: The State's ready to proceed, Your Honor.

14 THE COURT: Mr. Wilson?

15 MR. WILSON: Nothing, Your Honor.

16 THE COURT: Mr. Spratlin?

17 MR. SPRATLIN: Defendant Carlisle is ready to proceed.

18 THE COURT: All right. I would remind everyone, I've
19 asked the lawyers or advised the lawyers to talk with the
20 victims' family, with Defendants, Defendants' family to keep
21 your emotions in check regardless of what the verdict is.
22 Failure to do so very well could result in you being held in
23 contempt of court, punishable by fine and/or incarceration.
24 If you do not think you can keep your emotions in check now is
25 your time to leave the courtroom.

Verdict

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1 Bring me the jury, please, sir.

2 (Whereupon, the following takes place in the presence of
3 the jury.)

4 THE COURT: All right. All the jurors are present. Mr.
5 Clerk.

6 THE CLERK: Mr. Foreman, has the jury reached a verdict?

7 FOREPERSON: Yes. The jury has.

8 THE COURT: Retrieve the verdict, please.

9 (Court reviews verdict.)

10 THE COURT: All right. The verdict appears to be in
11 order. You may publish the verdict.

12 THE CLERK: State of South Carolina, County of Horry
13 versus Jordan Marie Hodge, indictment numbers 2017-GS-26-
14 04446, 2017-GS-26-04447, as to the charge of murder in Linda
15 McAllister, we, the jury, unanimously find the Defendant,
16 Jordan Marie Hodge, guilty of murder. As to the charge of
17 murder of William Clemons, we, the jury, unanimously find the
18 Defendant, Jordan Marie Hodge, guilty of murder.

19 State of South Carolina, County of Horry versus Kenneth
20 Wayne Carlisle, indictment numbers 2017-GS-26-04254, 2017-GS-
21 26-04255, as to the charge of murder of Linda McAllister, we,
22 the jury, unanimously find the Defendant, Kenneth Wayne
23 Carlisle, guilty of murder. As to the charge of murder of
24 William Clemons, we, the jury, unanimously find the Defendant,
25 Kenneth Wayne Carlisle, guilty of murder, signed by foreman,

Verdict

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1 George Brungard, October 3rd, 2019.

2 Ladies and gentlemen of the jury, if this is -- if these
3 are your verdicts please so signify by raising your right
4 hand.

5 (All jurors raise right hand.)

6 THE COURT: Let the record reflect that all jurors raised
7 their right hand.

8 Anything from Defense counsel, Mr. Wilson, at this time?

9 MR. WILSON: Not at this time, Your Honor.

10 THE COURT: Mr. Spratlin?

11 MR. SPRATLIN: No, Your Honor.

12 THE COURT: All right. Anything from the State?

13 MR. OSKIN: No, sir, Your Honor.

14 THE COURT: All right. Ladies and gentlemen of the jury,
15 I want to thank you for your service. I'll tell you that,
16 that jury service never ever comes at a convenient time. I
17 want to tell you how much I appreciate your attentiveness
18 throughout the trial this week. I've watched you throughout
19 the trial, and I appreciate, and I know the attorneys involved
20 in this case appreciate your attentiveness throughout.

21 Now, I've told you throughout this case, ladies and
22 gentlemen, not to talk about the case. All right? When I
23 release you here today you can talk about this case as much as
24 you want to or as little as you want to, but no one, let me
25 say this again, no one can make you talk about this case if

1 you don't want to talk about it. Okay? If anyone tries to
2 talk to you about this case and you tell them that you do not
3 want to talk about it and they do not leave you alone, you let
4 the clerk's office know and it will be taken care of. Okay?

5 Now, when I release you here today you're going to be
6 done for the remainder of this week. I'll tell you that for
7 the next three years you can be protected from serving in this
8 courthouse in circuit court, whether it be common pleas or
9 general sessions court. You can be protected from serving as
10 a juror. There are times, very rare, but there are times that
11 individual, individuals are summoned back up here to serve
12 within three years. If you're summoned during that period of
13 time and you wish to be excused you certainly can be excused.
14 Okay? If you're summoned for jury duty in city court, in
15 magistrate's court or federal court, not a thing I can do to
16 help you. You're going to have to serve over there. Okay?

17 If any of you need a work excuse today I'm sure my
18 clerk's office can provide you with such. If not it will be
19 sent to you, I'm sure, when your check for service, for jury
20 service for this week.

21 You've heard the proverbial statement that the check is
22 in the mail, the check will be in the mail for your service
23 this week. Do not, do not go lay any large ticket items aside
24 thinking you're going to get a big paycheck. The truth of the
25 matter is you can't be compensated for the value of your

Verdict

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1 service, for the value of your service.

2 I told you downstairs Monday when I qualified you all to
3 serve, you, ladies and gentlemen, are the most important part
4 of this process. Our system can't function without people
5 such as yourselves willing to serve.

6 You can rest assured that you would not want me or some
7 other judge walking in here and making all of these decisions.
8 You wouldn't want a panel of judges sitting up here making all
9 of these decisions. This gives you, as citizens of this
10 county, this state and this country to have a say so of what
11 goes on in your community. You would want people, if you were
12 seated in this courtroom as a litigant in any fashion, you
13 would want people such as yourselves serving on this -- on a
14 -- on your jury rather than me or any other judge walking into
15 a courtroom on Monday morning, looking at one of our deputies
16 and saying go find me the first 12 people on the street, bring
17 them up here and let's put them in that jury box and try this
18 case. You wouldn't want a system like that.

19 So I want to thank you for your service. What we are
20 fixing to do now is we'll, we'll go straight into sentencing.
21 Okay? You are free to go at this time if you wish to go or
22 you're welcome to sit and watch the sentencing proceedings if
23 you would like to. I encourage jurors to do so but that's
24 your choice. If you want to leave you're free to leave. That
25 is your choice. Now is your time to leave. Okay?

1 Does the State have sentencing sheets prepared?

2 MR. OSKIN: Yes, sir. I do, Your Honor.

3 THE COURT: All right.

4 MR. OSKIN: You prepared to receive them?

5 THE COURT: Yes. All right. At this time I'm going to
6 recognize the State, Mr. Oskin, anything you want to -- wish
7 to add?

8 MR. OSKIN: Your Honor, the matter before you this week,
9 the State of South Carolina versus Kenny -- Kenneth Carlisle
10 and Jordan Hodge, two counts of murder, those Defendants have
11 been found guilty of both counts, tried in front of a jury
12 here. The evidence in this case proved to this jury that
13 these Defendants acted in concert in the killings of both
14 Linda McAllister and William Chet Clemons. As I stated to
15 this jury, I believe that the evidence was cumulative, not
16 complicated, and I stated it at earlier motions. Frankly,
17 Your Honor, this evidence was overwhelming, that these victims
18 were killed on July 3rd, these Defendants later arrested
19 roughly 10 days later after spending \$11,000 together.

20 Your Honor, neither of these Defendants have a prior
21 record, but I do have three people who I know want to speak,
22 Mr. Bo Moran, Dara Hodge from Linda McAllister's family, Mr.
23 Jerry Taynor, brother of William Chet Clemons, and I want to
24 give them the opportunity to do that. I don't want to take
25 any more time away from them, but on behalf of the State of

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1 South Carolina, Horry County, its citizens, my office, my
2 team, and specifically Linda McAllister and William Chet
3 Clemons who can no longer speak for themselves, I do not
4 hesitate to ask Your Honor that you consider the maximum
5 punishment for these offenses.

6 THE COURT: All right. All right. I'll be happy to hear
7 from the victims' family. I would, I would instruct those
8 that speak to direct comments to the Court. Tell me your name
9 for the record, please, sir.

10 MR. TAYNOR: My name is Jerry Taynor. I'm William
11 Clemons' brother.

12 THE COURT: Yes, sir.

13 MR. TAYNOR: Them two individuals took a couple of lives
14 away from us and me, myself, I don't see how you could give
15 them enough time, and thank you, sir.

16 THE COURT: Thank you. Tell me your name, please, ma'am.

17 MS. HODGE: My name is Dara Hodge.

18 THE COURT: Yes, ma'am.

19 MS. HODGE: Jordan Hodge is our youngest child. Linda
20 McAllister was my mother who was the light of the world, the
21 party in the room, taught me a lot of good stuff that I know.
22 Because of her our lives have never been the same for over two
23 years. It's been cement. I prayed that my heart wouldn't
24 grow cold because of this crime, but I wanted to show there's
25 always justice for my mom and for Chet because they didn't

1 deserve it, that I love my daughter unconditionally, and she
2 needs to know that, but Your Honor, I'm requesting both of
3 them maximum sentence. Thank you.

4 THE COURT: Yes, sir.

5 MR. MORAN: Thank you, Your Honor.

6 THE COURT: Tell me your -- I know your name from having
7 testified, but for the record tell me your name again,
8 please.

9 MR. MORAN: My name is James Bo Moran. I'm Linda
10 McAllister's son.

11 THE COURT: Yes, sir.

12 MR. MORAN: I first want to thank you and this Court and
13 the jury for a very speedy trial. It's been 817 days since I
14 got that phone call from Robin. Sorry. And that's been 817
15 days of sleeplessness, indecisiveness, lack of control and
16 having to tell my two young kids that the cousin that they
17 looked up to and her boyfriend were in jail for the potential
18 murder of their G-Ma, I'm 43 years old, the hardest thing I've
19 done in my life. This is probably the second, and I ask of
20 you, Your Honor, what the hell do I tell my kids when I go
21 home? It's not directed at you. I'm just speaking in
22 general, but I'm going to ask them, I'm going to go deliver
23 and I hope that you will agree, Your Honor, that they receive
24 the harshest penalty possible for ending the life of my mom,
25 my niece's grandmother and taking full advantage of that

Sentencing

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1 situation. It pains me and I am hurting for my family. You
2 can see the impact. I can't -- it's just impacted us so much,
3 but I'm going to go home and hug my kids and let them know
4 that justice has been served here today, and I just ask Your
5 Honor that, that, you, too, and I'll echo the sentiments of my
6 sister and Mr. Jerry that the penalty is that thereof, of, of,
7 of life without the possibility of parole, or the harshest
8 penalty that, that you, you see fit.

9 THE COURT: Thank you.

10 MR. MORAN: Thank you.

11 THE COURT: All right. Mr. Wilson.

12 MR. WILSON: May it please the Court? Your Honor, you,
13 you want me to do my motions now? Is that --

14 THE COURT: You can do that when I release the jury or if
15 you want to -- do you have any new motions?

16 MR. WILSON: No, sir.

17 THE COURT: You can go ahead and renew your motions. Do
18 you have any new information you want to argue?

19 MR. WILSON: No, sir.

20 THE COURT: All right. Go ahead and do that then. Go
21 ahead and renew your motions at this time.

22 MR. WILSON: Your Honor, if, if you would, I would
23 respectfully request a judgment of acquittal notwithstanding
24 the verdict in this case and I base that, Your Honor, on the
25 motions that I made at the end of the State's case and motions

1 that I made again at the end of the Defense's case. I also
2 base that on the motion for mistrial that we made during the
3 course of the trial. So I would ask the Court to consider my
4 motion. I believe that the -- while there's certainly a
5 substantial amount of circumstantial evidence in this case, I
6 don't think there's anyone who can argue that there's not,
7 the, the argument that we had made during the course of the
8 trial is is that all of those things happened pretty much
9 after the incident occurred, and therefore, was not proof of
10 the crime of murder. So I would renew it based on, on that,
11 and ask the Court to consider that.

12 Now, in regard --

13 THE COURT: Well, hold on. Based upon what you've argued
14 to me here I'm going to go ahead and rule on those motions.

15 MR. WILSON: Yes, sir.

16 THE COURT: Then I'll hear from you.

17 The Court, as previously stated, as the Court reiterated
18 and went through ad nauseam the facts and I previously stated
19 in denying your motion as well as Mr. Spratlin's motion for a
20 directed verdict, the Court still relies upon each of those
21 facts that I went through in denying the motion for a directed
22 verdict and that, if anything that I left out in my
23 reiteration of those facts in denying your motion for a
24 directed verdict the Court would rely on the record as a whole
25 in doing so, but with all due respect the Court denies your

Sentencing

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1 motion again --

2 MR. WILSON: Thank you.

3 THE COURT: -- as well as your motion for a judgment of
4 acquittal.

5 MR. WILSON: Thank you very much, Your Honor.

6 Your Honor, you want me to now?

7 THE COURT: Yes, sir.

8 MR. WILSON: Your Honor, Jordan is obviously 23 years of
9 age, and she has no criminal convictions at all in her past.
10 Obviously she has pled not guilty to these charges. The jury
11 has found her guilty. We respect that, and we understand that
12 his Honor has a responsibility as well and we know that you
13 will do what you need to do, whatever that is. We simply ask
14 for mercy.

15 Your Honor, I wish that I could shed some light on some
16 of the issues here. I can't. I don't have any information
17 that we haven't already discussed in this case. You know,
18 saying that, saying that she -- she is a young person. She is
19 23 years old. She's going to be in prison for a long, long
20 time no matter what His Honor does because the minimum
21 sentence is a long sentence and we understand that and she
22 understands that and we always understood that if she got
23 found guilty that that was -- that's what would happen. We've
24 talked about it. We also talked about her testifying and in
25 this trial and, you know, she understood that she told some

1 stories up front, which things weren't true, and that if she
2 testified then all those things were going to be dealt with,
3 the lies that she told during the investigation, and so
4 because of that she didn't want to testify and but His Honor
5 certainly gave her every opportunity do that if she wanted to
6 do it. We appreciate that.

7 I know this, this is difficult, and one of the things
8 that, that she has told me over the course of my
9 representation, which has been right at two years is that she
10 loved her grandmother and that her grandmother loved her and
11 was good to her, that there is no question about that. In
12 fact, if she had a favorite it was probably Jordan, and, and
13 they had a good relationship. This is all tragic and I wish,
14 you know, that things had been different and I wish that she
15 had come forward and but we are where we are, and I just ask
16 the Court to have mercy on her, understanding all of the
17 circumstances that, that we find ourselves here in.

18 THE COURT: Ms. Hodge, anything you want to say?

19 MS. JORDAN HODGE: I'm glad that we got -- finally got
20 justice for my grandma. I just ask, please, have a little bit
21 of mercy on me.

22 MR. WILSON: Thank you, Your Honor.

23 THE COURT: Thank you, Mr. Wilson. Thank you, Mr.
24 Wilson. Mr. Spratlin.

25 MR. SPRATLIN: Yes, Your Honor. Your Honor, regarding

Sentencing

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1 my motions I would, I would also ask for a judgment of
2 acquittal and arrest of the verdict and I would ask in the
3 alternative for a motion for new trial. That is similar to
4 Mr. Wilson's motion, based upon the fact that I believe this
5 case was based entirely upon circumstantial evidence, and as
6 the Court is aware, the standard for circumstantial evidence
7 is that it has to be substantial and conclusive of guilt. I
8 would and at least point conclusively and be consistent with
9 each other under the burden of proof on the State. I would
10 ask the Court to grant that and either -- enter a verdict of
11 not guilty or in the alternative provide us a new trial. Also
12 at this time, Your Honor, I would renew any objections,
13 including my pretrial motion regarding the evidence of the
14 pickup truck and any items seized therefrom. I would also
15 renew my motion for a directed verdict that was made for
16 similar grounds, as well as my motion for a mistrial that was
17 made subsequent to videos being played. I would renew all
18 those motions as well as any objections or exceptions I took
19 during the course of the trial.

20 THE COURT: All right. With regards to your motion for a
21 judgment of acquittal along with your motion for a new trial,
22 the Court respectfully denies those. As stated previously, as
23 it relates to Mr. Wilson's motions, the Court relies upon its
24 previous analysis at the directed verdict stage on denying
25 your request at the directed verdict stage. The law is clear

1 that if there is any substantial, substantial circumstantial
2 evidence reasonably tending to prove the guilt of the accused
3 the law requires that I submit such to the jury. The Court
4 found at the directed verdict stage and finds now as well that
5 there was substantial, there was substantial circumstantial
6 evidence reasonably tending to prove the guilt of each of
7 these Defendants. Therefore, the case was submitted to the
8 jury and the jury has rendered a verdict in this case as to
9 each charge against each Defendant, and all of your prior
10 motions, objections as previously stated and argued are so
11 noted for the record, and the Court remains, the Court's
12 rulings remain the same as to each of those as well, Mr.
13 Spratlin.

14 MR. SPRATLIN: Thank you, Your Honor.

15 Regarding sentencing, Your Honor, I do have a family
16 member of Mr. Carlisle who would like to speak at the
17 appropriate time, but before she speaks I wanted to tell the
18 Court a little bit about Mr. Carlisle. You've already heard
19 the solicitor state that he has no prior record. I do not
20 know Mr. Carlisle personally. I've only known him
21 professionally, and in my job you get to know several people
22 who are charged with horrific crimes, who are in probably the
23 worst spots of their life. I can tell you that Mr. Carlisle
24 has always been nice to me. He has always talked to me. He
25 has always been willing to sit down, discuss this case at

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1 length with me. I have enjoyed representing him as a client.
2 I believe that we have had a good relationship in that
3 regards. I am joining in any request for mercy on behalf of
4 my client. I believe the fact that he has no prior record
5 goes a long way to show that this is not the kind of man that
6 does the kind of things that this jury has now convicted him
7 of, not disrespecting their verdict at all. Their verdict is
8 what it is and I completely understand that and do understand
9 why they reached that verdict. I would, however, ask for
10 mercy. I understand that being convicted of two charges of
11 murder, any sentence this Court gives is going to be lengthy.
12 However, I would ask the Court to impose mercy if the Court
13 saw -- so saw fit.

14 I would ask the Court to hear from his mother, Ms. Nancy
15 York, if the Court is so willing.

16 THE COURT: Yes, sir.

17 MS. YORK: Nancy York.

18 THE COURT: Nancy, I'm sorry?

19 MS. YORK: I'm Nancy York.

20 THE COURT: Yes, ma'am.

21 MS. YORK: I'm Kenneth Carlisle's mother. I'm the mother
22 of two children. My daughter, she was murdered in 2007.

23 This is really extremely hard for me. I understand what
24 pain of death is. My daughter was murdered. Unfortunately,
25 I've not had the opportunity for a trial for my child and she

1 was only 21, and I pray that you will give mercy to my son.
2 He has three children. They're 14, 12 and five. Their mother
3 does not have custody of, custody of them. The mother is on
4 heroin. They are living with their other grandparents in
5 North Carolina. They are older. They are sick, and I would
6 ask the Court, please, allow my son mercy that one day he may
7 be able to see his children and please have mercy to my son
8 and to Jordan as well. Thank you.

9 THE COURT: Thank you.

10 All right. Any, anyone else, Mr. Spratlin?

11 MR. SPRATLIN: No, Your Honor. Would you like to speak,
12 Kenny?

13 THE COURT: Mr. Carlisle, anything you want to tell me,
14 sir?

15 MR. CARLISLE: No, sir.

16 THE COURT: All right. If the -- Mr. Wilson, would you
17 all stand?

18 As I sit here and I search for exactly what to say with
19 regards to this whole incident that brings us here, I've been
20 in your shoes, Mr. Wilson, Mr. Spratlin, and each of you
21 gentlemen did an outstanding job for your clients, and quite
22 often when I was practicing law would tell my clients I didn't
23 make the facts, "that you've placed me into a situation of
24 having to deal with them." It didn't directly come out during
25 the course of this trial, but certainly I guess you could read

Sentencing

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1 into it by inference with I believe it was Mr. Bell testifying
2 concerning drug use if I had to bet that is what played a
3 large part in what went on here. Those of us in the criminal
4 justice system recognize that probably 95 plus percent of what
5 ends up in criminal court is because of drugs or alcohol, and
6 it absolutely destroys people's lives. It's very difficult
7 and I've often said this since I've been on the bench and even
8 when I practiced law most of the people that I represented in
9 the criminal justice system are not mean people. There are
10 plenty of them out there. Don't get me wrong. Most make
11 terrible decisions that have terrible consequences, something
12 I try to teach my children and tried to teach them from the
13 time that they were infants, what's right and what's wrong,
14 and I go and I tell them, "At some point you're going, you're
15 going to be from under my roof and you never ever going to
16 look at me and say, 'Dad, you didn't tell me -- you didn't
17 teach me better than that,'" and I can't imagine that as your
18 mom sits out there, Lord willing, that is never a situation
19 that anybody else in here has to deal with, but at some point
20 we all get to make our own choices, and by the same token,
21 you've got to live with those choices and the consequences.

22 On 2017-GS-26-4447 and 4446, as it relates to Ms. Jordan
23 Marie Hodge, 2017-GS-26-4254 and 4255, the Defendants are
24 hereby sentenced to the State Department of Corrections for
25 the balance of their natural life and they're to run

1 concurrent. Good luck to you.

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

3 MR. WILSON: Thank you, Your Honor.

4 THE COURT: Thank you.

5 (Adjourned.)

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Certificate

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1 C E R T I F I C A T E

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3 I, the undersigned, Grace L. Hurley, Official Court
4 Reporter for the State of South Carolina, do hereby certify
5 that the foregoing is a true, accurate and complete hearing
6 held in the case of The State versus Jordan Marie Hodge and
7 Kenneth Wayne Carlisle, held in the Court of General Sessions
8 for Horry County, Horry County Courthouse, Conway, South
9 Carolina, on September 30th through October 3, 2019.

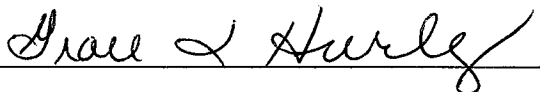
10 I do hereby certify that I am neither of kin, counsel,
11 nor interest to any party hereto.

12

13

14

15



16

Grace L. Hurley, CVR-CM-M

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Official Reporter

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19

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22 February 8, 2020.

23

24

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DOCKET NO. 2017-GS-26-04446

The State of South Carolina

County of Horry

Seth Oskin

17H04265

COURT OF GENERAL SESSIONS

NOVEMBER, 2017 TERM

THE STATE

vs.

Jordan Marie Hodge

W/F

Pleasant Union Rd
Aynor, SC 29511

DOB:
SSN:

ATTORNEY: Ralph J. Wilson, Sr.

Indictment for

MURDER

Jimmy A. Richardson, II, Solicitor

ORIGINAL

WITNESSES

Matthew C Singleton Horry County Police
Department

Tina Vachet

ARREST WARRANT NUMBER

2017A2610202127

CDR: 0116 16-03-0010, 0020

DOA: 7/16/2017

ACTION OF GRAND JURY

TRUE BILL

Tina Vachet

Foreperson of Grand Jury NOV 29 2017
Date:

VERDICT

Foreperson of Petit Jury
Date:

STATE OF SOUTH CAROLINA)
)
COUNTY OF HORRY)

INDICTMENT

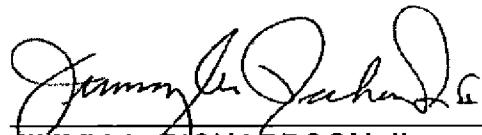
At a Court of General Sessions, convened on **November 15, 2017**, the Grand Jurors of Horry County present upon their oath:

MURDER

CDR: 0116 16-03-0010,0020

That **Jordan Marie Hodge** did, in Horry County, on or about July 3, 2017, willfully, feloniously, and intentionally kill the victim, Linda McAllister (deceased), with malice aforethought, either express or implied, by means of circumstances of peril, and the victim did die as a proximate result thereof on or about July 3, 2017 in Horry County, in violation of Section 16-03-0010, S. C. Code of Laws, 1976, as amended.

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



JIMMY A. RICHARDSON, II
FIFTEENTH CIRCUIT 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,

RECEIVED

Jan 12 2021

SC Court of Appeals

s/Taylor D. Gilliam

Taylor D. Gilliam

Appellate Defender

South Carolina Commission on Indigent Defense

Division of Appellate Defense

PO Box 11589

Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT

This 12th day of January, 2021.